



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 2012-1501

Date: April 19, 2018

Notice No. 18-16

Closing Date: May 19, 2018

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: Wolf Run Mining Company
3. LOCATION: The existing coal slurry impoundment that that is proposed to be expanded is located approximately 2.6 miles northwest of the City of Philippi, Barbour County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to expand the Little Hackers Creek Coal Slurry Impoundment. Impacts to Waters of the US will occur due to a downstream expansion of the impoundment embankment and an upstream expansion of the impoundment "slurry pool". Fill from the above will permanently impact 3,745 linear feet of stream channel. This fill will also permanently impact 0.23 acre of palustrine emergent wetland (Wetlands 4, 5, and 6). Drawings of the proposed impoundment expansion are attached to this notice.

The applicant is proposing phased payments to the West Virginia In-Lieu Fee Program to mitigate for permanent stream and wetland impacts from the expansion. These phased payments will be tied to the construction phases of the project.

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. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. 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. Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Mr. Clarence Wright, Permit Supervisor
Phone: 304-457-4588, Ext. 43275
E-mail: Clarence.e.wright@wv.gov

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. 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.

CELRP-OP-F
Public Notice No. 16-57

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:

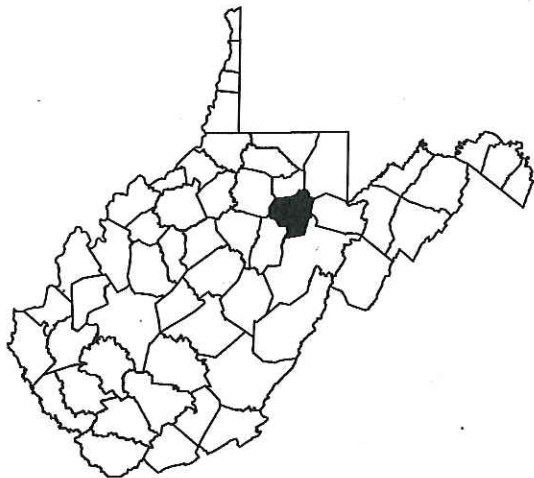
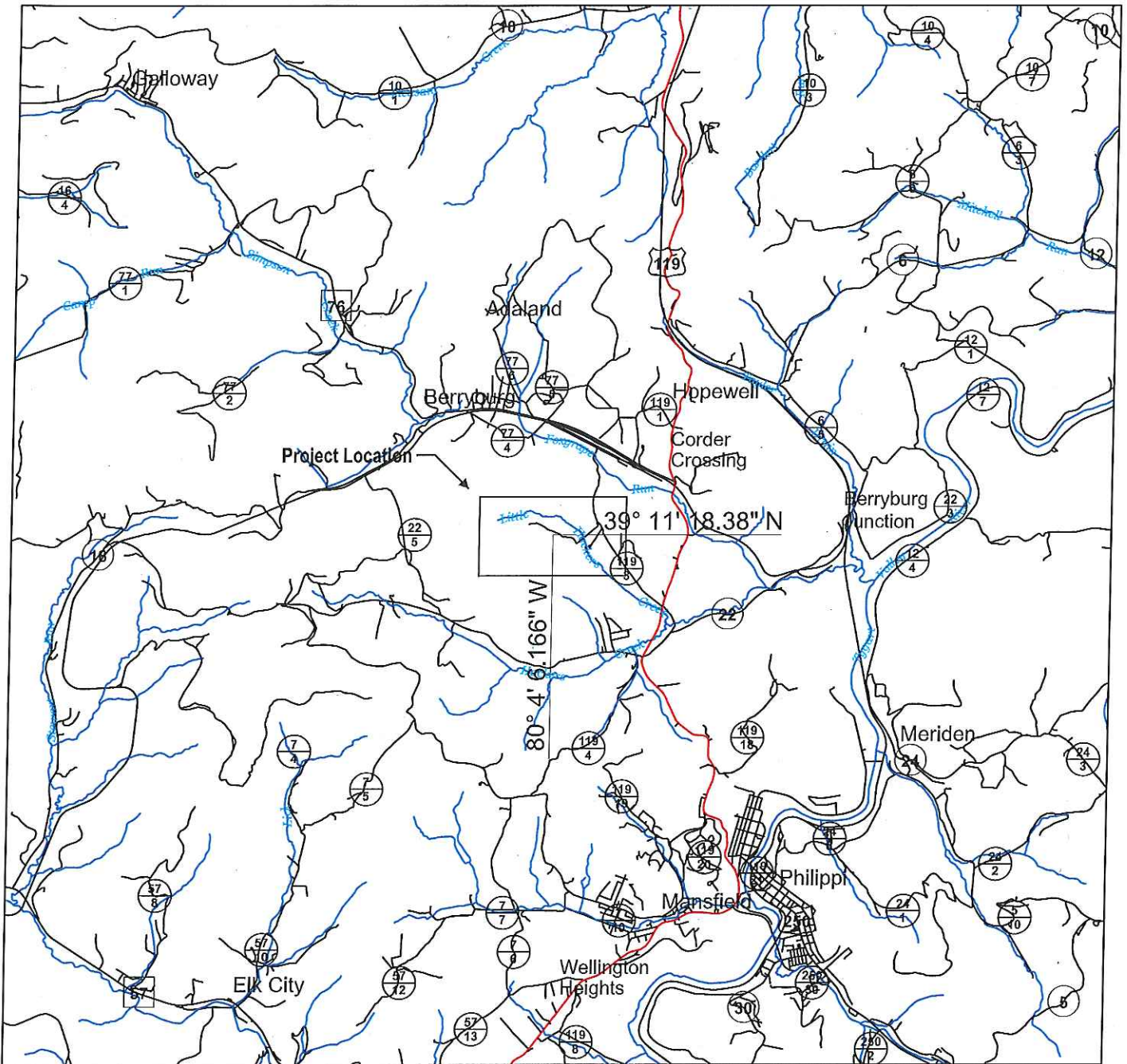
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 16-57

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. Greg Currey at the above address, by telephoning (412) 395-7181, or by e-mail at Gregory.e.currey@usace.army.mil. Please refer to CELRP-OP-F 2012-1501 in all responses.

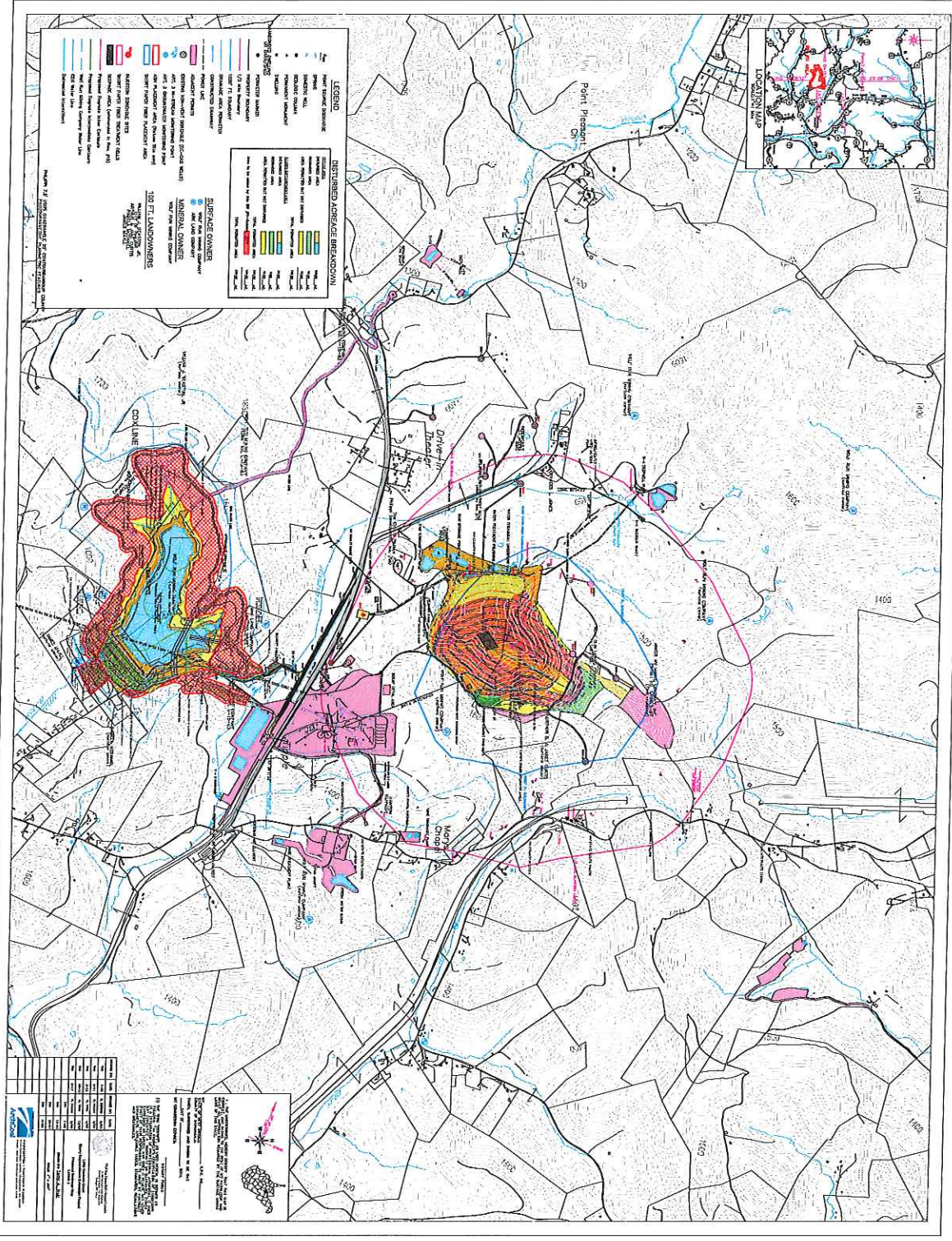
FOR THE DISTRICT ENGINEER:



Jon T. Coleman
Chief, Southern Section
Regulatory Branch



DRAWN		Wolf Run Mining LLC	
DATE	BY	21550 Barbour County Highway Junction of Route 76 & Route 119 Philippi, WV 26416	
05/17	BAW		
REVISED			
DATE	BY	Little Hackers Creek Slurry Impoundment Extension Project	
05/17	TSB	General Location Map	
		Exhibit 1	
		Pleasant District Philippi Quadrangle	
		Barbour County West Virginia	
APPROVED		Contour Interval	Coordinate System
DATE	BY	N/A	NAD 83 WVSP North
			Scale
			1 Inch = 1 mile
			Sheet No.
			1 of 1
PATH			
		PREPARED BY: DECOTA CONSULTING COMPANY, INC. 4984 WEST WASHINGTON STREET CROSS LANES, WEST VIRGINIA 25313	



LEGEND

DISTURBED ACREAGE

NO DISTURBANCE

- Unsettled
- Drilled
- Refractured
- Producing
- Abandoned
- Plugged
- Other

DISTURBED ACREAGE

- Disturbed
- Undisturbed
- Abandoned
- Producing
- Refractured
- Drilled
- Unsettled
- Other

SURFACE OWNERS

- Surface Owner
- Mineral Owner
- 100 FT Landowners

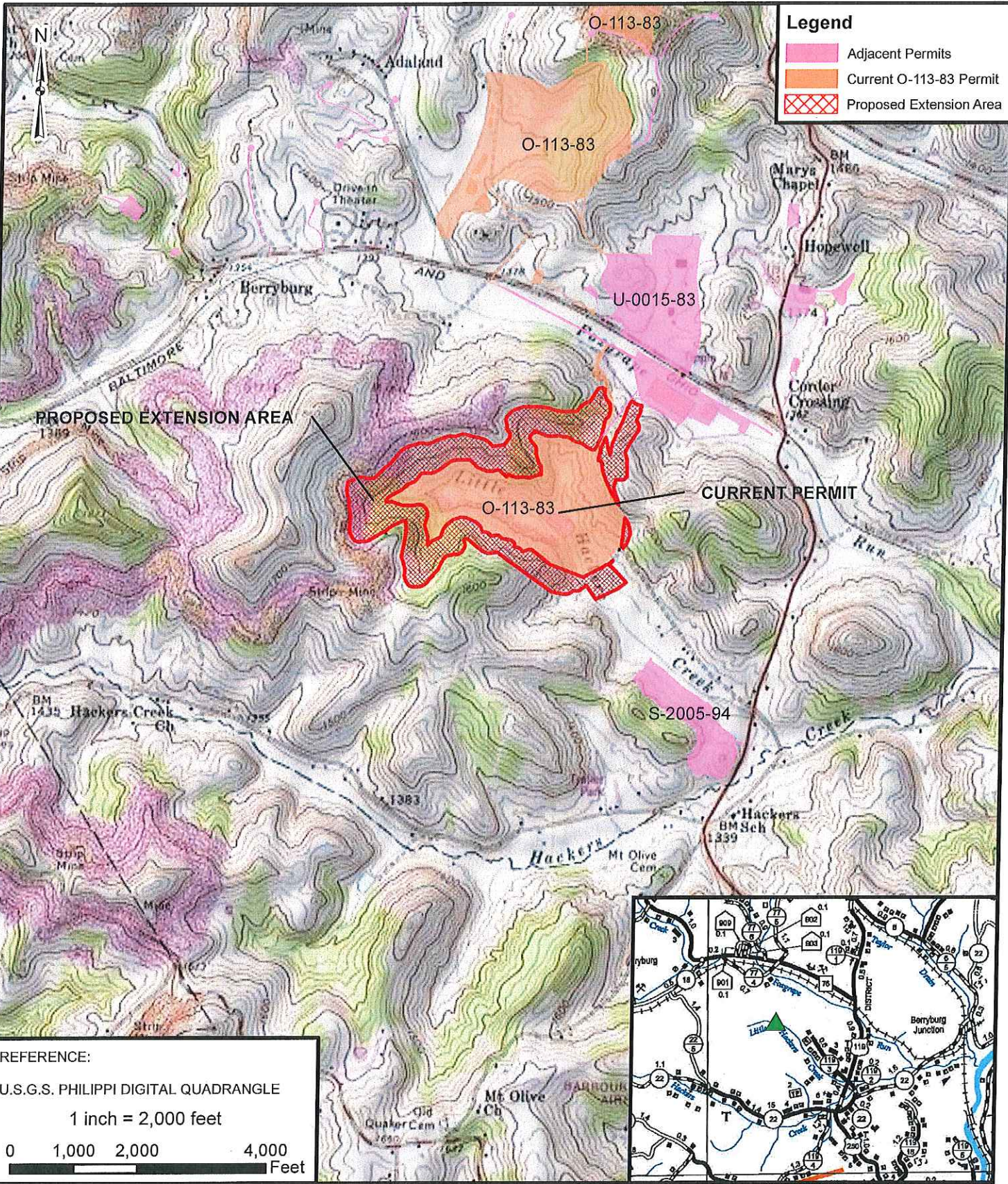
ADDITIONAL SYMBOLS




- Well
- Water
- Drainage
- Road
- Power Line
- Other

NO.	DESCRIPTION	DATE	BY
1	Original Map	11/11/2010	...
2
3
4
5

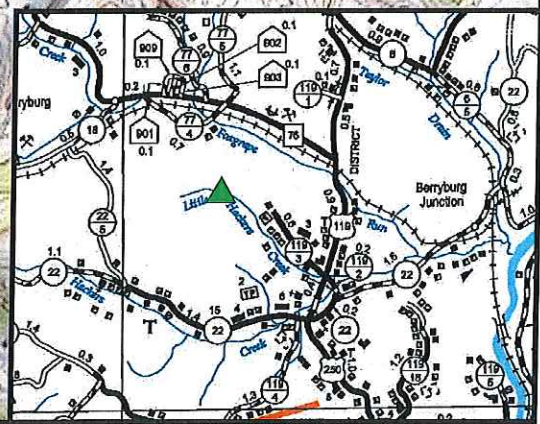
1. This map was prepared by the Pennsylvania Department of Environmental Protection (PA DEP) under contract to the Pennsylvania State University (PA State U) by the Pennsylvania State University (PA State U) Geospatial Information Institute (GII). The map was prepared using the Pennsylvania State University (PA State U) Geospatial Information Institute (GII) software and data. The map was prepared using the Pennsylvania State University (PA State U) Geospatial Information Institute (GII) software and data. The map was prepared using the Pennsylvania State University (PA State U) Geospatial Information Institute (GII) software and data.





Legend	
	Adjacent Permits
	Current O-113-83 Permit
	Proposed Extension Area

REFERENCE:
 U.S.G.S. PHILIPPI DIGITAL QUADRANGLE
 1 inch = 2,000 feet
 0 1,000 2,000 4,000 Feet



ArchCoal™
 Arch Coal, Inc.
 Eastern Operations
 114 Smiley Drive, Suite B
 St. Albans, WV 25177

LOCATION MAP
ENVIRONMENTAL INFORMATION DOCUMENT
LITTLE HACKERS CREEK SLURRY IMPOUNDMENT
EXTENSION PROJECT

Prepared For
 WOLF RUN MINING COMPANY
 SENTINEL MINE COMPLEX
 PHILIPPI, BARBOUR COUNTY, WEST VIRGINIA

DRAWN BY	ADG	3/30/15
CHECKED BY	ADG	3/30/15
APPROVED BY	ADG	3/30/15
DRAWING NUMBER	MAP NUMBER	
Location_Map	1	

Location Map
General Highway Map Scale: 1" = 1 Mile
Barbour County, West Virginia
Philip County, Virginia

- Legend**
- Delimited Potential
 - Delimited Jurisdiction
 - Delimited Ephemeral
 - Approximated Channel
 - Non-JD Channel
 - CWA Channel
 - Adjacent Permit
 - Project Boundary
 - Area of Interest
 - Proposed Road
 - Unimproved Road
 - Railroad
 - Non-JD Open Water
 - Non-JD Wetland
 - End of Ordinary High Water Mark
 - NPDES Permitted Outlet



Statement of Jurisdictional Authority: Conclusions as to the potential jurisdictional status of identified channels and/or water features are based on the information provided. Only the DCA/DCR has the authority to issue a determination as to the precise, absence or extent of jurisdictional status.

Rev. No.	Date	Description
1		Initial map showing jurisdictional status of channels and water features.
2		Map showing jurisdictional status of channels and water features.
3		Map showing jurisdictional status of channels and water features.
4		Map showing jurisdictional status of channels and water features.
5		Map showing jurisdictional status of channels and water features.
6		Map showing jurisdictional status of channels and water features.
7		Map showing jurisdictional status of channels and water features.
8		Map showing jurisdictional status of channels and water features.
9		Map showing jurisdictional status of channels and water features.
10		Map showing jurisdictional status of channels and water features.

Well Run Mining, LLC
21850 Barbour County Highway
Junction of Route 76 & Route 119
Phillips, WV 26416

**Little Flockers Creek
Slurry Impoundment Extension Project
Preliminary Stream & Wetland Delineation Map**
UP of and Little Flockers Creek
Exhibit 2

County: Barbour
District: DAN
Date: August 2012
Scale: 1" = 300'
Checked By: EBD
Drawing Index: 27-46-2-PD-2A, Sheet 1 of 1



Feature	Code	Area	Notes
1	1	1.00	...
2	2	2.00	...
3	3	3.00	...
4	4	4.00	...
5	5	5.00	...
6	6	6.00	...
7	7	7.00	...
8	8	8.00	...
9	9	9.00	...
10	10	10.00	...
11	11	11.00	...
12	12	12.00	...
13	13	13.00	...
14	14	14.00	...
15	15	15.00	...
16	16	16.00	...
17	17	17.00	...
18	18	18.00	...
19	19	19.00	...
20	20	20.00	...
21	21	21.00	...
22	22	22.00	...
23	23	23.00	...
24	24	24.00	...
25	25	25.00	...
26	26	26.00	...
27	27	27.00	...
28	28	28.00	...
29	29	29.00	...
30	30	30.00	...