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 is 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 101-909]

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, 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 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 day of

Month Year

David S. Herrholtz – President of Ligonier Stone & Lime Company
BUILDING OWNER

(Signature) (Seal - if applicable)

If the Building Owner is a Corporation, then the Corporate Seal must be affixed.
ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

STATE OF ____________________________ ss

COUNTY OF __________________________

On ____________________________, before me, the undersigned Notary, personally appeared

(Name of) known to me (or satisfactorily proven) to be the person(s) whose names were 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) ____________________________  My Commission Expires: ____________________________ (Date)

Notary Public

ACKNOWLEDGEMENT OF CORPORATIONS

STATE OF Pennsylvania ss

COUNTY OF Westmoreland

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

David S. Herrholz, President of Ligonier Stone & Lime Company, a corporation, and that (he) (she), 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) ____________________________  My Commission Expires: November 30, 2023 (Date)

Notary Public, Commonwealth of Pennsylvania, Notary Public, Westmoreland County

Member, Pennsylvania Association of Notaries

(Signed) + (Print Name)

(Seal)
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. 2015056300021278

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 owner(s) of the dwelling(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

- Surface mining operations to include blasting (waiving § 77.554(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 __________________________ day of __________, 20__

Jeffrey L. Taylor
BUILDING OWNER
(Print Name)

By: ____________________________
(Signature)

Jeffrey L. Taylor
(Pin Name)

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

UP1 45-04821-00000
MAP 45-18-00-0-009
ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

DWELLING OWNER

STATE OF Pennsylvania  ss
COUNTY OF Westmoreland

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.

Vickie L. Cook  My Commission Expires: May 26, 2021
COMMONWEALTH OF PENNSYLVANIA  Notary Public
Notarial Seal
Vickie L. Cook, Notary Public
Derry Twp., Westmoreland County
My Commission Expires May 26, 2021

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  ss
COUNTY OF

On , before me, the undersigned Notary, personally appeared

who acknowledged (herself) (himself) to be the of

(Name 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 hereunto 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)
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 or (717) 772-0923.

Sincerely,

[Signature]

Douglas C. McLearen, Chief
Division of Environmental Review
February 13, 2020

Pennsylvania Historical and Museum Commission
State Historic Preservation Office
400 North Street
Commonwealth Keystone Building, 2nd 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,

[Signature]
Kari Hissem

cc: Ligonier Stone & Lime Co., Inc.
    ETI File
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$ 2.55

Return Receipt (postcard)
☐
Return Receipt (handcopy)
☐

Certified Mail Restricted Delivery
☐
Adult Signature Required
☐

Adult Signature Restricted Delivery
☐

Postage
$ 1.20

Total Postage and Fees
$ 3.75

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

for Instructions

SENDER: COMPLETE THIS SECTION

☐ Complete items 1, 2, and 3.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
PA Historical & Museum Comm.
Bureau of Historical Preservation
400 North Street 2nd Floor
Harrisburg PA 17120-0093

9590 9402 5434 9189 2177 24

2. Article Number (Transfer from service label)
7019 1120 0001 7119 5106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
B. Received by (Printed Name)
C. Date of Delivery
FEB 18 2020
FEB 18 2020
D. Is delivery address different from item 1?
☐ Yes
If YES, enter delivery address below:
☐ No

3. Service Type
☐ Adult Signature
☐ Collect on Delivery
☐ Insured Mail
☐ Certified Mail
☐ Collect on Delivery
☐ Insured Mail Restricted Delivery
☐ Certified Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail
☐ Priority Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Priority Mail
☐ Registered Mail Restricted Delivery
☐ Restricted Delivery

Domestic Return Receipt
PS Form 3811, July 2015 PSN 7530-02-000-9063
PROJECT REVIEW FORM
Request to Initiate SHPO Consultation on State and Federal Undertakings

SECTION A: PROJECT NAME & LOCATION

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

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

SECTION B: CONTACT INFORMATION & MAILING ADDRESS

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

SECTION C: PROJECT DESCRIPTION

This project is located on:
☐ 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  ☐ Unsure

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, 2nd 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: _________________
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.
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 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,

[Signature]
Douglas C. McLearen, Chief
Division of Archaeology & Protection

cc: Mark McAnaughey

DCM/kmh
April 5, 2013

Mr. Douglas C. McLearen, Chief
Division of Archaeology & Protection
Pennsylvania Historical and Museum Commission
Bureau of Historic Preservation
Commonwealth Keystone Building, 2nd 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
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 primary 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.
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.
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,

[Signature]

Douglas C. McLearen, 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
CULTURAL RESOURCE NOTICE

Read the instructions before completing this form.

SECTION A. APPLICANT IDENTIFIER

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

SECTION B. LOCATION OF PROJECT

Municipality: Derry Township
County Name: Westmoreland

SECTION C. PERMITS OR APPROVALS

Name of Specific DEP Permit or Approval Requested: Surface Mine Permit

Anticipated federal permits: N/A
☐ Surface Mining
☐ Army Corps of Engineers
☐ 401 Water Quality Certification
☐ 404 Water Quality Permit
☐ Federal Energy Regulatory Commission
☐ Other:

SECTION D. GOVERNMENT FUNDING SOURCES N/A

☐ State: (Name) ☐ Local: (Name)
☐ Federal: (Name) ☐ Other: (Name)

SECTION E. RESPONSIBLE DEP REGIONAL, CENTRAL, DISTRICT MINING or OIL & GAS MGMT OFFICE

☐ DEP Regional Office Responsible for Review of Permit Application:
☐ Southeast Regional Office (Conshohocken)
☐ Southcentral Regional Office (Harrisburg)
☐ Southwest Regional Office (Pittsburgh)
☐ District Mining Office: Greensburg, PA
☐ Central Office (Harrisburg)
☐ Northeast Regional Office (Wilkes-Barre)
☐ Northcentral Regional Office (Williamsport)
☐ Northwest Regional Office (Meadville)
☐ Oil & Gas Office:

SECTION F. RESPONSIBLE COUNTY CONSERVATION DISTRICT, if applicable.

County Conservation District: Westmoreland County Conservation District
Telephone Number, if known: RECEIVED DEC 01 2008

SECTION G. CONSULTANT

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
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

<table>
<thead>
<tr>
<th>Applicant's Signature Oliver Smith</th>
<th>Date of Submission of Notice to PHMC</th>
</tr>
</thead>
<tbody>
<tr>
<td>President, VP Smith Company, Inc.</td>
<td>May 6, 2008</td>
</tr>
</tbody>
</table>

RECEIVED

DEC 01 2008

DEP-GBG
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.
CERTIFIED MAIL#7008 0150 0002 2805 2114
Commonwealth of Pennsylvania
PA Historical & Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd 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,

VAPOCO ENGINEERING

Dee Veitlz
Technical Administrator

cc: VP Smith Company, Inc.
**Sender: Complete This Section**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailbox, or on the front if space permits.

1. Article Addressed to:
   Dept. of Environmental Protection
   District Mining Office
   Armbrust Professional Center
   8205 Route 819
   Greensburg PA 15601
   Attention: Mr. Mike Cardman

2. Article Number (Transfer from service label): 70001 0002 2805 2015

**Complete This Section on Delivery**

A. Signature

B. Received by (Printed Name): [Name]

C. Date of Delivery: [Date]

D. Is delivery address different from item 1? [Yes] [No]

E. If YES, enter delivery address below: [Address]

3. Service Type
   - Certified Mail
   - Express Mail
   - Registered
   - Insured Mail
   - COD

4. Restricted Delivery? (Extra Fee) [Yes]

---

PS Form 3811, February 2004 USPS
Domestic Return Receipt 1st Class Agreement 32585-02-0-1440

---

**Received**

DEC 01 2015

DEP-GBG
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  
  Quadangle: Blairsville  
  Soil Association: 2  
  Soil Mapping Unit(s): GCB2,WMB2,BU  
  Site Elevation: 1140  
  Slope Aspect: East  
  Slope Basis: 
  Average Slope: 8%  
  Physiographic Zones: 11,Pittsburgh Low Plateau Section(21)  
  Topographic Setting: Hillslope  
  Predominant Bedrock Formation(s): Pcg-Pennsylvanian Glenshaw Formation  
  Fm-Pennsylvanian Monongahela Group  
  Pco-Pennsylvanian Casselman Formation  

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

<table>
<thead>
<tr>
<th>Distance</th>
<th>Elevation</th>
<th>Direction</th>
<th>Order</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearest Water</td>
<td>100 m</td>
<td>1060 ft</td>
<td>North</td>
<td>1</td>
</tr>
<tr>
<td>2nd Nearest Water</td>
<td>400 m</td>
<td>1080 ft</td>
<td>Southwest</td>
<td>2</td>
</tr>
<tr>
<td>Nearest Confluence</td>
<td>1460 m</td>
<td>920 ft</td>
<td>East</td>
<td>6</td>
</tr>
</tbody>
</table>

- 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

+ Features
- Artifact Types

Chipped Stone Tools: Present

<table>
<thead>
<tr>
<th>Diagnostic Artifact Type</th>
<th>Material</th>
<th>Frequency</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notched/Stemmed Points</td>
<td>Present</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Bifurcate Points</td>
<td>Chert/Flint</td>
<td>Present</td>
<td>1</td>
</tr>
</tbody>
</table>

Recovery Method: Surface Collection Not Representative of All Artifacts

Repositories:
- Lithic Materials
Chert/Flint: Present

+ Links
+ Comments
+ Phase 2 Methods
+ Phase 3 Methods

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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
- Pmi-Pennsylvanian Monongahela Group
- Poc-Pennsylvanian Casselman Formation

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

<table>
<thead>
<tr>
<th>Nearest Water</th>
<th>Distance</th>
<th>Elevation</th>
<th>Direction</th>
<th>Order</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 m</td>
<td>1100 ft</td>
<td>On-site</td>
<td>1</td>
<td>Extinct Stream</td>
</tr>
<tr>
<td>2nd Nearest Water</td>
<td>340 m</td>
<td>1080 ft</td>
<td>South</td>
<td>2</td>
<td>Extinct Stream</td>
</tr>
<tr>
<td>Nearest Confluence</td>
<td>1220 m</td>
<td>980 ft</td>
<td>Northeast</td>
<td>6</td>
<td>Confluence</td>
</tr>
</tbody>
</table>

- 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

- Chronology
  Chronology Basis: PASS Form
  Radiocarbon Date:
Prehistoric: 91% - 100%

<table>
<thead>
<tr>
<th>+ Features</th>
<th>No Data Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Artifact Types</td>
<td></td>
</tr>
<tr>
<td>Stone Debitage:</td>
<td>Present</td>
</tr>
<tr>
<td>Chipped Stone Tools:</td>
<td>Present</td>
</tr>
<tr>
<td>Recovery Method:</td>
<td>Surface Collection Not Representative of All Artifacts</td>
</tr>
<tr>
<td>Repositories:</td>
<td></td>
</tr>
<tr>
<td>- Lithic Materials</td>
<td></td>
</tr>
<tr>
<td>Chert/Flint:</td>
<td>Present</td>
</tr>
<tr>
<td>+ Links</td>
<td>No Data Present</td>
</tr>
<tr>
<td>+ Comments</td>
<td>No Data Present</td>
</tr>
<tr>
<td>+ Phase 2 Methods</td>
<td>No Data Present</td>
</tr>
<tr>
<td>+ Phase 3 Methods</td>
<td>No Data Present</td>
</tr>
</tbody>
</table>

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