



# 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. 2007-891

Date: February 6, 2012

Notice No. 12-4

Closing Date: March 8, 2012

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. Terry Dayton  
Foundation Mining, LLC  
158 Portal Road  
P.O. Box 1020  
Waynesburg, PA 15370
  
3. LOCATION: The proposed Foundation mine is located in Center and Jackson Townships, Greene County, Pennsylvania (39.85388 N, -80.31694 W), within the Hoge Run, Grinage Run, Garner Run, and House Run watersheds; which drain into McCourtney Run, to Hargus Run, all classified as High Quality Warm Water Fisheries (HQ-WWF). Hargus Run then flow to the South Fork of Ten Mile Creek, to Ten Mile Creek, a major tributary to the Monongahela River.
  
4. PURPOSE AND DESCRIPTION OF WORK: Foundation Mining, LLC (FMLLC) proposes to construct the Foundation Mine, a new coal mine complex near the town of Holbrook in Center and Jackson Townships, Greene County, Pennsylvania. Coal produced from the Foundation Mine will be sold primarily to electric utility companies for use in electric power generation. The proposed project area boundary for Foundation Mine surface facilities encompasses approximately 1,867 acres. Surface development includes slope and shaft facilities, a supply yard, a raw coal stockpile area, a clean coal stockpile area, a batch weigh/rail spur area, coal refuse disposal areas and access roads, rail siding, a water supply impoundment, a water intake structure, and a water pipeline.  
Foundation Mining LLC has explored several alternatives for each of the following four main components of the proposed mine (See Alternative Site Maps: Pages 5-11): 1. Shaft, Slope, Coal Handling and Preparation Plant Facilities; 2. Rail Spur and Batch Weigh Coal Loading Facilities; 3. Water Supply System Facilities; and 4. Coal Refuse Disposal Areas. The applicant's preferred alternative for each of the four mine components was selected after considering environmental impacts and practicability (See Aquatic Resource Overview Maps: Pages 12-20). The applicant's preferred alternative will fill 1.304 acres of wetland and impact 59,306 linear feet (LF) of stream within Hoge Run, House Run, Grinage Run, Garner Run, McCourtneyRun and South Fork of Ten Mile Creek (See Proposed Aquatic Resource Impacts: Table 1 on Page 2).

**TABLE 1: PROPOSED AQUATIC RESOURCE IMPACTS**

Wetland Type	Wetland Impact (Fill) in Acres
Palustrine Forested Wetland (PFO)	.016
Palustrine Scrub-Shrub Wetland (PSS)	.010
Palustrine Emergent Wetland (PEM)	1.278
<b>TOTAL</b>	<b>1.304</b>

Stream Type	Stream Impact Length (LF)	Fill	Relocation	Loss
Perennial	35,632	29,901	4,924	807
Intermittent	5,218	5,218		
Ephemeral	18,456	18,456		
<b>TOTAL</b>	<b>59,306</b>	<b>53,575</b>	<b>4,924</b>	<b>807</b>

FMLLC proposes a suite of on-site and off-site mitigation approaches for the unavoidable aquatic resource impacts, including creation, restoration, enhancement, and preservation (See Stream and Wetland Mitigation Maps: Pages 21-26 and Proposed Aquatic Resource Mitigation: Table 2 on Page 2). First, 1.304 acres of wetland fill will be mitigated on site by creating a minimum of 1.415 acres of wetland replacement on existing Alpha owned parcels located along House Run.

Perennial stream fill and loss will be mitigated by restoring and permanently preserving 48,600 LF of perennial stream and riparian buffers within the Garner Run, McCourtney Run, Hoge Run, and House Run watersheds using natural stream design. The Hoge Run relocation (4,924 LF) will be mitigated in-kind by applying natural stream design.

Intermittent and ephemeral stream fill will be mitigated by permanently protecting 45,236 LF of combined High Quality (HQ) and Exceptionally Valuable (EV) headwater streams within 3 HQ subwatersheds in Garner Run (11,811 LF) and 5 EV sub-watersheds, 3 in House Run and 2 in Hoge Run (33,425 LF).

**TABLE 2: PROPOSED AQUATIC RESOURCE MITIGATION**

Wetland Type	Wetland Creation in Acres
Palustrine Forested Wetland (PFO)	.057
Palustrine Scrub-Shrub Wetland (PSS)	.058
Palustrine Emergent Wetland (PEM)	1.300
<b>TOTAL</b>	<b>1.415</b>

Stream Type	Stream Restoration Length (LF)	Stream Preservation Length (LF)
Perennial	48,600	5,603
Intermittent		10,552
Ephemeral		20,187
Unclassified Stream		8,894
<b>TOTAL</b>	<b>48,600</b>	<b>45,236</b>

5. ENCROACHMENT PERMIT: The applicant must obtain PA Chapter 105 Water Obstruction and Encroachment Permits, which include 401 Water Quality Certifications from the:

Pennsylvania Department of Environmental Protection (SMCRA Permit)  
California District Mining Office  
25 Technology Drive  
Coal Center, PA 15423  
Telephone: 412-769-1100

And

Pennsylvania Department of Environmental Protection (Rail Line Permit)  
Southwestern Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222  
Telephone: 412-442-4000

6. IMPACT ON NATURAL RESOURCES: U.S. Fish and Wildlife Service (USFWS) threatened and endangered species (T&E) clearance letters dated December 20, 2010 and October 19, 2011 indicate that the proposed mining project is not likely to adversely affect the federally endangered Indiana bat based on results of a bat mist net survey conducted on September 13, 2010 and August 8, 2011. Please note that the USFWS clearance letter only relates to endangered or threatened species under federal jurisdiction. Consequently, the USFWS T&E clearance letter does not address potential USFWS concerns under the USFWS Coordination Act. This Public Notice serves as a request to USFWS for any comments or concerns regarding this project under the USFWS Coordination Act.

7. IMPACT ON CULTURAL RESOURCES: FMLLC is currently coordinating with Pennsylvania Historic and Museum Commission (PHMC) regarding archeological and historical resources. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, pre-historical, 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.

CELRP-OP-F  
Public Notice No. 12-4

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 which would conclude in a Finding of No Significant Impact (FONSI). If such a conclusion can not be reached, comments may be used in future studies and/or the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). 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: Donald R. Bole at the above address, or by telephoning (412) 395-7576, or by e-mail at Donald.R.Bole@usace.army.mil Please refer to CELRP-OP-F 2007-891 in all responses. This public notice is posted on the U.S. Army Corps of Engineers website at the following link:  
[http://www.lrp.usace.army.mil/or/or-f/public\\_notice.htm](http://www.lrp.usace.army.mil/or/or-f/public_notice.htm)

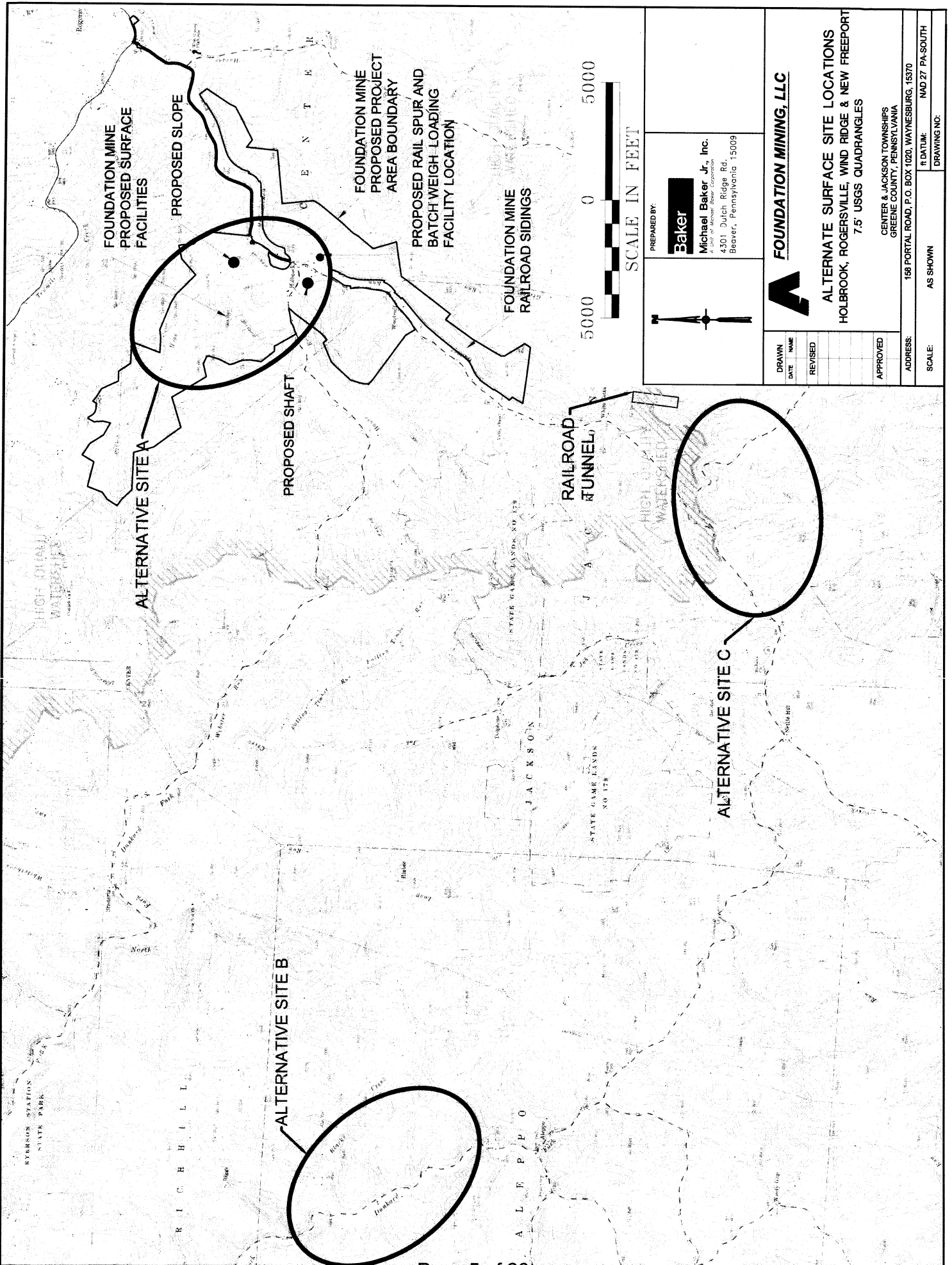
FOR THE DISTRICT ENGINEER:

/SIGNED/

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Karen A. Kochenbach  
Chief, Southern Section  
Regulatory Branch

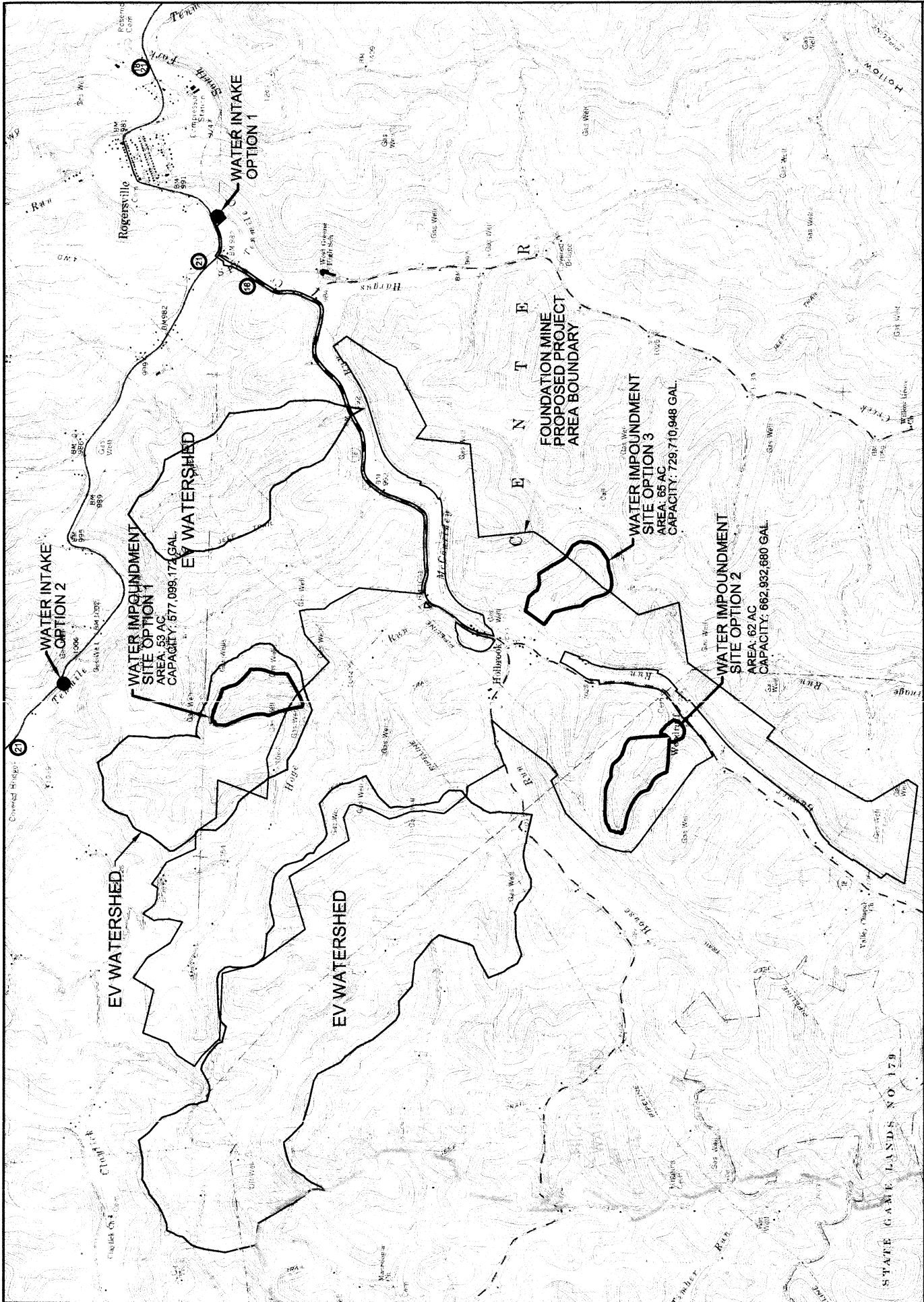




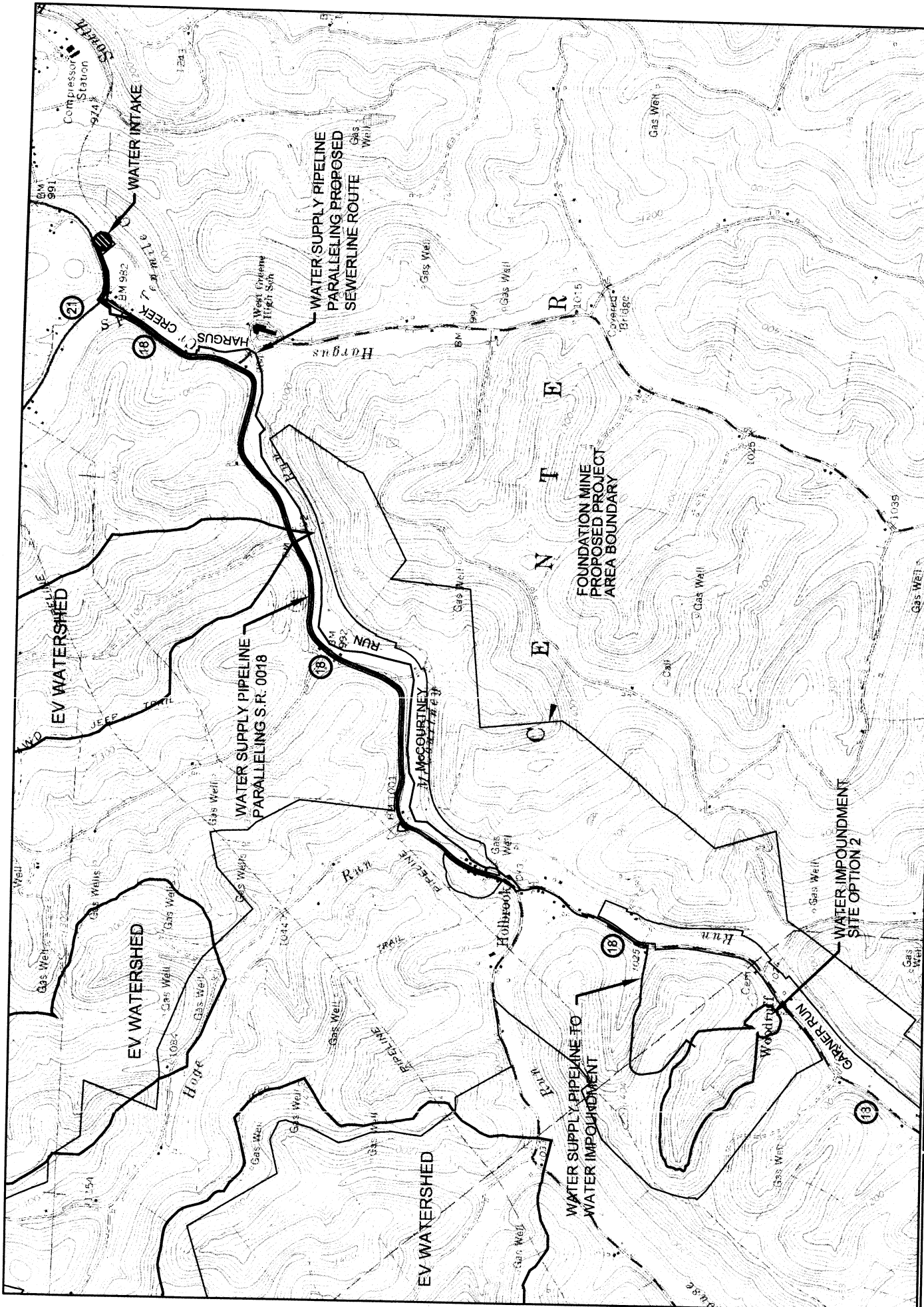
PREPARED BY:

**Baker**  
 Michael Baker Jr., Inc.  
 a Division of Baker Corporation  
 4301 Dutch Ridge Rd.  
 Beaver, Pennsylvania 15009

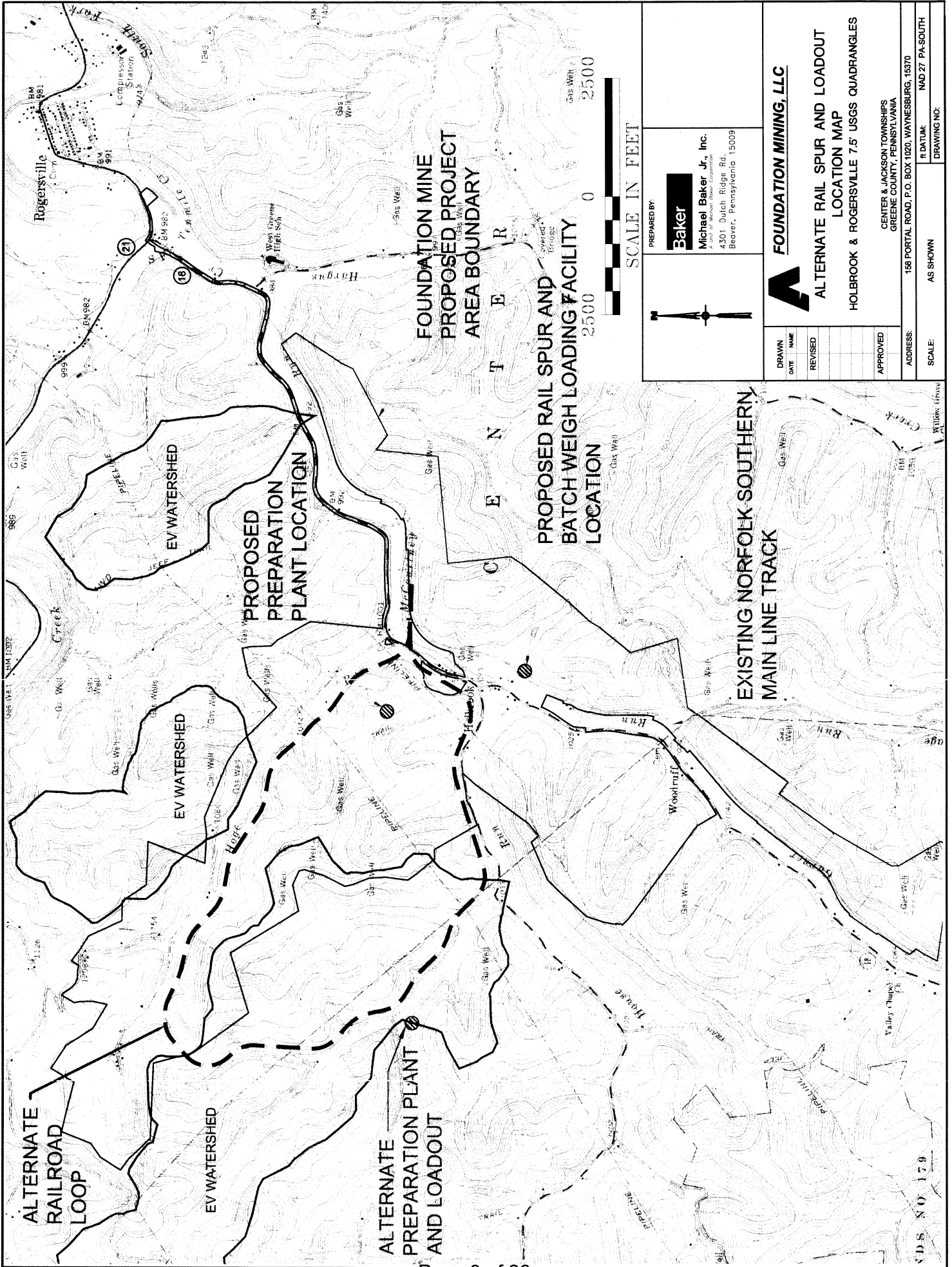
<b>FOUNDATION MINING, LLC</b>	
ALTERNATE SURFACE SITE LOCATIONS HOLBROOK, ROGERSVILLE, WIND RIDGE & NEW FREEPORT 7.5 USGS QUADRANGLES	
CENTER & JACKSON TOWNSHIPS GREENE COUNTY, PENNSYLVANIA	
ADDRESS:	188 PORTAL ROAD, P.O. BOX 1020, WAYNESBURG, 15370
SCALE:	AS SHOWN
DATE:	11/14/10
REVISIONS:	
APPROVED:	
DRAWN:	
DATE:	
REVISIONS:	
APPROVED:	
DRAWING NO.:	NAD 27 PA-SOUTH



<p>GREENE COUNTY, PA.</p>	<p>SCALE 1" = 3000'</p>	<p>FOUNDATION MINING, LLC ALTERNATE WATER IMPOUNDMENTS AND WATER INTAKE LOCATIONS</p>		<p>MICHAEL BAKER JR., INC. CONSULTING ENGINEERS BEAVER, PENNSYLVANIA</p>
<p>USGS QUAD: HOLBROOK</p>	<p>DATE 01/2012</p>			



GREENE COUNTY, PA	SCALE 1" = 2000'	FOUNDATION MINING, LLC WATER SUPPLY PIPELINE ALIGNMENT ALTERNATIVES	 MICHAEL BAKER JR., INC. CONSULTING ENGINEERS BEAVER, PENNSYLVANIA
USGS QUAD: HOLBROOK	DATE 01/2012		

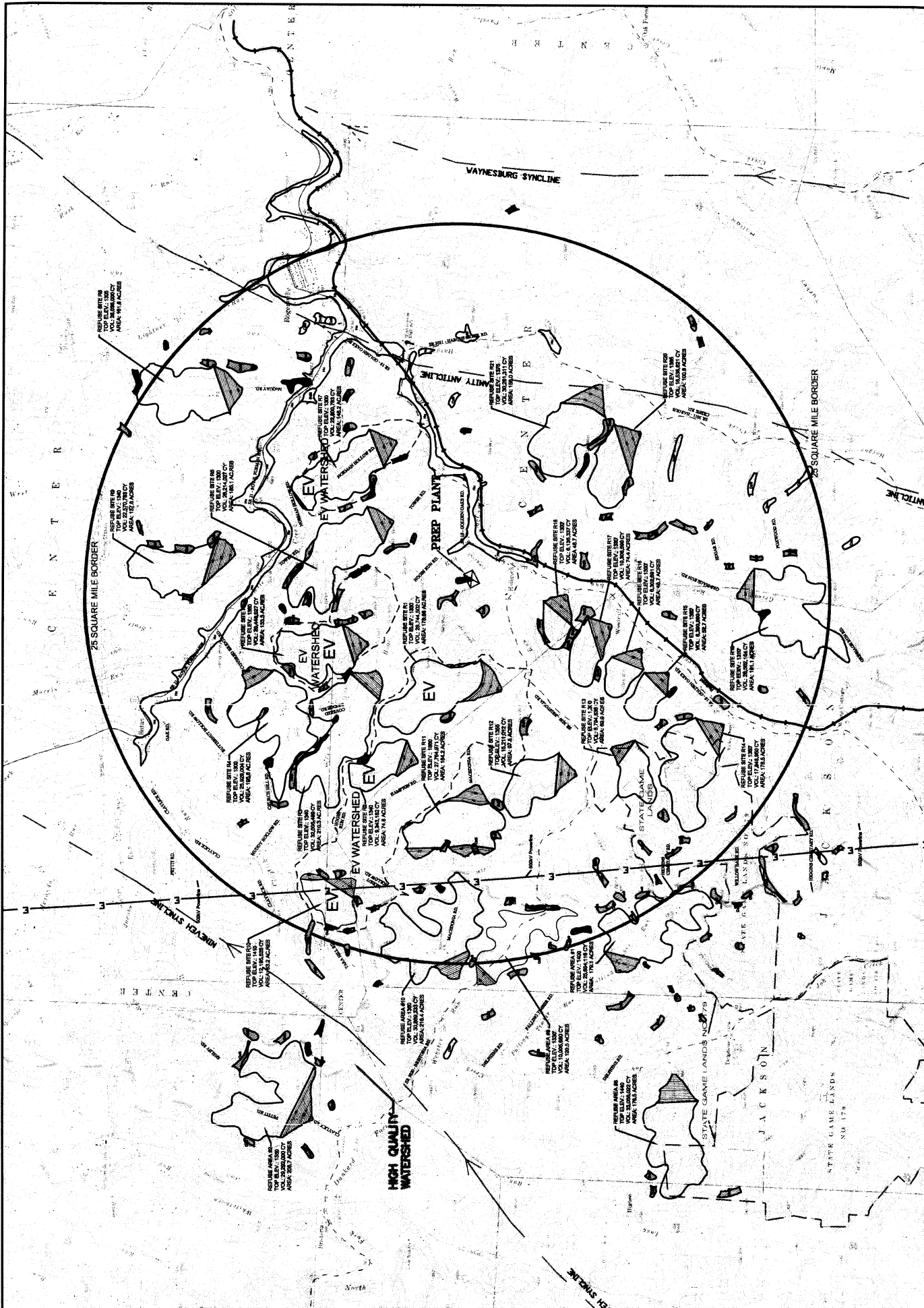


DRAWN		DATE		REVISION		APPROVED	
ADDRESS: CENTER & JACKSON TOWNSHIPS GREENE COUNTY, PENNSYLVANIA 158 PORTAL ROAD, P.O. BOX 1020, WAYNESBURG, 15370							
SCALE: AS SHOWN							
IT DATUM: NAD 27 PA-SOUTH							
DRAWING NO:							

PREPARED BY:  
**Baker**  
 Michael Baker Jr., Inc.  
 A Unit of Michael Baker Corporation  
 4301 Dutch Ridge Rd.  
 Beaver, Pennsylvania 15009

**FOUNDATION MINING, LLC**

**ALTERNATE RAIL SPUR AND LOADOUT LOCATION MAP**  
 HOLBROOK & ROGERSVILLE 7.5' USGS QUADRANGLES



**MICHAEL BAKER JR., INC.**  
 CONSULTING ENGINEERS  
 BEAVER, PENNSYLVANIA



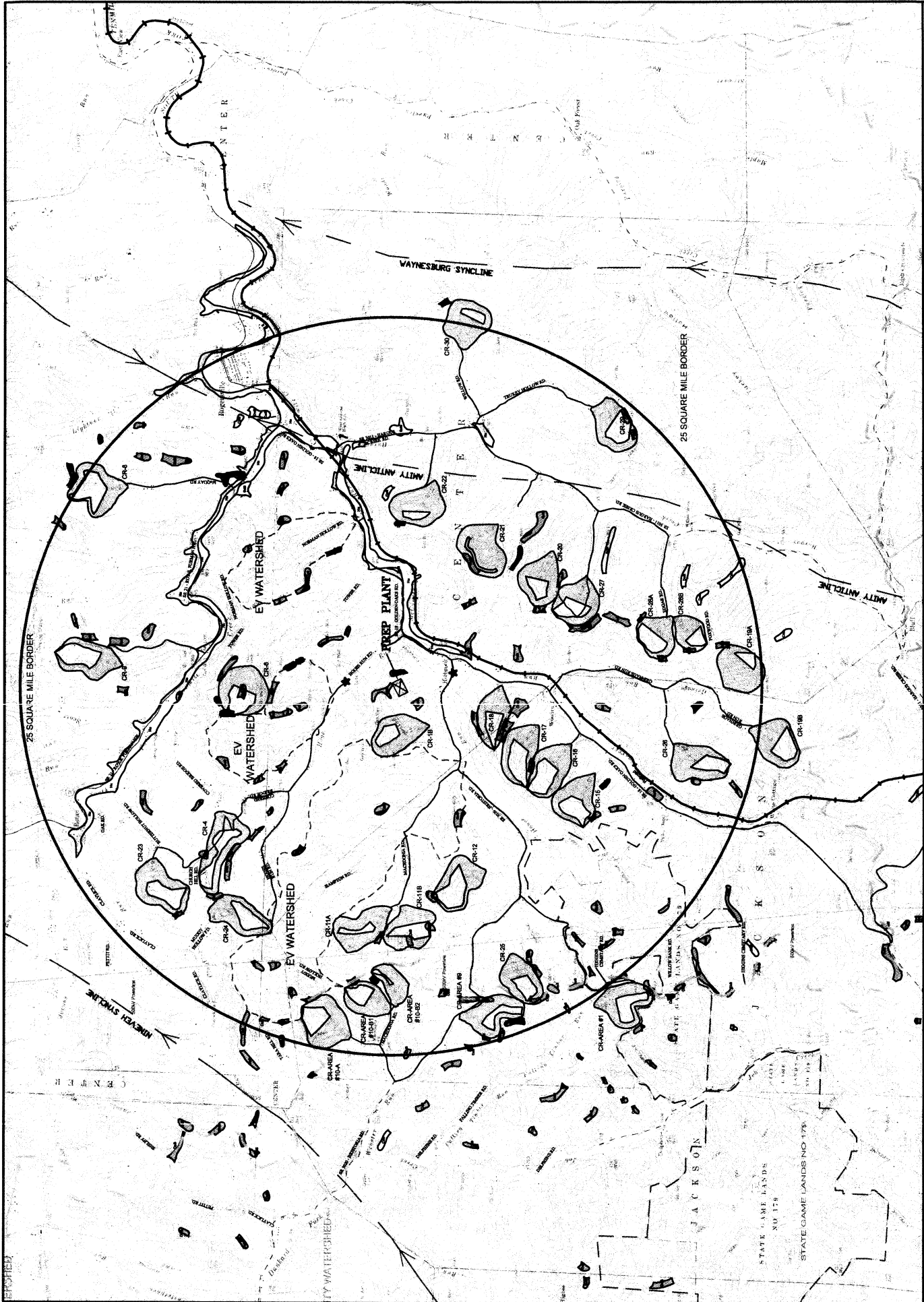
**FOUNDATION MINING, LLC**  
 ALTERNATE REFUSE / SLURRY DISPOSAL AREAS  
 LOCATION MAP



**SCALE 1" = 5000'**  
**DATE 01/2012**

**GREENE COUNTY, PA**  
**USGS QUAD: HOLBROOK**





**Michael Baker Jr., Inc.**  
 CONSULTING ENGINEERS  
 BEAVER, PENNSYLVANIA

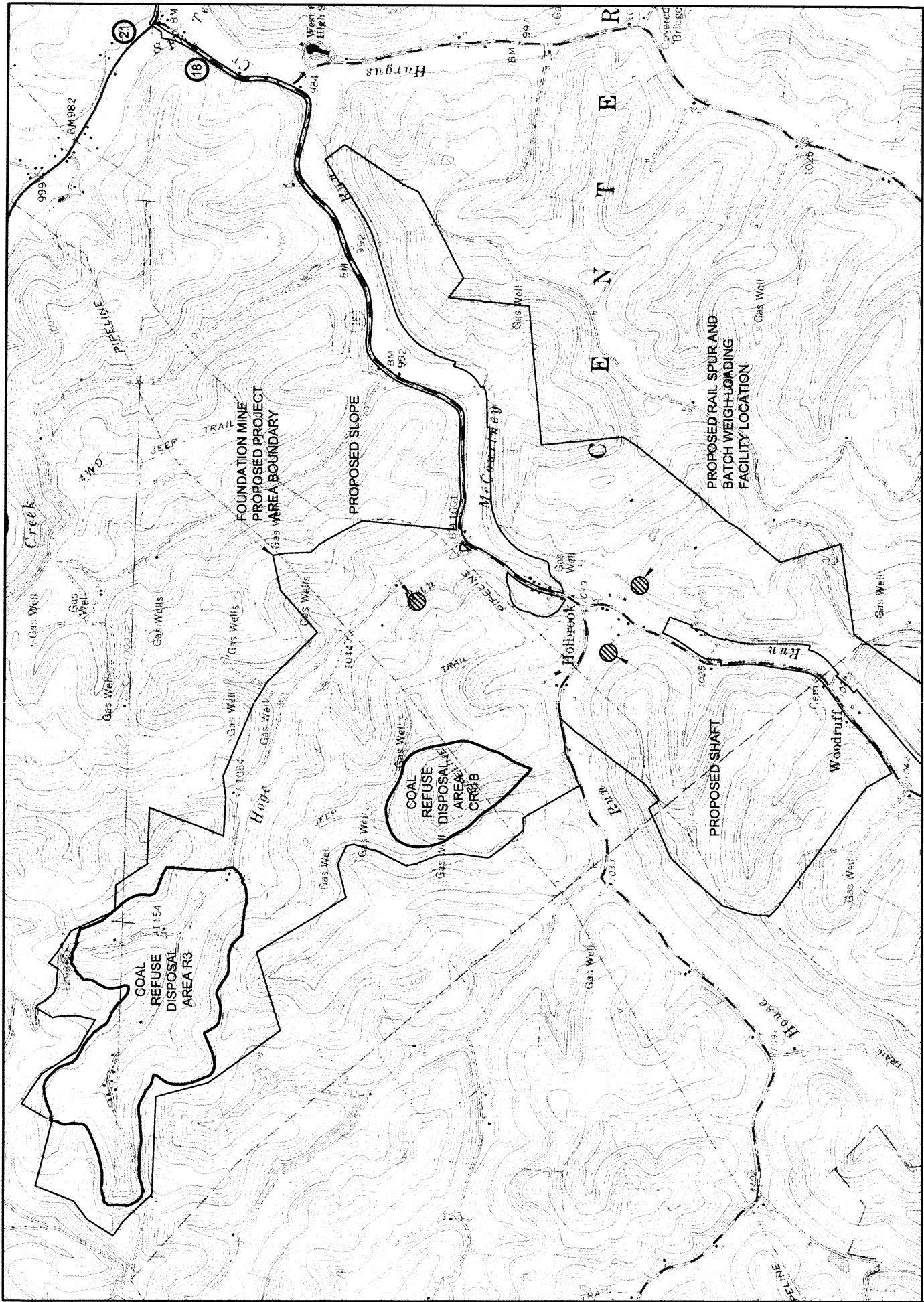


**FOUNDATION MINING, LLC**  
 ALTERNATE COARSE REFUSE DISPOSAL AREAS  
 LOCATION MAP



**SCALE** 1" = 5000'  
**DATE** 01/2012

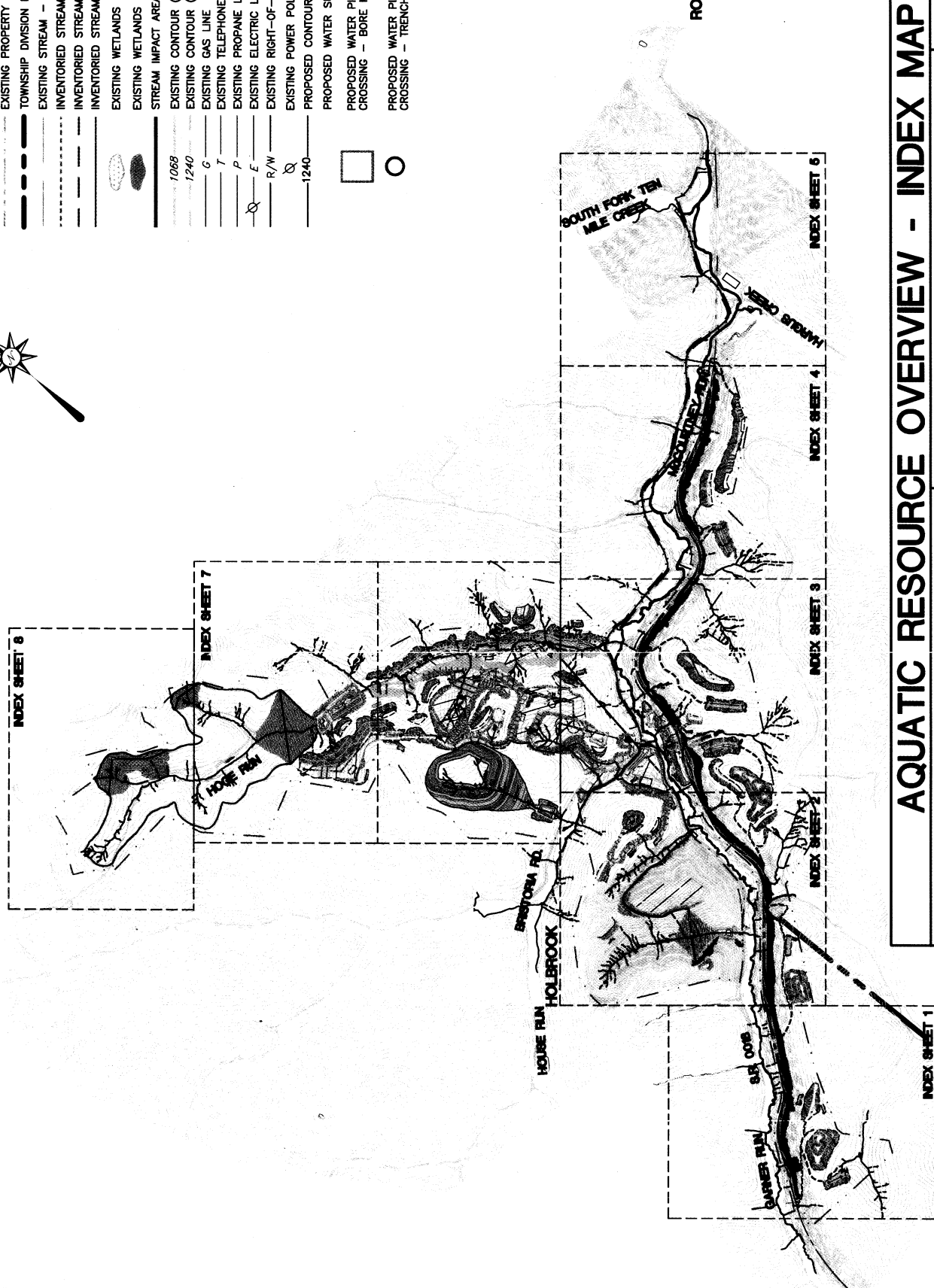
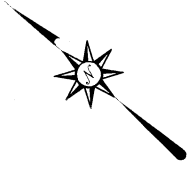
**GREENE COUNTY, PA**  
**USGS QUAD: HOLBROOK**



GREENE COUNTY, PA	SCALE 1" = 2000'	FOUNDATION MINING, LLC PROPOSED FINAL COAL REFUSE DISPOSAL AREAS LOCATION MAP	<b>Baker</b>	MICHAEL BAKER JR., INC. CONSULTING ENGINEERS BEAVER, PENNSYLVANIA
USGS QUAD: HOLBROOK	DATE 01/2012			

**GENERAL LEGEND**

- PROPOSED PROJECT BOUNDARY
- EXISTING PROPERTY LINE
- TOWNSHIP DIVISION LINE
- EXISTING STREAM - NOT CLASSIFIED
- INVENTORIED STREAM - EPHEMERAL
- INVENTORIED STREAM - INTERMITTENT
- INVENTORIED STREAM - PERENNIAL
- EXISTING WETLANDS
- EXISTING WETLANDS IMPACTED
- STREAM IMPACT AREA
- EXISTING CONTOUR (2' INTERVAL)
- EXISTING CONTOUR (5' INTERVAL)
- EXISTING GAS LINE
- EXISTING TELEPHONE LINE
- EXISTING PROPANE LINE
- EXISTING ELECTRIC LINE & POLE
- EXISTING RIGHT-OF-WAY
- EXISTING POWER POLE
- PROPOSED CONTOUR
- PROPOSED WATER SUPPLY PIPELINE
- PROPOSED WATER PIPELINE STREAM CROSSING - BORE METHOD
- PROPOSED WATER PIPELINE STREAM CROSSING - TRENCH METHOD



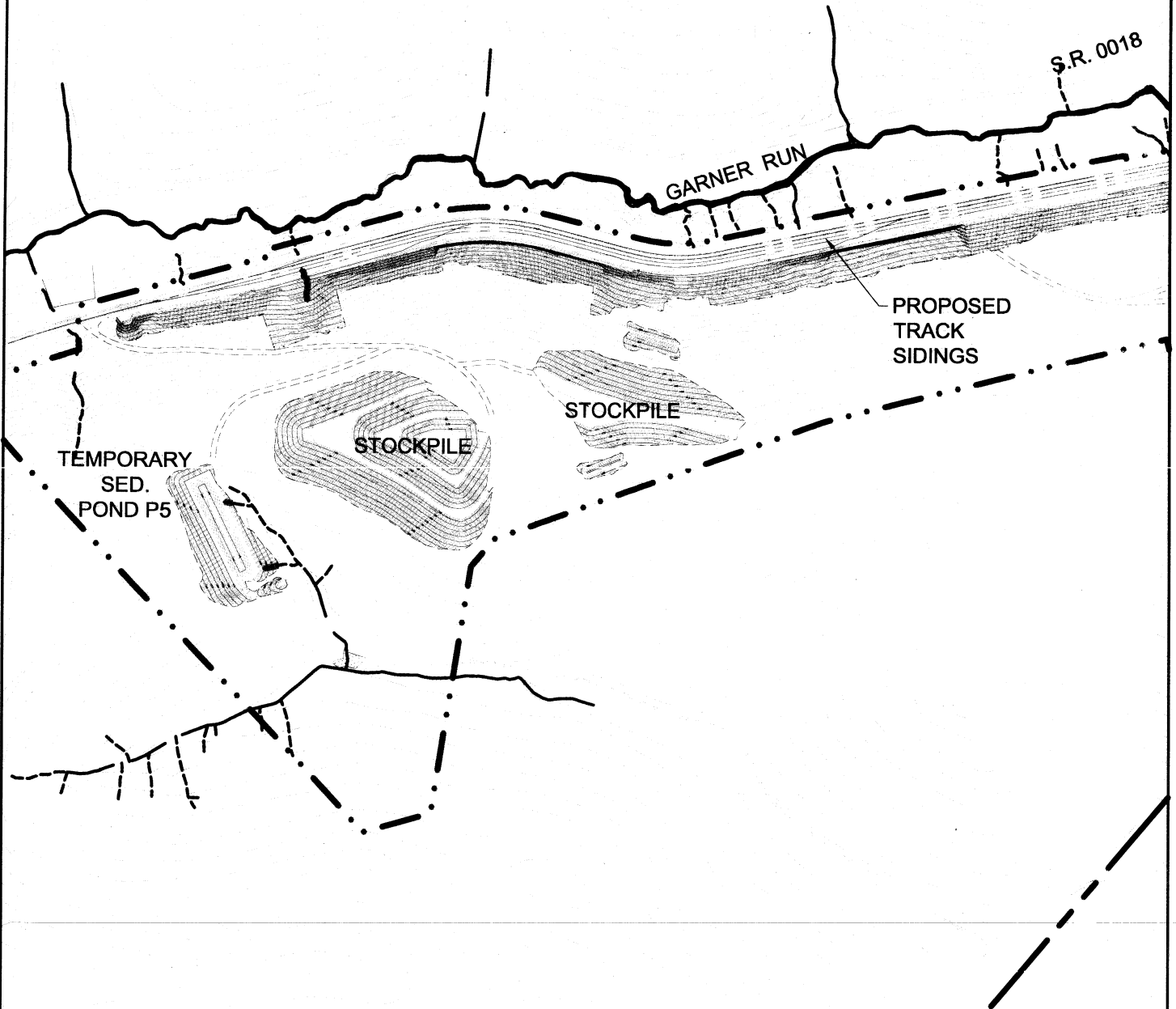
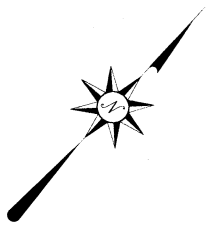
**AQUATIC RESOURCE OVERVIEW - INDEX MAP**

Michael Baker Jr., Inc.  
 A Unit of Michael Baker Corporation  
 4301 Dutch Ridge Road  
 Beaver, Pennsylvania 15009



SCALE: 1" = 3000' S.O. NO. \_\_\_\_\_  
 DATE: 01/2012 FILE: \_\_\_\_\_



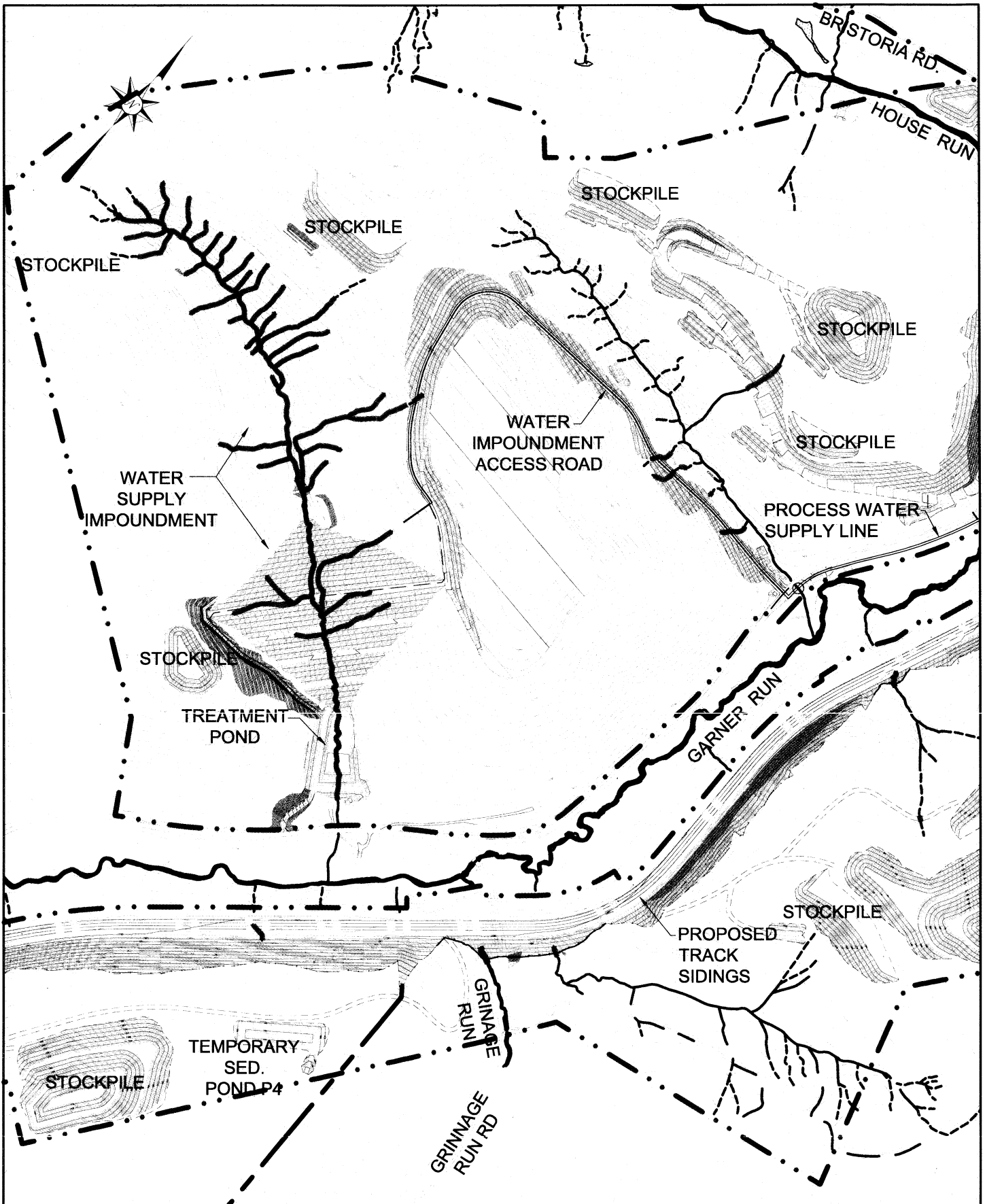


# AQUATIC RESOURCE INDEX SHEET 1

SCALE: **1" = 600'** S.O. NO. \_\_\_\_\_  
DATE: **01/2012** FILE: \_\_\_\_\_

**Baker**

Michael Baker Jr., Inc.  
*A Unit of Michael Baker Corporation*  
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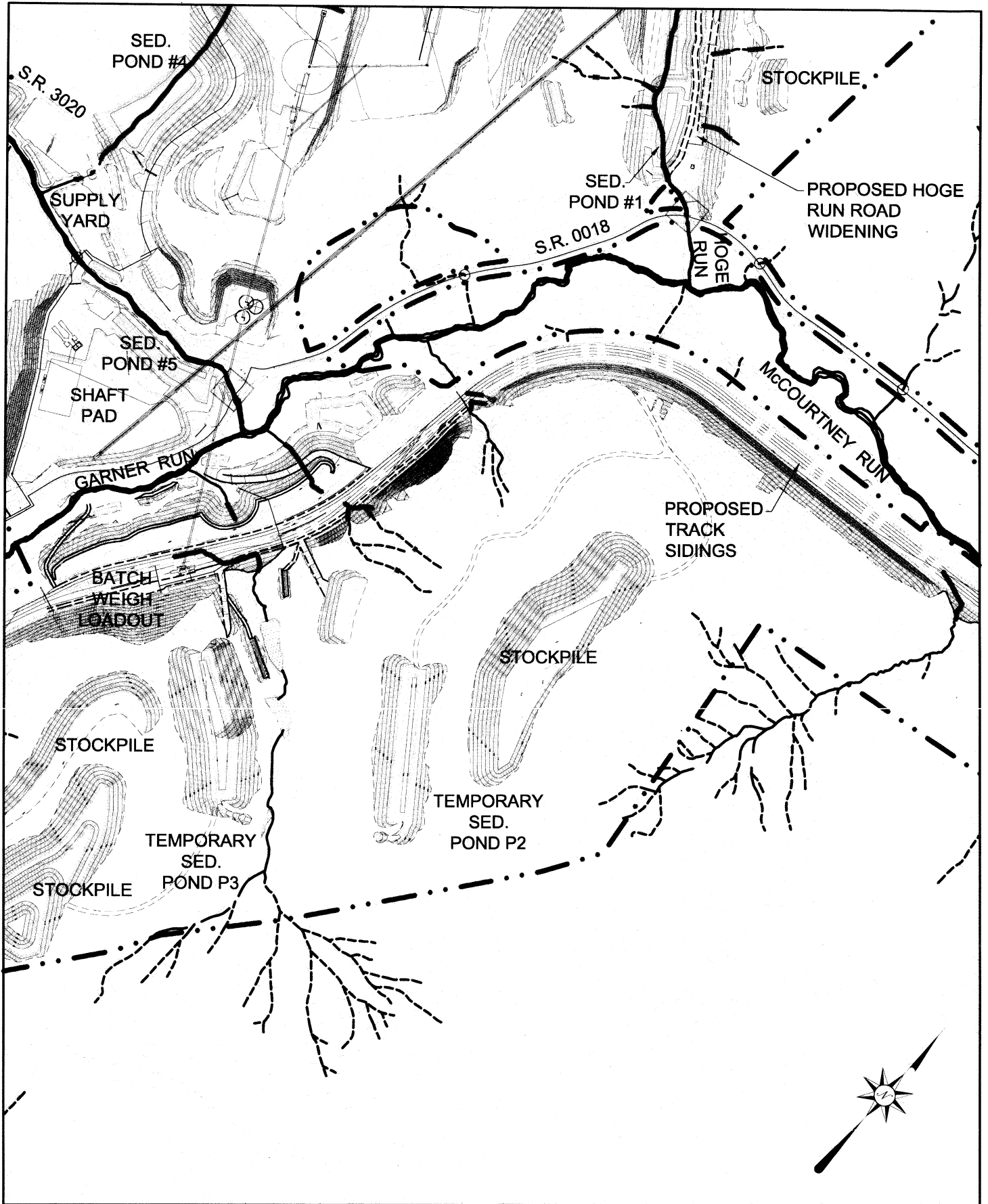


## AQUATIC RESOURCE INDEX SHEET 2

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**Baker**

Michael Baker Jr., Inc.  
 A Unit of Michael Baker Corporation  
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 Beaver, Pennsylvania 15009

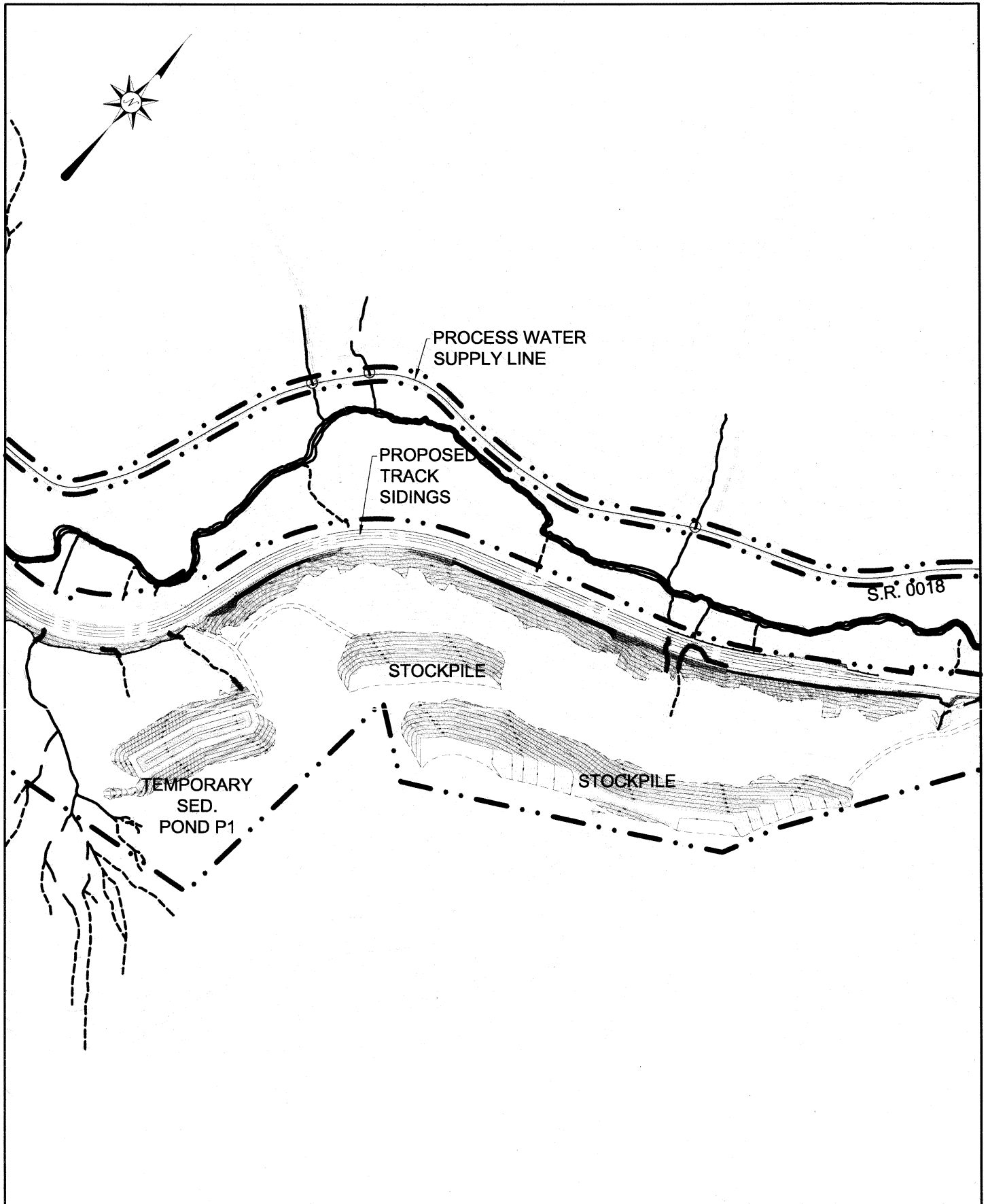


## AQUATIC RESOURCE INDEX SHEET 3

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**Baker**

Michael Baker Jr., Inc.  
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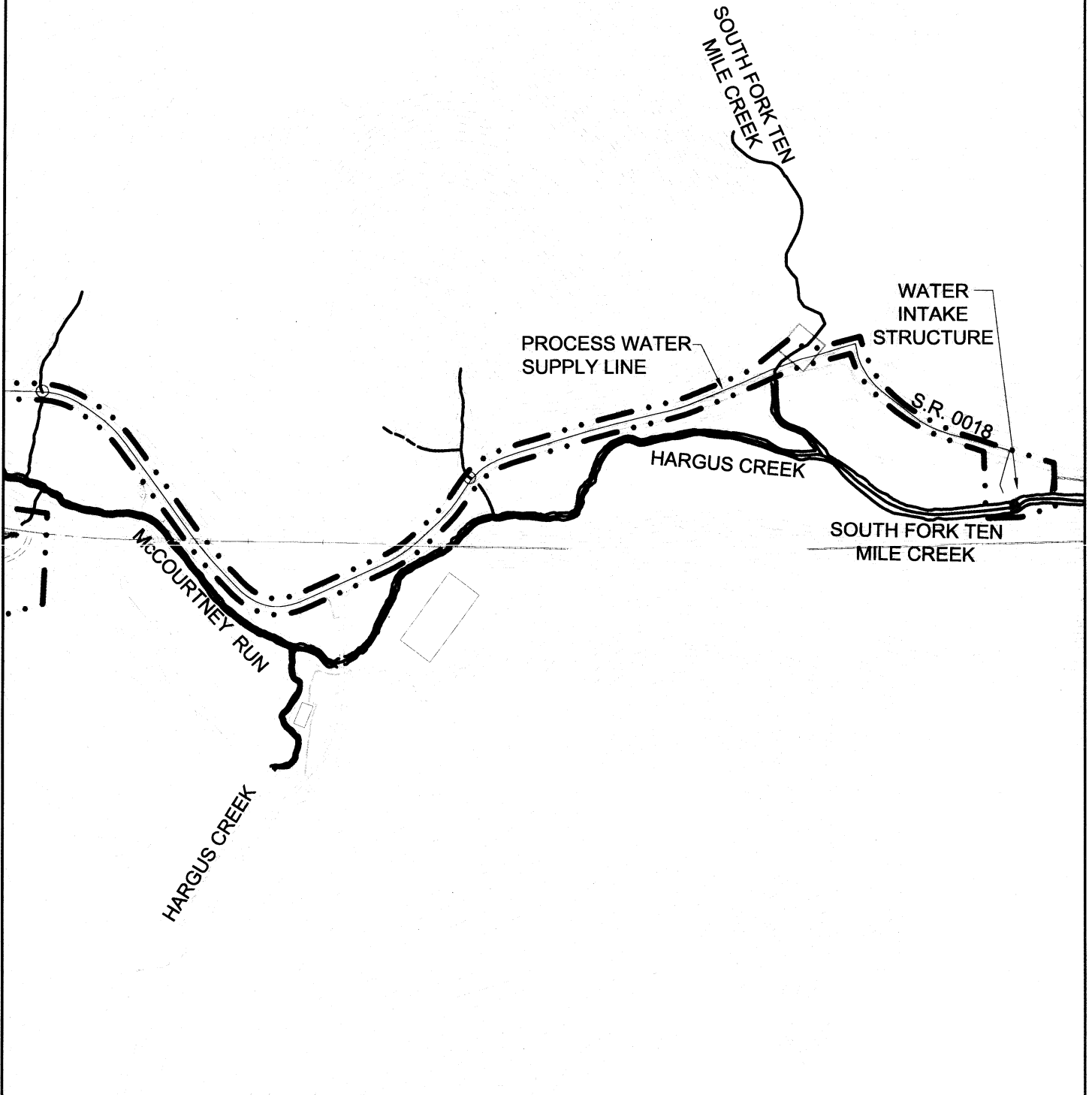
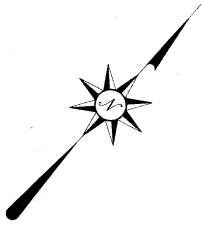


## AQUATIC RESOURCE INDEX SHEET 4

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**Baker**

**Michael Baker Jr., Inc.**  
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 4301 Dutch Ridge Road  
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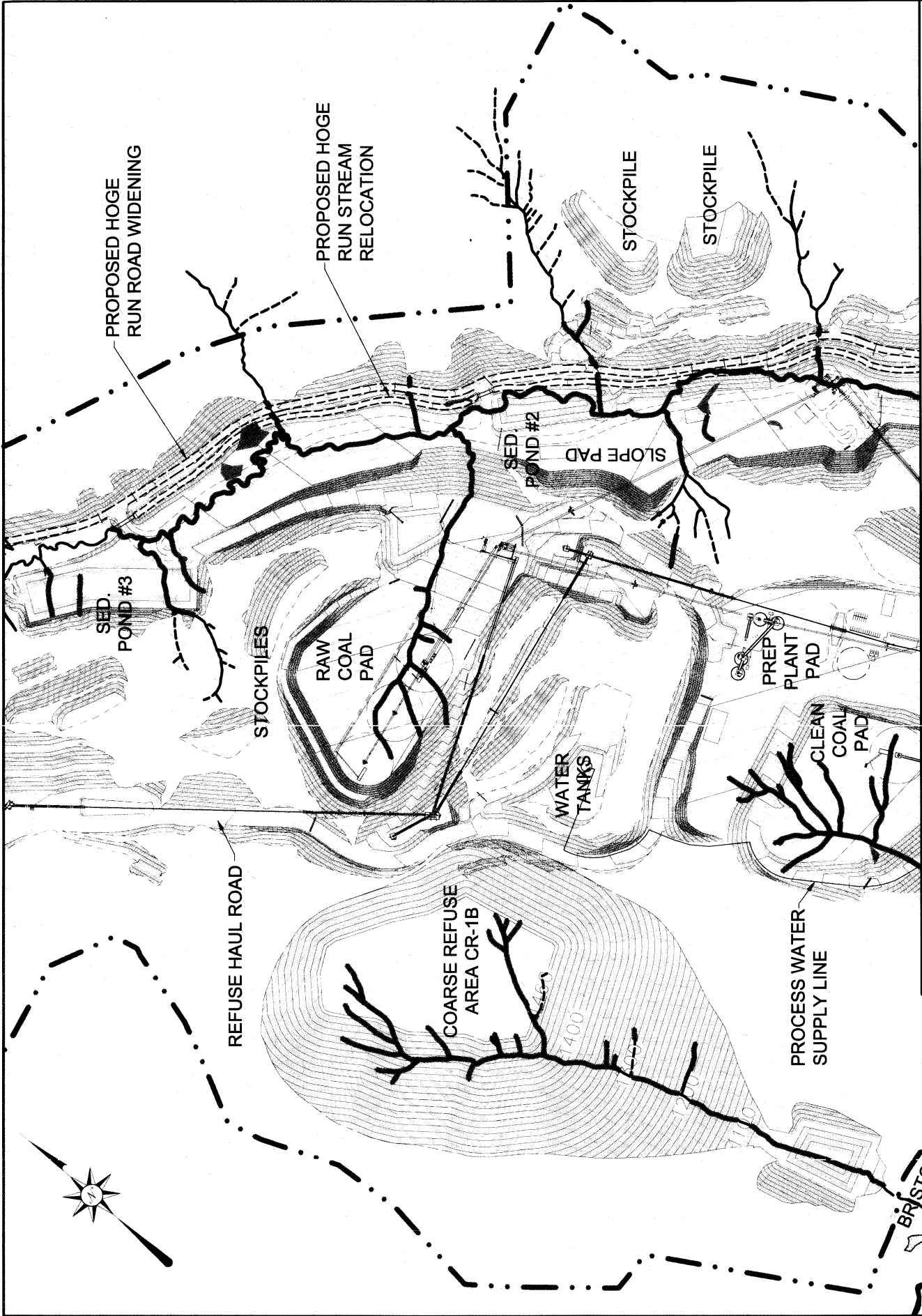


## AQUATIC RESOURCE INDEX SHEET 5

SCALE: **1" = 600'** S.O. NO. \_\_\_\_\_  
DATE: **01/2012** FILE: \_\_\_\_\_

**Baker**

Michael Baker Jr., Inc.  
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4301 Dutch Ridge Road  
Beaver, Pennsylvania 15009



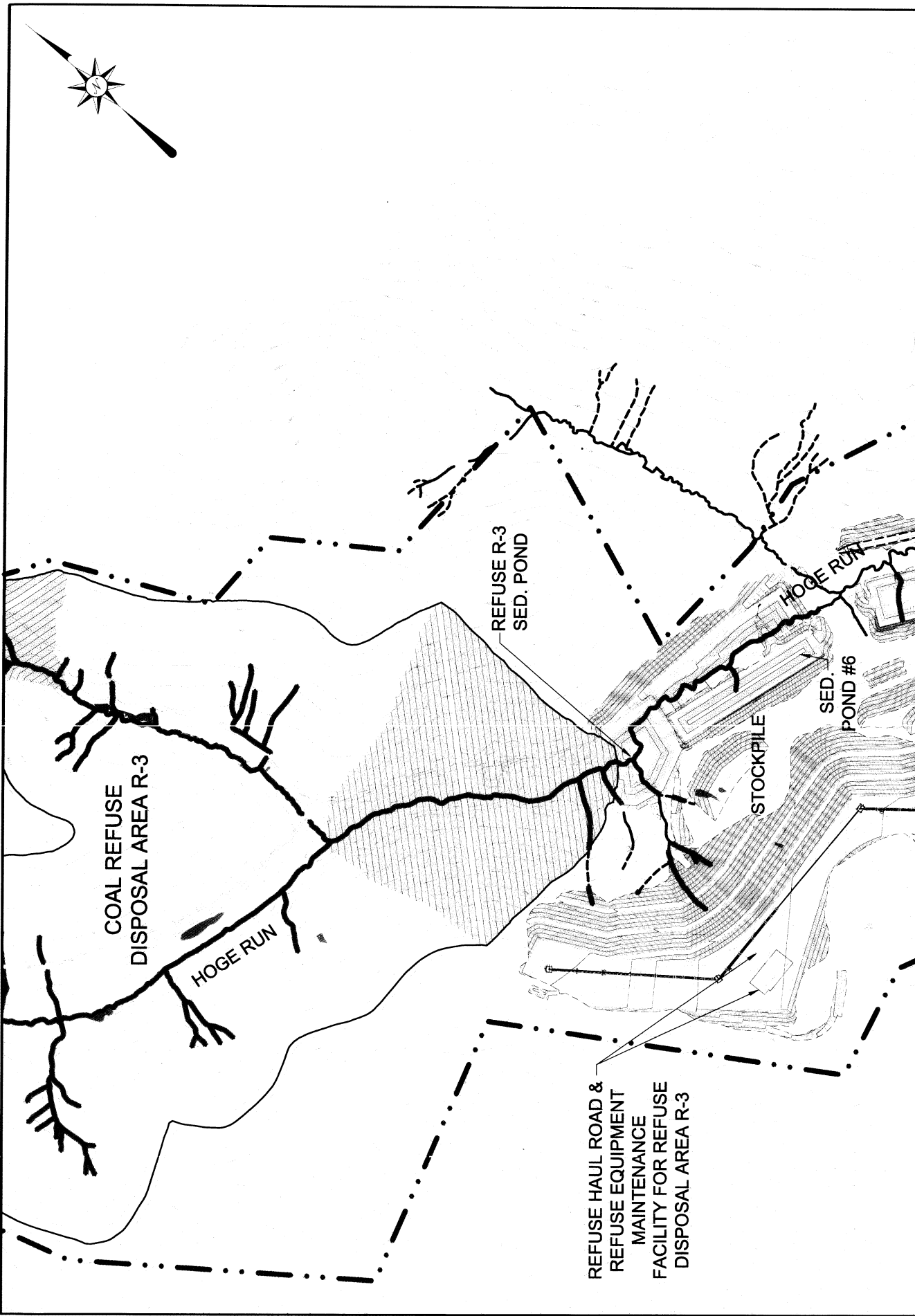
**AQUATIC RESOURCE INDEX SHEET 6**

Michael Baker Jr., Inc.  
 A Unit of Michael Baker Corporation  
 4301 Dutch Ridge Road  
 Beaver, Pennsylvania 15009

**Baker**

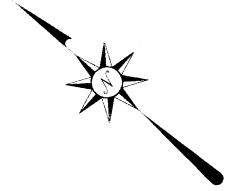
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DATE: **01/2012** FILE: \_\_\_\_\_



**AQUATIC RESOURCE INDEX SHEET 7**

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<p><b>Baker</b></p>		
<p>Michael Baker Jr., Inc. A Unit of Michael Baker Corporation 4301 Dutch Ridge Road Beaver, Pennsylvania 15009</p>		



**AQUATIC RESOURCE INDEX SHEET 8**

SCALE: **1" = 600'** S.O. NO. \_\_\_\_\_  
DATE: **01/2012** FILE: \_\_\_\_\_

**Baker**

**Michael Baker Jr., Inc.**  
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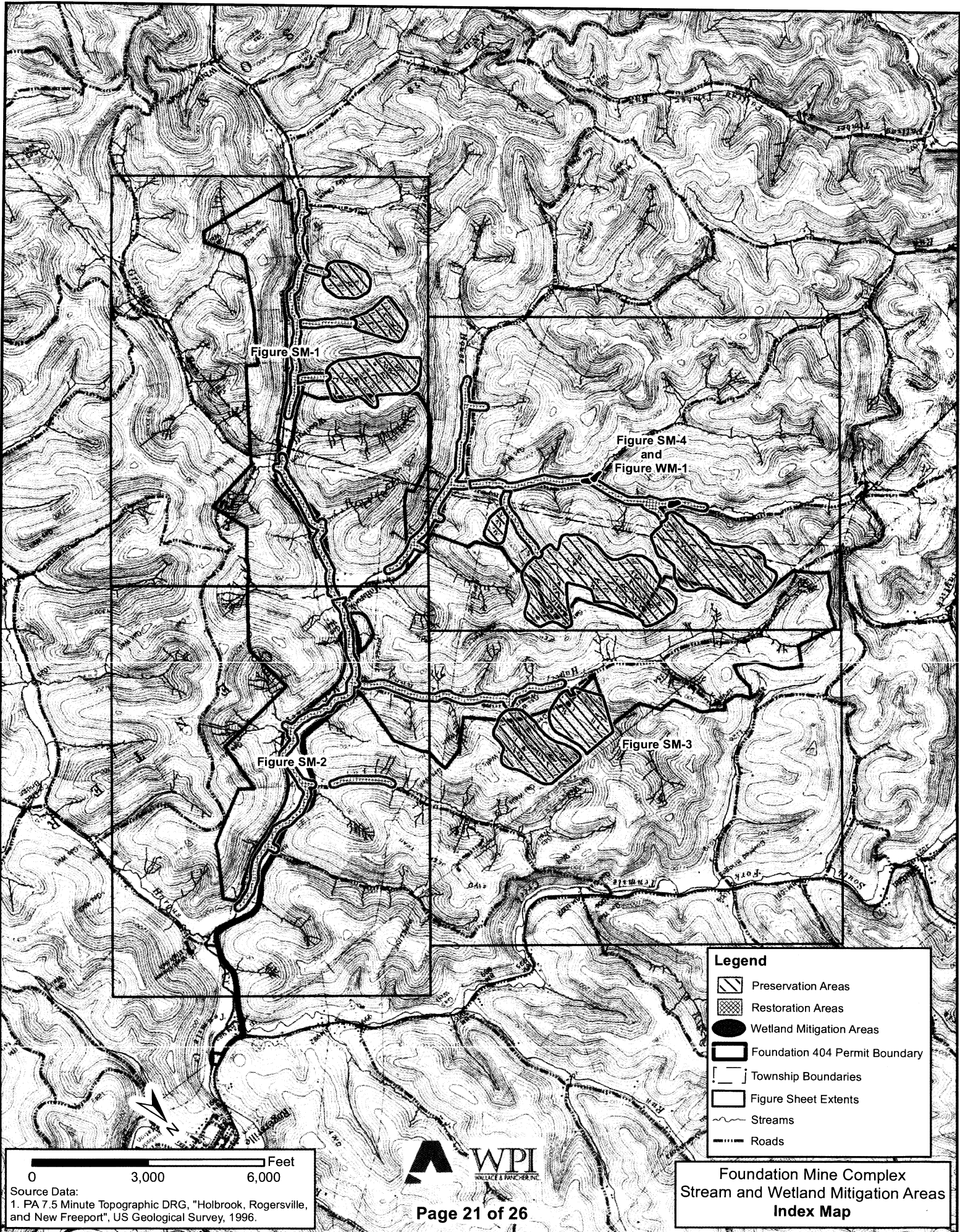


Figure SM-1

Figure SM-4  
and  
Figure WM-1

Figure SM-2

Figure SM-3

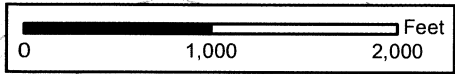
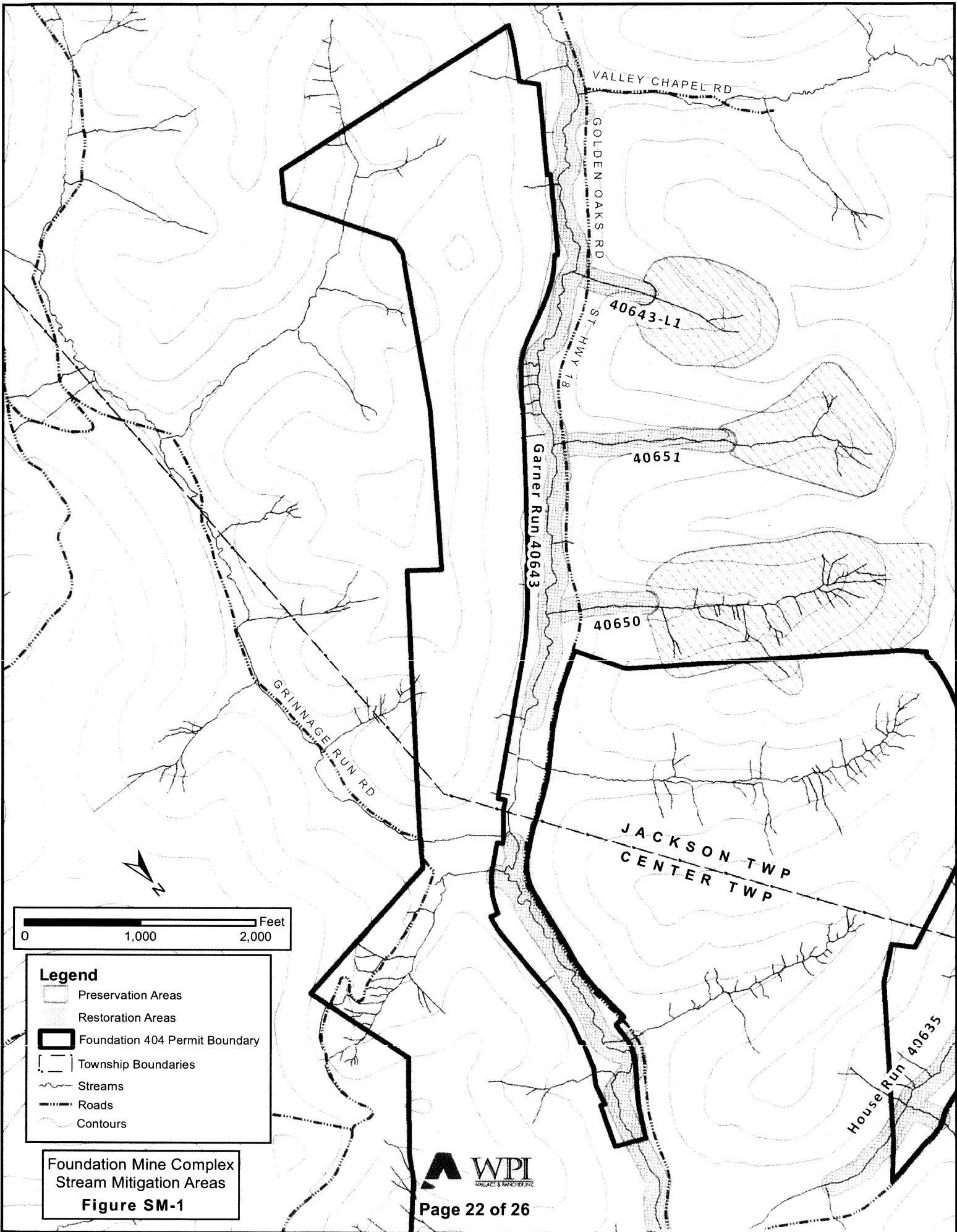
**Legend**

-  Preservation Areas
-  Restoration Areas
-  Wetland Mitigation Areas
-  Foundation 404 Permit Boundary
-  Township Boundaries
-  Figure Sheet Extents
-  Streams
-  Roads

0 3,000 6,000 Feet

Source Data:  
1. PA 7.5 Minute Topographic DRG, "Holbrook, Rogersville,  
and New Freeport", US Geological Survey, 1996.

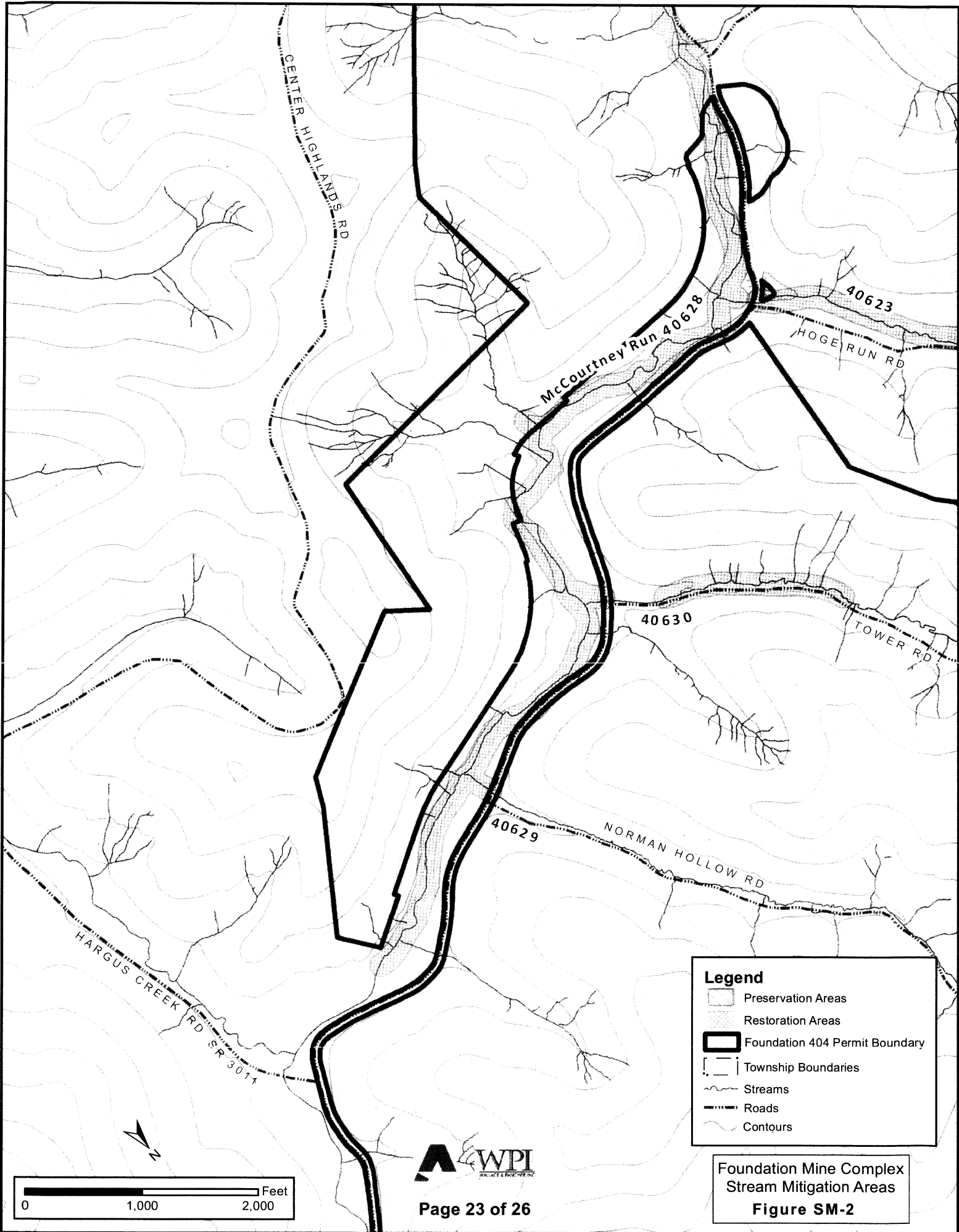











**Legend**

- Preservation Areas
- Restoration Areas
- Foundation 404 Permit Boundary
- Township Boundaries
- Streams
- Roads
- Contours

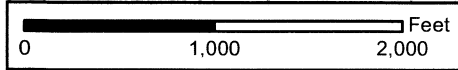
Foundation Mine Complex  
Stream Mitigation Areas  
**Figure SM-1**

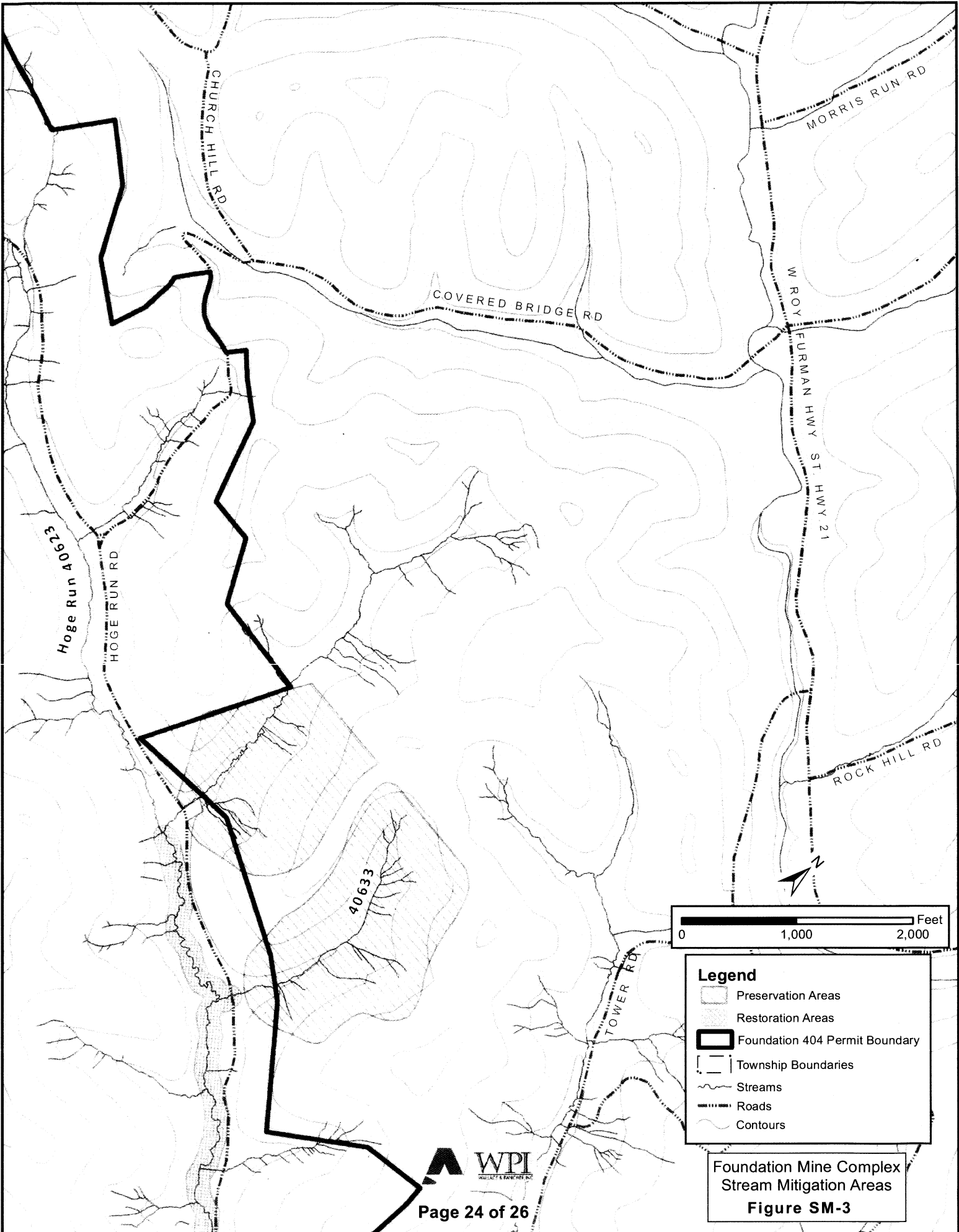


**Legend**

-  Preservation Areas
-  Restoration Areas
-  Foundation 404 Permit Boundary
-  Township Boundaries
-  Streams
-  Roads
-  Contours

Foundation Mine Complex  
Stream Mitigation Areas  
**Figure SM-2**



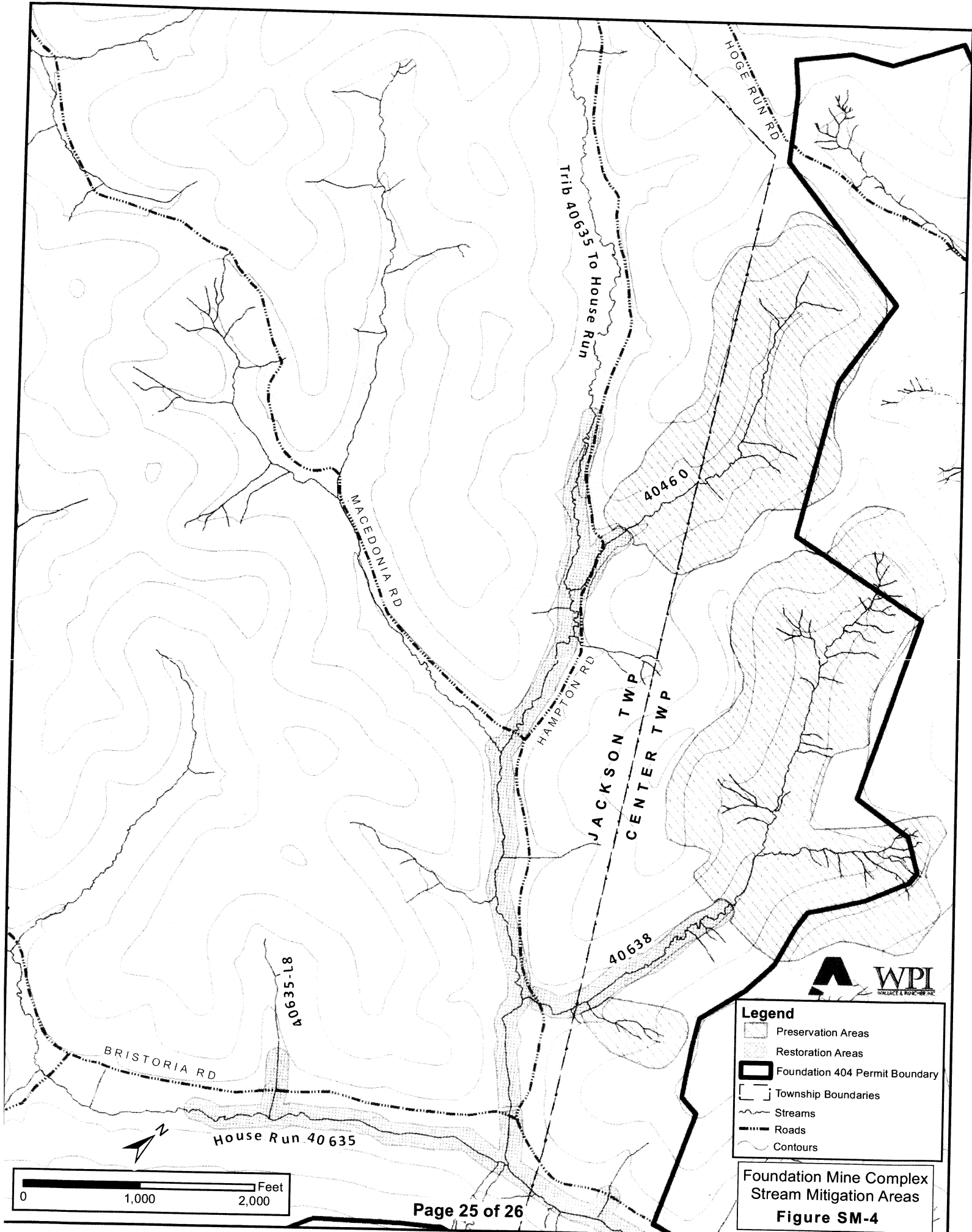


**Legend**

- Preservation Areas
- Restoration Areas
- Foundation 404 Permit Boundary
- Township Boundaries
- Streams
- Roads
- Contours

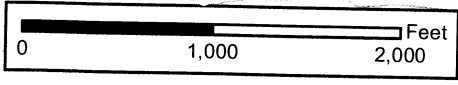
Foundation Mine Complex  
Stream Mitigation Areas  
**Figure SM-3**

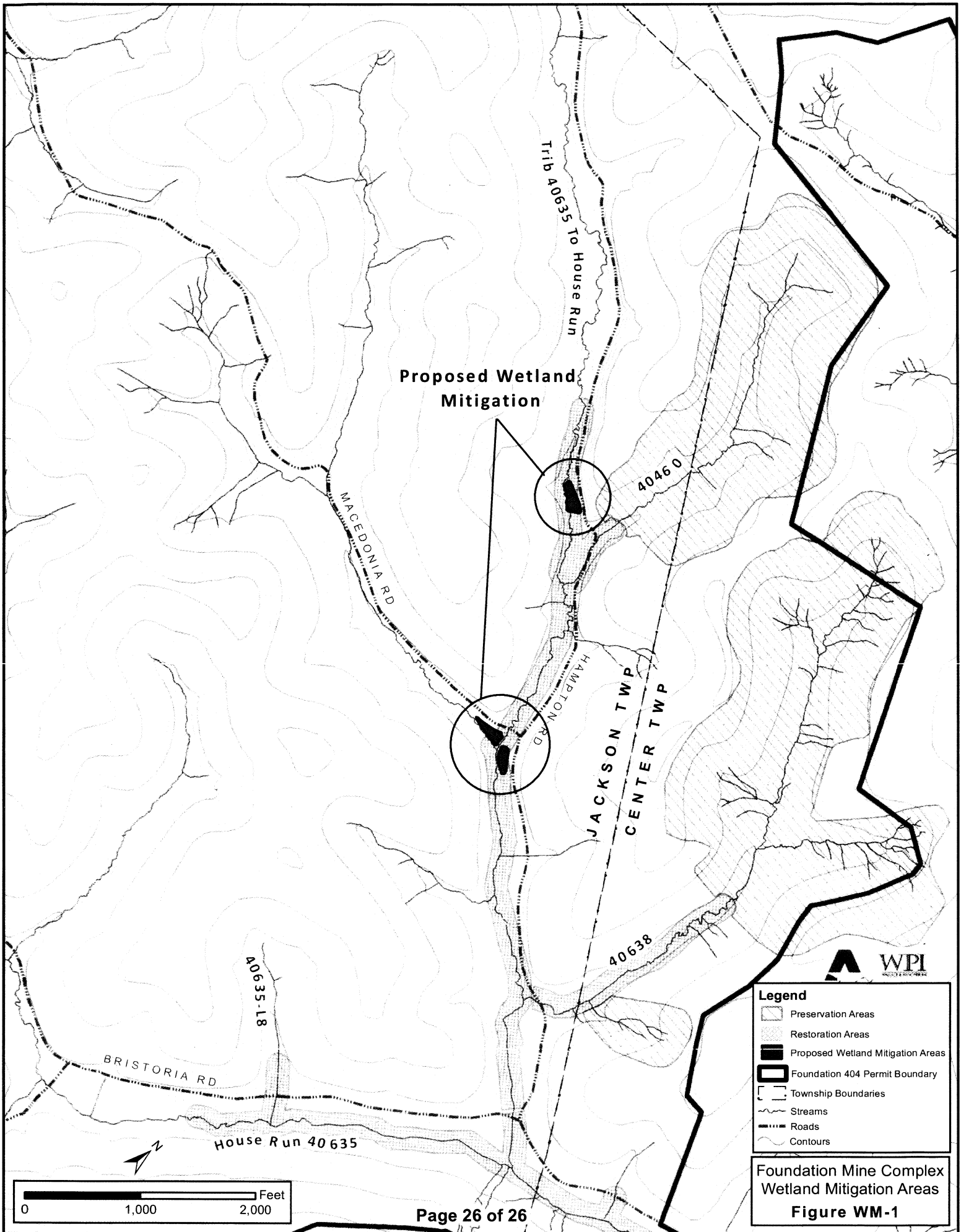




- Legend**
- Preservation Areas
  - Restoration Areas
  - Foundation 404 Permit Boundary
  - Township Boundaries
  - Streams
  - Roads
  - Contours

**Foundation Mine Complex  
Stream Mitigation Areas  
Figure SM-4**





**Proposed Wetland Mitigation**

- Legend**
- Preservation Areas
  - Restoration Areas
  - Proposed Wetland Mitigation Areas
  - Foundation 404 Permit Boundary
  - Township Boundaries
  - Streams
  - Roads
  - Contours

**Foundation Mine Complex  
Wetland Mitigation Areas  
Figure WM-1**