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

REPLY TO
ATTENTION OF:

August 12, 2011

Inland Section North
Regulatory Division

SUBJECT: Nationwide Permit Authorization - Permit Number SAM-2011-00887-CTM, Rosa Mine, Revision R-4

Mr. Robert Payne
c/o Mr. Stephen Blankenship
McGehee Engineering Corp.
Post Office Box 3431
Jasper, Alabama 35502

Dear Mr. Payne:

This letter is in response to your June 27, 2011 application, filed on your behalf by McGehee Engineering Corp., for a Department of the Army permit to impact approximately 117 linear feet (lf) of jurisdictional stream in association with a haul road culvert project. It has been assigned file number SAM-2011-00887-CTM, which should be referred to in all future correspondence with this office. The project is located in Sections 3 & 10, Township 12 South, Range 1 East (near Latitude 34° 00' 49" N and Longitude 86° 31' 33" W), near Rosa, Blount County, Alabama.

Department of the Army authorization is necessary because your project will involve the placement of fill material into jurisdictional waters of the United States, regulated under Section 404 of the Clean Water Act. Project activities include the installation of a culvert, impacting 117 lf (0.04 acre) of perennial stream. No mitigation will be required due to the minimal impacts and temporary nature of the culvert.

Based upon the information and plans provided, we hereby verify that the work described above, which would be performed in accordance with the received drawings, is authorized by Nationwide Permit (NWP) 14 in accordance with 33 CFR Part 330 of our regulations. This NWP and its associated Regional and General Conditions can be viewed at our website www.sam.usace.army.mil/RD/reg.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Please note you are also required to submit a signed certification regarding the commencement and completion of proposed work, including the completion of any required mitigation. The enclosed certification forms must be completed and returned to the letterhead address at commencement and within 60 days of completion of the work authorized. Also, enclosed please find a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this Jurisdictional Determination.

Please contact me at 205-290-9096 if you have any questions. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/RE/reg, 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.

Sincerely,

Candice Wheelahan

Candice Wheelahan
Project Manager
Regulatory Division

Enclosures

US Army Corps of Engineers
Mobile District

NOTIFICATION OF COMMENCEMENT OF WORK

Permit Number: SAM-2011-00887-CTM

Name of Permittee: Mcoal Corporation (Robert Payne)

Date of Permit Issuance: August 10, 2011

Location of the Work: Blount County, Alabama

Upon commencement of the authorized work and any mitigation required by the permit, you must complete and return this notification to the following address:

U.S. Army Corps of Engineers, Mobile District
Regulatory Division (RD-I-N)
218 Summit Pkwy, Suite 222
Homewood, AL 35209

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

IT SHALL NOT BE LAWFUL TO DEVIATE FROM SUCH PLANS EITHER BEFORE OR AFTER COMPLETION OF THE WORK, unless modification of said plans has previously been submitted to and received the approval of the Department of the Army. If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Engineer in order that the revised plans may receive the approval required by law before work is begun.

PERMITTEE TO COMPLETE THE FOLLOWING:

Date Work Commenced:_____

_____ _____
Signature of Permittee Date

US Army Corps of Engineers
Mobile District

SELF-CERTIFICATION - STATEMENT OF COMPLIANCE

Permit Number: SAM-2011-00887-CTM

Name of Permittee: Mcoal Corporation (Robert Payne)

Date of Permit Issuance: August 10, 2011

Location of the Work: Blount County, Alabama

Upon completion of the activity authorized by this permit and any mitigation required by the permit, you must complete and return this certification to the following address:

U.S. Army Corps of Engineers, Mobile District
Regulatory Division (RD-I-N)
218 Summit Pkwy, Suite 222
Homewood, AL 35209

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

PERMITTEE TO COMPLETE THE FOLLOWING:

Date Work Completed:_____

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the permit authorization, including all general and/or special conditions of the said permit, and the required mitigation (if applicable) was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mcoal Corporation (Robert Payne)	File Number:SAM-2011-00887-CTM	Date: 8/10/2011
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

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.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

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.)

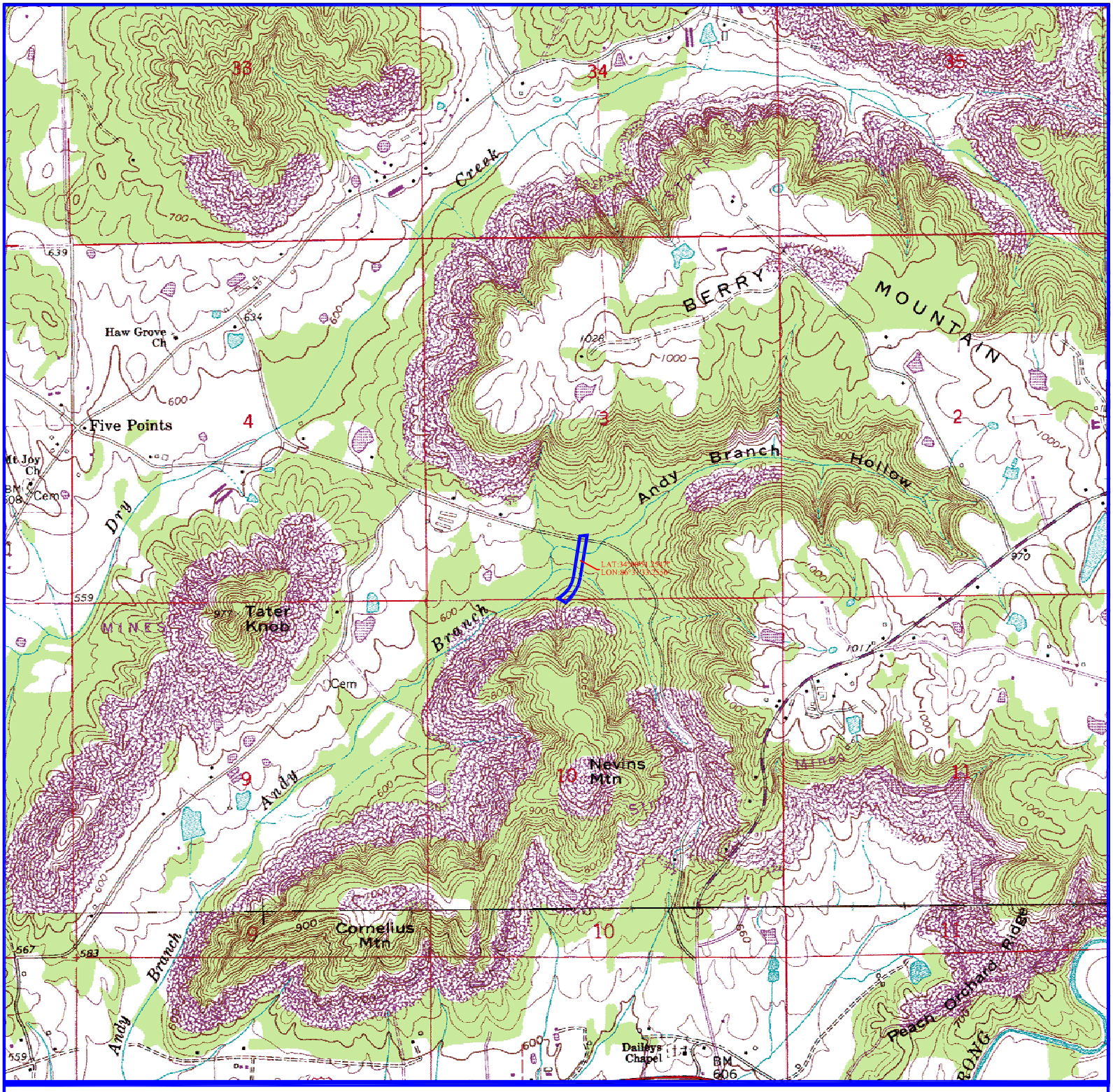
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Candice Wheelahan CESAM-RD-P U.S. ARMY CORPS OF ENGINEERS 218 SUMMIT PARKWAY, SUITE 222 HOMEWOOD, ALABAMA 35209 (205) 290-9096	If you only have questions regarding the appeal process you may also contact: MR. JASON W. STEELE REGULATORY APPEAL REVIEW OFFICER 60 FORSYTH STREET SOUTHWES ATLANTA, GEORGIA 30303-8801 (404) 562-5137

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:



SCALE: 1" = 2000'

MCOAL CORPORATION
ROSA MINE
(APPROXIMATELY 2 ACRES TOTAL)

N
W E
S

PROJECT AREA MAP

SECTIONS 3 & 10, TOWNSHIP 12 SOUTH, RANGE 1 EAST,
ALL IN BLOUNT COUNTY, ALABAMA
AS FOUND ON THE BLOUNTSVILLE, ALABAMA USGS QUAD.

mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0686 fax: 221-7721
email: staff@mcgehee.org

REVISION R-4 BOUNDARY

Latitude: 34°00'51" N
Longitude: 86°31'33" W