



# Public Notice

**US ARMY CORPS  
OF ENGINEERS  
St. Louis District  
Gateway to Excellence**

**Reply To:  
U.S. Army Corps of Engineers  
Attn: CEMVS-OD-F  
1222 Spruce Street  
St. Louis, Missouri 63103-2833**

Public Notice No.  
**P-2851**  
Public Notice Date  
**September 16, 2013**  
Expiration Date  
**October 6, 2013**

**Postmaster Please Post Conspicuously Until:**

File Number: MVS-2012-195

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
Regulatory Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Tyson Zobrist

**APPLICANT:** Peabody Coulterville Mining, LLC, Attention: Mr. Bryce West, 7100 Eagle Crest Boulevard, Suite 100, Evansville, Indiana 47115, (812) 434-8500.

**LOCATION:** The project area is located 2.6 miles southwest of Coulterville, Illinois. The project is bounded by Jean Road, Zeigler Mine Road, and Sarah Road. More specifically, in sections 15, 16, 21 and 21, Township 04 South, Range 05 West of the 3<sup>rd</sup> Principle Meridian, Randolph County, Illinois. Latitude 38.173933°, Longitude -89.649757°.

**PROJECT DESCRIPTION:** The applicant seeks authorization to expand the impoundment area at the existing Gateway Mine coal refuse facility. The permit area for this Department of Army disturbance encompasses portions of Illinois Department of Natural Resources (ILDNR) SMCRA permits #160 and #225 and entirely #426 and totals 107.5 acres (Refuse Cell 5). The purpose of this *disturbance* is to construct a new refuse cell contiguous to the active refuse area which receives coarse (gob) and fine (slurry) refuse from the Gateway Mine preparation plant. The project will provide for approximately seven years of coal refuse capacity by constructing a cell which will have an impounding capacity of approximately five million cubic yards.

Refuse Cell 5 will be constructed on an area currently used for agricultural purposes with some wooded fence lines and a wooded stream corridor. The terrain is gently rolling with surface topography that slopes northwest. Stream and wetland assessments were conducted by Wetland Services, Inc. from Corydon, Kentucky in May 2010 and October 2011. A total of 0.67 acres of wetlands were delineated, including 0.03 acre of palustrine forested (PFO), 0.03 acre of palustrine emergent (PEM), and 0.61 acre of palustrine unconsolidated bottom (PUB). A total of 4,455 linear feet of streams, which includes 1,628 linear feet of ephemeral stream and 2,827 linear feet of intermittent stream were assessed within the permit area. These aquatic features would be filled as part of this project.

This project is considered separate from any 404 permitting associated with nearby coal mining activity, specifically the proposed Gateway North Mine. Each operation is owned and managed by a separate company and permitted separately by the Illinois Department of Natural Resources (IDNR), the Illinois Environmental Protection Agency (IEPA) and the United States Mine Safety and Health Administration (MSHA).

The safe recovery of the underground coal seam requires the excavation of some of the overlying shale and floor materials as well as any non-coal partings in the coal. The coal preparation plant separates non-combustible materials from the coal. Processing may include; removing extraneous materials, crushing, sizing, and blending. A coal preparation plant separates the material into clean coal and refuse. This refuse may be further divided into coarse or fine refuse. The fine refuse, which may be blended with water, is also known as slurry. It may contain a blend of water, coal fines, silt, sand, and clay particles, which is most commonly disposed of in an impoundment. Construction of Refuse Cell 5 will involve clearing existing vegetative material within the footprint of the embankment and borrow area. Borrow material will be excavated from the interior of the embankment. Coarse refuse will be used in conjunction with soil borrow material to construct the embankment for the impoundment. Coarse refuse will be placed in the interior of the impoundment to complete the base. A two-foot compacted clay layer will be placed at the base to prevent infiltration of water to the water table and under the embankment. Once the embankment has reached a height to function as an impoundment, slurry from the preparation plant will be directed to Cell 5. Once Cell 5 is deemed full, it will be covered with soil and vegetated. The nature of this activity requires the filling of surface streams and wetlands to construct the coal refuse impoundment during a period from 2014 to 2017.

The location of Refuse Cell 5 is optimal in that it will be constructed on company-owned property contiguous to active refuse areas. Refuse Cell 5 will utilize the existing embankments from Slurry Cell 3 and Slurry Cell 4 for one side of the impoundment. The remaining three sides will be controlled by three county roads (Jean Road, Zeigler Mine Road, and Sarah Road). By utilizing this area, Peabody is maximizing the storage capacity of Refuse Cell 5 with the smallest footprint. To construct a new independent impoundment, approximately 20 percent more land area would be required to construct a structure with the same impounding capacity resulting in additional impacts to streams and wetlands depending on the placement.

No avoidance of streams and wetlands is feasible with this project due to Peabody maximizing the available land for this project. The embankment will be constructed as close to the county roads as possible while maintaining proper erosion and sediment control. If the wooded stream corridor were avoided, the impounding capacity would be reduced by 1/2 to 1/3 which would require additional impacts elsewhere to construct an impoundment for the outstanding capacity. The location of Refuse Cell 5 is also in close proximity to Gateway's preparation plant allowing for direct access of construction equipment and direct placement of the refuse without increasing or disrupting traffic on local roads.

The applicant plans on providing compensatory mitigation for impacts associated with the Gateway Mine Refuse Cell 5 project at an off-site mitigation area. The off-site mitigation area consists of forested wetland restoration and preservation as well as preservation of 930 feet of Marys River and contiguous forested wetlands and upland buffers. The compensatory mitigation will involve a combination of in-kind and out-of-kind mitigation. Stream impacts will be mitigated by a combination of forested wetland restoration and stream preservation. Wetland impacts will be mitigated primarily by forested wetland and upland forest preservation. The mitigation area is located along Marys River in Randolph County, Illinois, in portions of Sections 9 and 10 (Township 5 South, Range 5 West) approximately 3 miles southeast of the town of Sparta and approximately 4.4 miles south of the Refuse Cell 5 project.

The goals of the Marys River off-site mitigation plan is to restore forested bottomland hardwood wetlands and to provide preservation through deed restrictions over the entire site which includes two segments of Marys River, existing forested bottomland hardwood wetlands, and existing upland forested buffers. To achieve these goals, Peabody will remove the property from agricultural use, naturalize the local hydrologic regime, and establish native plant communities. The result will be a contiguous tract of forested wetlands as well as riparian and upland forest.

The proposed mitigation site is approximately 30.2 acres and currently includes various wetland and non-wetland communities. After the mitigation is complete, the applicant anticipates that approximately 30.2 acres of habitat will be restored and protected. A 25-foot wide access path will be maintained through the mitigation site to aid in monitoring of the site and to allow access to an uncontrolled tract to the north.

Wetland mitigation ratios were set at 3.5:1 for forested wetland impacts, 2.5:1 for emergent wetland impacts and 2.5:1 for an open water impact. Equivalent wetland acreage for the stream impacts was calculated for both the stream acreage and associated riparian acreage. The average stream width for all streams located at the Refuse Cell 5 project area is 4.50 ft. This average bankfull width was multiplied by the total impacted stream length to generate 0.46 acres of stream impacts. The riparian impact was determined by multiplying the impacted stream length by the width of the existing riparian buffer out to a maximum width of 50 feet. The riparian buffer widths are recorded on the Illinois stream mitigation method sheets found in the Section 404 permit application.

During discussion with the St. Louis District project managers, they noted that since the proposed Marys River off-site mitigation area is located outside of the Gateway Mine Refuse Cell 5 project watershed (i.e. impacts will be made in the Town of Tilden – Plum Creek watershed with mitigation developed in the Lick-Branch Marys River watershed), a additional 0.5:1 ratio would be required as compensation. The applicant recognizes the advantages of placing mitigation within the impacted watershed but notes that equally or more important is establishing high quality mitigation in large contiguous blocks within an established functioning ecosystem. The proposed mitigation site is immediately adjacent to Marys River and provides an opportunity for the restoration of forested bottomland hardwood wetlands that will complement existing high quality forested bottomland wetlands and a forested upland buffer. The total compensation ratio of the entire Marys River off-site mitigation site of 30.2 acres will be 2.59-acres of mitigation provided for each acre of impacted.

**LOCATION MAPS AND DRAWINGS:** See Attachments 1, 2 and 3.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8578. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [Tyson.J.Zobrist@usace.army.mil](mailto:Tyson.J.Zobrist@usace.army.mil).

**AUTHORITY:** This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

**WATER QUALITY CERTIFICATION:** This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at [www.epa.state.il.us/public-notices/](http://www.epa.state.il.us/public-notices/). In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency  
Bureau of Water  
Watershed Management Section  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

**SECTION 404 (b)(1) EVALUATION:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

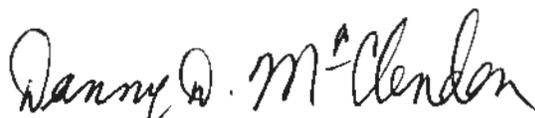
**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

**ENDANGERED SPECIES:** The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the threatened Small whorled pogonia (*Isotria medeoloides*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed activities are not likely to adversely affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

**CULTURAL RESOURCES:** The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army 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 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.

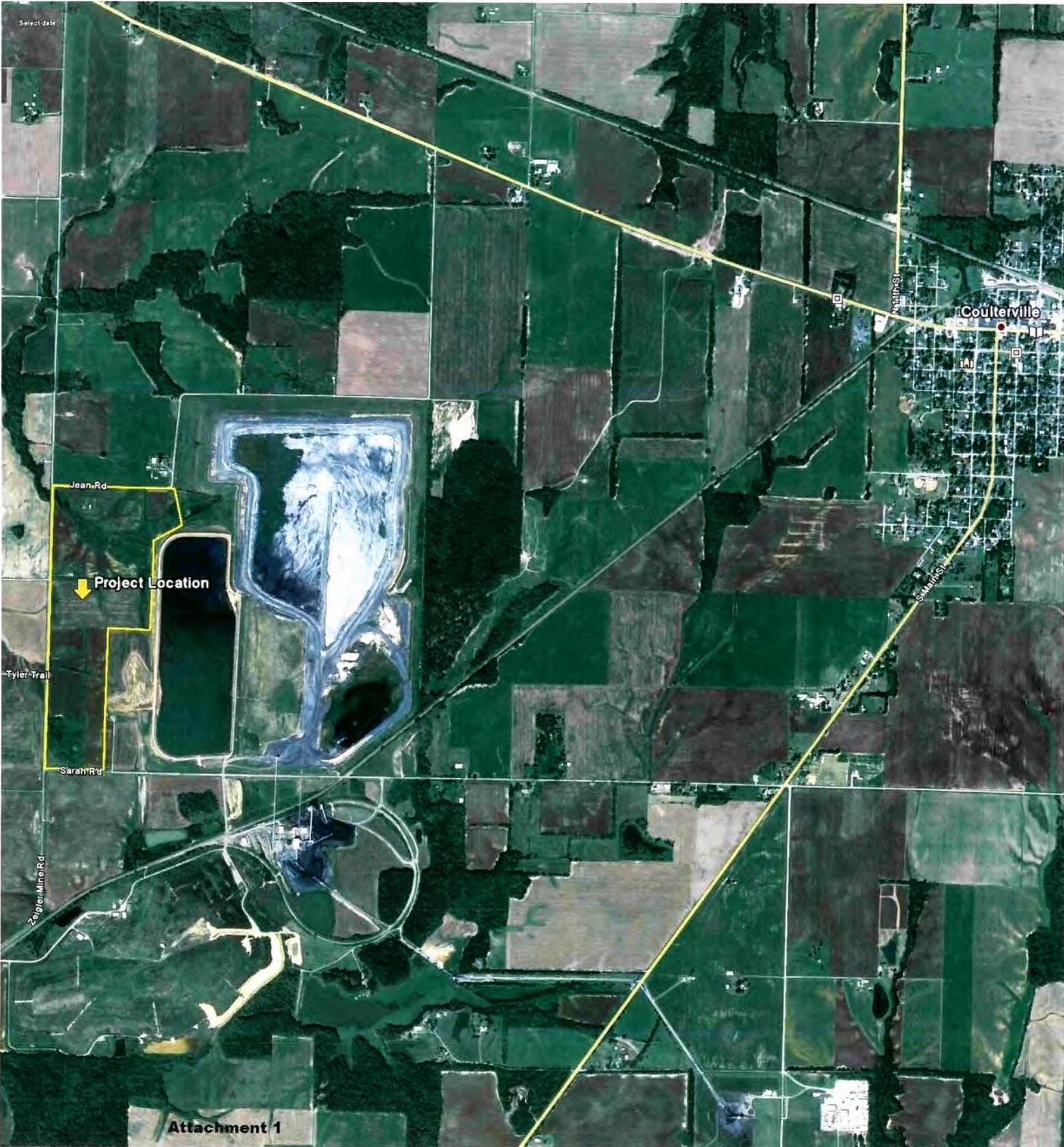


DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

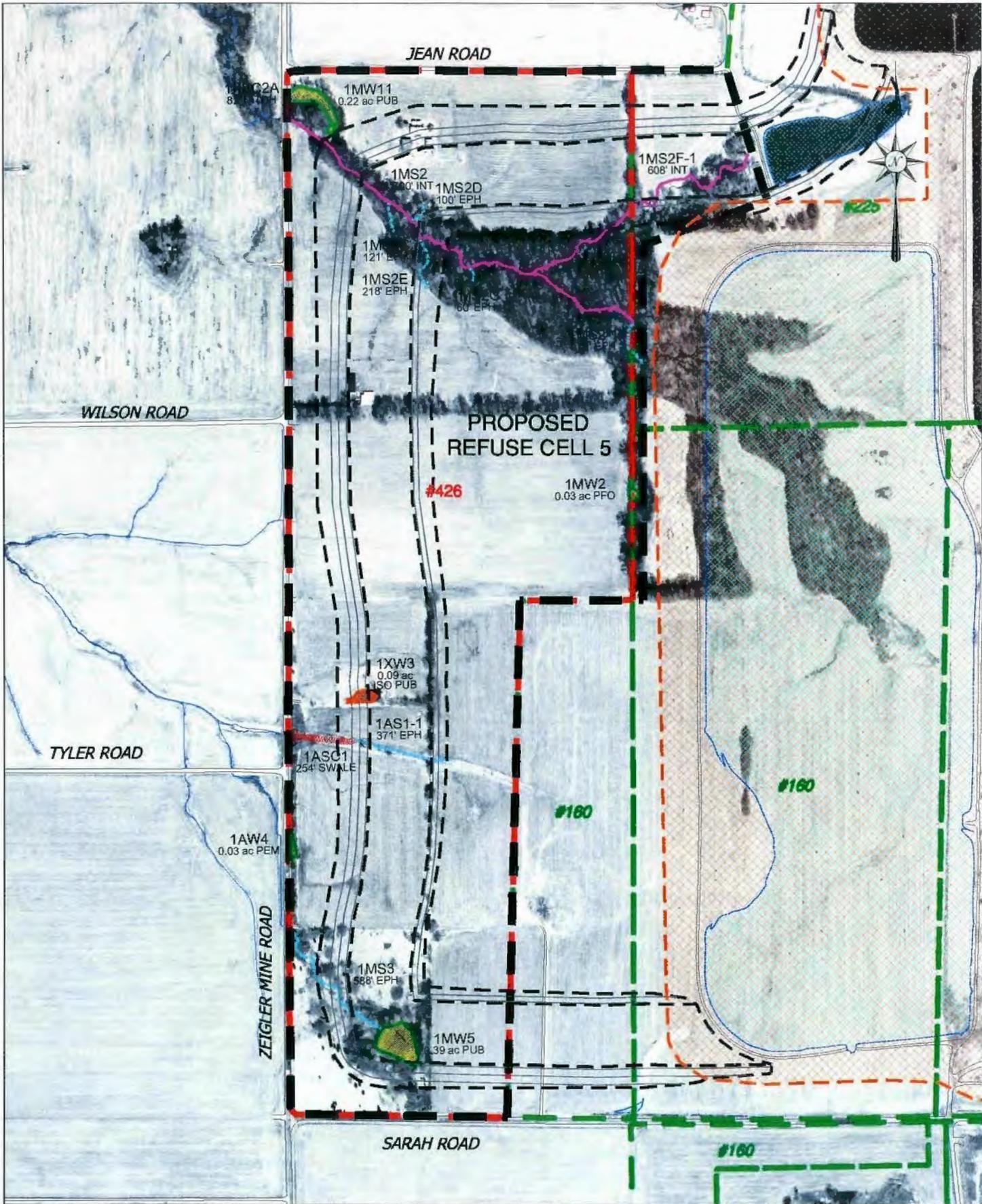
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



Project Location

Coulterville

Attachment 1



**LEGEND**

- USACE PERMIT BOUNDARY
- GATEWAY MINE REFUSE CELL 5 PERMIT #426
- GATEWAY MINE PERMIT #51,53,160,205,225
- GATEWAY NORTH MINE PERMIT #416
- STRUCTURES
- ROADS
- RAILROAD
- EPHEMERAL STREAMS
- INTERMITTENT STREAMS
- SURFACE CONNECTION
- WETLANDS
- ISOLATED WETLANDS
- EXISTING STREAMS
- EXISTING OPEN WATERS

**Peabody ENERGY** PEABODY COULTERVILLE MINING, LLC  
Coulterville, Illinois

PERMIT NO.	#426	PROJECT NAME	GATEWAY MINE REFUSE CELL 5
SCALE	1" = 500'	QUADRANGLE	TILDEN, IL 7.5 MIN. QUAD.
DRAWN BY	AMN	DESCRIPTION	SECTIONS 15, 16, 21, AND 22 IN
DATE	MARCH 5, 2012 - REV. AUGUST 23, 2013		745, R5W IN RANDOLPH COUNTY, ILLINOIS

**GATEWAY MINE REFUSE CELL 5  
EXISTING STREAMS AND WETLANDS MAP**

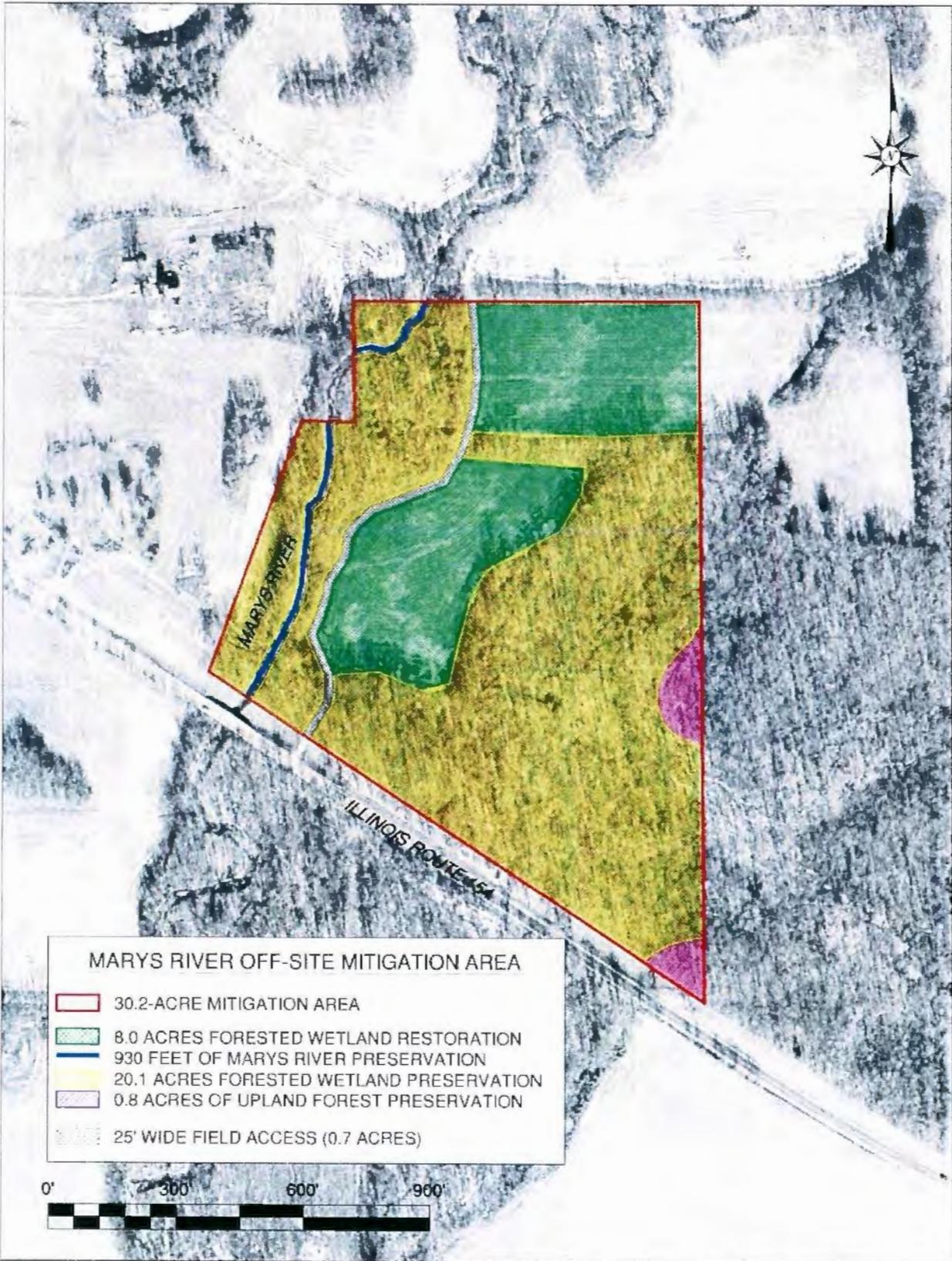


Figure 6. Site development - proposed mitigation classes. Acreages and extent of habitat areas are estimated from 2005 aerial photograph and Randolph County soil survey.