



Illinois  
Department of  
**Natural  
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director  
One Natural Resources Way • Springfield, Illinois 62702-1271

[www.dnr.illinois.gov](http://www.dnr.illinois.gov)

October 30, 2023

*Sent via ePermit system*

Clayton Cross  
Hillsboro Energy, LLC  
12051 9th Avenue  
Hillsboro, IL 62049  
[ccross@foresight.com](mailto:ccross@foresight.com)

Re: Incidental Boundary Revision No. 19 to Permit No. 399  
Deer Run Mine  
Supplemental Information

Dear Mr. Cross:

After reviewing the information contained in the above-referenced Incidental Boundary Revision application, the Department has determined that additional information is necessary.

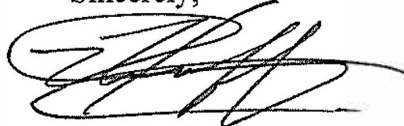
Please review and address the issues below and complete the ePermit Application System as necessary prior to resubmitting to comply with 62 Ill. Adm. Code 1700-1850. Please note, supplemental information not received timely may result in the Department denying the application.

- 1.6.2:** In response to Question 1.6.2, the applicant did not complete all the information required. Pursuant to 62 Ill. Adm. Code 1778.15(a), the applicant shall update Table 1.6.2 with the date of the agreement giving the right of entry on the property indicated as not owned by the applicant.
- 1.6.4:** In response to Question 1.6.4, the applicant shall revise the response to correspond with the information provided in Table 1.6.2. Pursuant to 62 Ill. Adm. Code 1778.15, if the applicant does not possess ownership of the property, the applicant shall complete Table 1.6.4 and provide either a document granting rights to enter or a proper landowner waiver from the property owner.
- 1.8:** In response to Form 1.8, the Public Notice shall be updated to include information on the two access roads depicted in Map 3 Surface Operations Map to comply with 62 Ill. Adm. Code 1773.13(E).
- 2.1.1:** In Response to Question 2.1.1 of the application, the applicant did not label soil capability on the pre and post-mining land use map. Pursuant to 62 Ill. Adm. Code 1783.21(a), the applicant shall update the pre and post-mining land use map to contain soil capability.

- 2.2.7.a:** In response to Question 2.2.7 of the application, the applicant has listed the productivity index of soil map unit 882B as 110, however, the productivity index should be listed as 108.9. Pursuant to 62 Ill. Adm. Code 1783.21(a), this information shall be updated.
- 2.2.7.b:** In Response to Question 2.2.7 of the application, the applicant has listed soil map unit 882B as high capability in Table 2.2.7, however, it should be listed as prime farmland. Pursuant to 62 Ill. Adm. Code 1783.21(a) and 1785.17, the applicant shall update this information and fill in any prime farmland information that may be required, including but not limited to, updating Part 8 of the application and all pre and post-mining land use tables and maps.
- 2.3.6:** In response to Question 2.3.5, the applicant uploaded Table 2.3.5 for the Public Road distance information and indicated a right-of-way distance of less than 100 feet measured horizontally of the outside right-of-way line of Buckeye Trail and N. 7th Avenue. Then, in response to Question 2.3.6, indicated a response of "No" to the question on Public Roads. Pursuant to 62 Ill. Adm. Code 1761.11(d)(1), the applicant shall respond appropriately to Question 2.3.6 and include a description in Question 2.3.7.2 of the activities to be conducted within the areas where mining is prohibited or limited for the Department to make the determination that the activities are exempt.
- 2.4.1:** In response to Question 2.4.1, the applicant has not provided a response for the information regarding the proposed area. Pursuant to 62 Ill. Adm. Code 1783.12, an application shall contain information regarding cultural, archeological, and historic resources, and known archeological sites within the proposed permit, shadow, and adjacent areas. The applicant shall provide proper documentation indicating no such sites exist or a State Historical Preservation Agency concurrence of no known areas within the proposed location.
- 5.4:** In response to Form 5.4, the applicant indicated no culverts were proposed, Pursuant to 62 Ill. Adm. Code 1761.14(b)(5), the applicant shall provide an explanation of why culverts are unnecessary at the intersection where the Access Road joins the Public Road in the associated ditch.
- 9.8.2:** In response to Question 9.8.2, the applicant shall clarify what material will be used to backfill the shaft and provide a diagram showing details of the reclamation plan for the shaft (including but not limited to, the type of material for shaft backfill and the intervals in which they will be used) as detailed in Operator Memorandum 00-01 and pursuant to 62 Ill. Adm. Code 1817.15.

Should you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to be 'RHuff', written over a horizontal line.

Ronnie Huff, Director  
Office of Mines and Minerals

RH:KO:ik

cc: N. Hoyle