



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2019-00498-CMS

November 14, 2019

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

**PROPOSED DISCHARGE OF FILL MATERIAL INTO WETLANDS AND UNNAMED
TRIBUTARIES TO DANIEL CREEK ASSOCIATED WITH SURFACE COAL MINING
ACTIVITIES, BROOKWOOD, TUSCALOOSA COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the United States Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: Southland Resources, Inc.
Attention: Jeff Aldridge
Post Office Box 770
Cottondale, Alabama 35453

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

LOCATION: The proposed project is located in wetlands and unnamed tributaries to Daniel Creek situated west of Lock 17 Road near Brookwood, Tuscaloosa County, Alabama. Specifically, the project boundary is located within Sections 17, 18, and 20 of Township 20 South and Range 7 West. Center coordinates of the project site are 33.2998, -87.3022. The project is located in the Upper Black Warrior 8 digit HUC (03160112).

PROJECT PURPOSE: The basic project purpose is coal extraction, which is not considered a water dependent activity (it does not need to be situated in a special aquatic site to fulfill the basic project purpose).

PROPOSED WORK: The applicant is requesting authorization to discharge dredged and/or fill material into waters of the United States (U.S.) in association with surface

coal mining activities. Specifically, the discharge would result in the unavoidable loss of 112 linear feet of ephemeral stream, 970 linear feet of intermittent stream, 5,497 linear feet of perennial stream, and 2.27 acres of forested wetlands. The proposed loss of waters of the U.S. would be associated with construction of sediment basins (fill for the dam and impounding water) and mine-through activities.

AVOIDANCE & MINIMIZATION: The applicant stated that the project planning stages considered avoiding and minimizing impacts to waters of the U.S. However, total avoidance of all jurisdictional waters of the U.S. was not possible due to location of coal seams and topography. The final proposed plan would avoid impacting 1,464 linear feet of intermittent stream, 369 linear feet of ephemeral stream, and 0.54 acre of wetlands. The applicant also stated the lower reaches of perennial streams S-2 and S-4 and intermittent stream S-13 were removed from the original project boundary, thereby minimizing impacts to those waters. The USACE has not verified the adequacy of the applicant's avoidance and minimization efforts 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 the discharge of fill material into special aquatic sites, are not available. No permit will be issued if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic environment in order to achieve the overall project purpose, as long as the alternative does not have other significant adverse environmental consequences. The applicant considered alternatives, including alternate mining methods and adjacent and offsite alternatives. The USACE has not verified the adequacy of the applicant's alternative analysis at this time.

COMPENSATORY MITIGATION: The applicant proposes to purchase 29,952 stream credits and 1.55 wetland credits from an approved mitigation bank.

OTHER AUTHORIZATIONS: 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.

Alabama Surface Mining Commission – Permit P-3944 was issued to Walter Minerals, Inc. on December 15, 2011, which was renewed December 14, 2016 and subsequently transferred to Southland Resources in 2019.

Alabama Department of Environmental Management – NPDES Permit AL0080578 was issued to Walter Minerals on September 29, 2011, which was transferred to Southland Resources, Inc. on August 29, 2018. The permit renewal request was submitted April 1, 2016, which is currently under administrative extension.

Department of the Army – Project Number SAM-2010-00793-CTM -A Nationwide Permit 21 was verified for Walter Minerals, Inc. on December 7, 2011, which authorized

impacts to 1,434 linear feet of perennial stream, 6,611 linear feet of intermittent stream, and 2,087 linear feet of ephemeral stream. Those impacts were not conducted prior to the expiration of the permit. Subsequently, a Nationwide Permit 21(a) was verified on December 2012 authorizing the same impacts as the previous Nationwide Permit 21. Only 842 feet of ephemeral stream were impacted under the Nationwide Permit 21(a) verification before it expired. The impacts were associated with the construction of sediment basin 002 as seen on the attached jurisdictional impacts figure.

Department of the Army – Project Number SAM-2011-00371-CTM – A Nationwide Permit 21 was verified on August 3, 2011 for impacts to 128 linear feet of ephemeral stream and 0.49 acre of wetlands. Those impacts were not conducted prior to the expiration of the permit. A Nationwide Permit 21(a) was verified on December 27, 2012 authorizing the same impacts as the previous Nationwide Permit 21. Of those authorized impacts, only 0.21 acre of wetland have been filled through the construction of sediment basin 015 as seen on the attached jurisdictional impacts figure.

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 PROPERTIES: 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; however, the USACE has not made a determination of effects to historic properties at this time. The Alabama Historical Commission previously reviewed this project under AHC tracking number AHC-09-0986. Copies of this public notice are being distributed to the State Historic Preservation Officer, Federally-recognized American Indian tribes, and the National Park Service, Division of Archaeological Services 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 the following species have the potential to occur in the project watershed: Indiana bat, northern long-eared bat, Black Warrior waterdog, flattened musk turtle, triangular kidneyshell, and white fringeless orchid. An effects determination will be made during the evaluation process, at which time the USACE will initiate consultation with the USFWS, if appropriate. 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-2019-00498-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
Field Operations Division, Office of Field Services
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>.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

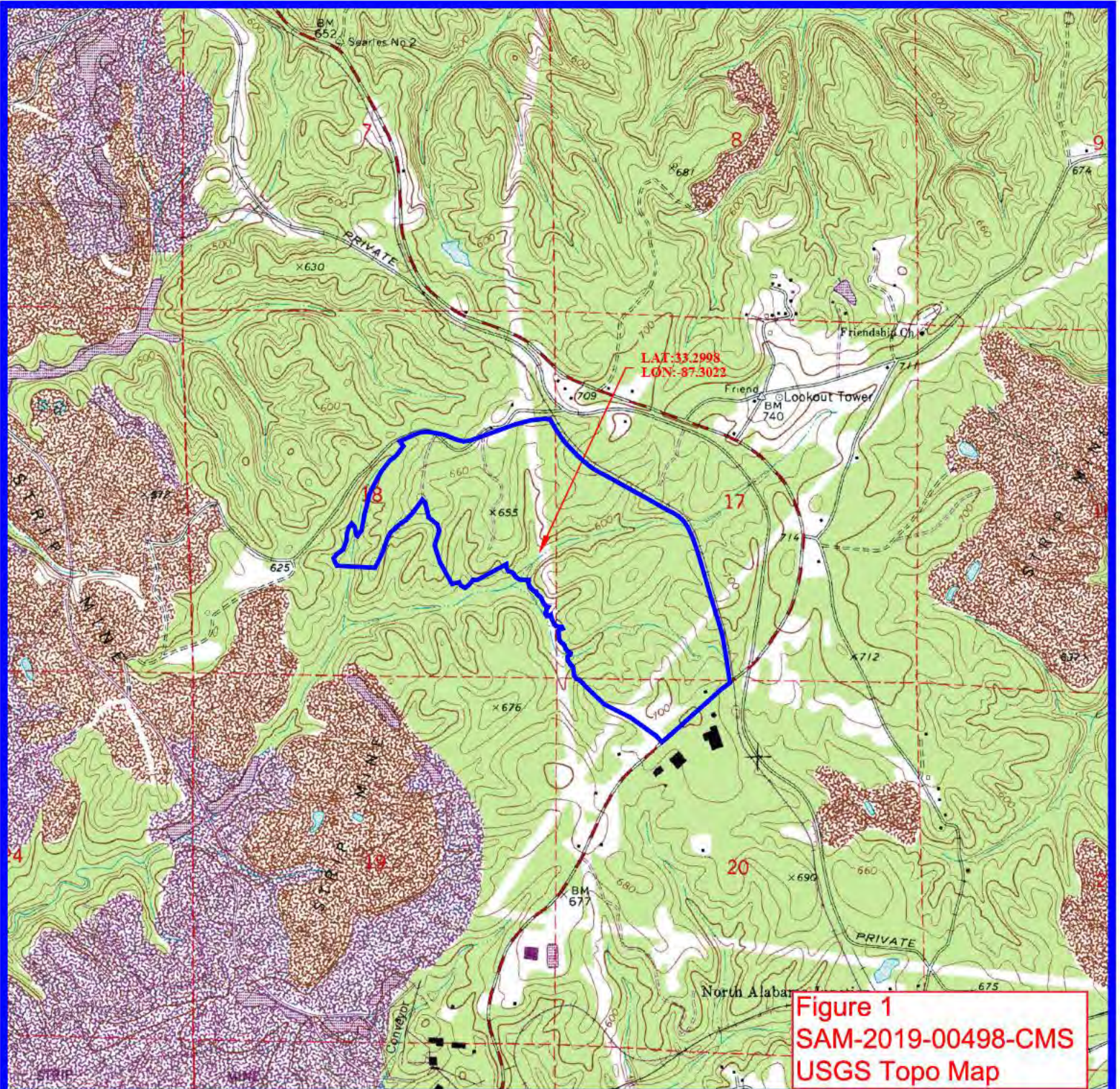


Figure 1
SAM-2019-00498-CMS
USGS Topo Map

SCALE: 1" = 2000'
 Revised Date: 10-04-2019
 Map Size: 8.5"x11"

SOUTHLAND RESOURCES, INC.
SWANN'S CROSSING
 (APPROXIMATELY 281 ACRES TOTAL)

PROJECT AREA MAP

SECTIONS 17, 18, & 20, TOWNSHIP 20 SOUTH, RANGE 7 WEST
ALL IN TUSCALOOSA COUNTY, ALABAMA
AS FOUND ON THE BROOKWOOD (1983), AL USGS QUAD.



PROJECT BOUNDARY

Latitude: 33.2998° N
 Longitude: -87.3022° W



Project Boundary

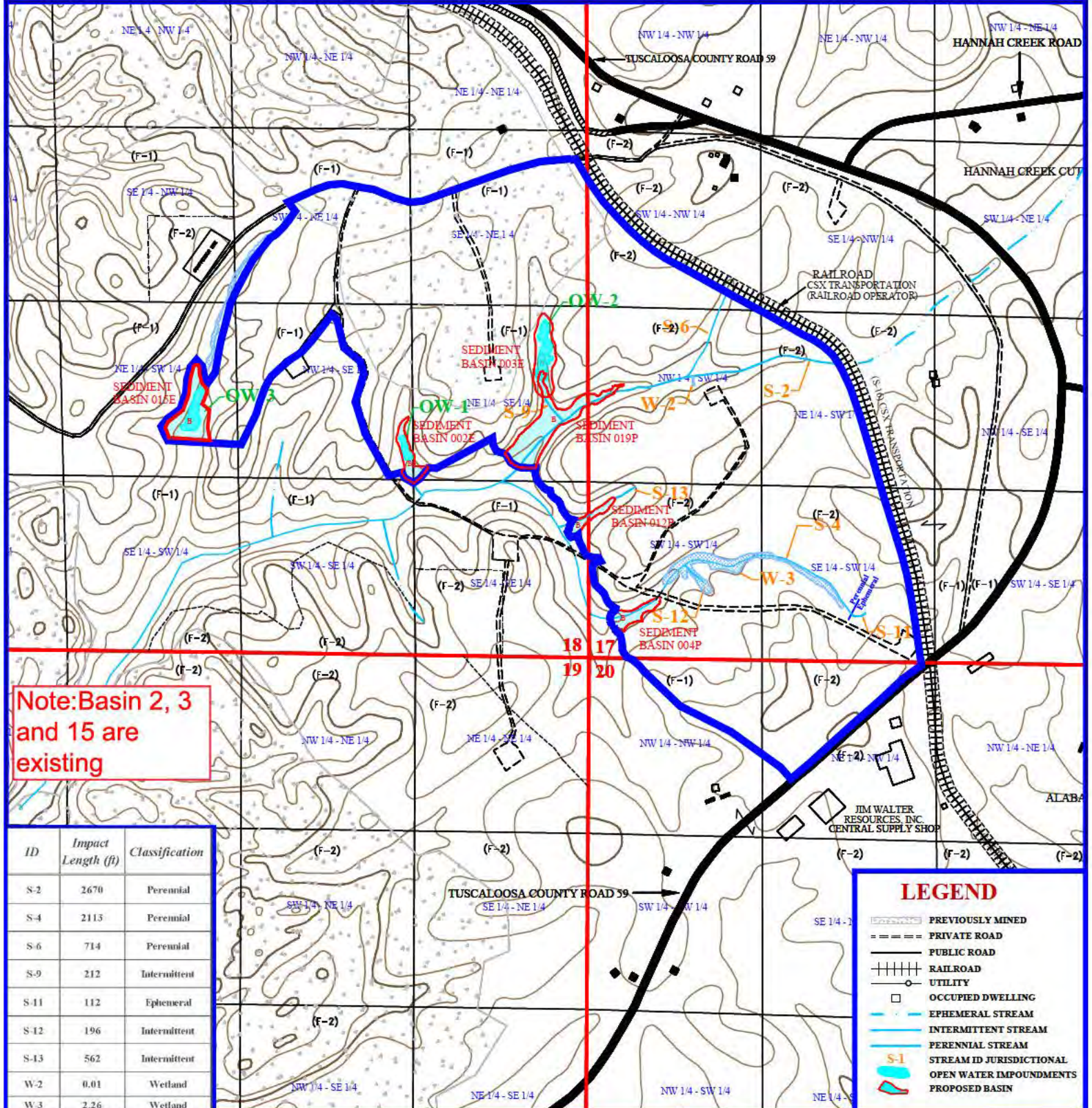
Figure 2
SAM-2019-00498-CMS
Aerial Figure

© 2018 Google

Google earth

1999

Imagery Date: 12/28/2017 lat 33.298475° lon -87.299531° elev 641 ft eye alt 16939 ft



Note: Basin 2, 3 and 15 are existing

LEGEND

- PREVIOUSLY MINED
- PRIVATE ROAD
- PUBLIC ROAD
- RAILROAD
- UTILITY
- OCCUPIED DWELLING
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- PERENNIAL STREAM
- STREAM ID JURISDICTIONAL
- OPEN WATER IMPOUNDMENTS
- PROPOSED BASIN

SCALE: 1" = 1000'
Revised: 10-14-2019

SOUTHLAND RESOURCES, INC.
SWANN'S CROSSING MINE
(APPROXIMATELY 281 ACRES TOTAL)

Figure 3
SAM-2019-00498-CMS
Proposed Waters of the
U.S. Impact Map

JURISDICTIONAL IMPACTS MAP

SECTIONS 17, 18 & 20, TOWNSHIP 20 SOUTH, RANGE 7 WEST
ALL IN TUSCALOOSA COUNTY, ALABAMA
AS FOUND ON THE BROOKWOOD, AL. USGS QUAD.



Latitude: 33.2998° N
Longitude: -87.3022° W