



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

May 28, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: LRN-2007-02542, Glade Processing; Jurisdictional Determination for the Proposed Glade Preparation Plant Expansion North of Big Glade Branch, near Flat Rock, Jackson County, Alabama (Tennessee River Mile 396.0, Left Bank)

Mr. Cleo Stubbs
Delta Natural Resource Service, Inc.
P.O. Box 941
Hartselle, Alabama 35640

Dear Mr. Stubbs

This is in response to your submittal concerning a 45.8-acre site in Section 25, Township 3 South, Range 8 East. A boundary map is enclosed for your convenience. You stated that the area is being proposed as an expansion area for Glade Processing' Glade Preparation Plant.

Our office has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (CWA). The CWA prohibits the discharge of dredged or fill material into waters of the U.S. without a Department of the Army permit.

I have reviewed the submitted information. A cursory site inspection was also conducted in August of 2007, with Mr. Keith Madison (formerly with PERC Engineering Company).

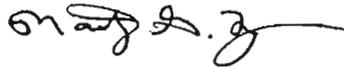
It does not appear that the 45.8-acre area contains any waters of the U.S. It is our understanding that Big Glade Branch is located south of the area but not within the 45.8-acre area. Our understanding is that the only work impacting Big Glade Branch is the construction of a road crossing which was previously authorized via our nationwide permit program (File #200800572, NWP #14, April 17, 2009).

Since the identified area does not include waters of the U.S., a Department of the Army permit will not be required for fill activities conducted on the property. Should Glade Processing, Inc. modify their plans and need to discharge fill into waters, authorization from this office would be necessary.

Please be advised that this jurisdictional determination reflects current policy. If this office has not specifically revalidated this determination after a 5-year period, it shall automatically expire. Enclosed is the Notification of Applicant Options (NAO) which explains available options regarding this determination. In addition, this letter does not grant any property rights nor obviate your responsibility to comply with the provisions of any other law or regulation of any other local, state, or federal authority.

Thank you for including us in your review process. If you wish to discuss our involvement in greater detail, you can reach me at (615) 369-7514.

Sincerely,



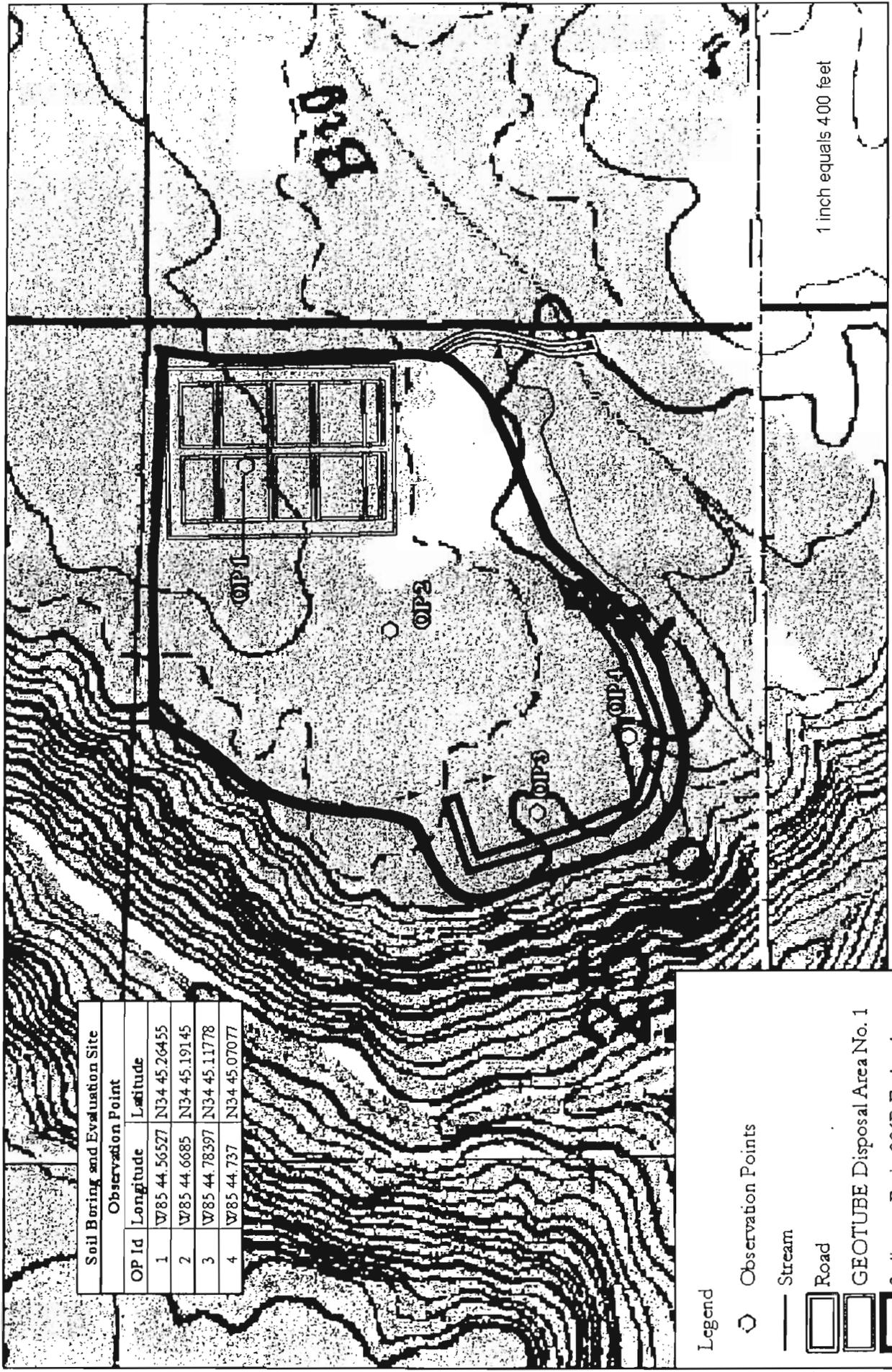
Marty G. Tyree
Project Manager
Operations Division

Copy Furnished:

PERC Engineering Co, Inc.
16601 Hwy 78 West
Jasper, AL 35501

Glade Processing, Inc.
440 County Rd 464
Flat Rock, AL 35966

ASMC
P.O. Box 2390
Jasper, AL 35502-2390



Soil Boring and Evaluation Site		
Observation Point		
OP Id	Longitude	Latitude
1	W85 44.56527	N34 45.26455
2	W85 44.6685	N34 45.19145
3	W85 44.78397	N34 45.11778
4	W85 44.737	N34 45.07077

Legend

- Observation Points
- Stream
- Road
- GEOTUBE Disposal Area No. 1
- Sediment Basin 006P Embankment
- Project Boundary





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NASHVILLE DISTRICT
WESTERN REGULATORY FIELD OFFICE
2042 BELTLINE ROAD SW
BUILDING C SUITE 415
DECATUR AL 35601-9990

February 4, 2008

Western Regulatory Field Office

SUBJECT: File No. 2007-02542; Approved Jurisdictional Determination at Glade Preparation Plant, P-3829, West of County Road 464, Big Glade Branch Watershed, Tennessee River Mile 396.0, Left Bank, Flat Rock, Jackson County, Alabama

Glade Processing, Inc.
Mr. Tom Bryan
440 County Rd 464
Flat Rock, AL 35966

Dear Mr. Bryan:

This is in response to a request made by Mr. Cleo Stubbs of Delta Natural Resource Service, Inc., on your behalf, for us to make a jurisdictional determination at the subject property. We understand the property is proposed to be used for surface mining expansion. The property location is identified on the enclosed copy of the USGS Flat Rock and Ider, AL, quadrangle maps.

I reviewed the subject property for the presence of waters of the United States without conducting a site inspection. The property map submitted with Mr. Stubbs' report indicates the northwest corner of the property borders Big Glade Branch. However, Mr. Tim Thomas of Perc Engineering Co, Inc, assured me during a February 4, 2008, telephone conversation that the property does not include the stream. Therefore, it is my determination that the property is entirely upland and no waters of the U.S. exist. A Department of the Army (DA) permit will not be required for fill activities conducted on the subject property.

Please be advised that this jurisdictional determination reflects current policy. If this office has not specifically revalidated this determination after a 5-year period, it shall automatically expire. Enclosed is the Notification of Applicant Options (NAO) which explains available options regarding this determination.

We appreciate your awareness of our regulatory program. If you have any questions or wish to arrange a meeting to discuss this determination in more detail, please contact me at the above address or telephone (256) 350-5620.

Sincerely,

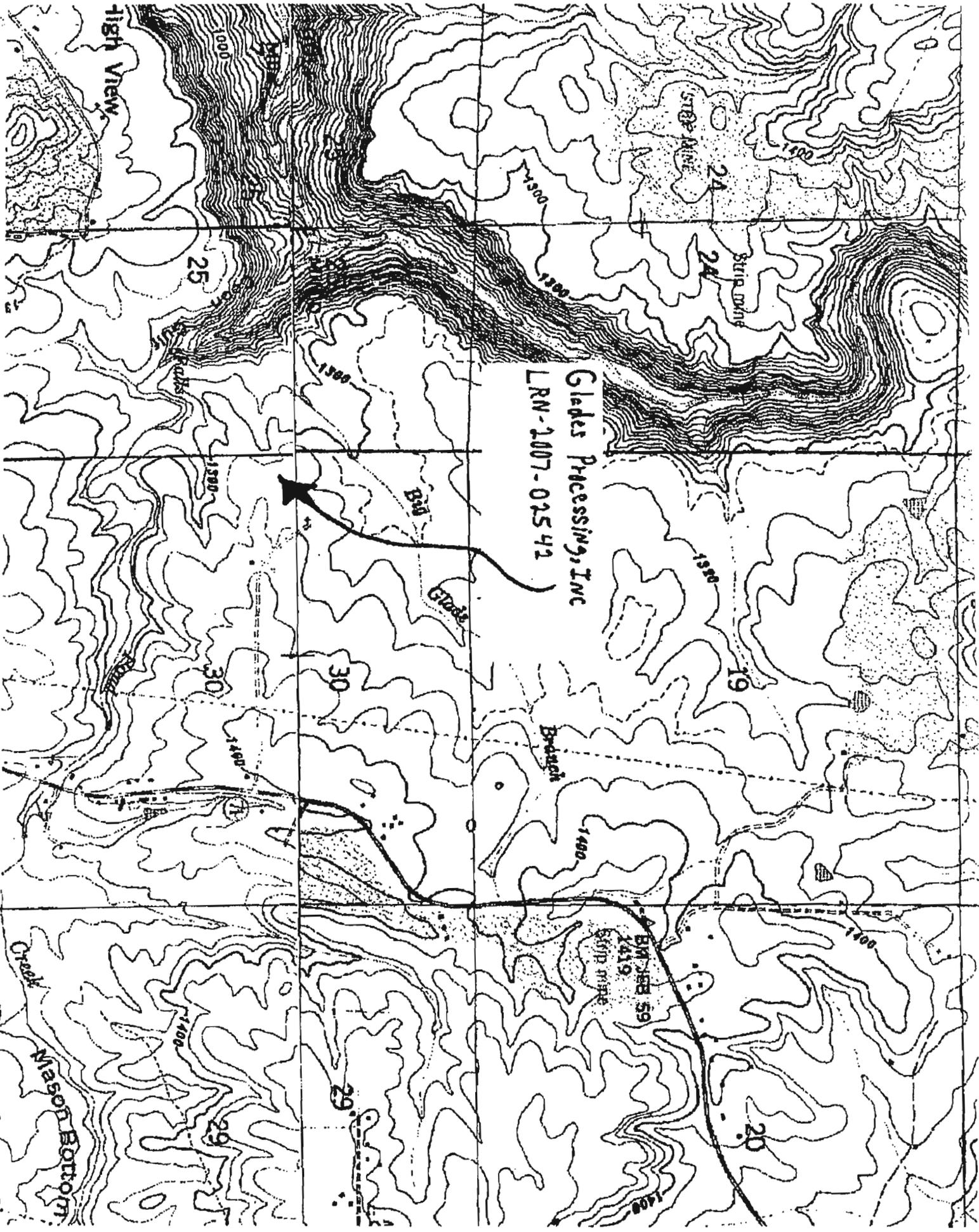


Eric Sinclair
Regulatory Specialist
Western Regulatory Field Office
Operations Division

Copy Furnished:

Delta Natural Resource Service, Inc.
Mr. Cleo Stubbs
PO Box 941
Hartselle, AL 35640

Perc Engineering Co, Inc.
Ms. Leslie Stephens
16601 Hwy 78 West
Jasper, AL 35501



High View

STR Mine

BIRD MINE

Glades Processing, Inc
LRN-2007-025412

Big

Glades

Branch

BM 558 59
4419
strip mine

Missoua Bottom
Creek

25

24

24

19

30

30

29

20

29

1400

1400

1400

1000

1000

1000

1500

1500

1500

1400

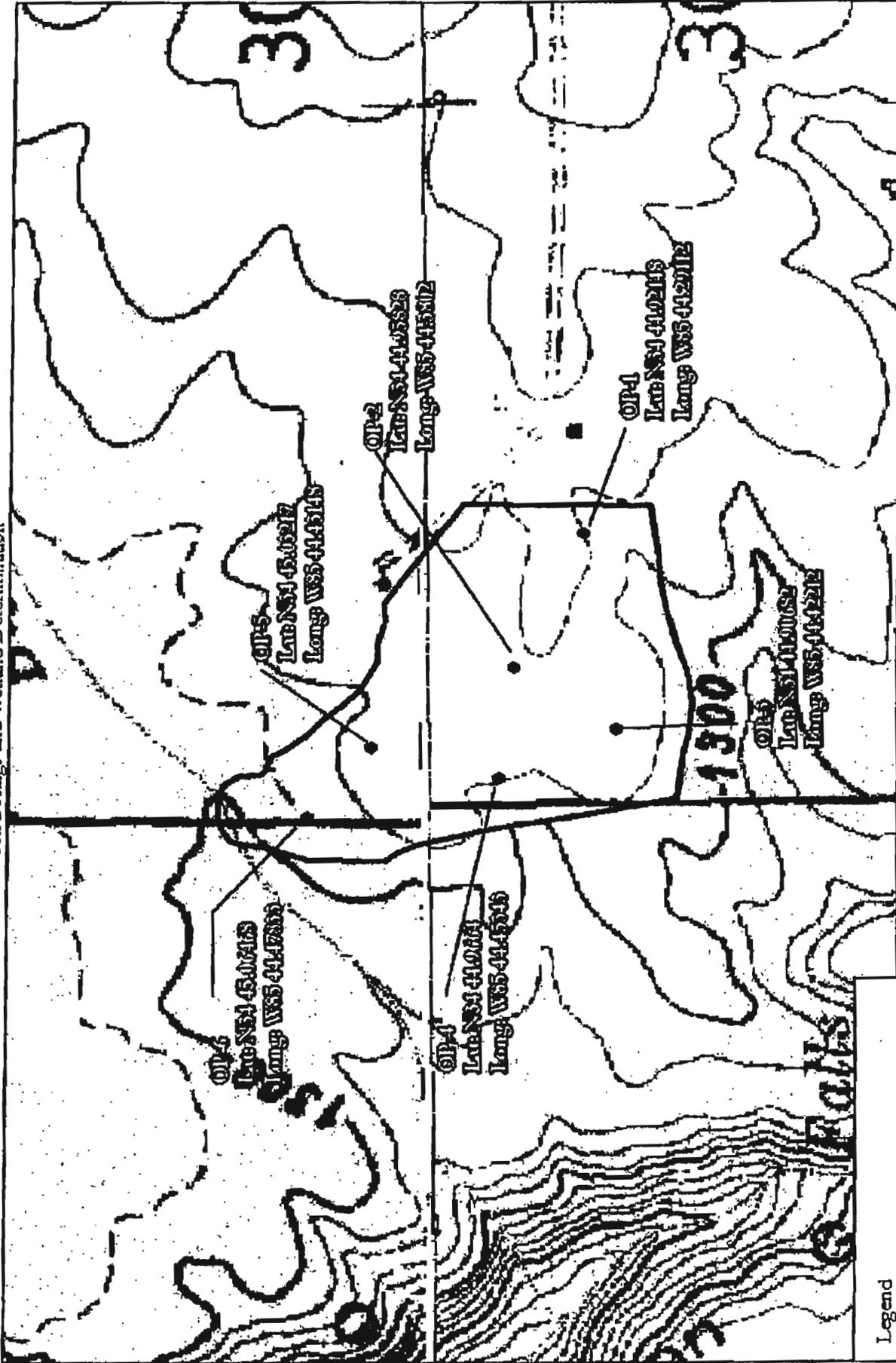
1400

1400

Glades Processing, Inc
Glade Preparation Plant
P-3829 / Revision R-1

Flat Rock DOQ
Idtr DOQ
S25 T3S R8E
S30 T3S R9E

Soil Borings and Wetland Determination



Legend

● Observation Points

□ Wetland Determination Boundary



Applicant: <i>Glades Processing, Inc.</i>	File Number: <i>LRN-2007-02542</i>	Date: <i>2-4-08</i>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input checked="" type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers
Western Regulatory Field Office
2042 Beltline Rd SW
Bldg C Suite 415
Decatur, AL 35601

If you only have questions regarding the appeal process you may also contact:

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10032
Cincinnati, OH 45202

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: