



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. 2009-827

Date: July 28, 2011

Notice No. 11-28

Closing Date: August 29, 2011

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: West Virginia Conservation Agency
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0193
3. LOCATION: Farmington, Marion County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to extend a previously authorized box culvert consisting of several 10 feet wide by 5 feet tall segments an additional 175 linear feet. The initial authorization under Nationwide Permit 39 authorized the culverting of 275 linear feet of Little Laurel Run within the town of Farmington for the purpose of providing parking for a proposed senior citizen residence. The current proposal would extend the box culvert an additional 175 linear feet, enclosing the remaining downstream portion of Little Laurel Run to the point it flows into Buffalo Creek. The applicant's stated purpose for the additional culverting is to protect the confluence area from erosion. Mitigation was required for the original authorization which consisted of bank regrading and in-stream structures placed over a reach of approximately 750 linear feet of Buffalo Creek. The mitigation has been constructed and is functioning as designed. Additional mitigation is not proposed for the modification. Drawings of the proposed modifications 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
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. 11-28

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

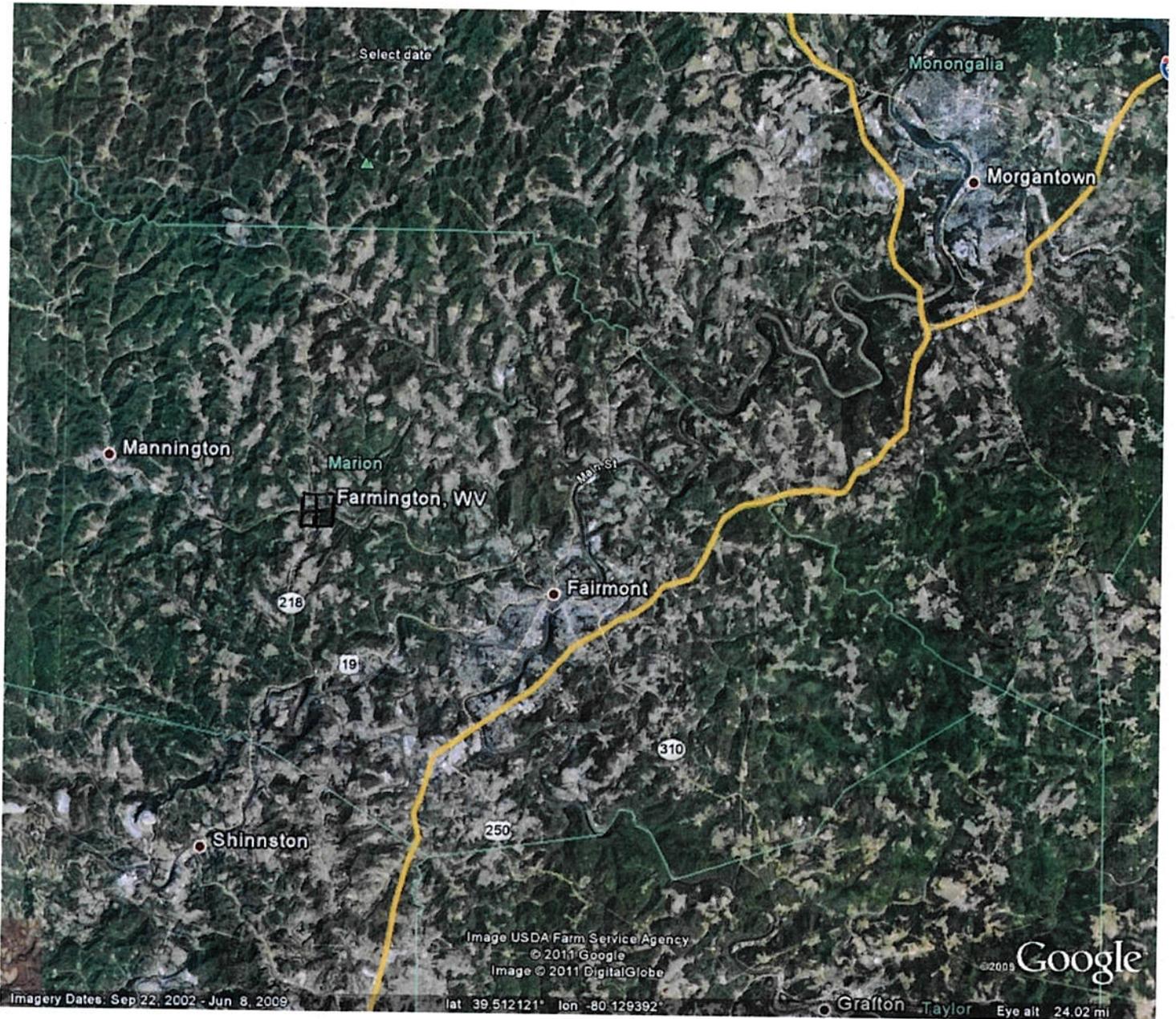
issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of 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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at jared.n.pritts@usace.army.mil Please refer to CELRP-OP-F 2009-827 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

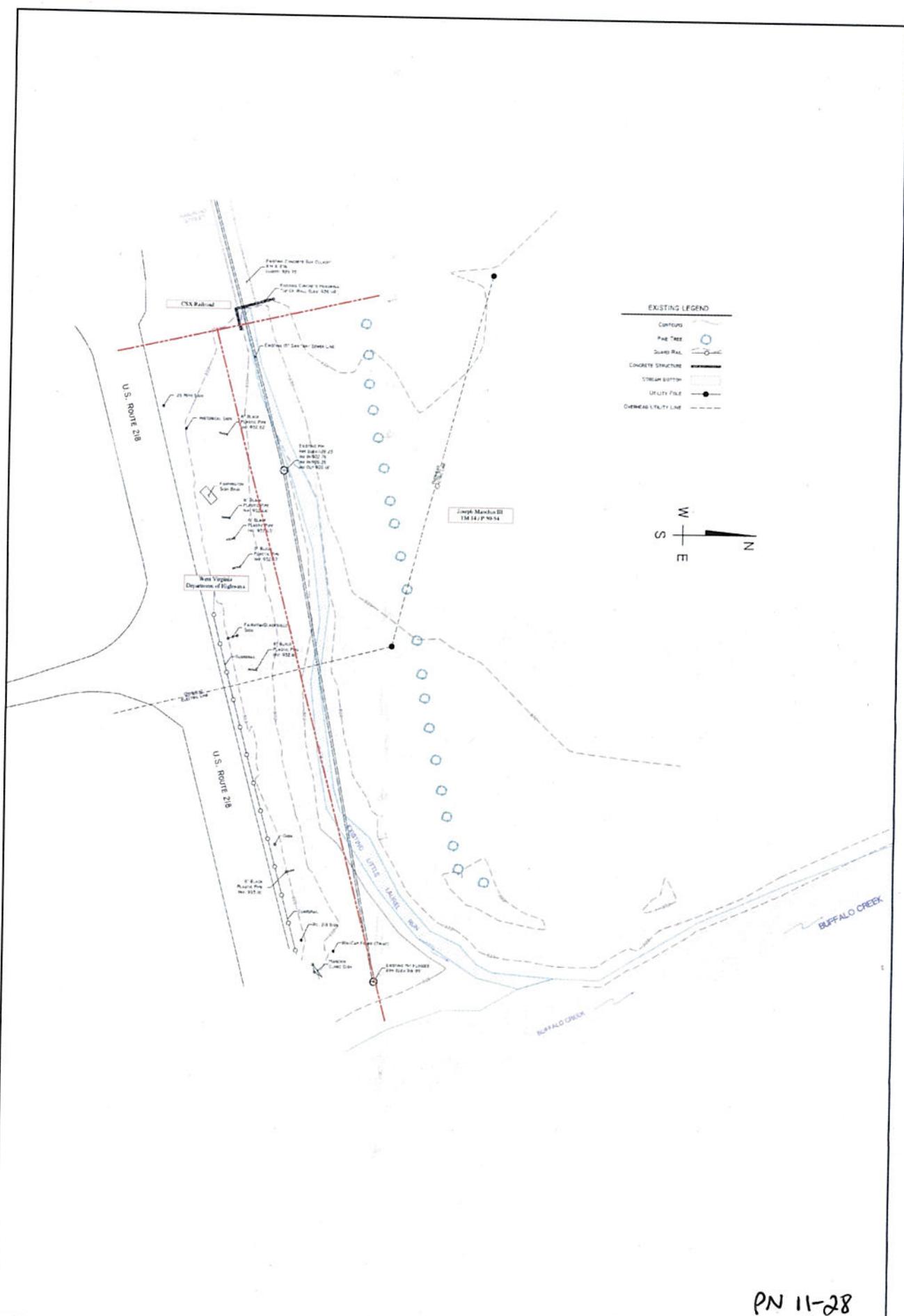
Mark Gronceski
Acting Chief, Southern Section
Regulatory Branch



PN 11-28



PN 11-28



- EXISTING LEGEND**
- CONTOUR
 - PINE TREE
 - SHED PAL
 - CONCRETE STRUCTURE
 - STREAM BOTTOM
 - UTILITY POLE
 - OVERHEAD UTILITY LINE



PN 11-28

CTL ENGINEERING OF WEST VIRGINIA, INC.

133 Farmhand Road
Martinsburg, WV 26040
Phone: 304.270.0200
Fax: 304.270.9300

30 E STREET
COLUMBIANA, WV 25723
Phone: 304.326.4400
Fax: 304.326.4443

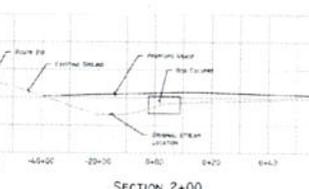
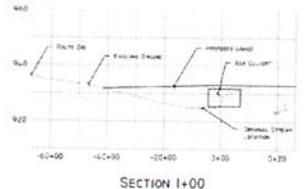
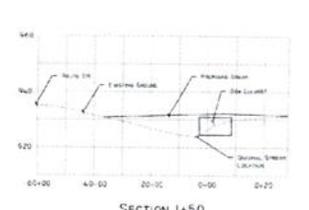
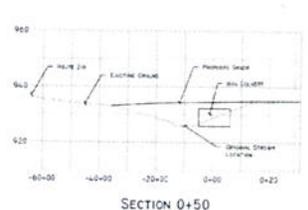
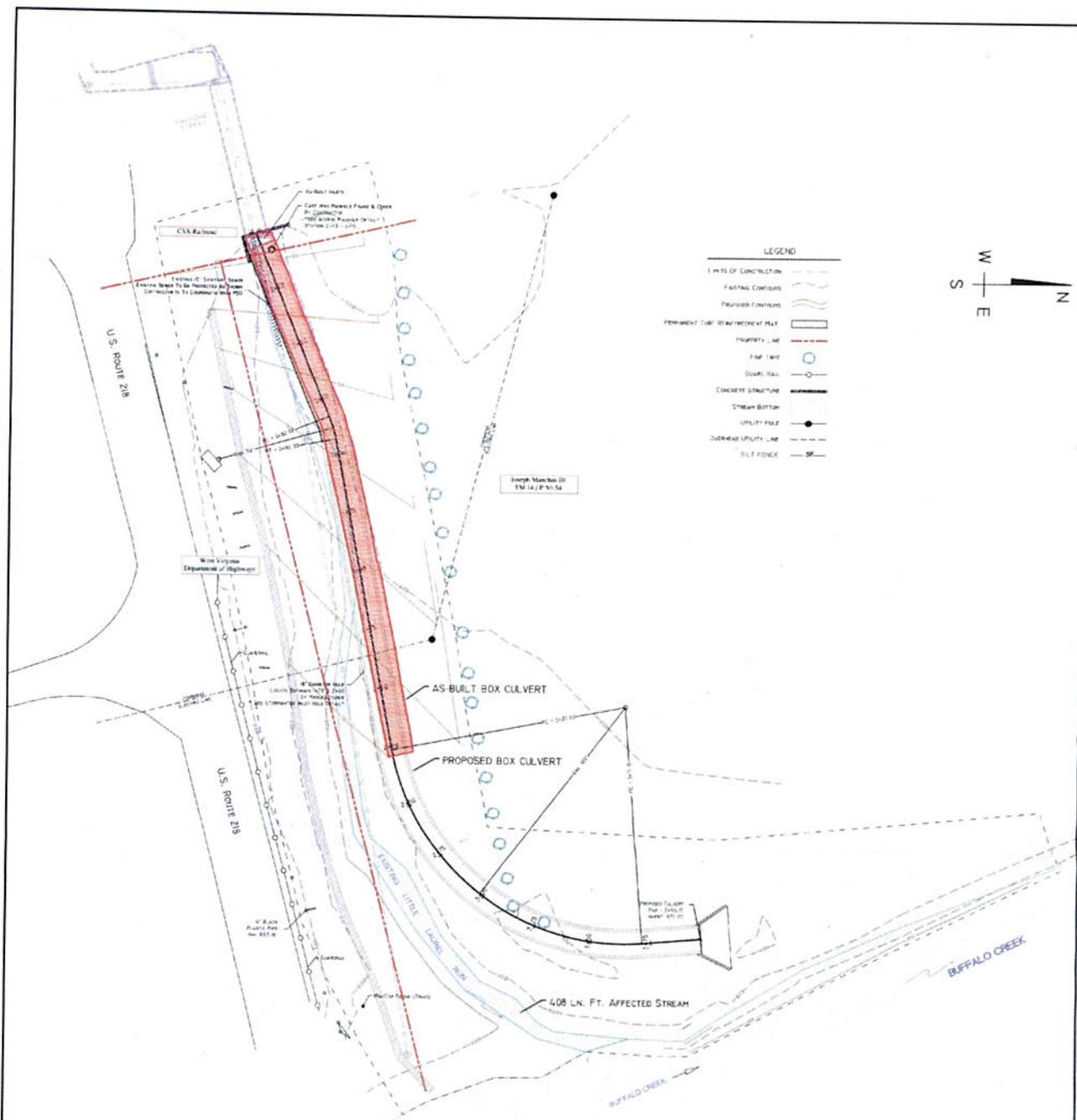
WE ARE A DIVISION OF SURVEYING & MAPPING
THE PROFESSIONAL ENGINEERING & ARCHITECTURE
DIVISION OF THE CORPORATION OF REGISTERED PROFESSIONALS

DATE	REVISIONS	
	DESCRIPTION	APPROVED

FARMINGTON BOX CULVERT PROJECT
 MONONGAHELA SOIL CONSERVATION DISTRICT
 20 SCOTT AVENUE - MORGANTOWN WV - 26505

Pre-EXISTING CONDITIONS MAP

DRAWN BY: D.J.W.
APPROVED BY: TAD
DATE: 05/15/2009
SCALE: 1"=20'
PROJECT NO: 08-00007403
1 / 3



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REVISED DRAWING 5-26-10

CTL ENGINEERING OF WEST VIRGINIA, INC.
 753 Parkway Road
 Morgantown, WV 26505
 PHONE: 304.241.5333
 FAX: 304.241.5334



REVISIONS		
DATE	DESCRIPTION	APPROVED
1/27/08	ADJUST LENGTH OF CULVERT	TAD
1/27/08	ADJUST LENGTH OF CULVERT	TAD
5/12/10	ADJUST LENGTH & LOCATION OF CULVERT	TAD

FARMINGTON BOX CULVERT PROJECT
 MONONGAHELA SOIL CONSERVATION DISTRICT
 201 SCOTT AVENUE MORGANTOWN, WV 26505

Site Plan

Drawn By: J.D.W.
Approved By: TAD
DATE: 05/26/2010
SCALE: 1"=20'
PROJECT NO: 08-00007MOR
2 / 3