



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. 2012-255

Date: March 2, 2015

Notice No. 15-8

Closing Date: April 1, 2015

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:** North Central Resources, LLC
200 Chapel Brook Drive
Bridgeport, West Virginia 26330
3. **LOCATION:** Along Route 34 (Peel Tree Road) in Union District, Barbour County, West Virginia at: 39.108634N, -80.155588W
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to construct the Kittanning Seam Deep Mine Complex to extract coal from the Kittanning Seam. The Complex consists of a coal preparation plant, water impoundment, deep mine slope and shaft, beltline, access roads, coarse refuse disposal area, and fine refuse disposal area. The proposed project will result in unavoidable impacts to waters of the U.S. (WOUS), proposed permanent impacts total 31,041 linear feet of stream, 9.55 acres of wetland, and 0.86 acre of open water. The project also proposes 2,966 linear feet of temporary stream impacts. The proposed impacts have been evaluated through an alternatives analysis process.

The proposed impact areas are located on unnamed tributaries of Wash Run and Unnamed Tributaries of Big Run both of the Buckhannon River, as well as Unnamed Tributaries of Indian Fork and Unnamed Tributaries of the Left Branch of Gnatty Creek, both of Elk Creek of the West Fork River, Barbour County, West Virginia. This project will affect WOUS in both the Tygart Valley HUC – 05020001 and the West Fork HUC – 05020002 watersheds. The applicant proposes to offset the proposed impacts to WOUS through Permittee-Responsible Mitigation (PRM) at five (5) locations within and adjacent to the project area. The mitigation sites are identified as: the Ranch House Tract, the Shiloh Tract, the NCR Tract, the S and B Tract, and the Oliverio Tract.

The Ranch House Tract is located approximately 500 feet from the proposed project boundary (39.064205N, -80.161213W) and is located within the Big Run watershed of the Tygart Valley HUC 8. The Shiloh tract is located approximately 16 miles from the proposed project

boundary (39.232697N,-79.896752W) and is located within the Big Cove Run watershed of the Tygart Valley HUC 8. The NCR tract is located immediately adjacent to the project boundary on previously mined area (39.099358N, -80.146811W) and is located within the Tygart Valley HUC 8. The S and B tract is located approximately 3.1 miles from project boundary on Charity Fork of the Right Branch of Gnatty Creek (39.104658N, -80.224861W) within the West Fork HUC 8. The Oliverio Tract is located approximately 0.8 miles from the project boundary (39.084730N, -80.176488W) and is located within the Pecks Run watershed of the Tygart Valley HUC 8.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect an 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 West Virginia Department of Environmental Protection Division of Mining and Reclamation issued a letter on April 4, 2013 stating that no federally-listed endangered and threatened species are expected to be impacted by this project. 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. The WV Culture and History Center has been consulted and issued letters 13-62-BB-2 and 13-178-BB-3 stating that there would be no effect to architectural or archeological resources. 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.

CELRP-OP-F
Public Notice No. 15-8

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, comments can be mailed to:

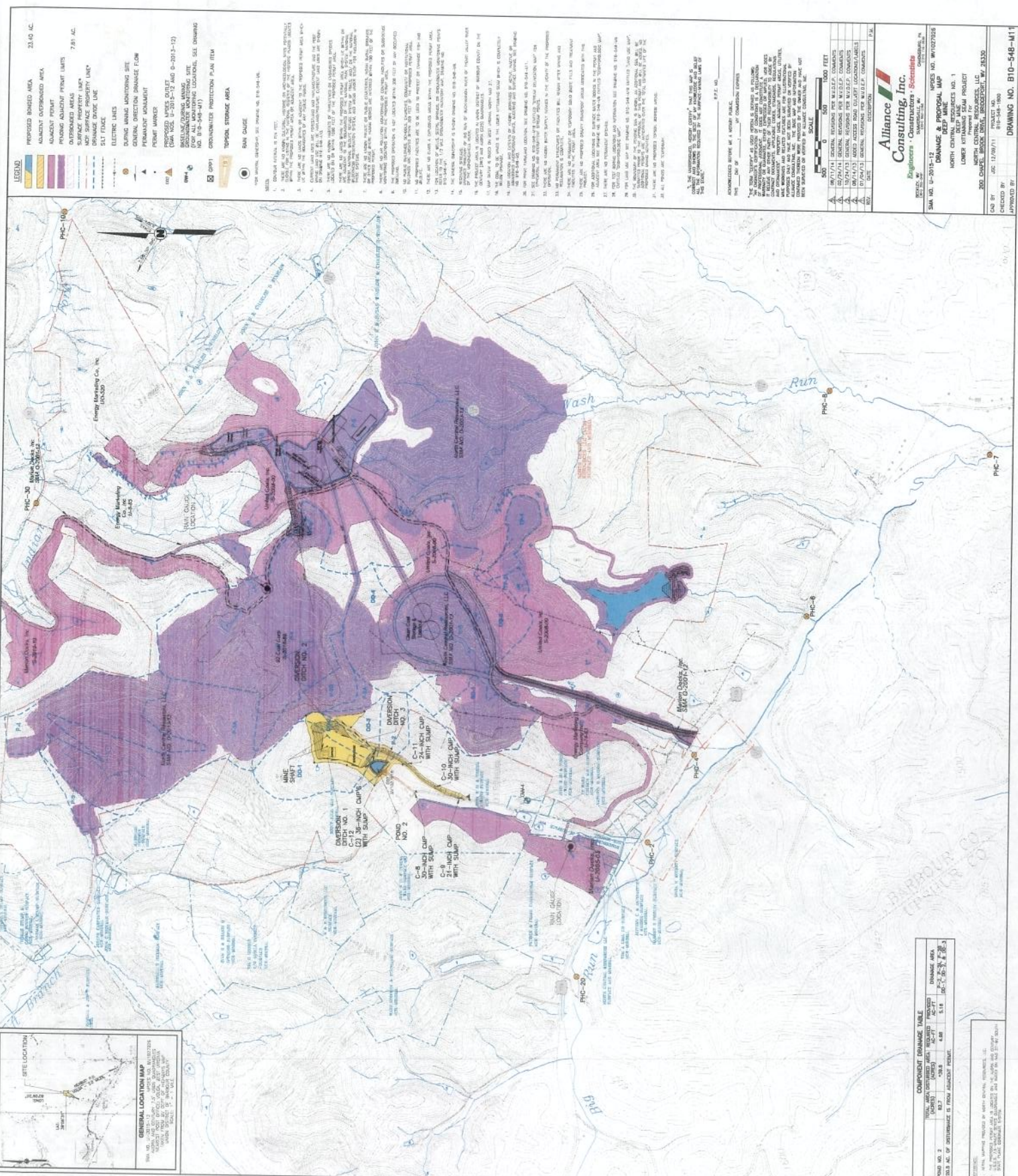
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 15-8

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 Pritts at the above address, by telephoning (412)-395-7251, or by e-mail at jared.n.pritts@usace.army.mil Please refer to CELRP-OP-F 2012-255 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Karen A. Kochenbach
Chief Southern Section
Regulatory Branch



LEGEND

- PROPOSED BONDED AREA
- ADJACENT OVERBONDED AREA
- PROPOSED PERIMETER
- PROPOSED ADJACENT PERIMETER LIMITS
- OVERBONDED AREAS
- SURFACE PROPERTY LINE*
- ADJACENT SURFACE PROPERTY LINE*
- DRAINAGE DITCH LINE
- SILT FENCE
- ELECTRIC LINES
- DURING MINING MONITORING SITE
- GENERAL DIRECTION DRAINAGE FLOW
- PERMANENT MONUMENT
- PERMIT MARKER
- PROPOSED HYDRAULIC OUTLET (SMA NO. 1-2015-12 AND 0-2013-12)
- BOUNDARY MONITORING SITE (SMA NO. 1-2015-12 AND 0-2013-12)
- GROUNDWATER PROTECTION PLAN (GPP)
- RAIN GAUGE

NOTES:

1. DEVELOPER SHALL MAINTAIN ALL MONUMENTS AND PERMIT MARKERS.
2. THE MONUMENTS AND PERMIT MARKERS SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
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GENERAL LOCATION MAP

COMPONENT DRAINAGE TABLE

FIELD NO. 2	TOTAL DEVELOPED AREA	RELATED PROPOSED DRAINAGE AREA	DRAINAGE AREA
027	6.87	5.18	6.87
028	0.00	0.00	0.00
029	0.00	0.00	0.00
030	0.00	0.00	0.00
031	0.00	0.00	0.00
032	0.00	0.00	0.00
033	0.00	0.00	0.00
034	0.00	0.00	0.00
035	0.00	0.00	0.00
036	0.00	0.00	0.00
037	0.00	0.00	0.00
038	0.00	0.00	0.00
039	0.00	0.00	0.00
040	0.00	0.00	0.00
041	0.00	0.00	0.00
042	0.00	0.00	0.00
043	0.00	0.00	0.00
044	0.00	0.00	0.00
045	0.00	0.00	0.00
046	0.00	0.00	0.00
047	0.00	0.00	0.00
048	0.00	0.00	0.00
049	0.00	0.00	0.00
050	0.00	0.00	0.00

REFERENCE:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PERMITTING AGENCIES.
2. THE MONUMENTS AND PERMIT MARKERS SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
3. THE MONUMENTS AND PERMIT MARKERS SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.

APPROVED BY: [Signature]

DATE: JAN 12/2015

PROJECT NO.: B10-548-100

DRAWING NO.: B10-548-M1

ALLIANCE CONSULTING, INC.

CONSULTING ENGINEERS & SURVEYORS

REGISTERED PROFESSIONAL ENGINEERS

REGISTERED PROFESSIONAL SURVEYORS

STATE OF MICHIGAN

PROFESSIONAL ENGINEER NO. 69339

PROFESSIONAL SURVEYOR NO. 10731

DRAINAGE & PROPOSED MAP

NORTH CANTON RESOURCES NO. 1

LOWER KATAWBI CREEK PROJECT

FOR THE PROJECT OWNER:

NORTH CANTON TOWNSHIP

200 CANAL BROOK HAVEN, BROOKFIELD, NY 14330

GENERAL REVISIONS FOR MULTIPLE COMMENTS

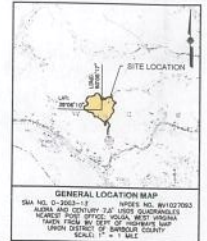
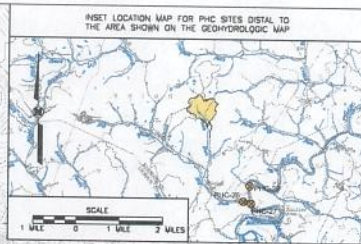
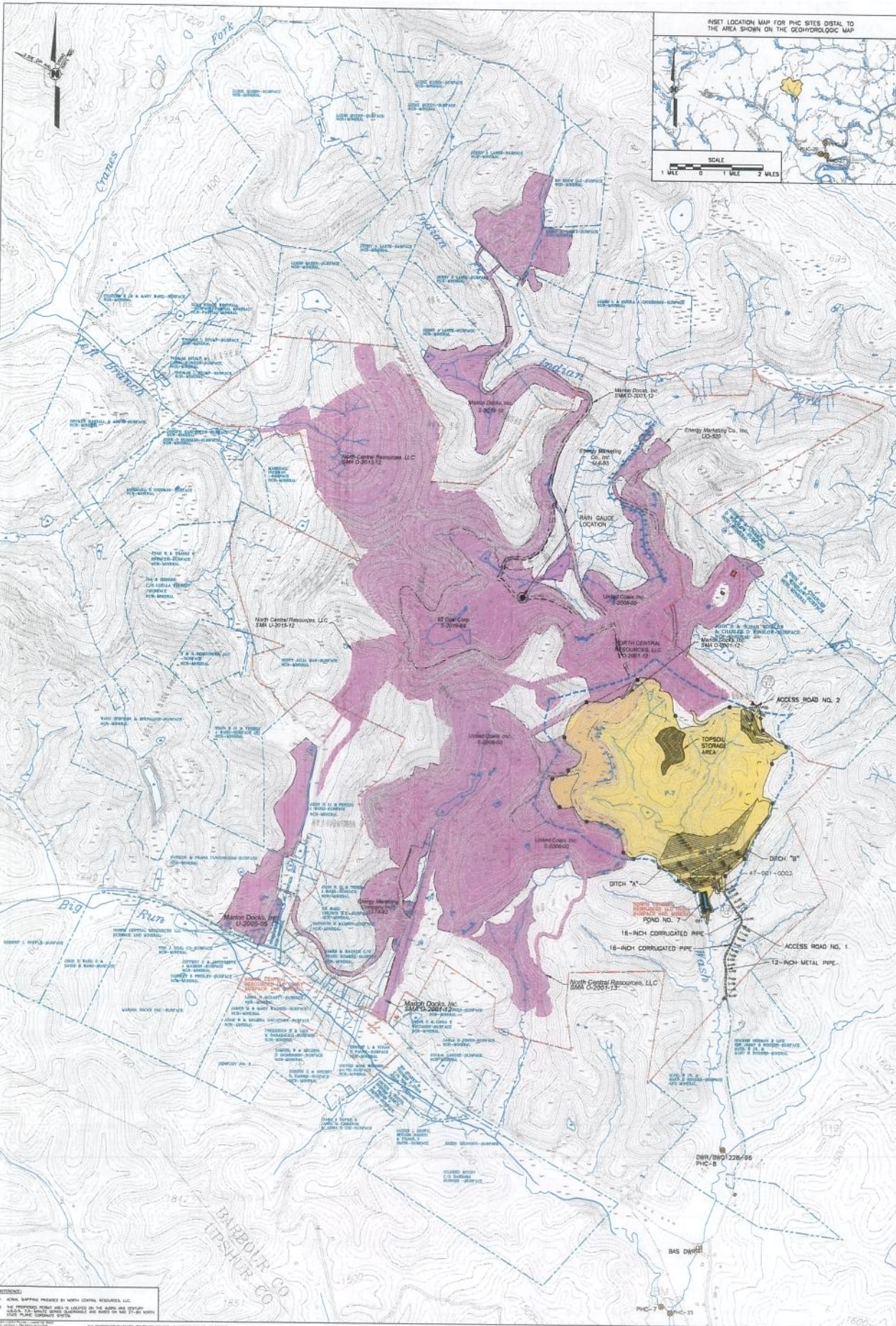
NO.	DATE	DESCRIPTION
1	02/17/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
2	02/22/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
3	02/23/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
4	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
5	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
6	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
7	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
8	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
9	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS
10	02/24/11	GENERAL REVISIONS FOR MULTIPLE COMMENTS

APPROVED BY: [Signature]

DATE: JAN 12/2015

PROJECT NO.: B10-548-100

DRAWING NO.: B10-548-M1



- LEGEND**
- PROPOSED BONDING AREA 184.79 AC.
 - ADJACENT OVERBONDED AREA 35.90 AC.
 - ADJACENT PERMIT
 - PROPERTY LINE
 - HIGH SURFACE PROPERTY LINE
 - DRAINAGE DRAINAGE LINE
 - DURING MINING PHC MONITORING SITE
 - DURING MINING BRG/PHC MONITORING SITE
 - PHC SITE LOCATION
 - GROUNDWATER PROTECTION PLAN (GPP) ITEM
 - GENERAL DIRECTION DRAINAGE FLOW
 - PERMANENT MONUMENT
 - PERMIT MARKER
 - PROPOSED INPDES OUTLET
 - DRAINAGE LOCATED ON PROPERTY WITHIN 100 FEET OF PERMIT
 - GAS WELL - ACTIVE/ABANDONED
 - RAIN GAUGE LOCATION

- NOTES**
1. CONTAIN AREA IS 104 FEET.
 2. THERE ARE NO OTHER PROTECTIVE MEASURES OR APPROVED DRAINAGE SYSTEMS INSTALLED AT THE VARIOUS LOCATIONS OF THE PROPOSED PLACES LOCATED WITHIN THE BONDING AREA OF BONDING AREA.
 3. THERE ARE NO LINES SHOWN AS ADJACENT TO THE PROPOSED BONDING AREA WHICH WOULD BE SUBJECT TO THE REQUIREMENTS OF PUBLIC LAW 96-510.
 4. CURRENT LAND USES ARE FORELAND AND WILDLIFE HAVEN. THE PROPOSED BONDING AREA IS LOCATED WITHIN A FORELAND AREA.
 5. THERE ARE NO OTHER MONUMENTS OR MARKERS OF DISTURBED AREAS WITHIN THE PROPOSED BONDING AREA.
 6. THERE ARE NO LINES SHOWN AS ADJACENT TO THE PROPOSED BONDING AREA WHICH WOULD BE SUBJECT TO THE REQUIREMENTS OF PUBLIC LAW 96-510.
 7. THERE ARE NO OTHER PROTECTIVE MEASURES OR APPROVED DRAINAGE SYSTEMS INSTALLED AT THE VARIOUS LOCATIONS OF THE PROPOSED PLACES LOCATED WITHIN THE BONDING AREA OF BONDING AREA.
 8. THERE ARE NO LINES SHOWN AS ADJACENT TO THE PROPOSED BONDING AREA WHICH WOULD BE SUBJECT TO THE REQUIREMENTS OF PUBLIC LAW 96-510.
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APPROVED BEFORE BY A NOTARY PUBLIC.

THE STATE OF WEST VIRGINIA.

COUNTY OF BARBOUR.

I, THE UNDERSIGNED, WHEREAS I AM A NOTARY PUBLIC, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME BY THE APPLICANT AND THAT I AM A NOTARY PUBLIC IN THE COUNTY AND STATE ABOVE SAID.

R.P.F. No. _____

DATE: _____

REV.	DATE	DESCRIPTION	P.W.
01	08/18/11	GENERAL REVISION PER BULLOCH COMMENTS	CEV
02	09/27/11	GENERAL REVISION PER BULLOCH COMMENTS	CEV
03	09/27/11	GENERAL REVISION PER BULLOCH COMMENTS	CEV
04	09/28/11	GENERAL REVISION PER BULLOCH COMMENTS	CEV
05	09/28/11	GENERAL REVISION PER BULLOCH COMMENTS	CEV
06	04/08/13	GENERAL REVISION PER BULLOCH COMMENTS	CEV

Alliance Consulting, Inc.
 Engineers • Constructors • Scientists

SMA NO. 0-2003-13 NPDES NO. WY102703

DRAINAGE & PROPOSAL MAP
WASH RUN COAL REFUSE SLURRY IMPOUNDMENT
LOWER KITTANNING SEAM PROJECT
 Prepared for:
NORTH CENTRAL RESOURCES, LLC
CENTURY, BARBOUR COUNTY, WEST VIRGINIA 26215

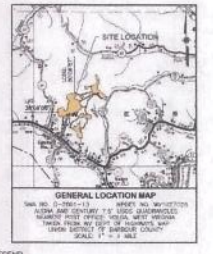
CAD BY: JSC 12/09/11 PROJECT NO: 911-584-1000
 CHECKED BY: CEV 12/09/11
 APPROVED BY: CEV 12/09/11 DRAWING NO. B11-584-M1

REFERENCE:

1. NORTH CENTRAL RESOURCES, LLC
2. THE PROPOSED BONDING AREA IS LOCATED ON THE NORTH 77-29 NORTH 100 EAST PLAT, BARBOUR COUNTY.

	TOTAL AREA DISTURBED (ACRES)	REQUIRED AC-FT	PROVIDED AC-FT	DRAINAGE AREA
POND NO. 5	28.1	28.1	3.91	P-5
POND NO. 7	6.7	6.7	0.84	P-6
EXISTING POND 8	148.1	7.3	8.73	P-8, SDC-1, DC-4 & DC-9
TREATMENT POND 1A/1B	11.4	8.7	1.21	TP-1
TREATMENT POND 2A/2B	4.3	2.0	0.25	TP-2
SEDIMENT DITCH NO. 1	26.9	19.9	2.49	SD-1

*20.5 AC. OF DISTURBANCE IS FROM ADJACENT PERMIT.



- LEGEND**
- PROPOSED BONDING AREA 215.00 AC.
 - ADJACENT DISTURBED AREA 128.10 AC.
 - ADJACENT PERMIT
 - PENDING ADJACENT PERMIT LIMITS
 - SURFACE PROPERTY (ANY)
 - R/W SURFACE PROPERTY LINE*
 - DRAINAGE DITCH LINE
 - SALT FENCE
 - ELECTRIC LINES
 - PERMANENT STREAM RELOCATION
 - DURING MINING MONITORING SITE
 - GEOTECH. DIRECTION DRAINAGE FLOW
 - PERMANENT MONITORING
 - PERMIT MARKER
 - PROPOSED NIPDES OUTLET
 - PROPOSED NIPDES OUTLET (SMA NOS. 0-2001-13 AND 5-2008-05)
 - GREENWATER MONITORING SITE (SEE DRAWING NO. B12-606-01)
 - SDPH GREENWATER PROTECTION PLAN ITEM FOR A BONDING LOCATIONS (SEE DRAWING NO. B12-548-E28)
 - SD-25 MINE DISCHARGE SITE
 - SMELTING TANKERS QUANTITY WITHIN 300'-FEET OF PERMIT AREA

SD01	39° 05' 30" N	77° 02' 00" W	28.145000
SD02	39° 05' 30" N	77° 02' 00" W	28.145000
SD03	39° 05' 30" N	77° 02' 00" W	28.145000
SD04	39° 05' 30" N	77° 02' 00" W	28.145000

- NOTES**
1. CONSTRUCTION SHALL BE IN ACCORD WITH THE PERMITTING AGENCIES AND ALL APPLICABLE REGULATIONS.
 2. THERE ARE NO ADJACENT PERMITS, EITHER BY APPLICABLE PERMIT OR OTHERWISE, WHICH WOULD AFFECT THE PROPOSED PERMIT AREA OR ADJACENT AREA.
 3. THE BONDING AREA IS DEFINED AS THE AREA OF THE PROPOSED PERMIT AREA WHICH IS SUBJECT TO THE REQUIREMENTS OF THE PERMITTING AGENCIES.
 4. THE PROPOSED PERMIT AREA IS SUBJECT TO THE REQUIREMENTS OF THE PERMITTING AGENCIES AND ALL APPLICABLE REGULATIONS.
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APPROVED FOR THE STATE OF OHIO

STATE ENGINEER

DATE: 10/15/11

PROJECT NO. B12-606-01

SCALE: 1" = 100'

THE UNDERSIGNED HEREBY CERTIFY THAT THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE STATE ENGINEER AND THAT THE UNDERSIGNED IS A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF OHIO.

REGISTERED PROFESSIONAL ENGINEER

DATE: 10/15/11

PROJECT NO. B12-606-01

SCALE: 1" = 100'

Alliance Consulting, Inc.

Engineers • Constructors • Scientists

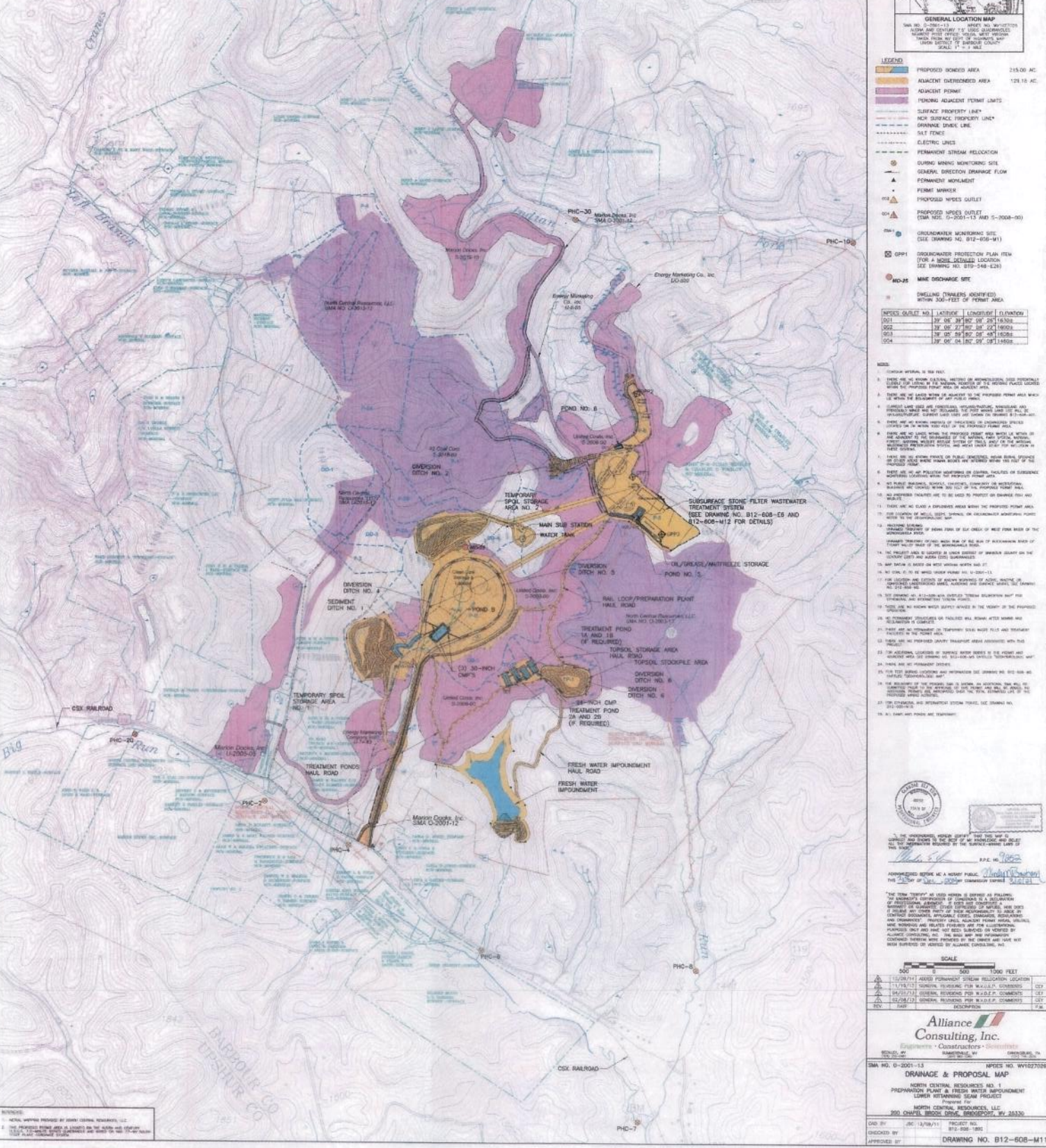
280 CHAMPLAIN STREET, SUITE 200, CLEVELAND, OHIO 44115

PHONE: (216) 521-1100 FAX: (216) 521-1101

PROJECT NO. B12-606-01

DATE: 10/15/11

SCALE: 1" = 100'



NOTES:

1. NOTED: WORKING PERMIT BY JAMES COLLIER, ENGINEER, LLC
2. THE PROPOSED PERMIT AREA IS SUBJECT TO THE REQUIREMENTS OF THE PERMITTING AGENCIES AND ALL APPLICABLE REGULATIONS.

DATE: 10/15/11 PROJECT NO. B12-606-01

CHECKED BY: JAC 10/15/11

APPROVED BY: DRAWING NO. B12-606-01