



**US Army Corps  
of Engineers**

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



# Public Notice

|                  |                                |
|------------------|--------------------------------|
| APPLICATION NO.: | MVK-2017-257                   |
| EVALUATOR:       | Ms. Kristi Hall                |
| PHONE NO.:       | (601) 631-7528                 |
| E-MAIL:          | Kristina.W.Hall@usace.army.mil |
| DATE:            | September 29, 2017             |
| EXPIRATION DATE: | October 19, 2017               |

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:**  
Ms. Rebecca McGrew  
Mississippi Lignite Mine Company, LLC  
1000 McIntire Road  
Ackerman, Mississippi 39735

**Name of Agent:**  
Mr. Ed Janak  
200 North 13<sup>th</sup> Street, Suite 113  
Corsicana, Texas 75110

**Location of Work:** Sections 15, 16, 20, 21, 22, 23, 27, 26, and 35, T18N, R10E, Latitude 33.4086, Longitude -89.2536, within Middle Bywy Creek watershed part of the Big Black River Drainage Basin (8-digit USGS HUC 08060201), 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 waters of the United States to continue the operation of the Red Hills Mine. The purpose is to supply lignite

coal to the Red Hills Power Plant for electrical power generation and to provide lignite to other markets. The existing mine was previously authorized in 1998 under project numbers MVK-970013100/MVK-2002-794. Mining operations within jurisdictional areas would include construction of infrastructures, overburden removal, lignite removal, and reclamation of impacted areas. Approximately 3.3 acres of wetlands, 6,365 linear feet of ephemeral feet of streams, and 6,674 linear feet of intermittent streams would be impacted by the proposed project. Once mining is complete, streams would be re-established on-site.

The vegetative communities within the project area are dominated by mixed pine hardwood plant communities and hardwood or pine plantations in bottomlands. The total project area is 1,729 acres, with 17.1 acres of wetlands, 6,654 linear feet of perennial streams, 19,322 linear feet of intermittent streams, 29,275 linear feet of ephemeral streams, and 0.95-acre of open water ponds. Soil within the project site consists of Ariel silt loam, Arkabutla silt loam, Bude silt loam, cascilla silt loam, Chenneby silt loam, Guyton silt loam, Mabel silt loam, Oaklimiter silt loam, Ora loam, Pits- Udorthents complex, Providence silt loam, Smithdale-Sweatman association, Sweatman silt loam, and Sweatman fine sandy loam, and Tippah silt loam.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a commercial mitigation bank and from on-site 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. A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of historic Places are within the permit area or affected area.

**Endangered Species:** Our initial finding is that the proposed project may affect the northern long eared bat, but that any resulting incidental take of the northern long eared bat is not prohibited by the final 4(d) rule utilizing the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on June 6, 2017 between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service.

**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. Portions of the project are located within 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





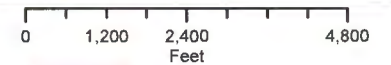
**Legend - Total**

- |   |   |
|---|---|
|  Project Boundary - 1,729 Acres |  Perennial - 6,654 Linear Feet     |
|  Forested Wetlands - 5.4 Acres  |  Intermittent - 19,322 Linear Feet |
|  Wetlands - 11.7 Acres          |  Ephemeral - 29,275 Linear Feet    |
|  On-Channel Ponds - 0.95 Acres  |   |

**Preliminary  
Jurisdictional Determination**

Red Hills Mine  
 MVK-2017-257  
 Mississippi Lignite Mining Company  
 Choctaw County, MS

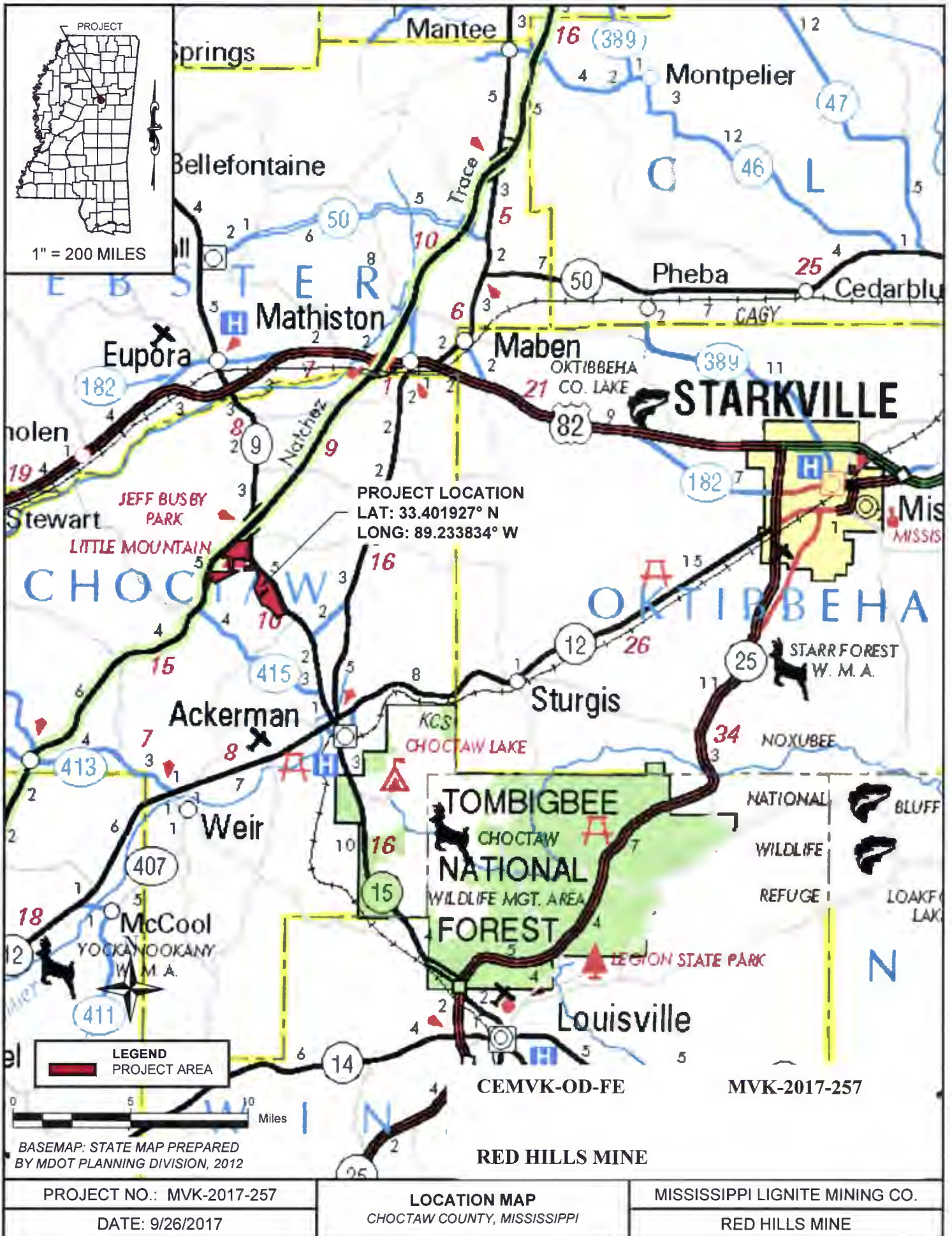
*Bert Tarrotte*



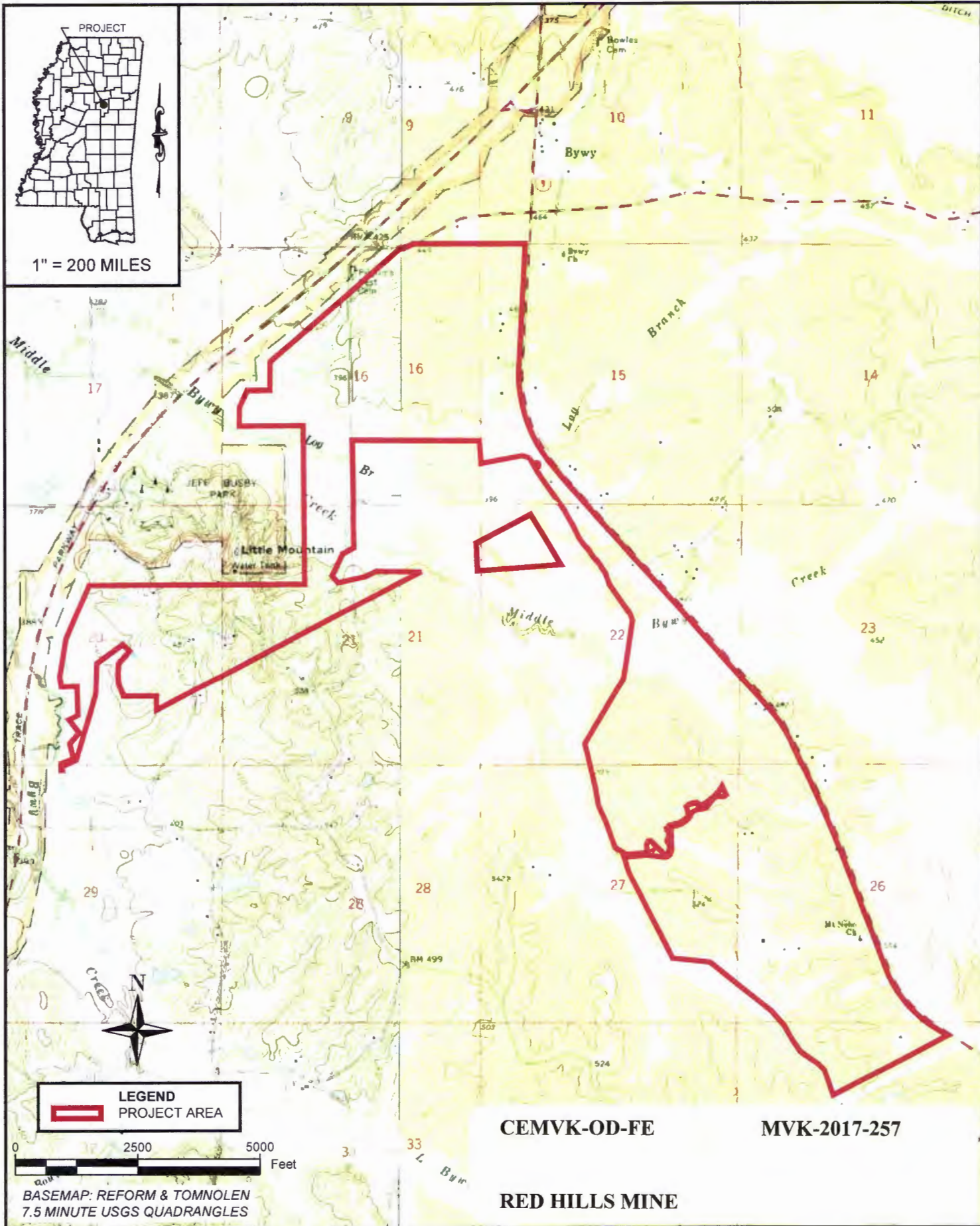
**US Army Corps  
of Engineers**











1" = 200 MILES

**LEGEND**  
 PROJECT AREA

0 2500 5000 Feet

BASEMAP: REFORM & TOMNOLEN  
 7.5 MINUTE USGS QUADRANGLES

**CEMVK-OD-FE** **MVK-2017-257**

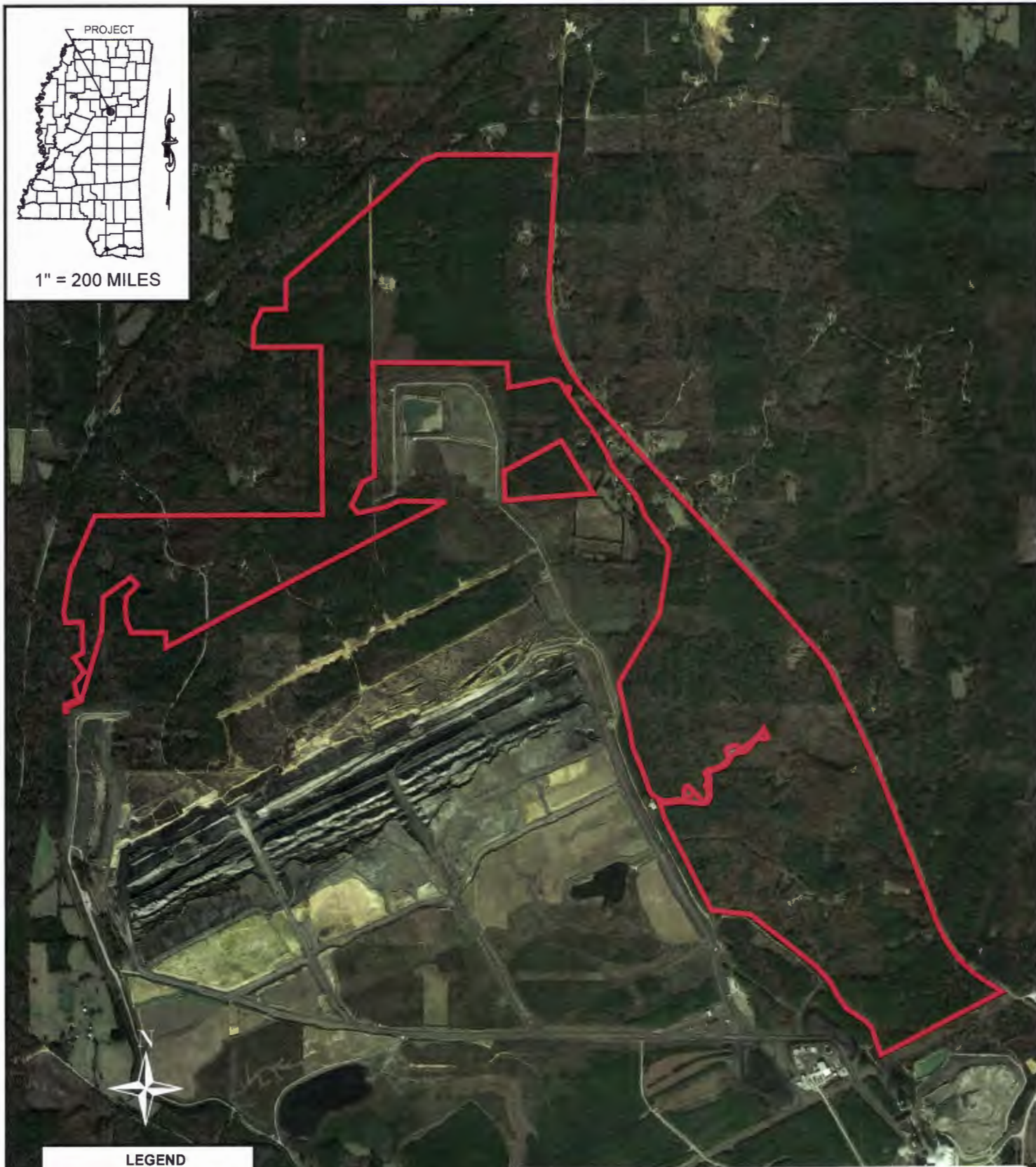
**RED HILLS MINE**


PROJECT NO.: MVK-2017-257  
 DATE: 9/26/2017

**U.S.G.S. TOPOGRAPHY**  
 CHOCTAW COUNTY, MISSISSIPPI

**MISSISSIPPI LIGNITE MINING CO.**  
 RED HILLS MINE





**LEGEND**  
 PROJECT AREA

0 2500 5000 Feet

BASEMAP: GOOGLE EARTH IMAGERY  
 IMAGE DATE 12/3/2015

**CEMVK-OD-FE** **MVK-2017-257**

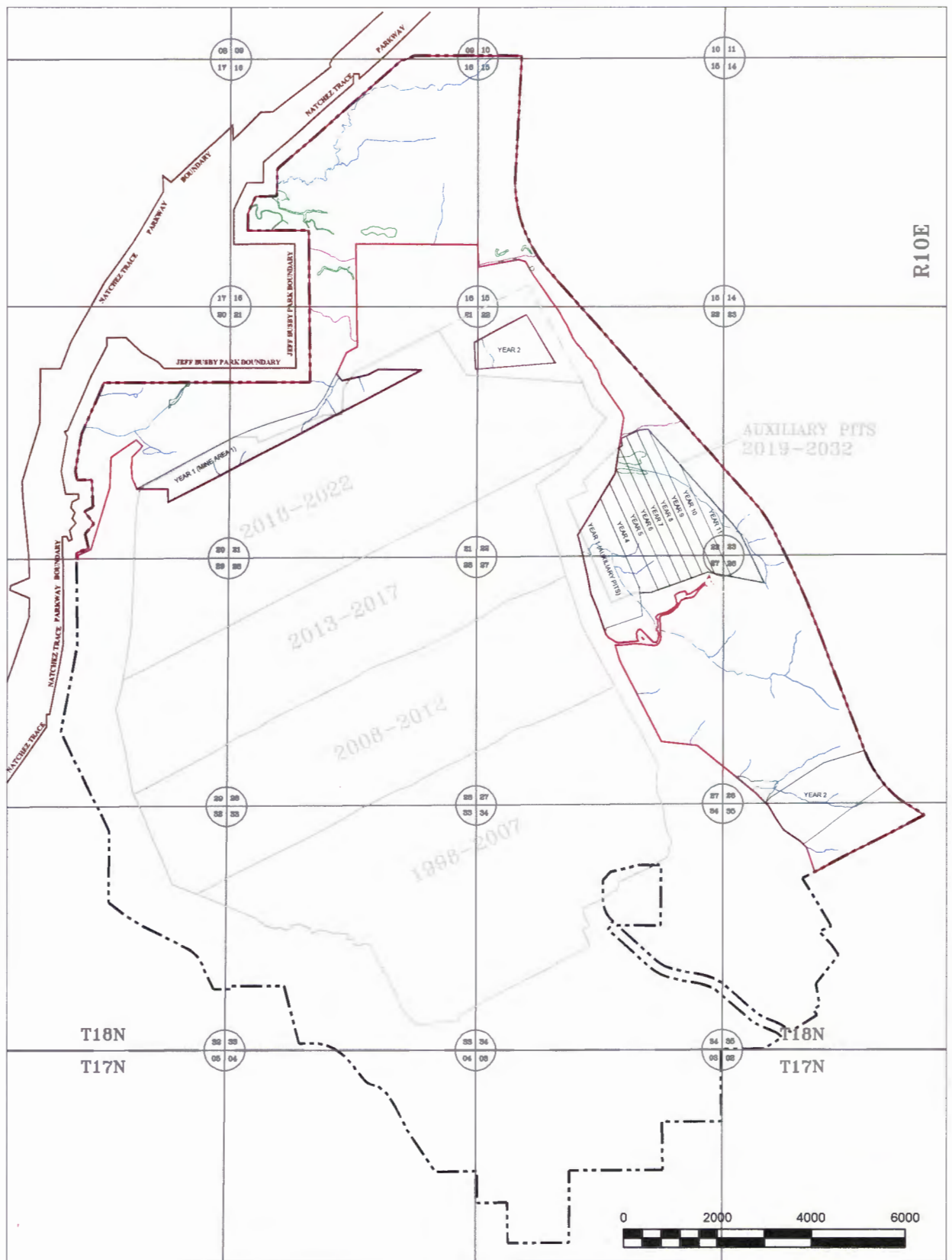
**RED HILLS MINE**

PROJECT NO.: MVK-2017-257  
 DATE: 9/26/2017

**AERIAL PHOTOGRAPH**  
 CHOCTAW COUNTY, MISSISSIPPI

MISSISSIPPI LIGNITE MINING CO.  
 RED HILLS MINE





R10E

MVK-2017-257

CEMVK-OD-FE

RED HILLS MINE

T18N  
T17N

T18N  
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**LEGEND**

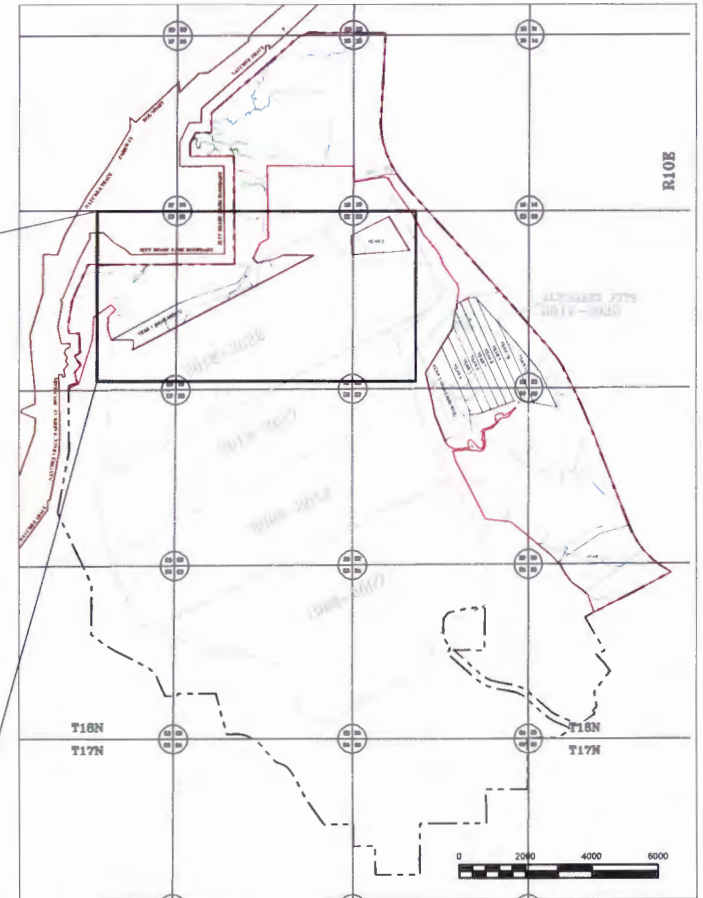
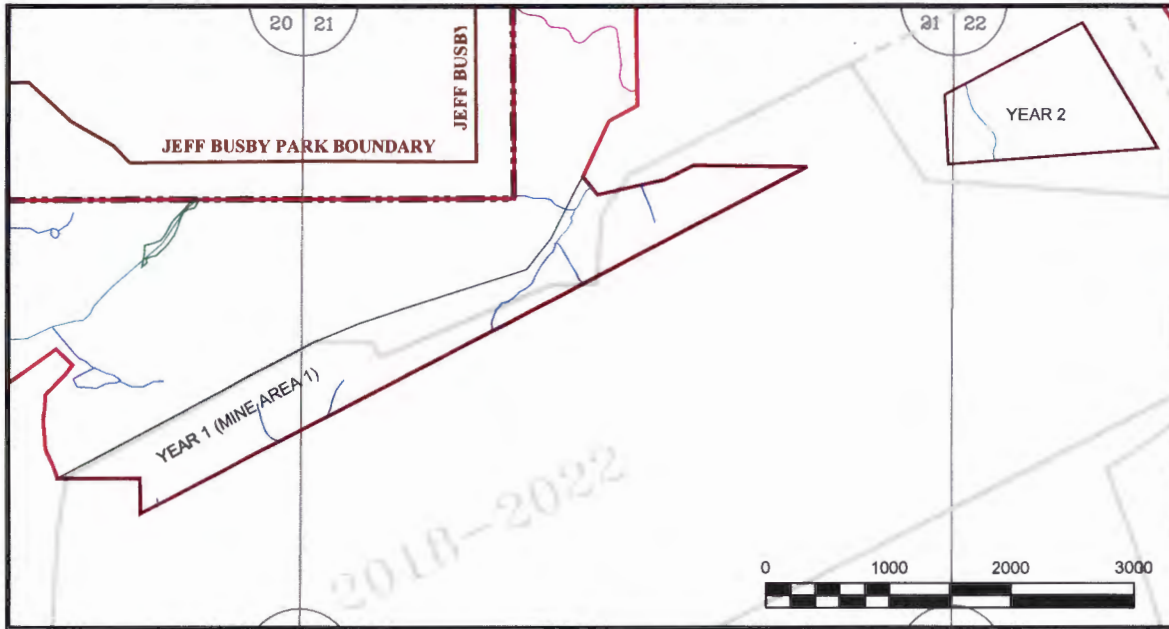
- MVK-2017-257 PROJECT BOUNDARY
- EPHEMERAL STREAMS
- INTERMITTENT STREAMS
- PERENNIAL STREAMS
- FORESTED WETLANDS
- NONFORESTED WETLANDS
- ON-CHANNEL PONDS
- LIFE OF MINE BOUNDARY (SURFACE MINING PERMIT)
- PROJECTED MINE BLOCKS
- APPROVED POND LOCATIONS
- CONCEPTUAL FUTURE POND LOCATIONS
- PROJECTED IMPACTS BY YEAR

CHOCTAW COUNTY, MISSISSIPPI  
TOWNSHIP 18 NORTH, RANGE 10 EAST













| <table border="1"> <tr> <th>Revised Date</th> <th>By</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table> | Revised Date | By |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | <p>Mississippi Lignite Mining Company</p> <p>PROJECTED IMPACTS TO WATERS OF THE U.S.<br/>MVK-2017-257<br/>SHEET 1 OF 4</p> <p>Drawn By: ST Date: 9/25/2017<br/>Approved: _____ Date: _____<br/>Scale: _____ Deg. No.: _____</p> |
|---|--------------|----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|
| Revised Date  | By           |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |
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**LEGEND**


-  MVK-2017-257 PROJECT BOUNDARY
-  LIFE OF MINE BOUNDARY (SURFACE MINING PERMIT)
-  EPHEMERAL STREAMS
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**CEMVK-OD-FE**

**MVK-2017-257**

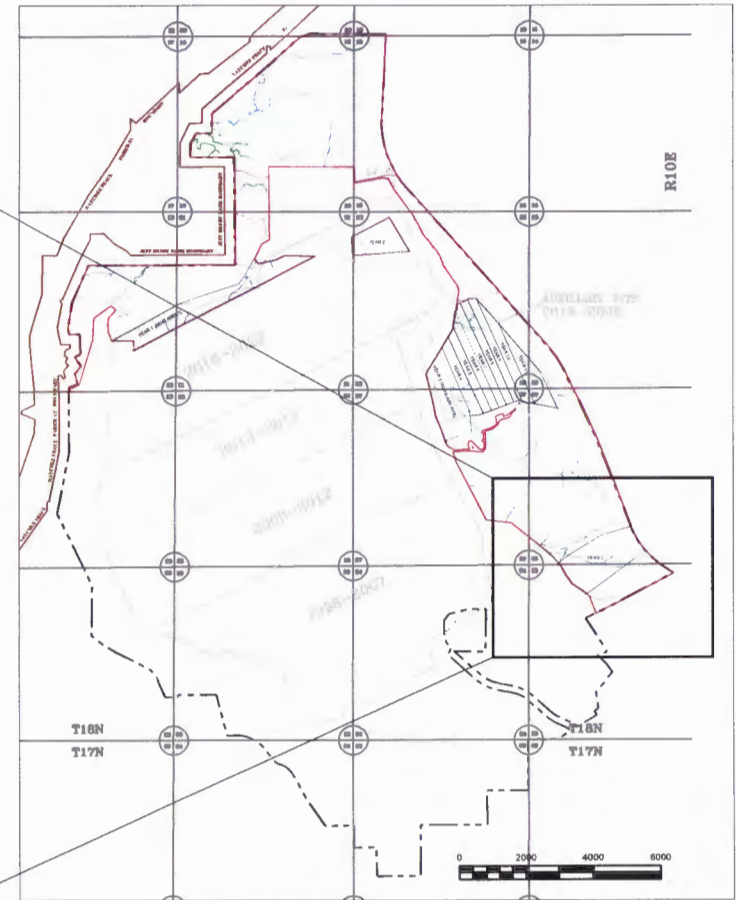
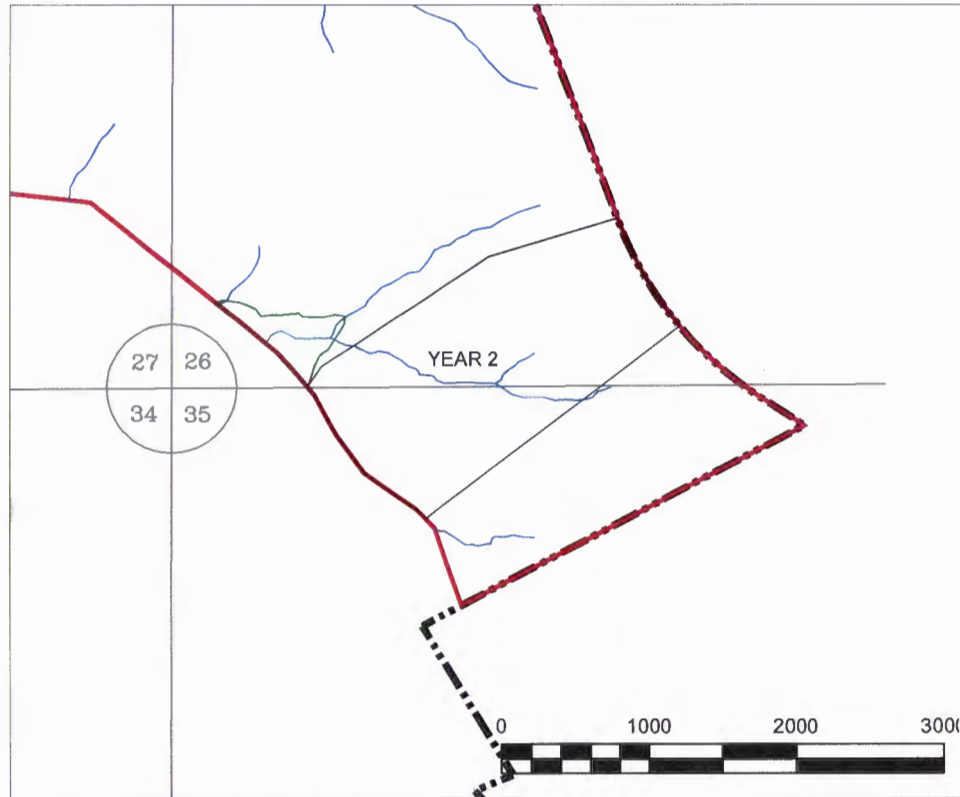
**RED HILLS MINE**

CHOCTAW COUNTY, MISSISSIPPI  
TOWNSHIP 18 NORTH, RANGE 10 EAST

|   |    |  |
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| Revised<br>Date   | By | <br><b>NORTH AMERICAN COAL</b><br><small>Mississippi Lignite Mining Company</small> |
| PROJECTED IMPACTS TO WATERS OF THE U.S.<br>MVK-2017-257<br>SHEET 2 OF 4 |    |  |
| Drawn By:   | ST | Date: 9-25-2017  |
| Approved:   |    | Date:  |
| Scale:  |    | Dep. No.:  |







**LEGEND**

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**CEMVK-OD-FE**

**MVK-2017-257**

**RED HILLS MINE**

CHOCTAW COUNTY, MISSISSIPPI  
TOWNSHIP 18 NORTH, RANGE 10 EAST

|   |   |
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| PROJECTED IMPACTS TO WATERS OF THE U.S.<br>MVK-2017-257<br>SHEET 4 OF 4 |   |
| Drawn By: ST<br>Approved: _____<br>Scale: _____                         | Date: 8-25-2017<br>Date: _____<br>Dwg. No.: _____                                   |