



# 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. 200500956

Date: February 13, 2007

Notice No. 07-05

Closing Date: March 15, 2007

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, Ohio 43907
3. LOCATION: The project is located in Sections 2, 3, 8, 9, and 15 of Wheeling Township in Belmont County and in Sections 10 and 16 in Shortcreek Township, Harrison County, Ohio. The site coordinates: Latitude 40'08'30", Longitude 80'54'30".
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to conduct surface and auger mining operations on 1,264 acres to extract the Sewickley No.9 coal seam. The proposed mining area has been impacted by pre-law mining activities. Unreclaimed minelands comprise 506 acres of the 1,264-acre permit area. Of the 1,264 acres, approximately 158 acres will be surface mined, approximately 632 acres will be highwall mined, and approximately 474 acres will be affected by constructive uses of the area for staging, equipment crossing, and coal loading and hauling. Following this activity, final reclamation will be completed and the land will be restored to grazing post-mining use. The proposed mining activity will impact approximately 11,890 linear feet (LF) (10,317 intermittent and 1,573 perennial) of disturbed and undisturbed stream channel, located within the Wheeling Creek watershed. Specifically, 2,064 LF of stream will be temporarily impacted by transportation of runoff from mining activities and sediment ponds. The remaining length (9,826 LF) will be permanently affected by mining, highwall reclamation, spoil storage, and permanent sediment ponds. The

project will also affect seventeen open water pit impoundments totaling 46.21 acres and 1.33 acres of palustrine emergent wetland habitat, of which 0.07 acre is undisturbed. On-site mitigation is proposed to compensate for stream lengths and wetland acreage and functions lost as a result of the mining activities. By reclaiming the abandoned minelands, recreating instream and wetland habitats, and re-establishing pre-mining drainage patterns, ecological functions of surface waters within the immediate watershed should reflect pre-law conditions. A minimum of 2.0 acres of wetland habitat will be created in two locations (1.5 acres and 0.5 acre). A 50 foot vegetated buffer will be created along the reconstructed stream channels and 25 feet around the created wetlands. A deed restriction is proposed for the mitigation area.

5. WATER QUALITY CERTIFICATION: This permit decision will not be made until the State of Ohio, Environmental Protection Agency (OEPA), issues, denies, or waives State Certification. This public notice does not serve as application to the OEPA for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the OEPA for individual water quality certification. The OEPA 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:

Ohio Environmental Protection Agency  
Division of Surface Water  
Section 401 Coordinator  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Randy Bournique  
Re: Public Notice CELRP-OP-F No. 07-05

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 (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).

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

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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 200500956 (Public Notice No. 07-05) in all responses.

FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.  
Chief, Regulatory Branch

Figure 1

Proposed Wheeling Valley Mine Site  
Belmont and Harrison Counties, Ohio

<b>SITE:</b> <i>Wheeling Valley Proposed Mine Site - 7424</i>	<b>DATE:</b> <i>June 2006</i>	↑ N
<b>JOB:</b> <i>Cravat Coal Company</i>	<b>QUAD:</b> <i>Harrisville - 1985</i>	
<b>MAP:</b> <i>USGS 7.5-Minute Topo - 1:24,000</i>		











