



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 12, 2005
Comment Deadline: May 12, 2005
Corps Action ID #: 200500164

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Southern Products and Silica Company
Attn: C.K. Smith
Post Office Drawer 189
Hoffman, North Carolina 28347

AGENT (if applicable): Tracey Rush
Dr. J.H. Carter III & Associates, Inc.
Post Office Box 891
Southern Pines, North Carolina 28388

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

Project site is located adjacent to Drowning Creek, on the north side of US Highway 1, immediately west of the existing Drowning Creek Deposit Mine, near Hoffman, just south of the Moore County line, in Richmond County, North Carolina. (35.0612230 N, 79.5229139 W)

Existing Site Conditions

Southern Products and Silica Company has operated a sand and gravel mine at this location since 1970.

Applicant's Stated Purpose

Southern Product and Silica Company (SPSC) received a Department of the Army (DA) permit on January 2, 1992 authorizing 130 acres of wetland impacts for the surface mining of unweathered quartzite material (AID# 199000114). This DA permit expired on December 31, 2002. To mitigate for the 130 acres of wetland impacts, SPSC agreed to restore 21 acres of forested wetlands within the flooded mine pits on site and place 218 acres of bottomland hardwood swamp into preservation, deeding this land to The Nature Conservancy. On November 26, 2001, the Corps authorized a 3 year permit extension, at the request of SPSC. Their current DA permit expires December 31, 2005.

SPSC has applied for an additional permit extension and a permit modification. They propose extending the permit for 36 months or until December 31, 2008. In addition, they request modification of the permit to change the location of the last 13.1 acres of wetlands to be mined, from the approved wetland impact location to a new location along the western edge of the existing mine, just outside the originally permitted mine area.

Project Description

SPSC has stated there was a mistake on the original permit map and some upland areas were included as wetlands within the 130-acre wetland impact permit area. In addition, due to SPSC leaving vegetated wetland buffer strips within the mine footprint and electing to not mine streamhead wetlands, approximately 13.1 acres of permitted wetland impacts will remain when the current DA permit extension expires on December 31, 2005. Therefore, SPSC is requesting to change the location of the wetland impacts. SPSC proposed the discharge of fill material (soil and gravel) into approximately 0.75 acres wetlands to create berms around 2 sides the excavation area. The remaining 12.35 acres of wetlands would be filled through excavation and side casting.

SPSC has impacted a small portion of wetlands outside of the permitted mine area. They have determined that this is due to survey inaccuracies when the initial permit boundary was established in 1992. This survey error was not identified until 2004, when a new survey was done to reestablish the permit boundary. SPSC has included these wetland impacts when calculating the total wetland impacts the original permit authorized.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central

Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Suite 250, Raleigh, North Carolina 27604-2260, Attention: Ms Cyndi Karoly by May 5, 2005.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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. For activities involving

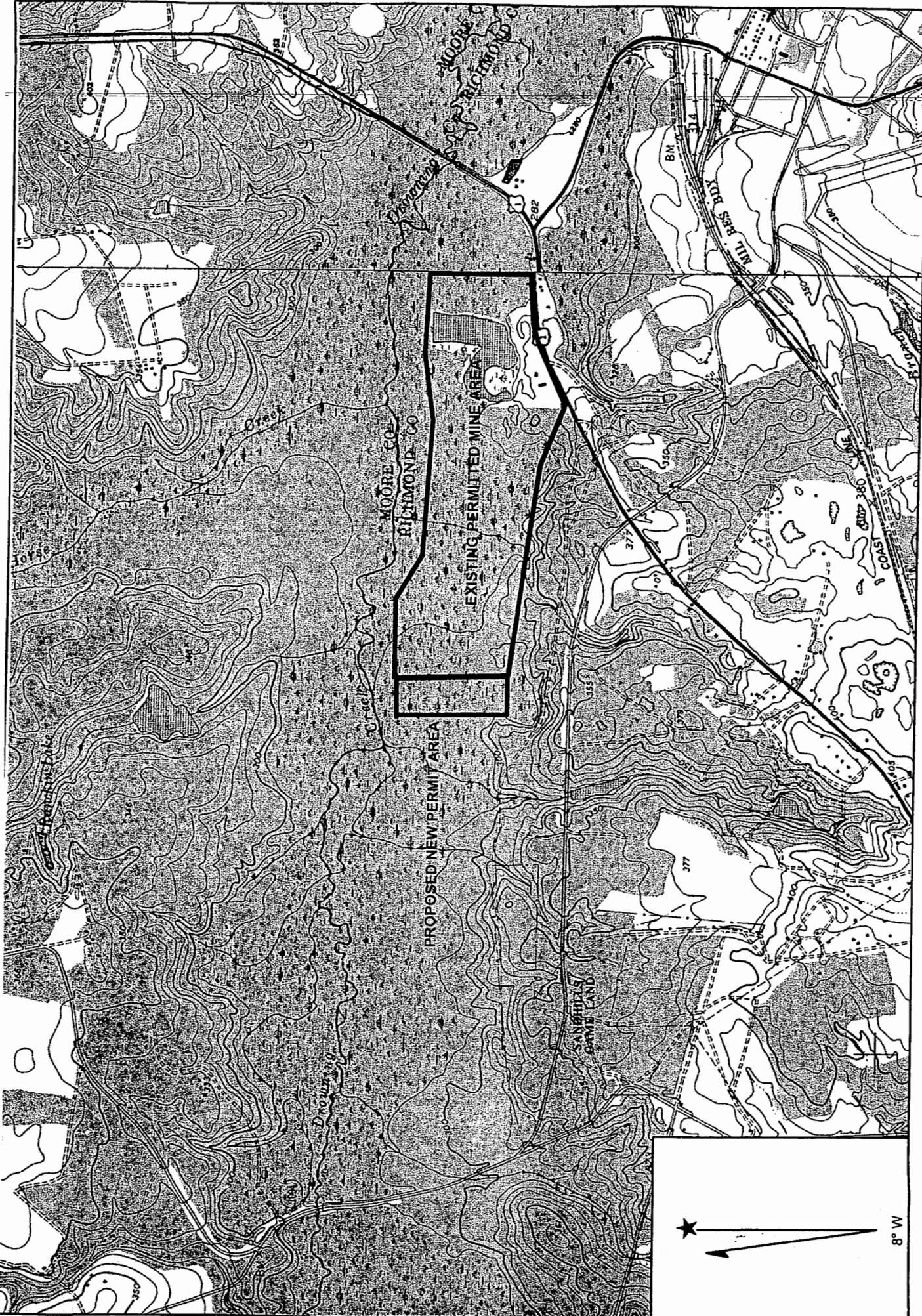
the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; 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 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 (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

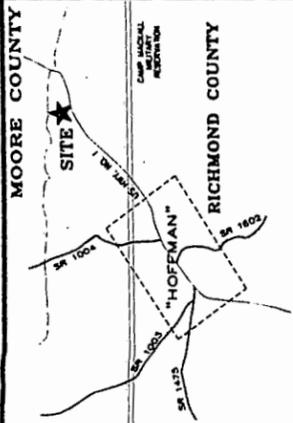
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 12, 2005. Comments should be submitted to Lillette Granade at (910) 251-4829.

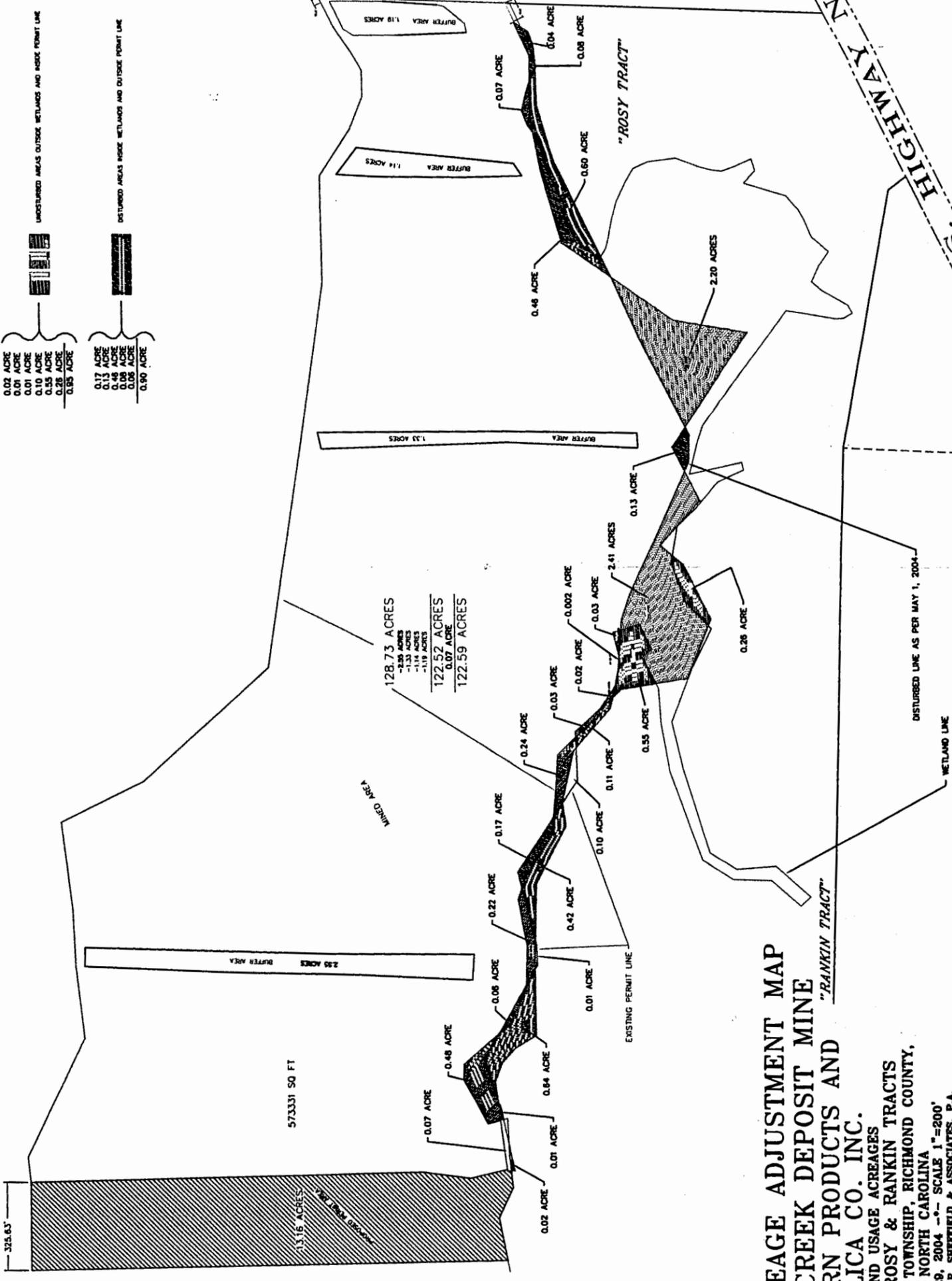


Name: HOFFMAN
 Date: 9/3/2004
 Scale: 1 inch equals 2000 feet

Location: 035.0602313° N 079.5206477° W
 Caption: Attachment 1: Southern Products and Silica Company existing and proposed mine areas, Richmond County, NC.



LOCATION SKETCH



PRELIMINARY DRAWING
NOT FOR SALES, CONVEYANCES,
OR RECORDATION.

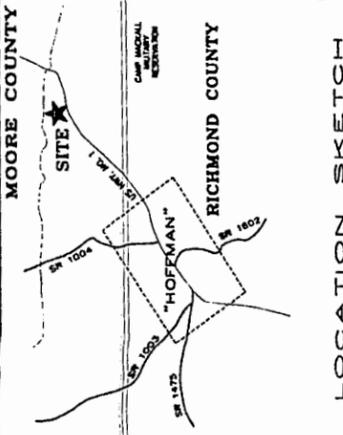
NOTE:
THIS PLAN PREPARED FROM SURVEY OF DISTURBED AREAS
BY STEPHEN R. SHEFFIELD & ASSOCIATES, P. A. AND FROM
WETLANDS LINE AND PERMIT LINE BY OTHERS.

NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.

WETLAND ACREAGE ADJUSTMENT MAP
DROWNING CREEK DEPOSIT MINE
SOUTHERN PRODUCTS AND SILICA CO. INC.
LAND USAGE ACREAGES
TYNER, ROSY & RANKIN TRACTS
BEAVER DAM TOWNSHIP, RICHMOND COUNTY,
NORTH CAROLINA
JULY 29, 2004 -- SCALE 1"=200'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
2235 NORTH PINEHURST STREET
ABERDEEN, NORTH CAROLINA

REVISED DATE: 07/29/04
PLOT DATE: 07/29/04 at 16:37



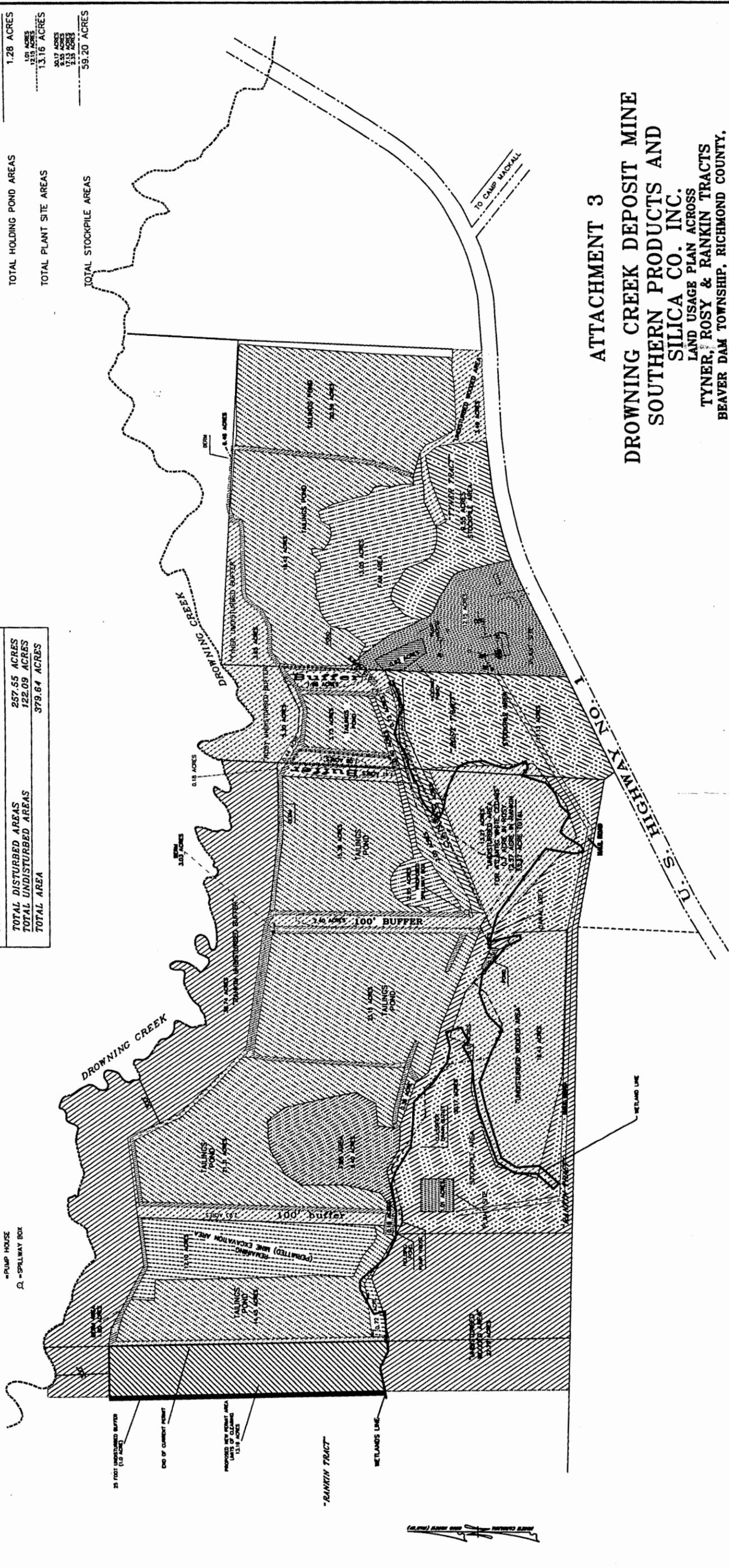


NOT INTENDED TO BE PREPARED
IN ACCORDANCE WITH THE
PROVISIONS OF G.S. 17-20 AS AMENDED.

NOTE:
THIS MAP PREPARED FROM PLANNING METHODS
AND NOT FROM AN ACTUAL FIELD SURVEY.

PROPERTY USAGE BY CATEGORY	
TOTAL TAILINGS PONDS AREAS	120.17 ACRES
TOTAL REMAINING MINE EXCAVATION AREAS	12.82 ACRES
NEW MINE EXCAVATION AREAS	13.16 ACRES
TOTAL BERM AREAS	11.29 ACRES
TOTAL FAN AREAS	26.47 ACRES
TOTAL HOLDING POND AREAS	1.28 ACRES
TOTAL PLANT SITE AREAS	13.16 ACRES
TOTAL STOCKPILE AREAS	59.20 ACRES
TOTAL DISTURBED AREAS	257.55 ACRES
TOTAL UNDISTURBED CEDAR TREE AREAS	13.27 ACRES
TOTAL UNDISTURBED CEDAR TREE BUFFER & WOODED AREAS	108.82 ACRES
TOTAL UNDISTURBED AREAS	122.09 ACRES
TOTAL DISTURBED AREAS	257.55 ACRES
TOTAL UNDISTURBED AREAS	122.09 ACRES
TOTAL AREA	379.64 ACRES

0.18 ACRES	0.18 ACRES
2.93 ACRES	2.93 ACRES
3.85 ACRES	3.85 ACRES
38.10 ACRES	38.10 ACRES
0.44 ACRES	0.44 ACRES
1.06 ACRES	1.06 ACRES
1.98 ACRES	1.98 ACRES
2.40 ACRES	2.40 ACRES
18.43 ACRES	18.43 ACRES
27.78 ACRES	27.78 ACRES
1.0 ACRES	1.0 ACRES
TOTAL UNDISTURBED BUFFER & WOODED AREAS	108.82 ACRES
13.27 ACRES	13.27 ACRES
TOTAL UNDISTURBED CEDAR TREE AREAS	13.27 ACRES
0.18 ACRES	0.18 ACRES
2.93 ACRES	2.93 ACRES
3.85 ACRES	3.85 ACRES
38.10 ACRES	38.10 ACRES
0.44 ACRES	0.44 ACRES
1.06 ACRES	1.06 ACRES
1.98 ACRES	1.98 ACRES
2.40 ACRES	2.40 ACRES
18.43 ACRES	18.43 ACRES
27.78 ACRES	27.78 ACRES
1.0 ACRES	1.0 ACRES
TOTAL TAILINGS PONDS AREAS	120.17 ACRES
12.82 ACRES	12.82 ACRES
TOTAL REMAINING MINE EXCAVATION AREAS	12.82 ACRES
13.16 ACRES	13.16 ACRES
NEW MINE EXCAVATION AREA	13.16 ACRES
11.29 ACRES	11.29 ACRES
TOTAL BERM AREAS	11.29 ACRES
25.80 ACRES	25.80 ACRES
TOTAL FAN AREAS	25.80 ACRES
1.28 ACRES	1.28 ACRES
TOTAL HOLDING POND AREAS	1.28 ACRES
13.16 ACRES	13.16 ACRES
TOTAL PLANT SITE AREAS	13.16 ACRES
59.20 ACRES	59.20 ACRES
TOTAL STOCKPILE AREAS	59.20 ACRES



ATTACHMENT 3

DROWNING CREEK DEPOSIT MINE

SOUTHERN PRODUCTS AND SILICA CO. INC.

LAND USAGE PLAN ACROSS
TYNER, ROSY & RANKIN TRACTS
BEAVER DAM TOWNSHIP, RICHMOND COUNTY,
NORTH CAROLINA

SEPTEMBER 1, 2004 -- SCALE 1"=300'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
2235 NORTH PINEHURST STREET
FABERDEEN, NORTH CAROLINA