



# 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. 2006-660

Date: July 16, 2012

Notice No. 12-44

Closing Date: August 15, 2012

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: Ohio American Energy  
34 Kelly Way  
Brilliant, Ohio 43913

3. AGENT: Civil & Environmental Consultants, Inc.  
333 Baldwin Road  
Pittsburgh, Pennsylvania 15205

4. LOCATION: Red Bird South Mine  
County Road 78  
Richmond, Wheeling, and Union Townships  
Belmont County, Ohio  
41.09291; -80.00745

5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to impact 8.72 acres of palustrine emergent wetlands (PEM) and 2,132 linear feet of stream to surface and high-wall mine the Pittsburgh #8 and #8A coal seams and overlying limestone beds using the contour surface mining/box cut method.

The applicant proposes as mitigation the creation of 13.1 acres of wetlands via conversion of three sedimentation ponds to PEM wetlands and the restoration and enhancement of 2,132 linear feet of stream.

Drawings of the proposed mine are attached to this notice.

6. 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

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the 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).
8. 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).
9. 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.
10. 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

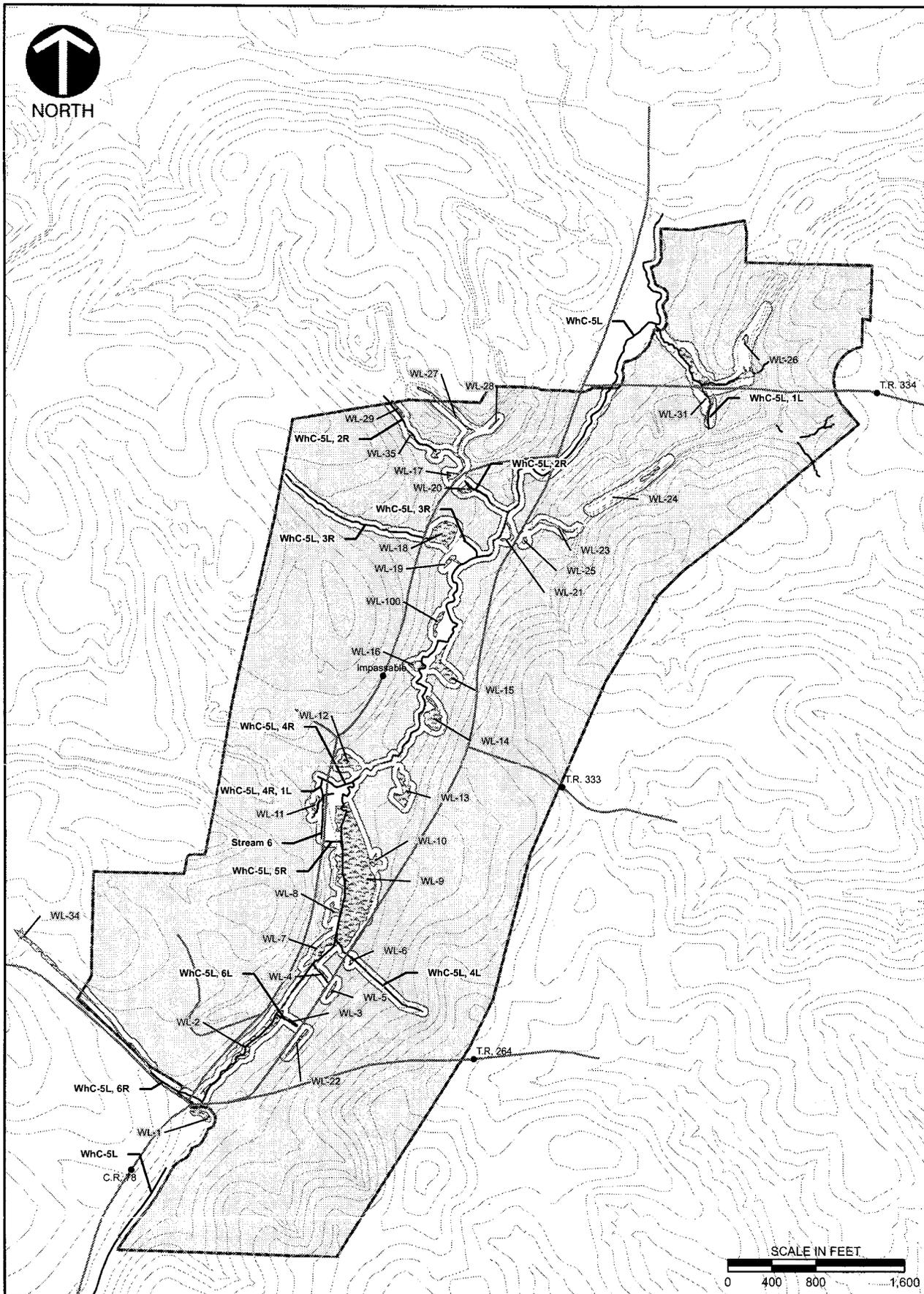
the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will 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).

11. 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 Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-OP-F 2006-660 in all responses.

FOR THE DISTRICT ENGINEER:

//Signed//

Nancy Mullen  
North Section Chief, Regulatory Branch



**Legend**

- 20' CONTOUR
- ROAD
- Streams
- Wetlands
- 50 ft. Buffer
- Project Boundary
- Strip/Contour Mining



**Civil & Environmental Consultants, Inc.**

333 Baldwin Road - Pittsburgh, PA 15205-9072  
412-429-2324 • 800-365-2324  
www.cecinc.com

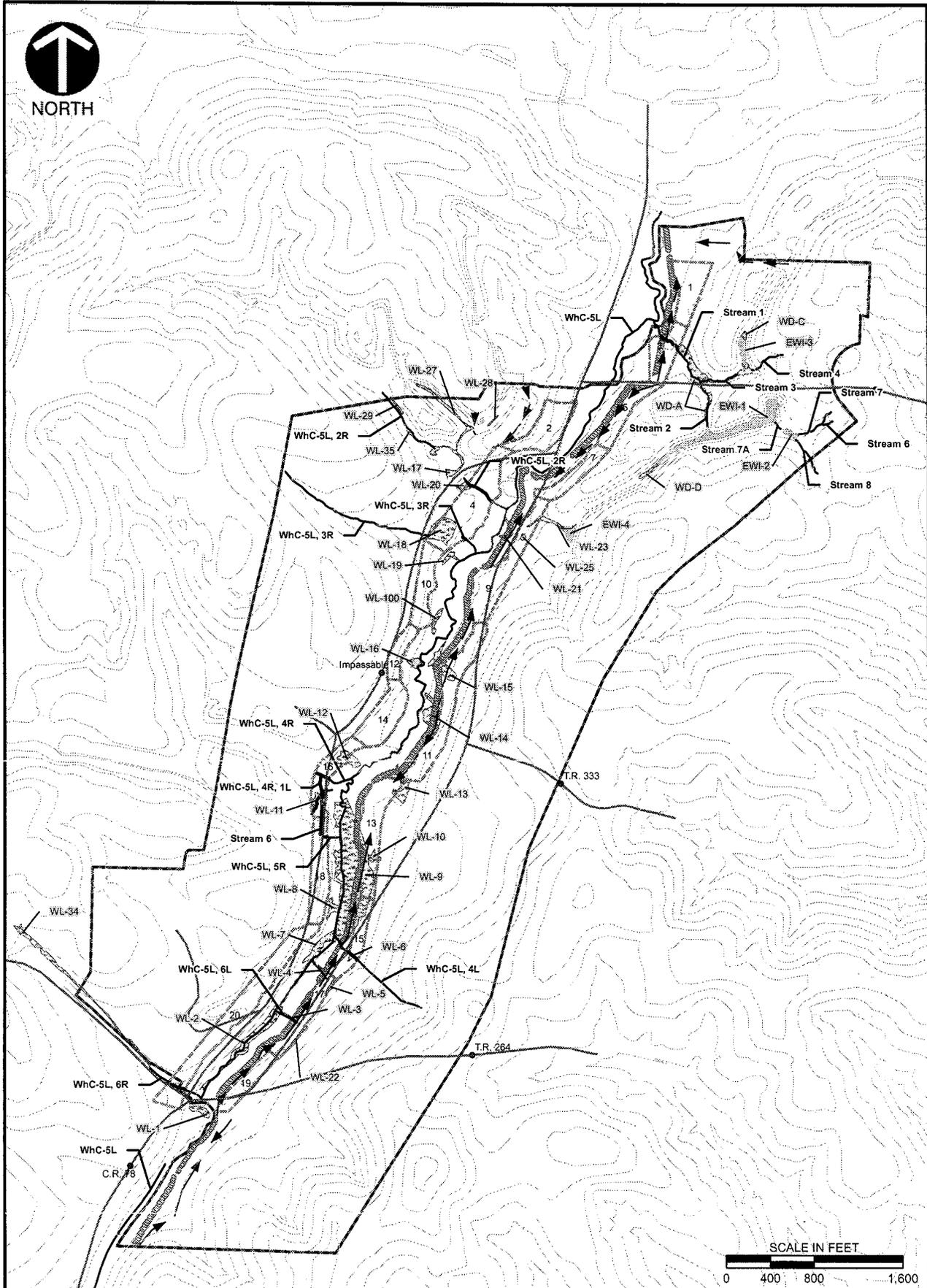
\*Hand Signature on File

OHIoAMERICAN ENERGY, INC.  
SECTION 404/401 WETLAND AND STREAM PERMITTING  
REDBIRD SOUTH MINE  
BELMONT COUNTY, OHIO

**NON-DEGRADATION ALTERNATIVE**

DRAWN BY: RCT	CHECKED BY: NLS	APPROVED BY:	FIGURE NO: 7
DATE: 07/13/2012	MAP SCALE: 1" = 800'	PROJECT NO: 111-314.0003	

20611



**Legend**

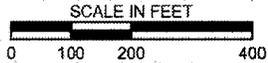
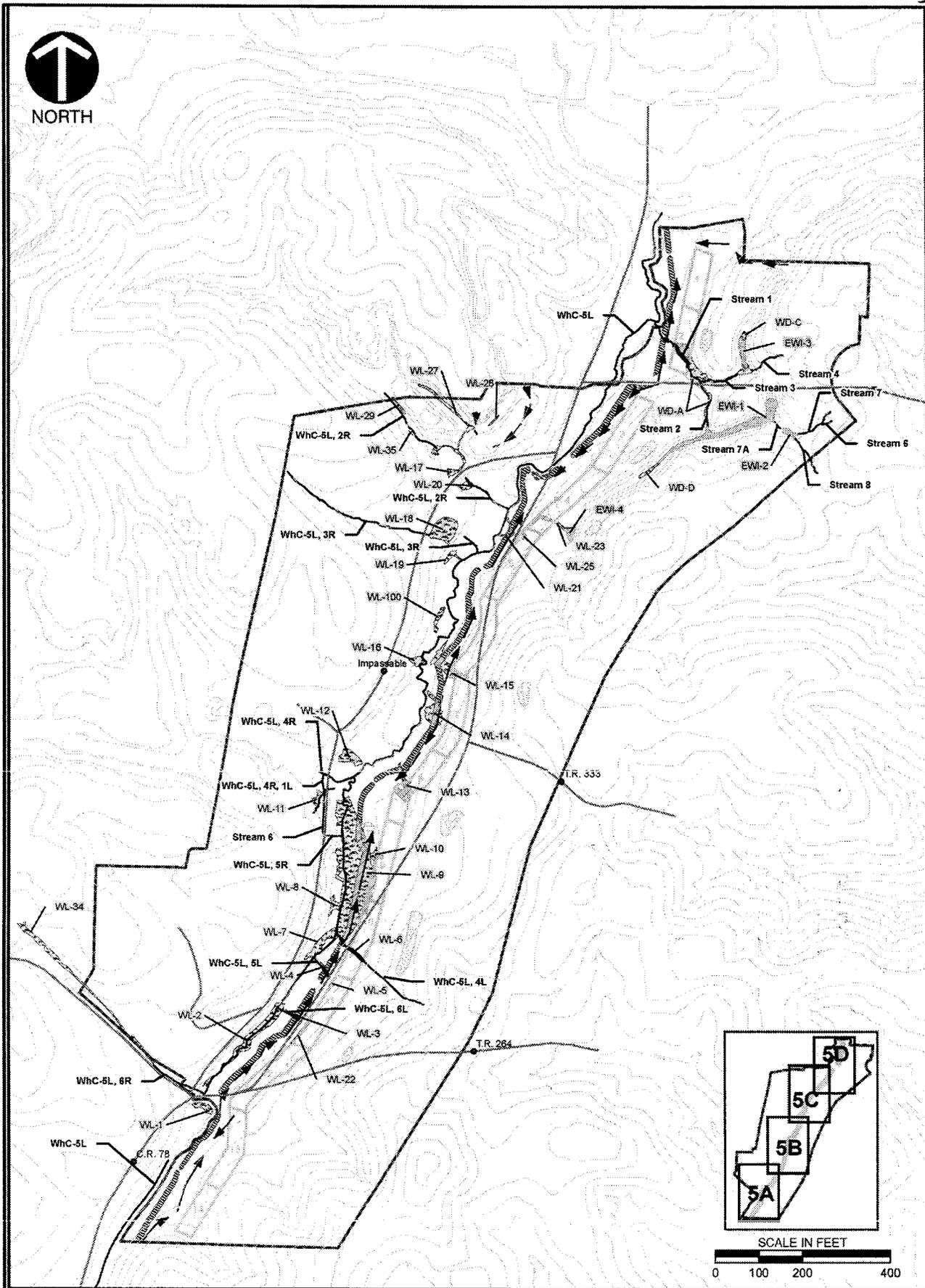
20' CONTOUR	Barn
ROAD	Wetlands
"A" (1st) Stream	Private Boundary
"B" (2nd) Stream	
"C" (3rd) Stream	
"D" (4th) Stream	
"E" (5th) Stream	
"F" (6th) Stream	
"G" (7th) Stream	
"H" (8th) Stream	
"I" (9th) Stream	
"J" (10th) Stream	
"K" (11th) Stream	
"L" (12th) Stream	
"M" (13th) Stream	
"N" (14th) Stream	
"O" (15th) Stream	
"P" (16th) Stream	
"Q" (17th) Stream	
"R" (18th) Stream	
"S" (19th) Stream	
"T" (20th) Stream	

**C&E**  
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 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO

PREFERRED ALTERNATIVE

DRAWN BY: RCT	CHECKED BY: NLS	APPROVED BY: *JHW	FIGURE NO: 4
DATE: 07/13/2012	MAP SCALE: 1" = 800'	PROJECT NO: 111-314.0003	



**Legend**

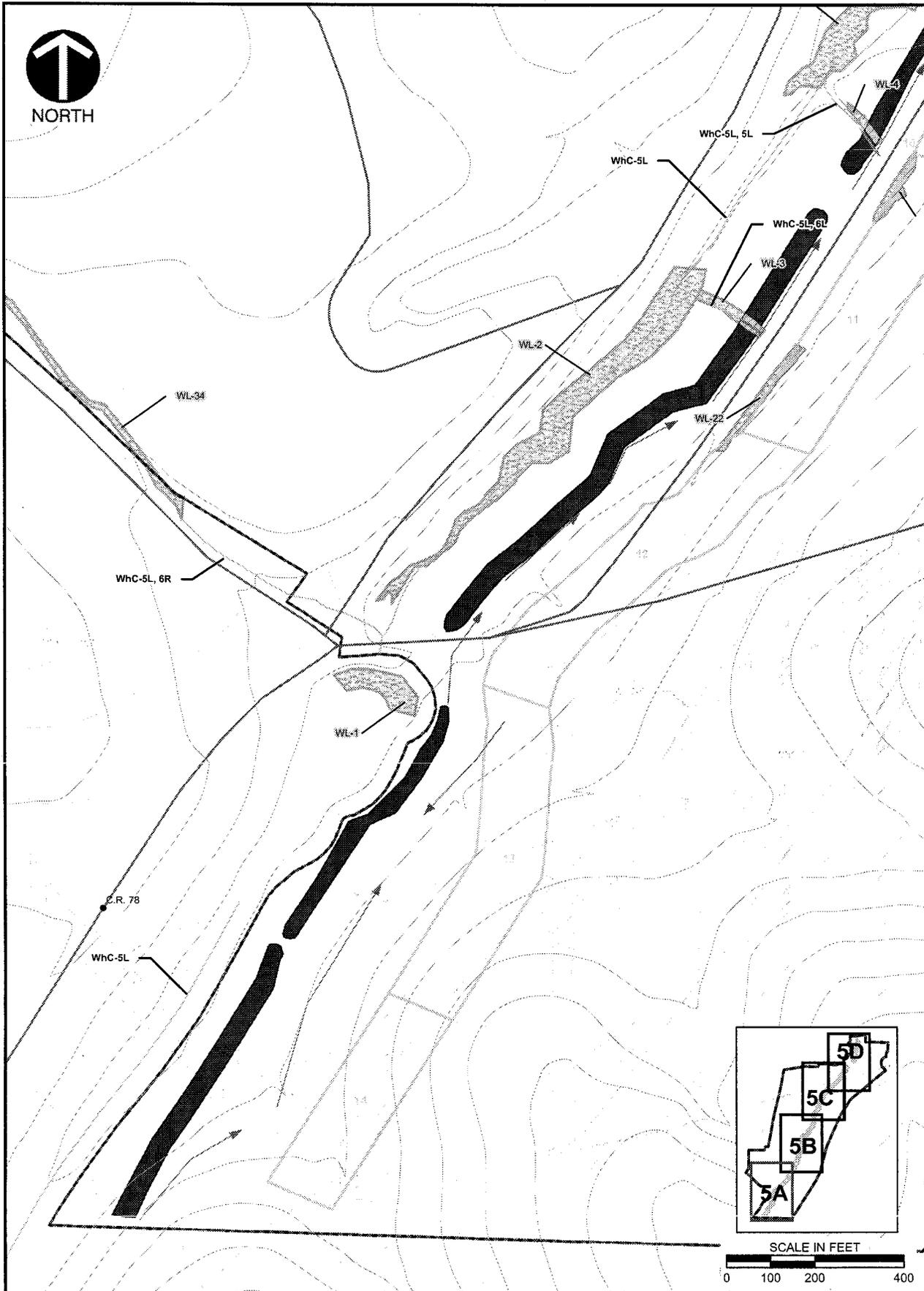
..... 20' CONTOUR	Berm
==== ROAD	Wetlands
--- Impacted Stream	EWI
--- 2-Foot Wide Diversion Ditch	Impacted Wetlands
--- Streams	Project Boundary
Hydric Soil Stock Pile	
Box Cut	

  
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DRAWN BY: RCT	CHECKED BY: NLS	APPROVED BY: *JHW	FIGURE NO: 5
DATE: 07/13/2102	MAP SCALE: 1" = 800'	PROJECT NO: 111-314.0003	

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 SECTION 404/401 WETLAND AND STREAM PERMITTING  
 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO  
**MINIMAL DEGRADATION ALTERNATIVE**

4 of 11



**Legend**

- 20' CONTOUR
- ROAD
- Impacted Stream
- Stream
- 2-Foot Wide Diversion Ditch
- Hydric Soil Stock Pile
- Box Cut
- Berm
- Wetlands
- Impacted Wetlands
- Project Boundary

**C&E**

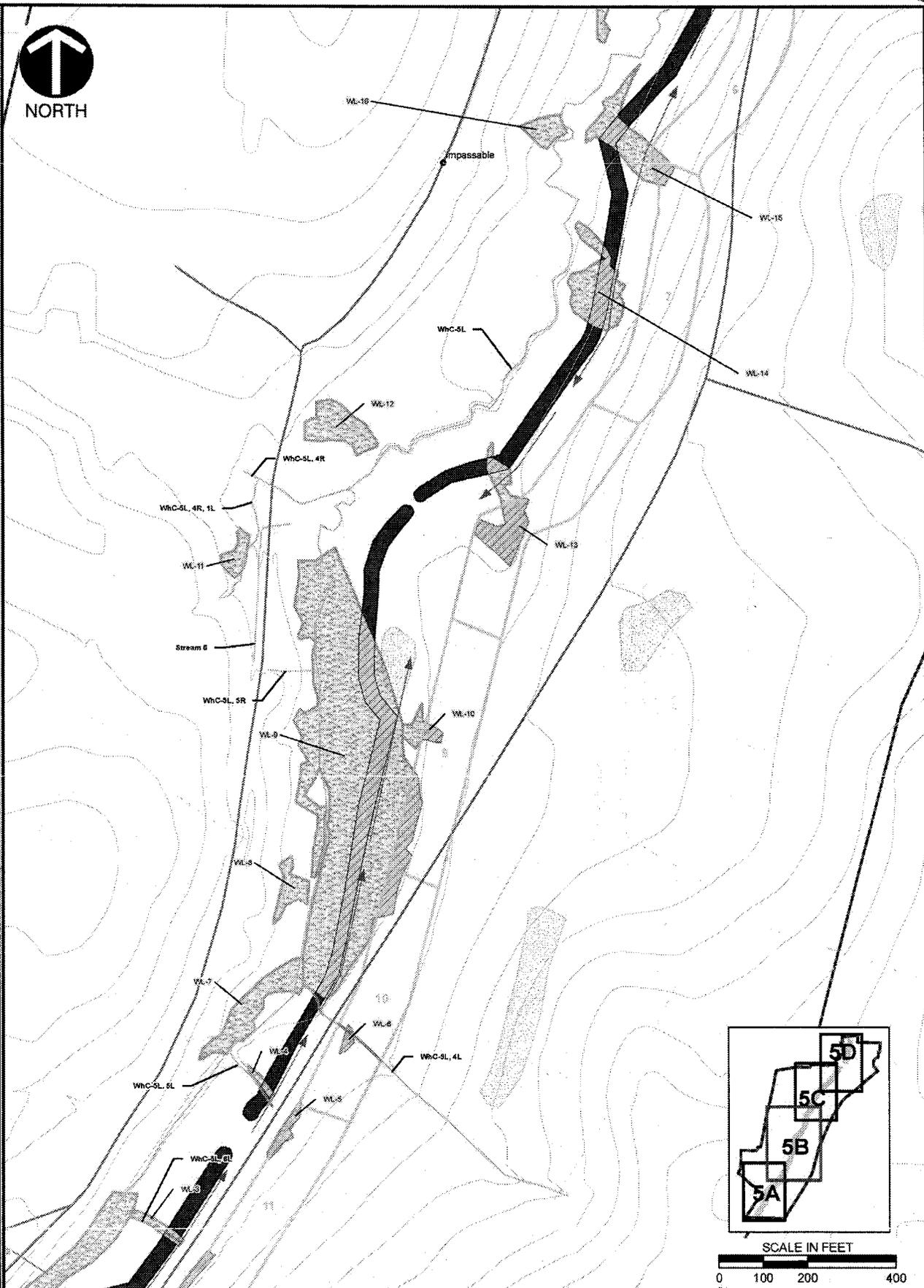
**Civil & Environmental Consultants, Inc.**

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DRAWN BY: RCT	CHECKED BY: NLS	APPROVED BY: *JHW	FIGURE NO: 5A
DATE: 07/13/2012	MAP SCALE: 1" = 200'	PROJECT NO: 111-314.0003	

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SECTION 404/401 WETLAND AND STREAM PERMITTING  
REDBIRD SOUTH MINE  
BELMONT COUNTY, OHIO

**IMPACTS MAP**



**Legend**

	Impacted Stream		20' CONTOUR
	Streams		ROAD
	2-Foot Wide Diversion Ditch		
	Hydric Soil Stock Pile		
	Box Cut		
	Wetlands		
	Berm		
	Impacted Wetlands		
	Project Boundary		

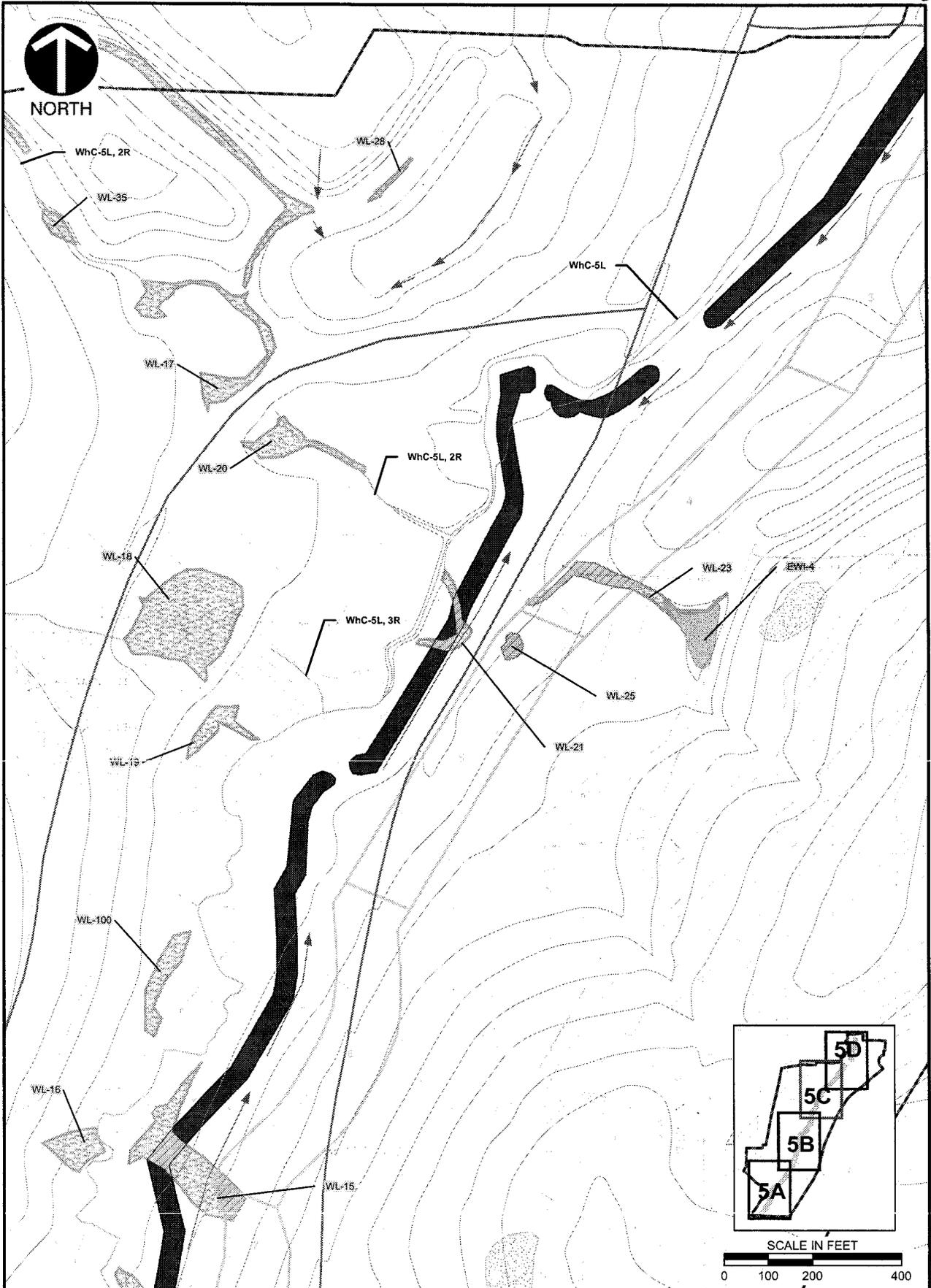
  
**Civil & Environmental Consultants, Inc.**  
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 412-428-2324 • 800-365-2324  
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DATE: 07/13/2012	MAP SCALE: 1" = 200'	PROJECT NO: 111-314.0003

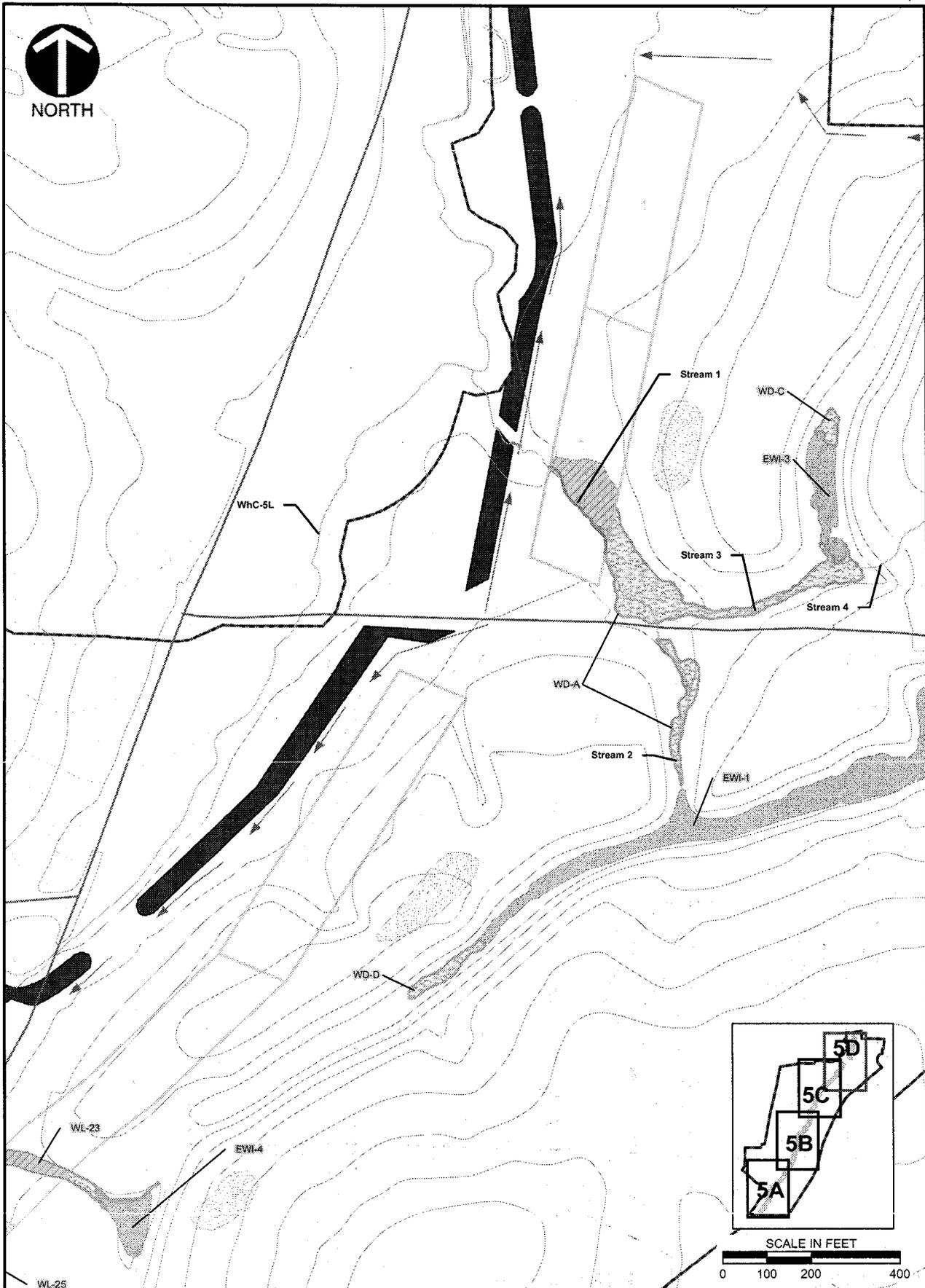
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 SECTION 404/401 WETLAND AND STREAM PERMITTING  
 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO

**IMPACTS MAP**

FIGURE NO: **5B**



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Impacted Stream</li> <li>Streams</li> <li>2-Foot Wide Diversion Ditch</li> <li>Hydric Soil Stock Pile</li> <li>Box Cut</li> <li>20' CONTOUR</li> <li>ROAD</li> <li>Berm</li> <li>Wetlands</li> <li>EWI</li> <li>Impacted Wetlands</li> <li>Project Boundary</li> </ul>	<p><b>Civil &amp; Environmental Consultants, Inc.</b>          333 Baldwin Road - Pittsburgh, PA 15205-9072          412-429-2324 • 800-365-2324          www.cecinc.com *Hand Signature on File</p>	<p>OHIAMERICAN ENERGY, INC.          SECTION 404/401 WETLAND AND STREAM PERMITTING          REDBIRD SOUTH MINE          BELMONT COUNTY, OHIO</p>
<p>DRAWN BY: RCT    CHECKED BY: NLS    APPROVED BY: *JHW    FIGURE NO: 5C</p>		<p>IMPACTS MAP</p> <p>DATE: 07/13/2012    MAP SCALE: 1" = 200'    PROJECT NO: 111-314.0003</p>



**Legend**

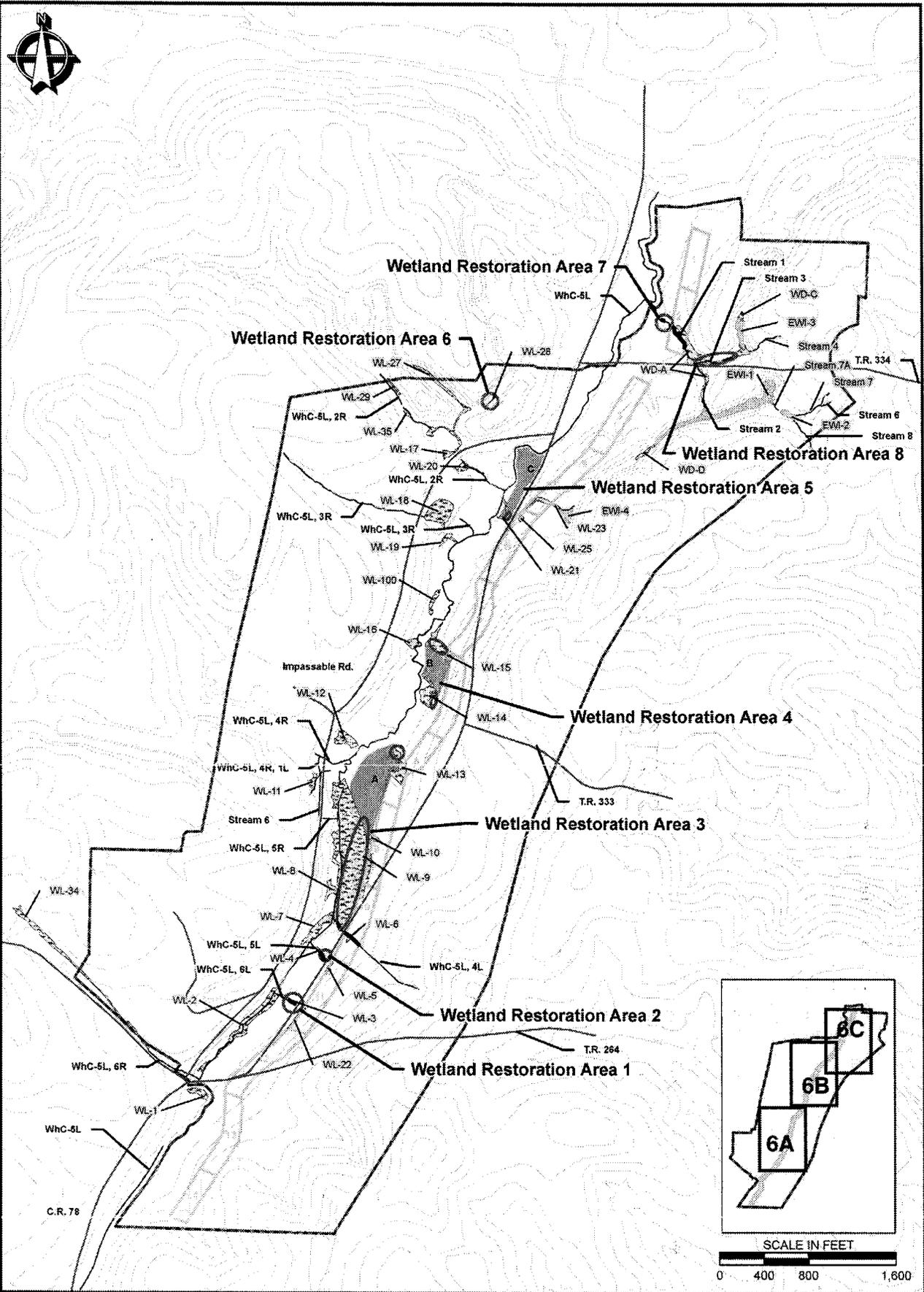
Impacted Stream	Berm
Streams	Wetlands
2-Foot Wide Diversion Ditch	EWI
Hydric Soil Stock Pile	Impacted Wetlands
Box Cut	Project Boundary
20' CONTOUR	
ROAD	

  
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DATE: 07/13/2012	MAP SCALE: 1" = 200'	PROJECT NO: 111-314.0003	

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 SECTION 404/401 WETLAND AND STREAM PERMITTING  
 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO

**IMPACTS MAP**



**Legend**

	Road		Box Cut
	20' Contours		Wetlands
	Impacted Stream		EWI
	Streams		Project Boundary
	Wetland Restoration Area*		
	Converted		
	Sedimentation Pond		

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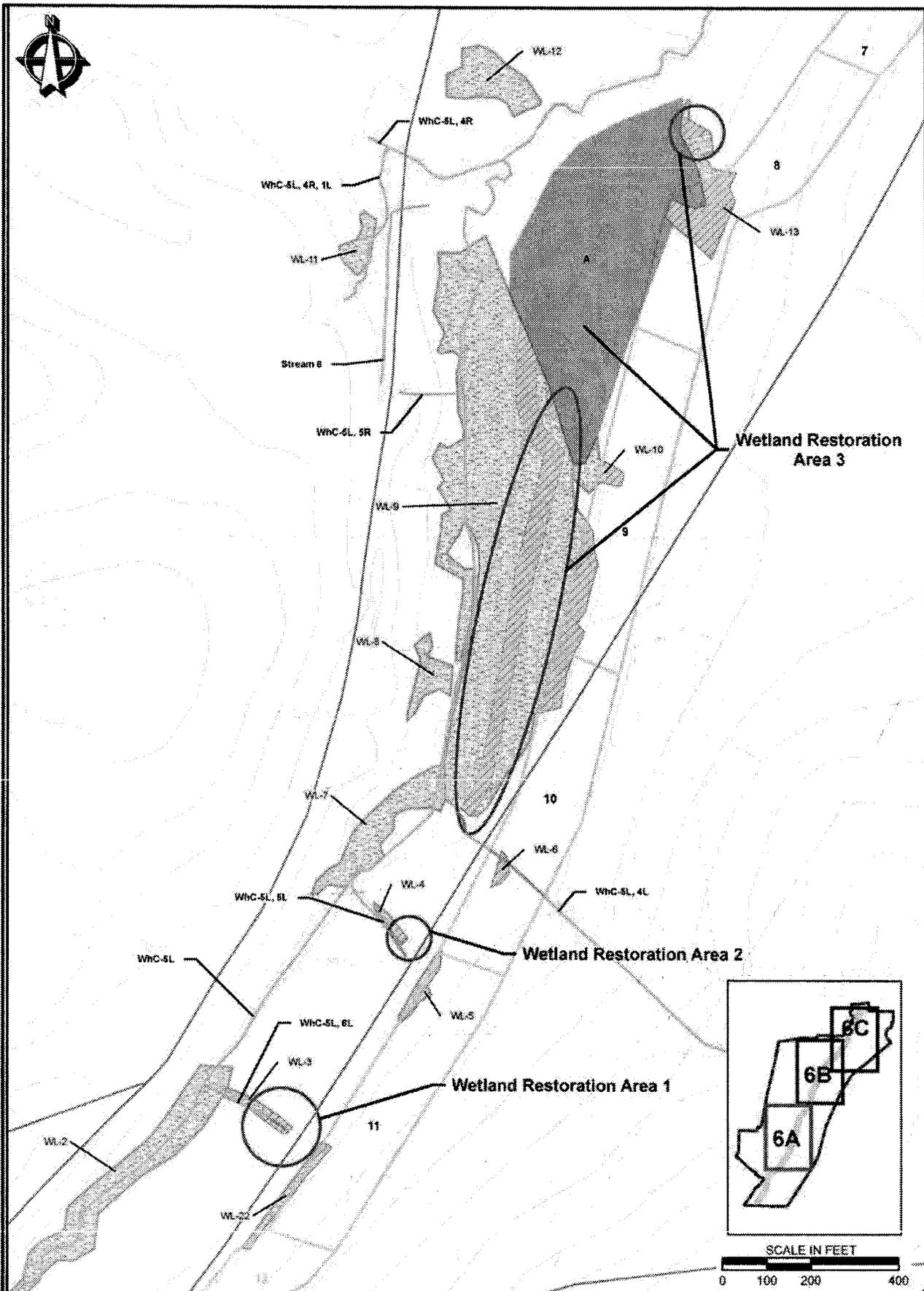
DRAWN BY: RCT      CHECKED BY: NLS      APPROVED BY: \*JHW      FIGURE NO: **6**  
 DATE: 07/12/2012      MAP SCALE: 1" = 800'      PROJECT NO: 111-314.0003

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 SECTION 404/401 WETLAND AND STREAM PERMITTING  
 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO

**MITIGATION AREA OVERVIEW MAP**

\*Approximate location of area to be restored.

\*Hand Signature on File



**Legend**

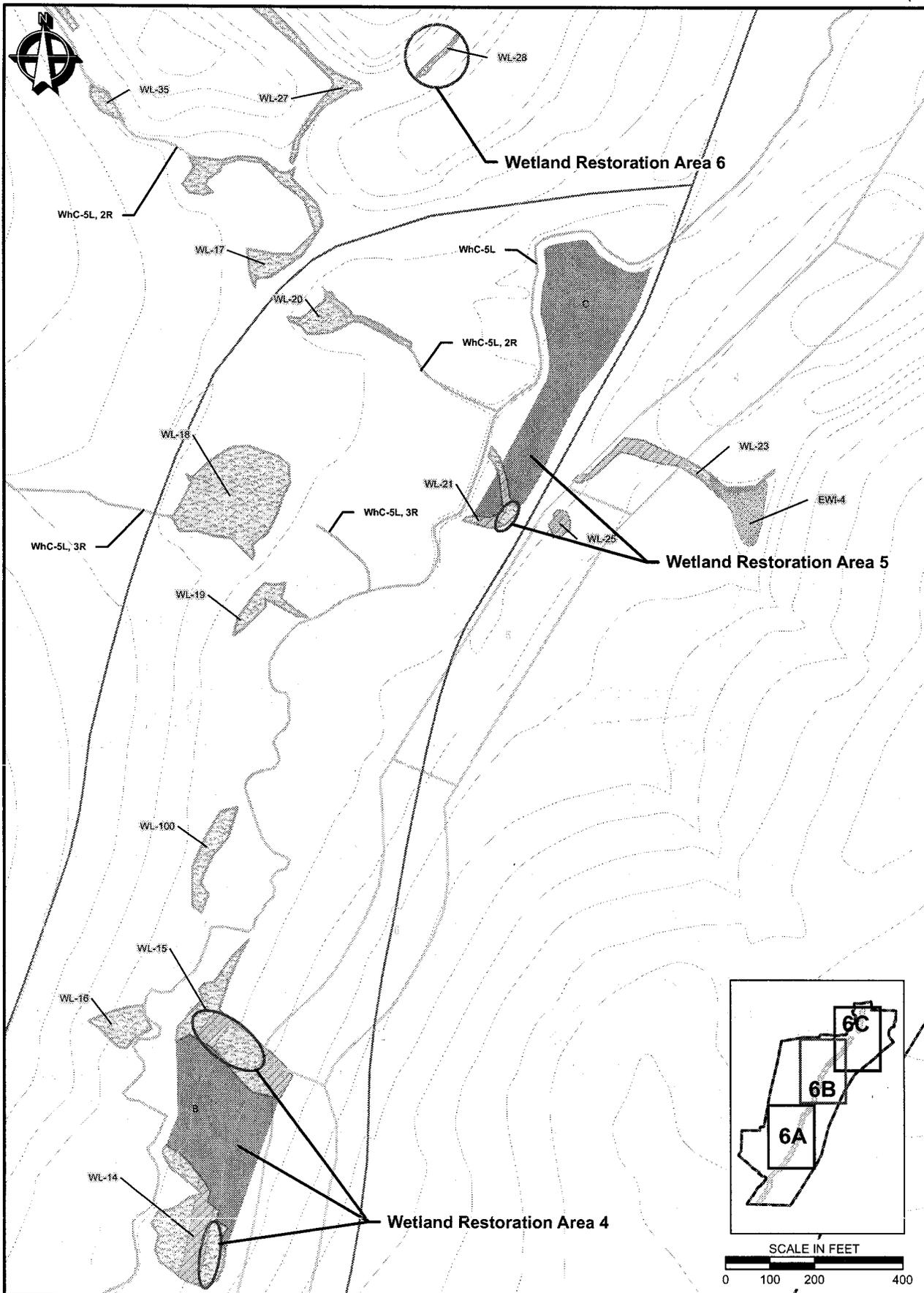
	Impacted Stream		ROAD
	Stream		20' Contour
	Wetland Restoration Area		
	Concessions		
	Sedimentation Ponds		
	Box Cut		
	Impacted Wetlands		
	Wetlands		
	Project Boundary		

\*Approximate location of area to be restored

  
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 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO  
 MITIGATION AREAS 1, 2, & 3

DRAWN BY: RCT	CHECKED BY: NLS	APPROVED BY: JHW	FIGURE NO: 6A
DATE: 07/12/2012	MAP SCALE: 1" = 201'	PROJECT NO: 111-314-0003	



**Legend**

..... 20' CONTOUR	▨ Box Cut
—— ROAD	▨ Wetlands
~~~~ Impacted Stream	▨ Impacted Wetlands
..... Streams	▨ EWI
▨ Wetland Restoration Area*	▨ Project Boundary
▨ Converted	
▨ Sedimentation Pond	

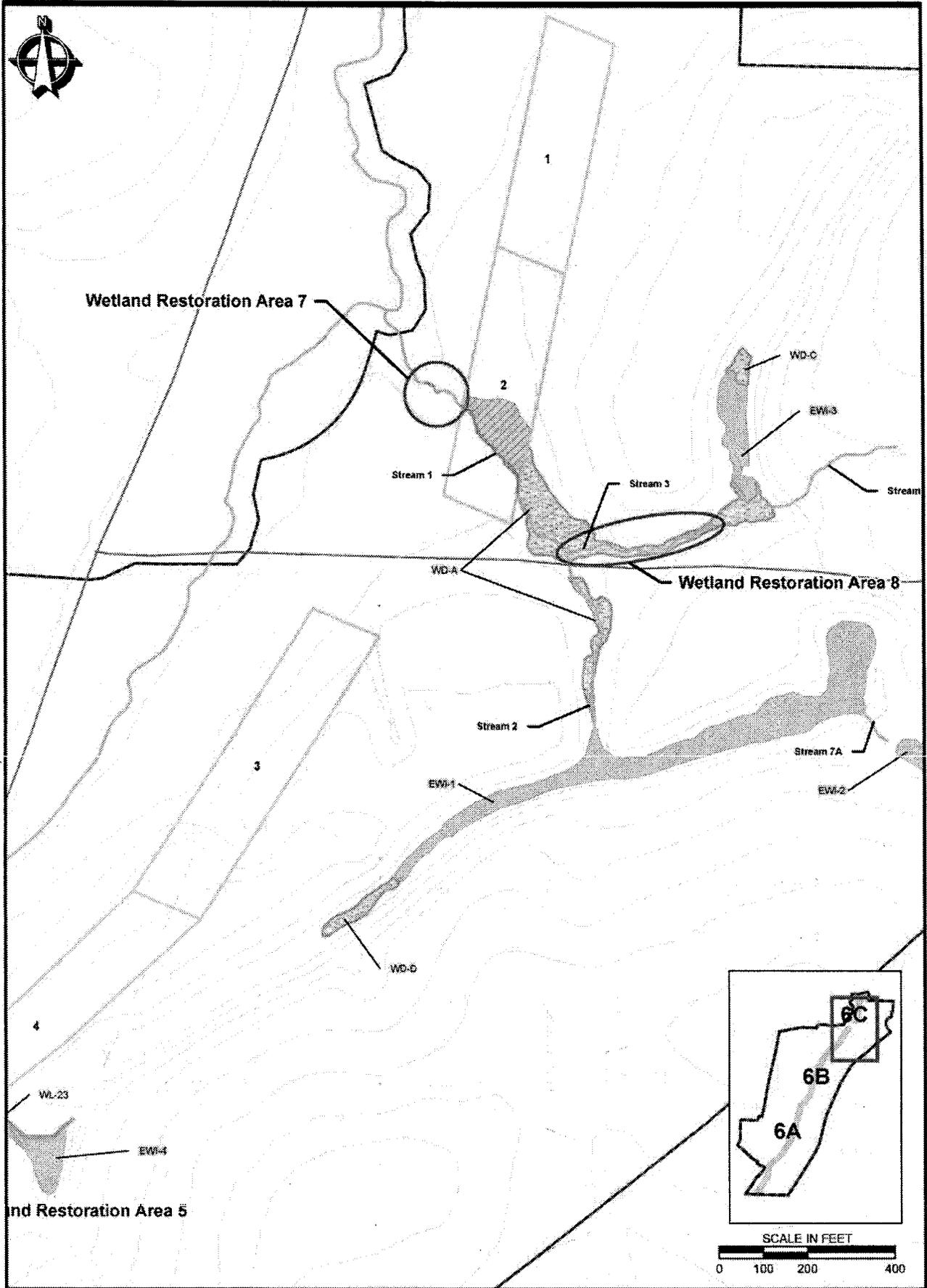
\*Approximate location of area to be restored.

  
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 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO  
 MITIGATION AREAS 4, 5, & 6

FIGURE NO: **6B**



**Legend**

20' CONTOUR	Box Cut
ROAD	Impacted Wetlands
Impacted Stream	Wetlands
Streams	EWI
Wetland Restoration Area	Project Boundary
Converted	
Sodalimitation Pond	

\*Approximate location of area to be restored.

  
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DATE: 7/13/12	MAP SCALE: 1" = 200'	PROJECT NO: 111-314.0003

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 REDBIRD SOUTH MINE  
 BELMONT COUNTY, OHIO

**MITIGATION AREAS 7 & 8**

FIGURE NO: **6C**