

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-2905
Public Notice Date
December 19, 2014
Expiration Date
January 8, 2015

Postmaster Please Post Conspicuously Until:

File Number: MVS-2013-315

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: Williamson Energy, LLC, Attention: Mr. Mark Schuerger, P.O. Box 300, Johnston City, Illinois 62951, (618)-435-2491.

LOCATION: The project area is located 5 miles northwest of Johnston City, Illinois. More specifically, in Section 12, Township 08 South, Range 03 East of the 3rd Principle Meridian, Williamson County, Illinois. Latitude: 37.842231°, Longitude: -88.812933°.

PROJECT DESCRIPTION: The applicant seeks authorization to construct a new refuse disposal facility to provide service to the Pond Creek Mine No. 1 (Mine 1.0. No. 11-03141, IDNR Permit No. 375) preparation plant facilities located west of the proposed refuse facility. The new refuse cell will be identified as East of Dwina Refuse Disposal Facility No. 3 (Impoundment I.D. No. IL08-03141-02).

The purpose of the East of Dwina Refuse Disposal Facility No. 3 is to provide for the disposal of approximately 15.3 years of coarse coal refuse and approximately 12.0 years of fine coal refuse, based on production rates provided by Williamson Energy, LLC (Williamson). The Herrin No. 6 coal seam is proposed to be mined by both longwall and conventional mining techniques in adjacent areas surrounding the proposed facility. Any coal, rock, shale, slurry, culm, gob, boney, slate, clay and related materials, associated with or near the coal seam, which are either brought aboveground or otherwise removed from a coal mine in the process of mining coal or which are separated from coal

during the cleaning or preparation operations are considered coal refuse. That coal refuse needs to be disposed of in some matter, therefore, a coal refuse disposal area (CRDA) is proposed. Based on current mine planning, Williamson will be operating one longwall miner. Based on historical information for the active facility, annual production of 4,632,600 cubic yards per year of coal refuse is expected in association with cleaning of mined coal.

The proposed refuse facility would have a permit area of 279-acres. The proposed impounding embankment shall range from approximately 112-feet to 190-feet high with a 30-foot wide crest at elevation 626. The embankment would be constructed using coarse coal refuse. Ancillary features include a 40-foot wide access/haul/maintenance road and sediment control structures, one decant water discharge pipe and two slurry lines (approximately 15-inch diameter), and three 42-inch culverts at road crossings. Topsoil will be stockpiled for use during reclamation. A 40-foot wide access/haul road to the impoundment area is proposed for use during active mining activities. Sediment control structures around the impoundment and a sediment pond are proposed. Perimeter ditches, flumes and bench and access road gutters have been specified to convey storm runoff away from the embankment in a controlled fashion.

The applicant considered several practical alternatives, which include a "No Action Alternative" and an "Alternative Site Locations Analysis". In light of the overall project purpose, it is necessary to build a coal refuse disposal area in the vicinity of the preparation plant. Three primary criteria were used to narrow down the alternative site location based on operation and cost feasibility. The first primary criterion was that the facility must be located within a two-mile radius of the existing Pond Creek Mine No. 1 preparation plant facilities (IDNR Permit No. 375). A distance greater than two miles was considered cost prohibitive, due to current transportation costs such as beltway and/or trucking.

The second criterion was that the facility must be located on a previously undermined area or an area not proposed from undermining, so as not to limit future coal extraction opportunities and/or negatively affect the structural stability of the coal refuse disposal area. Once the facility is constructed the underlying area cannot be undermined. It was therefore, an important consideration from the standpoint of the future sustainability of the Pond Creek Mine and the local economy that future extraction options are not unnecessarily limited and that structural stability of the CRDA be maintained. Potential future mining plans significantly affected the proposed location of the facility.

The third primary criterion was that the facility must be of a size large enough to facilitate a minimum of approximately 15 years of service to the preparation plant in order to justify construction expenses. Ensuring that this new facility meets this minimum service life will reduce future need to build additional refuse disposal facilities and any associated environmental impacts. It is expected that the preparation plant will produce approximately 4.6 million cubic yards (MCY) of coal refuse annually. This means that for a potential refuse facility site to be practicable, it must have a minimum storage capacity of approximately 69 MCY. Based on the three primary criteria three alternative site locations were considered for the further analysis, including the proposed alternative. The analysis method performed by the applicant considered environmental and infrastructure impacts, as well as a cost analysis. The environmental analysis included impacts to stream channel, wetlands/open waters, forest habitat, prime farmland, hydric soils and 100-year floodplain. Based on this analysis the proposed alternative was determined to be the least environmentally damaging, practicable alternative based on Section 404(b)(1) guidelines.

The proposed East of Dwina Refuse Disposal Facility would impact 32.56-acres of wetlands and 1,517-linear feet of ephemeral and intermittent stream channel. The applicant proposes permittee responsible compensatory mitigation for impacts associated with the refuse facility at an off-site location. The stream impacts associated with project consist of five identified stream channels with most of the impacts being within intermittent and ephemeral channels. Approximately 32.56-acres of mostly forested wetlands would occur with the construction of this project. All forested impacts shall be mitigated at a ratio of 3:1. The conceptual mitigation plan states that a minimum of 97.68-acres of forested wetland would be created. The proposed wetland mitigation would be completed within the 100-year flood zone of Pond Creek at a location approximately ½ mile northeast of the refuse disposal area. To mitigate for the impacts to 1,517-linear feet of stream channel the applicant proposes to create 1,525-linear feet of Pond Creek. The created channel would serve as a tributary of Pond Creek. Riparian buffer would be established along both sides of the new channel. Approximately 1,525-linear feet of channel would provide 50-feet of riparian buffer on each side of the channel. The applicant has utilized the Illinois Stream Mitigation Method and has determined that 5,401.34 credits will be required to compensate for all stream impacts associated with the project. Based on the Illinois Stream Mitigation Method the applicant will generate 14,411.25 credits for the stream mitigation that have proposed. The total credits generated by the proposed compensatory mitigation plan will sufficiently compensate the total number of debits generated by the stream impacts for the proposed project.

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.

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.

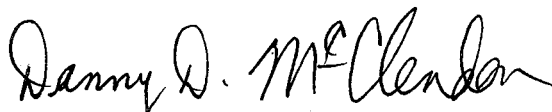
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would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

ENDANGERED SPECIES: The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the proposed endangered Northern long-eared Bat (*Myotis septentrionalis*). 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.

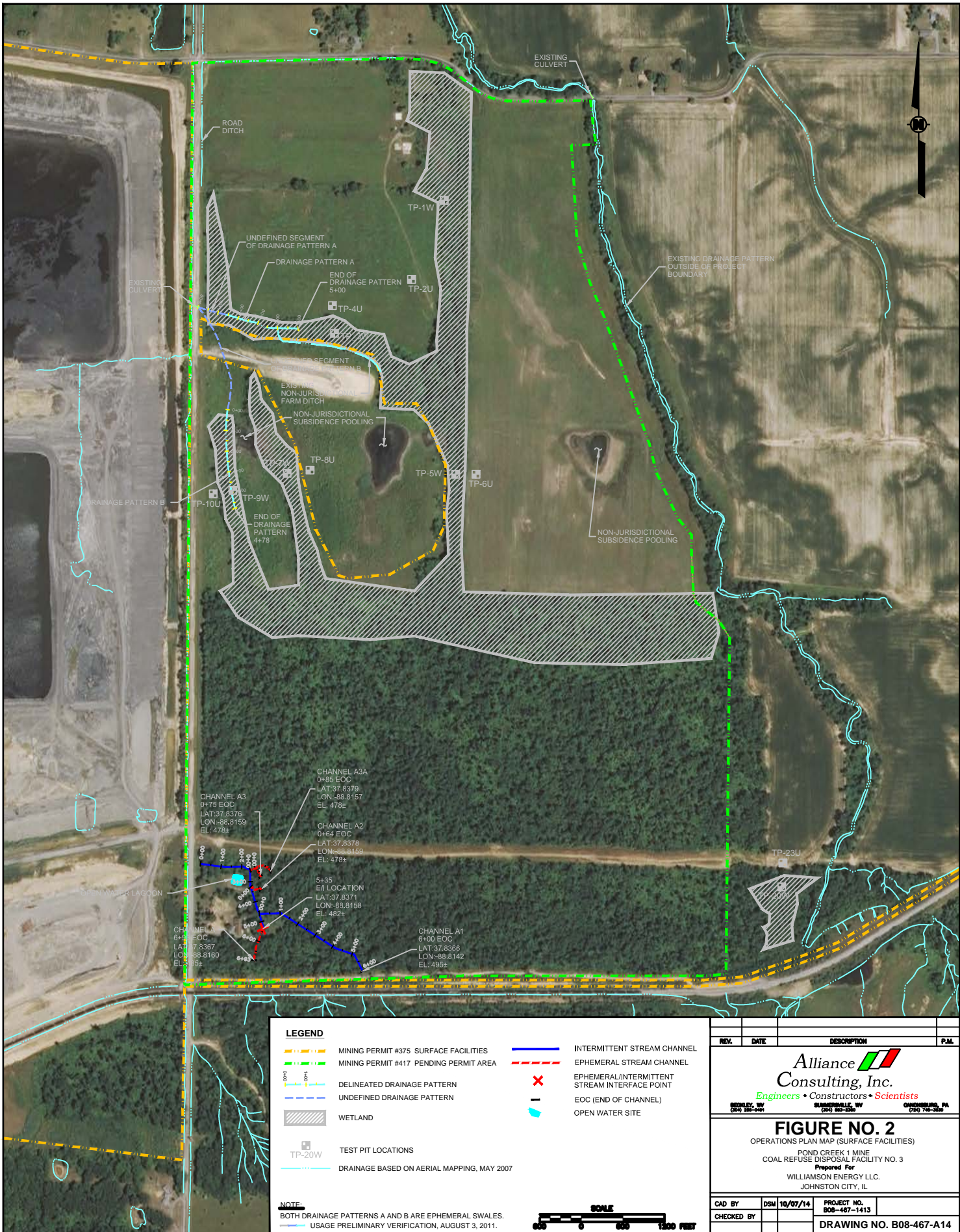


EXISTING PERMIT NO. 375
POND CREEK MINE NO. 1

PROPOSED PERMIT NO. 417
EAST OF DWINACR DANO. 3

1 inch = 1,000 feet

ATTACHMENT NO. 1



LEGEND

- MINING PERMIT #375 SURFACE FACILITIES
- MINING PERMIT #417 PENDING PERMIT AREA
- DELINEATED DRAINAGE PATTERN
- UNDEFINED DRAINAGE PATTERN
- WETLAND
- TEST PIT LOCATIONS
- DRAINAGE BASED ON AERIAL MAPPING, MAY 2007
- INTERMITTENT STREAM CHANNEL
- - - EPHEMERAL STREAM CHANNEL
- ✕ EPHEMERAL/INTERMITTENT STREAM INTERFACE POINT
- EOC (END OF CHANNEL)
- OPEN WATER SITE

NOTE:
 BOTH DRAINAGE PATTERNS A AND B ARE EPHEMERAL SWALES.
 USAGE PRELIMINARY VERIFICATION, AUGUST 3, 2011.



| REV. | DATE | DESCRIPTION | P.M. |
|--|------|-------------|-----------------------------|
| | | | |
| Engineers • Constructors • Scientists <small>SEWILEY, WV (204) 282-2447 SUMMERSVILLE, WV (204) 482-2344 CHANDLER, PA (724) 742-2540</small> | | | |
| FIGURE NO. 2 OPERATIONS PLAN MAP (SURFACE FACILITIES) POND CREEK 1 MINE COAL REFUSE DISPOSAL FACILITY NO. 3 Prepared For WILLIAMSON ENERGY LLC. JOHNSTON CITY, IL | | | |
| CAD BY | DSM | 10/07/14 | PROJECT NO. 808-467-1413 |
| CHECKED BY | | | DRAWING NO. B08-467-A14 |



PROPOSED STREAM AND
WETLAND MITIGATION AREAS

PROPOSED
PERMIT NO. 417
EAST OF DWINA
CRD NO. 3

EXISTING PERMIT NO. 375
POND CREEK MINE NO. 1

1 inch = 2,000 feet

ATTACHMENT NO. 3