



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. 200502119

Date: December 8, 2005

Notice No. 05-72

Closing Date: January 9, 2006

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: Buckeye Industrial Mining Company
P. O. Box 389
4719 Industrial Road
Lisbon, OH 44432
3. LOCATION: This 72 acre permit site is located off of County Route 53 in Sections 27, 28, and 33 of Ross Township, near Berholtz, Jefferson County, Ohio
4. PURPOSE AND DESCRIPTION OF WORK: The applicant has applied to impact two unnamed tributaries to Yellow Creek for a total of 763 l.f. of stream impacts and to place fill into two jurisdictional open water impoundments for a total of 3.67 acres of open water impacts in order to extract the No. 6A and No. 7 coal seams by surface and deep mining. All stream impacts will be reclaimed after the coal has been extracted. A majority of the 72 acre permit site has been impacted by previous, unreclaimed mining activities. Drawings of the proposed project are attached to this notice.
5. 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
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 Christina L. Schroeder, at the above address. Please refer to CELRP-OP-F, 200502119 in all responses.

FOR THE DISTRICT ENGINEER:

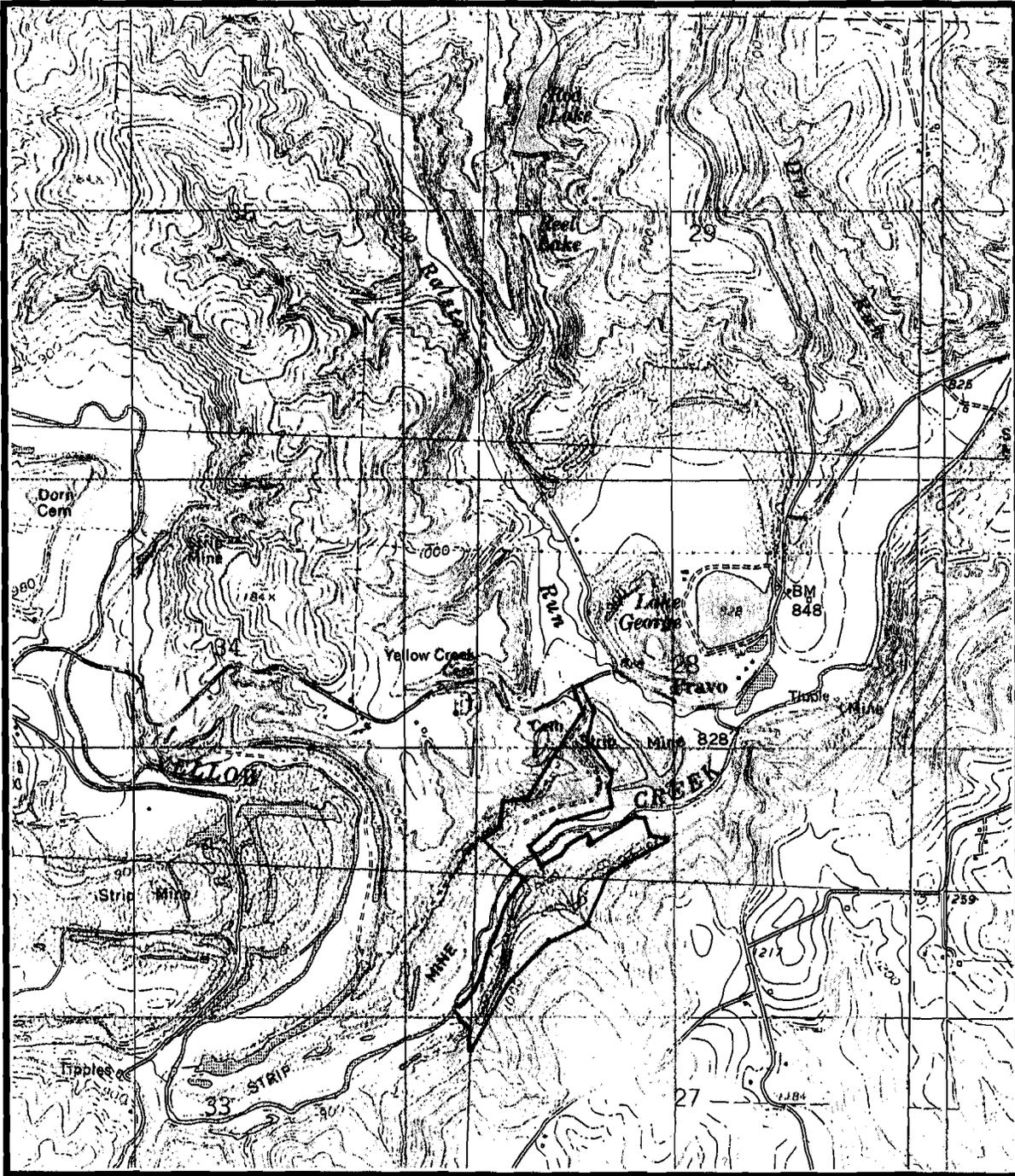
/signed/

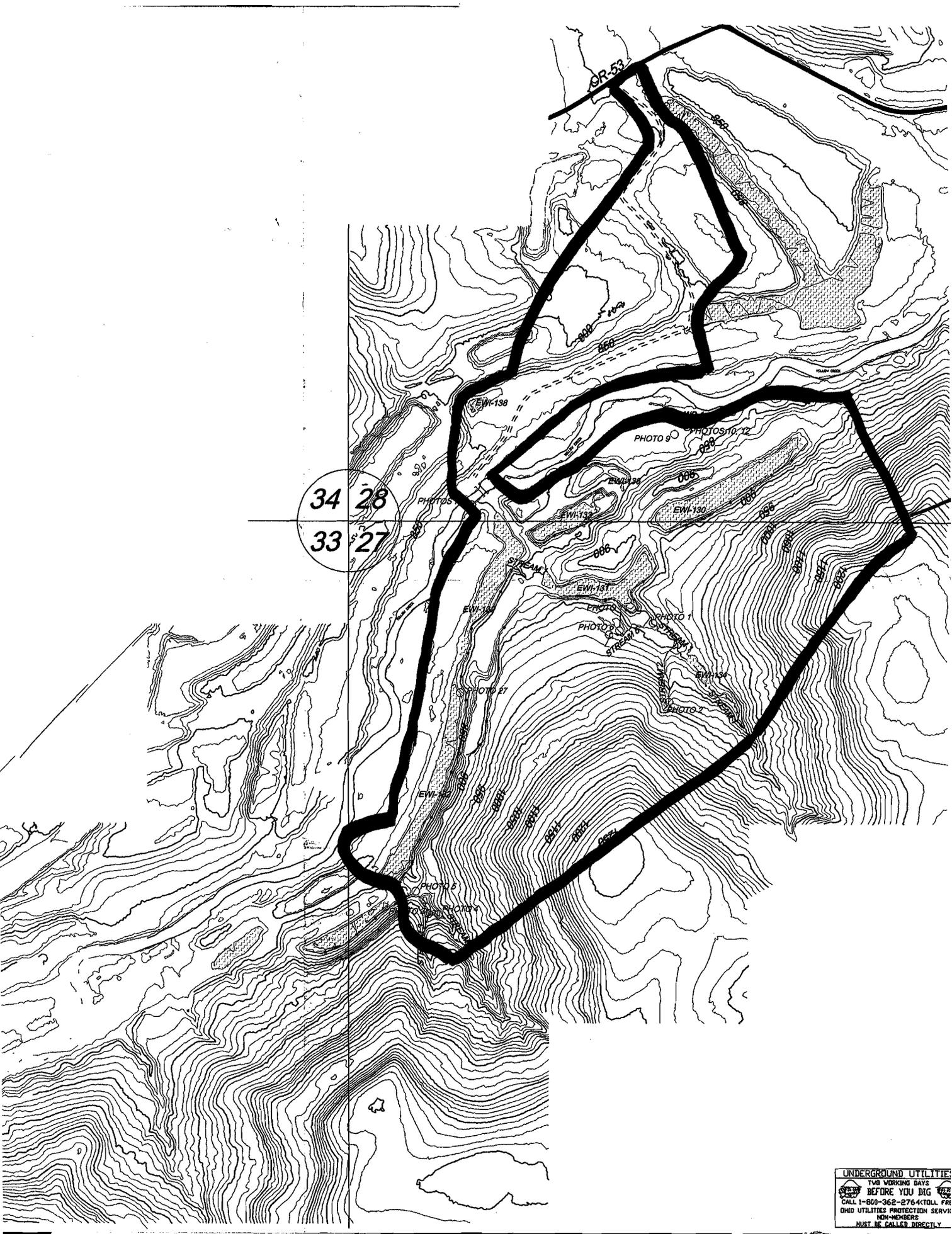
Michael J. Cummings, Jr.
Chief, Regulatory Branch

Figure 1

Proposed No. 6A and No. 7 Deep Mine Site Jefferson County, Ohio

SITE: No. 6A and No. 7 Mine Site	DATE: October 2005	
JOB: Buckeye Industrial Mining Company	JOB #: 7751	
MAP: USGS 7.5 Minute Topo. - 1:24,000	QUAD: Salineville - 1994	





34 28
33 27

UNDERGROUND UTILITIES
TWO WORKING DAYS
BEFORE YOU DIG
CALL 1-800-362-2764 TOLL FREE
OHIO UTILITIES PROTECTION SERVICE
NON-MEMBERS
MUST BE CALLED DIRECTLY

Drainage Basin - YELLOW CREEK

-LOCATION MAP-



SCALE: 1" = 1 MILE
 QUAD: SALINEVILLE
 TWP. ROSS
 COUNTY: JEFFERSON

-LEGEND-

- Intermittent Stream
- Perennial Stream
- Ephemeral Stream
- Delineation Limits
- Contour Line
- Public Road
- Secondary Road
- Section Line
- Existing Water Impoundment
- Existing Wetland Area
- Photograph Location
- Existing Highwall

Delineation Acreage 129.0 ac.

WETLAND AND OPEN WATER/IMPOUNDMENT SUMMARY								
IDENTIFICATION	TYPE / DESCRIPTION		JURISDICTIONAL			NON-JURISDICTIONAL		
	WETLANDS	IMPOUNDMENTS	ACRES	OPEN WATER ACRES	ORAM SCORE	ACRES	OPEN WATER ACRES	ORAM SCORE
WD-1	SCRUB-SHRUB		0.02		27.00			
EWI-130		ISOLATED					1.78	
EWI-131		JURISDICTIONAL		1.03				
EWI-132		JURISDICTIONAL		2.64				
EWI-133		ISOLATED					0.60	
EWI-134		JURISDICTIONAL		0.18				
EWI-135		ISOLATED					0.01	
EWI-136		ISOLATED					0.10	
		TOTAL ACREAGE	0.02	3.85			2.49	

STREAM SUMMARY							
IDENTIFICATION	DESIGNATION	HYDROLOGIC CONNECTION	LENGTH (LINEAR FEET)	WIDTH (LINEAR FEET)	AREA (ACRES)	QHEI SCORES	LENGTH PREVIOUSLY IMPACTED BY MINING
1	PERENNIAL	JURISDICTIONAL	1,448	2.20	0.073	62	384.30
2	EPHEMERAL	JURISDICTIONAL	389	0.76	0.007	33	
3	EPHEMERAL	JURISDICTIONAL	199	1.80	0.007	43	
4	INTERMITTENT	JURISDICTIONAL	829	1.78	0.028	63	213.00
5	EPHEMERAL	JURISDICTIONAL	347	0.96	0.008	38	
YELLOW CREEK	PERENNIAL	JURISDICTIONAL	176	66.60	0.226	92	
		JURISDICTIONAL EPHEMERAL TOTAL	936		0.014		0.00
		JURISDICTIONAL INTERMITTENT TOTAL	829		0.028		213.00
		JURISDICTIONAL PERENNIAL TOTAL	1,824		0.073		384.30
		TOTAL JURISDICTIONAL LENGTH	3,189		0.113		597.30
		ISOLATED EPHEMERAL TOTAL	0		0.000		0.00
		ISOLATED INTERMITTENT TOTAL	0		0.007		0.00
		ISOLATED PERENNIAL TOTAL	0		0.000		0.00
		TOTAL ISOLATED LENGTH	0		0.007		0.00
		TOTAL STREAM LENGTH	3,189		0.119		597.30

PRELIMINARY JURISDICTIONAL DETERMINATION MAP



PREPARED BY
 BUCKEYE MINERAL SERVICES, INC.
 BOX 546 NEW PHILADELPHIA, OHIO

PERMIT No.

for
BUCKEYE INDUSTRIAL MINING CO

SEC. 27, 28, 33 TWP: ROSS

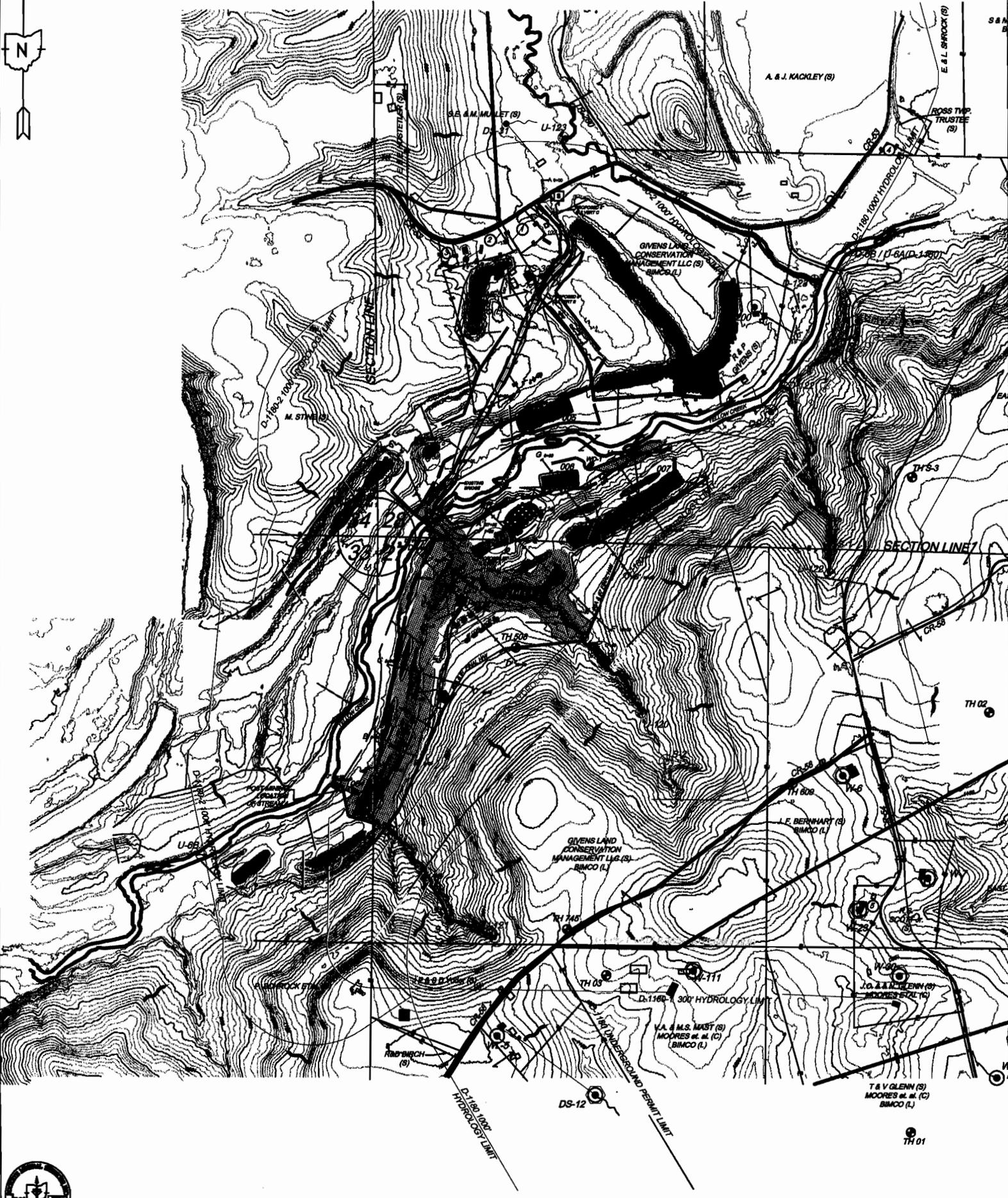
COUNTY: JEFFERSON STATE: OHIO

SCALE: 1" = 300' CONTOUR INTERVAL: 10'

DATE PREPARED: 7/27/05 REV: 9/23/05 REV: 1/1

Table 1. Impacts to Jurisdictional Stream 1 for the Proposed No. 6A and No. 7 Deep Mine Site, Jefferson County, Ohio.

Stream 1		Impact Description	Length of Channel Disturbed		Length of Impoundment Disturbed (All previously mined)
From Station	To Station		Previously Mined	Previously Undisturbed	
0	91	Presently unreclaimed spoil. <i>Identified as stream channel in delineation.</i> Stream Channel will be constructed post-mining.	91	0	0
91	400	Presently pre-law pit impoundment EWI-132. Will be reclaimed.	0	0	309
400	665	<i>Identified as channel in delineation.</i> Connects EWI-131 and EWI-132. Will be removed with the mining of the #6A coal.	265	0	0
665	1175	Presently pre-law pit impoundment EWI-131. Will be removed with the mining of the #6A Coal and will be reclaimed.	0	0	510
1175	1229	<i>Identified as channel in delineation.</i> Pre-law highwall where Stream 1 flows from undisturbed stream channel into EWI-131. Will be removed with the mining of the #7 Coal and will be reclaimed.	54	0	0
1229	1582	<i>Identified as channel in delineation.</i> Will be removed with the mining of the #7 coal.	0	353	0
		TOTALS	410	353	819



A. & J. KACKLEY (S)

E. & L. BRADY (S)

G.E. & M. MULLET (S)

ROSS TRP TRUSTEE (S)

GIVENS LAND CONSERVATION MANAGEMENT LLC (S) BLMCO (L)

U-6A(D-1-800)

D-1180-2 1000 M. STANLEY

SECTION LINE 7

GIVENS LAND CONSERVATION MANAGEMENT LLC (S) BLMCO (L)

F. BERNHART (S) BLMCO (L)

J.A. & M.S. MAST (S) MOORES et al. (C) BLMCO (L)

T & V GLENN (S) MOORES et al. (C) BLMCO (L)

TH 01

D-1180 1000 HYDROLOGY LIMIT

DS-12

D-1180-1 300' HYDROLOGY LIMIT

J.M. UNDERGROUND FERRITI LIMIT

RADWAGH (S)

J.G. & A. KACKLEY (S) MOORES et al. (C)

U-06

TH 600

TH 600

TH 02

TH 145

TH 03

TH-111

TH 02

TH 02