

Prepared for:  
**U.S. Army Corps of Engineers**  
**Fort Worth District**

# Scoping Summary Report for the Rusk Permit Area Environmental Impact Statement

AECOM, Inc.  
October 2009  
**Document No.: 05011-002-0102**

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# 1.0 Introduction

Two primary principles of the National Environmental Policy Act (NEPA) are full disclosure of potential environmental effects and open public participation throughout the decision-making process. The United States (U.S.) Army Corps of Engineers (USACE), Fort Worth District is preparing an environmental impact statement (EIS) for the proposed expansion of the existing South Hallsville No. 1 Mine into the Rusk Permit Area in northeast Texas. The USACE is the lead agency, and cooperating agencies currently are being identified. This Scoping Summary Report provides overviews of the public scoping process, a summary of the scoping comments, and a summary of the issues and concerns identified during the scoping process.

## 1.1 Description of Proposed Project

The Sabine Mining Company (SMC) is proposing to expand their existing lignite surface operations at the South Hallsville No. 1 Mine located in northeast Texas. The proposed project expansion would provide a reliable, long-term lignite coal fuel source to the Henry W. Pirkey Generating Station, located in Harrison County, Texas. The mine expansion would encompass an additional 20,377 acres located south of the existing mine and would cross the Sabine River into Rusk and Panola counties. In addition to the mine expansion, the proposed project would include the following infrastructure to support the expanded mine operations:

- Transportation corridor across the Sabine River
- Ponds and diversions to control surface water drainage
- Groundwater well field to dewater overburden and relieve underburden pressure (if necessary )
- Service roads
- Closure and/or relocation of public roads

The proposed mine would impact waters of the U.S. subject to Section 10 of the Rivers and Harbors Act, including ponds, streams, and wetlands that are subject to federal jurisdiction under Section 404 of the Clean Water Act (CWA). The CWA regulates activities involving the discharge of dredged or fill material into waters of the U.S. Upon reviewing the proposed project pursuant to NEPA, the USACE has determined that an EIS should be prepared. The limits of federal jurisdiction are determined and regulated by the USACE. The Fort Worth District of the USACE has regulatory responsibility for the project area. Sabine Mining Company has filed an application for a federal permit under Sections 10 and 404, thus formally initiating the USACE's regulatory process.

## 1.2 Purpose of Scoping

Scoping is the process of actively soliciting input from the public (including tribal organizations) and other interested federal, state, and local agencies. Information gained during scoping assists the USACE in identifying potential environmental issues, alternatives, and mitigation measures associated with development of the proposed project. The process provides a mechanism for determining the scope and significant issues (40 Code of Federal Regulations [CFR] 1501.7 and 40 CFR 1508.25) so that the EIS can focus the analyses on areas of interest and concern. Therefore, public participation during the scoping period is a vital component to preparing a comprehensive and sound NEPA document. Scoping provides the public, tribes, and agencies opportunities for meaningful public involvement in the decision-making process.

The USACE's overall scoping goal for the Rusk Permit Area EIS is to engage a diverse group of public, tribal, and agency participants in the NEPA process, solicit relevant input, and provide timely information throughout the duration of the project.

## 2.0 Summary of Scoping Meetings and Comments

### 2.1 Notification

The initial step in the NEPA process is to notify the public, other government agencies, and tribes of the lead agency's intent to prepare an EIS by publishing the Notice of Intent (NOI) in the Federal Register. The NOI for the Rusk Permit Area project was published in the *Federal Register* on June 24, 2009, and included a project description, notification of scoping meeting, and USACE contact information. The NOI also was posted to the USACE, Fort Worth District website. Additionally, a Public Notice was mailed on June 24, 2009, to over 1,010 private landowners that could be affected by the first 5-year phase of the mine development plan; federal, state, and local agencies; and tribes. **Appendix A** provides copies of the notification letters the USACE mailed to government agencies and the Public Notice.

Public notices were placed in local newspapers (**Table 2-1**) providing information relative to the public scoping meeting date, time, and location.

**Table 2-1 Newspaper Publications**

| Newspaper               | Dates Published |             |
|-------------------------|-----------------|-------------|
|                         | June 2009       | July 2009   |
| Marshall News Messenger | 26, 27, 28      | 3, 4, 5     |
| Henderson Daily News    | 25 through 30   | 1 through 5 |
| Panola Watchman         | 24, 28          | 1, 5        |

#### 2.1.1 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 coordination and consultation must occur in a timely manner and are required before any final decisions are made by the USACE. Issues related to agency consultation may include biological resources, cultural resources, socioeconomics, and land and water management. Biological resource consultations apply to the potential for activities to disturb sensitive species or habitats. Cultural resource consultations apply to the potential for impacts to important cultural resource sites. The USACE initiated these coordination and consultation activities through the scoping process. Letters to agencies requesting their participation as a cooperating agency in the Rusk Permit Area EIS are provided in **Appendix A**. To date, no agencies have provided an "official" response to the USACE that they will be participating as a cooperating agency on the Rusk Permit Area EIS.

#### 2.1.2 Tribal Government-to-Government Consultation

Under Executive Order 13084, the USACE is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities; the USACE has initiated Native American consultation.

## 2.2 Scoping Meetings

### 2.2.1 Public Scoping Meeting

Public scoping meetings offer an opportunity for public involvement during the scoping period. The meetings are designed to promote information exchange about the proposed project and to gather public input. The USACE

hosted a public scoping meeting at the Tatum Middle School in Tatum, Texas, on July 7, 2009. A total of 347 participants signed attendance sheets at the meeting.

The scoping meeting was conducted in an informal open-house format to allow for an open exchange of information and to enable attendees to ask agency personnel, the project applicant, and the EIS third-party contractor questions about the project. Display boards showing various aspects (project location, NEPA process, resource-related information) of the project were presented to facilitate conversation. A video presentation about Sabine Mining Company and the mining industry also was presented. Fact sheets included information about the project, the NEPA process, and frequently asked questions. The fact sheets were distributed to meeting attendees along with comment forms. The fact sheet and comment form are provided in **Appendix B**.

### **2.2.2 Agency Scoping Meeting**

The USACE hosted an agency meeting on July 8, 2009, at Sabine Mining Company's South Hallsville No. 1 Mine. Attendees included representatives from Texas Parks and Wildlife, Railroad Commission of Texas, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Sabine Mining Company and their contractors, and AECOM (the EIS third-party contractor). 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.

## **2.3 Summary of Scoping Comments**

The scoping period of the Rusk Permit Mine EIS began with the publication of the Notice of Intent to Prepare an EIS in the *Federal Register* on June 24, 2009, and ended on August 8, 2009. The USACE received a total of 47 comment submittals (e.g., letter, comment form, email, verbal) containing 89 individual comments during the public scoping period.

Following the close of the public scoping period, comments were compiled and analyzed to identify key issues and concerns. Each comment was identified, reviewed, and entered into an electronic database. As comments were entered, contact information for the commenter was added, or updated, to the mailing list to ensure that all interested parties would receive information throughout the EIS process. A comprehensive list of the scoping comments sorted by resource topic is presented in **Appendix C**. 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 (e.g., I oppose/support this project), rather than a substantive comment that can be addressed in the EIS.

### 3.0 Identification of Issues

Information gained during scoping assists the USACE in identifying the potential environmental issues, alternatives, and mitigation measures associated with development of the proposed project. As previously discussed, the process provides a mechanism for narrowing the scope of issues so that the EIS can focus the analysis on areas of high interest and concern. A majority of the comments were related to impacts associated with potential displacement of homes and churches, potential impacts to other land uses, effects to the City of Tatum, and potential impacts to surface water and groundwater. The following summarizes the key issues and concerns by resource that were expressed during scoping. A comprehensive list of comments can be found in **Appendix C**.

#### Groundwater

- Potential loss of the Chalk Hill Special Utility District water service facilities
- Potential impacts to service area of Crystal Farms Water Supply Corporation (WSC)
- 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

- Potential impacts to the historic Original Zion Hill Baptist Church and cemetery
- Concerns relative to preservation of the Trammel Trace Pathway near Hendricks Lake
- Potential impacts to Indian burial mounds

### Land Use and Recreation

- Land use conflicts 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

### 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

During the scoping period, many concerns were expressed about the process for mine expansion and when and how private land would be acquired or leased. The process of land acquisition itself is not within the scope of the EIS; however, due to the questions and concerns expressed by the public during scoping, the following discussion provides a brief description of the process for land acquisition or leasing and project development. The environmental and human effects of project development will be addressed in the EIS.

American Electric Power (AEP), as the owner of the coal, must establish right of entry (ROE) for any tract of land to be mined. This can be accomplished through surface ROE or a coal lease. Leasing/selling is voluntary. SMC must have a legal right of access to each tract of land that will be mined or otherwise utilized as part of the proposed surface coal mine expansion. The right of access is normally obtained by use of a Coal and Lignite Lease negotiated between the landowner and AEP for the benefit of SMC. The lease provides for compensation to the landowner for coal that is mined, through both a lease bonus payment and a royalty payment. The lease also provides for the payment of fair market value (to be determined by an independent appraiser) for any house, barn, or other fixtures

that are taken or damaged by the mining. As to notice, the lease requires SMC to provide at least 120 days notice of its intent to take possession of the land for purposes of initiating surface mining on the land. Leasing typically occurs approximately 5 years prior to mining. Because of the uniform pattern of mining, the progression and rate of active mining will be apparent to a landowner relative to a specific tract. Typically, the SMC will mine at most 200 to 250 acres of land per year, and hence only small portions of the permit area are in active mining at any one time.

The Railroad Commission of Texas requires every mine operator to submit detailed land ownership information as part of a surface coal mining permit application. The specific regulatory requirements are found in the Coal Mining Regulations in Title 16, Texas Administrative Code, Chapter 12. Pursuant to those regulations, as part of the requirement to obtain a permit from the Commission for surface mining, the applicant must identify for the Commission the status of the legal rights to enter land and access the coal within the permit area.

After completion of mining, SMC is responsible under the lease to grade and re-vegetate the mined areas. Further, pursuant to the Coal Mining Regulations, reclamation of mined areas must meet specific Commission requirements for complete restoration of each land tract in order for the Commission to approve the release of the tract from the mining obligations.

## 4.0 Potential Alternatives

One of the objectives of scoping is to identify viable alternatives or component options to the applicant's proposed project (Proposed Action) for evaluation in the EIS. The first step is to identify potential alternatives, then to screen out alternatives or options that do not meet the project's purpose and need. Potential alternatives to the Proposed Action that will be analyzed in detail in the EIS are those determined to be "feasible" and "reasonable" based on technical, economic, and environmental factors. Alternatives or options that are eliminated from detailed evaluation will be briefly discussed in the EIS, with rationale provided for their elimination. The USACE did not receive any comments regarding alternatives to project development during the scoping period.

## 5.0 Activities Following Scoping

The NEPA process provides several opportunities for public input. **Table 5-1** identifies additional opportunities for public participation and the anticipated schedule for the public to provide comments and participate in the EIS environmental review process.

Following the scoping period, the Draft EIS will be prepared incorporating appropriate information received from the public during the scoping period. Once the Draft EIS is completed, USACE will issue a Notice of Availability (NOA) for publication in the *Federal Register*, and the document will be distributed for public review. During the review period, the public can comment on key issues and the adequacy of the purpose and need, alternatives analysis, and proposed mitigation presented in the Draft EIS. During the public comment period, public hearing(s) will be held to allow the public to formally present their comments. The comments received during the public comment period will be considered by the USACE in preparing the Final EIS. In addition, the Draft EIS comments and USACE responses to the comments will be included as an appendix in the Final EIS. Once the Final EIS is completed, the USACE will issue a NOA for publication in the *Federal Register*, and the document will be distributed for public review. Following the Final EIS public review period, the USACE will issue their final decision as to whether to issue an individual permit pursuant to Section 404 of the CWA, issue the permit with special conditions, or deny the permit.

**Table 5-1 Opportunities for Participation in the NEPA Process**

| Steps in the Process  | Anticipated Date or Time Frame  |
|---|---|
| Public Scoping  | Typically a 30- to 45-day period following NOI publication (ended August 8, 2009) |
| Publication of the Draft EIS                                  | Winter–Spring 2010  |
| Draft EIS public comment period (including public hearing[s]) | Typically a 45- to 60-day period following Draft EIS NOA publication              |
| Publication of the Final EIS                                  | Summer 2010   |
| Final EIS public review period                                | Typically a 30-day period following Final EIS NOA publication                     |

## **Appendix A**

### **Invitation to Participate as a Cooperating Agency and Public Notice**



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

August 14, 2009

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2007-00560, Sabine Mining Company - Rusk Permit Area

Mr. David Galindo, Team Leader  
Water Quality Assessment Section  
Water Quality Division  
Texas Commission on Environmental Quality  
Mail Code 150  
12100 Park 35 Circle  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Mr. Galindo:

We are inviting your agency to participate with the U.S. Army Corps of Engineers, Fort Worth District (USACE) in outlining the scope of an Environmental Impact Statement (EIS) for Department of the Army Permit application SWF-2007-00560. The applicant, Sabine Mining Company, has submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States associated with the construction, operation, and reclamation activities of the proposed South Hallsville No. 1 Lignite Mine - Rusk Permit Area, located in Rusk, Panola, and Harrison counties, Texas.

Based on our evaluation of this project, the USACE has determined the project has the potential to significantly affect the quality of the human environment. Therefore, an EIS will be required. Although the Fort Worth District staff will manage and develop the EIS with the assistance of a third party contractor, we would appreciate your agency's assistance as a cooperating agency in scoping and preparing the document. This process is likely to involve several meetings in addition to your review and comment on relevant sections of the EIS.

We will be planning an agency scoping meeting in the near future and would appreciate your input and participation. We will provide additional details regarding the meeting as they become available.

We look forward to your participation in this effort. We ask that you consider the role of cooperating agency, and inform us of your decision. If you have any questions, please contact Mr. Darwin Messer at the address above or telephone (817) 886-1744.

Sincerely,

Stephen L Brooks  
Chief, Regulatory Branch



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

August 14, 2009

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2007-00560, Sabine Mining Company - Rusk Permit Area

Mr. James Bruseth  
Deputy State Historic Preservation Officer  
Division of Antiquities Protection  
Texas Historical Commission  
P.O. Box 12276  
Austin, Texas 78711

Dear Mr. Bruseth:

We are inviting your agency to participate with the U.S. Army Corps of Engineers, Fort Worth District (USACE) in outlining the scope of an Environmental Impact Statement (EIS) for Department of the Army Permit application SWF-2007-00560. The applicant, Sabine Mining Company, has submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States associated with the construction, operation, and reclamation activities of the proposed South Hallsville No. 1 Lignite Mine - Rusk Permit Area, located in Rusk, Panola, and Harrison counties, Texas.

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FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

August 14, 2009

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2007-00560, Sabine Mining Company - Rusk Permit Area

Mr. Rollin MacRae  
Wetlands Program Leader  
Resource Protection Division  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Dear Mr. MacRae:

We are inviting your agency to participate with the U.S. Army Corps of Engineers, Fort Worth District (USACE) in outlining the scope of an Environmental Impact Statement (EIS) for Department of the Army Permit application SWF-2007-00560. The applicant, Sabine Mining Company, has submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States associated with the construction, operation, and reclamation activities of the proposed South Hallsville No. 1 Lignite Mine - Rusk Permit Area, located in Rusk, Panola, and Harrison counties, Texas.

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Sincerely,

Stephen L Brooks  
Chief, Regulatory Branch



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

August 14, 2009

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2007-00560, Sabine Mining Company - Rusk Permit Area

Ms. Sharon F. Parrish  
Chief, Wetlands Section (6WQ-EM)  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202

Dear Ms. Parrish:

We are inviting your agency to participate with the U.S. Army Corps of Engineers, Fort Worth District (USACE) in outlining the scope of an Environmental Impact Statement (EIS) for Department of the Army Permit application SWF-2007-00560. The applicant, Sabine Mining Company, has submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States associated with the construction, operation, and reclamation activities of the proposed South Hallsville No. 1 Lignite Mine - Rusk Permit Area, located in Rusk, Panola, and Harrison counties, Texas.

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Sincerely,

Stephen L Brooks  
Chief, Regulatory Branch



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

August 14, 2009

Planning, Environmental, and Regulatory Division  
Regulatory Branch

SUBJECT: Project Number SWF-2007-00560, Sabine Mining Company - Rusk Permit Area

Mr. Thomas J. Cloud, Jr.  
Supervisor, Arlington Field Office  
U.S. Fish and Wildlife Service  
WinSystems Centre Building  
711 Stadium Drive East, Suite 252  
Arlington, Texas 76011

Dear Mr. Cloud:

We are inviting your agency to participate with the U.S. Army Corps of Engineers, Fort Worth District (USACE) in outlining the scope of an Environmental Impact Statement (EIS) for Department of the Army Permit application SWF-2007-00560. The applicant, Sabine Mining Company, has submitted an application for a Department of the Army permit under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States associated with the construction, operation, and reclamation activities of the proposed South Hallsville No. 1 Lignite Mine - Rusk Permit Area, located in Rusk, Panola, and Harrison counties, Texas.

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Sincerely,

Stephen L Brooks  
Chief, Regulatory Branch



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

# Public Notice

Applicant: Sabine Mining Company

Permit Application No. : SWF-2007-00560

Date: June 25, 2009

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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**

Name: Ms. Jennifer Walker

Phone Number: (817) 886-1863

**JOINT PUBLIC NOTICE**

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

**AND**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**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 of the South Hallsville No. 1 Mine – Rusk Permit Area in Rusk, Harrison and Panola Counties, Texas by Sabine Mining Company.

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

**APPLICATION NUMBER:** SWF-2007-00560

**DATE ISSUED:** June 25, 2009

**LOCATION:** The mine site consists of approximately 20,377 acres in Rusk, Panola, and Harrison 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.

**OTHER AGENCY AUTHORIZATIONS:** (1) State Water Quality Certification, Texas Commission on Environmental Quality (TCEQ), (2) Texas Pollutant Discharge Elimination System (TPDES) Wastewater Discharge Permit (02538), TCEQ, (3) Water Rights Exemption, TCEQ, (4) Water Rights Supply Contract, TECQ, (5) TPDES Stormwater Notice of Intent for Construction Activities (TXR150000), TCEQ, (6) Stormwater General Permit for Industrial Activities (TXR050000), TECQ, (7) Surface Mining Permit (pending), Railroad Commission of Texas (RCT), (8) Marl, Sand and Gravel (pending), Texas Parks and Wildlife Department (TPWD), (9) Federal Emergency Management Agency (pending), Harrison, Rusk, and Panola counties, (10) Bridge Construction (exempt), US Coast Guard.

**PROJECT DESCRIPTION:** The applicant proposed 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, dozers, 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 (345,929.9 linear feet) of streams would be permanently impacted. 53.8 acres of wetlands and 1.5 acres (400.0 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.

**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. The Ft. Worth District has determined the proposed project is a major federal action with the potential to significantly impact the quality of the human environment. Therefore an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act will be prepared. A public hearing will be held during the public comment period for the draft EIS.

**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 held Tuesday July 7, 2009, from 5:00 p.m. to 8:00 p.m. at the Tatum Middle School, located at 410 North Hill, Tatum, Texas. The purpose of this open house format meeting is to gather information on the scope of an Environmental Impact Statement (EIS) for the Sabine Mining Company's proposed Rusk Permit Area Lignite Mine. Written comments on the scope of the EIS will be accepted during the public meeting and until the close of the comment period on August 8, 2009.

**STATE WATER QUALITY CERTIFICATION:** This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier II project criteria. Tier II projects are large projects that affect more than three (3) acres of waters of the United States and/or 1,500 linear feet or more of streams. They also include projects that impact rare and ecologically significant wetlands and would not qualify for a Tier I review or for which the applicant elects not to incorporate Tier I Best Management Practices (BMP's) including the applicant choosing to use alternative BMP's. Accordingly, a request for 401 certification is necessary and there will be additional TCEQ review.

**ENDANGERED AND THREATENED SPECIES:** The USACE has reviewed the U.S. Fish and Wildlife Service's (USFWS) latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Rusk, Harrison and Panola Counties where the Louisiana black bear (*Ursus americanus luteolus*) is federally listed as a threatened species. In addition, Earth fruit (*Geocarpon minimum*) is federally listed as a threatened species in Harrison and Panola Counties. No sightings of state or federal listed threatened or endangered species, or species of special concern were recorded within the Rusk

Permit Area during field reconnaissance, and our initial review indicates that the proposed work would have no adverse effects on any federally-listed endangered or threatened species.

**NATIONAL REGISTER OF HISTORIC PLACES (NRHP):** The applicant proposes to address historic properties and cultural resources in accordance with the requirements of Section 106 of the National Historic Preservation Act and through direct consultation with applicable agency officials and other stakeholders. An integral part of the permit application process involves comprehensive cultural resource surveys for, at a minimum, the five-year project area term to determine the presence or evidence of significant historic or archaeological sites within the project area that could be affected by the proposed mining activities. Several historic properties and cultural resource sites have been identified in the region. However, no cultural resource sites listed on the National Register of Historic Places (NRHP), eligible for listing on the NRHP, or with an unknown NRHP status would be impacted by mine-related activities unless the proper approvals are received from the Texas Historical Commission, Railroad Commission of Texas.

**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. 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.

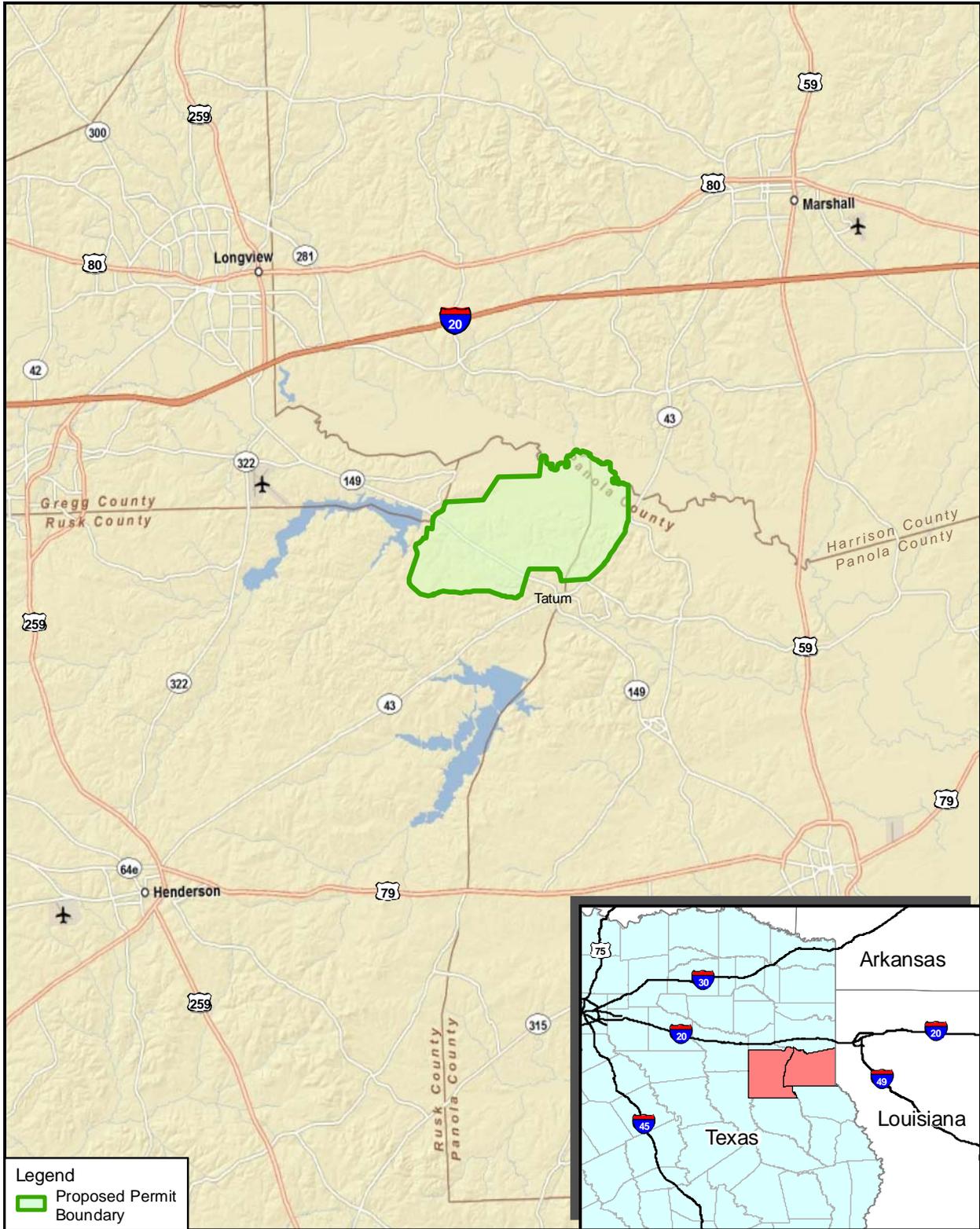
**SOLICITATION OF COMMENTS:** The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should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

**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.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before August 8, 2009, 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. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at

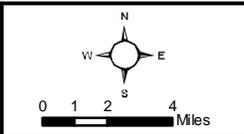
819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER  
FORT WORTH DISTRICT  
CORPS OF ENGINEERS

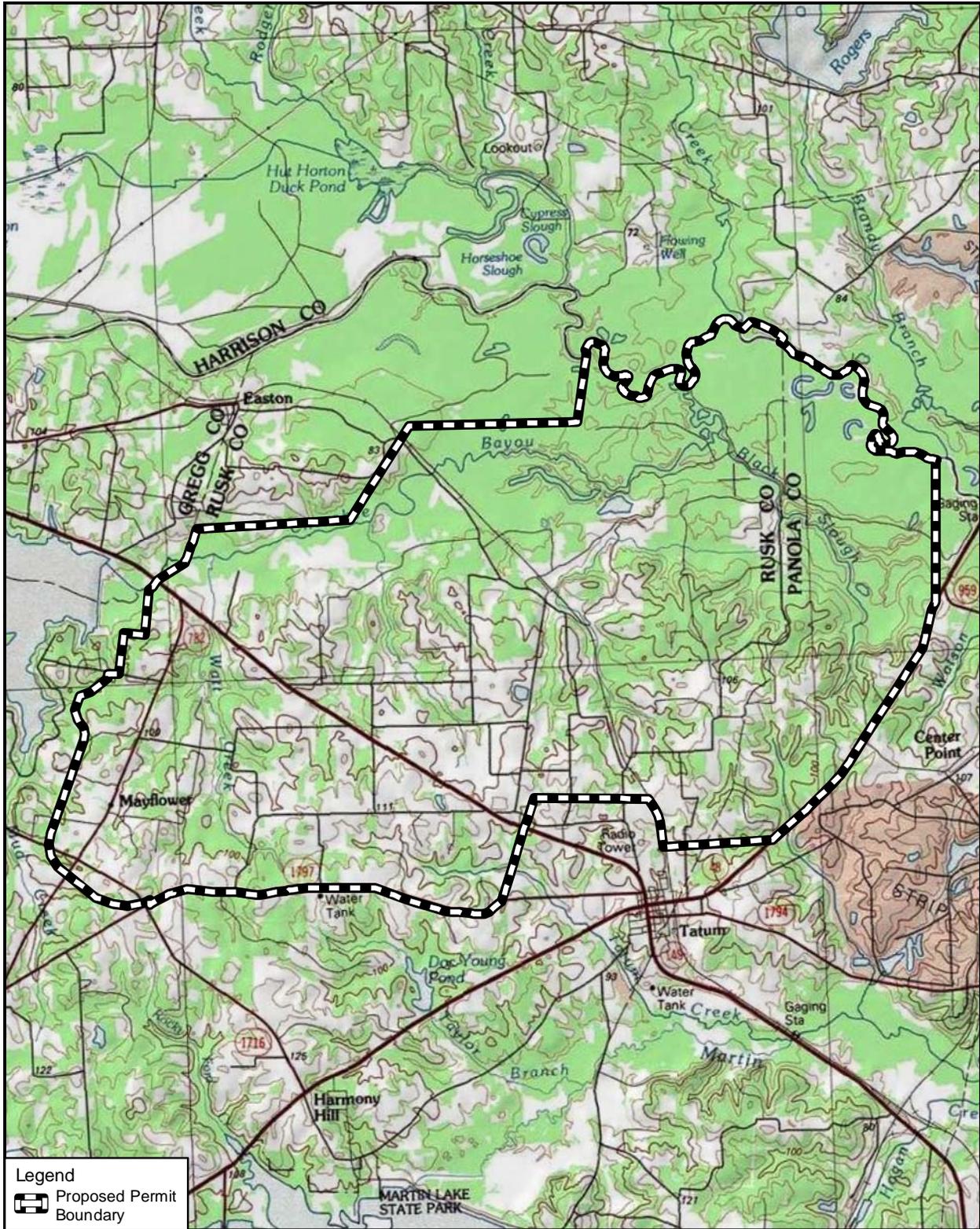


Legend  
 Proposed Permit Boundary

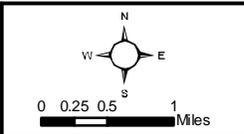
**South Hallsville No. 1 Mine  
 Rusk Permit Area  
 General Location Map**



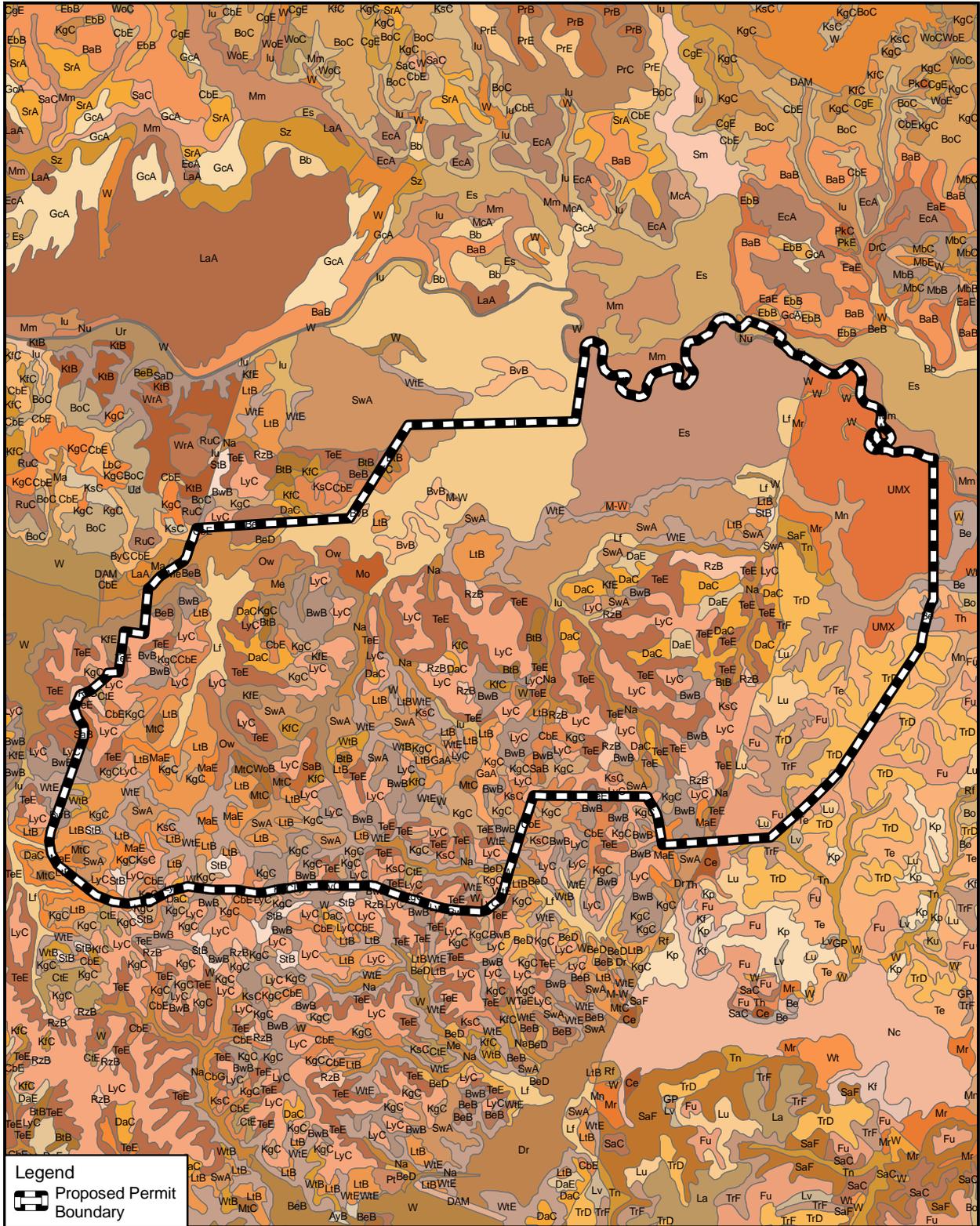
|  |          |
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|  HDR Engineering, Inc.<br>17111 Preston Rd., Suite 200<br>Dallas, TX 75248-1232<br>972-960-4400 |          |
| June 2009  | Figure 1 |



**South Hallsville No. 1 Mine  
Rusk Permit Area  
Topographic Features**

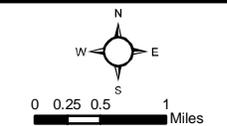


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|  | HDR Engineering, Inc.<br>17111 Preston Rd., Suite 200<br>Dallas, TX 75248-1232<br>972-960-4400 |          |
|  | June 2009  | Figure 2 |



**Legend**  
 Proposed Permit Boundary

**South Hallsville No. 1 Mine  
 Rusk Permit Area  
 Soil Features**



**NORTH AMERICAN**  
**COAL**  
 CORPORATION  
**SABINE MINE**

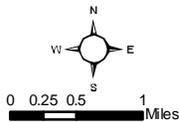
**HDR** HDR Engineering, Inc.  
 17111 Preston Rd., Suite 200  
 Dallas, TX 75248-1232  
 972-960-4400

June 2009      Figure 3



Legend  
 Proposed Permit Boundary

**South Hallsville No. 1 Mine  
 Rusk Permit Area  
 Aerial Photograph**

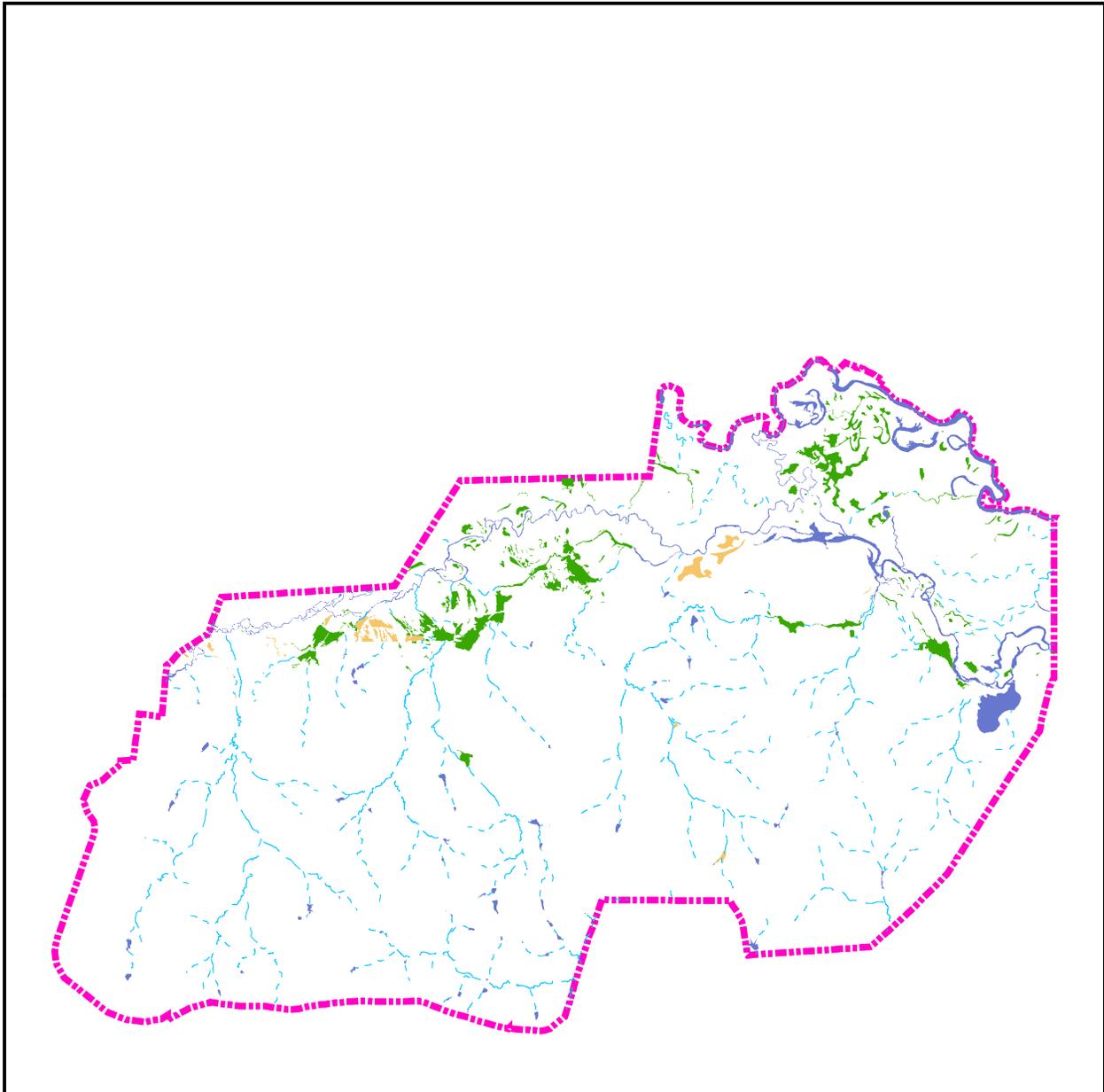


**NORTH AMERICAN**  
**COAL**  
 CORPORATION  
**SABINE MINE**

**HDR** HDR Engineering, Inc.  
 17111 Preston Rd., Suite 200  
 Dallas, TX 75248-1232  
 972-960-4400

June 2009

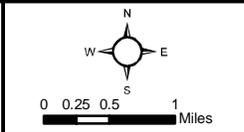
Figure 4



**Legend**

-  Proposed Permit Boundary
-  3 ft Stream
-  5 ft Stream
-  8 ft Stream
-  10 ft Stream
-  Forested Wetland
-  Non-Forested Wetland
-  Open Water

**South Hallsville No. 1 Mine  
Rusk Permit Area  
Waters of the U.S.**



**NORTH AMERICAN**  
**COAL**  
CORPORATION  
**SABINE MINE**

**HDR** HDR Engineering, Inc.  
17111 Preston Rd., Suite 200  
Dallas, TX 75248-1232  
972-960-4400

June 2009

Figure 5

## **Appendix B**

### **Scoping Meeting Materials**



**Fold 2**

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**Ms. Jennifer Walker  
Fort Worth District  
U.S. Army Corps of Engineers  
P.O. Box 17300  
Fort Worth, Texas 76102-0300**

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**Fold 1**

**Rusk Permit Area EIS Project mailing list**

To have your name added or removed from our mailing list for this project, please check the appropriate box and return this comment form to us. If you do not ask us to remove your name from our mailing list, we will send you future EIS-related announcements.

Add my name to the mailing list

Remove my name from the mailing list

**Sign up to receive the EIS**

To receive the Environmental Impact Statement for review when it is available, please check below.

Send me the EIS for review

***Note: Fold the comment form on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. Additional sheets may be attached.***

# Fact Sheet

# Rusk Permit Area EIS



## What is the Rusk Permit Area Project?

The Sabine Mining Company is proposing to expand their existing lignite surface operations at the South Hallsville No. 1 Mine located in northeast Texas. The proposed project expansion would provide a reliable, long-term lignite coal fuel source to the Henry W. Pirky Generating Station, located in Harrison County, Texas. The mine expansion would include an additional 20,377 acres located south of the existing mine and would cross the Sabine River into Rusk and Panola counties. In addition to the mine expansion, the proposed project would include the following infrastructure to support the expanded mine operations:

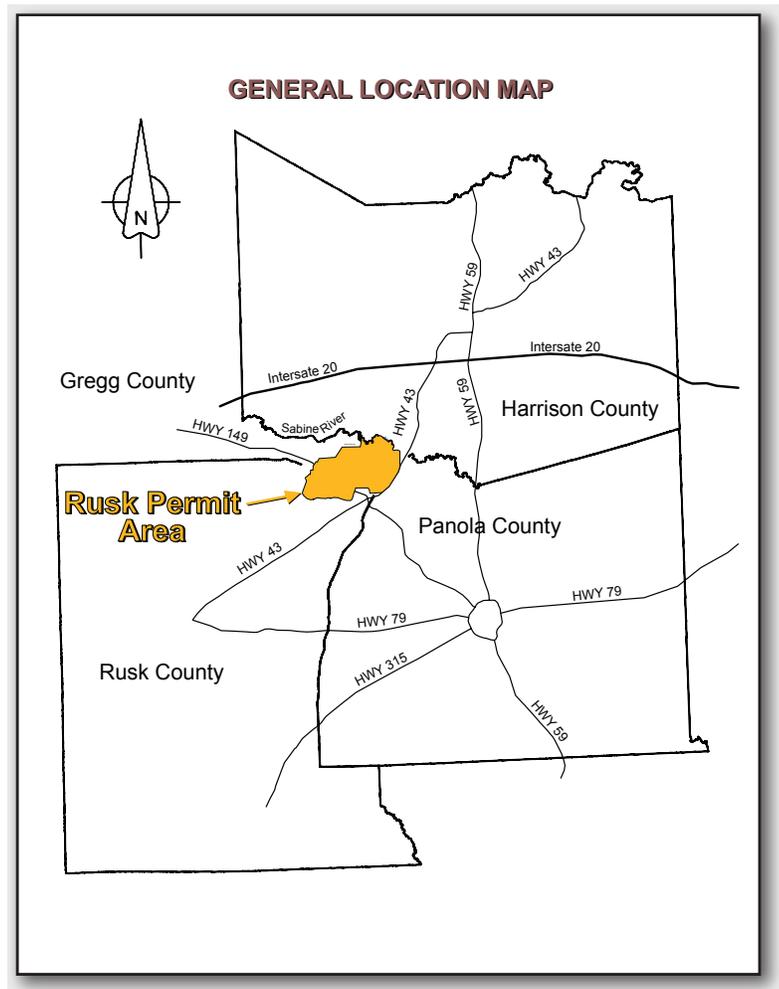
- A transportation corridor across the Sabine River;
- Ponds and diversions to control surface water drainage;
- Groundwater well field to dewater overburden and relieve underburden pressure, if necessary;
- Service roads; and
- Closure and/or relocation of public roads.



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Fort Worth District

## Why is the U. S. Army Corps of Engineers Involved?

The proposed mine would impact waters of the United States subject to Section 10 of the Rivers and Harbors Act, including ponds, streams, and wetlands that are subject to federal jurisdiction under Section 404 of the Clean Water Act (CWA). This act regulates activities involving the discharge of dredged or fill material into waters of the United States. Upon reviewing the proposed project pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE) has determined that an environmental impact statement (EIS) should be prepared. The limits of federal jurisdiction are determined and regulated by the USACE. The Fort Worth District of the USACE has regulatory responsibility for the project area. Sabine Mining Company has filed an application for a federal permit under Section 404, thus formally initiating the USACE's regulatory process.



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## What is scoping?

The scoping process begins once a federal lead agency has decided to prepare an EIS and the Notice of Intent to prepare an EIS is published in the Federal Register. Scoping is the process of actively acquiring input from the public and other interested federal, state, tribal, and local agencies. Information gained during scoping assists the lead agency in identifying potential environmental issues, alternatives, and mitigation measures associated with development of the proposed project. The process provides a mechanism for narrowing the scope of issues, so that the EIS can focus the analysis on areas of high interest and concern. Therefore, public participation in the scoping process is a vital component to preparing a sound NEPA document. The scoping process provides the public and agencies opportunities for meaningful involvement in the decision-making process.

## How can I be involved in the EIS process?

Attend the scoping meeting scheduled for your area to learn more about the project. The meeting will provide the opportunity to ask questions, express any concerns, and submit your comments. At the meeting, be sure to sign in and request to have your contact information placed on the project mailing list. This will ensure that you are kept up-to-date on project activities and receive notices about future ways to provide input.

Participate and provide comment in the public review of the Draft EIS. You will be notified when the Draft EIS is completed and available for review.

Throughout the NEPA process, if you have questions or concerns, you can contact:

Jennifer Walker, Chief  
Permits Section Regulatory Branch  
Fort Worth District  
U.S. Army Corps of Engineers  
819 Taylor Street, P.O. Box 17300  
Fort Worth, TX 76102-0300

Phone: 817-886-1863  
Email: Jennifer.R.Walker2@usace.army.mil

## Tips For Providing Effective Comments



Your participation is an important part of the decision-making process!

- Submit your comments on potential impacts and ideas for project alternatives.
- Review the USACE website, monitor local newspapers, attend public meetings, and become familiar with the proposed project development.
- Provide substantive and concise written comments.
- Learn about the NEPA process and when in the process agencies will receive comments.
- Keep your comments focused on the proposed project being analyzed.
- Identify the federal agency decision-makers.
- Submit your comments within the timeframes announced. This helps the agencies include all concerns in the NEPA document.
- Make sure that you are on the EIS mailing list to receive notification of public meetings or project information, or both.



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Fort Worth District

## Environmental Impact Statement

An Environmental Impact Statement (EIS) is being prepared under the direction of the Fort Worth District of the USACE, as the federal agency for the Rusk Permit Area EIS. The EIS will be developed in accordance with NEPA requirements and Department of the Army NEPA implementing regulations. NEPA requires that environmental information be made available to the public and public officials before decisions are made.

### What is an EIS and why is it being prepared?

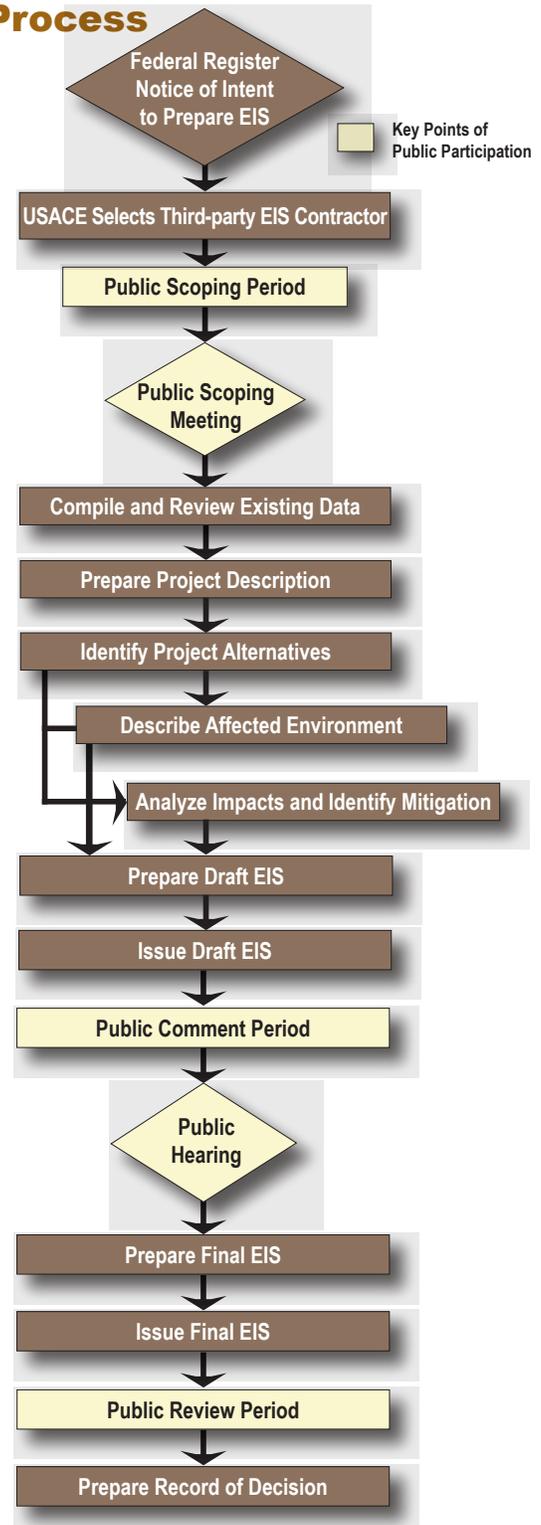
Under the requirements of the NEPA of 1969, an EIS is prepared for major federal actions that may have a significant effect on the environment. The federal lead agency with jurisdiction over the project (in this case, the USACE) is responsible for the preparation of the EIS. The EIS will not be limited to water issues; it will assess and document the environmental, cultural, social, economic, and other potential effects of the USACE permitting decision. The EIS also will identify opportunities to reduce or mitigate adverse impacts and will evaluate the impacts of a reasonable range of alternatives.

### How will the EIS be prepared?

The USACE has elected to use a “third-party contract” process to prepare this EIS; this process is commonly used by the USACE and other federal agencies. Under this process, a private contractor is selected by the lead agency and paid by the applicant to prepare the document under the direction of the lead agency. In this way, the cost of the environmental review and permitting process is borne primarily by the applicant and not taxpayers. The consultant selected to prepare the EIS for the USACE for the Rusk Permit Area is AECOM.

The USACE directly supervises the third-party contractor to ensure that the EIS is consistent with NEPA and its implementing regulations. Furthermore, the USACE is responsible for final acceptance of the Draft and Final EIS and for preparation of the Record of Decision.

### NEPA Process



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## Frequently Asked Questions

### **Please provide some basic facts about the mine: what is involved, how big is it, when would mining begin, and how long would mining occur?**

The Rusk Permit Area would be developed as a surface mining operation. All of the new activity would occur within the total mine permit area of approximately 20,377 acres. The proposed project would include the removal of soil and overburden materials in order to reach and extract the lignite coal. Surface mining operations are proposed to be conducted with conventional open pits excavated by large draglines and supported by standard earth-moving equipment such as loading shovels, dozers, 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, if necessary; 4) construction of service roads; and 5) closure and/or relocation of public roads to facilitate mine operations and protect public safety. At this time, initiation of work related to construction of infrastructure is projected to begin in 2011, with mining to start in 2012. The projected life of the mine (lignite removal) is approximately 25 years, with reclamation and final mitigation efforts to continue past the 25-year life of the mine.

### **Besides the USACE, what other agencies regulate the environmental effects of the mine?**

The proposed mining and reclamation of the Rusk Permit Area would be regulated by the Railroad Commission of Texas (RCT) under the authority of the Texas Surface Mining Act. The RCT imposes many standards and requirements, such as surface water and groundwater monitoring, demonstrated performance in the reclamation of the land, and mitigation of effects of mining on adjoining water supplies (e.g., wells, stock ponds). Air emissions and water discharges from the mine would be regulated by the Texas Commission on Environmental Quality (TCEQ). Under Section 401 of the CWA, TCEQ also must certify that the proposed water discharges would comply with state water quality standards before a Section 404 permit can be issued.

### **How much of the area's wetlands and streams may be adversely impacted?**

Waters of the U.S. are regulated by the USACE under Section 404 of the Clean Water Act. A preliminary

determination of waters of the U.S., including wetlands, has been completed for the approximately 20,377-acre mine area and submitted to the USACE for final determination. A substantial portion of the total estimated waters of the U.S. occur within the floodplain of the Sabine River and its tributaries. Named tributaries include Black Slough, Cherokee Bayou, and Watt Creek.

Based on the results of the preliminary determination and the proposed mine plan, it is anticipated that mining would affect approximately 191 of the 515 acres of wetlands, approximately 47 of the 224 acres of ponds, and approximately 37 of the 185 acres of streams (346,000 linear feet) within the proposed mine area.

### **How will impacts to threatened or endangered species and sensitive habitats be evaluated?**

In accordance with Section 7 of the Endangered Species Act, the USACE will evaluate potential effects on threatened or endangered species. The evaluation also will identify opportunities to reduce or mitigate any identified impacts to listed species. The results of this evaluation will be subject to review and approval by the U.S. Fish and Wildlife Service. In addition, the EIS will consider all of the ecological effects of the proposed mining project.

### **What types of air quality evaluations will be made of the mine project?**

The focus will be on the direct effects of mining, such as dust from coal extraction and transport. In the analysis of cumulative impacts, the projected emissions from all major regional activities, including the adjacent Henry W. Pirkey Power Plant and Sabine's existing South Hallsville No. 1 Mine, will be considered.

### **Will the EIS analysis consider the impact of the project on people?**

Yes, issues considered will include the jobs and economic benefits associated with mining, as well as concerns about potential adverse effects on the area's rural way of life and property values. The EIS also will evaluate effects on resources such as cultural resources, transportation, noise, and visual resources.

### **What alternatives will be considered in the EIS?**

The EIS will focus on alternatives within the mine plan that could reduce or mitigate mining impacts. It also will evaluate the no action alternative.

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## **Appendix C**

### **Comprehensive List of Scoping Comments**

## Rusk Permit Area - Scoping Comments

| <b>NEPA Process</b>  |  |
|----------------------|--|
|                      | Request for additional information regarding the public notice for SMC's permit application and an extension of the public comment period.   |
|                      | Preference for a public meeting that offers a place to sit and provides more information.  |
| <b>Groundwater</b>   |  |
|                      | Chalk Hill Special Utility District (SUD) concerned about loss of four water wells, one plant with two tanks, a pressure tank, and several miles of pipeline that serve customers east of Highway 149.           |
|                      | Chalk Hill SUD concerned about loss of four water wells, three tanks, two pressure tanks, and 15 miles of pipeline serving 200 + customers along FM 782 in Rusk County.  |
|                      | Chalk Hill SUD concerned about loss of water wells and associated facilities that serve 200+ customers and compliance issues with TCEQ.  |
|                      | Concerns about groundwater quality impacts resulting from mining operations in the service area for Chalk Hill SUD.  |
|                      | Concern about impacts to City of Tatum's water supply wells resulting from dewatering activities and the loss of Hendricks Lake.   |
|                      | Sabine Mine should be held accountable for damages to present and potential water resources for the City of Tatum.   |
|                      | Mining activities could disrupt the hydrologic cycle in the area through the mixed overburden process that results in soils with lower infiltration rates than native soils, thus limiting groundwater recharge. |
|                      | Crystal Farms WSC serves customers on FM 1997, CR 2187, and CR 2192, some on CR 2214, CR 2215, CR2216, and FM 1716 and has expressed concern about how the mine expansion will impact them.                      |
|                      | Concern about mining operations affecting individuals' water rights throughout the proposed mine expansion area.   |
| <b>Surface Water</b> |  |
|                      | Suggests using water from lakes created by mine expansion for irrigating pastureland.  |
|                      | Applicant is required to provide details on proposed on site and off site mitigation, including monitoring and success criteria.   |
|                      | Applicant needs to provide details on types and quantities of waters that would be impacted and a functional assessment.   |
|                      | Concerns about increased flooding in the Elijah Branch area resulting from an increased watershed area and decreased infiltration rates.   |

## Rusk Permit Area - Scoping Comments

|                   |   |
|-------------------|---|
|                   | Concern about mining operations affecting individuals' water rights throughout the proposed mine expansion area.  |
|                   | Concern about impacts to City of Tatum's water supply wells resulting from dewatering activities and the loss of Hendricks Lake.  |
|                   | Impacts from mining activities to Hendricks Lake, Dean Slough, and other water features routinely used by migratory water fowl, American alligator, and other water-dependent species.                                |
|                   | Concern that construction of reservoirs or storage ponds on the mine may concentrate flows, leading to flash flooding or excessive inundation.  |
|                   | Mining management techniques should guarantee the supply of water to downstream water rights holders.   |
|                   | Streams created post-mining should be constructed so the impermeable layer at or near the planned elevation of the stream restricts downward movement of water and provides perennial water in streams.               |
|                   | Post-mining may limit the number of ponds and prevent landowners from irrigating fields and rotating cattle to areas of water supply.   |
|                   | Potential for impacts to stream channels and wetland areas created by the mine. Landowners should be notified about any mitigation work on their property and properly compensated for the loss of use of their land. |
|                   | Notification that Rusk, Panola, and Harrison counties participate in the National Flood Insurance Program and, therefore, have approval authority over construction or maintenance of a levee or other improvements.  |
|                   | Concerns about flooding of lands from bridge construction to the Botter Family Interests (Watson, Alston, Snider, Newhouse, and Page Surveys).  |
| <b>Soils</b>      |   |
|                   | Mining activities could disrupt the hydrologic cycle in the area through the mixed overburden process that results in soils with lower infiltration rates than native soils, thus limiting recharge of groundwater.   |
| <b>Vegetation</b> |   |
|                   | The EIS should evaluate vegetation/habitat by sub-community.  |
|                   | The plant species <i>Geocarpon minimum</i> has been added to the list of threatened and endangered species.   |
|                   | Potential displacement of native plant species by exotic species.   |
|                   | Loss of productivity in reclaimed forests could create economic losses.   |

## Rusk Permit Area - Scoping Comments

| <b>Wildlife/Threatened and Endangered Species</b> |   |
|---|---|
|   | Impacts from mining activities to Hendricks Lake, Dean Slough, and other water features routinely used by migratory fowl, American alligator, and other water-dependent species.  |
|   | Concerns about impacts to a mussel sanctuary downstream of the project area (south of Highway 43) from sedimentation and siltation. Mussels are a species of concern.   |
| <b>Cultural Resources</b>                         |   |
|   | Mine expansion-related impacts to the Original Zion Hill Baptist Church and cemetery.   |
|   | Impacts to the historic Trammel Trace Pathway near Hendricks Lake.  |
|   | Potential impacts to Indian burial mounds from mine operations.   |
| <b>Land Use and Recreation</b>                    |   |
|   | Concern about property becoming unusable for pastureland due to loss of permanent water source.   |
|   | Concern about the City of Tatum's ability to expand: east and southeast occupied by mining, south and southwest occupied by a family trust, Oak Hill mine moving east towards Tatum, and Rusk Permit Area occupies the northern area. |
|   | Consider limiting mining operations to 0.5 mile outside of Tatum's extraterritorial jurisdiction.   |
|   | Consider restricting mining within 1 mile of Highway 149 to allow for future business growth and possibly residential development.  |
|   | Mining areas contiguous with Tatum should set aside acreage for public parks and recreational areas to reduce aesthetic effects.  |
|   | Impacts from road closures and recreational use of the Sabine River.  |
| <b>Social and Economic Values</b>                 |   |
|   | Concern about displacement of home and church (New Jerusalem) resulting from the mine expansion.  |
|   | Concerns about impacts to livelihood from sale of crops from lands lost to mining that previously were used for farming.  |
|   | Concern about impacts to home, church, cemetery where descendants are buried, and community.  |
|   | Concern about displacement of home and relocation costs.  |
|   | Concern about impacts to land handed down through the family.   |
|   | Concern about loss of home and increased travel time to work.   |
|   | Concern about loss of church.   |
|   | Concern about gathering accurate data of the demographics of the area.  |

## Rusk Permit Area - Scoping Comments

|                       |  |
|-----------------------|--|
|                       | Impacts to members of the New Jerusalem Church of God in Christ and the community of Mayflower from mine expansion.  |
|                       | Concern about mine expansion-related impacts to the Original Zion Hill Baptist Church, its members, and the way of life for the community of Tatum.            |
|                       | Impacts to the community of Mayflower and concerns about the effects from relocation of family home.   |
|                       | Concerns about detrimental effects of displacement and relocation of home and family.  |
|                       | Concerns about proximity of mining activities to Botter Family Interests lands.  |
|                       | Concerned about impacts to the way of life in Tatum area and longer commutes to work if relocated.   |
|                       | Concerned about impacts to the way of life in the Mayflower area.  |
|                       | Concerned about impacts to the school environment in Tatum.  |
|                       | Concern about impacts to the Tatum School District.  |
|                       | Concern about economic impacts to the City of Tatum with reduced potential for prime development property.   |
|                       | Consider restricting mining within 1 mile of Highway 149 to allow for future business growth and possibly residential development.                             |
|                       | Consider an annual stipend payable to the City of Tatum to dedicate land specifically for City of Tatum expansion.   |
|                       | Loss of productivity in reclaimed forests could create economic losses.  |
|                       | Concern about mining operations affecting the Tatum Housing Authority located at 200 Forest Aero Circle.   |
|                       | Concern about impacts on school system and businesses.   |
|                       | Requests details for how Chalk Hill SUD will be compensated for lost revenues of water connections, water lines, pump station, and wells.                      |
|                       | Concern about the economic effects to the City of Tatum.   |
|                       | Interest in project's provision of affordable energy.  |
| <b>Transportation</b> |  |
|                       | Expansion of mine will cut off roads providing access to Tatum. Request that consideration be made along with other mining operations to protect access roads. |
| <b>Visual</b>         |  |
|                       | Mining areas contiguous with Tatum should set aside acreage for public parks and recreational areas to reduce aesthetic effects.                               |
| <b>Public Health</b>  |  |
|                       | Concern about impacts to health of elderly individuals and handicapped son from mine expansion.  |
|                       | Concern about personal health of those living so close to the mine.  |

## Rusk Permit Area - Scoping Comments

| <b>Environmental Justice</b>            |   |
|---|---|
|   | Concern that all landowners are treated fairly in the sale/lease of their land, irrespective of race.   |
|   | Question about whether race would affect compensation offers.   |
| <b>Reclamation</b>                      |   |
|   | Concern that stands of loblolly pines established as reclamation do not achieve the height or diameter growth rates comparable to pre-mine conditions and that stem count alone is not adequate for assessing productivity; suggests more stringent regulation. |
|   | Reclamation methods should support infiltration rates similar to existing soil conditions such as topsoil segregation with replacement and minimization of compaction.  |
|   | Loss of productivity in reclaimed forests could create economic losses.   |
| <b>Project Process/Land Acquisition</b> |   |
|   | Requests information about how and when Sabine Mining will contact them as well as what phase in the mine expansion the company is in.  |
|   | Question about when they would be contacted about their land if they are in the 25-year area.   |
|   | Question about whether it is mandatory to lease or sell land.   |
|   | Question whether the payment for land would be different under a lease or buy offer.  |
|   | Question about whether landowners would be paid for timber harvested on their land.   |
|   | Question about the payment for house and land.  |
|   | Concern about house being close to the mine and not getting an offer for purchase.  |
|   | Question about when the project would begin and whether people would have to relocate.  |
|   | Concern about when land will be bought.   |
|   | Would like information about whether their land is being considered for purchase so the relocation process can begin.   |
| <b>Information Request</b>              |   |
|   | Request for additional information regarding the public notice for the SMC's Permit Application and for an extension of the public comment period.  |
|   | Request for a copy of preliminary mine layout map.  |