
Joint Public Notice



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

Public Notice No.
LRL-2013-00635-gjd

Open Date:
17 Mar 2016

Close Date:
18 Apr 2016

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. George DeLancey, CELRL-OPF-W

6855 State Road 66

Newburgh, Indiana 47630

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: United Minerals Company, LLC
566 Dickeyville Road
Lynnville, Indiana 47619

LOCATION: Pigeon Creek, unnamed tributary streams of Pigeon Creek, associated wetlands of Pigeon Creek, and open waters, northwest of Boonville, in Warrick County, Indiana.

Latitude: 38.11821
Longitude: -87.40361
7.5 Minute Quad: Daylight and Elberfeld, IN

PURPOSE: To relocate wetlands and streams to facilitate the removal of subsurface coal materials.

DESCRIPTION OF WORK: The proposed project would result in discharges of fill and/or dredged material into "waters of the United States" on a majority of a 1,679.6 acre site. The site is approved by Surface Mining Control and Reclamation Act (SMCRA) Permit No. S-00357.

Under this proposal the applicant is proposing the following: 1. to fill 8,427 linear feet of ephemeral streams; 2. to fill 45,213 linear feet of intermittent streams; 3. to fill 200 linear feet of perennial stream; 4. to fill 462.18 acres of palustrine forested (PFO) wetlands, 27.13 of palustrine emergent (PEM) wetlands, 19.81 acres of palustrine scrub-shrub (PSS) wetlands, 1.04 palustrine unconsolidated bottom (PUBG) wetlands, and 5. to fill 72.85 acres of open waters. 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.

The impacts would be necessary for coal extraction (493.91 acres of wetland and 51,774' of stream impacts), construction of sediment basins (0.35 acres of wetland and 1,160' of stream impacts), construction of haulage roads (6.53 acres of wetland and 706' of stream impacts),

floodway excavation (9.37 acres of wetland impacts), and stream crossings (200' of stream impacts).

As part of this proposal, the applicant is proposing to construct 4 levees, at heights of 5', 4', 3', and 4' for lengths of 3,800', 4,000', 6,300', and 4,800', respectively, on the west side of Pigeon Creek. The levees would have a 10' crown and would grade out from the crown at a 2.5:1 to 3:1 slope. These levees would separate the majority of the proposed avoidance areas on the west side of Pigeon Creek and the mining area to facilitate the mining operation. The levees would prevent the inundation of the mining area while it is in operation. With the operation of the levee system, the applicant is proposing to complete floodway excavation on the east side of Pigeon Creek to mitigate the loss of flood storage resulting from the levee operations. The floodway excavation would expand two existing open water structures that are the result of past mining. The excavation would impact wetlands as described above.

The applicant is also seeking authorization to construct a bridge crossing and conveyor crossing over Pigeon Creek. The bridge crossing would be a 45' wide by 80' long single span precast deck beam bridge. The stream banks immediately adjacent to and within the footprint of the bridge structure would be stabilized with concrete and/or rip rap. The applicant is also seeking authorization to construct a conveyor system that would include a 100' span over Pigeon Creek.

AVOIDANCE, MINIMIZATION, and MITIGATION MEASURES: The applicant's preferred alternative, has taken into consideration various mining methods to maximize the opportunities for avoidance and minimization measures while still meeting the project purpose. A 900-foot wide buffer will remain undisturbed on the west bank of Pigeon Creek at the north end of the permit area for a distance of approximately 4,000 feet. Avoidance buffer widths of approximately 120 feet and 275 feet along 3,000 and 4,700 feet respectively will remain undisturbed in the middle section of the permit area. These buffer areas are within the forested floodplain of Pigeon Creek and are comprised entirely of wetlands. Approximately 175 acres will remain undisturbed in the corridor along the southern boundary of the permit area. The majority of the area east of Pigeon Creek in the northeast portion of the permit area has been previously mined and will remain undisturbed by this proposed operation. In all, 289.58 acres of wetlands within the proposed permit area would be avoided and/or impacts minimized. Also, 13,515 linear feet of streams (866' ephemeral, 4,973' intermittent, and 7,676' of perennial) would be avoided, or impacts minimized, in the avoidance areas.

ON SITE STREAM MITIGATION: The applicant proposes to mitigate perennial stream impacts at a ratio of 1:1 (200 linear feet), intermittent stream impacts at a ratio of 1:1 (45,213 linear feet), and ephemeral stream impacts at a ratio of 0.5:1 (4,214 linear feet). The applicant proposes to create and plant riparian buffers for the mitigation streams. These buffers are proposed to be 50 feet wide for constructed ephemeral

streams and 100 feet wide for constructed intermittent streams. The riparian zones would be primarily managed for hard mast tree plantings. Stream construction would be based on natural stream design. Channel size and area would be based on watershed size, regional curve data, and reference reach data. Streams are proposed to be sized for a 1.25 return interval.

ON SITE AND OFF SITE WETLAND MITIGATION: Wetlands are proposed to be mitigated both on site and off site. Overall the applicant is proposing to mitigate PFO wetlands at a 2:1 ratio, PSS at a 1:1 ratio, PEM at a 0.5:1 ratio, and PUB at a 0.5:1 ratio.

On site, the applicant is proposing to establish 510.16 acre of PFO in the flood prone area of Pigeon Creek after mining is complete. The applicant proposes that a combination of runoff:retention from the surrounding landscape and overbank flooding would provide sufficient hydrology. Tree plantings would primarily be managed for hard mast species.

Off site, the applicant is proposing to complete 448.11 acres of wetland mitigation. The mitigation is proposed on Greathouse Island, located on the Wabash River, south of State Road 62, Posey County, Indiana. The site of the mitigation is a 608 acre tract that includes forested and agricultural land use areas.

The applicant proposes to remove the 316.9 acres from agricultural use, naturalize the local hydrologic regime, and establish native plant communities. This reestablishment would target restoring PFO wetlands and would be managed for hard mast species.

The applicant also proposes to enhance 266.3 acres of existing PFO wetlands on Greathouse Island to generate credits at a 0.5:1 ratio. The enhancement would be completed through timber stand improvements by planting hard mast species in the predominant soft mast stands. The applicant proposes that in these enhancement areas, they would plant on average 100 trees to the acre with a success criteria of 10 plantings per acre surviving at the end of the monitoring period.

The applicant proposes that Mitigation for open water impacts would occur in the form of a final cut pit and permanent basins that would be a minimum of 25 acres.

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. 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 N. Senate Av. 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 is within the range of the federally listed Indiana bat (*Myotis sodalis*), the Northern Long-eared bat (*M. septentrionalis*), and the sheepsnose mussel. Further coordination regarding any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, with the U.S. Fish and Wildlife Service is planned.

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 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

Operations Division
Regulatory Branch (West)
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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-2013-00635-gjd.

Example:

Subject: LRL-2013-00635-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.

UNITED MINERALS CO., LLC.
 P.O. Box 400
 HUNTINGBURG, IN 47542

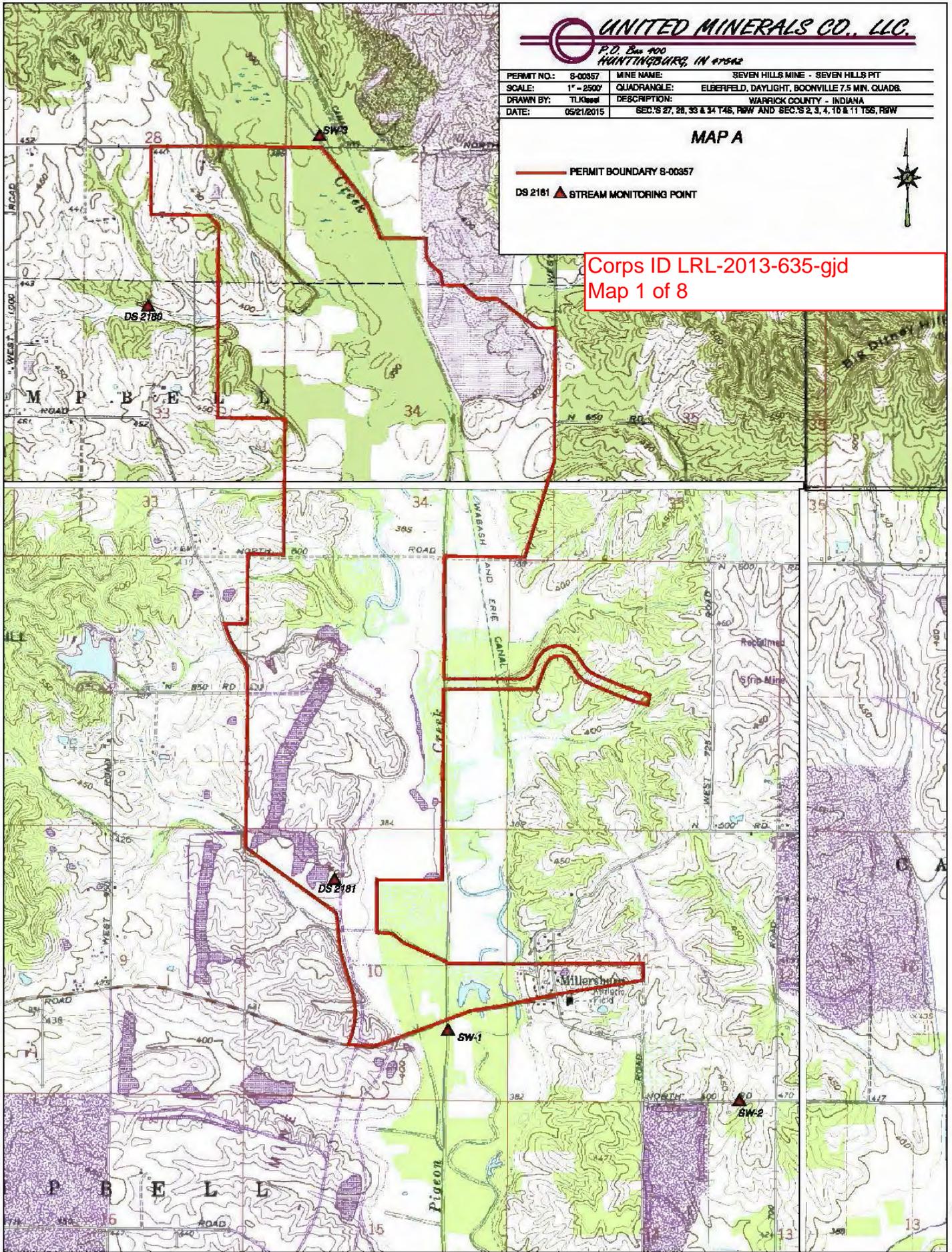
PERMIT NO.: 8-00357	MINE NAME: SEVEN HILLS MINE - SEVEN HILLS PIT
SCALE: 1" = 2500'	QUADRANGLE: ELBERFELD, DAYLIGHT, BOONVILLE 7.5 MIN. QUADS.
DRAWN BY: TLK/psd	DESCRIPTION: WARRICK COUNTY - INDIANA
DATE: 05/21/2015	SEC.'S 27, 28, 33 & 34 T46, R9W AND SEC.'S 2, 3, 4, 10 & 11 T56, R9W

MAP A

— PERMIT BOUNDARY 8-00357
 ▲ DS 2181 ▲ STREAM MONITORING POINT



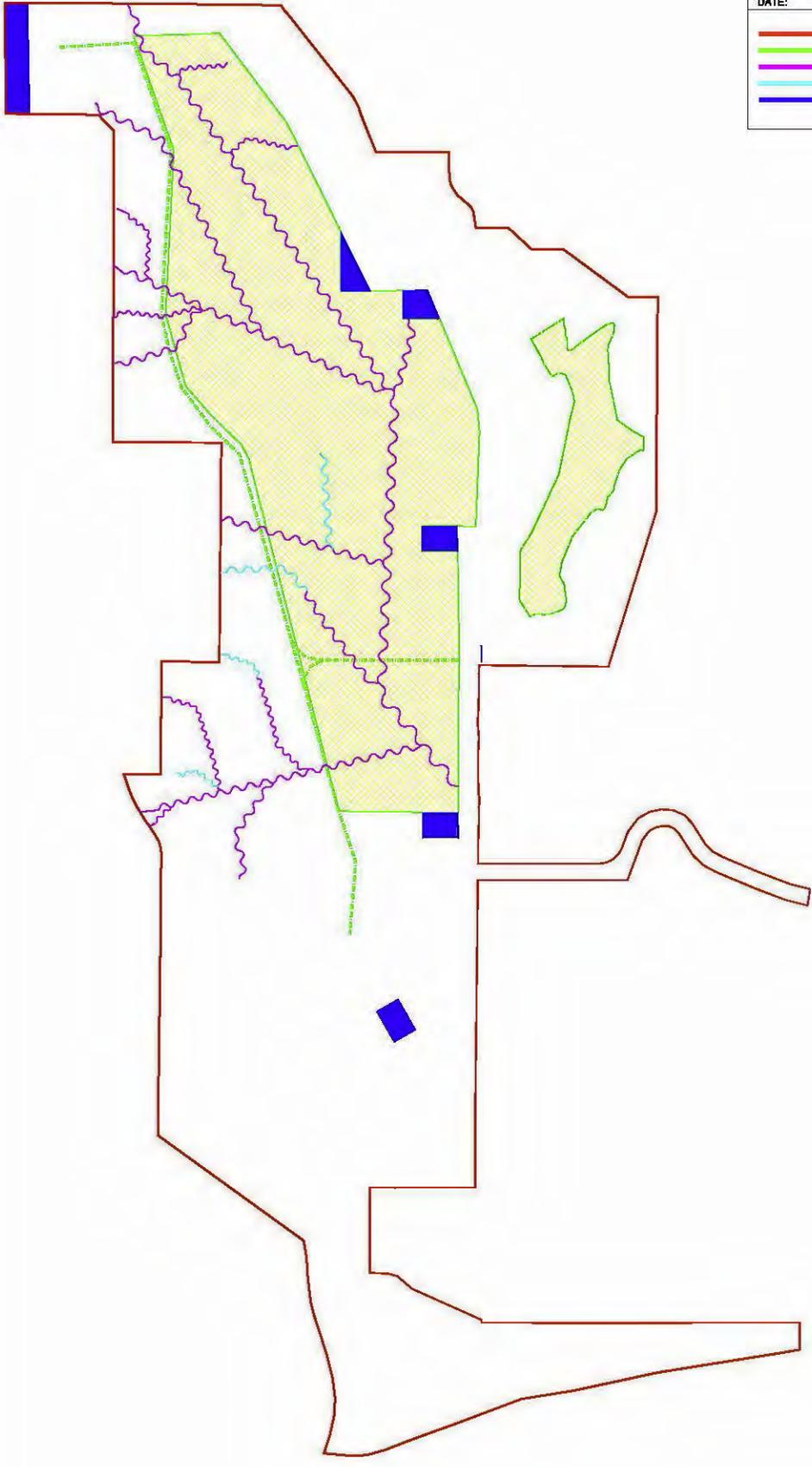
Corps ID LRL-2013-635-gjd
 Map 1 of 8



PERMIT NO.:	S-00357	MINE NAME:	SEVEN HILLS MINE
SCALE:	1" = 2000'	QUADRANGLE:	BROOKVILLE, DAYLTON & ELIZABETTA, INDIANA <small>USGS 7.5-MIN. QUAD</small>
DRAWN BY:	KMR	DESCRIPTION:	WARRICK COUNTY, INDIANA <small>PORTIONS OF SECTIONS 87, 88, 89, 90 IN T48N, R14E, S. 4, 4, 10 & 11 IN T38, S8W</small>
DATE:	July 22, 2015		

MAP C

	PERMIT BOUNDARY		PFO WETLAND MITIGATION
	HAUL ROAD		OPEN WATER MITIGATION
	INT STREAM MITIGATION		
	EPH STREAM MITIGATION		
	PER STREAM MITIGATION		

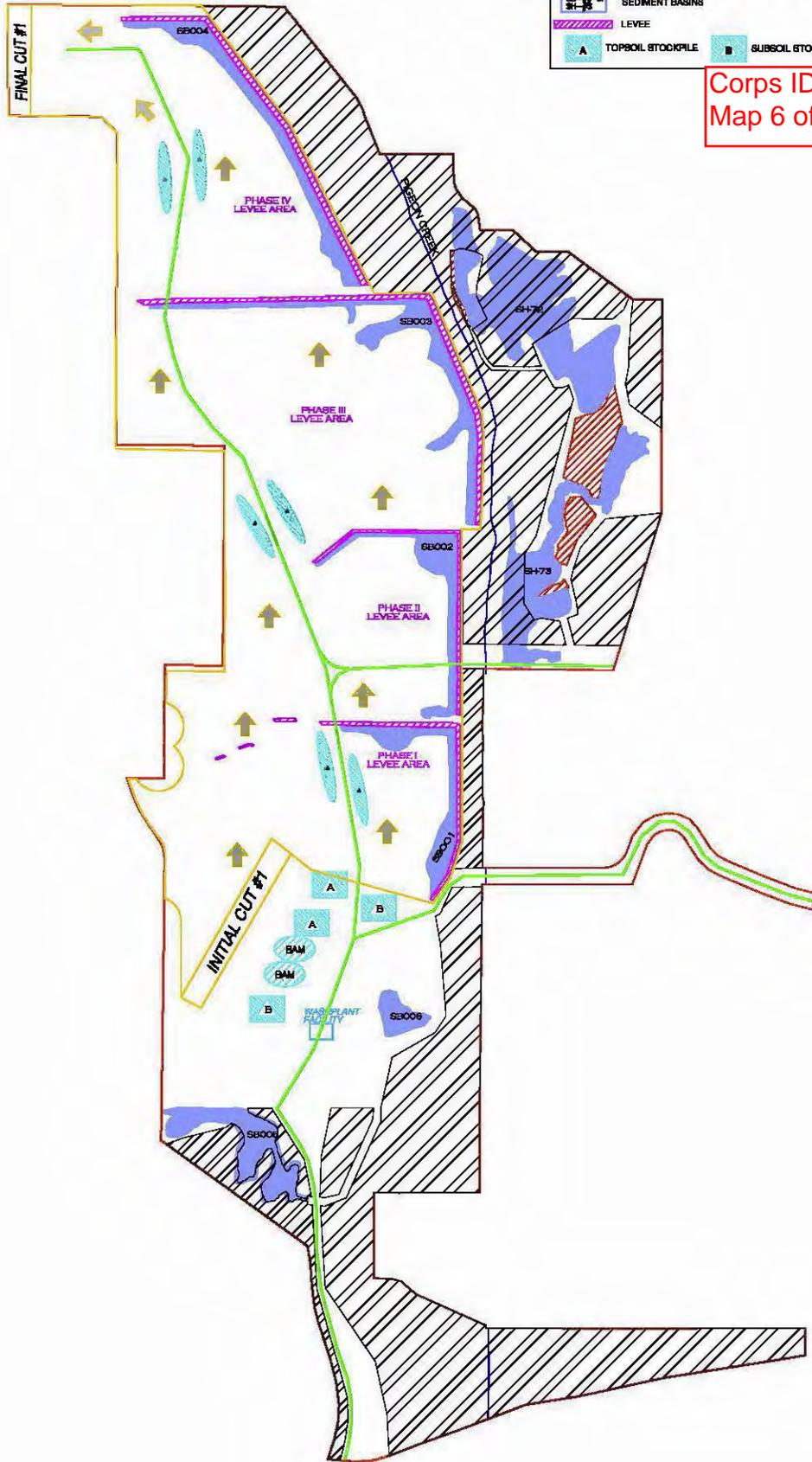


Corps ID LRL-2013-635-gjd
 Map 4 of 8

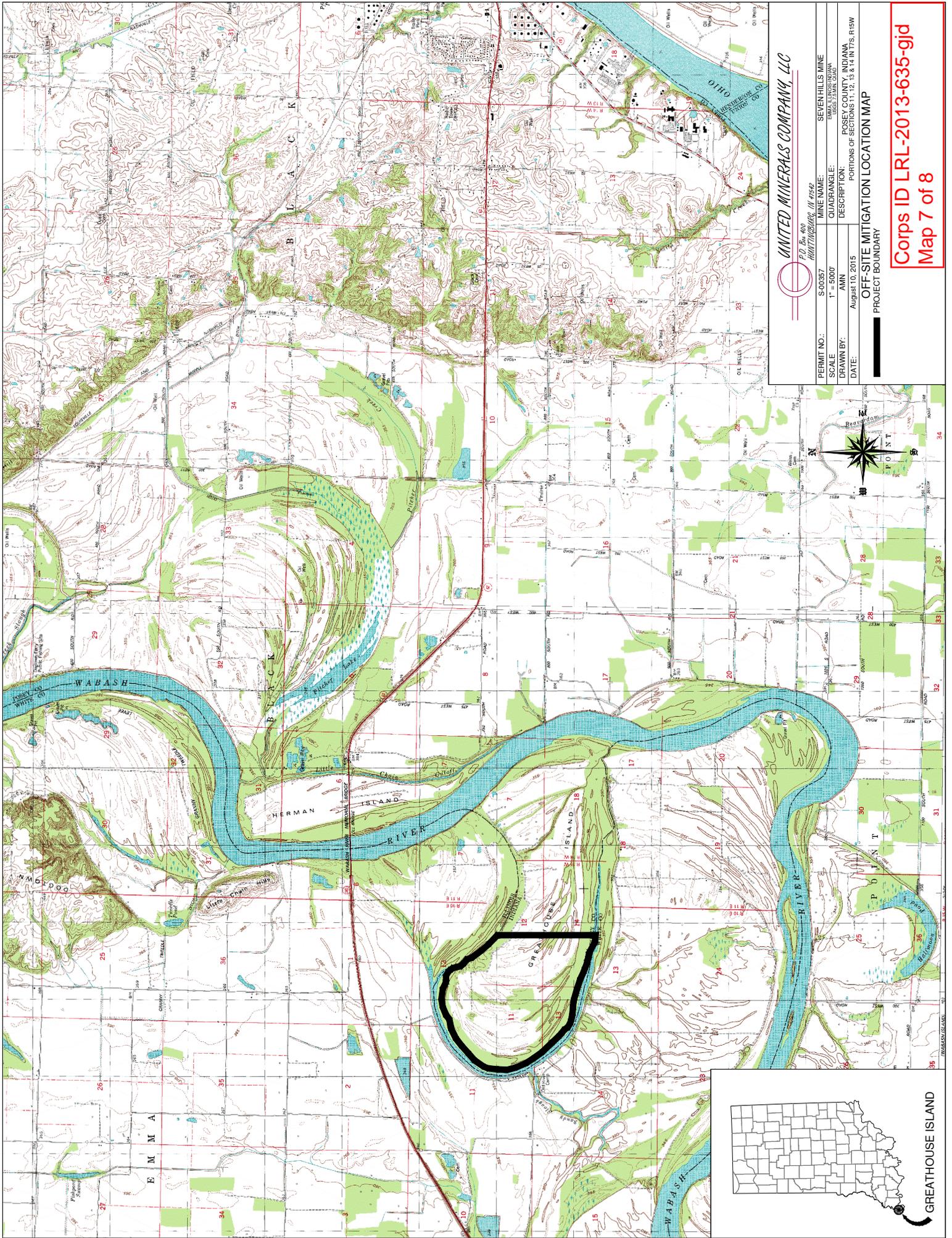
PERMIT NO.: S-00967	MINE NAME: SEVEN HILLS MINE
SCALE: 1" = 2000'	QUADRANGLE: SCOWVILLE, GAYDON & BELLEFLORE, INDIANA, 2508 7 1/2 MIN. QUAD
DRAWN BY: KMR	DESCRIPTION: WARRICK COUNTY, INDIANA, PORTIONS OF SECTIONS 27, 28, 33 & 34 IN T4S, R9W; 2, 3, 4, 10 & 11 IN T8S, R9W
DATE: June 3, 2015	

OPERATIONS MAP

PERMIT BOUNDARY	AREA TO BE EXCAVATED FOR FLOOD PLAIN REQUIREMENTS
HAUL ROAD	BAM BEST AVAILABLE MATERIAL STOCKPILE
COAL REMOVAL BOUNDARY	A TOPSOIL STOCKPILE
SEDIMENT BASINS	B SUBSOIL STOCKPILE
LEVEE	AVOIDANCE AREA



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 Map 6 of 8



UNITED MINERALS COMPANY, LLC
 P.O. Box 400
 Hamilton, Indiana 47528

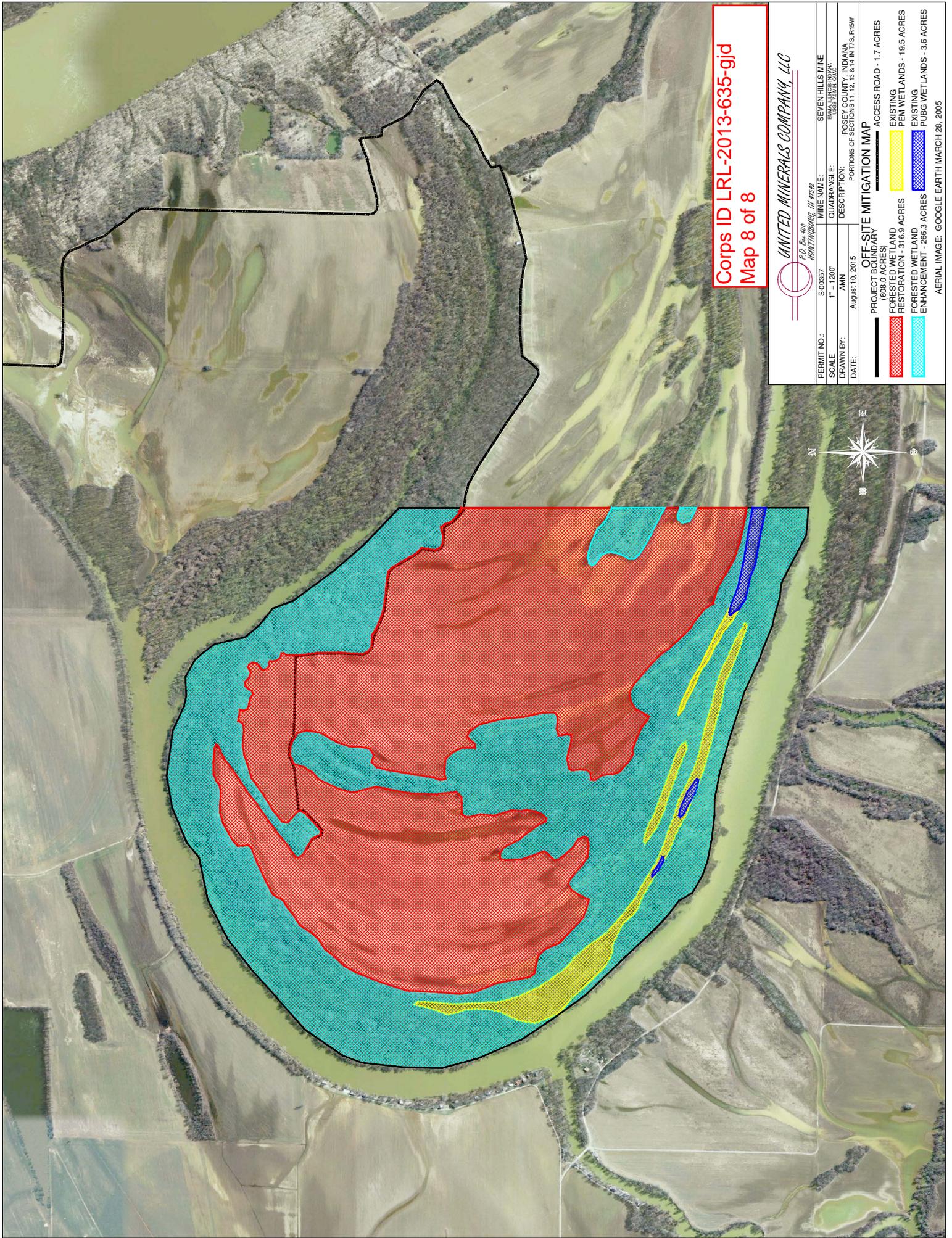
PERMIT NO.:	S-00387	MINE NAME:	SEVEN HILLS MINE
SCALE:	1" = 5000'	QUADRANGLE:	EMAS 23 N 10 W 24 E
DRAWN BY:	AMN	DESCRIPTION:	POSEY COUNTY, INDIANA PORTIONS OF SECTIONS 11, 12, 13 & 14 IN T7S, R15W
DATE:	August 10, 2015		

OFF-SITE MITIGATION LOCATION MAP
 PROJECT BOUNDARY

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Map 7 of 8



GREATHOUSE ISLAND



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Map 8 of 8

UNITED MINERALS COMPANY, LLC P.O. Box 400 Hamilton, Indiana			
PERMIT NO.:	S-00387	MINE NAME:	SEVEN HILLS MINE
SCALE:	1" = 1200'	QUADRANGLE:	EMAPS 13 N09 0300N
DRAWN BY:	AMN	DESCRIPTION:	POSEY COUNTY, INDIANA
DATE:	August 10, 2015		PORTIONS OF SECTIONS 11, 12, 13 & 14 IN T7S, R15W
OFF-SITE MITIGATION MAP PROJECT BOUNDARY (608.0 ACRES) FORESTED WETLAND RESTORATION - 316.9 ACRES FORESTED WETLAND ENHANCEMENT - 266.3 ACRES EXISTING PEM WETLANDS - 19.5 ACRES EXISTING PUBG WETLANDS - 3.6 ACRES ACCESS ROAD - 1.7 ACRES			
AERIAL IMAGE: GOOGLE EARTH-MARCH 28, 2005			