



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. LRP-2020-127

Date: April 16, 2020

Notice No. 20-9

Closing Date: May 17, 2020

1. **TO ALL WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. **APPLICANT:** Rosebud Mining Company
c/o John St. Clair
301 Market Street
Kittanning, PA 16201
3. **LOCATION:** The proposed Miller Hollow Refuse Site is located in unnamed tributaries to Dutch Run and adjacent wetlands along Dutch Run Road in Plumcreek Township, Armstrong County and Armstrong Township, Indiana County, Pennsylvania (40.6977, -79.2991).
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to develop a new coal refuse disposal site (Miller Hollow Refuse Site). The proposed Miller Hollow disposal site would be contiguous to the Dutch Run Preparation Plant (CMAP No. 03851601) and adjacent to the active Coal Refuse Disposal Area (CRDA) No. 2. (CMAP No. 03870701). The project as proposed would permanently impact 5,523 linear feet of eight unnamed tributaries to Dutch Run and 4.04 acres of wetland (3.84 acres PEM and 0.17 acre PSS). The impacts, as proposed, would result from construction of sedimentation ponds, site preparation, and refuse placement (see attached).

Mitigation for the unavoidable impacts would consist of permittee-responsible stream and wetland mitigation. Streambank stabilization work is proposed along 2,100 linear feet of Crooked Creek. Overall, the applicant proposes 5.40 acres of in-stream restoration, 4.72 acres of wetland creation, and 4.43 acres of wetland preservation. The proposed stream mitigation area is located off-site in Armstrong Township, Indiana County, Pennsylvania, approximately 6.5 miles from the refuse site. Wetland creation and preservation are proposed on-site, adjacent to the project area in the Dutch Run floodplain.

5. ENCROACHMENT PERMIT: The applicant may be required to obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
California District Mining Office
25 Technology Drive
California Technology Park
Coal Center, PA 15423
Telephone: 724-769-1100

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable

detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

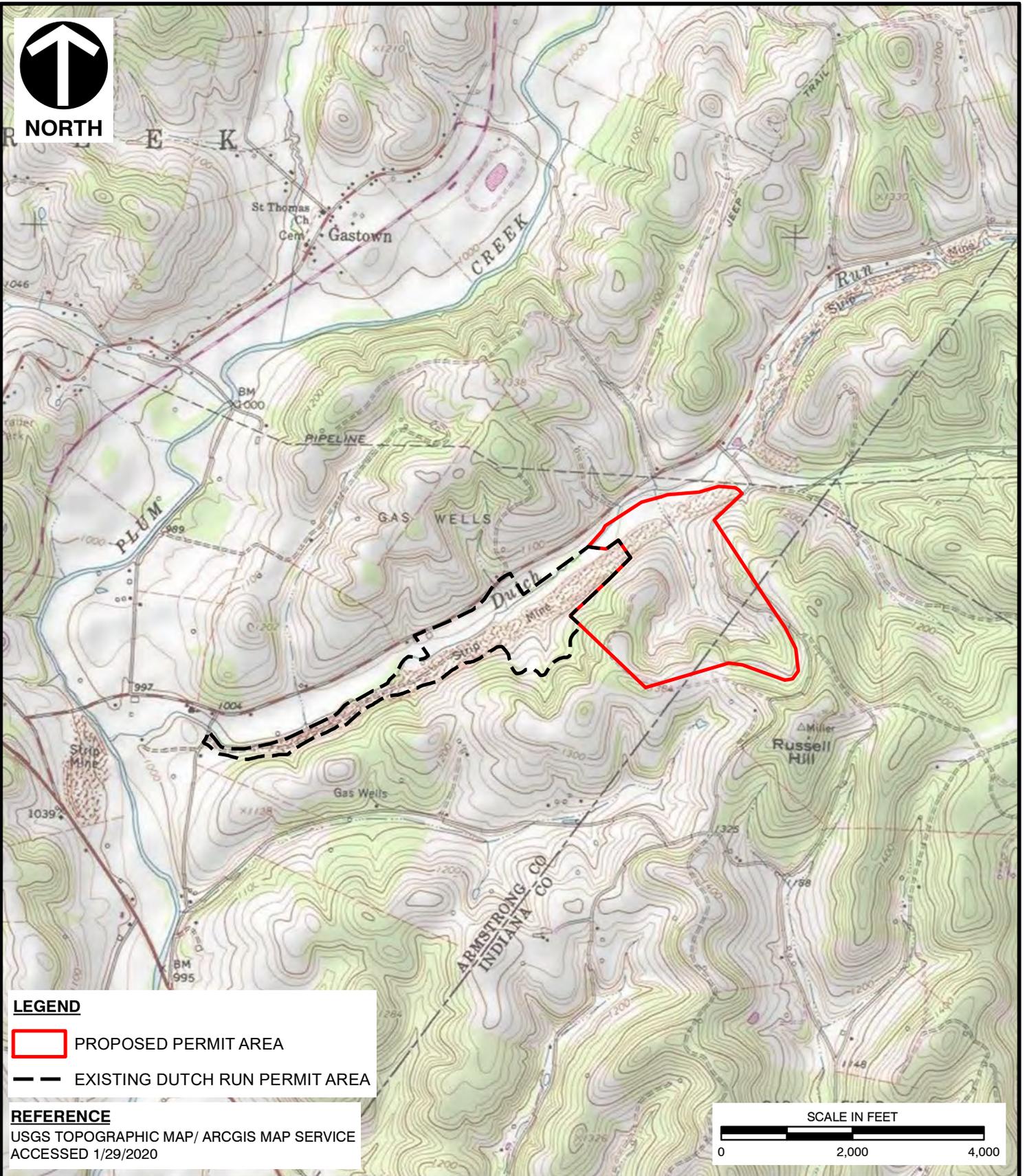
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Division, attn. Kristina M. Tarasan, by telephoning (412) 395-7153, or by e-mail at Kristina.M.Tarasan@uscae.army.mil. Please refer to CELRP-RG LRP-2020-127 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

By Tyler J. Bintrim for:

Scott A. Hans
Chief, Regulatory Division

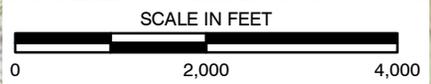


LEGEND

-  PROPOSED PERMIT AREA
-  EXISTING DUTCH RUN PERMIT AREA

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE
ACCESSED 1/29/2020



Civil & Environmental Consultants, Inc.

333 Baldwin Road - Pittsburgh, PA 15205-9072
412-429-2324 · 800-365-2324
www.cecinc.com

ROSEBUD MINING COMPANY
MILLER HOLLOW REFUSE SITE
ARMSTRONG AND INDIANA COUNTIES, PA

PROPOSED IMPACT SITE LOCATION MAP

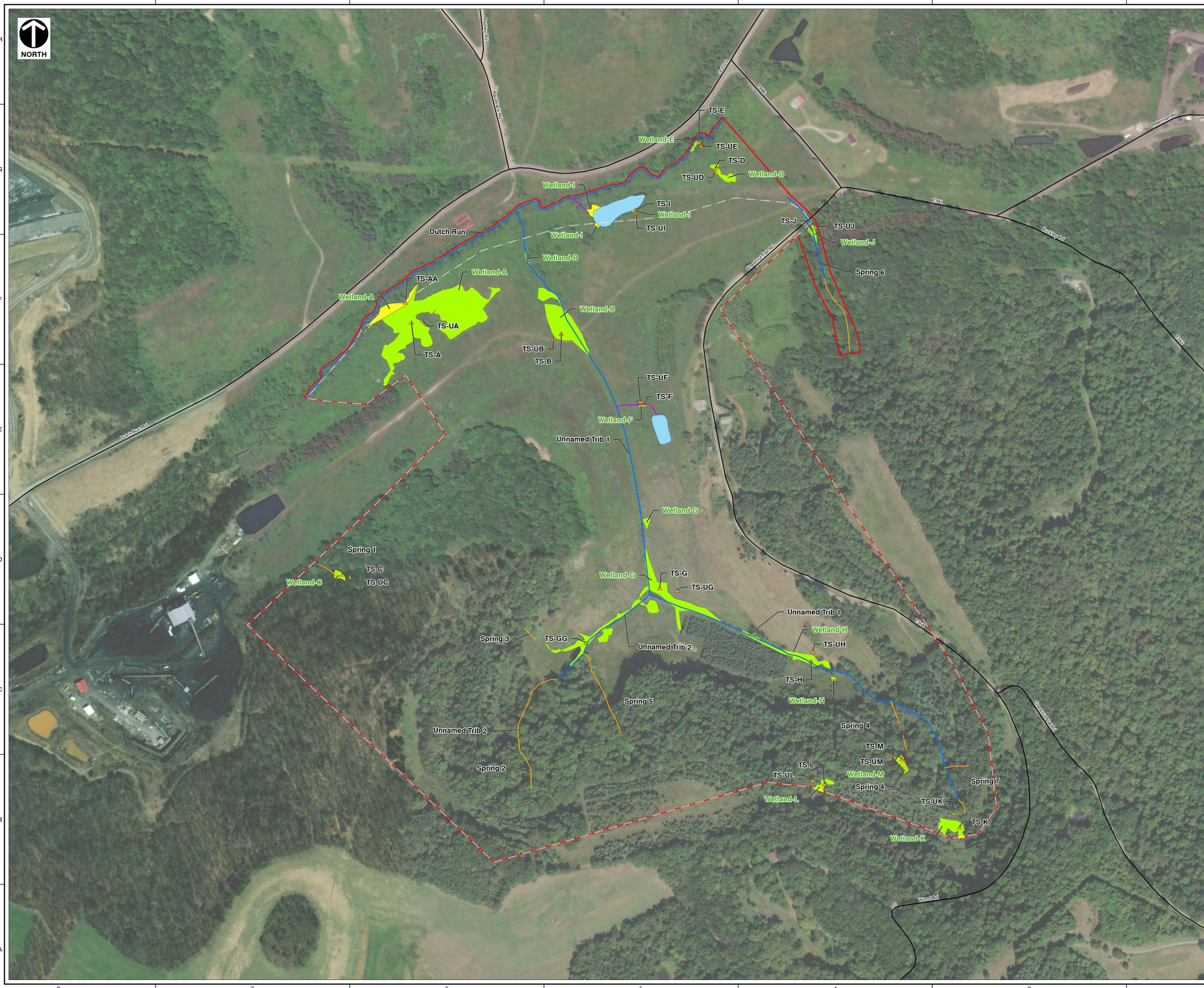
DRAWN BY:	CLC	CHECKED BY:	JMR	APPROVED BY:	<i>Hand signature on file</i> RAE*	FIGURE NO:	5-1
DATE:	1/29/2020	SCALE:	1" = 2,000'	PROJECT NO:	182-264		

\\svr-pittsburgh\Projects\2018\182-264-GIS\Maps\EC09_401_404_MITIGATION_PLAN\182264_EC09_FIG5-1_IMPACT_SITE_LOCATION.mxd 1/29/2020 9:06 AM (jrokosz)



REVISION RECORD		
NO	DATE	DESCRIPTION

SUBMITTAL RECORD		
NO	DATE	DESCRIPTION



LEGEND

- STUDY BOUNDARY
- PERMIT BOUNDARY
- PERENNIAL STREAM
- INTERMITTENT STREAM
- POND DRAINAGE
- NO CHANNEL
- TEST SITE
- PEM WETLAND
- PSS WETLAND
- POND
- WETLAND OPEN BOUNDARY
- ROAD

REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
 ACCESSED 11/20/2019.

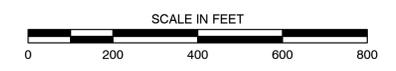
PA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 305B STREAM DATA, 2004.

NOTES

WETLAND DELINEATION PERFORMED BY CEC
 GROUP ON OCTOBER 28 & 31, 2019.

STREAM DELINEATION PERFORMED BY CIVIL &
 ENVIRONMENTAL CONSULTANTS, INC. ON MAY 10 & 11, 2018.

STREAM BASE MAPPING PROVIDED BY ROSEBUD MINING COMPANY
 ON MAY 1, 2018.



Civil & Environmental Consultants, Inc.
 333 Baldwin Road - Pittsburgh, PA 15205-9072
 Ph: 412.429.2324 - 800.365.2324 - Fax: 412.429.2114
 www.cecinc.com

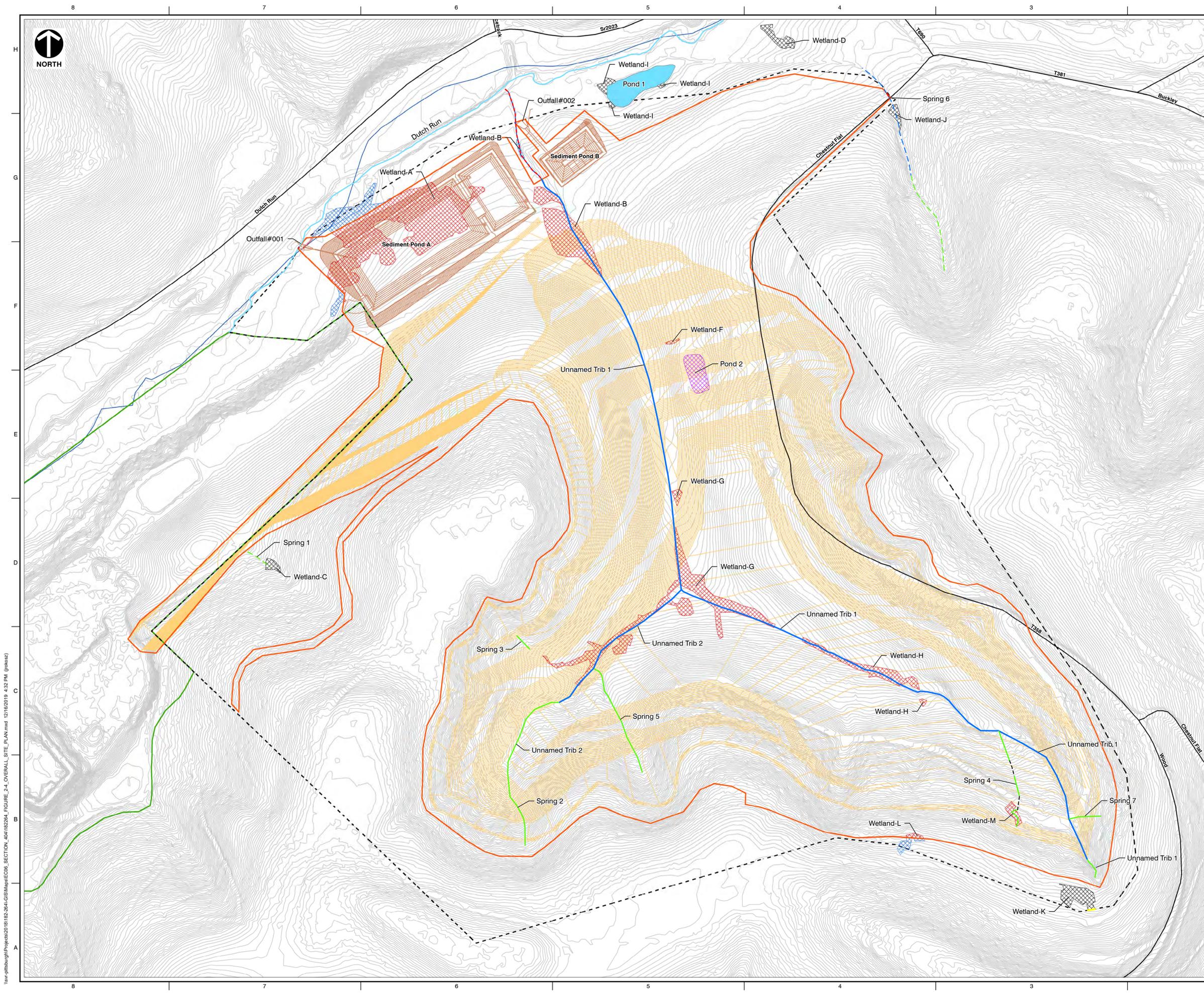
**ROSEBUD MINING COMPANY
 MILLER HOLLOW REFUSE SITE
 ARMSTRONG AND INDIANA COUNTIES, PA**

DRAWN BY:	JLR	CHECKED BY:	JMR	APPROVED BY:	*Hand signature on file RAE*
DATE:	11/20/2019	SCALE:	1" = 200'	PROJECT NO.:	182-264

DELINEATION MAP

FIGURE NO. 3

View: p:\pittsburgh\proj\182-264-CEC\GIS\Map\ECOT_WETLAND_DELINEATION_REPORT\182264_ECOT_FIG3_DELINEATION.mxd 11/20/2019 4:18 PM (pksax)



REVISION RECORD		
NO	DATE	DESCRIPTION

SUBMITTAL RECORD		
NO	DATE	DESCRIPTION

- LEGEND**
- PERMANENTLY IMPACTED PERENNIAL STREAM
 - PERMANENTLY IMPACTED INTERMITTENT STREAM
 - - - TEMPORARILY IMPACTED PERENNIAL STREAM
 - - - PERENNIAL STREAM
 - - - INTERMITTENT STREAM
 - DUTCH RUN
 - - - NO CHANNEL
 - [Cross-hatch] DIRECTLY IMPACTED WETLAND
 - [Cross-hatch] INDIRECTLY IMPACTED WETLAND
 - [Cross-hatch] WETLAND
 - [Solid] POND
 - [Cross-hatch] IMPACTED POND
 - WETLAND OPEN BOUNDARY
 - PROPOSED SEDIMENT POND
 - PROPOSED GRADING
 - [Outline] LIMIT OF DISTURBANCE
 - [Dashed] PERMIT BOUNDARY
 - PERMIT BOUNDARY FOR DUTCH RUN PREP PLANT
 - ROAD
 - DEP STREAM
 - 2-FT ELEVATION CONTOUR

- REFERENCE**
- PAMAP PROGRAM LIDAR DATA, 2' INTERVAL, 2006.
 - PA DEPARTMENT OF ENVIRONMENTAL PROTECTION 305B STREAM DATA, 2004.
 - STREET DATA, ESRI DATA AND MAPS, 2013.
 - PAMAP PROGRAM LIDAR DATA, 2' INTERVAL, 2006.

- NOTES**
- 1). PROPOSED GRADING PROVIDED BY ROSEBUD MINING COMPANY ON JUNE 12, 2018.
 - 2). WETLAND DELINEATION PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON OCTOBER 28 & 31, 2019.
 - 3). STREAM CLASSIFICATIONS PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON MAY 10 & 11, 2018.



CEC
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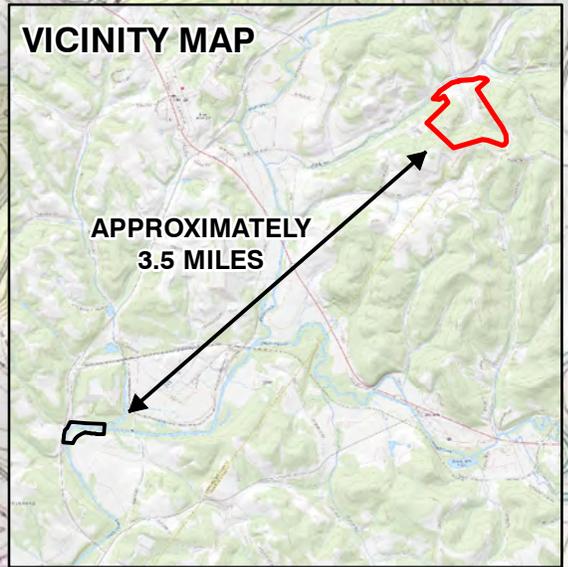
**ROSEBUD MINING COMPANY
 MILLER HOLLOW REFUSE SITE
 ARMSTRONG AND INDIANA COUNTIES, PA**

DRAWN BY: SML/JLR	CHECKED BY: JMR	APPROVED BY: *Hand signature on file MLS*
DATE: 12/16/2019	SCALE: 1" = 150'	PROJECT NO: 182-264

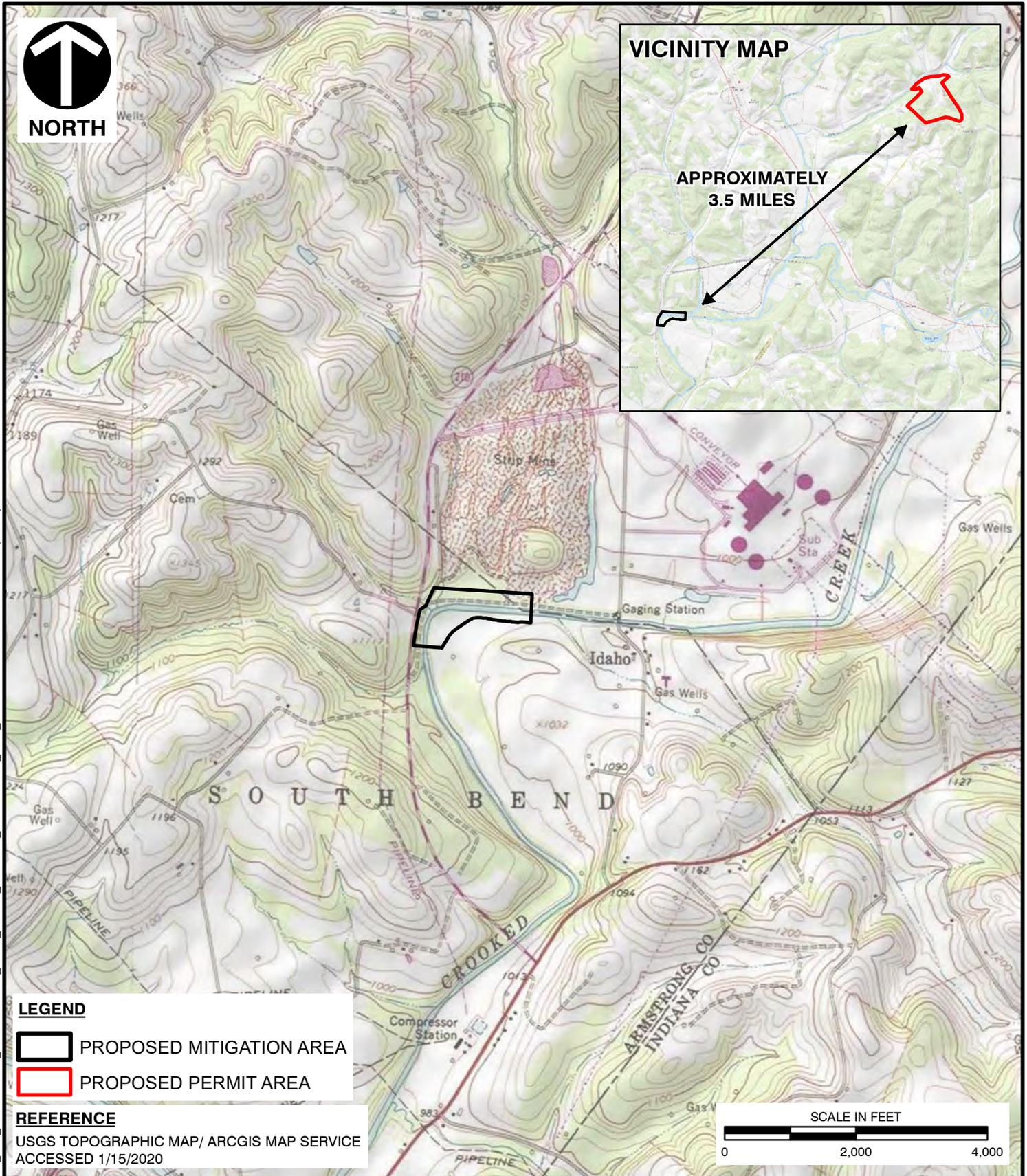
I:\pittsburgh\Projects\182-264-GIS\Mapa\ECOR_SECTION_4\OVERALL_SITE_PLAN.mxd 12/16/2019 4:32 PM (jokasz)



VICINITY MAP



APPROXIMATELY
3.5 MILES



LEGEND

-  PROPOSED MITIGATION AREA
-  PROPOSED PERMIT AREA

REFERENCE

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE
ACCESSED 1/15/2020



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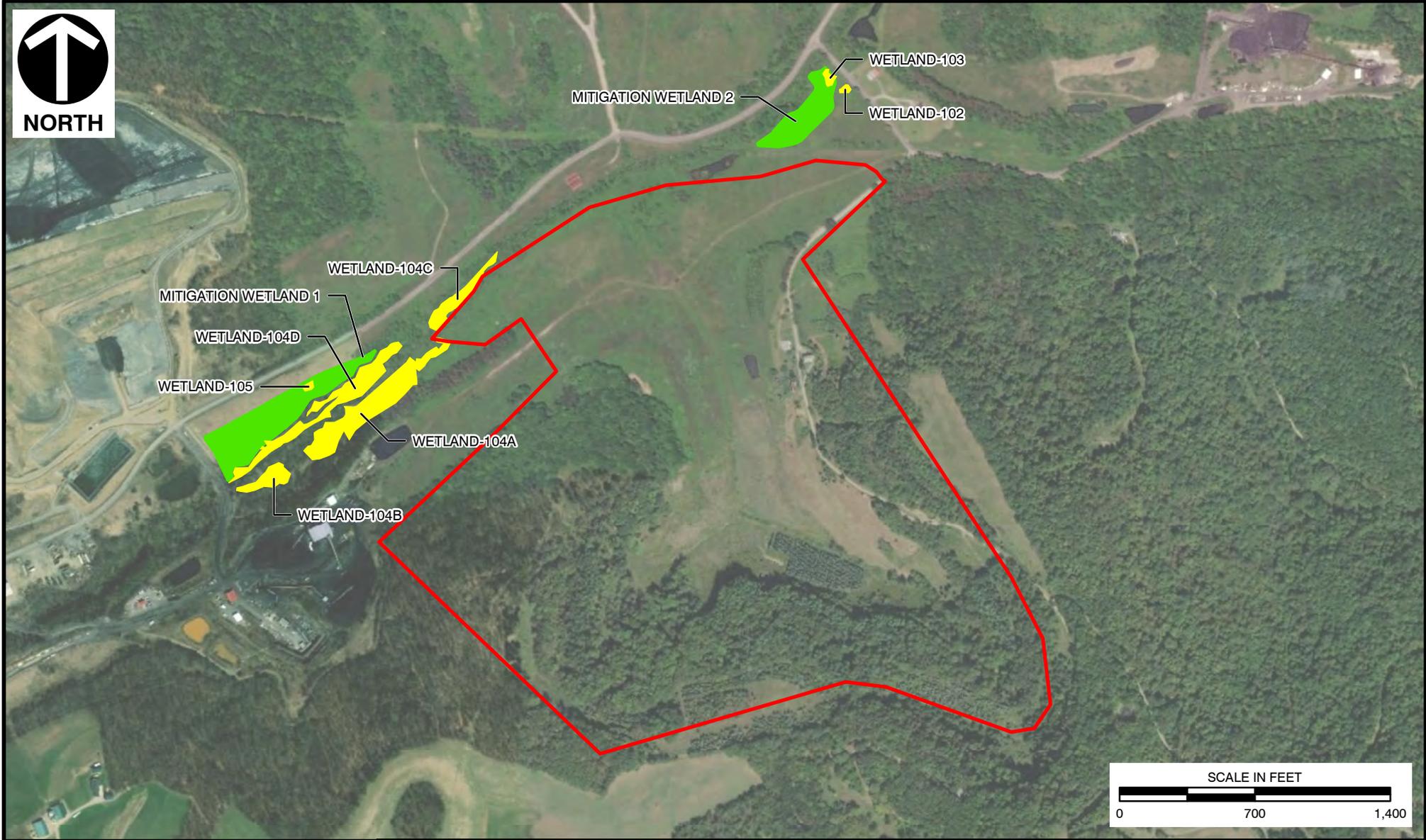
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ROSEBUD MINING COMPANY
CROOKED CREEK STREAM RESTORATION
IDAHO PROJECT
ARMSTRONG COUNTY, PA

STREAM MITIGATION SITE LOCATION MAP

DRAWN BY:	CLC	CHECKED BY:	JMR	APPROVED BY:	<i>Hand signature on file</i> RAE*	FIGURE NO:	5-2
DATE:	1/15/2020	SCALE:	1" = 2,000'	PROJECT NO:	182-264		

P:\2018\182-264\GIS\Maps\EC09_401_404_MITIGATION_PLAN\182264_EC09_FIG5-2_STREAM_MITIGATION_SITE_LOC.mxd 1/15/2020 8:08 AM (slavin)



LEGEND

- PROPOSED PERMIT AREA
- PRESERVATION WETLAND
- CREATION WETLANDS

REFERENCE

ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
 HTTP://GOTO.ARCGISONLINE.COM/MAPS/WORLD.
 IMAGERY, ACCESSED 1/29/2020, IMAGERY DATE: 2014-2016.

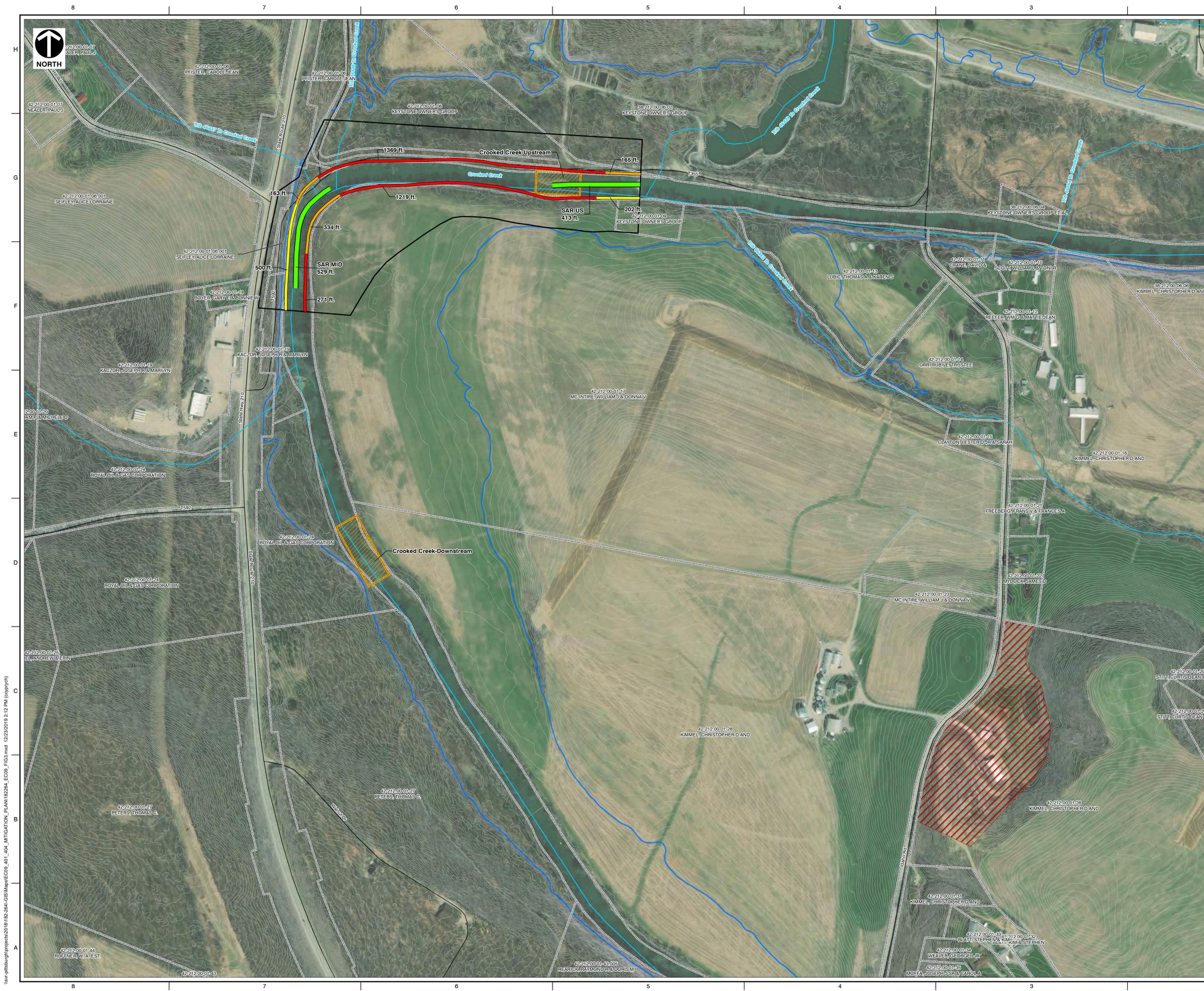


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ROSEBUD MINING COMPANY
 MILLER HOLLOW REFUSE SITE
 ARMSTRONG AND INDIANA COUNTIES, PA

WETLAND MITIGATION MAP

DRAWN BY:	SML	CHECKED BY:	JMR	APPROVED BY: <small>* Hand signature on file</small>	RAE*	FIGURE NO:	5-3
DATE:	1/29/2020	SCALE:	1" = 700'	PROJECT NO:	182-264		



REVISION RECORD		
NO	DATE	DESCRIPTION

SUBMITTAL RECORD		
NO	DATE	DESCRIPTION

- LEGEND**
- PROPOSED MITIGATION AREA
 - BENTHIC MACROINVERTEBRATE SAMPLING STATION
 - FEMA FLOODPLAIN
 - PARCEL
 - BORROW/FILL AREAS
 - DEP STREAM
 - ROAD
 - LOW EROSION POTENTIAL
 - MODERATE EROSION POTENTIAL
 - HIGH EROSION POTENTIAL
 - HAV AND HGM STREAM ASSESSMENT REACH (SAR)

REFERENCE
 ESRI WORLD IMAGERY / ARCGIS MAP SERVICE:
 ACCESSED 1/29/2020.
 PA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 305B STREAM DATA, 2004.
 FEDERAL EMERGENCY MANAGEMENT AGENCY
 DIGITAL FLOOD INSURANCE RATE MAP DATABASE,
 ARMSTRONG COUNTY, PENNSYLVANIA, 2016.



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 www.cecinc.com

**ROSEBUD MINING COMPANY
 CROOKED CREEK STREAM RESTORATION
 IDAHO PROJECT
 ARMSTRONG COUNTY, PA**

DRAWN BY: JLR CHECKED BY: JMR APPROVED BY: *Hand signature on file MLS*
 DATE: 1/28/2020 SCALE: 1" = 200' PROJECT NO: 182-264

**STREAM RESTORATION
 REFERENCE MAP** **5-4**

View: pittsburgh\projects\20181182-264-GIS\Map\ECOR_401_cod_MITIGATION_PLAN\182264_ECOR_FIG3.mxd 12/23/2019 2:12 PM (copyright)