



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. 200401040

Date: August 25, 2004

Notice No. 04-46

Closing Date: September 14, 2004

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 (33 U.S.C. 1344).
2. APPLICANT: Consol Energy, Inc.
1800 Washington Road
Pittsburgh, PA 15241-1421
3. LOCATION: In wetlands and two unnamed tributaries to Bingamon Creek, near Wyatt, Harrison/Marion County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: Consolidation Coal Company is proposing to construct a slope entry and supply yard for the Robinson Run Mine. Two unnamed tributaries and two wetlands totaling 0.77 acre would be affected by the proposed project. Consol will place two culverts within the project area. Culvert No. 1 will be a 38" x 60" elliptical concrete culvert approximately 580 feet long and will convey water from just above County Route 38 to below the project area and discharge into Bingamon Creek. Culvert No. 2 will be a single 8' x 10' concrete box culvert approximately 720 feet long and will convey water from just above County Route 38 south through the project area. The applicant is proposing to create approximately 2.0 acres of replacement wetlands adjacent to Bingamon Creek. Drawings of the proposed project are attached to this notice.
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. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water & Waste Management
ATTN: Regulatory Review Program
1560 Kanawha Blvd. E.
Charleston, West Virginia 25311
Telephone: 304-558-6649

Re: Public Notice CELRP-OR-F No. 04-46

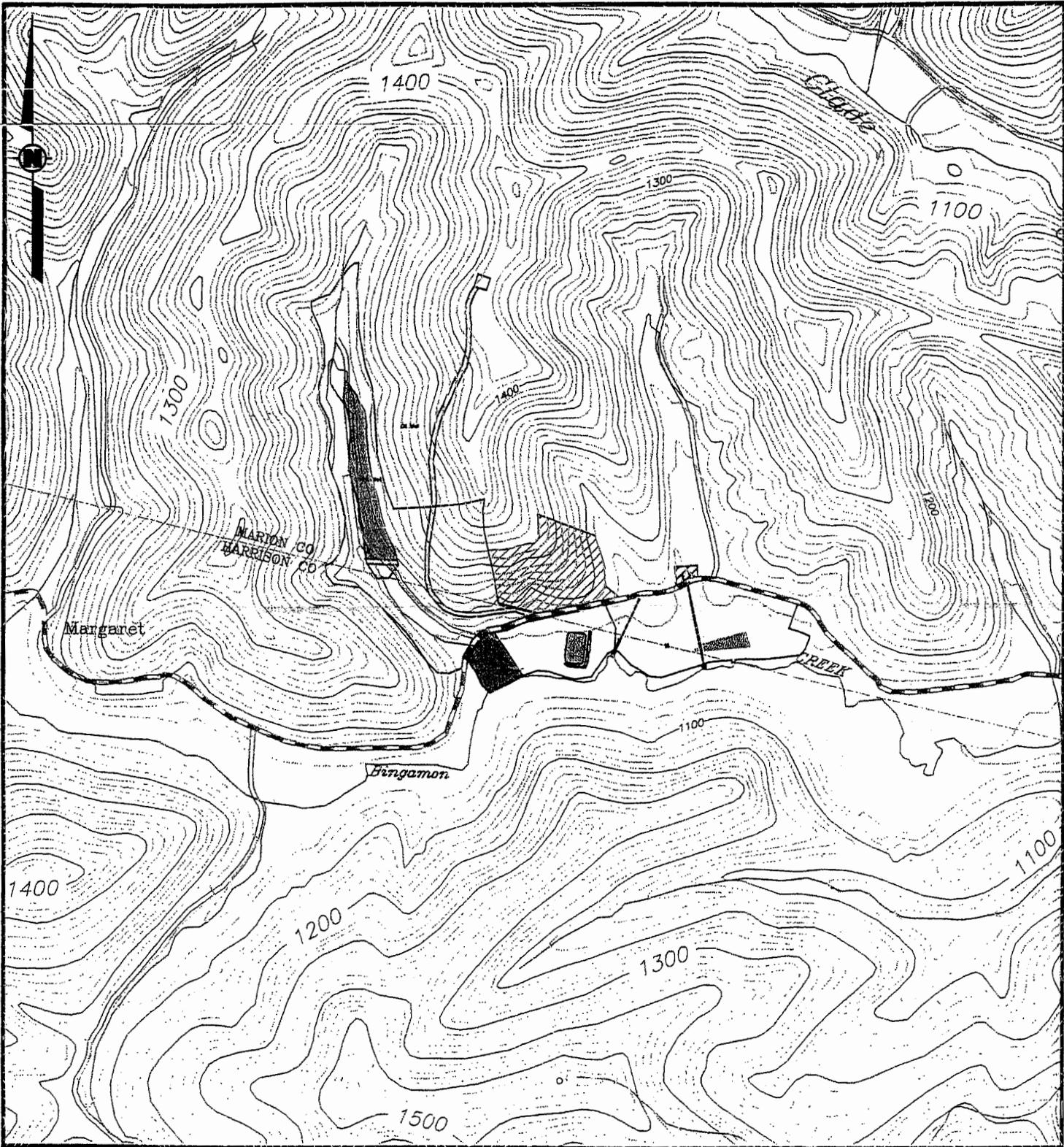
6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat 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).
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 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 Allen Edris, at the above address, by telephoning (412) 395-7158, or by e-mail at allen.edris@usace.army.mil. Please refer to CELRP-OR-F 200401040 in all responses.

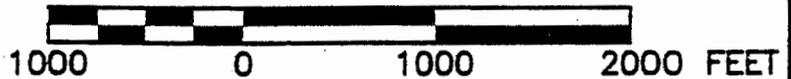
FOR THE DISTRICT ENGINEER:


Scott A. Hans
Acting Chief,
Regulatory Branch



REFERENCE:
 TOPOGRAPHY OF 7.5 MIN. USGS
 QUADRANGLE OF WALLACE WEST
 VIRGINIA DATED 1960 (PHOTOREVISED 1978).

SCALE



Alliance
Consulting, Inc.

Engineers
 Constructors
 Scientists

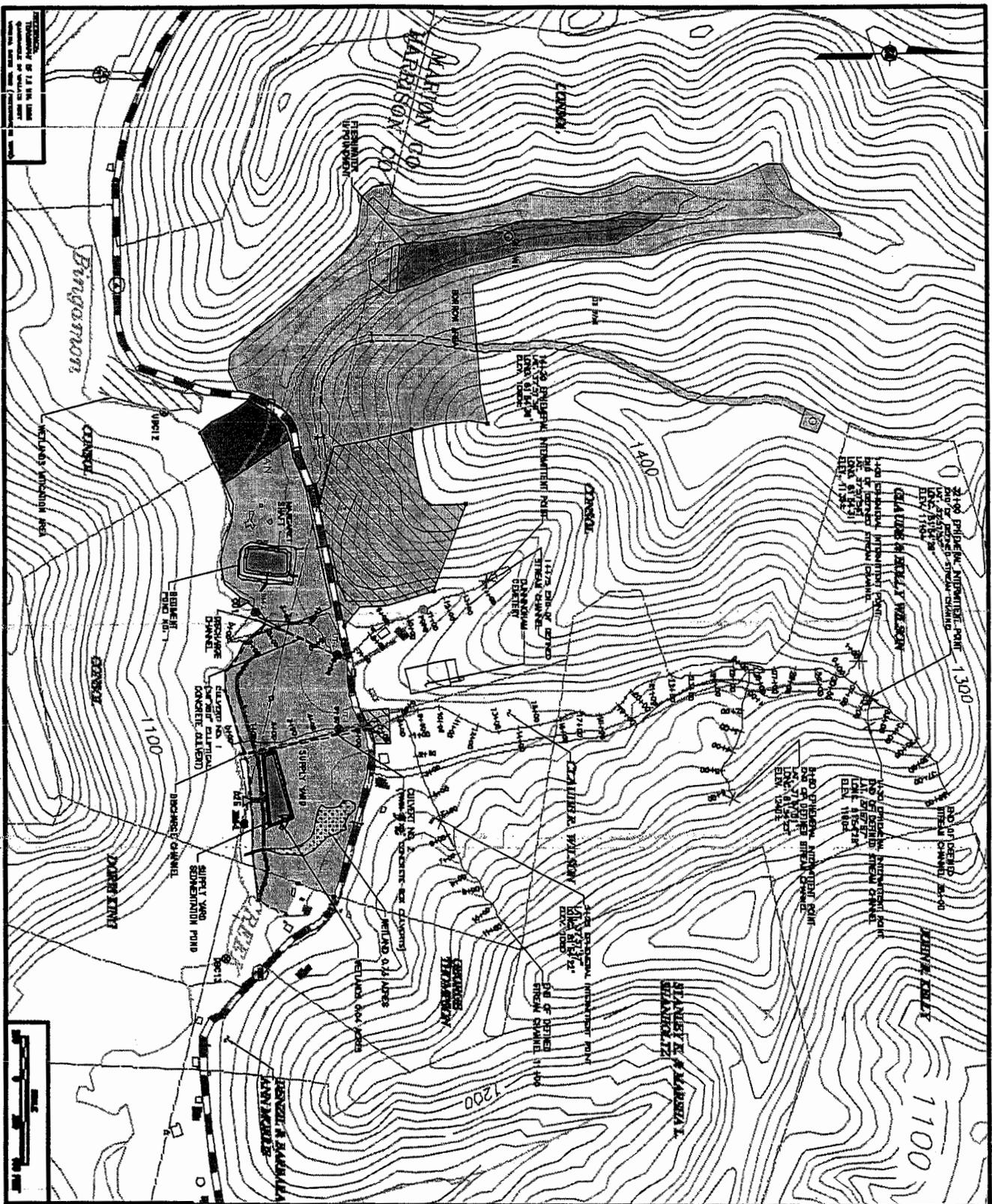
BECKLEY, WV
 (304) 255-0491
 RALEIGH, NC
 (919) 861-2267

SITE LOCATION MAP

ROBINSON RUN MINE
 PERMIT NO. U-104-83 IBR NO. 50
 MODIFICATION NO. 21 NPDES PERMIT NO. WV0093505

PREPARED FOR
 CONSOLIDATION COAL COMPANY
 P.O. BOX 100, OSAGE, WEST VIRGINIA 26543

DRAWN BY	DSM	06/08/04
CHECKED BY		
APPROVED BY		
DRAWING NUMBER	FIGURE NUMBER	
B03-406-A5		



LEGEND

- PROPOSED / APPROVED POINT AREA
- TOTAL 2 SHIRT AND EYE
- PROPOSED LINES 11/18/29 AC
- STREAM (AND AREA) CHANGED BY WORK
- SPRINKLER CHANGES MONITORING POINT
- CONCRETE INTERMITTENT POINT
- IDENTIFY MEASUREMENT POINT (DIT/7/7/7)
- INTERMITTENT POINT
- STREAM CHANNEL
- WETLAND

NOTES

1. ALL POINTS DETECTED WERE CONTACTED BY J.C. SMITH AND POINT LOCATION OF ALLANCE CONSULTING, INC. ON MAY 4, 2001.
2. WETLANDS DETERMINED BY J.C. SMITH USING THE WETLANDS SCHEME (WMS) INTERPRETED FROM AERIAL PHOTOGRAPHS AND FIELD SURVEY DATA. WEST WETLANDS IN BARRETTON COUNTY, WEST VIRGINIA, AT UNITS 227751, 227751, 227751, 227751 AND 227751.
3. THE WMS SCHEME THIRD CHANGES FOR DETERMINATION OF WETLANDS/INTERMITTENT STREAMS TO OCCUR ON OCTOBER 21, 1997, WAS USED AS GUIDANCE IN THIS PROJECT.
4. ALLANCE CONSULTING HAS UTILIZED THE BEST AVAILABLE DATA FOR DETERMINATION OF WETLANDS/INTERMITTENT STREAMS/SPRINKLER MONITORING POINTS AND TRIBUTARY POINTS.
5. ALL STREAMS BELIEVED TO BE IMPACTED BY THE PROPOSED PROJECT WERE INTERMITTENT THROUGHOUT THE PROJECT AREA.
6. SEE DRAWING NO. E13-40-24 DOTTED "WETLAND LOCATION MAP" FOR IDENTIFY WETLAND LOCATIONS AND AREAS.

APPENDIX A - 100' X 100' GRID

DATE: 11/18/29

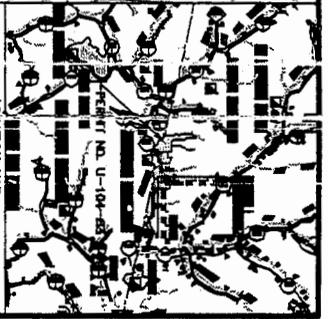
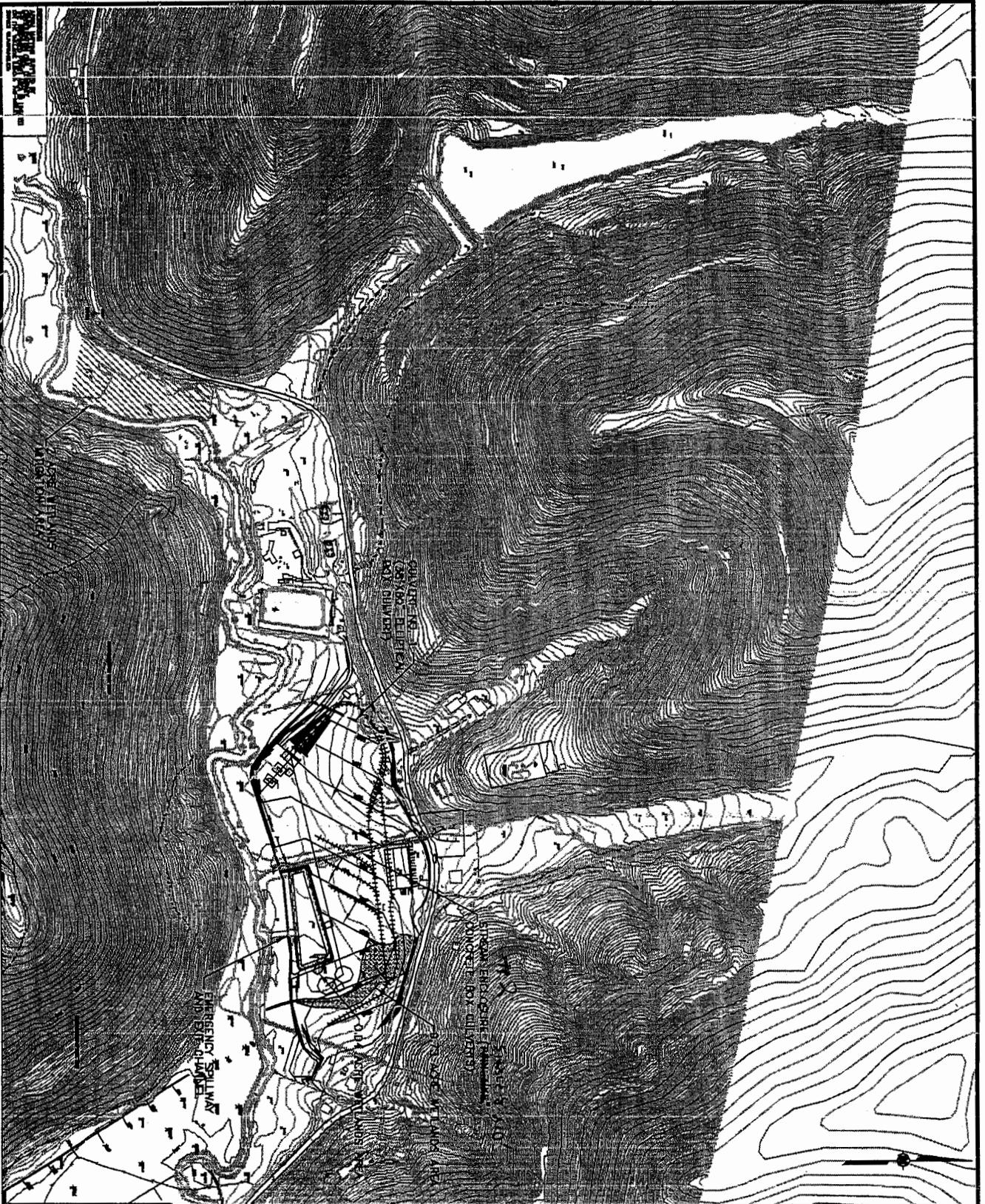
BY: J.C. SMITH

FOR: ALLANCE CONSULTING, INC.

PROJECT: STREAM MEASUREMENT AND DIRECTION MAP FOR THE MILLION CO. AND BARRETTON CO. WETLANDS MONITORING POINT NO. 21

SCALE: 1" = 100'

DRAWING NO.: E03-100-E10



WEST VIRGINIA, CENTRAL, HIGHWAY MAP
 HARRISON COUNTY - NORTHERN DISTRICT
 MARIETTA COUNTY - MARIETTA DISTRICT
 SCALE 1" = 1 MILE

NOTE:
 ITEMS OF POTENTIAL ARMY CORPS
 INTEREST ARE SHOWN IN RED.

LEGEND
 [Red outline symbol] WETLAND AREA



Alfred
 Consulting Inc.
 METLANDS LOCATION MAP
 ROBINSON RUN WVE

Prepared For
 GOVERNMENT OF WEST VIRGINIA
 P.O. BOX 1000
 CHARLOTTE, WEST VIRGINIA 25843

DRAWING NO. B03-008-84