

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

Public Notice

Public Notice No.

Open Date:

Close Date:

LRL-2012-802-A-dah

4 Feb 2014

6 Mar 2014

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Devetta Hill, CELRL-OP-FW

P.O. Box 489

Newburgh, Indiana 47629-0489

Phone: (812) 842-0250

Or email comments to:

lr.regulatorypubliccomment@usace.army.mil

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

APPLICANT: Western Kentucky Mineral, Inc.
P.O. Box 155
Philpot, KY 42366

LOCATION: Unnamed tributaries and adjacent wetlands to the North Fork of Barnett Creek, located south of Pleasant Ridge, in Ohio County, Kentucky.

PURPOSE: To relocate and/or fill streams, wetlands and open waters to facilitate the removal of subsurface coal.

Latitude: 37.59000

Longitude: 86.98806

7.5 Minute Quad: Pleasant Ridge, KY

DESCRIPTION OF WORK: The proposed project area, Kentucky Division of Mine Permits (KDMP) Permit No. 892-0116 Amendment 1, is a 114-acre surface coal mining operation that is an expansion of a currently operational 48-acre surface coal mining operation (KDMP Permit No. 892-0116; DA permit LRL-2012-802-dah). The mining operation would use the open strip pit method of mining. See Figure 1 for the location. The proposed excavated area would fill 4,443 linear feet of ephemeral streams and 3,124 linear feet of intermittent streams, for a total of 7,567 linear feet of stream impacts. Approximately 2.17 acres of Palustrine Emergent (PEM) wetland and 0.24 acre of Palustrine Forested (PFO) wetland would be filled. Approximately 1.01 acres of open water would also be filled. The stream, wetland, and open water locations are shown on Figure 2. 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 Surface Mining Control and Reclamation Act (SMCRA) process.

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2012-802-A-dah

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant does not propose any avoidance or minimization. Because the project area is small and most of the water resources are centrally located within the project area, avoidance or minimization could not occur without significantly decreasing the amount of coal produced and would make the operation not cost-effective.

After reclamation has occurred, the applicant proposes to mitigate stream impacts on-site by creating a total of approximately 3,722 linear feet of intermittent streams and approximately, 2,294 linear feet of ephemeral streams. The loss of 830 linear feet of intermittent stream would be mitigated by creating 2.2 acres of PFO wetland. This approximates a 1:1 mitigation ratio for intermittent and 0.5:1 for ephemeral streams. Streams would be created with riparian corridors and natural patterns, profiles, and dimensional characteristics. A riparian corridor, consisting of predominately hard-mast producing hardwood species, of 50 feet either side of the channel for the intermittent streams and 25 feet either side of the channel for ephemeral streams would be planted. Enhancement of stream functions would consist of, but not limited to, hard-mast riparian corridor, and the use of engineered structures.

The applicant proposes to mitigate wetland impacts by the construction of 3.99 acres of PFO wetlands, a mitigation ratio of 3:1 for the impacts to PFO wetlands and 1:1 for the impacts to PEM wetlands. Open water would be mitigated by the creation of 1.01 acres of open water, a mitigation ratio of 1:1. The PFO wetlands would have hard-mast producing tree species that have a facultative or wetter indicator status. Refer to Figure 3 for the location of the proposed wetland and stream mitigation.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps would 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, would not be issued until a State of Kentucky 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 Kentucky Department of Mine Permits (KDMP).

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 would occur within the range of the Federally-listed Indiana bat (*Myotis sodalis*) and the

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2012-802-A-dah

gray bat (*Myotis grisescens*). The proposed site does not have habitat to support the gray bat, but does appear to have potential Indiana bat summer roosting and foraging habitat. A bat survey has been completed for the project area and has been submitted to the U.S. Fish and Wildlife Service (USFWS) for review. No endangered bats were captured during the survey. Based on the available information, the proposed activity would 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 USFWS 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.

A survey was conducted to locate historic and archaeological resources on the project area. The result of the survey located three (3) cultural historic resources and no archaeological sites. The three (3) sites were determined to be not eligible for listing on the National Register of Historic Places. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer would 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 would be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision would 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 would 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 would include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, 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

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2012-802-A-dah

of this proposed activity. Any comments received would 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 would become a part of the official record and would be considered in the determination on this permit request. Any objections which are received during this period would be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit would 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 Ms. Devetta Hill, CELRL-OP-FW at the address noted above and should refer to the Public Notice Number LRL-2012-802-A-dah.

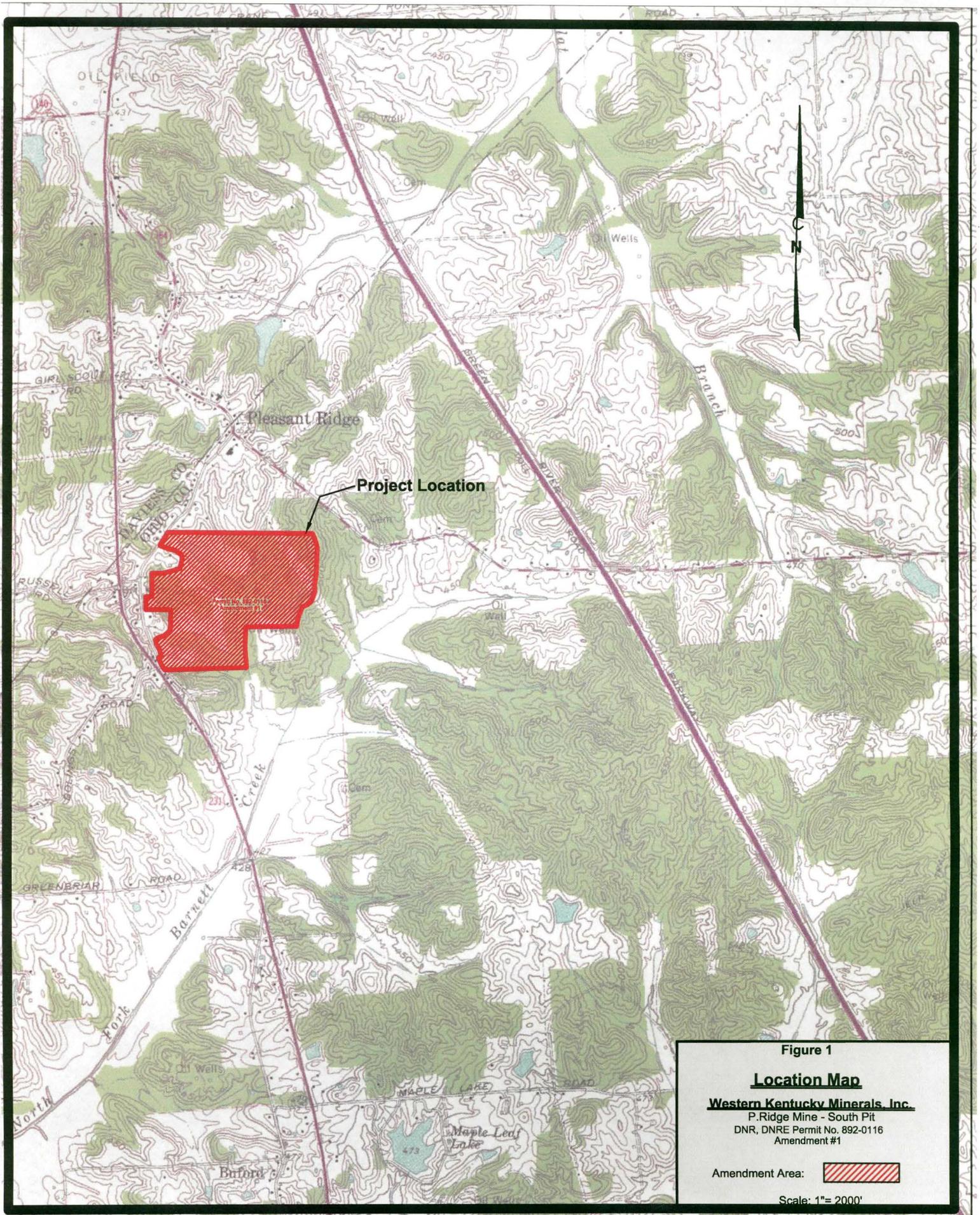
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2012-802-A-dah.

Example:

Subject: LRL-2012-802-A-dah

- 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.



P Ridge South Pit, Amend #1 Streams and Wetlands

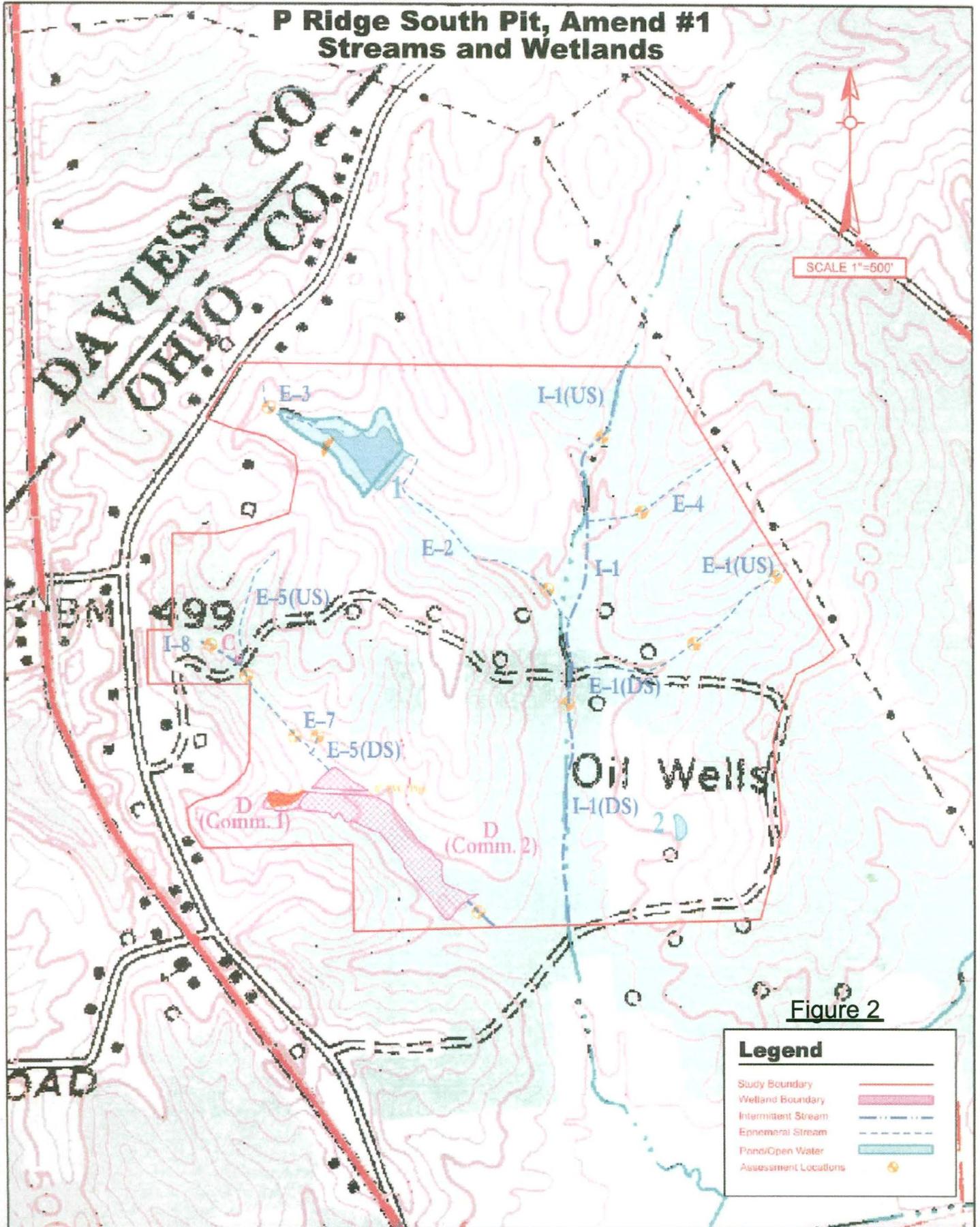


Figure 2

Legend	
Study Boundary	
Wetland Boundary	
Intermittent Stream	
Ephemeral Stream	
Pond/Open Water	
Assessment Locations	

T.H.E. Engineers, Inc.	PROJECT: P RIDGE SOUTH PIT, AMEND. #1 SITE - JURISDICTIONAL WATERS DELINEATION	STREAM: UT'S OF NORTH FORK BARNETT CREEK	
	COUNTY: OHIO	STATE: KY	NEAR: PLEASANT RIDGE
		ITEM: QUAD MAP	

DATE:

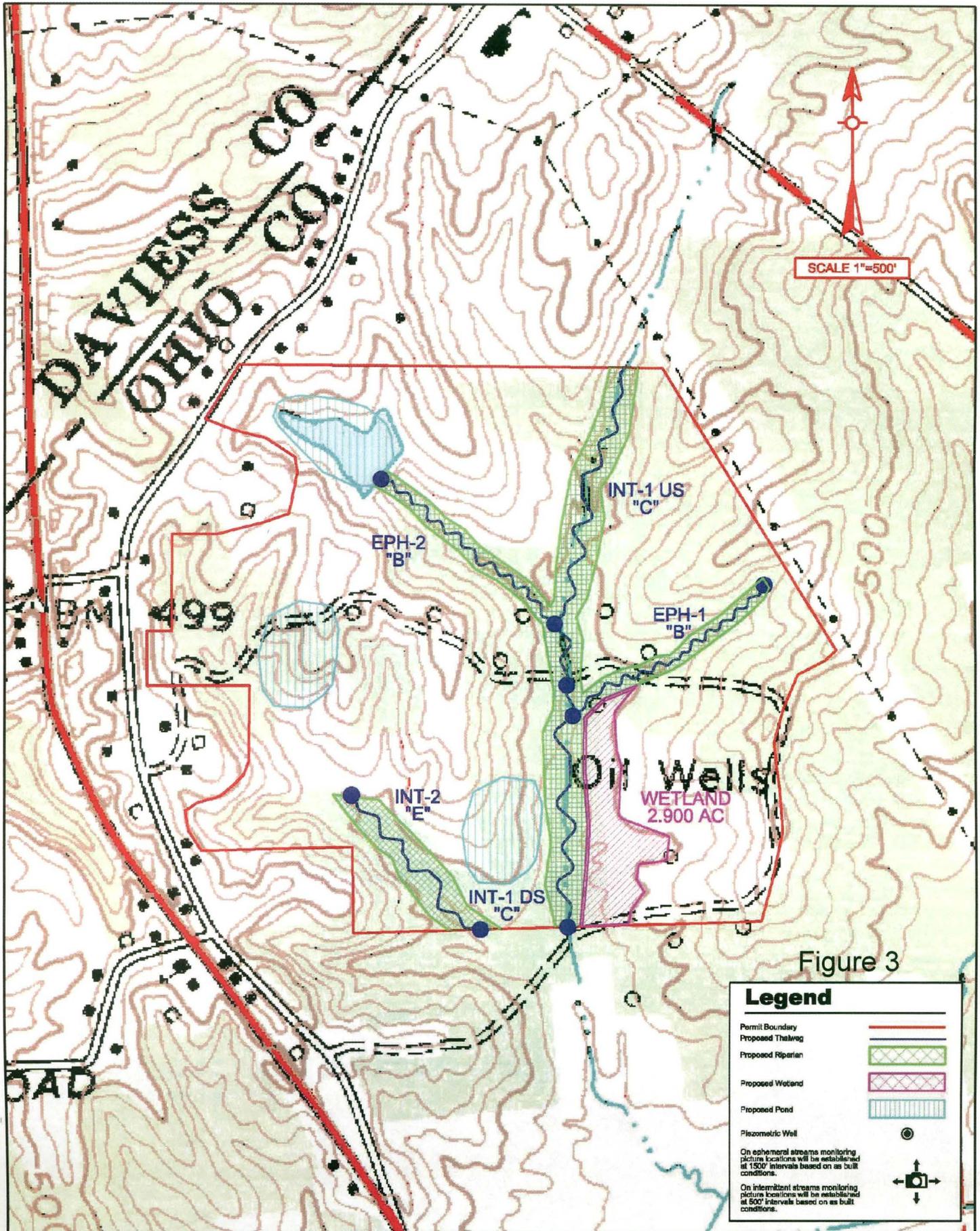


Figure 3

Legend

Permit Boundary	
Proposed Thalweg	
Proposed Riparian	
Proposed Wetland	
Proposed Pond	
Piezometric Well	

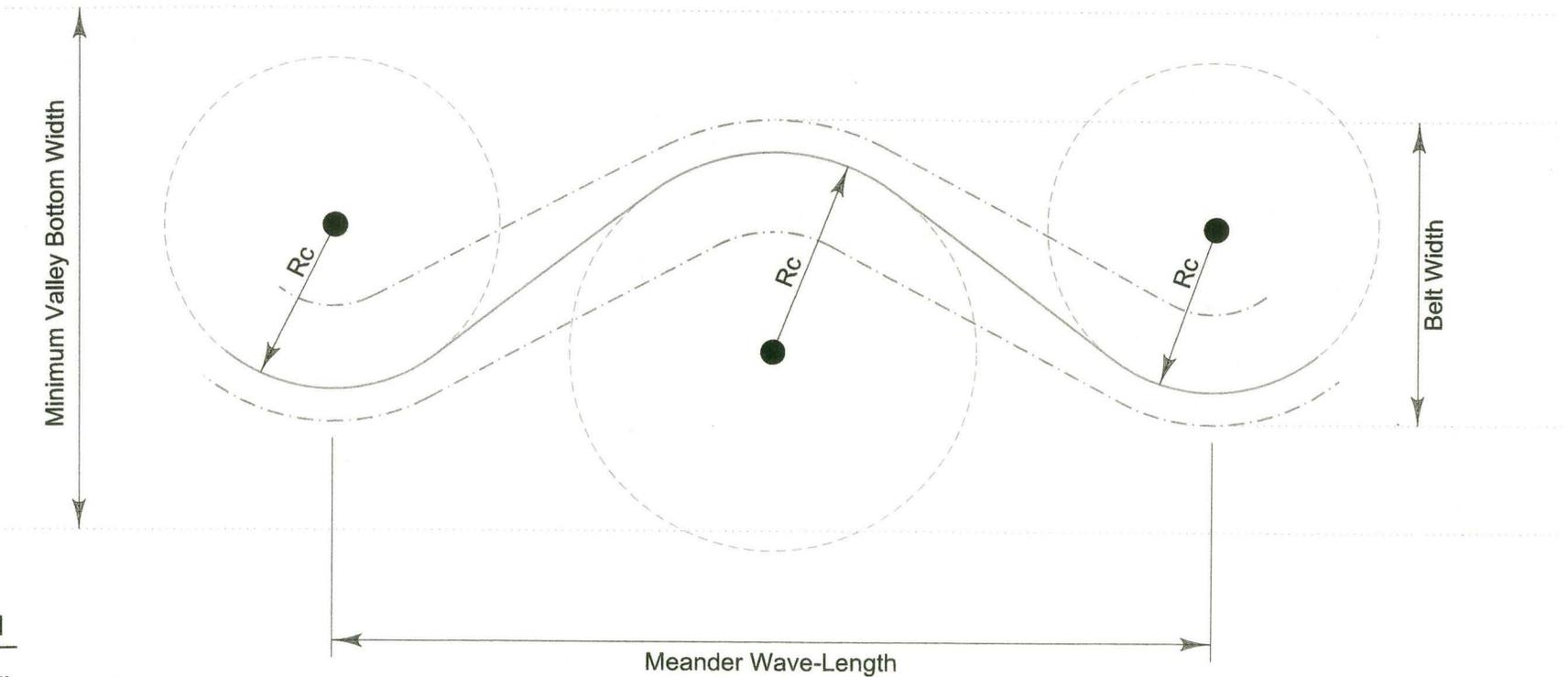
On ephemeral streams monitoring picture locations will be established at 150' intervals based on as built conditions.

On intermittent streams monitoring picture locations will be established at 50' intervals based on as built conditions.

T.H.E. ENGINEERS, INC.	PROJECT: P RIDGE SOUTH PIT, AMEND. #1 MINE SITE - PROPOSED MITIGATION	STREAM: UT'S OF NORTH FORK BARNETT CREEK	
	COUNTY: OHIO	STATE: KY	NEAR: PLEASANT RIDGE
		ITEM: QUAD MAP	EXHIBIT

DATE:

Typical Meander Pattern for Rosgen Stream Type "C" Stream INT-1 DS



Legend

- Bankfull
- Thalweg

- Bankfull Width=11.77'
- Radius of Curvature (Rc) Ranges from 29' to 35.5'
- Belt Width Ranges from 94 to 129'
- Meander Wave-Length Ranges from 106' to 165'
- Approximate Proposed Reach Length = 1054'
- Proposed Sinuosity 1.2 or greater
- Proposed Stream Gradient Ranges from 0.25% to 0.83%
- Proposed Valley Slope Ranges from 0.3% to 1.0%
- Minimum Valley Bottom Width = 140'

T.H.E. Engineers, Inc.
 PROJECT: P RIDGE SOUTH PIT, AMEND. #1 MINE SITE - PROPOSED MITIGATION
 COUNTY: OHIO
 STATE: KY
 NEAR: PLEASANT RIDGE
 ITEM: PROPOSED TYPICAL RIFFLE CROSS SECTION
 STREAM: INTERMITTENT 1 DS
 EXHIBIT 5

EROSION CONTROL BLANKET (may be used as needed)

E.C.B. 1 shall meet the following specifications:

- * Netting: Biodegradable, natural fiber.
- * Matrix Material: 100% coconut fiber.
- * Stitching: Biodegradable thread on 1.5 inch centers.
- * Shear stress: 2.35 lbs / SQ. FT.
- * Velocity: 10 feet per second.
- * Longevity: up to 24 months.
- * North American Green C125 BN or equivalent shall be used.

E.C.B. 2 shall meet the following specifications:

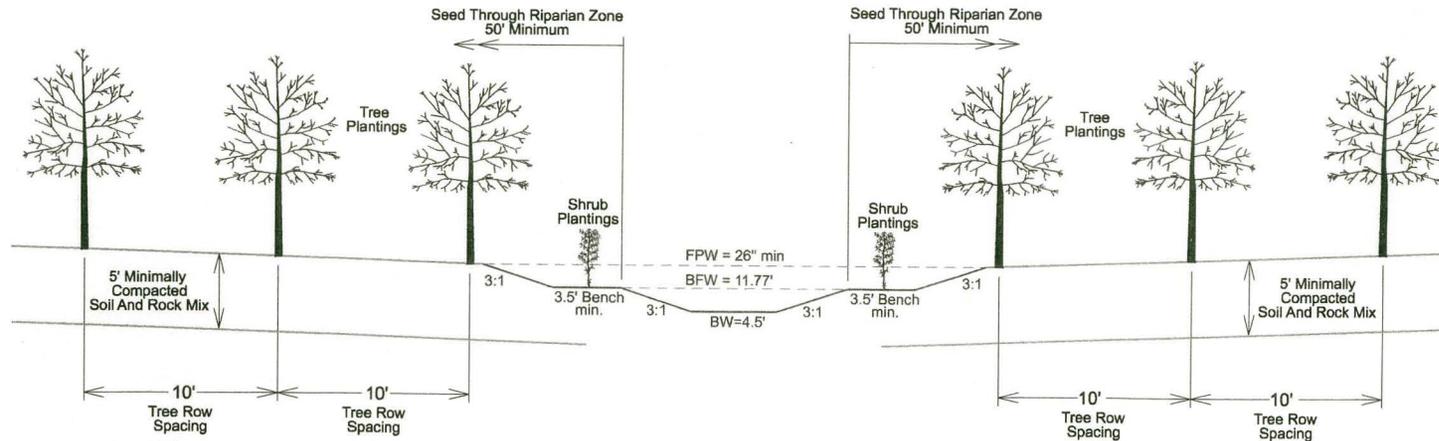
- * Netting: 100% Biodegradable, natural fiber.
- * Matrix Material: 100% straw.
- * Stitching: Biodegradable thread on 1.5 inch centers.
- * Shear stress: 1.855 lbs. / SQ. FT.
- * Velocity: 6 feet per second.
- * Longevity: up to 12 months.
- * North American Green S150 BN or equivalent shall be used.

Note

- * E.C.B. 1, E.C.B. 2, straw mulch or a combination of each will be used to prevent erosion and assist vegetation establishment along stream banks and throughout the riparian zone. Straw mulch will be crimped, tacked, or held in place with a biodegradable net, as needed.

Proposed Channel Dimensions

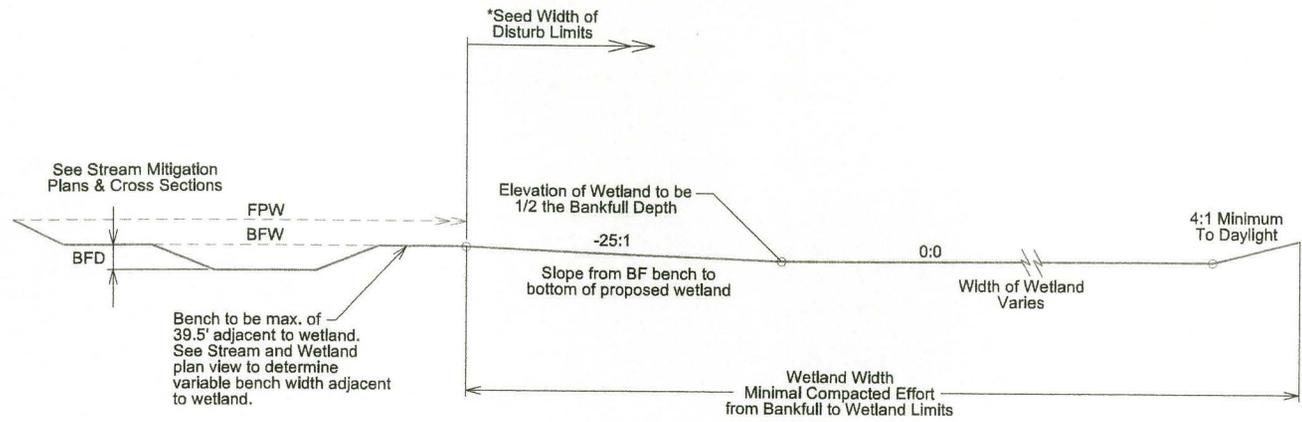
- Bankfull Width (BFW) = 11.77'
- Bankfull Max. Depth = 1.21'
- Bankfull Area = 9.86 sq. ft.
- Bankfull Mean Depth = 0.84'
- Flood-Prone Width (FPW) = 26' Min
- W/D Ratio = 14.05
- Entrenchment Ratio = 2.2 or greater
- Bench Width = 3.5' Min



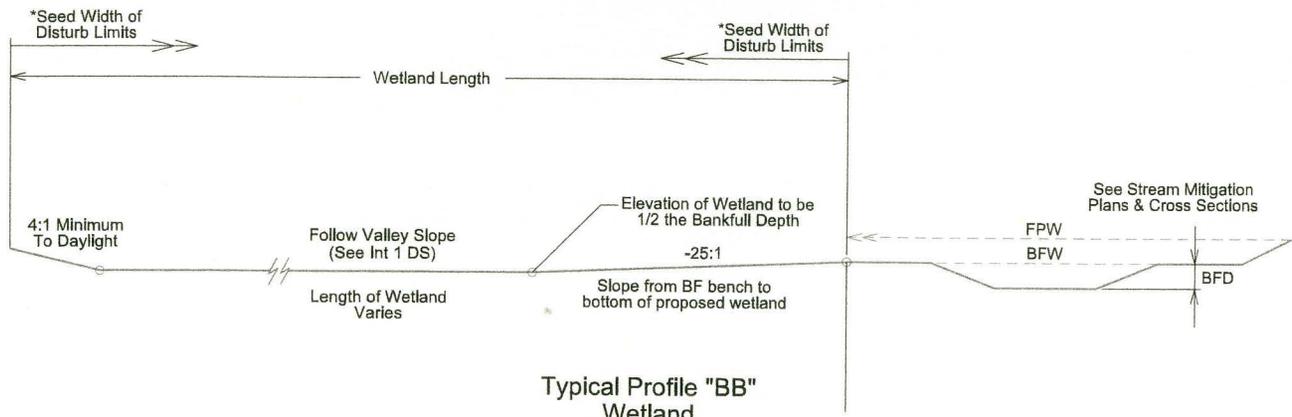
Note

- * Tree spacing shown (10' x 10') is based on bare root seedlings. See mitigation plan for other tree planting options.

Typical Riffle Cross Section Stream Int-1 DS
Rosgen Stream Type "C"
Scale: 1"=10'



Typical Cross Section "AA"
Wetland
Not To Scale



Typical Profile "BB"
Wetland
Not To Scale

See Plan Sheets for limits of Proposed Wetlands.

*See Wetland Planting Details for seeding mixes.