

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. 2013-2051

Date: May 27, 2015

Notice No. 15-18

Closing Date: June 26, 2015

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: Consolidation Coal Company
46266 National Road
St. Clairsville, OH 43950

3. LOCATION: Tributary to Jones Creek, Nolan Run Slurry Impoundment, Lumberport, Harrison County, West Virginia (39.407357N, 80.394799W)

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to raise the crest elevation to 1340 feet to accommodate additional coal refuse from the Robinson Run Mine operations. This modification would result in the permanent loss of 2,807 linear feet of stream channel, 260 linear feet of impoundment outlet channel, 0.24 acre of wetland and 1.88 acre of open water. The dam will build upon stages 1 through 3 that have previously been constructed. Proposed Stage 4 will raise the main embankment to 1310 feet, construct the main buttress, and construct the rear embankment. Stage 5 will raise the main embankment to 1340 feet and construct the rear embankment. The additional capacity that this modification provides will accommodate the current life-of-mine projections. The applicant is currently evaluating the use of a mitigation bank and/or in lieu fee payment to compensate for the proposed impacts. Drawings of the proposed impoundment modification are attached to this notice and additional information is available upon request.

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. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The

applicant must apply directly to the WVDEP for an individual 401 WQC. 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. Please contact the below to determine if a individual 401 WQC is required for this proposed activity:

WVDEP Division of Mining and Reclamation
47 School Street, Suite 301
Philippi, WV 26416
Phone: (304) 457-3219

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. A mist survey is planned for the summer of 2015. Results from this survey will be submitted to West Virginia Department of Environmental Protection for review. 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: West Virginia Culture and History has been consulted and requested additional information on both architectural and archeological resources. 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. 15-18

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:

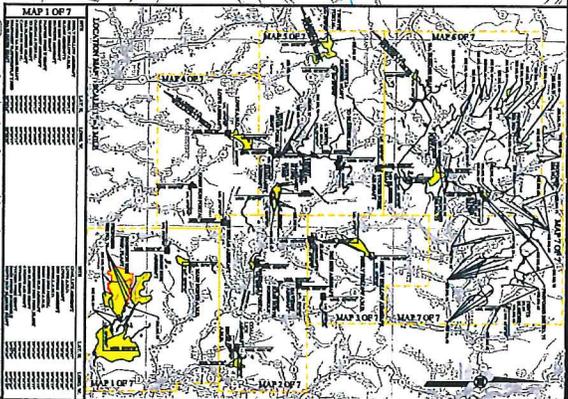
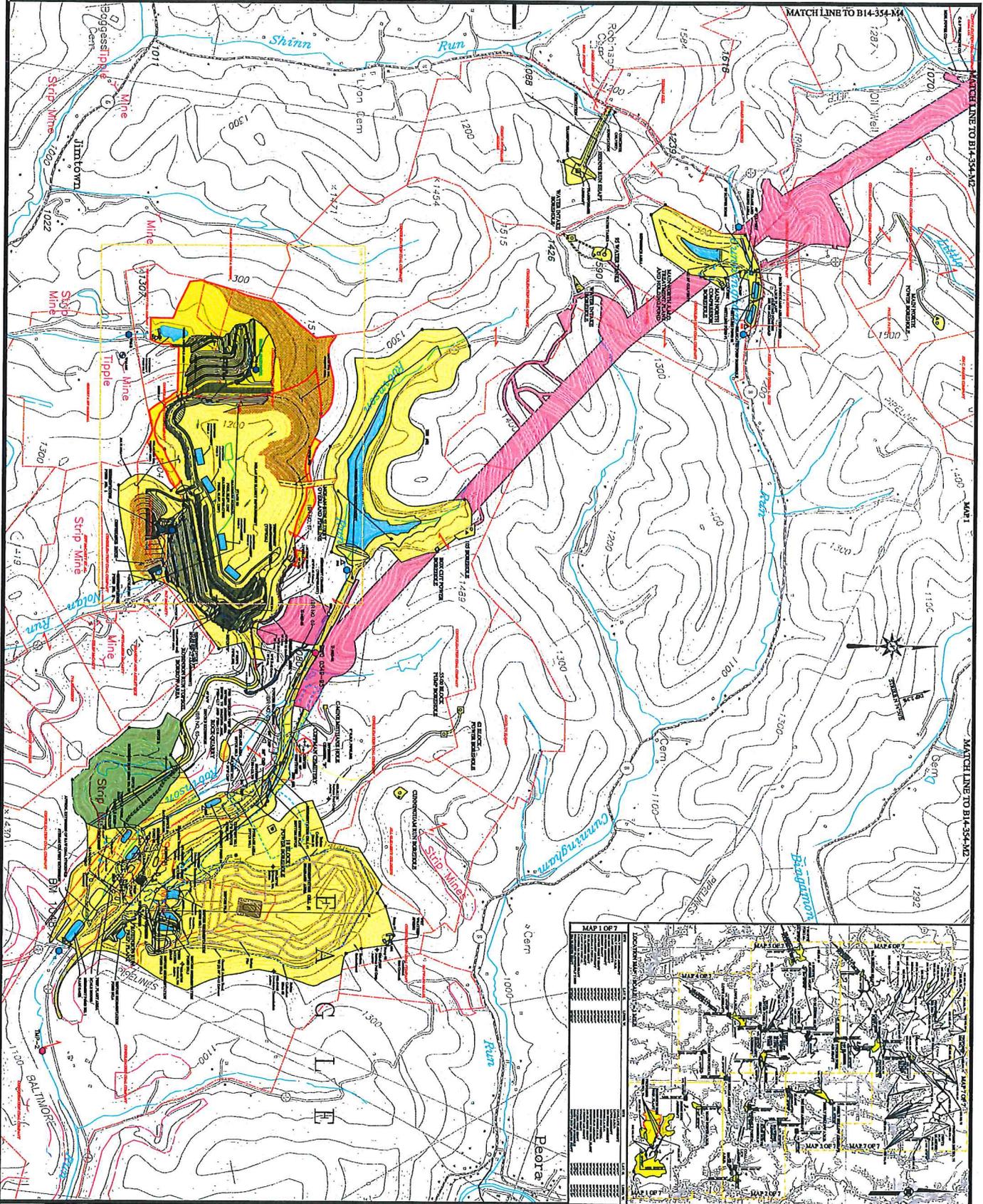
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 15-18

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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at jared.n.pritts@usace.army.mil Please refer to CELRP-OP-F 2013-2051 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch



LEGEND

- TOTAL DISTURBED PEAK AREA: 1968 AC
- RESTORED AREA: 973 AC
- RESTORED AREA: 454 AC
- TOTAL PEAK AREA (CURRENTLY UNRESTORED): 1515 AC
- SOIL TYPE 1: 120 AC
- SOIL TYPE 2: 334 AC
- SOIL TYPE 3: 177 AC
- SOIL TYPE 4: 177 AC
- SOIL TYPE 5: 177 AC
- SOIL TYPE 6: 177 AC
- SOIL TYPE 7: 177 AC
- SOIL TYPE 8: 177 AC
- SOIL TYPE 9: 177 AC
- SOIL TYPE 10: 177 AC
- SOIL TYPE 11: 177 AC
- SOIL TYPE 12: 177 AC
- SOIL TYPE 13: 177 AC
- SOIL TYPE 14: 177 AC
- SOIL TYPE 15: 177 AC
- SOIL TYPE 16: 177 AC
- SOIL TYPE 17: 177 AC
- SOIL TYPE 18: 177 AC
- SOIL TYPE 19: 177 AC
- SOIL TYPE 20: 177 AC
- SOIL TYPE 21: 177 AC
- SOIL TYPE 22: 177 AC
- SOIL TYPE 23: 177 AC
- SOIL TYPE 24: 177 AC
- SOIL TYPE 25: 177 AC
- SOIL TYPE 26: 177 AC
- SOIL TYPE 27: 177 AC
- SOIL TYPE 28: 177 AC
- SOIL TYPE 29: 177 AC
- SOIL TYPE 30: 177 AC
- SOIL TYPE 31: 177 AC
- SOIL TYPE 32: 177 AC
- SOIL TYPE 33: 177 AC
- SOIL TYPE 34: 177 AC
- SOIL TYPE 35: 177 AC
- SOIL TYPE 36: 177 AC
- SOIL TYPE 37: 177 AC
- SOIL TYPE 38: 177 AC
- SOIL TYPE 39: 177 AC
- SOIL TYPE 40: 177 AC
- SOIL TYPE 41: 177 AC
- SOIL TYPE 42: 177 AC
- SOIL TYPE 43: 177 AC
- SOIL TYPE 44: 177 AC
- SOIL TYPE 45: 177 AC
- SOIL TYPE 46: 177 AC
- SOIL TYPE 47: 177 AC
- SOIL TYPE 48: 177 AC
- SOIL TYPE 49: 177 AC
- SOIL TYPE 50: 177 AC
- SOIL TYPE 51: 177 AC
- SOIL TYPE 52: 177 AC
- SOIL TYPE 53: 177 AC
- SOIL TYPE 54: 177 AC
- SOIL TYPE 55: 177 AC
- SOIL TYPE 56: 177 AC
- SOIL TYPE 57: 177 AC
- SOIL TYPE 58: 177 AC
- SOIL TYPE 59: 177 AC
- SOIL TYPE 60: 177 AC
- SOIL TYPE 61: 177 AC
- SOIL TYPE 62: 177 AC
- SOIL TYPE 63: 177 AC
- SOIL TYPE 64: 177 AC
- SOIL TYPE 65: 177 AC
- SOIL TYPE 66: 177 AC
- SOIL TYPE 67: 177 AC
- SOIL TYPE 68: 177 AC
- SOIL TYPE 69: 177 AC
- SOIL TYPE 70: 177 AC
- SOIL TYPE 71: 177 AC
- SOIL TYPE 72: 177 AC
- SOIL TYPE 73: 177 AC
- SOIL TYPE 74: 177 AC
- SOIL TYPE 75: 177 AC
- SOIL TYPE 76: 177 AC
- SOIL TYPE 77: 177 AC
- SOIL TYPE 78: 177 AC
- SOIL TYPE 79: 177 AC
- SOIL TYPE 80: 177 AC
- SOIL TYPE 81: 177 AC
- SOIL TYPE 82: 177 AC
- SOIL TYPE 83: 177 AC
- SOIL TYPE 84: 177 AC
- SOIL TYPE 85: 177 AC
- SOIL TYPE 86: 177 AC
- SOIL TYPE 87: 177 AC
- SOIL TYPE 88: 177 AC
- SOIL TYPE 89: 177 AC
- SOIL TYPE 90: 177 AC
- SOIL TYPE 91: 177 AC
- SOIL TYPE 92: 177 AC
- SOIL TYPE 93: 177 AC
- SOIL TYPE 94: 177 AC
- SOIL TYPE 95: 177 AC
- SOIL TYPE 96: 177 AC
- SOIL TYPE 97: 177 AC
- SOIL TYPE 98: 177 AC
- SOIL TYPE 99: 177 AC
- SOIL TYPE 100: 177 AC

SCALE

0 500 1000 FEET

PROJECT INFORMATION

PROJECT NO. B14-354-MZ
 SHEET NO. 1 OF 7
 DATE: JAN 1 OF 7
 DRAWING NO. B14-354-MZ

CLIENT

Altitude Consulting, Inc.
 Engineers - Geologists - Scientists

PROJECT LOCATION

1/2 SECTION 27, T12N, R14E, S14W
 DECATUR COUNTY, MISSISSIPPI

