

## Module 4: Areas Where Mining is Prohibited or Limited

### [§§77.126 & 77.504]

#### 4.1 Are mining activities proposed within any of the following?

Yes No

- Within 100 feet of the outside line of right-of-way of a public highway. (If yes, complete Module 10.12)
- Within 300 feet of an occupied dwelling house or commercial or industrial building, unless released by the owner thereof. (Attach the notarized, written waiver by the current owner)
- Within 300 feet of a public building, school or community or institutional building.
- Within 300 feet of a public park.
- Within 100 feet of a cemetery.
- Within 100 feet of the bank of a perennial or intermittent stream.
- Within 125 feet of an oil or gas well.

**Note:** If the answer to any of the above is "yes", the applicant must demonstrate compliance with 25 Pa Code Section 77.504 (b) (relating to exceptions to the distance limitations).

#### Expansion of Pits within Distance Limitation in §77.504(a):

Provide a demonstration that special circumstances warrant operations within the distance limitation, the environment and the interests of the public and landowners affected thereby will be adequately protected, and that there are no feasible or prudent alternatives to opening the pit within the distance limitation. The applicant must give a public notice of the application in two newspapers of general circulation in the area, once a week for 2 successive weeks, and give notice by mail to the municipality in which the operation is located. Note: publication in one paper for 4 weeks is acceptable if the notice is included with the notice required under 25 Pa. Code § 77.121(a).

#### Expansion of Pits within Distance Limitation in 77.504(a):

Provide a demonstration that special circumstances warrant activities within the distance limitation, that the environment and the interests of the public and landowners affected thereby will be adequately protected, and that there are no feasible or prudent alternatives to opening the pit within the distance limitation.

No mineral removal will occur within 300 feet of a structure. The variance is for support activities only for a haul road use and erosion and sedimentation control facilities. Building waivers where mining activities are proposed within 300 feet are included. See the attached original recorded waiver for property 2. An original recorded building waiver is also included for property 22, this building is unoccupied. No mineral removal will occur within the 100' stream variances. The variances are being requested for support activities only; see Module 14 for stream variance details.

4.2 Is the proposed permit area within or adjacent to a stream or river designated as part of the Federal or State Wild and Scenic River System?  Yes  No [PA Scenic Rivers Act, § 132 P.S. 820.21-820.29]

4.3 **Cultural or Historic Resources.** Attach the completed Cultural Resource Notice Form (0120-PM-PY0003) for this proposed permit area along with the certified mail return receipt as proof of submission to PA Historical and Museum Commission (PHMC). [PA State History Code, 37 PA CSA Section 101-906]

See the attached notification packet sent to PHMC on February 13, 2020, as well as the certified mail return receipts. The no effect on resources correspondence from PHMC dated December 1, 2020 is attached.



**BUILDING WAIVER  
 SURFACE NONCOAL MINING ACTIVITIES**

To: Commonwealth of Pennsylvania  
 Department of Environmental Protection  
 Property No. 2  
 Tax Map No. 45-17-00-0-094

Address for each dwelling, commercial building or associated building under this waiver:

885 Pizza Barn Road  
Blairsville, PA 15717

**Directions:** For wording in brackets [ ], underline the correct choice and strike through the item that is not applicable.

[ I / ~~We~~ ] David S. Herrholtz – President of Ligonier Stone & Lime Company, 117 Marcia Street, Latrobe,  
Name Address  
PA 15650, the owner(s) of the [dwelling / building(s)] situated in Derry Township,  
Westmoreland County, PA, do hereby acknowledge  
 that [ I / ~~We~~ ] have the legal right to deny surface mining operations closer than 300 feet to [my/our] building(s) according to 25 Pa. Code § 77.504(a)(2). [ I / ~~We~~ ] knowingly waive that right and consent to Ligonier Stone & Lime Company  
Operator conducting

- Surface mining operations to include blasting (waiving § 77.564(g)(4))
- Surface mining operations **not** to include blasting
- Support activities related to surface mining (Explain: )

within 300 feet of my building(s), but no closer than 50 feet.

(INSERT ADDITIONAL PROVISIONS OR CROSS OUT)  
 \_\_\_\_\_

In witness whereof and intending to legally bind [myself / ourselves], [my /our] heirs, successors and assigns, [ I / ~~we~~ ] have hereunto set [my /our] hand(s) and seal this 25 day of November, 2020  
Month Year

David S. Herrholtz – President of Ligonier Stone & Lime Company  
**BUILDING OWNER** (Print Name)

By: \_\_\_\_\_  
(Signature) (Seal-if applicable)

If the Building Owner is a Corporation, then the Corporate Seal must be affixed

David S. Herrholtz  
(Print Name)



Instr: 202012070042184 12/07/2020  
 P: 1 of 2 F: \$41.00 1:10PM  
 Frank Schiefer T20200039230  
 Westmoreland County RecorderP

**UPI 45-00571-00000**  
 MAP 45-17-00-0-094

### ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

#### DWELLING OWNER

STATE OF \_\_\_\_\_

ss

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, the undersigned Notary, personally appeared

(Name (s))

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to this instrument, and who acknowledged that

\_\_\_\_\_ he \_\_\_\_\_ executed the same and desires it to be recorded.  
(he, she or they)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ (Date)

### ACKNOWLEDGEMENT OF CORPORATIONS

#### DWELLING OWNER

STATE OF Pennsylvania

ss \_\_\_\_\_

COUNTY OF Westmoreland

On November 25, 2020, before me, the undersigned Notary, personally appeared

\_\_\_\_\_ David S. Herrholtz

who acknowledged (herself) (himself) to be the \_\_\_\_\_ President of  
(Title of Person)

\_\_\_\_\_ Ligonier Stone & Lime Company  
(Name of Corporation)

corporation, and that (she) (he), as such officer, being authorized to do so, executed the foregoing instrument on behalf of the said corporation and desires that this instrument be recorded.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal.

(SEAL) Nichole W. Rose \_\_\_\_\_

My Commission Expires: November 30, 2023 (Date)

Notary Public  
Commonwealth of Pennsylvania - Notary Seal  
Nichole W. Rose, Notary Public  
Westmoreland County  
My commission expires November 30, 2023  
Commission number 1238330

Member, Pennsylvania Association of Notaries \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ (year), at Book \_\_\_\_\_, Page(s) \_\_\_\_\_

(Signed) + (Print Name)

(Seal)



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROGRAMS



I hereby CERTIFY  
that this document is recorded  
in the RECORDERS OFFICE  
of Westmoreland County  
Pennsylvania

*Frank Schiefer*

Frank Schiefer • Recorder of Deeds

**BUILDING WAIVER  
SURFACE NONCOAL MINING ACTIVITIES**

To: Commonwealth of Pennsylvania  
Department of Environmental Protection

Property No. 22  
Tax Map No. 45-18-00-0-009  
Instrument No. 201506300021278

Address for each dwelling, commercial building or associated building under this waiver:

2250 Route 217 S  
Blairsville, PA 15717

**Directions:** For wording in brackets [ ], underline the correct choice and strike through the item that is not applicable.

[ I / ~~We~~ ] Jeffrey L. Taylor, 923 Weimer Ave, Saltsburg, PA 15681, the  
Name Address  
owner(s) of the [dwelling / building(s)] situated in Derry Township,  
Westmoreland County, PA, do hereby acknowledge  
that [ I / ~~We~~ ] have the legal right to deny surface mining operations closer than 300 feet to [my/~~our~~]  
building(s) according to 25 Pa. Code § 77.504(a)(2). [ I / ~~We~~ ] knowingly waive that right and consent to  
Ligonier Stone & Lime Co., Inc. conducting  
Operator

- Surface mining operations to include blasting (waiving § 77.564(g)(4))
- Surface mining operations **not** to include blasting
- Support activities related to surface mining (Explain: construction and use of haulroad and related support activities)

within 300 feet of my building(s), but no closer than 80 feet.

(INSERT ADDITIONAL PROVISIONS OR CROSS OUT)

Tree barrier is to remain, no activity is allowed on my property

In witness whereof and intending to legally bind [myself / ~~ourselves~~], [my / ~~our~~] heirs, successors and assigns, [ I / ~~we~~ ] have hereunto set [my / ~~our~~] hand(s) and seal this Feb-20 day of 2020  
Month Year

Jeffrey L. Taylor  
BUILDING OWNER (Print Name)

By: [Signature]  
(Signature) (Seal-if applicable)

If the Building Owner is a Corporation then the Corporate Seal must be affixed.

JEFFREY TAYLOR  
(Print Name)

Instr: 202008050024106 08/05/2020  
P: 1 of 2 F: \$41.00 9:23AM  
Frank Schiefer T20200022740  
Westmoreland County Recorder/C

UPI 45-04821-00000  
MAP 45-18-00-0-009

Instr: 202008050024106 08/05/2020  
P: 2 of 2 F: \$41.00 9:23AM  
Frank Schiefer T20200022740  
Westmoreland County RecorderC

ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

DWELLING OWNER

STATE OF Pennsylvania :

COUNTY OF Westmoreland :

ss

On Feb. 20, 2020, before me, the undersigned Notary, personally appeared

Jeffrey L. Taylor

(Name (s))

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to this instrument, and who acknowledged that

he executed the same and desires it to be recorded.  
(he, she or they)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Vickie L. Cook, Notary Public  
Derry Twp., Westmoreland County  
My Commission Expires May 26, 2021  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

*Vickie L. Cook*

My Commission Expires:

May 26, 2021  
(Date)

ACKNOWLEDGEMENT OF CORPORATIONS

DWELLING OWNER

STATE OF \_\_\_\_\_ :

COUNTY OF \_\_\_\_\_ :

ss \_\_\_\_\_

On \_\_\_\_\_, before me, the undersigned Notary, personally appeared

who acknowledged (herself) (himself) to be the \_\_\_\_\_ of  
(Title of Person)

\_\_\_\_\_, a  
(Name of Corporation)

corporation, and that (she) (he), as such officer, being authorized to do so, executed the foregoing instrument on behalf of the said corporation and desires that this instrument be recorded.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
(Date)

This instrument has been recorded in \_\_\_\_\_  
County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ (year), at Book \_\_\_\_\_, Page(s) \_\_\_\_\_

\_\_\_\_\_  
(Signed) + (Print Name)

\_\_\_\_\_  
(Seal)



Pennsylvania State Historic Preservation Office  
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

December 1, 2020

Kari Hissem  
Permit Coordinator  
Earthtech, Inc.  
P.O. Box 4-A  
Lemont Furnace, PA 15456

Re: ER 2020-0894-129-B; MINE: SMT East, Large Non-Coal Surface Mine, Westmoreland County, Pennsylvania

Dear Ms. Hissem,

Thank you for submitting additional information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

**Archaeological Resources**

There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources. Should the scope of the project be amended to include additional ground disturbing activity this office should be contacted immediately and a Phase I Archaeological Survey may be necessary to locate all potentially significant archaeological resources.

If you need further information concerning archaeological issues please consult Casey Hanson at [chanson@pa.gov](mailto:chanson@pa.gov) or (717) 772-0923.

Sincerely,

Douglas C. McLearen, Chief  
Division of Environmental Review



# Earthtech, Inc.

CONSULTING SCIENTISTS & ENGINEERS

**FILE**  
Environmental, Mining &  
Site Development Services  
[www.earthtechinc.net](http://www.earthtechinc.net)

February 13, 2020

Pennsylvania Historical and Museum Commission  
State Historic Preservation Office  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

CERTIFIED MAIL NO: 7019 1120 0001 7119 5106

**RE:** Historical Resource  
Determination Notice  
Ligonier Stone & Lime Co., Inc.  
SMT East

To Whom It May Concern:

Enclosed please find the Historical Resource Determination Notice for the above-mentioned proposed Large Non-Coal Surface Mine in Derry Township, Westmoreland County, PA.

If you should have any questions regarding this notification, please feel free to contact our Uniontown office.

Sincerely,

Kari Hissem

cc: Ligonier Stone & Lime Co., Inc.  
ETI File

**Mailing Address:** Uniontown Office  
P. O. Box 4A  
Lemont Furnace, PA 15456

**Office Numbers:** Uniontown: (724) 439-1313 FAX: (724) 439-0633  
Somerset: (814) 266-6402 FAX: (814) 266-6530

7019 1120 0001 7119 5106

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	\$ 3.55
Extra Services & Fees (check box, add fee, as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.85
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.20
Total Postage and Fees	\$ 7.60



PA Historical & Museum Comm.  
 Bureau of Historical Preservation  
 400 North Street 2nd Floor  
 Harrisburg PA 17120-0093

for Instructions

SENDER: COMPLETE THIS SECTION	KH-SMTEAST BHP COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>H. Naik</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>FEB 13 2020</i> C. Date of Delivery <i>FEB 18 2020</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>PA Historical &amp; Museum Comm.          Bureau of Historical Preservation          400 North Street 2nd Floor          Harrisburg PA 17120-0093</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7019 1120 0001 7119 5106</p>	<p>9590 9402 5434 9189 2177 24</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>		





# PROJECT REVIEW FORM

## Request to Initiate SHPO Consultation on State and Federal Undertakings

SHPO USE ONLY		Reviewers: ___/___
DATE RECEIVED:	DATE DUE:	
ER NUMBER:	HRSF: _____	

REV: 06/2018

### SECTION A: PROJECT NAME & LOCATION

Is this a new submittal?  YES  NO OR  This is additional information for ER Number:

Project Name SMT East County Westmoreland Municipality Derry Township  
 Project Address 2272 State Route 217 City/State/ Zip Blairsville PA 15717

### SECTION B: CONTACT INFORMATION & MAILING ADDRESS

Name Kari Hissem Phone (724) 439-1313  
 Company Earthtech, Inc. Fax (724) 439-0633  
 Street/PO Box P.O. Box 4-A Email khissem@earthtechinc.net  
 City/State/Zip Lemont Furnace PA 15456

### SECTION C: PROJECT DESCRIPTION

This project is located on: (check all that apply)  Federal property  State property  Municipal property  Private property

List all federal and state agencies and programs providing funds, permits, licenses.	Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)
	State	DEP New Stanton Office/Mining/SMT East	N/A

### Proposed Work – Attach project description, scope of work, site plans, and/or drawings

Project includes (check all that apply): N/A  Construction  Demolition  Rehabilitation  Disposition

Total acres of project area: 269 Total acres of earth disturbance: ~60

Are there any buildings or structures within the project area?  Yes  No Approximate age of buildings: prior to 1939

Does this project involve properties listed in or eligible for the National Register of Historic Places, or designated as historic by a local government?  
 Yes  No  Unsure  Name of historic property or historic districts

Please print and mail completed form and all attachments to:

PHMC  
 State Historic Preservation Office  
 400 North St.  
 Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
 Harrisburg, PA 17120-0093

### Attachments – Please include the following information with this form

- Map – 7.5' USGS quad showing project boundary and Area of Potential Effect
- Description/Scope – Describe the project, including any ground disturbance and previous land use
- Site Plans/Drawings – Indicate past and present land use, location and dates of buildings, and proposed improvements
- Photographs – Attach prints or digital photographs showing the project site, including images of all buildings and structures keyed to a site plan

### SHPO DETERMINATION (SHPO USE ONLY)

- There are **NO HISTORIC PROPERTIES** in the Area of Potential Effect
- The project will have **NO ADVERSE EFFECTS WITH CONDITIONS** (see attached)
- The project will have **NO EFFECT** on historic properties
- SHPO REQUESTS ADDITIONAL INFORMATION** (see attached)
- The project will have **NO ADVERSE EFFECTS** on historic properties:

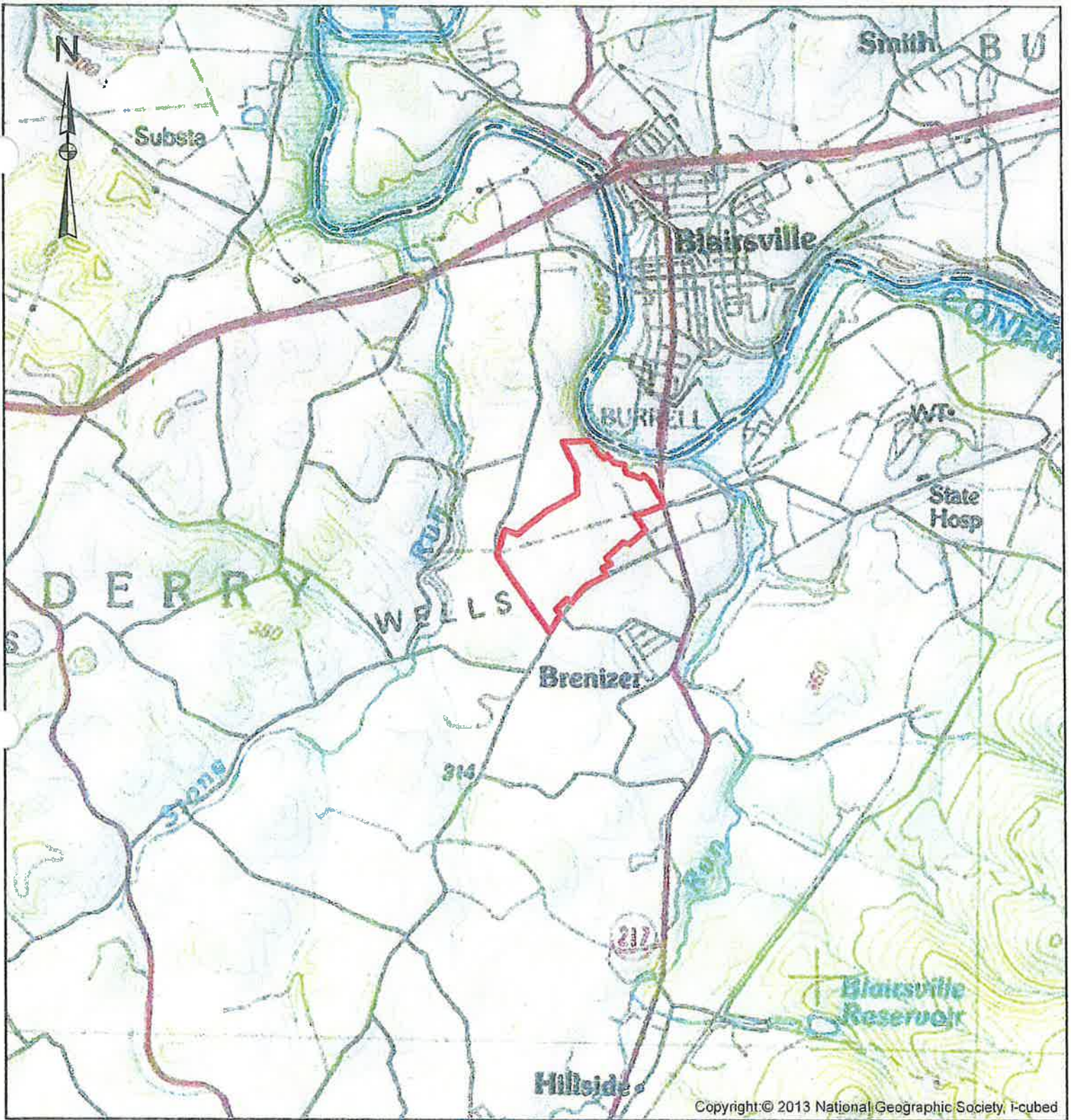
SHPO REVIEWER: \_\_\_\_\_ DATE: \_\_\_\_\_

## **Narrative**

### **Ligonier Stone & Lime Co., Inc. SMT East Large Non-Coal Surface Mine**

Ligonier Stone & Lime Co., Inc. is in the application stages for a large non-coal surface mining permit. The site is located in southwestern Pennsylvania in Derry Township, Westmoreland County. It is approximately 1 mile southwest of Blairsville, along the western side of State Route 217. The site can be found on the Blairsville, PA 7.5' U.S.G.S. Quadrangle Map.


The permit will be on two properties of 269 acres with approximately 60 acres being affected. The Benwood Limestone is to be surface mined. The project area is comprised of unmanaged natural habitat, pastureland, residential and forestland. There are buildings located within the permit area that will not be affected by mining activities, see the attached photographs. A copy of the Blairsville, PA quadrangle map has been attached for location of the site. The approximate proposed permit area is also shown with a red outline on the location map. A detailed site map is not available at the time of this submission.



Copyright © 2013 National Geographic Society, i-cubed


1 inch = 1 mile

**Legend**

 SMT East Permit Line

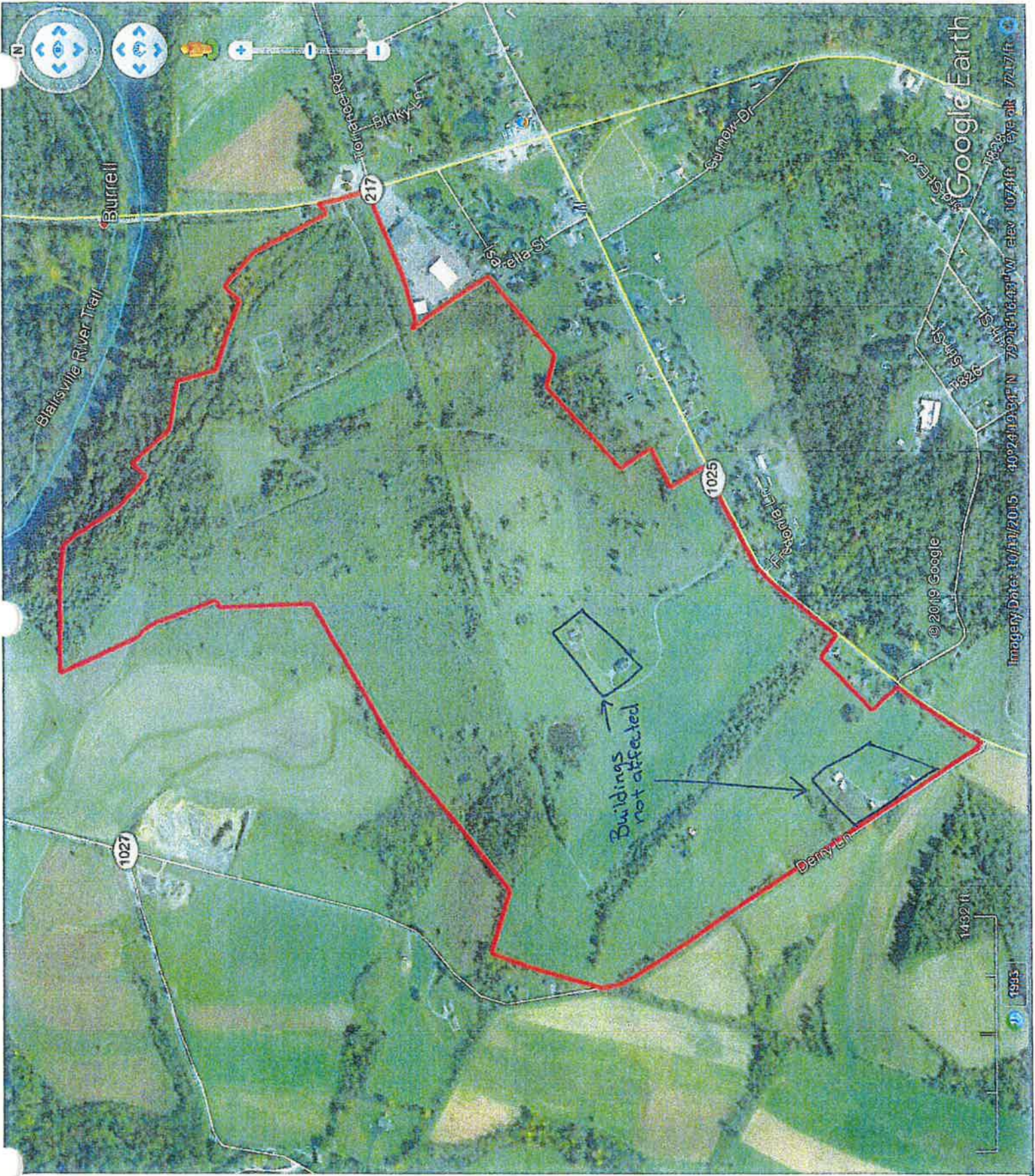
**Site Location Map**

Prepared for  
Ligonier Stone & Lime Co., Inc.  
**SMT East**  
 Derry Twp., Westmoreland Co.  
 February 2020

 **Earthtech, Inc.**  
 CONSULTING SCIENTISTS & ENGINEERS

Reference: Blairsville, PA 7 1/2' U.S.G.S. Quadgrangle Map





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Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
**Bureau for Historic Preservation**  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093  
[www.phmc.state.pa.us](http://www.phmc.state.pa.us)

9 June 2014

Christopher Jackson  
Archaeological Consultants of the Midwest, Inc.  
535 Fulton Street  
Wheeling, WV 26003

RE: ER# 2012-2062-129-D  
COAL: Phase I Archaeological Report, SMT Family Partnership Surface  
Mine, Derry Township, Westmoreland County

Dear Mr. Jackson:

Thank you for submitting information concerning the above referenced project. The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 *et seq.* (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

This report meets our standards and specifications as outlined in *Guidelines for Archaeological Investigations in Pennsylvania* (BHP 2008) and the Secretary of the Interior's Guidelines for Archaeological Documentation. We agree with the recommendations of this report. It is our opinion that archaeological site 36WM0316 (Barkley-3 Site) is not eligible for the National Register of Historic Places. No further archaeological work is necessary for this project.

Please send three bound copies and one digital copy (PDF preferred) on a CD of the final report for our files and distribution to the various repositories. For all copies, photographs must adhere to the National Register Photo Policy. If you need further information in this matter please consult Kira Heinrich at (717) 705-0700.

Sincerely,

*xs* Douglas C. McLearn, Chief  
Division of Archaeology &  
Protection

cc: Mark McConaughy

DCM/kmh



Pennsylvania Historical & Museum Commission  
Tom Corbett, Governor • Andrew E. Masich, Chairman • James M. Vassilios, Executive Director



# Earthtech, Inc.

CONSULTING SCIENTISTS & ENGINEERS

*Environmental, Mining &  
Site Development Services*  
[www.scientificengineers.com](http://www.scientificengineers.com)

April 5, 2013

Mr. Douglas C. McLearen, Chief  
Division of Archaeology & Protection  
Pennsylvania Historical and Museum Commission  
Bureau of Historic Preservation  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093

RE: ER #2012-2062-129-A  
ER #2008-1666-129-B  
VP Smith No. 1 Mine  
Derry Township, Westmoreland County, PA

Dear Mr. McLearen:

In response to your letter dated July 12, 2012 you indicate P.A.S.S. numbers of 36WM316, 36WM317 and 36WM318 are known to exist, however a letter from your office dated June 13, 2008 (copy enclosed) indicated that these previously recorded sites have been disturbed by previous activities at this site as per a field investigation by Mark McConaughy (copies enclosed).

If possible would you please revisit your review of ER #2012-2062-129-A, package submitted to your office by letter dated July 6, 2012.

If you need additional information please contact our office.

Sincerely,

Robert R. Reese  
Partner, Project Manager

RRR/kh

**Mailing Address:** 336 Bloomfield St., Suite 201  
Johnstown, PA 15904

**Office Numbers:** Johnstown: (814) 266-6402 FAX: (814) 266-6530  
Uniontown: (724) 439-1313 FAX: (724) 439-0633  
Somerset: (814) 443-3384

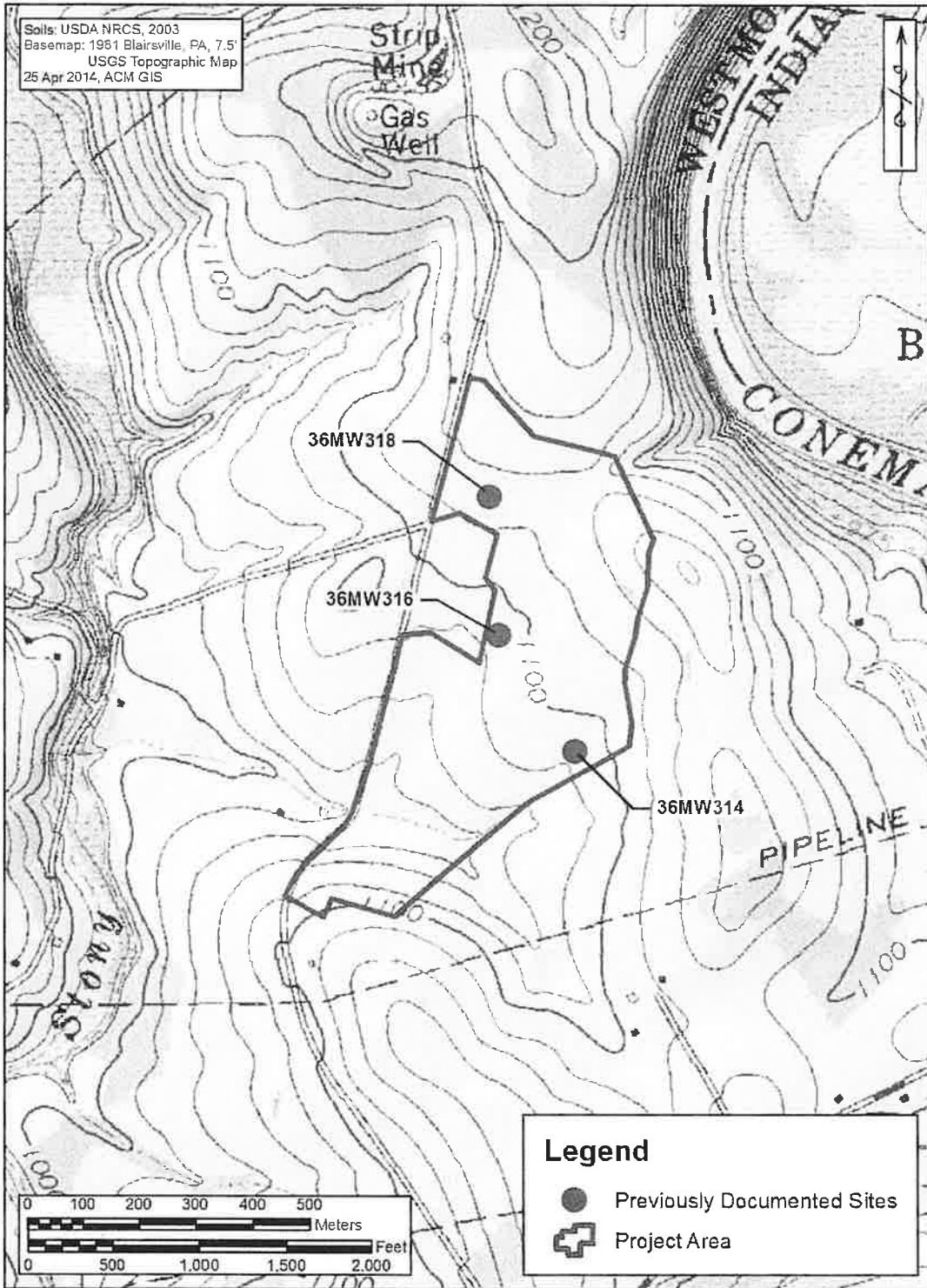


Figure 6. A section of the 1981 Blairsville quadrangle (7.5' topographic map) showing the location of the project area and previously documented sites in the project area.

## ABSTRACT

In October 2013, Earthtech contracted Archaeological Consultants of the Midwest to conduct a Phase I archaeological literature review and reconnaissance survey for the proposed SMT Property Surface Mine project in Derry Township, Westmoreland County, Pennsylvania. The proposed project area is an approximately 70 acre tract situated east of Derry Lane and southwest of the Town of Blairsville. The project area is situated in a rural setting with sporadic farmsteads and homesteads. The terrain consists of an upland environment that is characterized by moderate to steep slopes, ridges, a drainage, and a creek.

CRGIS information indicated that no section of the project area has been professionally investigated; however, three sites (36WM314, 36WM316, and 36WM318) have been recorded in the project area. The sites have not been professionally examined. In addition to these three sites, 24 sites have been recorded in the study area. An examination of the site forms indicated that while this region was utilized throughout prehistory, it was primarily inhabited during the Middle Archaic, Late Archaic, and Late Woodland temporal periods. A review of the historic cartographic sources indicated that one building has been recorded in the southern section of the project area.

The field investigation indicated that a majority of the project area consisted of a weathered disc agricultural field; the remainder of the area consists of a grassy area and a small woodlot. Due to the excellent surface visibility, the disced area was pedestrian surveyed with rocks and chunks of bedrock observed on the surface. The field investigation was able to relocate site 36WM316 and document a non-site (36WM/060). Neither sites 36WM314 nor 36WM318 were relocated by this investigation.

Site 36WM316 consists of a small lithic scatter, while non-site 36WM/060 is a small historic scatter. Data collected on both sites indicated that neither one meets the minimum criteria for inclusion on the NRHP under Criterion D. No further work is recommended on either the site or the non-site.

Due to the nonexistent surface visibility, shovel test pits (n=2) were excavated in the grassy area. A review of the soil profiles indicated that they were disturbed via fill dirt. In a discussion with Oliver Smith (local landowner) he stated that the grassy area had been previously excavated and that fill dirt was placed in the area, which concurs with the data obtained from the shovel test pits.

Based on the information gathered by this investigation, it can be ascertained that the proposed project will have *no effect* on any archaeological resources that are eligible for inclusion on the NRHP under Criterion D.

No further work is recommended in the proposed project area.





Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
**Bureau for Historic Preservation**  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093  
[www.phmc.state.pa.us](http://www.phmc.state.pa.us)

June 13, 2008

Dee Veitz  
VAPCO Engineering  
P.O. Box 327  
Punxsutawney, PA 14767-0327

TO EXPEDITE REVIEW USE  
BHP REFERENCE NUMBER

Re: File No. ER 2008-1666-129-B  
COALC: VP Smith Company, Inc.,  
Surface Mining Permit Application  
VP Smith No. 1 Mine, Derry Twp.  
Westmoreland Co.

Dear Ms. Veitz:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 *et seq.* (1988), and in accordance with relevant Federal legislation. This legislation includes Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, the Surface Mining Control and Reclamation Act, and OSM's regulations. This review includes comments on the project's potential effect on both historic and archaeological resources.

Based on a recent field visit on June 9, 2008 by Mark McConaughy of our staff, it has been determined that the above referenced permit area has low archaeological potential. The previously recorded sites, 36Wm317, 36Wm316 and 36Wm318 that were located in and around the project area have been disturbed by previous activities at the site. Consequently, this project should have no effect upon significant archaeological resources. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please contact the Bureau for Historic Preservation.

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Page 2  
June 13, 2008  
Dee Veitz

If you need further information in this matter please consult Kira Presler at (717) 705-0700. If you need further information regarding archaeological survey please contact Mark McConaughy at (724) 527-5585 x103.

Sincerely,



Douglas C. McLearn, Chief  
Division of Archaeology &  
Protection

Cc: VP Smith Company, Inc., 3435 State Route 30 East, Latrobe, PA  
15650  
DEP Greensburg District Mining Office  
David Hamilton, OSM Harrisburg Office  
Derry Township  
Mark A. McConaughy

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## CULTURAL RESOURCE NOTICE

Read the instructions before completing this form.

<b>SECTION A. APPLICANT IDENTIFIER</b>	
Applicant Name	VP Smith Company, Inc
Street Address	3435 State Route 30 East
City	Latrobe State PA Zip 15650
Telephone Number	(724) 787-6606
Project Title	VP Smith No. 1 Mine
<b>SECTION B. LOCATION OF PROJECT</b>	
Municipality	Derry Township County Name Westmoreland DEP County Code
<b>SECTION C. PERMITS OR APPROVALS</b>	
Name of Specific DEP Permit or Approval Requested:	Surface Mine Permit
Anticipated federal permits:	N/A
<input type="checkbox"/> Surface Mining	<input type="checkbox"/> 404 Water Quality Permit
<input type="checkbox"/> Army Corps of Engineers	<input type="checkbox"/> Federal Energy Regulatory Commission
<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Other:
<b>SECTION D. GOVERNMENT FUNDING SOURCES N/A</b>	
<input type="checkbox"/> State: (Name) _____	<input type="checkbox"/> Local: (Name) _____
<input type="checkbox"/> Federal: (Name) _____	<input type="checkbox"/> Other: (Name) _____
<b>SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL &amp; GAS MGMT OFFICE</b>	
DEP Regional Office Responsible for Review of Permit Application	<input type="checkbox"/> Central Office (Harrisburg)
<input type="checkbox"/> Southeast Regional Office (Conshohocken)	<input type="checkbox"/> Northeast Regional Office (Wilkes-Barre)
<input type="checkbox"/> Southcentral Regional Office (Harrisburg)	<input type="checkbox"/> Northcentral Regional Office (Williamsport)
<input type="checkbox"/> Southwest Regional Office (Pittsburgh)	<input type="checkbox"/> Northwest Regional Office (Meadville)
<input checked="" type="checkbox"/> District Mining Office: Greensburg, PA	<input type="checkbox"/> Oil & Gas Office:
<b>SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.</b>	
County Conservation District	Telephone Number, if known
Westmoreland County Conservation District	
<b>SECTION G. CONSULTANT</b>	
Consultant, if applicable	VAPCO ENGINEERING-Van G. Plocus, P.E.
Street Address	P.O. Box 327
City	Punxsutawney State PA Zip 15767
Telephone Number	814-938-3700

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**SECTION H. PROJECT BOUNDARIES AND DESCRIPTION**

**REQUIRED**

Indicate the total acres in the property under review. Of this acreage, indicate the total acres of earth disturbance for the proposed activity.

Attach a 7.5' U.S.G.S. Map indicating the defined boundary of the proposed activity.

Attach photographs of any building over 50 years old. Indicate what is to be done to all buildings in the project area.

Attach a narrative description of the proposed activity.

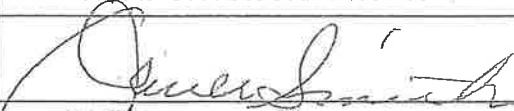
Attach the return receipt of delivery of this notice to the Pennsylvania Historical and Museum Commission.

**REQUESTED**

Attach photographs of any building over 40 years old.

Attach site map, if available.

**SECTION I. SIGNATURE BLOCK**

	May 6, 2008
Applicant's Signature Oliver Smith President, VP Smith Company, Inc.	Date of Submission of Notice to PHMC

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V. P. SMITH COMPANY, INC.  
Smith No. 1 Mine

**PROJECT DESCRIPTION**

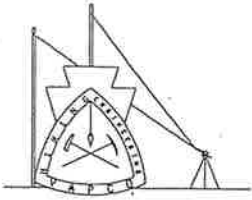
**V. P. Smith Company, Inc. proposes to apply to the Department of Environmental Protection for a surface mining permit of 14.6 acres. Within these total permit acres, V. P. Smith Company, Inc. proposes to affect 6.1 operational/mining acres on land owned by the SMT Family Partnership in Derry Township, Westmoreland County.**

**Exhibit 9.0 and USGS 7½' Topographic Map are attached.**

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# VAPCO ENGINEERING

P.O. Box 327 • Punxsutawney, Pennsylvania 15767-0327  
Route 119 and 210 Intersection

(814) 938-3700  
FAX (814) 938-4700

*mailed on*

May 6, 2008

CERTIFIED MAIL#7008 0150 0002 2805 2114  
Commonwealth of Pennsylvania  
PA Historical & Museum Commission  
Bureau for Historic Preservation  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093

Attention: Mr. Kurt W. Carr, Chief  
Division of Archaeology & Protection

Reference: Surface Mine Permit Application  
VP Smith Company, Inc.  
SMP Application VP Smith No. 1 Mine  
Derry Township, Westmoreland County

Dear Mr. Carr;

For your review on the above referenced Surface Mine Permit application,  
enclosed please find the following:

1. The Cultural Resource Notice
2. The Archaeological Resources Form
3. The Project Description
4. A Topo Map showing the proposed permit area and an Exhibit 9.0 detailing the proposed surface mine permit area.

Should you have questions, please contact me.

Sincerely,  
VAPCO ENGINEERING

*Dee Veitz*  
Dee Veitz  
Technical Administrator

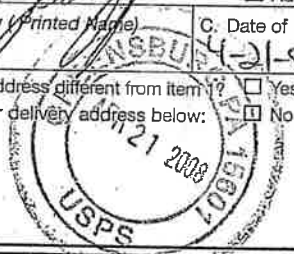
cc: VP Smith Company, Inc.

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Handwritten Signature]</i></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <i>12-1-08</i></p>
<p>1. Article Addressed to:</p> <p>Dept. of Environmental Protection  District Mining Office  Armbrust Professional Center  8205 Route 819  Greensburg PA 15601  Attention: Mr. Mike Gardner</p>	<p>D. Is delivery address different from item? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7008 0150 0002 2805 2015</i></p>	



PS Form 3811, February 2004 *PS Smith* Domestic Return Receipt *lease agreement* 102595-02-M-1540  
*G. Fee for Skets - G. Licen 52*

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# Archaeological Site Information

## - Identification

Site number: 36WM0317

Site name: Barkley-4

Site Type: Open Habitation, Prehistoric

ER #:

## - Location

Westmoreland: Derry Township

(18) Lower Allegheny River: Watershed D

Major Stream: Conemaugh River

Minor Stream: Black Lick Creek

Quadrangle: Blairsville

Soil Association: 2

Soil Mapping Unit(s): GCB2,WMB2,BU

Site Elevation: 1140

Slope Aspect: East

Slope Basis:

Average Slope: 8S

Physiographic Zones: 11,Pittsburgh Low Plateau Section(21)

Topographic Setting: Hillslope

Predominant Bedrock Formation(s): Pcg-Pennsylvanian Glenshaw Formation  
Pm-Pennsylvanian Monongahela Group  
Pcc-Pennsylvanian Casselman Formation

Relationship to Confluence: Site Upstream from Confluence and Between the 2 Water Sources

	Distance	Elevation	Direction	Order	Type
Nearest Water	100 m	1060 ft	North	1	Extinct Stream
2nd Nearest Water	400 m	1080 ft	Southwest	2	Extinct Stream
Nearest Confluence	1460 m	920 ft	East	6	Confluence

## - Status

NR Status: Insufficient Data Available to Make a Decision

Status Date:

Owner: Unknown

Site Condition:

Primary Disturbance: Unknown

## - Site Characteristics

Recording Reason: Informant Interview/Amateur Survey

Affiliated Institute:

Discovery Method: Collector Interview

Site Area:

Area Basis:

Artifact Density:

Organic Preservation: Unknown

Vegetation Cover: Unknown

Stratified: Unknown

## - Chronology

Chronology Basis: Lithics

Radiocarbon Date:

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Prehistoric: 91% - 100%

Archaic: Present

Archaic - Middle: Present

<b>+ Features</b>	No Data Present
<b>- Artifact Types</b>	

Chipped Stone Tools: Present

Diagnostic Artifact Type	Material	Frequency	Count
Notched/Stemmed Points		Present	1
Bifurcate Points	Chert/Flint	Present	1

Recovery Method: Surface Collection Not Representative of All Artifacts

Repositories:

<b>- Lithic Materials</b>
---------------------------

Chert/Flint: Present

<b>+ Links</b>	No Data Present
<b>+ Comments</b>	No Data Present
<b>+ Phase 2 Methods</b>	No Data Present
<b>+ Phase 3 Methods</b>	No Data Present

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# Archaeological Site Information

## - Identification

Site number: 36WM0316  
 Site name: Barkley-3  
 Site Type: Open Habitation, Prehistoric  
 ER #:

## - Location

Westmoreland: Derry Township  
 (18) Lower Allegheny River: Watershed D  
 Major Stream: Conemaugh River  
 Minor Stream: Black Lick Creek  
 Quadrangle: Blairsville  
 Soil Association: 6  
 Soil Mapping Unit(s): GSB2,BU,WMB2  
 Site Elevation: 1120  
 Slope Aspect: Southwest  
 Slope Basis:  
 Average Slope: 5S  
 Physiographic Zones: 11,Pittsburgh Low Plateau Section(21)  
 Topographic Setting: Hillslope  
 Predominant Bedrock Formation(s): Pcg-Pennsylvanian Glenshaw Formation  
 Pm-Pennsylvanian Monongahela Group  
 Pcc-Pennsylvanian Casselman Formation  
 Relationship to Confluence: Site Upstream from Confluence and Between the 2 Water Sources

	Distance	Elevation	Direction	Order	Type
Nearest Water	0 m	1100 ft	On-site	1	Extinct Stream
2nd Nearest Water	340 m	1080 ft	South	2	Extinct Stream
Nearest Confluence	1220 m	980 ft	Northeast	6	Confluence

## - Status

NR Status: Insufficient Data Available to Make a Decision  
 Status Date:  
 Owner: Private  
 Site Condition:  
 Primary Disturbance: Unknown

## - Site Characteristics

Recording Reason: Informant Interview/Amateur Survey  
 Affiliated Institute:  
 Discovery Method: Collector Interview  
 Site Area:  
 Area Basis:  
 Artifact Density:  
 Organic Preservation: Unknown  
 Vegetation Cover: Unknown  
 Stratified: Unknown

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## - Chronology

Chronology Basis: PASS Form  
 Radiocarbon Date:

Prehistoric: 91% - 100%

+ Features	No Data Present
<b>- Artifact Types</b>	

Stone Debitage: *Present*

Chipped Stone Tools: *Present*

Recovery Method: *Surface Collection Not Representative of All Artifacts*

Repositories:

<b>- Lithic Materials</b>	
---------------------------	--

Chert/Flint: *Present*

+ Links	No Data Present
+ Comments	No Data Present
+ Phase 2 Methods	No Data Present
+ Phase 3 Methods	No Data Present

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