



Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No.	Issuance Date:
199800436-3	December 14, 2005

Stream:	Closing Date:
Right Fk Seng Camp Creek	N/A

Please address all comments and inquiries to:

U.S. Army USACE of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (USACE) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the USACE Regulatory Program.

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

SECTION 404: The USACE is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The USACE is reviewing a Department of the Army permit application submitted by Hobet Mining, Inc. for the construction, operation and reclamation of the Spruce No. 1 Mine under the provisions of Section 404 of the CWA. All projects that require a USACE permit must also comply with the National Environmental Policy Act (NEPA). The USACE is committed to actively involving the public in the Environmental Impact Statement (EIS) development process for the Spruce No. 1 Mine proposed by Hobet Mining, Inc. On October 12, 2005, the USACE issued Public Notice 199800436-3 for the proposed project. The USACE will distribute the Draft EIS in the near future and will be made available for public review at least 15 days prior to conducting the public hearing for the Draft EIS. Copies of the Draft EIS will be available via our public website address as follows: <http://www.lrh.usace.army.mil/permits/>.

The USACE is advising the public that comments will be accepted through public notice comment period and continue through the 10th day following the public hearing. As such, the USACE is providing the attached Guidebook for your use and information. This Draft EIS Guidebook has been developed to explain what topics will be discussed in the Draft EIS and where the discussions may be found. Also, a goal of this guidebook is to help the public understand its role in reviewing the document and providing feedback to the USACE.

This Guidebook includes the following:

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Point of Contact:

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 Regulatory Project Manager
 USACE Huntington District
 502 8th Street
 Huntington, West Virginia 25701
 304-399-5710

The Draft and Final EIS, the comments received, and any underlying documents will be made available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552). Thank you for your interest in our nation's water resources.



Ginger Mullins, Chief
 Regulatory Branch

(W)

National Environmental Policy Act (NEPA)

What Has Been Done

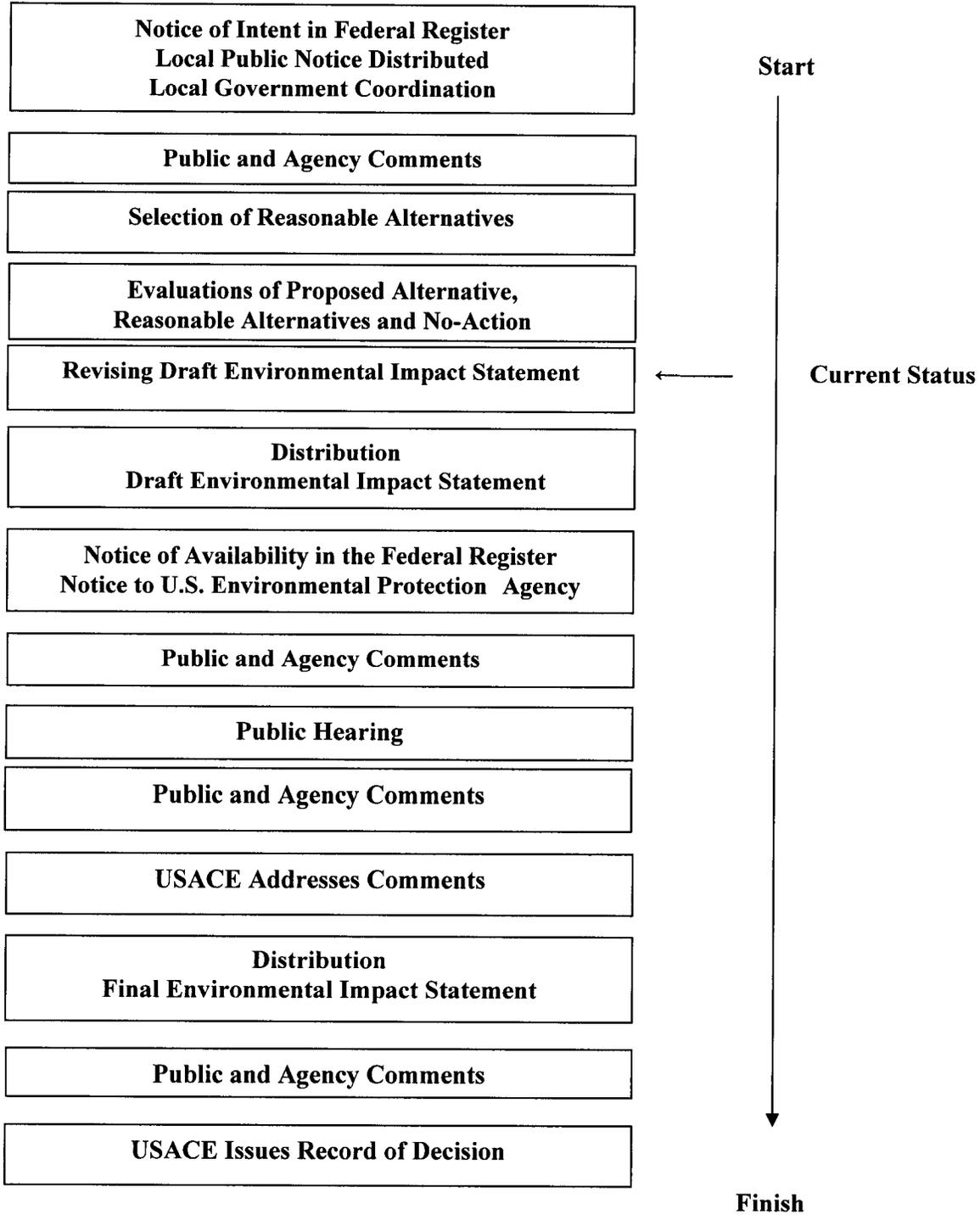
A notice of intent to prepare a Draft Environmental Impact Statement (DEIS) for the proposed project was published in the Federal Register on February 4, 2000. The purpose of the EIS is to assess the potential impacts to the community and the natural environment associated with the construction, operation, and reclamation of the Spruce No. 1 Mine. After the USACE announced that an EIS was being prepared to evaluate the Hobet Mining, Inc. permit application, the NEPA scoping process began. The USACE hosted several agency scoping meetings and one public scoping meeting and collected comments to obtain input on the range of issues (actions, alternatives, and impacts) to be addressed in the EIS. A public scoping meeting was held at the Chief Logan State Park on May 2, 2001. Numerous interagency scoping meetings have been conducted over the last four years. Once scoping was completed, the selection and evaluation of the proposed project and project alternatives began. The findings from these evaluations will be included in the DEIS. The DEIS is currently under revision by the USACE and will be available for public review in the near future. A notice of availability for the DEIS will be published in the Federal Register upon its completion. The DEIS will be made available for public review a minimum of 15 days prior to conducting a public hearing.

Next Steps

The next steps in the NEPA process for the USACE will be:

1. Distribute the DEIS and host a Public Hearing to collect public and agency comments on the draft EIS. The public will have 60 days to comment from the Federal Register publication date. In addition, a 30-day public notice will be issued announcing the date, time and location of the public hearing. Comments will be accepted through the 10th day following the public hearing.
2. Carefully consider all public and agency comments received on the Draft EIS.
3. Prepare the Final EIS, addressing all comments submitted to the USACE on the Draft EIS.
4. Obtain comments of any Federal agency, which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards, appropriate State and local agencies, the applicant, and persons or organizations who may be interested or affected. All incoming comments will be considered and responses provided when substantive issues are raised which have not been addressed in the Final EIS.
5. Thirty days (30) after the publication of the Final EIS, the USACE will begin preparing a Record of Decision, which will document the results of the NEPA process and the permit decision.

NEPA Process Timeline



What is in the Draft EIS?

An Environmental Impact Statement (EIS) is a large document with several different, but related, chapters. The combined goal of the discussions within these chapters is to provide the reader a clear understanding of the proposed project – in this case, the construction, operation and reclamation of the Spruce No. 1 Mine – and a scientifically sound appreciation for the social, economic, and environmental impacts associated with the proposed project. In this DEIS there is an Executive Summary followed by eight (8) chapters, each with its own specific purpose. An overview of the chapters is listed below.

1.0 Introduction

- 1.1 Project Setting
- 1.2 Purpose and Need for Action
- 1.3 Authorizing Actions
- 1.4 Organization of the EIS

2.0 Alternatives Including the Applicant's Preferred Alternative

- 2.1 Introduction
- 2.2 Alternatives available to the USACE
- 2.3 No Action Alternative
- 2.4 Alternative available to Applicant
- 2.5 Description of Applicant's Preferred Alternative
- 2.6 Past, Present, and Reasonably Foreseeable Future Actions
- 2.7 Comparative Analysis of Alternatives

3.0 Affected Environment and Environmental Consequences

- 3.1 Geology and Mineral Resources
- 3.2 Water Resources
- 3.3 Soils
- 3.4 Vegetation
- 3.5 Fish and Wildlife Resources
- 3.6 Cultural Resources
- 3.7 Air Quality
- 3.8 Land Use and Recreation
- 3.9 Social and Economic Values
- 3.10 Transportation
- 3.11 Noise and Visual Resources
- 3.12 Hazardous Materials
- 3.13 Public Health
- 3.14 Environmental Justice
- 3.15 Energy Requirements and Conservation Potential
- 3.16 Relationship Between Short-term Uses of the Human Environment and the Maintenance and Enhancement of Long-Term Productivity
- 3.17 Irreversible and Irretrievable Commitment of Resources

4.0 Consultation and Coordination

5.0 List of Preparers and Reviewers

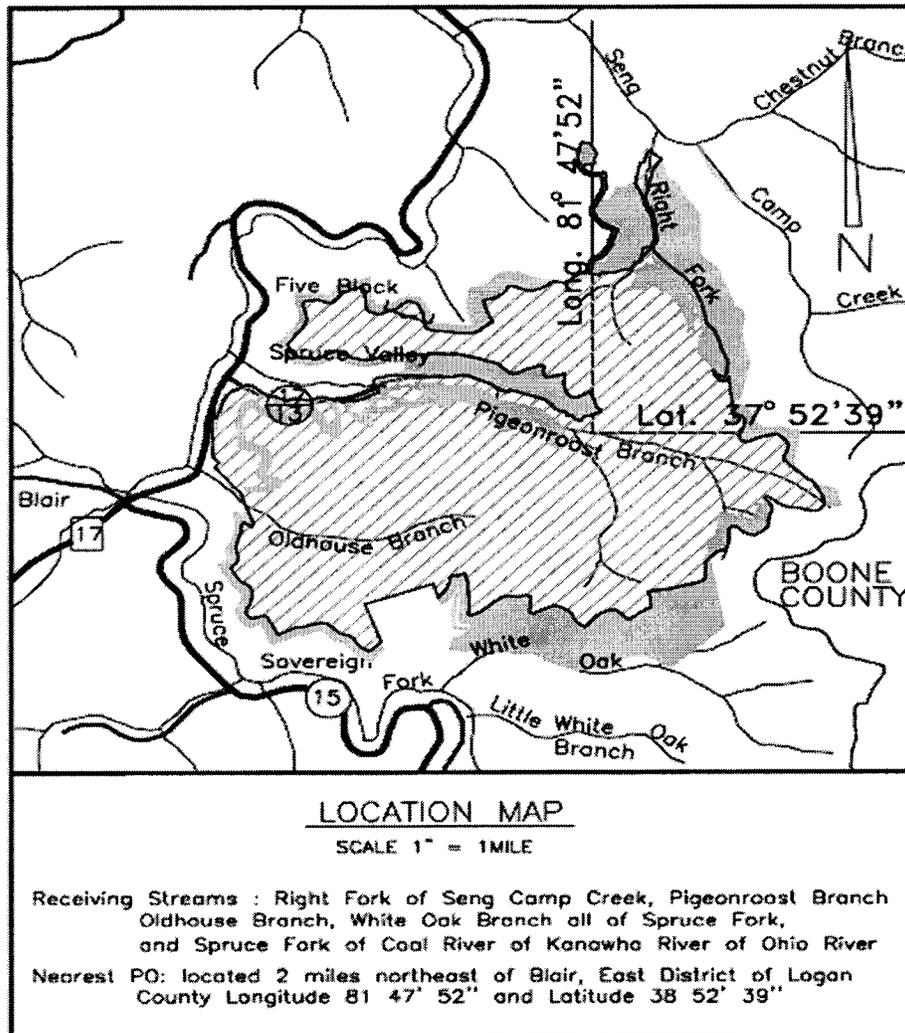
6.0 References

7.0 Glossary

8.0 Index

The above chapters will include detailed information regarding the Proposed Action and its potential to significantly affect the human environment.

Project Location



Project History

The proposal was originally advertised by Public Notice Number 199800436, issued by this office on June 29, 1999. The applicant at that time proposed to impact 57,755 linear feet (12.84 acres) of waters of the U.S. and 2,914 acres of land to recover 51.53 million tons of bituminous coal reserves. The applicant has since revised the configuration of their proposed mine plan in accordance with the requirements of the West Virginia Department of Environmental Protection (WVDEP) Final Approximate Original Contour (AOC) Guidance Document, developed in accordance with the U.S. District Court Bragg vs. Robertson Consent Decree, reduced proposed impacts to waters of the U.S. by 13,809 linear feet (3.89 acres), deleted all permanent impacts to perennial streams, limited

temporary impacts to perennial streams in the amount of 825 linear feet, deleted proposed impacts to White Oak Creek (a presumptive Tier 2.5 stream), reduced surface disturbances by 636 acres, reduced coal extraction by 10.62 millions tons, and eliminated the use of a dragline to reduce the amount of unreclaimed disturbed acres during mining. On October 10, 2005, the Hobet Mining, Inc. submitted a revised Department of the Army permit application to the USACE to construct, operate, and reclaim the re-configured Spruce No. 1 Mine.

Project Description

The applicant proposes to place dredged and fill material into approximately 8.95 acres of waters of the U.S., including 0.12 acre of emergent wetland, 10,630 linear feet (1.83 acres) of ephemeral streams, and 32,491 linear feet (6.81 acres) of intermittent streams, and 825 linear feet (0.019 acre) of perennial streams, in conjunction with the construction, operation and reclamation of the Spruce No. 1 Surface Mine [West Virginia Department of Environmental Protection (WVDEP) Surface Mine Permit S-5013-97, Incidental Boundary Revision 2]. The proposed Spruce No. 1 Mine permit area would result in a total surface disturbance of approximately 2,278 acres of land, of which 1,170 acres would consist of the mineral extraction areas, over a 15-year life of the mine. Of this total, approximately 500 acres would be disturbed for surface mining at any one time, based on sequential backfilling and concurrent reclamation of the mine areas. The proposed project would include mining of an average of 2.73 million tons of bituminous coal annually by mountaintop mining methods with incidental contour, auger, and highwall extraction for a period of approximately 15 years.

Cooperating Agencies

On July 23, 1999, the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service (USFWS), Office of Surface Mining, and the West Virginia Department of Environmental Protection were invited to be cooperating agencies. All agencies agreed to participate as cooperating agencies. A second letter was sent on November 7, 2005 asking each agency to re-affirm their role as a cooperating agency.

Public Review

The USACE encourages citizens to comment on the Draft EIS throughout the entire EIS process. A notice will be sent to advise when the Draft EIS will be available for public review. Also, the locations of the document will be provided. A 30-day public notice will be advertised announcing the location and time of the public hearing. Comments will be accepted through the 10th day following the public hearing or the 60th day following the Draft EIS review period, whichever is longer. Substantive comments will be addressed and the Final EIS prepared and published in the Federal Register 90 days following the filing of the Draft EIS. Responses will be provided for substantive comments received on the Final EIS regarding issues which were not addressed in the Final EIS. If you are not on the mailing list for the USACE notices, please contact the South Regulatory Section at 304-399-5710 and your name and address will be added. Also, information regarding the Spruce No. 1 Mine, including the NEPA process, will be on our public website as follows: <http://www.lrh.usace.army.mil/permits/>.