

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWK-2015-64
Issue Date: August 24, 2015
Expiration Date: September 14, 2015**

21-Day Notice

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Continental Coal, Inc.
10801 Mastin, Suite 920
Overland Park, KS 66210

PROJECT LOCATION (As shown on the attached drawings): Located in the north half of Section 19, Township 39 north, Range 32 west and the north half of Section 24, Township 39 north, Range 33 west, Bates County, Missouri.

[USGS QUAD: New Home, MO]
Latitude: 38.155556 - Longitude: -94.4925

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): **Proposed:** Continental Coal, Inc. proposes to mine through 3,000 linear feet (LF) of intermittent stream channel (stream 1), 1,175 LF of ephemeral stream channel (stream 2) and fill 1.5 acres of wetlands during surface coal mining activities. Siltation ponds and structures will be constructed to ensure no discharge of sediment from the area. Existing streams 1 and 2, identified wetlands, and abandoned mine land impoundments will be backfilled. New channels, wetlands and water resources will be recreated at different locations. The stated purpose of the project is to remove coal resources for power generation.

WETLANDS/AQUATIC HABITAT: The project site is predominantly open agricultural pasture land and abandoned mined land. There are 1.51 acres of wetlands located in abandoned mined strip pits that flow directly into abandoned strip pits that are now considered jurisdictional stream channels. Stream 1 is 3,000 LF of intermittent channel and stream 2 is 1,175 LF of ephemeral channel.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: According to the applicant, to maximize the coal resource recovery from the proposed mining area, the applicant has carefully considered the local impacts to the wetland

areas and waters of the United States. Where feasible, the applicant has attempted to avoid impacts. They have consulted with the local landowners to develop a plan that would accommodate the future continued use of their properties yet provide on-site permittee responsible mitigation for the proposed impacts. The applicant has provided the Corps with a permittee responsible mitigation plan and MSMM worksheets included with this public notice.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Rodney Christensen, Truman Regulatory Satellite Office, 15837 Truman Road, Warsaw, Missouri 65355, telephone number: 816-389-3979 or email at rodney.a.christensen@usace.army.mil . All comments to this public notice should be directed to the above address. Please reference Permit No. NWK-2015-64 in all comments and/or inquiries relating to this project.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

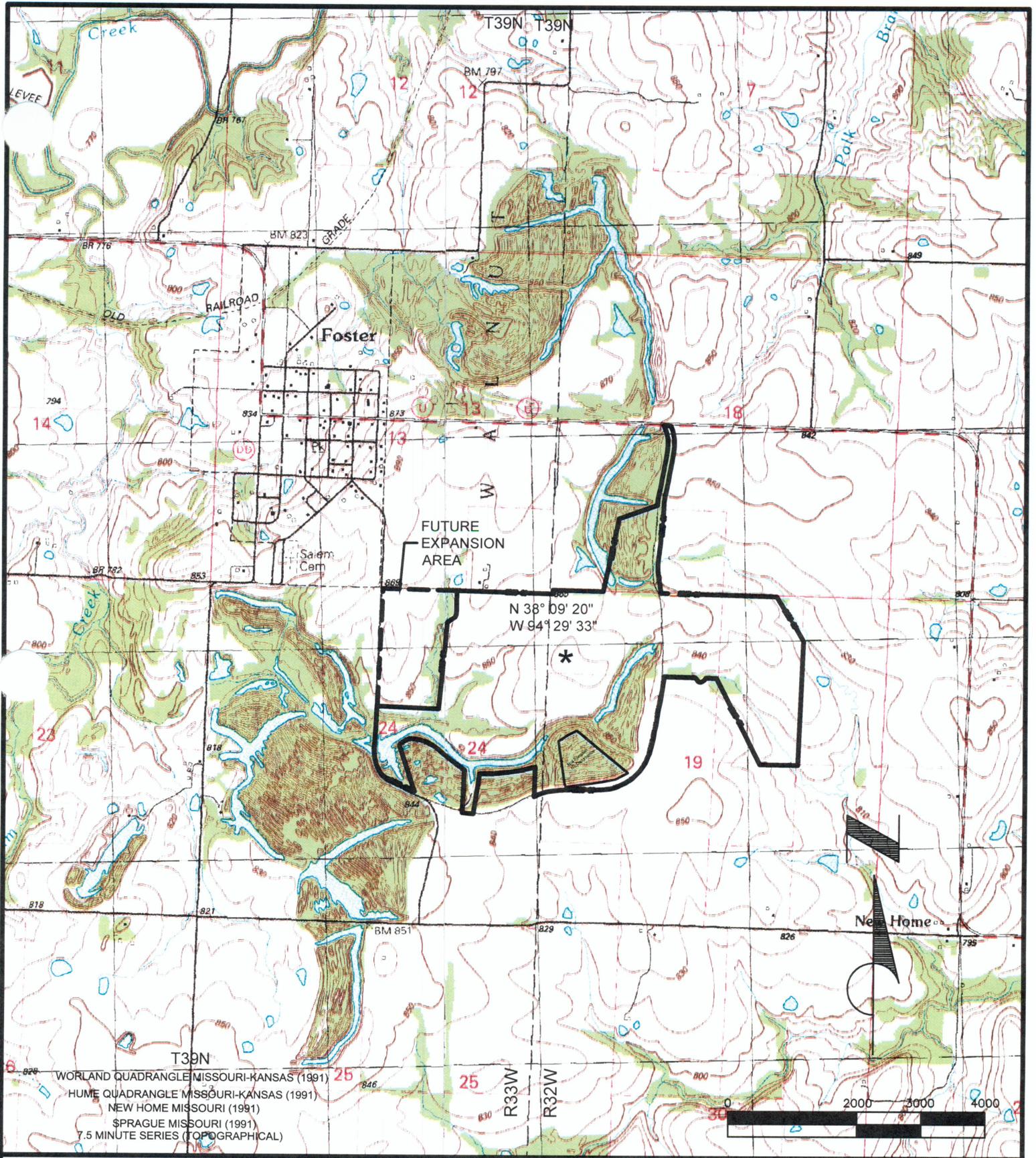
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs,

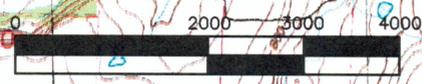
safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The 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 this proposed activity. Any comments received will be considered by the 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 the other public interest factors listed above. Comments are used in 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.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



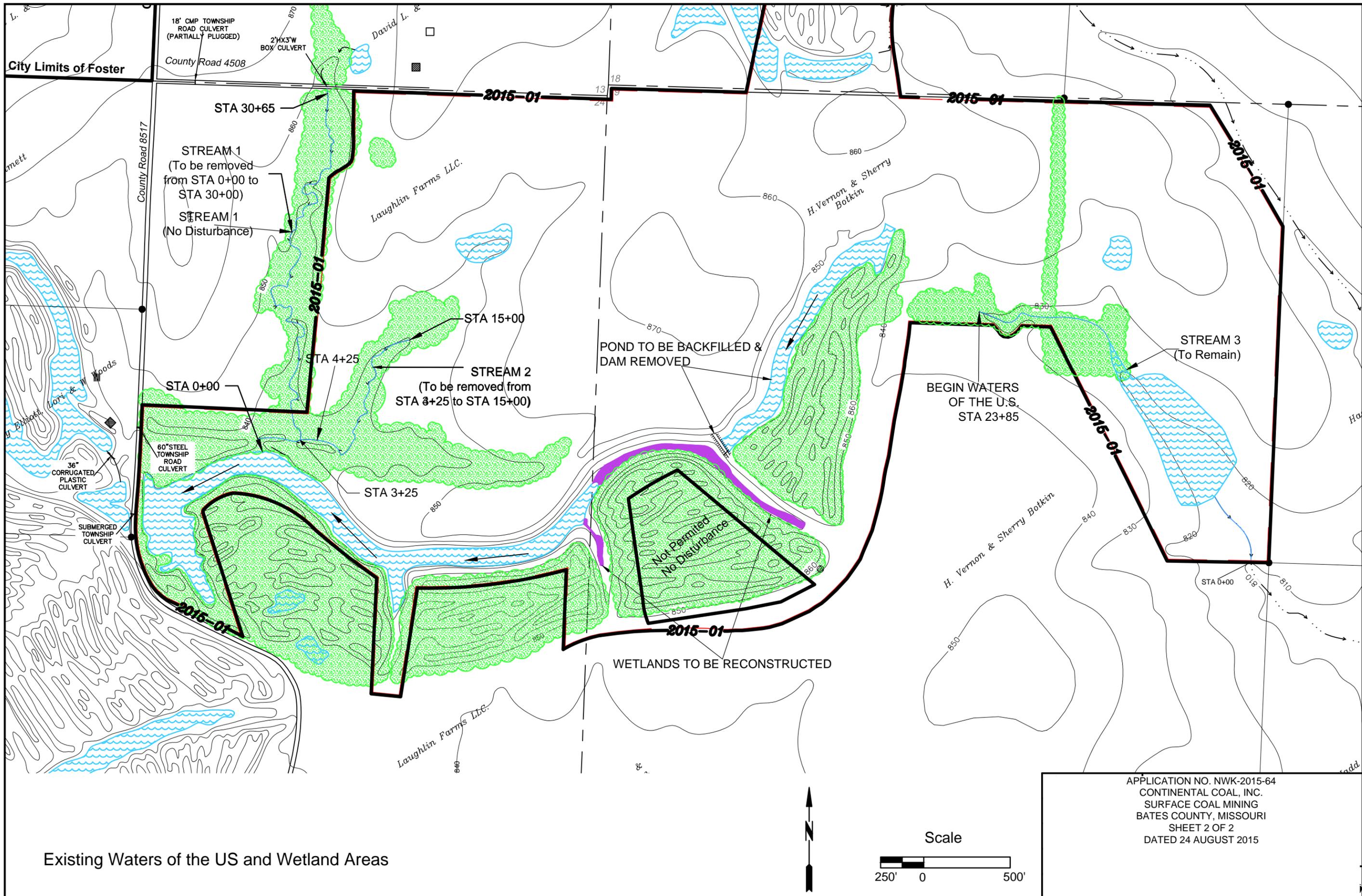
T39N
 WORLAND QUADRANGLE MISSOURI-KANSAS (1991)
 HUME QUADRANGLE MISSOURI-KANSAS (1991)
 NEW HOME MISSOURI (1991)
 SPRAGUE MISSOURI (1991)
 7.5 MINUTE SERIES (TOPOGRAPHICAL)



-  Proposed Foster South Mine
-  Proposed Expansion Foster South Mine

APPLICATION NO. NWK-2015-64
 CONTINENTAL COAL, INC.
 SURFACE COAL MINING
 BATES COUNTY, MISSOURI
 SHEET 1 OF 2
 DATED 24 AUGUST 2015

Foster South Mine - General Location Map



City Limits of Foster

18" CMP TOWNSHIP ROAD CULVERT (PARTIALLY PLUGGED)
County Road 4508

2'X3'W BOX CULVERT

STA 30+65
STREAM 1
(To be removed from STA 0+00 to STA 30+00)
STREAM 1
(No Disturbance)

Laughlin Farms LLC.

2015-01

2015-01

2015-01

STA 15+00

POND TO BE BACKFILLED & DAM REMOVED

STREAM 2
(To be removed from STA 3+25 to STA 15+00)

BEGIN WATERS OF THE U.S.
STA 23+85

STREAM 3
(To Remain)

STA 0+00

60" STEEL TOWNSHIP ROAD CULVERT

STA 3+25

Not Permitted
No Disturbance

2015-01

WETLANDS TO BE RECONSTRUCTED

Laughlin Farms LLC.

H. Vernon & Sherry Botkin

STA 0+00

Existing Waters of the US and Wetland Areas



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CONTINENTAL COAL, INC.
SURFACE COAL MINING
BATES COUNTY, MISSOURI
SHEET 2 OF 2
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