

Module 20: Postmining Land Use and Reclamation [Section 7 NSMCRA/§§77.462/77.591/77.593]

20.1 Proposed Postmining Land Use

12.2021 **For premining land use areas identify the postmining land use to which the land will be restored, how each land use is to be achieved and the necessary support activities which may be needed to achieve the land use. Identify the type of reclamation for each area (approximate original contour, terrace, water impoundment, etc.). (Key the postmining land use(s) to the "Land Use and Reclamation Map" Exhibit 18.)**

See Map Exhibit 18 for delineated land uses.

Forestland – The post-mining land use of the affected forestland areas will be forestland within the 100' stream barrier areas and unmanaged natural habitat and industrial/commercial in other affected areas. The permanent seed mixtures #4 and #2 will be applied to all affected areas during the first planting season after regrading. Woody plant mixture #5 will be planted during the next season. See the attached land use change request.

Pastureland and/or Land Occasionally Cut For Hay - The post-mining land use will be the same as pre-mining in most areas. A portion of pastureland and/or land occasionally cut for hay will be reclaimed as industrial/commercial. See the attached land use change request. The permanent seed mixture #3 will be applied to all affected areas during the first planting season after regrading.

Unmanaged Natural Habitat - The postmining land use will be unmanaged natural habitat in most areas. A portion of unmanaged natural habitat will be reclaimed as industrial/commercial. See the attached land use change request. The permanent seed mixture #2 will be applied to all affected areas during the first planting season after regrading.

Residential - This area will not be affected by mining activities.

Cropland - The postmining land use will be the same as pre-mining. The permanent seed mixture #3 will be applied to all affected areas during the first planting season after regrading.

After the first growing season, soil tests will be performed to determine what nutrients will be used to topdress all areas. Any bare spots will be scarified, reseeded, and remulched.

20.2 Approximate Original Contour

For postmining land use areas to be reclaimed to approximate original contour show that the reclaimed land will be capable of supporting the uses it was capable of supporting prior to mining or higher or better uses. Notes: A higher or better use is a post-mining land use where the economic value or nonmonetary benefit to the landowner or the community is greater than for the pre-mining land use. A highest or best use is where the economic value or nonmonetary benefit to the landowner or the community is maximized. If you are proposing an alternative to AOC, complete either section 20.3 or 20.4, as appropriate.

The reclamation plan for this mine will be restoring approximate original contour. The overburden will be removed and temporarily stored on site. At the time of reclamation, the material will be trucked back to fill in the mining pit. The reclaimed land will be capable of supporting the post mining land uses since they will be the same as the pre mining land uses. These land uses are also consistent with the adjacent areas.

Are you proposing an alternative to AOC? No Yes
If Yes is checked fill out either section 20.3 or 20.4 as appropriate.

- c) **Show that the alternative to AOC reclamation is consistent with applicable land use policies, plans and programs and with Federal, State and Local law.**

- d) **Demonstrate that the restored land will be capable of supporting the highest or best use it can reasonably support and that the proposed postmining land use is compatible with adjacent land uses.**

20.4 Alternative to Approximate Original Contour (AOC) Reclamation under Section 7 (c)(2)(iii) of NSMCRA/§ 77.593(2)

- a) **Show that the alternative to AOC is likely to be achieved and that it poses no actual or potential threat to public health or safety, or of water diminution, interruption, contamination or pollution.**

- b) **Demonstrate that the proposed alternative to AOC will leave no highwalls, will improve the watershed of the area, and that the landowner has approved the alternative to AOC. (Submit a notarized statement by the landowner approving the alternative to AOC.)**

- c) **Demonstrate that the affected land will be restored to a condition capable of supporting the uses it was capable of supporting prior to mining or to a higher or better use.**

PROPERTY OWNER REQUEST FOR A POST-MINING LAND USE CHANGE

TO: The PA Department of Environmental Protection
Bureau of Mining & Reclamation, or
To Whom it May Concern:

I, David S. Herrholtz – President of Ligonier Stone & Lime Company, the owner of the property located approximately 1.0 mile southwest of Blairsville, on the western side of State Route 217, in Derry Township, Westmoreland County, PA, hereby request that DEP approval be granted for a land use change on my property. I would like the any affected areas currently classified as forestland, to be changed to a post-mining land use of unmanaged natural habitat. This is what I want the land use to be so it's consistent with my adjacent land uses and it best suits my long term plans to use the property.

I understand that the Surface Mining and Conservation and Reclamation Act obligates the coal company for liability for at least five years following reclamation, and that the land use will be developed and maintained through at least the fifth year following reclamation.

Owner's Signature(s) _____

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



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Westmoreland

Before me the undersigned Notary, personally appeared David S. Herrholtz, known to me (or satisfactorily proven) to be the person subscribed to in this instrument and who executed the same, this 25 day of January, 2021.

Notary Public: Nichole W. Rose

My Commission Expires: Nov. 30, 2023

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



PROPERTY OWNER REQUEST TO LEAVE THE PROCESSING YARD, POND 1 AND ITS DITCHES, HAUL ROAD, AND CHANGE THE POST-MINING LANDUSE TO THIS AREA

TO: The PA Department of Environmental Protection
Bureau of Mining & Reclamation, or
To Whom it May Concern:

I, David S. Herrholtz – President of Ligonier Stone & Lime Company, the owner of the property located approximately 1.0 mile southwest of Blairsville, on the western side of State Route 217, in Derry Township, Westmoreland County, PA, hereby request that Ligonier Stone & Lime Company leave the processing yard, Sediment Pond 1, its associated ditches and the haul road following reclamation for my use. Once all of the reclamation has been completed, I want this processing yard area, pond, its ditches, and the haul road to permanently remain as part of the post-mining landuse. I then accept all of the maintenance and liability of the previously listed items. The area included with these items that is currently classified as forestland, unmanaged natural habitat and pastureland and/or land occasionally cut for hay I want to be industrial/commercial following mining activities. This is what I want the land to be so it's consistent with my nearby properties and it suits my needs post-mining on my property.

Owner's Signature(s) 
David S. Herrholtz – President of
Ligonier Stone & Lime Company

Notary

State of Pennsylvania

County of Westmoreland

Before me, the undersigned notary, personally appeared David S. Herrholtz, known to me (or satisfactorily proven) to be the person subscribed to in this instrument and who executed the same,

this 13 day of December, 2021.

Notary Public



seal

My Commission Expires: November 30, 2023

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