



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

June 12, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: File No. 200602526, GTM Energy Partners; Jurisdictional Determination for 16 Acres Identified as P-3889, Revision 3 in Jackson County, Alabama

Mr. Stuart Blackwell
Goodwyn, Mills, and Cawood, Inc.
2701 First Avenue South
Birmingham, Alabama 35233

Dear Mr. Blackwell:

This is in response to our June 3rd site inspection and the additional information submitted on June 4th and 12th. Copies of the Initial Mine Plan with Proposed Sediment Pond Map (Map 1) and the Revised Operation Map for Mine No. 3, Revision 3 (Map 2) are enclosed for you convenience.

The inspection identified two potential "waters of the U.S." on the initially proposed expansion area. One reach was determined to be an upland gully that occasionally conveys water over an existing highwall where the water dissipated on the remnant mine bench. The reach is identified as the Isolated Upland Gully Area #1 on Map 1. The second reach was determined to be "waters of the U.S." Water is conveyed along this reach to the mine bench and then continues to Smith Creek. The reach is identified as the Jurisdictional Seasonal RPM Area #2 and Jurisdictional RPM Area #3.

Following our meeting, GTM revised the mining plan in order to avoid the reach identified as waters of the U.S. As such, the mining identified on Map 2 as Revision 3 would not result in the discharge of dredged or fill material into waters of the U.S. and Department of the Army (DA) authorization is not required. Should the mine plan be modified or it become apparent that the operation would involve a discharge of fill into waters of the U.S., DA authorization would be necessary.

This determination expires 5 years from the date of this letter unless specifically revalidated by this office. It does not grant any property rights nor obviate your responsibility to comply with the provisions of any other law or regulation of any

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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, or at marty.g.tyree@lrn02.usace.army.mil.

Sincerely,

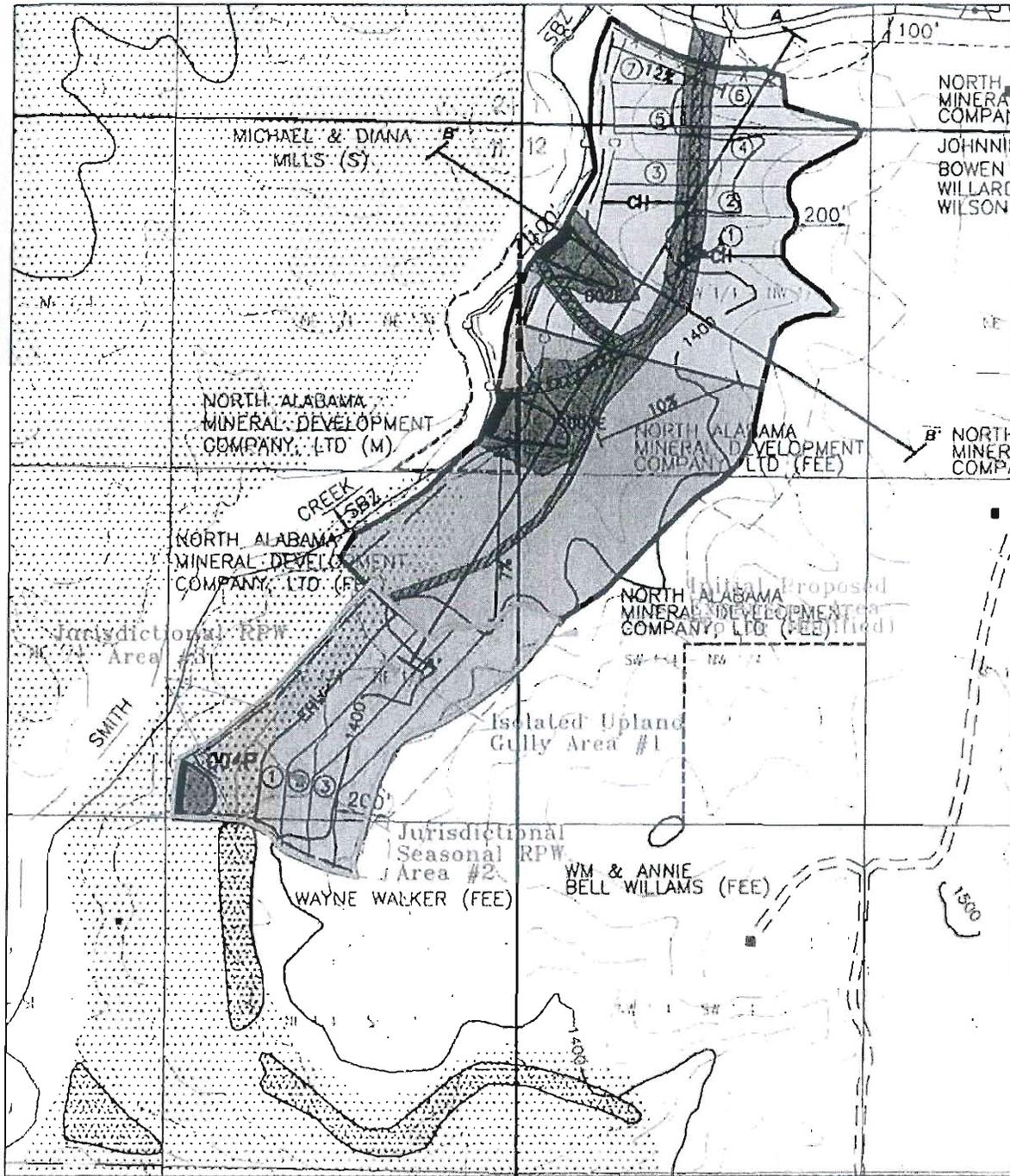
A handwritten signature in black ink, appearing to read 'Marty G. Tyree', with a long horizontal flourish extending to the right.

Marty G. Tyree
Project Manager
Operations Division

Enclosures

Copies furnished:

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



MAP 1

FIGURE
3

Goodwyn, Mills &
Cawood, Inc.

2701 1st Avenue South, Suite 100
Birmingham, Alabama
(205) 879-4462

TITLE: INITIAL MINE PLAN
WITH PROPOSED SEDIMENT POND

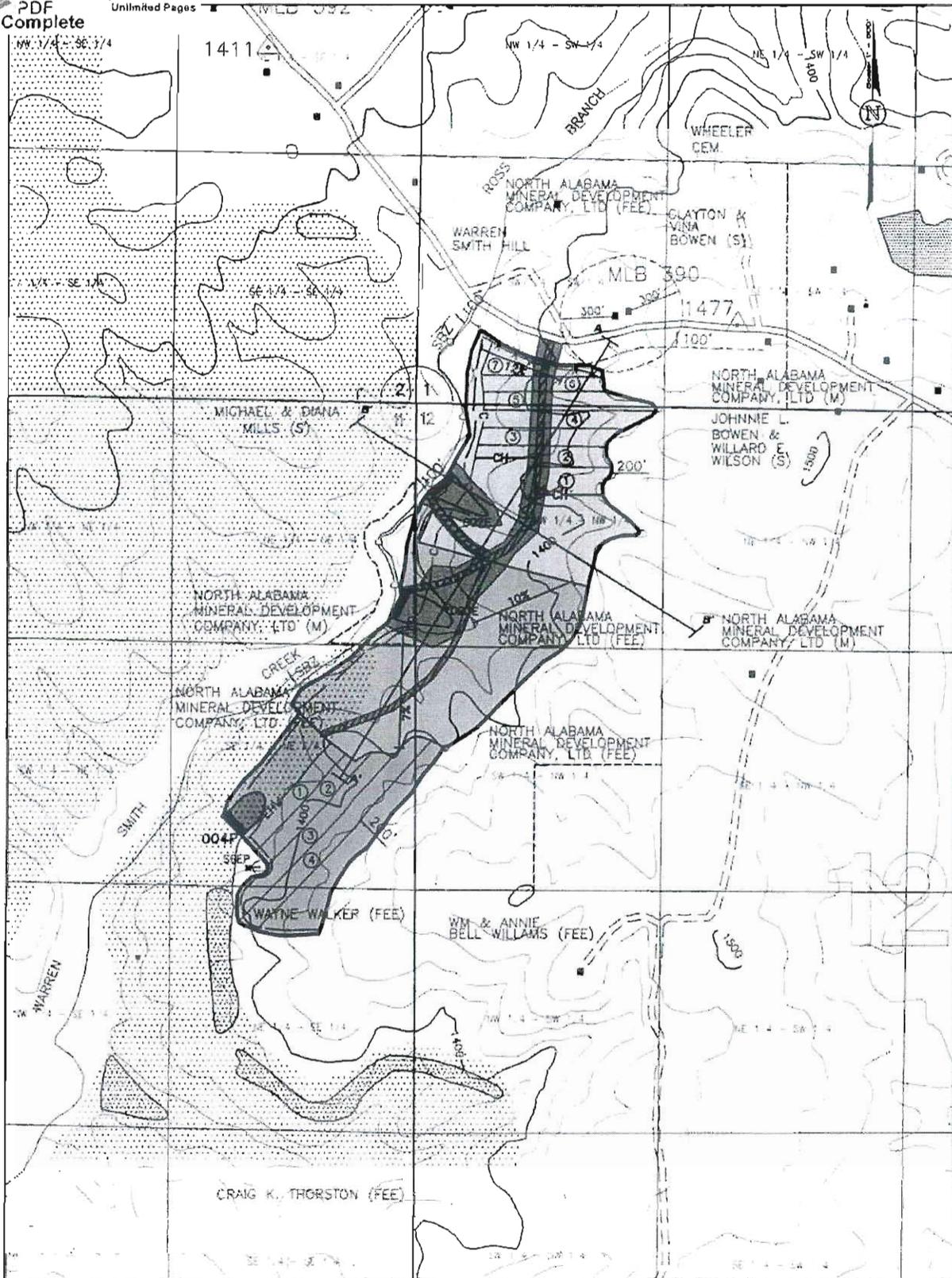
PROJECT:
MINE NO. 3 PROPOSED EXPANSION
FLAT ROCK, ALABAMA

DESIGNED:

DRAWN: SAB

SCALE: 1" = 600'

DATE: 06/04/09



LEGEND

	Permit Boundary
	Cut Sequence
	Auger Boundary

BOND LEGEND

	Increment No. 1 13 Acres
	Increment No. 2 18 Acres
	Increment No. 3 19 Acres
	Increment No. 4 16 Acres

MAP 2



GTM Energy Partners, LLC
Mine No. 3 / P-3888
Attachment III-A-1
Operations Map
Revision R-3

DRAWN BY: J.W.T.	DATE: 5-11-2009
DWG NAME: GTM303R-3	
APPROVED BY: C.G.S.	SCALE: 1"=500'