



Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 199800436-3 Issuance Date: March 30, 2006

Stream: Right Fork Seng Camp Creek

Closing Date: 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

PUBLIC NOTICE: The purpose of this public notice is to inform you of a public hearing that will be conducted by the United States Army Corps of Engineers (USACE) for a proposal for which a Draft Environmental Impact Statement (DEIS) has been prepared. It is also to solicit your comments to better enable us to make a reasonable decision on factors affecting the public interest in the preparation of the Final Environmental Impact Statement. We hope you will participate in this process.

SUBJECT: Draft Environmental Impact Statement to Consider Issuance of a Department of the Army Permit Pursuant to Section 404 of the Clean Water Act for Mingo Logan Coal Company's (Mingo Logan) Proposal to Construct and Operate Spruce No. 1 Mine, near Blair in Logan County, West Virginia.

DESCRIPTION OF PUBLIC HEARING: The public hearing will be held as follows:

DATE: May 1, 2006

TIME: 7:00 to 10:00 p.m.

LOCATION: Earl Ray Tomlin Convention Center
Chapmanville, West Virginia (**See Attached Map**)

PURPOSE OF PUBLIC HEARING: The purpose of the public hearing is to allow participants the opportunity to comment on the DEIS prepared for the proposed Spruce No. 1 Mine project. Environmental issues addressed in the DEIS include an evaluation of the potentially significant environmental impacts associated with the Spruce No. 1 Mine on water quality, streams, aquatic and terrestrial habitat, habitat fragmentation, the hydrological balance, and other individual and cumulative effects. Potentially affected resources that are evaluated in the EIS include: conservation, economics, aesthetics, wetlands, historical properties, flood hazards, floodplain values, land use, navigation, recreation, energy and mineral needs, safety, water quality, fish and wildlife values, rare, threatened and endangered species, shore erosion and accretion, water supply and conservation, food and fiber production, consideration of property ownership, general environmental concerns, compliance with 404 (b)(1) Guidelines and, in general, the needs and welfare of the people.

Cumulative environmental impacts for the proposed project were assessed in accordance with guidance provided by the President's Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999). Cumulative environmental impacts may include: the efficacy of stream restoration; the viability of reclaimed streams compared to natural waters; the impact of valley fills on aquatic life, wildlife and nearby residents; biological and habitat analyses; and practicable alternatives for in-stream placement of excess overburden; measures to minimize stream filling to the maximum extent practicable; and, the effectiveness of mitigation and reclamation measures.

DESCRIPTION OF PROPOSED PROJECT: Mingo Logan proposes to construct, operate and reclaim the Spruce No. 1 Surface Mine [Surface Mining Control and Reclamation Act (SMCRA) Permit S-5013-97, Incidental Boundary Revision 2], a surface bituminous coal mine that would be located along State Route 17 (SR 17) in the eastern portion of Logan County, West Virginia. The proposed mine would use several primary roadways, including Haulroads 1 and 2, Temporary Haulroad 2A, and Access Road 2 for access and coal haulage. The proposed project would also include construction of eight valley fills, six drainage control structures (ponds), four erosion protection zones, an office and warehouse area, coal truck dump and transfer facility, and extension of an existing power line. Mingo Logan 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. If all of the required permits and authorizations are received, construction is projected to begin in 2006, with operation commencing by 2007 and continuing for a period of approximately 15 years. The proposed project would include mining of an average of 2.73 million tons of bituminous coal annually via mountaintop mining methods with incidental contour, auger, and/or highwall/thin-seam mining. During the initial development, the extracted bituminous coal would be transported via SR17 to a preparation/loading facility located along Seng Camp Creek.

The proposed project requires a permit from the USACE for the discharge of dredged and fill material into waters of the U.S. under Section 404 of the Clean Water Act (CWA). Because the permit decision is a major Federal action with the potential to significantly affect the quality of the human environment, the USACE has determined that an Environmental Impact Statement (EIS) is necessary.

The USACE, with the assistance of a third-party contractor, is the Federal agency preparing the EIS in compliance with the National Environmental Policy Act of 1969 (NEPA). Alternatives available to the USACE include issuance of a Section 404 permit, issuance of a permit with conditions, or denial of the permit application. The DEIS evaluates potential impacts to the natural, physical and human environment as a result of the proposed mining activities associated with Mingo Logan's Spruce No. 1 Mine.

PREVIOUS PUBLIC AND AGENCY INVOLVEMENT: A notice of intent to prepare a DEIS for the proposed project was published in the Federal Register on February 4, 2000. At that time, the applicant 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. A public scoping meeting was held at the Chief Logan State Park on May 2, 2001 and numerous interagency scoping meetings have been conducted during the last four years.

As a result, Mingo Logan has 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 un-reclaimed disturbed acres during mining.

The proposed, modified project was advertised by a Public Notice issued October 12, 2005 and expired November 11, 2005. In this public notice, the USACE provided information and solicited comments regarding the project. A guidebook was distributed to the USACE mailing list to help the public understand its role in reviewing the document, providing feedback and to advise public comments would be accepted through the 10th day following the DEIS public hearing (Close of Business; Monday, May 15, 2006).

SOLICITATION OF COMMENTS: At this time we are soliciting comments from the public, Federal, state, and local agencies and officials, Indian Tribes and other interested parties in review of the DEIS. Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the administrative record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Written comments should be sent to the following address or electronic mail at Teresa.D.Spagna@Lrh01.usace.army.mil by May 15, 2006:

Teresa Spagna, Regulatory Project Manager
Regulatory Branch, CELRH-OR-FS
U.S. Army Corps of Engineers, Huntington District
502 8th Street
Huntington, West Virginia 25701

Requests to be placed on the mailing list or advance registration to speak at the hearing should also be sent to this address or by phone at 304-399-5210 or 304-399-5710 or at the above electronic address. All interested parties are invited to be present at the above time and place, including official of any local government or any association whose interest may be affected by the proposed activity. They will be given the opportunity to express views concerning the proposed activity. All views expressed should be based on factual information related to the permit application. Oral statements supporting or opposing the proposed project will be heard and will be accepted and considered. Written statements may be presented at the meeting or mailed to the above address prior to the public hearing date.

IN AN EFFORT TO CONSERVE AND ELIMINATE DUPLICATION OF FACTS, PRESENTED, GROUPS WITH COMMON INTERESTS ARE ENCOURAGED TO CONSOLIDATE THEIR COMMENTS FOR PRESENTATION BY A REPRESENTATIVE SPOKESPERSON.

AVAILABILITY OF DEIS: Copies of the DEIS are available for inspection at the locations identified below:

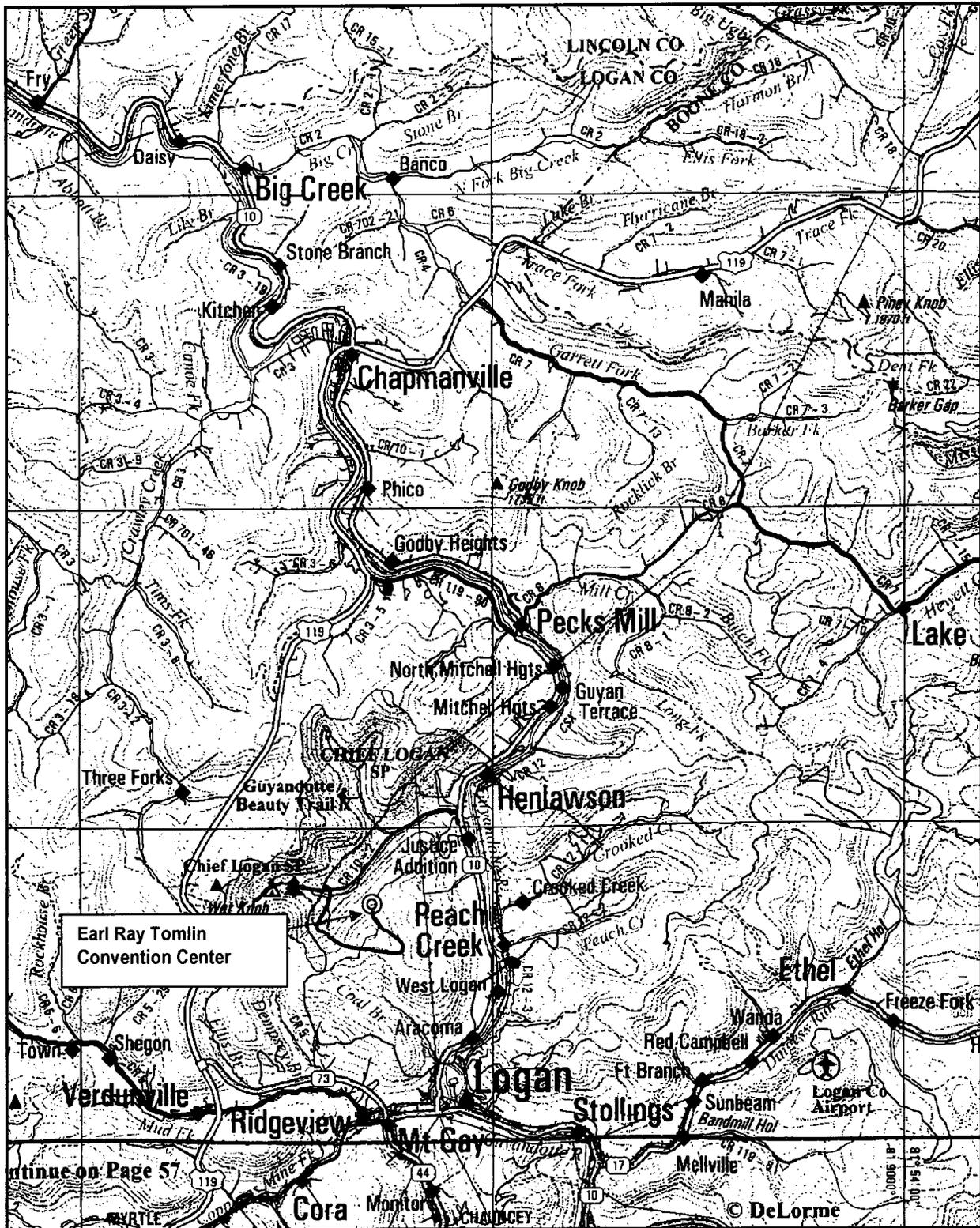
- 1) Blair Post Office, P.O. Box 9998, Blair, WV 25022-9998
- 2) Kanawha County Public Library, 123 Capitol Street, Charleston, WV 25301
- 3) Logan County Public Library, 16 Wildcat Way, Logan, WV 25601

Copies of the DEIS may be obtained by contacting USACE Huntington District Regulatory Branch at the aforementioned phone numbers.

CLOSE OF COMMENT PERIOD: Comments should be submitted to the above address, phone numbers and electronic mail by May 15, 2006. All names and addresses of those who submit comments, both oral and written, in response to this public notice and the DEIS become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. After the public comment period ends, USACE will consider all comments received, revise the DEIS as appropriate, and issue a Final Environmental Impact Statement. Thank you for your interest in our nation's water resources.


Ginger Mullins, Chief
Regulatory Branch

(WV)



Mingo Logan Coal Company
 Draft Environmental Impact Statement
 Spruce No. 1 Mine
 Public Hearing Location Map