



# Illinois Department of Natural Resources

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www.dnr.illinois.gov

Bruce Rauner, Governor  
Wayne A. Rosenthal, Director

June 6, 2016

Sugar Camp Energy, LLC  
Mark Schuerger  
11351 North Thompsonville Road  
Macedonia, IL 62206

**RE: Stream Subsidence Repair, Akin Creek, Sugar Camp Mine No. 1**  
**Project Number(s): 1604457 [S20150233]**  
**County: Franklin**

Dear Mr. Schuerger:

This letter is in reference to the above mentioned Office of Water Resources (OWR) permit application submitted by Sugar Camp Energy, LLC. The OWR consults with the Division of Ecosystems and Environment for review under 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 involves planned subsidence impacts to Akin Creek in Franklin County 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. Post-subsidence 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.

The Department is concerned about the impacts this project will have on such a large section of stream. The Department recommends in-stream work be conducted during low flow conditions, strict adherence to sediment and erosion control Best Management Practices (BMP's) and extensive effort be employed to mitigate the subsidence impacts. Mitigation of the subsided area will be under the jurisdiction of the Department's Land Reclamation Division.

The Natural Heritage Database contains records of the state and federally-endangered Indiana bat (*Myotis sodalis*) and state and federally-threatened northern long-eared bat (*Myotis septentrionalis*) in the project area. The Department recommends no tree clearing activities be conducted from April 1 through October 14 to avoid impacts to these species.

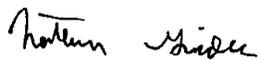
The project was reviewed for cultural resource impacts and was determined to be in compliance with the Illinois State Agency Historic Resources Preservation Act.

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 notify the Department if the above recommendations will be accommodated. Please contact me if you have questions regarding this review.

Sincerely



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cc: IDNR/OWR, Jerry Bishoff  
IDNR, LRD  
USFWS, Matt Mangan