

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. 2010-1155

Date: January 25, 2011

Notice No. 10-54A

Closing Date: February 14, 2011

1. **TO ALL WHOM IT MAY CONCERN:** This public notice amends Public Notice No. 10-54 dated September 14, 2010 under the provisions of Section 10 of the Rivers and Harbors Act of 1899.

2. **APPLICANT:** Larry Heck
Parsons Star Coal Co.
P.O. Box 56
East Liverpool, Ohio 43920

3. **LOCATION:** Ohio River, right bank, Mile 43.6 – 44.0, in East Liverpool, Columbiana County, Ohio.

4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant has revised the original project as published September 14, 2010. The revised project proposes to install four pipe dolphins. The dolphins will range in distance from the bank, but the furthest will be approximately 35 feet from the bank. The fleeting area is proposed to be three jumbo barges (35-feet each, 105-feet total) wide and four barges long (195-feet each 780-feet total), from River Mile 43.63 to 43.77. By moving the location of the dolphins and expanding the fleeting area, the applicant has eliminated the need for dredging. Drawings of the revised project are attached to this notice.

5. **IMPACT ON NATURAL RESOURCES:** During the project's initial Public Notice period, U.S. Fish and Wildlife Service recommended a mussel survey be completed to determine the presence or probable absence of an endangered species and a mussel species of special concern. The project has since been altered to eliminate the need for dredging. This Public Notice serves as a request to the U. S. Fish and Wildlife Service to review the revised project for potential impacts in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

6. **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).

7. 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.

8. 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.

9. 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 Please refer to CELRP-OP-F 2010-1155 in all responses.

FOR THE DISTRICT ENGINEER:

//Signed//

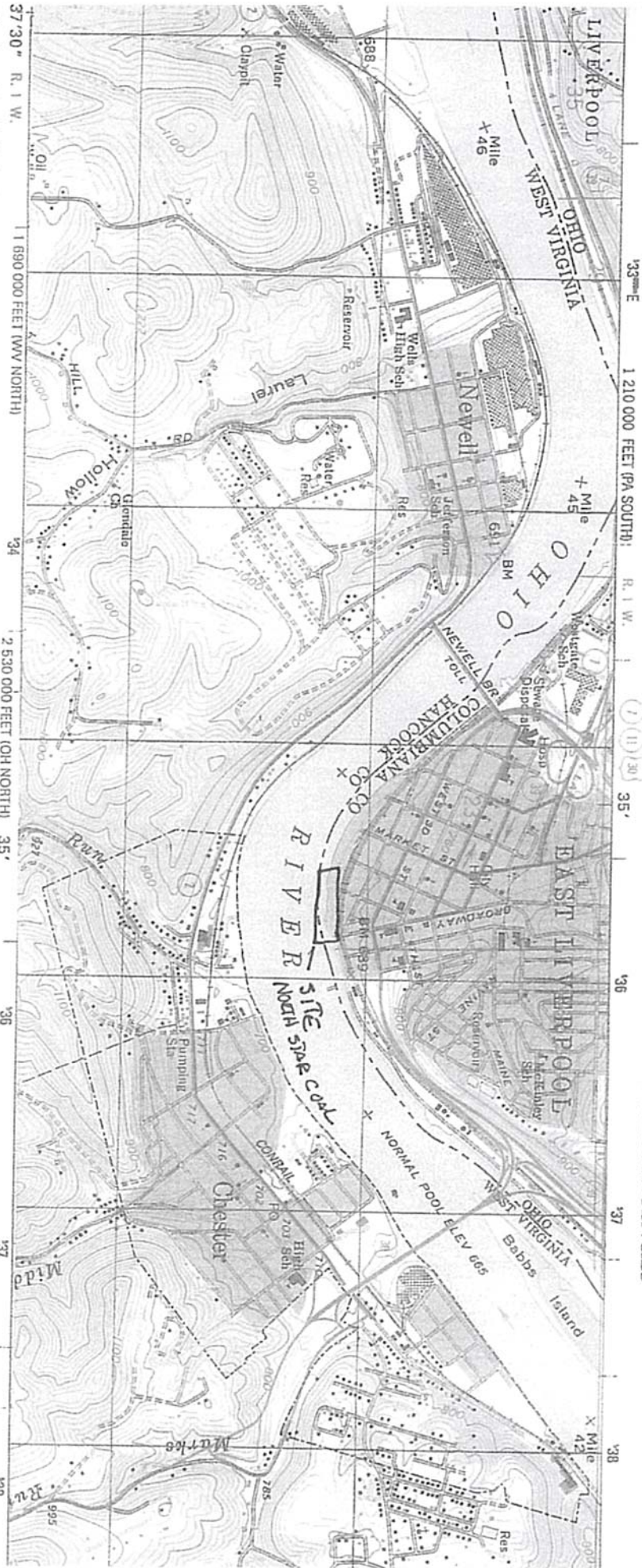
Scott A. Hans
Chief, Regulatory Branch



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

STATE OF WEST VIRGINIA
REPRESENTED BY THE
STATE OF WEST VIRGINIA GEOLOGICAL AND ECONOMIC SURVEY
AND OTHER STATE AGENCIES

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Produced by the United States Geological Survey
Topography compiled 1956. Planimetry derived from imagery taken
1982 and other sources. Photospectred using imagery dated 1996;
no major culture or drainage changes observed. Survey control
current as of 1960. Boundaries, other than corporate, verified 1999
North American Datum of 1927 (NAD 27). Projection and
10 000-foot ticks: West Virginia coordinate system, north zone
(Lambert coniformal cone)
10 000-foot ticks: West Virginia coordinate system, north zone
and
Pennsylvania coordinate system, south zone; and
Ohio coordinate system, north zone
1000-meter Universal Transverse Mercator grid, zone 17
North American Datum of 1983 (NAD 83) is shown by dashed
corner ticks. The values of the shift between NAD 27 and NAD 83
or 7.5-minute intersections are obtainable from National Geodetic
Survey NADCON software
Ohio portion lies within the Old Seven Ranges
Land lines based on the Ohio River Base
The state boundary as shown represents the approximate position of
the low water line as determined from U.S. Corps of Engineers Ohio
River charts, surveyed 1913, and supplementary information
There may be private inholdings within the boundaries of
the National or State reservations shown on this map
Information shown in purple may not meet USGS content standards
and may conflict with previously mapped contents
Purple hatching indicates area to be submerged

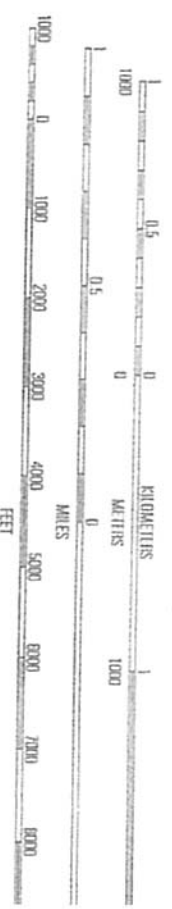
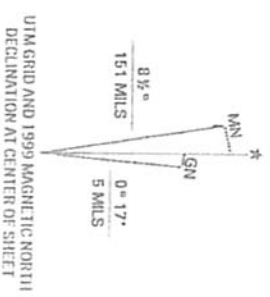
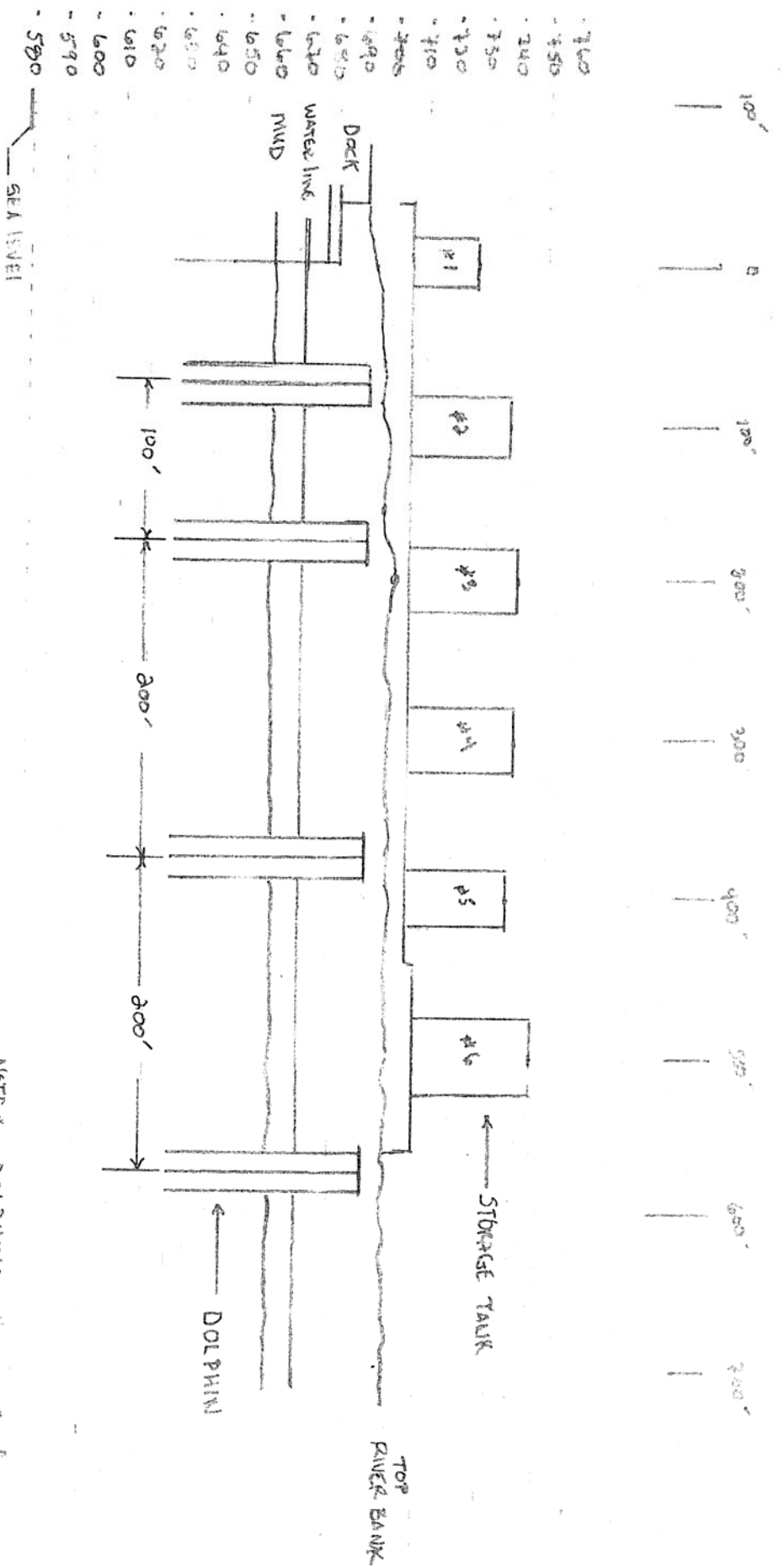


ILLUSTRATION # 11

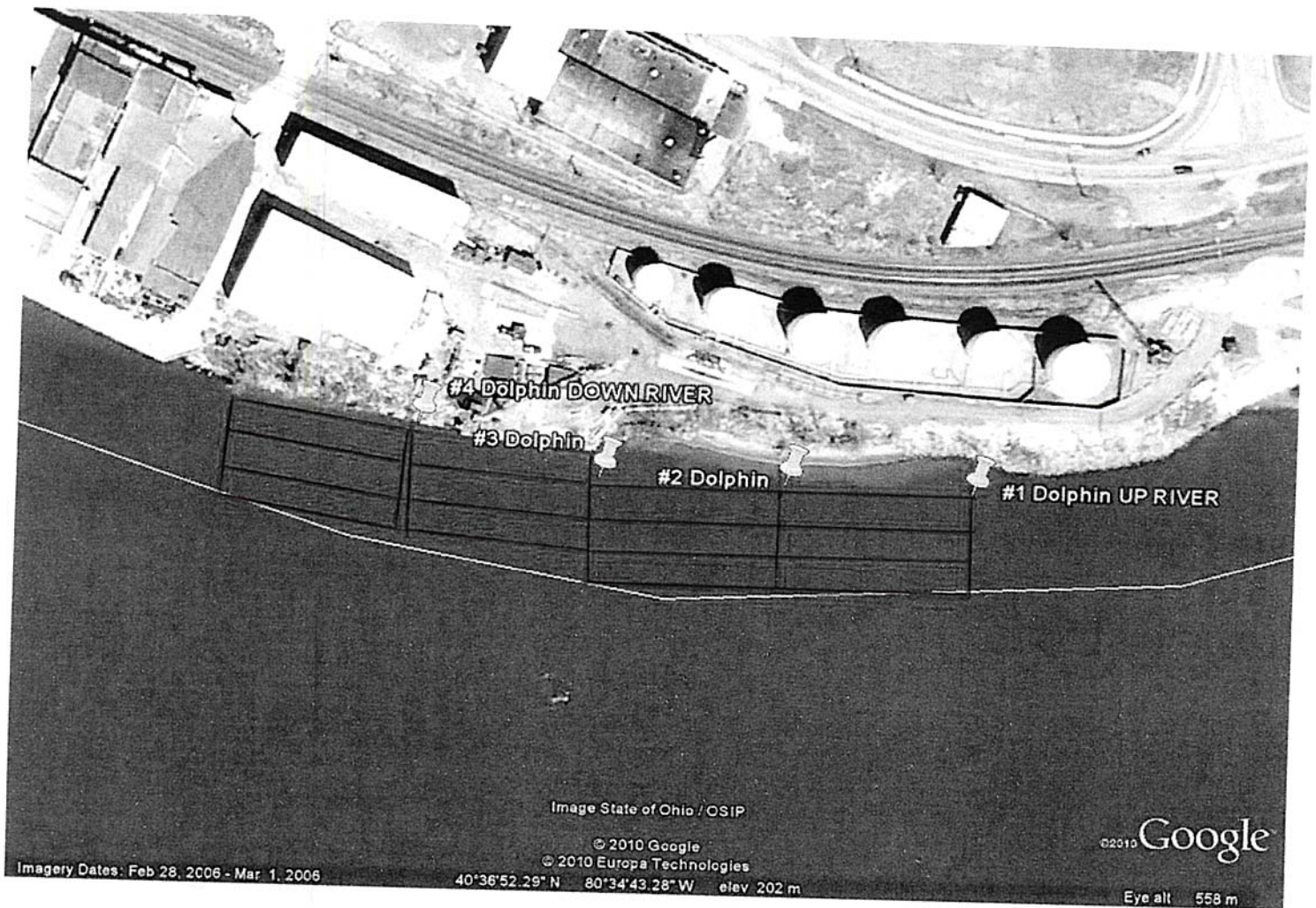
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, P.O. BOX 25286, DENVER, COLORADO 8022
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



NOTE * DOLPHINS will consist of
 3-24" DIA PIPE filled with concrete

PARSONS Coal Co
 Mile 43.7 RDB
 OHIO RIVER

Illustration # 10



REVISED CONFIGURATION OF FLEETING AREA

River width is 1260 feet at this location

Dolphin maximum distance from shore is 35 feet

ATTACHMENT # 1