



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RPA (WILKES-BARRE INFLATABLE  
STRUCTURE/LUZERNE CO.)03-01240-13

PN 05-42

Comment Period: October 10, 2005 to December 10, 2005

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) as described below:

APPLICANT: *Luzerne County Flood Protection Authority*  
*Mr. Jim Brozena*  
*Luzerne County Courthouse*  
*WILKES-BARRE, PA 18711-1001*

LOCATION: The project is located on The North Branch of the Susquehanna River, in the City of Wilkes-Barre, Borough of Larksville, Borough of Kingston, Borough of Edwardsville, Borough of Forty Fort and Plains Township, Luzerne County, Pennsylvania.

WORK: To discharge dredged or fill material into the North Branch of the Susquehanna River associated with the construction of an inflatable structure. The inflatable structure with a fully inflated height of 9.5 feet will maintain the water surface level of the pool near elevation 517 feet. The water surface elevation of the river in the vicinity of the Market Street Bridge will be raised approximately 4 feet higher than average during the period when the structure is inflated. With this structure height, the recreation pool would be confined within the natural channel banks of the river. The recreational pool will extend approximately 4.5 miles upstream from the structure. The width of the pool will vary between 550 and 1,000 feet. The average depth of the pool will be approximately 8-10 feet with the deepest area more than 25 feet. In addition a fish passage facility will be constructed.

Impacts associated with the structure include: 1) Permanent impacts of 1.79 acres of the Susquehanna River associated with the portage ramp, fish passage facility and the inflatable structure foundation which includes rip-rap scour protection. 2) 0.16 acre of permanent wetland impacts associated with the construction of the permanent portion of the structure. 3) 3.68 acres of temporary river impacts associated with construction activities for the fish passage facility and the inflatable structure foundation. 4) 0.89 acre of wetlands will be temporarily impacted by the contractor staging area, site access and construction activities. 5) Seasonally inundating 0.90 acre of wetlands by the proposed normal pool elevation.

The applicants stated purpose is to (1)mitigate the intangible negative socio-economic impacts caused by the levee raising project, (2) provide economic development potential for the Wyoming Valley region, and (3) provide river-based recreational opportunities.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mrs. Amy Elliott* at (814) 235-0573. You may also request a hard copy of this notice by contacting Ms. Elliott at the same number.

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 benefit, which reasonable may be expected to accrue from the proposal, 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, cultural values, 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 production, 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 need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, State College, Pa 16801, within the comment period specified above.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Pennsylvania Department of Environmental Protection through the issuance of a Section 105 permit or through direct application to the Regional Office in the area of the proposed project. The Section 401 certifying agency has a statutory limit of one year in which to make its decision.

The applicant must obtain any State or local government permits which may be required.

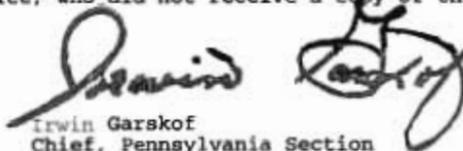
A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, State College, PA 16801, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER



Irwin Garskof  
Chief, Pennsylvania Section

Enclosure