



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

July 8, 2014

James Plumley
Sugar Camp Energy, LLC
11351 North Thompsonville Rd.
Macedonia, Illinois 62206

RE: Stream Subsidence, Middle Fork Big Muddy River
Project Number(s): 1411268 (S20140100)
County: Franklin

Dear Mr. Plumley:

This letter is in reference to the above mentioned Office of Water Resources (OWR) permit application submitted by Sugar Camp Energy, LLC on April 29, 2014. OWR consults with the Office of Realty and Environmental Planning in accordance with Title 17 *Illinois Administrative Code* Part 1075, the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and the *Illinois State Agency Historic Resources Preservation Act* [20 ILCS 3420/4].

The project is located in Sections 2, 3, 4, 9, and 10, Township 6 South, and Range 4 East of Franklin County, IL. The project involves planned subsidence impacts to the Middle Fork, Big Muddy River due to utilization of the longwall mining method. Sugar Camp proposes to perform pre-subsidence mitigation to insure impacts to the water surface elevation in the stream are less than 0.5 feet. Work is planned for five (5) separate areas where the stream meanders through the longwall panels to maintain positive drainage after the ground subsides. Planned mitigation methods include installation of field tile and maintenance and repair of drainage ways. Heavy equipment operation and excavation/dredging of the stream bed will be necessary to complete the work. Alteration of the stream bank, tree clearing, and other environmental disturbances can also be expected.

Fish surveys of the Middle Fork, Big Muddy River by the Department's Fisheries Division have recorded 46 species, including two Species in Greatest need of Conservation, gamefish, darters, minnows, suckers, gar, and bowfin. Significant impacts can be expected to the Middle Fork, Big Muddy River due to longwall subsidence and construction activities. Such extensive work and changes to the hydrologic regime will likely cause erosion, scouring, increased turbidity, sedimentation, changes in ground water contributions, and overall degradation of stream habitats. Impacts outside of the mitigation areas may be difficult to predict, but are likely to occur. The Department is concerned about the impacts this project will have on such a large section of stream as well as impacts difficult to predict downstream, upstream, and laterally through terrestrial habitats. The Department recommends Best Management Practices (BMP's) and extensive effort be employed to maintain water quality and mitigate damages.

The Natural Heritage Database (NHD) indicates the state-threatened rice rat (*Oryzomys palustris*) is in the vicinity of this project and the Department has determined that "take" is likely to occur as a result of this

project. The Department recommends Sugar Camp Energy, LLC seek Incidental Take Authorization (ITA) from the Department's Office of Resource Conservation for the rice rat. Please contact Jenny Skufca (jenny.skufca@illinois.gov) for all matters pertaining to ITA.

The NHD also contains records of the state and federally-endangered Indiana bat (*Myotis sodalis*) within two (2) miles south and southwest of the project area. The northern long-eared bat (*Myotis septentrionalis*), which is proposed for state and federal listing by April, 2015, may also occur in the project vicinity. The project is not expected to be completed until December, 2017, thus impacts to the northern long-eared bat should be considered. The Department recommends strict adherence to the July, 2009 Range-wide Indiana Bat Protection and Enhancement Plan Guidelines for Surface Coal-Mining Operations (revised February 2013), the January, 2014 Northern Long-eared Bat Interim Conference and Planning Guidance, Appendix H: Surface Coal Mining and the NLEB, and permit conditions put in place by the Department's Land Reclamation Division to mitigate impacts to these species.

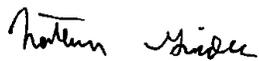
The project was reviewed for cultural resource impacts and was determined to be in compliance with the Illinois State Agency Historic Resources Preservation Act.

Consultation under 17 Ill. Adm. Code Part 1075 is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me at 217-524-0501 if you have questions regarding this review.

Sincerely



Nathan Grider
Biologist
Impact Assessment, OREP

cc: IDNR/OWR, Jerry Bishoff
IDNR/OMM, LRD, Clay Kolar
IDNR/OREP, Pat Malone
IDNR/ORC, Jenny Skufca
USFWS, Matt Mangan
Alliance Consulting, Inc., Braden Hoffman