



# 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. 2005-2159

Date: August 28, 2009

Notice No. 09-43

Closing Date: September 16, 2009

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.
2. APPLICANT: Potomac Valley Conservation District  
500 East Main Street  
Romney, West Virginia 26757-1836  
Phone: 304-822-5174
3. AGENT: Natural Resource Conservation Service  
Attn: William O'Donnell  
75 High Street, Room 301  
Morgantown, WV 26505  
Phone: 304-284-7543
4. LOCATION: Lower Cove Run of the Lost River, near Lost City, Hardy County, West Virginia. The Lost River is a tributary to the Potomac River. The project is located at 38°55'28" north latitude and 78°49'41" west longitude.
5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to install a multipurpose dam at Site 16 for the Lost River Watershed, across the Lower Cove Run Valley. The proposed Site 16 dam will aid in flood prevention and rural water supply with incidental recreational benefits. The project will consist of placement of 1.3 million cubic yards of earth and rock fill to form an embankment 1,980 feet in length and 79.4 feet in height across the Lower Cove Run Valley. A 46.6 acre pool will be created upstream of the embankment and the pool will provide 400 acre/feet of rural raw water supply. An additional floodwater detention capacity of 1902 acre/feet will be provided.

A total of 16.02 acres of wetlands will be impacted by the construction of the embankment and the creation of the 46.6 acre permanent impoundment. Of this total, approximately 15.35 acres are jurisdictional wetlands and 0.67 are isolated waters of the state of West Virginia. The impacted wetlands have a low functional value and are used for agricultural purposes like corn and hay production as well as pasture use. The placement of fill to construct the embankment will eliminate 570 linear feet (LF) of Lower Cove Run and the creation of the

46.6 acre permanent pool will inundate 2290 LF of channel. An additional 180 LF of Lower Cove Run will be abandoned and replaced by an equal amount of rock lined outlet channel. A total of 3,040 LF of Lower Cove Run channel will be eliminated by the proposed Site 16 project.

A conceptual mitigation plan has been proposed and includes enhancements to non-affected areas within the project area. Approximately 2.75 acres of wetlands above the permanent pool elevation is proposed to be enhanced by interrupting drainage patterns. An additional portion of wetland 1, about 4.5 acres, lies below the dam and will be enhanced from an emergent wetland to a scrub shrub. Wetland areas 2, 3, and 4 (comprising about 0.26 acres) will be avoided. These areas will be enhanced by creating additional channel like depressions and encouraging the establishment of woody vegetation. Approximately 5 acres of the upper shallow pool will have a depth of 3 feet or less. It is proposed that at least a portion of this shallow area be isolated from the main body of the reservoir by creating berms or other features that would enhance vegetation diversity. Additional opportunities to create wetlands exist on the area east (upstream) of the reservoir and lower flood storage pool. Sufficient space exists for the creation of constructed wetlands and vernal pool in this area. If additional mitigation is required, project proponents will work with the U.S. Forest Service and the state and federal resource agencies to identify suitable areas on nearby Forest Service lands where vernal pools may be constructed. Proposed stream mitigation includes riparian plantings and stream bank stabilization to existing channels on-site. In addition, water quality control components have been incorporated into discharge mechanisms to assist in downstream water temperature. Terrestrial habitat enhancements and reservoir enhancements have also been proposed. Drawings of the proposed dam are attached to this notice.

6. 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  
Office of Water Resources  
Regulatory Review Program  
601 57th Street SE  
Charleston, WV 25304-2345  
Telephone: 304-926-0499  
Re: Public Notice CELRP-OP-F No. 09-43

7. IMPACT ON NATURAL RESOURCES: The project proponent has engaged with the U.S. Fish and Wildlife and by letter dated August 15, 2005, they stated the proposed project will have no affect on any federally listed endangered and/or threatened species and species of concern. 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).
8. IMPACT ON CULTURAL RESOURCES: The project proponent has conducted a Phase I archaeological survey of the project area and a Phase II National Register assessment of three known sites. As a result of these surveys, the West Virginia Division of Culture & History has concluded that there are no archaeological resources within the proposed project area that are eligible for listing in the National Register of Historic Places. Furthermore, by letter dated September 6, 2005, they stated the proposed project would have no effect to architectural resources that are eligible for listing in the National Register of Historic Places. 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).
9. 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.
10. 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

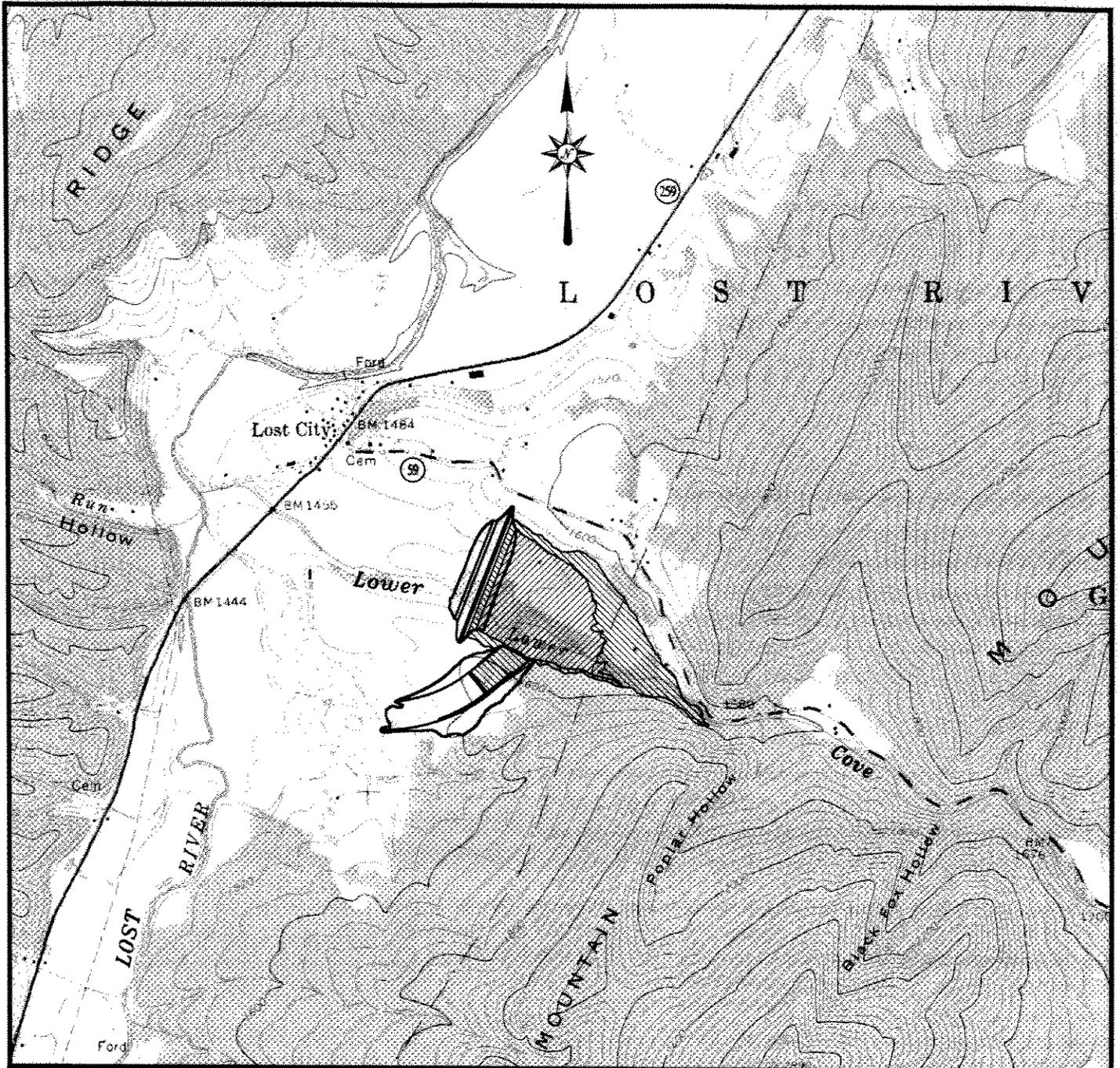
environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of 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).

11. 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 Allen Edris at the above address, or by telephoning (412) 395-7158 or by e-mail at [allen.r.edris@usace.army.mil](mailto:allen.r.edris@usace.army.mil). You may also contact Nicole Marisavljevic at (412) 395-7592 or by e-mail at [Nicole.Marisavljevic@usace.army.mil](mailto:Nicole.Marisavljevic@usace.army.mil). Please refer to CELRP-OP-F 2005-2159 in all responses.

FOR THE DISTRICT ENGINEER:

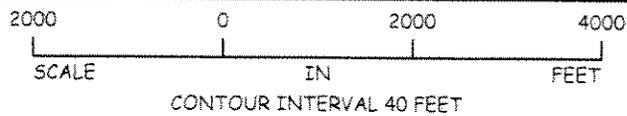
**SIGNED**

Marcia H. Haberman  
Chief, Southern Section  
Regulatory Branch

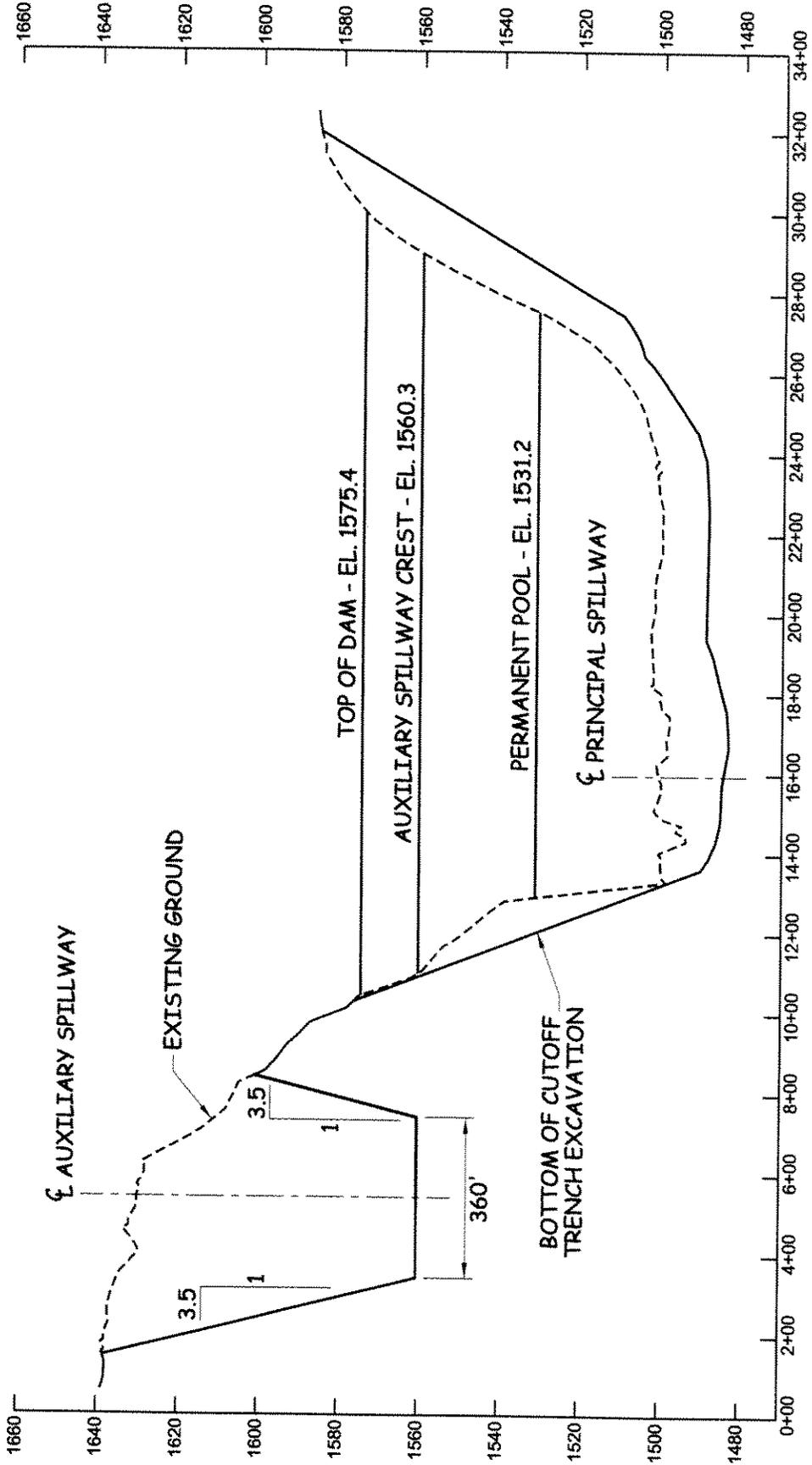


-  PERMANENT POOL @ 1531.2
-  POOL AT A.S.W. CREST @ 1560.3

LOST CITY, WEST VIRGINIA, 7.5' U.S.G.S. QUAD

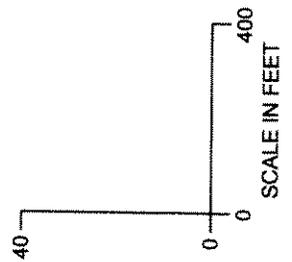


PLAN OF DAMSITE AND STORAGE AREA  
 POTOMAC VALLEY CONSERVATION DISTRICT  
 LOST RIVER SITE NO. 16  
 HARDY COUNTY, WEST VIRGINIA



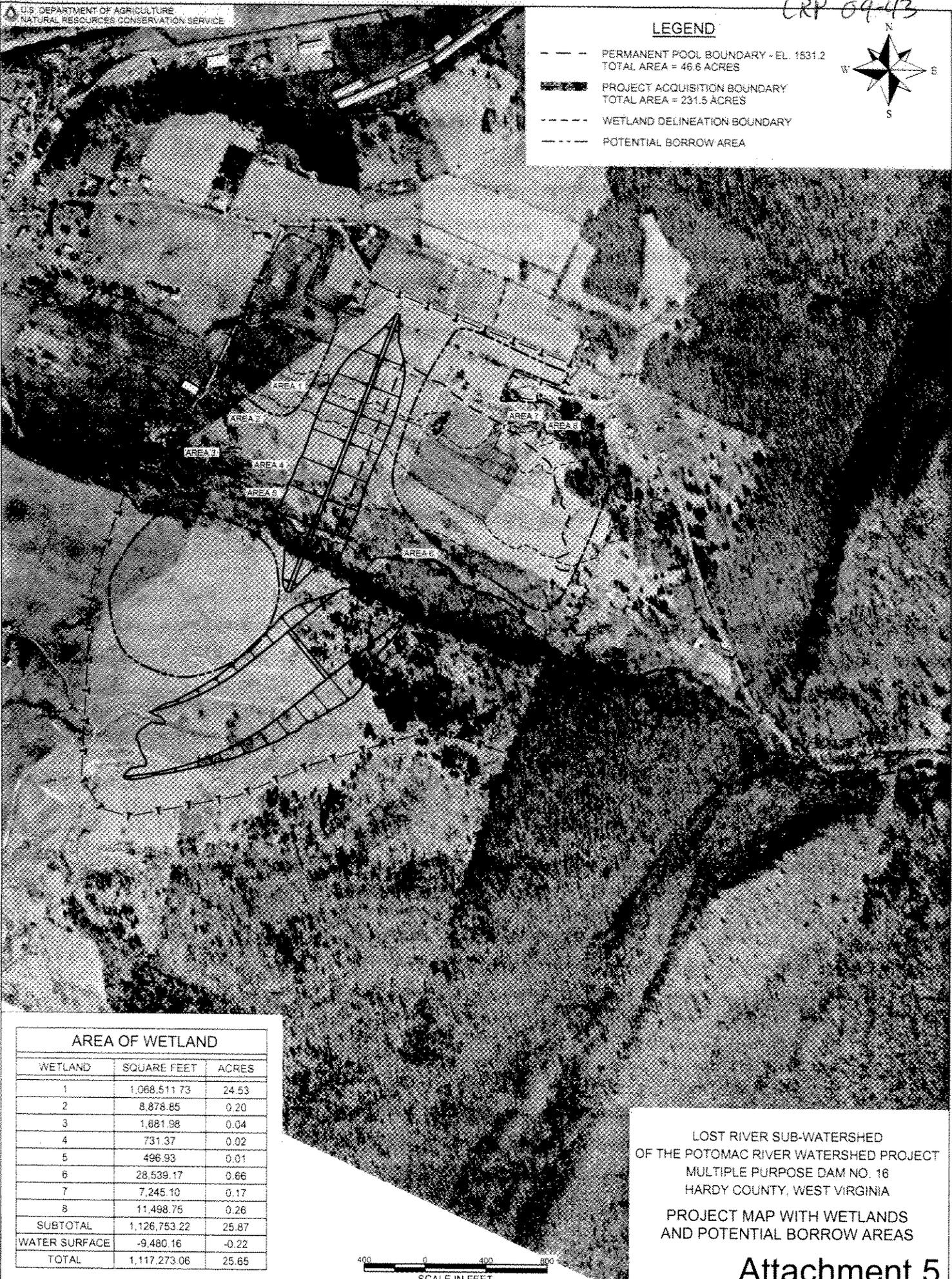
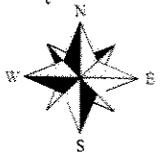
### PROFILE ALONG $\xi$ OF DAM & AUXILIARY SPILLWAY

POTOMAC VALLEY CONSERVATION DISTRICT  
 LOST RIVER SITE NO. 16  
 HARDY COUNTY, WEST VIRGINIA



**LEGEND**

- PERMANENT POOL BOUNDARY - EL. 1531.2  
TOTAL AREA = 46.6 ACRES
- PROJECT ACQUISITION BOUNDARY  
TOTAL AREA = 231.5 ACRES
- WETLAND DELINEATION BOUNDARY
- POTENTIAL BORROW AREA



**AREA OF WETLAND**

WETLAND	SQUARE FEET	ACRES
1	1,068,511.73	24.53
2	8,878.85	0.20
3	1,681.98	0.04
4	731.37	0.02
5	496.93	0.01
6	28,539.17	0.66
7	7,245.10	0.17
8	11,498.75	0.26
SUBTOTAL	1,126,753.22	25.87
WATER SURFACE	-9,480.16	-0.22
TOTAL	1,117,273.06	25.65



LOST RIVER SUB-WATERSHED  
OF THE POTOMAC RIVER WATERSHED PROJECT  
MULTIPLE PURPOSE DAM NO. 16  
HARDY COUNTY, WEST VIRGINIA

PROJECT MAP WITH WETLANDS  
AND POTENTIAL BORROW AREAS