



**U.S. Army Corps  
of Engineers**  
Pittsburgh District

# Public Notice

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2012-1313

Date: January 11, 2022

Notice No. 22-03

Closing Date: January 26, 2022

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: Glenn O. Hawbaker, Inc.  
1952 Waddle Road, Suite 203  
State College, Pennsylvania 16803
3. AGENT: Randy C. Andring  
Fike Associates, Inc.  
22830 Route 88  
Clarion, Pennsylvania, 16214
4. LOCATION: Wetlands associated with the East Branch of Wolf Creek  
Berg Mine  
Barkeyville Borough  
Venango County, Pennsylvania
5. PURPOSE AND DESCRIPTION OF WORK: The applicant has already been approved to impact 2.352 acres of PEM wetlands for non-coal surface mining activities at the Berg Mine in Barkeyville Borough, Venango County, Pennsylvania. The applicant now proposes to expand the project area to impact 0.42 additional acres of PEM wetland for a total of 2.772 acres of permanent impact to waters of the U.S.

Approved mitigation for unavoidable impacts to waters of the United States was on site creation of 2.84 acres of palustrine wetlands. The additional impacts will now require that the mitigation provide for 3.68 acres of wetland replacement.

Drawings of the proposed mine are attached to this notice.

6. ENCROACHMENT PERMIT: The applicant has obtained a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
Knox District Mining Office

White Memorial Building  
310 Best Ave  
Knox, Pennsylvania 16232  
Telephone: 814-797-1191

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, this Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).
8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).
9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.
10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are

used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn: Matthew Gilbert, by telephoning (412) 395-7189, or by e-mail at [Matthew.C.Gilbert@usace.army.mil](mailto:Matthew.C.Gilbert@usace.army.mil). Please refer to CELRP-RG 2012-1313 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Tyler Bintrim  
North Branch Chief, Regulatory Division