



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

# Public Notice

In Reply Refer to  
Notice No. below

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

Application No. LRP-2001-1604

Date: October 14, 2016

Notice No. 16-52

Closing Date: October 29, 2016

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:** Lori Dayton  
Cumberland Coal Resources LP  
158 Portal Road  
P.O. Box 1020  
Waynesburg, Pennsylvania 15370
3. **LOCATION:** The subject project is located along unnamed tributaries to Whiteley Creek located in Whiteley Township, Greene County, PA (approximate center location at 39.792034N - 80.167661W).
4. **PURPOSE AND DESCRIPTION OF WORK:** The Cumberland Coal Raw Coal Stockpile Expansion project proposes to expand an existing raw coal stockpile by 7.47 acres for the existing 51 acre Cumberland Mine. The project is a proposed modification to an existing Corps authorization (CE-LRP 2001-1604). Previous impacts to waters of the U.S. resulting from construction of the coal preparation plant and existing stockpile total 1,770 linear feet of stream and 0.43 acre of wetland. These impacts have been mitigated for. The proposed stockpile expansion will permanently impact 536 linear feet of stream in the Whiteley Creek watershed. To mitigate for impacts to Waters of the U.S. the applicant proposes to conduct stream restoration of 512 linear feet, stream creation of 20 linear feet, riparian enhancement of 168 linear feet, and preservation into perpetuity of a 100 foot riparian buffer (12.15 acre forested area) within in the Whiteley Creek watershed. Increase in-stream flow and habitat structures through the installation of rock cross-vanes, log sills, step pools, coir logs, and scour pools, reconnect the incised stream channel to the historic floodplain areas through channel reconfiguration and profile adjustments, enhance riparian shrub and tree density through plantings along 168 LF of otherwise stable stream channel, development of contiguous, extensive forested, scrub shrub and herbaceous riparian buffers through supplemental live staking, tree and shrub plantings, and application of herbaceous floodplain and riparian seed mixes. This in-kind, permittee-responsible, compensatory mitigation is proposed within the Whiteley Creek watershed (same as the proposed impact site) 1.3 aerial miles from the proposed impacts.

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

Pennsylvania Department of Environmental Protection  
California District Mining Office  
25 Technology Drive  
California Technology Park  
Coal Center, PA 15423

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information 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 PA Bureau for Historic Preservation (BHP) and National Register of Historic Places (NRHP) has been consulted, appropriate studies and surveys have been conducted and it has been determined that there are no NHRP eligible properties which would be directly affected by the proposed refuse area work (Reference PHMC letter dated 12/18/15, ER#2016-0233-059-F). The applicant intends to practice avoidance of any significant archeological/cultural resources that are identified that would be eligible for the NRHP.

If we are made aware, as a result of comments received in response to this notice 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).

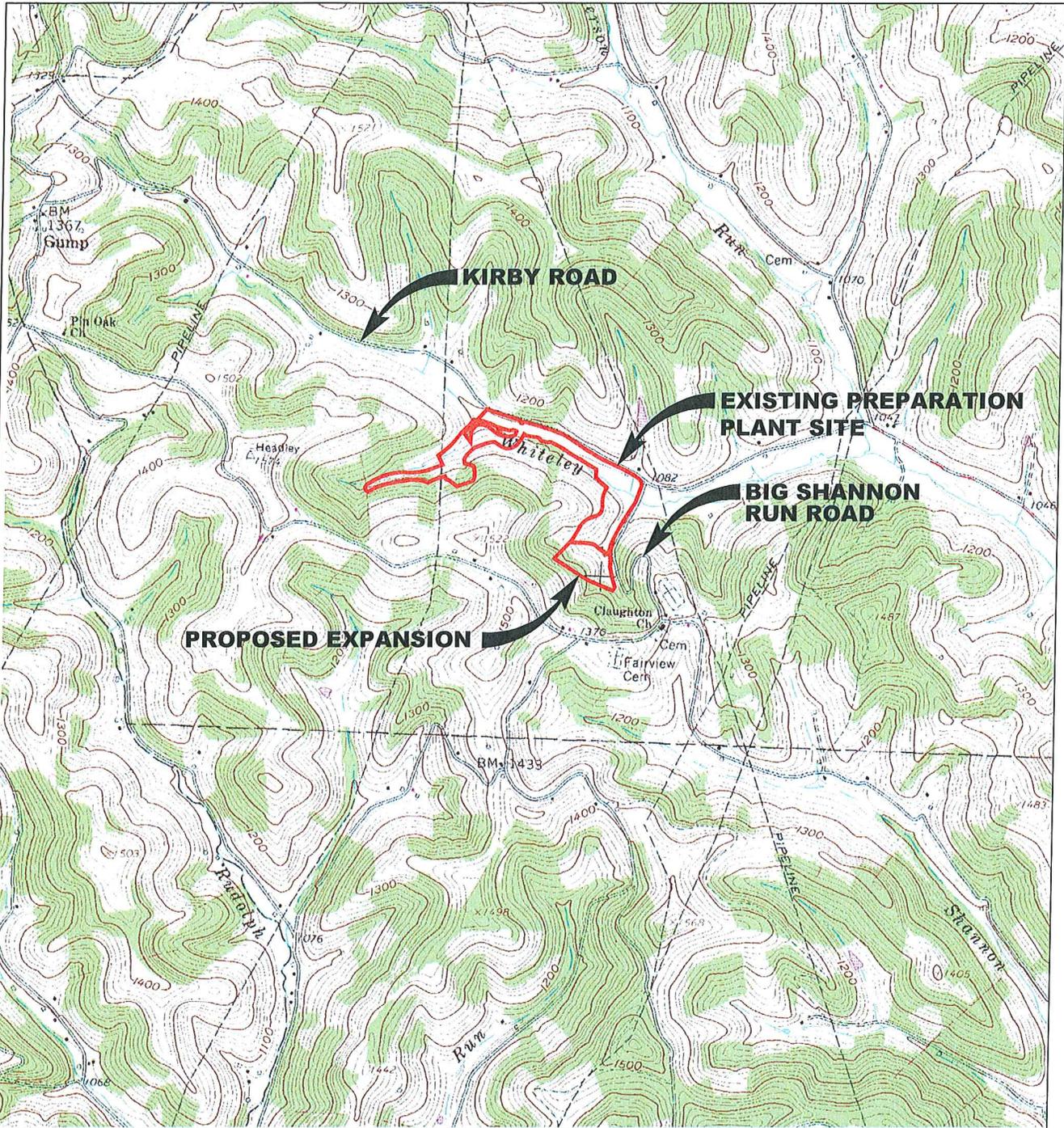
10. **RESPONSES:** A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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 Branch, attn Matthew Gilbert at the above address, by telephoning (412) 395-7189, or by e-mail at [matthew.c.gilbert@usace.army.mil](mailto:matthew.c.gilbert@usace.army.mil). Please refer to CELRP-OP-F 2001-1604 in all responses.

FOR THE DISTRICT ENGINEER:

/Signed/

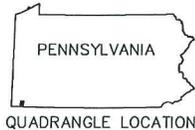
Jon T. Coleman  
Chief, Southern Section  
Regulatory Branch

H:\FOUNDAT\...OAL\4000-PA-006764 RAW COAL STOCKPILE EXHIBITS\FIGURE 1 - CRN.dwg, 11/18/2015 9:49:11 AM, DWG To PDF.pc3



**LEGEND:**

APPROXIMATE PERMIT BOUNDARY



QUADRANGLE LOCATION



**REFERENCE:**  
USGS 7.5-MIN TOPOGRAPHIC QUADRANGLE  
OAK FOREST, PA, DATED 1961, PHOTOREVISED 1973.

**FIGURE 1**  
**SITE LOCATION MAP**  
**RAW COAL STOCKPILE EXPANSION SITE**  
**WHITELEY TOWNSHIP**  
**GREENE COUNTY, PENNSYLVANIA**

PREPARED FOR  
**CUMBERLAND COAL RESOURCES, LP**  
**WAYNESBURG, PENNSYLVANIA**

APPROVED RFD 11/18/2015  
CHECKED RFD 11/13/2015  
DRAWN KRB 11/13/2015  
PROJECT NO. 4000-PA6537

DRAWING NUMBER  
**PA006764001**



**Penn E&R**  
Environmental & Remediation, Inc.

| REVISION | DATE | DESCRIPTION |
|----------|------|-------------|
|          |      |             |

CE-LRP 2001-1604 Project Area

**Legend**

-  Cumberland Preparation Plant
-  Impacted Stream
-  Proposed Expansion Area

