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.

2. APPLICANT: Consol Pennsylvania Coal Company, LLC
   1525 Pleasant Grove Road
   P.O. Box J
   Claysville, PA 15323

3. LOCATION: Boothe Run and unnamed tributaries to Enlow Fork, Bailey Central Mine Complex, Morris Township, Greene County, Pennsylvania (39 51’ 55.46”N, 80 22’ 37.86”W)

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to expand coal refuse disposal capacity at the Bailey Central Mine Complex (BCMC), which services the Bailey and Enlow Fork underground coal mines. Coarse and fine coal refuse will be disposed of in two proposed coal refuse disposal areas (CRDA), CRDA No. 7 and CRDA No. 8 encompassing approximately 1,736 acres of the Enlow Fork watershed. These activities include placement of coal refuse and construction of appurtenant facilities including an overland conveyor, dams, access roads, and erosion and sediment control structures. The project will be constructed in three phases: Phase I (CRDA No. 8), Phase II (CRDA No. 7 and No. 8 Support Area), and Phase III (CRDA No. 7). In total 23.242 acres of wetland, 1.628 acres of open water, and 83,822 linear feet of stream will be impacted. The applicant proposes to mitigate by purchasing credits from the proposed Robinson Fork Mitigation Bank. The credits will be purchased in phases in accordance with the construction schedule.

   Phase I will consist of an earthen sediment pond, access roads, a slurry impoundment, a coarse coal refuse (CCR) disposal area in the adjoining valley, and soil stockpiles. These activities will provide for approximately 48.4 mcy of CCR disposal and 17.2 mcy of fine coal refuse (FCR) disposal. Soil stockpiles within CRDA No. 8 permit boundary will provide
approximately 2.1 mcy of storage capacity for material that will be used during reclamation of the refuse pile. A total of 7.300 acres of wetland, 0.770 acre of open water, and 29,100 linear feet of stream will be filled during this phase of the project.

Phase II is a support area that will connect BCMC to the new refuse areas. The support area will involve construction of roads, an elevated overland conveyor, and erosion and sedimentation controls. The conveyor will be constructed in a manner that spans wetlands and streams. Proposed impacts for Phase II consist of 0.909 acre of wetland, 0.077 acre of open water, and 1,927 linear feet of stream.

Phase III of the site development activities in CRDA No. 7 include construction of a slurry impoundment and sediment pond. CRDA No. 7 will provide for approximately 19.0 mcy of CCR and 83.0 mcy of FCR. Soil stockpiles within the CRDA No. 8 boundary will provide approximately 3.3 mcy of storage capacity for material that will be used during the reclamation of the refuse pile. These activities will impact 15.033 acres of wetlands, 0.781 acre of open water, and 52,795 linear feet of stream.

Additional project information is available upon request.

5. **ENCROACHMENT PERMIT**: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 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

6. **IMPACT ON NATURAL RESOURCES**: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. The Pennsylvania Natural Diversity Index Project Search ID No. 20120717364166 conducted on July 17, 2012 identified no known impact and no further review is required. While concurrence with this determination is not required, 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:** In accordance with the Pennsylvania Historical and Museum Commission letter dated May 6, 2011 (ER 1985-0390-059-B61) the applicant was requested to perform a Phase I archaeological study. In response to this letter the applicant has been working with PHMC to conduct the Phase I study and subsequent Phase II and Phase III studies as needed. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, 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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at jared.n.pritts@usace.army.mil. Please refer to CELRP-OP-F 2013-2104 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch
1. REFERENCE: BASE MAPPING PROVIDED BY CONSOL ON JUNE 14, 2012.

2. PROPOSED GRADING PROVIDED BY THE LEWIS CONSULTING GROUP ON DECEMBER 2, 2013.


Civil & Environmental Consultants, Inc.
333 Baldwin Road - Pittsburgh, PA 15205-9072
412-429-2324 - 800-365-2324

CONSOL PENNSYLVANIA COAL COMPANY LLC
BAILEY CENTRAL MINE COMPLEX
COAL REFUSE DISPOSAL AREA NO. 7 AND NO. 8
GREENE COUNTY, PENNSYLVANIA

INDEX MAP

STREET AND WETLAND IMPACT PLAN

3-1C