



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

# Public Notice

Applicant: Dolet Hills Lignite Company

Permit Application No. : SWF-2014-00282

Date: August 28, 2014

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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: Darvin Messer

Phone Number: (817) 886-1744

## **JOINT PUBLIC NOTICE**

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

**AND**

**LOUISIANA DEPARTMENT OF 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 (WOUS) associated with the expansion of the Dolet Hills Mine in DeSoto Parish, Louisiana by the Dolet Hills Lignite Company.

**APPLICANT:** Dolet Hills Lignite Company (DHLC)  
c/o Mr. Gordon Shaw  
Environmental Specialist  
377 Highway 522  
Mansfield, Louisiana 71052

**APPLICATION NUMBER:** SWF-2014-00282

**DATE ISSUED:** August 28, 2014

**LOCATION:** The proposed project area is approximately 699 acres, of which approximately 389 acres would be impacted by mining activities within the Dolet Hills Mine, Louisiana Office of Conservation (LOC) Permit No. LSM-3, in DeSoto Parish, Louisiana. The project area is fully within the existing Dolet Hills Mine (approximately 27,133 acres in DeSoto Parish), with the project area center being approximately at Latitude 31.9933° N, and Longitude 93.64° W. The Dolet Hills Mine began extracting lignite (coal) in 1985. The project area is southeast of the town of Mansfield, Louisiana; is contained within the Trenton, Louisiana 7.5-minute USGS quadrangle map; is in the 120100040401 (Chatman Bayou-Bayou San Patricio) USGS Hydrologic Unit; and is located east of Antioch Road and south of State Highway 175, in the western portion of the Dolet Hills Mine.

**OTHER AGENCY AUTHORIZATIONS:** (1) Louisiana Pollutant Discharge Elimination System (LPDES) Wastewater Discharge Permit [LA0064076], Louisiana Department of Environmental Quality (LDEQ); (2) Surface Mining Permit [LSM-3], Louisiana Office of Conservation (LOC).

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 1,000 cubic yards of fill material into WOUS in conjunction with the expansion of the existing Dolet Hills Mine into newly acquired tracts of property. Total impacts to WOUS associated with this mine expansion would include 0.2 acre of emergent wetlands, 6.3 acres of on-channel impoundments and 2,308 linear feet (0.2 acre) of ephemeral streams. The proposed mine disturbance area

would consist of approximately 389 acres to be mined in DeSoto Parish (Figure X). Surface mining operations would continue with conventional open pits excavated by large draglines and supported by standard earth moving equipment such as front-end loaders, hydraulic excavators, hydraulic backhoes, haulers, motor graders, dozers, end dumps, and scrapers. Infrastructure in support of the operation would include (1) construction of ponds and diversions to control surface water drainage, (2) placement of groundwater well fields to dewater overburden and relieve underburden pressures, (3) relocation of pipelines, and (4) construction of service roads. Project timing is for mining to continue as mining progresses west of the area in which impacts to WOUS currently are authorized by Nationwide Permit No. 21 (Project No. SWF-2007-00145), which was re-verified in 2012. Various construction projects and mining operations would involve adverse impacts to waters of the U.S. associated with filling or dredging activities.

Continued mining at the Dolet Hills Mine would provide the American Electric Power Company reliable access to a continual source of low cost lignite fuel for the nearby CLECO power plant.

Appropriate and practicable steps would be taken to avoid, minimize, or mitigate the adverse impacts of the proposed project on the aquatic ecosystem. Current planning for the mine shows avoidance and minimization of adverse impacts to WOUS would be a part of the design of the Surface Mining Control and Reclamation Act (SMCRA) permit and for the Individual Permit application currently being evaluated. Approximately 2.0 acres of on-channel impoundments and approximately 2,999 linear feet (0.25 acre) of ephemeral streams are projected to be avoided with minimization planning due to the strategic location of structures and mining operations. Avoided streams are generally of higher quality than those proposed to be impacted. Despite incorporating measures to avoid and minimize impacts to WOUS, the project would result in discharge of fill material into approximately 6.7 acres of WOUS. Specifically, 0.2 acre of emergent wetlands, 6.3 acres of on-channel impoundments and 2,308 linear feet (0.2 acre) of ephemeral stream would be permanently impacted.

The applicant has incorporated a number of measures to avoid and minimize impacts to WOUS. After consideration of all available alternatives, the applicant proposes to mitigate for unavoidable adverse impacts to WOUS by restoration of WOUS within the reclaimed mine site. Baseline ecological conditional assessments of proposed aquatic resource impact sites were performed utilizing the Texas Rapid Assessment Method (TXRAM). Additionally, future conditions of aquatic resource restoration sites were predicted using TXRAM. Proposed mitigation work would utilize principles of natural channel design and fluvial geomorphology to reclaim/restore stream hydrology and buffers with the requirement that all created/restored waters meet the definition of WOUS. Detailed stream design information would be submitted for USACE and resource agency review prior to construction of mitigation streams. The information would include but not be limited to plan, profile, and dimension measurements based on appropriate regional hydrographic and geomorphological data and successful as-built streams/systems on and/or near the mine site. Proposed mitigation work would be similar in nature to past mitigation at the Dolet Hills Mine. The applicant has proposed annual monitoring of mitigation sites. TXRAM conditional assessments are proposed at 5-year intervals to ensure success criteria are met. Additionally, long-term site protection in the form of a conservation easement is proposed for the mitigation areas within the mine permit area. Financial assurance

funds are proposed in addition to required LOC bonding monies to further ensure mitigation success. In the event that these proposed on-site permittee responsible mitigation measures are not successful, the applicant may consider the purchase of mitigation bank credits appropriate for the resource type and service area as a contingency plan to ensure full replacement of aquatic resources.

**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. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**STATE WATER QUALITY CERTIFICATION:** The Louisiana Department of Environmental Quality (LDEQ) must certify that the proposed work will comply with Louisiana's water quality standards and effluent limitations before a Department of the Army permit is issued. Accordingly, a request for 401 water quality certification is necessary, and there will be additional LDEQ 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 is located in DeSoto Parish, where the red-cockaded woodpecker (*Picoides borealis*) is federally listed as endangered, and *Geocarpus minimum* (no common name) are federally listed as threatened. USACE's initial review indicates that the proposed mine would have no effect on any of the federally-listed

endangered or threatened species. No sightings of federal-listed threatened or endangered species or species of special concern have occurred or were recorded within the limits of the proposed Project Area during environmental baseline studies and field reconnaissance, and 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 will be impacted by mine-related activities unless the proper approvals are received from the Louisiana Division of Archaeology, Louisiana Office of Conservation, and if necessary, the Environmental Protection Agency.

**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.

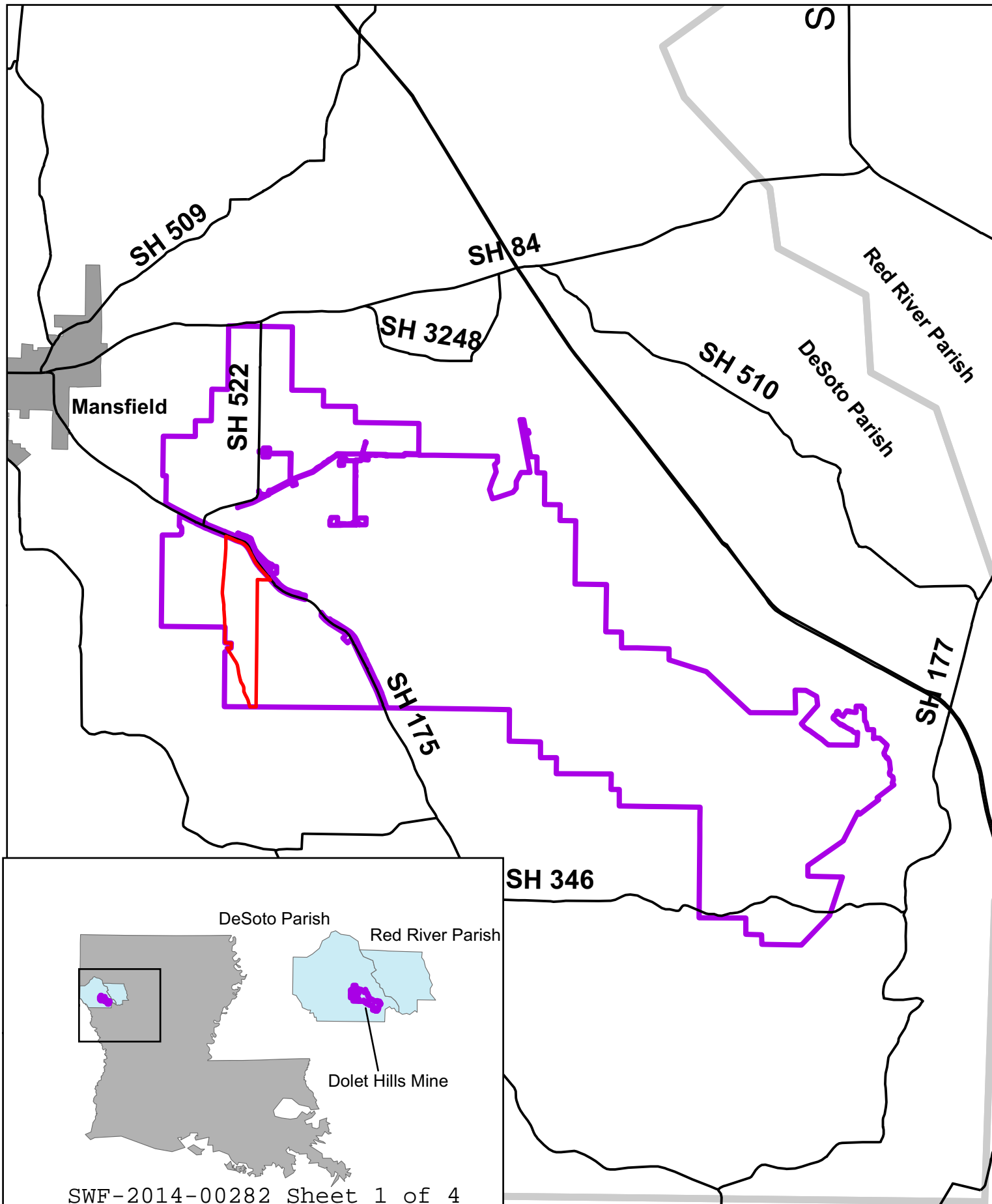
**SOLICITATION OF COMMENTS:** The public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should 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 September 29, 2014, 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



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**Dolet Hills Mine  
Mine Area P Individual  
Permit Project Area  
DeSoto Parish, Louisiana**

 Mine Area P Individual  
Permit Project Area

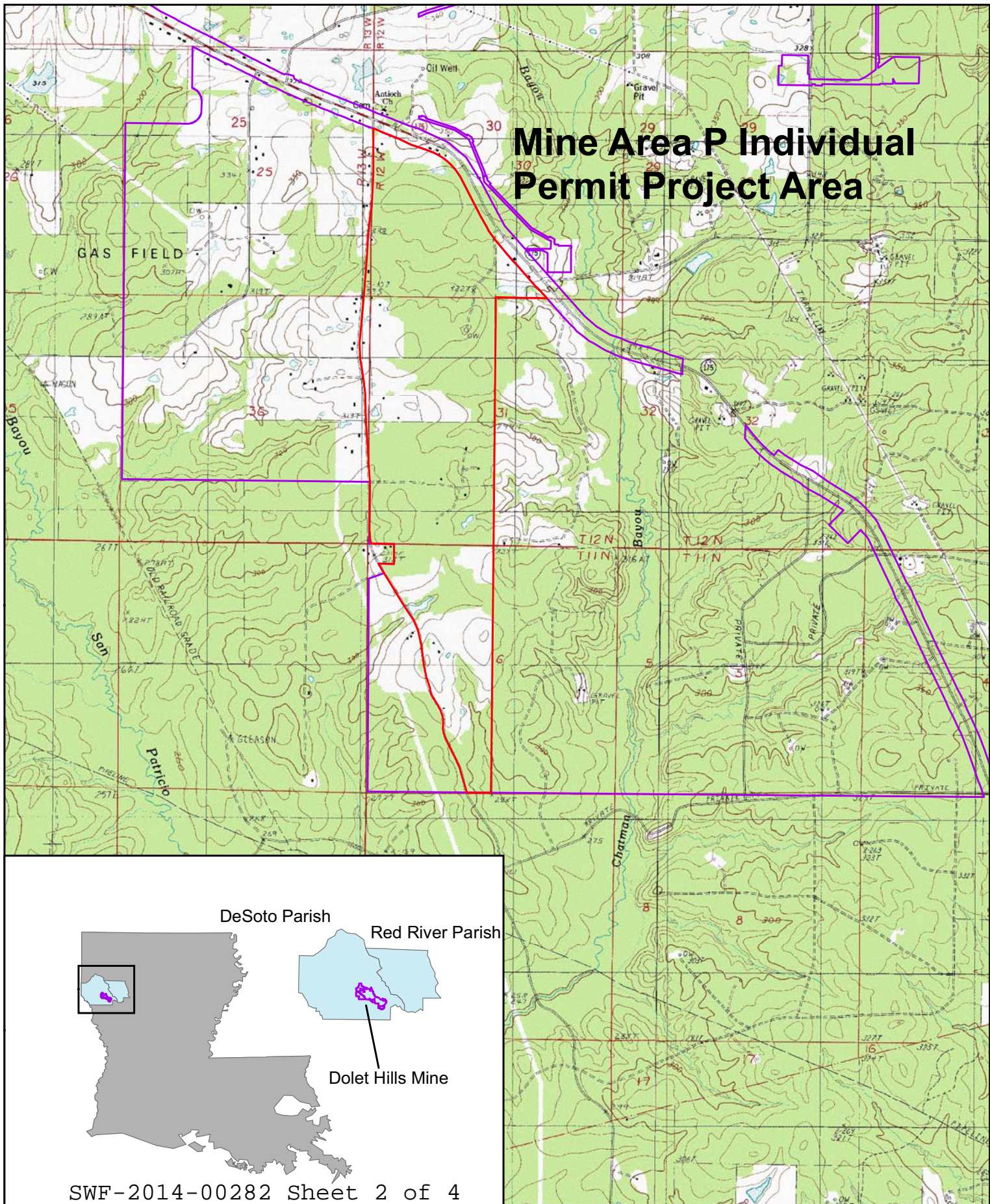
 Dolet Hills Mine

0 5,000 10,000 15,000  
Feet



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





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**Dolet Hills Mine  
Mine Area P Individual  
Permit Project Area  
DeSoto Parish, Louisiana**

 Mine Area P Individual  
Permit Project Area

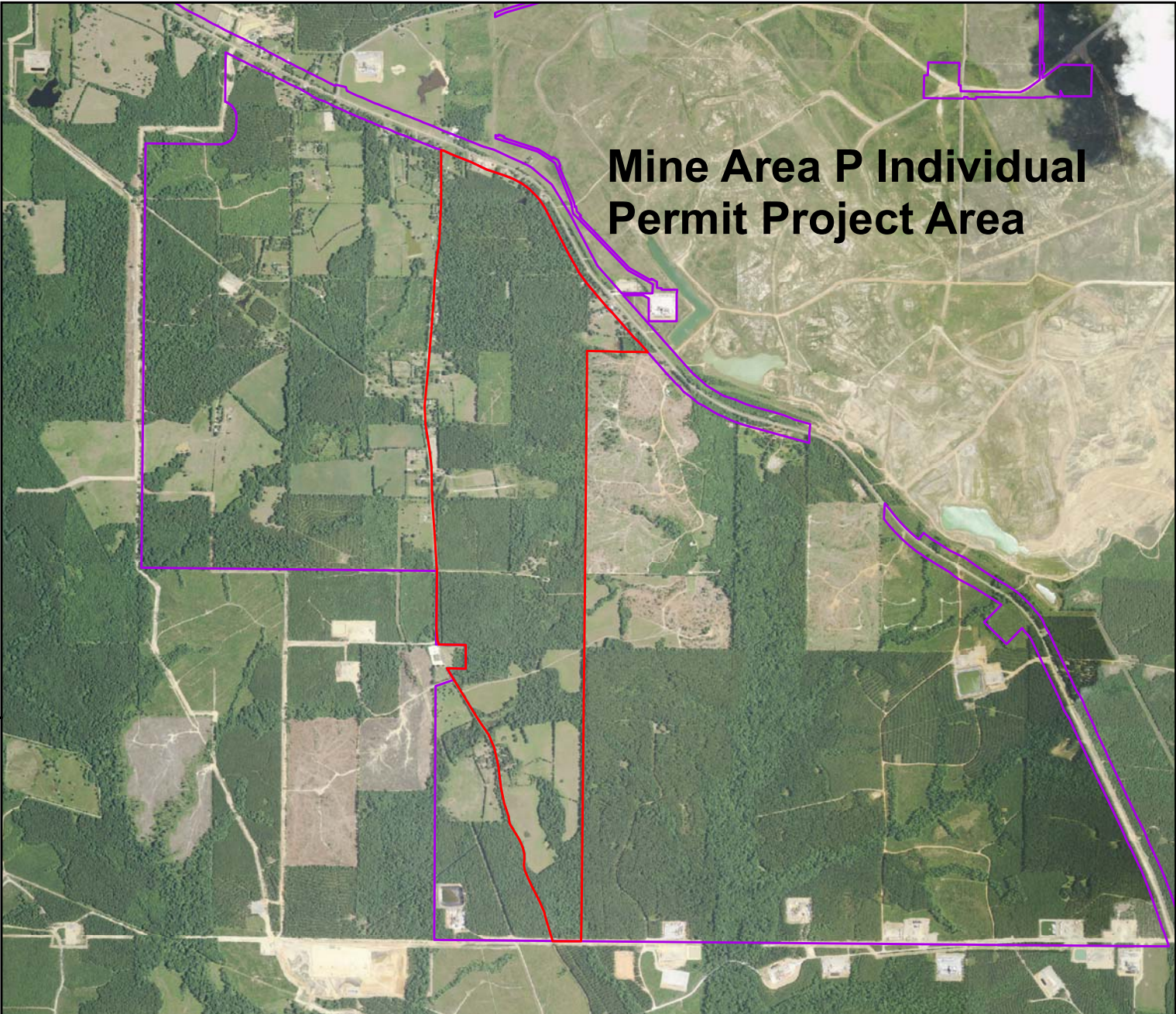
 Dolet Hills Mine

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Feet

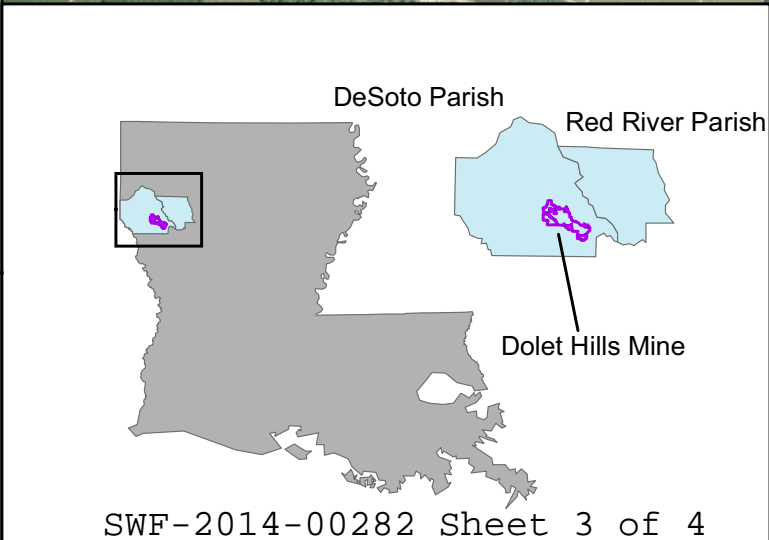


Base Map Data Source:  
National Geospatial Center  
USGS Digital Raster Graphic



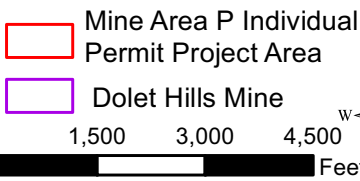


**Mine Area P Individual  
Permit Project Area**



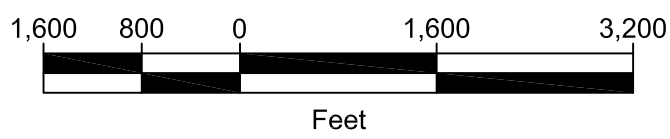
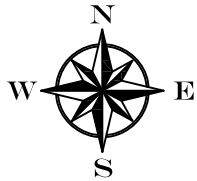
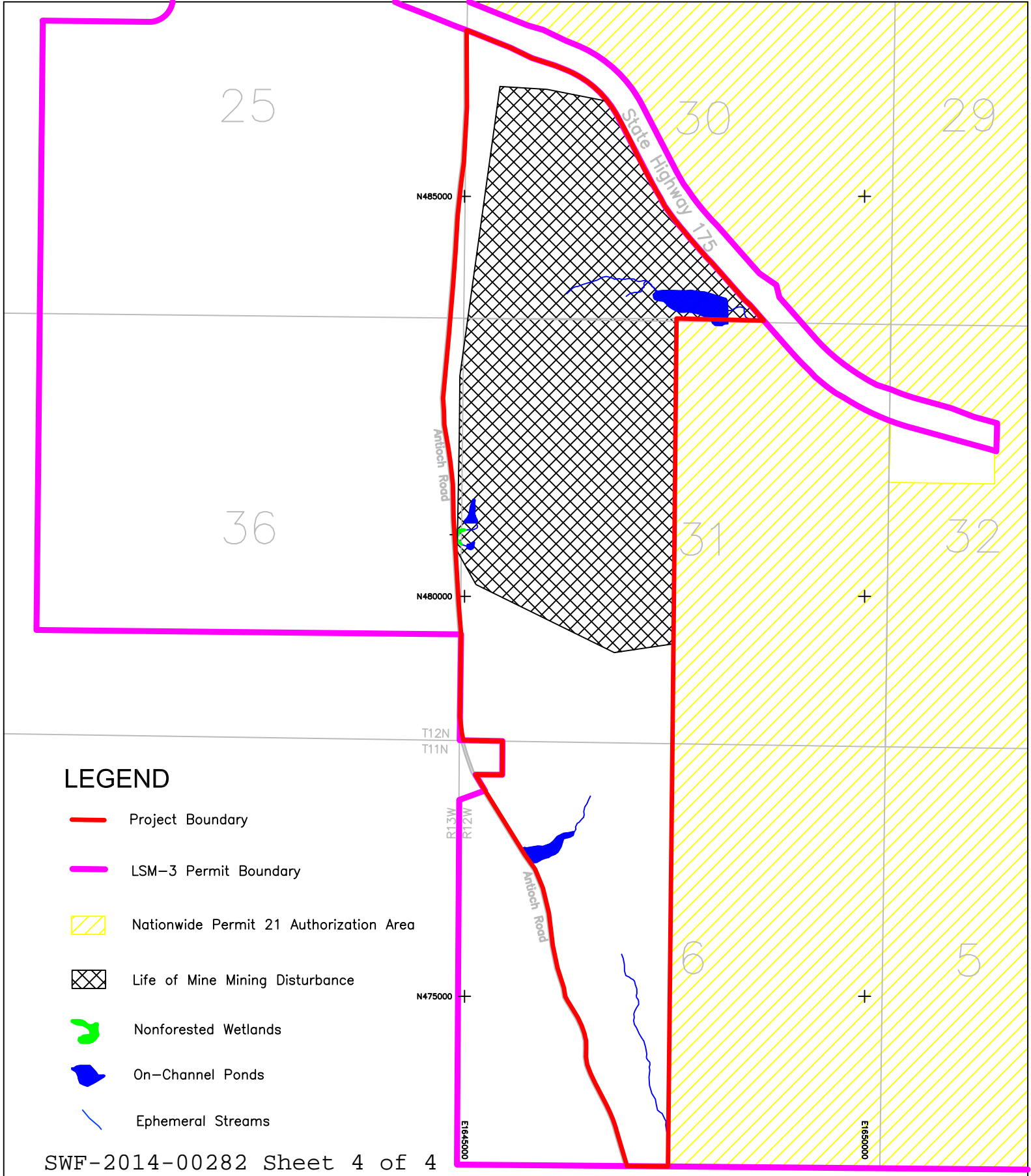
SWF-2014-00282 Sheet 3 of 4

**Dolet Hills Mine  
Mine Area P Individual  
Permit Project Area  
DeSoto Parish, Louisiana**



Base Map Data Source:  
National Geospatial Center  
NAIP 2010 Ortho-Imagery





Remaining Life of Mine Impacts to  
Waters of the U.S.  
Dolet Hills Mine, P Mine Area  
Township 11 & 12 N, Range 12 & 13 W  
DeSoto Parish, Louisiana