



# 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. 2017-350

Date: August 8, 2017

Notice No. 17-40

Closing Date: September 5, 2017

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.
2. APPLICANT: West Virginia Department of Environmental Protection  
601 57th Street, S.E.  
Charleston, West Virginia 25304
3. LOCATION: The Project is located along an unnamed tributary of Teter Creek within the eight-digit United States Geological Survey Hydrological Unit Code referred to as HUC 05020001, Tygart Valley, West Virginia; within WVDEP's ILF Service Area 2 - approximately two miles south of Nestorville, in the Glade District of Barbour County, WV (39.157797/-79.888383).
4. PURPOSE AND DESCRIPTION OF WORK: The applicant has presented a project to the West Virginia Interagency Review Team that proposes to construct a mitigation project using West Virginia in-lieu fee money within the Tygart Valley (HUC 05020001). The proposed service area for this project is the In Lieu Fee (ILF) Program's secondary service area 2, which includes the Dunkard, Monongahela, West Fork, Tygart Valley, Cheat, and Youghiogheny HUC 8 watersheds. The goals of the project are to improve stream stability, re-establish native riparian vegetation, and enhance ecological habitat by using a combination of Level I & III restoration (i.e. reestablishment or rehabilitation), establishment, enhancement, and preservation. Level I will be implemented in areas where the valley is not constrained (5,510 feet of perennial and intermittent stream). Level III restoration will be applied upstream in areas where the valley is more constrained (1,213 feet of perennial and intermittent stream). Regarding wetlands, enhancement and establishment will be implemented, primarily near the confluence with Teter Creek and upstream along an open water resource. The project proposes to establish 1.52 acres of wetland, enhance 1.78 acres of wetland (PEM to PFO), enhance 0.5 acre of fringe emergent wetland along an open water resource, and enhance/establish riparian buffers along all wetland resources. Drawings of the proposed project are attached to this notice.
5. CONDITIONS OF THE NATIONWIDE PERMIT: This permit decision will be made in accordance with the terms and conditions of Nationwide Permit No. 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities and will satisfy the requirement of a public notice required by the West Virginia IRT.

6. WEST VIRGINIA CERTIFICATION: The State of West Virginia, Division of Environmental Protection (WVDEP), previously issued State Certification for Nationwide Permit No. 27. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Please contact the below for any questions concerning State Certification:

Ms. Wilma Reip, 401 Program Manager  
Phone: 304-962-0499 ext. 1599  
E-mail: Wilma.reip@wv.gov

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted and reviewed the most recently available information and has determined that the project will have no effect on endangered or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, 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).

8. 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).

9. 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.

10. 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).

11. 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, comments can be mailed to:

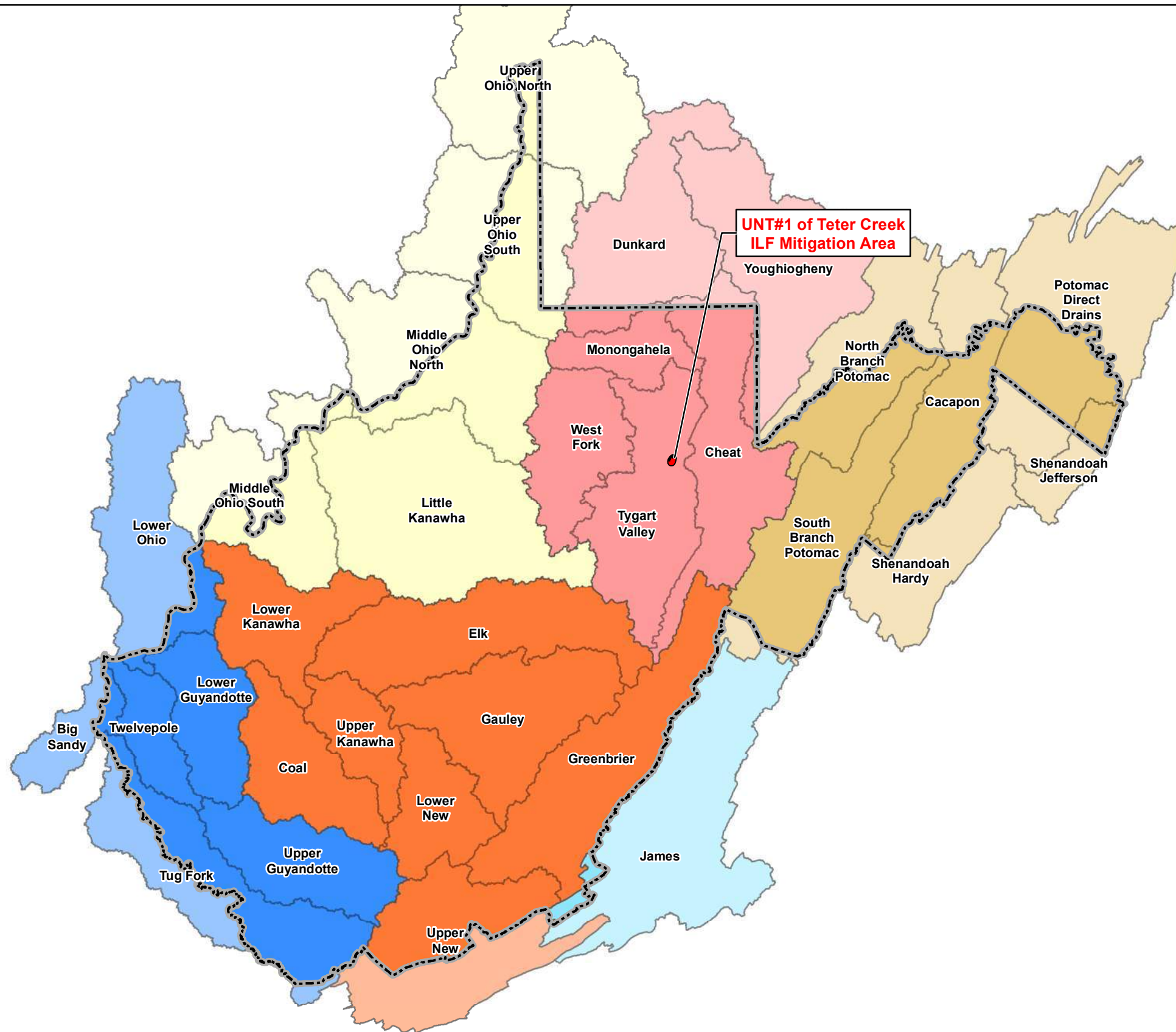
U.S. Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186  
Re: Public Notice CELRP-OP-F No. 14-34

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 Matthew Gilbert at the above address, by telephoning (412) 395-7517, or by e-mail at [matthew.c.gilbert@usace.army.mil](mailto:matthew.c.gilbert@usace.army.mil). Please refer to CELRP-OP-F 2017-350 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Jon T. Coleman  
Chief, South Section, Regulatory Branch



PROJECT LOCATION



BARBOUR COUNTY,  
WEST VIRGINIA

REFERENCE: NATIONAL HYDROGRAPHY DATASET (NHD) HUC 8 WATERSHED, 2015.

- UNT#1 of Teter Creek
- HUC 8 Watershed

WV ILF Areas

- Cheat / Tygart
- Gauley / Kanawha

LEGEND

- James
- Ohio/ Little Kanawha
- Potomac
- Tug / Guyandotte
- State Boundary

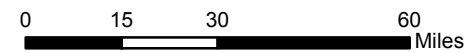


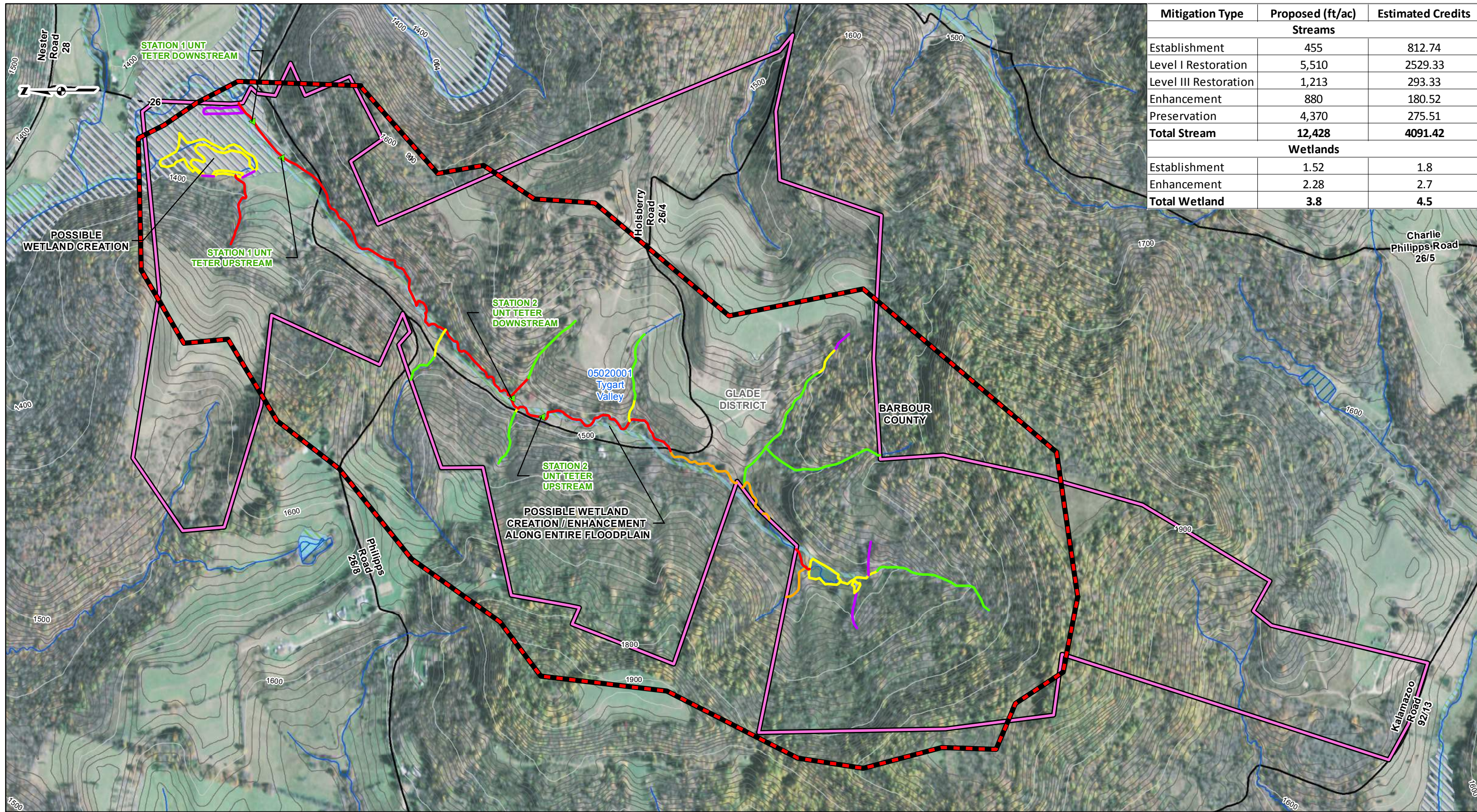
FIGURE 1  
PROJECT VICINITY MAP



WV-ILF MITIGATION AREA:  
CONCEPTUAL DESIGN PHASE

DRAWN BY: SWW  
CHECKED: EFJ

DATE: 8/8/2016  
APPROVED: CMM



Mitigation Type	Proposed (ft/ac)	Estimated Credits
<b>Streams</b>		
Establishment	455	812.74
Level I Restoration	5,510	2529.33
Level III Restoration	1,213	293.33
Enhancement	880	180.52
Preservation	4,370	275.51
<b>Total Stream</b>	<b>12,428</b>	<b>4091.42</b>
<b>Wetlands</b>		
Establishment	1.52	1.8
Enhancement	2.28	2.7
<b>Total Wetland</b>	<b>3.8</b>	<b>4.5</b>



REFERENCE: ESRI WORLD IMAGERY, NAIP, USDA FSA, 2014, ACCESSED 12/2016. NATIONAL WETLAND INVENTORY (NWI) WETLANDS, V2.0, USFWS, 2016. NATIONAL HYDROGRAPHY DATASET (NHD) WATERBODY (2016) AND HUC 8 WATERSHED, 2015. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 100 YEAR FLOODPLAIN, 2016. STATEWIDE ADDRESSING AND MAPPING BOARD (SAMB) STREAMS AND WATERBODIES, 2003. DISTRICT BOUNDARY, USCB, 2011. COUNTY BOUNDARY, WVDEP, 2005. ROADS, WVDOT, 2014. CONTOURS, WEST VIRGINIA STATE ADDRESSING AND MAPPING BOARD (SAMB) AND USGS, 2003.

**LEGEND**

- ▲ Station Point
- 100FT Contour
- NHD Waterbody
- 10FT Contour
- 100-Year Floodplain
- Stream Mitigation
- Road
- HUC 8 Watershed
- Level I Restoration
- Marsh Property
- UNT#1 of Teter Creek
- Level III Restoration
- NWI Wetland V2.0
- District Boundary
- Enhancement
- SAMB Stream
- County Boundary
- Preservation
- Creation
- SAMB Waterbody

0 350 700 1,400 Feet

**FIGURE 6  
CONCEPTUAL DESIGN MAP**

**WV-ILF MITIGATION AREA:  
CONCEPTUAL DESIGN PHASE**

gai consultants

DRAWN BY: SWW      DATE: 12/2/2016  
CHECKED: EFJ      APPROVED: CMM