



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-2012-01210-CMS

July 26, 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 CROOKED CREEK AND LOCUST FORK IN ASSOCIATION WITH
THE PROPOSED BLACK CREEK SURFACE COAL MINE
JEFFERSON 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: Global Met Coal Corporation
Attention: George Heard
837 West Hastings Street
Suite 204
Vancouver, BC Canada
V6C 3N6

AGENT: Delta Natural Resource Services, Inc.
Attention: Mr. Cleo Stubbs
Post Office Box 941
Hartselle, Alabama 35640

LOCATION: The proposed project is located in Jefferson County, Alabama (N33.752037, W86.889374) within Sections 6 and 7, Township 15 South, Range 3 West. The project is located in the Lower Locust Fork 10-digit HUC within the Locust Fork watershed (HUC 03160111).

PROJECT PURPOSE: The project purpose is for a proposed surface coal mine.

WORK: The applicant proposes to surface area mine 278 acres, which includes the discharge of dredged and/or fill material into waters of the United States. These activities would impact 3,840 linear feet of intermittent streams, 5,920 linear feet of ephemeral streams, and 0.72 acre of wetlands.

Proposed Project Impacts

Site I.D.	Latitude	Longitude	Class	Size	Proposed Impact
1A	N33.749359	W86.889536	Ephemeral	480 lf	Mine Through
1B	N33.750499	W86.890581	Intermittent	1840 lf	Impoundment and Mine Through
2	N33.752563	W86.892349	Ephemeral	680 lf	Mine Through
3	N33.750018	W86.892427	Ephemeral	540 lf	Mine Through
4	N33.749007	W86.888020	Ephemeral	940 lf	Mine Through
5	N33.751353	W86.887367	Intermittent	1040 lf	Impoundment and Mine Through
6	N33.750071	W86.885360	Ephemeral	580 lf	Impoundment and Mine Through
7	N33.748426	W86.884393	Ephemeral	180 lf	Impoundment and Mine Through
8A	N33.746217	W86.888019	Ephemeral	640 lf	Mine Through
8B	N33.745800	W86.885808	Intermittent	740 lf	Impoundment and Mine Through
9	N33.746878	W86.885682	Ephemeral	460 lf	Mine Through
10	N33.744460	W86.885921	Ephemeral	520 lf	Mine Through
11	N33.743723	W86.884487	Ephemeral	520 lf	Mine Through
12	N33.741696	W86.884088	Ephemeral	80 lf	Mine Through
12B	N33.741422	W86.884054	Intermittent	220 lf	Impoundment and Mine Through
13	N33.741590	W86.884988	Ephemeral	300 lf	Impoundment and Mine Through
W1	N33.748995	W86.888046	PFO	0.51 acre	Mine Through
W2	N33.746194	W86.888063	PFO	0.21 acre	Mine Through

AVOIDANCE & MINIMIZATION: The applicant stated the project boundary was adjusted to maximize coal recovery from the site and reduce impacts to aquatic resources on site. The boundary adjustment reduced impacts to intermittent streams by 2,000 feet and ephemeral streams by 2,500 linear feet.

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 21,203.8. The applicant will generate the required number of stream credits through on-site stream reconstruction and buffer restoration following completion of mining activities at the site. Utilizing the Wetland Rapid Assessment, 0.42 wetland credits are required to mitigate for the wetland impacts. The applicant proposes to create 0.7 wetland credits on-site following mining activities at the site.

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 October 2012. Following a review of the Phase I report, the Alabama Historical Commission provided project concurrence to the applicant via letter dated November 19, 2012 (AHC 13-0101). The letter stated, "Upon review of the cultural resource assessment conducted [for] the above referenced project, we have determined that project activities will have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places". Copies of this public notice are being sent to the State Historic Preservation Officer for review.

ENDANGERED/THREATENED SPECIES: The applicant contracted a biologist to survey the Locust Fork and Crooked Creek adjacent to the site for habitat and the possible presence of federally listed threatened and endangered species. The survey report indicates listed species were not located within Crooked Creek, but the plicate rocksnail (*Leptoxis plicata*) was located in the Locust Fork survey area. The applicant stated a minimum 100-ft setback will be maintained along Crooked Creek and the Locust Fork. The applicant coordinated the project with the U.S. Fish and Wildlife Service (USFWS), which stated via letter dated December 3, 2012 (Ref. 2012-TA-0674a), "...if BMPs and sediment controls are implemented and fully adhered to, we believe that impacts of these listed aquatic species can be minimized". 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-2012-01210-CMS 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

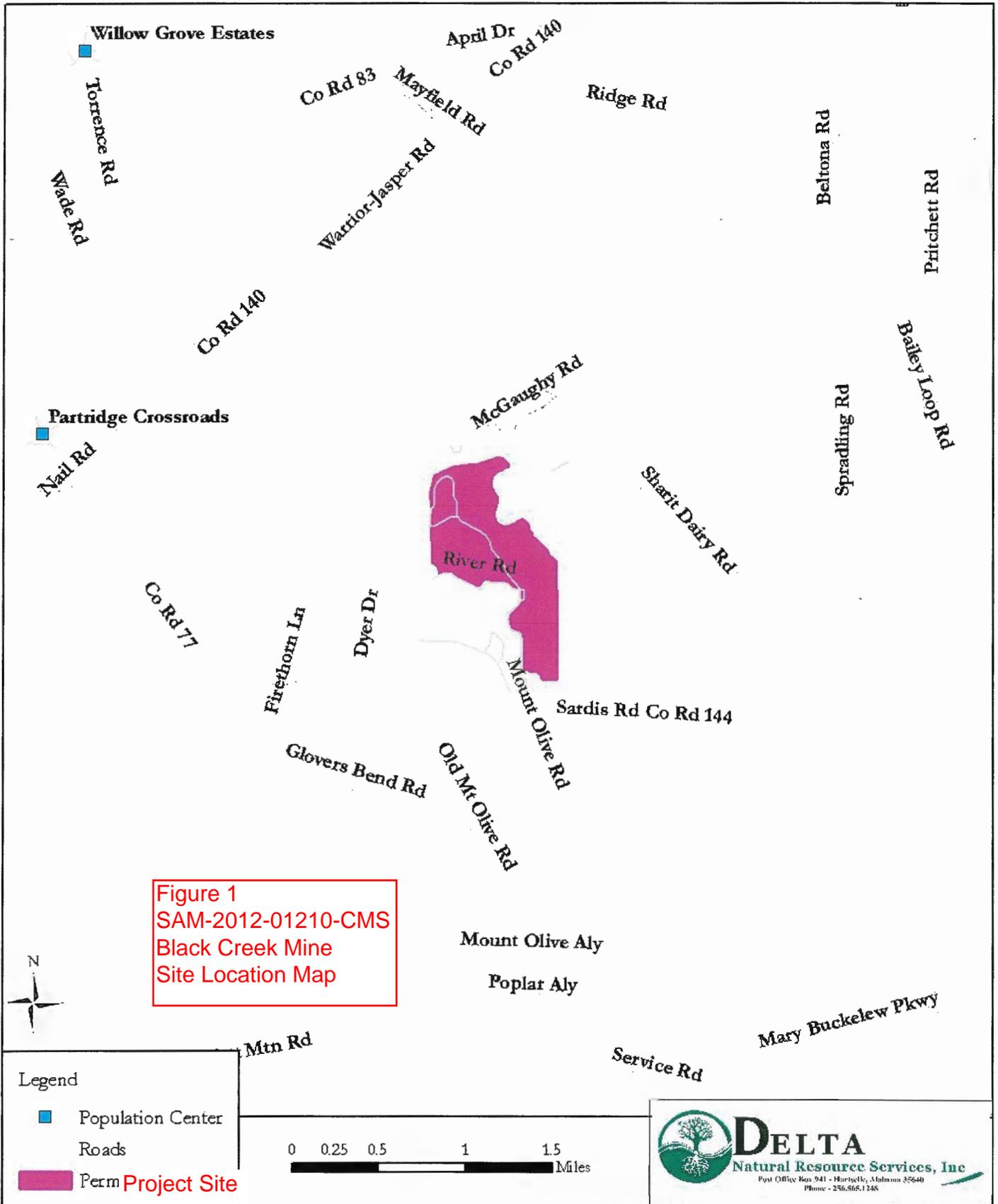
Comments should be received no later than **30 days** from the date of this Public notice.

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



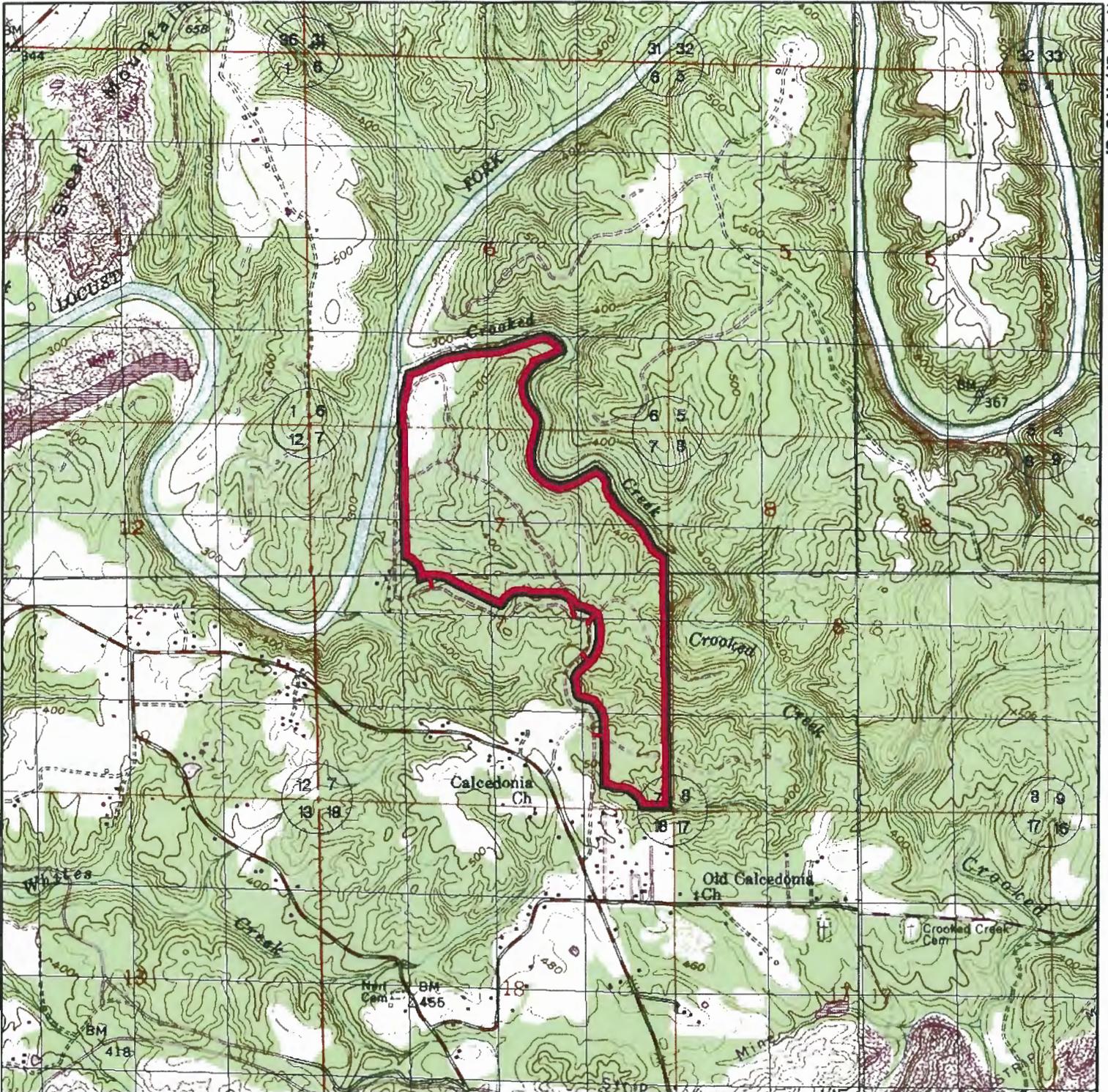


Figure 2
 SAM-2012-01210-CMS
 Black Creek Mine
 Topographic Map

LEGEND

 AREA OF INTEREST

Note: Base taken from Brookside, Warrior, Creel & Gardendale, Alabama U.S.G.S. Quadrangle.

Scale 1" = 2000'



SITE LOCATION MAP
GLOBAL MET COAL CORP.
BLACK CREEK MINE / P-
PART OF SECTIONS 6 & 7
TOWNSHIP 15 SOUTH, RANGE 3 WEST
JEFFERSON COUNTY, ALABAMA

DRAWN BY: G.O.R.
 DWG. NAME: GMCCBCSLM

DATE: 9/4/12

APPROVED BY: J.H.F.

SCALE: 1"=2000'



1 inch = 660 feet

Water Flow Path Attributes			
WFP ID	Longitude	Latitude	Length (Ft)
1A	W86 53.3712	N33 44.96805	480
1B	W86 53.4325	N33 45.02167	1840
2	W86 53.5389	N33 45.15393	680
3	W86 53.54815	N33 45.00225	540
4	W86 53.28232	N33 44.94045	940
5	W86 53.24088	N33 45.08225	1040
6	W86 53.12507	N33 45.00317	580
7	W86 53.05785	N33 44.90555	180
8A	W86 53.28445	N33 44.77143	640
8B	W86 53.1485	N33 44.74822	740
9	W86 53.13827	N33 44.81205	460
10	W86 53.15487	N33 44.66637	520
11	W86 53.06858	N33 44.62302	520
12	W86 53.04415	N33 44.49803	80
12B	W86 53.04288	N33 44.48405	220
13	W86 53.09682	N33 44.49303	300

Legend

- Waypoints of Interest
- ▲ WFP Segment Start Point
- Water Flow Path
- ▭ Linear Wetland
- ▭ Road
- ▭ Permit Project Site

Figure 3
SAM-2012-01210-CMS
Black Creek Mine
Delineation/Impact Map

0 330 660 1,320 1,980 Feet



Creel DOQ
Brookside DOQ
S6, 7 T15S R3W

1 inch = 495 feet

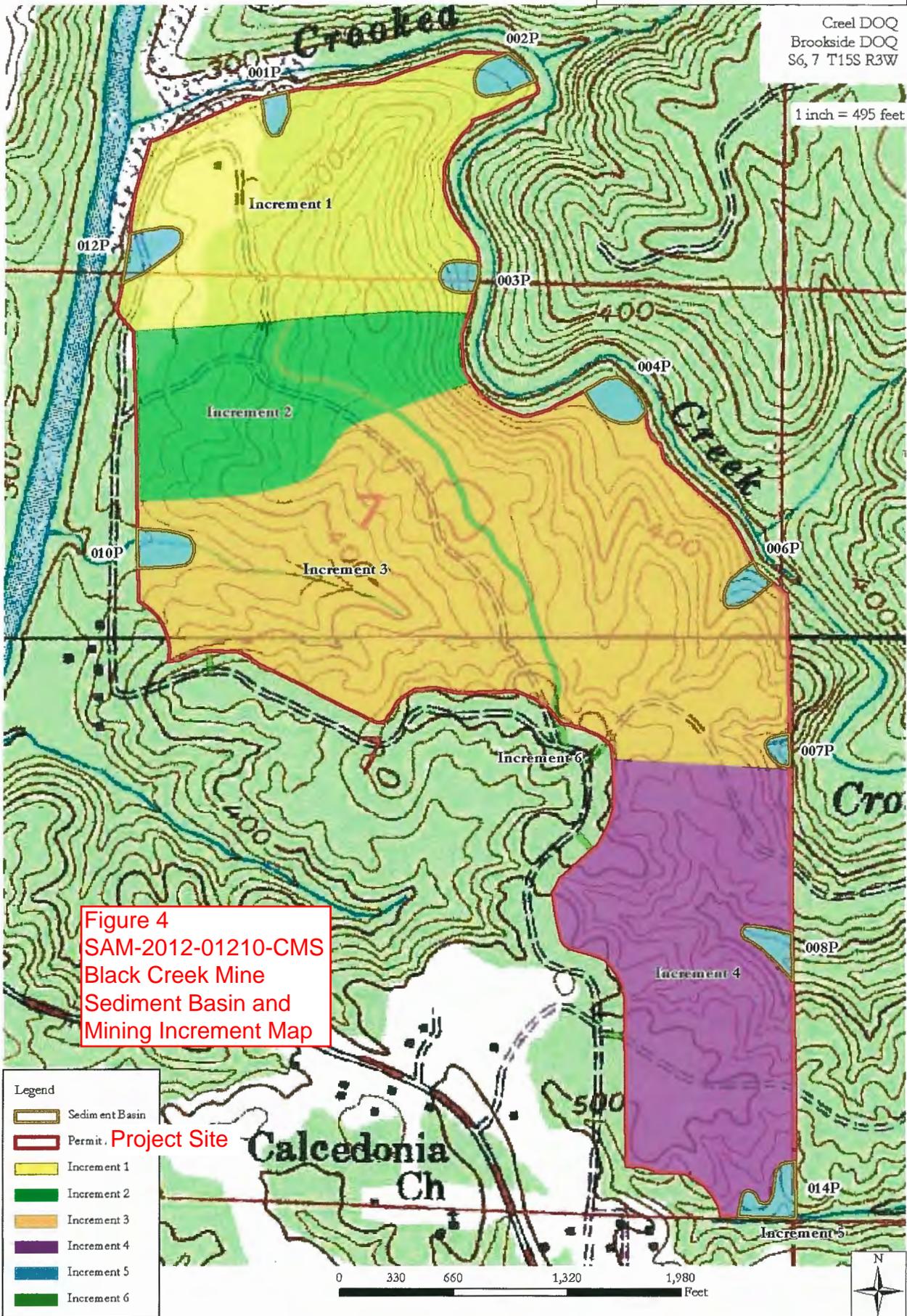


Figure 4
SAM-2012-01210-CMS
Black Creek Mine
Sediment Basin and
Mining Increment Map

Legend

- Sediment Basin
- Permit, Project Site
- Increment 1
- Increment 2
- Increment 3
- Increment 4
- Increment 5
- Increment 6