



**LOCATION:** The proposed project would be located approximately 2 miles southeast of New Haven, at Latitude 38°58'05" and Longitude 81°56'43", adjacent to the junction of U.S. Route 33 and County Route 9, in the Graham District of Mason County, West Virginia.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place 92 cubic yards dredged and fill material into approximately 0.354 acre of waters of the U.S. in conjunction with the construction, operation and reclamation of the Preparation Plant No. 1 and its associated Refuse Area No. 1. The construction of the proposed preparation plant and associated facilities, including coal stockpiles and conveyor belts, would involve the installation of three corrugated metal pipes and associated fill material into 1,000 linear feet (0.045 acre) of intermittent stream (Unnamed Tributary A) and 500 linear feet (0.026 acre) of ephemeral stream (Unnamed Tributary B and Unnamed Tributary C) and displacement of 0.225 acre of adjacent wetlands. Additionally, the applicant proposes to construct a refuse area immediately above the pad area associated with the plant. This proposed activity would permanently impact 1,200 linear feet (0.049 acre) of intermittent stream (Unnamed Tributary A) and 5,355 linear feet (0.233 acre) of ephemeral streams (Unnamed Tributary A, South Tributary of Unnamed Tributary A, South Branch of Tributary A, Unnamed Tributary B, North Tributary of Unnamed Tributary B and Unnamed Tributary C). Lastly, the construction of an infrequently used access road would temporarily impact 20 linear feet (0.001 acre) of an intermittent stream segment of Little Broad Run. The purpose of the project is to develop an area for a coal preparation plant and provide a storage area for the processed coal refuse material. Plans for the proposed project 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 conceptual compensatory mitigation plan (CMP) to compensate for the proposed permanent and temporary impacts to waters of the U.S. regulated by the USACE.

**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 WVDEP.

**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.

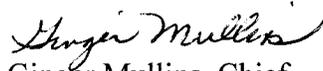
**ENDANGERED/THREATENED SPECIES REVIEW:** Two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) may occur within the proposed project area. However, the provided information indicates the entire project area was previously cleared of timber by the landowner with the majority of the area being utilized for recreational land with associated ball fields and picnic areas. Therefore, suitable Indiana bat habitat does not exist within the proposed project area. There are no abandoned mine portals or other features within the proposed project area that could provide summer and winter habitat for the Virginia big-eared bat or hibernaculum for the Indiana bat. The proposed project is not likely to adversely affect endangered and threatened species. 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 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.

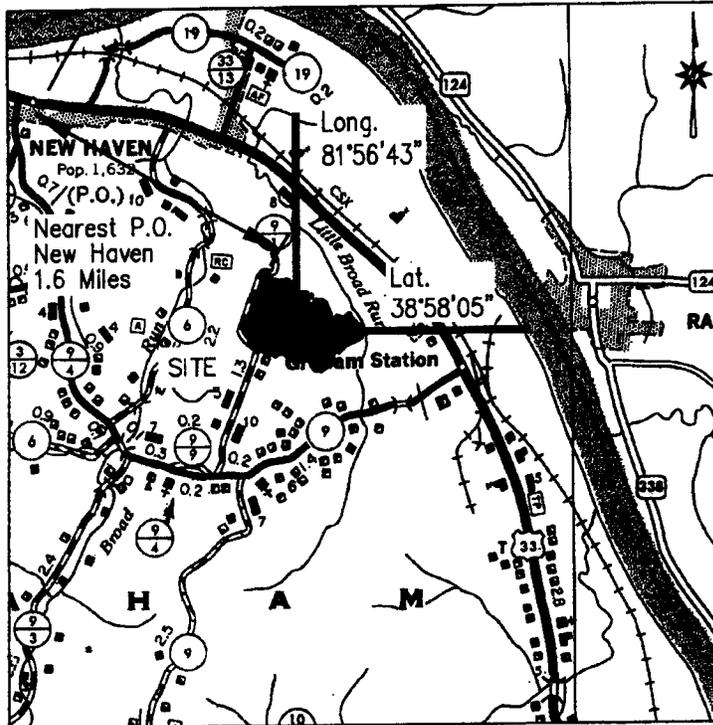
**SOLICITATION OF COMMENTS:** The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, 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 USACE 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)



**LOCATION MAP**

(PREPARATION PLANT NO. 1:)  
 SMA/PERMIT NO. 0-3019-05 (pending)/ NPDES NO. (pending)  
 (REFUSE DISPOSAL AREA NO. 1:)

SMA/PERMIT NO. (pending)/ NPDES NO. (pending)

PREPARED FROM WV GENERAL HIGHWAY MAP  
 GRAHAM DISTRICT, MASON COUNTY, WEST VIRGINIA  
 NEAREST POST OFFICE: NEW HAVEN  
 USGS QUADRANGLE (WV): NEW HAVEN (#508)  
 RECEIVING STREAMS: UNNAMED TRIBUTARIES OF LITTLE BROAD RUN  
 AND LITTLE BROAD RUN OF THE OHIO RIVER

SCALE: 1" = 1 MILE

Scale: 1 in. = 1 Mile

Date: Nov., 2005

Dwg.: locMap.dwg



Location Map

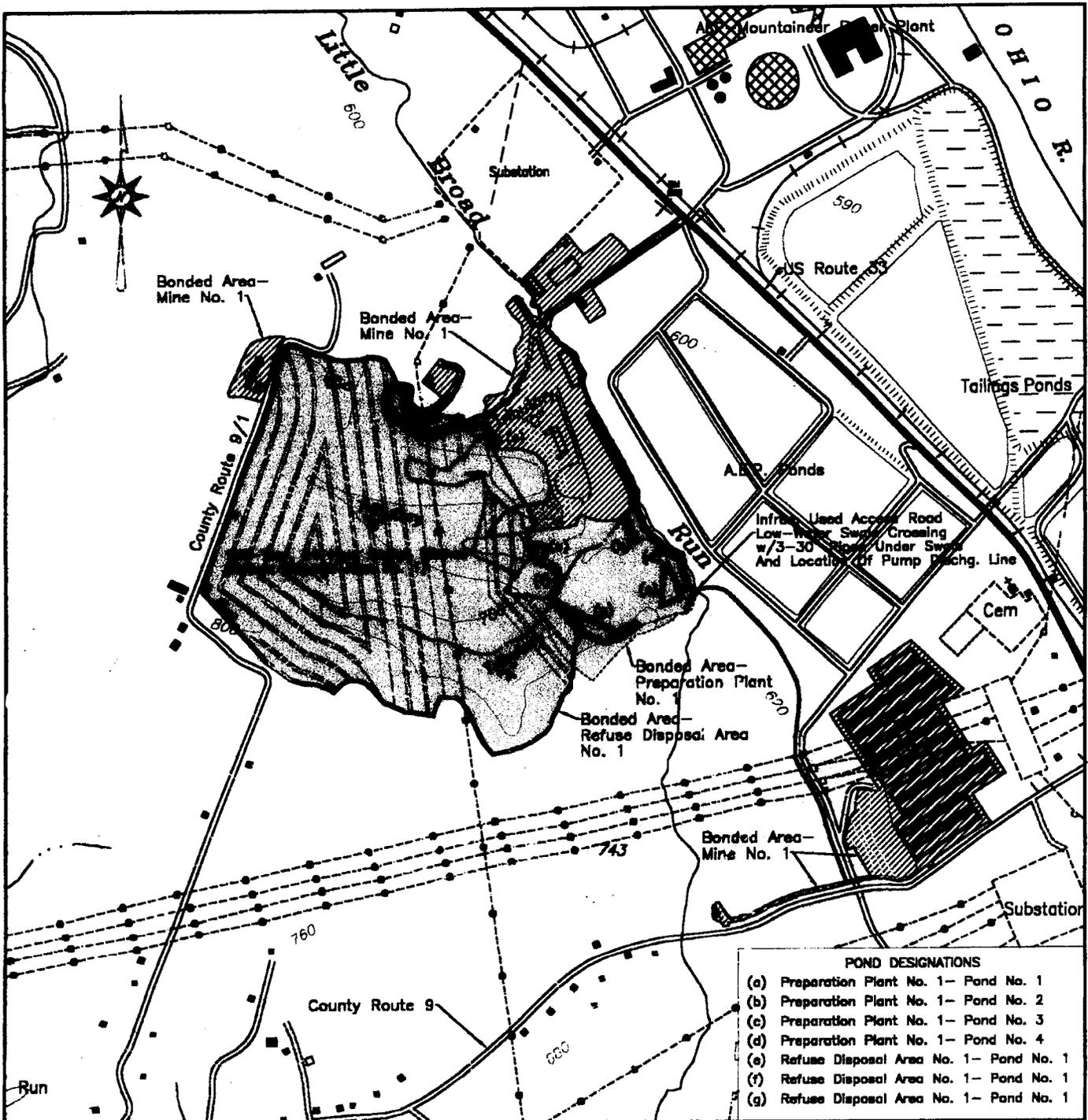
Prepared From

West Virginia General Highway Map – Mason County

Gatling, LLC

Preparation Plant No. 1/Refuse Disposal Area No. 1

1 of 4

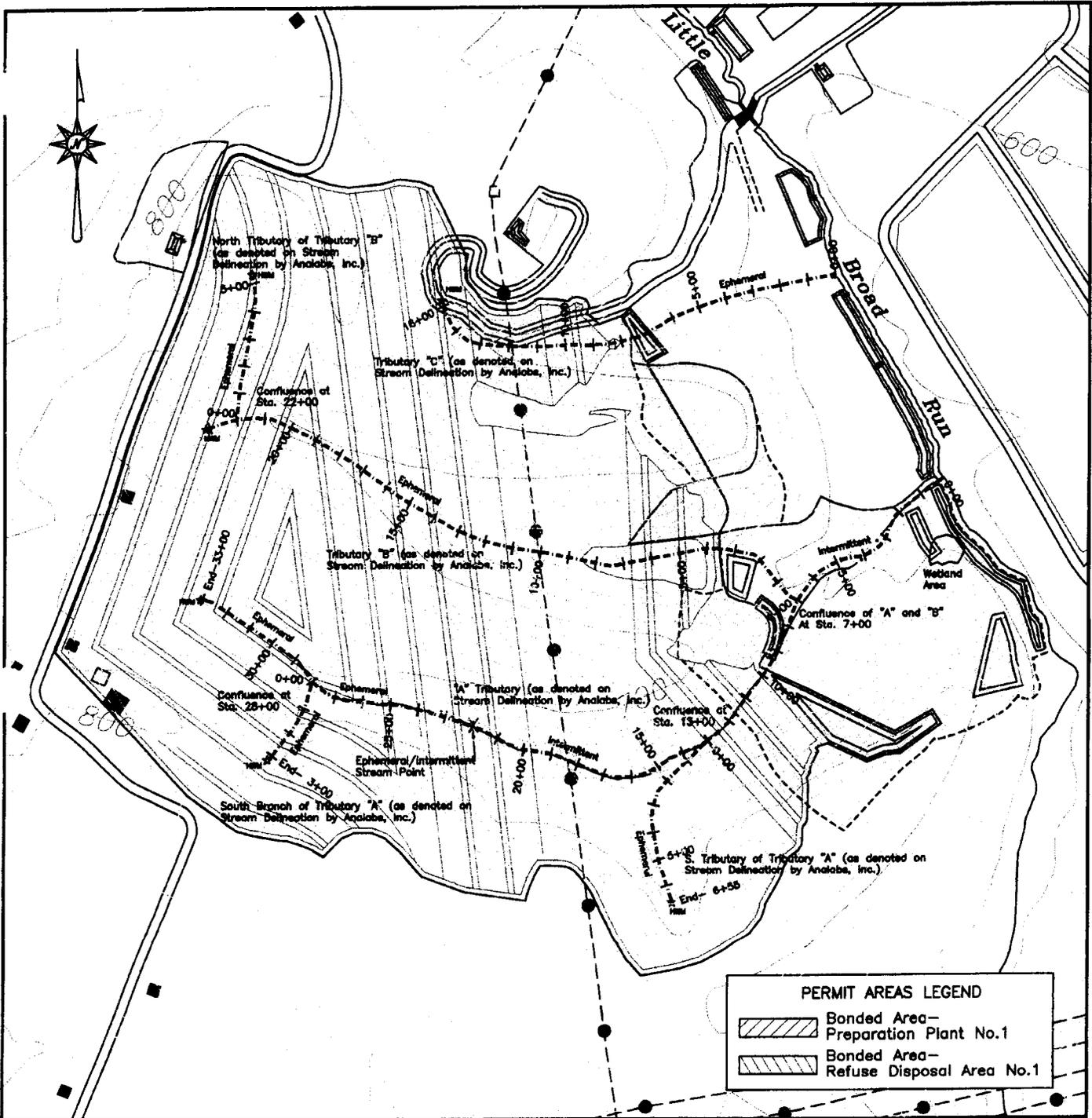


Scale: 1 in. = 1000 Ft.  
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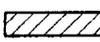
**Environmental  
 Permitting  
 Services, LLC**

**Vicinity Map**  
 Prepared From  
**USGS 7.5 Minute Series Topographic Quadrangle:**  
**New Haven Quadrangle**

**Gatling, LLC**  
 Preparation Plant No. 1/ Refuse Disposal Area No. 1



**PERMIT AREAS LEGEND**

-  Bonded Area—Preparation Plant No.1
-  Bonded Area—Refuse Disposal Area No.1

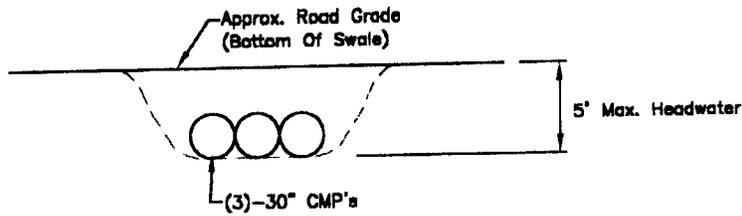
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Stream Delineation Map  
 Prepared From  
 USGS 7.5 Minute Series Topographic Quadrangle:  
 New Haven Quadrangle

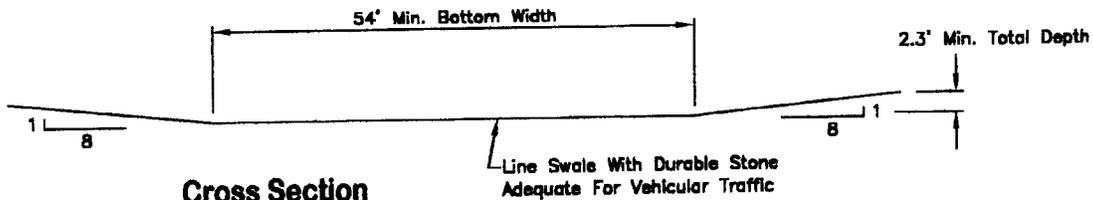


Gatling, LLC  
 Preparation Plant No. 1/ Refuse Disposal Area No. 1

3 of 4

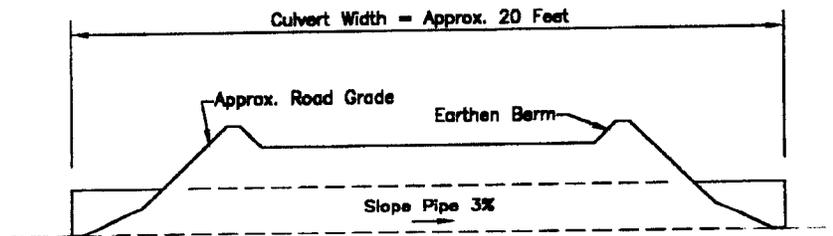


**Cross Section**  
**Pipe Configuration: (3)-30" CMP's (With Swale)**



**Cross Section**  
**Thru Swale**

Note: This configuration of three pipes in conjunction with the road swale, has been designed so that the pipes will act as the principal spillway (1-year, 24-hour storm event), and the road swale will act as an emergency spillway (10-year, 24-hour storm event).



**Profile**  
**Pipe Configuration: (3)-30" CMP's (With Swale)**

Scale: Not To Scale

Date: Nov., 2005

Dwg.: LBRxingDetails.dwg

 Environmental  
 Permitting  
 Services, LLC

**Details- Infrequently Used Access Road Crossing  
 At Little Broad Run**

Gatling, LLC  
 Preparation Plant No. 1/Refuse Disposal Area No. 1