



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-2009-477

Date: May 4, 2015

Notice No. 15-10

Closing Date: June 4, 2015

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:** Mr. Doug Conklin
General Manager – Emerald Mine
Emerald Coal Resources, L.P.
P.O. Box 1020
158 Portal Road
Waynesburg, Pennsylvania 15370
3. **LOCATION:** The proposed project is located due south of two existing refuse areas and approximately 1.5 miles southwest of the City of Waynesburg (39.877856° N, -80.209797° W), in Franklin Township, Greene County, Pennsylvania.
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to construct the Emerald Refuse Area No. 3; a new combined coarse coal refuse and slurry impoundment. This new refuse area is being proposed to accommodate the combined refuse from Emerald's existing mine operations. Components of this project include: development of the refuse area access roads, installation of sediment traps/basins, construction of the staged refuse area embankment and associated conveyors and facilities. This proposed new combined coarse coal refuse and slurry impoundment will be approximately 250 acres in size and will be located adjacent to and south of the existing Emerald Mine Coal Refuse Disposal Area No. 2.

The projected unavoidable permanent impacts to Waters of the United States as a result of this proposed project will total 14,035 linear feet of stream and 0.448 acres of wetland. Permanent stream impacts will include 6,941 linear feet (LF) of perennial, 6,150 LF of intermittent and 944 LF of ephemeral stream. Permanent wetlands impacts will total 0.448 acres of jurisdictional palustrine emergent (PEM) wetland. All stream impacts will occur in unnamed tributaries of Smith Creek (a tributary of the South Fork of Tenmile Creek).

The applicant proposes to construct "Permittee-Responsible", in-kind stream and wetland mitigation within the same, watershed and receiving stream (Smith Creek) as the proposed impacts (UNTs to Smith Creek). Proposed mitigation will occur in the upper portions of the receiving stream (Smith Creek) watershed, to the south, along both the main stem of Smith Creek and along several, unnamed perennial and intermittent tributaries of Smith Creek.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information, has run the PNDI search tool (PNDI #20150303488246), and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, this Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The applicant has consulted with the Pennsylvania Historical and Museum Commission (PHMC) and has received concurrence on a Phase I archaeological survey conducted for the proposed refuse area in a letter dated 20 October, 2011 (File No. ER# 1984-0342-059-A07) and for preliminary clearance for stream mitigation sites associated with the project in a letter dated September 14, 2012 (File No. ER 1984-0342-059-A07). This public notice serves as a request to the PHMC to further consult on the areas in this notice labeled as "mitigation areas" along Smith Creek. 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

CELRP-OP-F
Public Notice No. **15-10**

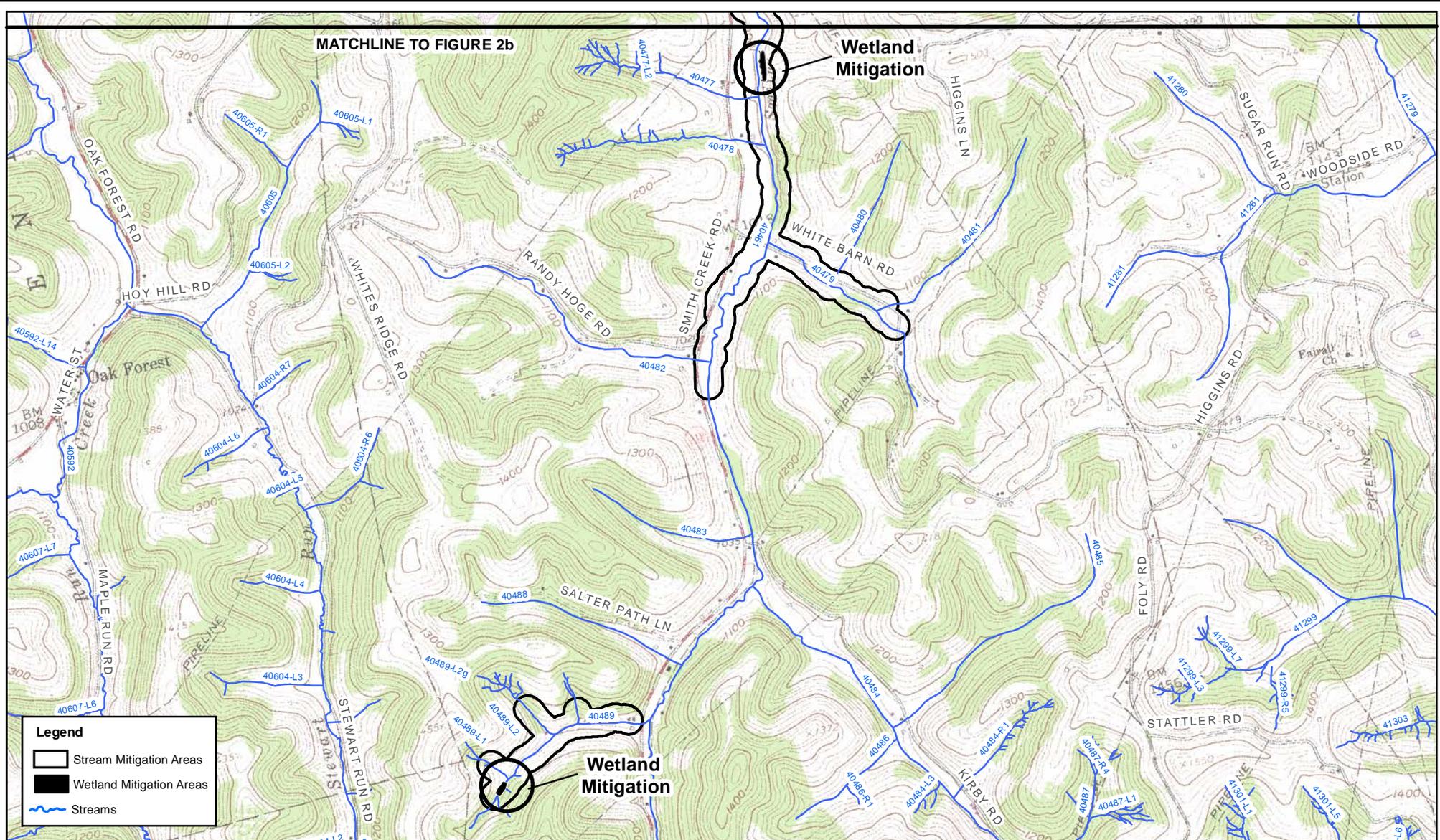
issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. **RESPONSES:** A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2009-477 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch



Date: 4/9/2015

1 inch = 2,000 feet

Source Data:
 1. 7.5 Minute Topographic DRG, Oak Forest, PA. U.S. Geological Survey, 1996.
 2. Mitigation Boundary Polygons, WPI 2011-2015.

Projection: Lambert Conformal Conic
 Datum: NAD27
 Coordinate System:
 PA State Plane South (Feet)

Note: Stream Mitigation areas depict ~24,000 LF of stream of which 20,000 LF is proposed for restoration. Final extent to be determined.

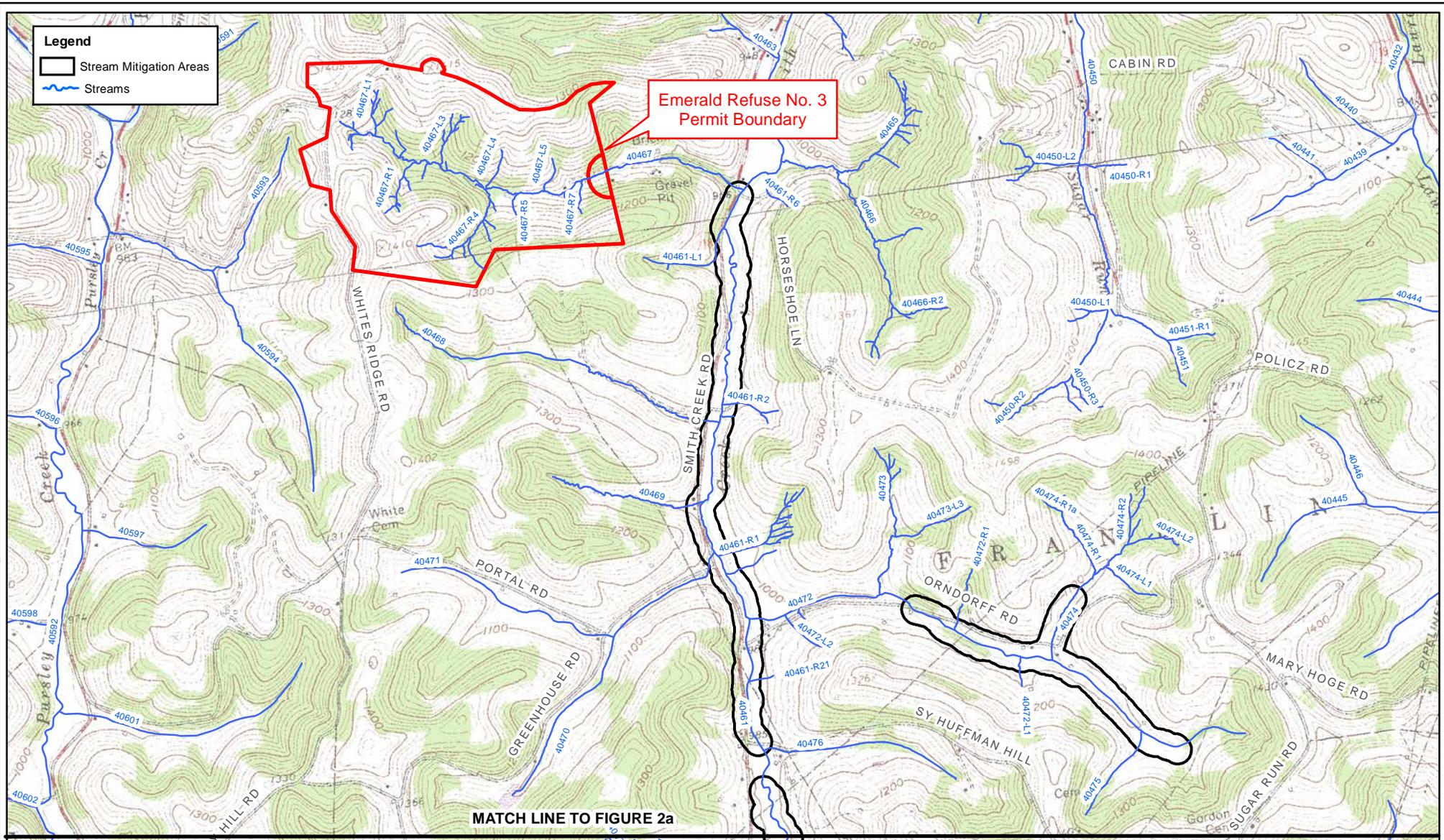
Prepared For:
Alpha Natural Resources
 158 Portal Road
 Waynesburg, PA 15370

WALLACE & PANCHER, INC.
 160 TECHNOLOGY DRIVE, STE. 102
 CANONSBURG, PA 15317
 PHONE: (724) 551-1240
 FAX: (724) 551-1279
 ENGINEERING AND ENVIRONMENTAL CONSULTING

Project: Stream Mitigation and Wetland Mitigation Areas For Emerald Refuse #3 Franklin Township Greene County, PA

Figure
2a

Drawn:	LAS
Checked:	CJW
Reviewed:	CJW
Project No.:	10471

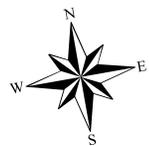


Date: 4/9/2015

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 Coordinate System:
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1 inch = 2,000 feet
 0 Feet 2,000

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Project:

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Figure

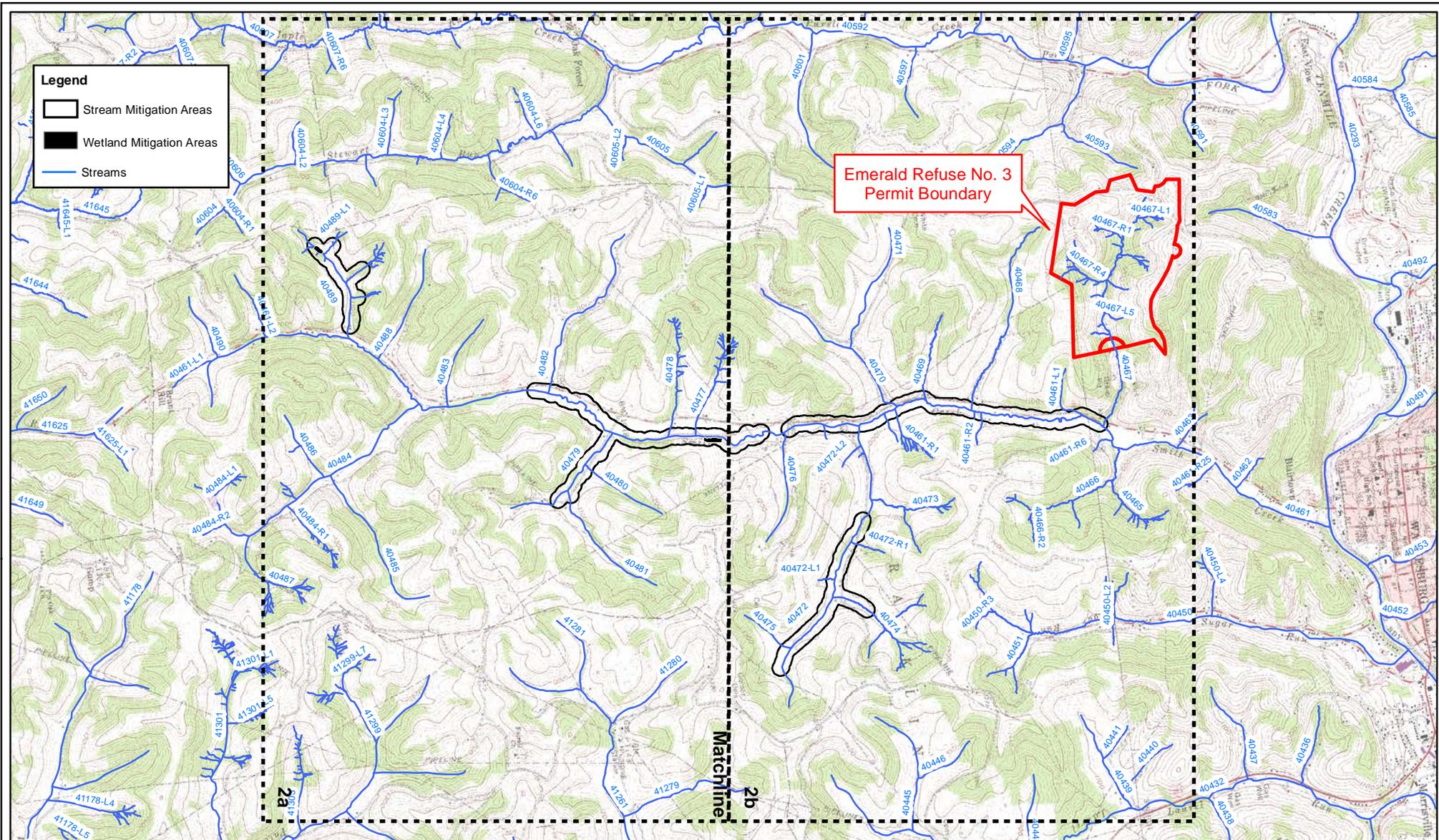
2b

Drawn: LAS

Checked: CJW

Reviewed: CJW

Project No.: 10471



Legend

- Stream Mitigation Areas
- Wetland Mitigation Areas
- Streams

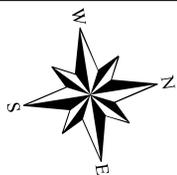
**Emerald Refuse No. 3
Permit Boundary**

Date: 4/9/2015

Source Data:
1. 7.5 Minute Topographic DRG, Oak Forest, PA.
U.S. Geological Survey, 1996.

Projection: Lambert Conformal Conic
Datum: NAD27
Coordinate System:
PA State Plane South (Feet)

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1 inch = 3,500 feet

0 3,500 Feet

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Figure

2

Drawn: LAS

Checked: CJW

Reviewed: CJW

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