



Public Notice

U.S. Army Corps
of Engineers

In Reply to Application Number
CENAB-OPR-P-2013-01561-P13 (Rosebud Mining Company/Lady Jane
Coal Preparation Plant Project)

Baltimore District

PN-15-58 Comment Period: September 28, 2015 to October 28, 2015

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: Rosebud Mining Company
301 Market Street
Kittanning, Pennsylvania 16201

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located adjacent to the Rosebud Lady Jane Preparation Plant, on the north side of S.R. 153, in Huston Township, Clearfield County, Pennsylvania. The coordinates are latitude 41-12-9.26 North; longitude -78-33-29.59 West. The site drains to an unnamed tributary to Moose Run and is in the Bennet Branch Sinnemahoning Creek watershed.

PROPOSED WORK AND PURPOSE: The purpose of the proposed project, according to the applicant, is to expand the existing coal refuse storage capacity of the active Lady Jane Processing Plant. The Lady Jane plant is a preparation plant that trucks coal to their facility from nearby coal mining areas. The plant has the capability of running 325 tons per hour, 20 hours a day, six days a week, 52 weeks a year, and produces a maximum refuse production of 710,000 tons per year. The average annual refuse production from this site over the last five years has been approximately 409,600 tons. With more land needed to dispose of the coal refuse, the applicant prefers a site that can contain greater than three million tons of refuse to meet the goal of creating a few large piles instead of many small piles.

The applicants preferred site, Area No. 1, is located on the northern side of Moose Run, west of the existing refuse plant, and would have the capacity to handle 7.6 million tons of disposed refuse on 46.3 acres. Area No. 1 would have the following impacts to aquatic resources:

Permanent Impacts: A total of approximately 3,592 linear feet (0.47 acre) of watercourse impacts associated with enclosing/filling perennial, intermittent, and ephemeral stream channels. In addition, approximately 0.88 acre of wetland impacts would result from the filling of palustrine emergent (PEM), palustrine scrub-shrub (PSS), and palustrine forested (PFO) wetlands.

Mitigation Statement: The following mitigation statement has been provided by the applicant: Selection of this site avoids impacts to the numerous sensitive resources in the surrounding 4-mile radius including the Moshannon State Forest, high-quality, cold water fisheries (HQ – CWF) watersheds, wild trout streams, and exceptional value (EV) wetlands.

The applicant has proposed three (3) off-site alternative locations for their site selection overview, but has selected their preferred alternative, Area No. 1. The enclosed location map shows the other three alternative sites. Rosebud Mining Company has determined that Area No. 1 is the most practical and feasible alternative for the Coal Refuse Facility. Area No. 1 is the most suitable for the placement of the refuse based upon the following conclusions:

- Area No. 1 allows for the transport of the refuse material from the prep plant to the disposal area without the use of the public road system.
- Area No. 1 allows for the creation of a more economical pile that will reduce the cost of construction of the refuse disposal area.
- The pile will handle the refuse production of the preparation plant for a minimum of 10 years.
- Selection of the site avoids impacts to the numerous sensitive resources in the surrounding 4-mile radius including the Moshannon State Forest, HQ-CWF Watersheds, wild trout streams, and EV wetlands.

Mitigation is being proposed in the form of permittee responsible mitigation. To compensate for the unavoidable impacts to 2,234 linear feet of perennial stream (0.26 acre) and 0.88 acre of wetlands, a comprehensive wetland and stream mitigation package has been developed along the small tributary valley to the east of the Lady Jane Processing Facility. The proposed plan would create approximately 1.0 acre of wetlands and enhance approximately 2,096 linear feet (0.83 acres) of the existing channel of the unnamed tributary to Moose Run. The wetland mitigation consists of the creation of three (3) wetland basins adjacent to the unnamed tributary. The mitigation area would provide sediment stabilization, nutrient removal transformation, flood flow alteration, and wildlife habitat. The creation of one large contiguous wetland area along the unnamed tributaries' riparian zone adjacent to the Moshannon State Forest would provide a functional lift to the wetland and stream resources in the watershed. An easement would be placed on the mitigation area to provide long term preservation of the area.

All work is proposed to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Amy Elliott of this office at 814-235-0573 or by e-mail amy.h.elliott@usace.army.mil or U.S. Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 101, State College, PA 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, Attn: Mrs. Amy Elliott, State College Field Office, 1631 South Atherton Street, Suite 101, State College, PA 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 affect 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 may 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 there is a high probability that prehistoric and historic archaeological resources are located in the project area and further review is recommended. For historic structures however, no historic buildings, structures, districts, or objects will be affected by this project.

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, Attn: Mrs. Amy Elliott, State College Field Office, 1631 South Atherton Street, Suite 101, State College, PA 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.

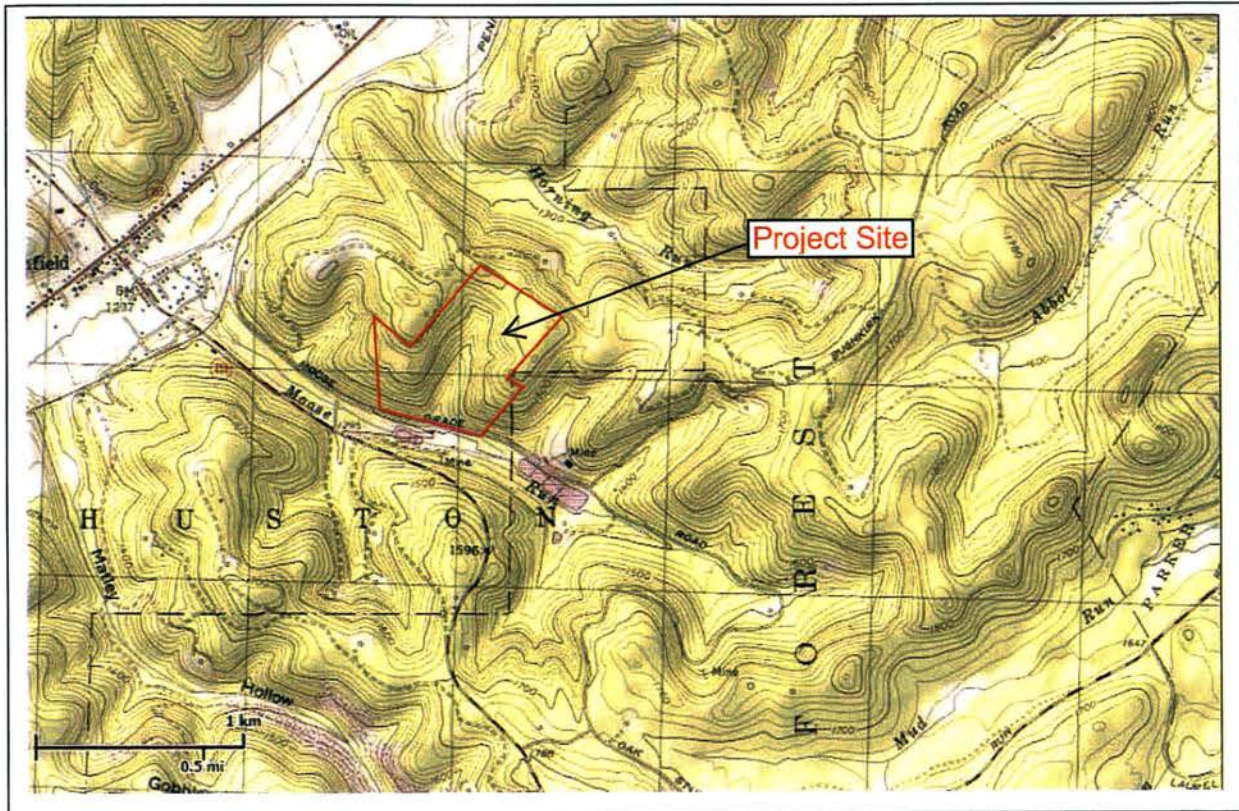
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.



Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch

**Rosebud Mining Company
Lady Jane Coal Preparation Plant Project**

Project Location Map



Source: USFWS NWI Mapping website: <http://www.fws.gov/wetlands/Data/Mapper.html>

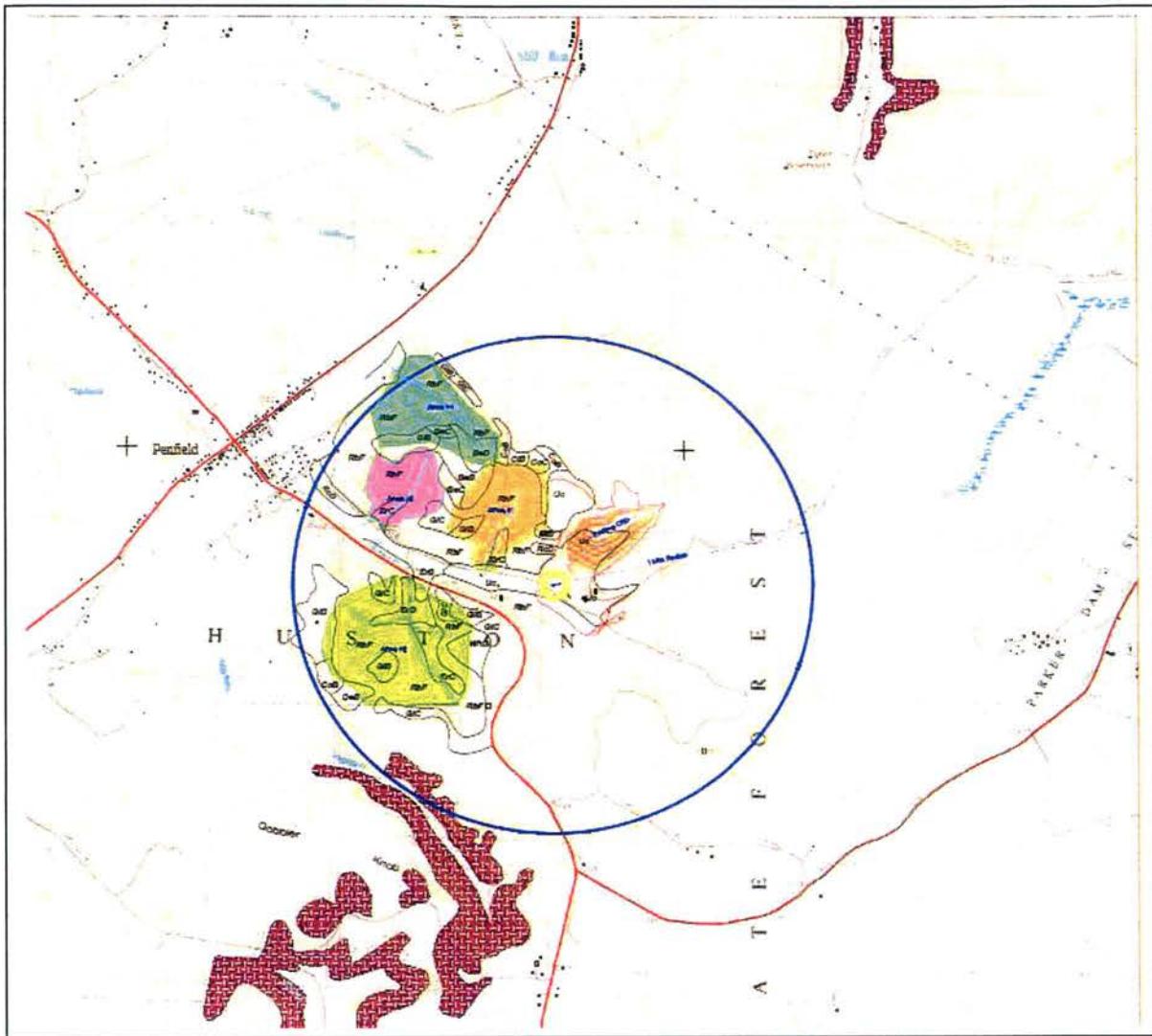
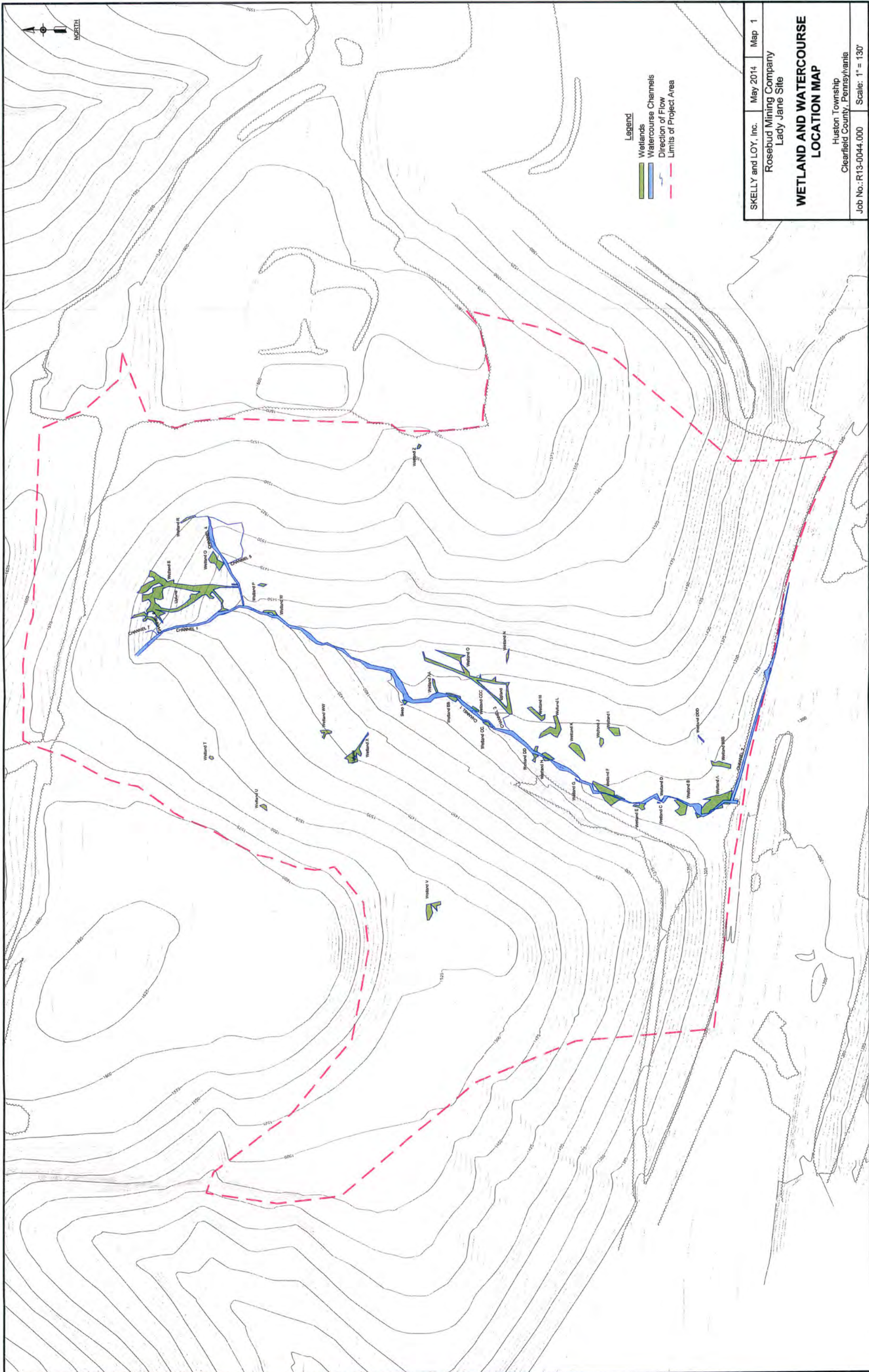


Figure 1: Site Selection Analysis 1-mile radius Map – Orange is Area 1, Green is Area 2, Purple is Area 3, Light Blue is Area 4, and the yellow circle is the existing Lady Jane Processing Facility.



- Legend**
- Wetlands
 - Watercourse Channels
 - Direction of Flow
 - Limits of Project Area

SKELLY and LOY, Inc.	May 2014	Map 1
Rosebud Mining Company Lady Jane Site		
WETLAND AND WATERCOURSE LOCATION MAP		
Houston Township Clearfield County, Pennsylvania		
Job No.: R13-0044.000		Scale: 1" = 130'

Date: 05/15/2014 10:15:00 AM Project: R13-0044.000 File: Lady Jane_Site\Map 1.dwg User: jay.davis
 Plot Date: 05/15/2014 10:15:00 AM Plot Time: 10:15:00 AM Plot User: jay.davis
 Plot Scale: 1" = 130' Plot Sheet: 1 of 2

LADY JANE COAL PREPARATION PLANT STREAM MITIGATION - AND - WETLAND MITIGATION HUSTON TOWNSHIP CLEARFIELD COUNTY, PENNSYLVANIA

PREPARED FOR



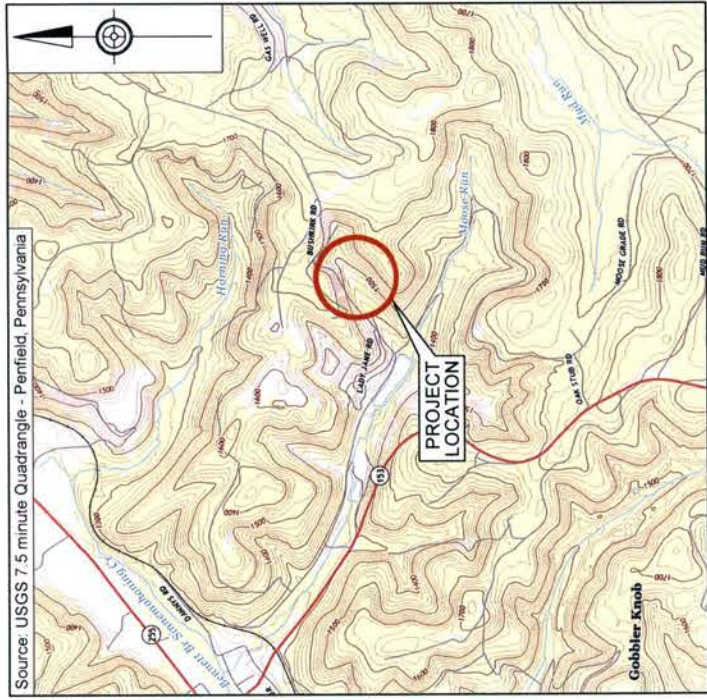
ROSEBUD MINING COMPANY

PREPARED BY



SKELLY AND LOY, INC.
ENGINEERS-CONSULTANTS

449 EISENHOWER BOULEVARD
SUITE 300
HARRISBURG, PENNSYLVANIA 17111



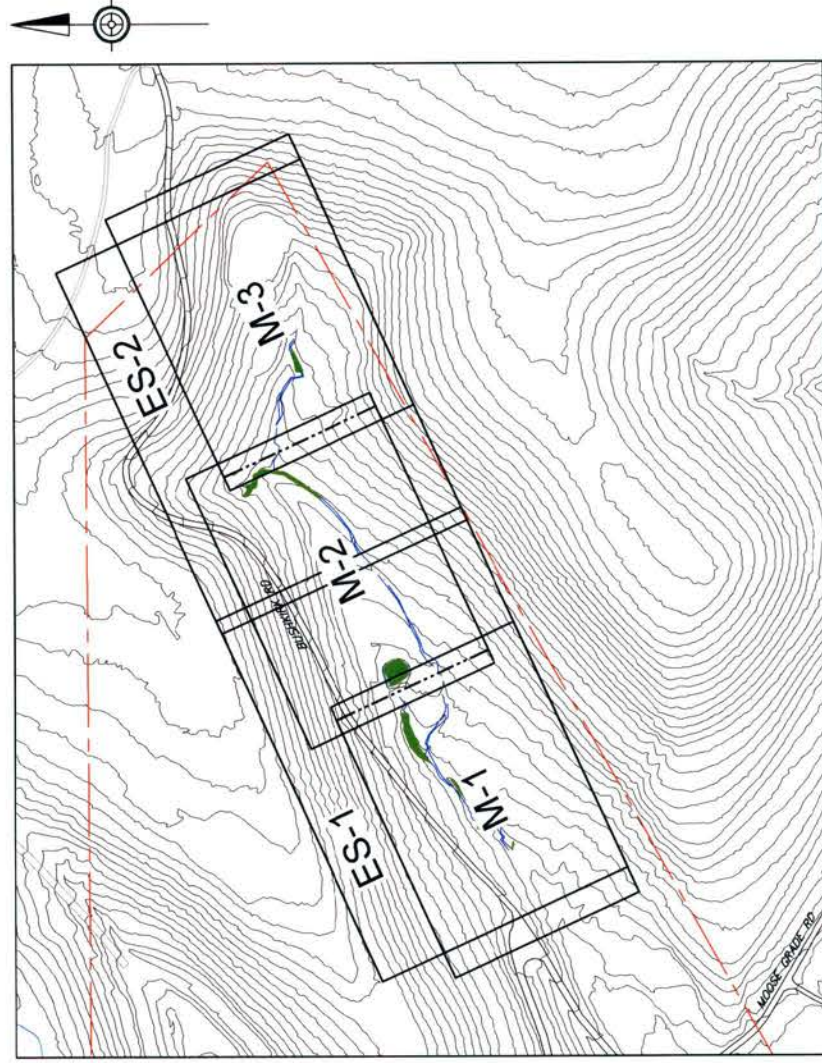
PROJECT LOCATION MAP
0' 2000' 4000'
SCALE IN FEET

PROJECT CONTACTS	
ROSEBUD MINING COMPANY DENNIS FOSTER BILL CAMP	Dennis.Foster@rosebudmining.com bill.camp@rosebudmining.com
PA DEP	
CLEARFIELD COUNTY CONSERVATION DISTRICT (814) 765-2629	clfdccd@atlanticbcbn.net
SKELLY AND LOY, INC. PAUL DEANGELO RICK JOHNSTON MICHAEL E. LOWER, PE	pdeangelo@skellyloy.com rjohnston@skellyloy.com mlower@skellyloy.com

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0' 300' 600'
SCALE IN FEET

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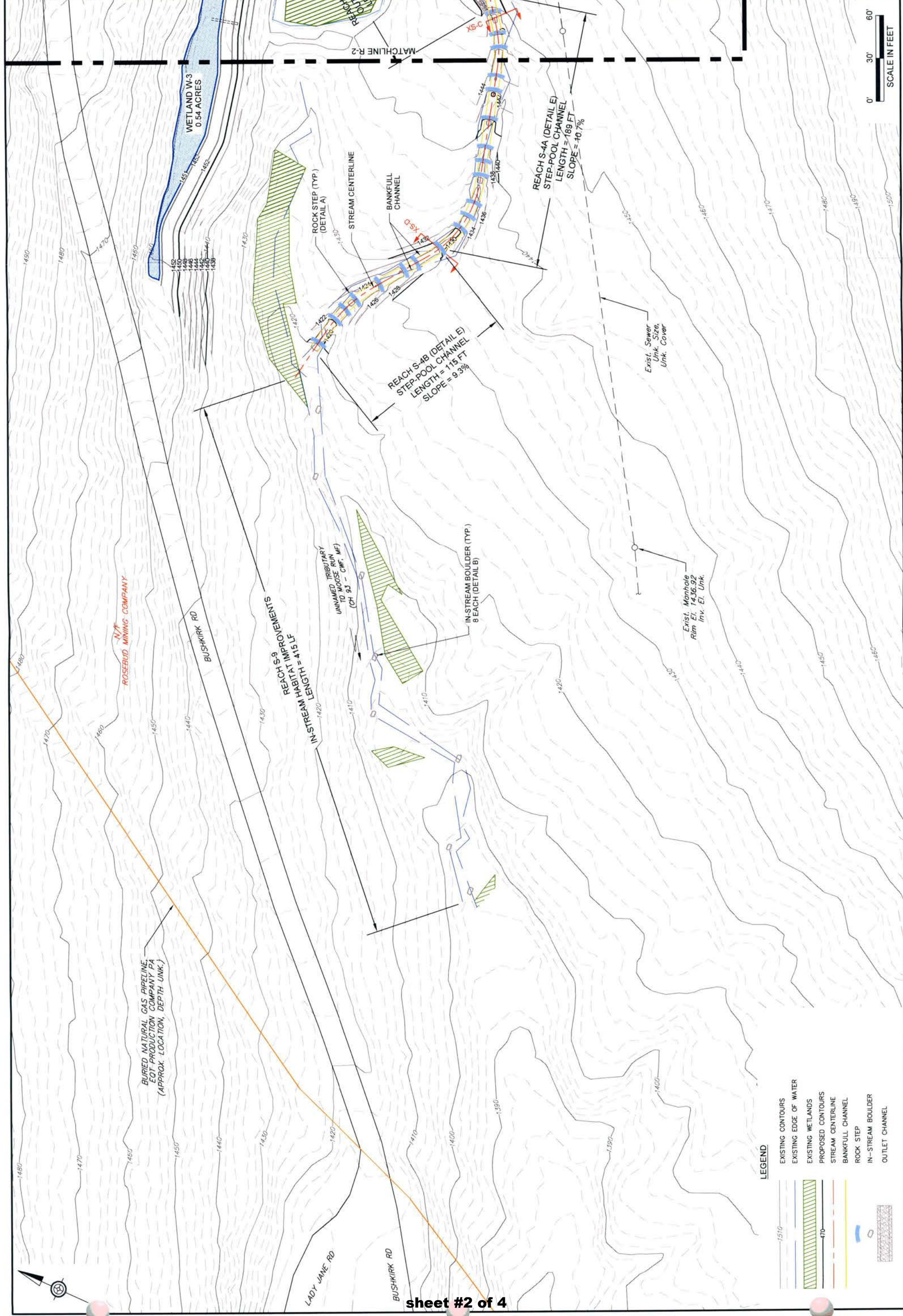
I, MICHAEL E. LOWER, DO HEREBY CERTIFY PURSUANT TO THE PENALTIES OF 18 PA. C.S.A., SECTION 4904 TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THAT THE INFORMATION CONTAINED IN THE ACCOMPANYING PLANS, SPECIFICATIONS, AND REPORTS HAS BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE, IS TRUE AND CORRECT, AND IS IN CONFORMANCE WITH CHAPTER 105 OF THE RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.



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REV	DESCRIPTION	BY	APPV	DATE

OSGN: MEL
 DFTSMN: JRG
 CHKR:
 APV:
 SCALE AS SHOWN
 HUSTON TOWNSHIP
 CLEARFIELD COUNTY, PA
 PLotted on: 2015-02-27

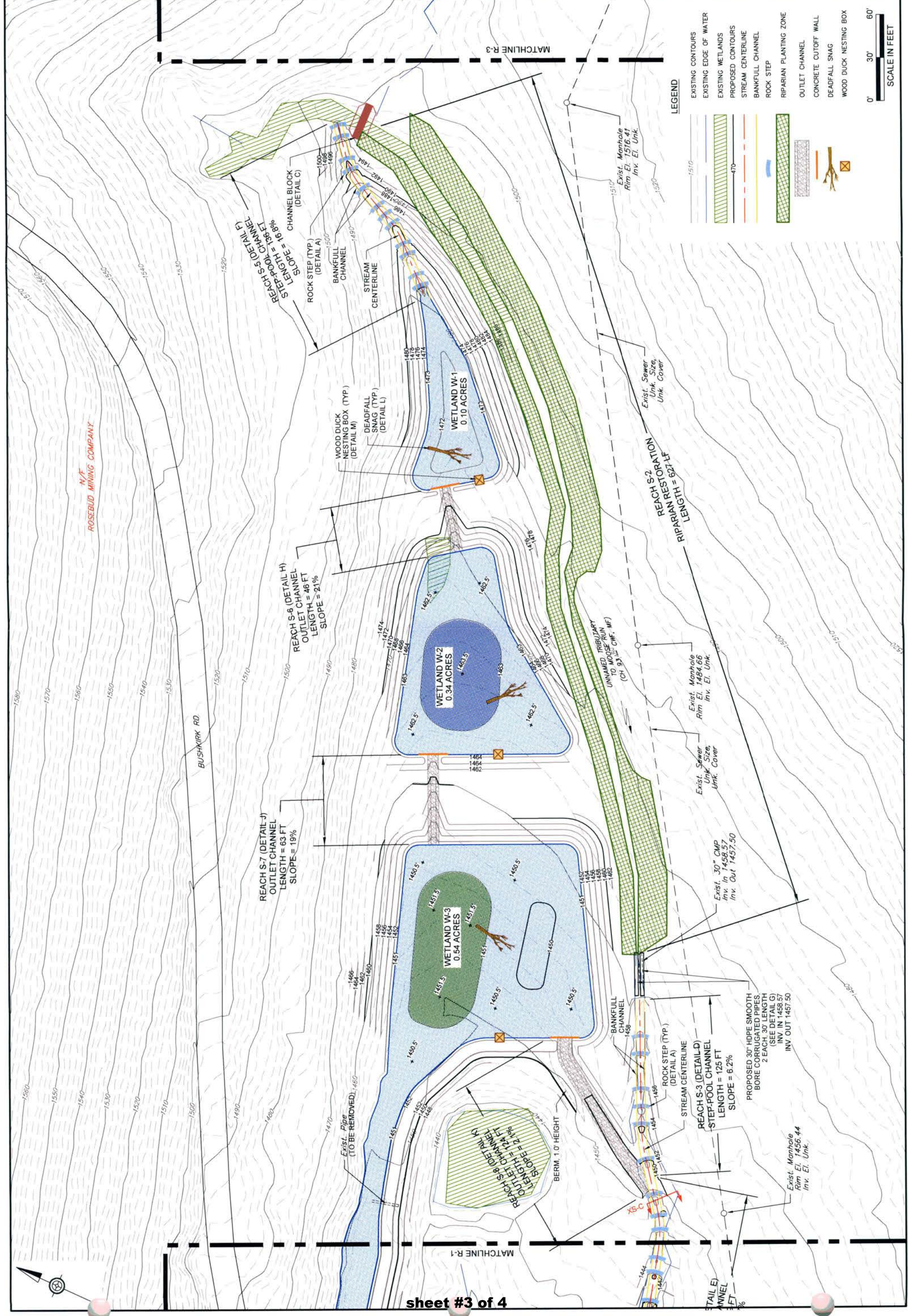




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Scale as shown
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 DFTSMN: JRG
 CHKR:



LEGEND

- EXISTING CONTOURS
- EXISTING EDGE OF WATER
- EXISTING WETLANDS
- PROPOSED CONTOURS
- STREAM CENTERLINE
- BANKFULL CHANNEL
- ROCK STEP
- RIPIARIAN PLANTING ZONE
- OUTLET CHANNEL
- CONCRETE CUTOFF WALL
- DEADFALL SNAG
- WOOD DUCK NESTING BOX





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REV	DESCRIPTION	BY	APPV	DATE

Scale: AS SHOWN
 DSON: MEL
 DFTSMN: JRG
 GHR:
 HUSTON TOWNSHIP
 CLEARFIELD COUNTY, PA

M-3
 DRAWING NO.
 LADY JANE COAL PREPARATION PLANT
 - AND -
 STREAM MITIGATION
 WETLAND MITIGATION
 MITIGATION PLAN



LEGEND

	EXISTING CONTOURS
	EXISTING EDGE OF WATER
	EXISTING WETLANDS
	PROPOSED CONTOURS
	STREAM CENTERLINE
	BANKFULL CHANNEL
	ROCK STEP