

# Public Notice

**U S Army Corps  
of Engineers**  
Huntington District

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In reply refer to Public Notice No.	Issuance Date:
<b>200300040</b>	<b>October 6, 2004</b>
Stream:	Closing Date:
<b>Indian Creek</b>	<b>November 5, 2004</b>

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Please address all comments and inquiries to:  
U.S. Army Corps 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

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

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) 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 Corps Regulatory Program.

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

**SECTION 404:** The Corps 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 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:** Elk Run Coal Company Inc.  
Route 3, Post Office Box 497  
Sylvester, West Virginia 25193

**LOCATION:** The proposed project is located in Indian Creek, Burnside Creek, and unnamed tributaries of Drawdy Creek approximately 1.4 miles southwest of Peytona, Boone County, West Virginia. The location of the proposed haul road, haul road fills, and associated sediment ponds are depicted on Figure 1. The location of the off-site mitigation sites are depicted on Figures 2-3a.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place four durable rock road fills and four sediment ponds into waters of the United States in conjunction with the construction of a haul road to be utilized for the transportation of coal from the Elk Run Surface Mine facilities located in the headwaters of Burnside Branch to the Indian Creek Processing Plant located approximately 2.5 miles north on Drawdy Creek. Elk Run Coal Company is a subsidiary of Massey Energy. The construction of the haul road would result in permanent placement of four durable rock road fills for the storage of excess material and the temporary placement of four sediment control structures. According to the applicant, the purpose of the project is to provide a private access and haulage route in conjunction with bituminous coal removal. Construction of the haul road would eliminate coal truck haulage on WV Route 3 to the adjacent Indian Creek Preparation Plant by establishing an alternate haulage route.

The construction of the proposed durable road fills and sediment control structures would result in the discharge of fill material into approximately 6,100' (0.51 acre) of four jurisdictional stream channels. Of this total, approximately 2,305' of ephemeral stream and 3,795' of intermittent stream would be impacted. Approximately 1,200' of intermittent stream channel would be impacted by secondary impacts associated with sediment transport. The construction of the four sediment ponds would result in the temporary discharge of fill material into 2,900' (0.28 acre) of intermittent and ephemeral stream channel. Table A of this public notice provide additional information regarding the proposed impacts sites and watershed acreages.

The applicant applied for the required West Virginia Department of Environmental Protection (WVDEP) Surface Mining Permit (SMA-O-5014-02) and the required NPDES permit (WV1020820) on June 28, 2002.

The applicant's proposed operation would affect 115.2 acres of surface area in order to facilitate construction of the road and disposal of excess fill material associated with the road construction. Approximately 1,718,216 cubic yards of material would be placed into four road fill areas. The proposed project would be accomplished in three phase over a period of 20 years. Details regarding each phase of the project can be found in WVDEP's Surface Mining Permit Application (Section N).

**MITIGATION PLAN:** In order to compensate for the permanent loss of approximately 3,200' of intermittent and ephemeral stream channel, the applicant proposes to utilize 3,200' of mitigation credits from the proposed Lexare East Surface Mine Mitigation Bank, operated by Independence Coal Company, a subsidiary of Massey Energy. The four Lexare East Surface Mine mitigation sites are located between 4,500' to 4.8 miles south of the proposed haulroad. As a part of the proposed Lexare East Surface Mine mitigation plan, approximately 15,179' of stream channel would be enhanced and/or restored and would be used for mitigation requirements for the Lexare East Surface Mine as well as future Massey Energy projects within the service area.

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 2 depicts the geographic relationship between the proposed impact sites and the proposed mitigation sites.

To compensate for temporary and secondary impacts to 2,900' of intermittent tributaries associated with the construction of four sediment control structures, the applicant proposes to restore each stream channel to its pre-mining conditions. Figures 14-14b depict 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)(1) 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

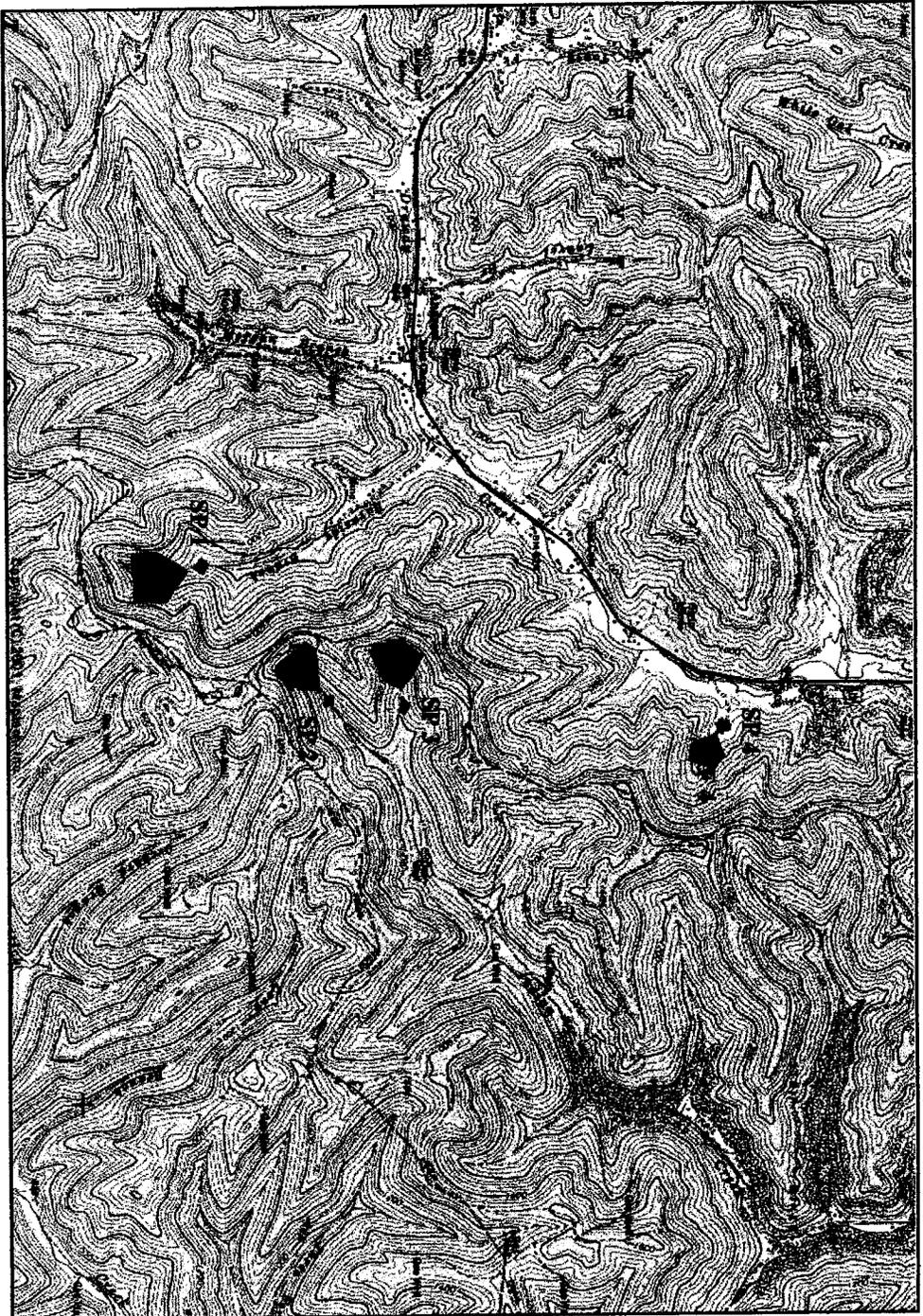
Elk Run Coal Company  
Indian Creek Haulroad

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
Road Fill No. 1 Burnside Branch Pond No. 1			1000	0.09	630	0.06	270	0.02	750	0.06		
Road Fill No.2 Left Fork Indian Creek Pond No. 2	200	0.02	250	0.03	950	0.10			200	0.02		
Road Fill No. 3 Right Fork Indian Creek. Pond No. 3			700	0.05	500	0.04			150	0.01		
Road Fill No. 4 UN Trib Drawdy Cr. Pond No. 4	965	0.07	85	0.01	550	0.04			100	0.007		
<b>Total</b>	<b>1,165</b>	<b>0.09</b>	<b>2,035'</b>	<b>0.18</b>	<b>2,630</b>	<b>0.24</b>	<b>270</b>	<b>0.02</b>	<b>1,200</b>	<b>0.097</b>	<b>0</b>	<b>0.000</b>

**Table B**  
**Elk Run Coal Company**  
**Indian Creek Haulroad**  
**Affected Drainage Areas**

<b>Disposal Site</b>	<b>Drainage Area Fill Toe (acres)</b>
Road Fill 1	93.7
Road Fill 2	49.7
Road Fill 3	49.1
Road Fill 4	88.6
	<b>281.1</b>



**FIGURE 1** Approximate locations of proposed road fills (RF, orange), sediment ponds (SP, blue) at the Indian Creek Haulroad. Elk Run Company, April 2004.

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad.*  
REI Consultants, Inc., June 2004.

**FIGURE 1**  
**LOCATION MAP**  
Williams Mountain Quad

081° 40' 0.00" W

081° 38' 0.00" W

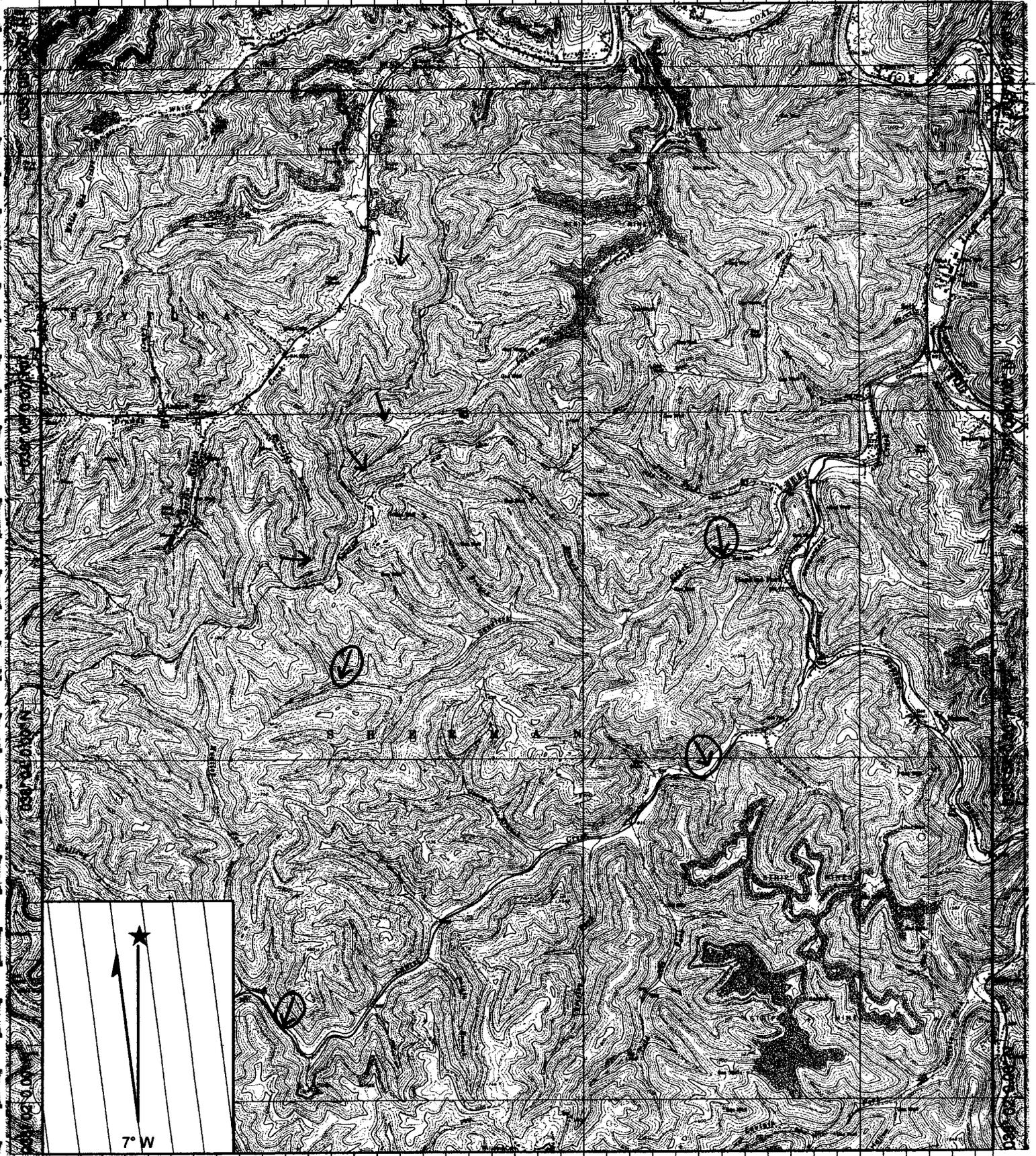


FIGURE 2  
LOCATION MAP  
OFF-SITE MITIGATION

Location: 038° 05' 01.5" N 081° 40' 29.0" W  
Caption: Blue Arrows = Impact Sites  
Red Arrows = Mitigation Sites

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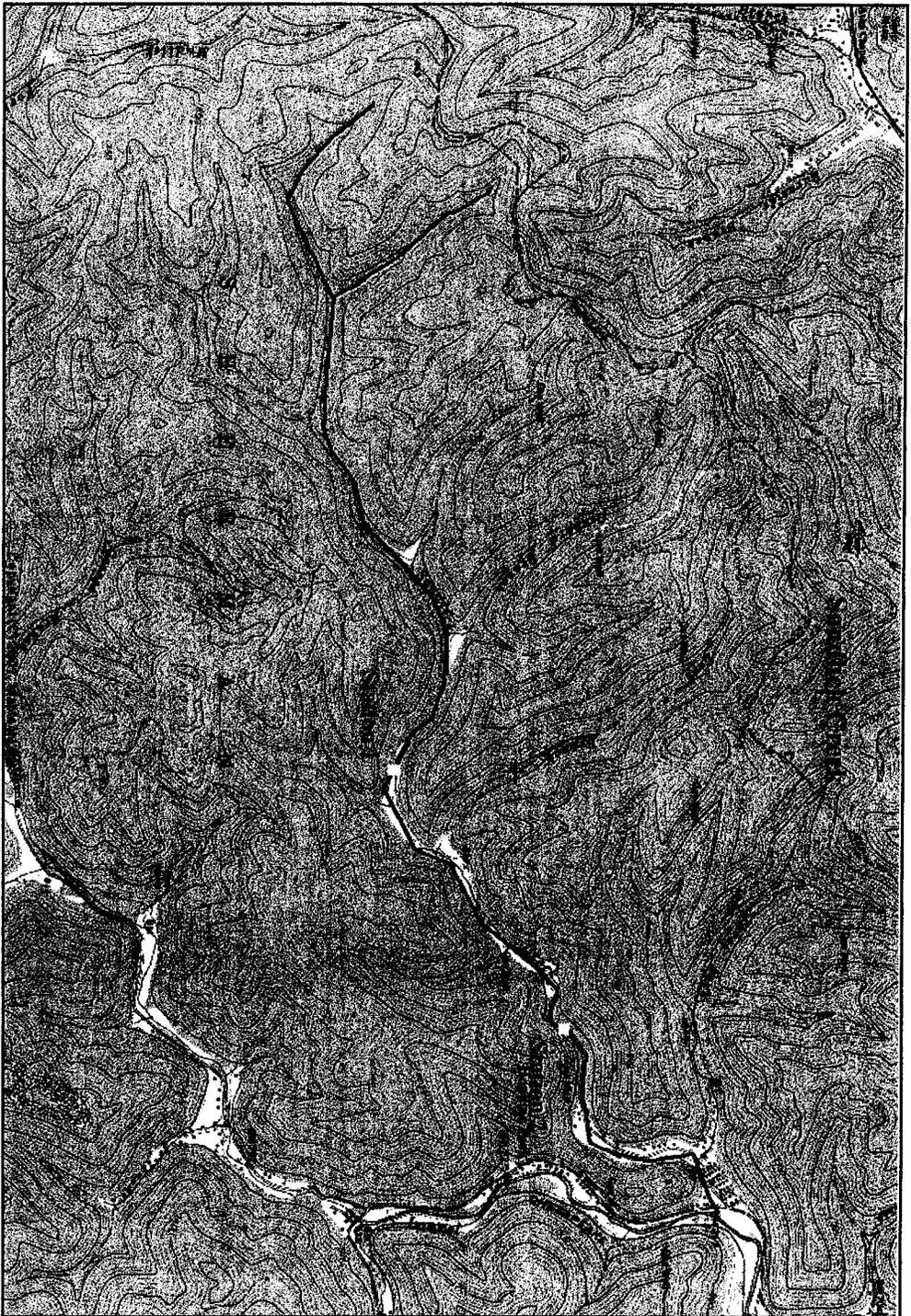


FIGURE 3 Topographical map showing approximate locations of proposed mitigation stream reaches (red) and sampling stations (yellow) located on Sandlick Creek (blue). Independence Coal, March 2004.

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad,  
REI Consultants, Inc., June 2004.*

FIGURE 3

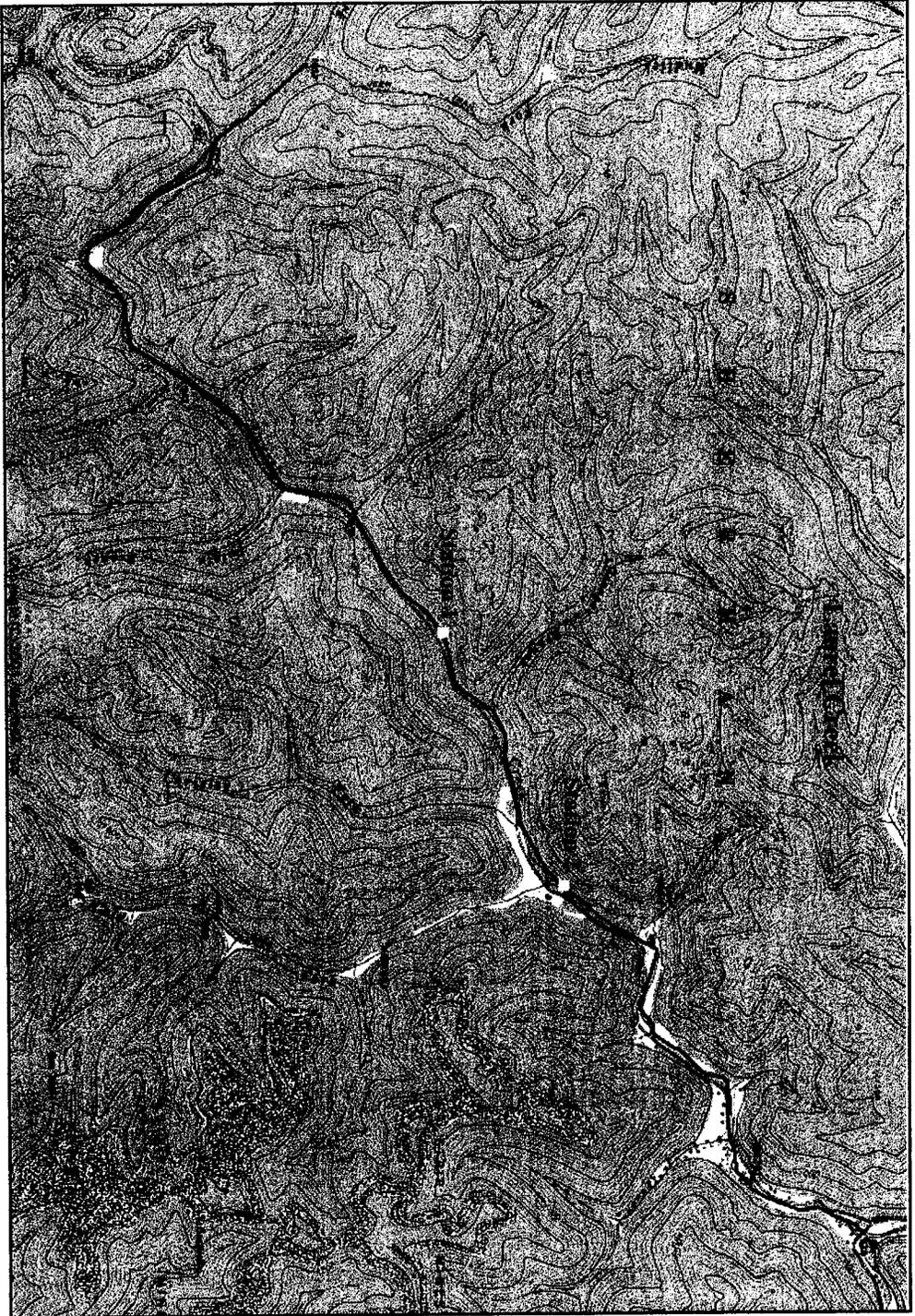


FIGURE 3a Topographical map showing approximate locations of proposed mitigation stream reaches (red) and sampling stations (yellow) located on Laurel Creek (blue). Independence Coal, March 2004.

FIGURE 3a

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad, REI Consultants, Inc., June 2004.*

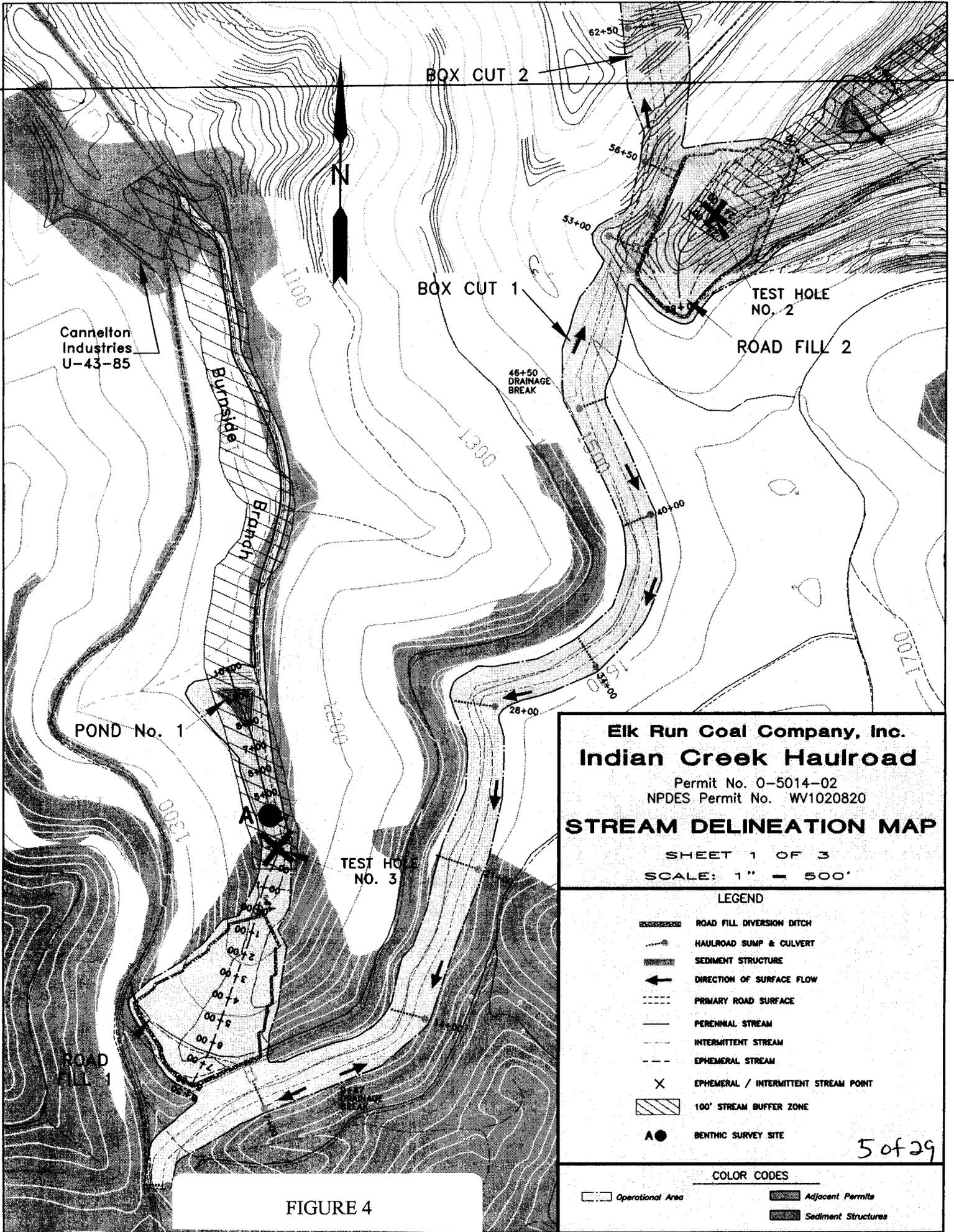


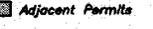
FIGURE 4

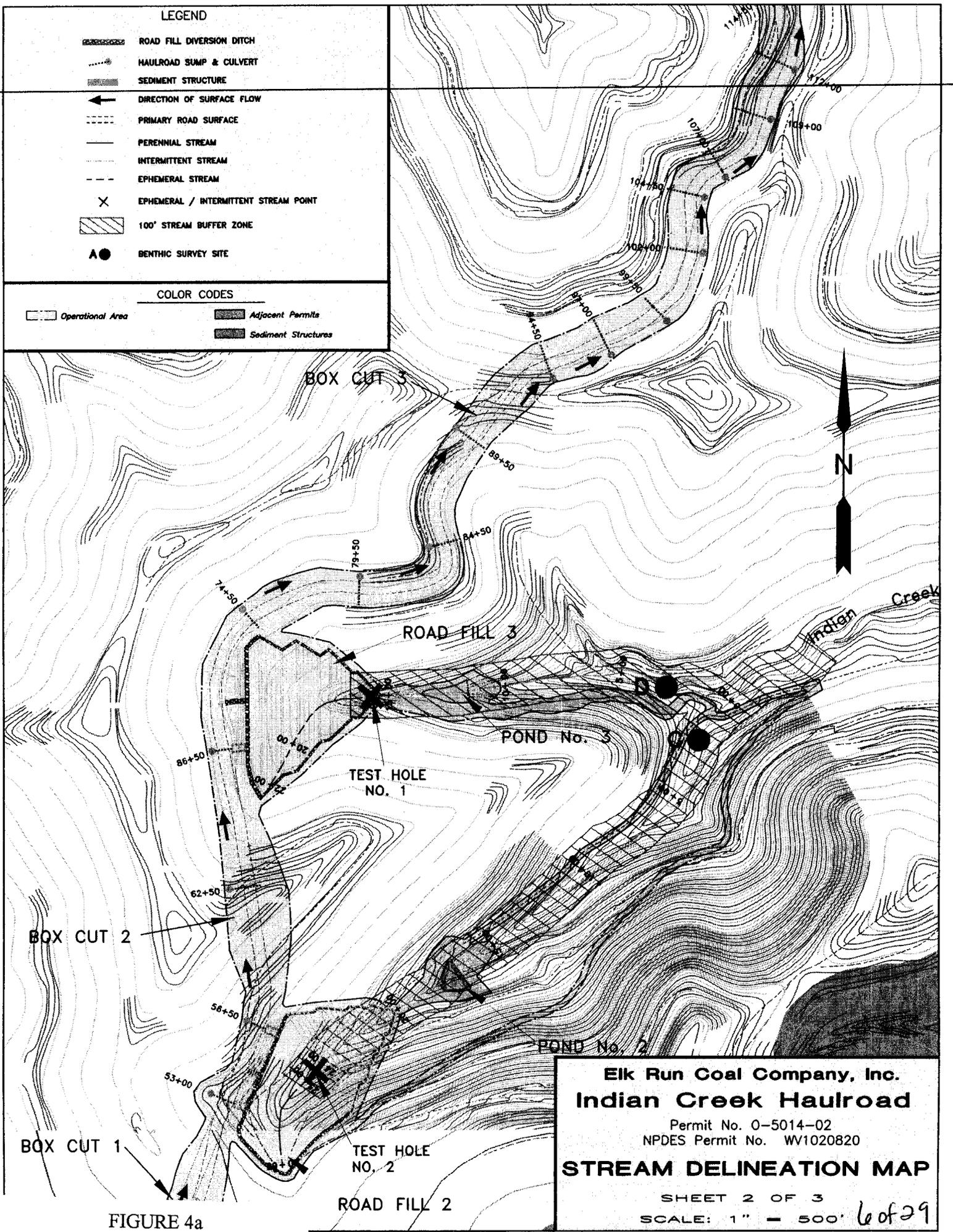
5 of 29

**LEGEND**

-  ROAD FILL DIVERSION DITCH
-  HAULROAD SUMP & CULVERT
-  SEDIMENT STRUCTURE
-  DIRECTION OF SURFACE FLOW
-  PRIMARY ROAD SURFACE
-  PERENNIAL STREAM
-  INTERMITTENT STREAM
-  EPHEMERAL STREAM
-  EPHEMERAL / INTERMITTENT STREAM POINT
-  100' STREAM BUFFER ZONE
-  BENTHIC SURVEY SITE

**COLOR CODES**

-  Operational Area
-  Adjacent Permits
-  Sediment Structures



**Elk Run Coal Company, Inc.**  
**Indian Creek Haulroad**  
 Permit No. 0-5014-02  
 NPDES Permit No. WV1020820  
**STREAM DELINEATION MAP**  
 SHEET 2 OF 3  
 SCALE: 1" = 500' 6 of 29

FIGURE 4a

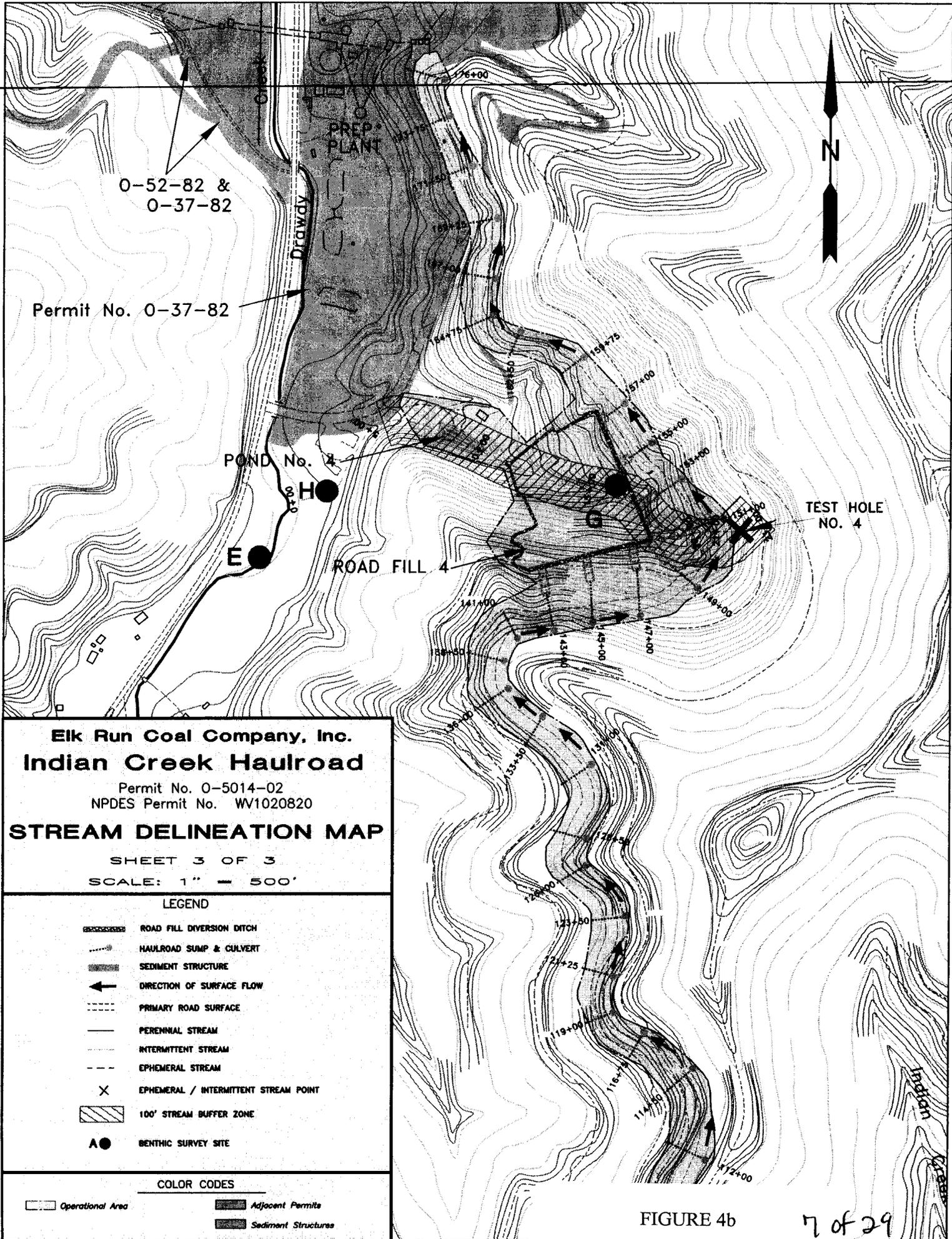
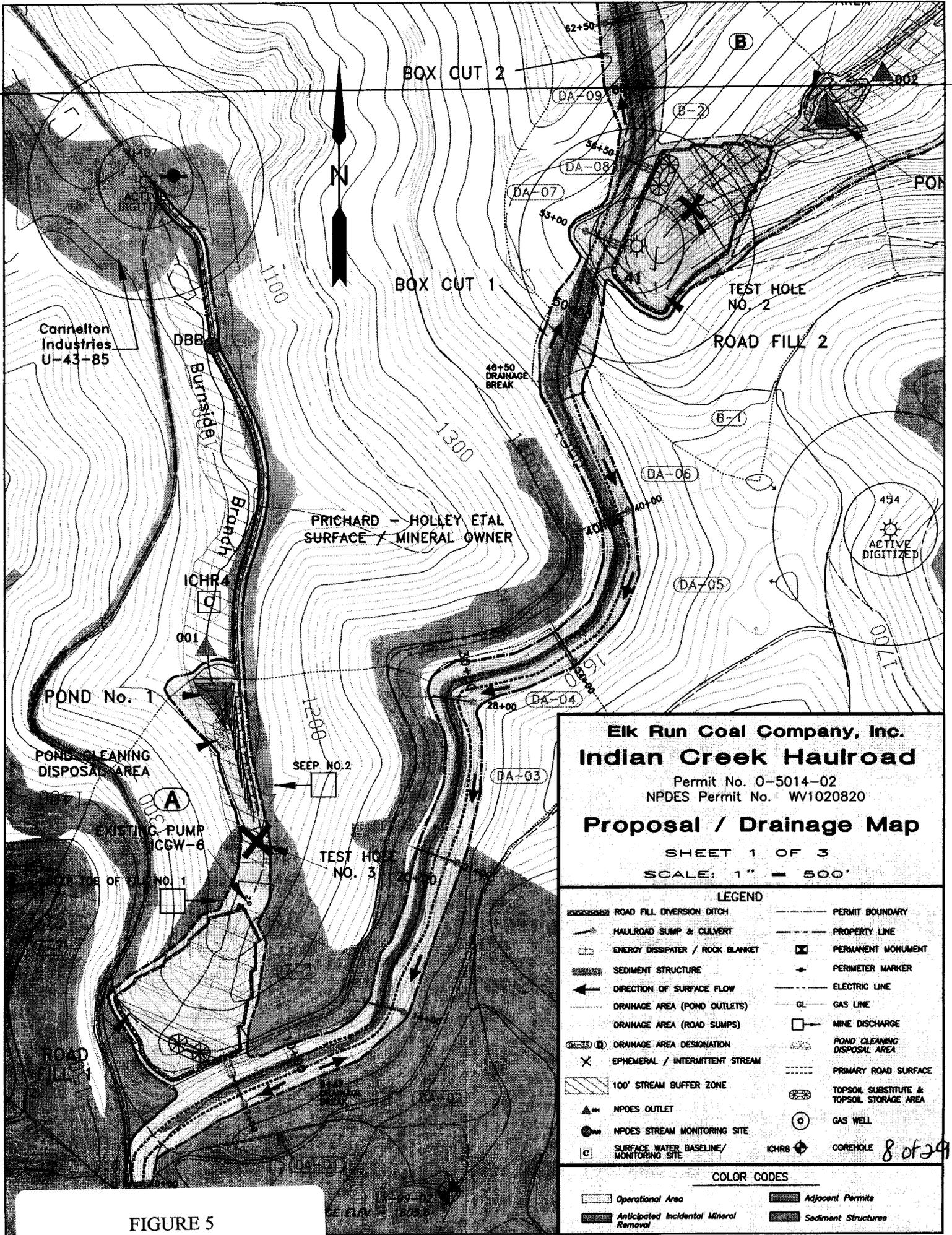


FIGURE 4b



**Elk Run Coal Company, Inc.**  
**Indian Creek Haulroad**  
 Permit No. 0-5014-02  
 NPDES Permit No. WV1020820  
**Proposal / Drainage Map**  
 SHEET 1 OF 3  
 SCALE: 1" = 500'

**LEGEND**

	ROAD FILL DIVERSION DITCH		PERMIT BOUNDARY
	HAULROAD SUMP & CULVERT		PROPERTY LINE
	ENERGY DISSIPATER / ROCK BLANKET		PERMANENT MONUMENT
	SEDIMENT STRUCTURE		PERIMETER MARKER
	DIRECTION OF SURFACE FLOW		ELECTRIC LINE
	DRAINAGE AREA (POND OUTLETS)		GAS LINE
	DRAINAGE AREA (ROAD SUMPS)		MINE DISCHARGE
	DRAINAGE AREA DESIGNATION		POND CLEANING DISPOSAL AREA
	EPHEMERAL / INTERMITTENT STREAM		PRIMARY ROAD SURFACE
	100' STREAM BUFFER ZONE		TOPSOIL SUBSTITUTE & TOPSOIL STORAGE AREA
	NPDES OUTLET		GAS WELL
	NPDES STREAM MONITORING SITE		COREHOLE
	SURFACE WATER BASELINE / MONITORING SITE		

**COLOR CODES**

	Operational Area		Adjacent Permits
	Anticipated Incidental Mineral Removal		Sediment Structures

FIGURE 5

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**LEGEND**

- |  |  |  |   |
|--|--|--|---|
|  | ROAD FILL DIVERSION DITCH                |  | PERMIT BOUNDARY                           |
|  | HAULROAD SUMP & CULVERT                  |  | PROPERTY LINE                             |
|  | ENERGY DISSIPATER / ROCK BLANKET         |  | PERMANENT MONUMENT                        |
|  | SEDIMENT STRUCTURE                       |  | PERIMETER MARKER                          |
|  | DIRECTION OF SURFACE FLOW                |  | ELECTRIC LINE                             |
|  | DRAINAGE AREA (POND OUTLETS)             |  | GAS LINE                                  |
|  | DRAINAGE AREA (ROAD SUMPS)               |  | MINE DISCHARGE                            |
|  | DRAINAGE AREA DESIGNATION                |  | POND CLEANING DISPOSAL AREA               |
|  | EPHEMERAL / INTERMITTENT STREAM          |  | PRIMARY ROAD SURFACE                      |
|  | 100' STREAM BUFFER ZONE                  |  | TOPSOIL SUBSTITUTE & TOPSOIL STORAGE AREA |
|  | NPDES OUTLET                             |  | GAS WELL                                  |
|  | NPDES STREAM MONITORING SITE             |  | COREHOLE                                  |
|  | SURFACE WATER BASELINE / MONITORING SITE |  |   |

**COLOR CODES**

- |  |  |  |                     |
|--|--|--|---------------------|
|  | Operational Area                       |  | Adjacent Permits    |
|  | Anticipated Incidental Mineral Removal |  | Sediment Structures |

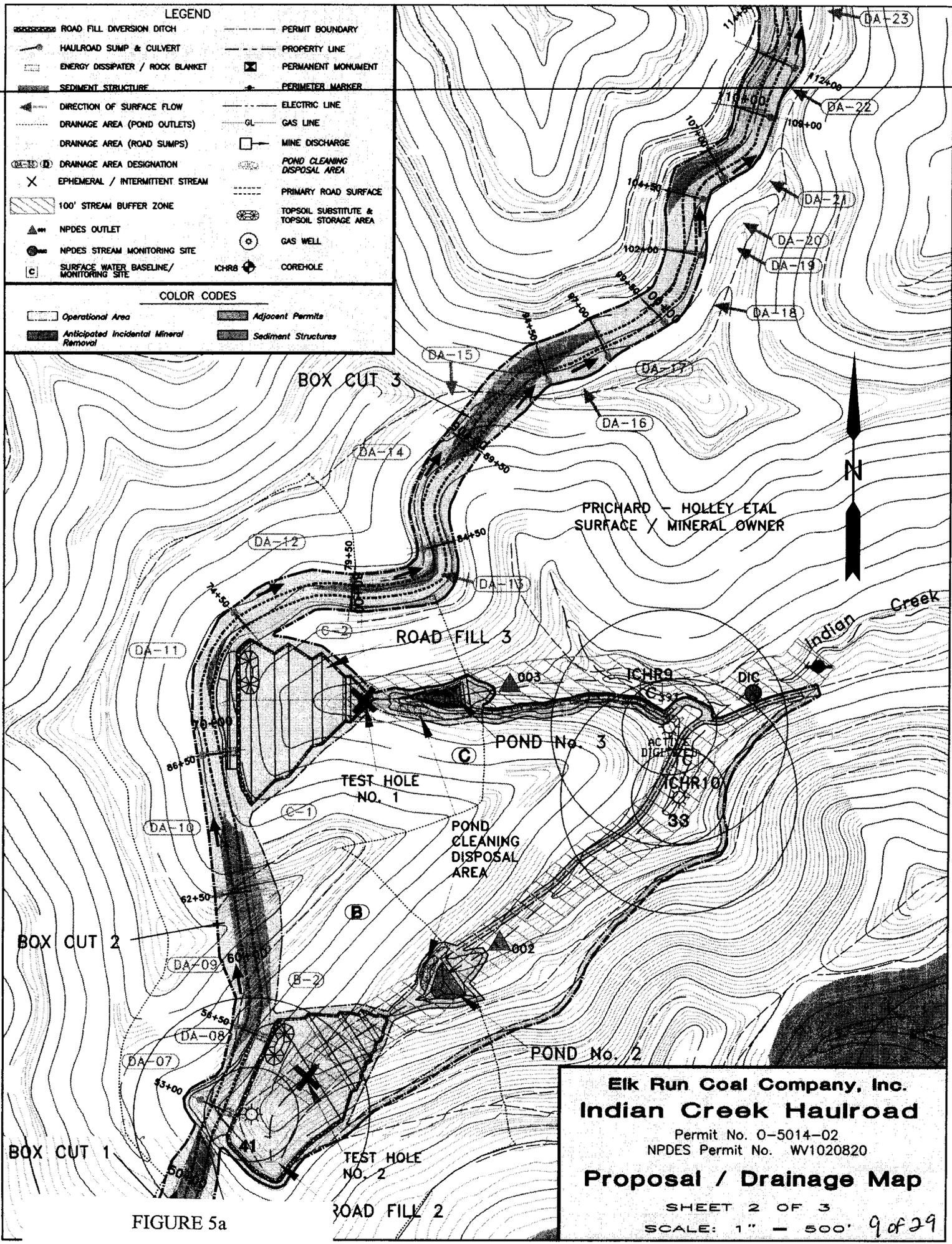
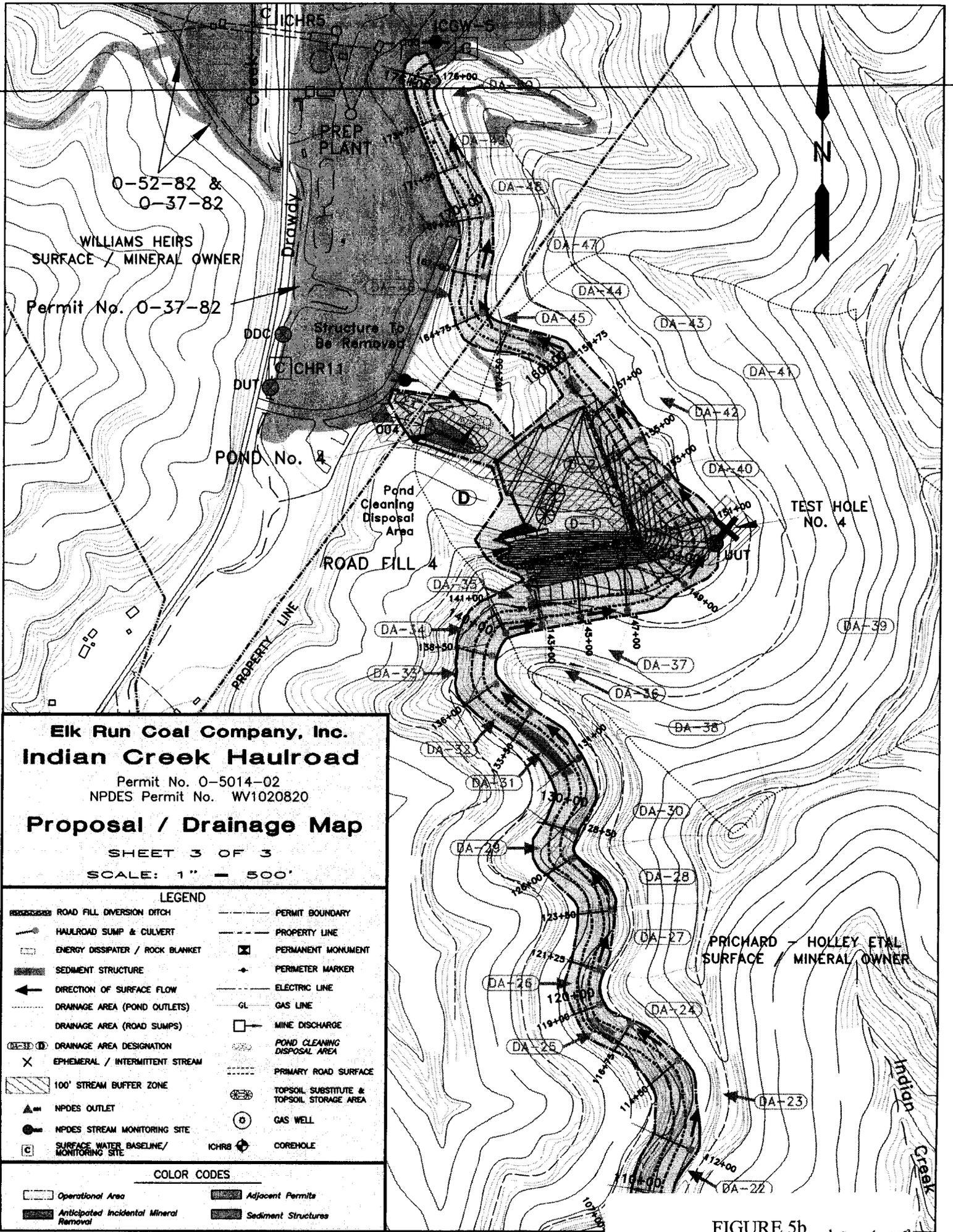


FIGURE 5a

**Elk Run Coal Company, Inc.**  
**Indian Creek Haulroad**  
 Permit No. 0-5014-02  
 NPDES Permit No. WV1020820  
**Proposal / Drainage Map**  
 SHEET 2 OF 3  
 SCALE: 1" = 500' 9 of 29



0-52-82 &  
0-37-82

WILLIAMS HEIRS  
SURFACE / MINERAL OWNER

Permit No. 0-37-82

POND No. 4

Pond  
Cleaning  
Disposal  
Area

ROAD FILL 4

TEST HOLE  
NO. 4

**Elk Run Coal Company, Inc.  
Indian Creek Haulroad**

Permit No. 0-5014-02  
NPDES Permit No. WV1020820

**Proposal / Drainage Map**

SHEET 3 OF 3  
SCALE: 1" = 500'

**LEGEND**

- |  |   |
|--|---|
| ROAD FILL DIVERSION DITCH              | PERMIT BOUNDARY                           |
| HAULROAD SUMP & CULVERT                | PROPERTY LINE                             |
| ENERGY DISSIPATER / ROCK BLANKET       | PERMANENT MONUMENT                        |
| SEDIMENT STRUCTURE                     | PERIMETER MARKER                          |
| DIRECTION OF SURFACE FLOW              | ELECTRIC LINE                             |
| DRAINAGE AREA (POND OUTLETS)           | GAS LINE                                  |
| DRAINAGE AREA (ROAD SUMPS)             | MINE DISCHARGE                            |
| DRAINAGE AREA DESIGNATION              | POND CLEANING DISPOSAL AREA               |
| EPHEMERAL / INTERMITTENT STREAM        | PRIMARY ROAD SURFACE                      |
| 100' STREAM BUFFER ZONE                | TOPSOIL SUBSTITUTE & TOPSOIL STORAGE AREA |
| NPDES OUTLET                           | GAS WELL                                  |
| NPDES STREAM MONITORING SITE           | COREHOLE                                  |
| SURFACE WATER BASELINE/MONITORING SITE |   |

**COLOR CODES**

- |  |                     |
|--|---------------------|
| Operational Area                       | Adjacent Permits    |
| Anticipated Incidental Mineral Removal | Sediment Structures |

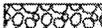
PRICHARD - HOLLEY ETAL  
SURFACE / MINERAL OWNER

Indian  
Creek

FIGURE 5b

SCALE: 1" = 200'

LEGEND

-  INTERMITTENT STREAM
-  RIP-RAP DIVERSION
-  ADJACENT PERMIT
-  OPERATIONAL AREA
-  EPHEMERAL STREAM CHANNEL
-  DIVERSION DITCH FLOW
-  DIRECTION OF SURFACE FLOW

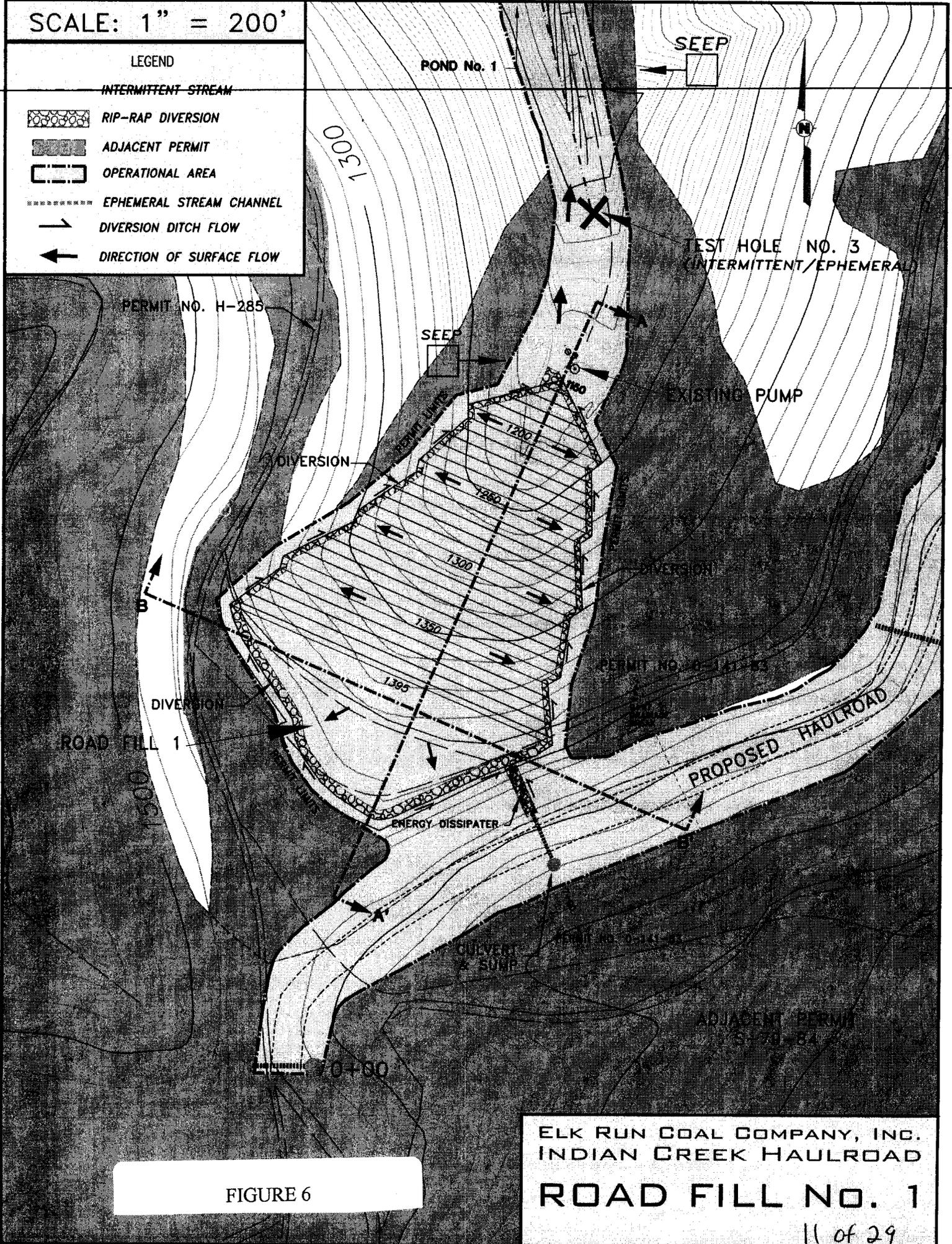
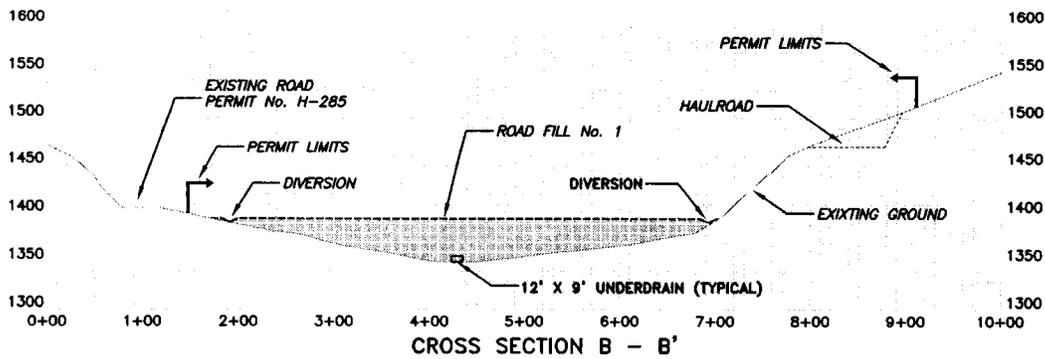
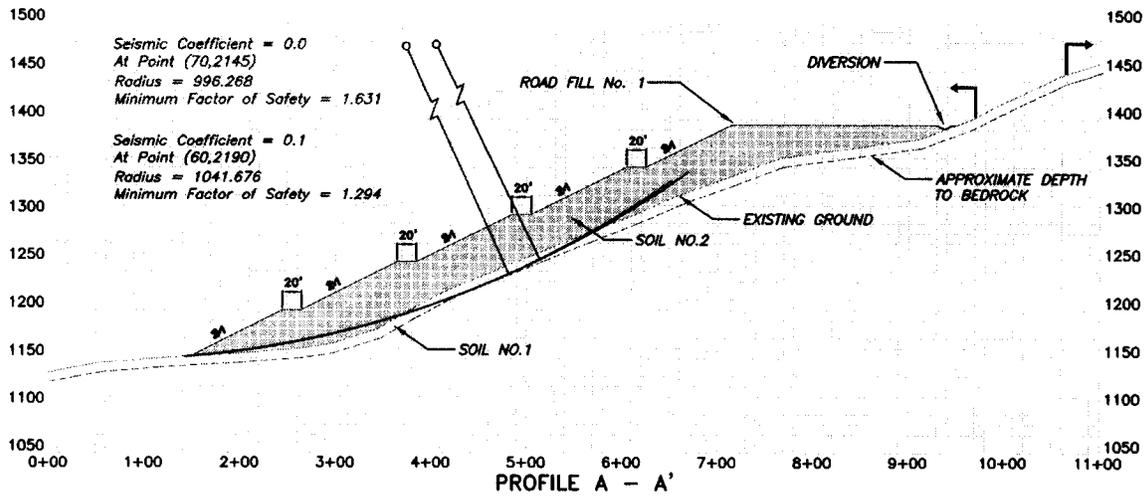
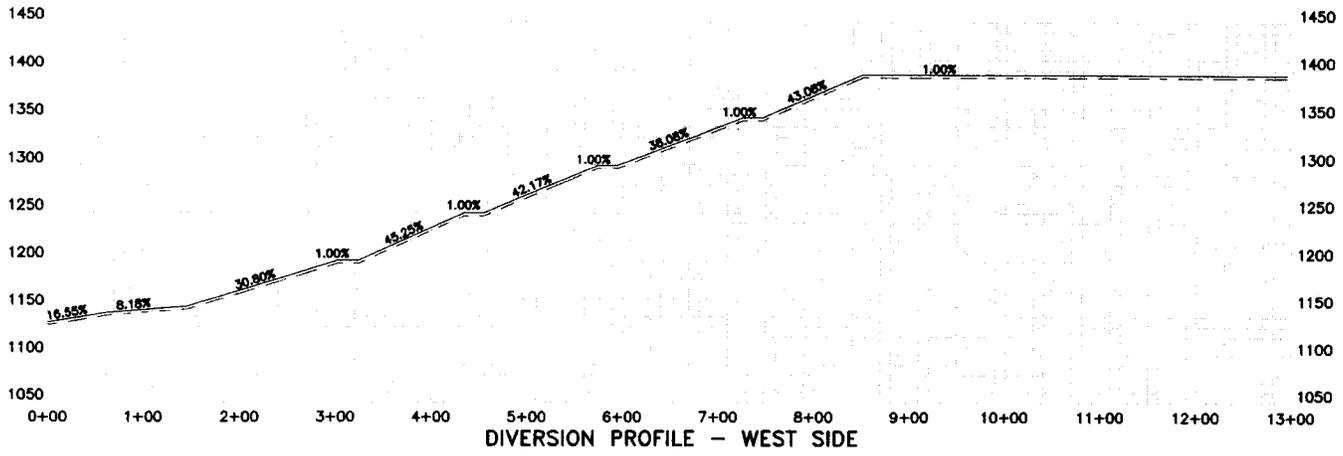
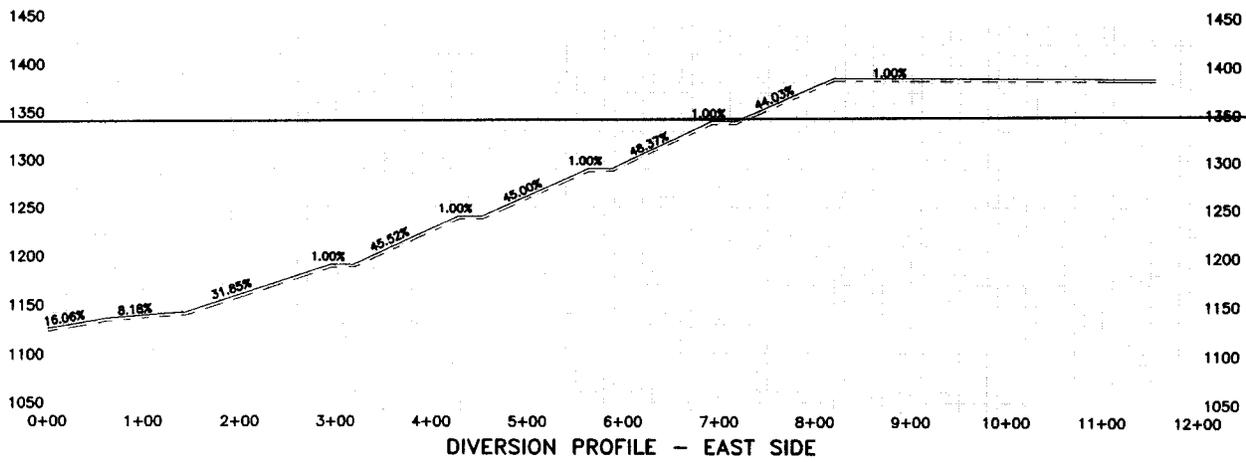


FIGURE 6

ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD  
**ROAD FILL NO. 1**  
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SCALE: 1" = 200'

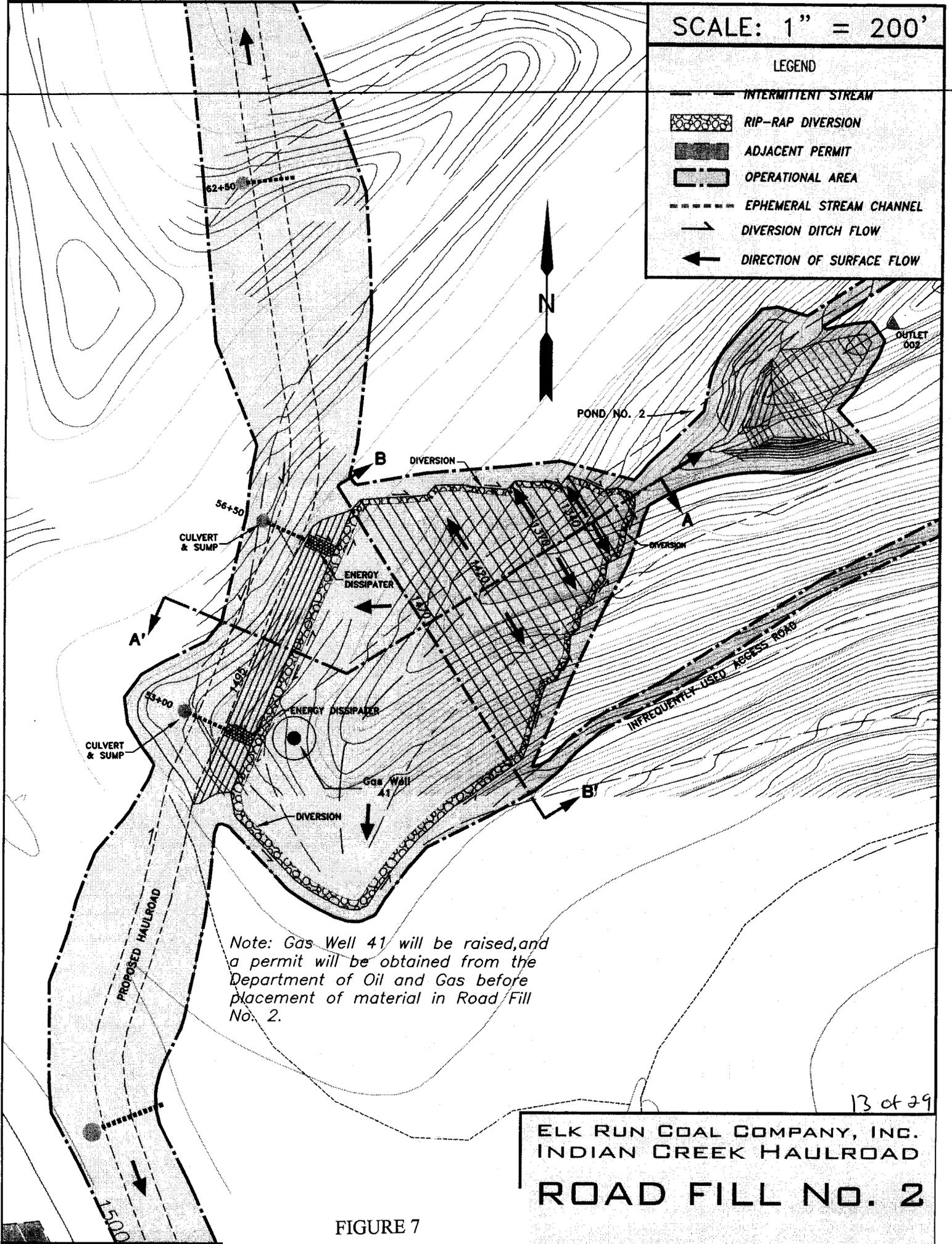
FIGURE 6a

ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD  
ROAD FILL No. 1

SCALE: 1" = 200'

LEGEND

-  INTERMITTENT STREAM
-  RIP-RAP DIVERSION
-  ADJACENT PERMIT
-  OPERATIONAL AREA
-  EPHEMERAL STREAM CHANNEL
-  DIVERSION DITCH FLOW
-  DIRECTION OF SURFACE FLOW

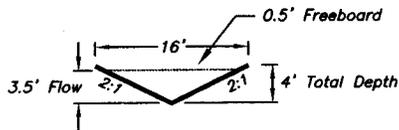
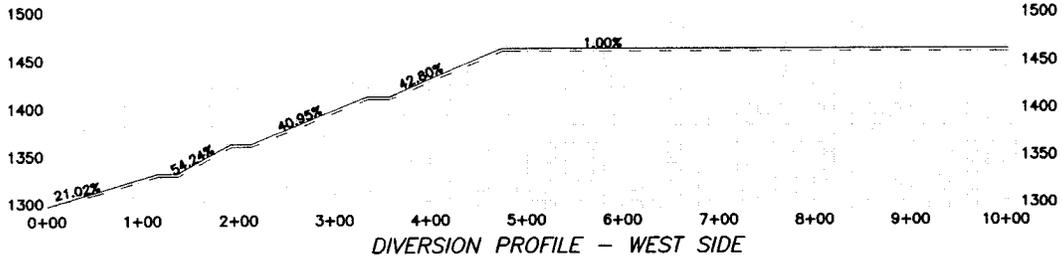
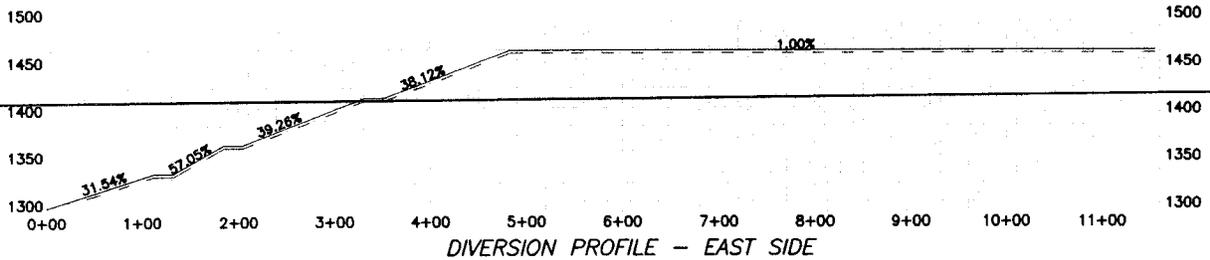


Note: Gas Well 41 will be raised, and a permit will be obtained from the Department of Oil and Gas before placement of material in Road Fill No. 2.

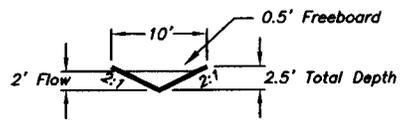
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ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
**ROAD FILL NO. 2**

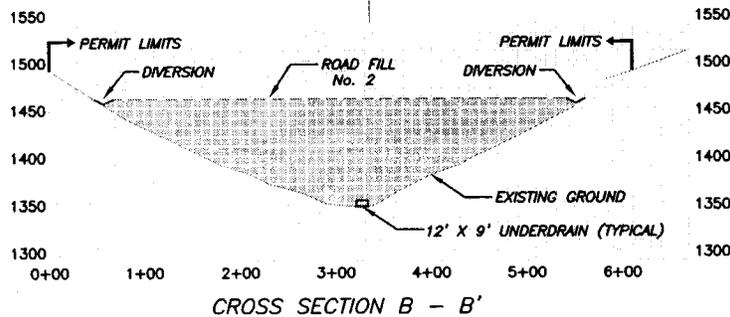
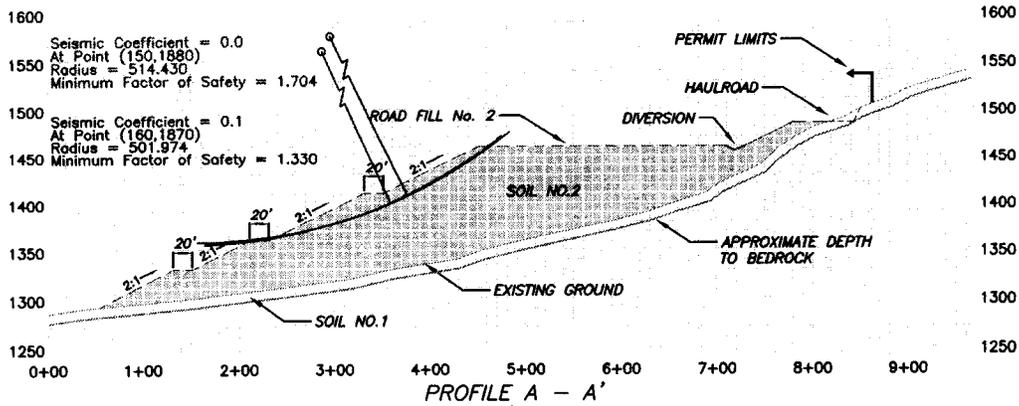
FIGURE 7



DIVERSION FOR TOP OF ROAD FILL  
CROSS SECTION  
NTS



DIVERSION FOR FACE OF ROAD FILL  
CROSS SECTION  
NTS



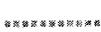
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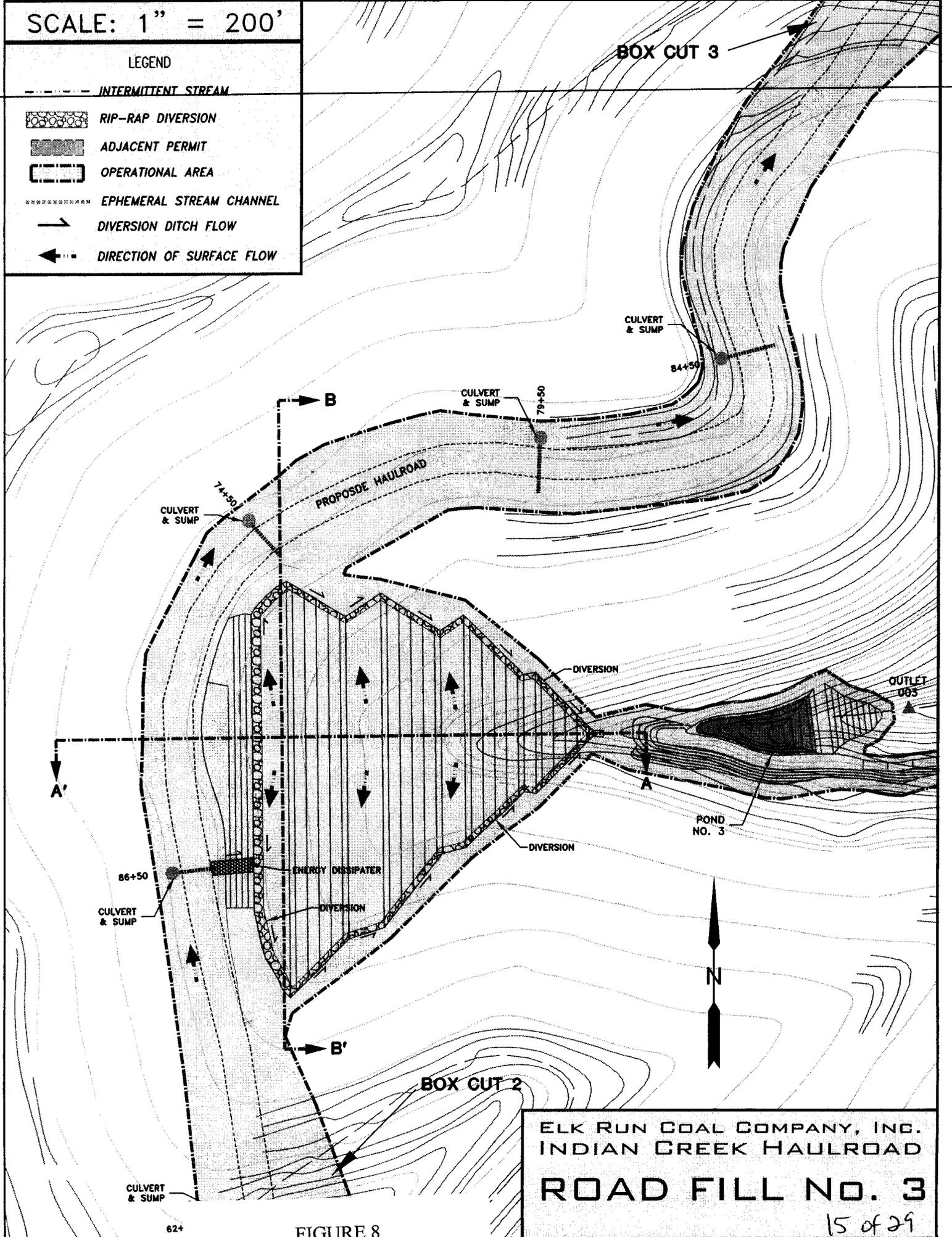
FIGURE 7a

14 of 29  
ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD  
ROAD FILL No. 2

SCALE: 1" = 200'

LEGEND

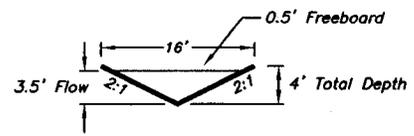
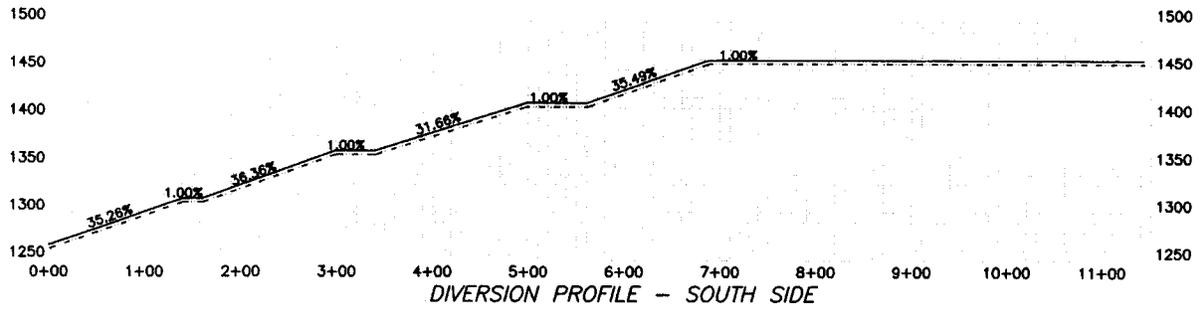
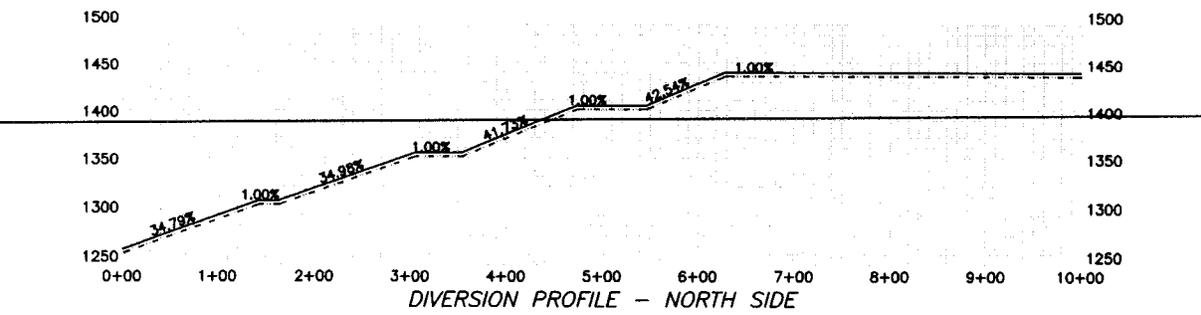
-  INTERMITTENT STREAM
-  RIP-RAP DIVERSION
-  ADJACENT PERMIT
-  OPERATIONAL AREA
-  EPHEMERAL STREAM CHANNEL
-  DIVERSION DITCH FLOW
-  DIRECTION OF SURFACE FLOW



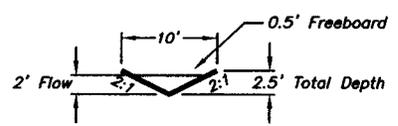
ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
**ROAD FILL No. 3**

FIGURE 8

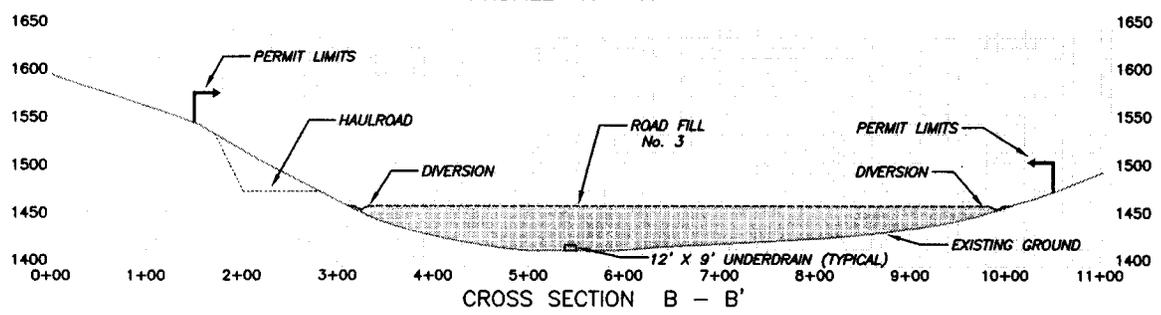
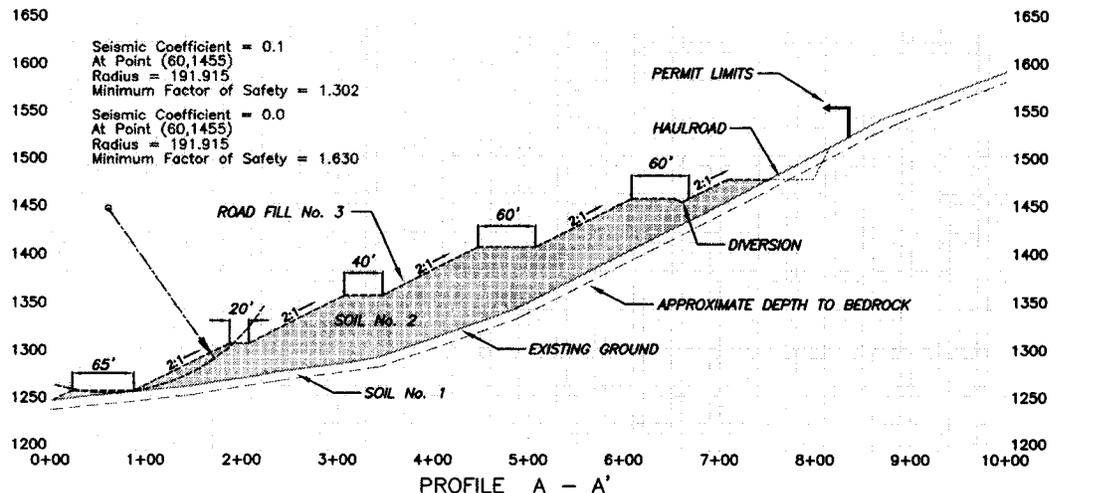
62+



DIVERSION FOR TOP OF ROAD FILL CROSS SECTION NTS



DIVERSION FOR FACE OF ROAD FILL CROSS SECTION NTS



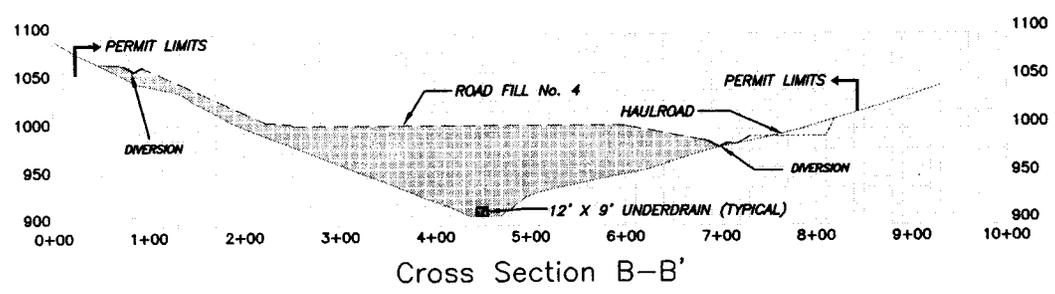
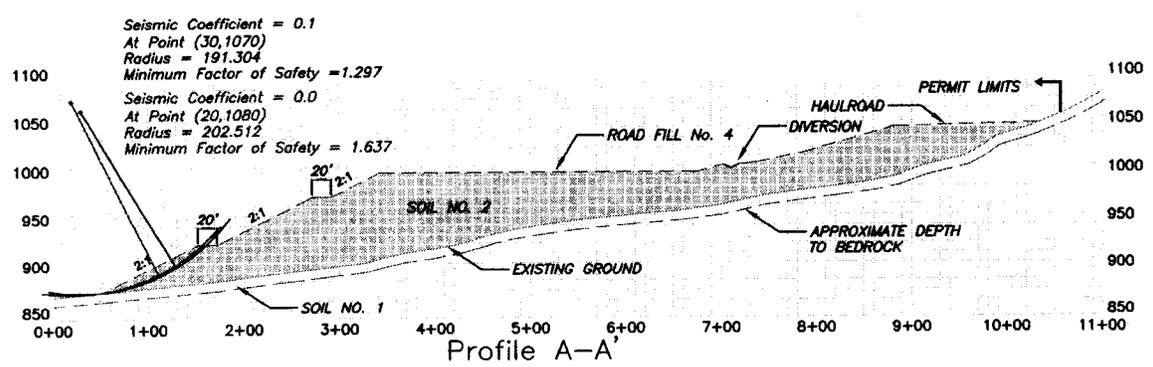
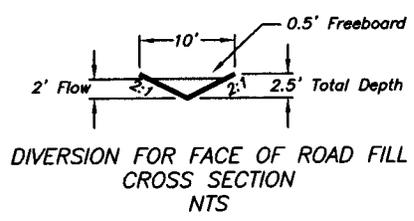
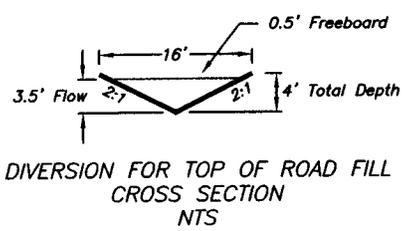
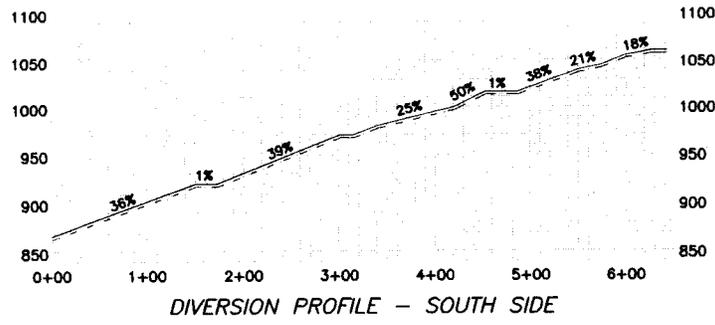
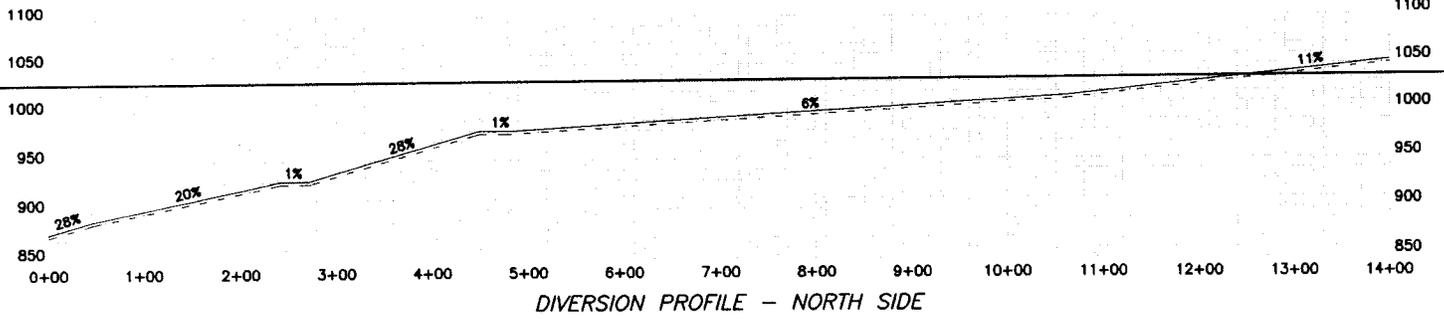
SCALE: 1" = 200'

FIGURE 8a

ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD  
ROAD FILL No. 3

16 of 29

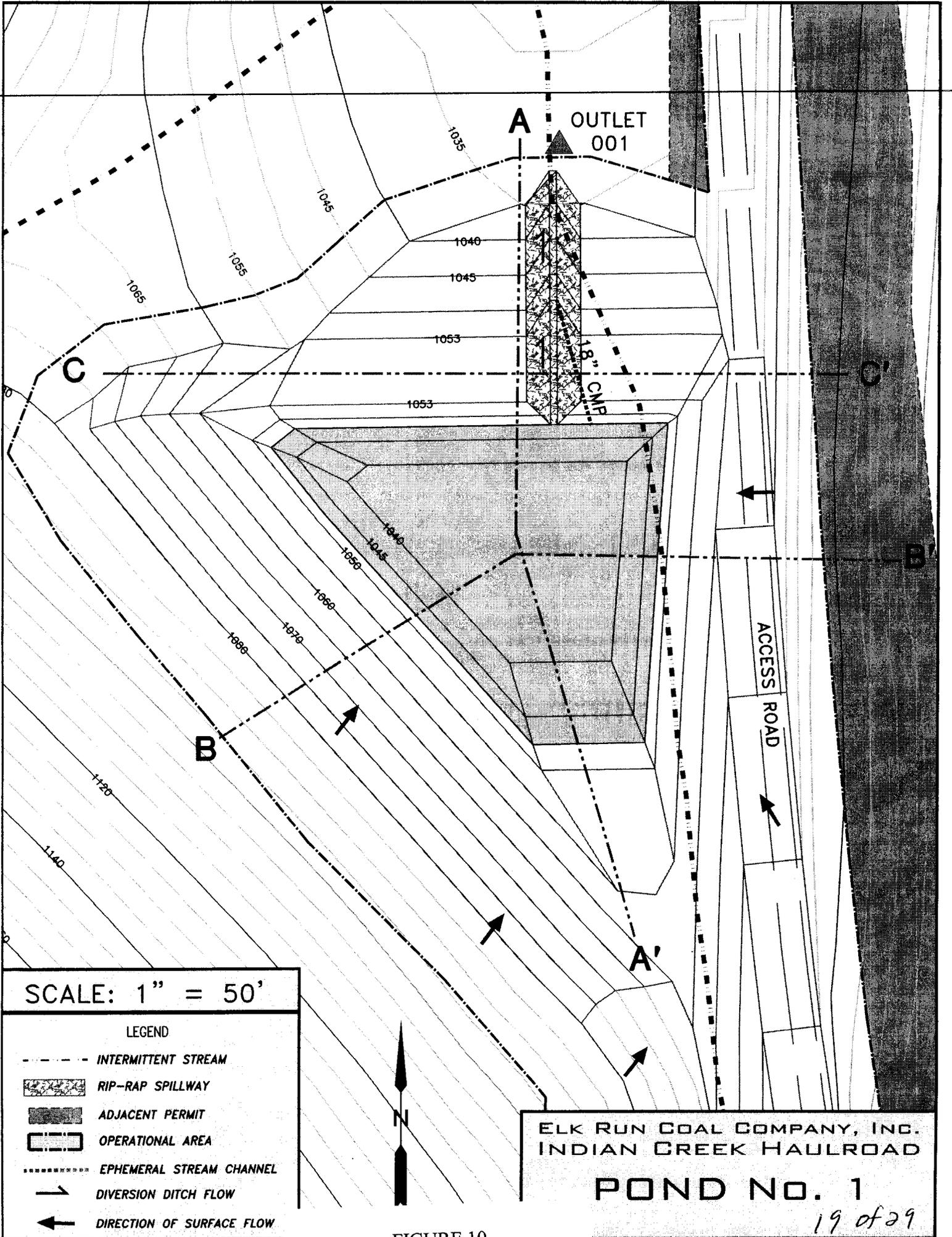




SCALE: 1" = 200'

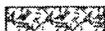
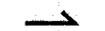
FIGURE 9a

18 of 29  
ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD  
ROAD FILL No. 4



SCALE: 1" = 50'

LEGEND

- - - - - INTERMITTENT STREAM
-  RIP-RAP SPILLWAY
-  ADJACENT PERMIT
-  OPERATIONAL AREA
- ..... EPHEMERAL STREAM CHANNEL
-  DIVERSION DITCH FLOW
-  DIRECTION OF SURFACE FLOW

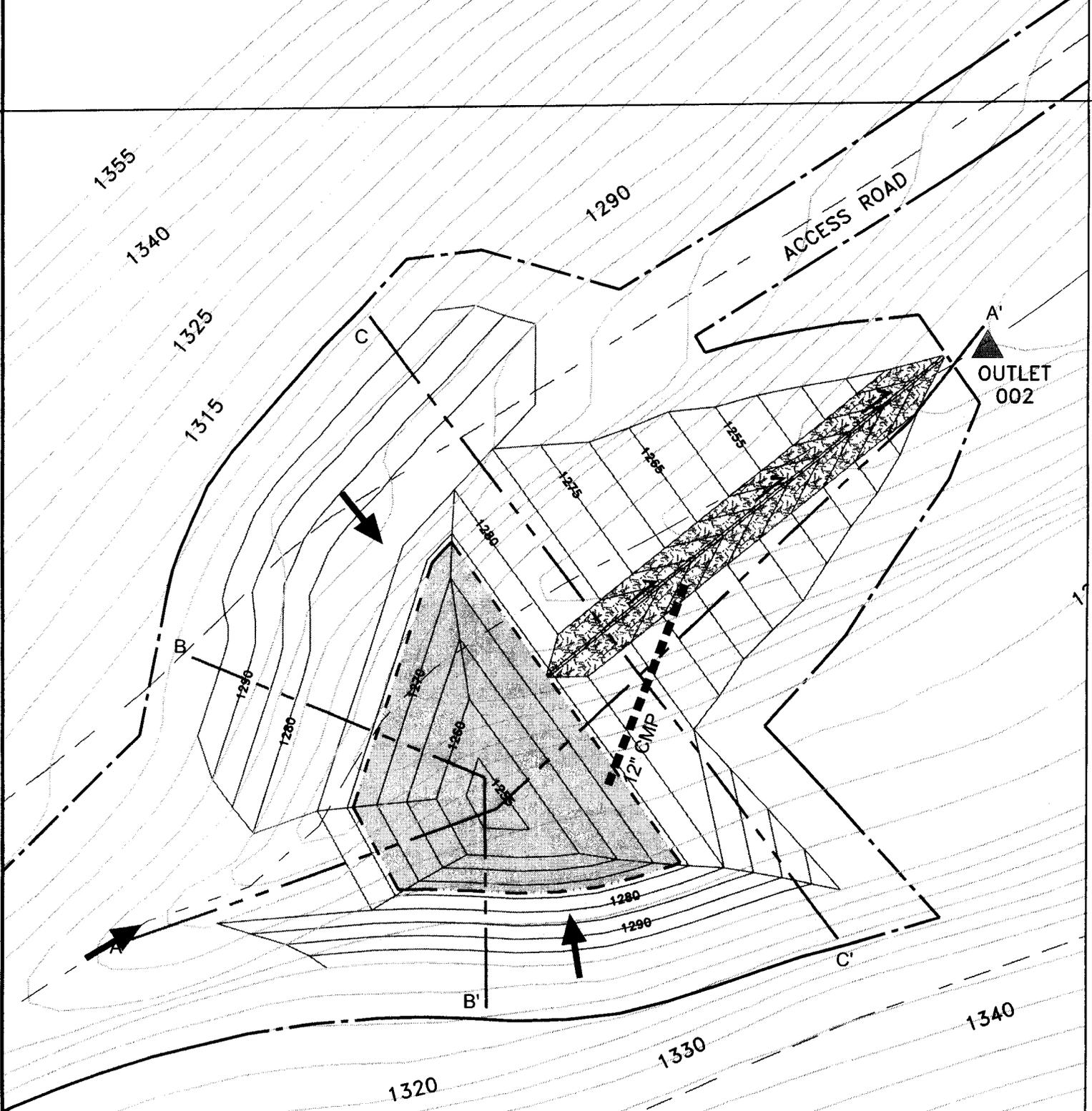
ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD

POND No. 1

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FIGURE 10





SCALE: 1" = 50'

LEGEND

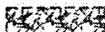
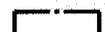
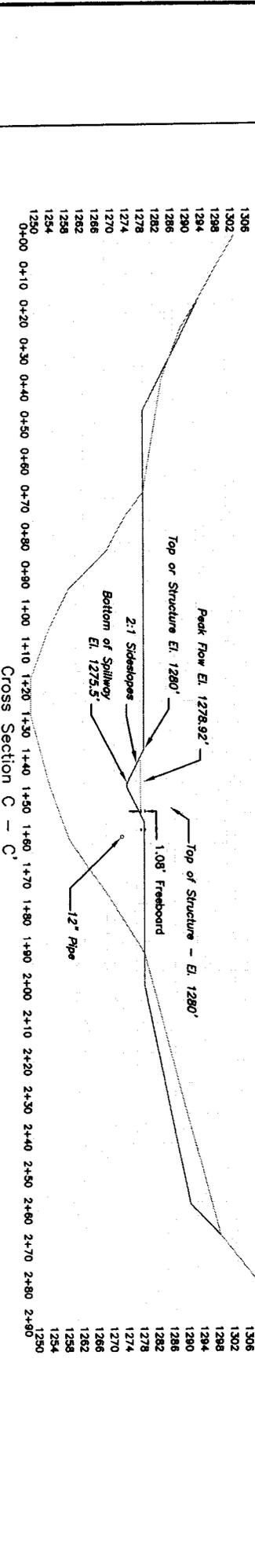
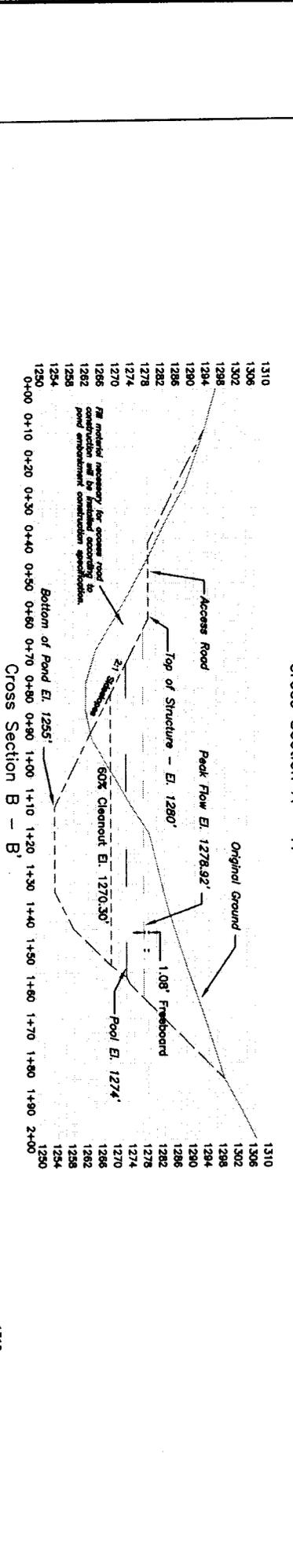
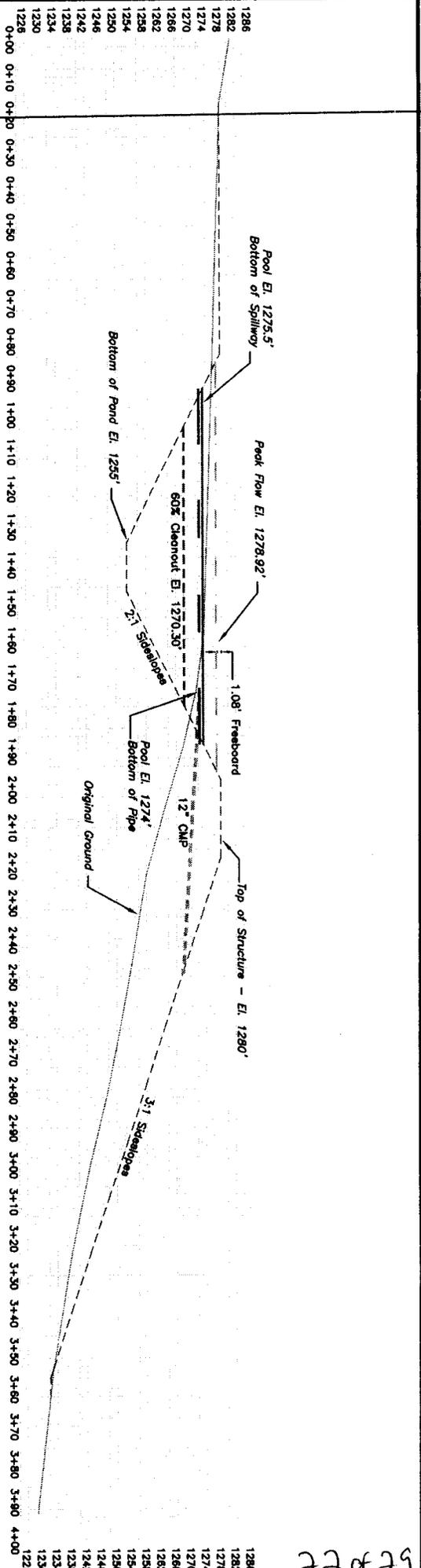
-  INTERMITTENT STREAM
-  RIP-RAP SPILLWAY
-  ADJACENT PERMIT
-  OPERATIONAL AREA
-  EPHEMERAL STREAM CHANNEL
-  DIVERSION DITCH FLOW
-  DIRECTION OF SURFACE FLOW



FIGURE 11

ELK RUN COAL COMPANY, INC.  
INDIAN CREEK HAULROAD

POND NO. 2



SCALE: 1" = 40'

FIGURE 11a

ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
 POND NO. 2

22 of 22

**SCALE: 1" = 50'**

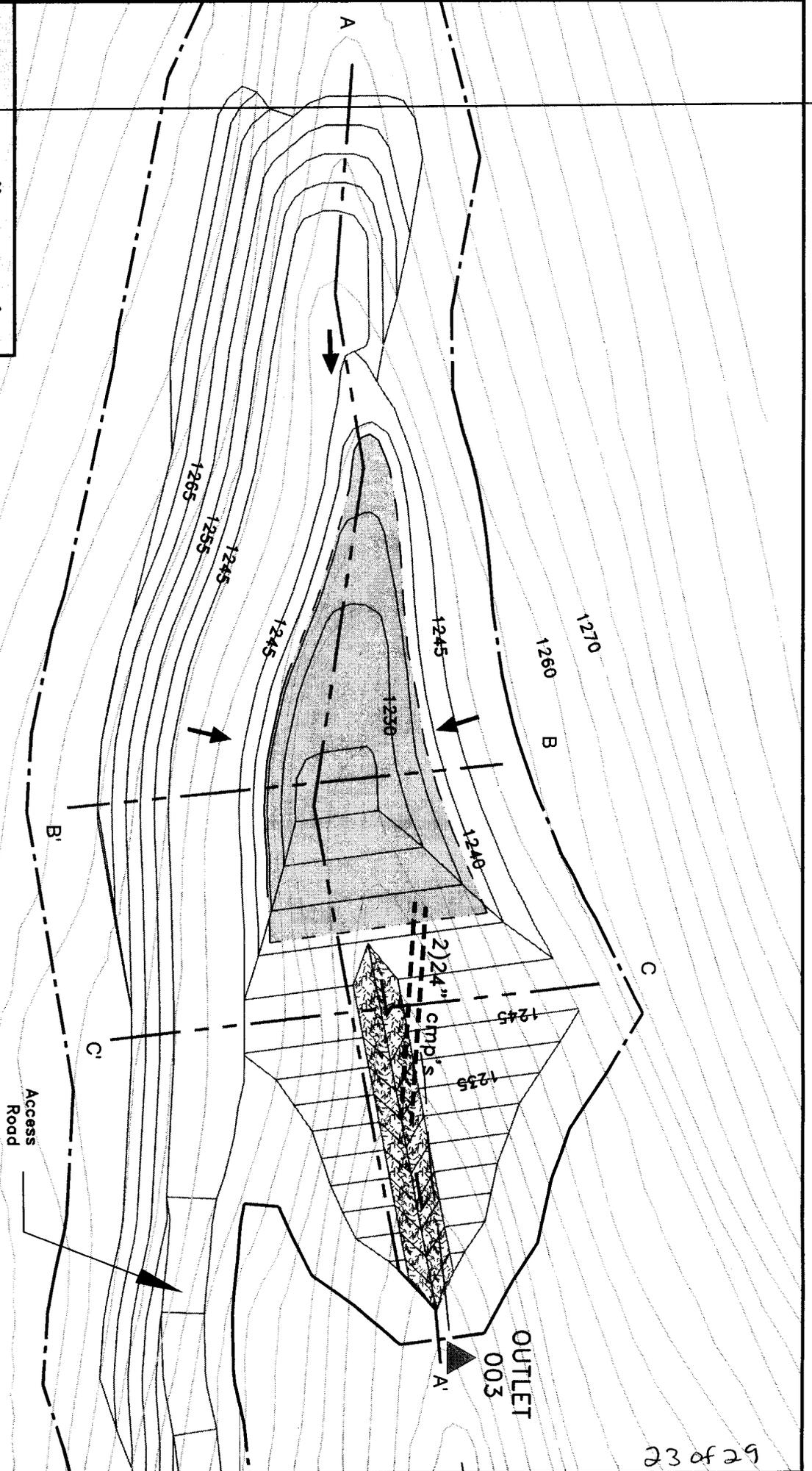
**LEGEND**

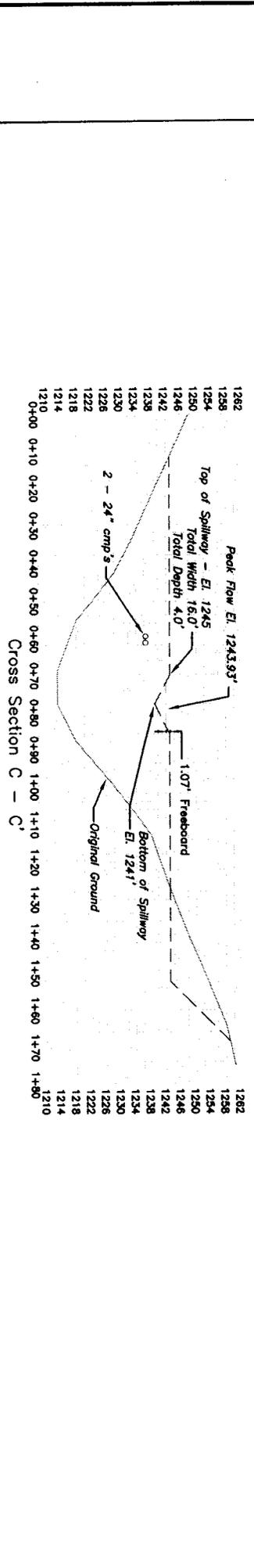
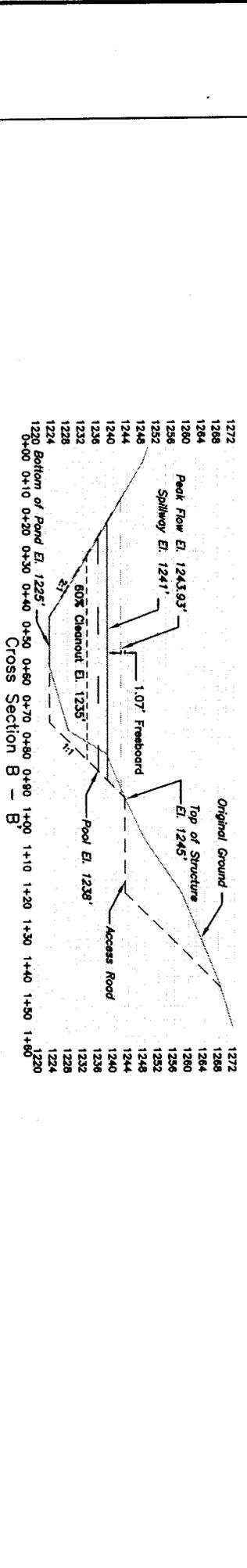
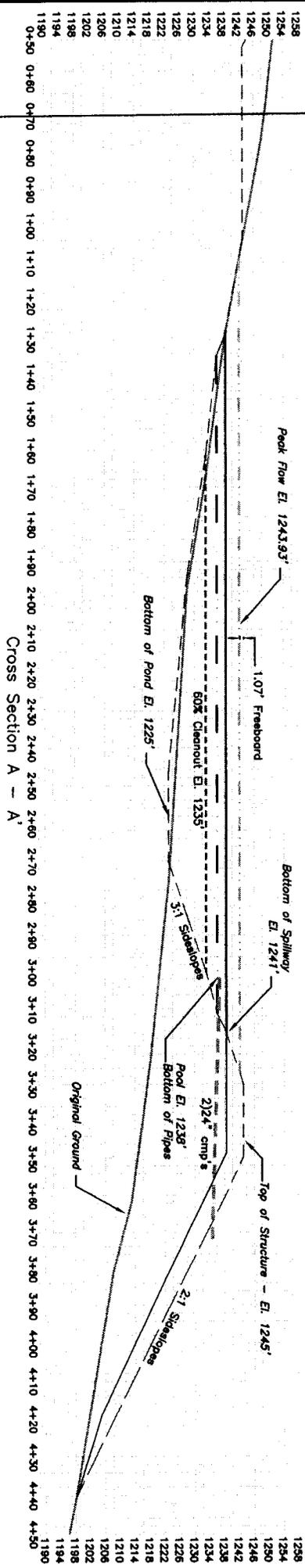
- INTERMITTENT STREAM
- RIP-RAP SPILLWAY
- ▨ ADJACENT PERMIT
- OPERATIONAL AREA
- EPHEMERAL STREAM CHANNEL
- DIVERSION DITCH FLOW
- ↑ DIRECTION OF SURFACE FLOW



FIGURE 12

ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
**POND NO. 3**





SCALE: 1" = 40'

FIGURE 12a

ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
 POND NO. 3

**SCALE: 1" = 50'**

	INTERMITTENT STREAM
	RIP-RAP SPILLWAY
	ADJACENT PERMIT
	OPERATIONAL AREA
	EPHEMERAL STREAM CHANNEL
	DIVERSION DITCH FLOW
	DIRECTION OF SURFACE FLOW

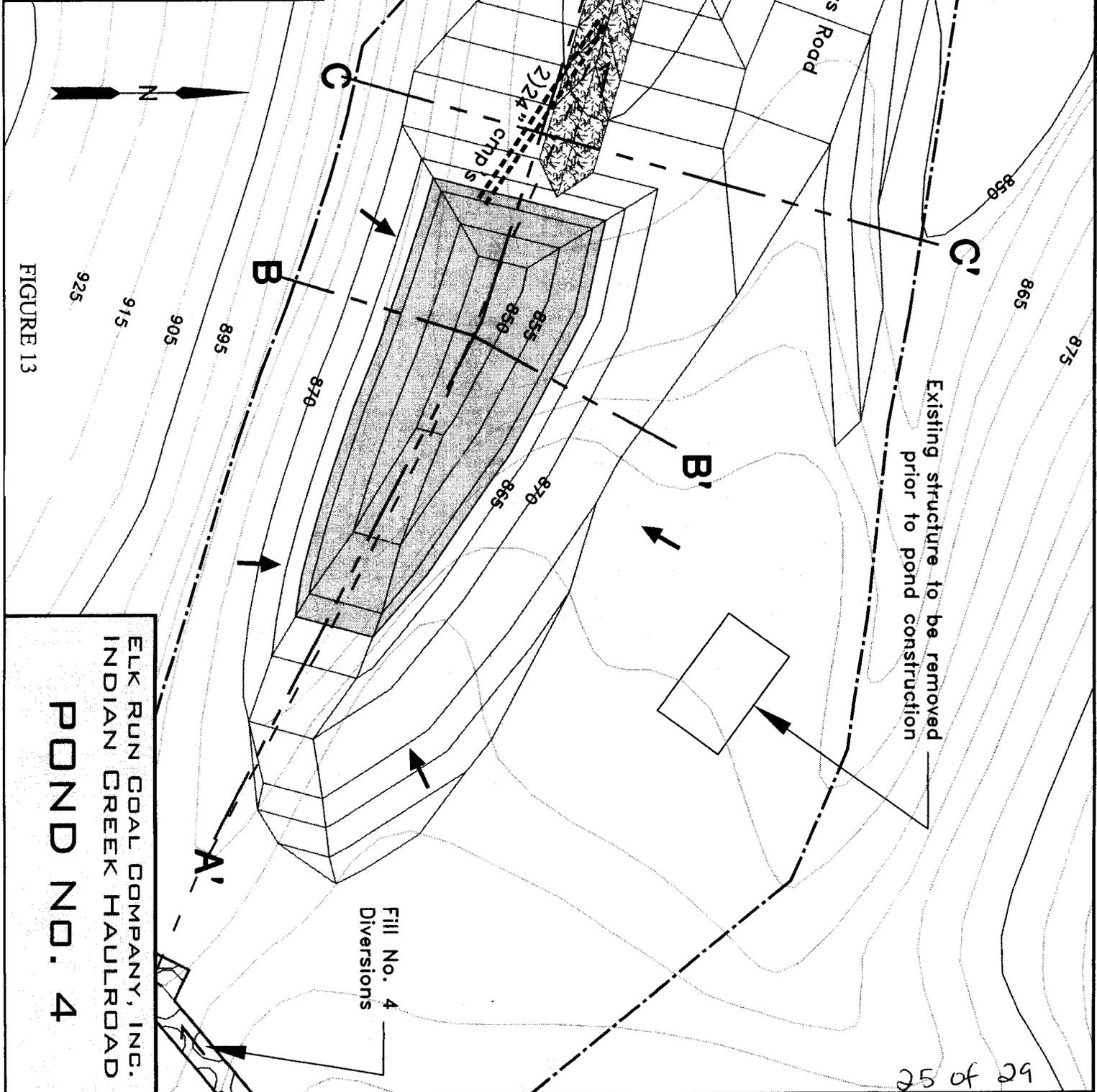
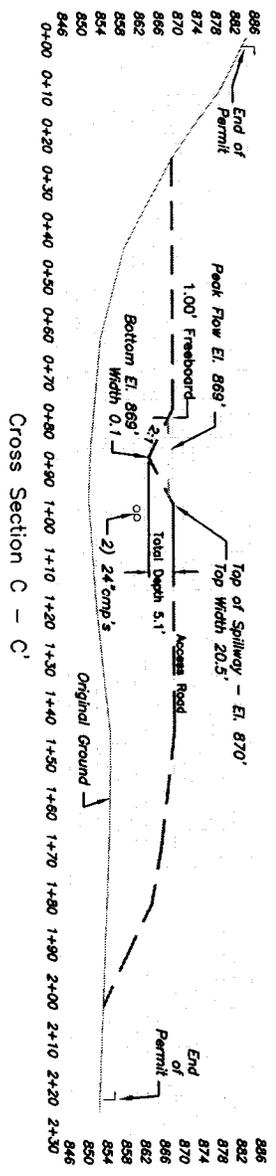
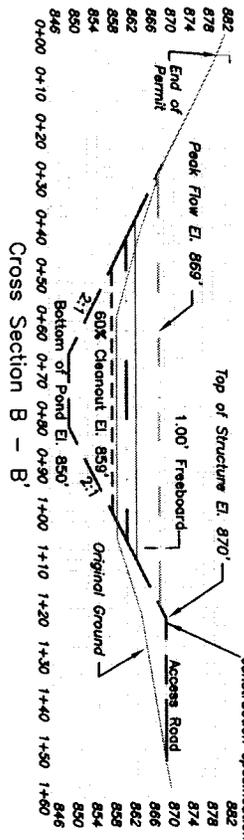
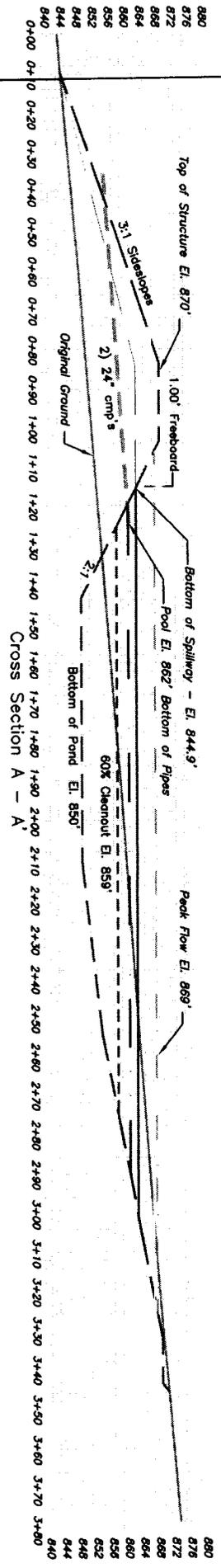


FIGURE 13

ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
**POND NO. 4**



SCALE: 1" = 40'

FIGURE 13a

ELK RUN COAL COMPANY, INC.  
 INDIAN CREEK HAULROAD  
**POND NO. 4**

**Sediment Pond 1  
Overhead Plan View  
April 2004**

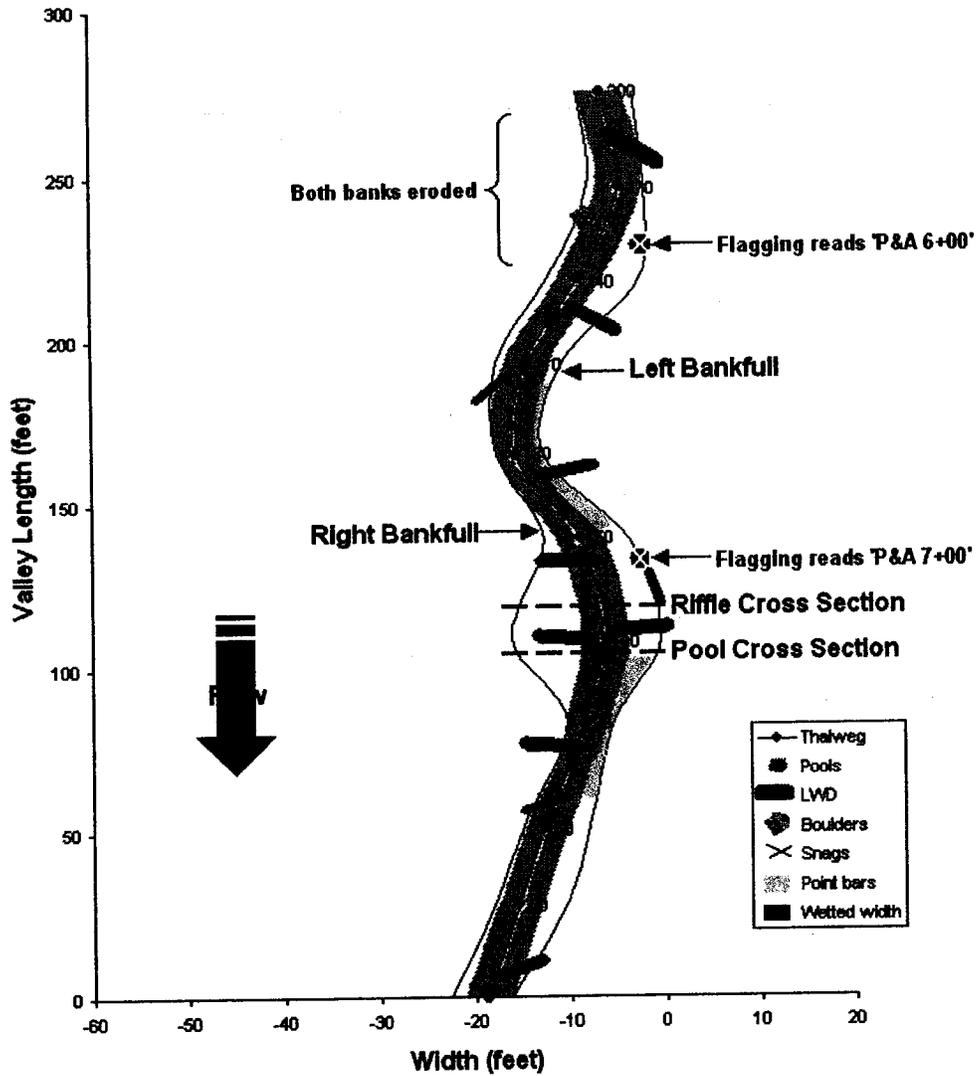


FIGURE 14 Overhead plan view of the Sediment Pond 1 stream reach. Elk Run Company, April 2004.

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad.  
REI Consultants, Inc., June 2004.*

FIGURE 14  
TYPICAL PLAN AND SECTION  
VIEWS FOR RESTORATION OF  
SEDIMENT PONDS 1-4

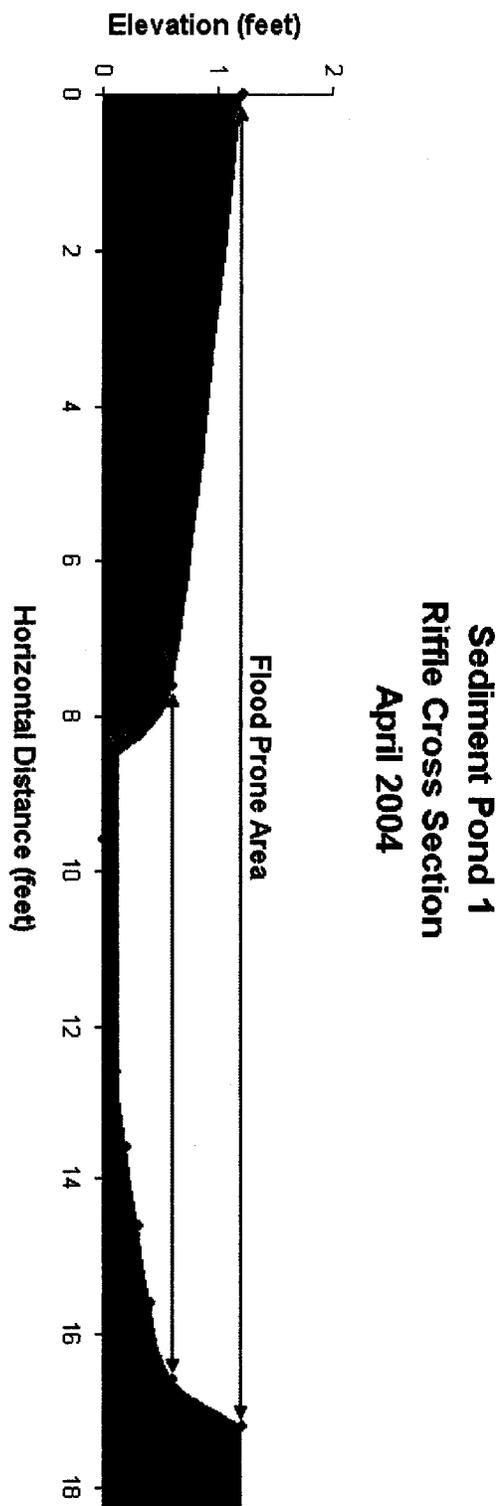


FIGURE 14a Sediment Pond 1 cross-sectional view of a rifle section. Elk Run Company, April 2004.

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad.*  
*REI Consultants, Inc., June 2004.*

FIGURE 14a

**Sediment Pond 1  
Pool Cross Section  
April 2004**

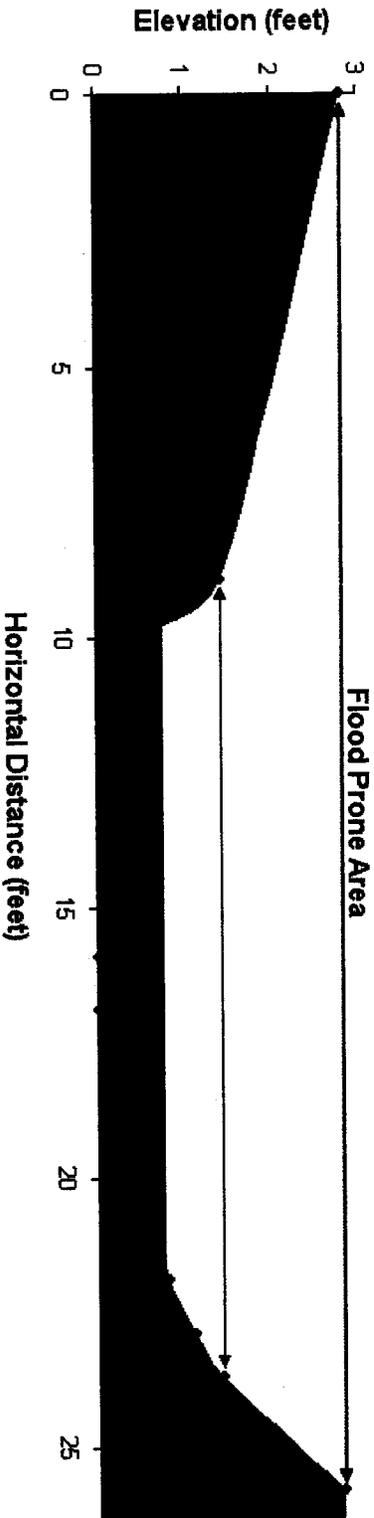


FIGURE 14b Sediment Pond 1 cross-sectional view of a pool section. Elk Run Company, April 2004.

*Compensatory Mitigation & Stream Enhancement Plan for the Impacts at Elk Run Coal Company's Indian Creek Haulroad.  
REI Consultants, Inc., June 2004.*

FIGURE 14b