



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS – MOBILE DISTRICT  
MONTGOMERY FIELD OFFICE  
605 MAPLE STREET  
BUILDING 1429, ROOM 105  
MAXWELL AFB, AL 36112**

CESAM-RD-N  
PUBLIC NOTICE NO. AL98-05298-U

June 10, 2014

**JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS AND  
STATE OF ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PROPOSED PLACEMENT OF FILL MATERIAL IN UNNAMED TRIBUTARIES TO  
LITTLE SHOAL CREEK FOR THE CONSTRUCTION OF A SLURRY POND AND  
SEDIMENT BASIN IN JEFFERSON COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the Corps can be based. Please communicate this information to interested parties.

**APPLICANT:** Drummond Company, Incorporated  
Attention: Mr. Steven Ingle  
Jasper, Alabama 35501

**AGENT:** DSM Design Group, LLC  
Attention: Mr. Zach Wilbanks  
Post Office Box 690  
Jasper, Alabama 35502

**LOCATION:** The proposed project is located on an approximately 400 acre (ac) parcel in Jefferson County, Alabama (N 33.46416, W 87.2400) within Sections 14 and 23, Township 18 South, Range 7 West (Figures 1 and 2). The project site can be found on the Oak Grove, Alabama Quadrangle, United States Geological Survey Topographic Map. The project is located in the Upper Black Warrior watershed (HUC 03160112).

**PROPOSED WORK:** The Drummond Company, Incorporated (Drummond) is requesting modification of the referenced permit to include construction of Slurry Impoundment No. 2 in support of their existing Shoal Creek underground mining operations. Specifically, Drummond is requesting authorization for the discharge of fill material into waters of the U.S. (WOUS) for construction of the approximately 144 acre slurry impoundment, and its associated down gradient sediment basin (Figure 3). The Slurry Impoundment No. 2 will receive coal processing waste material from the Shoal Creek Mine's existing coal processing plant located two miles to the northwest of the proposed project location.

According to the applicant, the proposed slurry impoundment must be accompanied by a downstream sediment basin to provide proper treatment of the surface water leaving the slurry impoundment before it is received by the site outfall. The applicant's selected alternative will require impacts to 8,162 linear feet (lf) of ephemeral and intermittent streams. Table 1 provides an itemized break down of the proposed impacts by resource type and impact type.

**Table 1. Proposed Impacts to WOUS**

Resource	Cowardin Classification	Impact Type	Impact (lf)
Stream 1	R3	Fill/Impoundment	2,250
Stream 2	R6	Impoundment	62
Stream 3	R6	Fill	2,220
Stream 4	R3	Fill	760
Stream 5	R6	Fill	1,240
Stream 6	R6	Fill	100
Stream 7	R6	Fill	1,530
<b>Total</b>			<b>8,162</b>

**AVOIDANCE & MINIMIZATION:** The applicant has indicated that impacts to WOUS were minimized to the greatest extent practicable through the site design and layout process. According to Drummond, once a viable site had been identified the applicant considered multiple designs for the needed facilities. To that end, three (3) possible watersheds were evaluated (2 of the watersheds are sub-watersheds of the largest possible location) that could meet the project goal of slurry treatment for continued business operation at the Shoal Creek Mine. As previously described, and detailed in Table 2, Drummond considered three alternatives in an effort to avoid and minimize adverse effects to WOUS, while still achieving the overall project purpose (Figure 4). Table 2 includes potential impacts related to the construction of both the slurry impoundment and the sediment basin for the alternatives shown in Figure 4. The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

**Table 2. Avoidance and Minimization**

Alternative	Stream Impacts (lf)	Watershed Size (ac)	Slurry Pond Area (ac)	Estimated Years of Mining
1	8,162	404	144.1	10
2	9,020	392	57.6	4
3	13,357	1009	164.3	12

**COMPENSATORY MITIGATION:** The applicant proposes compensatory mitigation for authorized stream impacts through the purchase of stream mitigation credits from a Corps approved mitigation bank. All stream mitigation requirements will be calculated using the May 2012 iteration of the Mobile District Compensatory Stream Mitigation Standard Operating Procedures and guidelines document. The Corps has

not verified the adequacy of the applicant's proposed off-site mitigation plan at this time.

**WATER QUALITY:** The applicant is preparing their application for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

**PUBLIC INTEREST REVIEW/CUMULATIVE EFFECTS:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including 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 benefit 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, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people. Evaluation of the probable impacts involving discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

**SOLICITATION OF COMMENTS:** The Corps 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 to determine whether to issue, modify, condition or deny a permit for this proposal. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. 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 the preparation of an EA and/or an Environmental Impact Statement pursuant to the NEPA.

**PUBLIC HEARING REQUESTS:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

**HISTORIC PROPERTIES:** The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. This action will constitute the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the project area. Copies of this notice are being sent to the State Historic Preservation Officer.

**ENDANGERED SPECIES:** A preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated

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that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. Copies of this notice are being sent to the U.S. Fish and Wildlife Service.

**COMMENT PERIOD:** All comments should be received no later than **30 days** from the date of issuance of this Public Notice. Enclosed to assist with your review are: vicinity maps, road alignment alternatives, and proposed impacts maps. Any correspondence concerning this publication should refer to this Public Notice **AL98-05298-U** and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile  
Regulatory Division, Montgomery Field Office  
Attention: James S. Cherry, II  
605 Maple Street  
Bldg. 1429, Room 105  
Maxwell, AFB, AL 36112

with a copy to the :

Director  
Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at [james.s.cherry@usace.army.mil](mailto:james.s.cherry@usace.army.mil) or telephone number (334) 953-2172. Please refer to the above Public Notice number. For additional information about the Mobile District's Regulatory Program, please take a moment to visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, while there please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Encls

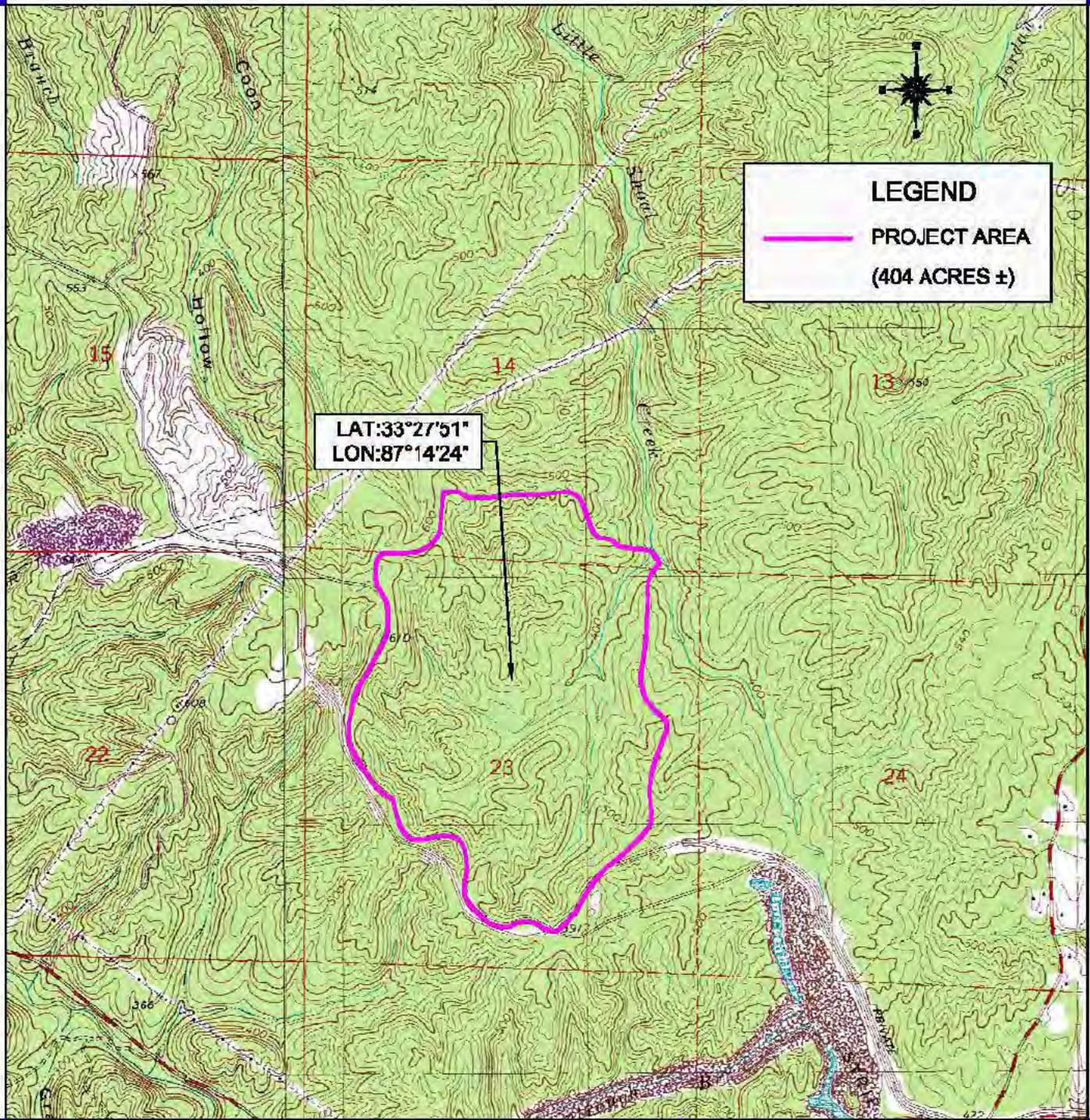
MOBILE DISTRICT  
U.S. Army Corps of Engineers

# SITE LOCATION MAP

**SITE**



*Clip of Navigable Rivers Map  
Cartographic Research Lab  
University of Alabama*



**DRUMMOND COMPANY, INC.  
SHOAL CREEK MINE EXPANSION**

<b>DRAWN BY:</b> Z.B.W.	<b>DATE:</b> 10/29/2013
<b>APPROVED BY:</b> J.D.M.	<b>DATE:</b> 10/29/2013
<b>SCALE:</b> 1" = 2000'	<b>SHEET</b> 1 OF 1

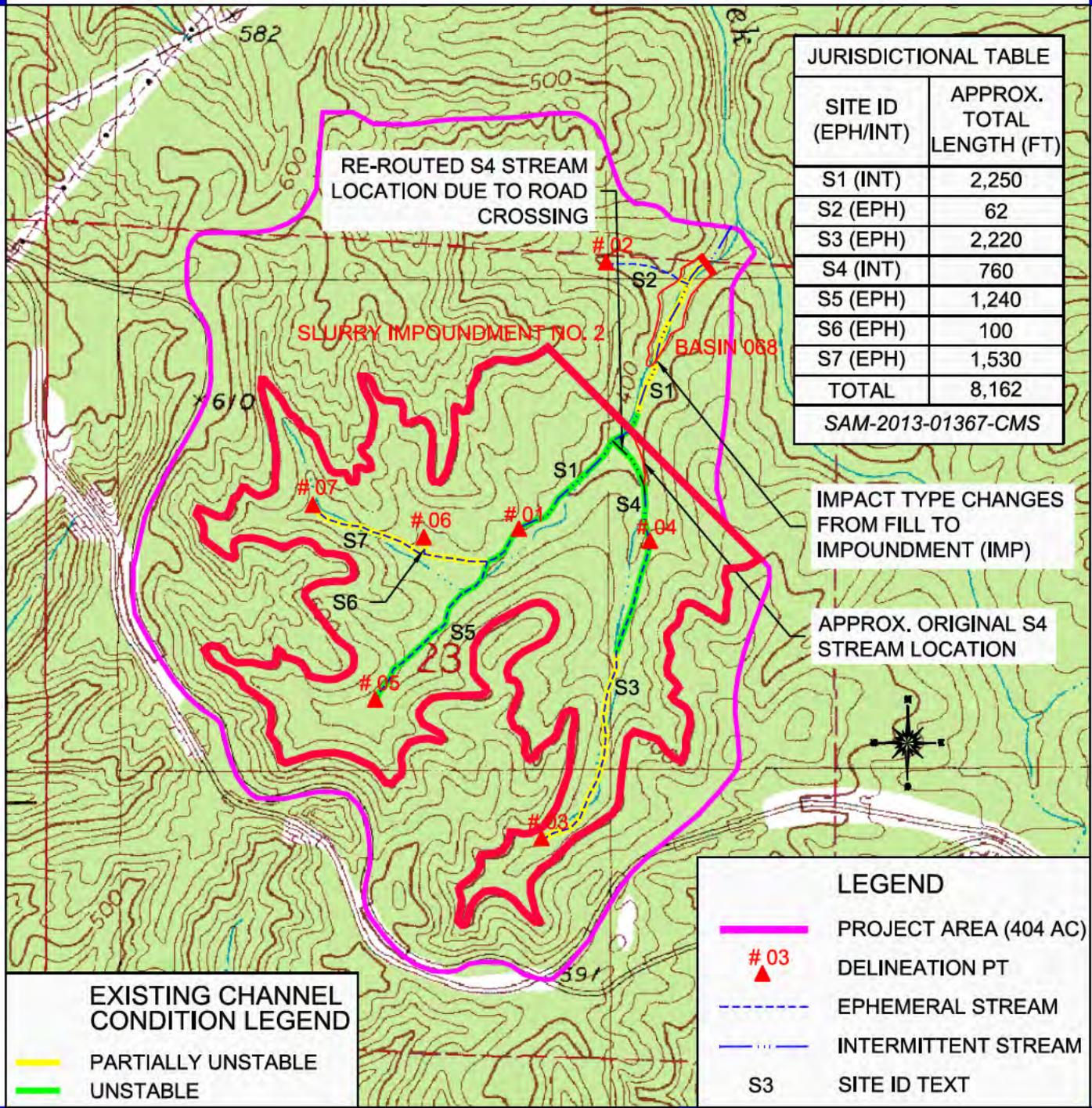
**PROJECT AREA MAP**  
*Jefferson Co., AL*

Oak Grove & Birchfield Store  
USGS Quade



**DESIGN GROUP, LLC**  
ENGINEERING / SURVEYING

1400 VIKING DRIVE  
JASPER, ALABAMA 35501  
TELEPHONE: (205) 221-6262



JURISDICTIONAL TABLE	
SITE ID (EPH/INT)	APPROX. TOTAL LENGTH (FT)
S1 (INT)	2,250
S2 (EPH)	62
S3 (EPH)	2,220
S4 (INT)	760
S5 (EPH)	1,240
S6 (EPH)	100
S7 (EPH)	1,530
<b>TOTAL</b>	<b>8,162</b>
SAM-2013-01367-CMS	

EXISTING CHANNEL CONDITION LEGEND	
	PARTIALLY UNSTABLE
	UNSTABLE

LEGEND	
	PROJECT AREA (404 AC)
	DELINEATION PT
	EPHEMERAL STREAM
	INTERMITTENT STREAM
	SITE ID TEXT

**DRUMMOND COMPANY, INC.  
SHOAL CREEK MINE EXPANSION**

DRAWN BY: Z.B.W.	DATE: 05/29/2014
APPROVED BY: Z.B.W.	DATE: 05/29/2014
SCALE: 1" = 1000'	SHEET 1 OF 1

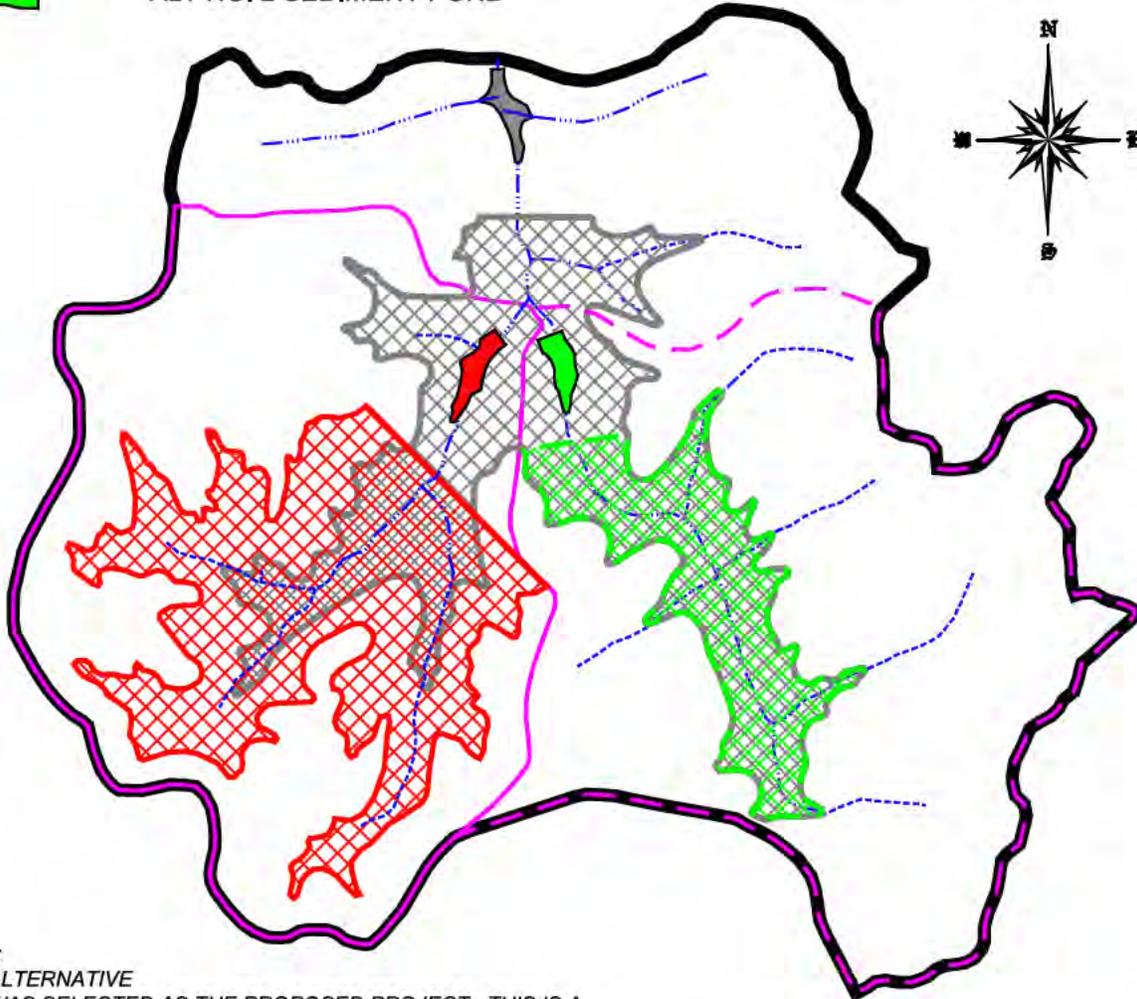
**SLURRY  
IMPOUNDMENT NO. 2  
JURISDICTIONAL  
IMPACTS MAP**

Oak Grove USGS Quads  
*Jefferson Co., AL*

  
**DSM**  
 DESIGN GROUP, LLC  
 ENGINEERING / SURVEYING  
 1400 VIKING DRIVE  
 JASPER, ALABAMA 35501  
 TELEPHONE: (205) 221-6262

**LEGEND**

- |   |                         |   |                         |
|---|-------------------------|---|-------------------------|
|  | ALT NO. 1 WATERSHED     |  | ALT NO. 3 WATERSHED     |
|  | ALT NO. 1 SLURRY POND   |  | ALT NO. 3 SLURRY POND   |
|  | ALT NO. 1 SEDIMENT POND |  | ALT NO. 3 SEDIMENT POND |
|  | ALT NO. 2 WATERSHED     |  | INTERMITTENT STREAM     |
|  | ALT NO. 2 SLURRY POND   |  | EPHEMERAL STREAM        |
|  | ALT NO. 2 SEDIMENT POND |   |                         |



**NOTES:**

ALT = ALTERNATIVE  
 ALT 1 WAS SELECTED AS THE PROPOSED PROJECT. THIS IS A SUB-WATERSHED OF THE ORIGINAL ALTERNATIVE (ALT 3) THAT WAS ASSESSED AS A PROJECT POSSIBILITY. BY SELECTING ALT 1, THIS PROVIDED AN AVOIDANCE FROM 13,357 LF (ALT 3) OF IMPACTS TO 8,162 LF (ALT 1) OF IMPACTS (5,195 LF REDUCTION). ALT 2 HAD 9,020 LF OF IMPACTS ASSOCIATED WITH IT.

**DRUMMOND COMPANY, INC.  
 SHOAL CREEK MINE EXPANSION**

DRAWN BY: Z.B.W.	DATE: 05/30/2014
APPROVED BY: Z.B.W.	DATE: 05/30/2014
SCALE: 1" = 1500'	SHEET 1 OF 1

**AVOIDANCE AND  
 MINIMIZATION MAP**  
*Jefferson Co., AL*

SAM-2013-01367-CMS

**DSM**  
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