



# 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. 2010-400

Date: November 19, 2010

Notice No. 10-27A

Closing Date: December 4, 2010

1. TO ALL WHOM IT MAY CONCERN: This public notice amends Public Notice No. 10-27 dated May 25, 2010 under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

2. APPLICANT: Aaron Vaughn Johnson  
Vance River Terminal, Inc.  
P.O. Box 663  
Morgantown, West Virginia 26507

3. LOCATION: Monongahela River, Left Bank, Mile 99.8, Westover, Monongalia County, West Virginia

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to shelve their Spar #2 and #3 barges and secure them with deadman chains. The initial project was to only shelf the Spar barge #1, however; upon inspection during the permitting process, the additional two barges were found to be in very bad condition and unable to be transported by river. The barges will be reinforced and filled with rock and used to stabilize the bank at the river terminal. Three new barges will be brought in to replace the shelved barges as floating mooring cells. Shoreline dredging at a depth of 1.5-feet, an added shore length of 350-feet (total shore length impact for all three barges is 525 feet) and a width of 26-feet toward the shore, is required to place the barges. The dredge material will be stored upland. Drawings of the proposed project additions are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This applicant received 401 Water Quality Certification from the State of West Virginia for the entire, amended project.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the 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).

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).

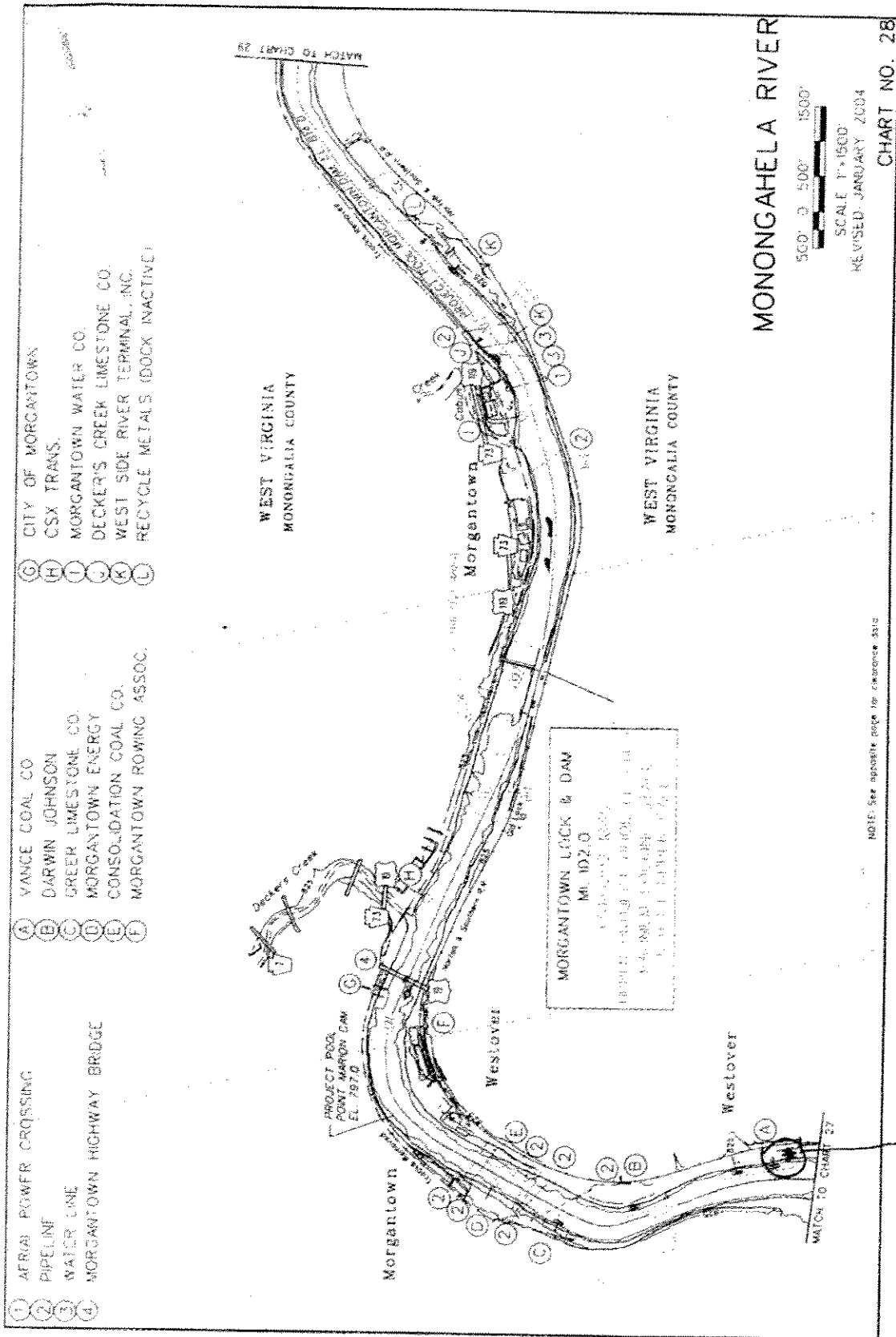
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

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).

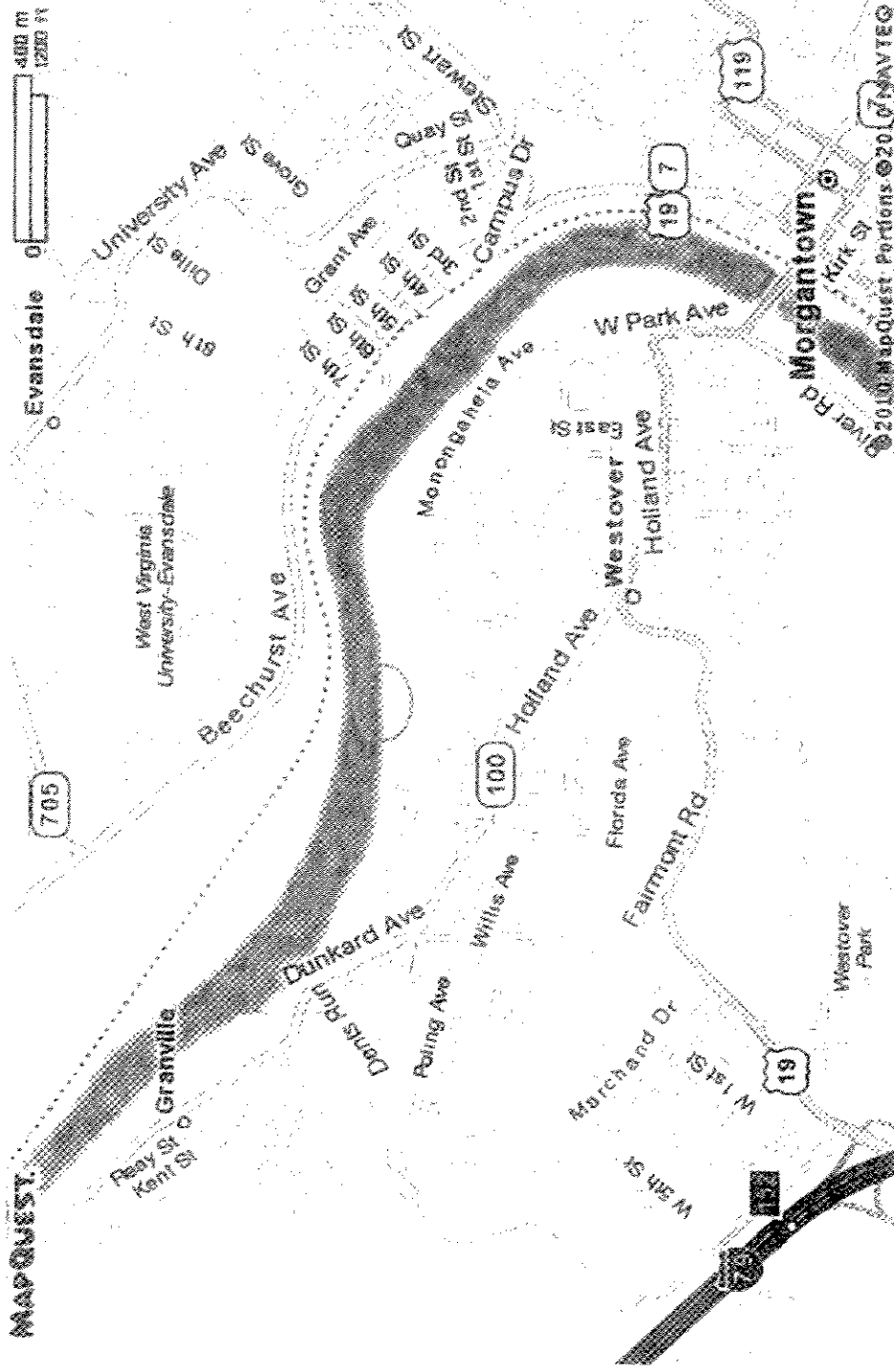
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. 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 Kristen Hoesch at the above address, by telephoning (412) 395-7375, or by e-mail at [Kristen.L.Hoesch@usace.army.mil](mailto:Kristen.L.Hoesch@usace.army.mil). Please refer to CELRP-OP-F 2010-400 in all responses.

FOR THE DISTRICT ENGINEER:

\\SIGNED//  
Scott A. Hans  
Chief, Regulatory Branch

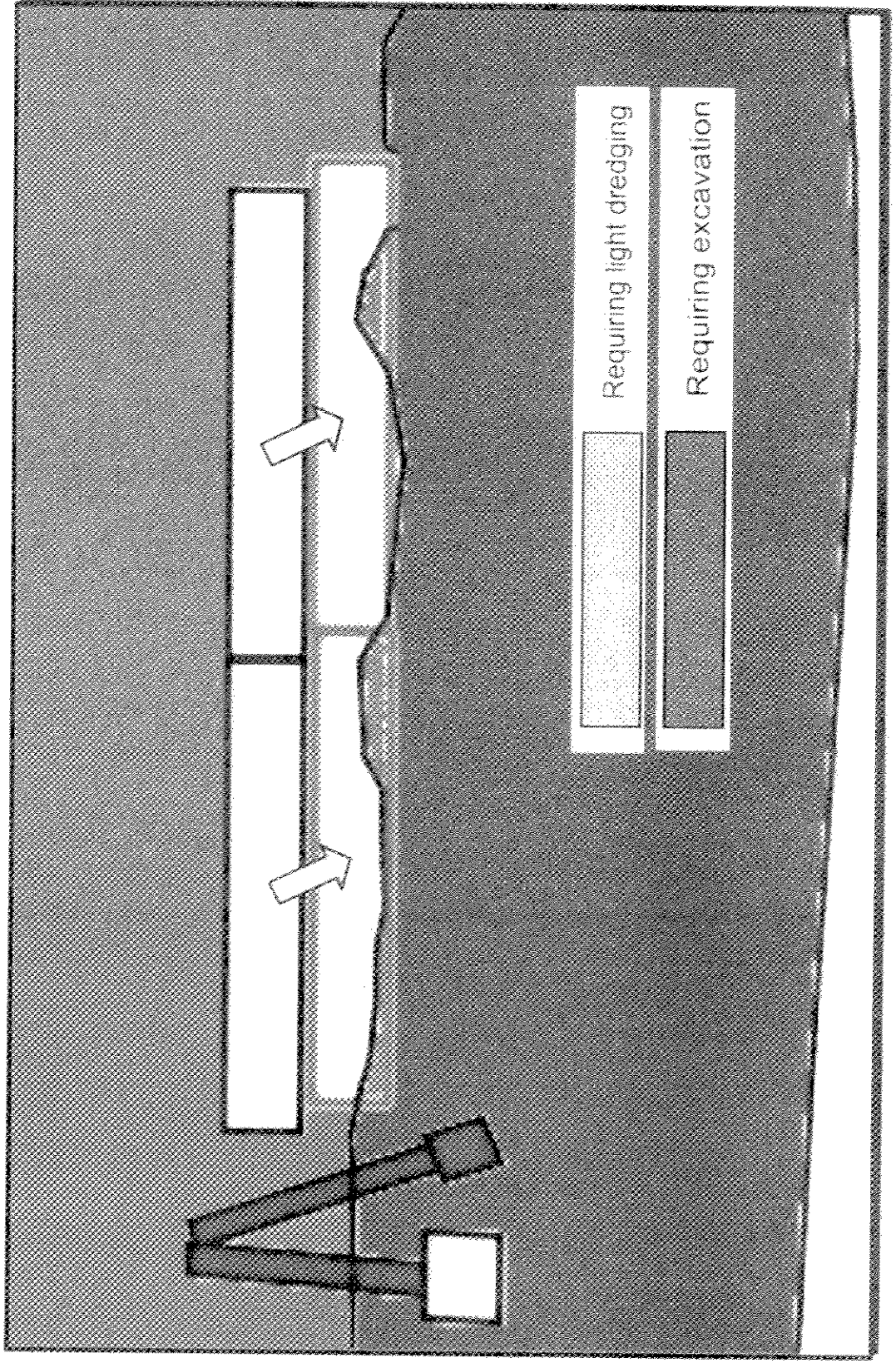


Vicinity Map: Attachment # 1 39 38' 26.80" N  
 Applicant: Vance River Terminal, Inc. 79 58" 28.87" W  
 Project: VRT Spar # 2&3






99.75 mm Left Descending Bank Monongahela River  
 702 Seneca Street Westover, WV 26501

Plan View Map: Attachment # 2  
Applicant: Vance River Terminal, Inc.  
Project: VRT Spar # 2&3



**Cross-Section Map: Attachment # 3**  
**Applicant: Vance River Terminal, Inc.**  
**Project: VRT Spar # 2&3**

- 1.)  Dredge 350' alongside both barges 1 1/2' below water surface except for 1' clay perimeter adjacent to Mon River
- 2.)  Remove clay perimeter
- 3.)  Cut toe out of bank, and float barge in

