



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-2016-509
EVALUATOR:	Ms. Kristi Hall
PHONE NO.:	(601) 631-7528
E-MAIL:	Kristina.W.Hall@usace.army.mil
DATE:	October 4, 2018
EXPIRATION DATE:	October 25, 2018

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, and the Mississippi Department of Environmental Quality at Post Office Box 2261, Jackson, Mississippi 39226-2261, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and / or fill material into waters of the United States.

Name of Applicant:
Mr. Jud Sanborn
Mississippi Lignite Mining Company
1000 McIntire Road
Ackerman, Mississippi 39735

Name of Agent:
Mr. Ed Janak
200 North 13th Street, Suite 113
Coriscana, Texas 75110

Location of Work: Sections 11, 13, 14, 15, 22, 23, 24, 25, 26, 35, and 36, T18N- R10E, and Sections 30 and 31, T18N- R11E, Latitude 33.4061, Longitude -89.2083, within the Little Bywy Creek watershed part of the Big Black River Drainage Basin (8-digit USGS HUC 08020601), Choctaw County, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional wetlands for the purpose of expanding an existing surface mine that primarily supplies lignite to the Red Hills Power Plant

for electrical power generation. Lignite would also be mined for other markets such as the production of carbon-based products. Mining operations in the project area are expected to include:

- Construction of infrastructure, such as roads, channel diversions, and sedimentation ponds
- Overburden removal
- Lignite removal
- Reclamation and restoration of impacted areas

Approximately 34 acres of temporary sedimentation ponds would be constructed as part of the proposed work. Approximately 56,950 linear feet of ephemeral streams, 57,297 linear feet of intermittent streams, 5,376 linear feet of perennial streams, 10.28 acres of forested wetlands, 19.87 acres of non-forested wetlands, and 9.13 acres of ponds would be impacted during the life of the mine, which is anticipated to extend to the year 2033. Following mining activities, streams would be re-established on-site.

The vegetative communities within the project area are dominated by pine plantations, mesic hardwood forests, open grasslands, shrub-scrub forests and bottomland hardwood forests. Hydric soils found within the project area include Ariel silt loam, Arkabutla silt loam, Bude silt loam, Chnneby silt loam, Guyton silt loam, Oaklimiter silt loam, Pits-Udorthents complex, Smithdale, Sweatman association, and Sweatman fine sandy loam.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a commercial mitigation bank that services the project area, on-site re-establishment and/or permittee responsible mitigation.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: The permit area is

likely to yield resources eligible for inclusion in the National Register of historic places. An investigation for the presence of potentially eligible historic properties is justified.

Endangered Species: Based on the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on June 29, 2017, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, it has been determined that the proposed activity may affect the Northern Long Eared Bat but incidental take would not be prohibited under the 4(d) Rule.

Floodplain: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project is located outside the 100 year floodplain.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work.

Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Thomas A. McCabe
Thomas A. McCabe
Chief, Evaluation Section
Regulatory Branch



Legend

- ephemeral (67,890.69 LF) PEM (9.7 Ac.)
- intermittent (64856.56 LF) PFO (10.3 Ac.)
- perennial (5375.75 LF) POW (10.25 Ac.)
- PSS (10.8 Ac.)
- Boundary

MVK-2016-509

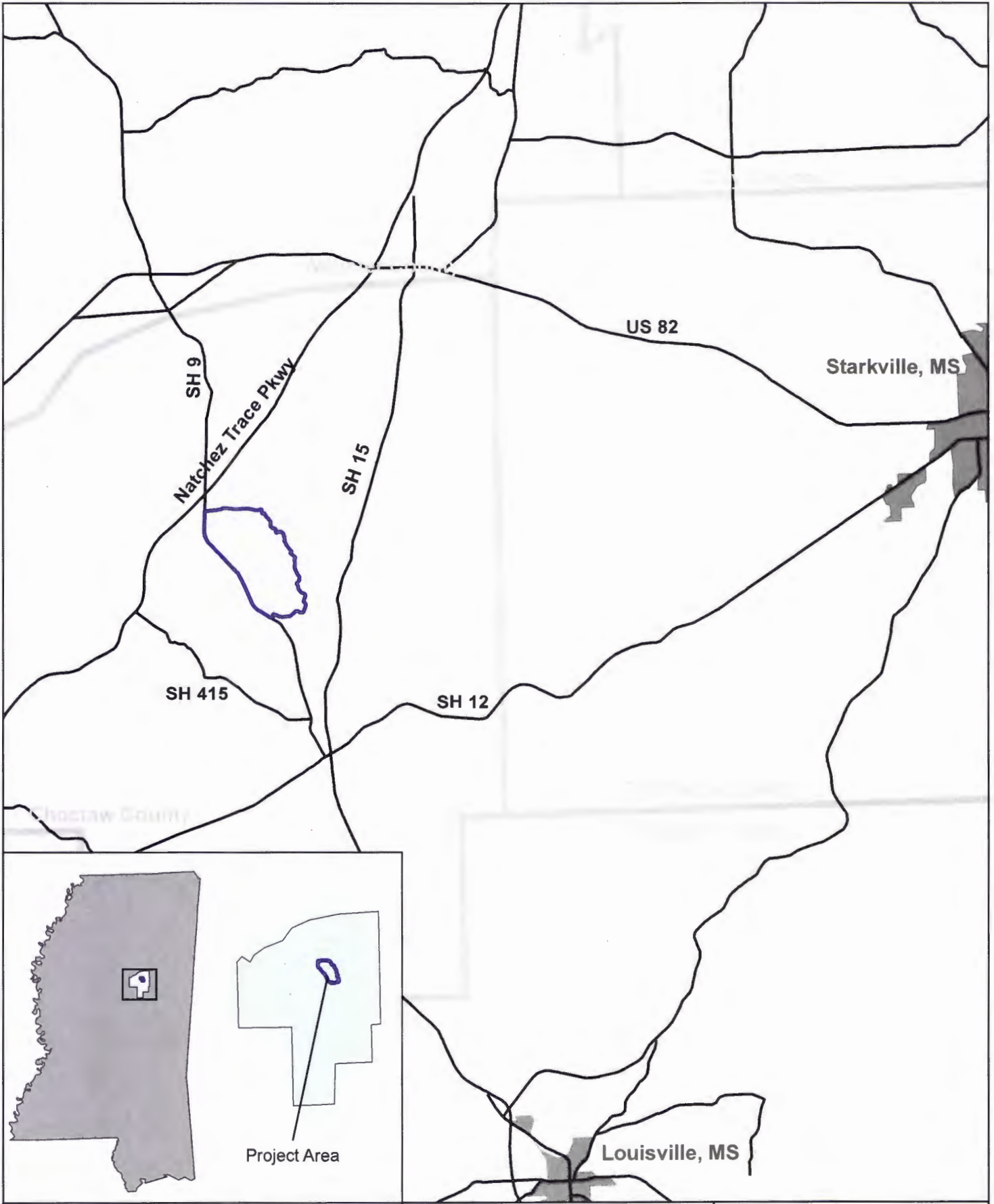
Mississippi Lignite Mining Company
 Red Hills Mine - East Area
 Choctaw County, Mississippi

**Preliminary
 Jurisdictional Determination**

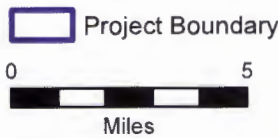
Bert Turcotte



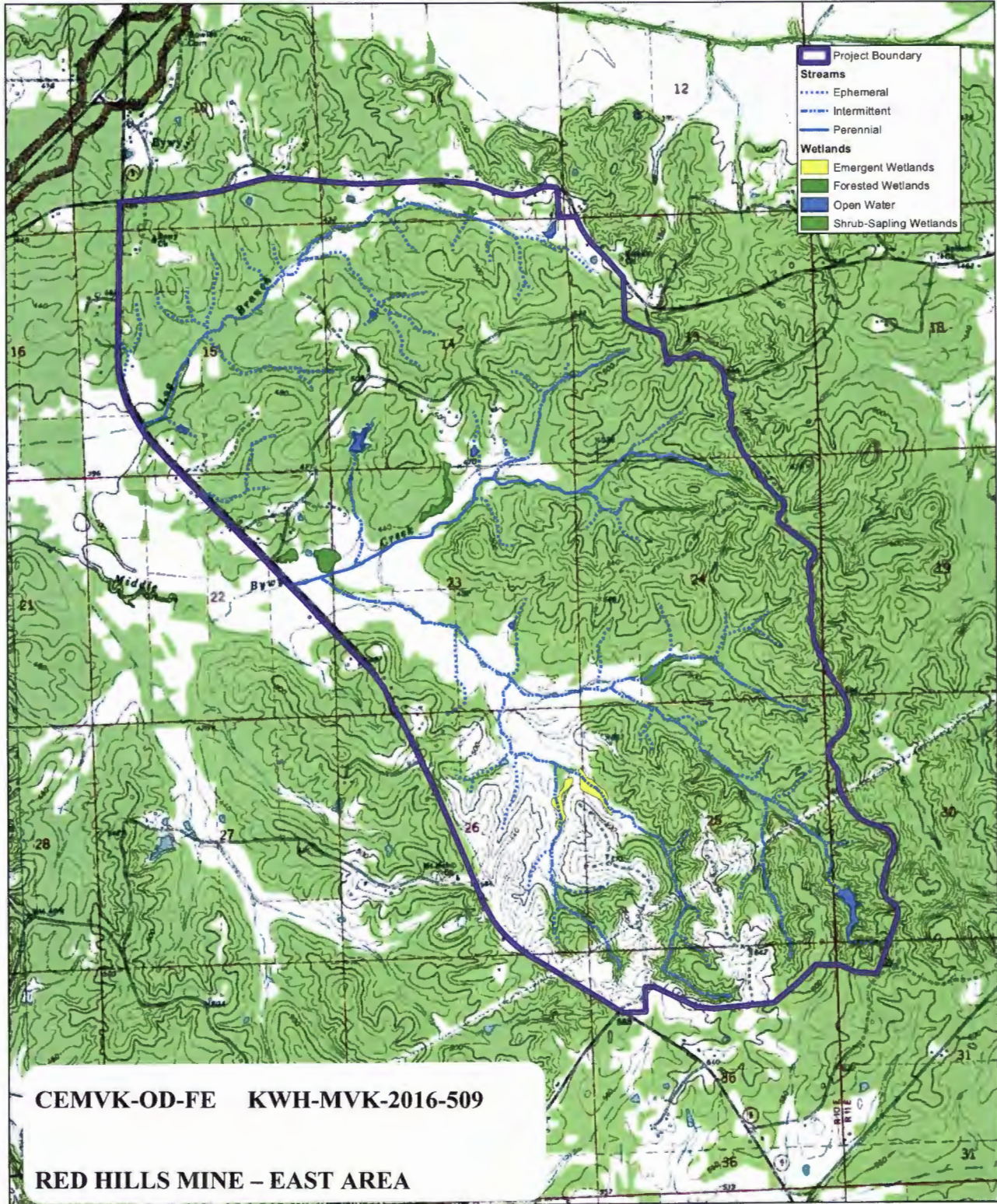
Enclosure 1



Red Hills Mine - East Area
Choctaw County, Mississippi
MVK-2016-509

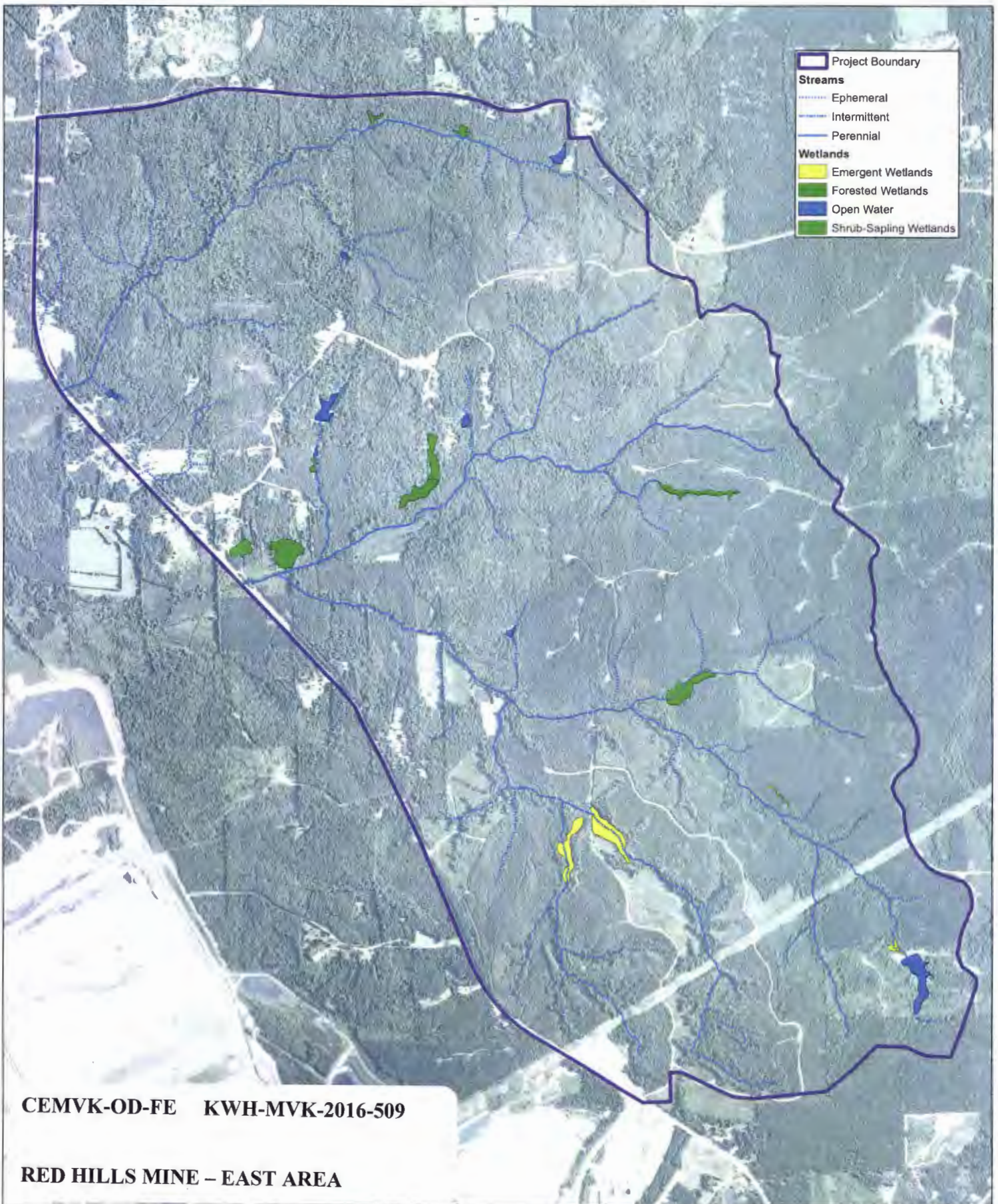


Base Map Data Source:
 2004 U.S. Census Bureau
 TIGER Road Data



Red Hills Mine - East Area
Choctaw County, Mississippi
MVK-2016-509





Project Boundary
 [Thick dark blue line]

Streams

- [Dotted blue line] Ephemeral
- [Dashed blue line] Intermittent
- [Solid blue line] Perennial

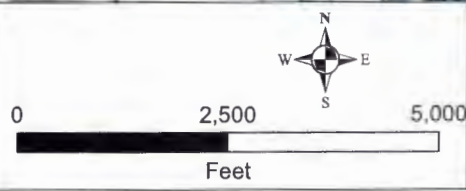
Wetlands

- [Yellow box] Emergent Wetlands
- [Dark green box] Forested Wetlands
- [Blue box] Open Water
- [Light green box] Shrub-Sapling Wetlands

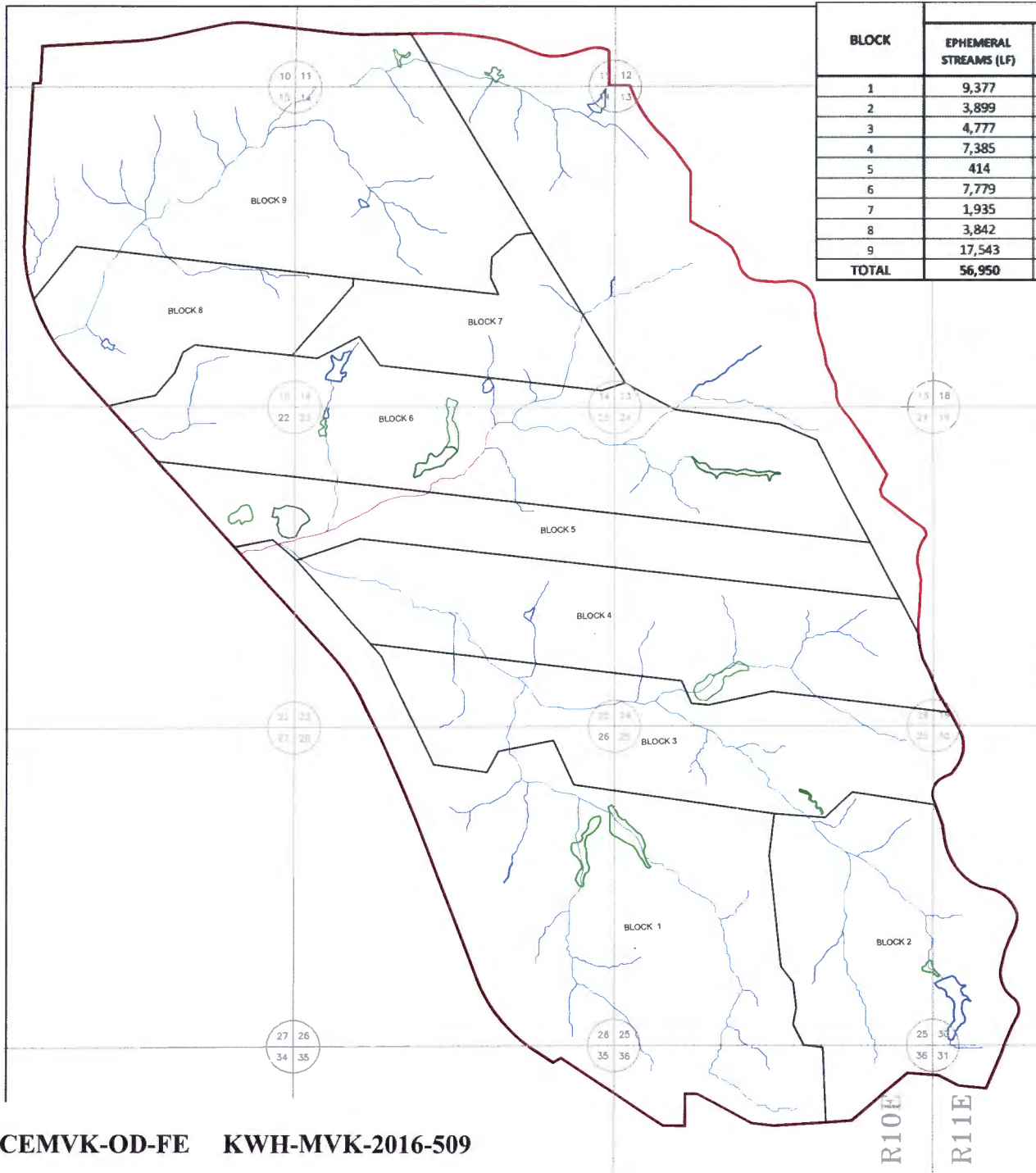
CEMVK-OD-FE KWH-MVK-2016-509

RED HILLS MINE – EAST AREA

**Red Hills Mine - East Area
 Choctaw County, Mississippi
 MVK-2016-509**











Base Map Data Source:
 National Geospatial Management Center
 NAIP 2010 Ortho-Imagery
 Choctaw County, Mississippi




BLOCK	AQUATIC RESOURCES WITHIN BLOCK					
	EPHEMERAL STREAMS (LF)	INTERMITTENT STREAMS (LF)	PERENNIAL STREAMS (LF)	NONFORESTED WETLANDS (ACRES)	FORESTED WETLANDS (ACRES)	ON-CHANNEL PONDS (ACRES)
1	9,377	15,028	652	8.74	0.00	0.00
2	3,899	7,741	0	0.70	0.00	4.82
3	4,777	10,046	0	0.31	0.00	0.00
4	7,385	6,501	0	4.58	0.00	0.42
5	414	919	2,686	1.88	4.84	0.00
6	7,779	6,943	2,037	3.14	5.44	3.10
7	1,935	1,252	0	0.00	0.00	0.00
8	3,842	1,967	0	0.00	0.00	0.49
9	17,543	6,901	0	0.52	0.00	0.30
TOTAL	56,950	57,297	5,376	19.87	10.28	9.13

LEGEND

-  PJD PROJECT BOUNDARY
-  EPHEMERAL STREAMS
-  INTERMITTENT STREAMS
-  PERENNIAL STREAMS
-  FORESTED WETLANDS
-  NONFORESTED WETLANDS
-  ON-CHANNEL PONDS
-  PROJECTED IMPACTS BY YEAR

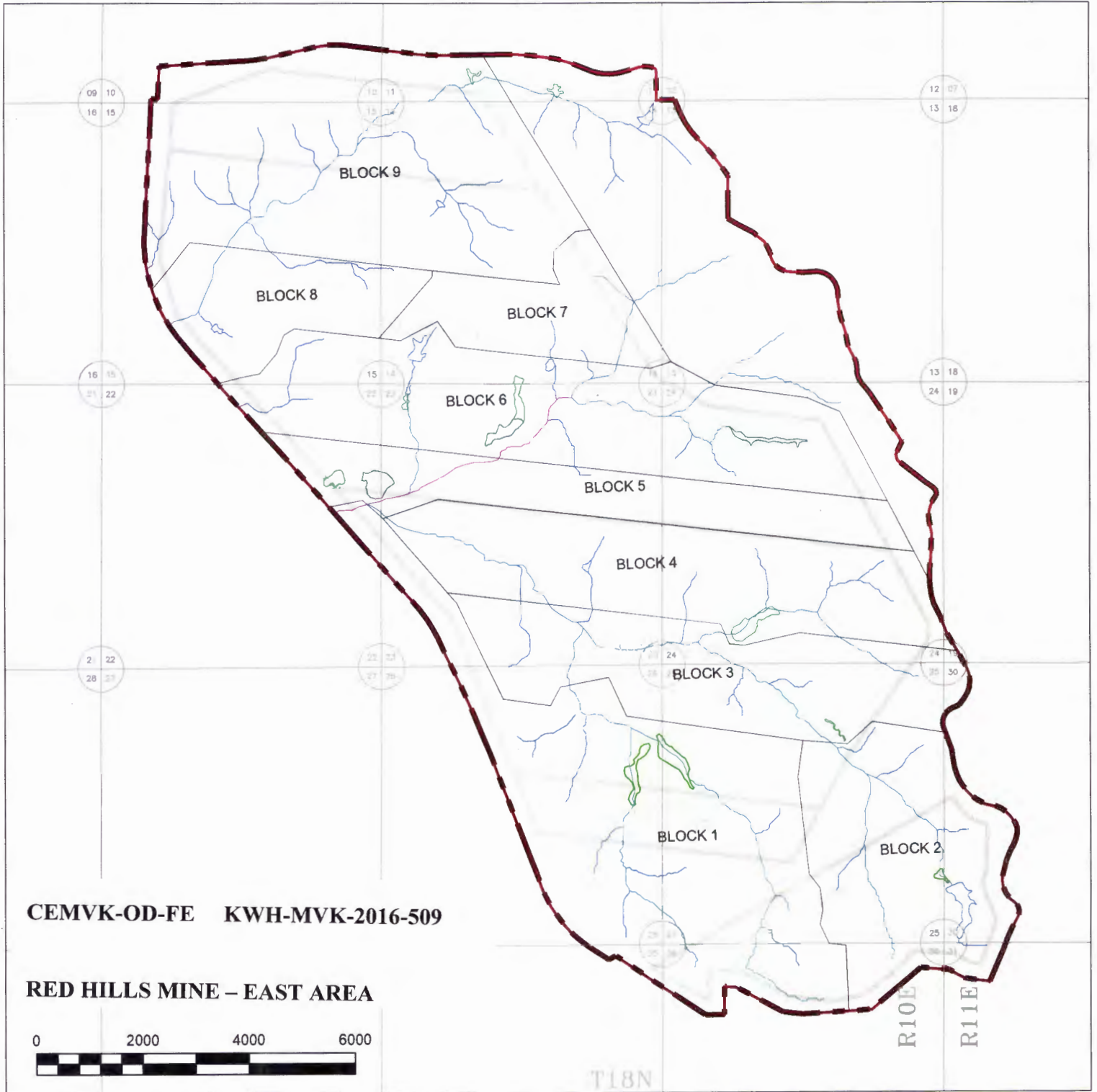
CHOCTAW COUNTY, MISSISSIPPI
TOWNSHIP 18 NORTH, RANGE 10 EAST



Revised Date	 North American Coal Mississippi Lignite Mining Company	
By		
EXHIBIT 1		
PLANNED IMPACTS TO		
WATERS OF THE U.S.		
Drawn By:	ST	Date: 7-26-2018
Approved:	JS	Date: 7-26-2018
Scale:	AS SHOWN	Dep. No.:

CEMVK-OD-FE KWH-MVK-2016-509

RED HILLS MINE – EAST AREA

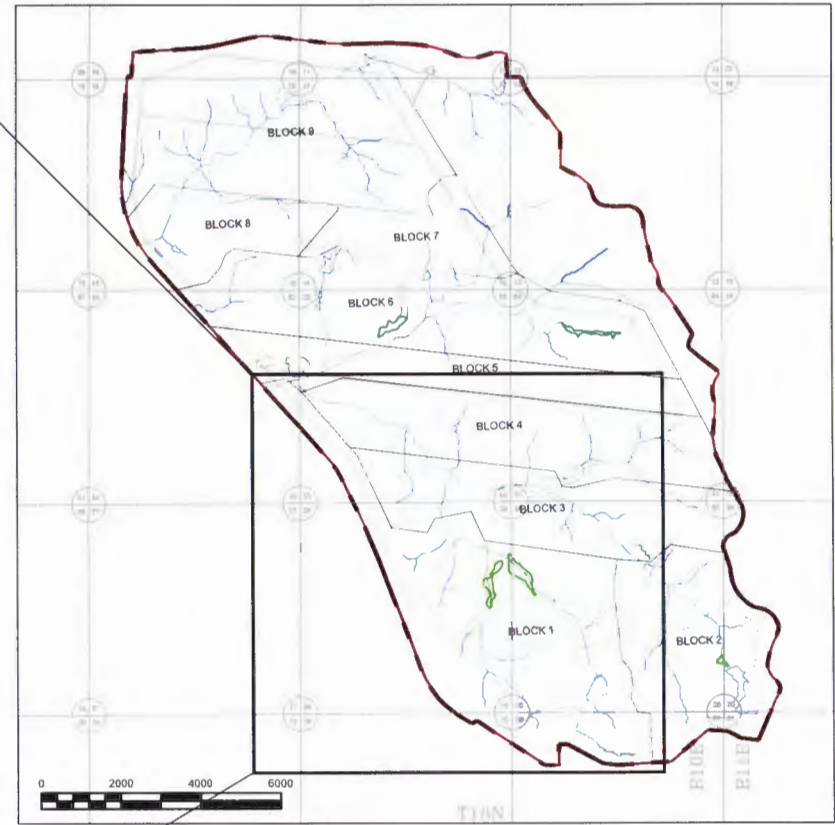
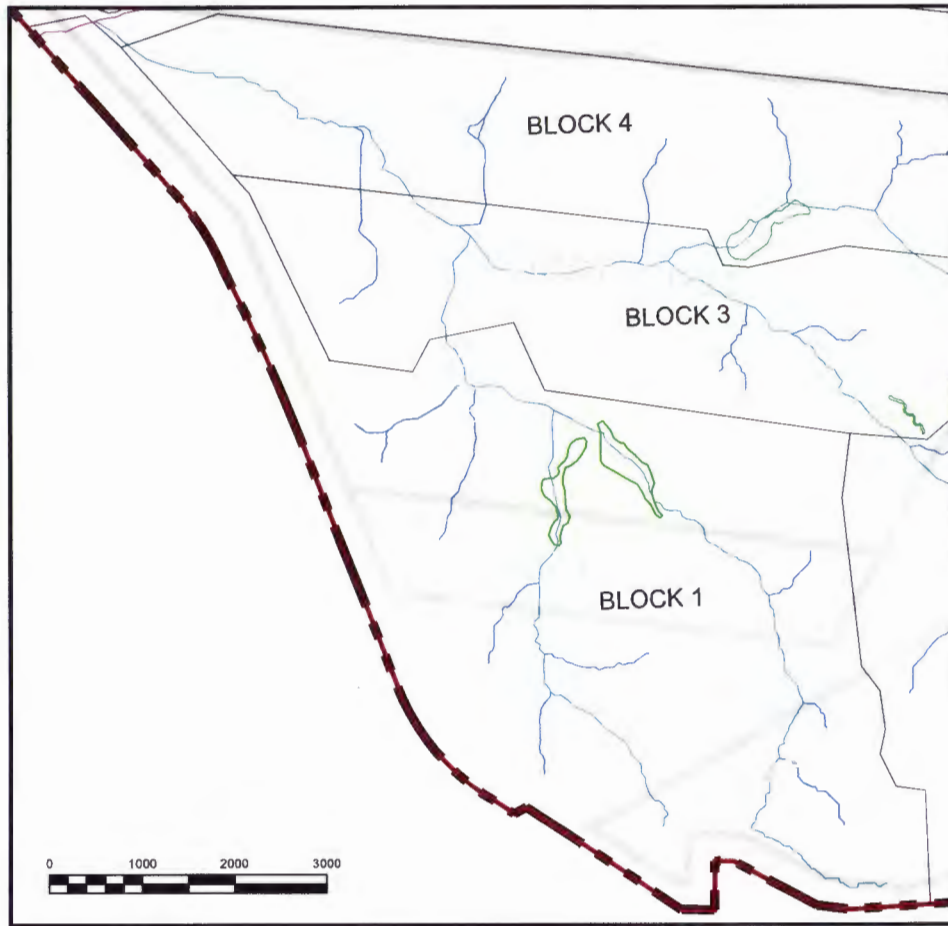


LEGEND

- MVK-2016-509 PROJECT BOUNDARY
- PROPOSED EXPANSION AREA PERMIT BOUNDARY (SURFACE MINING PERMIT)
- EPHEMERAL STREAMS
- INTERMITTENT STREAMS
- PERENNIAL STREAMS
- FORESTED WETLANDS
- NONFORESTED WETLANDS
- ON-CHANNEL PONDS
- PROJECTED IMPACTS BY YEAR
- PROJECTED MINE BLOCKS
- CONCEPTUAL FUTURE POND LOCATIONS

CHOCTAW COUNTY, MISSISSIPPI
T 18 N, R 10 E, T18 N, R 11 E

Revised Date	By	 NORTH AMERICAN COAL Mississippi Lignite Mining Company
PROJECTED IMPACTS TO WATERS OF THE U.S. MVK-2016-509 SHEET 1 OF 6		
Drawn By:	SM	Date: 7-26-2018
Approved:	JS	Date: 7-26-2018
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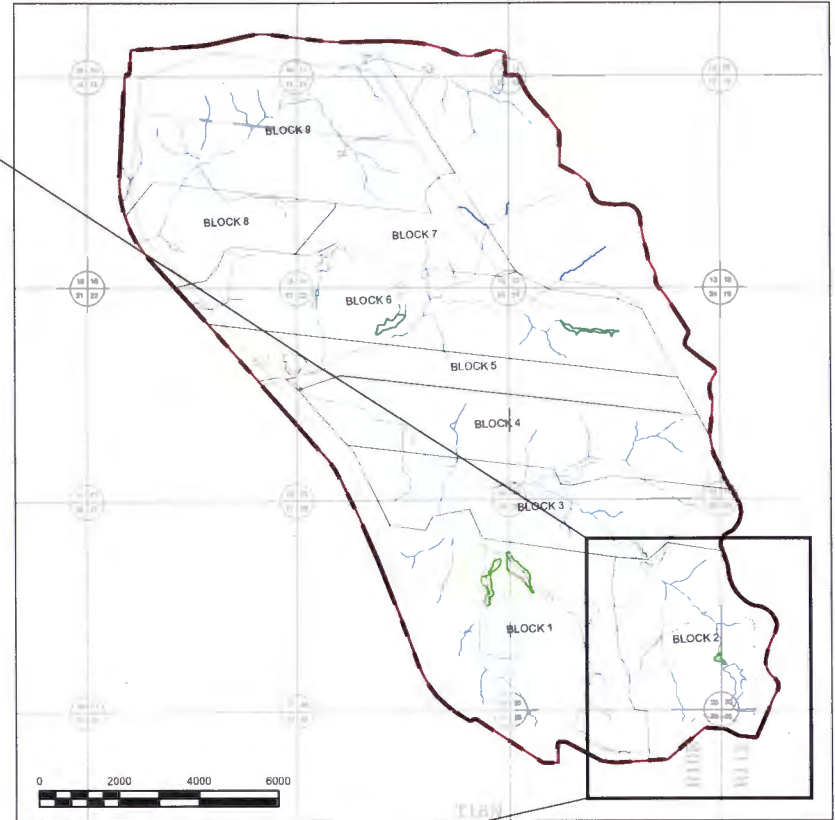
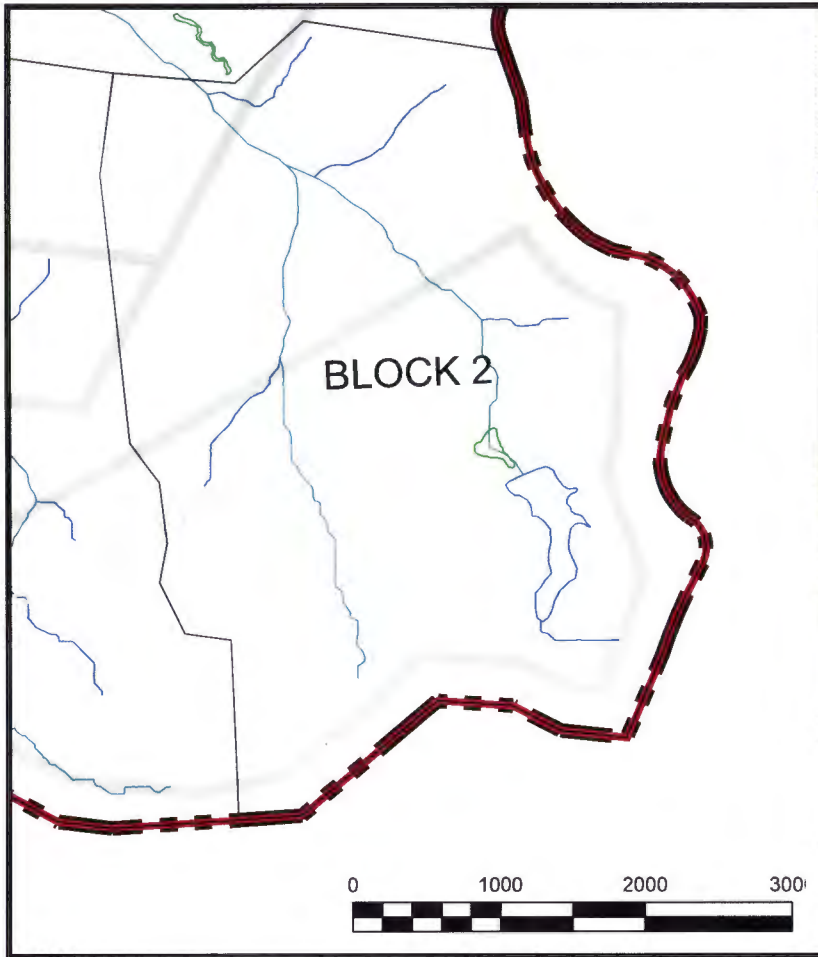
CEMVK-OD-FE KWH-MVK-2016-509

RED HILLS MINE – EAST AREA

CHOCTAW COUNTY, MISSISSIPPI
T 18 N, R 10 E, T18 N, R 11 E



Revised Date		NORTH AMERICAN COAL Mississippi Lignite Mining Company	
		PROJECTED IMPACTS TO WATERS OF THE U.S.	
		MVK-2016-509	
		SHEET 2 OF 6	
Drawn By:	SM	Date:	7-26-2018
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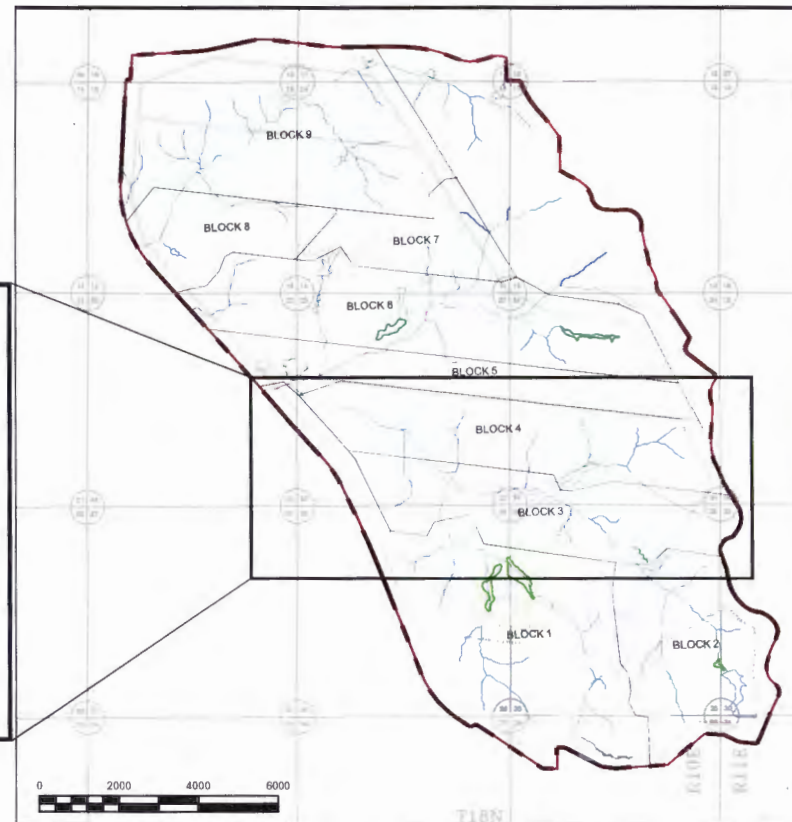
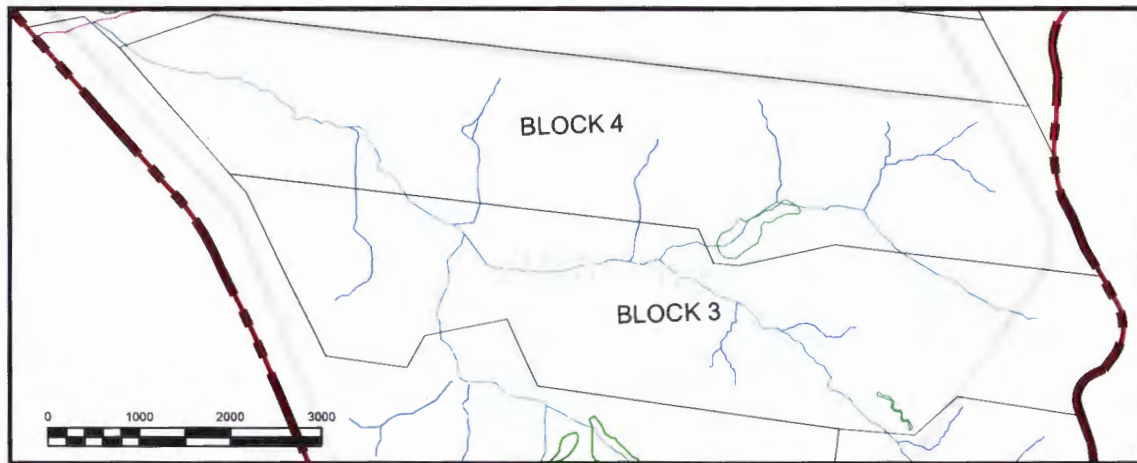
CEMVK-OD-FE KWH-MVK-2016-509

RED HILLS MINE – EAST AREA












CHOCTAW COUNTY, MISSISSIPPI
T 18 N, R 10 E, T18 N, R 11 E



Revised Date	By	NORTH AMERICAN COAL <small>MISSISSIPPI LIGNITE MINING COMPANY</small>	
PROJECTED IMPACTS TO WATERS OF THE U.S.			
MVK-2016-509			
SHEET 3 OF 6			
Drawn By: SM		Date: 7-26-2018	
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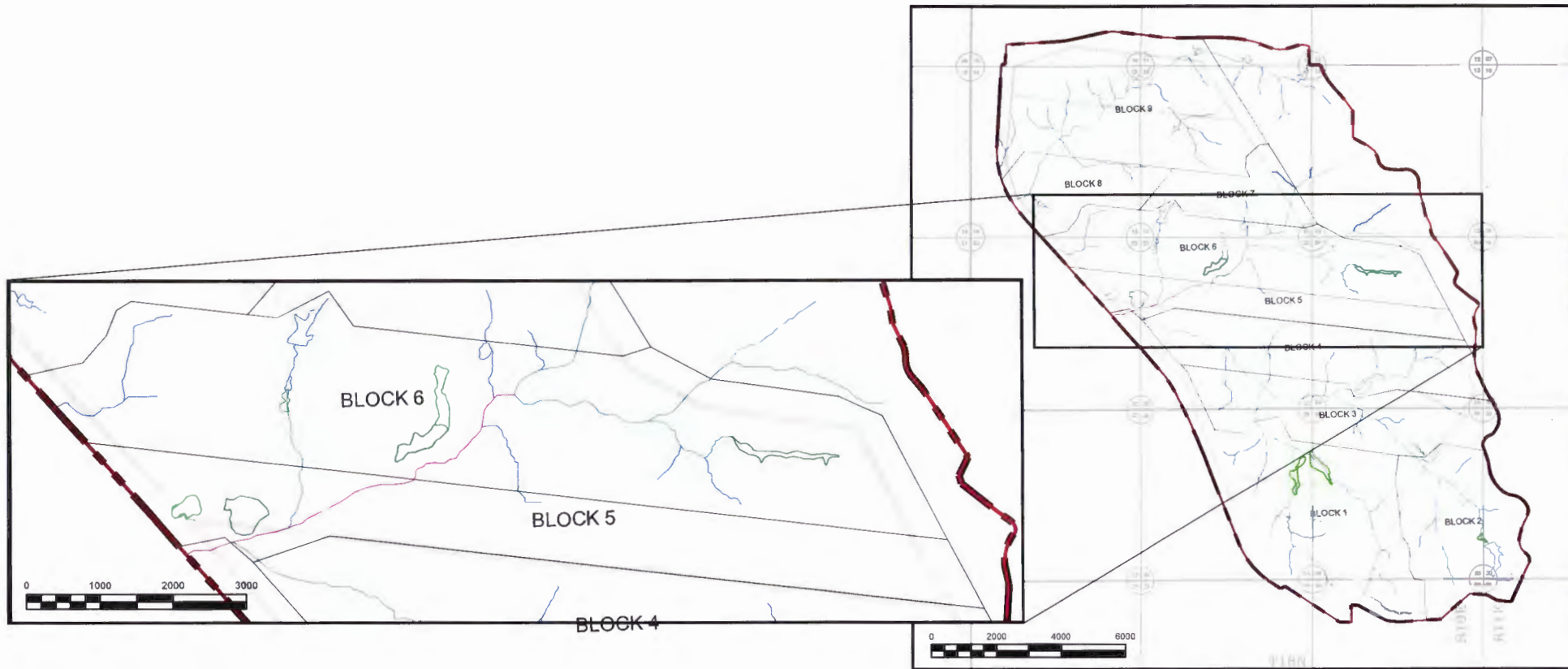
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CEMVK-OD-FE KWH-MVK-2016-509












RED HILLS MINE – EAST AREA

CHOCTAW COUNTY, MISSISSIPPI
T 18 N, R 10 E, T18 N, R 11 E

Revised Date	By	 NORTH AMERICAN COAL <small>Mississippi Lignite Mining Company</small>	
PROJECTED IMPACTS TO WATERS OF THE U.S.			
MVK-2016-509			
SHEET 4 OF 6			
Drawn By:	SM		Date: 7-26-2018
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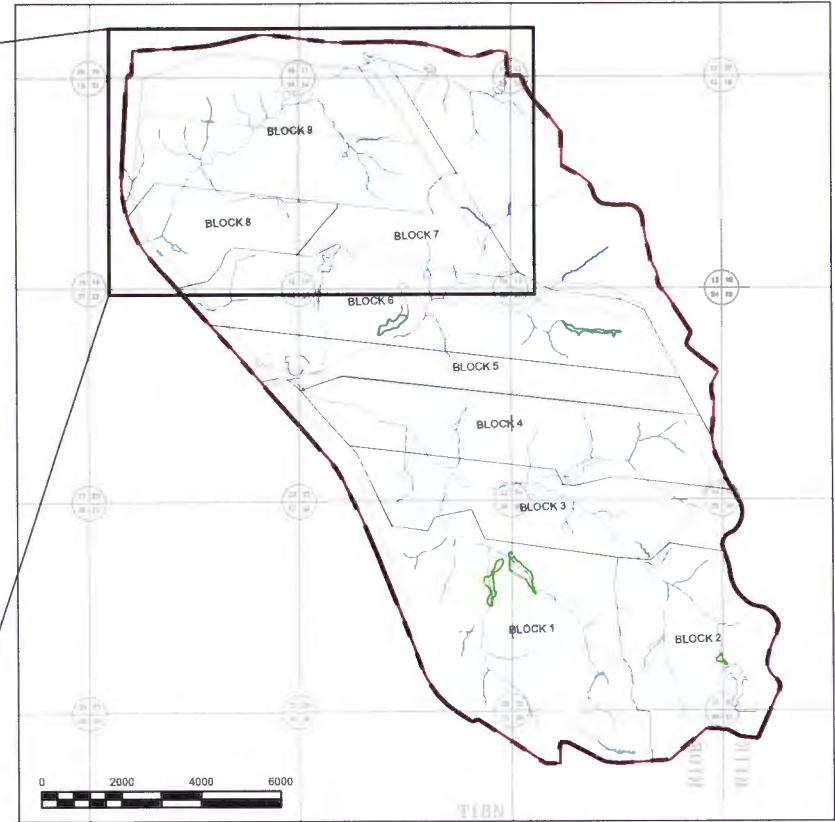
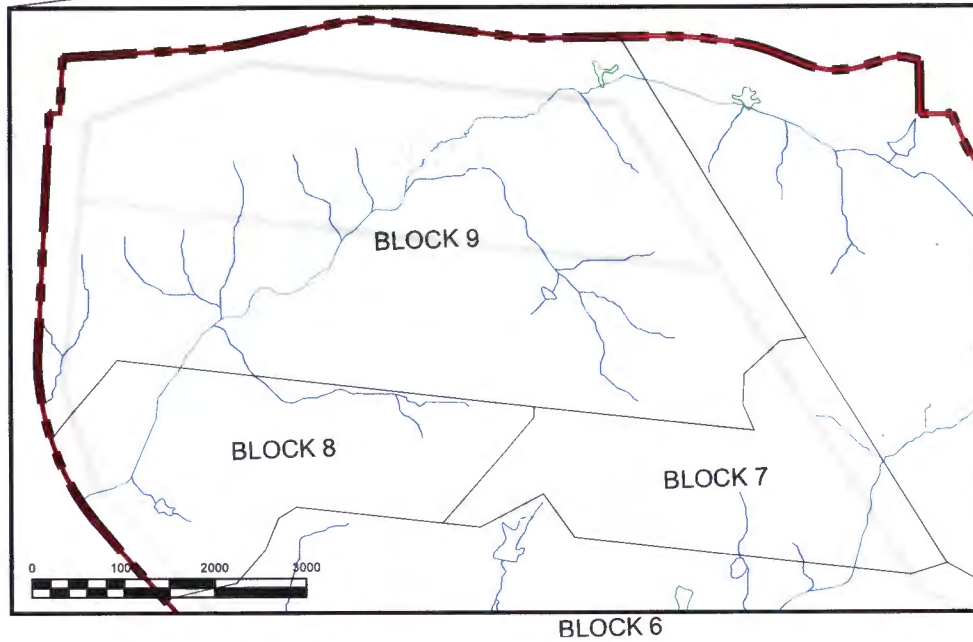
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RED HILLS MINE - EAST AREA

CHOCTAW COUNTY, MISSISSIPPI
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SHEET 5 OF 6			
Drawn By:	SM	Date:	7-26-2018
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CHOCTAW COUNTY, MISSISSIPPI
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