



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-2013-00514-CMS

October 22, 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 FISHTRAP BRANCH IN ASSOCIATION WITH THE PROPOSED
FISHTRAP MINE NO. 2 REVISION R-3
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: WB Mining, LLC
3699 Industrial Boulevard
Jasper, Alabama 35501

AGENT: McGehee Engineering Corp.
Attention: Mr. Stephen Blankenship
450 19th Street West
Jasper, Alabama 35501

LOCATION: The proposed project is located in Jefferson County, Alabama (N 33.593208, W 87.041993) within Sections 2 and 3, Township 17 South, Range 5 West and Section 34, Township 16 South, Range 5 West. The project is located in the Lower Locust Fork 10-digit HUC within the Locust Fork watershed (HUC 03160111).

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

WORK: The applicant proposes to surface area mine 167 acres, which includes the discharge of dredged and/or fill material into waters of the United States. These activities would impact 2,463 linear feet of intermittent streams, 870 linear feet of ephemeral streams, and 0.33 acre of wetlands.

Proposed Project Impacts

Site	Latitude	Longitude	Size	Classification	Impact
S-6	33.58916	-87.04916	406 ft	intermittent	Mine through
S-7	33.58805	-87.0477	157 ft	ephemeral	Mine through
S-8	33.5883	-87.0475	237 ft	ephemeral	Mine through
S-9	33.595	-87.0427	814 ft	intermittent	Mine through
S-10	33.5916	-87.0416	476 ft	ephemeral	Mine through
S-12	33.59194	-87.04638	549 ft	intermittent	Mine through
S-13	33.59694	-87.04305	694 ft	intermittent	Mine through
W-1	33.59361	-87.0416	0.23	palustrine scrub shrub	Mine through
W-3	33.59694	-87.04083	0.10	palustrine 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 7,545 linear feet and ephemeral streams by 1,472 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 proposes to purchase the required stream and wetland credits from a Corps approved 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. The Alabama Historical Commission provided project concurrence to the applicant via letter dated May 13, 2013 (AHC 08-0621). 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 with a stamped reply dated June 28, 2013 (2006-TA-0869) 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2013-00514-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

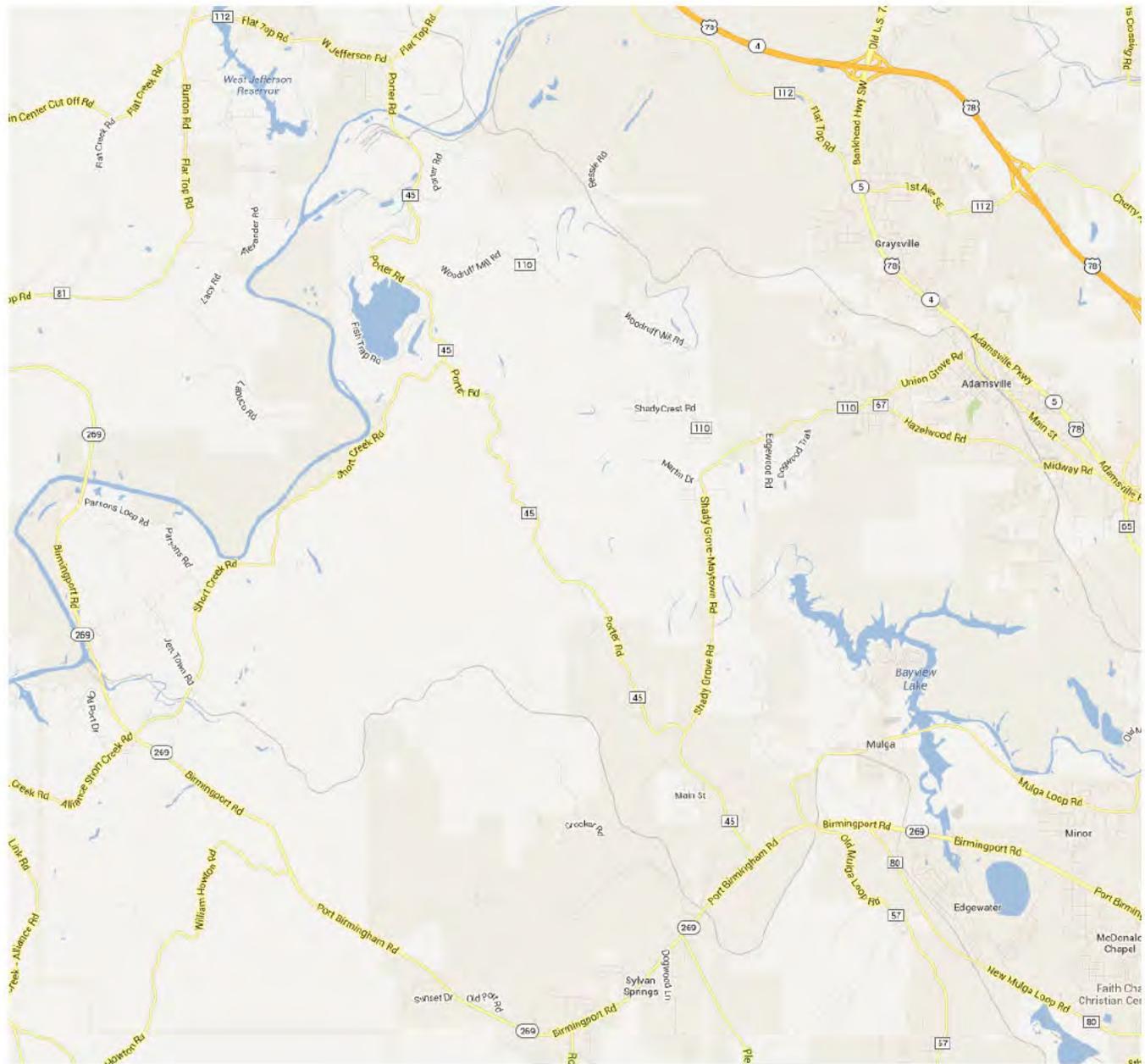
Comments should be received no later than **30 days** from the date of this Public notice.

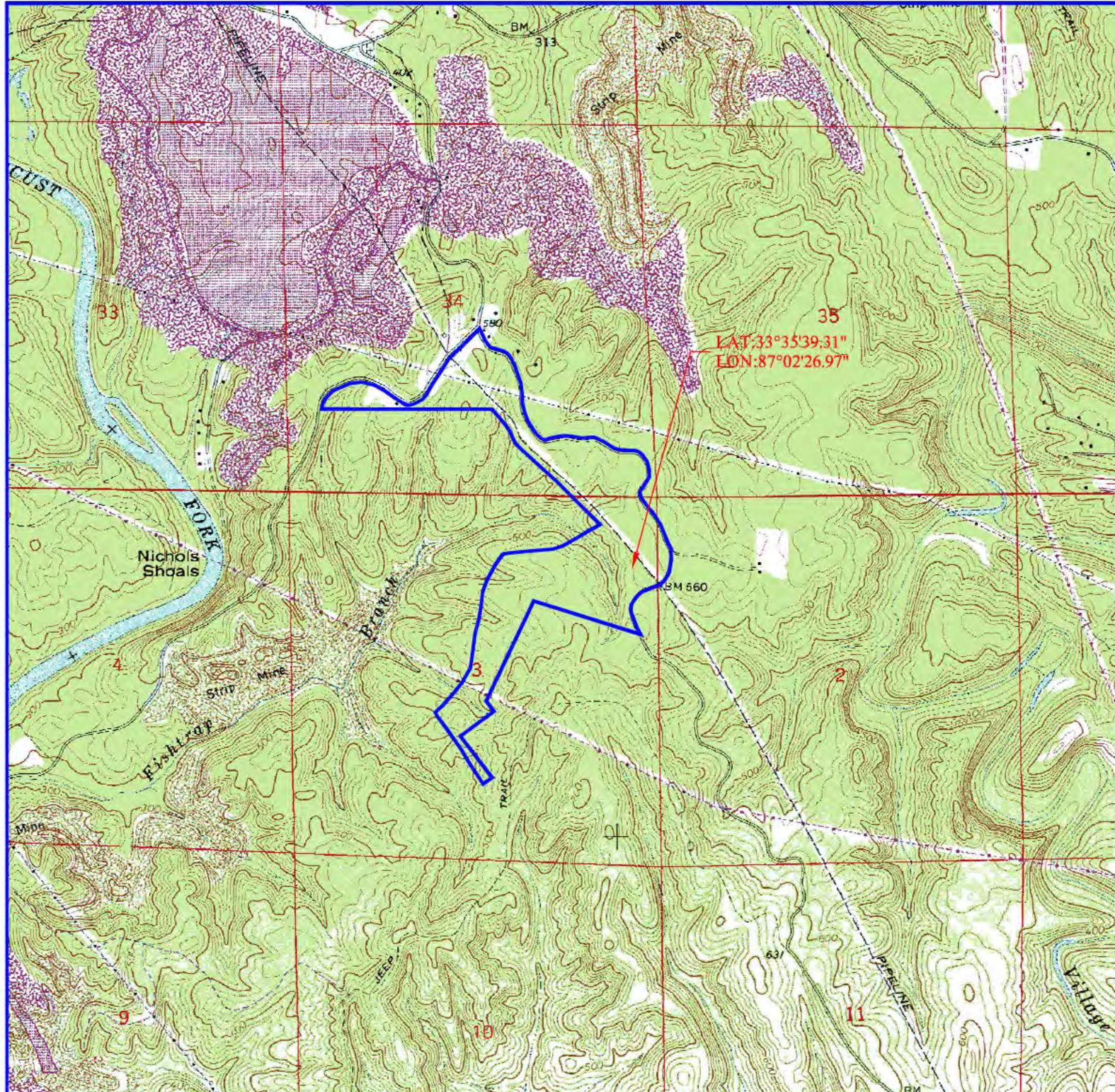
If you have any questions concerning this publication, you may contact the project manager via e-mail at **Courtney.M.Shea@usace.army.mil** or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

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





SCALE: 1" = 2000'
 July 31st, 2013

W.B. MINING, LLC.
FISHTRAP MINE NO. 2
 (APPROXIMATELY 167 ACRES TOTAL)



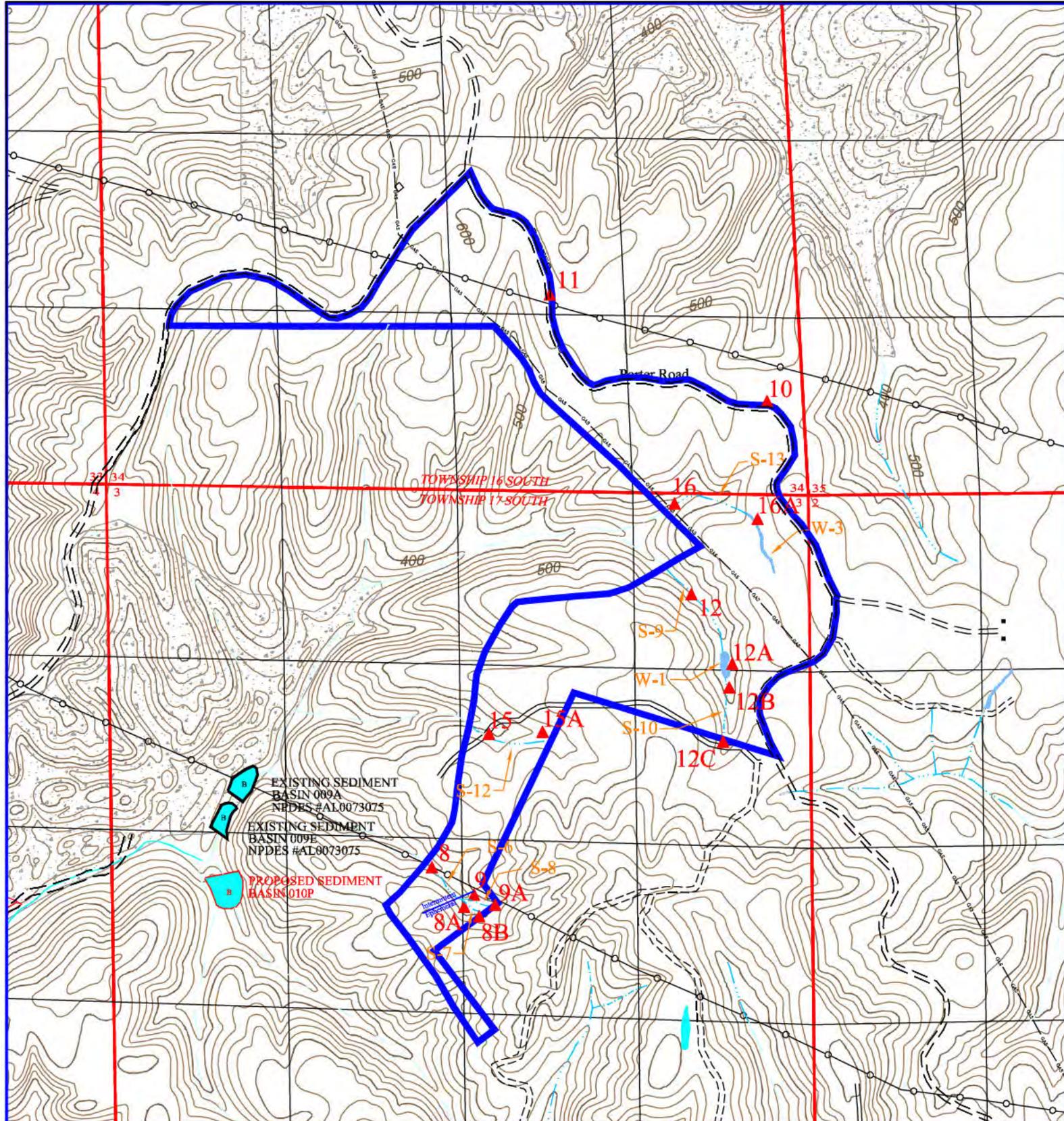
PROJECT AREA MAP

SECTION 34, TOWNSHIP 16 SOUTH, RANGE 5 WEST,
 SECTIONS 2 & 3, TOWNSHIP 17 SOUTH, RANGE 5 WEST,
 ALL IN JEFFERSON COUNTY, ALABAMA
 AS FOUND ON THE SYLVAN SPRINGS, ALABAMA USGS QUAD.



 REVISION R-3

Latitude: 33°35'39" N
 Longitude: 87°02'27" W



SCALE: 1" = 1000'
July 31st, 2013

W.B. MINING, LLC.
FISHTRAP MINE NO. 2
(APPROXIMATELY 167 ACRES TOTAL)



JURISDICTIONAL IMPACTS MAP

LEGEND

- R-3 IP PROJECT BOUNDARY
- PREVIOUSLY DISTURBED
- PRIVATE ROAD
- PUBLIC ROAD
- UTILITY
- RAILROAD
- OCCUPIED DWELLING
- STREAM TEXT
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- WETLAND
- WETLAND DELINEATION POINTS
- SEDIMENT BASINS



Latitude: 33°35'39" N
Longitude: 87°02'27" W