

Environmental Assessment/Baseline Survey to Establish New Drop Zone (DZ) in Cadiz, Ohio

**Pittsburgh Air Reserve Station,
Coraopolis, Pennsylvania**



**Final
Environmental Assessment and Baseline Survey**

March 2009

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**DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR THE ESTABLISHMENT OF A NEW DROP ZONE IN CADIZ, OHIO**

The attached environmental assessment (EA) and environmental baseline survey (EBS) analyzes the potential environmental impacts associated with the establishment of a new drop zone near Cadiz, Ohio. Associated with this Proposed Action is a Finding of No Significant Impact (FONSI).

The Proposed Action would entail leasing approximately 430 acres of privately-owned property on a reclaimed strip mine for use by the 911th Airlift Wing (AW) stationed at Pittsburgh International Airport (IAP) Air Reserve Station (ARS). The No-Action Alternative would be to not lease the property, and continue using existing drop zone facilities.

The resources analyzed for environmental impact are land use, airspace management, noise, air quality, safety and occupational health, hazardous materials and hazardous waste, earth resources, water resources, biological resources, cultural resources, socioeconomics, environmental justice, recreation and visual resources, and transportation. No potential significant impacts to any of these resources were identified.

There would be no changes in existing land use at the proposed Cadiz Drop Zone property. Restrictions on aircraft approach and departure directions and coordination with the Federal Aviation Administration would result in no significant impacts to airspace management. Noise levels from C-130 operations over the proposed Cadiz Drop Zone property would be below 45 A-weighted decibels (dBA), well below the 65 dBA threshold for compatibility with all land uses. Air emissions from aircraft operating at the drop zone would not result in significant impacts to air quality. Standard drop zone safety procedures would be implemented. Hazardous materials used and hazardous waste generated on the proposed Cadiz Drop Zone property as a result from vehicle traffic would be minimal and would be handled in accordance with established procedures. No ground disturbing activities that could affect earth or water resources would occur. Drop zone activities are not expected to affect threatened or endangered species, sensitive habitats, or cultural resources. The proposed action would not result in any changes to employment or population. Because no significant impacts to resources were identified, no adverse effects to disproportionately high minority, low-income, or youth populations would occur. No changes to recreation or visual resources would occur. The small number of ground vehicles required for drop zone activities would not have a significant impact on transportation.

Other future actions in the region were evaluated to determine whether cumulative environmental impacts could result due to the implementation of the proposed action in conjunction with other past, present, or reasonably foreseeable future actions. Other actions that would occur in the region include continued low level training by the 911 AW and strip mining activities. These activities are not anticipated to result in cumulative impacts when added to potential impacts of proposed action.

As a result of the analysis of impacts in the EA, it was concluded that the activities proposed to be conducted under the Proposed Action would not have a significant effect on human health or the natural environment. This FONSI is based upon the attached EA, which has been independently evaluated by the Air Force and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project. This EA provides sufficient evidence and analysis to determine that an environmental impact statement is not required.



GORDON H. ELWELL, JR., Colonel, USAFR
Commander, 911th Airlift Wing



Date



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AIR FORCE RESERVE COMMAND**

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GORDON H. ELWELL, JR., Colonel, USAFR
Commander, 911th Airlift Wing



Date

EXECUTIVE SUMMARY

BACKGROUND

This document is a combined environmental assessment (EA) and environmental baseline survey (EBS) prepared to support the proposed lease of property located near Cadiz, Ohio, for use as a drop zone for airdrop training by the 911th Airlift Wing (911 AW) of the Air Force Reserve (AFR).

The EA evaluates the potential environmental impacts associated with the establishment and operation of the Cadiz Drop Zone. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321, et seq.), the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and Air Force policy and procedures (32 CFR Part 989).

The EBS has been prepared to document the environmental condition of property resulting from the release and disposal of hazardous substances, petroleum products and their derivatives, if any, on the proposed drop zone property, and to establish a baseline for use by the Air Force in making decisions concerning real property transactions. The preparation of an EBS is required by Department of Defense (DOD) policy before any property can be sold, leased, transferred, or acquired.

PURPOSE AND NEED

The 911 AW is located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has several serious limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop Zone would not have these limitations.

SITE LOCATION

The proposed Cadiz Drop Zone is located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz. The area proposed to be leased by the Air Force is an approximately 430-acre site on a reclaimed strip mine owned by CONSOL Energy.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Two alternatives were analyzed, the Proposed Action and No-Action Alternative.

Under the **Proposed Action**, the 911 AW would lease property owned by CONSOL Energy in Harrison County, Ohio, for use as a drop zone for training.

Air drops would be conducted as part of aircraft training flights that are currently a routine activity. A typical drop training event would entail use of two C130 aircraft. Flights to the drop zone would originate and terminate at Pittsburgh IAP ARS. Aircraft would not usually fly directly to the drop zone from the ARS, but would fly a training route. During a typical drop zone training day, 12 airdrop training events would be conducted. These would be conducted as part of three separate training flights. During each of the three trips, each of the two aircraft would fly an approximately 45-minute training route, make a drop, fly another approximately 45-minute training route, then make a second drop before returning to the ARS.

No fly zones for approach would be established in order to avoid overflight of the Harrison County Airport, located approximately 2 miles northeast of the proposed drop zone. Drop zone activities would be conducted 2-3 times per week. Most activities would consist of dropping training bundles consisting of 15-lb sandbags. Heavier dropped material, referred to as “actual loads” would be dropped only 2-3 times per month.

The site would be certified for use by paratroopers. However, paratrooper drops are not currently planned as part of routine activities at the proposed drop zone, but would likely be conducted only as part of special training events. These are not expected to be conducted more than approximately once every two years.

Drop zone operations would generally be conducted between 7 a.m. and 11 p.m. and could occur any day of the week. The drop zone boundary would not be fenced, but the entire site is located within a fenced area with a locked gate. The AFR would coordinate with the Federal Aviation Administration (FAA) flight service station to issue a local Notice to Airmen (NOTAM) when drops are scheduled. Air drops would be limited by weather conditions that allow visual confirmation of the target from the aircraft.

No significant modification of the site, such as grading access roads, clearing vegetation, or constructing facilities, would be required to establish the drop zone. It is expected that cattle grazing would continue to control the height of vegetation on the site, thereby eliminating the need for routine vegetation control. However, should vegetation on the active part of the drop zone become too tall, its height may need to be controlled by mowing.

Under the **No-Action Alternative**, the 911 AW would not lease the CONSOL Energy property and would continue to use the Starvaggi Drop Zone as their only airdrop training site.

SUMMARY OF ENVIRONMENTAL CONSEQUENCES

The resources analyzed for environmental impact are land use, airspace management, noise, air quality, safety and occupational health, hazardous materials and hazardous waste, earth resources, water resources, biological resources, cultural resources, socioeconomics, environmental justice, recreation and visual resources, and transportation.

Activities associated with the establishment and operation of the Cadiz Drop Zone would not have a significant impact on any of the resources analyzed.

CUMULATIVE IMPACTS

Other future actions in the region were evaluated to determine whether cumulative environmental impacts could result due to the implementation of the proposed action in conjunction with other past, present, or reasonably foreseeable future actions. Other actions that would occur in the region include continued low level training by the 911 AW and strip mining activities. These activities are not anticipated to result in cumulative impacts when added to potential impacts of proposed action.

EBS FINDINGS

The property is an undeveloped reclaimed strip mine. No structures, facilities, or utilities are present on or adjacent to the property. The property was in an area actively mined from the early to mid 1980s to the early to mid 1990s. Reclamation began on the northern portion of the area in the early 1990s and in the southern/southwestern portion in the mid to late 1990s. The final bond release has been granted for this property.

No issues with regards to the EBS topics of environmental restoration program sites, storage tanks, oil/water separators, solid waste, medical or biohazardous waste, radioactive material, wastewater treatment, collection and discharge, pesticides, asbestos, polychlorinated biphenyls, radon, and lead-based paint have been identified.

Past use of the property as part of a strip mine may have involved use of small quantities of hazardous materials and petroleum products associated with the operation of mining equipment, such as fuels and oils, and ordnance may have been used as part of mining activities. Hazardous materials and petroleum products and ordnance are not currently used or stored on the property.

Based on an analysis of the available data, no release or disposal of hazardous substances or petroleum products has occurred on the property and it is considered Category 1.

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ACRONYMS AND ABBREVIATIONS

911 AW	911 th Airlift Wing
AFI	Air Force Instruction
AFPD	Air Force Policy Directive
AFR	Air Force Reserves
AGL	above ground level
APE	area of potential effect
APN	Assessor Parcel Numbers
ARPA	Archaeological Resources Protection Act
ARS	Air Reserve Station
ASTM	American Society for Testing and Materials
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂	carbon dioxide
CWA	Clean Water Act
dB	decibels
dBA	A-weighted decibel
°	degree
DNL	day-night noise level
DNR	Department of Natural Resources
DOD	Department of Defense
EA	environmental assessment
EBS	environmental baseline survey
EO	Executive Order
EPA	Environmental Protection Agency
ERP	Environmental Restoration Program
FAA	Federal Aviation Administration
FIC	Federal Interagency Committee
FOSL	Finding of Suitability to Lease
HUD	Department of Housing and Urban Development
IAP	International Airport
LATN	Low Altitude Tactical Navigation
MACA	Military Airspace Collision Avoidance
µg/m ³	microgram per cubic meter
MSL	mean sea level
NAAQS	National Ambient Air Quality Standards

National	Register National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NO _x	nitrogen oxide
NOTAM	Notice to Airmen
PM ₁₀	particulate matter equal to or less than 10 microns in diameter
PM ₂₅	particulate matter equal to or less than 2.5 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation and Recovery Act
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SKE	Station Keeping Equipment
SO ₂	sulfur dioxide
SR	State Route
TAC	Tactical
tpy	tons per year
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
VOC	volatile organic compound
VRS	visual reconnaissance survey
VSI	visual site inspections

1.0 INTRODUCTION

1.1 PURPOSE OF THE DOCUMENT

This document is a combined environmental assessment (EA) and environmental baseline survey (EBS) prepared to support the proposed lease of property located near Cadiz, Ohio, for use as a drop zone for airdrop training by the 911th Airlift Wing (911 AW) of the Air Force Reserves (AFR).

The EA evaluates the potential environmental impacts associated with the establishment and operation of the Cadiz Drop Zone. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321, et seq.), the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and Air Force policy and procedures [32 CFR Part 989]).

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Air Force Policy Directive (AFPD) 32-70, *Environmental Quality*, provides responsibilities and procedures for conducting an EBS and is implemented through Air Force Instruction (AFI) 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*. The information presented in this EBS is complete and accurate as of October 2008. This EBS is based on available environmental information related to past and present storage, release, and disposal of hazardous substances and petroleum products on the proposed drop zone property.

This EBS will be used by the Air Force, along with other available information, to:

- Develop sufficient information to assess the health and safety risks on the property surveyed and to determine what actions are necessary to protect human health and the environment
- Support decision for a Finding of Suitability to Lease (FOSL) as well as aid in determining potential land use restrictions
- Identify data gaps concerning environmental contamination
- Identify potential environmental concerns associated with the property.

1.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

The 911 AW is located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania (Figure 1.2-1). However, this site has several serious limitations that restrict the 911 AW's airdrop training. Drop zone site requirements that are currently not provided at the Starvaggi Drop Zone include:

- A relatively level area without steep slopes, rugged terrain, and large trees
- A site large enough to establish a rectangular drop zone size of 1,000 yards by 1,500 yards
- Site that can be surveyed as a circular drop zone to support aircraft run-ins from more than a single direction
- Site not located in airspace where drop altitudes and airspeeds for airdrop operations are limited.

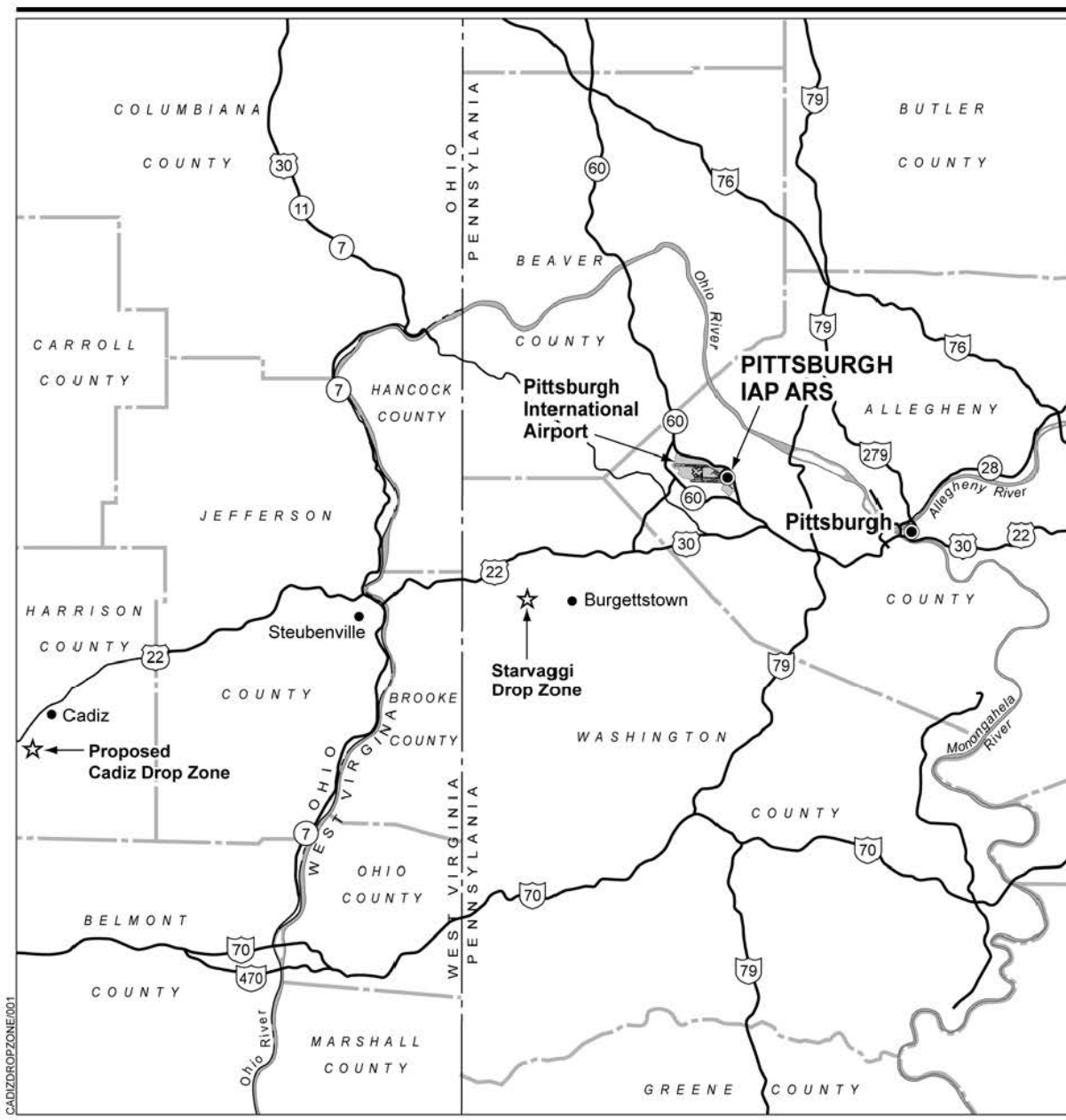
The proposed Cadiz Drop Zone meets these requirements. Because the airdrop training limitations currently imposed by use of the Starvaggi Drop Zone would not be present at the Cadiz Drop Zone, the Proposed Action would greatly increase the 911 AW's training capability and combat readiness.

1.2.1 Location of the Proposed Action

The proposed Cadiz Drop Zone is located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1.2-2). The area proposed to be leased by the Air Force is an approximately 430-acre site on a reclaimed strip mine owned by CONSOL Energy.

1.3 SURVEY METHODOLOGY

Property categorization factors address storage and release of those substances that are regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA). These factors determine the overall property category of land and facilities. Property categories are based on the definitions included in AFI 32-7066. However, in 1996, revisions were made to property categories based on DOD guidance that revised the definition of "uncontaminated" property used in the Category 1 designation (U.S. Air Force, 1996). Uncontaminated property is defined as property where no release or disposal of hazardous or petroleum substances has occurred. Therefore, a property can be considered Category 1, even if hazardous or petroleum



EXPLANATION

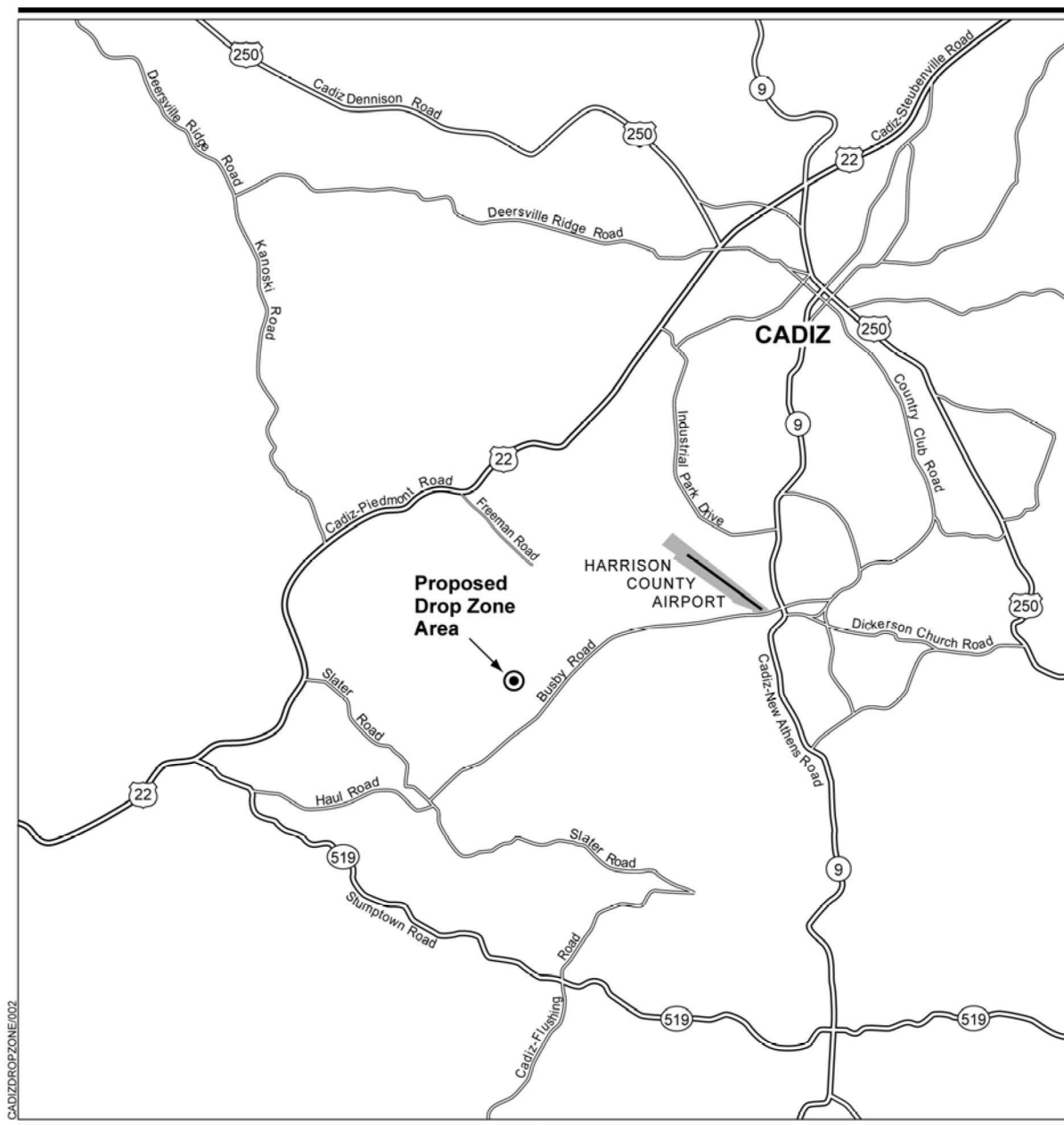
- U.S. Highway
- Interstate Highway
- State Highway
- State Boundary
- County Boundary

0 2.5 5 10 Miles



Pittsburgh International Airport Air Reserve Station Regional Map

Figure 1.2-1



EXPLANATION

-  U.S. Highway
-  State Highway

Proposed Cadiz Drop Zone Area Map

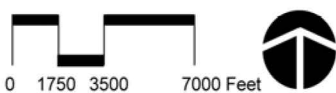


Figure 1.2-2

substances are stored on the property. Under the original property category definitions, storage of hazardous or petroleum substances, even without a release, caused the property to be considered Category 2. Under the revised property category definitions, property associated with the release of a petroleum product is considered Category 2. Within this EBS, hazardous substance storage is noted, as appropriate. However, unless a release has been identified, the property is considered Category 1.

Based on an analysis of the available data, the proposed Cadiz Drop Zone property was classified into one of seven categories:

- *Category 1* - Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas)
- *Category 2* - Areas where only release or disposal of petroleum products has occurred
- *Category 3* - Areas where release, disposal, and/or migration of hazardous substances have occurred, but at concentrations that do not require a removal or remedial response
- *Category 4* - Areas where release, disposal, and/or migration of hazardous substances have occurred, and all removal or remedial actions have been taken
- *Category 5* - Areas where release, disposal, and/or migration of hazardous substances have occurred, and all removal or remedial actions are underway, but have not yet been completed
- *Category 6* - Areas where release, disposal, and/or migration of hazardous substances have occurred, but remedial actions have not been implemented
- *Category 7* - Areas that are not evaluated or require additional evaluation.

Property in the first four categories is eligible for deed transfer (Department of Defense, 1995). In general, property in the last three categories will not be considered for transfer until the necessary actions have been taken and the property has been reclassified into one of the first four categories. Leases are permitted for property within the first four categories and would be considered on a case-by-case basis for properties within the last three categories.

Pursuant to U.S. Environmental Protection Agency (EPA) and DOD guidance, this EBS identifies property as uncontaminated even if some limited quantity of hazardous or petroleum substances was released or disposed in cases where the available information indicates that such release or disposal poses no threat to human health or the environment. Examples, as provided in the U.S. EPA guidance, include usage of common household chemicals, storage of heating fuel in base housing areas, incidental releases of petroleum

products on roadways and parking lots, and the routine licensed application of pesticides (U.S. Environmental Protection Agency, 1994).

Information on property categorization factors (hazardous materials and petroleum products, hazardous and petroleum waste, storage tanks and related systems, treatment systems and components, Environmental Restoration Program [ERP] sites, oil/water separators, medical or biohazardous waste, radioactive waste, pesticides, and ordnance) was reviewed to determine the presence and status of each. Each factor was first categorized based on its past or present potential for environmental concern. Then, the categories for all factors present at each location were considered to determine the overall land or facility category. The highest category would determine the overall category for the land/facility. For example, if a parcel of land had a storage tank classified as Category 2 and an ERP site classified as Category 5, the overall categorization would be a Category 5.

Disclosure factors are substances that are not regulated under CERCLA but that may cause environmental concerns. Information on disclosure factors (asbestos, polychlorinated biphenyls, radon, and lead-based paint) was reviewed. While notification of the presence of disclosure factors is not required under CERCLA Section 120(h) (1), such notification is provided to satisfy real estate transaction requirements.

1.4 APPROACH AND RATIONALE

A methodical process was followed for this EA/EBS in which available information was analyzed and conclusions were drawn about the condition of the property near Cadiz, Ohio. First, property records were reviewed to identify historic land and facility uses that may be primary indicators of potential contamination. 911 AW and CONSOL Energy personnel were interviewed, and the land was physically inspected during a visual reconnaissance survey (VRS) on October 14, 2008, to identify evidence of stressed vegetation, stained soils, unusual odors, or other issues that might indicate the presence of contamination (Appendix G-3).

1.4.1 Documents Reviewed

The records search of available documentation focused primarily on records, reports, maps, and aerial photographs maintained by the 911 AW at Pittsburgh IAP ARS and CONSOL Energy staff.

As part of the records search, historic maps (1905, 1961, 1978, and 1994) and aerial photographs (1976, 1982, 1994, and 2005) of the property were reviewed and analyzed to assist in identifying past land and facility uses and potential environmental contamination sources, and to verify other information found in the records search. Aerial photographs and

maps are provided in Appendix E. A detailed list of references used in preparing this document is presented in Appendix A.

1.4.2 Property Inspections

A VRS was conducted on October 14, 2008, to verify characteristics or features identified in the records search and to identify other potential environmental concerns related to the property. Generally, VRSs are cursory physical inspections conducted by walking around or through the areas in question. Visual site inspections are exterior and interior (walk-through) inspections, and are conducted to identify readily apparent concerns or attributes. Because the property does not contain any structures, visual site inspections (VSIs) were not conducted.

Photographs of the property are provided in Appendix F.

1.4.3 Personnel Interviews

During the meetings and the VRS, personnel at Pittsburgh IAP ARS and CONSOL Energy were interviewed to identify potential environmental concerns related to recent and historic operations at the proposed Cadiz Drop Zone, and to verify information found during the records search. A list of individuals contacted during the preparation of this EBS is provided in Appendix D. Primary contacts were made with 911 AW and CONSOL Energy personnel.

1.5 ORGANIZATION OF THE ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL BASELINE SURVEY

This document is organized as follows:

Chapter 1.0 - Introduction: Describes the purpose, format, and content of the EA and EBS. Presents the survey methodology, and the approach and rationale used to identify and delineate environmental concerns.

Chapter 2.0 - Proposed Action and Alternatives: Describes the Proposed Action and alternatives analyzed in the EA and EBS. Also discusses the legal boundaries of the project area.

Chapter 3.0 - Affected Environment: Establishes the baseline status or environmental condition of the property at the time of the survey. Also discusses past, present, and future expectations for the property based on the Proposed Action and alternatives.

Chapter 4.0 - Environmental Impacts: Discusses the potential impacts to the property and the environment as a result of an implementation of the Proposed Action or the alternatives.

Chapter 5.0 - Findings for Adjacent Properties: Describes the approach used to conduct the adjacent property evaluation, and presents the results from federal and state agency records and other database searches and visual inspections.

Chapter 6.0 - Cumulative Effects of the Action: Discusses the potential effects from an implementation of the Proposed Action or alternatives, based on the past, present, and reasonably foreseeable future actions that take place on the property.

Chapter 7.0 - Applicable Regulatory Compliance Issues: Presents compliance issues for environmental resources that pose a potential concern to the property.

Chapter 8.0 - Presents property-specific information derived from the records search and site inspections, categorizes the level of contamination associated with the subject property, and identifies the location of uncontaminated property. This chapter also discloses data gaps and requirements for further investigation that are needed to close out environmental concerns.

Chapter 9.0 - Recommendations: Presents recommendations for areas of environmental concern identified in the EBS.

Chapter 10.0 - Irreversible and Irretrievable Commitment of Resources: Discusses the potential of the Proposed Action and alternatives to use nonrenewable resources.

Appendix A: References

Appendix B: Terms

Appendix C: List of Preparers

Appendix D: Persons and Agencies Contacted

Appendix E: Maps and Aerial Photographs

Appendix E-1: Historical Topographic Map Report

Appendix E-2: Aerial Photo Decade Package

Appendix F: Site Photos

Appendix G: Site Inspection Documents

Appendix G-1: Records Search Report

Appendix G-2: Trip Report

Appendix G-3: Visual Site Inspection Forms

Appendix G-4: Environmental Liens Search

Appendix H: EBS Certification

Appendix I: Air Emissions Calculations

Appendix J: Regulatory Consultation

Appendix K: Interagency and Intergovernmental Coordination for Environmental Planning and Public Comments and Responses

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This chapter describes the Proposed Action and alternatives for the establishment of a new drop zone for the 911 AW. It also provides a discussion of the alternatives considered, but eliminated from further consideration. The following alternatives are analyzed.

Under the **Proposed Action**, the 911 AW would lease property owned by CONSOL Energy in Harrison County, Ohio, for use as a drop zone for training.

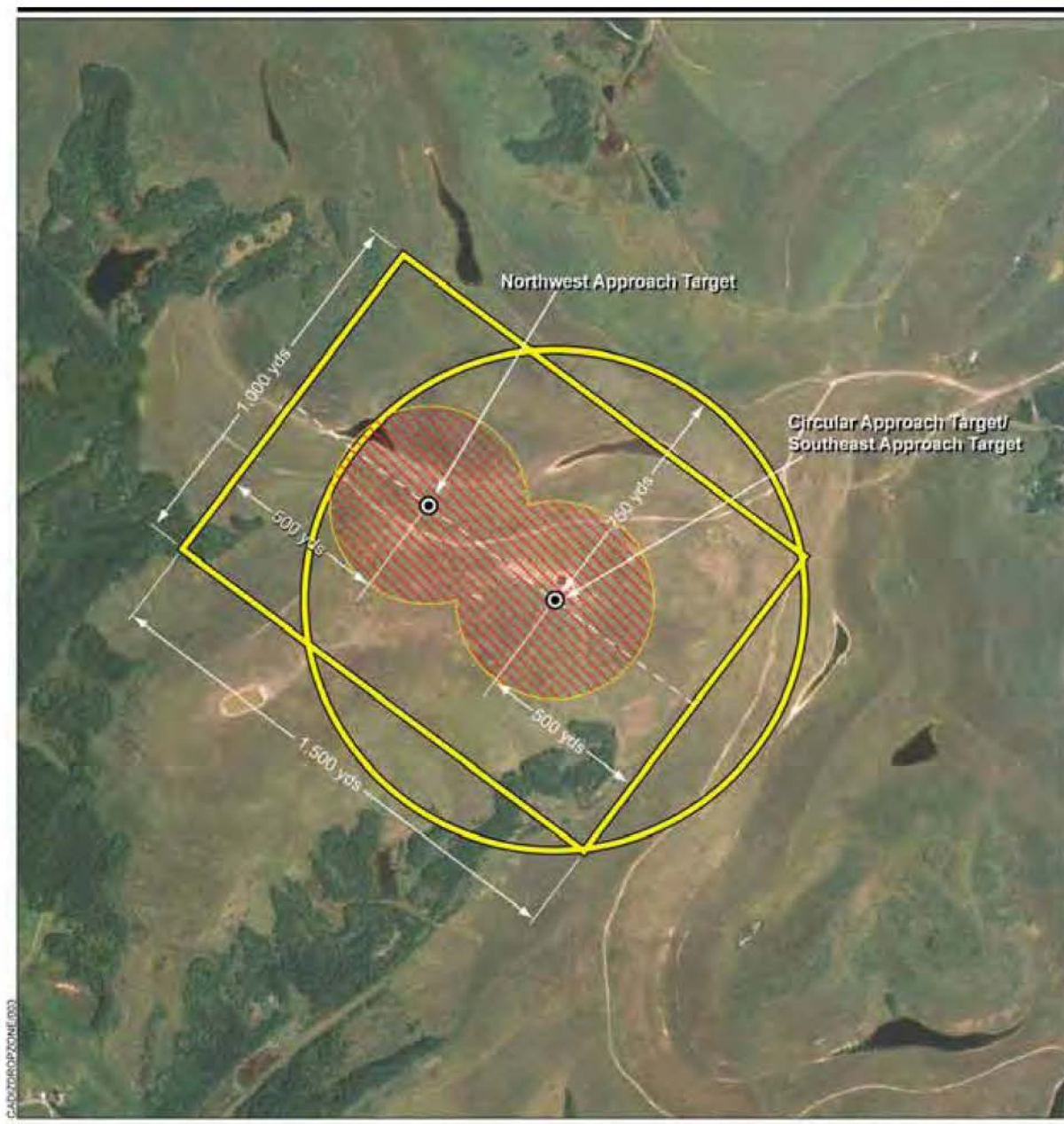
Under the **No-Action Alternative**, the 911 AW would not lease the CONSOL Energy property and would continue to use the Starvaggi Drop Zone as their only airdrop training site.

2.1 PROPOSED ACTION

The Proposed Action is the establishment of a drop zone for use by the 911 AW. The proposed drop zone is an approximately 430-acre site located approximately 3.3 miles southwest of the town of Cadiz in Harrison County, Ohio (see Figure 1.2-2). The site is on a reclaimed strip mine owned by CONSOL Energy that is currently being leased for cattle grazing. The project entails lease of the site from CONSOL Energy by the AFR.

The proposed drop zone consists of a circular drop zone superimposed on a rectangular drop zone. The rectangular drop zone is approximately 1,500 yards (4,500 feet) long and 1,000 yards (3,000 feet) wide with a centerline oriented along a northwest-southeast axis (Figure 2.1-1). The circular drop zone has a 750-yard (2,250-foot) radius and is centered on the long axis of the rectangular drop zone, but offset approximately 250 yards (750 feet) to the southeast of the center of the rectangular drop zone. The dimensions of the proposed drop zone are those required by AFI 13-217, *Drop Zone and Landing Zone Operations*, for the airdrop activities proposed for this site. The site consists primarily of fairly level, open grassland. Some areas towards the edges of the proposed lease boundary have steeper slopes and small areas of woodlands, but drop zone activities are not proposed for these areas. Drop zone activities would generally be restricted to the center of the proposed lease area boundary. AFR experience indicates that most dropped items land within 300 yards of targets which would be located along the centerline of the drop zone.

Air drops would be conducted as part of aircraft training flights that are currently a routine activity. A typical drop training event would entail use of two C130 aircraft. Because the 911 AW has nine C-130 aircraft, a maximum of all nine aircraft could be used during a single airdrop training event, but this scenario is considered highly unlikely and would not occur during routine events. Flights to the drop zone would originate and terminate at Pittsburgh IAP ARS. During transit between Pittsburgh IAP and the drop zone, aircraft would fly at



EXPLANATION

-  Expected Impact Area
(300-yd radius from targets)
-  Drop Zone Boundaries

Proposed Cadiz Drop Zone

NOT TO SCALE

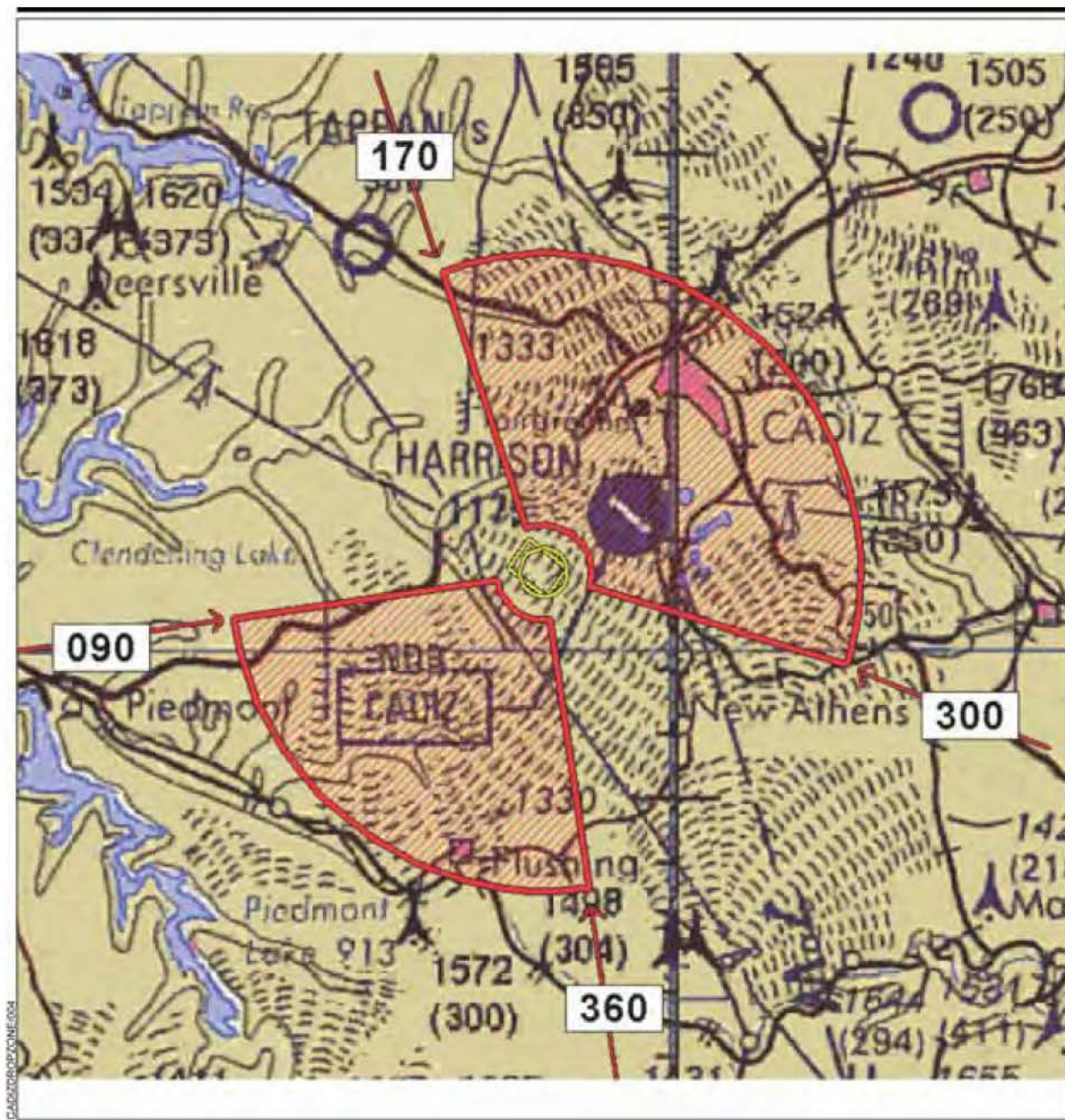


Figure 2.1-1

approximately 2,500 feet above mean sea level (MSL) which, due to varying ground elevations, maintains a minimum altitude of 500 feet above ground level (AGL). Aircraft would not usually fly directly to the drop zone from the ARS, but would fly a training route. During drops, aircraft would fly between 500 and 1,500 feet AGL. Aircraft would be at the designated drop altitude, whether higher or lower than the transit altitude, at approximately 10 miles from the drop zone on approach and would return to the transit altitude 5 miles after leaving the drop zone. Aircraft speeds during drops would range from 125 to 150 knots. During a typical drop zone training day, 12 airdrop training events would be conducted. These would be conducted as part of three separate training flights, generally consisting of a morning, an afternoon, and an evening flight. During each of the three trips, each of the two aircraft would fly an approximately 45-minute training route, make a drop, fly another approximately 45-minute training route, then make a second drop before returning to the ARS. Each trip would take approximately 2 hours and cover approximately 120 nautical miles.

Aircraft approach would be limited to along a generally northwesterly–southeasterly orientation between 090 degrees (°) and 170° and between 300° and 360° (Figure 2.1-2). No fly zones for approach would be established in all other directions in order to avoid overflight of the Harrison County Airport, located approximately 2 miles northeast of the proposed drop zone. All aircraft would exit the drop zone at a direction away from the airport, between 135° and 315°.

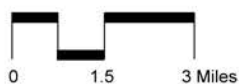
Drop zone activities would be conducted 2-3 times per week. Most activities would consist of dropping training bundles consisting of 15-lb sandbags with 68-inch diameter parachutes. Heavier dropped material, referred to as “actual loads” would be dropped only 2-3 times per month. These would be container delivery systems, which weigh approximately 800 lbs, consisting of plywood pallets loaded with plastic water barrels; and heavy equipment, which weighs approximately 3,200 lbs, consisting of aluminum pallets loaded with concrete blocks. For each drop, a target would be placed on the drop zone. This is a raised angle marker consisting of an orange tarp angled to face the direction of the incoming aircraft. During night drops, battery-operated lights would be used. The target site may be marked by concrete blocks left in place between drops, but the target and lights would be set up and dismantled for each drop. Targets would either be in the center of the circular portion of the drop zone or would be along the centerline of the rectangular portion, shifted from the center towards the approach direction of the aircraft. The target would be designated at 500 yards from the boundary of the approach end of the drop zone. This is in accordance with the requirement in AFI 13-217 that a minimum distance of 1,000 yards beyond the target be within the drop zone.



EXPLANATION

-  No-Fly Zones for Approach
-  Proposed Drop Zone
-  Harrison County Airport
-  Flight Heading

**No-Fly on Approach
Zones, Proposed Cadiz
Drop Zone**



Note: Axis drawn along magnetic north.

Figure 2.1-2

A 2-person crew using pickup trucks would conduct material recovery (e.g., sandbags and parachutes) after training bundle drops. Material recovery after actual load drops would be conducted by a 6-person crew and would typically require use of two pickup trucks, a forklift, and a flatbed truck.

The site would be certified for use by paratroopers. However, paratrooper drops are not currently planned as part of routine activities at the proposed drop zone, but would likely be conducted only as part of special training events. These are not expected to be conducted more than approximately once every two years. Paratrooper personnel dropped at the site would be transported back to Pittsburgh IAP ARS via military convoy.

Drop zone operations would generally be conducted between 7 a.m. and 11 p.m. and could occur any day of the week. However, activities would occur more often on weekdays while Saturday and Sunday activities would generally only occur approximately once per month. The drop zone boundary would not be fenced, but the entire site is located within a fenced area with a locked gate. Prior to conducting any drop activities, a drop zone safety officer would be on the ground at the site to verify that no persons are present on the drop zone. The safety officer would be in radio contact with the pilots.

The property is currently used for cattle grazing. This would not cease during the Air Force lease. Cattle would not need to be moved from the site during the training bundle drops that would occur each week. However, 2- 3 times per month during actual load drops, cattle would need to be cleared from the drop zone area. The AFR would coordinate with the cattle owner on dates scheduled for actual load drops so that the cattle can be moved in advance.

The AFR would coordinate with the Federal Aviation Administration (FAA) flight service station to issue a local Notice to Airmen (NOTAM) when drops are scheduled. Air drops would be limited by weather conditions that allow visual confirmation of the target from the aircraft. No drops would be conducted under weather conditions that would prevent the flight crew from seeing the target, such as low clouds or fog.

No significant modification of the site, such as grading access roads, clearing vegetation, or constructing facilities, would be required to establish the drop zone. It is expected that cattle grazing would continue to control the height of vegetation on the site, thereby eliminating the need for routine vegetation control. However, should vegetation on the active part of the drop zone become too tall, its height may need to be controlled by mowing. The AFR would be responsible for conducting any mowing activity deemed necessary for drop zone site maintenance.

Use of the Cadiz Drop Zone would generally replace use of the existing drop zone currently used by the 911 AW, the Starvaggi Drop Zone; however, the 911 AW would retain the Starvaggi Drop Zone and maintain it as an alternate airdrop training site. Switching activity from the Starvaggi Drop Zone to the proposed Cadiz Drop Zone would not result in any change in aircraft or other activity at the Pittsburgh IAP ARS. Aircraft would have to fly 7 minutes longer and 25 nautical miles farther to reach the Cadiz Drop Zone than they currently do to reach the Starvaggi Drop Zone.

2.2 ALTERNATIVES

For purposes of this EA, the No-Action Alternative was considered. This is described below.

2.2.1 No-Action Alternative

Under the No-Action Alternative, the AFR would not lease the property from CONSOL Energy to establish the new Cadiz Drop Zone. Airdrop training would continue at the Starvaggi Drop Zone. There would be no change in existing conditions. Because of limitations on use of the Starvaggi Drop Zone, continued reliance on this site as its only drop zone training site would limit the 911 AW's training capability and combat readiness and is not consistent with the purpose and need for the proposed action. However, it is evaluated in this EA because it is required by NEPA regulations (40 CFR 1502.14(d)).

2.2.2 Alternatives Considered but Eliminated from Further Consideration

The site selection criteria for a drop zone that meets the 911 AW airdrop training requirements include:

- location within 120 miles/2 hours driving time of Pittsburgh IAP ARS to minimize travel time to and from the site for material recovery
- relatively level and free of steep slopes and large trees
- large enough to establish a rectangular drop zone 1000 yards wide and 1500 yards long
- can be surveyed for a circular drop zone with a minimum radius of 750 yards
- located away from populated areas
- can support training 2-3 times per week
- not have airspace restrictions limiting airdrop altitudes and airspeeds

Four drop zone sites located within 120 miles of Pittsburgh IAP ARS were considered for the 911 AW airdrop training needs, but were eliminated for other reasons. These are discussed below.

Expand the Starvaggi Drop Zone. This drop zone is currently the only drop zone of the 911 AW. Expansion of this drop zone to meet the 911 AW airdrop training needs was eliminated as an alternative because the site does not meet the following selection criteria:

- This site is only 1100 yards long by 800 yards wide and cannot be expanded to the minimum size required due to steep slopes on adjacent areas
- It can only support run-ins from one direction, so cannot be surveyed as a circular drop zone
- It has a large number of trees 20 feet or higher. Removal of these trees could result in environmental impacts
- It is located within an airspace associated with Pittsburgh IAP that has restrictions which limit airdrop altitudes and air speeds.

Use the Slagle Drop Zone. This existing drop zone is located at the Ravenna Arsenal, Ohio. It is currently used by the 910 AW located at Youngstown, Ohio. Because this drop zone is currently being routinely used by the 910 AW for their training needs, it is not available to be used by the 911 AW at the frequency requirements of 2-3 times per week. Therefore, it was eliminated from further consideration.

Use the Tater Drop Zone. This existing drop zone is located in Indiana County, Pennsylvania. It is also currently used by the 910 AW. This drop zone does not meet the minimum size requirements and because it is used by the 910 AW for their training, it is not available to the 911 AW for the required training frequency. Therefore, it was eliminated from further consideration.

Reestablish the Mingo Drop Zone. This is a former drop zone located in Jefferson County, Ohio. It was leased by the 911 AW until December 1997 when the land was returned to the Ohio Department of Natural Resources (DNR). The site is now part of the Fernwood State Forest. Trees have been planted on it and it is no longer available for use as a drop zone. Therefore, it was eliminated from further consideration.

2.3 BOUNDARIES OF THE PROPERTY/SURVEY AREA

2.3.1 Legal Description of the Property to be Transferred

The proposed Cadiz Drop Zone is a 430-acre area that would be leased from CONSOL Energy. The leased area would occupy portions of 5 parcels with Assessor Parcel Numbers (APNs) 02-0000212.000, 02-0000217.000, 04-0000070.000, 04-0000072.000, and 04-0000094.000. These APNs are located in Township 10, North, Range 5 West, Sections 13, 14, 19, and 20. The proposed lease area is referred to as the Cadiz Drop Zone in this document.

2.3.2 Map

A map of the property is provided in Figure 2.1-1.

3.0 AFFECTED ENVIRONMENT

3.1 ENVIRONMENTAL SETTING

3.1.1 Topographic Features

Based on the latest United States Geological Survey (USGS) topographic map for the Flushing Quadrangle (1994), elevations on the Cadiz Drop Zone range from approximately 1,100 to 1,300 ft above MSL. However, based on observation made during the VRS, because of strip mining and subsequent grading conducted as part of mine site reclamation, the current contours of the property are not the same as depicted on the map. As observed during the VRS of the property, the central portion of the property is fairly level. This area slopes down to areas of lower elevations to the north, south, and southwest. To the north, the topography slopes down into an east-west trending valley that contains the two ponds on the property. The north side of this valley is an area of higher elevation than the central area. A ridge of higher land is also located on the eastern edge of the property. To the south and southwest, the topography slopes down from the central area to the areas of lowest elevation on the property in the southern and western corners.

3.1.2 Chain of Title for the Past 50 Years

The Cadiz Drop Zone is located on portions of several APN parcels currently owned by CONSOL Energy. These parcels are part of a property conveyed by deed from Consolidation Coal Company, a Delaware Corporation to Consolidation Coal Company, a Pennsylvania Corporation on September 15, 1966. Consolidation Coal Company (Pennsylvania) was known as Pittsburgh Consolidation Coal Company prior to 1958. The property was conveyed to Pittsburgh Consolidation Coal Company, or to Consolidation Coal Company (Pennsylvania) after the name change in 1958, by multiple owners between 1946 and 1965.

3.1.3 Utilities Available to the Site

No utilities are present on or adjacent to the Cadiz Drop Zone.

3.2 LAND USE

3.2.1 Current Land Use

The Cadiz Drop Zone and adjacent areas consist of a reclaimed strip mine that is currently used for cattle grazing. Neither Cadiz Township nor Harrison County have any zoning or land use planning designations applicable to the property (Earth Tech, Inc., 2008).

3.2.2 Historic Land Use

According to the current property owner, CONSOL Energy, the Cadiz Drop Zone is an area that was mined under 2 separate permits. Mining occurred from approximately the early to mid 1980s to the early to mid 1990s. Reclamation began on the northern portion of the area in the early 1990s and in the southern/southwestern portion in the mid to late 1990s. After reclamation, bond releases occurred in 3 phases: Phase 1 – after completion of site grading; Phase 2 – after completion of seeding; and Phase 3 (Final Release) – after 5 years of maintenance. The final bond release has been granted for this property (Earth Tech, Inc., 2008).

3.3 AIRSPACE

Navigable airspace is a limited national resource that Congress has charged the FAA to administer in the public interest as necessary to ensure the safety of aircraft and its efficient use. Although the FAA must protect the public's right of freedom of transit through the airspace, full consideration shall be given to all airspace users, to include national defense; commercial and general aviation; and space operations (Federal Aviation Administration, 2008). The FAA manages commercial and general aviation activity within navigable airspace, and the military manages military aviation activity with FAA oversight.

The proposed Cadiz Drop Zone activities would occur within airspace currently used by the 911 AW. Current 911 AW airspace activities are described and analyzed in the *Environmental Assessment of the Training Operations Conducted by the 911th Airlift Wing, Pittsburgh International Airport Air Reserve Station, Pennsylvania* (December, 2000). Harrison County, Ohio, is located beneath the 911 AW's Low Altitude Tactical Navigation Area (LATN) B. A LATN is normally an area of navigable airspace that permits most types of required training activities and random routing. The 911 AW uses LATN B for low-altitude tactical navigation. C-130H aircrews fly at altitudes down to 500 ft AGL and at speeds not exceeding 250 knots indicated airspeed (approximately 285 miles per hour).

The 911 AW also trains along Station Keeping Equipment (SKE) and Tactical (TAC) routes which pass over Harrison County. C-130 aircrews use SKE routes for formation flying, usually up to 4 aircraft. TAC routes are used for low-level training and approach to the Starvaggi Drop Zone. Altitudes flown on both SKE and TAC routes vary between 500 and 4,000 feet AGL.

Harrison County Airport is located approximately 2 miles to the northeast of the proposed drop zone. It also underlies or is adjacent to 911 AW SKE and TAC routes. It is an uncontrolled (no control tower) public airport with a single runway oriented northwest-southeast (134/314 degrees magnetic).

The 911 AW has a Military Airspace Collision Avoidance (MACA) plan that includes procedures for clearing local airspace prior to conducting air drops.

3.4 NOISE

Noise can be described as unwanted sound. While most people conduct their daily lives in an environment full of sounds, some or all of these sounds can be generally undesirable and may detract from the quality of the human environment. A number of factors affect sound as it is perceived by the human ear. These factors include the actual level of the sound, the frequencies involved, the period of exposure, and changes or fluctuations in sound levels during exposure. Noise levels are measured in units called decibels (dB). Because the human ear cannot perceive all pitches or frequencies equally well, noise measures are adjusted to compensate for the human lack of sensitivity to low-pitched and high-pitched sounds. This adjusted unit is known as the A-weighted decibel (dBA). The A-weighted network de-emphasizes both very low- and very high-pitched sounds, so measured levels better correlate with human perception.

Human response to changes in noise levels depends on a number of factors, including the quality of the sound, the magnitude of the changes, the time of day at which the changes take place, whether the noise is continuous or intermittent, and the individual's ability to perceive the changes. Human ability to perceive changes in noise levels varies widely with the individual, as does response to the perceived changes. A change in noise level of less than 3 (three) dBA is barely perceptible to most listeners while a 10 dBA change normally is perceived as a doubling (or halving) of noise. Moreover, if sound intensity doubles, the noise level will be increased by 3 dBA. These thresholds allow for estimation of an average individual's probable perception of, and reaction to, changes in noise levels.

It is often useful when measuring noise levels to take into account the difference in perception and response between daylight, waking hours and nighttime, sleeping hours. To this end, a descriptor called the day-night noise level (DNL) has been developed: DNL is defined as the A-weighted average sound level during a 24-hour period, with a 10-dBA penalty weighting applied to noise occurring during nighttime (10 pm to 7 am). The 10-dBA weighting accounts for the fact that noises at night are more perceptible because of the lesser overall sound level.

The DNL descriptor has been recognized by the Department of Housing and Urban Development (HUD), the U.S. EPA, the FAA, and DOD as one of the most appropriate metrics for estimating the degree of nuisance or annoyance that increased noise levels would cause in residential neighborhoods. Therefore, DNL has been selected as the appropriate noise descriptor for this analysis.

In June 1980, the Federal Interagency Committee (FIC) on Urban Noise published guidelines relating DNL to compatible land uses. This committee was composed of representatives of DOD, the Department of Transportation, HUD, the U.S. EPA, and the Veterans Administration. Since the issuance of these guidelines, federal agencies have generally adopted them for their noise analyses.

Ambient background noise levels in the vicinity of the proposed drop zone are typical of a rural environment. It is expected that the project neighborhood can be considered a relatively quiet rural area, but strip mining, traffic, and occasional aircraft overflights add noise to the neighborhood intermittently.

3.5 AIR QUALITY

Air quality in a given location is defined by the concentration of various pollutants in the atmosphere, generally expressed in units of parts per million (ppm) or microgram per cubic meter ($\mu\text{g}/\text{m}^3$). Air quality is determined by the type and amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions. The significance of a pollutant concentration is determined by comparing it to federal and/or state ambient air quality standards. The federal Clean Air Act (CAA), 42 U.S.C. 7401-7671(q), amended in November 1990, stipulates that emissions sources must comply with the air quality standards and regulations that have been established by federal, state, and county regulatory agencies. These standards and regulations focus on (1) the maximum allowable ambient pollutant concentrations and (2) the maximum allowable emissions from individual sources.

The U.S. EPA established the federal standards for the permissible levels of certain pollutants in the atmosphere. The National Ambient Air Quality Standards (NAAQS) have been established for seven criteria pollutants: ozone, nitrogen dioxide (NO_2), particulate matter equal to or less than 10 microns in diameter (PM_{10}), particulate matter equal to or less than 2.5 microns in diameter ($\text{PM}_{2.5}$), carbon monoxide (CO), sulfur dioxide (SO_2), and lead. Ozone is a secondary pollutant formed in the atmosphere by photochemical reactions of previously emitted pollutants, or precursors. The ozone precursors are nitrogen oxide (NO_x) and volatile organic compounds (VOCs). The NAAQS are outlined in Table 3.4-1.

The U.S. EPA designates all areas of the United States as having air quality better than (attainment) or worse than (non-attainment) the NAAQS. Pollutants in an area may be designated as unclassified when there are insufficient ambient air quality data for the U.S. EPA to form a basis for an attainment status. The non-attainment classifications for CO and PM_{10} are further divided into moderate and serious categories. Ozone non-attainment is divided into marginal, moderate, serious, severe, and extreme categories.

Table 3.4-1. National Ambient Air Quality Standards^(a)

Pollutant	Averaging Time	Primary^(b,c)	Secondary^(b,d)
Ozone	8-hour	0.075 ppm ^(e) (147 µg/m ³)	Same as primary standard
Carbon monoxide	8-hour	9 ppm (10 mg/m ³)	--
	1-hour	35 ppm (40 mg/m ³)	--
Nitrogen dioxide	Annual Arithmetic Mean	0.053 ppm (100 µg/m ³)	Same as primary standard
Sulfur dioxide	Annual Arithmetic Mean	0.03 ppm (80 µg/m ³)	--
	24-hour	0.14 ppm (365 µg/m ³)	--
	3-hour	--	0.5 ppm (1,300 µg/m ³)
	1-hour	--	--
PM ₁₀	24-hour	150 µg/m ³	Same as primary standard
PM _{2.5}	Annual Arithmetic Mean	15 µg/m ³	Same as primary standard
	24-hour	35 µg/m ³	Same as primary standard
Lead	Rolling 3-month average	0.15 µg/m ³	Same as primary standard
	Quarterly	1.5 µg/m ³	Same as primary standard

Notes: (a) National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when it is not exceeded more than once per year, averaged over 3 years. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current federal policies.

(b) Concentrations are expressed first in units in which they were promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 millimeters (mm) of mercury. All measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to parts per million by volume, or micromoles of pollutant per mole of gas.

(c) National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

(d) National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of pollutant.

(e) 2008 standard. The 1997 standard of 0.08 ppm remains in place for implementation purposes until the EPA undertakes rulemaking to address the transition to the 2008 standard.

µg/m³ = micrograms per cubic meter

mg/m³ = milligrams per cubic meter

PM_{2.5} = particulate matter equal to or less than 2.5 microns in diameter

PM₁₀ = particulate matter equal to or less than 10 microns in diameter

ppm = parts per million

For purposes of the air quality analysis, the region of influence consists of the airshed that the proposed Cadiz Drop Zone property is within, Harrison County, which covers all cities, towns, and unincorporated areas within Harrison County.

Regional Air Quality. Harrison County has been designated as an attainment area for all criteria pollutants (U.S. EPA Greenbook, 2008).

Title 40 CFR 51 Part 93, General Conformity, requires federal actions to conform to any State Implementation Plan (SIP) approved or promulgated under Section 110 of the CAA. An air conformity applicability analysis and possibly a formal air conformity determination are required for federal actions in nonattainment or maintenance areas. The general conformity rule does not apply because Harrison County is classified as an attainment area for the NAAQS.

As an attainment area, Harrison County is regulated under the Prevention of Significant Deterioration (PSD) program authorized by the CAA Part C Sections 160-169. PSD areas require that owners and/or operators of new or modified stationary sources obtain a PSD permit prior to construction of a major source situated in attainment or unclassified areas. A major source is defined by PSD regulations as being a specific type of stationary source listed by the U.S. EPA that has a potential of emitting 100 tons per year (tpy) or more of a regulated pollutant. A source not listed by the U.S. EPA may also be considered major if it has the potential to emit 250 tpy or more of a regulated pollutant. PSD permitting criteria would be applicable if the potential emissions are 250 tpy or more of a regulated pollutant. Because no stationary sources of air emissions are associated with the establishment and operation of the Cadiz Drop Zone, PSD permitting does not apply to this project. In addition, there are no Class I areas within 10 kilometers of the property.

Currently, air emissions associated with the property are limited to engine exhaust and fugitive dust generated by infrequent ground vehicle use on the unpaved roads to and on the property. There are no stationary sources.

Greenhouse Gas Emissions. Greenhouse gases are compounds found naturally in the Earth's atmosphere. The compounds trap infrared heat converted from the sunlight inside Earth's atmosphere. In this way, greenhouse gases act as insulation, and contribute to the maintenance of global temperatures. As the levels of greenhouse gases increase, however, the result is a greater overall temperature on Earth. As 83 percent of greenhouse gases are carbon dioxide (CO₂) emissions, this EA considers CO₂ as the representative greenhouse gas emission and predicts CO₂ levels as appropriate for disclosure purposes.

3.6 SAFETY

Aspects of safety relevant to this EA are limited to those associated with airdrop activities. Safety aspects associated with the low-level C-130 aircraft training that would be conducted prior to and after airdrop activities are considered part of the ongoing aircraft training flights that are conducted in the area. These were described and analyzed in the EA prepared for training operations conducted by the 911 AW (Headquarters Air Force Reserve Command, 2000). AFI 13-217, *Drop Zone and Landing Zone Operations*, prescribes the procedures, techniques, and requirements for operating drop and landing zones. It includes criteria for drop zones and airdrop procedures to ensure safe operations. The 911 AW currently follows standard drop zone safety procedures at the Starvaggi Drop Zone. These include ensuring the drop zone is clear prior to air drops, maintaining radio contact with aircraft and a system of physical ground-to-air signals as backup, and implementing security measures along access roads to advise any traffic that air drops are in progress.

3.7 HAZARDOUS MATERIALS AND HAZARDOUS WASTE

3.7.1 Results of Database Search

Records maintained by federal, state, and tribal agencies were searched to identify reported sites storing hazardous materials and/or generating hazardous waste in the vicinity of the Cadiz Drop Zone. These records included locations of facilities with USTs, facilities with leaking USTs, and uncontrolled or abandoned hazardous waste sites. The agency records search consisted of a review of computerized federal, state, and tribal environmental compliance databases.

The search of federal, state, and tribal databases was performed focusing on the proposed Cadiz Drop Zone (Environmental Data Resources, Inc., 2008a) (Appendix G-1). A list and description of the databases included in the search and the distances searched for each database are provided in the database search results report. These databases were investigated with due diligence based on the minimum search distances recommended by the American Society for Testing and Materials (ASTM) guidelines for conducting Phase I site assessments (American Society for Testing and Materials, 2005). No adjacent sites were identified within the respective search area for the databases.

3.7.2 Hazardous Substances

3.7.2.1 Hazardous Material and Petroleum Products

Hazardous materials and petroleum products are not present or stored on the Cadiz Drop Zone. It is assumed that the present tenant on the property uses petroleum products (gasoline/diesel) for transportation purposes. A review of available records and interviews

with CONSOL Energy personnel did not indicate the past storage of hazardous materials or petroleum products; however it is assumed that some hazardous materials and petroleum products were used in the equipment used to mine the land.

3.7.2.2 Hazardous and Petroleum Waste

Hazardous and petroleum waste are not present, stored, or used on the Cadiz Drop Zone. A review of available records and interviews with CONSOL Energy personnel did not indicate the past storage of hazardous or petroleum waste; however it is possible that hazardous and petroleum waste could have been generated when the land was being mined.

3.7.3 Environmental Restoration Program

The ERP was established to identify, characterize, and remediate CERCLA related contamination on Air Force installations. The program is designed to evaluate past disposal sites, control the migration of contaminants, and control potential hazards to human health and the environment. The property is not owned by the Air Force nor is it currently used by or controlled by the Air Force. No ERP sites are present on the Cadiz Drop Zone.

3.7.4 Storage Tanks

No aboveground storage tanks, underground storage tanks, or pipelines (including hydrant fueling and transfer systems) are present on the property. A review of available records and interviews with CONSOL Energy personnel did not indicate the past use of storage tanks.

3.8 OIL/WATER SEPARATORS

No oil/water separators are present on the property. A review of available records and interviews with CONSOL Energy personnel did not indicate the past use of oil/water separators on the property.

3.9 SOLID WASTE

No solid waste is generated on the Cadiz Drop Zone. A review of available records and interviews with CONSOL Energy personnel did not indicate the generation of solid waste on the property.

3.10 MEDICAL OR BIOHAZARDOUS WASTE

No evidence of medical or biohazardous waste is present on the property. A review of available records and interviews with CONSOL Energy personnel did not indicate the generation of medical or biohazardous waste on the property in the past.

3.11 RADIOACTIVE WASTE

No evidence of radioactive waste is present on the property. A review of available records and interviews with CONSOL Energy personnel did not indicate the generation of radioactive waste on the property in the past.

3.12 WASTEWATER TREATMENT, COLLECTION, AND DISCHARGE

No evidence of wastewater treatment, collection, or discharge is present on the Cadiz Drop Zone. A review of available records and interviews with CONSOL Energy personnel did not indicate the generation of wastewater on the property in the past.

3.13 PESTICIDES

No evidence of pesticide treatment was present on the property. A review of available records and interviews with CONSOL Energy personnel did not indicate the past use of pesticides on the property.

3.14 ORDNANCE

No evidence of ordnance was present on the property. Based on its past use as a strip mine it is possible that some explosives were used on the property and adjacent areas during the mining process; explosives could have been used. Because of subsequent mine site reclamation, the presence of ordnance or ordnance-related contaminants are not expected.

3.15 ASBESTOS

No structures are present on the property. A review of available records, including historic aerial photographs and topographic maps, and interviews with CONSOL Energy personnel did not indicate the presence of structures on the property; therefore, asbestos was not used on the property in the past.

3.16 POLYCHLORINATED BIPHENYLS

No structures or transformers are present on the Cadiz Drop Zone. A review of available records, including historic aerial photographs and topographic maps, and interviews with CONSOL Energy personnel did not indicate the presence of structures or transformers on the property; therefore, polychlorinated biphenyls were not used on the property in the past.

3.17 RADON

Radon is a naturally occurring, colorless, and odorless radioactive gas produced by radioactive decay of naturally occurring uranium. Radon that is present in soil can enter a building through small spaces and openings, accumulating in enclosed areas such as basements. There are no federal or state standards regulating radon exposure at the present time.

The U.S. EPA has prepared a map of radon zones for the United States that assigns each county to one of three zones based on radon potential. Predicted indoor radon levels are highest in Zone 1 and lowest in Zone 3. Harrison County, Ohio, is designated as Zone 1. Predicted average indoor radon levels in Zone 1 areas are over 4 pCi/l (Environmental Data Resources, Inc., 2008a). However, radon potential in a county can vary. The property does not have any structures; therefore there are no concerns with indoor radon levels.

3.18 LEAD-BASED PAINT

No structures are present on the property. A review of available records, including historic aerial photographs and topographic maps, and interviews with CONSOL Energy personnel did not indicate the presence of structures on the property; therefore, lead-based paint was not used on the property in the past.

3.19 EARTH RESOURCES

Harrison County is situated within the Allegheny Plateaus Section of the Appalachian Plateaus Province (Brockman, 1998). Bedrock exposed at the surface in Harrison County belongs to the Pennsylvanian and Permian systems. Rocks of the Conemaugh Group cover approximately two thirds of the county. This group belongs to the Pennsylvanian system and includes interbedded dirty, micaceous sandstones, shales, siltstones, thin, fine-grained limestones, and minor coals. Higher in the section, the rocks tend to include more fine grained mudstones and claystones (Angle and Walker, 2002).

The following information on soils is derived from the Soil Survey of Harrison County, Ohio (U.S. Department of Agriculture, 1998). The soil survey uses aerial photographs from 1981 to map soil types. Because the property and adjacent areas have been reclaimed since the time these aerial photographs were taken, current soil types on the property may not be the same as indicated in the soil survey report.

Soils in the area including the property belong to the Morristown-Guernsey Association. These consist of deep and very deep, nearly level to very steep, well drained and moderately well drained soils on uplands that formed in material mixed by surface mining and in

residuum and colluvium derived from shale, siltstone, and limestone. This association is in and around extensive areas that have been surface mined for coal. In some areas it consists of steep and very steep banks of spoil material that has been deposited parallel to a highwall, below a remnant of the original landscape. In other areas the spoil material has been regraded to eliminate the highwall or the entire landscape above the coal has been moved during mining and then regraded. These areas generally are regraded to a nearly level to moderately steep slope.

Soils mapped on the Cadiz Drop Zone are primarily Morristown with some areas of Guernsey and Orrville soils. Morristown soils are very deep and well drained. They are in nearly level to very steep areas that have been surface mined for coal. They are subject to slippage in moderately steep to very steep areas. Some areas are bouldery or stony. Permeability is moderately slow. Guernsey soils are deep and very deep and are moderately well drained. They are on strongly sloping to steep benches and side slopes, above and below the Morristown soils. Guernsey soils are subject to slippage in moderately steep and steep areas. Permeability is slow or moderately slow. Orrville soils are somewhat poorly drained. They are on nearly level flood plains and are subject to occasional flooding. Permeability is moderate. Orrville soils are mapped only in the southern corner of the property.

3.20 WATER RESOURCES

3.20.1 Hydrogeologic Features

In Harrison County, the Flushing Escarpment, a major bedrock ridge situated in the eastern fourth of the county, serves as a major drainage divide separating the stream flow east to the Ohio River and west to the Tuscarawas River (Angle and Walker, 2002). Drainages near the property flow to the South Fork and Brushy Fork. These streams flow westerly to Clendenning Lake which empties into Stillwater Creek, which drains into the Tuscarawas River.

Water resources on the Cadiz Drop Zone consist of two ponds created as part of mine reclamation and a small stream in the southern corner (Earth Tech, Inc., 2008).

3.20.2 Drinking Water Quality

There are no utilities provided to the property, including drinking water. Therefore, drinking water quality is not relevant to this site.

3.20.3 Groundwater

Ground water in Harrison County is obtained from both unconsolidated (alluvial) and consolidated (bedrock) aquifers. Stillwater Creek and Conotton Creek contain thin sand and gravel interbedded with thicker sequences of finer-grained lacustrine and alluvial deposits.

Yields up to 25 gallons per minute are obtained from these sandy lenses. Other tributaries in the county contain deposits that are either too thin or fine-grained to constitute sustainable aquifers. These fine-grained deposits more likely help provide extra recharge to the underlying bedrock (Angle and Walker, 2002).

Yields from the consolidated, bedrock aquifers throughout the county tend to be low. Yields typically tend to be especially poor along ridge tops. Bedrock yields less than 5 gallons per minute for aquifers developed in the Permian, Conemaugh, and Monongahela groups. Aquifers developed in the Allegheny group potentially yield approximately 10 gallons per minute. Yields were found to be approximately 10 gallons per minute around Cadiz Township (Angle and Walker, 2002).

A review of records indicated the presence of a well (OHD 100000037968) located near the center of the property (EDR, 2008a). Interviews with Consol Energy personnel indicated that the well most likely no longer exists, due to mining activities.

3.21 BIOLOGICAL RESOURCES

The property is located within the Monongahela Transition Zone of the Western Alleghany Plateau Ecoregion. Potential natural vegetation in this ecoregion consists of mixed mesophytic and mixed oak forest (U.S EPA, 2008). The following discussion of biological resources on and adjacent to the property is based on observations made during the VRS conducted on 14 October 2008.

The majority of the property is on a reclaimed strip mine. The mined area has been graded and revegetated and is currently a grassland used for cattle grazing. The vegetation consists primarily of grasses and legumes (e.g., clover, vetch) with some other forbs, including *Aster* sp., Queen Anne's lace (*Daucus carota*), chicory (*Cichorium intybus*), goldenrod (*Solidago* sp.), and teasel (*Dipsacus fullonum*). A few small single cottonwood (*Populus deltoides*) and black locust (*Robinia pseudoacacia*) trees are present in the grassland area. Two small wooded areas, located at the western and southern edges of the property occupy areas that were probably not mined. Tree species identified in the woodland include sycamore (*Platanus occidentalis*), black locust, sugar maple (*Acer saccharum*), silver maple (*Acer saccharinum*), cottonwood, ash (*Fraxinus* sp.), and black walnut (*Juglans nigra*). Common under story plants in the woodland include poison ivy (*Toxicodendron radicans*), brambles (*Rubus* sp.), and bush honeysuckle (*Lonicera* sp.). Two areas of cattails (*Typha* sp.) and willows (*Salix* sp.) are adjacent to the southern woodland area (Earth Tech, Inc., 2008).

Wildlife species observed were white-tail deer (*Odocoileus virginianus*) and several bird species [(mallard (*Anas platyrhynchos*), northern harrier (*Circus cyaneus*), black vulture (*Coragyps atratus*), turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), northern flicker (*Colaptes auratus*), and yellow-rumped warbler (*Dendroica coronata*)]. Domestic cattle were observed only in adjacent areas, but signs of cattle grazing, including droppings and heavy trampling in wet areas, were evident on the property (Earth Tech, Inc., 2008).

3.21.1 Wetlands/Floodplains

Wetlands are defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (Federal Interagency Committee for Wetland Delineation, 1989). Wetlands are regulated under Section 404 of the Clean Water Act (CWA) and Executive Order (EO) 11990 (Protection of Wetlands).

Potential wetlands on the property have not been delineated.

Two ponds are present in the northern portion of the property. These appear to be artificial water bodies created during site reclamation. Two areas of cattails (wetland obligate species) are present on the property. Near the center of the property a small area (less than ¼ acre) appeared as a dried puddle during the VRS. Although this dry puddle is generally barren and has been heavily trampled by cattle, a few clumps of rushes (*Juncus* sp.) (wetland obligate species) grow in this area (Earth Tech, Inc., 2008).

A small stream flows along the edges of the woodland areas located on the western and southern portion of the drop zone (Earth Tech, Inc., 2008).

3.21.2 Protected Species

According to the U.S. Fish and Wildlife Service (USFWS), the only federally listed species recorded for Harrison County and having the potential to occur within the drop zone area is the federally endangered Indiana bat (*Myotis sodalis*) (U.S. Fish and Wildlife Service, 2008). Focused surveys for the presence of this species were not conducted as part of this EA.

Indiana bats hibernate during winter in caves or, occasionally, in abandoned mines (hibernacula). For hibernation, they require cool, humid caves with stable temperatures, under 50° F but above freezing (U.S. Fish and Wildlife Service, 2007).

Hibernation is an adaptation for survival during the cold winter months when no insects are available for bats to eat. Bats must store energy in the form of fat before hibernating. During

the six months of hibernation the stored fat is their only source of energy. If bats are disturbed or cave temperatures increase, more energy is needed and hibernating bats may starve (U.S. Fish and Wildlife Service, 2007).

After hibernation, Indiana bats migrate to their summer habitat in wooded areas where they usually roost under loose tree bark on dead or dying trees. During summer, males roost alone or in small groups, while females roost in larger groups of up to 100 bats or more. Indiana bats also forage in or along the edges of forested areas (U.S. Fish and Wildlife Service, 2007).

The Ohio DNR implements and maintains Ohio's Natural Heritage Program, which supplies information concerning rare or endangered species occurrence data. The Ohio DNR was contacted as part of this analysis and asked to provide feedback of the likelihood for the Indiana bat to occur on or adjacent to the proposed project area. The Ohio DNR reviewed Natural Heritage maps and files for the regional area and concluded that no records of Indiana bat have been recorded within 5 miles of the property and no Indiana bat hibernacula have been recorded within 10 miles of the property.

The AFR has conducted informal consultation with the USFWS (see Appendix J). The agency indicated that the project site lies within the range of the bald eagle (*Haliaeetus leucocaphalus*), a species protected under the Bald and Golden Eagle Protection and Migratory Bird Treaty acts, but that it would not be expected to occur within the project area. However, Ohio DNR has indicated that the location of activity of bald eagles, which are a state threatened species, frequently changes and that the presence of bald eagles in the area may change.

Ohio DNR has also indicated that the project is within the range of the black bear (*Ursus americanus*) and the bobcat (*Lynx rufus*), both state endangered species.

3.22 CULTURAL RESOURCES

Federal laws and regulations, such as the National Historic Preservation Act (NHPA) and the Archaeological Resources Protection Act of 1979 (ARPA) require federal agencies to consider the effects of a Proposed Action on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the federal agency proposing the action, and prescribe the relationships among other involved agencies (e.g., the State Historic Preservation Officer [SHPO], the Advisory Council on Historic Preservation). The primary law governing the treatment of cultural resources is the NHPA, which requires a federal agency to consider potential impacts on cultural resources from any proposed undertaking. However, only those cultural resources determined to be significant under cultural resources legislation are subject to protection or consideration by a federal agency.

Significant cultural resources, whether they are prehistoric, historic, or traditional in nature, are referred to as “historic properties.”

The NHPA defines a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (National Register) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term also includes properties of traditional religious and cultural importance to an Indian tribe that meet National Register criteria. For the purposes of this analysis, the area of potential effect (APE) as defined under cultural resources legislation is the proposed Cadiz Drop Zone, a 430-acre parcel in Harrison County, Ohio. Cultural resources are divided into two topics; Archaeological or Historic Sites and Native American Issues.

3.22.1 Archaeological / Historic Sites

Only a small portion of the 430-acre parcel has been inventoried for cultural resources. However, the majority of the 430-acre parcel is a former strip mine. The original land surface has been mined and subsequently reclaimed. Because of the severe ground disturbance associated with both mining and reclamation activities, the potential for discovery of archaeological resources is considered very low within the APE. Of the 430 acres, roughly 10 percent are considered not affected by strip mining activities. One archaeological survey has been conducted within this portion. The archaeological survey was conducted in 1990 by ASC, Inc (Mustain, 1990). The majority of the survey was conducted outside the APE to the west in support of an application to expand the mining operation. It included both pedestrian survey and shovel probes. This survey recorded a single archaeological site; the Barricklow Farm (HN0061 and HAS0062414). The Barricklow family settled in the area in the early 1800s. The structures within the APE are a dilapidated corn crib or machine shed and a collapsed barn. Both structures are of unknown date, but the recorders noted they do not appear on topographic maps from the early 20th century. The structures were described as neglected and partially demolished. Several pieces of whiteware and stoneware were collected along with some brick fragments from the area around the collapsed barn and corn crib or machine shed. The artifacts from these excavations are curated with the Ohio Historical Society. The shed was listed as neglected and partially demolished. Neither the National Register Status nor State Registry status were assessed.

3.22.2 Native American Issues

In compliance with the NHPA and American Indian Religious Freedom Act, the Air Force has consulted with American Indian groups that have historically inhabited or occupied the vicinity of the Cadiz Drop Zone (see Appendix J). No specific concerns of tribal organizations with regard to the property were identified.

3.23 SOCIOECONOMICS

The proposed drop zone site is located in Cadiz Township in Harrison County. The estimated population of Harrison County in 2006 was 15,799, a 0.4 percent decrease from its population of 15,856 in 2000. Cadiz Township had a population of 3,639 in 2000. In 2000, 7,018 residents of Harrison County were employed and the unemployment rate in Harrison County was 2.6 percent. In the same year, 1,593 residents of Cadiz Township were employed and the township had a 2.1 percent unemployment rate (U.S. Bureau of Census, 2008).

3.24 ENVIRONMENTAL JUSTICE

EO 12898, Environmental Justice, was issued by the President on February 11, 1994. Objectives of the EO, as it pertains to this EA, include development of federal agency implementation strategies and identification of low-income and minority populations potentially affected because of proposed federal actions.

Accompanying EO 12898 was a Presidential Transmittal Memorandum referencing existing federal statutes and regulations to be used in conjunction with EO 12898. One of the items in this memorandum was the use of the policies and procedures of NEPA. Specifically, the memorandum indicates that,

“Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. section 4321 et. seq.”

In addition to environmental justice issues are concerns pursuant to EO 13045, Protection of Children from Environmental Health Risks and Safety Risks. This EO directs federal agencies to identify and assess environmental health and safety risks that may disproportionately affect children.

Although an environmental justice analysis is not mandated by NEPA, DOD has directed that NEPA will be used as the primary mechanism to implement the provision of the EOs.

The Community of Comparison for the environmental justice analysis is defined as Harrison County focusing on the area where potential environmental effects may occur due to the proposed lease of the Cadiz Drop Zone.

Demographic Analysis. Although EO 12898 provides no guidelines for determination of concentrations of low-income or minority populations, the demographic analysis provides information on the approximate locations of minority and low-income populations in the area

potentially affected by the proposed federal action. Potential environmental impacts from the proposed action and alternatives would primarily occur within the boundary of the proposed lease property and nearby neighborhoods. The community of comparison is compared with State and national statistics to determine disproportionate levels of low-income or minority populations.

Demographic information from the U.S. Bureau of the Census was used to extract data on minority, low-income, and child populations within the area. The census reports both ethnicity and household income status. Minority populations included in the census are identified as Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and other Pacific Islander, or some other race. Information on minority populations based on the 2000 U.S. Census is presented in Table 3.24-1.

Table 3.24-1. Percent Minority, Low-Income, and Persons Under 18 Years of Age Populations

	Population	Percent Minority	Disproportionately High	Percent of Population Below Poverty Level	Disproportionately High	Percent Under Age 18 ¹	Disproportionately High
United States		24.9	--	9.2	--	25.7	--
Ohio	11,353,140	15.9	--	11.7	--	24.1	--
Harrison County	15,856	3.6	--	13.0	Yes	21.5	--

Note:
¹ Based on data collected in 2006.

Source: U.S. Bureau of the Census, 2000.

U.S. Census Bureau poverty status is used in this EA to define low-income status. Poverty status is reported for families with income below poverty level (defined in the 2000 census as \$16,895 for a family of four with two children under 18 years in 1999). Harrison County has a disproportionately high percentage of the population living below the poverty level.

Youth populations, for consideration of EO 13045, are defined as persons under the age of 18. Harrison County does not have a disproportionately high percentage of youth population.

3.25 RECREATIONAL AND VISUAL RESOURCES

The Cadiz Drop Zone and adjacent areas are not currently used for recreation. The site is on private property that is leased for cattle grazing and is not accessible to the public for recreation. No recreation areas are located near the property. Sally Buffalo Park, which is used for picnicking, hiking, swimming, fishing, and camping, and contains rental cabins, is located approximately 3 miles to the northeast.

Views from the property generally consist of flat to rolling open grassland areas on the former strip mine and adjacent wooded and hilly areas. No public roads are adjacent to the property and it is not generally visible from viewpoints accessible to the public.

3.26 TRANSPORTATION

Roads in the vicinity of the property include U.S. Route 22 to the north and west and State Route (SR) 9 to the east (see Figure 1.2-2). Both of these roads travel through the Village of Cadiz to the north of the property. The property can only be reached from SR 9 via Cadiz Township Road 38 which provides access to the Harrison County Airport. Beyond the airport, the road becomes unpaved. This road, identified as Busby Road on maps, is a private road with a locked gate that denies access to the public.

4.0 ENVIRONMENTAL IMPACTS

4.1 LAND USE

4.1.1 Proposed Action

Under the Proposed Action, the current use of the property for cattle grazing would continue. The Proposed Action would not result in any new structures, fences, or roads on the property. The AFR would not conduct any activities (e.g., excavate soil) that could affect the property's status as a reclaimed strip mine. The Cadiz Drop Zone is not subject to zoning, a general plan, or a local land use designations, so its use as a drop zone would not conflict with any local land use plans or policies. There would be no significant impacts to land use.

4.1.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the Air Force Reserves. There would be no change to the current land use on the property; therefore, there would be no impacts to land use.

4.2 AIRSPACE MANAGEMENT

4.2.1 Proposed Action

Air drops would be conducted as part of low-level training flights. The proposed drop zone is in an area currently used by the 911 AW for low level training flights.

Aircraft approach to the drop zone would be limited to along a generally northwesterly–southeasterly orientation between 090° and 170° and between 300° and 360° (see Figure 2.1-2). No fly zones for approach would be established in all other directions in order to avoid overflight of the Harrison County Airport, located approximately 2 miles northeast of the proposed drop zone. All aircraft would exit the drop zone at a direction away from the airport, between 135° and 315°. Adherence to these approach and exit restrictions would avoid potential conflicts with aircraft using the Harrison County Airport. In addition, the 911 AW has already contacted the airport managers regarding the potential establishment of the Cadiz Drop Zone.

The AFR would coordinate with the FAA flight service station to issue a local NOTAM when drops are scheduled. Airdrop information would be sent to the airport managers for posting in the NOTAM. Inbound aircraft crews would announce airdrop time and location on Unicom frequency 122.8. Air drops would only be conducted when there is visual confirmation that no aircraft are present in the drop zone area.

The 911 AW flight safety would revise their existing MACA plan to include activities at the new drop zone. The MACA includes placing a radio call into the local airport to clear local traffic as the aircraft approach the drop zone. For these reasons, no significant impacts to airspace management are expected.

4.2.2 No-Action Alternative

Under the No-Action Alternative, no air drop activities would be conducted at this site. The 911 AW would continue to conduct air drop activities at the existing Starvaggi Drop Zone. There would be no change to airspace usage; therefore, there would be no impacts to airspace management.

4.3 NOISE

4.3.1 Proposed Action

As aircraft noise effects on sensitive land uses is considered using the metric of DNL, the criterion for determining potential aircraft noise impacts is based on the FAA's guidance that if outdoor DNL is above 65 dBA, residential land uses are normally considered not compatible. The extent of land areas and populations exposed to DNL of 65 dBA and higher provides a way of assessing the noise impacts of alternative aircraft actions.

An aircraft noise modeling study was conducted as part of the environmental assessment for the training operations conducted by the 911 AW at the Pittsburgh IAP ARS (Pittsburgh International Airport, Air Reserve Station, December 2000). In the study, the 911 AW C-130 aircraft noise conditions were predicted around the Starvaggi Drop Zone, as well as along various training routes to and from the Starvaggi Drop Zone.

The DOD's aircraft noise model applicable for airspace and range flight operations, MR_NMAP, was used to predict the centerline DNL noise levels along each flight training routes including those in the vicinity of the Starvaggi Drop Zone. The model considered:

- Annual utilization of the training routes
- Aircraft type
- Flight path
- Variation of altitude and power settings
- The number of sorties and hours of flight operations

The MR_NMAP-predicted highest centerline DNLs ranged from 26 to 36 dBA along various training routes. The maximum cumulative DNL of 43 dBA was predicted at the Starvaggi

Drop Zone where several training routes intersect. This is well below the 65 dBA DNL. In addition, no noise complaints regarding current airdrop activities at the Starvaggi Drop Zone have been received (Earth Tech, Inc., 2008).

Under the Proposed Action, the aircraft type and flight durations at the Cadiz Drop Zone would be the same as were analyzed for the Starvaggi Drop Zone in the 2000 EA, although the annual maximum possible sortie operations at Cadiz Drop Zone would be higher than the amount analyzed for the Starvaggi Drop Zone. However, because of cancellation of air drop missions due to weather conditions or aircraft maintenance or because of reduced training due to deployments, actual annual drop zone activity at the Cadiz Drop Zone would be less and would likely be similar to the number analyzed for Starvaggi Drop Zone.

According to the fundamental acoustical principle, doubling or halving the operations from the same aircraft types under the same flight conditions would result in only a 3-dBA change in the noise condition. This would be barely perceptible. The difference in aircraft operational condition associated with the implementation of the Proposed Action would unlikely result in a 3-dBA increase to the overall noise condition predicted for the Starvaggi Drop Zone. Therefore, the highest DNL levels around the new Cadiz Drop Zone would essentially remain the same as compared those levels predicted for existing 911 AW training operations at the Starvaggi Drop Zone and would likely be below 45 dBA. Since these levels would be well below the 65 dBA, above which noise sensitive land uses would normally be of concern, the Proposed Action would not result in a significant noise impact.

4.3.2 No-Action Alternative

Under the No-Action Alternative, no airdrop activities would be conducted at the proposed Cadiz Drop Zone. The 911 AW would continue to conduct air drop activities at the existing Starvaggi Drop Zone. There would be no changes to noise levels; therefore, there would be no impacts from noise.

4.4 AIR QUALITY

4.4.1 Proposed Action

Potential impacts to air quality from the Proposed Action include fugitive dust associated with vehicle travel on unpaved roads to and on the property and engine air emissions from ground vehicles and from aircraft overflights of the drop zone area.

Vehicle engine air emissions and fugitive dust generated by vehicles traveling to and from and on the site would be expected to be minimal. An average of 2 vehicles (pick up trucks) would travel to and from the site 3 times a day 2-3 times a week for material recovery efforts.

Two to three times a month, a flatbed truck would be driven to and from the site in addition to the 2 pick up trucks. These vehicles are currently driven between the Pittsburgh IAP ARS and the Starvaggi Drop Zone at a similar rate to what they would be driven between the ARS and the proposed Cadiz Drop Zone. The round trip drive to the proposed Cadiz Drop Zone is approximately 3 times farther than to the Starvaggi Drop Zone. Because of the longer driving time, overall air emissions from ground vehicle usage would increase. However, because of the small number of vehicles involved, air emissions would still be expected to be minimal. Fugitive dust emissions from vehicle travel on unpaved road to and on the property would be of short duration and would also be limited during periods of wet and/or frozen ground conditions.

Aircraft air emissions relevant to the Proposed Action are those emitted during aircraft approach, overflight, and departure of the drop zone area. These are shown in Table 4.4-1. Aircraft operations during the training flight conducted prior to and after air drops are considered part of the ongoing aircraft training flights that are conducted in the area. These were analyzed in the EA prepared for training operations conducted by the 911 AW (Headquarters Air Force Reserve Command, 2000). That EA concluded that no significant air quality impacts would occur from these activities.

Table 4.4-1. Cadiz Drop Zone Annual Aircraft Emissions Summary

Criteria Pollutant	Emissions in Tons per Year				
	CO	VOC	NO _x	SO _x	PM ₁₀
Total Annual Emissions	1.55	0.40	9.13	0.43	1.37
De Minimis Thresholds ¹	100	100 ²	100	100	100

Notes:

1. For maintenance areas.
2. Threshold for VOCs in an ozone maintenance area inside an ozone transport region is 50 tpy.

The air emissions calculations are based on the maximum number of sortie-operations that could occur in a year. This assumes 3 training drop test days per week and 3 actual load drop test days per month. Each time an aircraft passes over the drop zone during a training drop counts as a sortie-operation. The analysis is based on 2 aircraft per mission with 2 passes by each aircraft per mission and 3 missions during each test day. Actual annual drop zone activity, and therefore air emissions, would likely be less because of cancellation of air drop

missions due to weather conditions or aircraft maintenance or because of reduced training due to deployments. Air emissions calculations are provided in Appendix I.

The U.S. EPA published final rules on general conformity (40 CFR Parts 51 and 93 in the Federal Register on November 30, 1993) that apply to federal actions in areas designated nonattainment and maintenance for any of the criteria pollutants under the CAA. The rules specify *de minimis* emission levels by pollutant to determine the applicability of conformity requirements for a project. Although *de minimis* levels are not applicable to this project because Harrison County is an attainment area for all the NAAQS, *de minimis* threshold for maintenance areas are presented in Table 4.4-1 to provide a point of comparison for estimated emissions from the Proposed Action. Based on the amount of annual air emissions estimated for the Proposed Action, no significant impacts to air quality would occur.

Greenhouse Gas Emissions.

Because air drop activities at the Cadiz Drop Zone would be conducted as part of ongoing C-130 flight training, there would be no significant change in flying hours. Therefore there would be no significant change in greenhouse gas emissions from aircraft under the Proposed Action. Ground vehicle use associated with material recovery would increase from current conditions because of the farther driving distance from Pittsburgh IAP ARS to the proposed Cadiz Drop Zone than to the existing Starvaggi Drop Zone. Therefore, greenhouse gas emissions from ground vehicle use could increase; however, because of the small number of vehicles involved, the overall increase in emissions would be small.

4.4.2 No-Action Alternative

Under the No-Action Alternative, no air drop activities would be conducted at the Cadiz Drop Zone. The 911 AW would continue to conduct air drop activities at the existing Starvaggi Drop Zone. There would be no change to air emissions; therefore, there would be no impacts to air quality.

4.5 SAFETY AND OCCUPATIONAL HEALTH

4.5.1 Proposed Action

Dropping items from aircraft presents a potential hazard if people are present in the area where the airdrop is occurring. The proposed drop zone location is not accessible to the general public. Prior to each drop, a drop zone safety officer would be present at the site to verify that no persons are present on the drop zone. The safety officer would be in radio contact with the pilots and drops could be aborted as needed in the unlikely event persons are present and do not leave the area. Prior to actual load drops, cattle would also be excluded

from the drop zone area. Cattle would not need to be excluded from the drop zone during training bundle drops because training bundles are not expected to cause injury in the event that they impact a cow. Training bundles weigh 15 pounds and are attached to a 68-inch parachute. They would fall too slowly to present a hazard to any cattle in the drop zone. The 911 AW flight safety would revise their existing MACA plan to include activities at the new drop zone. No significant impacts to safety and occupational health would be expected.

4.5.2 No-Action Alternative

Under the No-Action Alternative, there would be no change to current conditions. No air drops would be conducted at the proposed Cadiz Drop Zone. No significant impacts to safety and health would occur. The 911 AW would continue to conduct air drops at the Starvaggi Drop Zone. Because of the more rugged topography and presence of large trees at the Starvaggi Drop Zone, material recovery is more difficult than it would be at the Cadiz site; therefore, continued use of the Starvaggi site presents a slightly greater potential for injury to a member of a material recovery crew.

4.6 HAZARDOUS MATERIALS AND HAZARDOUS WASTE

4.6.1 Proposed Action

Under the Proposed Action, small quantities of hazardous materials and petroleum products, such as fuel, oil, lubricants, and antifreeze, would be used on the property in the vehicles used as for material recovery activities. No hazardous material or petroleum products would be stored and no hazardous wastes or petroleum wastes would be generated on the property. The AFR would be responsible for following applicable regulations and procedures for the proper management of these materials. No other use of hazardous material or petroleum products would occur on the property as a result of airdrop training activities. Therefore, under the Proposed Action there would be no significant impacts from hazardous materials and hazardous waste.

4.6.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the AFR for airdrop activities. There would be no change to the current hazardous materials and waste use on the property; therefore, there would be no impacts from hazardous materials or hazardous waste.

4.7 EARTH RESOURCES

4.7.1 Proposed Action

The Proposed Action would not entail any activities that could affect earth resources. No construction, excavation, or other ground disturbing activities would be conducted. The property is on a reclaimed strip mine from which economically recoverable coal has been removed. The Proposed Action does not entail any activity or change in land use that could affect the soil or future access to any mineral resources. No significant impacts to earth resources would be expected.

4.7.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the Air Force Reserves. There would be no change to activities on the property; therefore, there would be no impacts to earth resources.

4.8 WATER RESOURCES

4.8.1 Proposed Action

The Proposed Action would not entail any activities that could affect water resources. No ground disturbing activities that could result in sediment in water bodies from soil erosion would be conducted. There is the potential for a stray load to drop into one of the ponds on the property. Because recovery of material from a water body is more difficult than from on land, this is something the 911 AW would seek to avoid. An occasional load dropping into a pond and subsequent recovery activity would not be expected to have a significant impact to the artificial water bodies on the property. The stream in the southern corner of the property is well outside the expected impact area and would not be affected by routine air drop activities.

4.8.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the Air Force Reserves. There would be no change to activities on the property; therefore, there would be no impacts to water resources.

4.9 BIOLOGICAL RESOURCES

4.9.1 Proposed Action

Impacts to vegetation within the drop zone as a result of the Proposed Action would be minimal. Some vegetation loss within the grassland/pasture area is expected during the training exercise. Support vehicles used in setting up the drop zone target and retrieving the dropped materials would use existing roads where possible, but some off-road travel could be required. Off-road travel could crush/smother individual plant species. No significant modification of the drop zone, such as grading, access roads, clearing vegetation or constructing facilities would be required to establish the drop zone. Current grazing activities would continue to control vegetation height within the drop zone. However, if deemed necessary, some mowing may be required to concurrently control vegetation height. Vegetation species found within the drop zone are common and widespread within the regional area and the described impacts to this vegetation community would be considered less than significant.

Potential effects on wildlife or domestic animals are a function of associated noise produced by aircraft operations. As a result, common wildlife species occupying the drop zone could be temporarily startled and displaced during the drop zone operations. Species such as the white-tailed deer and various bird species would more than likely disperse during drop zone operations, but are expected to quickly return to the drop zone area once the exercise has ceased. Impacts to wildlife species and domestic animals as a result of drop zone operations are temporary, and are considered less than significant.

Wetlands

Wetlands can be affected by direct or indirect impacts. Direct impacts can result when wetlands are filled, dredged, or flooded. Indirect impacts can occur from disturbance to the aquatic habitat or adjacent lands, causing chemical/sedimentary runoff that can result in water degradation.

There are no direct impacts expected to the aquatic habitats present on-site. To the extent possible, the aquatic sites within the proposed impact areas will be avoided; however, it is possible the dropped materials would need to be occasionally retrieved from these sites. During the VRS of the drop zone, it was noted that the aquatic sites present were heavily trampled by and used as water source for the grazing cattle. The occasional retrieval of dropped materials could cause temporary increased sedimentation with the water column, ultimately affecting the water quality; however, the water quality would be expected to return to pre-exercise conditions shortly after the drop-zone operations have ceased. No significant adverse impacts to the aquatic habitats within the impact area are expected.

The small stream located within the woodland area in the southern corner of the property is well outside the expected impact area. There are no impacts anticipated to in this area.

Protected Species

Although potential for the Indiana bat exists within Harrison County, the information gathered from the Ohio DNR supports that the Indiana bat is not found within the regional area containing the proposed drop zone (see Appendix J). Therefore, impacts to the Indiana bat are not anticipated as a result of proposed project activities. Both USFWS and Ohio DNR have concurred that the proposed project is not likely to impact this species.

Because the project entails no construction activities, Ohio DNR has indicated that it is unlikely that there would be impacts to bald eagles. Ohio DNR has also indicated that the proposed project is not likely to have an impact on state listed black bears and bobcats due to the mobility of these species.

4.9.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the Air Force Reserves. There would be no change to activities on the property; therefore, there would be no impacts to biological resources.

4.10 CULTURAL RESOURCES

4.10.1 Proposed Action

Impacts to cultural resources within the Cadiz Drop Zone as a result of the Proposed Action would be negligible. Activities associated with the Proposed Action occur almost exclusively on the mined portion of the property. Access to the property will occur on existing roads. No cultural resources are present in these areas. No significant modification of the drop zone, such as grading new access roads, clearing vegetation, or constructing facilities would be required to establish the drop zone. The activities associated with the Proposed Action are expected to occur mainly in the central portion of the property. The only known cultural resource on the Cadiz Drop Zone, the Barricklow Farm, is not located near the center of the property; it is located in the southeastern portion of the drop zone along the wooded area. Therefore, it will not likely be impacted by training activities. Impacts to cultural resources as a result of drop zone operations are considered less than significant. The Ohio SHPO has concurred that the proposed action would not affect properties listed on or eligible for listing on the National Register (see Appendix J).

4.10.2 No-Action Alternative

Under the No-Action Alternative, the property would not be leased to the Air Force Reserves. There would be no change to activities on the property; therefore, there would be no impacts to cultural resources.

4.11 SOCIOECONOMICS

4.11.1 Proposed Action

The Proposed Action would not result in any changes in employment or population. Persons involved in air drop activities would be existing personnel at Pittsburgh IAP ARS. Economic impacts of the establishment of the Cadiz Drop Zone would be negligible. Material recovery crews could purchase some items, such as fuel and food, in the local area on their way to or from the drop zone. The 911 AW would lease the Property from CONSOL Energy. The lease on privately owned property would not result in changes in revenue to local communities. No significant impacts to socioeconomics would be expected.

4.11.2 No-Action Alternative

Under the No-Action Alternative, the 911 AW would not establish a drop zone and conduct air drop activities at Cadiz. There would be no changes to AFR activities in the area; therefore, there would be no impacts to socioeconomics.

4.12 ENVIRONMENTAL JUSTICE

4.12.1 Proposed Action

Under the Proposed Action there would be no significant impacts to resources; therefore, there would not be any adverse effects to disproportionately high minority, low-income, or youth populations in Harrison County, Ohio. No significant environmental justice impacts would occur.

4.12.2 No-Action Alternative

Under the No-Action Alternative, there would be no change to environmental conditions in Harrison County, Ohio, due to establishment and operation of the Cadiz Drop Zone; therefore, there would be no impacts to minority, low-income, or youth populations. No significant environmental justice impacts would occur.

4.13 RECREATION AND VISUAL RESOURCES

4.13.1 Proposed Action

The proposed drop zone site is not currently used for recreation nor is it accessible to the public for recreational uses. Under the proposed action, there would be no change to area's use or accessibility. There would be no impact to recreation at the nearby Sally Buffalo Park. The use of the site as a drop zone would not result in any visual changes to the property. The Proposed Action would not have a significant impact to recreation and visual resources.

4.13.2 No-Action Alternative

Under the No-Action Alternative, there would be no changes in use and current condition of the property. These would be no impacts to recreation or visual resources.

4.14 TRANSPORTATION

4.14.1 Proposed Action

Routine drop zone activities would entail use of a small number of vehicles driven between Pittsburgh IAP ARS and the proposed Cadiz Drop Zone. Generally 2 pick up trucks would be driven to and from the site up to 3 times a day on each training bundle drop training day. In addition, up to 3 times a month a flatbed truck, in addition to the 2 pick up trucks, would be driven to and from the site up to 3 times a day. This amount of traffic would have no significant impact to traffic on the roads that access the site.

During a paratrooper drop event, a military convoy would be used to transport the paratroopers from the drop zone. An infrequent military convey, estimated at approximately once every two years, would not be expected to have a significant impact to traffic.

4.14.2 No-Action Alternative

Under the No-Action Alternative, there would be no changes in ground vehicle use due to the operation of the Cadiz Drop Zone. There would be no impacts to transportation.

4.15 OTHER

No other resources that have a potential to be affected by implementation of the Proposed Action or No-Action Alternative have been identified.

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5.0 FINDINGS FOR ADJACENT PROPERTIES

5.1 LAND USES WITHIN ¼ MILE OF PROPERTY

Land uses adjacent to the Cadiz Drop Zone are the same as on the property. Within ¼ mile of the property land uses consist of reclaimed strip mined areas covered with grassland vegetation and used for cattle grazing. There are wooded areas to the south and west that were apparently not mined. No buildings or other structures are present.

5.2 POTENTIAL ENVIRONMENTAL CONCERNS WITHIN ¼ MILE OF PROPERTY

No potential environmental concerns have been identified within ¼ mile of the property.

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6.0 CUMULATIVE EFFECTS OF THE ACTION

6.1 DEFINITION OF CUMULATIVE EFFECTS

Cumulative impacts result from “the incremental impact of actions when added to other past, present, and reasonably foreseeable future actions, regardless of what agency undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (Council on Environmental Quality, 1978).

6.2 PAST, PRESENT, AND REASONABLY FORESEEABLE ACTIONS

Other future actions in the region were evaluated to determine whether cumulative environmental impacts could result due to the implementation of Proposed Action in conjunction with other past, present, or reasonably foreseeable future actions.

Other actions that occur in the region that could contribute to cumulative impacts include the Air Force Reserve’s continued flight training using C-130 aircraft and strip mining activity. The proposed Cadiz Drop Zone is in an area currently used for LATN by the 911 AW. The LATN areas used by the 911 AW cover approximately 70,000 square nautical miles and flight activities within these areas are widely dispersed and do not frequently pass near the same ground point (Headquarters, Air Force Reserve Command, 2000). An active strip mine is located approximately 3,000 feet to the east of the property.

No other actions with the potential to result in cumulative impacts with the Proposed Action have been identified.

6.3 CUMULATIVE EFFECTS ANALYSIS

Because of the widely dispersed nature of LATN training, this activity is not anticipated to result in cumulative impacts when added to potential impacts from the Proposed Action.

Impacts from strip mining in the area could present potential cumulative impacts with the Proposed Action to resources such as air quality and noise. Air emissions from strip mining could include fugitive dust and mining equipment engine exhaust. Air emissions from the Proposed Action would be minimal and not expected to be significant when added to other sources in the drop zone area. During the VRS of the property, no noise from the active strip mine was audible on the property; therefore, it is unlikely that noise from strip mining activities would add to the noise levels generated by aircraft conducting airdrop activities in the area. No significant cumulative impacts are expected.

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7.0 APPLICABLE REGULATORY COMPLIANCE ISSUES

7.1 COMPLIANCE ISSUES

No compliance issues have been identified based on the findings of the EA/EBS.

7.2 DESCRIPTION OF CORRECTIVE ACTIONS TAKEN OR IN PROGRESS

The Cadiz Drop Zone is situated on a reclaimed strip mine. This mine site has been released from its final bond. No other corrective actions have been taken or are in progress for the property.

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8.0 CONCLUSIONS REGARDING SUITABILITY TO PROCEED WITH THE REAL ESTATE TRANSACTION

8.1 FACILITY MATRIX

There are no facilities present on the property.

8.2 PROPERTY CATEGORIES

As discussed in Section 1.3, environmental factors were used in property categorization. Each occurrence of each factor was first categorized individually based on its past or present potential for environmental concern. The categories for all factors present at each location were then integrated to determine the overall property category. The highest category within an individual property determines the overall category for that property.

Disclosure factors were not considered in property categorization. These factors are not considered to be hazardous when properly managed and in good condition. Their presence and any required protective actions may be identified and addressed in other documents.

Based on the findings of this EA/EBS presented in Chapter 3.0, the property was classified into one of the following categories:

- *Category 1* - Areas where no release or disposal of hazardous or petroleum substances has occurred (including no migration of these substances from adjacent areas)
- *Category 2* - Areas where only release or disposal of petroleum substances has occurred
- *Category 3* - Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require removal or remedial response
- *Category 4* - Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions have been taken
- *Category 5* - Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions are underway, but have not yet been completed
- *Category 6* - Areas where release, disposal, and/or migration of hazardous substances has occurred, but remedial actions have not been implemented
- *Category 7* - Areas that are not evaluated or require additional evaluation.

Pursuant to U.S. EPA guidance, this document identifies property as uncontaminated even if some limited quantity of hazardous or petroleum substances was released or disposed of in cases where the available information indicates that such release or disposal poses no threat to human health or the environment. Examples, as provided in the U.S. EPA guidance, include: usage of common household chemicals and storage of heating fuel in housing areas, incidental releases of petroleum products on roadways and parking lots, and the routine licensed application of pesticides (U.S. Environmental Protection Agency, 1994).

The property is considered Category 1.

8.3 NATURAL RESOURCES ISSUES

Natural resource issues that could affect the property include wetlands, protected species, and archaeological/historic sites.

8.3.1 Wetlands

Two ponds and three separate areas supporting wetland vegetation are present on the property; however, these potential wetland areas have not been delineated. The proposed air drop activities, as described in this document, are not anticipated to have an adverse affect to these areas and the presence of potential wetlands should not pose a concern to lease and use of the property as a drop zone.

8.3.2 Protected Species

Only one federally listed species, the Indiana bat has the potential to occur in Harrison County. Although there are no records of the bat occurring near the property there is still a potential for the species to occur in the area. Proposed drop zone activities are not expected to adversely affect the bat. In addition, no impacts to state listed black bears, bobcats, or bald eagles are expected.

8.3.3 Archaeological/Historic Sites

The only known cultural resource on the property is the Barricklow Farm. Because the site is located near the drop zone boundary, it is not in an area that would be expected to be affected by drop zone activities. No significant impacts to the Barricklow Farm are expected.

8.4 DATA GAPS

No data gaps that would be expected to affect the findings of this EA/EBS have been identified.

9.0 RECOMMENDATIONS REGARDING PROCEEDING WITH THE REAL ESTATE TRANSACTION

Based on the findings of this EA/EBS, no environmental issues with regard to leasing the property have been identified.

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10.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Irreversible and irretrievable resource commitment refers to the use of nonrenewable resources and the effects these resources would have on future generations. Irreversible effects would result primarily from the consumption or destruction of a resource that could not be reversed. Irretrievable resource commitments would involve a loss or gain in the value of an affected resource that could not be reversed. The Proposed Action and No-Action Alternative would both entail use of some nonrenewable resources, most notably fuel used in aircraft and ground vehicle operations. Implementation of the Proposed Action and No-Action Alternative would not result in a significant irreversible or irretrievable commitment of resources.

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APPENDIX A
REFERENCES

APPENDIX A

REFERENCES

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APPENDIX B

TERMS

APPENDIX B

GLOSSARY OF TERMS

Adjacent Properties. Properties within 1/4 mile of the subject property, and properties within 1 mile of the subject property that exhibit potential environmental concerns.

Airspace. Airspace is a finite resource that can be defined vertically, horizontally, and temporally, when describing its use for aviation purposes. The Federal Aviation Administration (FAA) manages commercial and general aviation activity within the airspace, and the military manages military aviation activity with FAA oversight.

Asbestos. Six naturally occurring fibrous minerals found in certain types of rock formations. Of the six, the minerals chrysotile, amosite, and crocidolite have been most commonly used in building products. When mined and processed, asbestos is typically separated into very thin fibers. Because asbestos is strong, incombustible, and corrosion-resistant, it was used in many commercial products beginning early in the twentieth century, and peaking in the period from World War II into the 1970s. When inhaled in sufficient quantities, asbestos fibers can cause serious health problems.

Attainment. An area where the level of a pollutant is below the NAAQS. An area is deemed in attainment by the U.S. EPA when the air quality is monitored and the resultant concentrations are found to be consistently below the NAAQS.

Class 1. Class 1 federal lands include areas such as national parks, national wilderness areas, and national monuments. These areas are granted special air quality protections under Section 162(a) of the federal Clean Air Act.

Contaminants. Undesirable substances rendering something unfit for use.

Contamination. The degradation of naturally occurring water, air, or soil quality, either directly or indirectly, as a result of human activities.

Cultural Resources. Prehistoric or historic archaeological sites, buildings, structures, districts, artifacts, or other physical evidence of human activity.

Discharge. Release of groundwater in to springs or wells, through evapotranspiration, or as outflow. Also a release of a liquid into a waterbody or a gas into the air.

Endangered. An animal or plant species in danger of extinction throughout all or a significant portion of its range.

Environmental Restoration Program (ERP). The Air Force program designed to identify, characterize, and remediate environmental contamination on Air Force installations. Although widely accepted at the time, procedures followed prior to the mid-1970s for managing and disposing of many wastes often resulted in contamination of the environment. The program has established a process to evaluate past disposal sites, control the migration of contaminants, and control potential hazards to human health and the environment. Section 211 of the Superfund Reauthorization and Amendment Act (SARA), codified as the Defense Environmental Restoration Program (DERP), of which the Air Force ERP is a subset, ensures that the Department of Defense (DOD) has the authority to conduct its own environmental restoration programs. DOD coordinates ERP activities with the U.S. EPA and appropriate state agencies.

Groundwater. Water that occurs beneath the water table in soil and geologic formations that are fully saturated.

Hazardous material. Generally, a substance or mixture of substances that has the capability of either causing or significantly contributing to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or posing a substantial present or potential risk to human health or the environment. Use of these materials is regulated by the Department of Transportation, Occupational Safety and Health Administration (OSHA), and the U.S. EPA.

Hazardous substances. "Hazardous substances" is a broad classification and includes hazardous materials, hazardous chemicals, hazardous wastes, and petroleum products. Several different federal and state rules individually regulate the storage of these hazardous substances.

Hazardous waste (federal definition under Resource Conservation and Recovery Act [RCRA], 42 U.S. Code [U.S.C.] Section 6903). RCRA defines hazardous waste as "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a hazard to human health or the environment" (RCRA, Section 1004[5]). The U.S. EPA has listed several wastes that are known to be hazardous. A waste can also be classified as a characteristic hazardous waste if it exhibits one or more of the four hazardous waste characteristics described in Subpart C: ignitability, corrosivity, reactivity, or toxicity.

Lead. A heavy metal used in many industries that can accumulate in the body and cause a variety of negative effects.

Migration. The movement of substances from adjacent areas to the subject property, versus the ERP definition, which is the movement of substances from the subject property to an adjacent area.

National Ambient Air Quality Standards (NAAQS). The NAAQS are established by the U. S. EPA for pollutants considered harmful to public health and the environment. The NAAQS are for six principal pollutants, which are called "criteria" pollutants. These are: carbon monoxide, lead, nitrogen dioxide, particulate matter equal to or less than 10 microns in diameter, particulate matter equal to or less than 2.5 microns in diameter, ozone, and sulfur dioxide.

National Priorities List. The list compiled by the U.S. EPA pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C., Section 9605[a][8][B]) of properties with the highest priority for cleanup pursuant to U.S. EPA's Hazard Ranking System.

Nonattainment. An area designated by U.S. EPA where an air pollutant exceeds the NAAQS.

Pesticides. Any substance, organic or inorganic, used to destroy or inhibit the action of plant or animal pests; the term thus includes insecticides, herbicides, fungicides, rodenticides, miticides, fumigants, and repellents. All pesticides are toxic to humans some degree. Pesticides vary in biodegradability.

Petroleum Products. Fuels, lubricants, hydraulic fluids, and solvents that are predominant petroleum based. They do not include oil-based paints, pesticides, synthetic solvents or other petroleum products containing hazardous substances which are added after the petroleum refining process.

Petroleum Substance. Petroleum products and petroleum wastes.

Petroleum Wastes. Refuse generated through the use of petroleum products. Petroleum wastes qualifying for the petroleum exclusion are unadulterated petroleum wastes. Petroleum wastes contaminated by hazardous substances are treated as hazardous wastes.

Polychlorinated biphenyls (PCBs). Any of a family of industrial compounds produced by chlorination of biphenyls. These compounds accumulate in organisms and concentrate in the food chain with resultant pathogenic and teratogenic effects. They also decompose very slowly.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release that results in exposure to persons solely within a workplace, with respect to a claim that such persons may assert against the employer of such persons; (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; (c) release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, or, for the purposes of Section 104 of this title or any other response action, any release of source by-product, or special nuclear material from any processing site designated under Section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (d) the normal application of fertilizer.

Transfer. Permits to other government agencies, donations, land exchanges, transfers of federal government property accountability, easements, leases, or licenses.

Uncontaminated Property. Property on which no hazardous substances and no petroleum products or their derivatives were known to have been released or disposed of.

Underground storage tank (UST). Any tank, including underground piping connected to the tank, that is or has been used to contain hazardous substances or petroleum products, and the volume of which is 10 percent or more beneath the surface of the ground.

U.S. Environmental Protection Agency (EPA). The independent federal agency, established in 1970, that regulates environmental matters and oversees the implementation of environmental laws.

Visual Reconnaissance Survey. A cursory physical conducted by walking around or through an area.

Visual Site Inspection. An exterior and interior (walk through) inspection of a structure.

APPENDIX C

LIST OF PREPARERS

APPENDIX C

LIST OF PREPARERS

Raul Alonzo, Environmental Specialist, AECOM

A.A., 1980, Graphic Arts, Santa Ana Community College, California

Years of Experience: 19

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B.A., 1987, Anthropology, University of California, Berkeley

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Matthew Mallé, Project Biologist, AECOM

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Years of Experience: 7

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Years of Experience: 20

Fang Yang, Senior Air and Noise Engineer, AECOM

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M.S., 1988, Atmospheric Science, New York University

Years of Experience: 16

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APPENDIX D
PERSONS AND AGENCIES CONTACTED

APPENDIX D

PERSONS CONTACTED

The following individuals were interviewed, by phone, email, or in person, during the preparation of this EA/EBS and provided information used in developing the findings of the report.

Frank Sniezek	911 AW/CEVE
Lt Col Aldo Filoni	911 OSF/OSTX
Lt Col William Gutermuth	911 AW Safety
Denny McCracken	CNX Land
Jim Poland	CNX Environmental & Engineering Services
Patrick Moore	Harrison County Auditor
Carrie Simmons	Ohio Historic Preservation Office
Butch Grieszmer	Ohio Department of Natural Resources (Biological)
Brent Heavilin	Ohio Department of Natural Resources (Mineral)

Additional information was provided by people and agencies that were contacted during regulatory consultation and Interagency and Intergovernmental Coordination for Environmental Planning. Copies of correspondence from these agencies can be found in Appendixes J and K.

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APPENDIX E
MAPS AND AERIAL PHOTOGRAPHS

APPENDIX E

**TABLE E-1. AERIAL PHOTOGRAPH,
COMPOSITE HISTORICAL TIMETABLE**

PROPOSED CADIZ DROP ZONE PROPERTY

<i>Year</i>	<i>Source</i>	<i>Discussion</i>
1905	Topographic Map	<i>Distinguishing land marks identifying area on map as a reclaimed strip mine are undetectable. Based on this topographic map the proposed Cadiz Drop Zone property appears to be undeveloped open space with rolling hills and several small streams throughout the property running to the southwest and southeast and emptying into South Fork.</i>
1961	Topographic Map	<i>About 1/3 of the property appears to have been strip mined. There are still undeveloped portions and forested areas. Several small ponds appear on this topographic map, along with the power lines to the west of the property and access roads to the mines.</i>
1976	Aerial Photograph	<i>The property appears to have been completely disturbed in this aerial photograph. There are access roads to the mines and several ponds near the property.</i>
1978	Topographic Map	<i>In this map, the remainder of the property is labeled as having been strip mined. The shapes and locations of ponds shift slightly; however, no major changes to the topography have been made. There is no evidence of reclamation.</i>
1982	Aerial Photograph	<i>The property appears unchanged from the 1976 aerial photograph.</i>
1994	Aerial Photograph	<i>The property appears similar to the property in the 1982 aerial photograph. There is evidence that mining has been restarted.</i>
1994	Topographic Map	<i>The property appears to have been strip mined again. The present access roads appear on this map.</i>
2005	Aerial Photograph	<i>The property appears to have been reclaimed.</i>

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E1: HISTORICAL TOPOGRAPHIC MAP REPORT

Cadiz Drop Zone

Busby Rd & Slater Rd

Cadiz, OH 43907

Inquiry Number: 2336628.4

October 09, 2008

The EDR Historical Topographic Map Report

EDR Historical Topographic Map Report

Environmental Data Resources, Inc.s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

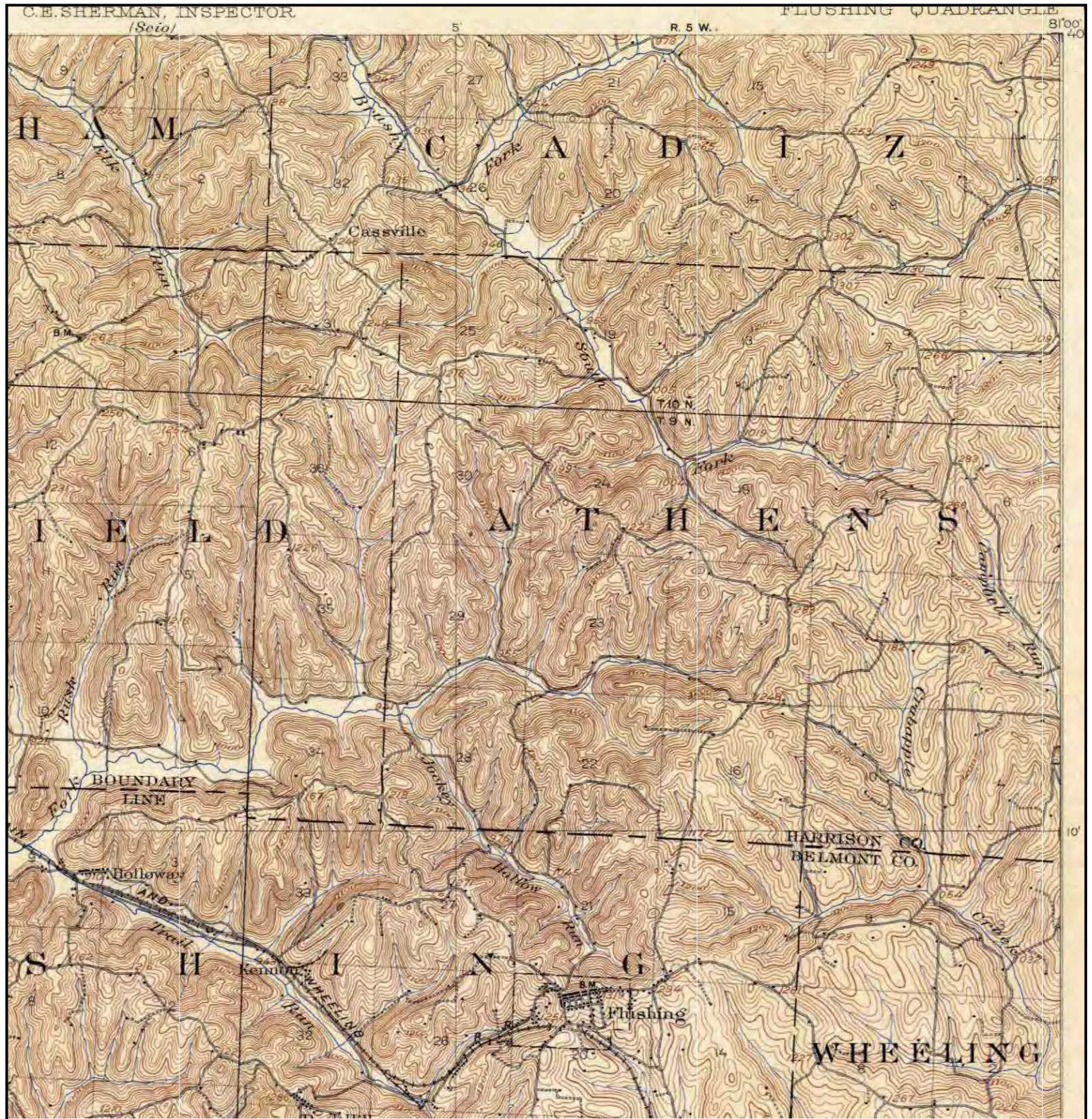
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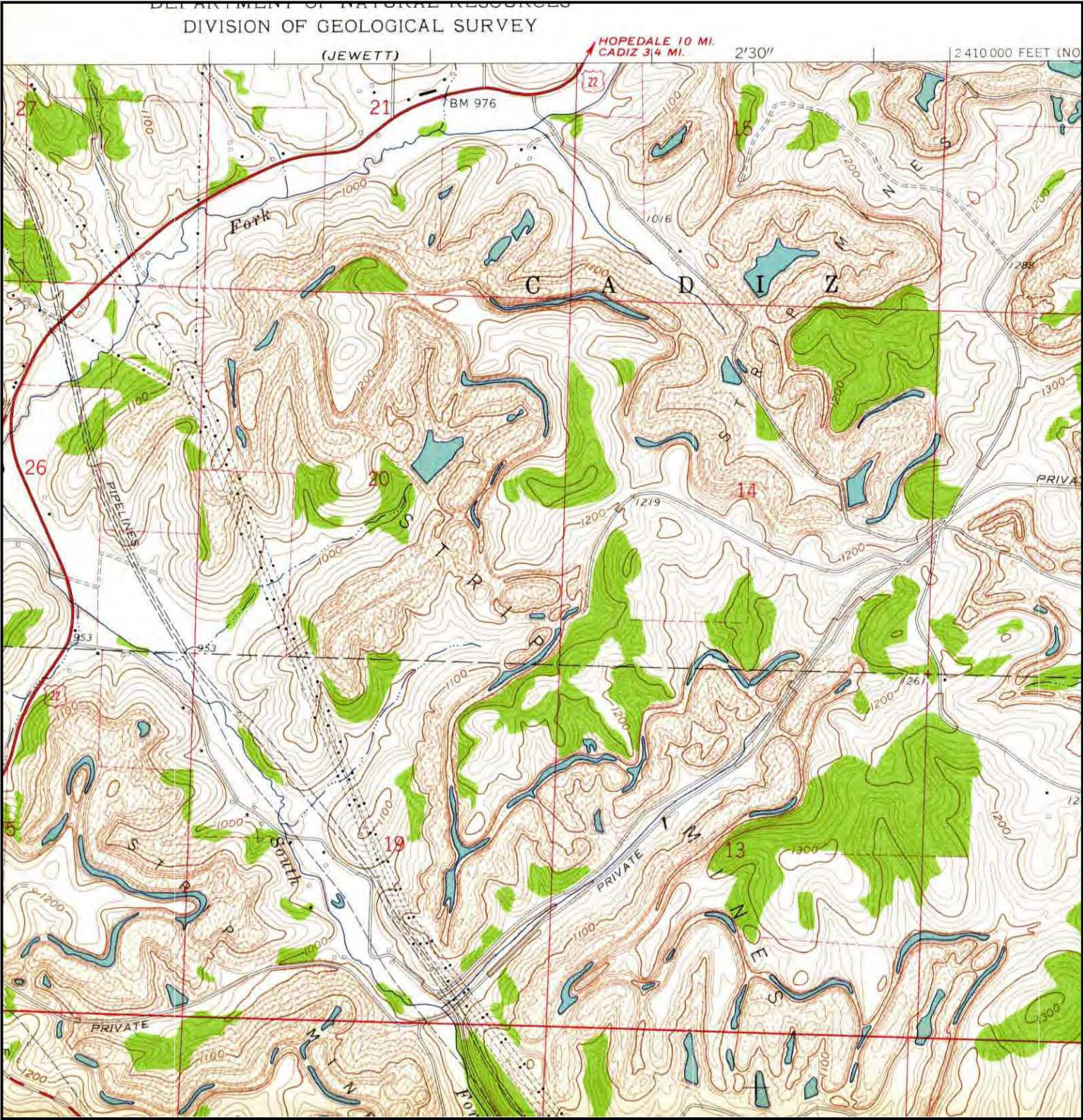
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Historical Topographic Map



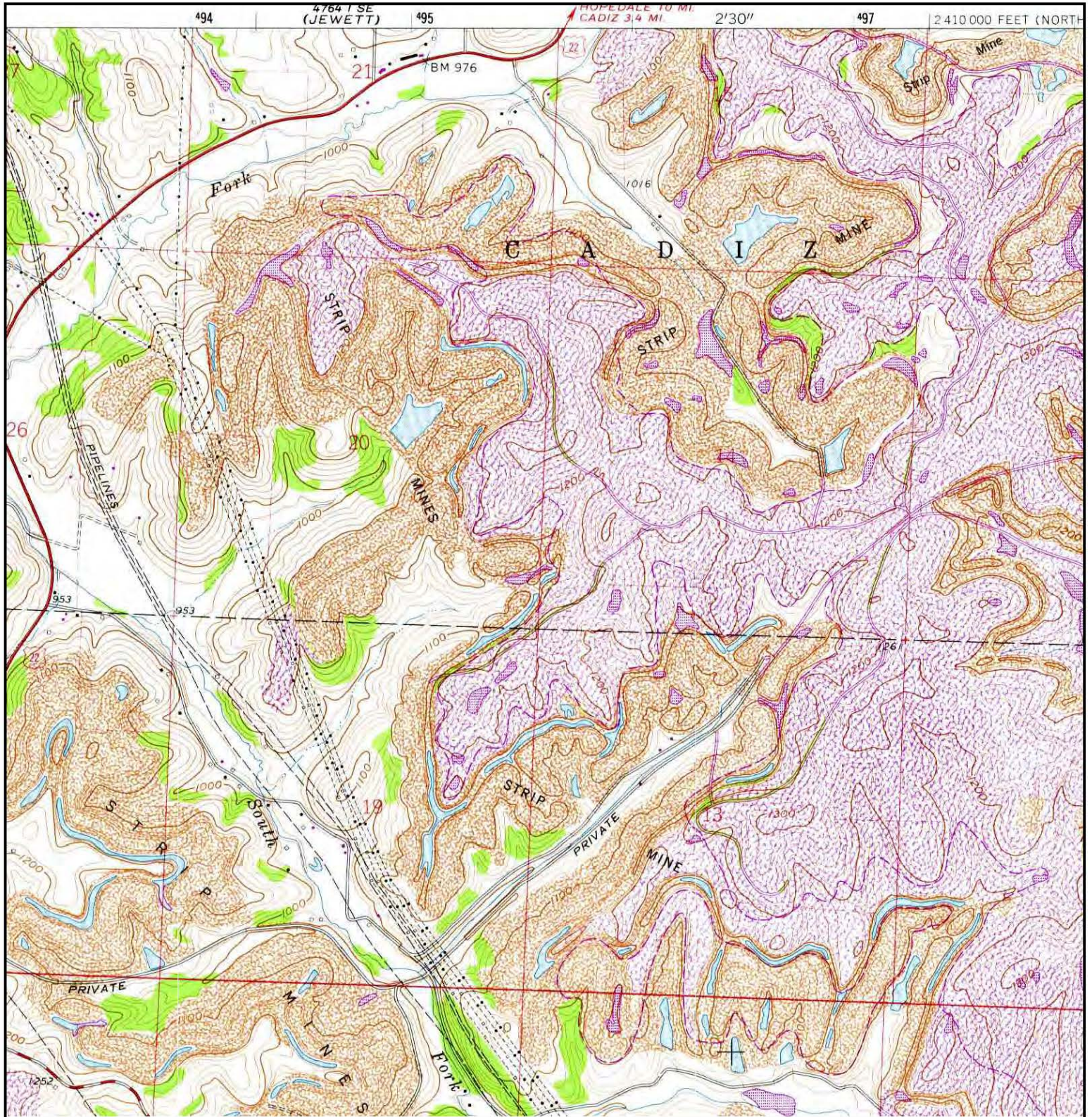
	TARGET QUAD	SITE NAME:	Cadiz Drop Zone	CLIENT:	Earth Tech Inc.
	NAME: FLUSHING	ADDRESS:	Busby Rd & Slater Rd	CONTACT:	Carl Rykaczewski
	MAP YEAR: 1905		Cadiz, OH 43907	INQUIRY#:	2336628.4
		LAT/LONG:	40.2297 / 81.0508	RESEARCH DATE:	10/09/2008
	SERIES: 15				
	SCALE: 1:62500				

Historical Topographic Map



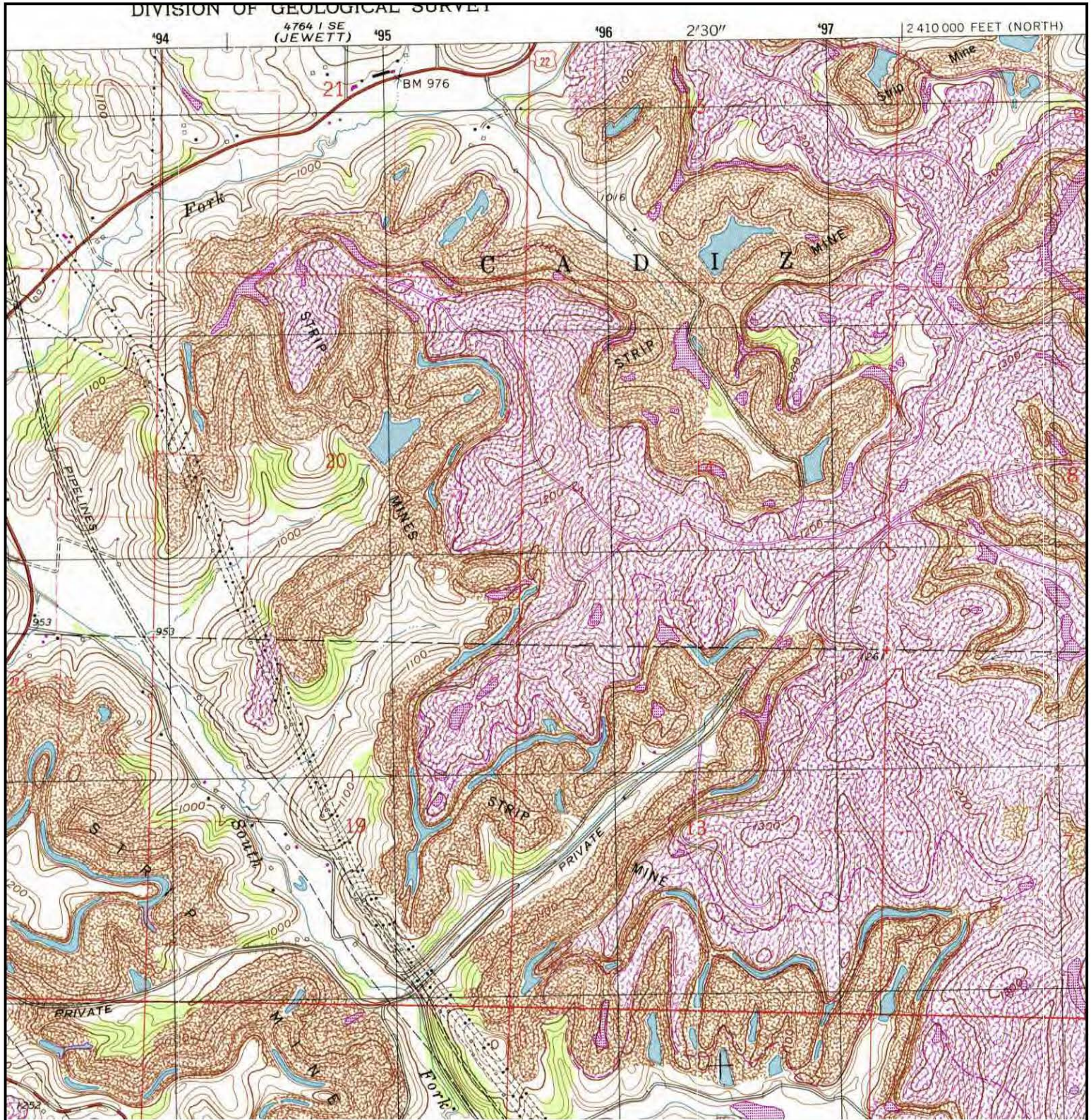
	TARGET QUAD	SITE NAME:	Cadiz Drop Zone	CLIENT:	Earth Tech Inc.
	NAME: FLUSHING	ADDRESS:	Busby Rd & Slater Rd	CONTACT:	Carl Rykaczewski
	MAP YEAR: 1961	LAT/LONG:	40.2297 / 81.0508	INQUIRY#:	2336628.4
	SERIES: 7.5			RESEARCH DATE:	10/09/2008
	SCALE: 1:24000				

Historical Topographic Map



	TARGET QUAD	SITE NAME:	Cadiz Drop Zone	CLIENT:	Earth Tech Inc.
	NAME: FLUSHING	ADDRESS:	Busby Rd & Slater Rd	CONTACT:	Carl Rykaczewski
	MAP YEAR: 1978		Cadiz, OH 43907	INQUIRY#:	2336628.4
	PHOTOREVISED FROM:1961	LAT/LONG:	40.2297 / 81.0508	RESEARCH DATE:	10/09/2008
	SERIES: 7.5				
	SCALE: 1:24000				

Historical Topographic Map



N ↑	TARGET QUAD	SITE NAME: Cadiz Drop Zone	CLIENT: Earth Tech Inc.
	NAME: FLUSHING	ADDRESS: Busby Rd & Slater Rd	CONTACT: Carl Rykaczewski
	MAP YEAR: 1994	Cadiz, OH 43907	INQUIRY#: 2336628.4
		LAT/LONG: 40.2297 / 81.0508	RESEARCH DATE: 10/09/2008
	SERIES: 7.5		
	SCALE: 1:24000		

E2: AERIAL PHOTO DECADE PACKAGE

Cadiz Drop Zone

Busby Rd & Slater Rd

Cadiz, OH 43907

Inquiry Number: 2336628.5

October 13, 2008

The EDR Aerial Photo Decade Package

EDR Aerial Photo Decade Package

Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDRs professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

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Date EDR Searched Historical Sources:

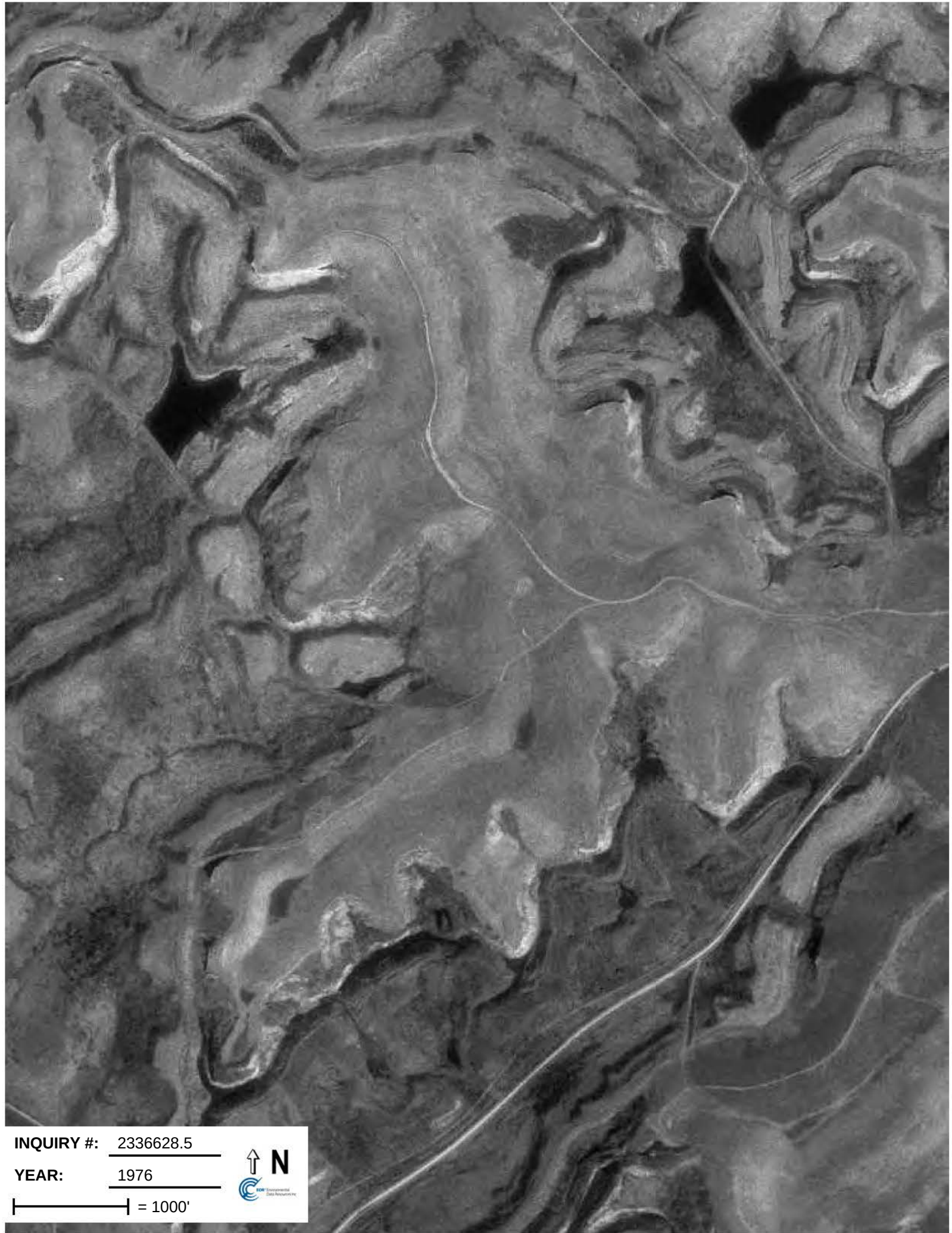
Aerial Photography October 13, 2008

Target Property:

Busby Rd & Slater Rd

Cadiz, OH 43907

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
1976	Aerial Photograph. Scale: 1"=1000'	Panel #: 2440081-B1/Flight Date: April 06, 1976	EDR
1982	Aerial Photograph. Scale: 1"=1000'	Panel #: 2440081-B1/Flight Date: April 15, 1982	EDR
1994	Aerial Photograph. Scale: 1"=750'	Panel #: 2440081-B1/Flight Date: April 14, 1994	EDR
2005	Aerial Photograph. Scale: 1"=485'	Flight Year: 2005	EDR



INQUIRY #: 2336628.5

YEAR: 1976

| = 1000'



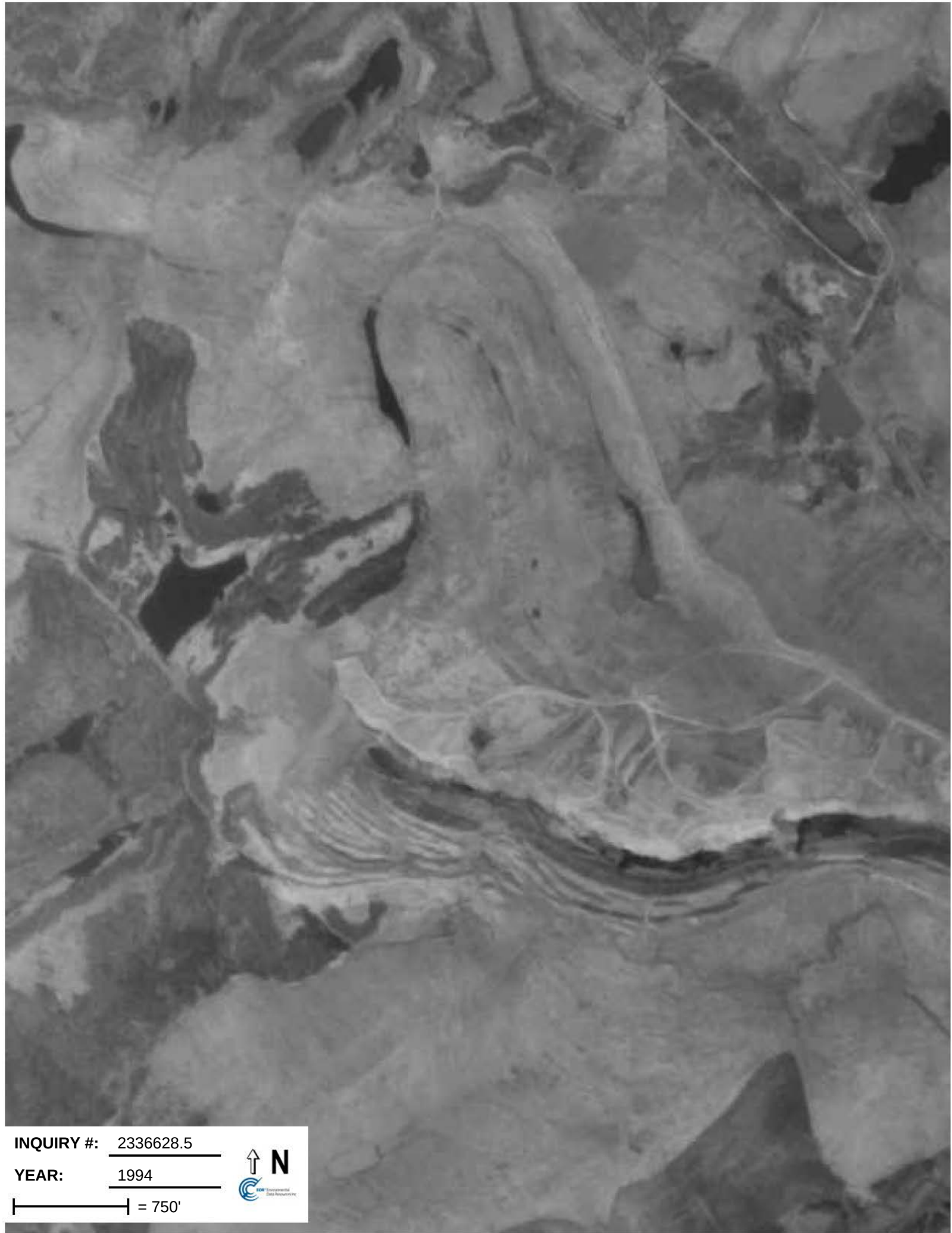


INQUIRY #: 2336628.5

YEAR: 1982

Scale: = 1000'





INQUIRY #: 2336628.5

YEAR: 1994

| = 750'





INQUIRY #: 2336628.5

YEAR: 2005

| = 485'



APPENDIX F
SITE PHOTOGRAPHS



Photograph 1: Access road to the property, facing east.



Photograph 2: Facing northwest toward pond on eastern side of the property.



Photograph 3: View west across central portion of property from near east end.



Photograph 4: Facing north toward pond on western portion of the property.



Photograph 5: View from near west end of property of east pond in the valley containing the ponds.



Photograph 6: View east across the central portion of the property from near the west end.



Photograph 7: Typical vegetation on the central portion of the property.



Photograph 8: View west from central portion of property.



Photograph 9: Wet area near center of the property, facing south.



Photograph 10: Forested area on the western portion of the property, facing southwest.



Photograph 11: View of ridge to east of the property.



Photograph 12: Wetlands on the southern portion of the property, facing southeast.



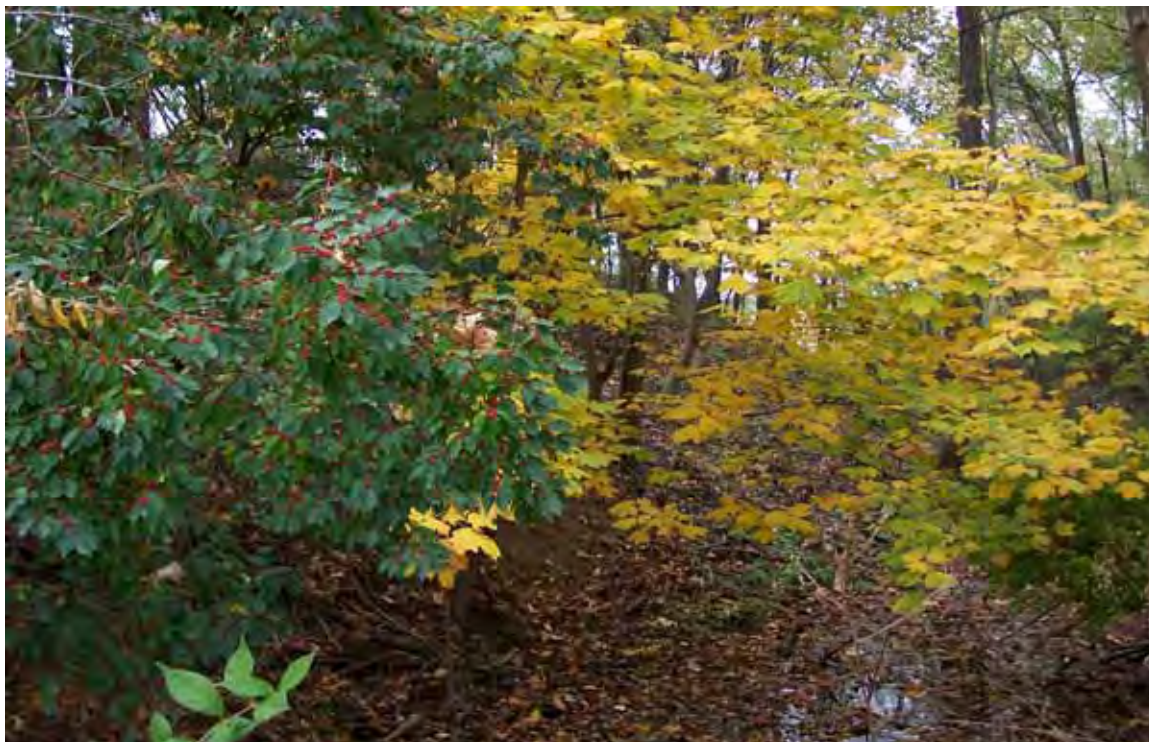
Photograph 13: Forested area on the southern part of the property, facing southeast.



Photograph 14: Wetlands south of the forested area on the southern part of the property, facing southwest.



Photograph 15: An area of wetland vegetation on the southern portion of the property.



Photograph 16: Vegetation in the forested area on the southern part of the property.

APPENDIX G
SITE INSPECTION DOCUMENTS

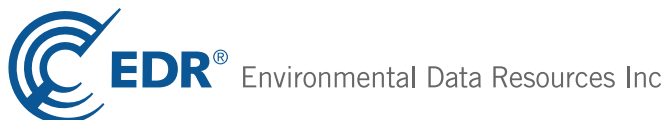
G1: RECORDS SEARCH REPORT

Cadiz Drop Zone

Busby Rd & Slater Rd
Cadiz, OH 43907

Inquiry Number: 2336628.2s
October 08, 2008

The EDR Radius Map™ Report with GeoCheck®



440 Wheelers Farms Road
Milford, CT 06461
Toll Free: 800.352.0050
www.edrnet.com

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

BUSBY RD & SLATER RD
CADIZ, OH 43907

COORDINATES

Latitude (North):	40.229660 - 40° 13' 46.8"
Longitude (West):	81.050750 - 81° 3' 2.7"
Universal Transverse Mercator:	Zone 17
UTM X (Meters):	495682.4
UTM Y (Meters):	4453038.5
Elevation:	1102 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map:	40081-B1 FLUSHING, OH
Most Recent Revision:	1994

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

FEDERAL RECORDS

NPL.....	National Priority List
Proposed NPL.....	Proposed National Priority List Sites
Delisted NPL.....	National Priority List Deletions
NPL LIENS.....	Federal Superfund Liens
CERCLIS.....	Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP.....	CERCLIS No Further Remedial Action Planned
LIENS 2.....	CERCLA Lien Information
CORRACTS.....	Corrective Action Report
RCRA-TSDF.....	RCRA - Transporters, Storage and Disposal
RCRA-LQG.....	RCRA - Large Quantity Generators

EXECUTIVE SUMMARY

RCRA-SQG.....	RCRA - Small Quantity Generators
RCRA-CESQG.....	RCRA - Conditionally Exempt Small Quantity Generator
RCRA-NonGen.....	RCRA - Non Generators
US ENG CONTROLS.....	Engineering Controls Sites List
US INST CONTROL.....	Sites with Institutional Controls
ERNS.....	Emergency Response Notification System
HMIRS.....	Hazardous Materials Information Reporting System
DOT OPS.....	Incident and Accident Data
US CDL.....	Clandestine Drug Labs
US BROWNFIELDS.....	A Listing of Brownfields Sites
DOD.....	Department of Defense Sites
FUDS.....	Formerly Used Defense Sites
LUCIS.....	Land Use Control Information System
CONSENT.....	Superfund (CERCLA) Consent Decrees
ROD.....	Records Of Decision
UMTRA.....	Uranium Mill Tailings Sites
ODI.....	Open Dump Inventory
DEBRIS REGION 9.....	Torres Martinez Reservation Illegal Dump Site Locations
MINES.....	Mines Master Index File
TRIS.....	Toxic Chemical Release Inventory System
TSCA.....	Toxic Substances Control Act
FTTS.....	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
HIST FTTS.....	FIFRA/TSCA Tracking System Administrative Case Listing
SSTS.....	Section 7 Tracking Systems
ICIS.....	Integrated Compliance Information System
PADS.....	PCB Activity Database System
MLTS.....	Material Licensing Tracking System
RADINFO.....	Radiation Information Database
FINDS.....	Facility Index System/Facility Registry System
RAATS.....	RCRA Administrative Action Tracking System
SCRD DRYCLEANERS.....	State Coalition for Redediation of Drycleaners Listing

STATE AND LOCAL RECORDS

SHWS.....	This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.
DERR.....	Division of Emergency & Remedial Response's Database
MSL.....	Master Sites List
TOWNGAS.....	DERR Towngas Database
SWF/LF.....	Licensed Solid Waste Facilities
HIST LF.....	Old Solid Waste Landfill
LUST.....	Leaking Underground Storage Tank File
UNREG LTANKS.....	Ohio Leaking UST File
UST.....	Underground Storage Tank File
ARCHIVE UST.....	Archived Underground Storage Tank Sites
SPILLS.....	Emergency Response Database
ENG CONTROLS.....	Sites with Engineering Controls
INST CONTROL.....	Sites with Institutional Engineering Controls
VCP.....	Voluntary Action Program Sites
DRYCLEANERS.....	Drycleaner Facility Listing
BROWNFIELDS.....	Ohio Brownfield Inventory
CDL.....	Clandestine Drug Lab Locations
NPDES.....	NPDES General Permit List
AIRS.....	Title V Permits Listing

EXECUTIVE SUMMARY

USD..... Urban Setting Designation Sites
HIST ENG CONTROLS..... Operation & Maintenance Agreements Database
HIST USD..... Urban Setting Designations Database
HIST INST CONTROLS..... Institutional Controls Database

TRIBAL RECORDS

INDIAN RESERV..... Indian Reservations
INDIAN ODI..... Report on the Status of Open Dumps on Indian Lands
INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land
INDIAN UST..... Underground Storage Tanks on Indian Land
INDIAN VCP..... Voluntary Cleanup Priority Listing

EDR PROPRIETARY RECORDS

Manufactured Gas Plants..... EDR Proprietary Manufactured Gas Plants

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

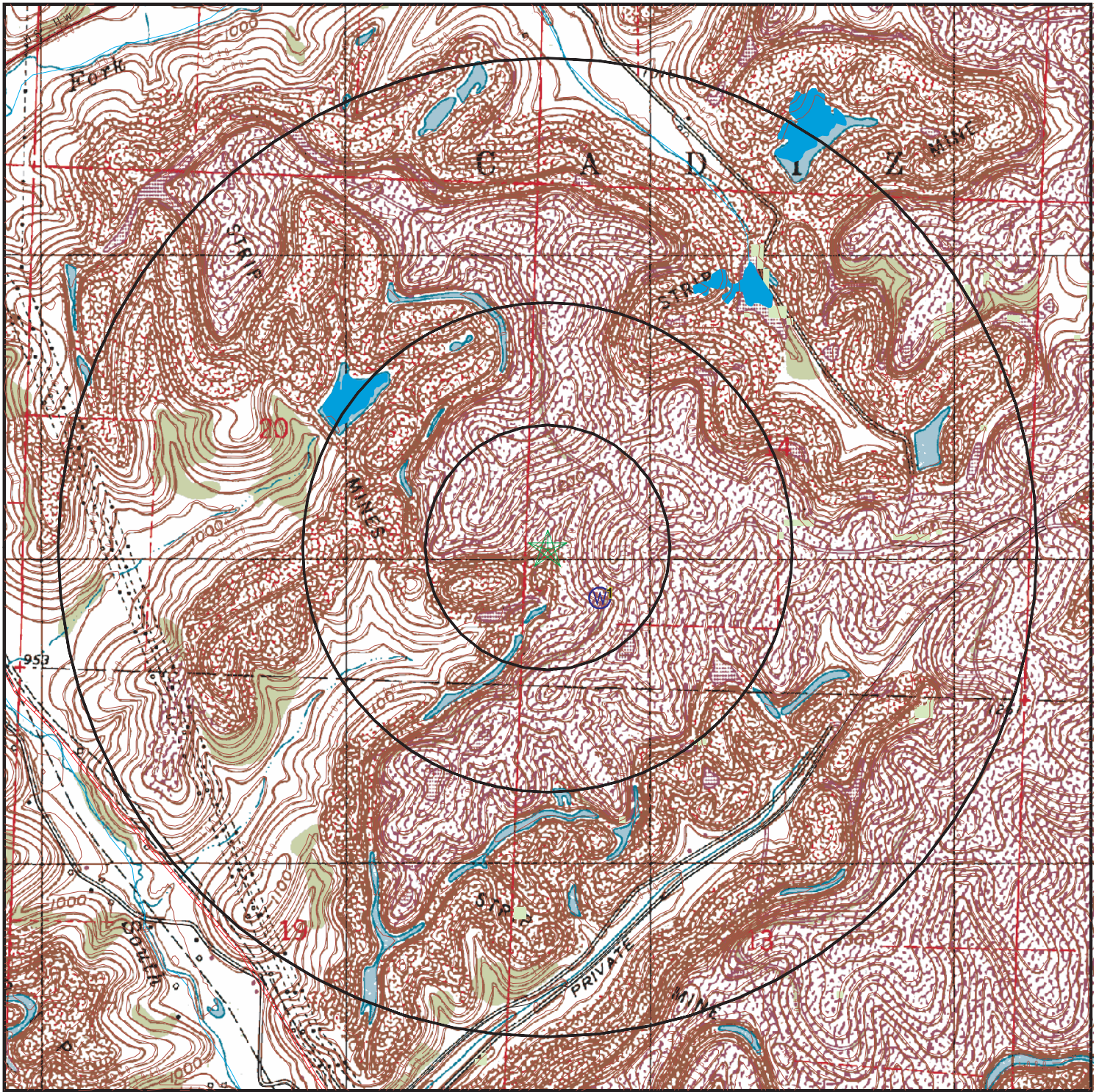
Unmappable (orphan) sites are not considered in the foregoing analysis.

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

<u>Site Name</u>	<u>Database(s)</u>
HARRISON COUNTY HIGHWAY DEPARTMENT	FINDS, RCRA-TSDF, CORRACTS, CERC-NFRAP, RCRA-NonGen
VILLAGE OF CADIZ	LUST
VILLAGE OF CADIZ	UST
HARRISON HILLS SCHOOL	UST
SALLY BUFFALO PARK	UST
CONSOLIDATION COAL CO - NITRATE PLANT	RCRA-LQG
GULF OIL CORPORATION	FINDS, RCRA-NonGen
BRANSON RIDGE MINE R AND F COAL CO	FINDS, RCRA-NonGen
MULL MOTORS INC	FINDS, RCRA-CESQG
SOUTH CADIZ STATION RTE 250	ERNS
CADIZ SHELL	FINDS
CADIZ, VILLAGE OF	FINDS
CADIZ STP	SPILLS
CADIZ WWTP	SPILLS
NORFOLK & WESTERN	UNREG LTANKS
CADIZ GAS COMPANY	TOWNGAS

OVERVIEW MAP - 2336628.2s



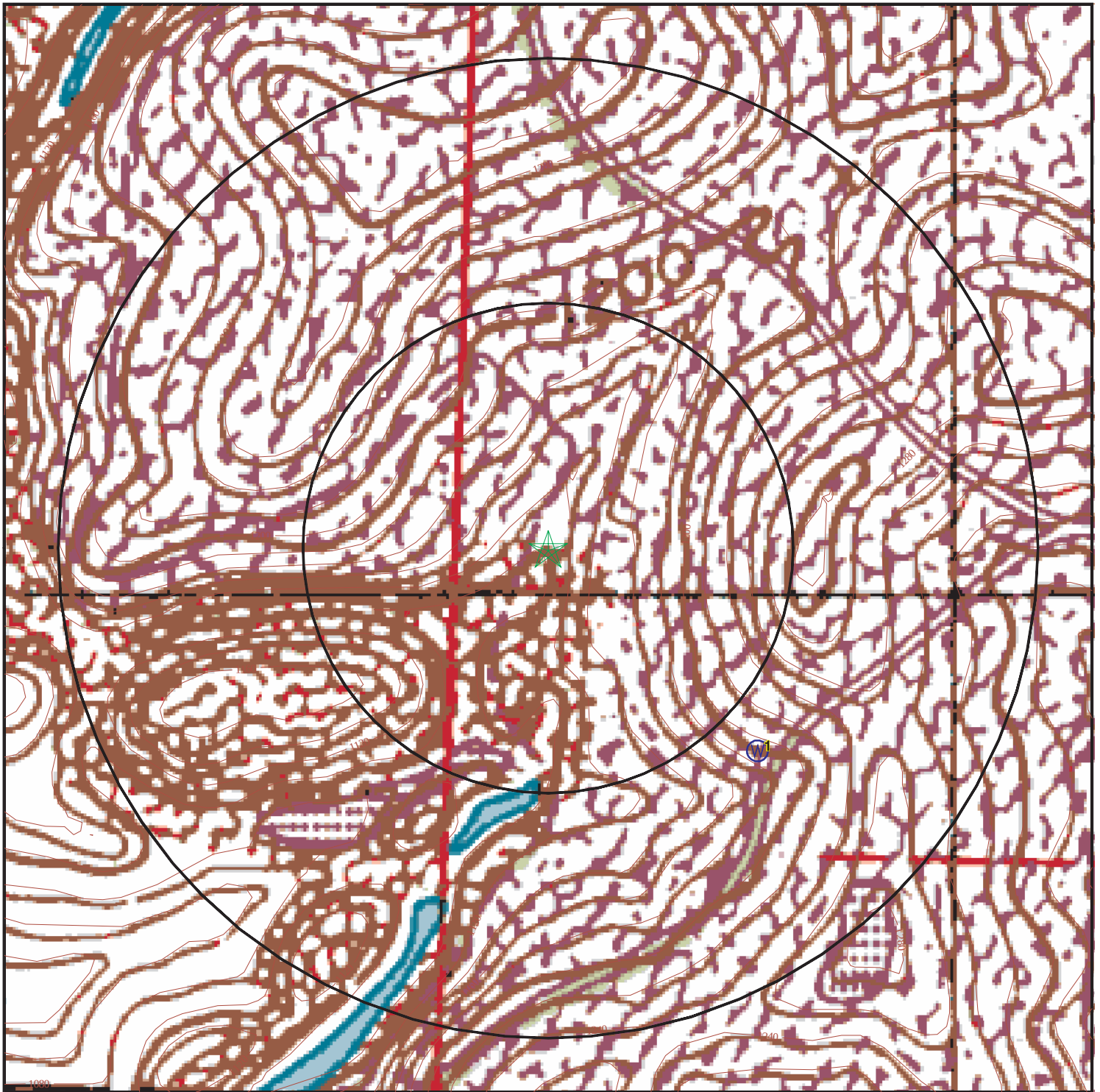
- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- National Priority List Sites
- Dept. Defense Sites
- Indian Reservations BIA
- Oil & Gas pipelines
- National Wetland Inventory
- State Wetlands

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Cadiz Drop Zone
 ADDRESS: Busby Rd & Slater Rd
 Cadiz OH 43907
 LAT/LONG: 40.2297 / 81.0507

CLIENT: Earth Tech Inc.
 CONTACT: Carl Rykaczewski
 INQUIRY #: 2336628.2s
 DATE: October 08, 2008 4:23 pm

DETAIL MAP - 2336628.2s



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- Sensitive Receptors
- National Priority List Sites
- Dept. Defense Sites

- Indian Reservations BIA
- Oil & Gas pipelines

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Cadiz Drop Zone
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 CONTACT: Carl Rykaczewski
 INQUIRY #: 2336628.2s
 DATE: October 08, 2008 4:23 pm

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL RECORDS</u>								
NPL		1.000	0	0	0	0	NR	0
Proposed NPL		1.000	0	0	0	0	NR	0
Delisted NPL		1.000	0	0	0	0	NR	0
NPL LIENS	TP		NR	NR	NR	NR	NR	0
CERCLIS		0.500	0	0	0	NR	NR	0
CERC-NFRAP		0.500	0	0	0	NR	NR	0
LIENS 2	TP		NR	NR	NR	NR	NR	0
CORRACTS		1.000	0	0	0	0	NR	0
RCRA-TSDF		0.500	0	0	0	NR	NR	0
RCRA-LQG		0.250	0	0	NR	NR	NR	0
RCRA-SQG		0.250	0	0	NR	NR	NR	0
RCRA-CESQG		0.250	0	0	NR	NR	NR	0
RCRA-NonGen		0.250	0	0	NR	NR	NR	0
US ENG CONTROLS		0.500	0	0	0	NR	NR	0
US INST CONTROL		0.500	0	0	0	NR	NR	0
ERNS	TP		NR	NR	NR	NR	NR	0
HMIRS	TP		NR	NR	NR	NR	NR	0
DOT OPS	TP		NR	NR	NR	NR	NR	0
US CDL	TP		NR	NR	NR	NR	NR	0
US BROWNFIELDS		0.500	0	0	0	NR	NR	0
DOD		1.000	0	0	0	0	NR	0
FUDS		1.000	0	0	0	0	NR	0
LUCIS		0.500	0	0	0	NR	NR	0
CONSENT		1.000	0	0	0	0	NR	0
ROD		1.000	0	0	0	0	NR	0
UMTRA		0.500	0	0	0	NR	NR	0
ODI		0.500	0	0	0	NR	NR	0
DEBRIS REGION 9		0.500	0	0	0	NR	NR	0
MINES		0.250	0	0	NR	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
HIST FTTS	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
ICIS	TP		NR	NR	NR	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
RADINFO	TP		NR	NR	NR	NR	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
SCRD DRYCLEANERS		0.500	0	0	0	NR	NR	0
<u>STATE AND LOCAL RECORDS</u>								
SHWS		N/A	N/A	N/A	N/A	N/A	N/A	N/A
DERR		1.000	0	0	0	0	NR	0
MSL		1.000	0	0	0	0	NR	0
TOWNGAS		1.000	0	0	0	0	NR	0

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
SWF/LF		0.500	0	0	0	NR	NR	0
HIST LF		0.500	0	0	0	NR	NR	0
LUST		0.500	0	0	0	NR	NR	0
UNREG LTANKS		0.500	0	0	0	NR	NR	0
UST		0.250	0	0	NR	NR	NR	0
ARCHIVE UST		0.250	0	0	NR	NR	NR	0
SPILLS	TP		NR	NR	NR	NR	NR	0
ENG CONTROLS		0.500	0	0	0	NR	NR	0
INST CONTROL		0.500	0	0	0	NR	NR	0
VCP		0.500	0	0	0	NR	NR	0
DRYCLEANERS		0.250	0	0	NR	NR	NR	0
BROWNFIELDS		0.500	0	0	0	NR	NR	0
CDL	TP		NR	NR	NR	NR	NR	0
NPDES	TP		NR	NR	NR	NR	NR	0
AIRS	TP		NR	NR	NR	NR	NR	0
USD		0.500	0	0	0	NR	NR	0
HIST ENG CONTROLS		0.500	0	0	0	NR	NR	0
HIST USD		0.500	0	0	0	NR	NR	0
HIST INST CONTROLS		0.500	0	0	0	NR	NR	0
<u>TRIBAL RECORDS</u>								
INDIAN RESERV		1.000	0	0	0	0	NR	0
INDIAN ODI		0.500	0	0	0	NR	NR	0
INDIAN LUST		0.500	0	0	0	NR	NR	0
INDIAN UST		0.250	0	0	NR	NR	NR	0
INDIAN VCP		0.500	0	0	0	NR	NR	0
<u>EDR PROPRIETARY RECORDS</u>								
Manufactured Gas Plants		1.000	0	0	0	0	NR	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

N/A = This State does not maintain a SHWS list. See the Federal CERCLIS list.

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

NO SITES FOUND

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
CADIZ	1000227152	GULF OIL CORPORATION	ROUTE 151	43907	FINDS, RCRA-NonGen
CADIZ	1000561318	HARRISON COUNTY HIGHWAY DEPARTMENT	ROUTE 9 NORTH	43907	FINDS, RCRA-TSDF, CORRACTS, CERC-NFRAP, RCRA-NonGen
CADIZ	1007208885	CONSOLIDATION COAL CO - NITRATE PLANT	ROUTE 9	43907	RCRA-LQG
CADIZ	U004104012	VILLAGE OF CADIZ	ALLEY BEHIND 128 W MARKET ST	43907	UST
CADIZ	1002990058	VILLAGE OF CADIZ	ALLEY BEHIND 128 W MARKET ST	43907	LUST
CADIZ	94399237	SOUTH CADIZ STATION RTE 250	SOUTH CADIZ STATION RTE 250		ERNS
CADIZ	1005805290	CADIZ SHELL	655 LINCOLNWAY	43907	FINDS
CADIZ	S105743176	CADIZ GAS COMPANY	MAIN / NORTH STREETS	43907	TOWNGAS
CADIZ	S106258349	CADIZ STP	N/A	43907	SPILLS
CADIZ	S105905313	NORFOLK & WESTERN	REXFORD SIDING (300' N OF SR 22)	43907	UNREG LTANKS
CADIZ	1004573535	CADIZ, VILLAGE OF	US ROUTE 250 SOUTH	43907	FINDS
CADIZ	U004092778	HARRISON HILLS SCHOOL	ST RT 250 & ST RT 22	43907	UST
CADIZ	U004100432	SALLY BUFFALO PARK	ST RT 9	43907	UST
CADIZ	S107617164	CADIZ WWTP	45555 VANFOSSEN RD OFF OF WILLIAMS RD	43907	SPILLS
CADIZ	1000334571	MULL MOTORS INC	WHEELING RD RT 250	43907	FINDS, RCRA-CESQG
SHORT CREEK	1000834249	BRANSON RIDGE MINE R AND F COAL CO	ST RTE 250	43907	FINDS, RCRA-NonGen

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

FEDERAL RECORDS

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 08/13/2008	Source: EPA
Date Data Arrived at EDR: 08/27/2008	Telephone: N/A
Date Made Active in Reports: 09/23/2008	Last EDR Contact: 07/28/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 10/27/2008
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 7
Telephone: 913-551-7247

EPA Region 4
Telephone 404-562-8033

EPA Region 8
Telephone: 303-312-6774

EPA Region 5
Telephone 312-886-6686

EPA Region 9
Telephone: 415-947-4246

EPA Region 10
Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 04/30/2008	Source: EPA
Date Data Arrived at EDR: 05/06/2008	Telephone: N/A
Date Made Active in Reports: 06/09/2008	Last EDR Contact: 08/27/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 10/27/2008
	Data Release Frequency: Quarterly

DELISTED NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 08/14/2008	Source: EPA
Date Data Arrived at EDR: 08/27/2008	Telephone: N/A
Date Made Active in Reports: 09/23/2008	Last EDR Contact: 07/28/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 10/27/2008
	Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991	Source: EPA
Date Data Arrived at EDR: 02/02/1994	Telephone: 202-564-4267
Date Made Active in Reports: 03/30/1994	Last EDR Contact: 08/18/2008
Number of Days to Update: 56	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: No Update Planned

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 07/09/2008	Source: EPA
Date Data Arrived at EDR: 07/22/2008	Telephone: 703-412-9810
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 09/19/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 12/15/2008
	Data Release Frequency: Quarterly

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Date of Government Version: 12/03/2007	Source: EPA
Date Data Arrived at EDR: 12/06/2007	Telephone: 703-412-9810
Date Made Active in Reports: 02/20/2008	Last EDR Contact: 09/15/2008
Number of Days to Update: 76	Next Scheduled EDR Contact: 12/15/2008
	Data Release Frequency: Quarterly

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 08/19/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/29/2008	Telephone: 202-564-6023
Date Made Active in Reports: 09/09/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 11	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Varies

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 06/25/2008	Source: EPA
Date Data Arrived at EDR: 06/30/2008	Telephone: 800-424-9346
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 09/02/2008
Number of Days to Update: 56	Next Scheduled EDR Contact: 12/01/2008
	Data Release Frequency: Quarterly

RCRA-TSDF: RCRA - Transporters, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/20/2008
Date Data Arrived at EDR: 08/21/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 19

Source: Environmental Protection Agency
Telephone: 312-886-6186
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Quarterly

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 08/20/2008
Date Data Arrived at EDR: 08/21/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 19

Source: Environmental Protection Agency
Telephone: 312-886-6186
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Quarterly

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 08/20/2008
Date Data Arrived at EDR: 08/21/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 19

Source: Environmental Protection Agency
Telephone: 312-886-6186
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Quarterly

RCRA-CESQG: RCRA - Conditionally Exempt Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 08/20/2008
Date Data Arrived at EDR: 08/21/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 19

Source: Environmental Protection Agency
Telephone: 312-886-6186
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Varies

RCRA-NonGen: RCRA - Non Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 08/20/2008
Date Data Arrived at EDR: 08/21/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 19

Source: Environmental Protection Agency
Telephone: 312-886-6186
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 07/23/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/29/2008	Telephone: 703-603-0695
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 09/29/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 12/29/2008
	Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 07/23/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/29/2008	Telephone: 703-603-0695
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 06/30/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 09/29/2008
	Data Release Frequency: Varies

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/2007	Source: National Response Center, United States Coast Guard
Date Data Arrived at EDR: 01/23/2008	Telephone: 202-267-2180
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 07/25/2008
Number of Days to Update: 54	Next Scheduled EDR Contact: 10/20/2008
	Data Release Frequency: Annually

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 04/30/2008	Source: U.S. Department of Transportation
Date Data Arrived at EDR: 07/15/2008	Telephone: 202-366-4555
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 07/15/2008
Number of Days to Update: 41	Next Scheduled EDR Contact: 10/13/2008
	Data Release Frequency: Annually

DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 05/14/2008	Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 05/28/2008	Telephone: 202-366-4595
Date Made Active in Reports: 08/08/2008	Last EDR Contact: 08/29/2008
Number of Days to Update: 72	Next Scheduled EDR Contact: 11/24/2008
	Data Release Frequency: Varies

CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/01/2007
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 12/28/2007
Number of Days to Update: 25

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 12/22/2008
Data Release Frequency: Quarterly

US BROWNFIELDS: A Listing of Brownfields Sites

Included in the listing are brownfields properties addresses by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments-EPA's Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities--especially those without EPA Brownfields Assessment Demonstration Pilots--minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields Initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients-States, political subdivisions, territories, and Indian tribes become Brownfields Cleanup Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the U.S. EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreement for specified brownfields-related cleanup activities.

Date of Government Version: 07/01/2008
Date Data Arrived at EDR: 08/25/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 15

Source: Environmental Protection Agency
Telephone: 202-566-2777
Last EDR Contact: 07/15/2008
Next Scheduled EDR Contact: 10/13/2008
Data Release Frequency: Semi-Annually

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 11/10/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 62

Source: USGS
Telephone: 703-692-8801
Last EDR Contact: 08/08/2008
Next Scheduled EDR Contact: 11/03/2008
Data Release Frequency: Semi-Annually

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 12/31/2007
Date Data Arrived at EDR: 09/05/2008
Date Made Active in Reports: 09/23/2008
Number of Days to Update: 18

Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
Last EDR Contact: 09/05/2008
Next Scheduled EDR Contact: 12/29/2008
Data Release Frequency: Varies

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 12/09/2005
Date Data Arrived at EDR: 12/11/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 31

Source: Department of the Navy
Telephone: 843-820-7326
Last EDR Contact: 09/09/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Varies

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/25/2008
Date Data Arrived at EDR: 06/12/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 74

Source: Department of Justice, Consent Decree Library
Telephone: Varies
Last EDR Contact: 07/21/2008
Next Scheduled EDR Contact: 10/20/2008
Data Release Frequency: Varies

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 06/18/2008
Date Data Arrived at EDR: 07/11/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 45

Source: EPA
Telephone: 703-416-0223
Last EDR Contact: 09/29/2008
Next Scheduled EDR Contact: 12/29/2008
Data Release Frequency: Annually

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 07/13/2007
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 01/24/2008
Number of Days to Update: 52

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 09/15/2008
Next Scheduled EDR Contact: 12/15/2008
Data Release Frequency: Varies

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/1985
Date Data Arrived at EDR: 08/09/2004
Date Made Active in Reports: 09/17/2004
Number of Days to Update: 39

Source: Environmental Protection Agency
Telephone: 800-424-9346
Last EDR Contact: 06/09/2004
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 03/25/2008
Date Data Arrived at EDR: 04/17/2008
Date Made Active in Reports: 05/15/2008
Number of Days to Update: 28

Source: EPA, Region 9
Telephone: 415-972-3336
Last EDR Contact: 09/22/2008
Next Scheduled EDR Contact: 12/22/2008
Data Release Frequency: Varies

MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 05/28/2008
Date Data Arrived at EDR: 06/25/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 61

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 09/23/2008
Next Scheduled EDR Contact: 12/22/2008
Data Release Frequency: Semi-Annually

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 02/29/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 49

Source: EPA
Telephone: 202-566-0250
Last EDR Contact: 09/19/2008
Next Scheduled EDR Contact: 12/15/2008
Data Release Frequency: Annually

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2002
Date Data Arrived at EDR: 04/14/2006
Date Made Active in Reports: 05/30/2006
Number of Days to Update: 46

Source: EPA
Telephone: 202-260-5521
Last EDR Contact: 08/11/2008
Next Scheduled EDR Contact: 10/13/2008
Data Release Frequency: Every 4 Years

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 07/12/2008
Date Data Arrived at EDR: 07/18/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 38

Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-566-1667
Last EDR Contact: 09/15/2008
Next Scheduled EDR Contact: 12/15/2008
Data Release Frequency: Quarterly

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 07/12/2008
Date Data Arrived at EDR: 07/18/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 38

Source: EPA
Telephone: 202-566-1667
Last EDR Contact: 09/15/2008
Next Scheduled EDR Contact: 12/15/2008
Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40

Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2007
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40

Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2008
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 03/14/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 35

Source: EPA
Telephone: 202-564-4203
Last EDR Contact: 07/14/2008
Next Scheduled EDR Contact: 10/13/2008
Data Release Frequency: Annually

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 07/31/2008
Date Data Arrived at EDR: 08/13/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 27

Source: Environmental Protection Agency
Telephone: 202-564-5088
Last EDR Contact: 07/14/2008
Next Scheduled EDR Contact: 10/13/2008
Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 12/04/2007
Date Data Arrived at EDR: 02/07/2008
Date Made Active in Reports: 03/17/2008
Number of Days to Update: 39

Source: EPA
Telephone: 202-566-0500
Last EDR Contact: 09/18/2008
Next Scheduled EDR Contact: 11/03/2008
Data Release Frequency: Annually

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 07/08/2008
Date Data Arrived at EDR: 08/05/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 20

Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
Last EDR Contact: 09/29/2008
Next Scheduled EDR Contact: 12/29/2008
Data Release Frequency: Quarterly

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 07/29/2008
Date Data Arrived at EDR: 07/31/2008
Date Made Active in Reports: 08/25/2008
Number of Days to Update: 25

Source: Environmental Protection Agency
Telephone: 202-343-9775
Last EDR Contact: 07/31/2008
Next Scheduled EDR Contact: 10/27/2008
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 07/01/2008	Source: EPA
Date Data Arrived at EDR: 07/09/2008	Telephone: (312) 353-2000
Date Made Active in Reports: 08/25/2008	Last EDR Contact: 09/29/2008
Number of Days to Update: 47	Next Scheduled EDR Contact: 12/29/2008
	Data Release Frequency: Quarterly

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995	Source: EPA
Date Data Arrived at EDR: 07/03/1995	Telephone: 202-564-4104
Date Made Active in Reports: 08/07/1995	Last EDR Contact: 06/02/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 09/01/2008
	Data Release Frequency: No Update Planned

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2005	Source: EPA/NTIS
Date Data Arrived at EDR: 03/06/2007	Telephone: 800-424-9346
Date Made Active in Reports: 04/13/2007	Last EDR Contact: 09/12/2008
Number of Days to Update: 38	Next Scheduled EDR Contact: 12/08/2008
	Data Release Frequency: Biennially

SCRD DRYCLEANERS: State Coalition for Redediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 09/08/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 09/10/2008	Telephone: 615-532-8599
Date Made Active in Reports: 09/23/2008	Last EDR Contact: 08/25/2008
Number of Days to Update: 13	Next Scheduled EDR Contact: 11/10/2008
	Data Release Frequency: Varies

STATE AND LOCAL RECORDS

SHWS: This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: N/A	Source: Ohio EPA
Date Data Arrived at EDR: N/A	Telephone: 614-644-2924
Date Made Active in Reports: N/A	Last EDR Contact: 09/02/2008
Number of Days to Update: N/A	Next Scheduled EDR Contact: 12/01/2008
	Data Release Frequency: N/A

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

DERR: Division of Emergency & Remedial Response's Database

The DERR listings contains sites from all of Ohio that are in the Division of Emergency and Remedial Response (DERR) database, which is an index of sites for which our district offices maintain files. The database is NOT a record of contaminated sites or sites suspected of contamination. Not all sites in the database are contaminated, and a site's absence from the database does not imply that it is uncontaminated.

Date of Government Version: 09/08/2008
Date Data Arrived at EDR: 09/08/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 11

Source: Ohio EPA, Div. of Emergency and Remedial Response
Telephone: 614-644-3538
Last EDR Contact: 09/08/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Semi-Annually

TOWNGAS: DERR Towngas Database

The database includes 82 very old sites (circa 1895) which produced gas from coal for street lighting. Most visual evidence of these sites has disappeared, however the potential for buried coal tar remains. The database is no longer in active use.

Date of Government Version: 07/28/1992
Date Data Arrived at EDR: 02/21/2003
Date Made Active in Reports: 03/05/2003
Number of Days to Update: 12

Source: Ohio EPA
Telephone: 614-644-3749
Last EDR Contact: 02/12/2003
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

MSL: Master Sites List

Ohio EPA no longer maintains or publishes the MSL, which was a list of sites with known or suspected contamination. Please be advised that this report does not constitute a determination that any site identified in the report is or may be contaminated.

Date of Government Version: 03/01/1999
Date Data Arrived at EDR: 03/29/1999
Date Made Active in Reports: 04/21/1999
Number of Days to Update: 23

Source: Ohio Environmental Protection Agency
Telephone: 614-644-2068
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: No Update Planned

SWF/LF: Licensed Solid Waste Facilities

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 08/14/2008
Date Data Arrived at EDR: 08/14/2008
Date Made Active in Reports: 09/04/2008
Number of Days to Update: 21

Source: Ohio Environmental Protection Agency
Telephone: 614-644-2621
Last EDR Contact: 08/04/2008
Next Scheduled EDR Contact: 11/03/2008
Data Release Frequency: Annually

HIST LF: Old Solid Waste Landfill

A list of about 1200 old abandoned dumps or landfills. This database was developed from Ohio EPA staff notebooks and other information dating from the mid-1970s

Date of Government Version: 01/01/1980
Date Data Arrived at EDR: 07/01/2003
Date Made Active in Reports: 07/17/2003
Number of Days to Update: 16

Source: Ohio EPA
Telephone: 614-644-3749
Last EDR Contact: 06/26/2003
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

LUST: Leaking Underground Storage Tank File

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/09/2008
Date Data Arrived at EDR: 09/09/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 10

Source: Department of Commerce
Telephone: 614-752-7924
Last EDR Contact: 09/09/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Quarterly

UNREG LTANKS: Ohio Leaking UST File

A suspected or confirmed release of petroleum from a non-regulated UST.

Date of Government Version: 08/25/1999
Date Data Arrived at EDR: 08/19/2003
Date Made Active in Reports: 08/26/2003
Number of Days to Update: 7

Source: Department of Commerce
Telephone: 614-752-7938
Last EDR Contact: 08/01/2003
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

UST: Underground Storage Tank Tank File

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 09/24/2008
Date Data Arrived at EDR: 09/24/2008
Date Made Active in Reports: 09/30/2008
Number of Days to Update: 6

Source: Department of Commerce
Telephone: 614-752-7938
Last EDR Contact: 09/22/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Quarterly

ARCHIVE UST: Archived Underground Storage Tank Sites

Underground storage tank records that have been removed from the Underground Storage Tank database.

Date of Government Version: 09/24/2008
Date Data Arrived at EDR: 09/24/2008
Date Made Active in Reports: 09/30/2008
Number of Days to Update: 6

Source: Department of Commerce, Division of State Fire Marshal
Telephone: 614-752-7938
Last EDR Contact: 09/22/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Quarterly

SPILLS: Emergency Response Database

Incidents reported to the Emergency Response Unit. The focus of the ER program is to minimize the impact on the environment from accidental releases, spills, and unauthorized discharges from any fixed or mobile sources. Incidents involving petroleum products, hazardous materials, hazardous waste, abandoned drums, or other materials which may pose as a pollution threat to the state's water, land, or air should be reported immediately. Not all incidents included in the database are actual SPILLS, they can simply be reported incidents.

Date of Government Version: 09/01/2008
Date Data Arrived at EDR: 09/10/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 9

Source: Ohio EPA
Telephone: 614-644-2084
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Varies

ENG CONTROLS: Sites with Engineering Controls

A database that tracks properties with engineering controls.

Date of Government Version: 09/02/2008
Date Data Arrived at EDR: 09/03/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 16

Source: Ohio EPA
Telephone: 614-644-2306
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Semi-Annually

INST CONTROL: Sites with Institutional Engineering Controls

A database that tracks properties with institutional controls.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/02/2008
Date Data Arrived at EDR: 09/03/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 16

Source: Ohio Environmental Protection Agency
Telephone: 614-644-2306
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Semi-Annually

VCP: Voluntary Action Program Sites

Site involved in the Voluntary Action Program.

Date of Government Version: 09/05/2008
Date Data Arrived at EDR: 09/05/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 14

Source: Ohio EPA, Voluntary Action Program
Telephone: 614-728-1298
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Semi-Annually

DRYCLEANERS: Drycleaner Facility Listing

A listing of drycleaner facility locations.

Date of Government Version: 05/07/2008
Date Data Arrived at EDR: 05/09/2008
Date Made Active in Reports: 06/24/2008
Number of Days to Update: 46

Source: Ohio EPA
Telephone: 614-644-3469
Last EDR Contact: 08/20/2008
Next Scheduled EDR Contact: 10/20/2008
Data Release Frequency: Varies

BROWNFIELDS: Ohio Brownfield Inventory

A statewide brownfields inventory. A brownfield is an abandoned, idled or under-used industrial or commercial property where expansion or redevelopment is complicated by known or potential releases of hazardous substances and/or petroleum.

Date of Government Version: 07/25/2008
Date Data Arrived at EDR: 08/11/2008
Date Made Active in Reports: 09/04/2008
Number of Days to Update: 24

Source: Ohio EPA
Telephone: 614-644-3748
Last EDR Contact: 07/25/2008
Next Scheduled EDR Contact: 10/06/2008
Data Release Frequency: Varies

CDL: Clandestine Drug Lab Locations

A list of clandestine drug lab sites with environmental impact. This list is extracted from the SPILLS database based on the "product" type.

Date of Government Version: 03/01/2008
Date Data Arrived at EDR: 03/14/2008
Date Made Active in Reports: 03/24/2008
Number of Days to Update: 10

Source: Ohio EPA
Telephone: 614-644-2080
Last EDR Contact: 09/02/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Varies

NPDES: NPDES General Permit List

General information regarding NPDES (National Pollutant Discharge Elimination System) permits.

Date of Government Version: 06/30/2008
Date Data Arrived at EDR: 09/03/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 16

Source: Ohio EPA
Telephone: 614-644-2031
Last EDR Contact: 09/03/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Semi-Annually

AIRS: Title V Permits Listing

A listing of Title V Permits issued by the Division of Air Pollution Control. It is a federal operating permit program adopted and implemented by the state. The basic program elements typically specify that major sources will submit an operating application to the specified state environmental regulatory agency according to a schedule.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/08/2008
Date Data Arrived at EDR: 07/18/2008
Date Made Active in Reports: 07/25/2008
Number of Days to Update: 7

Source: Ohio EPA
Telephone: 614-644-2270
Last EDR Contact: 07/18/2008
Next Scheduled EDR Contact: 10/13/2008
Data Release Frequency: Varies

USD: Urban Setting Designation Sites

A USD may be requested for properties participating in the VAP when there is no current or future use of the ground water by local residents for drinking, showering, bathing or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment while still protecting public health and safety. If these USDs were to be approved, the ground water cleanup or response requirements for the areas could be lessened. The Ohio EPA director may approve a USD request based on a demonstration that the USD requirements are met and an evaluation of existing and future uses of ground water in the area. The Ohio EPA director's decision on approval or denial of the request is needed before cleanup requirements for the site can be determined.

Date of Government Version: 09/03/2008
Date Data Arrived at EDR: 09/04/2008
Date Made Active in Reports: 09/19/2008
Number of Days to Update: 15

Source: Ohio EPA
Telephone: 614-644-3749
Last EDR Contact: 09/03/2008
Next Scheduled EDR Contact: 12/01/2008
Data Release Frequency: Varies

HIST USD: Urban Setting Designations Database

A USD may be requested for properties participating in the VAP when there is no current or future use of the ground water by local residents for drinking, showering, bathing or cooking. In these areas, an approved USD would lower the cost of cleanup and promote economic redevelopment while still protecting public health and safety. If these USDs were to be approved, the ground water cleanup or response requirements for the areas could be lessened. The Ohio EPA director may approve a USD request based on a demonstration that the USD requirements are met and an evaluation of existing and future uses of ground water in the area. The Ohio EPA director's decision on approval or denial of the request is needed before cleanup requirements for the site can be determined. This database is no longer updated or maintained by the state agency.

Date of Government Version: 05/10/2005
Date Data Arrived at EDR: 04/25/2006
Date Made Active in Reports: 05/11/2006
Number of Days to Update: 16

Source: Ohio EPA
Telephone: 614-644-3749
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: No Update Planned

HIST INST CONTROLS: Institutional Controls Database

"Institutional control" is a restriction that is recorded in the same manner as a deed which limits access to or use of the property such that exposure to hazardous substances or petroleum are effectively and reliably eliminated or mitigated. Examples of institutional controls include land and water use restrictions. This database is no longer updated or maintained by the state agency.

Date of Government Version: 05/10/2005
Date Data Arrived at EDR: 04/06/2006
Date Made Active in Reports: 05/04/2006
Number of Days to Update: 28

Source: Ohio EPA
Telephone: 614-644-2306
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: No Update Planned

HIST ENG CONTROLS: Operation & Maintenance Agreements Database

Volunteers that complete a voluntary action that relies on the ongoing operation and maintenance (O&M) of an engineered control to make the site protective (e.g" cap systems and ground water treatment systems) must enter into a legally binding agreement with the Ohio EPA before the director issues a covenant not to sue. This O&M Agreement must describe how the remedy is constructed and how it will be monitored, maintained and repaired. It also lays out inspection opportunities for the agency. Companies must document that they have the financial capability to operate any remedy relied on, before the agency will agree to enter into the O&M Agreement. The statute requires that the agency be notified of any change in ownership. This database is no longer updated or maintained by the state agency.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 05/10/2005
Date Data Arrived at EDR: 04/04/2006
Date Made Active in Reports: 05/04/2006
Number of Days to Update: 30

Source: Ohio EPA
Telephone: 614-644-2306
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: No Update Planned

TRIBAL RECORDS

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 12/08/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 34

Source: USGS
Telephone: 202-208-3710
Last EDR Contact: 08/08/2008
Next Scheduled EDR Contact: 11/03/2008
Data Release Frequency: Semi-Annually

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 01/24/2008
Number of Days to Update: 52

Source: Environmental Protection Agency
Telephone: 703-308-8245
Last EDR Contact: 08/25/2008
Next Scheduled EDR Contact: 11/24/2008
Data Release Frequency: Varies

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 03/17/2008
Date Data Arrived at EDR: 03/27/2008
Date Made Active in Reports: 05/06/2008
Number of Days to Update: 40

Source: EPA Region 4
Telephone: 404-562-8677
Last EDR Contact: 08/18/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Semi-Annually

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land

A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 03/12/2008
Date Data Arrived at EDR: 03/14/2008
Date Made Active in Reports: 03/20/2008
Number of Days to Update: 6

Source: EPA Region 1
Telephone: 617-918-1313
Last EDR Contact: 08/18/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 08/22/2008
Date Data Arrived at EDR: 08/22/2008
Date Made Active in Reports: 09/09/2008
Number of Days to Update: 18

Source: EPA Region 10
Telephone: 206-553-2857
Last EDR Contact: 08/18/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Quarterly

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 03/17/2008
Date Data Arrived at EDR: 03/27/2008
Date Made Active in Reports: 05/06/2008
Number of Days to Update: 40

Source: EPA Region 7
Telephone: 913-551-7003
Last EDR Contact: 08/18/2008
Next Scheduled EDR Contact: 11/17/2008
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 09/05/2008	Source: EPA Region 6
Date Data Arrived at EDR: 09/05/2008	Telephone: 214-665-6597
Date Made Active in Reports: 09/23/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 18	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Varies

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 07/11/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/11/2008	Telephone: 415-972-3372
Date Made Active in Reports: 08/08/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Quarterly

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 08/21/2008	Source: EPA Region 8
Date Data Arrived at EDR: 09/04/2008	Telephone: 303-312-6271
Date Made Active in Reports: 09/09/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 5	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Quarterly

INDIAN UST R8: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 08/21/2008	Source: EPA Region 8
Date Data Arrived at EDR: 09/04/2008	Telephone: 303-312-6137
Date Made Active in Reports: 09/09/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 5	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Quarterly

INDIAN UST R9: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 07/11/2008	Source: EPA Region 9
Date Data Arrived at EDR: 07/11/2008	Telephone: 415-972-3368
Date Made Active in Reports: 08/08/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Quarterly

INDIAN UST R10: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 08/22/2008	Source: EPA Region 10
Date Data Arrived at EDR: 08/22/2008	Telephone: 206-553-2857
Date Made Active in Reports: 09/09/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 18	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Quarterly

INDIAN UST R4: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 03/17/2008	Source: EPA Region 4
Date Data Arrived at EDR: 03/27/2008	Telephone: 404-562-9424
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R1: Underground Storage Tanks on Indian Land

A listing of underground storage tank locations on Indian Land.

Date of Government Version: 03/12/2008	Source: EPA, Region 1
Date Data Arrived at EDR: 03/14/2008	Telephone: 617-918-1313
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 6	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Varies

INDIAN UST R7: Underground Storage Tanks on Indian Land

No description is available for this data

Date of Government Version: 06/01/2007	Source: EPA Region 7
Date Data Arrived at EDR: 06/14/2007	Telephone: 913-551-7003
Date Made Active in Reports: 07/05/2007	Last EDR Contact: 08/18/2008
Number of Days to Update: 21	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land

No description is available for this data

Date of Government Version: 09/05/2008	Source: EPA Region 6
Date Data Arrived at EDR: 09/05/2008	Telephone: 214-665-7591
Date Made Active in Reports: 09/23/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 18	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Semi-Annually

INDIAN UST R5: Underground Storage Tanks on Indian Land

No description is available for this data

Date of Government Version: 12/21/2007	Source: EPA Region 5
Date Data Arrived at EDR: 12/21/2007	Telephone: 312-886-6136
Date Made Active in Reports: 01/24/2008	Last EDR Contact: 08/18/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 11/17/2008
	Data Release Frequency: Varies

INDIAN VCP R7: Voluntary Cleanup Priority Lisitng

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008	Source: EPA, Region 7
Date Data Arrived at EDR: 04/22/2008	Telephone: 913-551-7365
Date Made Active in Reports: 05/19/2008	Last EDR Contact: 07/21/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 10/20/2008
	Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 04/02/2008	Source: EPA, Region 1
Date Data Arrived at EDR: 04/22/2008	Telephone: 617-918-1102
Date Made Active in Reports: 05/19/2008	Last EDR Contact: 07/21/2008
Number of Days to Update: 27	Next Scheduled EDR Contact: 10/20/2008
	Data Release Frequency: Varies

EDR PROPRIETARY RECORDS

Manufactured Gas Plants: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 06/15/2007
Date Made Active in Reports: 08/20/2007
Number of Days to Update: 66

Source: Department of Environmental Protection
Telephone: 860-424-3375
Last EDR Contact: 09/12/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Annually

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 09/30/2007
Date Data Arrived at EDR: 12/04/2007
Date Made Active in Reports: 12/31/2007
Number of Days to Update: 27

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 08/08/2008
Next Scheduled EDR Contact: 11/03/2008
Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

Date of Government Version: 07/23/2008
Date Data Arrived at EDR: 08/28/2008
Date Made Active in Reports: 09/11/2008
Number of Days to Update: 14

Source: Department of Environmental Conservation
Telephone: 518-402-8651
Last EDR Contact: 08/28/2008
Next Scheduled EDR Contact: 11/24/2008
Data Release Frequency: Annually

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2007
Date Data Arrived at EDR: 09/11/2008
Date Made Active in Reports: 10/02/2008
Number of Days to Update: 21

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 09/08/2008
Next Scheduled EDR Contact: 12/08/2008
Data Release Frequency: Annually

RI MANIFEST: Manifest information

Hazardous waste manifest information

Date of Government Version: 12/31/2007
Date Data Arrived at EDR: 06/03/2008
Date Made Active in Reports: 08/07/2008
Number of Days to Update: 65

Source: Department of Environmental Management
Telephone: 401-222-2797
Last EDR Contact: 09/15/2008
Next Scheduled EDR Contact: 12/15/2008
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

VT MANIFEST: Hazardous Waste Manifest Data Hazardous waste manifest information.

Date of Government Version: 03/17/2008
Date Data Arrived at EDR: 03/26/2008
Date Made Active in Reports: 04/09/2008
Number of Days to Update: 14

Source: Department of Environmental Conservation
Telephone: 802-241-3443
Last EDR Contact: 08/11/2008
Next Scheduled EDR Contact: 11/10/2008
Data Release Frequency: Annually

WI MANIFEST: Manifest Information Hazardous waste manifest information.

Date of Government Version: 12/31/2007
Date Data Arrived at EDR: 08/22/2008
Date Made Active in Reports: 09/08/2008
Number of Days to Update: 17

Source: Department of Natural Resources
Telephone: N/A
Last EDR Contact: 10/06/2008
Next Scheduled EDR Contact: 01/05/2009
Data Release Frequency: Annually

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data

Source: PennWell Corporation
Telephone: (800) 823-6277

This map includes information copyrighted by PennWell Corporation. This information is provided on a best effort basis and PennWell Corporation does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of PennWell.

Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.
Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services
Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health
Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics
Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics
Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Licensed Child Day Care Facilities

Source: Department of Job & Family Services
Telephone: 614-466-6282

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory
Source: Department of Natural Resources
Telephone: 614-265-1044

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

STREET AND ADDRESS INFORMATION

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GEOCHECK[®] - PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

CADIZ DROP ZONE
BUSBY RD & SLATER RD
CADIZ, OH 43907

TARGET PROPERTY COORDINATES

Latitude (North):	40.22966 - 40° 13' 46.8"
Longitude (West):	81.05075 - 81° 3' 2.7"
Universal Transverse Mercator:	Zone 17
UTM X (Meters):	495682.4
UTM Y (Meters):	4453038.5
Elevation:	1102 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map:	40081-B1 FLUSHING, OH
Most Recent Revision:	1994

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

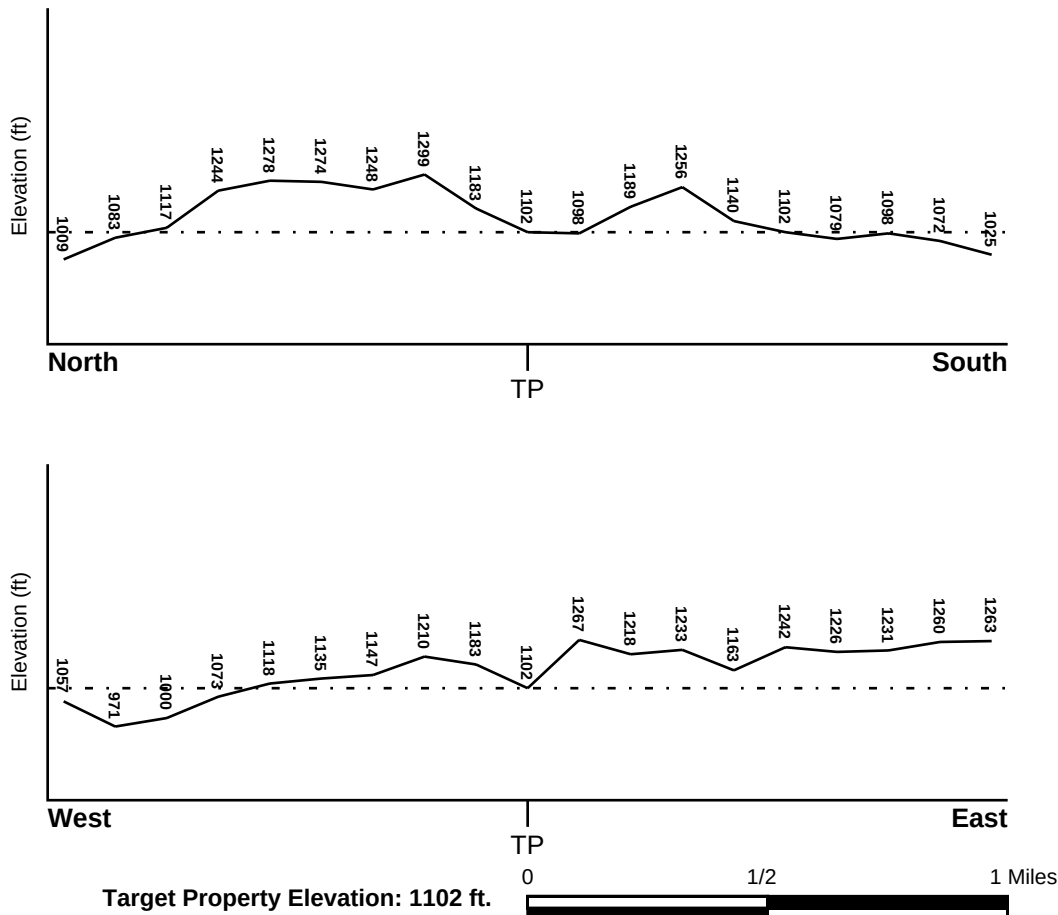
TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General SW

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

<u>Target Property County</u>	<u>FEMA Flood</u>
HARRISON, OH	<u>Electronic Data</u>
	Not Available

Flood Plain Panel at Target Property:	Not Reported

Additional Panels in search area:	Not Reported

NATIONAL WETLAND INVENTORY

<u>NWI Quad at Target Property</u>	<u>NWI Electronic</u>
FLUSHING	<u>Data Coverage</u>
	Not Available

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

<u>MAP ID</u>	<u>LOCATION</u>	<u>GENERAL DIRECTION</u>
Not Reported	<u>FROM TP</u>	<u>GROUNDWATER FLOW</u>

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

Era: Paleozoic
System: Pennsylvanian
Series: Virgilian Series
Code: PP4 (*decoded above as Era, System & Series*)

GEOLOGIC AGE IDENTIFICATION

Category: Stratified Sequence

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps. The following information is based on Soil Conservation Service STATSGO data.

Soil Component Name: FAIRPOINT

Soil Surface Texture: shaly - clay loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Well drained. Soils have intermediate water holding capacity. Depth to water table is more than 6 feet.

Hydric Status: Soil does not meet the requirements for a hydric soil.

Corrosion Potential - Uncoated Steel: HIGH

Depth to Bedrock Min: > 60 inches

Depth to Bedrock Max: > 60 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Permeability Rate (in/hr)	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	5 inches	shaly - clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 0.60 Min: 0.20	Max: 7.30 Min: 5.60
2	5 inches	60 inches	shaly - clay loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Gravels, Gravels with fines, Clayey Gravel	Max: 0.60 Min: 0.20	Max: 7.30 Min: 5.60

OTHER SOIL TYPES IN AREA

Based on Soil Conservation Service STATSGO data, the following additional subordinant soil types may appear within the general area of target property.

Soil Surface Textures: silt loam
sandy loam

Surficial Soil Types: silt loam
sandy loam

Shallow Soil Types: channery - sandy loam
loam
silt loam
silty clay loam

Deeper Soil Types: unweathered bedrock
stratified
weathered bedrock
silt loam

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

<u>DATABASE</u>	<u>SEARCH DISTANCE (miles)</u>
Federal USGS	1.000
Federal FRDS PWS	Nearest PWS within 1 mile
State Database	1.000

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

FEDERAL USGS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
No Wells Found		

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

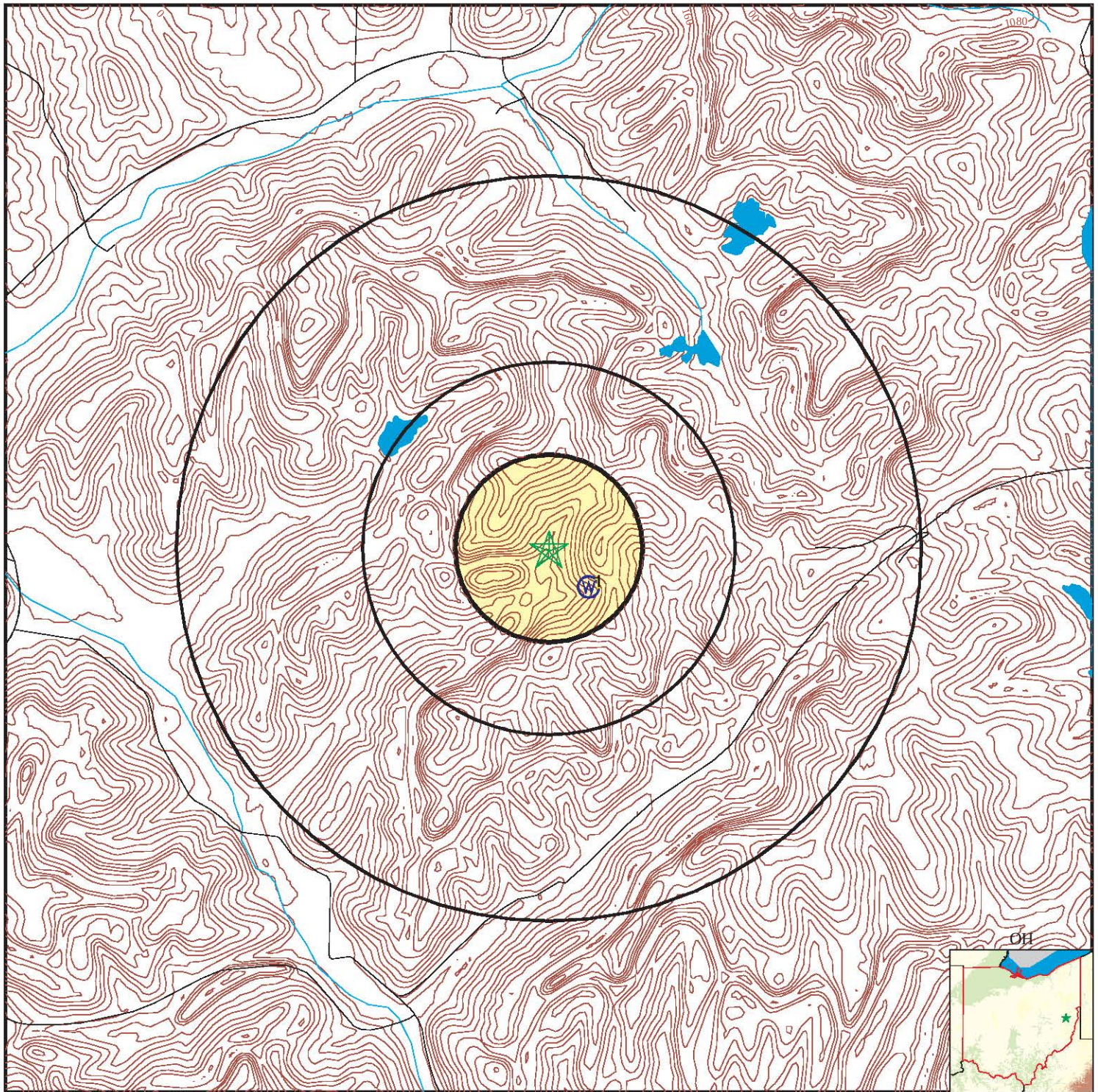
MAP ID	WELL ID	LOCATION FROM TP
No PWS System Found		

Note: PWS System location is not always the same as well location.

STATE DATABASE WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
1	OHD100000037968	1/8 - 1/4 Mile SE

PHYSICAL SETTING SOURCE MAP - 2336628.2s



- County Boundary
- Major Roads
- Contour Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons

- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location



SITE NAME: Cadiz Drop Zone
ADDRESS: Busby Rd & Slater Rd
 Cadiz OH 43907
LAT/LONG: 40.2297 / 81.0507

CLIENT: Earth Tech Inc.
CONTACT: Carl Rykaczewski
INQUIRY #: 2336628.2s
DATE: October 08, 2008 4:23 pm

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database

EDR ID Number

1

SE

**1/8 - 1/4 Mile
Higher**

OH WELLS

OHD100000037968

Well log n: 246298
Cnty code: 67
Orig owner: Not Reported
Well use c: Not Reported
St dir cod: Not Reported
St name: Not Reported
City: Not Reported
Zip: Not Reported
Horiz y: 207911.41
Longitude: Not Reported

Well type : W
Twp code: 440
Orig own 1: HANNA COAL CO.
Aquifer ty: SHA
St no: Not Reported
St type co: Not Reported
State code: OH
Horiz x: 2405196.09
Latitude: Not Reported
Total dept: 59

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

RADON

AREA RADON INFORMATION

State Database: OH Radon

Radon Test Results

Zip	Total Sites	Median	1st Quartile	3rd Quartile	Min.	Max.
43907	17	4.8	2.4	8.6	1.2	39.5

Federal EPA Radon Zone for HARRISON County: 1

Note: Zone 1 indoor average level > 4 pCi/L.
 : Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
 : Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 43907

Number of sites tested: 4

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area - 1st Floor	Not Reported	Not Reported	Not Reported	Not Reported
Living Area - 2nd Floor	Not Reported	Not Reported	Not Reported	Not Reported
Basement	4.425 pCi/L	75%	25%	0%

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory

Source: Department of Natural Resources

Telephone: 614-265-1044

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Services, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

Public Water System Data

Source: Ohio Environmental Protection Agency

Telephone: 614-644-3677

The database includes community, transient noncommunity and nontransient noncommunity water wells; and source treatment unit locations.

Water Well Database

Source: Department of Natural Resources

Telephone: 614-265-6747

OTHER STATE DATABASE INFORMATION

RADON

State Database: OH Radon

Source: Department of Health

Telephone: 614-644-2727

Radon Statistics for Zip Code Areas

Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRRA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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G2: TRIP REPORT

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

24 October 2008

U.S. Department of the Air Force
HQ AFRC/A7PP
Attention: Ron Scandlyn
220 Richard Ray Blvd
Robbins Air Force Base, GA 31098-1637

Contract No.: FA4890-04-D-0007
Delivery Order No.: 5Y01

Subject: **Cadiz Drop Zone Environmental Assessment (EA)/Environmental Baseline Survey (EBS) – Pittsburgh International Airport Air Reserve Station**

Dear Mr. Scandlyn:

The subject site visit and data collection trip was conducted during 14-16 October 2008.

Meetings

Kick-Off Meeting

The kick-off meeting was held on 14 October at Pittsburgh IAP ARS. The following were in attendance:

<u>Name</u>	<u>Organization</u>	<u>Telephone</u>
Frank Sniezek	911 AW/CEV	412.474.8428
Joseph Matis	911 AW/CEV	412.474.8749
Thomas Kutchenriter	911 MSG/CER	412.474.8569
Robert Moeslein	911 MSG/CE	412.474.8571
Lt Col Aldo Filoni	911 OSF/OSTX	412.474.8606
Lt Col William Gutermuth	911 AW Safety	412.474.8513
Maj Todd McCrann	911 LRS/CC	412.474.8509
Ashley Hileman	CONSOL Energy	724.825.7816
Lynn Manning	CONSOL Energy	724.485.4039
Tim Schivley	CONSOL Energy	724.485.4511
Carl Rykaczewski	Earth Tech AECOM	909.554.5052
Nora Castellanos	Earth Tech AECOM	909.554.5008

The following represent major points of discussion:

- CONSOL Energy expressed concerns that this EA/EBS could raise issues that could adversely affect CONSOL Energy. They referenced a problem at one of their sites due to disturbance to the Indiana bat, a federally-listed species. They would like us to meet with their environmental department personnel.
- The proposed drop zone site is in an area already used for low-level flight activities and these activities have been analyzed in an EA.
- There are no noise complaints from use of the current drop zone, Starvaggi.
- The drop zone would be approved for paratrooper drops, but these are not a routine activity and are normally conducted at other locations. Paratrooper drops would likely only happen once or twice per year as part of a special exercise. Such an exercise may require its own NEPA analysis. However, the 911 AW prefers that this EA include this activity.
- Cattle have been grazing on property for about two years.
- The 911 AW has mapped no-fly area to avoid overflight of the nearby Harrison County Airport.
- Most air drop exercises occur at evening and so most airdrop flights would occur after the Harrison County Airport is closed.

DOPAA Discussion

A meeting was held among Lt Col Filoni, Lt Col Gutermuth, Mr. Snizek, Ms. Castellanos, and Mr. Rykaczewski on 15 October to discuss details of the proposed action. The following represent major points of discussion regarding the proposed action from this meeting and from other discussions:

- Targets used on the drop zone would be set up and removed for each airdrop. Concrete blocks that may be used mark the target location may be left in place between airdrop events, but no permanent structures would be installed. The target would consist of a raised angle marker (RAM) consisting of a bright orange tent-like structure that is angled to face the direction of the approaching aircraft. For night drops, battery powered lights using 9-volt batteries would be set up.
- Visual confirmation of the target is mandatory for drop exercise. No instrument-only drops would be conducted. Air drops would not be conducted during weather conditions that do not allow visual confirmation of the target.
- The Harrison County Airport averages one airplane a day, although this does not necessarily mean a single sortie (i.e., the single plane could take off and land more than once per day).
- The 911 AW does not currently coordinate with the FAA to publish drop zone site information on FAA charts and airport publications, and probably would not plan to do this for the Cadiz Drop Zone.
- Flight safety is currently revising the existing Military Airspace Collision Avoidance (MACA) plan to include the new drop zone.
- The 911 AW has visited the Harrison County Airport and discussed the potential new drop zone.

- A Notice to Airmen (NOTAM) would be issued for airdrops. The NOTAM would be added to the current NOTAM for low-level training.
- Low-level flight areas cover four states, including proposed lease property
- The MACA includes placing a radio call into the local airport to clear local traffic as the aircraft approach the drop zone. There will be both aircraft-to-aircraft and ground safety-to-aircraft communication.
- Visual assurance that no other aircraft are in the drop zone prior to an airdrop is part of standard procedures.
- A typical airdrop training day includes three separate flights with two planes each in the morning, afternoon/evening, and at night. During each flight each of the two planes would make two drops for a total of 12 drops in one day.
- The total flight time for an air drop is approximately 2 hours.
- The aircraft adjust to the drop altitude 10 miles out from the drop zone. This may be lower or higher than the transit altitude. At five miles past the drop zone, the aircraft would be back to the en-route altitude (i.e., at 2500 above mean sea level).
- Material recovery would require two people for training bundle drops and six people for actual load drops. Material recovery after an actual load drop would require use of a forklift, full-size pickup trucks, and a flatbed truck
- The Tater Drop Zone is located in Indiana County, PA. It is only large enough to conduct training bundle drops.
- This EA will not address bivouac activities.
- The FONSI and EBS signature blocks will read Gordon H. Elwell, Colonel, USAFR, Installation Commander.

Meeting with CONSOL Energy Personnel

A meeting was held at CONSOL Energy, Canonsburg, PA, on 15 October to discuss information on the proposed lease site property that is owned by CONSOL Energy. The following were in attendance:

<u>Name</u>	<u>Organization</u>	<u>Telephone</u>
Denny McCracken	CNX Land	724.485.4088
Kim Raeder	CNX Land	724.485.4611
Bill Weir	CNX Environmental	724.485.4604
John Owsiany	CNX Environmental	724.485.4503
Jim Poland	CNX Env & Engr Services	724.485.4317
Lt Shawn M Walleck	911 AW Public Affairs	412.474.8750
Frank Snizek	911 AW/CEVE	412.474.8428
Lt Col Aldo Filoni	911 AW	412.474.8439
Carl Rykaczewski	Earth Tech AECOM	909.554.5052
Nora Castellanos	Earth Tech AECOM	909.554.5008

The following represent major points of discussion:

- There is no information on property use before it was mined. CONSOL Energy will try to provide information on the previous owner(s) and land uses.
- The proposed lease site is an area that was mined under two separate permits.

- Mining occurred from approximately the early to mid 1980s to the early to mid 1990s.
- Reclamation began on the northern portion of the area in the early 1990s and in the southern/southwestern portion in the mid to late 1990s.
- After reclamation, bond releases occur in two phases:
 - o Phase 1 – after completion of site grading
 - o Phase 2– after completion of seeding
 - o Phase 3 (Final Release) - after 5 years of maintenance. No ground disturbance is allowed. This could affect the bond release.
- The final bond release has been granted for this property. CONSOL Energy’s intent is to sell the property.
- Ohio Department of Natural Resources (ODNR) Mineral Resources Division has regulatory control over mining; however, both the state and the federal Office of Surface Mining do inspections.
- Mining permit conditions state reclamation guidelines. Mining regulations are located in Admin. Code Title 15, Chapter 1513, and Revised Code 1501-13 (for coal).
- CONSOL Energy has owned the property since at least before the early 1980s, and will try to provide more detailed information on how long they have owned it.
- Cattle grazing has been occurring probably since the mid to late 1990s.
- The forested areas were most likely not mined.
- CONSOL Energy will try to provide the approximate total acreage of this mine site, but it was guessed at approximately 2,500 acres.
- The site lies within Cadiz Township, Harrison County, Ohio.
- ODNR would have old permit records, reclamation guidelines.
- CONSOL Energy personnel had no knowledge of the well that the database search indicates is on or near the site. However, since its owner is listed a Hanna Coal Company, which subsequently became part of CONSOL Energy, it probably pre-dates mining activities and was likely destroyed during mining.

Visual Reconnaissance Inspection

The VRS of the proposed drop zone property was conducted on 14 October 2008. Mr. Sniezek, Lt Col Filoni, Lt Col Gutermuth, and Mr. Schivley escorted Ms. Castellanos and Mr. Rykaczewski during the survey of the property.

- There is a single road traversing the central portion of the proposed drop zone.
- The center of the proposed drop zone along the access road is relatively level; however, sloping areas are present to the north, south, and east. Two apparently artificial ponds created during the mine reclamation, are present in the northern portion of the drop zone area.
- No structures are present.
- The vegetation on most of the site consists of grazed grasses, legumes (clover, vetch), and other herbaceous plants (e.g., chicory, aster, queen anne’s lace, goldenrod, teasel).
- There is a “puddle” near the center of the circular drop zone. It was dry during the site visit and appeared heavily trampled by cattle; however, some bulrushes (wetland species) were observed growing. It appeared that when full of water, it could be 1.5-3 feet deep.

- There are small wooded areas on the southern and western areas of the property. The southern wooded area also contains some wetlands and a small creek. Airdrop activities are planned for the center of the lease area (within 300 yards of the target) and should not affect the wooded and wetland areas near the perimeter.
- Tree species noted in the southern wooded area include sycamore, black locust, sugar maple, silver maple, cottonwood, ash, and black walnut. Common understory plants noted are poison ivy, brambles, and bush honeysuckle.
- Wetland areas included cattails and willows.
- White-tail deer and several bird species (mallard, northern harrier, black vulture, turkey vulture, kestrel, crow, northern flicker, and yellow-rumped warbler) were observed on or near the site.
- The site is within the 911 AW's low-level training area and they currently fly aircraft as low as 500 ft above ground level in this area; however, the frequency of low-level flights at this specific location would increase after establishment of the drop zone.
- Local emergency personnel would be contacted in the event of injuries

Local Data Collection

The ODNR office in Cadiz, Ohio (this location is for soil conservation only) indicated that the nearest ODNR mining office is in Cambridge, POC is Dave Clark, (740.439.9079), and the nearest ODNR wildlife office is in Akron, POC Daniel McMillen (330.644.3802 X3025).

The engineering department in the Harrison County Courthouse indicated that there is no county general plan and that neither Cadiz nor Athens townships have any zoning.

Action Items

- Mr. Sniezek to contact Max Shiflet, environmental manager at the Youngstown ARS, for a potential IICEP mailing list relevant to Ohio.
- Connie Barrett, real property (412.474.8721) to look into whether the U.S. Army Corps of Engineers has started the real estate process for leasing the drop zone property.
- CONSOL Energy to try to provide the following:
 - o Copies of deeds for the parcels included in the potential lease area
 - o Copy of, or date of, the final bond release for the applicable portion(s) of the mine site
 - o How long CONSOL Energy has owned the property
 - o Information on previous owners
 - o Information on previous land use
 - o Approximate acreage of the entire mine site
- Earth Tech AECOM to provide example agency consultation letters to Mr. Sniezek.

Data Collected

The following materials were collected:

- Environmental Assessment for Project JLSS 93-0042 Bivouac and Exercise Area Mingo Drop Zone, Pittsburgh IAP ARS, May 1995
- Memorandum for HQ AFRC/A3TA, New Drop Zone Procedures, March 2008
- Final Pest Management Plan, Pittsburgh IAP ARS, August 2008
- General Plan, Pittsburgh IAP ARS, December 1998
- Final Hazardous Waste Management Plan for Pittsburgh International Airport Air Reserve Station, Ecology and Environment, Inc., February 2003
- Final Hazardous Materials Emergency Planning and Response (HAZMAT) Plan for Pittsburgh Air Reserve Station, e²M, March 2008
- Integrated Solid Waste Management Plan for Pittsburgh International Airport Air Reserve Station, Ecology and Environment, Inc., March 2003
- Stormwater Pollution Prevention Plan, 911th Airlift Wing Pittsburgh International Airport Air Reserve Station, Moon Township, Pennsylvania, EA Engineering Science and Technology, Inc., August 2006
- Electronic files of figures showing drop zone boundaries, no fly zones, and parcels.

If you have any questions or comments, please contact me at (909) 554-5052.

Very truly yours,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

cc: Frank Sniezek, 911 MSG/CEVE
Marsha Denning, HQ AFRC/A7KA

G3: VISUAL SITE INSPECTION FORMS

Cadiz Drop Zone

AOC ☐
UST ☐
AST ☐
Accum. Pt. ☐
OWS ☐

ENVIRONMENTAL BASELINE SURVEY
& ENVIRONMENTAL ASSESSMENT
Visual Reconnaissance Survey (VRS)

Date 10/14/2008
Inspector(s) CDR, NCC
Facility Escort(s) FRANK, LT COL FIORANI
Organization(s) ET, CONSOB, USAF R

Facility: # _____ Name/Current Use CADIZ Drop Zone

Past Use: ☐ Same as above STRIP MINE (RECLAIMED)

Location/Topography: ROLLING HILLS, SW of CADIZ

Year of Construction: _____ Major Renovations: Redawning Activities

Does/Did facility use Hazardous Material: ☐ Yes ☒ No Types: _____

Does/Did facility store Hazardous Material: ☐ Yes ☒ No Types: _____

Does/Did Facility generate Hazardous Waste: ☐ Yes ☒ No Types: _____

Does/Did Facility store Hazardous Waste: ☐ Yes ☒ No If Yes ☐ Accumulation point #
☐ Satellite point
Years of Storage: _____ ☐ Other _____

Types of Storage: _____

Disposal practices: _____

"Housekeeping" in and around building is ☐ Good ☐ Poor not applicable

If Poor: _____

Effluent/discharged waste destination: ☐ Sanitary Sewer ☐ Industrial Sewer ☐ Septic Tank ☐ Storm Drain

☒ Other: None - Natural

Conditions not mentioned that present concerns: _____

Interviews: LT. COL. FIORANI, TIM SHERIDAN (CONSOB)

four coal mines

BUILDING INSPECTION CHECKLIST

Are there any signs of the following on the property Y Yes N No Unk Unknown

Content Size Status

A) <u>N</u> UST _____ B) <u>N</u> AST _____ C) <u>N</u> OWS _____ D) <u>N</u> IRP Site _____ E) <u>N</u> Waste Piles/Evidence of improper disposal ☐ Minor ☐ AOC F) <u>N</u> Transformers PCBs Unknown ☐ PCB Free Label ☐ G) <u>N</u> Floor Drains discharge to _____ H) <u>N</u> Evidence of Spills/Staining ☐ Minor ☐ AOC I) <u>N</u> Discolored Soil/Stressed vegetation _____ ☐ Minor ☐ AOC	J) <u>N</u> Noxious Odors K) <u>N</u> Radioactive and Mixed Waste L) <u>N</u> Fill Areas/Buried Objects M) <u>N</u> Drums/Drum Storage N) <u>Y</u> ~~#~~ <u>Some</u> LAKE-LIKE BODIES. Surface Water w/in ____ ft. to ____ O) <u>N</u> Sensitive Receptors w/in ____ ft. to ____ P) <u>N</u> Flaking Paint Q) <u>N</u> Potential ACM R) <u>N</u> Other _____

H/I Source: _____

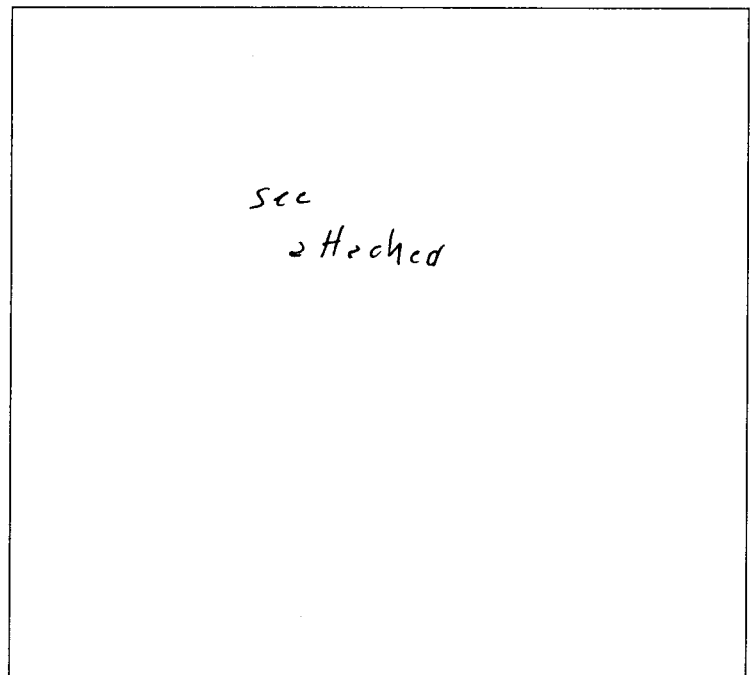
Check List Description:

Facility Diagram

North

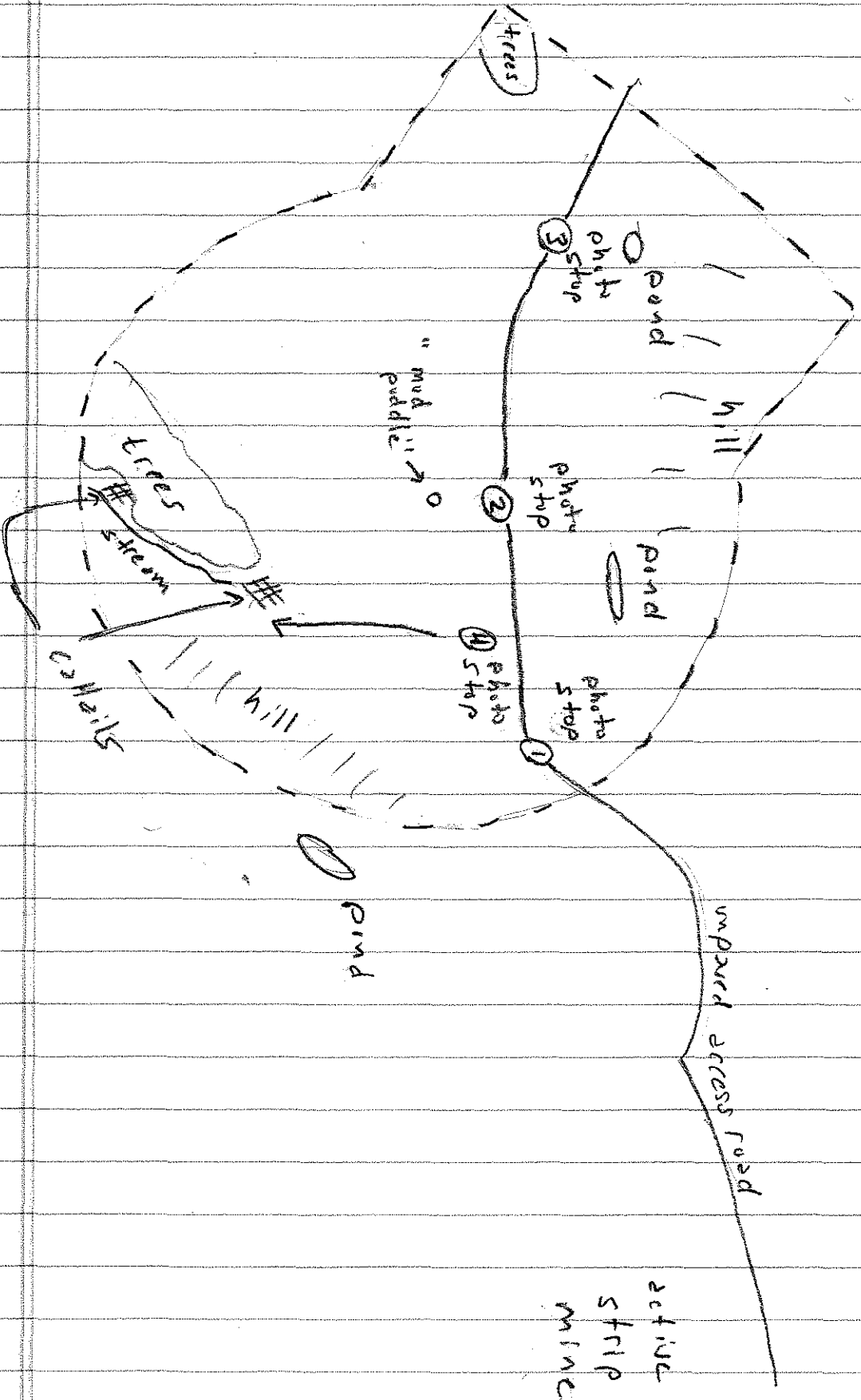
Photo Log:

Roll _____ Frame _____ Subject _____



proposed drop zone VRS

10/11/08



G4: ENVIRONMENTAL LIENS SEARCH

The EDR Environmental LienSearch™ Report

**Busby Rd & Slater Rd
HARRISON
Cadiz, OH 43907**

Project Number: 2336628.7S

Index Date: 10/31/2008



EDR® Environmental Data Resources Inc



AMERISTAR
INFORMATION NETWORK, LTD.

The Standard in Environmental Risk Information

440 Wheelers Farm Road
Milford, Connecticut 06461

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

EDR Environmental LienSearch™ Report

The EDR Environmental LienSearch Report provides results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers, following established procedures, uses client supplied address information to:

- search for parcel information and/or legal description;
- search for ownership information;
- research official land title documents recorded at jurisdictional agencies such as recorders' offices, registries of deeds, county clerks' offices, etc.;
- access a copy of the deed;
- search for environmental encumbering instrument(s) associated with the deed;
- provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument(s) (title, parties involved, and description); and
- provide a copy of the deed or cite documents reviewed.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EDR Environmental LienSearch™ Report

TARGET PROPERTY INFORMATION

ADDRESS

CLIENT REF 2336628.7S
Site Address BUSBY RD AND SLATER RD
Site CSZ CADIZ, OHIO 43097

RESEARCH SOURCE

Sources: **HARRISON**

DEED INFORMATION

Type of Deed: Conveyance of Coal Properties and Reservation of Production Payment
Title is vested in: Consolidation Coal Company, a Pennsylvania Corporation
Title received from: Consolidation Coal Company, a Delaware Corporation
Deed Dated: 09/15/1966
Deed Recorded:
Book: 157
Page: 55

LEGAL DESCRIPTION

Description: SITUATED IN THE STATE OF OHIO, COUNTY OF HARRISON, TOWNSHIP OF SHORT CREEK, BEING MORE FULLY DESCRIBED IN VOLUME 157, PAGE 146 RECORDED IN THE COUNTY OF HARRISON, TOWNSHIP OF SHORT CREEK, OHIO.

Assessor's Parcel Number: 04.0000094.000
04.0000072.000
04.0000070.000
02.0000271.000
02.0000212.000

ENVIRONMENTAL LIEN

Environmental Lien: Found ☐ Not Found ☒
If yes:

OTHER ACTIVITY AND USE LIMITATIONS (AULs)

Other AUL's: Found ☐ Not Found ☒

EDR Environmental LienSearch™ Report

Copy of Deed and any instruments.

Business Council Office

Date: 12

PART I
CONSOLIDATION COAL COMPANY
(A Tennessee corporation)
TO
CONSOLIDATION COAL COMPANY
(A Delaware corporation)
Guarantee
of final properties
and
Restoration of Henderson Payment
Primary Sum \$400,000,000
Dated as of September 15, 1906

PART II
CONSOLIDATION COAL COMPANY
(A Tennessee corporation)
TO
WILLIAM COAL CORPORATION
Guarantee
of
Henderson Payment
Dated as of September 15, 1906

United States Federal Reserve Bank, New York, N.Y.
The above document is a copy of the original document filed in the office of the Federal Reserve Bank, New York, N.Y., on September 15, 1906, and is a true and correct copy of the original document as the same appears in the records of the Federal Reserve Bank, New York, N.Y.

Witness my hand and the seal of the Federal Reserve Bank of New York, this 15th day of September, 1906.
D. L. Frost
Cashier
Federal Reserve Bank of New York
New York, New York

This Instrument of Conveyance dated as of September 15, 1986, consisting of PART I, a Conveyance of Coal Properties and Reservation of Production Payment from Consensus Coal Company, a Pennsylvania corporation (herein in Part I called the "Grantor"), to Consensus Coal Company, a Delaware corporation (herein called the "Grantee"), and PART II, a Conveyance of Production Payment from the Grantor (herein in Part II called the "Production Payment Grantor") to Wyzasaw Coal Consortium, a Delaware corporation (herein called the "Production Payment Grantee"), each of such parts being separate and distinct from the other and evidencing a different transaction, with the transaction evidenced by and delivery of Part I occurring immediately prior to the transaction evidenced by, and delivery of, Part II.

WITNESSETH:

DERIVATIONS AND REMARKS. For all purposes of this Conveyance, unless the context otherwise requires:

(a) An "Affiliate" of any person shall mean any person who or which, directly or indirectly, controls or is controlled by or is under common control with such person. A person shall be deemed to control a corporation for the purposes of the definition contained in the preceding sentence if such person owns, holds or controls, with power to vote, 25% or more of the voting stock of such corporation unless some other stockholder not an Affiliate of such person owns, holds or controls, with power to vote, a greater percentage of such voting stock.

(b) "Coal" shall mean collectively all coal, lignite and other solid carbonaceous fuels.

(c) A "corporation" shall include any voluntary association, joint stock company, business trust or similar organization.

(d) "Developed Subject Interest" shall mean any Subject Interest, other than a royalty interest as determined from time to time by the Grantee in accordance with its customary practices consistently applied, in which there shall exist a Mine which has not been permanently shut down; provided, however, that such of the separately numbered interests described or referred to in Appendix II to the Wdr Report shall constitute a Developed Subject Interest. Any Developed Subject Interest referred to in said Appendix II may be enlarged by adding thereto portions

of the Undeveloped Subject Interests, but no such Developed Subject Interest may be diminished by the transfer of a portion thereof in an Undeveloped Subject Interest without the consent of the Grantor.

(e) "Effective Date" shall mean 11:59 P.M., September 18, 1968, determined as to such locality in accordance with the times then generally observed in such locality.

(f) "Exhibit A" shall mean Exhibit A attached hereto and hereby made a part of both Part I and Part II hereof.

(g) "Gross Income" shall mean "gross income from mining" under Section 612(e)(1) of the Internal Revenue Code of 1954, as in effect on the Effective Date.

(h) The term "independent", when applied to any person, shall mean a person (1) which is in fact independent, (2) which does not have any substantial interest, direct or indirect, in the Grantee or in any Affiliate of the Grantee, (3) in which the Grantee or any Affiliate of the Grantee does not have any substantial interest, direct or indirect, and (4) which is not connected with the Grantee or any Affiliate of the Grantee as an officer, employee, promoter, underwriter, trustee, partner, director or person performing similar functions.

(i) "Mine" shall mean a single facility or related group of facilities for the extraction of Subject Coal. Whether a facility or group of facilities constitutes one or more than one Mine shall be determined in accordance with the customary practices of the Grantee consistently applied; provided, however, that the facilities located in each Developed Subject Interest described or referred to in Appendix II to the Weir Report shall constitute a single Mine.

(j) "Mine Expansion" shall mean an increase, other than an increase described or referred to in Appendix I to the Weir Report, in the machinery, equipment or other facilities comprising a Mine to the extent that the same results in an increase in the Rated Mine Capacity of such Mine.

(k) "Net Mine Revenue" with respect to any Developed Subject Interest shall mean the Gross Income attributable to Subject Coal produced from such Developed Subject Interest

less (1) of ad valorem, severance, mining, completion, sales and similar taxes payable to any state or political subdivision thereof to the extent that the same are attributable to the interest of the Grantee in such Subject Coal and in the Assigned Appurtenant leasehold relating thereto and (2) mining, royalty, tractment, processing, depreciation (on a 15-year straight line basis), depletion, overhead, transportation (to the extent that the cost thereof is includable in the computation of Gross Income), selling, general administrative overhead (not to exceed eight cents per ton) and all other operating costs, charges and expenses directly related to the production of such Subject Coal from such Developed Subject Interest, but exclusive of exploration costs and costs in the nature of Recoverable Costs. Division overhead, general administrative overhead, operating costs and the allocation of ad valorem and similar taxes shall be determined in accordance with the provisions of the Grantor in effect during the year 1960 consistently applied. Division overhead and general administrative overhead shall be limited to that portion of such overhead properly allocable to the production and sale of Subject Coal. Any taxes or costs, charges and expenses properly includable in the computation of the Net Mine Revenue in any calendar month which are not included in the Application Report covering such calendar month because of their not being readily ascertainable at the time of delivery of such Report shall be carried forward to the next calendar month and included in the computation of Net Mine Revenue therein. If during any calendar month /over no/over shall interrupt production of Subject Coal from Developed Subject Interests which in the aggregate produced at least 81% of the Subject Coal produced from all Developed Subject Interests during the preceding calendar year, and if any taxes or costs, charges and expenses incurred during such calendar month and properly includable in the computation of Net Mine Revenue attributable to any Developed Subject Interest affected by such /over no/over shall exceed the Gross Income attributable to Subject Coal produced from such Developed Subject Interest in such calendar month, then such excess shall be disregarded in the computation of Net Mine Revenue attributable to Subject Coal produced from such Developed Subject Interest in any calendar month. Subject to the

provisions of the preceding sections, in the event that any taxes or such, charges and expenses properly includable in the computation of Net Mine Revenue attributable to Subject Coal produced from any Developed Subject Interest in any calendar month shall exceed the Gross Income attributable to Subject Coal produced from such Developed Subject Interest in such calendar month, such excess shall be carried forward to the next calendar month and included in the computation of Net Mine Revenue attributable to Subject Coal produced from such Developed Subject Interest in such next calendar month.

(1) "New Mine" shall mean any Mine not located in one of the Developed Subject Interests described or referred to in Appendix II to the War Report.

(m) An "officer's certificate" shall mean a certificate signed by the President or a Vice President of the Grantee and delivered to the Grantee. An officer's certificate need not be under oath and need not bear the corporate seal of the Grantee, but shall include (1) a statement that the person making such certificate has read the provisions of this Convention relating to the subject matter of such certificate, (2) a brief statement as to the nature and scope of the examination or investigation upon which the statements contained in such certificate are based, (3) a statement that, in the opinion of such person, he has made such examination or investigation as is necessary to enable him to express an informed opinion as to the matters called for by such provisions and (4) the statement required by such provisions.

(n) A "person" shall mean an individual corporation, partnership, trust, unincorporated organization or government, including the United States, any state, municipality or local authority, or any political subdivision, agency or department thereof.

(o) "Rated Mine Capacity" for any Mine in any year shall mean the total tons of Subject Coal which such Mine is capable of producing and processing in such year, determined as follows:

(1) for all Mines located in the Developed Subject Interests described or referred to in Appendix II to the War Report the amount Rated Mine Capacity shall be as shown in said Report; (2) for each New Mine and each Mine affected by a

3
 Mine Expansion the annual Rated Mine Capacity shall be determined by the Grantee and shall be set forth in an officer's certificate furnished to the Grantor within six months after the commencement of production from such New Mine or the completion of such Mine Expansion, as the case may be. Each such officer's certificate shall also set forth a reasonable summary of the details of the total Reasonable Costs incurred in connection with such New Mine or Mine Expansion.

(b) "Subject Coal" shall mean and include all Coal mined and in place now owned by the Grantor and covered by this Conveyance, and all Coal which may be produced from, and all Coal which shall accrue or be attributable to, the Subject Interests, from and after the Effective Date and throughout the period specified in Section 1A.

(c) "Subject Interests" shall mean all of the properties, interests and rights described in Subsections A to G, inclusive, of Section 1.1. Except as otherwise provided above in paragraphs (d) with respect to the Developed Subject Interest referred to in Appendix II to the Waiver Report, each "Subject Interest" shall consist of such properties, interests and rights as may be determined by the Grantee in accordance with its customary practices consistently applied. The term "Subject Interests" shall include also (1) said properties, interests and rights as the same shall be constituted from time to time after the execution and delivery of this Conveyance, and as enlarged by the discharge of any payments out of production or by the removal of any liens, charges or encumbrances to which any of said properties, interests or rights are subject, or otherwise; (2) any and all renewals and extensions of any of said properties, interests or rights; (3) all contracts and agreements supplemental to or amendatory of or in substitution for the contracts and agreements described in Subsection B of Section 1.1 insofar as the same relate to any Subject Interest; and (4) any federal coal leases issued pursuant to any federal prospecting permits described or referred to in Exhibit A. For the purpose hereof, a new Coal, mineral, mining or other lease acquired by the Grantee prior to or within 180 days after the termination or expiration of any Coal, mineral, mining or other lease de-

scribed or referred to in Exhibit A and which covers all or any part of the Subject Interests covered by such terminated or expired lease shall, to the extent it covers such properties, be considered a renewal and extension of such terminated or expired lease.

(1) "Undeveloped Subject Interests" shall mean any Subject Interest which, on the date of determination, is neither a Developed Subject Interest nor a royalty interest.

(2) "Weir Report" shall mean the engineering report (including Appendices I, II, III and IV thereto) dated March 22, 1966, as amended by Supplement No. 1 thereto dated July 8, 1966, prepared by Paul Weir Company, Incorporated, with respect to the Subject Interests, copies of which are in the possession of the Grantor, the Grantee and the Production Payment Grantee.

(3) The following terms shall have the following respective meanings:

- (1) "Accounting Month", the meaning stated in Section 1.2;
- (2) "Application Report", the meaning stated in Section 1.3;
- (3) "Assigned Appurtenances", the meaning stated in Section 1.1;
- (4) "Consolidated Production Payment", the meaning stated in Section 1.1;
- (5) "Continental", the meaning stated in Section 4.1;
- (6) "Petrochemical", the meaning stated in Section 8.3;
- (7) "Initial Production Payment Permits", the meaning stated in Section 1.1;
- (8) "Paying Quantity", the meaning stated in Section 8.3;
- (9) "Primary Well", the meaning stated in Section 1.3;
- (10) "2 1/2% Portion of the Primary Well" and "2 1/2% Portion of the Primary Well", the meanings stated in Section 1.3;

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- (11) "Production Payment Cost", the meaning stated in Section 1.1;
 - (12) "Production Payment Percentages", the meaning stated in Section 1.1;
 - (13) "Production Sales Contract", the meaning stated in Section 1.4;
 - (14) "Receivable Costs", the meaning stated in Section 1.3;
 - (15) "Regular Application Date", the meaning stated in Section 1.3; and
 - (16) "Remedial Event", the meaning stated in Section 4.1.

PART I
Continuance of Good Properties and
Resurrection of Production Payment

ARTICLE FIRST

CONVEYANCE AND RESERVATION

Section 1.1. *Conveyance and Reservation.* The Grantor for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these presents does, effective as of the Effective Date, grant, bargain, sell, convey, assign, transfer, set over and deliver unto the Grantee, its successors and assigns, the following:

A. The fee estates, Coal and Coal related, the mining rights, privileges and immunities granted or acquired with or related to such estates, the leasehold estates and all rights, privileges and immunities included or granted therewith, and the mining, royalty, overriding royalty, production payment, net profit and other interests, all of which are described or referred to in Exhibit A; subject, however, to the restrictions, exceptions, reservations, conditions, limitations, interests and other matters, if any, set forth or referred to in Exhibit A;

B. All of the Grantor's right, title and interest in, to and under, or derived from, all of the presently existing contracts and agreements for the sale, purchase, lease or exchange of Coal or Coal mining rights, and all other contracts, agreements, prospecting permits and instruments which are described or referred to in Exhibit A or which relate to any of the properties and interests described or referred to in Exhibit A or to the production of Coal from or attributable to said properties and interests; and

C. Without limiting the foregoing, all of the Grantor's right, title and interest (whether now owned or hereafter acquired by operation of law or otherwise) in and to the properties and interests described or referred to in Exhibit A, even though such properties and interests be hereafter or hereinafter described in Exhibit A.

Expressly excepting from this Conveyance and reserving and retaining unto the Grantor, its successors and assigns, as a

Production Payment

THE APPLICABLE UNDERSTANDING RECOGNIZES OF ALL THE SUBJECT COAL DETERMINED AS PROVIDED BELOW IN THIS SECTION UNDER THE HEADING "Initial Production Payment Percentages" (herein called the "Initial Production Payment Percentages"), as such percentages, hereafter as the same relate to the Developed Subject Interests, may be adjusted from time to time as provided below in this Section (such Initial Production Payment Percentages, together with any adjustments thereof, being herein called the "Production Payment Percentage"); subject, however, to the provisions of Sections 13 and 14. The Production Payment Percentages of the Subject Coal so expressly excepted, reserved and retained are herein sometimes called the "Production Payment Coal" and the Production Payment Coal, together with all other rights, titles, interests, estates, remedies, powers and privileges appurtenant or incident thereto excepted and retained by the Grantor under this Conveyance are herein sometimes called the "Coal Production Payment". The Coal Production Payment, as excepted, reserved and retained in this Conveyance, shall constitute an interest in real property excepted, reserved and retained from the Subject Interests.

Initial Production Payment Percentages

I. The Initial Production Payment Percentages for Subject Coal in or produced from or accruing or attributable to each Developed Subject Interest from the Effective Date to and including October 31, 1968 shall be an undivided 22.176% and thereafter shall be determined each month by dividing the average gross income per ton for each Subject Coal at the Mine from which the same shall have been produced during the last calendar month in which there shall have been production prior to the date of determination into \$90 and converting the resulting decimal into a percentage; provided, however, that at no time shall the Initial Production Payment Percentage for any Developed Subject Interest exceed 65%.

II. The Initial Production Payment Percentage for Subject Coal in or accruing or attributable to each Undeveloped Subject Interest shall be an undivided 60% until such time as such Undeveloped Subject Interest becomes a Developed Subject Interest.

III. The Initial Production Payment Percentage for Subject Coal accruing or attributable to each Subject Interest which is a royalty interest shall be 100% of such royalty interest after deducting any royalties payable to third parties with respect to such Subject Coal and any ad valorem, severance, mining, occupation, gathering, gross receipts and similar taxes attributable to the interest of the Grantee in such Subject Coal.

Production Payment Percentages
For Developed Subject Interests

(a) The Production Payment Percentage for Subject Coal in or produced from or accruing or attributable to each Developed Subject Interest shall, commencing with November 1, 1968, be automatically adjusted from the Initial Production Payment Percentage applicable thereto to such percentage as will result in the receipt by the Grantor of 67% of the Net Mine Revenue attributable to Subject Coal produced from such Developed Subject Interest in the calendar month in which such adjustment occurs and, subject to the provisions of paragraph

(b) below, a similar adjustment from each Initial Production Payment Percentage shall take place with respect to such Subject Coal on the first day of each succeeding calendar month.

(b) If, however, as of the close of business on any date specified in the table below the unliquidated balance of the Primary Sum shall be greater than the amount specified opposite such date:

Date	Primary Sum	Date	Primary Sum
Jan. 1, 1968....	\$430,000,000	July 1, 1975....	\$322,000,000
July 1, 1968....	438,000,000	Jan. 1, 1976....	297,000,000
Jan. 1, 1969....	428,000,000	July 1, 1976....	190,000,000
July 1, 1969....	413,000,000	Jan. 1, 1977....	173,000,000
Jan. 1, 1970....	305,000,000	July 1, 1977....	157,000,000
July 1, 1970....	320,000,000	Jan. 1, 1978....	143,000,000
Jan. 1, 1971....	363,000,000	July 1, 1978....	125,000,000
July 1, 1971....	349,000,000	Jan. 1, 1979....	108,000,000
Jan. 1, 1972....	333,000,000	July 1, 1979....	91,000,000
July 1, 1972....	317,000,000	Jan. 1, 1980....	74,000,000
Jan. 1, 1973....	300,000,000	July 1, 1980....	58,000,000
July 1, 1973....	285,000,000	Jan. 1, 1981....	38,000,000
Jan. 1, 1974....	260,000,000	July 1, 1981....	18,000,000
July 1, 1974....	253,000,000	Nov. 1, 1981 and thereafter....	—0—
Jan. 1, 1975....	230,000,000		

Then, all Production Payment Percentages for Subject Coal in or produced from or attributable to the Developed Subject Interests shall, commencing with such date, be automatically adjusted to whichever of the following alternatives will cause the Operator to receive the larger interest (in terms of value) in the Subject Coal produced from all Developed Subject Interests, taken in the aggregate, in the calendar month in which such adjustment occurs:

(i) the Initial Production Payment Percentages for such month; or

(11) such percentages as will result in the receipt by the Grantor of 100% of the Net Mine Revenue, plus depreciation, attributable to Subject Coal produced from each Developed Subject Interest during each month.

Subject to the provisions of paragraph (c) below, a similar adjustment shall take place on the first day of each succeeding calendar month for Subject Coal in or produced from or accruing or attributable to the Developed Subject Interests during each month.

(c) If the unliquidated balance of the Primary Sum on or prior to any date specified in the table above subsequent to any adjustment provided in paragraph (b) above shall be equal to or less than the amount specified opposite such date, then, commencing with the first day of the calendar month in which such condition occurs, an adjustment from the Initial Production Payment Percentage applicable to each Developed Subject Interest shall again take place in the manner provided in paragraph (a) above.

(d) The foregoing paragraphs (a), (b) and (c) shall apply to successive situations. In no event, however, shall the provisions of this Section require the Grantor to return to the Grantee any proceeds of Production Payment Coal received and applied by the Grantor pursuant to Section 1.3.

AND THIS CONVEYANCE FURTHER WITNESSES that, for the consideration aforesaid, the Grantor by these presents does, effective as of the Effective Date, grant, bargain, sell, convey, assign, transfer, set over and deliver unto the Grantee all of the Grantor's right, title and interest in and to all property, whether personal, real (other than Coal interests) or mixed, tangible and intangible, and all improvements, easements, permits, licenses, servitudes and rights of way, situated upon or used or useful or held for future use in connection with the exploration, development or operation of the Subject Interests, or the mining, processing, treating, storing or transportation of Coal therefrom, including, but not by way of limitation, all railroads, tracks, sidings, Mine tracks, rolling stock, storage facilities, buildings and structures of every kind and nature, fixtures, engines, boilers, tramways, cars, cables, motors, fans, cleaning, preparation and other plants,

tools, implements, utensils, mining machines, loading machines, power shovels, draglines, dozers, trucks and other machinery and equipment, pipelines, water lines, gas lines, substations, transformers, yards, power lines, telephones and telegraph lines, roads and other appurtenances, all such property, improvements, easements, permits, licenses, servitudes, rights of way and other rights as aforesaid being herein called the "Assigned Appurtenances".

To Have and to Hold the properties, rights, titles, interests, claims, powers, privileges and appurtenances hereby granted, bargained, sold, conveyed, assigned, transferred, set over and delivered as aforesaid unto the Grantee, its successors and assigns, forever, excepting and reserving as aforesaid.

Section 1.2. Certain Provisions Governing Production Payment Coal. All the provisions of this Conveyance shall be subject to the following:

- A. Unless the context otherwise requires, the words "Subject Coal" and "Production Payment Coal" shall be deemed to include the proceeds of such Coal, without any deduction on account of any costs, charges or expenses.
- B. For the discharge of the Coal Production Payment the Grantor shall look exclusively to the Production Payment Coal and the Grantee shall not be liable for such discharge.
- C. The Coal Production Payment shall not be dischargeable out of any proceeds resulting from any manufacturing or processing operation, except to the extent of that portion of such proceeds the value of which represents the Gross Income attributable to the Subject Coal.
- D. The Coal Production Payment shall not be dischargeable out of any bonus which the Grantee shall receive for any lease, sublease or assignment of any of the Subject Interests.
- E. There shall not be included in the Production Payment Coal any Coal lost in the mining or the processing incident to mining thereof or mined from any Subject Interest and used by the Grantee in conformity with good industry practices for mining or processing operations conducted for the purpose of

END

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producing Subject Coal from the Subject Interests, but only so long as such Coal is so used.

F. (1) Subject to the provisions of paragraph (2) below, the Consent Payment shall not be dischargeable out of any Subject Coal mined from any New Mine or Mine Expansion prior to 12:01 A.M., local time, on the first day of the calendar month next succeeding the calendar month in which the aggregate amount of the Net Mine Revenue, plus depreciation, attributable to Subject Coal produced from such New Mine or Mine Expansion, at the time may be, shall equal the Reoccupable Costs which shall have been incurred by the Grantee in installing such New Mine or Mine Expansion. In the event that any Mine which is the subject of a Mine Expansion is also producing or capable of producing Subject Coal from facilities other than such Mine Expansion, Subject Coal shall be deemed to be produced from such Mine Expansion in any year only after, and to the extent that the total quantity of Subject Coal produced from such Mine in such year exceeds the Rated Mine Capacity of such Mine as projected prior to such Mine Expansion. "Reoccupable Costs" shall include only the actual cost to the Grantee of labor, transportation, other services, materials, equipment and supplies (including a reasonable allocation for division overhead and general administrative overhead), and all amounts paid to independent contractors or others, to the extent such costs are attributable to the designing, installing, completing and equipping of a New Mine or a Mine Expansion for the production of Subject Coal, but Reoccupable Costs shall not include any costs incurred in connection with maintaining such New Mine or Mine Expansion, or any other costs, to be taken into account in computing Net Mine Revenue or any interest, financing, depletion or depreciation charges or other indirect costs.

(2) Notwithstanding the provisions of paragraph (1) above, if the unliquidated balance of the Primary Sum of the Consent Production Payment shall exceed on any three consecutive dates specified in the tabulation in Section 1.1 the respective amounts specified opposite such dates, the provisions of paragraph (1) above shall cease to apply, commencing with Subject Coal mined from all New Mines and Mine Expansions on such third con-

executive data, until any data set forth above in Section 1.1 subsequent to such cessation as of which the unliquidated balance of the Primary Sum shall be equal to or less than the amount specified opposite such data, whereupon the provisions of paragraph (1) above shall again commence, subject, however, to being suspended again in the same manner as provided in this paragraph (2).

G. So long as and to the extent that the same may be required by applicable laws or regulations, the Production Payment Percentage applicable to any Federal coal lease (including any federal coal lease issued pursuant to a federal coal processing permit) included in the Subject Interests shall not exceed any maximum percentage which may be expressly determined by the Department of the Interior to be authorized in respect of such lease under such laws or regulations.

Section 1.3. *Account, Terms and Discharge of General Production Payment.* The General Production Payment shall continue and remain in full force and effect until the Grantee shall have received and realized, out of the Production Payment Coal, the full aggregate sum of the amounts referred to below in Subsections A, B, C and D of this Section 1.3, as increased as in this Conveyance provided, free and clear of all costs, charges and expenses of every kind whatsoever:

A. \$460,000,000 (herein called the "Primary Sum", \$20,000,000 of which is herein called the "9 8/20% Portion of the Primary Sum", and \$350,000,000 of which is herein called the "9 11/20% Portion of the Primary Sum");

plus

B. The sum of (i) an amount computed from September 15, 1966 at the rate of 9 8/20% per annum on the unliquidated balance of the 9 8/20% Portion of the Primary Sum and (ii) an amount computed from September 15, 1966 at the rate of 9 11/20% per annum on the unliquidated balance of the 9 11/20% Portion of the Primary Sum (computed in each case on the basis of the actual number of days in each year);

(1) the first such computation to be made on December 6, 1966 for the period commencing with and including September

15, 1966, up to and including December 31, 1968, in the amount of said unliquidated balances on September 30, 1966, and

(3) subsequent computations to be made monthly on the first day of each Accounting Month for the preceding Accounting Month, on the amount of said unliquidated balances on the first day of such preceding Accounting Month;

plus

C. An amount equal to the aggregate of all amounts which are paid or payable by any assignee (or its successors or assigns) of the Grantor to any state or political subdivision thereof on account of ad valorem, excise, mining, occupation, gathering, sales, gross receipts, franchise, license, profits or other taxes and assessments of any kind whatsoever, including penalties and interest, imposed or assessed with respect to or measured by or charged against or attributable to the Omskol Production Payment, any mortgage thereon, the Production Payment Coal, the proceeds of the Production Payment Coal, the ownership, sale or other disposition as a whole or in part of the Omskol Production Payment, and any indebtedness incurred in connection with the acquisition or ownership of the Omskol Production Payment or any part thereof, which have neither been deducted from the proceeds of the Production Payment Coal and paid for the amount of such assignee (or its successors or assigns) nor been paid by the Grantor as required by Subsection (H) of Section 2.4, together with an amount equal to interest thereon at the rate of 6% per annum from the date of payment;

plus

D. (1) An amount equal to the aggregate of all reasonable expenses (including all recording fees, documentary stamp taxes, other transfer taxes and all fees and expenses of counsel, counsel for any lenders, independent public accountants and other independent experts) of any assignee (or its successors or assigns) of the Grantor incidental to the acquisition, ownership, mortgaging and transfer of the Omskol Production Payment or any part thereof, the preparation, execution and recording of all

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documents related thereto, the obtaining of any loans or the sale of any notes secured thereby (including any commitment fees payable in connection therewith), the receipt and disbursement of moneys on account of any such loans or notes and the contest (through litigation or otherwise), release or discharge of any adverse claim or demand made by any person affecting in any manner whatsoever, the Counsel Production Payment or the Production Payment Oath, which shall have been held or insured by such assignee (or its successors or assigns), together with an amount equal to interest thereon at the rate of 8% per annum from the date of payment; provided, however, that the aggregate amount (exclusive of amounts equal to interest) which all such assignees (and their successors and assigns) shall be entitled to receive on account of all such expenses (other than expenses in connection with the contest, release or discharge of any such adverse claim or demand) during the entire term of the Counsel Production Payment shall not exceed \$15,000,000, and

(3) An amount equal to all fees aggregating not in excess of \$500 per month which may be charged by an agent on behalf of lenders making any such loans or note purchases, to defray the internal accounting and bookkeeping expenses of such agent in connection with the receipt and disbursement by it of moneys on account of any such loans or notes;

it shall be the intention of the Grantor that the Grantor shall be entitled to receive and realize out of the Production Payment Oath the full aggregate sum of the amounts above referred to in Subsections A and B of this Section, free and clear of all costs, charges and expenses (other than those described and specified in Subsections C and D of this Section) and over and above all taxes, costs, charges and expenses of the character and amount described and specified in Subsections C and D of this Section.

All taxes imposed or assessed with respect to or measured by or charged against or attributable to the Production Payment Oath and for which the Grantor is liable may be deducted from the proceeds of Production Payment Oath and paid for the account of the Grantor and in the case of any such deduction, the amount so deducted shall be deemed not to be proceeds of Production Payment Oath received or realized by the Grantor.

For all purposes of this Contract the proceeds of Subject Coal actually received by the Grantor up to the close of business on December 6, 1966 shall be deemed to be proceeds of Production Payment Coal to the extent determined by the Grantor, as provided below, and such proceeds shall be deemed to have been received and applied immediately after the opening of business on December 6, 1966. Therefore, the proceeds of Subject Coal actually received by the Grantor after the opening of business on the first day of each Accounting Month up to the close of business on the last day of such Accounting Month shall be deemed to be proceeds of Production Payment Coal to the extent determined by the Grantor as provided below and such proceeds shall be deemed to have been received and applied immediately after the opening of business on the first day of the next succeeding Accounting Month.

The term "Accounting Month" shall mean any period commencing with and including the 3rd day of any calendar month and ending on and including the 2nd day of the next succeeding calendar month; provided, however, that if either the 3rd or the 2nd day of any calendar month shall be a Saturday, Sunday or legal holiday under the laws of New York, the Accounting Month normally ending in such calendar month shall end on and include the first of the next two consecutive business days following the 2nd day of such calendar month and the next succeeding Accounting Month shall commence with and include the second of the next two consecutive business days following the 2nd day of such calendar month (without delaying the end of such Accounting Month). For all purposes hereof, proceeds of Production Payment Coal shall be deemed to have been "actually received" by the Grantor when such proceeds shall have been received by it in collected funds.

The Grantor shall determine the portion of the proceeds of Subject Coal actually received by it to be deemed to be proceeds of Production Payment Coal on the basis of (i) the provisions of Section 1.1 and (ii) the report of the Grantor referred to in Subsection D of Section 3.5 (herein called an "Application Report") covering such proceeds of Production Payment Coal or a telegraphic advice acceptable to the Grantor delivered by the Grantor to the Greater summarizing the results of such Report.

If, however, on any date of application specified above (hereinafter called a "Regular Application Date"), the Grantor shall not have

received an Application Report (or telegraphic summary thereof as aforesaid) covering proceeds of Production Payment Coal to be deemed received and applied on such Regular Application Date, all proceeds of Subject Coal then in the possession of the Grantor and not covered by an existing Application Report shall be deemed received and applied on such date as proceeds of Production Payment Coal.

When such proceeds of Production Payment Coal have been so deemed to have been received and applied, any remaining proceeds of Subject Coal in the possession of the Grantor and specifically identified as such by an existing Application Report shall be forthwith turned over by the Grantor to the Grantee.

Proceeds of Production Payment Coal shall be deemed to have been applied on each Regular Application Date as follows:

First, to the amounts referred to in the foregoing Subsection B of this Section accrued up to (but not including) such date, and

Second, to the amount referred to in the foregoing Subsection C of this Section, to the extent then ascertained, and

Third, to the amount referred to in the foregoing Subsection D of this Section, to the extent then ascertained, and

Fourth, the remainder shall be applied:

(i) 100% to the reduction of the unliquidated balance of the $5\frac{8}{20}\%$ Portion of the Primary Sum until the liquidation thereof; provided, however, that if the $5\frac{8}{20}\%$ Portion of the Primary Sum shall not have been completely liquidated on or prior to March 15, 1975, thereafter such remainder shall be applied 50% to the reduction of the unliquidated balance of the $5\frac{8}{20}\%$ Portion of the Primary Sum and 50% to the reduction of the unliquidated balance of the $5\frac{12}{20}\%$ Portion of the Primary Sum, until the liquidation of the $5\frac{8}{20}\%$ Portion of the Primary Sum, and

(ii) after the liquidation of the $5\frac{8}{20}\%$ Portion of the Primary Sum, 100% to the reduction of the unliquidated balance of the $5\frac{12}{20}\%$ Portion of the Primary Sum;

provided, however, that, in the event such proceeds so deemed applied on any such date shall be insufficient to cover the aggregate amount

referred to in the foregoing Clause First, such proceeds shall be deemed applied entirely without preference or priority at the 5 8/20% Portion of the Primary Sum or the 6 13/20% Portion of the Primary Sum over the other, according to the respective amounts accrued and ascertained under said Clause First in respect of each such Portion, and the unliquidated balance of each such Portion shall be forthwith increased by the amount of the related deficiency; and *provided, further*, that amounts thereafter accruing pursuant to Subsection B of this Section by reason of such increased amounts shall not be payable from Subject Coal produced in any state where applicable law precludes such payment.

When said full aggregate sum of the amounts referred to in the foregoing Subsections A, B, C and D of this Section (as increased as in this Convention provided) shall have been received by the Grantor as aforesaid, the Consol Production Payment shall be fully discharged; *provided, however*, that the Consol Production Payment shall, in any event, forthwith terminate whenever 31 years less 1 day shall have elapsed after the death of the survivor of all the descendants of Theodore Roosevelt, late President of the United States of America, who are living on the Effective Date. The Grantor agrees that, upon such discharge or termination and upon receipt by it of satisfactory indemnification against loss by reason of the sale described in this sentence and of any restriction or proceeds from the sale of the Production Payment Coal as provided in Section 16, it shall execute and deliver, upon request and at the expense of the Grantor, such instruments as may be necessary or appropriate to evidence the termination or discharge of the Consol Production Payment.

Section 14. Marketing and Taking in Kind. The Grantor shall use due diligence to expand the markets for Subject Coal and, in addition, amending and supplementing all contracts for the sale of Coal (whether Subject Coal or non-Subject Coal) and its supplying Coal to markets available both to Subject Coal and to non-Subject Coal, shall exercise utmost good faith to the Grantor and shall not discriminate against Subject Coal.

The Grantor shall duly perform all obligations enforceable by it under all contracts and agreements for the sale of Subject Coal or any portion thereof, whether presently existing or hereafter entered into in accordance with the provisions of this Section (said contracts and

agreements being herein collectively called the "Production Sales Contracts") in accordance with the terms thereof and shall take all appropriate measures to enforce the performance under each Production Sales Contract of the obligations to the Grantee of the other Parties thereto; provided, however, that nothing contained herein shall prevent the Grantee, in good faith, from changing or agreeing to change any provision of any such Production Sales Contract at any time or from time to time. The Production Payment Coal, as mined, shall be delivered by the Grantee to the purchaser thereof for the credit of the Grantee, free and clear of all costs, charges and expenses at such point of purchase as is reasonably required in the marketing thereof; provided, however, that any proceeds from the sale of Production Payment Coal in excess of the Gross Income attributable thereto shall belong to the Grantee.

Subject to the rights of the Grantor set forth in the next succeeding paragraph of this Section, the Grantee shall market the Production Payment Coal, on behalf and for the account of the Grantor (and it shall not be necessary for the Grantor to join in any Production Sales Contract or any modification or amendment thereof), on the same basis as the Grantee markets its share of the Subject Coal but never for less than the best prices obtainable under the circumstances when marketed; or in the case of sales pursuant to then existing Production Sales Contracts, at the contract prices receivable thereunder. The Grantee shall be entitled to purchase Production Payment Coal, or to sell Production Payment Coal to its Affiliates, only at prices which are not less than the best prices obtainable under the circumstances if four third persons who are not its Affiliates (which shall be not less than the prices which the Grantee charges such third persons for sales of like quantities of Subject Coal of like grade and quality under the same or similar conditions from the same Mine or mining plant). If the Grantee shall use Production Payment Coal for any purpose other than as provided in Subsection B of Section 1.2, it shall be deemed to have purchased the Production Payment Coal used in the event that the Grantee shall purchase any Production Payment Coal, it shall pay to the Grantor on or before the last day of the calendar month next succeeding the calendar month in which such Production Payment Coal is purchased, the purchase price therefor, less any taxes thereon deducted and paid for the account of the Grantor as provided in Section 1.2.

From time to time, upon the giving of at least 90 days' prior notice in writing to the Grantee, the Grantor shall be entitled at its election to take in kind the Initial Production Payment Percentages of the Subject Coal mined from part or all of one or more Subject Interests, subject to the rights of purchasers under any then existing Production Sales Contracts; provided, however, that each such notice shall specify each Subject Interest or portion thereof from which each Initial Production Payment Percentage of Subject Coal covered by such notice are to be taken, each Mine or processing plant at which such taking will occur and the date of the commencement of such taking (which shall be the first day of a calendar month), and each taking shall be for the period specified in such notice. The Grantor shall market such Coal so taken for the best prices obtainable under the circumstances when marketed or, in the case of sales pursuant to such Production Sales Contracts, at the contract prices receivable thereunder, and the Consol Production Payment shall be credited with the proceeds of any such sale to the extent such proceeds are deemed to be proceeds of Production Payment Coal as provided in Section 1.5 (taking into account the provisions of Section 1.1) in the same manner as if the Production Payment Coal had been marketed by the Grantee and the balance of the proceeds of any such sale shall be remitted to the Grantee. In the event that the amount of Production Payment Coal to which the Grantor is entitled shall exceed the Initial Production Payment Percentages of the Subject Coal so taken in kind, the Grantee shall, promptly after the receipt of the proceeds attributable to such excess amount, pay such proceeds to the Grantor and the Consol Production Payment shall be credited therewith. No such taking by the Grantor shall obligate the Grantee to incur any additional expense by reason of such taking, but the Grantee shall continue to pay costs, charges and expenses in the same manner and to the same extent hereunder as if there had been no such taking by the Grantor.

Section 1.6. Withholding and Retention of Proceeds of Production Payment Coal. If any of the proceeds from the sale of any of the Production Payment Coal shall be withheld for any reason whatsoever, the Grantor shall not be deemed to have received or realized any proceeds from such Production Payment Coal until, and then only to the extent that, the proceeds from the sale thereof have been received and applied to the Consol Production Payment. If at any time whatsoever, either before or after the receipt of the full aggregate sum of the

Cumso, Production Payment specified in Section 1.3, the Grantor shall be compelled for any reason to make any payment or restitution, or such payment or restitution shall be made for the Grantor's account, on account of proceeds of any Production Payment Coal theretofore received by the Grantor (which proceeds shall be deemed to have been proceeds most recently applied pursuant to Section 1.3) than the respective unliquidated balances of the 5 8/20% Portion of the Primary Sum and the 5 12/20% Portion of the Primary Sum shall, to the extent, if any, that either such Portion shall be affected by such payment or restitution, be increased, effective as of the date on which the payment or restitution shall be made, by the respective amounts of the proceeds so paid over by or on behalf of the Grantor (plus all amounts which the Grantor shall be compelled to pay in the nature of interest, damages and penalties) in respect of the affected portions.

ARTICLE SECONO

PROCEEDS TO PURCHASERS OF PRODUCTION

Section 2.1. *Payment to Grantor.* In the absence of any written notice to the contrary from both the Grantor and the Grantee and until the discharge or termination of the Cumso Production Payment, any person purchasing or taking any Subject Coal is authorized and directed to remit directly to the Grantor the proceeds of the sale or other disposition of the Initial Production Payment Percentages of the Subject Coal and shall have no liability to the Grantee for any such proceeds so remitted. Subject to the provisions of this Conveyance, the Grantor shall remit promptly to the Grantee any excess of the proceeds of the Initial Production Payment Percentages of the Subject Coal over the proceeds of the Production Payment Coal and, to the extent the proceeds of the Production Payment Coal shall exceed the Initial Production Payment Percentages of the Subject Coal, the Grantee shall remit promptly to the Grantor such excess.

Section 2.2. *Notice.* No person purchasing or taking any Subject Coal shall be required to take notice of, or keep informed as to, the discharge or termination of the Cumso Production Payment until the actual receipt by such person of written notice from the Grantor advising such person of such discharge or termination.

ARTICLE THIRD

COVENANTS OF THE GRANTEE

The Grantee hereby covenants as follows:

Section 3.1. *Good Faith.* In exercising all rights, and in performing all obligations, granted or imposed by this Conveyance, the Grantee shall exercise the utmost good faith to the Grantor and shall not discriminate against Production Payment Coal.

Section 3.2. *Operation of Subject Interests.* So long as the Coal Production Payment shall remain in force and effect (but subject to the provisions of Section 3.3), the Grantee shall, at its own cost and expense and irrespective of who may be the operator of the Subject Interests, cause

A. the Subject Interests to be maintained, and the Developed Subject Interests to be operated, improved and diligently mined for the production of Coal, all in a good and workmanlike manner and in accordance with (1) prudent coal mining practices (including, but not by way of limitation, conduct of all appropriate ventilating and pumping operations and of such practices as may be required for surface and lateral support and the reclamation of surface areas), (2) all applicable construction and other instruments and (3) all applicable federal, state and local laws, rules and regulations (except those which are being contested in good faith), to the end that each Mine now or hereafter located on any Developed Subject Interest shall produce and continue to produce Subject Coal to the extent of its capacity and the available markets for such Coal;

B. to be carried out (without in any manner limiting the matters contained in the foregoing Subsection A) the development program contemplated in Appendix I to the War Report subject, however, to any delays necessitated by force majeure;

C. all to be done that, according to generally accepted practices of prudent operators in the industry, may be appropriate to maintain and protect from diminution the quantity of Subject Coal recoverable from the Subject Interests and from such Mines located thereon;

D. all liabilities of any kind or nature incurred with respect to or related to the Subject Interest, including, without limitation, all liabilities for costs, charges and expenses, and for infringement of rights of others, incurred in or arising from the administration, operation or reversion of the Subject Interest, or the mining or processing of Subject Coal, as well as all taxes, assessments and governmental charges imposed on the Grantee or any of its properties, to be paid promptly when due, or, as to any thereof which are being contested in good faith, promptly after the determination of such contest;

E. all rentals and all royalties to be paid promptly with respect to each Subject Interest which is a leasehold, and all other obligations on the part of the Grantee with respect to the Subject Interest, expressed in or implied under any lease or expressed in or implied under any assignment or sublease thereof, to be punctually performed, and each Subject Interest, and each right of way, easement or privilege necessary or appropriate to the operation of such Subject Interest, to be kept in full force and effect, free of cancellation, forfeiture or any accrued right of termination, by the payment of whatever sums may become payable and by the performance of whatever obligations may become performable;

F. all machinery, equipment, buildings and facilities of any kind now or hereafter necessary or useful in connection with the mining or processing of Subject Coal, to be provided and owned by the Grantee free of all liens, charges and encumbrances except those consented to by the Grantor, and to be kept in good and effective operating condition, and all repairs, renewals, replacements, additions, and improvements thereof or thereto needed to such and to be promptly made, and such machinery, equipment, buildings and facilities to be kept insured, to the extent that such property is of a character usually insured against by companies operating businesses and properties of like character, against all risks usually insured against by such companies and in amounts customarily carried by such companies (or, with the consent of the Grantor, to be placed under a self-insurance program of the Grantee); provided, however, that, so long as no Remedial Event shall have occurred and be continuing, nothing

herein shall prevent disposals in the ordinary course of business of such machinery, equipment, buildings and facilities from time to time:

G. written notice to be given to the Grantor of every adverse claim or demand made by any person which may have a material adverse effect upon the Subject Interests or the Subject Coal; or the proceeds thereof, or of any proceeding instituted with respect thereto, and all necessary and proper steps to be diligently taken at the expense of the Grantor to prevent and defend the Subject Interests and the Subject Coal and the proceeds thereof against any adverse claim or demand, including, but not limited to, the employment or use of counsel for the prosecution or defense of litigation and the contest, settlement, release or discharge of any such claim or demand;

H. all of various taxes (or taxes imposed in lieu thereof) and all severance, mining, occupation, gathering, sales and other taxes and assessments of any kind whatsoever (other than taxes on or measured by the gross receipts, income or profits of the Grantor and other than franchise taxes of the Grantor) imposed or assessed with respect to or measured by or charged against or attributable to the Subject Interests or the Coal Production Payment or the Subject Coal or against the Grantor by reason of its ownership of the Coal Production Payment or against any mortgagee of the Coal Production Payment by reason of his or its mortgage interest, to be rendered and paid punctually before the same become delinquent (or, as to any thereof which are being contested in good faith, promptly after the final determination of such contest), together with any interest and penalties payable in connection therewith;

I. the properties, interests and rights referred to in Section 3.1 to be cleared, and kept free and clear, of defects and irregularities of title, and liens, charges and encumbrances of every character, whether in existence on the Effective Date or thereafter arising, other than (1) taxes constituting a lien but not yet due and payable, (2) defects or irregularities of title or liens, charges or encumbrances which do not interfere materially with the operation, value or use of any Subject Interest, or mutually agreed title hereto, (3) Production Sales Contracts,

- (4) those being contested in good faith but only during the pendency of such contest, and (5) those consented to in writing by the Grantor.

Notwithstanding any covenant of the Grantee in this Section 3.3 to the contrary, the Grantee, with respect to those Subject Interests which are operated by operators other than the Grantee, shall not be obligated to perform undertakings performable by such operators and which are beyond the control of the Grantee; provided, however, that the Grantee will promptly take all such action legally available to it to enforce or secure the performance of any such undertakings by such operators.

Section 3.4. Sales and Leases of Subject Interests and Shut-Down of Mines. So long as the Concessional Production Payment shall remain in force and effect, the Grantee shall not, without the consent of the Grantor, sell or lease any Subject Interest (or portion thereof) or shut down any Mine, except as set forth below.

A. So long as the unliquidated balance of the Primary Sum as of the close of business on or prior to any date specified in the tabulation in Section 1.3 shall be equal to or less than the amount specified opposite such date, the Grantee, without such consent, may sell or lease:

(1) One of the Concessional Production Payments Subject Interests (or portions thereof) containing not more than 2,000,000 tons of unmined Subject Ore to each purchaser or lessee in a single calendar year in the ordinary course of business of the Grantee, and

(2) Subject Interests (or portions thereof) containing not more than 25,000,000 tons of unmined Subject Ore to each independent purchaser or lessee in a single calendar year in the ordinary course of business of the Grantee if the sole consideration receivable by the Grantee for such sale or lease is a retained royalty interest which continues as a Subject Interest.

As used in Subsections A and B of this Section 3.4, the words "purchaser" or "lessee" shall be deemed to include all affiliates of a purchaser or lessee.

B. So long as the unliquidated balance of the Primary Sum of the lease of business on any date specified in the tabulation in Section 11 shall be greater than the amount specified opposite each date, the Grantee, without such consent, may sell or lease:

(1) free of the Grantee's Production Payment, Subject Interest (or portion thereof) containing not more than 500,000 tons of unmined Subject Coal to each purchaser of leases in a single calendar year in the ordinary course of business of the Grantee, and

(2) Subject Interests (or portions thereof) containing not more than 10,000,000 tons of unmined Subject Coal to each independent purchaser or lessee in a single calendar year in the ordinary course of business of the Grantee if the sale or consideration receivable by the Grantee for such sale or lease is a retained royalty interest which continues as a Subject Interest.

C. Purchasers and lessees of Subject Interests (or portions thereof) containing unmined Subject Coal sold or leased by the Grantee pursuant to Subsections A and B of this Section 2.3 shall be fully protected in relying upon a representation by the Grantee that such sales or leases are made in the ordinary course of business of the Grantee and that the unliquidated balance of the Primary Sum as of the date of business on or prior to any date specified in the tabulation in Section 11 is equal to or less than the amount specified opposite such date; provided, however, that the Grantee shall not be relieved of its liability to the Grantor for damages or other appropriate remedies as a result of any breach of the provisions of said Subsections A and B. Further, nothing in said Subsections A and B shall permit the Grantee without the prior written consent of the Grantor (1) to sell any payment out of production or other non-possessory interests or estates created out of the Subject Interests, or (2) to sell or lease interests in the Subject Interests (or portions thereof) to customers of the Grantee in substitution for sales to such customers of unmined Subject Coal. Any determination as to the applicability of said Subsection A or said Subsection B shall be made on the facts existing as the date of such sale or lease; provided, however, that if a sale or lease permitted by said Sub-

section A shall have taken place and, later in the same calendar year the provisions of Subsection B shall be applicable, the prior sale or lease pursuant to said Subsection A shall not be deemed to be a violation of this Section 23; and provided, further, that in no calendar year shall the Grantee be entitled to aggregate the respective amounts set forth in clauses (1) or in clauses (2) of said Subsections A and B.

D. The Grantee shall have the right, without such consent, to abandon, sell or lease, free of the Causal Production Payment, Subject Interests (or portions thereof, including surface interests which may override Subject Coal) which consist on the date of determination no recoverable Subject Coal included among entitled reserves in the Weir Report; provided, however, that the Grantee shall have reasonably determined that such Subject Interests (or portions thereof) will not be capable of being economically mined by the Grantee for, or be necessary or useful in connection with the mining or processing of, Subject Coal. Purchasers and lessees of Subject Interests (or portions thereof) sold or leased by the Grantee pursuant to this Subsection D shall be fully protected in relying upon a representation by the Grantee that such sales or leases are permitted by this Subsection D; provided, however, that the Grantee shall not be relieved of its liability to the Grantor for damages or other appropriate remedies as a result of any breach of the provisions of this Subsection D.

E. The Grantee shall have the right, without such consent, to abandon any Underdeveloped Subject Interest (or portion thereof) which is a leasehold interest if the lease creating such Underdeveloped Subject Interest (or portion thereof) shall require, as a condition to the Grantee's retention of such Underdeveloped Subject Interest (or portion thereof), that the Grantee commences mining Coal from such Underdeveloped Subject Interest (or portion thereof) and the Grantee shall have reasonably determined that it would not be economic to commence such mining.

F. The Grantee shall have the right, without such consent, to shut down permanently any Mine located on any Developed Subject Interest (or portion thereof) which is no longer

capable of being mined in Paying Quantities. For all purposes of this Conveyance, a Mine shall be deemed to be capable of being mined in "Paying Quantities" until both (1) a condition not of a temporary nature shall exist whereby the monthly Gross Income from the sale of Subject Coal produced from such Mine (including Gross Income attributable to Production Payment Coal) no longer exceeds the monthly costs to be taken into account in computing Net Mine Revenue with respect to such Subject Coal and which would not be incurred should production of Subject Coal from such Mine be discontinued and (2) in the light of conditions existing at the time of the determination and which are not of a temporary nature, the Grantee has reasonably determined that the aggregate future Gross Income from the sale of Subject Coal to be produced from such Mine (including Gross Income attributable to Production Payment Coal) will be less than the aggregate future costs to be taken into account in computing Net Mine Revenue with respect to such Subject Coal and which would not be incurred should production of Subject Coal from such Mine be discontinued. Whenever the Grantee shall have determined that any Mine is incapable of being mined in Paying Quantities, the Grantee shall promptly deliver an officer's certificate to the Grantor setting forth in reasonable detail the facts and projections which form the basis for such determination.

G. The Grantee shall have the right, without such consent, to shut down temporarily any Mine located on any Developed Subject Interest (or portion thereof) during the continuance of any of the following conditions:

- (1) so long as the unliquidated balance of the Priority Sum (as of the close of business on or prior to any date specified in the tabulation in Section 1.1) shall be equal to or less than the amount specified opposite such date,
- (2) so long as the production of Subject Coal from either Mine shall be increased by the approximate amount of the tonnage which, absent such shut-downs, would have been produced from the Mine temporarily shut down,
- (3) so long as a condition of a temporary nature shall exist whereby the monthly Gross Income from the sale of

Subject Coal to be produced from such Mine (including Gross Income attributable to Production Payment Coal) will be less than the monthly costs to be taken into account in computing Net Mine Revenue with respect to such Subject Coal and which would not be incurred should production of Subject Coal from such Mine be discontinued, or

(4) so long as, and to the extent that, force majeure shall prevent the production of Subject Coal from such Mine.

During the period that any such Mine shall be temporarily shut down, the Grantee shall maintain such Mine and all machinery, equipment, buildings and facilities necessary or useful in connection with the operation of such Mine in accordance with present practices in the industry under similar circumstances. For the purposes of this Conveyance the term "force majeure" shall mean acts of God, acts of the public enemy, insurrections, riots, strikes, boycotts, fires, explosions, floods, epidemics, quarantine regulations, breakdowns of or damage to machinery, equipment, buildings or facilities, freight embargoes, transportation failures, power failures, orders or acts of civil or military authority and other similar causes beyond the control of the Grantee which wholly or partially prevent the mining of Subject Coal, or the venting, transporting or delivering of Subject Coal by the carrier thereof; provided, however, that the Grantee shall use all reasonable efforts to eliminate the effect of such force majeure insofar as possible with all reasonable dispatch.

Section 14. *Defects and Liens with Respect to Developed Subject Interests.* In the event that any defects or irregularities of title, or any liens, charges or encumbrances, whether existing on the Effective Date or thereafter arising, shall have intervened with or will interfere with the production of Coal attributable to any Developed Subject Interest referred to in Appendix II to the Weir Report, or attributable to any other Developed Subject Interest a material part of the production of Coal from which has replaced the production of Coal from a Developed Subject Interest referred to in said Appendix II, the Grantee shall operate and mine the affected Developed Subject Interest in such manner as to overcome in all respects the effect of such interference, including such effect upon both the rate at which

Coal would, but for such interference, be produced from such Developed Subject Interest and the quantity of Coal to be mined therefrom. If the Grantee shall be unable by the exercise of all reasonable efforts to overcome the effect of such interference upon the affected Developed Subject Interest, then the Grantee shall complete such New Mines and/or Mine Expansions as may be necessary to overcome the effect of such interference, giving due regard to the rate at which Coal would have been mined from the affected Developed Subject Interest and the quantity, quality and value of the Coal to be mined therefrom. In discharging its obligations under this Section 2.4, the Grantee shall be entitled to credit against the Coal subject to such interference any Subject Coal which may be produced after the date of such interference from New Mines and/or Mine Expansions (whether or not completed prior to or after the date of such interference) located on Developed Subject Interests which are not replacements to the extent provided above, for Developed Subject Interests referred to in Appendix II to this Field Report. If any New Mine or Mine Expansion shall be required by the provisions of this Section 2.4, the respondent provisions of Subsection F of Section 1.3 shall not apply to that portion of the Subject Coal produced from such New Mine or Mine Expansion which is required to overcome the effect of such interference.

Prior to the occurrence of any interference referred to above (or promptly thereafter if the Grantee shall not be aware of such interference prior to the occurrence thereof), the Grantee shall furnish the Grantor with a written notice specifying in reasonable detail the facts relating to such interference, the Developed Subject Interest affected thereby, the Grantee's estimate of the effect thereof and any proposed action to be taken to overcome such effect. From time to time after the occurrence of any such interference the Grantor may request, and the Grantee shall furnish, officer's certificates setting forth in reasonable detail all action proposed or being taken to overcome the effect of such interference, including any New Mines or Mine Expansions required or expected to be completed as a result thereof, the extent to which such action has been successful in overcoming such effect, and an estimate of the continuing duration and extent of such interference. In the event that any interference referred to above shall reasonably appear to have a material effect on the production of Coal attributable to any Developed Subject Interest referred to above, the Grantor shall

be entitled to request an investigation and report by an independent engineer of its claims with respect to the effect of such interference and the adequacy of any action proposed or taken by the Grantee to overcome the effect of such interference.

Section 2.5. Reports to Grantor. So long as the Council Production Payment shall remain in force and effect, the Grantee will at its own expense furnish to the Grantor, in such number of copies as the Grantor may reasonably request, the following:

A. Within 90 days after the close of each fiscal year of the Grantee, a report prepared by or for the Grantee and in form and scope satisfactory to the Grantor concerning (1) the quantity of Subject Coal recoverable from the Developed Subject Interests, (2) the quantity of Subject Coal recoverable from the Underdeveloped Subject Interests, (3) the projected date upon which the Council Production Payment will be discharged, (4) the actions taken since the Effective Date in compliance or attempted compliance with Subsection B of Section 2.2, (5) the amount of any Reasonable Costs previously reported in an officer's certificate which remain outstanding in respect of any New Mine or Mine Expansion as of the close of each fiscal year, as well as the Grantee's estimate of the date on which such amount in respect of any New Mine will have been fully recovered by it and (6) the Grantee's estimate of Subject Coal to be produced during the fiscal year of the Grantee in which such report is dated.

B. Upon request of the Grantor, but not more than once in any calendar year, all such information and reports as are necessary to complete the forms, statements, valuation reports and other papers required by, and to meet the requirements and satisfy the requests of, the Committee on Valuation of Securities of the National Association of Insurance Commissioners, or any governmental authorities having regulatory functions affecting banks, insurance companies or mutual funds.

C. Within 30 days after the end of each quarter-annual period (based upon the fiscal year of the Grantee), a report showing for each quarter-annual period with respect to each then existing division of the Grantee, the Gross Income attributable to Subject Coal produced during each quarter-annual period, the

quantities of Subject Coal from which such Gross Income was derived, the taxes deducted from or paid out of such Gross Income, the proceeds of Production Payment Coal receivable by the Grantor out of such Gross Income, the aggregate Net Mine Revenues attributable to all Developed Subject Interests during each quarter-annual period (including a reasonable specification of the costs taken into account in computing such aggregate Net Mine Revenues), the Mine temporarily shut down during such quarter-annual period, any New Mines or Mine Expansions from which production of Coal has commenced during such quarter-annual period and such other information prepared by or for the Grantee in the ordinary course of its business as the Grantor may reasonably request; also within 90 days after the close of each fiscal year of the Grantee, a report setting forth for such fiscal year all of the information required by this Subsection C prepared on a fiscal year basis.

D. Within 90 days after the end of each calendar month, but only after receipt of a written request (which may cover any one or more months) stating that such report is for the confidential use of the recipient to the extent provided in the last sentence of this Section 2.5, a report showing with respect to each Developed Subject Interest and each Subject Interest which is a royalty interest for such calendar month, the Subject Coal produced during such month, the Gross Income attributable thereto, all taxes of the character referred to in Subsection B of Section 3.2 imposed or assessed with respect to or measured by or charged against or attributable to the Coal Production Payment or the Production Payment Coal, the proceeds of Production Payment Coal receivable by the Grantor, and, if such Subject Interest is a Developed Subject Interest, the Net Mine Revenue attributable thereto (including a reasonable specification of the costs taken into account in computing such Net Mine Revenue).

E. On or before March 31 in each year, a report showing in reasonable detail with respect to each then existing division of the Grantee, the sales and leases of Subject Interests entered into by the Grantee during the preceding calendar year in accordance with the provisions of Section 2.4.

7. Within 90 days after the close of each fiscal year of the Grantee, a certificate from the independent public accountants of the Grantee to the effect that the Grantee's records and accounts relating to the Subject Interests have been examined and have been kept in accordance with generally accepted accounting practices and that the Grantee's computations of proceeds of Production Payment Coal rentable by the Grantor for such fiscal year are accurate and in accordance with the provisions of this Conveyance.

Any information obtained or excerpts made in accordance with the provisions of this Section 5.6 or Section 5.6 below, which would not be available to the public through reports made by the Grantee or Confidential to its stockholders or reports filed by the Grantee or Confidential with governmental commissions, departments or agencies and available for public inspection shall be for the confidential use of the Grantor, the mortgagee or trustee named in any mortgage or deed of trust covering all or any part of the Coal Production Payment and the holders or prospective holders of any obligations secured by such mortgage or deed of trust in their respective capacities as such subject, lender, to the requirements of any regulatory authorities having jurisdiction over the Grantor, such mortgagee or trustee or such holders or prospective holders.

SECTION 5.6. Access to Subject Interests. The Grantee will permit any one or more representatives designated by the Grantor at any reasonable time (1) to make such inspection of the Subject Interests and the Assigned Appurtenances as such representatives shall deem proper and (2) to examine, audit and make extracts from all books and records of the Grantee concerning the Subject Interests, the operation and development thereof, and the mining of Coal therefrom.

ARTICLE FOURTH

REMEDIES

The Grantee hereby covenants as follows:

SECTION 4.1. Remedies of Grantor. Should the Grantee fail promptly to perform or observe any of the covenants, agreements or undertakings provided in this Conveyance to be performed or observed

by the Grantee and such failure remains unremedied for more than 30 days after written demand for performance or observance is made of the Grantee by the Grantor, or should any obligation of the Grantee or of Continental Oil Company, a Delaware corporation (herein called "Continental"), for the payment of borrowed money or the deferred purchase price of property not be paid at maturity, whether by acceleration or otherwise, or should Continental at any time cease to own 100% of each class of the issued and outstanding capital stock of the Grantee, or should the Grantee or Continental become insolvent or make an assignment for the benefit of creditors or be adjudicated a bankrupt or admit in writing its liability to pay its debts generally as the same become due, or should any proceedings be instituted by the Grantee or Continental under any state or federal law for relief of debtors or for the appointment of a receiver, trustee or liquidator of the Grantee or Continental or of any of the Subject Interests, or should a voluntary petition in bankruptcy or for reorganization or for an adjudication of the Grantee or Continental as an insolvent or a bankrupt be filed, or should a receiver, trustee, or other officer appointed by any court or any sheriff, constable, marshal or similar governmental officer under color of legal authority seize any substantial portion of the Subject Interests or of the Subject Coal and hold possession thereof for a period of 30 days, then, so long as any such event (herein called a "Remedial Event") shall have occurred and be continuing, the Grantor, in addition to all other remedies available to it at law or in equity,

A. shall thereupon and thereafter have the continuing right, privilege and option (but shall be under no duty)

(1) to effect performance or observance, on behalf and at the expense of the Grantee, of each covenant, agreement or undertaking as have not been performed or observed by the Grantee, in which event the Grantor may advance funds and incur and pay bills for expenses for such purposes, and/or

(2) to pay any of the costs, expenses, fees, taxes, assessments, governmental charges, liabilities, rebates, royalties and other amounts which the Grantee has agreed to pay under any of the provisions of this Conveyance and which have become delinquent.

and may, in either case, at the option of the Grantor, be reimbursed out of the proceeds of the Subject Coal attributable to the Grantee's interest therein, together with interest on the unreimbursed amounts at the rate of 6% per annum from the date of such advancement or payment, and any purchaser of such Subject Coal is authorized and directed to remit directly to the Grantor all amounts payable by such purchaser for the Subject Coal attributable to the Grantee's interest therein to the extent of the amount which the Grantor shall certify to such purchaser that it has advanced or paid and which the Grantee is obligated to pay hereunder and, to the extent that such unreimbursed amounts plus interest as aforesaid are not paid from the Grantee's interest in the proceeds of the Subject Coal, the Grantee shall reimburse the Grantor therefor upon demand, and

B. upon written notice to the Grantee by the Grantor, shall succeed to all rights of the Grantee with respect to the possession, operation, mining, exploration and development of the Subject Interests held by it (including, without limitation, all rights of the Grantee under the Production Sales Contract), and may use in connection therewith the Assigned Apparatus and all other properties and rights of a similar character acquired by virtue of or in connection with the Grantee's ownership of the Subject Interests then held by the Grantee and necessary or useful in connection with the administration, operation, mining, development or exploration of the Subject Interests or the selling, handling, gathering, treating, processing, storing, marketing or transporting of the Subject Coal, and the Grantee covenants to deliver possession to the Grantor for the purposes of this Section B, and the Grantor shall have the right, on behalf and for the account of the Grantee, to drill and utilize all the Subject Coal attributable to the Grantee's interests therein and to apply the proceeds thereof to the costs and expenses (including capital fees) of the administration, operation, mining, development and exploration of the Subject Interests or the mining, handling, gathering, treating, processing, storing, marketing or transporting of the Subject Coal and to reimburse the Grantor for any amounts expended by the Grantor in payment of such costs and expenses, and, to the extent that such amounts are not paid out of the Grantee's interests in the pro-

needs of such Subject Coal, the Grantee shall reimburse the Grantor upon demand for all such amounts so expended, together with interest on the unreimbursed amounts at the rate of 6% per annum from the date of such expenditure, and

C. shall be entitled to specific performance or observance of such covenants, agreements or undertakings or to apply to a court of equity in aid of the execution of any power herein granted and for the appointment of a receiver of the interests in the Subject Interests held by the Grantee, the Subject Coal attributable to such interests and the Assigned Appurtenances.

All rights and remedies to which the Grantor shall have become entitled under this Section 4.1 shall terminate either: (i) when the Consol Production Payment is discharged or terminates and all amounts then due and payable to the Grantor pursuant to this Section 4.1, including amounts payable for interest as aforesaid, shall have been duly paid in full, or (ii) at such earlier date when no Remedial Event shall be continuing and all such amounts shall have been duly paid in full, without prejudice, however, to the exercise of any rights and remedies herein conferred upon the Grantor in the event of any subsequent failure of the Grantee to perform or observe any of the covenants, agreements or undertakings provided in this Conveyance to be performed or observed by the Grantee. No provision of this Conveyance shall be construed to relieve the Grantee of any liability to the Grantor for damages or other appropriate remedies as a result of any breach of the covenants, agreements and obligations of the Grantee contained in this Conveyance.

ARTICLE FIFTH WARRANTY OF TITLE

Section 5.1. *Warranty of Title.* The Grantor warrants that, immediately prior to the delivery of this Conveyance, the Grantor had good and marketable title, free and clear of liens, charges and encumbrances, to all the properties, interests and rights shown as owned, leased or otherwise held by the Grantor on those certain maps set forth in Appendix III to the Wafr Report, which maps have been marked for identification by the Grantor, the Grantee, the Production Payment Grantee and Paul Wafr Company, Incorporated, except (i) taxes con-

extending a line but not yet due and payable, (3) defects or irregularities of title or liens, charges or encumbrances which are not such as to interfere materially with the operation, value or use of such properties, interests and rights, or materially affect title thereto, (8) Production Release Contracts, and (4) defects or irregularities of title or liens, charges or encumbrances computed in writing by the Grantee. Subject to the Consent Production Payment and to items (1) through (4) above, the Grantor hereby binds itself to warrant and forever defend all and singular such properties, interests and rights, and the Assigned Appurtenances unto the Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof. The conveyance in this Part I is made with full substitution and subrogation of the Grantee in and to all covenants and warranties heretofore given or made by others in respect of such properties, interests and rights or the Subject Interests or the Assigned Appurtenances or any part of any thereof.

ARTICLE SIXTY

ASSIGNMENT

Section 61. *Sale, etc. of Subject Interests.* Except as permitted by Section 54, the Grantee shall not, without the consent in writing of the Grantor, while the Consent Production Payment shall remain in force and effect, make any surrender, abandonment, release, sale, conveyance, assignment, lease or sublease, in whole or in part, of any of the Subject Interests.

Section 62. *Sale of Consent Production Payment.* Nothing herein contained shall in any way limit or restrict the right of the Grantor to sell, convey, assign, mortgage or pledge the Consent Production Payment, in whole or in part.

Section 63. *Rights of Mortgagees or Trustees.* If the Grantor shall at any time execute a mortgage or deed of trust covering all or any part of the Consent Production Payment as security for any obligation, the mortgagee, the trustee or the assignee therein named, or the holders of the obligations secured hereby, shall be entitled, to the extent such mortgage or deed of trust so provides, to exercise all of the rights, remedies, powers and privileges herein retained by or conferred upon the Grantor and to give or withhold all consents required to be obtained from the Grantor hereunder by the Grantee.

ARTICLE SEVENTH

Miscellaneous

SECTION 71. *Notices.* Any notice, request, demand, report or other instrument which may be required or permitted to be given to any party hereto or other person succeeding to any interest of a party hereto shall be deemed sufficiently given if in writing and delivered to such party or person or to an agent of such party or person or deposited in the United States mail in a sealed envelope, first class mail, with postage prepaid, addressed to such party or person at its or his address stated in this Conveyance, or at such other address as the party or person to be addressed shall have designated by written notice to each such party or person.

SECTION 72. *Further Assurances.* So long as authorized by applicable law as to do, the Grantor and the Grantee will execute and deliver all such other deeds, conveyances, instruments, notices, releases, acquittances and documents, and will do all such other acts and things, as may be necessary more fully to secure to each other party or its successors or assigns all of the respective rights, titles, interests, estates, remedies, powers and privileges herein and hereby granted, bargained, sold, conveyed, assigned, transferred, set over and delivered, or excepted, reserved and retained, or intended to be.

SECTION 73. *Certain Separate Assignments.* It is understood and agreed that with respect to Coal, mineral, mining or other leases, rights, or interests in which, are included in the Subject Interests, from the United States of America or from one or more states or agencies thereof, or from Indian tribes, bands or groups or on lands allotted to Indians in severalty, separate assignments or approved forms may be executed by the Grantor to the Grantee, in sufficient conformity to fulfill applicable statutory and regulatory requirements, and that said assignments, although unqualified in form or, in the case of leases or interests therein from the United States of America not specifically containing all of the terms and provisions hereof, shall be deemed to contain all of the exemptions, exceptions, reservations, rights, titles, interests, estates, remedies, powers and privileges set forth herein which constitute the Coal Production Payment as fully to all interests

and purposes as though the same were set forth at length in each such assignment. The interests conveyed by such separate assignments are the same as, and not in addition to, the interests herein conveyed.

Section 7.4. Failure of Title, etc. No transfer by the Grantor to the Grantee of any part of the Subject Interests and no failure of title to, or abandonment of, any part of the Subject Interests shall have the effect of reducing the Production Payment Percentages referred to in Section 1.1 as to the Subject Interests as constituted after said transfer, failure of title or abandonment, or of reducing the amount of the Causal Production Payment or of creating any effect or other prejudice to the Causal Production Payment, and the Causal Production Payment shall continue in full force and effect as to all other Subject Interests.

Section 7.5. Successors and Assigns. All the covenants, warranties and statements of the Grantee and the Grantor contained in this Part I shall be deemed to be covenants running with the land. All of the provisions of this Part I shall inure to the benefit of and be binding upon the respective successors and assigns (including, without limitation, the Production Payment Grantee) of the Grantor and the Grantee. All references herein to either the Grantor or the Grantee shall include their respective successors and assigns (including, without limitation, the Production Payment Grantee), except that the term "Grantor" as used in Section 1.1 (to and including Subsection C thereof), in Sections 6.1, 7.3 and 7.5 and in Exhibit A shall not include the Production Payment Grantee referred to in Part II of this Conveyance or any successors and assigns of said Production Payment Grantee and the term "Grantor" as used in this Conveyance shall not include any collection agent of any mortgagee or assignee for security purposes of the Grantor appointed by such mortgagee or assignee with the consent of the Grantee.

Section 7.6. Assumption. The Grantee hereby expressly assumes for the benefit of the Grantor the performance and observance of all covenants and conditions under contracts, as well as all obligations arising by operation of law, imposed on the owner of the Subject Interests, except such as may only be performed or observed by the Grantor.

PART II
Conveyance of Production Payment

ARTICLE EIGHTH

Conveyance of Production Payment

Section 8.1. Conveyance. The Production Payment Grantor, for valuable consideration paid by the Production Payment Grantee, the receipt and sufficiency of which are hereby acknowledged, by these presents does, effective as of the Effective Date, grant, bargain, sell, convey, assign, transfer, set over and deliver unto the Production Payment Grantee, its successors and assigns, the Consoil Production Payment, it being the intention of the Production Payment Grantor by this Part II to grant, bargain, sell, convey, assign, transfer, set over and deliver unto the Production Payment Grantee all right, title, interest, estate, remedies, powers and privileges of the Production Payment Grantor in the Subject Interests and in the Consoil Production Payment accepted, reserved and retained as provided in Part I of this Conveyance.

To Have And To Hold the Consoil Production Payment, together with said right, title, interest, estate, remedies, powers and privileges, unto the Production Payment Grantee, its successors and assigns, forever.

Section 8.2. Covenants and Warranties of Production Payment Grantor. The Production Payment Grantor covenants and warrants that:

- A. the Production Payment Grantor has the legal right and authority to grant, bargain, sell, convey, assign, transfer, set over and deliver the Consoil Production Payment;
- B. the entire Consoil Production Payment is undiminished and the Production Payment Grantor has not received any portion thereof or substitute therefor;
- C. the Production Payment Grantor has not received any notice of default or claimed default of any kind whatsoever, with respect to or affecting Subject Interests which, individually or in the aggregate, are of material importance in relation to the Subject Interests as a whole;

D. all taxes and assessments of any kind whatsoever levied upon or assessed against or measured by the production of Coal securing or attributable to the Connel Production Payment have been duly paid or provided for;

E. there are no suits or proceedings pending or, to the knowledge of the Production Payment Grantor, threatened against or affecting the Production Payment Grantor of any of the Subject Interests before any court or by or before any governmental commission, bureau or agency, except as heretofore specified in writing by the Production Payment Grantor to the Production Payment Grantee; and

F. the Production Payment Grantor has duly complied with all laws, regulations and rulings of any court, governmental commission, bureau or other regulatory agency, state or federal, materially affecting any of the Subject Interests.

SIXTH R.R. Warranty of Title. The Production Payment Grantor warrants that, immediately prior to the delivery of this Conveyance, the Production Payment Grantor had good and marketable title, free and clear of liens, charges and encumbrances, to the Connel Production Payment interest on it unless it is or is dischargeable from the properties, interests and rights referred to in Section 6.1, except (1) taxes constituting a lien but not yet due and payable, (2) defects or irregularities of title or liens, charges or encumbrances which are not such as to interfere materially with the operation, value or use of each property, interests and rights, or materially affect title thereto, (3) Production Easement, and (4) defects or irregularities of title or liens, charges or encumbrances contained in writing by the Production Payment Grantee. Subject to items (1) through (4) above, the Production Payment Grantor hereby binds itself to warrant and forever defend unto the Production Payment Grantee the Connel Production Payment interest and, to the extent that the Connel Production Payment relates thereto or is dischargeable therefrom, all such properties, interests and rights, against every person whatsoever lawfully claiming or to claim the same or any part thereof. The conveyance in this Part II is made with full substitution and subrogation of the Production Payment Grantee in and to all covenants and warranties heretofore given or made by others in respect of the Connel Production Payment or such properties, interests and rights or the Subject Interests, or any part of any thereof.

Section 84. *Further Assurances.* So long as authorized by applicable law as to do, the Production Payment Grantor will execute and deliver to the Production Payment Grantee all such other deeds, conveyances, instruments, notices, releases, acquittances and documents, and will do all such other acts and things, as may be necessary more fully to assure to the Production Payment Grantee, its successors and assigns, all of the rights, titles, interests, estates, remedies, powers and privileges herein and hereby granted, bargained, sold, conveyed, assigned, transferred, set over and delivered, or intended so to be.

Section 85. *Production Payment Grantor Not Liable.* The Production Payment Grantor shall not be personally liable for the discharge of the Consolidation Payment, and the Production Payment Grantee shall look exclusively to the Production Payment Coal, and the proceeds thereof, for the discharge of the Consolidation Payment.

Section 86. *Assignability of Production Payment by Production Payment Grantee.* Nothing herein contained shall in any way limit or restrict the right of the Production Payment Grantee to sell, convey, assign, mortgage or pledge the Consolidation Payment, in whole or in part.

Section 87. *Successors and Assigns.* All the covenants, warranties and agreements of the Production Payment Grantor contained in this Part II shall be deemed to be covenants running with the land. All references herein to the Production Payment Grantor or the Production Payment Grantee shall include their respective successors and assigns.

In WITNESS WHEREOF, the parties hereto have caused this Instrument of Conveyance, consisting of Part I and Part II, to be duly executed on this date specified in the acknowledgments annexed hereto, in several counterparts (one of which with all the property descriptions included in Exhibit A is on file at the office of Consolidation Coal Company, a Delaware corporation, one of which with all said property descriptions is to be recorded in Montgomery County, Illinois, one of which with all said property descriptions is to be recorded in Belmont County, Ohio, one of which with all said property descriptions is to be recorded in Marion County, Pennsylvania and one of which with all said property descriptions is to be recorded in Marion County, West Virginia), each of which is an original and all of which are identical.

not, except that, to facilitate recollection, there are omitted from certain counterparts these property descriptions in Exhibit A which contain descriptions of property located in recording jurisdictions other than the jurisdiction in which the particular counterpart is to be recorded. Each of the counterparts hereto is executed shall for all purposes be deemed to be an original, and all such counterparts shall together constitute but one and the same instrument of conveyance, consisting of Part I and Part II.

Concomitant Oath Conveyer
(A Pennsylvania corporation)

By *[Signature]*
[Name], Vice President

(Conveyer Seal)



The address of Concomitant Oath Conveyer,
a Delaware corporation, is:
Koppers Building
430 Seventh Avenue
Pittsburgh, Pennsylvania 15219

Concomitant Oath Conveyer
(A Delaware corporation)

By *[Signature]*
[Name], Vice President

(Conveyer Seal)



The address of Concomitant Oath Conveyer,
a Delaware corporation, is:
Koppers Building
430 Seventh Avenue
Pittsburgh, Pennsylvania 15219



45

WILLIAM COAL CORPORATION

(Overseas Bank)

Attest:

A. D. King
A. D. King, President

The address of William Coal Corporation,
a Delaware corporation, is:
801 Wilmington Trust Building
Wilmington, Delaware 19801

Executed by *W. L. Johnson*
W. L. Johnson, Secretary

W. L. Johnson
W. L. Johnson, Secretary

W. L. Johnson
W. L. Johnson, Secretary

By *W. L. Johnson*
W. L. Johnson, Secretary

WILLIAM COAL CORP.

Vol. 157 p. 99

State of Delaware }
Court of New Castle } ss.:

Do it Remempered that I, LAWRENCE E. WINE, a Notary Public duly qualified, commissioned and sworn and acting in and for the county and state aforesaid, hereby certify that on this 8th day of September, 1966:

There appeared before me severally each of the following persons, each the designated officer of the corporation set opposite his name, each such corporation being a corporation of the State indicated and being a party to the foregoing instrument:

H. W. SIEUX, a Vice President and J. E. NORRIS, an Assistant Secretary, of Consolidation Coal Company (Pennsylvania);

N. B. MAYER, a Vice President, and C. M. GORN, an Assistant Secretary, of Consolidation Coal Company (Delaware);

W. W. BROWN, JR., a Vice President, and A. DANKERT, an Assistant Secretary, of William Oat Corporation (Delaware).

On this day personally came before me each such person, the designated officer of the corporation set opposite his name, each corporation being a party to this foregoing instrument, each such person being personally known to me to be such officer, and each acknowledged that the said instrument is his own act and deed, and the act and deed of said corporation; that the signature of each officer is in his own proper handwriting; that the seal affixed is the corporate seal of the said corporation; and that his act of making said foregoing instrument was duly authorized by resolution of the Directors of the said corporation.

Each such person known to me to be the designated officer of the corporation set opposite his name, and personally known to me to be the same person whose name is subscribed to the foregoing instru-

each appeared before me this day in person, and acknowledged that he signed the said instrument of writing as such officer of said corporation, and obtained the corporate seal of said corporation to be affixed thereto pursuant to the authority given by the Board of Directors of said corporation, as his free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Before me personally appeared each of the above persons, to me known, who, being by me duly sworn according to law, did acknowledge that he is such officer of the corporation set opposite his name, which corporation recited the foregoing instrument and I having first made known to each the contents thereof, each did acknowledge that said instrument is the act and deed of said corporation for the purposes therein expressed and is the act and deed of such officer thereof.

Before me on this date appeared each such person, to me personally known, each of whom, being by me duly sworn, did say that he is the designated officer of the corporation set opposite his name, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and each such person acknowledged said instrument to be the free act and deed of said corporation.

On this date before me personally appeared each such person, known to me to be the designated officer of the corporation set opposite his name that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Before me personally appeared each such person known to me to be the designated officer of the corporation set out above after his name, which corporation executed the foregoing instrument, and each signed the same and acknowledged to me that he did so sign said instrument in the name and upon behalf of said corporation as such officer, and that the same is the free act and deed of such officer and the free and

NOTARIAL IN NO. 157 MAY 1904

corporate act and deed of said corporation, and that the same was duly authorized by its Board of Directors, and that the seal affixed to said instrument is the corporate seal of said corporation.

On this day personally came before me each such person, the designated officer of the corporation set opposite his name, each corporation being a party to the foregoing instrument, each such person being personally known to me to be such officer, and each acknowledged that the said instrument is his own act and deed and the act and deed of said corporation; that the signature of each officer is in his own proper handwriting; that the seal affixed to the corporate seal of the said corporation; and that his act of signing and executing said instrument was duly authorized by resolution of the Directors of the said corporation.

On this day, before me appeared each such person, to me personally known, each of whom, being by me duly sworn, did say that he is the designated officer of the corporation set opposite his name and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors and each acknowledged said instrument to be the free act and deed of said corporation.

On this date personally appeared before me each such person, who, being by me duly sworn, did say that he is the designated officer of the corporation set opposite his name, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and each such person acknowledged to me that said corporation executed the same.

Each of the above persons, whose name is the designated officer of the corporation set opposite his name is signed to the foregoing writing dated as of September 15, 1908, has acknowledged the same before me in the County and State aforesaid.

Each such person who signed the writing above, dated as of September 15, 1908, for the corporation set opposite his name, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

15-10-1008

NO 157 1008

In Witness Whereof I have hereunto set my hand and official seal at the City of Wilmington, County of New Castle, State of Delaware, this 6th day of September, 1966.

Lawrence E. Watt
 Lawrence E. Watt
 Notary Public of Delaware

My commission expires
 June 6, 1967

[NOTARIAL SEAL]

HARRISON COUNTY ENGINEER

Description approved _____
 Area transferred _____ sq. ft., acres
 By *W. H. H.*

2728

Received	SEP 12, 1966
by	SEP 12, 1966
Volume	157
Page	157
Recorded	SEP 12, 1966
Indexed	SEP 12, 1966
Filed	SEP 12, 1966
F. H. HARRISON, Auditor	

Vol. 157 No. 103

ATTACHED TO AND FORMED A PART OF THIS INSTRUMENT OF CONVEYANCE DATED AS OF SEPTEMBER 15, 1968 consisting of Part I, a CONVEYANCE OF COAL, PATENTING AND RESERVATION OF PATENTING PAYMENT FROM CONSOLIDATION COAL COMPANY, A PENNSYLVANIA CORPORATION, TO WILLIAM COAL CORPORATION, A DELAWARE CORPORATION, AND PART II, A CONVEYANCE OF PATENTING PAYMENT FROM CONSOLIDATION COAL COMPANY, A PENNSYLVANIA CORPORATION, TO WILLIAM COAL CORPORATION, A DELAWARE CORPORATION.

This Exhibit A contains the descriptions of those Subject Interests which are referred to in Section 1.1 of this Conveyance as being described or referred to in Exhibit A. Terms previously defined in this Conveyance and not otherwise defined in this Exhibit A are used in this Exhibit A as previously defined. This Exhibit A is divided into ten Divisions, one for each of the states in which each Subject Interest is located, namely, Illinois, Kentucky, New Mexico, North Dakota, Ohio, Pennsylvania, Tennessee, Utah, Virginia and West Virginia. Each Division is further divided into one or more Subdivisions, one for each county in which each Subject Interest (or portions thereof) are located. Where a particular description includes properties, interests or rights in two or more counties, such description is set forth in each Subdivision affected thereby, except that Subdivisions 602, 603 and 604 each contain descriptions of properties, interests or rights in two counties.

The formats of, and degree of detail in, the descriptions contained herein may vary from Division to Division and from Subdivision to Subdivision. Such variations have been adopted for the convenience of the parties and to comply with local law and usage and no presumption shall arise as a result of any such variations. Each Subdivision contains a preface setting forth an explanation of the format of the descriptions herein. Where descriptions of Subplot interests are by reference to the deeds, leases or other instruments pursuant to which the interests were acquired, the descriptions shall be identified by the Grantor by the Predecessors (hereinafter defined) obtained by or through the Grantor, and, if the interest is a lease, the term of the lease, their title or other rights, there are included the names of the parties to each such instrument, the volume and page of the appropriate records of the county in which each instrument is recorded (to the extent available), the date of each instrument and, in certain cases, the type of instrument or other information. In two of the cases, the type of instrument or other information. In two of the cases, the type of instrument or other information. In two of the cases, certain leases or other instruments from the United States, a title, certain leases or other instruments from the United States, a title, certain leases or other instruments from the United States, a title,

pursuant to a Plan of Reorganization dated July 12, 1935—Cons. Coal Co. (Del.) merged into Pitt Coal Co. on November 23, 1945 and the name of the surviving corporation was changed to Pitt. Cons. Coal Co.;

3. Pittsburgh Coal Company, a Pennsylvania corporation ("Pitt. Coal Co.");

4. Pittsburgh Coal Company of Pennsylvania, a Pennsylvania corporation ("Pitt. Coal Co. of Pa.");

5. The Monongahela River Consolidated Coal & Coke Company, a Pennsylvania corporation ("The Monon. River Consol. Coal & Coke Company");

6. Pennsylvania Mining Company, a Pennsylvania corporation ("Pa. Mining Co.");

7. Christopher Coal Company, a West Virginia corporation;

8. The Pureglove Coal Mining Company, an Ohio corporation;

9. Truax-Truax Coal Company, a Delaware corporation;

10. Truax-Truax Division of Consolidation Coal Company (a division of the Grantor and not a separate corporation);

11. Bransford Mining Corporation, an Illinois corporation;

12. Universal Coal Washing Company, an Illinois corporation;

13. Pocahontas Fuel Company, Division of Consolidation Coal Company (a division of the Grantor and not a separate corporation);

14. Northern Reserve Coal Co., a West Virginia corporation;

15. Southern Reserve Coal Co., a West Virginia corporation; and

16. Ohio Reserve Coal Co., an Ohio corporation.

Bond County
Fulton County
Jackson County
Montgomery County
Perry County
Randolph County

STATE OF OHIO

Belmont County
 Carroll County
 Harrison County
 Jefferson County
 Muskingum County

COMMONWEALTH OF PENNSYLVANIA

Allegheny County
 Washington County
 Westmoreland County

COMMONWEALTH OF VIRGINIA

Buchanan County
 Fawcett County

STATE OF WEST VIRGINIA

Harrison County
 Marion County
 Marshall County
 McDowell County
 Mingo County

Where an instrument of title into the Grantor or a Predecessor is described or referred to under a county in this Exhibit A and is also described or referred to in Annex A to the Non-Mining Deed under a county which is not included in this Exhibit A, the reference to such instrument in this Exhibit A is not intended to cover properties, interests or rights located in the county listed in said Annex A, but not included in this Exhibit A.

Any recitations in the specific descriptions contained in this Exhibit A that certain of the Subject Interests are subject to specific agreements or other instruments shall not operate to subject any such interest to any such agreement or other instrument except to the extent that such agreement or other instrument is presently subsisting and is otherwise valid with respect to such interest; nor shall any reference to any such agreement be deemed to constitute a recognition

by the parties hereto that any such agreement or other instrument is valid except to the extent that such agreement or other instrument is presently in force and effect.

The Subject Interests are conveyed subject to the following:

(1) All valid and presently subsisting easements or rights of way, either of record or apparent on the ground, including roads, railroads, pipelines, power transmission, telephone, telegraph, cable and other transmission systems or rights of way, oil and gas leases, wells and reservation of rights to drill for oil, gas and water; and

(2) All prior valid conveyances by the Grantor, or any Predecessor, to third persons of portions of the Subject Interests described or referred to in this Exhibit A, or of any rights, titles or interests therein, as well as all prior valid lease agreements, support agreements and other encumbrances made or granted by the Grantor or any Predecessor in favor of third persons, but only to the extent that any of the aforesaid shall have been duly recorded prior to the Effective Date or are specifically described or referred to in this Exhibit A.

Counterparts of this Conveyance having annexed thereto all Divisions and Subdivisions of this Exhibit A contain a table of contents to such Divisions and Subdivisions. Such table has been omitted from the counterparts of this Conveyance containing less than all Subdivisions, which counterparts have been prepared to facilitate recordation as provided on pages 43 and 44 of the text of this Conveyance.

EXHIBIT A
DIVISION V. STATE OF OHIO
Subdivision 5.04 Harrison County

The tax mailing address of the Grantor, Consolidation Coal Company, a Delaware corporation, is Consolidation Coal Company, Chas., Ohio.

The property descriptions in this Subdivision 5.04 are by reference to the instruments of title into which are the prior recorded instruments by which this Grantor claims title) and out of the Grantor, Consolidation Coal Company ("Cons. Coal Co. (Penn.)") or a predecessor. As of May 1, 1953, the Grantor changed its name from Pittsburgh Consolidation Coal Company ("Pitt. Cons. Coal Co.") and a certificate of such change of name was filed with the Secretary of State of Ohio on May 16, 1953 and was recorded on July 14, 1953 in Volume 12, Page 112 of the Special Records in the Recorder's Office in Harrison County, Ohio. This Subdivision 5.04 is divided into seven groups as follows:

- (1) Conveyances to Pitt. Cons. Coal Co., Ohio Reserve Coal Co. and Cons. Coal Co. (Penn.)
- (2) Leases and agreements to Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.)
- (3) Easements to Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.)
- (4) Conveyances from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Subdivision 5.04.
- (5) Leases and agreements from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Subdivision 5.04.
- (6) Easements and rights of way from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Subdivision 5.04.
- (7) Encumbrances affecting certain of the properties described in this Subdivision 5.04.

Harrison County, Ohio

Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
1.	John DeCorte and Myrtle DeCorte	Pitt. Cons. Coal Co.	7-10-48	119	481	Deed
2.	Joseph H. Porter	Pitt. Cons. Coal Co.	7-24-46	119	525	Deed

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
3.	Harvey T. Elliott, et al.	Pitt. Cons. Coal Co.	7-23-46	119	626	Deed
4.	Steve Ciroliks	Pitt. Cons. Coal Co.	7-30-46	119	581	Deed
5.	Floyd Reppart & Mary Lyle Reppart	Pitt. Cons. Coal Co.	8-1-48	119	586	Deed
6.	E. K. Culverhouse & Katherine Culverhouse	Pitt. Cons. Coal Co.	8-1-48	119	597	Deed
7.	Agnes Tomaszuk & Peter Tomaszuk	Pitt. Cons. Coal Co.	8-12-48	119	613	Deed
8.	Amy Agnes Henderson & G. Walter Henderson	Pitt. Cons. Coal Co.	8-12-48	119	614	Deed
9.	W. B. Griffith, et al.	Pitt. Cons. Coal Co.	9-27-48	120	208	Deed
10.	New Pittsburgh Coal Company	Pitt. Cons. Coal Co.	10-31-48	122	179	Deed
11.	Floyd H. Dickerson & Edna T. Dickerson	Pitt. Cons. Coal Co.	11-4-48	120	206	Deed
12.	John H. Moorhead	Pitt. Cons. Coal Co.	11-7-48	120	228	Deed
13.	J. B. Welch & Bertha V. Welch	Pitt. Cons. Coal Co.	11-11-48	120	250	Deed
14.	Lewis Yates & Minnie Yates	Pitt. Cons. Coal Co.	11-13-48	120	253	Deed
15.	Hanna Lands Company	Pitt. Cons. Coal Co.	6-8-46	120	545	Deed
16.	John King Missio, Trustee	Pitt. Cons. Coal Co.	12-8-48	120	469	Deed
17.	J. A. Gordon & Henrietta C. Gordon	Pitt. Cons. Coal Co.	1-4-47	120	486	Deed
18.	Mary Balcar, et al.	Pitt. Cons. Coal Co.	1-31-47	120	587	Deed
19.	Dale L. Lude & Harriet Lude	Pitt. Cons. Coal Co.	2-8-47	120	593	Deed

Hudson County, Ohio

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Page No.	Grantor	Grantee	Date of Instrument	Harris County Record of Deeds		Instrument
				Vol.	Page	
20	Mina M. Smith & John W. Smith	Pitt. Cons. Coal Co.	2-9-53	130	521	Deed
21	Adon M. Dunlap & Edith L. Dunlap	Pitt. Cons. Coal Co.	3-19-47	121	60	Deed
22	[This item No. intentionally left blank.]					
23	Michael Gallagher	Pitt. Cons. Coal Co.	1-27-54	135	271	Deed
24	Michael Gallagher	Pitt. Cons. Coal Co.	1-27-54	136	269	Deed
25	Charles Compher & Sadie E. Compher	Pitt. Cons. Coal Co.	3-28-47	121	68	Deed
26	Lura Salway, et vic	Pitt. Cons. Coal Co.	3-27-47	121	100	Deed
27	Lizzie E. Culbertson	Pitt. Cons. Coal Co.	4-2-47	121	125	Deed
28	William M. Culbertson, et ux	Pitt. Cons. Coal Co.	4-2-47	121	142	Deed
29	Floyd C. Dunlap	Pitt. Cons. Coal Co.	4-2-47	121	133	Deed
30	Mary Dunlap Culbertson	Pitt. Cons. Coal Co.	4-18-47	121	232	Deed
31	H. Stanley Dunlap & Esther Dunlap	Pitt. Cons. Coal Co.	4-19-47	121	249	Deed
32	Ira W. Dickerson, et al.	Pitt. Cons. Coal Co.	8-7-47	121	399	Deed
33	Finley Acres & Elsie Lee Amos	Pitt. Cons. Coal Co.	8-4-47	121	426	Deed
34	Harry C. Reed & Sarah Reed	Pitt. Cons. Coal Co.	8-4-47	121	427	Deed
35	Frank J. McGarran	Pitt. Cons. Coal Co.	8-13-47	121	438	Deed
36	The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Company	Pitt. Cons. Coal Co.	6-17-47	122	510	Deed

(28)
Harris County, Ohio

(24)

Item No.	Grantee	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
37.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	10-11-47	122	414	Deed
38.	The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Company	Pitt. Cons. Coal Co.	6-1-53	124	273	Deed
39.	C. C. Dunlap & Sons L. Dunlap	Pitt. Cons. Coal Co.	7-23-47	123	14	Deed
40.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	7-29-47	122	53	Deed
41.	Michael Johnson	Pitt. Cons. Coal Co.	6-12-47	122	60	Deed
42.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	8-18-47	122	189	Deed
43.	William A. Ross	Pitt. Cons. Coal Co.	8-25-47	122	111	Deed
44.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	9-30-47	122	311	Deed
45.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	9-30-47	70	303	Deed
				(acrossed out recorded in Mortgage Records)		
46.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	9-30-47	122	344	Deed
47.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	9-30-47	122	438	Deed
48.	Lewis Murphy & Eliza Murphy	Pitt. Cons. Coal Co.	10-9-47	122	307	Deed
49.	Othor E. Dickerson, et al.	Pitt. Cons. Coal Co.	10-10-47	122	340	Deed

Harrison County, Ohio

303-11-161

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Deed No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type
				Vol.	Page	
50.	John DeCorte & Myrtle DeCorte	Pitt. Cons. Coal Co.	11-29-47	122	522	Deed
51.	The Porter Coal Company & The Consolidated Fuel Company	Pitt. Cons. Coal Co.	10-30-47	122	483	Deed
52.	The Porter Coal Company & The Consolidated Fuel Company	Pitt. Cons. Coal Co.	10-30-47	122	481	Deed
53.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	10-31-47	123	454	Deed
54.	William Chad Company	Pitt. Cons. Coal Co.	11-1-47	123	333	Deed
55.	James C. & Lewis M. Druehl	Pitt. Cons. Coal Co.	11-1-47	123	443	Deed
56.	Charles Dayton	Pitt. Cons. Coal Co.	12-5-47	122	223	Deed
57.	Floyd E. Howell, et al.	Pitt. Cons. Coal Co.	12-5-47	122	577	Deed
58.	The Providence Mining Company	Pitt. Cons. Coal Co.	12-22-47	123	83	Deed
59.	Victoria E. Anderson	Pitt. Cons. Coal Co.	12-29-47	122	617	Deed
60.	Thomas J. Bennett & Ruth L. Bennett	Pitt. Cons. Coal Co.	12-31-47	122	623	Deed
61.	The Consolidated Fuel Company	Pitt. Cons. Coal Co.	1-8-48	123	494	Deed
62.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	1-9-48	123	229	Deed
63.	Mary Wajacki	Pitt. Cons. Coal Co.	1-10-48	123	71	Deed

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Harrison County, Ohio

CHAS. T. CO. INC.

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Doc. No.	Grantor	Grantee	Recorded County Record of Deeds		Type of Instrument
			Date of Instrument	Vol. Page	
64.	[This item No. intentionally left blank.]				
65.	B. Frank Thompson, et al.	Pitt. Cons. Coal Co.	2-2-48	123 225	Deed
66.	[This item No. intentionally left blank.]				
67.	William H. Alexander, et al.	Pitt. Cons. Coal Co.	3-11-48	123 323	Deed
68.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	5-18-48	124 69	Deed
69.	George T. Porter & Florence M. Porter	Pitt. Cons. Coal Co.	5-20-48	124 79	Deed
70.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	4-28-48	123 500	Deed
71.	The Powhatan Mining Company	Pitt. Cons. Coal Co.	4-30-48	123 507	Deed
	Excepting from the above item No. 71 Parcel 3 and Tract 2 of Parcel 4.				
72.	Nellie B. Christy	Pitt. Cons. Coal Co.	6-4-48	124 68	Deed
73.	Sherman V. Anderson	Pitt. Cons. Coal Co.	6-7-48	124 76	Deed
74.	Herman C. Dorsey & Mary W. Dorsey	Pitt. Cons. Coal Co.	6-11-48	124 94	Deed
75.	Willis C. Anderson, et al.	Pitt. Cons. Coal Co.	8-18-48	124 109	Deed
76.	Willis C. Anderson, Guardian of William C. Anderson & Shirley A. Fife	Pitt. Cons. Coal Co.	6-16-48	124 207	Deed
77.	Theodore Dickerson, et al.	Pitt. Cons. Coal Co.	8-18-48	124 113	Deed
78.	Hanna Lands Company & The M. A. Hanna Company	Pitt. Cons. Coal Co.	8-5-48	124 301	Deed

Harrison County, Ohio

Deed No.	Grantee	Quantity	Date of Instrument	Recorded/County Record of Deeds		Type of Instrument
				Vol.	Page	
78.	Robert A. Russell & Isabelle C. Russell	Pitt. Cons. Coal Co.	8-20-48	194	387	Deed
79.	John B. McFarlane & Edith Malleson	Pitt. Cons. Coal Co.	11-24-48	195	184	Deed
80.	George H. Dunlap, et al	Pitt. Cons. Coal Co.	12-24-48	195	243	Deed
81.	Mary E. F. Hines & Barney Hines	Pitt. Cons. Coal Co.	12-31-48	195	248	Deed
82.	Walter Anderson	Pitt. Cons. Coal Co.	1-27-49	195	314	Deed
83.	Jesse B. Thompson, et al	Pitt. Cons. Coal Co.	2-15-49	195	370	Deed
84.	Irene Thompson, Guardian of Iva L. Thompson & Charles C. Thompson	Pitt. Cons. Coal Co.	2-15-49	195	372	Deed
85.	Edith Decker, Casademir for Shirley Decker	Pitt. Cons. Coal Co.	2-15-49	195	373	Deed
86.	Ray H. Adams and Ocie H. Adams	Pitt. Cons. Coal Co.	2-25-49	195	380	Deed
87.	Mary Wenzel	Pitt. Cons. Coal Co.	4-1-49	195	473	Deed
88.	Crest-Creek Transportation Company	Pitt. Cons. Coal Co.	6-21-49	196	111	Deed
89.	Hanna Linnit Company and The M. A. Hines Company	Pitt. Cons. Coal Co.	8-9-49	196	387	Deed
90.	Willard C. Howdemon	Pitt. Cons. Coal Co.	12-19-58	199	402	Deed
91.	Raymond Bowdoin, et al	Pitt. Cons. Coal Co.	11-14-49	199	455	Deed

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Deed No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
93	Leslie Reppart, et ux.	Pitt. Const. Coal Co.	11-22-49	128	483	Deed
94	Mary Wezell	Pitt. Const. Coal Co.	11-23-49	128	472	Deed
95	Paul A. Varga, Jr., et al.	Pitt. Const. Coal Co.	11-29-49	128	534	Deed
96	The Goodyear Tire & Rubber Company and The Wheeling Township Coal Mining Company	Pitt. Const. Coal Co.	12-22-49	128	598	Deed
97	Dorothy Somers Clark & George E. Frey	Pitt. Const. Coal Co.	12- 8-49	142	229	Deed
98	The Wheeling Township Coal Mining Company	Pitt. Const. Coal Co.	12-16-49	128	589	Deed
99	The Wheeling Township Coal Mining Company	Pitt. Const. Coal Co.	1-30-50	130	273	Deed
100	Leota Sargent & Kersey Sargent, et al.	Pitt. Const. Coal Co.	12-29-49	128	549	Deed
101	Kersey Sargent, Guardian of Clara Morgan	Pitt. Const. Coal Co.	12-29-49	128	550	Deed
102	Jerry DeNicola & Fredona DeNicola	Pitt. Const. Coal Co.	12-29-49	128	555	Deed
103	D. M. Ryan & Hazel E. Ryan	Pitt. Const. Coal Co.	2- 1-50	128	24	Deed
104	Harry J. Hes	Pitt. Const. Coal Co.	2- 6-50	128	40	Deed
105	Harry J. Hes	Pitt. Const. Coal Co.	2- 6-50	128	39	Deed
106	Harry J. Hes	Pitt. Const. Coal Co.	2- 6-50	128	42	Deed

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Harrison County, Ohio

Item No.	Grantee	Grosses	Date of Instrument	Harrison County Record of Deeds		Type of Instrument
				Vol.	Page	
107.	Earl Langhorn & Beatie Lamborn	Pitt. Cons. Coal Co.	8-7-50	123	37	Deed
108.	George J. Stankiewicz & Mary Stankiewicz	Pitt. Cons. Coal Co.	8-7-50	123	38	Deed
109.	Ann P. McFrederick & Samuel M. McFrederick	Pitt. Cons. Coal Co.	8-7-50	123	118	Deed
110.	Cona B. Stephen	Pitt. Cons. Coal Co.	3-10-50	123	119	Deed
111.	Mary Campese	Pitt. Cons. Coal Co.	7-10-50	123	508	Deed
112.	The Monaca Coal Mining Company	Pitt. Cons. Coal Co.	8-10-50	123	530	Deed
113.	Bruce Ferrat & John Slat	Pitt. Cons. Coal Co.	8-17-50	129	8	Deed
114.	William J. Weinman & Mary E. Weinman	Pitt. Cons. Coal Co.	8-23-50	129	333	Deed
115.	Michael S. Healy, et al.	Pitt. Cons. Coal Co.	9-1-50	129	4	Deed
116.	Michael S. Healy, et al.	Pitt. Cons. Coal Co.	9-1-50	129	6	Deed
117.	Michael S. Healy, et al.	Pitt. Cons. Coal Co.	9-1-50	129	11	Deed
118.	The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Company	Pitt. Cons. Coal Co.	10-9-50	129	144	Deed
119.	H. J. Burdick, et al.	Pitt. Cons. Coal Co.	11-1-50	129	137	Deed
120.	Andrew J. McFadden & Evelyn McFadden	Pitt. Cons. Coal Co.	11-15-50	129	148	Deed

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
121.	Leroy McFadden & Pauline McFadden	Pitt. Cons. Coal Co.	12-6-50	129	191	Deed
122.	C. C. Simpson & Bessie B. Simpson	Pitt. Cons. Coal Co.	12-12-50	129	207	Deed
123.	Bessie M. Laine	Pitt. Cons. Coal Co.	12-12-50	129	208	Deed
124.	Harry C. Hopkins & Margaret M. Hopkins	Pitt. Cons. Coal Co.	1-24-51	129	289	Deed
125.	Frank Signorelli & Xantha Signorelli	Pitt. Cons. Coal Co.	1-24-51	129	283	Deed
126.	C. C. Fay & Agnes B. Fay	Pitt. Cons. Coal Co.	1-29-51	129	337	Deed
Excepting from the above Item No. 126 Tracts 1, 2, 3 and the 1st, 2nd, 4th and 5th Parcels of Tract 5.						
127.	P. & O. Construction Company	Pitt. Cons. Coal Co.	1-4-52	130	512	Deed
128.	Helen A. Varga, et al.	Pitt. Cons. Coal Co.	2-23-52	130	627	Deed
129.	N. E. Edwards & Beatrice Edwards	Pitt. Cons. Coal Co.	5-17-52	131	294	Deed
130.	Charles C. Simpson & Bessie Simpson	Pitt. Cons. Coal Co.	5-25-52	131	245	Deed
131.	George Ballog & Rose Ballog	Pitt. Cons. Coal Co.	11-27-51	130	439	Deed
132.	Vance & Eleanor Hiner	Pitt. Cons. Coal Co.	1-4-52	130	510	Deed
133.	Garret F. Howard & P. & O. Construction Company	Pitt. Cons. Coal Co.	1-4-52	130	519	Deed
134.	Eleanor F. Milford	Pitt. Cons. Coal Co.	9-21-51	129	247	Deed
135.	Eleanor F. Milford	Pitt. Cons. Coal Co.	10-30-51	130	385	Deed

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Barren County, Ohio

Item No.	Grantor	Grantee	Date of Instrument	Recorded Quantity		Type of Interest
				Vol.	Page	
136.	James H. Milford	Pitt. Cons. Coal Co.	11-3-51	130	286	Deed
137.	Lewis Yates	Pitt. Cons. Coal Co.	11-27-51	130	437	Deed
138.	A. C. & Elizabeth O. Henderson	Pitt. Cons. Coal Co.	5-8-51	129	544	Deed
139.	N. N. Henderson & Opal Henderson	Pitt. Cons. Coal Co.	5-8-51	128	543	Deed
140.	A. C. Henderson, et al.	Pitt. Cons. Coal Co.	5-8-51	129	539	Deed
141.	Frank Costanzo & Louis Costanzo	Pitt. Cons. Coal Co.	7-6-51	130	62	Deed
142.	Russ & Lake Mining Company	Pitt. Cons. Coal Co.	1-25-51	129	335	Deed
143.	H. A. Vargo, et al.	Pitt. Cons. Coal Co.	2-17-51	129	334	Deed
144.	George H. Dunlap & Gladys E. Dunlap	Pitt. Cons. Coal Co.	2-24-51	129	347	Deed
145.	Harold McFadden, et al.	Pitt. Cons. Coal Co.	12-12-50	129	403	Deed
146.	D. M. Ryan	Pitt. Cons. Coal Co.	3-7-51	129	405	Deed
147.	Ralph McFadden, et al.	Pitt. Cons. Coal Co.	12-12-50	129	514	Deed
148.	Elizabeth McFadden, Guardian of Edward McFadden	Pitt. Cons. Coal Co.	4-24-51	129	511	Deed
149.	Wayne McJannet, Guardian of Donna W. Jannet	Pitt. Cons. Coal Co.	5-1-51	129	512	Deed
150.	James H. Milford	Pitt. Cons. Coal Co.	6-2-52	131	261	Deed

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
151.	H. L. Ripley & Robert Fitzgerald	Pitt. Cons. Coal Co.	7-1-22	131	344	Deed
152.	Edgar Dodds & Helen Dodds	Pitt. Cons. Coal Co.	7-7-22	131	313	Deed
153.	Frank R. McMillen	Pitt. Cons. Coal Co.	8-13-22	131	413	Deed
154.	George H. Henry	Pitt. Cons. Coal Co.	8-13-22	131	414	Deed
155.	Charles H. Swan, et al.	Pitt. Cons. Coal Co.	8-13-22	131	543	Deed
156.	Frederic Milbrandt & Joseph Milbrandt	Pitt. Cons. Coal Co.	8-26-22	131	540	Deed
157.	Call & Lantier, Inc.	Pitt. Cons. Coal Co.	1-29-24	135	130	Deed
158.	John R. Dickerson & Marjorie L. Dickerson	Pitt. Cons. Coal Co.	12-17-22	133	89	Deed
159.	Ascher Fleming	Pitt. Cons. Coal Co.	12-23-22	133	81	Deed
160.	John B. Barger, et al.	Pitt. Cons. Coal Co.	1-8-23	133	171	Deed
161.	Piedmont Land Company	Pitt. Cons. Coal Co.	3-22-27	140	80	Deed
162.	Fred M. Link, Trustee (J. A. Harricklaw)	Pitt. Cons. Coal Co.	1-16-24	139	383	Deed
163.	Fred M. Link, Trustee (Floyd Fulton)	Pitt. Cons. Coal Co.	4-22-26	139	391	Deed
164.	Fred M. Link, Trustee (Ralph F. Moore)	Pitt. Cons. Coal Co.	4-15-23	139	424	Deed
165.	Allen E. Carter & Nellie Carter	Pitt. Cons. Coal Co.	2-24-23	133	330	Deed
166.	Fred M. Link, Trustee (H. J. Harricklaw)	Pitt. Cons. Coal Co.	4-20-23	139	408	Deed

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Marion County, Ohio

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
167.	Fred M. Link, Trustee (R. O. Douglas)	Pitt. Cons. Coal Co.	4-15-53	138	417	Deed
168.	Fred M. Link, Trustee (Clayton Luyster)	Pitt. Cons. Coal Co.	4-15-53	138	419	Deed
169.	Fred M. Link, Trustee (John Holliday)	Pitt. Cons. Coal Co.	4-20-53	138	401	Deed
170.	Fred M. Link, Trustee (A. C. Dumas)	Pitt. Cons. Coal Co.	4-27-53	138	394	Deed
171.	Fred M. Link, Trustee (M. J. Rogers)	Pitt. Cons. Coal Co.	4-27-53	138	413	Deed
172.	Anna B. Christy, et al.	Pitt. Cons. Coal Co.	4-22-53	133	431	Deed
173.	Fred M. Link, Trustee (Josephine Jasek)	Pitt. Cons. Coal Co.	5-29-53	138	373	Deed
174.	C. C. Simpson & Bessie Simpson	Pitt. Cons. Coal Co.	6-5-53	133	587	Deed
175.	The Board of Education of Short Creek Township	Pitt. Cons. Coal Co.	5-13-53	133	487	Deed
176.	Fred M. Link, Trustee (Virginia Talbot)	Pitt. Cons. Coal Co.	7-1-53	138	407	Deed
177.	Clarence C. Fay & Agnes B. Fay	Pitt. Cons. Coal Co.	7-21-53	134	150	Deed
178.	Crescent Valley Mining Corporation	Pitt. Cons. Coal Co.	7-30-53	134	148	Deed
179.	Crescent Valley Mining Corporation	Pitt. Cons. Coal Co.	7-30-53	134	151	Deed

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Harrison County, Ohio

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Harrison County, Ohio

Run No.	Grantee	Harrison County Record of Deeds			Type of Instrument
		Date of Instrument	Vol.	Page	
180.	Fred M. Link, Trustee (J. W. Shaper)	9-13-53	138	414	Deed
181.	Fred M. Link, Trustee (Ida Livingston)	9-21-53	138	400	Deed
182.	Fred M. Link, Trustee (R. W. Kirkpatrick)	9-21-53	138	394	Deed
183.	Fred M. Link, Trustee (R. P. Hansen)	10-19-53	138	403	Deed
184.	Fred M. Link, Trustee (Cecilia Pella)	10-27-53	138	393	Deed
185.	Fred M. Link, Trustee (W. W. Ferguson)	12-17-53	138	398	Deed
186.	Fred M. Link, Trustee (Paul C. McCallin)	12-17-53	138	431	Deed
187.	Goodman Coal Mining Company	12-9-53	134	534	Deed
188.	Bedway Coal Company	12-1-53	134	513	Deed
189.	Fred M. Link, Trustee (Floyd H. Shapson)	1-15-54	138	404	Deed
190.	Fred M. Link, Trustee (Floyd H. Shapson)	4-30-54	139	100	Deed
191.	Eliza Mae Carley	12-31-53	134	627	Deed
192.	Fred M. Link, Trustee (G. E. Thompson)	3-18-54	138	410	Deed

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Item No.	County	Grantor	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
193.	J. Dean Polen	Pitt. Const. Coal Co.	5-27-57	141	148	Deed
194.	Charles C. Fay	Pitt. Const. Coal Co.	3-15-54	135	151	Deed
195.	Joseph H. & Ethel R. Johnson	Pitt. Const. Coal Co.	4-19-55	157	211	Deed
196.	Mary Warrigier	Pitt. Const. Coal Co.	3-8-54	135	211	Deed
197.	Andrew Warner	Pitt. Const. Coal Co.	3-8-54	135	113	Deed
198.	Fred M. Link, Trustee (B. Kirkpatrick)	Pitt. Const. Coal Co.	5-10-54	138	388	Deed
199.	Ray Johnson & Naomi Johnson	Pitt. Const. Coal Co.	4-30-54	135	217	Deed
200.	Little B. Gillespie, et al.	Pitt. Const. Coal Co.	4-20-54	135	218	Deed
201.	Fred M. Link, Trustee (Chester A. Dickey)	Pitt. Const. Coal Co.	6-1-54	138	416	Deed
202.	Benson Pearce	Pitt. Const. Coal Co.	5-13-54	135	291	Deed
203.	Sara Dunning, et al.	Pitt. Const. Coal Co.	8-24-54	135	318	Deed
204.	Milton H. Wilson & Bernice Wilson	Pitt. Const. Coal Co.	7-15-54	135	457	Deed
205.	Lizzie E. Colbertson	Pitt. Const. Coal Co.	9-23-54	136	2	Deed
206.	E. Bruce Jones & Eudith Jones	Pitt. Const. Coal Co.	10-8-54	139	23	Deed
207.	E. Bruce Jones & Eudith Jones	Pitt. Const. Coal Co.	10-8-54	139	28	Deed
208.	Fred M. Link, Trustee (J. T. Upchurch)	Pitt. Const. Coal Co.	12-6-54	139	378	Deed

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Harlan County, Okla.

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Item No.	Owner	Grantee	Date of Instrument	Recorded County Record		Type of Instrument
				Vol.	Page	
208.	H. L. Ripley & Robert Ferguson	Pitt. Cons. Coal Co.	10-23-54	136	73	Deed
210.	Floyd A. Fulton & Tracy Fulton	Pitt. Cons. Coal Co.	11-15-54	136	119	Deed
211.	Earcel Best & Laura Best	Pitt. Cons. Coal Co.	11-23-54	136	144	Deed
212.	[This item No. intentionally left blank.]					
213.	David B. Rice & Helen S. Rice	Pitt. Cons. Coal Co.	12-23-54	136	224	Deed
214.	Fred M. Link, Trustee (Anna M. Brokaw)	Pitt. Cons. Coal Co.	2-9-55	136	332	Deed
215.	J. A. Gordon	Pitt. Cons. Coal Co.	10-8-56	139	232	Deed
216.	Garland I. Brokaw	Pitt. Cons. Coal Co.	10-8-56	139	230	Deed
217.	Fred M. Link, Trustee (Freeman Wilson)	Pitt. Cons. Coal Co.	2-9-55	139	391	Deed
218.	Juliette Monasco & Oliver Monasco	Pitt. Cons. Coal Co.	1-21-55	136	278	Deed
219.	Oliver Monasco & Juliette Monasco	Pitt. Cons. Coal Co.	1-21-55	139	284	Deed
220.	Oliver Monasco & Juliette Monasco	Pitt. Cons. Coal Co.	1-21-55	139	277	Deed
221.	Oliver Monasco & Juliette Monasco	Pitt. Cons. Coal Co.	1-21-55	139	272	Deed
222.	Fred M. Link, Trustee (Frank C. Weisman)	Pitt. Cons. Coal Co.	2-25-55	139	356	Deed

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Harrison County, Ohio

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Run No.	Grantee	Concess	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
223.	Henry Myers & William F. Myers	Pitt. Cons. Coal Co.	5-6-55	136	588	Deed
224.	Alfred B. Dunlap & Ruth Dunlap	Pitt. Cons. Coal Co.	6-21-55	137	11	Deed
225.	Fred M. Link, Trustee (C. S. Lathams)	Pitt. Cons. Coal Co.	7-11-55	138	379	Deed
226.	Fred M. Link, Trustee (H. C. Adams)	Pitt. Cons. Coal Co.	7-28-55	138	377	Deed
227.	Harold C. Adams & Ruth Adams	Pitt. Cons. Coal Co.	3-2-57	139	567	Deed
228.	Consent Valley Mining Corporation	Pitt. Cons. Coal Co.	7-30-55	137	180	Deed
229.	Fred M. Link, Trustee (Mary E. Spiller)	Pitt. Cons. Coal Co.	9-15-55	138	574	Deed
230.	Fred M. Link, Trustee (Alex. Fulco)	Pitt. Cons. Coal Co.	10-10-55	138	397	Deed
231.	The Jefferson Coal Company	Pitt. Cons. Coal Co.	12-22-52	133	95	Deed
232.	Clawfield Bituminous Coal Corporation	Pitt. Cons. Coal Co.	9-13-55	137	323	Deed
233.	Tusa Coal Company	Pitt. Cons. Coal Co.	11-10-55	137	525	Deed
234.	The M. A. Hanna Company	Pitt. Cons. Coal Co.	10-31-49	129	940	Deed
235.	The M. A. Hanna Company	Pitt. Cons. Coal Co.	10-31-49	129	947	Deed
236.	Tusa Coal Company	Pitt. Cons. Coal Co.	11-30-55	137	622	Deed

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Harrison County, Ohio

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Item No.	Grantee	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
237.	The Hilschman Coal & Coke Company	Pitt. Cons. Coal Co.	11-10-55	137	605	Deed
238.	The Warner Collection Company	Pitt. Cons. Coal Co.	10-24-55	137	538	Deed
239.	Ray Zeyer	Pitt. Cons. Coal Co.	3-7-56	138	113	Deed
240.	Ray Zeyer	Pitt. Cons. Coal Co.	3-7-56	138	113	Deed
241.	Robert Fleegouse & R. & F. Company	Pitt. Cons. Coal Co.	3-9-56	138	127	Deed
242.	Albert C. Dunlap, et al.	Pitt. Cons. Coal Co.	3-31-56	138	253	Deed
243.	Wallace M. Kirkpatrick	Pitt. Cons. Coal Co.	4-12-56	138	237	Deed
244.	[This item No. intentionally left blank.]					
245.	[This item No. intentionally left blank.]					
246.	James C. Dunlap	Pitt. Cons. Coal Co.	5-3-56	138	301	Deed
247.	Crescent Valley Mining Corporation	Pitt. Cons. Coal Co.	12-15-55	138	358	Deed
248.	Ralph C. Morgan	Pitt. Cons. Coal Co.	9-11-56	139	185	Deed
249.	Craig Foster, et al.	Pitt. Cons. Coal Co.	2-7-57	139	488	Deed
250.	Yeha Slater	Pitt. Cons. Coal Co.	2-15-57	139	519	Deed
251.	Velma Slater, Guardian of Wayne K. Slater	Pitt. Cons. Coal Co.	2-15-57	139	516	Deed
252.	The Seaway Coal Company	Pitt. Cons. Coal Co.	1-30-57	139	492	Deed

Run No.	Grantor	Grantee	Date of Instrument	Recorded County Record at Deaths		Type of Instrument
				Vol.	Page	
253.	The Seaway Coal Company	Pitt. Cons. Coal Co.	1-30-57	139	490	Deed
254.	Craig Porter, & Grace Porter	Pitt. Cons. Coal Co.	4-18-57	140	29	Deed
255.	Clyde B. Wanstall & Alice S. Wanstall	Pitt. Cons. Coal Co.	4-10-57	140	65	Deed
256.	George H. Dunlap & Gladys R. Dunlap	Pitt. Cons. Coal Co.	5-23-57	140	323	Deed
257.	George H. Dunlap & Gladys R. Dunlap	Pitt. Cons. Coal Co.	5-23-57	140	324	Deed
258.	Ray Hildreth	Pitt. Cons. Coal Co.	6-18-57	140	320	Deed
259.	Harold J. Barriabow, et al.	Pitt. Cons. Coal Co.	7-9-57	140	435	Deed
260.	Maude M. Rogers	Pitt. Cons. Coal Co.	7-31-57	140	494	Deed
261.	Stanley Campbell, et al.	Pitt. Cons. Coal Co.	10-1-57	141	25	Deed
262.	Edward Jones & Dorothy Jones	Pitt. Cons. Coal Co.	9-24-57	141	19	Deed
263.	Gertrude E. Thoburn	Pitt. Cons. Coal Co.	10-8-57	141	31	Deed
264.	Annina Sterling, et al.	Pitt. Cons. Coal Co.	10-31-57	141	73	Deed
265.	David F. Kent	Pitt. Cons. Coal Co.	11-4-57	141	85	Deed
266.	William DeLaune & Gladys DeLaune	Pitt. Cons. Coal Co.	11-12-57	141	114	Deed
267.	Harry C. Lewis	Pitt. Cons. Coal Co.	11-15-57	141	115	Deed
268.	Samuel P. Dunlap	Pitt. Cons. Coal Co.	11-22-57	141	196	Deed

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Harrison County, Ohio

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Item No.	Grantee	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
269.	Raymond Kent	Pitt. Cons. Coal Co.	11-22-57	141	147	Deed
270.	Raymond K. McVicker & Lillian M. McVicker	Pitt. Cons. Coal Co.	12-13-57	141	207	Deed
271.	George J. Carter & Viola Carter	Pitt. Cons. Coal Co.	12-9-57	141	220	Deed
272.	Nellie Norquest	Pitt. Cons. Coal Co.	1-13-58	141	231	Deed
273.	Jeanette McFarland	Pitt. Cons. Coal Co.	1-14-58	141	249	Deed
274.	W. B. Nash, et al.	Pitt. Cons. Coal Co.	4-10-58	141	399	Deed
275.	Sherman V. Anderson	Pitt. Cons. Coal Co.	2-19-49	123	305	Deed
276.	Bessie M. LaFure	Pitt. Cons. Coal Co.	3-27-56	138	189	Deed
277.	Thos M. A. Hanna Company	Pitt. Cons. Coal Co.	10-31-49	127	1	Deed
278.	Hanna Lands Company	Pitt. Cons. Coal Co.	4-8-49	137	1	Deed
Recepting from the above Item No. 278 Part I, Parcels 85, 87 through 91 inclusive, 94 and 101; Part III, Parcel 8, Tract 1 of Parcel 23, Tract 1 of Parcel 66 and Parcel 67; Part IV, Parcel 98.						
279.	The M. A. Hanna Company	Pitt. Cons. Coal Co.	10-31-49	137-D	1	Deed
280.	Tri County Lands Company	Pitt. Cons. Coal Co.	10-31-49	137-D	1	Deed
Excepting from the above Item No. 280 Parcel 3, Tract 1; Items 1, 2 and 3, Parcel 3, Tract 10.						
281.	Earl C. Mercer, et al.	Pitt. Cons. Coal Co.	9-26-53	134	306	Deed
282.	W. J. Hope	Pitt. Cons. Coal Co.	2-12-58	139	514	Deed
283.	The M. A. Hanna Company	Pitt. Cons. Coal Co.	11-21-49	137-C	1	Deed

Marion County, Okla.

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Item No.	Grantee	Quantity	Date of Instrument		Federal	State	Type of Deced
			From	To			
284.	Edith Bellinger Snodgrass and Joseph Lee Snodgrass	Cons. Coal Co. (Penn.)	5-14-58	141	489		Dead
285.	Edith Bellinger Snodgrass Adm. of estate of John W. Bellinger	Cons. Coal Co. (Penn.)	5-14-58	141	489		Dead
286.	Harold C. Simpson and Charles C. Simpson	Cons. Coal Co. (Penn.)	6-7-58	141	584		Dead
287.	Faith House and Marvin A. House	Cons. Coal Co. (Penn.)	7-1-58	142	12		Dead
288.	Tony Garble and Dominick Torcino	Cons. Coal Co. (Penn.)	6-14-58	141	605		Dead
289.	James B. Garvin, et al.	Cons. Coal Co. (Penn.)	7-16-58	142	88		Dead
290.	Carlin Mining Company	Cons. Coal Co. (Penn.)	6-10-58	141	538		Dead
291.	Sawney Coal Company	Cons. Coal Co. (Penn.)	9-10-58	142	213		Dead
292.	Clem L. Wilson, et al.	Cons. Coal Co. (Penn.)	10-1-58	143	257		Dead
293.	Cardic Coal Company	Cons. Coal Co. (Penn.)	9-5-58	142	283		Dead
294.	Ralph F. Dickerson, Adm. of estate of Amanda Elizabeth Dickerson	Cons. Coal Co. (Penn.)	12-8-58	142	382		Dead
295.	Ole C. Johnson	Cons. Coal Co. (Penn.)	12-30-58	142	423		Dead
296.	The Youngblood & Ohio Coal Company	Cons. Coal Co. (Penn.)	3-4-59	142	531		Dead
297.	Louis Nisod & Sons, et al.	Cons. Coal Co. (Penn.)	3-28-59	143	559		Dead

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Harrison County, Ohio

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Deed No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
298.	Francis Hall & Opal Hall	Cons. Coal Co. (Penn.)	4-7-59	143	579	Deed
299.	John Arnold and Ella Arnold	Cons. Coal Co. (Penn.)	5-1-59	143	5	Deed
300.	Curis O. Edgell	Cons. Coal Co. (Penn.)	5-23-59	143	139	Deed
301.	David B. and Gladys Wallace	Cons. Coal Co. (Penn.)	8-30-59	143	154	Deed
302.	George W. Habes, Thomas Hubert, Louis F. Heines, Henry W. Haines, George Richard Haines	Cons. Coal Co. (Penn.)	8-8-59	143	222	Deed
303.	Earl W. Martin	Cons. Coal Co. (Penn.)	10-29-59	143	474	Deed
304.	Annie Bates, Thomas A. and Gladys M. Bates	Cons. Coal Co. (Penn.)	10-24-59	144	3	Deed
305.	Paul Murchise	Cons. Coal Co. (Penn.)	10-29-59	143	554	Deed
306.	Jean Anderson, Willie Pettit, Jess Pettit	Cons. Coal Co. (Penn.)	12-31-59	144	79	Deed
307.	A. O. McFarlan and Margaret McFarlan	Cons. Coal Co. (Penn.)	3-16-60	144	175	Deed
308.	Bedway Coal Company	Cons. Coal Co. (Penn.)	6-17-60	144	407	Deed
309.	Paul Bedway and John Bedway	Cons. Coal Co. (Penn.)	6-17-60	144	397	Deed
310.	Mary Tarbet	Cons. Coal Co. (Penn.)	8-16-60	145	127	Deed
311.	The Pittsburgh & West Virginia Railroad Company	Cons. Coal Co. (Penn.)	8-1-60	145	144	Deed

Hamilton County, Ohio

Recorded County Record
of Deeds

Book No.	Grantee	Convey	Date of Instrument		Vol.	Page	Type
			Year	Month			
312.	Mildred Keavy, Executrix of estate of Frederick J. Syedist	Cons. Coal Co. (Penn.)	8-11-60		145	316	Deed
313.	Adelbert Simonson	Cons. Coal Co. (Penn.)	7-1-60		145	331	Deed
314.	Adelbert Simonson, Executrix of estate of Bert Simonson	Cons. Coal Co. (Penn.)	8-13-60		145	315	Deed
315.	Elise E. Taylor	Cons. Coal Co. (Penn.)	11-2-60		145	336	Deed
316.	Clarence C. Harrah and Virginia Harrah	Cons. Coal Co. (Penn.)	1-26-61		145	348	Deed
317.	Arthur W. McAdam	Cons. Coal Co. (Penn.)	3-16-61		146	19	Deed
318.	Eugene Kirkley	Cons. Coal Co. (Penn.)	4-5-61		146	78	Deed
319.	Warren C. Moore	Cons. Coal Co. (Penn.)	4-17-61		146	134	Deed
320.	Sawney Coal Company	Cons. Coal Co. (Penn.)	7-8-61		146	270	Deed
321.	Sawney Coal Company	Cons. Coal Co. (Penn.)	7-8-61		146	272	Deed
322.	Edward Simpson, Executor of estate of Blanche M. Shap- ron.	Cons. Coal Co. (Penn.)	8-3-61		146	338	Deed
323.	Jessie McGover, Iris A. Can- non, Charles F. Albright, Nation Dineer Albright	Cons. Coal Co. (Penn.)	8-8-61		146	337	Deed
324.	Sawney Coal Company	Cons. Coal Co. (Penn.)	8-24-61		146	269	Deed
325.	Sawney Coal Company	Cons. Coal Co. (Penn.)	9-13-61		146	432	Deed
326.	Charles Harrah and Alice Har- rah	Cons. Coal Co. (Penn.)	9-27-61		146	484	Deed

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Harlem County, Ohio

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Item No.	Owner	Quantity	Recorded County Record		Type
			Date of Inheritance	Page of Deed	
327.	Frank W. Robinson	Cons. Coal Co. (Penn.)	9-27-61	146	Deed
329.	Nellie Trokes Ralston, Mary Trokes, Michael Trokes, Mildred Trokes, Ethel, Elizabeth Trokes, Elmer, Albert Trokes	Cons. Coal Co. (Penn.)	10-2-61	146	Deed
333.	Wahner Trokes	Cons. Coal Co. (Penn.)	9-27-61	146	Deed
330.	Land Plots	Cons. Coal Co. (Penn.)	10-5-61	146	Deed
331.	Michael Puckarek	Cons. Coal Co. (Penn.)	10-5-61	146	Deed
332.	Arthur Long	Cons. Coal Co. (Penn.)	10-20-61	146	Deed
333.	Sara Edith Abel, George T. Fox, Zephra Wright, Roy E. Fox	Cons. Coal Co. (Penn.)	10-21-61	146	Deed
334.	Charles S. Crawford	Cons. Coal Co. (Penn.)	11-7-61	146	Deed
335.	Ona R. Mills	Cons. Coal Co. (Penn.)	9-20-61	146	Deed
336.	Lloyd Mills	Cons. Coal Co. (Penn.)	8-20-61	146	Deed
337.	Alma F. and Lucella C. Gavin	Cons. Coal Co. (Penn.)	4-3-62	147	Deed
338.	Harold J. Burdickow, et al	Cons. Coal Co. (Penn.)	5-23-62	147	Deed
339.	George W. Brown Jr. and Donald C. Brown	Cons. Coal Co. (Penn.)	5-31-62	148	Deed
340.	Robert S. Holladay, et al	Cons. Coal Co. (Penn.)	6-19-62	148	Deed
341.	[This item No. intentionally left blank]				
342.	Cora Robb	Cons. Coal Co. (Penn.)	12-22-62	148	Deed

Index No.	Owner	County	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
343.	Edward L. Selek	Cons. Coal Co. (Penn.)	11-19-63	149	401	Deed
344.	Plus Valley Sportswear, Inc.	Cons. Coal Co. (Penn.)	3-30-63	149	178	Deed
345.	John Robert Elliott, Adm. of estate of John Reed Elliott	Cons. Coal Co. (Penn.)	3-30-63	149	174	Deed
346.	Esther C. Trudel	Cons. Coal Co. (Penn.)	3-12-63	149	177	Deed
347.	J. H. Milford and Eleanor Milford	Cons. Coal Co. (Penn.)	8-31-63	149	547	Deed
348.	Eleanor F. Milford and James H. Milford	Cons. Coal Co. (Penn.)	8-31-63	149	550	Deed
349.	Eleanor F. Milford	Cons. Coal Co. (Penn.)	8-31-63	149	549	Deed
350.	James Eck and Grace M. Eck	Cons. Coal Co. (Penn.)	9-24-63	149	552	Deed
351.	Dwight L. White and Hazel F. White	Cons. Coal Co. (Penn.)	9-19-64	150	539	Deed
352.	Mary Rita Parish Hines	Cons. Coal Co. (Penn.)	7-2-64	150	537	Deed
353.	Bedway Coal Company	Cons. Coal Co. (Penn.)	9-15-64	152	41	Deed
354.	Harry Reed Harvill and Helen Lucile Harvill	Cons. Coal Co. (Penn.)	4-29-65	154	573	Deed
355.	Donald E. and William F. Adams	Cons. Coal Co. (Penn.)	6-2-65	153	251	Deed
356.	Carson and Irene Freshers	Cons. Coal Co. (Penn.)	11-2-65	154	489	Deed
357.	Morris O. Cofey and Thomas Beetham	Cons. Coal Co. (Penn.)	11-22-65	154	611	Deed
358.	John Kobus and Anna Kobus	Cons. Coal Co. (Penn.)	12-7-64	155	461	Deed
359.	State of Ohio	Cons. Coal Co. (Penn.)	12-23-63	150	102	Deed

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Barren County, Ohio

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Continued on next page

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
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381	Clyde F. Nash	Cons. Coal Co. (Penna.)	4-2-65	155	251	Deed
381	John and Ella Arnold	Cons. Coal Co. (Penna.)	5-1-59	143	59	Deed
382	Hugh E. Smith and Helen Margaret Smith	Cons. Coal Co. (Penna.)	3-30-68	155	575	Deed
383	John Wells Smith, et al.	Cons. Coal Co. (Penna.)	2-2-69	155	295	Deed
384	The Keweenaw Company	Cons. Coal Co. (Penna.)	10-27-64	158	8	Deed
384a	Allen Thompson and Shirley Thompson	Cons. Coal Co. (Penna.)	7-28-68	158	404	Deed
385	The M. A. Hanna Company	Ohio Reserve Coal Co.	5-11-69	155	649	Deed
385a	Ohio Reserve Coal Co.	Cons. Coal Co. (Penna.)	6-31-69	See Note		Deed

(2) Leases and agreements to Pitt. Cons. Coal Co. and Cons. Coal Co. (Penna.).

Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Leases		Type of Instrument
				Vol.	Page	
386	Michael Gallagher	Pitt. Cons. Coal Co.	3-18-47	34	435	Lease
387	Board of County Commissioners of Harrison County	Pitt. Cons. Coal Co.	9-18-50	Unrecorded		Agreement
388	L. T. & Myrtle M. Hall	Pitt. Cons. Coal Co.	3-15-50	26	227	Lease
389	L. T. & Myrtle M. Hall	Pitt. Cons. Coal Co.	4-4-50	35	283	Lease
390	L. T. & Myrtle M. Hall	Pitt. Cons. Coal Co.	3-15-50	35	281	Lease

* This Deed is the Grantor from its wholly-owned subsidiary, Ohio Reserve Coal Co., has been recorded in the County Record of Deeds of Harrison County shortly prior to the recording of this conveyance in said records and convey the property described in the deed referred to at Item No. 385 of this publication \$4.04 and all other property owned by Ohio Reserve Coal Co. which is located in Harrison County.

Harrison County, Ohio

Book No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Lease		Type
				Vol.	Page	
372.	Village of Caniz	Pitt. Cons. Coal Co.	5-1-54	Unrecorded		Agreement
373.	Merle F. & W. M. Remmigs	Pitt. Cons. Coal Co.	12-30-52	35	530	Lease
374.	Peckham Land Company McVickers, E. Nelson	Pitt. Cons. Coal Co.	3-22-57	36	594	Lease Assign.
Recorded County Special Records						
375.	Ohio Edison Company	Pitt. Cons. Coal Co.	3-6-53	13	45	Agreement
376.	Ohio Edison Company	Pitt. Cons. Coal Co.	3-6-53	13	48	Agreement
Recorded County Record of Lease						
377.	Clearfield Bituminous Coal Corporation	Pitt. Cons. Coal Co.	1-1-53	36	352	Lease
378.	Clearfield Bituminous Coal Corporation	Pitt. Cons. Coal Co.	9-13-52	36	359	Agreement
379.	Charles Dohline & The Seaway Coal Company	Pitt. Cons. Coal Co.	1-30-57	36	438	Lease
380.	The Hickman Coal & Coke Company	Pitt. Cons. Coal Co.	11-10-53	36	365	Lease Assign.
381.	The M. A. Hanna Company (Ellen Mae Corley)	Pitt. Cons. Coal Co.	10-31-49	35	201	Lease Assign.
382.	Tri County Lands Company (Robert H. Lytle lease)	Pitt. Cons. Coal Co.	10-31-49	35	218	Lease Assign.
383.	Tri County Lands Company (Joseph G. Lytle lease)	Pitt. Cons. Coal Co.	10-31-49	35	219	Lease Assign.
384.	Tri County Lands Company (N. K. Edwards lease)	Pitt. Cons. Coal Co.	10-31-49	35	181	Lease Assign.
385.	Tri County Lands Company (Grace Harkstad lease)	Pitt. Cons. Coal Co.	10-31-49	35	182	Lease Assign.

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Harrison County, Ohio

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Area No.	Grantee	Crests	Date of Instrument	Recorded County Record		Type
				Vol.	Page	
386	Tri County Lands Company (E. O. Hartsfield lease)	Pitt. Cons. Coal Co.	10-31-49	35	191	Lease Assign.
387	Tri County Lands Company (Charles C. Johnson lease)	Pitt. Cons. Coal Co.	10-31-49	35	193	Lease Assign.
388	The M. A. Hanna Company (Charles H. Swan lease)	Pitt. Cons. Coal Co.	10-31-49	35	198	Lease Assign.
389	The M. A. Hanna Company (John B. Barger lease)	Pitt. Cons. Coal Co.	10-31-49	35	199	Lease Assign.
390	The M. A. Hanna Company (James L. Barger lease)	Pitt. Cons. Coal Co.	10-31-49	35	200	Lease Assign.
391	The M. A. Hanna Company (L. & A. Love lease)	Pitt. Cons. Coal Co.	10-31-49	35	202	Lease Assign.
392	Tri County Lands Company (MacDowell-Kathrick lease)	Pitt. Cons. Coal Co.	10-31-49	35	203	Lease Assign.
393	Bedway Coal Company	Cons. Coal Co. (Penn.)	9-15-64	Unrecorded		Agreement
394	Seaway Coal Company	Cons. Coal Co. (Penn.)	2-15-64	Unrecorded		Agreement
395	Robert Fleegans	Cons. Coal Co. (Penn.)	4-18-64	Unrecorded		Agreement
396	Seaway Coal Company	Cons. Coal Co. (Penn.)	2-15-64	Unrecorded		Lease
397	Robert Fleegans	Cons. Coal Co. (Penn.)	2-15-64	Unrecorded		Lease
398	Robert Fleegans	Cons. Coal Co. (Penn.)	2-15-64	Unrecorded		Lease
399	Edith Dunlap, et al.	Cons. Coal Co. (Penn.)	11-19-65	Unrecorded		Lease
400	The Knoxville Company	Cons. Coal Co. (Penn.)	10-27-64	Recorded County Special Records	13	Assignment of Agreement

Harrison County, Ohio

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Item No.	Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
401.	The Kenvale Company	Cons. Coal Co. (Penn.)	10-27-64	45	243	Assignment of Lease and Agreement
402.	The Kenvale Company	Cons. Coal Co. (Penn.)	10-27-64	45	249	Assignment of Lease
403.	The Kenvale Company	Cons. Coal Co. (Penn.)	10-27-64	45	259	Assignment of Lease
(3) Executions to Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.)						
404.	Edward S. Booth	Pitt. Cons. Coal Co.	2-14-49	115	414	Easement
405.	Charles Williams & Lizzie Williams	Pitt. Cons. Coal Co.	2-24-49	125	415	Easement
406.	Edgar Dodds & Helen Dodds	Pitt. Cons. Coal Co.	9-29-55	177	349	Easement
407.	Chester Rogers & Roscoe Rogers	Pitt. Cons. Coal Co.	2-19-52	131	61	Easement
408.	Clyde Smith & Elizabeth Smith	Pitt. Cons. Coal Co.	3-30-53	133	402	Easement
409.	Anna Thibault	Pitt. Cons. Coal Co.	3-1-55	137	63	Easement
410.	Texas Coal Company	Pitt. Cons. Coal Co.	6-7-55	137	61	Easement
411.	Henry Myers, et al. & William F. Ayers, et al.	Pitt. Cons. Coal Co.	6-21-55	137	60	Easement
412.	Ohio Power Company	Pitt. Cons. Coal Co.	6-23-55	137	442	Easement
413.	Fluores McFadden	Pitt. Cons. Coal Co.	2-10-59	139	97	Easement
414.	R. & F. Coal Co.	Pitt. Cons. Coal Co.	11-29-55	137	562	Easement
415.	Bedway Coal Co.	Pitt. Cons. Coal Co.	12-5-55	137	594	Easement

North Perry, Ohio (100)

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Item No.	Grantee	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
				Vol.	Page	
416.	James C. Dunlap & Louis M. Dunlap	Pitt. Cons. Coal Co.	2-16-56	138	96	Easement
417.	J. Fred Rocklin & Phyllis Rocklin	Pitt. Cons. Coal Co.	5-17-57	140	325	Easement
418.	Bert & Adeline M. Stinson	Pitt. Cons. Coal Co.	6-17-57	140	390	Easement
419.	Gladys B. Hanna	Pitt. Cons. Coal Co.	8-30-57	140	589	Easement
420.	Howard Hansen & Mary M. Hansen	Pitt. Cons. Coal Co.	10-31-56	139	215	Easement
421.	Eleanor F. Milford (renewed Sept. 12, 1965)	Cons. Coal Co. (Penn.)	11-14-58	143	428	Easement
422.	James H. Milford (renewed Sept. 12, 1965)	Cons. Coal Co. (Penn.)	11-14-58	142	429	Easement
423.	Eleanor F. Milford and James H. Milford (renewed Sept. 12, 1965)	Cons. Coal Co. (Penn.)	11-14-58	143	430	Easement
424.	Harry Reid and Helen Lucille Herrlin	Cons. Coal Co. (Penn.)	6-8-60	144	387	Easement
425.	Dora E. Wallace and Odessa M. Wallace	Cons. Coal Co. (Penn.)	9-18-60	145	309	Easement
426.	Dora E. Wallace and Odessa M. Wallace	Cons. Coal Co. (Penn.)	1-5-60	145	463	Easement
427.	[This item No. intentionally left blank.]					
428.	Allen W. and Beat P. Scott	Cons. Coal Co. (Penn.)	10-6-64	156	100	Easement
429.	Cravat Coal Company	Cons. Coal Co. (Penn.)	3-19-66	155	468	Easement
430.	Cravat Coal Company	Cons. Coal Co. (Penn.)	3-19-66	155	465	Easement

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(4) Conveyances from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Sub-division 5.04.

<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
			<u>Vol.</u>	<u>Page</u>	
Pitt. Cons. Coal Co.	Ross Compher and N. T. Wilson	1-11-50	128	598	Deed
Pitt. Cons. Coal Co.	Local Union No. 3828, United Mine Workers of America	11-29-46	120	586	Deed
Pitt. Cons. Coal Co.	Charles Compher and Sadie Compher	2-19-51	129	351	Deed
Pitt. Cons. Coal Co.	William Abel	11- 8-56	139	338	Deed
Pitt. Cons. Coal Co.	Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company	11-12-47	123	574	Deed
Pitt. Cons. Coal Co.	Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company	9- 9-53	134	475	Deed
Pitt. Cons. Coal Co.	Sarah McCullick	6-16-46	122	189	Deed
Pitt. Cons. Coal Co.	Coleman and Gizalla Popp	9- 8-47	122	191	Deed
Pitt. Cons. Coal Co.	Ray J. Reppart and Ethel M. Reppart	10- 7-47	122	313	Deed
Pitt. Cons. Coal Co.	Isaac T. Waller and Lillian Waller	6- 6-46	122	304	Deed
Pitt. Cons. Coal Co.	William H. and Mary V. George	10- 7-47	122	346	Deed
Pitt. Cons. Coal Co.	Charles Bumbule and Kolesa Bumbule	10- 7-47	122	429	Deed
Pitt. Cons. Coal Co.	Sherman Anderson	6- 7-48	124	72	Deed
Pitt. Cons. Coal Co.	John DeCorte	9-26-52	131	545	Deed

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Hardman County, Ohio

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
			<u>Vol.</u>	<u>Page</u>	
Pitt. Cons. Coal Co.	James K. Hawthorne and Helen Hawthorne	11- 5-47	122	455	Deed
Pitt. Cons. Coal Co.	George T. and Florence M. Porter	5-19-48	124	81	Deed
Pitt. Cons. Coal Co.	The Powhatan Mining Company	4-30-48	123	504	Deed
Pitt. Cons. Coal Co.	John Dombroski	8-10-48	124	407	Deed
Pitt. Cons. Coal Co.	Robert A. Russell and Isabelle G. Russell	12-31-48	125	458	Deed
Pitt. Cons. Coal Co.	Edward Morgan	8-30-52	135	19	Deed
Pitt. Cons. Coal Co.	Willard C. Hawthorne	5-19-50	123	348	Deed
Pitt. Cons. Coal Co.	Willard C. Hawthorne	12-13-58	139	403	Deed
Pitt. Cons. Coal Co.	H. and William F. Myers	5- 5-55	136	506	Deed
Pitt. Cons. Coal Co.	Ralph McFadden	11-28-50	129	189	Deed
Pitt. Cons. Coal Co.	Ralph L. Jenkins	8-30-51	130	284	Deed
Pitt. Cons. Coal Co.	Lois K. Johnson and Jack Allen Johnson	11- 5-54	138	140	Deed
Pitt. Cons. Coal Co.	David R. Rice and Helen S. Rice	6-23-55	137	89	Deed
Pitt. Cons. Coal Co.	Paul W. Burns and Frances C. Burns	4- 4-58	138	225	Deed
Pitt. Cons. Coal Co.	William H. Dreyer and Lucille Dreyer	9-13-58	139	211	Deed

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
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Pitt. Cons. Coal Co.	Bertha M. Love	3-22-55	138	395	Deed
Pitt. Cons. Coal Co.	George H. Dunlap and Gladys R. Dunlap	12-11-50	129	387	Deed
Pitt. Cons. Coal Co.	Harry G. Hopkins and Margaret M. Hopkins	1- 8-51	129	285	Deed
Pitt. Cons. Coal Co.	Edgar Dodds and Helen Dodds	7- 3-52	156	200	Deed
Pitt. Cons. Coal Co.	George Ballog and Rose Ballog	8-30-52	131	493	Deed
Pitt. Cons. Coal Co.	Athens Township Trustees	11-27-56	139	406	Deed
Pitt. Cons. Coal Co.	E. M. Evans and Anna J. Evans	6-22-55	137	19	Deed
Pitt. Cons. Coal Co.	Jesse E. Harris and Lacy Lucille Harris	11- 4-50	129	141	Deed
Pitt. Cons. Coal Co.	Call and Lauter, Inc.	9-27-52	131	541	Deed
Pitt. Cons. Coal Co.	Allen W. Scott	10-27-53	136	383	Deed
Pitt. Cons. Coal Co.	Paul Hamilton	4-24-58	141	622	Deed
Pitt. Cons. Coal Co.	Charles J. Speer	1-28-53	133	200	Deed
Pitt. Cons. Coal Co.	Allen Carter and Nellie Carter	2-23-53	135	417	Deed
Pitt. Cons. Coal Co.	Joseph H. Johnson and Ethel B. Johnson	8-19-55	138	298	Deed
Pitt. Cons. Coal Co.	Craig Porter	2- 4-57	150	74	Deed

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Pitt. Cons. Coal Co.	The Wheeling and Lake Erie Railway Company	11- 9-53	134	551	Deed
Pitt. Cons. Coal Co.	The Youghiogheny and Ohio Coal Company	8-18-54	135	590	Deed
Pitt. Cons. Coal Co.	Silas Harris & Sarah R. Harris	1-18-52	133	557	Deed
Pitt. Cons. Coal Co.	Clearfield Bituminous Coal Corporation	12-29-52	133	131	Deed
Pitt. Cons. Coal Co.	Tasa Coal Company	11- 8-53	137	607	Deed
Pitt. Cons. Coal Co.	J. C. Danlap	5- 4-58	138	329	Deed
Pitt. Cons. Coal Co.	Ed Rutkowski	3-23-58	139	497	Deed
Pitt. Cons. Coal Co.	Nancy Hawthorne	12-13-58	139	405	Deed
Pitt. Cons. Coal Co.	George T. Porter & Florence M. Porter	2- 4-57	139	502	Deed
Pitt. Cons. Coal Co.	Daniel J. Coga	4- 3-47	128	152	Deed
Pitt. Cons. Coal Co.	Clyde B. Worstell	3-22-57	140	38	Deed
Pitt. Cons. Coal Co.	The Powhatan Mining Company	1-28-58	141	525	Deed
Cons. Coal Co. (Penn.)	The Powhatan Mining Company	12-29-58	142	440	Deed
Cons. Coal Co. (Penn.)	Francis Hall and Opal Hall	4- 2-59	142	580	Deed
Cons. Coal Co. (Penn.)	Lester E. Liles	11- 4-59	144	40	Deed
Cons. Coal Co. (Penn.)	Andy DiPalma	11-12-59	144	2	Deed

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
			<u>Vol.</u>	<u>Page</u>	
Cons. Coal Co. (Penn.)	Thomas A. Bates and Gladys M. Bates	1-15-60	144	84	Deed
Cons. Coal Co. (Penn.)	Moore Aviation, Inc.	11-12-59	144	89	Deed
Cons. Coal Co. (Penn.)	Lester E. Liles	3-13-61	146	336	Deed
Cons. Coal Co. (Penn.)	William Abel	11-15-61	147	22	Deed
Cons. Coal Co. (Penn.)	Anthony Zitko	5-17-62	147	436	Deed
Cons. Coal Co. (Penn.)	Anthony Zitko	5-17-62	147	435	Deed
Cons. Coal Co. (Penn.)	Village of Hopedale	6-7-62	147	521	Deed
Cons. Coal Co. (Penn.)	Board of Trustees of Green Township	6-7-62	147	443	Deed
Cons. Coal Co. (Penn.)	Donald Watson and Anna Watson	7-30-62	148	465	Deed
Cons. Coal Co. (Penn.)	George Stonebraker	7-30-62	148	110	Deed
Cons. Coal Co. (Penn.)	Edward L. Seleski	11-19-62	148	417	Deed
Cons. Coal Co. (Penn.)	Adam M. Dunlap and Edith L. Dunlap	12-26-62	148	475	Deed
Cons. Coal Co. (Penn.)	Adam M. Dunlap and Esther Reppart	12-28-62	148	478	Deed
Cons. Coal Co. (Penn.)	Adam M. Dunlap	1-16-63	148	505	Deed
Cons. Coal Co. (Penn.)	Norval E. Edwards	3-21-63	149	19	Deed

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Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
		Vol.	Page	
Cons. Coal Co. (Penn.)	11-5-63	150	4	Deed
Alfred O. Haverfield, et al.				
Cons. Coal Co. (Penn.)	10-6-64	152	112	Deed
Seaway Coal Company				
Cons. Coal Co. (Penn.)	10-6-64	152	89	Deed
Robert Fleegans				
Cons. Coal Co. (Penn.)	10-6-64	152	105	Deed
Robert Fleegans				
Cons. Coal Co. (Penn.)	10-6-64	152	134	Deed
Seaway Coal Company				
Cons. Coal Co. (Penn.)	5-15-64	154	25	Deed
Adam M. Dunlap				
Cons. Coal Co. (Penn.)	4-14-64	150	291	Deed
Village of Flushing				
Cons. Coal Co. (Penn.)	5-14-62	148	313	Deed
Village of Flushing				
Cons. Coal Co. (Penn.)	12-2-58	142	408	Deed
U.S.A.				
Cons. Coal Co. (Penn.)	11-11-64	153	143	Deed
Maurice D. and Elsie B. Lester				
Cons. Coal Co. (Penn.)	11-11-64	152	139	Deed
Oak Park Recreation Corporation				
Cons. Coal Co. (Penn.)	10-20-61	147	13	Deed
Harrison Lodge #219				
Cons. Coal Co. (Penn.)	11-12-58	142	356	Deed
James H. Milford				
Cons. Coal Co. (Penn.)	11-12-58	142	385	Deed
Eleanor F. Milford				
Cons. Coal Co. (Penn.)	8-13-63	148	59	Deed
Helena H. Dickerson				
Cons. Coal Co. (Penn.)	8-14-66	159	36	Deed
Ohio Power Company				

Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
			Vol.	Page	
Cons. Coal Co. (Penn.)	Shurtcreek & H Park	5-11-61	Unrecorded		Deed

The premises conveyed by the above instrument were described in said instrument as follows:

Situated in the State of Ohio, County of Harrison, Township of Short Creek, bounded and described as follows:

Being part of the Northeast Quarter of Section No. 14, Township No. 9, Range No. 4; Beginning at a point in County Road No. 15, said point of beginning bears South 2° 30' West 1763.18 feet from the northeast corner of Section No. 14; running thence South 57° 18' 40" West 423.97 feet to a point in the creek; thence North 67° 09' 10" West 284.83 feet to a point in the creek; thence North 0° 58' 10" East 185.08 feet to a point in the creek; thence North 37° 49' 30" East 199.20 feet to a point in the creek; thence North 13° 48' 30" East 137.54 feet to a point in the creek; thence North 33° 43' 50" East 154.97 feet to a point near County Road No. 15; thence along said road South 25° 18' 08" East 238.50 feet to a point in said road; thence South 46° 15' 00" East 310.20 feet to the place of beginning. Containing 5.063 Acres, more or less.

EXCEPTING AND RESERVING therefrom unto the Grantor, its successors and assigns, the following rights, privileges and immunities as set forth in the above referred to deed:

It being mutually understood and agreed by and between the Grantor and the Grantee, that the Grantor is conducting, and may hereafter conduct, coal-mining operations in the immediate vicinity of the hereinbefore described premises, and the Grantee, as a part of this consideration for the within conveyance, does hereby release, release and forever discharge the said Grantor, its successors and assigns, from any and all claims for damages which may have arisen, or which may hereafter arise, as a result of the conduct of coal mining operations on premises within the general vicinity of the hereinbefore described premises.

Said hereinbefore described premises are also Subject to all legal highways, exceptions, reservations, easements, rights, limitations and restrictions of record on or relating to the same.

(Being a part of the same premises as were conveyed by Hanna Lands Company to Pittsburgh Consolidation Coal Company by deed dated June 8th, 1946, which deed is recorded in Vol. 127 A. & R., Page 1 et seq., Deed

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Records of Harrison County, Ohio, and being designated therein as part of Pt. L, Parcel No. 22, Tract I, 1 Parcel No. II, Tract 1, and Pt. I, Parcel No. 2, Tract 8.)

To Have and to Hold said premises unto the said Grantee for so long as it shall continue to use and occupy premises for 4-H Park Recreational Purposes Only.

And the said Grantee agrees, by the acceptance of this grant that whenever it shall cease to use and occupy hereinbefore described premises for the purposes hereinbefore set forth, then and in that event, all right, title, interest and estate of the Grantee in and to the hereinbefore described premises shall cease and determine, without entry by Grantor, its successors and assigns, and shall revert to the Grantor herein, Consolidation Coal Company, its successor assigns.

Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
			Vol.	Page	
Cons. Coal Co. (Fano.)	The Youghiogheny and Ohio Coal Company	4-1-06	Unrecorded		Deed

The premises conveyed by the above instrument were described in said instrument as follows:

All the Lower Freeport seam coal, which is the same seam of coal presently being mined in the Nelms No Mine of The Youghiogheny and Ohio Coal Company, that underlies the following described lands situated in Cre Township, Harrison County, Ohio:

Being part of the Northeast Quarter of Section 16, Township 9, Range 4; Beginning at the most Northwest corner of a tract of land under which the Lower Freeport seam coal was conveyed to the Grantor herein by John and Anna Kobus by Deed dated December 7, 1904, and recorded in Volume , Page of Harrison County Record of Deeds; said corner bearing South 43° 41' 00.24" West, 1778.45 feet distant from a stake at the Northeast corner of said Section 16; thence with the North line of said land under which the Lower Freeport seam coal was conveyed to the Grantor herein by John and Anna Kobus, and line of lands now, or formerly, belonging to C. J. Wheeler, South 87° 40' East, 509.69 feet to a point on a Line of Exchange established between coal lands belonging to the Grantee and Grantor herein by two deeds, one from The M. A. Hanna Company to the Grantor

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herein dated October 21, 1889, and recorded in Volume 143, Page 459 of Harrison County, Ohio, Record of Deeds; and the other from the Grantee herein to The M. A. Hanna Company, dated October 31, 1889, and recorded in Volume 143, Page 481, of Harrison County, Ohio, Record of Deeds; thence with the said Line of Exchange, and also with the line of other coal belonging to the Grantor herein, South 17° 35' West, 485.12 feet to a point on the Southwesterly line of said land under which the Lower Freeport seam of coal was conveyed to the Grantor herein by John and Anna Kobus, and line of lands now, or formerly, belonging to Carl J. Wheeler; thence leaving the said Line of Exchange, and with the Southwesterly line of said land under which the Lower Freeport seam coal was conveyed to the Grantor herein, by John and Anna Kobus and also with the line of lands now, or formerly, belonging to Carl J. Wheeler, North 38° 28' West, 592.80 feet to the place of beginning; CONTAINING 2.625 acres, more or less.

This conveyance is made SUBJECT to a small parcel of land 100 feet wide and 1318 feet long that may in part overlap the coal hereby conveyed, and which was conveyed by Stuart B. Shotwell, et ux., to The W. & L. E. R. R. Company by deed dated September 13, 1889, and recorded in Volume 38, Page 467 of Harrison County, Ohio, Record of Deeds, and which instrument, by which the railroad company acquired title to said strip, states "But it is hereby distinctly agreed that said Grantors hereby convey only such title to said land and rights therein to said railroad company as it would acquire by proceedings instituted in the ordinary way in Probate Court for the appropriation thereof under the statutes of the State of Ohio".

The Grantee herein, by acceptance of this deed, agrees to leave unmined all said Lower Freeport seam coal conveyed hereby that lies within Fifty (50) feet of the said Line of Exchange.

TOGETHER with the free and uninterrupted right of way into and under said above-described land at such points and in such manner and at such times, as the Grantee herein, its successors and assigns, may desire for the purpose of digging, mining, ventilating, draining, removing and carrying away all, or any portion, hereinafter described, without being required to leave any coal in place, or otherwise, to provide for the support of the overlying strata, or surface, or anything therein, thereon or thereunder; and without being liable for any damage to the overlying strata, or surface, or anything therein, thereon or thereunder by reason of the mining and removing of all, or any portion of said coal, or of coal adjacent thereto; and with the right to dig, mine, ventilate, drain, remove and carry away through the said above-described coal any adjoining or other coal of the same seam, now owned, or that may hereafter be acquired by the Grantee herein, its successors and assigns; and also the right to construct and

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maintain ways or passages through said above-described coal for the transportation, transmission, or conduction of any and all supplies, electrical power lines, waste materials, employees and other persons and things which the Grantee herein, its successors and assigns, may desire to employ in digging, mining, draining, ventilating, removing and carrying away said above described coal, or any adjoining, or other coal, now owned, or that may hereafter be acquired by the Grantee herein, its successors and assigns.

The right to drill for oil and/or gas through the coal above described without conflicting with the rights of said Grantee herein, its successors and assigns, as above granted, using, however, all necessary safety devices known to the business and provided by the mining laws of the State of Ohio, is hereby reserved, but before drilling of any oil and/or gas well is started, a permit from the Department of Mines, State of Ohio, shall be acquired, and payment shall be made by the Grantors, or their heirs and assigns, to the Grantee herein, its successors and assigns, for such coal that is left unmined as protection about such oil and/or gas wells, and of such amount as meets the approval of the Department of Mines of the State of Ohio, at the rate of 50 cents per ton.

Grantee	Grantee	Date of Instrument	Recorded County		Type of Instrument
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Cons. Coal Co. (Perm.)	Upper Ohio Valley Girl Scouts Council, Inc.	5-1-68	159	206	Deed

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(5) Leases and agreements from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Subdivision 5.04.

<u>Grantee</u>	<u>Grantor</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Leases</u>		<u>Type of Instrument</u>
			<u>Vol.</u>	<u>Page</u>	
Pitt. Cons. Coal Co.	The Wheeling and Lake Erie Railway Company	6-12-48	Unrecorded		Agreement
Pitt. Cons. Coal Co.	New York, Chicago and St. Louis Railroad Company	8- 5-54	Unrecorded		Lease
Pitt. Cons. Coal Co.	The Bedway Coal Company (renewed Jan. 1, 1968)	1-15-55	Unrecorded		Lease
Pitt. Cons. Coal Co.	John DeCorte	10-25-56	Unrecorded		Agreement
Pitt. Cons. Coal Co.	The Powhatan Mining Company	1-28-58	37	131	Lease
Cons. Coal Co. (Penn.)	Cadiz Lions Club (renewed May 13, 1964)	3- 5-59	37	128	Lease
Cons. Coal Co. (Penn.)	U.S.A.	8-14-64	Unrecorded		Lease
Cons. Coal Co. (Penn.)	Helen DeCorte	3- 2-61	Unrecorded		Agreement
Cons. Coal Co. (Penn.)	Allen W. and Bess P. Scott	10- 6-64	Unrecorded		Agreement
Cons. Coal Co. (Penn.)	Moore Mining Company	8-19-65	Unrecorded		Lease
Cons. Coal Co. (Penn.)	Louis Zaccagnini	5- 1-68	Unrecorded		Lease
Cons. Coal Co. (Penn.)	Seaway Coal Company	2-15-64	Unrecorded		Lease
Cons. Coal Co. (Penn.)	Distaff, Inc.	7- 7-65	Unrecorded		Lease
			<u>Recorded County Record of Deeds</u>		
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	6- 3-55	141	251	
Pitt. Cons. Coal Co.	Edgar and Helen Dodds	9-29-55	156	208	Agreement
Cons. Coal Co. (Penn.)	The Powhatan Mining Company	12-29-58	Unrecorded		Assignment of Lease

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(6) Easements and rights of way from Pitt. Cons. Coal Co. and Cons. Coal Co. (Penn.) affecting properties described in this Subdivision 3.04.

<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
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Pitt. Cons. Coal Co.	East Ohio Gas Company	12-23-49	128	10	Easement
			<u>Recorded County Special Records</u>		
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	7-26-49	11	280	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	7-28-49	11	283	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	400	Easement
Pitt. Cons. Coal Co.	Charles Ward and Rilla M. Ward	8-27-54	12	119	Easement
			<u>Recorded County Record of Deeds</u>		
Pitt. Cons. Coal Co.	Harrison County Commissioners	2-20-50	128	587	Easement
Pitt. Cons. Coal Co.	Harrison County Commissioners	1-14-48	123	231	Easement
Pitt. Cons. Coal Co.	Commissioners of Harrison County	12-15-50	143	119	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	1-14-49	125	400	Easement
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	1-15-53	141	281	Easement
Pitt. Cons. Coal Co.	Buckeye Pipeline Company	1- 5-50	128	592	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	5-28-54	135	406	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	4-27-58	139	28	Easement

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
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Pitt. Cons. Coal Co.	Rail & Lake Mining Company	8-2-50	128	494	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	8-30-51	130	407	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	10-13-54	138	67	Easement
Pitt. Cons. Coal Co.	Buckeye Pipeline Company	8-14-51	130	204	Easement
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	1-29-57	139	495	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	7-27-50	128	583	Easement
<u>Recorded County Special Records</u>					
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	401	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	403	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	404	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	405	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	406	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	407	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	408	Easement
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	410	Easement

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Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	411	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	412	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-30-51	11	420	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-15-51	11	413	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-16-51	11	384	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-16-51	11	385	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	8-16-51	11	383	Ea
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	2-14-49	11	217	Eas
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	2-14-49	11	219	Eas
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	2-10-53	133	484	Eas
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	2-9-53	131	140	Eas
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	3-7-52	131	139	Eas
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	3-7-52	131	145	Eas

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Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	3- 7-52	131	144	Easement
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	3- 7-52	131	143	Easement
Pitt. Cons. Coal Co.	The Buckeye Pipeline Company	3- 7-52	131	138	Easement
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	5-25-53	134	168	Easement
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	9-14-54	135	280	Easement
Pitt. Cons. Coal Co.	The East Ohio Gas Company	9- 9-53	134	385	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	9- 9-53	134	586	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	9- 9-53	134	352	Easement
Pitt. Cons. Coal Co.	Board of Commissioners of Harrison County	11-27-53	134	557	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	12- 7-53	135	92	Easement
Pitt. Cons. Coal Co.	The Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company, and The Pennsylvania Railroad Company, and The Wheeling and Lake Erie Railway Company	11- 9-53	134	546	Easement
Pitt. Cons. Coal Co.	The Wheeling and Lake Erie Railroad Company	12- 9-54	136	230	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	5-24-53	133	449	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	10- 5-54	136	69	Easement

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
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Pitt. Cons. Coal Co.	The Wheeling and Lake Erie Railway Company and The New York, Chicago and St. Louis Railroad Company	5-24-54	135	345	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	2-17-55	136	461	Easement
Pitt. Cons. Coal Co.	Philadelphia, Baltimore and Washington Railroad Company	7-23-55	141	521	Easement
Pitt. Cons. Coal Co.	The Ohio Power Company	9-15-55	137	416	Easement
			<u>Recorded County Record of Leases</u>		
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	12-22-53	38	153	Easement
			<u>Record County Record of Deeds</u>		
Pitt. Cons. Coal Co.	Natural Gas Company of West Virginia	10-31-56	139	340	Easement
Pitt. Cons. Coal Co.	The Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company, and The Pennsylvania Railroad Company	10-4-56	141	516	Easement
Pitt. Cons. Coal Co.	The New York, Chicago and St. Louis Railroad Company	9-9-57	141	313	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	3-24-48	123	483	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	3-20-48	123	487	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	4-3-48	123	573	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	3-20-48	123	489	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	8-25-48	125	40	Easement

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Grantor	Grantee	Date of Instrument	Recorded County Board of Deeds		Type of Instrument
			Vol.	Page	
Kit. Cons. Coal Co.	J. H. Milford and Eleanor Milford	10-31-57	142	339	Easement
Pitt. Cons. Coal Co.	Ohio Power Company	4-8-48	123	572	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	5-15-53	142	537	Easement
Cons. Coal Co. (Penn.)	Ohio Power Company	7-16-58	142	89	Easement
Cons. Coal Co. (Penn.)	Harrison County Commissioners	12-17-53	152	643	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	3-24-59	142	549	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	4-2-59	143	100	Easement
Cons. Coal Co. (Penn.)	New York Central Railroad Company	3-24-59	143	28	Easement
Cons. Coal Co. (Penn.)	New York Central Railroad Company	3-4-60	144	248	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10-24-59	143	523	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10-26-59	143	526	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10-26-59	143	525	Easement
Cons. Coal Co. (Penn.)	Whiteling and Lake Erie Railroad Company	12-23-59	144	51	Easement

(327)

Harrison County, Ohio

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100-101-101

vol 157 page 156

Quarter	Grantee	Date of Payment	Recorded County Record of Deeds		Type of Instrument
			Vol.	Page	
Cons. Coal Co. (Penn.)	Ohio Power Company	11- 7-60	145	489	Eastern
Cons. Coal Co. (Penn.)	Village of Flushing	12-18-60	145	492	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	5-11-61	146	337	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	7- 5-61	146	346	Eastern
Cons. Coal Co. (Penn.)	Ohio Bell Telephone Company	8-28-61	146	493	Eastern
Cons. Coal Co. (Penn.)	Village of Flushing	4-28-62	146	134	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	8-29-62	148	95	Eastern
Cons. Coal Co. (Penn.)	Ohio Power Company	8-28-64	151	425	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	5-27-63	149	203	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10- 9-63	152	647	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10- 9-63	150	168	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	10- 9-63	152	678	Eastern
Cons. Coal Co. (Penn.)	Ohio Fuel Gas Company	11- 5-63	150	53	Eastern
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	5- 1-64	152	640	Eastern

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<u>Grantor</u>	<u>Grantee</u>	<u>Date of Instrument</u>	<u>Recorded County Record of Deeds</u>		<u>Type of Instrument</u>
			<u>Vol.</u>	<u>Page</u>	
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	1- 7-64	150	84	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	1- 7-64	150	83	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	1- 7-64	150	88	Easement
Cons. Coal Co. (Penn.)	J. H. Milford and Eleanor Milford	3-25-64	Unrecorded		Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	2-11-64	150	166	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	2-15-64	150	165	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	2-15-64	150	169	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	3-11-64	150	213	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	3-31-64	152	654	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	3-31-64	152	657	Easement
Cons. Coal Co. (Penn.)	Board of Commissioners of Harrison County	3-31-64	152	649	Easement
Cons. Coal Co. (Penn.)	Seaway Coal Company	10- 6-64	152	110	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	296	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	288	Easement
Cons. Coal Co. (Penn.)	Ohio Power Company	5-27-66	156	242	Easement

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Harrison County, Ohio

Grantor	Grantee	Date of Instrument	Recorded County Record of Deeds		Type of Instrument
			Vol.	Page	
Cons. Coal Co. (Penn.)	Ohio Power Company	2-11-66	155	276	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	294	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	288	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	290	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	300	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	298	Easement
Cons. Coal Co. (Penn.)	East Ohio Gas Company	5-19-65	153	294	Easement
Cons. Coal Co. (Penn.)	Wheeling and Lake Erie Railroad Company	8-22-61	149	436	Easement
Cons. Coal Co. (Penn.)	Wheeling and Lake Erie Railroad Company	5-14-66	Unrecorded		Easement

(7) Encumbrances affecting certain of the properties described in this Subdivision 5.04.

- (i) Certain written and oral agreements by Cons. Coal Co. (Penn.) with third parties made in the ordinary course of business, in accordance with custom and usage as practiced in the Coal industry for exchange of Coal and mining rights and privileges pertaining to the same, substantially on a ton for ton basis, which agreements in the aggregate do not involve in excess of 500,000 tons of Coal or 100 acres of surface lands;
- (ii) Options and commitments of Cons. Coal Co. (Penn.) for the resale or reconveyance of lands to its immediate predecessors-in-title upon completion of mining and reclamation of such lands;
- (iii) A contract for pasturage of cattle, dated February 5, 1968, between Cons. Coal Co. (Penn.) and Orleton Farms;
- (iv) Option Agreement from Cons. Coal Co. (Penn.) to Teaneco Oil Company dated January 17, 1968, which Option has been exercised by letter of June 8, 1968 from Teaneco Oil Company; and
- (v) Commitments of Cons. Coal Co. (Penn.) to public and private bodies for conveyances of surface lands with or without reversionary rights, which commitments will not exceed in the aggregate 350 Acres and which will not interfere with the mining and removing of any remaining coal.

APPENDIX H
EBS CERTIFICATION

APPENDIX H

EBS CERTIFICATION

CERTIFICATION OF THE
ENVIRONMENTAL BASELINE SURVEY
PROPOSED CADIZ DROP ZONE PROPERTY
FOR PITTSBURGH INTERNATIONAL AIRPORT
AIR RESERVE STATION

Earth Tech, Inc., has conducted this Environmental Baseline Survey on behalf of the Air Force. Earth Tech, Inc., has reviewed all appropriate records made available, and conducted visual site inspections of the selected facilities following an analysis of information during the record search. The information contained within the survey report is based on records made available and, to the best of Earth Tech, Inc.'s knowledge, is correct and current as of October 2008.



Carl Rykaczewski, REA No 07598
Earth Tech, Inc.

17 March 2009

Date

I certify that the property conditions stated in this report are based upon a review of available records, visual inspections, and analysis, as noted, and are true and correct to the best of my knowledge and belief.



GORDON H. ELWELL, JR., Colonel, USAFR
Commander, 911th Airlift Wing

10 Apr 09

Date

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APPENDIX I
AIR EMISSIONS CALCULATIONS

AIRCRAFT EMISSIONS CALCULATIONS FOR PROPOSED ACTION AIRCRAFT OPERATIONS

Aircraft emissions from aircraft operations that would occur under the Proposed Action were calculated using the methodology and emission factors in United States Air Force IERA Air Emissions Inventory Guidance Document for Mobile Sources at Air Force Installations (O'Brien, Robert J. and Mark Wade, 2002. Karta Technologies, Inc., revised December 2003).

Aircraft: C-130 H

Engine: T56-A-15, 4 per aircraft

Criteria Pollutant Emission Factors (excluding SO_x)

Aircraft Engine	Power Setting	Fuel Flowrate (lb/hr)	Emission Factor in lb Pollutant per 1000 lb fuel burned (lb/1000 lb)			
			NO _x	CO	VOC	PM ₁₀
T56-A-15	Ground Idle	900	7.49	3.84	1.97	3.64
	Flight Idle	1,240	8.31	2.82	0.58	3.85
	Normal RTD	2,180	9.69	1.65	0.42	1.46
	In Mil	2,456	11.42	1.77	0.28	1.22

Emission Factor for SO_x

Emission Factor = 20 * average sulfur content of fuel (percent by weight)/1000 lb fuel.

Based on an average sulfur content of JP-8 in Pennsylvania of 0.023, the emission factor for SO_x is 0.46 lb/1000 lb.

Emission Calculations

Annual emissions (in lbs) for each pollutant were calculated using the following formula:

$$E_{\text{pol}} = (AT / 60) * NF * (FFR / 1000) * EF * NE$$

Where,

E_{pol} = Emissions of a particular pollutant generated from a specific aircraft's annual flights within the air space (lb/yr)

AT = Average time per flight (by the applicable aircraft) within the air space (min/flight)

60 = Factor for converting minutes into hours (min/hour)

NF = Number of flights (within the air space) conducted by the applicable aircraft during the year (flights/yr)

FFR = Fuel Flow Rate per engine (lb/hr)

1000 = Factor for converting "lb/hr" to "1000 lb/hr"

EF = Emission Factor (lb/1000 lb)

NE = Number of engines on the aircraft

For this EA annual aircraft emissions were calculated for C-130H aircraft activity in the vicinity of the proposed Cadiz Drop Zone, including approach, overflight, and departure of the drop zone. Aircraft activity before approach to and departure from the drop zone area is assumed to be part of the existing low-level flight activity occurring in the area; therefore, emissions for this activity were not calculated as part of the proposed action. The emissions presented in the following table were calculated using 6 minutes flight time within the drop zone area for AT, a maximum of 2,160 flights per year for NF, and the "normal RTD" for FFR.

Total Annual Drop Zone Emissions

	CO	VOC	NO _x	SO _x	PM ₁₀
lb/yr	3,107.81	791.08	18251.31	866.42	2749.94
tpy	1.55	0.40	9.13	0.43	1.37

APPENDIX J
REGULATORY CONSULTATION

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

Matthew Malle
AECOM Environmental/Earth Tech
Biologist
1461 East Cooley Drive
Suite 100
Colton, CA 92324

Ohio Department of Natural Resources
Division of Natural Areas and Preserves
Ohio Natural Heritage Program
2045 Morse Rd., Bldg. F-1
Columbus, Ohio 43229

Subject: Data Request Form--Proposed Cadiz Drop Zone Cadiz, OH

Ohio Department of Natural Resources:

AECOM Environmental/Earth Tech has been hired to prepare a combined environmental assessment (EA) and environmental baseline survey (EBS) to support the proposed acquisition of property located near Cadiz, Ohio, for use as a drop zone for airdrop training by the 911th Airlift Wing (911 AW) of the Air Force Reserves (AFR).

The 911 AW is located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has several serious limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop Zone meets these requirements.

The Proposed Action is the establishment of a drop zone for use by the 911 AW. The proposed drop zone is an approximately 430-acre site located approximately 3.3 miles southwest of the town of Cadiz in Harrison County, Ohio. The site is on a reclaimed strip mine owned by CONSOL Energy that is currently being leased for cattle grazing. No significant modification of the site, such as grading access roads, clearing vegetation, or constructing facilities, would be required to establish the drop zone. It is expected that cattle grazing would continue to control the height of vegetation on the site, thereby eliminating the need for routine vegetation control.

The proposed drop zone consists of a rectangular drop zone and a circular drop zone superimposed on each other. The rectangular drop zone is approximately 1,500 yards (4,500 feet) long and 1,000 yards (3,000 feet) wide with a centerline oriented along a northwest-southeast axis. The circular drop zone has a 750-yard (2,250-foot) radius and is centered on the long axis of the rectangular drop zone, but offset approximately 250 yards (750 feet) to the southeast of the center of the rectangular drop zone.

The site consists primarily of fairly level, open grassland. Some areas towards the edges of the proposed lease boundary have steeper slopes and small areas of woodlands, but drop zone activities are not proposed for these areas. Drop zone activities would generally be restricted to the center of the proposed lease area boundary. AFR experience indicates that most dropped items land within 300 yards of targets which would be located along the centerline of the drop zone.

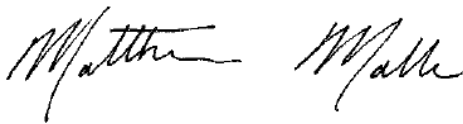
Air drops would be conducted as part of aircraft training flights that are currently a routine activity. A typical drop training event would entail use of two C130 aircraft. Flights to the drop zone would originate and terminate at Pittsburgh IAP ARS.

Drop zone activities would be conducted 2-3 times per week. Most activities would consist of dropping training bundles consisting of 15-lb sandbags with 68-inch diameter parachutes. Heavier dropped material, referred to as “actual loads” would be dropped only 2-3 time per month.

According to the U.S. Fish and Wildlife Service, the only federally listed species recorded for Harrison County is the federally endangered Indiana bat (*Myotis sodalis*). Specific information required for our Environmental Assessment is a comprehensive list of federally listed species with the potential to occur on or adjacent to the proposed Project Site. Specifically, we would like to obtain information about regionally significant Indiana bat hibernacula (within 10 miles of Project Site) and capture records (within 5 miles of Project Site) to include within the EA biological assessment.

Please let me know if you have any addition concerns or if you require additional information.

Best Regards,

A handwritten signature in black ink, appearing to read 'Matthew Malle', with a stylized, cursive script.

Matthew Malle
Biologist

909-554-5041 Office
Matthew.Malle@AECOM.com



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

Division of Natural Areas & Preserves

Steven D. Maurer, Chief

2045 Morse Road, F-1

Columbus, OH 43229-6693

Phone: (614) 265-6453 Fax: (614) 267-3096

November 19, 2008

Matthew Malle
AECOM Environmental/Earth Tech
1461 E. Cooley Dr., Suite 100
Colton, CA 92324

Dear Mr. Malle:

After reviewing our Natural Heritage maps and files, I find the Division of Natural Areas and Preserves has no records of rare or endangered species near the AECOM Environmental/Earth Tech Proposed Cadiz Drop Zone project #106627. The site is located in Secs. 13, 14, 19, and 20, Cadiz Twp., Harrison Co., Flushing Quadrangle. We have no records of Indiana Bats within 5 miles of the project and no records of Indiana Bat Hibernacula within 10 miles of the project.

There are no existing or proposed state nature preserves at the project site. We are also unaware of any unique ecological sites, geologic features, breeding or non-breeding animal concentrations, state parks, state forests, scenic rivers, or wildlife areas within the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although we inventory all types of plant communities, we only maintain records on the highest quality areas.

Please contact me at (614) 265-6409 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Butch Grieszmer".

Butch Grieszmer, Data Specialist
Resource Services Group



Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

02 Dec 08

Dr. Mary Knapp
U.S. Fish and Wildlife Service
6950 Americana Parkway
Suite H
Reynoldsburg, OH 43068-4127

Subject: Request for Information on Federally Listed Endangered, Threatened and Candidate Species and Notification of an Environmental Assessment for the Proposed Cadiz Drop Zone Project.

References:

- (a) Endangered Species Act of 1973, Section 7(c)(1)
- (b) National Environmental Policy Act

Dear Dr. Mary Knapp:

In accordance with references above, we are preparing to issue an Environmental Assessment (EA) to support the proposed lease of property located near Cadiz, Ohio, for use as a drop zone for airdrop training by the 911th Airlift Wing (911 AW) of the Air Force Reserves (AFR). We request you confirm that the threatened, endangered species and proposed candidates list is current and complete. Please identify any possible adverse impacts affecting species or critical habitat. Attached to this document is a brief description of the proposed action including a discussion of threatened and endangered species and figures showing the project location and boundary.

We appreciate your assistance with our efforts to identify important biological resources early in the EA development. Upon completion, a copy of the EA will be forwarded to your office for review.

If you have any questions or comments, please contact me at (909) 554-5052.

Very truly yours,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachments:

1. Environmental Assessment Information
2. Ohio DNR Letter
3. Figure 1
4. Figure 2
5. Figure 3

Attachment 1
Environmental Assessment Documentation
Proposed Cadiz, OH Drop Zone

Proposed Action

The 911 AW is located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has several serious limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop Zone meets these requirements.

The Proposed Action is the establishment of a drop zone for use by the 911 AW. The proposed drop zone is an approximately 430-acre site located approximately 3.3 miles southwest of the town of Cadiz in Harrison County, Ohio (lat/long: 40.226695, - 81.044254). The site is on a reclaimed strip mine owned by CONSOL Energy that is currently being leased for cattle grazing. No significant modification of the site, such as grading access roads, clearing vegetation, or constructing facilities, would be required to establish the drop zone. It is expected that cattle grazing would continue to control the height of vegetation on the site, thereby eliminating the need for routine vegetation control.

The proposed drop zone consists of a rectangular drop zone and a circular drop zone superimposed on each other. The rectangular drop zone is approximately 1,500 yards (4,500 feet) long and 1,000 yards (3,000 feet) wide with a centerline oriented along a northwest-southeast axis. The circular drop zone has a 750-yard (2,250-foot) radius and is centered on the long axis of the rectangular drop zone, but offset approximately 250 yards (750 feet) to the southeast of the center of the rectangular drop zone.

The site consists primarily of fairly level, open grassland. Some areas towards the edges of the proposed lease boundary have steeper slopes and small areas of woodlands, but drop zone activities are not proposed for these areas. Drop zone activities would generally be restricted to the center of the proposed lease area boundary. AFR experience indicates that most dropped items land within 300 yards of targets which would be located along the centerline of the drop zone.

Air drops would be conducted as part of aircraft training flights that are currently a routine activity. A typical drop training event would entail use of two C130 aircraft. Flights to the drop zone would originate and terminate at Pittsburgh IAP ARS. Drop zone activities would be conducted 2-3 times per week. Most activities would consist of dropping training bundles consisting of 15-lb sandbags with 68-inch diameter parachutes. Heavier dropped material, referred to as "actual loads" would be dropped only 2-3 times per month.

Alternatives to the Proposed Action

No Action Alternative

Under the No-Action Alternative, the AFR would not lease the property from CONSOL Energy to establish the new Cadiz Drop Zone. Airdrop training would continue at the Starvaggi Drop Zone. There would be no change in existing conditions. Because of limitations on use of the Starvaggi Drop Zone, continued reliance on this site as its only drop zone training site would limit the 911 AW's training capability and combat readiness and is not consistent with the purpose and need for the proposed action.

Biological Resources

The property is located within the Monongahela Transition Zone of the Western Alleghany Plateau Ecoregion. Potential natural vegetation in this ecoregion consists of mixed mesophytic and mixed oak forest (U.S EPA, 2008). The following discussion of biological resources on and adjacent to the property is based on observations made during the visual reconnaissance survey (VRS) conducted on 14 October 2008.

The majority of the property is on a reclaimed strip mine. The mined area has been graded and revegetated and is currently a grassland used for cattle grazing. The vegetation consists primarily of grasses and legumes (e.g., clover, vetch) with some other forbs, including *Aster* sp., Queen Anne's lace (*Daucus carota*), chicory (*Cichorium intybus*), goldenrod (*Solidago canadensis*), and teasel (*Dipsacus fullonum*). A few small single cottonwood (*Populus deltoides*) and black locust (*Robinia pseudoacacia*) trees are present in the grassland area. Two small wooded areas, located at the western and southern edges of the property occupy areas that were probably not mined. Tree species identified in the woodland include sycamore (*Platanus occidentalis*), black locust, sugar maple (*Acer saccharum*), silver maple (*Acer saccharinum*), cottonwood, ash (*Fraxinus* sp.), and black walnut (*Juglans nigra*). Common under story plants in the woodland include poison ivy (*Toxicodendron radicans*), brambles (*Rubus* sp.), and bush honeysuckle (*Lonicera* sp.). Two areas of cattails (*Typha* sp.) and willows (*Salix* sp.) are adjacent to the southern woodland area.

Wildlife species observed were white-tail deer (*Odocoileus virginianus*) and several bird species (mallard (*Anas platyrhynchos*), northern harrier (*Circus cyaneus*), black vulture (*Coragyps atratus*), turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), northern flicker (*Colaptes auratus*), and yellow-rumped warbler (*Dendroica coronata*)). Cattle were observed only in adjacent areas, but signs of cattle grazing, including droppings and heavy trampling in wet areas, were evident on the property.

Sensitive Habitats

Two ponds are present in the northern portion of the property. These appear to be artificial water bodies created during site reclamation. Two areas of cattails (wetland

obligate species) are present on the property. Near the center of the property a small area (less than ¼ acre) appeared as a dried puddle during the VRS. Although this dry puddle is generally barren and has been heavily trampled by cattle, a few clumps of rushes (wetland obligate species) grow in this area.

A small stream flows along the edges of the woodland area located on the southern portion of the property.

There are no direct impacts expected to the aquatic habitats present on-site. To the extent possible, the aquatic sites within the proposed impact areas will be avoided; however, it is possible the dropped materials would need to be occasionally retrieved from these sites. During the VRS of the drop zone, it was noted that the aquatic sites present were heavily trampled by and used as water source for the grazing cattle. The occasional retrieval of dropped materials could cause temporary increased sedimentation with the water column, ultimately affecting the water quality; however, the water quality would be expected to return to pre-exercise conditions shortly after the drop-zone operations have ceased. No significant adverse impacts to the aquatic habitats within the impact area are expected.

There are no impacts anticipated to the small stream located within the woodland area within the southern portion of the drop zone.

Protected Species

According to the U.S. Fish and Wildlife Service, the only federally listed species recorded for Harrison County and having the potential to occur within the drop zone area is the federally endangered Indiana bat (*Myotis sodalis*) (U.S. Fish and Wildlife Service, 2008).

The Ohio DNR was contacted as part of this analysis and asked to provide feedback of the likelihood for the Indiana bat to occur on or adjacent to the proposed project area. The Ohio DNR reviewed Natural Heritage maps and files for the regional area and concluded that no records of Indiana bat have been recorded within 5 miles of the property and no Indiana bat hibernacula have been recorded within 10 miles of the property.



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

Division of Natural Areas & Preserves

Steven D. Maurer, Chief

2045 Morse Road, F-1

Columbus, OH 43229-6693

Phone: (614) 265-6453 Fax: (614) 267-3096

November 19, 2008

Matthew Malle
AECOM Environmental/Earth Tech
1461 E. Cooley Dr., Suite 100
Colton, CA 92324

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There are no existing or proposed state nature preserves at the project site. We are also unaware of any unique ecological sites, geologic features, breeding or non-breeding animal concentrations, state parks, state forests, scenic rivers, or wildlife areas within the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although we inventory all types of plant communities, we only maintain records on the highest quality areas.

Please contact me at (614) 265-6409 if I can be of further assistance.

Sincerely,

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Butch Grieszmer, Data Specialist
Resource Services Group



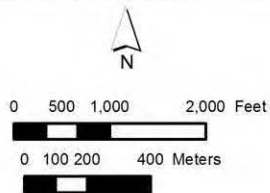
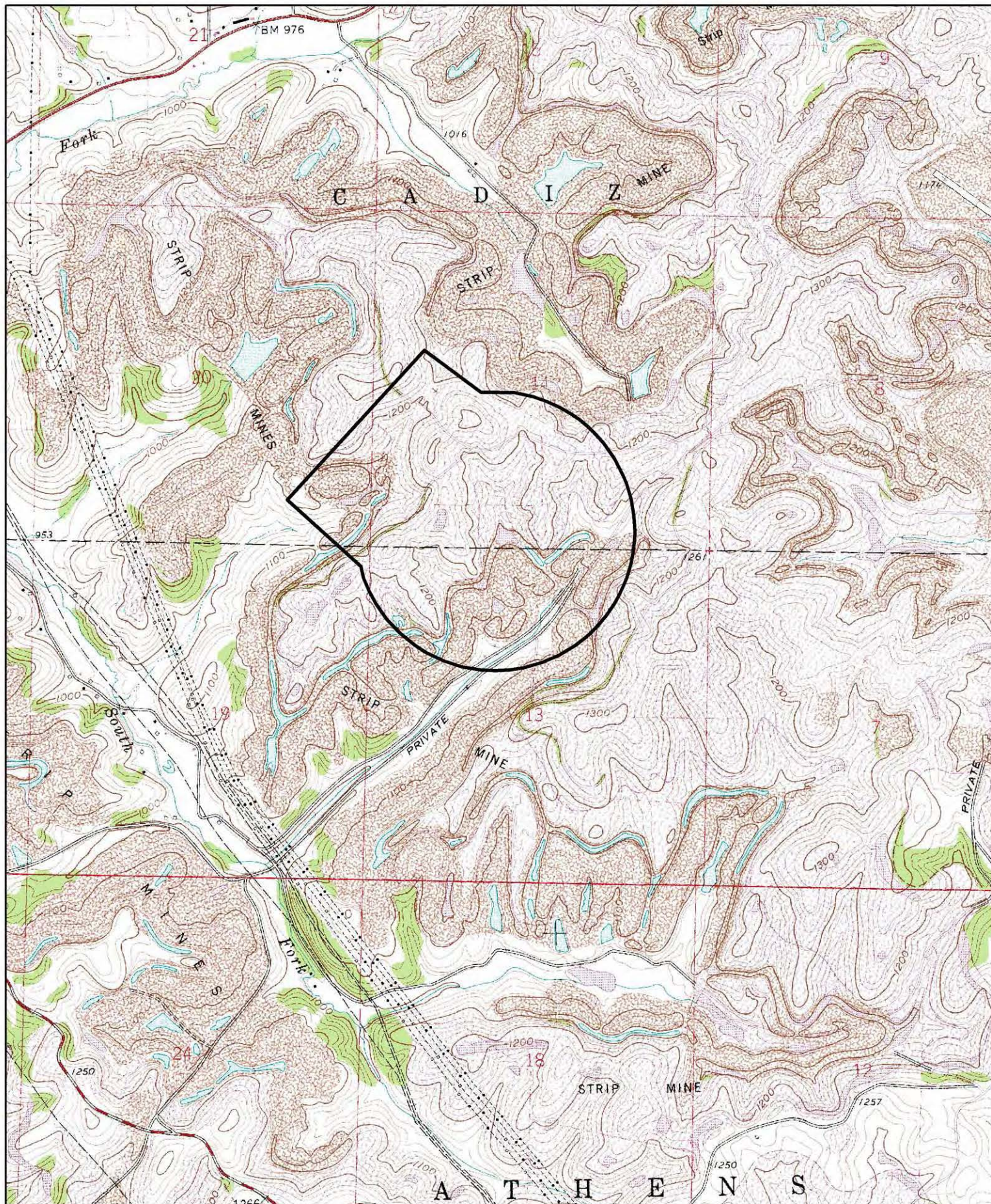
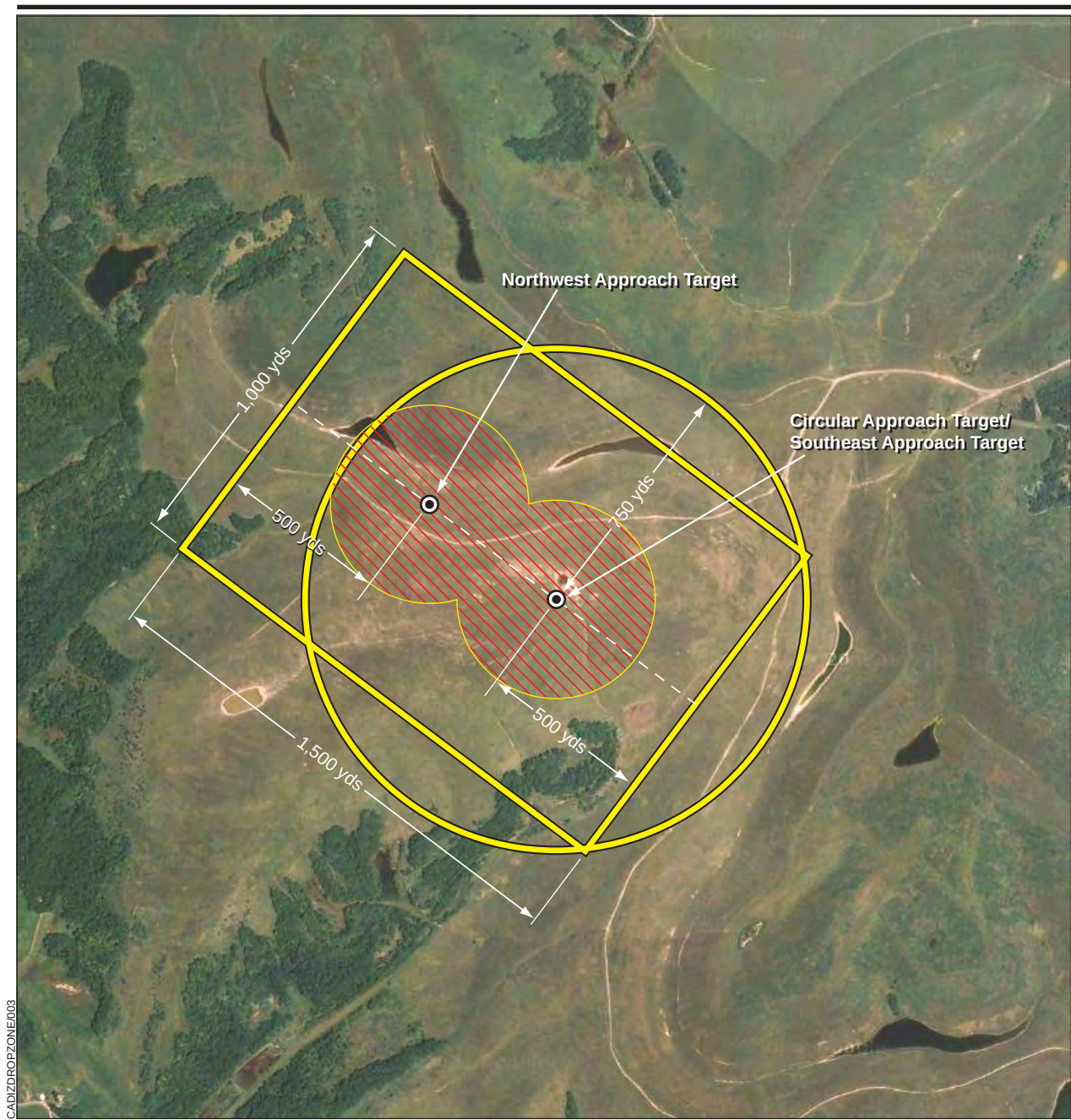


Figure 1

Cadiz Drop Zone

Flushing, Ohio 7.5' USGS



CADIZDROPZONE003

EXPLANATION

-  Expected Impact Area
(300-yd radius from targets)
-  Drop Zone Boundaries

Proposed Cadiz Drop Zone

NOT TO SCALE



Figure 2



Northeast end of Drop Zone, aspect northwest toward pond



Center of Drop Zone; close up of potential wetland area. Heavily trampled by cattle grazing.

Figure 3



West end of Drop Zone, aspect north western pond area.



West end of Drop Zone, aspect southwest toward wooded area.

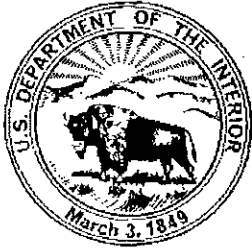
Figure 3



Southern portion of Drop Zone, aspect north from fringe of wooded area.



Southern Portion of Drop Zone; view west into woodland area.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
614-416-8993 / FAX 614-416-8994

January 15, 2009

Carl Rykaczewski
Earth Tech
1461 Cooley Drive, Suite 100
Colton, CA 92324

TAILS: 2009-TA-0190

Re: AFR Cadiz Drop Zone, Harrison County, OH

Dear Mr. Rykaczewski:

This is in response to your December 2, 2008 letter requesting information we may have regarding the occurrence or possible occurrence of Federally-listed threatened or endangered species within the vicinity of the proposed project located on an approximate 430 acre site located approximately 3.3 miles southwest of Cadiz in Harrison County, Ohio. We understand that the purpose of the proposed project is to lease the property for use as a drop zone for airdrop training by the Air Force Reserves. According to your letter, the study area is on a reclaimed strip mine that is currently being leased for cattle grazing. We understand that two ponds and several potential wetlands as well as a stream are located within the proposed site but that no direct impacts to aquatic resources are proposed.

There are no Federal wildlife refuges, wilderness areas, or Critical Habitat within the vicinity of this site.

The U.S. Fish and Wildlife Service recommends that proposed activities minimize water quality impacts and impacts to quality fish and wildlife habitat, such as forests, streams, and wetlands. Riparian zone habitat should be preserved wherever possible. Vegetated areas along stream and river banks stabilize the banks, provide fish and wildlife habitat, filter pollutants and excess nutrients from the water, store excess water during storm events, and minimize sedimentation. We recommend that the proposed action use best construction techniques to minimize erosion. Prevention of non-native, invasive plant establishment is critical in maintaining quality habitats. All disturbed areas should be mulched and re-vegetated with native plants. We recommend planting disturbed areas with native riparian species, for example willows, dogwoods, and cottonwoods. For maximum benefits on water quality and bank stabilization, riparian areas should not be mowed. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions.

MIGRATORY BIRD COMMENTS: The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a species protected under the Bald and Golden Eagle Protection Act

and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impact to this species is expected. Relative to this species, this precludes the need for further action on this project as required by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally-listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. According to your letter, the proposed project area is grassland that is currently being grazed with some wooded areas on the edges of the site that is not proposed to be impacted. Due to the past activities within the area and current on-site habitat, no impacts are expected for this species.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed ESA section 7 consultation document.

If you have questions, or if we may be of further assistance in this matter, please contact Melanie Cota at extension 15 in this office or by email at Melanie_Cota@fws.gov or visit our website at <http://www.fws.gov/midwest/Reynoldsburg/>.

Sincerely,



Mary Knapp, Ph.D.
Field Supervisor

cc: ODNr, DOW, SCEA Unit, Columbus, OH

AECOM

1461 E. Cooley Dr, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.aecom.com

Mr. Mark J. Epstein
Department Head
Ohio Historic Preservation Office
Resource Protection and Review
567 East Hudson Street
Columbus, OH 43211-1030

December 24, 2008

Dear Mr. Epstein,

Subject: Cadiz Drop Zone Section 106 Project Summary Form

On behalf of the Air Force Reserves (AFR), AECOM is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz. The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with federal laws, we are initiating correspondence and consultation efforts with your office regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop zone offers the following improvements over the Starvaggi Drop Zone:

- A relatively level area without steep slopes, rugged terrain, and large trees
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- Can be surveyed as a circular drop zone to support aircraft run-ins from more than a single direction
- It is not located in airspace where drop altitudes and airspeeds for airdrop operations are limited.

Because the airdrop training limitations currently imposed by use of the Starvaggi Drop Zone would not be present at the Cadiz Drop Zone, the Proposed Action would greatly increase the 911 AW's training capability and combat readiness.

The area proposed to be leased by the AFR is a reclaimed strip mine owned by CONSOL Energy. Although no comprehensive archaeological survey has been performed across the entire Cadiz Drop

Zone, land alterations associated with mining operations have obscured or removed all remnants of the original ground surface. The likelihood of finding prehistoric cultural resources is negligible. A record search conducted by your office noted one cultural resource survey had been conducted within a mile radius of the APE. This survey covered a small portion of the Cadiz Drop Zone, less than ten percent of the APE, but a significant portion of the parcel that was not affected by the strip mine operation and reclamation. As a result of this survey, a single cultural resource, the Barricklow Farm was recorded. No prehistoric resources were encountered.

Enclosed you will find a completed Resource Protection and Review – Section 106 Review – Project Summary Form. We believe the project will have No Adverse Effect [36CFR 800.4(d)(1)] on historic properties. Thank you for your cooperation with our efforts to address any possible cultural resource that may be impacted. We look forward to your response. Please contact Christopher Doolittle if you need additional information (christopher.doolittle@aecom.com; 909-554-5045).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Doolittle', written in a cursive style.

Christopher Doolittle
Cultural Resources Manager
AECOM

Enc: Cadiz Drop Zone Project Summary Form



January 22, 2009

Christopher Doolittle
AECOM
1461 E. Cooley Drive, Suite 100
Colton, California 92324

Dear Mr. Doolittle:

Re: Cadiz Drop Zone, Cadiz Township, Harrison County, Ohio

This is in response to your correspondence, received on January 5, 2009, regarding the new drop zone for the 911th Airlift Wing in Cadiz Township, Harrison County, Ohio. My comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800. Based on the information submitted, it is my opinion that the proposed undertaking will not affect properties listed in or eligible for listing in the National Register of Historic Places. No further coordination is required unless the project changes or archaeological remains are discovered during the course of the project. In such a situation, this office should be contacted as per 36 CFR 800.13.

If you have any questions, please contact me at (614) 298-2000, or by email at nyoung@ohiohistory.org.

Sincerely,

Nathan J. Young, Project Reviews Manager
Resource Protection and Review

1023150

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

www.ohiohistory.org

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. John P. Froman
Chief, Peoria Tribe of Oklahoma
PO Box 1527
118 S. Eight Tribe Trail
Miami, OK 74355

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Froman:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

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At this stage, the AFR invites you to participate in consultation for the leasing of the Cadiz Drop Zone. To ensure that any areas of sacred or spiritual significance to Native American groups are considered, we would appreciate your help in identifying or sharing any interests or concerns regarding religious or cultural resources within the lands of the Cadiz Drop Zone. Our goal is to protect areas important to Native Americans who have lived in the area of the Cadiz Drop Zone in the past, or have interest in it for the future.

Thank you for your cooperation with our efforts to address any possible Native American concerns that may be impacted. We look forward to your response. Please contact me at 909.554.5052 if you need additional information.

Sincerely,

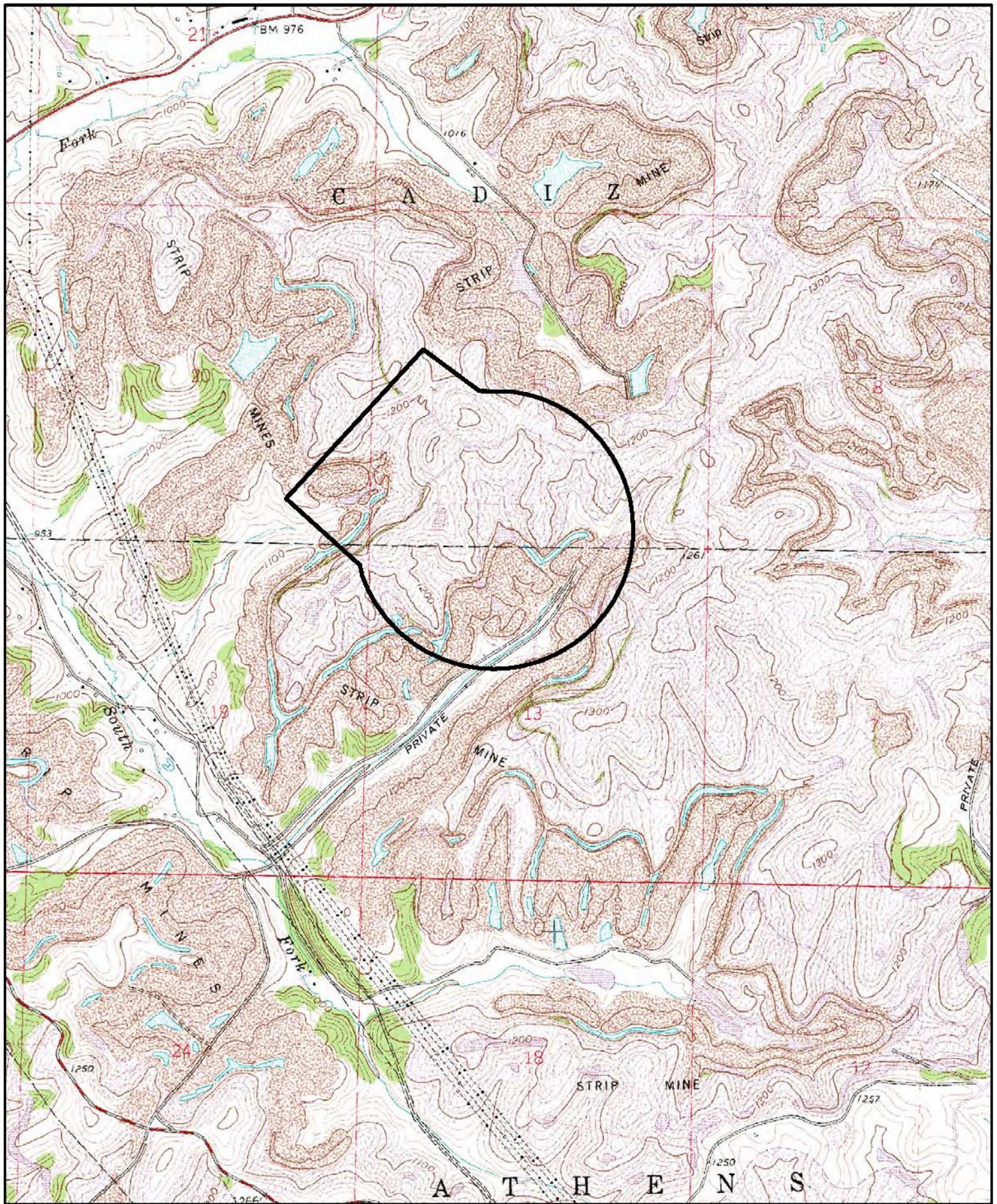
Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

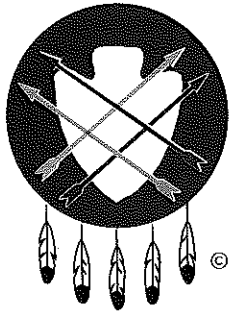


0 500 1,000 2,000 Feet

0 100 200 400 Meters

Cadiz Drop Zone

Flushing, Ohio 7.5' USGS



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538
P.O. Box 1527
MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Jason Dollarhide

January 22, 2009

Earth Tech
Attn: Carl Rykaczewski
Senior Environmental Professional
1461 E Cooley Drive, Suite 100
Colton, CA 92324

RE: Consultation on Native American Interests Regarding Traditional and
Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

Thank you for notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

A handwritten signature in black ink, appearing to read 'JPC', is positioned above the printed name of the Chief.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. Brady Grant
THPO, Office of Archaeology and Historic Preservation
Turtle Mountain Band of Chippewa Indians
P.O. Box 900
Belcourt, North Dakota 58316

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Grant:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop Zone offers the following improvements over the Starvaggi Drop Zone:

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Because the airdrop training limitations currently imposed by use of the Starvaggi Drop Zone would not be present at the Cadiz Drop Zone, the Proposed Action would greatly increase the 911 AW's training capability and combat readiness.

The area proposed to be leased by the AFR is a reclaimed strip mine owned by CONSOL Energy. Although no comprehensive archaeological survey has been performed across the entire Cadiz Drop Zone, land alterations associated with mining operations have obscured or removed all remnants of the original ground

surface. The likelihood of finding prehistoric cultural resources is negligible. A record search conducted by the Ohio Historic Preservation Office noted one cultural resource survey had been conducted within a mile radius of the project area. This survey covered a small portion of the Cadiz Drop Zone, less than 10 percent of the APE, but a significant portion of the parcel that was not affected by the strip mine operation and reclamation. As a result of this survey, a single cultural resource, the Barricklow Farm was recorded. No prehistoric resources were encountered.

At this stage, the AFR invites you to participate in consultation for the leasing of the Cadiz Drop Zone. To ensure that any areas of sacred or spiritual significance to Native American groups are considered, we would appreciate your help in identifying or sharing any interests or concerns regarding religious or cultural resources within the lands of the Cadiz Drop Zone. Our goal is to protect areas important to Native Americans who have lived in the area of the Cadiz Drop Zone in the past, or have interest in it for the future.

Thank you for your cooperation with our efforts to address any possible Native American concerns that may be impacted. We look forward to your response. Please contact me at 909.554.5052 if you need additional information.

Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. Robert Guenthardt
Chairman, Little River Band of Ottawa Indians of Michigan
375 River Street
Manistee, Michigan 49660-2729

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Guenthardt:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

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Thank you for your cooperation with our efforts to address any possible Native American concerns that may be impacted. We look forward to your response. Please contact me at 909.554.5052 if you need additional information.

Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. Clint Halftown
Chief, Cayuga Nation
PO Box 11
Versailles, NY 14168

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Halftown:

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Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. Darwin Hill
Tonawanda Band of Seneca Indians of New York
7027 Meadville Road
Basom, New York 14013

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
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January 6, 2009

Ms. Clara P. Holt
NAGPRA Officer, Eastern Band of Cherokee Indians of North Carolina
P.O. Box 455
Cherokee, North Carolina 28719

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

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Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. John Miller
Pokagon Band of Potawatomi Indians
PO Box 180
901 Spruce Street
Dowagiac, Michigan 49047

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Miller:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

The 911 AW conducts airdrop training as part of its combat crew training. The unit currently has a drop zone, the Starvaggi Drop Zone, located near Burgettstown, Pennsylvania. However, this site has limitations that restrict the 911 AW's airdrop training. The proposed Cadiz Drop Zone offers the following improvements over the Starvaggi Drop Zone:

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Because the airdrop training limitations currently imposed by use of the Starvaggi Drop Zone would not be present at the Cadiz Drop Zone, the Proposed Action would greatly increase the 911 AW's training capability and combat readiness.

The area proposed to be leased by the AFR is a reclaimed strip mine owned by CONSOL Energy. Although no comprehensive archaeological survey has been performed across the entire Cadiz Drop Zone, land alterations associated with mining operations have obscured or removed all remnants of the original ground

surface. The likelihood of finding prehistoric cultural resources is negligible. A record search conducted by the Ohio Historic Preservation Office noted one cultural resource survey had been conducted within a mile radius of the project area. This survey covered a small portion of the Cadiz Drop Zone, less than 10 percent of the APE, but a significant portion of the parcel that was not affected by the strip mine operation and reclamation. As a result of this survey, a single cultural resource, the Barricklow Farm was recorded. No prehistoric resources were encountered.

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Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Ms. Kathleen Mitchell
THPO, Seneca Nation of Indians
PO Box 231
Salamanca, New York 14779

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Ms. Mitchell:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

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Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Ms. Julie Olds
THPO, Miami Tribe of Oklahoma
P.O. Box 1326
202 South Eight Tribes Trail
Miami, Oklahoma 74355

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Ms. Olds:

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Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

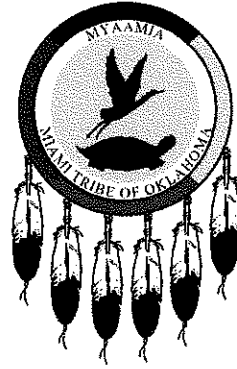
1. Figure 1



Miami Tribe of Oklahoma

P.O. Box 1326 Miami, Oklahoma 74355

Ph: (918) 542-1445 Fax (918) 542-7260



January 15, 2009

Earth Tech
1461 E. Cooley Drive, Suite 100
Colton, California 92324

RE: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

To Whom It May Concern:

Aya, kikwesitoole. My name is Joshua Sutterfield and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity I am the Miami Nation's point of contact for all NAGPRA and Section 106 issues.

In reference to the above mentioned construction/project's, the Miami Nation is not currently aware of existing documentation directly linking specific Miami religious, cultural, or historic sites to the above referenced construction/project site(s). However, as this site(s) is/are within the aboriginal homelands of the Miami Nation, should any Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) be discovered during this or any construction project the Miami Nation requests immediate consultation with the appropriate State Historical Society or related entity.

The Miami Nation offers no objection to the proposed construction/project at this time. Again, should human remains and/or objects be uncovered please contact me at 918-542-1445, or by mail at the address listed above, to initiate consultation.

Sincerely

Joshua Sutterfield
Tribal Historic Preservation Officer
Miami Nation

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Mr. Philip G. Peters
Chief, Saginaw Chippewa Indian Tribe of Michigan
Isabella Reservation
7070 East Broadway Road
Mount Pleasant, Michigan 48858

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Mr. Peters:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

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Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

Earth Tech
1461 E. Cooley Drive, Suite 100, Colton, California 92324
T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Ms. Laura Spurr
Huron Potawatomi Nation
2221 1½ Mile Road
Fulton, Michigan 49052

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Ms. Spurr:

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Carl Rykaczewski
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Attachment:

1. Figure 1

Earth Tech
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T 909.554.5000 F 909.424.1924 www.earthtech.aecom.com

January 6, 2009

Ms. Phyllis Wahahrockah-Tasi
NAGPRA Director, Delaware Nation
P.O. Box 825
Anadarko, Oklahoma 73005

Subject: Consultation on Native American Interests Regarding Traditional and Historic Resources at Cadiz Drop Zone, Harrison County, Ohio

References:

- (a) American Indian Religious Freedom Act of 1978
- (b) Native American Graves Protection and Repatriation Act of 1990
- (c) Section 106 of the National Historic Preservation Act (36 CFR Part 800), as amended

Dear Ms. Wahahrockah-Tasi:

On behalf of the Air Force Reserves (AFR), AECOM Technical Services is preparing an Environmental Assessment and Environmental Baseline Survey for the proposed lease of a 430-acre parcel located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz (Figure 1). The parcel will be used as a drop zone by the 911th Airlift Wing (911 AW) located at Pittsburgh International Airport (IAP) Air Reserve Station (ARS), Coraopolis, Pennsylvania. As part of this effort, and in compliance with the above references, we are initiating correspondence and consultation efforts to affiliated tribal groups regarding the proposed lease of the Cadiz Drop Zone. The entire 430-acre parcel is considered the Area of Potential Effect (APE).

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Sincerely,

Earth Tech Inc.,



Carl Rykaczewski
Senior Environmental Professional

Attachment:

1. Figure 1

APPENDIX K

INTERAGENCY AND INTERGOVERNMENTAL COORDINATION FOR ENVIRONMENTAL PLANNING AND PUBLIC COMMENTS AND RESPONSES

Interagency and Intergovernmental Coordination for Environmental Planning and Public Comments and Responses

The draft environmental assessment (EA)/environmental baseline survey (EBS) was circulated to the agencies listed below for 30-day review beginning on February 2, 2009. A notice of availability informing the public where a copy of the Draft EA/EBS was available for review and who to contact for further information or to submit comments was published in the Harrison News Herald for the week beginning Monday, February 2, 2009. A copy of this notice is provided in this appendix. This appendix also provides the Air Force Reserve's responses to comments received to the Draft EA/EBS followed by copies of the comments.

Distribution List for the Draft Cadiz Drop Zone EA/EBS

February 2009

Elected Officials

State of Ohio Officials

State Legislature

The Honorable Allan R Sayre
Ohio State Representative, District 96
77 S. High St
10th Floor
Columbus, OH 43215-6111

The Honorable Jason H. Wilson
Senate Building
Room #052, Ground Floor
Columbus, Ohio 43215

Local Officials

Ken Zitko
Mayor
44375 Cherrywood Dr.
Cadiz, Ohio 43907

Harrison County Board of Commissioners
William Host
President, Commissioner
100 West Market Street
County Courthouse
Cadiz, OH 43907-1132

Federal Agencies

U.S. Department of the Interior
Office of Environmental Policy and Compliance
Philadelphia Region Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

Federal Aviation Administration
Detroit Airports District Office, DET -ADO-600
11677 South Wayne Road, Suite 107
Romulus, MI 48174

U.S. Fish & Wildlife Service
Ohio Ecological Services Field Office
4625 Morse Road
Columbus, Ohio 43230

U.S. Environmental Protection Agency, Region 5
NEPA Expert
Attn: Mr. Ken Westlake
77 W. Jackson Blvd.
Chicago, IL 60604

Department of Defense

U.S. Army Corps of Engineers
Office of Environmental Policy (CECW-AR-E)
7701 Telegraph Road
Alexandria, VA 22315-3861

State Agencies

Ohio Department of Natural Resources
Division of Natural Areas & Preserves
Natural Heritage Program
2045 Morse Rd., Bldg. F-1
Columbus, OH 43229-6693

Ohio Department of Natural Resources
Division of Wildlife
Neil Lynskey
912 Portage Lakes Drive
Akron, Ohio 44319

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138

Ohio Historical Society
Ohio Historic Preservation Office
567 East Hudson Street
Columbus, Ohio 43211-1030

Local Agencies

Harrison County Airport Authority
43000 Airport Road
Cadiz, OH 43907-9605

Libraries

Puskarich Public Library
200 Market St
Cadiz, OH 43907

Monday, February 2, 2009



NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT Establish New Cadiz Drop Zone in Cadiz, Ohio

The Air Force Reserves have prepared a combined Draft Environmental Assessment (EA), Baseline Survey (EBS), and Finding of No Significant Impact (FONSI), dated January 2009 in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality regulations implementing NEPA. The Draft EA/EBS has been prepared to support the proposed lease of property located near Cadiz for use as a drop zone for training by the 911th Airlift Wing (AW) of the Air Force Reserves. The 911 AW is located at Pittsburgh International Airport Air Reserve Station, Coraopolis, PA. The following alternatives have been addressed in the EA:

- The **Proposed Action** entails the 911 AW leasing approximately 430 acres of privately owned property on a reclaimed strip mine located 3.3 miles southwest of the town of Cadiz. The property would be used for airdrop training activities including dropping sandbags and heavier materials from C-130 aircraft and occasional use for paratrooper drops
- The **No-Action Alternative** would involve the Air Force Reserves not leasing property near Cadiz and continuing to use an existing drop zone near Burgettstown, PA.

The Draft EA/EBS and FONSI are available for review at the following location:

Puskarich Public Library
200 Market Street
Cadiz, OH 43907

Public comment on the Draft EA/EBS and FONSI must be received by March 3, 2009. Written comments and inquiries may be forwarded by mail to the address below or by e-mail to carl.rykaczewski@aecom.com.

Mr. Carl Rykaczewski
AECOM
1461 E. Cooley Drive, Suite 100
Colton, CA 92324

Your comments on this Draft EA/EBS and FONSI are requested. Any personal information provided will be used only to identify your desire to make a statement during the public comment period or to fulfill requests for copies of the final EA/EBS. Personal home addresses and telephone numbers will not be published in the Final EA/EBS.

What's New at JC Wine Cellar?

Tuesday: Two for Tuesday

Two Dinner Entrees Starting at \$24.95

Wednesday & Thursday "5 & 10 Days"

Lunch Items \$5 (12 to 4 p.m.)

Dinner Items \$10 (4 to 6 p.m.)

Friday "Surf & Turf Night"

Saturday

Live Entertainment

Sunday

Lunch menu 2 to 5 p.m.

Dinner menu available 2 to 8



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Bring this coupon with you
on Friday & Saturday for
one FREE cheeseplate with
purchase of bottle of wine.
(12 to 5 p.m.)

Hours

Tues: 4:30 to 9:00, Wed-Sat: 12 to 9:00, Sun: 2 to 8
Lunch served from 12 to 3, Dinner from 4:30 to close

8306 St. Rt. 43 East Springfield, Ohio
740-543-4200 • 800-899-5180

Responses to Comments

No.	Name	Agency	Comment	Response
1.	Mary Knapp, PhD	U.S. Fish and Wildlife Service	Due to declining budgets, smaller staffs, and competing priorities, we are unable to respond to all requests for technical assistance at this time. Without a thorough review of the project, it would be impossible to accurately assess the potential effects. (Note: The USFWS previously provided a response to a request for information in which they indicated no impacts to bald eagles or Indiana bats are expected from this project. The response is provided in Appendix J.)	Comment noted.
2.	Kenneth Westlake	U.S. Environmental Protection Agency, Region V	The document was given a cursory review, and we determined that there were no significant concerns meriting comment.	Comment noted.
3.	Katherine S. Delaney	Federal Aviation Administration	We have no comments provided that the Air Force Reserves coordinates Drop Zone activities with the FAA, Flight Service Stations and issues the appropriate NOTAMs.	Comment noted.
4.	Craig Butler	Ohio Environmental Protection Agency, Southeast District Office	Ohio EPA, Southeast District Office reviewed the information provided and our current records to determine if there are outstanding environmental compliance issues with the 430 acre parcel identified. No issues were identified.	Comment noted.

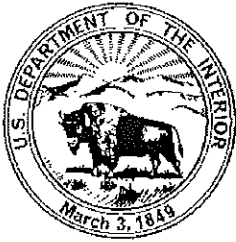
5a.	Brian Mitch	Ohio Department of Natural Resources, Division of Natural Areas and Preserves	The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database contains no records of rare species or unique natural features within the proposed project area and there are no state nature preserves, state parks, wildlife areas, or scenic rivers in the vicinity of the sites. Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.	Comment noted.
5b.	Brian Mitch	Ohio Department of Natural Resources, Division of Wildlife	The project is within the range of the Indiana bat (<i>Myotis sodalis</i>), a state and federally endangered species. Since no tree removal is necessary to complete this project, the DOW believes the project is not likely to impact this species.	This comment is consistent with the findings of the EA/EBS. No revision to the document has been made.

5c.	Brian Mitch	Ohio Department of Natural Resources, Division of Wildlife	The project is within the range of the bald eagle (<i>Haliaeetus leucocephalus</i>), a state threatened species. The location of bald eagle activity frequently changes. Therefore, closer to the actual date of construction, the applicant must obtain an updated status of bald eagle activity in the area. To obtain any changes in status, contact Andrea Tibbels or Dave Sherman at the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. Andrea can be reached at (419) 898-0960 extension 25 and Dave at extension 24. If a nest is located within ½ mile of the project site, coordination with the DOW is required.	The AFR will contact the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area prior to initiation of activities at the proposed Cadiz Drop Zone. The document has been revised to include this provision. Note: Subsequent comment from ODNR DOW supersedes this comment (see 5e).
5d.	Brian Mitch	Ohio Department of Natural Resources, Division of Wildlife	The project is within the range of the black bear (<i>Ursus americanus</i>), a state endangered species, and the bobcat (<i>Lynx rufus</i>), a state endangered species. Due to the mobility of these species, the project is not likely to have an impact on these species.	The document has been revised to incorporate this information.
5e.	Brian Mitch	Ohio Department of Natural Resources, Division of Wildlife	Since there are no plans for construction for this project, the DOW believes the project is not likely to impact the bald eagle (<i>Haliaeetus leucocephalus</i>), a threatened and endangered species. Therefore, there is no need for the Air Force Reserves to contact the DOW “closer to the date of actual construction” and there is no need for the Air Force Reserves to contact the DOW prior to beginning air drop activities.	Comment noted.

6.	Scott Sedgmer	Private Citizen	No Action. This would disrupt our quiet community. Farm animals would be affected also.	The Cadiz, Ohio, area is located within LATN A where low-altitude flights of C-130 aircraft currently are conducted. In the LATN, C-130 aircraft fly as low as 500 feet AGL which is the same minimum altitude that the same type of aircraft would be flown during the proposed drop zone activities. Aircraft operations at the drop zone would be more concentrated than the currently dispersed low-altitude aircraft operations that occur in the area. However, as discussed in Section 4.3.1, the predicted noise levels in the vicinity of the proposed drop zone would be less than DNL 45dBA. Noise levels below DNL 65dBA are considered by the FAA to be compatible with all land uses, including residential and agricultural. As stated in Section 3.4, the DNL descriptor has been recognized by HUD, U.S. EPA, FAA, and DOD as one of the most appropriate metrics for estimating degree of nuisance or annoyance that increased noise levels would cause. In addition, activities proposed for the Cadiz Drop Zone are the same as are currently conducted at the Starvaggi Drop Zone near Burgettstown, Pennsylvania. The AFR has received no noise complaints from current drop zone activities conducted at the Starvaggi Drop Zone.

7-15.	Darin Rose Dick and Bobbie Dickerson Mark Fulton Ronald Welson Maryann Lee Jeanette Hale Teresa Shaw Jan and Arnold Helmick Rich and Lucy Helmick	Private Citizens	No Action (Note: all 9 comments are identical)	The AFR has noted these comments expressing a preference for the No-Action Alternative. No revision to or clarification of the analysis in the EA/EBS is required in response to this comment.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
614-416-8993 / FAX 614-416-8994
February 3, 2009

Tails: 2009-TA-0331

Carl Rykaczewski
AECOM
1461 E. Cooley Drive, Suite 100
Colton, CA 92324

Re: Draft EA/EBS and FONSI to Establish New Drop Zone in Cadiz, OH

Dear Mr. Rykaczewski:

We have received your recent correspondence requesting information about the subject proposal. Due to declining budgets, smaller staffs, and competing priorities, we are unable to respond to all requests for technical assistance at this time. Without a thorough review of the project, it would be impossible to accurately assess the potential effects.

As an alternative, we encourage you to visit the Service's Region 3 Section 7 Technical Assistance website at <http://www.fws.gov/midwest/endangered/section7/s7process>. There you will find guidance to assist you in fulfilling the requirements for consultation under Section 7 of the Endangered Species Act, including a step-by-step explanation of the section 7 process, species distribution lists, species life history information and conservation measures, and examples of typical letters.

If you have additional questions or require further assistance with your project proposal, please contact me at the following number (614) 416-8993 x12. I would be happy to discuss the project in further detail with you and provide additional assistance if necessary. In addition, you can find more information on natural resources in Ohio by visiting our homepage at: <http://www.fws.gov/midwest/Reynoldsburg>.

Sincerely,

Mary Knapp, Ph.D.
Field Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 West Jackson Boulevard
Chicago, IL 60604

Date: February 4, 2009

Carl Rykaczewski
AECOM
1461 East Cooley Drive, Suite 100
Colton, California 92324

RE: Draft Environmental Assessment/Baseline Survey to Establish New Drop Zone in Cadiz, Ohio

Dear Mr. Rykaczewski:

The NEPA Implementation Section has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the document you sent to this office, and will not be generating comments because of the reason selected below.

- ☐ The document was not prepared under NEPA.
- ☐ The document was given a cursory review, but other workload priorities precluded us from detailed review and comment.
- ☒ The document was given a cursory review, and we determined that there were no significant concerns meriting comment.
- ☐ We opted to wait for the next level of documentation on this project before deciding whether or not to comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. If you have any questions, please call Kathy Kowal, of my staff, at 312-353-5206 or e-mail her at kowal.kathleen@epa.gov. Thank you for providing information on the project.

Sincerely,

Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

FAA Comments - Draft EAEBS Cadiz OH

From: Katherine.S.Delaney@faa.gov
Sent: Thursday, February 26, 2009 6:27 AM
To: Rykaczewski, Carl
Subject: FAA Comments - Draft EA/EBS Cadiz, OH

Carl:

The FAA has reviewed the Draft Environmental Assessment/Baseline Survey (EA/EBS) and Draft Finding of No Significant Impact (FONSI) to Establish New Drop Zone in Cadiz, Ohio.

We have no comments provided that the Air Force Reserves coordinates Drop Zone activities with the FAA, Flight Service Stations and issues the appropriate NOTAMs.

If you have any questions, please contact me.

Katherine S. Delaney
Community Planner
Detroit Airports District Office
Phone: (734) 229-2958



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

February 25, 2009

Carl Rykaczewski, Delivery Order Manager
AECOM
1461 E. Cooley Drive Suite 100
Colton, CA 92324

Dear Mr. Rykaczewski:

This letter is in response to your January 29, 2009 letter requesting input from Ohio EPA on the Draft Environmental Assessment/Baseline Survey (EA/EBS) and Draft Finding of No Significant Impact (FONSI) to establish a new drop zone in Cadiz, Ohio.

Ohio EPA, Southeast District Office reviewed the information provided and our current records to determine if there are outstanding environmental compliance issues with the 430 acre parcel identified. No issues were identified.

Thank you for the opportunity to comment. If you have any additional questions, or need additional information, please contact me at (740) 385-8501.

Sincerely,

Craig Butler, Chief

CB/pah

From: Mitch, Brian [mailto:Brian.Mitch@dnr.state.oh.us]
Sent: Thursday, March 05, 2009 1:19 PM
To: Rykaczewski, Carl
Subject: 09-0046; DRAFT EA to Establish New Drop Zone



ODNR COMMENTS TO Carl Rykaczewski, AECOM, 1461 East Cooley Drive, Suite 100, Colton, California 92324

Location: The project is located in Harrison County, Ohio, approximately 3.3 miles southwest of the town of Cadiz.

Project: The project involves the Air Force Reserve (AFR) leasing a 430-acre parcel which will be used as a drop zone by the 911th Airlift Wing Located at Pittsburgh International Airport Air Reserve Station in Corapolis, Pennsylvania.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Rare and Endangered Species: The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database contains no records of rare species or unique natural features within the proposed project area and there are no state nature preserves, state parks, wildlife areas, or scenic rivers in the vicinity of the sites.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. Since no tree removal is necessary to complete this project, the DOW believes the project is not likely to impact this species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. The location of bald eagle activity frequently changes. Therefore, closer to the actual date of construction, the applicant must obtain an updated status of bald eagle activity in the area. To obtain any changes in status, contact Andrea Tibbels or Dave Sherman at the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. Andrea can be reached at (419) 898-0960 extension 25 and Dave at extension 24. If a nest is located within ½ mile of the project site, coordination with the DOW is required.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species, and the bobcat (*Lynx rufus*), a state endangered species. Due to the mobility of these species, the project is not likely to have an impact on these species.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

Brian Mitch, Environmental Review Manager
Ohio Department of Natural Resources
Environmental Services Section
2045 Morse Road, Building D-3
Columbus, Ohio 43229-6693
Office: (614) 265-6378
FAX: (614) 267-4764
brian.mitch@dnr.state.oh.us

From: Mitch, Brian [<mailto:Brian.Mitch@dnr.state.oh.us>]
Sent: Wednesday, March 18, 2009 9:42 AM
To: Sniezek, Frank Civ USAF AFRC 911 MSG/CEVE
Cc: Matis, Joseph B Civ USAF AFRC 911 MSG/CEV
Subject: RE: ODNR Response to Environmental Assessment/Baseline Survey
to Establish New Drop Zone in Cadiz, Ohio

Frank,

After reviewing the additional information provided for this project, the Ohio Department of Natural Resources, Division of Wildlife (DOW) has the following comments:

Since there are no plans for construction for this project, the DOW believes the project is not likely to impact the bald eagle (*Haliaeetus leucocephalus*), a threatened and endangered species. Therefore, there is no need for the Air Force Reserves to contact the DOW "closer to the date of actual construction" and there is no need for the Air Force Reserves to contact the DOW prior to beginning air drop activities.

Brian Mitch, Environmental Review Manager Ohio Department of Natural
Resources Environmental Services Section
2045 Morse Rd., Building D-3
Columbus, OH 43229-6693
Office: (614) 265-6378
Fax: (614) 267-4764
brian.mitch@dnr.state.oh.us



NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

Establish New Cadiz Drop Zone in Cadiz, Ohio

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- The Proposed Action entails the 911 AW leasing approximately 430 acres of privately owned property on a reclaimed strip mine located 3.3 miles southwest of the town of Cadiz. The property would be used for airdrop training activities including dropping sandbags and heavier materials from C-130 aircraft and occasional use for paratrooper drops.
- The No-Action Alternative would involve the Air Force Reserves not leasing property near Cadiz and continuing to use an existing drop zone near Burgettstown, PA.

The Draft EA/EBS and FONSI are available for review at the following location:

Puskarich Public Library
200 Market Street
Cadiz, OH 43907

Public comment on the Draft EA/EBS and FONSI must be received by March 3, 2009. Written comments and inquiries may be forwarded by mail to the address below or by e-mail to carl.rykaczewski@aecom.com.

Mr. Carl Rykaczewski
AECOM
1461 E. Cooley Drive, Suite 100
Cotton, CA 92324

Your comments on this Draft EA/EBS and FONSI are requested. Any personal information provided will be used only to identify your desire to make a statement during the public comment period or to fulfill requests for copies of the final EA/EBS. Personal home addresses and telephone numbers will not be published in the Final EA/EBS.

No Action

Scott Sedgmer

CADIZ, OH.

This would disrupt our quiet community.
FARM ANIMALS would be affected, ALSO.



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NO ACTION
DARIN ROSE
CADIZ, OH.



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AECOM
1461 E. Cooley Drive, Suite 100
Cotton, CA 92324

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No Action

Dick & Bobbie Dickerson
Cody, OH



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AECOM
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No Action

MARK FULTON
CADIZ, OHIO



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- No Action

Ronald Wilson
CADIZ, OH.



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AEOM
1481 E. Cooley Drive, Suite 100
Cotton, CA 92324

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- no-action

Maryann Lee
Cadiz, OH



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Mr. Carl Rykaczewski
AECOM
1461 E. Cooley Drive, Suite 100
Cotton, CA 92324

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→ No Action

Jeanette

Hale



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No Action

Leresa Shaw



**NOTICE OF AVAILABILITY
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- The No-Action Alternative would involve the Air Force Reserves not leasing property near Cadiz and continuing to use an existing drop zone near Burgeltstown, PA.

The Draft EA/EBS and FONSI are available for review at the following location:

Puskerich Public Library
200 Market Street
Cadiz, OH 43907

Public comment on the Draft EA/EBS and FONSI must be received by March 3, 2009. Written comments and inquiries may be forwarded by mail to the address below or by e-mail to carl.rykaczewski@aecom.com.

Mr. Carl Rykaczewski
AECOM
1481 E. Cooley Drive, Suite 100
Colton, CA 92324

Your comments on this Draft EA/EBS and FONSI are requested. Any personal information provided will be used only to identify your desire to make a statement during the public comment period or to fulfill requests for copies of the final EA/EBS. Personal home addresses and telephone numbers will not be published in the Final EA/EBS.

No Action

JAN 4 ARNOLD

HELMICK

CADIZ OH



NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

Establish New Cadiz Drop Zone in Cadiz, Ohio

The Air Force Reserves have prepared a combined Draft Environmental Assessment (EA), Baseline Survey (EBS), and Finding of No Significant Impact (FONSI), dated January 2009 in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality regulations implementing NEPA. The Draft EA/EBS has been prepared to support the proposed lease of property located near Cadiz for use as a drop zone for training by the 911th Airlift Wing (AW) of the Air Force Reserves. The 911 AW is located at Pittsburgh International Airport Air Reserve Station, Coraopolis, PA. The following alternatives have been addressed in the EA:

- The Proposed Action entails the 911 AW leasing approximately 430 acres of privately owned property on a reclaimed strip mine located 3.3 miles southwest of the town of Cadiz. The property would be used for airdrop training activities including dropping sandbags and heavier materials from C-130 aircraft and occasional use for paratrooper drops.
- The No-Action Alternative would involve the Air Force Reserves not leasing property near Cadiz and continuing to use an existing drop zone near Burgettstown, PA.

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No Action

Rich & Lucy
Helmick

Cadiz, OH