

# 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. 2006-2207

Date: September 24, 2012

Notice No. 12-57

Closing Date: October 24, 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. **APPLICANT:** Mr. Matthew McClure  
River Processing Corporation  
P.O. Box 1020  
Waynesburg, PA 15370
3. **LOCATION:** There are two major components to this proposed project:
  - A. **No.1 Shaft and No. 1 Slope:** located at approximately 39.966389°N and -80.061667°W; and 39.9650°N and -80.0475°W, in Morgan and Jefferson Townships respectively, Greene County, Pennsylvania.
  - B. **Surface Facilities and Coal Refuse Disposal Area #1:** located at approximately 39.969167°N and -80.032778°W; and 39.973889°N and -80.023020°W respectively, in Jefferson Township, Greene County, Pennsylvania.
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant (River Processing Corporation), with its affiliate (Freeport Mining, LLC) proposes to construct the Freeport Mine Complex (No. 1 Shaft and No. 1 Slope; Surface Facilities and Coal Refuse Disposal Area #1) , a new coal mine near the town of Clarksville in Morgan and Jefferson Townships, Greene County, Pennsylvania.

The No. 1 Shaft and No. 1 Slope is for access to a new room and pillar mine, and is necessary for accessing the Upper Freeport coal seam for the purpose of coal extraction. Components of this project include:

- The construction of a vertical shaft and slope for the transportation of employees, supplies, and small equipment to the new mine workings.
- Surface facilities (parking, warehouses, administrative buildings, shops, and a bathhouse).

Surface Facilities and Coal Refuse Disposal Area #1(CRDA) components include:

- surface facilities (a preparation plant, a material handling system [including an overland conveyor], and employee parking)
- A barge load out facility at approximately river mile 67 of the Monongahela River.
- A new coal refuse disposal area which will be approximately 147 acres in size and will be located adjacent to the proposed surface facilities.

The projected unavoidable aquatic resource impacts as a result of this proposed project will total: 7,709 linear feet of stream impact, and 4.32 acres of wetland impact. The applicant has proposed to mitigate these impacts by performing “Permittee-Responsible” mitigation in the same subwatershed (Castile Run) as the proposed impacts. Drawings of the proposed project, and wetland and stream mitigation projects 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 Office  
25 Technology Drive  
California Technology Park  
Coal Center, PA 15423

Telephone: 724-769-1100

6. IMPACT ON NATURAL RESOURCES: Upon review of information submitted by the applicant, there are no anticipated impacts to any federally listed or proposed to be listed endangered or threatened species; therefore, this Public Notice serves as a request to the U. S. Fish and Wildlife Service for any 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 Corps, in consultation with the Pennsylvania State Historic Preservation Office (PASHPO), the Advisory Council on Historic Preservation, and the Seneca Nation of Indians Tribal Historic Preservation Office has determined that there are resources eligible for inclusion on the National Register of Historic Places located within the proposed project area. The Corps has determined that, pursuant to Section 106 of the National Historic Preservation Act of 1966, the proposed project would have an adverse effect on these National Register eligible historic resources. The Corps has consulted with the concerned agencies and parties, and prepared and executed a memorandum of agreement between the Corps, PASHPO, the project applicant, and the Seneca Nation of Indians.

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 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 Jon T. Coleman at the above address, by telephoning (412) 395-7188, or by e-mail at jon.t.coleman@usace.army.mil. Please refer to CELRP-OP-F 2006-2207 in all responses.

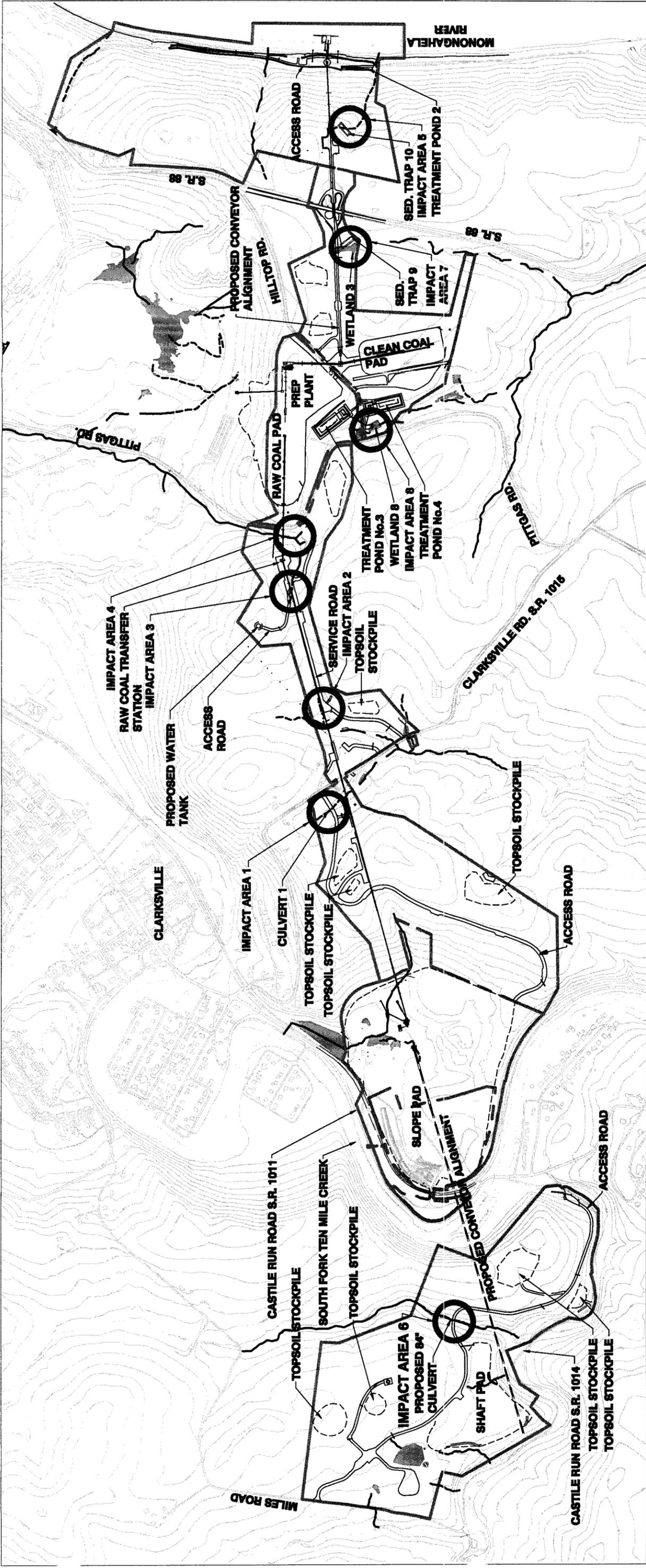
FOR THE DISTRICT ENGINEER:

//SIGNED//

Karen A. Kochenbach  
Chief, Southern Section  
Regulatory Branch

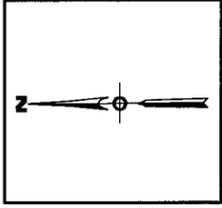
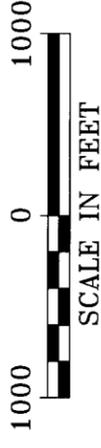


<p><b>WALLACE &amp; PANCHER, INC.</b>          1000 TOWN CENTER WAY, STE. 140          CANONSBURG, PA 15317          PHONE: (724) 551-1240          FAX: (724) 551-1279          ENGINEERING AND ENVIRONMENTAL CONSULTING</p>	<p>Drawn: CJT          Checked: BB          Reviewed: JEB, CJW          Project No.: 10663</p>
<p>Prepared For:  <b>River Processing Corp.</b>          158 Portal Rd.          Waynesburg, PA 15370</p>	<p>Figure  <b>2</b></p>
<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>--- Existing Barge Facility Permit Boundary (River Processing Corp.)</li> <li>--- Proposed Slope Site Boundary (Freeport Mining, LLC)</li> <li>--- Proposed Surface Facilities Boundary (River Processing Corp.)</li> <li>--- Proposed CRDA No. 1 Boundary (River Processing Corp.)</li> </ul>	<p>Project:          River Processing Corp.          Section 404 Permit          Project Location          Greene County, PA</p>
<p>SOURCE DATA:          1. PERMIT BOUNDARIES, FM LLC 2009-2010;          RPC 1993-2010.          3. 7.5 MINUTE TOPOGRAPHIC QUAD, "MATHER, PA."          USGS 1996.</p> <p>PROJECTION: LAMBERT CONFORMAL CONIC          DATUM: NAD27   COORDINATE SYSTEM:          PA STATE PLANE SOUTH (FEET)</p>	<p>North Arrow</p> <p>1 inch = 800 feet</p> <p>0 400 800 Feet</p>
<p>Date: 09/23/2010</p> <p>Revisions:</p>	<p>Project No.: 10663</p>



**LEGEND**

- PROJECT SITE LIMITS
- █ EXISTING WETLAND
- EXISTING STREAM (NOT CLASSIFIED)
- INVENTORIED STREAM — PERENNIAL
- INVENTORIED STREAM — EPHEMERAL
- INVENTORIED STREAM — INTERMITTENT



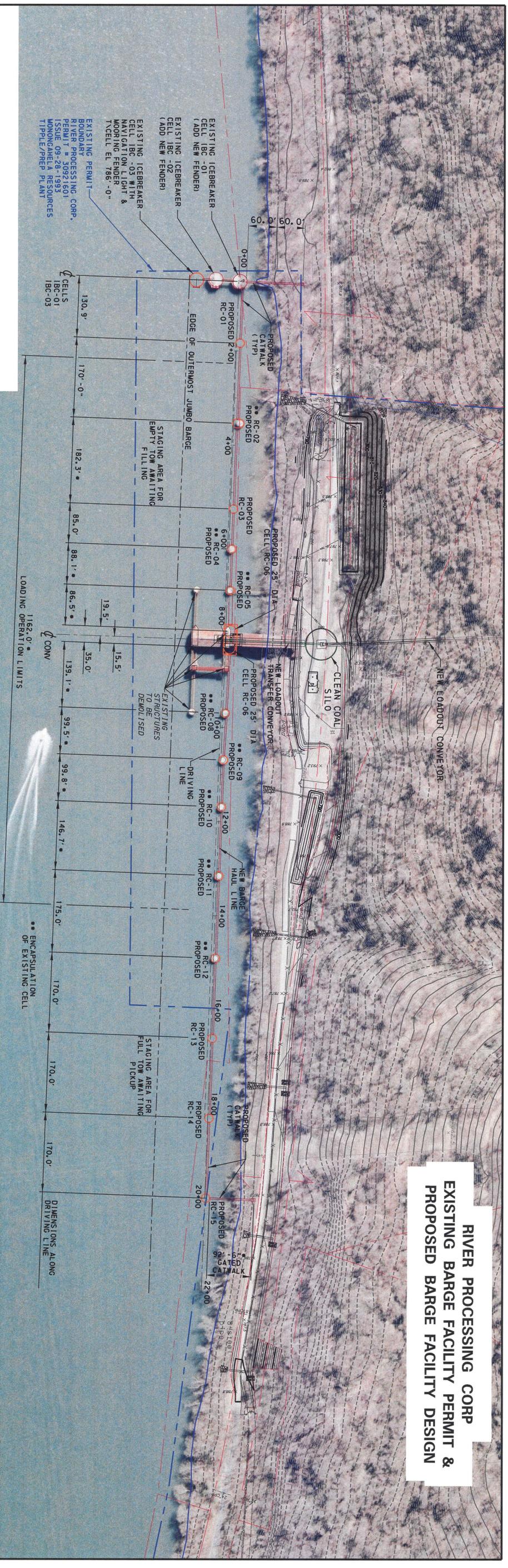
RIVER PROCESSING CORPORATION  
FREEPORT SURFACE FACILITIES  
ALTERNATIVES ANALYSIS  
PROJECT LOCATION MAP  
JEFFERSON TOWNSHIP, GREENE COUNTY, PA.

SCALE AS SHOWN DATE JULY, 2010

FIGURE 3

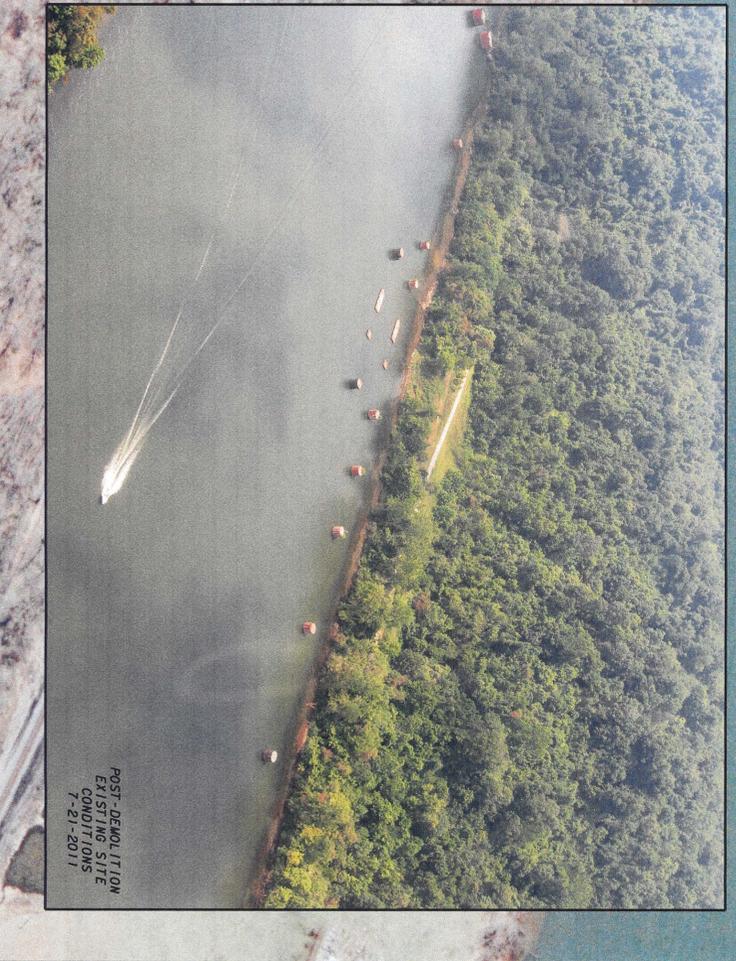


**RIVER PROCESSING CORP  
EXISTING BARGE FACILITY PERMIT &  
PROPOSED BARGE FACILITY DESIGN**

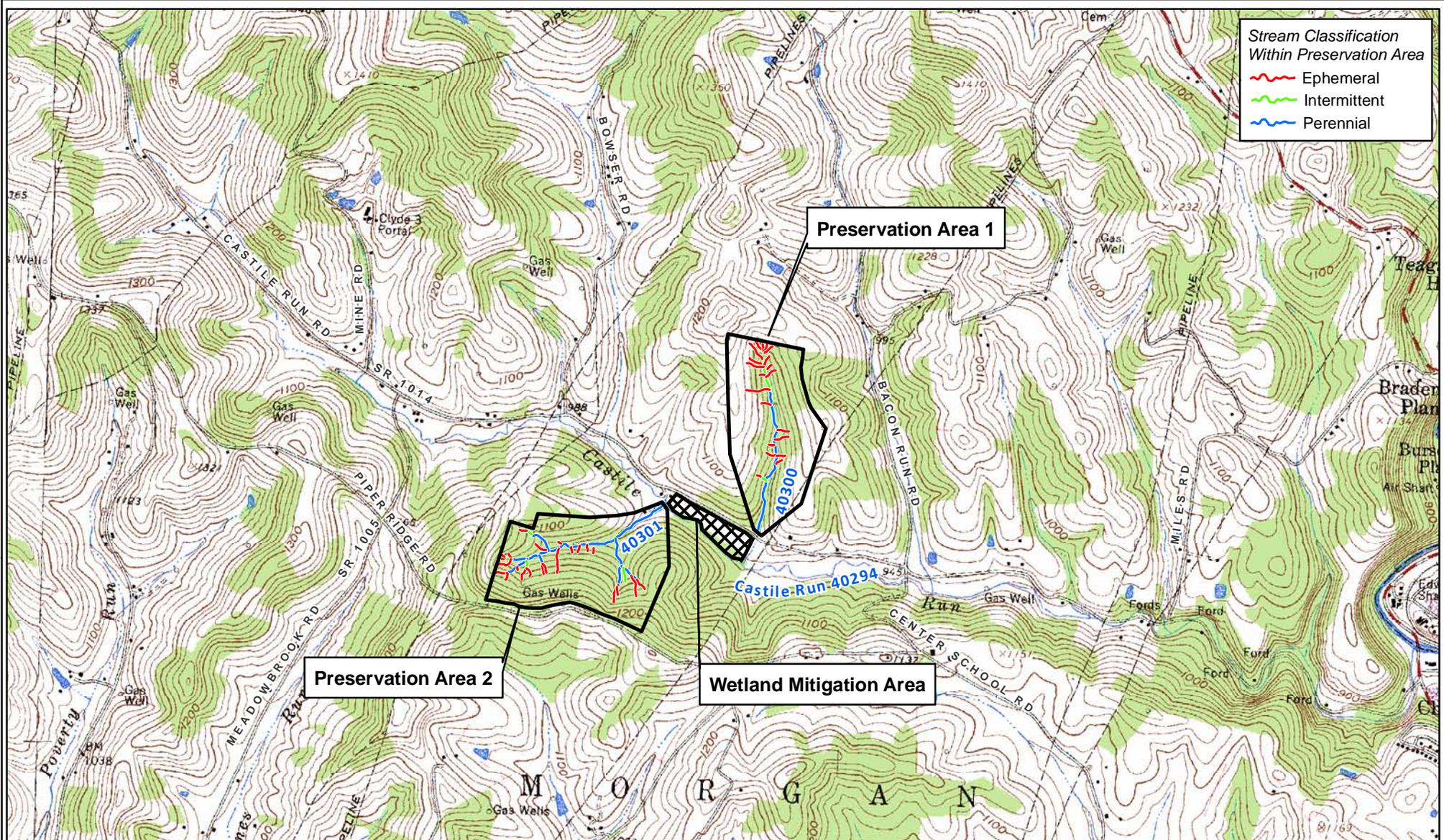


FREEPORT RIVER CELL REFERENCE DATA SHEET

EXISTING		REMARKS	
DESCRIPTION	QUANTITY	SIZE	REMARKS
ICE BREAKER	2	31'-6" DIA	
CELLS	10	14'-0" DIA	
LONG PAD (TORPEDO)	2	44'-7" x 12'-0"	
SHORT PAD (SQUARE)	2	12'-0" x 12'-0"	
DEMO			
DESCRIPTION	QUANTITY	SIZE	REMARKS
CELLS	2	14'-0" DIA	
LONG PAD (TORPEDO)	2	44'-7" x 12'-0"	
SHORT PAD (SQUARE)	2	12'-0" x 12'-0"	
REPAIR			
DESCRIPTION	QUANTITY	SIZE	REMARKS
ICE BREAKER	2	31'-6" DIA	ENCAPSULATE
CELLS	8	18'-0" DIA	
NEW			
DESCRIPTION	QUANTITY	SIZE	REMARKS
ICE BREAKER	1	31'-6" DIA	
CELLS	5	18'-0" DIA	
CELLS	2	25'-0" DIA	
TOTAL AFTER DEMO, REPAIR & NEW INSTALL			
DESCRIPTION	QUANTITY	SIZE	REMARKS
ICE BREAKER	3	31'-6" DIA	1 NEW & 2 REPAIRED
CELLS	13	18'-0" DIA	5 NEW & 8 ENCAPSULATED
CELLS	2	25'-0" DIA	2 NEW



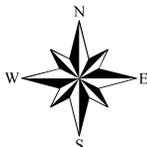
POST-DEMOLITION  
EXISTING SITE  
CONDITIONS  
7-21-2011



**Stream Classification  
Within Preservation Area**

-  Ephemeral
-  Intermittent
-  Perennial

Date: 04/27/2012



1 inch = 2,000 feet



**Source Data:**

1. 7.5 Minute Topographic DRG, Mather, PA. U.S. Geological Survey, 1996.
2. Boundary Polygon, WPI 2011-2012.

**Projection:** Lambert Conformal Conic  
**Datum:** NAD27  
**Coordinate System:** PA State Plane South (Feet)

Prepared For:

**Alpha Natural Resources**



158 Portal Road  
Waynesburg, PA 15370

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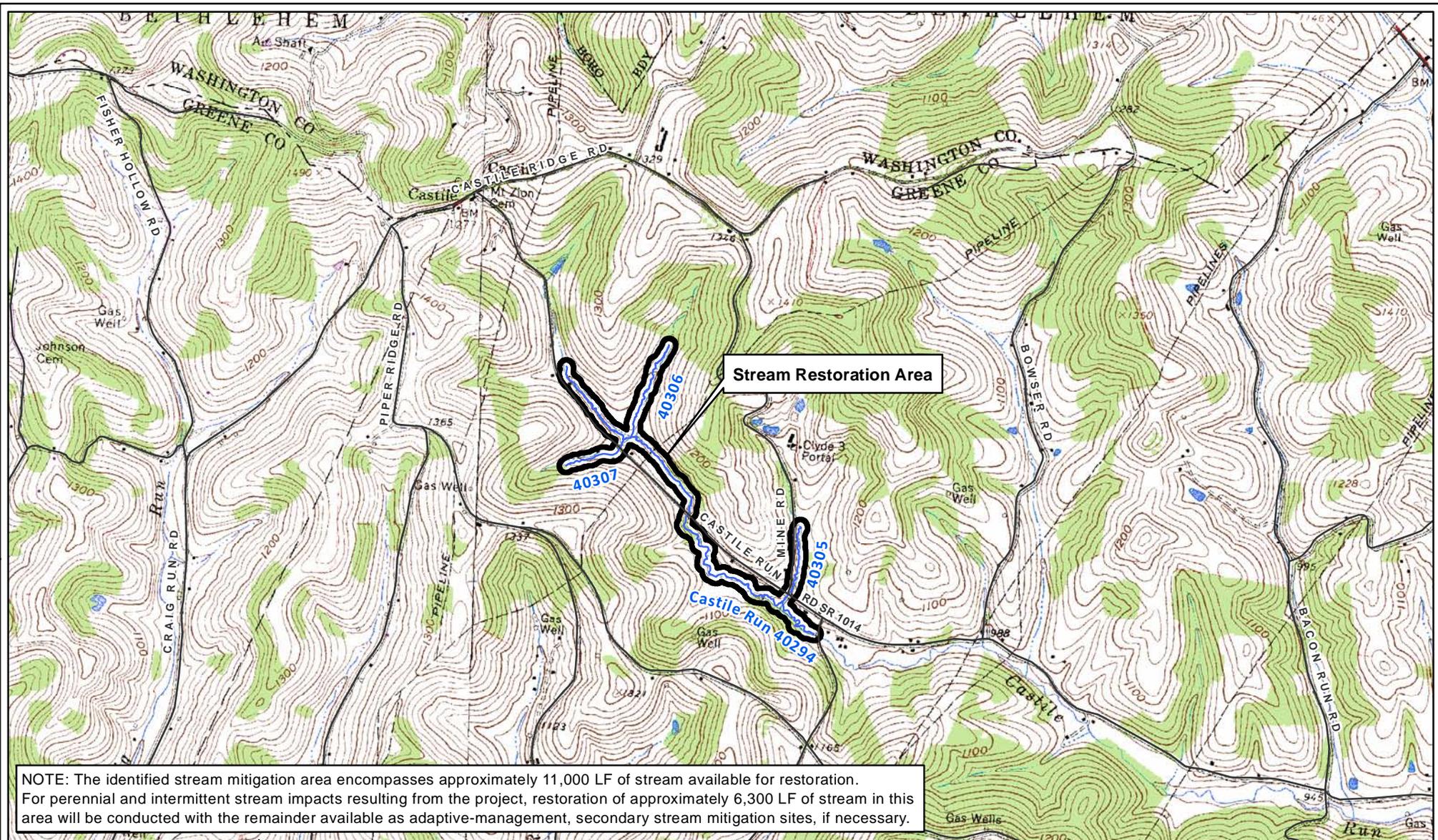
**Project:**

Stream Preservation and Wetland Mitigation Areas For  
Freeport Mine Complex  
Morgan Township  
Greene County, PA

**Figure**

2

Drawn:	HAB
Checked:	CJW
Reviewed:	CJW
Project No.:	10663

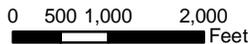


NOTE: The identified stream mitigation area encompasses approximately 11,000 LF of stream available for restoration. For perennial and intermittent stream impacts resulting from the project, restoration of approximately 6,300 LF of stream in this area will be conducted with the remainder available as adaptive-management, secondary stream mitigation sites, if necessary.

Date: 04/27/2012



1 inch = 2,000 feet



Source Data:

- 7.5 Minute Topographic DRG, Mather and Waynesburg, PA. U.S. Geological Survey, 1996.
- Boundary Polygon, WPI 2011-2012.

Projection: Lambert Conformal Conic  
 Datum: NAD27  
 Coordinate System:  
 PA State Plane South (Feet)

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Project:

Stream Restoration Areas For  
 Freeport Mine Complex  
 Morgan Township  
 Greene County, PA

Figure

1

Drawn: HAB

Checked: CJW

Reviewed: CJW

Project No.: 10663