



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 13, 2013  
Comment Deadline: April 12, 2013  
Corps Action ID #: SAW-2013-00203

The Wilmington District, Corps of Engineers (Corps) has received an application from the Unimin Corporation, Doug Myers, seeking Department of the Army authorization to impact approximately 1,305 linear feet of stream and 0.044 acre of wetlands to achieve design capacity at two waste areas, the tailings dump and south mine waste dump, at Hawkins Mine and Quartz processing plant, Spruce Pine, Mitchell County, North Carolina.

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 <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>

**Applicant:** Unimin Corporation  
Mr. Doug Myers  
7638 Highway 226 South  
Spruce Pine, North Carolina 28777

**AGENT (if applicable):** ClearWater Environmental Consulting  
Ms. Rebekah Newton  
224 South Grove Street, Suite F  
Hendersonville, North Carolina 28792

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures Section 404 of the Clean Water Act (33 U.S.C.1344)

## Location

The project areas are located within the Hawkins Mine site, on the east side of Highway 226 and the Quartz processing plant, located west of Highway 226; both sites are located approximately 1.7 miles north of Spruce Pine in Mitchell County, North Carolina. (35.930598° N, -82.096735° W).

## Existing Site Conditions

The project sites consists of an operational mine and quartz processing plant, existing dump space, disturbed wooded areas, cleared areas, and associated infrastructure. This habitat is varied

and often contains mesophytic and hydrophytic species. Communities include tributaries in the bases of coves or at the toes of the slopes. This mesic to xeric community is found along the ridges. These areas have been disturbed by historic and active mining. Cleared areas include the operational mine and existing dump space. These areas are devoid of trees and shrubs and include bare rock or dump material. Stabilized areas are vegetated with Johnson grass (*Sorghum sp.*) or other species commonly used for erosion control. Streams on the sites include Little Bear Creek, unnamed tributaries to Little Bear Creek, and unnamed tributaries to the North Toe River. There are approximately 7,800 linear feet of stream channel within the two project boundaries. In general, these tributaries flow north to south and eventually into the North Toe River. The North Toe River flows into the Nolichucky River, which is a tributary to the French Broad River. There is approximately 0.044 acre of wetlands located within the Quartz processing plant tailings dump project boundary. The wetlands are small and adjacent to associated stream channels.

### **Applicant's Stated Purpose**

Based on the information provided by the applicant, the basic project purpose of the proposed project is to continue the development and achieve design capacity at two waste areas, the plant tailings dump and the south mine waste dump, at the Unimin Corporation's Hawkins Mine and Quartz processing plant.

### **Project Description**

The proposed project will allow for continued development at two waste areas within the Unimin Corporation's Hawkins Mine and Quartz processing plant. The project will impact 1,305 linear feet of stream channel and 0.044 acre of wetland. The applicant proposes to mitigate for unavoidable stream impacts (1,305 linear feet of stream) at a mitigation activity ratio of 1:1 through payment into the EEP in-lieu fee program. By letter dated January 22, 2013, EEP has indicated they are willing to accept payment for impacts at the project site. The impacts are located in the French Broad River Basin (HUC 06010108) and NCEEP has indicated they have credit available in the same basin.

### **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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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, 512 North Salisbury Street in Raleigh, North Carolina. 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), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by April 12, 2013.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to **Cherokee, Douglas, Nolichucky, and French Broad**, 3726 E. Morris Boulevard, MOC 1A-MOT, Morristown, TN 37813-1270 and **Boone, Bristol Project, Fort Patrick Henry, South Holston, Watauga, and Wilbur**, 106 Tri-Cities Business Park Drive, WTR 1A-GRT, Gray, Tennessee 37615. Questions or comments regarding Section 26a permit requirements should be directed to the above addresses or by calling (800) 882-5263.

### **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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service.

### **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.

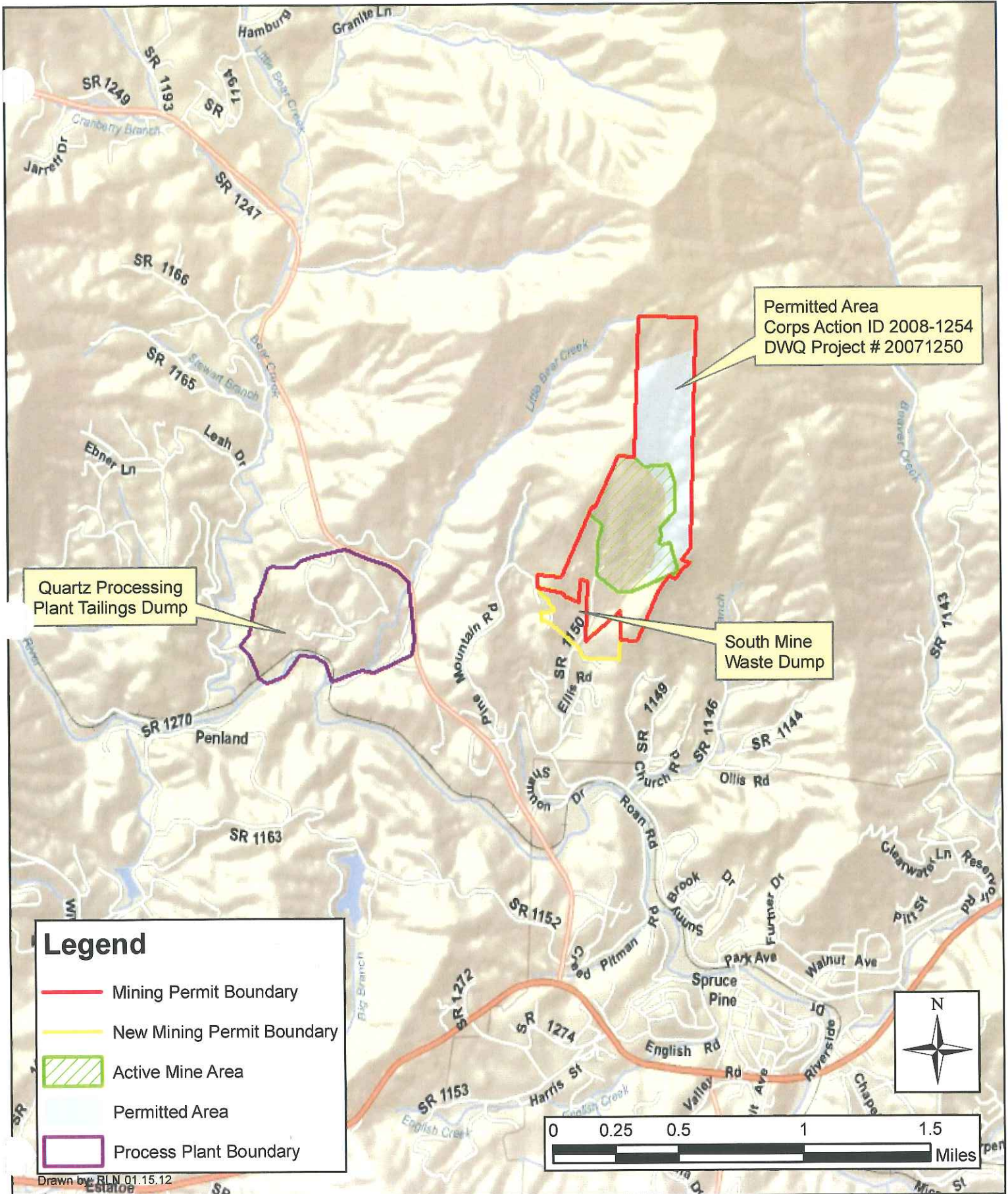
### **Commenting Information**

The Corps of Engineers 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 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 (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, April 12, 2013. Comments should be submitted to Tasha McCormick, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.

# Unimin - Quartz Processing Plant Tailings Dump and South Mine Waste Dump



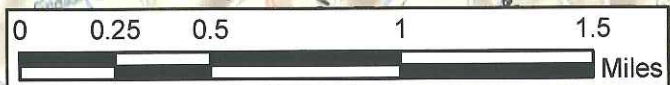
Quartz Processing Plant Tailings Dump

Permitted Area  
Corps Action ID 2008-1254  
DWQ Project # 20071250

South Mine Waste Dump

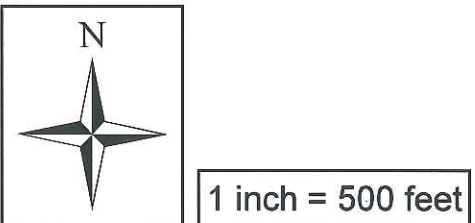
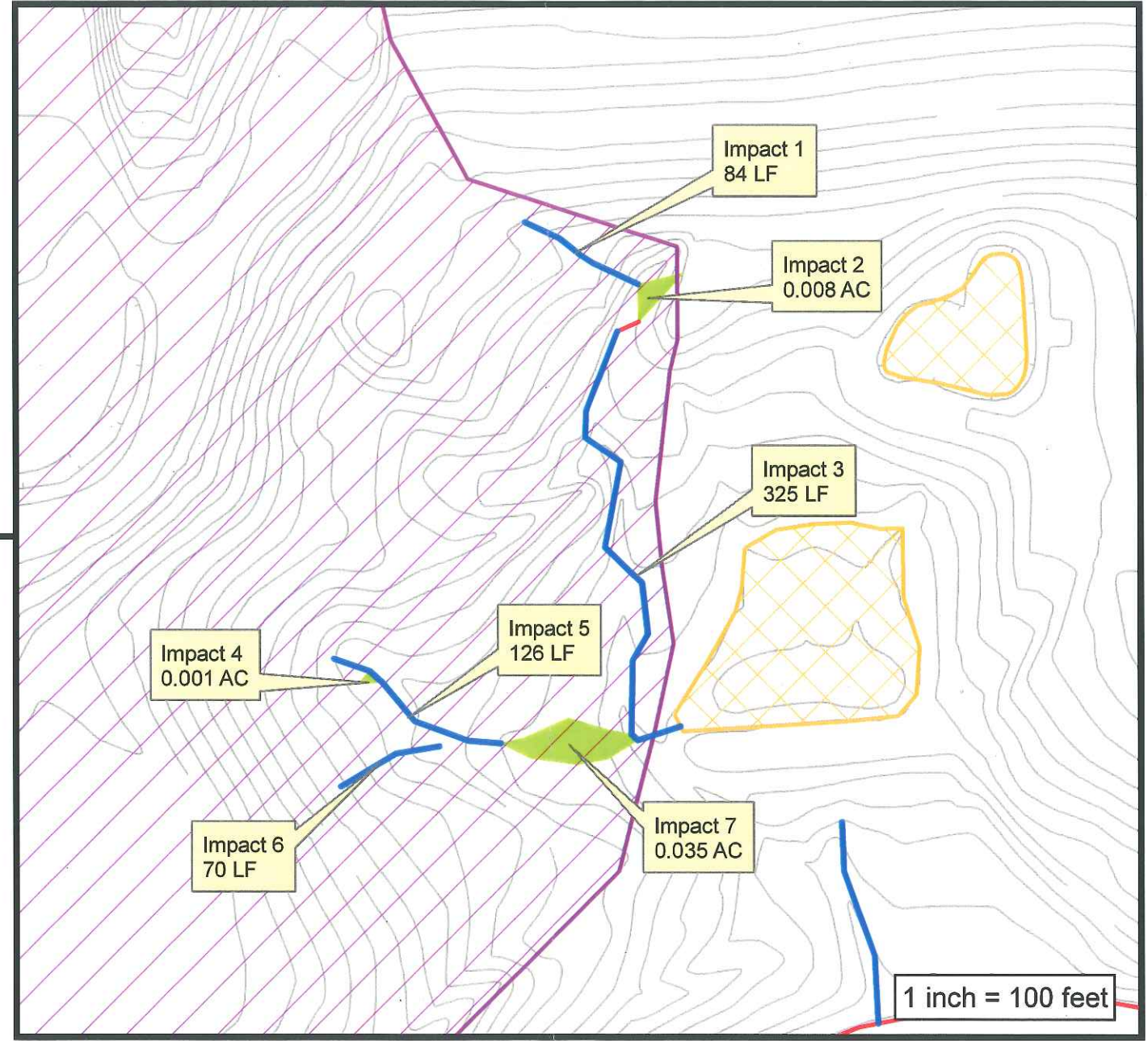
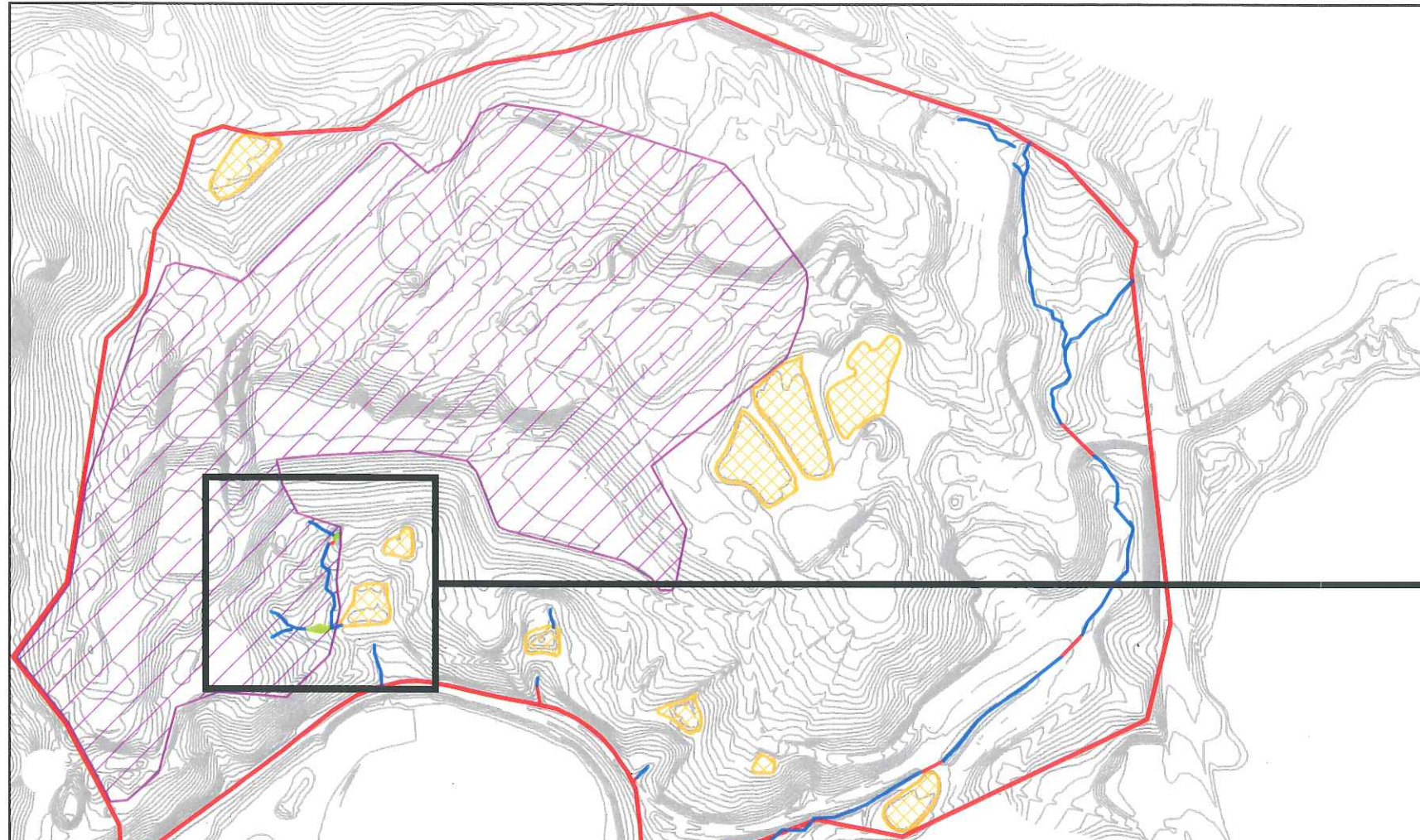
**Legend**

- Mining Permit Boundary
- New Mining Permit Boundary
- Active Mine Area
- Permitted Area
- Process Plant Boundary



Drawn by: BLN 01.15.12

# Unimin - Quartz Processing Plant Tailings Dump (+/- 172 AC)



<b>Project Data</b>	
Total Project Area	+/- 257 acres
<b>Jurisdictional Waters of the US</b>	
Stream	7,800 linear feet
Wetland	0.044 acres
Open Water	0 acres
<b>Jurisdictional Impacts</b>	
Stream (processing plant)	605 LF
Stream (south mine waste)	700 LF
<b>Total Stream Impacts</b>	<b>1,305 LF</b>
Wetland (processing plant)	0.044 acres
Wetland (south mine waste)	0 acres
<b>Total Wetland Impacts</b>	<b>0.044 acres</b>
<b>Avoidance</b>	
Streams	6,495 linear feet
Wetlands	0 acres
<b>Mitigation</b>	
Streams (EEP)	1,305 linear feet
Wetlands (EEP)	0 acres

<b>Legend</b>			
	Culvert		Proposed Waste Area
	Stream		Existing Basins (non-jurisdictional)
	Wetland		Processing Plant Boundary

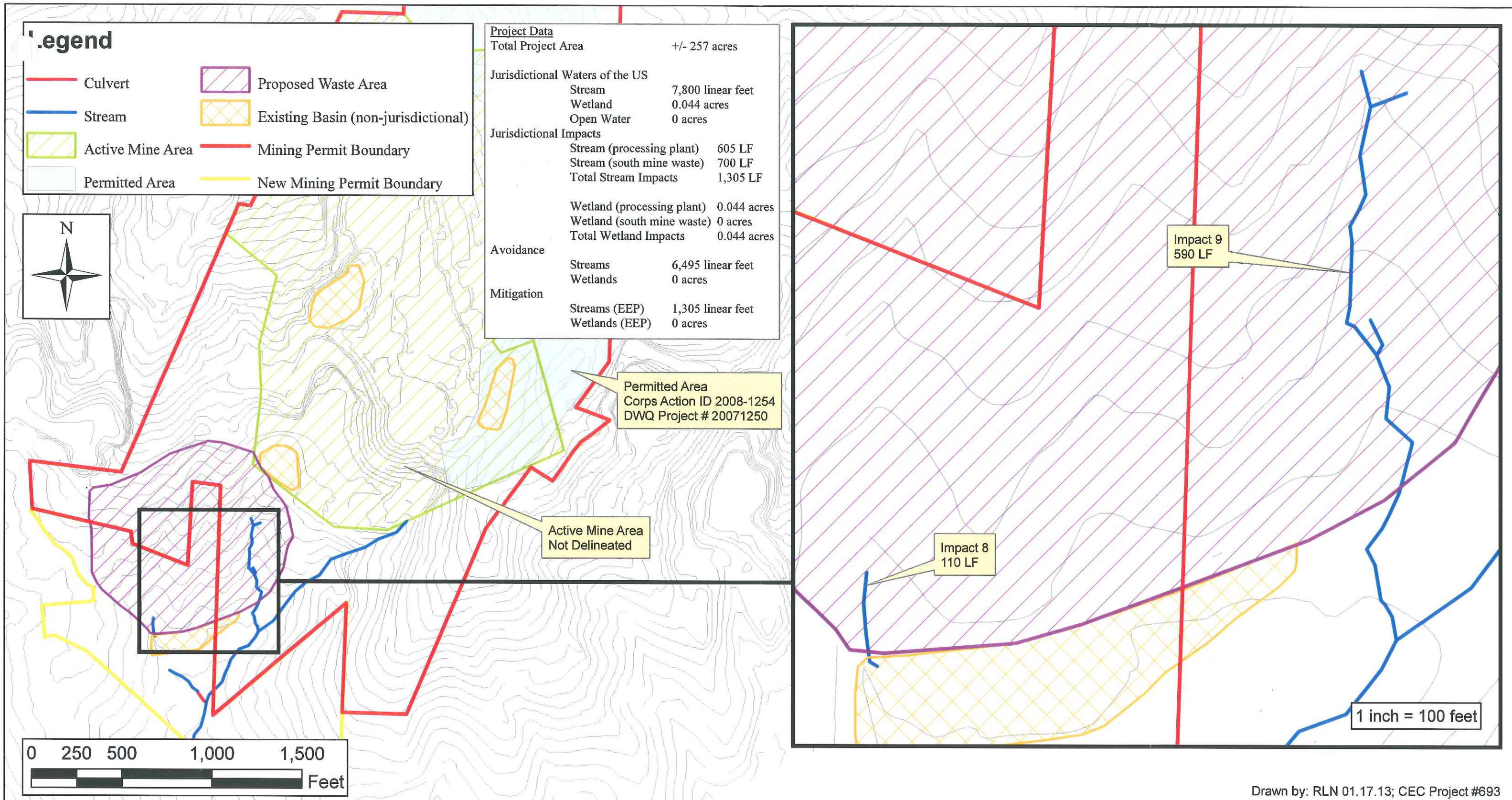
Drawn by: RLN 01.17.13; CEC Project #693

Mitchell County,  
North Carolina

**ClearWater**  
224 South Grove Street, Suite F  
Hendersonville, North Carolina 28792

Impact Map  
Figure 4a

# Unimin - South Mine Waste Dump (+/- 85 AC)



Drawn by: RLN 01.17.13; CEC Project #693

Mitchell County,  
North Carolina

**ClearWater**

224 South Grove Street, Suite F  
Hendersonville, North Carolina 28792

Impact Map  
Figure 4b