
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. LRP 2009-2059
Public Notice No. 11-45

Date: November 7, 2011
Closing Date: November 22, 2011

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 (33 U.S.C. 1344).
2. **APPLICANT:** Deckers Creek Limestone Company
Attn: Joe Dean
8477 Veterans Memorial Highway
Masontown, WV 26542
3. **LOCATION:** The site is located approximately 0.67 miles west of Greer's main facilities on Deckers Creek, N 39° 34' 21.64" W 79° 51' 47.71". The project is located on an unnamed tributary of Deckers Creek. Deckers Creek is a tributary of the Monongahela River. The site is located in Monongalia County, West Virginia.
4. **PURPOSE AND DESCRIPTION OF WORK:** The 404 Permit Application is for the filling and relocation of a portion of an unnamed tributary of Deckers Creek to facilitate surface mining of limestone. This would impact approximately 600 linear feet of this stream channel. This tributary is an intermittent stream and would be classified as a "Seasonal Relatively Permanent Water (RPW)".

On-site mitigation will occur at this area along 859 linear feet of the relocated stream channel. This mitigation will entail storage and replacement of the original stream channel substrate to the relocated channel, riparian plantings, installation of "rock step" structures, and channel stabilization measures such as bank shaping and planting of live stakes.
5. **WEST VIRGINIA WATER QUALITY CERTIFICATION:** A West Virginia State 401 Water Quality Certification will be required and is under review by the WVDEP.

West Virginia Department of Environmental Protection
Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304-2345

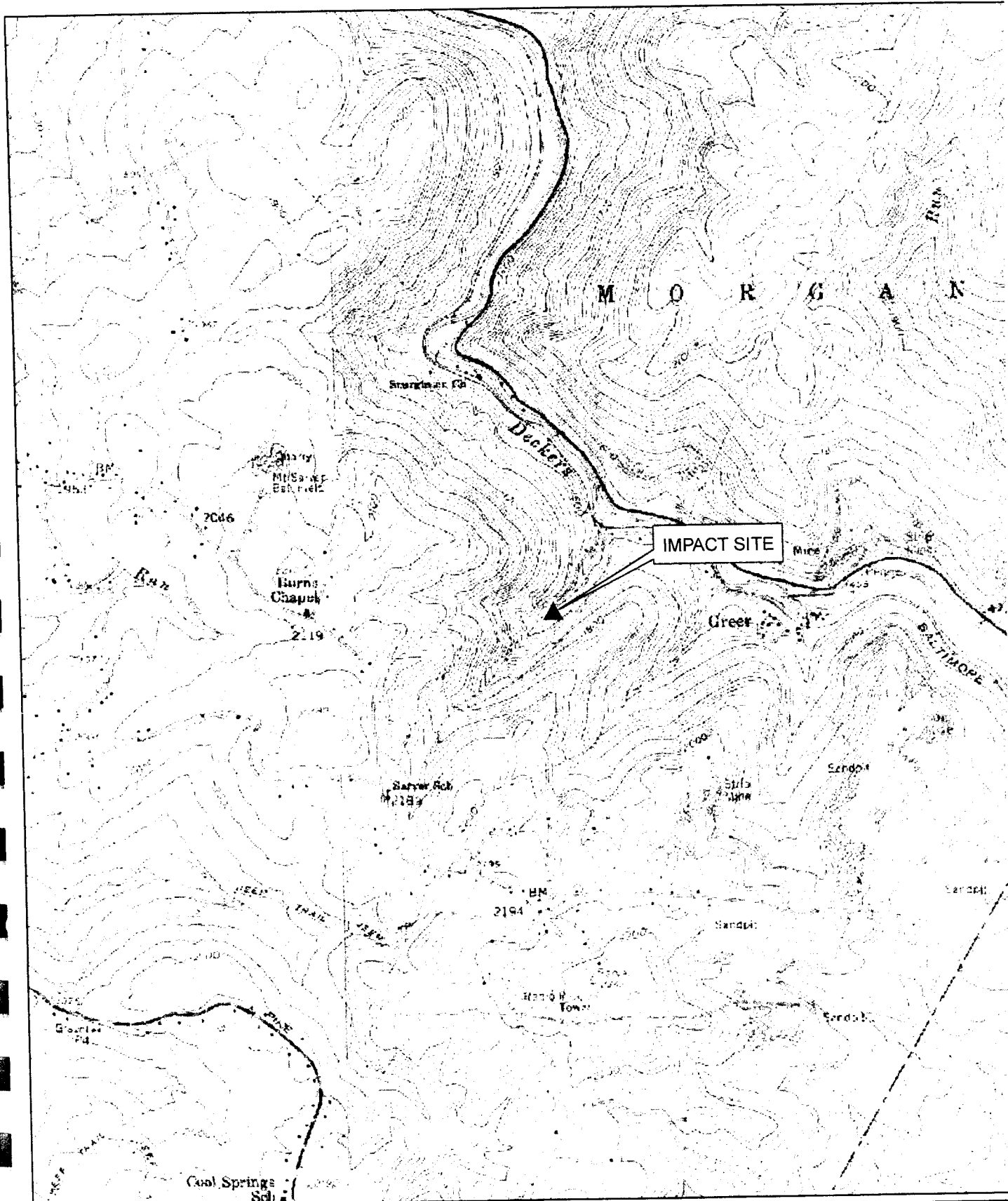
6. IMPACT ON NATURAL RESOURCES: The District Engineer has determined that the project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This 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, pre-historical, 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: Greg Currey, at the above address, or by telephoning (412) 395-7517, or by e-mail at gregory.currey@usace.army.mil. Please refer to CELRP-OP-F 2009-2059 in all responses.

FOR THE DISTRICT ENGINEER:

/SIGNED/

Karen Kochenbach
Chief, Southern Section
Regulatory Branch



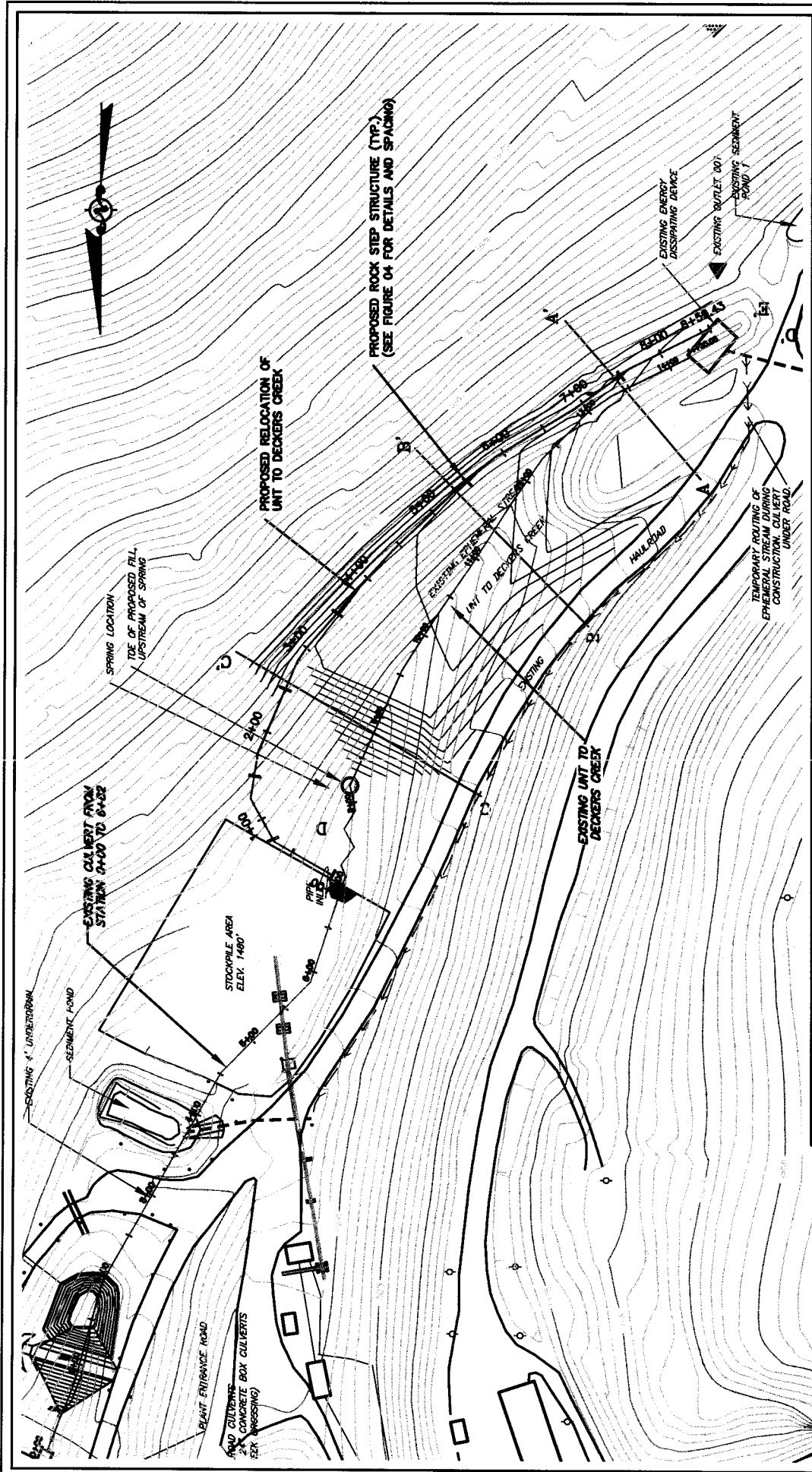
POTESTA
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

LOCATION MAP 1
IMPACT SITE
DECKERS CREEK
LIMESTONE CO.



DATE: OCTOBER 2009
PROJECT NO. 06-0298

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Project **STREAM DELINEATION MAP
PROPOSED EPIHEMAL
STREAM CHANNEL
RELOCATION**

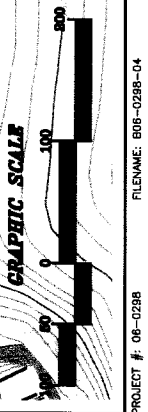
Scale **NOTED**

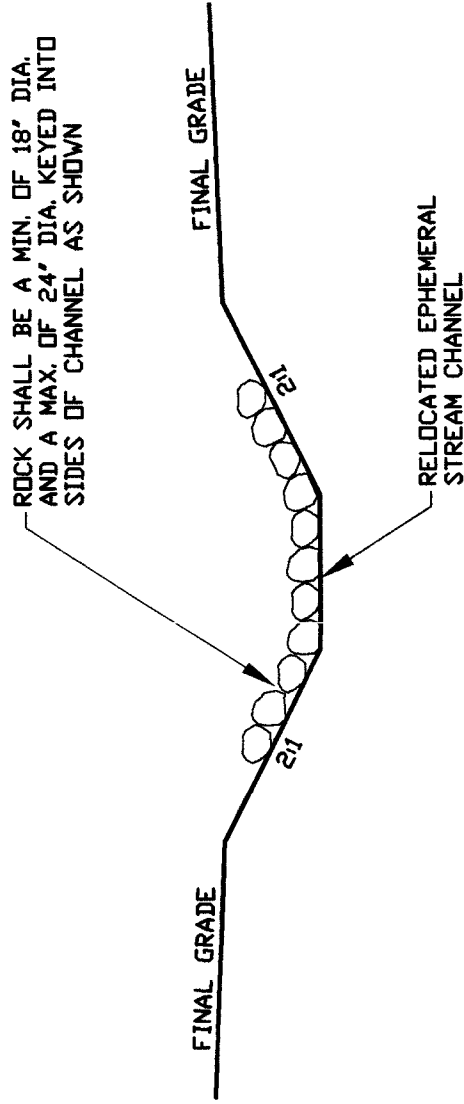
Date **JUNE 2011**

Dwg. No. **FIGURE 01**

POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

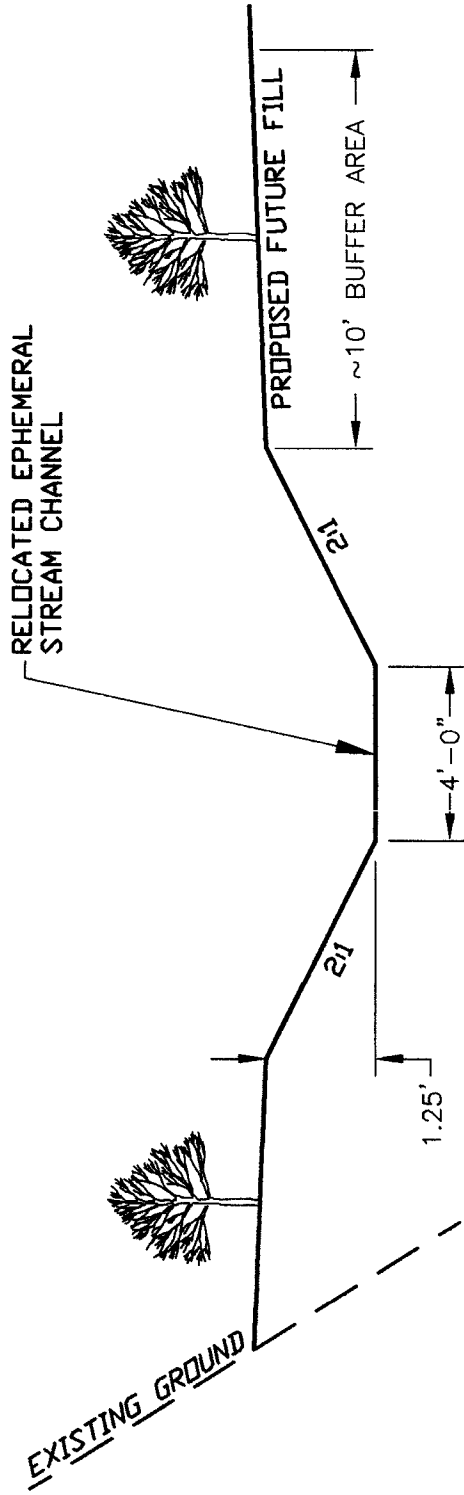
7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (804) 349-1400 FAX: (804) 349-9081
E-Mail Address: potesta@potesta.com





NOTE:
 FROM STA. 0+00 TO STA. 1+50 INSTALL ROCK STEP STRUCTURES EVERY 75'.
 FROM STA. 1+50 TO STA. 3+50 INSTALL ROCK STEP STRUCTURES EVERY 100'.
 FROM STA. 3+50 TO STA. 8+59.43 INSTALL ROCK STEP STRUCTURES EVERY 200'.

POTESTA & ASSOCIATES, INC. ENGINEERS AND ENVIRONMENTAL CONSULTANTS 7012 MacCortick Ave. SE, Charleston, WV 25304 TEL: (304) 342-1400 FAX: (304) 343-9031 E-Mail Address: potesta@potesta.com	DETAIL ROCK STEP STRUCTURE PROPOSED EPHEMERAL STREAM CHANNEL RELOCATION	Dwg. No. FIGURE 04
	Scale NO SCALE Date JUNE 2011	



**TYPICAL CROSS SECTION
PROPOSED EPHEMERAL
STREAM CHANNEL RELOCATION**

Scale NO SCALE
Date JUNE 2011
Dwg. No. FIGURE 02

POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
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