Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 200501187 (corrected)

Issuance Date: February 10, 2006

Stream: Pine Creek

Closing Date: March 12, 2006

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

CORRECTION TO PUBLIC NOTICE

PUBLIC NOTICE: The purpose of this public notice is to inform you of changes to a proposal for work in which you might be interested, which was previously advertised via Public Notice No. 200501187. The previously issued pubic notice includes administrative errors with respect to impacts to waters of the U.S. This corrected public notices supersedes the previously issued public notice. 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' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Coal Mac, Inc. dba Phoenix Coal Mac Mining, Inc.
P.O. Box 436
Williamson, West Virginia 25661

LOCATION: The proposed project site is depicted on the Barnabus, West Virginia U.S. Geological Survey Quadrangles within the watersheds of Pine Creek and Left Fork of Pine Creek and Middle Fork of Elk Creek in the Lee District of Mingo County and Island District of Logan County, West Virginia as shown on the attached Drawing 1 titled "Location Map." The proposed project covers approximately 601.00 surface acres and would result in direct and indirect effects on unnamed tributaries of Pine Creek, unnamed tributaries of Left Fork of Pine Creek and an unnamed tributary of Middle Fork of Elk Creek. The unnamed tributaries of Left Fork of Pine Creek are all tributaries of Island Creek, which ultimately flows into the Guyandot River, a navigable (Section 10) water of the United States. The unnamed tributary of Middle Fork of Elk Creek is a tributary of Pigeon Creek, which ultimately flows into the Tug Fork, a navigable (Section 10) water of the United States.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place dredged and fill material into approximately 13,297 linear feet (1.8 acres) of waters of the U.S. in conjunction with the construction, operation and reclamation of the Phoenix No. 5 Surface Mine. The proposed operation would involve the construction of four valley fills (2 through 4 and 6) and four associated drainage control structures (2 through 4 and 6) and the extension of one existing valley fill (Valley Fill 1). The construction of the proposed valley fills and extension of an existing valley fill and previously construction of existing Valley Fill 1 would result in the permanent discharge of dredged and fill material into 3,198 linear feet (0.30 acre) of ephemeral streams and 7,661 linear feet (1.14 acres) of intermittent streams for a total permanent stream impact of 10,859 linear feet (1.45 acres). Valley Fills 1, 2, 3, 4 and 6 would drain contributing watersheds of ranging from 72.80 to 178.60 acres. Adverse effects on the aquatic environment associated with this proposed activity would be permanent in nature. The construction of the proposed flow attenuation devices, check dams and existing Pond 1 (this pond is an existing structure in 276 linear feet (0.04 acre) of intermittent stream in the 2nd left unnamed tributary of Pine Creek) would result in the temporary discharge of dredged and fill material into 2,438 linear feet (0.36 acre) of intermittent streams. Adverse effects on the aquatic environment associated with these proposed activities would be temporary in nature. The individual impacts to waters of the U.S. as a result of the proposed activities are attached to this public notice under Attachments 21 and 22.

The proposed activity would result in disturbances to 601.00 acres of surface area, including 425.50 acres of mineral removal, to facilitate the recovery of nearly 6.9 million tons of coal reserves from the Kittanning, Upper Five-Block, Five-Block, Lower Five-Block, Upper Stockton, Lower Stockton, Stockton B, Coalburg, and associated rider seams. The proposed mineral removal operations would be conducted using the mountaintop and contour surface mining methods and would generate approximately 79.5 million cubic yards of overburden material. Nearly 55.8 million tons of this material would be placed back upon the highwalls created by the mining process or on an adjacent surface mine permit area (referred to as the Holden 22 Surface Mine). The remaining excess overburden material, in the amount of nearly 23.7 million cubic yards, would be placed in the proposed valley fills. The applicant's Surface Mine Application (S-5027-01) was approved by the West Virginia Department of Environmental Protection pursuant to the Surface Mining Control and Reclamation Act of 1977 on January 21, 2005. The proposed project would be accomplished over a period of 4.5 years. Details regarding the phases can be found in Section N of the applicant's Surface Mining Application on file at the WVDEP. According to the applicant, the purpose of the project is to recover bituminous coal reserves from the Kittanning, Upper Five-Block, Five-Block, Lower Five-Block, Upper Stockton, Lower Stockton, Stockton B, Coalburg, and associated rider seams. Plans for the proposed Phoenix No. 5 Surface Mine are attached to this public notice.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

MITIGATION PLAN: The applicant has not submitted a compensatory mitigation plan (CMP) to compensate for the proposed permanent and temporary impacts to waters of the U.S. regulated by the Department of the Army, Corps of Engineers.

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 SHPO for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: Two federally listed endangered species, the Indiana bat (*Myotis sodalis)* and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) may occur within the proposed project area. A mist net survey was completed by Environmental Solutions & Innovations, Inc. in August 2003. The survey efforts did not capture any federally listed endangered bats. Additionally, the proposed project area was surveyed for the presence of old, open abandoned mine portals that could provide year-around habitat for the Virginia big eared bat or hibernaculum for the Indiana bat. No such features were identified within the project area. The mist net survey associated with this proposed project remains valid until May 15, 2006. Therefore, the applicant will be required to conduct a new bat mist net survey between May 15 and August 15 using the mist net protocol outlined in the draft Indiana bat Recovery Plan or restrict timber removal operations between November 15 and March 31. If the latter option is chosen, an analysis of the post-project Indiana bat summer habitat must be performed within a two-mile radius of the center point of the project area. If the U.S. Fish and Wildlife Service (USFWS) determines the extent of disturbance is not significant to affect the Indiana bat, the project may proceed with seasonal restrictions. Conversely, if the USFWS determines the extent of disturbance is significant and would likely adversely affect the Indiana bat, a mist net survey can be conducted to determine if the Indiana bats are present. This public notice serves as a request to the USFWS 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 interests may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA.

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. 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.

SOLICITATION OF COMMENTS: 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. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. 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.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mrs. Teresa Spagna, Project Manager, South Regulatory Section, CELRH-OR-FS, U. S. Army Corps of Engineers Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. 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

(W)

Attachment No. 21

The types of material being discharged are:

Durable, non-toxic overburden material from mining operations permanently placed in proposed valley fills and temporarily placed in conjunction with construction of associated sediment control structures.

Permanent Fill Material (In-stream)

Structure ID	Stream Name	Perennial/Intermittent (cyds.)	Ephemeral (cyds.)	Total (cyds.)
Valley Fill No. 1*	2nd Left Unnamed Tributary of Pine Creek upstream of the Left Fork	344.93 43*	-- 42*	344.93 85*
	1st Left Unnamed Tributary of 2nd Left Unnamed Tributary of Pine Creek upstream of the Left Fork	--	19.92	19.92
Total – Valley Fill No. 1*		**387.93**	**61.92**	**449.85**
Valley Fill No. 2	1st Left Unnamed Tributary of Pine Creek upstream of the Left Fork	331.41	3.61	335.02
Total – Valley Fill No. 2		**331.41**	**3.61**	**335.02**
Valley Fill No. 3	4th Right Unnamed Tributary of the Left Fork of Pine Creek	250.75	31.88	282.63
Total – Valley Fill No. 3		**250.75**	**31.88**	**282.63**
Valley Fill No. 4	6th Right Unnamed Tributary of the Left Fork of Pine Creek	75.32	0.98	76.30
	1st Right Unnamed Tributary of the 6th Right Unnamed Tributary of the Left Fork of Pine Creek	--	19.23	19.23
	2nd Right Unnamed Tributary of the 6th Right Unnamed Tributary of the Left Fork of Pine Creek	--	1.05	1.05
Total – Valley Fill No. 4		**75.32**	**21.26**	**96.58**
Valley Fill No. 6	4th Left Unnamed Tributary of the Middle Fork of Elk Creek	179.80	32.30	212.10
Total – Valley Fill No. 6		**179.80**	**32.30**	**212.10**
Total – Permanent Fill Material		**1225.21**	**150.97**	**1376.18**

*Estimated volume of material placed in waters of the U.S. associated with existing Valley Fill No. 1.

Attachment No. 21 (continued)

Temporary Fill Material (In-stream)

Structure ID	Stream Name	Perennial/Intermittent (cyds.)	Ephemeral (cyds.)	Total (cyds.)
Pond No. 1 (Existing)	2nd Unnamed Left Tributary of Pine Creek of the Left Fork	31*	--	31*
Total – Pond No. 1		**31**	--	**31**
Pond No. 2	1st Left Unnamed Tributary of Pine Creek upstream of the Left Fork	123.73	--	123.73
Total – Pond No. 2		**123.73**	--	**123.73**
Pond No. 3	4th Right Unnamed Tributary of the Left Fork of Pine Creek	71.95	--	71.95
Total – Pond No. 3		**71.95**	--	**71.95**
Pond No. 4	6th Right Unnamed Tributary of the Left Fork of Pine Creek	27.68	--	27.68
Total – Pond No. 4		**27.68**	--	**27.68**
Pond No. 6	4th Left Unnamed Tributary of the Middle Fork of Elk Creek	49.28	--	49.28
Total – Pond No. 6		**49.25**	--	**49.28**
Total – Temporary Fill Material		**322.19**	--	**322.19**

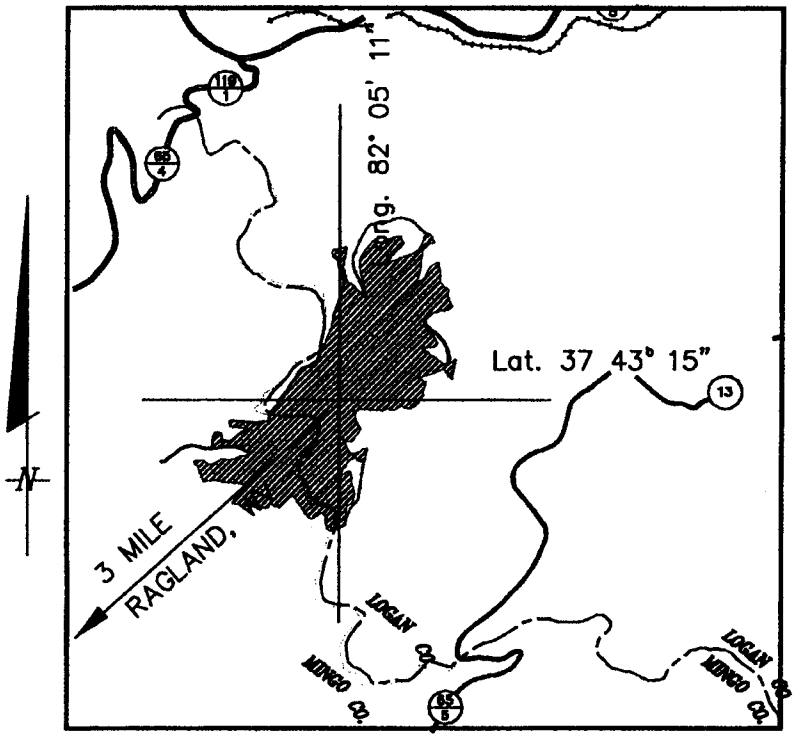
*Estimated volume of material placed within waters of the U.S. associated with existing Pond No. 1

Attachment 22

Mining Activity	Stream Location	Permanent Stream Impacts			Temporary Stream Impacts			Affected Drainage Area (Acres)
		Linear Feet	Acres	Stream Classification (E, I, or P) or Open Waters	Linear Feet	Acres	Stream Classification (E, I, or P) or Open Waters	
Valley Fill No. 1*	2nd Left Unnamed Tributary of Pine Creek upstream of the Left Fork	3,261 1,566	0.4755 0.166	I E	--	--	--	178.60
Valley Fill No. 1	1st Left Unnamed Tributary of 2nd Left Unnamed Tributary of Pine Creek upstream of the Left Fork	300	0.0195	E	--	--	--	--
Valley Fill No. 2	1st Left Unnamed Tributary of Pine Creek upstream of the Left Fork	1,080 100	0.2417 0.0103	I E	-- --	-- --	-- --	-- --
Valley Fill No. 3	4th Right Unnamed Tributary of the Left Fork of Pine Creek	912 340	0.1484 0.0410	I E	-- --	-- --	-- --	-- --
Valley Fill No. 4	6th Right Unnamed Tributary of the Left Fork of Pine Creek	1,299 92	0.1325 0.0029	I E	-- --	-- --	-- --	-- --
Valley Fill No. 4	1st Right Unnamed Tributary of the 6th Right Unnamed Tributary of the Left Fork of Pine Creek	300	0.0224	E	--	--	--	--
Valley Fill No. 4	2nd Right Unnamed Tributary of the 6th Right Unnamed Tributary of the Left Fork of Pine Creek	100	0.0046	E	--	--	--	--
Valley Fill No. 6	4th Left Unnamed Tributary of the Middle Fork of Elk Creek	1,109 400	0.1443 0.0373	I E	-- --	-- --	-- --	-- --

Area associated with flow attenuation devices – check dams (Valley Fill No. 1)**	2nd Left Unnamed Tributary of Pine Creek upstream of the Left Fork	--	--	--	939	0.1396	I	83.80
Area associated with Pond No. 2 Construction	1st Left Unnamed Tributary of Pine Creek upstream of the Left Fork	--	--	--	430	0.0858	I	81.60
Area associated with Pond No. 3 Construction	4th Right Unnamed Tributary of the Left Fork of Pine Creek	--	--	--	271	0.0470	I	75.50
Area associated with Pond No. 4 Construction	6th Right Unnamed Tributary of the Left Fork of Pine Creek	--	--	--	335	0.0312	I	76.70
Area associated with Pond No. 6 Construction	4th Left Unnamed Tributary of the Middle Fork of Elk Creek	--	--	--	463	0.0523	I	99.50
Total – By Stream Classification		7,661 2,798	1.1438 0.3049	I E	2,438 --	0.3561 --	I E	
Total – Stream Impacts		10,859	1.4487		2,438	0.3561		

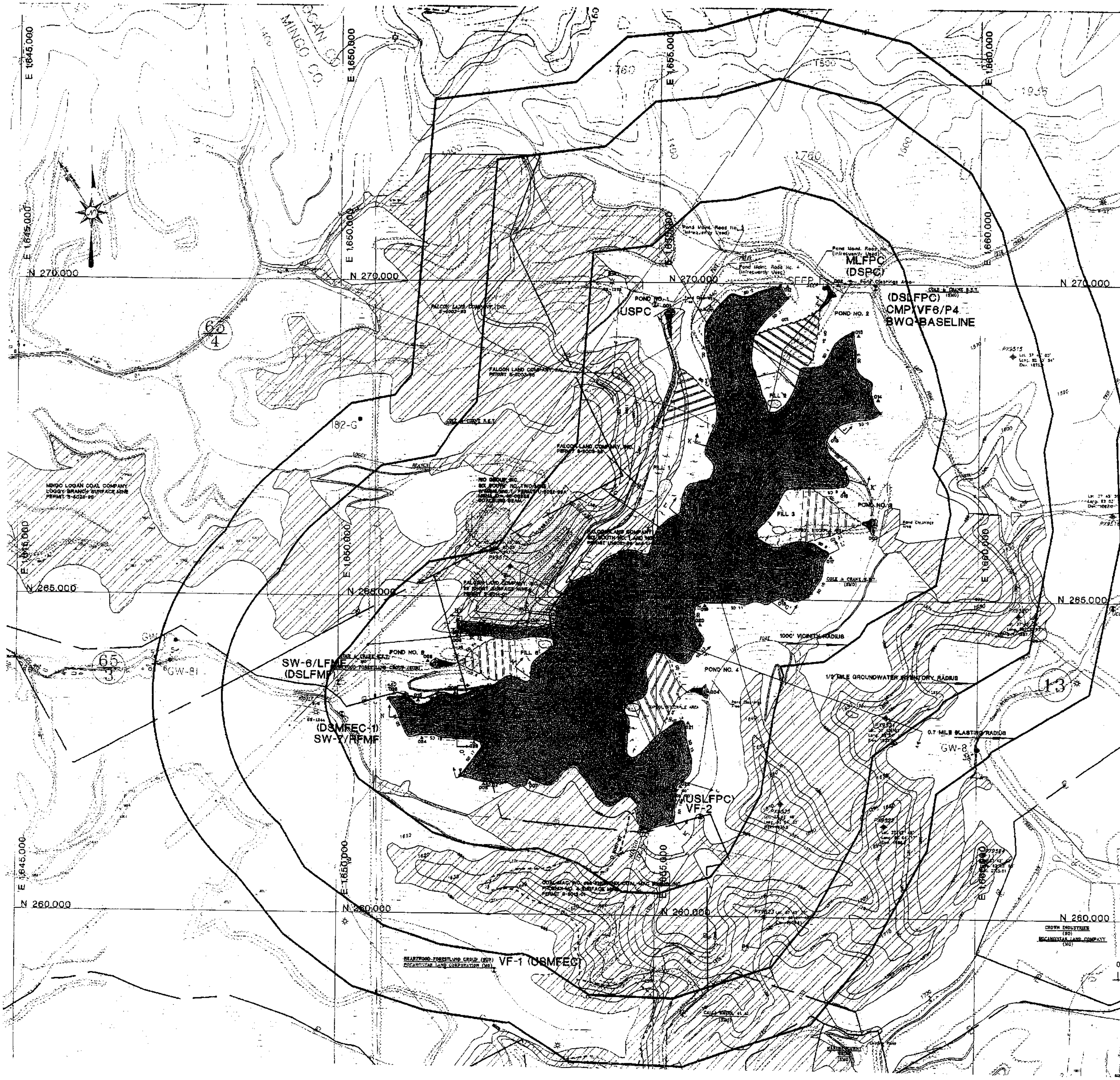
E – Ephemeral
I – Intermittent
P – Perennial
* Total includes impacts proposed for extension of Valley Fill 1 and impacts associated with existing Valley Fill 1.
** Total includes impacts associated with existing Pond 1 and flow attenuation devicescheck dams (Valley Fill 1).

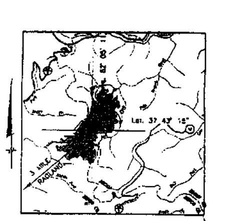


NOTE:
State Plane Coordinate System is NAD 83.

LOCATION MAP

Mingo & Logan Counties General Highway Map
Barnabus Quadrangle
Receiving Stream: Left Fork of Pine Creek and Pine Creek
of Island Creek of the Guyandotte River:
Unnamed tributary of Middle Fork of Elk Creek
of Pigeon Creek of Tug Fork
Scale: 1" = 1 Mile





NOTE:
State Plane Coordinate System is NAD 83.

LOCATION MAP

Mingo & Logan Counties Gerero Highway Map
Barnabus Quadrangle
Receiving Stream: Left Fork of Pine Creek and Pine Creek of Island Creek of the Guyandotte River.
Unnamed tributary of Middle Fork of Elk Creek of Pigeon Creek of Tug Fork
Scale: 1" = 1 Mile

LEGEND

SURFACE MINING, COALBURG & ALL SEAMS ABOVE

801.0 ACRES TOTAL PERMIT AREA

- Coalburg/Coalburg Rider Crop Line
- Stockton B/Lower Stockton/Upper Stockton Crop Line
- Lower 5-Block Crop Line
- 5-Block Crop Line
- Upper 5-Block Crop Line
- UNDERGROUND WORKS STOCKTON SEAM
- UNDERGROUND WORKS COALBURG SEAM

Note: For drainage details see Drainage/Regrade Map in Section 0. See Blasting Map for 1/2 mile and .7 mile blasting limits.

Date	Revision	By	Job No.
10/13/01	NEW DRAWING	MM	CMI-002-01
4/7/03	CORRECTIONS	MM	CMI-102-03
7/15/03	DEP CORRECTIONS	KJ	CMI-102-03
12/10/03	DEP CORRECTIONS	MA	CMI-102-03

Job No.: CMI-002-01
Date: 8/ /01
Drawn By: MM
Checked By: KA
File Name: Phoenix-5pd.DWG
Contour Interval: 50'
Scale: 1" = 500'
Sheet No.: 1 of 1

Permit: S-5027-01
Doc:
Type: Application Dir Book

Coal: BARNAEUS
District: ISLAND CREEK AND LEE
County: LOGAN AND MINGO

COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.

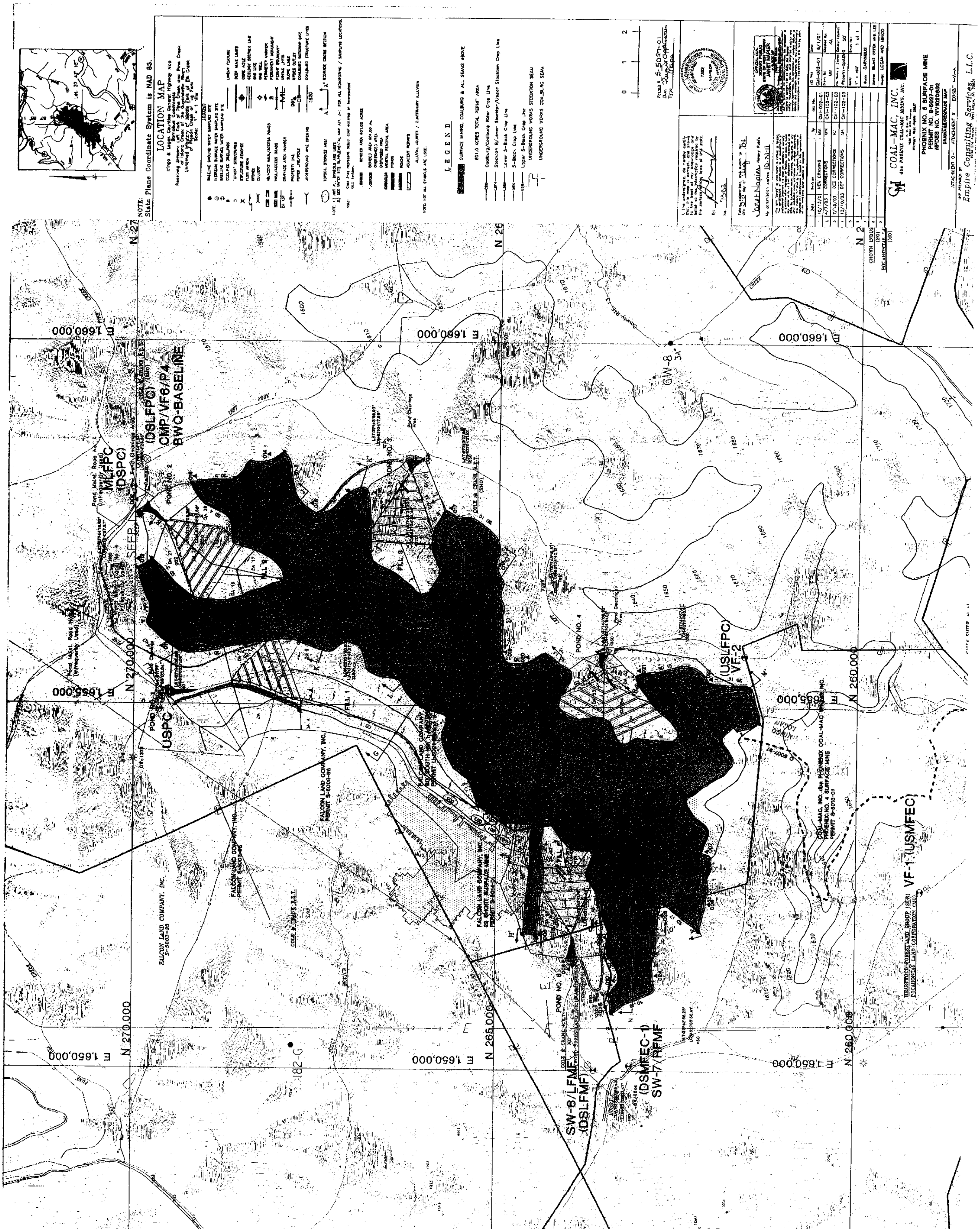
PHOENIX NO. 5 SURFACE MINE
PERMIT NO. S-5027-01
NPDES NO. WV1020692

PROPOSAL MAP

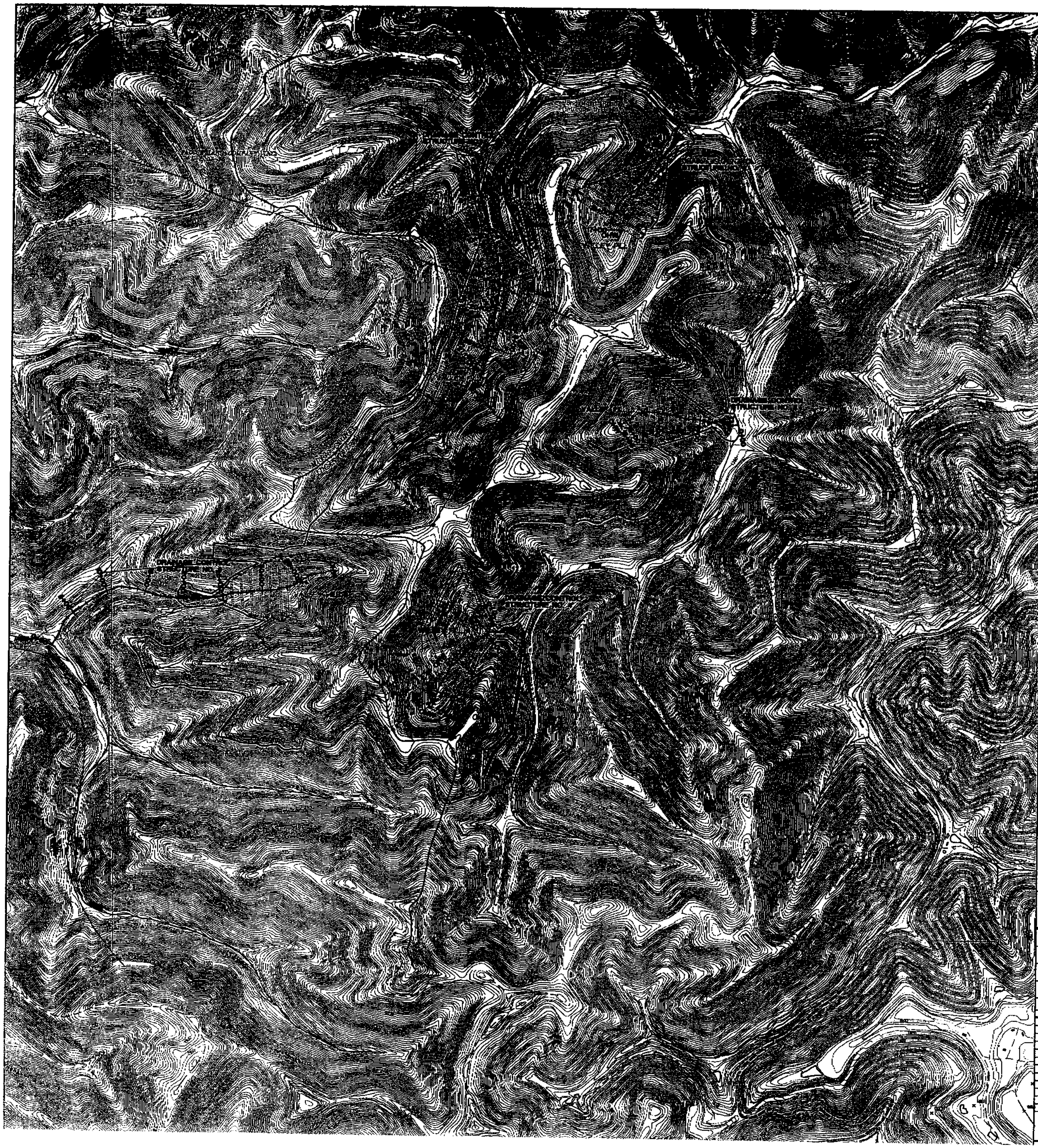
ATTACHMENT X EXHIBIT

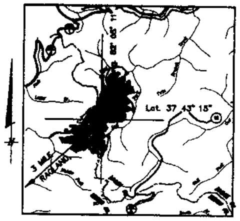
MAP PREPARED BY
Empire Consulting Services, LLC

2 of 16


NOTE: State Plane Coordinate System is NAD 83.
LOCATION MAP
LEGEND
COAL-MAC, INC.
PHOENIX NO. 5 SURFACE MINE
PERMIT NO. S-5027-01
Empire Consulting Services, L.L.C.
E 1,650,000
E 1,655,000
E 1,660,000
N 270,000
N 265,000
N 260,000
SW-6/LFMF (DSLFMF)
SW-7/RFMF (DSMFEC-1)
VF-1 (USMFEC)
(USLFPC) VF-2
CMP/VF6/P4 BWQ-BASELINE
(DSLFPC)
MLFPC (DSPC)
USPC
GW-8
FALCON LAND COMPANY, INC.

3of16





NOTE:
State Plane Coordinate System is NAD 83.

LOCATION MAP

Mingo & Logan Counties General Highway Map
Barnabus Quadrangle
Receiving Stream: Left Fork of Pine Creek and Pine Creek of Island Creek of the Guyandotte River;
Unnamed tributary of Middle Fork of Elk Creek of Pigeon Creek of Tug Fork
Scale: 1" = 1 Mile

Legend

- DISTURBED AREAS
- DRAINAGE STRUCTURES
- INTERMITTENT/EPHEMERAL CONVERSION ZONE
- INTERMITTENT STREAM
- EPHEMERAL STREAM
- HIGH VOLTAGE LINES
- GAS WELL & LINES
- CEMETERY
- STRUCTURE / DWELLING
- GROUNDWATER MOVEMENT

CERTIFICATION

* I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief, all the information required by the West Virginia surface mining laws.

______________________ No. ________

SEAL

Taken, subscribed, and sworn to before me this ______ day of ____________ 2005.

______________________ Notary Public

My commission expires______________

SEAL

Job No.:	Contour Interval: 10'	District: LEE & ISLAND CREEK
Computer No.: 2005-369-STREAM	Sheet No.: 1 of 1	
Date: 6/05	Quad: BARNABUS	County: LOGAN MINGO
Drawn By: CLW		

REVISIONS

DATE	DESCRIPTION

COAL-MAC, INC.

PHOENIX NO. 5 SURFACE MINE
STREAM DELINEATION MAP

PERMIT NO. S-5027-01

NPDES NO. WV1020692

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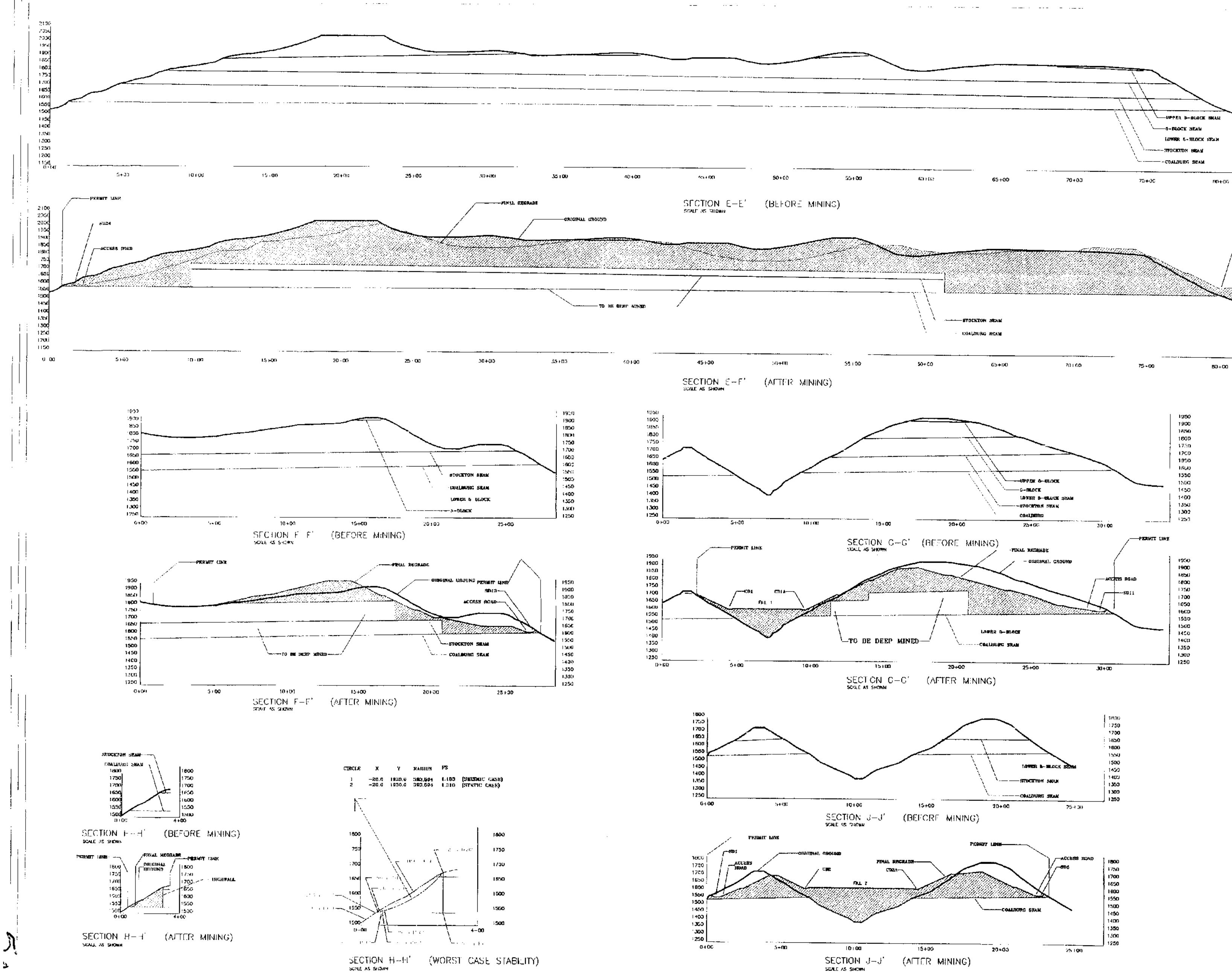

SECTION E–E' (BEFORE MINING)
SCALE AS SHOWN
SECTION E–E' (AFTER MINING)
SCALE AS SHOWN
SECTION F–F' (BEFORE MINING)
SCALE AS SHOWN
SECTION F–F' (AFTER MINING)
SCALE AS SHOWN
SECTION G–G' (BEFORE MINING)
SCALE AS SHOWN
SECTION G–G' (AFTER MINING)
SCALE AS SHOWN
SECTION J–J' (BEFORE MINING)
SCALE AS SHOWN
SECTION J–J' (AFTER MINING)
SCALE AS SHOWN
SECTION H–H' (BEFORE MINING)
SCALE AS SHOWN
SECTION H–H' (AFTER MINING)
SCALE AS SHOWN
SECTION H–H' (WORST CASE STABILITY)
SCALE AS SHOWN
UPPER 5-BLOCK SEAM
5-BLOCK SEAM
LOWER 5-BLOCK SEAM
STOCKTON SEAM
COALBURG SEAM
PERMIT LINE
FINAL REGRADE
ORIGINAL GROUND
ACCESS ROAD
TO BE DEEP MINED
FILL 1
FILL 2
5-Block
TO BE DEEP MINED

ORIGINAL GROUND
FINAL REGRADE
UPPER 5-BLOCK
5-BLOCK
LOWER 5-BLOCK
STOCKTON
COALBURG
PERMIT LINE

0 1 2

Permit S-5027-01
Doc. Renewal Application
Type Maps

	Date	Revision	By	Job No.
1	8/6/01	NEW DRAWING	MM	CMI-002-01
2				
3				
4				
5				
6				
7				
8				

Job No.: CMI-002-01	Date: 5/17/00
Drawn By: KJ	Checked By: MM
File Name of Drawing: REGRADE.DWG	Contour Interval: 50'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: ISLAND CREEK AND LEE	
County: LOGAN AND MINGO	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

Taken, subscribed, and sworn to me this 3rd day of Aug. '04

Janet Napier Notary Public

My commission expires 10-31-2011

LEGEND

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P.O. BOX 387 OMAR, WV 25638

COAL–MAC, INC.

dba PHOENIX COAL-MAC MINING, INC.

P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

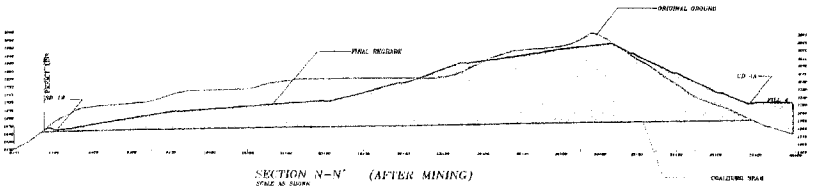
PHOENIX NO. 5 SURFACE MINE
PERMIT NO. S-5027-01

FINAL REGRADE MAP

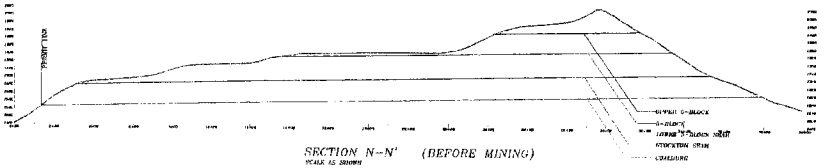
ATTACHMENT 0-7

MAP PREPARED BY
Empire Consulting Services, L.L.C.
1005 2nd Avenue, West Logan, WV 25601
P:304.752.9486 F:304.752.9507 EMAIL:empire@xwv.net

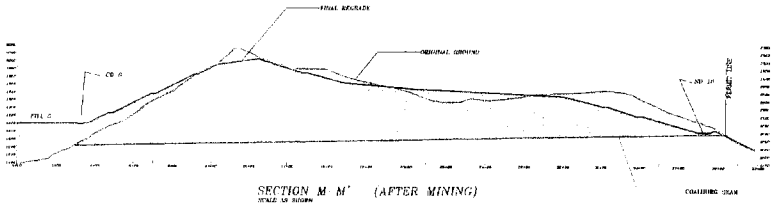
5 of 11



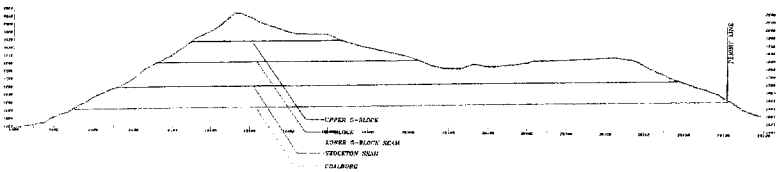
SECTION N–N' (AFTER MINING)
SCALE AS SHOWN



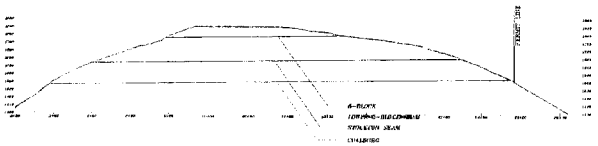
SECTION N–N' (BEFORE MINING)
SCALE AS SHOWN



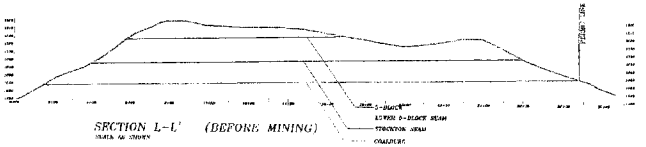
SECTION M–M' (AFTER MINING)
SCALE AS SHOWN



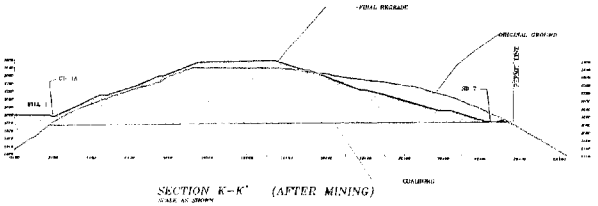
SECTION M–M' (BEFORE MINING)
SCALE AS SHOWN



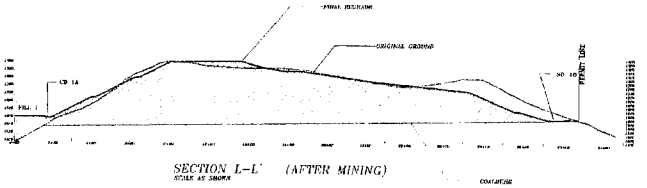
SECTION K–K' (BEFORE MINING)
SCALE AS SHOWN



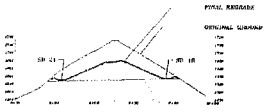
SECTION L–L' (BEFORE MINING)
SCALE AS SHOWN



SECTION K–K' (AFTER MINING)
SCALE AS SHOWN



SECTION L–L' (AFTER MINING)
SCALE AS SHOWN



SECTION O–O' (AFTER MINING)
SCALE AS SHOWN

SECTION O–O' (BEFORE MINING)
SCALE AS SHOWN

ORIGINAL GROUND
FINAL REGRADE
UPPER 6-BLOCK
6-BLOCK
LOWER 6-BLOCK
STOCKTON
COALBURG
PERMIT LINE

0 1 2

Permit S-5027-01
Doc: Permit Application
Type: Maps

	Date	Revision	By	Job No.
1	4/10/03	NEW DRAWING	RP	OM-102-03
2				
3				
4				
5				
6				
7				
8				
9				

Job No.	OM-102-03
Date	5/17/00
Drawn By	RP
Checked By	NM
File Name or Drawing	RGS_REGRADE.DWG
Scale	AS SHOWN
Sheet No.	1 of 1
Quad	BARNABUS
Watershed	ISLAND CREEK AND JEE
County	LOGAN AND MINGO

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge, and belief all the information required by the mining laws of this state.

By _____
No. 7352

LEGEND

PAUL L. LONGENECKER
REGISTERED
7352
STATE OF
WEST VIRGINIA
PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to, me this 5th day of May, 03

Janet Napier Notary Public

My commission expires 10-31-11

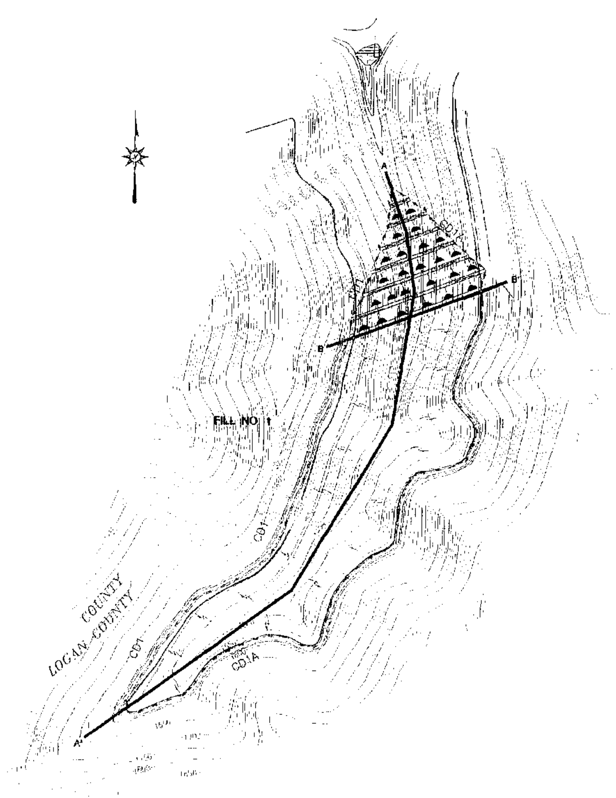
OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
JANET NAPIER
P.O. BOX 297
CHAPL, WV 25508
My Commission Expires Oct 31, 2011

COAL–MAC, INC.
dba PHOENIX COAL–MAC MINING, INC.
P. O. Box 4 Mc
1628 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT NO. S-5027-01
REGRADE CROSS SECTIONS (K-K' - O-O')
ATTACHMENT O-7

MAP PREPARED BY:
Empire Consulting Services, L.L.C.
1605 2nd Avenue, West Logan, Wv 25601
P.304.752.2436 F.304.752.9507 EMAIL empire@wvu.net

10 of 16



PLAN

SCALE: 1" - 400'

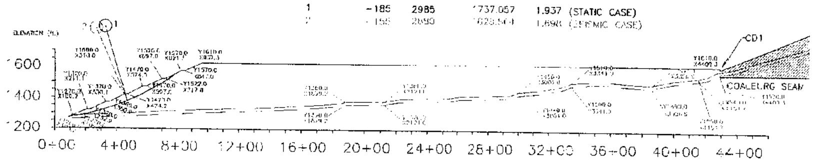
Volume Report FILL 1 TOP OF FILL 05/07/2003 08:51
Comparing GRID file: C:/scadces/DATA/PHOENIX-510_OF_FILL.grd
and GRID file: C:/scadces/DATA/FILL1-TOP.grd
Grid corner locations: 1549187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 24,023.4 S.F., 0.55 Acres
Area in Fill: 2,821,640.6 S.F., 64.78 Acres
Total inclusion area: 2,845,564.1 S.F., 65.33 Acres
Cut to Fill ratio: 0.00
Average Cut Depth: 3.11 Average Fill Depth: 103.29
Cut (C.Y.) / Area (acres): 42.4
Fill (C.Y.) / Area (acres): 165241.20
Cut volume: 74,811.0 C.F., 2,770.78 C.Y.
Fill volume: 291,459,268.05 C.F., 10,794,787.7 C.Y.

Volume Report FILL 1 (PURPLE CORNER) 07/31/2001
Comparing GRID file: C:/SC14/DATA/Phoenix-5PD-og.grd

Grid corner locations: 1649057.62,260472.05 to 1659657.62,271272.05
Grid resolution X: 106, Y: 108 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 3022.46 sq ft, 0.069 acres
Area in Fill: 2252207.03 sq ft, 51.704 acres
Total inclusion area: 2255229.49219 sq ft, 51.77 acres
Cut to Fill ratio: 0.00
Average Cut Depth: 2.18 Average Fill Depth: 123.99
Cut (C.Y.) / Area (acres): 4.71
Fill (C.Y.) / Area (acres): 199766.23
Cut volume is 6579.52 cubic ft, 243.69 cubic yards
Fill volume is 279247119.35 cubic ft, 10342485.90 cubic yards

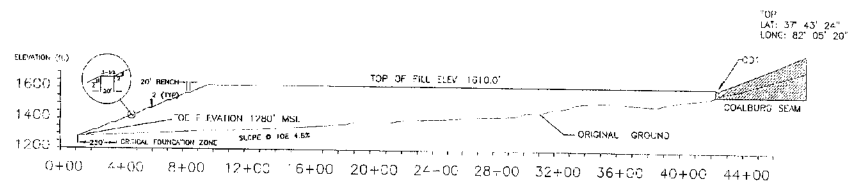
VOLUME 10342485 CUBIC YARDS
DRAINAGE AREA POND TOE 232.47 ACRES
DRAINAGE AREA FILL TOE 200.70 ACRES
LENGTH (POND TOE TO FILL TOE) 920 FT
LENGTH (FOOTPRINT) 4115 FT
TOE OF FILL LAT. 37° 43' 58" LONG. 82° 04' 59" ELEV. 1270 FT
TOP OF FILL LAT. 37° 43' 24" LONG. 82° 05' 20" ELEV. 1610 FT

CIRCLE	X	Y	RADIUS	FS
1	-185	2985	1737.057	1.937 (STATIC CASE)
2	-155	2690	1623.504	1.690 (SEISMIC CASE)



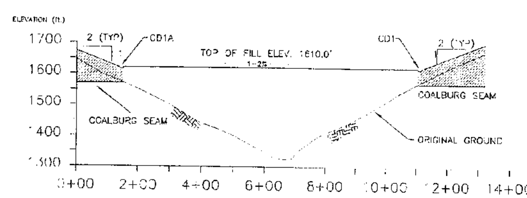
STABILITY PROFILE A-A'

AS SHOWN



PROFILE A-A'

AS SHOWN



CROSS SECTION B-B'

AS SHOWN

0 1 2

LEGEND

- COALBURG
- MINERAL
- ORGINAL GROUND
- BEDROCK
- FINAL SURFACE
- FAILURE PLANE
- BACKSTACK
- RIP-RAP
- PURPLE CORNER

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG	KJ	CMI-002-01
2	1/3/03	CORRECTIONS	RP	CMI-102-03
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-102-03	Date: 7/26/01
Drawn By: KJ	Checked By: MM
File Name or Drawer: 1FILL.dwg	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug. '04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P. O. BOX 357 OMAR, WV 25638 My Commission Expires October 31, 2011

COAL-MAC, INC.

dba PHOENIX COAL-MAC MINING, INC.

P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

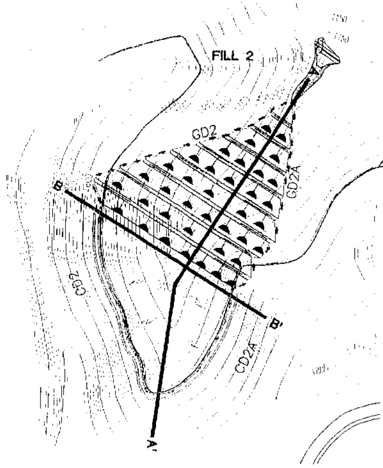
PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-6027-01
NPDES No. WV1020692
FILL No. 1

MAP PREPARED BY
Empire Consulting Services, L.L.C.

1005 2nd Avenue, West Logan WV 25601
Phone: (304) 752-9495

Permit # S-5027-01
Doc. Renewal Application
Type Maps

7 of 16



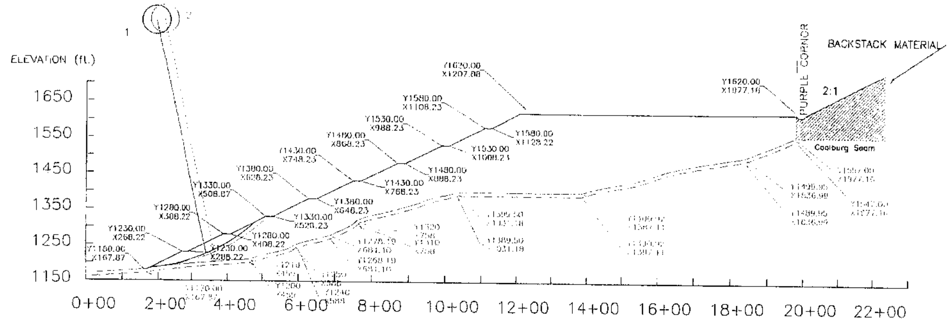
PLAN

SCALE: 1" = 400'

Volume Report FILL 2 TOP OF FILL 05/07/2003 08:54
Comparing GRID file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRID file: C:/scadces/DATA/FILL2-TOP.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 10,996.1 S.F., 0.25 Acres
Area in Fill: 1,309,257.8 S.F., 30.06 Acres
Total inclusion area: 1,320,253.9 S.F., 30.31 Acres
Cut to Fill ratio: 0.00
Average Cut Depth: 1.96 Average Fill Depth: 95.46
Cut (C.Y.) / Area (acres): 26.29
Fill (C.Y.) / Area (acres): 152732.64
Cut volume: 21,516.6 C.F., 796.91 C.Y.
Fill volume: 124,987,106.29 C.F., 4,629,152.08 C.Y.

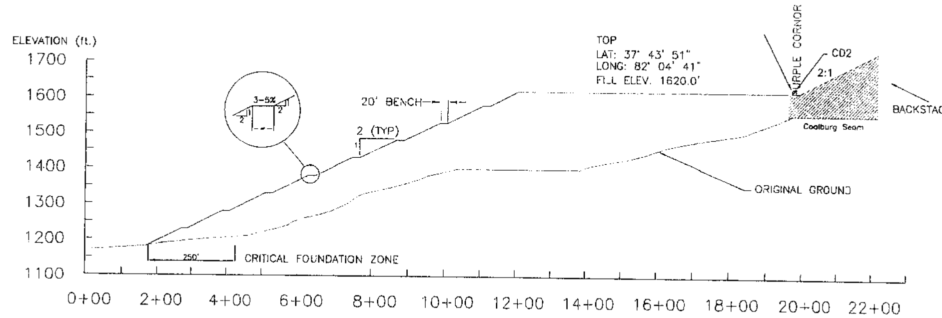
Volume Report FILL 2 07/31/2001
Comparing GRID file: C:/SC14/DATA/Phoenix-5PD-og.grd
and GRID file: C:/SC14/DATA/Phoenix-5PD-FINAL-fill2.grd
Grid corner locations: 1649057.62,260472.05 to 1659657.62,271272.05
Grid resolution X: 106, Y: 108 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 2680.66 sq ft, 0.062 acres
Area in Fill: 1033696.29 sq ft, 23.730 acres
Total inclusion area: 1036376.95313 sq ft, 23.79 acres
Cut to Fill ratio: 0.00
Average Cut Depth: 3.21 Average Fill Depth: 112.67
Cut (C.Y.) / Area (acres): 13.41
Fill (C.Y.) / Area (acres): 181299.09
Cut volume is 8617.08 cubic ft, 319.15 cubic yards
Fill volume is 116463344.35 cubic ft, 4313457.20 cubic yards

CIRCLE	X	Y	RADIUS	FS
1	0	2165	777.979	1.789 (STATIC CASE)
2	0	2165	791.250	1.567 (SEISMIC CASE)



STABILITY SECTION A-A'

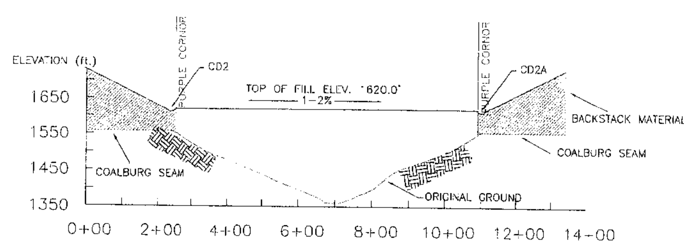
AS SHOWN



PROFILE A-A'

AS SHOWN

TOE
LAT: 37° 44' 04"
LONG: 82°11' 04"
ELEVATION 1180' MSL
SLOPE 9%



CROSS SECTION B-B'

AS SHOWN

0 1 2

Permit # S-5027-01
Doc: Permit Application
Type: Maps

VOLUME 4,313,457 CUBIC YARDS
DRAINAGE AREA POND TOE 81.25 ACRES
DRAINAGE AREA FILL TOE 73.20 ACRES
LENGTH (POND TOE TO FILL TOE) 384 FT
LENGTH (FOOTPRINT) 2637 FT
TOE OF FILL LAT. 37° 44' 07" LONG. 82° 04' 32" ELEV. 1180 FT
TOP OF FILL LAT. 37° 43' 51" LONG. 82° 04' 41" ELEV. 1620 FT

LEGEND

- COALBURG
- MINERAL
- ORGINAL GROUND
- BEDROCK
- FINAL SURFACE
- FAILURE PLANE
- BACKSTACK
- RIP-RAP
- PURPLE CORNER

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	KJ	CMI-002-01
2	4/3/03	CORRECTIONS	RP	CMI-102-03
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-102-03	Date: 7/26/01
Drawn By: KJ	Checked By: MM
File Name or Drawer: 2FILL.dwg	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug 04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P.O. BOX 357 OMAR, WV 25638 My Commission Expires October 31, 2011

"The term 'Certify' as used herein is defined as follows: This certification of conditions is a declaration of professional judgment and does not constitute a warranty or guarantee either expressed or implied. Nor does it relieve any other party of their obligation or responsibility to abide by applicable codes, standards, regulations, or any other applicable rules, ordinances or contract documents. Base mapping furnished by the applicant. Determination of accuracy and completeness is based on site representation of site conditions either existing or proposed.

Empire Consulting Services, L.L.C. disavows any liability that may arise as a result of any failures that may occur due to failure of the operator/permittee, his contractor or assigns to comply with all state and federal safety regulations, laws, and statutes and/or the operator/permittee, his contractor or assigns failure to operate and maintain equipment per the manufacturer's recommendations while implementing this mining plan.

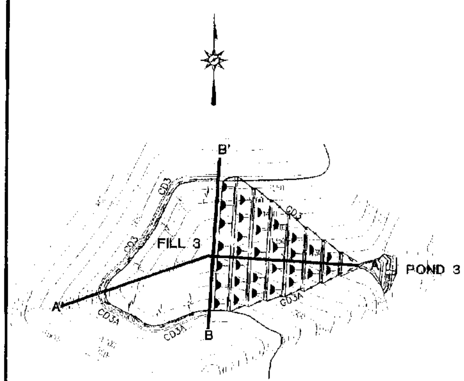
COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.
P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
FILL No. 2

MAP PREPARED BY

Empire Consulting Services, L.L.C.
1005 2nd Avenue, West Logan WV 25601
Phone: (304) 752-9485

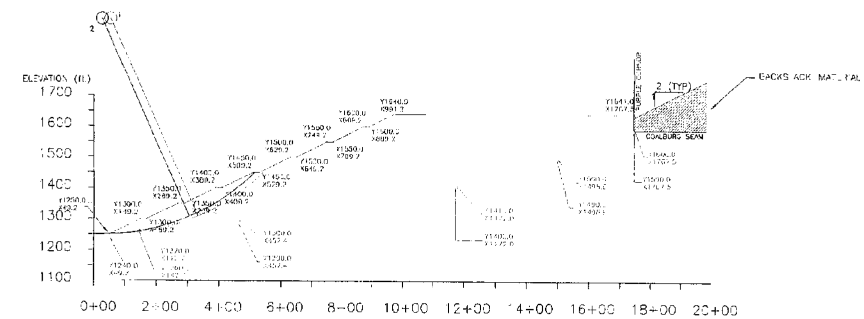
8 of 16



PLAN

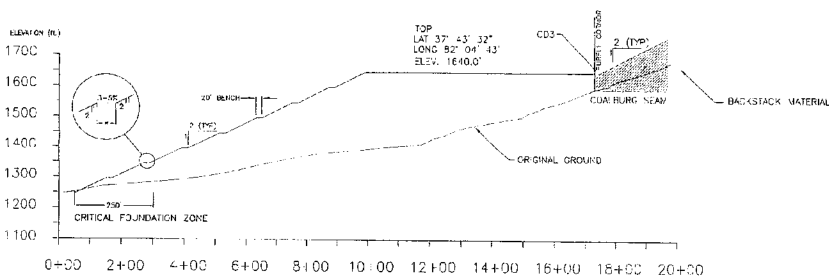
SCALE: 1" = 400'

CIRCLE	X	Y	RADIUS	FS
1	25	1950	699.849	1.7?? (STATIC CASE)
2	25	1950	699.849	1.513 (SEISMIC CASE)



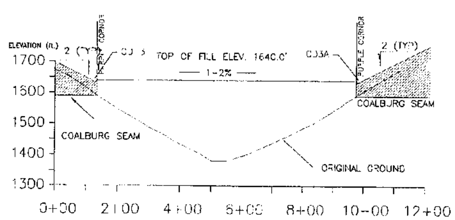
STABILITY PROFILE A-A'

AS SHOWN



PROFILE A-A'

AS SHOWN



CROSS SECTION B-B'

AS SHOWN

Volume Report FILL 3 TOP OF FILL 05/07/2003 08:57
Comparing GRID file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRID file: C:/scadces/DATA/FILL3-TOP.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 7,460.9 S.F., 0.17 Acres
Area in Fill: 1,113,769.5 S.F., 25.57 Acres
Total inclusion area: 1,121,230.5 S.F., 25.74 Acres
Cut to Fill ratio: 0.00
Average Cut Depth: 1.91 Average Fill Depth: 97.55
Cut (C.Y.) / Area (acres): 20.48
Fill (C.Y.) / Area (acres): 156328.19
Cut volume: 14,232.4 C.F., 527.13 C.Y.
Fill volume: 108,644,587.65 C.F., 4,023,873.62 C.Y.

Volume Report FILL 3 PURPLE CORNER 07/31/2001
Comparing GRID file: C:/SC14/DATA/Phoenix-5PD-og.grd
and GRID file: C:/SC14/DATA/Phoenix-5PD-FINAL-fill3.grd
Grid corner locations: 1649057.62,260472.05 to 1659657.62,271272.05
Grid resolution X: 106, Y: 108 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 0.00 sq ft, 0.000 acres
Area in Fill: 916948.24 sq ft, 21.050 acres
Total inclusion area: 916948.24219 sq ft, 21.05 acres
Cut to Fill ratio: 0.00
Average Fill Depth: 113.84
Cut (C.Y.) / Area (acres): 0.00
Fill (C.Y.) / Area (acres): 183656.47
Cut volume is 0.00 cubic ft, 0.00 cubic yards
Fill volume is 104382320.57 cubic ft, 3866011.87 cubic yards

VOLUME 3,866,012 CUBIC YARDS
DRAINAGE AREA POND TOE 74.65 ACRES
DRAINAGE AREA FILL TOE 73.15 ACRES
LENGTH (POND TOE TO FILL TOE) 258 FT
LENGTH (FOOTPRINT) 1680 FT
TOE OF FILL LAT. 37° 43' 35" LONG. 82° 04' 23" ELEV. 1250 FT
TOP OF FILL LAT. 37° 43' 32" LONG. 82° 04' 43" ELEV. 1640 FT

LEGEND

- COALBURG
- MINERAL
- ORGINAL GROUND
- BEDROCK
- FINAL SURFACE
- FAILURE PLANE
- BACKSTACK
- RIP-RAP
- PURPLE CORNER

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	KJ	CMI-002-01
2	4/7/03	CORRECTIONS	RP	CMI-102-03
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-102-03	Date: 7/26/01
Drawn By: KJ	Checked By: MM
File Name or Drawer: 3FILL.dwg	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 17352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug '04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P.O. BOX 317 OMAR, WV 25638 My Commission Expires October 31, 20--

"The term "Certify" as used herein is defined as follows: The certification of conditions is a declaration of professional judgment and does not constitute a warranty or guarantee either expressed or implied. Nor does it relieve any other party of their obligation or responsibility to abide by applicable codes, standards, regulations, or any other applicable rules, ordinances or contract documents. Base mapping furnished by the applicant. Determination of accuracy and completeness is based on the representation of site conditions either existing or proposed.

Empire Consulting Services, L.L.C. disclaims any liability that may arise as a result of any injuries that may occur due to failure of the operator/permittee, his contractor or assigns to comply with all state and federal safety regulations, laws, and statutes and/or the operator/permittee, his contractor or assigns failure to operate and maintain equipment per the manufacturer's recommendations while implementing this mining plan.

COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.
P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
FILL No. 3

MAP PREPARED BY

Empire Consulting Services, L.L.C.
1005 2nd Avenue, West Logan WV 25601
Phone: (304) 752-9405

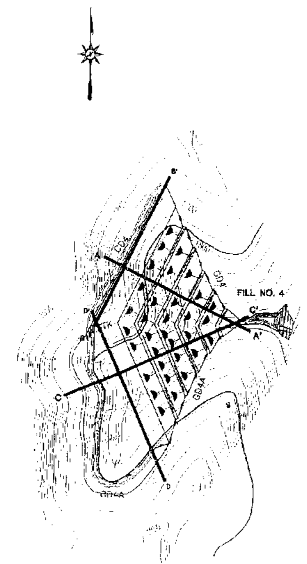
0 1 2

Permit S-5027-01
Doc. Permit Application
Type Maps

9 of 16

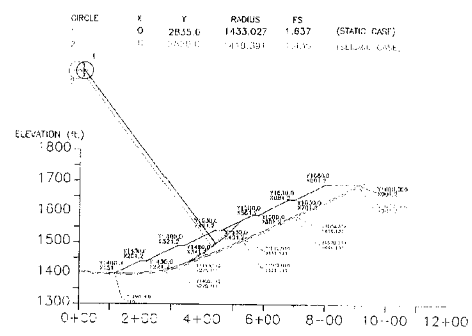
Volume Report FILL 4 TOP OF FILL 05/08/2003 08:02
Comparing GRID file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRID file: C:/scadces/DATA/4FILL-TOP.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 120,078.1 S.F., 2.76 Acres
Area in Fill: 1,013,085.9 S.F., 23.26 Acres
Total inclusion area: 1,133,164.1 S.F., 26.01 Acres
Cut to Fill ratio: 0.05
Average Cut Depth: 24.44 Average Fill Depth: 60.82
Cut (C.Y.) / Area (acres): 4178.01
Fill (C.Y.) / Area (acres): 87731.30
Cut volume: 2,934,528.0 C.F., 108,686.22 C.Y.
Fill volume: 61,620,219.30 C.F., 2,282,230.34 C.Y.

Volume Report FILL 4 PURPLE CORNER 05/08/2003 07:53
Comparing GRID file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRID file: C:/scadces/DATA/FILL-REDESIGN.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 115,390.6 S.F., 2.65 Acres
Area in Fill: 859,707.0 S.F., 19.74 Acres
Total inclusion area: 975,097.7 S.F., 22.39 Acres
Cut to Fill ratio: 0.05
Average Cut Depth: 25.00 Average Fill Depth: 65.25
Cut (C.Y.) / Area (acres): 4772.17
Fill (C.Y.) / Area (acres): 92819.23
Cut volume: 2,884,293.9 C.F., 106,825.70 C.Y.
Fill volume: 56,099,883.96 C.F., 2,077,773.48 C.Y.



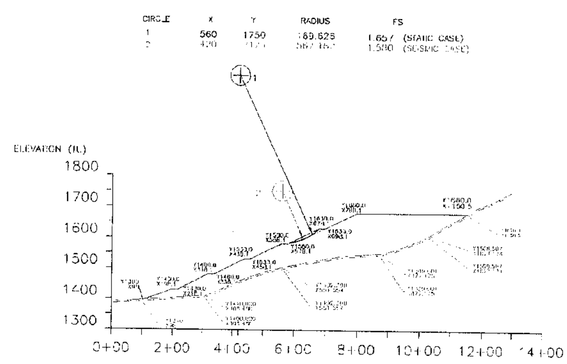
PLAN

SCALE: 1" = 400'



STABILITY PROFILE A–A'

AS SHOWN



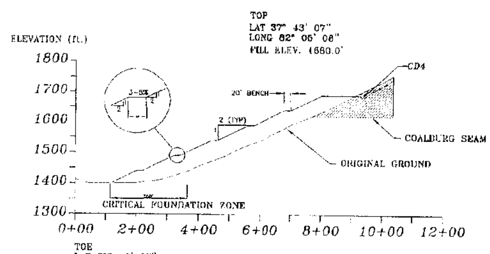
STABILITY PROFILE C–C'

AS SHOWN

VOLUME 2,077,773 CUBIC YARDS
DRAINAGE AREA POND TOE 78.28 ACRES
DRAINAGE AREA FILL TOE 76.05 ACRES
LENGTH (POND TOE TO FILL TOE) 310 FT
LENGTH (FOOTPRINT) 2145 FT
TOE OF FILL LAT. 37° 43' 07" LONG. 82° 04' 56" ELEV. 1380 FT
TOP OF FILL LAT. 37° 43' 07" LONG. 82° 05' 08" ELEV. 1680 FT

LEGEND

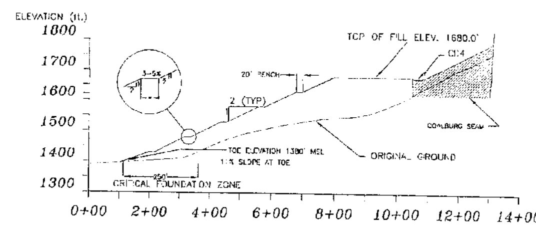
- COALBURG
- MINERAL
- ORGINAL GROUND
- BEDROCK
- FINAL SURFACE
- FAILURE PLANE
- BACKSTACK
- RIP-RAP
- PURPLE CORNER



TOE
LAT 37° 43' 07"
LONG 82° 04' 56"
11% SLOPE AT TOE
ELEVATION 1380' MSL

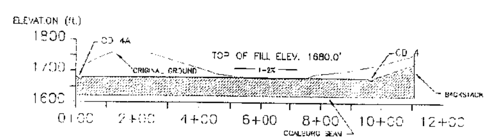
PROFILE A–A'

AS SHOWN



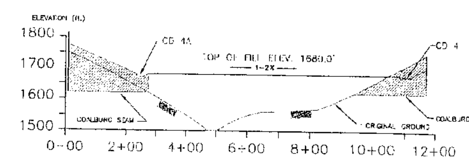
PROFILE A–A'

AS SHOWN



CROSS SECTION B–B'

AS SHOWN



CROSS SECTION D–D'

AS SHOWN

0 1 2

Permit: S-5027-01
Doc: Permit Application
Type: Maps

No	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	KJ	CM-002-01
2	4/2/03	CORRECTIONS	RP	CM-102-03
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-102-03	Date: 7/26/01
Drawn By: K.	Checked By: MN
File Name or Drawer: 4FILL.DWG	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/STAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug, 04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
JANET NAPIER
P.O. BOX 367
OMAR, WV 25638
My Commission Expires October 31, 2011

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Empire Consulting Services, LLC, disclaims any liability that may arise as a result of any injuries that may occur due to failure of the operator/permittee, his contractor or assigns to comply with all state and federal safety regulations, laws, and statutes and/or the operator/permittee, his contractor or assigns failure to operate and maintain equipment per the manufacturer's recommendations while implementing this mining plan.

COAL-MAC, INC.

dba PHOENIX COAL-MAC MINING, INC.

P. O. Box 435
1628 West Third Avenue
Williamson, West Virginia 25637

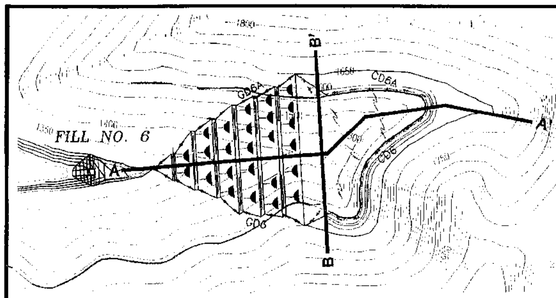
PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
FILL No. 4

MAP PREPARED BY

Empire Consulting Services, L.L.C.

1005 2nd Avenue, West Logan WV 25601
Phone: (304) 752 0485

10 of 16

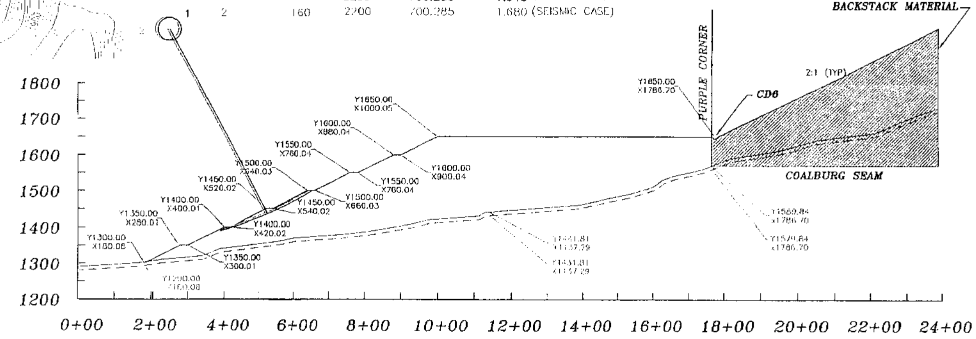


PLAN

SCALE: 1" = 400'

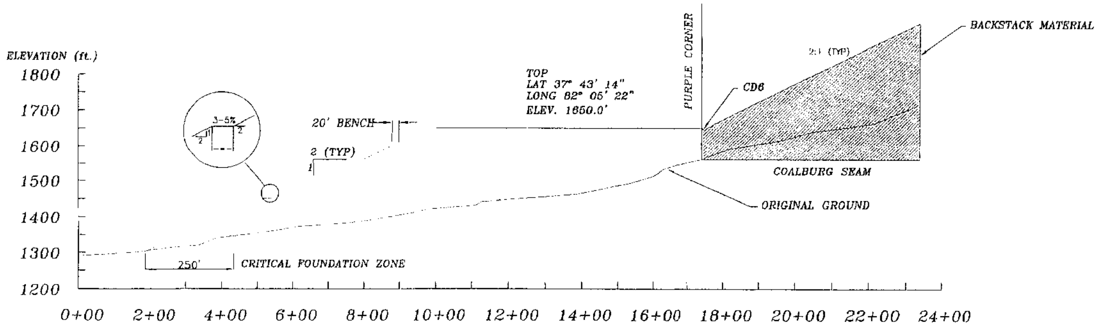
Volume Report FILL 6 TOP OF FILL 05/08/2003 07:34
Comparing GRiD file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRiD file: C:/scadces/DATA/6FILL-TOP.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 8,652.3 S.F., 0.20 Acres
Area in Fill: 953,007.8 S.F., 21.88 Acres
Total inclusion area: 961,660.2 S.F., 22.08 Acres
Cut to Fill ratio: 0.00
Average Cut Depth: 3.35 Average Fill Depth: 85.77
Cut (C.Y.) / Area (acres): 48.65
Fill (C.Y.) / Area (acres): 137136.21
Cut volume: 28,999.9 C.F., 1,074.07 C.Y.
Fill volume: 81,742,827.38 C.F., 3,027,512.13 C.Y.

CIRCLE	X	Y	RADIUS	FS
1	160	2200	700.285	1.918 (STATIC CASE)
2	160	2200	700.285	1.680 (SEISMIC CASE)

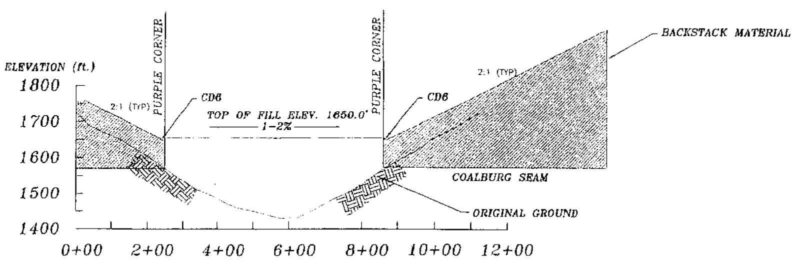


STABILITY PROFILE A–A'

AS SHOWN



TOE
LAT 37° 43' 11"
LONG 82° 05' 41"
SLOPE @ TOE 10%
ELEVATION 1300.0' MSL



CROSS SECTION B–B'

AS SHOWN

11 of 16

Volume Report FILL 6 PURPLE CORNER 05/08/2003 07:30
Comparing GRiD file: C:/scadces/DATA/PHOENIX-5TOE_OF_FILL.grd
and GRiD file: C:/scadces/DATA/FILL6-REDESIGN.grd
Grid corner locations: 1649187.67,261092.30 to 1659587.67,270992.30
Grid resolution X: 104, Y: 99 Grid cell size X: 100.00, Y: 100.00
Area in Cut : 3,886.7 S.F., 0.09 Acres
Area in Fill: 719,960.9 S.F., 16.53 Acres
Total inclusion area: 723,847.7 S.F., 16.62 Acres
Cut to Fill ratio: 0.00
Average Cut Depth: 3.26 Average Fill Depth: 103.18
Cut (C.Y.) / Area (acres): 26.28
Fill (C.Y.) / Area (acres): 165574.42
Cut volume: 12,687.2 C.F., 469.90 C.Y.
Fill volume: 74,287,598.63 C.F., 2,751,392.54 C.Y.

VOLUME 2,751,393 CUBIC YARDS
DRAINAGE AREA POND TOE 100.66 ACRES
DRAINAGE AREA FILL TOE 80.26 ACRES
LENGTH (POND TOE TO FILL TOE) 462 FT
LENGTH (FOOTPRINT) 1618 FT
TOE OF FILL LAT. 37° 43' 11" LONG. 82° 05' 41" ELEV. 1300 FT
TOP OF FILL LAT. 37° 43' 14" LONG. 82° 05' 22" ELEV. 1650 FT

LEGEND

- COALBURG
- MINERAL
- ORGINAL GROUND
- BEDROCK
- FINAL SURFACE
- FAILURE PLANE
- BACKSTACK
- RIP-RAP
- PURPLE CORNER

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	KJ	CMI-002-01
2	4/2/03	CORRECTIONS	RP	CMI-102-03
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-102-03	Date: 7/26/01
Drawn By: KJ	Checked By: MM
File Name or Drawer: 6FILL.DWG	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

R. L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug 04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P. O. BOX 357 OMAR, WV 25638 My Commission Expires October 31, 2011

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COAL-MAC, INC.

dba PHOENIX COAL-MAC MINING, INC.

P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT No.S-5027-01
NPDES No. WV1020692
FILL No. 6

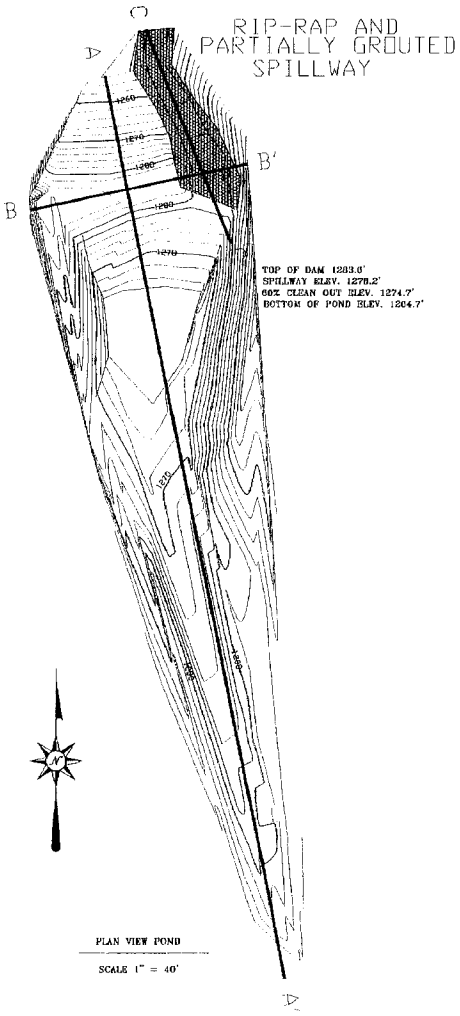
0 1 2

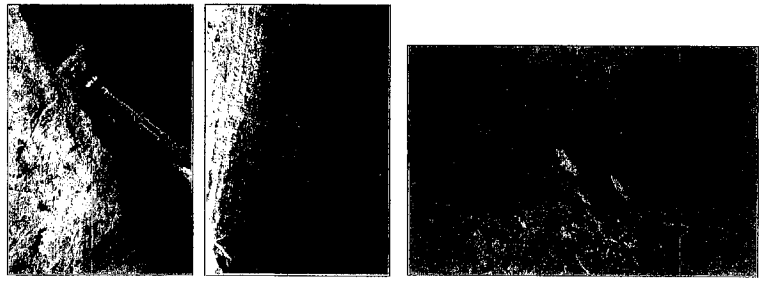
Permit # S-5027-01
Doc. Permit Application
Type Maps

MAP PREPARED BY

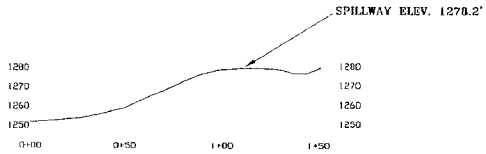
Empire Consulting Services, L.L.C.

1005 2nd Avenue, West Logan WV 25601
Phone: (304) 752-9405

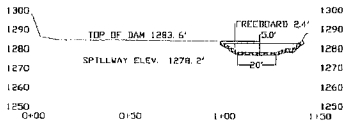




KEY-WAY CUT PICTURES

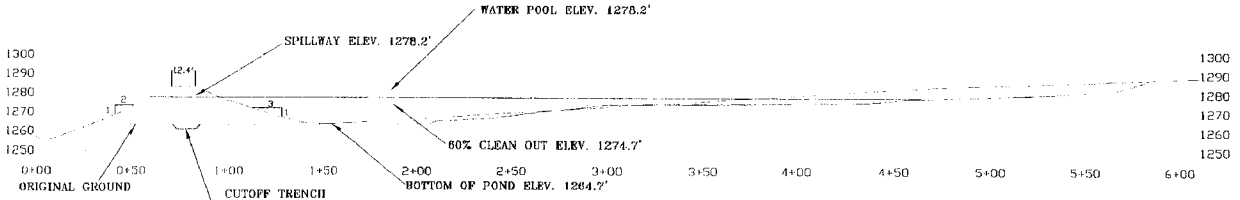


SPILLWAY PROFILE
SEC. C-C'

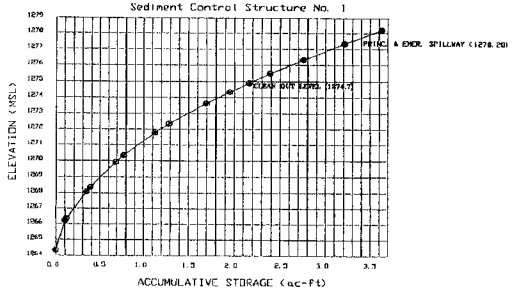


DAM CROSS-SECTION
SEC. B-B'

	ORIGINAL DESIGN	AS-BUILT
SPILLWAY BOTTOM WIDTH	30.0'	20.0'
FREEBOARD	1.0'	2.4'
FLOW DEPTH	2.0'	2.6'
TOTAL SPILLWAY DEPTH	3.0'	5.0'
TOTAL SPILLWAY WIDTH	42.0'	40.0'
QUANTITY OF DISCHARGE	223.2 CFS	223.2 CFS



POND PROFILE
SEC. A-A'



STORAGE VOLUME COMPUTATIONS

Sediment Control Structure No. 1

ELEV. (Ft)	WIDTH (Ft)	LENGTH (Ft)	AREA (ac)	AVG. AREA (ac)	INTERVAL (Ft)	STORAGE (ac-Ft)	ACC. STORAGE (ac-Ft)	STAGE INTERVAL (Ft)
1264.34	N/A	N/A	0.0000					
1266.20	N/A	N/A	0.1044	0.0522	1.86	0.0969	0.0969	1.86
1268.34	N/A	N/A	0.1125	0.1085	2.14	0.0156	0.1125	2.00
1269.06	N/A	N/A	0.1562	0.1344	1.71	0.2301	0.3425	3.71
1268.34	N/A	N/A	0.1635	0.1599	0.29	0.0468	0.3905	4.00
1269.91	N/A	N/A	0.0000	0.1838	1.57	0.2914	0.6799	5.57
1270.34	N/A	N/A	0.2142	0.1571	0.43	0.0924	0.7723	6.00
1271.77	N/A	N/A	0.2421	0.2282	1.42	0.3508	1.1231	7.42
1272.34	N/A	N/A	0.2930	0.2676	0.58	0.1629	1.2856	8.00
1273.62	N/A	N/A	0.3170	0.3050	1.28	0.4040	1.6916	9.28
1274.34	N/A	N/A	0.3677	0.3423	0.72	0.2547	1.9463	10.00
1275.48	N/A	N/A	0.4100	0.3889	1.14	0.4422	2.3885	11.14
1276.34	N/A	N/A	0.4428	0.4264	0.86	0.3676	2.7562	12.00
1277.34	N/A	N/A	0.4732	0.4580	0.99	0.4546	3.2108	12.99
1278.20	N/A	N/A	0.4990	0.4861	0.86	0.4197	3.6304	13.86

DESIGNED SEDIMENT CONTROL 3.11 AC. FT.
AS-BUILT SEDIMENT CONTROL 3.63 AC. FT.

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: _____

No. 7352

PHILIP L. LONGENECKER
REGISTERED
7352
STATE OF
WEST VIRGINIA
PROFESSIONAL SURVEYOR

Taken, subscribed, and sworn to me this 3rd day of Aug, 04

Janet Napier Notary Public

My commission expires 10-31-11

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
JANET NAPIER
P.O. BOX 357
OMAR, WV 25638
My Commission Expires October 31, 2011

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No.	Date	Revision	By	Job No.
1	6/20/01	NEW DRAWING	SRB	FLC-001-00
2				
3				
4				
5				
6				
7				
8				
9				

0 1 2

Permit # S-5027-01
Doc. Permit Application
Type: Maps

Job No.: FLC-001-00	Date: 6/20/01
Drawn By: SRB	Checked By:
File Name or Drawer: asbuilt_pond1.dwg	Contour Interval: 2'
Scale: 1"=40'	Sheet No.: 1 OF 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

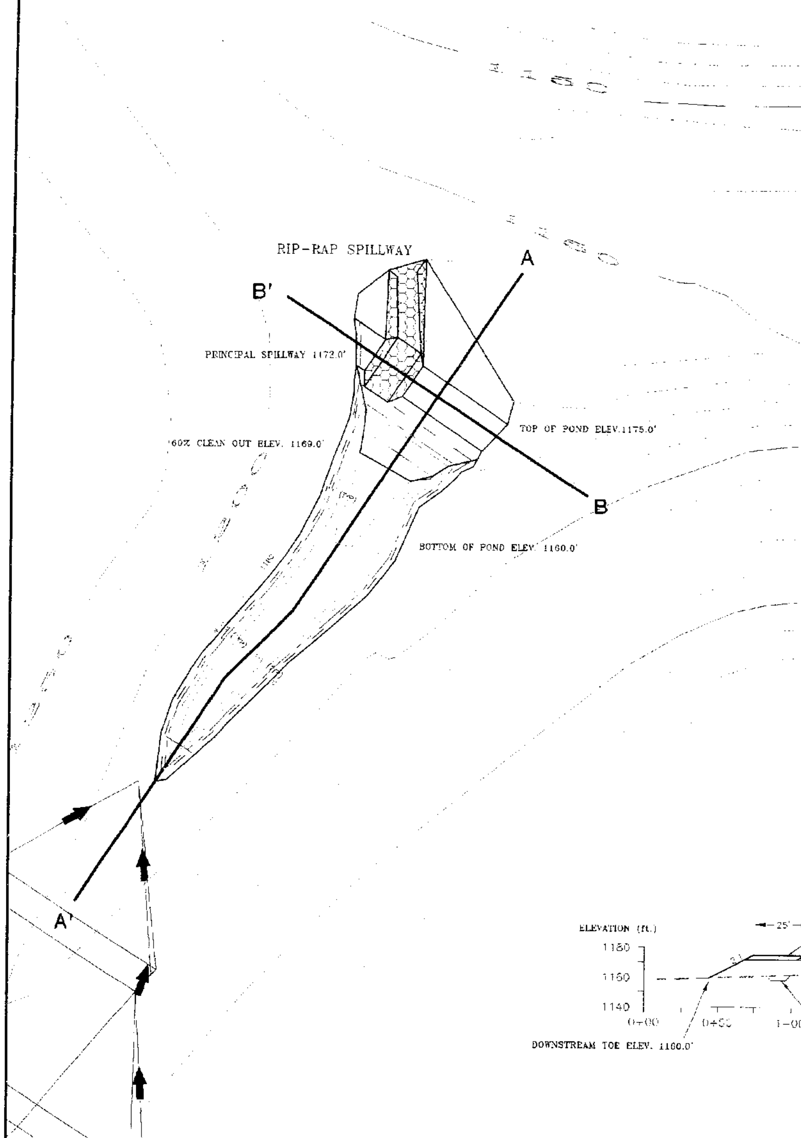
FALCON LAND COMPANY, INC.
P.O. BOX 308 CORA, WV 25614

SIX SOUTH No. 1 and SIX SOUTH No. 2 - IBR No. 1
PERMIT No. U-5021-99 and U-5022-99
NPDES No. WV1015923

AS-BUILT POND No. 1

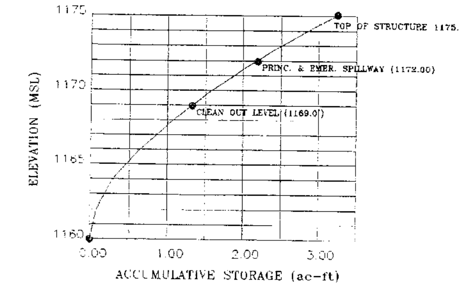
MAP PREPARED BY
Empire Consulting Services, L.L.C.
1005 2nd Avenue, West Logan WV 25601

18 of 19



PLAN
SCALE: 1" = 40'

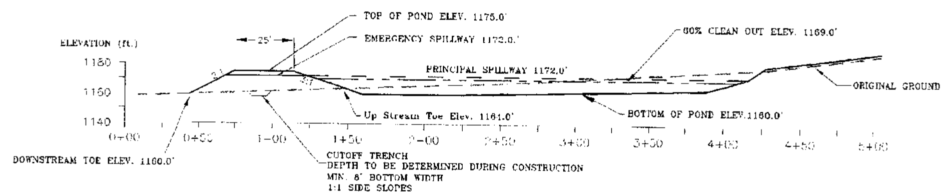
STAGE STORAGE CURVE



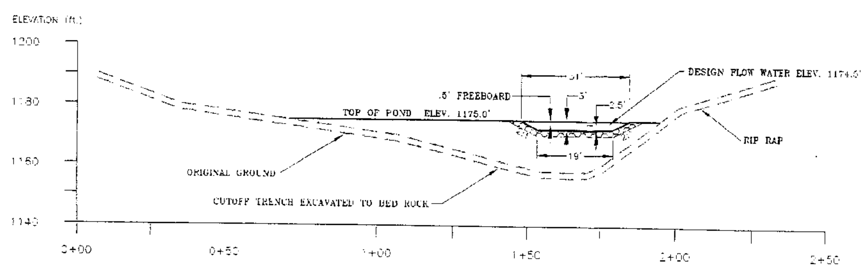
STORAGE VOLUME COMPUTATIONS

ELEV (ft)	WIDTH (ft)	LENGTH (ft)	AREA (ac)	AVG. AREA (ac)	INTERVAL (ft)	STORAGE (ac-ft)	ACC. STORAGE (ac-ft)	STAGE INTERVAL (ft)
1160.00	N/A	N/A	0.0274					
1162.00	N/A	N/A	0.0569	0.0422	2.00	0.0843	0.0843	2.00
1164.00	N/A	N/A	0.1512	0.1041	2.00	0.2081	0.2924	4.00
1166.00	N/A	N/A	0.1983	0.1748	2.00	0.3495	0.6419	6.00
1168.00	N/A	N/A	0.2335	0.2159	2.00	0.4318	1.0737	8.00
1170.00	N/A	N/A	0.2748	0.2542	2.00	0.5083	1.5820	10.00
1172.00	N/A	N/A	0.3177	0.2963	2.00	0.5925	2.1745	12.00

SEDIMENT STORAGE REQUIRED 1.75 AC-FT
SEDIMENT STORAGE PROPOSED 2.17 AC-FT


TOP OF POND ELEV. 1175.0'
EMERGENCY SPILLWAY 1172.0'
25'
60% CLEAN OUT ELEV. 1169.0'
PRINCIPAL SPILLWAY 1172.0'
ORIGINAL GROUND
ELEVATION (ft.)
1180
1160
1140
Up Stream Toe Elev. 1161.0'
BOTTOM OF POND ELEV.1160.0'
0+00
0+50
1+00
1+50
2+00
2+50
3+00
3+50
4+00
4+50
5+00
DOWNSTREAM TOE ELEV. 1160.0'
CUTOFF TRENCH
DEPTH TO BE DETERMINED DURING CONSTRUCTION
MIN. 8' BOTTOM WIDTH
1:1 SIDE SLOPES

PROFILE A-A'
SCALE 1" = 40'



CROSS SECTION B-B'
SCALE 1" = 20'

0 1 2

Permit – S-5027-01
Doc. Type Permit Application Maps

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	PP	CMI-002-01
2				
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-002-01	Date: 7/26/01
Drawn By: PP	Checked By: MM
File Name of Drawing: POND2.DWG	Contour Interval: 10'
Scale: AS SHOWN	Sheet No. 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug 06

Janet Napier, Notary Public

My commission expires 10-31-11

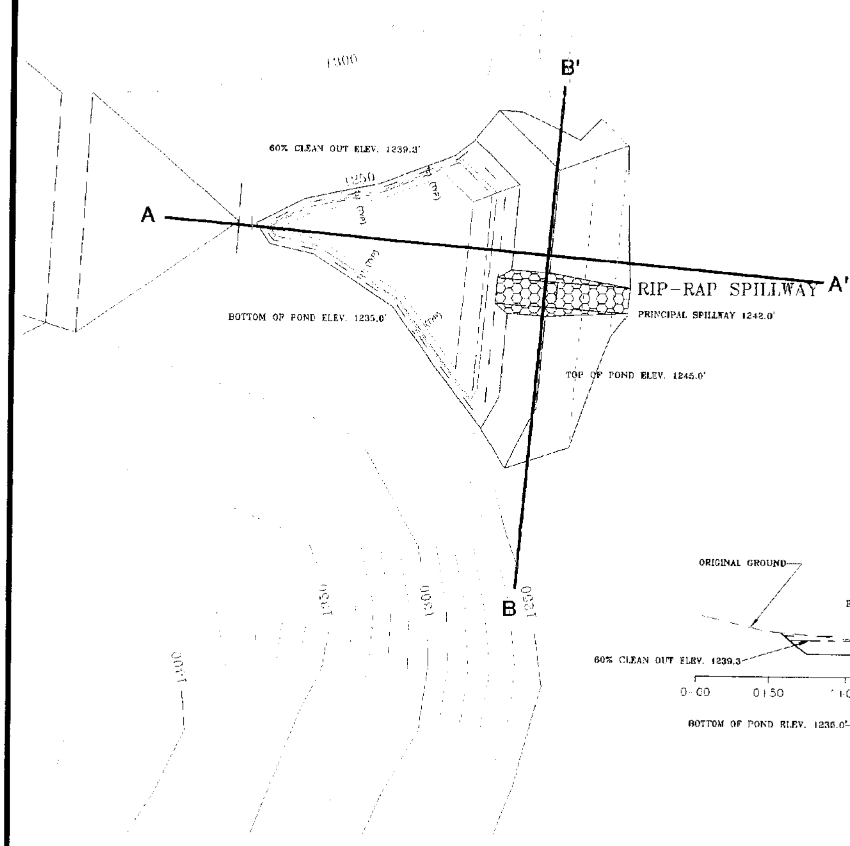
OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
JANET NAPIER
P. O. BOX 557
OMAR, WV 25638
My Commission Expires October 31, 2011

COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.
P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25661

PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
POND NO. 2

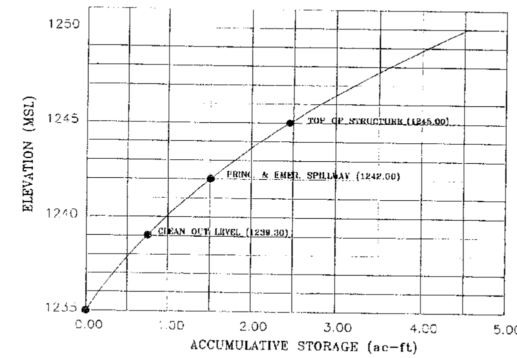
MAP PREPARED BY:
Empire Consulting Services, L.L.C.

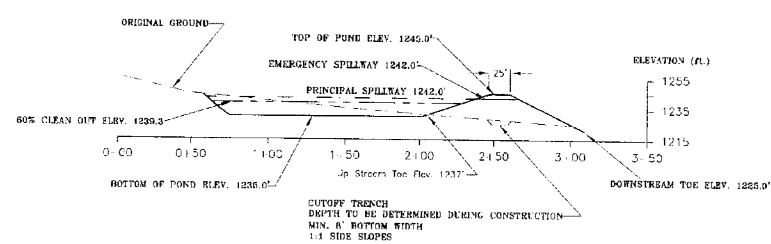
13 of 16



PLAN
SCALE 1" = 40'

STAGE STORAGE CURVE





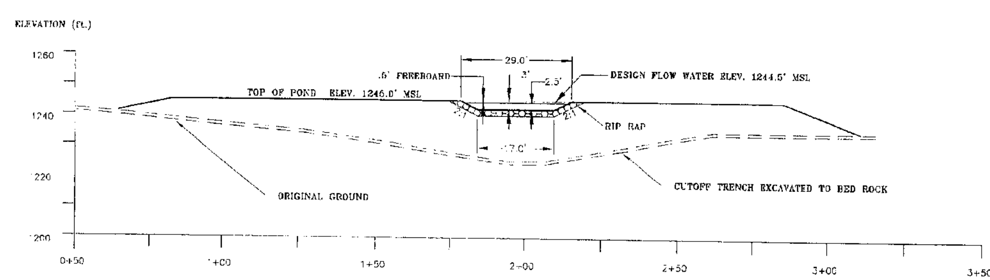
ORIGINAL GROUND
TOP OF POND ELEV. 1245.0'
EMERGENCY SPILLWAY 1242.0'
PRINCIPAL SPILLWAY 1242.0'
25'
ELEVATION (ft.)
1255
1235
1215
60% CLEAN OUT ELEV. 1239.3
0+00
0+50
1+00
1+50
2+00
2+50
3+00
3+50
BOTTOM OF POND ELEV. 1235.0'
Up Stream Toe Elev. 1237'
DOWNSTREAM TOE ELEV. 1225.0'
CUTOFF TRENCH
DEPTH TO BE DETERMINED DURING CONSTRUCTION
MIN. 8' BOTTOM WIDTH
1:1 SIDE SLOPES

CROSS SECTION B-B'
SCALE 1" = 40'

STORAGE VOLUME COMPUTATIONS

ELEV (ft)	WIDTH (ft)	LENGTH (ft)	AREA (ac)	AVG. AREA (ac)	INTERVAL (ft)	STORAGE (ac-ft)	ACC. STORAGE (ac-ft)	STAGE INTERVAL (ft)
1235.00	N/A	N/A	0.1427					
1236.00	N/A	N/A	0.1654	0.1541	1.00	0.1541	0.1541	1.00
1237.00	N/A	N/A	0.1882	0.1768	1.00	0.1768	0.3309	2.00
1238.00	N/A	N/A	0.2063	0.1973	1.00	0.1973	0.5281	3.00
1239.00	N/A	N/A	0.2244	0.2154	1.00	0.2154	0.7434	4.00
1240.00	N/A	N/A	0.2440	0.2342	1.00	0.2342	0.9776	5.00
1241.00	N/A	N/A	0.2637	0.2539	1.00	0.2539	1.2315	6.00
1242.00	N/A	N/A	0.2846	0.2742	1.00	0.2742	1.5056	7.00

SEDIMENT STORAGE REQUIRED 1.35
SEDIMENT STORAGE PROPOSED 1.51



CROSS SECTION B-B'
SCALE 1" = 20'

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	RP	CM-002-01
2				
3				
4				
5				
6				
7				
8				
9				

0 1 2

Permit # 5-5027-01
Doc. Permit Application
Type Maps

Job No.: CM-002-01	Date: 7/26/01
Drawn By: RP	Checked By: MM
File Name or Drawing: POND3.DWG	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Quad: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By [signature]

No. 7352

PHILIP L. LONGENECKER REGISTERED 7352 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

Taken, subscribed, and sworn to me this 3rd day of Aug '04

Janet Napier Notary Public

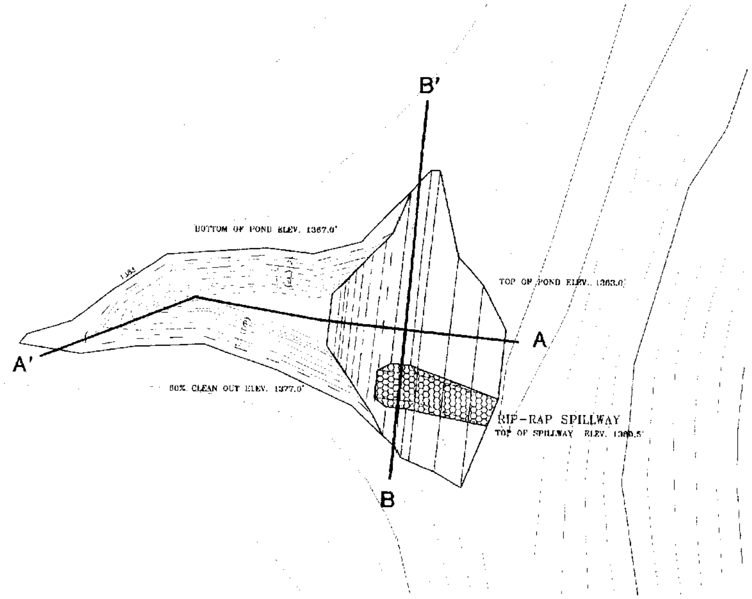
My commission expires 10-31-11

OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRGINIA JANET NAPIER P.O. BOX 357 OMAR, WV 25638

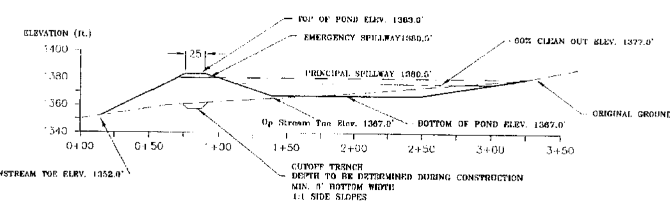
COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.
P. O. Box 436
1628 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
POND NO. 3

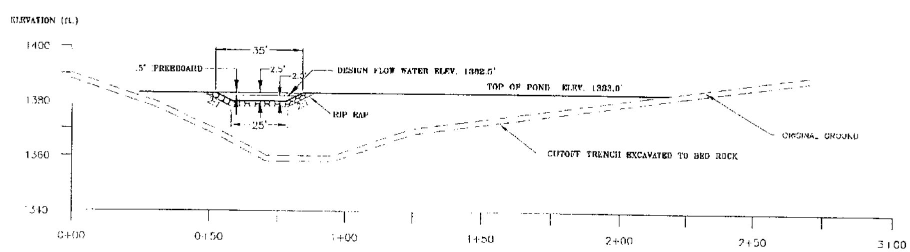
MAP PREPARED BY
Empire Consulting Services, L.L.C.
1005 2nd Avenue, West Logan WV 25601



PLAN VIEW
SCALE 1" - 40'

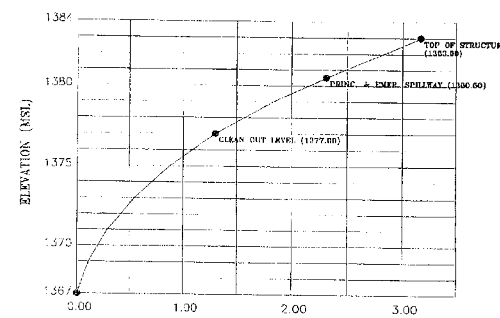

ELEVATION (ft.)
1400
1380
1360
1340
TOP OF POND ELEV. 1383.0'
EMERGENCY SPILLWAY1380.5'
25'
PRINCIPAL SPILLWAY 1380.5'
60% CLEAN OUT ELEV. 1377.0'
ORIGINAL GROUND
Up Stream Toe Elev. 1367.0'
BOTTOM OF POND ELEV. 1367.0'
0+00
0+50
1+00
1+50
2+00
2+50
3+00
3+50
DOWNSTREAM TOE ELEV. 1352.0'
CUTOFF TRENCH
DEPTH TO BE DETERMINED DURING CONSTRUCTION
MIN. 8' BOTTOM WIDTH
1:1 SIDE SLOPES

PROFILE VIEW A-A'
SCALE 1" - 40'



CROSS-SECTION B-B'
SCALE 1" - 20'

STAGE STORAGE CURVE



STORAGE VOLUME COMPUTATIONS

ELEV. (ft)	WIDTH (ft)	LENGTH (ft)	AREA (ac)	AVG. AREA (ac)	INTERVAL (ft)	STORAGE (ac-ft)	ACC. STORAGE (ac-ft)	STAGE INTERVAL (ft)
1367.00	N/A	N/A	0.0369					
1369.00	N/A	N/A	0.0729	0.0549	2.00	0.1098	0.1098	2.00
1371.00	N/A	N/A	0.1078	0.0904	2.00	0.1807	0.2905	4.00
1373.00	N/A	N/A	0.1461	0.1270	2.00	0.2539	0.5444	6.00
1375.00	N/A	N/A	0.1882	0.1672	2.00	0.3343	0.8787	8.00
1377.00	N/A	N/A	0.2373	0.2128	2.00	0.4255	1.3042	10.00
1379.00	N/A	N/A	0.2963	0.2668	2.00	0.5336	1.8378	12.00
1380.50	N/A	N/A	0.3322	0.3142	1.50	0.4713	2.3091	13.50

SEDIMENT REQUIRED 2.08 AC-FT
SEDIMENT PROPOSED 2.31 AC-FT

0 1 2

Permit # S-5027-01
Doc Permit Application
Type Maps

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG.	RP	CMI 002 01
2				
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-002-01 Date: 7/25/01
Drawn By: RP Checked By: MM
File Name or Drawing: POND4.DWG Contour Interval: 10'
Scale: AS SHOWN Sheet No.: 1 of 1
Quad: BARNABUS
District: LEE/ISLAND CREEK
County: MINGO/LOGAN

I, the undersigned, do hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the mining laws of this state.

By: [signature]

No. 7352

Taken, subscribed, and sworn to me this 3rd day of Aug, 01.

Janet Napier Notary Public

My commission expires 10.31.11

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
JANET NAPIER

7352
STATE OF WEST VIRGINIA

COAL-MAC, INC.
dba PHOENIX COAL-MAC MINING, INC.
P. O. Box 436
1020 West Third Avenue
Williamson, West Virginia 25637

PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020892
POND NO. 4

MAP PREPARED BY
Empire Consulting Services, L.L.C.

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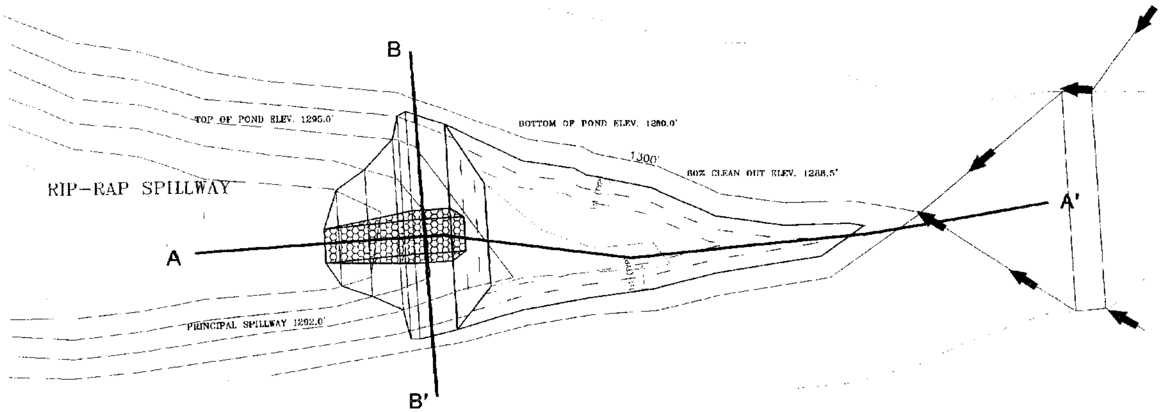
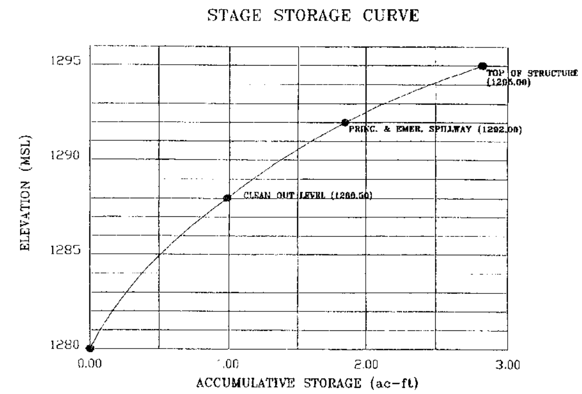


PLAN VIEW
SCALE: 1" = 40'

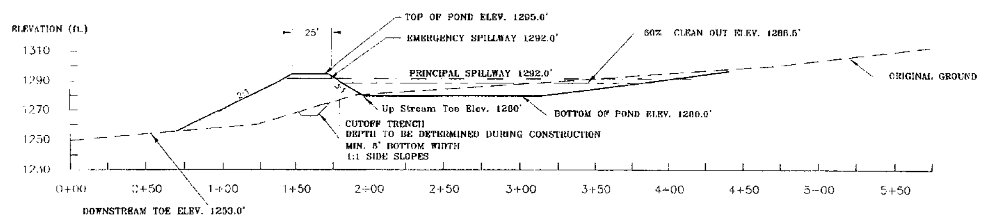


STORAGE VOLUME COMPUTATIONS

ELEV. (Ft)	WIDTH (Ft)	LENGTH (Ft)	AREA (ac)	AVG. AREA (ac)	INTERVAL (Ft)	STORAGE (ac-Ft)	ACC. STORAGE (ac-Ft)	STAGE INTERVAL (Ft)
1280.00	N/A	N/A	0.0631					
1282.00	N/A	N/A	0.0976	0.0890	1.00	0.0890	0.1607	2.00
1284.00	N/A	N/A	0.1230	0.1167	1.00	0.1167	0.3813	4.00
1286.00	N/A	N/A	0.1507	0.1438	1.00	0.1438	0.6549	6.00
1288.00	N/A	N/A	0.1795	0.1723	1.00	0.1723	0.9851	8.00
1288.50	N/A	N/A	0.1872	0.1833	0.50	0.0917	1.0768	8.50
1290.00	N/A	N/A	0.2100	0.2024	1.00	0.2024	1.3747	10.00
1292.00	N/A	N/A	0.2598	0.2474	1.00	0.2474	1.8445	12.00

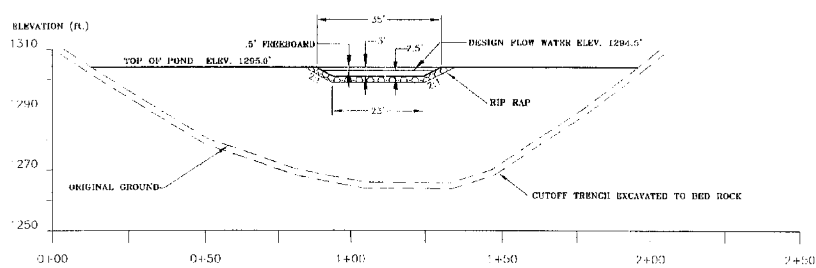
SEDIMENT REQUIRED 1.33 AC-FT
SEDIMENT PROPOSED 1.84 AC-FT

0 1 2



ELEVATION (ft.)
1310
1290
1270
1250
1230
25'
TOP OF POND ELEV. 1295.0'
EMERGENCY SPILLWAY 1292.0'
60% CLEAN OUT ELEV. 1288.5'
PRINCIPAL SPILLWAY 1292.0'
ORIGINAL GROUND
Up Stream Toe Elev. 1280'
BOTTOM OF POND ELEV. 1280.0'
CUTOFF TRENCH
DEPTH TO BE DETERMINED DURING CONSTRUCTION
MIN. 5' BOTTOM WIDTH
1:1 SIDE SLOPES
0+00
0+50
1+00
1+50
2+00
2+50
3+00
3+50
4+00
4+50
5+00
5+50
DOWNSTREAM TOE ELEV. 1250.0'

PROFILE VIEW A-A'
SCALE 1" = 40'



CROSS SECTION B-B'
SCALE 1" = 20'

Permit # 5-5027-01
Doc. Permit Application
Type Maps

No.	Date	Revision	By	Job No.
1	10/13/01	NEW DWG	RP	CMI-002-01
2				
3				
4				
5				
6				
7				
8				
9				

Job No.: CMI-002-01	Date: 7/26/01
Drawn By: RP	Checked By: MM
File Name or Drawer: POND7.DWG	Contour Interval: 10'
Scale: AS SHOWN	Sheet No.: 1 of 1
Creek: BARNABUS	
District: LEE/ISLAND CREEK	
County: MINGO/LOGAN	

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PHOENIX NO. 5 SURFACE MINE
PERMIT No. S-5027-01
NPDES No. WV1020692
POND NO. 6

MAP PREPARED BY
Empire Consulting Services, L.L.C.
1065 2nd Avenue, West Logan WV 25601