



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. 2007-323

Date: July 15, 2010

Notice No. 09-45A

Closing Date: August 5, 2010

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 American Energy, Inc
34 Kelley Way, Suite 100
Brilliant, OH 43913
3. AGENT Enviroscience, Inc.
Attn: Jamie Ingraham Willaman
800 Ridge Rd.
Ambridge, PA 15003
4. LOCATION: The site is located in Wells Township Section 23, 24 and 29 in Jefferson County, on the Steubenville West quadrangle of the 7.5-minute series USGS topographical maps. The site is at approximately 040° 16' 17.77" N; 080° 42' 49.01" W.
5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to amend the existing mining permit 2007-323 for surface and auger mining activities to extract portions of the Pittsburgh No.8 coal seam. Also associated with mining will be the construction of three sediment ponds and the placement of hollow and spoil fill. Proposed impacts will be reclaimed and mitigated on-site. The anticipated duration of the project is estimated at five years. In total the project proposes mining to 364.7 acres, 47.4 acres of surface mining and 317.3 acres of auger mining. Aside from the coal extraction areas, 0.506 ac. of jurisdictional wetland impacts and 323 lf of jurisdictional stream impacts will result from the construction of temporary diversion ditches and sediment ponds to facilitate stormwater control (2.2 acres), hollow fill (16.2 acres) and temporary spoil placement (22.7 acres).

The current mining permit authorized impacts to 4,311 linear feet (lf) of the 9,644 lf of jurisdictional stream found on the project site. The permit also authorized impacts to 0.820 acres (ac.) of the 1.281 ac. of jurisdictional wetland within the permit boundaries

Impacts to non-jurisdictional streams will total 4,537 lf of the 9,070 lf on site. Impacts to non-jurisdictional wetlands will total 3.068 ac of the 3.480 ac. on site; however mitigation for these resource impacts is not required.

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The proposed mining plan will impact 6,614 lf of the now 10,822 lf of jurisdictional stream found on the project site. A total of 1.281 ac. of jurisdictional wetland occurs within the permit boundaries, a total of 0.810 ac. is proposed to be impacted.

Impacts to non-jurisdictional streams will total 7,317 lf of the 11,490 lf on site. Impacts to non-jurisdictional wetlands will total 3.382 ac. of the 3.502 ac. on site; however mitigation for these resource impacts is not required.

Wetland mitigation will consist of three mitigation areas totaling 4.196 acres. Stream mitigation will reclaim 14,546 lf of streams and reconnecting Stream I-34 to Stream I-25, in order to reconnect the northern resources that are isolated due to previous mining. Jurisdictional stream channels will be reconstructed in accordance with the Ohio EPA and Ohio DNR Natural Channel Design Procedure for Reconstructed Small Headwater Streams within Coal Mine Operations in the Western Allegheny Plateau Ecoregion of Ohio November 1999. The post reclamation land uses will be a vegetated landscape graded to approximate original contours and seeded with field, scrub and tree upland species. Drawings of the proposed project are attached to this notice.

6. 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
Attn: Ric Queen
Re: Public Notice CELRP-OP-F No. 09-45A

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the 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).

8. 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).

9. 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.

10. 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).

11. 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.

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All responses to this notice should be directed to the Regulatory Branch, attn: Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail Michael.M.Fodse@usace.army.mil. Please refer to CELRP-OP-F 2007-323 in all responses.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink that reads "Nancy Mullen". The signature is written in a cursive style with a large, prominent "N" and "M".

Nancy Mullen
North Section Chief, Regulatory Branch

Figure 1.

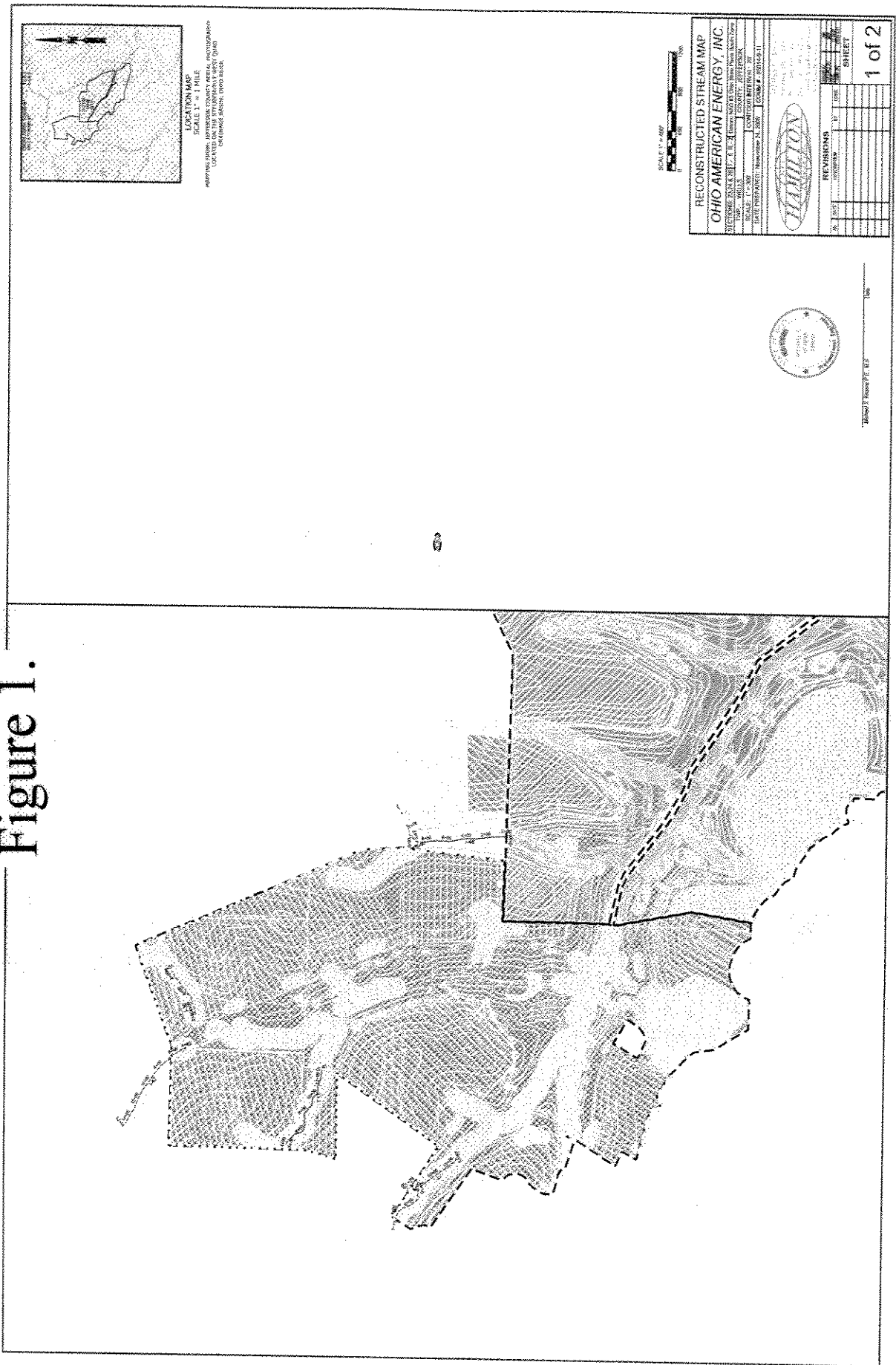
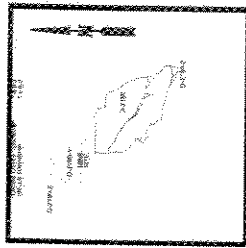
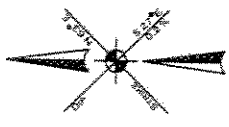


Figure 2. Salt Run North, Minimal Degradation Plan.



LOCATION MAP
SCALE 1" = 1 MILE
MAPPING FROM THE COUNTY OF MONTGOMERY
LOCATED ON THE EASTERN SHORE OF THE
POTOMAC RIVER, DISTRICT OF COLUMBIA



Spitzer and Ely, Inc. for the Pittsburgh
RA Coal Seam and the Redstone
RA Coal Seam

LEGEND

- OCCUPIED DWELLING
- UNOCCUPIED DWELLING
- ⊗ COMMERCIAL/INDUSTRIAL BUILDING
- ⊙ SCHOOL
- ⊠ CHURCH
- ⊡ COMMERCIAL/BUSINESS BUILDING
- ⊞ FENCE LINE AND OUTSIDE PERMIT AREA
- ⊟ PROPERTY LINE
- ⊠ BOUNDARY
- ⊡ SLEEP MEASUREMENTS
- ⊡ TEST BORING
- ⊡ ENTRANCE SIGN
- ⊡ FINAL HORNBALL #1 AND #2A
- ⊡ HORNBALL #1 AND HORNBALL
- ⊡ COAL ELEV. = 1028.6
- ⊡ COAL ELEV. = 1038.6
- ⊡ PREVIOUS MINING AREA
- ⊡ WATER AREA/HORNBALL UNDER AREA (IN COAL)
- ⊡ EXISTING WATER IMPROVEMENT
- ⊡ PERMANENT STREAM
- ⊡ INTERMITTENT STREAM
- ⊡ SPERMATOPHYTES
- ⊡ DIRECTION OF FLOW
- ⊡ UNDISTURBED PORTION OF 100' STREAM BUFFER ZONE
- ⊡ SURFACE OWNER
- ⊡ COAL OWNER
- ⊡ MINERAL OWNER
- ⊡ LEASEE
- ⊡ O&G GERRARDSON ENERGY, INC.
- ⊡ O&G GEO POWER COMPANY

- SEWERAGE POND
- TOPSOIL
- PROPOSED AFFECTED AREA
- 100' LIMITS
- D-2180
- OVERLAND 27.8 Acres
- FIELDS WATER LINE
- DEEP MINE ENTRY
- HOUSE NUMBERS FOR BLASTING PLAN
- AERIAL POWER LINE
- AERIAL POWER AND TELEPHONE LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND POWER/TELEPHONE LINE
- DEEP, BEDROCK ZONE
- VERTICAL SAMPLING STATION
- DOWNSTREAM SAMPLING STATION
- DRILLED WELL (NO LOG AVAILABLE)
- DW- WELL
- UNDEVELOPED SPRING
- UNDEVELOPED SPRING
- WATER MEASUREMENT
- DEEP MINE ENTRY (WATER EXCHANGE)
- DEEP MINE ENTRY
- BACKGROUND SAMPLING STATION
- MONITORING STATION
- WATER TREATMENT FACILITY
- #1-72 Pits Run #6, S.S.A. United States Coal Co.
- #2 Coal Seam, Authorized 1028
- Survey Monument

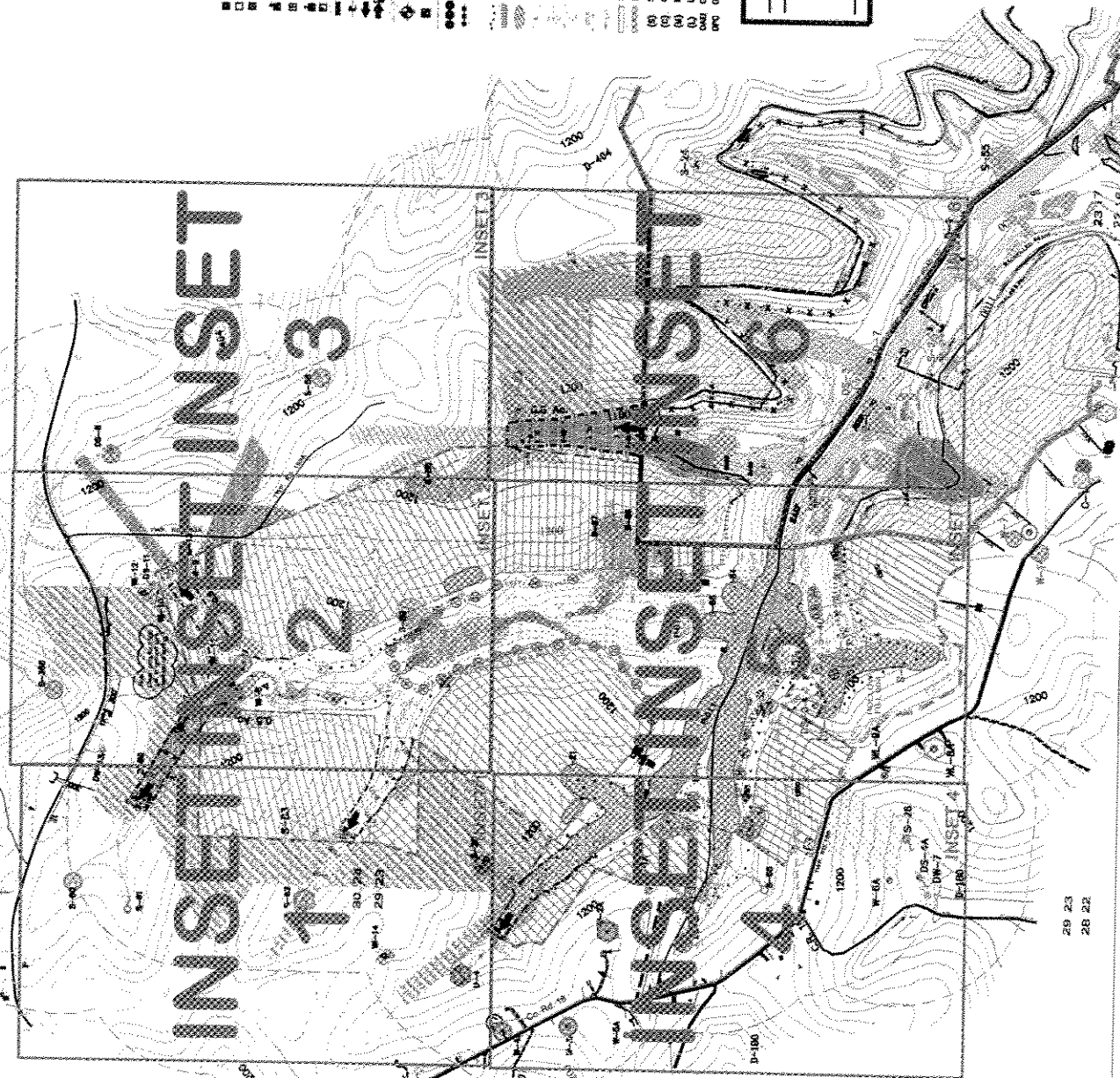
ADJACENT PERMIT	ADJACENT PERMIT
PERMIT D-2180	102.3
PERMIT D-2180-1	6.7
PERMIT D-2180-2	2.3
PERMIT D-2180-3	31.9
PERMIT D-2180-4	14.6
PERMIT D-2180-5	14.6
TOTAL	162.4

SUMMARY OF AFFECTED AREA
 1.1. ADJACENT COAL REMOVAL (10.4 Ac. from Permit D-2180-1)
 1.2. ADJACENT SPILL STORAGE
 1.3. ADJACENT SEWERAGE POND
 1.4. ADJACENT FARM ROADS
 1.5. ADJACENT AERIAL/UNDERGROUND POWER
 1.6. ADJACENT TELEPHONE LINE
 1.7. ADJACENT TOTAL PROPOSED AFFECTED AREA

ADJACENT AREA PERMIT APPLICATION/AVOIDANCE MAP
 PERMIT D-2180-3
 OHIOAMERICAN ENERGY, INC.

SECTION: S. 21.81 S.
 TWP: 21.81 N.
 COUNTY: MONROE
 SCALE: 1" = 100'
 DATE PREPARED: December 15, 2008
 DRAWN BY: J. [Name]
 CHECKED BY: J. [Name]

112 High St., Box 417
 Bowling Green, OH 43407
 Tel: (740) 996-4255
 e-mail: bawling@oae.com
 www: bawlingoae.com



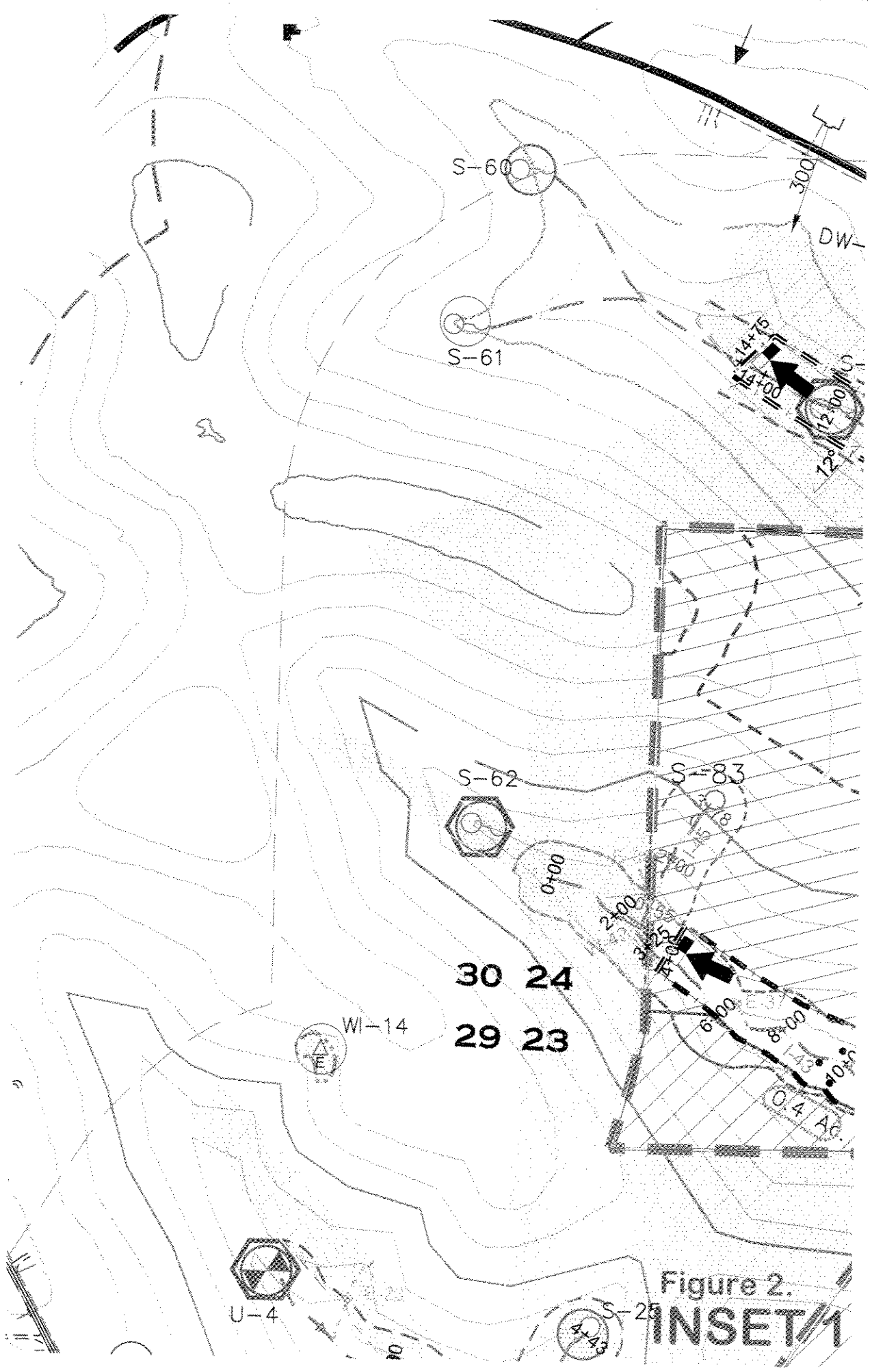


Figure 2.
INSET 1

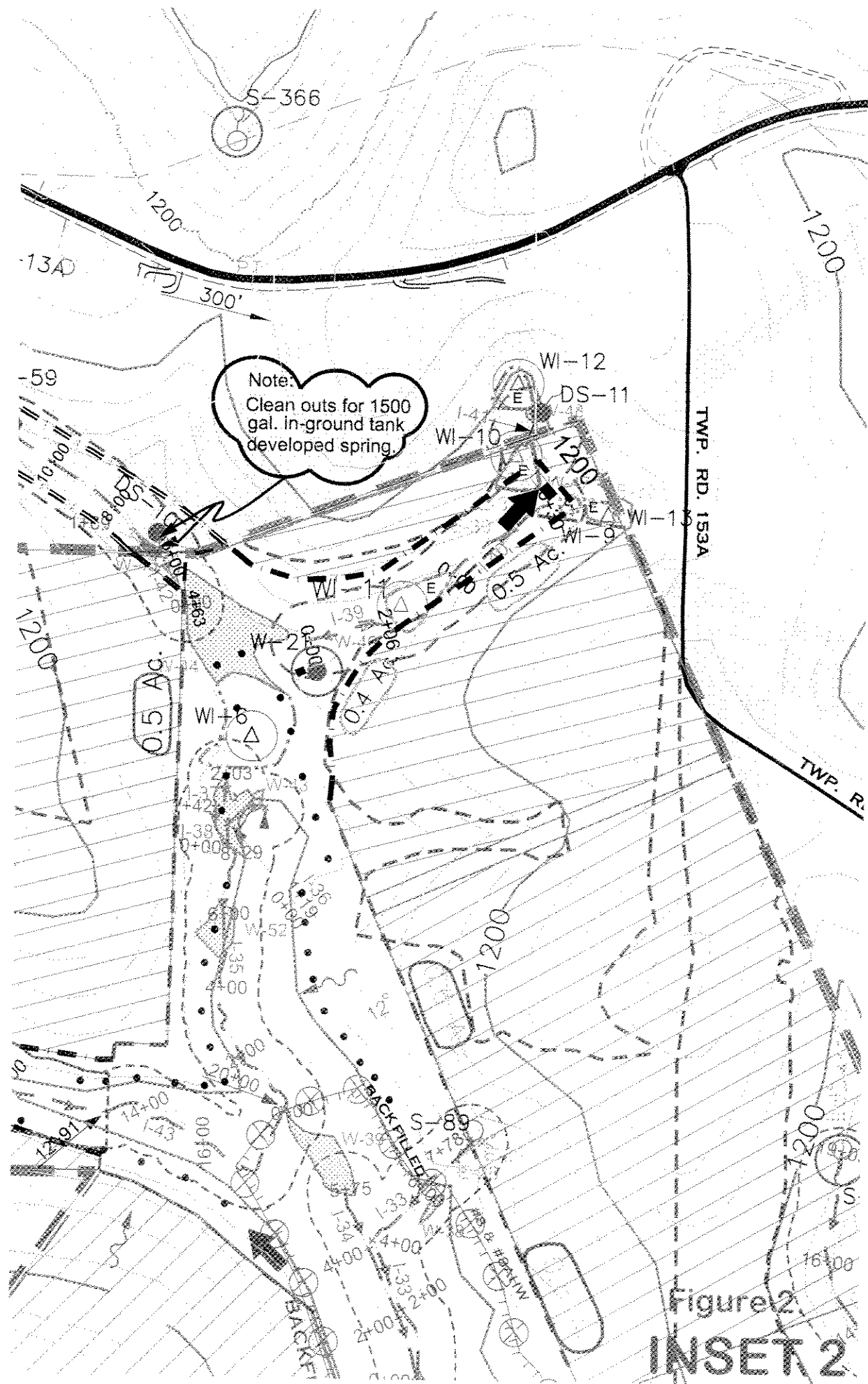


Figure 2
INSET 2



Figure 2.

INSET 3

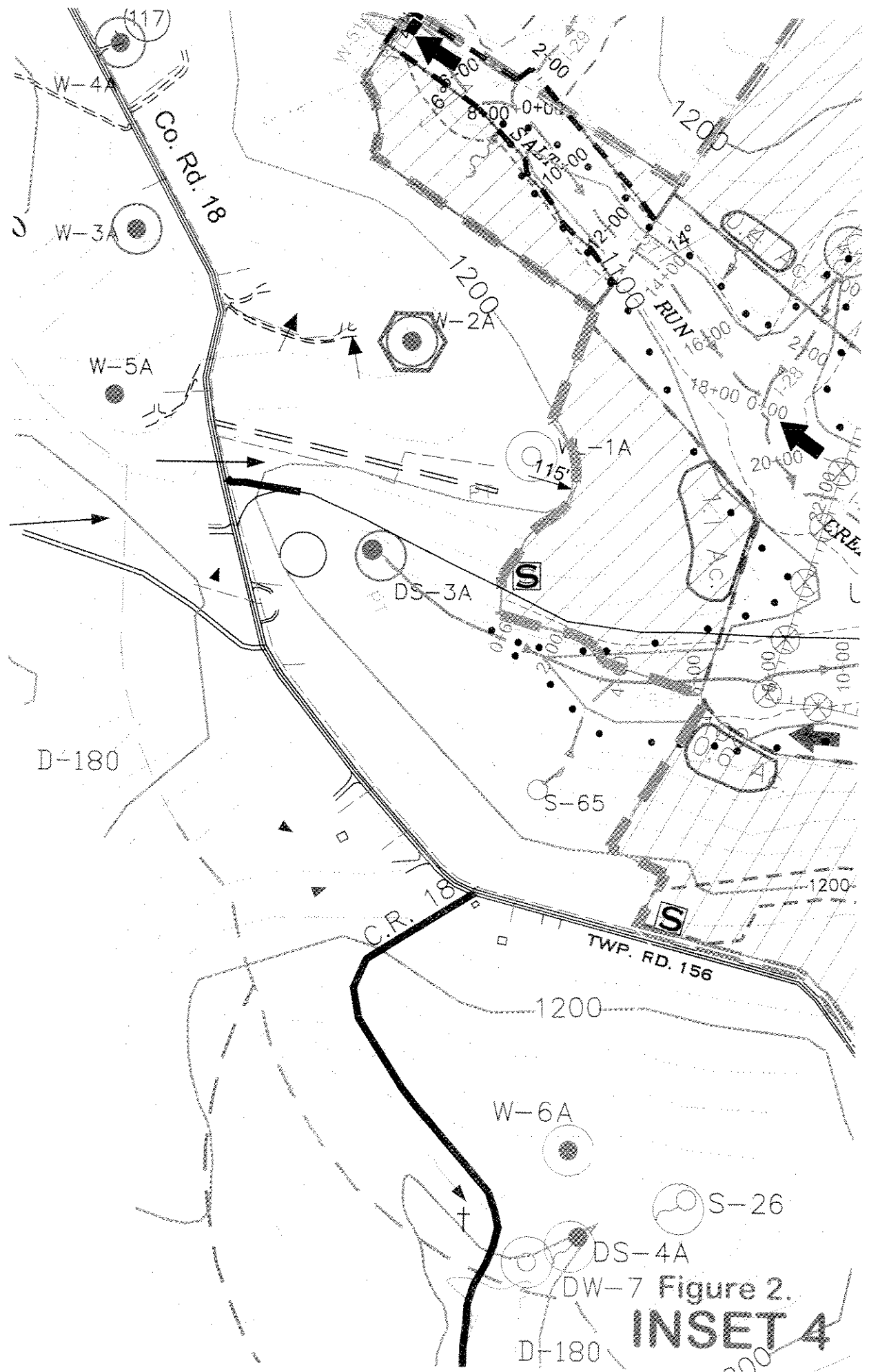


Figure 2.
INSET 4

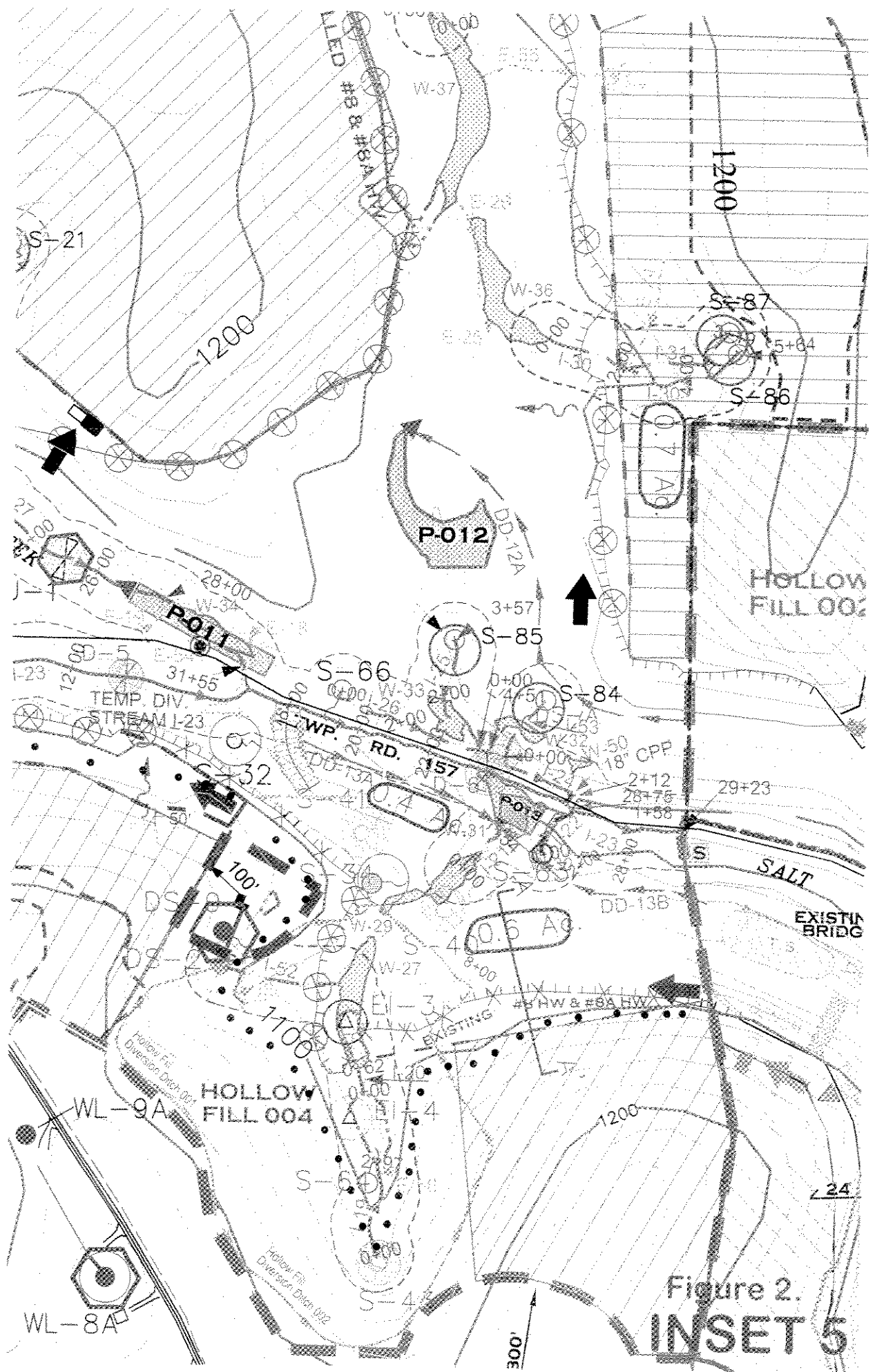


Figure 2.
INSET 5

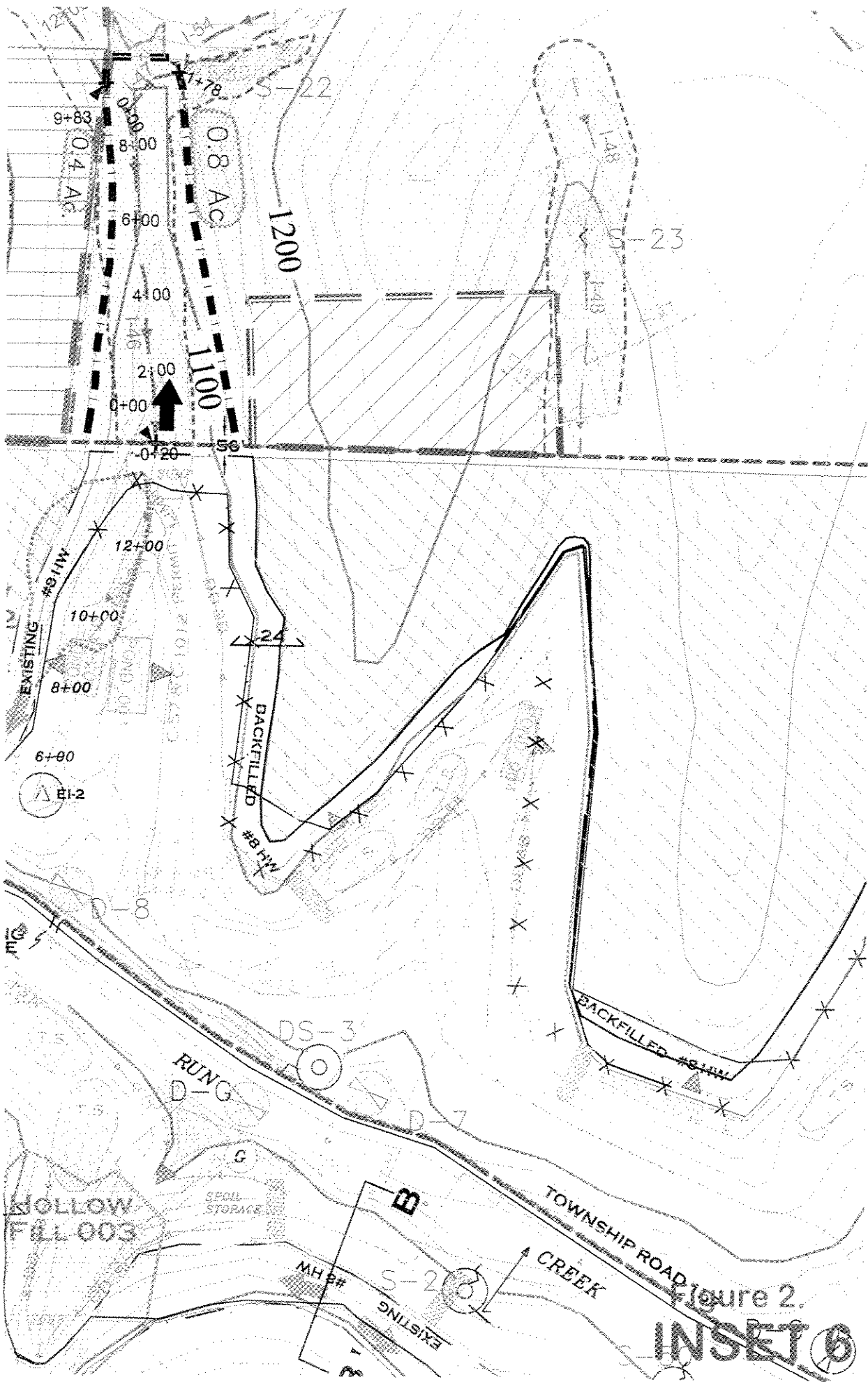


Figure 2.

INSET 6

Figure 8.
Salt Run North
Minimal Degradation
Mitigation Areas
Overview Map.

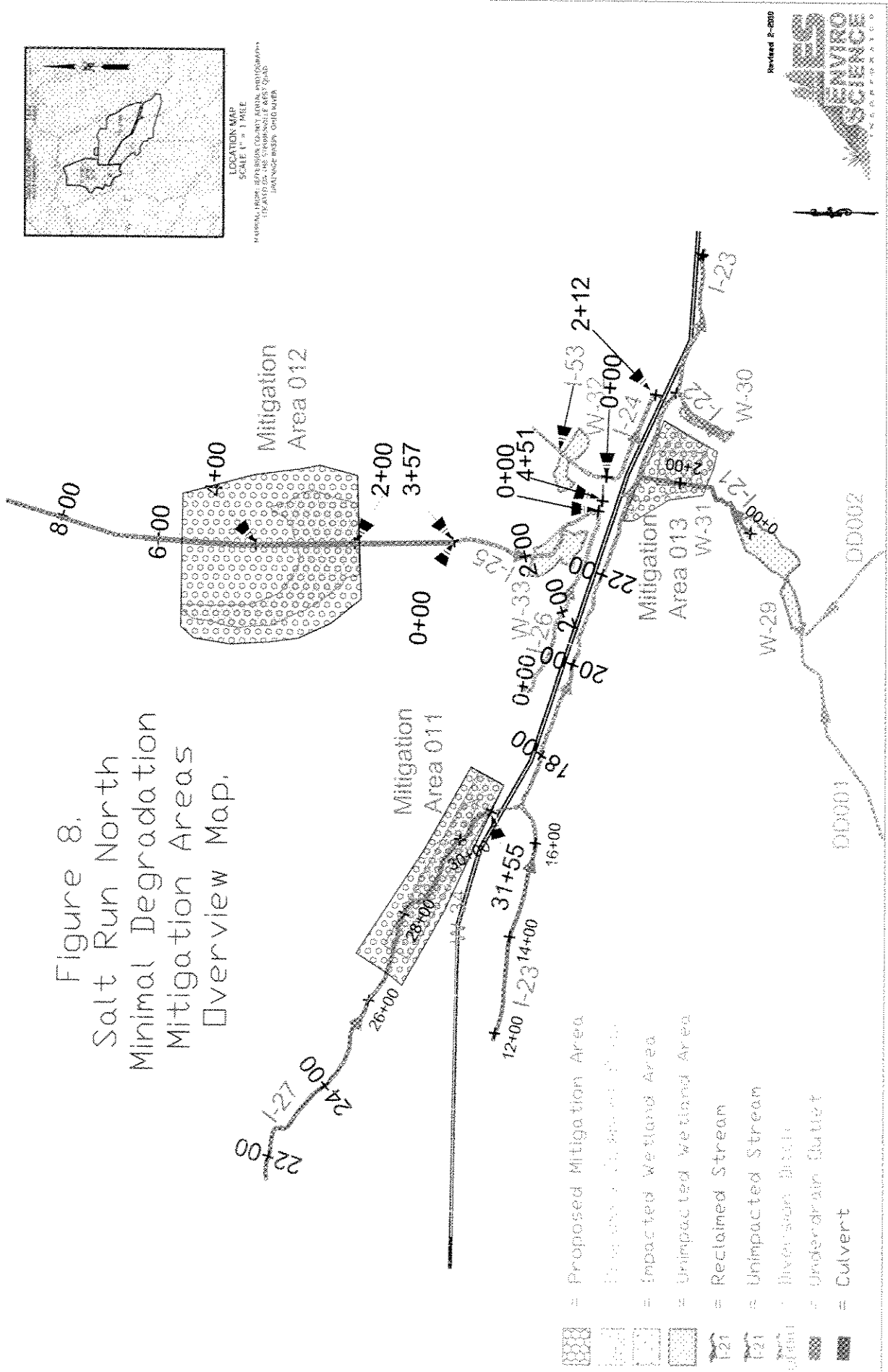
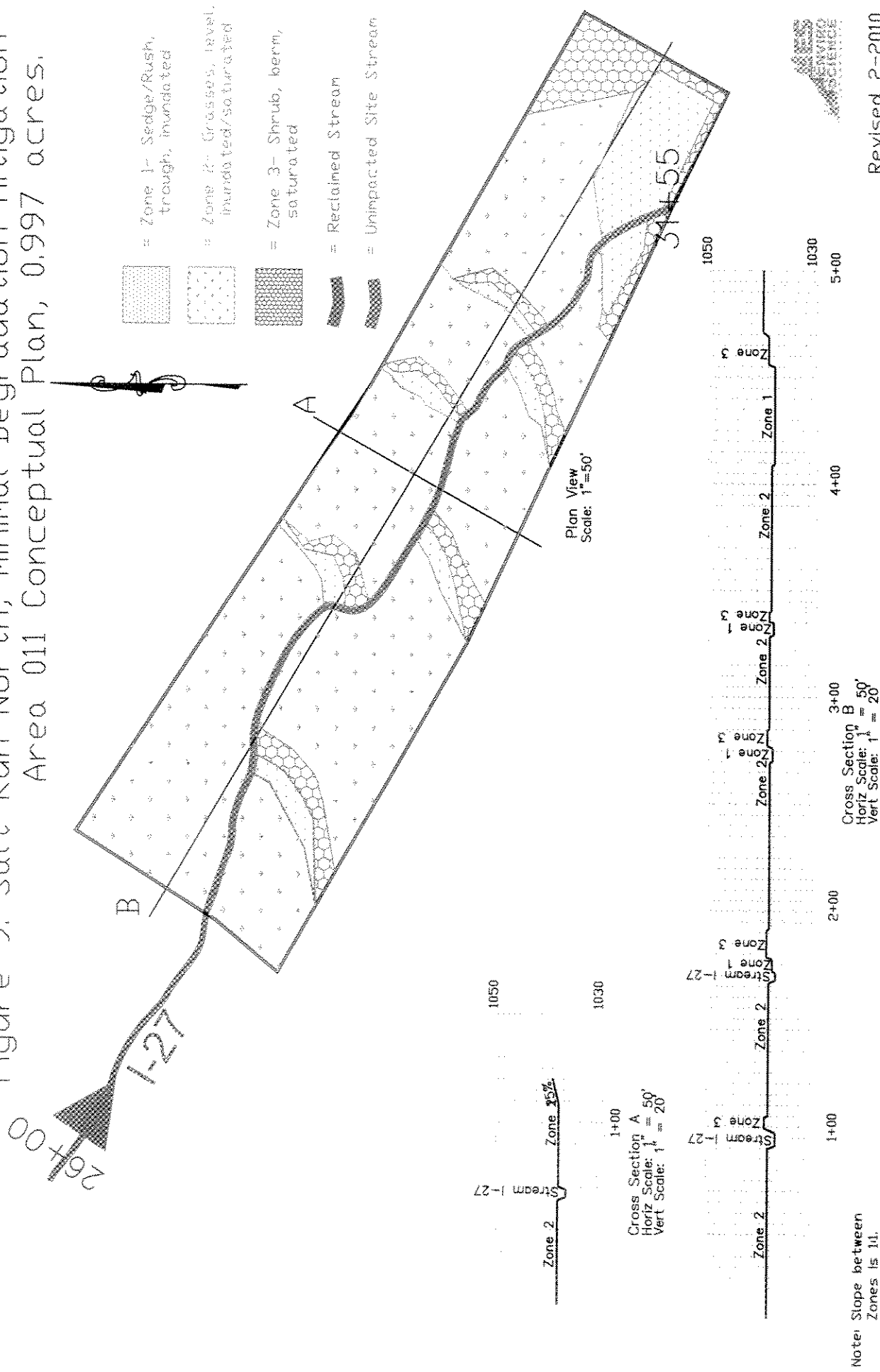







Figure 9. Salt Run North, Minimal Degradation Mitigation
 Area 011 Conceptual Plan, 0.997 acres.

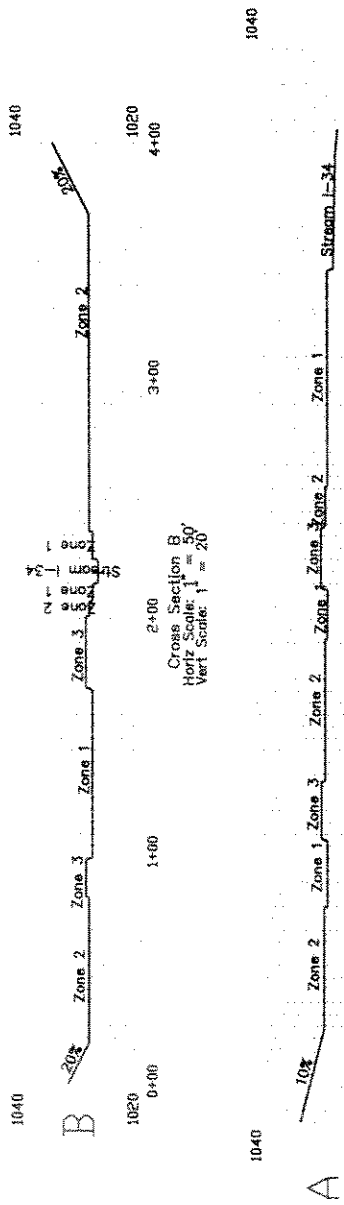


Note: Slope between Zones is 1:1.

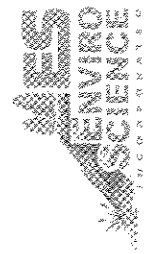
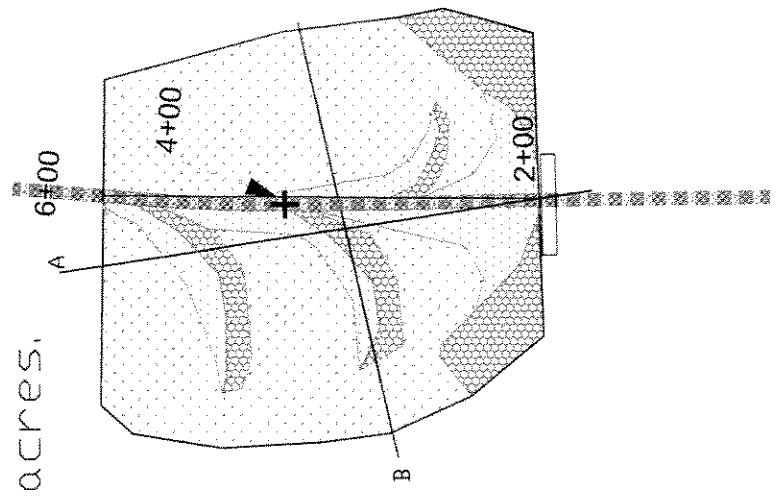


Figure 10. Salt Run North, Minimal Degradation Mitigation Area 012 Conceptual Plan, 2.724 acres.

-  Zone 1 - Sedger/Rush, Trough, Inundated
-  Zone 2 - Grasses, level, inundated/saturated
-  Zone 3 - Shrub, berm, saturated
-  Reclaimed Stream
-  Dam/Control Release Structure



Plan View
 Scale: 1" = 100'



Revised 2-2010

Figure 11.
 Salt Run North,
 Minimal Degradation
 Mitigation Area 013
 Conceptual Plan,
 0.475 acres.

