



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. 1986-17

Date: September 30, 2008

Notice No. 08-52

Closing Date: October 20, 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: Tunnel Ridge, LLC
2596 Battle Run Road
Triadelphia, WV 26059
3. LOCATION: Ohio River, left bank, Mile 82.2-82.95, two miles north of Pike Island L/D, Ohio County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to rehabilitate and expand their existing barge docking facility in order to load the coal from Tunnel Ridge, an underground mine being developed in Ohio County, West Virginia. The existing dock consists of 13 cells (Cells A-M on drawing 4). Age and abuse have combined to require work on this existing dock to bring the facility back to operational status. All cells to be rehabilitated have a top elevation of 665' 0", mooring units, recessed ladders, sand and/or gravel fill with concrete caps. Cells B, E, and J through M do not require any work. Cells A, C, D, F, G, H and I require cosmetic work to include new sheet piling; replacement of 5' 3" square cells with 6' 0" square cells; welding, refilling with sand and/or gravel, and recapping with concrete. The proposed dock expansion would include installation of an additional 14 cells (Cells 1-14 on drawing 4). These cells would be used for barge mooring and fleetings of the loaded barges. The construction of these cells would be similar to the existing dock with sheet pile construction with a top elevation of 665' 0", mooring units, recessed ladders, sand and/or gravel fill with concrete caps. Cells Nos. 2 and 8 would be 30-foot diameter sheet pile with the remaining Cells 1, 3 through 7, and 9 through 14 being 6' 0" square. Spacing of these 14 cells would alternate between 195 feet and 200 feet. A 25-foot diameter icebreaker cell was proposed in the original permit but was never constructed. Two icebreaker cells (15 and 16) would be constructed in this same area at the upstream end of the dock. These cells would be 30-foot diameter sheet pile construction with a top elevation of 665' 0", mooring units, recessed ladders, sand and/or gravel fill with concrete caps. The applicant is requesting a minimum of 223-foot berth from the edge of the navigation channel for the entire dock. No dredging would be required at the existing or expansion dock areas and the only fill involved would be the sand and/or gravel fill in the cells. Therefore, the applicant has proposed no mitigation for this project. Drawings of the proposed dock 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. 08-52

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 Linda Malsch, at the above address, by telephoning (412) 395-7392, or by e-mail at linda.m.malsch@usace.army.mil. Please refer to CELRP-OP-F 1986-17 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Scott A. Hans
Chief, Regulatory Branch

080° 41' 0.00" W

080° 40' 0.00" W

040° 11' 0.00" N

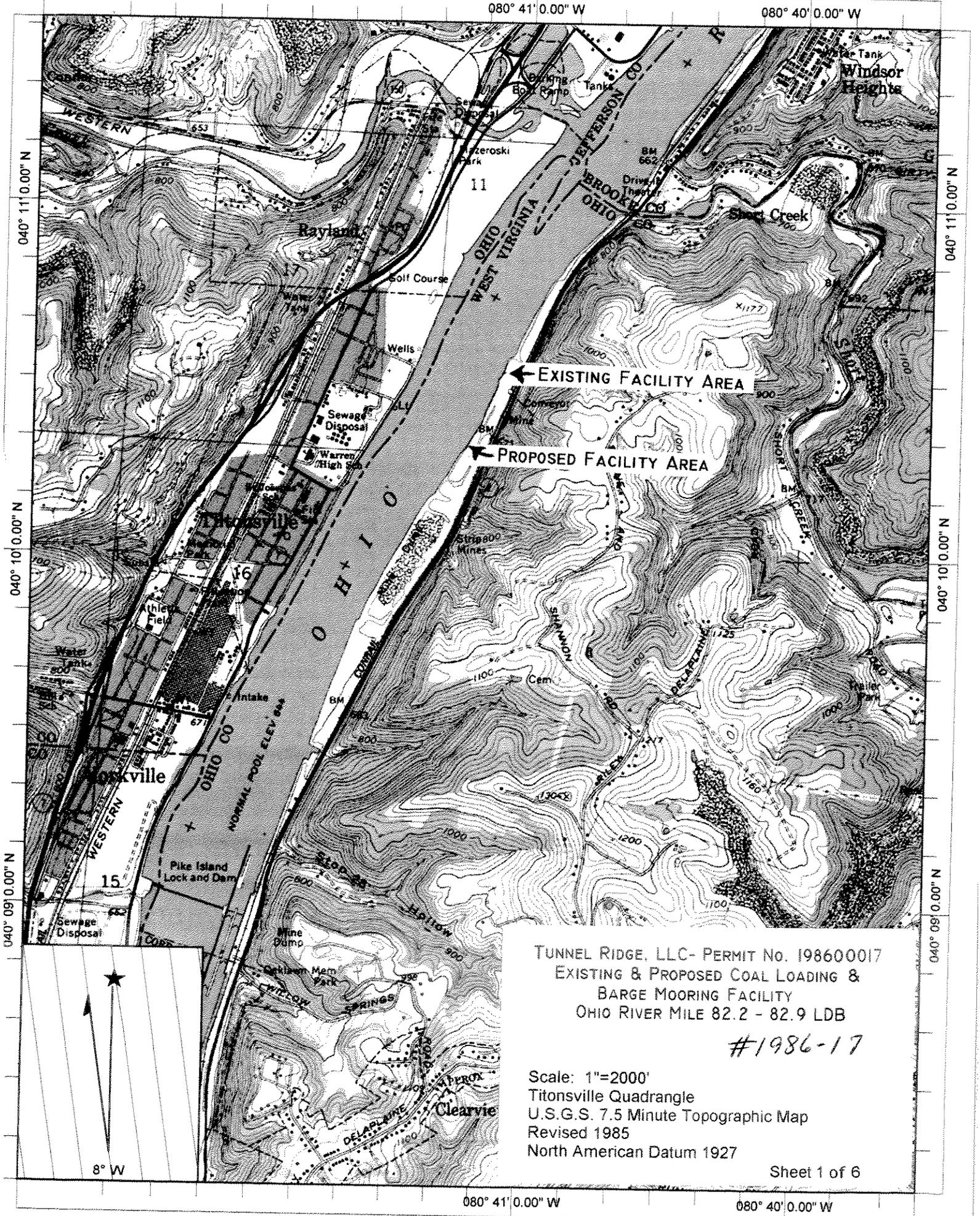
040° 11' 0.00" N

040° 10' 0.00" N

040° 10' 0.00" N

040° 09' 0.00" N

040° 09' 0.00" N



← EXISTING FACILITY AREA

← PROPOSED FACILITY AREA

TUNNEL RIDGE, LLC - PERMIT No. 198600017
 EXISTING & PROPOSED COAL LOADING &
 BARGE MOORING FACILITY
 OHIO RIVER MILE 82.2 - 82.9 LDB

#1986-17

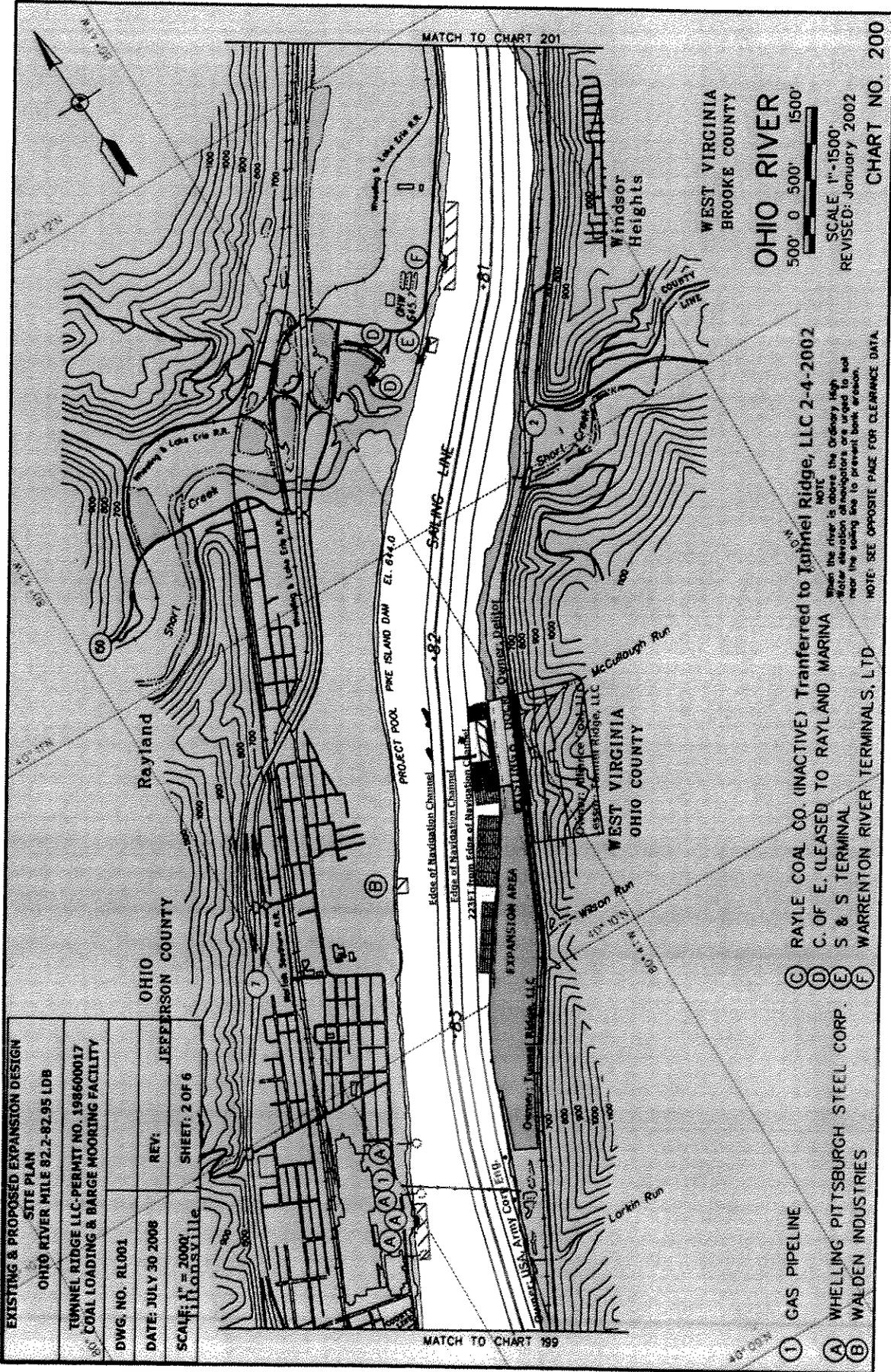
Scale: 1"=2000'
 Titonsville Quadrangle
 U.S.G.S. 7.5 Minute Topographic Map
 Revised 1985
 North American Datum 1927

Sheet 1 of 6

080° 41' 0.00" W

080° 40' 0.00" W

8° W



EXISTING & PROPOSED EXPANSION DESIGN
SITE PLAN
 OHIO RIVER MILE 82.2-82.95 LDB

TUNNEL RIDGE LLC-PERMIT NO. 198600017
 COAL LOADING & BARGE MOORING FACILITY

DWG. NO. RL001

DATE: JULY 30 2008 REV: SHEET: 2 OF 6

SCALE: 1" = 200'
 HILLSVILLE, OHIO

JEFFERSON COUNTY

WEST VIRGINIA
 BROOKE COUNTY

OHIO RIVER

500' 0 500' 1500'

SCALE: 1"=1500'
 REVISED: January 2002

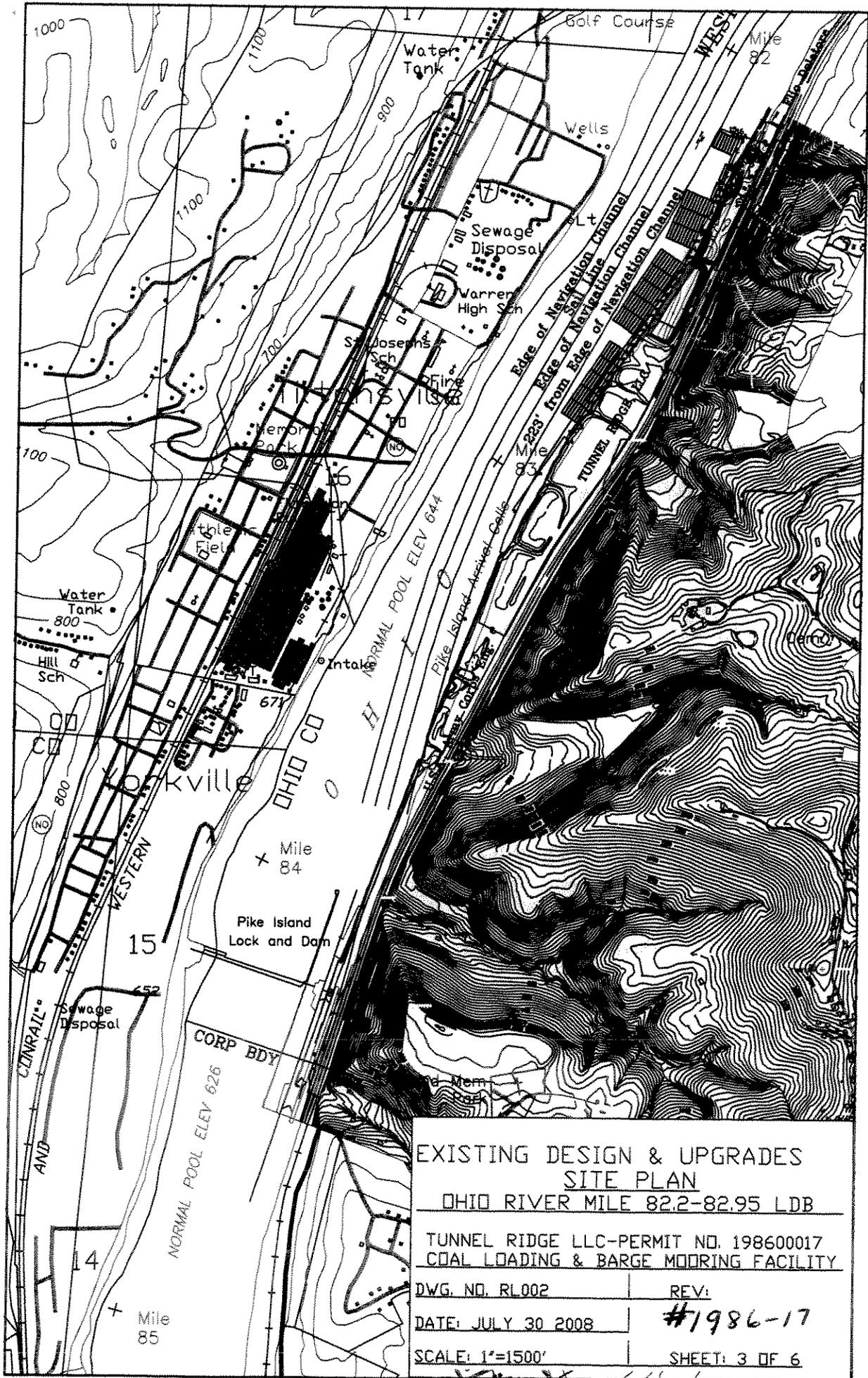
CHART NO. 200

RAYLE COAL CO. (INACTIVE) Transferred to Tunnel Ridge, LLC 2-4-2002
 C. OF E. (LEASED TO RAYLAND MARINA
 S & S TERMINAL
 WARRENTON RIVER TERMINALS, LTD

NOTE:
 When the river is above the Ordinary High
 Water elevation all navigators are urged to not
 rear the sailing line to prevent bank erosion.
 NOTE: SEE OPPOSITE PAGE FOR CLEARANCE DATA

- (1) GAS PIPELINE
- (A) WHELLING PITTSBURGH STEEL CORP.
- (B) WALDEN INDUSTRIES
- (C) RAYLE COAL CO. (INACTIVE) Transferred to Tunnel Ridge, LLC 2-4-2002
- (D) C. OF E. (LEASED TO RAYLAND MARINA
- (E) S & S TERMINAL
- (F) WARRENTON RIVER TERMINALS, LTD

#1986-17



EXISTING DESIGN & UPGRADES
 SITE PLAN
 OHIO RIVER MILE 82.2-82.95 LDB

TUNNEL RIDGE LLC-PERMIT NO. 198600017
 COAL LOADING & BARGE MOORING FACILITY

DWG. NO. RL002

REV:

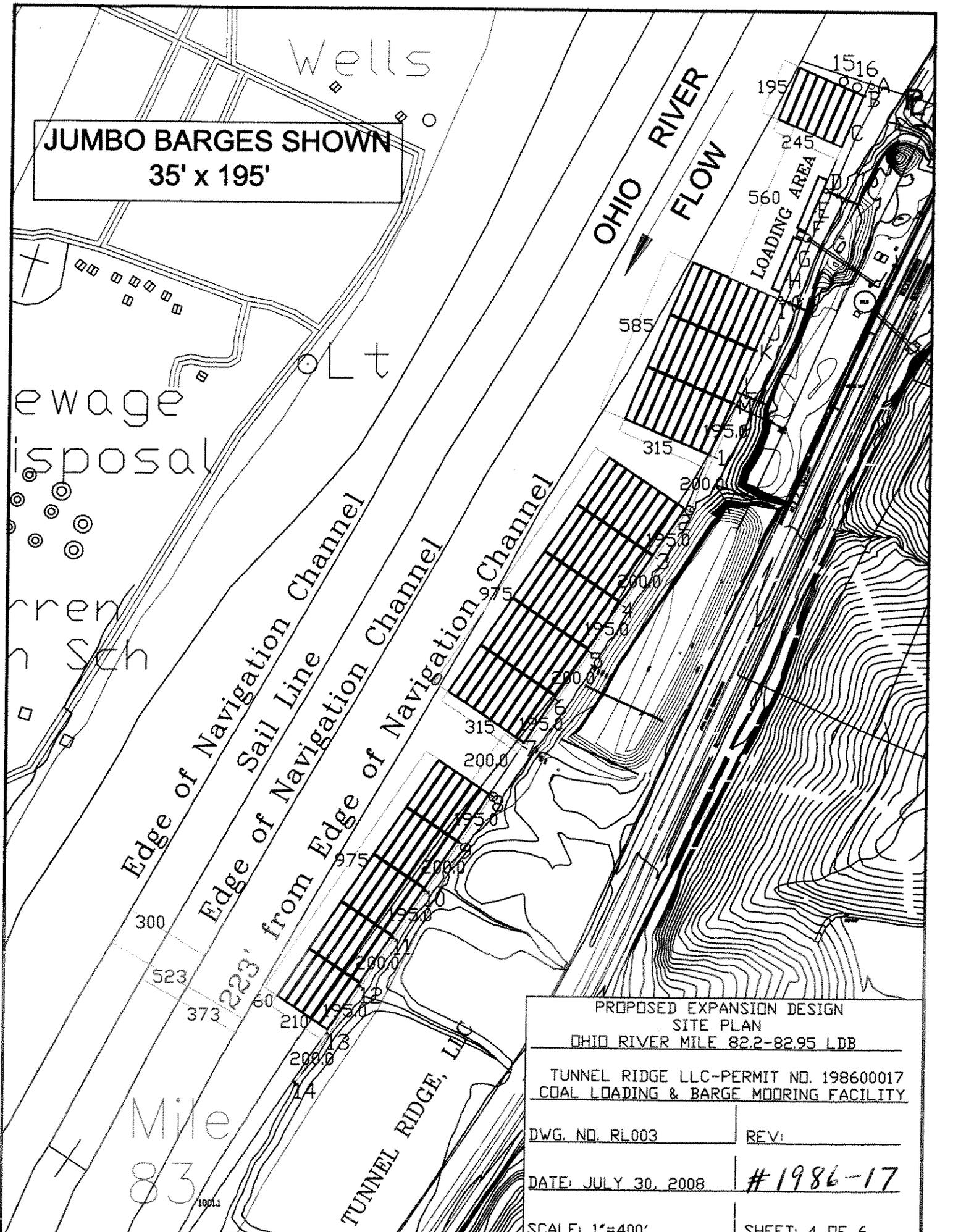
DATE: JULY 30 2008

#1986-17

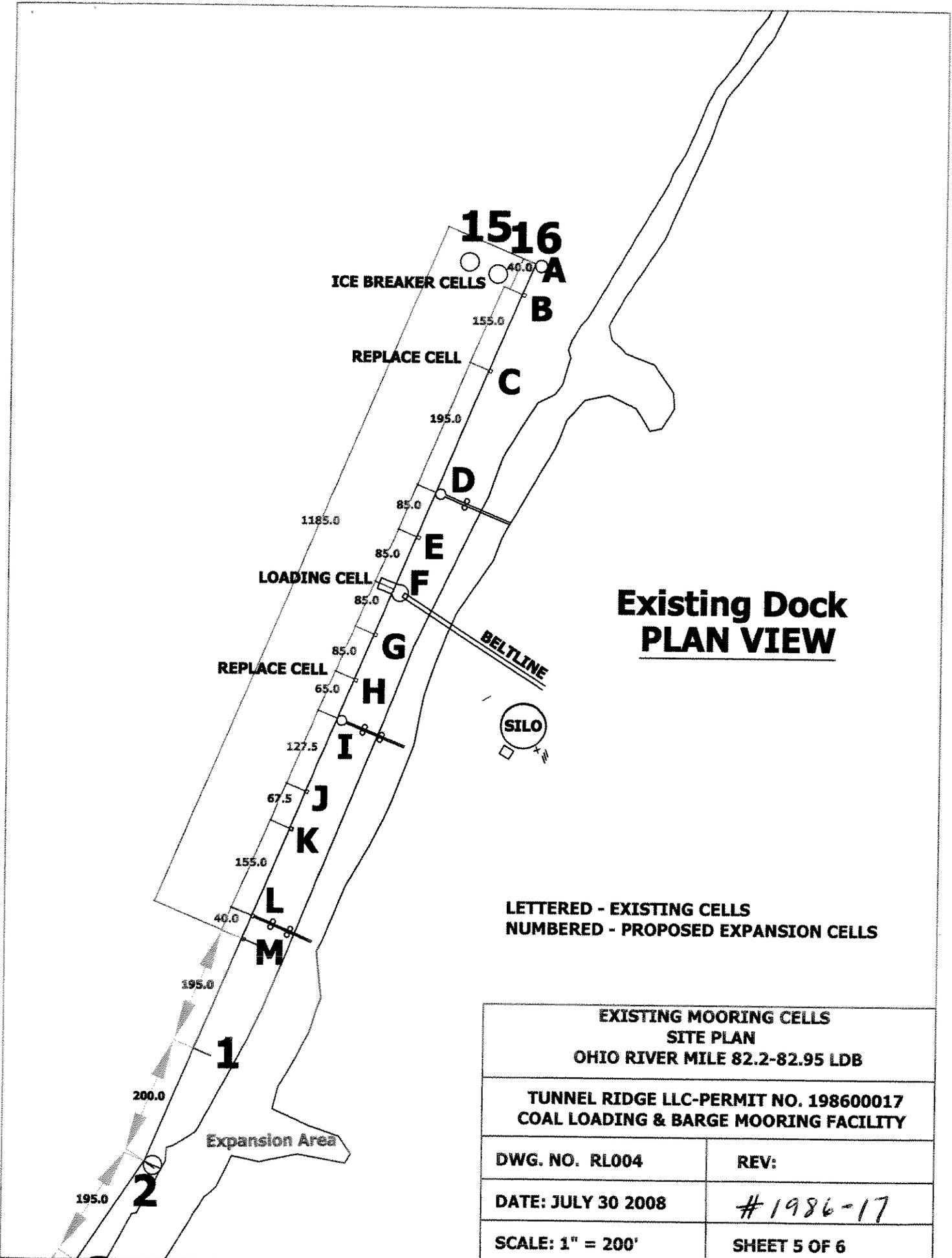
SCALE: 1"=1500'

SHEET: 3 OF 6

**JUMBO BARGES SHOWN
35' x 195'**



PROPOSED EXPANSION DESIGN SITE PLAN OHIO RIVER MILE 82.2-82.95 LDB	
TUNNEL RIDGE LLC-PERMIT NO. 198600017 COAL LOADING & BARGE MOORING FACILITY	
DWG. NO. RL003	REV:
DATE: JULY 30, 2008	#1986-17
SCALE: 1"=400'	SHEET: 4 OF 6



Existing Dock PLAN VIEW

LETTERED - EXISTING CELLS
 NUMBERED - PROPOSED EXPANSION CELLS

EXISTING MOORING CELLS SITE PLAN OHIO RIVER MILE 82.2-82.95 LDB	
TUNNEL RIDGE LLC-PERMIT NO. 198600017 COAL LOADING & BARGE MOORING FACILITY	
DWG. NO. RL004	REV:
DATE: JULY 30 2008	#1986-17
SCALE: 1" = 200'	SHEET 5 OF 6

