
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. 2007-1113

Date: July 25, 2008

Public Notice No. 08-38

Closing Date: August 11, 2008

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 (33 U.S.C. 1344).
2. APPLICANT: Pennsylvania Department of Environmental Protection
Bureau of Abandoned Mine Reclamation
286 Industrial Park Road
Ebensburg, Pennsylvania 15931
(814) 472-1800
3. LOCATION: The site is located south of SR 251, approximately 10 miles west of Beaver Falls, South Beaver Township, Beaver County, Pennsylvania. Latitude 40°45'36"/Longitude - 80°29'37". The project is located on an unnamed tributary to Brush Run, a tributary to the Little Beaver Creek, a tributary to the Ohio River.
4. PURPOSE AND DESCRIPTION OF WORK: The Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation (BAMR) proposes to construct the Miskita Lake Far Southwest Abandoned Mine Land Reclamation project on an approximate 26 acre abandoned mine site to eliminate 2,600 feet of a 3,300 foot long highwall that is near vertical and approximately 70 feet high. Specific project activity includes regrading mine spoils to back fill 2 mine pits and constructing water control structures. The project will adversely impact 1.7 acres of open water located in mine pits and 0.27 acres of adjacent emergent wetlands. BAMR has proposed to construct 0.44 acres of replacement wetlands and a 0.5 acre open water pond on the site. Drawings of the proposed project are attached.
5. PENNSYLVANIA WATER QUALITY CERTIFICATION: A Pennsylvania encroachment permit will be required for this project which includes State 401 Water quality Certification from the:

Pennsylvania Department of Environmental Protection
Bureau of Abandoned Mine Reclamation, Attn: Pam Milavec
286 Industrial Park Road
Ebensburg, PA 15931
(814) 472-1800

6. IMPACT ON NATURAL RESOURCES: A Pennsylvania Natural Diversity Index (PNDI) survey was conducted on September 17, 2007 and resulted in zero known impacts for the proposed project. The District Engineer has determined that the project is not likely to affect the continued existence of any endangered 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).

7. IMPACT ON CULTURAL RESOURCES. The applicant has stated that in accordance with 36 CFR Part 800 abandoned mine reclamation project types including strip mine reclamation sites such as highwalls, pits, and impoundments using on-site previously disturbed materials which do not have an adverse effect on historic properties will not require consultation from the SHPO prior to construction. If this office is 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.

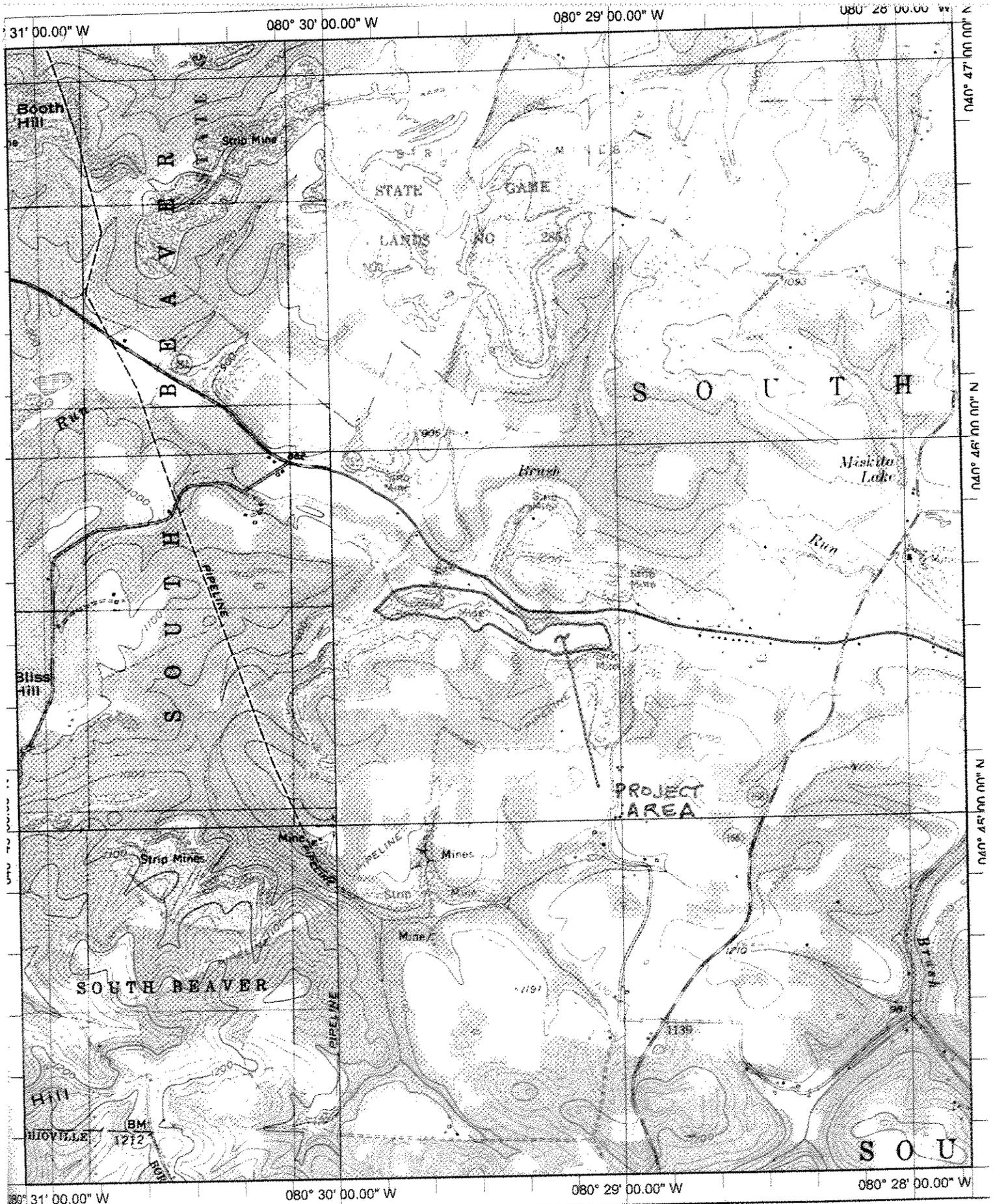
Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement 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 Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman @usace.army.mil. Please refer to CELRP-OP-F 2006-939 in all responses.

FOR THE DISTRICT ENGINEER:

/ SIGNED /

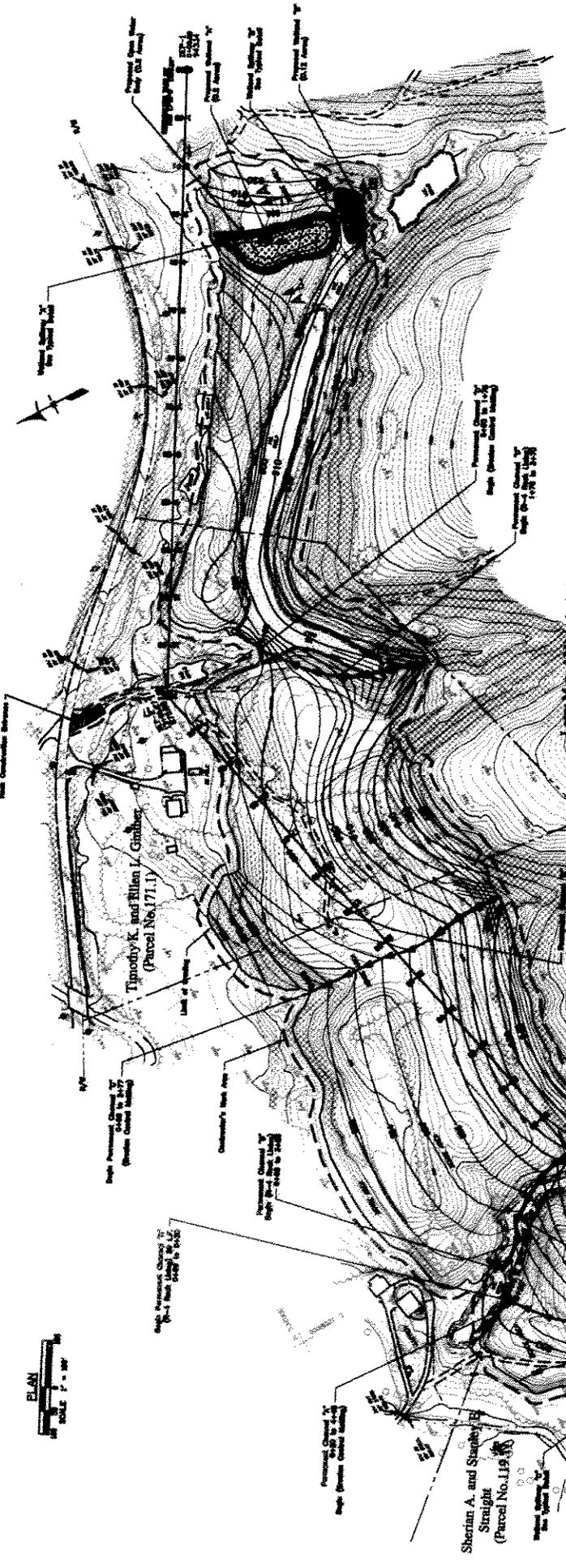
Scott A. Hans
Chief, Regulatory Branch



Name: NEW GALILEE
 Date: 1/30/2008
 Scale: 1 inch equals 2000 feet

Location: 040° 45' 34.07" N 080° 29' 27.08" W *PN 8-38*
 Caption: OSM 04(6279)101.1 *2007-1113*
 Miskita Lake Far SW
 South Beaver Township
 Beaver County *4/7*

PLAN
SCALE 1" = 100'



LEGEND

- 1100' contour
- 1000' contour
- 900' contour
- 800' contour
- 700' contour
- 600' contour
- 500' contour
- 400' contour
- 300' contour
- 200' contour
- 100' contour
- 0' contour
- 100' contour
- 200' contour
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- 400' contour
- 500' contour
- 600' contour
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- 900' contour
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- 1200' contour
- 1300' contour
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- 9600' contour
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- 9800' contour
- 9900' contour
- 10000' contour

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CONTRACT NO. OSM 04(6279)101.1
ABANDONED MINE RECLAMATION PROJECT
MISKITA LAKE FAR SOUTHWEST
EXISTING AND PROPOSED CONTOURS
WITH PROPERTY LINES

PN 8-38
2007-1113
5/7



Station 10+00

Station 10+50

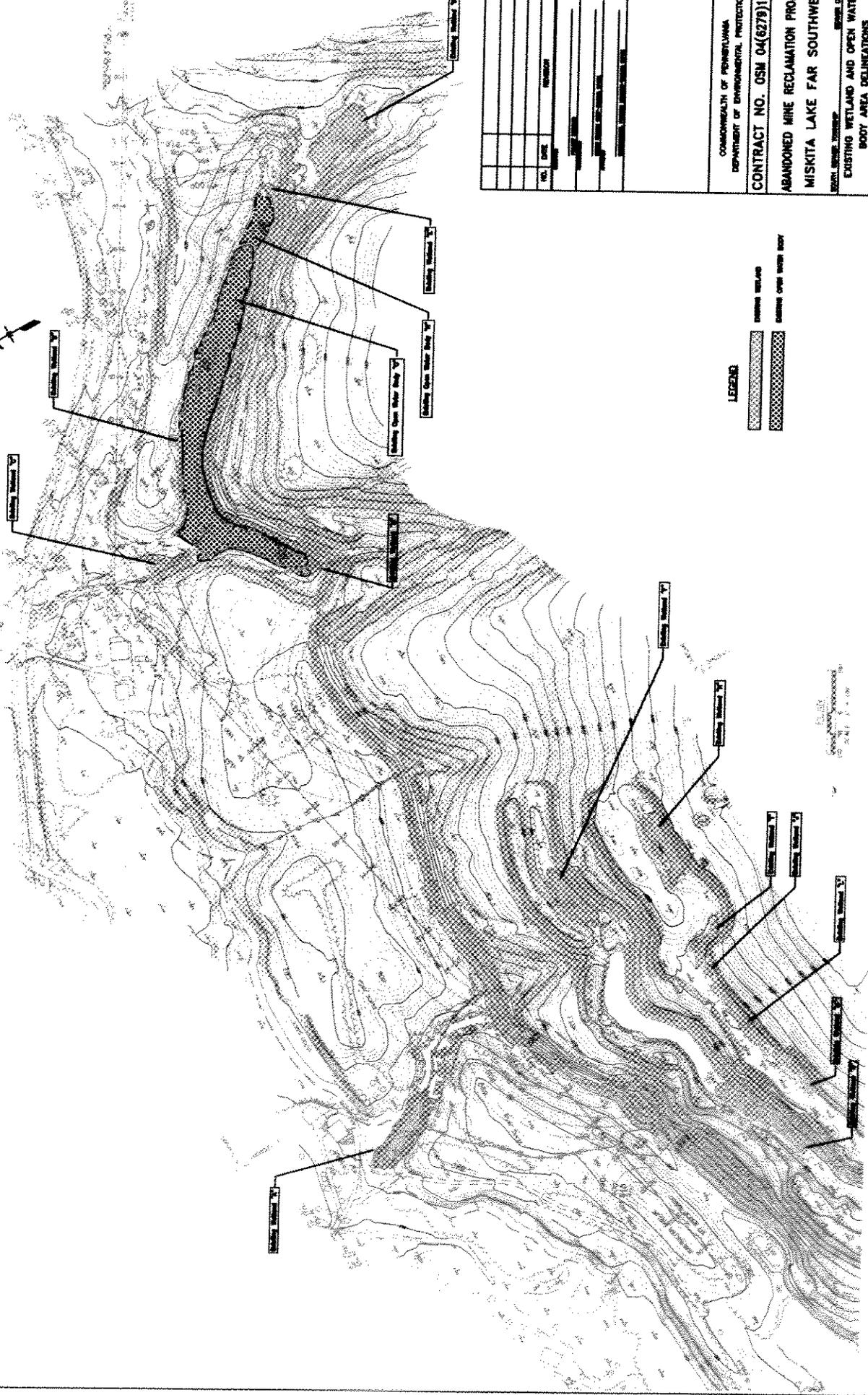
Station 11+00

Station 11+50

Station 12+00

Station 12+50

Station 13+00



LEGEND

- Existing Wetland
- Existing Open Water Body

Scale: 1" = 100'

COMMONWEALTH OF PENNSYLVANIA	
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
CONTRACT NO. OSM 04(6279)101.1	
ABANDONED MINE RECLAMATION PROJECT	
MISKITA LAKE FAR SOUTHWEST	
EXISTING WETLAND AND OPEN WATER	
BODY AREA DECLARATIONS	
DATE: 06/15/2007	SCALE: 1" = 100'
PROJECT NO.:	AS SHOWN
2 of 4	

PN 8-38
2007-1113
6/17

