



Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 2006-2279-KAN Issuance Date:
December 11, 2006
Stream: Fourmile Fork Closing Date:
January 10, 2006

Please address all comments and inquiries to:
U.S. Army USACE of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. (*reference above*)
502 Eighth Street
Huntington, West Virginia 25701-2070 Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (USACE) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the USACE Regulatory Program.

SECTION 10: The USACE is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The USACE is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO 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. This notice serves as the USACE request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Tyler Morgan, LLC
Post Office Box 251
Hernshaw, West Virginia 25107

LOCATION: The proposed project is located in the headwaters of Fourmile Branch of Paint Creek near Standard, in the District of Kanawha County, West Virginia. Paint Creek is a surface tributary system of Kanawha River, a navigable (Section 10) water of the U.S.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to discharge dredged and/or fill material into approximately 6.77 acres of waters of the United States, including 30,293 linear feet (5.27 acres) of stream channel, 0.9 acre of emergent wetland and 0.6 acre of pond, in conjunction with the construction, operation and reclamation of the Fourmile 2 and Fourmile 3 Surface Mines. The proposal would involve the construction of three valley fills, three sediment pond embankments and an access road (No. 1) and seven mined through areas and upgrade of a portion of Haul Road No. 1. Construction of the sediment pond embankments would result in the discharge of approximately 193 cubic yards of dredged and/or fill material into 326 linear feet (0.106 acre) of intermittent stream channels. Construction of Valley Fill 1 at the Fourmile 2 Surface Mine would result in the discharge of approximately 2,696 cubic yards of dredged and/or fill material into 10,780 linear feet (2.414 acres) of intermittent stream channels and 206 linear feet (0.035 acre) of ephemeral stream channels for a total permanent stream impact of 10,986 linear feet (2.45 acres). Construction of Valley Fills A and B at the Fourmile 2 Surface Mine would result in the discharge of approximately 2,241 cubic yards of dredged and/or fill material into 8,296 linear feet (1.394 acres) of intermittent stream channels. In addition, Valley Fill B would also impact 0.90 acre of emergent wetland and 0.08 acre of pond. Construction of the access road would result in the discharge of approximately 35 cubic yards of fill material into 55 linear feet (0.02 acre) of Fourmile Fork. Upgrade of Haul Road No. 1 would result in the discharge of approximately 233 cubic yards of fill material into 200 linear feet (0.085 acre) of Fourmile Fork. Reconstruction of Haul Road No. A would result in the discharge of approximately 178 cubic yards of fill material into 300 linear feet (0.089 acre) of intermittent stream channel and 55 linear feet (0.84 acre) of ephemeral stream channel. Removal of bituminous coal reserves underlying stream beds (i.e. mined through areas) would result in the discharge of approximately 1,223 cubic yards of dredged and/fill material into 7,603 linear feet (0.808 acre) of intermittent stream channels, 2,472 linear feet (0.234 acre) of ephemeral stream channels and 0.52 acre of ponds for a total impact of 1.56 acres.

The project area as described in the West Virginia Department of Environmental Protection's Article 3 Surface Mine Applications, S-3004-05 and S-3018-05, encompasses a total of 1,224.37 acres (640.18 acres on S-3004-05 and 584.19 acres on S-3018-05). This mining operation would recover coal from pre-law contour and auger mining operations conducted in the Stockton and Coalburg coal beds that left un-reclaimed highwall and un-mined barriers from pre-law deep mining operations in the Stockton and Coalburg seams. Fourmile No. 2 operations would use contour and area mining techniques to recover coal from the Coalburg, Stockton, Clarion, 5-Block and 6-Block coal beds, (listed stratigraphically from the lowest seam proposed to be surface mined up to the highest elevation seam situated in this ridge). The Fourmile No. 2 Surface Mine ends at the approximate location of the pre-law abandoned Coalburg Deep Mine limits and development of this project area would initiate at its southern limit, along the pre-law contour mined bench. Fourmile No. 3 would similarly use surface contour and area mining techniques to recover remaining barriers and isolated blocks of coal in the Coalburg seam, as well as contour and area mining in the Stockton, Clarion and 5-Block seams. The project area includes areas that were auger mined in the Coalburg and Stockton seams, and while the openings into the coal seam have been backstowed or have had material slough from the highwalls to cover the auger openings, several miles un-reclaimed pre-law highwall remain along the Fourmile Fork watershed. The site of Valley Fill B, in the northern-most unnamed tributary of Fourmile Fork, has an existing road fill that was placed during the upgrade of the West Virginia Turnpike (I-77) during the late 1970s and early 1980s. Impacts to waters of the U.S. associated with the proposed project are summarized on the attached table. Plans for the proposed facility are attached to this public notice.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the overall project purpose. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the overall project purpose.

MITIGATION PLAN: The applicant has not submitted a Compensatory Mitigation Plan (CMP) to compensate for permanent and temporary impacts to waters of the U.S. that are regulated by the USACE.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the WVDEP.

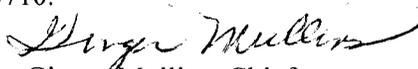
HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. Cultural Resource Analysts, Inc. (CRAI) conducted archaeological surveys on the project area in August and September 2005. This Phase I survey identified a site that was recommended for additional study, as described in a report entitled "Phase I Archaeological Survey of the Proposed Fourmile Fork Surface Mine Permit Area, Cabin Creek District, Kanawha County, West Virginia." The CRAI report was provided to both the WVDEP and to the West Virginia Division of Culture and History (SHPO) for review and concurrence during the WVDEP mining permit process. In a letter dated May 30, 2006, the SHPO indicated that mining advancement into site K46A562 may not occur until a Phase II archaeological assessment is completed to determine the site's eligibility for inclusion in the NRHP. Tyler Morgan, LLC has agreed to avoid mining-related disturbance within 100 feet of the K46A562 site boundary until such additional study is completed and, as a result, the SHPO has cleared the project site for mining activity with this provision. If no concurrence from the SHPO is received, Tyler Morgan would revise their mining plan and permit to delete site 46KA562 from their reserve base and permit area. The above-referenced boundary would be clearly marked by installation of visible fencing by a qualified archaeological consultant. The SHPO further stated provided the site is avoided, the proposed activities will have no effect to cultural resources listed in or eligible for inclusion of the NRHP. A copy of this public notice will be sent to the SHPO for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: Two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) may occur within the project area. A Mist-net survey report titled "A Summer Survey for the Federally Endangered Bat (*Myotis sodalis*) at Two Proposed Surface Mines in Kanawha County, West Virginia" was completed within the proposed project area during June 4-9 and July 16-17, 2005. No Indiana bats were captured during the survey efforts. The proposed project area was investigated for the presence of open, abandoned portals or other features that could provide summer and winter habitat for the Virginia big-eared bat or hibernaculum for the Indiana bat. No portals or other features were identified within the proposed project area that provide habitat for these endangered bats. The USACE has determined the proposed project is not likely to adversely affect threatened or endangered species or their critical habitat. In a letter dated September 28, 2005, the US Fish and Wildlife Service concurred that "no federally listed endangered and threatened species are expected to be impacted by the operation" and that "no further consultation under the ESA is required with the Service." Section 7 requirements under the Endangered Species Act (ESA) have been fulfilled. This public notice serves as a request to the 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 ESA Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest, which may be adversely affected, and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the USACE, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. 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 that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The USACE 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. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the USACE 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 need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mrs. Teresa Spagna, Project Manager, South Regulatory Section, CELRH-OR-FS, USACE Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions, you may contact Mrs. Teresa Spagna of the South Regulatory Section at (304) 399-5710.


Ginger Mullins, Chief
Regulatory Branch

Tyler Morgan, LLC
Stream Channel Impacts
Fourmile No. 2 and Fourmile No. 3 Surface Mines

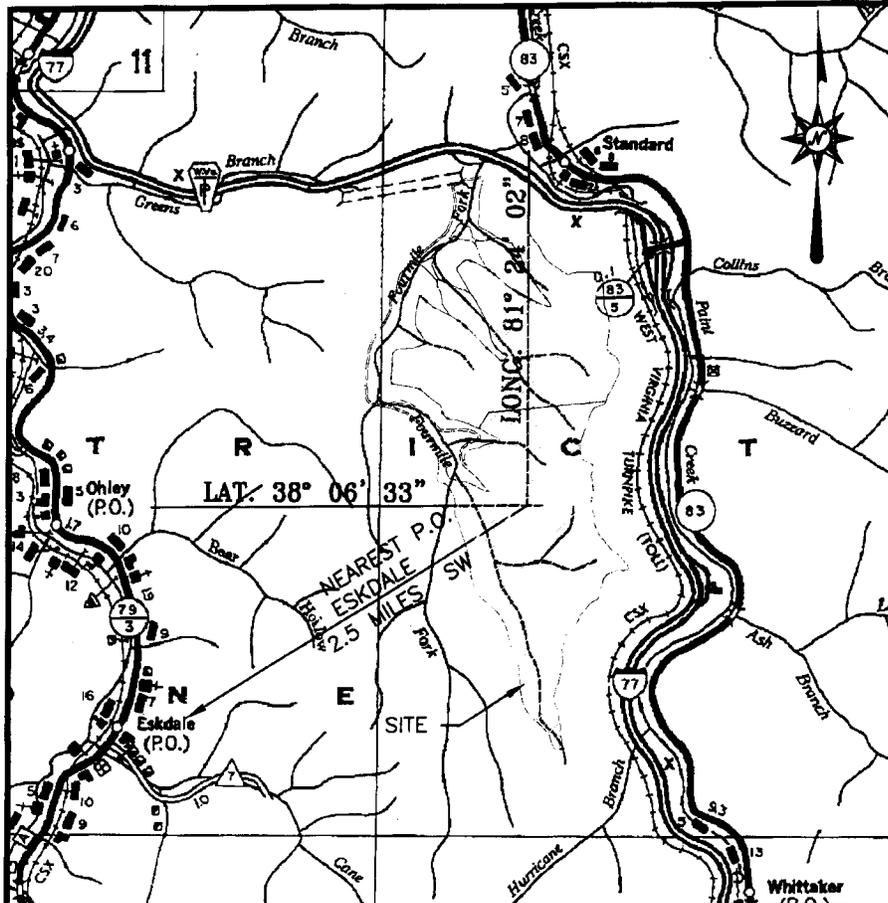
Tributary	ID	Permanent			Temporary				
		Linear Feet	Acres	Ephemeral Linear Feet	Acres	Intermittent Linear Feet	Acres	Ephemeral Linear Feet	Acres
UT2 RB Fourmile, Mine thru	UT2RB	0	0	0	0	0	0	868	0.112
T5 Fourmile, Mine thru	UT 5	0	0	0	0	2784	0.346	0	0
T5A Fourmile, Mine thru	UT 5A	0	0	0	0	200	0.018	371	0.022
T6 Fourmile, VF1	UT 6V	8171	1.716	0	0	0	0	0	0
T6 Fourmile, P1 & Road	UT 6P	0	0	0	0	300	0.089	55	0.084
T6A Fourmile, VF1	UT 6A	2348	0.656	0	0	0	0	0	0
T6Aa Fourmile, VF1	Trib 6Aa	261	0.042	206	0.035	0	0	0	0
Pond Embankment Only						115	0.054		
Main Stem Fourmile, Road	MSR	0	0	0	0	200	0.085	0	0
Subtotal, Surface Mine No. 2 Stream Impacts		10780	2.414	206	0.035	3599	0.592	1294	0.218
UT1 Fourmile Fork, VF B ¹	UT1, VFB	3265	0.42	0	0	0	0	0	0
UT1 Fourmile Fork, Mine thru ²	UT1, Mine	0	0	0	0	553	0.016	360	0.035
Pond 2 Embankment only						89	0.014		
UT1LB Fourmile, VF B	UT1LB	1250	0.122	0	0	0	0	0	0
UT2 Fourmile Fork, VF A	UT2, VF A	3369	0.803	0	0	0	0	0	0
UT2 Fourmile Fork, Mine thru ³	UT2, Mine	0	0	0	0	1510	0.137	0	0
Pond 1 Embankment only						122	0.038		
UT2 RB Fourmile, VF A	UT2RB VFA	412	0.049	0	0	0	0	0	0
UT2 RB Fourmile, Mine thru ⁴	UT2RB Mine	0	0	0	0	1267	0.119	253	0.017
UT3 Fourmile, Mine thru	UT3, Mine	0	0	0	0	1289	0.172	620	0.048
Fourmile Fork, IUAR Cross	FF, IUAR	0	0	0	0	55	0.02	0	0
Subtotal, Surface Mine No. 3 Stream Impacts		8296	1.394	0	0	4885	0.516	1233	0.1
Total Stream Impacts		19076	3.808	206	0.035	8484	1.108	2527	0.318
Total Permanent/Temporary Stream Impacts		19282	3.843			11011	1.426		
Pond Interior/Secondary Stream Impacts - Upstream limit of embankment to toe of fill (an integral part of the proposed waste treatment facility-not a regulated activity under Section 404 of the Clean Water Act)									
Main Stem Fourmile, Pond	MSP	0	0	0	0	937	0.342	0	0
UT1 Fourmile Fork, Pond 2	UT1, Pnd 2	0	0	0	0	537	0.094	0	0
UT2 Fourmile Fork, Pond 1	UT2, Pnd 1	0	0	0	0	490	0.085	0	0
Total Stream Impacts & Pond Interiors						1964	0.521		
						10448	1.629		

¹ Valley Fill B would also impact 0.90 acre of emergent wetland and 0.08 acre of pond as described in the narrative of this public notice.

² Mining through between Stations 47+00 and 48+00 would impact an existing pond with an approximate acreage of 0.11 acre.

³ Mining through between Stations 6+29 and 7+00 would impact two existing ponds with an approximate cumulative acreage of 0.07 acre.

⁴ Mining through between Stations 6+60 and 8+37 and 23+00 and 24+15 would impact two existing ponds with an approximate cumulative acreage of 0.34 acre.



TYLER MORGAN, LLC
LOCATION MAP

SMA# S-3004-05 NPDES # WV1021818

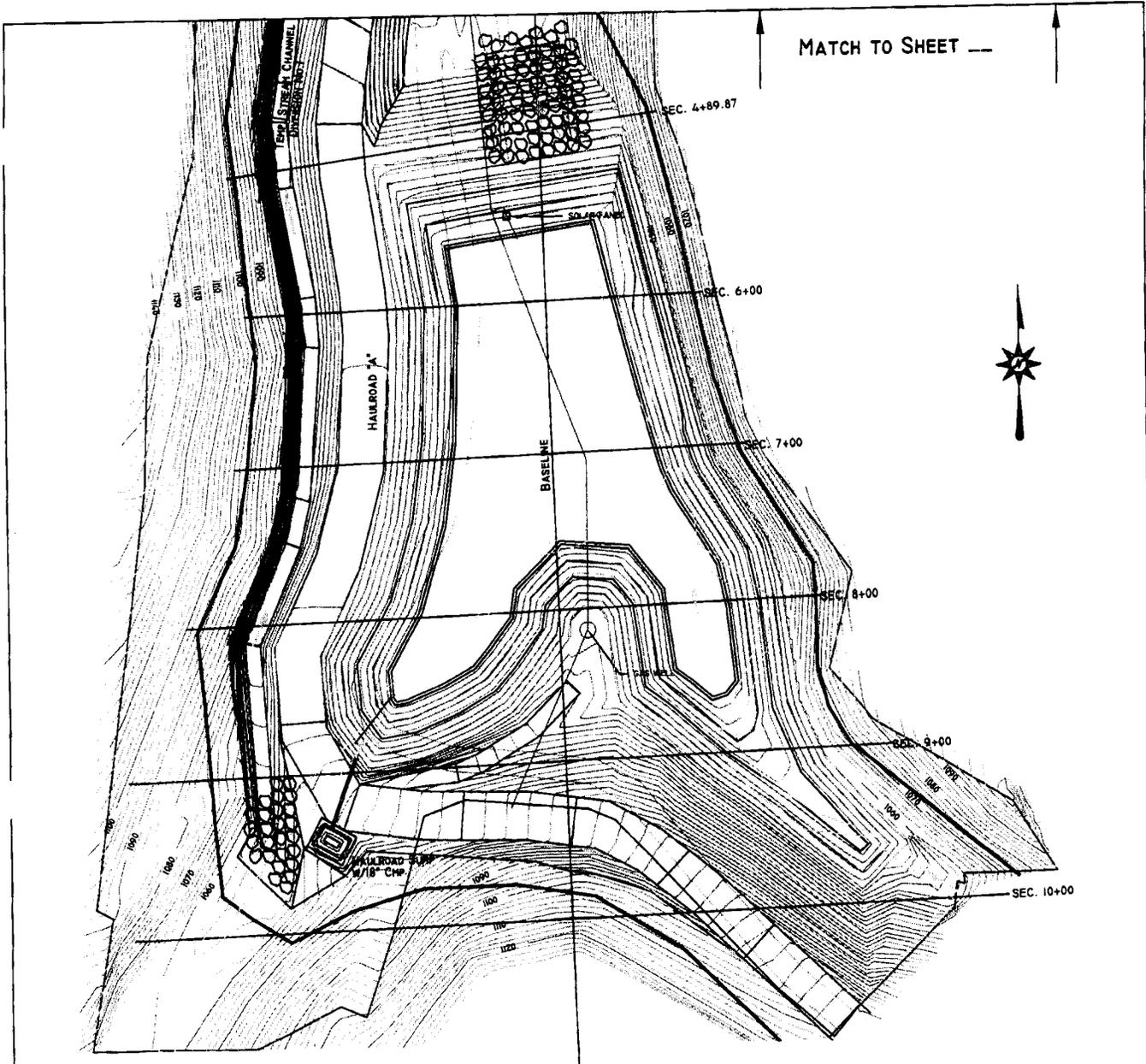
SMA# S-3018-05 NPDES # WV1021940

CABIN CREEK DISTRICT KANAWHA COUNTY

CEDAR GROVE QUAD. (#284) & ESKDALE QUAD. (#340)

Receiving Streams: Unnamed Tributaries of/and Fourmile Fork
of Paint Creek, and Unnamed Tributaries of Paint Creek of
of the Kanawha River.

1" = 1 MILE



MATCH TO SHEET —

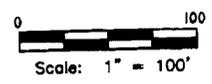


Tyler Morgan , LLC
 Fourmile 2 and 3 Surface Mines
 Page 2 of 17

PURPOSE: TEMPORARILY RELOCATE
 STREAM CHANNEL AND
 INSTALL SEDIMENT POND

FACILITY: TYLER-MORGAN, LLC
 FOURMILE FORK SURFACE MINE NO. 2
 UT AND FOURMILE FORK OF
 PAINT CREEK

PLAN VIEW



TYLER-MORGAN, LLC
 FOURMILE SURFACE MINE NO. 2

POND NO. 1 INSTALLATION
 FOURMILE FORK OF PAINT CREEK

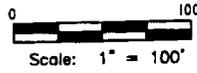
DATE: 09-01-06

SHEET _ OF _

PURPOSE: TEMPORARILY RELOCATE
STREAM CHANNEL AND
INSTALL SEDIMENT POND

FACILITY: TYLER-MORGAN, LLC
FOURMILE FORK SURFACE MINE No. 2
UT AND FOURMILE FORK OF
PAINT CREEK

PLAN VIEW



TYLER-MORGAN, LLC
FOURMILE SURFACE MINE No. 2

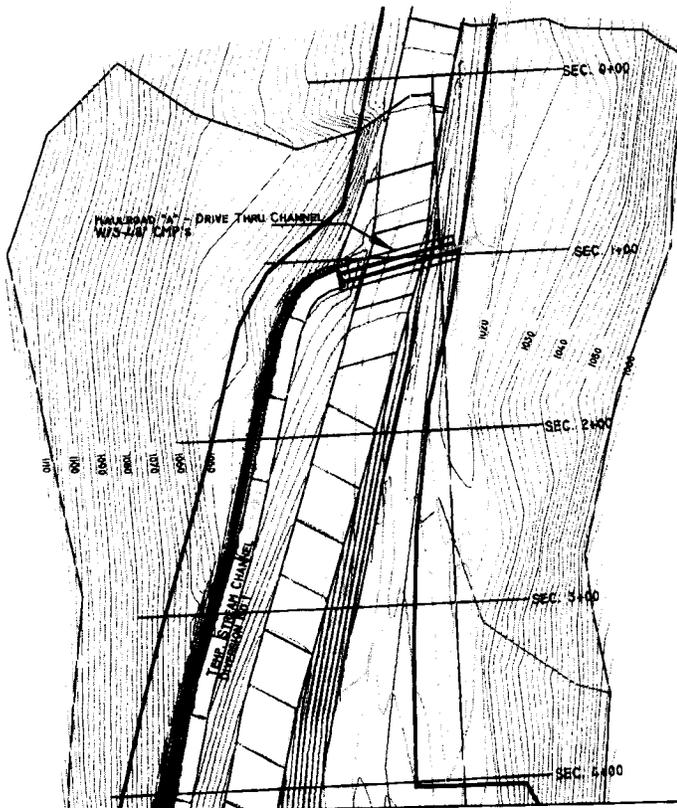
POND No. 1 INSTALLATION
FOURMILE FORK OF PAINT CREEK

DATE: 09-01-06

SHEET _ OF _

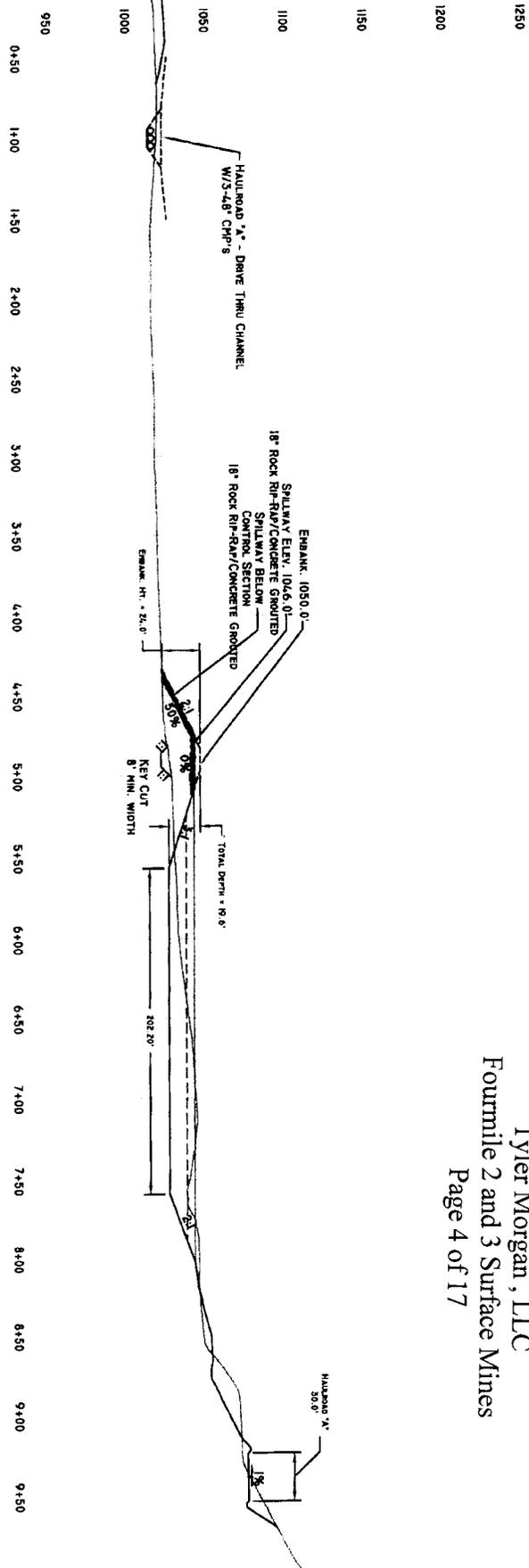


Tyler Morgan , LLC
Fourmile 2 and 3 Surface Mines
Page 3 of 17



MATCH TO SHEET —

Tyler Morgan, LLC
 Fournmile 2 and 3 Surface Mines
 Page 4 of 17

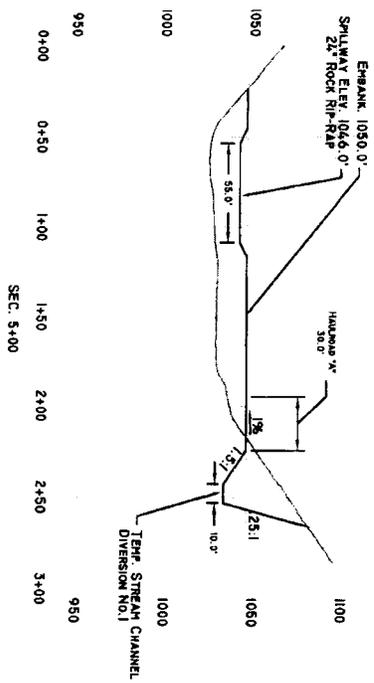
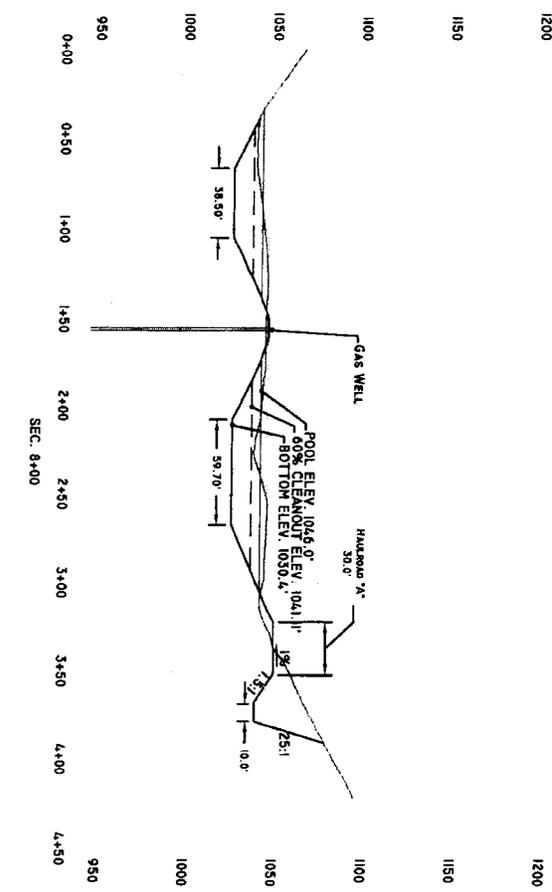
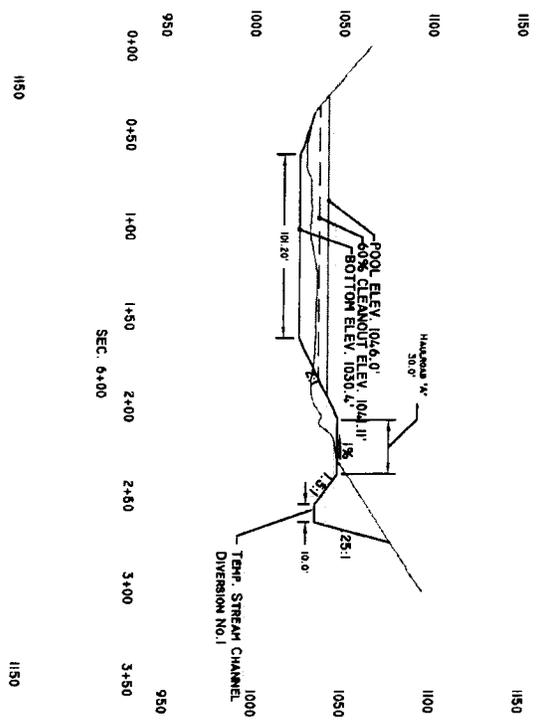


PURPOSE: TEMPORARILY RELOCATE STREAM CHANNEL
 AND INSTALL SEDIMENT POND AND ROAD CROSSING.

FACILITY: TYLER-MORGAN, LLC
 FOURMILE SURFACE MINE NO. 2
 UT AND FOURMILE FORK OF
 PAINT CREEK

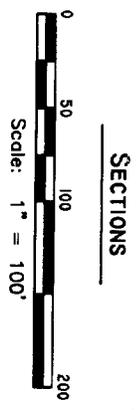


TYLER-MORGAN, LLC
 FOURMILE SURFACE MINE NO. 2
 POND NO. 1 PROFILE
 ROAD CROSSING CULVERT INSTALLATION
 DATE: 09-01-06
 SHEET -- OF --



PURPOSE: TEMPORARILY RELOCATE STREAM CHANNEL AND INSTALL SEDIMENT POND AND ROAD CROSSING.

FACILITY: TYLER-MORGAN, LLC
FOURMILE SURFACE MINE NO. 2
UT AND FOURMILE FORK OF PAINT CREEK

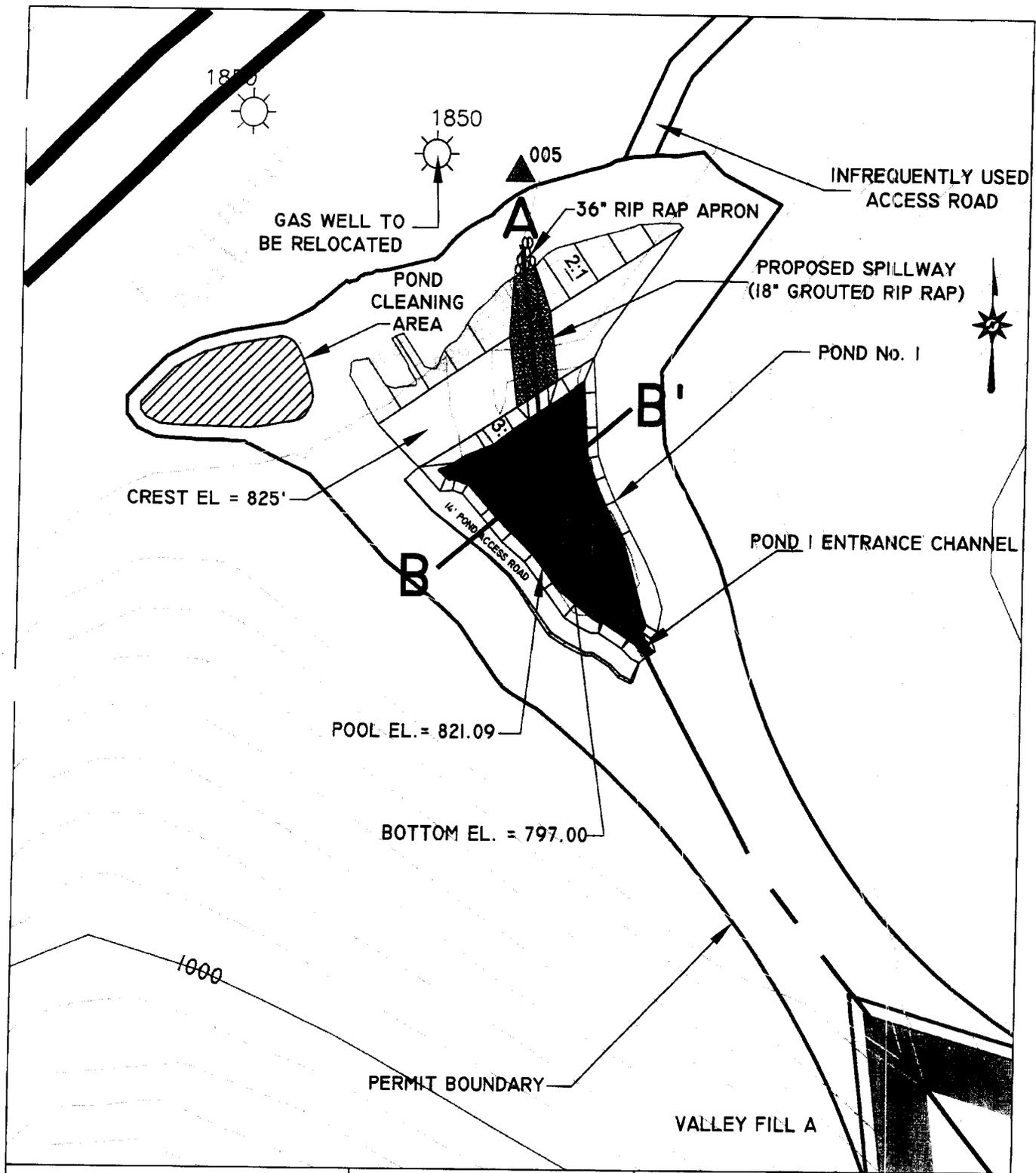


TYLER-MORGAN, LLC

FOURMILE SURFACE MINE NO. 2
POND NO. 1 CROSS SECTIONS

DATE: 09-01-06

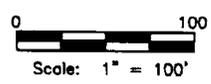
SHEET -- OF --



Purpose: Install temporary drainage and sediment control pond

Facility: Tyler-Morgan, LLC
 Fourmile Surface Mine No. 3
 UT of Fourmile Fork of Paint Creek

PLAN VIEW

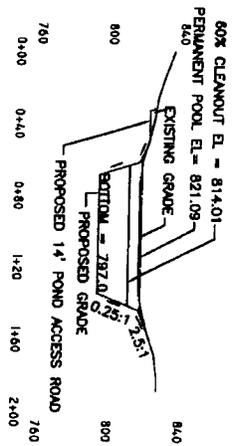


TYLER-MORGAN, LLC
 Fourmile Surface Mine No. 3

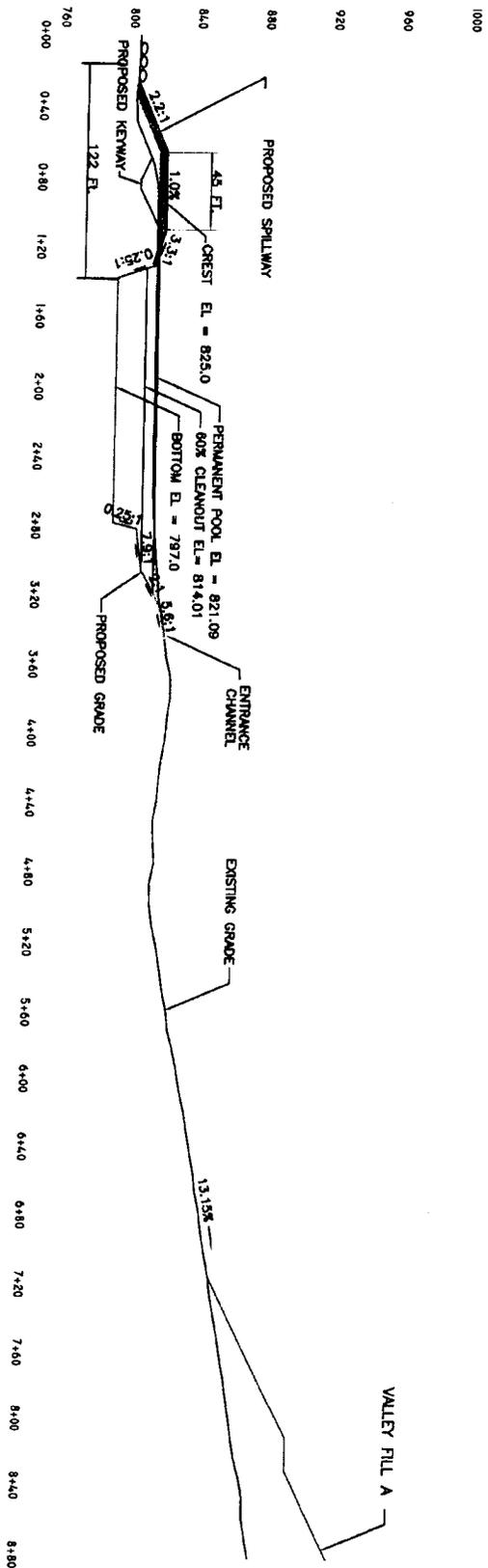
Pond No. 1 Installation
 UT, Fourmile Fork of Paint Creek

Date: 09-01-06

Sheet _ of _



POND 1 - SECTION B-B'

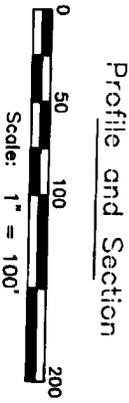


POND 1 - PROFILE A-A'

Tyler Morgan, LLC
 Fourmile 2 and 3 Surface Mines
 Page 7 of 17

Purpose: Install temporary drainage and sediment control pond

Facility: Tyler-Morgan, LLC
 Fourmile Surface Mine No. 3
 UT of Fourmile Fork of Paint Creek



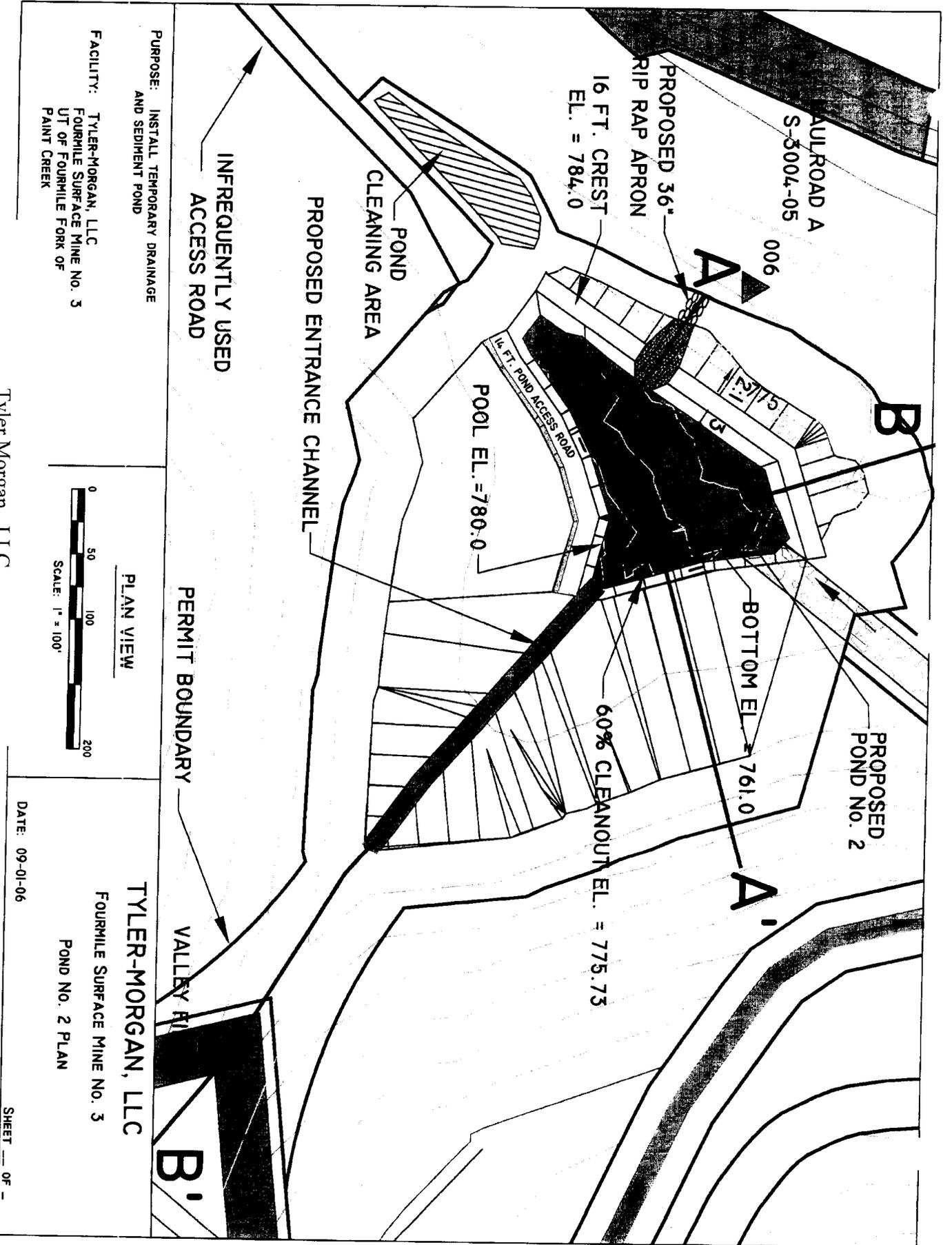
Profile and Section

Scale: 1" = 100'

TYLER-MORGAN, LLC
 Fourmile Surface Mine No. 3
 Pond No. 1 Profile
 Pond No. 1 Cross Section

Date: 09-01-06

Sheet ___ of ___



PURPOSE: INSTALL TEMPORARY DRAINAGE AND SEDIMENT POND

FACILITY: TYLER-MORGAN, LLC
 FOURMILE SURFACE MINE NO. 3
 UT OF FOURMILE FORK OF PAINT CREEK

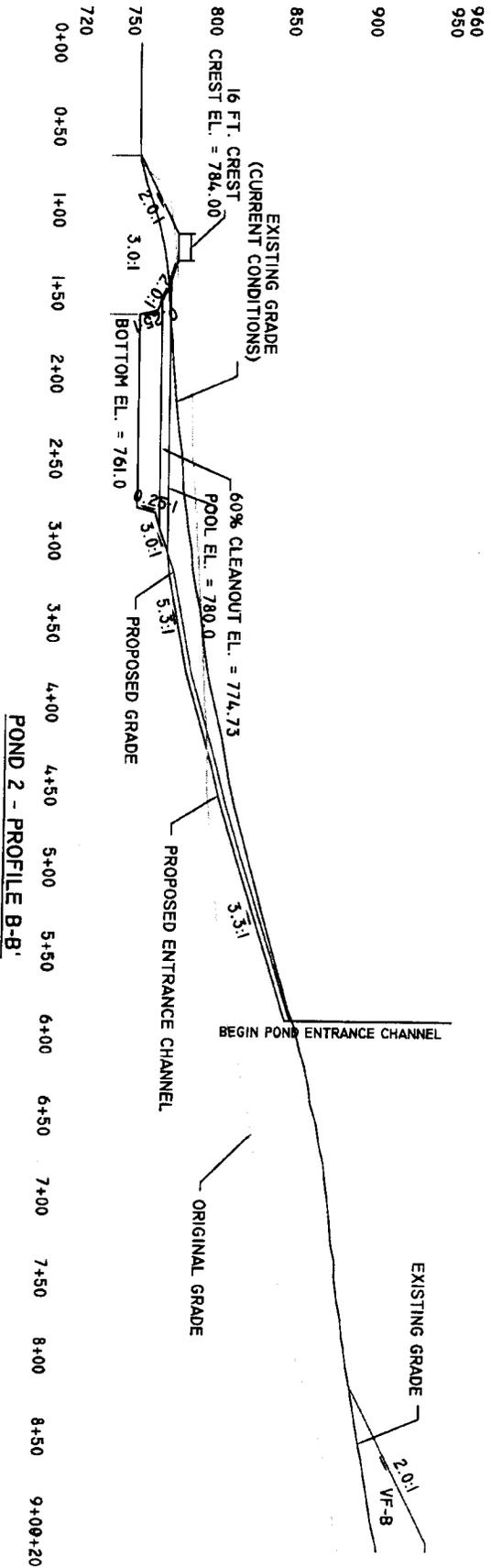
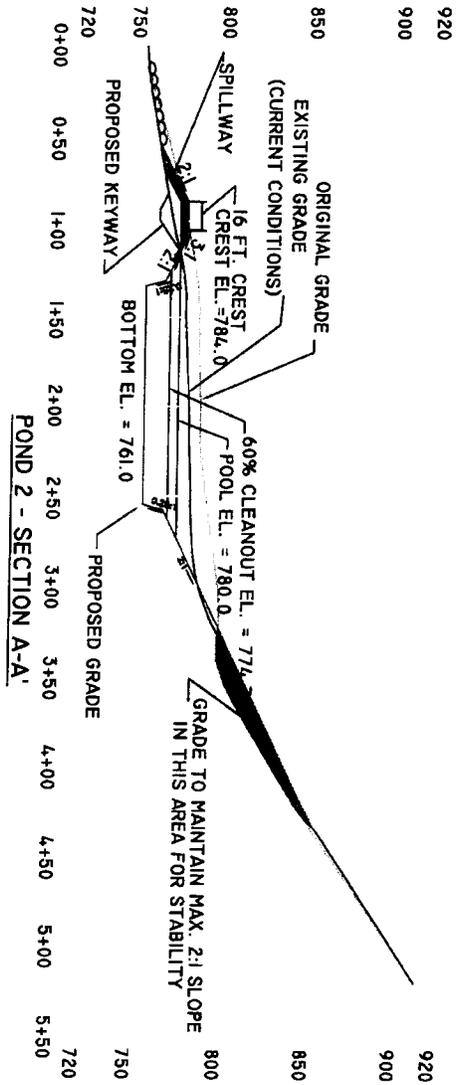


PLAN VIEW

DATE: 09-01-06

TYLER-MORGAN, LLC
 FOURMILE SURFACE MINE NO. 3
 POND NO. 2 PLAN

SHEET ___ OF ___



PURPOSE: INSTALL TEMPORARY DRAINAGE AND SEDIMENT POND

FACILITY: TYLER-MORGAN, LLC
FOURMILE SURFACE MINE NO. 3
UT OF FOURMILE FORK OF PAINT CREEK



TYLER-MORGAN, LLC

FOURMILE SURFACE MINE NO. 3

POND NO. 2 PROFILE

POND NO. 2 CROSS-SECTION

DATE: 09-01-06

SHEET -- OF --

Purpose: Temporarily relocate stream channel and install sediment pond

Facility: Tyler-Morgan, LLC
Fourmile Surface Mine No. 2
UT and Fourmile Fork of Paint Creek

PLAN VIEW



AS SHOWN

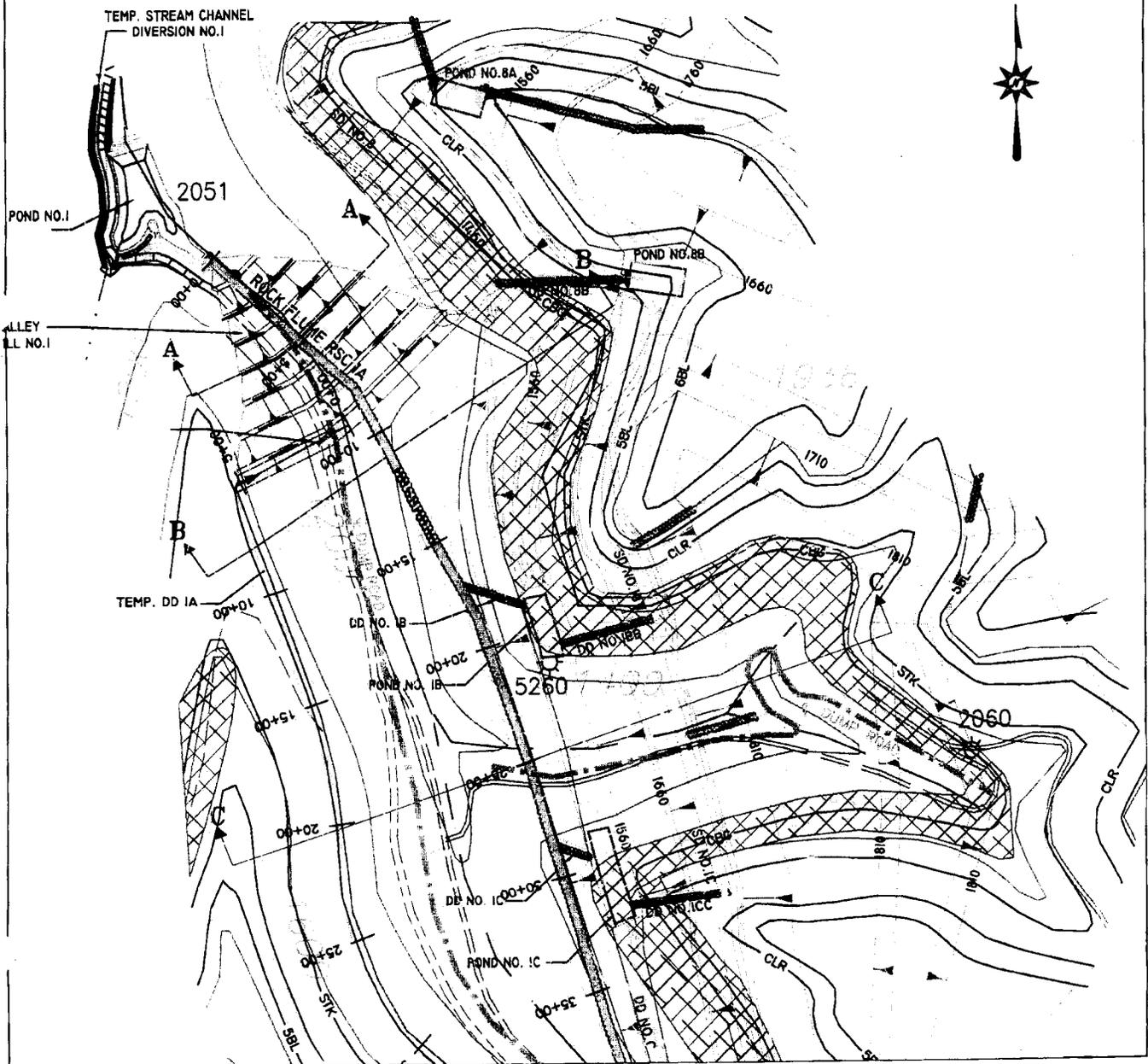
TYLER-MORGAN, LLC
Fourmile Surface Mine No. 2

Valley Fill No. 1
Fourmile Fork of Paint Creek

Date: 09-01-06

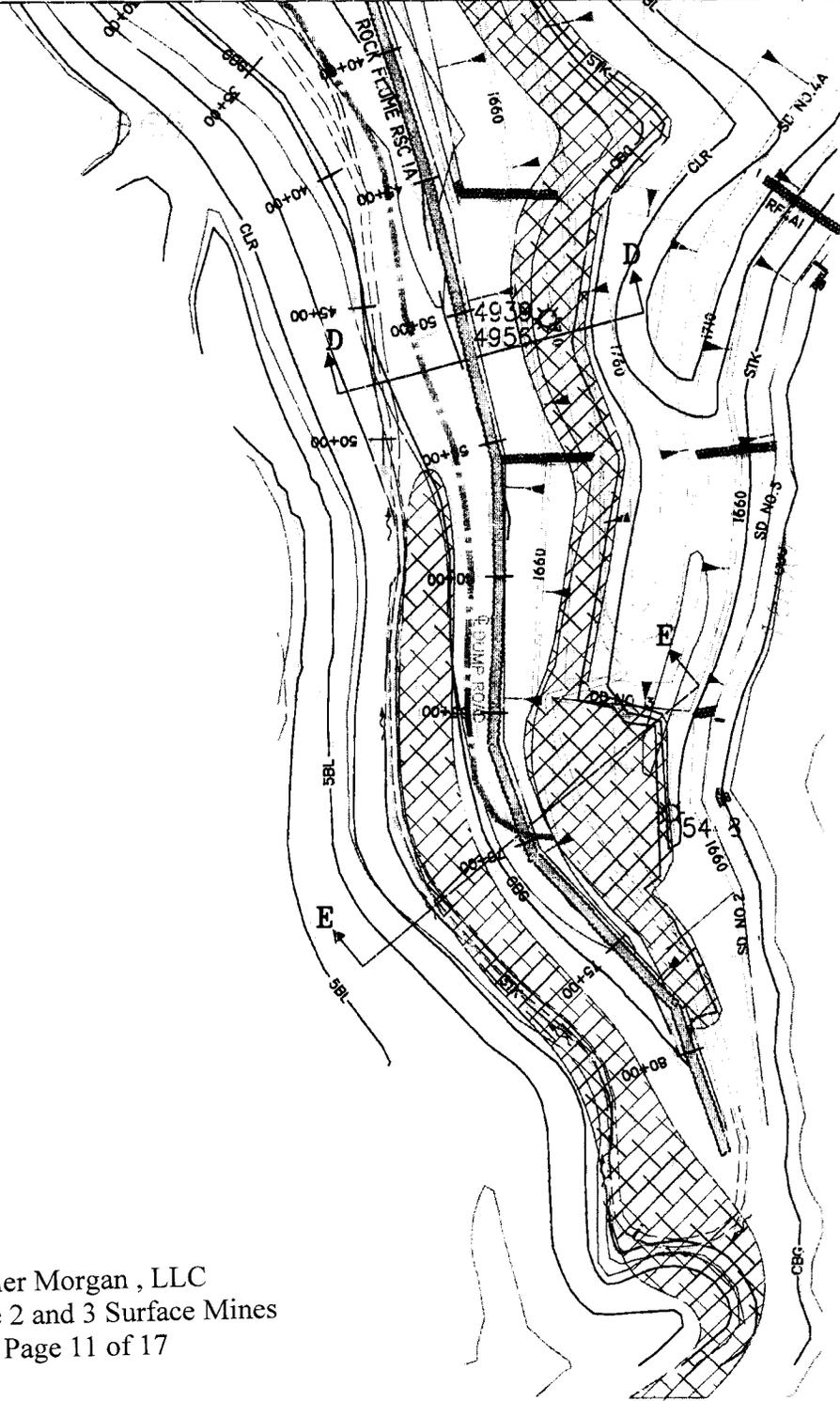
Sheet _ of _

Tyler Morgan, LLC
Fourmile 2 and 3 Surface Mines
Page 10 of 17



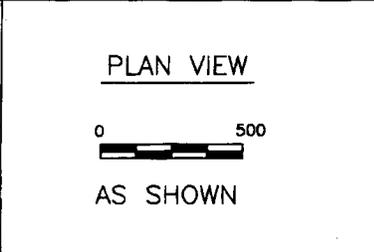


Tyler Morgan , LLC
 Fourmile 2 and 3 Surface Mines
 Page 11 of 17



Purpose: Temporarily relocate stream channel and install sediment pond

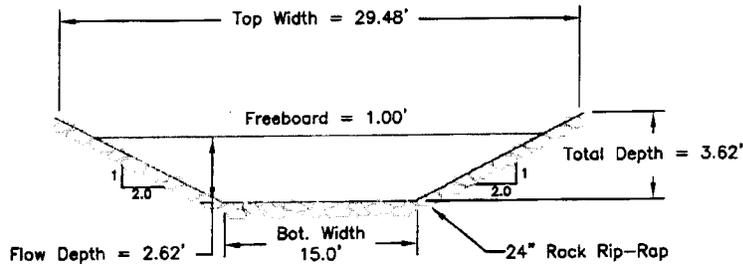
Facility: Tyler-Morgan, LLC
 Fourmile Surface Mine No. 2
 UT and Fourmile Fork of Paint Creek



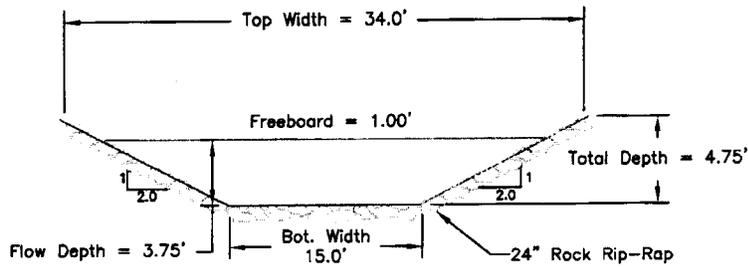
TYLER-MORGAN, LLC
 Fourmile Surface Mine No. 2

Valley Fill No. 1
 Fourmile Fork of Paint Creek

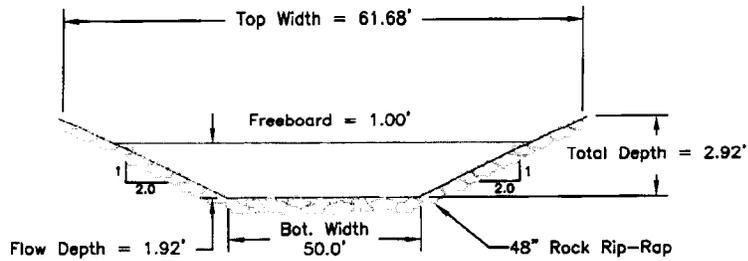
Date: 09-01-06 Sheet _ of _



ROCK FLUME RSC NO.1
(STA. 29+12 TO 84+35)
NOT TO SCALE



ROCK FLUME RSC NO.1
(STA. 9+66 TO 29+12)
NOT TO SCALE



ROCK FLUME RSC NO.1
(STA. 0+00 TO 9+66)
NOT TO SCALE

Tyler Morgan , LLC
Fourmile 2 and 3 Surface Mines
Page 12 of 17

Purpose: Construct permanent surface mine overburden fill

Facility: Tyler-Morgan, LLC
Fourmile Surface Mine No. 2
UT and Fourmile Fork of
Paint Creek

SECTION VIEW

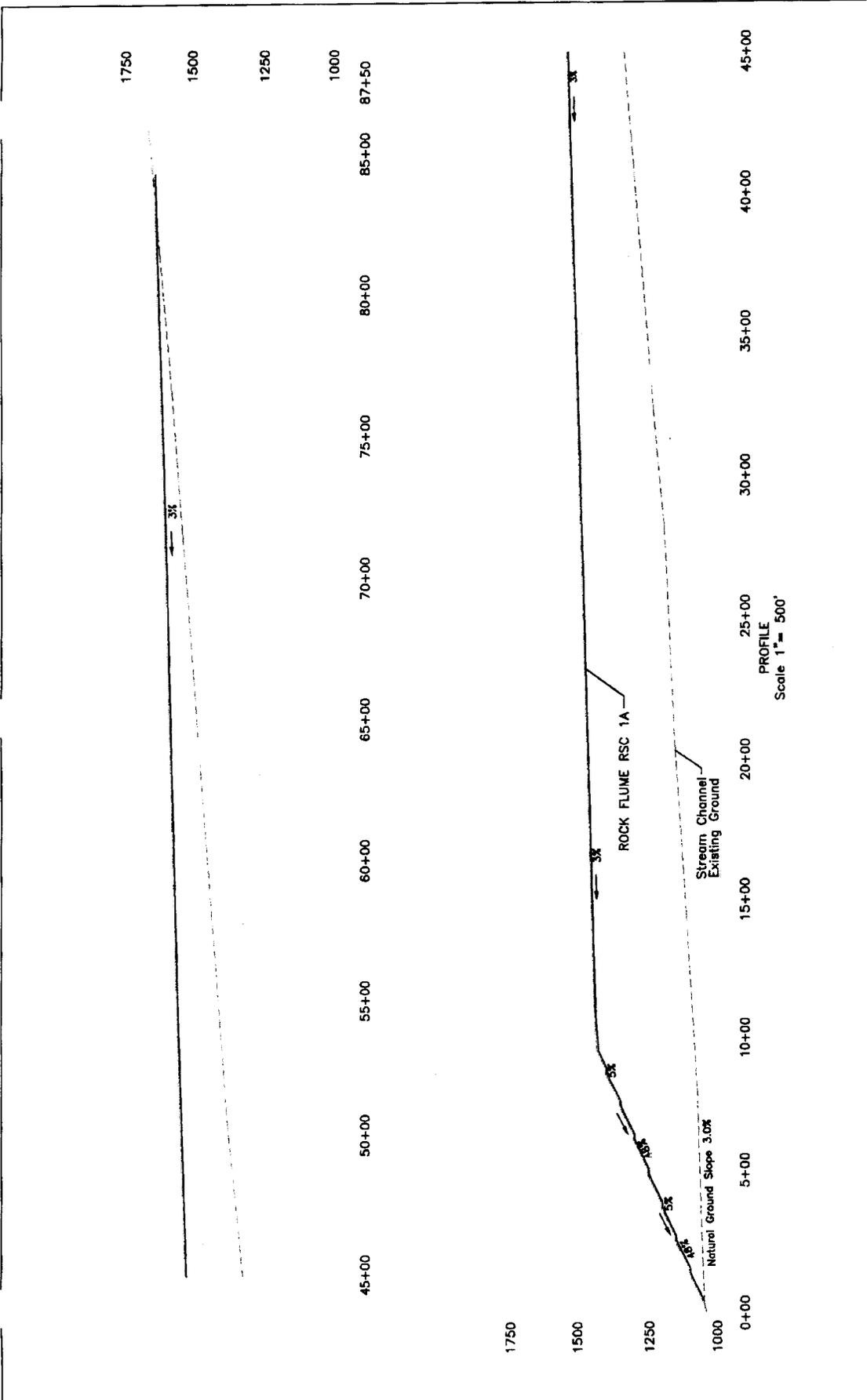
Scale: Not to Scale
Plot @ 1=250

TYLER-MORGAN, LLC
Fourmile Surface Mine No. 2

Valley Fill No. 1
Flume Details

Date: 09-01-06

Sheet _ of _



Purpose: Construct permanent surface mine overburden fill

Facility: Tyler-Morgan, LLC
Fourmile Surface Mine No. 2
UT and Fourmile Fork of Paint Creek

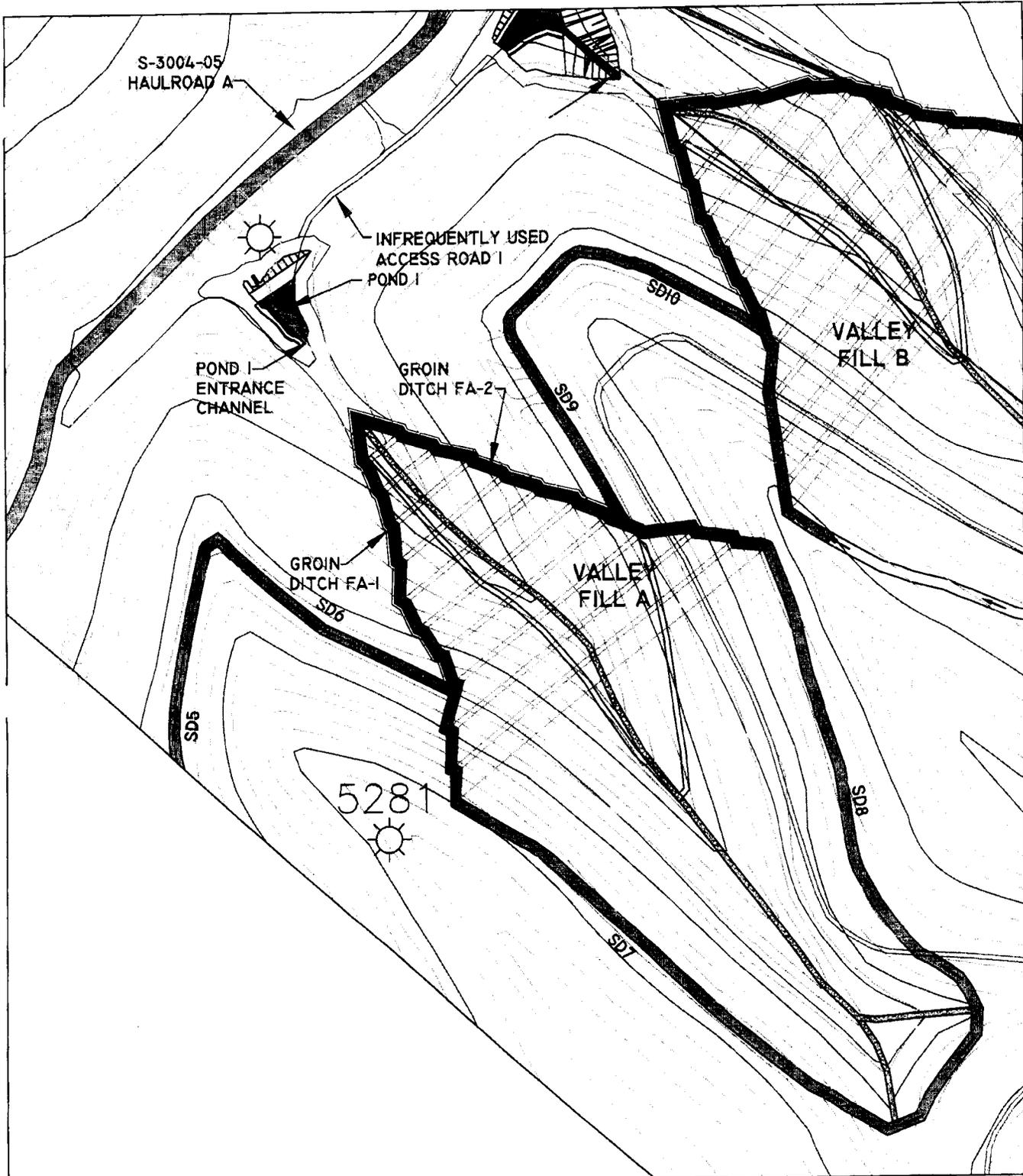
Profile

Scale: 1" = 500'

TYLER-MORGAN, LLC
Fourmile Surface Mine No. 2
Valley Fill No. 1 Profile

Date: 09-01-06

Sheet _____ of _____



Purpose: Construct permanent surface mine overburden fill

Facility: Tyler-Morgan, LLC
 Fourmile Surface Mine No. 3
 UT and Fourmile Fork of
 Paint Creek

PLAN VIEW

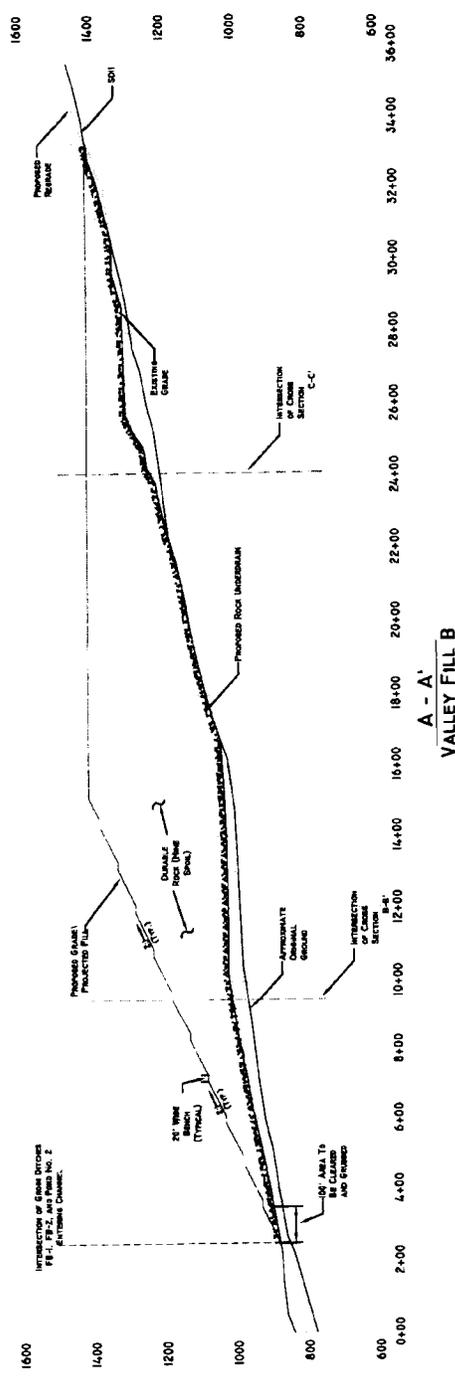
Scale: Not to Scale
 Plot @ 1=250

TYLER-MORGAN, LLC
 Fourmile Surface Mine No. 3

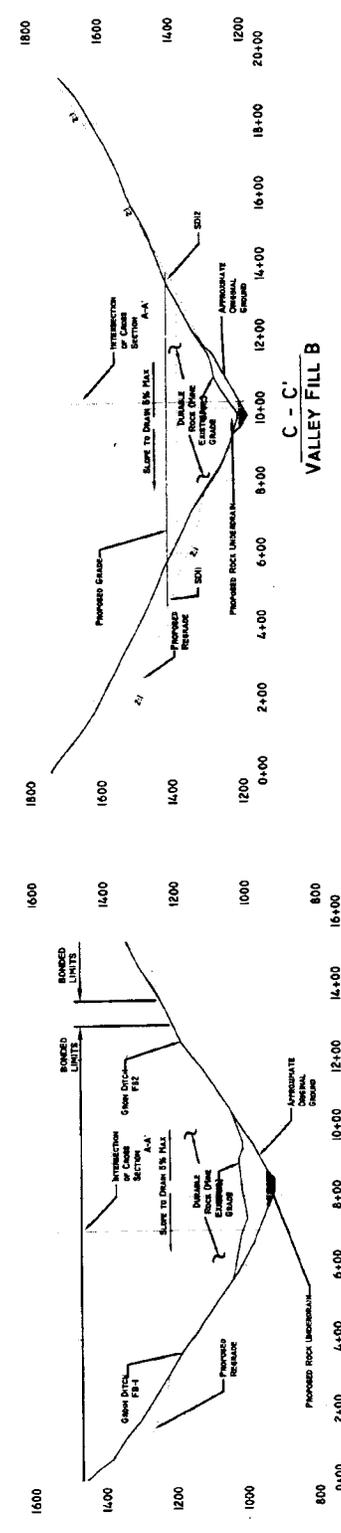
Valley Fill No. A
 Plan View

Date: 09-01-06

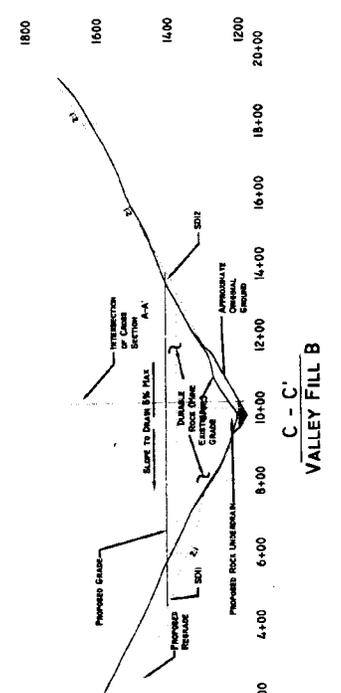
Sheet _ of _



A - A'
VALLEY FILL B



B - B'
VALLEY FILL B



C - C'
VALLEY FILL B

PURPOSE: CONSTRUCT PERMANENT SURFACE MINE OVERBURDEN FILL

FACILITY: TYLER-MORGAN, LLC
FOURMILE SURFACE MINE No. 3
UT OF FOURMILE FORK OF
PAINT CREEK

PROFILE AND SECTIONS

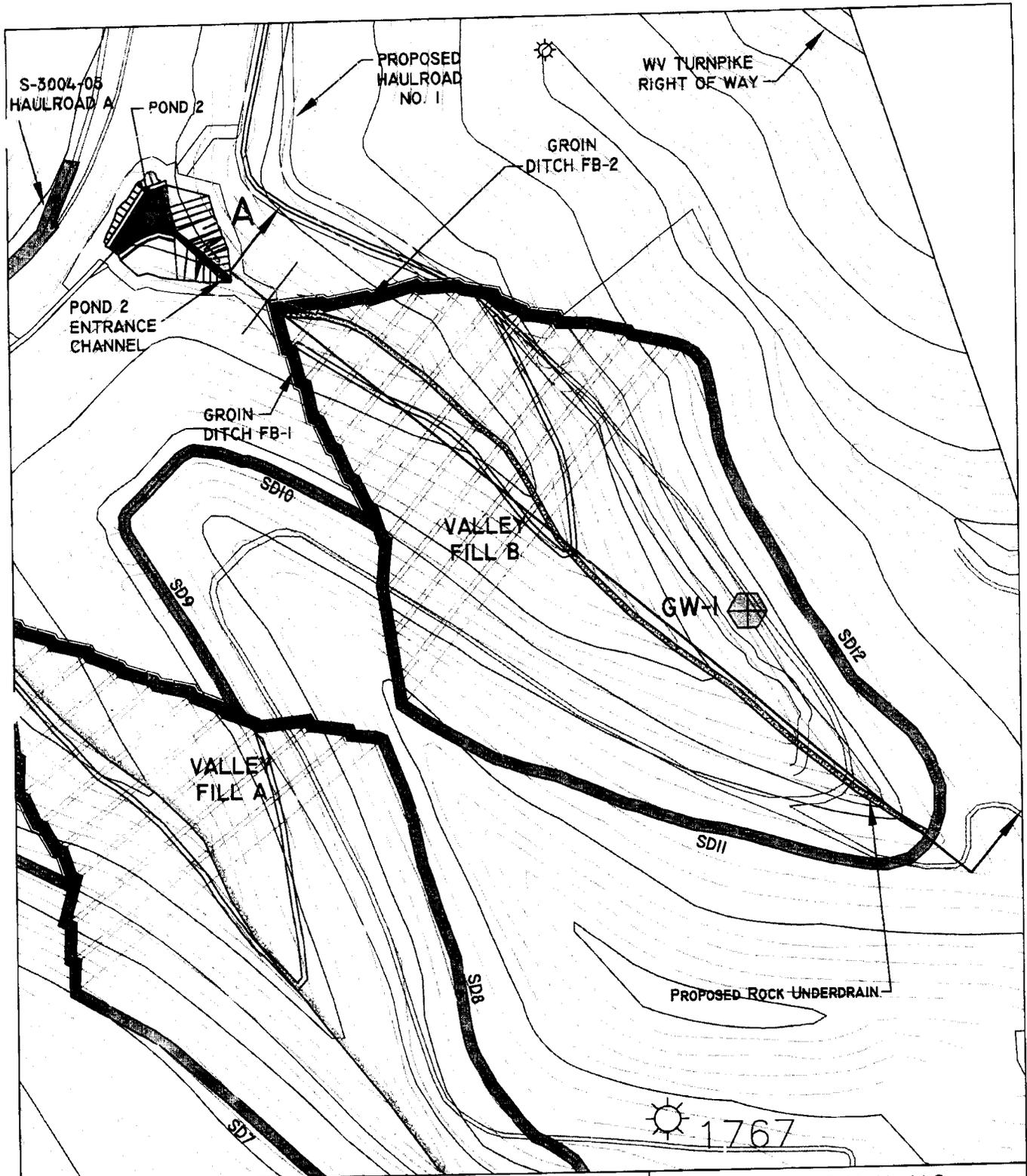


TYLER-MORGAN, LLC
FOURMILE SURFACE MINE No. 3

VALLEY FILL No. B PROFILE
VALLEY FILL No. B CROSS-SECTIONS

DATE: 09-01-06

SHEET ___ OF ___



Purpose: Construct permanent surface mine overburden fill

Facility: Tyler-Morgan, LLC
 Fourmile Surface Mine No. 3
 UT and Fourmile Fork of Paint Creek

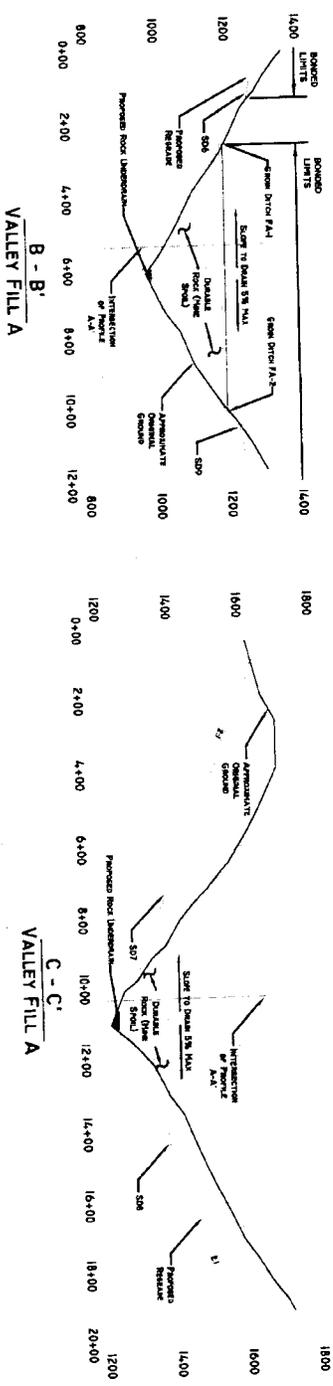
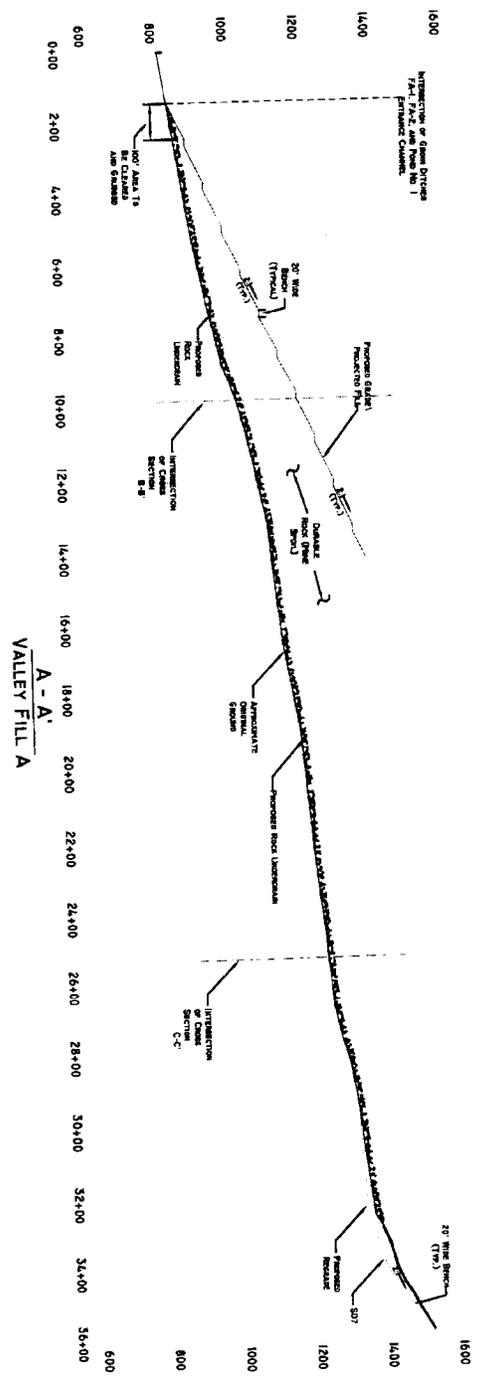
PLAN VIEW

Scale: Not to Scale
 Plot ● 1=250

TYLER-MORGAN, LLC
 Fourmile Surface Mine No. 3

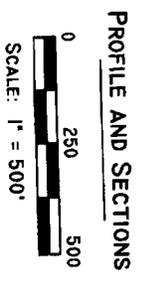
Valley Fill No. B
 Plan View

Date: 09-01-06 Sheet _ of _



PURPOSE: CONSTRUCT PERMANENT SURFACE MINE OVERBURDEN FILL

FACILITY: TYLER-MORGAN, LLC
FOURMILE SURFACE MINE NO. 3
UT OF FOURMILE FORK OF PAINT CREEK



TYLER-MORGAN, LLC
FOURMILE SURFACE MINE NO. 3
VALLEY FILL NO. A PROFILE
VALLEY FILL NO. A CROSS-SECTIONS

DATE: 09-01-06

SHEET -- OF --