



**US Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to:	200400574	Issuance Date:	August 30, 2004
<b>Public Notice No.</b>		Expiration Date:	September 28, 2004
<b>Stream:</b>	UT Cabin Creek		
Address comments to:	US Army Corps of Engineers, Huntington District 602 Eighth Street ATTN: CELRHF Huntington, West Virginia 25701-2070		

**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:** Hanna Land Company  
Post Office Box 2814  
Charleston, West Virginia 25330

**LOCATION:** The proposed project is located in unnamed tributaries of Cabin Creek and Long Branch of Fifteenmile Fork approximately 2.36 miles northeast of Ameagle in Kanawha, Fayette, and Raleigh, West Virginia as depicted on the attached Figure 1.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place fill material into waters of the United States in conjunction with the construction of three valley fills and two sediment ponds associated with the Republic No. 2 Surface Mine. According to the applicant, the purpose of the project is to construct valley 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.

The construction of the proposed valley fills would result in the permanent discharge of fill material into approximately 6,225' (0.60 acre) of three jurisdictional stream channels. Of this total, approximately 5,971' of intermittent stream and 254' of ephemeral stream would be impacted. The construction of the four sediment ponds would result in the temporary discharge of fill material into 2,585' (0.27 acre) of intermittent stream channel. A total of 8,810' (0.87 acre) of waters of the United States would be impacted by the proposed surface coal mining activities. Tables A and B of this public notice provide additional information regarding the proposed impacts sites and watershed acreages.

The West Virginia Department of Environmental Protection (WVDEP) issued the required Surface Mining Permit (S-3001-01) on October 6, 2003 and the required NPDES permit (WV1019422) on October 7, 2003.

The applicant's proposed operation would affect 753 acres of surface area in order to facilitate removal of approximately 9.5 million tons of coal available in the Clarion, Tionesta, Upper and Middle Belmont, Buffalo Creek and Buffalo Creek "A", Dorothy and Lower Dorothy "A & B", Chilton and Chilton Rider, Hernshaw, Dingess, Williamson, and Upper Coalburg and Lower Coalburg seams.

Coal extraction would be accomplished utilizing mountaintop removal mining techniques. The proposed operation would generate approximately 80 million cubic yards of overburden (including the 25% swell factor) of which approximately 35 million cubic yards would be placed on the mined areas as backfill. The remaining approximate 46 million cubic yards of excess overburden would be placed in the proposed valley fills as detailed on the Table C of this public notice.

The proposed project would be accomplished in five phases over a period of 5 years. A discussion of each phase follows:

**Phase I:** Phase I would consist of coal removal activities on 167.3 acres. The embankments associated with Ponds 1A, 1B, and 2 below Valley Fills No. 1, 2, and 3 would be constructed. Temporary sediment control measures (on-bench sediment channels) would be installed as provided for in the approved temporary sediment control plan. Coal mining would take place in the Williamson and Lower Coalburg seams during this phase. Excess spoil generated during mining would be placed into Valley Fills No. 1, 2 and 3. It is anticipated Phase I would begin in July 2005 and conclude in August 2007.

**Phase II:** Phase II would consist of coal removal activities on 243.2 acres. Coal mining would take place in the Lower Coalburg and Williamson seams. Excess spoil generated during mining would be placed into Valley Fills No. 1, 2, and 3. Reclamation activities would commence on the Lower Coalburg Island area and the abandoned Dorothy Seam mine bench. Approximately 60.6 acres would be reclaimed. It is anticipated Phase II would begin in September 2006 and would conclude in June 2009.

**Phase III:** Phase III would consist of coal removal activities on 187.8 acres. Coal mining would be completed in the Coalburg seam and would continue in the Williamson seam. Temporary sediment control measures would be installed as provided for in the approved temporary sediment control plan. Excess spoil generated during mining would be placed into Valley Fills No. 1, 2, and 3. Reclamation activities would continue in the Lower Coalburg Island area and advance into Valley Fill No. 3. Approximately 165.9 acres would be reclaimed. It is anticipated Phase III would begin in July 2009 and would conclude in August 2012.

**Phase IV:** Phase IV would consist of coal removal activities on 73.6 acres. Coal mining would continue in the Williamson seam. Excess spoil generated during mining would be placed on the mined out bench. Reclamation activities would be finalized in the Lower Coalburg Island and in Valley Fills No. 2 and 3. Approximately 155.5 acres would be reclaimed. It is anticipated Phase IV would begin in September 2012 and would conclude in March 2016.

**Phase V:** Phase V would consist of coal removal activities on 55.9 acres. Coal mining would be completed in the Williamson seam. Excess spoil generated during mining would be placed on the mined out bench. Reclamation activities would commence and be finalized in Valley Fill No. 1. Approximately 171.4 acres would be reclaimed. It is anticipated Phase V would begin in January 2015 and would conclude in March 2017.

**Phase VI:** Phase VI would consist of the final re-grading and reclamation of the site. No mining would take place during this phase. Approximately 169.4 acres would be reclaimed. It is anticipated this Phase VI would begin in April 2016 and conclude in March 2018.

A description of the mining and reclamation acreage, by phase, is also provided on the Table D of this public notice.

**MITIGATION PLAN:** In order to compensate for the permanent loss of approximately 6,225' (0.60 acre) of intermittent and ephemeral stream channel, the applicant proposes both on-site and off-site migration. Off-site mitigation would consist of restoration and enhancement activities within Cabin Creek, Long Branch, and Fifteenmile Fork near Decota, Kanawha County, West Virginia. The applicant has received authorization from this office under nationwide permit #27 to conduct the restoration and enhancement activities within approximately 17,143' of Cabin Creek, 11,242' of Long Branch and 1,825' of Fifteenmile Creek. The proposed restoration and enhancement activities include reduction of sediment run-off, improvement of in-stream and riparian habitat, removal of trash and debris, stabilization of eroded and collapsed stream banks, installation of proper road crossing and the establishment of riparian vegetation. The applicant would then utilize the enhanced and restored stream channels as compensatory mitigation for future impacts associated with the proposed surface coal mining activities within the effected watershed.

The applicant has requested authorization to utilize 5,971' of the restored/enhanced stream channels as compensatory mitigation for permanent impacts to 5,971' of intermittent tributaries of Cabin Creek and Long Branch. Approval of this request would be contingent upon actual completion of the restoration/enhancement activities within the stream channels, concurrence of the commenting agencies, and analysis of quality, functions, and values of resources lost at the impact site as compared to quality, functions, and values of resources gained at the mitigation sites. The applicant is aware that utilization of the restored/enhanced stream channels may not be acceptable as sole compensation for permanent impacts associated with the mining activities. Figure 13 depicts the geographic relationship between the proposed impact sites and the proposed mitigation sites.

To compensate for permanent impacts to 254' of ephemeral tributaries of Long Branch and unnamed tributaries of Cabin Creek, the applicant proposes to utilize on-bench sediment channels by converting them into ephemeral, sinuous stream channels. Approximately 500' of an on-bench sediment channel would be converted into an ephemeral stream channel. The sediment channels are designed to handle a 2-year flood event within the primary channel and a 100-year flood event within the secondary channel. The channels contain several barriers to form individual holding cells. To create sinuosity, sections of the barriers would be removed breached. Because of the flat channel slope, it is anticipated that once the section is removed and water levels subside, a sinuous channel would form within the sediment-laden cells. It is also anticipated that because of the organic sediments within the cells, a variety of grasses and other semi-aquatic plants would develop within the secondary channels. The portions of the barriers left in place, as well as the addition of root wads, boulders, and log weirs would provide in-stream habitat, nutrients, and substrate. A vegetated riparian zone, consisting of but not limited to reed canary grass, orchid grass, millet grass, redtop grass, bankers dwarf willow, purpleozier willow, silky dogwood, smooth alder, arrowwood viburnum, spicebush, yellow poplar,

sycamore, silver and red maple, black walnut, and red oak, would be established along the stream channels. Figure 14 depicts the location of the on-site mitigation for permanent impacts.

To compensate for temporary impacts to 2,585' of intermittent tributaries associated with construction of four sediment control structures, the applicant proposes to restore each stream channel to its pre-mining conditions. Stream surveys have been conducted for each stream channel proposed for impact to ensure restoration based on original stream habitat parameters and physical dimensions. Upon completion of mining activities and upon release of the Phase II bond, restoration activities would take place. All restoration activities would take place during low-flow periods. The sediment pond would be dewatered and immediately seeded and mulched to stabilize the area. A two-stage channel would be constructed based on the pre-mining physical dimensions. In-stream habitat structures, such as boulders, root-wads, logs, would be added to the stream channel. A 50-foot riparian buffer, 25' on each side of the stream, would be established along the restored stream channels. The species listed above would be planted within the riparian buffer. Figure 15 depicts the location of on-site mitigation for temporary impacts.

All restored stream channels will be monitored for a five year period.

Plans of the proposed work are attached to this public notice.

**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 project is located within the known or historic range of the Indiana bat, a federally listed endangered species. The applicant has provided information to the United States Fish and Wildlife Service regarding Indiana bat summer roosting habitat within the proposed mining area. Based on the amount of habitat within the mining area, the applicant has proposed to conduct seasonal clearing during the period between November 15 and March 31. 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 Kimberly Courts-Brown at 304-399-5210.

  
Ginger Mullins, Chief  
Regulatory Branch

(W)

**Table A**

**Hanna Land Company LLC.  
Republic No. 2 Surface Mine**

**Jurisdictional Waters Impact Summary**

Structure	Permanent Intermittent		Permanent Ephemeral		Temporary Intermittent		Temporary Ephemeral		Secondary Intermittent		Secondary Ephemeral	
	feet	acres	Feet	Acres	feet	acres	feet	acres	feet	Acres	feet	acres
Valley Fill No. 1 UN Trib Cabin Creek	2265	0.244	84	0.008								
Ponds No. 1A & 1B					1361	0.156						
Valley Fill No. 2 UN Trib Cabin Creek	1558	0.179	85	0.009								
Pond No. 1B					352	0.034						
Valley Fill No. 3 Long Branch. Pond No. 2	2148	0.168	85	0.008	872	0.082						
<b>Total</b>	<b>5,971</b>	<b>0.591</b>	<b>254</b>	<b>0.025</b>	<b>2,585</b>	<b>0.272</b>	<b>0</b>	<b>0.000</b>	<b>0</b>	<b>0.000</b>	<b>0</b>	<b>0.000</b>

**Table B**  
**Hanna Land Company LLC.**  
**Republic No. 2 Surface Mine**  
**Affected Drainage Areas**

<b>Disposal Site</b>	<b>Drainage Area Fill Toe (acres)</b>
Valley Fill 1	189.95
Valley Fill 2	102.33
Valley Fill 3	140.43
	432.71

**Table C**  
**Hanna Land Company LLC**  
**Republic No. 1 Surface Mine**  
**Total Fill Volume/Valley Fill Disposal Site**

<b>Disposal Site</b>	<b>Fill Volume Cubic Yards</b>
Valley Fill 1	16,869,843
Valley Fill 2	9,574,303
Valley Fill 3	19,199,701
<b>Total</b>	<b>45,643,847</b>

**Table D**  
**Hanna Land Company LLC**  
**Republic No. 2 Surface Mine**  
**Mining and Reclamation Schedule**

<b>PHASE</b>	<b>MINING*</b>			<b>RECLAMATION</b>			<b>UNRECLAIMED</b>
	<b>START</b>	<b>END</b>	<b>ACRES</b>	<b>START</b>	<b>END</b>	<b>ACRES</b>	<b>ACRES</b>
I	7/2005	8/2007	167.3	N/A	N/A		167.3
II	9/2007	6/2009	243.2	9/2007	9/2009	60.6	182.5
III	7/2009	8/2012	187.8	7//2009	8/2012	165.9	21.7
IV	9/2012	12/2014	73.6	12/2012	12/2014	155.5	-81.9
V	1/2015	3/2016	54.9	1/2015	3/2016	171.4	-116.4
VI	4/2016	3/2017	-3.97	4/2016	3/2017	169.4	-173.4



Drawing Date:	07/19/04	Scale:	1" = 1000'
Drawn By:	G. Grubbs	Sheet No.:	1 of 2
Computer No.:	04141		
Topo Contour Interval:		20'	

**Hanna Land Company, LLC**  
 P.O. Box 2014, Chippewa, WI 53330  
**Republic No. 2 Surface Mine**  
 Permit No. U-3001-01  
 NPDES Permit No. W1019422  
**Stream Delineation Map**

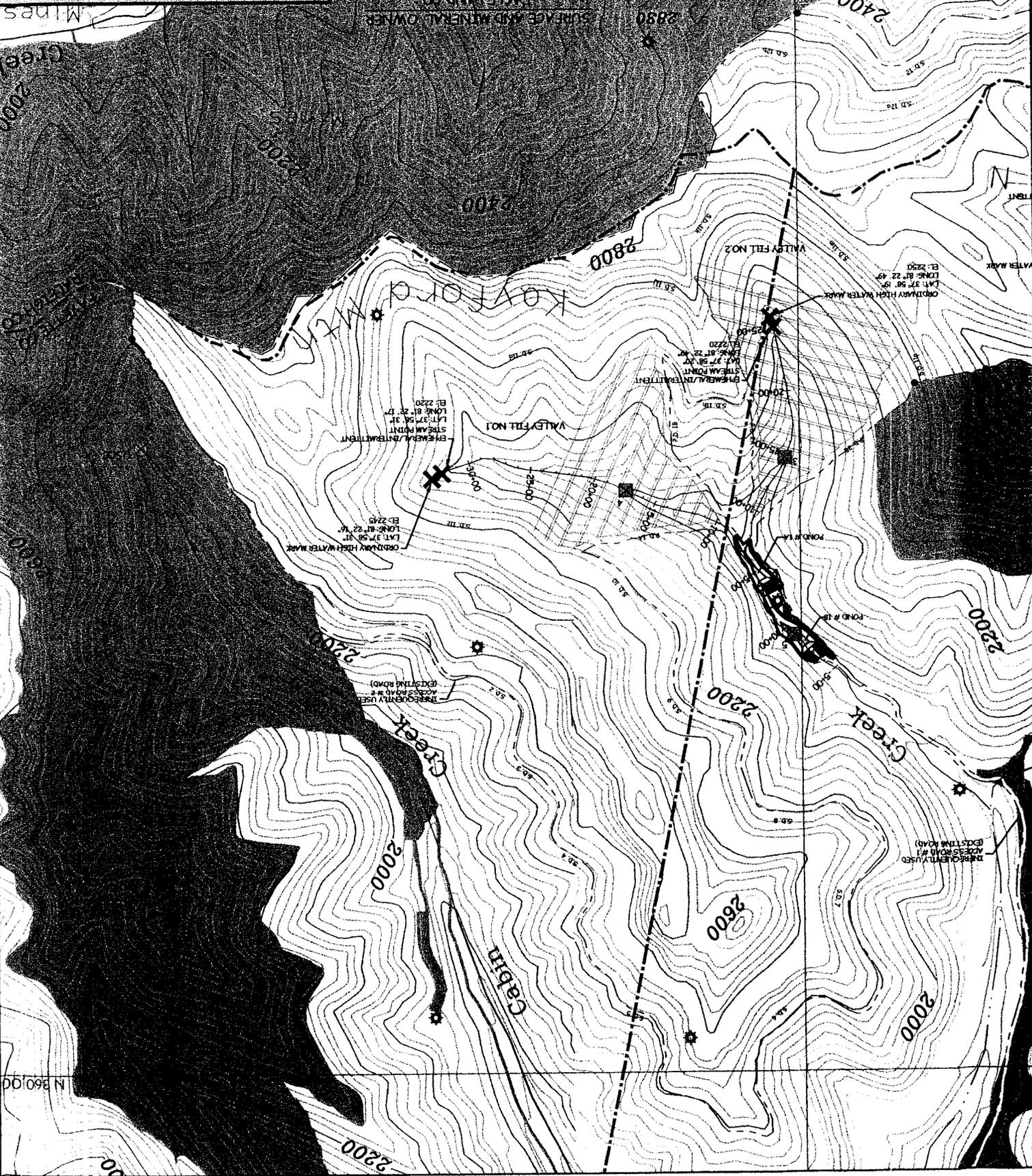
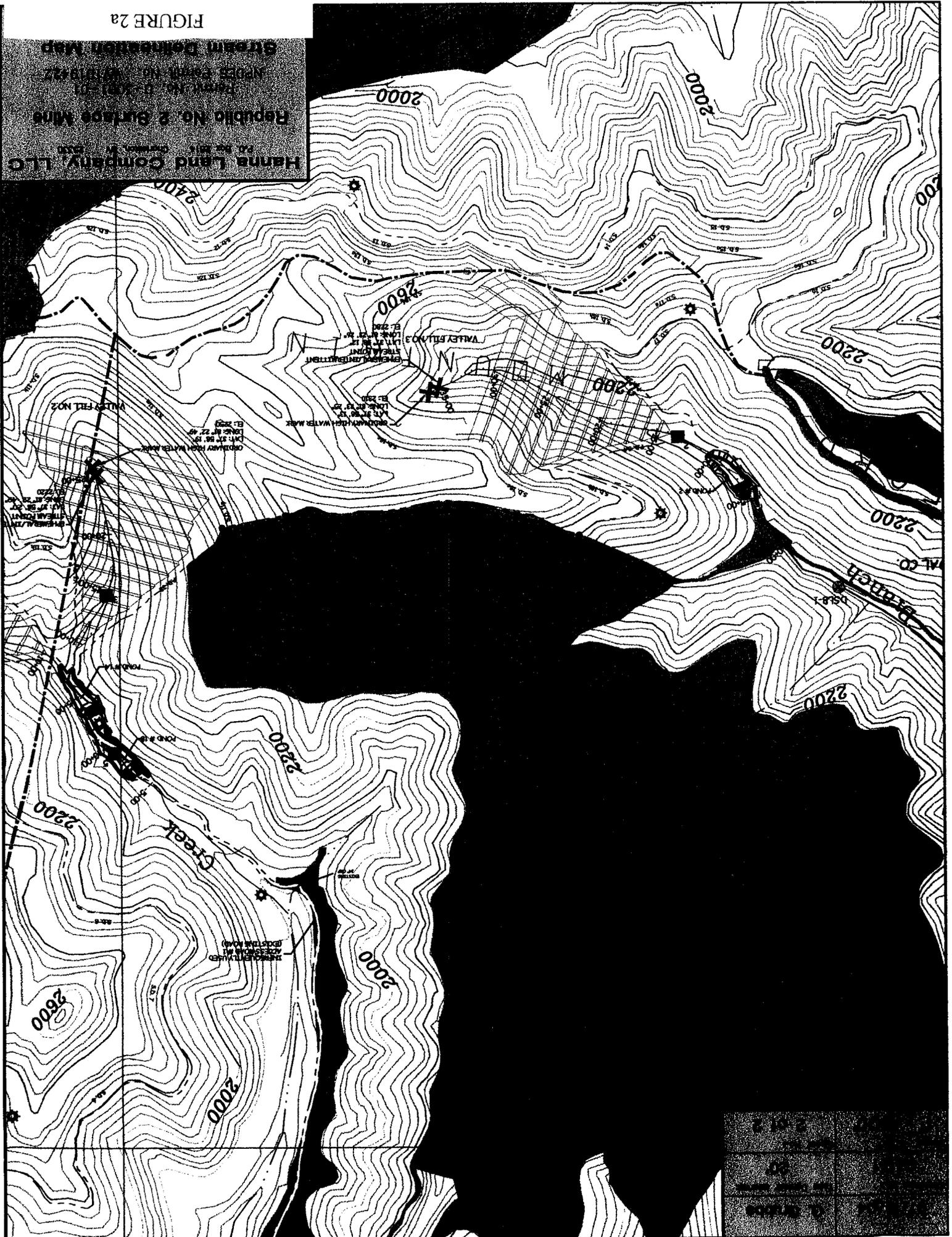


FIGURE 2

FIGURE 2a





Scale:	1" = 1000'
Sheet No.:	1 of 2
Computer No.:	04142
Topo Contour Interval:	20'
Drawn By:	G. Grubbs
Drawing Date:	07/19/04

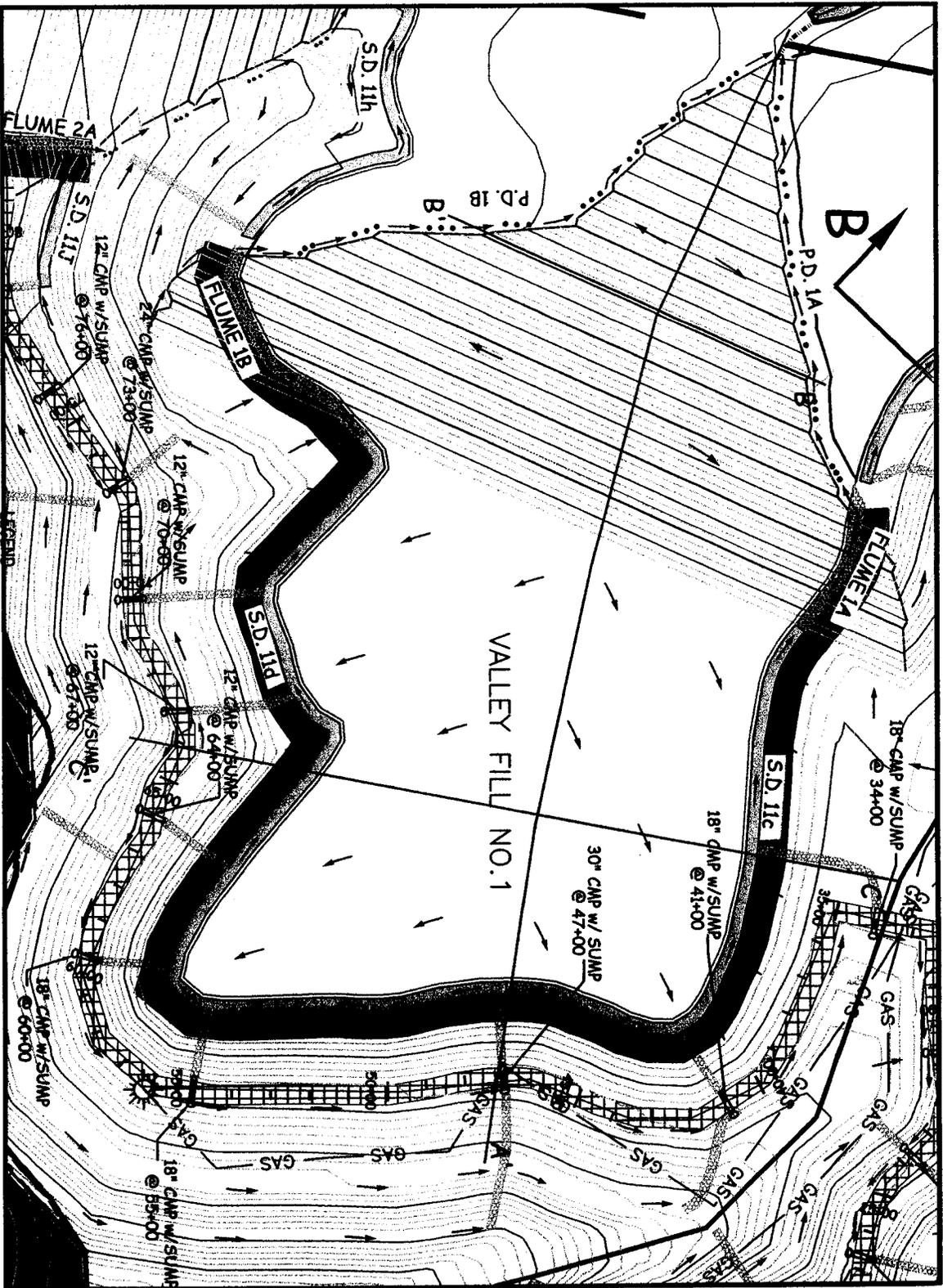
**Hanna Land Company, LLC**  
 P.O. Box 2814, Channahon, WI 25330

**Republic No. 2 Surface Mine**  
 Permit No. U-3001-01  
 NPDES Permit No. WI1019422

**Proposal / Drainage Map**



FIGURE 3A



PLAN VIEW  
SCALE: 1"=400'

# VALLEY FILL NO. 1

Hanna Land Company, LLC  
Republic No. 2 Surface Mine

FIGURE 4



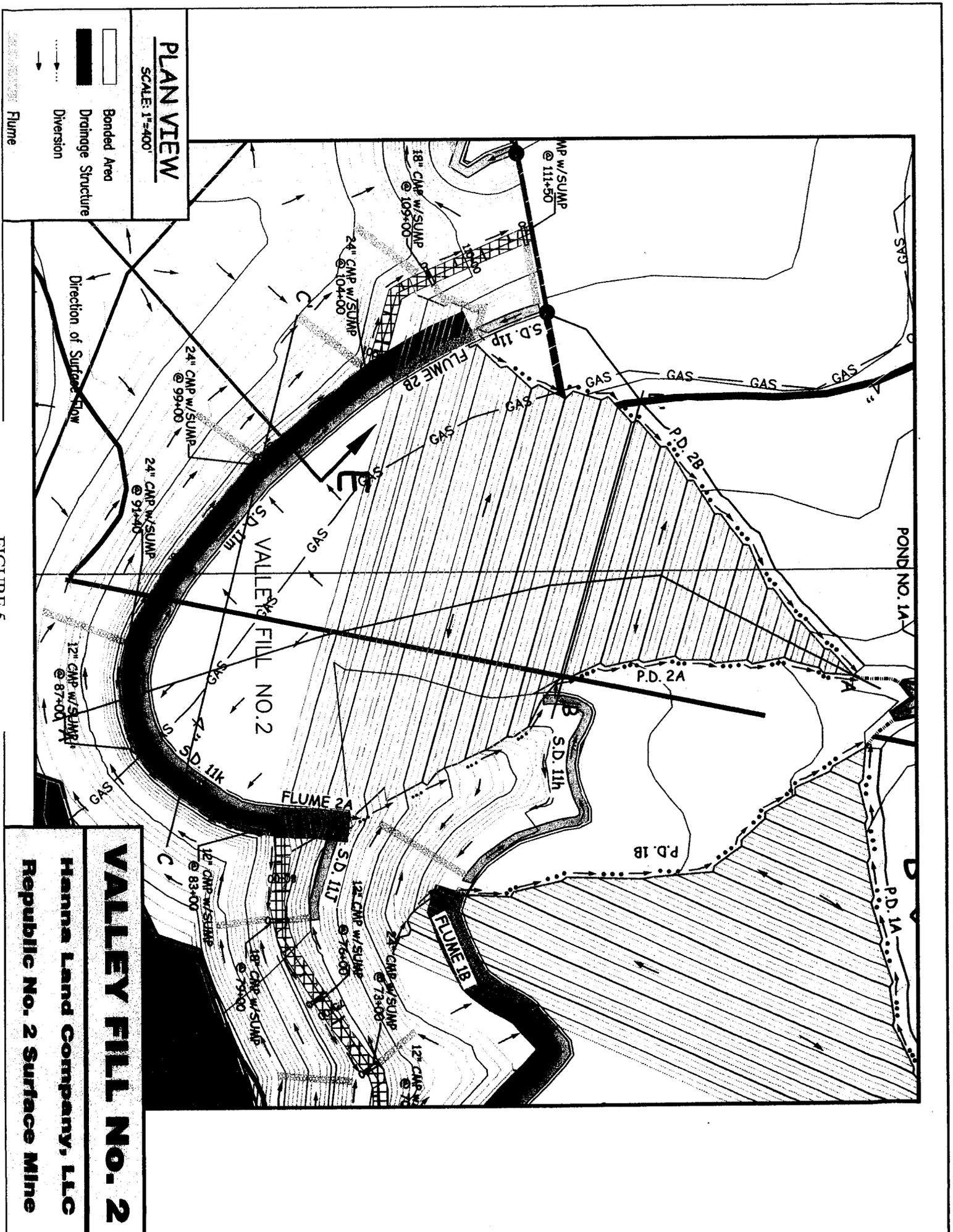
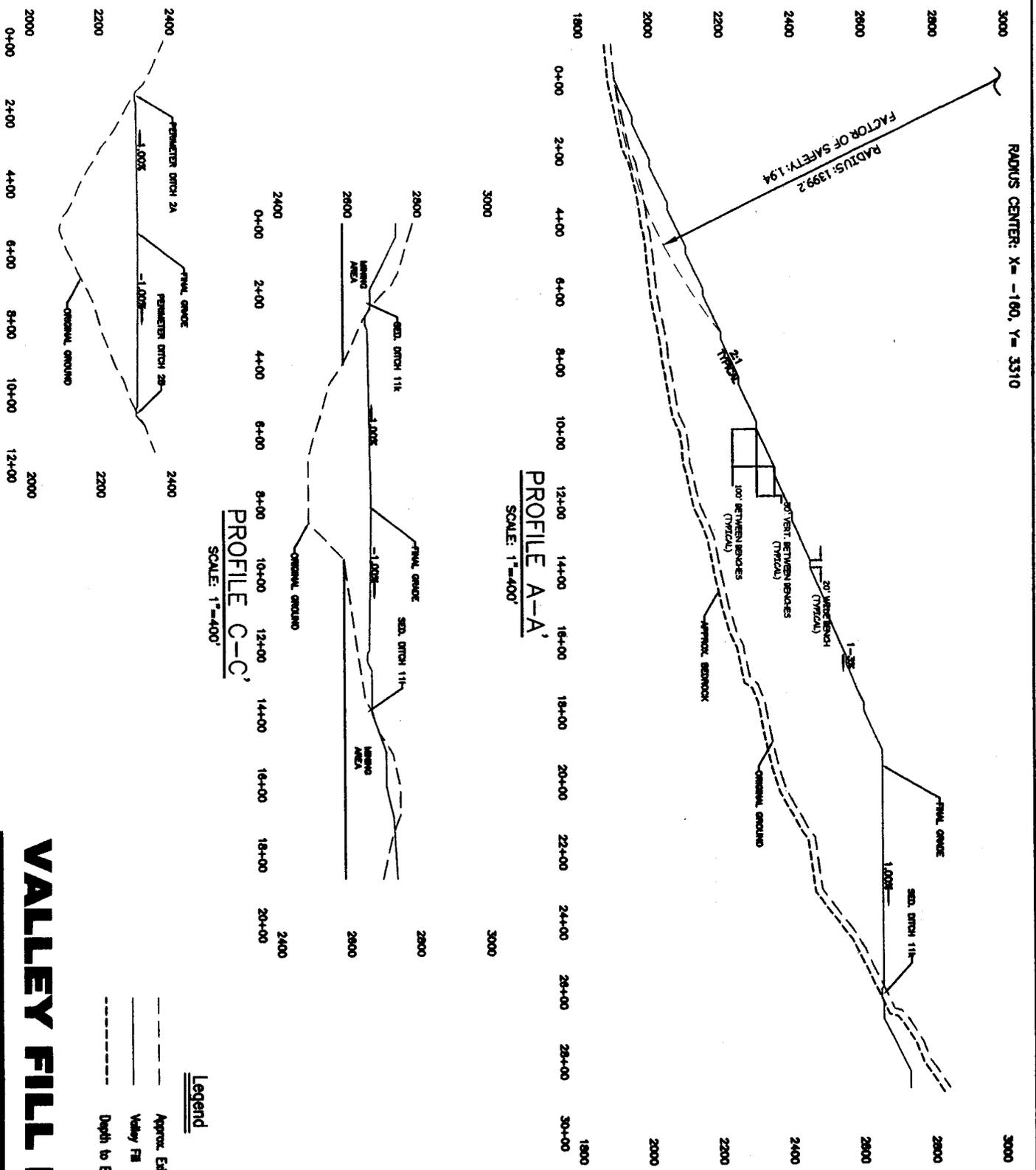


FIGURE 5

**VALLEY FILL NO. 2**

**Hanna Land Company, LLC**  
**Republic No. 2 Surface Mine**



**Legend**

--- Approx. Existing Ground  
 --- Valley Fill  
 - - - Depth to Bedrock

# VALLEY FILL NO. 2

**Hanna Land Company, LLC**  
**Republic No. 2 Surface Mine**

FIGURE 5a

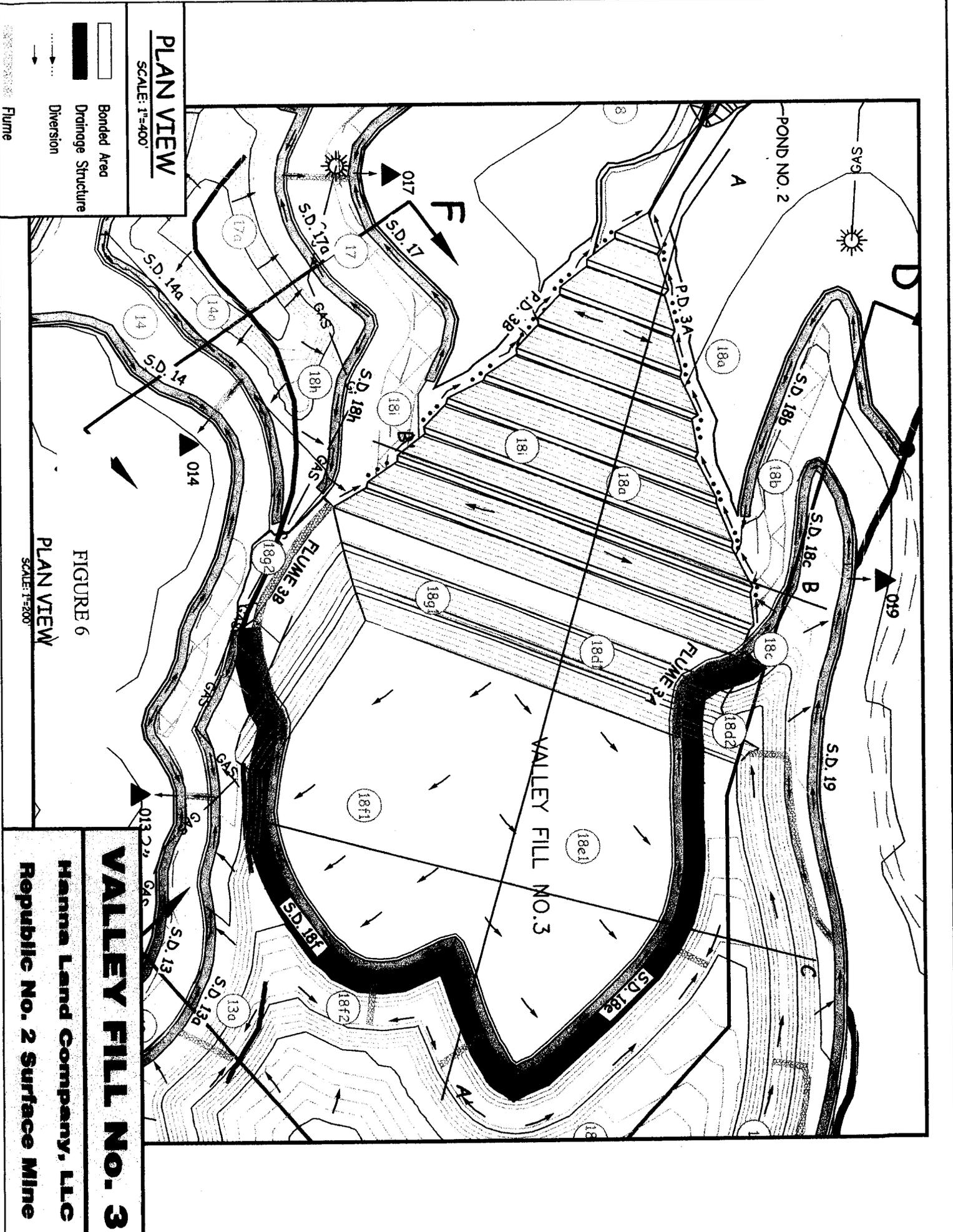
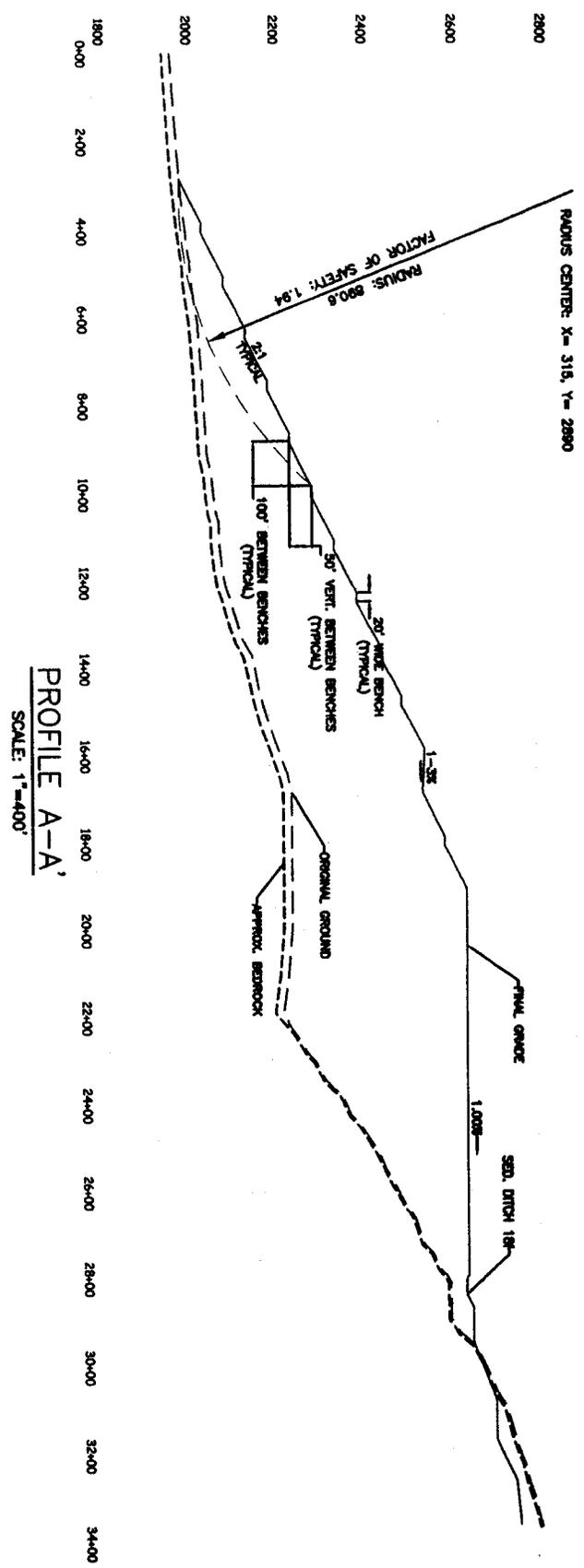


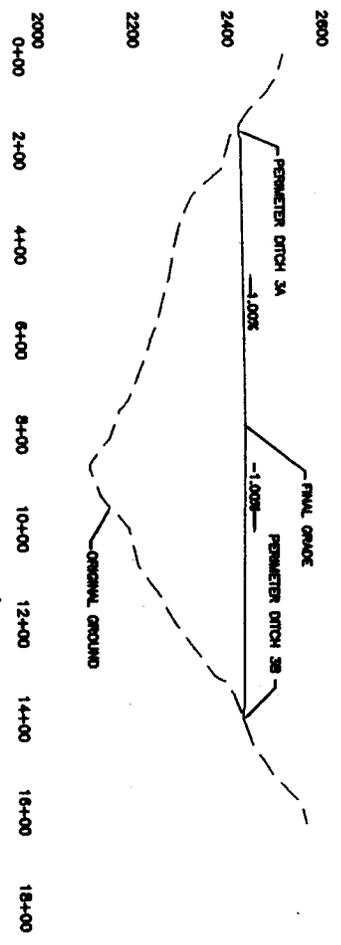
FIGURE 6  
PLAN VIEW  
SCALE: 1"=200'

**VALLEY FILL NO. 3**

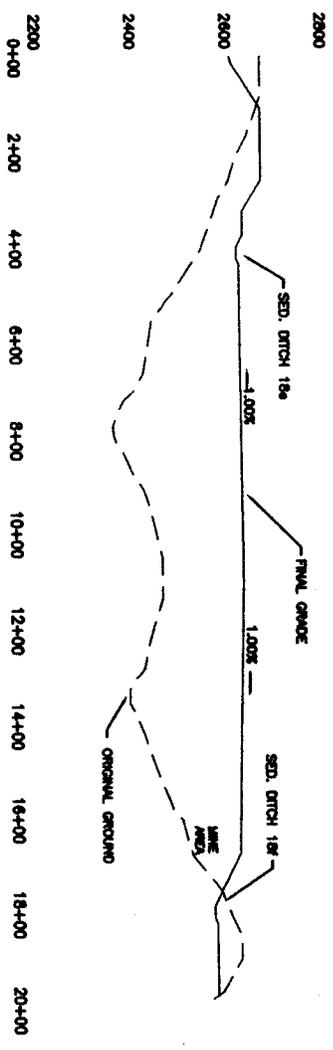
**Hanna Land Company, LLC**  
**Republic No. 2 Surface Mine**



**PROFILE A-A'**  
SCALE: 1"=400'



**PROFILE B-B'**  
SCALE: 1"=400'



**PROFILE C-C'**  
SCALE: 1"=400'

- Legend**
- Approx. Existing Ground
  - Valley Fill
  - - - Depth to Bedrock

# VALLEY FILL NO. 3

**Hanna Land Company, LLC**  
**Republic No. 2 Surface Mine**

FIGURE 6a

Hanna Land Company, LLC  
P.O. Box 489 Oakh Creek, WV 26048  
Republic No. 2 Surface Mine

Pond No. 1A

SCALE: 1" = 50'  
OG CONTOUR INTERVAL = 5'  
FG CONTOUR INTERVAL = 2'

PLAN VIEW

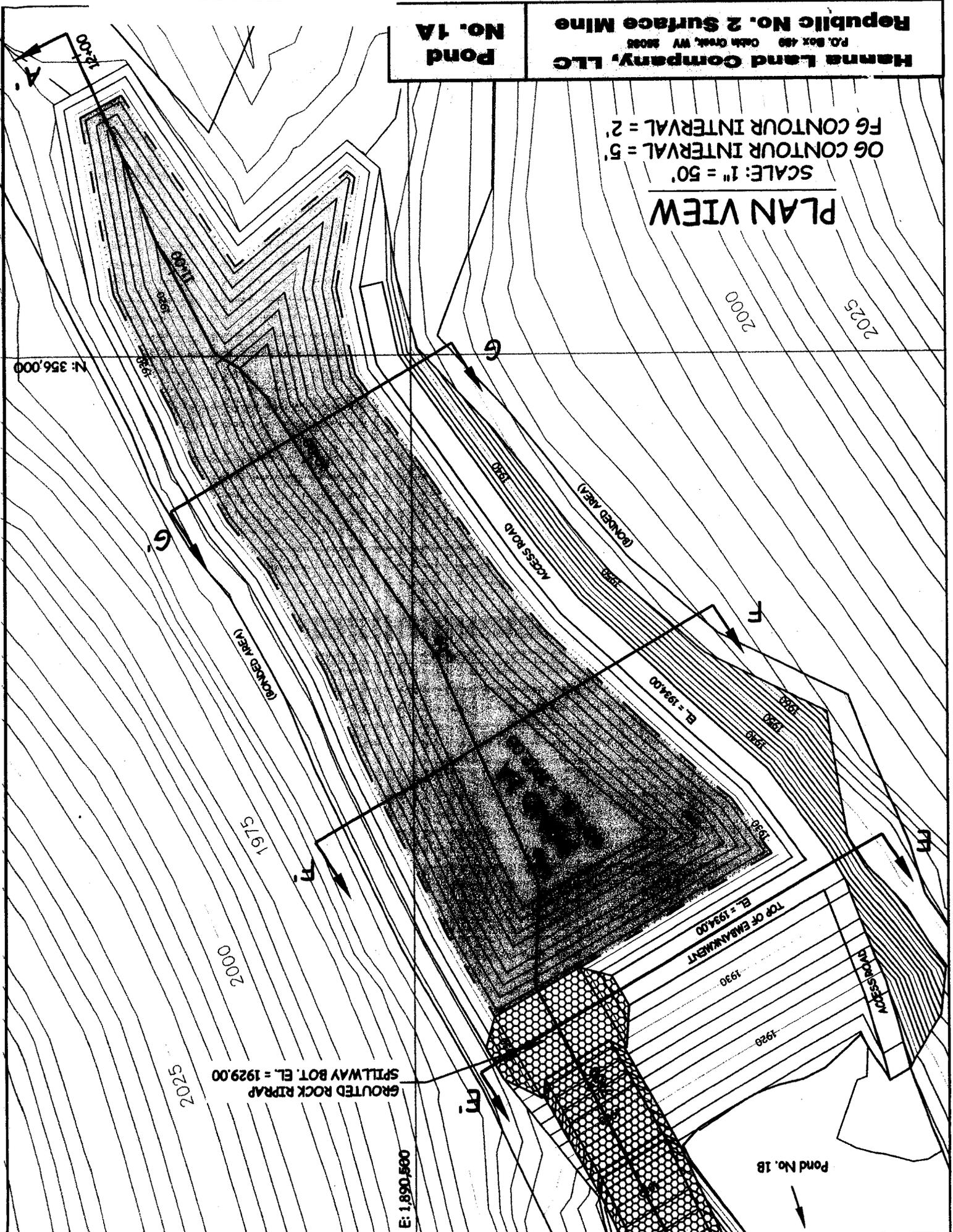
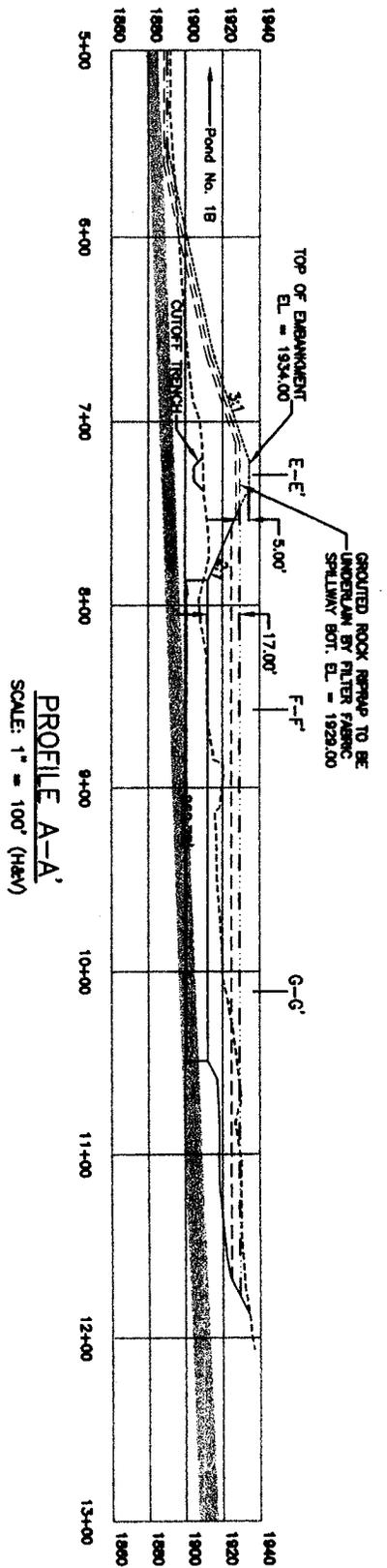


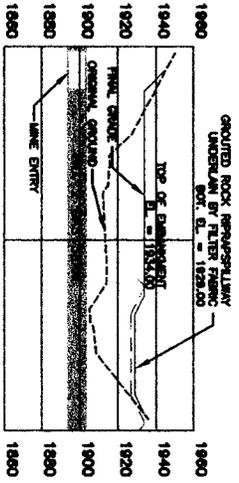
FIGURE 7

Pond No. 1B

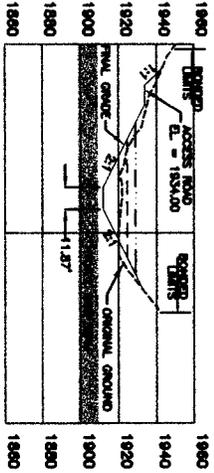
061050.500  
1:3



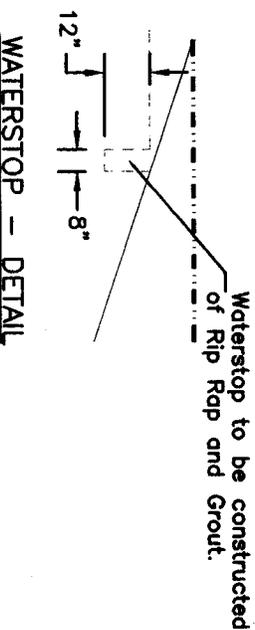
**PROFILE A-A'**  
SCALE: 1" = 100' (H&V)



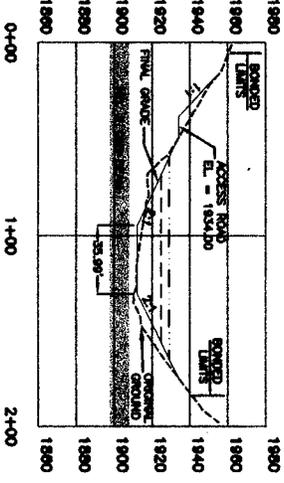
**SECTION E-E'**  
SCALE: 1" = 100' (H&V)



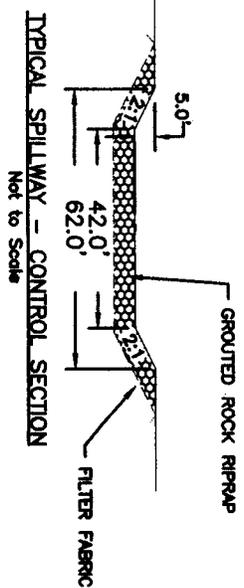
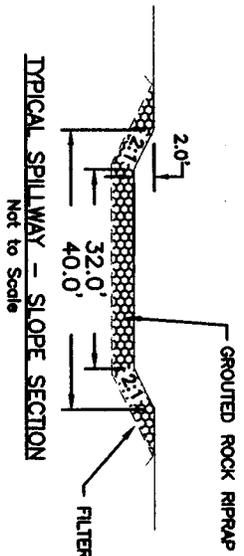
**SECTION G-G'**  
SCALE: 1" = 100' (H&V)



**WATERSTOP - DETAIL**  
Not to Scale



**SECTION F-F'**  
SCALE: 1" = 100' (H&V)



**PROFILE & SECTIONS**

SCALE: 1" = 100'

NORMAL POOL EL. = 1929.00  
CLEANOUT EL. = 1924.69  
BOT. EL. = 1912.00

FIGURE 7a

**Hanna Land Company, LLC**  
P.O. Box 488 Oath Creek, WV 26048

**Republic No. 2 Surface Mine**

**Pond No. 1A**

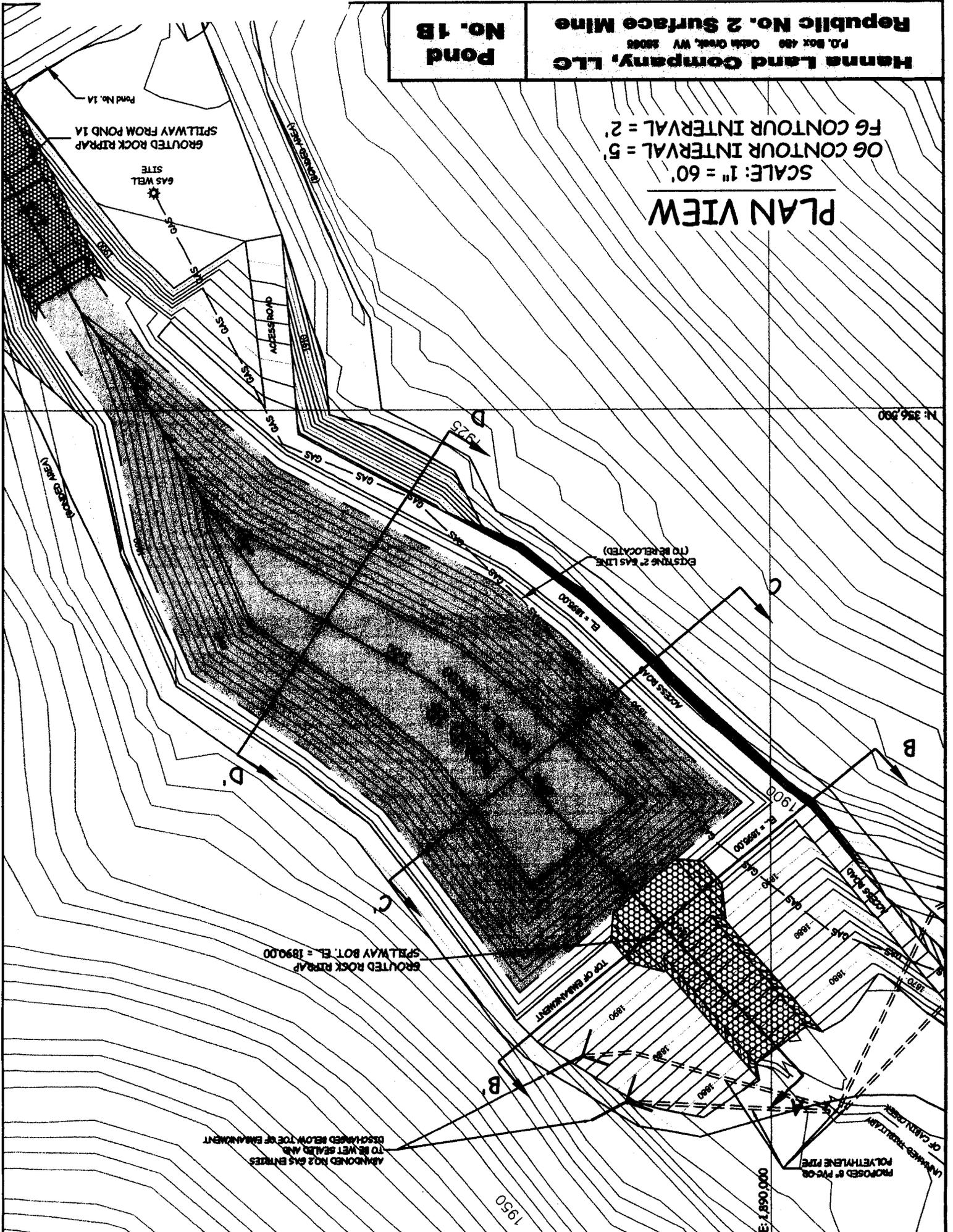
FIGURE 8

**Pond No. 1B**

**Hanna Land Company, LLC**  
P.O. Box 499 Oakh Creek, WV 26068  
**Republic No. 2 Surface Mine**

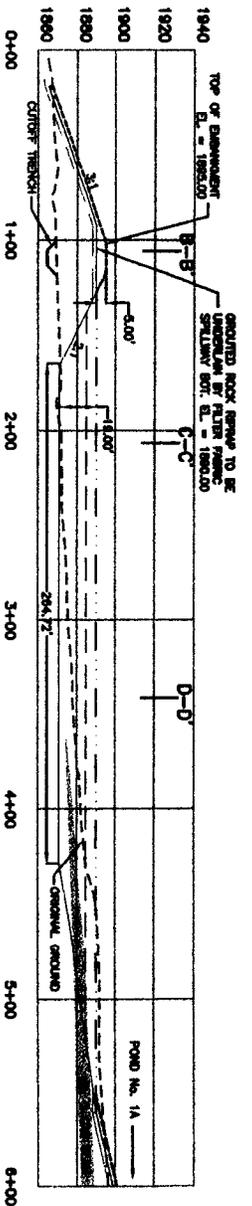
SCALE: 1" = 60'  
OG CONTOUR INTERVAL = 5'  
FG CONTOUR INTERVAL = 2'

**PLAN VIEW**

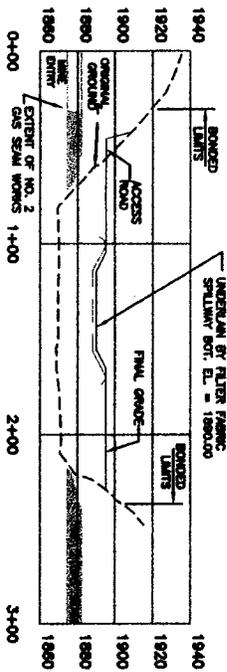


N: 356.900

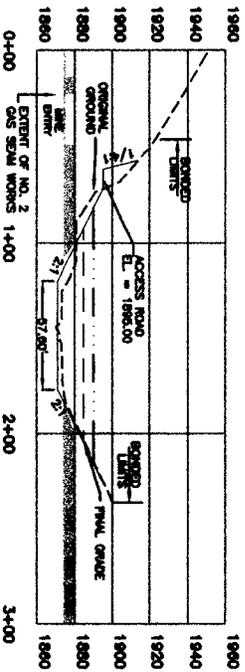
000,068,713



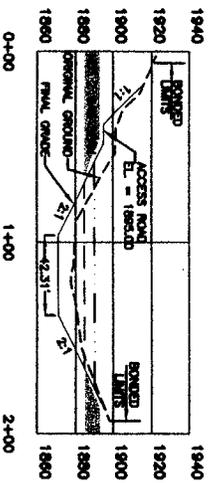
**PROFILE A-A'**  
SCALE: 1" = 100' (H&V)



**SECTION B-B'**  
SCALE: 1" = 100' (H&V)



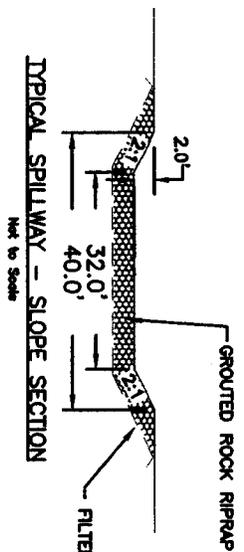
**SECTION C-C'**  
SCALE: 1" = 100' (H&V)



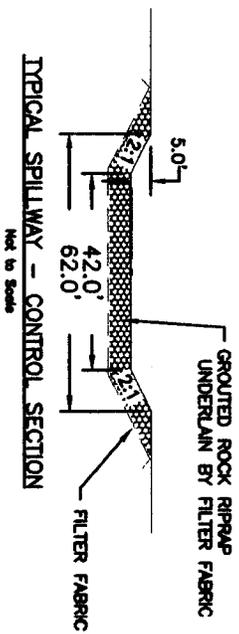
**SECTION D-D'**  
SCALE: 1" = 100' (H&V)

NORMAL POOL EL. = 1890.00  
CLEANOUT EL. = 1884.75  
BOTTOM EL. = 1871.00

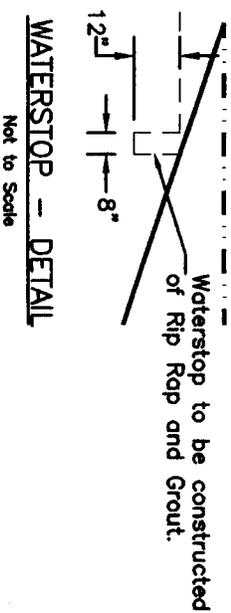
FIGURE 8a



Not to Scale



Not to Scale



Not to Scale

**PROFILE & SECTIONS**

SCALE: 1" = 100'

**Hanna Land Company, LLC**  
P.O. Box 488 Oath Creek, WV 26048  
**Republic No. 2 Surface Mine**

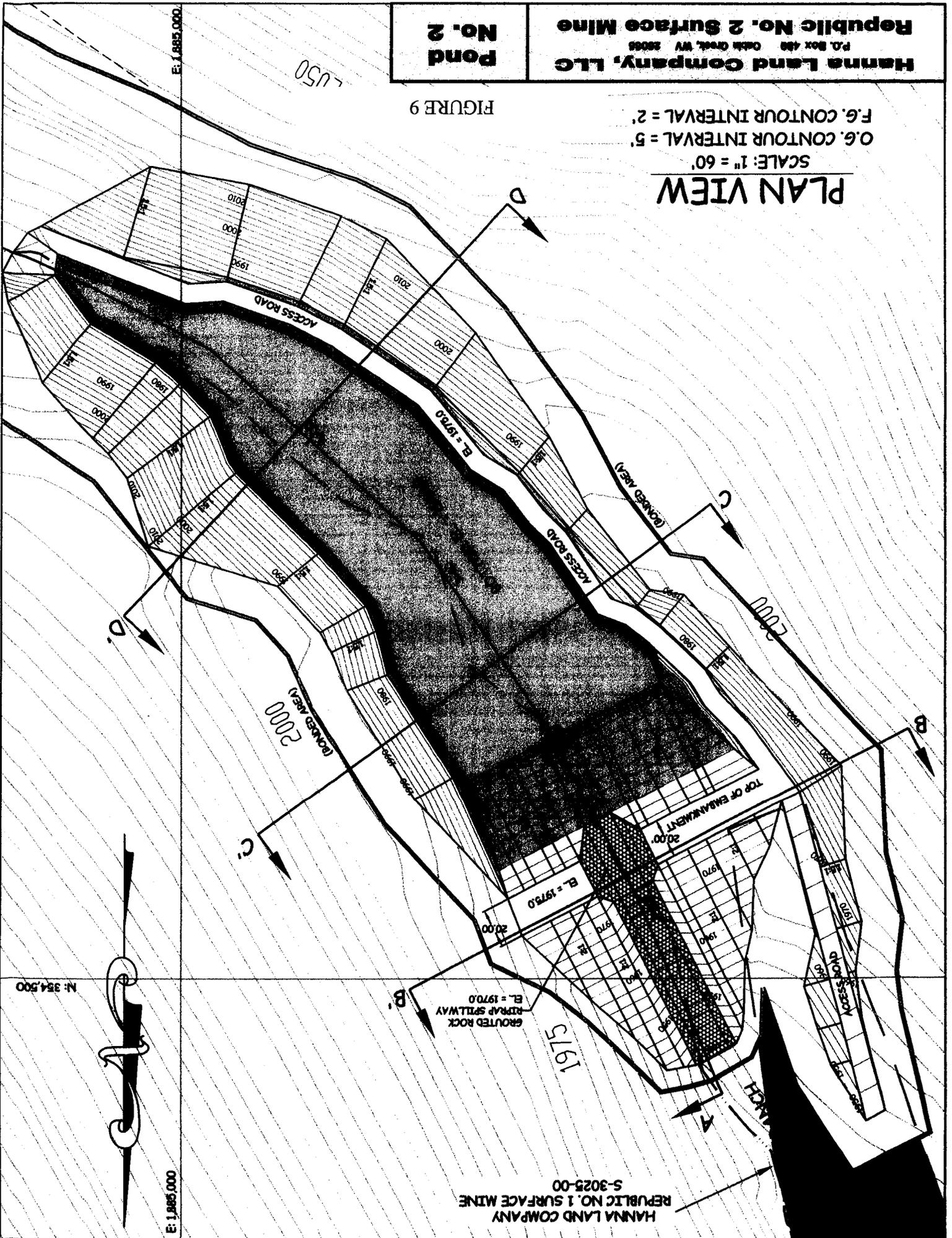
**Pond No. 1B**

Hanna Land Company, LLC  
P.O. Box 488  
Calk Creek, WV 26065

Pond  
No. 2

SCALE: 1" = 60'  
0.6' CONTOUR INTERVAL = 5'  
F.6' CONTOUR INTERVAL = 2'

FIGURE 9



HANNA LAND COMPANY  
S-3025-00  
REPUBLIC NO. 1 SURFACE MINE



450

E. 1,885,000

E. 1,885,000

N. 354,500