Public Notice

US Army Corps of Engineers
Huntington District

In reply refer to: Public Notice No. 199700093-1
Issuance Date: July 20, 2004
Stream: Seng Camp Creek
Expiration Date: August 19, 2004
Address comments to: US Army Corps of Engineers, Huntington District
502 Eighth Street
ATTN: CELRH-F
Huntington, West Virginia 25701-2070

PUBLIC NOTICE

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 Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Mingo Logan Coal Company
1000 Mingo Logan Avenue
Wharncliff, West Virginia 25651

LOCATION: The proposed project is located in Seng Camp Creek of Spruce Fork and two unnamed tributaries of Seng Camp Creek, approximately 1.5 miles southeast of Sharples, in Logan County, West Virginia as depicted on the attached **Drawing 1 of 2** titled "Exhibit 2-Mountain Laurel Complex Study Area."

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material into waters of the U.S. in conjunction with the development of an underground mining complex, including a coal preparation plant, haulroad and loading facility. Temporary culverts would be placed in approximately 5,475 linear feet (3.24 acres) of Seng Camp Creek. In addition, approximately 345 linear feet (0.04 acre) of ephemeral stream would be permanently relocated. Approximately 2,485 cubic yards of soil, subsoil and rock would be placed with the Corps' regulatory jurisdiction. The contributing watershed for the project area totals 2,635 acres (as calculated from the downstream end of the proposed culvert). **Table A** of this public notice summarizes the proposed impacts to waters of the United States.

The West Virginia Department of Environmental Protection (WVDEP) is currently reviewing the applicant's Surface Mining Permit application (U-5031-97 Incidental Boundary Revision 2) pursuant to the Surface Mining Control and Reclamation Act of 1977.

The underground mining complex would be used to accommodate on-site coal production from both the Alma and Cedar Grove coal seams, which lie approximately 370' to 320' respectively below the surface. The applicant would use several openings (slope entry, air shafts, elevator shaft, etc.) from the surface to the coal seams to access and facilitate the proposed underground operations. Prior to abandonment of these operations, these openings would be dry sealed to prevent drainage from the mine. The estimated recoverable tons from these seams total 55 million. The portal area for access to these seams would consist of a slope entry located on the north side of Seng Camp Creek, approximately 2,000 feet southeast of Daniels Branch. The coal from the reserve areas would be transported by conveyor belt to the proposed preparation facility.

The applicant's proposed operation would affect 155.58 acres of surface area. Mineral extraction would be accomplished utilizing longwall mining techniques. The proposed operation would utilize dozers, hydraulic excavators, off-road trucks, drills, backhoes and loaders. The post mining land use for the proposed project is forestland.

The proposed project would be accomplished in three general phases over a period of 25 years. A discussion of each phase follows:

Phase I :

- Surface operations would begin by the placement of temporary silt control such as silt fences, straw bale dikes, temporary diversion ditches, berms, etc. to control disturbed runoff prior to entering Seng Camp Creek. These temporary measures would be used in conjunction with the existing sediment ditch along the stream during the initial placement of the culvert in Seng Camp Creek.
- Sediment ponds 14, 15, 25, 27 and sediment channel 26 would be the primary sediment control structures. Secondary drainage basins (16, 17, 18, 19, 20, 21, 22, 23 and 24) are also proposed to ensure water quality. These structures provide retention time as well as additional sediment storage beyond the required storage capacity.
- The culvert placement would begin in the downstream area and would be placed in a manner to minimize disturbance of the stream. The culvert has been designed to carry a full 100 year, 24 hour storm event.
- Road development would also be conducted during phase I. The existing road currently accessing the area would be modified to reduce the existing grades and provide sufficient width and drainage control.
- Cuts would be made on the north side of Seng Camp Creek with material generated from the development placed over the culvert. Most of the area to be disturbed was previously disturbed and regraded by operations under Permit No. S-5070-91 and would be re-disturbed by this operation. Material placed from the cuts would be used to develop the operational area. Excavation of the area upstream of Daniel Hollow would be used for slope portal development along with rawl coal stockpiles, mine supply yard, warehouse, storage, office and bathhouse.
- Site development would continue downstream with placement of the culvert in Seng Camp Creek. Temporary drainage control would be maintained as the operations advances, with permanent drainage and silt control placed as soon as possible. The area developed below Daniels Hollow would be used for the preparation plant facility and clean coal stockpiles.
- The site development below Daniels Hollow would consist of cuts taken to develop the access road and cuts below the access road, which widen the operational area. The material generated from these cuts would be placed over the culvert to a sufficient height to develop the surface operational area needed.
- The material generated during the development operations would be used to construct the during-mining grade required for the operation. The operational area would be graded in a manner in which a positive grade would be maintained toward the sediment control structures.
- Clear water diversions are to be constructed on the south side of Seng Camp Creek to divert surface drainage away from the proposed operation.

Phase II:

- The underground mining operations, including the subsidence plan would remain the same as currently permitted and/or as being revised under separate applications pursuant to SMCRA.

Phase III:

- This phase would serve the final phase of the operation. All fixed structures would be removed and disassembled during this phase. The slope and ventilation shafts would be sealed and reclaimed.
- The area would be regraded according to the backfilling design plans and such that all highwalls would be eliminated.
- The Seng Camp Creek 1 would be restored to its approximate pre-mining configuration. All areas would be graded to eliminate impounding water and to eliminate highwalls
- The entire area would be vegetated according to the approved revegetation plan.

A description of the mining and reclamation acreage, by phase, is also provided in the table below.

Phase	Activity	Start	End	Acres
1	Site Development	June 2004	June 2005	155.58
2	Operations	June 2005	June 2026	155.58
3	Reclamation	June 2026	June 2027	155.58
TOTAL				155.58

According to the applicant, the purpose of the project is to place culverts and fill generated by on-site excavation activities into waters of the United States to facilitate the site development for the construction of an underground mining complex and coal processing facility in order to achieve optimal recovery of available coal reserves within the project area and to provide the mandatory sediment control.

Plans for the proposed project are attached to this public notice.

MITIGATION PLAN: The applicant has submitted a compensatory mitigation plan (CMP) to compensate for permanent and temporary impacts to waters of the U.S. regulated by the Department of the Army, Corps of Engineers. The applicant proposes to mitigation on-site through in-kind establishment, restoration and enhancement of 11,730 linear feet of aquatic resources. **Table B** of this public notice summarizes the proposed mitigation to be established, restored and/or enhanced. Upon removal of temporary culverts and associated fill, the temporarily impacted stream segment would be restored to the approximate pre-mining contours based upon pre-mining cross-sections. The restored stream channels would be modified, as necessary, to ensure the reconstructed stream channels obtain the appropriate stable hydro-geomorphic configuration for their setting. Alternating riffle and pool complexes, created from boulders, cobble and large woody debris, would be

established. Cross-vane structures would be placed across the stream to help establish grade control, reduce bank erosion, and ultimately result in a stable channel. Pools and riffles shall be constructed along the restored channel at a spacing of approximately every five bankfull widths. Appropriate bank protection measures, including rootwads and bank treatments, such as riprap and vegetation, would be employed in areas that require erosion control.

With the exception of roads, a minimum 50-foot (25 feet from each bank) riparian buffer would be established using native shrub and tree species. Revegetation would be performed in a random/scattered method to achieve a density of at least 30 to 100 trees and 20 to 50 shrubs per acre. Materials such as chicken wire, hardware cloth, or repellants may be used, as necessary, to achieve 80 percent success in areas where wildlife compromise successful revegetation.

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 West Virginia Department of Environmental Protection.

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. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The Huntington District has consulted the most recently available information and has determined 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).

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.

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. In

addition, 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. 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.

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 need for a public hearing and to determine the overall public interest of the proposed activity.

If you have any questions concerning this public notice, please call Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.

Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch

(W)

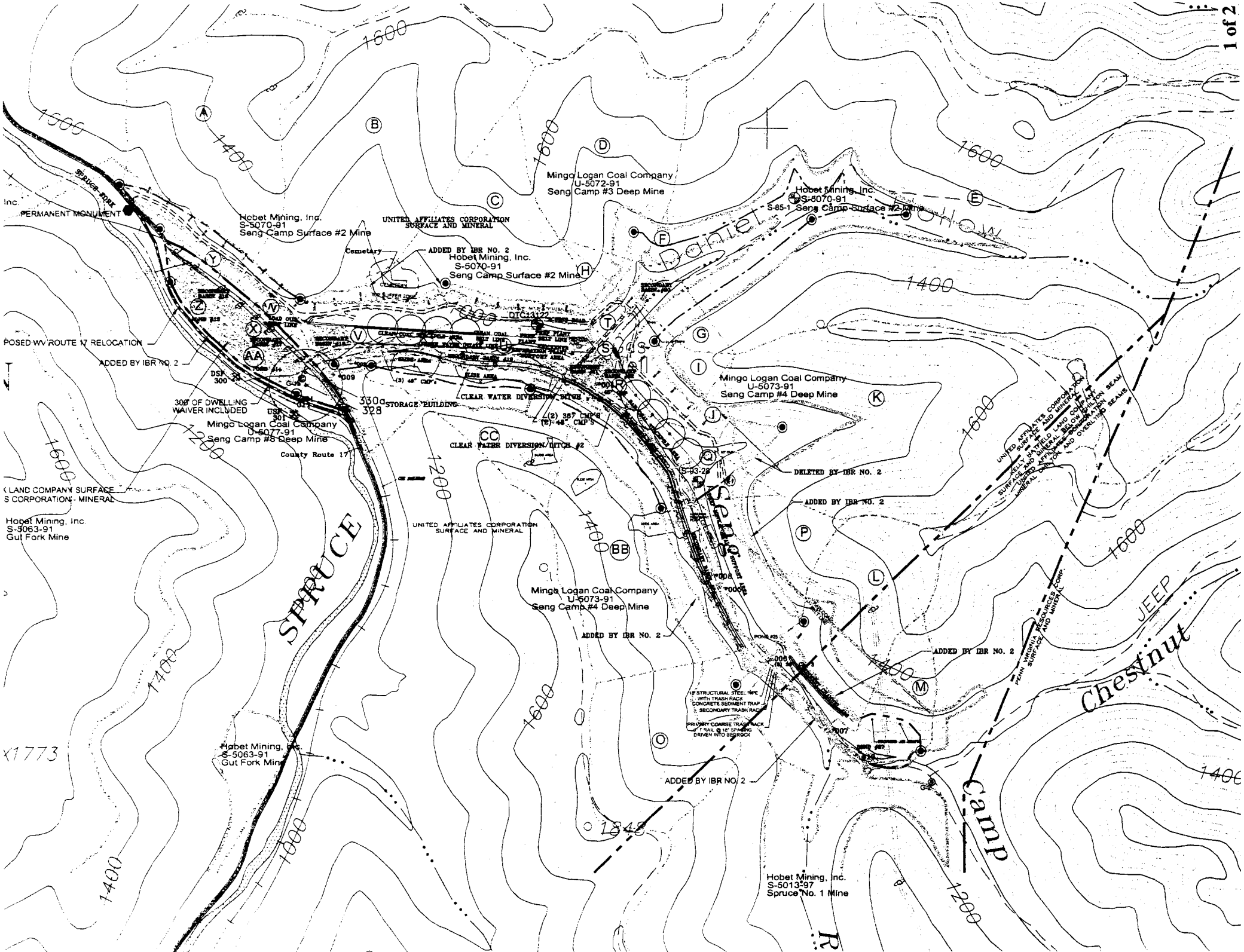
Table A
Summary of Stream Impacts

Fill I.D.	Stream Relocation Impacts Feet		Temporary Stream Impacts Feet		TOTAL IMPACTS
	Intermittent / Perennial	Ephemeral	Intermittent/ Perennial	Ephemeral	Feet
Seng Camp Creek	0	0	5,300	0	5,300
1st Unnamed Tributary of Seng Camp	0	0	175	0	175
Right Tributary Near 15' culvert inlet	0	345	0	0	345
TOTAL Feet (Miles)	0	345	5,475	0	5,820

Table B

Summary of Proposed On-site Mitigation

IMPACT DESCRIPTION	MITIGATION DECRIPTION	IMPACT LENGTH	MITIGATION LENGTH
Placement of 42 inch culvert in 1st left hollow	Removal of 42 inch culvert in 1st left hollow and`` restoration of unnamed tributary	175 LF	620 LF
Relocation of ephemeral mitigation channel into 15 feet culvert headwall	Relocation of ephemeral mitigation channel into 15 feet culvert headwall	345 LF	450 LF
Placement of 15 feet diameter culvert in main stream	Removal of 15 feet diameter culvert in main stream and restoration of Seng Camp Creek	5,300 LF	5,300 LF
	Construction of temporary mitigation channel "Clear Water Diversion #1"		2,070 LF
	Construction of temporary mitigation channel "Clear Water Diversion #2"		2,590 LF
	Removal of culverts in Daniels Branch and restoration of lower Daniels Branch		700 LF
TOTAL		**5,820 LF**	**11,730 LF**



Mingo Logan Coal Company
U-5072-91
Seng Camp #3 Deep Mine
Hobet Mining, Inc.
S-5070-91
Seng Camp Surface #2 Mine
Hobet Mining, Inc.
S-5070-91
Seng Camp Surface #2 Mine
S-85-1
UNITED AFFILIATES CORPORATION
SURFACE AND MINERAL
Cemetery
ADDED BY IBR NO. 2
Hobet Mining, Inc.
S-5070-91
Seng Camp Surface #2 Mine
PERMANENT MONUMENT
SPRUCE FORK
POSED WV ROUTE 17 RELOCATION
ADDED BY IBR NO. 2
DSF 300
300' OF DWELLING WAIVER INCLUDED
USF 301
330a
328
STORAGE BUILDING
CLEAR WATER DIVERSION DITCH
(2) 367 CMP'S
(2) 48" CMP'S
Mingo Logan Coal Company
U-5077-91
Seng Camp #8 Deep Mine
County Route 17
CLEAR WATER DIVERSION DITCH #2
Mingo Logan Coal Company
U-5073-91
Seng Camp #4 Deep Mine
DELETED BY IBR NO. 2
ADDED BY IBR NO. 2
UNITED AFFILIATES CORPORATION
SURFACE AND MINERAL
KELLY HATFIELD LAND COMPANY
SURFACE AND MINERAL BELOW CHILTON SEAM
UNITED AFFILIATES CORPORATION
MINERAL CHILTON AND OVERLYING SEAMS
LAND COMPANY SURFACE
S CORPORATION - MINERAL
Hobet Mining, Inc.
S-5063-91
Gut Fork Mine
SPRUCE
UNITED AFFILIATES CORPORATION
SURFACE AND MINERAL
Mingo Logan Coal Company
U-5073-91
Seng Camp #4 Deep Mine
ADDED BY IBR NO. 2
ADDED BY IBR NO. 2
PENN VIRGINIA RESOURCES CORP.
SURFACE AND MINERAL
JEEP
Chestnut
Camp
18" STRUCTURAL STEEL PIPE WITH TRASH RACK
CONCRETE SEDIMENT TRAP
SECONDARY TRASH RACK
PRIMARY COARSE TRASH RACK
Hobet Mining, Inc.
S-5063-91
Gut Fork Mine
ADDED BY IBR NO. 2
Hobet Mining, Inc.
S-5013-97
Spruce No. 1 Mine
1600
1400
1200
1000
1848

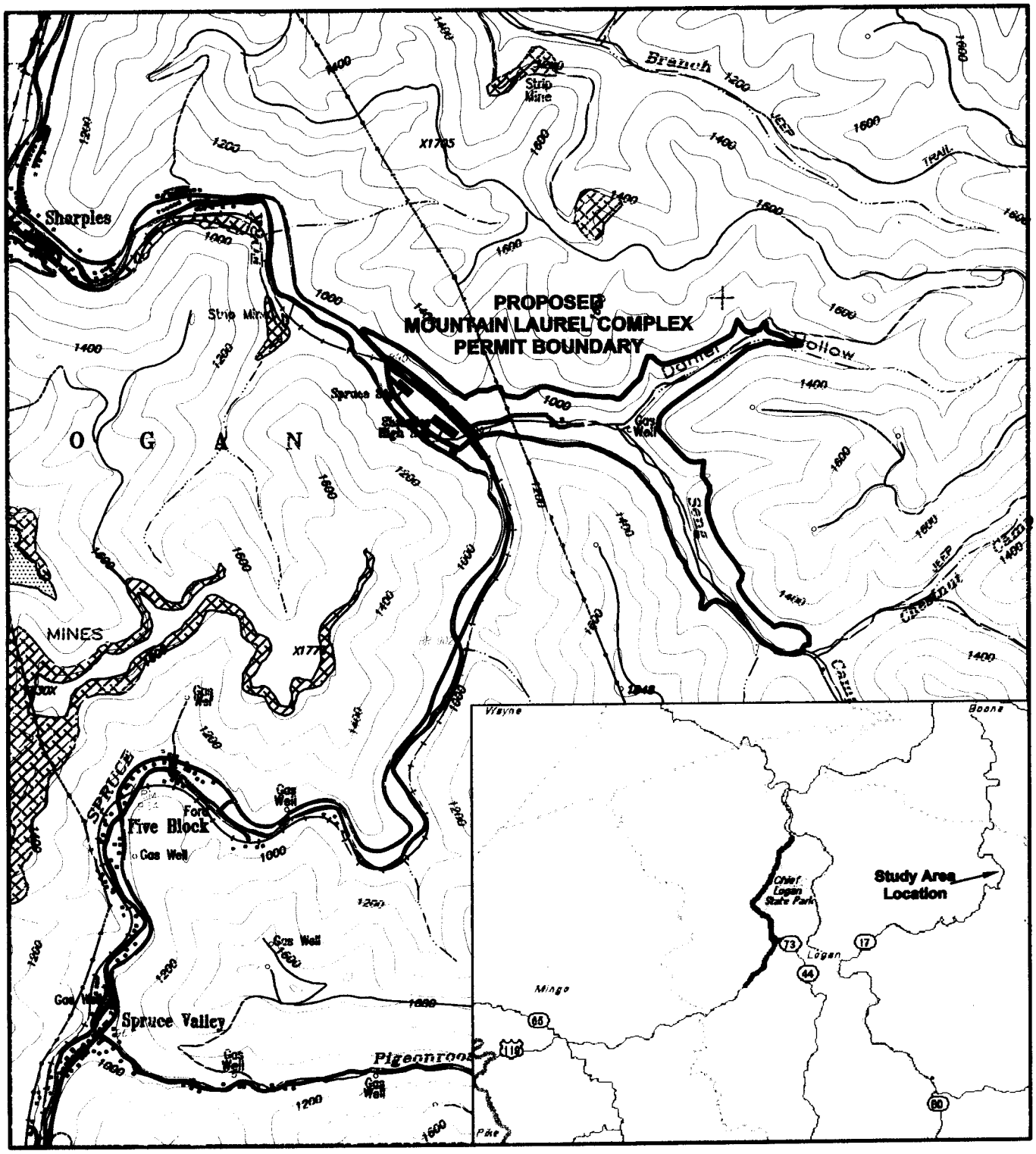


EXHIBIT 2 - Mountain Laurel Complex Study Area

Mingo Logan Coal Company
1000 Mingo Logan Avenue
Wharncliffe, W. Va. 25651

N
W E
S

Permit Boundary

0.4 0 0.4 0.8 Miles