

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-3078
Public Notice Date
January 31, 2018
Expiration Date
February 20, 2018**

Postmaster Please Post Conspicuously Until:

File Number: MVS-2016-944

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: Knight Hawk Coal, LLC (KHC), Attention: Mr. Steve Carter, 500 Cutler-Trico Road, Percy, Illinois 62272, (618) 426-3662.

LOCATION: The proposed Blackhawk Mine Expansion is located approximately 5 miles southeast of Sparta, Illinois, along the south side of IL Route 154. More specifically, The proposed mine expansion area is located in Section(s) 14, 15, 22 and 23, of Township 5 South, Range 5 West of the 3rd Principle Meridian, Randolph County, IL.

PROJECT DESCRIPTION: The applicant seeks authorization to develop and operate the Blackhawk Mine Expansion area adjacent to the existing Blackhawk Mine, a surface coal mine located in Randolph County, Illinois. The Blackhawk Mine will operate under IDNR-Office of Mines and Minerals Permit No. 439 and NPDES Permit No. IL0077984, all in Randolph County, Illinois. The project location is shown on the attached Project Vicinity Map.

The project will include an initial box-cut for access to the subsurface coal seams for surface mining operations. Other phases include haulroad construction, overburden removal for coal access, topsoil and texture soil stockpiling, construction of diversion ditches, construction of collector ditches, as well as, sediment pond and final cut lake construction. The existing area includes cropland, forest/trees, herbaceous wildlife habitat, and roads.

The Blackhawk Mine Expansion will extract the Herrin No. 6 and Springfield No. 5 coal seams utilizing conventional surface mining methods. A highwall miner or auger will also be utilized to remove the Herrin No. 6 and Springfield No.5 coal seams where coal resource recovery warrants. Surface mining will begin near the southwest portion of the proposed permit area. Initial mining will require excavating an open cut that will be oriented in a north-south direction and progress to the east where it will be turned to an east-west orientation and progress toward the north end of the proposed permit area. A permanent final cut lake will be left post-mining.

This expansion area proposes to utilize one sedimentation pond, Pond 006, for treatment of storm water from disturbed and undisturbed areas within the permit area. In addition to providing sediment control, the impoundment will provide a source of water for fugitive dust control. Collector ditches are to be constructed around the mining perimeter to divert runoff to the sediment pond. Diversion ditches are utilized along the permit perimeter to divert unaffected drainage around the mining area to Lick Branch. The sedimentation pond is planned for treatment of pit pumpage and storm water from precipitation events on the 385.0 acre Blackhawk Mine expansion site. Sediment Pond 006 will receive drainage from 295.8 acres of the 385.0 acre permit area, and will discharge to Lick Branch through an approved NPDES outfall.

The perennial stream, Lick Branch, flows along the eastern edge of the permit area between the existing Blackhawk Permit and the proposed permit area. A 100' wide riparian buffer will be maintained in all but one location on either side of Lick Branch between the permit areas to avoid and minimize any impact to the stream. There will be one 100' wide exemption into the riparian buffer to allow the construction of a haulroad crossing of Lick Branch. The haul road/crossing structure will be approximately 30 feet in width and will be constructed above the existing stream bank. A 10 foot diameter culvert will be placed within the stream to allow for normal stream flow. Backfill material consisting of rock will be placed around the culvert and will be used to construct the road surface. The height of the road, culvert and backfill slopes will impact 100 linear feet of stream.

The total area covered by the proposed mining permit is 385.0 acres. A usage breakdown of the 385.0 acre permit area includes 226.7 acres for surface mining, 5.7 acres for processing areas and support facilities, 6.2 acres (4.4 acres included in the surface mining area) for access, haul roads and transport facilities, 40.4 acres of soil storage areas, 21.2 acres for ditches, and 89.2 acres for highwall/auger mining that will not be surface affected.

The current projected life of the expansion area is approximately 7 to 8 years. The recoverable coal reserves are attainable using conventional surface mining and highwall miner or auger methods and can be accomplished in an economical manner, which indicates this is a viable site for coal product recovery. The reclamation process will begin once the initial pit is filled and cover placed after mining advances far enough ahead.

The purpose of the project is to expand an existing surface coal mine into the adjacent reserve. The need is to provide coal for customers who utilize steam coal for electric power generation. Coal is one of the major energy sources in the United States and southern Illinois. The need for reliable electricity is vital to the stability of our culture and country. The project also provides desperately needed jobs in the area, as well as, jobs that result from the goods and services the mine utilizes.

The proposed permit area will be impacted by surface-mining operations: including removal of overburden, stockpiling of overburden and soils, the excavation and filling of one (1) intermittent stream 4050.9 linear feet in length, fourteen (14) ephemeral stream reaches totaling 10,337.2 linear feet, six (6) forested wetlands totaling 2.86 acres, three (3) emergent wetlands totaling 0.81 acres and a 0.06 acre unconsolidated bottom (PUBx) wetland. A 100' buffer will protect the riparian habitat directly adjacent to Lick Branch. Compensatory, on-site Wetland and Stream mitigation will be conducted as part of the

reclamation process and will be completed within 7 to 8 years from the commencement of the expansion project. The unconsolidated bottom wetland will be replaced at a 1:1 ratio for a total of 0.06 acre, the emergent wetlands will be mitigated for at a 1.5:1 ratio for a total of 1.22 acres and forested wetlands will be mitigated for at a 3:1 ratio for a total of 8.6 acres. Adverse stream impacts were evaluated utilizing the Illinois Stream Mitigation Method, resulting in 63,103.07 stream mitigation credits required. To mitigate for the stream impacts, 4,855.9 linear feet of intermittent stream with 100 foot wide forested riparian buffers and 13,522.5 linear feet of ephemeral stream with 50 foot wide forested riparian buffers, will be restored within the permit area, generating a total of 63,113.7 stream mitigation credits. The applicant has provided a detailed mitigation plan described in the Site Specific Stream Resources Pre-mining Assessment Stream and Mitigation Report and Site Specific Wetland Resources Pre-Mining Assessment and Protection and Enhancement Plan in the submittal.

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 e-mail to 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/. 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 endangered Indiana bat (*Myotis sodalis*), the threatened northern long-eared bat (*Myotis septentrionalis*) and small whorled pogonia (*Isotria medeoloides*). In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

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.

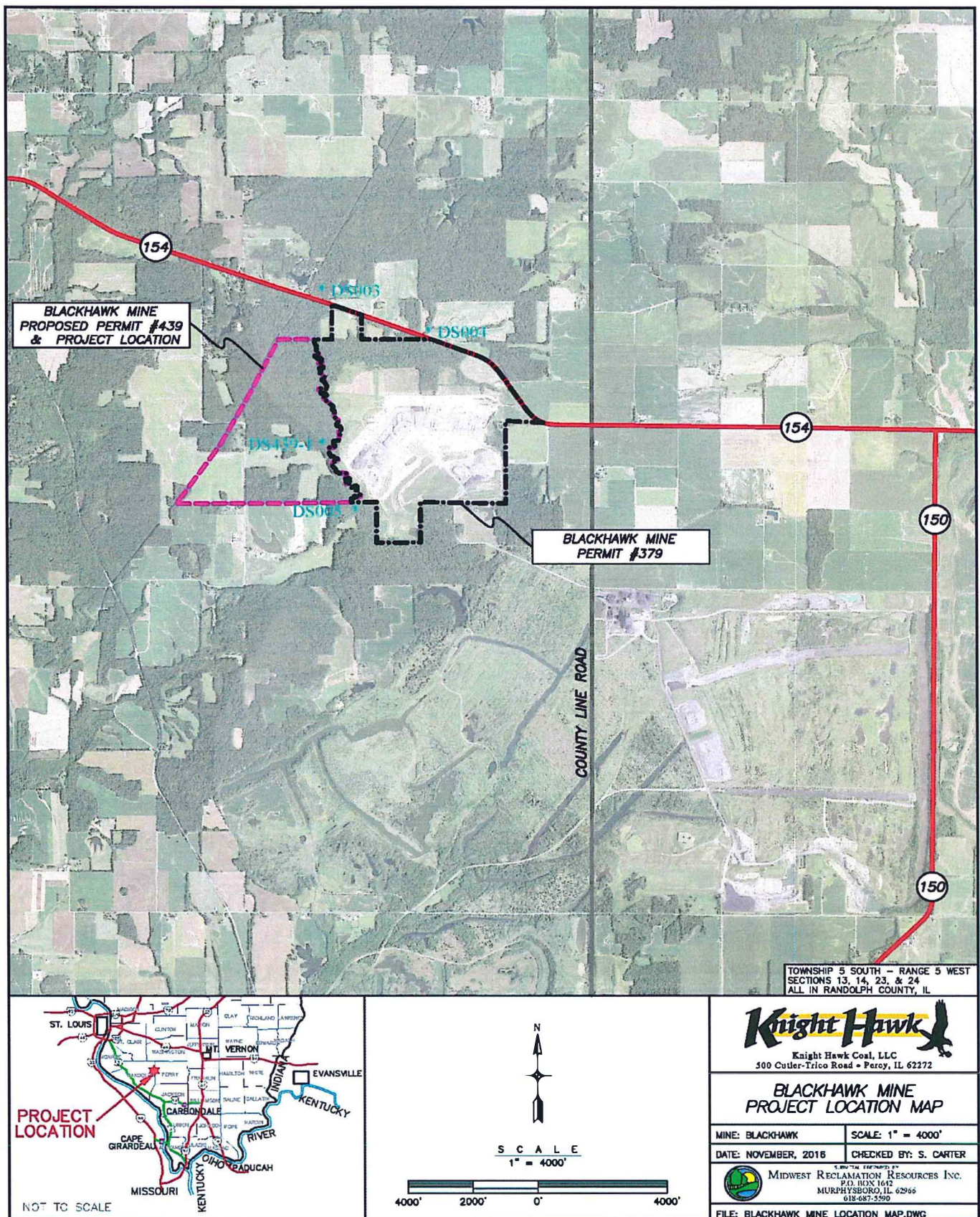
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered 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.

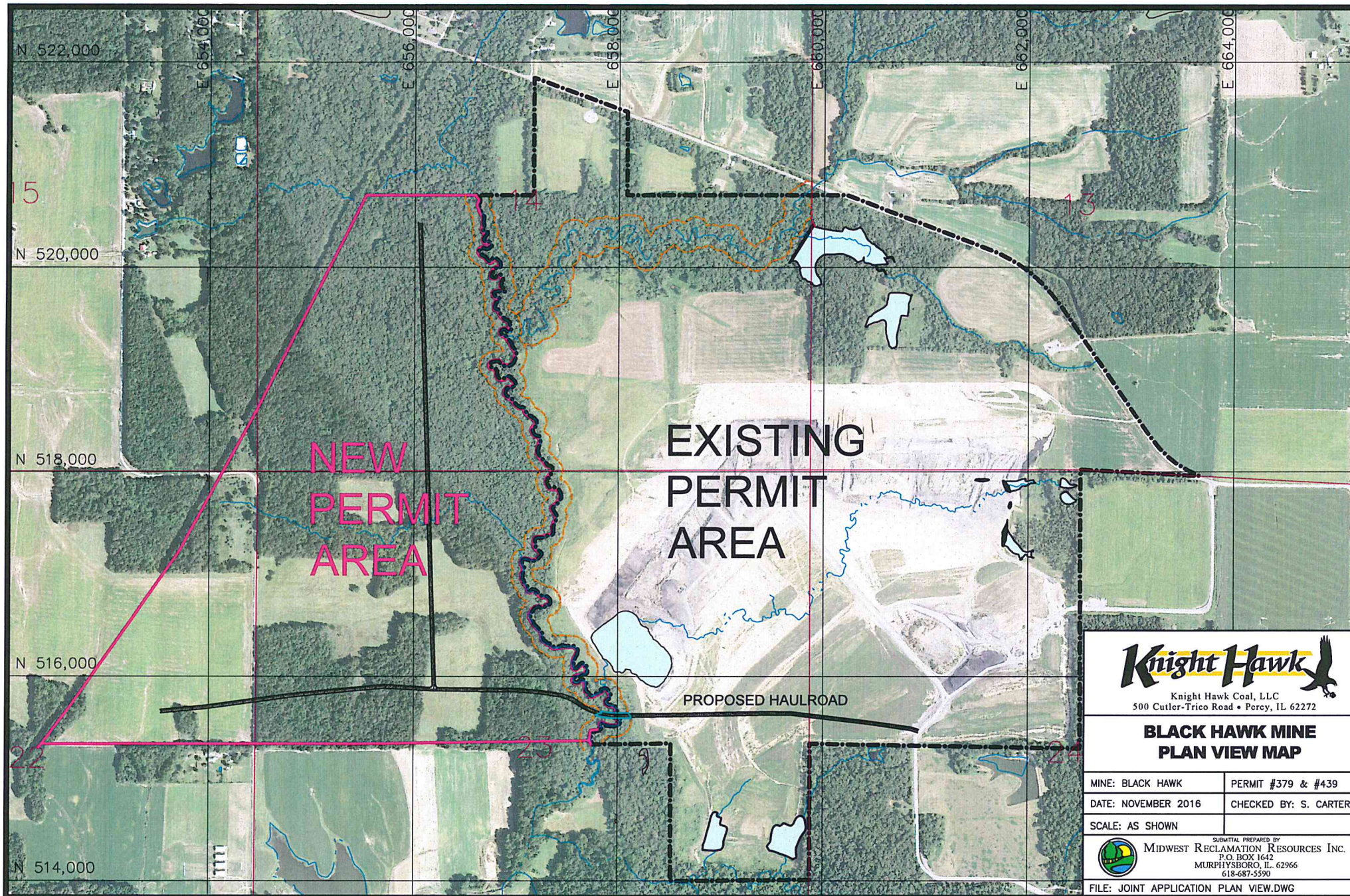

DANNY D. MCCLENDON
Chief, Regulatory Branch

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.





Knight Hawk Coal, LLC
500 Cutler-Trico Road • Percy, IL 62272

BLACK HAWK MINE PLAN VIEW MAP

MINE: BLACK HAWK	PERMIT #379 & #439
DATE: NOVEMBER 2016	CHECKED BY: S. CARTER
SCALE: AS SHOWN	



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

FILE: JOINT APPLICATION PLAN VIEW.DWG

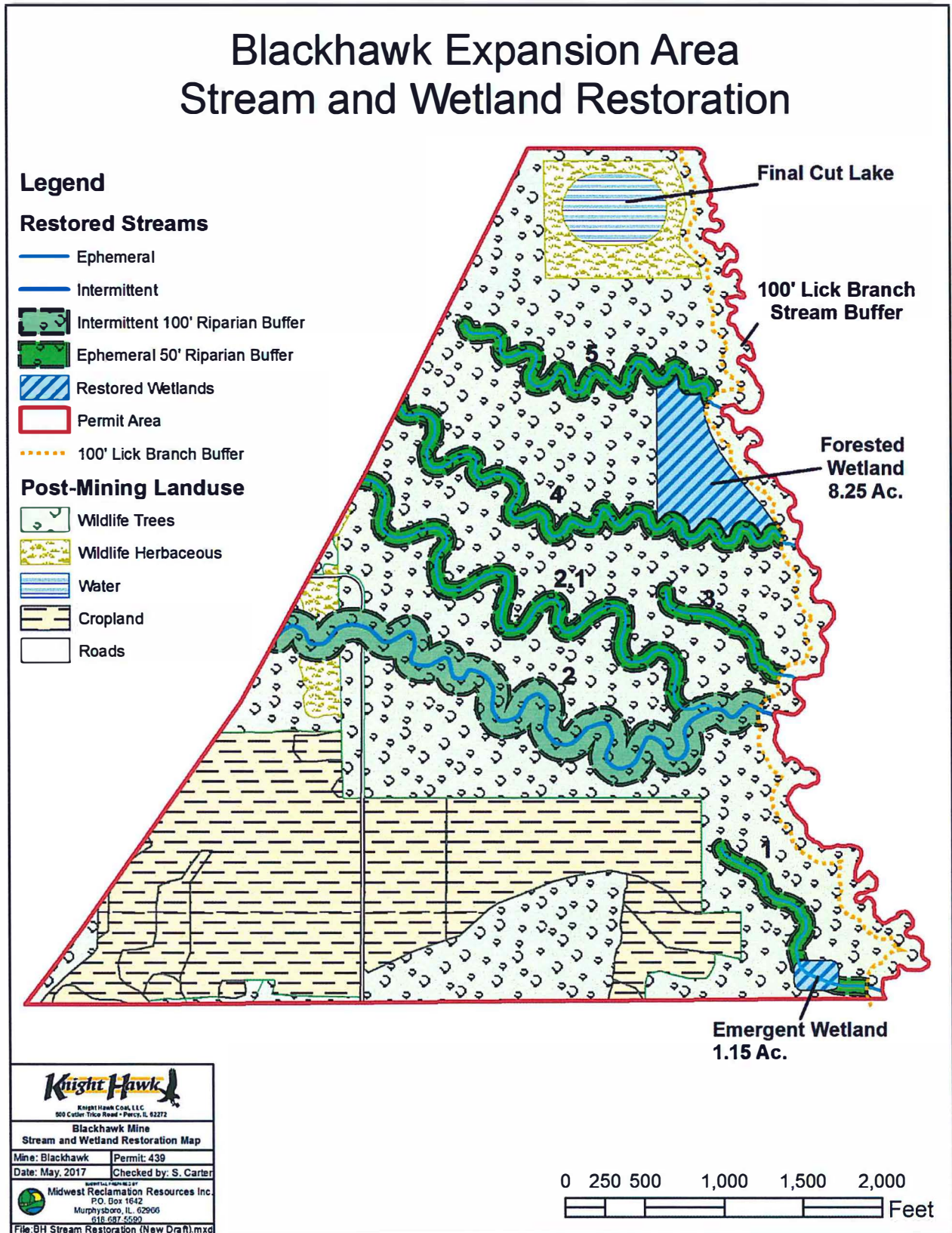


Figure 5. Stream and Wetland Restoration Plan for Blackhawk Mine Expansion Area.