



REPLY TO  
ATTENTION OF:

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

March 1, 2013

North Branch  
Regulatory Division

SUBJECT: Nationwide Permit Authorization - Permit Number SAM-2012-00567-CMS, Coal Valley East Mine, Cedar Lake Mining, Inc.

Cedar Lake Mining, Inc.  
c/o McGehee Engineering  
Attention: Mr. Bradley Vance  
Post Office Box 3431  
Jasper, Alabama 35502

Dear Mr. Vance:

This letter is in response to your October 10, 2012 application for a Department of the Army (DA) permit to impact jurisdictional waters of the United States in association with the Coal Valley East Mine. The project is located in Sections 29, 30, 31 and 32, Township 14 South, Range 8 West, Sections 25 and 36, Township 14 South, Range 9 West, and Sections 5, 6, and 8, Township 15 South, Range 8 West, in Walker County, AL (N33.7850, W87.41583)

DA authorization is necessary because your project will involve the placement of fill material into jurisdictional waters of the United States (U.S.), regulated under Section 404 of the Clean Water Act. The project is for a surface coal mine, which will include impacts to 11,298 linear feet (lf) of ephemeral streams, 9,814 lf of intermittent streams, 3.81 acres of wetlands, and 8.28 acres of open water. The project will be mined in increments, with the following impacts to waters of the U.S. as depicted below:

Increment 1			Increment 2		
water	impact	Total open water impacts:	water	impact	Total Stream impacts:
ow29	3.2 ac	3.2 acres	s64	2081	2,081 lf intermittent
			s65	1646	4,947 lf ephemeral
			s66	412	
			s67	139	
			s68	448	
			s69	749	
			s70	441	
			s71	856	
			s72	256	

<b>Increment 3</b>			<b>Increment 4</b>		
water	impact		water	impact	Total Stream impacts:
s28	1844	Total Stream impacts:	s15	113	481 If intermittent
s33	144	7,252 If intermittent	s16	92	
s31	649	6,124 If ephemeral	s17	276	Total wetland impacts:
s32	518		w3	2.73 ac	2.78 acre
s34	1920	Total wetland impacts:	w5	0.05 ac	
s35	137	1.0 acre	ow17	0.16 ac	Total open water impacts:
s36	321		ow18	0.01 ac	0.17 acre
s37	157	Total open water impacts:	<b>Increment 5</b>		
s38	1464	0.81 acre	water	impact	Total Stream impacts:
s39	750		s1	89	227 If ephemeral
s40	201		s2	138	Total wetland impacts:
s55	1075		w2	0.03 ac	0.03 acre
s59	640		ow 6	1.84 ac	Total open water impacts:
s58	738		ow11	2.26 ac	4.1 acres
s60	1203				
s21	300				
s22	65				
s23	404				
s24	261				
W6	1.0 acre				
ow27	0.12 acre				
ow28	0.69 acre				

Based on the pre-construction notification and subsequent submittals, your proposal is authorized by Nationwide Permit (NWP) 49 Coal Remining Activities (Federal Register, February 21, 2012 Vol. 77, No. 34). In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the General Conditions of Nationwide Permit 49, which can be viewed at our website at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and the following special conditions:

a. The applicant shall purchase stream and wetland credits, as outlined on the following page, from a Corps-approved mitigation bank to offset the impacts to jurisdictional streams and wetlands. The credits shall be purchased prior to impacts to waters of the U.S. associated with each increment. Before credit purchase for each increment, the applicant shall obtain approval from the U.S. Army Corps of Engineers Birmingham Field Office of the intended mitigation bank and the number of credits to purchase for that increment. The number of credits required for each increment is outlined below (note that a proximity factor may apply, depending on the watershed location of the mitigation):

Increment 1  
No mitigation credits required

Increment 2  
14,019.25 stream credits

Increment 3  
34,908.385 stream credits  
0.4 wetland credits (1.0 acre \* 0.4 WRAP)

Increment 4  
1,812.95 stream credits  
1.6 wetland credits (2.73 ac\*0.59 WRAP = 1.6 and 0.05 ac\*0.27 WRAP= 0.014)

Increment 5  
231.18 stream credits  
0.0057 wetland credits (0.03 ac\*0.19 = 0.0057)

b. You shall comply with all the terms and conditions of the Alabama Department of Environmental Management Section 401 Water Quality Certifications for the Nationwide Permits. This document can be viewed at our website: <http://www.sam.usace.army.mil/Missions/Regulatory.aspx> for you review and compliance, or at your request a paper copy will be provided to you.

Our verification of this NWP authorization is valid until March 18, 2017 unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act.

A jurisdictional determination has already been conducted for this site, and is not included with this authorization letter. The determination was submitted to your office via letter dated July 12, 2012.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Further, please note General Condition 30 requires that you submit a signed certification to us once any work has commenced and when the work and required mitigation are completed. Please complete and submit the attached Notification of Commencement of Work when work has begun and the attached Compliance Certification form to this office within 60 days of completion of the authorized work.

A copy of this authorization is being provided to the Alabama Department of Environmental Management, Attention: Mr. Richard Hulcher, Field Operations Division, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Please contact me at 205-290-9096 if you have any questions and refer to File Number SAM-2012-00567-CMS. For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx> 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,

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

Courtney Shea  
Project Manager  
Regulatory Division  
Birmingham Field Office

Enclosures



US Army Corps of Engineers  
Mobile District

**NOTIFICATION OF COMMENCEMENT OF WORK**

Permit Number: SAM-2012-00567-CMS

Name of Permittee: Cedar Lake Mining, Inc.

Date of Permit Issuance: March 1, 2013

Location of the Work: Walker County, AL

**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-2012-00567-CMS

Name of Permittee: Cedar Lake Mining, Inc.

Date of Permit Issuance: March 1, 2013

Location of the Work: Walker County, AL

**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  
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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.

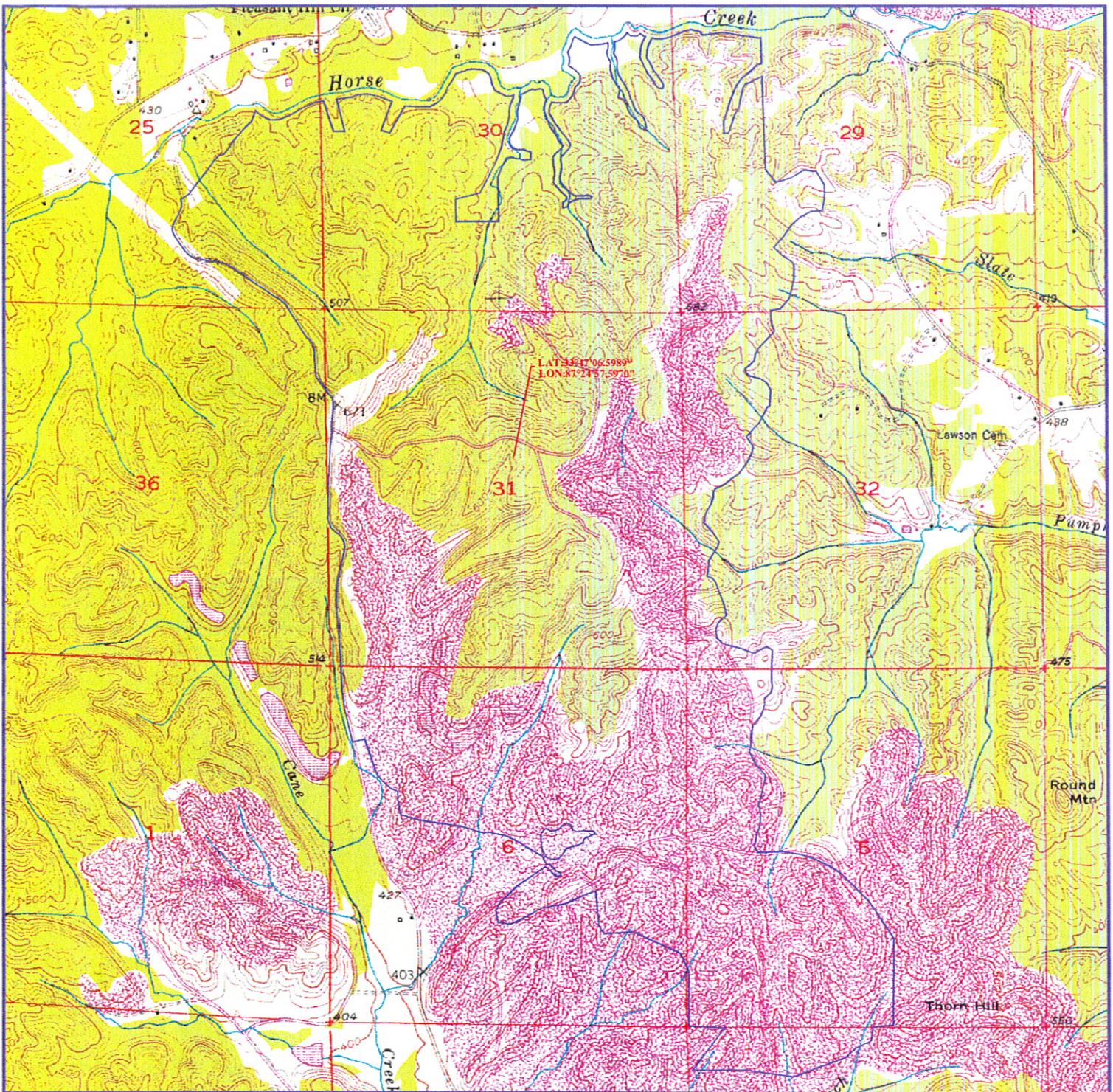
**PERMITTEE TO COMPLETE THE FOLLOWING:**

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



SCALE: 1" = 2000'  
 Revised Date: 10-04-2012

**CEDAR LAKE MINING, INC.**  
**COAL VALLEY EAST MINE**  
 (APPROXIMATELY 1,987ACRES TOTAL)

*JAM-2012-00567-CMS*  
**PROJECT AREA MAP**



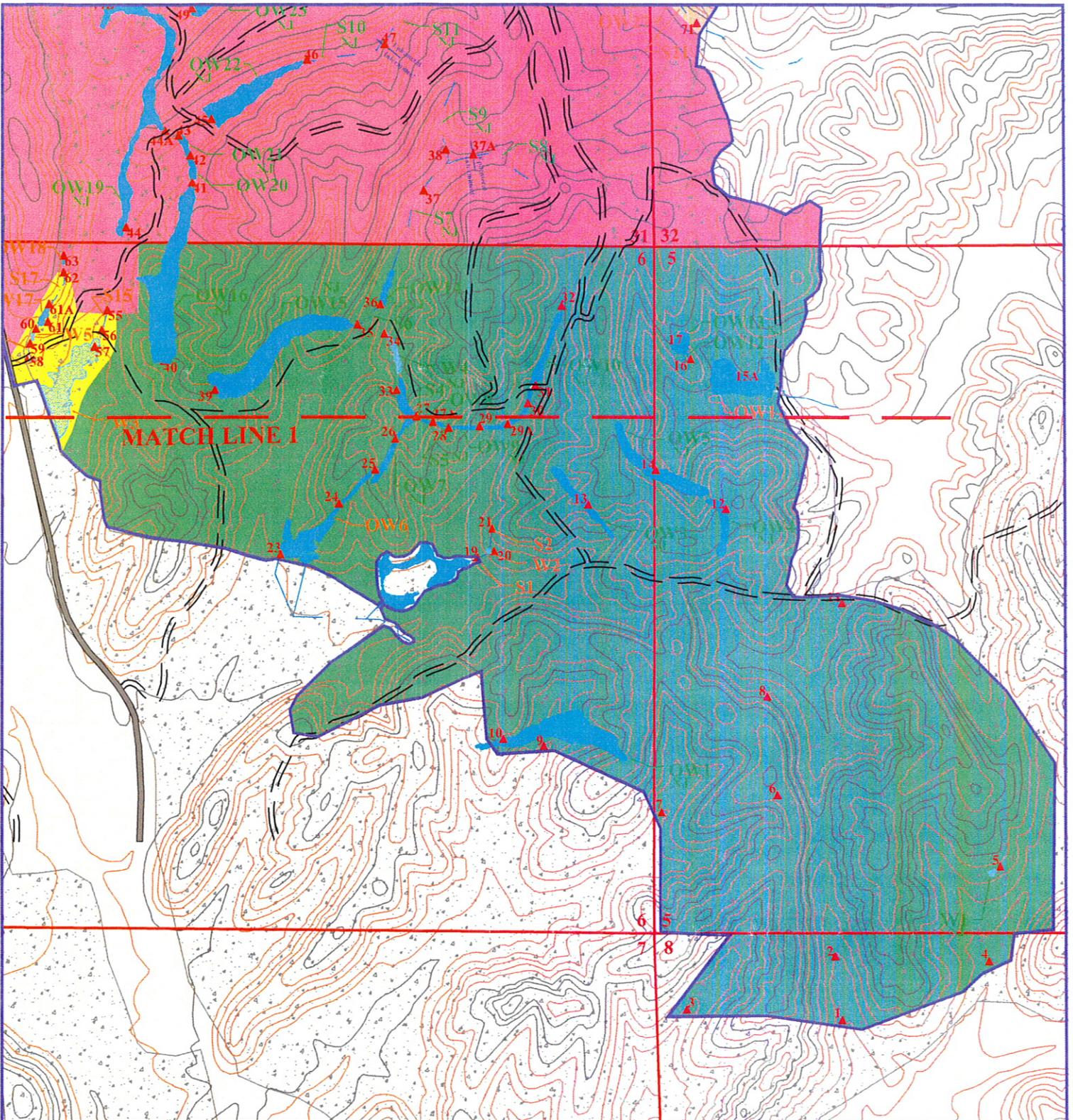
SECTIONS 25, 29, 30, 31, 32 & 36,  
 TOWNSHIP 14 SOUTH, RANGE 8 WEST  
 SECTIONS 25, TOWNSHIP 14 SOUTH, RANGE 9 WEST  
 SECTIONS 5, 6 & 8 TOWNSHIP 15 SOUTH, RANGE 8 WEST

ALL IN WALKER COUNTY, ALABAMA  
 AS FOUND ON THE TOWNLEY, ALABAMA USGS QUAD.

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

PROJECT BOUNDARY

Latitude: 33°47'06" N  
 Longitude: 87°24'57" W



SCALE: 1" = 1000'  
 Revised Date: 11-27-2012

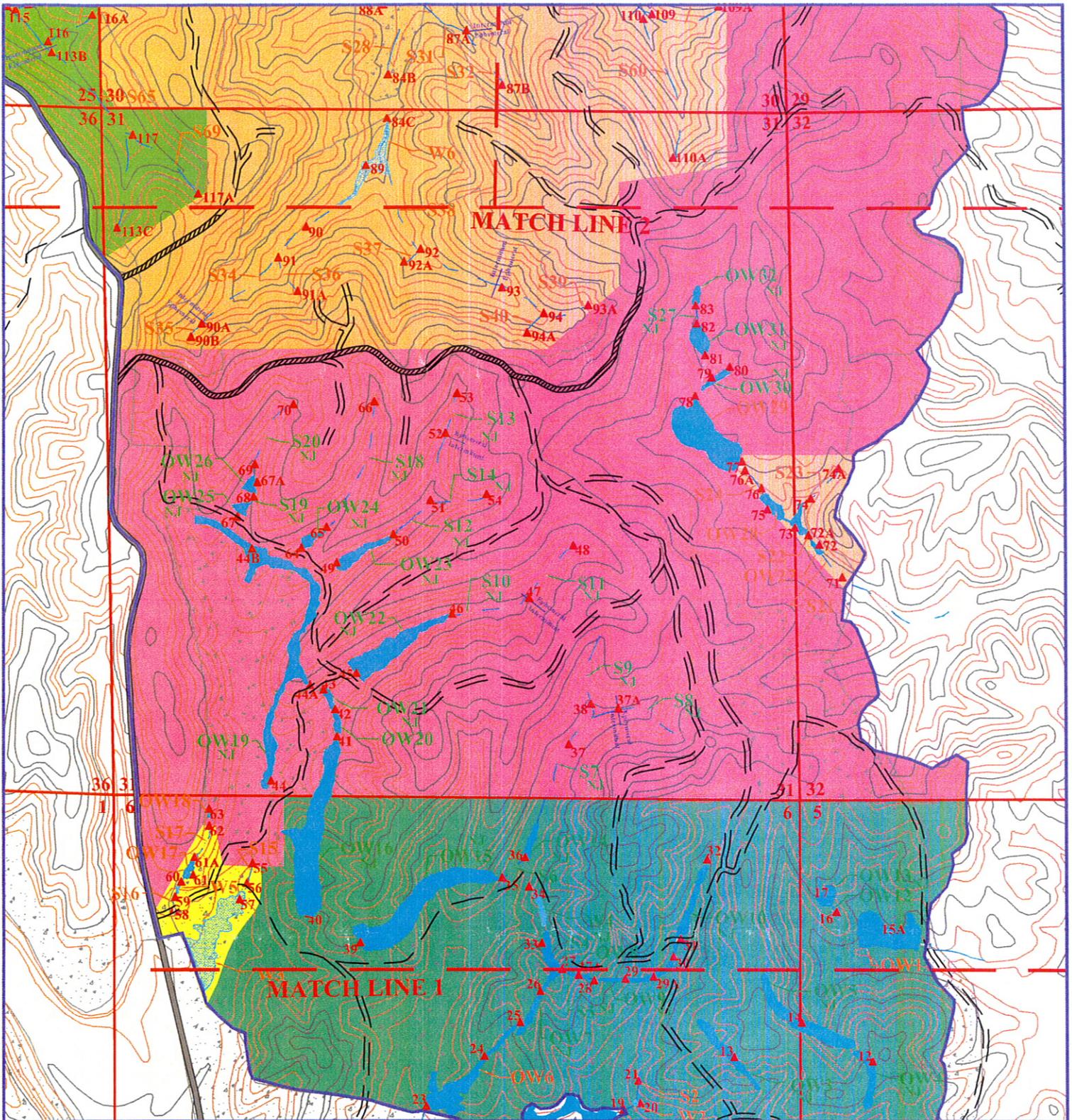
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*SAM-2012-00567-CMS*  
**INCREMENTAL JURISDICTIONAL  
 IMPACT MAP**

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 AS FOUND ON THE TOWNSLEY, ALABAMA USGS QUAD.

**LEGEND**

- ACOE PCN INCREMENT 1
- ACOE PCN INCREMENT 2
- ACOE PCN INCREMENT 3
- ACOE PCN INCREMENT 4
- ACOE PCN INCREMENT 5
- PROJECT BOUNDARY
- STREAM
- S1
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- PERENNIAL STREAM
- STREAM CHANGE INDICATOR
- WETLAND
- OPEN WATER
- WETLAND DELINEATION POINT
- PRIVATE ROAD
- PUBLIC ROAD
- RAILROAD
- OCCUPIED DWELLING
- PREVIOUSLY DISTURBED
- SEDIMENT BASIN





SCALE: 1" = 1000'  
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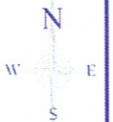
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*S.A.M. 2012-00567 CM*  
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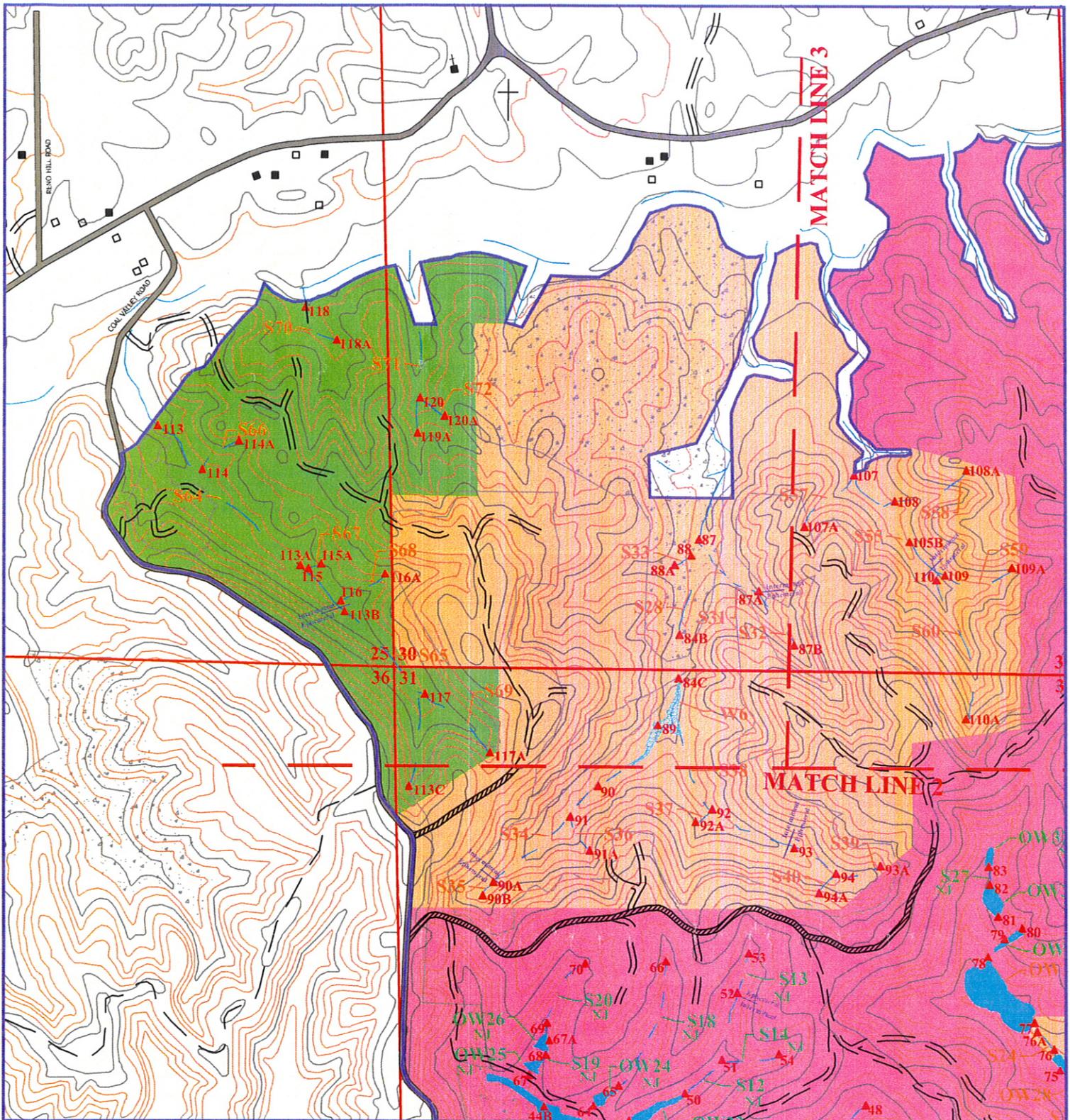
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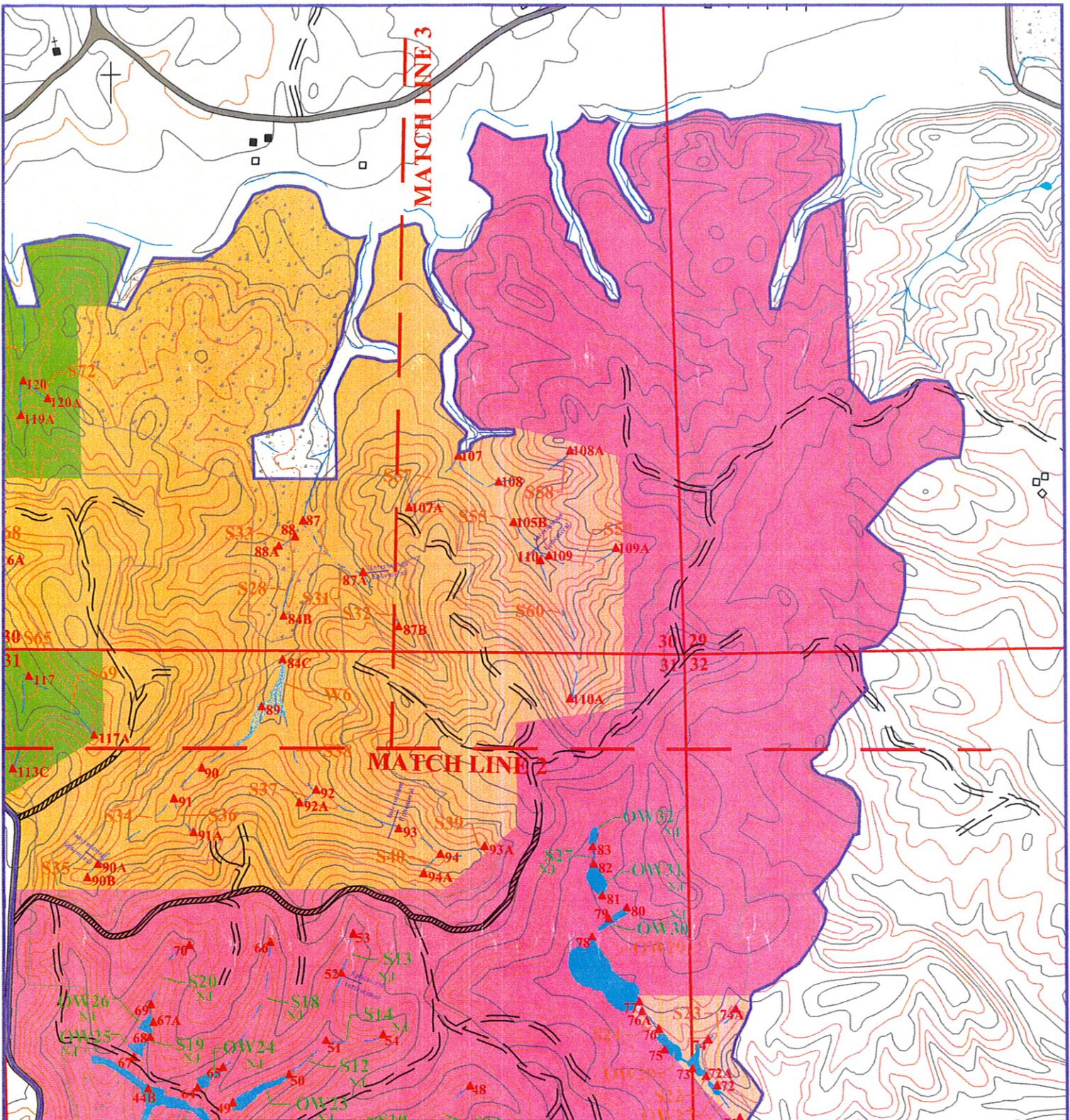
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