

**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. 2006-660

Date: September 30, 2008

Notice No. 08-50

Closing Date: October 30, 2008

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: Ohio American Energy, Inc.
1 Industrial Park Drive
Wheeling, WV 26003

AGENT: CME Engineering LP
1115-202 Main Street
Wheeling, WV 26003

3. LOCATION: Red Bird South Mine, on an unnamed tributary to Wheeling Creek, in Belmont County, Ohio, 40.0940° N, -81.0071° W. The site is located on both sides of CR 78, National Oco Road. The site comprises Sections 4 & 5 of Union Township, Section 35 of Richland Township, and Section 36 of Wheeling Township.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to extract the No.8 coal seam by surface and auger mining. The proposed activities of this project include: spoil storage, sediment pond construction, haul road construction, topsoil storage, and the construction of a low water bridge. These proposed activities will involve: clearing the land of trees and vegetation, the removal of topsoil and overburden, removal of coal, the installation of an 18" steel pipe culvert with fill for the low water bridge, and reclamation of the land. This proposed project would involve surface and auger mining of 471.79 acres. This proposed project will affect 2,633 feet of stream, and 5.4 acres of wetland by mining through during the operations of the proposed project. Following mining activity the area will be returned to approximate original contours, the streams and wetlands will be mitigated, and final reclamation

will be completed. Drawings of the proposed project and site plans are attached to this notice.

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

Ohio Environmental Protection Agency
Division of Surface Water
401/Wetlands Section
P.O. Box 1049
Columbus, Ohio 43216 Telephone: 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.

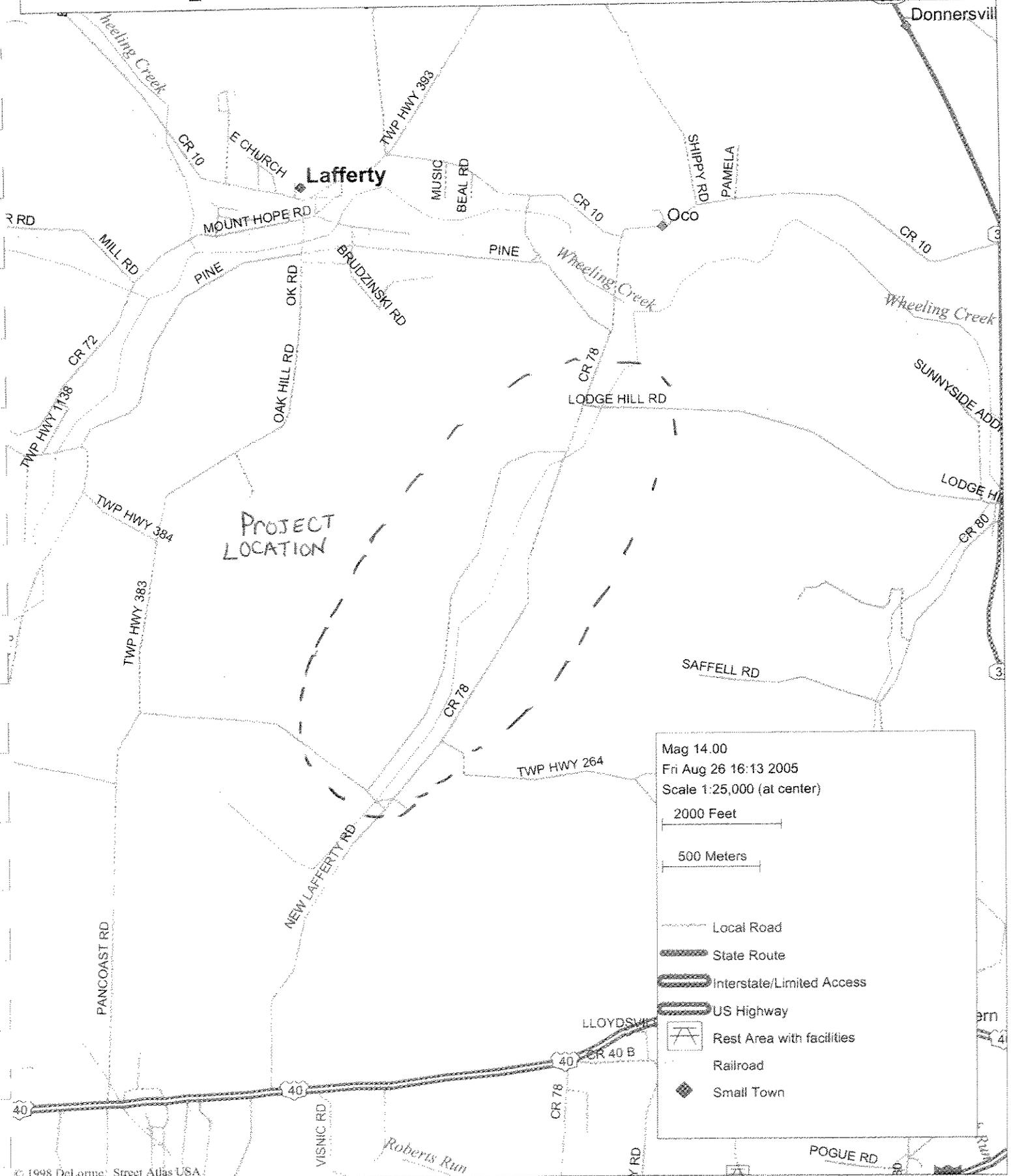
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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 Schroeder, at the above address, by telephoning (412) 395-7375, or by e-mail at christina.l.schroeder@usace.army.mil Please refer to CELRP-OP-F 2006-660 in all responses.

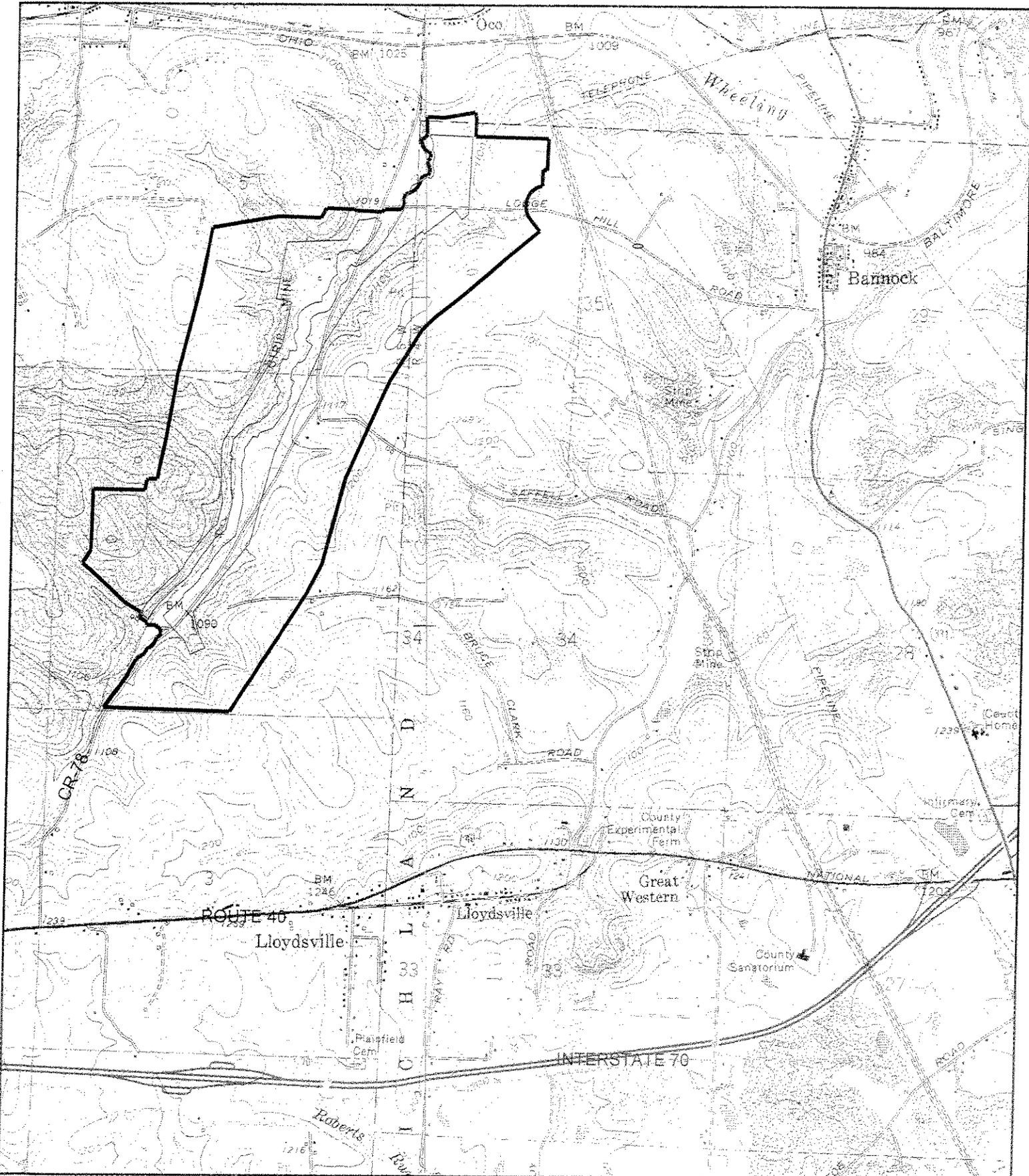
FOR THE DISTRICT ENGINEER:

/SIGNED/

Scott A. Hans
Chief, Regulatory Branch

Map 2. Location on Highway Map .

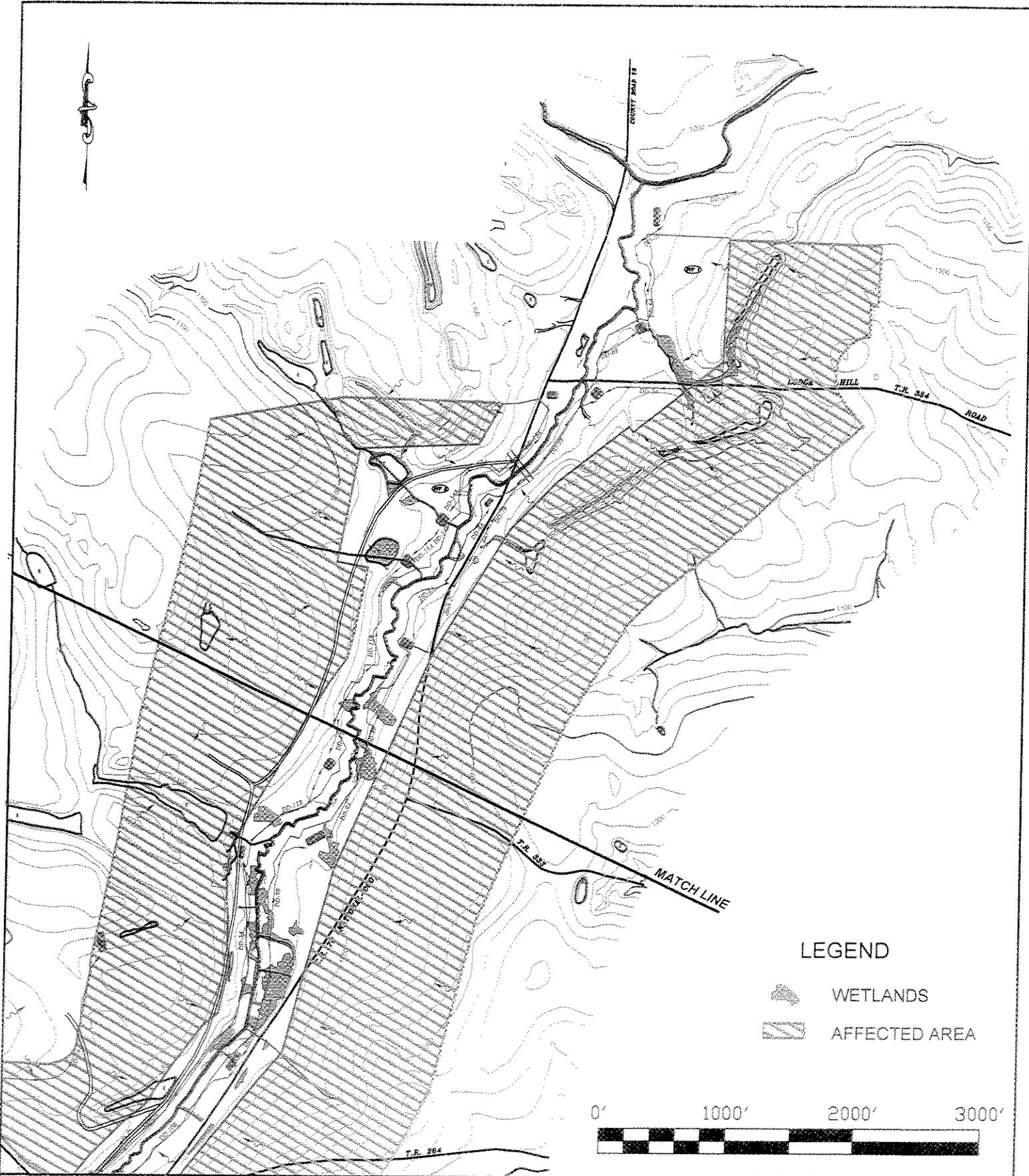




Drawn By:	RWB
Checked By:	JLM
Date:	09-15-2008
Scale:	1" = 2000'
Project No.:	0824-W051
File Name:	HWMINER.dwg
Drawing:	1 of 1

CME
 ENGINEERING
 CME ENGINEERING LP
 1115-202 Main Street, Wheeling, WV 26003
 304-233-3380 FAX: 304-233-3335

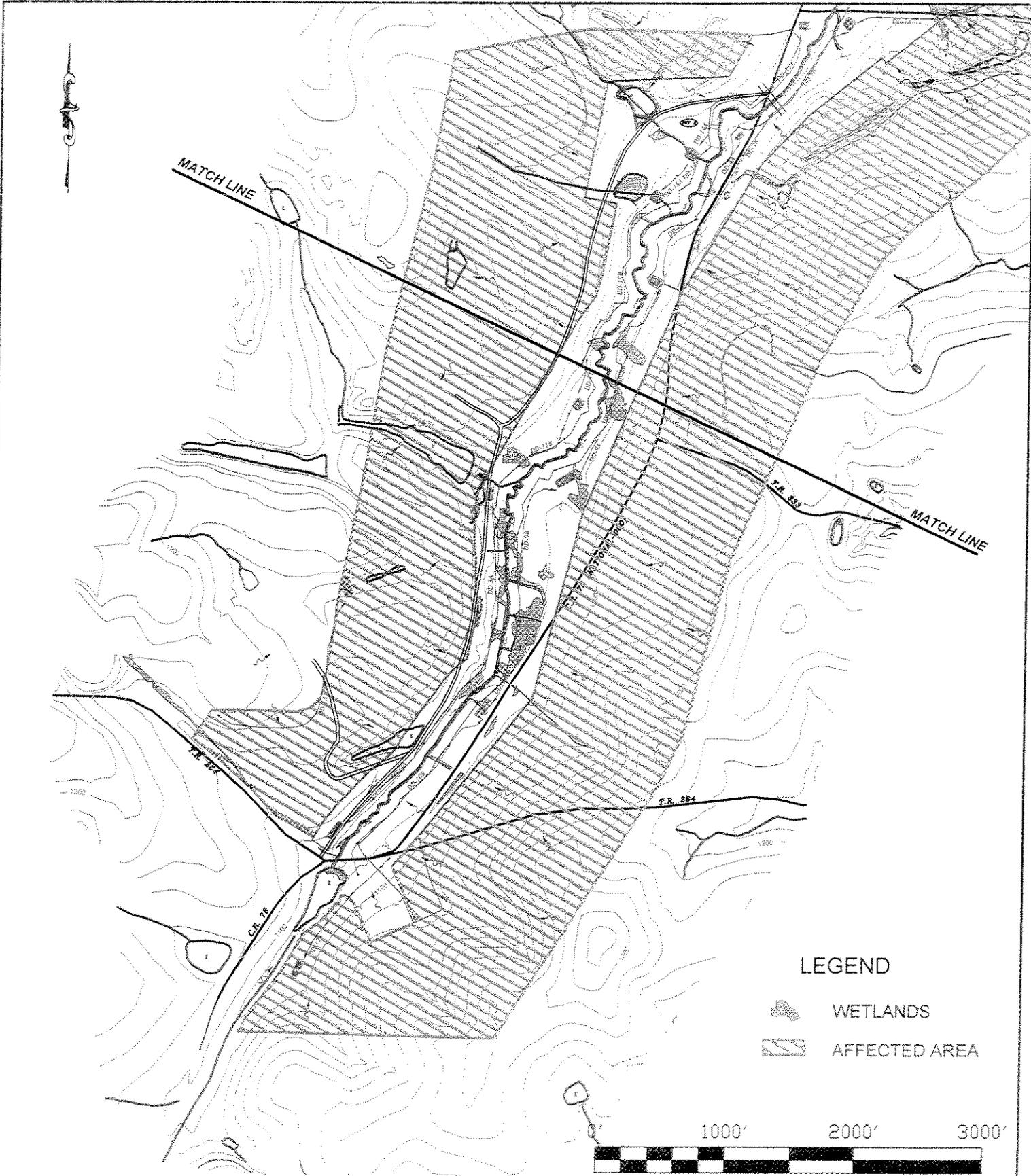
SITE LOCATION MAP
OHIOAMERICAN ENERGY, INC.
REDBIRD SOUTH MINE
 UNION, RICHLAND & WHEELING TOWNSHIP
 BELMONT COUNTY, OHIO



Drawn By:	RWB
Checked By:	JLM
Date:	09-15-2008
Scale:	1" = 1000'
Project No.:	0524-W051
File Name:	HWMINER.dwg
Drawing:	1 of 2

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MIN. DEGRADATION ALTERNATIVE
OHIOAMERICAN ENERGY, INC.
 REDBIRD SOUTH MINE
 SHEET 1
 UNION, RICHLAND & WHEELING TOWNSHIP
 BELMONT COUNTY, OHIO



Drawn By:	RWB
Checked By:	JLM
Date:	09-15-2008
Scale:	1" = 1000'
Project No.:	0524-W051
File Name:	HVMMINER.dwg
Drawing:	1 of 2

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MIN. DEGRADATION ALTERNATIVE
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