



**DEPARTMENT OF THE ARMY**  
**NORFOLK DISTRICT CORPS OF ENGINEERS**  
**FORT NORFOLK 803 FRONT STREET**  
**NORFOLK, VIRGINIA 23510-1096**

May 6, 2009

Executive Office

Mr. Mark Wooten  
A&G Coal Company  
P.O. Box 1010  
Wise, Virginia 24293

Dear Mr. Wooten:

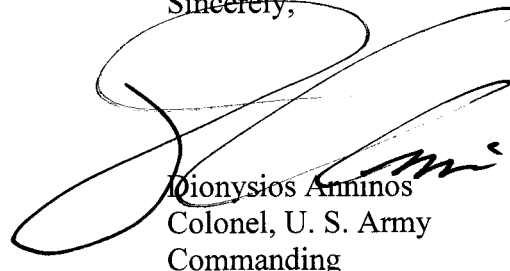
This is in reference to the Nationwide Permit 21 (NWP 21) authorization for your Ison Rock Ridge surface mining project in Wise County, Virginia, that the Norfolk District, U.S. Army Corps of Engineers verified in our letter dated August 7, 2007.

I am writing to inform you that I am hereby suspending your NWP 21 authorization. At the time the NWP 21 was authorized, we understood that you had, or would shortly obtain, the Surface Mine Control and Reclamation Act ("SMCRA") authorization for this project from the Commonwealth of Virginia. However, as it is now clear that such SMCRA authorization has not been issued, and due to the significant lapse of time since the NWP 21 was authorized, I am exercising my authority to suspend the NWP 21 authorization. Suspension will also afford us an opportunity to fully evaluate concerns raised by the Environmental Protection Agency, Region III, in its April 3, 2009, letter.

My authority for taking this action is found at 33 CFR 330.5(d)(2)(ii). Pursuant to that regulation, I order you to stop any activities being done in waters of the United States in reliance upon the aforementioned NWP 21 authorization. Within 10 days of your receipt of this letter, you may request a meeting with me, or my designated representative, to present information in this matter.

You may contact me at (757) 201-7601.

Sincerely,



Dionysios Aminios  
Colonel, U. S. Army  
Commanding