

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-2007-1062

Date: July 25, 2018

Notice No. 18-27

Closing Date: August 25, 2018

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:** Rebecca Young
Dept. of Interior,
U.S. Fish and Wildlife Service
3982 Waverly Road
Williamstown, WV 26817
3. **LOCATION:** Ohio River at river mile (RM) 35.4 (Phillis Island) and RM 37.8 (Georgetown Island), Beaver County, Pennsylvania.
4. **PURPOSE AND DESCRIPTION OF WORK:** This is a re-issuance of a standard permit for the below scope of work. The following description includes details for each island.

Georgetown Island: Since 2013, about 1.5 acre of refuge habitat and erosion protection has been added to Georgetown Island; roughly doubling the habitat area of the island. This was accomplished by incrementally constructing a series of stone dikes around the island's perimeter for erosion protection. Beneficially reused clean soil obtained from maintenance dredging around the navigation locks in the Pittsburgh region was then placed behind the dikes and seeded. Native plants quickly established in the newly constructed areas.

Phillis Island: As of July 2018, no habitat reconstruction has occurred. A contract is currently being developed that is expected to be completed by the spring of 2019 that could add as much as 6 acres of refuge habitat and erosion protection to Phillis Island. This will be accomplished using the same methodology as for Georgetown Island.

Current scope of work for 2018 permit application: The applicant proposes to conduct an ecosystem restoration project designed to rehabilitate and protect Phillis and Georgetown islands. The applicant proposes to construct and maintain a dike, and to place and maintain fill along the banks of Phillis Island for a distance of approximately

1,150 linear feet in the Ohio River (WWF) and approximately 750 linear feet in the Ohio River backchannel (WWF); and to construct and maintain a dike, and to place and maintain fill along the banks of Georgetown Island for a distance of approximately 600 linear feet along the Ohio River (WWF) and a distance of approximately 800 linear feet in the Ohio River backchannel (WWF) for the purpose of protecting said islands from further erosion. As a result of the proposed fills, the total acreage of impact/restoration area for the two islands, combined, will be 7.5 acres, at most.

The applicant will ensure that only contaminant-free clean fill, primarily cobble and gravel, is used to backfill behind the dikes, making beneficial use of dredge material, in accordance with the most recent PADEP Clean Fill Policy. Clean 15"-graded limestone (3,963 cubic yards) will be placed in water to form longitudinal dikes on portions of the navigation and back channels of the islands. Suitable dredged material (43,056 cubic yards), primarily gravel and cobble, free of contaminants, will be placed behind the dikes and the backfilled area will be vegetated with native plants.

5. ENCROACHMENT PERMIT: The applicant has previously obtained a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the Pennsylvania Department of Environmental Protection under DEP File No. EA04-004 in a letter dated May 22, 2008.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information including the PNDI Conservation Explorer (PNDI # 661686 and 661687) and has determined that the project will have no effect on any 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).

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).

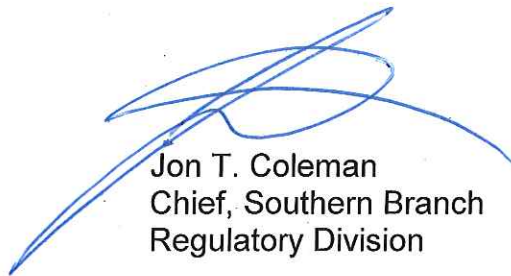
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state,

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 Division, *attn Josh Shaffer* at the above address, by telephoning (412) 395-7121, or by e-mail at Joshua.d.shaffer@usace.army.mil. Please refer to CELRP-RG 2007-1062 in all responses.

FOR THE DISTRICT ENGINEER:



Jon T. Coleman
Chief, Southern Branch
Regulatory Division