

4.0 Consultation and Coordination

4.1 Public Participation and Scoping

Public participation for the Rusk Permit Area began with the scoping process. Scoping is the process of actively soliciting input from the public and interested federal, state, and local agencies about the project. The process provides a mechanism for determining the EIS scope and significant issues (40 CFR 1501.7 and 40 CFR 1508.25) so the EIS can focus the analyses on areas of interest and concern. Therefore, the public's participation during the scoping period is a vital component to preparing a comprehensive and sound NEPA document. The USACE's overall scoping goal for the Rusk Permit Area EIS was to engage a diverse group of public, tribal, and agency participants in the NEPA process, solicit relevant input, and provide timely information during the EIS process.

The USACE initiated the scoping process by publishing the Notice of Intent to prepare an EIS in the *Federal Register* on June 24, 2009. Additionally, a Public Notice was mailed to over 1,010 private landowners that could be affected by the first 5-year phase of mine development; federal, state, and local agencies; and tribes. Public notices were placed in local newspapers (*Marshall News Messenger*, *Henderson Daily News*, and the *Panola Watchman*) announcing the public scoping meeting date, time, and location. The USACE conducted a scoping meeting on July 7, 2009, in Tatum, Texas. The meeting was held in an informal, open house format to promote information exchange about the proposed project and to gather public input. A total of 347 meeting participants signed their attendance at the meeting. Display boards showing various aspects (project location, NEPA process, and resource-related information) of the project were presented to facilitate information exchange. A video presentation about Sabine and the mining industry also was presented. Fact sheets about the project, NEPA process, and frequently asked questions as well as comment forms were distributed at the meeting.

The USACE coordinated a meeting with interested agencies on July 8, 2009, to provide detailed technical information about the project and to solicit agency input regarding the scope and analyses for the EIS. Attendees included representatives from TPWD, RCT, USFWS, and USEPA. Agency concerns focused on potential impacts to a mussel sanctuary downstream of the project area; vegetation impacts, including potential replacement of native species with exotic species; potential impacts to a threatened and endangered plant species; economic effects to the City of Tatum; road closures; and potential impacts to recreational use of the Sabine River.

At the end of the comment period, the scoping comments were compiled and analyzed to identify key issues and concerns. Some of the scoping comments were eliminated from consideration in the EIS because they addressed issues outside of the scope of the NEPA analyses, or the comment stated an opinion, rather than a substantive comment that could be addressed in the EIS. A Scoping Summary Report was prepared and distributed to the individuals on the USACE's project mailing list.

The scope of this EIS reflects input received from the public and from government agencies. Key issues identified during the scoping process include the following:

Groundwater

- Potential loss of the Chalk Hill Special Utility District water service facilities
- Potential impacts to service area of Crystal Farms Water Supply Corporation
- Potential disruption of the hydrologic cycle resulting in soils with lower infiltration rates and limited recharge of the groundwater table
- Potential effects to water rights
- Potential effects to groundwater recharge

- Potential groundwater quality impacts
- Potential impacts to City of Tatum's water supply wells

Surface Water

- Concerns relative to potential increased flooding in the Elijah Branch area
- Concerns relative to potential effects to existing landowner water rights
- Concern relative to potential flooding effects from bridge construction to the Botter Family Interests
- Rusk, Panola, and Harrison counties approval of project, in compliance with National Flood Insurance Program
- Potential effects to Sabine River water quality
- Potential surface water quantity impacts

Vegetation/Threatened and Endangered Species

- Potential loss of productivity on reclaimed lands
- Potential displacement of native species by exotic species

Wildlife/Threatened and Endangered Species

- Impacts to Hendricks Lake, Dean Slough, and other aquatic habitats and resulting potential impacts to migratory waterfowl, American alligator, and other water-dependent species
- Potential impacts to a mussel sanctuary downstream of the project area

Cultural Resources

- Concerns relative to preservation of the Trammel Trace Pathway near Hendricks Lake
- Potential impacts to Indian burial mounds

Land Use and Recreation

- Concerns relative to land use conflicts that could limit the City of Tatum's ability to expand northward
- Potential transportation impacts due to road closures and related effects to recreation access to the Sabine River
- Potential loss of pastureland from reduced water supply
- Potential impacts to the historic Original Zion Hill Baptist Church and cemetery

Social and Economic Values

- Concern relative to displacement of homes, churches, cemeteries, and livelihood
- Potential impacts from mine-related expansion to the community of Mayflower
- Concerns relative to the economic effects to the City of Tatum, the school district, and business development
- Interests in project's provision of affordable energy

Transportation

- Consideration should be given to protect access roads to Tatum

Public Health

- Concerns relative to health impacts for those in close proximity to the mine, including the elderly

Environmental Justice

- Concerns that all landowners are treated fairly in the sale/lease of their land, irrespective of race

Project Process – Land Acquisition and Development

- Concerns relative to the timing and process for landowner contacts
- Concerns relative to the process for landowner compensation
- Concerns relative to effects to landowners in proximity of the mine but outside the area of land acquisition

4.2 Consultation and Coordination with Federal, State, and Local Government Agencies

Specific regulations require the USACE to coordinate and consult with federal, state, and local agencies about the potential of the proposed project and alternatives to affect sensitive environmental and human resources. The USACE initiated these coordination and consultation activities through the scoping process. The USACE invited interested agencies to serve as cooperating agencies for preparation of the EIS; the USFWS and TPWD are serving as cooperating agencies.

4.3 Tribal Government-to-Government Consultation

In compliance with NHPA and USACE Policy Guidance Letter No. 57 (Indian Sovereignty and Government-to-Government Relations with Indian Tribes) the USACE is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on development of regulatory policies and issues of permits that could significantly or uniquely affect their communities. As such, the USACE has initiated consultation with Native American tribes.

4.4 List of Agency Contacts

In preparing the EIS for the proposed Rusk Permit Area, the USACE communicated with and/or received input from various federal, state, and local agencies. The following sections identify these contacts.

4.4.1 Federal Agencies

U.S. Environmental Protection Agency, Region 6

U.S. Fish and Wildlife Service

4.4.2 State Agencies

General Land Office

Railroad Commission of Texas

Texas Commission on Environmental Quality, Water Quality Division; Office of Permitting and Registration

Texas Department of Transportation

Texas Historical Commission

Texas Parks and Wildlife Department

Texas Water Development Board

4.4.3 Local Agencies

Carthage Independent School District

Hallsville Independent School District

Marshall Independent School District

Tatum Independent School District

4.5 List of Newspapers, Libraries, Organizations, Companies, Elected Officials, and Persons to Whom Copies of this Statement are Sent (in addition to the agencies listed above)

4.5.1 Newspapers

Henderson Daily News

Longview News-Journal

Marshall News Messenger

Panola Watchman

4.5.2 Libraries

Tatum Public Library, Tatum, Texas

Marshall Public Library, Marshall, Texas

Sammy Brown Library, Carthage, Texas

Longview Public Library, Longview, Texas

4.5.3 Organizations

Atchison, Topeka & Santa Fe Railroad

Big Sky Mineral Trust

Boatwright Trust

Chalk Hill Special Utility District

Crystal Farms Water Supply Corporation

Hacienda Energy, LLC

Hallsville Independent School District

Lake Cherokee

New Jerusalem Church of God in Christ

Rusk Electric Cooperative

Sabine River Authority

Smith Chapel Baptist Church

Sowell Charitable Trust

Tatum Masonic Lodge #1386

Zion Hill Baptist Church

4.5.4 Industry/Business

Amertex, Inc.

Archaeological Conservancy

B&N Petroleum, Inc.

BNSF Railway Company/Jones Lang LaSalle
Cargill & Co., Ltd.
CCRM Holdings, Inc.
CCRM, Inc.
Cherokee Crossing, LLC
CNG
Frost Oil Partnership
Hayward Paint Company
Horn Properties, LLC
Jackson Walker
JEH Interests
Kangerga Interest Ltd
Mountain Terrace Properties
NACC
New Horizons Oil and Gas
Rosson-Ward Land Company
RVW Properties, LLC
S&C Properties
Samson Lone Star, Ltd.
Snider Timberlands, Ltd
Southwest Petroleum Company
Steger Energy Corporation
SWEPCO
Texas Timberjack, Inc.
Three Anthony Properties, LLC
Three T Enterprises
Titanium Environmental Services, LLC
Torch Operg Company
Tyler Hendrickson, Velvin & Weeks Consulting
United Built Homes

4.5.5 Elected Officials

Federal

Senator Kay Bailey-Hutchinson
Senator John Cornyn
Representative Louis Gohmert

State

State Senator Kevin Eltiffe

State Representative Chuck Hopson

State Representative Bryan Hughes

State Representative Tommy Merritt

County

Harrison County Judge

Panola County Judge

Rusk County Judge

Panola County Commissioners

Doug Cotton

Dale LaGrone

Ronnie LaGrone

Herman Reed, Jr.

Harrison County Commissioners

Emma Bennett

James Greer

Galen McBride

Jeffrey Thompson

Rusk County Commissioners

Bill Hale

Harold Howell

X. Pepper

Patty Sullivan

Freddy Swann

Municipal

City of Tatum, Mayor

City of Tatum, Independent School District

4.5.6 Individuals

_____, Daren
_____, Michael
_____, Ricky
Acker, Randy A & Gena
Adams, Jessie L
Adams, Albert & Imogene
Adams, Leatrice & Virtry
Adams, Lawanta Gale
Adams, Jessie L
Adams (Estate), Jessie
Adams, Jr., Everigester & Regina
Akins, Corbett Ervin
Aldridge, Cheryl J
Allen, Cremela
Allen, Brian
Allen, Bert
Allen II, James L
Allen-Ford, Shirley
Anthony, Clark D, Vicky J, and Darin
Ault, Roosevelt
Ayers, Georgia
Bagwell, Wayne & Brenda
Ballard, Jr., George W & Mae L
Barnes, Harry
Barrett, R E
Barrett, Jerry & Cindy
Bartley, Ronnie
Beall, Alton R
Beall, Dene
Beck, Jesse
Blackmon, Bobby
Boone, James
Boyd, Okla Sammons
Dartez, James
Boyd (Estate), W Carolyn
Boykin, Gwen
Brazeal, Dorothy Marie
Brazeal, George & Michelle
Brewer, Rudene Glaspie
Brock, Elton
Brown, Jessie
Brown, Mable Wright
Brown, Jamie
Burton, H B
Burton, Harvey A
Burton, Carver D
Butzke, Patricia Ann
Carr, Gary L & Wilda G
Carter, Clara
Cato, Sam & Lue
Cato, Jr., Denison
Chapman, Evelyn
Chatham, Jocelyn
Childres, Dwayne Allen & Tonya
Clark, Stephen A & Cheryl A
Clements, Jane
Clements, Marie
Clemmons, Jack D and Candy
Cofield, Keith
Cole, Betty Faye
Coleman, Robert L and Billy J
Coleman, Curtis
Coleman, Alvester
Coleman, John Wesley
Coleman, Artie
Collins, William B & Donaus D
Conway, Sherron
Cooper, Richard A & Joanne
Sammons, Cheryl
Courtney, Jimmy Don

Cox, Ricky W & Laura A	Gibson, Russell & Kryston
Crawford, Holly	Gipson, Odessa Wright
Crawford, J R, Rosser, and Shirley	Glaspie, Renee
Crump, Darron	Glaspie, Emmarine C
Crump, D R & Mary Beth	Glaspie et al, Betty Adams
Cruz, Liborio	Glover, Pat
Cullen, Justin & Patricia	Gonzalez, Rogelio
Dale, Joe W & June	Gonzalez, Rafael
Daniels, Jen	Gray, Weldon R
Dartez, Brenda & Boyd	Green, Belton W & Shirley
Dartez, Brenda Cunningham	Green, Gerry & Bobby
Dartez, Brenda	Greenwood, Richard & Sharonda
Davis, Willie	Greenwood, Leatha
Daviss, Lemmie R	Haden, Michael B & Melissa A
Deckard, Jule	Hamon, Linda Beall
Deckenl, Jerry & Gwen	Hampton, Christene
DeLeRosa, Rosalio & Martha	Hardage, Clint & Rebecca
Dixon, Gary L	Harkless (Estate), Thaddeus
Dodson, Helen M	Harper, Dorothy S
Duncan, Mary Waldron	Hartt, Dee
Duran, Jo R	Hayes, Edna Marie
Edwards, Jessie Mae	Haygood, Bruce and Marilyn
Elder, Lamar	Hedges, William E & RaNae
Elder, Rodney	Helvenston, Lois
Ferguson, Jonny E	Henderson, Sue
Ferguson, Christine Free	Henry, Walter and Gayle Findley
Ferguson, Richard	Hernandez, Greg & Karen
Fields, Lee & Linda	Holland, Leonard Gene & Dawn
Fite, Lloyd	Honeycutt, Jim & Peggy
Fite, Steve	Hood, Virginia
Flores etux, Rogelio F	Horton, Robert W & Gertrude
Fransen, Donnie Jo Ferguson	Horton, James F
Freeman, Joey & Belinda	Horton, James A and Mittie
Fuller, John L & Karen A	Howard, Daryl G
Gallegos, Manuela	Huggins, Betty Kate Pepper
Garlington, Melvin	Hunt, Terry L
Garrett, W T	Hunt, Pamela

Huntley, Bobby
Hutchison, Thomas G & Robin E
Hyatt, Dennis R
Hyde, Douglas and Rick
Infante, Alejandro & Wendy
Irwin, Jr., James W
Jackson, Dwayne & Delores Beckworth
Jackson, Donald L
Jackson, Beverly Lewis
James, Floyd L
James, Jr., Henry Alfred
Jameson, Juanita
Jameson, Margaret D
Janak, Ed
Jennings, Rex C & Jolene
Jennings, Charles Bennie
Jernigan (Estate), Willie E
Jimmerson, Ruth
Johnson, Johnnie
Johnson, Evelyn B
Johnson, Mary
Jones, Melinda
Jones, Errol S
Jones, Cora Adams
Jones, Jason M & Christina R
Jones, Edward Dean
Jones, Jr., Franklin A
Kennedy, C L
King, Fannie Mae
King (Estate), Eugene
Kuykendall, Patsy
Land, Karla Austin
Langlinais, Ryan Edward & Beverly L
Latham, David E & LaNell B
Thomas, Charlotte Lee
Lewis, Aloza & Teri
Lewis, Jr., Ardrie

Liles, Tommy
Lister et al, Tishie Glaspie
Livingston, Hattie
Lomas, Luis
Luna, Paleman O, Olivia S, and Bale
Madison, Shirley
Malone, Todd
Marshall, Katheryn
Martin, Charles I
Martin, Mary Ann
Martin, Patricia Blackmon
Martin, Ola Charlene
Martin, Tony
Matthews, Jim T
Matthews, Carla
Matthews, Richard W
McBride, Galen
McClelland, Pam
McClelland, Patsy
McCluer, Kim Inez
McCowin, Opal Shelton
McDowell, Lawrence & Melba
McGee, Mary Wylie
McGee IV, Harry W
McIlwain, William K & Karen S
McIntire, Thomas E & Donell
McKee, Chris
McMillan, Roger
McPherson, Robin
Medford, Alan & Sharon
Menchaca, Eduardo and Ramona
Menefee, Melba
Merritt, Ronald B and Elizabeth B
Metcalf, David G & Shirley
Metcalf, John & Connie
Middleton, Debora & Gary L
Mills et al, Janice J

Molpus, Sherry Beall	Reed, Helen J
Mooney, Joe K	Reese, Leonard III & Cynthia
Mooney, Michael Dewayne & Charles Weldon	Reeves, Charles Albea
Moore-Molpus, Sherry Beall	Reeves, Lorenzo Eldon
Morton, John C	Reeves II, Isaac Isreal
Morton, Michael	Reimer, Teresa
Moses, Mary Frances	Reynolds, Altha
Nail, Mark & Aileen	Ridge, Verna
Navarro, Paulo & Juana	Roberts, Carl & Dee
Nelson, Richard G	Robertson, Kendal M
Nelson, John L	Rocquemore, A C & Emma
Nelson, Hobart & Evelyn	Rodriquez, Pascual
Newhouse, Gloria	Rosborough, Thomas C
Newhouse, Lucious & Frederick	Ross, Phillip & Denise
Newhouse, Blynthia	Ross, LaVerne
Norris, Kathy J & Lorensa	Russ, Harvey F
Norris, Fannie L	Sammons, Artimonthy & Shelia
Norris, Billy R	Sammons, Dennis
Norris, Pauline	Sammons, Kareather
Norris, Willie	Sammons, B L
Ochetto, Michael R Sr & Julie	Sammons, Cheryl
Odom, Nash	Sammons, Jr., Willie & Bobbie J
Orr, David Lee	Sammons, Sr., Willie E
Arhenaten, Enoch	Sanders, James
Pepper, X	Sanders, Jr., Herbert
Peterie, Patricia Edge	Sandidge, James & Tina
Peterie, Andrew	Sellers, Seth Louis
Pettit, Bobby & Valerie	Session, Arazola N
Pirtle (Trust), George W and James T	Shaw, Roger
Pitts, Jeannie Marie	Shaw, Luna
Pruitt, Mrs Weaver	Shaw, Lambert L and V L
Pruitt, K W	Shaw, Narvie
Ramerez, Nerio & Norma	Shaw, Louise
Ranigo, Everene C	Shaw, Penny
Ray, Kay Helvenston	Shaw, Rayford L
Redding, Ricky	Shelton, Johnnie and Sheena
Reed, Ronald L	Shelton, Thelma R and Lurlene

Simpson, Ruby
 Simpson, Mitchell Lee & Kathy
 Singleton, Tony & Jacqueline
 Sipes, Eddie Ray
 Skinner, Stephen K & Alison B
 Smith, Renae
 Smith, James Robert
 Smith, Bryan & Markisha
 Smith, Ozella Lover
 Smith, Travis A & Neicia C
 Smith, Harris R
 Smith, Ruby
 Smith, Becky
 Smith, Curtis Larry
 Spiller, Jason Andrew
 Squires, Opal D
 Stowe, Wanda G
 Stowe, William H & Sue
 Stowe, Jimmy E
 Sullivan, Patty
 Sullivan, Buddy C & Ruana
 Tanner, William E & Ruby
 Tatum, Brenda K
 Tatum, Shirley
 Tatum, Billie Ray
 Taylor, Wrey & Debra
 Thomas, Venoria
 Thomas, Ashley & Jerale
 Thompson, Wadell & Annie
 Timms, Lonnie Mae
 Turner, Teresa
 Valentine, Carroll, Peggy, Brenda, Jimmy
 Waldron (Estate), B F Frank
 Walker, Alisan
 Walker, Charles R
 Warner, Madison and Luella
 Washburn, Mark & Janelle
 Washyl, John & Dottie
 Watkins, Arvester
 Watt, Jim R
 Watt, John William & Lynn
 Watt, John Lacy
 Watt, Jr., W R & Thomas W
 West, Vernell
 White, Tobey
 Whitten, Jr., Watt and Vernetta
 Whittington, Winifred
 Williams, David
 Williams, Robert
 Williams, Neal & Diann
 Williams, Lois & Lelan
 Williams, June
 Williams, Daryl Glenn and Cristi Lynn
 Williams, Kathy Helvenston
 Williams, Effie Mae
 Williams, Troy Ray & Judy
 Woodard, Cheryl L
 Woods, Larry B & Cheryl
 Wright, Donal W
 Wright, Darrell G
 Wright, Johnny & Billie
 Wright, J T
 Wright, Darlene
 Wright (Joint Rev Liv Trust), Angus D & Judith L
 Wyatt, Sammy B
 Wylie, Alfred
 Wylie, Joe
 Ybarra, Martin H & Maria L
 York, Jack D
 Young, Jack Emerson