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. LRP-2011-068 Date: February 19, 2014

Notice No. 14-11 Closing Date: March 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: Mr. Ryan Fandray
Consolidation Coal Company
1 Bridge Street
Monongah, West Virginia 26554

3. LOCATION: Unnamed tributaries of Sams Run near Folsom, Harrison, Marion, and Wetzel Counties, West Virginia. The approximate center of project is located at: 39.477608° N, -80.493113° W).

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a portal and air shaft that will allow worker access and air ventilation of the underground coal mine within the Robinson Run No. 95 complex. The construction of the portal/shaft site will ensure safe coal recovery.

As a result of the proposed work, a placement of fill within jurisdictional waters is proposed to provide space for the construction of the portal/shaft facility. Permanent impacts to jurisdictional streams (UNTs to Sams Run) are proposed to be 1,680 linear feet (LF). No wetland impacts are proposed.

As mitigation the applicant is currently proposing to restore approximately 2,834 LF of stream channel on a tract of land that they currently own. The mitigation site is located at: 39.482500° N, -80.468056° W. Initial studies of the mitigation site indicate that work to be done may include: the use of in-stream structures for bank stabilization, grade control and habitat enhancement structures, riparian area restoration, and the incorporation of a 100’ riparian zone conservation easement. Additionally, the mitigation plan would include the preservation of an additional 5,026 LF of stream that may have a riparian zone planting plan that will be put into a conservation easement. The applicant is currently calculating the possible credits within the proposed mitigation area. Also the applicant has noted that the use of mitigation banking and/or WV DEP In-Lieu Fee Program is another possible mitigation option. Final mitigation details are

yet to be determined.

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: The District Engineer has consulted the most recently available information 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. Furthermore, the applicant has coordinated with the WV DEP Division of Mining and Reclamation and has received a “Not Likely to Adversely Affect” determination for federally listed species (DEP letter dated 10-17-2012).

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). Additionally, the applicant has coordinated with the WV SHPO and received a No Effect determination in a letter dated 5-23-2012 (FR# 12-681-MULTI).

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, comments can be mailed to:

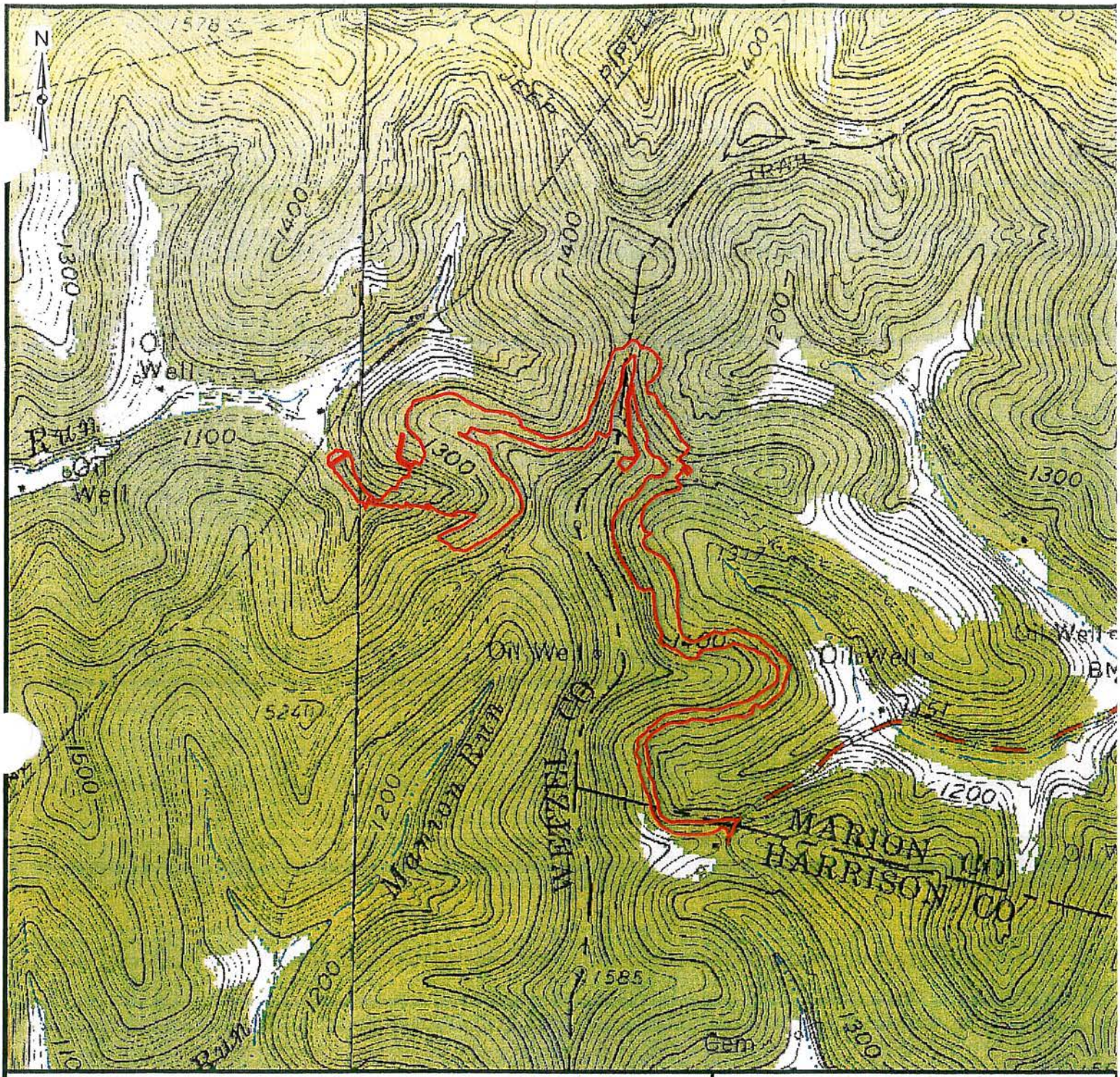
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 14-11

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: Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2011-068 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon T. Coleman
Chief, Southern Section
Regulatory Branch



REFERENCE:
U.S.G.S. 7.5 MINUTE FOLSOM AND WALLACE QUADRANGLE
DIGITAL RASTER GRAPHIC (DRG)

SCALE

0 500 1,000 2,000 3,000 Feet

Legend

STUDY AREA

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

PROJECT LOCATION MAP
7 NORTH PORTAL
MARION, HARRISON, AND WETZEL COUNTIES, WV
PREPARED FOR
CONSOLIDATION COAL COMPANY
MONONGAH, WEST VIRGINIA

DRAWN BY	MDM	09/17/10
CHECKED BY	MDM	09/17/10
APPROVED BY	BAH	09/17/10
DRAWING NUMBER		FIGURE NUMBER
B10-052-A1		

CHANNEL A1
E/I AT 4+50
LAT: 39°28'31"
LONG: 80°29'54"
EL. 1165

SUBSTATION PAD

POWER HOLE PAD

TEMPORARY
CONSTRUCTION ACCESS ROAD

0+00

2+00

7 NORTH
SEDIMENTATION POND

4+00

6+00

8+00

10+00

12+00

14+00

16+00

18+00

2+00

4+00

6+00

8+00

10+00

SHAFT\PORTAL
FACILITY PAD

FAN

UNSUITABLE MATERIAL
STOCKPILE

TOPSOIL STOCKPILE

CHANNEL A1A
EOC AT 2+14
LAT: 39°28'30"
LONG: 80°29'54"
EL. 1190

CHANNEL A1
EOC AT 9+00
LAT: 39°28'31"
LONG: 80°29'49"
EL. 1300

PAD DITCH

CHANNEL A1B
EOC AT 3+49
LAT: 39°28'29"
LONG: 80°29'49"
EL. 1297

CHANNEL A
E/I EOC AT 18+87
LAT: 39°28'21"
LONG: 80°30'04"
EL. 1285

HELICOPTER PAD

CHANNEL B
EOC AT 5+01
LAT: 39°28'28"
LONG: 80°29'32"
EL. 1325

CHANNEL B
E/I AT 3+00
LAT: 39°28'28"
LONG: 80°29'30"
EL. 1305

4+00

2+00

0+00

N

LEGEND

- INTERMITTENT STREAM CHANNEL
- PERENNIAL STREAM CHANNEL
- EPHEMERAL STREAM CHANNEL
- EPHEMERAL/INTERMITTENT STREAM INTERFACE POINT
- PERENNIAL/INTERMITTENT STREAM INTERFACE POINT

"I, THE UNDERSIGNED, HEREBY CERTIFY* THAT THIS MAP IS CORRECT AND SHOWS TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL THE INFORMATION REQUIRED BY THE SURFACE-MINING LAWS OF THIS STATE."

_____ R.P.E. NO._____

ACKNOWLEDGED BEFORE ME A NOTARY PUBLIC, _____

THIS ____ DAY OF _____, ____ MY COMMISSION EXPIRES _____

*THE TERM "CERTIFY" AS USED HEREIN IS DEFINED AS FOLLOWS: "AN ENGINEER'S CERTIFICATION OF CONDITIONS IS A DECLARATION OF PROFESSIONAL JUDGEMENT. IT DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED, NOR DOES IT RELIEVE ANY OTHER PARTY OF THEIR RESPONSIBILITY TO ABIDE BY CONTRACT DOCUMENTS, APPLICABLE CODES, STANDARDS, REGULATIONS AND ORDINANCES".

SCALE

200 0 200 400 FEET

REV.	DATE	DESCRIPTION	P.M.
3	03/23/12	GENERAL REVISIONS PER COMPANY	
2	06/30/11	GENERAL REVISIONS PER COMPANY	
1	05/10/11	GENERAL REVISIONS PER CORPS VERIFICATION ON 4/5/2011	

Alliance Consulting, Inc.
Engineers • Constructors • Scientists
BECKLEY, WV (304) 255-0491
SUMMERSVILLE, WV (304) 883-2360
CANONSBURG, PA (724) 745-3630

STREAM DELINEATION MAP

7 NORTH PORTAL

Prepared For

CONSOLIDATION COAL COMPANY
MARION COUNTY, WEST VIRGINIA

CAD BY	CHD	09/24/10	PROJECT NO. B10-052-176	
CHECKED BY	BLW	02/07/11		
APPROVED BY	BLW	02/07/11	DRAWING NO. B10-052-E1	

Drawing: J:\Active\Civil\drawings\10052\10052E1.dwg • Layout Tab: Model
Date: Mar 28, 2012-2:33pm • Plotted by: jchandler
Xrefs: STREAM DEL 09-10.dwg • QUAD-TOPO.dwg