

## John St. Clair

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**From:** John St. Clair  
**Sent:** Wednesday, August 18, 2021 3:13 PM  
**To:** 'ir1\_espenn@fws.gov'  
**Subject:** Rosebud Mining Company - Mine 78 Surface No. 3 Mine - PNDI  
**Attachments:** PNDI - 08-2021.pdf; PEP Plan - 08-2021.pdf; PEP Plan Map.pdf

U.S. Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Road, Suite 101  
State College, PA 16801

RE: PNDI Search 740789  
Rosebud Mining Company  
Mine 78 Surface No. 3 Mine  
Richland Township, Cambria County  
Paint Township, Somerset County

To Whom It May Concern:

Please find attached the PNDI Project Planning Environmental Review Receipt, IB Protection and Enhancement Plan and PEP Map.

The project area consists of 279.7 acres for review. There will be 90 acres of disturbance of which 80 acres is forested. A PEP plan is being submitted along with this project due to potential impacts to the Indiana Bat. No adjacent underground mine workings or karst/cave systems will be encountered or impacted by the project.

If you should have any questions or require any additional information, please feel free to contact me at 724-545-6222 Ext. 225 or email [john.st.clair@rosebudmining.com](mailto:john.st.clair@rosebudmining.com).

Sincerely,

John St. Clair  
Rosebud Mining Company  
301 Market Street  
Kittanning, PA 16201  
724-545-6222 Ext. 225

## 1. PROJECT INFORMATION

Project Name: **Mine 78 Surface No. 3 Mine**

Date of Review: **8/18/2021 02:35:41 PM**

Project Category: **Mining, Coal (strip, deep, long-wall, refuse disposal)**

Project Area: **29.99 acres**

County(s): **Cambria; Somerset**

Township/Municipality(s): **PAINT TOWNSHIP; RICHLAND TOWNSHIP; WINDBER**

ZIP Code:

Quadrangle Name(s): **WINDBER**

Watersheds HUC 8: **Conemaugh**

Watersheds HUC 12: **Paint Creek**

Decimal Degrees: **40.234865, -78.795684**

Degrees Minutes Seconds: **40° 14' 5.5147" N, 78° 47' 44.4623" W**

## 2. SEARCH RESULTS

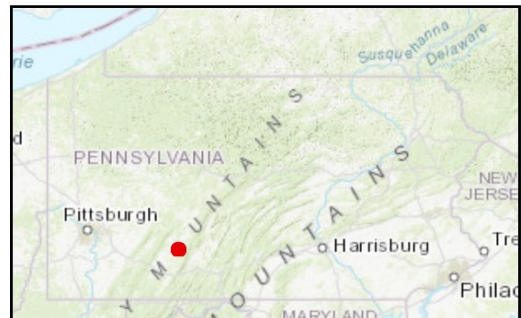
Agency	Results	Response
PA Game Commission	<b>Conservation Measure</b>	<b>No Further Review Required, See Agency Comments</b>
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	<b>Potential Impact</b>	<b>MORE INFORMATION REQUIRED, See Agency Response</b>

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

### Mine 78 Surface No. 3 Mine

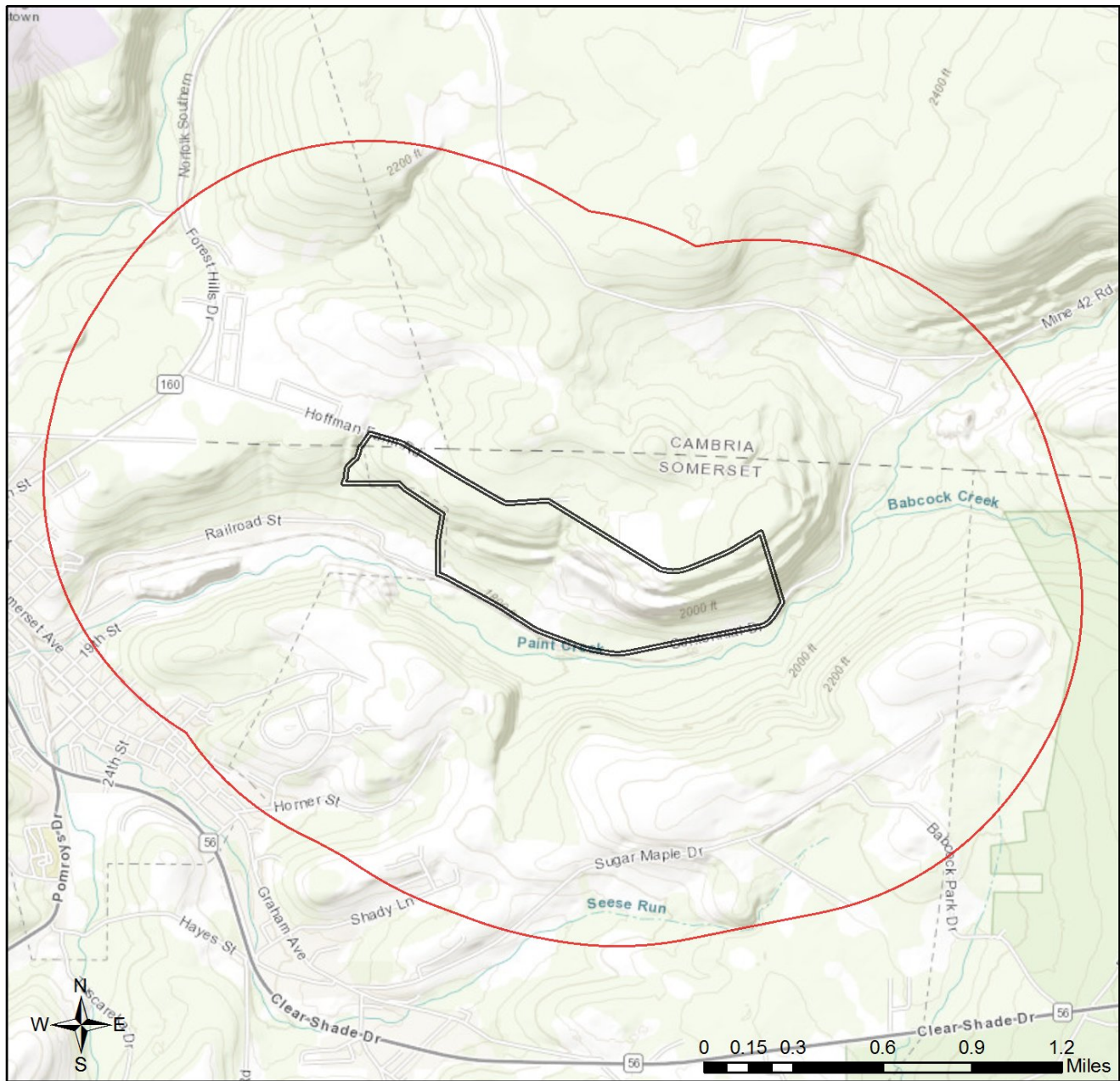


- Project Boundary
- Buffered Project Boundary



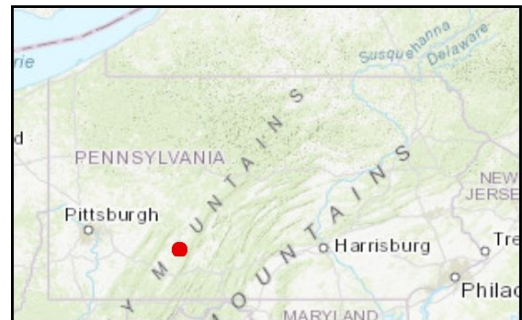
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

### Mine 78 Surface No. 3 Mine



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

##### RESPONSE:

Conservation Measure: Potential impacts to state and federally listed species which are under the jurisdiction of both the Pennsylvania Game Commission (PGC) and the U.S. Fish and Wildlife Service may occur as a result of this project. As a result, the PGC defers comments on potential impacts to federally listed species to the U.S. Fish and Wildlife Service. No further coordination with the Pennsylvania Game Commission is required at this time.

#### PA Department of Conservation and Natural Resources

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### U.S. Fish and Wildlife Service

##### RESPONSE:

Information Request: The clearing of forests, woodlots and trees may adversely affect Indiana bats by killing, injuring or harassing roosting bats, and by removing or reducing the quality of foraging and roosting habitat. In accordance with the Endangered Species Act consultation guidelines governing the Office of Surface Mining, Pennsylvania Department of Environmental Protection, and coal mining permit applicants, two options are available to address the anticipated effects of projects that will impact 40 or more acres of forests, woodlots and trees (potential summer habitat): survey for the presence of Indiana bats (Option 1), or assume they are present (Option 2). OPTION 1: Surveys must be done by a qualified, USFWS-approved biologist in accordance with the most recent USFWS-approved survey guidelines (see <https://www.fws.gov/northeast/pafo/endangered/surveys.html>). Send survey results to the Service for review and concurrence. OPTION 2: You may assume Indiana bats are present in the project area, and prepare and implement an Indiana Bat Protection and Enhancement Plan (PEP). To facilitate project review, please use the PEP template provided at <https://www.fws.gov/northeast/pafo/endangered/coalmining.html>. Submit the PEP to the U.S. Fish and Wildlife Service and Pennsylvania Department of Environmental Protection for review and concurrence.

## WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload\* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

\*If information was requested by USFWS, applicants must email, or mail, project information to [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov) to initiate a review. USFWS will not accept uploaded project materials.

### Check-list of Minimum Materials to be submitted:

\_\_\_ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

\_\_\_ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

**In addition to the materials listed above, USFWS REQUIRES the following**

\_\_\_ **SIGNED** copy of a Final Project Environmental Review Receipt

### The inclusion of the following information may expedite the review process.

\_\_\_ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

\_\_\_ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

## 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

## 5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

## 6. AGENCY CONTACT INFORMATION

### PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section  
400 Market Street, PO Box 8552  
Harrisburg, PA 17105-8552  
Email: [RA-HeritageReview@pa.gov](mailto:RA-HeritageReview@pa.gov)

### PA Fish and Boat Commission

Division of Environmental Services  
595 E. Rolling Ridge Dr., Bellefonte, PA 16823  
Email: [RA-FBPACENOTIFY@pa.gov](mailto:RA-FBPACENOTIFY@pa.gov)

### U.S. Fish and Wildlife Service

Pennsylvania Field Office  
Endangered Species Section  
110 Radnor Rd; Suite 101  
State College, PA 16801  
Email: [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov)  
NO Faxes Please

### PA Game Commission

Bureau of Wildlife Habitat Management  
Division of Environmental Planning and Habitat Protection  
2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
Email: [RA-PGC\\_PNDI@pa.gov](mailto:RA-PGC_PNDI@pa.gov)  
NO Faxes Please

## 7. PROJECT CONTACT INFORMATION

Name: John St. Clair  
Company/Business Name: Rosebud Mining Company  
Address: 301 Market Street  
City, State, Zip: Kittanning, PA 16201  
Phone: (724) 545-6222 Fax: ( )  
Email: john.st.clair@rosebudmining.com

## 8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

  
applicant/project proponent signature

8/18/21  
date