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. 2007-1367 Date: March 20, 2008

Notice No. 08-20A **CORRECTED CLOSING DATE** Closing Date: April 19, 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.

2. APPLICANT: PITG Gaming, Inc.
120 North Shore Drive
Pittsburgh, Pennsylvania 15212

3. LOCATION: Ohio River, right bank, Mile 0.8, Pittsburgh, Allegheny County, Pennsylvania.

4. PURPOSE AND DESCRIPTION OF WORK: The proposed work consists of driving a steel sheet pile wall with wing walls parallel to normal pool water's edge. Impacting approximately 2000 square feet of river bottom. The top of the sheet pile wall would be Elevation 712.0. Boat mooring at this facility would be limited to an area 64-feet riverward from the sheet pile wall. Drawings of the proposed work are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant must obtain an Encroachment Permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Telephone: 412-442-4000

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 William Wright, at the above address, by telephoning (412) 395-7189, or by e-mail at william.h.wright@usace.army.mil. Please refer to CELRP-OP-F 2007-1367 in all responses.

FOR THE DISTRICT ENGINEER:

Scott A. Hans
Chief, Regulatory Branch

Designer	SJC
Checker	SE
Lead	SE
Manager	ARB
Date	2-20-07

MAJESTIC STAR CASINO

LOCATION MAP

CHESTER ENGINEERS

Chester Engineers

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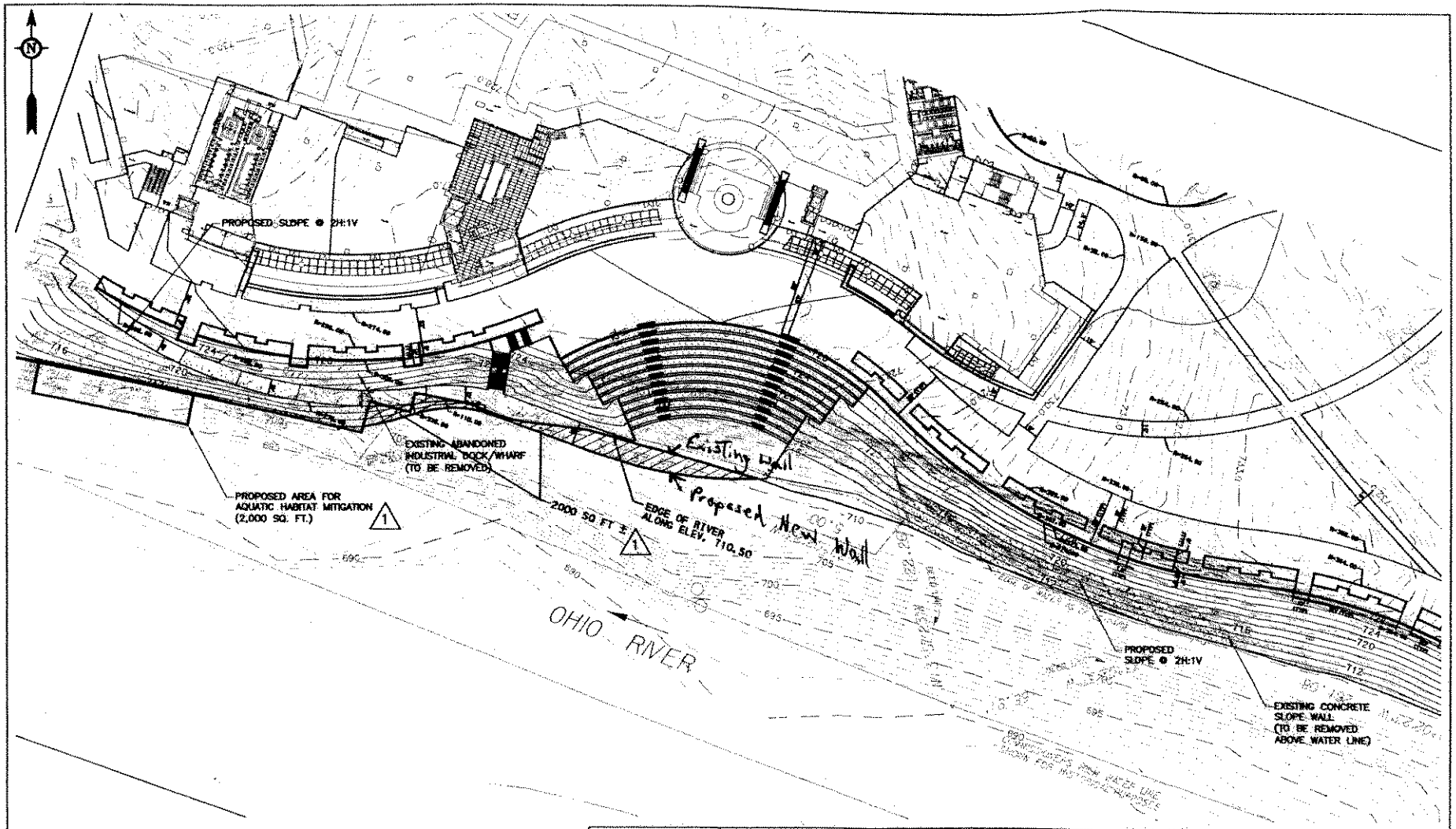

gai consultants

Pittsburgh Office
385 East Waterfront Drive
Homestead, PA 15120-5005
412-476-2000

SITE PLAN
OHIO RIVERFRONT MODIFICATION

MAJESTIC STAR CASINO
CITY OF PITTSBURGH, ALLEGHENY COUNTY, PENNSYLVANIA

DWN. RSE	CHKD. KLF	SCALE:
APPD. KLF	DATE 10/7/07	1"=60'
DRAWING NUMBER		
C070166-00-000-00-D-B002		1 REV

KLF 10/8/07

PLOTTER FILE: _____

GAI CAD FILE:C070166-00-000-00-D-B002.DWG 10/09/07