

# 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-2861

Public Notice Date

January 14, 2014

Expiration Date

January 29, 2014

**Postmaster Please Post Conspicuously Until:**

File Number: 2013-751

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: Amy Henke

**APPLICANT:** Knight Hawk Coal, LLC 500 Cutler-Trico Road, Percy IL, 62272

**LOCATION:** The project area is located approximately 4 miles southwest of Pinckneyville, Illinois. The project is a 1.0 x 0.5 mile rectangle on Whitetail Road beginning 0.75 miles north of Pyatt-Cutler Rd. Specifically, in section 5 and 8, Township 06 South, Range 03 West of the 3<sup>rd</sup> Principal Meridian, Perry County, Illinois. Latitude 38.024201°N, Longitude -89.450288°W

**PROJECT DESCRIPTION:** The applicant seeks authorization to establish a new surface mining facility. The proposed permit area, which includes 231.9 acres of mining area and 65.5 acres of support area, will be impacted by surface-mining operations including removal of overburden, stockpiling of overburden and soils and the excavation and filling of two ephemeral streams, one jurisdictional emergent wetland, and four non-jurisdictional wetlands will be impacted.

The two ephemeral streams are tributaries to Little Galum Creek with one stream comprising 1430.3 lf and the other 462.4 lf. The ephemeral streams will be mitigated for on-site during the reclamation phase of the mine project. An ephemeral stream will be constructed to direct drainage from the northern to the southern portion of the permit area with a total length of 2625.0 lf. Additionally, a forested riparian buffer will be established on both banks of the stream with the northern 300lf having a 300' wide buffer and the remaining stream having a 50' wide forested riparian buffer. Using the Illinois Stream Mitigation Method a total of 8,627 credits will be required to mitigate the adverse stream impacts onsite. The proposed stream restoration will generate 4,594 credits and the riparian buffer will generate 5,985 credits for a total of 10,579 credits.

The 8.24 acre jurisdictional wetland is located in the adjacent floodplain to the southern section of the ephemeral stream and will be impacted by the excavation and construction of a sediment pond. The 1.98 acres of non-jurisdictional wetlands will be dewatered and mined through. The impacted jurisdictional wetland will be mitigated at a ratio of 1 to 1 by establishing an 8.24 acre emergent wetland on and around the location proposed for EPA "NPDES Pond 001" in the southern portion of the permit area. The wetland will be established after active mining and reclamation activities have been completed and the NPDES pond is no longer needed for water quality operations.

In addition to the restored emergent wetland, a large final cut lake and incline lake will be located in the northern portion of the permit area totaling 12.9 acres. This will provide a net gain of aquatic habitat within the permit area for wildlife located in the surrounding Pyramid State Park. Following completion of regulatory requirements and agreements between Knight Hawk Coal and the State of Illinois, the permit area will be deeded to the State of Illinois to be included in Pyramid State Park.

**LOCATION MAPS AND DRAWINGS:** See Attachments

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Amy Henke, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8649. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [amy.c.henke@usace.army.mil](mailto:amy.c.henke@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-notice/](http://www.epa.state.il.us/public-notice/). 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:** A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not 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.



for

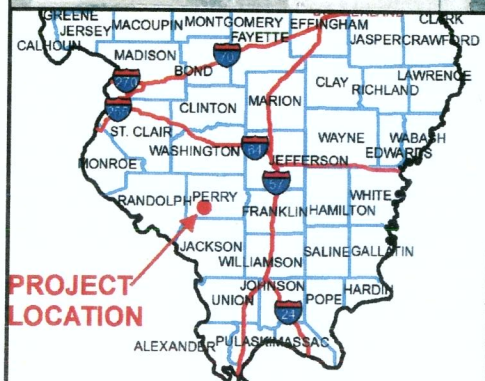
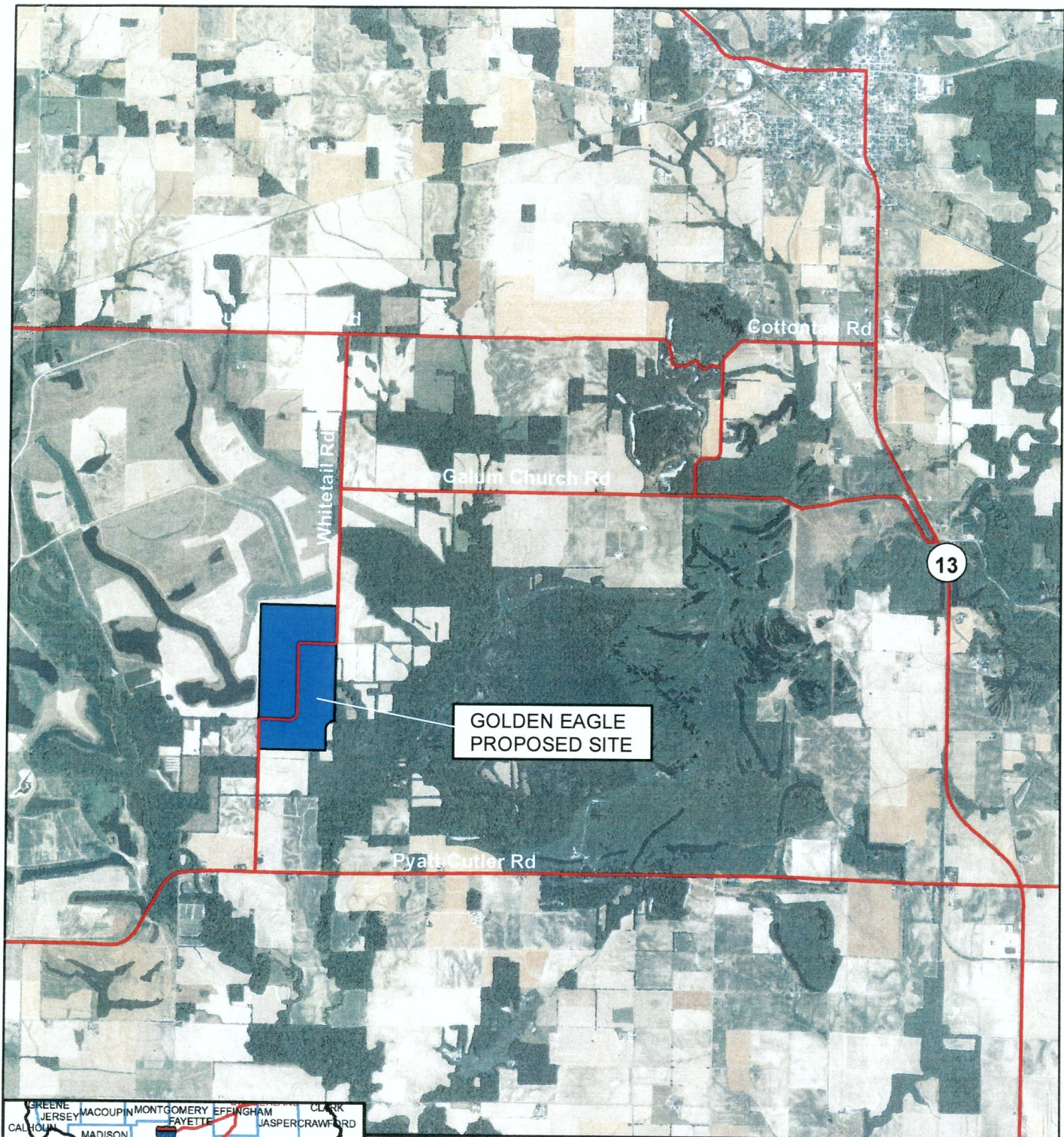
DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.





NOT TO SCALE



SCALE  
1 inches = 5,000 feet



**Knight Hawk**  
KNIGHT HAWK COALL, LLC  
500 Cutler-Trico Road • Percy, IL 62272

## GOLDEN EAGLE LOCATION MAP

MINE: GOLDEN EAGLE

SCALE: 1" = 5000'

DATE: DECEMBER 17, 2013

CHECKED BY: S. CARTER



SUBMITTAL PREPARED BY  
MIDWEST RECLAMATION RESOURCES INC.  
P.O. BOX 1642  
MURPHYSBORO, IL 62966  
618-687-5590

FILE: GOLDEN EAGLE - LOCATION MAP 12-17-13.MXD





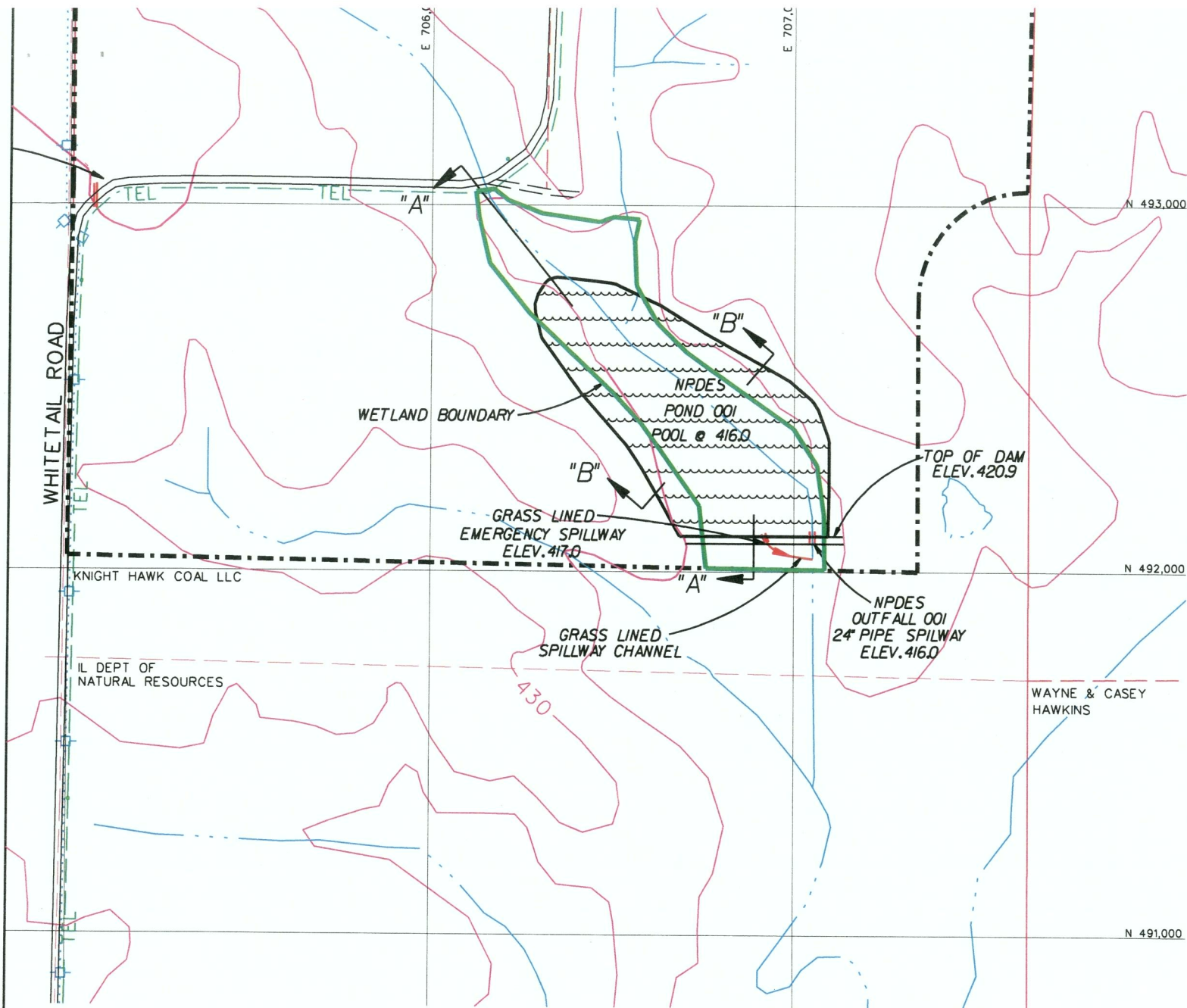
Figure 4. Current wetlands within Golden Eagle Mine permit area.





Figure 2. Stream reaches within proposed Golden Eagle Mine.





TOWNSHIP 6 SOUTH RANGE 3 WEST  
SECTIONS 5 & 8 IN PERRY COUNTY

**KNIGHT HAWK COAL, LLC**  
500 CUTLER-TRICO ROAD, PERRY, IL 62272

**PLAN VIEW  
SEDIMENT POND**

MINE: GOLDEN EAGLE	PERMIT: #414
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DATE: DECEMBER, 2013	CHECKED BY: S. CARTER
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SCALE: 1" = 400'	MAP W
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 <b>MIDWEST RECLAMATION RESOURCES INC.</b> <small>P.A. FORM 2012 MURPHY SPORO, S. 62266 618-687-5590</small>	SUBMITTAL PREPARED BY

FILE: DETAILS.DGN