



# 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. 2009-1963

Date: September 6, 2011

Notice No. 11-31

Closing Date: October 6, 2011

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  
511 Railroad Avenue  
Homer City, Pennsylvania 15748
2. AGENT:  
Kyle T. Shwabenbauer  
The EADS Group, Inc.  
15392 Route 322  
Clarion, Pennsylvania 16214
4. LOCATION: Donegal Mine is located between the former Waltman Airport/Airport Lane and Buffalo Creek in Donegal Township, Butler County at 40.9235115° N; 79.7301106° W.
5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to extract the Lower Kittanning coal seam from the 65 acre Donegal Mine Site, by the room and pillar deep mining method with no retreat or secondary mining, from properties owned and/or leased by Rosebud Mining Company. The Lower Kittanning coal seam will be accessed by excavating a box cut from the surface to the coal seam. The mined coal will be conveyed to the surface via the box cut and then trucked to market. There will be no processing or coal preparation activities associated with the Donegal Mine. The project will impact 0.43 acres of palustrine emergent (PEM) palustrine scrub-shrub (PSS) and palustrine forested (PFO) wetlands and 610 linear feet of streams. Drawings of the proposed mine site are attached to this notice.
6. 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, Pennsylvania 15423  
Telephone: (724) 769-1100

7. IMPACT ON NATURAL RESOURCES: Pennsylvania Natural Diversity Index (PNDI) screening, dated December 8, 2009, discloses the proposed project would have no known impacts to federally-listed species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. Project search ID: 20091208220059. However, State listed species were identified and a report was prepared by the applicant and the Pennsylvania Fish and Boat Commission concurred on January 8, 2010 that the project area does not provide habitat for the Pennsylvania endangered species and that the proposed project would not have impacts to the Pennsylvania endangered species.
  
8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places 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).
  
9. 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.
  
10. 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

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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).

11. 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 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 2009-1963 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Nancy Mullen  
North Section Chief, Regulatory Branch

5600-PM-MR0324 Rev. 9/2008

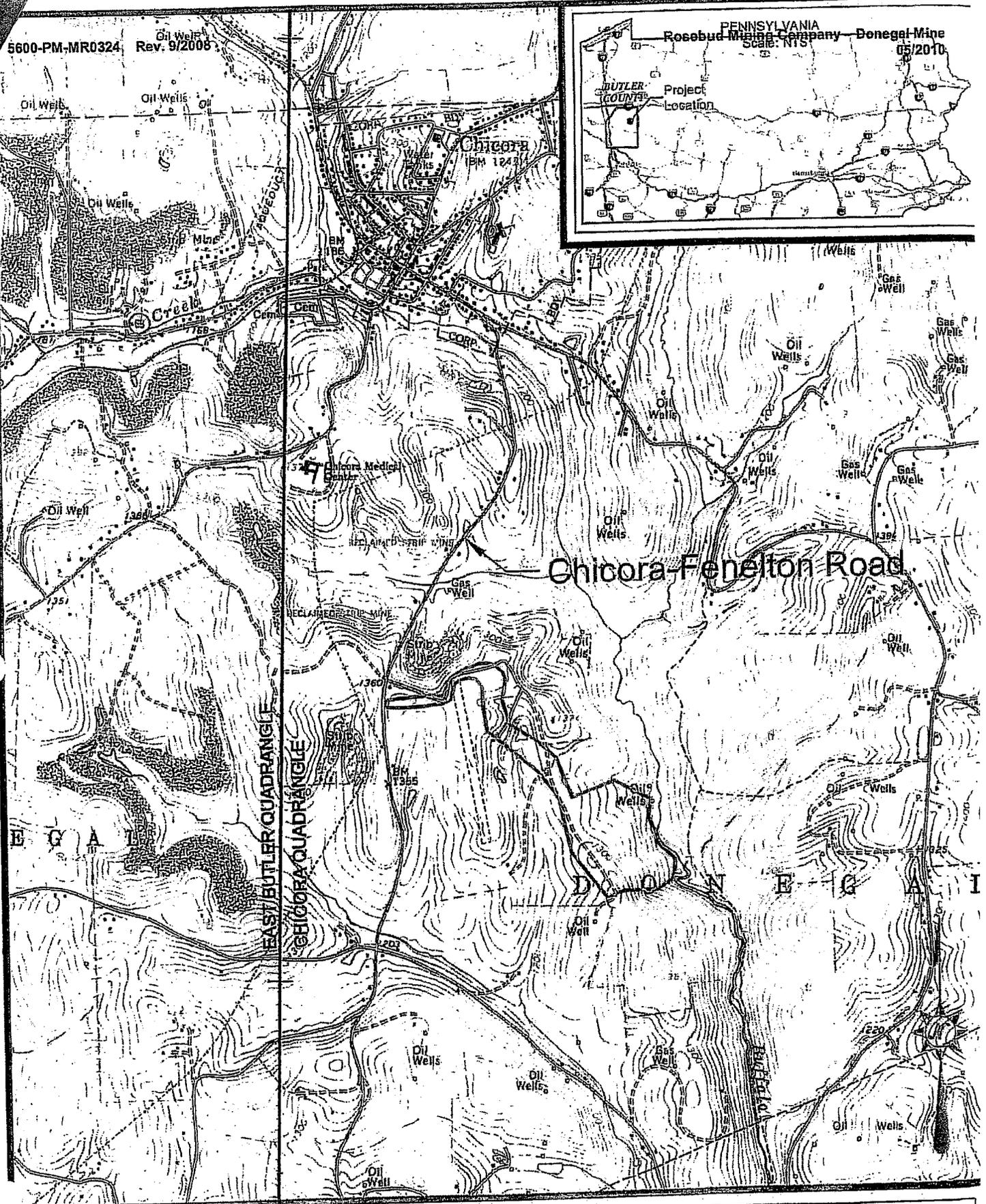
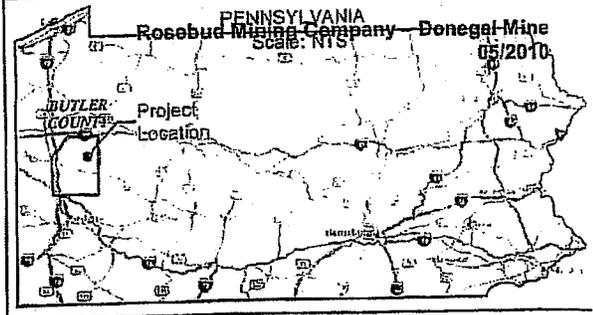


FIGURE 1: USGS LOCATION MAP

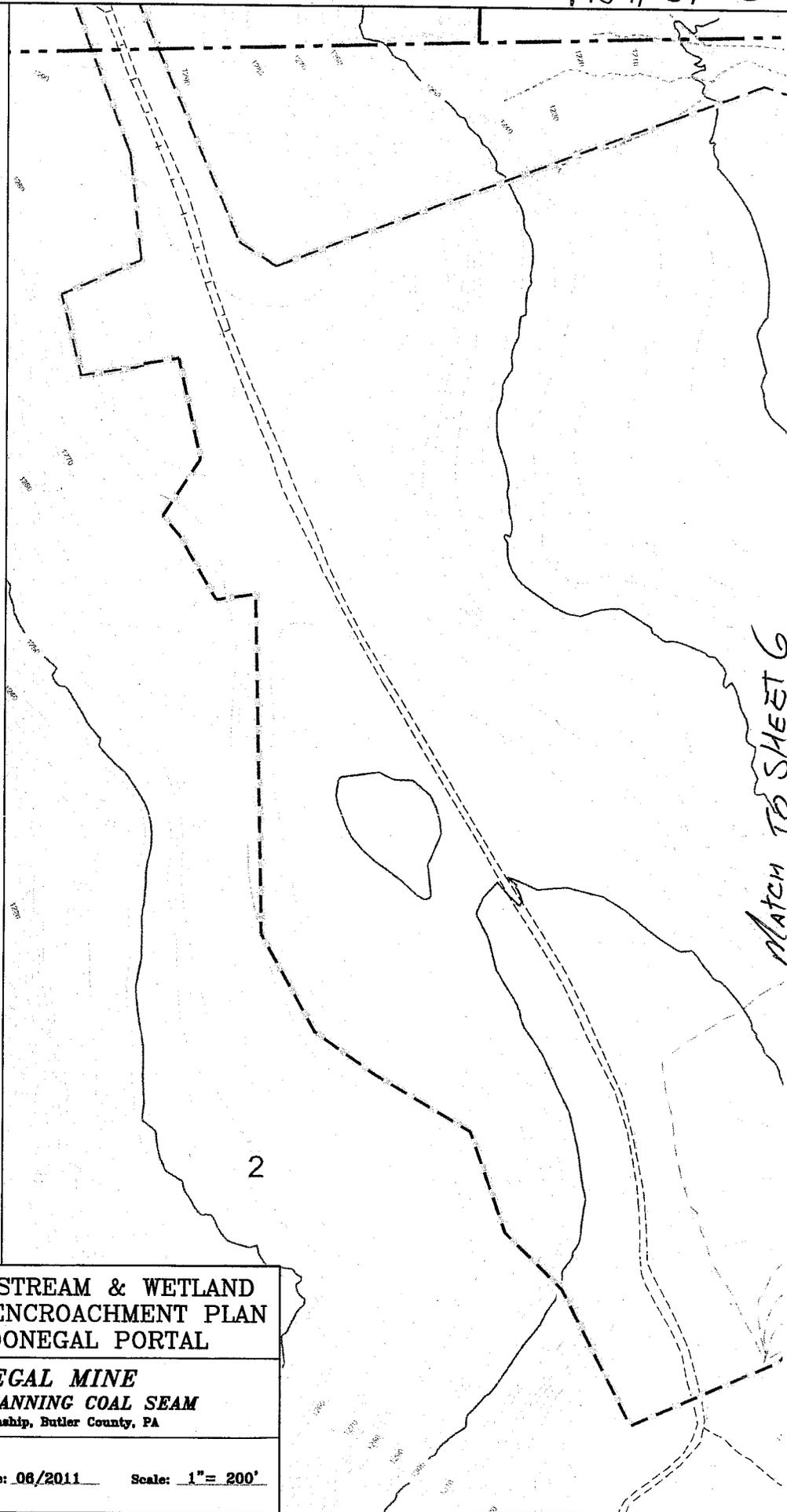
Project Area

**LEGEND:**

- Surface Permit Area
- 2' Surface Contour Lines
- 10' Surface Contour Lines
- 50' Surface Contour Lines
- Perennial Streams
- Intermittent Stream
- Ephemeral Channel
- Lake / Pond
- ▨ Wetlands
- Property Line (Surface / Subsurface)
- 55 Property Identification Number
- Gas - Oil Wells
- ▨ Stream Variance Area
- ▨ Stream Barrier (100 ft.)
- ▨ Oil / Gas Well Variance Area
- ▨ Oil / Gas Well Barrier (125 ft.)
- Cross-Section Line (Keyed to Module 15)
- Drainage Area Boundary

**AFFECTED WETLANDS**

WETLAND A	0.00Ac.
WETLAND B	0.05Ac.
WETLAND C	0.28Ac.
WETLAND D	0.10Ac.
<b>TOTAL</b>	<b>0.43Ac.</b>



MATCH TO SHEET 6



**EXHIBIT 15: STREAM & WETLAND VARIANCE & ENCROACHMENT PLAN VIEW - DONEGAL PORTAL**

**DONEGAL MINE**  
**LOWER KITTANNING COAL SEAM**  
 Donegal Township, Butler County, PA

**ROSEBUD MINING COMPANY**  
 301 MARKET STREET  
 KITTANNING, PA 16201  
 PHONE: 724/646-8222  
 FAX: 724/648-4156

Drawn By: JJS Date: 06/2011 Scale: 1" = 200'

Match to sheets

