

APPENDIX A

Public Notice 08-34

FILE NO. 970011920

BLACK EAGLE MINERALS

Request for a Proposed Expansion of an Existing Barge Loading Dock

Tennessee River Mile 247.5, Left Bank, Pickwick Lake, in Colbert County,
Alabama



US Army Corps
of Engineers.

Public Notice

Public Notice No. 08-34

Date: June 3, 2008

Application No. 970011920

Expires: July 3, 2008

Nashville District

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch (Attn: Ms. Lisa Morris)
3701 Bell Road, Nashville, TN 37214; Telephone 615/369-7504; Fax 615/369-7501

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
STATE OF ALABAMA

SUBJECT: Proposed Expansion of Rock-Filled Barge Loading Dock to Accommodate Ethanol Plant and Steel Fabrication Plant at Tennessee River Mile 247.5, Left Bank, Colbert County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** and Tennessee Valley Authority (TVA) approval pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Black Eagle Minerals
PO Box 536
Tuscumbia, Alabama 35674

LOCATION: Tennessee River Mile 247.5, Left Bank, Pickwick Lake, Colbert County, Alabama. USGS Map: Pride, AL; lat 34-43-45, lon 87-48-30. TVA Tract No. XPR-149; RLR 185466.

BACKGROUND: Over the years, several DA and TVA permits have been issued at this terminal for a conveyor loader, mooring cells, a large rock-filled dock/storage area on both sides of the loader, and dredging activities. The terminal is authorized to load coal, steel, and rock (mined onsite – Vulcan Quarry), and general commodities which include corn and other grains, denatured fuel ethanol, and petroleum products, but excluding fertilizers. At this time, Black Eagle Minerals is requesting to expand the rock-filled dock to handle to new industry requesting to locate at this industrial site, to include Tennessee Valley Agri-Energy (an Ethanol Plant) and a Steel Fabrication Plant.

EXISTING FILL: In 1998, Black Eagle Minerals constructed (1) a 100' x 90' rock-filled, barge loading dock fixed to two existing mooring cells to provide a solid truck ramp for the barge loading. In 1999, the dock was extended (2) 100' x 190' behind the existing dock and a 234' x 155' east of the existing dock which provided a greater area for rock storage in preparation for barge loading. In 2000, the dock was extended (3) 180' x 240' in the upstream direction, an additional cell was installed, and sheet piling was installed for the dock face. In 2002, the dock was extended upstream (4) 90' x 245'. In 2004, (5) a 100' x 245' upstream section was added. In 2006, the dock was extended on the downstream side of the loader (1) 140' x 250' for additional rock storage. The dock is filled to Elevation 423. The terminal can handle up to 12 barges (4 long x 3 wide) at one time.

DESCRIPTION OF PROPOSED WORK: At this time, Black Eagle Minerals proposes to extend the facility 293' (L) x 264' (W) on the upstream most side of the existing fill. The fill material would be composed of shot limestone from the adjacent Vulcan Materials Rock site. Approximately 53,815 cubic yards of fill material would be required, of which about half would be below the summer pool contour, Elevation 414 (with 21,061 cubic yards in power loss and 32,734 cubic yards in flood storage loss). The proposed dock would not extend lakeward of the existing mooring cell line. Barge mooring capacity would not increase. The purpose of this fill is to provide more storage areas for the new commodities. Also Black Eagle Minerals is requesting to stabilize approximately 300 feet of shoreline and install fish attractors on the upstream side of the fill. The fish attractors will be made from the trees fronting the requested fill area.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work 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, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it would be contrary to the public interest.

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The Corps of Engineers 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 Corps of Engineers 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 (EA) 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. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time. Surveys on file for previous permit actions for this terminal reported that the clay and silt substrate, which would be covered by this project, is, at best, marginal habitat for most native mollusks, snails, and clams.

In addition to the DA, TVA, and state permits, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

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 hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before July 3, 2008, become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Lisa R. Morris, at the above address, telephone (615) 369-7504. It is not necessary to comment separately to TVA or the state, since copies of all comments will be sent to those agencies and will become part of their record on the proposal. Point of contact at TVA is Kenley Austin, telephone (256) 386-3456. Point of contact with ADEM is Aaron Peters, (334) 394-4310.



Location Map

Project Location Information

PRIDE AL USGS MAP

Applicant Black Eagle Minerals, LLC

Reservoir Pickwick

LAT 34-49-45

Tract Number XPR-149

LDN 87-48-30

Subdivision N/A

Lot No. N/A

Map No. 46-D & 36NE Quad

River Tennessee River

River Mile 247.7L

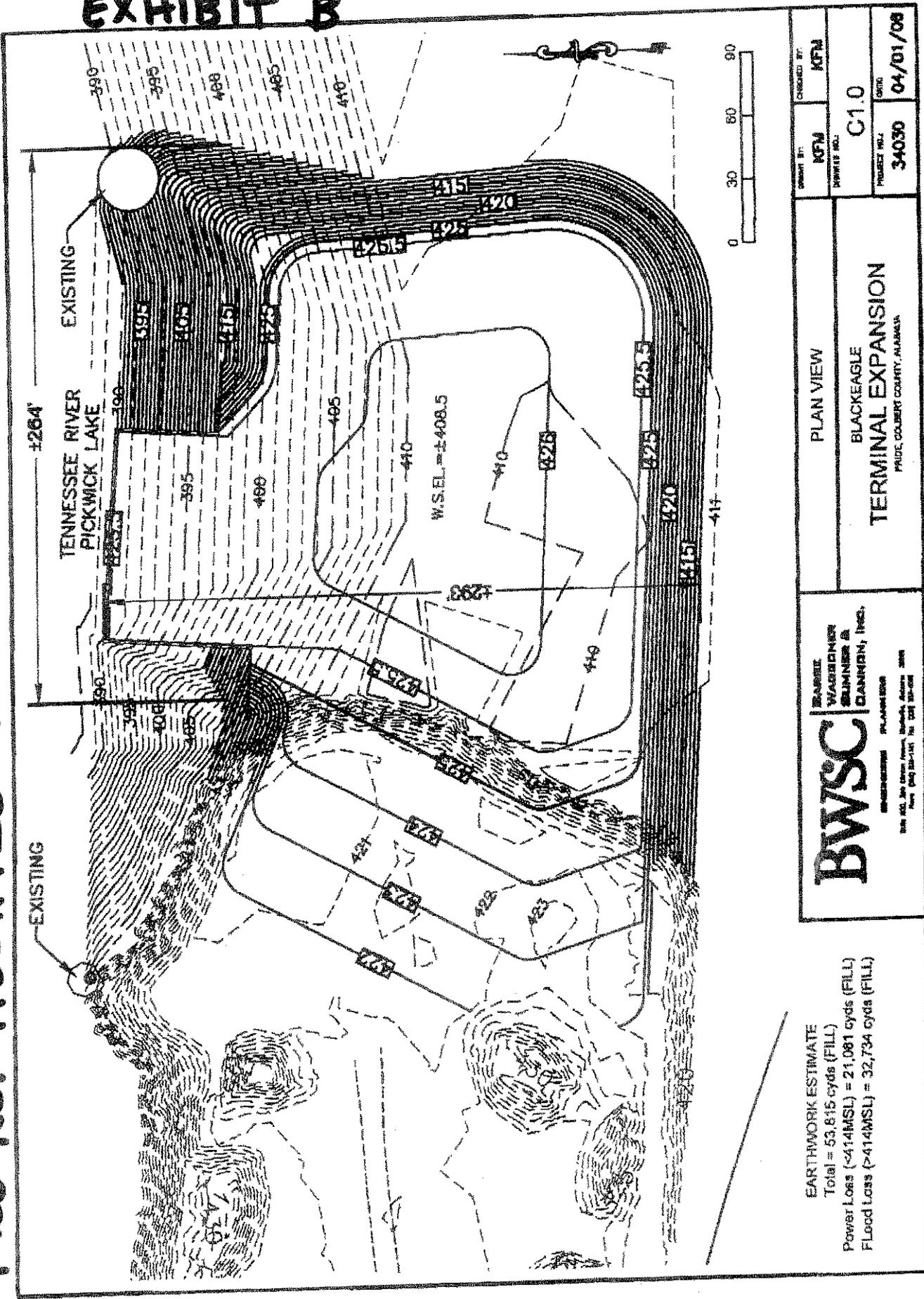
TVA Number Assigned

RLR 185466



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PROPOSED WORK - TOP VIEW EXHIBIT B

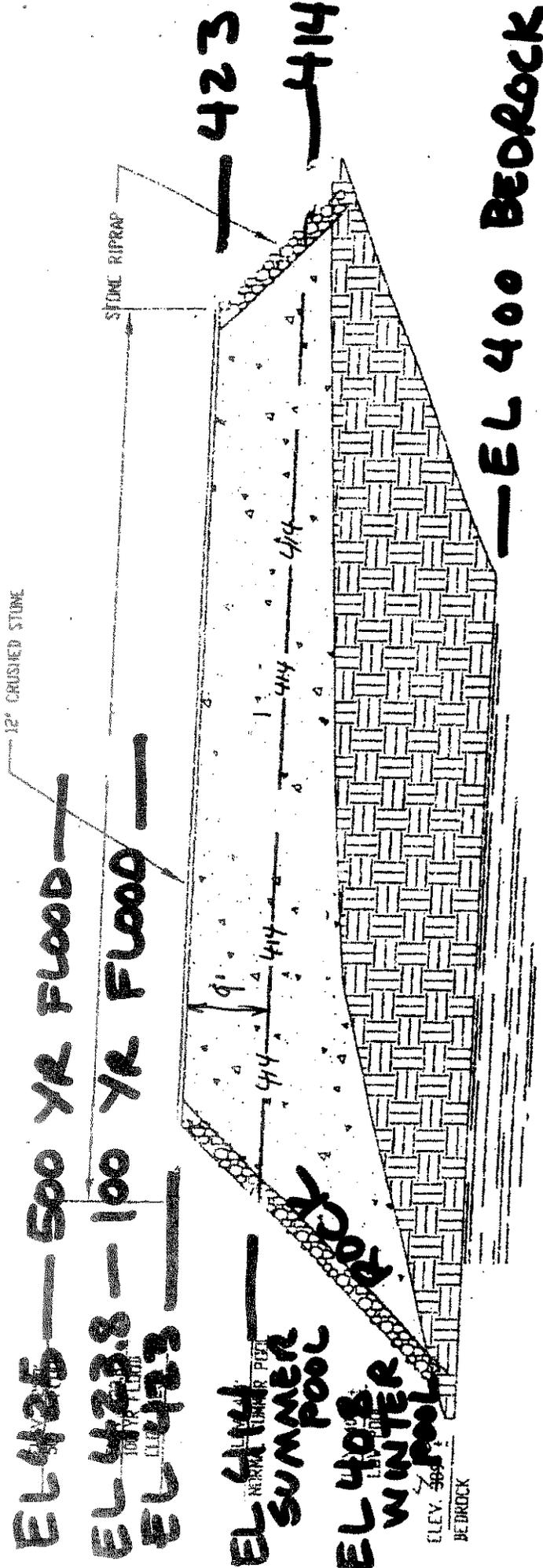


DESIGNED BY:	KFM	PROJECT NO.:	34030
CHECKED BY:	KFM	DATE:	04/01/08
PLAN VIEW		C1.0	

BLACKEAGLE TERMINAL EXPANSION
 BLACKEAGLE
 PRIDE, COLBERT COUNTY, ALABAMA

BWSC
 BARRETT WAGNER & SUMNER & CANNON, INC.
 ENGINEERS PLANNERS
 1000 10th Avenue, Birmingham, Alabama 35203
 Phone: (205) 251-1100 Fax: (205) 251-1101

EARTHWORK ESTIMATE
 Total = 53,815 cyds (FILL)
 Power Loss ($\pm 414MSL$) = 21,061 cyds (FILL)
 Flood Loss ($\pm 414MSL$) = 32,734 cyds (FILL)



CROSS SECTION
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EXHIBIT C

Approximately:
 53,815 cyd Fill total
 21,061 cyd power loss
 Storage
 32,734 cyd flood loss
 Storage
 26,907 cyd below EL 414