

Public Notice

US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice No.
P-2875

Public Notice Date:
March 25, 2014

Expiration Date:
April 15, 2014

Postmaster Please Post Conspicuously Until:

File Number: MVS-2014-112

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch (Fechter)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Christy Minerals, LLC, Jeff Porter, 833 Booneslick Road, High Hill, Missouri 63350.

LOCATION: The project is located at the Clare Mine, 120 Old Barn Road, New Florence, Missouri, near the intersection of Old Barn Road and Clare Road. The project is located in Section 12, Township 48 North, Range 5 West, Montgomery County.

PROJECT DESCRIPTION: Christy Minerals, LLC, at the Clare Mine site, is proposing to mine a fireclay deposit using the open pit mining method. Location of the fire clay reserves, areas of disturbance, and site limits are presented on attached documents. The applicant seeks authorization to impact approximately 2,265 feet of two unnamed, intermittent streams that flow into Elkhorn Creek. Due to the location of the fire clay reserves at the site, the tributaries are proposed to be relocated. Due to the depth of the fire clay and the slopes required for safe mining practices, the majority of the reserves would be inaccessible due to the current location of the creeks. The applicant believes that the impacts to the streams have been minimized to the extent practicable while still meeting their project purpose.

During mining operations, overburden will be removed with bulldozers and tractors with pans. Overburden and waste material will be placed into previously mined areas and this will progress in stages from the west to the east. A pit will remain at the end of the mining and reclamation that will eventually turn into open water.

Christy Minerals has explored alternative properties for new mineral rights and have determined that this site, adjacent to the existing mine, contains the highest quality, accessible reserves. Therefore, due to the location of the mineral reserves, the applicant has indicated that impacts to jurisdictional waters cannot be avoided. Compensation/mitigation is planned to be conducted through an in-lieu fee for impacts that are determined to be unavoidable. The applicant has determined that underground mining is not feasible due to the unconsolidated nature of the overburden. The project is planned to be completed in stages beginning in August 2014 and completed by August 2019.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at <http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Katy Fechter, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8185. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Katy.Fechter@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The project plans will be submitted to the Missouri Department of Natural Resources, Water Protection Program (the Agency) in accordance with Section 401. While the Corps of Engineers may provide all relevant information to DNR and request Section 401 review on behalf of the applicant, the applicant assumes final responsibility to ensure that both agencies receive all information required to complete their independent review. If issued, Certification will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: The proposed project is within the range of the endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) that is a proposed candidate for endangered status. Initial coordination has been completed with the U.S. Fish and Wildlife Service, and applicant will complete minimal tree clearing prior to April 1 in order to minimize potential effects of clearing during roosting habitat. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a

reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army 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 other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment 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.


DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



Legend



Christy Minerals, L.L.C.
New Florence, MO

Site Plan with NWI

February 2014

41-1-37404-001

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS



FIGURE 2



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

-  Site Limits
-  Streams
-  FireClay Reserves

Christy Minerals, L.L.C.
Clare Mine
New Florence, MO

Site Plan - Detail

February 2014

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GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

FIGURE 3

OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE (<http://www.mvs.usace.army.mil/Missions/Regulatory.aspx>). If you have any trouble, please call Danny McClendon at (314) 331-8574 or by e-mail to: Danny.D.McClendon@usace.army.mil

WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS; CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAMED REMOVED FROM OUR MAILING LIST, please call Jaynie Doerr at (314) 331-8581, or by email to: Jaynie.G.Doerr@usace.army.mil, or mail this cover-sheet to the St. Louis District, OD-F, 1222 Spruce Street, St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company name be removed. Changes to our mailing list may take a few weeks to take effect.

US ARMY ENGINEER DISTRICT, ST. LOUIS
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1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833