



Public Notice

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

In Reply Refer to US Army Corps of Engineers, Pittsburgh District
Notice No. below 1000 Liberty Avenue
 Pittsburgh, PA 15222-4186

Application No. 200502483 Date: September 26, 2006

Notice No. 06-44

Closing Date: October 16, 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:** Consol Pennsylvania Coal Company
P.O. Box J
1525 Pleasant Grove Road
Claysville, PA 15323

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

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

3. **LOCATION:** within South Fork of Dunkard Fork and two unnamed tributaries to South Fork of Dunkard Fork; all located south of the intersection of State Route 21 and Aleppo Cameron Road in Richhill Township, Greene County, Pennsylvania.

4. **PURPOSE AND DESCRIPTION OF WORK:** The proposed project is stream mitigation work that may be needed to address possible effects of mine subsidence on South Fork of Dunkard Fork and two unnamed tributaries. The applicant is proposing to extend longwall panels 7I and 8I of Bailey Mine under these streams. Stream mitigation work, if required, will involve one or more of the following: channel excavation (i.e., gate cutting), fracture grouting, channel lining, and stream restoration. Each of these activities, except gate cutting, will involve discharge of fill material into the stream.

Plans for mitigation work associated with this permit application will be finalized and implemented shortly after mining. Fracture grouting and channel lining will be performed where needed to control loss of stream flow and thereby facilitate successful implementation of the stream restoration program. Subsidence induced pooling may occur and may be remediated

using appropriate measures such as gate cutting, channel restoration, stream habitat enhancement, and stream bank restoration. Fill may be placed to create riffle habitats. Stream fencing and border edge cutting also may be used as needed.

The project area encompasses approximately 3,500 linear feet of stream channel. The exact length of stream to be affected by the project is expected to be less than this amount, but will not be known until after mining occurs. Four riparian wetlands totaling approximately 0.067 acres will be impacted. Drawings of the proposed project are attached to this notice.

Detailed ecological evaluations of potential stream and wetland impact areas have been prepared for assessment of potential impacts, and to determine functions and values that would need to be replaced in the event mitigation is required. The applicant also has prepared an analysis of practicable alternatives for fulfilling the project purpose.

5. **ENCROACHMENT PERMIT:** The applicant has obtained 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

Question regarding this State permit should be directed to the above Mining Office.

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 state endangered longear sunfish (*Lepomis megalotis*) and the state threatened spotted sucker (*Minytrema melanops*) have been known to occur in the Dunkard Fork drainage, however, neither fish species was encountered during electrofishing surveys. 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. Requests for a 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, consideration 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 Hans, at the letterhead address, or

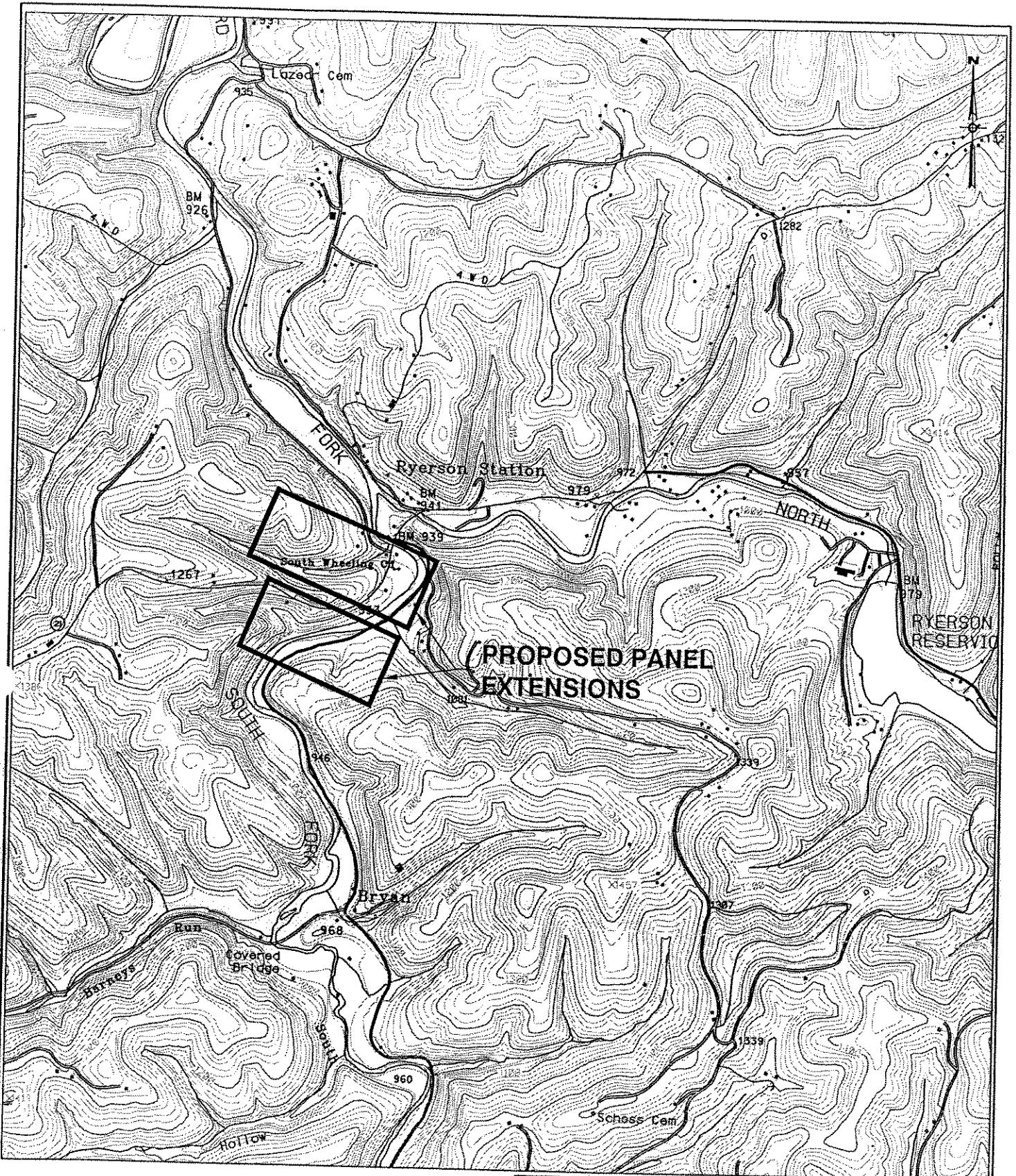
CELRP-OP-F
Public Notice No. 06-44

by telephoning 412-395-7154, or by e-mail at Scott.A.Hans@usace.army.mil. Please refer to CELRP-OP-F 200502483 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Michael J. Cummings, Jr.
Chief, Regulatory Branch



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SCALE IN FEET

Baker

BAILEY MINE
EXTENSION OF LONGWALL PANELS 7I AND 8I

FIGURE NO.

1

LOCATION MAP

REVISION

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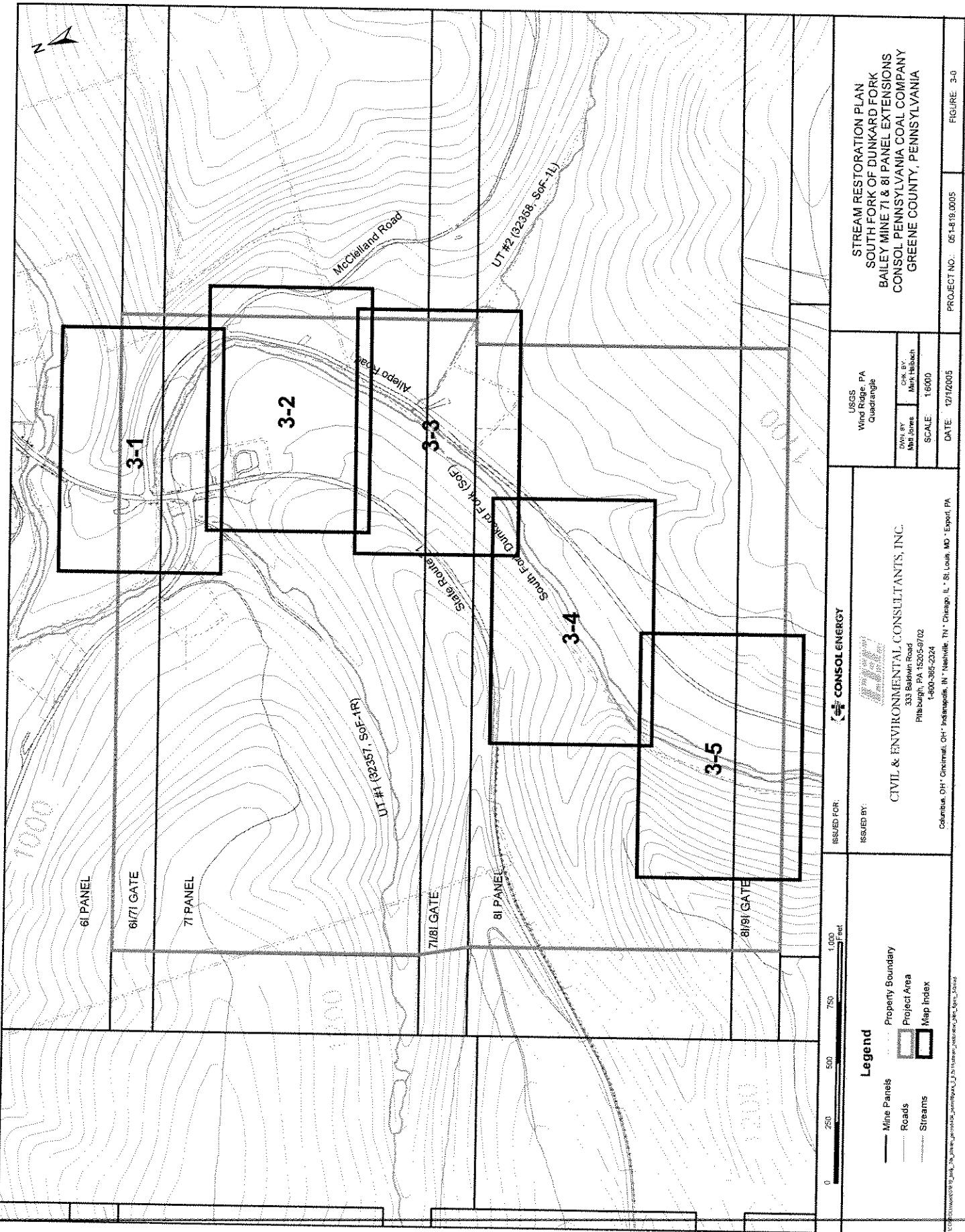
MICHAEL BAKER JR., INC.
Consulting Engineers
Airsides Business Park
100 Airside Drive
Moon Township, PA 15108

CONSOL PENNSYLVANIA COAL COMPANY
1525 PLEASANT GROVE ROAD
CLAYSVILLE, PA 15323

This drawing is the property of CONSOL PENNSYLVANIA COAL COMPANY and
must not be used except in connection with work
all rights of design or invention are reserved

DRAWN	CHECKED	APPROVED	SCALE
CAH DATE 12/05	CAH DATE 12/05	MMS DATE 12/05	1" = 2000'

#200502483



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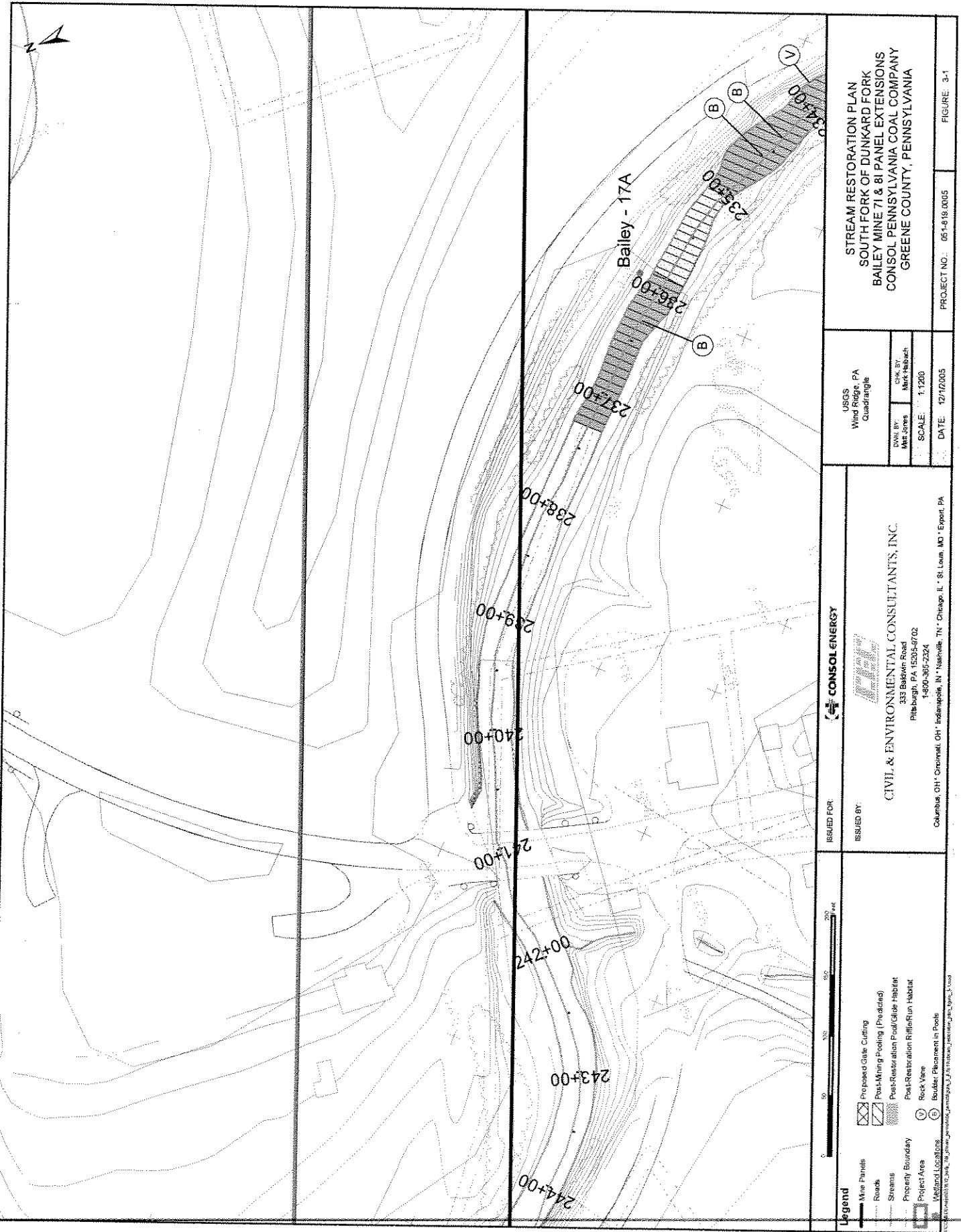


FIGURE: 3-1

FIGURE: 3-1

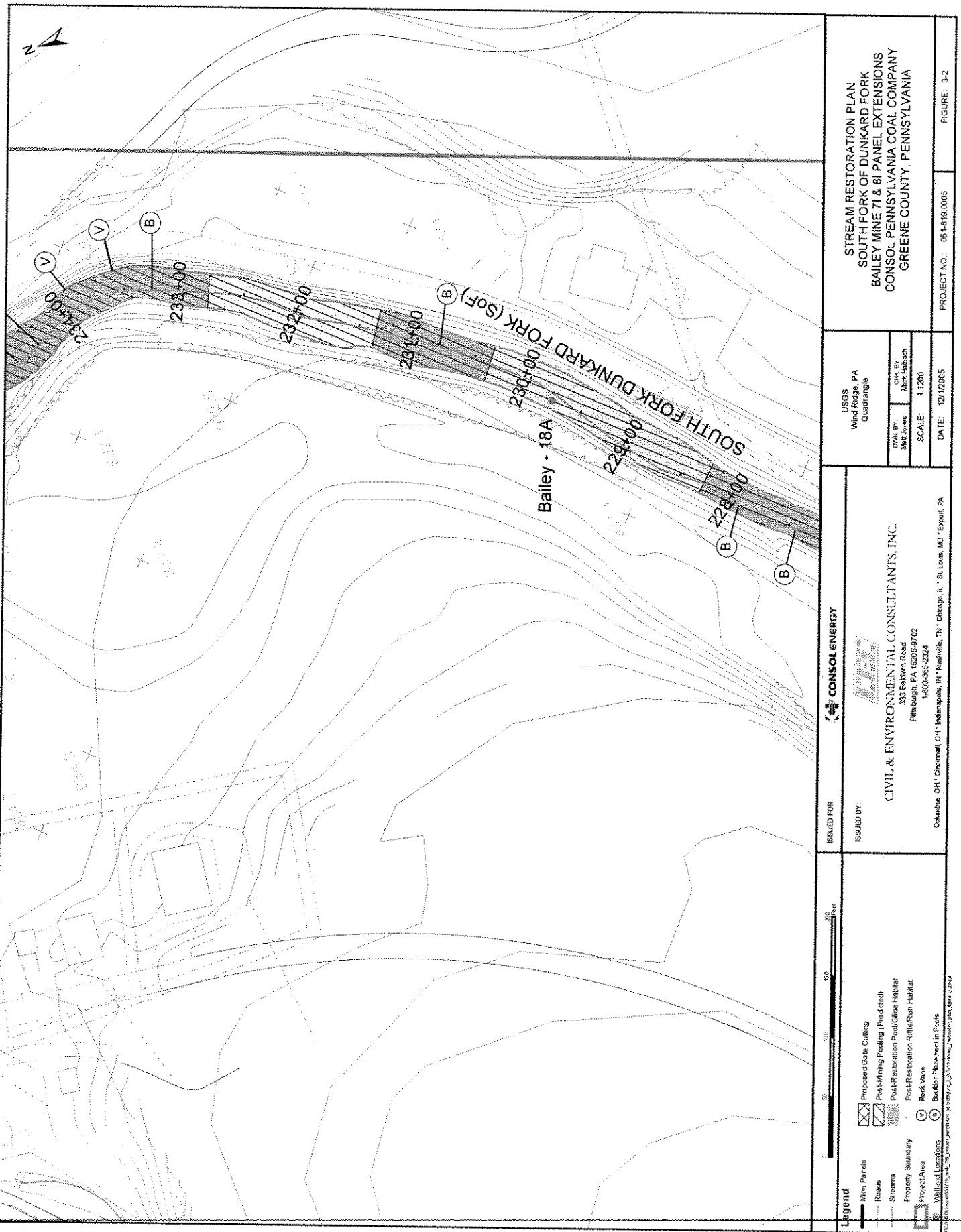
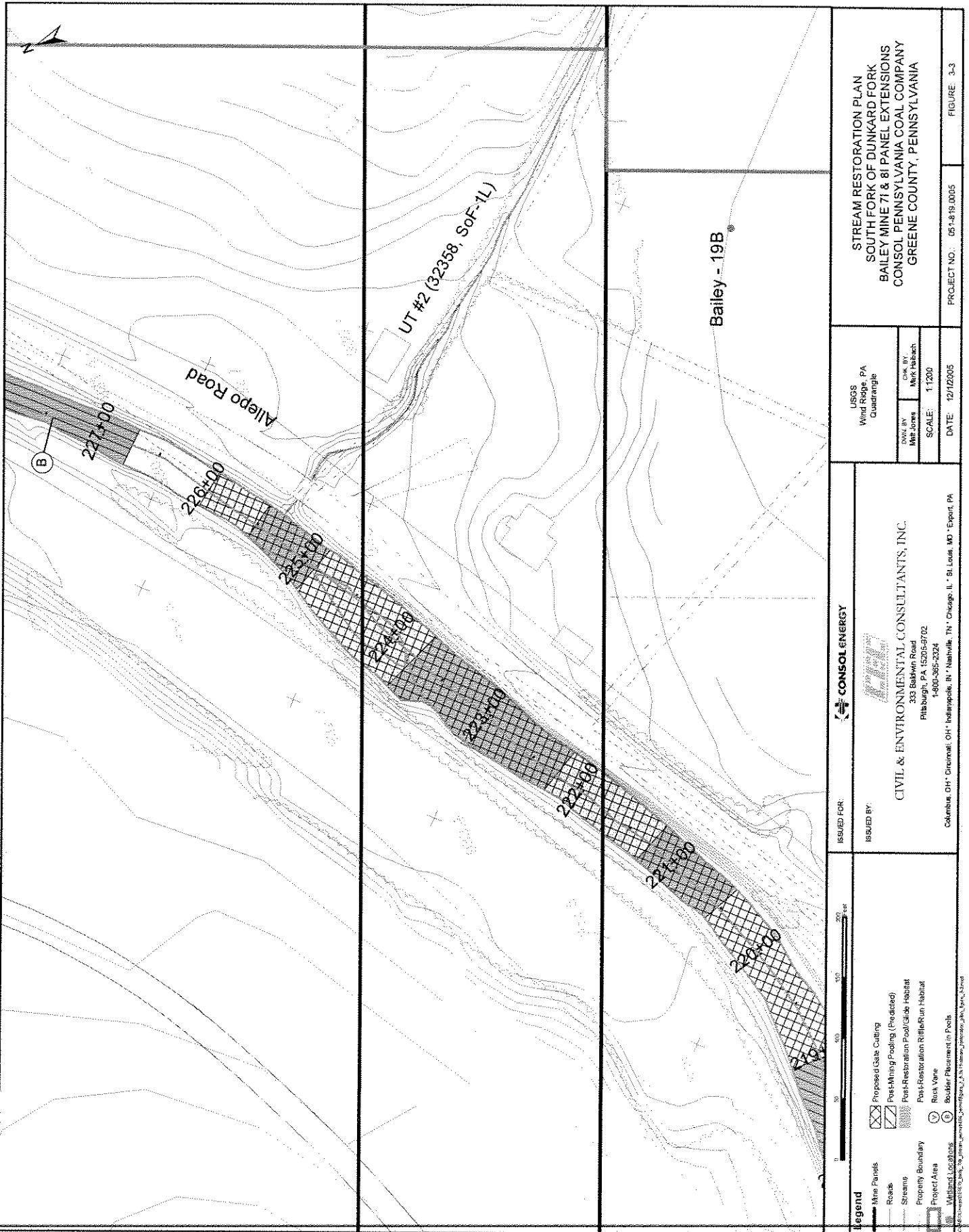
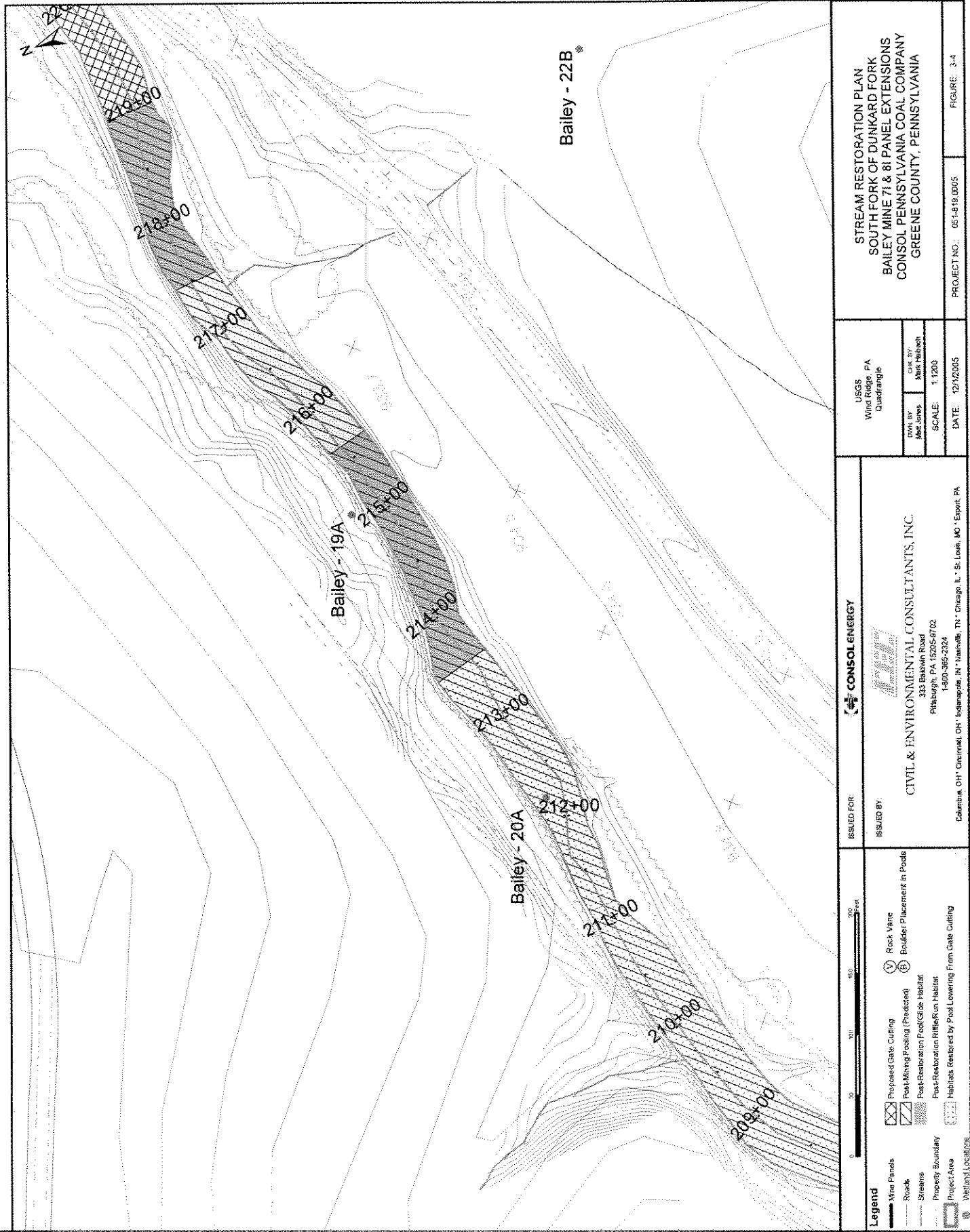


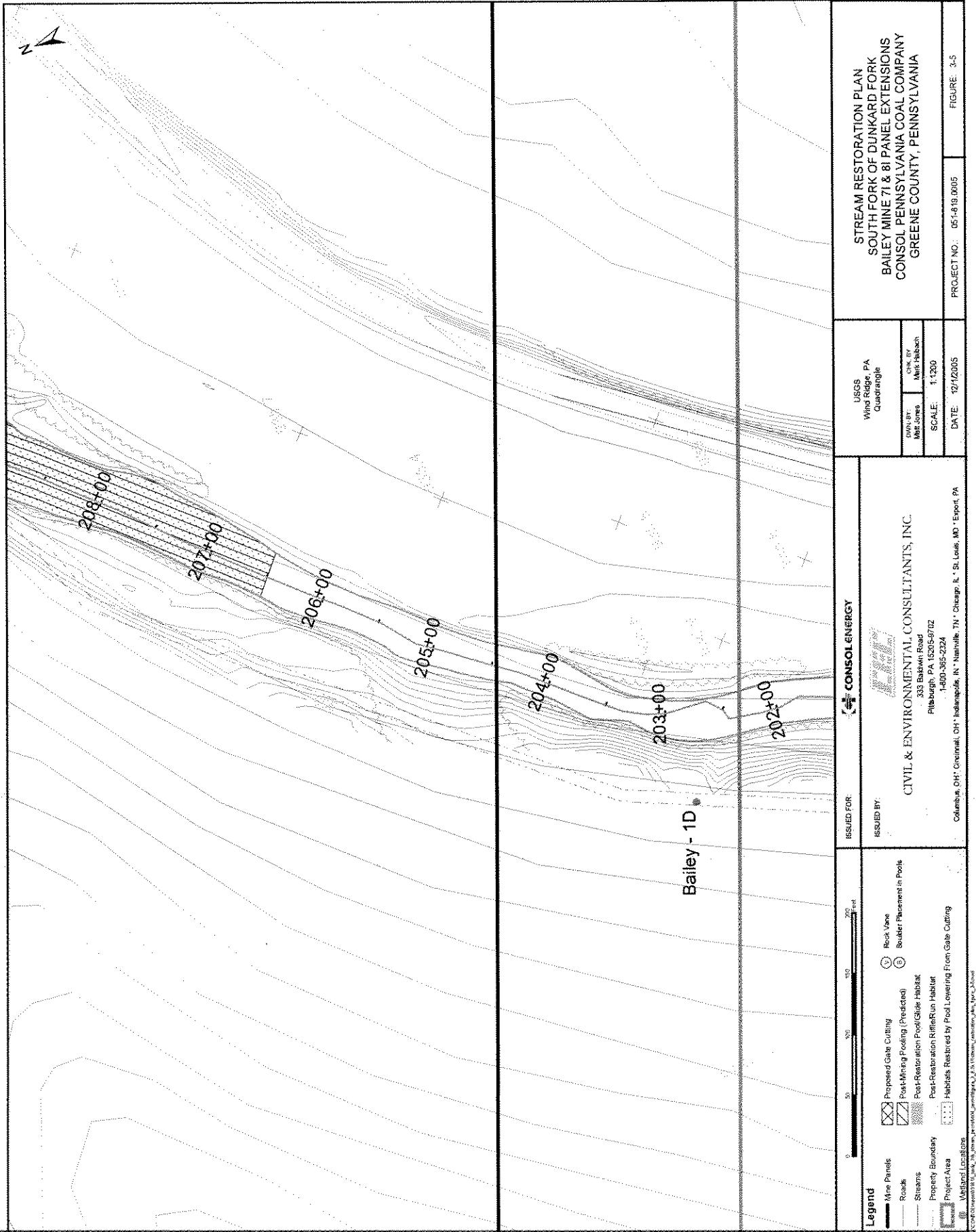
FIGURE 3-2



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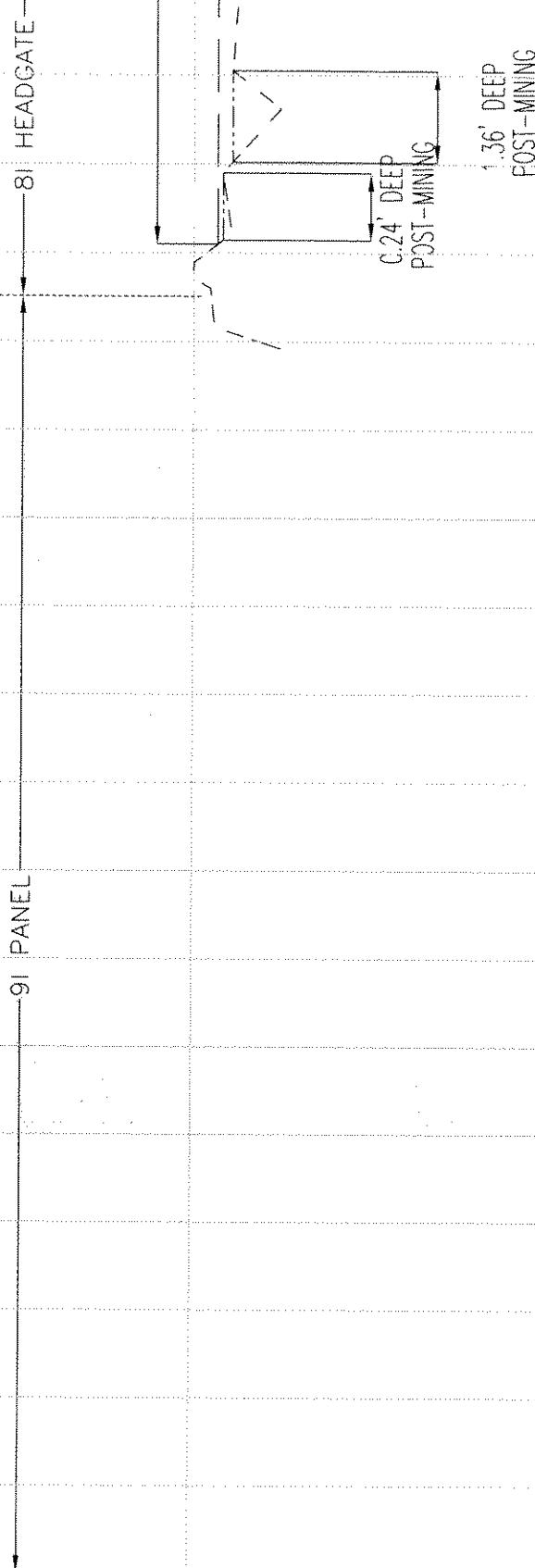


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MATCH LINE SEE SHEET 2



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204

LEGEND

- PRE-MINING STREAM
 - PRE-MINING WATER
 - ELEVATION
 - POST-MINING STREAM
 - PROFILE
 - POST-MINING RESTORATION
 - CROSS-SECTION PROFILE
- (B)** Boulder Placement
in Pools
- (V)** Rock Vane

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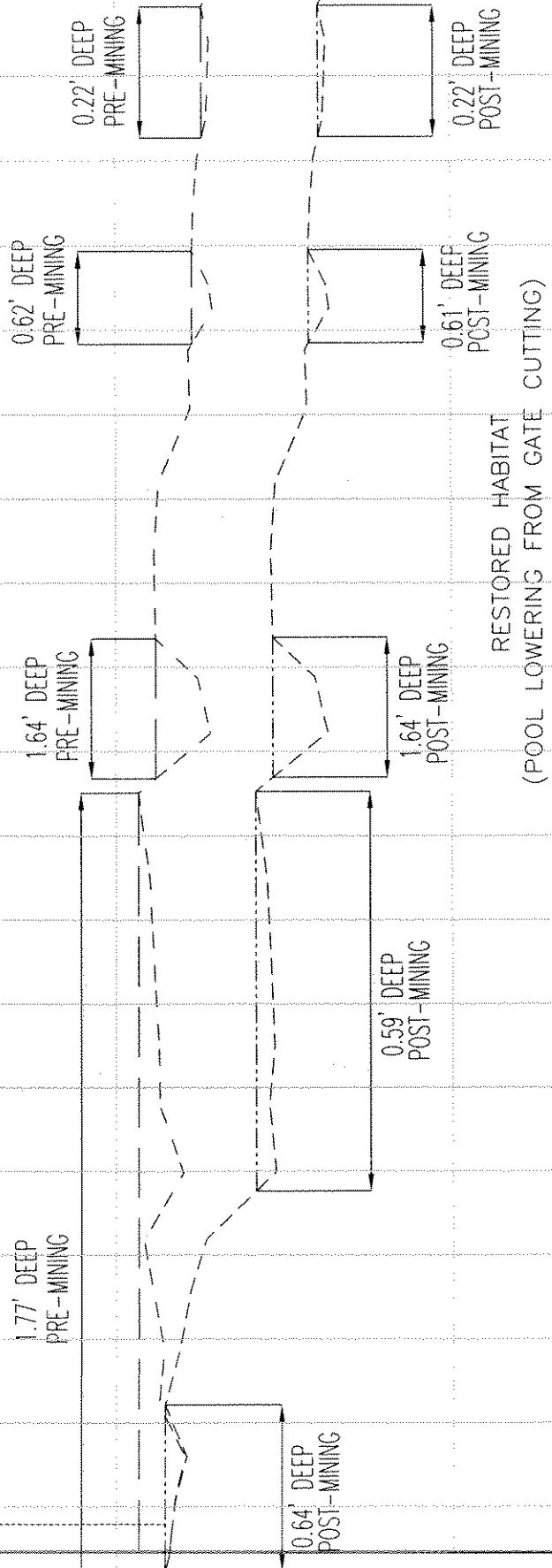
DRAWN BY _____	GAH	DATE 12-19-05
DESIGNED BY _____	GAH/MH	DATE 12-19-05
CHECKED BY _____	MMS	DATE 12-19-05
APPROVED BY _____	MMS	DATE 12-19-05
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS DRAWING CONTAINS ACCURATE INFORMATION AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICE.		

SOUTH FORK DUNKARD FORK STREAM RESTORATION PROFILE	
SCALE	FILE NO.
AS NOTED	7I-8I Proposed Profile
SHEET NO.	FIGURE E
1 OF 6	
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CONSOL PENNSYLVANIA COAL COMPANY
BAILEY MINE
EXTENSION OF PANELS 7I AND 8I
PITTSBURGH COAL SEAM
RICHILL TOWNSHIP, GREENE COUNTY

MATCH LINE SEE SHEET 3

81 PANEL



MATCH LINE SEE SHEET 1

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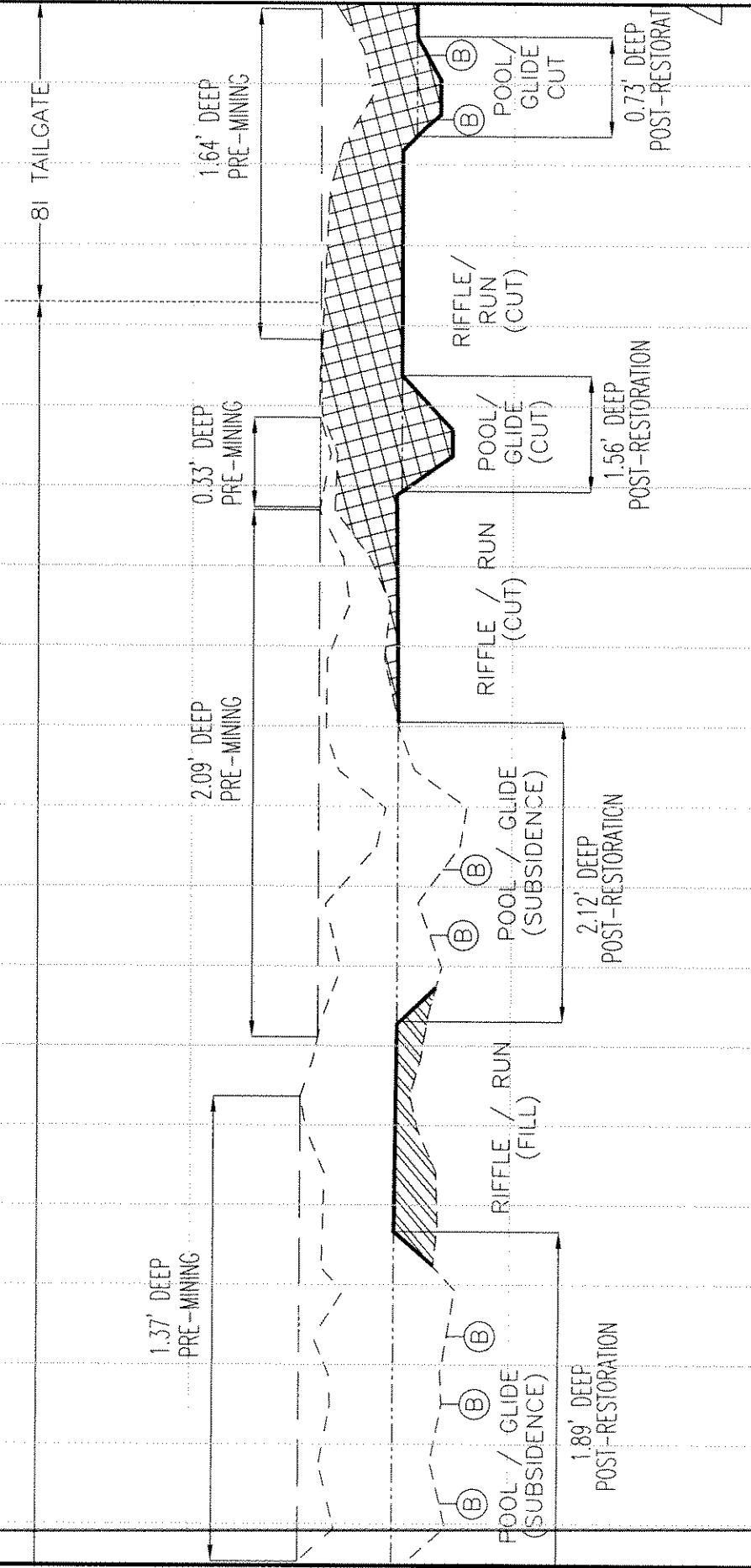
SOUTH FORK DUNKARD FORK STREAM RESTORATION PROFILE	
BAILEY MINE	FILE NO.
EXTENSION OF PANELS 71 AND 81	71-81 Proposed Profile
PITTSBURGH COAL SEAM	
RICHHILL TOWNSHIP, GREENE COUNTY	

DRAWN BY	GAH	DATE	12-19-05
DESIGNED BY	GAH/MH	DATE	12-19-05
CHECKED BY	MMS	DATE	12-19-05
APPROVED BY	MMS	DATE	12-19-05
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS DRAWING CONTAINS ACCURATE INFORMATION AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICE.			

LEGEND	
STREAM PROFILE	STREAM RESTORATION CHANNEL EXCAVATION
PRE-MINING WATER ELEVATION	STREAM RESTORATION CHANNEL FILL
POST-MINING STREAM PROFILE	BOULDER PLACEMENT
POST-MINING/RESTORATION WATER ELEVATION	IN POOLS
POST-RESTORATION STREAM PROFILE	ROCK VANE

#200502483

MATCH LINE SEE SHEET 4

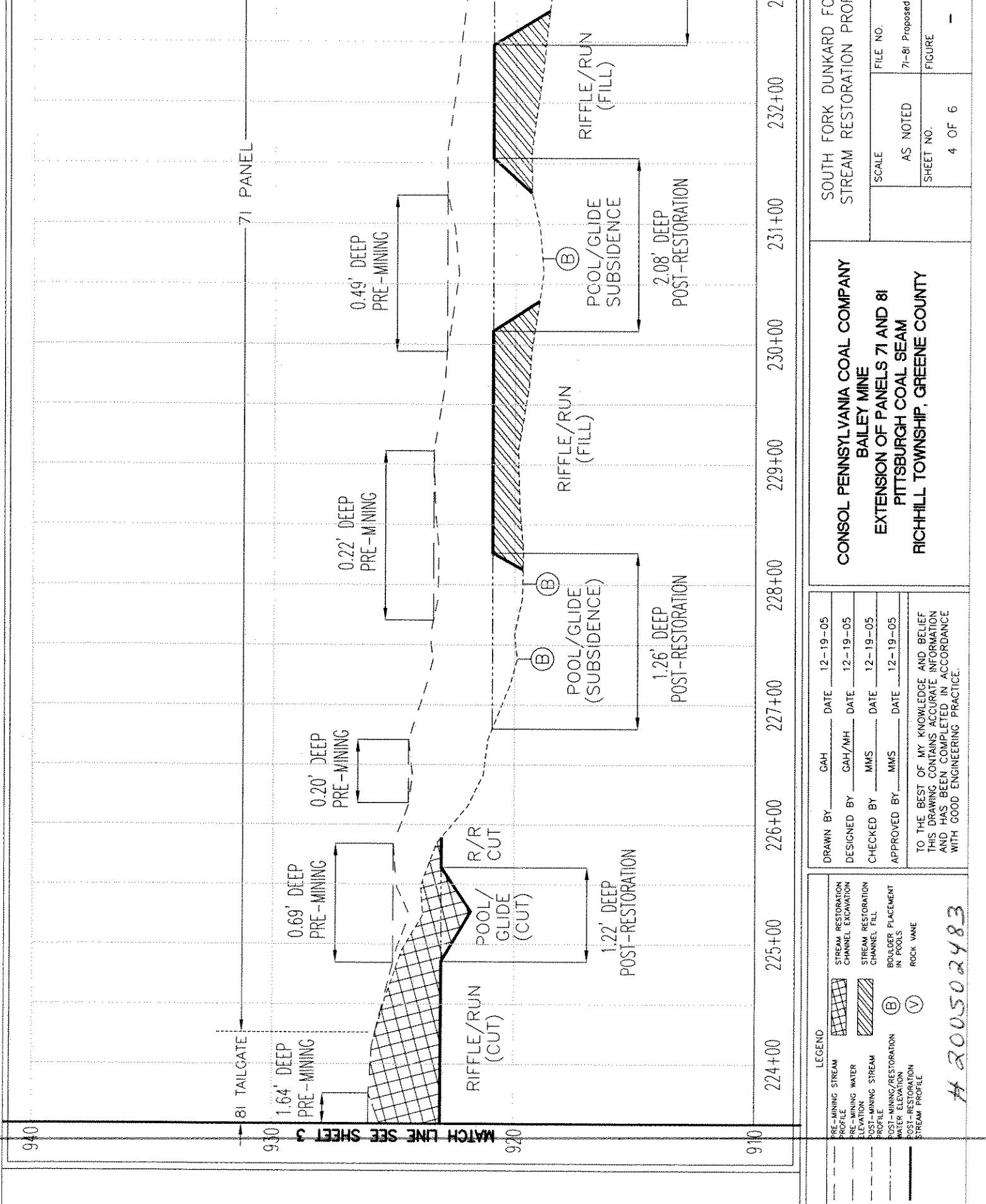


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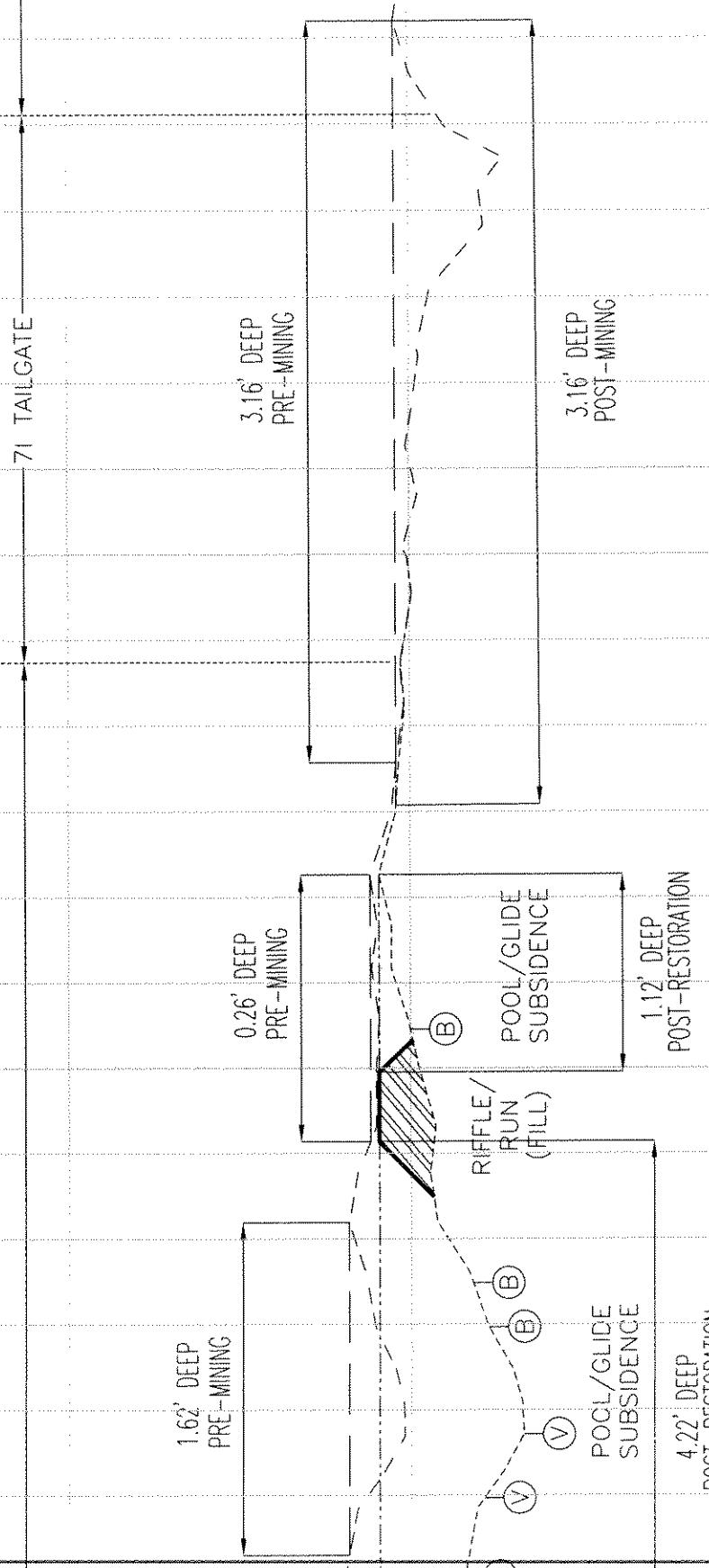
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DESIGNED BY <u>GAH/MH</u>	DATE <u>12-19-05</u>	STREAM RESTORATION PROFILE
CHECKED BY <u>MMS</u>	DATE <u>12-19-05</u>	BAILEY MINE
APPROVED BY <u>MMS</u>	DATE <u>12-19-05</u>	EXTENSION OF PANELS 71 AND 81
		PITTSBURGH COAL SEAM
		RICHHILL TOWNSHIP, GREENE COUNTY
AS NOTED	SCALE	FILE NO.
		7-81 Proposed Profile
SHEET NO.	FIGURE	
3 OF 6		-

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MATCH LINE SEE SHEET 5



MATCH LINE SEE SHEET 6



MATCH LINE SEE SHEET 4

LEGEND		DRAWN BY _____		DATE 12-19-05	
—	PRE-MINING STREAM	STREAM RESTORATION CHANNEL EXCAVATION	DESIGNED BY _____	CAR/MH	DATE 12-19-05
—	PRE-MINING WATER ELEVATION	STREAM RESTORATION CHANNEL FILL	CHECKED BY _____	MMS	DATE 12-19-05
—	POST-MINING STREAM PROFILE	BOULDER PLACEMENT IN POOLS	APPROVED BY _____	MMS	DATE 12-19-05
—	POST-MINING/RESTORATION WATER ELEVATION	ROCK VANE			
—	POST-RESTORATION STREAM PROFILE				

TO THE BEST OF MY KNOWLEDGE AND BELIEF
THIS DRAWING CONTAINS ACCURATE INFORMATION
AND HAS BEEN COMPLETED IN ACCORDANCE
WITH GOOD ENGINEERING PRACTICE.

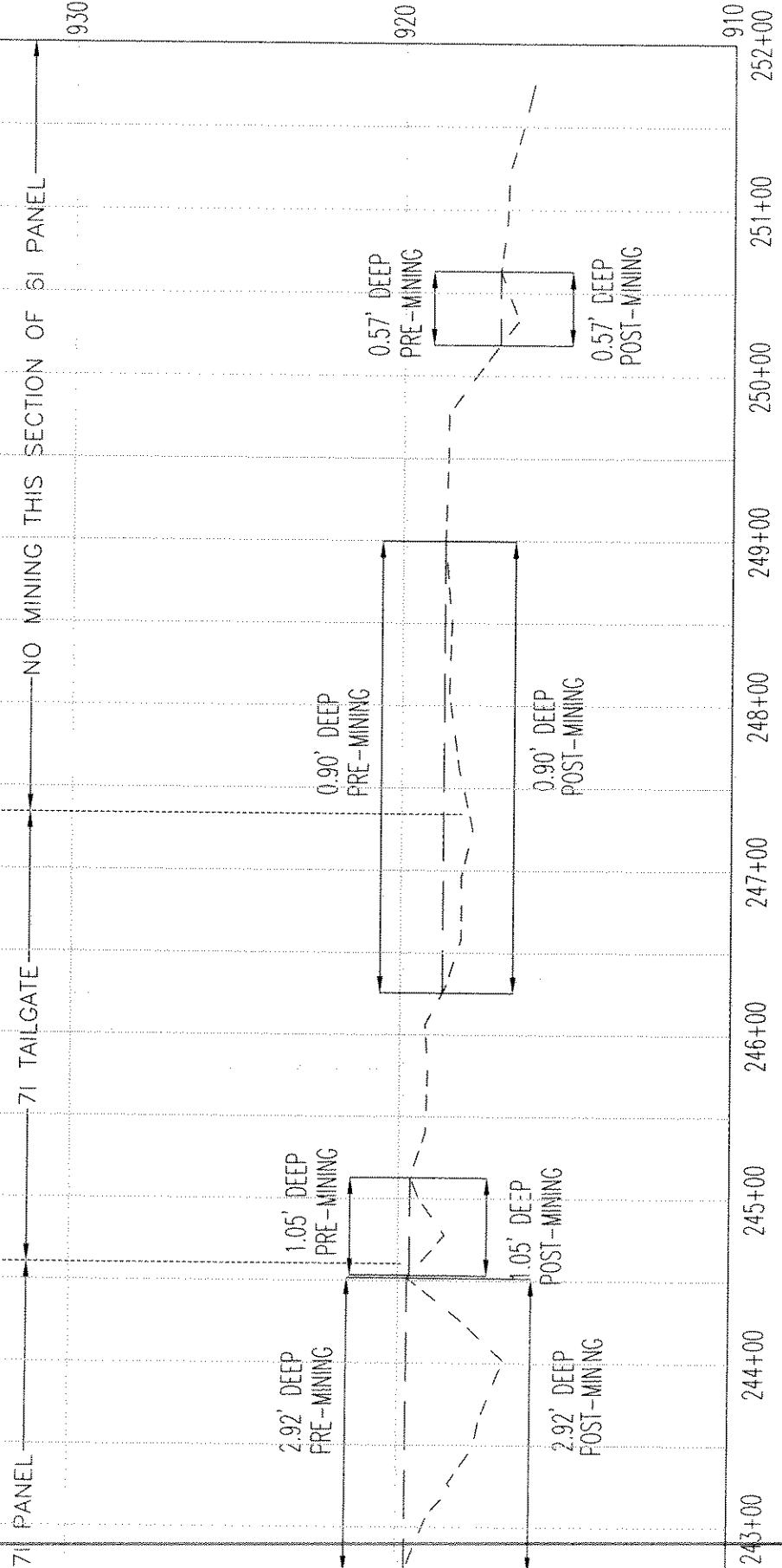
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SOUTH FORK DUNKARD FORK STREAM RESTORATION PROFILE	FILE NO.
CONSOL PENNSYLVANIA COAL COMPANY BAILEY MINE	71-81 Proposed Profile
EXTENSION OF PANELS 71 AND 81 PITTSBURGH COAL SEAM	
RICHHILL TOWNSHIP, GREENE COUNTY	FIGURE

33+00	234+00	235+00	236+00	237+00	238+00	239+00	240+00	241+00	242+00
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MATCH LINE SEE SHEET 5



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CONSOL PENNSYLVANIA COAL COMPANY BAILEY MINE EXTENSION OF PANELS 71 AND 81 PITTSBURGH COAL SEAM RICHILL TOWNSHIP, GREENE COUNTY			
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS DRAWING CONTAINS ACCURATE INFORMATION AND HAS BEEN COMPLETED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICE			
# 200502483			

SHEET NO.	SCALE	FILE NO.
6 OF 6	AS NOTED	7-81 Proposed Profile
		FIGURE