



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-2012-1631 Date: March 5, 2013

Notice No. 13-09

Closing Date: April 5, 2013

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:** Wilson Creek Energy, LLC.
609 Georgian Place
Somerset, Pennsylvania 15501
3. **LOCATION:** The surface facilities of the proposed project are to be located at approximately 690 Keyser Road, Boswell, Pennsylvania 15531. GPS coordinates: 40°10'30.00"N, 79° 1'21.00"W.
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to construct the Keyser Deep Mine Facility. The surface facility of the deep mine complex will encompass approximately 85 acres as depicted in the attached location map, while the underground mining area will consist of approximately 7,000 acres. As a result of the construction of the surface facilities, impacts to streams and wetlands will occur. Permanent stream impacts of 120 linear feet will occur on an unnamed tributary of Roaring Run due to the construction of two (2) access road stream crossings. Permanent wetland impacts of 1.92 acres are proposed due to construction of various components of the surface facility. The applicant is proposing 2.1 acres of on-site, in-kind wetland mitigation/replacement as compensatory mitigation for unavoidable impacts to wetlands. For further site details, please see the following link:
http://www.lrp.usace.army.mil/or/or-f/public_notice.htm
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 Office
25 Technology Drive
California Technology Park
Coal Center, PA 15423

Telephone: (724) 769-1100

6. IMPACT ON NATURAL RESOURCES: The applicant has initiated coordination with the U.S. Fish and Wildlife Service (USFWS) by letter dated September 28, 2012. A PNDI search was conducted under Receipt #20120601357208 and was included as an attachment to CME Engineering's letter to USFWS. Based on the information within the Corps office, it has been determined that further coordination with USFWS will be needed. 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).

7. IMPACT ON CULTURAL RESOURCES: The applicant has coordinated with the Pennsylvania Historical and Museum Commission (PHMC) (ER#2013-0142-111-A) and a site visit was planned with PHMC as noted in the letter addressed to CME Engineering, dated November 5, 2012. The applicant is currently waiting for a determination from the PHMC. 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).

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 the preparation of an Environmental Assessment and/or an Environmental Impact Statement

CELRP-OP-F

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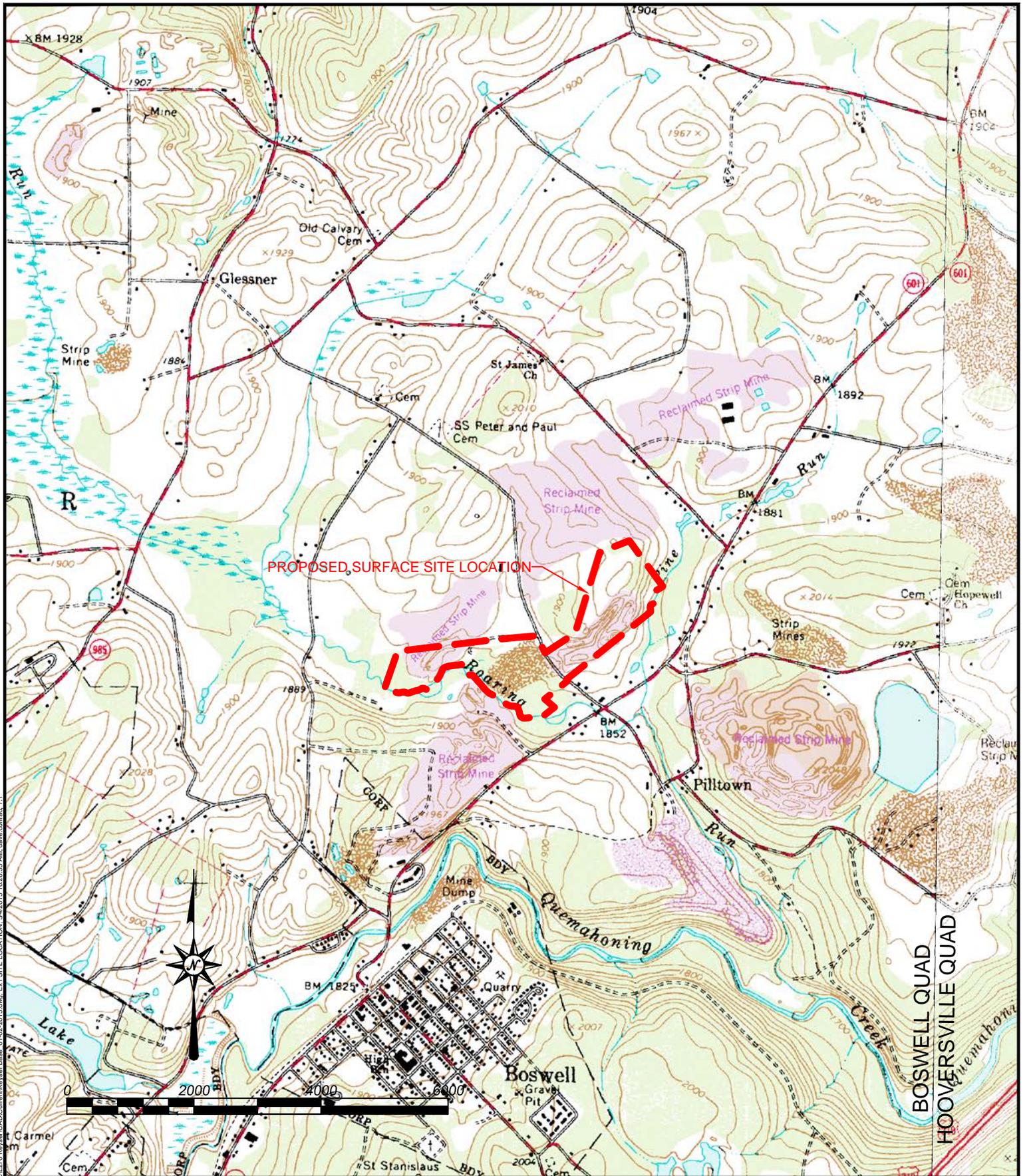
pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection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

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 2012-1631 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon T. Coleman
Chief, Southern Section
Regulatory Branch



G:\Clients\0743 Wilson Creek Energy, LLC\070 Keyser\CAD\Current\Keyser Base_01-02-2013.dwg, Ex1 SITE LOCATION, 3/4/2013 10:26:35 AM, dave.conrad, 1:1

Drawn By:	PHS
Checked By:	SWH
Date:	12-06-2012
Scale:	1" = 2000'
Project No.:	0743-L270
File Name:	Keyser Base_01-02-2013.dwg
Drawing:	1 of 1


CME
 ENGINEERING
 CME ENGINEERING LP
 975 Georges Station Rd, Ste 100, Greensburg, PA 15601
 724-672-4800 FAX: 724-672-4801

EXHIBIT 1: SITE LOCATION MAP
Wilson Creek Energy, LLC
Keyser Deep Mine
 CMAP # PENDING MSHA ID # PENDING
 LOWER KITTANNING SEAM TO BE MINED
 CONEMAUGH AND JENNER TOWNSHIPS
 SOMERSET COUNTY, PENNSYLVANIA