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# 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

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Application No. LRP 2010-420  
Public Notice No. 11-26

Date: June 22, 2011  
Closing Date: July 22, 2011

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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 (33 U.S.C. 1344).
2. **APPLICANT:** Consolidation Coal Company  
PO Box 100  
Osage, WV 26543  
(304) 534-4734
3. **LOCATION:** The site is located approximately 3.1 miles northwest of the Town of Fairview, Monongalia County, West Virginia, Latitude 39° 37' 6.0" / Longitude -80° 17' 57". The project is located on an unnamed tributary of Harvey Run of Paw Paw Creek. Paw Paw Creek is a tributary of the Monongahela River.
4. **PURPOSE AND DESCRIPTION OF WORK:** Consolidation Coal Company proposes to expand the existing Harvey Run II Coal Refuse Impoundment. This expansion will allow an additional 3000 acre/feet of storage capacity to the impoundment and will add an additional seven (7) years of operational life to the Loveridge Deep Mine Complex. This expansion will increase the "footprint" of this refuse impoundment by 73.4 acres. "Waters of the United States" (WOUS) are proposed to be filled/impacted by this proposed operation. Approximately 13,931 linear feet of stream channel classified as jurisdictional "Relatively Permanent Waters" will be filled/impacted by this expansion. In addition, approximately 4.24 acres of jurisdictional "Palustrine Forested" (PFO) and "Palustrine Scrub Shrub" (PSS) wetlands will be filled/impacted at this site.  
  
Consolidation Coal Company is proposing payment into the West Virginia "In-Lieu Fee Program" to compensate for unavoidable losses of streams and wetlands at this site.
5. **WEST VIRGINIA WATER QUALITY CERTIFICATION:** A West Virginia State 401 Water Quality Certification will be required and is under review by the WVDEP.

West Virginia Department of Environmental Protection  
Division of Mining and Reclamation  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304-2345

6. IMPACT ON NATURAL RESOURCES: The District Engineer has determined that the project is not likely to affect the continued existence of any endangered 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).
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, pre-historical, 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

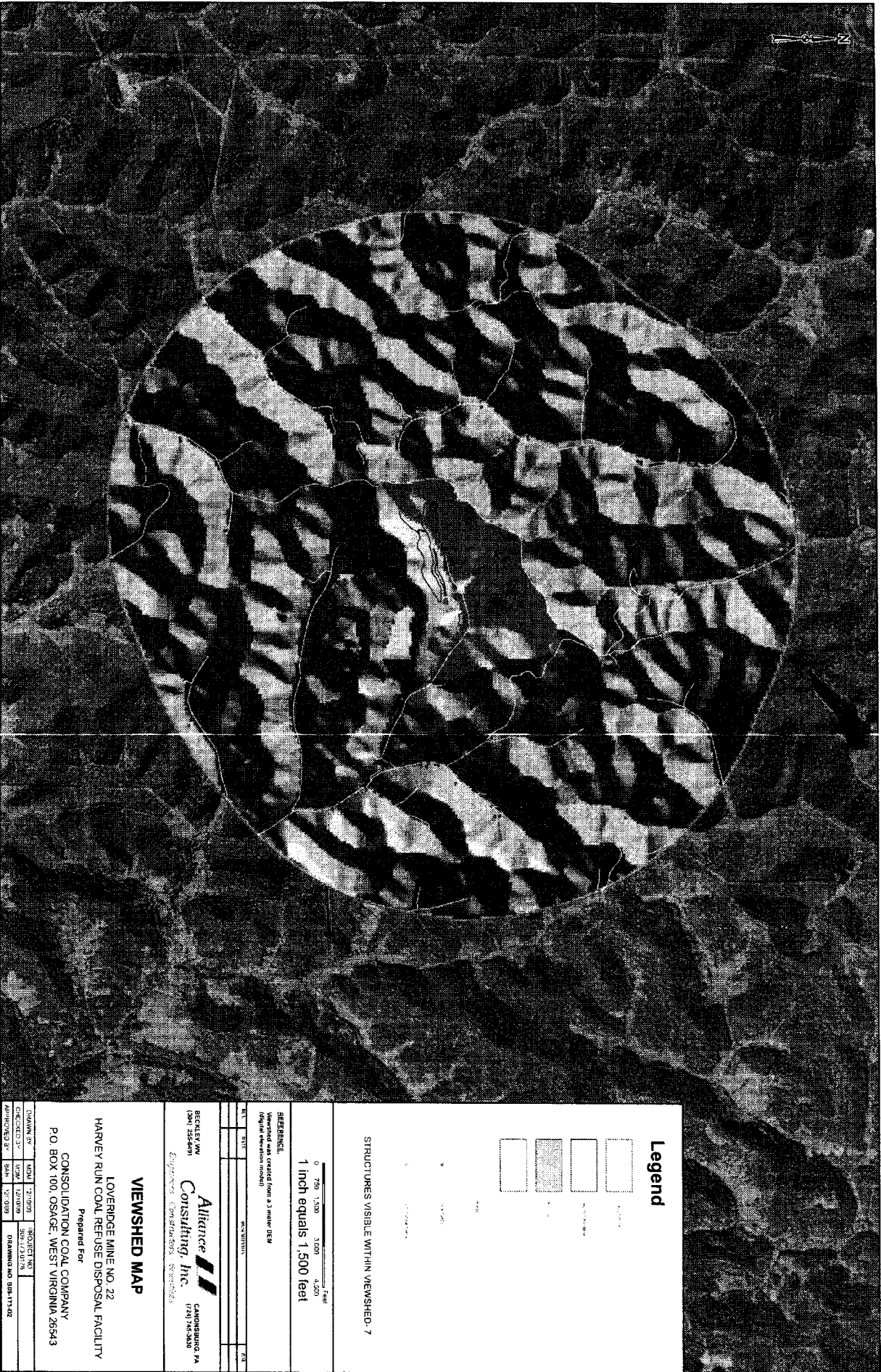
evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

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: Greg Currey, at the above address, by telephoning (412) 395-7517, or by e-mail at [gregory.currey@usace.army.mil](mailto:gregory.currey@usace.army.mil). Please refer to CELRP-OP-F 2010-420 in all responses.

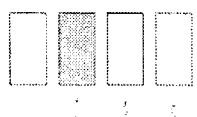
FOR THE DISTRICT ENGINEER:

**SIGNED**

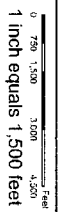
Mark Gronceski  
Acting Chief, Southern Section  
Regulatory Branch



**Legend**



STRUCTURES VISIBLE WITHIN VIEWSHED - 7



**REFERENCE:**  
Mapset was created from a 3 meter DEM  
(Digital elevation model)

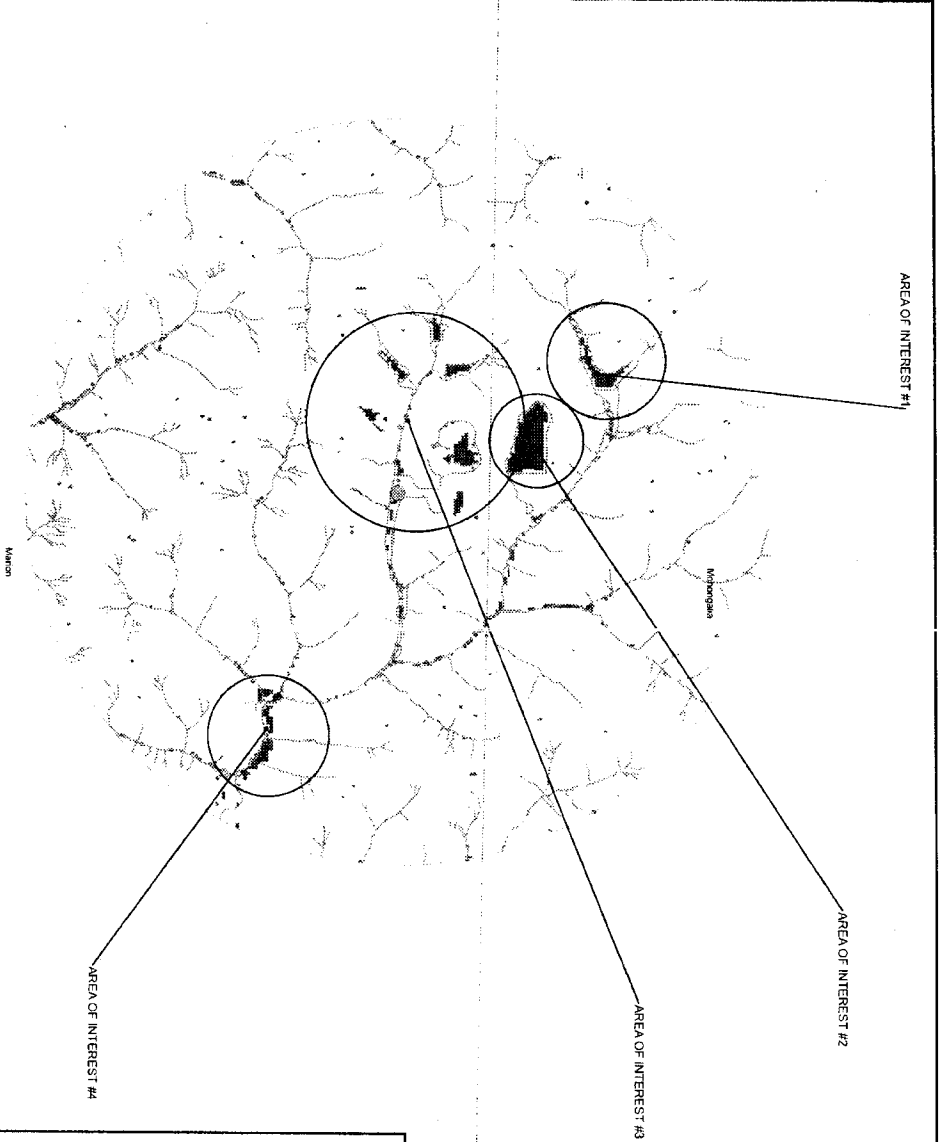
DATE	BY	DESCRIPTION	FOR

**VIEWSHED MAP**

LOVERIDGE MINE NO. 22  
 HARVEY RUIN COAL REFUSE DISPOSAL FACILITY  
 Prepared for  
**CONSOLIDATION COAL COMPANY**  
 P.O. BOX 100, OSAGE, WEST VIRGINIA 26543

DRAWN BY	MDL	3/10/95	PROJECT NO.	
CHECKED BY	WJM	12/10/95	SHEET NO.	
APPROVED BY	SKM	12/09/95	DRAWING NO.	508-17142

BECKLEY WV  
 (304) 255-9001  
*Altitude Consulting, Inc.*  
 2200 UNIVERSITY DRIVE, SUITE 200  
 CAMDEN, NJ 08105  
 (740) 745-3000



PERMIT ID COMPANY	AREA OF INTEREST NO.	STATUS
PERMIT ID COMPANY	AREA OF INTEREST NO. 1	STATUS
U007883 CONSOLIDATION COAL COMPANY	AREA OF INTEREST NO. 2	ACTIVE, MOVING COAL
U007883 CONSOLIDATION COAL COMPANY	AREA OF INTEREST NO. 3	ACTIVE, MOVING COAL
U007883 CONSOLIDATION COAL COMPANY	AREA OF INTEREST NO. 4	ACTIVE, MOVING COAL
U007883 CONSOLIDATION COAL COMPANY	AREA OF INTEREST NO. 4	RENEWED
U010491 CONSOLIDATION COAL COMPANY	NO PERMITS IN AREA	STATUS

**REFERENCE:**  
 THE SCALE ANALYSIS WAS TAKEN OFF OF A 1/2 INCH DRAWING. THE SCALE ANALYSIS WAS TAKEN AFTER THE ANALYSIS WAS COMPLETED. THE SCALE ANALYSIS WAS TAKEN AFTER THE ANALYSIS WAS COMPLETED. THE SCALE ANALYSIS WAS TAKEN AFTER THE ANALYSIS WAS COMPLETED.

**Legend**

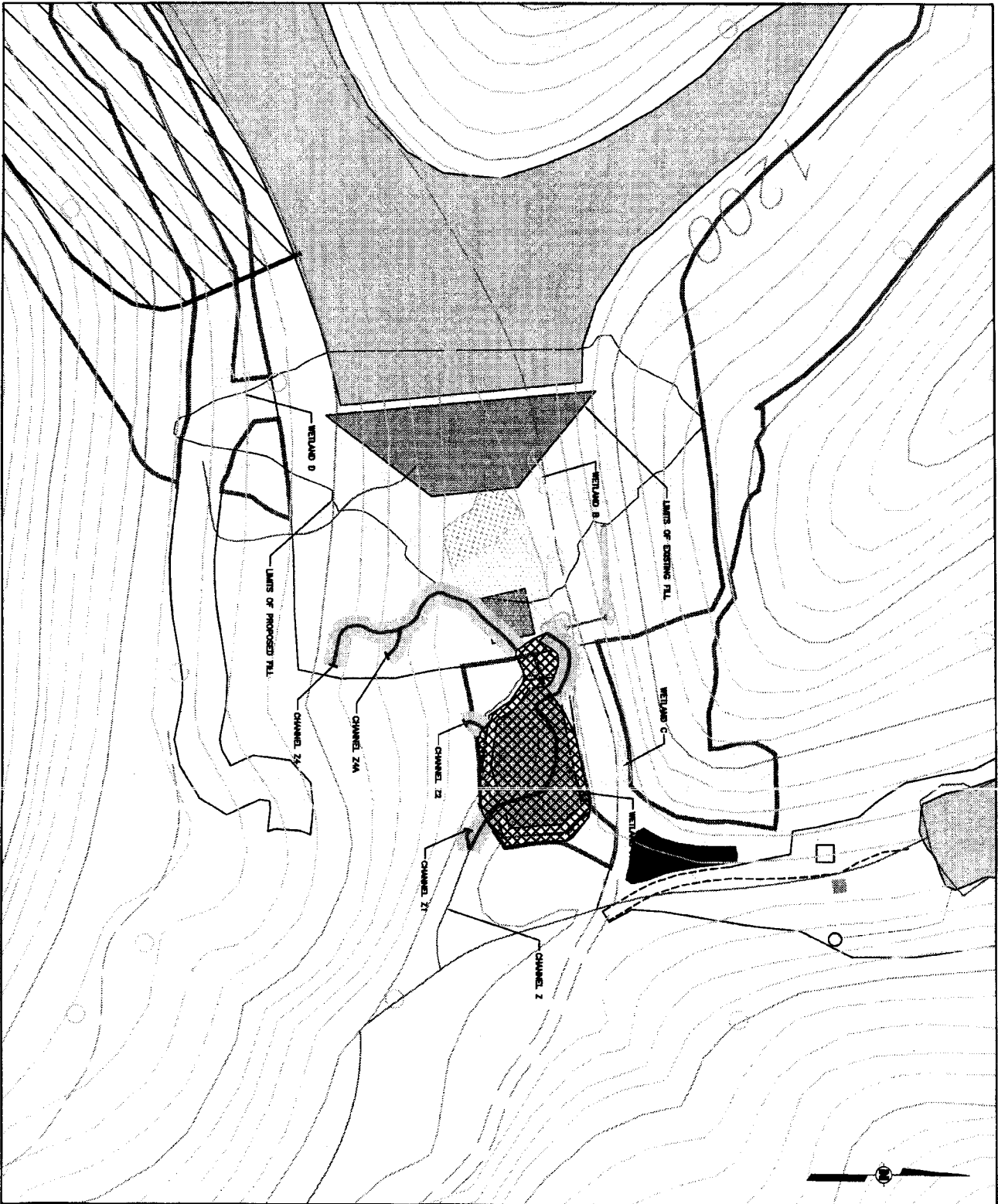
- PREP PLANT
- 2 MILE BUFFER
- PROJECT BOUNDARY

**SCALE:**  
 0 1,250 2,500 5,000 7,500 Feet  
 1 inch equals 2,500 feet

**CONSOLIDATION COAL COMPANY**  
 HARVEY RUN COAL REFUSE DISPOSAL FACILITY  
 PHASE 1  
 UPLAND AREA DISPOSAL MAP  
 LOVERIDGE MINE NO. 22  
 PREPARED FOR:  
 CONSOLIDATION COAL COMPANY  
 P.O. BOX 100, OSAGE, WEST VIRGINIA 26543

**ALLIANCE Consulting, Inc.**  
 CONSULTING ENGINEERS AND GEOTECHNICAL EXPERTS  
 1201 25th Street, Suite 100  
 Charleston, WV 25302  
 (204) 785-3200

**DATE:** 01/11/11  
**DRAWING NO.:** 886-17-C-181



**LEGEND**

- STREAM RESTORATION AREAS
- RIPARIAN REGENERATION
- RESTING FORESTED WETLAND
- EXISTING SCALD/SHOULDER WETLAND
- PROPOSED WETLAND RESTORATION AREAS

TEMPORARY IMPACT LENGTH/ACRES			
	IMPACTED LENGTH/ACRES	RESTORED LENGTH/ACRES	
WETLAND A	1.31 ACRES	1.33 ACRES	
CHANNEL Z	500	500	
CHANNEL Z2	37	37	
CHANNEL Z4	502	502	
CHANNEL Z4	75	75	



**Alliance Consulting, Inc.**  
 CONSULTANTS • ENGINEERS • ARCHITECTS

**STREAM RESTORATION MAP**  
 HANNEY RUN COAL REUSE DISPOSAL FACILITY  
 MONROVIA COUNTY, WEST VIRGINIA

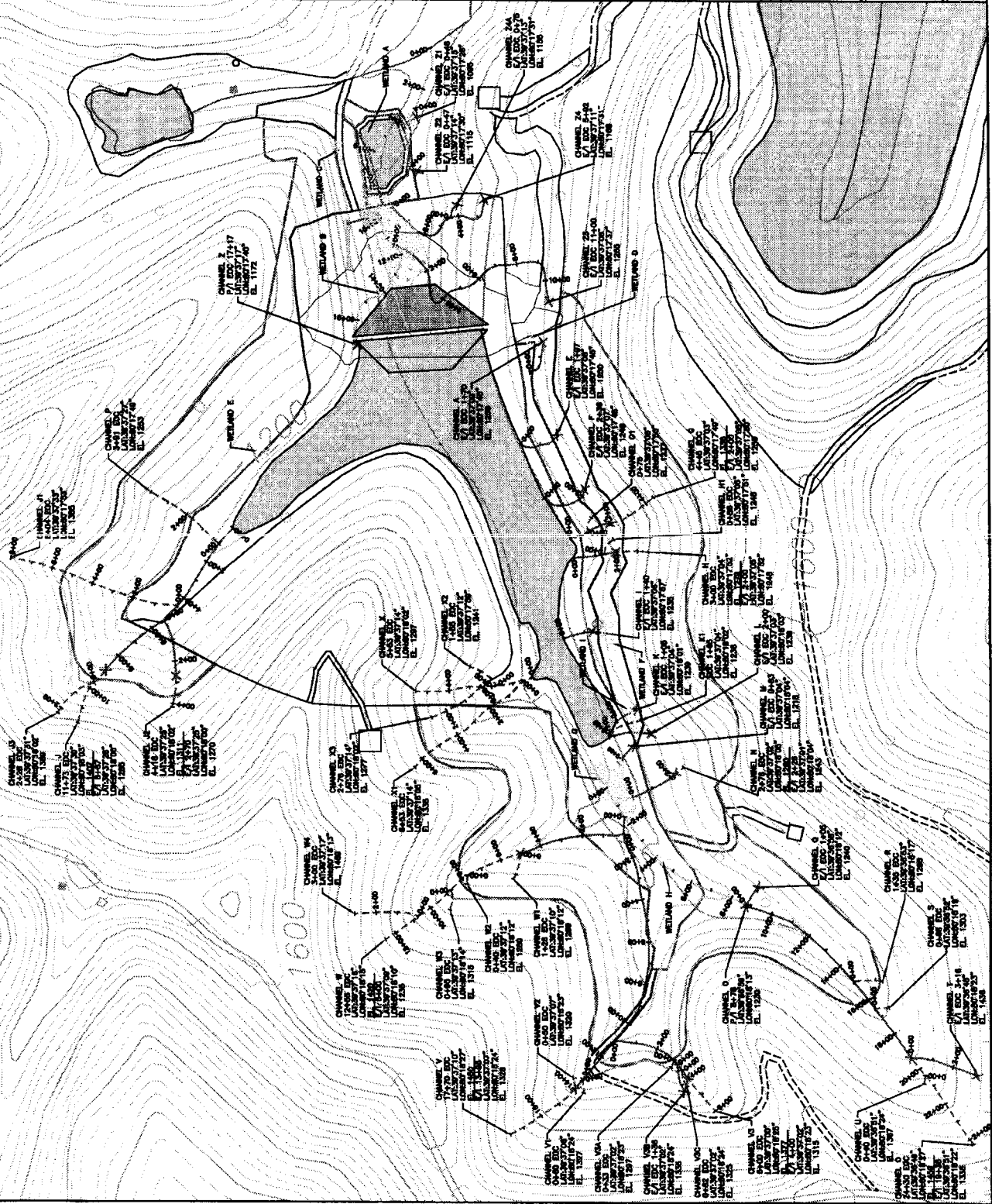
Prepared for:  
**CONSOLIDATION COAL COMPANY**  
 MONROVIA COUNTY, WEST VIRGINIA

DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

PROJECT NO. 808-173-114  
 DRAWING NO. 808-173-E3

**LEGEND**

- INTERMITTENT STREAM CHANNEL
- PERENNIAL STREAM CHANNEL
- EPHEMERAL STREAM CHANNEL
- BRUSH/RAIL/INTERMITTENT
- STREAM INTERFACE POINT
- PERENNIAL/INTERMITTENT
- STREAM INTERFACE POINT
- WETLANDS
- FORESTED WETLANDS
- IBR NO. 64 AREA
- CURRENT PERMIT AREA

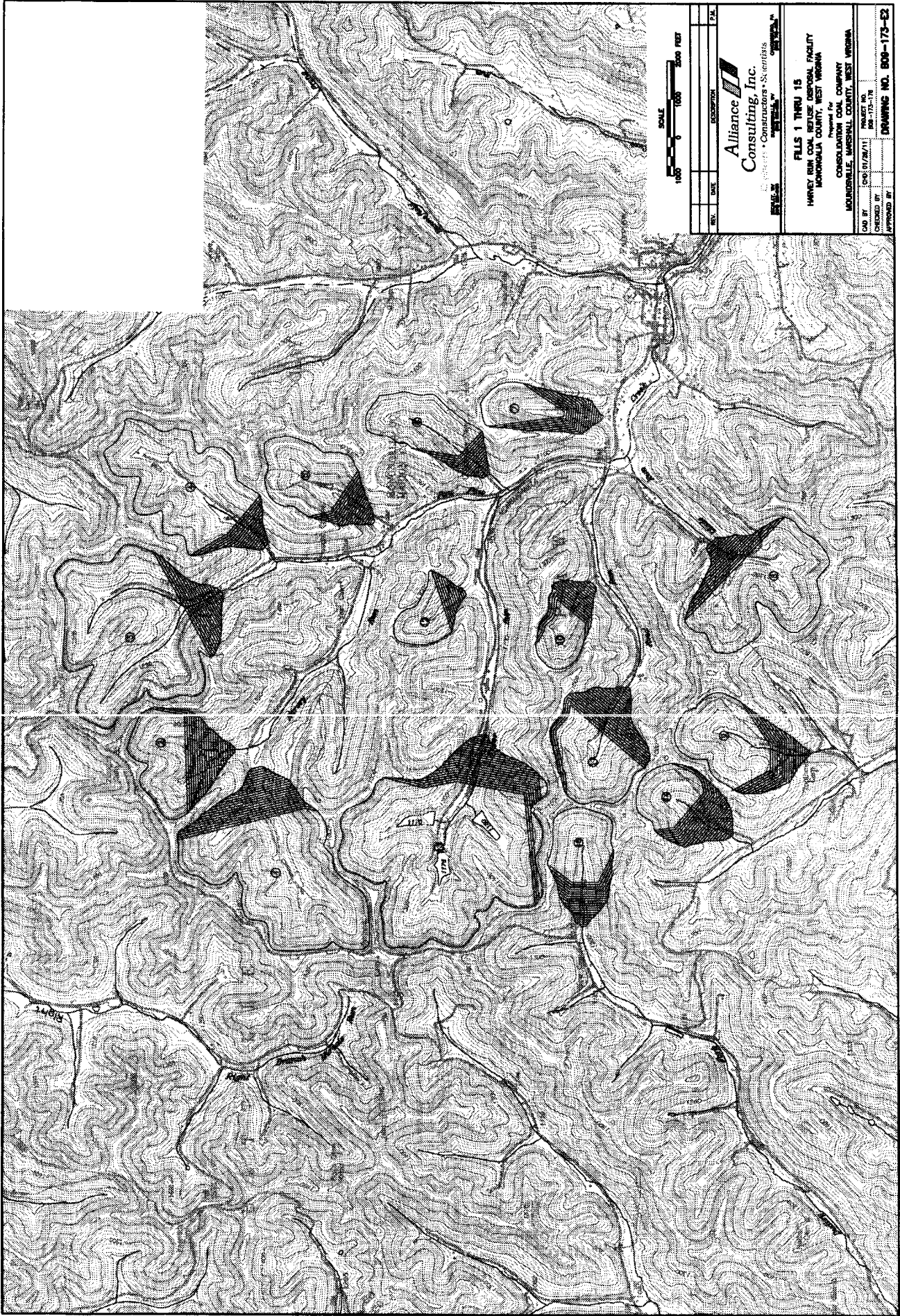


REV.	DATE	DESCRIPTION
1	07/29/11	GENERAL REVISIONS PER ALOD COMMENTS
2	08/11/11	ADD PERMIT INFORMATION

**Alliance Consulting, Inc.**  
 Constructors • Scientists

**STREAM DELINEATION MAP**  
 HARVEY RUN COAL REFUSE DISPOSAL FACILITY  
 MONROGALIA COUNTY, WEST VIRGINIA  
 Prepared for  
**CONSOLIDATION COAL COMPANY**  
 MOUNDSVILLE, MARSHALL COUNTY, WEST VIRGINIA

DATE: 08/11/08  
 PROJECT NO.: 08-173-174  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]  
**DRAWING NO. 609-173-E1**



REV.	DATE	DESCRIPTION	D.W.

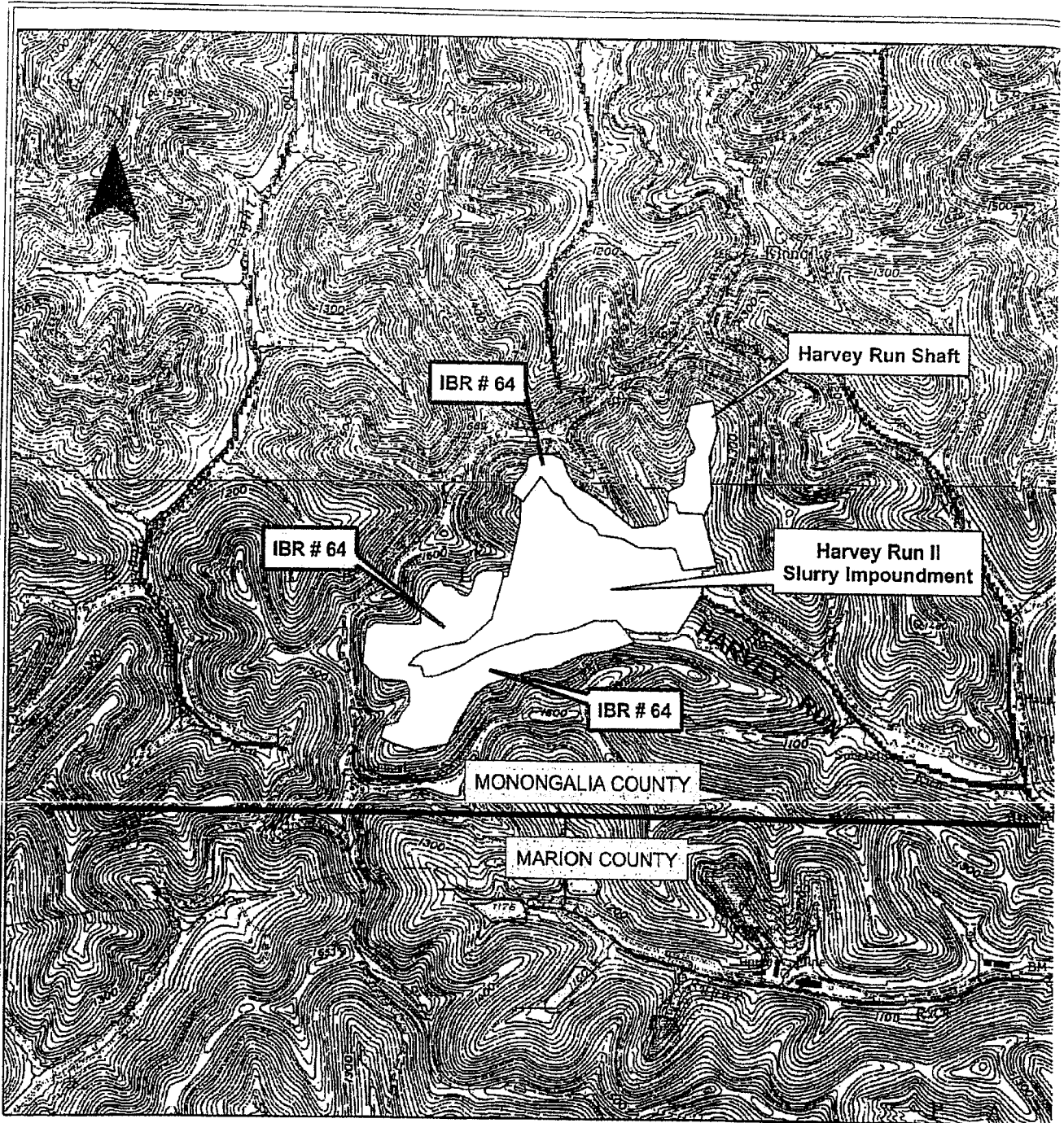
**Alliance Consulting, Inc.**  
 CONSULTING ENGINEERS & SURVEYORS  
 1000 WEST 10TH STREET  
 CHARLOTTE, N.C. 28202

**FILLS 1 THRU 15**  
 HARVEY RUN COAL REFUSE DISPOSAL FACILITY  
 BOONVILLE COUNTY, WEST VIRGINIA  
 CONSOLIDATION COAL COMPANY  
 MOUNDVILLE, MARSHALL COUNTY, WEST VIRGINIA

DATE: 5/25/11  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

PROJECT NO. 000-173-02  
 DRAWING NO. 000-173-02





**LOCATION M A P**

for

**CONSOLIDATION COAL COMPANY  
U-78-83      IBR No. 64  
Harvey Run II Slurry Impoundment  
Battelle District, MONONGALIA COUNTY**

March 24, 2011