



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, AL 35216

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2020-01147-JSC

November 29, 2022

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**REQUEST FOR AFTER-THE-FACT AUTHORIZATION FOR MECHANIZED LAND
CLEARING FORESTED WETLANDS AND TO RETAIN THE UNAUTHORIZED
DISCHARGE OF FILL MATERIAL IN AN UNNAMED TRIBUTARY TO BEECH CREEK
AND PROPOSED DISCHARGE OF FILL MATERIAL INTO WETLANDS ASSOCIATED
WITH CLAY AND SAND MINING IN SELMA, DALLAS 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). Please communicate this information to interested parties.

APPLICANT: Henry Brick Company
Attention: Denson Henry
3409 Water Avenue
Selma, Alabama 36703
densonhenry@henrybrick.com

AGENT: Goodwyn Mills Cawood, LLC
Attention: April Henley
2660 EastChase Lane Suite 200
Montgomery, Alabama 36117
april.henley@gmcnetwork.com

LOCATION: The project is in wetlands and unnamed tributaries to Beech Creek in Selma, Dallas County, Alabama. Specifically, the project boundary is located within Section 29, Township 17 North and Range 21 East. Center coordinates of the project site are latitude 32.426622, longitude -86.986213. The project is in the Upper Alabama 8-digit hydrologic unit code (HUC 03150201).

PROJECT PURPOSE: The project purpose is sand and clay extraction for the manufacture of brick products.

WORK: The unauthorized work included mechanized land clearing 55.09 acres of forested wetlands (Wetland W1) and the subsequent surface mining of approximately 11 acres of those wetlands via excavation, as well as the discharge of fill material into

320.05 linear feet of intermittent stream for access road improvement and surface mining. The applicant is proposing to re-vegetate 4.91 acres of the cleared and grubbed wetlands along the eastern property boundary. An additional 20.31 acres of Wetland W1 and 11 acres of Wetland W4 are proposed to be surface mined. The total wetland loss associated with the project would be 81.49 acres of wetlands. The applicant also requests authorization to discharge fill material into 1,390.27 linear feet of ditch (D6) associated with surface mining.

AVOIDANCE & MINIMIZATION: According to the applicant, avoidance of wetlands is problematic due to the location of the Minter loam soil, which is a hydric soil located in areas that have been identified as wetlands on the property. The Minter loam soil, along with Gaylesville loam and Canton Bend fine sandy loam, is needed as a raw material for the brick making process in order to achieve the target fraction of clay, sand and silt in order for brick material to possess sufficient plasticity and cohesion. According to the applicant, there are a total of 146.92 acres of jurisdictional wetlands, 3,366.62 linear feet of perennial stream, 498.85 linear feet of intermittent stream, and 4,147.37 linear feet of jurisdictional ditches in the project boundary. The applicant intends to avoid 65.47 acres of jurisdictional wetlands, 3,366.62 linear feet of perennial stream, 178.8 linear feet of intermittent stream, and 2,757.1 linear feet of jurisdictional ditch. The U.S. Army Corps of Engineers (USACE) has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

COMPENSATORY MITIGATION: The applicant is proposing to implement permittee responsible mitigation onsite and offsite; however, a compensatory mitigation plan has not been submitted for review at this time.

The applicant will apply for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to water quality certification will be made by the Alabama Department of Environmental Management.

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. The USACE has not made a determination of effects to historic properties at this time. We are 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 historic properties which may be affected by the work. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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 listed species have the potential to occur in the project watershed: wood stork, orange-nacre mucket mussel, southern clubshell, and Alabama sturgeon. The USACE has not made a determination regarding potential effects of the project on the above-listed species at this time. Further coordination with the United States Fish and Wildlife Service (USFWS) will be performed as determined to be appropriate. Copies of this public notice are being sent to the USFWS and other federal and state agencies for review and receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

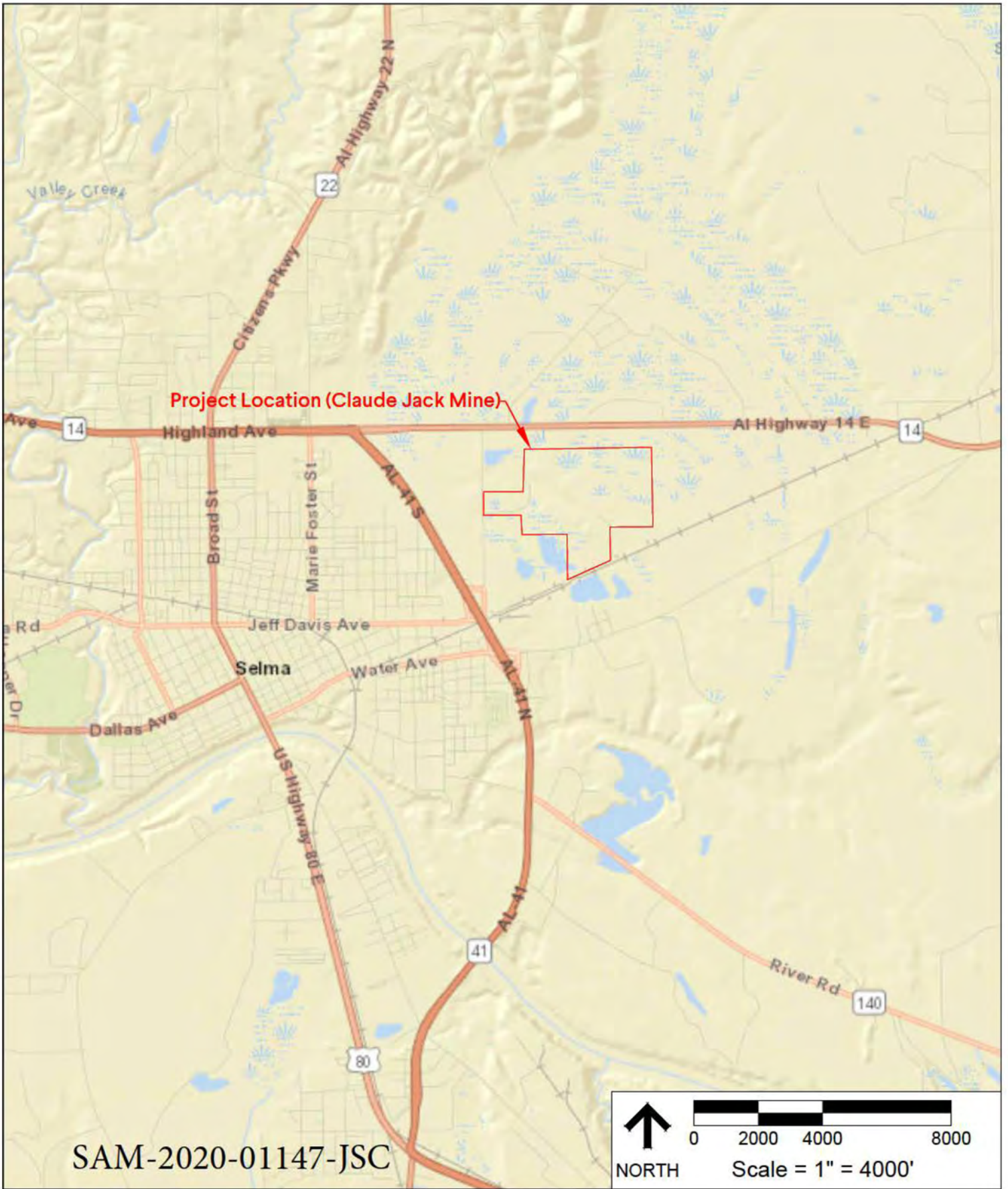
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2020-01147-JSC** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: **Ms. Courtney Shea**, 600 Vestavia Parkway, Suite 203, Vestavia Hills, AL 35216, with a copy to the Alabama Department of Environmental Management, Field Operations Division, Office of Field Services, Attention: Mr. Richard Hulcher, Post Office Box 301463, Montgomery, Alabama 36130-1463. Comments may also be submitted via e-mail to USACE at **Courtney.M.Shea@usace.army.mil** and to ADEM at **fieldmail@adem.alabama.gov**.

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) 381-8108**. Please refer to the above Public Notice number.

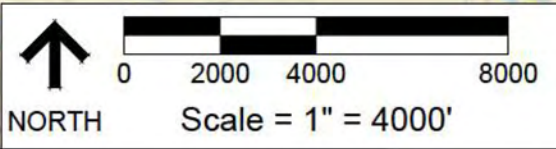
For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



SAM-2020-01147-JSC



REF. SHEET: ESRI WORLD STREETS
DESCRIPTION: INDIVIDUAL PERMIT APPLICATION

Henry Brick
Selma, Dallas County, Alabama

FIGURE 1

GENERAL LOCATION MAP
GMC # EMGM220073
DATE: 08/02/22
DRAWN BY: AYH

2660 East Chase Lane, Suite 200
Montgomery, AL 36117
T 334.271.3200
GMCNETWORK.COM



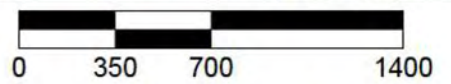


LEGEND:

- SITE BOUNDARY
- JURISDICTIONAL WETLANDS
- POTENTIALLY NON-JURISDICTIONAL WETLANDS
- PERENNIAL STREAMS
- INTERMITTENT STREAMS
- DITCHES



NORTH



Scale = 1" = 700'

REF. SHEET: ESRI WORLD IMAGERY
DESCRIPTION: INDIVIDUAL PERMIT APPLICATION

Henry Brick

Selma, Dallas County, Alabama

SAM-2020-01147-JSC

FIGURE 2

AERIAL PHOTOGRAPH

GMC # EMGM220073

DATE: 08/02/22

DRAWN BY: AYH

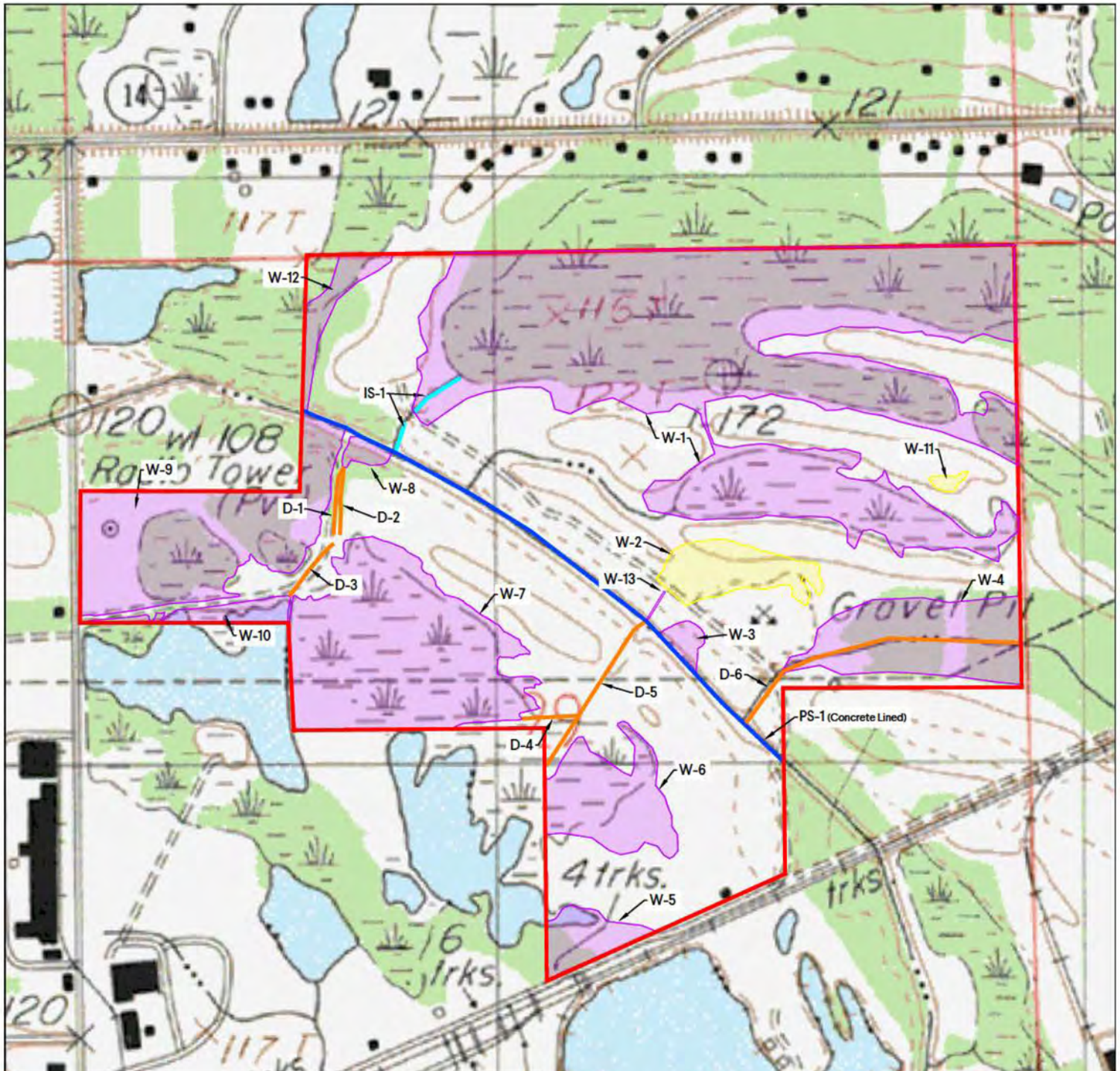
2660 East Chase Lane, Suite 200

Montgomery, AL 36117

T 334.271.3200

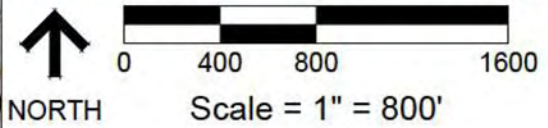
GMCNETWORK.COM

GMC



LEGEND:

- SITE BOUNDARY
- JURISDICTIONAL WETLANDS
- POTENTIALLY NON-JURISDICTIONAL WETLANDS
- PERENNIAL STREAMS
- INTERMITTENT STREAMS
- DITCHES



REF. SHEET: BENTON NW, ALABAMA QUADRANGLE MAP
 DESCRIPTION: INDIVIDUAL PERMIT APPLICATION

Henry Brick
 Selma, Dallas County, Alabama
SAM-2020-01147-JSC



FIGURE 3

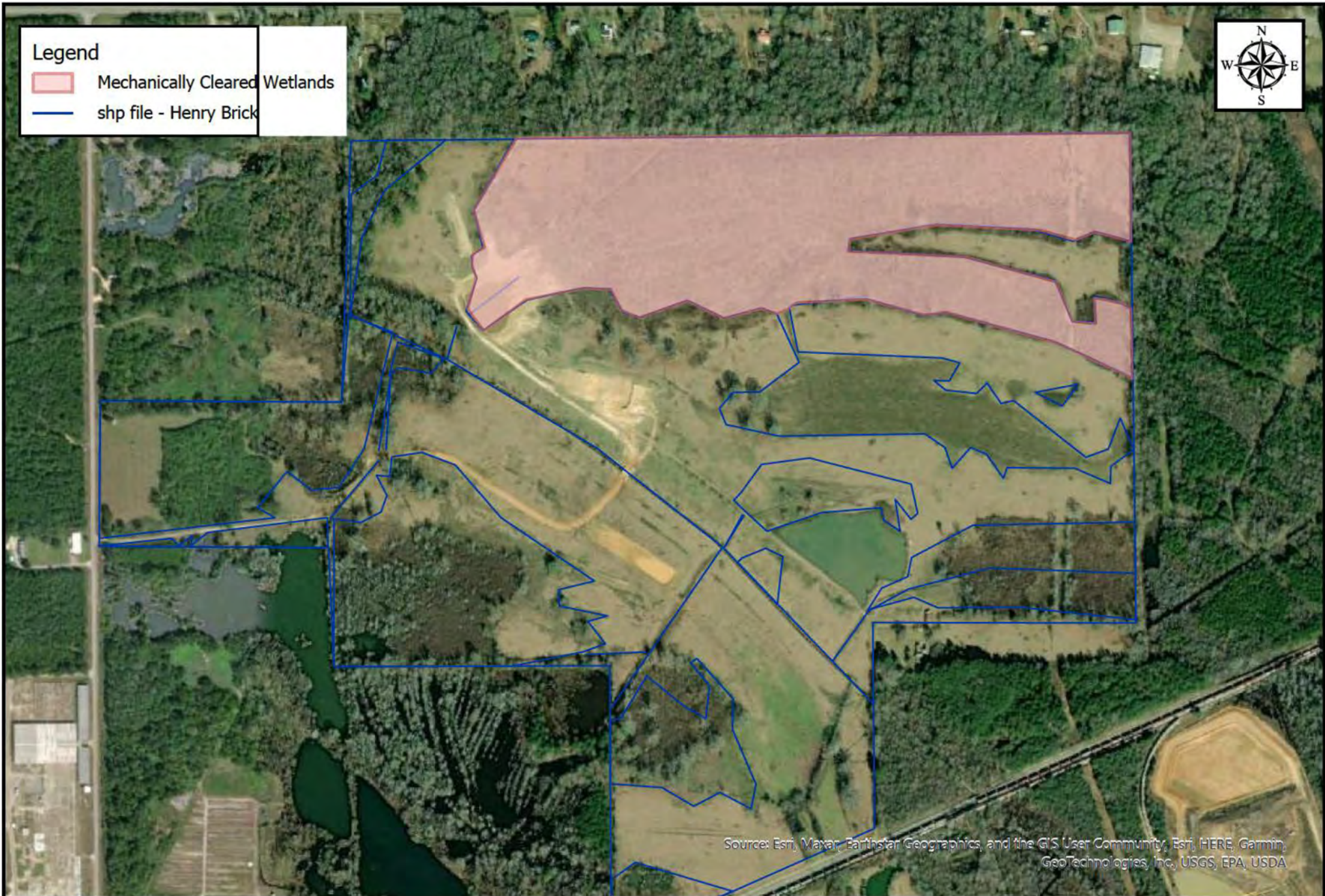
USGS QUADRANGLE MAP
 GMC # EMGM220073
 DATE: 09/12/22
 DRAWN BY: AYH

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 Montgomery, AL 36117
 T 334.271.3200
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Legend

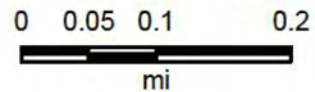
-  Mechanically Cleared Wetlands
-  shp file - Henry Brick



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA



Figure 4 - Mechanically Cleared Wetlands
SAM-2020-01147-JSC
Henry Brick
Selma, Dallas County, AL

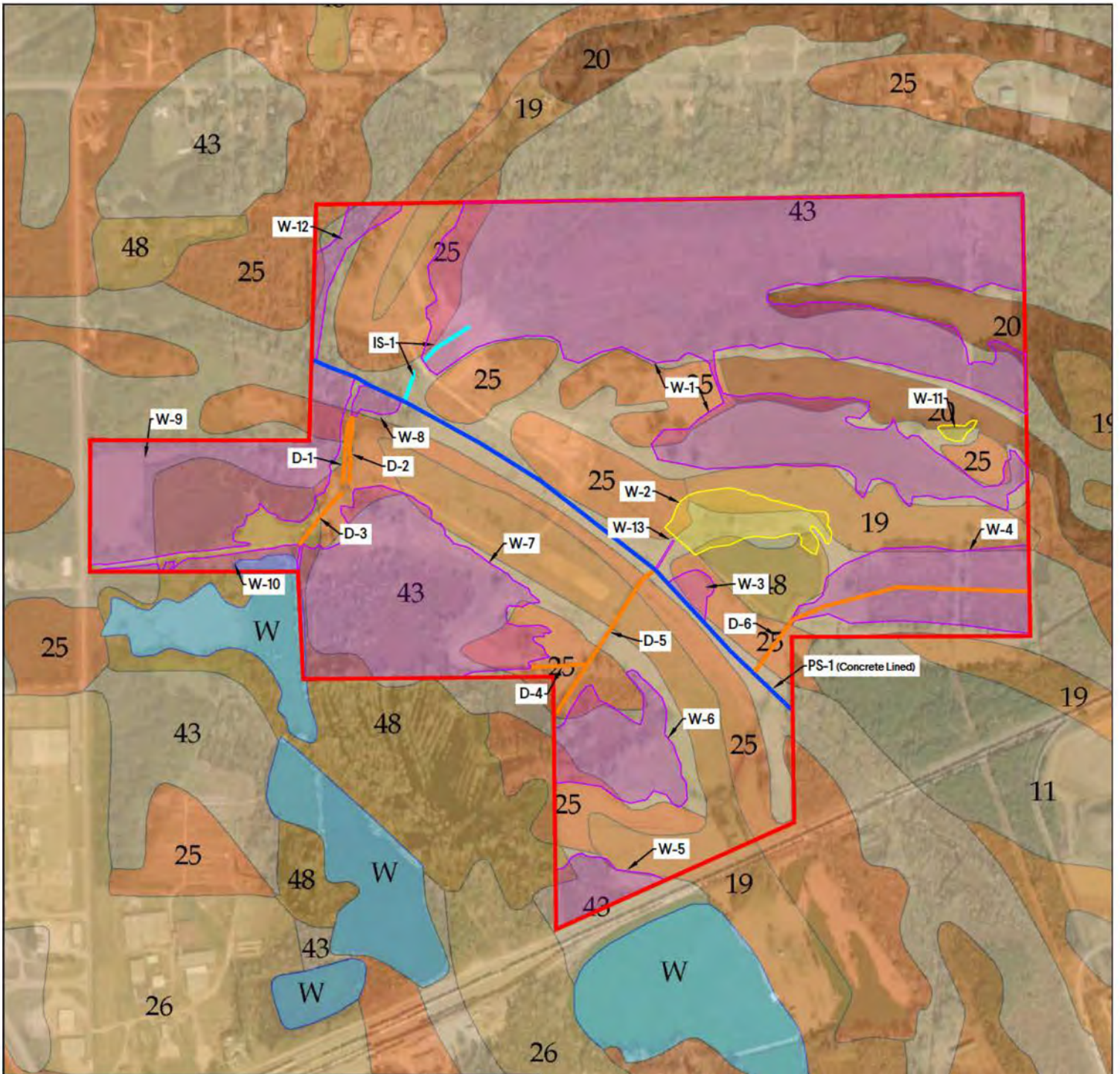


Map Center: 86.987602°W 32.42548°N

Map Created by: Courtney Shea

Date: 11/29/2022

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

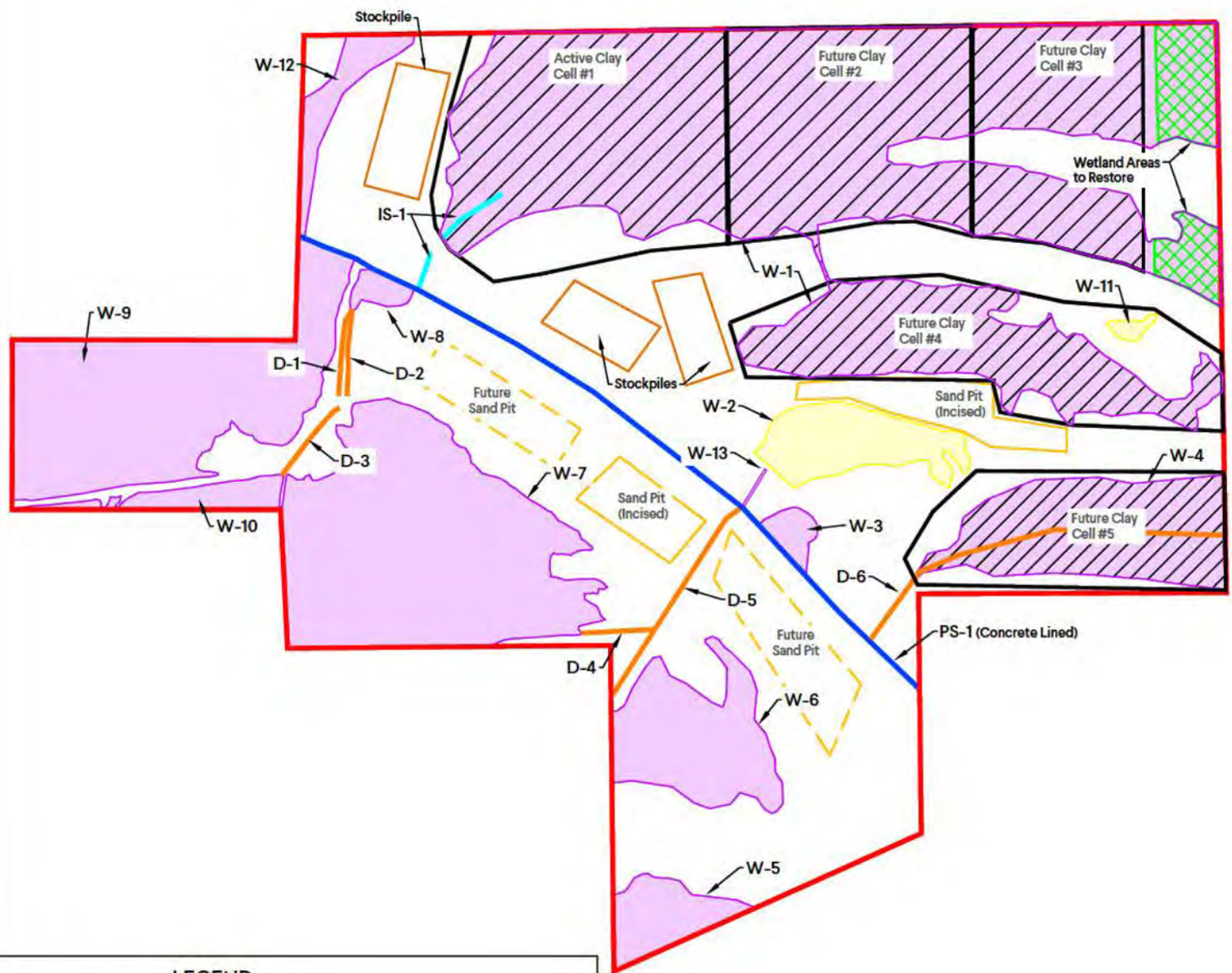


LEGEND:

- SITE BOUNDARY
- JURISDICTIONAL WETLANDS
- POTENTIALLY NON-JURISDICTIONAL WETLANDS
- PERENNIAL STREAMS
- INTERMITTENT STREAMS
- DITCHES

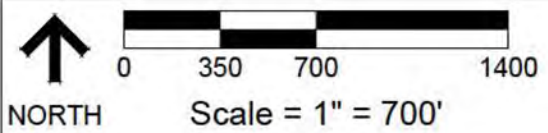
↑ NORTH

Scale = 1" = 800'



LEGEND:

- SITE BOUNDARY
- JURISDICTIONAL WETLANDS
- IMPACT AREA
- POTENTIALLY NON-JURISDICTIONAL WETLANDS
- PERENNIAL STREAMS
- INTERMITTENT STREAMS
- DITCHES



REF. SHEET:

DESCRIPTION: INDIVIDUAL PERMIT APPLICATION

Alternative 2 Mine Plan (Preferred)
Selma, Dallas County, Alabama

FIGURE 6A

PREFERRED MINE PLAN (ALT 2)

GMC # EMGM220073

DATE: 08/02/22

DRAWN BY: AYH

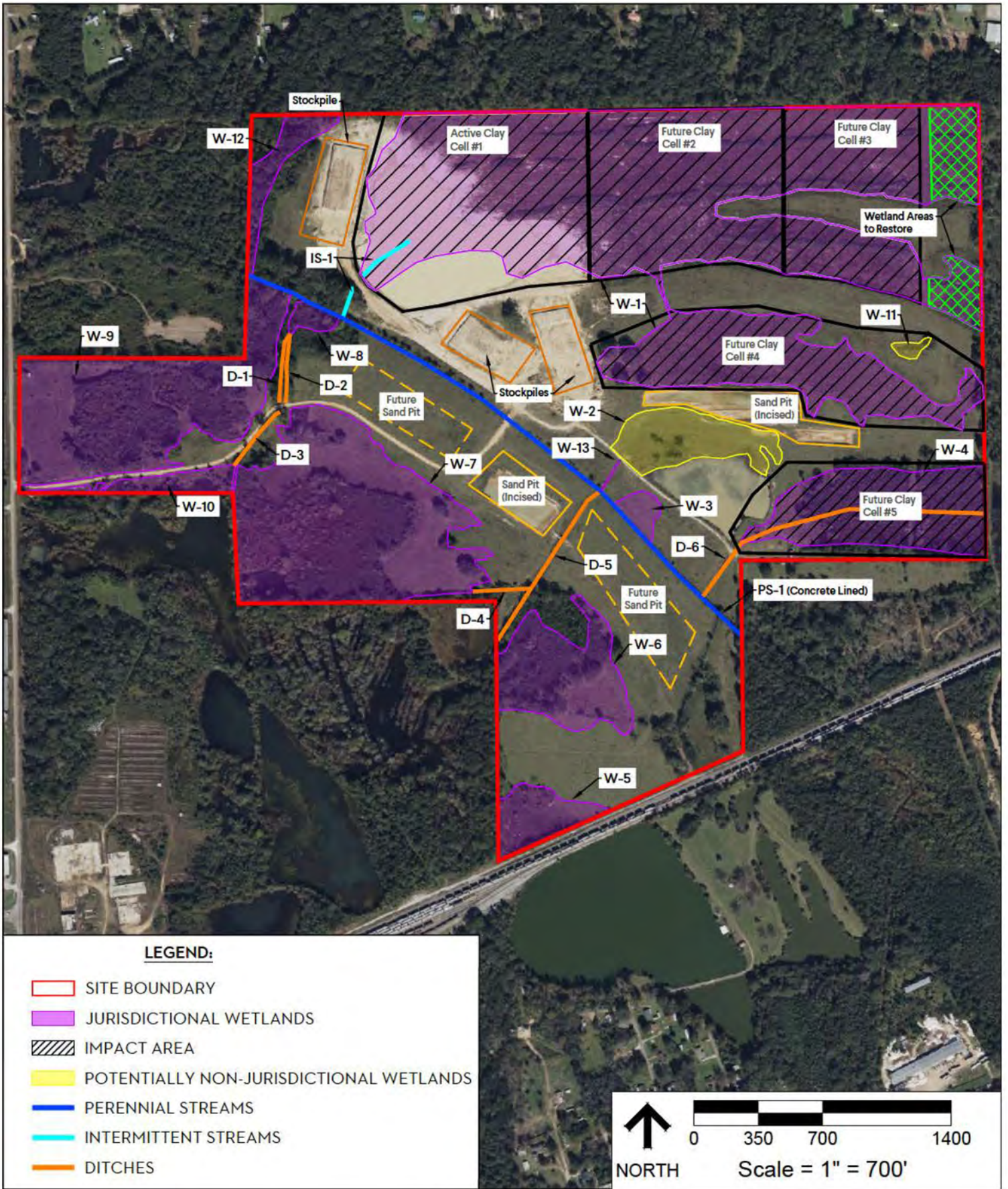
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Alternative 2 Mine Plan (Preferred)
 Selma, Dallas County, Alabama

FIGURE 6B

PREFERRED MINE PLAN (ALT 2)
 GMC # EMGM220073
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 DRAWN BY: AYH

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