

Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2012-1313

Date: March 20, 2014

Notice No. 14-15

Closing Date: April 19, 2014

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.

2. APPLICANT: Glenn O. Hawbaker, Inc.
1952 Waddle Road
State College, Pennsylvania 16803

3. AGENT: Randy C. Andring
Fike Associates, Inc.
22830 Route 68
Clarion, Pennsylvania 16214

4. LOCATION: Berg Mine
Barkeyville Borough
Venango County, Pennsylvania 16038

5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to impact 2.326 acres of wetlands to conduct non-coal surface mining at the Berg Mine in Barkeyville Borough, Venango County, Pennsylvania. Drawings of the proposed mine are attached to this notice. The applicant proposes the establishment of 2.84 acres of wetland for the unavoidable impacts to 2.326 acres of wetlands. Drawings of the Mine are attached to this Public Notice.

6. ENCROACHMENT PERMIT: The applicant has obtained a Water Obstruction and Encroachment Permit for 2.00 acres of wetland which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Knox District Mining Office
310 Best Avenue
Knox, Pennsylvania 16232

Telephone: (814)797-1191

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect the federally endangered Indiana Bat (*myotis sodalis*), if the proposed seasonal timber restrictions are adhered to and timbering will be conducted between November 16 and March 31. This Public Notice serves as a request to the U.S. Fish and Wildlife Service 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

10. EVALUATION: 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 which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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. The Corps of Engineers 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. Any comments received will be considered by the Corps of Engineers 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

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pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn: Michael Fodse at the above address, by telephoning (412)395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-OP-F 2012-1313 in all responses.

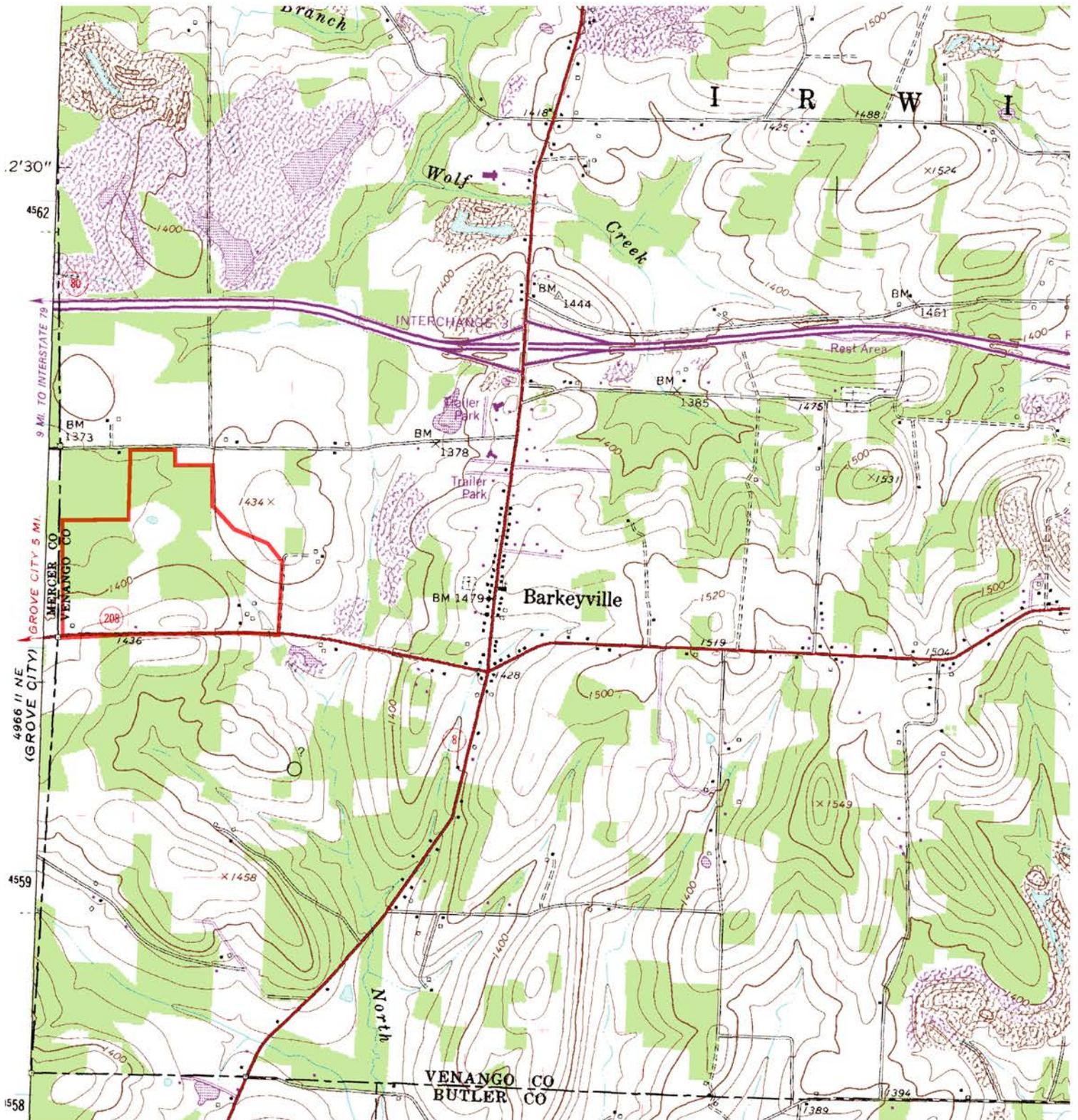
FOR THE DISTRICT ENGINEER:

//SIGNED//

Nancy Mullen
North Section Chief, Regulatory Branch

Glenn O. Hawbaker, Inc. Berg Mine

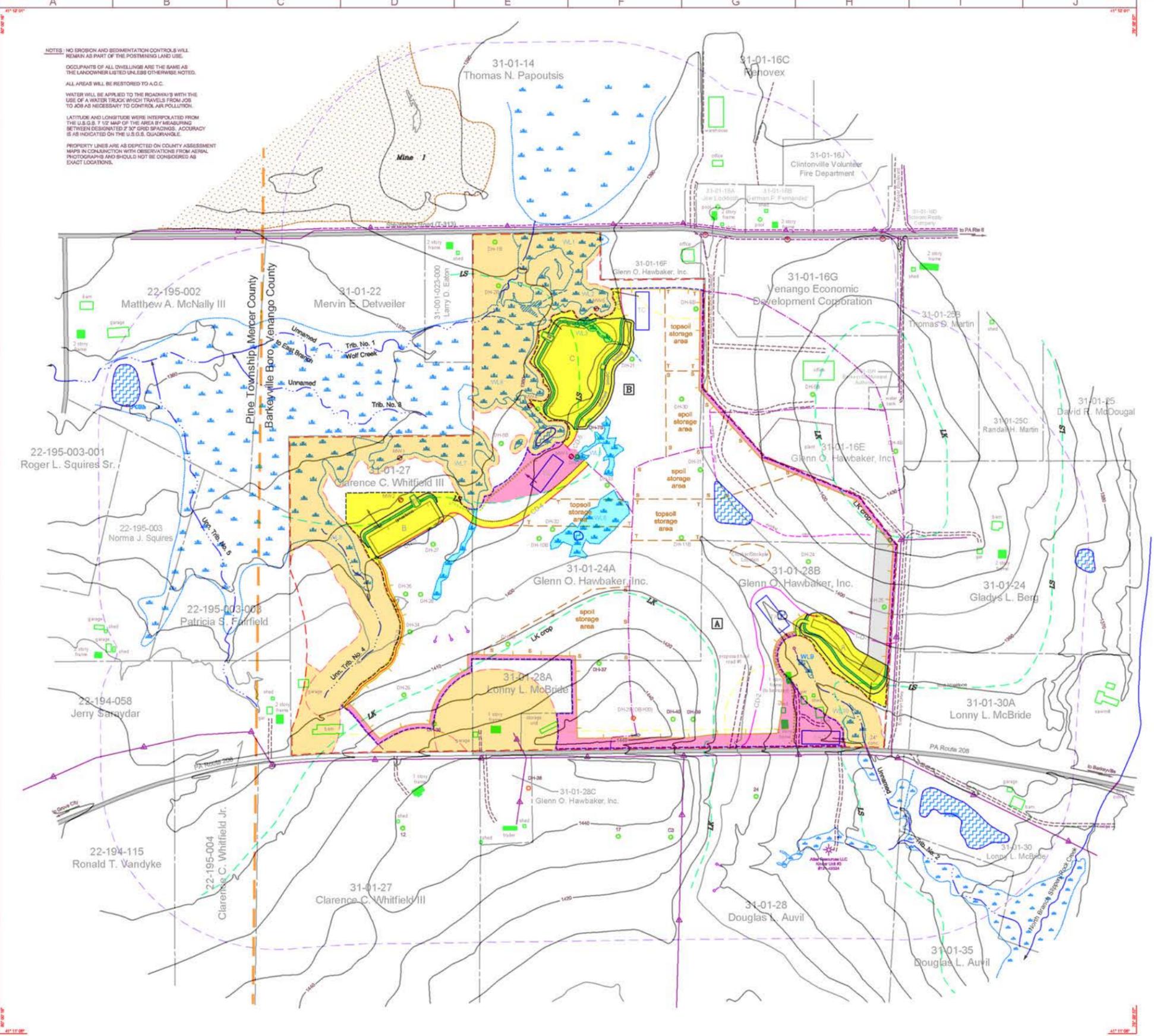
Barkeyville Boro, Venango County



Scale: 1"=2000'

Barkeyville, PA 7 1/2' USGS Quadrangle

NOTES: NO EROSION AND SEDIMENTATION CONTROLS WILL REMAIN AS PART OF THE POSTMINING LAND USE.
 OCCUPANTS OF ALL DWELLINGS ARE THE SAME AS THE LANDOWNER LISTED UNLESS OTHERWISE NOTED.
 ALL AREAS WILL BE RESTORED TO A.G.C.
 WATER WILL BE APPLIED TO THE ROADWAYS WITH THE USE OF A WATER TRUCK WHICH TRAVELS FROM JOB TO JOB AS NECESSARY TO CONTROL AIR POLLUTION.
 LATITUDE AND LONGITUDE WERE INTERPOLATED FROM THE U.S.G.S. 7 1/2" MAP OF THE AREA BY MEASURING BETWEEN DESIGNATED 2" BY 3" SPACING. ACCURACY IS AS INDICATED ON THE U.S.G.S. QUADRANGLE.
 PROPERTY LINES ARE AS DEPICTED ON COUNTY ASSESSMENT MAPS IN CONJUNCTION WITH OBSERVATIONS FROM AERIAL PHOTOGRAPHS AND SHOULD NOT BE CONSIDERED AS EXACT LOCATIONS.



- LEGEND**
- SURFACE MINING PERMIT AREA - DECEMBER 2011 - 1400 ACRES
 - BARRIER AREAS WITHIN PERMIT BOUNDARY
 - VARIANCE AREAS WITHIN PERMIT BOUNDARY
 - SURFACE CONTOUR ELEVATIONS (5' INTERVAL)
 - APPROXIMATE TOWNSHIP / COUNTY BOUNDARY
 - AREA WITHIN 1,000' OF BERG PERMIT BOUNDARY
 - PROPERTY LINE
 - 31-01-24A Gladys L. Berg
 - MAIN ROADS
 - DENOTES CENTER OF ROADWAY AS PROPERTY BOUNDARY
 - EXISTING LAKE
 - EXISTING POND
 - EXISTING SPRING
 - EXISTING DISCHARGE OR DRAINAGE
 - OCCUPIED DWELLING WITH DESCRIPTION (OCCUPIED UNLESS OTHERWISE NOTED)
 - BUILDING WITH DESCRIPTION
 - EPHEMERAL CHANNEL
 - INTERMITTENT STREAM
 - PERENNIAL STREAM
 - DESIGNATED WETLANDS FROM NATIONAL WETLAND INVENTORY MAPPING
 - WETLANDS LOCATED DURING FIELD INVESTIGATION
 - WETLANDS TO BE MITIGATED
 - APPROXIMATE VAMPOR LIMESTONE OUTCROP
 - APPROXIMATE LOWER VITAMMING COAL OUTCROP
 - EXISTING SURFACE MINE
 - ROMAN NUMERALS KEY TO MINES
 - OVERHEAD CENTRAL ELECTRIC POWER LINE
 - OVERHEAD VERTICAL TELEPHONE LINE
 - UNDERGROUND TELEPHONE LINE
 - PUBLIC WATER LINE
 - WATERSHED LINE
 - TREATMENT FACILITIES AREA
 - FIRST CUT AND DIRECTION
 - TOPSOIL STORAGE AREA
 - SPOIL STORAGE AREA
 - PROPOSED FINAL HIGHWALL (PERMIT LINE SETBACK)
 - DRILL HOLE LOCATION
 - OVERBURDEN HOLE LOCATION
 - SEDIMENT POND
 - COLLECTION DITCH
 - BALE BARRIER OR FILTER FABRIC FENCE
 - SEQUENCE OF MINING
 - MINING AREA (0.5 ACRES)
 - SEDIMENT POND (1.2 ACRES)
 - SUPPORT AREA (2 ACRES)
 - PROPOSED WETLAND OBSERVATION WELL

CALL BEFORE YOU DIG
 Pennsylvania and West Virginia
 1-800-4-A-DAWG
 1-800-4-3-DAWG

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 This map was prepared for the use of the owner and is not to be used for any other purpose without the written consent of the owner. The owner is not responsible for any errors or omissions in this map and shall not be held liable for any damages resulting from the use of this map.

Berg Mine

Fike Associates, Inc.
 Surveying & Consulting
 32830 Route 68 Clarion, PA 16214

REVISIONS	
1	Address Information 06-13
2	Address Information 11-13
3	Address Information 11-28-13
4	Address Information 10-01-13

Exhibit 9
(Operations Map)

Surface Mining Permit
for
Glenn O. Hawbaker, Inc.

DATE: July 2011 JOB NO: 942 SCALE: 1"= 200' DRAWN BY: [Name]