



# Public Notice

U.S. Army Corps  
of Engineers  
Baltimore District  
PN-14-32

In Reply to Application Number  
NAB-2013-02413-P13(Green Mountain OSM 40(3219)101.1)

Comment Period: June 5, 2014 to July 5, 2014

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

This District has received an application for a Department of the Army permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

**APPLICANT:** PA Bureau of Abandoned Mine Reclamation  
Wilkes-Barre District Office  
2 Public Square, 5<sup>th</sup> Floor  
Wilkes-Barre, PA 18701-1915

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** The project is located north of Freeland, in Foster Township, Luzerne County, Pennsylvania, adjacent to the unnamed tributary of Oley Creek. The site coordinates are 41-02-48 N; -75-53-24 W.

**PROPOSED WORK AND PURPOSE:** This is an after-the-fact permit application for completed work to reclaim an abandoned mine land site known as the OSM 40(3219)101.1 Green Mountain Abandoned Mine Land reclamation project. The purpose and need was to eliminate the health and safety problems associated with past mining practices. The project involved filling an approximate 2.2 acre waterbody/pond and associated encroachments into approximately 735 linear feet of the unnamed tributary (UNT) of Oley Creek. This 2.2 acre pond was a former strip pit that forms the headwaters of the unnamed tributary to Oley Creek. The pit had dangerous high walls and was part of the area to be reclaimed. The land surrounding this pond is abandoned mine land and the original soils had been previously disturbed by past strip mining.

On-site construction and de-watering of the pond started in July of 2013. To maintain the hydrology coming out of the acid mine drainage site, a 24-inch perforated PVC pipe was installed in the pond to allow the hydrology to reach the UNT of Oley Creek. Approximately 6-inches of limestone surrounded the pipe, followed by the fill material. Backfilling of the pond started in August 2013 and the fill consisted of overburden and cast off from the abandoned strip mine operation. Approximately 1,046,500 cubic yards of on-site material was used to reclaim the abandoned stripping pond. Check dams were installed downstream into the UNT of Oley Creek to reduce the amount of sediment going into Oley Creek (sheets E2-E8). Backfilling of the pond was completed in September 2013. After grading, the site has been seeded with grass to stabilize the soils and reduce erosion from the site.



Avoidance and minimization measures included leaving the dangerous high walls and hazardous strip pit in place (no action) but would not accomplish the intended purpose and need of reclaiming the site and eliminating the high safety hazard. To compensate for the loss of the 2.2 acre waterbody at the site, approximately 2.46 acres of open water and wetlands will be created at a separate off-site location. This site, referenced as the Curry Hill-Avondale mitigation site, is located in Plymouth Township, Luzerne County and is located within the Susquehanna River drainage basin (sheet E9). The coordinates of the Curry Hill-Avondale mitigation area is 41-13-24.56 N; -75-59-57.18 W. Mitigation will consist of open water, palustrine emergent (PEM), and palustrine scrub shrub (PSS) components (sheets E10).

All work has been completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Amy Elliott at 814-235-0573 or at the following address: U.S. Army Corps of Engineers, Baltimore District, State College Field Office, Attn: Mrs. Amy Elliott, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 reasonable may be expected to accrue from the proposal, 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, economic, aesthetics, general environmental concerns, wetlands, cultural values, 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, and consideration 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 provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer at: U.S. Army Corps of Engineers, Baltimore District, Attn: Mrs. Amy Elliott, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801 within the comment period specified above.



**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). The Corps has determined this project will not affect any EFH.

**WATER QUALITY CERTIFICATION:** The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Pennsylvania Department of Environmental Protection. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

**COASTAL ZONE MANAGEMENT PROGRAMS:** Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

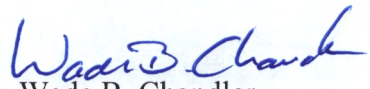
A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer at: U.S. Army Corps of Engineers, Baltimore District, Attn: Mrs. Amy Elliott, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

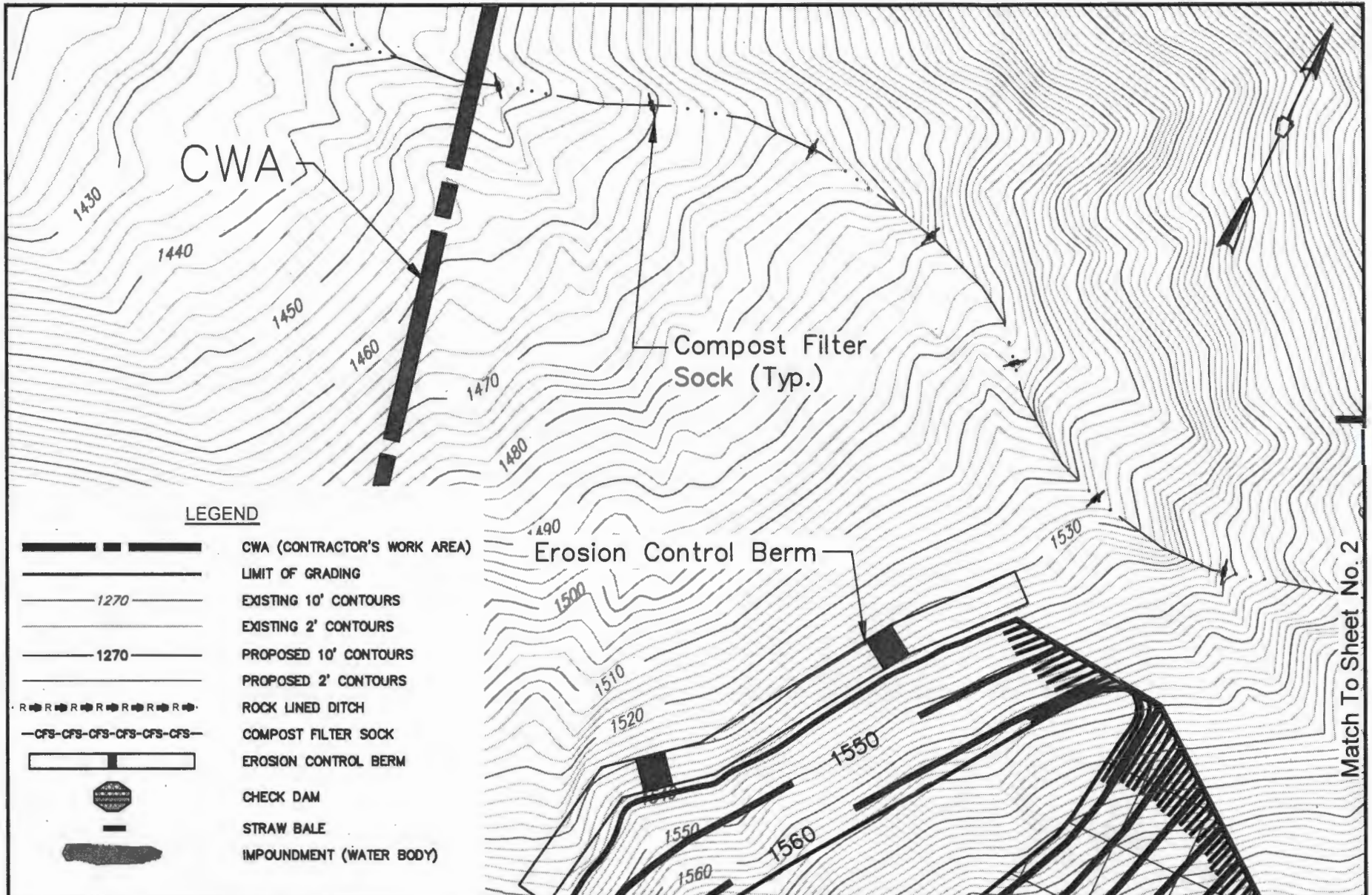


Wade B. Chandler  
Chief, Pennsylvania Section  
Regulatory Branch







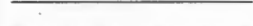













**LEGEND**

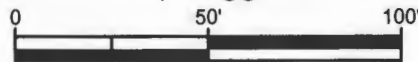
-  CWA (CONTRACTOR'S WORK AREA)
-  LIMIT OF GRADING
-  EXISTING 10' CONTOURS
-  EXISTING 2' CONTOURS
-  PROPOSED 10' CONTOURS
-  PROPOSED 2' CONTOURS
-  ROCK LINED DITCH
-  COMPOST FILTER SOCK
-  EROSION CONTROL BERM
-  CHECK DAM
-  STRAW BALE
-  IMPOUNDMENT (WATER BODY)

Match To Sheet No. 2

Purpose: Encroachment Permit  
 Datum: NAD 1983  
 Adjacent Property Owners:  
 1. See Attached Sheet

**PLAN VIEW**

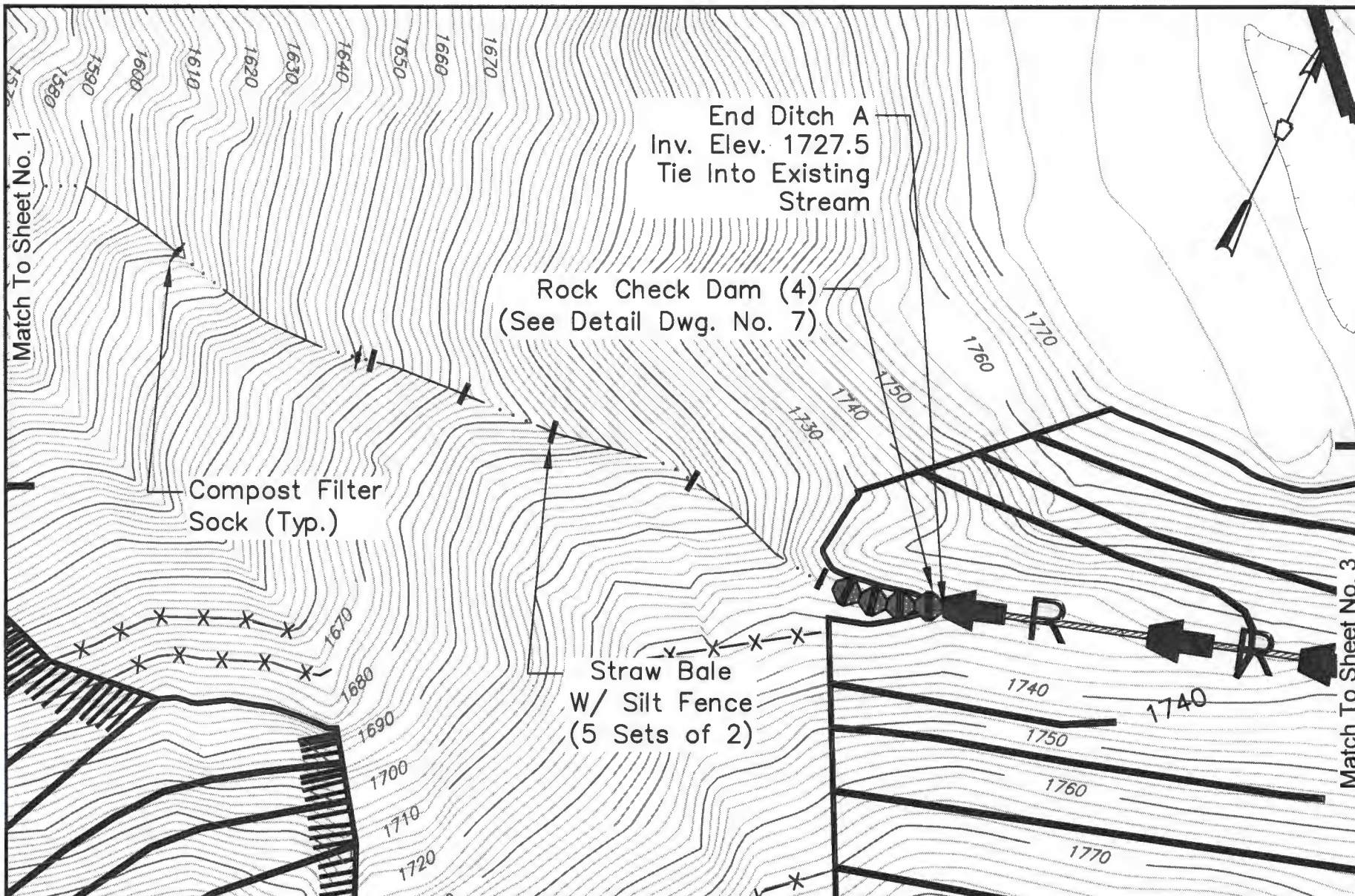
1" = 50'



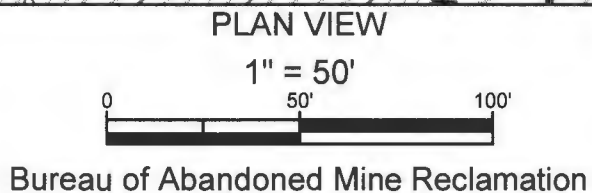
Bureau of Abandoned Mine Reclamation

Approx. Location Of Compost Filter Socks  
 IN Unnamed Tributary To Oley Creek  
 AT: Green Mountain  
 County of Luzerne  
 Application By: DEP BAMR  
 Sheet 1 of 7 Date: 2/20/14





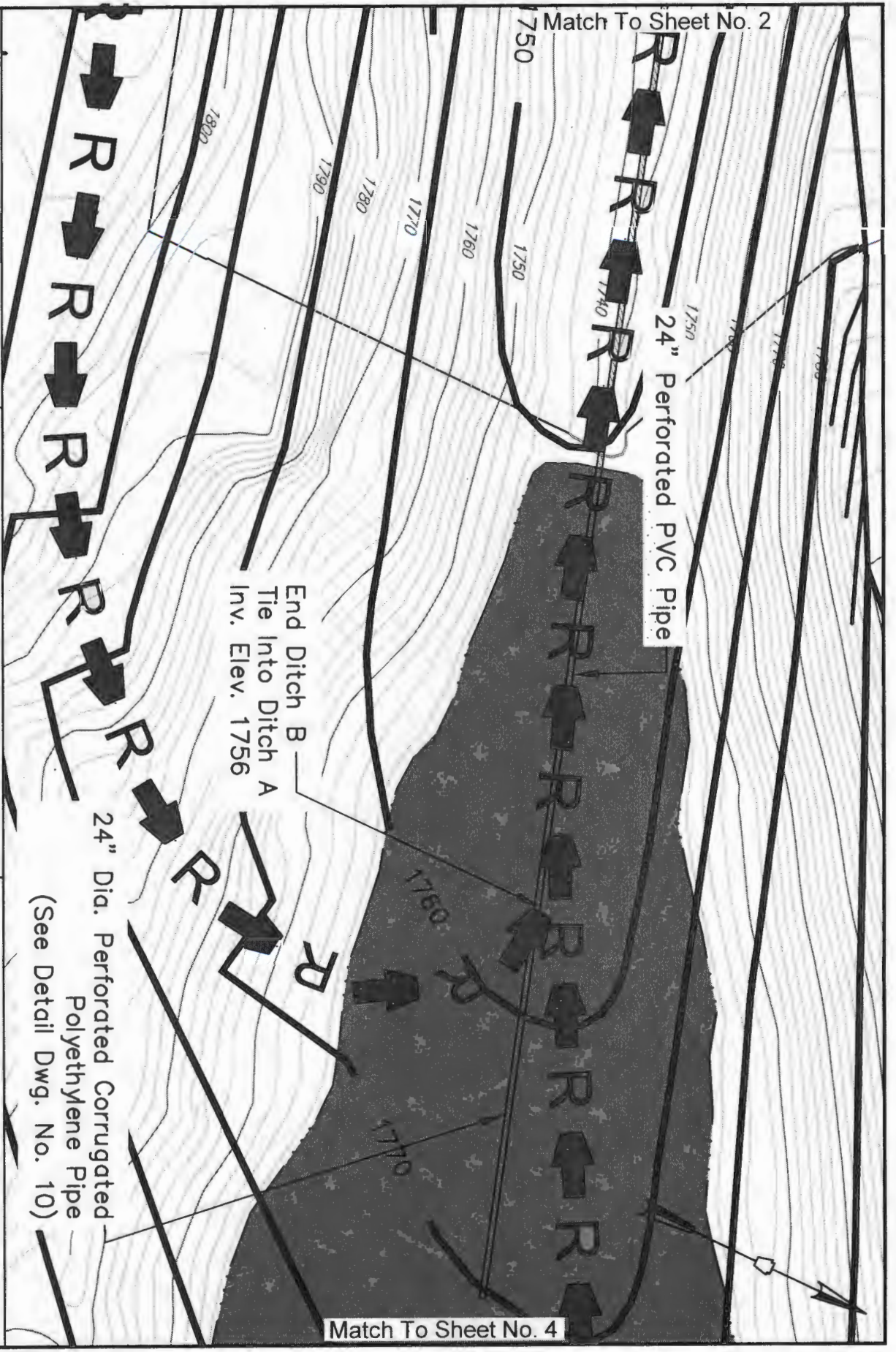
Purpose: Encroachment Permit  
 Datum: NAD 1983  
 Adjacent Property Owners:  
 1. See Attached Sheet



Approx. Location Of Compost Filter Socks,  
 Rock Check Dams And Straw Bales  
 IN: Unnamed Tributary To Oley Creek  
 AT: Green Mountain, County of Luzerne  
 Application By: DEP BAMR  
 Sheet 2 of 7 Date: 2/20/14



Match To Sheet No. 2



Match To Sheet No. 4

Purpose: Encroachment Permit

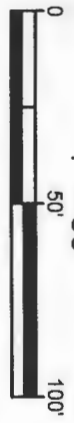
Datum: NAD 1983

Adjacent Property Owners:

1. See Attached Sheet

PLAN VIEW

1" = 50'



Bureau of Abandoned Mine Reclamation

Impoundment A

IN: Unnamed Tributary To Oley Creek

AT: Green Mountain

County of Luzerne

Application By: DEP BAMR

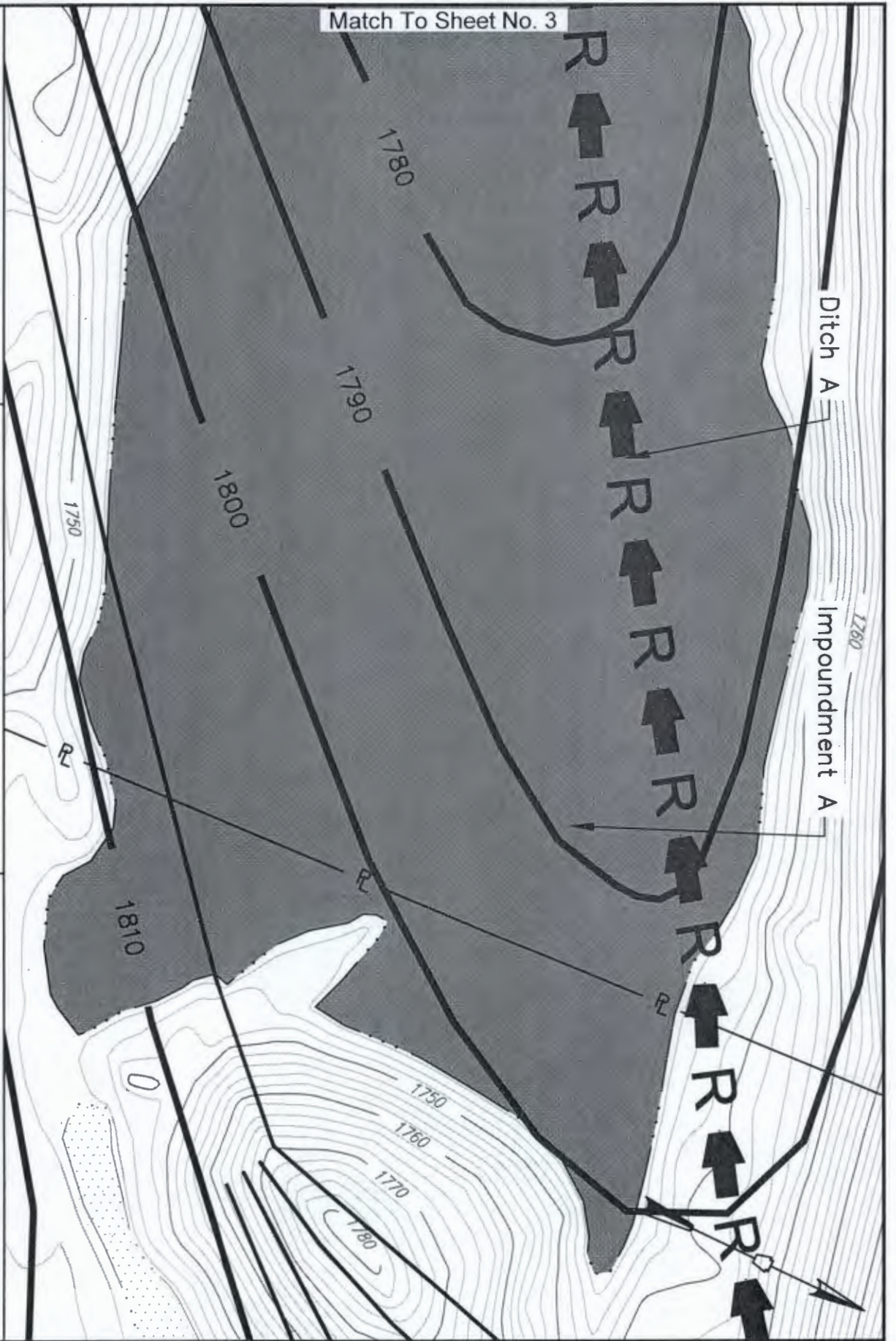
Sheet 3 of 7 Date: 2/20/14

24" Dia. Perforated Corrugated Polyethylene Pipe  
(See Detail Dwg. No. 10)

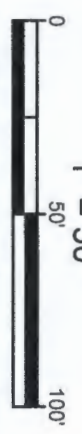
End Ditch B  
Tie Into Ditch A  
Inv. Elev. 1756



Match To Sheet No. 3



Purpose: Encroachment Permit  
 Datum: NAD 1983  
 Adjacent Property Owners:  
 1. See Attached Sheet



PLAN VIEW

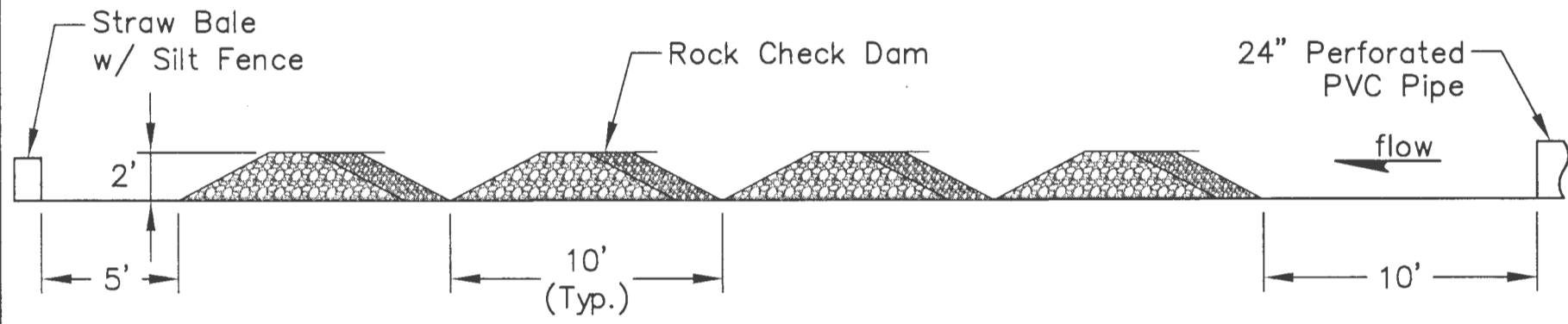
1" = 50'

Bureau of Abandoned Mine Reclamation

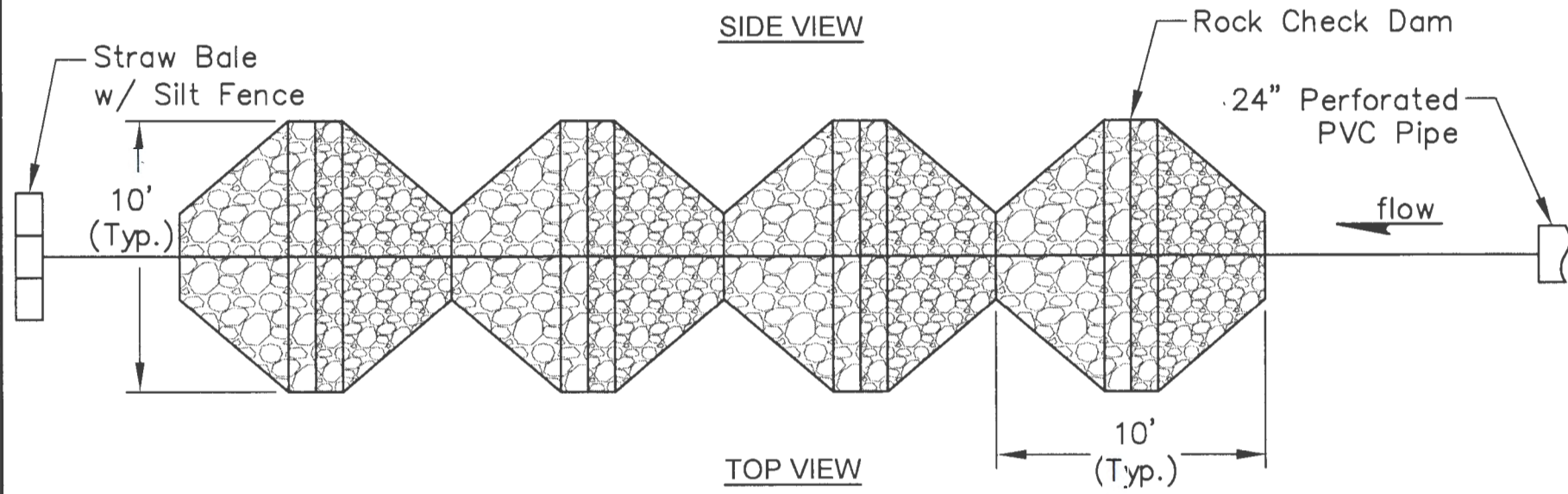
Impoundment A

IN: Unnamed Tributary To Oley Creek  
 AT: Green Mountain  
 County of Luzerne  
 Application By: DEP BAMR  
 Sheet 4 of 7 Date: 2/20/14





SIDE VIEW



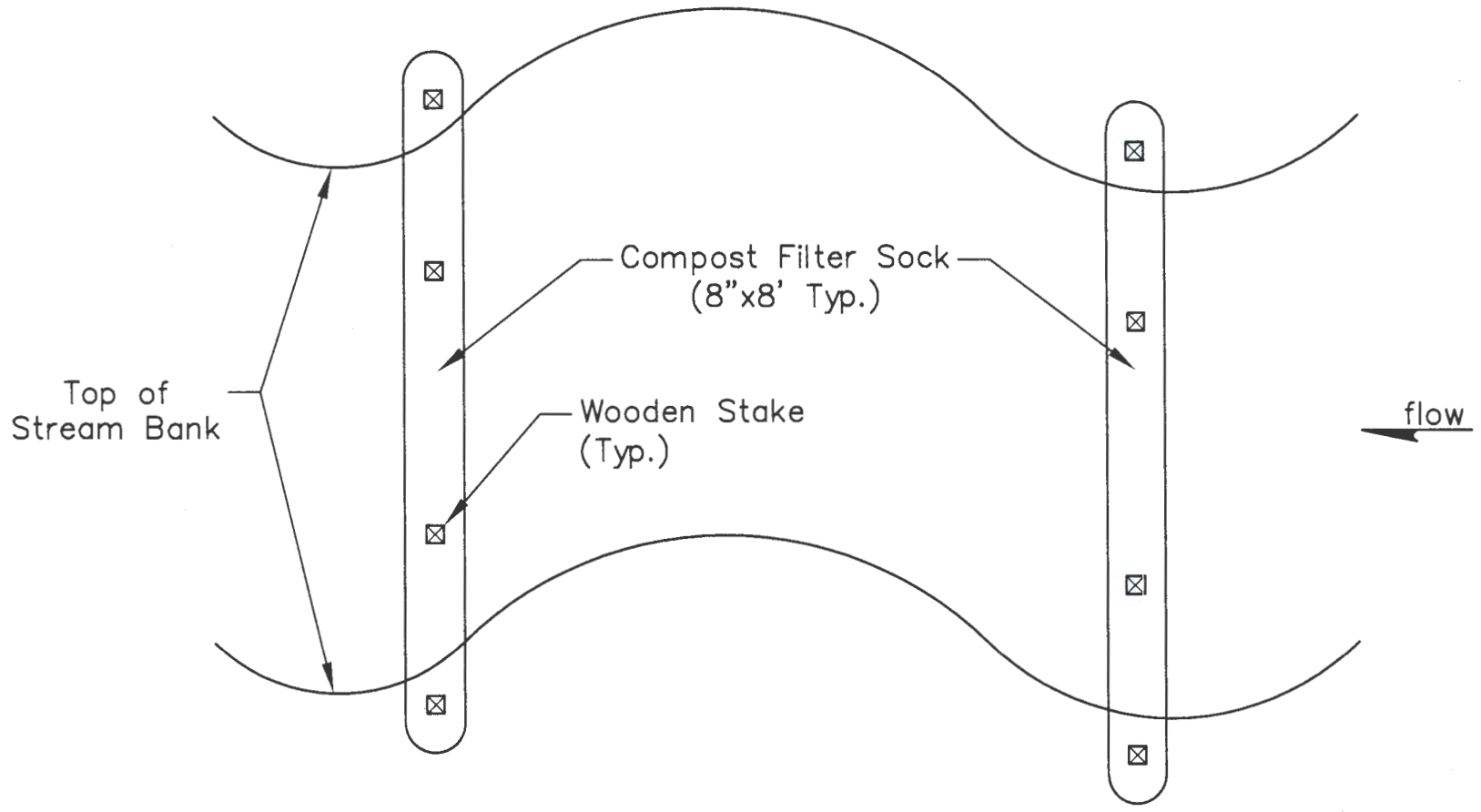
TOP VIEW

Purpose: Encroachment Permit  
 Datum: NAD 1983  
 Adjacent Property Owners:  
 1. See Attached Sheet

DETAIL  
 Not To Scale  
 Bureau of Abandoned Mine Reclamation

Layout Of Rock Check Dams  
 IN: Unnamed Tributary To Oley Creek  
 AT: Green Mountain  
 County of Luzerne  
 Application By: DEP BAMR  
 Sheet 5 of 7 Date: 2/20/14



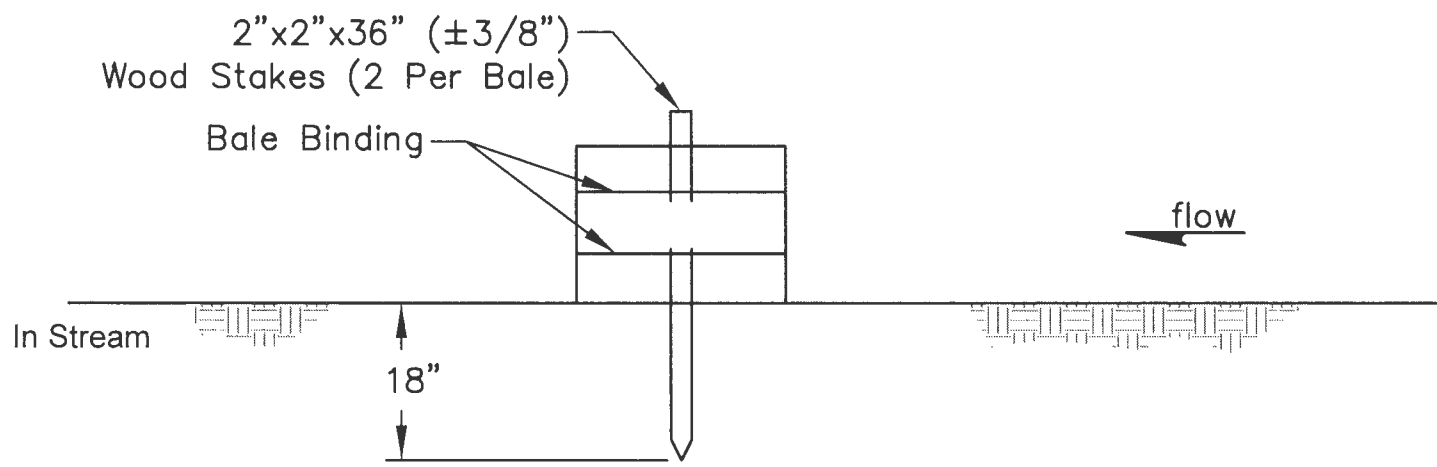


Purpose: Encroachment Permit  
Datum: NAD 1983  
Adjacent Property Owners:  
1. See Attached Sheet

DETAIL  
Not To Scale  
  
Bureau of Abandoned Mine Reclamation

Compost Filter Sock  
IN: Unnamed Tributary To Oley Creek  
AT: Green Mountain  
County of Luzerne  
Application By: DEP BAMR  
Sheet 6 of 7 Date: 2/20/14



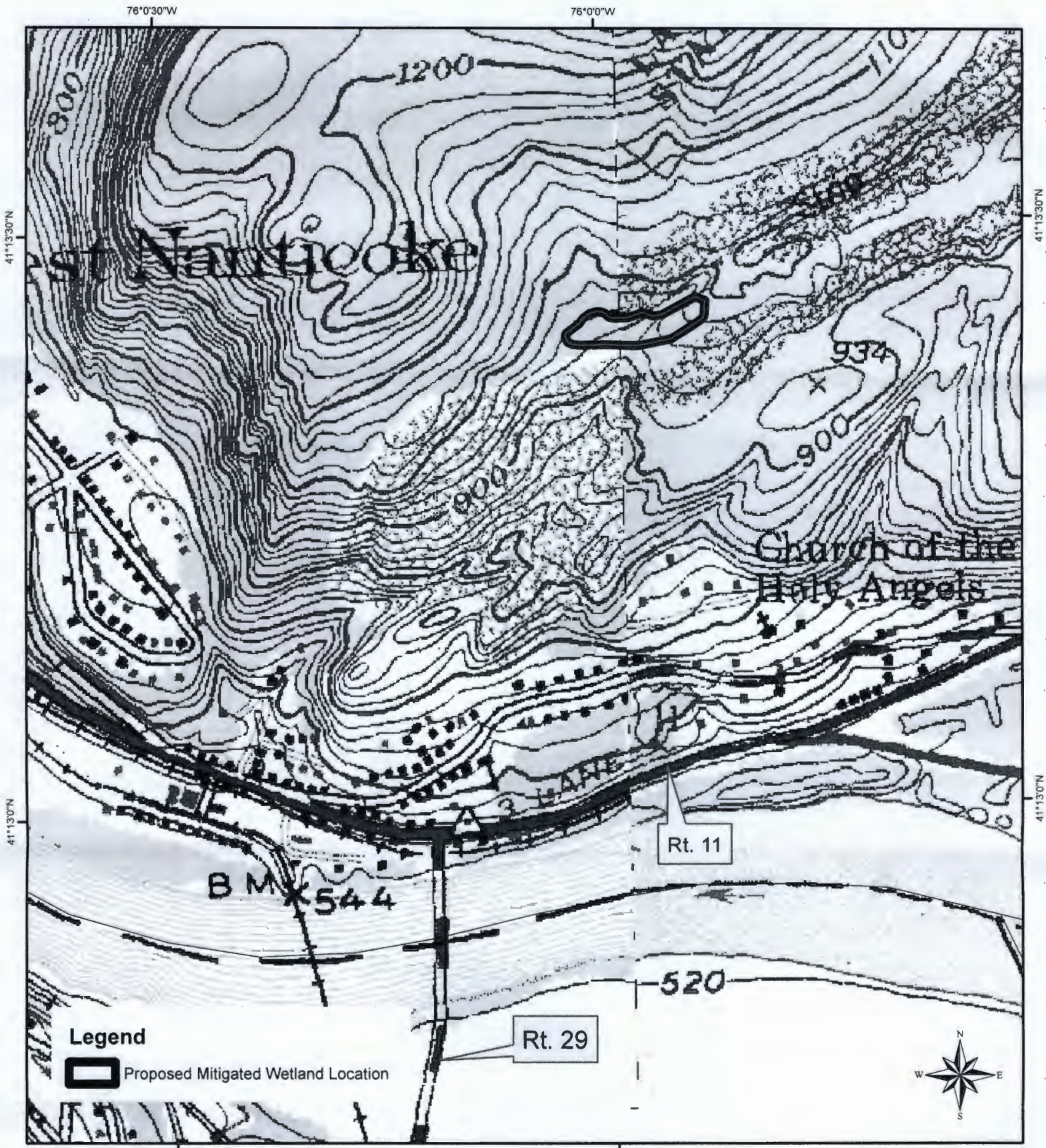


Purpose: Encroachment Permit  
Datum: NAD 1983  
Adjacent Property Owners:  
1. See Attached Sheet

DETAIL  
Not To Scale  
  
Bureau of Abandoned Mine Reclamation

Straw Bale Barrier  
IN: Unnamed Tributary To Oley Creek  
AT: Green Mountain  
County of Luzerne  
Application By: DEP BAMR  
Sheet 7 of 7 Date: 2/20/14

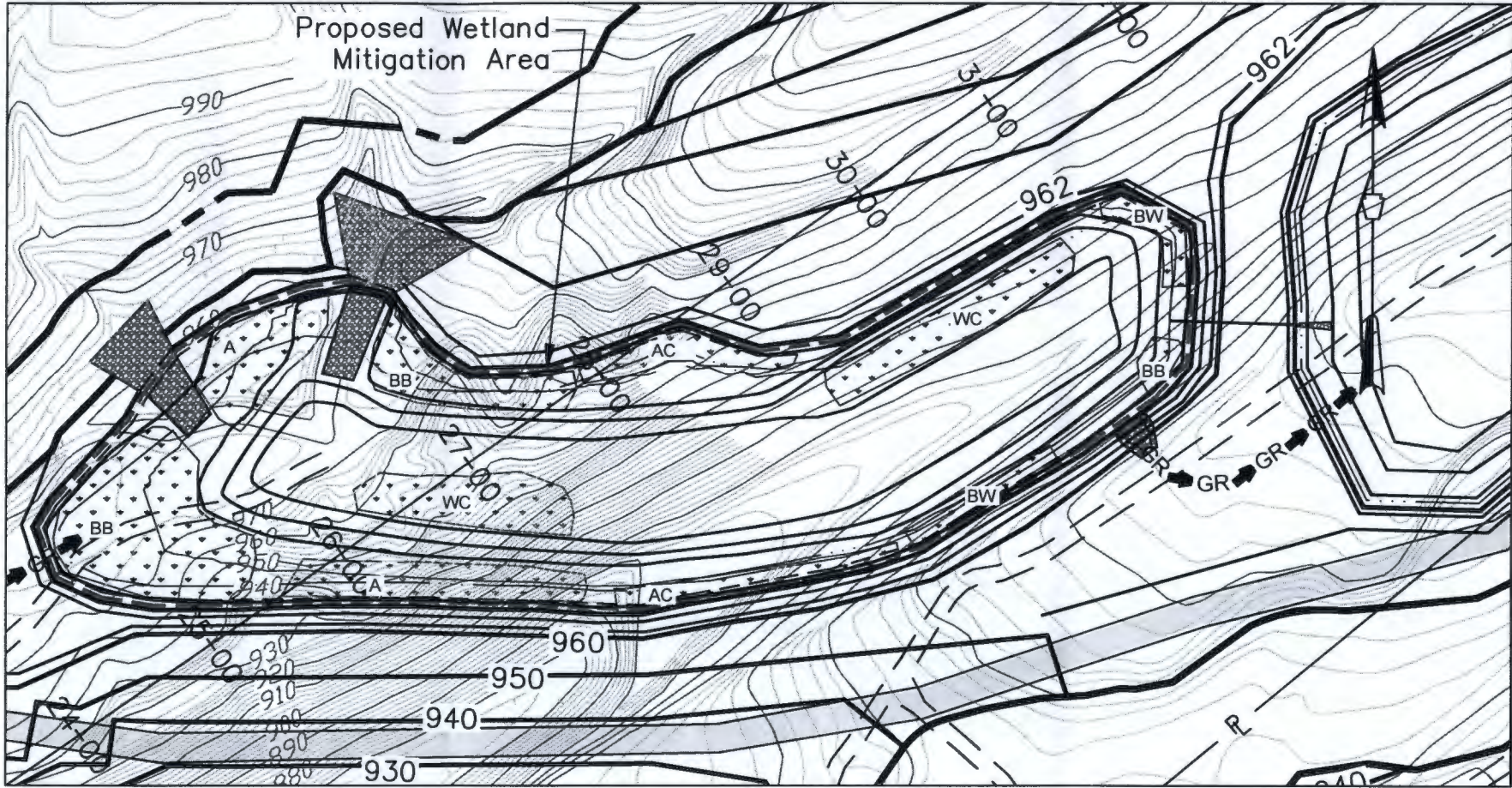
# Curry Hill-Avondale Mitigation Location



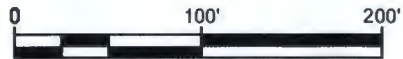
Project No.: OSM 40(2138)101.1  
Project Name: Curry Hill-Avondale  
Munic.: Nanticoke  
County: Luzerne  
Quad: Nanticoke, Wilkes-Barre

E9





1" = 100'



Wetland Plantings

Plant Reference	Emergent	Submergent
BW	Black Willow - <i>Salix nigra</i>	
A	Arrowhead - <i>Sagittaria latifolia</i>	
BB	Buttonbush - <i>Cephalanthus occidentalis</i>	
AC	American Cranberry - <i>Viburnum trilobum</i>	
WC		Wild Celery - <i>Vallisneria spiralis</i>