

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

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# Public Notice

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In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

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Application No. 2013-2104

Date: January 29, 2015

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Notice No. 15-6 Revision 1 – time extension

Closing Date: March 30, 2015

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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: Consol Pennsylvania Coal Company, LLC  
1525 Pleasant Grove Road  
P.O. Box J  
Claysville, PA 15323
3. LOCATION: Boothe Run and unnamed tributaries to Enlow Fork, Bailey Central Mine Complex, Morris Township, Greene County, Pennsylvania (39 51' 55.46"N, 80 22' 37.86"W)
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to expand coal refuse disposal capacity at the Bailey Central Mine Complex (BCMC), which services the Bailey and Enlow Fork underground coal mines. Coarse and fine coal refuse will be disposed of in two proposed coal refuse disposal areas (CRDA), CRDA No. 7 and CRDA No. 8 encompassing approximately 1,736 acres of the Enlow Fork watershed. These activities include placement of coal refuse and construction of appurtenant facilities including an overland conveyor, dams, access roads, and erosion and sediment control structures. The project will be constructed in three phases: Phase I (CRDA No. 8), Phase II (CRDA No. 7 and No. 8 Support Area), and Phase III (CRDA No. 7). In total 23.242 acres of wetland, 1.628 acres of open water, and 83,822 linear feet of stream will be impacted. The applicant proposes to mitigate by purchasing credits from the proposed Robinson Fork Mitigation Bank. The credits will be purchased in phases in accordance with the construction schedule.

Phase I will consist of an earthen sediment pond, access roads, a slurry impoundment, a coarse coal refuse (CCR) disposal area in the adjoining valley, and soil stockpiles. These activities will provide for approximately 48.4 mcy of CCR disposal and 17.2 mcy of fine coal refuse (FCR) disposal. Soil stockpiles within CRDA No. 8 permit boundary will provide

approximately 2.1 mcy of storage capacity for material that will be used during reclamation of the refuse pile. A total of 7.300 acres of wetland, 0.770 acre of open water, and 29,100 linear feet of stream will be filled during this phase of the project.

Phase II is a support area that will connect BCMC to the new refuse areas. The support area will involve construction of roads, an elevated overland conveyor, and erosion and sedimentation controls. The conveyor will be constructed in a manner that spans wetlands and streams. Proposed impacts for Phase II consist of 0.909 acre of wetland, 0.077 acre of open water, and 1,927 linear feet of stream.

Phase III of the site development activities in CRDA No. 7 include construction of a slurry impoundment and sediment pond. CRDA No. 7 will provide for approximately 19.0 mcy of CCR and 83.0 mcy of FCR. Soil stockpiles within the CRDA No. 8 boundary will provide approximately 3.3 mcy of storage capacity for material that will be used during the reclamation of the refuse pile. These activities will impact 15.033 acres of wetlands, 0.781 acre of open water, and 52,795 linear feet of stream.

Additional project information is available upon request.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
California District Mining Office  
California Technology Park  
25 Technology Drive  
Coal Center, PA 15423

Telephone: 724-769-1100

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. The Pennsylvania Natural Diversity Index Project Search ID No. 20120717364166 conducted on July 17, 2012 identified no known impact and no further review is required. 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: In accordance with the Pennsylvania Historical and Museum Commission letter dated May 6, 2011 (ER 1985-0390-059-B61) the applicant was requested to perform a Phase I archeological study. In response to this letter the applicant has been working with PHMC to conduct the Phase I study and subsequent Phase II and Phase III studies as needed. 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. 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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at [jared.n.pritts@usace.army.mil](mailto:jared.n.pritts@usace.army.mil) Please refer to CELRP-OP-F 2013-2104 in all responses.

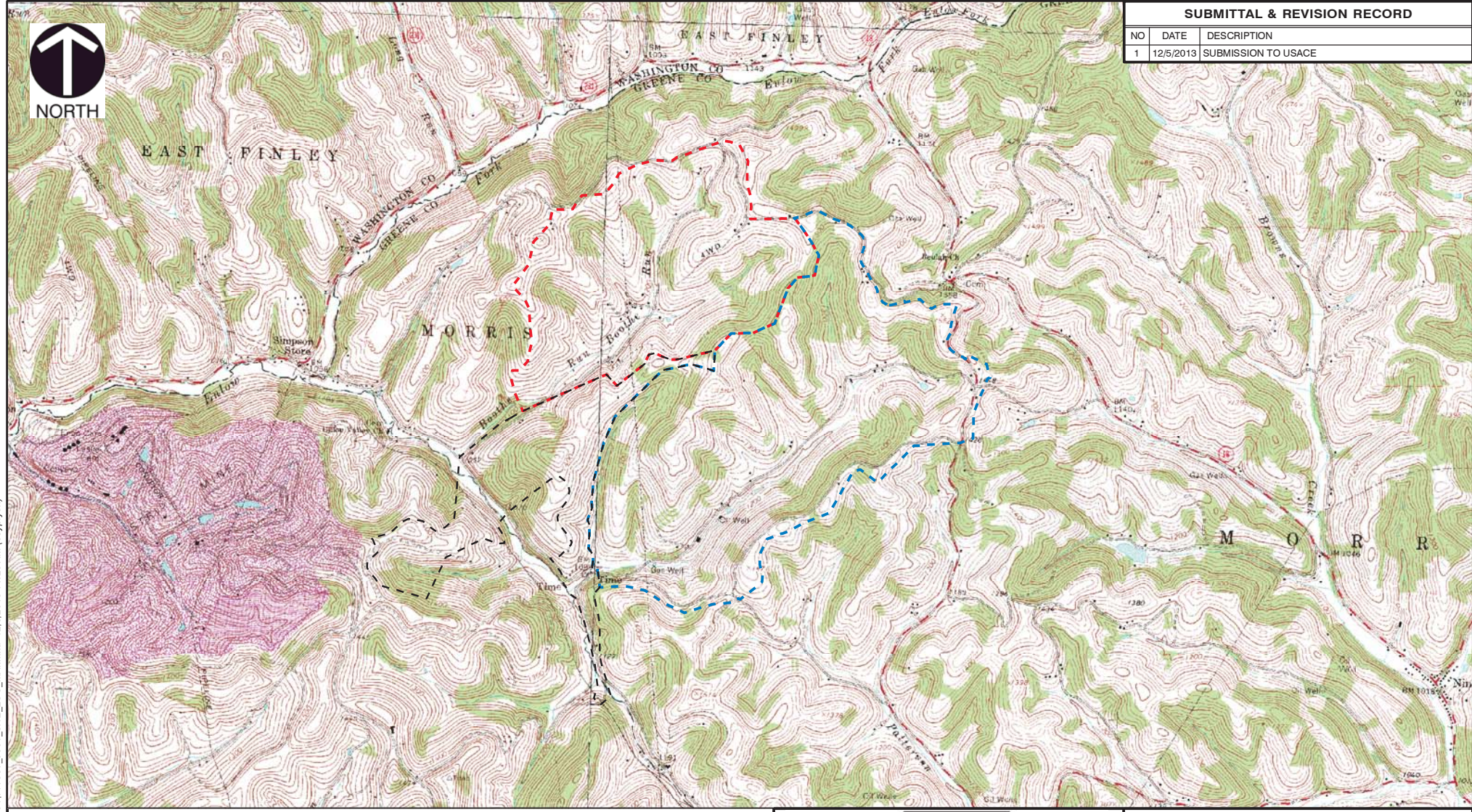
FOR THE DISTRICT ENGINEER:

//SIGNED//

Karen A. Kochenbach  
Chief, Southern Section  
Regulatory Branch



SUBMITTAL & REVISION RECORD		
NO	DATE	DESCRIPTION
1	12/5/2013	SUBMISSION TO USACE



**LEGEND**

	CRDA NO. 7 PERMIT BOUNDARY
	CRDA NO. 8 PERMIT BOUNDARY
	CRDA NO. 7 AND NO. 8 SUPPORT AREA PERMIT BOUNDARY

**REFERENCE**  
 USGS 7.5 MINUTE TOPOGRAPHIC MAP  
 ROGERSVILLE AND WIND RIDGE, PA QUADRANGLES  
 DATED: 1964, PHOTOREVISED: 1994



**Civil & Environmental Consultants, Inc.**  
 333 Baldwin Road - Pittsburgh, PA 15205-9072  
 412-429-2324 • 800-365-2324  
[www.cecinc.com](http://www.cecinc.com)

CONSOL PENNSYLVANIA COAL COMPANY LLC  
 BAILEY CENTRAL MINE COMPLEX  
 COAL REFUSE DISPOSAL AREA NO. 7 AND NO. 8  
 GREENE COUNTY, PENNSYLVANIA

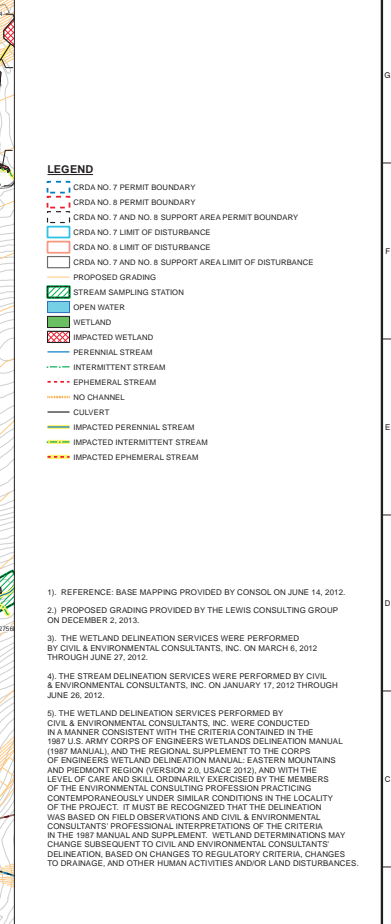
**SITE LOCATION MAP**

DRAWN BY:	CLC	CHECKED BY:	MLS	APPROVED BY:		EXHIBIT NO:	<b>1-1</b>
DATE:	12/5/2013	DWG SCALE:	1" = 2,000'	PROJECT NO:	111-561		

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REVISION RECORD	
NO.	DATE
1	12/2/2013
REMOVE REFERENCE TO ISOLATED RESOURCES	
SUBMITTAL RECORD	
NO.	DATE
1	12/2/2013
SUBMISSION TO USACE	



LEGEND	
[Red dashed line]	CRDA NO. 7 PERMIT BOUNDARY
[Red solid line]	CRDA NO. 8 PERMIT BOUNDARY
[Red dotted line]	CRDA NO. 7 AND NO. 8 SUPPORT AREA PERMIT BOUNDARY
[Blue line]	CRDA NO. 7 LIMIT OF DISTURBANCE
[Orange line]	CRDA NO. 8 LIMIT OF DISTURBANCE
[Orange outline]	CRDA NO. 7 AND NO. 8 SUPPORT AREA LIMIT OF DISTURBANCE
[Green hatched area]	PROPOSED GRADING
[Blue area]	STREAM SAMPLING STATION
[Blue area]	OPEN WATER
[Green area]	WETLAND
[Red hatched area]	IMPACTED WETLAND
[Blue dashed line]	PERENNIAL STREAM
[Blue dotted line]	INTERMITTENT STREAM
[Blue solid line]	EPHEMERAL STREAM
[Red dashed line]	NO CHANNEL
[Black line]	CULVERT
[Green dashed line]	IMPACTED PERENNIAL STREAM
[Green dotted line]	IMPACTED INTERMITTENT STREAM
[Green solid line]	IMPACTED EPHEMERAL STREAM

- REFERENCE: BASE MAPPING PROVIDED BY CONSOL ON JUNE 14, 2012.
- PROPOSED GRADING PROVIDED BY THE LEWIS CONSULTING GROUP ON DECEMBER 2, 2013.
- THE WETLAND DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON MARCH 6, 2012 THROUGH JUNE 27, 2012.
- THE STREAM DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON JANUARY 17, 2012 THROUGH JUNE 28, 2012.
- THE WETLAND DELINEATION SERVICES PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. WERE CONDUCTED IN A MANNER CONSISTENT WITH THE CRITERIA CONTAINED IN THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987 MANUAL) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: EASTERN MOUNTAINS AND FREDMONT REGION (VERSION 2.0, USAGE 2010), AND WITH THE LEVEL OF CARE AND SKILL ORDINARILY EXERCISED BY THE MEMBERS OF THE ENVIRONMENTAL CONSULTING PROFESSION PRACTICING CONTEMPORANEOUSLY UNDER SIMILAR CONDITIONS IN THE LOCALITY OF THE PROJECT. IT MUST BE RECOGNIZED THAT THE DELINEATION WAS BASED ON FIELD OBSERVATIONS AND CIVIL & ENVIRONMENTAL CONSULTANTS' PROFESSIONAL INTERPRETATIONS OF THE CRITERIA IN THE 1987 MANUAL AND SUPPLEMENT. WETLAND DETERMINATIONS MAY CHANGE SUBSEQUENT TO CIVIL AND ENVIRONMENTAL CONSULTANTS DELINEATION, BASED ON CHANGES TO REGULATORY CRITERIA, CHANGES TO DRAINAGE, AND OTHER HUMAN ACTIVITIES AND/OR LAND DISTURBANCES.

**Civil & Environmental Consultants, Inc.**  
333 Baldwin Road - Pittsburgh, PA 15205-9072  
412-439-2324 - 800-365-2324  
www.ceninc.com

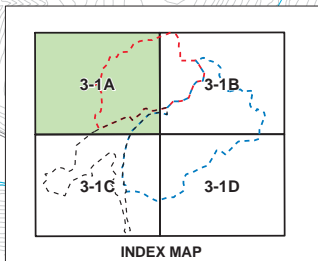
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**CONSOL PENNSYLVANIA COAL COMPANY LLC  
BAILEY CENTRAL MINE COMPLEX  
COAL REFUSE DISPOSAL AREA NO. 7 AND NO. 8  
GREENE COUNTY, PENNSYLVANIA**

Drawn BY: CLC	Checked BY: MLS	Drawn BY: [unclear]	MIRN#
Date: 12/2/2013	Sheet Scale: 1" = 300'	Project No: 111-561	111-561

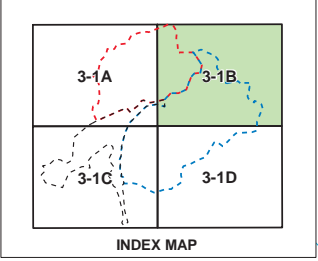
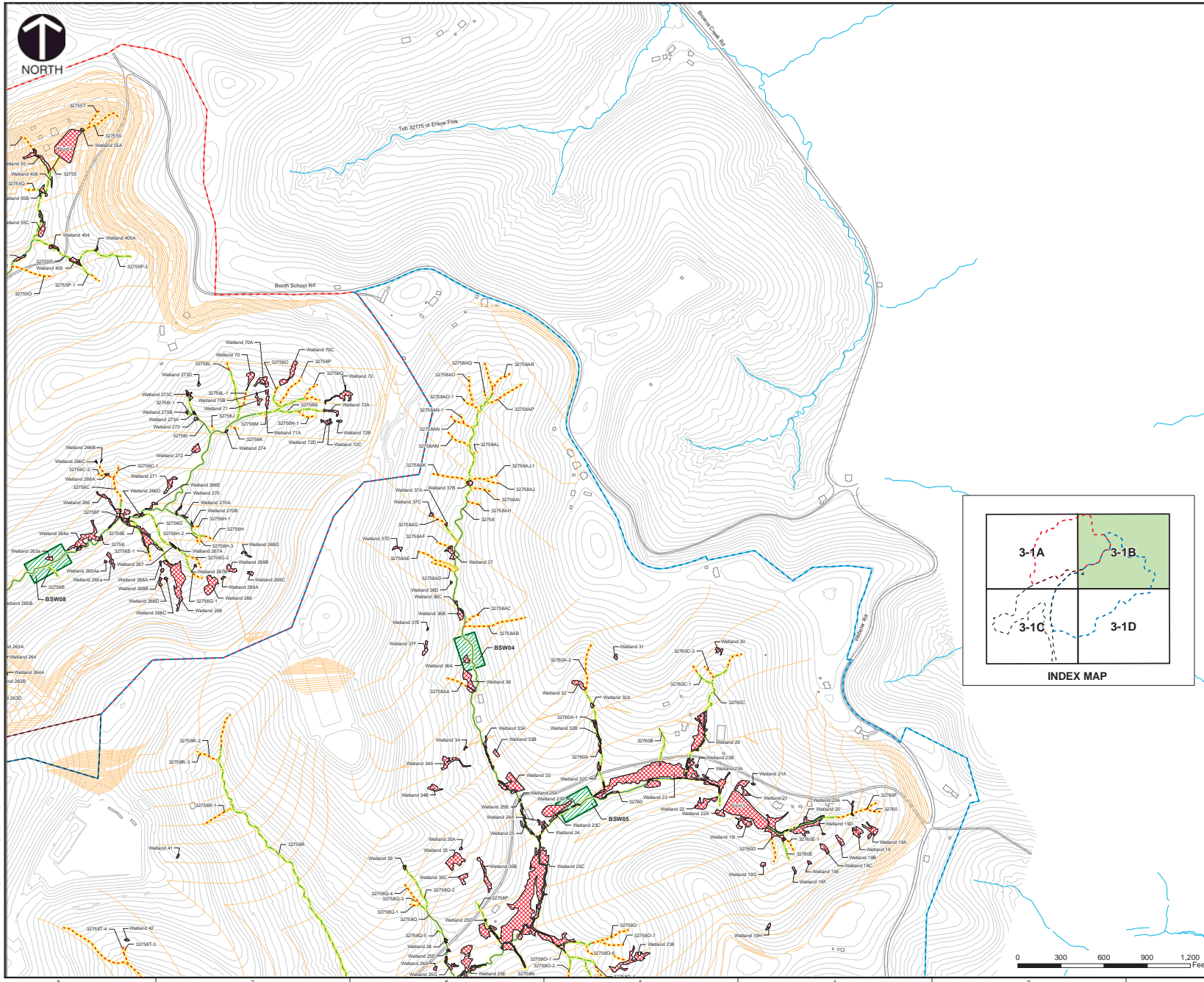
**STREAM AND WETLAND IMPACT PLAN**

**3-1A**



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REVISION RECORD	
NO.	DATE
1	1/8/2015
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SUBMITTAL RECORD	
NO.	DATE
1	12/5/2013
	SUBMISSION TO USACE

- LEGEND**
- CRDA NO. 7 PERMIT BOUNDARY
  - CRDA NO. 8 PERMIT BOUNDARY
  - CRDA NO. 7 AND NO. 8 SUPPORT AREA PERMIT BOUNDARY
  - CRDA NO. 7 LIMIT OF DISTURBANCE
  - CRDA NO. 8 LIMIT OF DISTURBANCE
  - CRDA NO. 7 AND NO. 8 SUPPORT AREA LIMIT OF DISTURBANCE
  - PROPOSED GRADING
  - STREAM SAMPLING STATION
  - OPEN WATER
  - WETLAND
  - IMPACTED WETLAND
  - PERENNIAL STREAM
  - INTERMITTENT STREAM
  - EPHEMERAL STREAM
  - NO CHANNEL
  - CULVERT
  - IMPACTED PERENNIAL STREAM
  - IMPACTED INTERMITTENT STREAM
  - IMPACTED EPHEMERAL STREAM

- 1) REFERENCE: BASE MAPPING PROVIDED BY CONSOL ON JUNE 14, 2012.
- 2) PROPOSED GRADING PROVIDED BY THE LEWIS CONSULTING GROUP ON DECEMBER 2, 2013.
- 3) THE WETLAND DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON MARCH 6, 2012 THROUGH JUNE 27, 2012.
- 4) THE STREAM DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON JANUARY 17, 2012 THROUGH JUNE 20, 2012.
- 5) THE WETLAND DELINEATION SERVICES PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. WERE CONDUCTED IN A MANNER CONSISTENT WITH THE CRITERIA CONTAINED IN THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987 MANUAL) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: EASTERN MOUNTAINS AND PIEDMONT REGION (VERSION 2.0, USACE 2012), AND WITH THE LEVEL OF CARE AND SKILL ORDINARILY EXERCISED BY THE MEMBERS OF THE ENVIRONMENTAL CONSULTING PROFESSION PRACTICING CONTEMPORANEOUSLY UNDER SIMILAR CONDITIONS IN THE LOCALITY OF THE PROJECT. IT MUST BE RECOGNIZED THAT THE DELINEATION WAS BASED ON FIELD OBSERVATIONS AND CIVIL & ENVIRONMENTAL CONSULTANTS' PROFESSIONAL INTERPRETATIONS OF THE CRITERIA IN THE 1987 MANUAL AND SUPPLEMENT. WETLAND DETERMINATIONS MAY CHANGE SUBSEQUENT TO CIVIL AND ENVIRONMENTAL CONSULTANTS' DELINEATION, BASED ON CHANGES TO REGULATORY CRITERIA, CHANGES TO DRAINAGE, AND OTHER HUMAN ACTIVITIES AND/OR LAND DISTURBANCES.



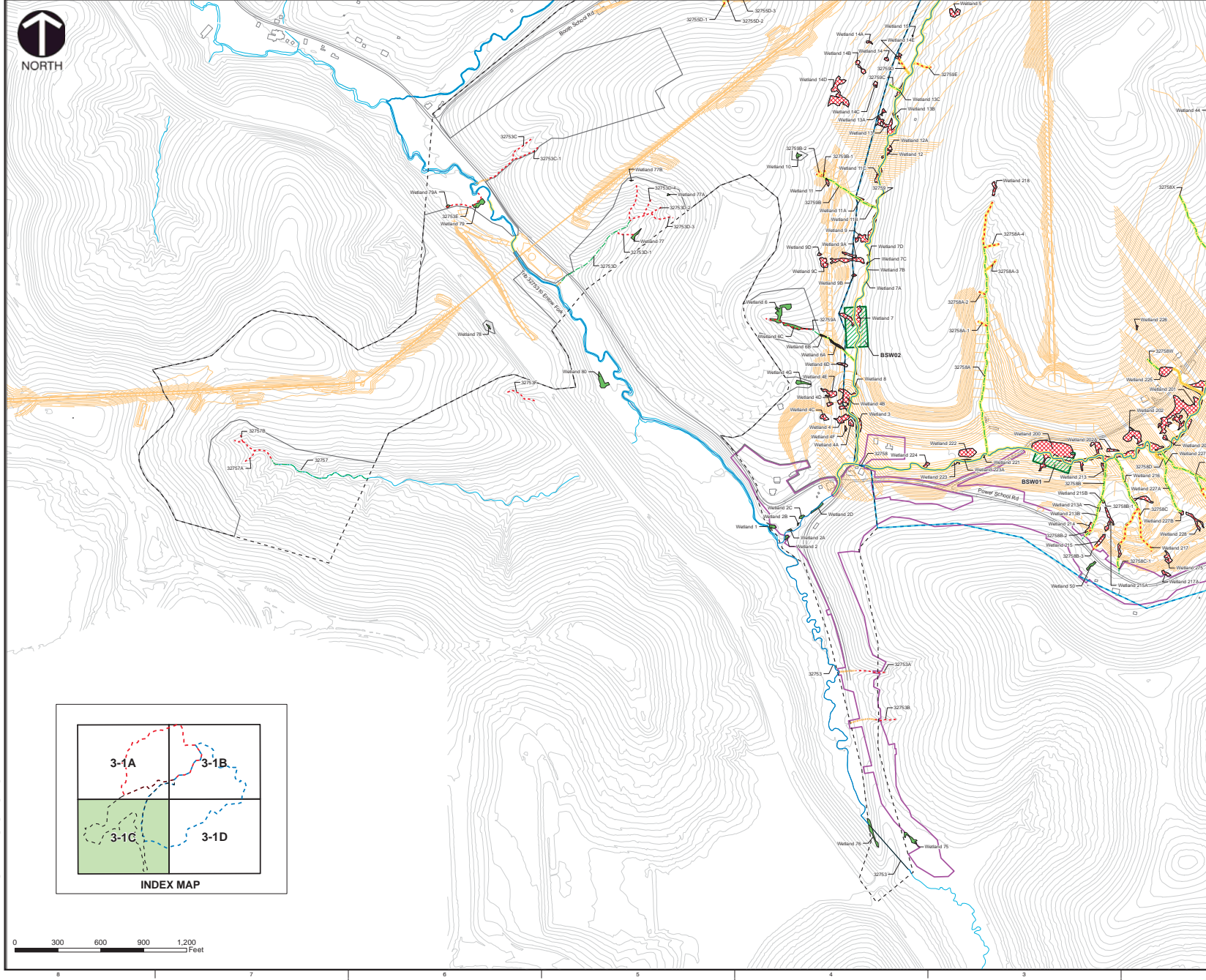
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 BAILEY CENTRAL MINE COMPLEX  
 COAL REFUSE DISPOSAL AREA NO. 7 AND NO. 8  
 GREENE COUNTY, PENNSYLVANIA**

DESIGNED BY: CLC CHECKED BY: MLS DRAWN BY: [Signature] IN CHARGE: MSH  
 DATE: 12/5/2013 SHEET NO.: 11 OF 300 PROJECT NO.: 111-661

**STREAM AND WETLAND IMPACT PLAN** **3-1B**





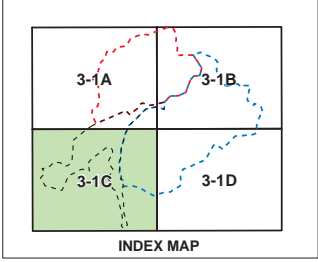
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2	1/8/2015

SUBMITTAL RECORD	
NO.	DATE
1	12/8/2013

**LEGEND**

- CRDA NO. 7 PERMIT BOUNDARY
- CRDA NO. 8 PERMIT BOUNDARY
- CRDA NO. 7 AND NO. 8 SUPPORT AREA PERMIT BOUNDARY
- CRDA NO. 7 LIMIT OF DISTURBANCE
- CRDA NO. 8 LIMIT OF DISTURBANCE
- CRDA NO. 7 AND NO. 8 SUPPORT AREA LIMIT OF DISTURBANCE
- ROAD RELOCATION LIMIT OF DISTURBANCE (PERMITTED BY OTHERS)
- PROPOSED GRADING
- STREAM SAMPLING STATION
- OPEN WATER
- WETLAND
- IMPACTED WETLAND
- PERENNIAL STREAM
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- 1). REFERENCE: BASE MAPPING PROVIDED BY CONSOL ON JUNE 14, 2012.
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- 4). THE STREAM DELINEATION SERVICES WERE PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON JANUARY 17, 2012 THROUGH JUNE 26, 2012.
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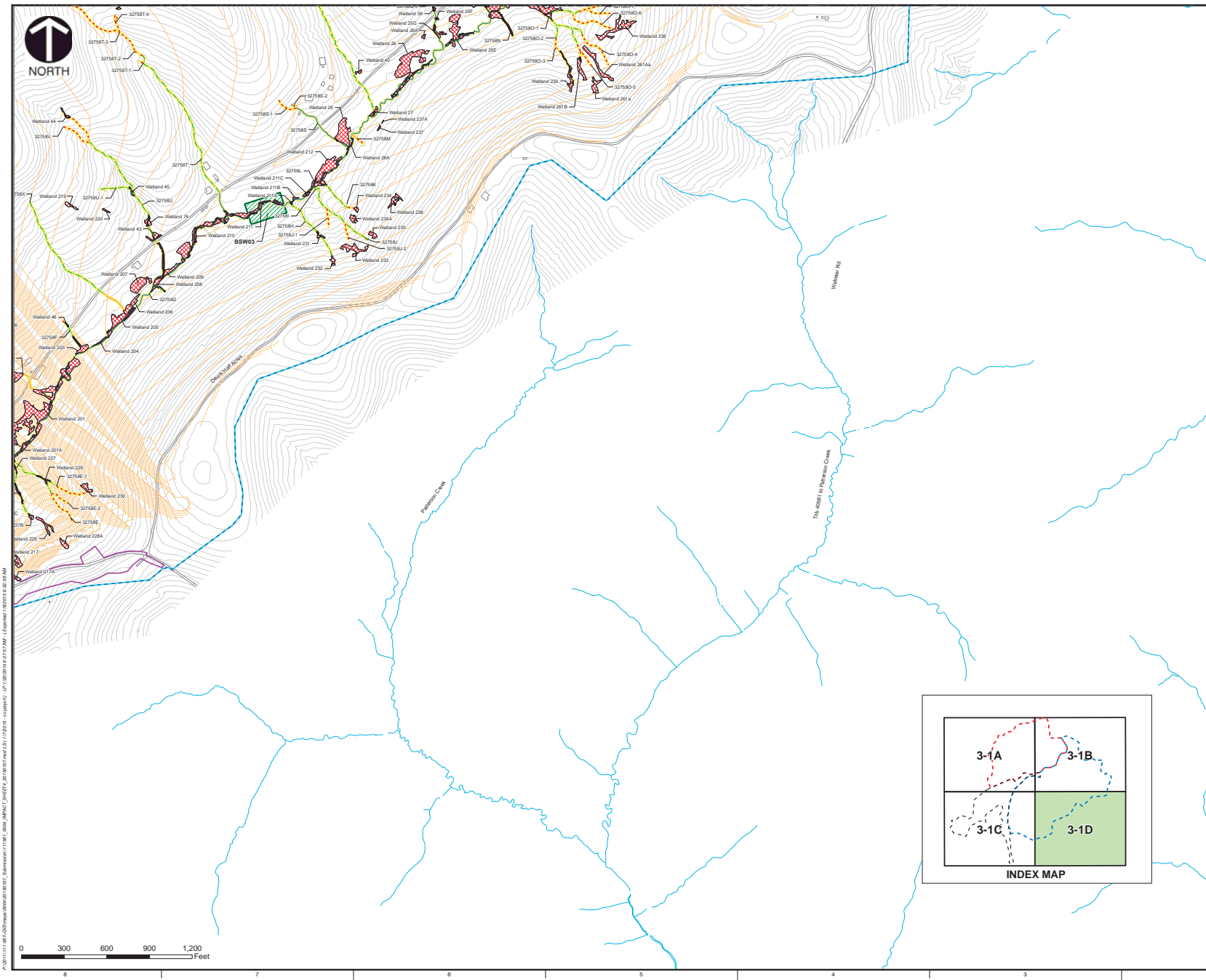
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Date: 12/8/2013	Scale: 1" = 300'	Sheet NO: 3-1C

**STREAM AND WETLAND IMPACT PLAN**

**3-1C**

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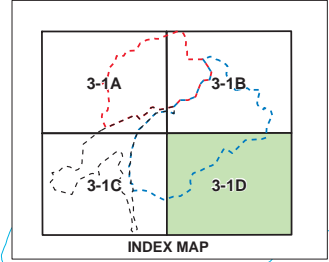
REVISION RECORD	
NO.	DATE
1	12/20/13
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SUBMITTAL RECORD	
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1	12/9/2013
	SUBMISSION TO USACE

- LEGEND**
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  - CRDA NO. 7 LIMIT OF DISTURBANCE
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  - CRDA NO. 7 AND NO. 8 SUPPORT AREA LIMIT OF DISTURBANCE (PERMITTED BY OTHERS)
  - PROPOSED GRADING
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 BAILEY CENTRAL MINE COMPLEX  
 COAL REFUSE DISPOSAL AREA NO. 7 AND NO. 8  
 GREENE COUNTY, PENNSYLVANIA**

DESIGNED BY:	CLC	CHECKED BY:	MLS	APPROVED BY:	Wesley Anderson on Behalf of MBSH
DATE:	12/9/2013	SCALE:	1" = 300'	PROJECT NO.:	111-661

<b>STREAM AND WETLAND IMPACT PLAN</b>	<b>3-1D</b>
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