

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. LRP-2010-0127

Date: 7/21/2016

Notice No. <PN #16-36>

Closing Date: 8/21/2016

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: John Ewell
ERP Federal Mining Complex, LLC
1044 Miracle Run Road
Fairview, WV 26570

AGENT: Brandon Alderman
Alliance Consulting, Inc.
124 Philpott Lane
Beaver, WV 25813
3. LOCATION: Miracle Run watershed. 1 mile SW of Blacksville, Monongalia County, West Virginia (center coordinates: 39.70765, -80.24038)
4. PURPOSE AND DESCRIPTION OF WORK: ERP Federal Mining Complex, LLC (ERP) proposes to construct a ventilation shaft and associated structures at the currently active Federal No. 2 Coal Mine. The applicant had already done some mine construction work on-site before applying for this permit, and the shaft is partially built. The shaft is intended to provide a safe underground working environment in the mine as mandated by state and federal law. In addition to ventilation, this shaft is proposed to serve as an emergency exit for the underground facility, as a three-man emergency lift would also be installed. As proposed, work for this project would result in 1,263 linear feet of permanent impact to 6 of the streams that exist on the site. ERP proposes to mitigate for unavoidable impacts with a payment into West Virginia's In-Lieu Fee program. Drawings of the proposed project are attached to this notice.
5. IMPACT ON NATURAL RESOURCES: The hydrologic features of the proposed shaft would drain into Thomas Run, which flows into Miracle Run. 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).

6. 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).

7. 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.

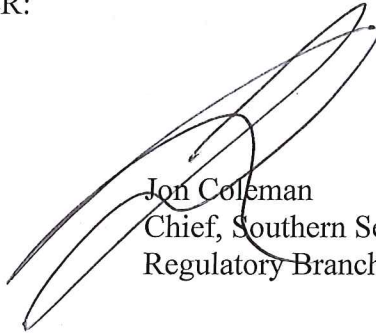
8. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect 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).

9. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the

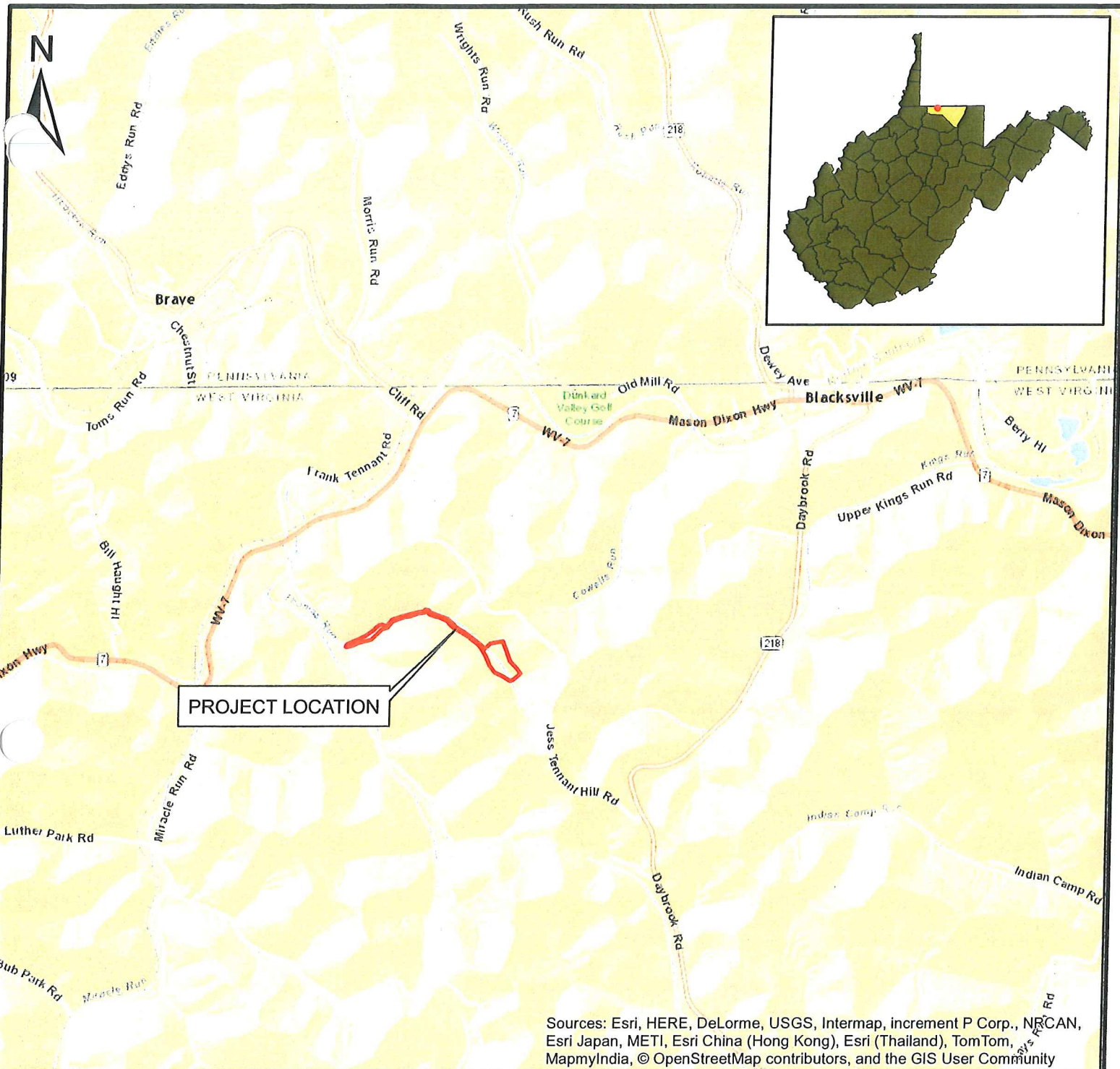
CELRP-OP-F
Public Notice No. <PN #16-36>

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: Alani Taylor at the above address, by telephoning (412)395-7107, or by e-mail at alani.taylor@usace.army.mil. Please refer to CELRP-OP-F **2010-0127** in all responses.

FOR THE DISTRICT ENGINEER:



Jon Coleman
Chief, Southern Section
Regulatory Branch



REFERENCE:

ArcGIS map service, World Street Map
http://services.arcgisonline.com/ArcGIS/rest/services/World_Street_Map/MapServer

Legend

 IBR BOUNDARY

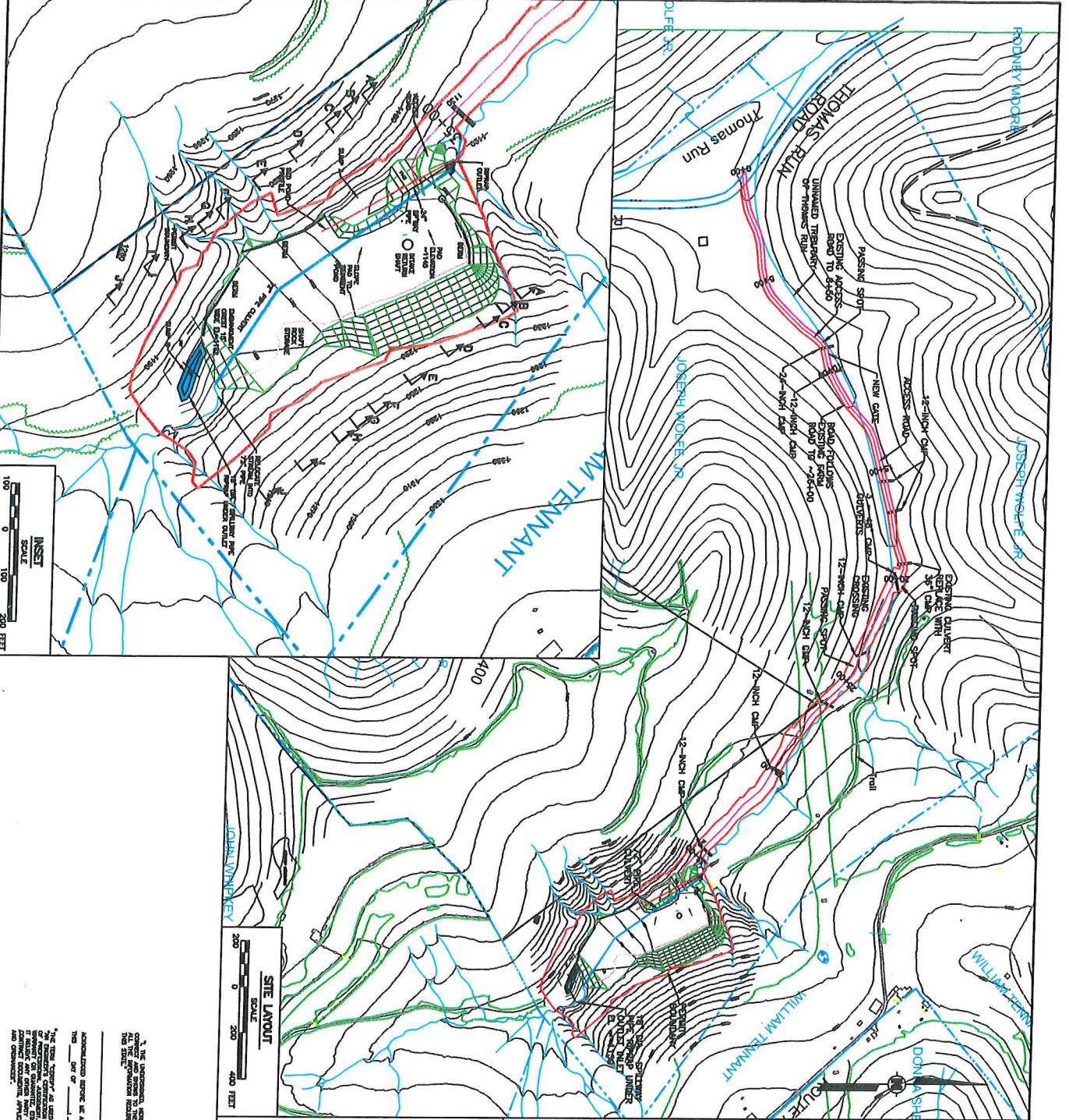
0 1,500 3,000 6,000 Feet

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

PERMIT NO. U-19-83
PROJECT LOCATION MAP
 FEDERAL NO. 2 MINE
 10 RIGHT SHAFT
 BATTELLE DISTRICT, MONONGALIA COUNTY, WV
 PREPARED FOR
 EASTERN ASSOCIATED COAL, LLC
 CHARLESTON, WEST VIRGINIA

IBR NO. 80

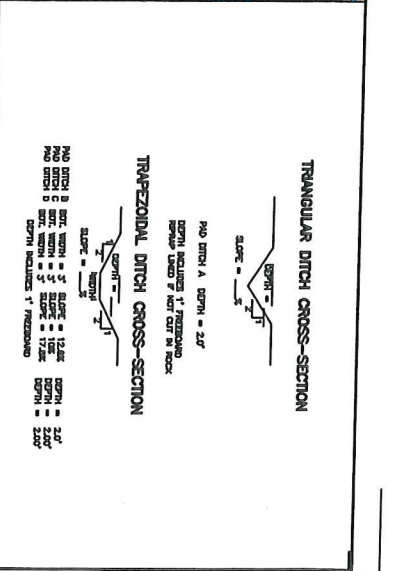
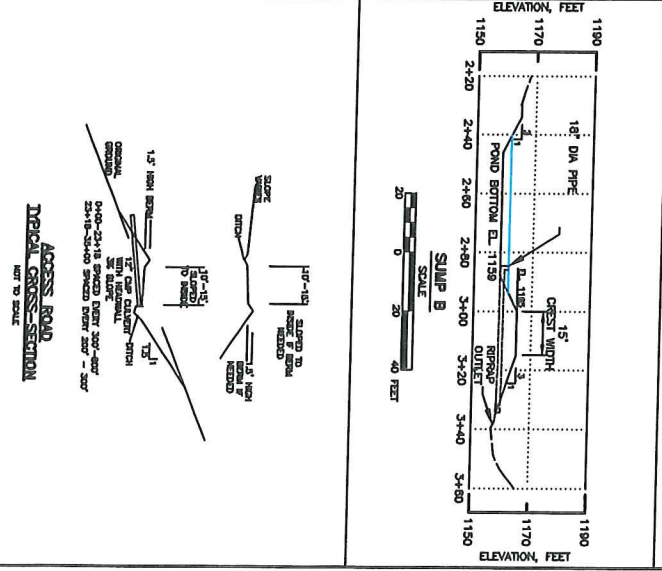
DRAWN BY	HD	7/14/14
CHECKED BY	BH	7/14/14
APPROVED BY		
DRAWING NUMBER		
B14-386-A2		



1. THE UNDERSIGNED, HEREBY CERTIFY THAT THE PLAN, SPECIFICATIONS AND NOTES TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF WISCONSIN.

DATE: 07/16/14

PROJECT NO. 14-388-03



NOV.	DATE	DESCRIPTION	BY

Alliance Consulting, Inc.
 Engineers • Constructors • Scientists

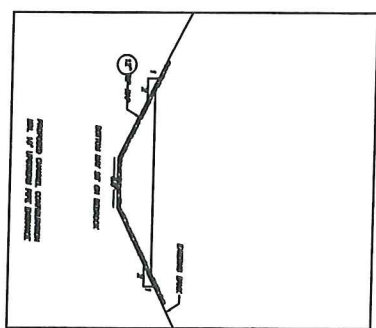
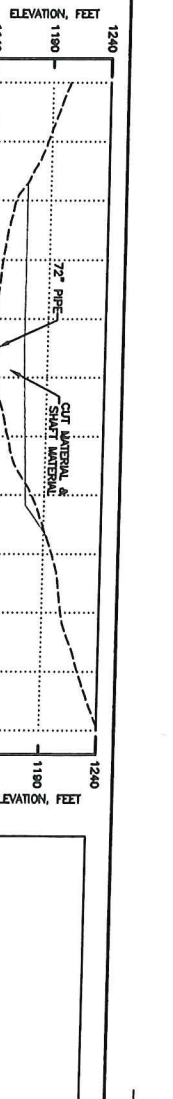
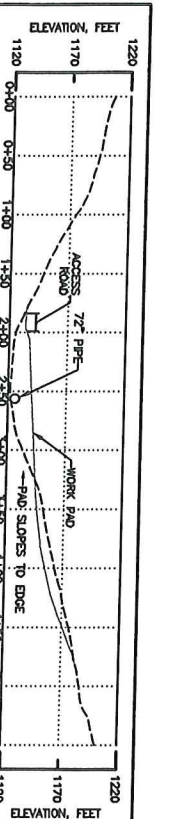
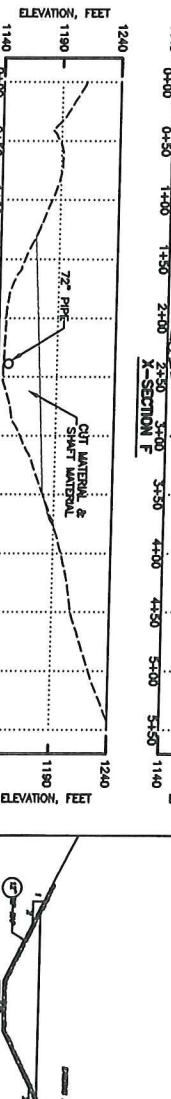
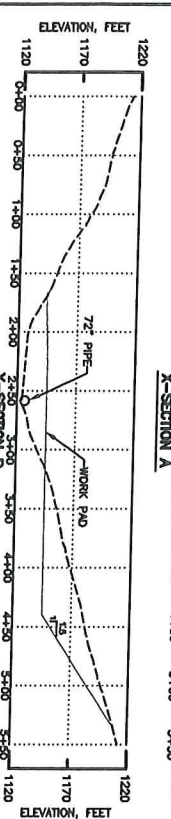
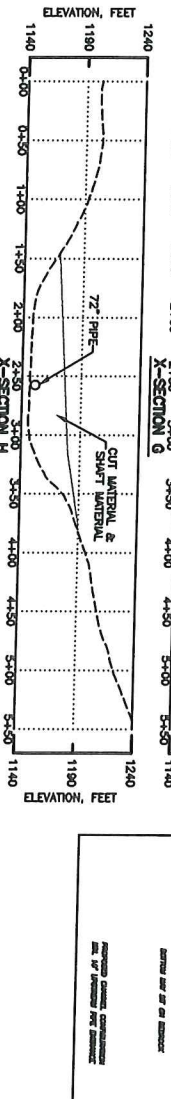
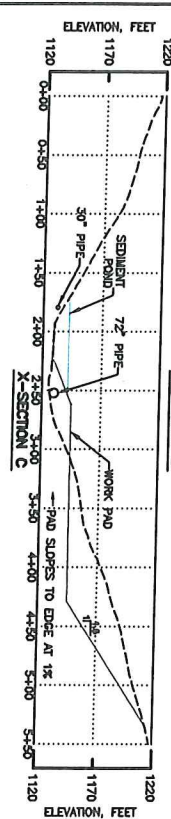
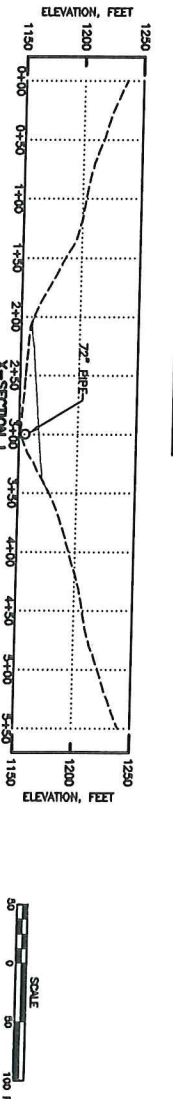
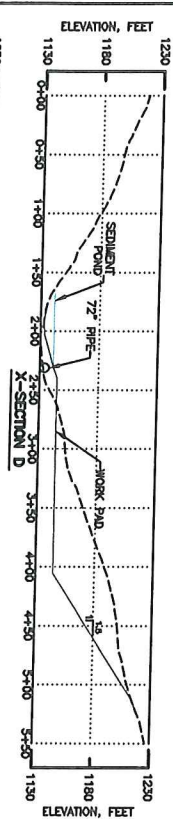
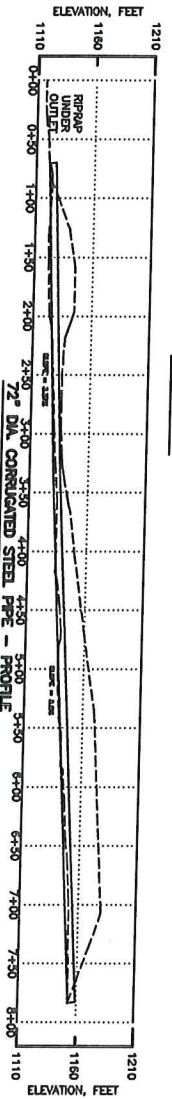
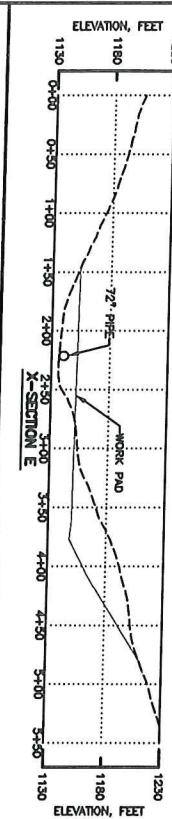
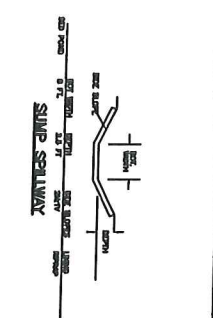
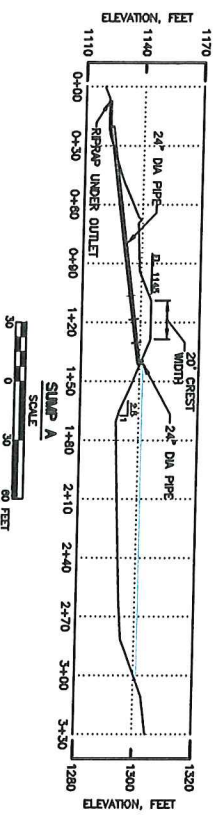
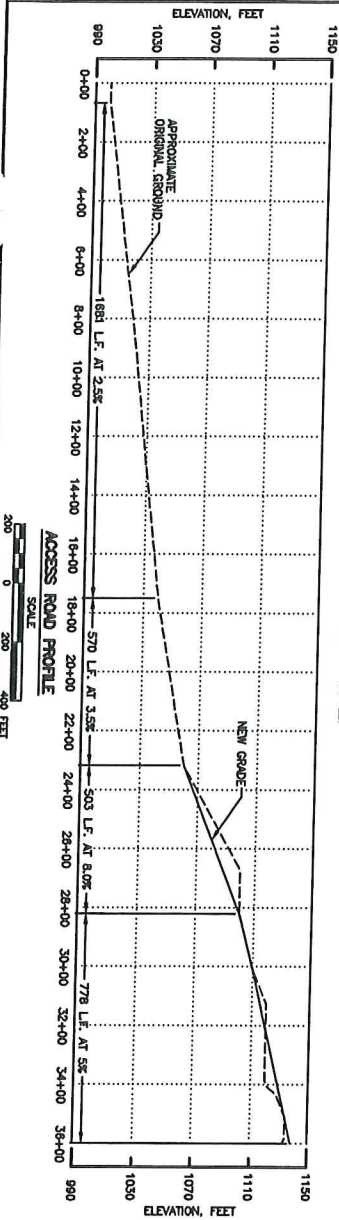
1000 W. WISCONSIN AVENUE
 SUITE 200
 MILWAUKEE, WI 53233

PROJECT NO. 14-388-03
 PLAN VIEW AND DETAILS
 FEDERAL NO. 2 LINE
 BATTLE DISTRICT, MONROGUE COUNTY, WV
 EASTERN ASSOCIATED COAL, LLC
 800 LEE STREET, CHARLESTON, WV 25324

PERMIT NO. U-19-83
 BRK NO. 80

DATE: 07/16/14
 PROJECT NO. 14-388-03

DRAWING NO. 814-388-03



NO.	DATE	DESCRIPTION	P.L.

Alliance Consulting, Inc.
 Engineers • Constructors • Scientists
 FEDERAL NO. 2 MINE
 SECTIONS AND PROFILES
 BATTLE DISTRICT, WINDYBROOK COUNTY, WV
 EASTERN ASSOCIATED COAL, LLC
 800 LEE STREET, CHARLESTON, WV 25304
 PERMIT NO. U-19-83
 FEDERAL NO. 2 MINE
 SECTION AND PROFILES
 DRAWN BY: J. Blum, J. Blum, J. Blum
 CHECKED BY: J. Blum, J. Blum, J. Blum
 APPROVED BY: J. Blum, J. Blum, J. Blum
 DATE: 07/16/14
 PROJECT NO.: 14-003
 DRAWING NO.: 1. B14-306-E3