



DEPARTMENT OF THE ARMY  
MOBILE DISTRICT, CORPS OF ENGINEERS  
BIRMINGHAM FIELD OFFICE  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

CESAM-RD-N  
PUBLIC NOTICE NO. SAM-2011-00880-CHE

September 17, 2015

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

**PROPOSED PLACEMENT OF FILL MATERIAL IN WATERS OF THE UNITED STATES  
(U.S.) IN ASSOCIATION WITH A PROPOSED SURFACE COAL MINE  
LITTLE SPRING CREEK EAST – AREA 2 MINE  
WALKER COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army 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 U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

**APPLICANT:** Cedar Lake Mining, Inc.  
Attention: Mr. Randy Robison  
2361 Cumberland Lake Drive  
Pinson, Alabama 35126

**AGENT:** Wilbanks Engineering and Environmental Solutions, LLC  
297 Lotawata Drive  
Jasper, Alabama 35504

**LOCATION:** The proposed project is located near Manchester in Walker County, Alabama (33.95334, -87.25834) within Sections 34 and 35, Township 12 South, Range 7 West and in Section 3, Township 13 South, Range 7 West. The project is located in the Blackwater Creek 10-digit HUCs within the Mulberry Fork watershed (HUC 03160109).

**PROJECT PURPOSE:** The basic project purpose is for coal extraction.

**WORK:** The applicant is proposing a surface mining activity, which includes the discharge of dredged and/or fill material into waters of the U.S. through the construction of a sediment detention basin and mine-through activities. These activities would impact 1,880 linear feet (lf) of ephemeral streams, 1,870 lf of intermittent streams, and 1.2 acres of wetlands. The project encompasses 378 acres of undeveloped land.

Cedar Lake Mining is currently mining in Little Spring Creek Mine Area 1 (Mining Increment 1), which was authorized by the USACE under Nationwide Permit 21(a) in a permit verification letter dated May 14, 2012 (project number SAM-2011-00880-CHE). The verification authorized the discharge of fill material associated with the construction of sediment basins and mine-through activities into waters of the U.S. Increment 1 can be seen on the enclosed Figures 6 and 7. Authorized impacts included 2,930 lf of intermittent streams, 9,320 lf of ephemeral streams, and 2.32 acres of wetlands.

The current project under review is for Area 2, which will include Mining Increments 2, 3, and 4. The applicant has a permit from the Alabama Surface Mining Commission (ASMC P-3968) and an Alabama Department of Environmental Management National Pollutant Discharge Elimination System Permit (AL0080799) for Area 2. The proposed impacts to waters of the U.S. are listed in the table below.

Proposed Project Impacts

Name	Latitude	Longitude	Impact Amount	Classification	Impact Type
S-1	33.95786	-87.25789	390'	Ephemeral	Mine-through
S-2	33.95720	-87.25687	1,010	Intermittent	Mine-through
S-3	33.95523	-87.25425	180'	Intermittent	Mine-through
S-4	33.95253	-87.25198	170'	Intermittent	Mine-through
S-5	33.95117	-87.25725	190'	Ephemeral	Mine-through
S-6	33.95102	-87.25665	110'	Intermittent	Mine-through
S-7	33.94904	-87.25919	820'	Ephemeral	Mine-through
S-8	33.94692	-87.26171	190'	Ephemeral	Mine-through
S-9	33.94639	-87.26180	400'	Intermittent	Impoundment, mine-through, fill for dam
S-10	33.94695	-87.26386	290'	Ephemeral	Mine-through
W-1	33.95253	-87.25198	1.2 acres	Palustrine forested	Mine-through

**AVOIDANCE & MINIMIZATION:** The applicant stated on-site avoidance and minimization has been utilized to reduce the impacts from 7,930 lf of stream to 3,750 lf of stream. The majority of the minimization efforts were to S-2, the main intermittent tributary bisecting the project, with a reduced impact from 5,070 lf to 1,010 lf. The applicant is proposing a 35-40 buffer along 4,060 lf of S-2, allowing impacts to S-3, S-4, and S-7 to be minimized as well. **The U.S. Army Corps of Engineers (USACE) has not verified the adequacy of the applicant's avoidance and minimization at this time.**

**ALTERNATIVES:** The project is not water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives, which do not require placing fill into waters of the U.S., are not available. No permit will be issued unless the

alternatives analysis demonstrates that practicable upland alternatives are not available to achieve the overall project purpose.

**COMPENSATORY MITIGATION:** The applicant proposes permittee-responsible compensatory mitigation at an off-site location within the Mulberry Fork watershed to compensate for the loss of functions associated with the unavoidable impacts to waters of the U.S. The plan will propose wetland and riparian stream buffer enhancement activities.

Each stream that is proposed for impact was assessed using the 2012 Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines to calculate necessary compensation for function loss. The applicant would be required to provide at least 8,377.2 stream credits to compensate for stream function loss. The wetland functions were assessed using the Wetland Rapid Assessment Procedure (2<sup>nd</sup> edition). The applicant would be required to provide at least 0.79 wetland credits to compensate for wetland function loss.

**The USACE has not verified the adequacy of the applicant's compensatory mitigation plan at this time.**

**WATER QUALITY:** The applicant has applied 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE can be based. 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. 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 use 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.

The USACE 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 USACE 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 the 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.

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.

Evaluation of the probable impacts involving deposits 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.

**HISTORIC AND CULTURAL RESOURCES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. A Cultural Resource Survey has been performed, which included the permit area as well as other parts of the property not currently under review for this action. The USACE is seeking comment from the State Historic Preservation Officer (SHPO), Federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence, or the potential for existence, of significant cultural and historical properties, which may be affected by the work. Copies of this public notice are being provided to the SHPO and American Indian Tribes.

**ENDANGERED/THREATENED SPECIES:** A preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Species indicates that the proposed activity will have no effect to listed endangered or threatened species or their critical habitat. The applicant submitted project correspondence to the United States Fish and Wildlife Service (USFWS). The USFWS responded with a reply dated August 24, 2015 (2010-TA-0354) stating no federally listed species/critical habitat occur in the project area. Copies of this public notice are being sent to the USFWS for review and comment.

**COMMENT PERIOD:** Comments should be received no later than **30 days** from the date of this Public notice. Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2011-00880-CHE** and should be directed to:

U.S. Army Corps of Engineers Mobile District  
Birmingham Field Office  
Attention: Ms. Courtney Shea

218 Summit Parkway, Suite 222  
Homewood, Alabama 35209

with a copy to the:

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 **Courtney.M.Shea@usace.army.mil** or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will help us improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures

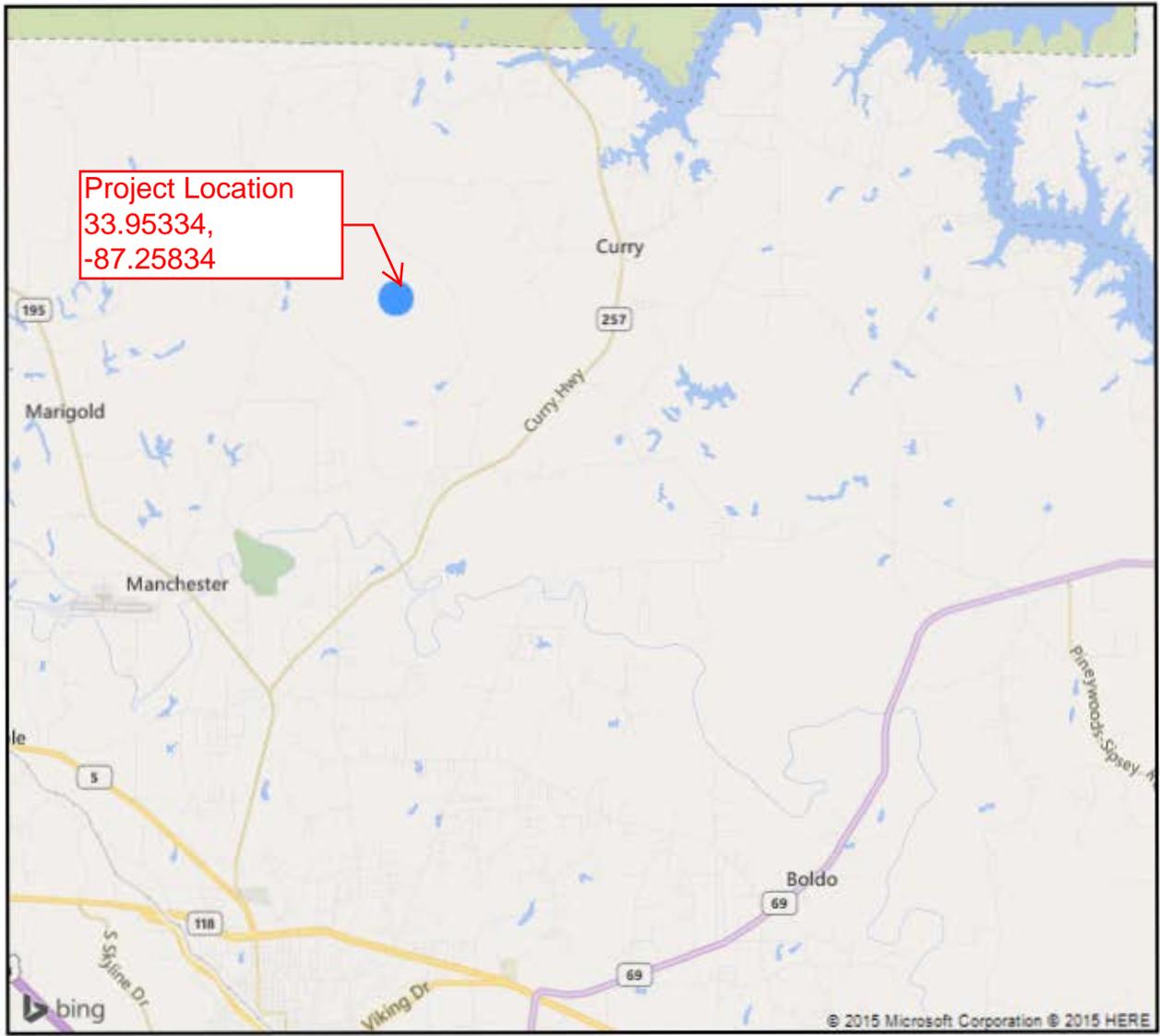
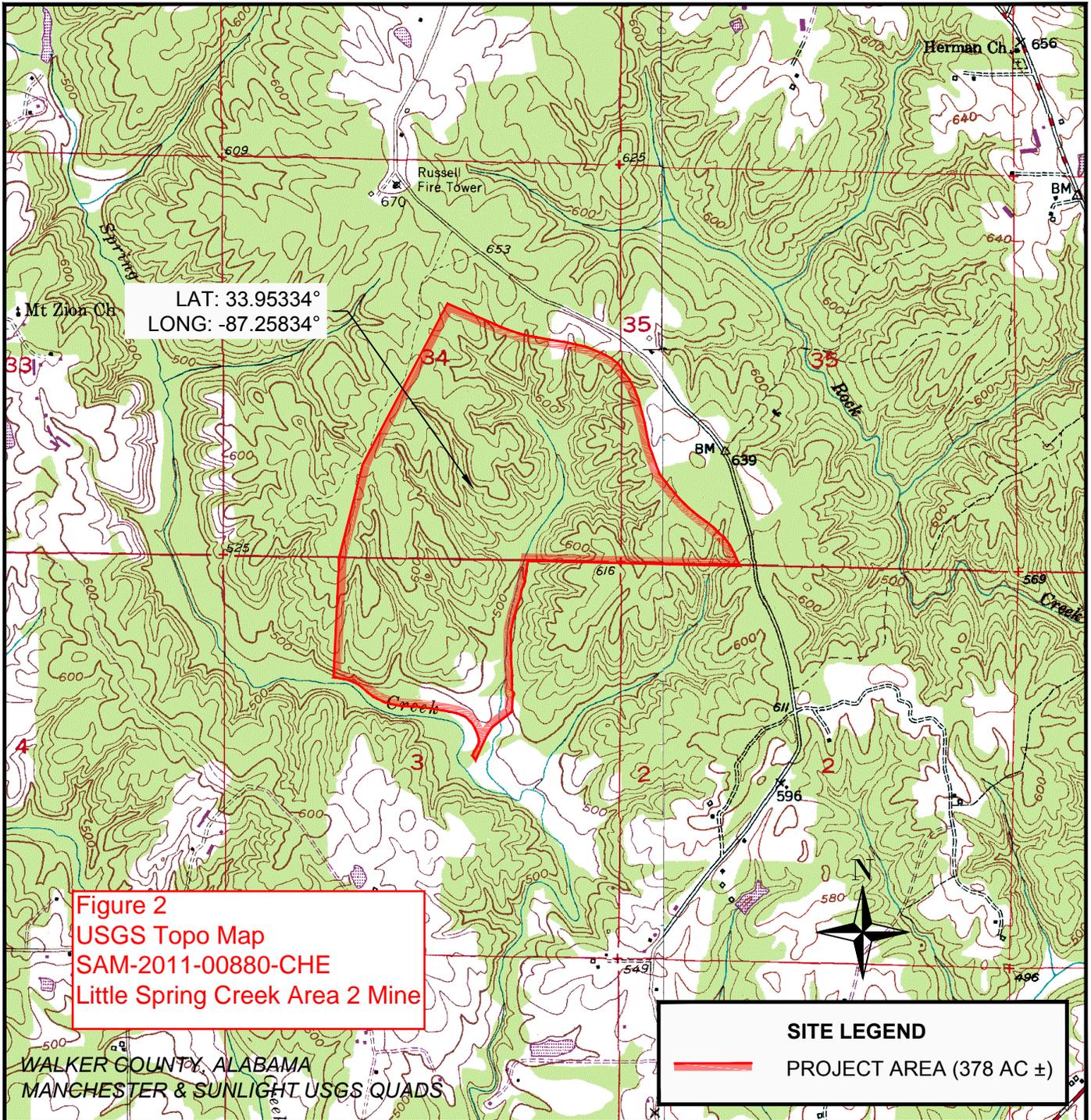


Figure 1  
Site Location Map  
SAM-2011-00880-CHE  
Little Spring Creek Area 2 Mine



**PROJECT AREA MAP: SAM-2011-00880-CHE**

**CEDAR LAKE MINING, INC.  
LITTLE SPRING CREEK EAST MINE - AREA 2**

DRAWN BY:  
Z.B.W.

DATE:  
4/13/2015

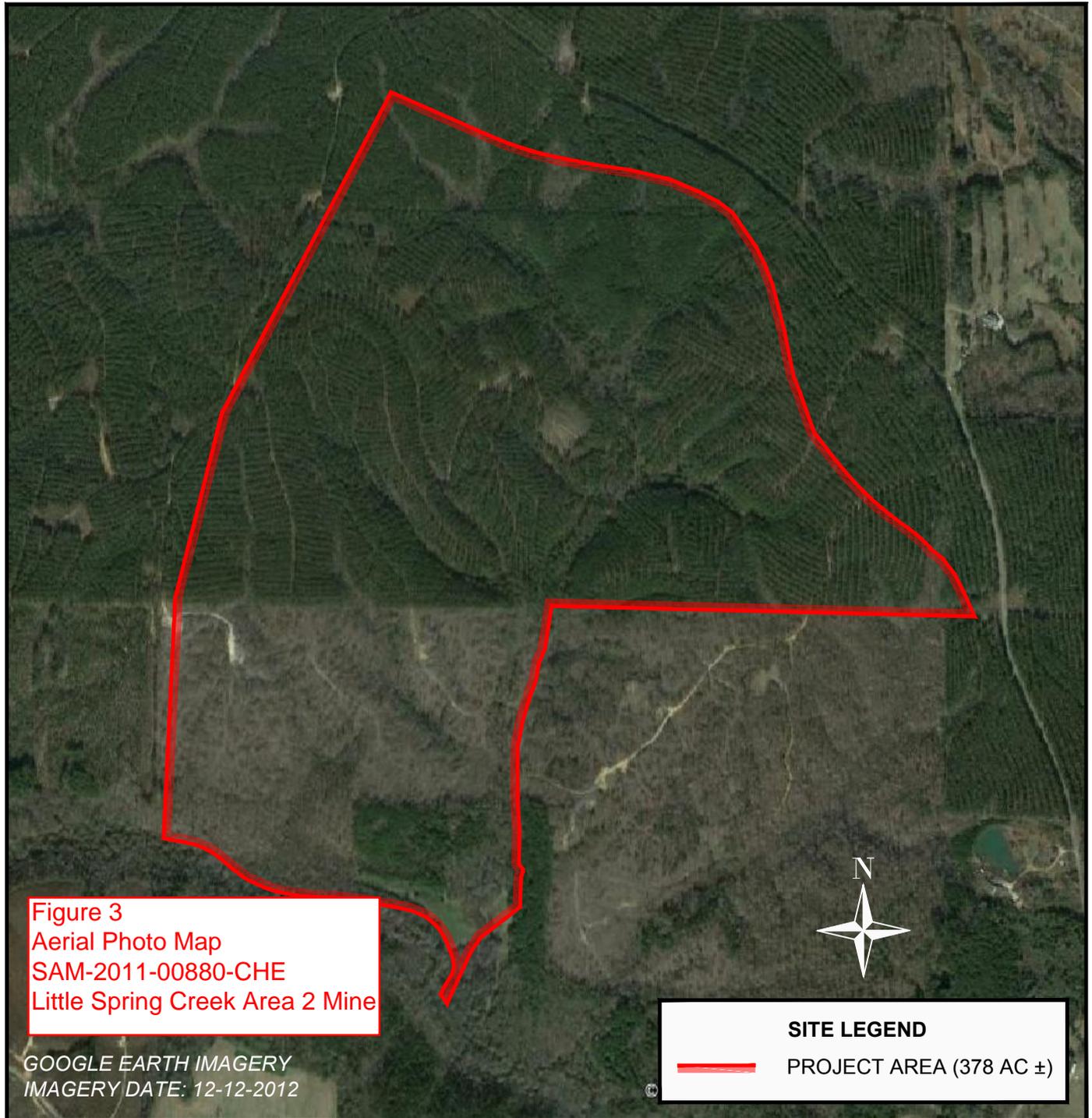
SCALE:  
1" = 2000'

EXHIBIT B  
MAP 1



**WILBANKS ENGINEERING  
& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373



**AERIAL PHOTO MAP: SAM-2011-00880-CHE**

**CEDAR LAKE MINING, INC.**  
**LITTLE SPRING CREEK EAST MINE - AREA 2**

DRAWN BY:  
 Z.B.W.

DATE:  
 4/13/2015

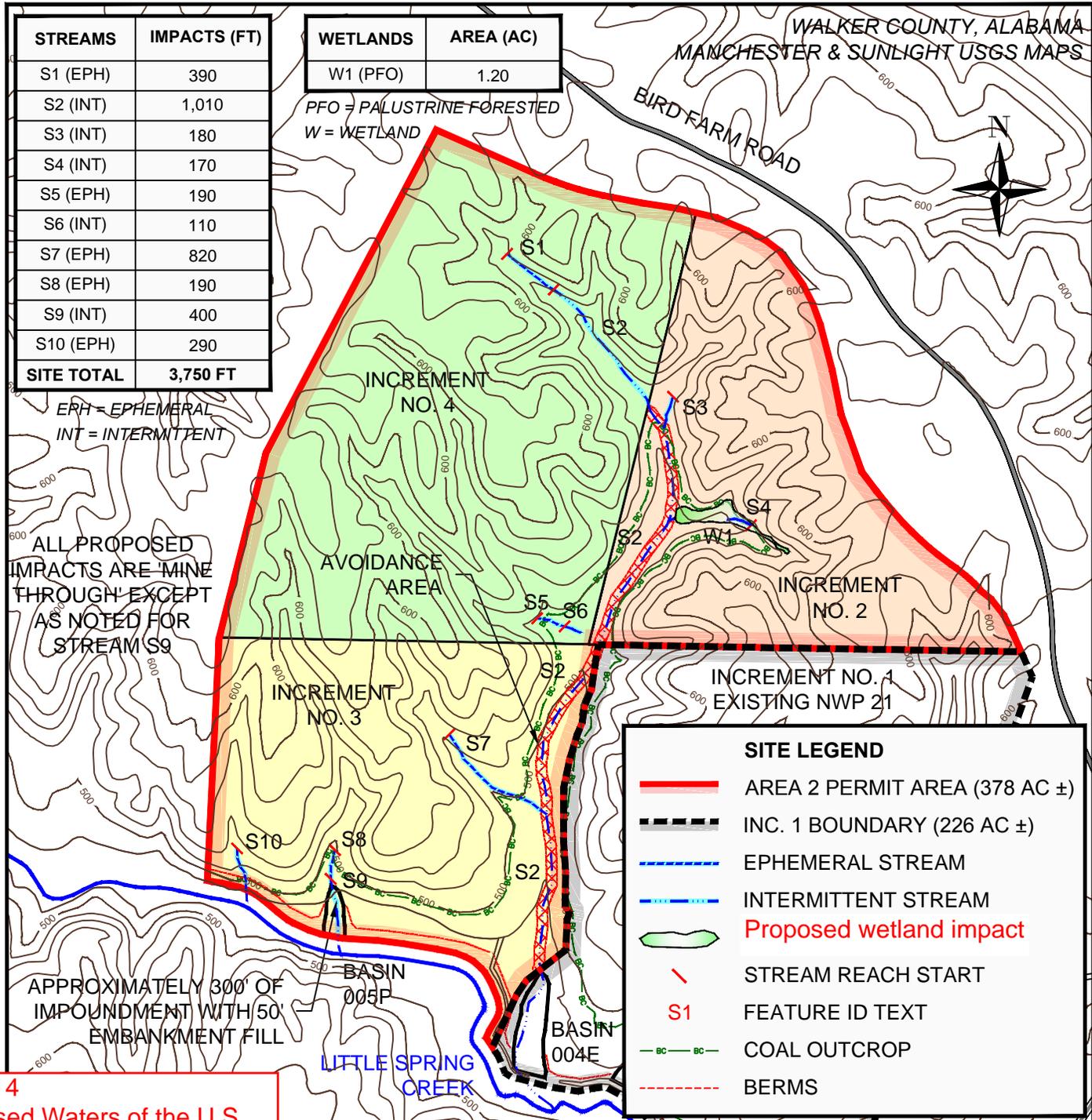
SCALE:  
 1" = 1000'

EXHIBIT B  
 MAP 2



**WILBANKS ENGINEERING**  
**& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373



STREAMS	IMPACTS (FT)
S1 (EPH)	390
S2 (INT)	1,010
S3 (INT)	180
S4 (INT)	170
S5 (EPH)	190
S6 (INT)	110
S7 (EPH)	820
S8 (EPH)	190
S9 (INT)	400
S10 (EPH)	290
<b>SITE TOTAL</b>	<b>3,750 FT</b>

WETLANDS	AREA (AC)
W1 (PFO)	1.20

PFO = PALUSTRINE FORESTED  
W = WETLAND

EPH = EPHEMERAL  
INT = INTERMITTENT

ALL PROPOSED IMPACTS ARE MINE THROUGH EXCEPT AS NOTED FOR STREAM S9

SITE LEGEND	
	AREA 2 PERMIT AREA (378 AC ±)
	INC. 1 BOUNDARY (226 AC ±)
	EPHEMERAL STREAM
	INTERMITTENT STREAM
	Proposed wetland impact
	STREAM REACH START
	FEATURE ID TEXT
	COAL OUTCROP
	BERMS

Figure 4  
Proposed Waters of the U.S.  
Impact Map  
SAM-2011-00880-CHE  
Little Spring Creek Area 2 Mine

AREA 2 PROJECT MAP: SAM-2011-00880-CHE

CEDAR LAKE MINING, INC.  
LITTLE SPRING CREEK EAST MINE - AREA 2

DRAWN BY:  
Z.B.W.

DATE:  
8/27/2015

SCALE:  
1" = 1000'

EXHIBIT B  
MAP 3



**WILBANKS ENGINEERING  
& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373

STREAMS	IMPACTS (FT)
S1 (EPH)	390
S2 (INT)	1,010
S3 (INT)	180
S4 (INT)	170
S5 (EPH)	190
S6 (INT)	110
S7 (EPH)	820
S8 (EPH)	190
S9 (INT)	400
S10 (EPH)	290
<b>SITE TOTAL</b>	<b>3,750 FT</b>

WETLANDS	AREA (AC)
W1 (PFO)	1.20

PFO = PALUSTRINE FORESTED  
W = WETLAND

WALKER COUNTY, ALABAMA  
MANCHESTER & SUNLIGHT USGS MAPS

EPH = EPHEMERAL  
INT = INTERMITTENT

ALL PROPOSED  
IMPACTS ARE 'MINE  
THROUGH' EXCEPT  
AS NOTED FOR  
STREAM S9

APPROXIMATELY 300' OF  
IMPOUNDMENT WITH 50'  
EMBANKMENT FILL

AVOIDANCE  
AREA

INCREMENT  
NO. 4

INCREMENT  
NO. 2

INCREMENT  
NO. 3

INCREMENT NO. 1  
EXISTING NWP 21

BASIN  
005P

BASIN  
004E

LITTLE SPRING  
CREEK

SITE LEGEND	
	AREA 2 PERMIT AREA (378 AC ±)
	INC. 1 BOUNDARY (226 AC ±)
	EPHEMERAL STREAM
	INTERMITTENT STREAM
	IMPACTED WETLAND AREA
	STREAM REACH START
S1	FEATURE ID TEXT
	COAL OUTCROP
	BERMS

Figure 5  
Proposed Waters of the U.S.  
Impact Map  
SAM-2011-00880-CHE  
Little Spring Creek Area 2 Mine

## 2 PROJECT MAP: SAM-2011-00880-CHE

CEDAR LAKE MINING, INC.  
LITTLE SPRING CREEK EAST MINE - AREA 2

DRAWN BY:  
Z.B.W.

DATE:  
8/27/2015

SCALE:  
1" = 1000'

EXHIBIT B  
MAP 4



**WILBANKS ENGINEERING  
& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373

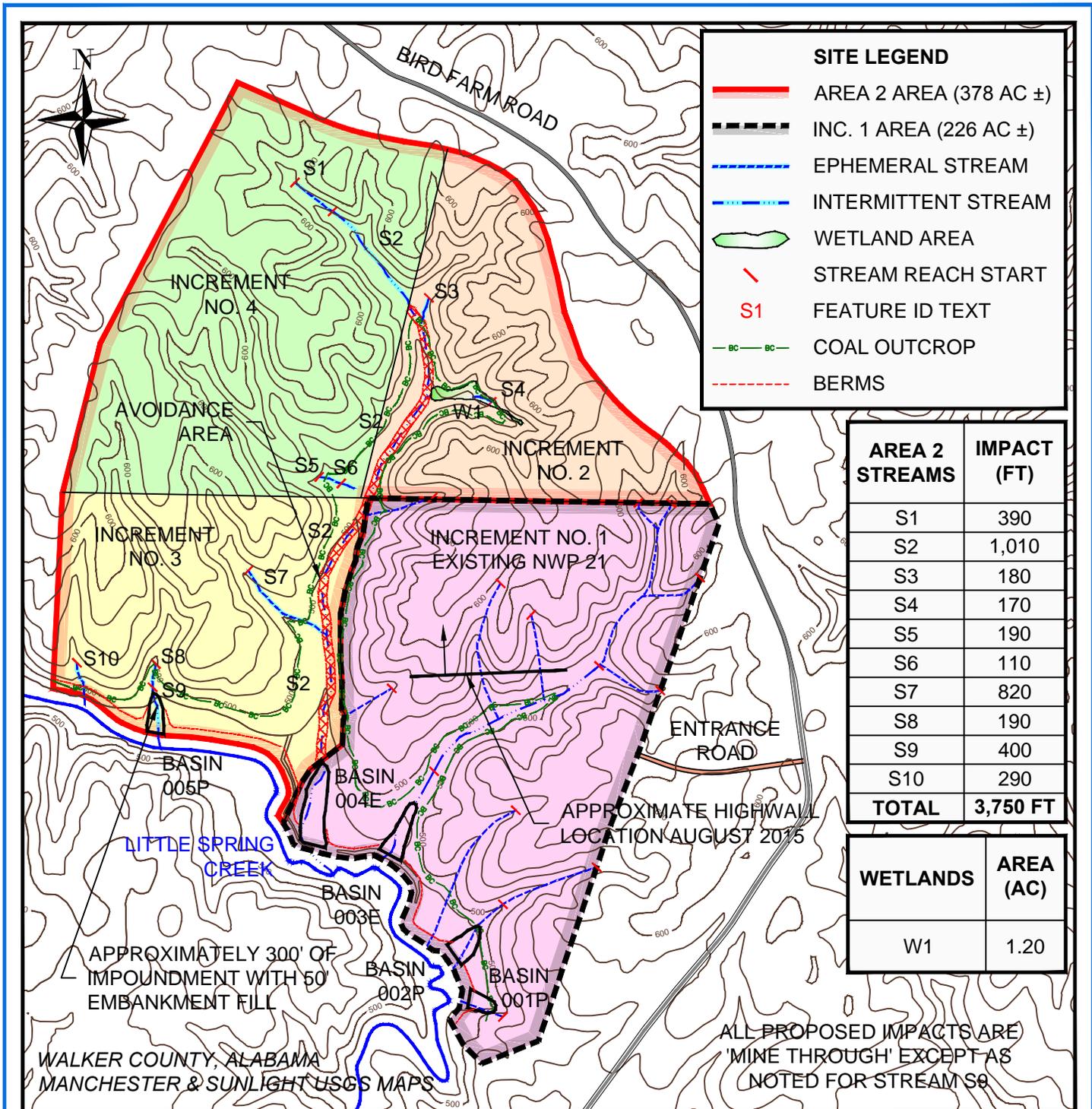


Figure 6  
Proposed Waters of the U.S.  
Impact Map and Existing Little  
Spring Creek Mine Area 1  
SAM-2011-00880-CHE  
Little Spring Creek Area 2 Mine

**PROJECT MAP: SAM-2011-00880-CHE**

**CEDAR LAKE MINING, INC.**  
**TLE SPRING CREEK EAST MINE - AREA 2**

DRAWN BY: Z.B.W.	DATE: 8/26/2015
SCALE: 1" = 1200'	EXHIBIT B MAP 5



**WILBANKS ENGINEERING  
& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373

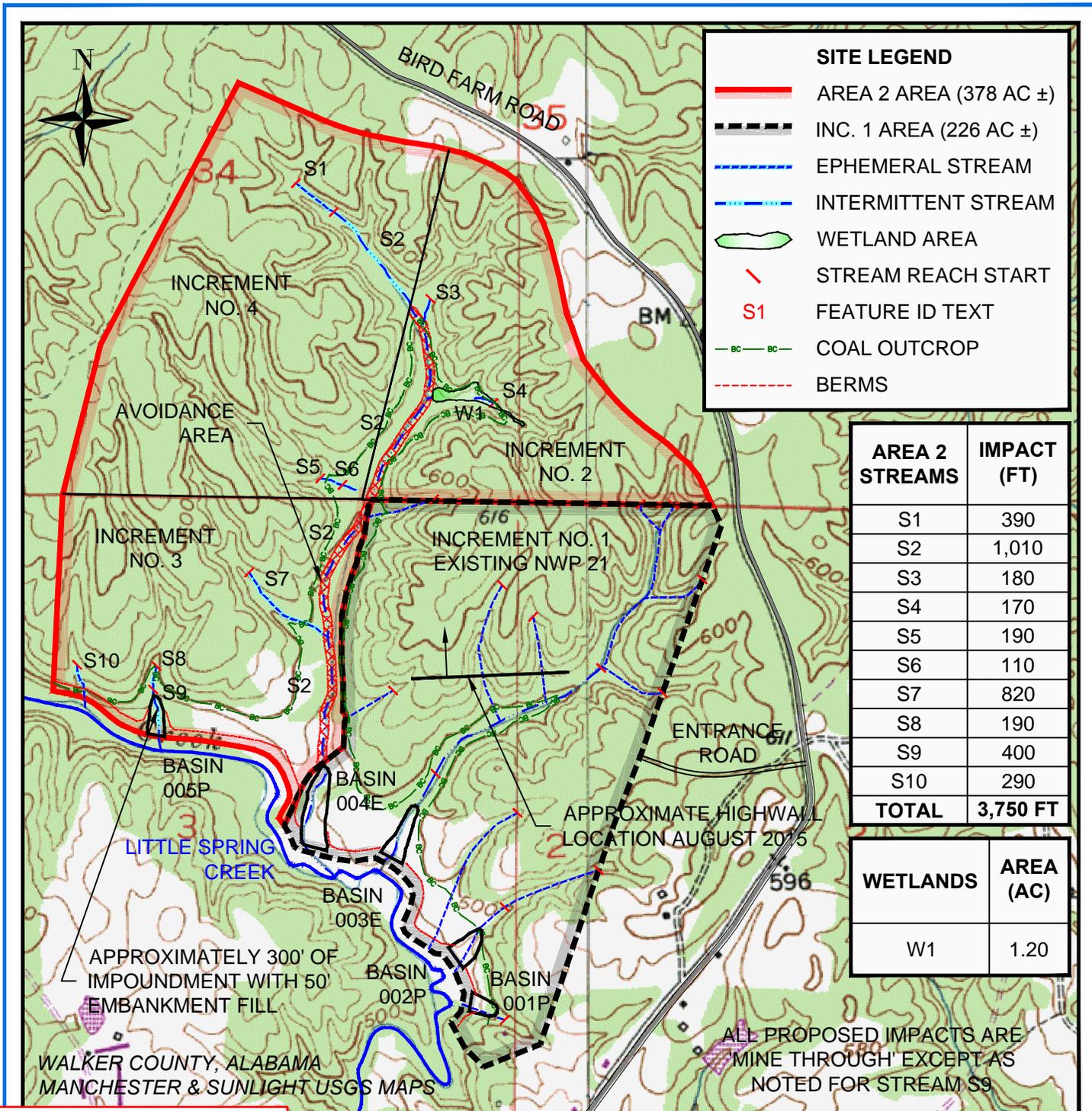


Figure 7  
Proposed Waters of the U.S.  
Impact Map and Existing Little  
Spring Creek Mine Area 1  
SAM-2011-00880-CHE  
Little Spring Creek Area 2 Mine

**PROJECT MAP: SAM-2011-00880-CHE**

**CEDAR LAKE MINING, INC.**  
**LITTLE SPRING CREEK EAST MINE - AREA 2**

DRAWN BY:  
Z.B.W.

DATE:  
8/26/2015

SCALE:  
1" = 1200'

EXHIBIT B  
MAP 6



**WILBANKS ENGINEERING  
& ENVIRONMENTAL SOLUTIONS, LLC**

297 LOTAWATA DR., JASPER, AL 35504 (205) 412-3373