

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-2014-0790

Date: July 12, 2017

Notice No. **PN #17-39**

Closing Date: July 28, 2017

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: Ohio County Coal Company, Attn: James Dunfee, Consolidation Coal Company, 46266 National Road, St. Clairsville, Ohio 43950

AGENT: Moody and Associates, Inc., Attn: Justin Wilkinson, 199 Johnson Road, Building 2, Suite 101, Houston, Pennsylvania 15342

3. LOCATION: Wheeling Creek watershed. The proposed 8 South Supply Yard is located along county route 1511, 4.3 miles southwest of Dallas, Sand Hill Township, Marshall County, West Virginia (coordinates: 39.952379, -80.562870).

4. PURPOSE AND DESCRIPTION OF WORK: To continue operation of an existing underground coal mine shaft, the Applicant proposes construction of a new support facility with a supply yard, adjacent to the shaft. The Applicant proposes to remove a 20-foot culvert from an unnamed intermittent tributary to Wheeling Creek and to restore that stream section. A 40-foot culvert would also be added downstream, and two palustrine emergent wetlands would be permanently filled (0.75 acres). The Applicant proposes in-kind, off-site mitigation of these aquatic resources with a purchase of mitigation credits. Best management practices of erosion and sedimentation controls would be in place during construction. A map of the project area is attached.

5. IMPACT ON NATURAL RESOURCES: The hydrologic features of the project area drain into Wheeling Creek, a high-quality, trout-stocked stream. The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been

determined to be critical. USACE concurs with the avoidance measures detailed by the U.S. Fish and Wildlife Service in the technical assistance letter signed November 1, 2016 (FWS file 2017-i-0067). If the Service has objection to this concurrence, please respond with written explanation. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any further 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 State Historic Preservation Office has been contacted by the Applicant, and the Office indicated that intact cultural deposits are unlikely to be in the project area. Since the project area is previously disturbed, it is not likely the proposed activity would have adverse effect on archeological or architectural 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).

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,

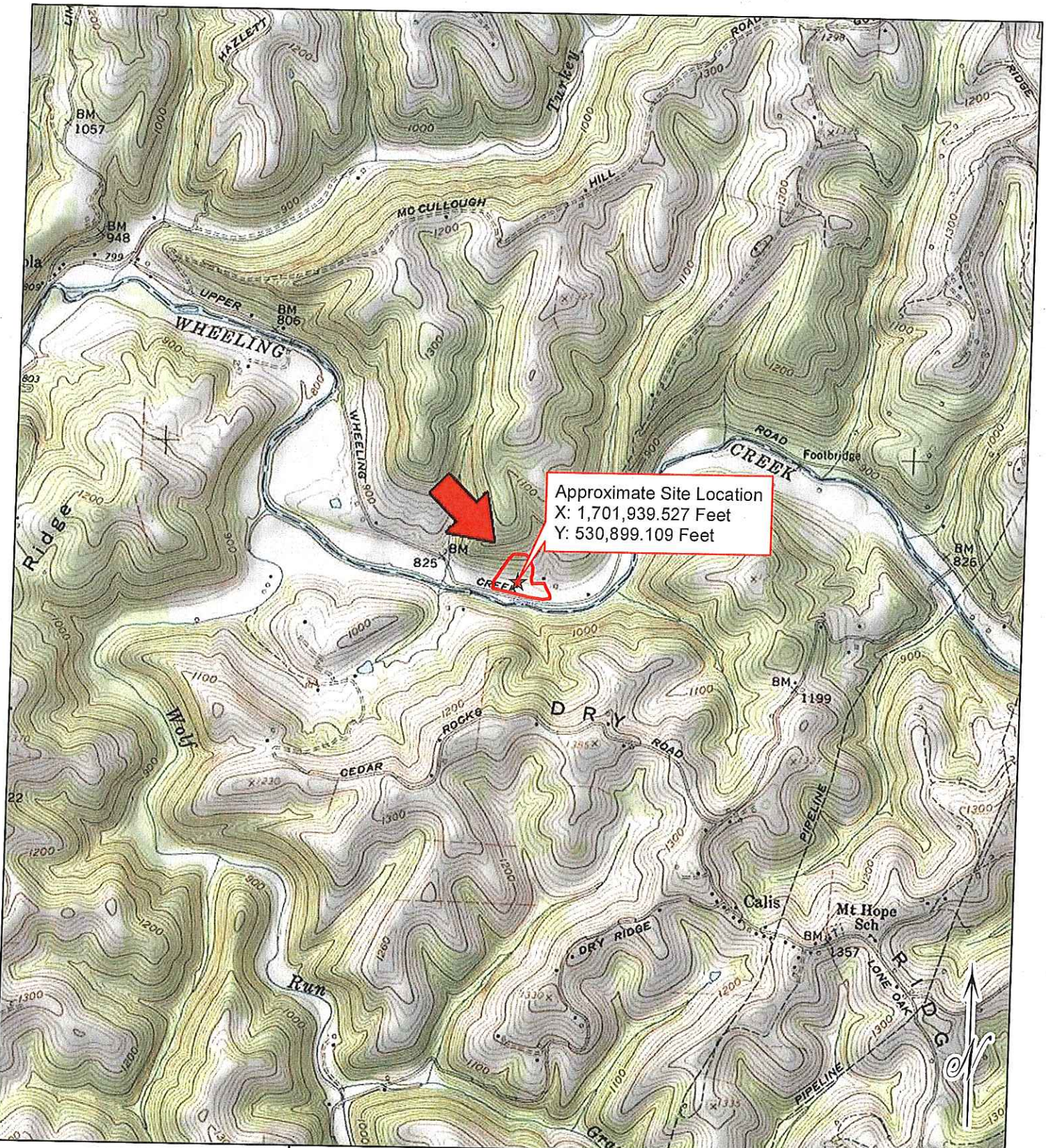
comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the 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 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 file number **CELRP-OP-F 2014-0790** in all responses.

FOR THE DISTRICT ENGINEER:




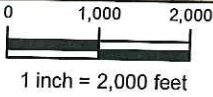
Jon Coleman
Chief, Southern Section
Regulatory Branch



Approximate Site Location
 X: 1,701,939.527 Feet
 Y: 530,899.109 Feet

LEGEND

 Area of Interest



**SITE LOCATION MAP
 OHIO COUNTY MINE
 8 South Supply Yard
 Marshall County, WV.**

Prepared for: **Ohio County Coal Company**

199 Johnson Road
 Building 2, Suite 101
 Houston, PA 15342
 Office: (724) 746-5200
 Fax: (724) 746-5603
 www.moody-s.com

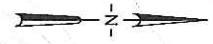
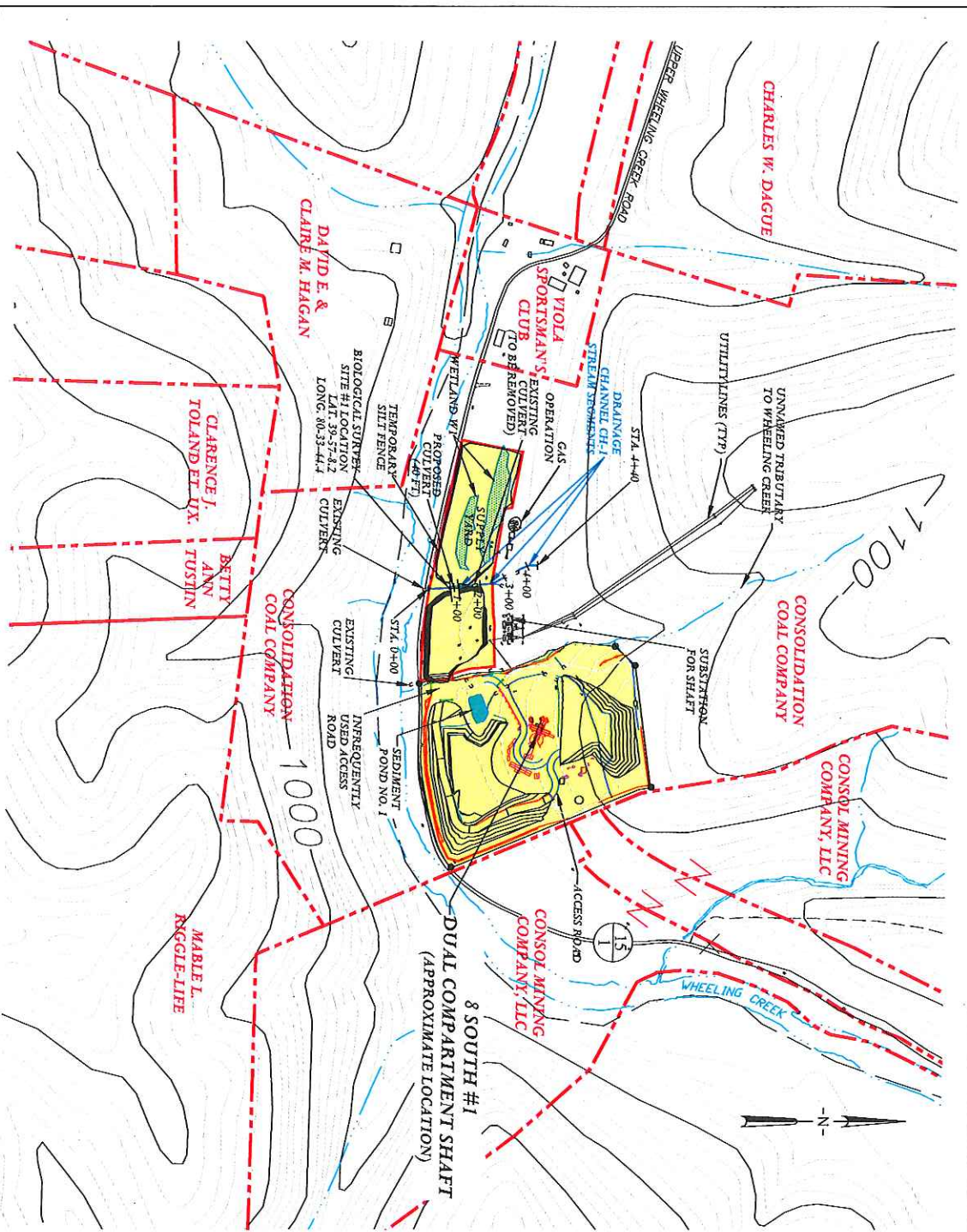


Drawn by:
 AO
 Checked by:
 PS
 Date:
 2/2/2017

FIGURE
1
 Revisions:

USGS Quadrangle Majorsville
 Coordinate System: NAD 27
 West Virginia North

P:\GIS\Coal\Murray\MurrayMine\Projects_141134\J\O\LD\SupplyYard_SiteLoc.mxd



- NOTES:
- 1) UTILITIES SUCH AS PUBLIC WATER LINES, TELEPHONE LINES, AND POWER LINES ARE OFTEN LOCATED SO CLOSE TOGETHER THAT DIFFERENTIATING 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 MINERAL REMOVAL ON THE PERMITTED AREAS. THESE FACILITIES PROVIDE SUPPORT ONLY FOR A DEEP MINE IN THE PITTSBURGH COAL SEAM.
 - 4) SURFACE OWNERS AND OTHER OWNERS WITHIN 100' ARE LABELED ON THE MAP.
 - 5) ALL U.S.G.S. MAPS USE STANDARD SYMBOLS.
 - 6) (P) SYMBOLIZES THAT SURFACE OWNERSHIP IS THE SAME AS INDICATED ON AN ADJACENT OR CONTIGUOUS PROPERTY.
 - 7) MAPPING AND FEATURES TAKEN FROM PROPOSAL AND DRAINAGE MAP PROVIDED BY ALLIANCE CONSULTING, SAMPLING LOCATION INFORMATION PROVIDED BY MOODY AND ASSOCIATES.

LEGEND

- CURRENT PERMITTED AREA
- PROPOSED PROJECT AREA (PHASE 1 - IBR #2)
- PROPERTY LINES
- PERIMETER MARKERS
- STREAMS AND AREA COVERED BY WATER(S)
- CULVERT
- UTILITY LINES
- UTILITY POLE

STREAM DELINEATION MAP

PERMIT NO. U-1045-91 NPDES PERMIT NO. W0004201

8 SOUTH YARD
 CONSOLIDATION COAL COMPANY
 SAND HILL DISTRICT, MARSHALL COUNTY, WEST VIRGINIA

SCALE: 0 400 800

Baker

CONSOLIDATION COAL COMPANY	DRAWN/DESIGNED BY:	
	CHECKED BY:	
THIS DRAWING IS THE PROPERTY OF BAKER CONSULTING AND DESIGN. ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED.	APPROVED BY:	
	DATE:	NOV 2015
SCALE: AS SHOWN	DRAWING NO.:	1
PROJECT NO.:	FILE NO.:	