
Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2007-679

Date: July 17, 2007

Notice No. 07-30

Closing Date: August 1, 2007

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Friends of Deckers Creek
PO Box 877, Dellslow, West Virginia 26531
Mr. Martin Christ, Executive Director
www.DeckersCreek.org
3. LOCATION: in an unnamed tributary to Slabcamp Run, a tributary to Deckers Creek, a tributary to the Monongahela River, located near the Borough of Reedsville, Valley District, Preston County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The project proposes to construct a passive treatment system to treat the acid mine drainage from abandoned mines to improve the water quality in Slabcamp Run. The treatment system will consist of a 115 foot limestone leach bed containing 280 tons of limestone constructed within the channel with a 4.5 foot high dam to retain the water within the leach bed. The height of the water will be controlled at a point of 3.5 feet above the streambed. Two 10 ton course steel slag check dams will be constructed downstream of the limestone leach bed. The project will impact 160 feet of the unnamed tributary stream channel. Additionally, two previously constructed limestone sands sites, one site is located on Slabcamp Run and one on the unnamed tributary, will be recharged up to four times annually. These limestone sands access points were constructed by the West Virginia Department of Environmental Protection, Abandoned Mine Lands and Reclamation Division as a component of their Slabcamp AMD Reclamation Project permitted by Department of the Army Permit No. 200300243 in 2004. The WVAML project constructed in this vicinity, which consisted of reclaiming spoil piles, sealing open mine portals, and constructing open limestone channels, reduced the acid load in

the watershed and this project will compliment that effort. This project area is located 30 feet upstream of the WVAML project activity on the unnamed tributary. It is anticipated that the project will result in decreased acidity loads and increased alkalinity in 750 feet of the downstream channel and a six acre emergent wetland/open water impoundment created on the channel by the construction of the Morgantown and Kingwood Railroad in the early 20th century. The limestone leach bed will require recharge at five to ten year intervals and the steel slag check dams will require recharge at two to five year intervals. This permit will authorize the maintenance and material replacement at the leach bed, the check dams, and the limestone sands piles for up to a 10 year period. Drawings of the proposed project are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street, SE
Charleston, West Virginia 25304
Telephone: 304-926-0495

Re: Public Notice CELRP-OR-F No. 07-30

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: In correspondence dated May 18, 2001 to the WVDEP, AML, in regards to their Slabcamp Run AMD Restoration Project, the WV Division of Culture and History, FR#01-950-PR, indicated that no known historical, architectural, or archaeological sites listed in or eligible for inclusion in the Nation Register of Historic Places will be affected by their project, located in the immediate vicinity as this proposed project. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OP-F 2007-679 in all responses.

FOR THE DISTRICT ENGINEER:



Scott A. Hans
Acting Chief, Regulatory Branch

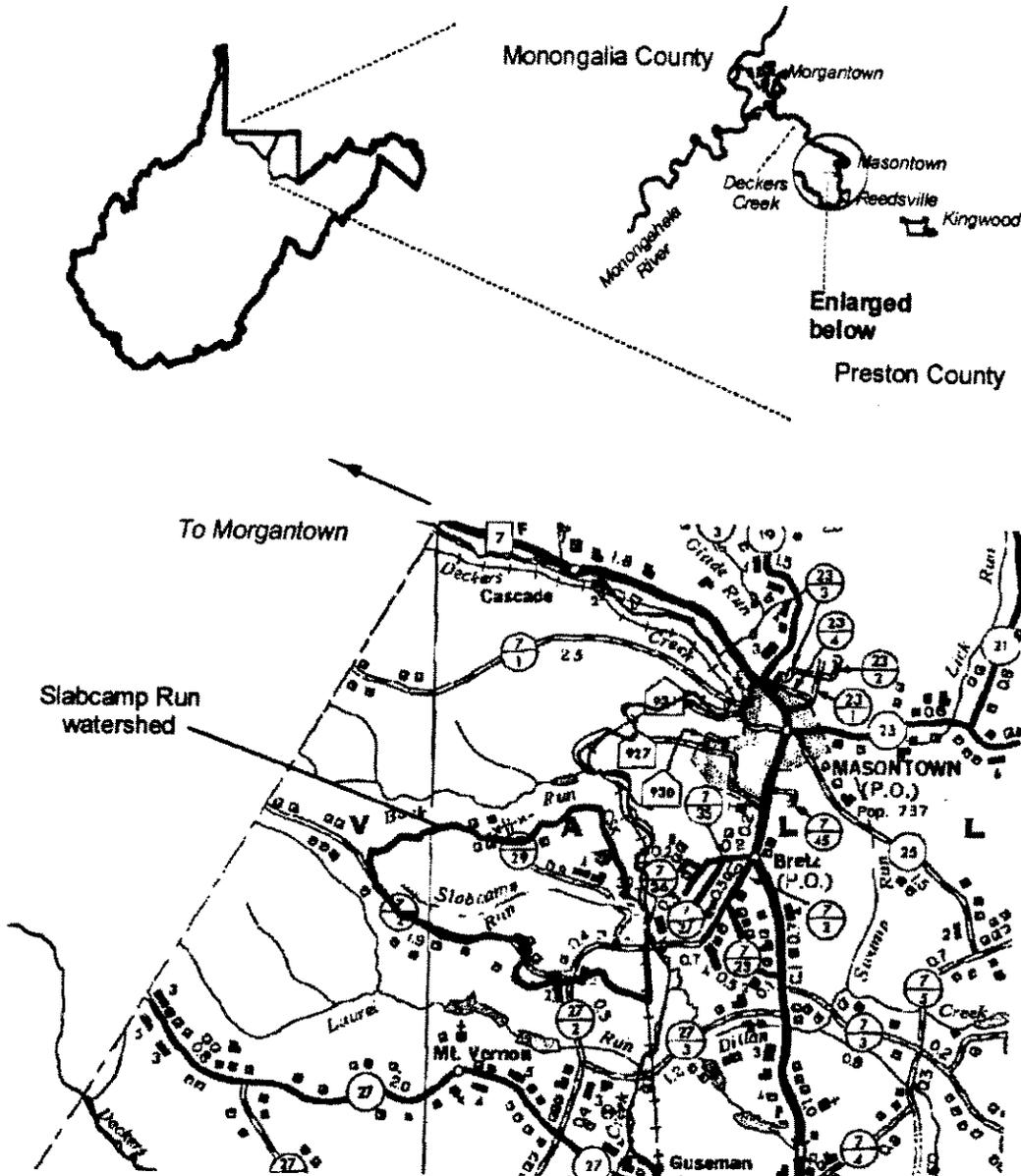


Figure 2: Aerial photo with watershed boundary superimposed

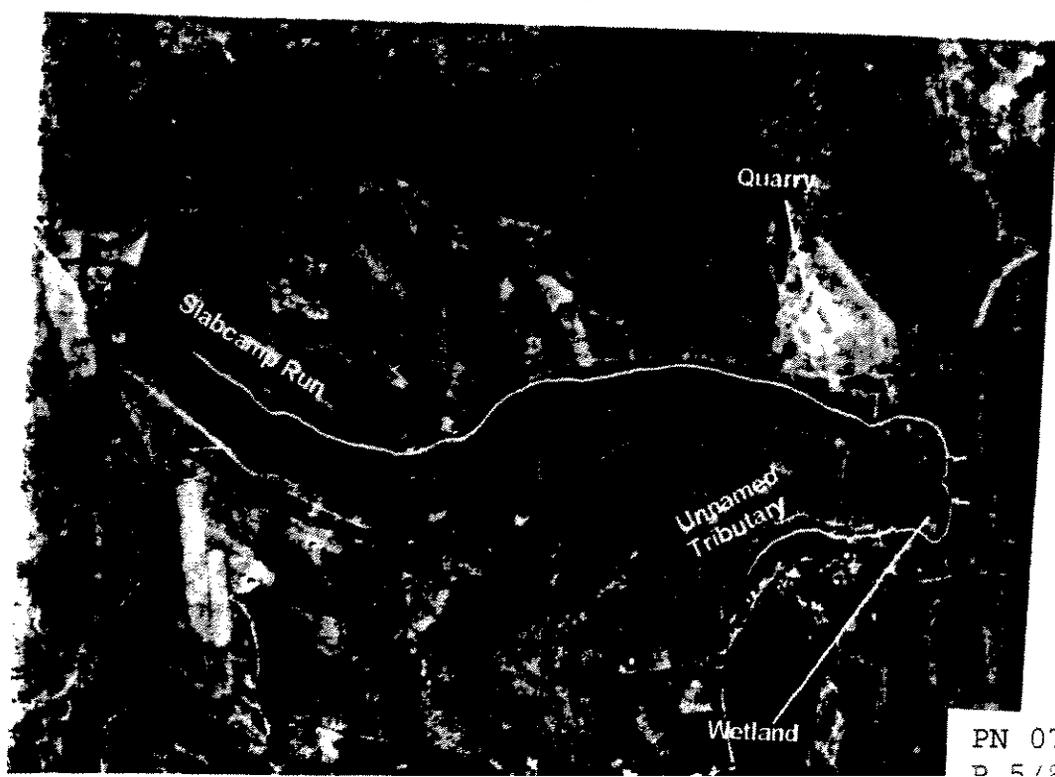




Photo 3: End of open limestone channel on the unnamed tributary. Leachbed is to be constructed in the area in the background.

WVAML Slabcamp Run AMD Restoration Project Area
 Included: reclaim 2 spoil piles; sealing 5 portals;
 constructing 4 OLC; install 2 ramps for limestone sand

