

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. 2012-1263

Date: June 19, 2013

Notice No. 13-26

Closing Date: July 19, 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. This notice is provided to solicit comments under Section 106 of the National Historic Preservation Act (NHPA) and Appendix C to Part 325 Procedures for the Protection of Historic Properties .
2. APPLICANT: David K. Wilson P.E.
Hickory Run Energy, LLC
400 Chesterfield Center, Suite 110
Chesterfield, Missouri 63017
3. LOCATION: N: 40° , 59' , 39" , W: -80° , 25' , 49" .
North Beaver and Mahoning Townships. Lawrence County, Pennsylvania
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to impact 0.36 acre of palustrine wetlands to construct a natural gas fired combined-cycle electric generating facility with associated parking and infrastructure. The applicant proposes payment in the Pennsylvania Department of Environmental Protection (PADEP) Wetland Replacement Fund to satisfy PADEP wetland mitigation requirements. Additional mitigation plans are being developed to satisfy Corps mitigation requirements for unavoidable wetland impacts. Pending finalization of a Memorandum of Agreement (MOA) for the impacts to cultural resources and a revised mitigation plan, the project may qualify for authorization under Pennsylvania State Programmatic General Permit 4 (PASPGP-4). Drawings of the proposed project are attached to this notice.
5. ENCROACHMENT PERMIT: The applicant has obtained a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Waterways and Wetlands Section
230 Chestnut Street
Meadville, PA 16335
Telephone: 814-332-6945

6. IMPACT ON NATURAL RESOURCES: PNDI Search ID number 201211031378425 resulted in the applicant preparing an Indiana Bat Conservation Plan. In a letter dated March 28, 2013 The United States Fish and Wildlife Service determined that with the implementation of the Indiana Bat Conservation Plan, the effects the project will have on the Indiana Bat are insignificant or discountable.

In consideration of the Indiana Bat Conservation Plan the District Engineer has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The applicant has coordinated with the Pennsylvania Historical and Museum Commission for review of effects on potentially significant historic properties subject to Section 106 of the NHPA. The applicant has conducted Phase I and II surveys, which identified one historic archaeological site, the Fullerton Farmstead (36LR0291), eligible for the National Register of Historic Places. No eligible prehistoric archaeological sites were identified. The project as proposed will directly and adversely affect the eligible site. The applicant, PHMC, the Corps and any identified consulting parties will execute a MOA to address treatment of unavoidable adverse effects to this historic archaeological site. This Public Notice serves as a request to any interested parties to submit comments on this undertaking.

8. EVALUATION: 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 Decision Document 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).

9. 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

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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 2012-1263 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Scott A. Hans
Chief, Regulatory Branch

NO.	DATE	DESCRIPTION

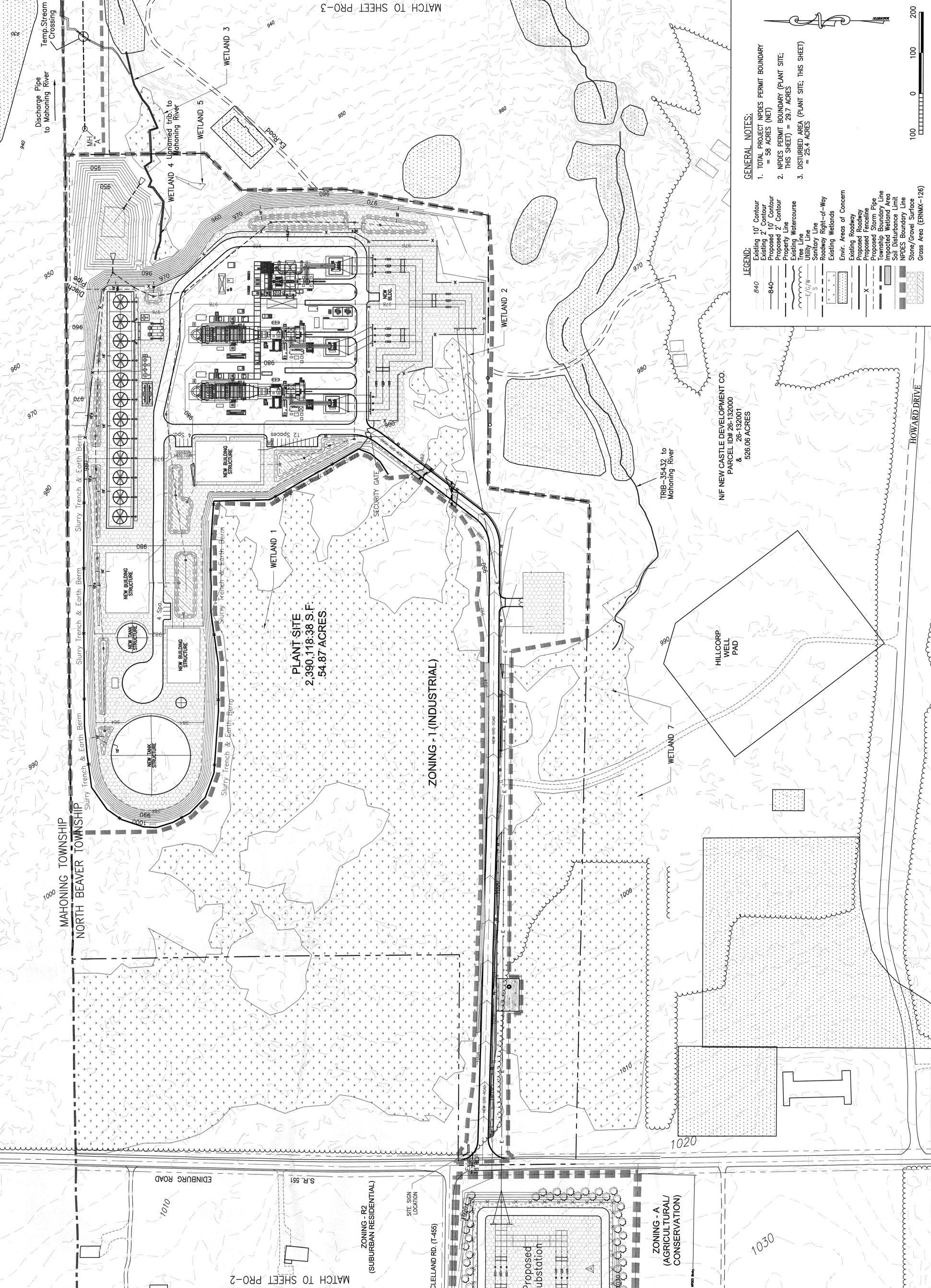
DESIGNED BY	DATE
FS8	1/2013
DRAWN BY <th>DATE</th>	DATE
FS8	1/2013
CHECKED BY	DATE
FAR	1/2013
APPROVED	DATE
APPROVED	DATE

HICKORY RUN ENERGY STATION
 NORTH BEAVER TOWNSHIP
 LAWRENCE COUNTY, PENNSYLVANIA
 MAIN PLANT SITE
 PROPOSED CONDITIONS PLAN

RAR engineering group, inc.
 1133 Butler Avenue, New Castle, Pennsylvania 16101
 telephone 724.652.1004 faxsimile 724.652.3814 email rar@engrinc.com



SHEET NUMBER
Pro-5
 of
Pro-1



LEGEND:

- Existing 10' Contour
- Existing 2' Contour
- Proposed 10' Contour
- Proposed 2' Contour
- Property Line
- Existing Watercourse
- Tree Line
- Utility Line
- Sanitary Line
- Roadway Right-of-Way
- Existing Wetlands
- Envir. Areas of Concern
- Existing Roadway
- Proposed Roadway
- Proposed Fenceline
- Proposed Storm Pipe
- Township Boundary Line
- Impacted Wetland Area
- Soil Disturbance Limit
- NPDES Boundary Line
- Stone/Gravel Surface
- Grass Area (ERNM-126)

GENERAL NOTES:

- TOTAL PROJECT NPDES PERMIT BOUNDARY = 58 ACRES (NET)
- NPDES PERMIT BOUNDARY (PLANT SITE; THIS SHEET) = 28.7 ACRES
- DISTURBED AREA (PLANT SITE; THIS SHEET) = 25.4 ACRES

