



Joint Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.
LRL-2013-617-gjd

Open Date:
31 Jul 2014

Close Date:
2 Sep 2014

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. George DeLancey, CELRL-OP-FW
6855 State Road 66
Newburgh, Indiana 47629-2678

Phone: 812-842-2807

Email: lrl.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 (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: Duke Energy
1000 East Main Street
Plainfield, Indiana 46168

LOCATION: Associated wetlands of Unnamed Tributaries to the Wabash River, at the Gibson Station facility, west of Princeton, Gibson County, Indiana.

Latitude: 38.36640
Longitude: -87.7440633
7.5 Minute Quad: East Mount Carmel, IND-ILL and
Owensville, IND

PURPOSE: To borrow cover material for an adjacent landfill facility.

DESCRIPTION OF WORK: A portion of this project includes a request for after the fact permitting for wetland impacts that have been completed without proper DA authorization. Borrow activities were discovered occurring within jurisdictional wetlands as part of a landfill cover operation. When notified of the violation, the applicant ceased borrow activity within the subject wetlands and prepared an application for DA authorization.

The proposed project has resulted in the impacts to a 4.40 acres of Palustrine Emergent (PEM) wetland and 1.44 acres of a Palustrine Scrub-Shrub (PSWS) wetland. The applicant is also proposing impacts to another 3.64 acres of PEM wetlands and 1.34 acres of Palustrine Forested (PFO) wetlands. The impacts would result from a truck/scrapper/shovel operation to remove borrow material from the wetland and adjacent agricultural areas to provide earthen cover material for both the Gibson Station Flue Gas Desulfurization landfill and the East Ash Pond closure project.

AVOIDANCE, MINIMIZATION, and MITIGATION MEASURES: The applicant's preferred alternative, has taken into consideration various potential

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borrow sites and options to find opportunities for avoidance and minimization measures.

MITIGATION: The applicant proposes to complete a combination of preservation and creation of PFO wetlands. The applicant proposes preservation of 18.63 acres of existing PFO wetlands and creation of 16.3 acres of scrub shrub and emergent wetlands.

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 serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. The 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, Section 401 WQC Program; 100 North Senate Avenue, Room 1255; P.O. Box 6015; Indianapolis, Indiana 46206-6015. The applicant is responsible for obtaining the certification from IDEM.

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 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

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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. 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> under "Obtain a Permit".

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-2013-617-gjd.

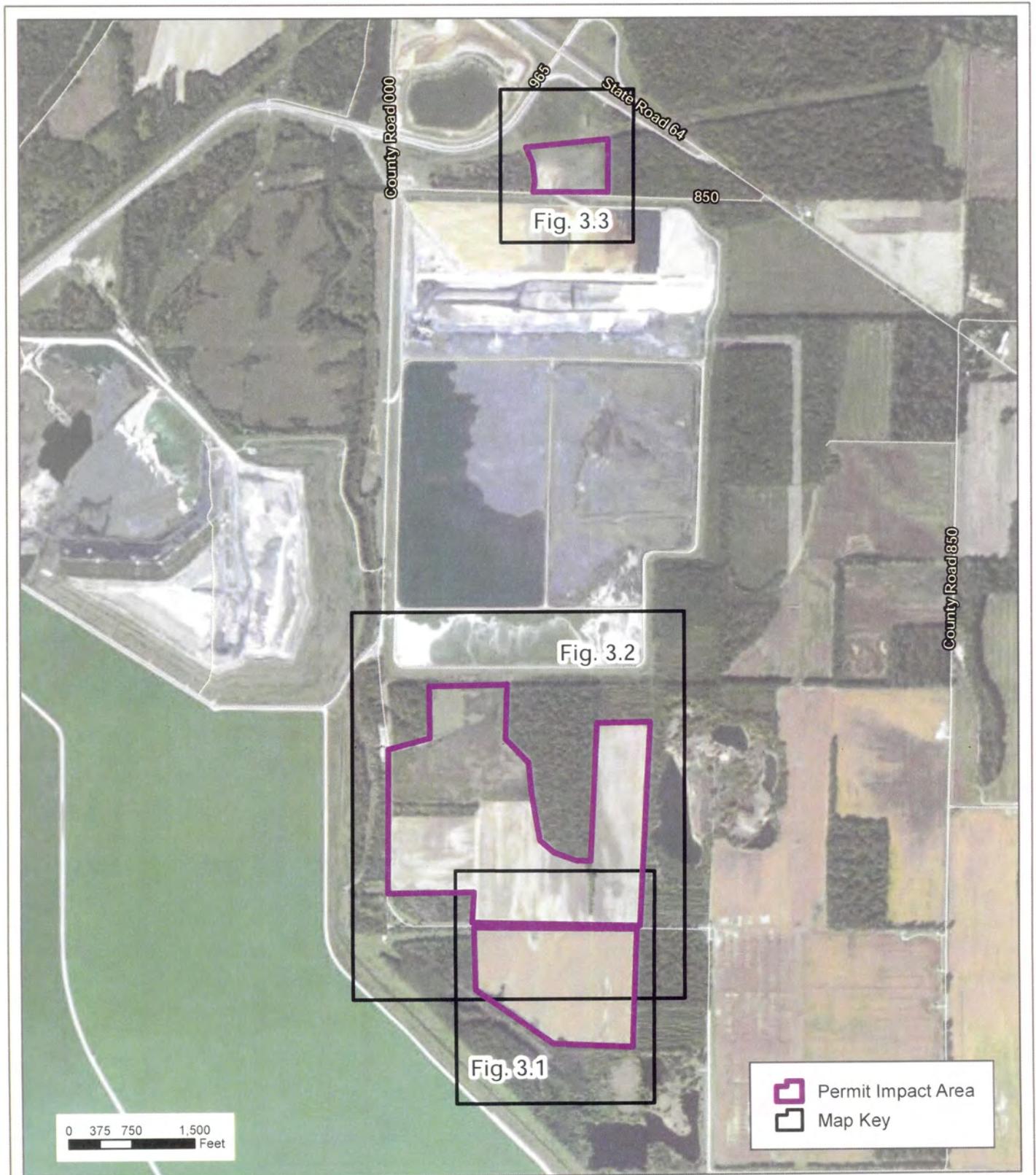
Example:

Subject: LRL-2013-617-gjd

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.



Twp:1S Rge: 12W Sec: 34
 Twp:2S Rge: 12W Sec: 3,4,10
 Project No. 1308026



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Figure 3.0 - Permit Impact Area Map Key
 Gibson Station Borrow Areas 2, 3, 6
 CWA Section 401/404 Permit Application
 Duke Energy Indiana, Inc
 Gibson County, Indiana



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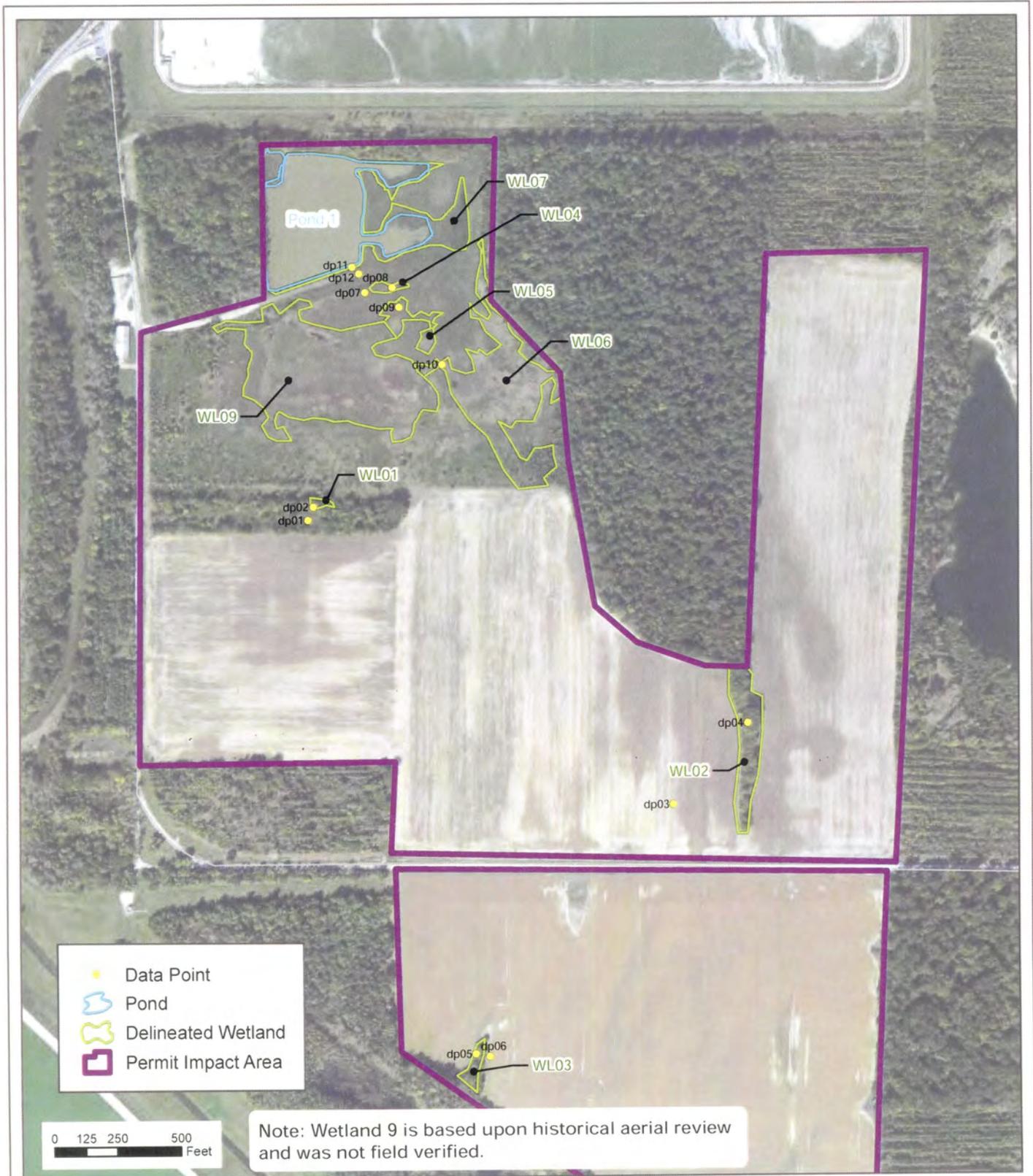
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Figure 3.1 - Impact Area 2
Gibson Station Borrow Areas 2, 3, 6
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Figure 3.2: Impact Area 3
Gibson Station Borrow Areas 2, 3, 6
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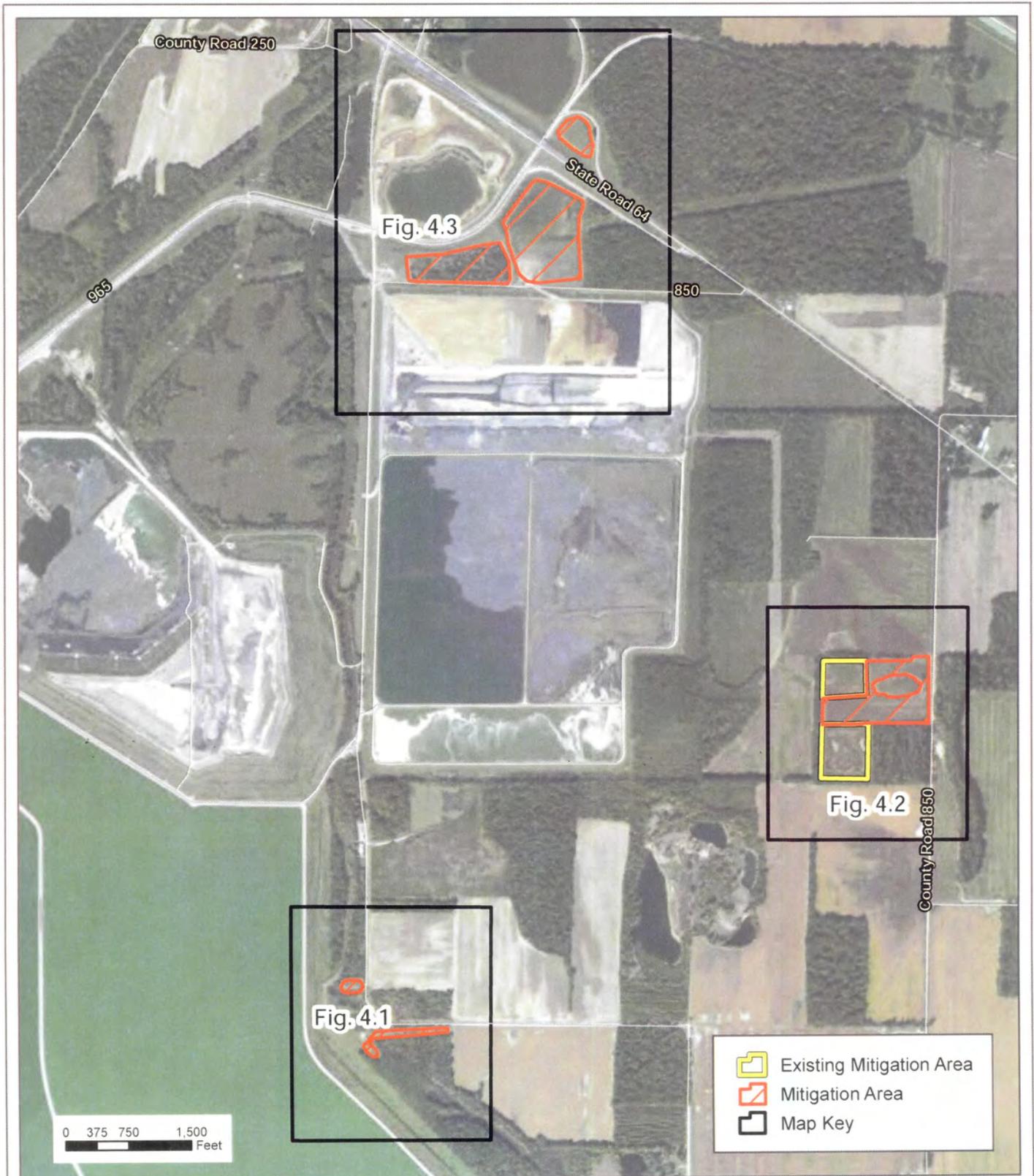


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Figure 4.3: Delineation Area 6
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Figure 4.0 - Mitigation Areas Map Key
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Figure 4.1 - Mitigation Areas
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Figure 4.2 - Mitigation Areas
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