



Public Notice

U S Army Corps
of Engineers
Huntington District
Regulatory Division
South/Transportation Branch

In reply refer to Public Notice No.	Issuance Date:
LRH-2017-075-OHR	June 6, 2017
Stream: Jackson Run	Closing Date:
	July 6, 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-RD-S Public Notice No. (*reference above*)
502 Eighth Street
Huntington, West Virginia 25701-2070 Phone: (304) 399-5710

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army (DA) Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the United States Army Corps of Engineers' (Corps) request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

LOCATION: The proposed project is located in Jackson Run, its unnamed tributaries and associated wetlands, near Mineral Wells, Wood County, West Virginia. The proposed project consists of construction of a new four lane divided highway beginning at the existing four lane section of West Virginia (WV) Route 14 and extends approximately 0.1 mile north of Pettyville Road. The new roadway would then to transition from four lanes to three lanes and rejoin existing WV 14 just north of Willie Lane. The proposed roadway construction would also tie into existing county routes. The proposed project is approximately 1.0 miles long. The proposed project begins at Latitude 39.2160 and Longitude -81.5453 and ends at Latitude 39.2010 and Longitude -81.5356 as shown on the attached USGS Map.

DESCRIPTION OF PROPOSED WORK: The applicant has requested a DA authorization for the proposed discharge of dredged and/or fill material into waters of the United States (U.S.) to facilitate the construction of a new four lane divided highway at the location specified above associated with the Mineral Wells to Pettyville Road project. The proposed roadway project would result in the permanent discharge of dredged and/or fill material into two streams (656 linear feet) and four jurisdictional wetlands (1.39 acres) at 3 single and complete project locations. The construction activities would include culvert installations, storm drain outlet protection, and roadway fill. See Tables 1 and 2 below as well as attached Sheets 1-6.

The Federal Highway Administration (FHWA) is the lead Federal agency for the Mineral Wells to Pettyville Road project. In accordance with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA), dated April 2014, was prepared and approved by the West Virginia Department of Transportation-Division of Highways and the FHWA. A subsequent Finding of No Significant Impact (FONSI) was signed September 2014.

ALTERNATIVES ANALYSIS: As a result of the proposal, dredged and/or fill material would be discharged into four wetlands as described in Table 2 below. The projects do not require access or proximity to or siting within the wetlands to fulfill their basic purpose and are considered to be non-water dependent activities. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available, unless clearly demonstrated otherwise. The applicant is required to provide an alternatives analysis that must overcome the presumption prior to receiving authorization for the discharge of dredged and/or fill material. No permit would be issued unless the alternatives analysis clearly demonstrates that practicable upland alternatives are not available to achieve the overall project purpose. The applicant has submitted an alternatives analysis for review. The alternatives include a no build alternative and multiple roadway alignment alternatives. The alternatives discussed below were developed for the Mineral Wells to Pettyville Road project.

Under the no build alternative, no discharge of dredged and/or fill material would occur in waters of the U.S. However, the applicant has indicated this alternative would not meet the overall project purpose. Four (4) roadway alignments were evaluated by the applicant. Based on their analysis, the applicant determined the Alternative 4 is their preferred alternative, stating the other alternatives considered would result in greater costs and socioeconomic impacts. The applicant's alternatives analysis is currently under review. A complete copy of the applicant's alternative analysis can be reviewed, by appointment, at the above address.

AVOIDANCE AND MINIMIZATION: In evaluating a project area containing waters of the U.S., consideration must be given to avoiding discharges of dredged and/or fill material into these waters. If waters of the U.S. cannot be avoided, then impacts must be minimized. A total of 656 linear feet of two (2) streams and 2.10 acres of seven (7) wetlands are located within the project area. Avoidance and minimization efforts were incorporated into the project development plan. The highway project was designed to avoid the discharges of dredged and/or fill material into 0.71 acre (34%) of wetlands. The culverts have been designed to pass both low and high water flows and to accommodate fluctuating water levels and maintain circulation and faunal movement. Best management practices would be implemented to minimize downstream sedimentation and turbidity.

COMPENSATORY MITIGATION PLAN: To compensate for the permanent discharge of dredged and/or fill material into the streams as described in Table 1 below, the applicant proposes to purchase a total of 306.046 stream credits from an approved mitigation bank and/or purchase 342.772 stream credits from the West Virginia In-Lieu Fee Program. To compensate for the permanent discharge of dredged and/or fill material into the wetlands described in Table 2

below, the applicant proposes to purchase 1.39 wetland credits from an approved mitigation bank and/or purchase 2.78 wetland credits from the West Virginia In-Lieu Fee Program.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the WVDEP.

HISTORIC AND CULTURAL RESOURCES: The FHWA is the lead Federal agency for the overall highway project and is responsible for compliance with Section 106 of the National Historic Preservation Act. The applicant has consulted with the State Historic Preservation Office (SHPO) and it was determined the Athey & Sons Dairy Barn is eligible for inclusion on the National Register of Historic Places under Criterion A for its association with the local dairy industry as well as under Criterion C for its architecture. However, the Athey Barn would be outside of the proposed right of way and would not be directly impacted by the proposed project. Therefore, it was determined the proposed project would have no effect on the eligible resource. The Corps intends to rely upon the information collected by the FHWA, and the consultation previously performed regarding the effects to historic properties. That information would be used to support the Corps' independent evaluation of the permit application. A copy of this Public Notice will be sent to the SHPO for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED AND THREATENED SPECIES: The FHWA has the ultimate responsible for compliance with Section 7 of the Endangered Species Act. The applicant has consulted with the U.S. Fish and Wildlife Service (USFWS) regarding federally-protected endangered and threatened species. In a letter dated June 14, 2013, the USFWS concluded that no federally-listed endangered and threatened species are expected to be impacted by the proposed project. Due to the change in status of the northern long-eared bat, the applicant consulted the USFWS to determine if the proposed project would continue to have no effect on the species. The USFWS concurred with their previous no effect determination on March 5, 2014. The Corps intends to rely upon the information collected by or on behalf of the FHWA, and consultation performed by or on behalf of the FHWA, regarding the effects to federally-listed threatened or endangered species. That information would be used to support our evaluation of the permit application. A copy of this Public Notice will be sent to USFWS for their review.

PUBLIC INTEREST REVIEW AND CUMULATIVE EFFECTS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the Corps, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow guidelines published by the United States Environmental Protection Agency (USEPA) pursuant to Section 404(b)(1) of the Clean Water Act (40 CFR part 230). The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects

thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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.

SOLICITATION OF COMMENTS: The Corps 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. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any person may request, in writing, within the comment period specified in the notice, that a public hearing be held to consider the application. Any comments received will be considered by the Corps 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 need for a public hearing and to determine the overall public interest of the proposed activity. Written statements on these factors received in this office on or before the expiration date of this Public Notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed at the beginning of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

United States Army Corps of Engineers
ATTN: CELRH-RD-S
Public Notice: LRH-2017-075-OHR
502 Eighth Street
Huntington, WV 25701-2070

Please note that names and addresses of those who submit comments in response to this Public Notice become part of our administrative record, and, as such, maybe available to the public under the provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this Public Notice, please contact Sarah Workman of the South/Transportation Branch by telephone at (304) 399-5710 or by email at sarah.m.workman@usace.army.mil.

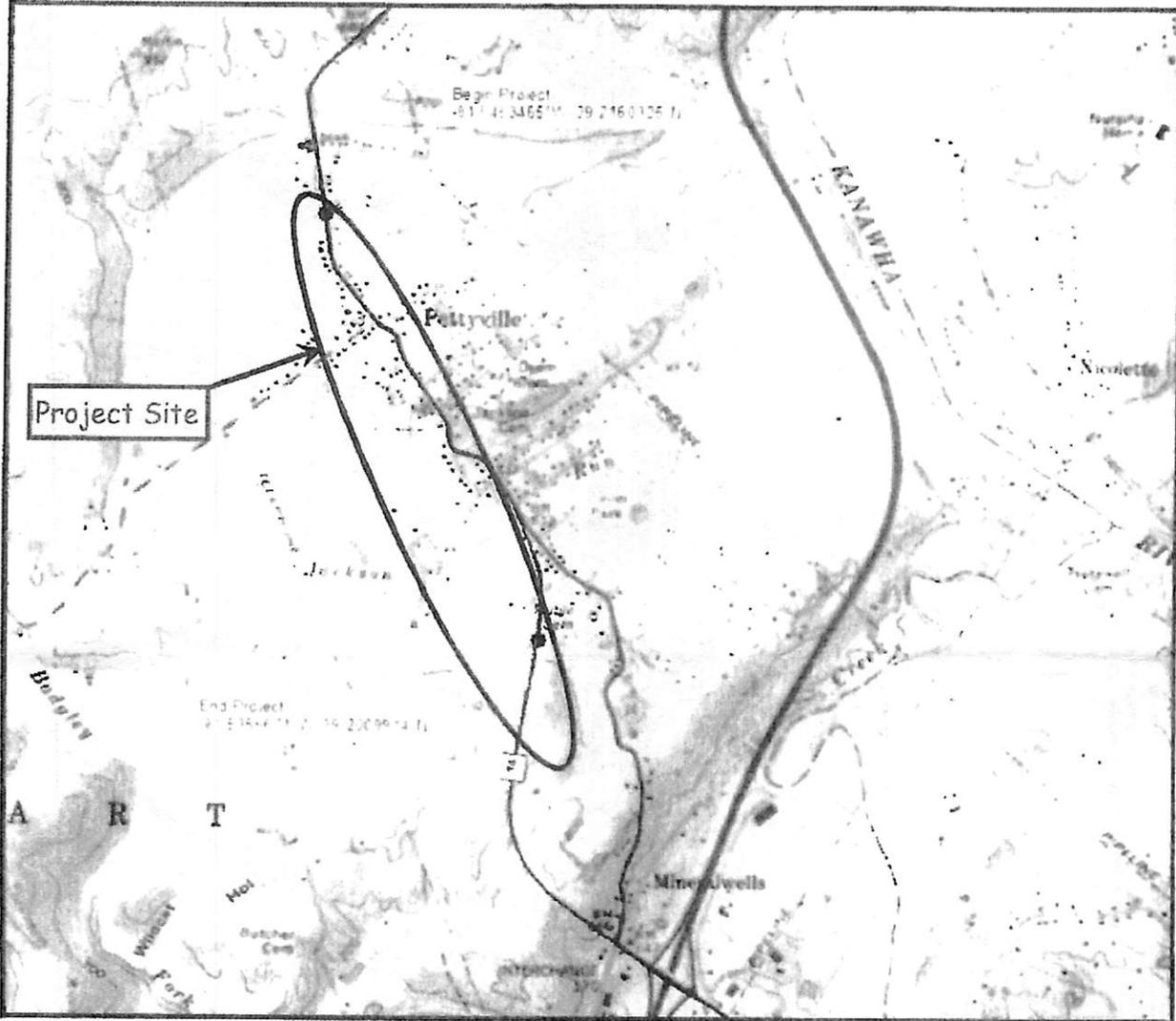
Table 1 – Proposed Permanent Stream Fills

Station	Corps Single & Complete Project ID	Stream Name	Flow Regime	Type of Discharge	Total Stream Length (lf)	Current Discharge Length (lf)	Mitigation Length Required (lf)	Plan Sheet No.
61+17	1	Jackson Run	Perennial	Culvert Installation	490	0	490	4
501+83	1	Jackson Run	Perennial	Culvert Upgrade	110	90	20	4
62+36	1	Jackson Run	Perennial	Outlet Protection Riprap	20	0	20	4
11+97	2	UNT Jackson Run	Perennial	Outlet Protection Riprap	18	0	18	2
12+17	2	UNT Jackson Run	Perennial	Outlet Protection Riprap	18	0	18	2
TOTALS					656	90	566	

Table 2 – Proposed Permanent Wetland Fills

Station	Corps Single & Complete Project ID	Wetland ID	Wetland Classification	Type of Discharge	Wetland Size (acres)	Discharge into Wetlands (acres)	Plan Sheet No.
42+00	3	W2	PEM	Fill	0.05	0.05	3
46+50	3	W4	PEM	Fill	1.00	1.00	3
49+00	3	W6	PEM	Fill	0.10	0.10	3
46+00	3	W8	PEM	Fill	0.24	0.05	3
46+00	3	W8	PEM	Drain		0.19	3
TOTALS					1.39	1.39	

USGS TOPO MAP - South Parkersburg, WV



State Project: U354-14-8.69 00
Federal Project: STP-0014(111)E

Project Name: Mineral Wells to Pettyville
County: Wood

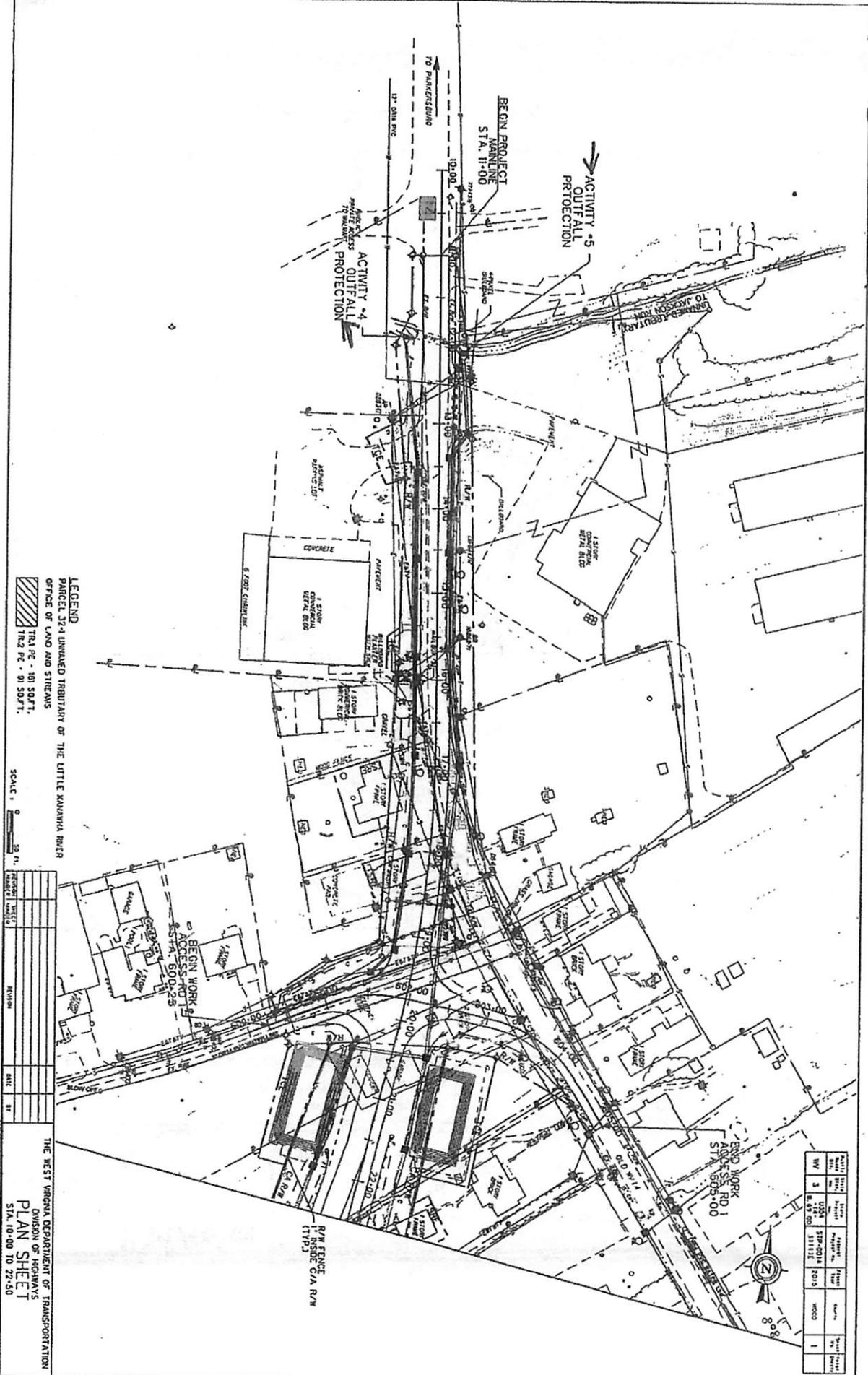


**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS**

Date:
05/04/16

Sheet
1 of 1

Sheet 2 of 6



LEGEND
 PARCEL 37-1 UNPAVED TRIBUTARY OF THE LITTLE BACKWATER RIVER
 OFFICE OF LAND AND STREAMS
 TRA PE - 101 50 FT.
 TRA PE - 91 50 FT.

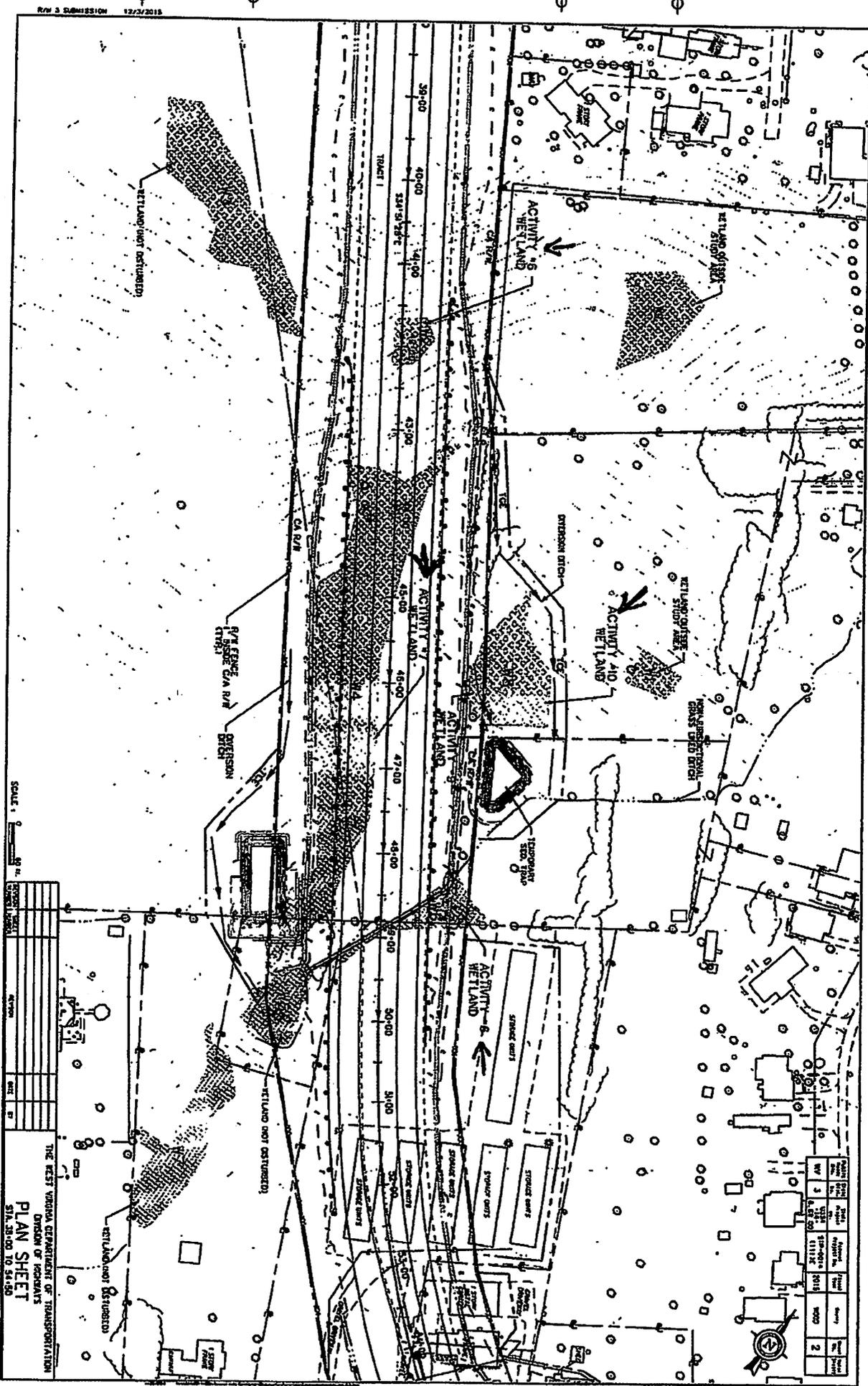
SCALE: 0 30 FT.

NO.	DATE	REVISION

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PLAN SHEET
 STA. 10+00 TO 22+50

DATE	BY	CHKD.	APP'D.	SCALE	PROJECT	SHEET NO.	TOTAL SHEETS
12/3/2015							

Sheet 3 of 6

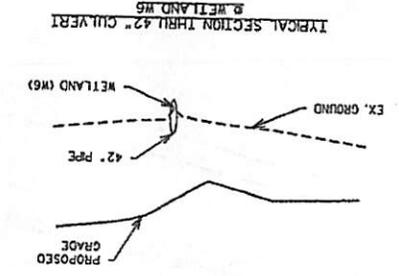
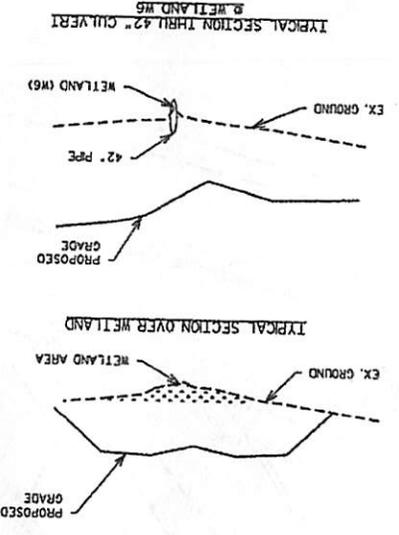
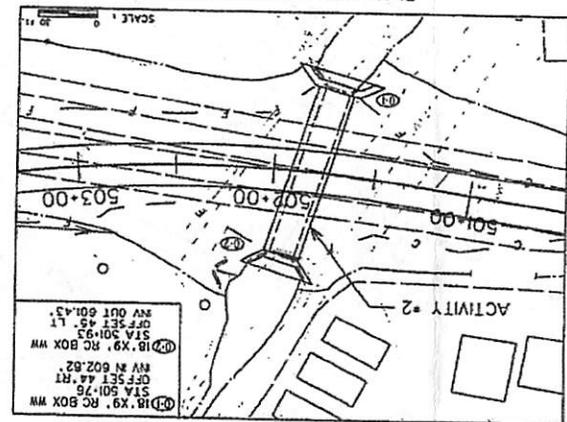
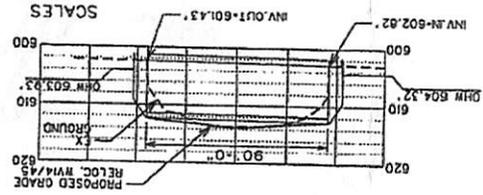
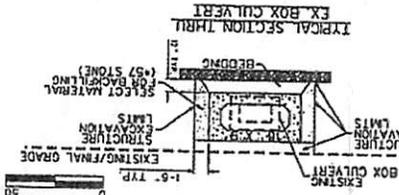
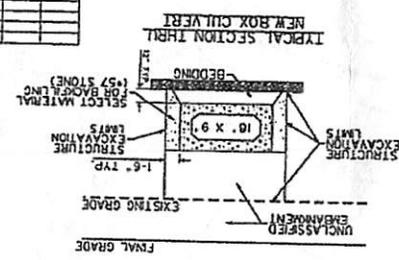
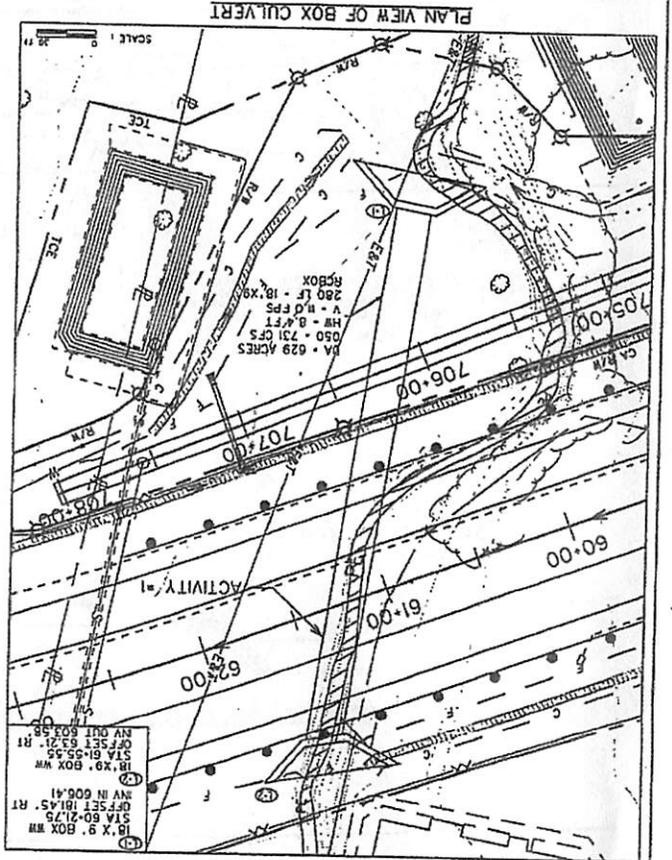
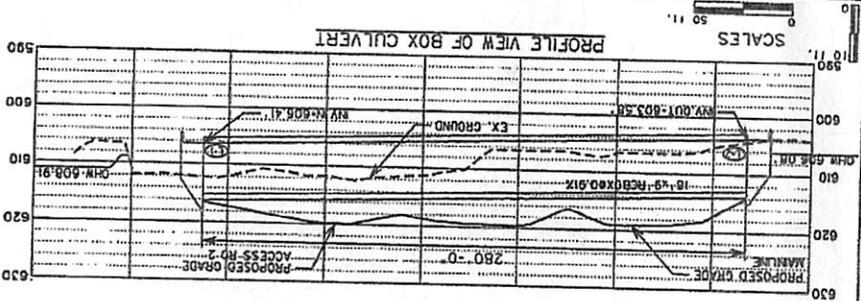


R/W 3 SUBMISSION 12/23/2018

NO.	DATE	BY	DESCRIPTION

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
PLAN SHEET
 STA. 51+00 TO 54+50

NO.	DATE	BY	DESCRIPTION



THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
STREAM AND WETLAND
IMPACT DETAILS

PROJECT NUMBER	SECTION	DATE	BY

Project No.	Sheet No.	Scale	Date	Drawn	Checked	Appr'd
18 X 9 RC BOX NW <td>4 <td>1" = 20'</td> <td>2016 <td>WCCD <td> </td> <td> </td> </td></td></td>	4 <td>1" = 20'</td> <td>2016 <td>WCCD <td> </td> <td> </td> </td></td>	1" = 20'	2016 <td>WCCD <td> </td> <td> </td> </td>	WCCD <td> </td> <td> </td>		

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