

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. 2008-563

Date: December 10, 2020

Notice No. **20-42**

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 Marshall County Coal Company
46226 National Road
St. Clairsville, OH 43950
3. LOCATION: The project is located in unnamed tributaries of Connor Run of Fish Creek of the Ohio River and is located approximately 7.5 miles west of Glen Easton in Franklin District of Marshall County, West Virginia. The approximate center of the project is Latitude 39' 50' 05" and Longitude 80' 47' 21"
4. PURPOSE AND DESCRIPTION OF WORK: The applicant requests the reauthorization of a previously issued permit to place fill material into waters of the United States in conjunction with site preparations for the expansion of the McElroy Refuse Area. The activity proposed will impact approximately 11,165 linear feet of 1st and 2nd order tributaries as well as one small 0.01-acre palustrine emergent wetland. Mitigation for these impacts will include the off-site stream enhancement and riparian restoration of approximately 14,731 linear feet of stream channel within the Middle Grave Creek watershed.
5. WEST VIRGINIA CERTIFICATION: The State of West Virginia, Division of Environmental Protection (WVDEP), issued the WVDEP certification required by Section 401 of the Clean Water Act on January 29, 2020.
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,

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under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

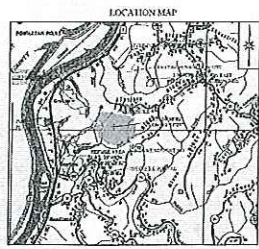
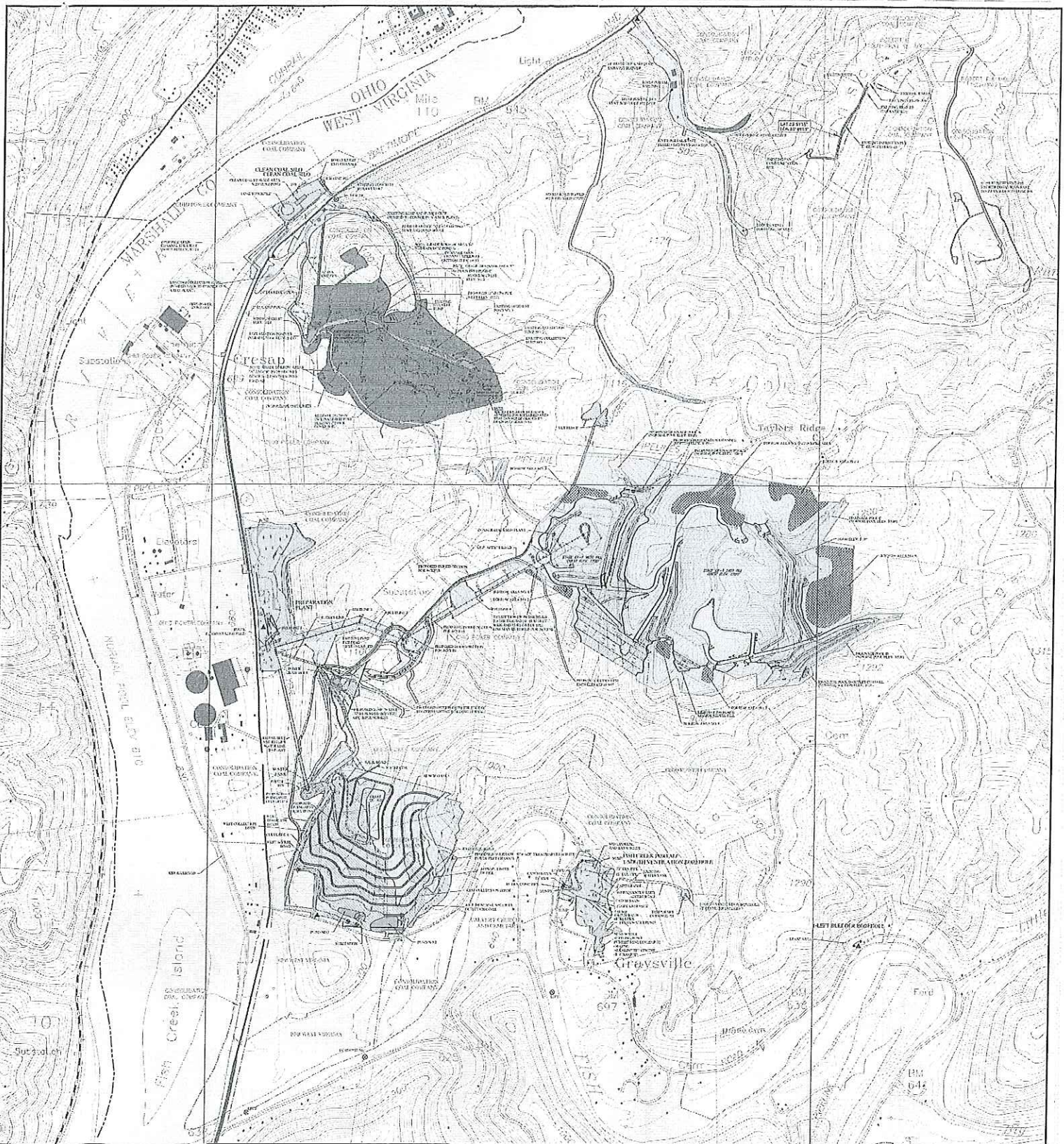
10. **RESPONSES:** A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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-RG No. 20-42

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, by telephoning (412) 395-7152, or by e-mail at Linda.L.Everley@usace.army.mil. Please refer to CELRP-RG **2008-563** in all responses.

/signed/

Jon T. Coleman
Chief, South Branch
Regulatory Division



SCALE: 1" = 1 MILE



- NOTES:**
- 1) UTILITIES SUCH AS PUBLIC WATER LINES, TELEPHONE LINES, AND POWER LINES ARE OFTEN LOCATED BY CURB TAPWORK THAT IDENTIFICATION IS NOT POSSIBLE AT THIS SCALE.
 - 2) PROPERTY OWNERSHIP AND PROPERTY LINE INFORMATION WAS PROVIDED BY CURRENT MARSHALL COUNTY TAX ASSESSMENT RECORDS.
 - 3) THERE IS NO UNIVERSAL REMOVAL ON THE PERMITTED AREAS. THESE FACILITIES PROVIDE SUPPORT ONLY FOR A 1999 MINOR TIE PIT/SURFACE COAL SEAM.
 - 4) SURFACE OWNERS AND OTHER OWNERS WITHIN 10' ARE LABELED ON THE MAP. VERTICAL OWNERSHIP IS NOT APPLICABLE TO THIS APPLICATION.
 - 5) ALL LINES HAVE SURVEY STATION NUMBERS.
 - 6) ALL ASSUMPTIONS THAT ARE A DISCREPANCY IN THE SAME ARE INDICATED ON A SURVEY OR CONVEYANCE DOCUMENT.

LEGEND

- CURRENTLY PROPOSED AREA (SHOWN BY OWNER)
- AREA TO BE ADDED TO TENTATIVE BOUNDARY DEFINITION, ETC.
- TOTAL PROPOSED PERMIT AREA, ZONING
- AREA SHOWN BY FORMER OWNER
- PROPOSED RIPARIAN AREAS
- EASEMENT LINES
- POWER LINE
- PRIVATE ROAD
- RAILROAD RIGHT-OF-WAY
- STREAM AND AREA COVERED BY RUNOFF
- SEWER WATER TRANSMISSION POINTS
- SAND/GRAVEL STORAGE PILES
- CATCHMENT
- FENCE LINE
- STRUCTURE
- UTILITY LINE
- PROPOSED FENCE
- TEMPORARY EASEMENT LINE

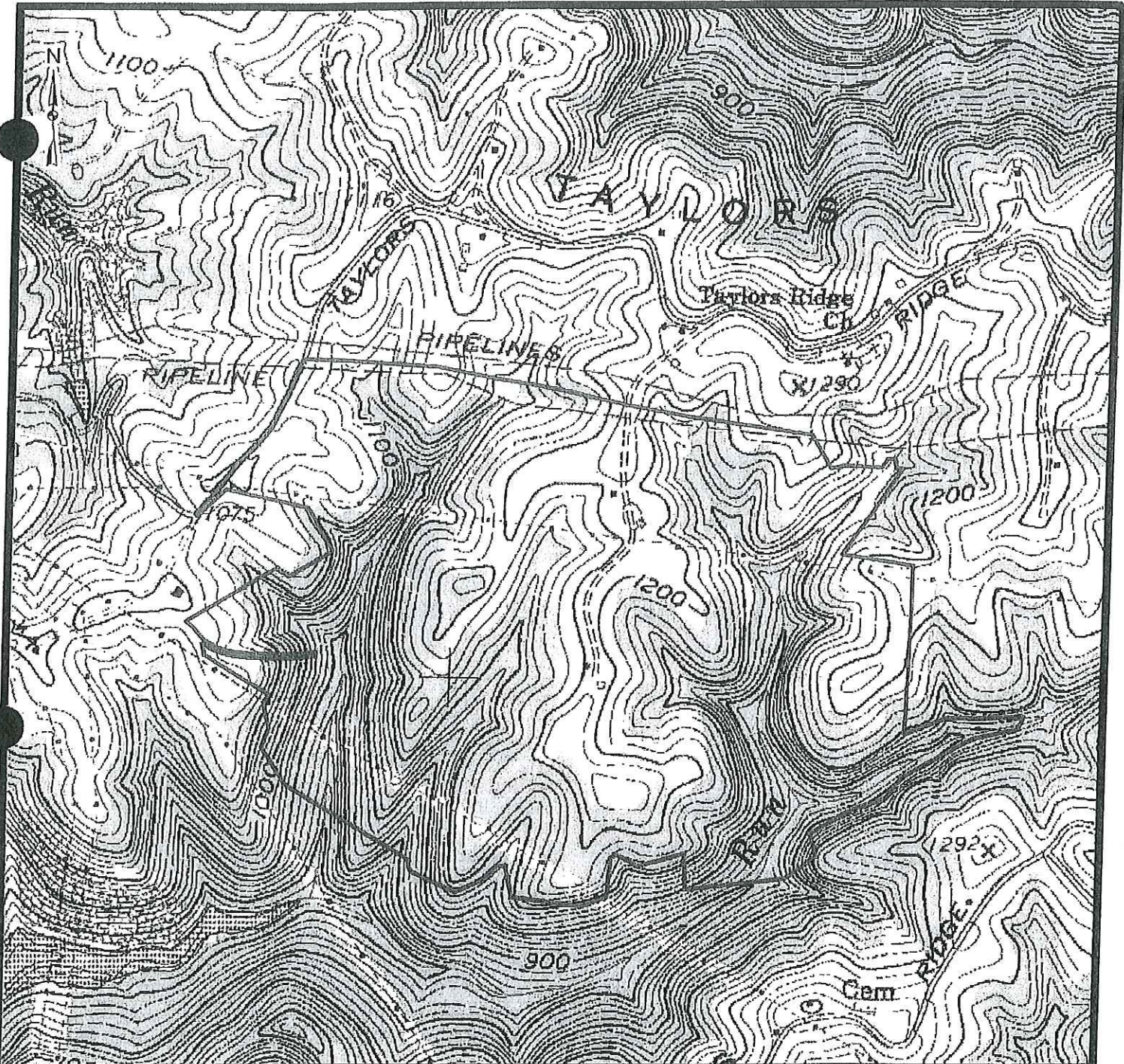
Alliance Consulting, Inc.
Engineers • Constructors • Scientists

PROJECT NO. W0020331
DRAWING NO. 1
DRAINAGE AND PROPOSAL MAP (EXHIBIT 1-M-A)
FRAKLAN DISTRICT, MARSHALL COUNTY

Prepared For:
MOLUNY COAL COMPANY
ROUTE 4, BOX 425, MOUNDSVILLE, WEST VIRGINIA 26041

DRAWN BY: [Name] PROJECT NO. [Number]
CHECKED BY: [Name] SHEET NO. [Number]
APPROVED BY: [Name] DRAWING NO. B07-264-311

2008-563



REFERENCE:

U.S.G.S. TOPOGRAPHIC MAP- POWHATAN POINT QUADRANGLE

Legend

 PROJECT BOUNDARY

SCALE



Alliance 
Consulting, Inc.
 Engineers · Constructors · Scientists
 124 PHILPOTT LANE
 BEAVER, WV 25813
 (304) 255-0491

USGS TOPOGRAPHIC MAP
 McELROY REFUSE AREA
 NEAR MOUNDSVILLE, WEST VIRGINIA
 PREPARED FOR
 McELROY COAL COMPANY
 MOUNDSVILLE, WEST VIRGINIA

DRAWN BY	MDM	12/17/07
CHECKED BY	BLW	12/17/07
APPROVED BY	BLW	12/17/07
DRAWING NUMBER	FIGURE NUMBER	
B07-263-A2		

2008-563