



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. 1995-92

Date: April 8, 2011

Notice No. 11-13

Closing Date: May 8, 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. APPLICANT: Maple Creek Mining, Inc.
56854 Pleasant Ridge Road
Alledonia, Ohio 43902
3. LOCATION: Monongahela River, Mile 30.3, Left Bank, New Eagle, Washington County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to perform maintenance dredging, as necessary, for a period of 10 years, to remove accumulated silt, mud and sand from the Maple Creek Mine facility docks. Approximately 34,500 cubic yards will be removed to provide adequate depths for mooring barges. The dock area is 2,400 feet long by 70 feet wide and would be dredged to a depth of 10 feet below normal pool elevation, 726.9. The dredge material will be disposed of at an approved disposal site. The applicant will also be conducting maintenance work on their existing mooring cells. Drawings of the proposed project are attached to this notice.
5. ENCROACHMENT PERMIT: The applicant's Water Obstruction and Encroachment Permit Number: **E 6378746 T-1**
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 George Brkovich at the above address, by telephoning (412) 395-7247, or by e-mail at george.r.brkovich@usace.army.mil. Please refer to CELRP-OP-F 1995-92 in all responses.

FOR THE DISTRICT ENGINEER:

SIGNED

Scott A. Hans
Chief, Regulatory Branch

1. PROJECT INFORMATION

Project Name: **New Eagle**

Date of review: 1/19/2011 3:07:14 PM

Project Category: **In-stream / Riverine Activities and Projects, Dredging/channel maintenance**

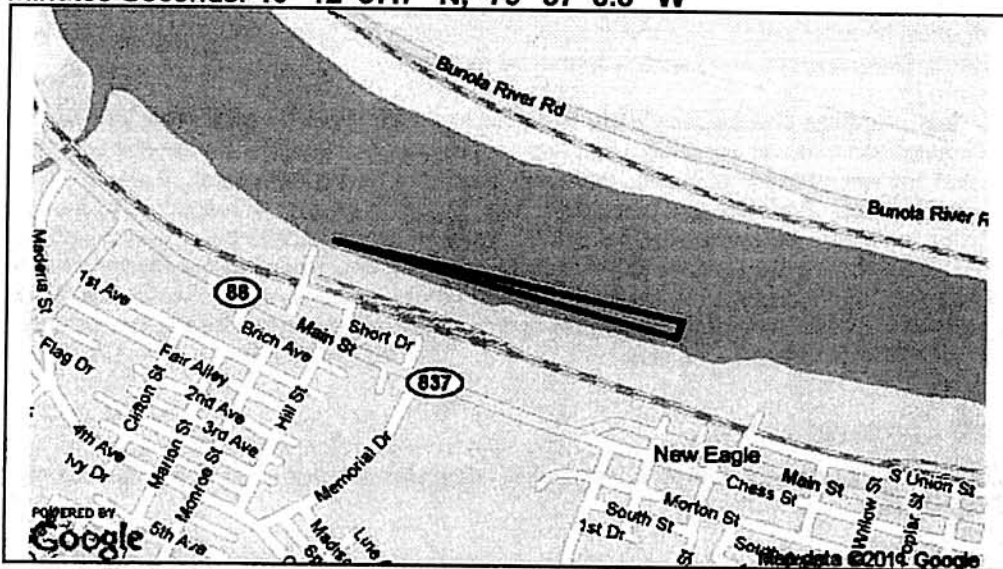
Project Area: **2.9 acres**

County: **Washington Township/Municipality: New Eagle**

Quadrangle Name: **MONONGAHELA ~ ZIP Code: 15067**

Decimal Degrees: **40.210474 N, -79.951887 W**

Degrees Minutes Seconds: **40° 12' 37.7" N, -79° 57' 6.8" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

RESPONSE TO QUESTION(S) ASKED

Q1: "Will any and all on-land (non-aquatic) disturbance occur in or on an existing building, parking lot, driveway, road, road shoulder, street, runway, paved area, railroad bed, maintained (periodically mown) lawn, crop agriculture field or maintained orchard?"

Your answer is: **3. Unknown**

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for one year** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

DCNR Species: (Note: The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name: *Baptisia australis*

Common Name: Blue False-indigo

Current Status: Special Concern Species*

Proposed Status: Threatened

Scientific Name: *Erythronium albidum*

Common Name: White Trout-lily

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Iodanthus pinnatifidus*

Common Name: Purple Rocket

Current Status: Endangered

Proposed Status: Endangered

Scientific Name: *Ruellia strepens*

Common Name: Limestone Petunia

Current Status: Threatened

Proposed Status: Threatened

Scientific Name: Sensitive Species**

Common Name:

Current Status: Special Concern Species*

Proposed Status: Threatened

PA Fish and Boat Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of Minimum Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

___ A basic site plan (particularly showing the relationship of the project to the physical features such as

wetlands, streams, ponds, rock outcrops, etc.)

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

___ The DEP permit(s) required for this project

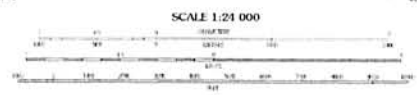
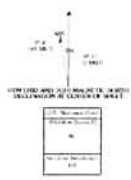
4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
North Carolina System of 1983 (NCS83) Projection and
Coordinate System and Universal Transverse Mercator Zone 17T
20,000 Scale, Fennelly-Thomas Coordinate System of 1983
(North Zone)

Source: NAD July 2008
Roads: ©2010 US Dept. of Transportation
Names: ©2010 US Dept. of Transportation
Hydrography: National Hydrography Dataset 2008
Contours: National Elevation Dataset 2008



CONTOUR INTERVAL 20 FEET
NORTH AMERICAN DATUM OF 1983

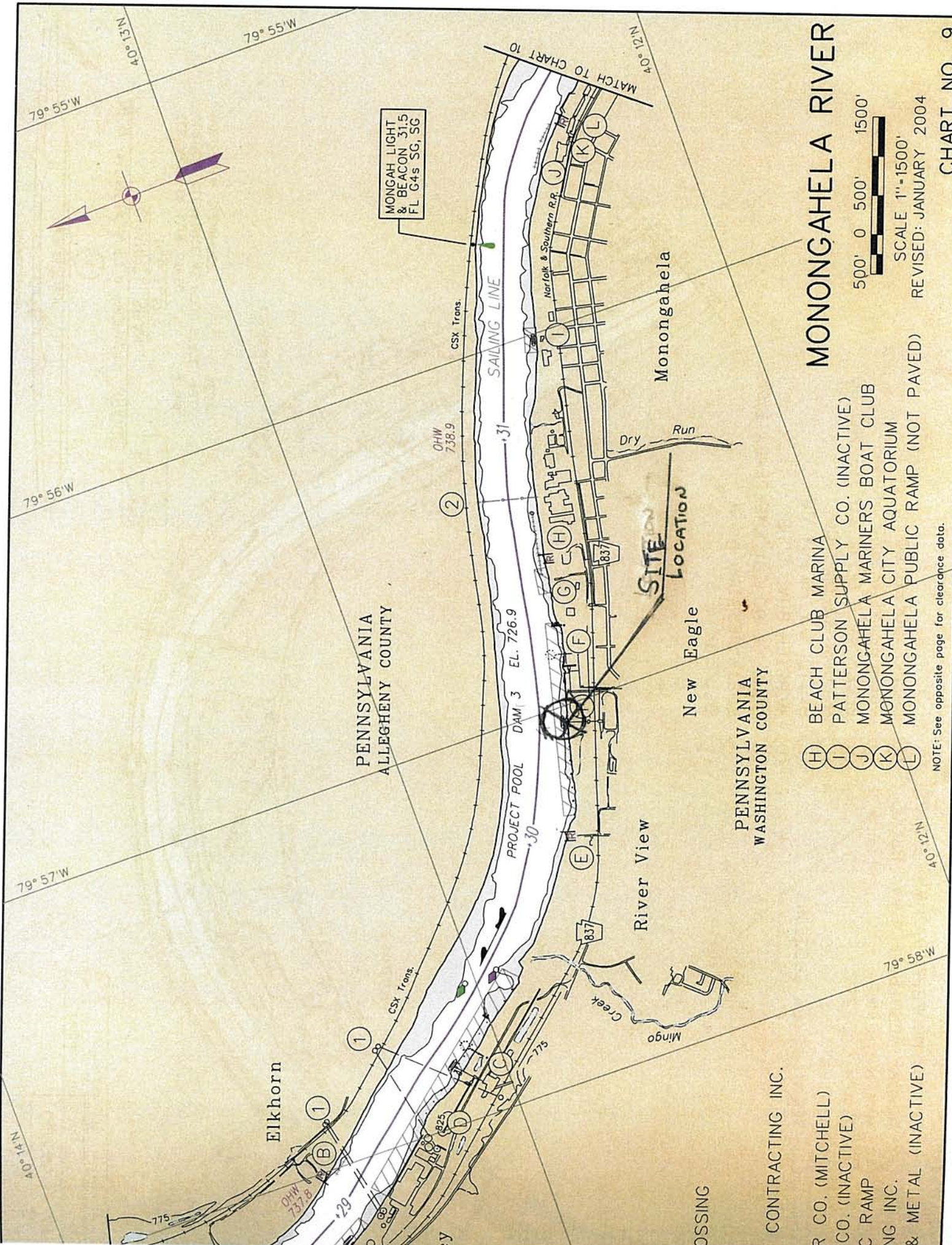
This map was produced in conformance with section 0.3 (b) of the
Web 11025 Standard for 7.5-Minute Contour Map
A metadata file associated with this product is available at 11025-03



ROAD CLASSIFICATION

Interstate Route	State Route
Interstate	State
US Route	Local Road
County	Other

MONONGAHELA, PA
2010



MONONGAHELA RIVER



SCALE 1"=1500'

REVISED: JANUARY 2004

CHART NO. 9

PENNSYLVANIA
ALLEGHENY COUNTY

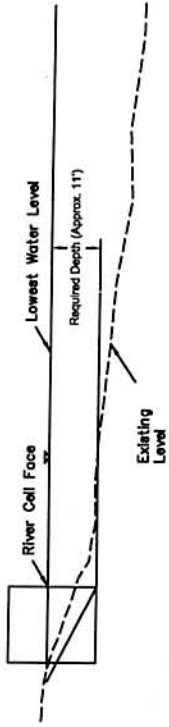
PENNSYLVANIA
WASHINGTON COUNTY

- (H) BEACH CLUB MARINA
- (I) PATTERSON SUPPLY CO. (INACTIVE)
- (J) MONONGAHELA MARINERS BOAT CLUB
- (K) MONONGAHELA CITY AQUATORIUM
- (L) MONONGAHELA PUBLIC RAMP (NOT PAVED)

NOTE: See opposite page for clearance data.

CROSSING
CONTRACTING INC.
R CO. (MITCHELL)
CO. (INACTIVE)
IC RAMP
ING INC.
& METAL (INACTIVE)

A-A' Cross Section



NEW EAGLE CROSS-SECTION
SCALE: 1" = 40'

A-003

Note: Dredging from the face of the river cell extending riverward a maximum of 2 standard barge widths or until required depth, approximately 70 feet, from upstream icebreakers at the empty fleet extending downstream to the last cell of our loaded fleet approximately 2400 feet. Approximate dredged area is 3.8 acres.

Flow

Required Dredging

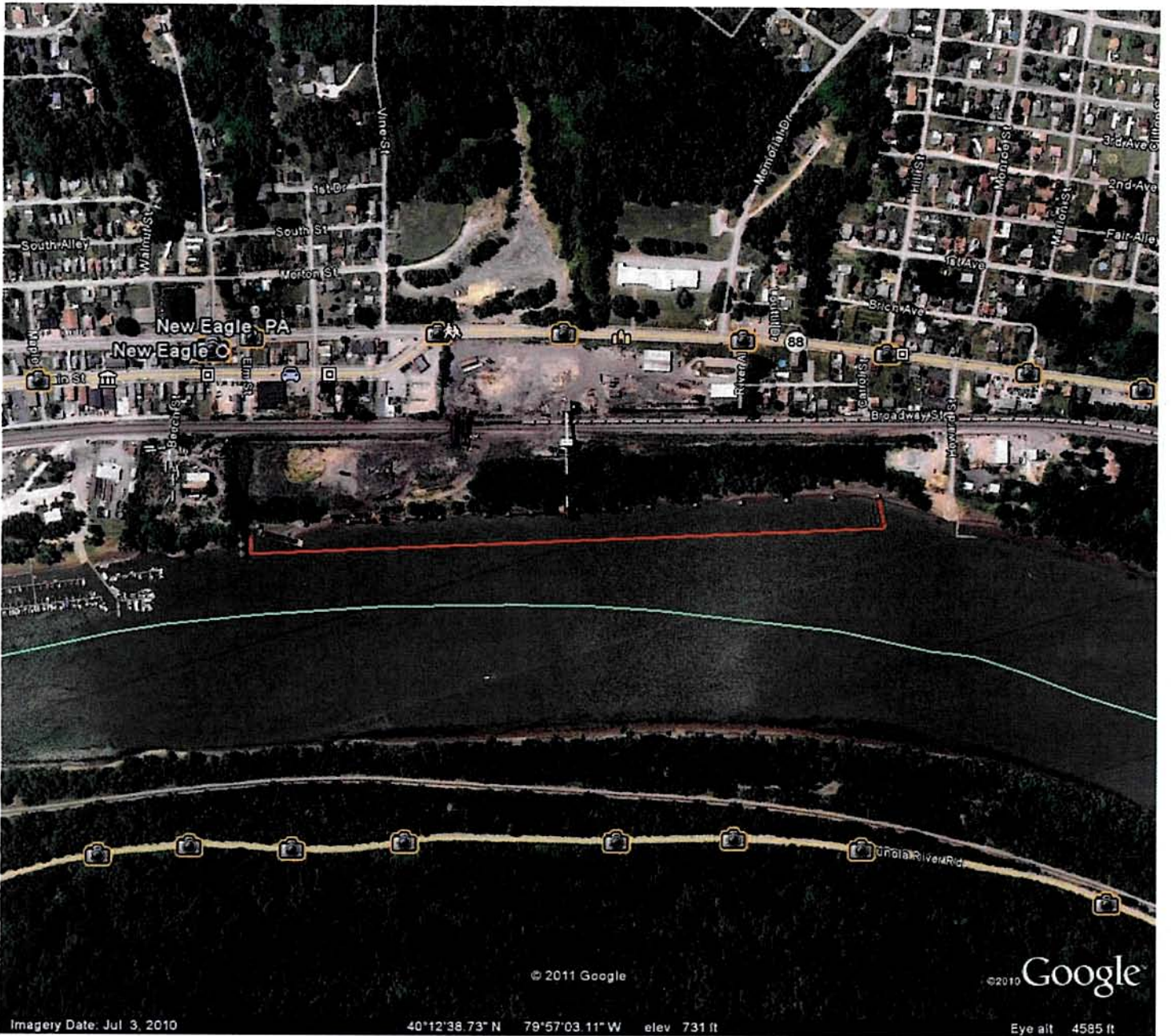
Empty Fleet

Loaded Fleet



NEW EAGLE SITE
SCALE: 1" = 300'

A002



Imagery Date: Jul 3, 2010

40°12'38.73" N 79°57'03.11" W elev 731 ft

Eye alt 4585 ft