



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

Public Notice

Public Notice No.	Open Date:	Close Date:
LRL-2006-391-A-sew	6 Apr 2016	6 May 2016

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Sam Werner, CELRL-OPF-W
6855 State Road 66
Newburgh, Indiana 47630

Phone: (812) 842-2768

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Vigo Coal Company, Inc.
528 Main Street
Evansville, Indiana 47708

LOCATION: Fordice Creek and its unnamed tributaries and adjacent wetlands in Wabash County, Illinois.

Latitude: 38.459533° North
Longitude: -87.873239° West
7.5 Minute Quad: Mt. Carmel, Illinois

PURPOSE: To fill wetlands and streams to conduct surface coal mining operations.

DESCRIPTION OF WORK: The proposed project would result in the discharge of fill and/or dredged material into "waters of the United States (U.S.)" for a surface coal mining operation throughout a 734-acre site. The site is pending approval by Illinois Department of Natural Resources (IDNR), Office of Mines and Mineral (OMM), Permit No. 443.

The proposed project would fill 16,660 linear feet of ephemeral streams, 7,473 linear feet of intermittent streams, 4,225 linear feet of perennial streams, 36.94 acres of palustrine forested (PFO) wetlands, 15.11 acres of palustrine scrub/shrub (PSS) wetlands, and 1.05 acres of palustrine emergent (PEM) wetlands. All economically recoverable coal 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 material, revegetated, and returned to an approved post-mine land use through the SMCRA process.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The project has been designed to avoid and minimize adverse impacts to "waters of the U.S." to the greatest extent possible. Geologic exploration in the region as well as mine engineering investigations, indicates that surface mining would be the most appropriate mining method based on the 2.43 million tons of coal reserves available. Because of the dendritic pattern of

the streams, location of wetlands, landscape topography, and the coal reserves within the project area, avoiding all jurisdictional waters would eliminate the economic viability of surface mining as an option.

Since this is a coal extraction project, potential mine locations are dictated by the site-specific geology and cannot be relocated like other industries. Furthermore, if other sites were available, it would be likely that impacts similar to those proposed would occur.

The applicant proposes to mitigate functions lost from the impacted resources by restoring and re-establishing a total of 21,369 linear feet of stream (6,435 linear feet of ephemeral, 8,424 linear feet of intermittent, and 6,510 linear feet of perennial streams) both on-site and off-site within the Fordice Creek watershed. More specifically, the applicant would restore 365 linear feet of ephemeral tributaries, 5,424 linear feet of intermittent tributaries, and 5,430 linear feet of perennial streams. Additionally, the applicant would re-establish some stream reaches on the post mining reclaimed landscape including 6,070 linear feet of ephemeral, 3,000 linear feet of intermittent, and 1,080 linear feet of perennial streams. The streams would employ a natural pattern, profile and dimension similar to that which existed prior to anthropogenic impacts. The stream mitigation would also have reduced entrenchment and more relaxed and stable banks to provide for better bank stability. Stream stabilization and habitat enhancement structures including J-hooks, rock vanes, log vanes, riffles, pools, and rock weirs would be installed within the restored streams. Additionally, forested riparian buffers would be constructed adjacent to each side of the mitigated streams and would be planted with native hard mast producing tree species. The buffers would be 50, 75 and 100 feet in width on each side of the stream for ephemeral, intermittent, and perennial streams respectively.

Impacts to a total of 53.10 acres of wetlands (36.94 ac. PFO, 15.11 ac. PSS, and 1.05 ac. PEM) are proposed to be mitigated by restoring and enhancing a total of 153.67 acres of PFO wetlands. The wetland mitigation would be constructed at two separate off-site areas and are located within and adjacent to the proposed project boundary. The restoration portion of the mitigation is currently being farmed but retains sufficient hydric soil indicators and hydrology from groundwater, precipitation, and overbank flow to possess a high potential for PFO wetland restoration. The total acreage of PFO wetland restoration would be 97.4 acres. Additionally, there would be 56.27 acres of wetland enhancement in which several recently abandoned agricultural fields have grown up into early successional sapling/shrub species of limited diversity and food production. The sites would be re-cleared and would have a diverse native hard mast tree and herbaceous community re-established to ensure productive PFO wetlands which would perform additional functional processes to the area. The wetlands would receive hydrology from overbank flows of adjacent streams as well as groundwater and precipitation. The wetland restoration and enhancement

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would be constructed prior to impacts to the existing wetland resources due to their location off-site of the impacts.

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 until a State of Illinois Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Illinois Environmental Protection Agency (ILEPA).

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 (NHRP) 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. However, during a Phase I Archaeological Investigation of the site, one potentially significant site (11W223) was evaluated as potentially eligible for listing in the NHRP and would be investigated further if avoidance would not be proposed for this project. If we are made aware, as a result of comments received in response to this notice, or by other means, of other 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. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

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 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/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Sam Werner, CELRL-OPF-W at the address noted above and should refer to the Public Notice Number LRL-2006-391-A-sew.

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-2006-391-A-sew.

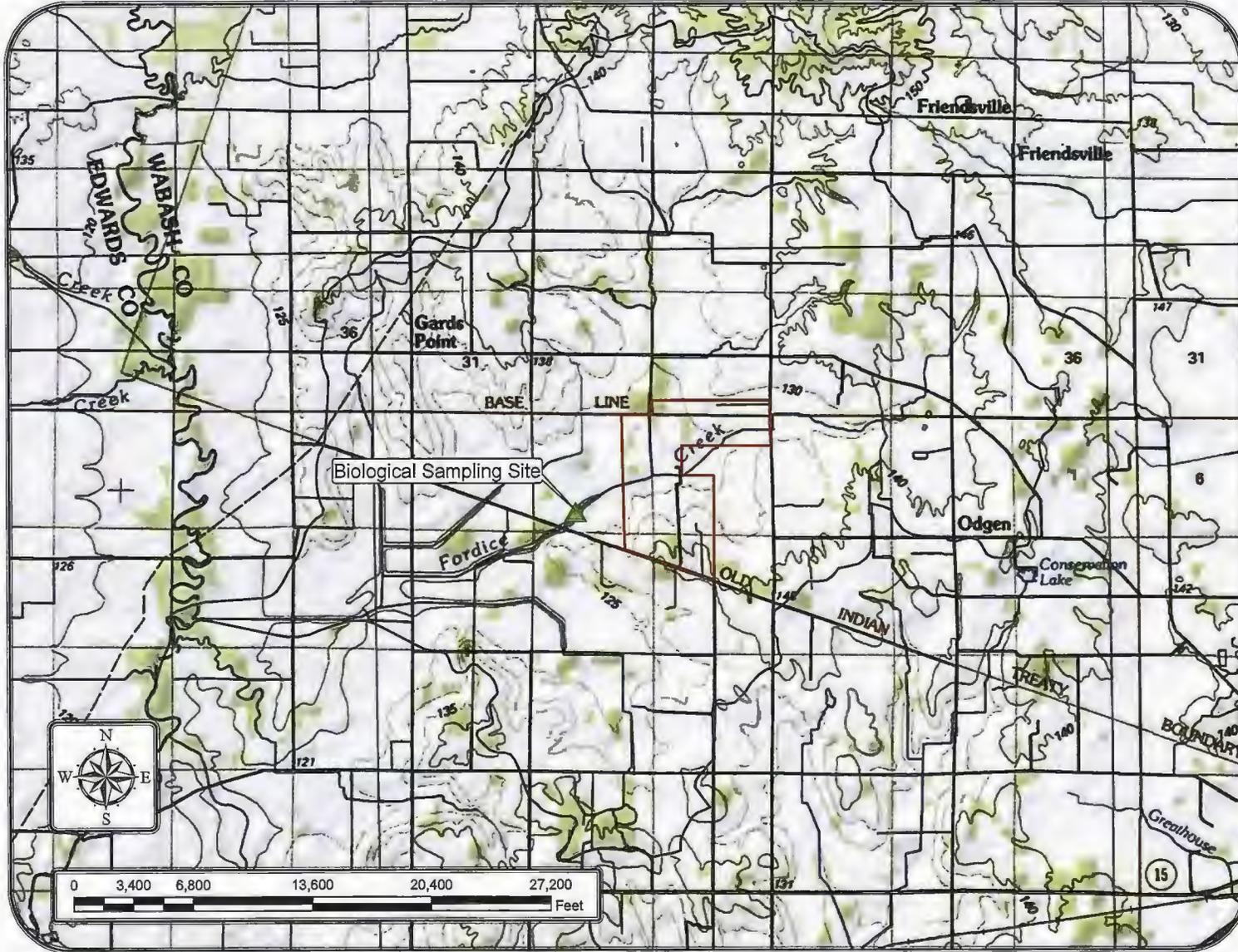
Operations Division
Regulatory Branch (West)
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Example:

Subject: LRL-2006-391-A-sew

- 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.

Fordice Creek HUC12 Topo Location Map



Legend

- Area of Interest
- HUC12 Boundary



Vigo Coal Co., INC
Friendsville Mine Phase II

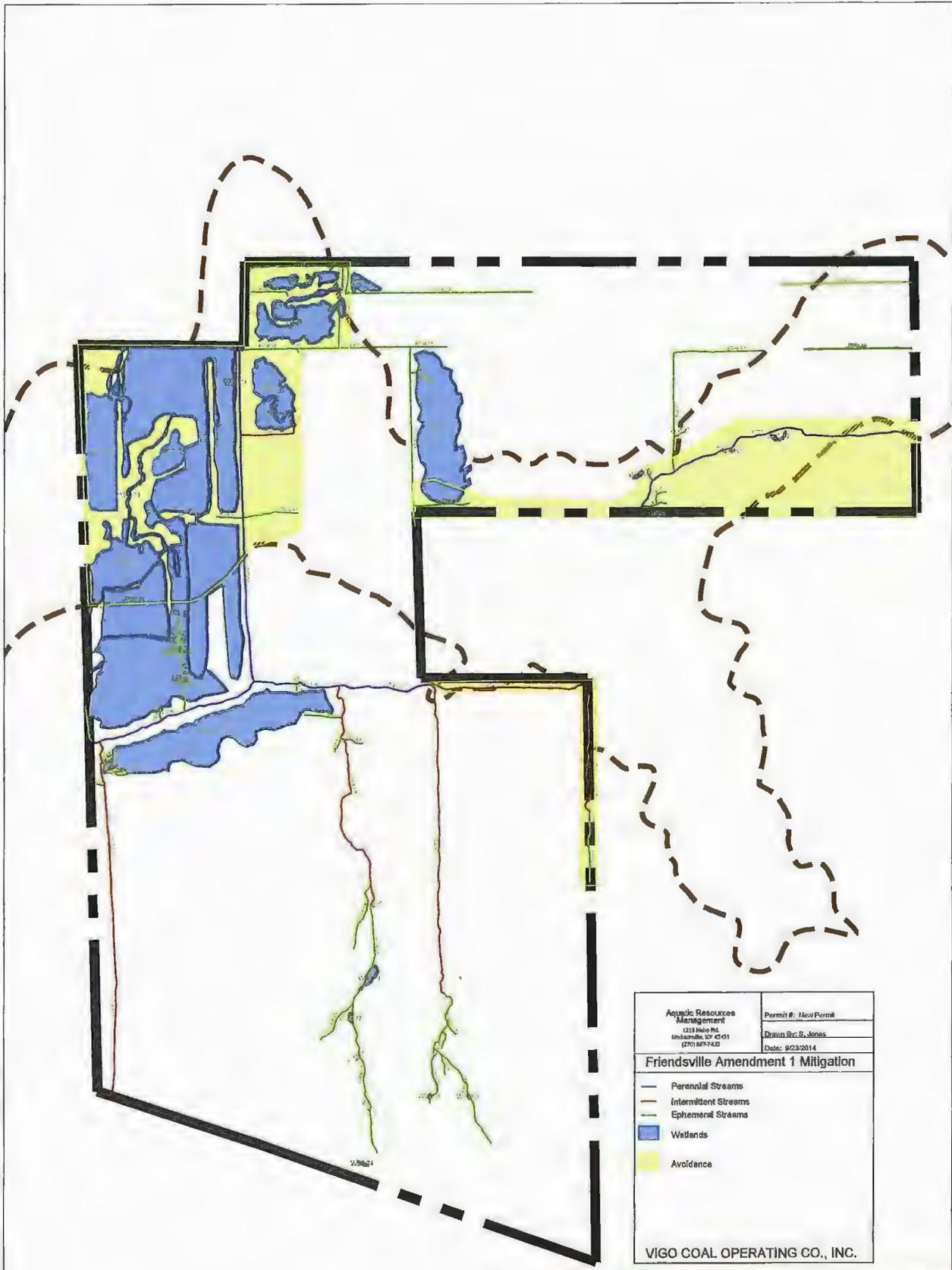


Address: 528 Main St. #202
Evansville, IN 47708

Date: 1/13/2015

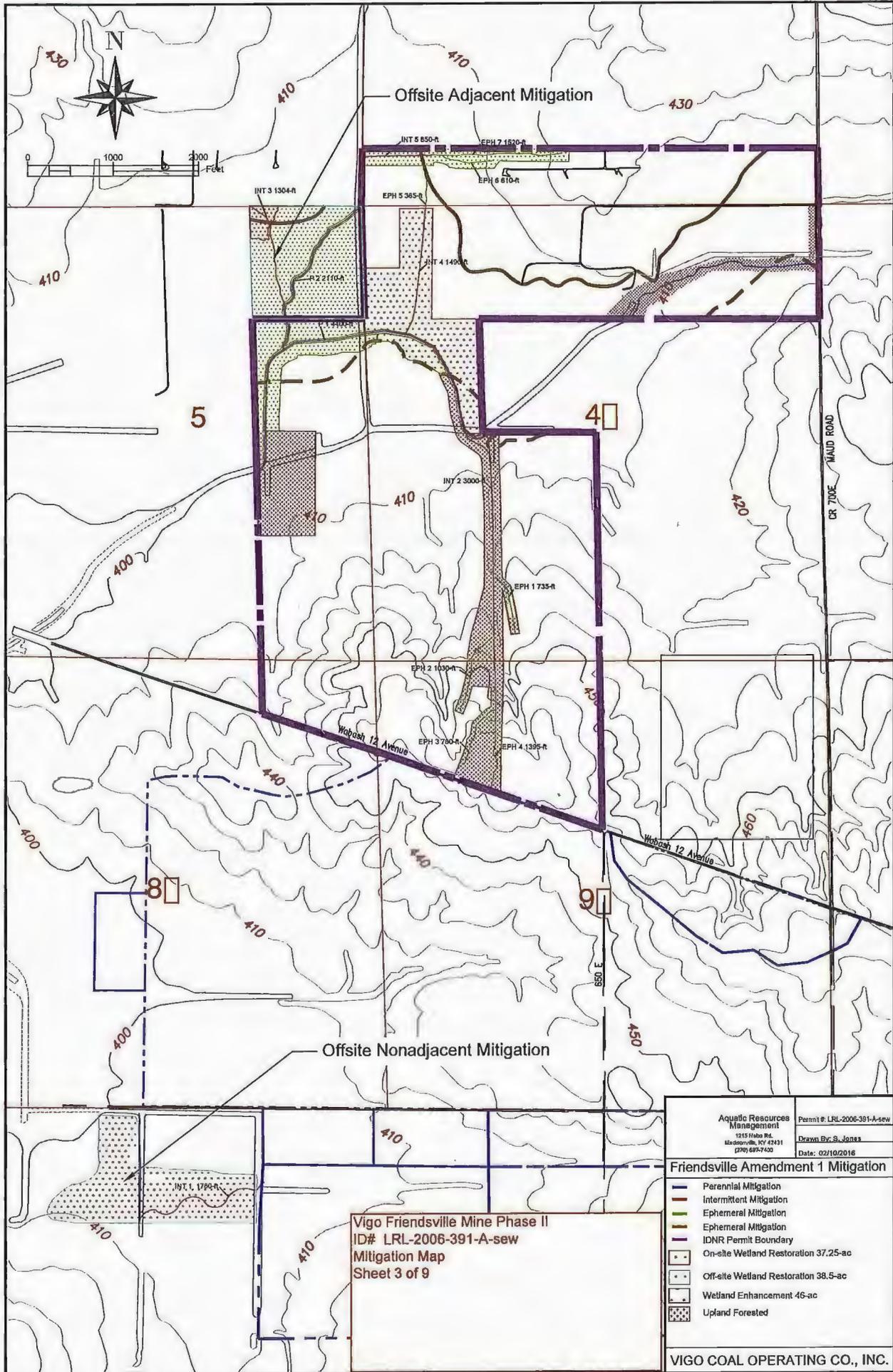
Drawn By: NKB

Vigo Friendsville Mine Phase II
ID# LRL-2006-391-A-sew
Vicinity Map
Sheet 1 of 9



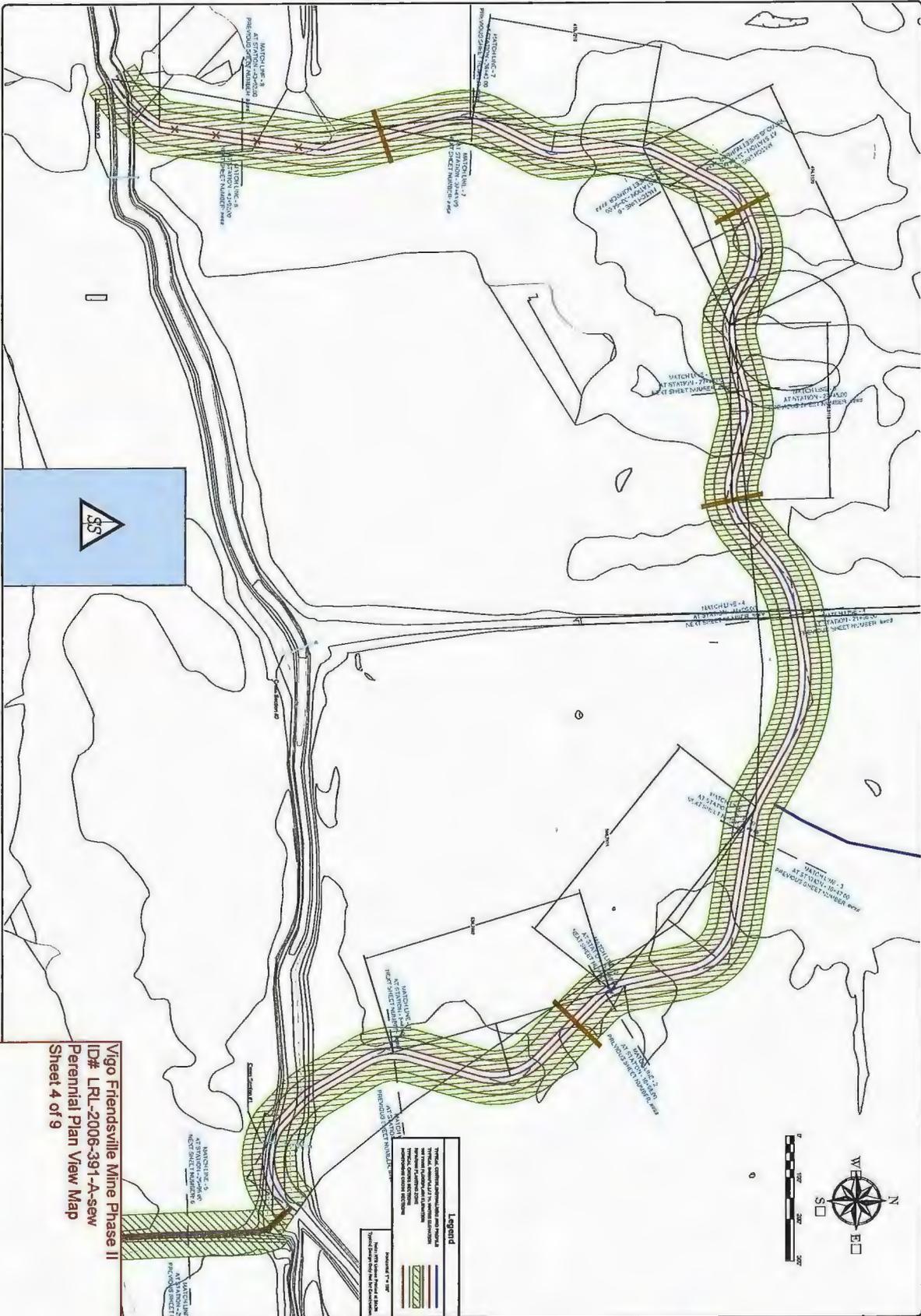
Aquatic Resources Management 1215 Huber Rd. Andersonville, TN 37013 (615) 837-4333	Permit #: New Permit Drawn By: S. Jones Date: 9/23/2014
Friendsville Amendment 1 Mitigation	
Perennial Streams	
Intermittent Streams	
Ephemeral Streams	
Wetlands	
Avoidance	
VIGO COAL OPERATING CO., INC.	

Vigo Friendsville Mine Phase II
 ID# LRL-2006-391-A-sew
 Aquatic Resources Map
 Sheet 2 of 9



Vigo Friendsville Mine Phase II
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 Mitigation Map
 Sheet 3 of 9

Aquatic Resources Management 1215 Haba Rd. Madisonville, KY 42431 (270) 687-7420	Permit #: LRL-2006-391-A-sew Drawn By: S. Jones Date: 02/10/2018
Friendsville Amendment 1 Mitigation	
<ul style="list-style-type: none"> Perennial Mitigation Intermittent Mitigation Ephemeral Mitigation Ephemeral Mitigation IDNR Permit Boundary On-site Wetland Restoration 37.25-ac Off-site Wetland Restoration 38.5-ac Wetland Enhancement 46-ac Upland Forested 	
VIGO COAL OPERATING CO., INC.	



Vigo Friendsville Mine Phase II
 ID# LRL-2006-391-A-sew
 Perennial Plan View Map
 Sheet 4 of 9

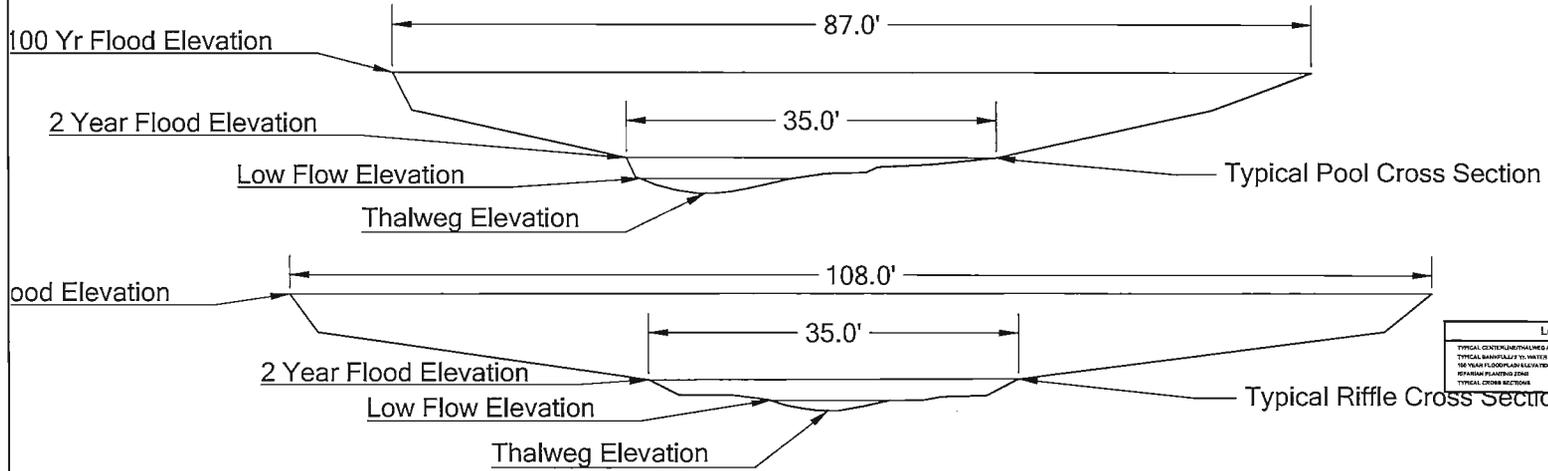
NO.	REVISIONS

CHECKED BY: _____
 DATE: 10-14-14

Typical Stream Design
 Friendsville Mine Phase II
 for
Vigo Coal Company, Inc.
 528 Main St. #202 Evansville, IN 47708



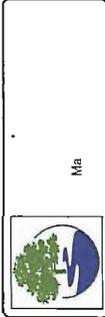
Aquatic Resources Management
 1215 Nebo Rd.
 Madisonville, KY 42431
 (270) 697-7400



Legend

- TYPICAL CENTERLINE/THALWEG AND PROFILE
- TYPICAL BANK/FLAT FLOOD WATER ELEVATION
- 100 YEAR FLOOD/2 YEAR FLOOD ELEVATION
- REPAIR/PLANTING ZONE
- TYPICAL DRAIN SECTION

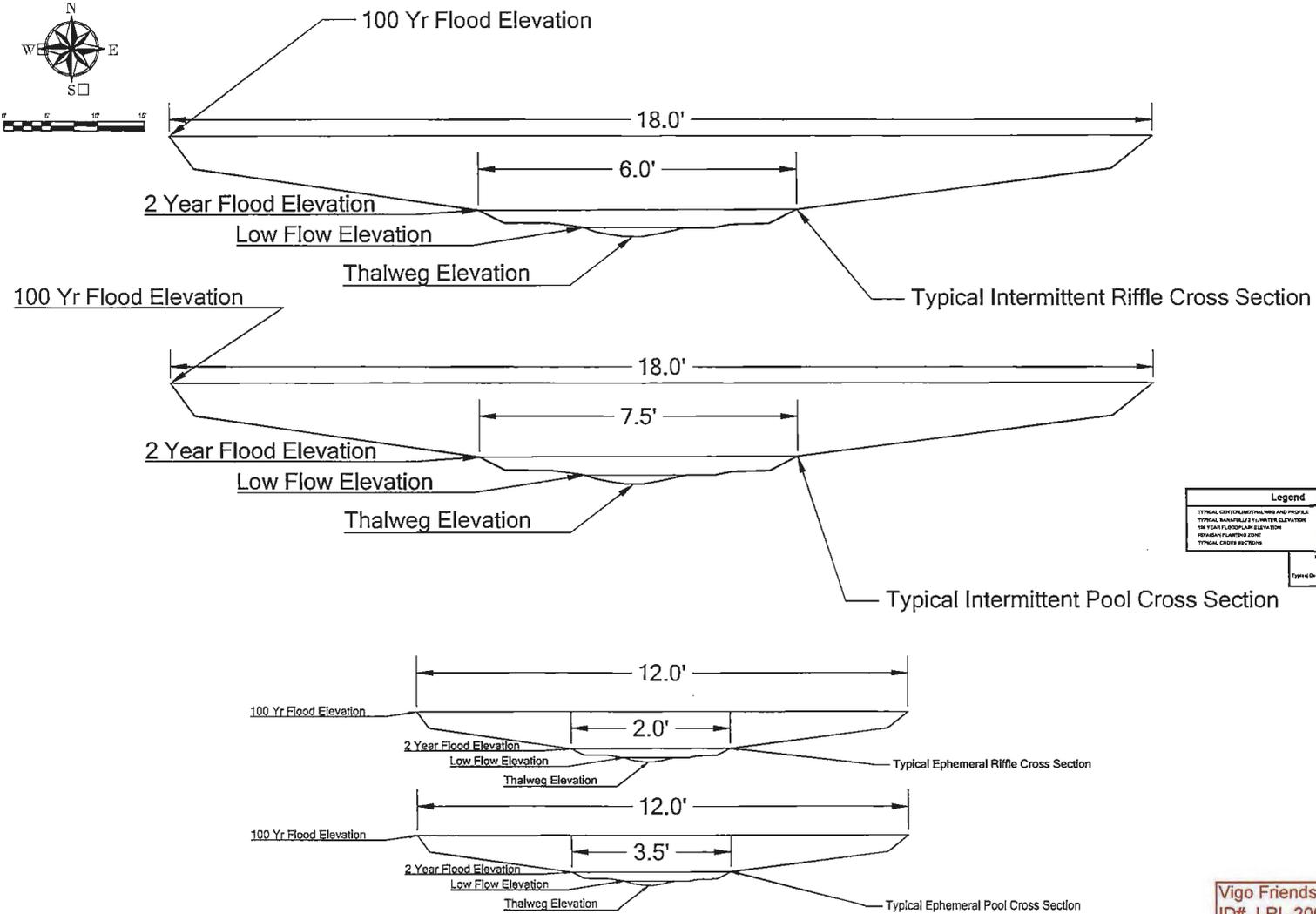
Horizontal 1" = 4'
Vertical 1" = 4'
Note: All Elevation Points in Feet
Typical Design Only Not for Construction



Typical Stream Design
Friendsville Mine Phase II
Vigo Coal Company, Inc.
528 Main St. #202 Evansville, IN 47708

REV.	DESCRIPTION	DATE

Vigo Friendsville Mine Phase II
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Perennial Cross Section Map
Sheet 6 of 9



Legend

- TYPICAL CENTERLINE/THALWEG LINE AND PROFILE
- TYPICAL BANK/SLOPE TO WATER ELEVATION
- 100 YEAR FLOODPLAIN ELEVATION
- 2 YEAR FLOODPLAIN ELEVATION
- TYPICAL CROSS SECTIONS

Prepared by: **TRC**
 Checked by: **TRC**
 Typical Design Only Not for Construction

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Typical Stream Design
 Friendsville Mine Phase II
 for
Vigo Coal Company, Inc.
 528 Main St. #202 Evansville, IN 47708

No.	DATE	BY	CHKD	APPD

Vigo Friendsville Mine Phase II
ID# LRL-2006-391-A-sew
Intermittent and Ephemeral Cross Section Map
Sheet 7 of 9

