



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-2015-00257-CMS

July 30, 2015

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 LICK
CREEK IN ASSOCIATION WITH THE EXPANSION OF THE EXISTING CONCORD
COAL PROCESSING FACILITY COARSE REFUSE DISPOSAL AREA
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.

This is a re-advertisement of the Public Notice issued on June 26, 2015. The project has been revised to include an additional area of proposed impacts. This public notice includes the previously advertised impacts as well as the additional proposed impacts.

APPLICANT: Oak Grove Resources, LLC
8800 Oak Grove Mine Road
Adger, Alabama 35006

AGENT: Delta Natural Resources Services, Inc.
Post Office Box 941
Hartselle, Alabama 35640

LOCATION: The proposed project is located in Concord, Jefferson County, Alabama (33.45439, -87.025) within Sections 23, 24 and 26, Township 18 South, Range 5 West. The project is located in the Valley Creek 10-digit HUC within the Upper Black Warrior watershed (HUC 03160112).

PROJECT PURPOSE: The basic project purpose is for coarse refuse disposal.

WORK: The Concord Prep Plant facility has been in operation for more than 60 years and supports underground mining operations. The existing coarse refuse disposal area onsite is nearing capacity; therefore, the applicant is proposing to expand to the east of

the existing coarse refuse disposal area to meet the needs of future demands associated with the coal cleansing and preparation process. Sediment basins are required to treat surface drainage from the coarse refuse area prior to discharge into receiving waters. These activities include the discharge of fill material into waters of the United States (U.S.). Specifically, the proposal includes the discharge of fill material into 2,720 linear feet of intermittent stream and 700 linear feet of ephemeral stream.

Proposed Project Impacts

Name	Latitude	Longitude	Impact Length	Classification	Impact Type
Stream 1	33.454579	-87.025035	1500'	Intermittent	640' coarse refuse fill, 810' impoundment, 50' fill for dam
Stream 2	33.451478	-87.024693	80'	Ephemeral	Impoundment
Stream 3	33.451179	-87.025230	360'	Ephemeral	310' impoundment and 50' feet fill for dam
Stream 4	33.457455	-87.022420	1220'	Intermittent	220' fill for stream relocation, 950' impoundment, 50' fill for dam
Stream 5	33.455925	-87.021762	260'	Ephemeral	260' impoundment

AVOIDANCE & MINIMIZATION: The applicant stated 5,280 linear feet of intermittent stream have been avoided. **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.

MITIGATION: The applicant proposes to purchase stream credits from an approved mitigation bank to compensate for the loss of functions associated with the unavoidable impacts to waters of the U.S. Each stream 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 9,537 stream credits to compensate for function loss.

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 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 under current review for this action. The applicant has provided the survey report to the Alabama Historical Commission (AHC 2015-0706). The USACE is seeking comment from the State Historic Preservation Officer, 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.

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 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 April 21, 2015 (2008-TA-0795) 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2015-00257-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

Map
57-CMS
Resources, LLC
Plant Revision R-21
Expansion Area

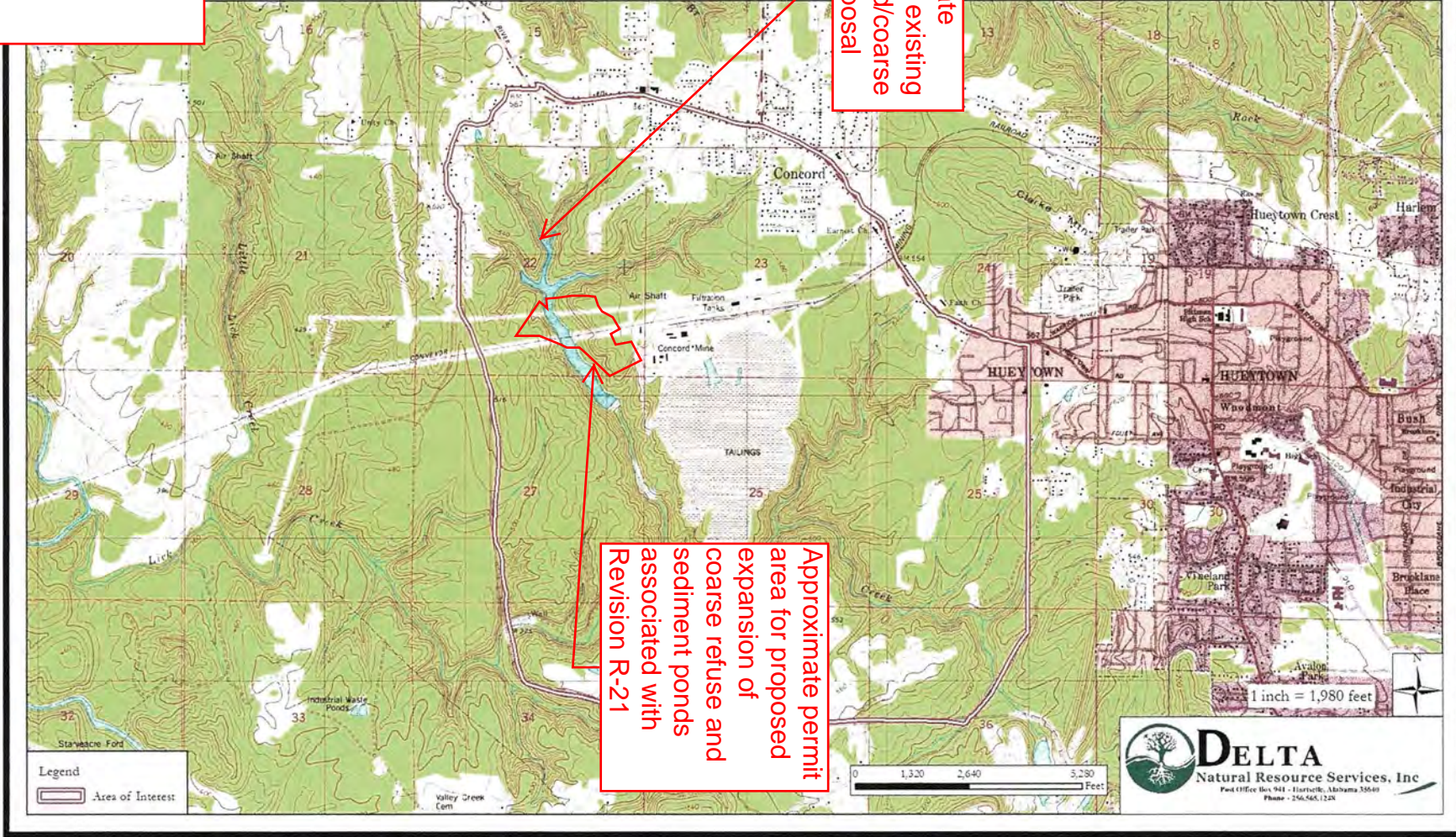
Concord
Plant
Vicinity

Approximate
location of existing
slurry pond/coarse
refuse disposal

Oaks Grove Resources, L
Concord Preparation Pl
Revision R-21
Plant Vicinity

Concord DOQ
S14, 15, 22 - 27, 34 - 36 T18S R5W

Exhibit 2



Approximate permit
area for proposed
expansion of
coarse refuse and
sediment ponds
associated with
Revision R-21

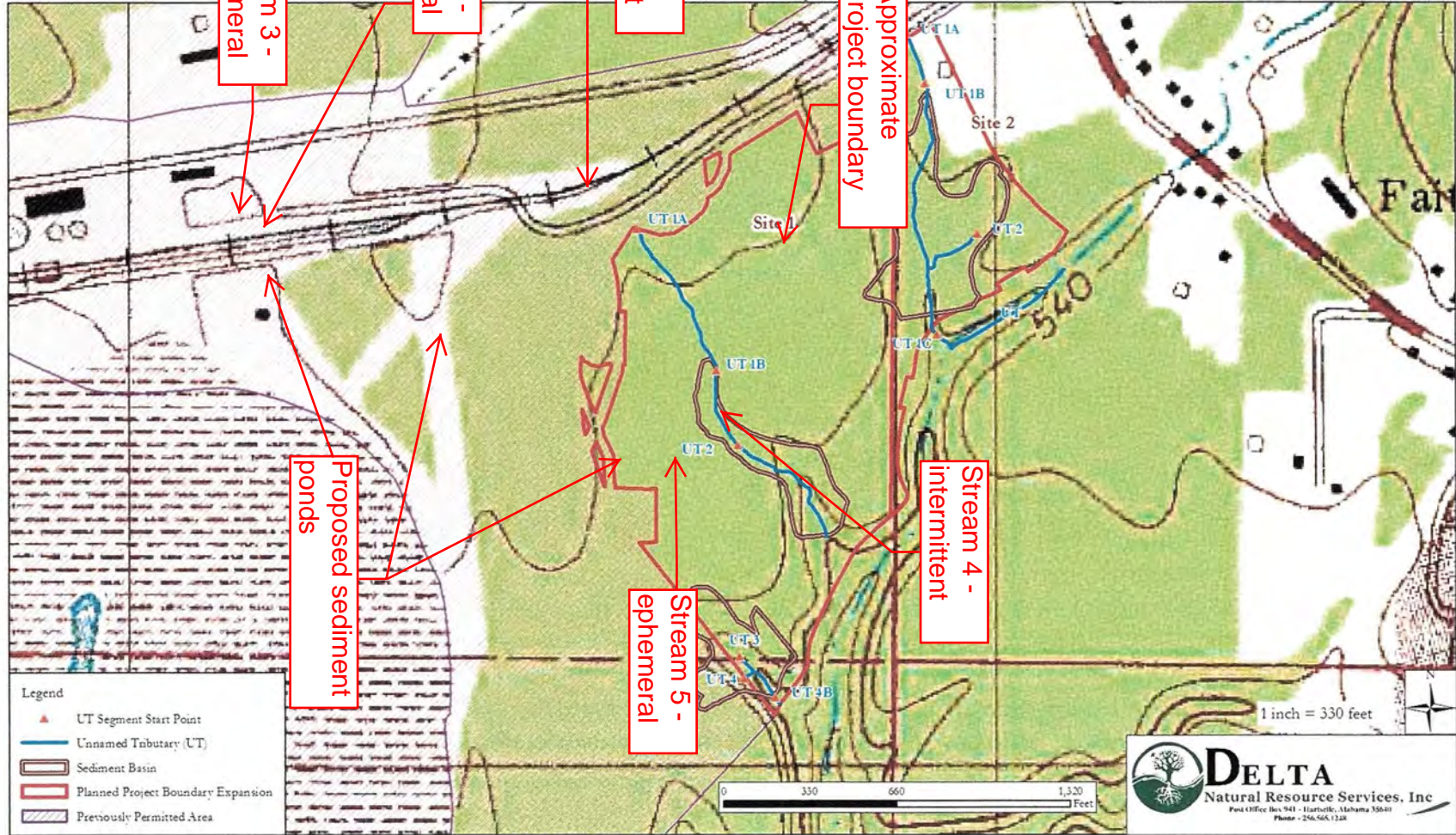
on Area
/ision R-21
LLC

Alabama
Jefferson County
July 2015

ive Resources, LLC
d Preparation Plant
eision R-21
atic Resources Map

Concord DOQ
S23, 24, 26 T18S R5W

Exhibit 4



DELTA
Natural Resource Services, Inc.
Post Office Box 941 - Hartsville, Alabama 35640
Phone - 256.568.1228

Oak Grove Resources, LLC
Concord Preparation Plant
Revision R-21
Aquatic Resources Map

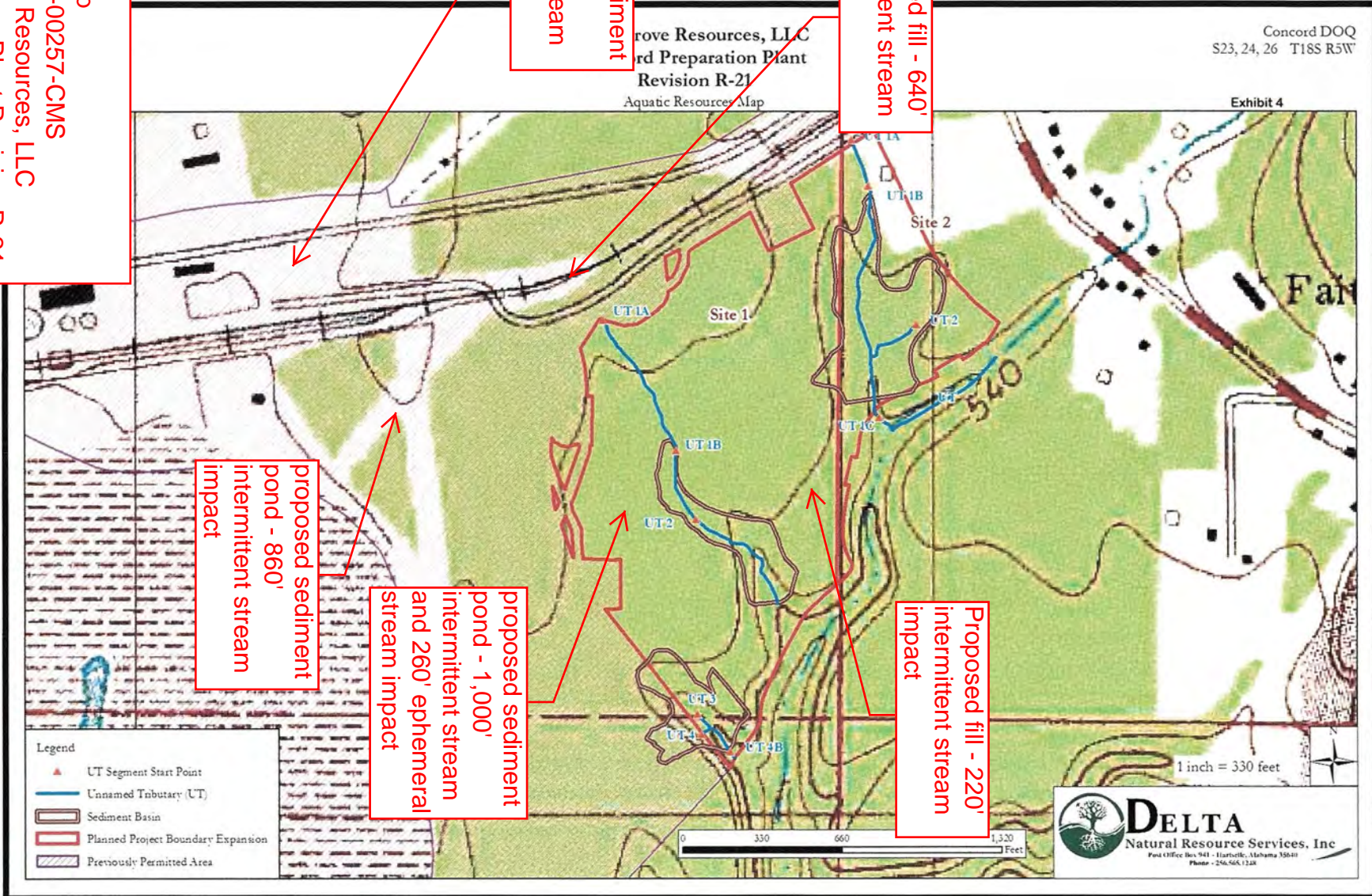


Figure 3
Impact Map
SAM-2015-00257-CMS
Oak Grove Resources, LLC
Concord Prep Plant Revision R-21
Coarse Refuse Expansion Area

Oak Grove Resources, LLC
Concord Preparation Plant
Revision R-21
Aquatic Resources Map

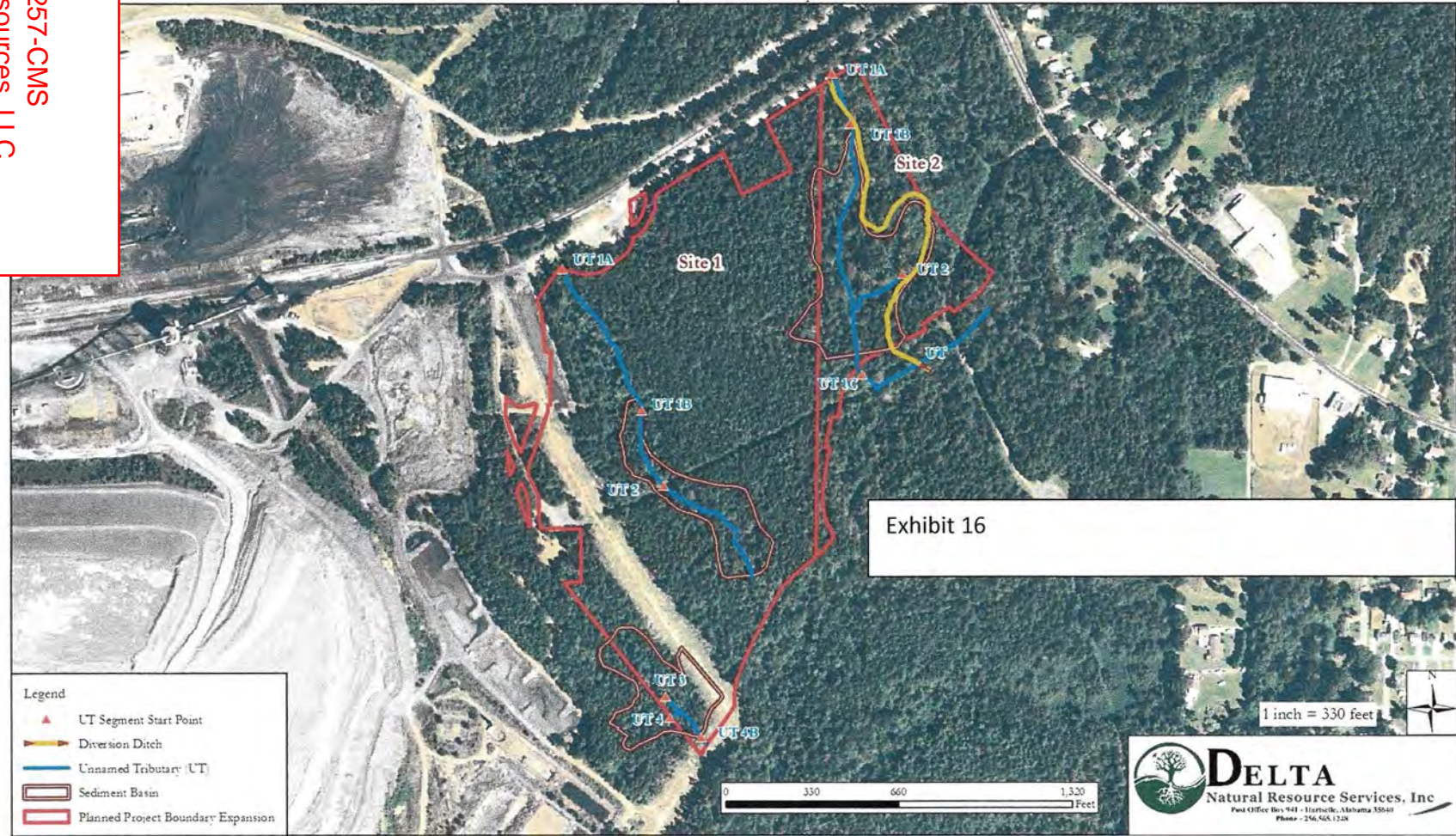


Figure 4
Aerial Photo
SAM-2015-00257-CMS
Oak Grove Resources, LLC
Concord Prep Plant Revision R-21
Coarse Refuse Expansion Area