

Attachment C-3

Agency Correspondence (Coarse/Combined Coal Refuse Disposal Area)

PHMC Correspondence

DCNR Correspondence

USFWS Correspondence

PHMC Correspondence

PHMC Correspondence

Coarse Refuse Piles	Slurry Refuse Site	PHMC Correspondence Letters & Dates					
		6-25-2007 - Baker	7-07-2007 - Baker	7-23-2008 - Baker	7-30-2008 - Baker	3/12/2009 - Baker	2-10-2010 - Baker
		7-23-2007 - PHMC	10-16-2007 - PHMC	09-05-2008 - PHMC	7-30-2008 - PHMC	04-21-2009 - PHMC	
		9-4-2007 - PHMC	10-25-2007 - PHMC	09-18-2008 - PHMC		05-27-2009 - PHMC	
Refuse Site Names in PHMC Correspondence Letters							
CR-18	-	R6					
-	R2	R2					
	R3	RA					
CR-4	R4	-	RA4				
	R5	R7					
CR-6	R6	RA5					
	R7	RA6					
CR-8	R8	-	R8				
CR-9	R9	-	R9				
	R10	R15					
CR-11A	R11	R4	R4-5 / R5				
CR-11B	R11	R4	R4-5 / R5				
CR-12	R12	-	R3				
CR-13	R13	RA7					
CR-14	R14	RA3					
CR-15	R15	R11					
CR-16	R16	R10					
CR-17	R17	R9					
CR-18	R18	R8					
CR-19A	R19	RA2					
CR-19B	R19	RA2					
CR-20	R20	R13					
CR-21	R21	R14					
CR-22 ²	-	-					
CR-23 ²	-	-					
CR-24	-	-					CR-24
CR-25	-	-					CR-25
CR-26	-	RA2					CR-26
CR-27 ²	-	-					
CR-28A ²	-	-					
CR-28B ²	-	-					
CR-29 ²	-	-					
CR-30 ²	-	-					
CR-Area #1	RA#1	-		Site 1		Area #1	
	RA#2			Site 2		Area #2	
CR-Area #3	RA#3	-		Site 3		Area #3	
CR-Area #4	RA#4	-		Site 4			CR#4
CR-#9	RA#9	-			Site 9		
CR-Area #10A	RA#10	-			Site 10		
CR-Area #10B1	RA#10	-			Site 10		
CR-Area #10B2	RA#10	-			Site 10		
		RA1 ¹					
		R1 ¹					

¹ Sites RA1 and R1 from original PHMC request dated 06-25-2007 have been removed from the study.

² Sites dropped from study after Phase I - 2nd Assessment; No PHMC search necessary

July 23, 2008

Mr. Mark McConaughy
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7007 0710 0001 3166 9031

Subject: Foundation Mine Surface Facilities - Disposal Site Analysis
Cultural Resource Notice
Jackson and Richhill Townships, Greene County, PA

Dear Mr. McConaughy:

Attached is the information for a Cultural Resource Notice review, for the above referenced project. The four proposed sites are located within the Holbrook, Wind Ridge, and New Freeport quadrangles. Sites 1, 2, and 4 are located within Jackson Township and Site 2 is located in Richhill Township. The information that is attached is listed below:

- Cultural Resource Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with the site refuse disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4262.

Sincerely,
MICHAEL BAKER JR., INC.

Chuck McCrady, E.I.T.
Civil Associate II

Enclosures



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED
SEP 12 2008
Michael Baker Jr., Inc.

September 5, 2008

Chuck McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

NO EXPENSE TO BE PAID BY
SHP REFERENCE NUMBER

Re: File No. ER 2008-2253-059-A
COALD: Pennsylvania
Services Corporation
Foundation Mine Surface
Facilities-Disposal Site
Analysis, Jackson & Richhill
Twps., Greene Co.

Dear Mr. McCrady:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

Your request does not include sufficient information. We are unable to proceed with our review for historic structures until the information on the attached form is provided.

Page 2
September 5, 2008
Chuck McCrady, E.I.T.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585. If you need further information concerning historic structures please consult Susan Zacher at (717) 783-9920.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal
Road, Waynesburg, PA 15370
DEP, Southwest Regional Office
Mark McConaughy

Attachment
DCM/tmw

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
BUREAU FOR HISTORIC PRESERVATION

INFORMATION REQUEST SHEET

(Revised 4/07)

08-2253-059-A

Please submit checked items for PHMC to proceed with review.

PROJECT INITIATION

A. FUNDING/PERMITTING/LICENSING/APPROVAL PROGRAM

- 1. Contact person for federal/state/local agency, address, phone number.
- 2. Letter from federal agency initiating consultation, or a letter from federal agency authorizing an alternate agency or a consultant to initiate consultation.
- 3. Identify the Federal/State Agency and funding program or permit/license.

B. PROJECT DESCRIPTION

- 1. Narrative description of the project and related actions resulting from the project.
- 2. Proposed boundary of the project's Area of Potential Effect (APE) (remember to consider visual impacts)
- 3. Description and Justification of selection of the Area of Potential Effect
- 4. Architectural plans of existing conditions (as-built or as-found)
- 5. Preliminary architectural drawings or plans (floor plans, elevations, specifications)
- 6. Work write-ups
- 7. Plans and specifications
- 8. Site plans of existing conditions
- 9. Site plans of proposed development

C. PROJECT LOCATION

- 1. U.S.G.S. 7.5 min. series quadrangle with the **PROJECT LOCATION(S) AND LIMITS CLEARLY MARKED** using a colored pen. Please include name of the quadrangle
- 2. U.S.G.S. 7.5 min. series quadrangle with Area of Potential Effect marked (potential area of direct effect can be delineated inside area of indirect effect)
- 3. Street map (for properties in densely populated areas)
- 4. Street map showing location and historic district boundaries (if appropriate)
- 5. Street address of property
- 6. Municipality in which project is located (not mailing address location)

D. PROJECT SIZE (supply as appropriate for project)

- 1. Acreage of project area
- 2. Miles/feet of project and right-of-way width
- 3. Extent and nature of ground disturbing activities (i.e. grading, trenching, foundation excavation)

(over)



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

SEP 24 2008

Michael Baker Jr., Inc.

September 19, 2008

Chuck McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2008-2253-059-B
COALD: Pennsylvania Services
Corporation, Foundation Mine
Surface Facilities-Disposal Site
Analysis, Jackson & Richhill
Twps., Greene Co.

Dear Mr. McCrady:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

As a result of a recent field visit on September 17, 2008, by Mark McConaughy of our staff, it has been established that potentially significant historic sites are located in or near your project area and others are likely to exist. These resources could be adversely affected by project activities. A Phase IA survey to document the 19th century farmsteads in the site areas and to locate other sites is needed to determine their eligibility for listing in the National Register of Historic Places. Guidelines and instructions for conducting Phase IA surveys are available on our web site at <http://www.phmc.state.pa.us/bhp/Inventories/ArchaeologyGuidelines.pdf> or from our office upon request.

More specifically, ranking the four site areas for potential impacts to historic sites from the least to the greatest is:

Site 4.— few, if any, standing historic sites in project area.

Page 2
9/19/2008
Mr. McCrady

Site 2 – primarily 20th century houses in this project area.

Site 3 – there is at least one 19th century farmstead in this project area and perhaps one other 19th century house in the project area.

Site 1 – there are at least two 19th century farmsteads in this project area and possibly a third that might be 19th or 20th century. There also is at least one 19th century house at the northwestern end of the project area and several 20th century houses/trailers in this valley.

At this time, we recommend that the permit be denied and we request a conference to discuss the effects to archaeological resources within the permit area. We also recommend that, if the Phase I survey is not undertaken, that the permit be conditioned to require that archaeological investigations be conducted if sites are discovered after the mining permit is issued. We also request that you provide us with written justification for your decision if you elect not to conduct the Phase I survey.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, Southwest Regional Office
David Hamilton, OSM Harrisburg Office
Mark A. McConaughy



Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

July 30, 2008

Mr. Mark McConaughy
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7006 3450 0002 9770 5454

Subject: Foundation Mine Surface Facilities - Disposal Site Analysis
Cultural Resource Notice
Jackson Township, Greene County, PA

Dear Mr. McConaughy:

Attached is the information for a Cultural Resource Notice review, for the above referenced project. Two additional sites have been proposed for analysis since the last correspondence that was mailed to you on July 23, 2008. These two proposed sites are both located on the Holbrook quadrangle and are entirely within Jackson Township. The information that is attached is listed below:

- Cultural Resource Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with the site refuse disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4262.

Sincerely,
MICHAEL BAKER JR., INC.

A handwritten signature in cursive script that reads "Chuck McCrady".

Chuck McCrady, E.I.T.
Civil Associate II

Enclosures



CULTURAL RESOURCE NOTICE

DEP USE ONLY
Date Received

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER	
Applicant Name	Pennsylvania Services Corporation (Att: Larry Emerson)
Street Address	158 Portal Road
City	Waynesburg State PA Zip 15370
Telephone Number	724-852-5769
Project Title	Foundation Mine Surface Facilities - Disposal Site Analysis
SECTION B. LOCATION OF PROJECT	
Municipality	Jackson Township County Name Greene DEP County Code 30
SECTION C. PERMITS OR APPROVALS	
Name of Specific DEP Permit or Approval Requested:	NPDES
Anticipated federal permits:	
<input type="checkbox"/> Surface Mining	<input type="checkbox"/> 404 Water Quality Permit
<input type="checkbox"/> Army Corps of Engineers	<input type="checkbox"/> Federal Energy Regulatory Commission
<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Other:
SECTION D. GOVERNMENT FUNDING SOURCES	
<input type="checkbox"/> State: (Name) _____	<input type="checkbox"/> Local: (Name) _____
<input type="checkbox"/> Federal: (Name) _____	<input type="checkbox"/> Other: (Name) _____
SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE	
DEP Regional Office Responsible for Review of Permit Application	<input type="checkbox"/> Central Office (Harrisburg)
<input type="checkbox"/> Southeast Regional Office (Conshohocken)	<input type="checkbox"/> Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/> Southcentral Regional Office (Harrisburg)	<input type="checkbox"/> Northcentral Regional Office (Williamsport)
<input checked="" type="checkbox"/> Southwest Regional Office (Pittsburgh)	<input type="checkbox"/> Northwest Regional Office (Meadville)
<input type="checkbox"/> District Mining Office:	<input type="checkbox"/> Oil & Gas Office:
SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.	
County Conservation District	Telephone Number, if known
Greene County Conservation District	724-852-5278
SECTION G. CONSULTANT	
Consultant, if applicable	Michael Baker Jr. Inc (Attn: Chuck McCrady)
Street Address	4301 Dutch Ridge Road
City	Beaver State PA Zip 15009
Telephone Number	724-495-4262

SECTION H. PROJECT BOUNDARIES AND DESCRIPTION

REQUIRED

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

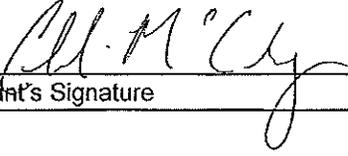
Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

REQUESTED

Attach photographs of any building over 40 years old.

Attach site map, if available.

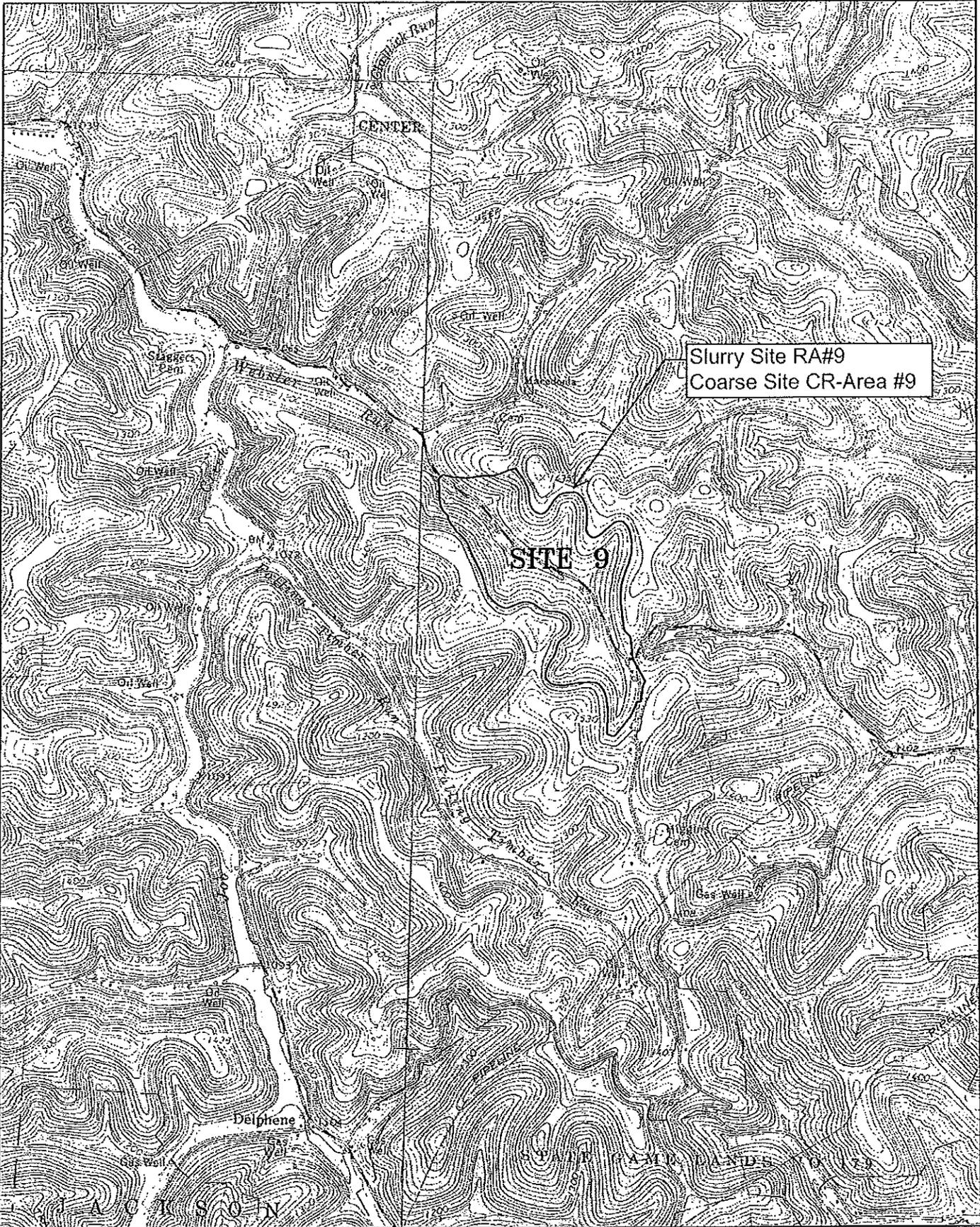
SECTION I. SIGNATURE BLOCK

	7-30-08
Applicant's Signature	Date of Submission of Notice to PHMC

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Jackson Township
Greene County, PA**

Foundation Mining, LP (FDMLP) plans to develop a new underground mine with longwall operations in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste road) generated during the mining activities. Site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FDMLP. If the site(s) identified within FDMLP controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. FDMLP prefers separate sites for both combined refuse (coarse and fine refuse) facilities and breaker rock storage. Based on the USGS map, several of the possibilities sites are likely to fall under the category of "Preferred Sites". The entire site being looked at is 25 square miles (16,000 acres) and is located mostly in the Holbrook Quadrangle but also have parts located in the Rogersville, New Freeport, and Wind Ridge Quadrangles. The total additional disturbance from the two sites to be evaluated with this notice is approximately 360 acres.



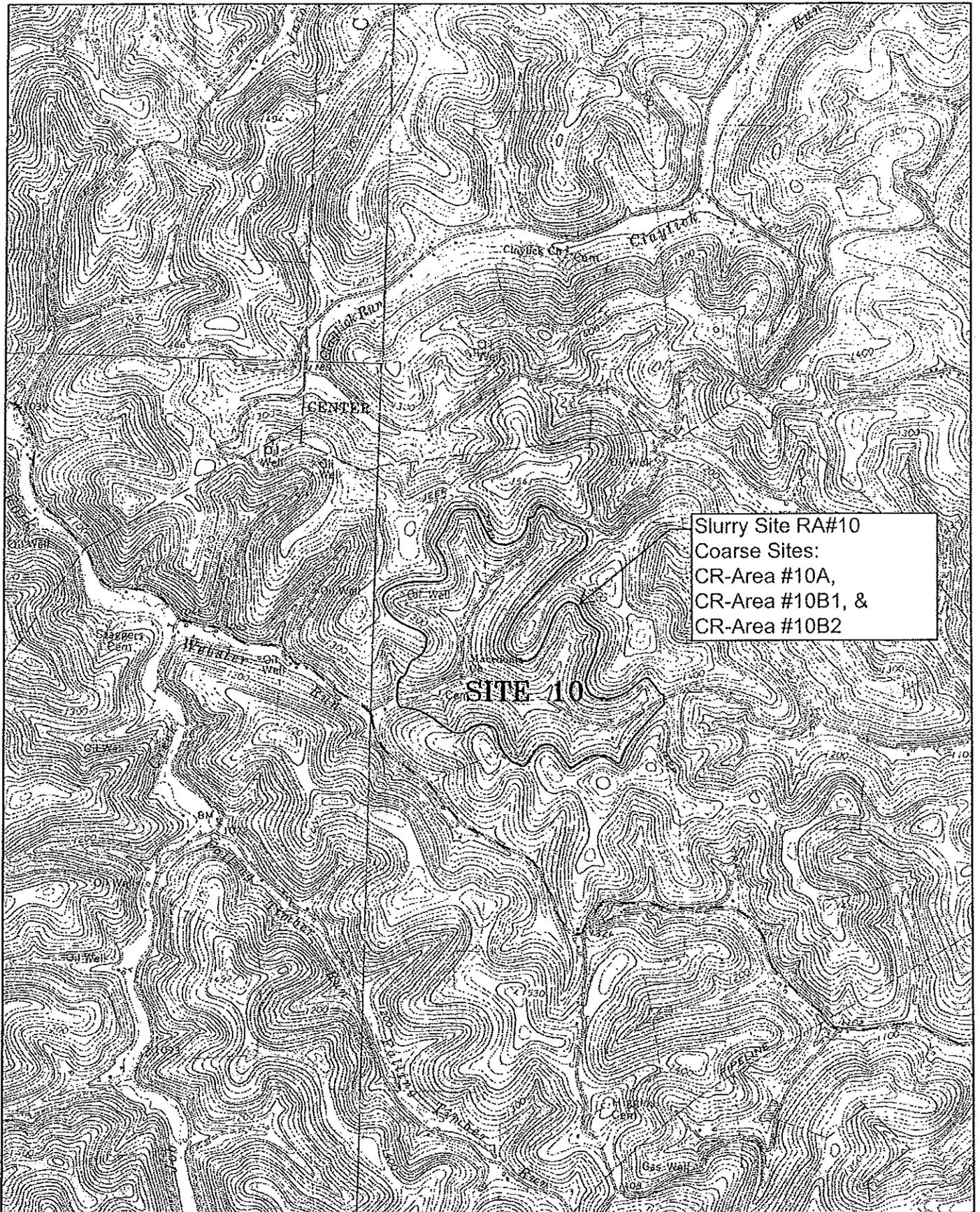
PHMC - SITE 9

SCALE: 1" = 2000' S.O. NO. 113672
DATE: JULY 2008



MICHAEL BAKER JR., INC.
CONSULTING ENGINEERS
BEAVER, PENNSYLVANIA

SHEET
1
OF 1



PHMC - SITE 10

SCALE: 1" = 2000' S.O. NO. 113672

DATE: JULY 2008



MICHAEL BAKER JR., INC.
CONSULTING ENGINEERS
BEAVER, PENNSYLVANIA

SHEET
1
OF 1

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery AUG 01 2008</p>
<p>1. Article Addressed to:</p> <p>MR MARK MCCONAUCHY PA HISTORICAL & MUSEUM COMM STATE MUSEUM BLDG 300 NORTH ST HARRISBURG PA 17120</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below. <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 3450 0002 9770 5454</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102585-02-001-040</p>	



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED
SEP 08 2008
Michael Baker Jr., Inc.

September 4, 2008

Chuck McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

EXPEDITE REVIEW
SHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-Q
COALD: Pennsylvania Services
Corporation, Foundation Mine
Surface Facilities-Disposal Site
Analysis, Jackson Twp., Greene Co.

Dear Mr. McCrady:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

Based on our survey files, which include both archaeological sites and standing structures, there are no National Register eligible or listed historic or archaeological properties in the area of this proposed project. Therefore, your responsibility for consultation with the State Historic Preservation Office for this project is complete. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please notify the Bureau for Historic Preservation at (717) 783-8946.

Sincerely,

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370

DCM/tmw



Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

March 12, 2009

Mr. Mark McConaughy
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7006 3450 0002 9770 5706

Subject: Foundation Mine Coal Refuse Disposal Area Alternatives Analysis
Cultural Resource Notice
Jackson and Richhill Townships, Greene County, PA

Dear Mr. McConaughy:

Since our last correspondence, three additional sites: Area #1, Area #2, and Area #3, have been incorporated to the above mentioned project. Area #1 and Area #3 are located on the Holbrook quadrangle in Jackson Township Area #2 is located on the Wind Ridge quadrangle in Richhill Township. Attached and listed below is the information for a Cultural Resource Notice review, for the above referenced project.

- Cultural Reference Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with site disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4262.

Sincerely,
MICHAEL BAKER JR., INC.

Charles McCrady, E.I.T.

Enclosures

cc: Larry Emerson, Foundation Mining, LLC
Michele Stewart, Michael Baker Jr., Inc.

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Center and Jackson Townships
Greene County, PA**

Foundation Mining, LP (FMLLC) plans to develop a new underground longwall mine in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste) generated during the mining activities. The site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FMLLC. If the site(s) identified within FMLLC controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. The sites being evaluated are located mostly in the Holbrook Quadrangle but also have parts located in Wind Ridge and New Freeport Quadrangles. The total acreage, all of which would be disturbed, on Site #1, Site #2, and Site #3 is 179 acres, 209 acres, and 198 acres, respectively.



CULTURAL RESOURCE NOTICE

DEP USE ONLY
Date Received

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER	
Applicant Name	Pennsylvania Services Corporation (Att: Larry Emerson)
Street Address	158 Portal Road
City	Waynesburg State PA Zip 15370
Telephone Number	724-852-5769
Project Title	Foundation Mine Surface Facilities
SECTION B. LOCATION OF PROJECT	
Municipality	Center and Jackson Townships County Name Greene DEP County Code 30
SECTION C. PERMITS OR APPROVALS	
Name of Specific DEP Permit or Approval Requested:	Refuse Disposal Alternatives Analysis Approval
Anticipated federal permits:	
<input type="checkbox"/> Surface Mining	<input type="checkbox"/> 404 Water Quality Permit
<input type="checkbox"/> Army Corps of Engineers	<input type="checkbox"/> Federal Energy Regulatory Commission
<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Other:
SECTION D. GOVERNMENT FUNDING SOURCES	
<input type="checkbox"/> State: (Name) _____	<input type="checkbox"/> Local: (Name) _____
<input type="checkbox"/> Federal: (Name) _____	<input type="checkbox"/> Other: (Name) _____
SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE	
DEP Regional Office Responsible for Review of Permit Application	<input type="checkbox"/> Central Office (Harrisburg)
<input type="checkbox"/> Southeast Regional Office (Conshohocken)	<input type="checkbox"/> Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/> Southcentral Regional Office (Harrisburg)	<input type="checkbox"/> Northcentral Regional Office (Williamsport)
<input checked="" type="checkbox"/> Southwest Regional Office (Pittsburgh)	<input type="checkbox"/> Northwest Regional Office (Meadville)
<input type="checkbox"/> District Mining Office:	<input type="checkbox"/> Oil & Gas Office:
SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.	
County Conservation District	Telephone Number, if known
Greene County Conservation District	724-852-5278
SECTION G. CONSULTANT	
Consultant, if applicable	Michael Baker Jr. Inc (Attn: Charles McCrady)
Street Address	4301 Dutch Ridge Road
City	Beaver State PA Zip 15009
Telephone Number	724-495-4262

SECTION H. PROJECT BOUNDARIES AND DESCRIPTION

REQUIRED

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

REQUESTED

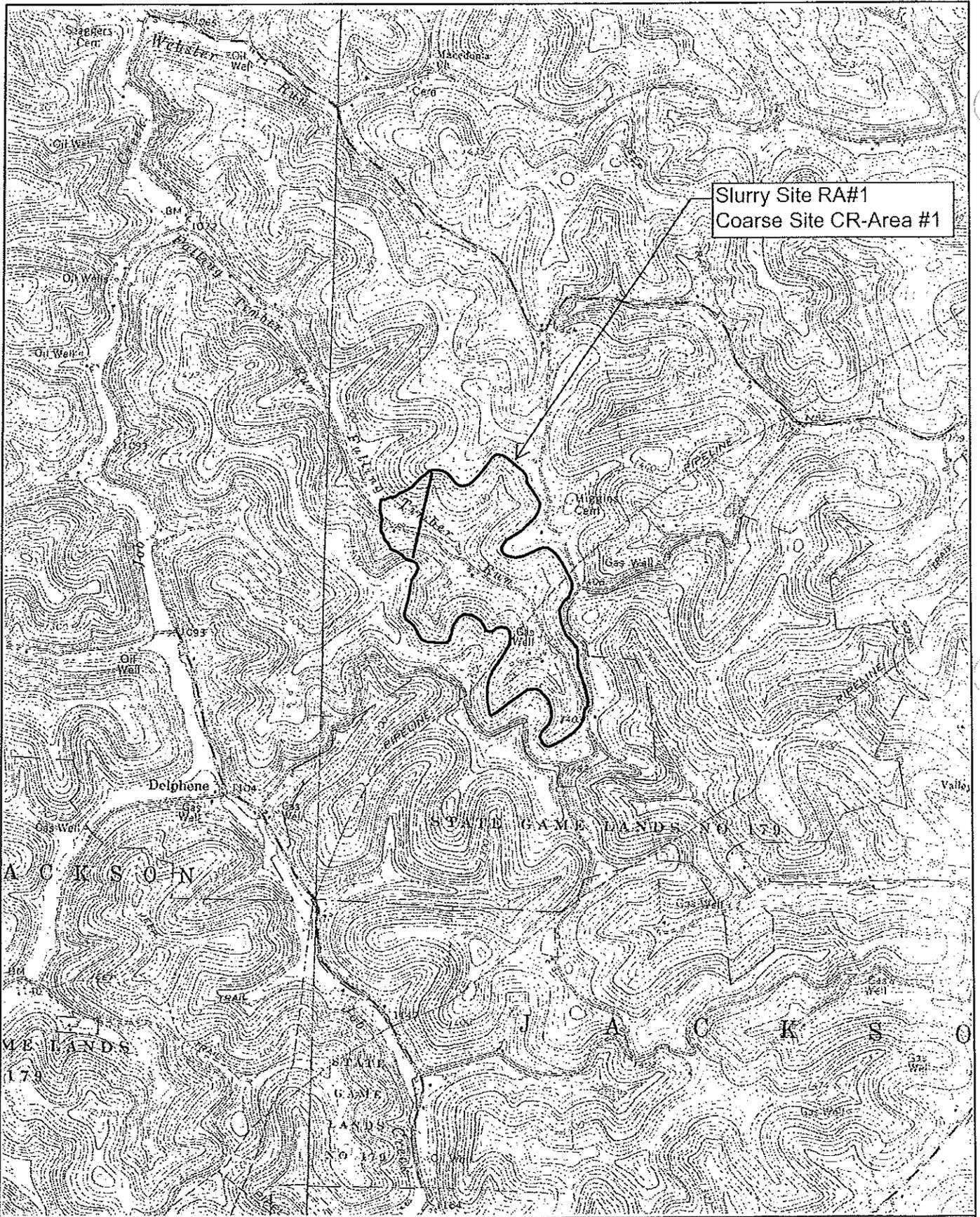
Attach photographs of any building over 40 years old.

Attach site map, if available.

SECTION I. SIGNATURE BLOCK


Applicant's Signature

March 12, 2009
Date of Submission of Notice to PHMC



Slurry Site RA#1
Coarse Site CR-Area #1

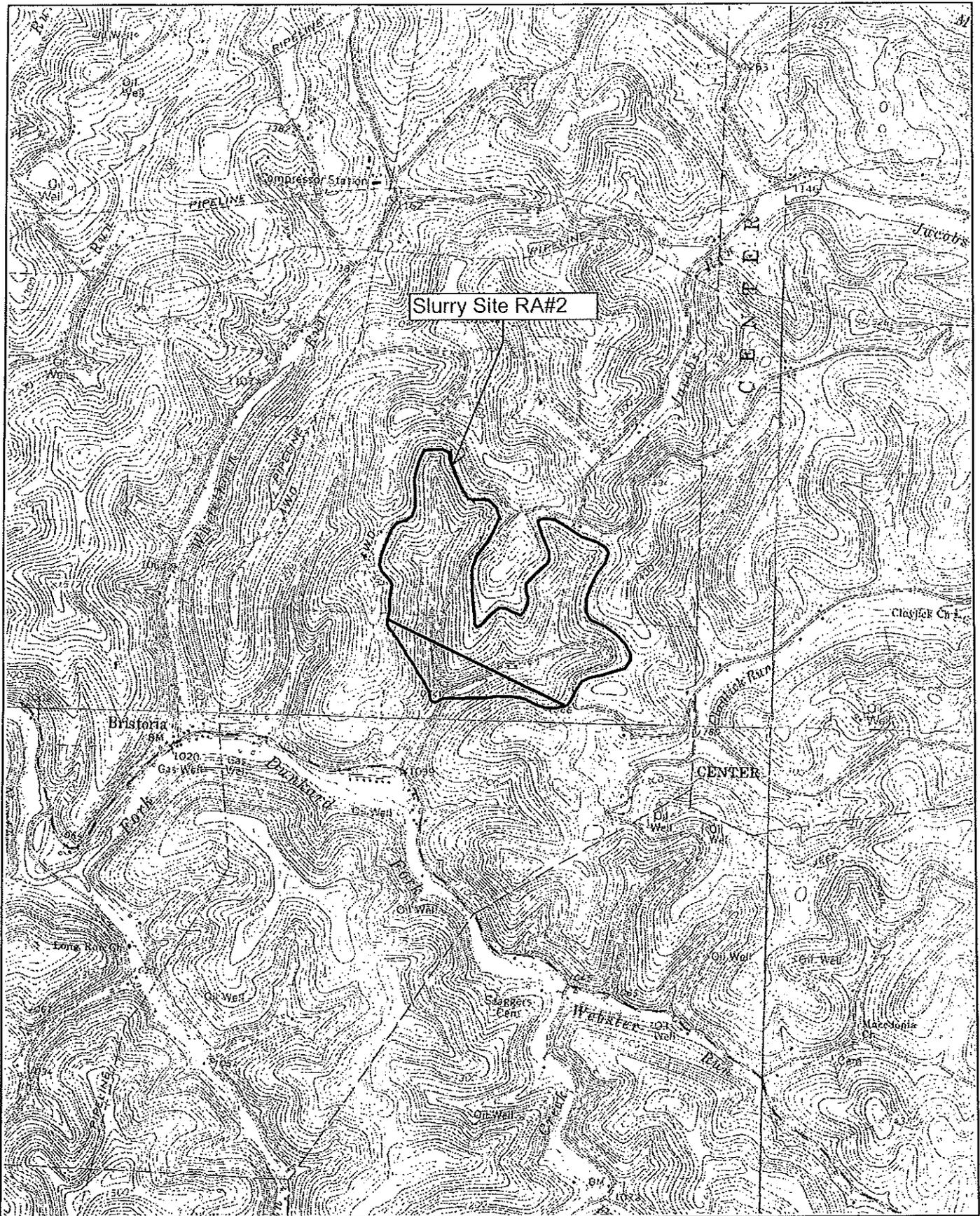
AREA #1

SCALE: 1"=2000' S.O. NO. 113672
DATE: MARCH 2009 FILE:



Michael Baker Jr., Inc.
A Unit of Michael Baker Corporation
4301 Dutch Ridge Road
Beaver, Pennsylvania 15009

SHEET
1
OF 3



AREA #2

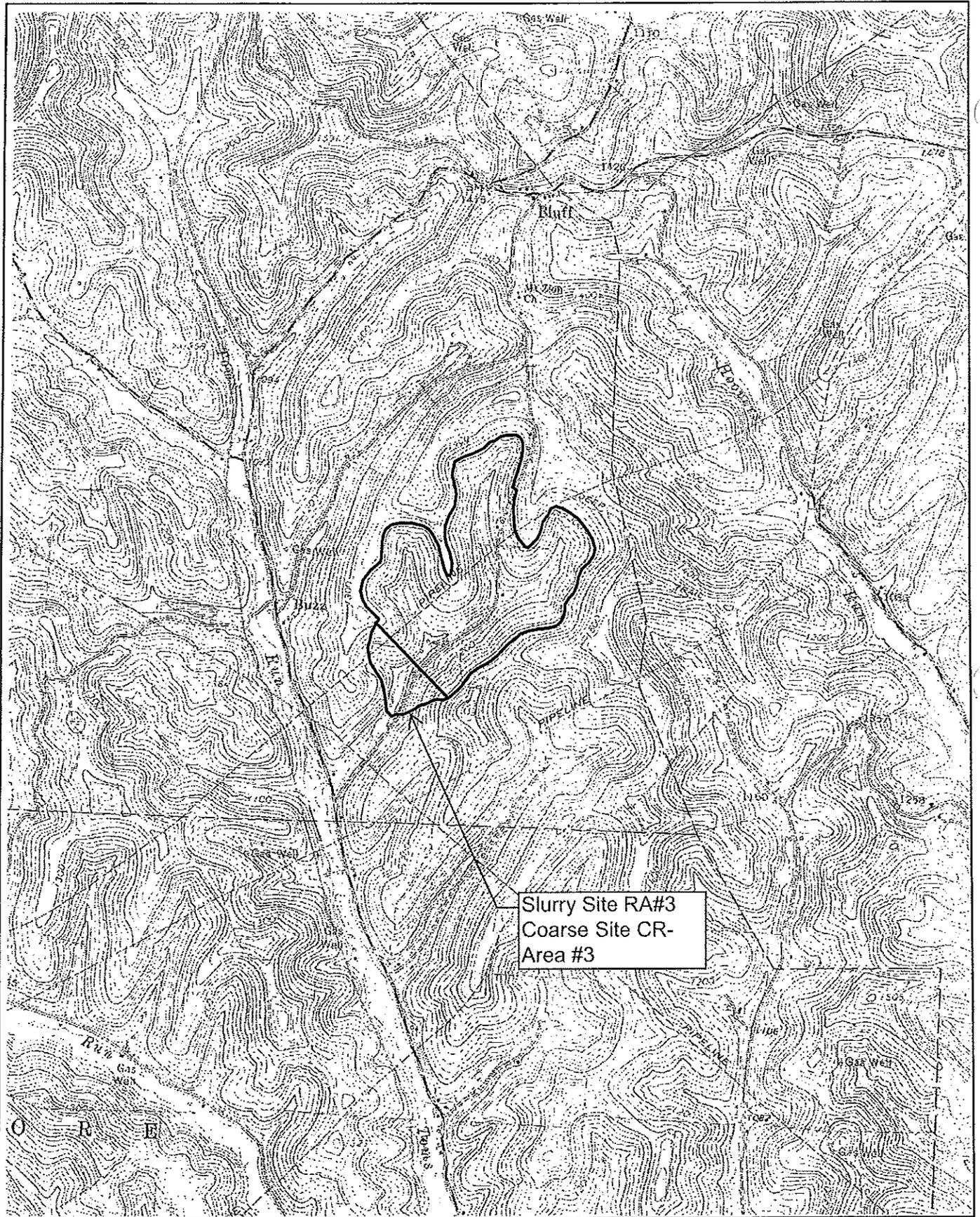
SCALE: 1"=2000' S.O. NO. 113672

DATE: MARCH 2009 FILE:

Baker

Michael Baker Jr., Inc.
 A Unit of Michael Baker Corporation
 4301 Dutch Ridge Road
 Beaver, Pennsylvania 15009

SHEET
 2
 OF 3



Slurry Site RA#3
 Coarse Site CR-
 Area #3

AREA #3

SCALE: 1"=2000' S.O. NO. 113672
 DATE: MARCH 2009 FILE: _____



Michael Baker Jr., Inc.
 A Unit of Michael Baker Corporation
 4301 Dutch Ridge Road
 Beaver, Pennsylvania 15009

SHEET
 3
 OF 3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">PA Historical & Museum Commission Mr. Mark McConaughy State Museum Bldg. 300 North Street Harrisburg, PA 17120</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em;">7006 3450 0002 9770 5706</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED APR 27 2009

April 21, 2009

Charles McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-Z
COALC: Pennsylvania
Services Corporation, Refuse
Disposal Alternatives Analysis
Approval, Foundation Mine
Surface Facilities, Jackson &
Richhill Twps., Greene Co.

Dear Mr. McCrady:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

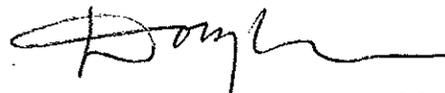
There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

In our opinion no evaluation of historic structures will be necessary for this project area.

Page 2
April 21, 2009
Charles McCrady, E.I.T.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal
Road, Waynesburg, PA 15370
DEP, California District Mining Office
Mark McConaughy

DCM/tmw



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED MAY 29 2009

May 27, 2009

Charles McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-CC
COALD: Pennsylvania Services
Corporation, Refuse Disposal
Alternatives Analysis Approval,
Foundation Mine Surface Facilities,
Jackson & Richhill Twps., Greene
Co.

Dear Mr. McCrady:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

As a result of a recent visit on May 21, 2009, by our field archaeologist, Mark McConaughy, it has been determined that there are potentially significant historic farm sites in the permit area. Please provide information on the age and background of 19th and early 20th century farm structures, foundations, and ruins in the three project areas/sites so we can assess the significance of these resources.

At this time, we recommend that the permit be denied and we request a conference to discuss the effects to archaeological resources within the permit area. We also recommend that, if the Phase I survey is not undertaken, that the permit be conditioned to require that archaeological investigations be conducted if sites are discovered after the mining permit is issued. We also request that you provide us with written justification for your decision if you elect not to conduct the Phase I survey.

Page 2
May 27, 2009
Charles McCrady, E.I.T.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas C. McLearen", with a circled "A" to the right of the signature.

Douglas C. McLearen, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, California District Mining Office
David Hamilton, OSM Harrisburg Office
Mark A. McConaughy



Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

February 10, 2010

Steven McDougal
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7009 0080 0000 3916 0634

Subject: Foundation Mine Coal Refuse Disposal Area Alternatives Analysis
Cultural Resource Notice
Jackson and Center Township, Greene County, PA

Dear Mr. McDougal:

Attached is the information for a Cultural Resource Notice review for the above reference project. Proposed sites CR-#4, CR-25, and CR-26 are located within the Holbrook, PA quadrangle and site CR-24 is located within the Rogersville, PA quadrangle. The information that is attached is listed below:

- Cultural Reference Notice
- Project Narrative
- USGS 7.5 minute quadrangle with project refuse area boundary map

I would greatly appreciate a written response as soon as possible, if your agency has any impacts within the project area.

Should you have any questions or require additional information please contact me at 724-495-4241.

Sincerely,
MICHAEL BAKER JR., INC.

A handwritten signature in black ink, appearing to read "Brad Roman", written over a horizontal line.

Brad Roman,
Civil Associate II

Enclosures

cc: Larry Emerson, Foundation Mining, LLC

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Center and Jackson Townships
Greene County, PA**

Foundation Mining LLC, (FMLLC) plans to develop a new underground longwall mine in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste) generated during the mining activities. The site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FMLLC. If the site(s) identified within FMLLC controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. The sites being evaluated are located mostly in the Holbrook Quadrangle but also have parts located in Rogersville Quadrangles. The total acreage, all of which would be disturbed, on CR-#4, CR-24, CR-25 and CR-26 is 62.0 acres, 60.6 acres, 52.8 acres, and 64.2 acres, respectively.



CULTURAL RESOURCE NOTICE

DEP USE ONLY
Date Received

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER	
Applicant Name	Pennsylvania Services Corporation (Att: Larry Emerson)
Street Address	158 Portal Road
City	Waynesburg State PA Zip 15370
Telephone Number	724-852-5768
Project Title	Foundation Mine Surface Facilities
SECTION B. LOCATION OF PROJECT	
Municipality	Center and Jackson Townships County Name Greene DEP County Code 30
SECTION C. PERMITS OR APPROVALS	
Name of Specific DEP Permit or Approval Requested:	Refuse Disposal Alternatives Analysis Approval
Anticipated federal permits:	
<input type="checkbox"/> Surface Mining	<input type="checkbox"/> 404 Water Quality Permit
<input type="checkbox"/> Army Corps of Engineers	<input type="checkbox"/> Federal Energy Regulatory Commission
<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Other: _____
SECTION D. GOVERNMENT FUNDING SOURCES	
<input type="checkbox"/> State: (Name) _____	<input type="checkbox"/> Local: (Name) _____
<input type="checkbox"/> Federal: (Name) _____	<input type="checkbox"/> Other: (Name) _____
SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE	
DEP Regional Office Responsible for Review of Permit Application	<input type="checkbox"/> Central Office (Harrisburg)
<input type="checkbox"/> Southeast Regional Office (Norristown)	<input type="checkbox"/> Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/> Southcentral Regional Office (Harrisburg)	<input type="checkbox"/> Northcentral Regional Office (Williamsport)
<input checked="" type="checkbox"/> Southwest Regional Office (Pittsburgh)	<input type="checkbox"/> Northwest Regional Office (Meadville)
<input type="checkbox"/> District Mining Office: _____	<input type="checkbox"/> Oil & Gas Office: _____
SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.	
County Conservation District	Telephone Number, if known
Greene County Conservation District	724-852-5278
SECTION G. CONSULTANT	
Consultant, if applicable	Michael Baker Jr. Inc. (Attn: Brad Roman)
Street Address	4301 Dutch Ridge Road
City	Beaver State PA Zip 15009
Telephone Number	724-495-4241

SECTION H. PROJECT BOUNDARIES AND DESCRIPTION

REQUIRED

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

REQUESTED

Attach photographs of any building over 40 years old.

Attach site map, if available.

SECTION I. SIGNATURE BLOCK



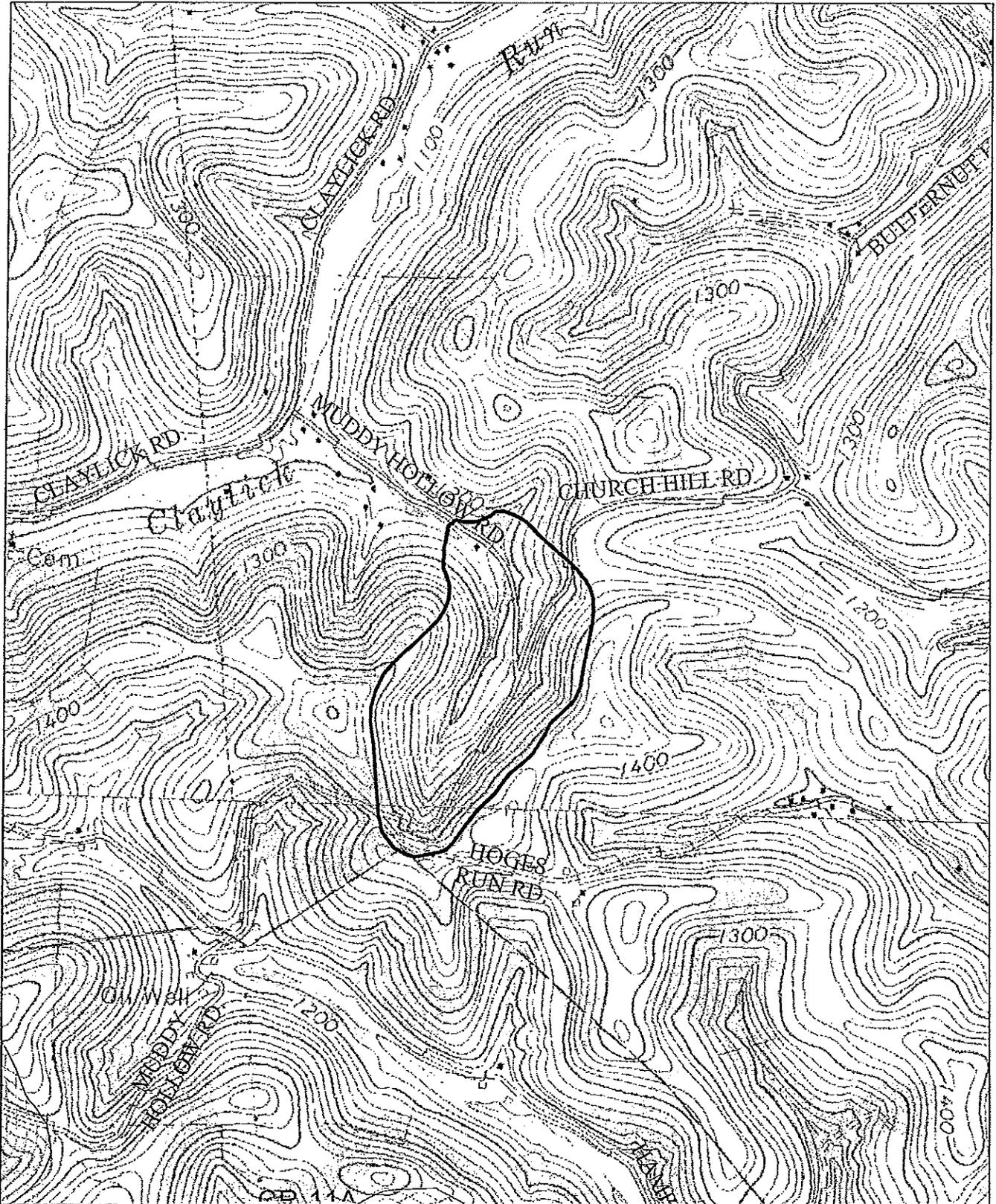
Applicant's Signature

02-10-2010

Date of Submission of Notice to PHMC



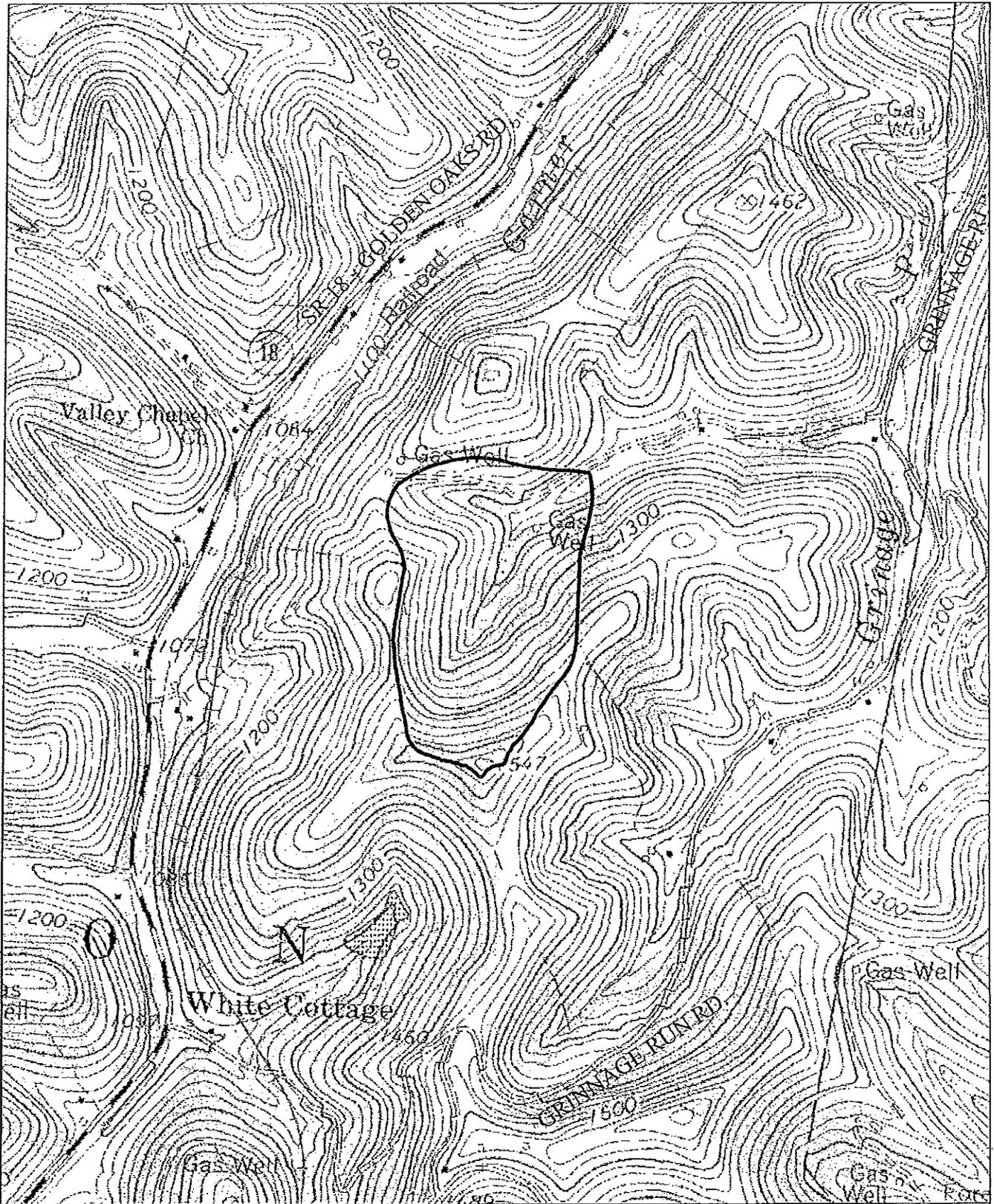
LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	CR-#4
	MICHAEL BAKER JR., INC. CONSULTING ENGINEERS	SCALE: 1"=1000' DATE: FEBRUARY, 2010



LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	
	CR-24	
MICHAEL BAKER JR., INC. CONSULTING ENGINEERS		SCALE: 1"=1000' DATE: FEBRUARY, 2010
BEAVER, PENNSYLVANIA		



LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	CR-25
	MICHAEL BAKER JR., INC. CONSULTING ENGINEERS	BEAVER, PENNSYLVANIA SCALE: 1"=1000' DATE: FEBRUARY, 2010



LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	CR-26
	MICHAEL BAKER JR., INC. CONSULTING ENGINEERS	SCALE: 1"=1000' DATE: FEBRUARY, 2010

7009 0080 0000 3916 0634

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: PA Historical & Museum Comm. / Steve McDougal
 Street, Apt. No., or PO Box No.: 300 N. Street, State Museum Bldg.
 City, State, ZIP+4: Harrisburg PA 17120
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>Steve McDougal</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery FEB 12 2010</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: <i>PA Historical & Museum Commission Mr. Steve McDougal State Museum Bldg. 300 N. Street Harrisburg PA 17120</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7009 0080 0000 3916 0634</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1640</p>	



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED MAR 12 2010

March 8, 2010

Brad Roman
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 07-0736-059-GG
COALC: Pennsylvania
Services Corporation, Refuse
Disposal Alternatives Analysis
Approval, Foundation Mine
Surface Facilities, Center &
Jackson Twps., Greene Co.

Dear Mr. Roman:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

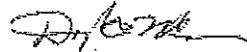
There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

Your request does not include sufficient information. We are unable to proceed with our review for historic structures until the information on the attached form is provided.

Page 2
March 8, 2010
Brad Roman

If you need further information in this matter please consult Kira Heinrich at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585. If you need further information concerning historic structures please consult Susan Zacher at (717) 783-9920.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal
Road, Waynesburg, PA 15370
DEP, Southwest Regional Office
Mark McConaughy

Attachment
DCM/tmw

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
BUREAU FOR HISTORIC PRESERVATION

INFORMATION REQUEST SHEET

(Revised 4/07)

Please submit checked items for PHMC to proceed with review.

PROJECT INITIATION

A. FUNDING/PERMITTING/LICENSING/APPROVAL PROGRAM

- 1. Contact person for federal/state/local agency, address, phone number.
- 2. Letter from federal agency initiating consultation, or a letter from federal agency authorizing an alternate agency or a consultant to initiate consultation.
- 3. Identify the Federal/State Agency and funding program or permit/license.

B. PROJECT DESCRIPTION

- 1. Narrative description of the project and related actions resulting from the project.
- 2. Proposed boundary of the project's Area of Potential Effect (APE) (remember to consider visual impacts)
- 3. Description and Justification of selection of the Area of Potential Effect
- 4. Architectural plans of existing conditions (as-built or as-found)
- 5. Preliminary architectural drawings or plans (floor plans, elevations, specifications)
- 6. Work write-ups
- 7. Plans and specifications
- 8. Site plans of existing conditions
- 9. Site plans of proposed development

C. PROJECT LOCATION

- 1. U.S.G.S. 7.5 min. series quadrangle with the **PROJECT LOCATION(S) AND LIMITS CLEARLY MARKED** using a colored pen. Please include name of the quadrangle
- 2. U.S.G.S. 7.5 min. series quadrangle with Area of Potential Effect marked (potential area of direct effect can be delineated inside area of indirect effect)
- 3. Street map (for properties in densely populated areas)
- 4. Street map showing location and historic district boundaries (if appropriate)
- 5. Street address of property
- 6. Municipality in which project is located (not mailing address location)

D. PROJECT SIZE (supply as appropriate for project)

- 1. Acreage of project area
- 2. Miles/feet of project and right-of-way width
- 3. Extent and nature of ground disturbing activities (i.e. grading, trenching, foundation excavation)

(over)

E. PHOTOGRAPHS (no Polaroids, or photocopies. Clear, high resolution digital images accepted.)

- 1. Exterior of building(s)/structures in project area
- 2. Interior of building(s) in project area
- 3. Interior of building(s) illustrating the proposed work areas/features.
- 4. Buildings, streetscape, setting of features in Area of Potential Effect (APE)
- 5. Views of project site.
- 6. Other _____

PUBLIC PARTICIPATION

- 1. Measures which will be/or have been taken to identify consulting parties.
- 2. List of proposed consulting parties.
- 3. Measures which will be/or have been taken to notify and involve the public.

RESOURCE IDENTIFICATION, EVALUATION AND PROJECT EFFECT

A. CULTURAL RESOURCE IDENTIFICATION

- 1. Description of methodology used for identification and sources examined.
- 2. Plan proposed for identification of historical (including historic districts; buildings, structures, objects) and archaeological resources and proposed methodology to be used.
- 3. Pennsylvania Historic Resource Survey form(s) for all properties 50 years or older and potentially eligible for the National Register identified in the APE. (See our website at: www.phmc.state.pa.us click on "Preservation Programs" and then "Forms")
- 4. Historical background/context report/information for historic resources identified.

B. EFFECTS

- 1. How will the project affect building(s) over 50 years old?
- 2. National Register listed/eligible property(s) exists in project area. How will the project affect this historic property(s)?

C. Other: _____



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED MAR 26 2010

March 25, 2010

Brad Roman
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-HH
COALD: Pennsylvania Services
Corporation. Refuse Disposal
Alternatives Analysis Approval,
Foundation Mine Surface Facilities
Center & Jackson Twps., Greene
Co.

Dear Mr. Roman:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 *et seq.* (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

Based on a recent field visit on March 18, 2010, by Mark McConaughy of our staff, it has been determined that proposed refuse areas CR-24, CR-25 and CR-26 have low archaeological potential. Consequently, these project areas should have no effect upon significant archaeological resources. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please contact the Bureau for Historic Preservation.

Conversely, area CR#4 is immediately adjacent to Mt. Zion cemetery and church. Although they are not actually in the project area, they abut it. They will be adversely affected by construction of any refuse disposal area immediately adjacent to them. Therefore, CR#4 should NOT be used as a refuse disposal area.

Page 2
Brad Roman
March 25, 2010

If you need further information in this matter please consult Kira Heinrich at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas C. McLearn".

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Larry Emerson, Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, Southwest Regional Office
David Hamilton, OSM Harrisburg Office
Mark A. McConaughy

PHMC Correspondence

		PHMC Correspondence Letters & Dates					
Coarse Refuse Piles	Slurry Site	6-25-2007 - Baker	7-07-2007 - Baker	7-23-2008 - Baker	7-30-2008 - Baker	3/12/2009 - Baker	2-10-2010 - Baker
		7-23-2007 - PHMC	10-16-2007 - PHMC	09-05-2008 - PHMC	7-30-2008 - PHMC	04-21-2009 - PHMC	
		9-4-2007 - PHMC	10-25-2007 - PHMC	09-18-2008 - PHMC		05-27-2009 - PHMC	
Refuse Site Names in PHMC Correspondence Letters							
CR-1B	-	R6					
-	R2	R2					
	R3	RA					
CR-4	R4	-	RA4				
	R5	R7					
CR-6	R6	RA5					
	R7	RA6					
CR-8	R8	-	R8				
CR-9	R9	-	R9				
	R10	R15					
CR-11A	R11	R4	R4-5 / R5				
CR-11B	R11	R4	R4-5 / R5				
CR-12	R12	-	R3				
CR-13	R13	RA7					
CR-14	R14	RA3					
CR-15	R15	R11					
CR-16	R16	R10					
CR-17	R17	R9					
CR-18	R18	R8					
CR-19A	R19	RA2					
CR-19B	R19	RA2					
CR-20	R20	R13					
CR-21	R21	R14					
CR-22	-	-					
CR-23	-	-					
CR-24	-	-					CR-24
CR-25	-	-					CR-25
CR-26	-	RA2					CR-26
CR-27	-	-					
CR-28A	-	-					
CR-28B	-	-					
CR-29	-	-					
CR-30	-	-					
CR-Area #1	RA#1	-				Area #1	
	RA#2	-				Area #2	
CR-Area #3	RA#3	-				Area #3	
CR-Area #4	RA#4	-					CR#4
CR-#9	RA#9	-			Site 9		
CR-Area #10A	RA#10	-			Site 10		
CR-Area #10B1	RA#10	-			Site 10		
CR-Area #10B2	RA#10	-			Site 10		
		RA1 ¹					
		R1 ¹					

¹ Sites RA1 and R1 from original PHMC request dated 06-25-2007 have been removed from the study.



Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

June 25, 2007

Steven McDougal
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7099 3400 0017 5725 9055

Subject: Foundation Mine Surface Facilities
Cultural Resource Notice
Center and Jackson Townships, Greene County, PA

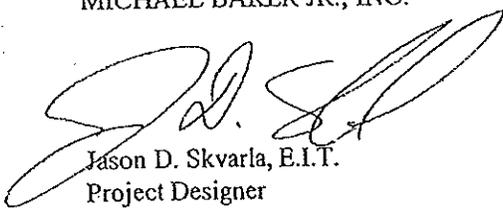
Dear Mr. McDougal:

Attached is the information for a Cultural Resource Notice review, for the above referenced project. The proposed surface facilities are all located within the Holbrook and Rogersville quadrangles. The information that is attached is listed below:

- Cultural Reference Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with the site refuse disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4016.

Sincerely,
MICHAEL BAKER JR., INC.



Jason D. Skvarla, E.I.T.
Project Designer

Enclosures

ChallengeUs.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Steven McDougal
PA Historical & Museum Comm.
State Museum Bldg.
300 North Street
Harrisburg, PA 17120

2. Article Number

(Transfer from service label)

7099 3400 0017 5725 9055

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

JUN 28 2007

C. Date of Delivery

D. Is delivery address different from item 1?
if YES, enter delivery address below

Yes

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Domestic Return Receipt

2ACPRI-03-P-4081



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

JUL 26 2007

Michael Baker Jr., Inc.

July 23, 2007

Jason D. Skvarla, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 07-0736-059-C
COALC: Pennsylvania
Services Corporation, NPDES
Permit, Foundation Mine
Surface Facilities, Center &
Jackson Twps., Greene Co.

Dear Mr. Skvarla:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

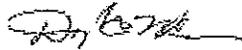
There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

A preliminary review of this project indicates that there is a high probability that National Register eligible historic resources exist in the project area. Project planners must conduct surveys to identify these resources before final plans are developed. For more information on survey strategies and methodologies, please contact the Bureau for Historic Preservation.

Page 2
July 23, 2007
Jason D. Skvarla, E.I.T.

If you need further information regarding archaeological survey please contact Kira Presler at (717) 705-0700. If you need further information concerning historic structures please consult Susan Zacher at (717) 783-9920. If you need more information regarding archaeological survey please contact Mark McConaughy x 103 at (724) 527-5585.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, Southwest Regional Office
DEP, Greensburg District Mining Office
Mark McConaughy

DCM/tmw

Phone Call Report

Project/Location Foundation Mine Refuse Analysis
Jackson and Center Twp., Greene
County, PA

S.O. No.: 111641

Date: 8-31-2007

Contract No.: _____

To: Mark McConaughy

From: Charles McCrady

Repres.: PHMC

Repres.: Baker

Phone No.: 724-527-5585

Phone No.: 724-495-4262

C.M. called Mr. McConaughy to try to determine what material he had received from Jason Skvarla prior to him leaving Baker. Mr. McConaughy informed C.M that he had received documents for 19 of the proposed refuse areas (R1, R2, R4, R6, R7, R8, R9, R10, R11, R13, R14, R15, RA, RA1, RA2, RA3, RA5, RA6, and RA7). Mr. McConaughy also said that every valley that was requested to be reviewed for historical significances has potential in containing historic and prehistoric archaeological resources.

C.M. told Mr. McConaughy that Baker will be submitting information on additional sites for his review.



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

SEP 10 2007

Michael Baker Jr., Inc.

September 4, 2007

Jason D. Skvarla, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-D
COALC: Pennsylvania Services
Corporation, NPDES Permit,
Foundation Mine Surface Facilities
Center & Jackson Twps., Greene Co.

Dear Mr. Skvala:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 *et seq.* (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

As a result of a recent visit on August 29, 2007, by our field archaeologist, Mark McConaughy, it has been determined that there are potentially significant historic archaeological resources in the permit area. Specifically, there are standing 19th century farmsteads in most of the valleys chosen for refuse disposal. One probable late 18th or early 19th century log cabin is present in the valley designated RA1. These locations could also have supported prehistoric sites. Please provide information on the age and background of structures, foundations, and ruins on the property so we can assess the significance of these resources.

At this time, we recommend that the permit be denied and we request a conference to discuss the effects to potentially significant archaeological resources in the permit area.

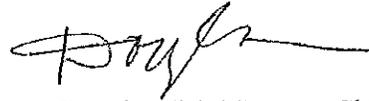
We also recommend that, if the Phase I survey is not undertaken, that the permit be conditioned to require that archaeological investigations be conducted if

Page 2
Jason D. Skvarla
September 4, 2007

sites are discovered after the mining permit is issued. We also request that you provide us with written justification for your decision if you elect not to conduct the Phase I survey.

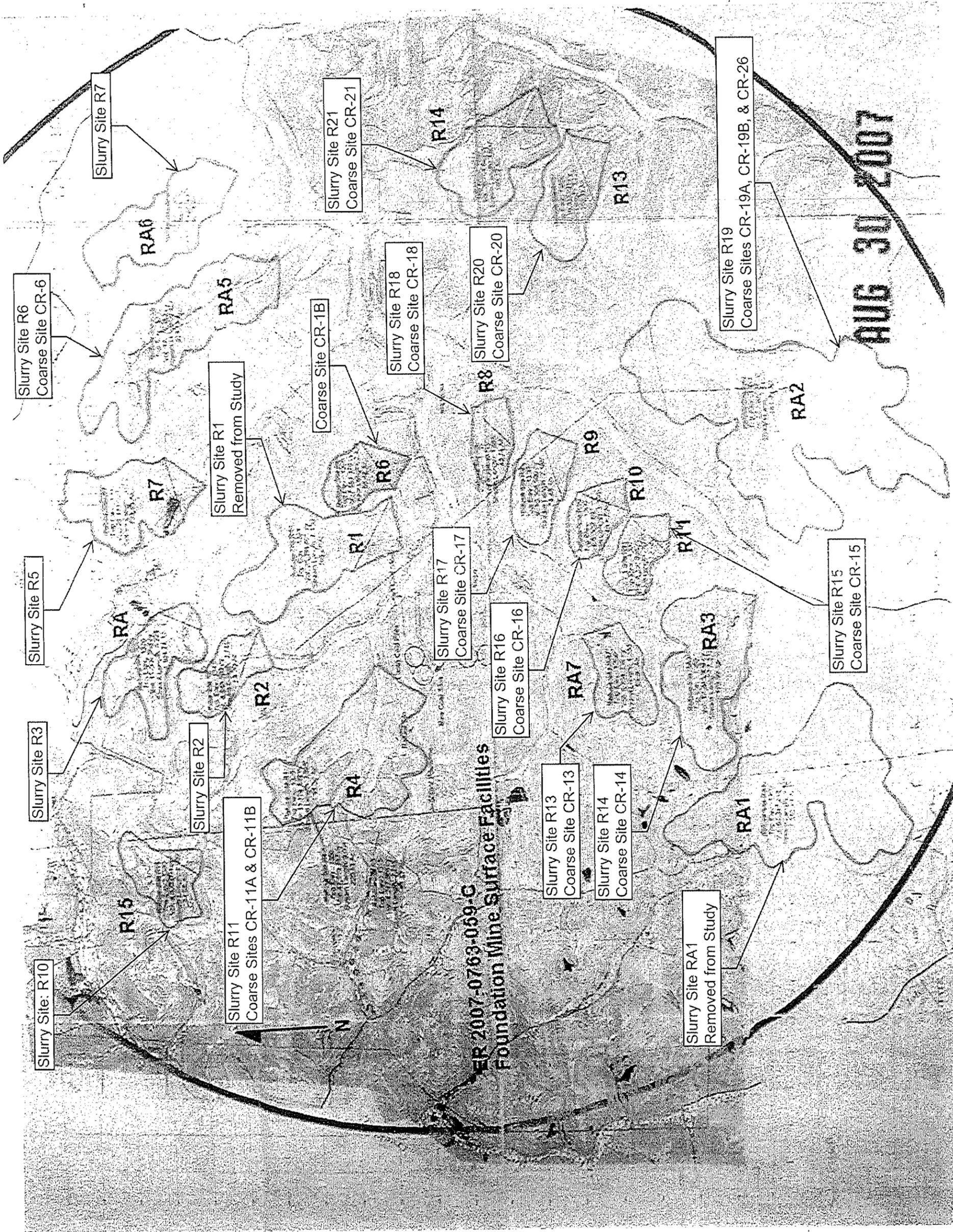
If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,



Douglas C. McLearen, Chief
Division of Archaeology &
Protection

Cc: Pennsylvania Services Corporation, 158 Portal Road, Waynesburg, PA
15370
DEP, Southwest Regional Office
DEP, Greensburg District Mining Office
David Hamilton, OSM Harrisburg Office
Mark A. McConaughy



ER 2007-0763-059-C
 Foundation Mine Surface Facilities

AUG 30 2007

Slurry Site R6
 Coarse Site CR-6

Slurry Site R7

Slurry Site R21
 Coarse Site CR-21

Slurry Site R18
 Coarse Site CR-18

Slurry Site R20
 Coarse Site CR-20

Slurry Site R19
 Coarse Sites CR-19A, CR-19B, & CR-26

Slurry Site R1
 Removed from Study

Coarse Site CR-1B

Slurry Site R5

Slurry Site R17
 Coarse Site CR-17

Slurry Site R16
 Coarse Site CR-16

Slurry Site R15
 Coarse Site CR-15

Slurry Site R3

Slurry Site R2

Slurry Site R11
 Coarse Sites CR-11A & CR-11B

Slurry Site R13
 Coarse Site CR-13

Slurry Site R14
 Coarse Site CR-14

Slurry Site RA1
 Removed from Study

Slurry Site: R10

R4

R15

R2

R1

R6

R8

R9

R10

RA11

RA3

RA1

RA

RA5

RA6

R14

R13

RA2

N

Baker

Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

~~June 25, 2007~~ September 07, 2007

Mr. Mark McConaughy
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7005 2570 0000 4038 7163

Subject: Foundation Mine Surface Facilities
Cultural Resource Notice
Center and Jackson Townships, Greene County, PA

Dear Mr. McConaughy:

With regards to our conversation on August 31, 2007, I have attached the information required to perform a Cultural Resource review for the remaining four potential refuse areas; R3, R4-5, R5, and RA4. The additional proposed surface facilities are all located within the Holbrook quadrangle. The information that is attached is listed below:

- Cultural Reference Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with the site refuse disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4262.

Sincerely,
MICHAEL BAKER JR., INC.



Charles McCrady, E.I.T.
Civil Associate II

Enclosures

ChallengeUs.



CULTURAL RESOURCE NOTICE

DEP USE ONLY
Date Received

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER			
Applicant Name	Pennsylvania Services Corporation (Att: Larry Emerson)		
Street Address	158 Portal Road		
City	Waynesburg	State	PA Zip 15370
Telephone Number	724-852-5769		
Project Title	Foundation Mine Surface Facilities		
SECTION B. LOCATION OF PROJECT			
Municipality	Center and Jackson Townships	County Name	Greene DEP County Code 30
SECTION C. PERMITS OR APPROVALS			
Name of Specific DEP Permit or Approval Requested: NPDES			
Anticipated federal permits:			
<input type="checkbox"/>	Surface Mining	<input type="checkbox"/>	404 Water Quality Permit
<input type="checkbox"/>	Army Corps of Engineers	<input type="checkbox"/>	Federal Energy Regulatory Commission
<input type="checkbox"/>	401 Water Quality Certification	<input type="checkbox"/>	Other:
SECTION D. GOVERNMENT FUNDING SOURCES			
<input type="checkbox"/>	State: (Name) _____	<input type="checkbox"/>	Local: (Name) _____
<input type="checkbox"/>	Federal: (Name) _____	<input type="checkbox"/>	Other: (Name) _____
SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE			
DEP Regional Office Responsible for Review of Permit Application		<input type="checkbox"/> Central Office (Harrisburg)	
<input type="checkbox"/>	Southeast Regional Office (Conshohocken)	<input type="checkbox"/>	Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/>	Southcentral Regional Office (Harrisburg)	<input type="checkbox"/>	Northcentral Regional Office (Williamsport)
<input checked="" type="checkbox"/>	Southwest Regional Office (Pittsburgh)	<input type="checkbox"/>	Northwest Regional Office (Meadville)
<input type="checkbox"/>	District Mining Office:	<input type="checkbox"/>	Oil & Gas Office:
SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.			
County Conservation District		Telephone Number, if known	
Greene County Conservation District		724-852-5278	
SECTION G. CONSULTANT			
Consultant, if applicable	Michael Baker Jr. Inc (Attn: Charles McCrady)		
Street Address	4301 Dutch Ridge Road		
City	Beaver	State	PA Zip 15009
Telephone Number	724-495-4262		

SECTION H. PROJECT BOUNDARIES AND DESCRIPTION

REQUIRED

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

REQUESTED

Attach photographs of any building over 40 years old.

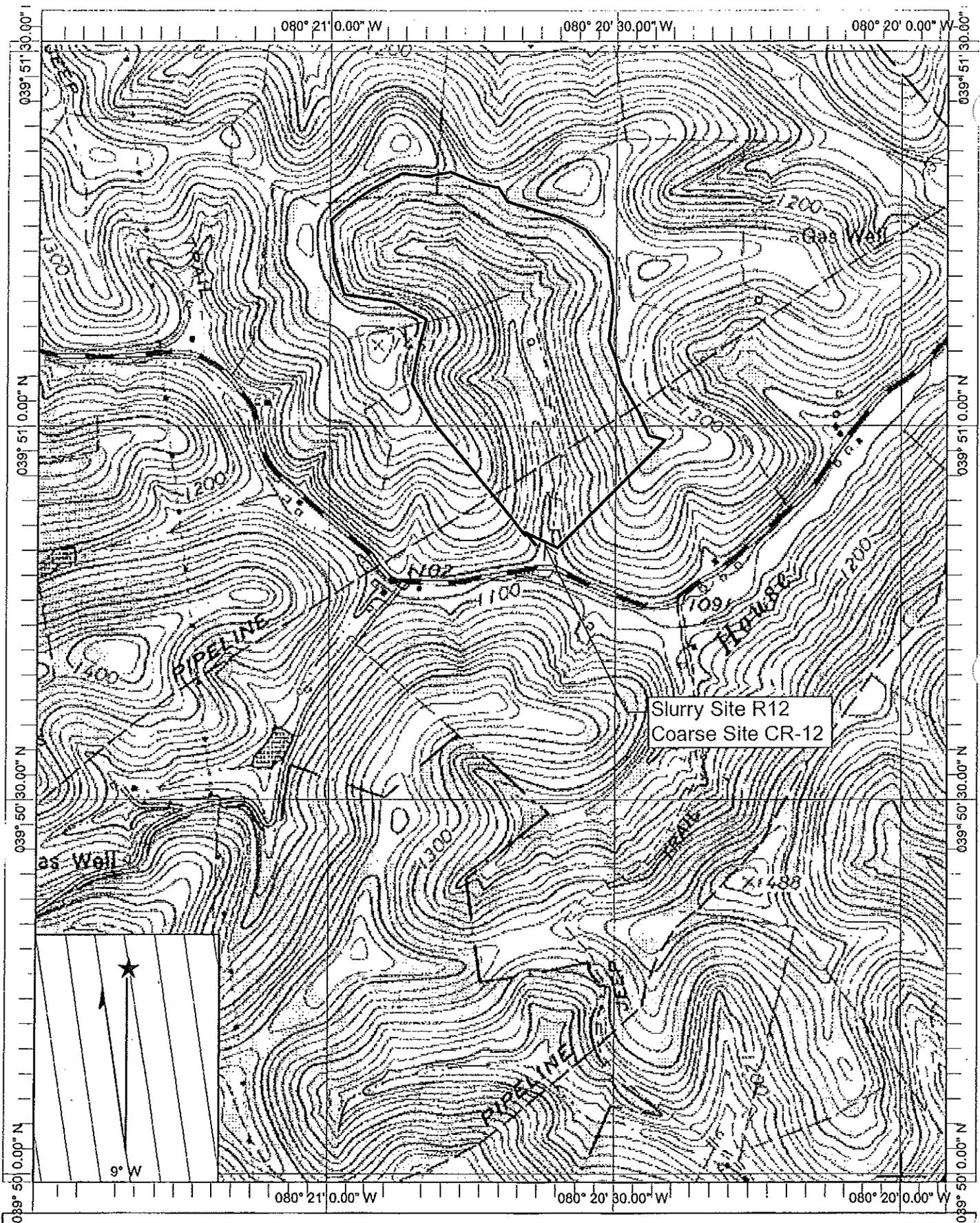
Attach site map, if available.

SECTION I. SIGNATURE BLOCK


Applicant's Signature

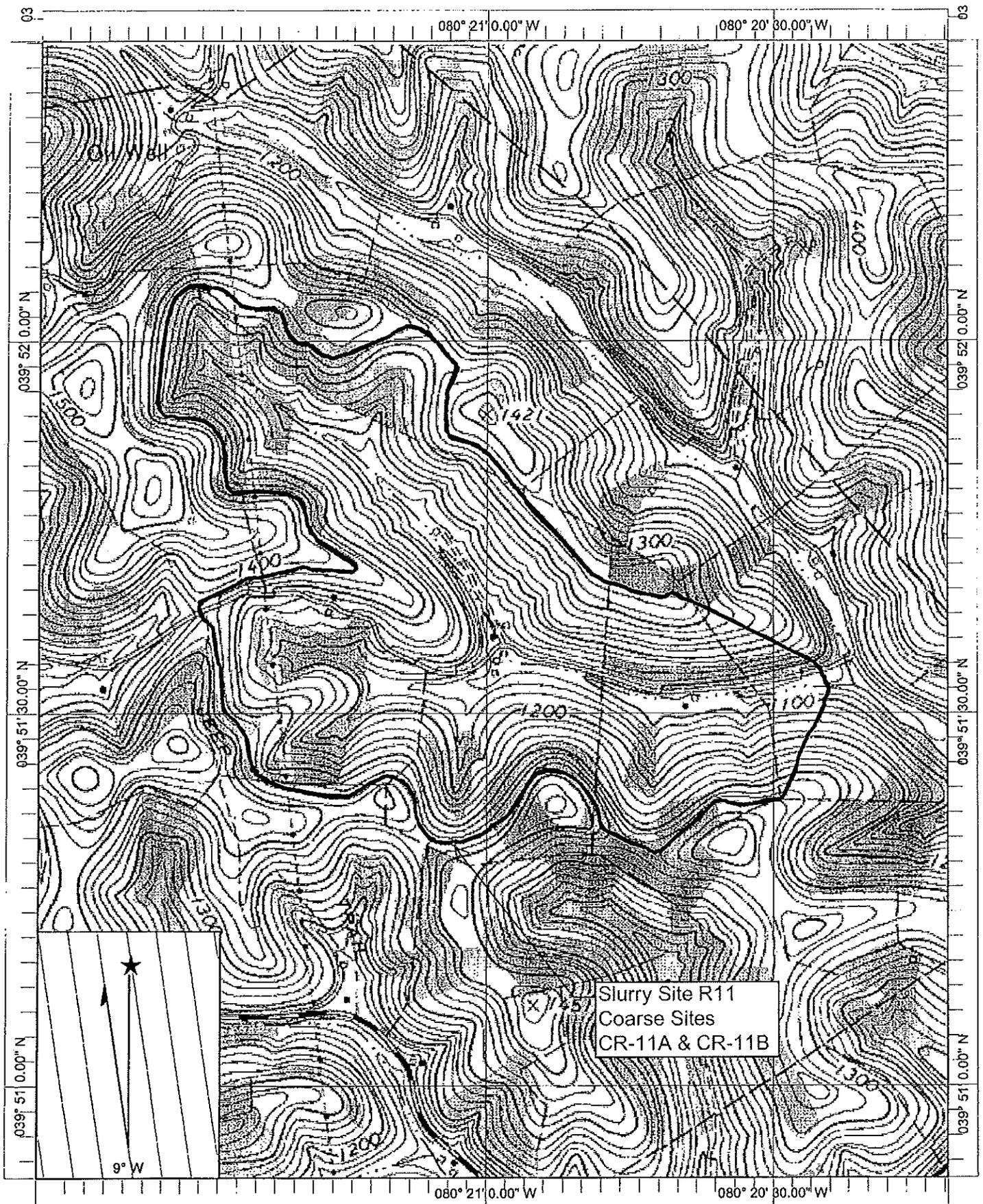
9/7/2007

Date of Submission of Notice to PHMC

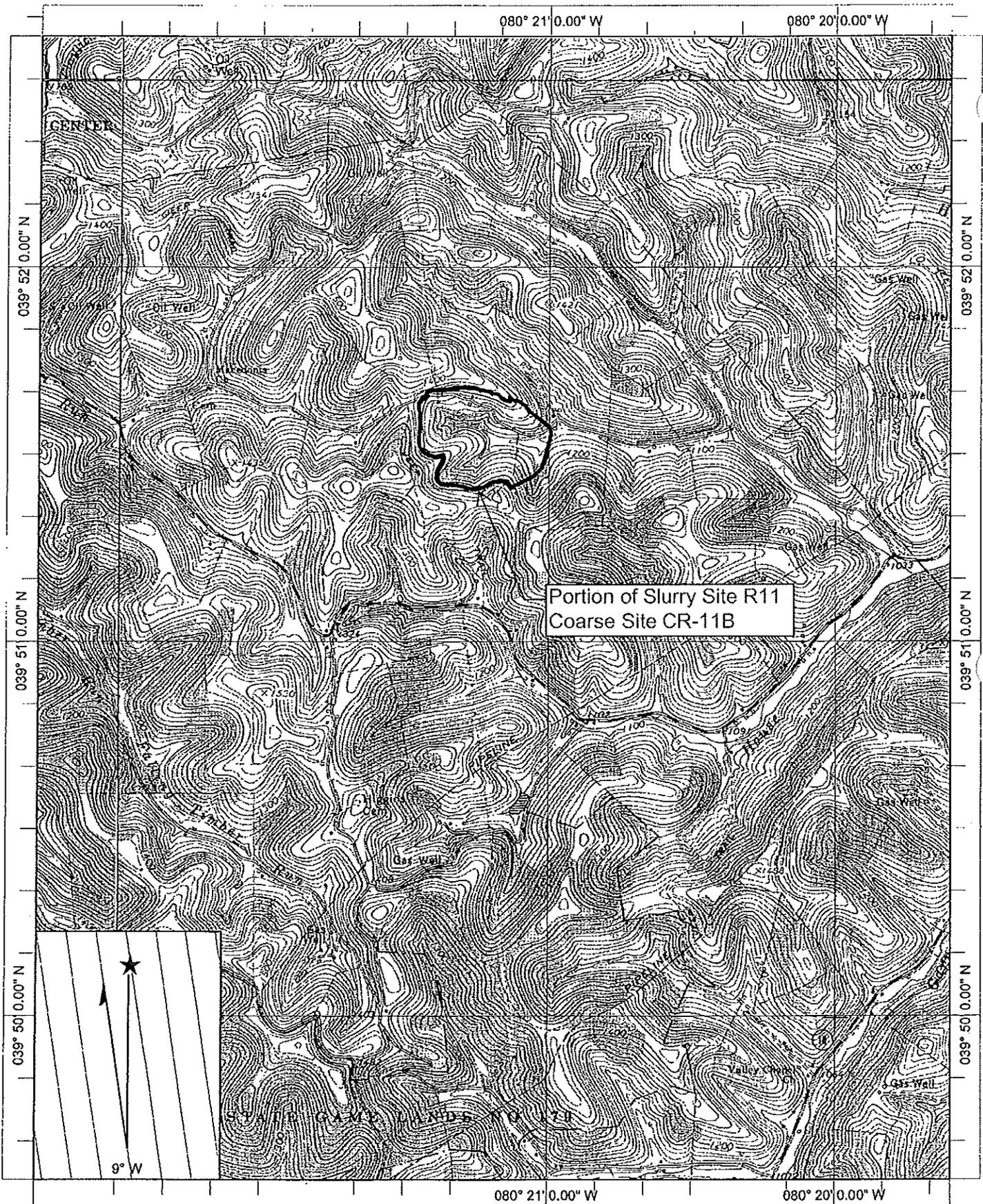


Name: HOLBROOK
 Date: 9/4/2007
 Scale: 1 inch equals 1000 feet

Location: 039° 50' 45.0" N 080° 20' 42.8" W
 Caption: Foundation Mine Refuse Area R3

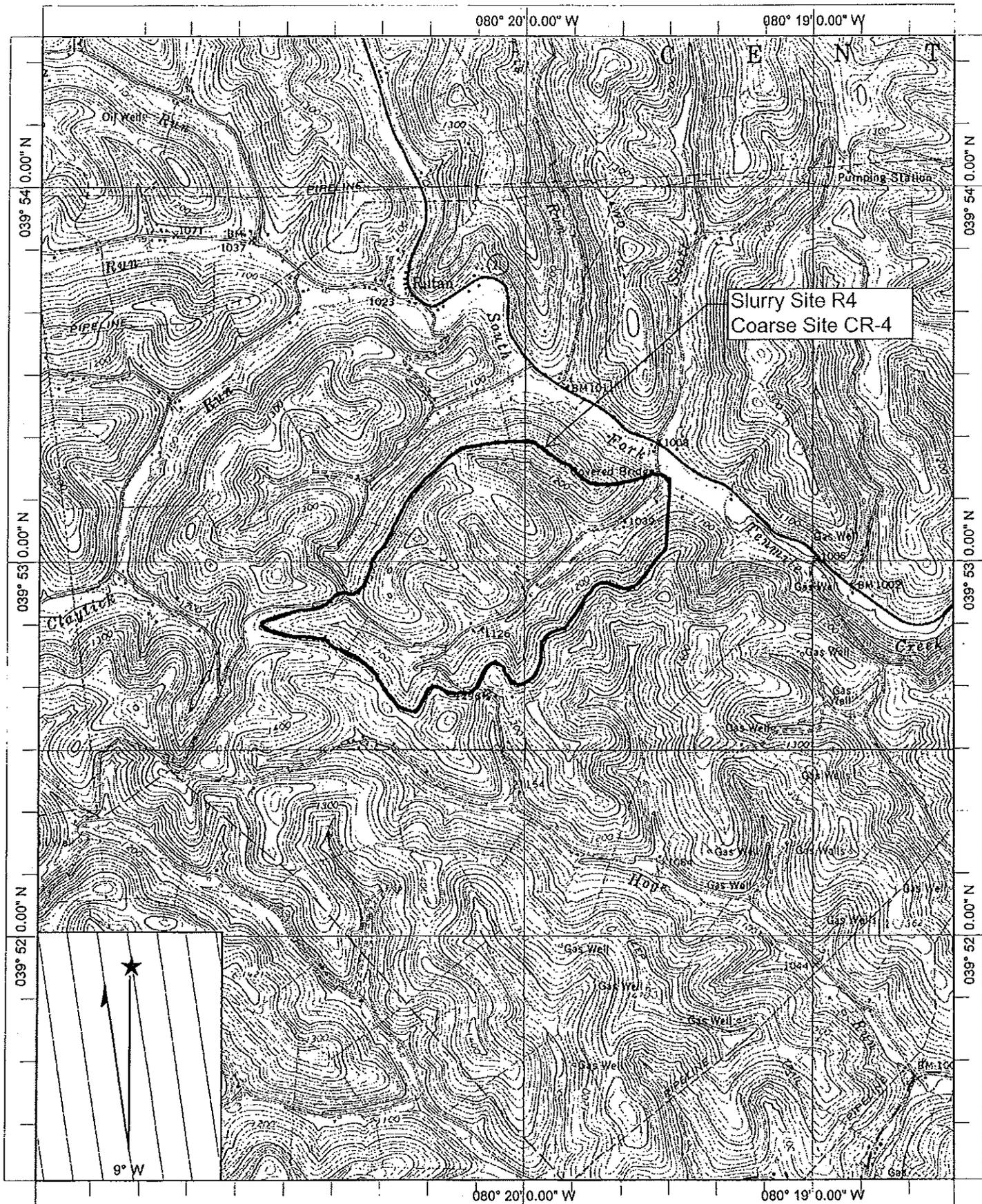


<p>Name: HOLBROOK Date: 9/4/2007 Scale: 1 inch equals 1000 feet</p>	<p>Location: 039° 51' 38.3" N 080° 20' 59.3" W Caption: Foundation Mine Refuse Area R4-5</p>
---	---



Name: HOLBROOK
 Date: 9/4/2007
 Scale: 1 inch equals 2000 feet

Location: 039° 51' 05.4" N 080° 21' 11.1" W
 Caption: Foundation Mine Refuse Area R5



Name: ROGERSVILLE
 Date: 9/4/2007
 Scale: 1 inch equals 2000 feet

Location: 039° 52' 52.6" N 080° 20' 05.9" W
 Caption: Foundation Mine Refuse Area RA4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to: PA Historical & Museum Commission Mr. Mark McConaughy State Museum Bldg 300 North Street Harrisburg, PA 17120</p>	<p>B. Received by (Printed Name) _____ C. Date of Delivery SEP 11 2007</p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7005 2570 0000 4038 7163</p> <p>Domestic Return Receipt 102595-02-M-1540</p>



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

OCT 22 2007

October 16, 2007

Michael Baker Jr., Inc.

Charles McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

PHMC REFERENCE NUMBER

Re: File No. ER 07-0736-059-E
COALC: Pennsylvania
Services Corporation, NPDES
Permit, Foundation Mine
Surface Facilities, Center &
Jackson Twps., Greene Co.

Dear Mr. McCrady:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

Your request does not include sufficient information. We are unable to proceed with our review for historic structures until the information on the attached form is provided.

Page 2
October 16, 2007
Charles McCrady, E.I.T.

If you need further information in this matter please consult Noël Strattan at (717) 772-4519. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585. If you need further information concerning historic structures please consult Kira Presler at (717) 705-0700.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, Southwest Regional Office
DEP, Greensburg District Mining Office
Mark McConaughy

Attachment
DCM/tmw

E. PHOTOGRAPHS (no Polaroids, or photocopies. Clear, high resolution digital images accepted.)

- 1. Exterior of building(s) in project area
- 2. Interior of building(s) in project area
- 3. Interior of building(s) illustrating the proposed work areas/features
- 4. Buildings, streetscape, setting of features in Area of Potential Effect (APE)
- 5. Views of project site
- 6. Other _____

PUBLIC PARTICIPATION

- 1. Measures which will be/or have been taken to identify consulting parties.
- 2. List of proposed consulting parties.
- 3. Measures which will be/or have been taken to notify and involve the public.

RESOURCE IDENTIFICATION, EVALUATION AND PROJECT EFFECT

A. CULTURAL RESOURCE IDENTIFICATION

- 1. Description of methodology used for identification and sources examined.
- 2. Plan proposed for identification of historical (including historic districts, buildings, structures, objects) and archaeological resources and proposed methodology to be used.
- 3. Pennsylvania Historic Resource form(s) for all properties 50 years or older and potentially eligible for the National Register identified in the APE. (See our website at: www.phmc.state.pa.us/bhp/inventories)
- 4. Historical background/context report/information for historic resources identified.

B. EFFECTS

- 1. How will the project affect building(s) over 50 years old?
- 2. National Register listed/eligible property(s) exists in project area. How will the project affect this historic property(s)?

C. Other: _____



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

NOV 01 2007

Michael Baker Jr., Inc.

October 25, 2007

Charles McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 2007-0736-059-F
COALC: Pennsylvania Services
Corporation, NPDES Permit,
Foundation Mine Surface Facilities
Center & Jackson Twps., Greene Co.

Dear Mr. McCrady:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 *et seq.* (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

As a result of a recent visit on August 29, 2007, by our field archaeologist, Mark McConaughy, it has been determined that there are potentially significant historic archaeological resources in the permit area. Specifically, there are standing 19th century farmsteads in most of the valleys chosen for refuse disposal. One probable late 18th or early 19th century log cabin is present in the valley designated RA1. These locations could also have supported prehistoric sites. Please provide information on the age and background of structures, foundations, and ruins on the property so we can assess the significance of these resources.

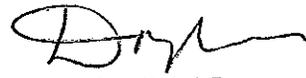
At this time, we recommend that the permit be denied and we request a conference to discuss the effects to archaeological resources within the permit area. We also recommend that, if the Phase I survey is not undertaken, that the permit be conditioned to require that archaeological investigations be conducted if

Page 2
Charles McCrady
October 25, 2007

sites are discovered after the mining permit is issued. We also request that you provide us with written justification for your decision if you elect not to conduct the Phase I survey.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Pennsylvania Services Corporation, 158 Portal Road, Waynesburg, PA
15370
DEP, Southwest Regional Office
DEP, Greensburg District Mining Office
David Hamilton, OSM Harrisburg Office
Mark A. McConaughy

Baker

Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

~~June 25, 2007~~ January 21, 2008

Mr. Mark McConaughy
Pennsylvania Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120

CERTIFIED MAIL# 7007 0710 0001 3166 9123

Subject: Foundation Mine Surface Facilities
Cultural Resource Notice
Center and Jackson Townships, Greene County, PA

Dear Mr. McConaughy:

Since our last correspondence, two additional sites, R8 and R9, have been incorporated to the above mentioned project and are located north of the South Fork of Tenmile Creek on the Rogersville quadrangle. Attached and listed below is the information for a Cultural Resource Notice review, for the above referenced project.

- Cultural Reference Notice
- Project Description Narrative
- USGS 7.5 minute quadrangle with the site refuse disturbance limits

Should you have any questions or require additional information please contact me at 724-495-4262.

Sincerely,
MICHAEL BAKER JR., INC.



Charles McCrady, E.I.T.
Civil Associate II

Enclosures

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Center and Jackson Townships
Greene County, PA**

Foundation Mining, LP (FMLP) plans to develop a new underground longwall mine in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste rock) generated during the mining activities. Site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FMLP. If the site(s) identified within FMLP controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. FMLP prefers separate sites for both combined refuse (coarse and fine refuse) facilities and breaker rock storage. Based on the USGS map, several of the possibilities sites are likely to fall under the category of "Preferred Sites". The entire site being looked at is 25 square miles (16,000 acres) and is located mostly in the Holbrook Quadrangle but also have parts located in the Rogersville Quadrangle. The total disturbed acreage in Site R8 is approximately 290 acres and in site R9 is approximately 140 acres.



CULTURAL RESOURCE NOTICE

DEP USE ONLY Date Received

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER	
Applicant Name	Pennsylvania Services Corporation (Att: Larry Emerson)
Street Address	158 Portal Road
City	Waynesburg State PA Zip 15370
Telephone Number	724-852-5769
Project Title	Foundation Mine Surface Facilities
SECTION B. LOCATION OF PROJECT	
Municipality	Center and Jackson Townships County Name Greene DEP County Code 30
SECTION C. PERMITS OR APPROVALS	
Name of Specific DEP Permit or Approval Requested:	NPDES
Anticipated federal permits:	
<input type="checkbox"/> Surface Mining	<input type="checkbox"/> 404 Water Quality Permit
<input type="checkbox"/> Army Corps of Engineers	<input type="checkbox"/> Federal Energy Regulatory Commission
<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Other:
SECTION D. GOVERNMENT FUNDING SOURCES	
<input type="checkbox"/> State: (Name) _____	<input type="checkbox"/> Local: (Name) _____
<input type="checkbox"/> Federal: (Name) _____	<input type="checkbox"/> Other: (Name) _____
SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE	
DEP Regional Office Responsible for Review of Permit Application	<input type="checkbox"/> Central Office (Harrisburg)
<input type="checkbox"/> Southeast Regional Office (Conshohocken)	<input type="checkbox"/> Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/> Southcentral Regional Office (Harrisburg)	<input type="checkbox"/> Northcentral Regional Office (Williamsport)
<input checked="" type="checkbox"/> Southwest Regional Office (Pittsburgh)	<input type="checkbox"/> Northwest Regional Office (Meadville)
<input type="checkbox"/> District Mining Office:	<input type="checkbox"/> Oil & Gas Office:
SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.	
County Conservation District	Telephone Number, if known
Greene County Conservation District	724-852-5278
SECTION G. CONSULTANT	
Consultant, if applicable	Michael Baker Jr. Inc (Attn: Charles McCrady)
Street Address	4301 Dutch Ridge Road
City	Beaver State PA Zip 15009
Telephone Number	724-495-4262

SECTION H. PROJECT BOUNDARIES AND DESCRIPTION

REQUIRED

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

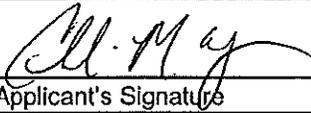
Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

REQUESTED

Attach photographs of any building over 40 years old.

Attach site map, if available.

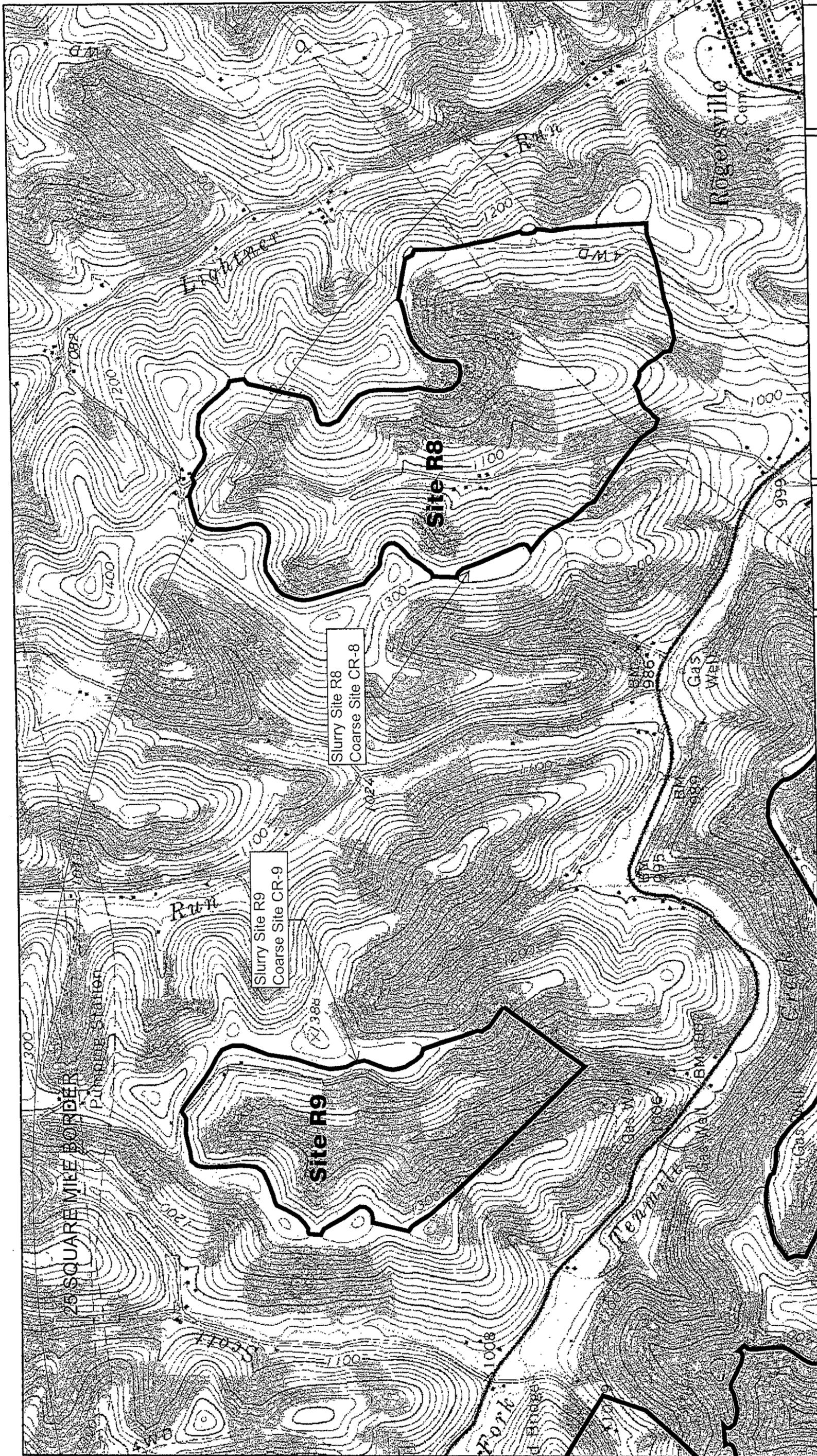
SECTION I. SIGNATURE BLOCK



Applicant's Signature

1-21-2007

Date of Submission of Notice to PHMC



SHEET NO. **1**
OF 1

FOUNDATION MINING, LP
REFUSE AREA ANALYSIS
SITES R8 & R9

SCALE: 1" = 1000'
DATE: JAN 2008

Baker

MICHAEL BAKER JR., INC.
CONSULTING ENGINEERS BEAVER, PENNSYLVANIA

DESIGNED
DRAWN
CHECKED
REVIEWED
S.O.
CADD FILE

REVISIONS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery JAN 24 2008</p>
<p>1. Article Addressed to</p> <p><i>PA Historical & Museum Commission Mr. Mark McConaughy State Museum Bldg. 300 N. Street Harrisburg, PA 17120</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from serv)</p>	<p>7007 0710 0001 3166 9123</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1640</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information, visit our website at www.usps.com											
OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$ <i>.97</i></td> </tr> <tr> <td>Certified Fee</td> <td><i>2.65</i></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td><i>2.15</i></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ <i>5.77</i></td> </tr> </table>	Postage	\$ <i>.97</i>	Certified Fee	<i>2.65</i>	Return Receipt Fee (Endorsement Required)	<i>2.15</i>	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ <i>5.77</i>	
Postage	\$ <i>.97</i>										
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Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$ <i>5.77</i>										
<p>Sent To <i>PA Historical & Museum Commission</i> Attn: <i>Mark McConaughy</i> Street, Apt. No., or PO Box No. <i>300 N. Street</i> City, State, ZIP+4 <i>Harrisburg PA 17120</i></p>											
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>											

7007 0710 0001 3166 9123



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

RECEIVED

FEB 11 2008

Michael Baker, Inc.

February 5, 2008

Charles McCrady, E.I.T.
Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: File No. ER 07-0736-059-K
COALC: Pennsylvania
Services Corporation
Foundation Mine Surface
Facilities, Center & Jackson
Twps., Greene Co.

Dear Mr. McCrady:

The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, has reviewed the above-referenced project under the authority of and in accordance with the Environmental Rights amendment, Article I, Section 27 of the Pennsylvania Constitution; the Pennsylvania History Code, 37 P.S. § 507; the Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19a; 25 Pa Code §§ 86.37, 87.42 and 89.38; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328; 36 CFR 779.12 and 36 CFR 783.12.

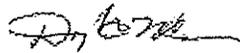
There is a high probability that prehistoric and historic archaeological resources are located in the project area and may be affected by this project. We are unable to proceed with our review until our field archaeologist, Mark McConaughy, conducts a field check of the project area. The information submitted to us will be forwarded onto Mr. McConaughy. We will complete our review upon receipt of the field archaeologist's comments. Call Mr. McConaughy to make an appointment for a field visit. It is our recommendation that the permit should not be issued until this review is completed.

In our opinion no evaluation of historic structures will be necessary for this project area.

Page 2
February 5, 2008
Charles McCrady, E.I.T.

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Pennsylvania Services Corporation, 158 Portal Road,
Waynesburg, PA 15370
DEP, Southwest Regional Office
Mark McConaughy

DCM/tmw

DCNR Correspondence

Baker

Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

724-495-7711
FAX 724-495-4017

February 10, 2010

PA Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street, Po Box 8552,
Harrisburg, PA 17105-8552

CERTIFIED MAIL# 7009 0080 0000 3916 0627

Subject: Foundation Mine Coal Refuse Disposal Area Alternatives Analysis
Search Impacts
Jackson and Center Township, Greene County, PA

To whom it may concern:

Attached is the information that can be used for the above mentioned project for a search on environmental conflicts. Based on 25 Pa. Code sections 88.281 and 90.5, it is the requirement that information be obtained in order to assess the sites that are being proposed and to properly choose the site(s) with the least amount of environmental impact. The information that is attached is listed below:

- PNDI Project Environmental Review Receipt
 - Sites: CR-1B, CR-11A, CR-15, CR-16, CR-25, CR-26, CR-#1, CR-#3, CR-#4
- Project Narrative
- USGS 7.5 minute quadrangle with project refuse area boundary map

I would greatly appreciate a written response as soon as possible, if your agency has any impacts within the project area.

Should you have any questions or require additional information please contact me at 724-495-4241.

Sincerely,
MICHAEL BAKER JR., INC.



Brad Roman,
Civil Associate II

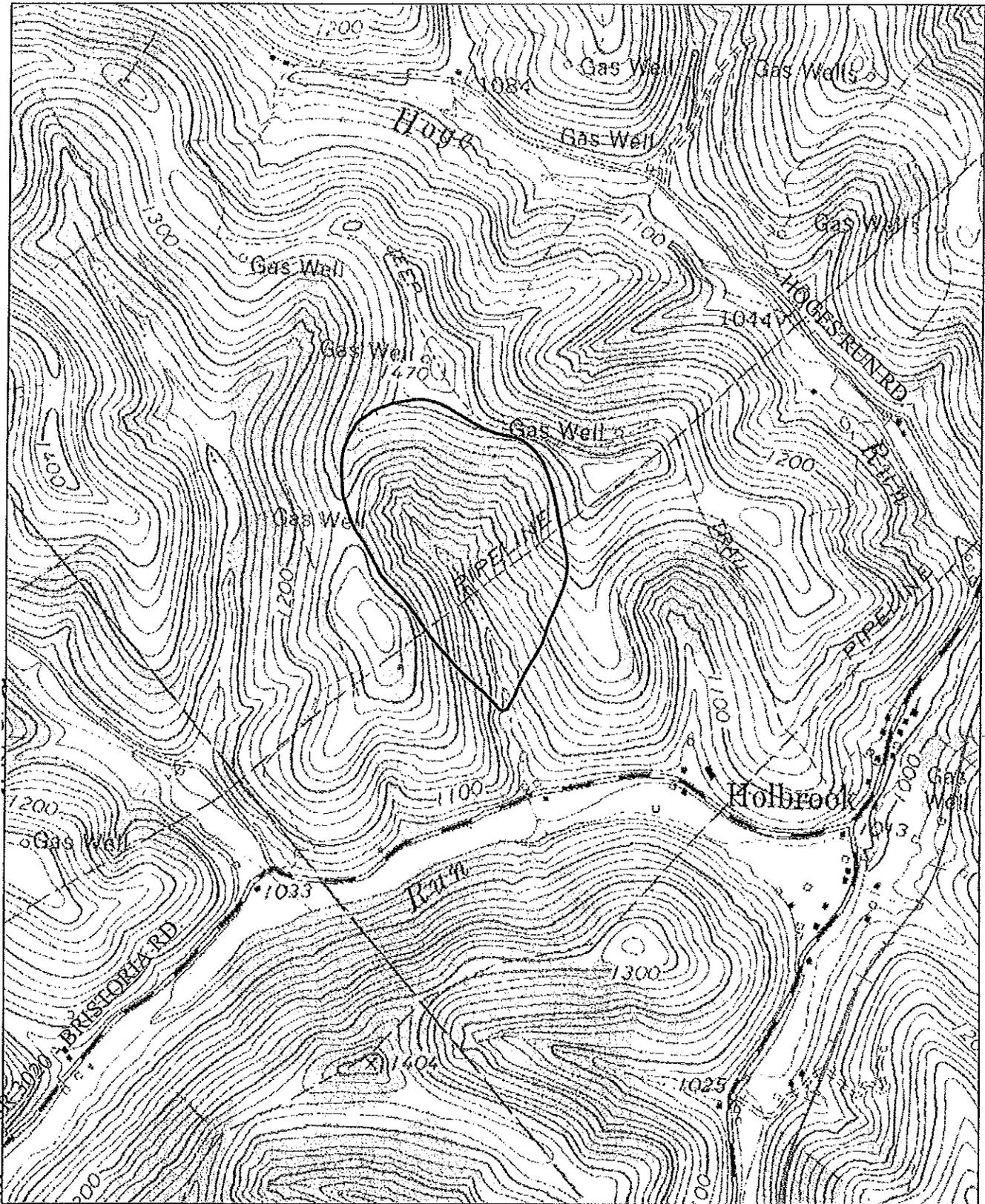
Enclosures

cc: Larry Emerson, Foundation Mining, LLC

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Center and Jackson Townships
Greene County, PA**

Foundation Mining LLC, (FMLLC) plans to develop a new underground longwall mine in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste) generated during the mining activities. The site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FMLLC. If the site(s) identified within FMLLC controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. The sites being evaluated are located mostly in the Holbrook Quadrangle but also have parts located in Rogersville Quadrangles. The total acreage, all of which would be disturbed, on CR-1B is 58.3 acres, CR-11A is 62.7 acres, CR-15 is 60.1 acres, CR-16 is 63.5 acres, CR-25 is 52.8 acres, CR-26 is 64.2 acres, CR-#1 is 51.8 acres, CR-#3 is 63.5 acres, and CR-#4 is 62.0 acres.



LOCATION MAP

REFUSE SITE:

FOUNDATION MINING, LLC

COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
ALTERNATIVES ANALYSIS

CR-1B



MICHAEL BAKER JR., INC.

CONSULTING ENGINEERS

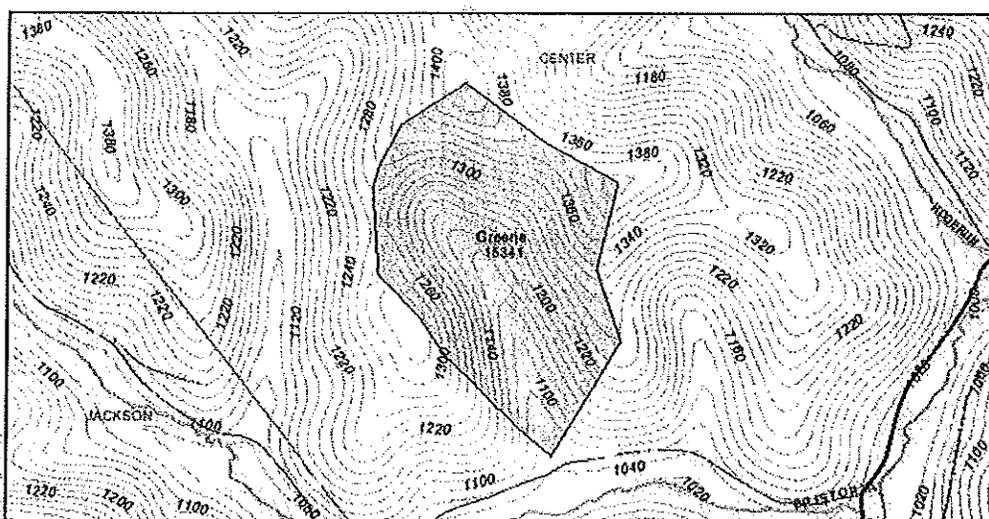
BEAVER, PENNSYLVANIA

SCALE: 1"=1000'

DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: **CR-1B**
 Date of review: **2/10/2010 3:39:24 PM**
 Project Category: **Mining, Coal (strip, deep, long-wall, refuse disposal)**
 Project Area: **89.2 acres**
 County: **Greene Township/Municipality: Center**
 Quadrangle Name: **HOLBROOK**
 ZIP Code: **15341**
 Decimal Degrees: **39.85653 N, --80.32413 W**
 Degrees Minutes Seconds: **39° 51' 23.5" N, -80° 19' 26.9" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are valid for one year (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or

being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum* Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552, Harrisburg, PA, 17105-8552
Fax:(717) 772-0271

U.S. Fish and Wildlife Service
Endangered Species Section
315 South Allen Street, Suite 322, State College, PA, 16801-4851
NO Faxes Please.

PA Fish and Boat Commission
Division of Environmental Services
450 Robinson Lane, Bellefonte, PA, 16823-7437
NO Faxes Please

PA Game Commission
Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA, 17110-9797
Fax:(717) 787-6957

7. PROJECT CONTACT INFORMATION

Name: BRAD LUMAN
Company/Business Name: MICHAEL BAKER CORP
Address: 4301 DUTCH RIDGE RD
City, State, Zip: BEAVER, PA 15010
Phone: (724) 495-4241 Fax: ()
Email: bruman@mbakercorp.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

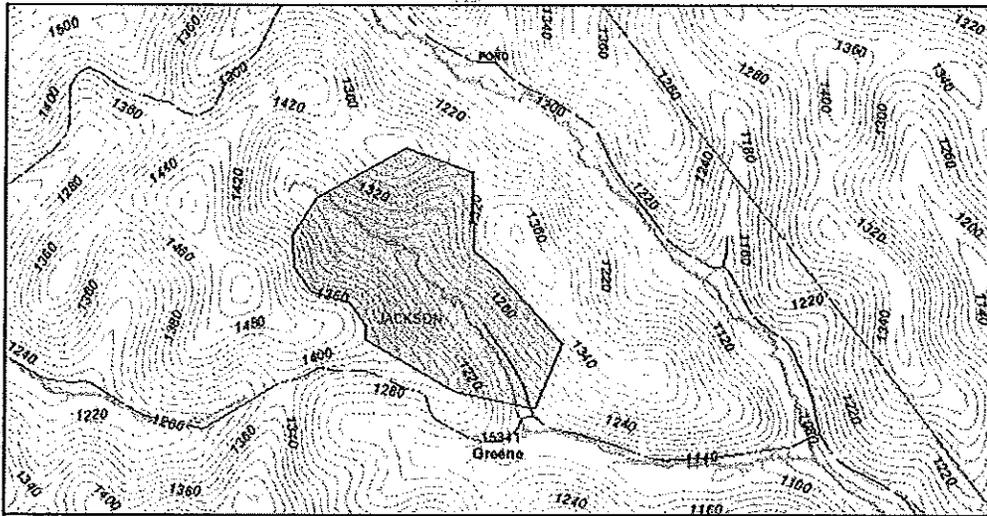
Brad Luman applicant/project proponent signature 2/11/10 date



LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	
	CR-11A	
	MICHAEL BAKER JR., INC. CONSULTING ENGINEERS	SCALE: 1"=1000' DATE: FEBRUARY, 2010
BEAVER, PENNSYLVANIA		

1. PROJECT INFORMATION

Project Name: CR-11A
 Date of review: 2/10/2010 3:46:50 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 88.3 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.86064 N, -80.352 W
 Degrees Minutes Seconds: 39° 51' 38.3" N, -80° 21' 7.2" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are valid for one year (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Stachys cordata*

Common Name: Nuttall's Hedge-nettle

Current Status: Endangered

Proposed Status: Endangered

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other

authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum Materials to be submitted:*

- SIGNED copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

The DEP permit(s) required for this project

4. DEP INFORMATION

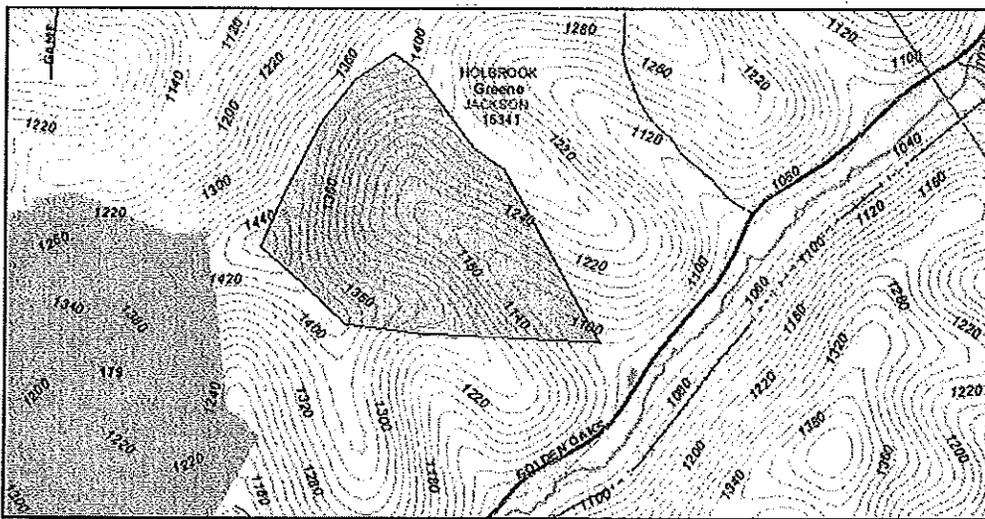
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LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	
	CR-15 & CR-16	SCALE: 1"=1000' DATE: FEBRUARY, 2010
MICHAEL BAKER JR., INC. CONSULTING ENGINEERS	BEAVER, PENNSYLVANIA	

1. PROJECT INFORMATION

Project Name: CR-15
 Date of review: 2/10/2010 3:56:16 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 80.3 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.83789 N, -80.3334 W
 Degrees Minutes Seconds: 39° 50' 16.4" N, -80° 20' 0.3" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
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PA Department of Conservation and Natural Resources

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Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

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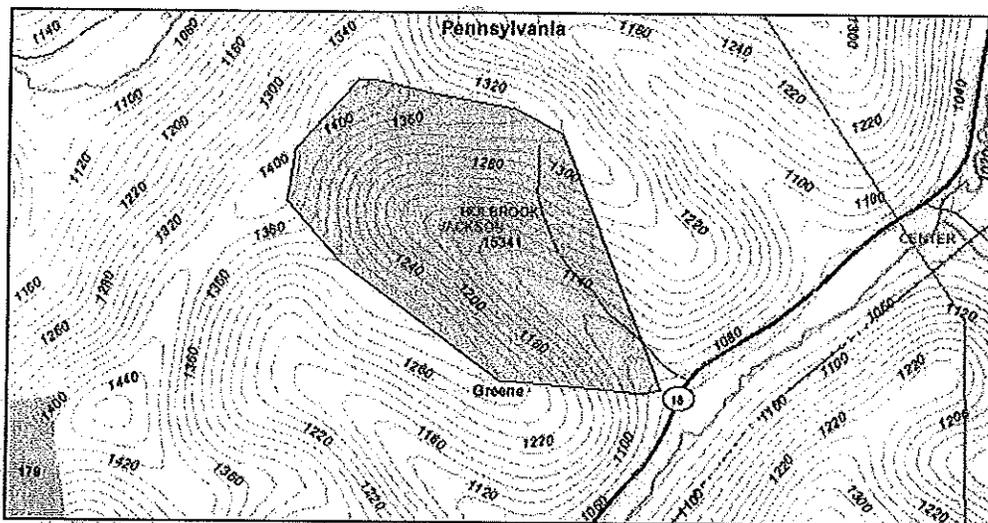
- A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)
- Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)
- Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams
- The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

1. PROJECT INFORMATION

Project Name: CR-16
 Date of review: 2/10/2010 4:04:19 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 75.6 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.84041 N, --80.32508 W
 Degrees Minutes Seconds: 39° 50' 25.5" N, -80° 19' 30.3" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for one year** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or

being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum* Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

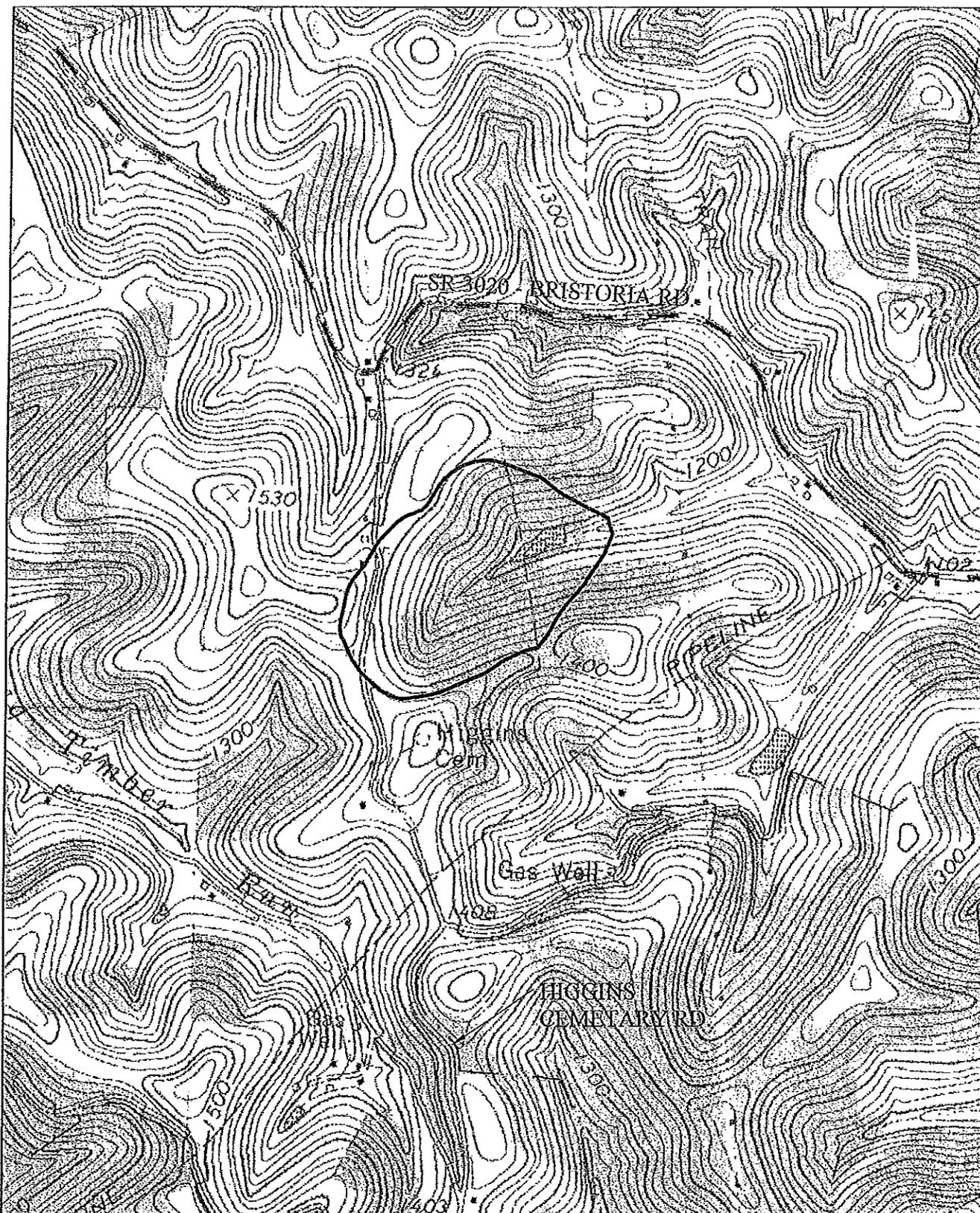
Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.



LOCATION MAP

REFUSE SITE:

Baker

FOUNDATION MINING, LLC
 COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
 ALTERNATIVES ANALYSIS

CR-25

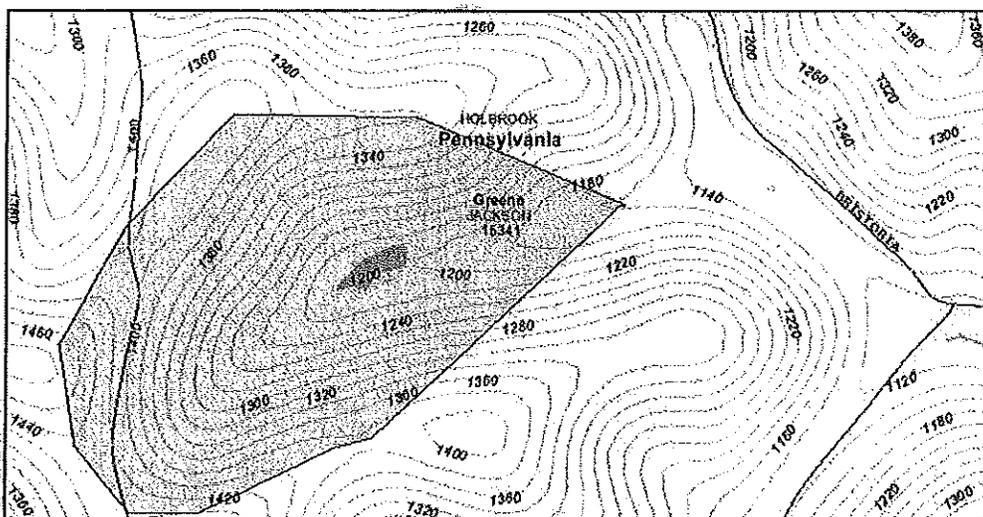
MICHAEL BAKER JR., INC.
 CONSULTING ENGINEERS
 BEAVER, PENNSYLVANIA

SCALE: 1"=1000'

DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: CR-25
 Date of review: 2/10/2010 3:05:27 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 78.4 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.84791 N, -80.35355 W
 Degrees Minutes Seconds: 39° 50' 52.5" N, -80° 21' 12.8" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for one year** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Stachys cordata*

Common Name: Nuttall's Hedge-nettle

Current Status: Endangered

Proposed Status: Endangered

RESPONSE: Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other

authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum* Materials to be submitted:

- SIGNED copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

- A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)
- Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)
- Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams
- The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552, Harrisburg, PA, 17105-8552
Fax:(717) 772-0271

U.S. Fish and Wildlife Service
Endangered Species Section
315 South Allen Street, Suite 322, State College, PA, 16801-4851
NO Faxes Please.

PA Fish and Boat Commission
Division of Environmental Services
450 Robinson Lane, Bellefonte, PA, 16823-7437
NO Faxes Please

PA Game Commission
Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA, 17110-9797
Fax:(717) 787-6957

7. PROJECT CONTACT INFORMATION

Name: Brad Luman
Company/Business Name: Milner Baker Jr Inc
Address: 4301 Dutch Ridge Rd
City, State, Zip: Berwick, PA 15010
Phone:(724) 495-9241 Fax:()
Email: braman@mbakercorp.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Brad Luman
applicant/project proponent signature

2/11/10
date



LOCATION MAP

REFUSE SITE:

FOUNDATION MINING, LLC
 COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
 ALTERNATIVES ANALYSIS

CR-26



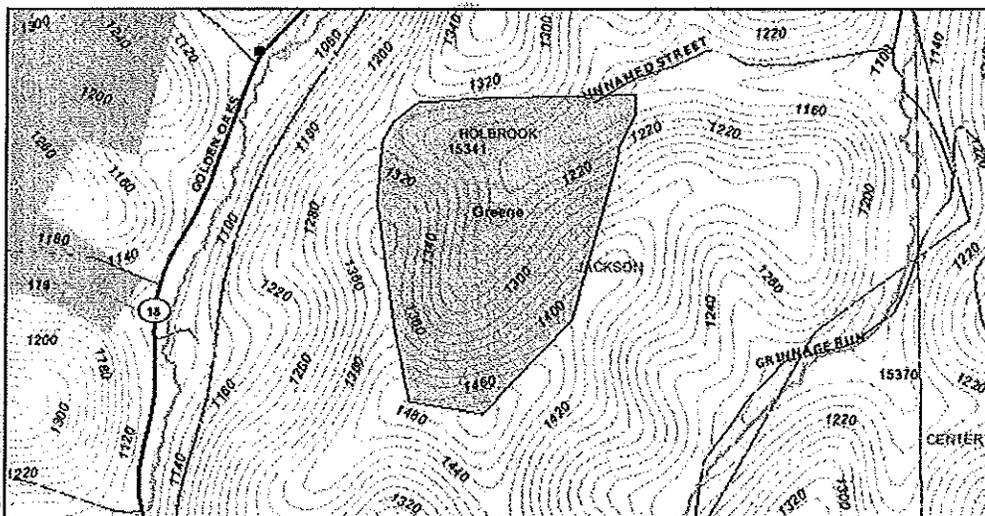
MICHAEL BAKER JR., INC.
 CONSULTING ENGINEERS BEAVER, PENNSYLVANIA

SCALE: 1"=1000'

DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: CR-26
 Date of review: 2/10/2010 3:11:24 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 74.8 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.83005 N, -80.3242 W
 Degrees Minutes Seconds: 39° 49' 48.2" N, -80° 19' 27.1" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for one year** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or

being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-List of Minimum Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

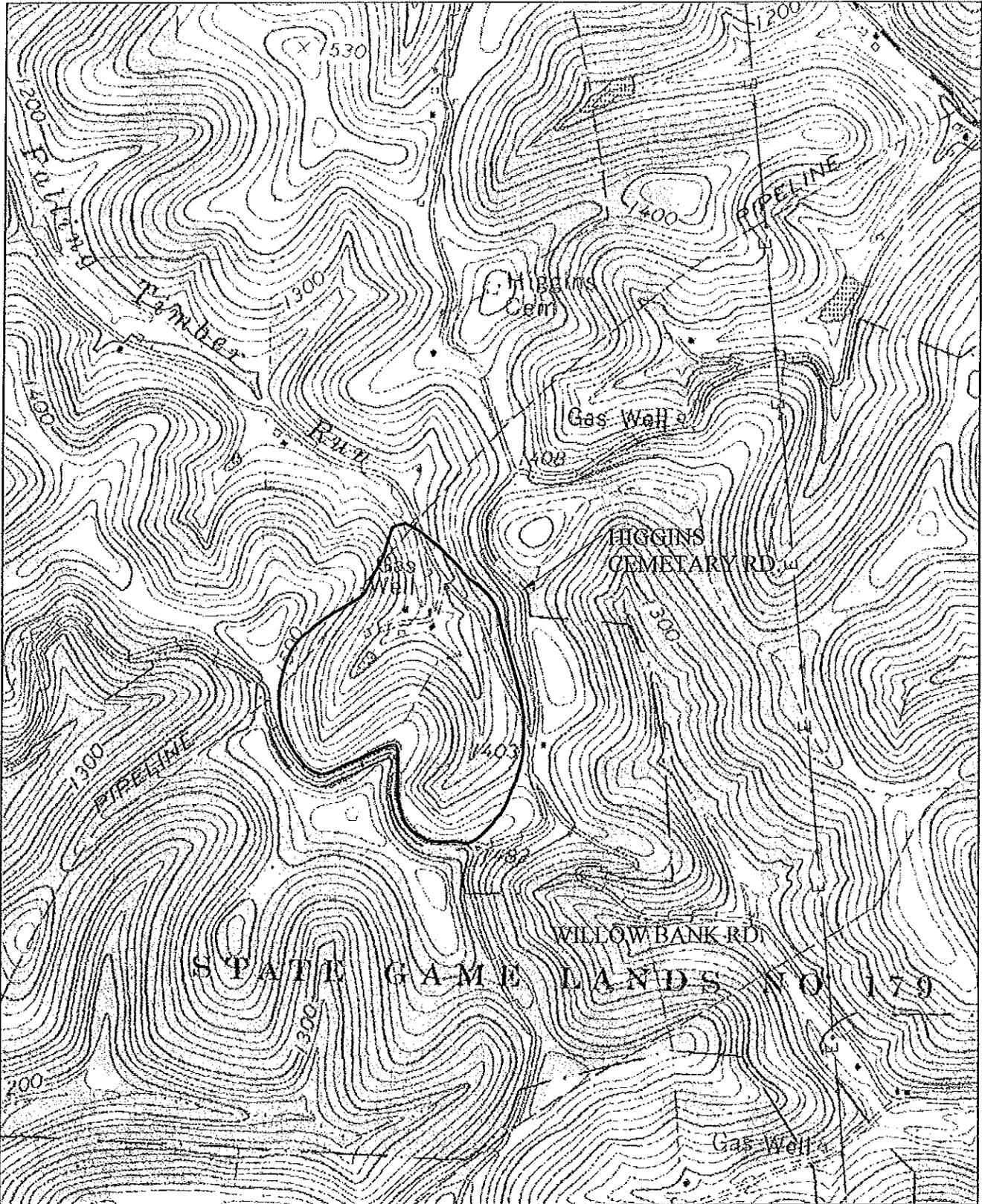
Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.



LOCATION MAP

REFUSE SITE:

FOUNDATION MINING, LLC
 COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
 ALTERNATIVES ANALYSIS

CR-#1

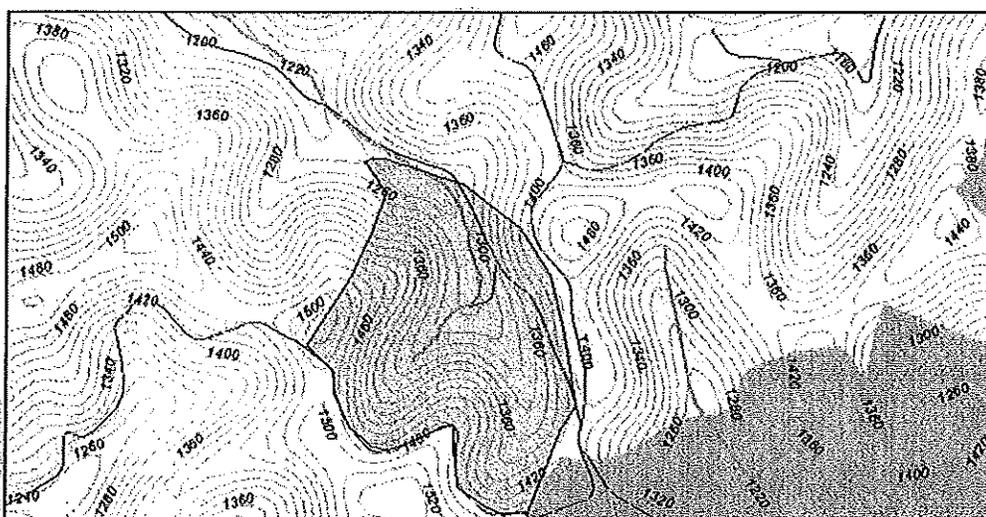


MICHAEL BAKER JR., INC.
 CONSULTING ENGINEERS BEAVER, PENNSYLVANIA

SCALE: 1"=1000'
DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: CR-#1
 Date of review: 2/10/2010 4:17:45 PM
 Project Category: Mining, Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 84.8 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.83926 N, --80.3652 W
 Degrees Minutes Seconds: 39° 50' 21.3" N, -80° 21' 54.7" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

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PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

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being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of Minimum Materials to be submitted:

- SIGNED copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

- A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)
- Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)
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- The DEP permit(s) required for this project

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5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552, Harrisburg, PA, 17105-8552
Fax:(717) 772-0271

U.S. Fish and Wildlife Service
Endangered Species Section
315 South Allen Street, Suite 322, State College, PA, 16801-4851
NO Faxes Please.

PA Fish and Boat Commission
Division of Environmental Services
450 Robinson Lane, Bellefonte, PA, 16823-7437
NO Faxes Please

PA Game Commission
Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA, 17110-9797
Fax:(717) 787-6957

7. PROJECT CONTACT INFORMATION

Name: Brian Roman
Company/Business Name: Michael Baker Corp. Inc
Address: 4301 Dutch Ridge Rd
City, State, Zip: Beaver, PA 15210
Phone:(724) 495-4241 Fax:()
Email: broman@mbakcorp.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Brian Roman
applicant/project proponent signature

2/11/10
date



LOCATION MAP

REFUSE SITE:

FOUNDATION MINING, LLC

CR-#3

COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
ALTERNATIVES ANALYSIS

Baker

MICHAEL BAKER JR., INC.

SCALE: 1"=1000'

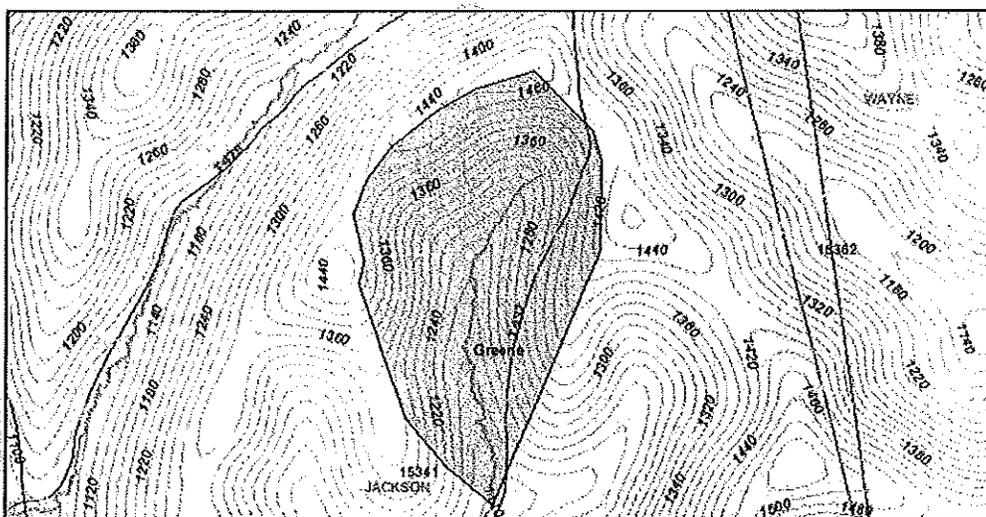
CONSULTING ENGINEERS

BEAVER, PENNSYLVANIA

DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: CR-#3
 Date of review: 2/10/2010 4:25:17 PM
 Project Category: Mining,Coal (strip, deep, long-wall, refuse disposal)
 Project Area: 87.7 acres
 County: Greene Township/Municipality: Jackson
 Quadrangle Name: HOLBROOK
 ZIP Code: 15341
 Decimal Degrees: 39.78815 N, --80.31139 W
 Degrees Minutes Seconds: 39° 47' 17.3" N, -80° 18' 41" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are valid for one year (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Antennaria solitaria*

Common Name: Single-headed Pussy-toes

Current Status: Special Concern Species*

Proposed Status: Endangered

Scientific Name: *Chlosyne nycteis*

Common Name: Silvery Checkerspot

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Polymnia uvedalia*

Common Name: Leaf-cup

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Salix caroliniana*

Common Name: Carolina Willow

Current Status: Special Concern Species*

Proposed Status: Endangered

Scientific Name: Senna marilandica

Common Name: Wild Senna

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum Materials to be submitted:*

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

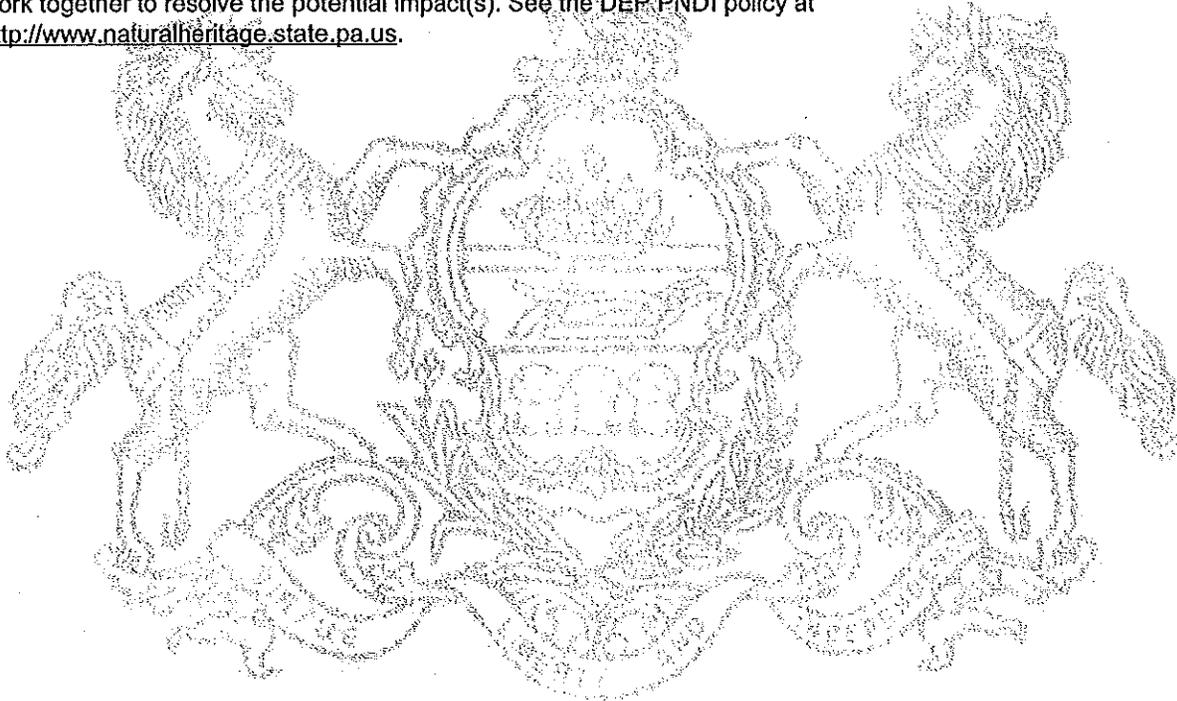
Information about the presence and location of wetlands in the project area, and how this was determined

(e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

____ The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.



5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552, Harrisburg, PA
17105-8552
Fax: (717) 772-0271

U.S. Fish and Wildlife Service

Endangered Species Section
315 South Allen Street, Suite 322, State College, PA.
16801-4851
NO Faxes Please.

PA Fish and Boat Commission

Division of Environmental Services
450 Robinson Lane, Bellefonte, PA 16823-7437
NO Faxes Please

PA Game Commission

Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Fax: (717) 787-6957

7. PROJECT CONTACT INFORMATION

Name: BRAD RUMAN
Company/Business Name: MICHAEL BAKER JR INC
Address: 4301 DUTCH RIDGE RD
City, State, Zip: BEAVER, PA 15010
Phone: (724) 495-4241 Fax: ()
Email: bruman@mbjrinc.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Brad Ruman
applicant/project proponent signature

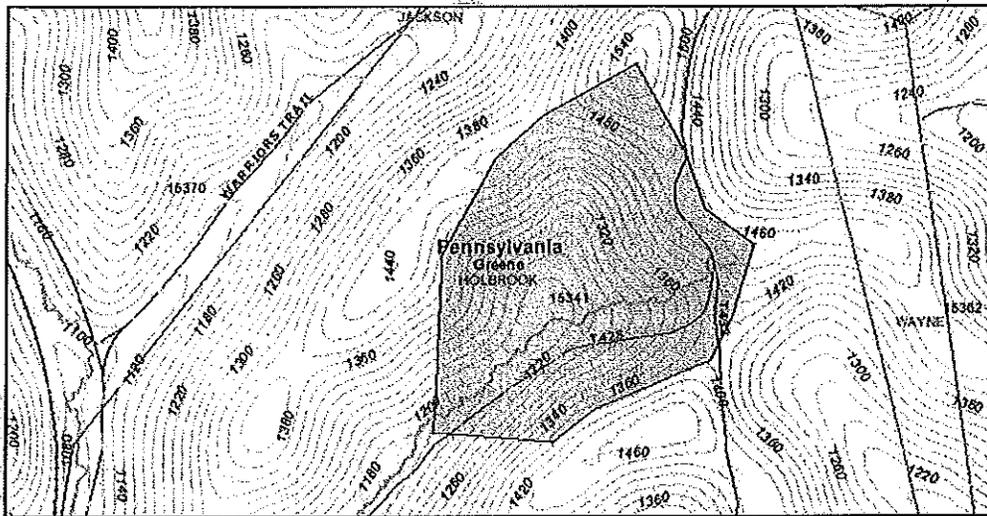
2/11/10
date



LOCATION MAP		REFUSE SITE:
	FOUNDATION MINING, LLC COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY ALTERNATIVES ANALYSIS	
	CR-#4	
	SCALE: 1"=1000' DATE: FEBRUARY, 2010	
MICHAEL BAKER JR., INC. CONSULTING ENGINEERS		BEAVER, PENNSYLVANIA

1. PROJECT INFORMATION

Project Name: **CR-#4**
 Date of review: **2/10/2010 3:19:16 PM**
 Project Category: **Mining, Coal (strip, deep, long-wall, refuse disposal)**
 Project Area: **90.2 acres**
 County: **Greene Township/Municipality: Jackson**
 Quadrangle Name: **HOLBROOK**
 ZIP Code: **15341**
 Decimal Degrees: **39.79637 N, --80.31554 W**
 Degrees Minutes Seconds: **39° 47' 46.9" N, -80° 18' 56" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

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PA Game Commission

RESPONSE: No impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

DCNR Species:

Scientific Name: *Amblyscirtes vialis*

Common Name: Common Roadside Skipper

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Antennaria solitaria*

Common Name: Single-headed Pussy-toes

Current Status: Special Concern Species*

Proposed Status: Endangered

Scientific Name: *Chlosyne nycteis*

Common Name: Silvery Checkerspot

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Polymnia uvedalia*

Common Name: Leaf-cup

Current Status: Special Concern Species*

Proposed Status: Special Concern Species*

Scientific Name: *Salix caroliniana*

Common Name: Carolina Willow

Current Status: Special Concern Species*

Proposed Status: Endangered

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern; significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum Materials to be submitted:*

- SIGNED copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

- A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)
- Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)
- Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams
- The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.





pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF FORESTRY

February 24, 2010

Brad Roman
Michael Baker Jr., Inc.
FAX: 724-495-4017 (hard copy WILL NOT follow)

Re: Foundation Mine Coal Refuse Area Alternatives: CR-1B, CR-11A, CR-15, CR-16, CR-25, CR-26, CR #1, CR #3, CR #4
Jackson Township; Greene County

Dear Brad,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipts for all nine alternatives for the Foundation Mine Coal Refuse Area. PA Department of Conservation and Natural Resources screened these projects for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

After reviewing all alternatives, we feel that CR-1B (20100210228648) is least likely to result in any potential negative impacts to plant or invertebrate species of concern in the proximity of these areas.

In addition, CR-25 (-228630) and CR-26 (-228635) are also alternative areas that are unlikely to result in any potential negative impacts to species of concern. We also feel that areas CR-15 (-228648) and CR-16 (-228651) are unlikely to result in negative impacts; however, we would prefer you choose from CR-1B, CR-25 and CR-26.

Four of the alternative areas would require additional botanical surveys before any clearance from DCNR could be granted. CR-11A (-228645) would require a botanical survey for *Stachys cordata*, a PA Endangered plant species. CR #3 (-228656) and CR #4 (-228638) would require botanical surveys for *Antennaria solitaria*, *Polymnia uvedalia*, *Salix caroliniana*, and *Senna marilandica*. In addition, CR #3 and CR #4 would also require botanical surveys for the host plants for the invertebrate species *Chlosyne nycteis*.

Finally, we feel that alternative CR #1 (-228654) is the alternative most likely to result in negative impacts to a species of concern under DCNR's jurisdiction. This site is between two large areas of potential habitat for *Amblyscirtes vialis*, a invertebrate species of concern in Pennsylvania. This site would require a survey for the host plants for the invertebrate species *Amblyscirtes vialis* before proceeding.

Included with this cover letter are the No Impact clearance letters for the three alternatives we feel are least likely to result in any potential negative impacts to plant or invertebrate species of concern. Again, based on our available information, we would highly recommend choosing alternative CR-1B.

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Please feel free to contact our office if you have any questions or would like us to provide copies of response letters for the six additional alternative areas.

Sincerely,

Mr. Kelly L. Sitch, Environmental Review Specialist FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-425-5370 ~ Fax: 717-772-0271 ~ c-ksitch@state.pa.us

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DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF FORESTRY

February 24, 2010

PNDI Number: 20100210228643

Brad Roman
Michael Baker Jr., Inc.
FAX: 724-495-4017 (hard copy WILL NOT follow)

Re: Foundation Mine Coal Refuse Area Alternative CR-1B
Center Township; Greene County

Dear Brad,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number 20100210228643 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

NO IMPACT ANTICIPATED:

PNDI records indicate species or resources of concern are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project. Mine refuse location CR-1B is the alternative that is least likely to impact any species of special concern or potential habitat.

DCNR recommends the following **VOLUNTARY** steps to help prevent the spread of invasive species:

- The area of disturbance should be minimized to the fullest extent that would allow for development; this will help to lessen the area of soil and vegetation disturbance associated with this project.
- If possible, please clean all construction equipment and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site, this will remove invasive plant seeds from the equipment and undercarriages of the vehicles that may have been picked up at other sites.
- Avoid using seed mixes that include invasive plant species (like Crown vetch) to re-vegetate the area. Please also attempt to use weed-free straw or hay mixes when possible. A complete list of all Pennsylvania invasive plants can be found here: <http://www.dcnr.state.pa.us/forestry/wildplant/invasivelist.aspx>

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,

Mr. Kelly L. Sitoh, Environmental Review Specialist FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-425-5370 ~ Fax: 717-772-0271 ~ k-sitoh@state.pa.us

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pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF FORESTRY

February 24, 2010

PNDI Number: 20100210228630

Brad Roman
Michael Baker Jr., Inc.
FAX: 724-495-4017 (hard copy WILL NOT follow)

Re: Foundation Mine Coal Refuse Area Alternative CR-25
Jackson Township; Greene County

Dear Brad,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number 20100210228630 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

NO IMPACT ANTICIPATED:

PNDI records indicate species or resources of concern are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

DCNR recommends the following VOLUNTARY steps to help prevent the spread of invasive species:

- The area of disturbance should be minimized to the fullest extent that would allow for development; this will help to lessen the area of soil and vegetation disturbance associated with this project.
- If possible, please clean all construction equipment and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site, this will remove invasive plant seeds from the equipment and undercarriages of the vehicles that may have been picked up at other sites.
- Avoid using seed mixes that include invasive plant species (like Crown vetch) to re-vegetate the area. Please also attempt to use weed-free straw or hay mixes when possible. A complete list of all Pennsylvania invasive plants can be found here: <http://www.dcnr.state.pa.us/forestry/wildplant/invasivelist.aspx>

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,

Mr. Kelly L. Sitch, Environmental Review Specialist FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-425-5370 ~ Fax: 717-772-0271 ~ c-ksitch@state.pa.us

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pennsylvania
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF FORESTRY

February 24, 2010

PNDI Number: 20100210228635

Brad Roman
Michael Baker Jr., Inc.
FAX: 724-495-4017 (hard copy WILL NOT follow)

Re: Foundation Mine Coal Refuse Area Alternative CR-26
Jackson Township; Greene County

Dear Brad,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number 20100210228635 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

NO IMPACT ANTICIPATED:

PNDI records indicate species or resources of concern are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

DCNR recommends the following VOLUNTARY steps to help prevent the spread of invasive species:

- The area of disturbance should be minimized to the fullest extent that would allow for development; this will help to lessen the area of soil and vegetation disturbance associated with this project.
- If possible, please clean all construction equipment and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site, this will remove invasive plant seeds from the equipment and undercarriages of the vehicles that may have been picked up at other sites.
- Avoid using seed mixes that include invasive plant species (like Crown vetch) to re-vegetate the area. Please also attempt to use weed-free straw or hay mixes when possible. A complete list of all Pennsylvania invasive plants can be found here: <http://www.dcnr.state.pa.us/forestry/wildplant/invasivelist.aspx>

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,

Mr. Kelly L. Sitch, Environmental Review Specialist FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-425-5370 ~ Fax: 717-772-0271 ~ c-ksitch@state.pa.us

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P.O. Box 8552, Harrisburg, PA 17015-8552 717-787-3444 (fax) 717-772-0271

TOTAL P.04

USFWS Correspondence



Michael Baker Jr., Inc.
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February 10, 2010

U.S Fish and Wildlife Service
Endangered Species Section
315 South Allen Street, Suite 322
State College, PA 16801-4851

CERTIFIED MAIL# 7009 0080 0000 3916 0641

Subject: Foundation Mine Coal Refuse Disposal Area Alternatives Analysis
Search Impacts
Jackson and Center Township, Greene County, PA

To whom it may concern:

Attached is the information that can be used for the above mentioned project for a search on environmental conflicts. Based on 25 Pa. Code sections 88.281 and 90.5, it is the requirement that information be obtained in order to assess the sites that are being proposed and to properly choose the site(s) with the least amount of environmental impact. The information that is attached is listed below:

- PNDI Project Environmental Review Receipt (Site: CR-24)
- Project Narrative
- USGS 7.5 minute quadrangle with project refuse area boundary map

I would greatly appreciate a written response as soon as possible, if your agency has any impacts within the project area.

Should you have any questions or require additional information please contact me at 724-495-4241.

Sincerely,
MICHAEL BAKER JR., INC.

Brad Roman,
Civil Associate II

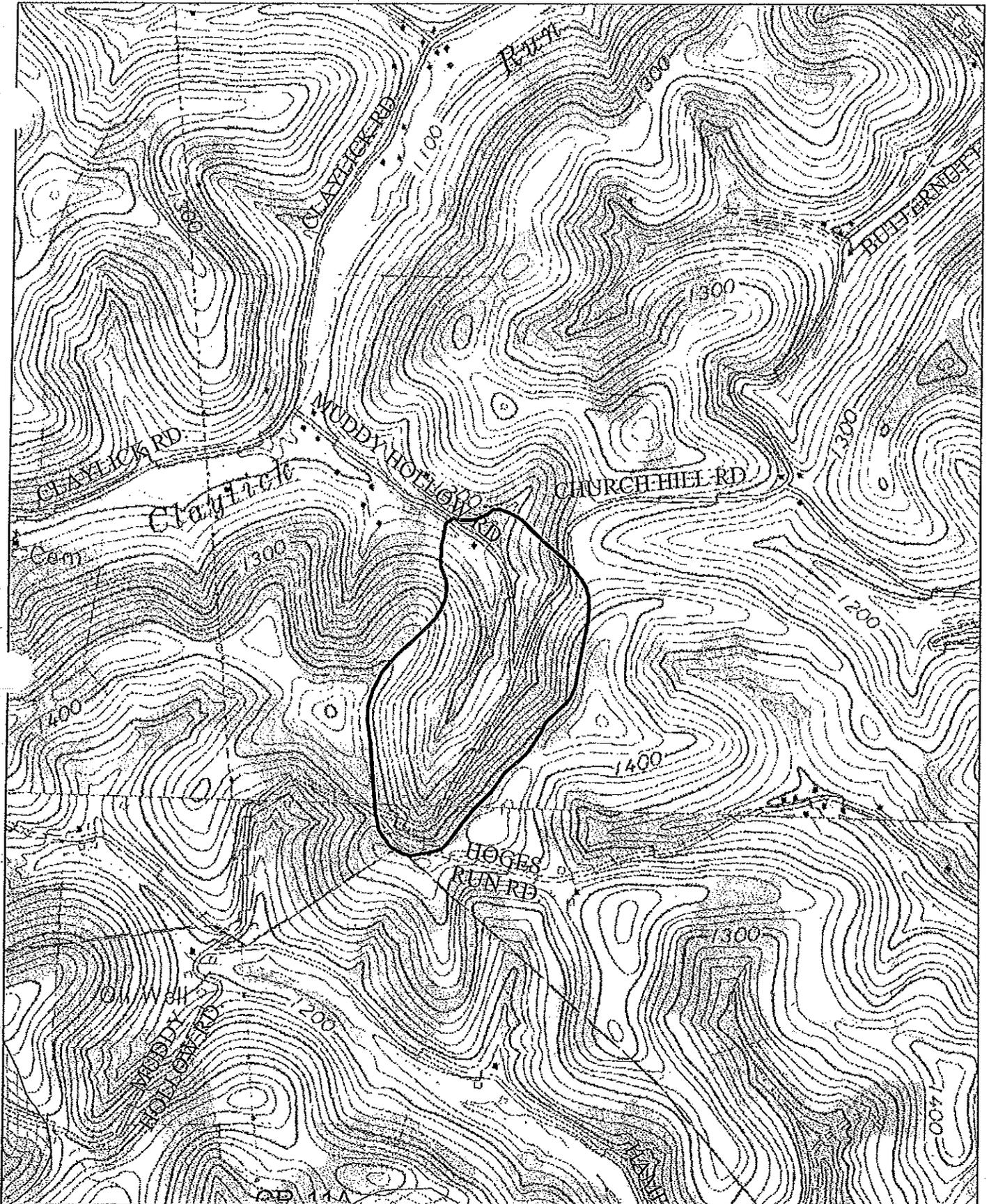
Enclosures

cc: Larry Emerson, Foundation Mining, LLC

**Project Description for
Site Selection Study for Foundation Mine Refuse Disposal Site
Center and Jackson Townships
Greene County, PA**

Foundation Mining LLC, (FMLLC) plans to develop a new underground longwall mine in the Pittsburgh Coal seam with its surface facilities proposed to be located in west central Greene County near the village of Holbrook. Accordingly, suitable site or sites relative to the location of the coal preparation plant need to be selected for the disposal of the refuse (mine waste) generated during the mining activities. The site selection process is the first important step to obtain PADEP permit for the refuse disposal facility in accordance with the 1994 Amendments to the Coal Refuse Disposal Control Act (CRDCA). CRDCA gives special attention to the site selection process as provided in Subchapter E, Pa. Code 90.201 through 90.2107, requiring the applicant for a refuse disposal permit to evaluate alternative sites and to select the required site(s) most suitable based on environmental, physical, geographic, transportation, technical and social factors.

The sites will primarily be identified within the surface properties that are presently owned by FMLLC. If the site(s) identified within FMLLC controlled properties do not provide adequate refuse storage capacity, then only sites in other properties will be considered. The site being evaluated is located in Rogersville Quadrangles. The total acreage, all of which would be disturbed, on CR-24 is 60.6 acres.



LOCATION MAP

REFUSE SITE:

FOUNDATION MINING, LLC
 COAL REFUSE DISPOSAL AREA SITE SELECTION STUDY
 ALTERNATIVES ANALYSIS

CR-24



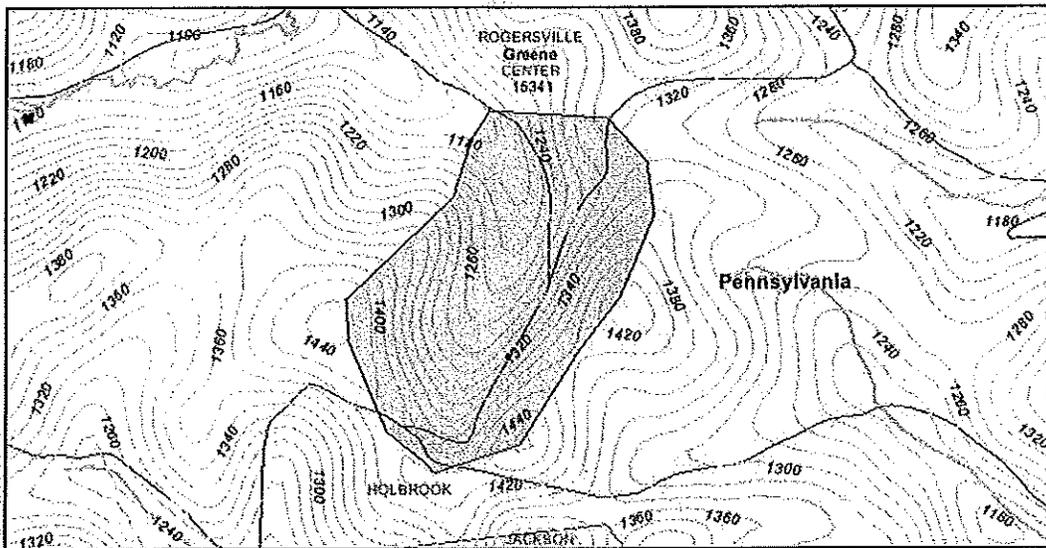
MICHAEL BAKER JR., INC.
 CONSULTING ENGINEERS BEAVER, PENNSYLVANIA

SCALE: 1"=1000'

DATE: FEBRUARY, 2010

1. PROJECT INFORMATION

Project Name: **CR-24**
 Date of review: **2/10/2010 3:24:49 PM**
 Project Category: **Mining, Coal (strip, deep, long-wall, refuse disposal)**
 Project Area: **75.7 acres**
 County: **Greene Township/Municipality: Center**
 Quadrangle Name: **HOLBROOK**
 ZIP Code: **15341**
 Decimal Degrees: **39.87405 N, -80.35364 W**
 Degrees Minutes Seconds: **39° 52' 26.6" N, -80° 21' 13.1" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for one year** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: Further review of this project is necessary to resolve the potential impacts(s). Please send project information to this agency for review (see WHAT TO SEND).

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of *Minimum* Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

The inclusion of the following information may expedite the review process.

 A basic site plan (particularly showing the relationship of the project to the physical features such as

wetlands, streams, ponds, rock outcrops, etc.)

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams

___ The DEP permit(s) required for this project

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

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Sent To
U.S. Fish & Wildlife Service
 Street, Apt. No.,
 or PO Box No. *315 S. Allen St., Ste. 322*
 City, State, ZIP+4 *State College, PA 16801*

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>Diane B. Thees</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>Diane B. Thees</i>	C. Date of Delivery <i>1/16/10</i>
1. Article Addressed to: <i>U.S. Fish & Wildlife Service Endangered Species Section 315 S. Allen St., Suite 322 State College PA 16801-4851</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 0080 0000 3916 0641		
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540