

# APPENDIX F

## 404(b)(1) Evaluation

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

January 2009

404(B)(1) GUIDELINES COMPLIANCE EVALUATION  
(40 CFR 230.10)

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

**RESTRICTIONS ON DISCHARGE(\*):** An asterisk in a block indicates that the proposal does not comply with the guidelines.

I. Alternatives test.

A. Are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters? [Yes(\*)\_\_ No X]

B. If the project is in a special aquatic site and is not water-dependent, has applicant clearly demonstrated that there are no practicable alternative sites available? [Yes\_\_ No(\*)\_\_N/A X]

II. Special restrictions. Will the discharge:

• violate state water quality standards? [Yes(\*)\_\_ No x]. ***The State of Alabama issued conditional a water quality certification for the work, dated July 30, 2008, which covers the modified/reduced plan under consideration. The permit is valid for 18 months. See copy of the water quality certification in Appendix D.***

• violate toxic effluent standards (under Section 307 of the Act)? [Yes(\*)\_\_ No x]  
***Permit conditions require that all fill material be free from toxic pollutants.***

• jeopardize endangered or threatened species or critical habitat? [Yes(\*)\_\_ No x]  
***USFWS has stated that the site does contain federally protected species. See EA Chapter 2.***

• violate standards set by the Department of Commerce to protect marine sanctuaries? [Yes(\*)\_\_ No\_\_N/A X]

January 2009

Evaluation of the physical/chemical and biological characteristics and anticipated changes indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s). [Yes x No   ]

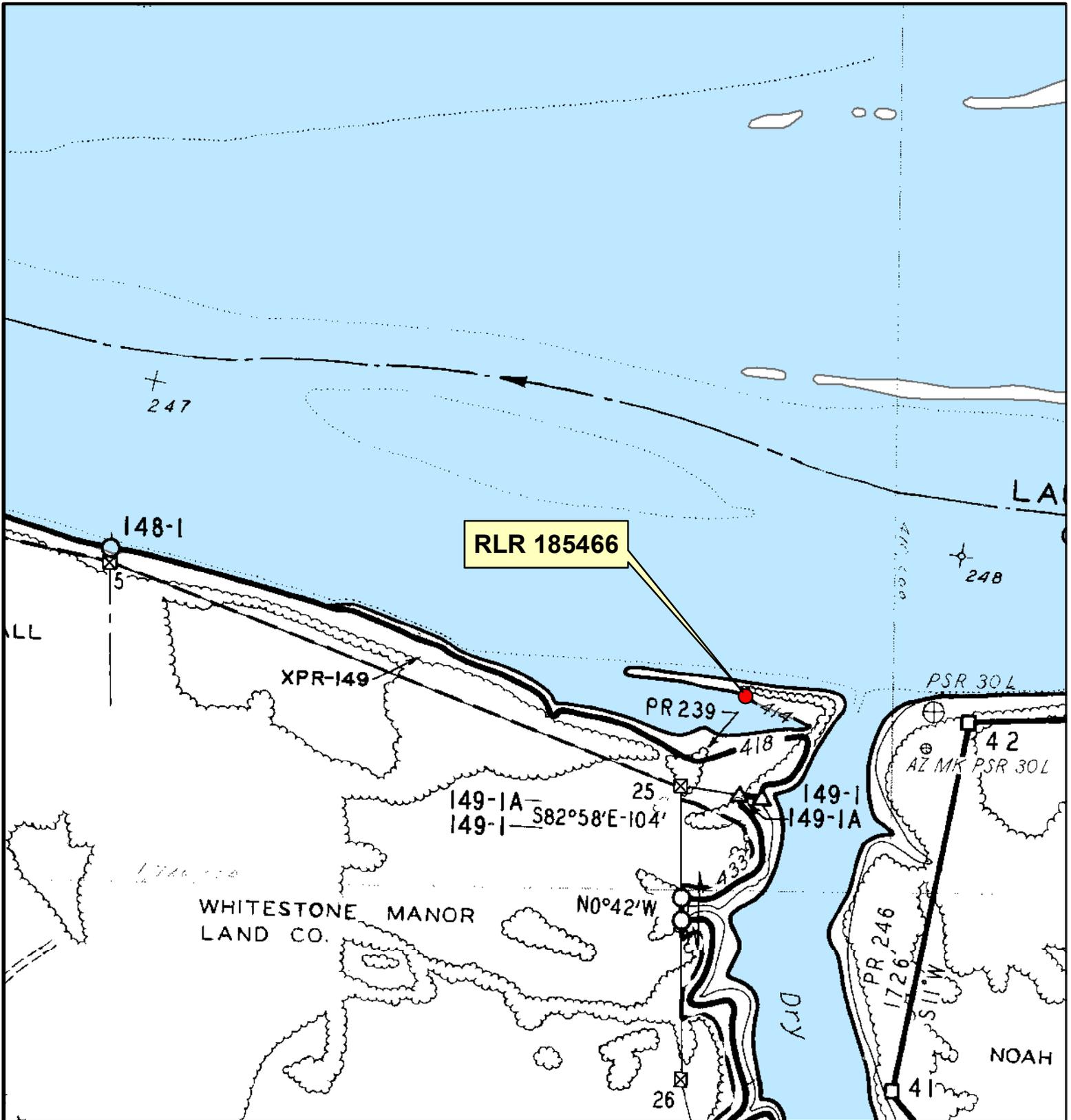
- ( x ) based on available information, the material is not a carrier of contaminants
- (    ) the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas
- (    ) acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

III. **Other restrictions.** Will the discharge contribute to significant degradation of "waters of the US." through adverse impacts to: (For detailed evaluations, see EA)

- human health or welfare, through pollution of municipal water supplies, fish, shell fish, wildlife, and special aquatic sites? [Yes    No x]
- life stages of aquatic life and wildlife? [Yes    No x]
- diversity, productivity, and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water, or reduce wave energy? [Yes    No x]
- recreational, aesthetic and economic values? [Yes    No x]

IV. **Actions to minimize potential adverse impacts (mitigation).** Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? [Yes x No   ]

Mitigation measures included in the proposed plan together with the standard and recommended conditions included in the Department of the Army permit would adequately minimize pollution or adverse effects to the affected ecosystem.



**RLR 185466**

### Location Map

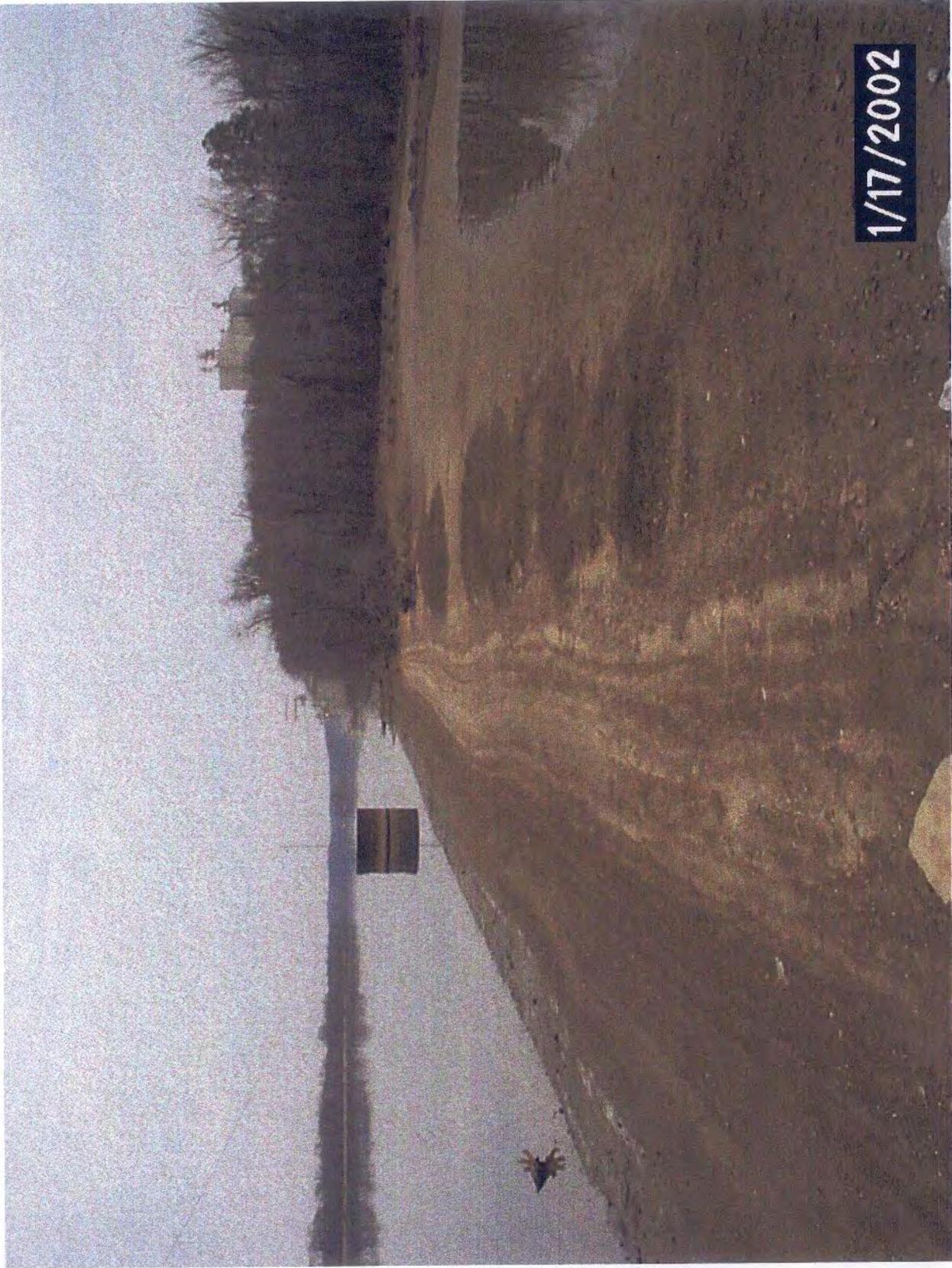


Project Location Information

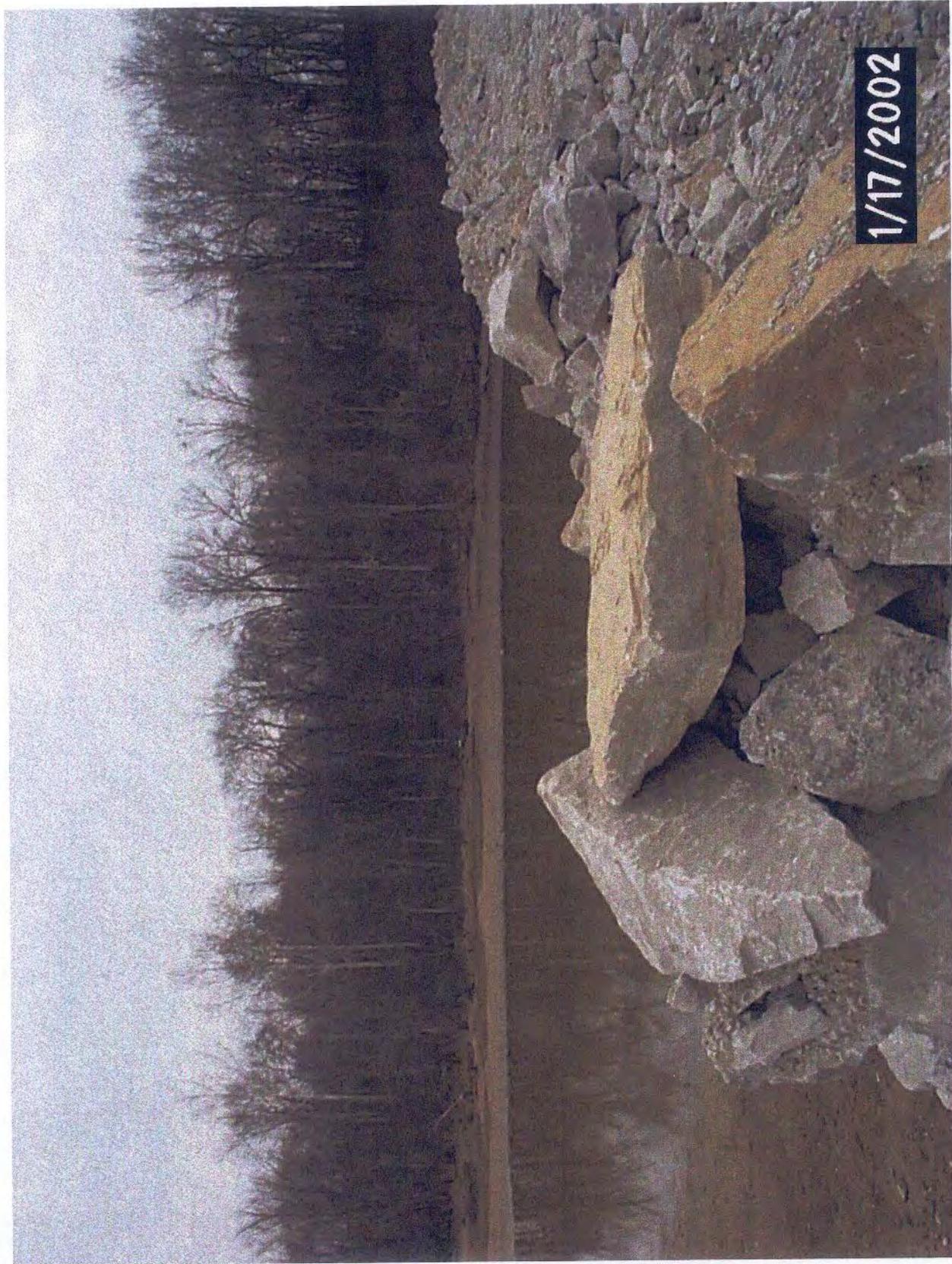
Applicant Black Eagle Minerals, LLC  
 Reservoir Pickwick  
 Tract Number XPR-149  
 Subdivision N/A  
 Lot No. N/A Map No. 46-D & 36NE Quad  
 River Tennessee River River Mile 247.7L



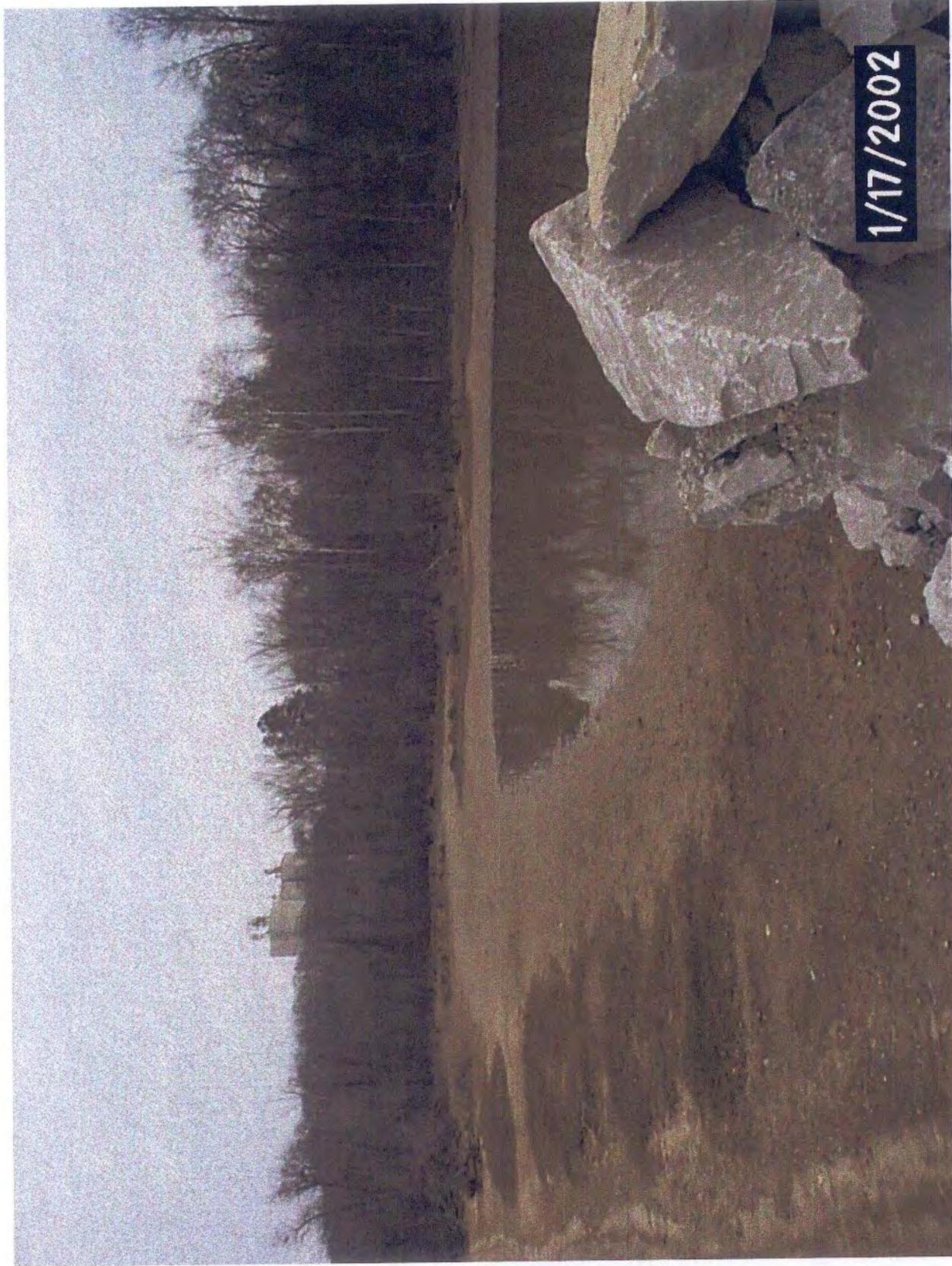
TVA Number Assigned  
RLR 185466



1/17/2002



Black Eagle Minerals XPR 149



Black Eagle Minerals

XPR 149

