



**US Army Corps
of Engineers**
Louisville District ®

Joint Public Notice

Public Notice No.
LRL-2012-600-kjs

Open Date:
11 Oct 2012

Close Date:
13 Nov 2012

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Kimberly J. Simpson, CELRL-OP-FW, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Trust Resources, LLC
528 Main Street, Suite 202
Evansville, Indiana 47708

AGENT: D. Brown & Associates
124 Broadway
Brandenburg, Kentucky 40108

LOCATION: The project is located on unnamed tributaries and associated wetlands and open waters of the East Fork of the White River, northwest of Pottersville, Daviess County, Indiana.

Latitude: 38.5219
Longitude: -87.0071
7.5 Minute Quad: Alfordsville and Glendale, IN

PURPOSE: To relocate wetlands and streams to facilitate the removal of surface coal.

DESCRIPTION OF WORK: The applicant proposes to conduct surface coal mining activities, including coal processing and associated support activities, on an 840-acre site. Approximately 330 acres of the 840-acre proposed project site has been mined post Surface Mining Control and Reclamation Act (SMCRA) and reclaimed. The proposed project would result in the discharge of dredged and/or fill material into 31,005 linear feet of ephemeral streams, 19,879 linear feet of intermittent streams, 5.441 acres of forested wetlands, 5.646 acres of emergent wetlands, and 44.176 acres of open waters. All economically recoverable coal, approximately 4 million tons, would be removed during the excavation of the area, processed, and sold. The area would be returned to approximate original contours, covered with stockpiled soil, revegetated, and returned to an approved post-mine land use through the SMCRA process. The site is pending SMCRA approval under Permit No. S-371.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has conducted an alternatives analysis. The applicants preferred alternative includes modifications to the mining plan that avoid impacts to 11,049 linear feet of streams, 3.51 acres to wetlands, and 3 acres of open waters.

To mitigate for unavoidable impacts to streams, the applicant proposes to reconstruct all streams onsite during the reclamation process by implementing natural channel design in approximately the same location as the streams that currently exist. Ephemeral streams would be mitigated at a 0.5:1 ratio (15,503 linear feet) while intermittent streams would be mitigated at a 1:1 ratio (19,879 linear feet). The proposal generally includes expanded stream sinuosity, placement of in-stream structures, reduced entrenchment ratios, and replacement of any Rosgen "G" and "E" streams. The applicant proposes to construct the reconstructed streams to meet Rosgen "B" or "C" channel types. Riparian buffer zones, comprising primarily hard mast species, would be planted along both sides of the reconstructed streams with a width of 25 feet.

To mitigate for unavoidable impacts to wetlands, the applicant proposes to create a wetland complex offsite on a property located immediately south of the project site, adjacent to the East Fork of the White River. Forested wetland impacts would be mitigated in-kind at an approximate 3:1 ratio (16.3 acres) while emergent wetland impacts would be mitigated at an approximate 1:1 ratio (5.7 acres) through creation of forested, scrub/shrub, and emergent wetlands and open water. The total offsite wetland mitigation area would be 28.5 acres in size with 22.1 acres of wetland creation. The site would be surrounded by an upland buffer to provide protection from adjacent mining and agricultural land uses.

Open waters would be mitigated onsite at a 0.5:1 ratio or higher (22.1 acres+) during the reclamation process.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality,

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2012-600-kjs

Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

The proposed project is within the range of the Federally-endangered Indiana bat (*Myotis sodalist*) and fanshell mussel (*Cyprogenia stegaria*). Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed

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project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/orf/listnotices.asp>. All comments regarding this proposal should be addressed to Kimberly J. Simpson, CELRL-OP-FW at the address noted above and should refer to the Public Notice Number LRL-2012-600-kjs.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2012-600-kjs.

Example:

Subject: LRL-2012-600-kjs

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

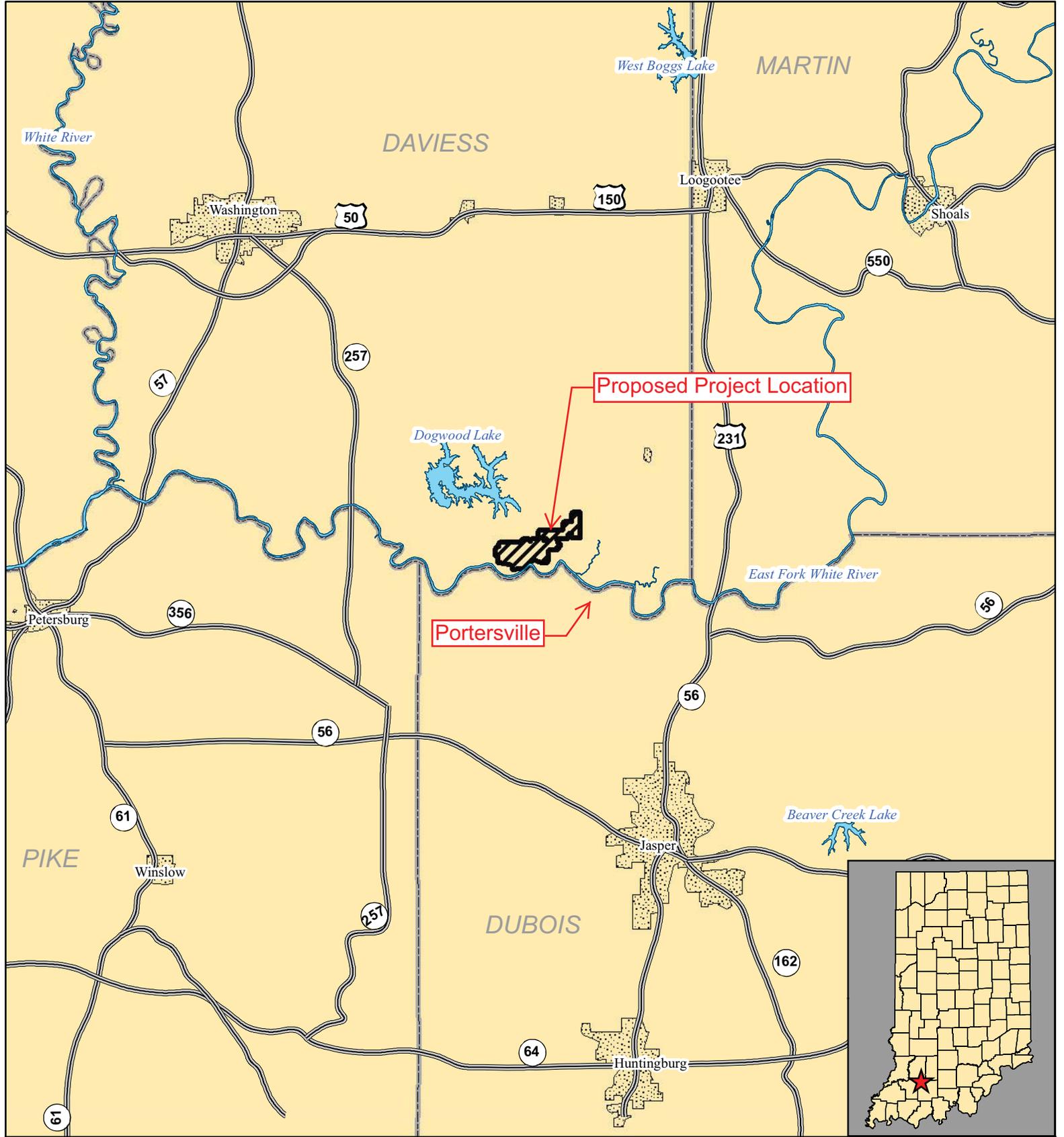


Figure 1b. Project Vicinity Map

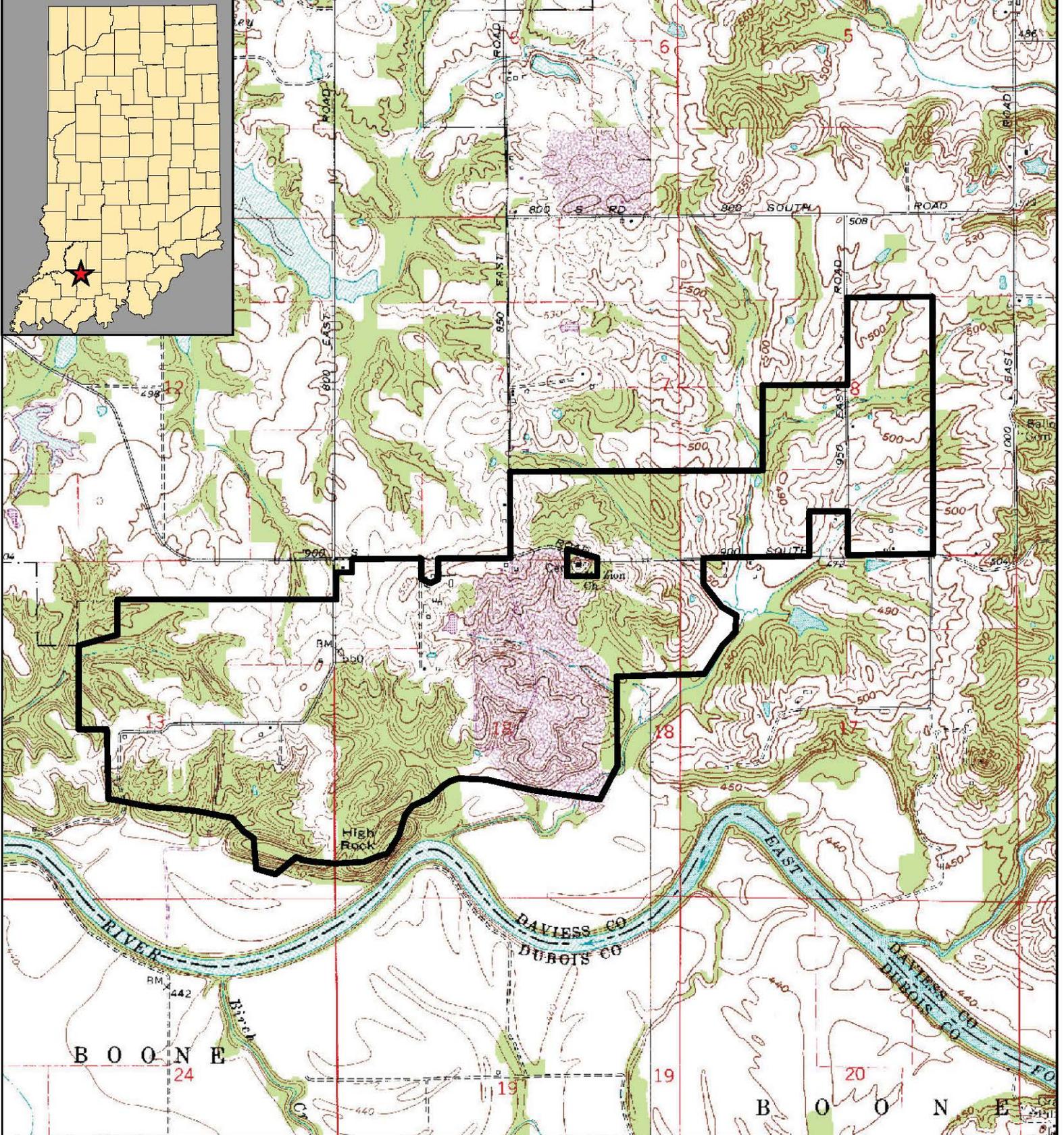
Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Corps ID LRL-2012-600-kjs
 Vicinity Map
 Map 1 of 12

- Primary Highways
- Rivers
- Lakes
- Populated Areas
- County Boundaries
- Mine Area 38.5219 N, 87.0087 W

1 inch = 20,000 feet Feet 1:240,000



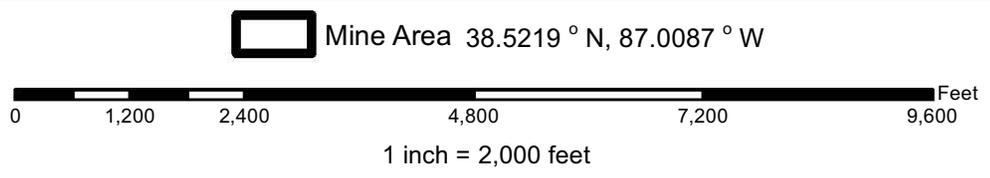


Corps ID LRL-2012-600-kjs
 Site Location Map
 Map 2 of 12

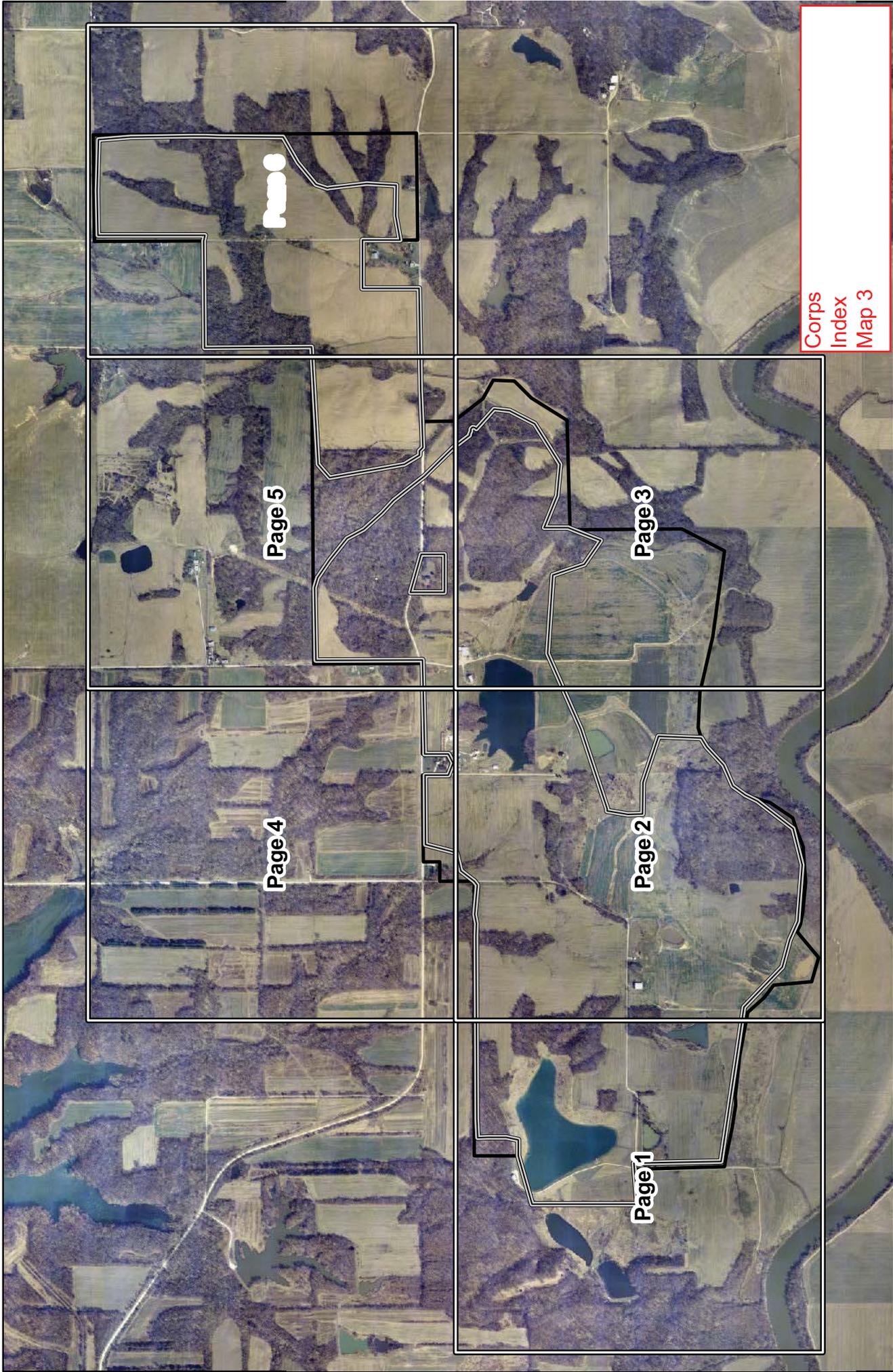
Figure 1a. Site Location Map
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana



Coordinate System:
 NAD 1983 State Plane IN West
 USGS Topo Quads:
 Alfordsville & Glendale
 D. Brown & Associates
 Environmental Consulting 08/02/2012



Mine Area 38.5219 ° N, 87.0087 ° W



Legend

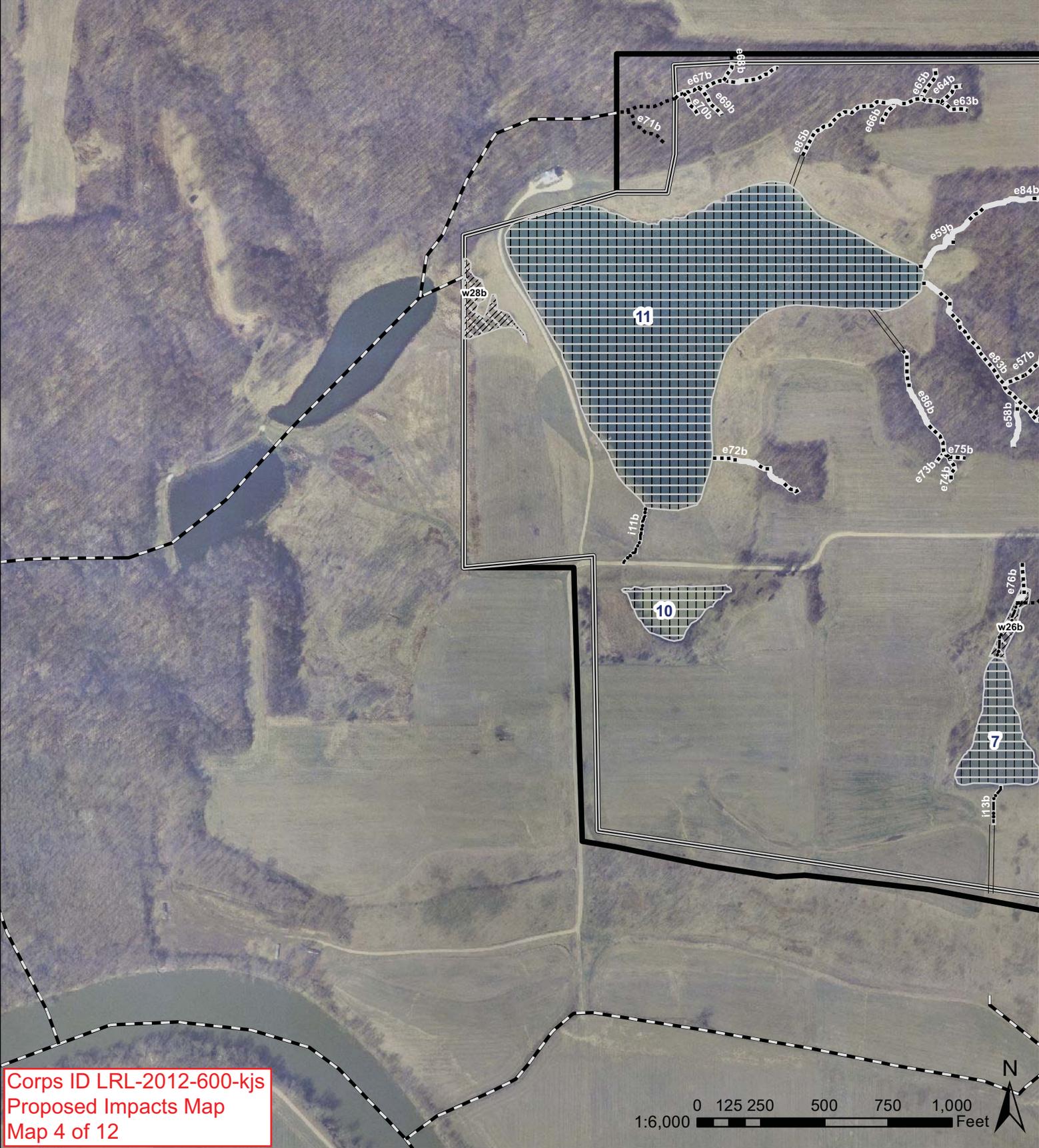
-  Mine Area Boundary
-  Project Impact Area
-  Page Index Boundary

Map Index Guide

Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana



Corps
 Index
 Map 3

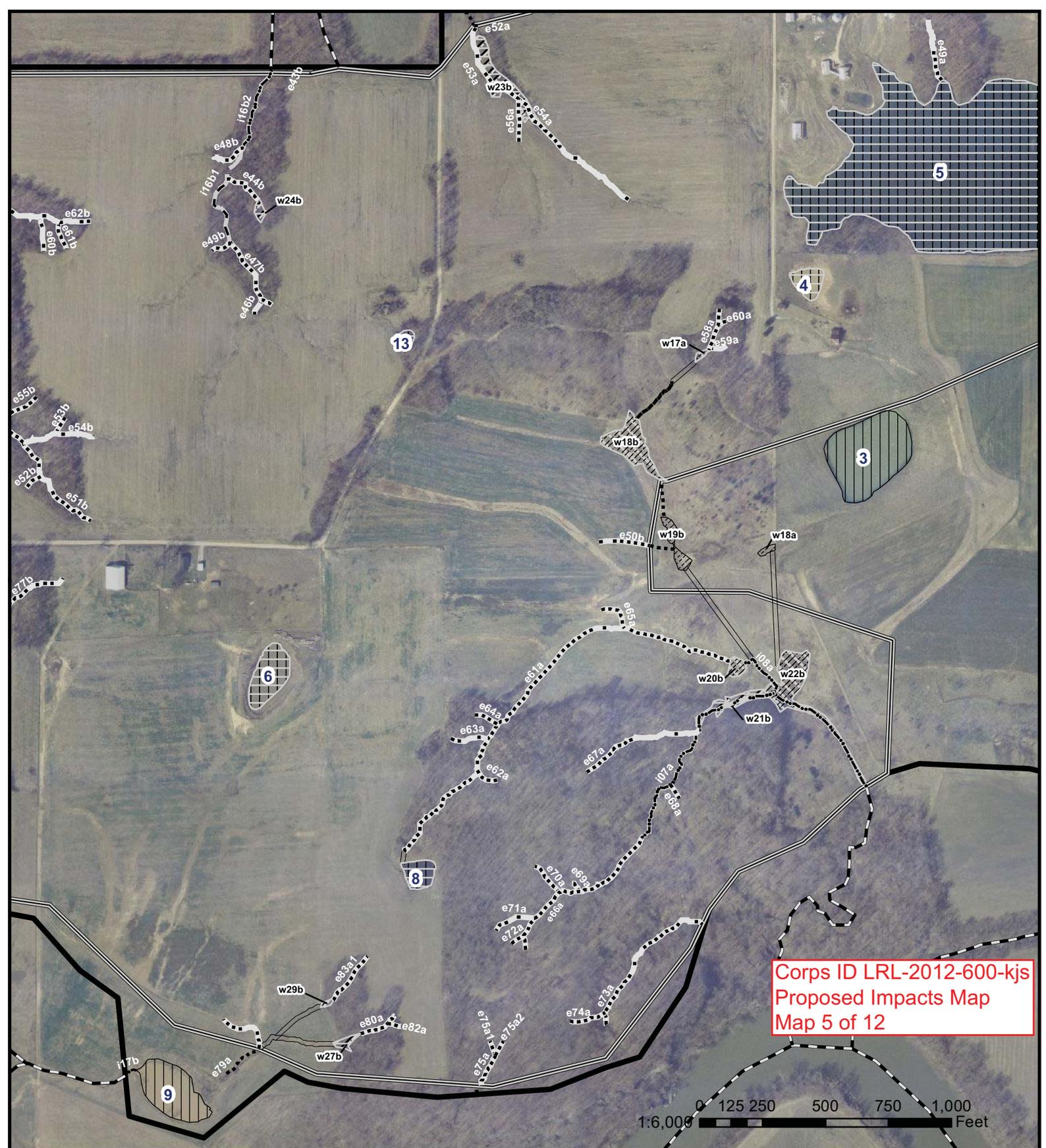


Corps ID LRL-2012-600-kjs
 Proposed Impacts Map
 Map 4 of 12

Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Mine Area Boundary	Delineated Streams	Delineated Wetlands	Proposed Stream Impact - 50,884 ft	Proposed Wetland Impact - 11,087 ac
Project Impact Area	Ephemeral	Emergent	Ephemeral - 31,005 ft	Emergent (PEM) - 5.646 ac
Drain Feature	Intermittent	Forested	Intermittent - 19,879 ft	Forested (PFO) - 5.441 ac
Off-Site Stream		Open Water		Open Water - 44.176 ac



Corps ID LRL-2012-600-kjs
 Proposed Impacts Map
 Map 5 of 12

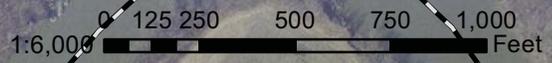


Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Mine Area Boundary	Delineated Streams	Delineated Wetlands	Proposed Stream Impact -50,884 ft	Proposed Wetland Impact -11.087 ac
Project Impact Area	Ephemeral	Emergent	Ephemeral - 31,005 ft	Emergent (PEM) - 5.646 ac
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Off-Site Stream	Open Water			Open Water - 44.176 ac



Corps ID LRL-2012-600-kjs
 Proposed Impacts Map
 Map 6 of 12

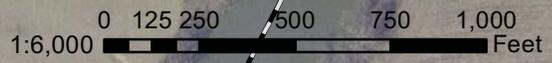


Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Mine Area Boundary	Delineated Streams	Delineated Wetlands	Proposed Stream Impact - 50,884 ft	Proposed Wetland Impact - 11.087 ac
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Off-Site Stream		Open Water		Open Water - 44.176 ac

0 125 250 500 750 1,000
 1:6,000 Feet

Corps ID LRL-2012-600-kjs
 Proposed Impacts Map
 Map 7 of 12

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

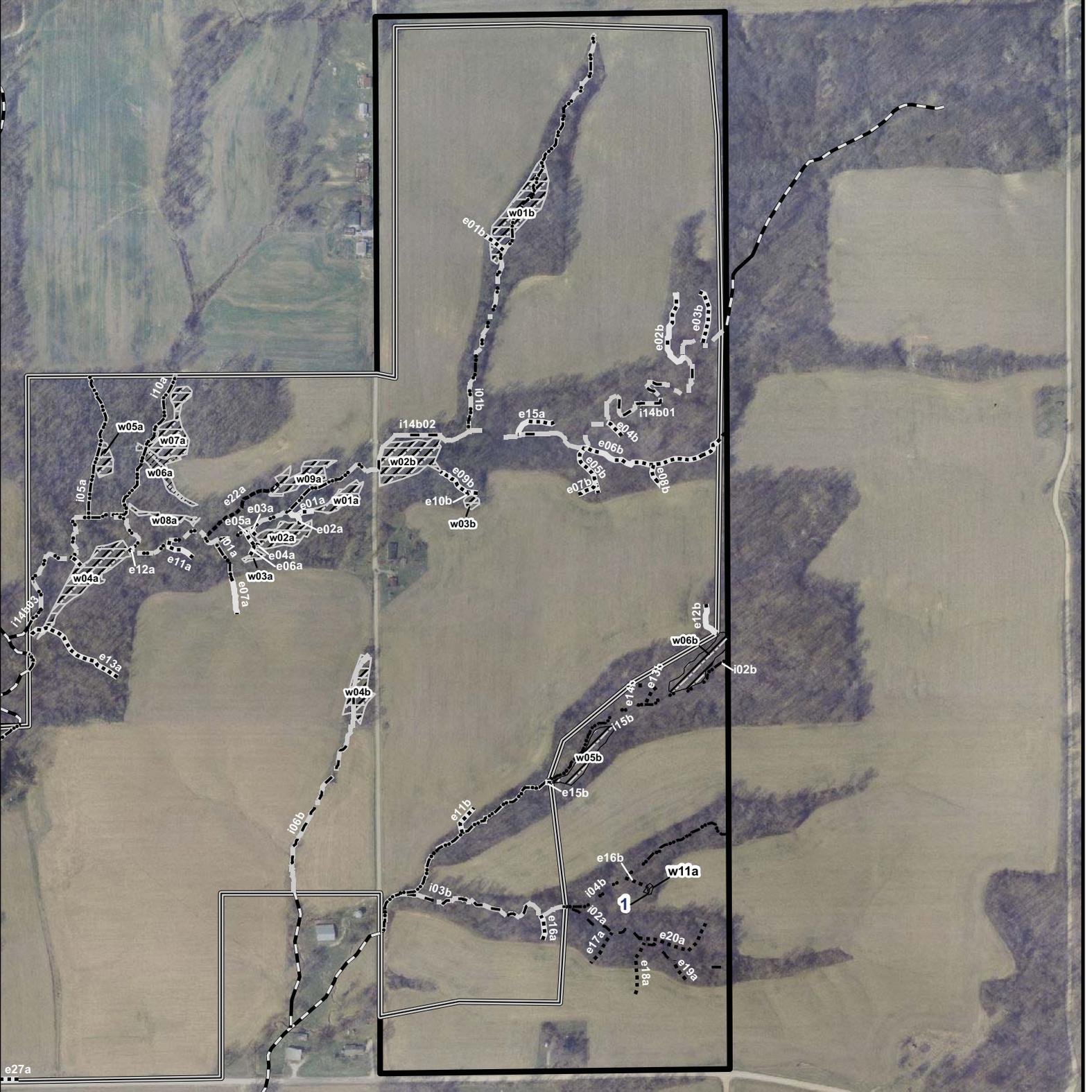
Mine Area Boundary	Delineated Streams	Delineated Wetlands	Proposed Stream Impact - 50,884 ft	Proposed Wetland Impact - 11.087 ac
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Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Mine Area Boundary	Delineated Streams Ephemeral	Delineated Wetlands Emergent	Proposed Stream Impact - 50,884 ft Ephemeral - 31,005 ft	Proposed Wetland Impact - 11.087 ac Emergent (PEM) - 5.646 ac
Project Impact Area	Intermittent	Forested	Intermittent - 19,879 ft	Forested (PFO) - 5.441 ac
Drain Feature		Open Water		Open Water - 44.176 ac
Off-Site Stream				



Corps ID LRL-2012-600-kjs
 Proposed Impacts Map
 Map 9 of 12

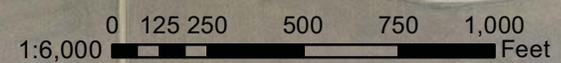
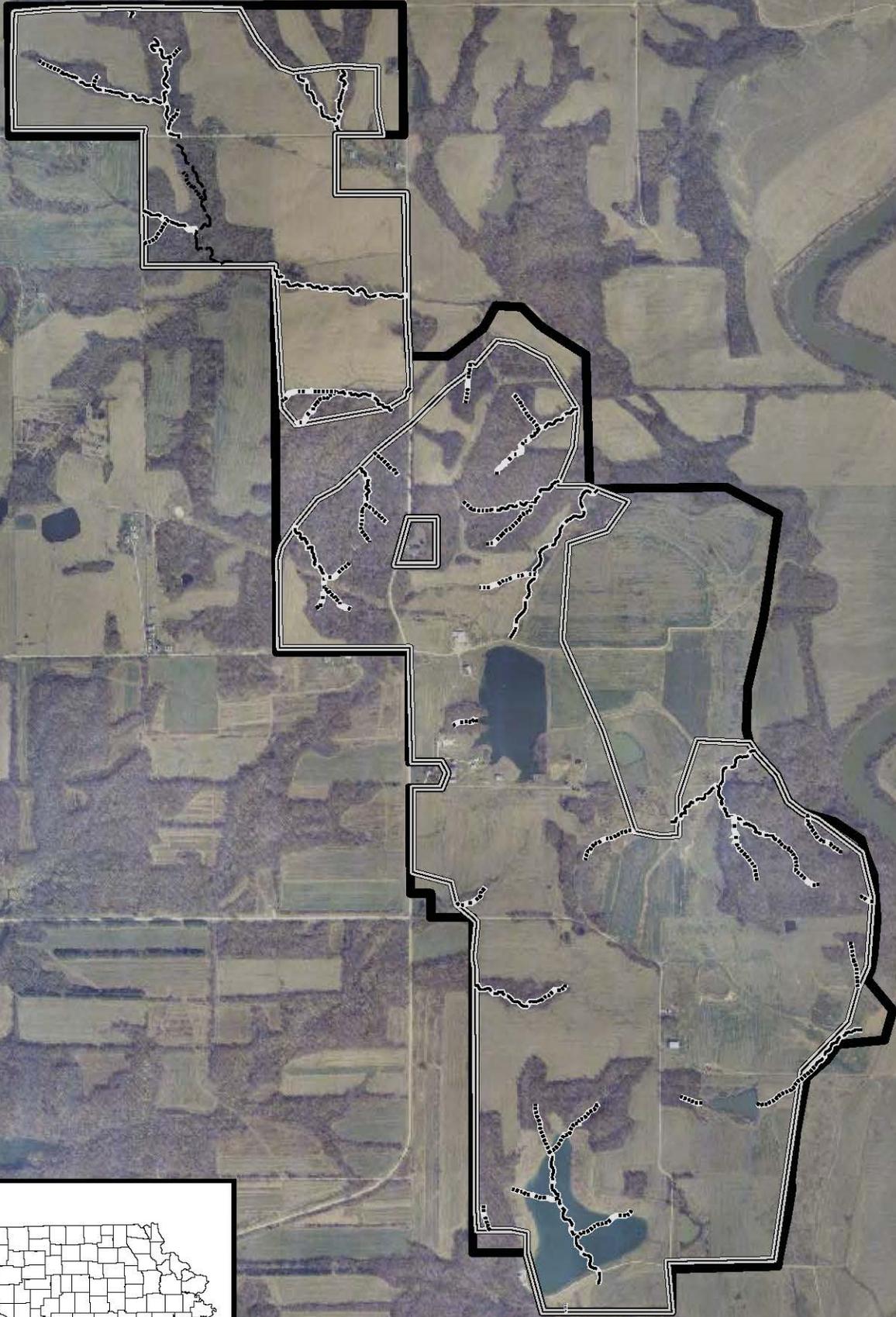
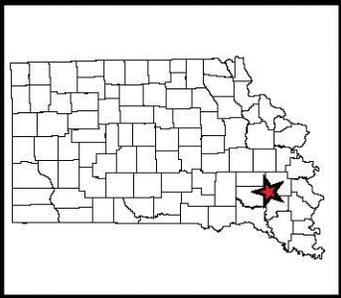


Figure 3. Proposed Project Impacts
 Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana

Coordinate System:
 NAD 1983 State Plane IN West
 Aerial Source:
 IndianaMap 2009 Daviess Co.

Mine Area Boundary	Delineated Streams	Delineated Wetlands	Proposed Stream Impact - 50,884 ft	Proposed Wetland Impact - 11.087 ac
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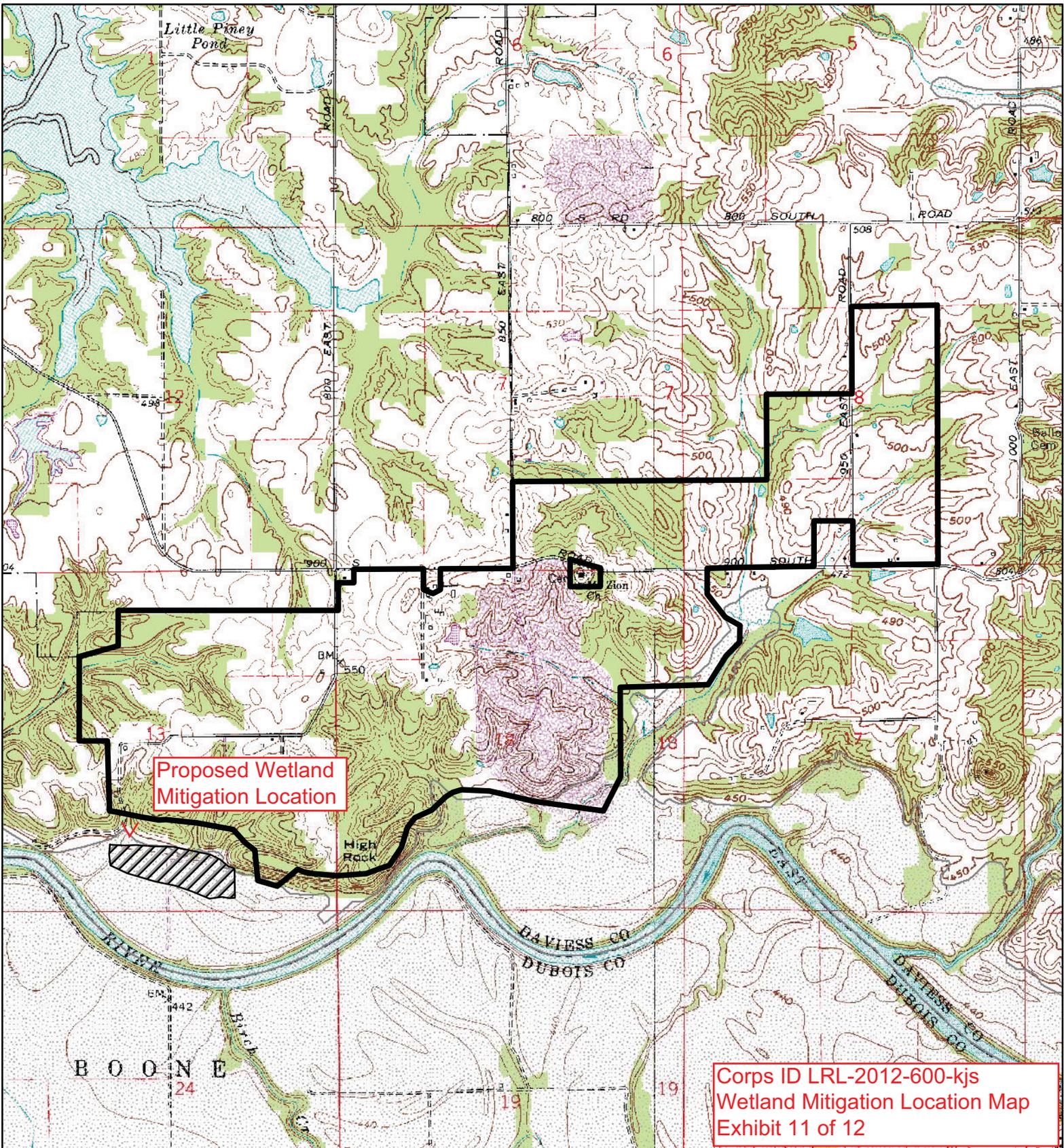
Corps ID LRL-2012-600-kjs
Proposed Stream
Map 10 of 12

Conceptual Mitigation Plan
Figure 5. Proposed Conditions Map
Post-Mining Restored Streams

Vigo Captain Daviess Mine
Trust Resources
Daviess County, IN

- Mine Area Boundary
- Project Impact Area
- Proposed Stream Mitigation
- Ephemeral Stream
- Intermittent Stream

Coordinate System: NA
Aerial Source: IndianaM
1:18,000
0 375 750



Corps ID LRL-2012-600-kjs
 Wetland Mitigation Location Map
 Exhibit 11 of 12

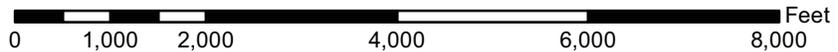
Location Map: Proposed Wetland Mitigation Site

Trust Resources - Vigo Captain Daviess Mine
 Daviess County, Indiana



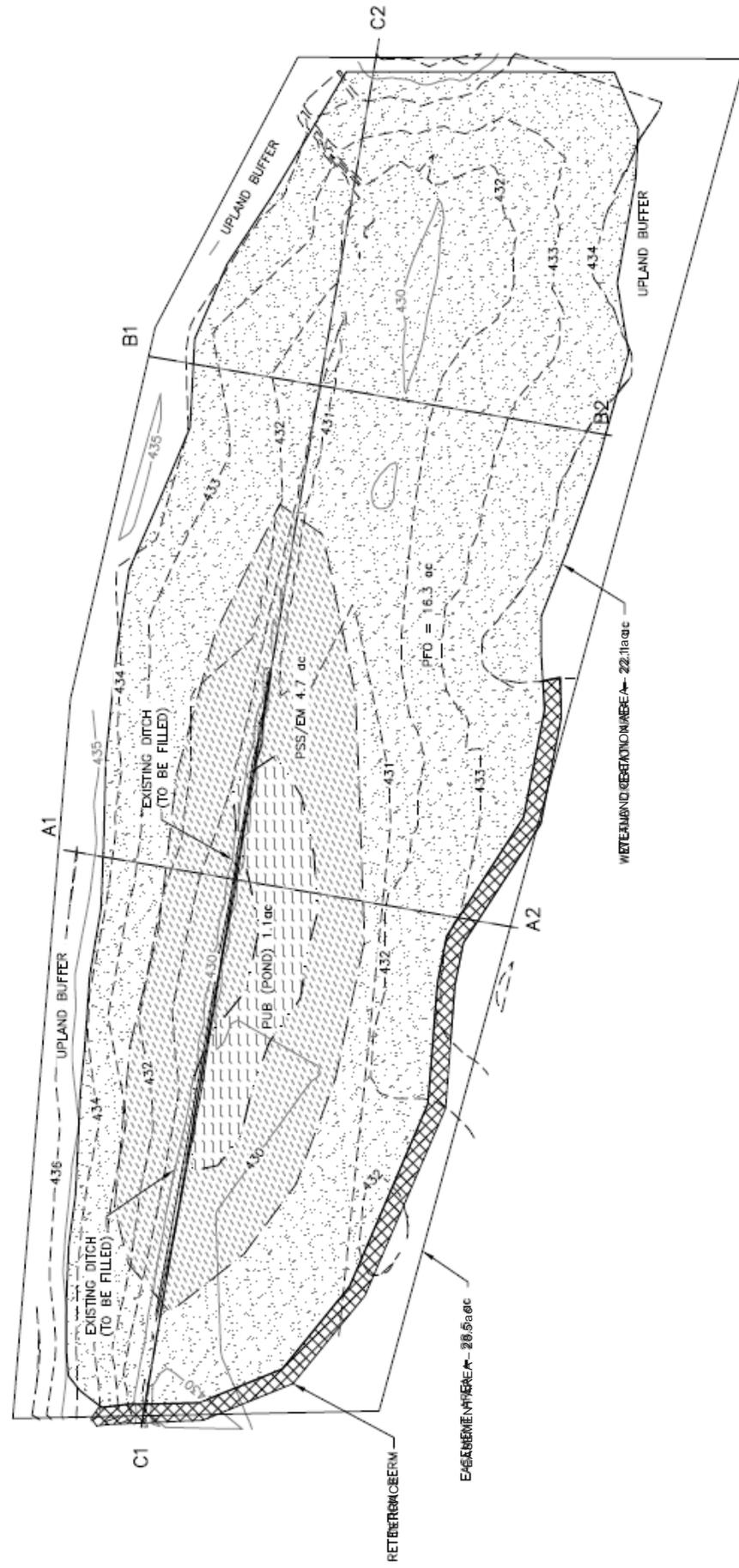
Coordinate System:
 NAD 1983 State Plane IN West
 USGS Topo Quads:
 Alfordsville & Glendale

Mine Area
 Proposed Wetland Mitigation Site
 100 Year Floodplain



1 inch = 2,000 feet

D. Brown & Associates
 Environmental Consulting 08/02/2012



175651009
 175651009
 Vigo Captain Davless Mine
 Davless County, Indiana
 Figure No. 2
 Title
 Conceptual Wetland Mitigation Area
 Proposed Conditions
 November 2011

NOTES
 Contour data derived from various data sources and should be
 considered approximate.

Legend
 Conceptual (e.g., proposed) wetland
 Proposed PSS/EM (PSS/EM)
 Proposed PSS/EM (PSS/EM)
 Proposed PSS/EM (PSS/EM)
 Proposed wetland berm
 Section A1 A2

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 Fax. 207.729.2715
 www.sianlec.com



175651009_WetlandMitigationArea_Plan_Prop1.dwg

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 Proposed Wetland Mitigation Map
 Map 12 of 12