



# 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. **2013-1430**

Date: **June 20, 2014**

Notice No. **14-31**

Closing Date: **July 21, 2014**

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: McElroy Coal Company  
626 Energy Road  
Moundsville, West Virginia 26041
3. LOCATION: Unnamed tributaries of Grave Creek, in Loudenville in Marshall County, West Virginia (Latitude: 39.83361, Longitude: -80.60917)
4. PURPOSE AND DESCRIPTION OF WORK: The McElroy Coal Company proposes to construct the Loudenville Slope and Supply Yard, a mine slope and associated structures that will serve as an equipment/supply access utilized in the underground mining activities in the existing McElroy Mine. In its current proposal this project will place permanent fill in approximately 5,215 linear feet of unnamed tributaries of the Grave Creek watershed. The fill material will include clean earthen fill and/or native rock material generated during the Loudenville Slope and Supply Yard construction process. There are no wetland resources within the project area. (Location Map and Drawings are attached to this notice). Please see the Table below for a summary of the aquatic resource impacts:

Stream Type	Permanent Stream Impact (Fill) in Linear Feet
Perennial	2,391
Intermittent	1,997
Ephemeral	827
<b>Total</b>	<b>5,215</b>

McElroy has explored several other alternatives to avoid aquatic resource impacts. A no-build alternative, along with on-site and off-site alternatives and methods of work alternatives were considered. The "Preferred Action" Alternative is to construct and operate the Loudenville Slope and Yard as proposed in application.

The applicant proposes to offset the 5,215 linear feet of impacts by purchasing mitigation credits at the Cline Run Mitigation Site located in Tyler County West Virginia, USGS 8 digit HUC 05030201 Middle Ohio North watershed.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws.

6. IMPACT ON NATURAL RESOURCES: Based on the submitted information the District Engineer has determined that the project will have no effect on endangered species 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

CELRP-OP-F  
Public Notice No. **14-31**

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, comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186  
Re: Public Notice CELRP-OP-F No. 14-31

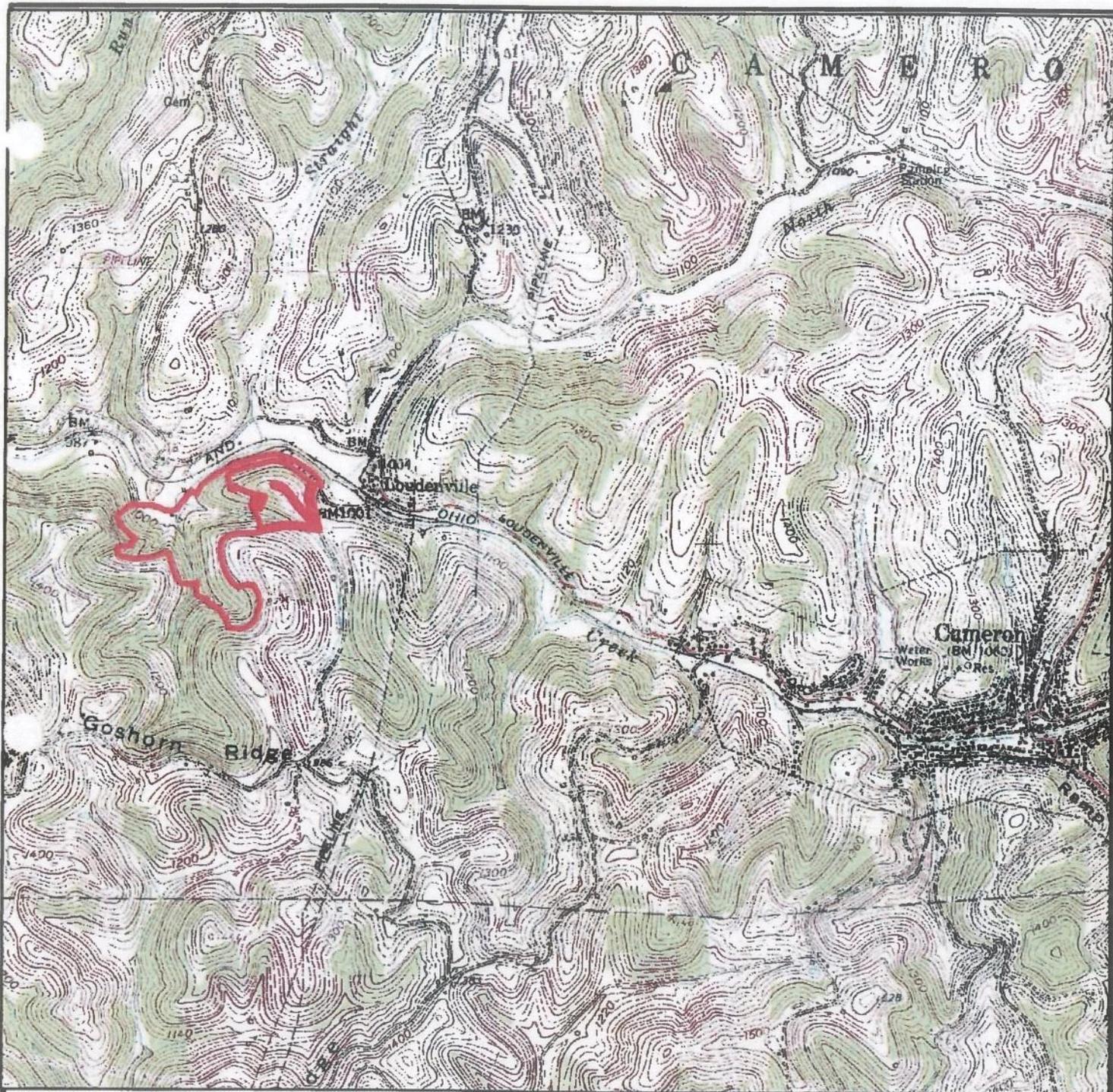
Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn: Dan Bacon at the above address, by telephoning (412) 395-7517, or by e-mail at: [Danny.R.Bacon@usace.army.mil](mailto:Danny.R.Bacon@usace.army.mil). Please refer to CELRP-OP-F **2013-1430** in all responses.

FOR THE DISTRICT ENGINEER:

Jon Coleman

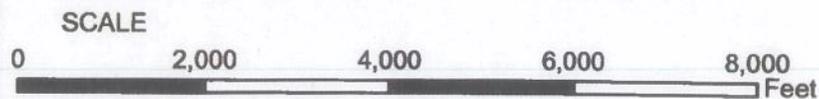
**/signed/**

Chief, Southern Section  
Regulatory Branch



**REFERENCES:**

BASEMAP 7.5 MINUTE USGS DIGITAL RASTER GRAPHIC (DRG)  
<http://www.census.gov/geo/www/tiger/tgrshp2010/tgrshp2010.html>



**Legend**

Loudenville Slope Yard Study Area

**Alliance**   
**Consulting, Inc.**  
*Engineers · Constructors · Scientists*  
 124 PHILPOTT LANE  
 BEAVER, WV 25813  
 (304) 255-0491

NPDES No. WV1027174

SMA No. U-2005-13

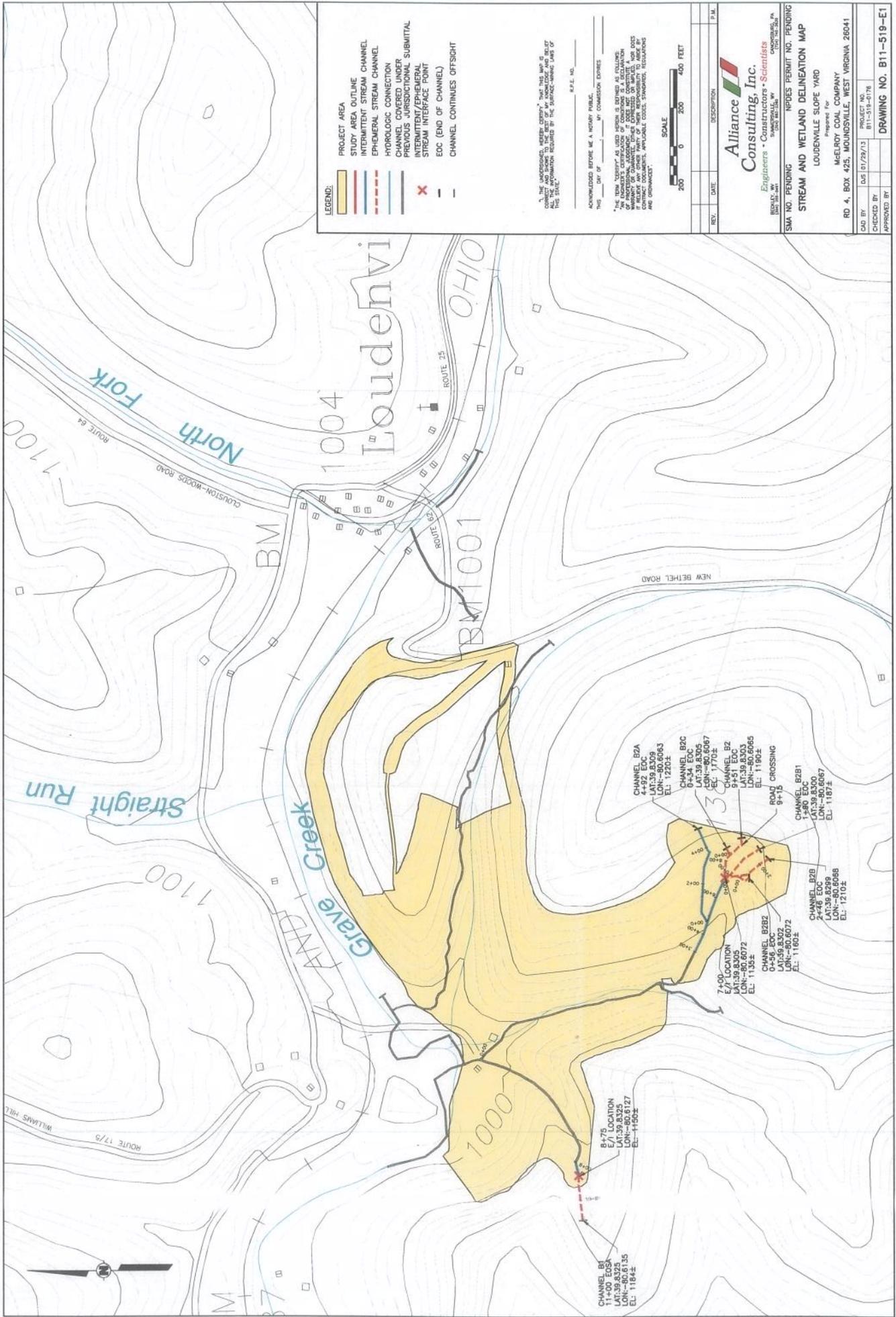
**PROJECT LOCATION MAP**

LOUDENVILLE SLOPE YARD

PREPARED FOR

McELROY COAL COMPANY  
 MOUNDSVILLE, WEST VIRGINIA

DRAWN BY	TJS	6/10/13
CHECKED BY	BAH	6/10/13
APPROVED BY		
DRAWING NUMBER		
B11-519-A15		



- LEGEND:**
- PROJECT AREA
  - STUDY AREA OUTLINE
  - INTERMITTENT STREAM CHANNEL
  - EPHEMERAL STREAM CHANNEL
  - HYDROLOGIC CONNECTION
  - CHANNEL COVERED UNDER PREVIOUS JURISDICTIONAL SUBMITTAL
  - STREAM INTERFACE POINT
  - EOC (END OF CHANNEL)
  - CHANNEL CONTIGUES OFF-SIGHT

ACKNOWLEDGED BEFORE ME A HISTORY PUBLIC, this \_\_\_\_\_ day of \_\_\_\_\_ by COMMISSIONER CONNES.

"THE UNDERSIGNED, NOTARY PUBLIC, CERTIFY THAT THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME BY THE ENGINEER AND THAT ALL THE INFORMATION REQUIRED BY THE SURVAYING AND MAPPING ACT IS TRUE AND CORRECT."

NOTARY PUBLIC, STATE OF VIRGINIA  
 \_\_\_\_\_  
 P.F.E. NO. \_\_\_\_\_

SCALE  
 200 0 200 400 FEET

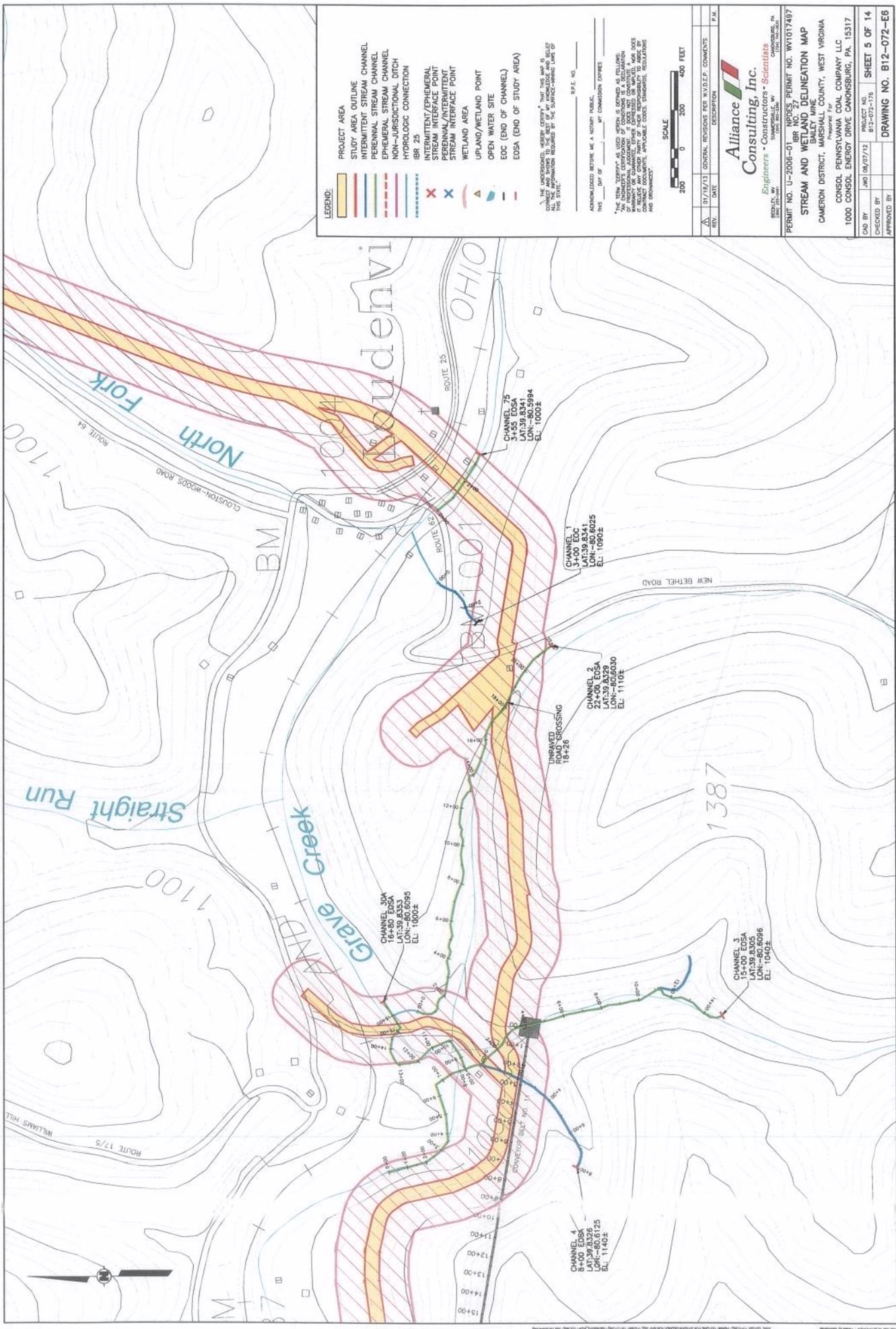


REV.	DATE	DESCRIPTION	P.M.

SMA NO. PENDING NIPRES PERMIT NO. PENDING  
**STREAM AND WETLAND DELINEATION MAP**  
 LOUDENVILLE SLOPE YARD  
 Prepared for  
 MELROY COAL COMPANY  
 RD 4, BOX 425, MOUNDSVILLE, WEST VIRGINIA 26041

CAD BY: DAS 01/29/13 PROJECT NO: B11-519-E176  
 CHECKED BY: APPROVED BY: DRAWING NO. B11-519-E1

- CHANNEL B2A  
4+22 EOC  
LAT:39.8305  
LON:-80.6043  
EL: 1220±
- CHANNEL B2C  
0+34 EOC  
LAT:39.8305  
LON:-80.6007  
EL: 1170±
- CHANNEL B2  
9+51 EOC  
LAT:39.8303  
LON:-80.6065  
EL: 1180±
- ROAD CROSSING  
8+75
- CHANNEL B2B1  
1+80 EOC  
LAT:39.8299  
LON:-80.6067  
EL: 1187±
- CHANNEL B2B  
2+48 EOC  
LAT:39.8299  
LON:-80.6066  
EL: 1210±
- CHANNEL B2B2  
0+56 EOC  
LON:-80.6072  
EL: 1160±
- 7+00 CANTON  
LAT:39.8300  
LON:-80.6072  
EL: 1136±
- 8+75 CANTON  
LAT:39.8328  
LON:-80.6127  
EL: 1150±



**LEGEND:**

- PROJECT AREA
- STUDY AREA OUTLINE
- INTERMITTENT STREAM CHANNEL
- PERENNIAL STREAM CHANNEL
- EPHEMERAL STREAM CHANNEL
- NON-JURISDICTIONAL DITCH
- HYDROLOGIC CONNECTION
- IBR 25
- INTERMITTENT/EPHEMERAL STREAM INTERFACE POINT
- PERENNIAL/INTERMITTENT STREAM INTERFACE POINT
- WETLAND AREA
- UPLAND/WETLAND POINT
- OPEN WATER SITE
- ECC (END OF CHANNEL)
- EOSA (END OF STUDY AREA)

THE INFORMATION HEREON IS FOR THE USE OF THE CLIENT AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION.

ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC, THIS DAY OF \_\_\_\_\_ BY COMMISSIONER'S OFFICE

THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION.

SCALE  
0 200 400 FEET

REV.	DATE	DESCRIPTION	P.M.
1	01/18/13	GENERAL REVISIONS PER W.A.D.E.P. COMMENTS	

**Alliance Consulting, Inc.**  
 Engineers • Constructors • Scientists  
 1000 CONSOL ENERGY DRIVE, CANONSBURG, PA 15317  
 (724) 838-8300

PERMIT NO. U-2006-01 BR NPOES, PERMIT NO. W1017487  
**STREAM AND WETLAND DELINEATION MAP**  
 BAILEY MINE  
 CAMERON DISTRICT, MARSHALL COUNTY, WEST VIRGINIA  
 CONSOL PENNSYLVANIA COAL COMPANY LLC  
 1000 CONSOL ENERGY DRIVE, CANONSBURG, PA 15317

CAD BY: JMO 08/07/12  
 CHECKED BY: JMO 08/07/12  
 APPROVED BY: JMO 08/07/12  
 PROJECT NO. B12-072-E6  
 SHEET 5 OF 14  
 DRAWING NO. B12-072-E6

CHANNEL 30A  
 16+80 EOSA  
 LAT: -80.6095  
 LON: -80.6095  
 EL: 1000±

CHANNEL 1  
 3+00 ECC  
 LAT: 39.8341  
 LON: -80.5994  
 EL: 1000±

CHANNEL 2  
 22+00 EOSA  
 LAT: 39.8230  
 LON: -80.6100  
 EL: 1110±

CHANNEL 3  
 17+75 EOSA  
 LAT: -80.6096  
 LON: -80.6096  
 EL: 1040±

CHANNEL 4  
 9+00 EOSA  
 LAT: 39.8326  
 LON: -80.6125  
 EL: 1140±

