KYDNR

(Kentucky Department for Natural Resources)

Division of Mine Permits

Publish date:
3/8/2012

WQC number: 866-0336-WQC-1

Public Notice

Closing Date:
4/6/2012

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

866-0336
401
WQC-1
401 application

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

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 Energy and Environment 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:** Nally & Hamilton Enterprises, Inc.
   Mailing Address: P.O. Box 2323
   London, KY 40741
   Contact Person:
   Telephone No: (606) 878-1500
   E Mail Address:

2. **Consultant Name & Address:** Biological Systems Consultants, Inc., P.O. Box 54954, Lexington, 40555

   Telephone No. (859) 263-4142
   E Mail Address: shaun@biologicalsystemsconsultants.com

3. **Provide a brief description of the proposed activity and stream impact.**
   Construction of three hollow-fills, three embankment ponds, and four mine through areas;
   1,797 linear feet of temporary impact for embankment ponds, and four mine through areas;
   3,496 linear feet of permanent impact for hollow-fills

4. **Project Location Information:**

   County LESLIE ; **USGS Quadrangle Name** CUTSHIN

   Nearest Community & Road Intersection: CINDA; KY 699 & Coon Creek Road

   Longitude 37.0899708 **Latitude** -83.2803831 **(Approximate center of the project area)**

5. **List the names of all streams affected by the proposed project:**
   Bills Branch and unnamed tributaries to Wolf Creek

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

UT to Wolf Creek : HF # 1: 27.97 acres

Bills Branch : HF # 2: 70.4 acres

UT to Wolf Creek : HF # 3: 39.94 acres

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.**

HF#1: 900 linear feet, permanent, ephemeral / HF#1: 540 linear feet, permanent, intermittent

SS#H1 267 linear feet, permanent, ephemeral / Mine Area 1: 225, temporary ephemeral

HF#2: 241 linear feet, permanent, ephemeral / HF#2: 1,124 linear feet, permanent, intermittent

SS#H2: 343 linear feet, temporary, intermittent / Mine Area 2: 135 linear feet, temporary, ephemeral

HF#3: 691 linear feet, permanent, intermittent / SS#H3: 220 linear feet, temporary, intermittent

Mine Area 3: 184 linear feet, temporary, ephemeral / Mine Area 4: 373 linear feet, temporary, ephemeral

Mine Area 4: 50 linear feet, temporary, ephemeral

8. **Provide the acreage of wetlands that would be impacted:** N/A

9. **Beginning at the nearest intersection of two public roads, provide directions to the project site:**

From the intersection of KY 699 and Coon Creek Road travel 3.5 miles southeast to project site

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

NW 12 ____ **NW 14** ____ **NW 21** ____ **NW 27** ____ **NW 49** ____
NW 50 ____ **Individual** X

11. **Provide the following permit numbers associated with this mining activity: SMCRA Permit No.** 866-0336, **KPDES No.** KYG046575

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:

Figure 1. 401 map

Attachment: Scan disk copy of CWA Section 404 Individual Permit Mitigation Plan

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.

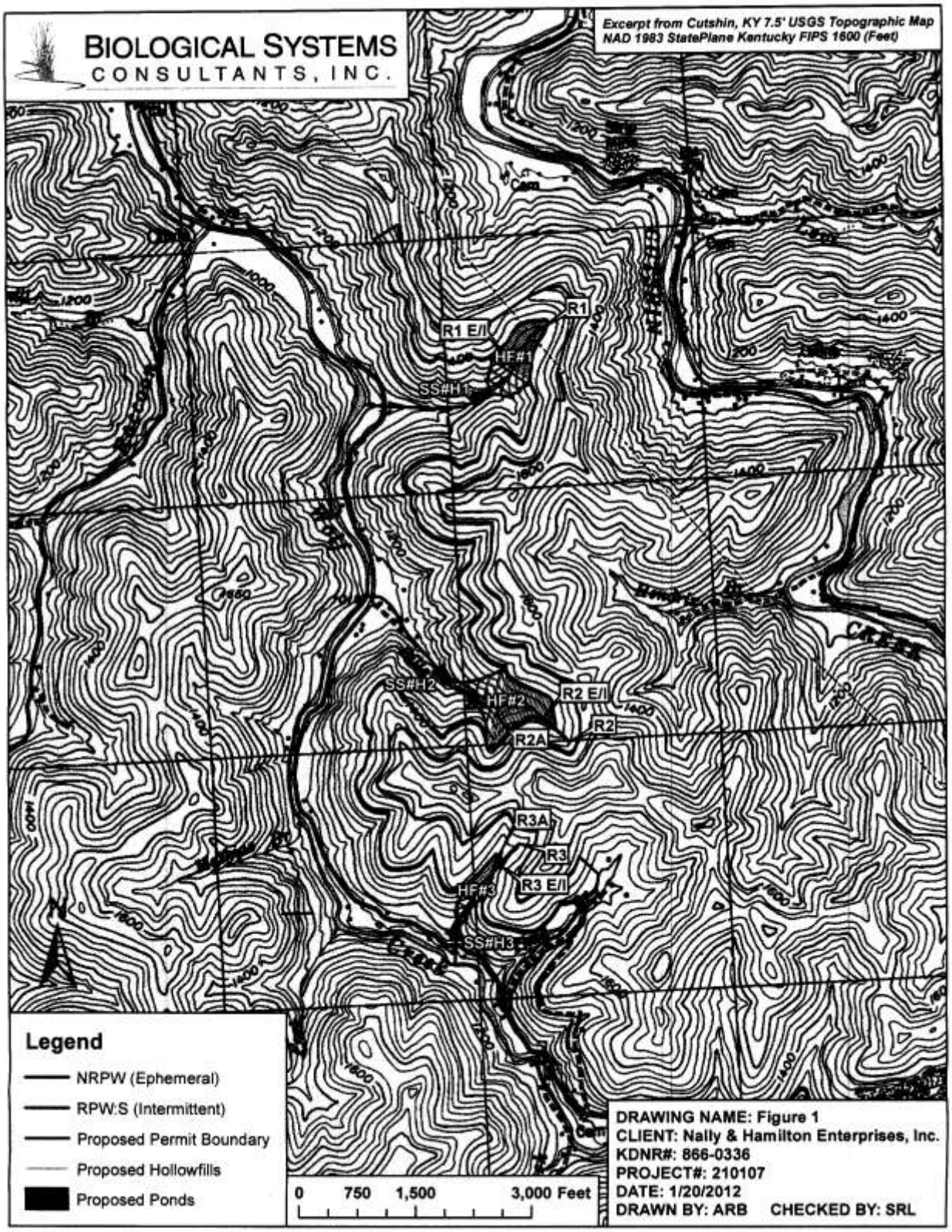
Applicant's Signature:

_____, Date: 11/23/2012

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


BIOLOGICAL SYSTEMS
CONSULTANTS, INC.
Excerpt from Cutshin, KY 7.5' USGS Topographic Map
NAD 1983 StatePlane Kentucky FIPS 1600 (Feet)
R1
R1 E/I
HF#1
SS#H1
SS#H2
HF#2
R2 E/I
R2
R2A
R3A
R3
R3 E/I
HF#3
SS#H3
Legend
NRPW (Ephemeral)
RPW:S (Intermittent)
Proposed Permit Boundary
Proposed Hollowfills
Proposed Ponds
0 750 1,500 3,000 Feet
DRAWING NAME: Figure 1
CLIENT: Nally & Hamilton Enterprises, Inc.
KDNR#: 866-0336
PROJECT#: 210107
DATE: 1/20/2012
DRAWN BY: ARB CHECKED BY: SRL