



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

Public Notice

Applicant: Sabine Mining Company

Permit Application No.: SWF-2007-00560

Date: May 20, 2011

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 Act 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

Name: Mr. Darvin Messer

Phone Number: (817) 886-1744

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

SUBJECT: Notice of Availability of the Final Environmental Impact Statement (FEIS) associated with an application for a Department of the Army Permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 to discharge dredged and fill material into waters of the United States in conjunction with the construction, operation and reclamation of the Rusk Permit Area of the South Hallsville No. 1 lignite mine in Rusk, Harrison and Panola Counties, Texas.

APPLICANT: Sabine Mining Company
Mr. Phil Berry, Environmental Manager
6501 Farm Road 968 West
Hallsville, Texas 75650-7413

APPLICATION NUMBER: SWF-2007-00560

DATE ISSUED: May 20, 2011

LOCATION: The proposed mine site consists of approximately 20,377 acres in Rusk, Harrison and Panola Counties, Texas with the mine center being approximately at Latitude 32.354°N and Longitude 94.536°W. The project site is approximately one mile north of Tatum, Texas and spans the Darco, Easton, Harris Chapel, and Tatum 7.5-minute USGS quadrangle maps and is in the USGS Hydrologic Unit 12010002 - Middle Sabine Watershed. The proposed mine is immediately south of the existing South Hallsville No. 1 Mine, south of the Sabine River, west of State Highway 43, and north of Farm Road 1797 and northeast of Farm Road 1716 to the eastern boundary of Gregg County, Texas.

SUMMARY: The applicant proposes to construct, operate, and reclaim an expansion of the South Hallsville No.1 Mine. The new 20,377-acre area is located south of the existing mine and across the Sabine River into Rusk and Panola counties. Surface mining operations would continue with conventional open pits excavated by large draglines and supported by standard earth moving equipment such as loading shovels, bulldozers, end dumps, and scrapers. Infrastructure in support of the operation would include (1) construction of a transportation corridor across the Sabine River, including a haul road, bridge, and a dragline walkway, (2) construction of ponds and diversions to control surface water drainage, (3) placement of groundwater well fields to dewater overburden and relieve underburden pressures, (4) construction of service roads, and (5) closure and/or relocation of numerous public roads to facilitate mine operations and protect public safety. The applicant proposes to begin construction of mine infrastructure in 2011 with mining activities proposed to commence in 2012. Various

construction projects and mining operations would involve adverse impacts to waters of the U.S., including wetlands associated with filling or dredging activities.

The applicant has indicated that expansion of the South Hallsville No. 1 Mine to the Rusk Permit Area would provide American Electric Power (AEP) reliable access to a long-term reserve of low cost lignite fuel resources to fuel the Henry W. Pirkey Unit No.1. In addition, this fuel resource is necessary to provide continuation of reliable and cost effective electric generation for customers and provides base load electric generation capacity for the local electric grid.

Appropriate and practicable steps would be taken to avoid, minimize, and mitigate adverse impacts on the aquatic ecosystem. Although the applicant has made efforts to design the project in a manner to avoid and minimize impacts to waters of the U.S., the project would result in the unavoidable loss of approximately 275.5 acres of waters of the U.S. Specifically, 190.9 acres of wetlands and 37.3 acres (345,930 linear feet) of streams would be permanently impacted. Additionally, 53.8 acres of wetlands and 1.5 acres (400 linear feet) of streams would incur temporary impacts. In addition, 47.3 acres of open water impoundments would be permanently impacted and 2.3 acres would be temporarily impacted. After consideration of all available options, the applicant plans to mitigate for unavoidable losses of waters of the U.S. by construction of various waters of the U.S. within the reclaimed mine site. Additional compensatory mitigation that could not be achieved on the mine site would be provided at an off-site mitigation area proposed to be purchased in the future. Use of an off-site area for compensatory mitigation has been approved in the past as part of Section 404 permits associated with the existing South Hallsville No. 1 Mine.

SOLICITATION OF COMMENTS: The USACE is distributing this public notice to all known interested persons to solicit comments on the FEIS 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. **The FEIS has been prepared in an abbreviated format; the FEIS must be used in conjunction with the Draft EIS, which was issued October 31, 2010. The Draft EIS and FEIS together comprise the complete EIS. The FEIS is organized as follows: The Executive Summary and Chapter 4.0 are reprinted in their entirety. Following the table of contents, text and appendix pages with revisions are reprinted in the FEIS. Additions and changes to the Draft EIS are indicated in bold italic font. Section 4.6 describes the public comment period. Appendix C, Proposed Conceptual Mitigation Plan, South Hallsville No. 1 Mine, Rusk Permit Area, is reprinted in its entirety. The public comments received during the Draft EIS public review period and the USACE's associated responses are included in Appendix G of this FEIS.** Any comments received will be considered by the USACE in determining whether to issue, issue with special conditions, or deny a permit for this proposal.

AVAILABILITY OF FEIS: Hard or electronic copies of the Draft EIS and FEIS may be obtained by contacting the Fort Worth District (USACE) at (817)886-1731 or by printing copies from the USACE Internet homepage at <http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/rusk.asp>. Copies of the FEIS are also available for inspection at the following locations:

- 1) Tatum Public Library, 335 Hood Street, Tatum, TX 75691.
- 2) Sammy Brown Library, 522 West College Street, Carthage, TX 75633.
- 3) Longview Public Library, 222 West Cotton Street, Longview, TX 75601.
- 4) Rusk County Library, 106 East Main St., Henderson, TX 75652.
- 5) Marshall Public Library, 300 South Alamo Boulevard, Marshall, TX 75670.
- 6) Henderson City Hall, 400 West Main Street, Henderson, TX 75652.
- 7) Tatum City Hall, 680 Crystal Farms Road, Tatum, TX 75691.
- 8) Longview City Hall, 300 West Cotton Street, Longview, TX 75601.
- 9) Carthage City Hall, 812 West Panola Street, Carthage, TX 75633.
- 10) Marshall City Hall, 401 South Alamo Boulevard, Marshall, TX 75785.

For additional information pertaining to this project and the permitting process, please refer to the USACE Internet homepage at <http://www.swf.usace.army.mil>

CLOSE OF COMMENT PERIOD: All comments pertaining to the FEIS must reach this office on or before July 19, 2011, which is the close of the comment period. Comments and requests for additional information should be submitted to Mr. Darvin Messer, Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300 or via E-mail: darvin.messer@usace.army.mil

Telephone inquiries should be directed to (817) 886-1744. Please note that names and addresses of those who submit comments in response to this public notice will be publicly available.

DISTRICT ENGINEER
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CORPS OF ENGINEERS