Public Notice

US Army Corps of Engineers
Huntington District

In reply refer to: Issuance Date:
Public Notice No. 200400866 July 29, 2004
Stream: Expiration Date:
Right Fork Little Blaine Creek August 28, 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 Kentucky Division of Water to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Miller Brothers Coal, Inc.
Post Office Box 220
Leburn, Kentucky 41831

LOCATION: The proposed project is located in unnamed tributaries of Right Fork of Little Blain Creek, Left Fork of Trap Branch, Daniels Branch, an unnamed tributary of Left Fork of Little Blain Creek, Grapevine Hollow and an unnamed tributary to Grapevine Hollow, approximately 0.2 miles east of the juncture of Kentucky Route 1760 and Ash Branch County Road, in Lawrence County, Kentucky as depicted on the attached **Drawing 1 of 9** titled "Vicinity Map Miller Brothers Coal, Inc. Ledocia Mine #1 Ledocia Kentucky." Little Blaine Creek drains to Blaine Creek which flows through Yatesville Lake and into the Big Sandy River, a navigable water of the U.S.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material into waters of the U.S. in conjunction with the construction of nine hollow fills and nine associated sediment control structures (ponds) in conjunction with the Ledocia Mine No. 1. The construction of the proposed hollow fills would result in the discharge of fill material into approximately 10,862 linear feet or 0.649 acre of water of the U.S associated with stream channels and 4.825 acres of waters of the U.S. associated with open waters and wetlands. Of this total, 368 linear feet is perennial stream impacts, 8,961 linear feet is intermittent stream impacts and 1,533 linear feet is ephemeral stream impacts. Permanent impacts to open waters and wetlands would include 3.358 acres of wetlands and 1.657 acres of open waters. Further, approximately 5,645 linear feet or 1.277 acre of waters of the U.S. associated with stream channels and 1.50 acres of water of the U.S. associated with open waters would be temporarily impacted by the construction of the proposed sediment control structures (ponds) and associated drainage corridors. Of this total, 785 linear feet is perennial stream impacts and 4,860 linear feet is intermittent stream impacts. In total, approximately 16,507 linear feet or 1.277 acres of waters of the U.S. associated with stream channels, 3.358 acres of wetlands and 3.157 acres of open waters would be impacted by the proposed project. **Table A** details the proposed mining activities and corresponding information with respect to the proposed impact locations and stream loss (linear feet and acres).

The Kentucky Department of Surface Mining Reclamation and Enforcement is currently reviewing the applicant's application (#864-0176 NW) pursuant to the Surface Mining Control and Reclamation Act of 1977.

The applicant's proposed operation would affect 533.58 acres of surface area, including 452.1 acres of mineral removal to facilitate the recovery of approximately 2.74 million tons of coal reserves. This operation would also include 104.2 acres of auger/highwall mining. This operation would generate approximately 66.1 million cubic yards of overburden of which roughly 56.0 million cubic yards would be placed on the mined areas as backfill and to reclaim several thousand linear feet of unreclaimed and exposed highway on the lower splits of the Peach Orchard coal zone. The remaining 11.6 million cubic yards of excess overburden would be placed in the proposed hollow (end-dump durable rock) fills. All of the proposed hollow fills would drain watersheds of less than 250 acres and range from 4.3 acres to 28.2 acres. **Table B** (attached) details the drainage areas to be affected by the proposed hollow fills. Approximately 74 acres on this permit would have the dual use of spoil storage area.

The mineral removal area on the permit is to be mined via multi-seam surface area, multi-seam surface contour and multi-seam surface auger/highwall miner coal mining and reclamation operation using major equipment which could include the following: Bulldozer(s); Scraper(s); Front End Loader(s); Water Truck(s); Rock Drill(s); Backhoe(s); Excavator(s); Coal Truck(s); Coal Auger(s); Rock Truck(s); Highwall Miner(s); and Rock Grader(s).

Mining and reclamation activities would take place over the course of seven phases during 66-month period. All splits of the Peach Orchard coal zone seams constitute the primary reserves. The northernmost portion of this mining operation lies just 1.3 miles south of the Walbridge Fault line, which results in an elevation difference of 170 feet for the coal seams to be mined. The base of the Peach Orchard coal zone is approximately 930 feet at the southern portion of the proposed mine located on Spencer Branch and it dips northeasterly to approximately 760 feet at the Left Fork of Trap Branch. Throughout the project area, extensive unreclaimed pre-law surface mining in the area has left approximately 21,220 linear feet of exposed highwall on the lower splits of the Peach Orchard coal zone. During mining operations, the applicant would re-establish cuts on the lower Peach Orchard coal zone bench areas and would fully reclaim these previously unreclaimed areas during the progression of mining.

Sediment and drainage control would be provided in each active phase by sediment structures installed and maintained in accordance with the applicant's SMCRA permit. In order to reduce the size of in-stream sediment control structures at the toe of each hollow fill, on-bench temporary structures (ponds) would be constructed (Ponds A through V). These proposed ponds would control sediments from various portions of the permit area. Each pond would be constructed and certified as needed prior to any mining disturbance within the drainage boundary of each (pond). Proper drainage to the ponds would be maintained by the construction of any necessary diversions or segments thereof.

Initial sediment control would be established prior to any mining disturbance. As mining commences, sediment control would be established by the construction of the next required embankment pond or bench pond prior to any disturbance within the drainage boundary controlled by the structure. Each pond would be constructed and certified as needed prior to any mining disturbances within the drainage boundary of each. Any required diversion ditches would also be accessed, constructed and maintained as mining advances to and from respective silt structures drainage boundaries.

The applicant is proposing to construct and utilize one haulroad for the proposed operation. Road "A" would provide access to all permit areas from State Route 1760. A portion of Road "A" is existing and was used for coal haulage prior to 1977.

Phase 1

Phase 1 of this proposed project is the modification and construction of Road "A." Approximately 1,525 linear feet of Road "A" is existing road. The applicant is requesting alternate grade and culvert spacing variances for Road "A." The narrow sections of the existing portion of the road would be widened to allow passage of heavy equipment. Newly created road cutslopes and outslopes would be revegetated, as soon as practicable to prevent erosion and slow runoff.

Road construction would result in approximately 24.0 surface acres of disturbance, of which 14.5 acres overlie the mining area. Construction would not require altering and/or relocating natural drainage. A berm of sufficient height would be constructed along the outer road edge to prevent vehicles from accidentally leaving the road surface. The berm shall be constructed to have a height at least equal to the axle height of the largest wheeled vehicle to travel the road.

Phase 2

Phase 2 would begin with the construction of Pond Access Corridor 1 and then construction and certification of Silt Structure 1. Silt structure 1 or Pond 1 would be located in an unnamed tributary of the Right Fork of Little Blaine Creek. Silt structure 1 is an existing 1.5 acre pond which, according to SEDCAD analyses, is of the appropriate dimensions and elevations to be used as sediment control below Hollow Fill A. The applicant would finish and reseed the dam slopes and clear and rip-rap the emergency spillway.

Surface drainage would be diverted from the fill area by construction of the required diversion ditches, or sections thereof. This would be followed by the removal of all vegetation, combustible, and undesirable materials located within the fill area. During and after construction the fill top would be sloped to prevent surface waters from flowing into the fill.

Diversion ditches not in fill material would be accessed and constructed first. Diversion within fill material would be constructed as soon as practicable. Diversions within fill material would also be lined with the best available impervious, nontoxic, and nonacid forming material and rock rip-rapped to prevent erosion. All diversions or diversion sections that require a lining of impervious material have been identified.

To reduce the amount of excess spoil material placed within waters of the U.S., the hollow fills have been designed so a majority of the storage volume and area overlie surface mining areas. The total footprint area of Hollow Fills A through I is 76.3 acres located below the lowest mining bench. Therefore, as they are required for storage, the footprint area of each hollow fill below the lowest mining bench would be cleared and grubbed in a single operation. Areas above the lowest mining bench would be cleared progressively as part of the surface mining operations. Clearing and grubbing operations would consist of the removal of all vegetation, combustible and undesirable materials, and the removal of all available topsoil/alternative topsoil. Woody materials would be

windrowed or burned according with state burning laws. Windrowed brush piles would not extend beyond the permit boundary, would not contain spoil or topsoil, and would not trap water or sediment. Topsoil/alternate topsoil, including a minimum of six inches of the upper "A" soil horizon, would be removed by equipment, transported and stored at a designated topsoil storage area.

Mining operations would commence with a contour cut, maximum length 1,500 linear feet, on one of the permitted coal seams within the drainage boundary of Silt Structure 1 (Pond 1). Overburden would be removed down to the coal seam level. Excess spoil would be placed in proposed Hollow Fill A for permanent storage. Exposed coal would be removed for transport from the site. Mining would continue as described above with additional contour cuts and eventual cross cuts made as necessary to remove all splits of the Peach Orchard coal zone. Additional overburden would be paced in Hollow Fill A for permanent storage or used for backfilling purposes. Exposed coal would be removed from the site. Multi-seam surface area backfilling and grading would be done according to time and distance limits set forth in the Commonwealth of Kentucky regulations. Spoil for backfilling would be placed in a controlled manner in lifts and by gravity transport. Spoil material would be placed in lifts by hauling and dumping. When practical, gravity transport would be utilized to move spoil material from upper mining levels to lower mined out benches.

Spoil material placed in lifts or by gravity transport would be compacted where advisable to ensure stability or to prevent leaching of any toxic materials and graded to ensure a long-term safety factor of at least 1.3. Permanent storage of any potentially toxic/acidic material, expected or unexpected, including waste coal, coal partings and other materials separated in the pit from run-of-mine coal, would be handled as described in the "Toxic Materials Handling Plan." All such materials would be buried under a minimum of four feet of non-toxic, non-acidic forming and non-combustible material.

The effects of haulage trucks traveling over previously placed material and bulldozers working the material should provide sufficient compaction of spoil. A sheepsfoot roller would be used in the event more compaction is necessary. Backfilled mining areas and completed spoil storage areas would be scarified prior to topsoil/alternate topsoil redistribution in order to eliminate surface slippage and to promote root penetration. Topsoil/alternative topsoil redistribution upon mining and spill storage areas would occur with in thirty days of final backfilling and grading.

When rills or gullies deeper than nine inches form in a regraded and topsoiled area, they shall be filled, graded or otherwise stabilized, and the area revegetated. Disturbed areas would be returned to approximate original contour. Phase 2 would include approximately 49.0 acres of mining area, 4.90 acres of spoil storage, 0.15 acre of access corridor (30 feet wide and 220 feet long), and 0.57 acre of secondary impacts. Approximately 1,508,386 cubic yards of fill would be placed into Hollow Fill A.

Phase 3

The third phase of the mining project would commence with construction of Silt Structure 2 (Pond 2), which would be located below Hollow Fill B in the Left Fork of Trap Branch. No mining activities would occur in this drainage until Pond 2 is in place. Upon completion of the sediment control structure, mining would precede in the same manner as discussed in Phase 2. Like the Hollow Fill A watershed, Hollow Fill B has historic mining and exposed highwalls in the watershed. Upon completion, disturbed areas would be returned to approximate original contour, including areas with exposed highwall. Phase 3 would include 87.0 acres of mining area, 11.90 acres of spoil

storage, 0.45 acre of access corridor (30 feet wide and 660 feet long), a 1.5 acre sediment pond, and 0.11 acre of secondary impact. This phase also includes approximately 47.1 acres of Auger/Highwall mining. Approximately 2,490,825 cubic yards of material would be placed in Hollow Fill B.

Phase 4

Phase 4 would begin with the construction of Silt Structure 3 (Pond No. 3), which would be located at the head of a small side drainage located on an unnamed tributary of the Right Fork of Little Blaine Creek. No mining activities would occur in this drainage until Pond 3 is in place. Upon completion of the sediment control structure, mining would precede in the same manner as discussed in Phases 2 and 3. Like the Hollow Fill A watershed, Hollow Fill C has historic mining and exposed highwalls in the watershed. Upon completion, disturbed areas would be returned to approximate original contour, including areas with exposed highwall. Phase 4 would include the 34 acres of mining area, 3.70 acres of spoil storage, 0.32 acre of access corridors (30 feet wide and 470 feet long), a 1.00 acre sediment pond, and 0.06 acre of secondary impacts. Approximately 574,347 cubic yards of material would be placed in Hollow Fill C.

Phase 5

Phase 5 would the construction of Silt Structure 7, Hollow Fill H and Silt Structure 4. Activities would begin in the right fork of Grapevine Hollow with the construction of Silt Structure 7 (Pond 7). Activities in this watershed would then proceed in the same manner as discussed in Phases 2, 3 and 4. Then Silt Structure 4 would be constructed at the head of a small side drainage located on an unnamed tributary of the Right Fork of Little Blaine Creek. Upon completion of activities in the right fork of Grapevine Hollow, the disturbed areas would be returned to approximate original contour. Hollow Fills H and D both are in pre-law mined watersheds, where mining would remove existing exposed highwalls. Phase 5 would include 69.0 acres of mining area, 8.80 acres of spoil storage (Hollow Fill H), 0.53 acre of access corridors (0.17 associated with Pond No. 4 and 0.36 associated by Pond No. 7), 3.0 acres of sediment pond (1.50 associated with Pond No. 4 and 1.50 associated by Pond No. 7), and 0.02 acre of secondary impacts. This phase would include 23.5 acres of auger/highwall mining. Approximately 830,383 cubic yards of material would be placed in Hollow Fill H.

Phase 6

Phase 6 would include the construction of Silt Structures 5, 6, and 8 (Sediment Ponds Nos. 5, 6, and 8), access roads for these structures, and Hollow Fills D, E, F, and G. Hollow Fill D (whose sediment control structure was included in Phase 5) would be the first hollow fill to be constructed. Hollow Fills G, F and E would follow. Of these four watersheds, only Hollow D has pre-law mining activities associated with the watershed. Activities in these watersheds would proceed in the same manner as discussed in Phases 2, 3, 4 and 5. Phase 6 would include the 213.1 acres of mining area, 25.3 acres of spoil storage (8.30 acres associated with Hollow Fill D, 7.70 acres associated with Hollow Fill E, 3.30 acres associated with Hollow Fill F, and 6.00 acres associated with Hollow Fill G), 1.13 acres of access corridors (0.44 acres associated with Pond No. 5, 0.37 acre associated with Pond No. 6, and 0.32 acre associated with Pond No. 8), 3.0 acres of sediment pond (1.0 acres associated with Pond No. 5, 1.0 acre associated with Pond No. 6, and 1.0 acre associated with Pond

No. 8), 0.67 acre of secondary impacts (0.20 acres associated with Hollow Fill D, 0.16 acres associated with Hollow Fill E, 0.26 acres associated with Hollow Fill F, and 0.05 acres associated with Hollow Fill G). This phase would include 33.3 acres of auger/highwall mining. Material associated with each of the hollow fills in this phase area is as follows: Hollow Fill D would contain 1,585,907 cubic yards of material; Hollow Fill E would contain 3,119,380 cubic yards of material; Hollow Fill F would contain 486,339 cubic yards of material; and, Hollow Fill G would contain 782,870 cubic yards of material.

Phase 7

Phase seven would include the construction of Silt Structure 9 (Pond 9) and activities associated with Hollow Fill I. No mining activities would occur in the watershed until appropriate sediment control has been established. Mining in this watershed (Unnamed Tributary of Grapevine Hollow) would proceed in a manner similar to that described in Phases 2, 3, 4, 5, and 6. This phase would include 0.30 acres of auger/highwall mining. The phase would also include 2.0 acres of spoil storage, 0.30 acre of access road, 1.0 acre of sediment pond, and 0.07 acre of secondary impacts. Approximately 227,883 cubic yards of material would be placed in Hollow Fill I. This area would be returned to approximate original contour.

The following table summarizes activities in each phase.

Type of Disturbance	**Phase 1**	**Phase 2**	**Phase 3**	**Phase 4**	**Phase 5**	**Phase 6**	**Phase 7**	**Total Surface Acres**
Mining Area		49.0	87.0	34.0	69.0	213.1		452.1
Spoil Storage		4.90	11.90	3.70	8.80	25.3	2.0	56.6
Haul Roads	24.0*							9.5*
Access Corridors		0.15	0.45	0.32	0.53	1.13	0.30	2.88
Sediment Ponds		1.50[A]	1.50	1.0	3.0	3.0	1.0	11.0
Secondary Impacts		0.57	0.11	0.06	0.02	0.67	0.07	1.5
Auger/Highwall Mining			47.1		23.5	33.3	0.3	104.2

* 14.5 acres overlie mining area.
[A] Existing Structure

According to the applicant, the purpose of the project is to construct hollow fills to dispose of excess overburden spoil generated by surface mining operations into waters of the United States in order to achieve optimal recovery of available coal reserves within the project area and to provide the mandatory sediment control and access.

Plans for the proposed valley fills and associated sediment ponds can be found on **Drawings 2 through 10 (Figures 1 through 9)** of this public notice.

MITIGATION PLAN: The applicant has submitted a conceptual 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. To compensate for permanent and temporary impacts to waters of the U.S., the applicant proposes to mitigate on- and off-site through in- and out-of-kind restoration and enhancement of aquatic resources.

The applicant's conceptual CMP proposes both in-kind and out-of-kind compensatory mitigation. Ratios consistent with the Louisville District's Eastern Kentucky Stream Assessment Protocol (EKSAP) and Mitigation Calculator would be used to mitigate for loss of aquatic habitat. The sites for mitigation would be either contiguous to (stream restoration and/or enhancement downstream of the proposed fills and in the footprint of the existing pond) or located as close as practicably possible to the impacted site. Temporary impacts (primary and secondary impact areas) would be restored to their approximate pre-disturbance conditions after the sediment control structures have been removed. Also, additional restoration/enhancement would be completed as mitigation for the temporary loss of the temporarily impacted stream segments, with the quantity (in linear feet of restored stream) being determined by multiplying the total length of temporarily impacted stream by 0.10 (10 percent).

It is proposed the success of the mitigation (performance standards) be habitat based. The details of this proposed measure are still in development and would be provided in the final plan. A monitoring plan would be developed to determine the success of the compensatory mitigation plan. The monitoring would be directed toward evaluations of the primary activities accomplished throughout the mitigation project. The success of this project would be determined based upon the achievement of several criteria. Criteria may include stream restoration, erosion control and bank stability, and establishment of riparian vegetation.

To compensate for permanent impacts to ephemeral stream channels, conveyance channels located within the permit area would be converted to natural stream channels. The restoration and enhancement of these conveyance channels would include the establishment of a riparian zone. To compensate for permanent impacts to intermittent and perennial streams, and open waters, mitigation would take place off-site (within the watersheds of following streams: Honeycamp Branch, Evans Fork, Halls Branch, Panther Branch, Laurel Fork, Stafford Fork, the Left Fork of Spence Branch, Wolf Pen Branch, and/or Home Fork), as close as practicably possible to the impacted area. Every effort would be made to use stream segments which have restrictive covenants in place to further offset aquatic impacts. This mitigation would involve restoration and enhancement of the riparian zone adjacent to mitigation areas. Restrictive Covenants would be in place for these locations as well. The final component of the compensatory mitigation plan would be restoration/enhancement or creation of wetland resources. These activates would take place on-site, as practicably possible. The proposed mitigation would be completed using natural stream channel design.

ALTERNATIVE ANALYSIS: Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines stated for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative

analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The alternative analysis has been requested and will be reviewed by this office upon receipt.

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 Kentucky Division of Water.

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: This project is located within the known or historic range of the endangered Fanshell mussel (*Cyprogenia stegaria*) and the Bald eagle (*Haliaeetus leucocephalus).*

The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

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, Chief
Regulatory Branch

(K)

Table A
Miller Brothers Coal, Inc.
Summary of "Waters of the United States" Impacts
Ledocia Mine No. 1

	Stream Length Impacted				Volume of US waters Filled				
Fill	Perennial (ft)	Intermittent (ft)	Ephemeral (ft)	Total (ft)	Perennial (ft3)	Intermittent (ft3)	Ephemeral (ft3)	Total (ft3)	Surface Water Impacted Acres
A	0	483	0	483	0	1030.188	0	1030.188	0.031
B	368	1622	306	2296	2336.875	4945.000	264.000	7545.875	0.159
C	0	784	0	784	0	1714.000	0	1714.000	0.049
D	0	910	190	1100	0	1315.875	190.000	1505.875	0.058
E	0	1381	317	1698	0	2391.125	201.625	2592.750	0.103
F	0	893	240	1133	0	1614.375	120.000	1734.375	0.060
G	0	895	395	1290	0	1601.250	333.000	1934.250	0.063
H	0	1443	0	1443	0	3409.188	0	3409.188	0.091
I	0	550	85	635	0	1031.250	69.063	1100.313	0.035
Total	**368**	**8961**	**1533**	**10862**	**2336.875**	**19052.251**	**1177.688**	**22566.814**	**0.649**
Pond									
Pond 1	0	500	0	500					0.043
Pond 2	785	0	0	785					0.117
Pond 3	0	550	0	550					0.051
Pond 4	0	670	0	670					0.046
Pond 5	0	690	0	690					0.095
Pond 6	0	880	0	880					0.101
Pond 7	0	465	0	465					0.045
Pond 8	0	620	0	620					0.085
Pond 9		485	0	485					0.045
Total	**785**	**4860**	**0**	**5645**					**0.628**
GRAND TOTAL	**1153**	**13821**	**1533**	**16507**					**1.277**

Table A-Continued

Fill		Wetlands				Open Waters				
		ID	Acres	Square Feet	Volume	ID	Acres	Square Feet	Depth (ft)	Volume
HF A		1*	0.1453	6329	6329	1	0.0496	2160	1.5	3240.000
		2*	0.1295	5640	5640	--	--	--	--	--
		3*	0.1829	7969	7969	--	--	--	--	--
Total HF A			**0.4577**	**19938**	**19938**	--	**0.0496**	**2160**	**1.5**	**3240.000**
HF B		4**	0.2961	12900	6450	--	--	--	--	--
		5	0.4098	17850	2085	--	--	--	--	--
		6	0.0957	4170	8925	--	--	--	--	--
Total HF B			**0.8016**	**34920**	**17460**	--	--	--	--	--
HF C		7*	0.0362	1577	2365.5	2*	0.0373	1623	--	--
		7*	0.3169	13803	6901.5	2*	1.2829	55883	--	--
Total HF C			**0.3531**	**15380**	**9267**	--	**1.3202**	**57506**	**5.5**	**316283.000**
HF D		8**	0.1894	8250	4125	--	--	--	--	--
		9	0.0689	3000	1500	--	--	--	--	--
		9	0.3185	13875	6937.5	--	--	--	--	--
Total HF D			**0.577**	**25,125**	**12562.5**	--	--	--	--	--
HF H	Right Fork	10	0.4393	19136	9568	--	--	--	--	--
		11*	0.0768	3344	1672	--	--	--	--	--
	Left Fork	12*	0.1767	7697	11545.5	3*	0.0294	1281	--	--
		12*	0.1228	5351	8026.5	3*	0.2586	11265	--	--
		12*	0.0065	281	421.5	--	--	--	--	--
		12*	0.3464	15091	22636.5	--	--	--	--	--
Total HF F			**1.1685**	**50900**	**53870**	--	**0.2880**	**12546**	**3.5**	**43911.000**
GRAND TOTAL			**3.358**	**146,263**	**113097.5**		**1.658**	**72212**	**10.5**	**363434**

* Indicates that the wetland or open water occurs in the mining area of the permit (not within or below hollow fills)

** Indicates the wetland occurs in the temporary impact zone (below the hollow fills); 1.5 acres of open water are part of temporary impacts (will be restored to stream channel); Values for Compensatory Mitigation have been rounded.

Table B

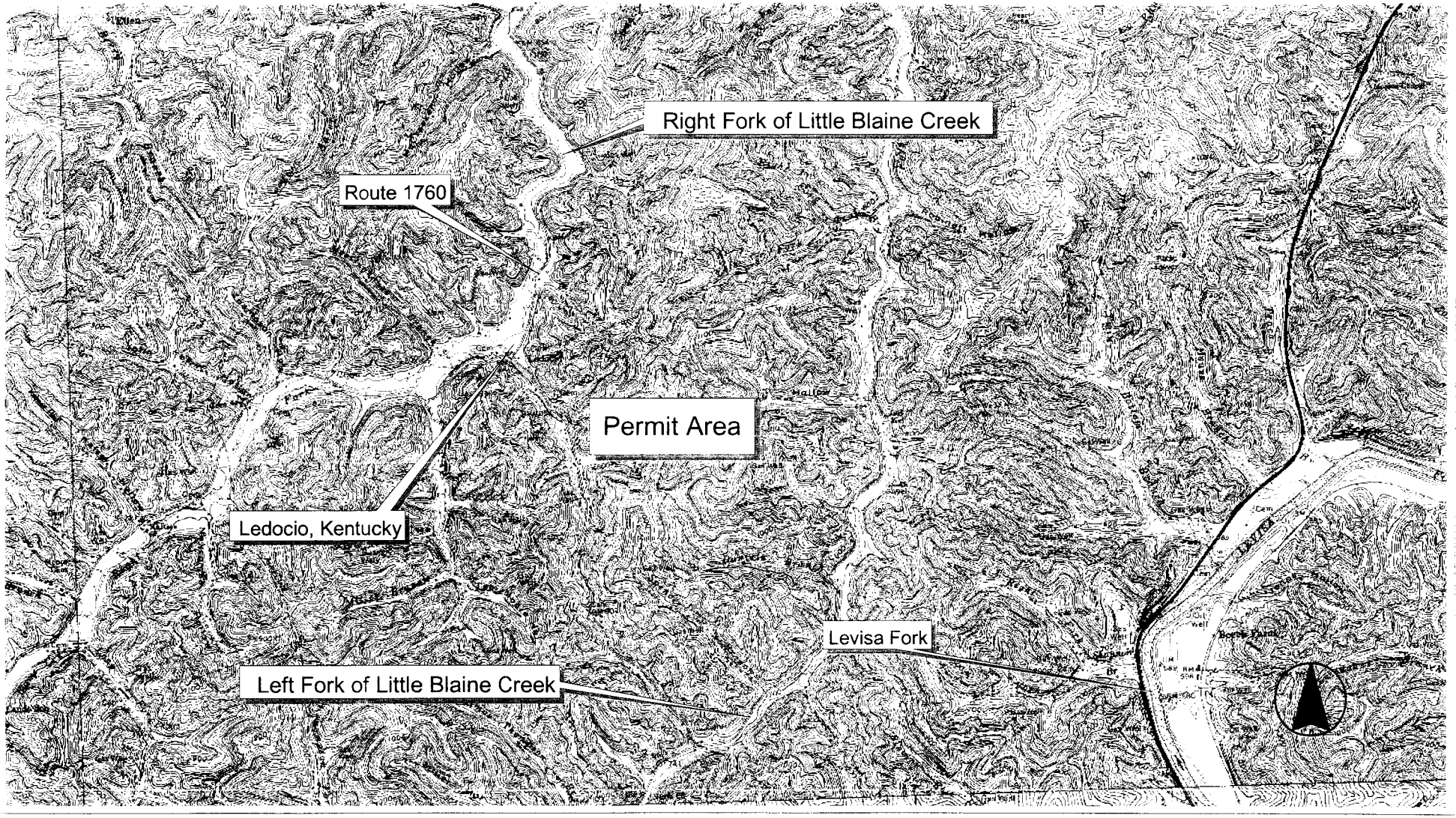
Miller Brothers Coal, Inc.
Ledocio Mine #1
Affected Drainage Areas

Disposal Site	Drainage Area Fill Toe (acres)
Valley Fill A	43.19
Valley Fill B	81.04
Valley Fill C	23.70
Valley Fill D	31.90
Valley Fill E	43.05
Valley Fill F	25.12
Valley Fill G	26.84
Valley Fill H	53.72
Valley Fill I	24.50

Table C
Miller Brothers Coal, Inc.
Ledocio Mine #1
Total Fill Volume/Valley Fill Disposal Site

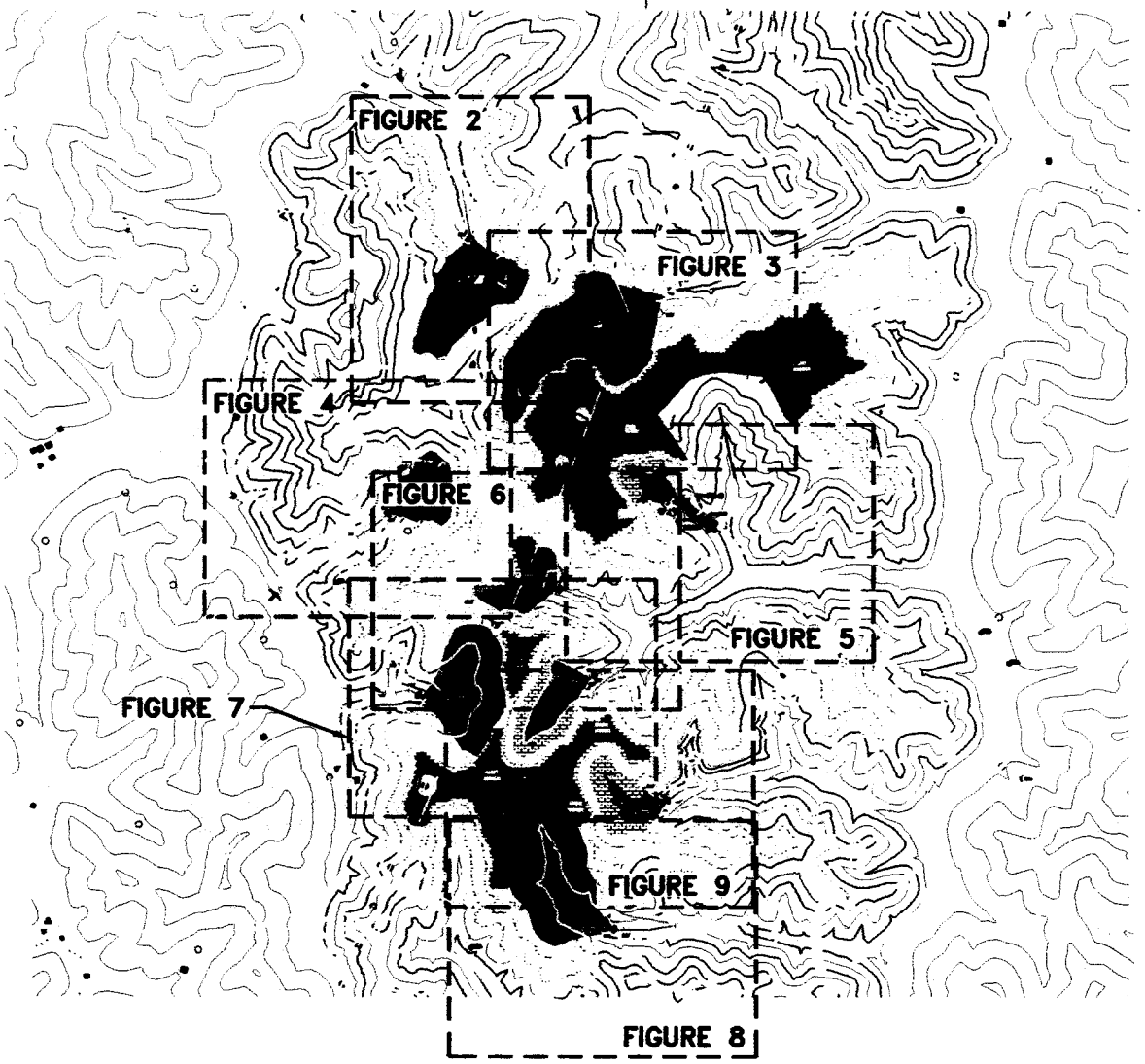
Disposal Site	Fill Volume Cubic Yards
Valley Fill A	1,508,386
Valley Fill B	2,490,825
Valley Fill C	574,347
Valley Fill D	830,383
Valley Fill E	1,585,907
Valley Fill F	3,119,380
Valley Fill G	486,339
Valley Fill H	782,870
Valley Fill I	227,883

Vicinity Map
Miller Brothers Coal, Inc
Ledocia Mine # 1
Ledocia, Kentucky



3000 0 3000 6000 Feet

Kentucky Single State Plane Zone, NAD 83, US Survey Feet
Williamson - Quad J56



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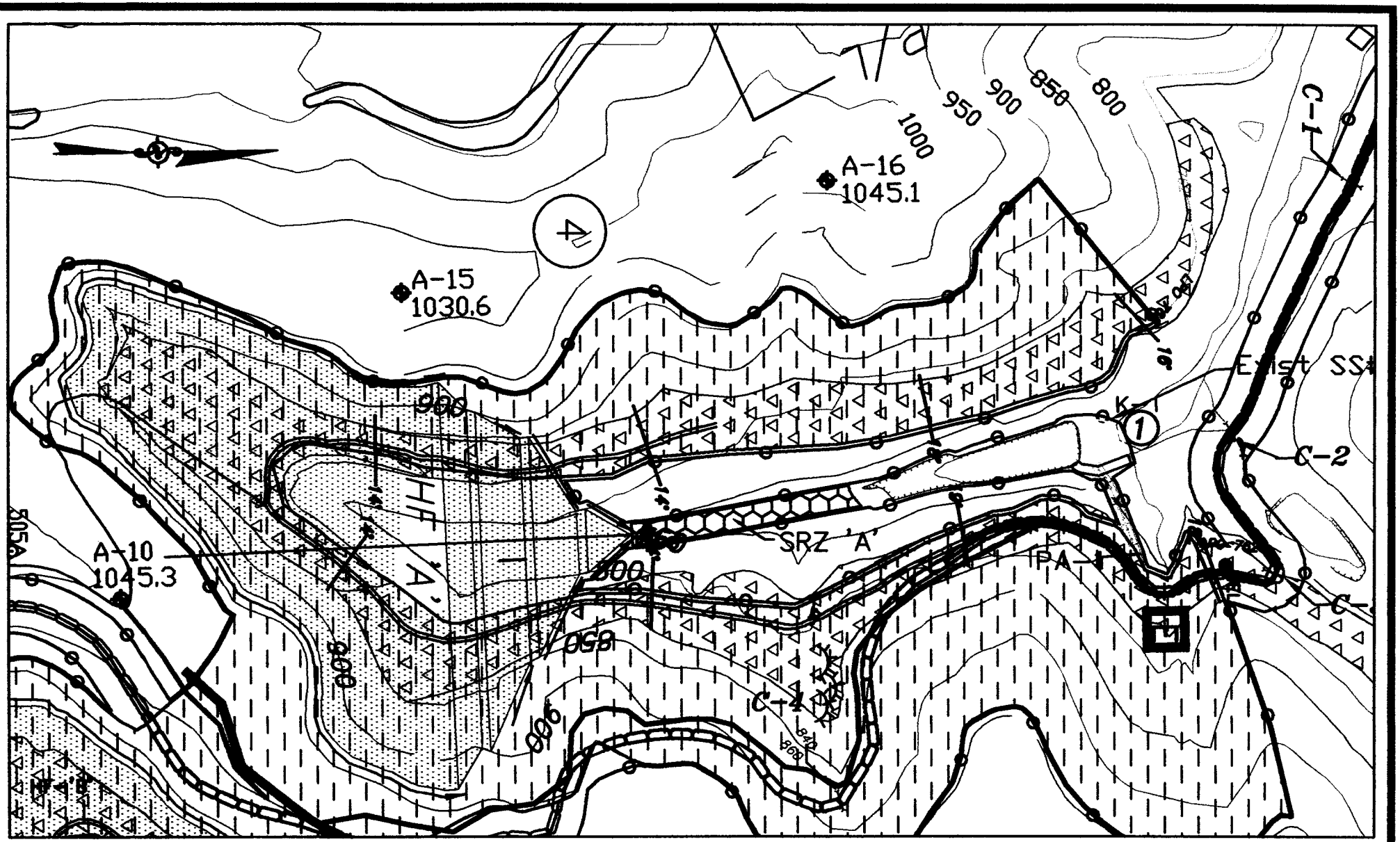
Project: OVERALL SITE PLAN
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale 1" =2000'

Date JUNE 2004

Dwg. No. FIGURE 1

PROJECT #: 04-0099 FILENAME: A04-0099-09



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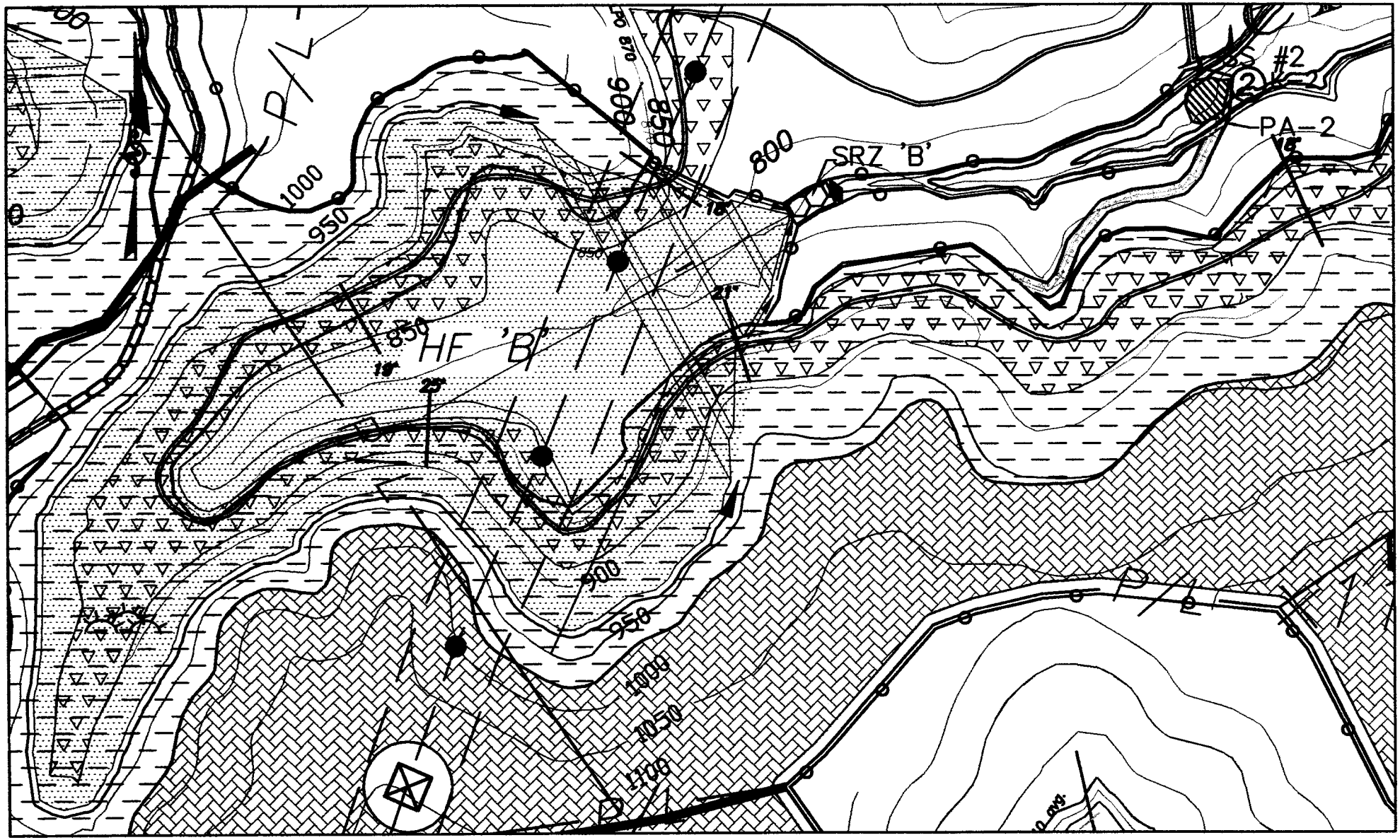
Project
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale 1"=300'

Dwg. No.
FIGURE 2

Date JUNE 2004



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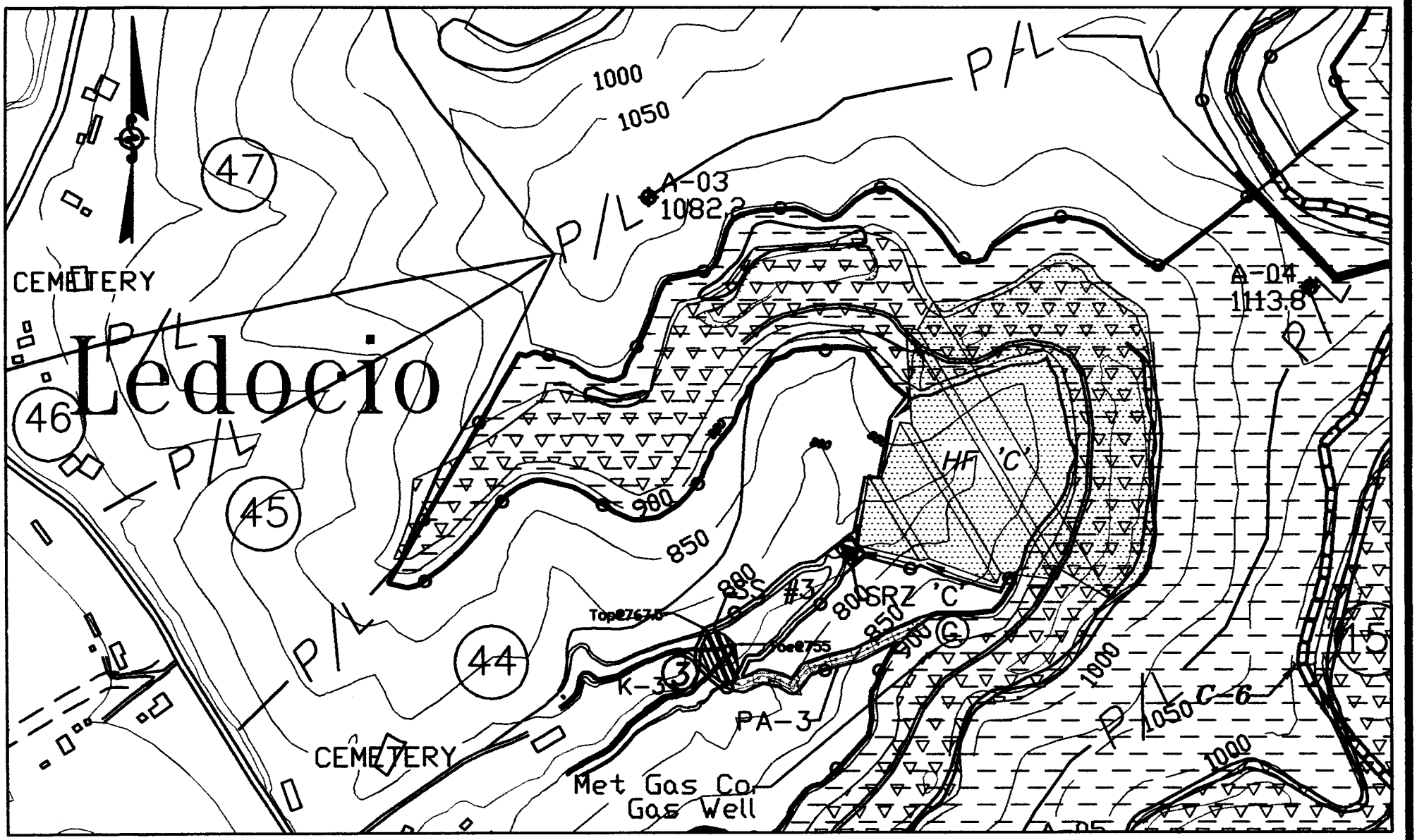
Project
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale 1"=300'	Dwg. No. FIGURE 3
Date JUNE 2004	



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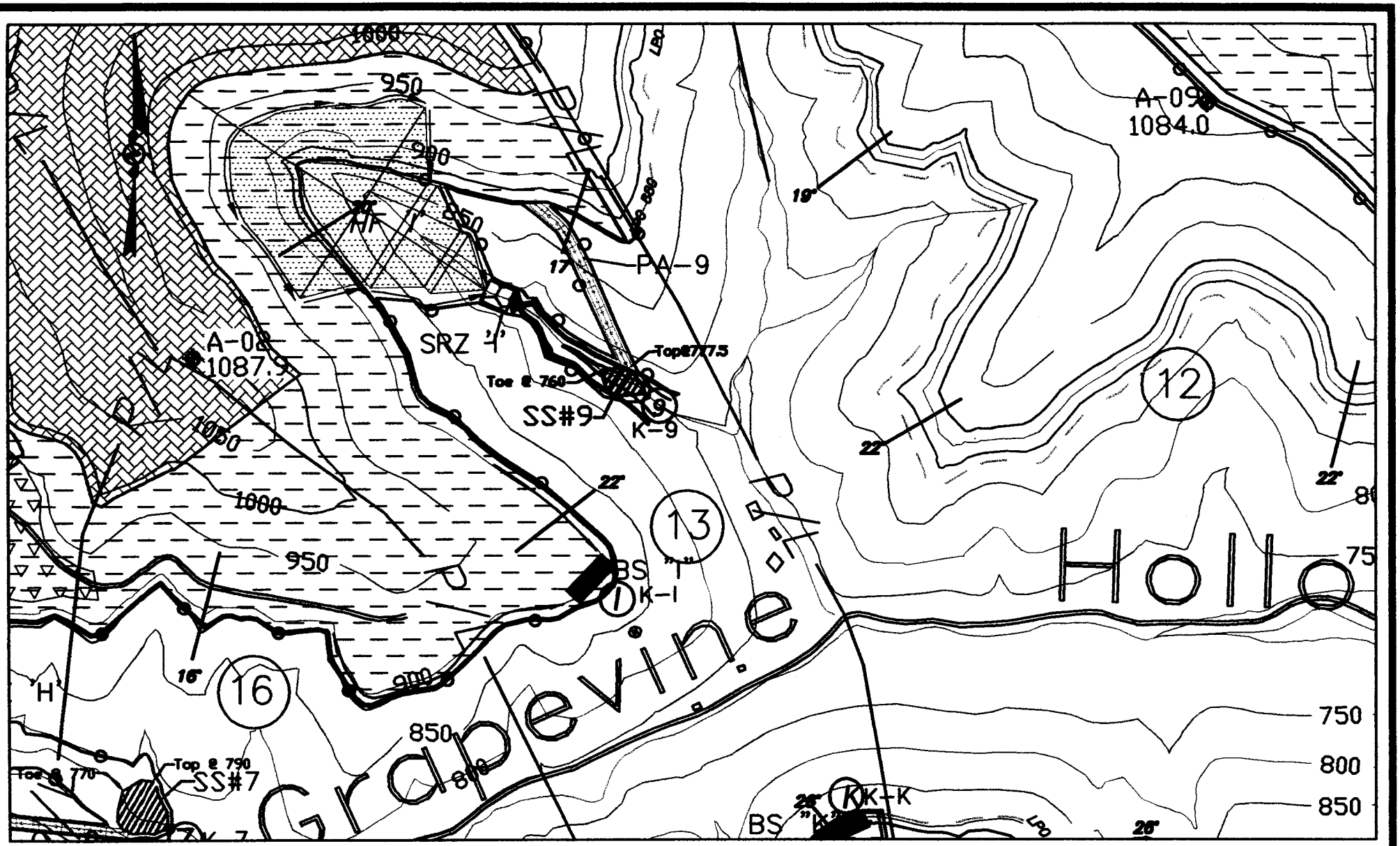
Project
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale 1"=300'

Date JUNE 2004

Dwg. No.
FIGURE 4



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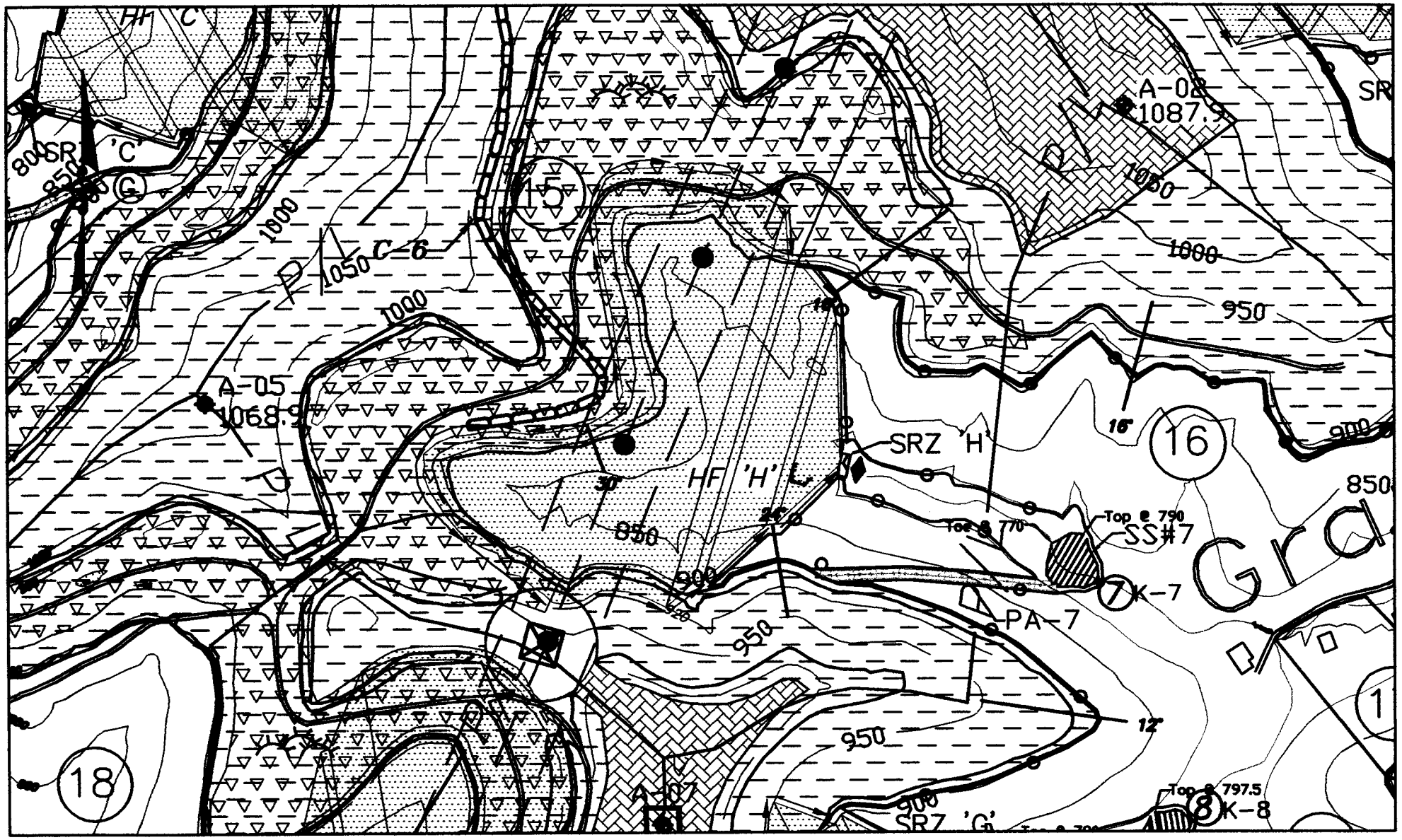
LEDOCIO MINE #1
PERMIT MAP

Scale	Dwg. No.
1"=300'	FIGURE 5
Date JUNE 2004	



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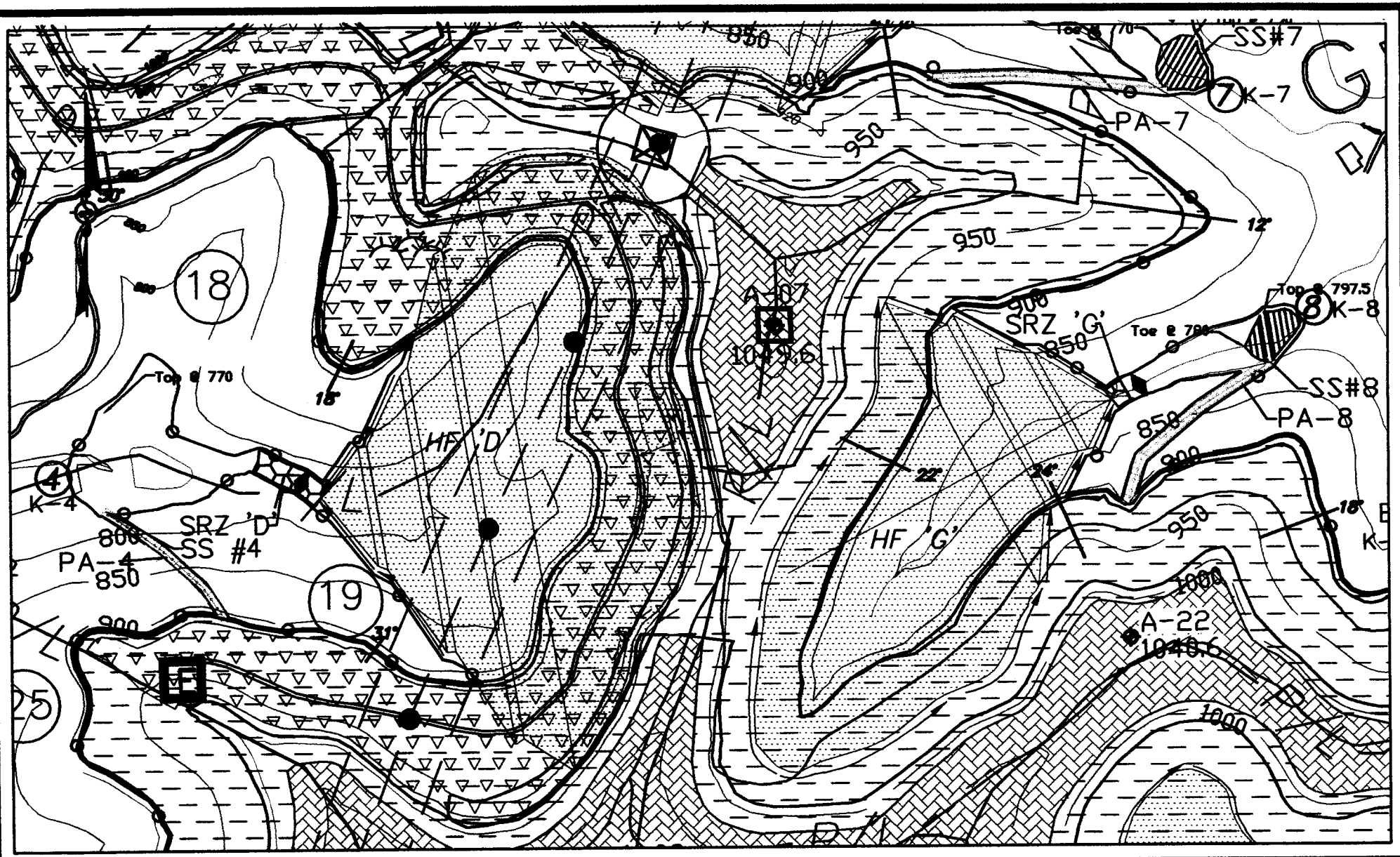
LEDOCIO MINE #1
PERMIT MAP

Scale 1"=300'	Dwg. No. FIGURE 6
Date JUNE 2004	



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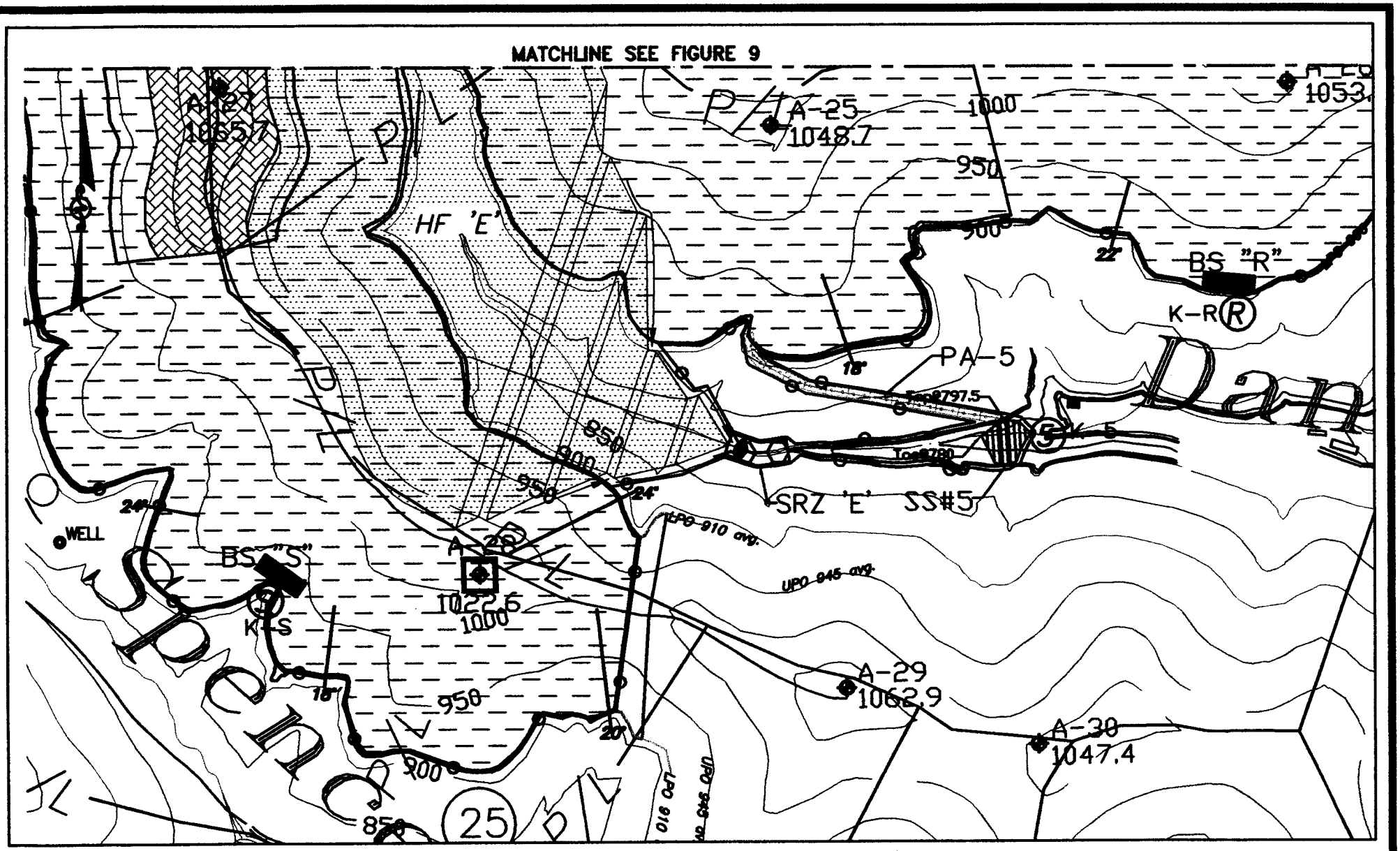
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale	Dwg. No.
1"=300'	FIGURE 7
Date JUNE 2004	

04-0099 A04-0099-06



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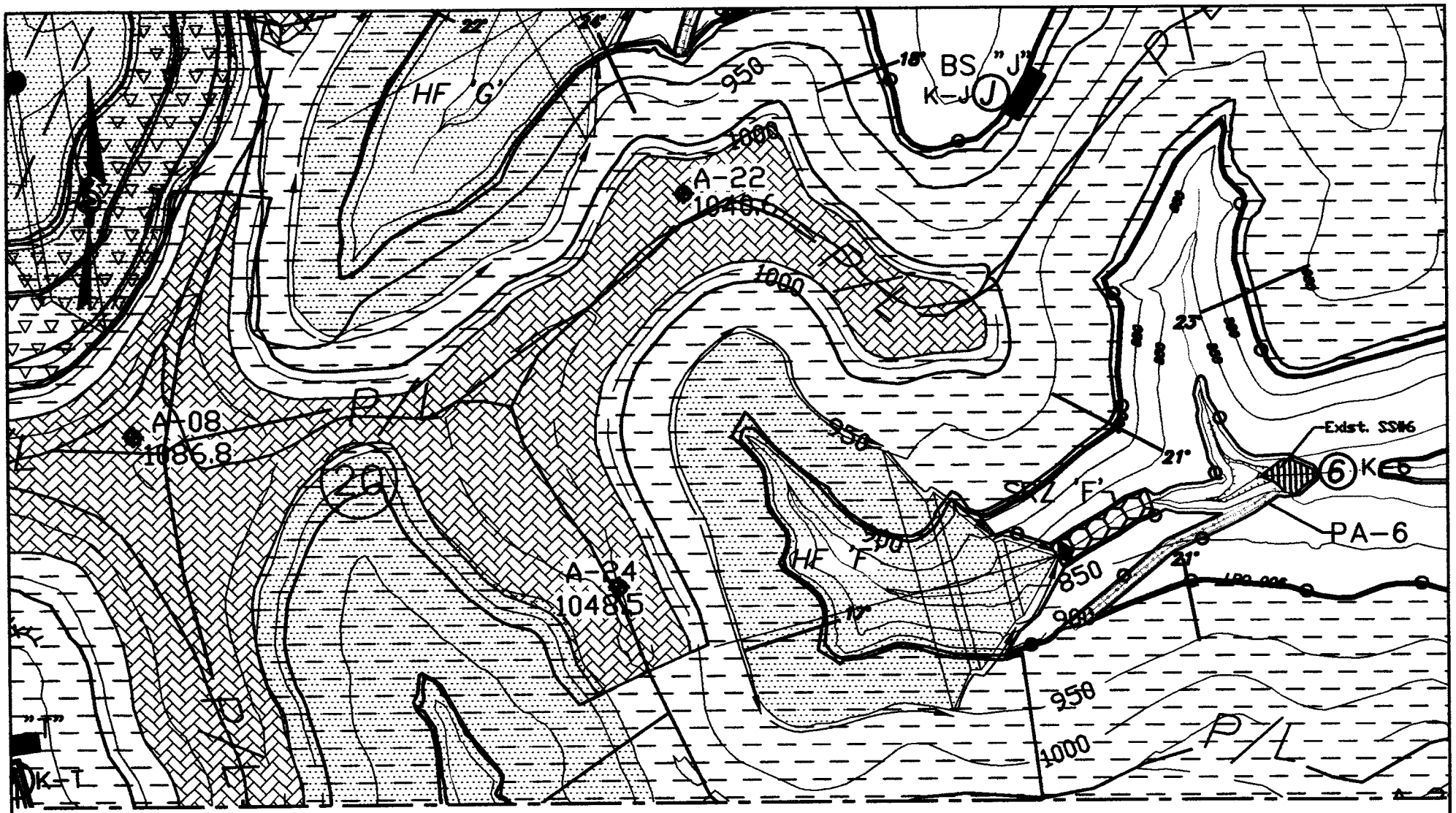
LEDOCIO MINE #1
PERMIT MAP

Scale	Dwg. No.
1"=300'	FIGURE 8
Date JUNE 2004	



MATCHLINE SEE FIGURE 8

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Project
MILLER BROTHERS COAL, INC.
LEDOCIO MINE #1
PERMIT MAP

Scale 1"=300'

Date JUNE 2004

Dwg. No.
FIGURE 9