



**US Army Corps
of Engineers**
Fort Worth District

Public Notice

Applicant: Alcoa Inc.

Permit Application No.: 199900331

Date: July 20, 2001

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

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JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States associated with the construction and operation of the Three Oaks Lignite Mine in Lee and Bastrop Counties, Texas.

APPLICANT: Alcoa Inc.
P.O. Box 1491
Rockdale, Texas 76567

APPLICATION NUMBER: 199900331

DATE ISSUED: July 20, 2001

LOCATION: The proposed lignite mine would be located in the Brazos and Colorado River drainage basins in Lee and Bastrop Counties, Texas, directly southeast of the existing Alcoa Sandow Mine, located near Rockdale, in Milam and Lee Counties, Texas. The proposed project would be located approximately at UTM coordinates 666063.160 East and 3359551.170 North 14 on the Beukiss, Elgin East, McDade, and Structure, Texas 7.5-minute USGS quadrangle maps in the USGS Hydrologic Unit 12090301.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification from the Texas Natural Resource Conservation Commission (TNRCC), Surface Mining Permit from the Railroad Commission of Texas, and Air Permit from the TNRCC

PROJECT DESCRIPTION: The proposed project would involve the discharge of dredged and fill material into approximately 123.0 acres of waters of the United States over a period of 25 to 30 years associated with the construction and operation of the proposed Three Oaks Surface Lignite Mine (see Sheets 1-12 of 12). The first five-year mine block would result in direct adverse impacts to approximately 9.87 acres of waters of the United States, including 4.12 acres of ephemeral and intermittent streams, 5.2 acres of open water ponds, and 0.55 acre of emergent wetlands. These impacts would result from the discharge of approximately 35,395 cubic yards of material. The proposed Three Oaks Mine permit area would consist of 16,000 acres of land, of which 5,661 acres would be mined over the 25 to 30-year life of the mine. Approximately 6 million tons of lignite would

be mined annually and consumed for electricity generation at Alcoa's Sandow Power Station, near Rockdale, Texas. The three generating units at the Sandow station provide power to Alcoa's Rockdale aluminum smelter and to the Texas Utilities electric grid system.

Currently, fuel for the Power Station is supplied by lignite mined from Alcoa's Sandow mine. However, Alcoa estimates that within five years the Sandow mine will no longer support economically-recoverable lignite reserves. The proposed mining activities at the Three Oaks mine would provide a long-term supply of lignite to the Sandow Power Station sufficient to ensure continued operation of Alcoa's Rockdale aluminum smelter.

Activities associated with this project would include construction of all attendant features associated with the mine, in addition to activities associated with the mining of lignite and operation of the mining facility. Prior to the commencement of mining, haul roads, sedimentation ponds, surface water diversions, power lines, maintenance facilities, offices, and warehouses would be constructed. Additional work in preparation for mining would include installation of dewatering and depressurization wells. Installation of dewatering wells prior to the initiation of mining is necessary in some hydrologic conditions to remove water from the general mining area. Additionally, the installation of depressurization wells that would reach into the Simsboro formation would serve to reduce artesian pressure on the floor of the mining pits. Water pumped from these wells would be redirected to sedimentation ponds, discharged directly into nearby streams, or piped and routed to a public water supply system. Currently Alcoa has contracted with the San Antonio Water System (SAWS) to potentially furnish mine water to the City of San Antonio. SAWS has not yet decided if they will accept this water and several other public waters systems have expressed interest in receiving this water. Consequently, a final determination on the ultimate recipient of this water has not yet been made. In the event that the mine water is not accepted by a water supply system, it would be discharged into either the Middle Yegua Creek, located within the Brazos River drainage basin, or Big Sandy Creek, located in the Colorado River drainage basin.

The actual mining process would involve the removal of layers of sand and clay overburden to depths ranging from 30 to 300 feet to expose the four- to five-foot deep seams of lignite that are located in relatively continuous seams within the lower portion of the Calvert Bluff geologic formation. Overburden would be removed through the use of electric draglines or a truck and shovel fleet and the exposed lignite would be extracted using backhoes and front end loaders. This material would be transferred to haul trucks and taken to a central blending facility where the lignite would be transferred to a conveyor or placed into other trucks for transportation to the Sandow Power Station. Upon completion of mining within the first pit, overburden removed from the next pit to be worked would be placed in the first pit as part of the land reclamation. This same process would continue throughout the life of the mine, with approximately 500 acres of land in some state of disturbance at any given time.

To mitigate for the proposed adverse impacts to waters of the United States associated with the Three Oaks Mine, the applicant has proposed to perform a combination of activities including mine

reclamation, channel relocation, riparian habitat enhancement, and wetland creation within reclaimed areas. The applicant expects that the reclamation work required by the Railroad Commission of Texas (RCT) which requires that topographic, soil, and surface drainage characteristics be restored to their pre-mining conditions, would provide opportunity for the re-establishment of wetlands, ponds and surface tributaries with similar characteristics; within close proximity to and with similar configuration as, the pre-mining condition. The applicant has proposed to mitigate aquatic resources in accordance with the following ratios: 1:1 for ephemeral and intermittent streams, with no impacts to perennial streams proposed, 1.5:1 for on-channel ponds, and 2:1 for emergent wetlands. Restored, enhanced, and created areas would be revegetated with native plants dominant within the project area.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits 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 its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

The USACE 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 this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, 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 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.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Natural Resource Conservation Commission (TNRCC) certification is required. Concurrent with the processing of this Department of the Army application, the TNRCC is reviewing this application under Section 401 of the Clean Water Act, and Title 31, Texas Administrative Code Section 279.1-13 to

determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TNRCC, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TNRCC a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Natural Resource Conservation Commission, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TNRCC's Austin Office. The complete application may be reviewed in the USACE's office. The TNRCC may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located within the migratory route of the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), and piping plover (*Charadrius melodus*) and the bald eagle (*Haliaeetus leucocephalus*). The Houston toad (*Bufo houstonensis*) is known to occur in Lee and Bastrop Counties. The whooping crane, least tern, and Houston toad are endangered species and the bald eagle and piping plover are threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: A range of significant prehistoric and historic cultural resource sites within Lee and Bastrop counties have been known and researched since the early twentieth century. The range of human occupation identified within this area includes evidence of Paleo-Indians over 12,000 years ago to early 19th century European settlement of Texas. Historic occupation of the area extends into the 19th and 20th centuries in the form of agrarian homes and structures. The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties located in the project area.

Mining of the area would adversely impact any prehistoric or historic properties located within the excavation areas. Prior to these impacts, a determination would be made as to whether any sites eligible for inclusion in the National Register of Historic Places (NRHP) would be affected by the proposed project. Historic and prehistoric sites found eligible for inclusion in the NRHP would be reviewed under agreements between the State Historic Preservation Officer and participating Federal agencies for recovery and treatment.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrators. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are

required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

ENVIRONMENTAL IMPACT STATEMENT: The USACE is preparing an Environmental Impact Statement (EIS) to assess the environmental, social, economic, and other effects of issuance of a Department of the Army Permit under Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States associated with the proposed construction and operation of the Three Oaks Mine. The EIS will assess potential impacts associated with a range of alternatives.

EIS SCOPING MEETING: In accordance with 40 CFR 1501.7, a public scoping meeting to gather information on the scope of the EIS, including the issues to be addressed in detail in the document will be conducted on August 21, 2001, from 3:00 to 9:00 pm at the American Legion Hall located on the south side of U.S. Highway 77 one mile south of U. S. Highway 290 in Giddings, Texas (see Enclosure A for map). Written comments on the scope of the EIS will be accepted until the close of the comment period identified below.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

COMMENTS: All comments pertaining to this Public Notice must reach this office on or before September 20, 2001, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. We will accept comments on the scope of the EIS through September 20, 2001, as well. Comments on the public notice or on the scope of the EIS, requests for additional information, and requests to be added to the mailing list for receipt of the Draft EIS should be submitted to Ms. Jennifer Walker; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300 or by sending an e-mail message to the USACE through our website. You may review and make comments on this public notice and/or make comments on the scope of the EIS by accessing our website at www.swf.usace.army.mil and selecting "Three Oaks Mine 404 Permit Application Public Notice and EIS Scoping". You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in

Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817)978-2681. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
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