



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. 2011-1499

Date: November 3, 2016

Notice No. 16-59

Closing Date: December 5, 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 404 of the Clean Water Act.
2. APPLICANT: Kentucky Power Company
c/o American Electric Power
1 Riverside Plaza, 22nd Floor
Columbus, OH 43215
3. LOCATION: Taylors Ridge Road, Proctor, West Virginia (Lat: 39.831397°N, Long: 80.770387°W)
4. PURPOSE AND DESCRIPTION OF WORK: The current landfill is used to dispose of coal combustion by products from the Mitchell Power Plant and is projected to reach its capacity in 2019. The applicant proposes to expand the existing Mitchell Landfill facility boundary as part of the construction of Phases 3 and 4, which entails removal of approximately 500,000 cubic yards of excess soil and rock from the landfill and disposing within the proposed Expansion Area, and to later harvest overburden soil from the Expansion Area for use as cover material at the landfill. The expansion will require the clearing and grading of an approximately 21.51-acre footprint. This earth works will include the installation of 6-inch high density polyethylene perforated underdrains in approximately 3,023 linear feet of headwater ephemeral and intermittent streams, followed by the placement of approximately 16,834 cubic yards of earthen material on top the stream channels. The project will also involve the placement of 994 cubic yards of earthen material on top of 0.025 acre of palustrine emergent wetlands at the landfill site and 0.026 acre of palustrine emergent wetland will be impacted at the proposed mitigation site.

The applicant proposes to mitigate for the loss of stream and wetland by constructing permittee responsible mitigation at a site located in Wetzel County in the Fishing Creek watershed (HUC#050302010206), a tributary to the Ohio River. The mitigation area is located within the Middle Ohio North service area (HUC #05030201), which is adjacent to the Upper Ohio South service area (HUC #05030101) where the Mitchell Site impacts are located. Using the West Virginia Stream and Wetland Valuation Metric (WVSWVM) the 3,023 linear feet of stream loss total 2,779.6 functional unit debits and the 0.051 acre of wetland impact total 0.105 functional unit debits. The stream debits are to be compensated for by creating, restoring, and preserving 19,077 linear feet of perennial, intermittent, and ephemeral streams, totaling

2,784.18 functional unit credits. The wetlands debits are to be compensated for by creating and preserving 0.204 acres of wetlands, totaling 0.250 functional unit credits.

Some drawings of the proposed work are attached to this notice. Additional drawings and information is available upon request.

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:

Ms. Wilma Reip, 401 Program Manager
Phone: 304-962-0499 ext. 1599
E-mail: Wilma.reip@wv.gov

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information 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. In a letter from the U.S. Fish and Wildlife Service, dated February 24, 2016, for FWS file number 2011-TA-0276, an Indiana bat conservation plan was approved for impacts at the Mitchell Landfill site. In a U.S. Fish and Wildlife Service letter dated March 3, 2016 for FWS file number 2016-I-0395 a may affect, not likely to adversely affect determination was made for the mitigation site. 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 for the impact site and mitigation site 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. A letter from West Virginia Culture and History (FR# 16-37-MR) dated November 3, 2015 stated that no archeological or historic properties are present. 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, comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 16-59

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

CELRP-OP-F
Public Notice No. 16-59

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 2011-1499 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Jon T. Coleman for

Scott A. Hans

Chief, Regulatory Branch



P:\2011\110-416-GIS\Maps\Task 7515\110-416.7515 Figure 3.mxd - 12/17/2015 - 5:57:50 PM (elehmann)

Legend

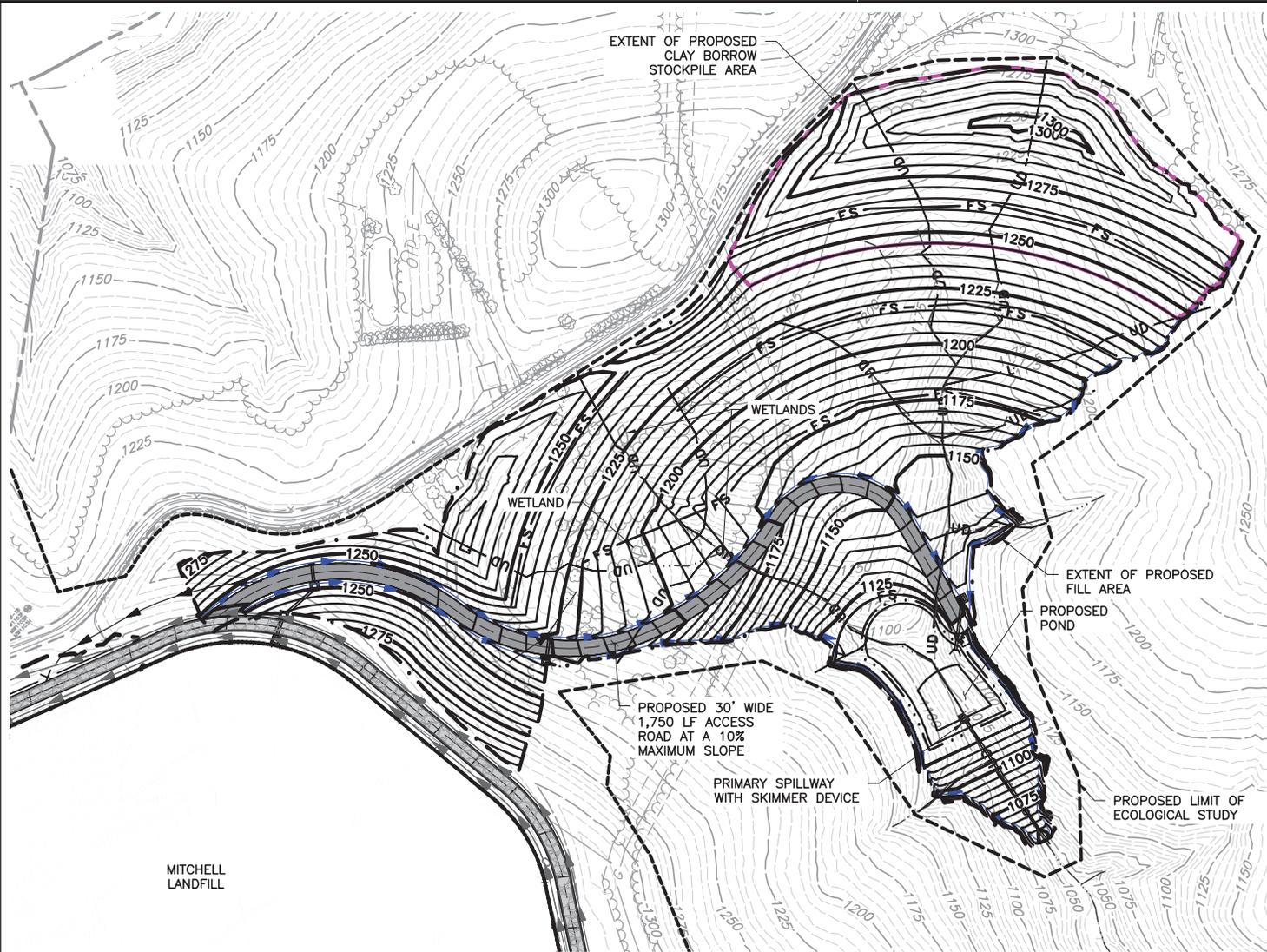
- Alternative 1
- Alternative 2
- Alternative 3 (Preferred Alternative)
- Alternative 4 (Proposed Expansion Area)
- Existing Mitchell Landfill Limits of Disturbance
- Wetland - Delineated
- NWI Wetlands
- Hydric Soils
- Intermittent Stream - Delineated
- Ephemeral Stream - Delineated
- Estimated Stream Alignment
- Surveyed Potential Roost Tree
- Forested Areas



SOURCE: ESRI WORLD IMAGERY / ARCGIS MAP SERVICE: [HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_IMAGERY](http://gto.arcgis.com/maps/world_imagery), ACCESSED 12/17/2015.

		AMERICAN ELECTRIC POWER MITCHELL LANDFILL EXCESS SOIL DISPOSAL AREA MARSHALL COUNTY, WEST VIRGINIA	
Civil & Environmental Consultants, Inc. 5899 Montclair Boulevard - Cincinnati, OH 45150 513-985-0226 - 800-759-5614 www.cecinc.com		ON-SITE ALTERNATIVES & NATURAL RESOURCES MAP	
DRAWN BY: ACL DATE: DECEMBER 17, 2015	CHECKED BY: RJB DWG SCALE: 1" = 750'	APPROVED BY: JHW* PROJECT NO: 110-416.7515	FIGURE NO: 3 Signature on File *

P:\2011\110-4161-CADD\DWG\Excess Soil Disposal\Option 1B Grading Revised.dwg\Full OPTION 1B LS(1/19/2016 - ekshinke) - LP: 1/19/2016 11:01 AM



DESIGN SUMMARY:

EXCESS SOIL/ROCK FILL CAPACITY = 583,000 CY
 CLAY BORROW VOLUME = 426,000 CY
 MAXIMUM AREA OF DISTURBANCE = 26.39 AC
 OVERLAP WITH PERMITTED BOUNDARY = 4.88 AC
 NEW PROPOSED DISTURBANCE = 21.51 AC
 DELINEATED STREAM IMPACT = 3,023 FT
 DELINEATED WETLAND IMPACT = 0.025 AC

LEGEND

	630	EX. INDEX CONTOUR
	629	EX. INTERMEDIATE CONTOUR
		EX. STREAM LINE
	630	PROPOSED INDEX CONTOUR
	629	PROPOSED INTERMEDIATE CONTOUR
		PROPOSED STORM SEWER
		PROPOSED DRAINAGE DITCH
		PROPOSED LIMIT OF ECOLOGICAL STUDY
		PROPOSED GRADING LIMITS
		PROPOSED POND
	-23.76%	PROPOSED CLAY STOCKPILE LIMIT
		PROPOSED HAUL ROAD



CEC
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 www.cecinc.com

AMERICAN ELECTRIC POWER
 MITCHELL LANDFILL
 EXCESS SOIL DISPOSAL AREA

ALTERNATIVE 4 - PROPOSED ALTERNATIVE

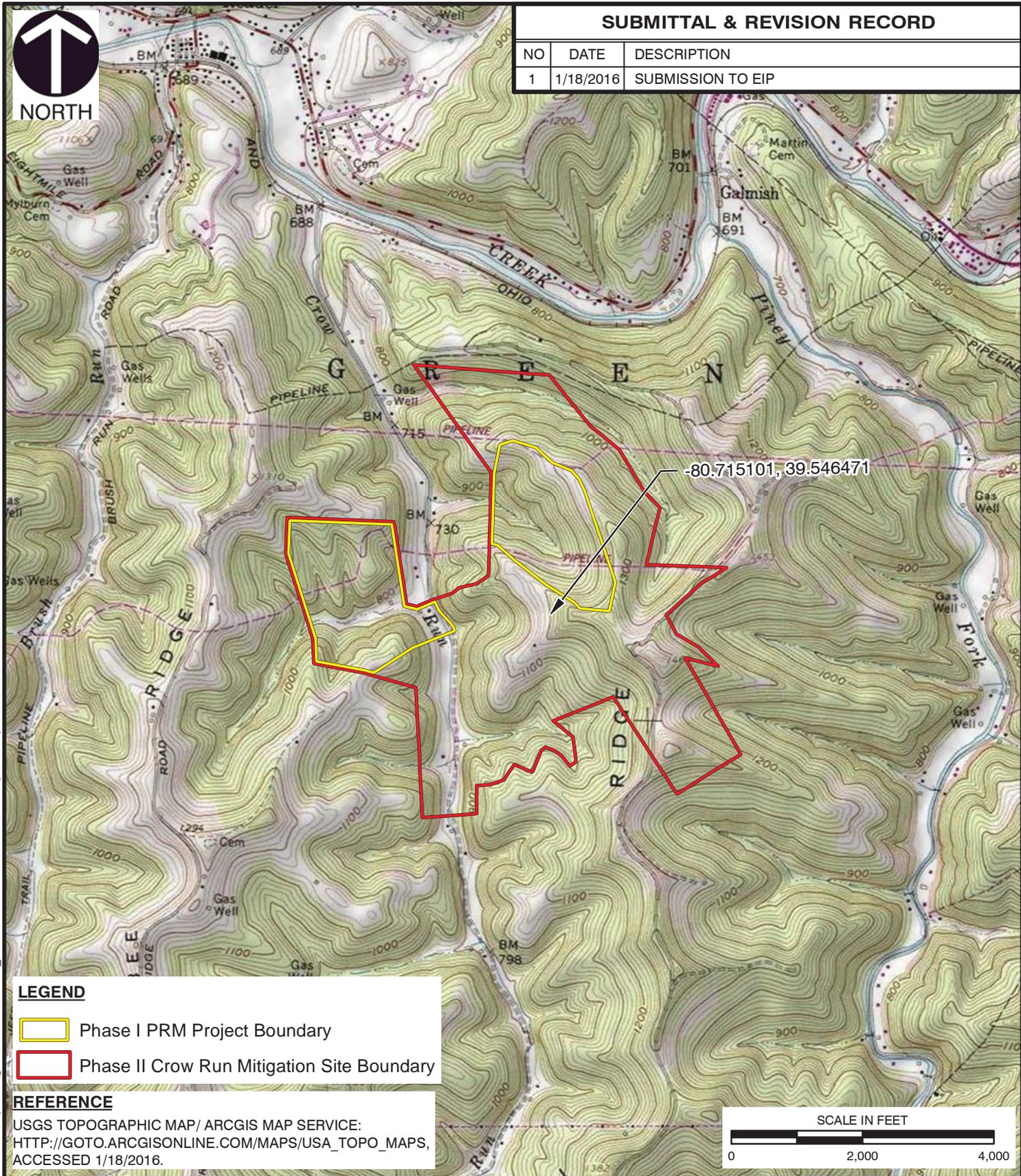
DRAWN BY: EGK	CHECKED BY: MTF	APPROVED BY: * APA	FIGURE NO.: 4D
DATE: NOVEMBER, 2015	DWG SCALE: 1"=200'	PROJECT NO: 110-416	

* HAND SIGNATURE ON FILE



SUBMITTAL & REVISION RECORD

NO	DATE	DESCRIPTION
1	1/18/2016	SUBMISSION TO EIP



LEGEND

- Phase I PRM Project Boundary
- Phase II Crow Run Mitigation Site Boundary

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS](http://goto.arcgisonline.com/maps/usa_topo_maps),
 ACCESSED 1/18/2016.



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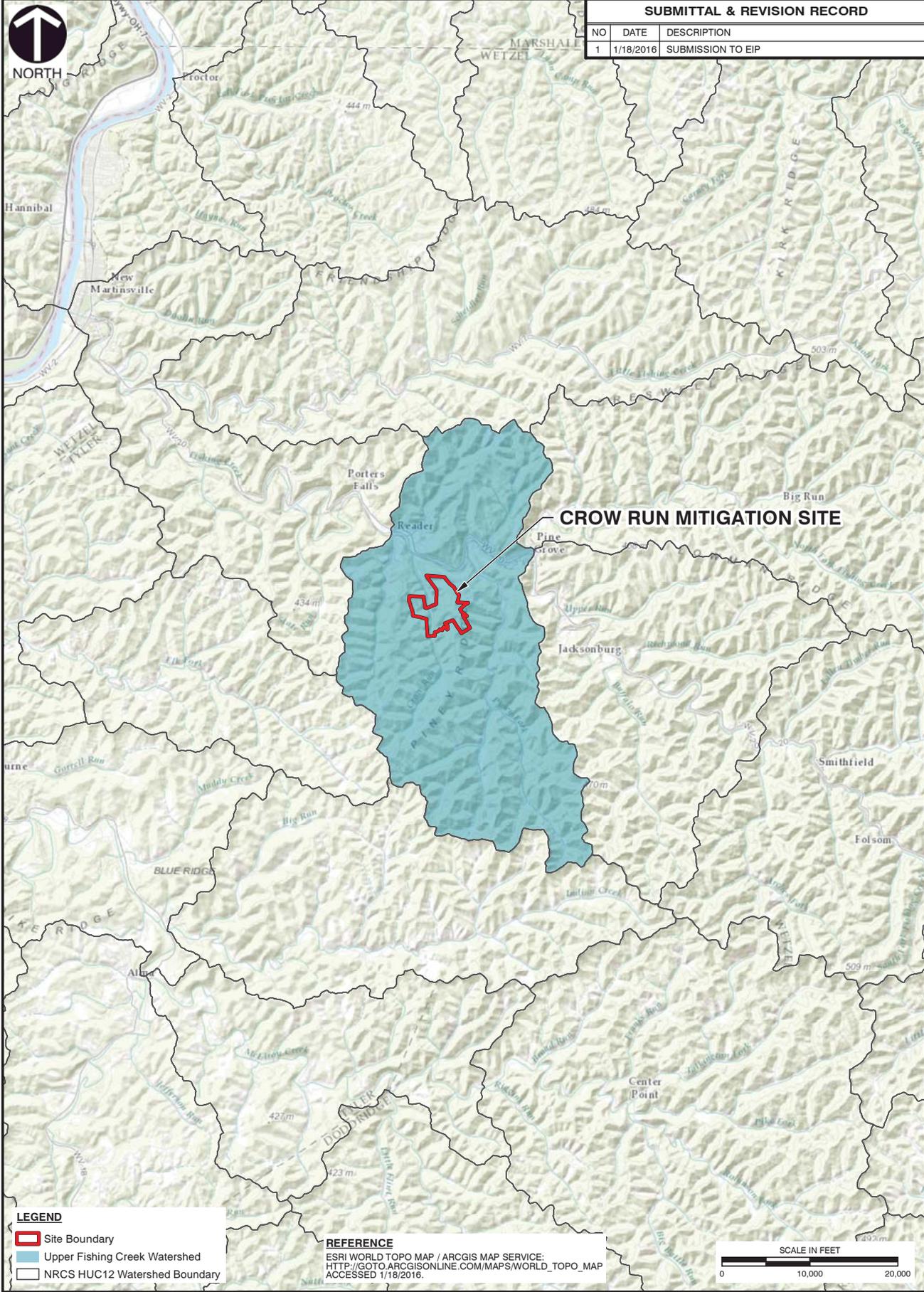
ECOSYSTEM INVESTMENT PARTNERS, LLC
 CROW RUN MITIGATION SITE
 WETZEL COUNTY, WEST VIRGINIA

SITE LOCATION MAP

DRAWN BY:	NJH	CHECKED BY:	RAE	APPROVED BY: * Hand signature on file	MRH*	FIGURE NO:	1
DATE:	1/18/2016	SCALE:	1" = 2,000'	PROJECT NO:	153-329		

I:\svr-bridgeport\projects\2015\153-329-GIS\Maps\Mitigation Plan\153329_FIG1.mxd 1/18/2016 11:20 AM (nhetrick)

SUBMITTAL & REVISION RECORD		
NO	DATE	DESCRIPTION
1	1/18/2016	SUBMISSION TO EIP



LEGEND
 Site Boundary
 Upper Fishing Creek Watershed
 NRCS HUC12 Watershed Boundary

REFERENCE
 ESRI WORLD TOPO MAP / ARCGIS MAP SERVICE:
[HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_TOPO_MAP](http://gto.arcgis.com/arcgisonline/maps/world_topo_map)
 ACCESSED 1/18/2016.




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ECOSYSTEM INVESTMENT PARTNERS, LLC
 CROW RUN MITIGATION SITE
 WETZEL COUNTY, WEST VIRGINIA

WATERSHED LOCATION MAP

DRAWN BY: NUH	CHECKED BY: RAE	APPROVED BY: * Hand signature MRH*	FIGURE NO: 2
DATE: 1/18/2016	SCALE: 1" = 10,000'	PROJECT NO: 153-329	

