
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. 200502461

Date: October 15, 2006

Notice No. 06-46

Closing Date: November 13, 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: Consolidation Coal Company
PO Box 100
Osage, WV 26543-0100
3. LOCATION: in unnamed tributaries of the Right Branch of Miracle Run, a named tributary to the West Virginia Fork Dunkard Creek, near Wana, in Battelle District, Monongalia County, West Virginia. The proposed facility is located approximately at Latitude 39'42'37" and Longitude 80'16'45".
4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to increase the storage capacity for an existing mine and preparation plant (Blacksville Mine No. 2). The proposed Wilson Hollow Fine Coal Refuse Disposal Facility is associated with West Virginia Permit No. O-1011-93 and is an Incidental Boundary Revision (IBR) to NPDES Permit No. WV0064602. The proposed expansion will impact approximately 225 acres which are needed to facilitate the disposal of coal refuse produced by the coal preparation plant. The applicant proposes to place coal slurry within the proposed Wilson Hollow Disposal Facility which will provide an approximate additional 5 1/2 years of operational life to the existing coal preparation plant. The proposed project will impact one small palustrine emergent wetland totaling 0.09 acre and approximately 14,386 linear feet (LF) of stream channel of which 5,449 LF is Intermittent and 8,937 LF is ephemeral. The applicant has elected to pursue offsite mitigation in order to mitigate for permanent impacts to jurisdictional waters associated with the proposed Wilson Hollow Disposal Facility.

The applicant is proposing to partner with the West Virginia State Conservation Agency's Stream Restoration Division in order to complete this work. Mitigation options discussed to date have included the utilization of natural stream design techniques in order to enhance the adjacent perennial stream West Virginia Fork of Dunkard Creek, and the Right Branch of Dunkard 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
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304
Telephone: 304-926-0495

Re: Public Notice CELRP-OP-F No 06-46.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect the continued existence of the Indiana bat (*Myotis sodalis*) a federally listed endangered 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 (USFWS) 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). On May 1, 2006, the applicant submitted an Indiana bat mist net survey plan to the USFWS for the proposed 225 acre Coal Refuse Disposal Facility. Letter dated August 10, 2006 from the USFWS stated they concur with the mist net survey plans.

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.

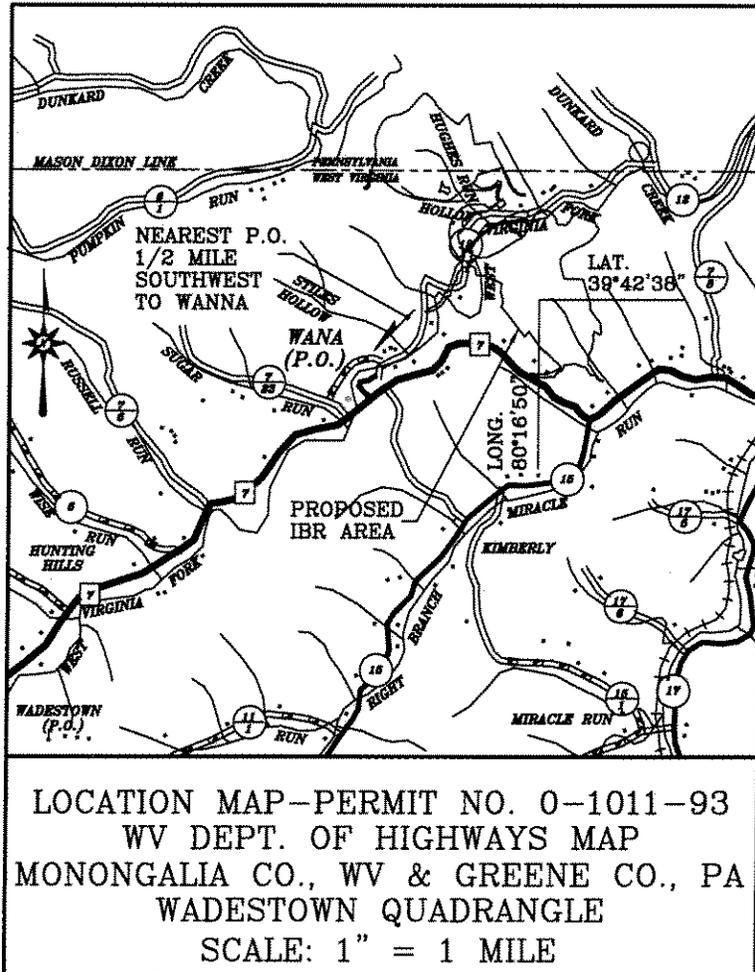
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect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

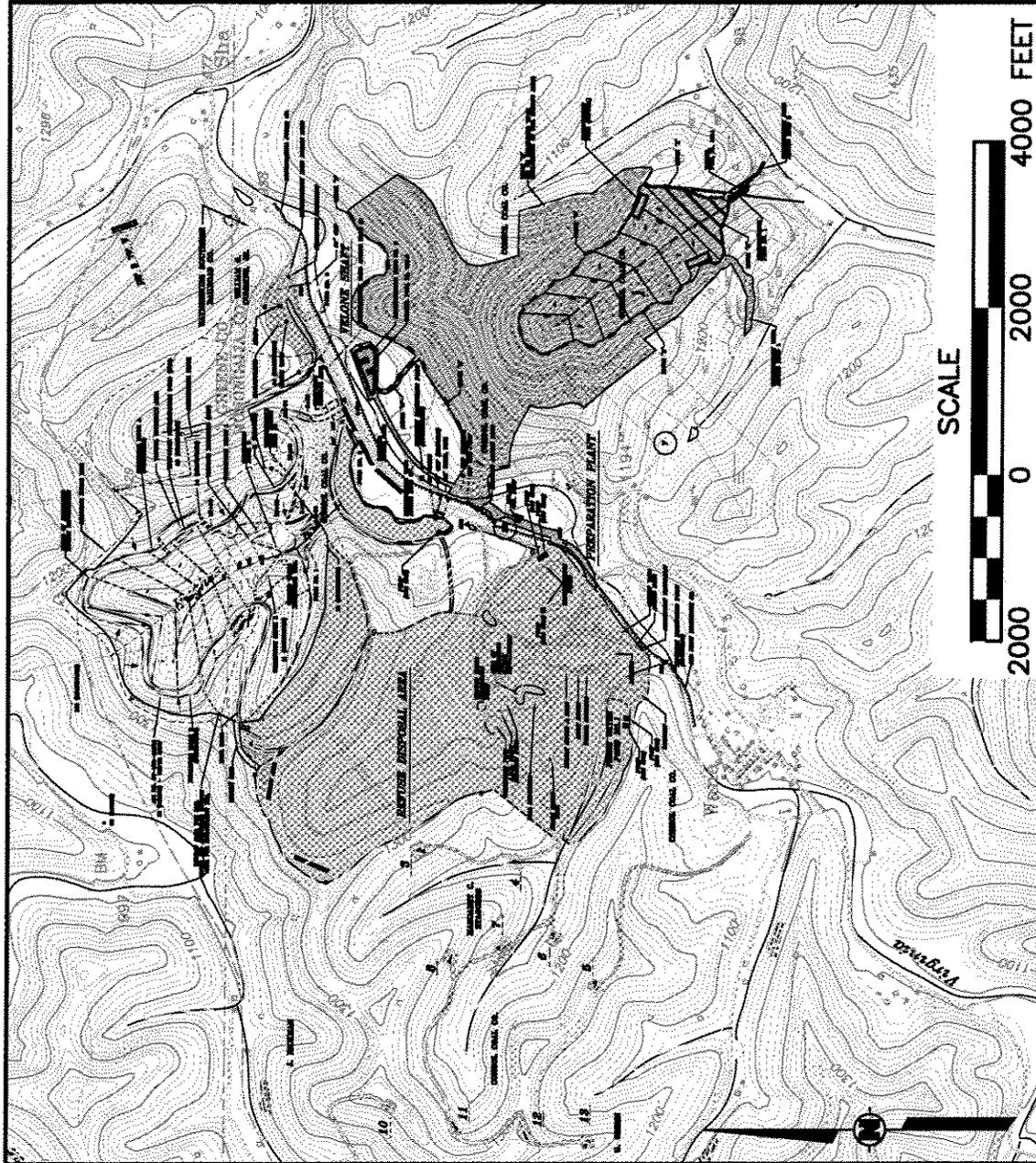
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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.r.edris@lrp02.usace.army.mil. Please refer to CELRP-OP-F 200502461 in all responses.

FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.
Chief, Regulatory Branch

LOCATION MAP





LEGEND

PROPERTY LINES
 ADJACENT PERMIT AREA
 PERIMETER MARKERS
 WATER LINES OR TELEPHONE LINE
 POWER LINE
 PERMANENT MONUMENT
 STREAMS & AREA COVERED BY WATER(S)
 GROUND WATER MONITORING POINTS
 SURFACE WATER MONITORING POINTS
 EFFLUENT DISCHARGE MONITORING POINT
 SURFACE WATER FLOW DIRECTION
 GAS WELL

- NOTES:**
- UTILITIES SUCH AS PUBLIC WATER LINES, TELEPHONE LINES, AND POWER LINES ARE NOT SHOWN AS CLOSE TOGETHER THAT DIFFERENTIATING IS NOT POSSIBLE AT THIS SCALE.
 - PERMIT OWNERSHIP AND PROPERTY LINE INFORMATION WAS PROVIDED BY WILSON HOLLOW COAL REFUSE DISPOSAL AREA, WEST VIRGINIA OPERATIONS.
 - SEE DRAWING NO. 01-00-01 FOR A DETAILED DESCRIPTION OF THE PERMITTED AREAS, THESE FACILITIES AND THE PERMIT AREA.
 - SURFACE OWNERS AND OTHER LAND OWNERS WITHIN 100' ARE LABELED ON THE MAP. SURFACE OWNERSHIP IS NOT APPLICABLE TO THIS APPLICATION.
 - ALL U.S.G.S. MAPS USE STANDARD SYMBOLS.
 - (S) SYMBOLS THAT SURFACE OWNERSHIP IS THE SAME AS INDICATED ON AN ADJACENT OR CONTIGUOUS PROPERTY.
 - REVISION NUMBERS ARE INDICATED BY THIS NUMBER.
 - UNDESIGNED AREAS ARE INDICATED BY THIS NUMBER.
 - FOR TEST PIT BORING LOCATIONS REFER TO DRAWING NO. 1-EX-2.
 - THE LANDS WITHIN THE PERMIT AREA IS CLASSIFIED AS FORESTLAND.
 - FOR THE HAULROAD PROFILE AND PIPE SIZES REFER TO DRAWING NO. 01-00-02.
 - FOR ADDITIONAL DRAINAGE AREAS REFER TO SECTIONS I AND J OF THE ORIGINAL PERMIT APPLICATION.
 - FOR EXTENT OF UNDERGROUND AREAS REFER TO DRAWING NO. 1-PER-13.
 - FOR GEOLOGIC DATA REFER TO DRAWING NO. 1-PER-13.
 - FOR DETAILS OF EMBANKMENT POND SEE DRAWING NO. 01-00-04.
 - THE ESTIMATED ELEVATION OF THE WATER TABLE IN WEST VIRGINIA FURK IS +/- 900 FEET.

REFERENCE:

ORIGINAL DRAWING ENTITLED "RENEWAL/PROGRESS MAP, NORTHERN WEST VIRGINIA OPERATIONS, WILSON HOLLOW COAL REFUSE DISPOSAL AREA, WEST VIRGINIA OPERATIONS, PERMIT NO. 0-1011-93 SCALE 1"=400' DATE: JANUARY 2000 WAS REVISED BY ALLIANCE CONSULTING, INC. AS FOLLOWS:

- REVISED TITLE BLOCK AND CERTIFICATION.
- ADDED ABANDONMENT EMBANKMENT CONFIGURATION, ASSOCIATED PERIMETER DITCHES AND DRAINAGE DIVIDE LINES.

PERMIT NO. 0-1011-93	IBR NO. 3
DRAINAGE/PROPOSAL MAP	
WILSON HOLLOW COAL REFUSE DISPOSAL FACILITY MONONGALIA COUNTY, WEST VIRGINIA	
PREPARED FOR CONSOLIDATION COAL COMPANY STATE ROUTE 7, U.S. 19, P.O. BOX 100, OSAGE, WEST VIRGINIA 26543	
DRAWN BY	JSC
CHECKED BY	
APPROVED BY	
DRAWING NUMBER	FIGURE NUMBER
B05-021-A10	

Beckley, WV
(304) 255-0481

Alliance Consulting, Inc.
• Constructors • Scientists

RALEIGH, NC
(919) 861-2267

