

Project Factsheet for: Banner Coal Mining Operation - Capital Resources Development Company

Date Last Updated: 01/21/2009 14:11

Project Location Information

Location: Illinois River Mile 138.5, Fulton County, IL

River Basin(s): Illinois

State(s): IL

Congressional District(s): IL-17

Status

December 18, 2007: A meeting was held by representatives of OD-P(Regulatory Branch) and PM (Programs and Project Management Division). Detailed information regarding the proposed coal mining operation was provided to PM. Discussion was held whether an EIS (Environmental Impact Statement) should be required. At a minimum, a detailed hydrologic analysis will be required to be conducted by Capital Resources Development Company regarding potential impacts to Banner Marsh and Rice Lake.

January 8, 2008: A meeting was held with the District Engineer and representatives of OD-P, PM, OC, and EC, to brief Colonel Sinkler, and to further discuss the potential impacts to Corps Projects.

August 7, 2008: A letter has been mailed to Capital Resources Development Company in response to concerns for potential adverse impacts to the existing Banner Marsh Habitat Rehabilitation and Enhancement Project (HREP), and the planned Rice Lake HREP. This letter is the result of several months of review by representatives of Regulatory Branch (OD-P), Programs and Project Management Division (PM), and Engineering and Construction Division (EC). A hydrogeologic analysis; a redesign of the levees and Banner Dike Road based on the current 100-year flood elevation; and other information regarding water quality impacts, interior mine drainage and retention pond design, and onsite wetland reclamation plans are required to be provided to the Corps.

September 2, 2008: A letter was sent by Colonel Robert A. Sinkler to Governor Rod R. Blagojevich requesting the official position of the State of Illinois regarding the proposed coal mining operation, or to designate a lead state agency to represent the official state position. During the application review, the Corps has received conflicting comments from several state agencies. In October, 2007, adverse comments were received from a state office and state agency in response to the Corps' public notice. Subsequently, the Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, issued their permit November 15, 2007. This permit was contested and is under review by the Illinois Attorney General. To date, we have not received a response.

October 29, 2008: A meeting was held at the Clock Tower Building at the request of Capital Resources Development Company. Representatives from Capital Resources Development Co., Rapps Engineering and Applied Sciences (Project Engineering Consultant), and the Corps of Engineers, Rock Island District (EC, OC,OD-P, PM) attended. The letter dated August 7, 2008, was discussed in detail, along with written comments in response to the public notice. The purpose of the meeting was to gain a better understanding of the information required by the Corps of Engineers. Capital Resources and Rapps Engineering will prepare the detailed hydrogeologic analysis and respond to other stated concerns. Presently, the Corps is awaiting their response.

Description

Capital Resources Development Company, in August 2004, submitted a permit application for the proposed surface coal mining operation south of Banner, Illinois. This operation encompasses 643.2 acres in Sections 14 and 15, Township 6 North, Range 5 East, Fulton County, Illinois. The initial study area was 856 acres, which was later reduced in size to lessen wetland impacts and provide protective buffers to adjacent properties. The site is composed of 302.2 acres of wetland including 157.4 acres of farmed wetland, 102.9 acres of palustrine forested wetlands, 37.8 acres of palustrine scrub-shrub wetlands, and 4.1 acres of palustrine emergent wetlands. The remaining 341 acres of land is composed of non-wetland agricultural land, and non-wetland woodland, grassland and abandoned farmland. Of the 643.2 acres, 430.6 acres are proposed to be surface mined, 37.7 acres used for diversions, 118.2 acres used for processing areas and support facilities, 26.7 acres for access, haul roads, and transport facilities, and 30.0 acres for soil storage areas. The mining operation is anticipated to last 5 years.

As mining operations are completed each year, site restoration will commence. Once mining operations have completed, the site will be fully restored in accordance with the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. Section 1201 et seq., and the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720, and the Department's regulations at 62 Ill. Administrative Code 1700-1850. 126.7 acres will be restored as captive

wetlands (depressions that will hold shallow water on a longer-term basis. 96.1 acres will be inundation wetlands which hold shallow water on a seasonal basis. 140.6 acres will be restored floodplain wetlands below elevation 450 feet (100-year floodplain elevation of the Illinois River). As a result, 363.4 acres will have the physical conditions necessary to support wetland environments. The restored environments will encompass 455.5 acres farmland (218 acres of farmed wetland+237.5 acres non-wetland farmland), 131.9 acres of woodland (108 acres of forested wetland+ 23.9 acres of non-wetland woodland), 37.5 acres of emergent wetland, and 18.3 acres of non-wetland grassland.

A Department of the Army Permit will be required under Section 404 of the Clean Water Act. In September 2007, a public notice was issued for comment. Comments were received from the U.S. Environmental Protection Agency, USDI Fish and Wildlife Service, Illinois Department of Natural Resources-Office of Realty and Environmental Planning, Office of the Lieutenant Governor-State of Illinois, Village of Banner, Sierra Club-Illinois Chapter and Heart of Illinois Group, Eagle Nature Foundation, and a number of residents in the Banner area, raising various concerns and objections.

Primary Environmental Issues:

1. Restoration of prime agricultural land, wetland, and other land uses. As of November 15, 2007, the Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, issued Permit No. 355 for this project. This permit is compliant with the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. Section 1201 et seq. The pre-mining Prime Farmland acreage is 445.0 acres. The post-mining acreage will be 455.5 acres. The Corps permit review process of this project should not conflict with the IDNR's permit. However, recommendations have been made on the restoration plans, such as, preferred selection of vegetative species, and meeting certain performance criteria.
2. Threatened and Endangered Species. Protection and Enhancement Plans have been prepared and approved by the USDI Fish and Wildlife Service for decurrent false aster (*Boltonia decurrens*), and the Indiana bat (*Myotis sodalis*). Protection and Enhancement Plans have also been prepared for bald eagle (*Haliaeetus leucocephalus*), black-crowned night-heron (*Nycticorax nycticorax*), and wild turkey (*Meleagris gallopavo*). These plans would be included as part of the Department of the Army Permit, if issued.
3. Potential Impacts to Corps Habitat Rehabilitation and Enhancement Projects, Rice Lake and Banner Marsh.
 - a. Opponents to Mining Project: Chuck Norris, Geo-Hydro, Inc., Illinois Registered Geologist, prepared a report which describes the potentially adverse impacts of the coal mining operation on Rice Lake and Banner Marsh.
 - b. In the November 9, 2004, letter from the IDNR Office of Mines and Minerals, concerns were raised regarding Rice Lake and Banner Marsh. Capital Resources Development Company stated, as Banner Marsh is positioned to the northeast of the proposed permit area, the mine will have no direct effect on groundwater in Banner Marsh or recharging Banner Marsh. However, it is noted that Banner Marsh is on the fringe of the 1000-foot cone-of-influence assumed for the mining operation. Consequently, there may be slight temporary impacts as the result of groundwater moving towards the mine for a brief period. The two areas are somewhat geologically isolated from each other and Capital Resources believes that any affect will be negligible. Banner Marsh is physically separated from the proposed permit area by the Banner Dike Road levee system as well as the first levee within the IDNR-owned property. Capital Resources cites measures that will protect and/or enhance the Banner Marsh area. The proposed mining operation will maintain a minimum buffer zone of 300 feet from the Banner Marsh Fish and Wildlife Area at the closest point.

According to Capital Resources, the reclamation plan, upon completion of the coal mining operation, will create a corridor of wetlands and wildlife habitat. An 18-acre area of high-ground for wildlife viewing and dry refuge for local wildlife during periods of general-area flooding will be created.

The Rice Lake Fish and Wildlife Area is a minimum of 300 feet from the proposed permit boundary and a minimum of 470 feet from the nearest mining area. The Eagle Roost INAI site is a minimum of 900 feet from the proposed permit boundary and a minimum of 1370 feet from the nearest mining area. According to Capital Resources, both surface water and groundwater in these areas will be affected by the proposed mining operation, although in a generally non-detrimental fashion.

c. In response to the Corps public notice, the U.S. Environmental Protection Agency; Illinois Department of Natural Resources - Office of Realty and Environmental Planning; Office of Lieutenant Governor, State of Illinois; and others raised concerns regarding potential impacts to Banner Marsh and Rice Lake. In addition, representatives of PM-A, PM-M, EC-G, and EC-HH expressed various concerns regarding potential impacts to Banner Marsh and Rice Lake. These concerns were submitted to Capital Resources Development Company in our letter dated December 6, 2007. Capital Resources Development Company is required to respond to the public notice comments. At this time, it is not known what data that Capital Resources will be able to provide to support their conclusions made to the IDNR/OMM.

4. Wetland Mitigation. The Clean Water Act requires compensatory wetland mitigation be provided prior to or concurrent with the project impacting 302.2 acres of wetlands. The USDI Fish and Wildlife Service, U.S. Environmental Protection Agency, and the Illinois Department of Natural Resources, Office of Realty and Environmental Planning, cited, in response to the public notice, the lack of wetland mitigation other than the restoration plan. Based on

comments received, the required mitigation ratio was set at 2:1 for forested wetlands, and 1.5:1 for farmed, emergent, and scrub shrub wetlands. For 102.9 acres of forested wetland impacts, 205.8 acres of mitigation will be required. For 199.3 acres of farmed, scrub-shrub, and emergent wetlands, 299 acres of mitigation will be required. Total mitigation will be 504.8 acres. Mitigation will be by the creation/restoration of forested, scrub-shrub, and emergent wetlands.

Mitigation will be required in addition to the land reclamation requirements in the IDNR/OMM Permit #355. The mitigation site will need to be offsite. The mitigation site should be located in Hydrologic Unit 07130003 or in a neighboring Hydrologic Unit. The mitigation site must, at least, be within the Illinois River bottomland corridor. Capital Resources Development Company proposes to acquire, by purchase or by easement, suitable land for the wetland mitigation.

5. Restoration of Baker Hollow Creek. The project will impact 4000 feet of Baker Hollow Creek. Several public notice commenters expressed concerns about the impacts and restoration plans. Avoidance of impacts to Baker Hollow Creek, direct or indirect, is likely not feasible. A stream restoration plan has been prepared and is incorporated in the IDNR/OMM Permit No. 355. It is not appropriate for the Corps to require the restoration plan be revised in conflict of that permit. However, as recommended by the FWS, the Corps Permit will be conditioned such that, if subsequent monitoring indicates stream functions and values do not return to pre-impact levels, additional mitigation for the 4000 feet of stream be required at a 1:1 ratio. Such stream mitigation may need to be provided on another site, such as on the wetland mitigation site. Capital Resources Development Company will need to address this concern.

6. Historic Properties. A Phase I Cultural Resource Survey was completed in October 2005 by Environmental Compliance Consultants, Inc., Springfield, Illinois. The report was reviewed by a Corps Archaeologist, PM-A. Six archaeological sites were recommended for Phase II testing to determine their eligibility for inclusion in the National Register of Historic Places. Phase II testing is currently in process. A Department of the Army Permit will not be issued until all necessary historic properties actions have been carried out to the satisfaction of the Corps and the Illinois Historic Preservation Agency.

7. Local Residents. Local residents, as well as the Village of Banner, have raised significant concerns regarding impacts to private water wells, roads, and aesthetics. The IDNR Office of Mines and Minerals held a number of public hearings and have considered these concerns in their permit review process.

Questions have been repeatedly raised, by the public, whether the Corps will conduct a Public Hearing, and whether the Corps will issue, or deny a Department of the Army Permit for this project. Decisions on these matters will be made at the appropriate time as we continue with our permit review process.

Summarized Financial Data

Federal Cost	\$
Non-Federal Cost	\$
Total Cost	\$
Federal Allocations through FY 2004	\$
Scheduled Federal Allocation for FY 2005	\$
Balance to Complete	\$

Authority

SI - Special Interest -- Section 404 CWA

Project Manager Information

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