



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. **2010-1132**

Date: December 10, 2020

Notice No. **20-43**

Closing Date: December 25, 2020

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: The Ohio County Coal Company
46226 National Road
St. Clairsville, OH 43950
3. LOCATION: Shoemaker Deep Mine, near Benwood, Marshall County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant requests the reauthorization of a previously issued permit to impact approximately 365 linear feet of stream channel by raising the current surface elevation level of the Browns Run impoundment, associated with the Shoemaker mine under Section 404 of the Clean Water Act. Drawings of the proposed dock are attached to this notice.
5. WEST VIRGINIA CERTIFICATION: The State of West Virginia, Division of Environmental Protection (WVDEP), issued State Certification November 15, 2012.
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. 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: 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,

CELRP-RG
Public Notice No. **20-43**

comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-RG No. 20-43

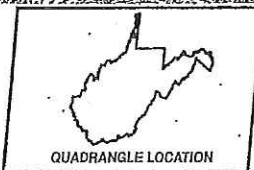
Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. Public comments may be subject to release under the Freedom of Information Act (FOIA). All responses to this notice should be directed to the Regulatory Division, attn. Linda Everley at the above address, or by telephoning (412) 395-7152, or by e-mail at Linda.L.Everley@usace.army.mil. Please refer to CELRP-RG **2020-1132** in all responses.

/signed/

Jon T. Coleman
Chief, South Branch
Regulatory Division



NORTH



QUADRANGLE LOCATION

SOURCE: PORTION OF THE USGS 7.5-MINUTE SERIES TOPOGRAPHIC QUADRANGLE MAP - WHEELING, WEST VIRGINIA - 1985.



Civil & Environmental Consultants, Inc.
Cincinnati, OH

(513) 985-0226 (800) 759-5614

Pittsburgh, PA Chicago, IL Cleveland, OH Columbus, OH Detroit, MI
Export, PA Indianapolis, IN Nashville, TN St. Louis, MO Phoenix, AZ

Site Location Map

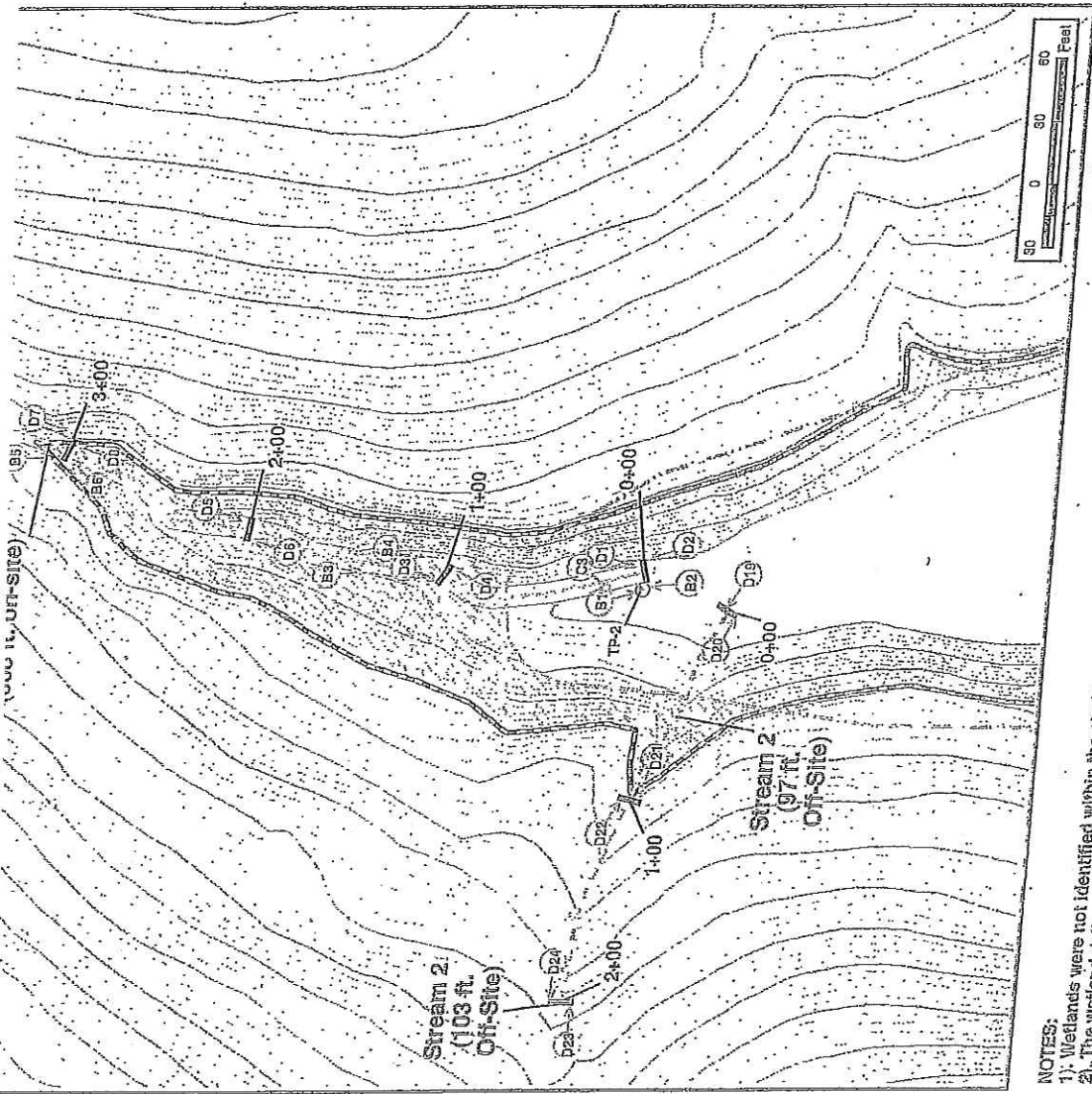
CONSOL PENNSYLVANIA COAL COMPANY

Browns Run Impoundment IBR #27
Benwood, Marshall County, West Virginia

DWN. BY: MJB	SCALE: 1" = 2,000'	DATE: 06/21/2010	PROJECT NO: 100-510	FIGURE NO: 1
CHKD. BY: JCD				

2010-1132

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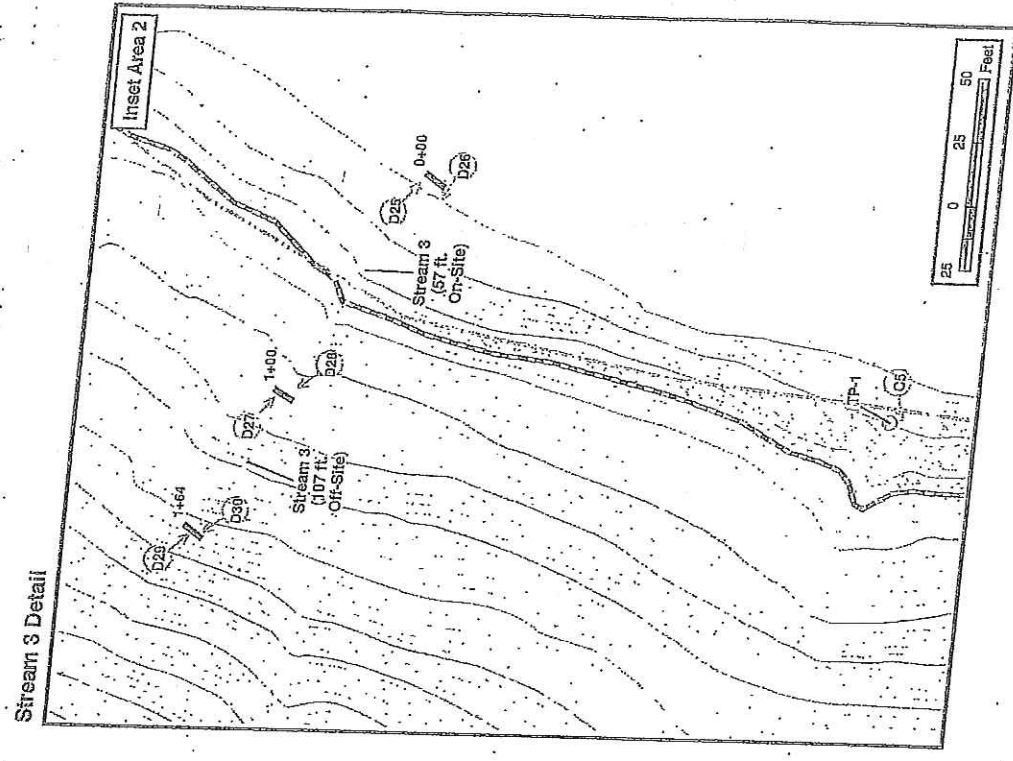


NOTES:

- 1) Wetlands were not identified within the study area, outside of the limits of the existing refuse impoundment.
- 2) The wetland delineation services performed by Civil & Environmental Consultants, Inc., (CEC) were conducted in a manner consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual (1987 Manual), and the level of care and skill ordinarily exercised by a professional practicing engineering or architecture under similar conditions in the locality of the project, it must be recognized that the delineation was based on field observations and CEC's professional interpretation of the criteria in the 1987 Manual. Wetland determinations may change based on changes to regulatory criteria, changes to drainage, and other human activities and/or land disturbances.
- 3) CEC performed a Wetland Delineation Survey within the "Proposed Impoundment Elimination Plan Boundary" designated on this plan on April 3, 2013 within an AutoCAD drawing file titled "09521E1.dwg."

Station Markers

Intermittent Stream



2010-1132