



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

October 19, 2009

Operations Division
Regulatory Branch
2008-280

Glacial Sand and Gravel Company
c/o Kyle Schwabenbauer
The EADS Group, Incorporated
Clarion Office
15392 Route 322
Clarion, Pennsylvania 16214

Dear Mr. Schwabenbauer:

I refer to Glacial Sand and Gravel's proposal, received in this office February 23, 2009, to construct a sand and gravel processing plant to wash and screen various grades of aggregate material and stockpile this material. The purpose of the plant is for the associated ponds to provide adequate water supply to be used as wash water and to allow for recycling of water. To facilitate construction of the plant and ponds, the applicant proposes to fill 1.89 acres of wetland and approximately 240 linear feet of stream. Approximately 50 linear feet of stream has already been impacted for the construction of a 24" diameter culvert crossing to gain access to the site. An additional 0.01 acres of wetland and 10 linear feet of stream will be temporarily disturbed for the installation of a sanitary sewer line. This proposed processing plant is located on Mine 47 in Worth Township, Butler County, Pennsylvania.

As you are aware a Public Notice was advertised for this project (#09-38) which was extended from the original closing date of September 2, 2009 to September 14, 2009. Enclosed are comments received regarding the project:

- a. In a letter from the U.S. Environmental Protection Agency (USEPA) dated September 14, 2009, they recommend the applicant thoroughly evaluate upland alternatives that will avoid and minimize impacts to aquatic resources to the maximum extent practicable. This can be accomplished by identifying the Least Damaging Practicable Alternative via a revised alternative analysis. While the current alternatives analysis discusses extracting the fullest amount of aggregate material for economical purposes this cannot be the only factor in determining project viability and need for impacting aquatic resources. In addition the USEPA needs to see upland alternatives considered prior to a mitigation discussion. In-kind mitigation is desired for stream impacts and can be explored offsite and should not necessarily be limited to property ownership.
- b. In several letters with attachments from [REDACTED] she voices concerns about hydrology, the possibility of alternate site locations to consider, and realignment of Swope Road.

Specifically, in one of her attachments (in an e-mail to Tyler Bintrim dated September 24, 2009) in section 14.4 Wetland Impact Analysis/ Assessment it is stated that, "Mining within any portion of the permit area is very likely to significantly reduce or completely terminate the hydrological regime that supports this wetland community." It is not known which wetland community is being referred to and this should be addressed. It has been the understanding of the Corps that data from previous hydrologic studies showed that wetland 1 will not be impacted in any way including limiting hydrologic supply. Furthermore you state, if required wash water is to be obtained from wells, and not recycled from existing surface water, a significant drawdown of the ground water table will result (as indicated in your application). Again any groundwater change that may occur cannot alter wetland 1 in any way or additional mitigation will be required.

With regard to alternate site locations for the plant, these need to be addressed in an alternatives analysis to determine if the proposed site will actually result in the smallest aquatic impact. [REDACTED] believes there are other sites in the area that should be investigated for locating this plant. These sites including the McCoy Farm, the Barron Farm, the Miller lease, or Reichert lease which are all in close proximity to the site and need to be discussed as possible alternatives.

Swope Road apparently was being considered (or still is being considered) to be relocated as a result of increased truck traffic. The increased truck traffic would be a result of the proposed washing plant. From a single and complete project standpoint, this needs to be referenced if the road relocation will happen and if additional impacts are proposed, they need to be considered as part of this permit application.

c. In a letter from Andrew Zadnik of the Western Pennsylvania Conservancy, concerns with regards to wetland 1 (the fen) and pH levels are discussed. Fens and subsequent vegetation can be sensitive to changes in pH. Please provide some evidence that mining and washing activities in the area would not cause a change in the pH of the groundwater and subsequently impact wetland 1. Given the quality of wetland 1, it should not be negatively impacted in anyway whether direct or indirect.

d. In a email and attachments from Pennsylvania Department of Conservation and Natural Resources (PA DCNR) dated September 14, 2009, they have significant concerns about hydrology affecting two state listed endangered plant species (*Scirpus acutus*, and *Cladium marscooides*) and a state threatened plant specie (*Carex alata*). More information and studies are needed to rule out hydrology change potentially affecting state listed plant species and ultimately wetland 1. The DCNR is recommending you contact their geologist Mr. Gary Fleeger to discuss concerns regarding hydrology and the esker. They are requesting that if a permit is issued and work is occurring in and around wetland 1 all equipment be washed thoroughly to prevent any invasive species being introduced to the high quality wetland.

e. In an email and attachments received September 1, 2009 from several Slippery Rock University geology professors, the concern about hydrology to wetland 1 being negatively affected by removal of the esker is again voiced. Using a figure calculated by your company that approximates 273,267 cubic yards of sand and gravel that could be removed from the esker the geology professors have reasonably approximated that the esker contains 8.8 million gallons of water and given the highly permeable nature of the esker it is subsequently providing base flow to help maintain wetland 1. They also feel given the area and past glaciation that it will fall under immense pressure from the aggregates industry over the next 50 years. Given this, protection of existing aquatic resources is even more important to sustain a balance between industry and the environment.

f. In an email and attachments received September 1, 2009 from Jane Cleary of the Citizen's Environmental Association of the Slippery Rock Area, Inc., she states that eskers are traditionally used as burial sites for aboriginal people. She also believes that the Pennsylvania Historical Museum Commission (PHMC) revised their response to indicate the area has a high probability of significant archaeological sites.

g. In an email from Steven Kepler, Pennsylvania Fish and Boat Commission, received August 20, 2009, he states that there are still endangered species concerns amongst other issues including the alternatives analysis. Please initiate dialog with the Pennsylvania Fish and Boat Commission to rectify their issues and copy this office on that response.

h. In a letter from [REDACTED] received September 14, 2009, she expresses her concern about the wetlands and well water being contaminated by the proposed activities. She is also concerned about the wildlife in the area as a result of the proposed plant.

i. In an email with attachments from [REDACTED] received September 14, 2009, he is concerned about the Swope Road relocation possibly happening and protection of the esker. He also expresses his concern that state endangered species may exist in wetland 1.

j. In an email from [REDACTED] received September 14, 2009, she expresses her concern about the possibility of the hydrology being altered given the proposed project.

k. In an email from [REDACTED] received September 13, 2009, she expresses her concern that the fen, Tamarack Lake, and the esker are all integrally related. She also admits that Glacial has proven to be a good neighbor in the area and hopes they will continue to be good neighbors and carefully examine the environmental impact proposed.

l. In a letter from the U.S. Fish and Wildlife Service dated September 4, 2009, they state that no federally listed or proposed threatened or endangered species under their jurisdiction are known to occur in the area. Therefore, no further coordination under the Endangered Species Act is required with them. They offer some information on the eastern massasauga and advise

you to contact the Pennsylvania Fish and Boat Commission. They advise that the alternatives analysis is not sufficient as offsite alternatives have not been considered and they are requesting the opportunity to review the mitigation plan once all alternatives have been considered.

m. In a letter from [REDACTED] received September 3, 2009, he wanted to submit comments he had previously prepared for the PA DEP. His primary concerns are noise, traffic, wildlife, property values, and the visual impact the proposed mining may have on the surrounding area.

n. In a letter dated August 25, 2009, [REDACTED] expresses her concerns about wildlife, aesthetics of the surrounding land, and water ways.

o. In an email from [REDACTED] received September 2, 2009, she is concerned about the esker, endangered species, and agricultural land.

p. In an email from [REDACTED] received August 31, 2009, she is concerned with the health and safety of her family. She is also concerned about property values and wildlife. She admits that the truck drivers have been polite and cautious and that she can appreciate the fact that they are making a living also.

q. In an email from [REDACTED] received August 31, 2009, they express their concern for the hydrology impacting Tamarack Lake and the surrounding wetlands.

r. In an email from Fred Lochner of the Wild Waterways Conservancy, received September 1, 2009, he writes to express his concerns with the natural environment and wildlife. His largest concern is with the esker and the potential interruption of hydrology in the area. He would like to see the esker spared at the very least from the mining proposal.

s. In a letter from [REDACTED] they are concerned about possible disruption to the ecosystem that ultimately supports their lake. They are also concerned about possible erosion and sedimentation which may contaminate the ecosystem.

t. In an email with attachments from [REDACTED] received August 30, 2009, she expresses her concern for the mining of the esker and how it will effect the environment. She does not want to see the geologic structure be impacted.

u. In an email with attachment from [REDACTED] received August 29, 2009, he is concerned about the existence of the American Bittern, the bittern survey methods, and impacts to the fragile ecosystem.

v. In an email from [REDACTED] received August 20, 2009, she is expressing her concerns for the esker and associated wetland. She is requesting the environmental impact be fully considered during the permitting phases of this project.

Please provide this office a response to the above concerns, paragraphs a through v. You may want to contact the above individuals prior to composing your response to us.

In addition to addressing the above concerns, the Corps also has concern that mining the esker could negatively impact the hydrology supplied to wetland 1. We are requiring a cost/benefit analysis be submitted that demonstrates if the esker needs to be mined to make Mine 47 a viable project. The purpose is to determine if the project is still feasible without mining the esker. Our recommendation would be to avoid mining the esker altogether to prevent any negative impact that could result in degradation of the high quality wetland 1. Leaving the esker would serve as a buffer between the proposed mining and wash plant and wetland 1 to the north. If a secondary impact to the hydrology of wetland 1 would occur as a result of proposed mining, mitigation for loss of the resource would be required at a substantially higher ratio given the size and quality of the wetland. Also, as discussed previously, the Corps is requesting wetland 1 be placed in a conservation instrument protecting this resource in perpetuity.

Please realize the Corps' intent is not to over-assert our jurisdiction as we realize we do not regulate eskers. We do however regulate jurisdictional wetlands and streams and the impact assessment of our evaluation may include the potential for loss of hydrology that affects a wetland due to a given project (secondary impacts). If, as a result of the cost/benefit analysis, the esker is still desired to be mined we are requiring additional data be provided from hydrology studies and at least a 50 foot buffer between the mining limit and wetland 1 be established as a permit condition.

If you have any questions, please contact Tyler Bintrim at 412-395-7115 or email at tyler.j.bintrim@usace.army.mil and reference Corps project number 2008-280 in all future correspondence.

Sincerely,

Scott A. Hans
Chief, Regulatory Branch

Enclosure

Copies Furnished:

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PA DEP, Bureau of District Mining Operations
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Jeff Lapp
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Andrew Zadnik
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