

**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200401791

Date: September 12, 2005

Notice No. 05-59

Closing Date: October 12, 2005

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 Pennsylvania Coal Company
1525 Pleasant Grove Road
P.O. Box J
Claysville, PA 15323

AGENT: Michael Baker Jr., Inc.
Airsides Business Park
100 Airside Drive
Moon Township, PA 15108

Civil & Environmental Consultants, Inc.
333 Baldwin Road
Pittsburgh, PA 15205

3. LOCATION: in wetlands and unnamed tributaries to Tenmile Creek, Short Creek, and Bates Fork, near Prosperity, Morris Township, Greene and Washington Counties, Pennsylvania.

4. PURPOSE AND DESCRIPTION OF WORK: The proposed Archer Run Surface Facility project will allow expansion of the existing Enlow Fork Mine and mining of the bituminous coal reserves for approximately 25 years. The project will be constructed in stages and include a new portal, slope and coal preparation facility, three refuse disposal areas, a new rail loop and a freshwater impoundment. The total proposed project area will encompass 1,453 acres of which approximately 924 acres will be impacted by the development.

Total impacts from all stages will include filling 14.96 acres of wetland and impacting 64,648 linear feet of stream channel, which will include 39,863 linear feet of perennial streams, 10,793 linear feet of intermittent streams, and 13,992 linear feet of ephemeral streams. The majority of the wetland systems to be impacted are emergent systems within the floodplains of the stream channels on-site. Conceptual mitigation plans include 9,222 feet of stream restoration activities onsite and 132,817 linear feet of mitigation most likely in the form of stream bank fencing within the Tenmile Creek and adjacent watersheds. Alternative forms of stream

mitigation are also being considered. Wetland mitigation will include 22.43 acres of replacement of which 2.4 acres will be on-site and 20.03 acres off-site. Detailed ecological evaluations have been prepared of both the stream and wetland impact areas to assess the projects impacts and to determine functions and values the mitigation efforts should replace. Drawings of the proposed project are attached to this notice.

The applicant has also prepared an alternatives analysis based on the level of the projects impacts and the practicable alternatives for fulfilling the projects purpose.

5. ENCROACHMENT PERMIT: The applicant is required to obtain an encroachment permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
California District Mining Office
California Technology Park
25 Technology Drive
Coal Center, PA 15423
Telephone: 724-769-1100

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. The project is within the range of the Indiana Bat, and mist net surveys have been conducted with no specimens being collected. 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 (NRHP) 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. A Phase I Archeological Survey has been completed which identified 44 archeological sites within the permit area. Fifteen of these sites have been determined to be potentially eligible for the NRHP, and Phase II surveys are being conducted. 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.

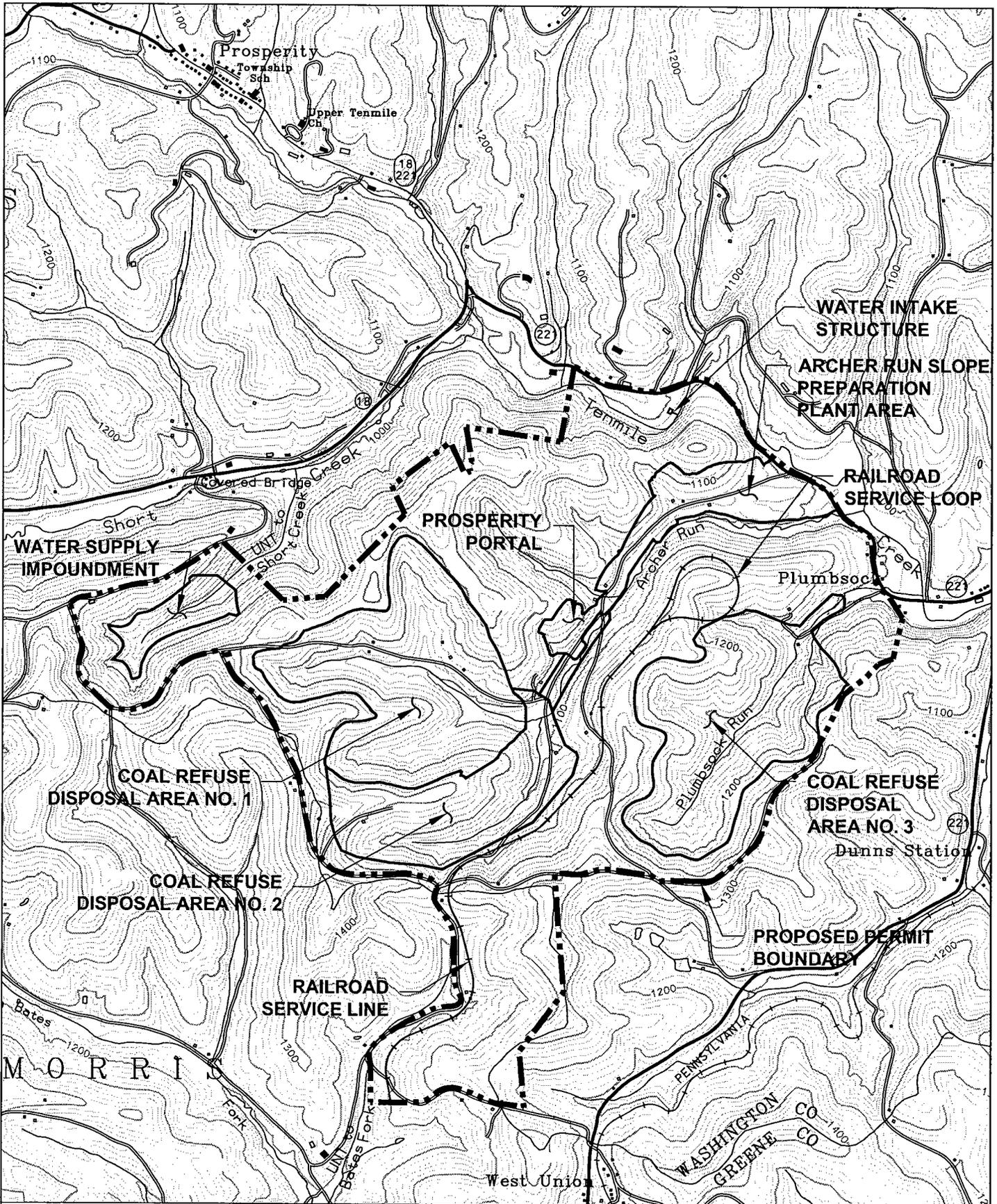
9. **EVALUATION:** Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect 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 Department of the Army Permit. All responses to this notice should be directed to the Regulatory Branch, attn: Scott A. Hans, at the above address, by telephoning (412) 395-7154, or by e-mail at Scott.A.Hans@usace.army.mil. Please refer to CELRP-OP-F 200401791 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Michael J. Cummings, Jr.
Chief, Regulatory Branch



ENLOW FORK MINE EXPANSION ARCHER RUN SURFACE FACILITIES			DRAWING NO. 1.1-2
LOCATION MAP			REVISION 1
DRAWN	CHECKED	APPROVED	SCALE
DATE	DATE	DATE	1"=2000'

Baker
MICHAEL BAKER JR., INC.

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■■■■■ PROPOSED PERMIT LINE

■■■■■■■■■■ STAGE BOUNDARY

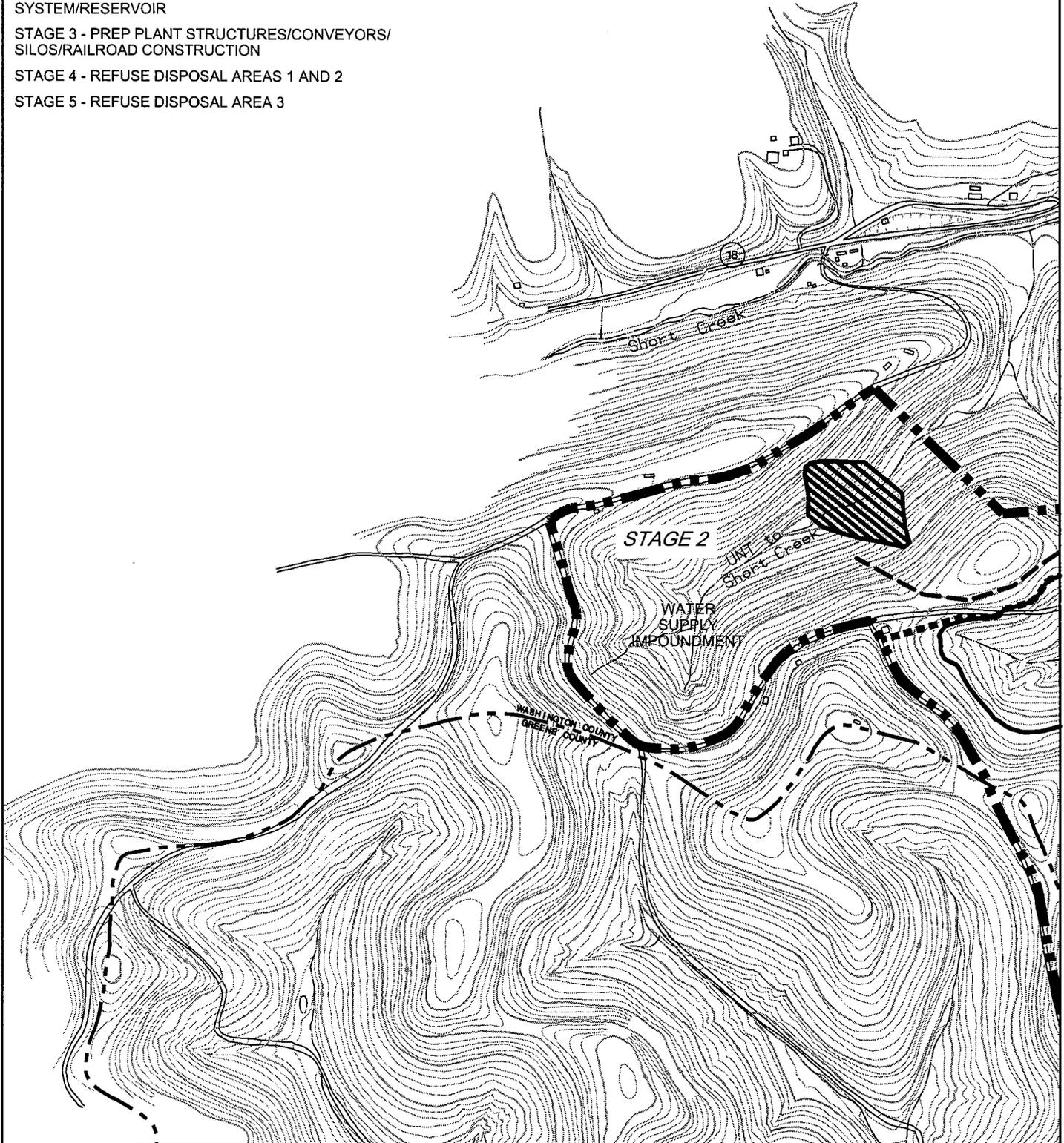
STAGE 1 - FACILITY EARTHWORK/
SLOPE/SHAFT/PORTAL

STAGE 2 - WATER INTAKE/PIPING
SYSTEM/RESERVOIR

STAGE 3 - PREP PLANT STRUCTURES/CONVEYORS/
SILOS/RAILROAD CONSTRUCTION

STAGE 4 - REFUSE DISPOSAL AREAS 1 AND 2

STAGE 5 - REFUSE DISPOSAL AREA 3



MATCH TO SHEET 2 OF 4

ENLOW FORK MINE EXPANSION
ARCHER RUN SURFACE FACILITIES

DRAWING NO.
1.1-2

PROPOSED SURFACE FACILITY LAYOUT
STAGING PLAN - SHEET 1 OF 4

REVISION
1

DRAWN	CHECKED	APPROVED	SCALE
DATE	DATE	DATE	1"=1000'

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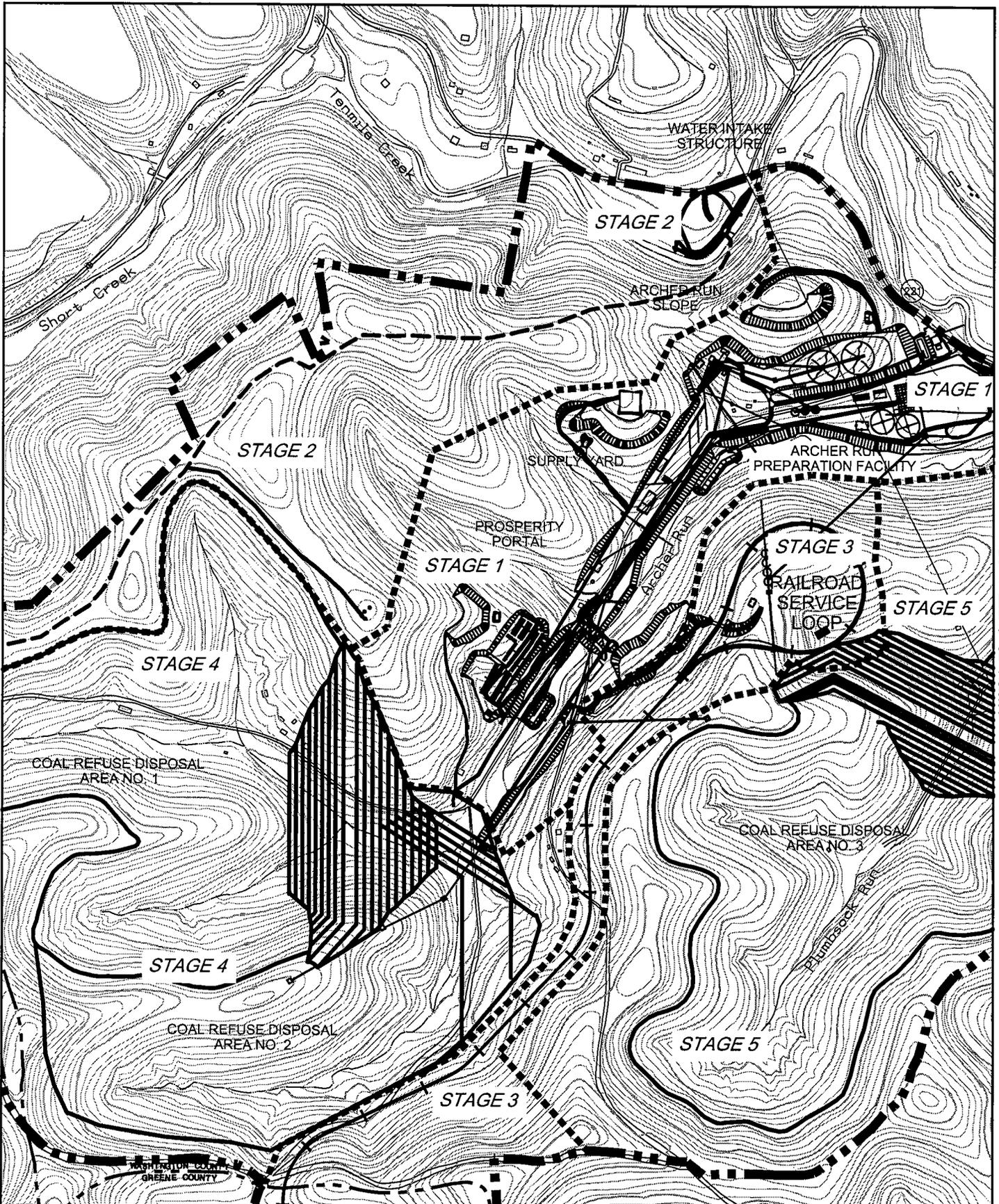
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MATCH TO SHEET 1 OF 4

MATCH TO SHEET 3 OF 4



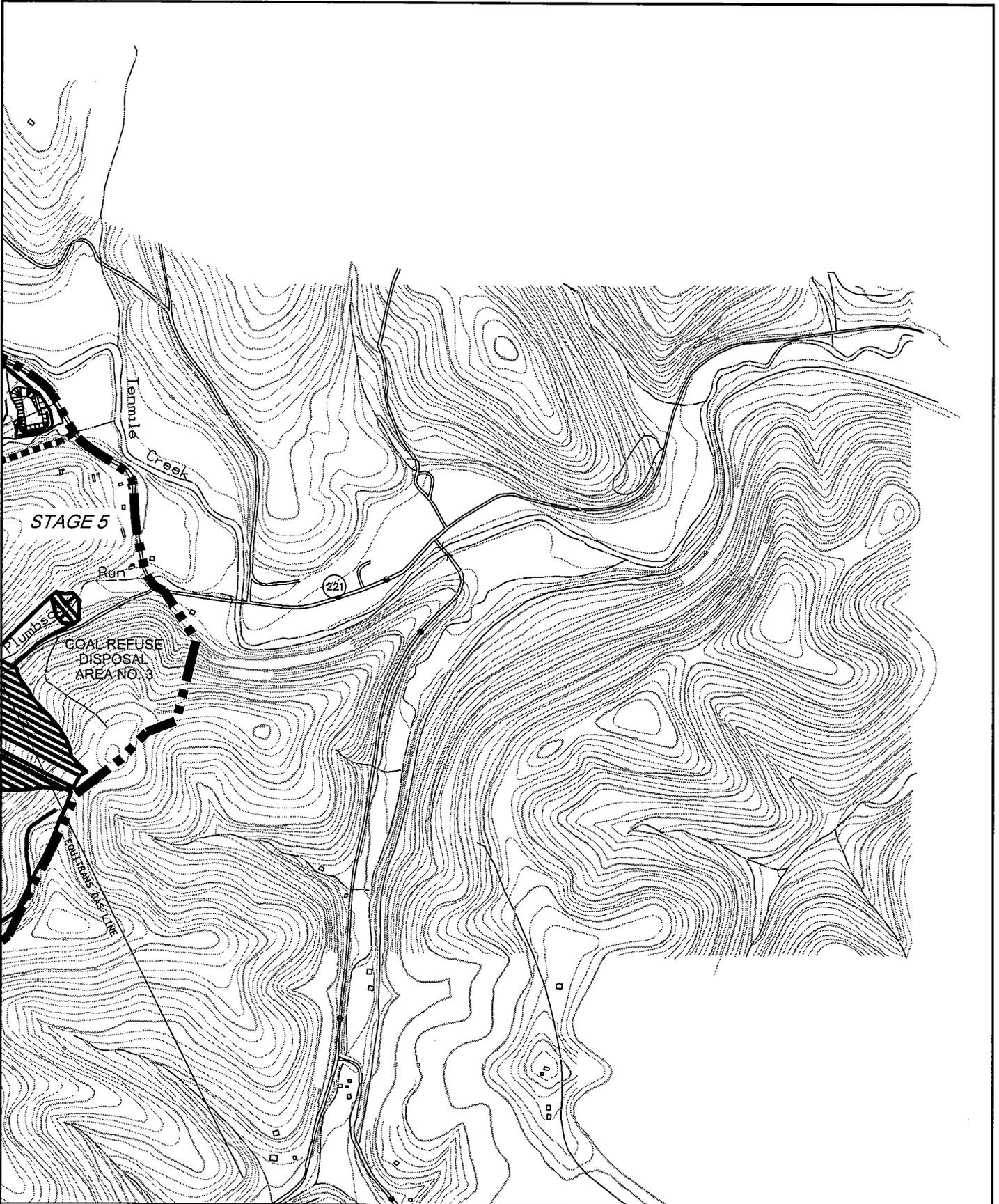
MATCH TO SHEET 4 OF 4

ENLOW FORK MINE EXPANSION ARCHER RUN SURFACE FACILITIES			DRAWING NO. 1.1-2
PROPOSED SURFACE FACILITY LAYOUT STAGING PLAN - SHEET 2 OF 4			REVISION 1
DRAWN	CHECKED	APPROVED	SCALE
DATE	DATE	DATE	1"=1000'

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MATCH TO SHEET 2 OF 4



ENLOW FORK MINE EXPANSION
 ARCHER RUN SURFACE FACILITIES

DRAWING NO.
 1.1-2

PROPOSED SURFACE FACILITY LAYOUT
 STAGING PLAN - SHEET 3 OF 4

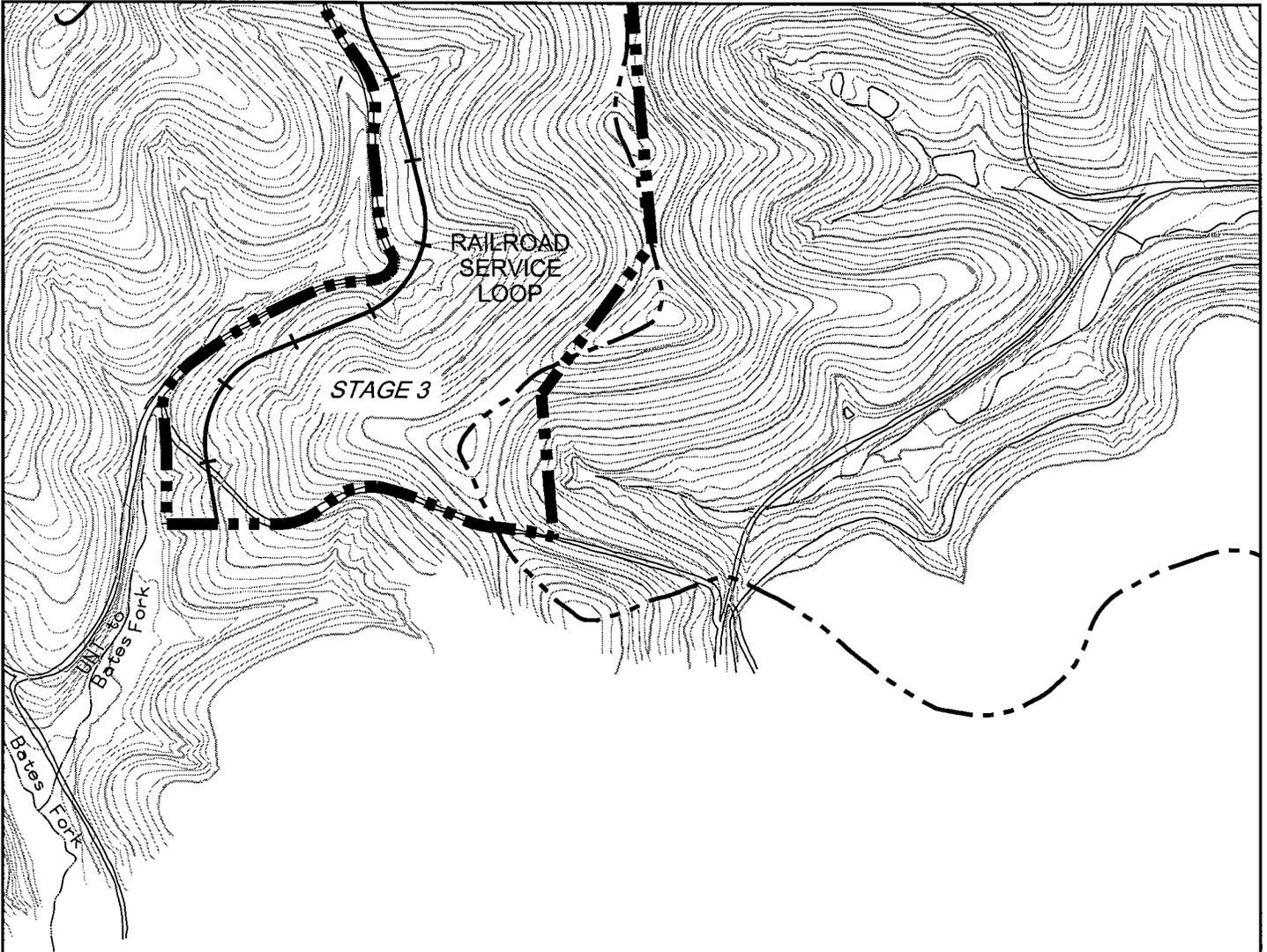
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- ■ ■ ■ ■ PROPOSED PERMIT LINE
- STAGE BOUNDARY
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ENLOW FORK MINE EXPANSION
ARCHER RUN SURFACE FACILITIES

DRAWING NO.
1.1-2

PROPOSED SURFACE FACILITY LAYOUT
STAGING PLAN - SHEET 4 OF 4

REVISION
1

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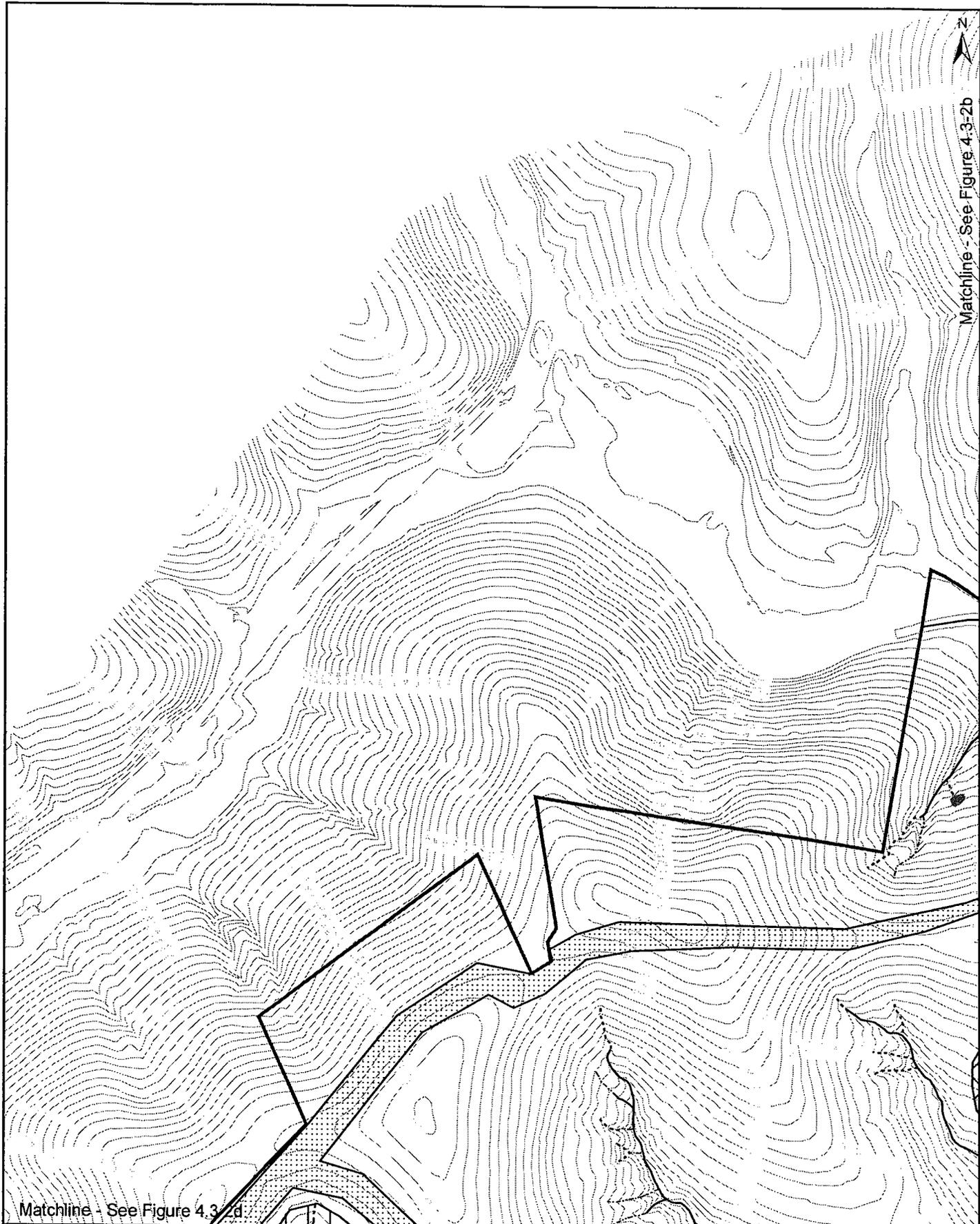
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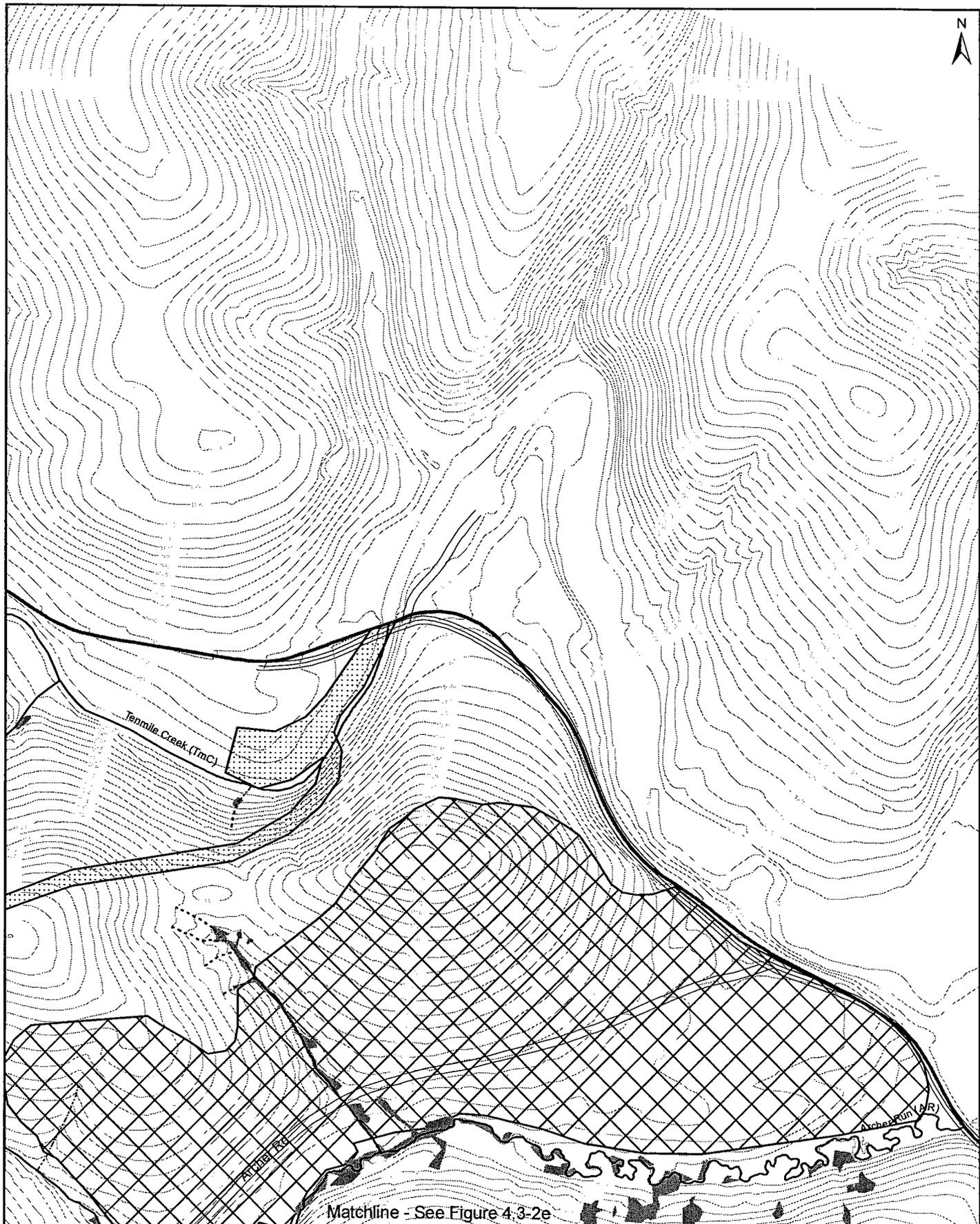
Matchline - See Figure 4.3-2b



Matchline - See Figure 4.3-2d

<p>USGS Property Outline</p> <p>DWG BY: [blank] DATE: 9/13/2005 MAP LINES: [blank] SCALE: 1:600</p>	<p>Legend</p> <table border="0"> <tr> <td>— Perennial Stream</td> <td>Wetlands</td> <td>Impact Areas</td> <td>Stage 3</td> </tr> <tr> <td>- - - Intermittent Stream</td> <td>Roads</td> <td>Stage 1</td> <td>Stage 4</td> </tr> <tr> <td>- - - Ephemeral Stream</td> <td>Project Area</td> <td>Stage 2</td> <td>Stage 5</td> </tr> <tr> <td>- - Upland Swale</td> <td></td> <td></td> <td></td> </tr> </table>	— Perennial Stream	Wetlands	Impact Areas	Stage 3	- - - Intermittent Stream	Roads	Stage 1	Stage 4	- - - Ephemeral Stream	Project Area	Stage 2	Stage 5	- - Upland Swale				<p>ISSUED FOR: CONSOL ENERGY</p> <p>ISSUED BY: CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 3038 Main Road Pittsburgh, PA 15205-9102 1-800-365-2324</p> <p><small>Columbus, OH * Canton, OH * Marietta, OH * Warren, PA * Erie, PA * Erie, PA * Erie, PA * Erie, PA</small></p>	<p>PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES</p> <p>PROJECT NO: 041-0050012 FIGURE: 4.3-2a</p>
— Perennial Stream	Wetlands	Impact Areas	Stage 3																
- - - Intermittent Stream	Roads	Stage 1	Stage 4																
- - - Ephemeral Stream	Project Area	Stage 2	Stage 5																
- - Upland Swale																			

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Map Scale: [blank]	Map Projection: [blank]

Legend - - - Perennial Stream - - - Intermittent Stream - - - Ephemeral Stream = = = Upland Swale Wetlands Roads Project Area Impact Areas Stage 1 Impact Areas Stage 2 Impact Areas Stage 3 Impact Areas Stage 4 Impact Areas Stage 5	
ISSUED FOR: CONSOL ENERGY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 353 Baldwin Road Hazleburg, PA 15208-9702 1-800-365-2324 <small>Columbus, OH • Cincinnati, OH • Indianapolis, IN • Nashville, TN • Chicago, IL • St. Louis, MO • Export, PA</small>	

PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES	
PROJECT NO: 041-005.0012	FIGURE 4.3-2b



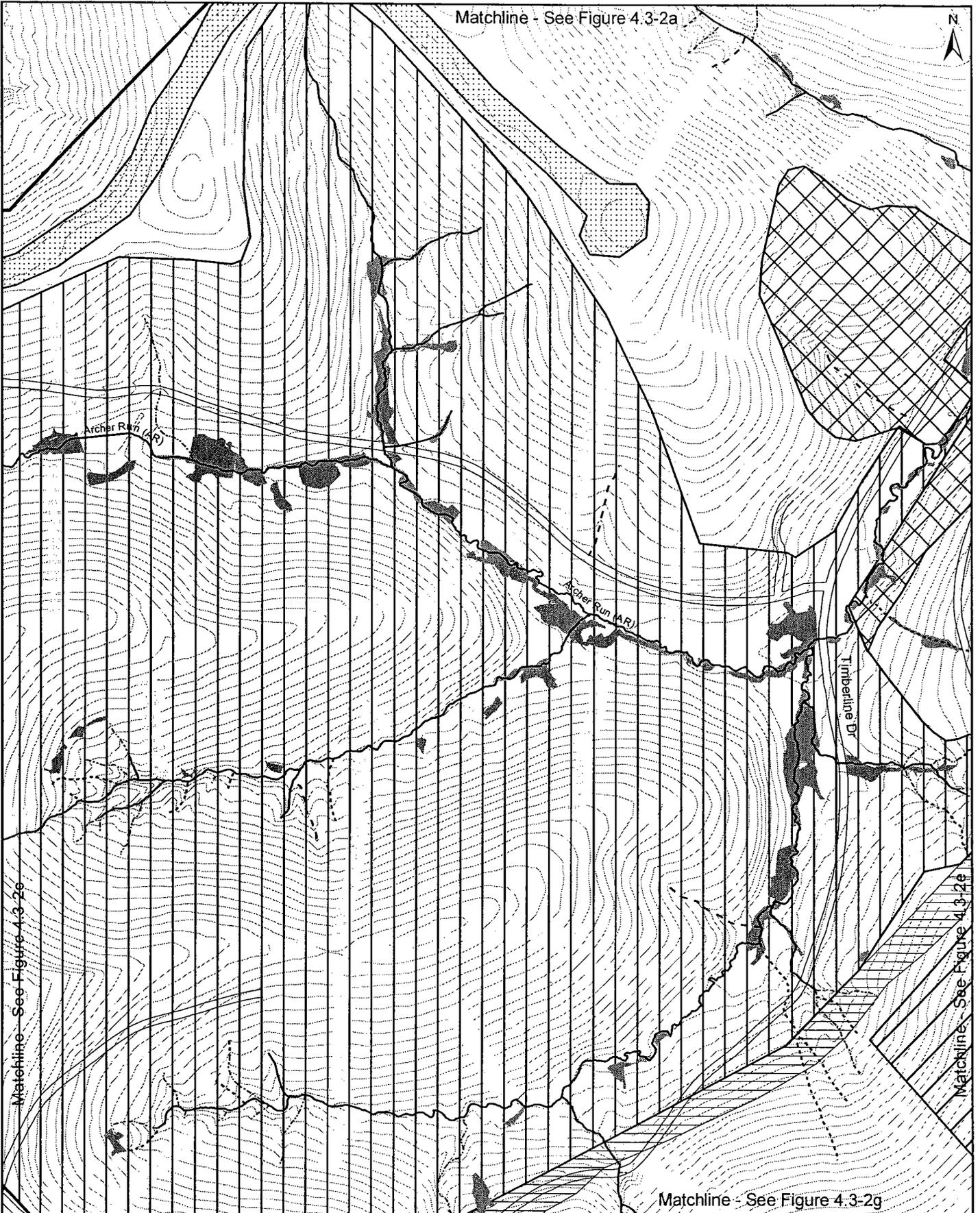
Matchline - See Figure 4.3-2g

<p>USGS Property Quadrangle</p> <p>DRAWN BY: [Blank] DATE: [Blank] CHECKED BY: [Blank] DATE: [Blank]</p> <p>SCALE: 1:6000</p> <p>DATE: 5/13/2005</p>	<p style="text-align: center;">0 100 200 300</p> <p style="text-align: center;">Legend</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">— Perennial Stream</td> <td style="border: none;">[Stippled Box] Wetlands</td> <td style="border: none;">[Cross-hatched Box] Impact Areas</td> <td style="border: none;">[Horizontal Lines Box] Stage 3</td> </tr> <tr> <td style="border: none;">- - - Intermittent Stream</td> <td style="border: none;">[Dashed Box] Roads</td> <td style="border: none;">[Diagonal Lines Box] Stage 1</td> <td style="border: none;">[Vertical Lines Box] Stage 4</td> </tr> <tr> <td style="border: none;">= = = Ephemeral Stream</td> <td style="border: none;">[Solid Box] Project Area</td> <td style="border: none;">[Dotted Box] Stage 2</td> <td style="border: none;">[Diagonal Lines Box] Stage 5</td> </tr> <tr> <td style="border: none;">- - Upland Swale</td> <td></td> <td></td> <td></td> </tr> </table>	— Perennial Stream	[Stippled Box] Wetlands	[Cross-hatched Box] Impact Areas	[Horizontal Lines Box] Stage 3	- - - Intermittent Stream	[Dashed Box] Roads	[Diagonal Lines Box] Stage 1	[Vertical Lines Box] Stage 4	= = = Ephemeral Stream	[Solid Box] Project Area	[Dotted Box] Stage 2	[Diagonal Lines Box] Stage 5	- - Upland Swale				<p style="text-align: center;">ISSUED FOR: CONSOL ENERGY</p> <p style="text-align: center;">ISSUED BY:</p> <p style="text-align: center;">CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 333 Belden Road Pottsville, PA 17855-8702 1-800-353-2244</p> <p style="text-align: center; font-size: small;">Columbus, OH • Cincinnati, OH • Indianapolis, IN • Nashville, TN • Chicago, IL • St. Louis, MO • Elkhart, PA</p>	<p style="text-align: center;">PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES</p> <p style="text-align: center;">PROJECT NO. 041-005.0012 FIGURE 4.3-2c</p>
— Perennial Stream	[Stippled Box] Wetlands	[Cross-hatched Box] Impact Areas	[Horizontal Lines Box] Stage 3																
- - - Intermittent Stream	[Dashed Box] Roads	[Diagonal Lines Box] Stage 1	[Vertical Lines Box] Stage 4																
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- - Upland Swale																			

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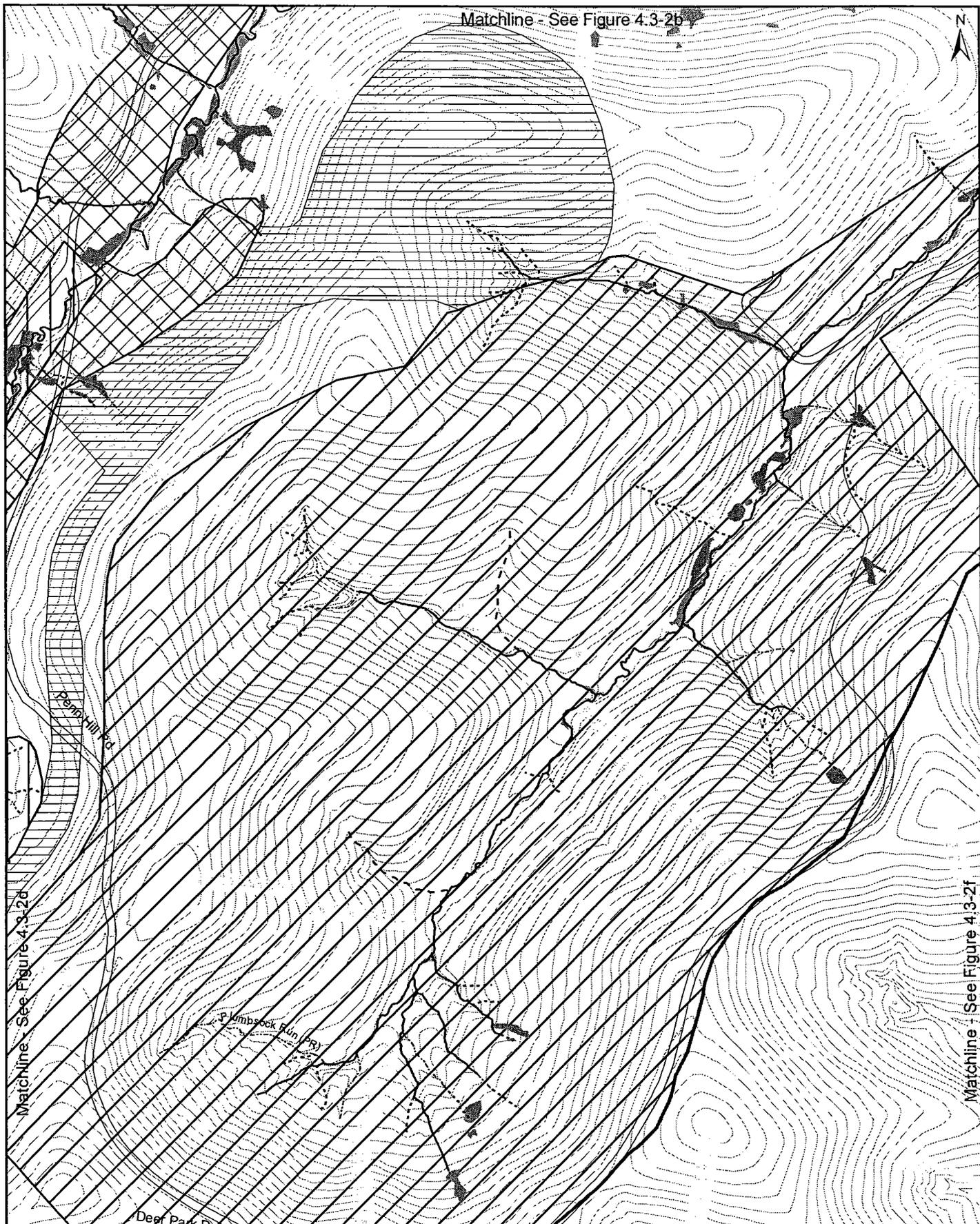
Matchline - See Figure 4.3-2b

Matchline - See Figure 4.3-2c

Matchline - See Figure 4.3-2g

<p>USGS Primary Contour</p> <p>DATE: 5/13/2005</p>	<p>Legend</p> <ul style="list-style-type: none"> — Perennial Stream - - - Intermittent Stream - · - · Ephemeral Stream - · Upland Swale ▨ Wetlands == Roads ▨ Project Area ▨ Impact Areas <ul style="list-style-type: none"> ▨ Stage 1 ▨ Stage 2 ▨ Stage 3 ▨ Stage 4 ▨ Stage 5 	<p>ISSUED FOR: CONSOL ENERGY</p> <p>ISSUED BY: CIVIL & ENVIRONMENTAL CONSULTANTS, INC.</p> <p>333 Baldwin Road Pittsburgh, PA 15205-8702 412-265-2224</p> <p>Columbus OH · Cincinnati OH · Indianapolis IN · Nashville TN · Chicago IL · St. Louis MO · Export PA</p>	<p>PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES</p> <p>PROJECT NO: 041-005-0012</p> <p>FIGURE: 4.3-2d</p>
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Matchline - See Figure 4.3-2b



Matchline - See Figure 4.3-2b

Matchline - See Figure 4.3-2f

Deer Park

USGS Property Ownership DATE: 5/13/2005	Legend — Perennial Stream - - - Intermittent Stream ···· Ephemeral Stream = Upland Swale Wetlands Roads Project Area Impact Areas Stage 1 Stage 2 Stage 3 Stage 4 Stage 5	ISSUED FOR: CONSOL ENERGY ISSUED BY: CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 313 Baldwin Road Pittsburgh, PA 15205-9702 412-365-2324 <small>Columbus, OH • Cleveland, OH • Indianapolis, IN • Nashville, TN • Chicago, IL • St. Louis, MO • Export, PA</small>	PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES PROJECT NO: 041-0050012 FIGURE: 4.3-2e
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Matchline - See Figure 4.3-2e

<p>USGS Property Quadrangle</p> <p>DATE: 9/13/2005</p>	<p>Legend</p> <p>— Perennial Stream Wetlands Impact Areas</p> <p>- - - Intermittent Stream Roads Stage 1</p> <p>- · - · Ephemeral Stream Project Area Stage 2</p> <p>- · Upland Swale</p> <p>Stage 3</p> <p>Stage 4</p> <p>Stage 5</p>	<p>ISSUED FOR: CONSOL ENERGY</p> <p>ISSUED BY: CIVIL & ENVIRONMENTAL CONSULTANTS, INC.</p> <p>233 Archer Road Pittsburgh, PA 15208-9702 412-365-2324</p> <p><small>Colorado, OH * Oklahoma, OH * Indiana, MI, WI * Michigan, TN * Chicago, IL * St. Louis, MO * Evans, PA</small></p>	<p>PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES</p> <p>PROJECT NO: 041-005.0012 FIGURE: 4.3-2f</p>
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Matchline - See Figure 4.3-2d



<p>USGS Property Ownership</p> <p>DWG BY: MHA CHK BY: MHA</p> <p>SCALE: 1:6000</p> <p>DATE: 5/13/2005</p>	<p>Legend</p> <p>— Perennial Stream - - - Intermittent Stream - · - · Ephemeral Stream - - - Upland Swale</p> <p>Wetlands Roads Project Area</p> <p>Impact Areas</p> <p>Stage 1 Stage 2 Stage 3 Stage 4 Stage 5</p>	<p>ISSUED FOR: CONSOL ENERGY</p> <p>ISSUED BY: CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 333 Baldwin Road Pittsburgh, PA 15205-9702 412-265-3244</p> <p>Columbus, OH • Chicago, IL • Indianapolis, IN • Knoxville, TN • Louisville, MO • Export, PA</p>	<p>PROPOSED STREAMS AND WETLANDS IMPACT PLAN ENLOW FORK MINE EXPANSION - ARCHER RUN SURFACE FACILITY CONSOL PENNSYLVANIA COAL COMPANY WASHINGTON & GREENE COUNTIES</p> <p>PROJECT NO: 041-005-0012</p> <p>FIGURE: 4.3-2g</p>
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