



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

August 8, 2019

Regulatory Division  
**2005-2397**

William E Cobb  
Cyprus Amax Minerals Company  
333 North Central Ave.  
Phoenix, Arizona 85004

Dear Mr. Cobb:

I refer to the revised Pre Construction Notification for the former Satralloy Site, received in this office on July 26, 2019, regarding your proposal to impact 0.0552 acre of four wetlands and 220 linear feet of two unnamed tributaries to Cross Creek for site remediation consisting of, widening of a road, construction of a sedimentation pond and building demolition in Mingo Junction, Jefferson County, Ohio.

Activities associated with projects of this type are authorized by Nationwide Permit (NWP) No. 38 Cleanup of Hazardous and Toxic Waste, previously issued by the Corps of Engineers, for purposes of Section 404 of the Clean Water Act. These NWPs were published in the January 6, 2017 issue of the Federal Register. This project has been verified to comply with all applicable regional conditions and water quality certification conditions as published in Public Notice LRH-2016-00006-OH on March 21, 2017.

For a list of conditions which must be followed for the NWP to be valid, refer to:  
<https://www.lrh.usace.army.mil/Portals/38/Users/007/87/1287/2016-00006-OH.pdf?ver=2017-04-11-102404-443>

**Special Conditions:**

1. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a federally-listed endangered species and the northern long-eared bat (*Myotis septentrionalis*), a federally-listed threatened species. Several factors have contributed to the two species decline, including habitat loss, fragmentation of habitat and the disease White Nose Syndrome. During winter, the two bat species hibernate in caves and abandoned mines. Suitable summer habitat for the Indiana bats and the northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such

as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee will preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees  $\geq 3$  inches dbh will only be cut between October 1 and March 31.

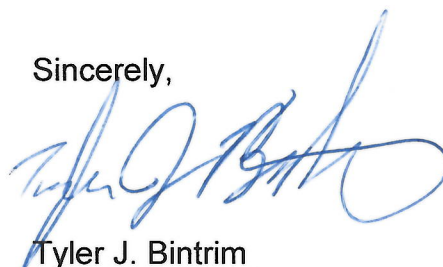
Adherence to these conditions will permit you to proceed with the proposed project. Please note, the enclosed Compliance Certification Form must be signed and returned to this office upon completion of the proposed work.

The verification of this NWP is valid until March 18, 2022, unless the NWPs are modified, suspended, or revoked. If project specifications are changed or work has not been initiated before March 18, 2022, please contact this office for further verification.

The verification of this NWP will not relieve you of the responsibility to obtain any other required state, local, or Federal authorizations.

If you have any questions, please contact Michael M. Fodse by phone at (412) 395-7575 or email at [michael.m.fodse@usace.army.mil](mailto:michael.m.fodse@usace.army.mil). Please complete our customer survey online and provide us with feedback at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Sincerely,



Tyler J. Bintrim  
Chief, North Branch  
Regulatory Division

Enclosure

cc:

Jeff Boyles (OEPA)

Jefferson SWCD

Claire Phillips (Westland Resources)

**Compliance Certification Form**

PERMIT NO: 2005-2397

NAME OF PERMITTEE: Cyprus Amax Minerals Company

DATE OF ISSUANCE: August 8, 2019

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers  
Pittsburgh District  
Regulatory Division, Room 2200  
William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Please note that your permitted activity is subject to compliance inspection by a U.S. Army Corps of Engineers Representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

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Signature of Permittee