



Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 2007-134-GAU Issuance Date: July 21, 2008

Stream: UT Muddlety Creek

Closing Date: August 20, 2008

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 United States 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. 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: Atlantic Leaseco, LLC
702 Professional Park, Suite D
Summersville, West Virginia 26651

LOCATION: The proposed project would be located approximately 3.8 miles northwest of Calvin, in the Hamilton District of Nicholas County, West Virginia. The project area can be found at latitude 38°23'03" and longitude 80°44'42" on the Tioga and Widen USGS 7.5-minute quadrangles. The proposed project would be constructed in the watershed of Muddlety Creek, a tributary of the Gauley River, a traditional navigable water.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to discharge dredged and/or fill material into approximately 2.43 acres of waters of the United States in conjunction with the construction, operation and reclamation of the Muddlety Surface Mine No. 1 [Pending approval under Surface Mining Control and Reclamation Act (SMCRA) Permit S-3004-07 and National Pollutant Discharge Elimination System (NPDES) Permit WV1022229]. Project components would include two permanent valley fills (Valley Fills No. 1 and 2), 10 mine-through areas, 2 in-stream sediment pond embankments, and 1 stream crossing. To facilitate the construction of the Ponds No. 1 and No. 2, temporary channel diversions would be installed to direct runoff into the temporary sediment control structures and would directly impact 119 linear feet of stream channel. One temporary road crossing would be upgraded from an existing drive-through crossing to a culvert crossing and would result in temporary, direct discharges of dredged or fill material into 20 linear feet (0.01 acre) of intermittent stream channels. Construction of the proposed underdrain systems associated with Valley Fills No. 1 and 2 would result in the permanent, direct discharges of dredged material into 2,580 linear feet of perennial stream channels, 860 linear feet of intermittent stream channels, 374 linear feet of ephemeral stream channels, 0.09 acre of emergent wetlands, and 0.21 acre of pond. Mineral removal activities would result in the permanent, direct impacts to 1,410 linear feet of perennial stream channels, 4,750 linear feet of intermittent stream channels, and 859 linear feet of ephemeral stream channels. Details regarding these proposed activities are listed in the Table 1 attached to this public notice. The purpose of the proposed project is to discharge dredged/fill material to construct attendant and associated features (i.e. overburden disposal, coal recovery, sediment control etc.) and to facilitate efficient extraction of 4 million tons of coal reserves in the SMRCA permitted area (398 acres) for a period of 5-7 years. Coal removed from the project area would be processed and moved offsite for delivery to customers. 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 project area has been previously timbered and gas reserves have been developed. Mining has occurred using deep and surface mining techniques within and adjacent to the project area. In evaluating a project area containing waters of the United States, consideration must be given to avoiding impacts on these sites. The USACE has determined that approximately 5,195 linear feet of perennial stream, 10,003 linear feet of intermittent streams, 1,599 linear feet of ephemeral streams, three emergent wetlands totaling 0.22 acre, and one pond totaling 0.21 acre are located within the area delineated for the proposed project. As a result of avoidance measures, the applicant proposes to impact 4,067 linear feet of perennial stream (1,487 linear feet would be restored upon completion of mining activities), 5,672 linear feet of intermittent stream (4,812 linear feet would be restored upon completion of mining activities), 1,233 linear feet of ephemeral stream (859 linear feet would be restored upon completion of mining activities), 0.09 acre of emergent

wetlands, and 0.21 acre of pond. Therefore, the applicant has avoided impacts to approximately 1,128 linear feet of perennial stream, 4,331 linear feet of intermittent stream, 326 linear feet of ephemeral stream and 0.13 acre of emergent wetland within the delineated area. Upon completion of mining activities, 5,448 linear feet of perennial stream and 7,590 linear feet of intermittent and ephemeral stream would be re-established to their approximate pre-disturbance contours. Additionally, the applicant further reduced impacts to waters of the United States by redesigning and moving the proposed toe of Valley Fill No. 2 approximately 250 linear feet upstream, using an existing off-site excess spoil disposal area for storage of 6.7 million cubic yards of excess overburden thus reducing valley fill storage requirements by more than 50% (from 13.1 to 6.4 million cubic yards), and designing its proposed sediment ponds to be located outside of waters of the United States.

If waters of the United States cannot be avoided, impacts must be minimized. The applicant has proposed efforts to minimize impacts to aquatic resources throughout project implementation. The applicant proposes to incorporate best management practices (BMPs), as required by SMCRA and NPDES, to the maximum extent possible and by using the best technology currently available. To limit the impacts of the proposed operation, the design of the valley fills were optimized by placing excess overburden on top of fills higher than the lowest coal seam proposed to be mined. This procedure (Approximate Original Contour+/Excess Overburden Guidelines) was developed by the WVDEP and was endorsed by the United States Environmental Protection Agency as constituting minimization under the Section 404(b)(1) Guidelines. Valley Fills 1 and 2 comply with these guidelines. Additionally, the proposed valley fills would be constructed in hollows previously impacted by pre- and post-SMCRA and timbering activities. With regard to sediment control, only two short segments, 57 linear feet of perennial stream and 62 linear feet of intermittent stream, would be temporarily impacted by channel diversions that would be necessary to direct runoff into the proposed Ponds 1 and 2. Run-off must pass through these proposed designed sediment control structures before entering the streams to prevent downstream sedimentation in any considerable quantities. These measures would minimize the potential for excessive erosion and deposition of sediment in waters of the United States. The applicant proposes to manage discharges in accordance with WVDEP-established NPDES threshold limits for suspended solids and settleable solids. Further minimization of impact would be achieved through timely backfilling, grading and revegetation of operational areas and stabilization of fill material, which would be expected to minimize the amount of earth disturbance at any given time and would reduce the potential for erosion and sedimentation. With regard to the proposed road crossing, the culvert would be installed in a manner to adequately pass both low and high water flows and would accommodate fluctuating water levels and aquatic life passage. The applicant examined numerous alternatives to avoid all impacts to waters of the United States and determined them to be impracticable based on cost effectiveness, and technical feasibility in light of the overall project purpose.

The applicant has submitted a Compensatory Mitigation Plan (CMP) to compensate for unavoidable impacts to waters of the United States. The mitigation components include: restoring approximately 6,148 linear feet of temporarily impacted stream channels to their approximate pre-disturbance conditions; creating 6,890 linear feet of stream channel along unnamed tributaries of Muddlety Creek; enhancing approximately 10,000 linear feet of Muddlety Creek; creating approximately 0.20 acre of emergent wetland; establishing, enhancing or restoring 50-foot riparian areas along the 23,038 linear feet for total of 26.4 acres; and permanently protecting all mitigation areas via a real estate instrument. The CMP has been developed with a watershed-based approach and incorporates the USACE Interim Functional Assessment Approach.

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: It has been determined there are no properties included in or eligible for listing in the National Register of Historic Places that would be affected by the proposed undertaking. Reports entitled "Archaeological and Historical Resources Report, North of Muddlety Complex Surface Mines Project, Nicholas County, West Virginia and Phase 1B Archaeological Survey, North of Muddlety Complex Surface Mines Project, Nicholas County, West Virginia" were prepared and submitted to West Virginia Division of Culture and History, State Historical Preservation Office (SHPO). These reports are inclusive of the proposed Muddlety Surface Mine No. 1 project area. SHPO has reviewed these reports and, in a letter dated March 11, 2008, has requested additional information from the applicant before issuing final comment on the project. 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 bat-mist net survey was completed in the project area to determine presence or probable absence of the Indiana bat within the proposed project area. Fourteen net-site locations were selected and surveyed during fifty- six net-nights between July 31, 2006 and August 11, 2006. No federally-listed bats were captured during this survey. The proposed project area was also surveyed for abandoned mine portals that could support summer or winter colonies of the endangered Virginia big-eared bat or provide hibernaculum for the Indiana bat. No abandoned mine portals were found within the proposed project area. Based on these facts, the WVDEP, in a letter dated February 8, 2007, has determined the proposed project is not likely to adversely affect endangered or threatened species or their critical habitat. This public notice serves as a request to the USFWS 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 320-332, the Regulatory Program of the USACE, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the United States 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.

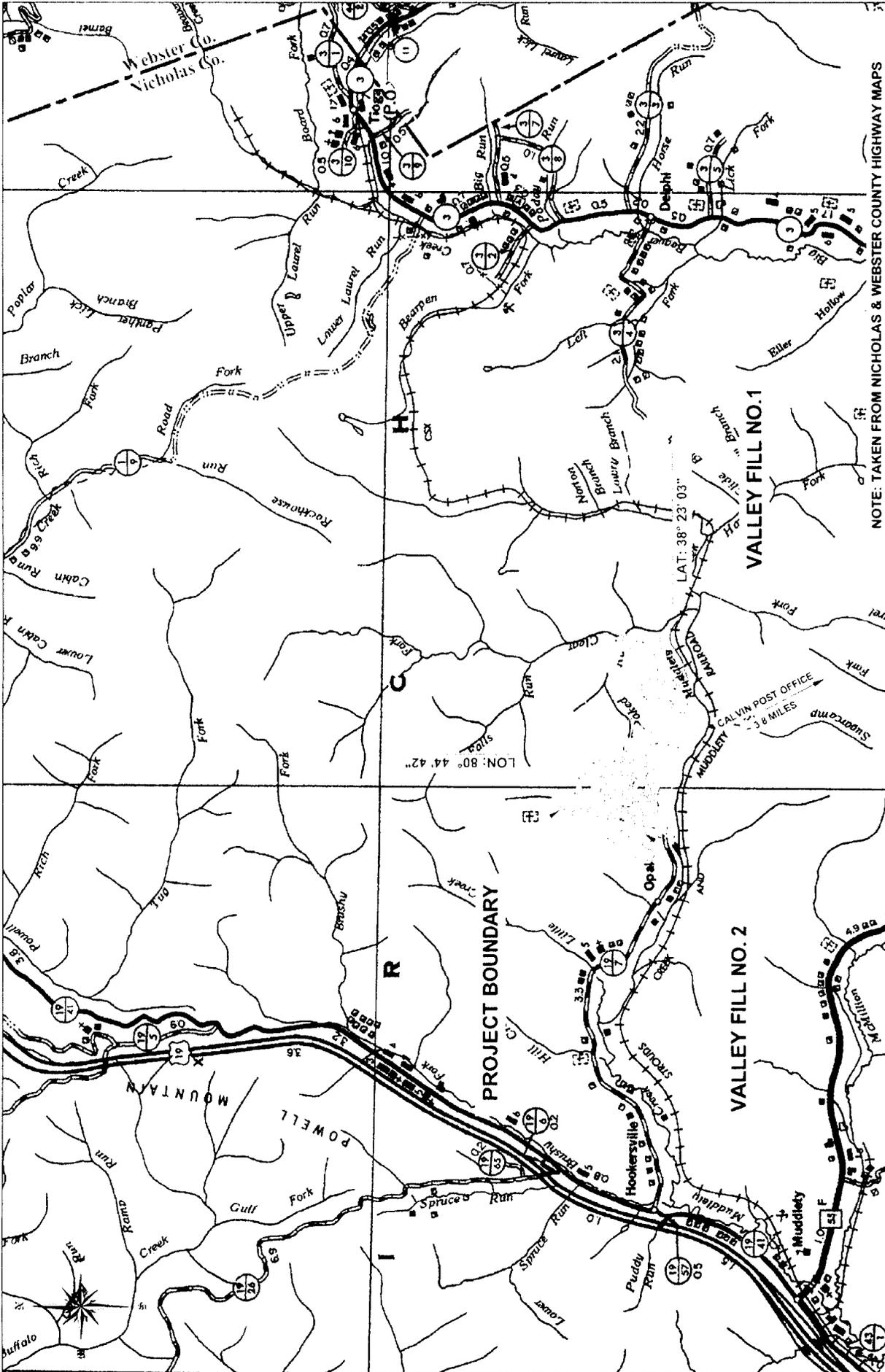
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for 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 concerning the above, please contact Mrs. Teresa Spagna of the South Regulatory Section at (304) 399-5710.



Ginger Mullins, Chief
Regulatory Branch

(W)

Table A. Jurisdictional Waters of the United States by Impact Category										
Jurisdictional Waters of the United States	Flow Regime Type	Proposed Activities and Impacts to Waters of the United States								Emergent Wetland / Open Water Impacts
		Permanent Fill Impacts		Mine Through Impacts		Temporary Channel Diversion Impacts		Road Crossing Impacts		
		Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	
UTs of /and 1st Left UT of Muddley Creek	Perennial	2,580	0.93	1,410	0.38	57	0.02	20	<0.01	0.09 / 0.00
	Intermittent	-	-	2,596	0.31	-	-	-	-	
	Ephemeral	-	-	533	0.03	-	-	-	-	
UTs of/and 2nd Left UT of Muddley Creek	Perennial	-	-	-	-	-	-	-	-	0.00 / 0.00
	Intermittent	-	-	-	-	-	-	-	-	
	Ephemeral	-	-	203	0.02	-	-	-	-	
5th Left UT of Muddley Creek	Perennial	-	-	-	-	-	-	-	-	0.00 / 0.00
	Intermittent	-	-	66	0.01	-	-	-	-	
	Ephemeral	-	-	123	0.01	-	-	-	-	
UTs of/and 6th Left UT of Muddley Creek	Perennial	-	-	-	-	-	-	-	-	0.00 / 0.21
	Intermittent	860	0.14	2,088	0.25	62	0.01	-	-	
	Ephemeral	374	0.02	-	-	-	-	-	-	
TOTAL		3,814	1.09	7,019	1.01	119	0.03	20	<0.01	0.09 / 0.21



NOTE: TAKEN FROM NICHOLAS & WEBSTER COUNTY HIGHWAY MAPS

GENERAL LOCATION MAP
 PROPOSED MUDDLETY SURFACE MINE NO. 1
 SMA-3004-07

FIGURE A

SCALE: 1" = 1 MILE

DATE: JUNE 2008

BY: AJK

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ATLANTIC LEASECO, LLC
 702 PROFESSIONAL PARK DRIVE, SUITE D
 SUMMERSVILLE, WV 26651

VALLEY FILL NO. 2

VALLEY FILL NO. 1

PROJECT BOUNDARY

LON: 80° 44' 42"

LAT: 38° 23' 03"

CALVIN POST OFFICE
 3.5 MILES

Webster Co.
 Nicholas Co.

MOUNTAIN
 POWELL

Cahn Run
 Cahn Run

Lower Cahn R.

Rockhouse

Rich Fork

Poplar Branch

Parlour Fork

Upper & Laurel Run

Lower Laurel Run

Bearmen

Big Run

Deplin

House Fork

Big Fork

Eller Hollow

Head Fork

Clay Branch

Lower Branch

Lower Cahn R.

Fork

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- END OHWM
- INT. / EPH POINT
- PER. / INT POINT
- OPEN WATER
- W_L 2
- WETLAND

CLEAR FORK OF MUDDLETY CREEK

MUDDLETY CREEK OF GAULEY RIVER

PROPOSED PROJECT ACTIVITY

PROPOSED MUDDLETY SURFACE MINE NO. 1
SMA-3004-07

FIGURE: B

SCALE: 1" = 1,200'

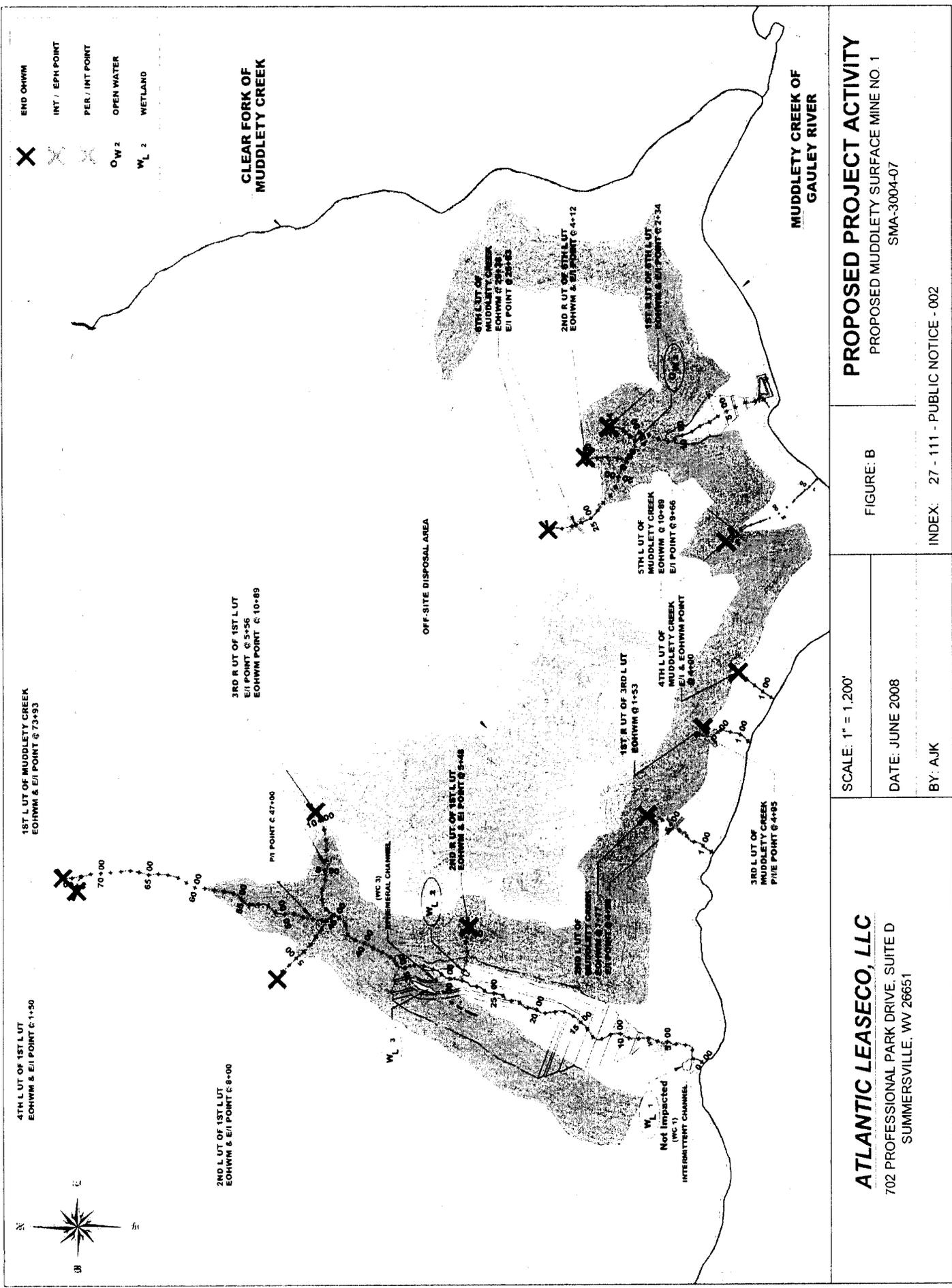
DATE: JUNE 2008

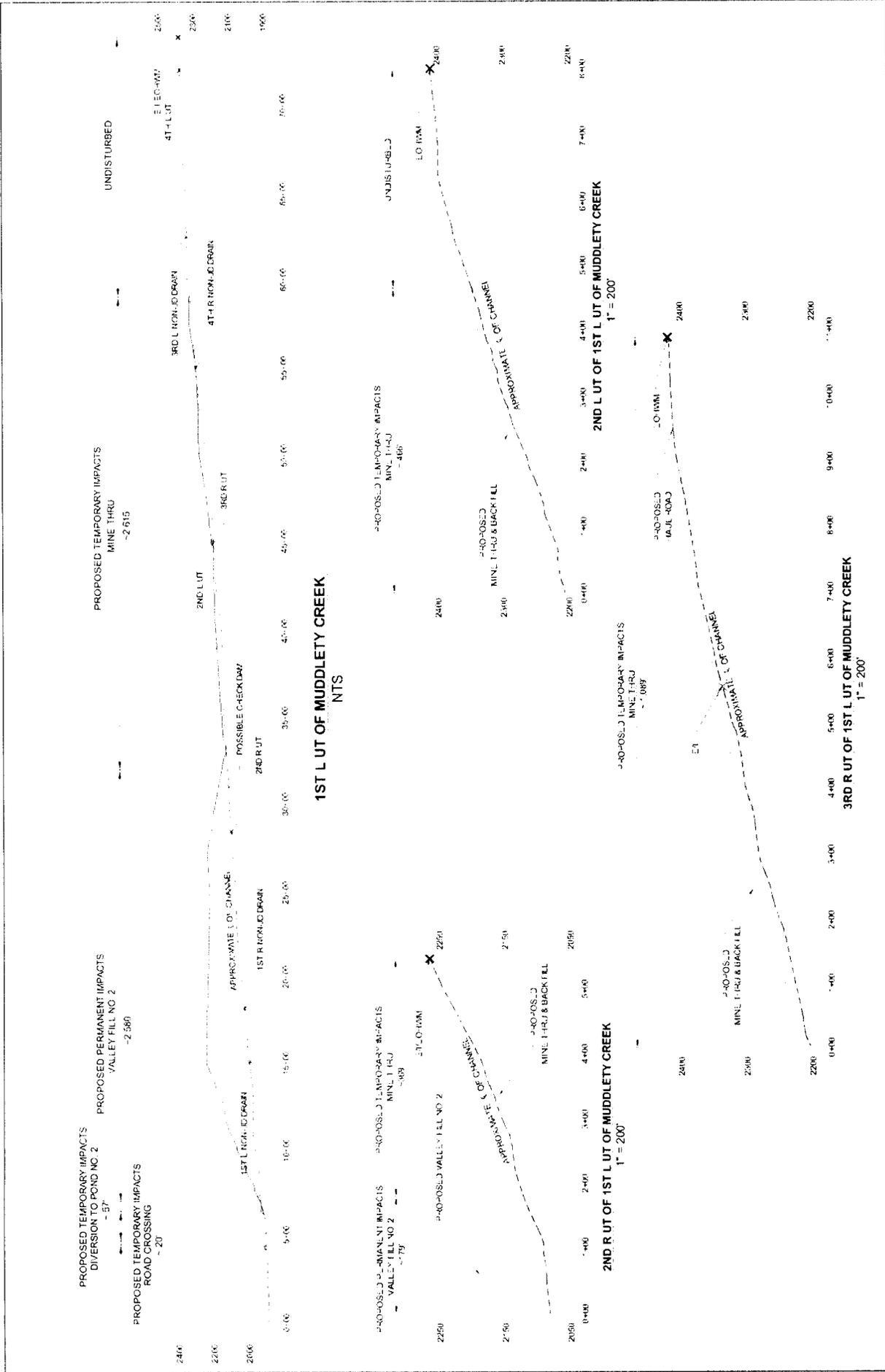
BY: AJK

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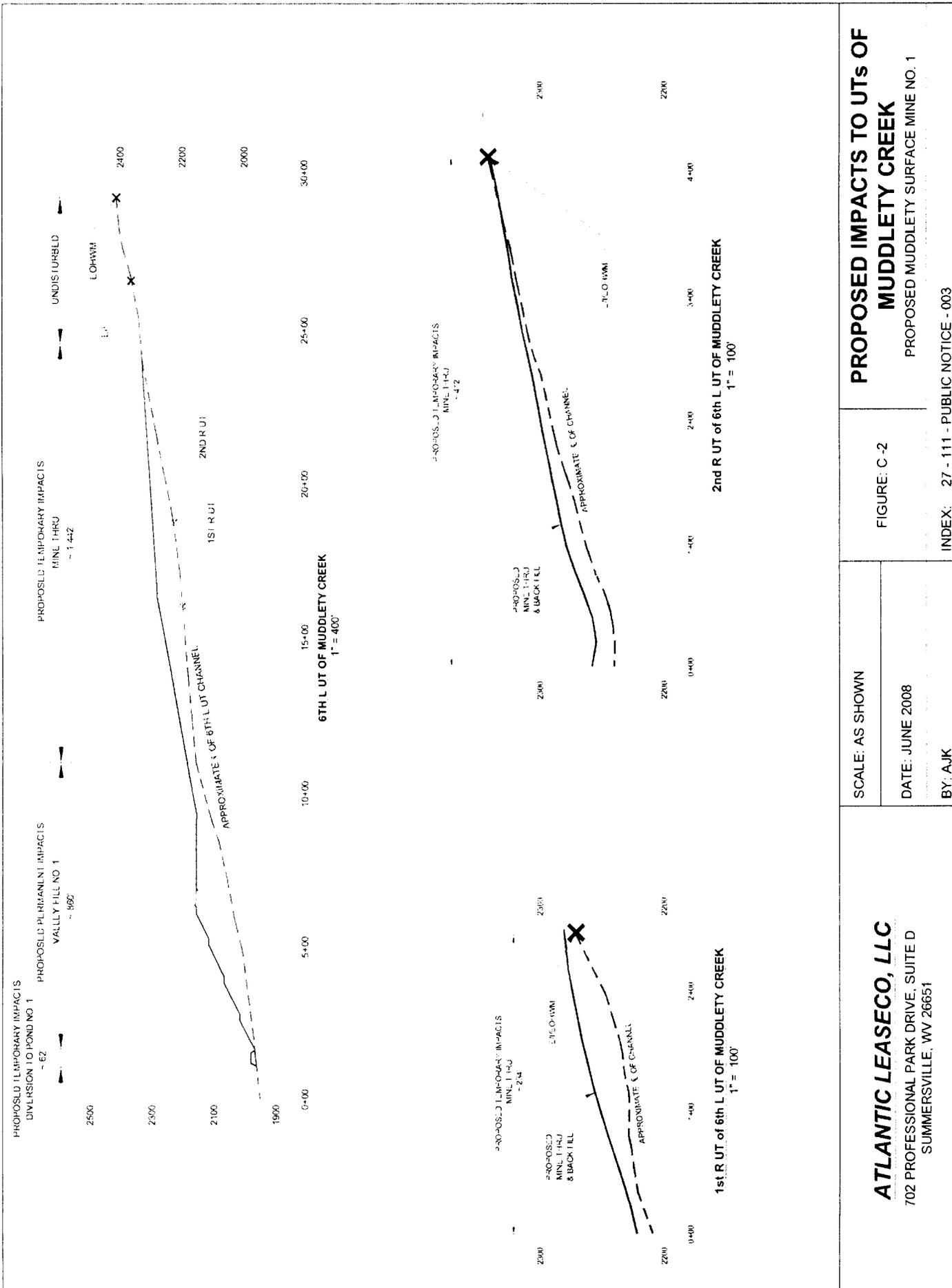
ATLANTIC LEASECO, LLC

702 PROFESSIONAL PARK DRIVE, SUITE D
SUMMERSVILLE, WV 26651





<p>ATLANTIC LEASECO, LLC</p> <p>702 PROFESSIONAL PARK DRIVE, SUITE D SUMMERSVILLE, WV 26651</p>	<p>SCALE: AS SHOWN</p>	<p>FIGURE: C-1</p>	<p>PROPOSED IMPACTS TO UTS OF MUDDLETY CREEK</p> <p>PROPOSED MUDDLETY SURFACE MINE NO. 1</p>
	<p>DATE: JUNE 2008</p>	<p>INDEX: 27 - 111 - PUBLIC NOTICE - 003</p>	



**PROPOSED IMPACTS TO UTs OF
MUDDLEY CREEK**

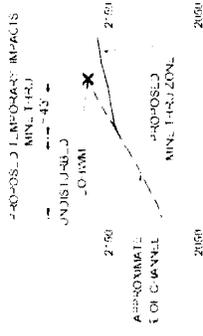
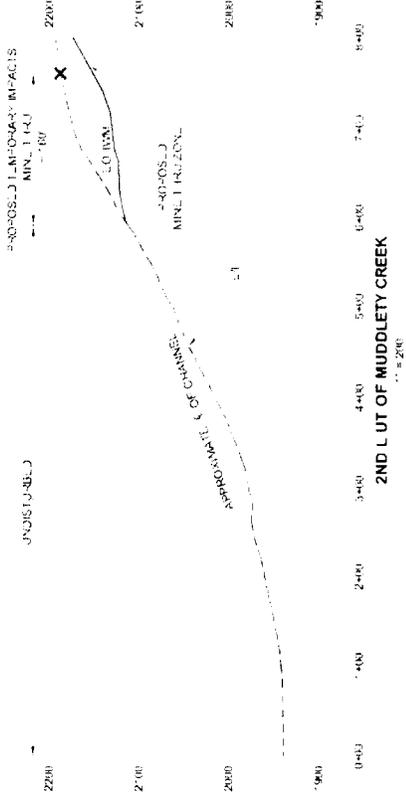
FIGURE: C-2

SCALE: AS SHOWN
DATE: JUNE 2008
BY: AJK

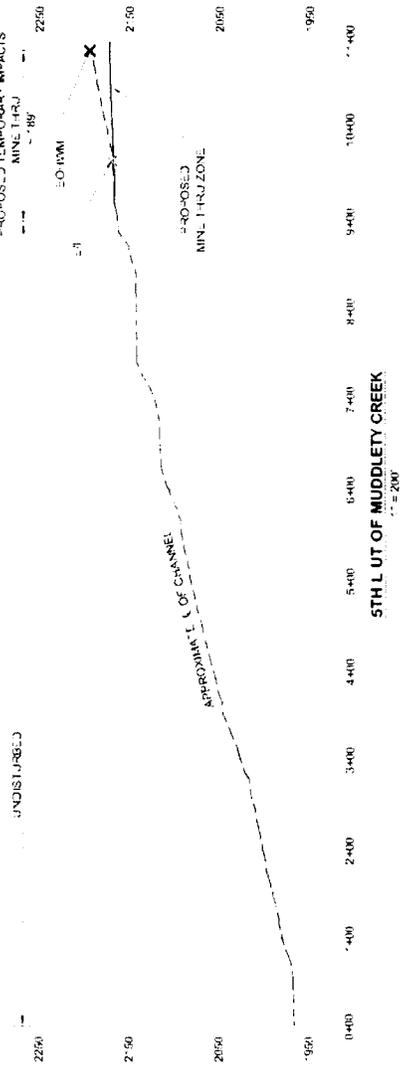
ATLANTIC LEASECO, LLC
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SUMMERSVILLE, WV 26651

PROPOSED MUDDLEY SURFACE MINE NO. 1

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2ND L UT OF MUDDLETY CREEK
SCALE: 1" = 200'



3RD R UT OF MUDDLETY CREEK
SCALE: 1" = 200'

ATLANTIC LEASECO, LLC
702 PROFESSIONAL PARK DRIVE, SUITE D
SUMMERSVILLE, WV 26651

SCALE: AS SHOWN

DATE: JUNE 2008

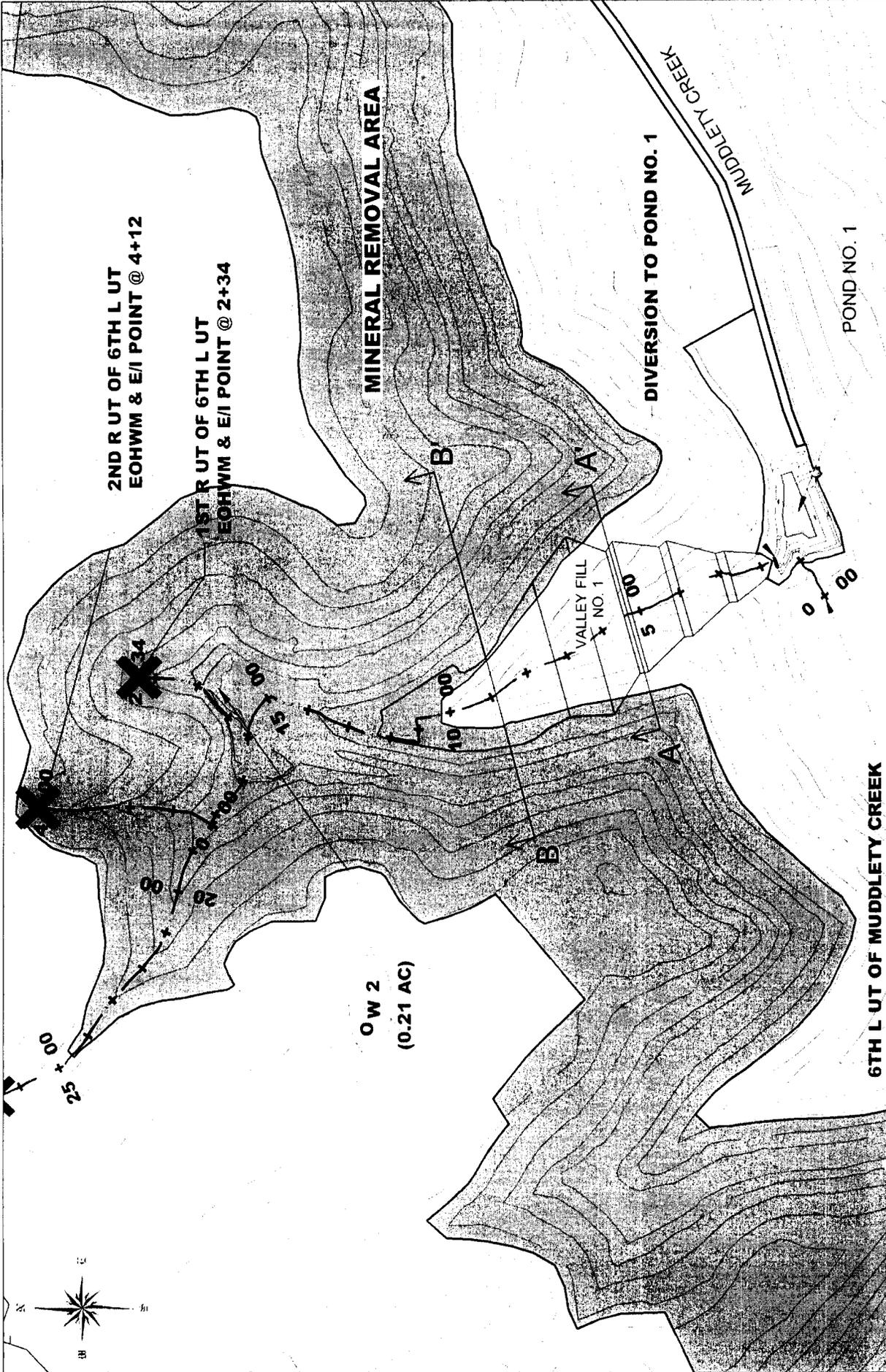
BY: AJK

FIGURE: C-3

PROPOSED IMPACTS TO UTS OF MUDDLETY CREEK

PROPOSED MUDDLETY SURFACE MINE NO. 1

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**VALLEY FILL NO. 1
PLAN VIEW**

FIGURE: D - 1

SCALE: 1" = 300'

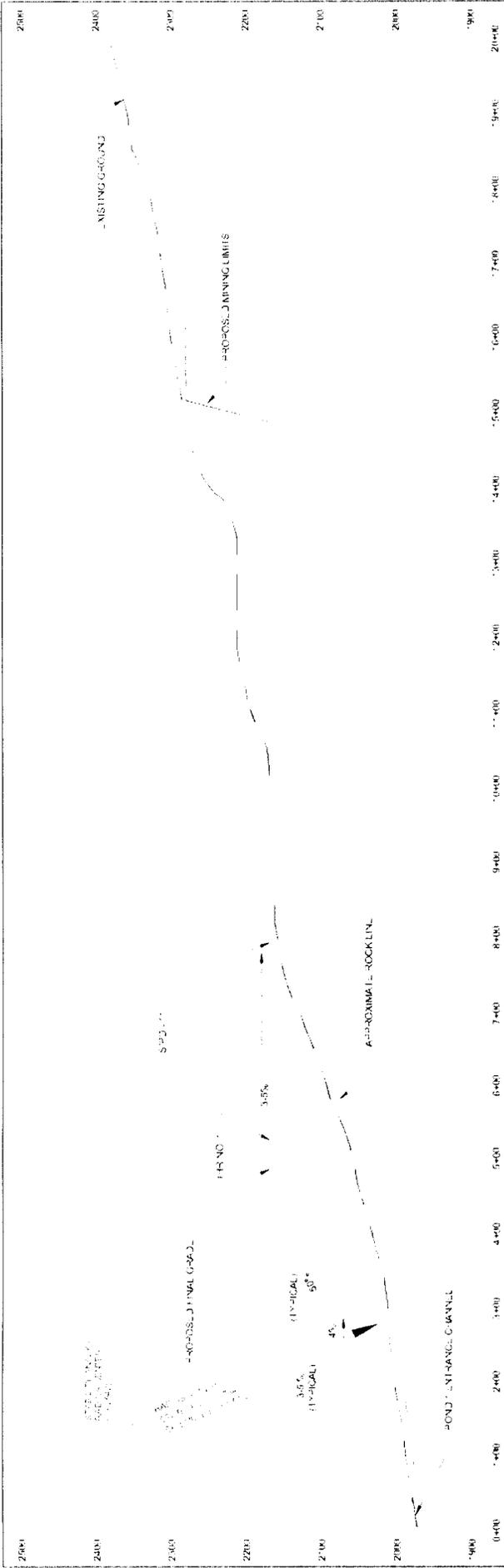
DATE: JUNE 2008

BY: AJK

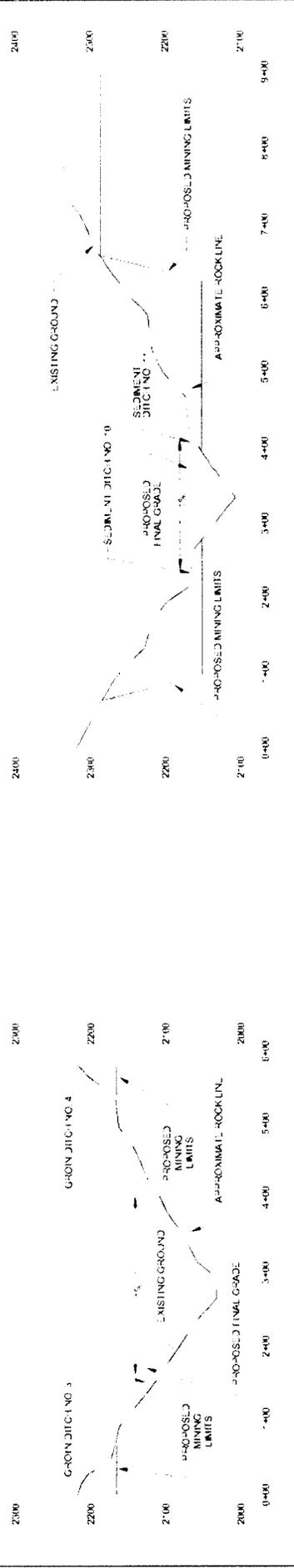
PROPOSED MUDDLETTY SURFACE MINE NO. 1

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ATLANTIC LEASECO, LLC
702 PROFESSIONAL PARK DRIVE, SUITE D
SUMMERSVILLE, WV 26651



DESIGN & RECLAMATION PROFILE



SECTION B-B'

<p>ATLANTIC LEASECO, LLC 702 PROFESSIONAL PARK DRIVE, SUITE D SUMMERSVILLE, WV 26651</p>	<p>SCALE: 1" = 200'</p>	<p>VALLEY FILL NO. 1 PROFILE & CROSS SECTIONS PROPOSED MUDDLETY SURFACE MINE NO. 1</p>
	<p>DATE: JUNE 2008</p>	
<p>BY: AJK</p>	<p>INDEX: 27 - 111 - PUBLIC NOTICE - 004</p>	<p>SHEET 2 OF 2</p>



2ND L UT OF 1ST L UT
EOHWM & E/I POINT @ 8+00

P/I POINT @ 47+00

3RD R UT OF 1ST L UT
E/I POINT @ 5+56
EOHWM POINT
@ 10+89

W_L 3
(0.07 AC)

(WC 3)
EPHEMERAL CHANNEL

W_L 2
(0.02 AC)

2ND R UT OF 1ST L UT
EOHWM & E/I POINT @ 5+48

OFF SITE DISPOSAL AREA
(NO IMPACTS)

VALLEY FILL
NO. 2

MINERAL REMOVAL AREA

DIVERSION TO POND NO. 2

POND NO. 2

W_L 3
Not Impacted

1ST L UT OF MUDDLETY CREEK

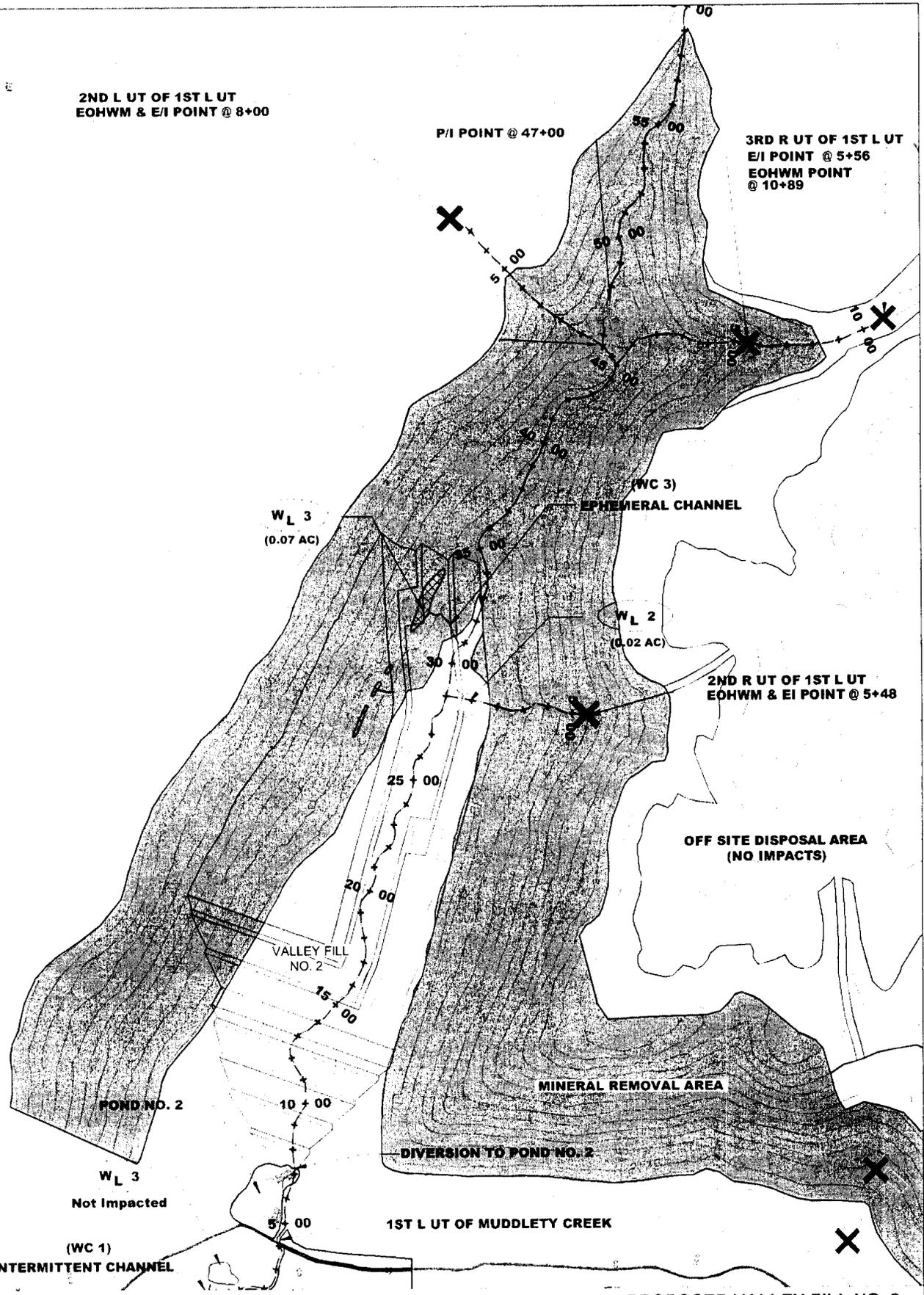
(WC 1)
INTERMITTENT CHANNEL

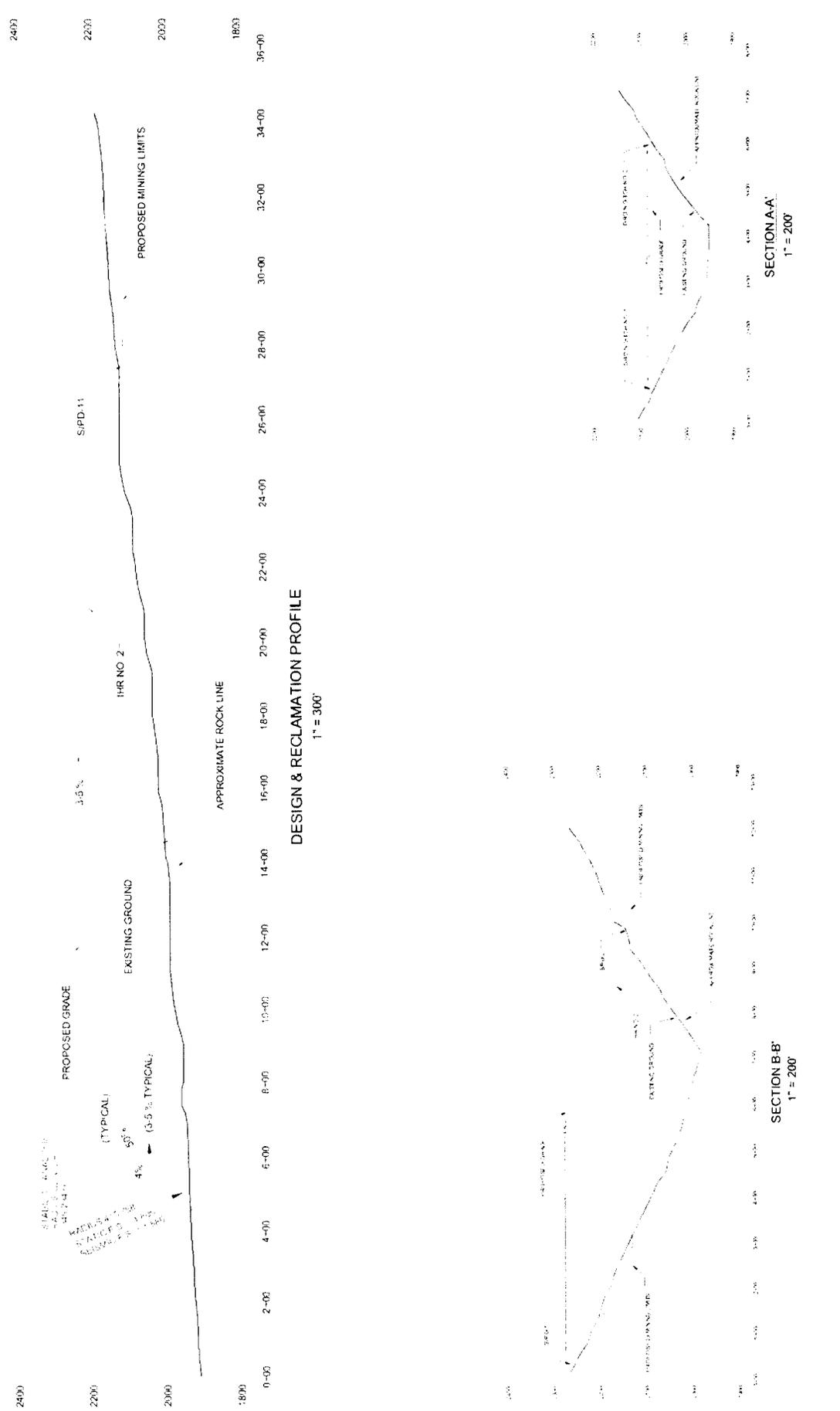
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SCALE: 1" = 500'
DATE: JUNE 2008
BY: AJK

FIGURE: E - 1
PROPOSED VALLEY FILL NO. 2
PLAN VIEW

PROPOSED MUDDLETY SURFACE MINE NO. 1
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SHEET 1 OF 2



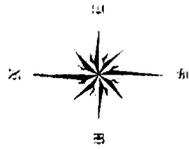


**PROPOSED VALLEY FILL NO. 2
CROSS SECTION**
PROPOSED MUDDLETY SURFACE MINE NO. 1

FIGURE: E - 2

SCALE: AS SHOWN
DATE: JUNE 2008
BY: AJK

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SUMMERSVILLE, WV 26651



VALLEY FILL #1

TEMPORARY DIVERSION TO POND ENTRANCE

--- NORMAL POOL ELEVATION 1978.70'

A'

CHANNEL TO BE LEFT INTACT

POND NO. 1

U.A.P. #1

EXIT CHANNEL

EMBANKMENT (1982.00)

MUDDLETY CREEK

6TH L UT
OF MUDDLETY CREEK

ATLANTIC LEASECO, LLC 702 PROFESSIONAL PARK DRIVE, SUITE D SUMMERSVILLE, WV 26651		SCALE: 1" = 50'	FIGURE: F - 1	DIVERSION TO POND NO. 1 PLAN VIEW
		DATE: JUNE 2008		PROPOSED MUDDLETY SURFACE MINE NO. 1
		BY: AJK	INDEX: 27 - 111 - PUBLIC NOTICE - 005	SHEET 1 OF 2

2000

TEMPORARY DIVERSION
TO POND ENTRANCE

1980

REGRADE FILL NO.1

ORIGINAL GROUND

1960

0+80

0+60

0+40

0+20

0+00

SECTION A-A'

6TH L UT OF MUDDLETTY CREEK

**DIVERSION TO POND NO. 1
CROSS SECTION**

PROPOSED MUDDLETTY SURFACE MINE NO. 1

FIGURE: F - 2

SCALE: 1" = 20'

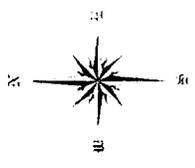
DATE: JUNE 2008

BY: AJK

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SHEET 2 OF 2



NORMAL POOL EL. 1932.40'

VALLEY FILL NO. 2

TEMPORARY DIVERSION TO POND ENTRANCE

ENTRANCE CHANNEL

1ST L UT OF MUDDLETTY CREEK

CHANNEL TO BE LEFT INTACT

EXIT CHANNEL

EXISTING DRIVE - THRU CROSSING TO BE UPGRADED TO CULVERT CROSSING

POND NO.2

EMBANKMENT (1936.00')

EXISTING ROAD

COUNTY ROUTE 1917

A

A'

B

B'

C

C'

SCALE: 1" = 50'

DATE: JUNE 2008

BY: AJK

ATLANTIC LEASECO, LLC
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SUMMERSVILLE, WV 26651

DIVERSION TO POND NO. 2
PLAN VIEW

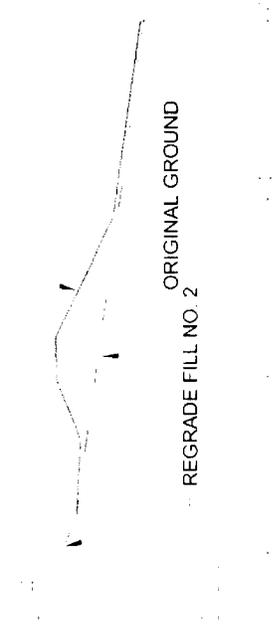
FIGURE: G-1

PROPOSED MUDDLETTY SURFACE MINE NO. 1

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SHEET 1 OF 2

TEMPORARY DIVERSION
TO POND ENTRANCE



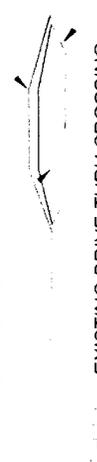
SECTION A-A'

UPGRADED CULVERT CROSSING
3 18" CMPs



SECTION B-B'

UPGRADED CULVERT CROSSING
3 18" CMPs



SECTION C-C'

1ST LUT OF MUDDLEY CREEK

SCALE: 1" = 20'

DATE: JUNE 2008

BY: AJK

ATLANTIC LEASECO, LLC

702 PROFESSIONAL PARK DRIVE, SUITE D
SUMMERSVILLE, WV 26651

POND NO. 2

CROSS SECTIONS

PROPOSED MUDDLEY SURFACE MINE NO. 1

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SHEET 2 OF 2



PROPOSED WETLAND
IMPACTS

PROPOSED PERMANENT IMPACTS
PROPOSED TEMPORARY IMPACTS
AERIAL PHOTO CIRCA 2003

ATLANTIC LEASECO, LLC
702 PROFESSIONAL PARK DRIVE, SUITE D
SUMMERSVILLE, WV 26651

SCALE: 1" = 2,000'

DATE: JUNE 2008

BY: AJK

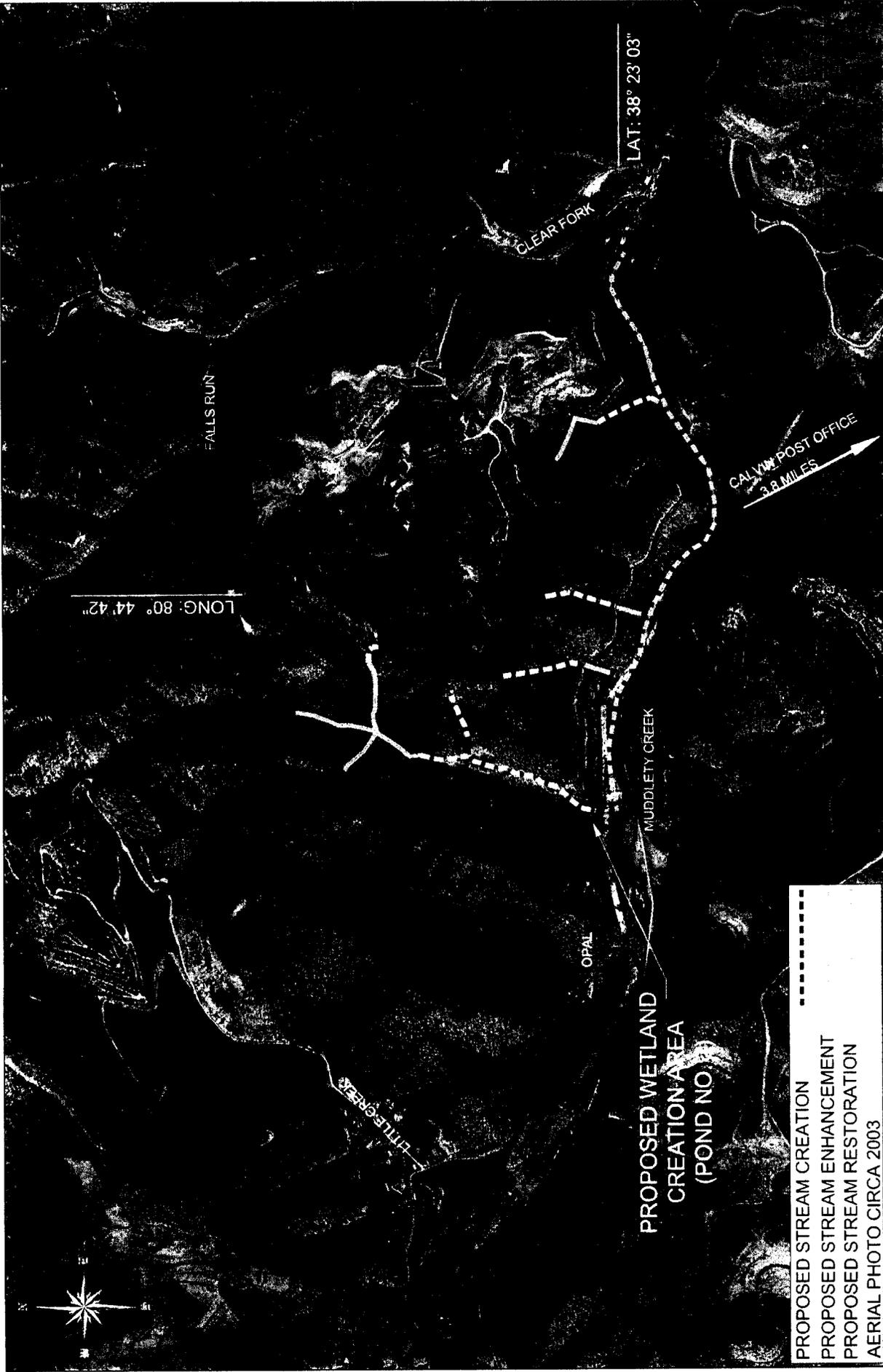
FIGURE: H - 1

LOCATION OF PROPOSED IMPACTS
MUDDLETY SURFACE MINE NO. 1

INDEX: 27 - 111 - PUBLIC NOTICE - 006

LAT: 38° 23' 03"

LONG: 80° 44' 42"



**PROPOSED WETLAND
CREATION AREA
(POND NO. 1)**

 PROPOSED STREAM CREATION
 PROPOSED STREAM ENHANCEMENT
 PROPOSED STREAM RESTORATION
 AERIAL PHOTO CIRCA 2003

ATLANTIC LEASECO, LLC
 702 PROFESSIONAL PARK DRIVE, SUITE D
 SUMMERSVILLE, WV 26651

SCALE: 1" = 2,000'

DATE: JUNE 2008

BY: AJK

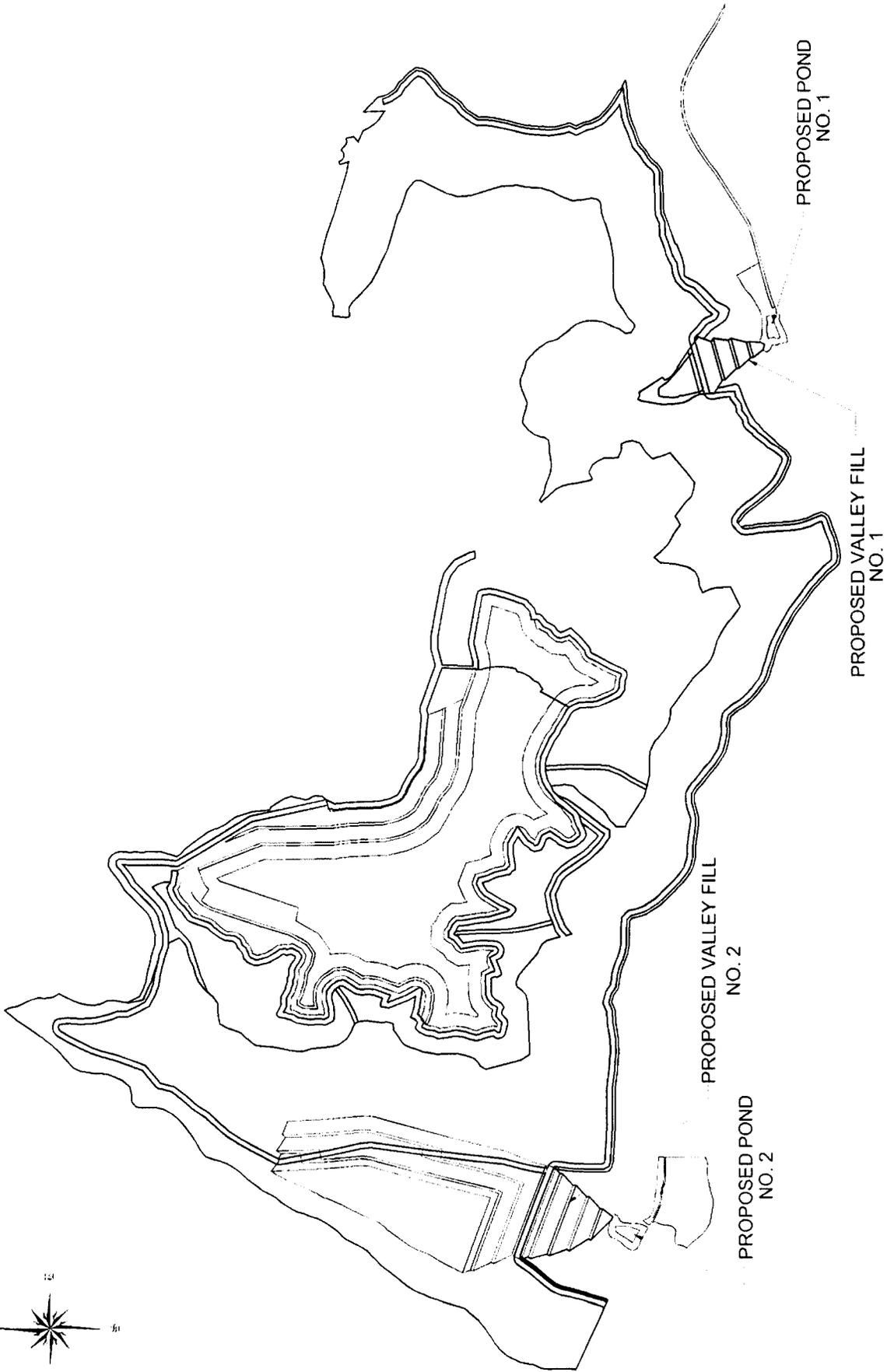
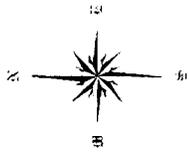
FIGURE: H - 2

PROPOSED MITIGATION SITES
MUDDLETY CREEK WATERSHED
 MUDDLETY SURFACE MINE NO. 1

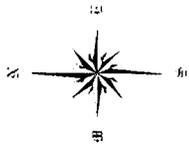
INDEX: 27 - 111 - PUBLIC NOTICE - 006

LONG: 80° 44' 42"

LAT: 38° 23' 03"



<p>DEVELOPMENT PHASE MAP PROPOSED MUDDLETTY SURFACE MINE NO. 1</p>	<p>FIGURE: 1 - 1</p>	<p>SCALE: 1" = 1,000'</p>	<p>INDEX: 27 - 111 - PUBLIC NOTICE - 007</p>	<p>SHEET 1 OF 6</p>
<p>DATE: JUNE 2008</p> <p>BY: AJK</p>	<p>0.00%</p> <p>0.00%</p> <p>100.00%</p> <p>0.00%</p> <p>0.00%</p>	<p>DISTURBED AREA</p> <p>REGRADED AREA</p> <p>UNDISTURBED AREA</p> <p>FILL EXEMPTION AREA</p> <p>ANCILLARY AREA</p>		



<p>PHASE 1 MAP PROPOSED MUDDLETTY SURFACE MINE NO. 1</p>	<p>FIGURE: 1-2</p>	<p>SCALE: 1" = 1,000'</p>
<p>INDEX: 27 - 111 - PUBLIC NOTICE - 007</p>	<p>DATE: JUNE 2008</p>	<p>BY: AJK</p>
<p>SHEET 2 OF 6</p>	<p>30.74%</p> <p>6.30%</p> <p>28.23%</p> <p>25.76%</p> <p>8.97%</p>	<p>DISTURBED AREA</p> <p>REGRADED AREA</p> <p>UNDISTURBED AREA</p> <p>FILL EXEMPTION AREA</p> <p>ANCILLARY AREA</p>

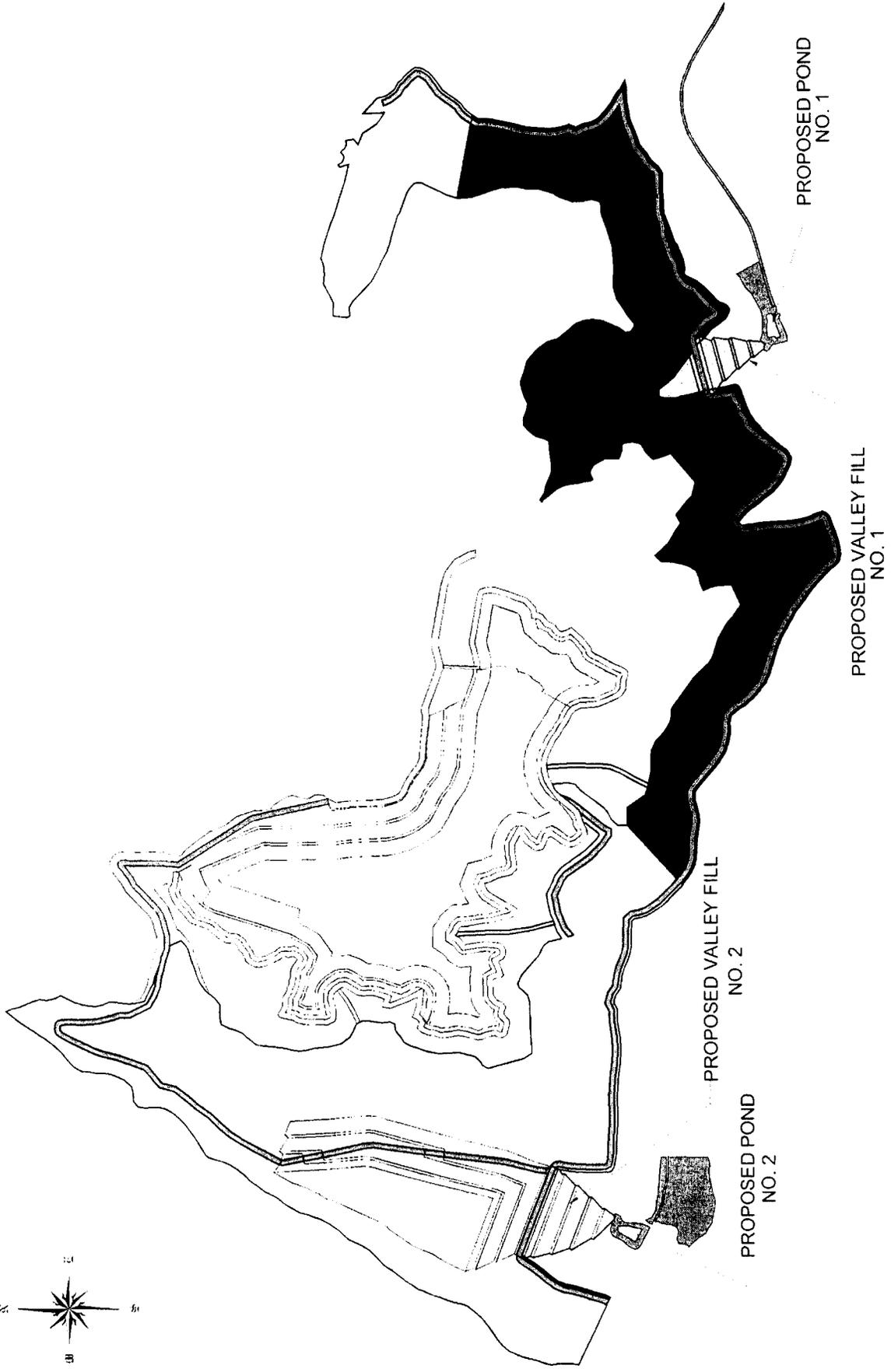
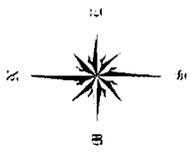


	DISTURBED AREA	35.98%
	REGRADED AREA	18.55%
	UNDISTURBED AREA	19.56%
	FILL EXEMPTION AREA	16.92%
	ANCILLARY AREA	8.99%

SCALE: 1" = 1,000'
 DATE: JUNE 2008
 BY: AJK

FIGURE: 1 - 3
 INDEX: 27 - 111 - PUBLIC NOTICE - 007

PHASE 2 MAP
 PROPOSED MUDDLETTY SURFACE MINE NO. 1
 SHEET 3 OF 6

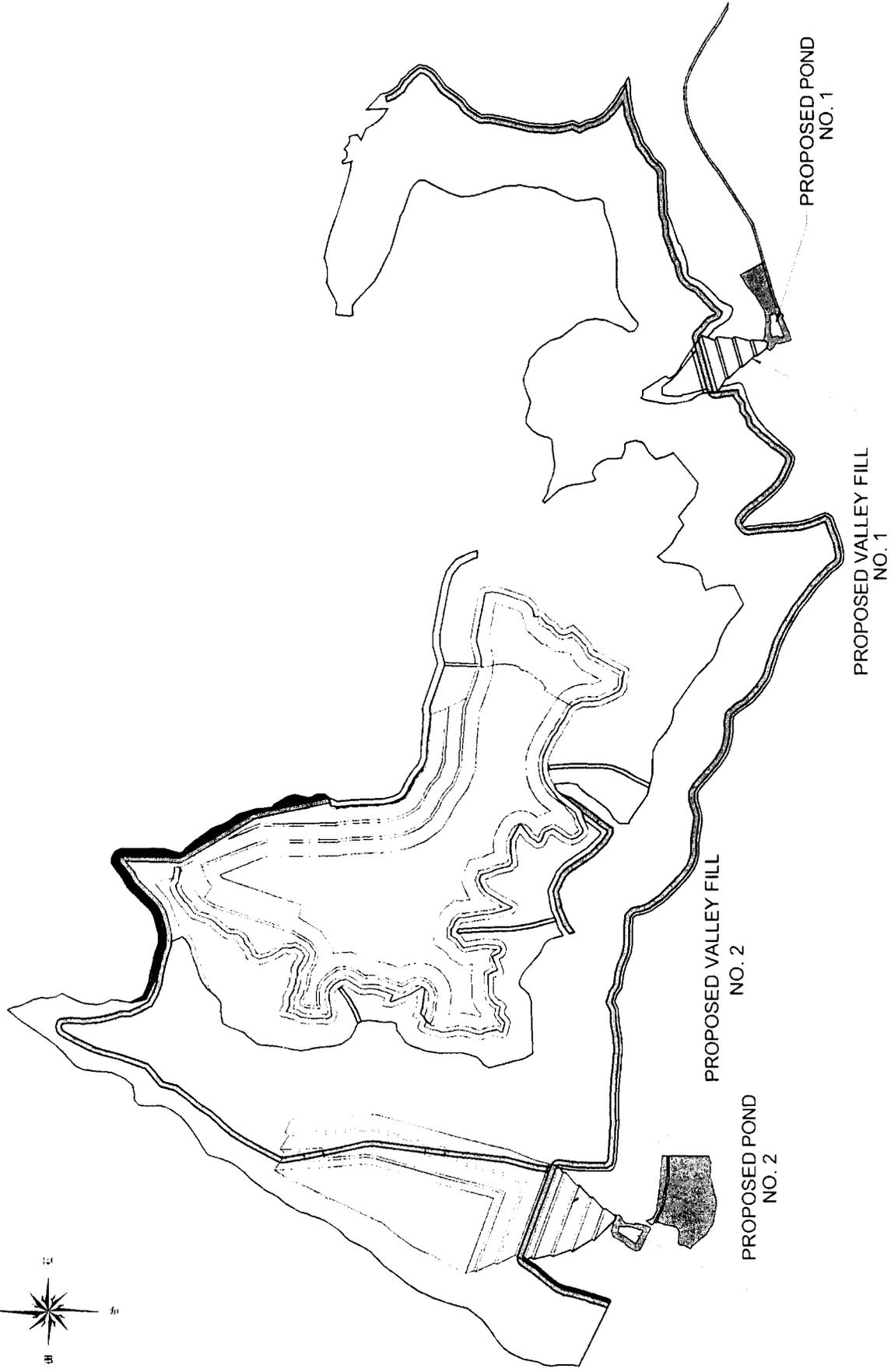
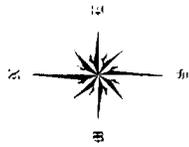


	DISTURBED AREA	18.43%
	REGRADED AREA	67.63%
	UNDISTURBED AREA	5.07%
	FILL EXEMPTION AREA	1.14%
	ANCILLARY AREA	7.73%

SCALE: 1" = 1,000'
 DATE: JUNE 2008
 BY: AJK

FIGURE: 1-4
 INDEX: 27-111-PUBLIC NOTICE-007

PHASE 3 MAP
 PROPOSED MUDDLETTY SURFACE MINE NO. 1
 SHEET 4 OF 6



	DISTURBED AREA	0.00%
	REGRADED AREA	92.27%
	UNDISTURBED AREA	0.00%
	FILL EXEMPTION AREA	0.00%
	ANCILLARY AREA	7.73%

SCALE: 1" = 1,000'

DATE: JUNE 2008

BY: AJK

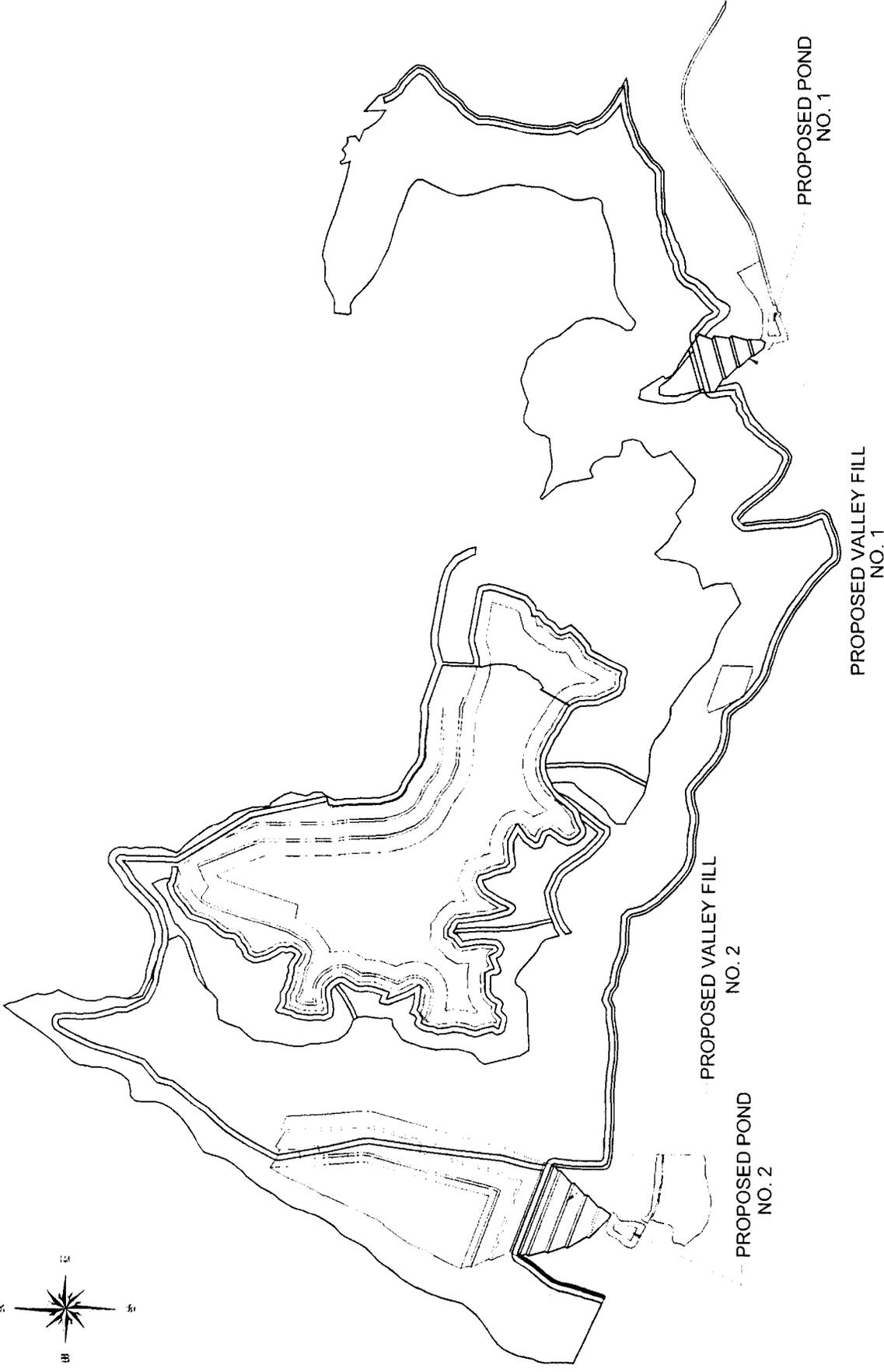
PHASE 4 MAP

PROPOSED MUDDLETTY SURFACE MINE NO. 1

FIGURE: 1-5

INDEX: 27 - 111 - PUBLIC NOTICE - 007

SHEET 5 OF 6



	DISTURBED AREA	0.00%
	REGRADED AREA	100.00%
	UNDISTURBED AREA	0.00%
	FILL EXEMPTION AREA	0.00%
	ANCILLARY AREA	0.00%

SCALE: 1" = 1,000'
 DATE: JUNE 2008
 BY: AJK

FIGURE: 1 - 6

PHASE 5 MAP
 PROPOSED MUDDLETY SURFACE MINE NO. 1