



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. 2012-518

Date: July 26, 2018

Notice No. 18-07

Closing Date: August 26, 2018

- 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.
- CO-APPLICANTS:**

Shelby Run Mining Company, LLC	CoalQuest Development
P.O. Box F	P.O. Box F
Sharples, West Virginia 25183	Sharples, West Virginia 25183
- LOCATION:** Unnamed Tributaries of Shelby Run and Shelby Run and Unnamed Tributaries of Berry Run and Berry Run near County Road 38, Wendel, Taylor County, West Virginia (39.30805/-80.078611)
- PURPOSE AND DESCRIPTION OF WORK:** The applicants propose to construct the Shelby Run Deep Mine (Shelby Run Mining Company) and railroad (CoalQuest Development). Construction of the mine includes all work necessary to enable excavation and construction of the ancillary facilities. The ancillary facilities would include: a preparation plant facility, load-out, stockpiles, access roads, combined coal refuse facility, construction of retention ponds, one overburden storage fill, one refuse facility, and erosion control (i.e. ponds, sumps, drainage ditches, riprap, matting, etc.) structures. Construction of the rail road includes a 3.46 mile rail-siding connected to an existing rail line (which provides a minimum storage of 135 rail cars) that will service the Shelby Run Mine. The railroad and mine are considered to be one single and complete project with two separate applicants. The project proposes to permanently impact 14.327 acres of thirty-one wetlands, 0.493 acre of open water (14.82 functional credit units as determined by the West Virginia Stream and Wetland Valuation Metric v2.1 (SWVM)), and 20,644 linear feet (2 acres) of 58 streams (13.664.3248 functional credit units as determined by the SWVM). The applicant has provided a conceptual mitigation plan involving the installation of stream enhancements in Squires Creek, a tributary in the Tygart River watershed. The Squires Creek Mitigation Project would also provide for an overall riparian zone protection of 150 feet and enhancements to, and protection of, wetland areas created from the construction and operation of passive treatment/bioreactors.
- 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. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. 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. Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Ms. Wilma Reip, 401 Program Manager
Phone: 304-962-0499 ext. 1599
E-mail: Wilma.reip@wv.gov

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

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, comments can be mailed to:

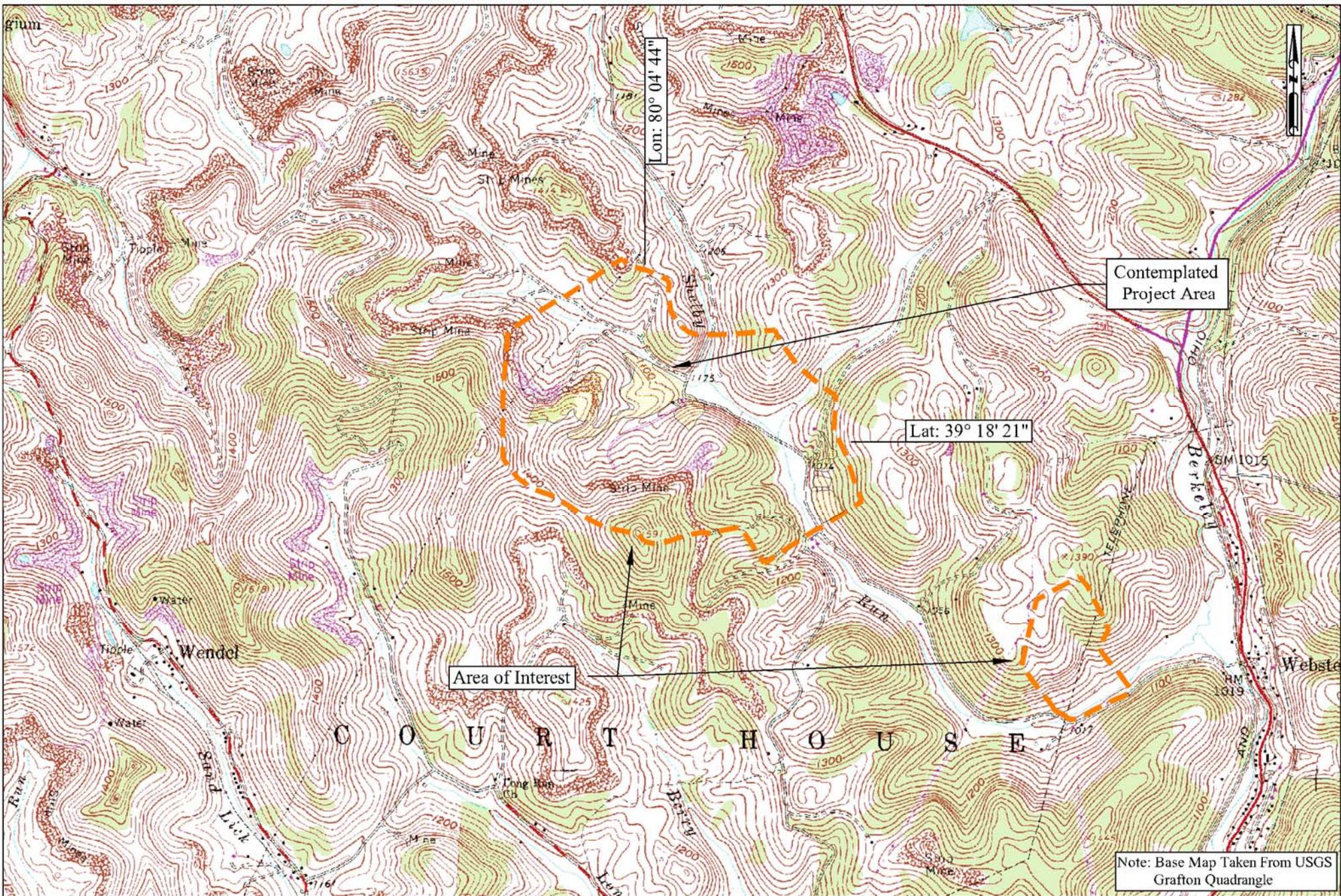
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 18-07

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 Matthew Gilbert at the above address, by telephoning (412) 395-7189, or by e-mail at matthew.c.gilbert@usace.army.mil Please refer to CELRP-OP-F 2012-518 in all responses.

FOR THE DISTRICT ENGINEER:

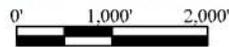
/signed/

Jon T. Coleman
Chief, South Branch
Regulatory Division



Shelby Run Mining Company, LLC
 2708 Cranberry Square
 Morgantown, WV 26508

Scale: 1" = 2,000'



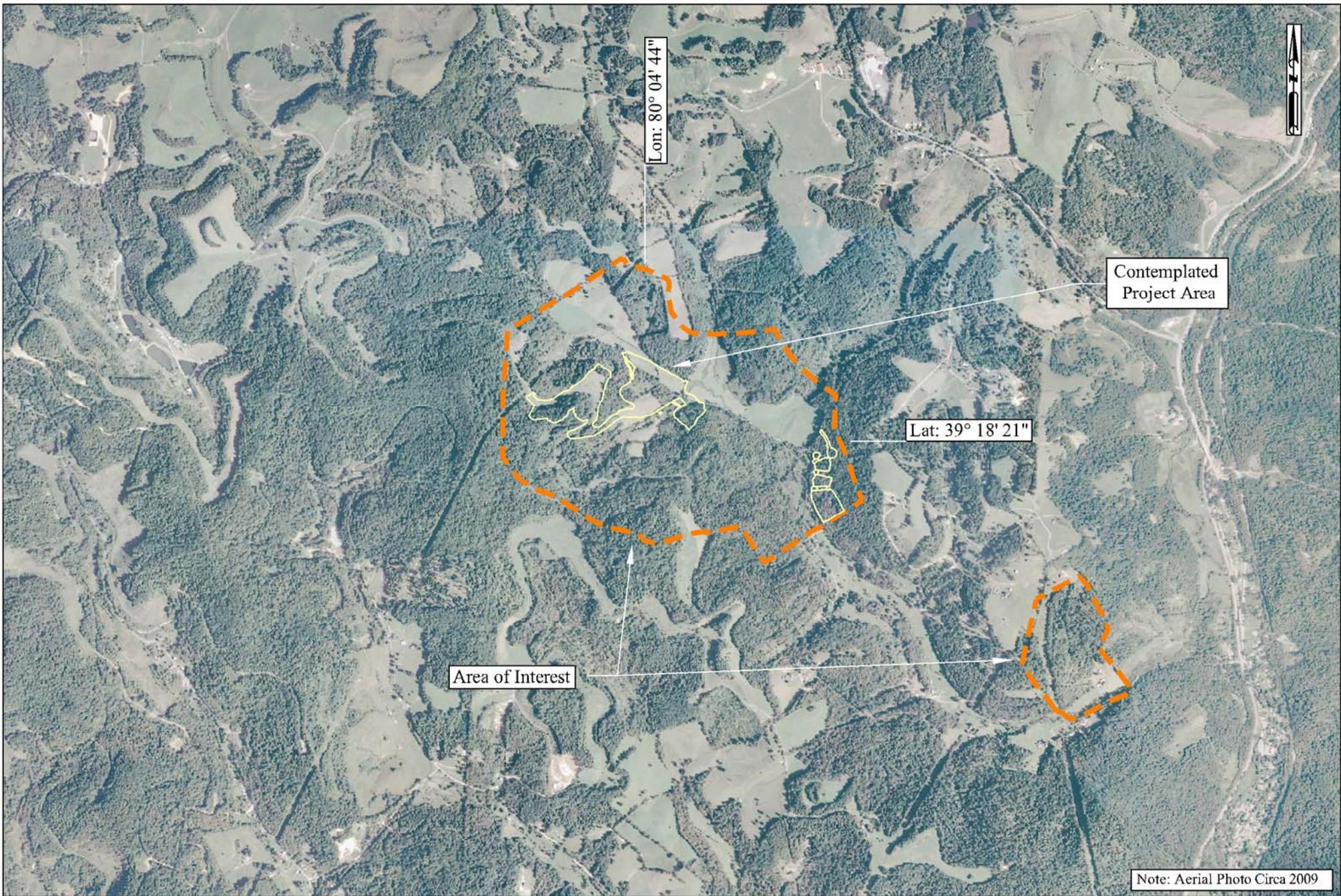
Date: April 2012

Exhibit: 2

By: JAW

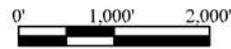
Index: 27 - 74 - PJD - 02

Topographical Location Map
Shelby Run Mine No. 1
 SMA Pending



Shelby Run Mining Company, LLC
 2708 Cranberry Square
 Morgantown, WV 26508

Scale: 1" = 2,000'



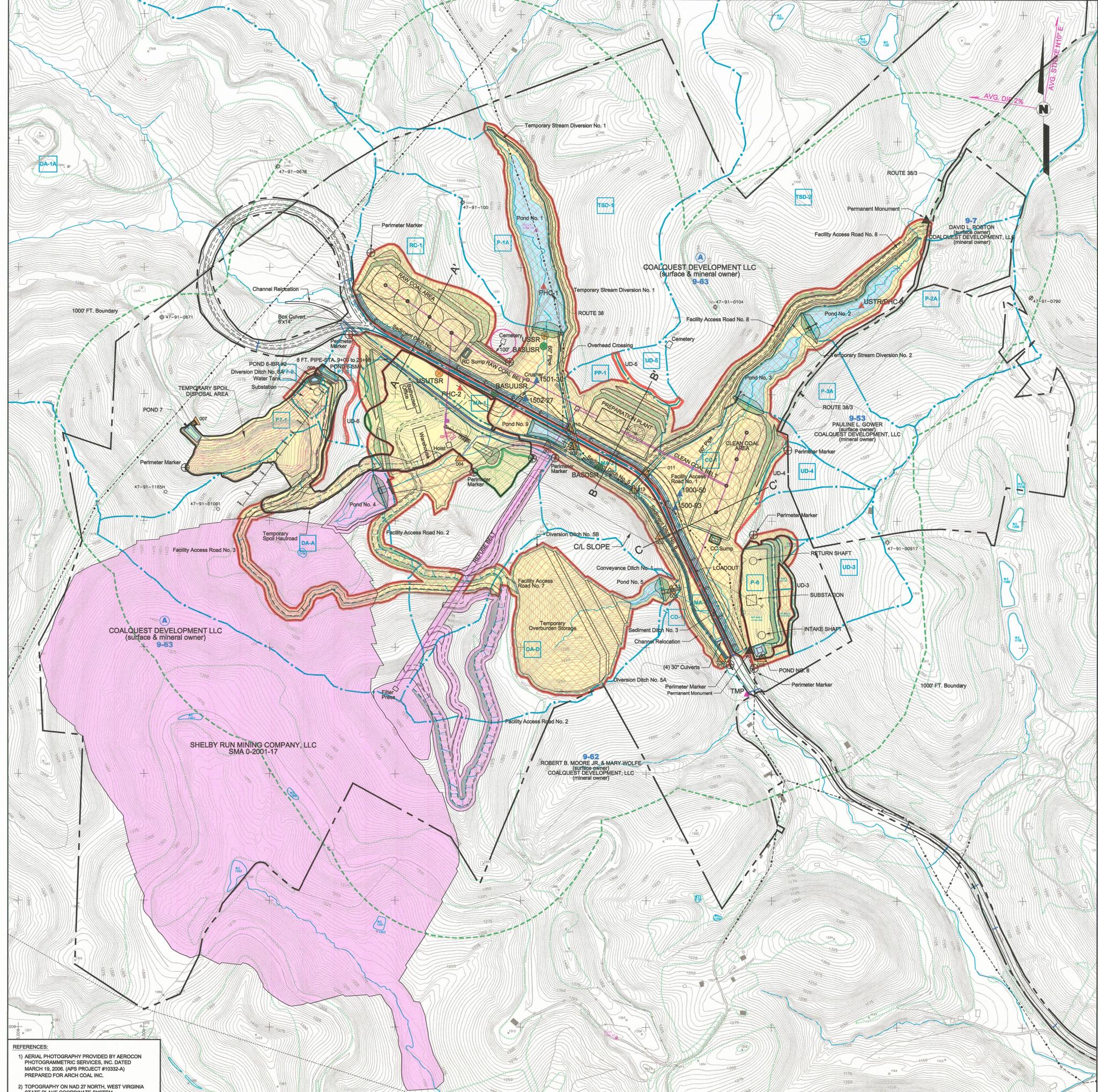
Date: April 2012

Exhibit: 3

By: JAW

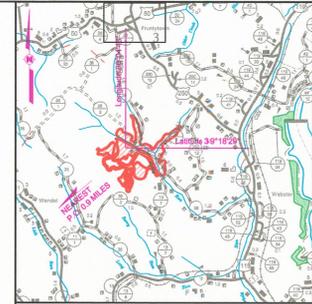
Index: 27 - 74 - PJD - 03

Aerial Photo Location Map
Shelby Run Mine No. 1
 SMA Pending



DISTURBED ACREAGE BREAKDOWN

PERMITTED AREA	41.83 AC
HALFROAD ACCESS ROAD	0.00 AC
DRAINAGE SYSTEM	0.00 AC
AREA TO BE ADDED BY IBR #2-MAY, 2017	41.83 AC
AREA TO BE CANCELED BY IBR #2-MAY, 2017	124.00 AC
TOTAL PERMITTED AREA	178 AC
TOTAL PERMITTED AREA	164.00 AC



TRACT SURFACE OWNER MINERAL OWNER 100 FT. LANDOWNERS

CoalQuest Development LLC	CoalQuest Development LLC	(9-7) David L. Roston - SO
		(9-53) Pauline L. Gower - SO
		(9-62) Robert B. Moore, Jr. & Mary Wolfe - SO
		CoalQuest Development LLC - MO



DRAINAGE AREA BREAKDOWN

Drainage Structure	Drainage Area	Total Drainage Area (Ac)	Disturbed Area (Ac)	Revised Volume (Ac-Ft)	Designated Volume (Ac-Ft)
Pond No. 1	P-1A	27.00	N/A	N/A	20.76
Pond No. 2	P-2A	40.00	N/A	N/A	9.50
Pond No. 3	P-2A and P-3A	60.00	N/A	N/A	5.19
Pond No. 5	D-4D	48.00	18.00	2.25	2.45
Pond No. 8-SMA	P-6	6.00	6.00	0.98	0.88
Pond No. 8-BR#2	PP-1, PP-2, PP-3	1.40	1.40	0.78	0.38
Pond No. 7-SMA	P-7	15.00	7.40	0.29	1.18
Pond No. 9	P-8	6.20	5.20	0.65	0.89
Sediment Ditch No. 1	RC-1	38.70	21.00	2.83	2.66
Sediment Ditch No. 2	PP-1	11.30	7.80	0.98	1.01
Sediment Ditch No. 3	CC-1	37.30	22.10	3.78	2.80
Pond No. 9	MA-1	67.00	34.00	4.35	4.875
Sediment Ditch No. 6	MA-2	1.70	1.70	0.21	0.24
Sediment Ditch No. 6	MA-3	3.00	3.00	0.14	0.49

NOTES:

- THERE ARE NO KNOWN CULTURAL, HISTORIC OR ARCHAEOLOGICAL SITES POTENTIALLY ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF THE HISTORIC PLACES LOCATED WITHIN THE PROPOSED PERMIT AREA OR ADJACENT AREA.
- THERE ARE NO LANDS WITHIN OR ADJACENT TO THE PROPOSED PERMIT AREA WHICH LIE WITHIN THE BOUNDARIES OF ANY PUBLIC PARKS.
- THE CURRENT LAND USE FOR THE AREAS WITHIN AND ADJACENT TO THE PROPOSED PERMIT AREA IS FOREST LAND AND HAY OR PASTURE. THE POST MINING USE IS FOREST LAND AND HAY OR PASTURE.
- THERE ARE NO KNOWN HABITATS FOR THREATENED OR ENDANGERED SPECIES LOCATED ON OR WITHIN 1000 FEET OF THE PROPOSED PERMIT AREA.
- THERE ARE NO LANDS WITHIN THE PROPOSED PERMIT AREA WHICH LIE WITHIN OR ARE ADJACENT TO THE BOUNDARIES OF THE NATIONAL PARK SYSTEM, NATIONAL FOREST, NATIONAL WILDLIFE REFUGE SYSTEM OF TRAILS, AND/OR THE NATIONAL WILDERNESS PRESERVATION SYSTEM.
- THERE ARE NO KNOWN CEMETERIES LOCATED WITHIN THE CONFINES OF THE PROPOSED PERMIT AREA.
- THERE ARE NO AIR POLLUTION MONITORING OR CONTROL FACILITIES OR SUBSIDENCE MONITORING LOCATIONS WITHIN THE PROPOSED PERMIT AREA.
- NO PROPOSED FACILITIES ARE TO BE USED TO PROTECT OR ENHANCE FISH AND WILDLIFE.
- THERE ARE NO SURFACE WATER USERS WITHIN OR ADJACENT TO THE PROPOSED PERMIT AREA.
- THERE ARE NO CLASS A EXPLOSIVES STORAGE AREAS WITHIN THE PROPOSED PERMIT AREA.
- PROPERTY LINES AND PROPERTY OWNERSHIP PROVIDED BY SHELBY RUN MINING COMPANY, LLC.
- FOR LOCATION OF BWQ STATIONS REFER TO THE WATER MONITORING LOCATION MAP.
- FOR LOCATION OF WELLS, SEEPS, SPRINGS, GROUNDWATER MONITORING POINTS AND RAIN GAUGE, REFER TO THE WATER MONITORING LOCATION MAP.
- COAL BEAM TO BE MINED IS LOWER BITTANNING.

State of West Virginia, County of: Putnam

I, the undersigned, hereby certify that this map is correct and shows, to the best of my knowledge and belief, all the information required by the mining laws of the state.

Notary Public
 State of West Virginia
 Thomas Gregory Hild
 205 Water Avenue, Morgantown, WV 26505
 My Commission Expires December 31, 2016

REFERENCES:

- AERIAL PHOTOGRAPHY PROVIDED BY AEROCOON PHOTOGRAMMETRIC SERVICES, INC. DATED MARCH 19, 2006. (APS PROJECT #10332-A) PREPARED FOR ARCH COAL INC.
- TOPOGRAPHY ON NAD 27 NORTH, WEST VIRGINIA STATE PLANE COORDINATE SYSTEM.

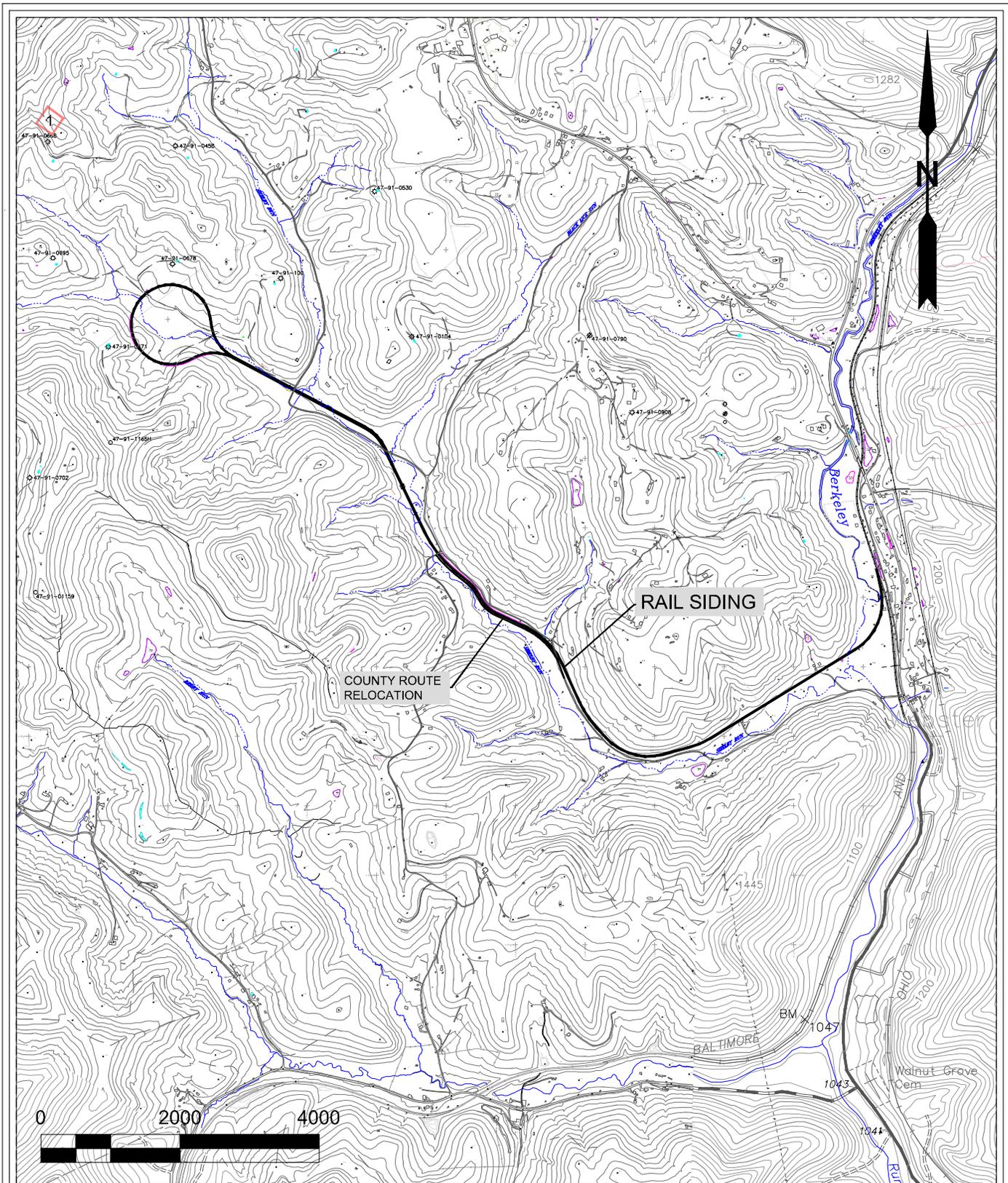
Shelby Run Mining Company, LLC.
 A Subsidiary of Arch Coal, Inc.
 100 Tyger Drive
 Grafton, WV 26034

Exhibit 1-VI-A
Proposal/Drainage Map
IBR #2 - MAY, 2017

Article 3 Permit No.: U-2006-12
 Associated NPDES Permit No.: WV1025783
 Shelby Run Deep Mine

APPROVED	DATE	BY	TOPOGRAPHIC CONTOUR INTERVAL = 5'	Scale: 1"=300'	File No.: U-2006-12 IBR #2 P-3 MAP.dgn	Sheet No.: 1 of 1
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Path: Path Name: DWG:\Shelby Run\Shelby Run Permits\IBR #2



Location Map

**CoalQuest Development LLC
Railroad Project**

Grafton 7.5' USGS Quadrangle
Court House District Of Taylor County
Scale: 1" = 2000'