



# 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. 2005-2020

Date: April 12, 2018

Notice No. 18-15

Closing Date: May 11, 2018

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  
  
CONSULTANT: Tetra Tech, Inc.  
10711 Red Run Blvd, Suite 105  
Owings Mills, Maryland 21117
  
3. LOCATION: Ohio River, New Cumberland Pool, Miles 40-54 Hancock County, WV.
  
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to continue commercial dredge operations in the New Cumberland Pool of the Ohio River to produce sand and gravel for use as construction aggregates for roads, highways, bridges, and buildings. The current permit is set to expire December 31, 2018. Aggregate material will be dredged using an on-board processing dredge and a clamshell bucket crane. The on-board processing dredge utilizes a continuous bucket conveyor. The facility will process an average of 500 tons of material per hour and operate on a continuous 24 hour/ 7 day a week schedule with intermittent down time. Wash material is deposited on the river bottom via a flume diffuser to minimize turbidity effects downstream. As mitigation for the dredging impacts, the applicant has proposed to reserve 2 tons of aggregate for every 1000 tons dredged during the year to be used to enhance existing aquatic habitats or create new potential aquatic habitat as directed by the WV Department of Environmental Protection (WVDEP). The current dredging locations are as follows. Navigation Charts of the New Cumberland Pool may be viewed at <http://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/> by clicking on Public Notice No. 18-15.

Ohio River Mile 40.0 to 42.0 Both Banks  
Ohio River Mile 42.7 to 43.2 Both Banks  
Ohio River Mile 43.55 to 44.0 Both Banks  
Ohio River Mile 44.0 to 44.3 Both Banks  
Ohio River Mile 45.7 to 46.8 Both Banks  
Ohio River Mile 48.0 to 49.0 Both Banks

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. The applicant will conduct mussel surveys prior to dredging at new locations between 200 and 400 feet offshore (and will be required to obtain a separate reach specific permit for new locations) or areas that have not been dredged in the previous five years. The mussel survey protocol is currently being discussed with WV Division of Natural Resources (WVDNR), U.S. Fish and Wildlife Service, and WVDEP. 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 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. 18-15

CELRP-OP-F  
Public Notice No. 18-15

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 2005-2020 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

By Nancy Mullen for:

Scott A. Hans  
Chief, Regulatory Branch