



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. 2002-1006

Date: October 20, 2016

Notice No. 16-56

Closing Date: November 18, 2016

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:
Tri-State River Products
P.O. Box 218
Beaver, Pennsylvania 15009
3. LOCATION: Ohio River Montgomery Pool Mile 21.9 to 22.7 Both Banks, Mile 22.7 to 23.3 Right Descending Bank, and 26.2 to 27.92 Both Banks in Beaver County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to continue to commercially dredge sand and gravel from Ohio River Mile 22.3 to 22.7 Both Banks, 22.7 to 23.3 Right Descending Bank, and Mile 26.2 to 27.92 Both Banks to provide aggregate for construction projects conducted by multiple contractors in western Pennsylvania, eastern Ohio, and northern West Virginia in light of their current permit set to expire December 31, 2016. The ultimate use of the material is for highway and runway construction and maintenance, commercial and private construction, infrastructure repair and construction, and numerous other specialized purposes. Additionally a fish and mussel survey was received, in conjunction with the application, which proposes to dredge Mile 21.9 to 22.3 Both Banks as federally threatened and endangered species were not encountered. As mitigation for the proposed dredging impacts, the applicant is proposing to "set-aside" the entire Allegheny River and the Emsworth Pool of the Ohio River precluding impacts from their dredges. This mitigation is in addition to the deep hole-filling of historic dredge holes, which Tri-State has been doing, and is proposing to continue. A map depicting the proposed dredge area is attached to this Public Notice.
5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Southwest Regional Office
Waterways and Wetlands Section
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 including a Phase I and II mussel survey for Ohio River Mile 21.8 to 22.2 and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

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

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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).

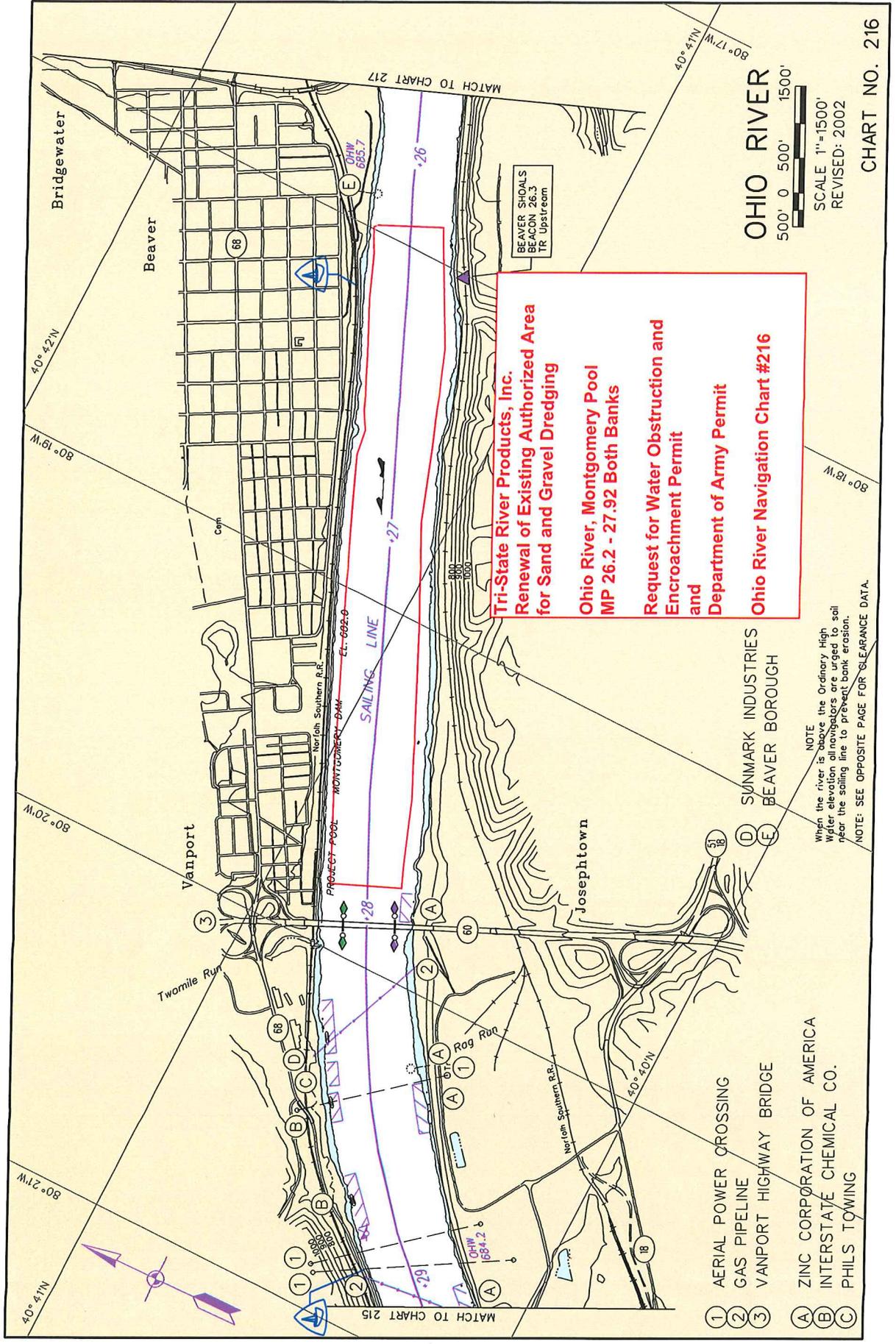
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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 Tyler Bintrim at the above address, by telephoning (412) 395-7115, or by e-mail at tyler.j.bintrim@usace.army.mil. Please refer to CELRP-OP-F 2002-1006 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

By Jon Coleman for:

Scott A. Hans
Chief, Regulatory Branch



Tri-State River Products, Inc.
Renewal of Existing Authorized Area
for Sand and Gravel Dredging

Ohio River, Montgomery Pool
MP 26.2 - 27.92 Both Banks

Request for Water Obstruction and
Encroachment Permit
and
Department of Army Permit

Ohio River Navigation Chart #216

OHIO RIVER
 500' 0 500' 1500'
 SCALE 1"=1500'
 REVISED: 2002
 CHART NO. 216

- ① AERIAL POWER CROSSING
- ② GAS PIPELINE
- ③ VANPORT HIGHWAY BRIDGE
- Ⓐ ZINC CORPORATION OF AMERICA
- Ⓑ INTERSTATE CHEMICAL CO.
- Ⓒ PHILS TOWING

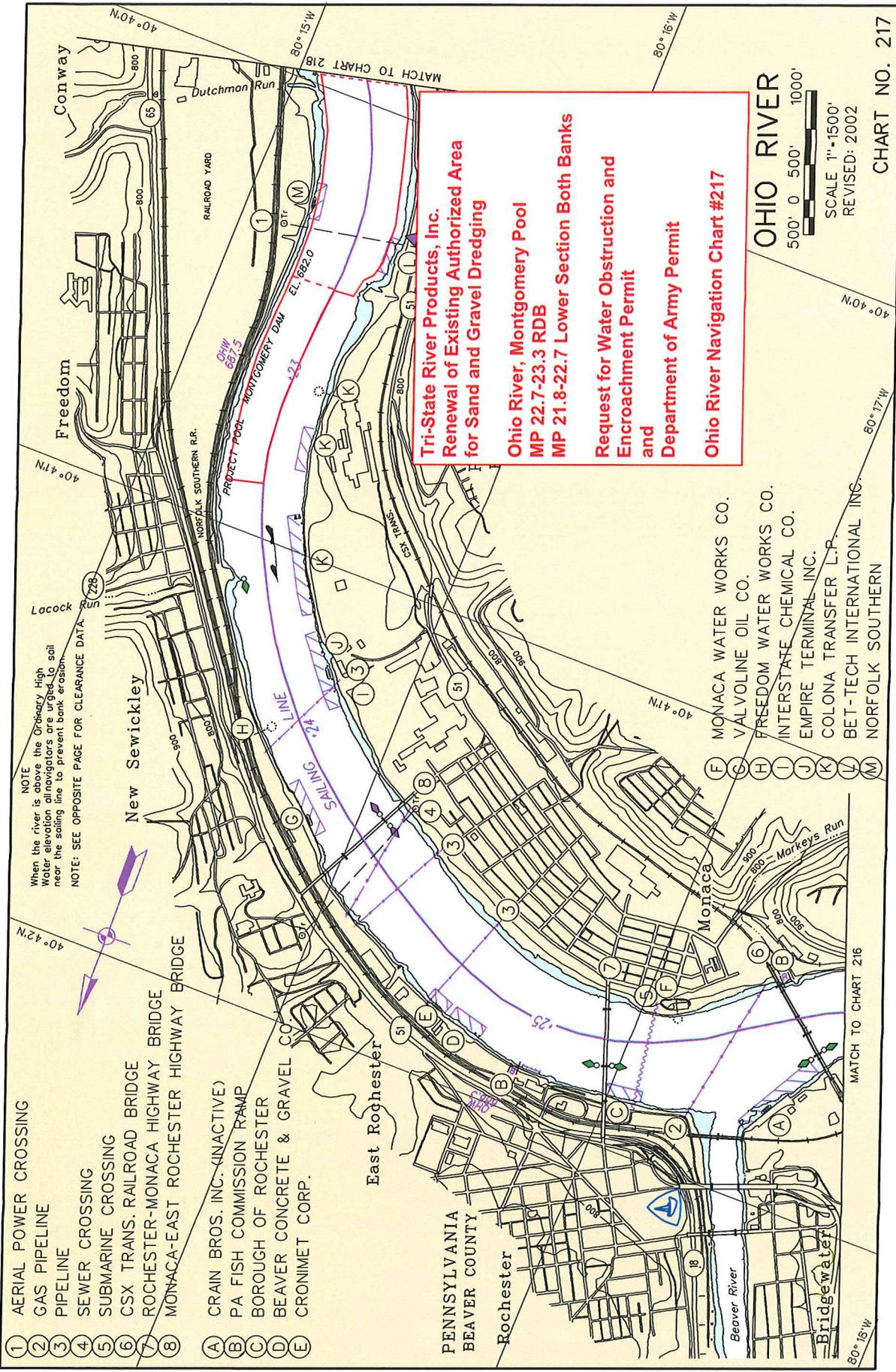
NOTE
 When the river is above the Ordinary High Water elevation all navigators are urged to soil near the sailing line to prevent bank erosion.
 NOTE: SEE OPPOSITE PAGE FOR CLEARANCE DATA.

SUNMARK INDUSTRIES
 BEAVER BOROUGH

Match to Chart 215 (bottom left), Match to Chart 217 (top right), 80° 19' W, 80° 20' W, 80° 21' W, 80° 18' W, 40° 41' N, 40° 42' N, 40° 43' N, 40° 44' N, 685.7, 684.2, 682.9, 681.0, 680.0, 679.0, 678.0, 677.0, 676.0, 675.0, 674.0, 673.0, 672.0, 671.0, 670.0, 669.0, 668.0, 667.0, 666.0, 665.0, 664.0, 663.0, 662.0, 661.0, 660.0, 659.0, 658.0, 657.0, 656.0, 655.0, 654.0, 653.0, 652.0, 651.0, 650.0, 649.0, 648.0, 647.0, 646.0, 645.0, 644.0, 643.0, 642.0, 641.0, 640.0, 639.0, 638.0, 637.0, 636.0, 635.0, 634.0, 633.0, 632.0, 631.0, 630.0, 629.0, 628.0, 627.0, 626.0, 625.0, 624.0, 623.0, 622.0, 621.0, 620.0, 619.0, 618.0, 617.0, 616.0, 615.0, 614.0, 613.0, 612.0, 611.0, 610.0, 609.0, 608.0, 607.0, 606.0, 605.0, 604.0, 603.0, 602.0, 601.0, 600.0, 599.0, 598.0, 597.0, 596.0, 595.0, 594.0, 593.0, 592.0, 591.0, 590.0, 589.0, 588.0, 587.0, 586.0, 585.0, 584.0, 583.0, 582.0, 581.0, 580.0, 579.0, 578.0, 577.0, 576.0, 575.0, 574.0, 573.0, 572.0, 571.0, 570.0, 569.0, 568.0, 567.0, 566.0, 565.0, 564.0, 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AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

- 1 AERIAL POWER CROSSING
- 2 GAS PIPELINE
- 3 PIPELINE
- 4 SEWER CROSSING
- 5 SUBMARINE CROSSING
- 6 CSX TRANS. RAILROAD BRIDGE
- 7 ROCHESTER-MONACA HIGHWAY BRIDGE
- 8 MONACA-EAST ROCHESTER HIGHWAY BRIDGE
- A CRAIN BROS. INC. (INACTIVE)
- B PA FISH COMMISSION RAMP
- C BOROUGH OF ROCHESTER
- D BEAVER CONCRETE & GRAVEL CO.
- E CRONIMET CORP.

NOTE
When the river is above the Ordinary High Water elevation all navigators are urged to sail near the sailing line to prevent bank erosion.
NOTE: SEE OPPOSITE PAGE FOR CLEARANCE DATA.



Tri-State River Products, Inc.
Renewal of Existing Authorized Area
for Sand and Gravel Dredging

Ohio River, Montgomery Pool
MP 22.7-23.3 RDB
MP 21.8-22.7 Lower Section Both Banks

Request for Water Obstruction and
Encroachment Permit
and
Department of Army Permit

Ohio River Navigation Chart #217

- F MONACA WATER WORKS CO.
- G VALVOLINE OIL CO.
- H FREEDOM WATER WORKS CO.
- I INTERSTATE CHEMICAL CO.
- J EMPIRE TERMINAL INC.
- K COLONA TRANSFER L.P.
- L BET-TECH INTERNATIONAL INC.
- M NORFOLK SOUTHERN

OHIO RIVER
 500' 0 500' 1000'
 SCALE 1"=1500'
 REVISED: 2002

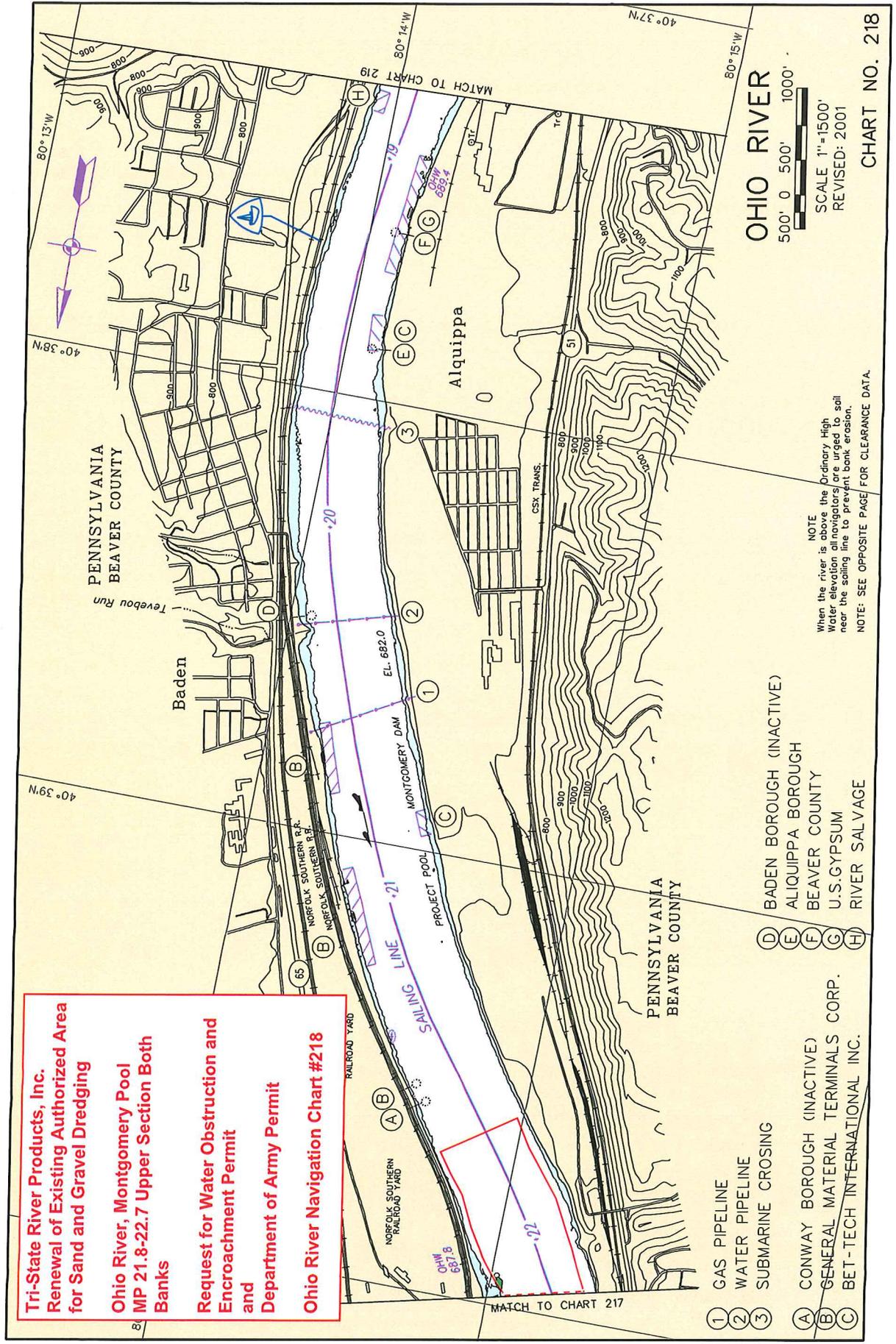
CHART NO. 217

**Tri-State River Products, Inc.
Renewal of Existing Authorized Area
for Sand and Gravel Dredging**

**Ohio River, Montgomery Pool
MP 21.8-22.7 Upper Section Both
Banks**

**Request for Water Obstruction and
Encroachment Permit
and
Department of Army Permit**

Ohio River Navigation Chart #218



- (1) GAS PIPELINE
- (2) WATER PIPELINE
- (3) SUBMARINE CROSSING
- (A) CONWAY BOROUGH (INACTIVE)
- (B) GENERAL MATERIAL TERMINALS CORP.
- (C) BET-TECH INTERNATIONAL INC.
- (D) BADEN BOROUGH (INACTIVE)
- (E) ALIQUIPPA BOROUGH
- (F) BEAVER COUNTY
- (G) U.S.GYPSUM
- (H) RIVER SALVAGE

NOTE
When the river is above the Ordinary High
Water elevation all navigators are urged to sell
near the selling line to prevent bank erosion.
NOTE: SEE OPPOSITE PAGE FOR CLEARANCE DATA.

OHIO RIVER
500' 0 500' 1000'

SCALE 1"=1500'
REVISED: 2001

CHART NO. 218