

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT  
(33 CFR 325)

OMB APPROVAL NO. 0710-003  
Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require authorizing activities in, or affecting, navigable waters of the United States, the discharge or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPUS)

1. APPLICATION NO.                      2. FIELD OFFICE CODE                      3. DATE RECEIVED                      4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME  
**Patriot Mining Company, Inc.**

8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)  
**Potesta and Associates, Inc**

6. APPLICANT'S ADDRESS  
**2708 Cranberry Square  
Morgantown, West Virginia 26508**

9. AGENT'S ADDRESS  
**7012 MacCorkle Avenue, S.E.  
Charleston, West Virginia 25309**

7. APPLICANT'S PHONE NOS. W/AREA CODE  
a. Residence  
b. Business **304.594.1616**

10. AGENT'S PHONE NOS. W/AREA CODE  
a. Residence  
b. Business **304.342.1400**

11. STATEMENT OF AUTHORIZATION

I hereby authorize, **Potesta and Associates, Inc.** to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

  
APPLICANT'S SIGNATURE

**5/3/10**  
DATE

NAME, LOCATION, AND DESCRIPTION OR PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)  
**New Hill West Surface Mine**

13. NAME OF WATERBODY, IF KNOWN (if applicable)  
**Unnamed Tributaries of Scotts Run  
Scotts Run is a tributary of the Monongahela River.**

14. PROJECT STREET ADDRESS (if applicable)  
**Not Applicable**

15. LOCATION OF PROJECT  
**Monongalia**                      **West Virginia**  
COUNTY                      STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) Section, Township, Range, Lat/Lon, and/or Accessors's Parcel Number, for example.  
**See Attachment No. 16**

17. DIRECTIONS TO THE SITE  
**From I-79 take the Star City/ West Virginia University exit (Exit 115). Bear right off exit and proceed straight (Chaplin Hill Rd.) to Route 7. Turn left at the intersection of Route 7 and Chaplin Hill Rd. The road forks at the intersection of Route 19 and Route 7, bear left at the fork and proceed straight on Route 7. Turn right at the intersection of Cassville/ Mount Morris Rd. and Route 7 (a white church is located on the right side of the road).**

18. Nature of Activity (Description of project, include all features)

The proposed activity is to complete resource extraction in an area defined by boundaries established by a WVDEP SMA. The proposed activity would require mining through small unnamed tributaries of Scotts Run to access the coal reserves that lie beneath the surface. These impacts would be short-term temporary in nature. Additionally, the proposed activity would result in the filling of three small emergent wetland to allow for access to the reserves beneath them.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The primary purpose of the project is extraction of mineral resources from the Waynesburg and Waynesburg A coal seams using surface mining techniques.

**USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

To access mineral reserve defined by property ownership and mineral rights using surface mining methods.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

See Attachment 21

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

See Attachment 22

23. Is Any Portion of the Work Already Complete? Yes \_\_\_ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

See Attachment 24

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
WVDEP	WVNPDES	WV1017535		Pending	
WVDEP	401 WQC	Pending	Concurrent with 404	Pending	
WVDNR	Stream Activity Permit	Pending	Pending	Pending	
WVDEP	Article III Permit	S-2009-09			

\* Would include but is not restricted to zoning, building, and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

5/3/10

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.