



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

AUG 10 2007

August 6, 2007

Operations Division
Regulatory Branch
2005-2397

Ms. Barbara K. Nielsen
Phelps Dodge Corporation
One North Central Avenue
Phoenix, Arizona 85004

Dear Ms. Nielsen:

Reference is made to your request for review of a wetland delineation submitted on your behalf by WestLand Resources, Inc., dated March 27, 2007. This delineation was performed on an approximately 332 acre parcel which is bordered on three sides by Cross Creek and located south of Steubenville, in Cross Creek Township, Jefferson County, Ohio. Regulatory Project Manager, Christina Schroeder, met with you along with representatives from WestLand Resources, Inc. and Ohio EPA to conduct a site visit to verify the wetland boundaries on April 10, 2007.

The revised mapping submitted by WestLand Resources, Inc. identifies three jurisdictional unnamed tributaries (F, E&D, J&K) that flow into Cross Creek, which is also jurisdictional. The mapping also indicates four isolated, non-jurisdictional open water mine pits (Y, Z, AA, & CC), one isolated, non-jurisdictional stream channel (DD), and six isolated, non-jurisdictional wetlands (P, Q, R, W, EE, & HH) are present within the study area boundaries. These isolated waters are not Federally regulated waters. However, you must contact Ohio EPA to obtain the appropriate state authorizations prior to their disturbance.

At this time we concur with your report dated March 27, 2006 and revised mapping dated June 5, 2007. This delineation verification will remain valid for a period of five years from the date of this letter, unless new information warrants revision of the delineation. Every effort should be made to avoid impacts to the aquatic resources on-site. If jurisdictional stream impacts are proposed, this office should be contacted to discuss permit requirements.

If you have any questions, please contact Christina Schroeder at (412) 395-7375.

Sincerely,

Scott A. Hans

Acting Chief, Regulatory Branch