

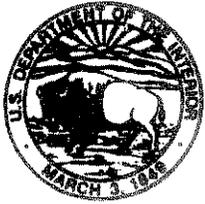
APPENDIX B
Comments Received

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:

2006-FA-0099

March 1, 2006

District Engineer
U. S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214

Dear Sir:

The U. S. Fish and Wildlife Service reviewed the public notice listed below. There are no known federally listed threatened or endangered species within the project area; nor do we anticipate, given the location of the proposed project, that suitable habitat exists for any federally listed species onsite. We recommend strict adherence to Best Management Practices and utmost care be used in avoiding sedimentation of the Tennessee River during all stages of the proposed project. The quarry operation's wash-water discharge exits the property into a small, shallow backwater located immediately adjacent to the navigable channel of the Tennessee River. The proposed fill activities are planned to occur in this backwater area. We recommend the wash-water discharge be allowed to filter through the fill materials proposed for placement and that it not be piped directly to the Tennessee River. We recommend the proposed activities be conducted during low pool or winter draw-down conditions on Pickwick Reservoir, typically during the months of November - March. If these recommendations are followed, no significant adverse effects on fish and wildlife resources are expected to result from this proposed work and we have no objections to issuance of this permit. However, we recommend you contact the Alabama Department of Conservation and Natural Resources, State Lands Division and Marine Resources Division concerning riparian rights on navigable water bodies, permission to impact state-owned water bottoms, which are public property, and possible effects to State trust resources. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Public Notice
06-13

Applicant
Black Eagle Minerals

Due Date
03/07/2006

Sincerely,

Elaine Snyder-Conn
Acting Field Supervisor

cc: Jeff Garner, ADCNR, 350 County Rd 275, Florence, AL 35633
Tonya Mayberry, ADEM, Montgomery, AL
Andrea Wade, EPA, Atlanta, GA
Rob Hurt, USFWS, Decatur, AL

www.fws.gov

PHONE: 251-441-5181



FAX: 251-441-6222



Shoals Economic Development Authority

20 Hightower Place, Suite 1 (35630) • P.O. Box 580 • Florence, AL 35631
Phone 256.764.0351 • Fax 256.764.3850 • shoalseda@seda-shoals.com

June 16, 2008

Nashville District Corps of Engineers
Regulatory Branch
Attn: Ms. Lisa Morris
3710 Bell Road
Nashville, TN 37214

Re: Public Notice No. 08-34
Application No. 9970011920
Applicant: Black Eagle Minerals

Dear Ms. Morris:

The Shoals Economic Development Authority (SEDA) enthusiastically supports Black Eagle Minerals' proposed expansion of the rock-filled barge loading dock at Tennessee River Mile 247.5, left bank, in Colbert County, Alabama.

As described in the Public Notice No. 08-34, this project appears to be in compliance with all cultural and natural resource requirements and will provide additional storage for two possible new industries—an ethanol plant and a steel fabrication plant—considering this location.

In order to remain competitive in today's economic development market, it is imperative that we embrace new technology and welcome new industry into the area. We applaud Black Eagle Minerals for their foresight and support of the local community, and we are in full agreement with the proposed project.

Sincerely,

Forrest Wright
President

FW:sm

19 JUN 2008



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

September 15, 2008

TEL: 334-242-3184
FAX: 334-240-3477

Lisa R. Morris
USACE Nashville District
3701 Bell Road
Nashville, Tennessee 37214-2660

Re: AHC 08-0845
Expansion of Barge Loading Dock
Tennessee River Mile 247.5 L
Colbert County, Alabama

Dear Ms. Morris:

Thank you for the additional information forwarded by your office. We can concur with the proposed activities provided the TVA stipulations are adhered to. Should any changes be necessary, further consultation with our office will be necessary.

We appreciate your efforts on this project. Should you have any please contact Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

18 SEP 2008



Black Eagle Minerals

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

June 20, 2008

TEL: 334-242-3184
FAX: 334-240-3477

Lisa B. Morris
USACE Nashville District
3701 Bell Street
Nashville, Tennessee 37214

Re: AHC 08-0845
COE-T 08-34
Expansion of Barge Facility
Colbert County, Alabama

Dear Ms. Morris:

Upon review of the above referenced project, our files indicate that the specific location has never been surveyed for cultural resources and it is unknown if sites potentially eligible for the National Register of Historic Places exist here. The project area is similar environmentally to areas which are known to have significant cultural resources. Therefore, it must be considered archaeologically sensitive.

We request that a professional archaeologist conduct a cultural resource assessment for the entire project area to identify any cultural resources which may be present. The archaeologist's report should be submitted to our office for review and determination prior to any construction activities.

We appreciate your efforts on this project. Should you have any questions, the point of contact for this matter is Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

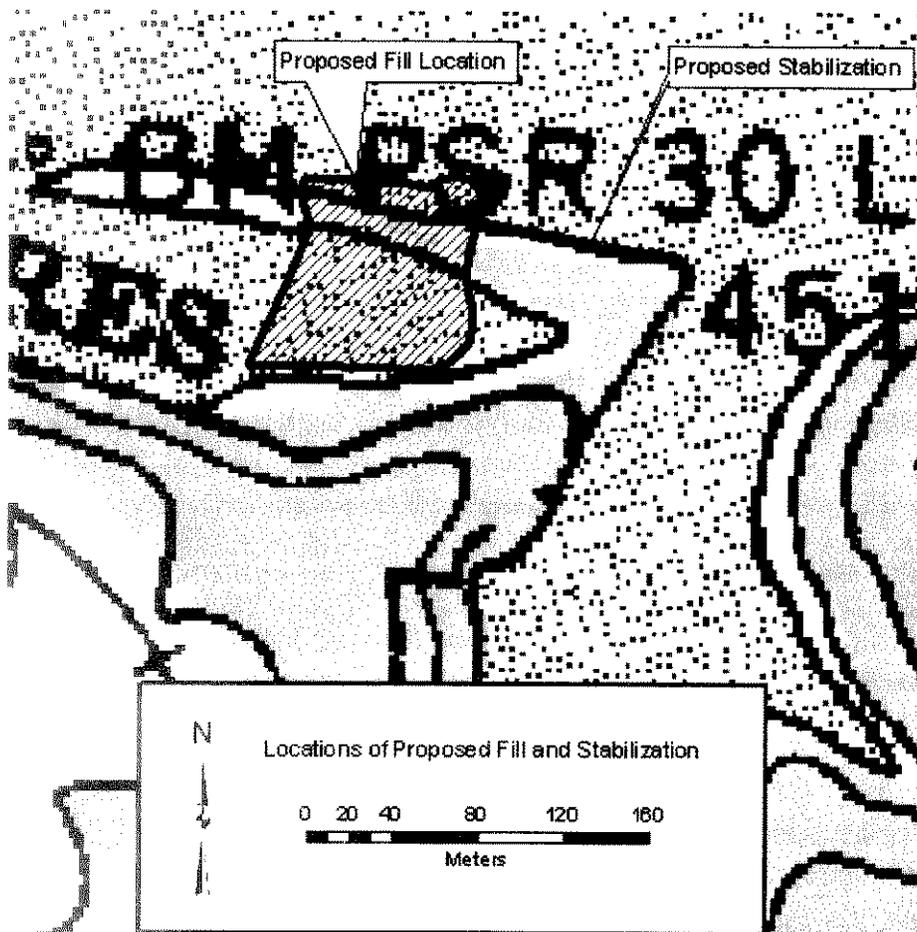


Figure 2. Map illustrating locations of proposed fill and stabilization (note: extent of proposed fill based on georeferencing of map illustrated on Figure 1).

**Black Eagle Minerals, LLC Request for Fill and Stabilization
(CEC-18565)**

Commitments Regarding Sensitive Cultural Resources

The proposed fill and stabilization will encompass a portion of site ICT11, a cultural resource that is considered potentially eligible for inclusion to the National Register of Historic Places. The archaeological deposits in the area to be covered by the proposed fill have been deflated by a combination of inundation and wave action and have been adversely affected. However, intact archaeological deposits are present in areas immediately adjacent to the proposed fill location and represent sensitive cultural resources. Additionally, intact cultural deposits are present along the riverbank in the area of the proposed stabilization. To ensure that sensitive cultural resources associated with site ICT11 will not be adversely affected by the proposed work, implementation of the proposed fill and stabilization plans would be subject to the following conditions:

Area of Proposed Fill

- 1) The proposed fill will be limited to the area as illustrated on Figures 1 and 2. All fill will be placed from the existing dock and/or from a barge;
- 2) No part of site ICT11 that is located immediately north and east of the proposed fill location (i.e., located within the existing treeline above the summer pool elevation) shall be disturbed during the placement of the proposed fill.

Area of Proposed Stabilization

- 1) The delivery and placement of the proposed rip rap will be by barge proposed and all rip rap will be limited to the area as illustrated on Figure 2;
- 2) All vegetation will be cut by hand at the bank surface and removed by barge;
- 3) No reshaping of the bank would be permitted, thus avoiding disturbance of in situ deposits.

