

1. PROJECT INFORMATION

Project Name: **Rustic Ridge I Expansion**

Date of Review: **8/6/2021 07:49:31 AM**

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

Project Area: **1,458.02 acres**

County(s): **Westmoreland**

Township/Municipality(s): **DONEGAL; DONEGAL TOWNSHIP**

ZIP Code:

Quadrangle Name(s): **DONEGAL; SEVEN SPRINGS; STAHLSTOWN**

Watersheds HUC 8: **Kiskiminetas; Youghiogheny**

Watersheds HUC 12: **Champion Creek-Indian Creek; Fourmile Run; Headwaters Indian Creek**

Decimal Degrees: **40.116769, -79.385966**

Degrees Minutes Seconds: **40° 7' 0.3669" N, 79° 23' 9.4789" W**

2. SEARCH RESULTS

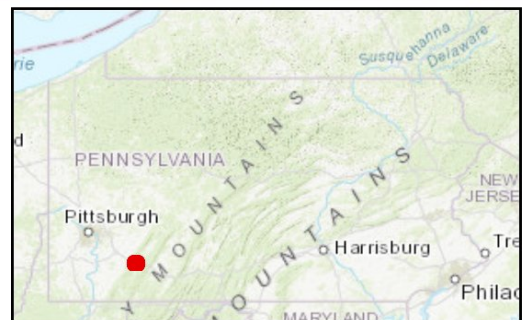
Agency	Results	Response
PA Game Commission	Conservation Measure	No Further Review Required, See Agency Comments
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	Conservation Measure	No Further Review Required,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

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.

Rustic Ridge I Expansion

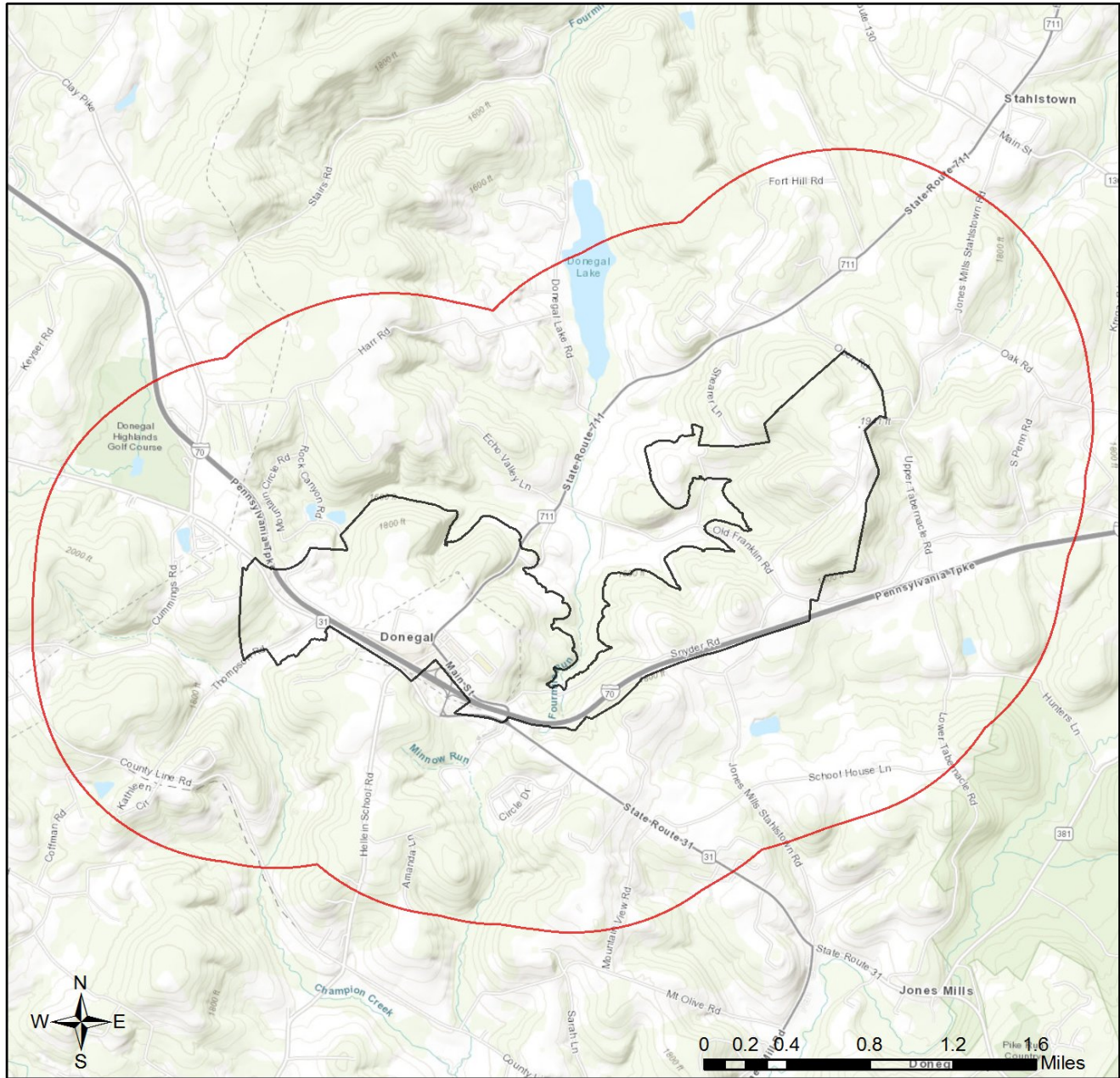


- Project Boundary
- Buffered Project Boundary



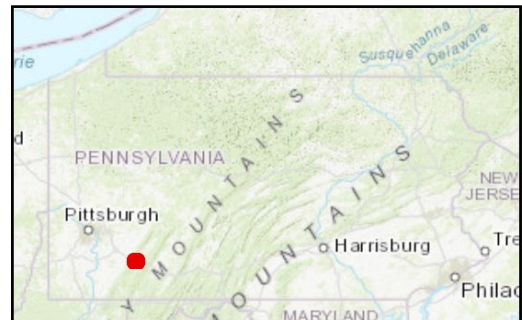
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS,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

Rustic Ridge I Expansion



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, Garmin, Intemap, 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:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

DCNR Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below. After desktop review, if a botanical survey is required by DCNR, we recommend the DCNR Botanical Survey Protocols, available here:

<https://conservationexplorer.dcnr.pa.gov/content/survey-protocols>)

Scientific Name	Common Name	Current Status	Proposed Status	Survey Window
Oxypolis rigidior	Stiff Cowbane	Special Concern Species*	Special Concern Species*	Flowers August - September

PA Fish and Boat Commission

RESPONSE:

Conservation Measure: The natural flow regime and water quality in this watershed are important to maintaining habitats occupied by rare fish and mussels. PFBC recommends that you take measures to maintain a natural flow regime, high water quality, and quantity. Maintenance or restoration of the riparian corridor will aid in connecting habitats and improving water quality and quantity for fish and mussels. PFBC recommends retaining (or restoring, if not already present) a riparian buffer (100 to 300 feet, if possible) on each side of the waterway (river, stream, creek). This buffer should be vegetated with native plant species. When adequately vegetated, this upland buffer will act to stabilize the streambanks (preventing or minimizing erosion), and filter pollutants (e.g., sediment, fertilizers, pesticides, road salt, oil). Where streambanks have become badly eroded (e.g., due to previous removal of native riparian vegetation), streambank fencing and/or bioengineering restoration techniques are recommended (geotextile, root wads, vegetative stabilization), rather than riprapping the streambanks; removing gravel bars; or attempting to dredge, ditch, channelize, or widen the stream. Use stringent erosion and sedimentation controls before, during, and after project implementation to ensure that sediment and contaminants do not enter any waterway(s) (rivers, creeks, streams, tributaries) or waterbodies (lakes, ponds).

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Lampetra aepyptera	Least Brook Lamprey	Special Concern Species*

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.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

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 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). 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

PA Fish and Boat Commission

Division of Environmental Services
595 E. Rolling Ridge Dr., Bellefonte, PA 16823
Email: 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
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
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: ChristineA. Hainzer
Company/Business Name: CME Engineering LP
Address: 165 E. Union Street
City, State, Zip: Somerset, PA 15501
Phone: (814) 443-3344 ext 3031 Fax: (814) 444-0365
Email: chris.hainzer@cmemgmt.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-dq the online environmental review.

Christine A. Hainzer
applicant/project proponent signature

8-6-2021
date

BUREAU OF FORESTRY

August 11, 2021

PNDI Number: 736232
Version: Final_1; 8/6/21

Chris Hainzer
CME Engineering LP
165 East Union Street
Somerset, PA 15501
Email: chris.hainzer@cmemgmt.com (hard copy will not follow)

Re: Rustic Ridge I Expansion
Donegal Borough and Donegal Township, Westmoreland County, PA

Dear Mr. Hainzer,

Thank you for the submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number **736232 (Final_1)**. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

No Impact Anticipated

PNDI records indicate species or resources under DCNR's jurisdiction are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

Recommended Voluntary Actions:

- Use a conservative approach to project design that minimizes permanent and temporary disturbances to soil and native vegetation. This will conserve habitat and limit opportunities for invasive plants.
- Clean boot treads, tools, construction equipment, and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site. This will remove invasive plant seeds and invasive earthworms/cocoons that may have been picked up at other worksites.
- Use clean project materials (e.g., weed-free straw) or materials native to the worksite to avoid introducing invasive species from contaminated sources.
- Revegetate or cover disturbed soil and stockpiles quickly to discourage the germination of invasive plants. Implement proper erosion control practices to stabilize soil and reduce runoff.
- Do not use seed mixes that include invasive species. More information about invasive plants in Pennsylvania can be found at the following link: <http://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/Pages/default.aspx>
- Use habitat appropriate seed mixes. For example, use a riparian seed mix when reseeding along a waterway. The *Bureau of Forestry Planting & Seeding Guidelines* can be found at the following link for recommendations: http://www.docs.dcnr.gov/cs/groups/public/documents/document/dcnr_20031083.pdf

- Use native plants for landscaping, revegetation, and stormwater management. Do not use nonnative invasive species. Reduce the area of lawn and impermeable surfaces to the fullest extent practicable in favor of native gardens or habitat restoration (e.g., forest, meadow, wetland, etc.). More information about lawn conversion can be found at the following link: <https://www.dcnr.pa.gov/Conservation/Water/LawnConversion/Pages/default.aspx>
- Plant forest buffers where trees were historically present along streams, wetlands, and bodies of water. Buffers should be a minimum of 35 feet in width (ideally at least 100 feet in width). Where trees are not appropriate (e.g., powerline rights-of-way), buffer with native shrubs and herbaceous plants. More information about riparian buffers can be found at the following link: <https://www.dcnr.pa.gov/Conservation/Water/RiparianBuffers/Pages/default.aspx>
- Manage rights-of-way for diverse native plant communities and wildlife (e.g., monarch butterfly). In seed mixes, include wildflowers that have overlapping bloom periods and provide forage for pollinators throughout the growing season. Avoid blanket herbicide applications; instead, spot-treat undesirable tall woody vegetation and invasive weeds. Where mowing is necessary, reduce frequency to once every few years during the dormant season (i.e., after first frost in late fall and before bird nesting in early spring), leaving some refugia for overwintering wildlife.
- Monitor for invasive plants before, during, and after project activities and promptly control any identified infestations. Frequent monitoring allows for early detection and rapid response.

This response represents the most up-to-date review of the PNDI data files and is valid for two (2) years only. If project plans change or more information on listed or proposed species becomes available, our determination may be reconsidered. Should the proposed work continue beyond the period covered by this letter and a permit has not been acquired, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative, description of project changes and accurate map). As a reminder, this finding applies to potential impacts under DCNR's jurisdiction only. Visit the PNHP website for directions on contacting the Commonwealth's other resource agencies for environmental review.

Should you have any questions or concerns, please contact Jason Ryndock, Ecological Information Specialist, by phone (717-705-2822) or via email (c-jryndock@pa.gov).

Sincerely



Greg Podnieszinski, Section Chief
Natural Heritage Section

Chris Hainzer

From: Chris Hainzer
Sent: Friday, August 6, 2021 10:32 AM
To: IR1_ESPenn@fws.gov
Subject: PNDI Receipt_736232_FINAL_1_RR1_Expansion
Attachments: PNDI Receipt_RR1_Expansion_736232_FINAL_1.pdf; RR #1 Expansion-PNDI Narrative.pdf; RR #1 Expansion-Location Map.pdf

Attached for your review please find the PNDI Receipt PNDI-736232, project narrative and an accompanying USGS 7.5-minute Quadrangle map for the above referenced project. The proposed project boundary lies within the Donegal; Seven Springs; Stahlstown PA 7.5-minute Quadrangles. The project consists of a revision to the existing Rustic Ridge #1 Mine Coal Mining Activity Permit No. 65131301 located in Saltlick Township, Fayette County, Pennsylvania and Donegal Borough & Donegal Township, Westmoreland County, Pennsylvania

CME is submitting this letter on behalf of LCT Energy, LP. Please review the information and provide your comments and recommendations. Should you have any questions or require any additional information, please feel free to contact me at 814-443-3344, Ext. 3031 or chris.hainzer@cmemgmt.com

Thanks....

Christine A. Hainzer

Senior Technician
CME Management LLC,
general partner of CME Engineering LP
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Chris Hainzer

From: ESPenn, IR1 <IR1_ESPenn@fws.gov>
Sent: Friday, August 6, 2021 10:35 AM
To: Chris Hainzer
Subject: [EXTERNAL]Automatic reply: [EXTERNAL] PNDI Receipt_736232_FINAL_1_RR1_Expansion

This is an automated response that acknowledges that the U.S. Fish and Wildlife Service (Service) received an email related to your search of the Pennsylvania Natural Diversity Inventory (PNDI). Please note that the Service cannot initiate a review or provide a response until the Minimum Materials (as per the PNDI receipt “What to Send to Jurisdictional Agencies”) are provided. This supporting information, including a detailed project narrative, signed PNDI receipt, maps, drawings, surveys and reports, etc., should either be attached to your email or uploaded at the PNDI project page (see the Conservation Explorer Help “Frequently Asked Questions” and Resources).

Please note that when you return to your PNDI Project file and upload the materials electronically, you must notify us via email (IR1_ESPenn@fws.gov) to confirm that the information is ready for review.

Total Control Panel

[Login](#)

To: chris.hainzer@cmemgmt.com [Remove](#) this sender from my allow list
From: ir1_espenn@fws.gov

You received this message because the sender is on your allow list.

Chris Hainzer

From: Chris Hainzer
Sent: Friday, August 6, 2021 10:38 AM
To: IR1_ESPenn@fws.gov
Subject: PNDI Receipt_736232_FINAL_1_RR1_Expansion

Documents have been uploaded electronically for PNDI Receipt_736232_FINAL_1_RR1_Expansion.

Thanks....

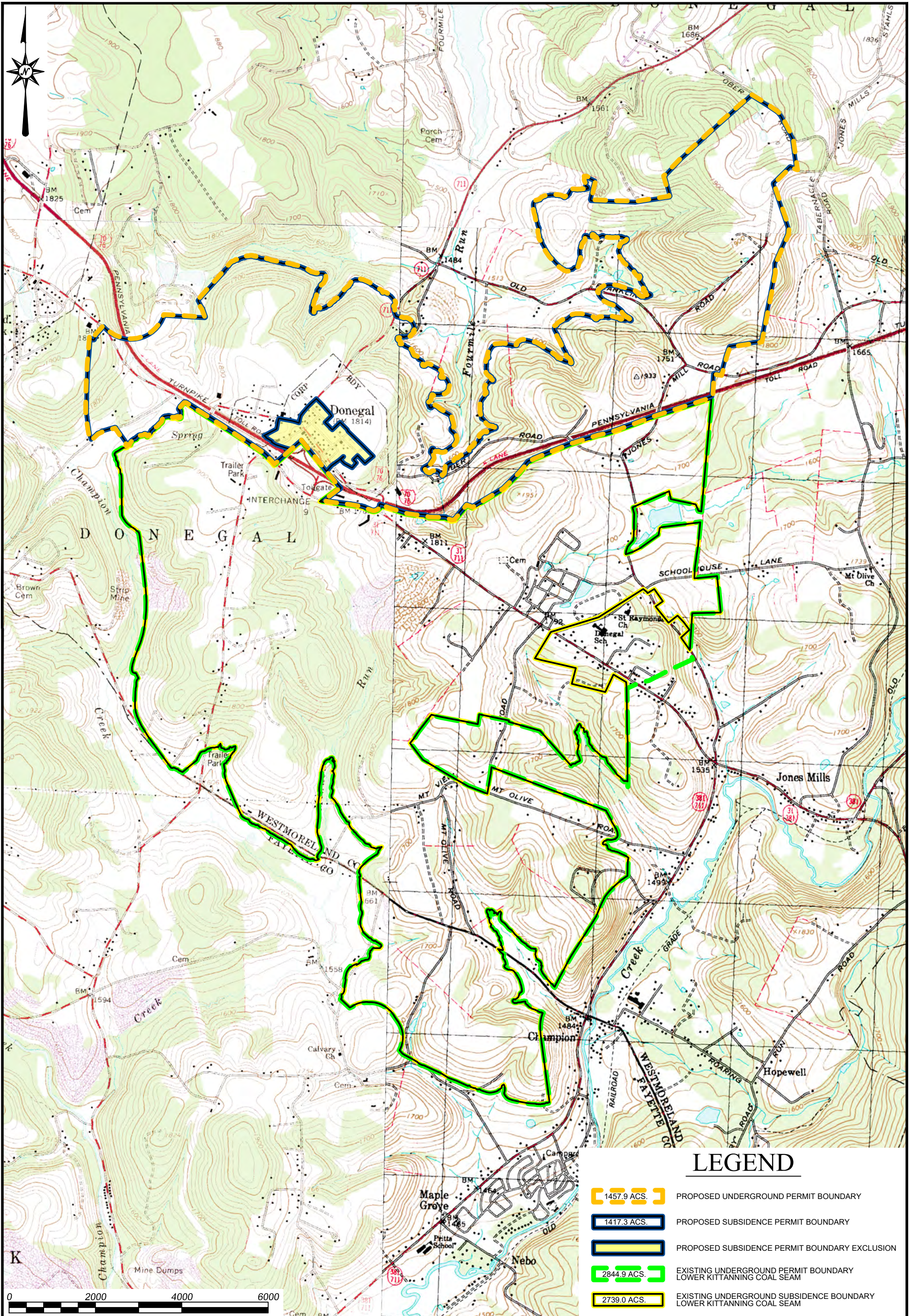
Christine A. Hainzer

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LCT ENERGY, LP
RUSTIC RIDGE NO. 1 EXPANSION
Saltlick Township, Fayette County, Pennsylvania
Donegal Borough & Donegal Township, Westmoreland County, Pennsylvania

PROJECT NARRATIVE

LCT Energy, LP is making application to the Pennsylvania Department of Environmental Protection (PADEP) for a revision to the existing Rustic Ridge #1 Mine - CMAP No. 65131301. This permit revision proposed to expand the underground permit area by 1457.9 acres and the subsidence control plan area by 1417.3 acres. No surface subsidence nor surface disturbance is proposed in this revision.



LEGEND

- 1457.9 ACS. PROPOSED UNDERGROUND PERMIT BOUNDARY
- 1417.3 ACS. PROPOSED SUBSIDENCE PERMIT BOUNDARY
- PROPOSED SUBSIDENCE PERMIT BOUNDARY EXCLUSION
- 2844.9 ACS. EXISTING UNDERGROUND PERMIT BOUNDARY LOWER KITTANNING COAL SEAM
- 2739.0 ACS. EXISTING UNDERGROUND SUBSIDENCE BOUNDARY LOWER KITTANNING COAL SEAM



Drawn By:	TMC
Checked By:	EKT
Date:	08-02-2021
Scale:	1" = 2000'
Project No.:	0721-S164
File Name:	Rustic Ridge #1 Expansion.dwg
Drawing:	1 of 1

CME
ENGINEERING
CME ENGINEERING LP

165 East Union Street, Suite 100, Somerset, PA 15501
814-443-3344 FAX: 814-444-0365

LOCATION MAP

LCT
ENGINEERING

RUSTIC RIDGE #1 EXPANSION
LOWER KITTANNING COAL SEAM
CMA# 65131301 MSHA ID # 3610089
DONEGAL AND SALTICK TOWNSHIPS
WESTMORELAND & FAYETTE COUNTIES, PENNSYLVANIA