



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

# Public Notice

Public Notice No.  
LRL-2013-518-kjs

Open Date:  
4 Oct 2013

Close Date:  
4 Nov 2013

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Kimberly J. Simpson, CELRL-OP-FS, 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:

APPLICANT: Western Kentucky Minerals  
6133 US Highway 60 East  
Owensboro, Kentucky 42303

AGENT: T.H.E. Engineers, Inc.  
2331 Fortune Drive, Suite 295  
Lexington, Kentucky 40509

LOCATION: The 34.1-acre proposed project site is located west of the intersection of Bolings Road and State Highway 231 on the boundary of Ohio and Daviess Counties, Kentucky.

Latitude: 37.581667° N  
Longitude: 87.004444 ° W  
7.5 Minute Quad: KY-UTICA

PURPOSE: To facilitate the construction of a coal processing facility estimated to have a life span of 10 years.

DESCRIPTION OF WORK: The applicant proposes to construct a 34.1-acre coal processing facility and associated haul roads, referred to as P Ridge Processing. The project would involve the construction of a coal processing plant including coal stockpile areas and four sediment ponds with diversion ditches to direct runoff to the sediment basins. An existing open water pit (pond) would be used as a water source and final clarification pond for the coal washing operation. The proposed facility would impact 152 linear feet of intermittent tributaries (I-2US and I-4), 1,342 linear feet of ephemeral tributaries (E-1, E-2, E-3, E-4, and E-5), 0.324 acre of wetlands (Wet A, Wet B, Wet D, and Wet E), and 3.207 acres of open water (Pond 1). The open water would be filled during the reclamation phase.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant notes that proposed impacts have been minimized to the maximum extent practicable while still allowing for the construction of the processing facility. The applicant stated that they would avoid

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impacts to 432 linear feet of intermittent tributaries (I-1, I-2DS, and I-3), 159 linear feet of an ephemeral tributary (E-6), and 0.364 acre of wetlands (Wet C1, Wet C2, and Wet F).

The applicant proposes the construction of onsite mitigation once the facility reaches its life span (10 year expectancy). The applicant proposes a variation of restoration and creation of streams and wetlands onsite to mitigate for impacts to the intermittent and ephemeral tributaries, and wetlands. The applicant also proposes to fill Pond 1 for reclamation and mitigation activities. A smaller pond would be constructed during mitigation activities to replace the existing pond.

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 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 must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

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. 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 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).

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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, 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 Ms. Kimberly J. Simpson, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2013-518-kjs.

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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-2013-518-kjs.

Example:

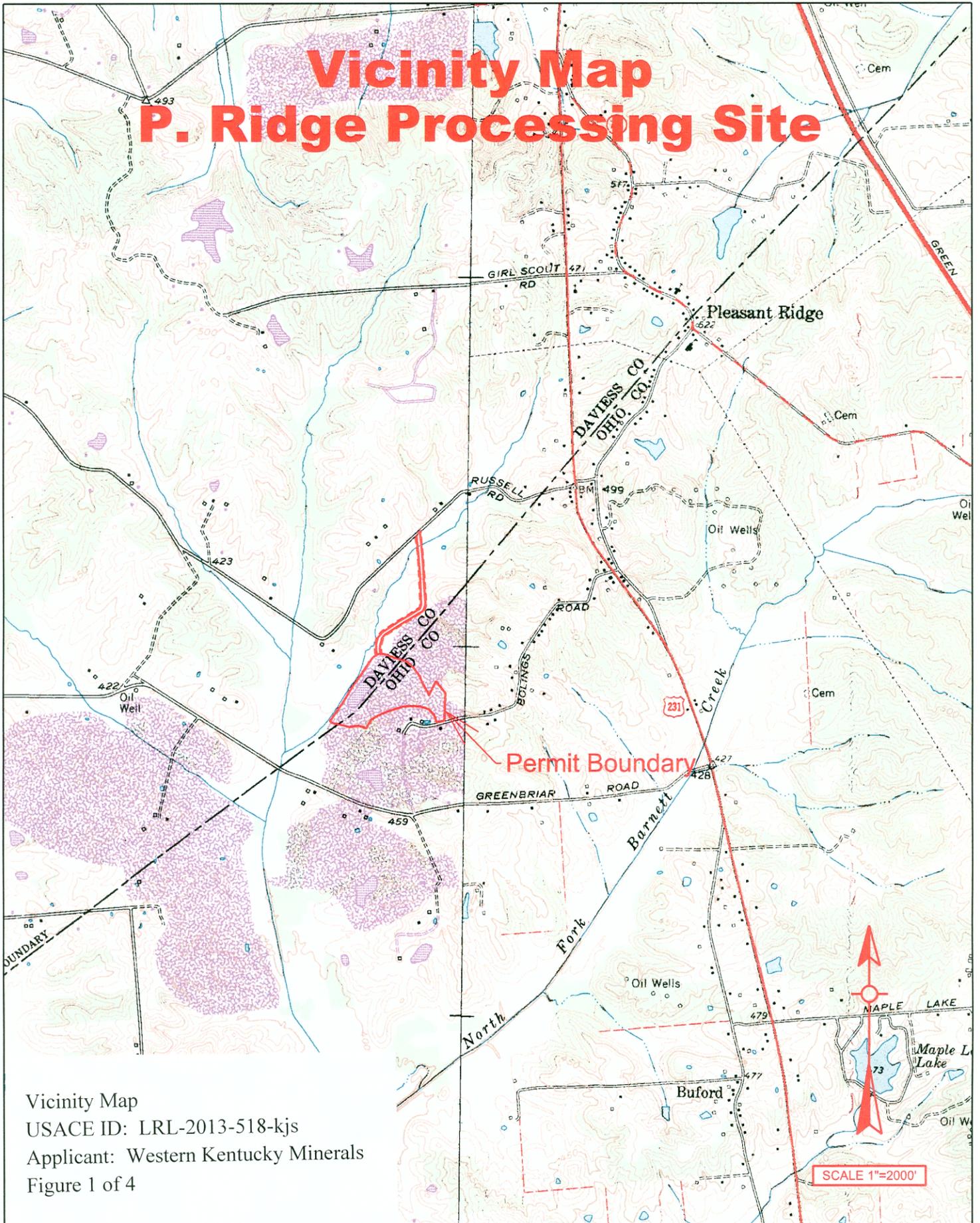
Subject: LRL-2013-518-kjs

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto: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.

# Vicinity Map P. Ridge Processing Site

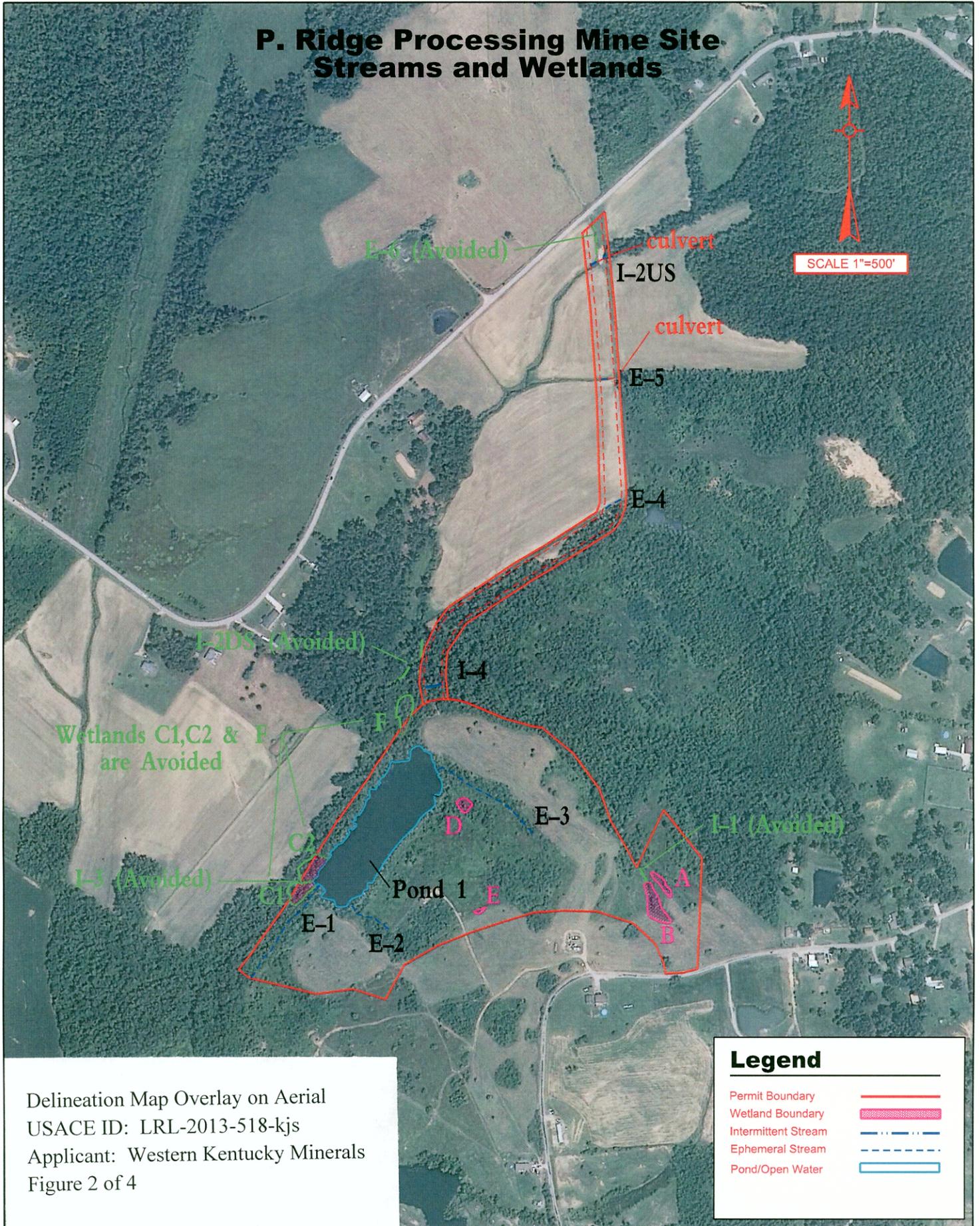


Vicinity Map  
 USACE ID: LRL-2013-518-kjs  
 Applicant: Western Kentucky Minerals  
 Figure 1 of 4

T.H.E. Engineers, Inc.	PROJECT: P. RIDGE PROCESSING MINE SITE - PERMIT BOUNDARY		STREAMS: UT'S TO NORTH FORK BARNETT CREEK	
	COUNTY: DAVIESS	STATE: KY	NEAR: PLEASANT RIDGE	ITEM: VICINITY MAP
			EXHIBIT I	

DATE:

# P. Ridge Processing Mine Site Streams and Wetlands



Delineation Map Overlay on Aerial  
 USACE ID: LRL-2013-518-kjs  
 Applicant: Western Kentucky Minerals  
 Figure 2 of 4

## Legend

- Permit Boundary
- Wetland Boundary
- Intermittent Stream
- Ephemeral Stream
- Pond/Open Water

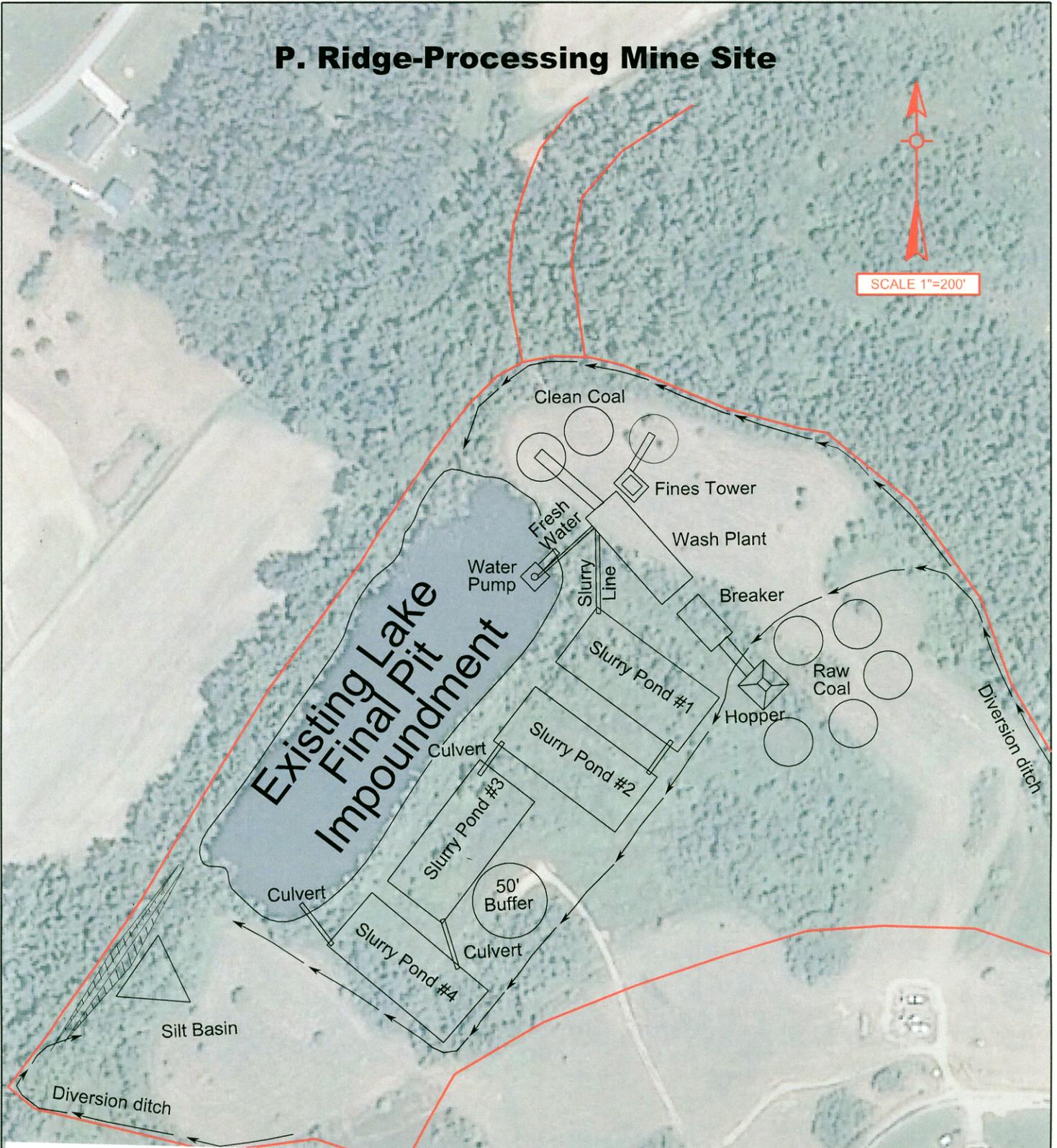
<b>T.H.E. Engineers, Inc.</b>	PROJECT: P. RIDGE PROCESSING MINE SITE - JURISDICTIONAL WATERS DELINEATION	UT's OF NORTH FORK BARNETT CREEK
COUNTY: DAVIESS	STATE: KY	NEAR: PLEASANT RIDGE
	ITEM: AERIAL MAP	EXHIBIT 3

DATE:

# P. Ridge-Processing Mine Site



SCALE 1"=200'



Proposed Site Development Plan  
 USACE ID: LRL-2013-518-kjs  
 Applicant: Western Kentucky Minerals  
 Figure 3 of 4

T.H.E. Engineers, Inc.	PROJECT: P. RIDGE-PROCESSING MINE SITE (SITE DEVELOPMENT)			UT's OF NORTH FORK BARNETT CREEK	
	COUNTY: DAVIESS	STATE: KY	NEAR: PLEASANT RIDGE	ITEM: AERIAL MAP	

DATE:

# P. Ridge Processing Mine Site Streams and Wetlands Mitigation

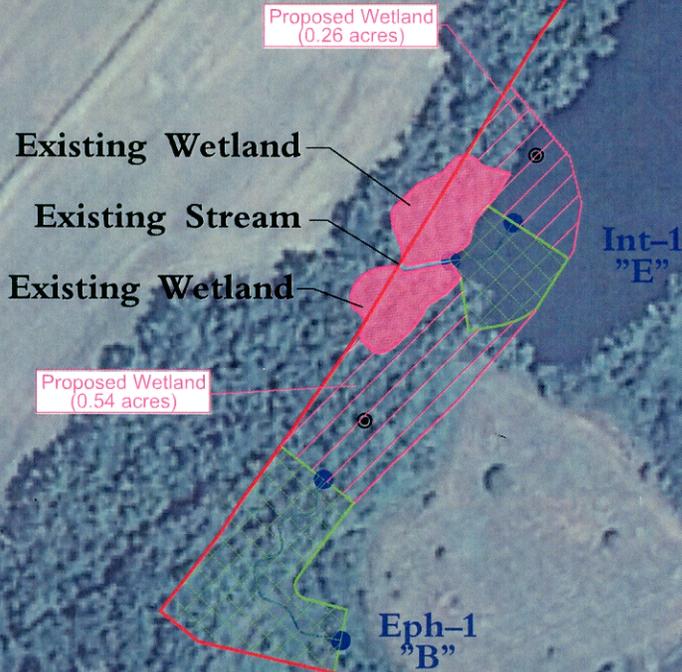
## Legend

- Permit Boundary
- Proposed Thalweg
- Proposed Riparian
- Proposed Wetland
- Piezometric Well / Wetland Monitoring Picture Location ●

For ephemeral streams monitoring picture locations will be established at 1500' intervals based on as built conditions.



For intermittent streams monitoring picture locations will be established at 500' intervals based on as built conditions.



SCALE 1"=200'

Proposed Mitigation Plan  
 USACE ID: LRL-2013-518-kjs  
 Applicant: Western Kentucky Minerals  
 Figure 4 of 4