



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

September 12, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copy of Mr. [REDACTED] email to my office explaining his concerns for potential storm water run-off problems effecting downstream communities within the Big Wheeling Creek watershed as a result of this project.

We (the Corps of Engineers) feel that Mr. [REDACTED] suggestion to pipe and redirect the storm water flows to both Middle Wheeling Creek and Little Wheeling Creek to not be economically feasible. However, we are requesting that you furnish to our office and Mr. [REDACTED], a satisfactory response to his inquiry that all existing and proposed stormwater flows have been adequately addressed, designed, and permitted to meet all current applicable Stormwater Management Regulations so as not to increase downstream flooding concerns or degrade downstream aquatic resources.

If you have any questions regarding this matter, please contact me at 412-395-7275.

Sincerely,

Fred E. Pozzuto
Project Manager

Encl.

CF (w/o Encl.):

Mr. [REDACTED]



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
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PITTSBURGH, PA 15222-4186

September 26, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V, Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copies of emails I received from Messrs. [REDACTED] and [REDACTED] voicing there concerns with past and proposed activities as a result of The Highlands Development.

We (the Corps of Engineers) feel that Mr. [REDACTED] and Mr. [REDACTED] comments regarding blasting, run-off, and land-sliding are significant. I have email responded back to these individuals that we would officially be forwarding their concerns to your office. As part of our public interest factors of Safety, Property Ownership, Erosion and Accretion we feel that there comments justify consideration and merit a detailed response by your office.

You may wish to coordinate your responses through your technical consultants accordingly and submit your reply to this office by November 1, 2007 in order for the Corps of Engineers to provide these individuals with a satisfactory response.

If you have any questions regarding this matter, please contact me at 412-395-7275.

Sincerely,

Fred E. Pozzuto
Project Manager

Enclosure

CF (w/o Encl.):

Mr. [REDACTED]
Mr. [REDACTED]



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DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
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September 26, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V, Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copy of Mr. Kevin C. Clark's email attachment to my office explaining his concerns for impacts, size of impacts and past and future mitigations as a result of this project.

We (the Corps of Engineers) feel that much of Mr. Clark's comments have merit. I have responded back to Mr. Clark concerning the Corps of Engineers permitting responsibilities and the decision to permit each new Phase of The Highlands Development individually.

We are requesting that all of Mr. Clark's comments warrant detailed response from your office. I would suggest that your responses be coordinated through your consultants accordingly and submitted to our office by November 1, 2007.

If you have any questions regarding this matter, please contact me at 412-395-7275.

Sincerely,

Fred E. Pozzuto
Project Manager

Encl.

CF (w/o Encl.):

Mr. Clark



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DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
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PITTSBURGH, PA 15222-4186

October 3, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V, Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copy of letter received from the U.S. Environmental Protection Agency Region III (dated October 3, 2007).

Please refer to attached copy of letter received from the U.S. Department of the Interior, Fish and Wildlife Service (dated September 24, 2007).

Please refer to attached two (2) copies of letter and attachments received from adjoining property Mr. David A. O'Brien (dated September 24, 2007).

We (the Corps of Engineers) feel that the responses by the USEPA, the USF&WS, and Mr. O'Brien's comments are significant and warrant a full and detailed response by your office to all of the items they have delineated.

We are also awaiting from your office, responses to previous correspondence (dated September 12, 2007 and two letters dated September 26, 2007) concerning other significant comments concerning blasting and stormwater control measures voiced by other concerned individuals.

Before any Section 404 permit can be approved by this office, you will need to consider the potential adverse impacts to resources of the Phase V project, the short-term and long-term effects of the fill on those resources, the need for additional functions and values analysis of these resources, a complete and succinct Alternatives Analysis to the Storch's Run valley fill [Sec 404(b)(1) guidelines].

Further, our office will need to be provided with complete mitigation plans to previously agreed upon permits.

- 2 -

You may wish to coordinate your responses through your technical consultants accordingly and submit your reply to this office by November 1, 2007 in order for the Corps of Engineers to provide these individuals with a satisfactory response and proceed with the permit process.

If you have any questions regarding this matter, please contact me at 412-395-7275.

Sincerely,

Fred E. Pozzuto
Project Manager

Enclosure

CF (w/o Encl.):

USEPA (Mr. Lapp)
USF&WS (Mr. Chapman)

Mr. D.A. O'Brien



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DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

October 17, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V, Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copy of a letter dated October 10, 2007 from the West Virginia Division of Culture and History, received in our office on October 15, 2007 from Ms. Susan Pierce, Deputy State Historic Preservation Officer, voicing their concerns for impacts to Archeological and Architectural Resources as a result of The Highlands Development, Phase V.

Based upon the Division of Culture and History's letter, they are unable to complete their review without additional information. To satisfy this request may require some form of additional archeological investigations, especially along Middle Wheeling Creek by your office.

I have taken the liberty to also forward you a map of the proposed mitigation location for the Phase V development along Middle Wheeling Creek that was recently produced by your environmental consultant (Wallace & Pancher). The Division of Culture and History feels that this undisturbed mitigation corridor area is likely to contain archeological resources.

We feel that Ms. Pierce's comments regarding these cultural resources are significant, and her comments will need to be fully addressed in sufficient detail in order to have the Division of Culture and History complete their review. The Corps of Engineers, under Section 106 of the Historic Preservation Act of 1966, will also need to have these comments reconciled prior to a permit issuance from our office.

You may wish to coordinate your responses through your technical consultants accordingly and submit your reply to this office in order for the Corps of Engineers to provide the Historic Preservation Office with a satisfactory response.

- 2 -

If you have any questions regarding this matter, please contact me at 412-395-7275, or Mr. Scott Hans, Acting Chief, Regulatory Branch at 412-395-7154.

Sincerely,

Fred E. Pozzuto
Project Manager

Enclosure

CF:

WV Division of Culture & History (Ms. S.M. Pierce)
WVDEP (Mr. L.B. Bennett)

Wallace & Pancher (Mr. J.J. Noble)



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DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
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PITTSBURGH, PA 15222-4186

October 19, 2007

Operations Division
Regulatory Branch
200100145

Attn: Mr. Gregory L. Stewart
Ohio County Development Authority
1500 Chapline Street, Room 215
Wheeling, WV 26003

Dear Mr. Stewart:

I refer you to our Public Notice PN 07-40 regarding the Ohio County Development Authority's proposal for The Highlands, Phase V, Wild Escape Amusement Park, located near the City of Wheeling, Ohio County, West Virginia.

Please refer to the attached copy of a letter dated October 9, 2007 from the West Virginia Division of Natural Resources, received in our office on October 18, 2007 from Mr. Curtis I. Taylor, Chief, Wildlife Resources Section, voicing their concerns for impacts to the chemical, biological, and physical integrity of Storches Run as a result of The Highlands Development, Phase V.

Firstly, his office questions the discrepancy on sheet 2 of 10 of the Public Notice which depicts impacted streams outside of the indicated permit limits. This comment has been made by several other individuals on the Public Notice, please reconcile or correct this inconsistency.

Additionally, based upon the Division of Natural Resource's letter, they are unable to complete their review without a chemical and geotechnical assessment of the pyritic sandstone embankment fill material to avoid potential acid mine leachate from re-occurring, as well as, additional information regarding the NPDES permit(s) for the site (pre and post OCDA). Some form of additional geotechnical and chemical testing by your office may be required in order to satisfy this request.

Further, the Natural Resources office (WVDNR) will need to closely examine the mitigation plans when they are completed, as part of their ongoing coordination with the West Virginia Department of Environmental Protection (WVDEP) as they proceed with the State's Individual 401 Water Quality Certification.

We feel that Mr. Taylor's concerns regarding these wildlife and natural resources are significant, and his comments will need to be fully addressed in sufficient detail to be reconciled. The Corps of Engineers, under Section 404 of the Clean Water Act, will also need to have these comments reconciled prior to a permit issuance from our office.

- 2 -

You may wish to coordinate your responses through your technical consultants accordingly and submit your reply to this office in order for the Corps of Engineers to provide the West Virginia Department of Natural Resources with a satisfactory response.

If you have any questions regarding this matter, please contact me at 412-395-7275, or Mr. Scott Hans, Acting Chief, Regulatory Branch at 412-395-7154.

Sincerely,

Fred E. Pozzuto
Project Manager

Enclosure

CF:

USEPA (Mr. J.D. Lapp)

WVDNR (Mr. K. Bledsoe)
WVDEP (Mr. L.B. Bennett)

Wallace & Pancher (Mr. J.J. Noble)