



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-2014-00201-CMS

October 24, 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 THE
MULBERRY FORK IN ASSOCIATION WITH THE PROPOSED
BURTON BEND MINE NO.3
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). Please communicate this information to interested parties.

APPLICANT: Centennial Natural Resources, LLC
3699 Industrial Boulevard
Jasper, Alabama 35501

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

LOCATION: The proposed project is located in Walker County, Alabama (33.818313, -87.104513) within Sections 17, 18 and 19, Township 14 South, Range 5 West. The project is located in the Cane Creek 10-digit HUC within the Mulberry Fork watershed (HUC 03160109).

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

WORK: The applicant proposes to surface area mine 286 acres, which includes the discharge of dredged and/or fill material into waters of the United States. These activities would impact 9,042 linear feet of intermittent streams and 3,322 linear feet of ephemeral streams.

Proposed Project Impacts

| Name | Latitude | Longitude | Impact length (ft) | Classification | Impact |
|------|----------|-----------|--------------------|----------------|--------------------------------|
| S-1 | 33.8083 | -87.1066 | 1996 | intermittent | Sediment Pond and mine through |
| S-2 | 33.811 | -87.10583 | 70 | ephemeral | Mine through |
| S-5 | 33.81277 | -87.1046 | 441 | ephemeral | Mine through |
| S-11 | 33.8175 | -87.0969 | 1985 | intermittent | Sediment Pond and mine through |
| S-12 | 33.8172 | -87.0986 | 440 | ephemeral | Sediment Pond and mine through |
| S-13 | 33.81805 | -87.10249 | 829 | ephemeral | Mine through |
| S-14 | 33.8188 | -87.0997 | 288 | intermittent | Sediment Pond and mine through |
| S-15 | 33.8222 | -87.1 | 288 | ephemeral | Mine through |
| S-16 | 33.8163 | -87.09805 | 2305 | intermittent | Sediment Pond and mine through |
| S-17 | 33.81972 | -87.1011 | 399 | ephemeral | Mine through |
| S-19 | 33.8155 | -87.11 | 1290 | intermittent | Sediment Pond and mine through |
| S-20 | 33.8175 | -87.10805 | 288 | ephemeral | Mine through |
| S-21 | 33.8136 | -87.1072 | 1178 | intermittent | Sediment Pond and mine through |
| S-22 | 33.8155 | -87.1063 | 233 | ephemeral | Mine through |
| S-23 | 33.81305 | -87.10416 | 334 | ephemeral | 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 of the area. The applicant adjusted the project boundary from the original design, which has reduced the impacts to intermittent streams by 2,240 linear feet and ephemeral streams by 1,084 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 implement on-site and off-site permittee responsible mitigation following completion of mining activities. A complete mitigation plan has not been submitted at this time. Each stream was assessed using the 2012 Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines to calculate necessary compensation for function loss. To compensate for function loss, the applicant would be required to provide at least 37,550.8 stream credits.

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. Cultural Resource Surveys have been performed at the site. The Alabama Historical Commission provided project concurrence to the applicant via letters dated May 19, 2014 (AHC 14-0961) and October 21, 2009 (AHC

09-1148). 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. A habitat survey was conducted at the site in June 2014, which included mist net surveys for the Indiana bat (*Myotis sodalists*) and Northern long-eared bat (*Myotis septentrionalis*). The presence of both was not detected. The applicant coordinated this project with the United States Fish and Wildlife Service (USFWS). The USFWS responded with a reply dated July 2, 2014 (2014-TA-0657) 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-2014-00201-CMS 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

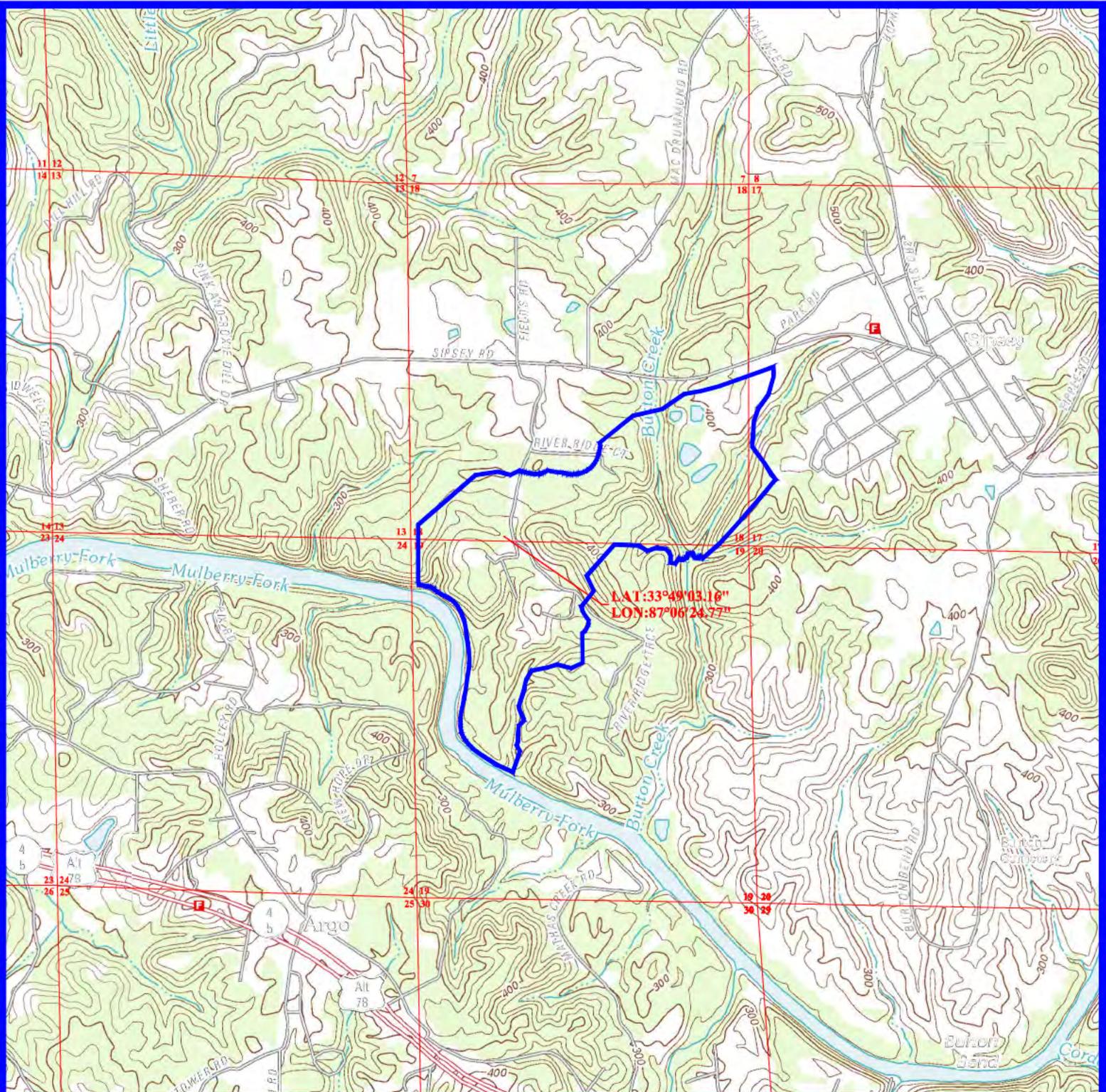
Comments should be received no later than **30 days** from the date of this Public notice.

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



June 19th, 2014
 SCALE: 1" = 2000'
 at 8 1/2" X 11"

CENTENNIAL NATURAL RESOURCES, LLC.
BURTON BEND MINE NO. 3
 (APPROXIMATELY 286 ACRE TOTAL)

PROJECT AREA MAP

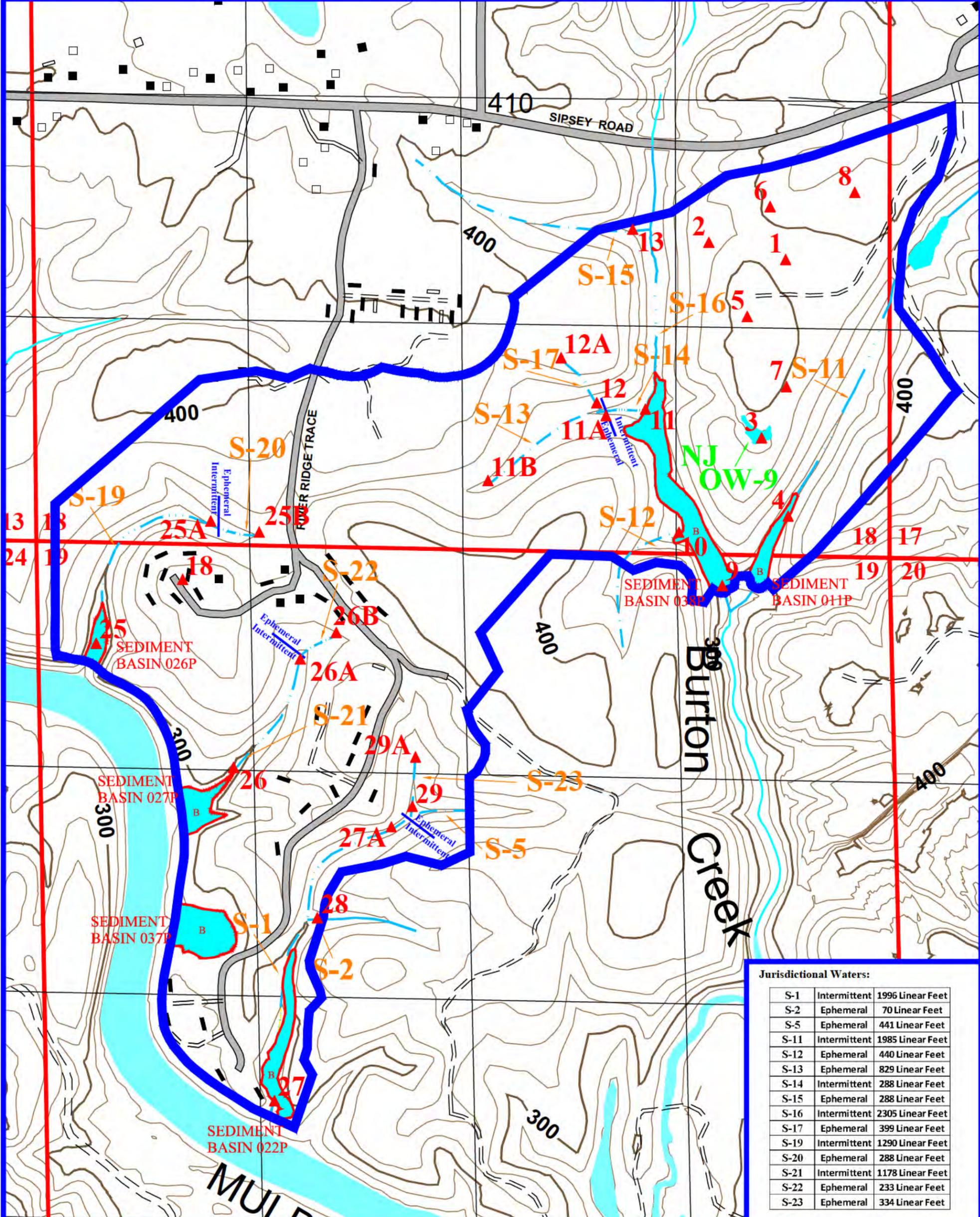
SECTIONS 17, 18 & 19, TOWNSHIP 14 SOUTH, RANGE 5 WEST
ALL IN WALKER COUNTY, ALABAMA
AS FOUND ON THE SIPSEY, AL USGS QUAD (2011)

MEC
mcgehee engineering corp
 post office box 3431
 jasper, alabama 35502-3431
 telephone: (205) 221-0686 fax: 221-7721
 email: staff@mcgehee.org

 **ACOE BOUNDARY**



Latitude: 33°49'03" N
Longitude: 87°06'24" W



Jurisdictional Waters:

| | | |
|------|--------------|------------------|
| S-1 | Intermittent | 1996 Linear Feet |
| S-2 | Ephemeral | 70 Linear Feet |
| S-5 | Ephemeral | 441 Linear Feet |
| S-11 | Intermittent | 1985 Linear Feet |
| S-12 | Ephemeral | 440 Linear Feet |
| S-13 | Ephemeral | 829 Linear Feet |
| S-14 | Intermittent | 288 Linear Feet |
| S-15 | Ephemeral | 288 Linear Feet |
| S-16 | Intermittent | 2305 Linear Feet |
| S-17 | Ephemeral | 399 Linear Feet |
| S-19 | Intermittent | 1290 Linear Feet |
| S-20 | Ephemeral | 288 Linear Feet |
| S-21 | Intermittent | 1178 Linear Feet |
| S-22 | Ephemeral | 233 Linear Feet |
| S-23 | Ephemeral | 334 Linear Feet |

JUNE 19th, 2014
SCALE: 1" = 500'

**CENTENNIAL NATURAL RESOURCES, LLC.
BURTON BEND MINE NO. 3**

JURISDICTIONAL IMPACTS MAP

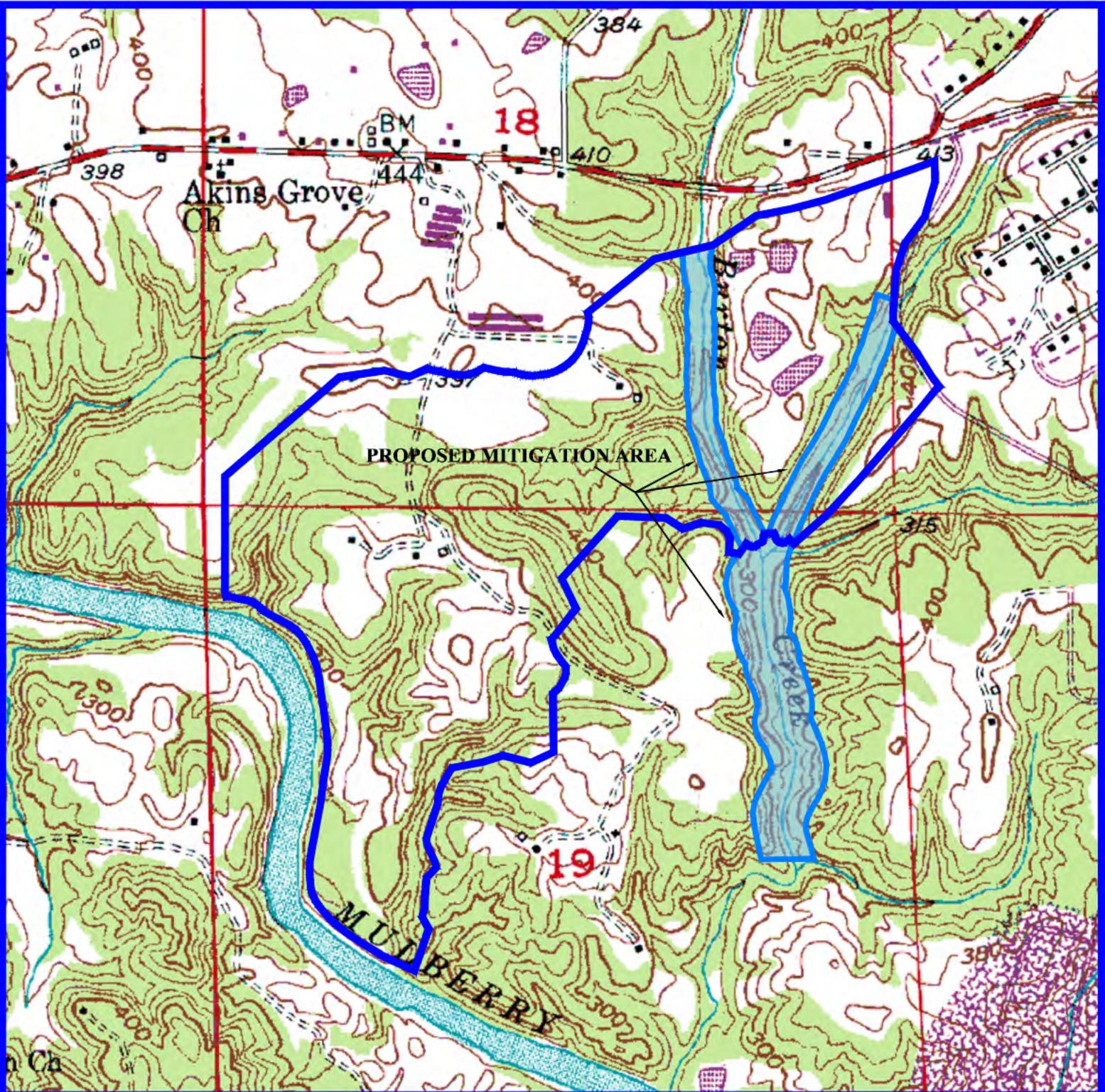
SECTIONS 17, 18, & 19, TOWNSHIP 14 SOUTH, RANGE 5 WEST
ALL IN WALKER COUNTY, ALABAMA
AS FOUND ON THE SIPSEY, AL. USGS QUAD.



LEGEND

- PROJECT BOUNDARY
- PREVIOUSLY DISTURBED
- PRIVATE ROAD
- PUBLIC ROAD
- UTILITY
- RAILROAD
- OCCUPIED DWELLING
- STREAM TEXT
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- WETLAND
- OPEN WATER
- WETLAND DELINEATION POINTS
- NPDES SEDIMENT BASIN

Latitude: 33°49'03" N
Longitude: 87°06'24" W



June 19th, 2014
 SCALE: 1" = 1000'
 at 8 1/2" X 11"

CENTENNIAL NATURAL RESOURCES, LLC.
BURTON BEND MINE NO. 3
 (APPROXIMATELY 286 ACRE TOTAL)

PROPOSED MITIGATION LOCATION MAP

SECTIONS 17, 18 & 19, TOWNSHIP 14 SOUTH, RANGE 5 WEST
 ALL IN WALKER COUNTY, ALABAMA
 AS FOUND ON THE SIPSEY, AL. USGS QUAD (1983)

MEC
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 ACOE BOUNDARY
 PROPOSED MITIGATION AREA

Latitude: 33°49'03" N
 Longitude: 87°06'24" W