



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Attn: Mark Tercek
LCT Energy, LP

Published: June 25, 2025
Expires: July 7, 2025

**Pittsburgh District
Permit Application No. LRP-2023-00028**

TO WHOM IT MAY CONCERN: The Pittsburgh District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). Pursuant to Sec. 1 and Sec. 4 of EO 14156, the U.S. Army Corps of Engineers (Corps), Pittsburgh District has found the request to be subject to emergency treatment pursuant to special permit processing procedures in accordance with 33 CFR § 325.2(e)(4) for the National Energy Emergency established by Executive Order 14156, which was issued on January 20, 2025. These special emergency processing procedures have been established for activities associated with the identification, siting, production, transportation, refining, and generation of domestic energy sources, including energy infrastructure, that require a DA authorization under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972, as amended. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Attn: Mark Tercek
LCT Energy, LP
938 Mt. Airy Drive
Ste. 200
Johnstown, Pennsylvania 15904

AGENT: Joe Lloyd
Apex Companies, LLC
165 East Union Street
Ste. 100
Somerset, Pennsylvania 15501

WATERWAY AND LOCATION: The project would affect waters of the United States associated with unnamed tributaries (UNTs) to Jacobs Creek, including adjacent wetlands. The project/review area is located in Acme, Westmoreland County, Pennsylvania (40.146361, -79.407389).

EXISTING CONDITIONS: The 64.6-acre project area primarily consists of agricultural fields and forested upland. A double tracked private road bisects the area.

PROJECT PURPOSE: To construct a new surface facility for a new underground bituminous coal mining operation.

Basic: To extract bituminous coal.

Overall: To extract bituminous coal within the Lower Kittanning coal seam and supply regional markets with fuels for electric generation and production.

PROPOSED WORK: The applicant requests authorization to permanently impact 0.57 acres of wetland as well as 1,885 linear feet of UNTs to Jacobs Creek for the establishment of a surface facility associated with the Rustic Ridge II underground bituminous coal mining operation. The surface site will include pit with slope entries, mine fan, supply yard, coal stockpile area, power substation, mine drainage treatment facilities, office/bathhouse, laydown areas and erosion and sediment control facilities.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Site development activities were planned to minimize impacts while still allowing the site to function. Surface and mine drainage waters will meet effluent limitations at discharge as required by the Pennsylvania Department of Environmental Protection (PADEP). During the clearing and grubbing of the surface area, the brush removed will be placed in windrows along the edge of the area to be disturbed – creating a visual demarcation of the limits of disturbance as well as providing some erosion and sediment control functions and wildlife habitat. Extracted coal will be transported over-the-road to a permitted processing facility. Screened rejected material will be transported to an approved refuse disposal facility. No trucks will be permitted within the coal stockpile area. Coal material shall not be tracked onto the public road nor allowed to enter erosion and sedimentation facilities.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant is proposing to utilize compensatory mitigation credits to offset impacts to aquatic resources on-site.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Indiana Bat	Myotis sodalis	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Office of Surface Mining and Enforcement (OSMRE) is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the OSMRE.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the PADEP. This public notice does not serve as application to the PADEP for certification required by Section 401 of the Clean Water Act. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 404 of the Clean Water Act permit. The applicant must apply directly to the PADEP for an individual 401 WQC if one is required:

Pennsylvania Department of Environmental Protection
California District Mining Office
25 Technology Drive
California Technology Park
Coal Center, Pennsylvania 15423
Phone: (724) 769-1100

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

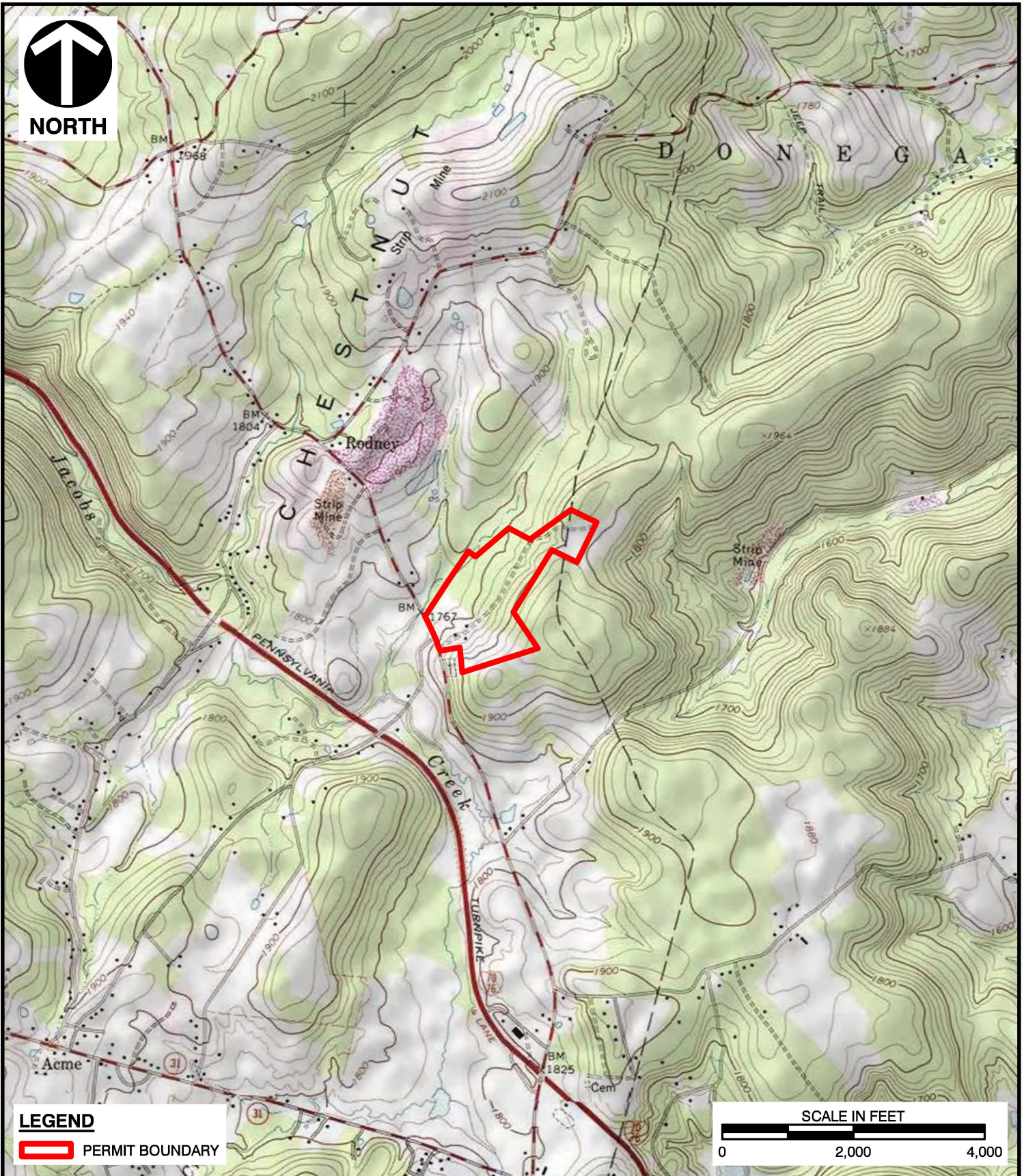
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Pittsburgh District will receive written comments on the proposed work, as outlined above, until July 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jeremy

Roberts at jeremy.n.roberts@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Pittsburgh District, Attention: Jeremy Roberts, William S. Moorhead Federal Building, 1000 Liberty Ave, Pittsburgh, Pennsylvania 15222-4186. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



LEGEND

 PERMIT BOUNDARY

SCALE IN FEET
0 2,000 4,000



Civil & Environmental
Consultants, Inc.

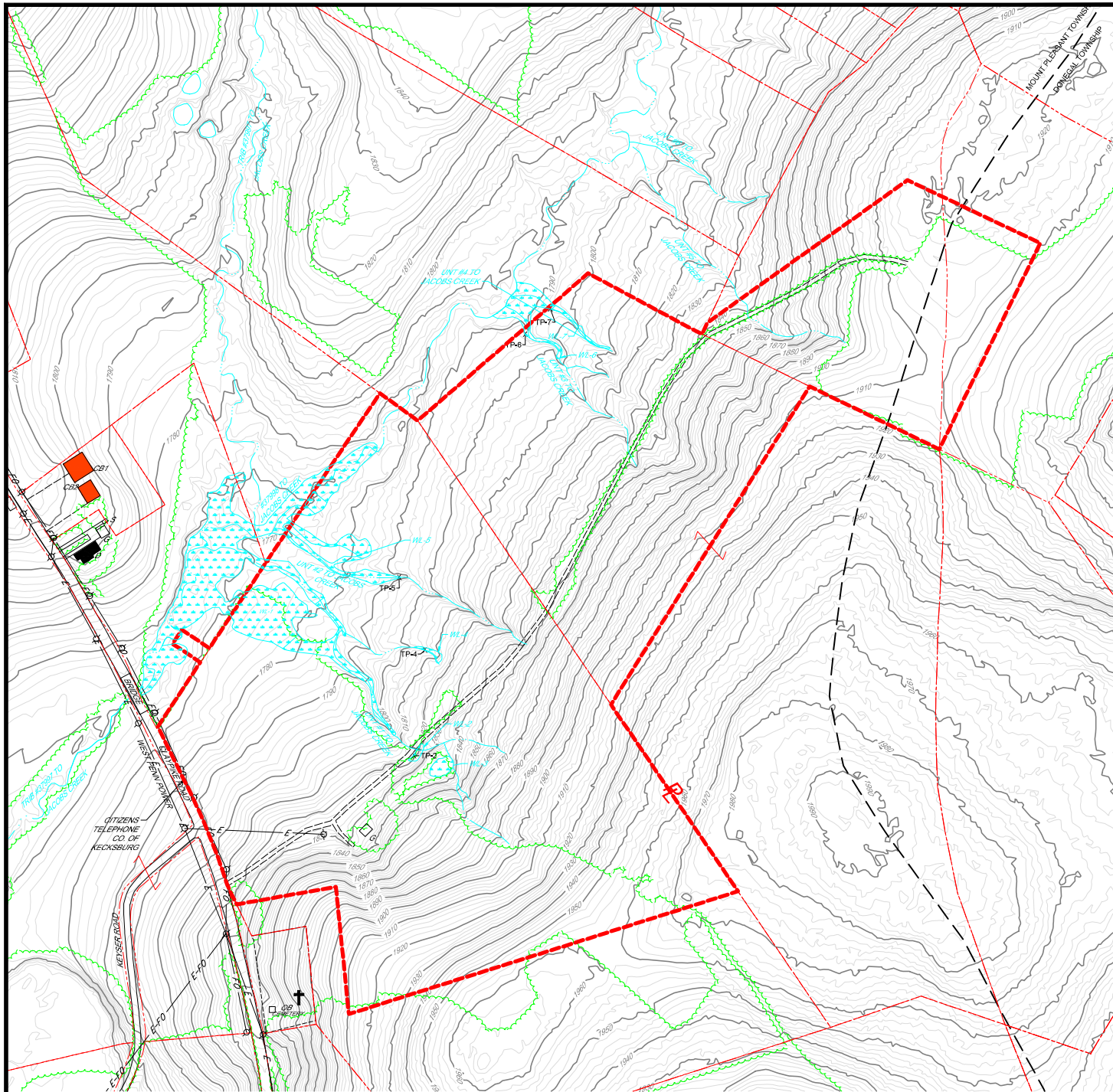
700 Cherrington Parkway
Moon Township, PA 15108
Ph: 412.429.2324 · 800.365.2324
www.cecinc.com

LCT ENERGY, LP
RUSTIC RIDGE II MINE
WESTMORELAND COUNTY, PENNSYLVANIA

SITE LOCATION MAP

DRAWN BY:	CLC	CHECKED BY:	MSB	APPROVED BY:	DAM*	FIGURE NO:
DATE:	5/9/2024	SCALE:	1"=2,000'	PROJECT NO:	342-076	1

*Hand Signature on file



LEGEND

- 64.5 ACS
- SURFACE SITE BOUNDARY
- PUBLIC/PROTECTED STRUCTURE
- COMMERCIAL STRUCTURE
- OCCUPIED DWELLING
- UNOCCUPIED STRUCTURE
- CEMETERY
- UTILITY LINE (T=Telephone, E=Electric, G=Gas, C=Cable, W=Water, S=Sewer)
- UTILITY POLE
- SURFACE PROPERTY LINE
- GRAVEL ROAD
- PAVED ROAD
- EXISTING CULVERT
- TREE LINE
- TP1-X
- TEST PIT
- WETLANDS
- POND WITH NUMERICAL REFERENCE
- STREAM
- DRAINAGE COURSE
- 2000
- SURFACE CONTOURS (2FT INTERVAL)



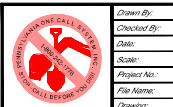
NOT FOR CONSTRUCTION

NOTES:

- PROJECT IS LOCATED ON MAMMOTH, STAHLSTOWN, & DONESAIL PA 7 1/2 MIN, USGS QUADRANGLES.
- SURFACE FEATURES INCLUDING BUT NOT LIMITED TO BUILDINGS, CONTOURS, ROADS, UTILITIES & WATERWAYS TAKEN FROM THE FOLLOWING:
 - ORTHOGRAPHIC PHOTOS
 - PAMAP PROGRAM, PA DCNR, BUREAU OF TOPOGRAPHIC AND GEOLOGIC SURVEY
 - TIME PERIOD OF CONTENT: 2006
 - TOPOGRAPHIC CONTOURS
 - PAMAP PROGRAM, PA DCNR, BUREAU OF TOPOGRAPHIC AND GEOLOGIC SURVEY
 - TIME PERIOD OF CONTENT: 2006
- GRID COORDINATES ARE NORTH AMERICAN DATUM OF 1983 (NAD 83), PENNSYLVANIA STATE PLANES SOUTH.
- PROPERTY LINES WERE TAKEN FROM WESTMORELAND COUNTY GIS TAX MAPPING AND DO NOT REPRESENT ACTUAL SURVEY OF THE PROPERTY.
- ALL UTILITY LINE LOCATIONS WERE PROVIDED BY THE ACCOMPANYING OWNER AND DO NOT REPRESENT ACTUAL SURVEY.



WETLAND ID	AREA WITHIN PERMIT
WL-1	1.09 ACRES
WL-2	0.03 ACRES
WL-3	0.10 ACRES
WL-4	0.03 ACRES
WL-5	0.66 ACRES
WL-6	0.04 ACRES
WL-7	0.04 ACRES



Drawn By:	RJB
Checked By:	JVL
Date:	06-17-2025
Scale:	1" = 200'
Project No.:	0721-S220
File Name:	Delineation Map.dwg
Drawing:	1 of 1

Apex Companies, LLC
975 George Station Rd., Suite 100
Greensburg, Pennsylvania 15601
Phone: (724) 672-6800
www.apexcos.com

EXHIBIT 4: WETLAND DELINEATION MAP

LCI
RUSTIC RIDGE II
LOWER BITTANNING COAL SEAM
CHAMPAIGN PENDING MSHA ID # PENDING
MOUNT PLEASANT & DONESAIL TOWNSHIPS
WESTMORELAND COUNTY, PENNSYLVANIA

[illegible]

MINE WORKINGS & WASTE DISPOSAL SITES TABLE									
MAP	GRID	MINE NAME	OPERATOR	PERMIT #	DATE RECLOSED (N/A)	STATUS	COAL SEAMS	WATER SAMPLE(S)	SOURCE OF INFORMATION AND COMMENT
SURFACE MINES									
22	FD	WYNANT	DOMERGEAL COAL & COKE, INC.	884	09-20-2018	RECLAIMED	LF	N/A	BMPL DEP FILES
52	FD	HOWARD #1	ALLIANCE CONTRACTORS, INC.	34760288	08-11-1978	RECLAIMED	LF	N/A	BMPL DEP FILES
53	KA	KATKIRK	ALICE & ROBINSON	6979105	10-25-1979	RECLAIMED	UP	N/A	BMPL DEP FILES
54	KA	KATKIRK	HOLLAND CONTRACTORS, INC.	6797111	08-20-1982	RECLAIMED	UP	N/A	BMPL DEP FILES
58	HR	RUEBLES STRIP	AMERISOL MINING, INC.	69920306	05-25-1984	RECLAIMED	UP	N/A	BMPL DEP FILES
59	HR	RUEBLES STRIP	HOLLAND CONTRACTORS, INC.	6979104	10-25-1979	RECLAIMED	ML, UL, CL	N/A	BMPL DEP FILES
UNDERGROUND MINES									
D1	+	RUSTICE READER #1 MINE	LCT ENERGY LP	69131001	12-26-2016	ACTIVE	LK	N/A	BMPL DEP
REFUSE DISPOSAL SITES									
THERE ARE NO KNOWN REFUSE DISPOSAL SITES WITHIN 1000 FEET OF THE PERMIT AREA.									
SOLID WASTE DISPOSAL AREAS									
THERE ARE NO KNOWN WASTE DISPOSAL AREAS WITHIN 1000 FEET OF THE PERMIT AREA.									

WEST VIRGINIA GEOLOGICAL SURVEY

BMPL = BUREAU OF MINE RECLAMATION

PERMIT # = PERMIT NUMBER

RE = RECLAMED

LF = RECLAMED 1.0' FOR LOCATION

UP = RECLAMED TO EXISTING 6.0'

ML, UL, CL = RECLAMED 2.0' FOR LOCATION

EXHIBIT 9.1(a): OPERATIONS MAP

	REVISIONS		<i>Drawn By:</i>	AAB	 Apex Companies, LLC 185 East Union St., Suite 100 Somerset, Pennsylvania 15501 <i>Phone: (814) 443-5344</i> www.apexccos.com	 ERIC K. TERRY PROFESSIONAL ENGINEER CIVIL STATE OF PA LICENSE NO. 79527	EXHIBIT 9.1(a): OPERATIONS MAP RUSTIC RIDGE II LOWER MIDDLEBURY CEMETARY CMAP# B5221302 MSHA ID # PENDING MOUNT PLEASANT & DONEGAL TOWNSHIPS WESTMORELAND COUNTY, PENNSYLVANIA		
	No.	By	Date	Description				<i>Checked By:</i>	DJP
								<i>Date:</i>	06-18-2024
								<i>Scale:</i>	1" = 100'
								<i>Project No.:</i>	0721-5220
								<i>File Name:</i>	RUSTIC RIDGE ILDWS
				<i>Drawing:</i>	1 of 1				