



**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-2012-01045-LCB**

**July 31, 2013**

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

**PROPOSED PLACEMENT OF FILL MATERIAL IN WETLANDS AND UNNAMED**  
**TRIBUTARIES TO PINEY WOODS CREEK AND THE CAHABA RIVER IN**  
**ASSOCIATION WITH THE PROPOSED GURNEE MINE**  
**SHELBY 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). Please communicate this information to interested parties.

**APPLICANT:** Jesse Creek Mining, LLC  
1669 Mission Hills Road  
Alabaster, Alabama 35007

**AGENT:** McGehee Engineering Corp.  
Attention: Mr. Stephen Blankenship  
450 19<sup>th</sup> Street West  
Jasper, Alabama 35501

**LOCATION:** The proposed project is located in Shelby County, Alabama (N 33.18745, W 86.96855) within Sections 16, 20, 21, 28, 29 and 32, Township 21 South, Range 4 West. The project is located in the Buck Creek 10-digit HUC within the Cahaba River watershed (HUC 03150202).

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

**WORK:** The applicant proposes to surface area mine 527 acres, which includes the discharge of dredged and/or fill material into waters of the United States. These activities would impact 5,616 linear feet of intermittent streams, 946 linear feet of ephemeral streams, and 0.43 acre of wetlands.

Proposed Project Impacts

Site	Latitude	Longitude	Size	Classification	Impact
S-3	33.1865	-86.9699	934 ft	intermittent	Mine through
S-4	33.1857	-86.9677	110 ft	ephemeral	Mine through
S-5	33.1827	-86.9736	132 ft	intermittent	Mine through
S-6	33.183	-86.9719	185 ft	ephemeral	Mine through
S-7	33.1812	-86.9736	411 ft	intermittent	Detention pond and mine through
S-8	33.1807	-86.9719	334 ft	ephemeral	Mine through
S-9	33.1779	-86.9755	2526 ft	intermittent	Detention pond and mine through
S-11	33.1798	-86.977	181 ft	ephemeral	Mine through
S-12	33.1909	-86.9674	1268 ft	intermittent	Detention pond and mine through
S-14	33.2082	-86.958	345 ft	intermittent	Detention Pond
S-16	33.1823	-86.9761	136 ft	ephemeral	Detention Pond
W-4	33.1791	-86.9772	0.18 acre	forested	Mine through
W-6	33.178	-86.977	.25 acre	scrub shrub	Mine through

**AVOIDANCE & MINIMIZATION:** The applicant stated total avoidance of all jurisdictional waters is not possible due to the location of the coal seams and topography. The applicant adjusted the project boundary from the original design, which has reduced the impacts to intermittent streams by 9,880 linear feet, ephemeral streams by 324 linear feet and wetlands by 1.1 acres.

**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.

**MITIGATION:** The applicant utilized the Mobile District 2012 Compensatory Stream Mitigation Standard Operation Procedures and Guidelines to establish the number of stream credits required to mitigate for the stream impacts, which is 19,019. The applicant will generate the required number of stream credits through off-site permittee responsible mitigation in the same watershed as the impact area. Utilizing the Wetland Rapid Assessment, 0.144 wetland credits are required to mitigate for the wetland impacts. The applicant proposes to purchase the required wetland credits from a mitigation bank.

**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 U.S. Army Corps of Engineers 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 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. 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 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 effect cultural and historic properties within the permit area. A Phase I archaeological study was conducted at the site in August 2012. Following a review of the Phase I report, the Alabama Historical Commission provided project concurrence to the applicant via letter dated October 2, 2012 (AHC 12-1548) provided one recorded site is avoided, which is outside of the project boundary under review. Copies of this public notice are being sent to the State Historic Preservation Officer for review.

**ENDANGERED/THREATENED SPECIES:** 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 not affect listed endangered or threatened species or their critical habitat. The applicant coordinated this project with the United States Fish and Wildlife Service (USFWS). The USFWS responded in November 2012 (2013-TA-0054) that no federally listed species/critical habitat occur in the project area. Copies of this public notice are being sent to the USFWS for review.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2012-01045-LCB and should be directed to:

U.S. Army Corps of Engineers Mobile District  
Birmingham Field Office  
Attn: Courtney Shea  
218 Summit Parkway, Suite 222  
Homewood, AL 35209

with a copy to the:

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

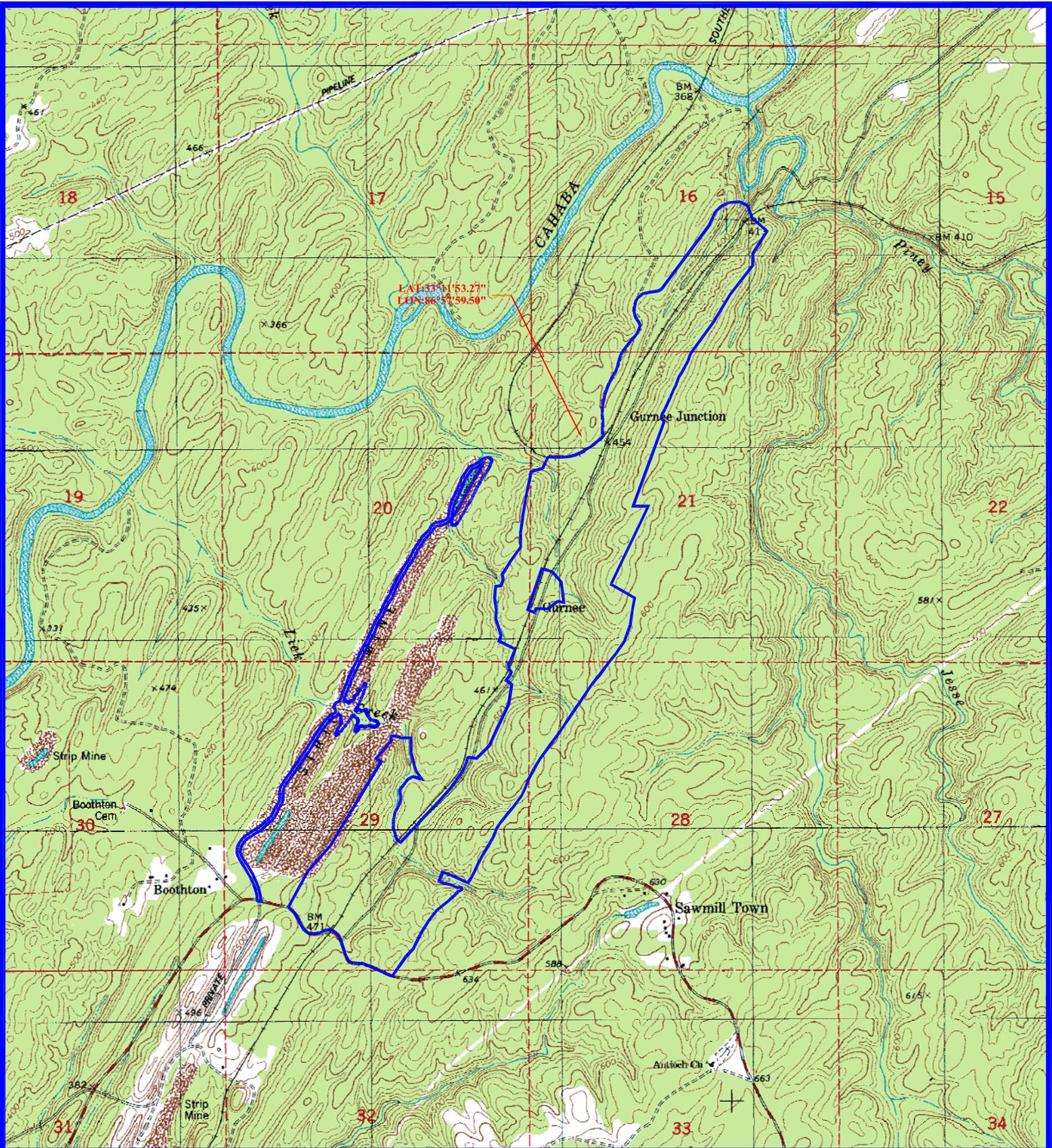
Comments should be received no later than **30 days** from the date of this Public notice.

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>, and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



SCALE: 1" = 2000'  
June 26th, 2013

**Figure 1**  
**SAM-2012-01045-LCB**  
**Project Area Map**

**JESSE CREEK MINING, LLC.**  
**GURNEE MINE**  
(APPROXIMATELY 527 ACRES TOTAL)

**PROJECT AREA MAP**

SECTIONS 16, 20, 21, 28, 29 & 32, TOWNSHIP 21 SOUTH, RANGE 4 WEST,  
ALL IN SHELBY COUNTY, ALABAMA  
AS FOUND ON THE PEA RIDGE, ALABAMA USGS QUAD.



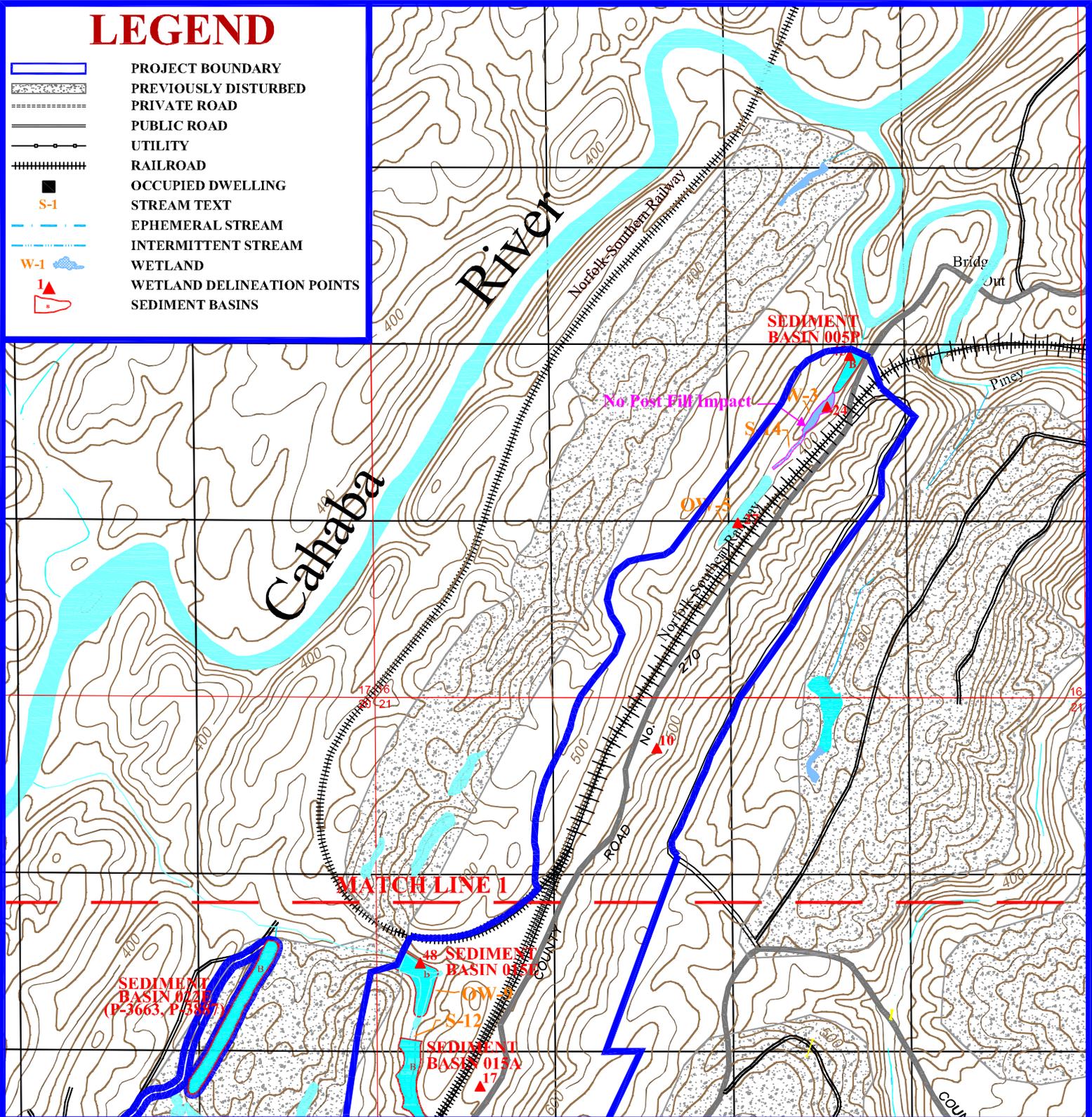
**MEC**  
mcgee engineering corp  
post office box 9431  
tuscaloosa, alabama 35502-3431  
telephone: (205) 221-0688 fax: 221-7721  
email: staff@mcgee.com

PROJECT BOUNDARY

Latitude: 33°11'53" N  
Longitude: 86°57'59" W

# LEGEND

-  PROJECT BOUNDARY
-  PREVIOUSLY DISTURBED
-  PRIVATE ROAD
-  PUBLIC ROAD
-  UTILITY
-  RAILROAD
-  OCCUPIED DWELLING
-  S-1 STREAM TEXT
-  EPHEMERAL STREAM
-  INTERMITTENT STREAM
-  W-1 WETLAND
-  WETLAND DELINEATION POINTS
-  SEDIMENT BASINS



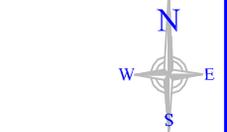
SCALE: 1" = 1000'  
June 20th, 2013

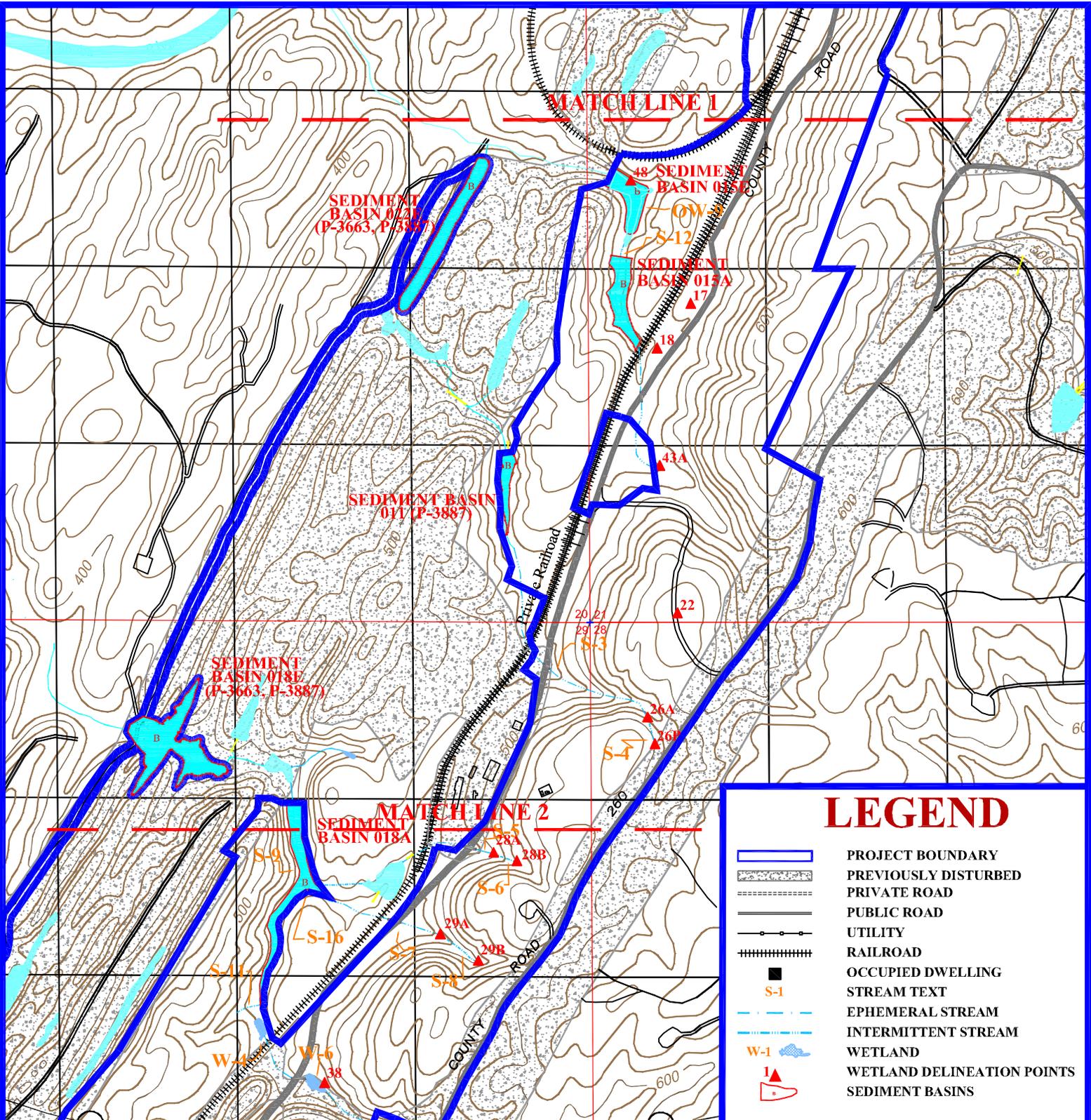
**Figure 2**  
**SAM-2012-01045-LCB**  
**Jurisdictional Impacts**  
**Map 1 of 3**

**JESSE CREEK MINING, LLC.**  
**GURNEE MINE**  
(APPROXIMATELY 527 ACRES TOTAL)

## JURISDICTIONAL IMPACTS MAP

SECTIONS 16, 20, 21, 28, 29 & 32, TOWNSHIP 21 SOUTH, RANGE 4 WEST,  
ALL IN SHELBY COUNTY, ALABAMA  
AS FOUND ON THE PEA RIDGE, ALABAMA USGS QUAD.





# LEGEND

- PROJECT BOUNDARY
- PREVIOUSLY DISTURBED
- PRIVATE ROAD
- PUBLIC ROAD
- UTILITY
- RAILROAD
- OCCUPIED DWELLING
- S-1
- STREAM TEXT
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- W-1
- WETLAND
- WETLAND DELINEATION POINTS
- SEDIMENT BASINS

SCALE: 1" = 1000'  
June 20th, 2013

**Figure 3**  
**SAM-2012-01045-LCB**  
**Jurisdictional Impacts**  
**Map 2 of 3**

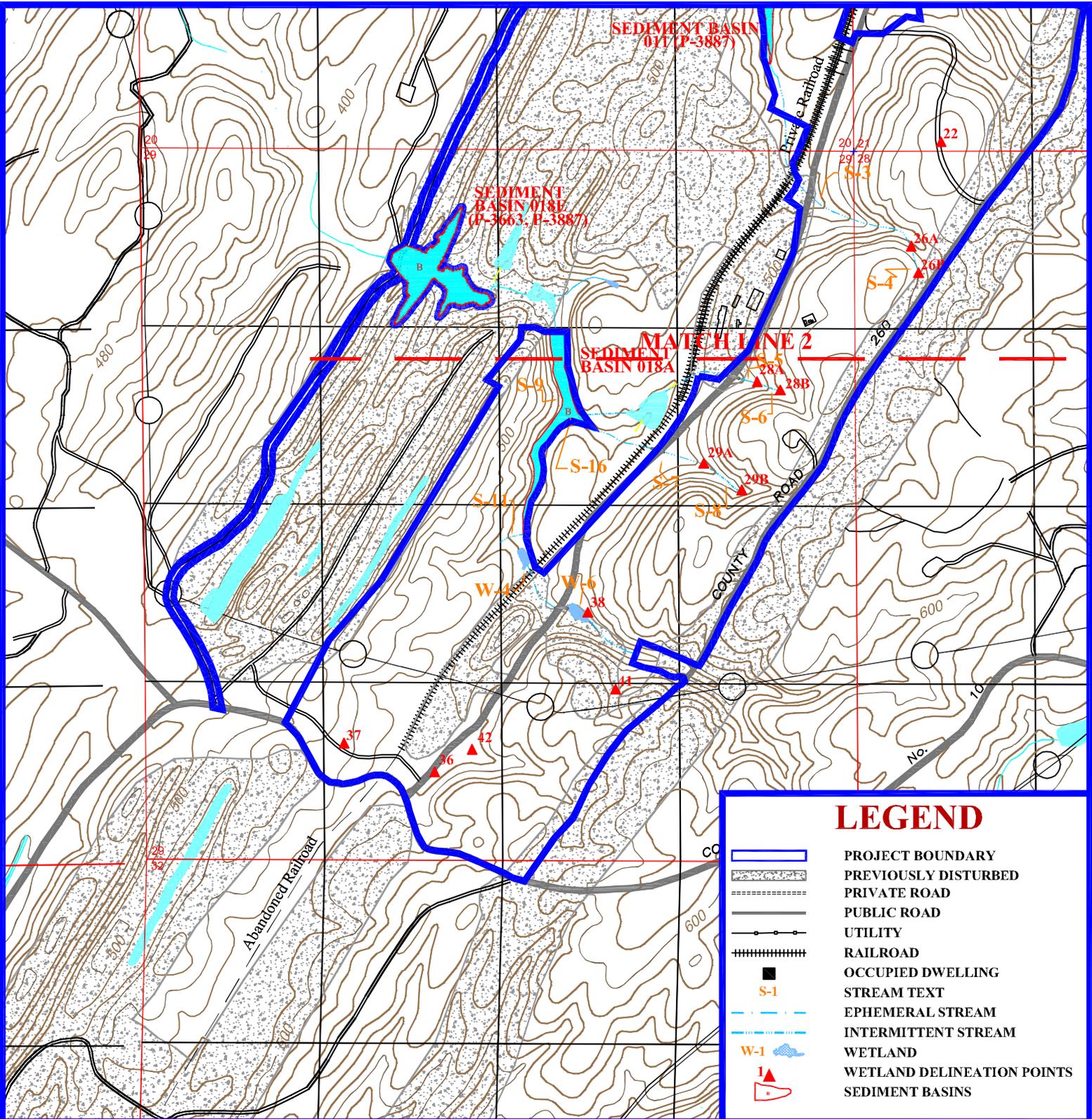
**JESSE CREEK MINING, LLC.**  
**GURNEE MINE**  
(APPROXIMATELY 527 ACRES TOTAL)

## JURISDICTIONAL IMPACTS MAP



SECTIONS 16, 20, 21, 28, 29 & 32, TOWNSHIP 21 SOUTH, RANGE 4 WEST,  
ALL IN SHELBY COUNTY, ALABAMA  
AS FOUND ON THE PEA RIDGE, ALABAMA USGS QUAD.





LEGEND	
	PROJECT BOUNDARY
	PREVIOUSLY DISTURBED
	PRIVATE ROAD
	PUBLIC ROAD
	UTILITY
	RAILROAD
	OCCUPIED DWELLING
	STREAM TEXT
	EPHEMERAL STREAM
	INTERMITTENT STREAM
	WETLAND
	WETLAND DELINEATION POINTS
	SEDIMENT BASINS

SCALE: 1" = 1000'  
June 20th, 2013

**Figure 4**  
**SAM-2012-01045-LCB**  
**Jurisdictional Impacts**  
**Map 3 of 3**

**JESSE CREEK MINING, LLC.**  
**GURNEE MINE**  
(APPROXIMATELY 527 ACRES TOTAL)

**JURISDICTIONAL IMPACTS MAP**



SECTIONS 16, 20, 21, 28, 29 & 32, TOWNSHIP 21 SOUTH, RANGE 4 WEST,  
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