

Last effort to stop longwall

ALTHOUGH West-Virginia-based Colt Coal hasn't yet applied for a state mining permit in Montgomery County, most believe it's just a matter of time. When it does, the Illinois Department of Natural Resources will require the company to post bond or buy liability insurance to cover any damages if the land isn't restored.

Regardless, mining can't proceed, says Colt Vice President Jim Morris, unless the company owns subsidence rights for the particular piece of property. To date, they hold those rights on 63,000 of the 120,000 acres of Montgomery County mineral rights the company bought from the county in 2004.

To fight the coal company, landowners formed Citizens

Against Longwall Mining, headed up by Cathy Edmiston. She has twice petitioned DNR to revise their standards, without success.

The group has also filed a suit, which was dismissed and re-filed in March. Their biggest victory to date is getting a referendum on this fall's November ballot, asking county citizens to vote on whether longwall mining should take place in Montgomery County.

As president of the Illinois Coal Association, Phil Gonet is looking for longwall mining support in the vote. "We don't think a company should be denied the right to extract the property that they own. It's a referendum on jobs," he adds.

If the vote goes against longwall mining, State Rep. Gary

Hannig, D-Gillespie, will introduce a bill to outlaw longwall mining in Montgomery County.

Even with a bill in the system, landowners will face stiff opposition.

Each acre of Montgomery County coal could be worth \$2 million to \$3 million. Sitting on a veritable gold mine, coal company officials have made it clear in closed sessions that it's longwall mining or nothing. Subsidence rights still could slow the deal, however.

"We have to go out and buy it," explains Morris. "The market in southern Illinois for subsidence rights is between 50% and 60% of the market value of the land, plus we have to do the recovery and reclamation for landowners. There would be a windfall with no del-

terious effects on the land.

"If they don't sell their rights, we would have to go around them. We could do room-and-pillar, but at this time, it doesn't make sense."

Take a lesson

WHAT can Illinois farmers learn from the mess in Montgomery County?

"Know what you have," advises Barbara Stille, assistant general counsel with Illinois Farm Bureau. "And be specific about what rights you're selling and buying."

Mineral and subsidence rights are a complicated area of the law, she adds, and farmers shouldn't be afraid to retain a good lawyer.

In the Montgomery County situation, Stille explains that years ago, when the surface and mineral rights were separated, someone got paid — likely not current landowners, who now face problems.

And although mineral rights in some parts of the state were separated long before many of us were born, many landowners still own their mineral rights. Right now, Stille says, some Illinois counties are getting proposals from oil and gas companies because it's suddenly economical to remove oil and gas in places where there wasn't enough to make it economical in the past.

Longwall mining: what it is and what it does

LONGWALL mining is a newer method of coal removal, introduced and used more widely in the rougher terrains of West Virginia and other areas farther east, and in parts of deep southern Illinois.

Longwall machines use self-advancing hydraulic systems to keep the roof from collapsing as a rotating blade runs along the coal face, knocking virtually every bit of coal onto a conveyor belt that transports it aboveground. It's a stark contrast to traditional room-and-pillar mining, which leaves behind 50% to 55% of the coal.

Longwall machines mine the coal in horizontal, rectangular panels that run two to three miles long and about 1,000 feet wide.

As the machines move forward, roof supports are removed and the rocky overburden collapses, causing surface subsidence throughout the area and, to a lesser degree, at the edges. No pillars are left behind to support homes, buildings, streams or other landmarks.

Throughout the "panel" that's mined are 90-foot-wide panels where mining is not done and the surface is undisturbed. The result on the surface is that 1,000-foot-wide strips of land subside 6 to 8 feet for several hundred feet, then the land is at normal elevation for 90 feet, then it drops again. The pattern repeats over the entire two- to three-mile length of the panel.

■ See page 12 for more on longwall mining.

says, "There's not always a drainage problem."

However, one look across the flat prairies of Montgomery County would tell most folks — and drainage-savvy farmers in particular — that there's bound to be a drainage problem.

Draining the flatlands

"In our flat land, if you drop it 3 to 4 feet, it's just a nightmare trying to correct that type of situation," says Bob Lentz, manager of Montgomery County Farm Bureau. Lentz soundly disagrees with Phil Gonet, president of the Illinois Coal Association, who says he sees no problem with longwall mining beneath Montgomery County's topography.

"The 30 years of longwall experience in Illinois have been in rolling country in the southern part of the state," Lentz adds.

In fact, Monterey Coal Co. has been longwall mining in neighboring Macoupin County for several years, on ground they own outright (see photos). According to Barkley, the first 12 to 13 panels have been returned to a farmable state, though they were mined on rolling land. However, subsided panels mined on flat land in the past three to four years

sit in massive disrepair.

Flocks of geese alight on pools of standing water. Former county roads are sunken and cracked, closed to the public. Houses with cracked foundations sit next to grain bins perched on crumbled concrete, the entire farmstead abandoned or used most often, as Bertolino says, for meth houses and partying teenagers.

Establishing drainage on those parcels has taken longer than expected, Bertolino adds.

Barkley responds that although land is obviously not brought back up several feet to original elevation, drainage can be restored through ditches and restoration work. Yet farmers know that ditches — particularly huge systematic ditches — take land out of production and slow farm work.

Each township would also have to negotiate with the coal company to restore culverts, roads and field accesses.

For the farmers and landowners involved, it's a tough situation. Their mineral rights were separated from the property and sold generations ago; current landowners like Bertolino see no profit from that separation.

As Barbara Stille, assistant

They said it



"It's going to damage our state, and it's no longer going to be the breadbasket of the world. No amount of money can replace a home on a centennial farm."

Cathy Edmiston, Citizens Against Longwall Mining

"Many county board members didn't know what longwall mining was when they voted for it."



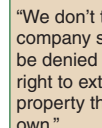
Mark Bertolino, Montgomery County farmer



"Attorney fees will also be involved. An attorney reviewed my abstracts on two particular parcels.

Although I clearly retained my subsidence rights on one, the second parcel may take a trial to determine subsidence ownership."

Randy Singler, Montgomery County farmer



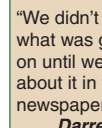
"We don't think a company should be denied the right to extract the property that they own."

Phil Gonet, Illinois Coal Association



"Is there a way to prevent this in the future? That's the bigger question."

Barbara Stille, Illinois Farm Bureau



"We didn't know what was going on until we read about it in the newspaper."

Darrell Miller, Montgomery County farmer

general counsel with Illinois Farm Bureau, puts it, "Law in Illinois is not especially favorable for landowners with severed mineral interests. It creates a real challenge for people in that situation."

Just ask Mark Bertolino. *Kinas writes from Decatur.*



FRACTURED: Concrete grain-bin foundations crumble above subsiding soil.



CRUMBLING: Foundation cracks are not unusual results of longwall mining subsidence.

tive. "There will eventually be some subsidence, and by that time the company may not be here. With longwall mining, the subsidence is immediate within three to six months, and the company is here to be responsible for any damage," Morris says. "We fix it, we re-drain the areas, we do negotiations with homeowners ahead of time to put a plan together. We are responsible by law and by wanting to be a good neighbor."

Barkley explains that the land must be "restored and repaired, usually in the form of drainage correction." Structures must be repaired, replaced or compensated when damaged. Water supplies, wells and springs have

to be monitored for quality and quantity before subsidence and have to be repaired or replaced with suitable comparable water afterwards.

Yet how do you "restore and repair" crumbled foundations on 100-year-old farmhouses and barns?

Bertolino is concerned about how water might be replaced if wells are disrupted. In other states, he says, the coal company sat a poly tank in homeowners' yards and had trucks deliver water. "But we all know what water looks like after it's sat in those tanks a few days," he says. "And what happens when it freezes?"

Drainage is even tougher to handle, though Colt's Morris