

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

Public Notice

In Reply Refer to
Notice No. below

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

Application No. 2001-1542

Date: November 8, 2017

Notice No. 17-53

Closing Date: December 7, 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: American Energy Corporation, Inc.
46226 National Road
St. Clairsville, Ohio 43950
3. LOCATION: Unnamed tributaries to Long Run and wetlands in Wayne Township, Belmont County, Ohio
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to fill 10,162 linear feet of unnamed tributaries to Long Run and 0.4 acre of wetlands to construct the 95 acre Century Mine Coarse Refuse Disposal Area Expansion Project. Two valleys near Long Run will be used to place coarse refuse from AEC's Century Mine adding approximately 10 years to the life of the mine. The west valley is denoted as D-0425-8 Western Expansion and the east valley as TR-87 Expansion. The applicant is proposing mitigation to be satisfied through the purchase of 0.817 in-lieu fee wetland credits and 21,614 in-lieu fee stream credits. Drawings of the proposed project may be found at the following link by clicking on Public Notice No. 17-53. <http://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/>
5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001
6. IMPACT ON NATURAL RESOURCES: 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. 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

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 Corps is in receipt of a February 6, 2017, letter from Ohio History Connection that states they conclude the proposed project will not affect historic properties and no further coordination with their office is necessary. 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. Tyler Bintrim at the above address, by telephoning (412) 395-7115, or by e-mail at tyler.j.bintrim@usace.army.mil. Please refer to CELRP-OP-F 2001-1542 in all responses.

FOR THE DISTRICT ENGINEER:

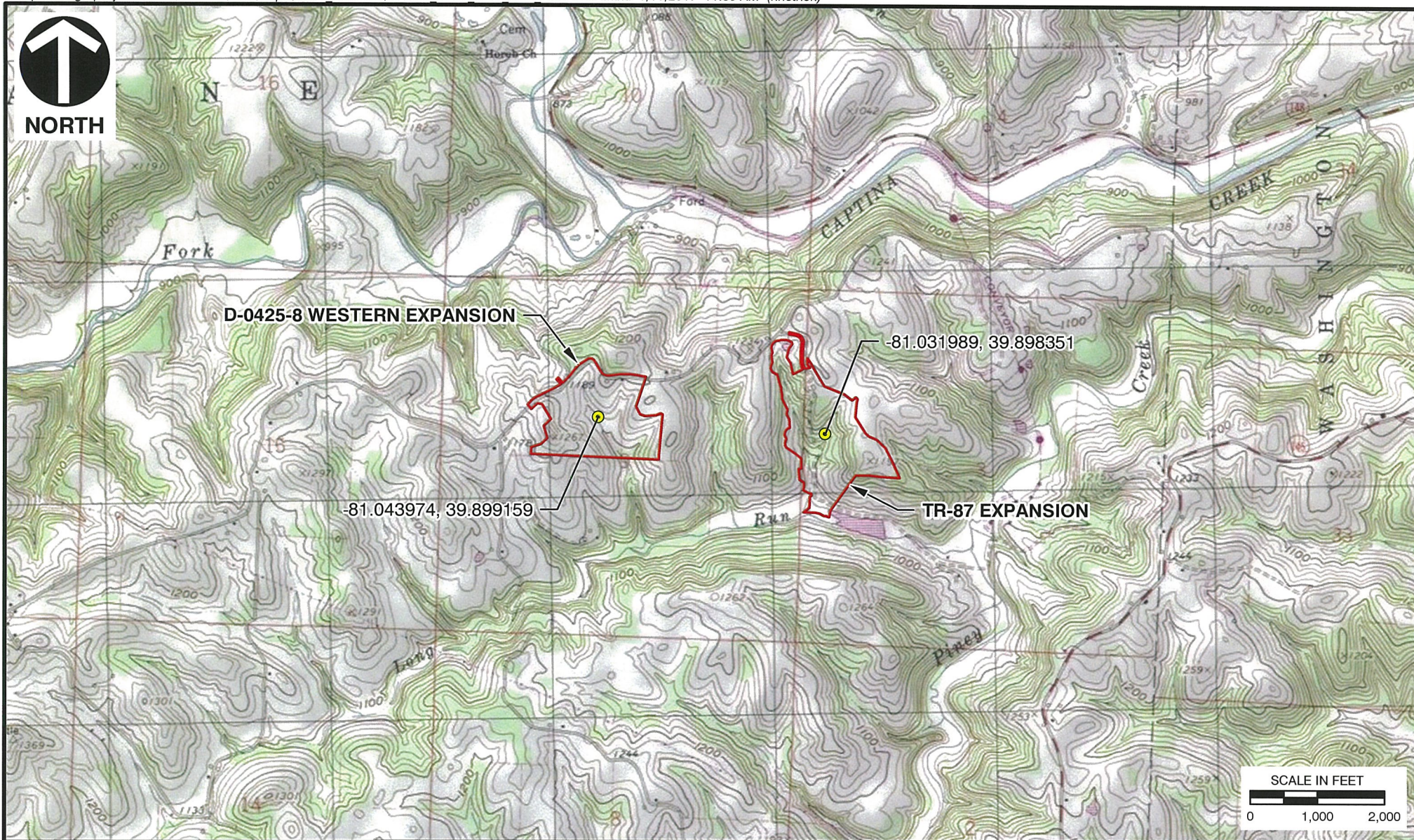
//SIGNED//

By Jared Pritts for:

Jon T. Coleman
Acting Chief, Regulatory Branch



NORTH



LEGEND

- PROJECT AREA CENTROID
- PROJECT AREA

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
 HTTP://GOTO.ARCGISONLINE.COM/MAPS/JUSA_TOPO_MAPS,
 ACCESSED 1/11/2017.



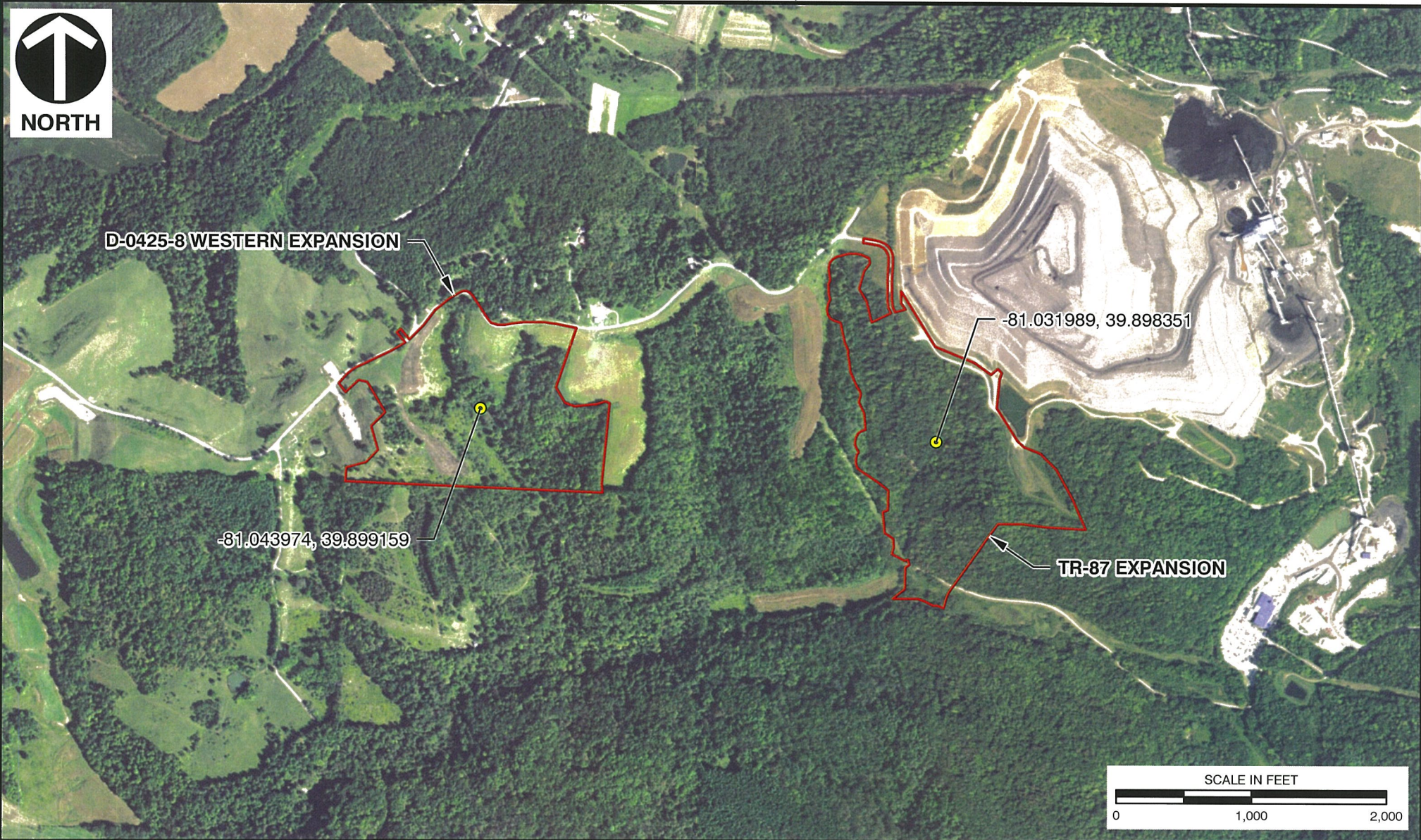
Civil & Environmental Consultants, Inc.

333 Baldwin Road - Pittsburgh, PA 15205-9072
 412-429-2324 · 800-365-2324
 www.cecinc.com

AMERICAN ENERGY CORPORATION
 D-0425-8 WESTERN EXPANSION
 AND TR-87 EXPANSION
 BELMONT COUNTY, OHIO

SITE LOCATION MAP

DRAWN BY:	NJH	CHECKED BY:	KLS	APPROVED BY:	<i>RAE</i>	FIGURE NO:	1
DATE:	1/11/2017	SCALE:	1" = 2,000'	PROJECT NO:	164-729		



LEGEND

- PROJECT AREA CENTROID
- PROJECT AREA

REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
 HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD_IMAGERY,
 ACCESSED 1/11/2017, IMAGERY DATE: 2015.



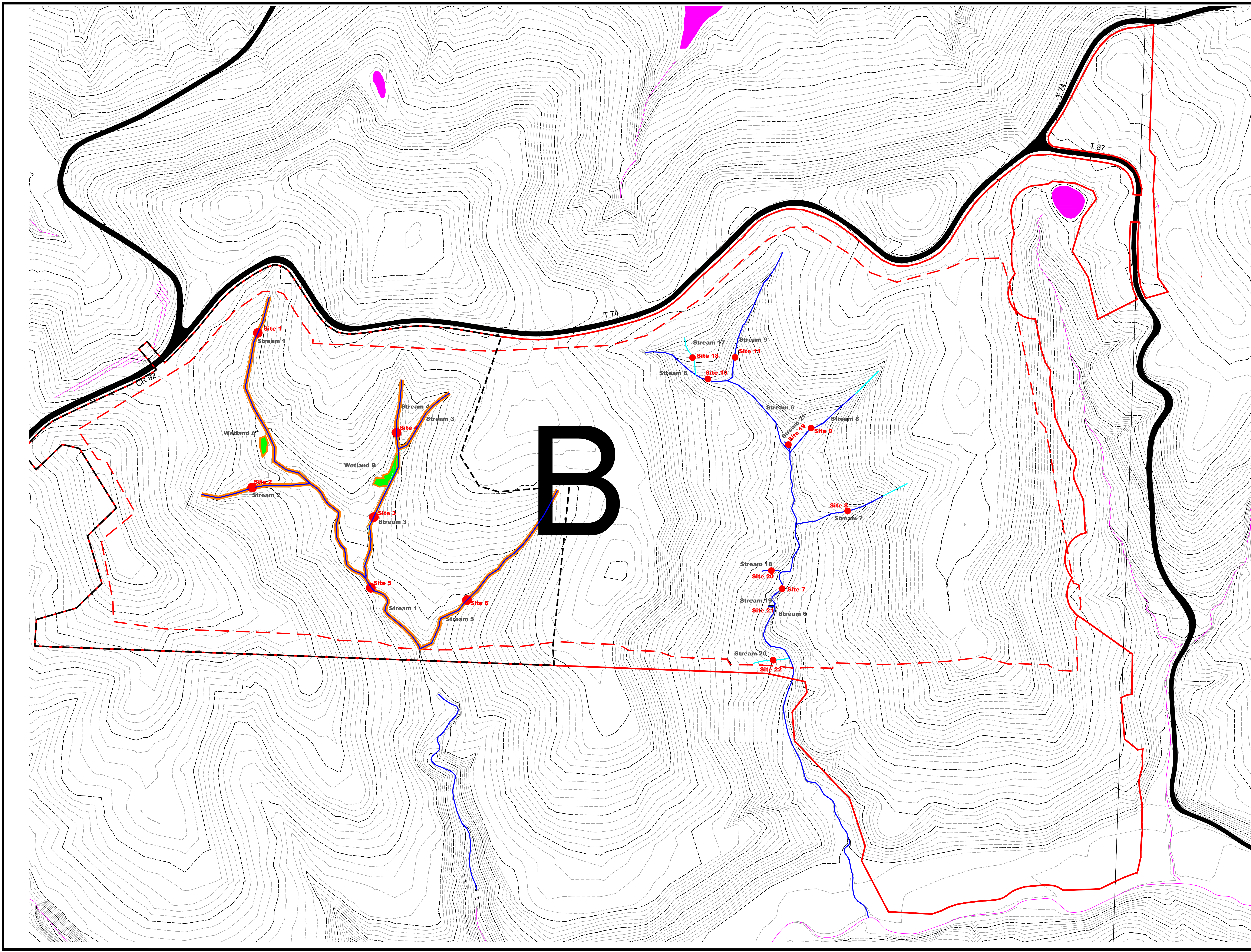
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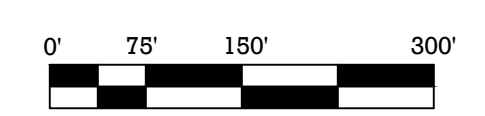
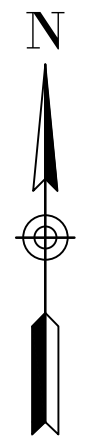
AMERICAN ENERGY CORPORATION
 D-0425-8 WESTERN EXPANSION
 AND TR-87 EXPANSION
 BELMONT COUNTY, OHIO

AERIAL LOCATION MAP

DRAWN BY:	NJH	CHECKED BY:	KLS	APPROVED BY:	RAE	FIGURE NO:	2
DATE:	1/11/2017	SCALE:	1" = 1,000'	PROJECT NO:	164-729		



- LEGEND**
- Ephemeral Stream
 - Intermittent Stream
 - Wetlands
 - Biological Sampling Site
 - Wetland Boundary Point
 - ⊗ Test Pit
 - Original Delineation Area
 - Additional Delineation Area
 - Proposed Disturbance Area
 - Features to be Impacted



2	RWB	5/11/2017
1	CMW	12/9/2011
No.	Revision/Draftsman	Date

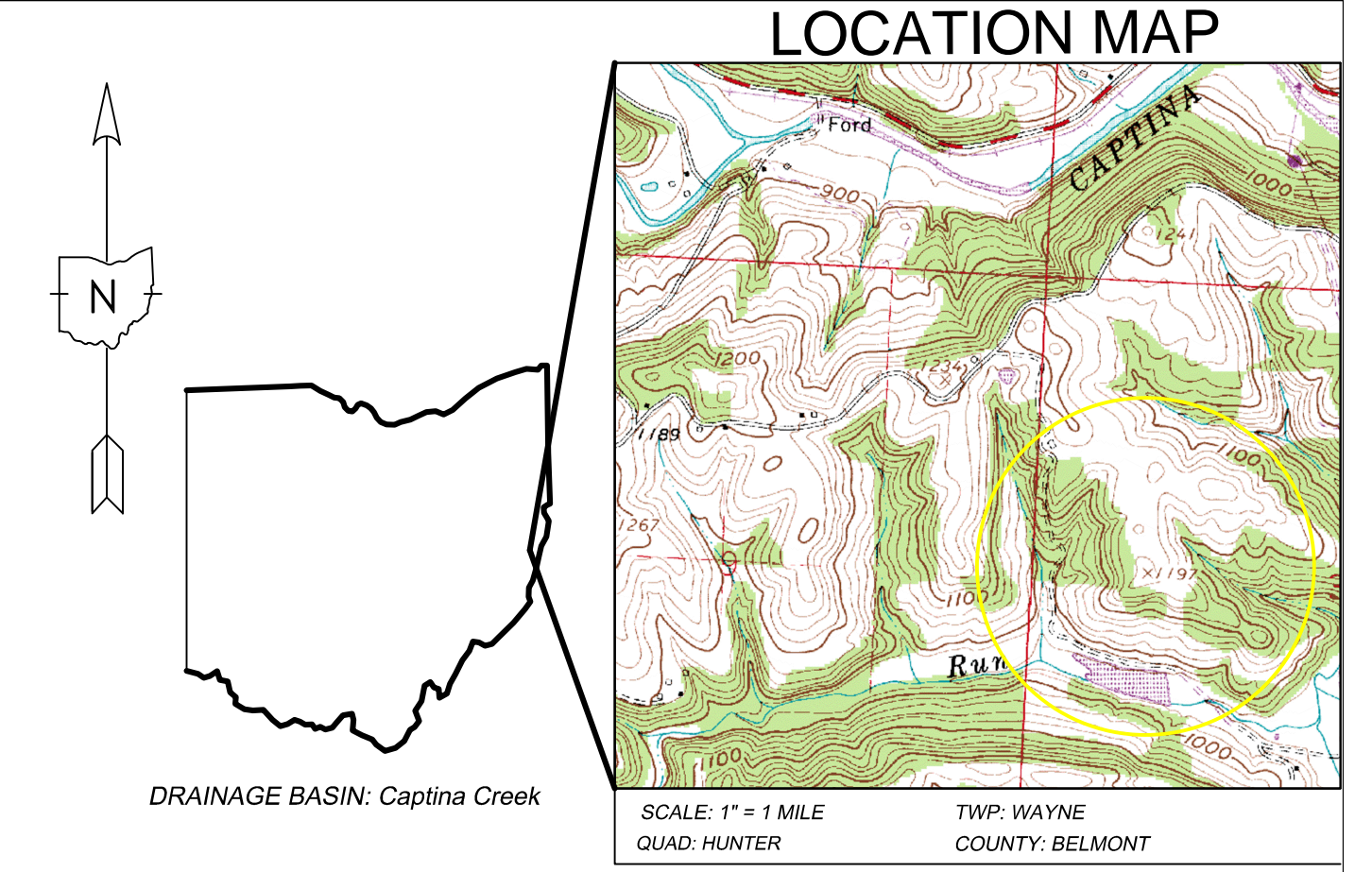
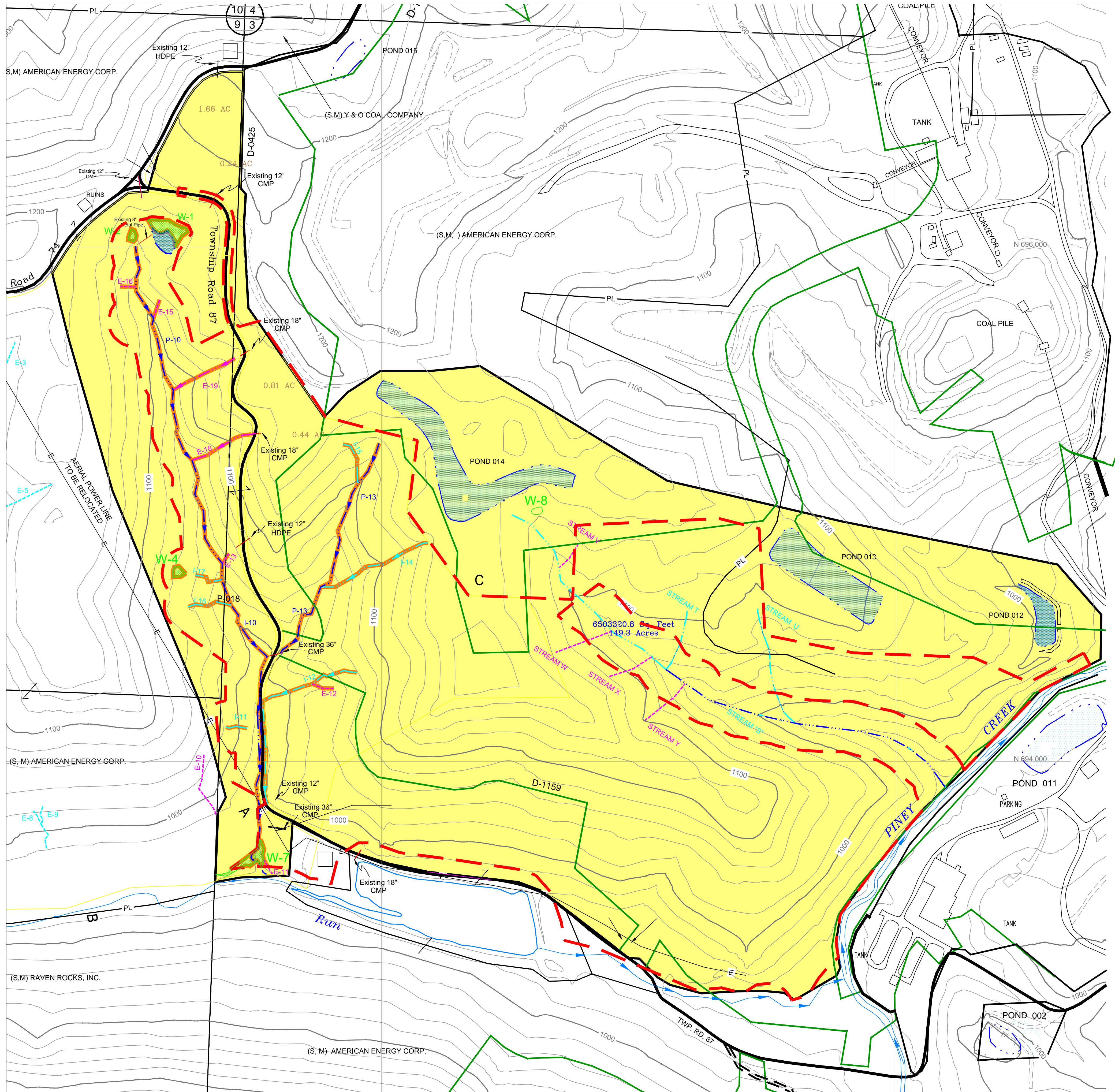
American Energy Corporation

43821 Mayhugh Hill Road
Beallsville, Ohio 43716

Phone: 740.926.9182 Fax: 740.926.9138

**Proposed Refuse Streams
D-0425-8 Western Expansion
Jurisdictional Determination
and Impacts Map**

Project: D-0425-8 Western Expansion	
Date:	Scale:
May 24, 2011	1" = 150'
Custodian:	Drawn By:
Intervenor:	



-LEGEND-

- Delineation Area
- Proposed Disturbance
- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Existing Water Impoundment
- Wetland Area
- Features to Be Impacted
- Public Road
- Occupied Building
- Unoccupied Building
- Culvert

DELINEATION ACREAGE: 149 AC.

WETLAND and WATER IMPONDMENT SUMMARY

IDENTIFICATION	HYDROLOGIC CONNECTION	JURISDICTIONAL			NON-JURISDICTIONAL			
		WETLANDS	ACRES	OPEN WATER	ORAM SCORE	ACRES	OPEN WATER	ORAM SCORE
W1-1	Jurisdictional	PEM	0.19	0	48			
W1-2	Jurisdictional	PEM	0.03	0	48			
W1-4	Jurisdictional	PEM	0.04	0	48			
W1-7	Jurisdictional	PEM	0.13	0	57			
W1-8	Jurisdictional	PEM	0.08	0	36			
WETLAND ACREAGE								0.38
WATER IMPONDMENT SUMMARY								
Pond 012	Jurisdictional			0.4				
Pond 013	Jurisdictional			1.4				
Pond 014	Jurisdictional			2.1				
IMPONDMENT ACREAGE								3.9
STREAM SUMMARY								
IDENTIFICATION	DESIGNATION	HYDROLOGIC CONNECTION	TOTAL LENGTH WITHIN PERMIT (LINEAR FEET)	WIDTH (LINEAR FEET)	AREA WITHIN PERMIT (ACRES)	RHEI SCORES	Total Length Delineated	
Stream 10	Perennial	Jurisdictional	2,002.3	4	0.24	44	2,002.30	
Stream 11	Ephemeral	Jurisdictional	61.5	1.5	0.00	20	61.5	
Stream 11	Intermittent	Jurisdictional	61.1	1.5	0.00	20	61.1	
Stream 12	Ephemeral	Jurisdictional	85.0	1.0	0.00	14	85.0	
Stream 12	Intermittent	Jurisdictional	802.3	1.0	0.02	15	802.3	
Stream 13	Ephemeral	Jurisdictional	61.5	1.0	0.00	14	61.5	
Stream 13	Intermittent	Jurisdictional	1,177.8	0.5	0.14	62	1,177.8	
Stream 14	Intermittent	Jurisdictional	462.3	2.0	0.02	21	462.3	
Stream 15	Ephemeral	Jurisdictional	176.8	1.0	0.00	16	176.8	
Stream 15	Intermittent	Jurisdictional	981.4	2.0	0.01	21	981.4	
Stream 16	Ephemeral	Jurisdictional	56.1	1.0	0.00	10	56.1	
Stream 16	Intermittent	Jurisdictional	174.3	1.5	0.01	19	174.3	
Stream 17	Intermittent	Jurisdictional	116.9	1.0	0.00	15	116.9	
Stream 18	Ephemeral	Jurisdictional	270.8	1.5	0.01	15	270.8	
Stream 19	Ephemeral	Jurisdictional	269.1	1.5	0.01	20	269.1	
Stream S	Intermittent	Jurisdictional	697.4	1.5	0.03	23	697.4	
Stream S	Perennial	Jurisdictional	1,215.9	2.5	0.07	26	1,215.9	
Stream T	Intermittent	Jurisdictional	242.1	1.0	0.01	20	242.1	
Stream U	Intermittent	Jurisdictional	473.7	1.0	0.01	26	473.7	
Stream V	Ephemeral	Jurisdictional	113.7	1.0	0.00	15	113.7	
Stream X	Ephemeral	Jurisdictional	290.1	1.0	0.01	16	290.1	
Stream X	Intermittent	Jurisdictional	151.9	1.0	0.00	15	151.9	
Stream Y	Ephemeral	Jurisdictional	269.6	1.0	0.00	16	269.6	
Stream Y	Intermittent	Jurisdictional	500.2	0.50			500.2	
TOTAL								
JURISDICTIONAL PERENNIAL TOTAL			1,844.4					
JURISDICTIONAL INTERMITTENT TOTAL			3,328.6					
ISOLATED INTERMITTENT TOTAL			4.0					
JURISDICTIONAL PERENNIAL TOTAL			4,888.3					
TOTAL STREAM LENGTH DELINEATED			9,841.5					

PRELIMINARY JURISDICTIONAL DETERMINATION MAP
for: American Energy Corporation

Prepared by: **MINE SERVICES COMPANY, INC.** 7110 Whipple Ave., Suite 105-D North Canton, OH 44720 PHONE: 330.497.5383

Revised by: **Murray Energy Corp.** 46226 National Road St. Clairsville, OH 43950 PHONE: 740.338.3100

Sections: Twp: Wayne County: Belmont T.: R.:

Surface Mine Location: STATE OF OHIO

Area Name	Application#	Scale	Contour Interval	Date	Revised
Coal Refuse Expansion 2		1" = 200'	20'	11/11/2013	11/6/2017