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WQC number: 830-0092-WQC-1

Public Notice

Closing Date:
2/7/2013

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

401
AM-3
WQC-1
*401 application

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name: Western Kentucky Minerals**
Mailing Address: 6133 US Hwy 60 East, Owensboro, KY 42303
Contact Person: Timothy Rhye
Telephone No: (270) 779-3787
E Mail Address: trhye@bellsouth.net

2. **Consultant Name & Address: T.H.E. Engineers, Inc., c/o Keith Crim, P.E.;**
2331 Fortune Drive, Lexington, KY 40509

Telephone No. (859) 263-0009
E Mail Address: keith@theengrs.com

3. **Provide a brief description of the proposed activity and stream impact.**
The development of a 131.9 acre amendment area to an existing surface coal mining operation (KDNR #830-0092). The operation impacts 1222 feet of perennial, 7016 feet of intermittent and 2760 feet of ephemeral stream. Additionally, there are impacts to 0.888 acres of wetlands. This site is Amendment No. 3 to the original permit.

4. **Project Location Information:**

County: Daviess; USGS Quadrangle Name: Maceo & Philpot

Nearest Community & Road Intersection: Knottsville (KY144 & Aull Road)

Latitude N37-45-18 Longitude W86-53-22 (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project: Joes Run and unnamed tributaries.**

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Each watershed is listed in the "Stream Habitat Assessment and Wetland Delineation Report". The largest watershed affected is 1552 acres (perennial stream P-1 (Joes Run)).

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

See the "Stream Habitat Assessment and Wetland Delineation Report" for a list of each impacted stream (the total impacts are: 1222 feet of perennial, 7016 feet of intermittent and 2760 feet of ephemeral). The impacts are temporary, with on-site mitigation proposed during reclamation.

8. Provide the acreage of wetlands that would be impacted: 0.888
9. Beginning at the nearest intersection of two public roads, provide directions to the project site: From Owensboro, at the intersection of US60 and KY144; travel south on KY144 for approximately 10 miles to the intersection with Aull Road on the right. Turn onto Aull Road; the site on the right-hand side of this road.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes No . If yes, indicate type of application:

NW 12 NW 14 NW 21 NW 27 NW 49
NW 50 Individual Other

11. Provide the following permit numbers associated with this mining activity: SMCRA Permit No. 830-0092, Amendment #3, KPDES No. -----

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Stream Habitat Assessment and Wetland Delineation Report, Pre-construction Notification, Stream and Wetland Mitigation Plans.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

x *Arthur V. Larkin*

, Date: 12-11-12

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**