



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

Public Notice

Public Notice No.
LRL-2010-991-A-sew

Open Date:
21 Jan 2016

Close Date:
22 Feb 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 East
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: The American Coal Company
9085 State Route 34 North
Galatia, Illinois 62935

LOCATION: Unnamed tributaries and adjacent wetlands
to Middle Fork Saline River, in
Saline County, Illinois.

Latitude: 37.831638° North
Longitude: -88.566902° West
7.5 Minute Quad: Galatia, Illinois

PURPOSE: To fill wetlands and streams for the expansion
of a coal refuse disposal area.

DESCRIPTION OF WORK: The proposed project would result in the discharge of fill and/or dredged material into "waters of the United States" for the expansion of a coal refuse disposal area. The disposal site would be 234.7 acres in size. The operation would involve the construction of a refuse disposal area, which would include embankments constructed of coarse refuse material to create an impoundment into which fine refuse will be deposited. The facility is designed to contain approximately 20 million cubic yards of refuse and is expected to last approximately 5 years. Final design elevation would be approximately 530 feet above mean sea level resulting in a fill of approximately 100 feet in height. The impoundment is designed with a compacted clay liner. Fine refuse would be capped with coarse refuse prior to a clay cap being installed over all refuse, which would then be vegetated. A runoff collection system would direct runoff to a collection pond. The site is pending approval by the Illinois Department of Natural Resources (IDNR) Surface Mining Control and Reclamation Act (SMCRA) Permit #442.

The proposed project would fill 4218 linear feet of ephemeral streams, 0.04 acre of palustrine forested (PFO) wetlands, 0.61 acre of palustrine emergent (PEM) wetlands, and 0.48 acre of palustrine unconsolidated bottom (PUB) wetlands.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant's preferred alternative, has taken into consideration various alternative locations and disposal options to maximize the opportunities for avoidance and minimization measures.

The applicant proposes to mitigate functions lost from the impacted resources by restoring 4000 linear feet of unnamed intermittent tributary to Prairie Creek and Middle Fork Saline River at an off-site location approximately 5 miles west of the impact site within the same watershed. The existing stream is deeply incised and has been straightened to induce rapid drainage. The stream would be routed into its former channel as evidenced by 1938 aerial photography and remaining patterns in the currently farmed fields. The stream would employ a natural pattern, profile and dimension similar to that which existed prior to the 1930's and would have forested riparian corridors adjacent to both sides of the reconstructed channel. 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, root wads, and toe wood would be installed within the restored stream.

Impacts to the 1.13 acres of PFO, PEM, and PUB wetlands are proposed to be mitigated by restoring a total of 1.8 acres of PFO wetlands. The wetland mitigation would be off-site and is located 3.4 miles west of Galatia adjacent to the Middle Fork Saline River within the same watershed as the impact site as well. The site is currently being farmed but retains sufficient hydric soil indicators and hydrology potential to have a high potential for PFO wetland restoration. The wetlands would be managed for hard mast species and constructed to receive hydrology from overbank flows of adjacent streams as well as groundwater and precipitation.

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.

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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 (11SA308) was discovered that could have an association with the mid-nineteenth century Shawneetown-Kaskaskia Trail which is evident immediately east of the proposed project boundary. The historic component of this site is evaluated as potentially eligible for listing in the NHRP and would be investigated further if avoidance would not be proposed for this project. At this time, the applicant is proposing to avoid the site. 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-2010-991-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-2010-991-A-sew.

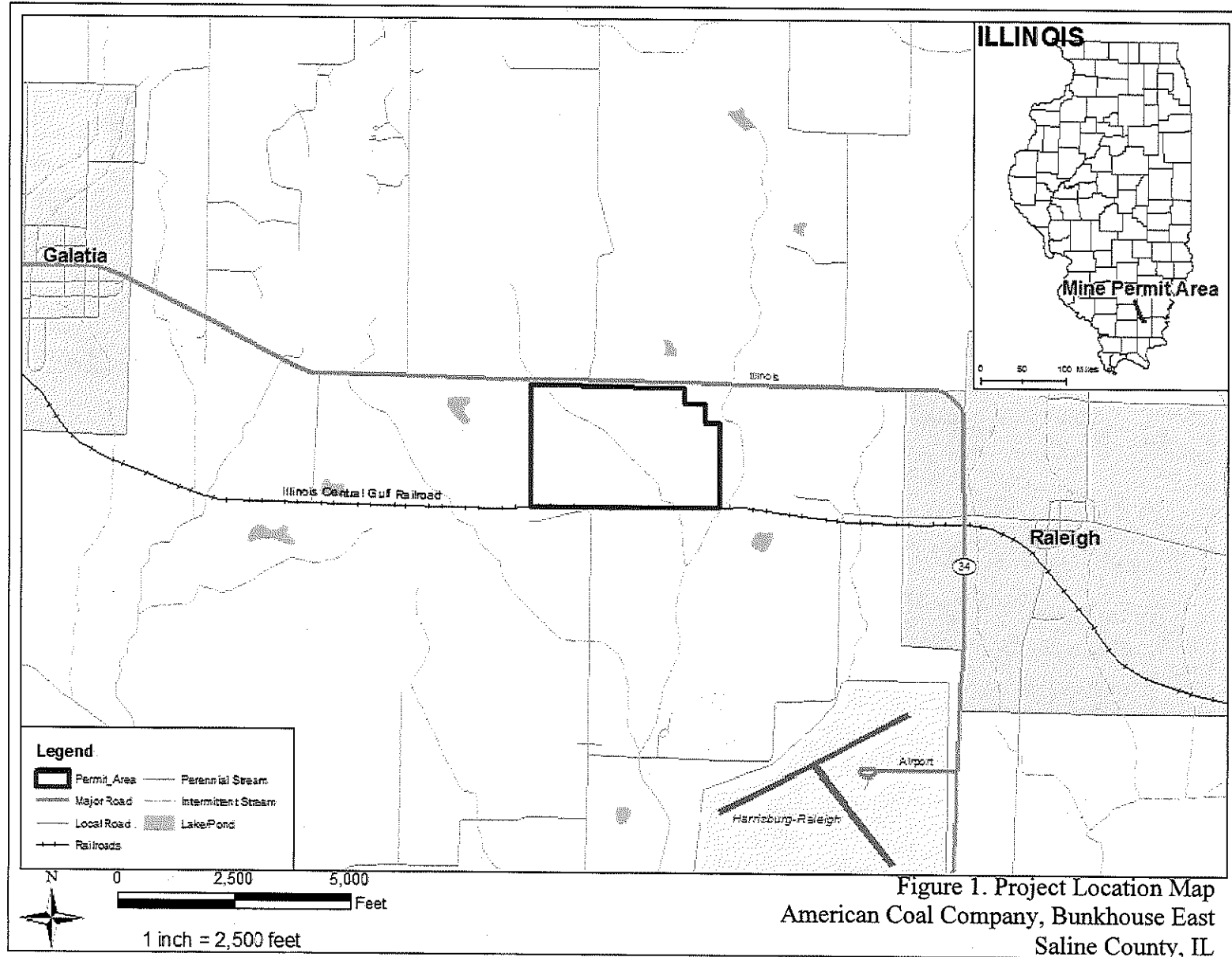
Example:

Subject: LRL-2010-991-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.

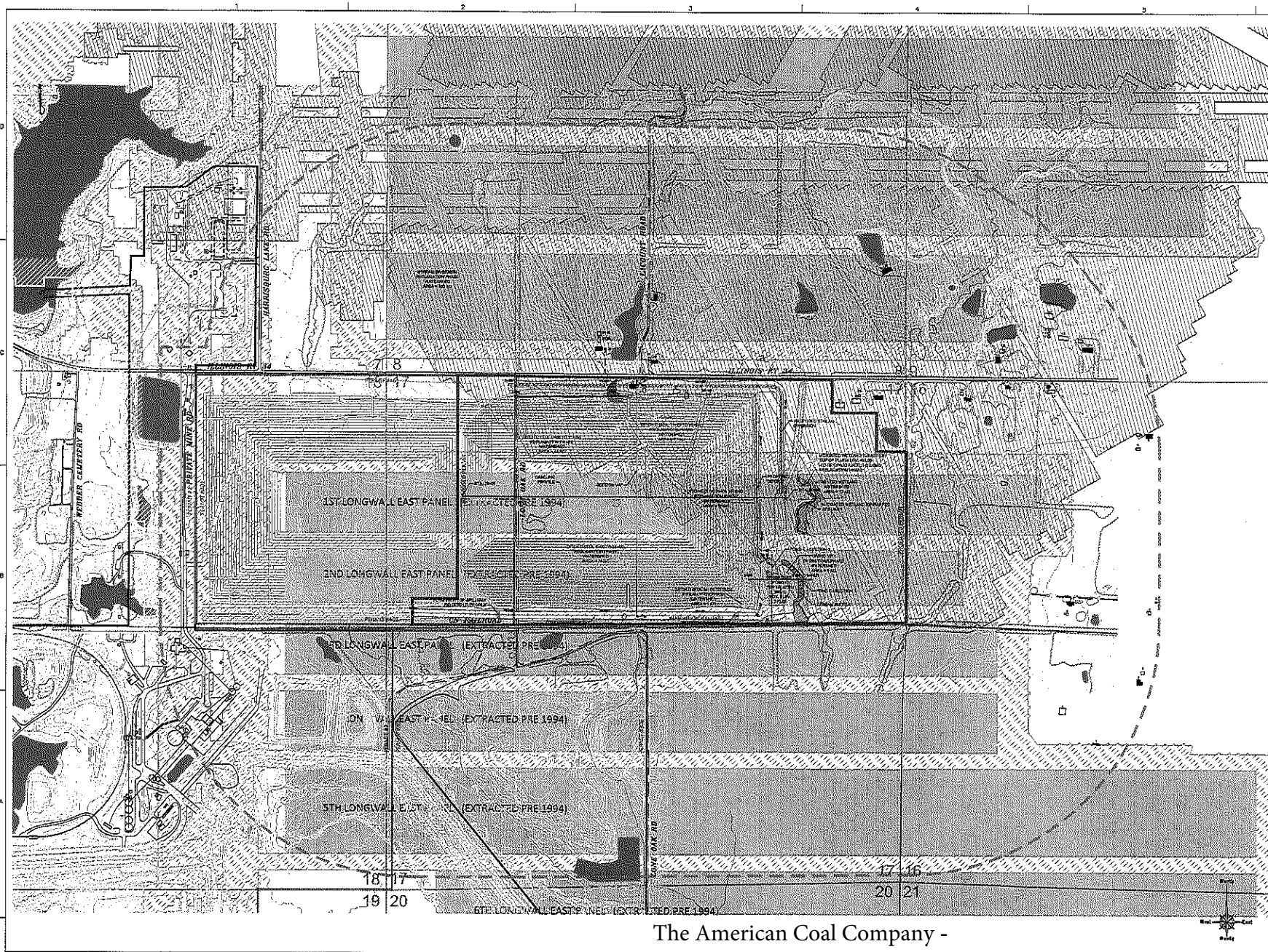




The American Coal Company -
Aquatic Resources Map -
Sheet 2 of 8 -

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Figure 9. Impacted streams, wetlands, and ponds
The American Coal Company, Bunkhouse East
Saline County, IL



HMG
Engineers
Surveyors

[illegible]

Gallatin Mine
THE AMERICAN COAL COMPANY
PO BOX 600220 DEPT 737
NASHVILLE, TN 37260

[illegible]

THE AMERICAN COAL COMPANY
GALATIA MINE
DUNLOP HOUSE EAST REFUSE PERMITS
EXPANSION

**SURFACE OPERATIONS MAP & DRAINAGE
CONTROL PLAN**

MAP 7

FILENAME

The American Coal Company -
Operations Map -
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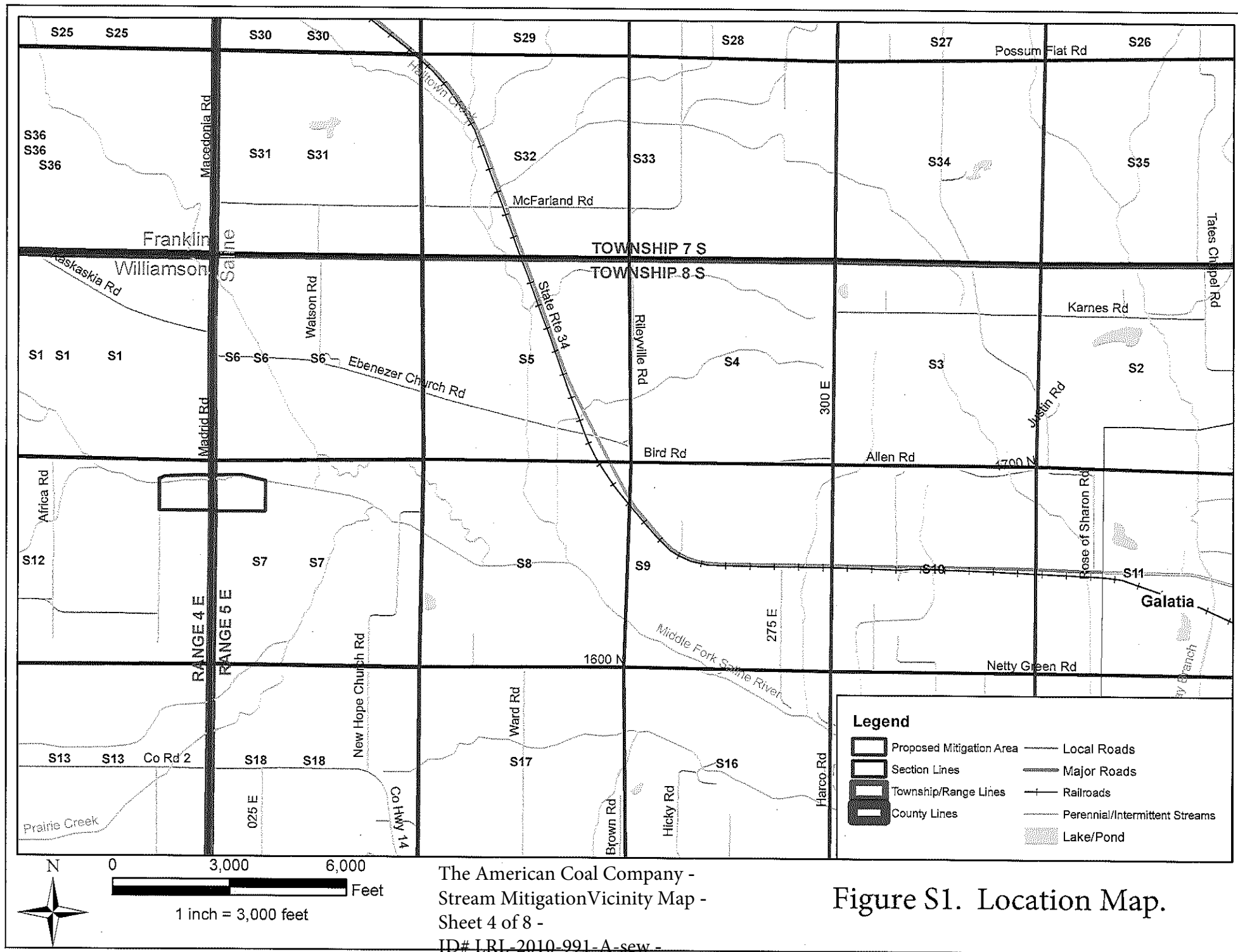
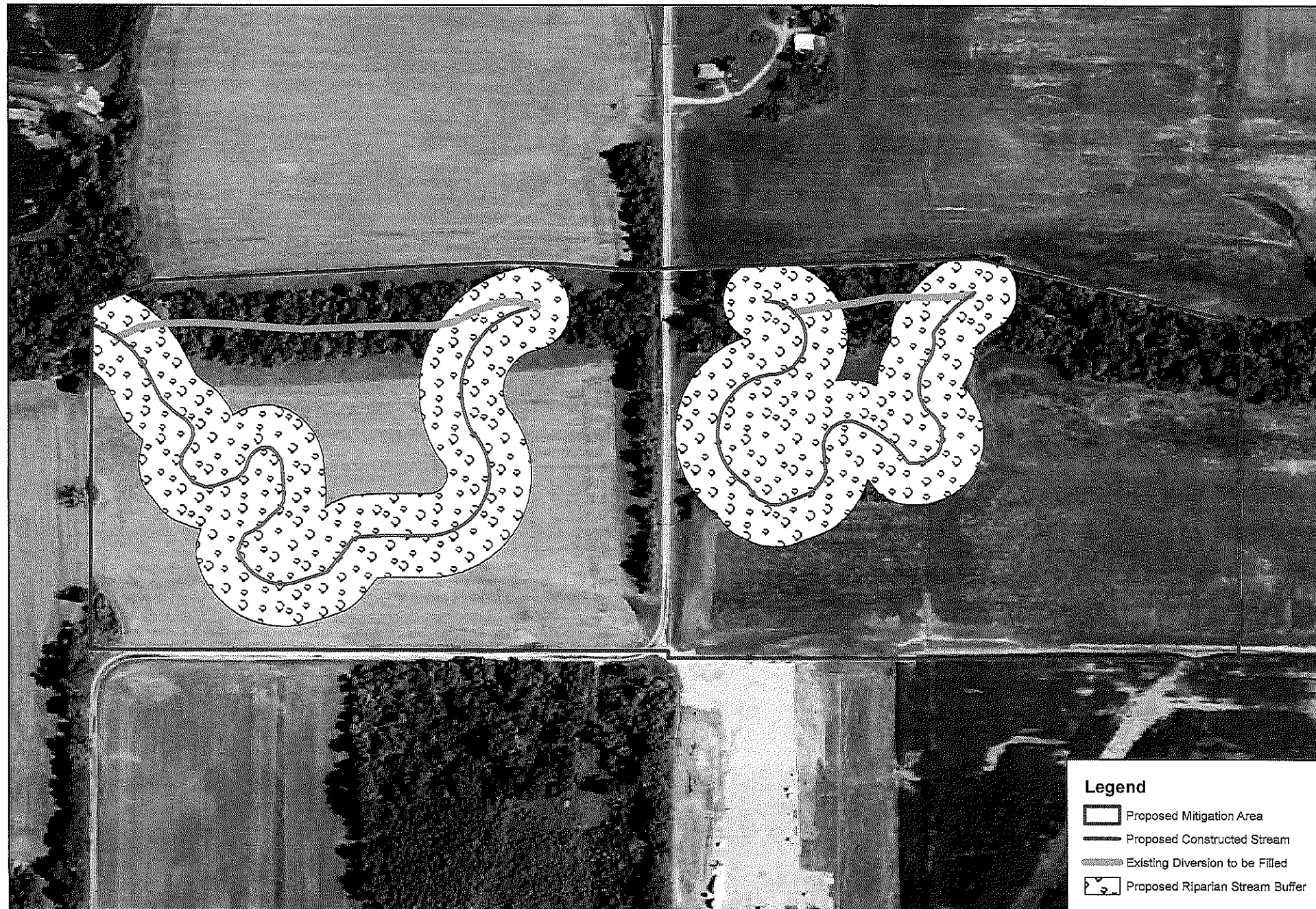


Figure S1. Location Map.







The American Coal Company -
Stream Mitigation Existing -
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Figure S3. Existing Conditions.



Legend

-  Proposed Mitigation Area
-  Proposed Constructed Stream
-  Existing Diversion to be Filled
-  Proposed Riparian Stream Buffer



0 300 600
Feet
1 inch = 300 feet

The American Coal Company -
Stream Mitigation Proposed -
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Figure S4. Proposed Mitigation Map.

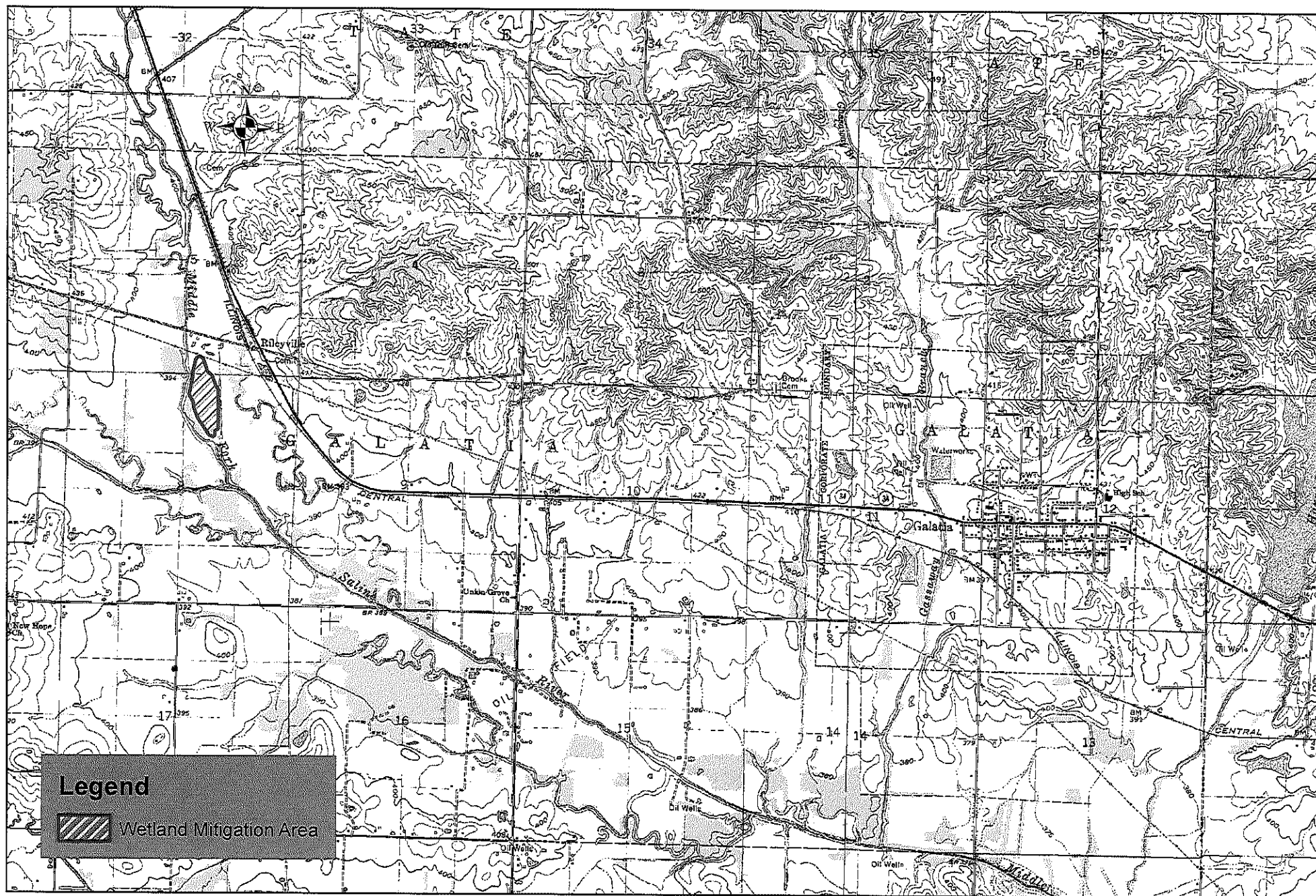


Figure W1. Location of wetland mitigation area west of Galatia, Illinois.



400 200 0



400 Feet

The American Coal Company -
Wetland Mitigation Plan Map -
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Figure W2. Proposed wetland within the Bonnie soil map unit (location to be adjusted based on field hydrology).