

# 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. 2011-2068

Date: April 12, 2017

Notice No. 17-22

Closing Date: May 12, 2017

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: Jean Conley  
Monongahela Conservation District  
201 Scott Avenue  
Morgantown, WV 26506
3. LOCATION: Upper Deckers Dam Site 1, Preston County, West Virginia (39° 30' 5"N, 79° 50' 25"W)
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to rehabilitate the Upper Deckers Creek Dam Site 1 to bring the current structure into compliance with current Natural Resource Conservation Service (NRCS) criteria. Approximately 50,865 cubic yards of material will be excavated from the work areas over the course of the project. Excavated material will be used to plug the existing auxiliary spillway and spread along the downstream slope and toe of the embankment. Any excess material will be spoiled on site. The portion of the existing riser that remains after initial demolition will be backfilled with approximately 140 cubic yards of concrete. The new riser intake structure will be constructed of approximately 290 cubic yards of reinforced concrete. Construction of the structural stepped auxiliary spillway shall be completed using approximately 17,725 yards of roller compacted concrete. Approximately 700 cubic yards of rock riprap will be placed along both banks of the primary spillway outlet channel to protect against erosion and scour. As part of these upgrades the normal pool level will be increased from 1725.1 feet to 1736.0 feet. This will result in the conversion of 2.99 acre of palustrine scrub shrub (PSS) to open water and 2,528 linear feet stream converted to open water.

In order to compensate for the loss of 2,528 linear feet of Deckers Creek and unnamed tributaries and 2.99 acres of PSS wetland, it is proposed to perform stream restoration activities on two separate reaches located within the Deckers Creek watershed. In addition to stream restoration, wetlands will be created in appropriate areas adjacent to the proposed normal pool elevation and along the stream corridor of one of the stream mitigation sites. Additionally, 0.2 acres of existing wetlands and 3,502 linear feet of stream will be preserved through permanent easements. These preservation areas are located to the west and northwest of the dam.

Drawings of the proposed project 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. 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 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, 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. 17-22

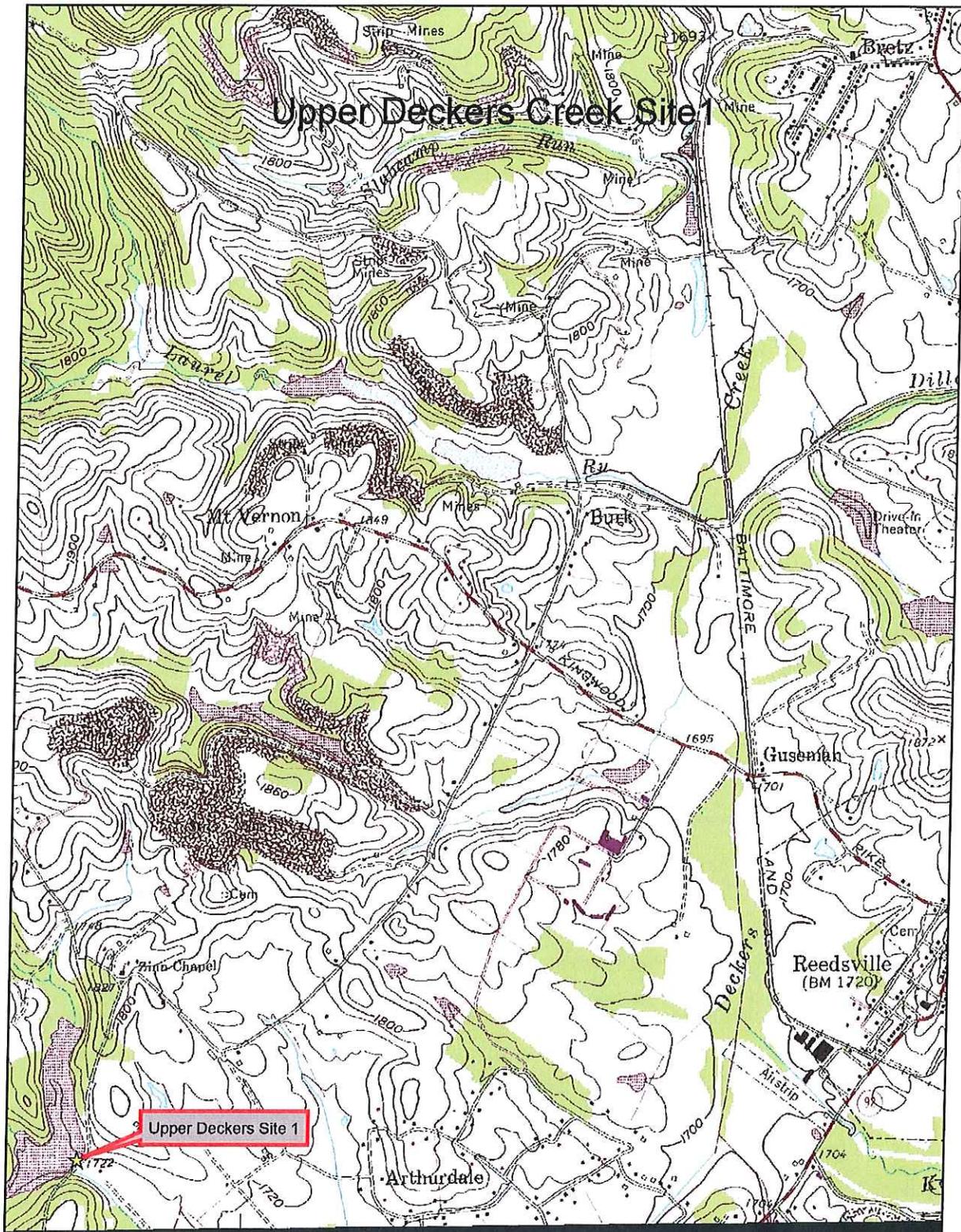
Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn. Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at [jared.n.pritts@usace.army.mil](mailto:jared.n.pritts@usace.army.mil) Please refer to CELRP-OP-F 2011-2068 in all responses.

FOR THE DISTRICT ENGINEER:

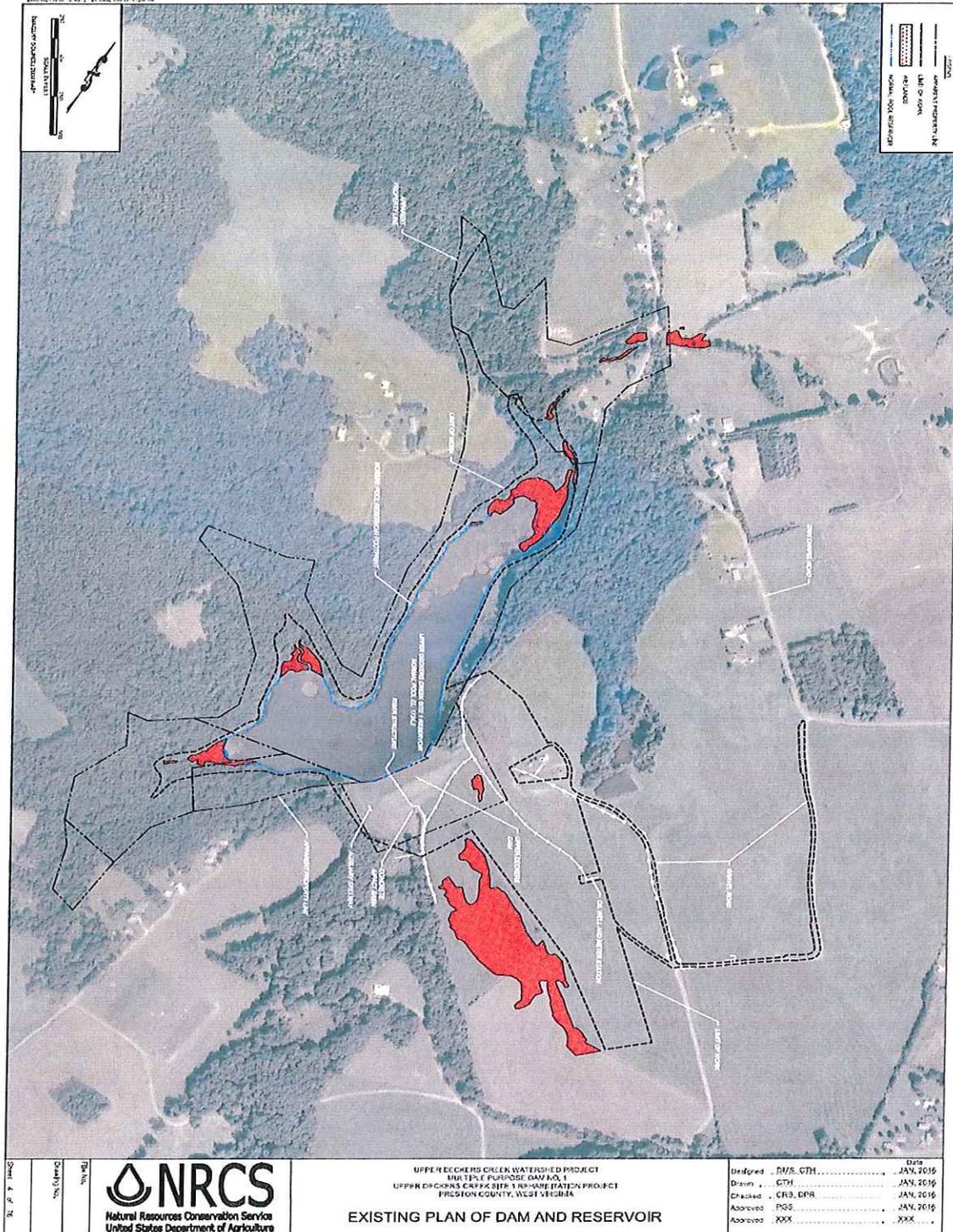
//Jon T. Coleman// for

Scott A. Hans  
Chief, Regulatory Branch

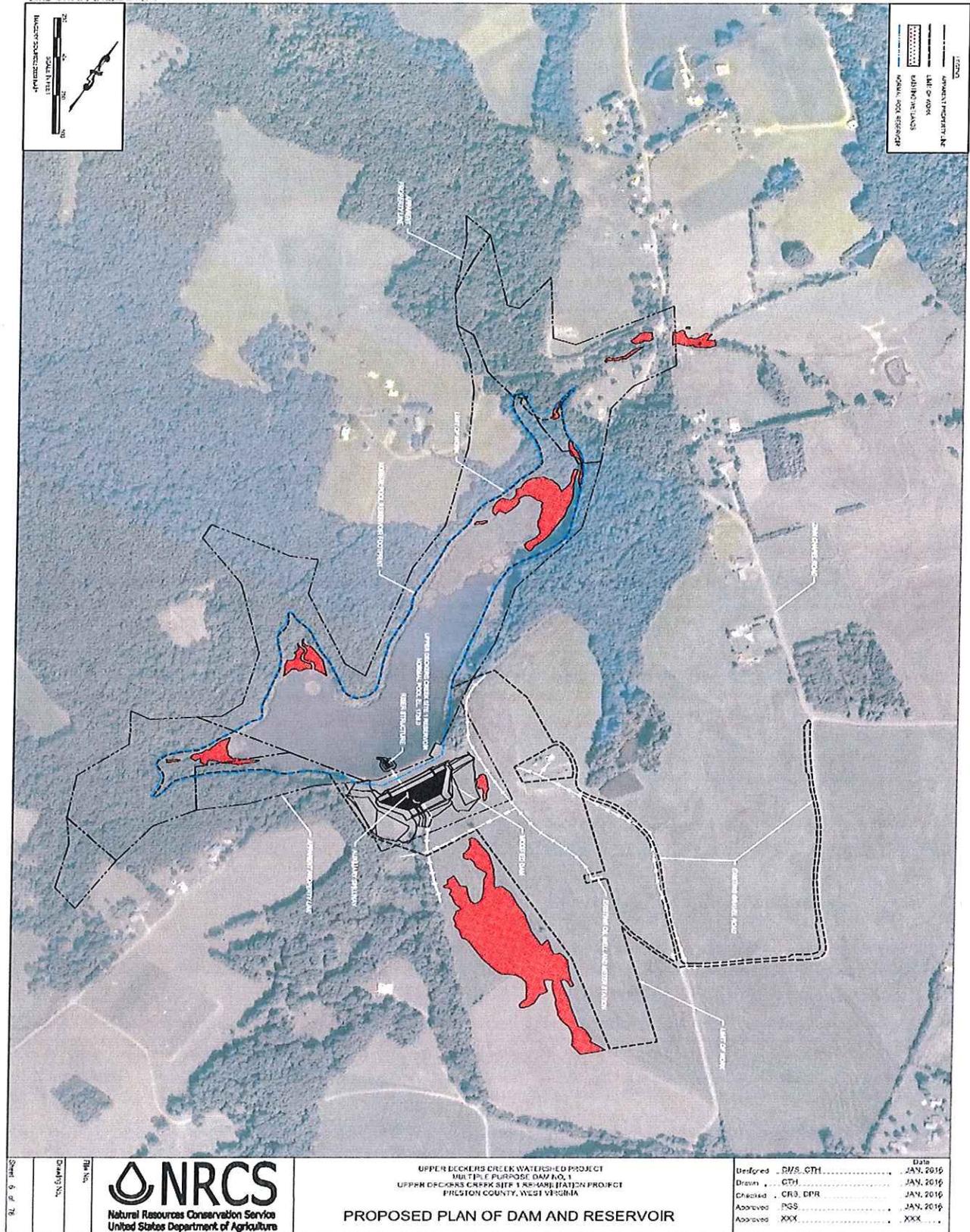
**Exhibit 1: Vicinity Map**



## Exhibit 2: Existing Planview of Dam



**Exhibit 3: Proposed Planview of dam**



Sheet 5 of 78

DATE: 1/16/16  
DRAWN BY: CR3  
CHECKED BY: CR3, DPR  
APPROVED BY: PGS  
APPROVED BY: XXX



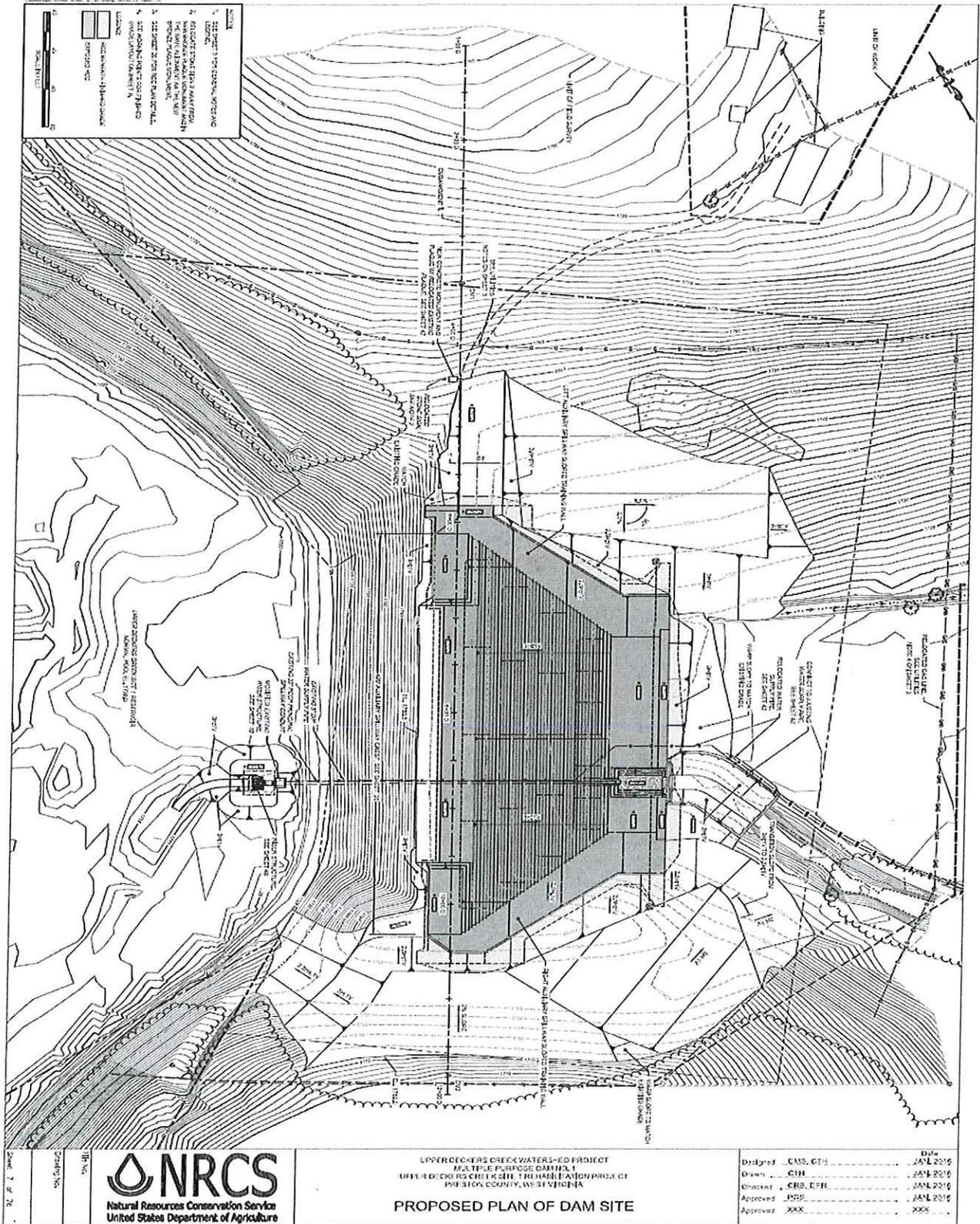
UPPER ECKERS CREEK WATERSHED PROJECT  
MULTIPLE PURPOSE DAM NO. 1  
UPPER ECKERS CREEK SITE 1 (NS-546) HAYEN PROJECT  
FISLION COUNTY, WEST VIRGINIA

**PROPOSED PLAN OF DAM AND RESERVOIR**

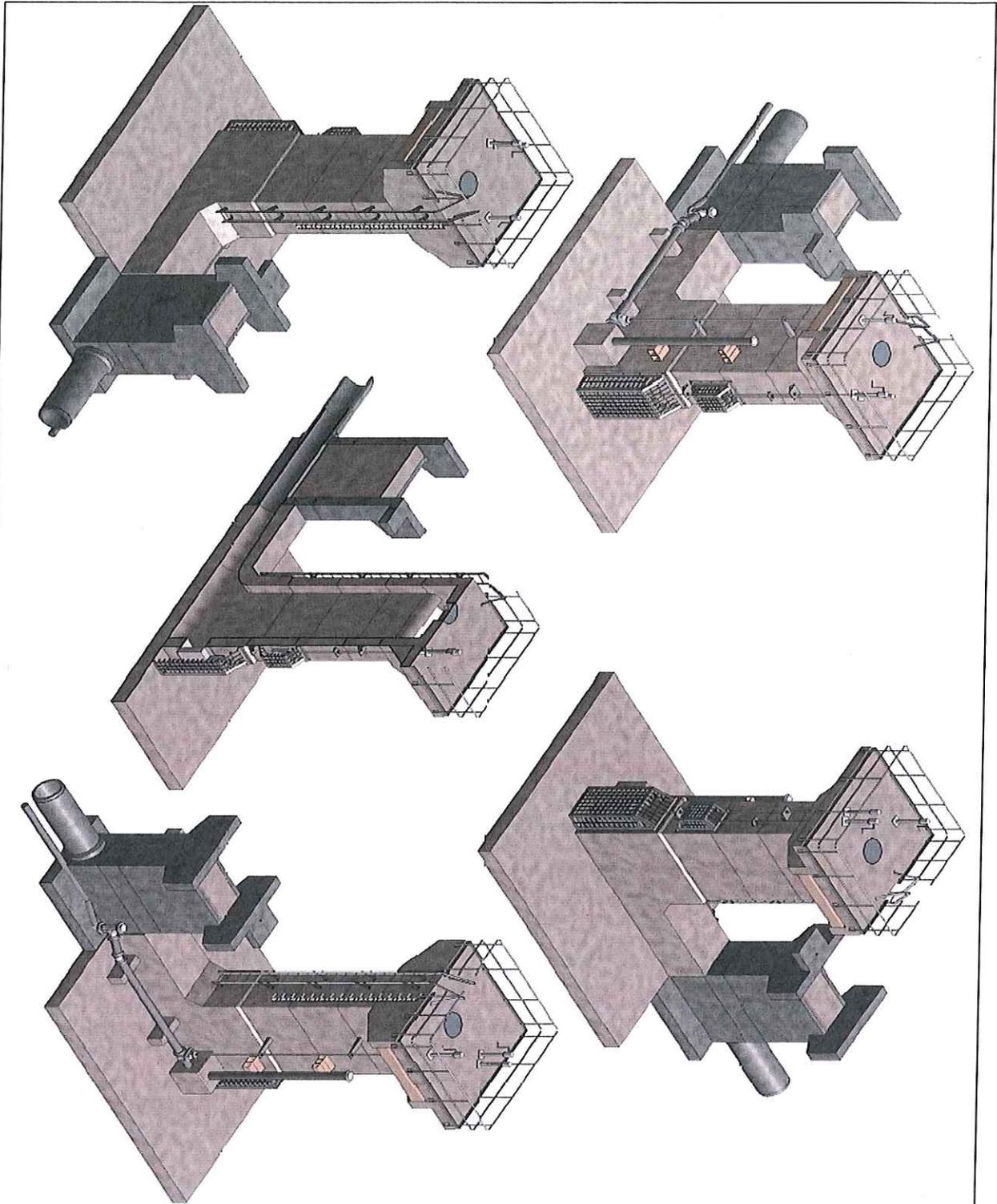
Reviewed	DATE	DATE
Drawn	DVS, GTH	JAN, 2016
Checked	CR3, DPR	JAN, 2016
Approved	PGS	JAN, 2016
Approved	XXX	XXX



**Exhibit 5: Proposed Plan of Dam**



**Exhibit 6: Riser Illustrations**



DATE: 10/15/03  
 DRAWN BY: C.B.  
 CHECKED BY: J.C.  
 APPROVED BY: J.C.  
 APP. NO. 001



UPPER DECKERS CREEK WATERSHED PROJECT  
 MULTIPLE PURPOSE DAM NO. 1  
 UPPER DECKERS CREEK SITE REMEDIATION PROJECT  
 PRESTON COUNTY, WEST VIRGINIA

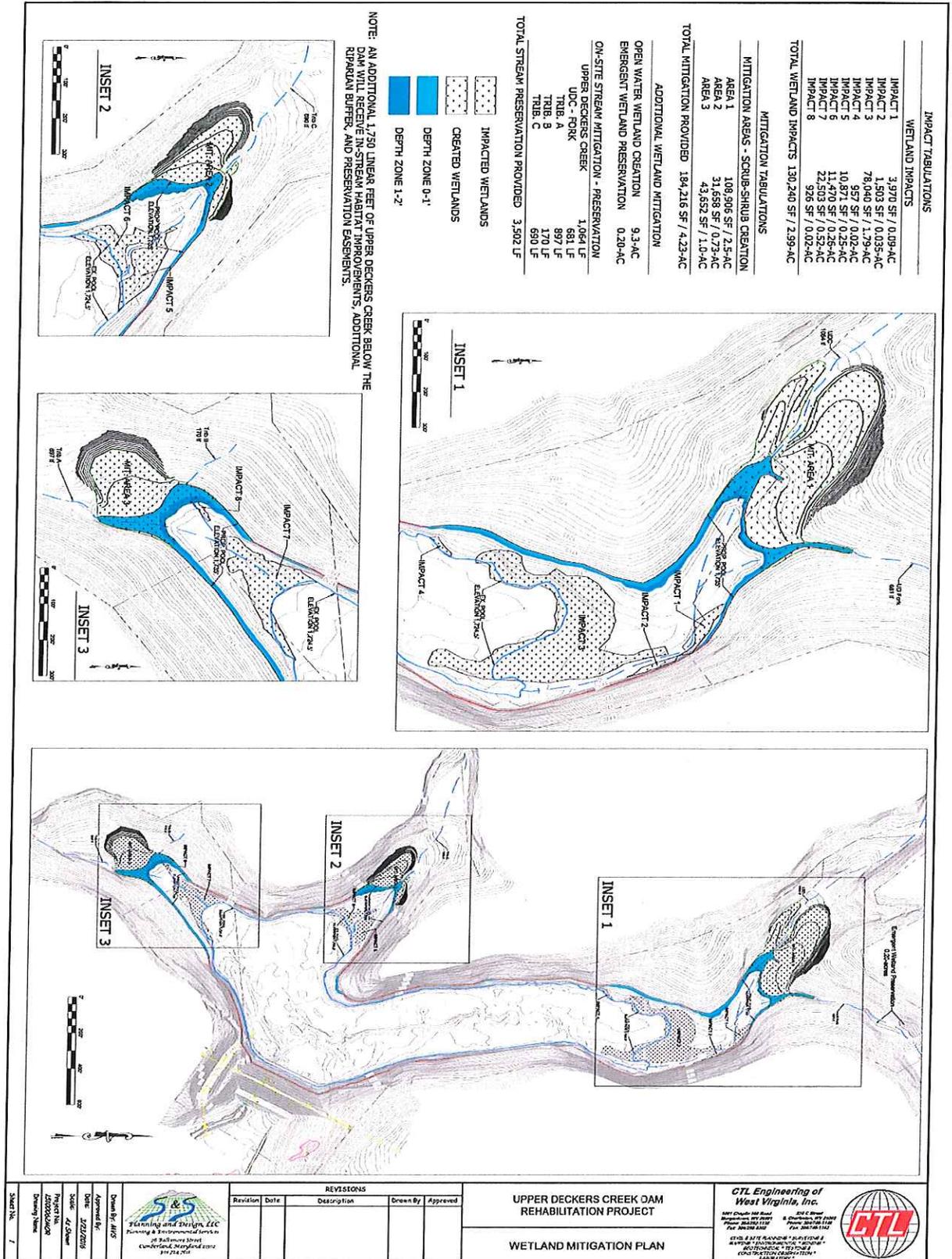
**RISER DESIGN ILLUSTRATIONS**

Designed	C.B.	DATE	10/15/03
Drawn	C.B.	DATE	10/15/03
Checked	J.C.	DATE	10/15/03
Approved	J.C.	DATE	10/15/03
APP. NO.	001		

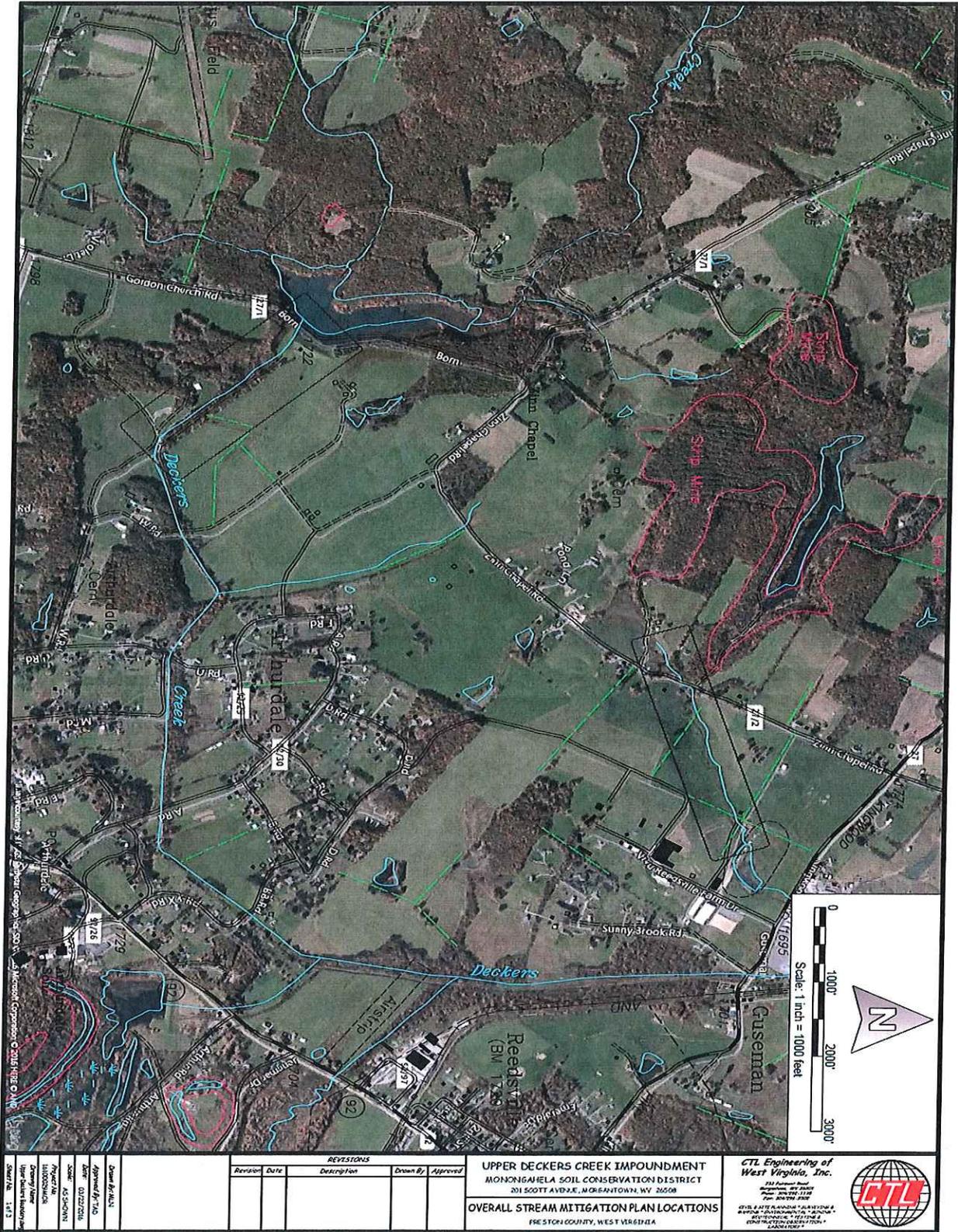




# Exhibit 9: Wetland Impacts



**Exhibit 10: Plan view map with Dam location and mitigation sites identified.**



Drawn By: JLS
Checked By: JLS
Date: 07/27/2018
Scale: AS SHOWN
Project: Stream Mitigation
Client: Soil Conservation District
Sheet: 1 of 2

REVISIONS				
Revision	Date	Description	Drawn By	Approved

**UPPER DECKERS CREEK IMPOUNDMENT**  
 MONONGAHELA SOIL CONSERVATION DISTRICT  
 201 SCOTT AVENUE, MORGANTOWN, WY 26508

**OVERALL STREAM MITIGATION PLAN LOCATIONS**  
 FREESTON COUNTY, WEST VIRGINIA

**CTL Engineering of West Virginia, Inc.**  
 1332 Potomac Blvd  
 Morgantown, WV 26508  
 Phone: 304.241.1128  
 Fax: 304.241.4888

CTL is an Equal Opportunity Employer & Minority Business Enterprise. We are an Equal Opportunity Employer. We are an Equal Opportunity Employer. We are an Equal Opportunity Employer.



**Exhibit 11: Plan view map of WVU Reedsville Farm Mitigation Site**

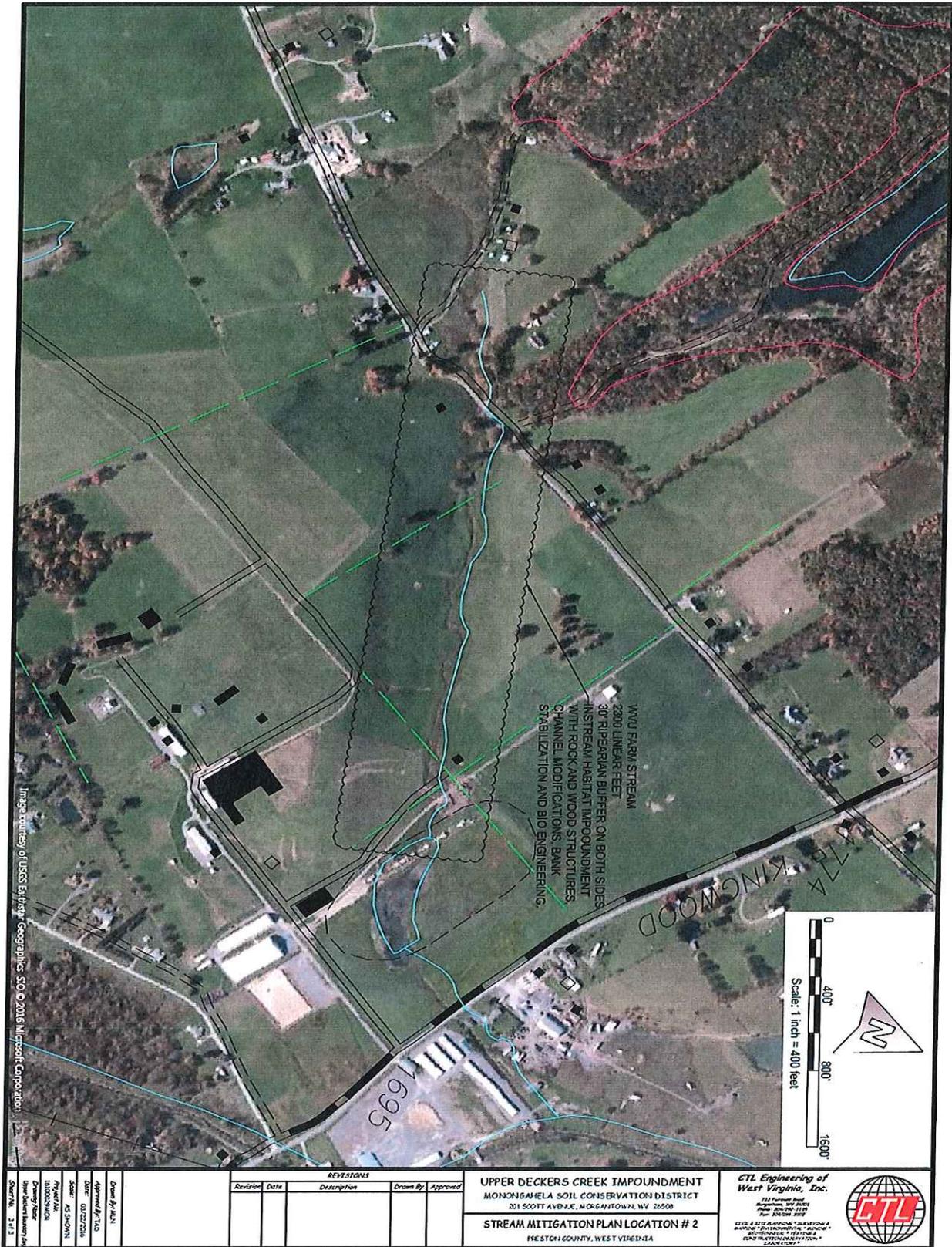
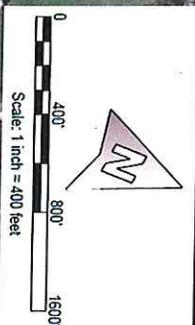


Image courtesy of USGS Earth Explorer Geographic 5.0 © 2016 Microsoft Corporation

WVU FARM STREAM  
2300 LINEAR FEET  
30' RIPARIAN BUFFER ON BOTH SIDES  
INSTREAM HABITAT IMPROVEMENT  
WITH ROCK AND WOOD STRUCTURES  
CHANNEL MODIFICATIONS BANK  
STABILIZATION AND BIO ENGINEERING.



Drawn By: JAL	Approved By: JAL
Date: 03/27/2018	Scale: AS SHOWN
Project No: 18-00000000	Client: WVU
Sheet No: 2 of 2	

REVISIONS				
Revision	Date	Description	Drawn By	Approved

**UPPER DECKERS CREEK IMPOUNDMENT**  
**MONONGAHELA SOIL CONSERVATION DISTRICT**  
 201 SCOTT AVENUE, MOREANTOWN, WV 26508  
**STREAM MITIGATION PLAN LOCATION # 2**  
 FRESTON COUNTY, WEST VIRGINIA

**CTL Engineering of West Virginia, Inc.**  
 221 Turner Road  
 Morgantown, WV 26505  
 Phone: 304.241.1111  
 Fax: 304.241.1112

CTL & ITS ASSOCIATES IS AN EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION EMPLOYER. MINORITY AND FEMALE OWNERSHIP AND CONTROLLED BUSINESSES ARE ENCOURAGED.



**Exhibit 12: Plan View of WVU Reedsville Farm Below Upper Deckers Site 1**

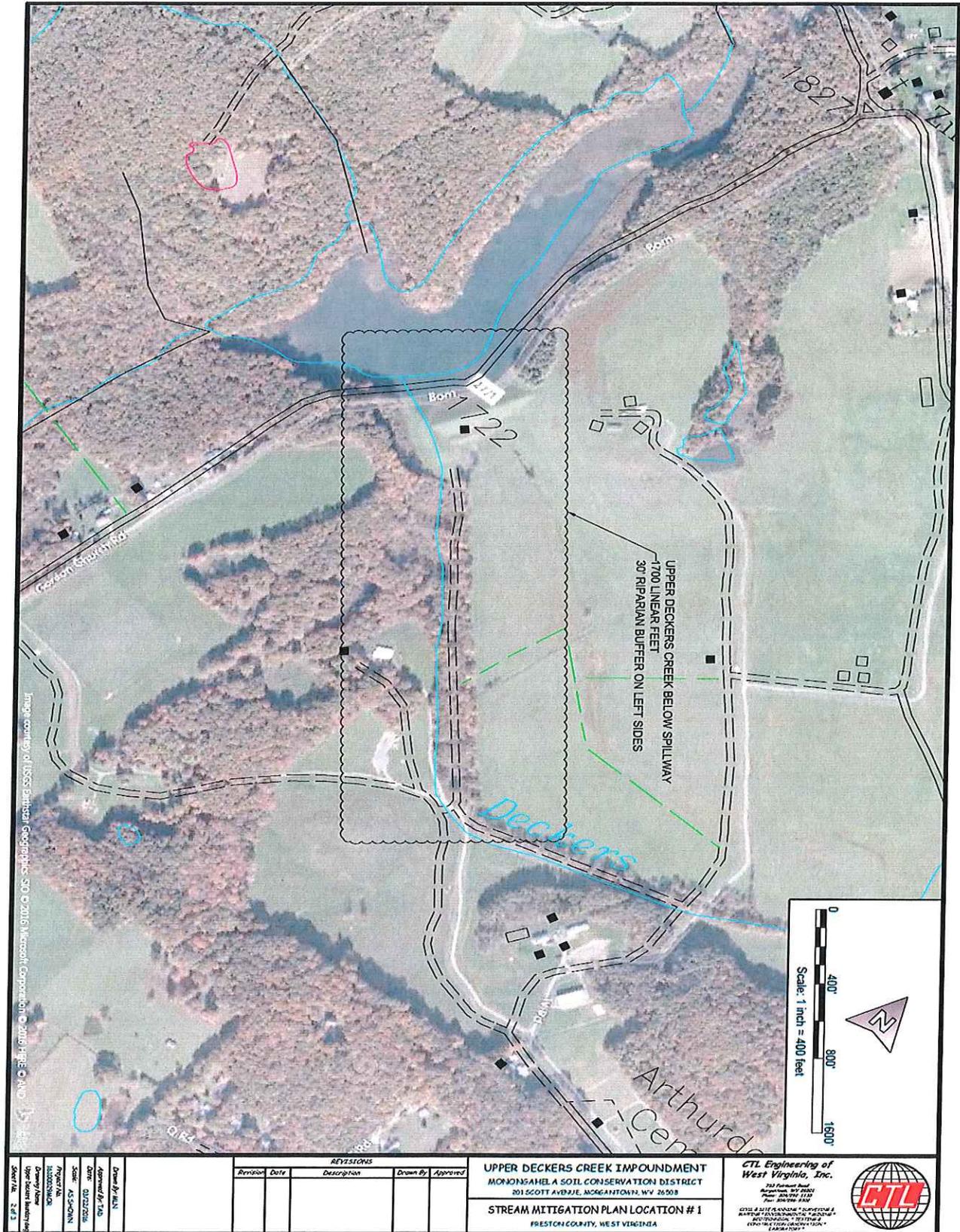


Image courtesy of USGS National Geographic. SD © 2016 Microsoft Corporation © 2016 HERE © AND

Drawn By: BLS
Approved By: TJS
Date: 03/22/2016
Scale: AS SHOWN
Project No: 15020200000000
Drawing Name: Upper Deckers Stream Mitigation
Sheet No. 2 of 3

REVISIONS			
Revision	Date	Description	Drawn By / Approved

**UPPER DECKERS CREEK IMPOUNDMENT**  
 MONONGAHELA SOIL CONSERVATION DISTRICT  
 201 SCOTT AVENUE, MORGANTOWN, WV 26508

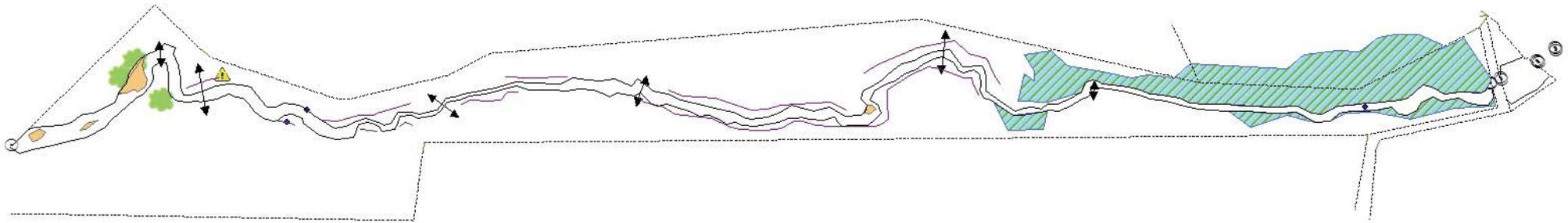
**STREAM MITIGATION PLAN LOCATION # 1**  
 PRESTON COUNTY, WEST VIRGINIA

**CTL Engineering of West Virginia, Inc.**  
 703 Parkwood Road  
 Morgantown, WV 26502  
 Phone: 206.976.1100  
 Fax: 206.976.1000

CTL is a 501(c)(3) non-profit organization. We are a member of the National Association of Environmental Engineers and Technicians (NAEET) and the International Association of Environmental Engineers and Technicians (IAEET).



# UNT Deckers Creek Existing Planview



Legend	
—	Banks
—	Terrace
- - -	Fence
↔	XS
■	Pointbar
■	Mid-channel bar
▨	Wetland
⚠	Buried utilities
🌳	Oak Tree

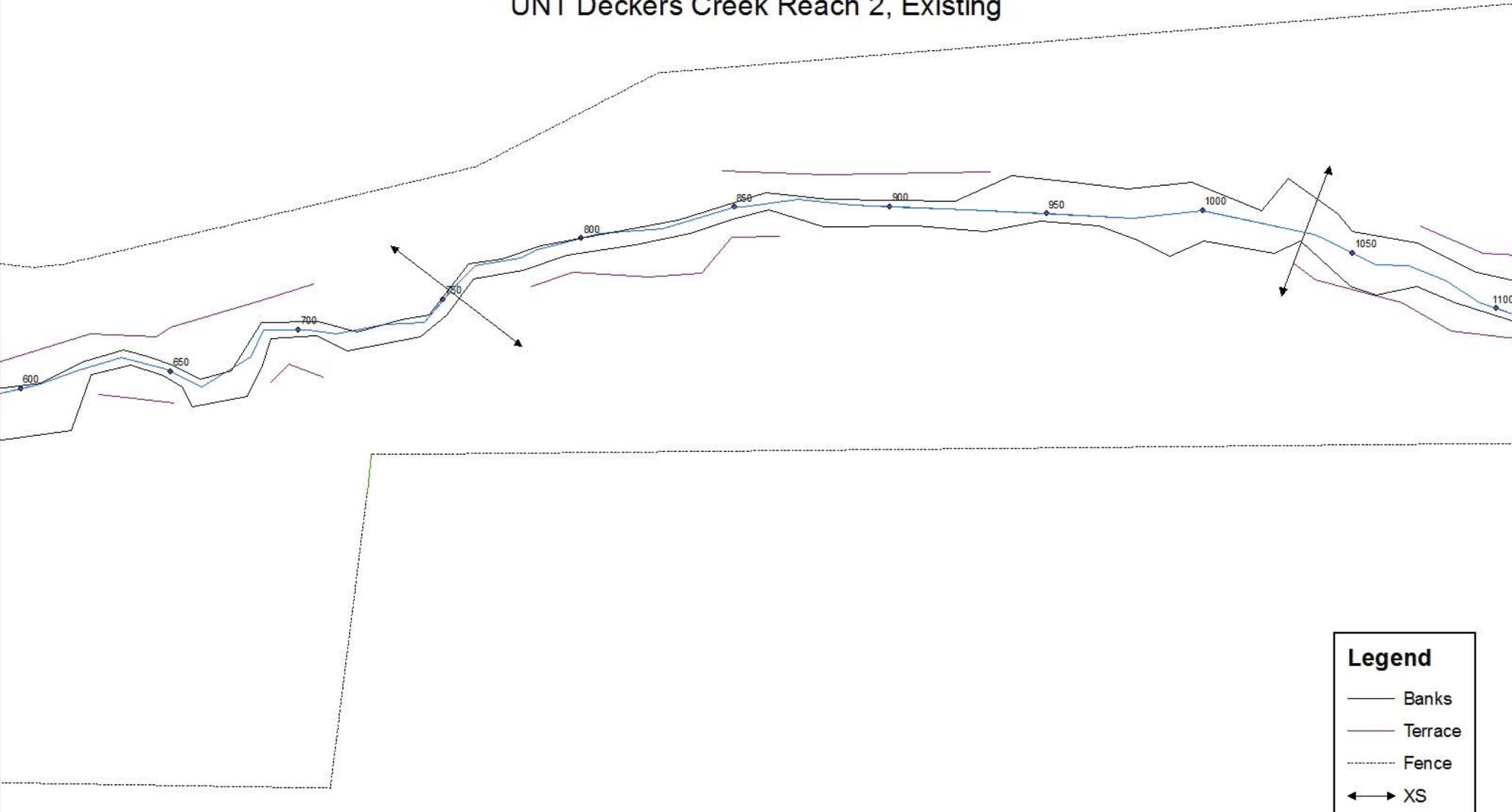
# UNT Deckers Creek Reach 1, Existing

**Legend**

- Banks
- Terrace
- ⋯ Fence
- ↔ XS
- Deposition
- ⊙ Culvert
- 🌳 Oak Tree



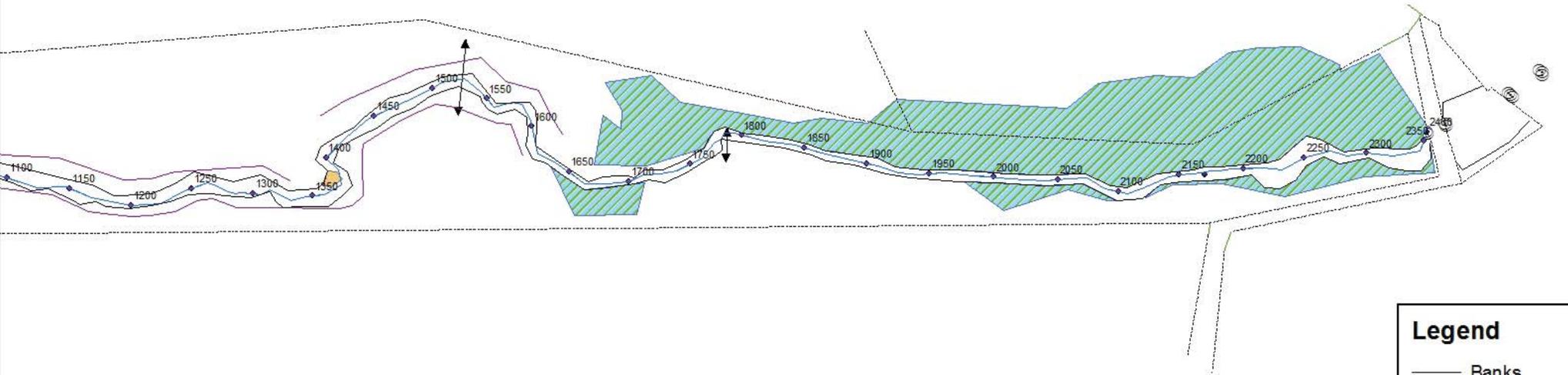
# UNT Deckers Creek Reach 2, Existing



**Legend**

- Banks
- Terrace
- ..... Fence
- ↔ XS

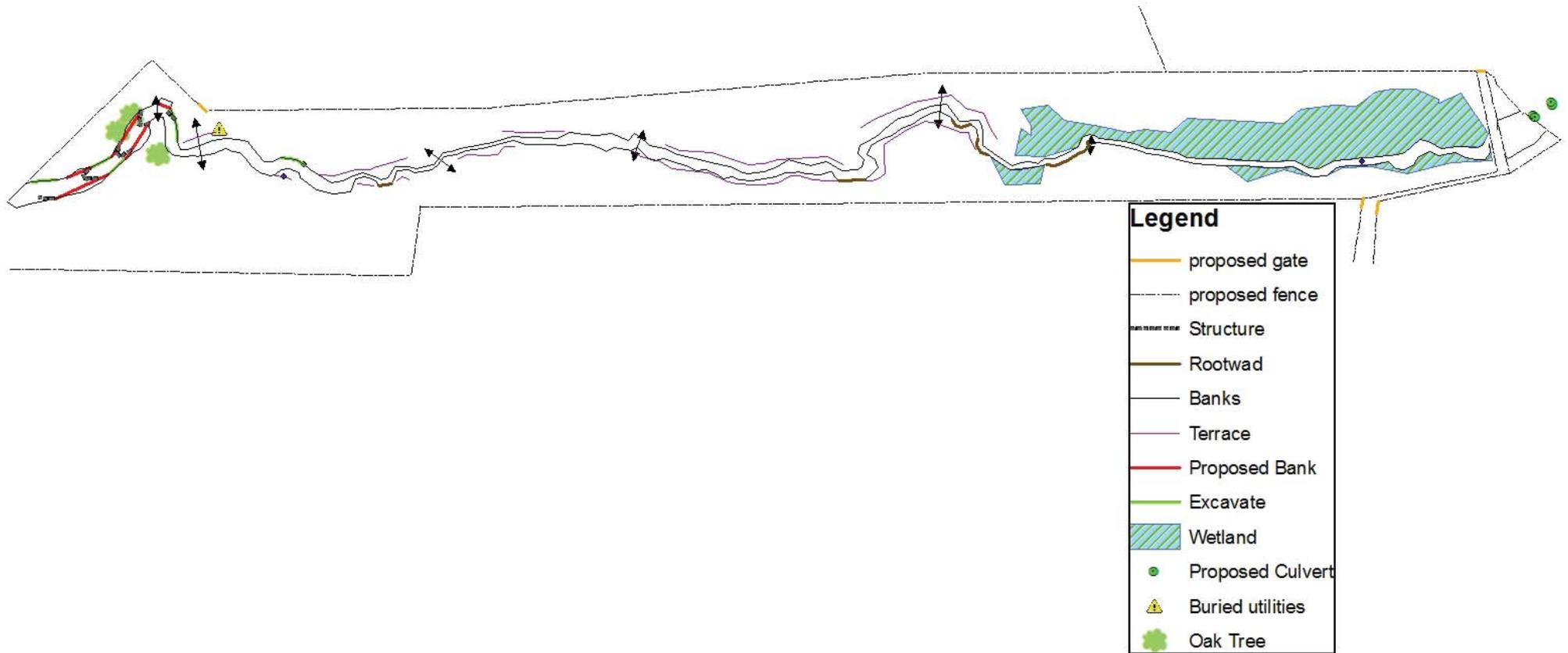
# UNT Deckers Creek Reach 3, Existing



**Legend**

- Banks
- Terrace
- ⋯ Fence
- ↔ XS
- ▨ Wetland
- ⊗ Culvert
- Deposition

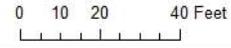
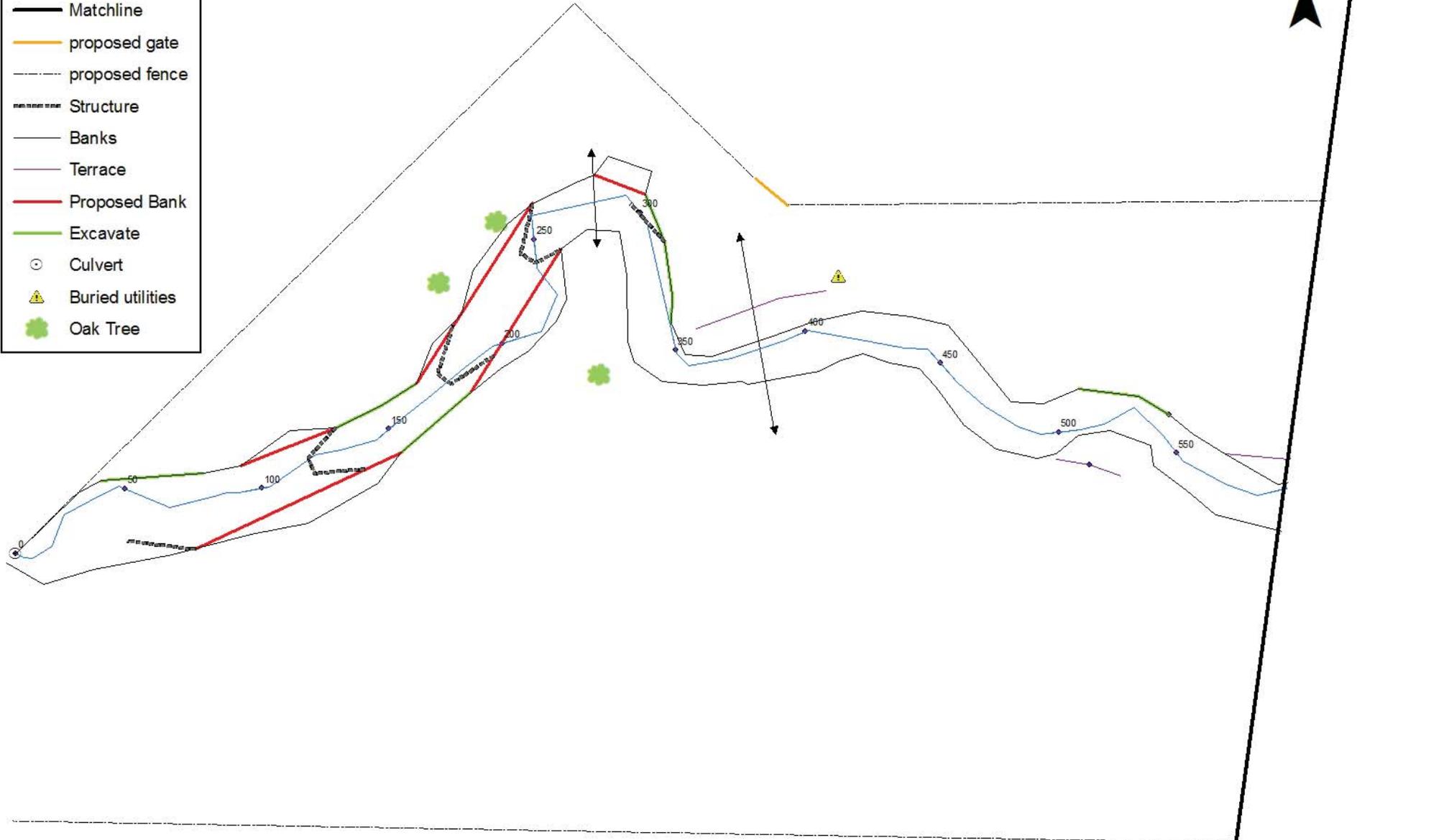
# UNT Deckers Creek Design Planview



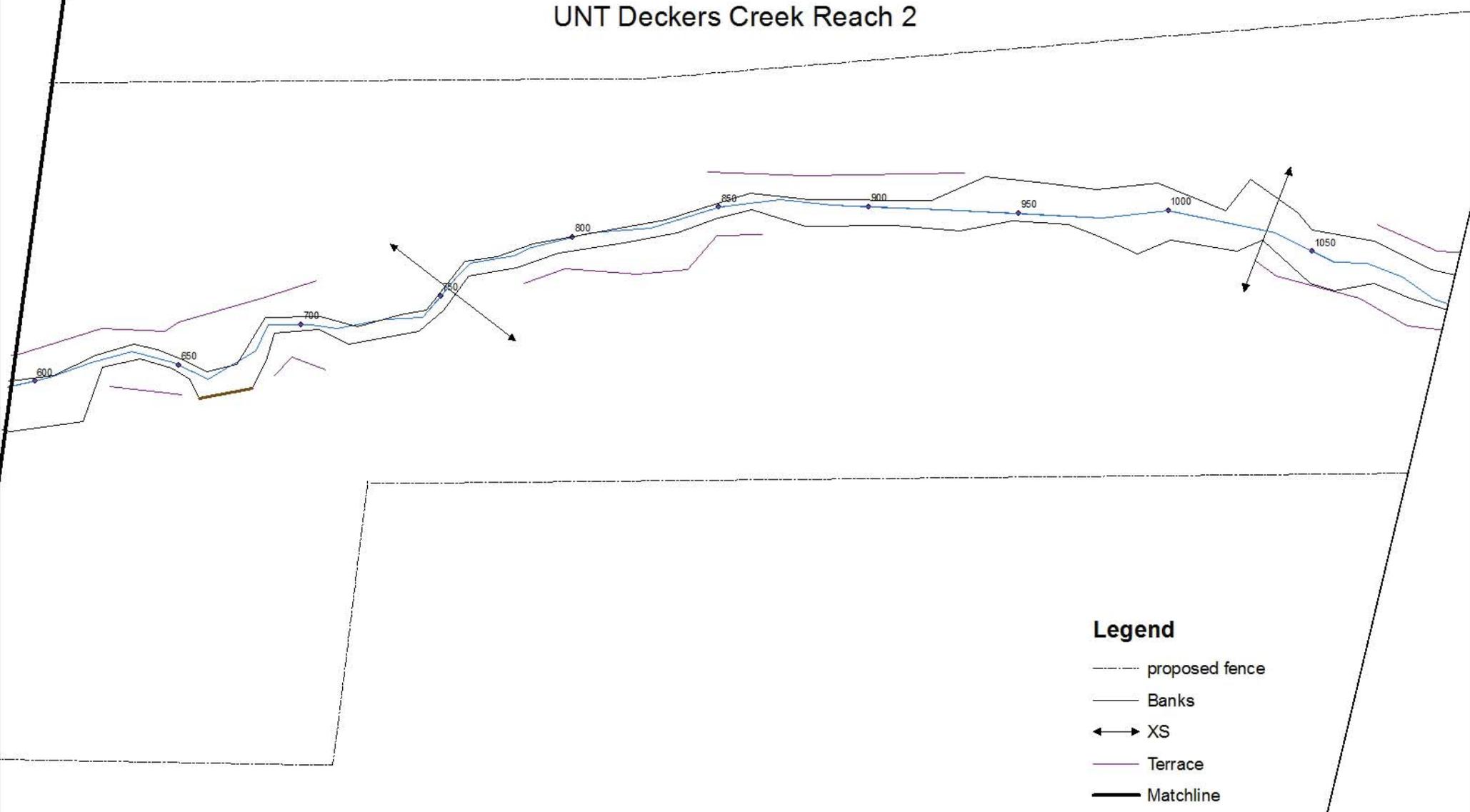
### Legend

- Matchline
- proposed gate
- - - proposed fence
- - - Structure
- Banks
- Terrace
- Proposed Bank
- Excavate
- Culvert
- ⚠ Buried utilities
- 🌳 Oak Tree

## UNT Deckers Creek Reach 1

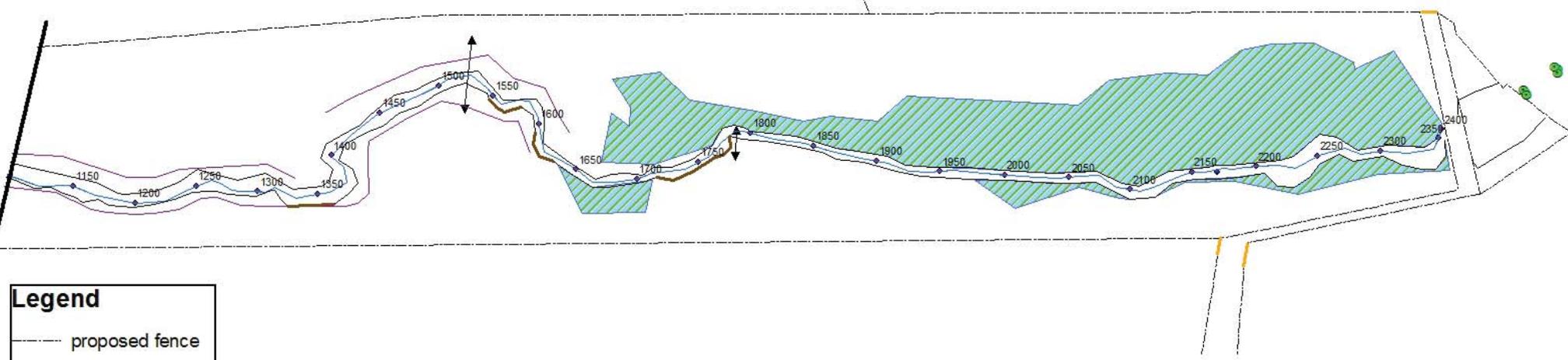


# UNT Deckers Creek Reach 2

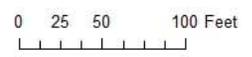


- Legend**
- proposed fence
  - Banks
  - ↔ XS
  - Terrace
  - Matchline

# UNT Deckers Creek Reach 3



- Legend**
- proposed fence
  - proposed gate
  - Rootwad
  - Banks
  - Wetland
  - Proposed Culvert
  - Terrace
  - XS
  - Matchline

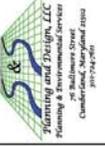




**CTL Engineering of West Virginia, Inc.**  
 1000 Chesapeake Road  
 P.O. Box 1000  
 Phone: 304.291.1234  
 Fax: 304.291.1235  
 www.ctleng.com  
 MAPS: 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000

**UPPER DECKERS CREEK DAM REHABILITATION PROJECT**  
**WETLAND MITIGATION PLAN**

REVISIONS	Description	Date	Drawn By	Approved



Drawn By: *MVS*  
 Approved By: \_\_\_\_\_  
 Date: 2/15/2016  
 Scale: As Shown  
 Project No: 15100062MOR  
 Drawing Name: \_\_\_\_\_  
 Sheet No: \_\_\_\_\_

IMPACT TABULATIONS	
WETLAND IMPACTS	
IMPACT 1	3,970 SF / 0.09-AC
IMPACT 2	1,503 SF / 0.035-AC
IMPACT 3	78,040 SF / 1.79-AC
IMPACT 4	957 SF / 0.02-AC
IMPACT 5	10,871 SF / 0.25-AC
IMPACT 6	11,470 SF / 0.26-AC
IMPACT 7	22,503 SF / 0.52-AC
IMPACT 8	926 SF / 0.02-AC
<b>TOTAL WETLAND IMPACTS</b>	<b>130,240 SF / 2.99-AC</b>

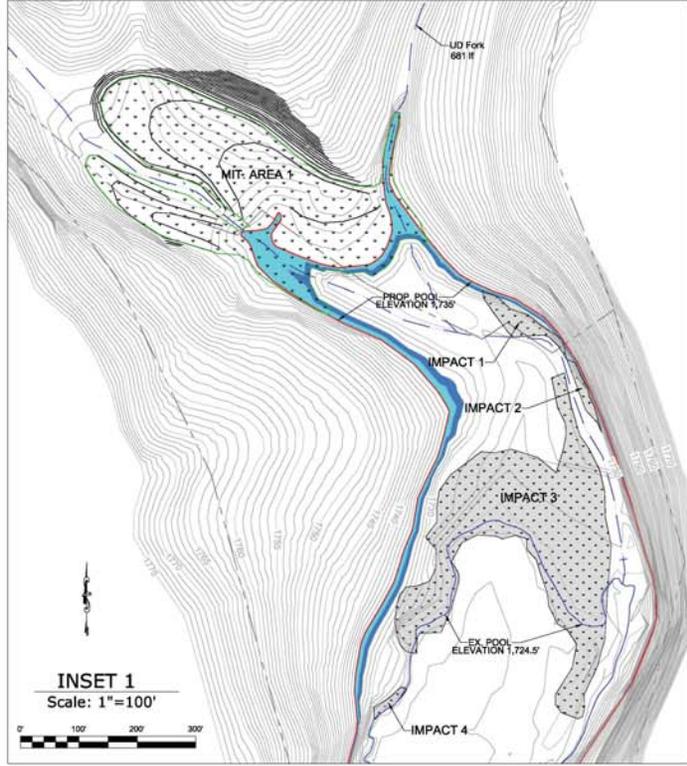
MITIGATION TABULATIONS	
MITIGATION AREAS - SCRUB-SHRUB CREATION	
AREA 1	108,906 SF / 2.5-AC
AREA 2	31,658 SF / 0.73-AC
AREA 3	43,652 SF / 1.0-AC
<b>TOTAL MITIGATION PROVIDED</b>	<b>184,216 SF / 4.23-AC</b>

ADDITIONAL WETLAND MITIGATION	
OPEN WATER WETLAND CREATION	9.3-AC
EMERGENT WETLAND PRESERVATION	0.20-AC

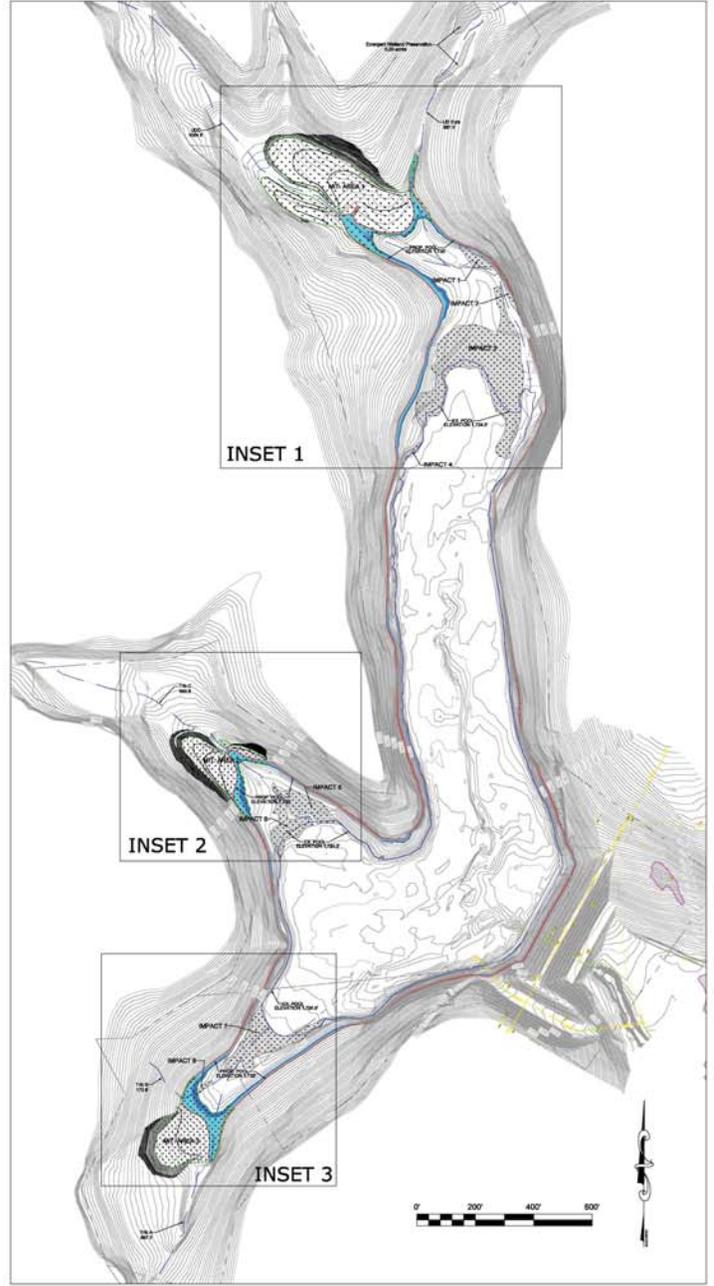
ON-SITE STREAM MITIGATION - PRESERVATION	
UPPER DECKERS CREEK	1,064 LF
UDC - FORK	681 LF
TRIB. A	897 LF
TRIB. B	170 LF
TRIB. C	690 LF
<b>TOTAL STREAM PRESERVATION PROVIDED</b>	<b>3,502 LF</b>

- IMPACTED WETLANDS
- CREATED WETLANDS
- DEPTH ZONE 0-1'
- DEPTH ZONE 1-2'

NOTE: AN ADDITIONAL 1,750 LINEAR FEET OF UPPER DECKERS CREEK BELOW THE DAM WILL RECEIVE IN-STREAM HABITAT IMPROVEMENTS, ADDITIONAL RIPARIAN BUFFER, AND PRESERVATION EASEMENTS.



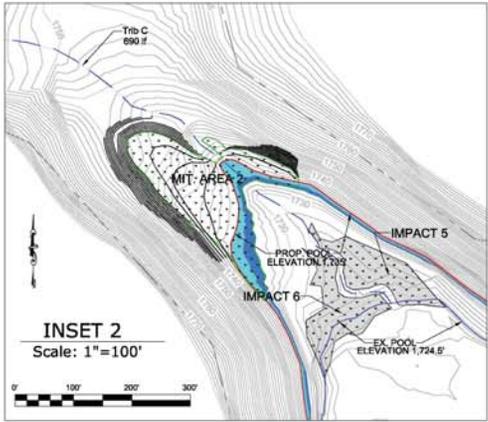
**INSET 1**  
Scale: 1"=100'



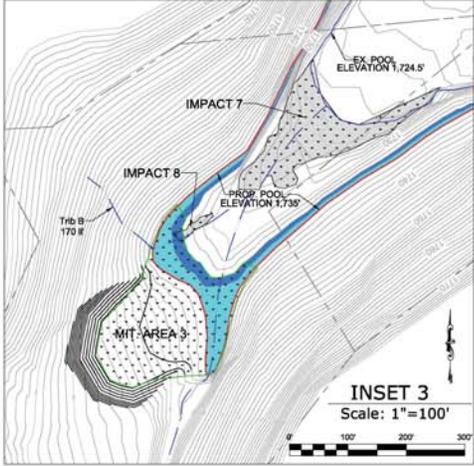
**INSET 1**

**INSET 2**

**INSET 3**



**INSET 2**  
Scale: 1"=100'



**INSET 3**  
Scale: 1"=100'