

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. LRP-2010-1443

Date: August 15, 2012

Notice No. 12-50

Closing Date: September 14, 2012

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: Rosebud Mining Company
Attn: Bill Camp
301 Market Street
Kittanning, PA 16201
3. LOCATION: 40°30'34.31"N, 79° 9'43.24"W, East of Graceton, Indiana County, PA
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct and operate the Coral-Graceton Deep Mine. Facilities that are proposed include: erosion and sedimentation controls, spoil and topsoil stock pile areas, shaft locations, and surface structures/buildings.

Development of the area, as described above, will result in impacts to Waters of the United States. Permanent stream impacts include relocations and fills of unnamed tributaries (UNTs) of Two Lick Creek. Total proposed permanent stream and wetland impacts will be 2,117 linear feet and 4.11 acres, respectively.

The applicant is proposing to construct 8.55 acres of wetland and 3,200 LF of stream off-site to fulfill their mitigation requirement at the Coy site approximately 1.75 miles northeast of the project location. The mitigation site lies within the Tearing Run watershed. Drawings of the proposed sites development are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
California District Mining Office
25 Technology Drive
Coal Center, PA 15423
Telephone: 724-769-1100

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. 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). (PNDI reference number 20120731366115).

7. IMPACT ON CULTURAL RESOURCES: The Pennsylvania Historical and Museum Commission (PHMC) 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). (PHMC file number ER 08-0106-063-D).

8. 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.

9. 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

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Public Notice No. 12-50

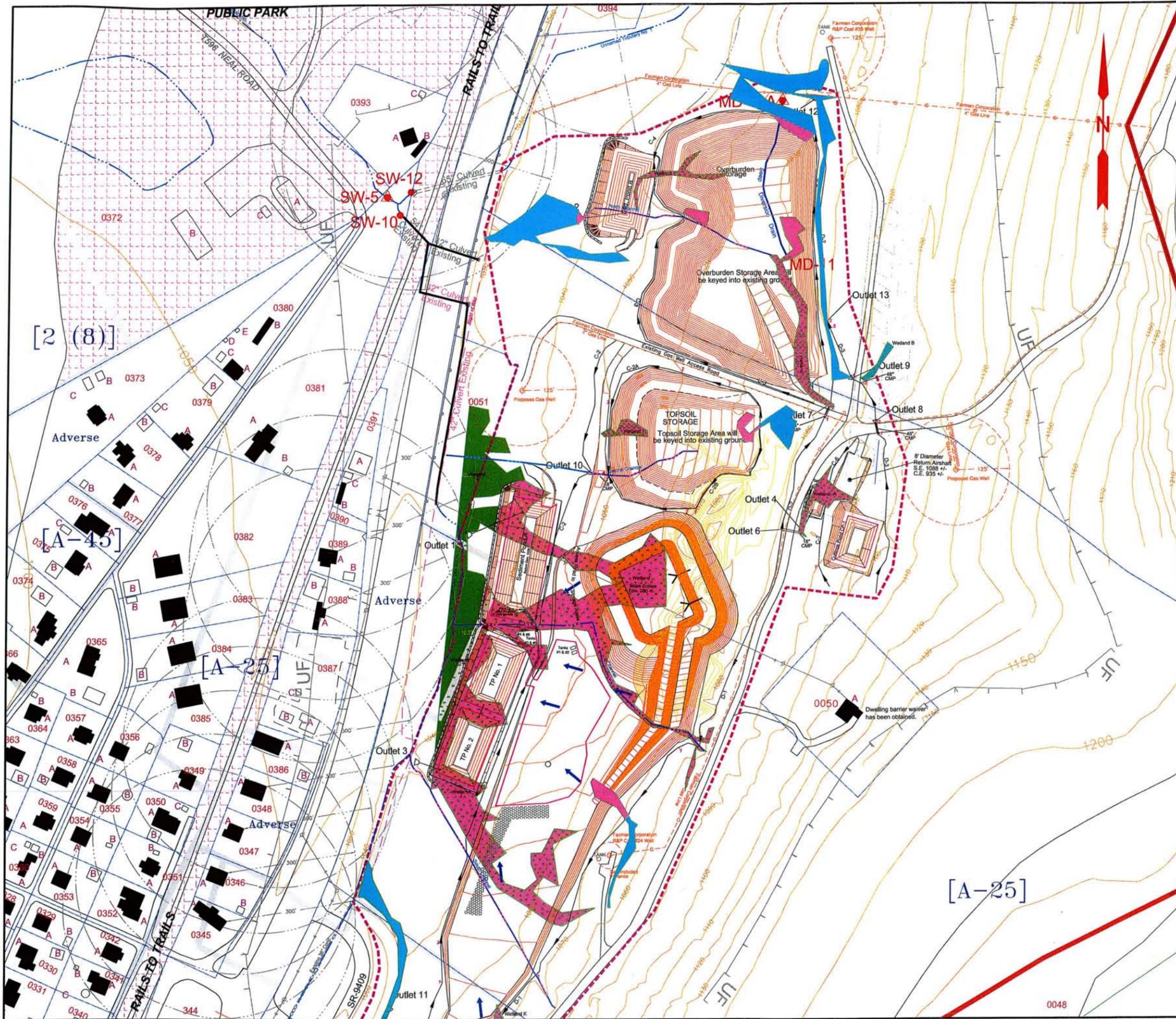
the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will 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).

10. 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 Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at Joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2010-1443 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch



Wetland Impacts				
Wetland	Size	Direct Impact	Indirect Impact	Total Impact
A	0.10 Ac.	0.10 Ac.		0.10 Ac.
B	0.03 Ac.			
C	0.58 Ac.	0.04 Ac.		0.04 Ac.
D	0.27 Ac.	0.27 Ac.		0.27 Ac.
E	0.07 Ac.	0.07 Ac.		0.07 Ac.
F	0.03 Ac.	0.03 Ac.		0.03 Ac.
G	0.35 Ac.	0.01 Ac.		0.01 Ac.
H	0.12 Ac.	0.04 Ac.		0.04 Ac.
I	0.05 Ac.	0.05 Ac.		0.05 Ac.
J	3.43 Ac.	2.46 Ac.	0.96 Ac.	3.43 Ac.
K	0.01 Ac.	0.01 Ac.		0.01 Ac.
L	0.11 Ac.	0.06 Ac.		0.06 Ac.
M	0.18 Ac.			
3	0.18 Ac.			
Total	5.51 Ac.	3.14 Ac.	0.96 Ac.	4.10 Ac.

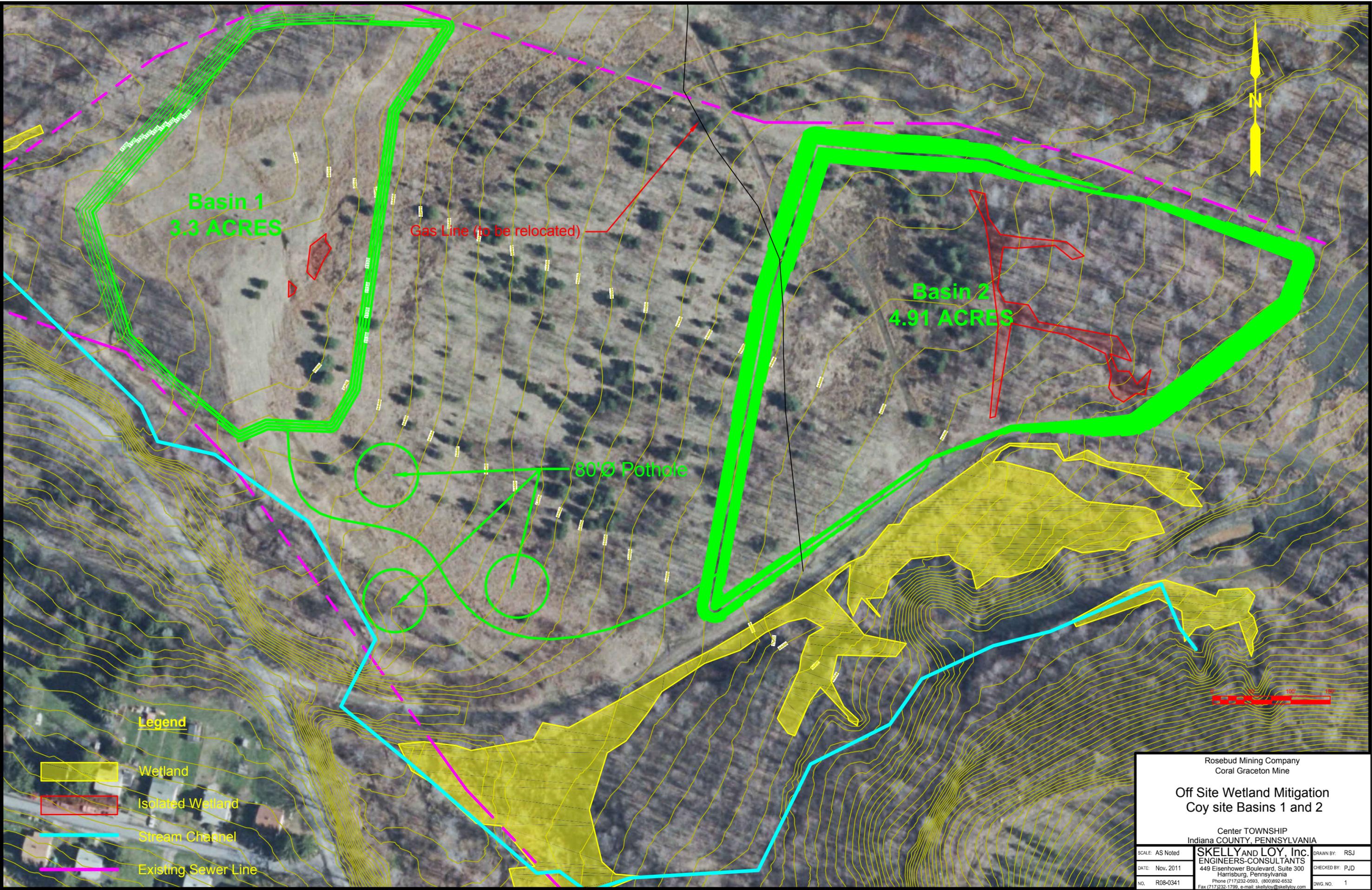
Channel				
Channel	Length	Direct Impact	Indirect Impact	Total Impact
NC	433 LF	433 LF		433 LF
CC	600 LF	266 LF		266 LF
J	742 LF	691 LF	51 LF	742 LF
SC	676 LF	676 LF		676 LF
Total	2451 LF	2066 LF	51 LF	2117 LF

Legend

- Existing Wetland - No Impact
- Direct Wetland Impact
- Indirect Wetland Impact
- Existing Stream
- Direct Stream Impact
- Indirect Stream Impact



SKELLY and LOY, Inc. Jan., 2012 Figure 1
 Rosebud Mining Company
 Coral Graceton Mine
**Wetland and Watercourse
 Impact Map**
 Center Township
 Indiana County, Pennsylvania
 Job No.: R08-0341 Scale: 1" = 60'



Basin 1
3.3 ACRES

Gas Line (to be relocated)

Basin 2
4.91 ACRES

80'Ø Pothole

Legend

- Wetland
- Isolated Wetland
- Stream Channel
- Existing Sewer-Line

Rosebud Mining Company Coral Graceton Mine		
Off Site Wetland Mitigation Coy site Basins 1 and 2		
Center TOWNSHIP Indiana COUNTY, PENNSYLVANIA		
SCALE: AS Noted	SKELLY AND LOY, Inc. ENGINEERS-CONSULTANTS 449 Eisenhower Boulevard, Suite 300 Harrisburg, Pennsylvania <small>Phone (717)232-0593, (800)892-6532 Fax (717)232-1799, e-mail: skellyloy@skellyloy.com</small>	DRAWN BY: RSJ
DATE: Nov. 2011		CHECKED BY: PJD
NO. R08-0341		DWG. NO. 1