

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. LRP-2019-0443

Date: April 23, 2019

Notice No. 19-33

Closing Date: May 23, 2019

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.
2. APPLICANT: Jim Dunfee
Murray American Energy, Inc.
43226 National Road
St. Clairsville, OH
3. LOCATION: Ohio River, left descending bank, Mile 110.85, near Cresap, Marshall County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to operate, use and maintain a barge unloading/loading facility on the Ohio River, left descending bank, Mile 110.85. The existing facility includes eleven river cells of which seven river cells will be used to create a harbor. Barge mooring will also take place within this barge unloading/loading facility. The applicant will be performing maintenance dredging at this existing facility to maintain sufficient depth (a minimum of 15 feet deep below the normal pool depth along the river cell line) to permit the unloading and loading of barges. Maintenance bridging shall consist of sand, silt, and/or debris. All dredges material will be disposed of in uplands. Drawings of the existing facility and proposed maintenance area are attached to this notice. American Electric Power was the previous permittee under LRP-1995-0006 for this facility and the adjacent land. A portion of LRP-1995-0006 will be transferred to Murray American Energy, Inc. with this permit application.
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. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. 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.

Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Mr. Brian Bridgewater, 401 Program Manager
Phone: 304-962-0499 ext. 1829
E-mail: Brian.L.Bridgewater@wv.gov

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, 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,

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Public Notice No. 19-33

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, comments can be mailed to:

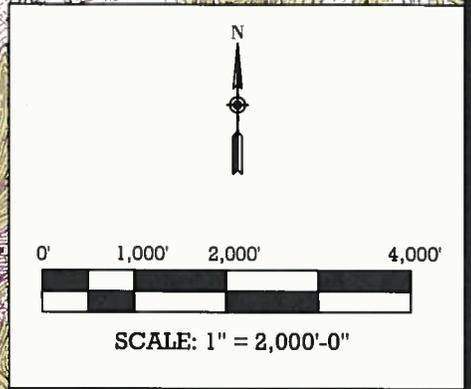
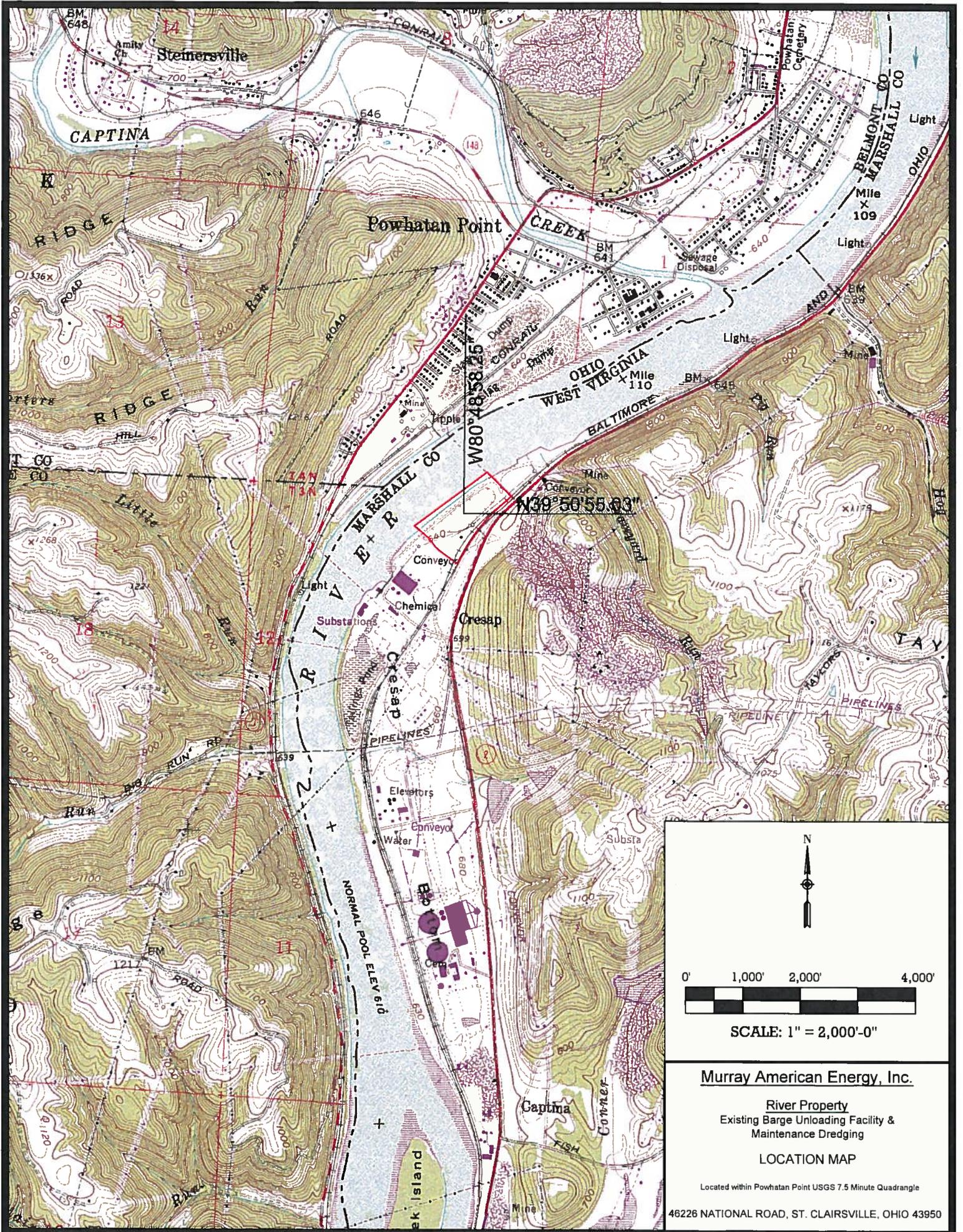
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-RG No. 19-33

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 Division, attn. Cassandra P. Forsyth at the above address, by telephoning (412) 395-7208, or by e-mail at Cassandra.P.Forsyth@usace.army.mil. Please refer to CELRP-RG 2019-0443 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//
Jared N. Pritts, For:

Jon T. Coleman
Acting Chief, Regulatory Division



Murray American Energy, Inc.

River Property
 Existing Barge Unloading Facility &
 Maintenance Dredging

LOCATION MAP

Located within Powhatan Point USGS 7.5 Minute Quadrangle

46226 NATIONAL ROAD, ST. CLAIRSVILLE, OHIO 43950

OHIO RIVER

Maintenance Dredging Area

Harbor

210'

Cell 11
16' Dia.

Cell 10
16' Dia.

Cell 9
19' Dia.

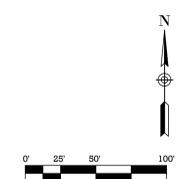
Cell 8
16' Dia.

Cell 7
16' Dia.

Cell 2
19' Dia.

Cell 1
19' Dia.

Existing Barge Unloading Facility
Cells 3, 4, 5, 6 - 26' Dia.



River Cells		
Designation	Size	Use
7, 8, 10, & 11	16 Foot Diameter	Mooring
1, 2 & 9	19 Foot Diameter	Mooring
3, 4, 5 & 6	26 Foot Diameter	Unloader Support

LEGEND

- Existing Paved Road
- Existing Unpaved Road
- Existing Structure
- Property Boundary

No.	Revision/Draftsman	Date
Murray American Energy, Inc.		
<small>4628 National Road St. Clairsville, OH 43980</small>		
<small>Phone: 740.338.3100 Fax: 740.338.3416</small>		
River Property		
<small>Existing Barge Unloading Facility and Maintenance Dredging Drawing No. 1</small>		
<small>Situated in Marshall County, WV, Franklin District, Ohio River, Mile 110.89</small>		
Date	Drawn By	Checked By
November 26, 2018	EWB	
Scale	1" = 50'	



OHIO RIVER

Maintenance Dredging Area

Harbor

210'

Cell 11
16' Dia.

Cell 10
16' Dia.

Cell 9
19' Dia.

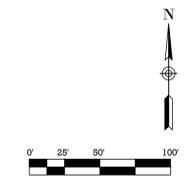
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Existing Barge Unloading Facility
Cells 3, 4, 5, 6 - 26' Dia.



No.	Revision/Draftsman	Date
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Murray American Energy, Inc.

4628 National Road
St. Clairsville, OH 43950
Phone: 740.338.3100 Fax: 740.338.3416

River Property
Existing Barge Unloading Facility and
Maintenance Dredging
Drawing No. 2

Situated in Marshall County, WV,
Franklin District,
Ohio River, Mile 110.00

River Cells		
Designation	Size	Use
7, 8, 10, & 11	16 Foot Diameter	Mooring
1, 2 & 9	19 Foot Diameter	Mooring
3, 4, 5 & 6	26 Foot Diameter	Unloader Support

LEGEND	
	Existing Paved Road
	Existing Unpaved Road
	Existing Structure
	Property Boundary

Date	November 26, 2018	Author/Revisor	
Scale	1" = 50'	Drawn By	EWB