



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. 200101654

Date: September 1, 2004

Notice No. 04-49

Closing Date: September 21, 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: Cravat Coal Company
40580 Cadiz-Piedmont Road
Cadiz, OH 43907
3. LOCATION: in wetlands and unnamed tributaries to Crabapple Creek, near Flushing, Harrison and Belmont County, Ohio
4. PURPOSE AND DESCRIPTION OF WORK: Cravat Coal Company is proposing to remine approximately 200 acres in Harrison and Belmont counties, Ohio. A Surface Mining Application (# 10161) has been submitted to Ohio Department of Natural Resources, Division of Mineral Resources Management, and approved in May 2004. Mining operations will impact 2,886 feet of intermittent stream channel and 338 feet of ephemeral channel totaling 3,224 feet of channel impacts. A total of 3.94 acres of wetland impacts are proposed by the mining activity. The applicant proposes to reclaim and reconstruct 4,040 feet of stream channel and recreate 5.91 acres of wetlands with 2.46 acres of buffer as part of the proposed mitigation plan. As a component to the mitigation plan the applicant proposes to protect the mitigated areas in perpetuity by an acceptable, notarized, recorded, and filed deed restriction. Drawings of the proposed project are attached to this notice.
5. WATER QUALITY CERTIFICATION: A Ohio State (401) Water Quality Certification has been issued for the proposed project and questions regarding the certification (# 010574) should be directed to:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

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).

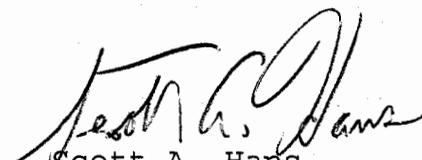
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

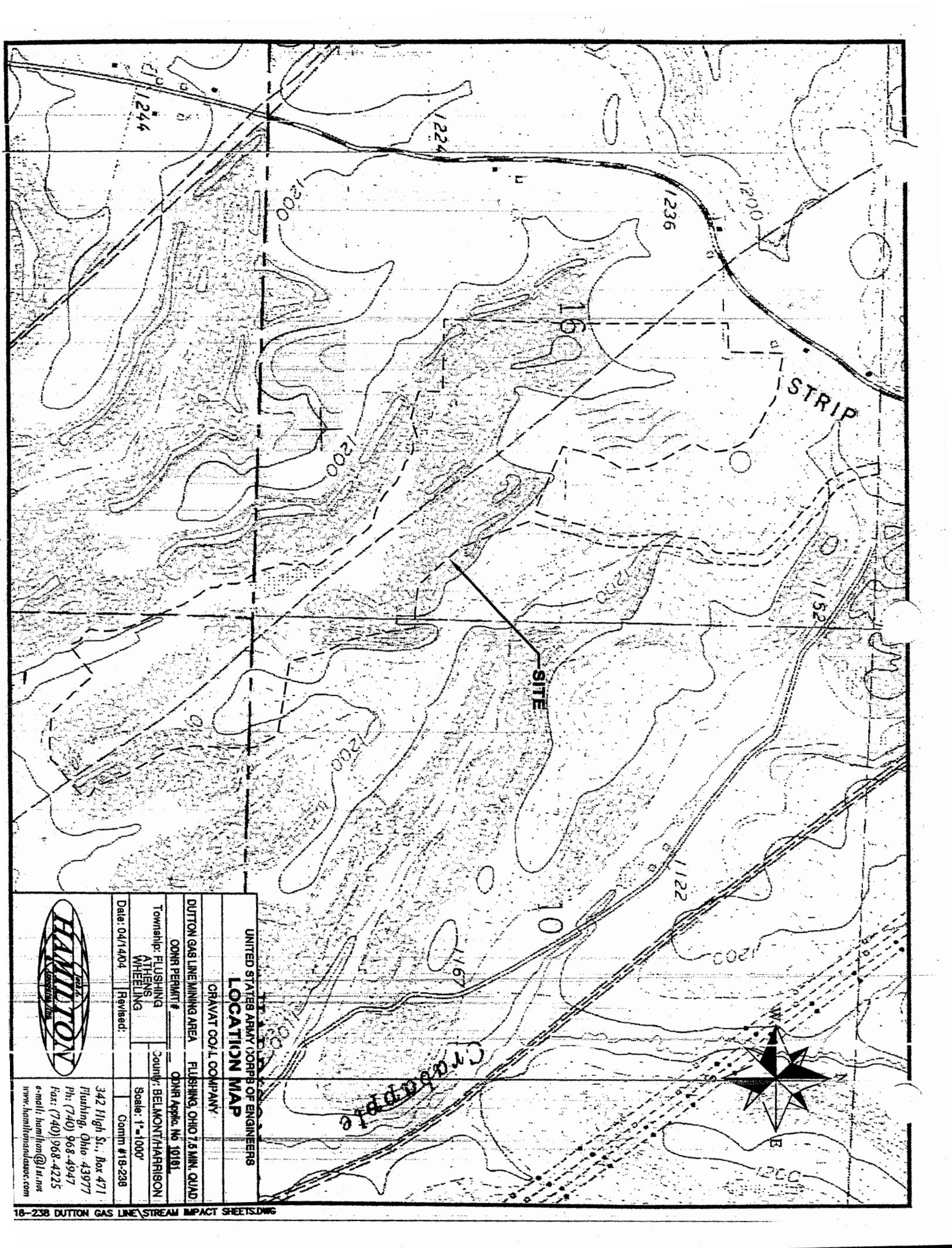
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect 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 200101654 in all responses.

FOR THE DISTRICT ENGINEER:


Scott A. Hans
Acting Chief,
Regulatory Branch

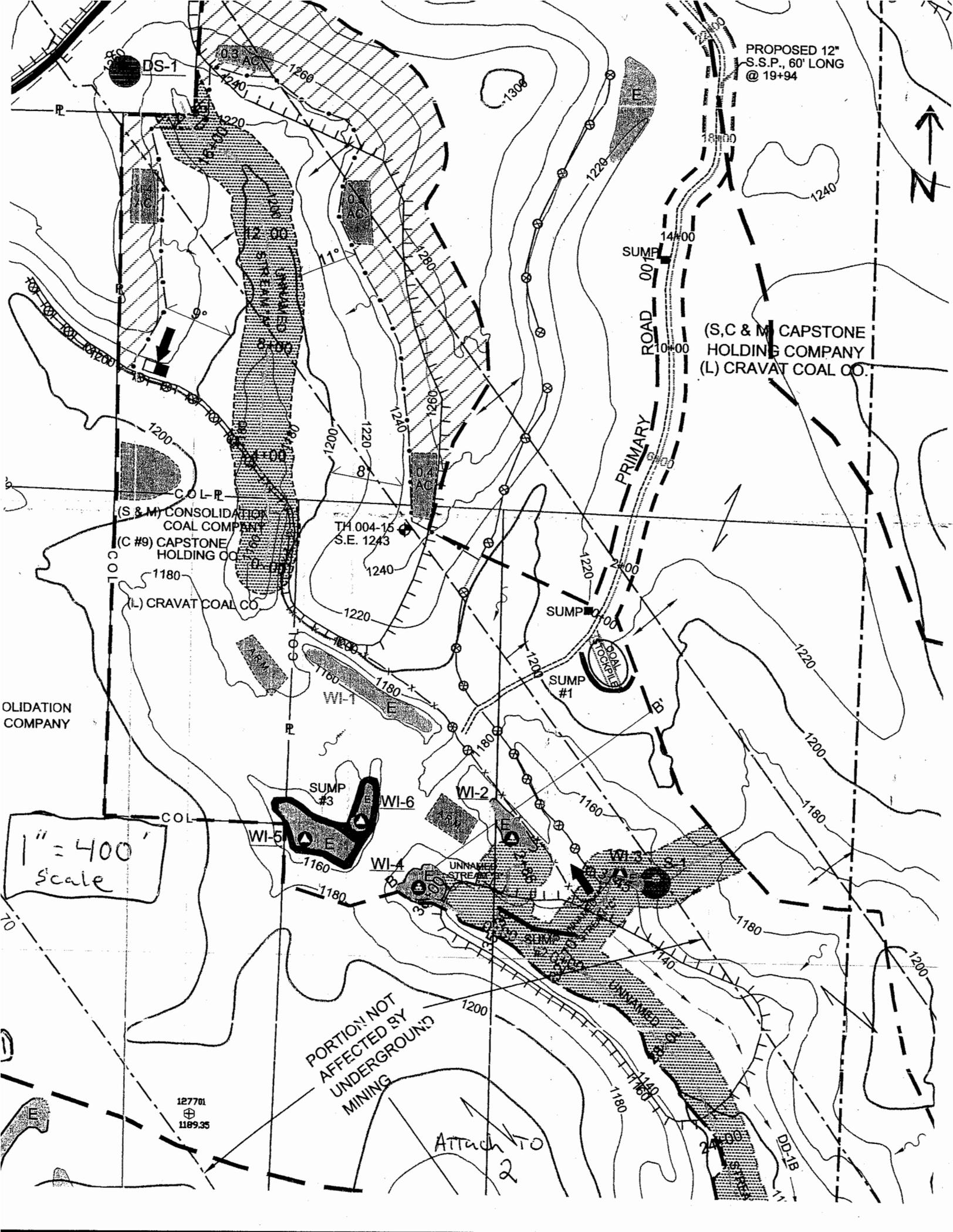


UNITED STATES ARMY CORPS OF ENGINEERS
LOCATION MAP

DUTTON GAS LINE/STREAM AREA		FLUSHING, OHIO 7.5 MIN. QUAD	
CONTRACT NO. 10181		CONTRACT NO. 10181	
TOWNSHIP: FLUSHING WHEELING		COUNTY: BELMONT/HARRISON	
Date: 04/14/04	Revised:	Scale: 1" = 1000'	Comm #18-238



342 High St., Box 471
 Flushing, Ohio 43977
 Ph: (740) 968-4947
 Fax: (740) 968-4225
 e-mail: hamilton@luc.usace
 www.hamiltonandassociates.com



PROPOSED 12" S.S.P., 60' LONG @ 19+94

(S, C & M) CAPSTONE HOLDING COMPANY
(L) CRAVAT COAL CO.

COL-R
(S & M) CONSOLIDATION COAL COMPANY
(C #9) CAPSTONE HOLDING CO.
(L) CRAVAT COAL CO.

CONSOLIDATION COMPANY

1" = 400' scale

PORTION NOT AFFECTED BY UNDERGROUND MINING

Attach to 2

127701
1189.35

DD-1B

