



# 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. 2001-1542

Date: September 27, 2013

Notice No. 13-17A

Closing Date: October 26, 2013

**THIS PUBLIC NOTICE IS BEING RE-ADVERTISED DUE TO ADDITIONAL IMPACT ASSOCIATED WITH THE PROPOSED MITIGATION PLAN. ORIGINAL PUBLIC NOTICE WAS PUBLISHED ON APRIL 22, 2013.**

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: American Energy Corporation, Inc.  
46226 National Road  
St. Clairsville, Ohio 43950
3. LOCATION: Unnamed tributaries of Long Run within 95.5 acres located 2 miles northeast of New Castle, Wayne Township, Belmont County, Ohio along Township Road 74 and 87.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a coarse refuse disposal area within a valley containing unnamed tributaries to Long Run. An earthen embankment would be created near the confluence with Long Run and a refuse disposal facility will be developed for coarse refuse storage from the Century Mine on adjacent area D-0425-8. The refuse disposal facility would be a non impounding fill. Groundwater will be collected by an under drain system and kept separate from site runoff. Site runoff will be collected by a leachate collection system and diversion ditches and would be directed to sediment ponds for treatment. Impacts proposed, as a result of the coarse refuse disposal facility, to federally jurisdictional streams totals 3,223 linear feet of unnamed tributaries to Long Run. No wetlands are proposed to be impacted.

Offsite stream mitigation (within the same 10 digit HUC as proposed impacts) is being proposed to include stream enhancement, riparian corridor buffer enhancement, preservation of stream and riparian corridor, and cattle exclusion fencing for a total of 7,469 linear feet. **Impacts associated with the stream mitigation project total 3,800 linear feet and will be directly associated with streambank stabilization, installation of instream structures, bank grading and excavation of new channel. This brings the total stream impact proposed for this project to 7,023 linear feet. It should be noted this additional disturbance is associated with the mitigation proposal and will therefore not require additional mitigation.** The stream

mitigation project is located approximately 7 miles to the north of the proposed impacts on an active cattle farm along Bend Fork and a short portion of Packsaddle Run. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)  
Section 401 Coordinator  
PO Box 1049  
Columbus, Ohio 43266-0149  
Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information including the Indiana bat mist net survey and hibernacula assessment and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, as well as the Phase I Cultural Resource Management survey, 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 Branch, attn Tyler Bintrim at the above address, by telephoning (412) 395-7115, or by e-mail at [tyler.j.bintrim@usace.army.mil](mailto:tyler.j.bintrim@usace.army.mil). Please refer to CELRP-OP-F 2001-1542 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

By Jon Coleman for

Scott A. Hans  
Chief, Regulatory Branch