



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. 1999-1095

Date: April 8, 2011

Notice No. 11-15

Closing Date: April 25, 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: The Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, Pennsylvania 16507
3. LOCATION: The project is located within the Corps of Engineers Confined Disposal Facility, in Lake Erie, in Erie, Erie County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to dispose of dredge material within the Erie Confined Disposal Facility (CDF). Previous dredging was authorized under Department of the Army Permit No.1999-1095. Future disposal up to a maximum of 500,000 cubic yards, is contingent upon receiving approval from the Buffalo District Corps of Engineers, which is responsible for operation of this facility. The CDF is operated by the U.S. Army Corps of Engineers, Buffalo District. The approximately 30 acre dike facility was constructed in 1979 specifically for the disposal of dredge material.

Additional dredging areas will require separate authorization, however, continued use of the CDF by this applicant will be authorized, provided all other required authorizations are obtained. The intended use of this CDF is to completely fill this area and return control to the property owner, which is the Port Authority. A drawing of the Confined Disposal Facility (CDF) is attached to this notice.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Permits and Technical Services
230 Chestnut Street Section
Meadville, PA 16335
Telephone: 814-332-6945

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

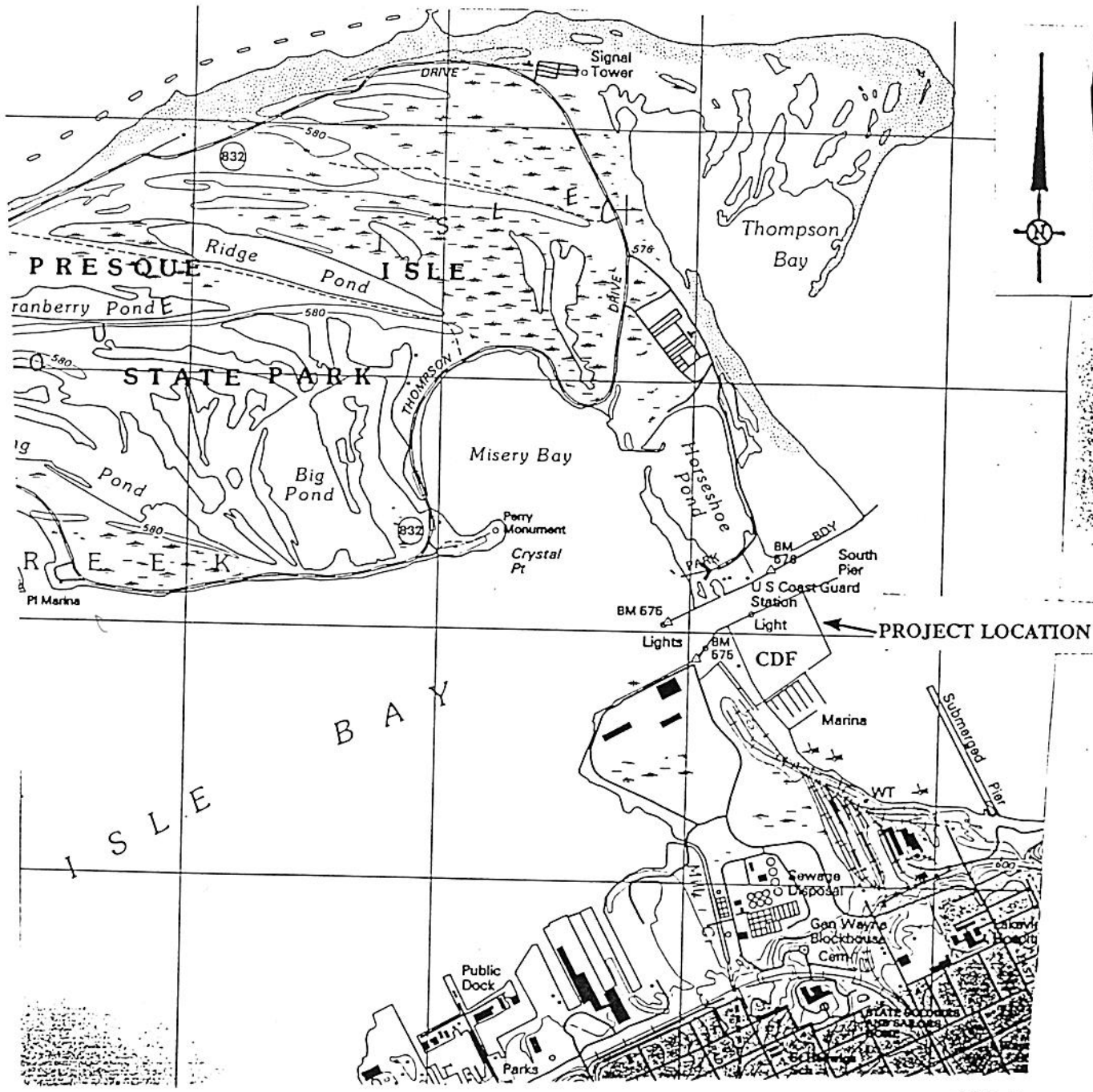
(40 CFR Part 230).

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 Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil Please refer to CELRP-OP-F 1999-1095 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Nancy Mullen
North Section Chief, Regulatory Branch



U.S.G.S. QUADRANGLE
 ERIE NORTH PA 1996

Scale: 1" = 2000'

CDF = CONFINED DISPOSAL FACILITY
 This facility, constructed in 1979 by the U.S. COE, has been used sparingly as a disposal facility for Presque Isle Bay dredging materials and other local Lake Erie dredging activities.

URBAN ENGINEERS OF ERIE, INC.
 502 West 7th Street
 Erie, PA 16502 - 1399
 814/453-5702 ■ Fax 814/453-2020

**CONFINED DISPOSAL FACILITY (CDF)
 SOUTH PIER, ERIE, PA**

SITE LOCATION MAP

Feb., 1999

Dwg. No. 1