

# 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. 2008-15

Date: January 25, 2008

Notice No. 08-7

Closing Date: February 14, 2008

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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Ohio County Development Authority  
1500 Chapline Street, Room 215  
Wheeling, WV 26003  
  
AGENT: Wallace & Pancher, Inc.  
1085 S. Hermitage Road  
Hermitage, PA 16148
3. LOCATION: Stream 29 and White's Run, Triadelphia, Ohio County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The project involves the filling and grading of a 12.5 acre site for the construction of a flat pad for a commercial development (The Highlands, Lot 9). In order to create the pad, a stream channel (Stream 29) with intermittent and ephemeral reaches would be filled. Two stormwater basins would be constructed within the site, as well as a 150' x 150' pad for a water tower. A section of White's Run would have stone installed to prevent stream erosion from the emergency outfall of a stormwater basin (Basin #13). Stream 29 is 703 linear feet in length (526 LF intermittent; 177 LF ephemeral). The entirety of Stream 29 would be filled to a depth exceeding 50 feet. Stream 29 has an average width of two feet, therefore the acreage of impact for the Stream 29 feet would be 0.03 acre. A 100 linear foot section of White's Run would have limestone riprap placed in the stream as a channel liner. White's Run has an average width of three feet; therefore, the acreage of impact for the White's Run fill would be 0.006 acre. The total surface area of stream impacts for the preferred alternative at Lot 9 would be 803 linear feet, 0.04 acre. For the entirety of the Lot 9 project site, 486,700 cubic yards of material will be cut and 648,300 cubic yards of fill will be discharged. Stream mitigation would be achieved through enhancement of the stream channel of Middle Wheeling Creek through creation of floodplains, placement of in-stream structures, random boulder placements, bank stabilization, channel realignments, thalweg realignments, and planting of riparian vegetation. The reach of Middle Wheeling Creek immediately upstream of Middle Wheeling Creek Lake is a delayed harvest area for trout and special attention will be given to create and enhance habitat for the trout in this stream. Previously incurred and proposed wetland impacts at The Highlands total approximately one acre. Wetland habitat will be created at a

1.5:1 ratio, therefore, at least 1.5 acres of wetland mitigation is required. Multiple wetlands will be created within the newly created floodplains and in existing floodplain areas and will consist of emergent, shrub, and forested habitats. Additional wetlands will also be created to improve the quality and effectiveness of the wetland habitat within the mitigation corridor. The permit decision for Lot 9 of The Highlands Development will not occur until previously agreed upon wetland mitigations are detailed and under contract for their construction, or until appropriate financial assurances are posted. No detailed stream mitigation has been proposed at this time for Lot 9 development impacts. 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 Division of Environmental Protection  
Office of Water Resources  
Environmental & Regulatory Affairs  
1201 Greenbrier Street  
Charleston, West Virginia 25311-1088  
Telephone: 304-558-1052

Re: Public Notice CELRP-OP-F No. 08-7

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: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. 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 Fred Pozzuto, at the above address, by telephoning

CELRP-OP-F  
Public Notice No. 08-7

(412) 395-7275, or by e-mail at [fred.pozzuto@usace.army.mil](mailto:fred.pozzuto@usace.army.mil). Please refer to CELRP-OP-F 2008-15 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Scott A. Hans  
Acting Chief, Regulatory Branch



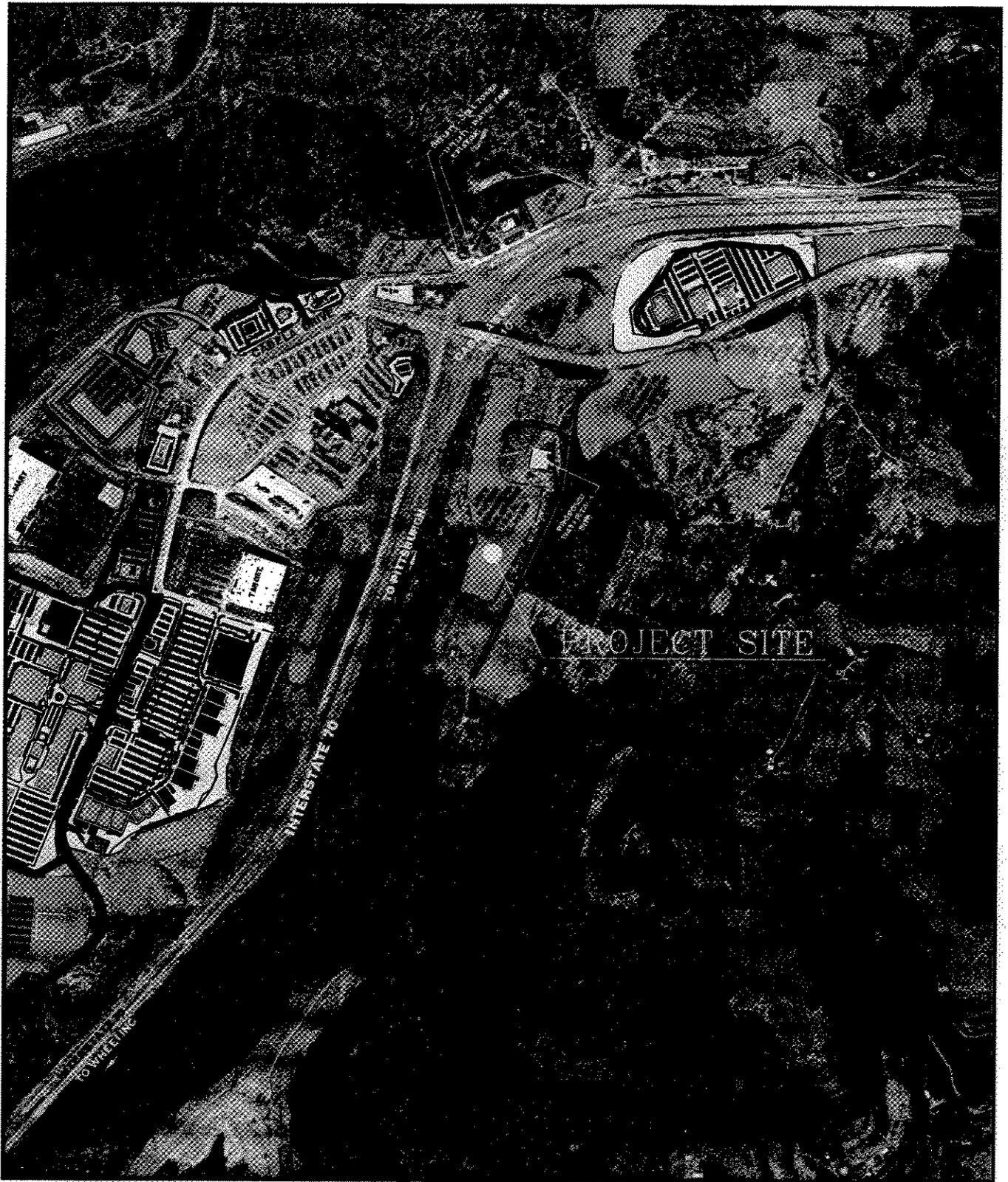
**The Highlands, Lot 9  
Triadelphia, Ohio County, West Virginia**

Figure 1. Project Location Map

Source: USGS 7.5 Minute Topoquad; Valley Grove, WV, quadrangle.

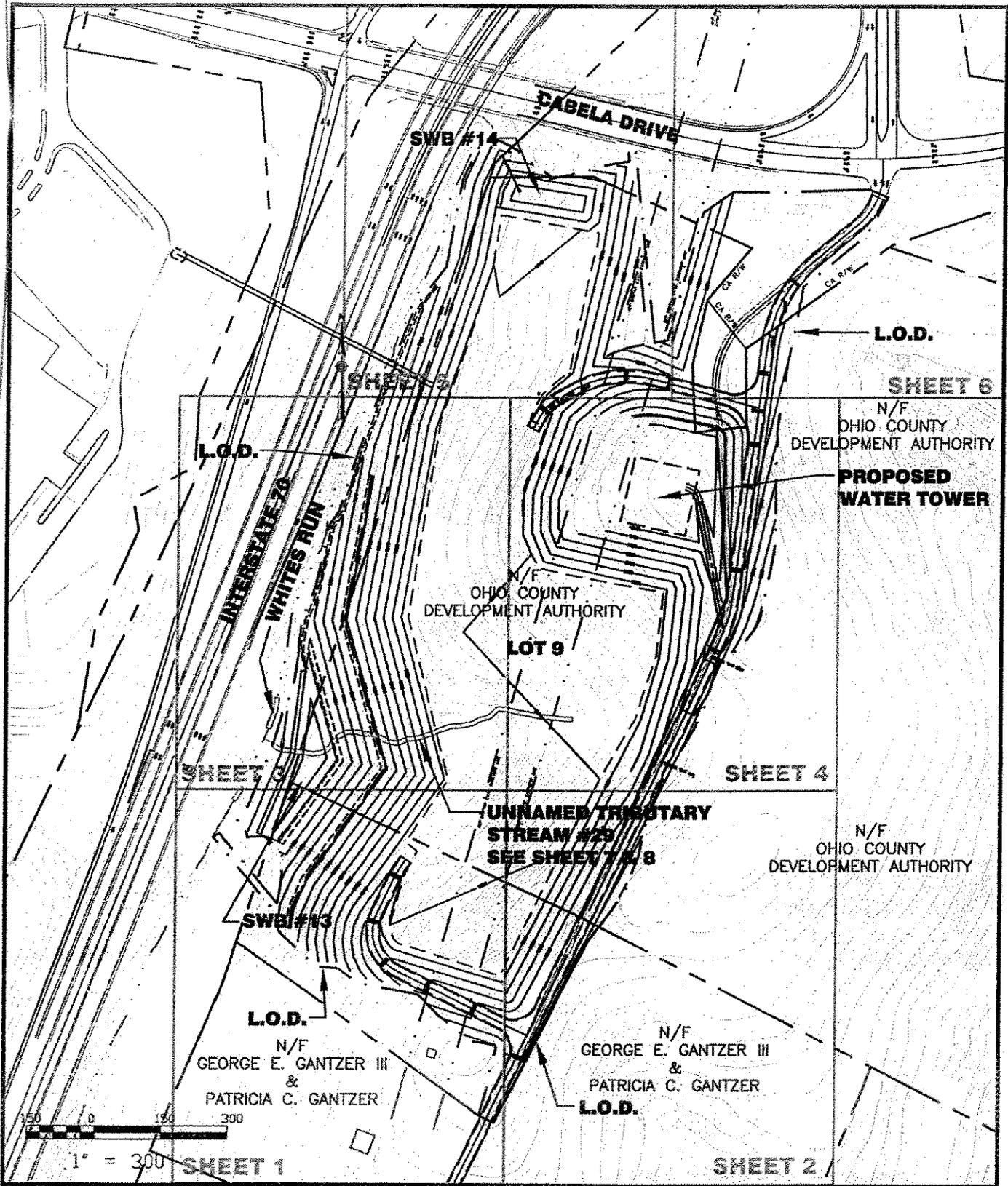


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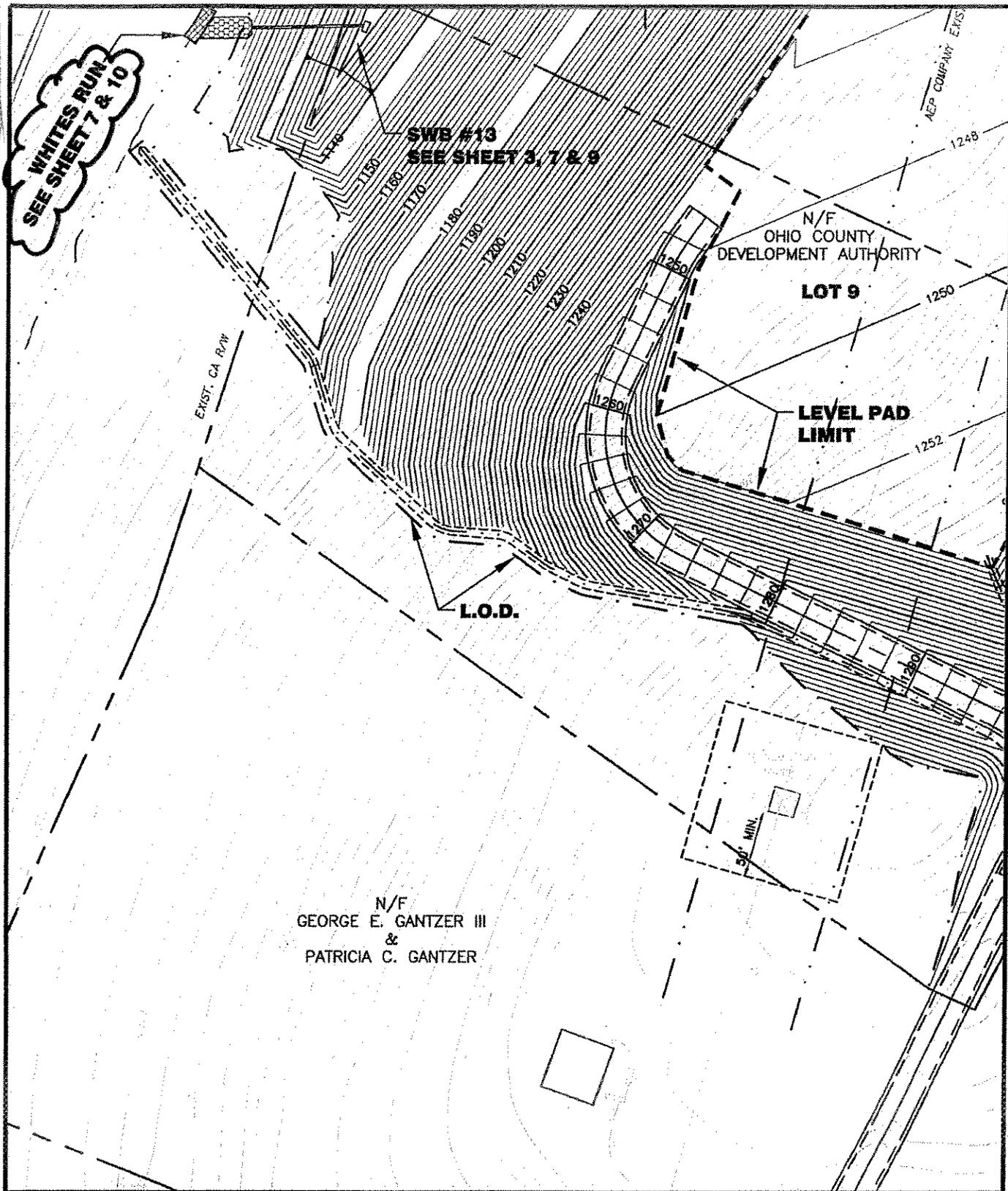
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|---|--|--|--|--|
| <b>PEDERSEN &amp; PEDERSEN</b><br>Civil and Environmental<br>Engineering/Surveying<br><br>411 Main Valley Road<br>Valencia, PA. 15389<br>TEL: 724-668-9300<br>FAX: 724-668-9828 | <b>401 CERTIFICATION / 404 APPLICATION</b>   |  | N<br> |  |
|   | FIGURE:                                      | <b>MASTER DEVELOPMENT PLAN</b>   |  |  |
|   | SITE:  | <b>HIGHLANDS: LOT 9<br/>         TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA</b> |  |  |
|   | CLIENT:                                      | <b>OHIO COUNTY, WEST VIRGINIA</b>  |  |  |
| MAP REF:  | <b>OHIO COUNTY<br/>DEVELOPMENT AUTHORITY</b> |  | PROJECT No.: WV-075  |  |
|   |  |  | SCALE: 1"=1000'  |  |
|   |  |  | DATE: OCT. 24, 2007  |  |

# 2008-15



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| <b>PEDERSEN<br/>PEDERSEN</b><br>Civil and Environmental<br>Engineering/Surveying<br><br>441 Mars Valencia Road<br>Valencia, PA 16059<br>724-629-3200<br>FAX 724-629-2308 | 401 CERTIFICATION / 404 APPLICATION |  | N<br> |  |
|  | FIGURE:                             | THE HIGHLANDS - LOT 9 OVERALL PLAN                       |  |  |
|  | SITE:                               | THE HIGHLANDS<br>TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA |  |  |
|  | CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                     |  |  |
|  |                                     | PROJECT No.:   | WV-075   |  |
|  |                                     | SCALE:   | 1=300'   |  |
|  |                                     | DATE:  | OCT., 2007   |  |

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**PEDERSEN  
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Civil and Environmental  
Engineering/Surveying

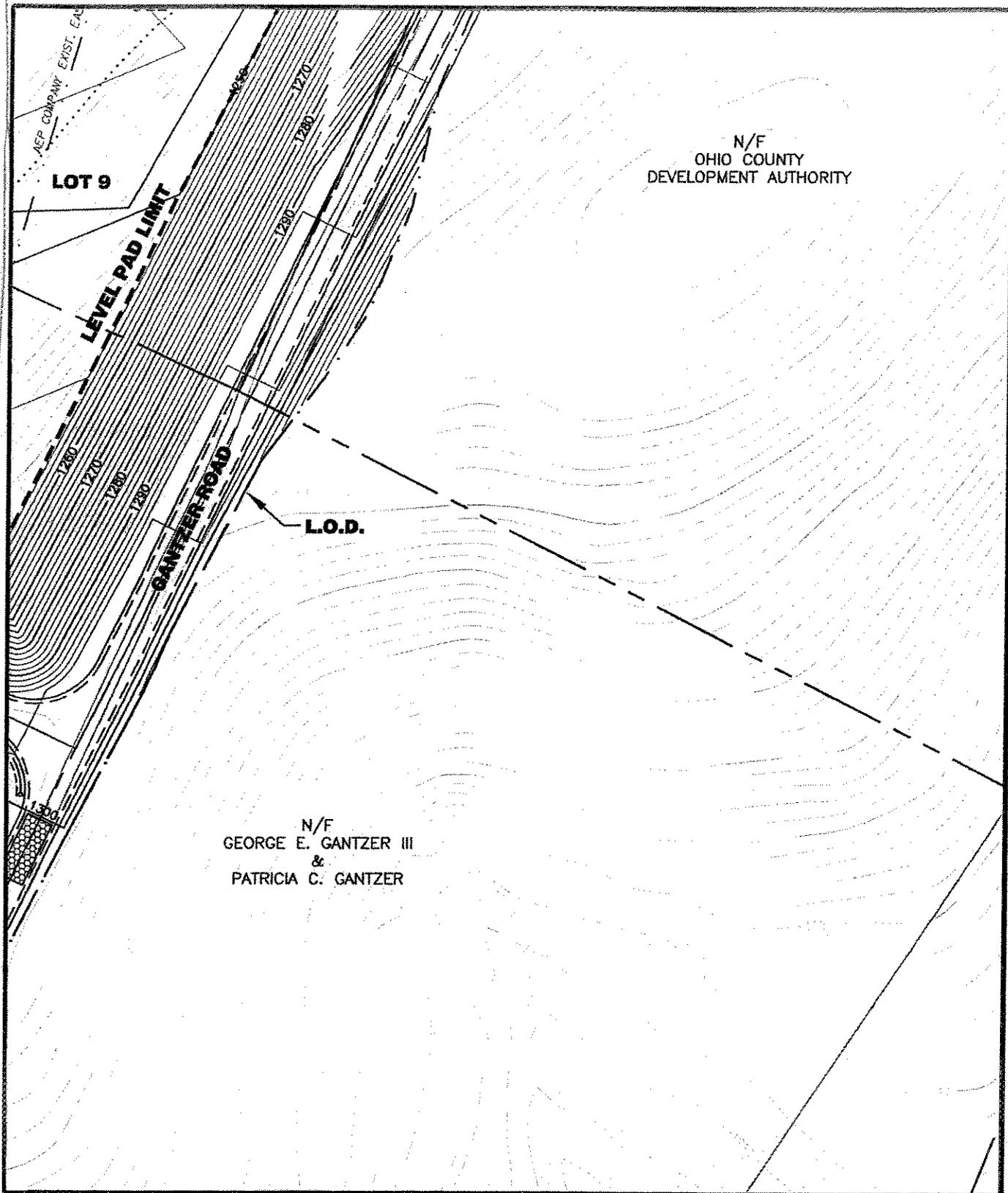
441 Mars Valencia Road  
Valencia, PA 16059  
724-698-3300  
FAX 724-698-2908

|                                     |  |
|-------------------------------------|--|
| 401 CERTIFICATION / 404 APPLICATION |  |
| FIGURE:                             | PLAN - SHEET 1   |
| SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA |
| CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                             |

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PROJECT No.: WV-075  
SCALE: 1=100'  
DATE: OCT., 2007

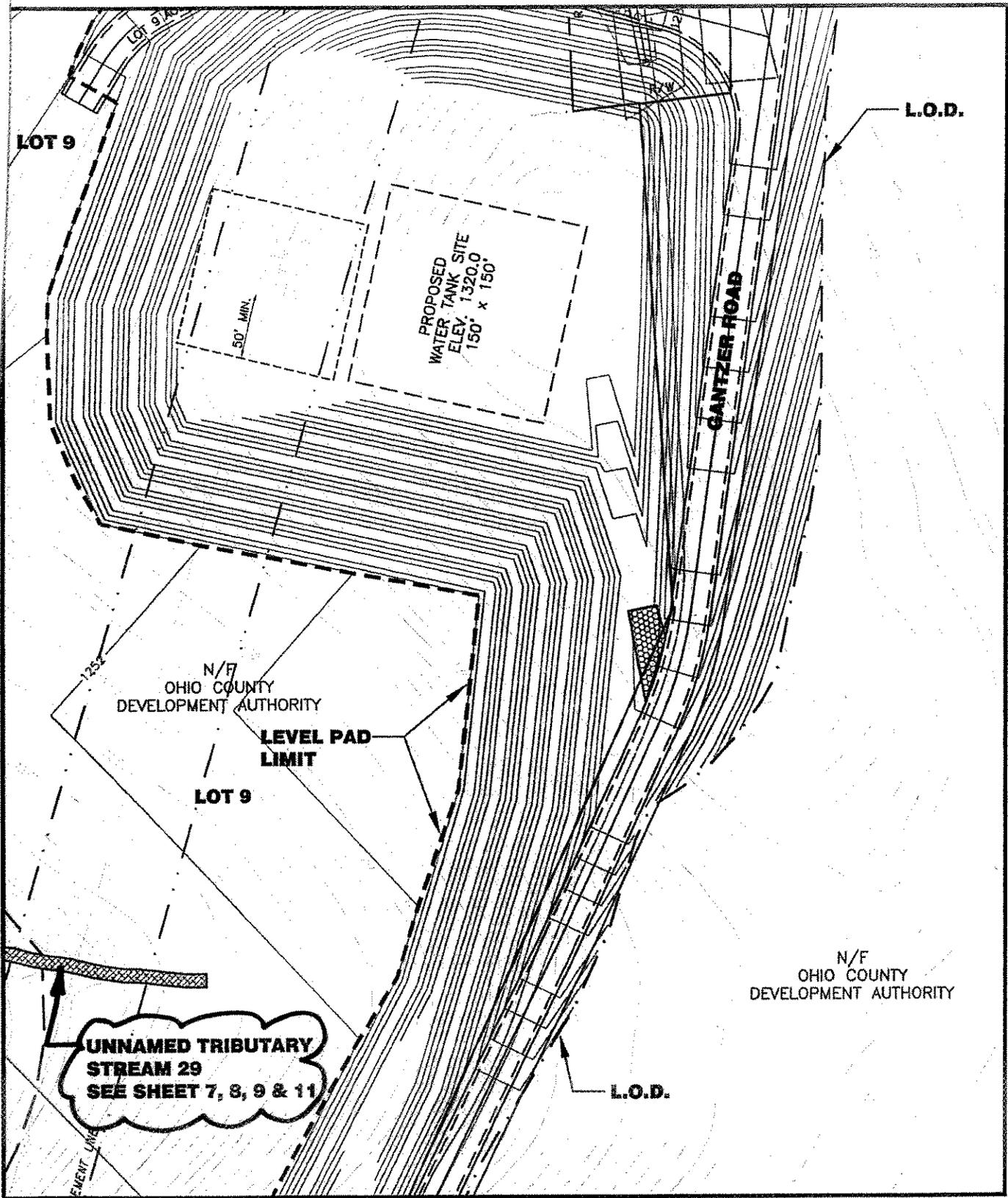
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| <b>PEDERSEN<br/>PEDERSEN</b><br>Civil and Environmental<br>Engineering/Surveying<br><br>441 Main Valencia Road<br>Valencia, PA 16059<br>724-898-3300<br>FAX 724-898-2208 | 401 CERTIFICATION / 404 APPLICATION |  | N<br> |
|  | FIGURE:                             | PLAN - SHEET 2   |  |
|  | SITE:                               | THE HIGHLANDS - LOT 13<br>TRIADDELPHIA, OHIO COUNTY, WEST VIRGINIA |  |
|  | CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                               |  |
|  |                                     | PROJECT No.: WV-144  |  |
|  |                                     | SCALE: 1"=50'  |  |
|  |                                     | DATE: DEC., 2007   |  |

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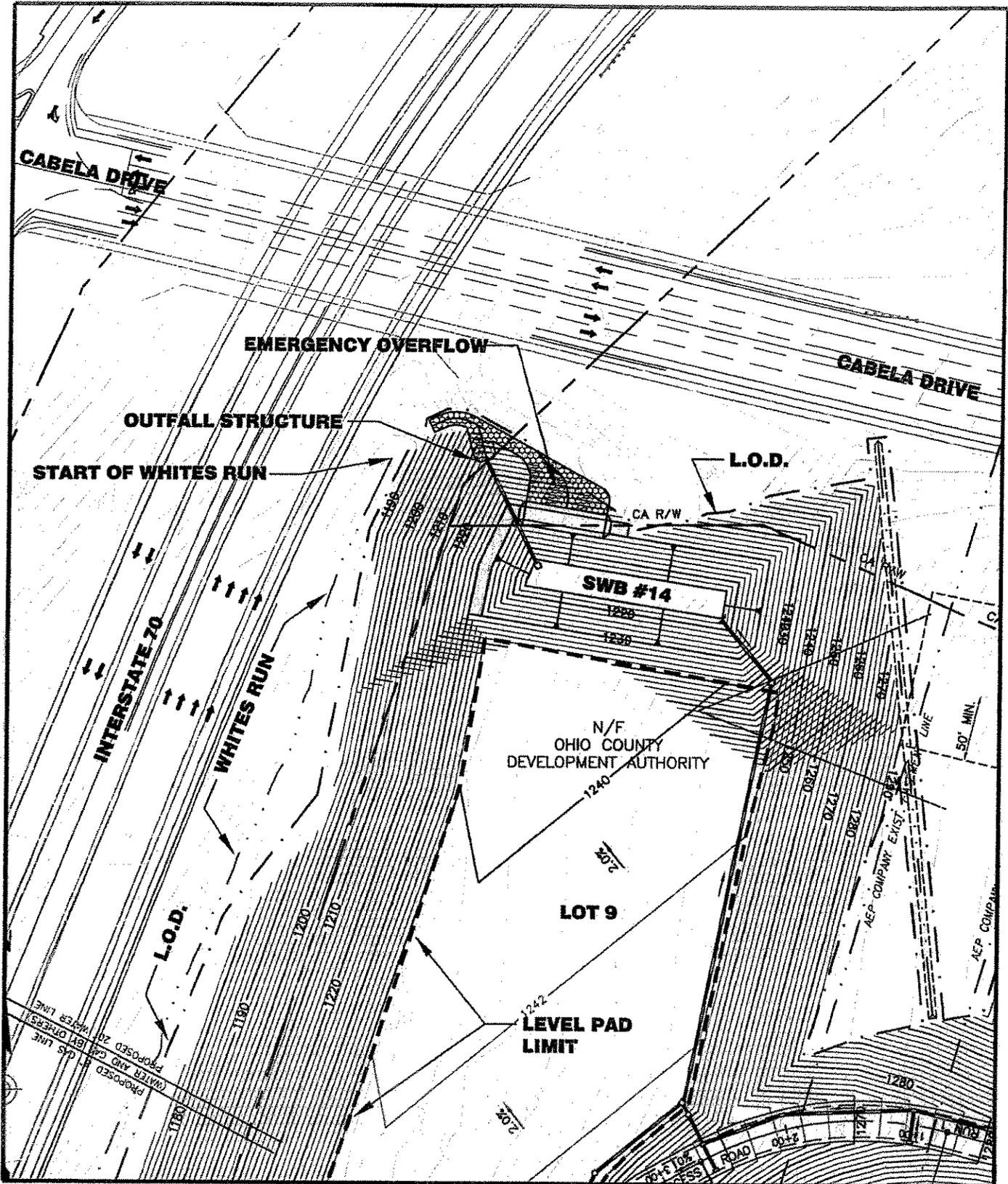
**PEDERSEN  
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Civil and Environmental  
Engineering/Surveying  
441 Moss Valencia Road  
Valencia, PA 16059  
724-698-5500  
FAX 724-698-2909

|                                     |  |
|-------------------------------------|--|
| 401 CERTIFICATION / 404 APPLICATION |  |
| FIGURE:                             | PLAN - SHEET 4   |
| SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA |
| CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                             |

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PROJECT No.: WV-075  
SCALE: 1"=100'  
DATE: OCT., 2007

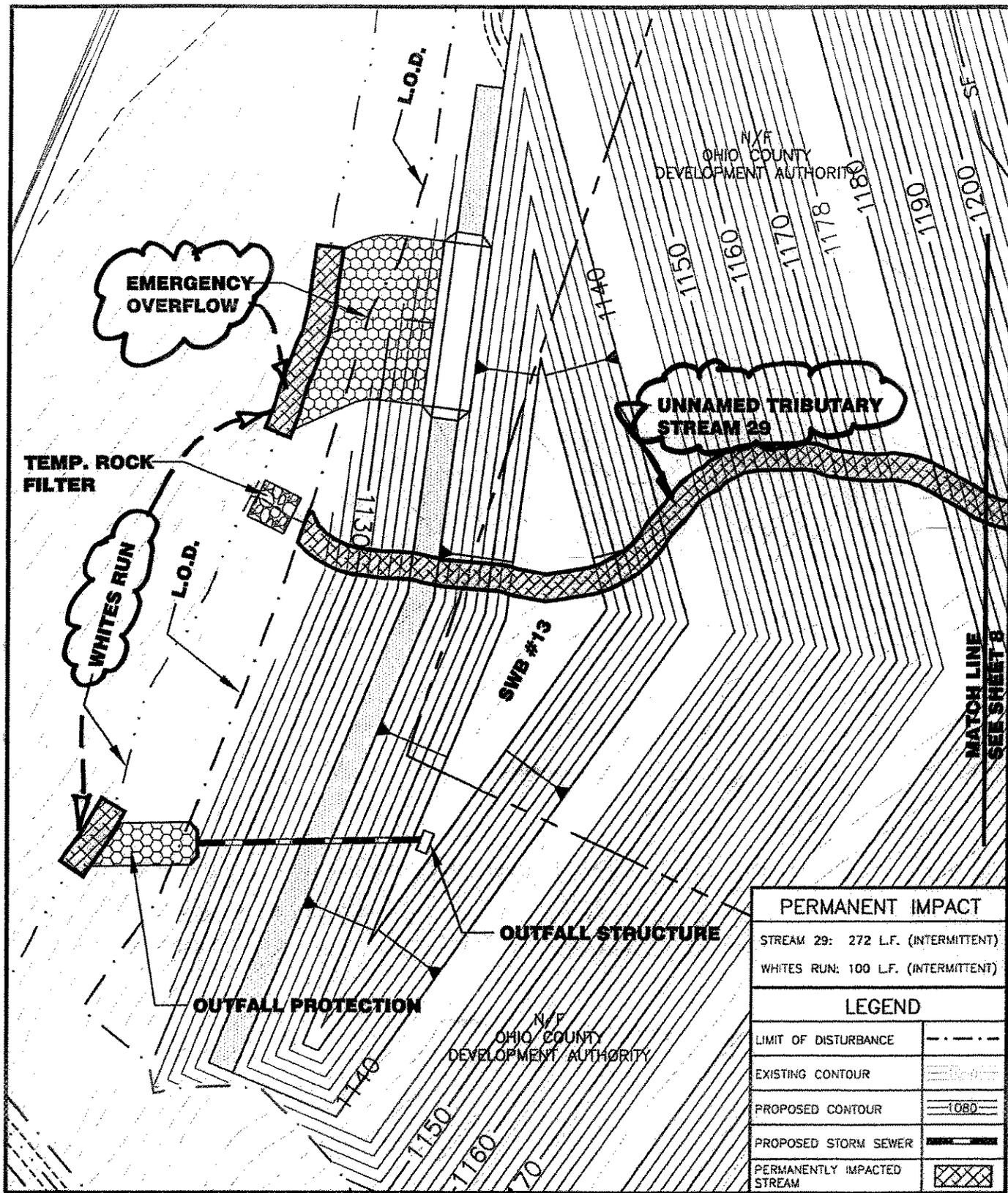
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| <b>PEDERSEN<br/>PEDERSEN</b><br>Civil and Environmental<br>Engineering/Surveying<br><br>441 Mara Valencia Road<br>Valencia, PA 16059<br>724-828-3320<br>FAX 724-828-2908 | 401 CERTIFICATION / 404 APPLICATION |   | N<br> |  |
|  | FIGURE:                             | PLAN - SHEET 5  |       |  |
|  | SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADDELPHIA, OHIO COUNTY, WEST VIRGINIA |       |  |
|  | CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                              |       |  |
|  |                                     | PROJECT No.: WV-075   |       |  |
|  |                                     | SCALE: 1"=100'  |       |  |
|  |                                     | DATE: OCT., 2007  |       |  |

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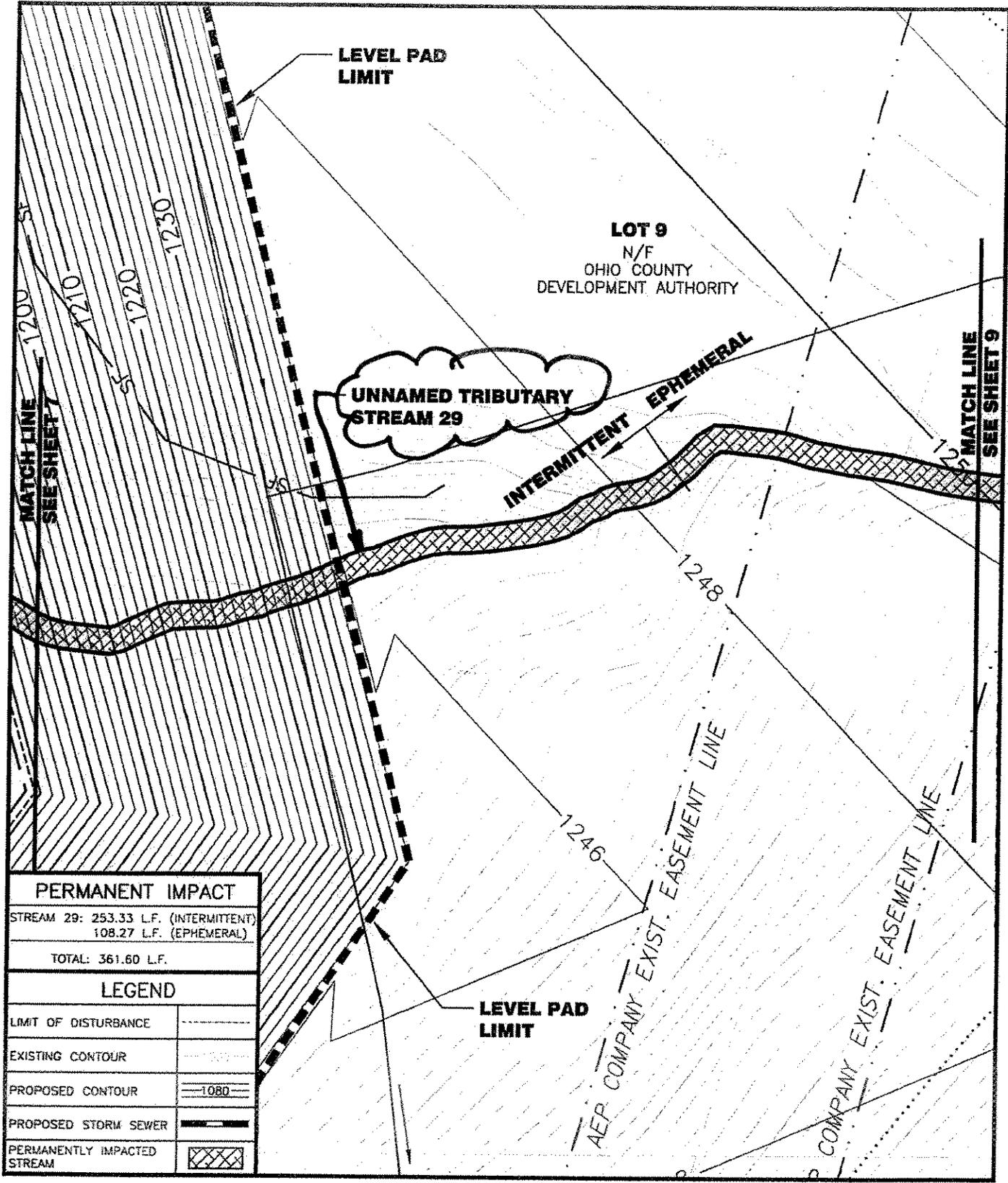
|                             |                         |
|-----------------------------|-------------------------|
| <b>PERMANENT IMPACT</b>     |                         |
| STREAM 29:                  | 272 L.F. (INTERMITTENT) |
| WHITES RUN:                 | 100 L.F. (INTERMITTENT) |
| <b>LEGEND</b>               |                         |
| LIMIT OF DISTURBANCE        | --- --                  |
| EXISTING CONTOUR            | =====                   |
| PROPOSED CONTOUR            | -----1080-----          |
| PROPOSED STORM SEWER        | =====                   |
| PERMANENTLY IMPACTED STREAM | XXXXXX                  |

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Civil and Environmental  
Engineering/Surveying  
441 Mars Valencia Road  
Valencia, PA 16059  
724-898-3300  
FAX 724-895-2908

|                                     |  |
|-------------------------------------|--|
| 401 CERTIFICATION / 404 APPLICATION |  |
| FIGURE:                             | IMPACT PLAN - SHEET 7  |
| SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA |
| CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                             |

|                     |
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| N<br>↑              |
| PROJECT No.: WV-075 |
| SCALE: 1"=50'       |
| DATE: OCT., 2007    |

#2008-15



|                                       |          |
|---------------------------------------|----------|
| <b>PERMANENT IMPACT</b>               |          |
| STREAM 29: 253.33 L.F. (INTERMITTENT) |          |
| 108.27 L.F. (EPHEMERAL)               |          |
| TOTAL: 361.60 L.F.                    |          |
| <b>LEGEND</b>                         |          |
| LIMIT OF DISTURBANCE                  | -----    |
| EXISTING CONTOUR                      | .....    |
| PROPOSED CONTOUR                      | ==1080== |
| PROPOSED STORM SEWER                  | —■—      |
| PERMANENTLY IMPACTED STREAM           | ▣        |

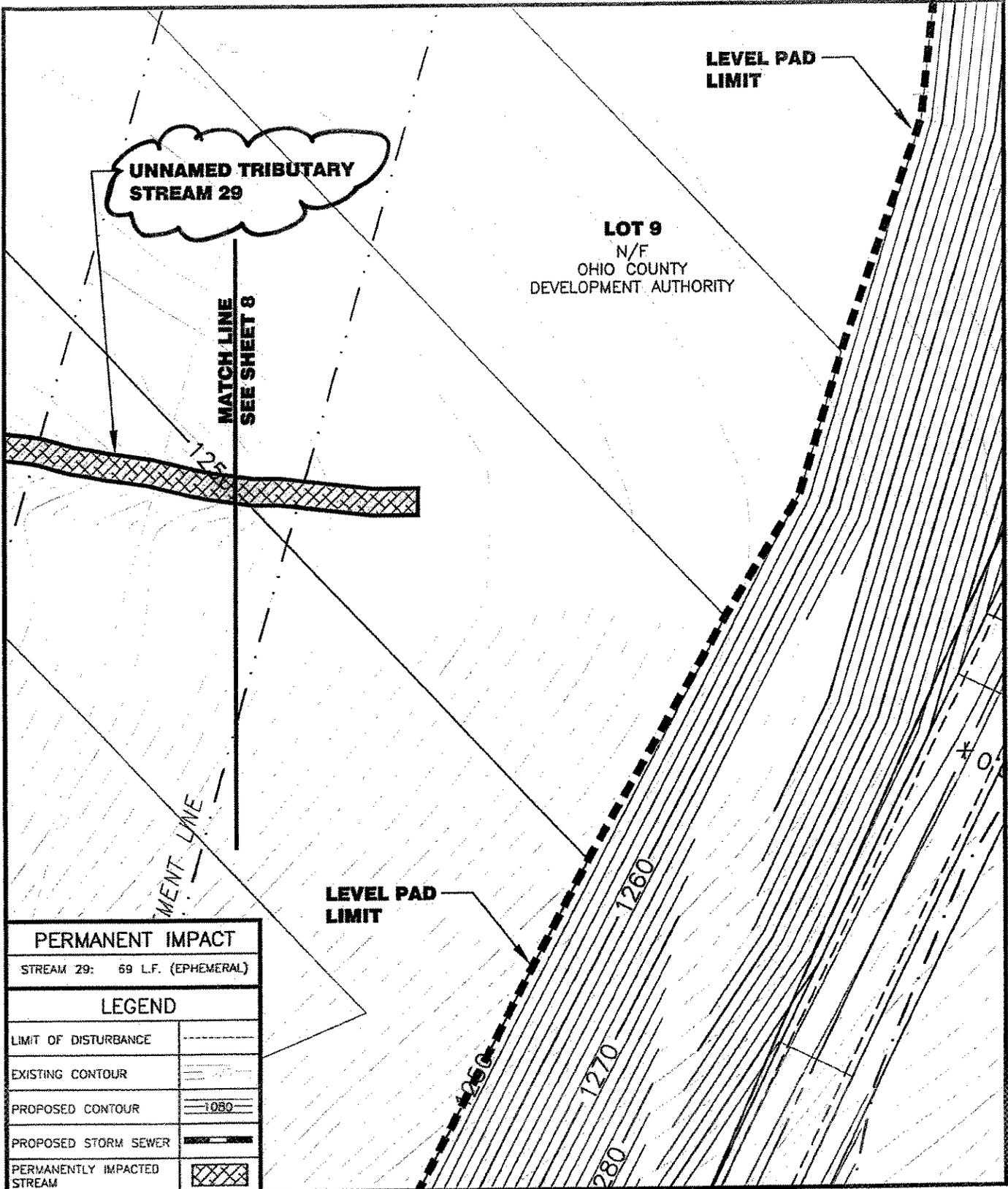
**PEDERSEN PEDERSEN**  
 Civil and Environmental  
 Engineering/Surveying  
 441 Mars Valencia Road  
 Valencia, PA 16059  
 724-636-3300  
 FAX 724-695-2906

|                                     |   |
|-------------------------------------|---|
| 401 CERTIFICATION / 404 APPLICATION |   |
| FIGURE:                             | IMPACT PLAN - SHEET 8   |
| SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADDELPHIA, OHIO COUNTY, WEST VIRGINIA |
| CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                              |

N  
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PROJECT No.: WV-075  
 SCALE: 1"=50'  
 DATE: OCT., 2007

#2008-15



|                                |              |
|--------------------------------|--------------|
| <b>PERMANENT IMPACT</b>        |              |
| STREAM 29: 69 L.F. (EPHEMERAL) |              |
| <b>LEGEND</b>                  |              |
| LIMIT OF DISTURBANCE           | ---          |
| EXISTING CONTOUR               | .....        |
| PROPOSED CONTOUR               | ====1080==== |
| PROPOSED STORM SEWER           | =====        |
| PERMANENTLY IMPACTED STREAM    | XXXXXX       |

**PEDERSEN  
PEDERSEN**  
Civil and Environmental  
Engineering/Surveying  
441 Maca Valencia Road  
Valencia, PA 16069  
724-858-3300  
FAX 724-858-2908

|                                     |  |
|-------------------------------------|--|
| 401 CERTIFICATION / 404 APPLICATION |  |
| FIGURE:                             | IMPACT PLAN - SHEET 9  |
| SITE:                               | THE HIGHLANDS - LOT 9<br>TRIADELPHIA, OHIO COUNTY, WEST VIRGINIA |
| CLIENT:                             | OHIO COUNTY<br>DEVELOPMENT AUTHORITY                             |

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PROJECT No.: WV-075  
SCALE: 1"=50'  
DATE: OCT., 2007

#2008-15

