



March 5, 2014

Mr. Brad Sellers
Zoning Administrator
Madison County Planning and Development
125 West North Street
Canton, MS 39046

RE: Charles McGuffey
Proposed Lake and Home Site
Madison County, Mississippi
Application for Special Exemption, Surface Mining

Dear Mr. Sellers:

Headwaters, Inc. has been retained by Mr. Charles McGuffey to serve as agent on his behalf in all matters related to the above referenced proposed Charles McGuffey Lake and Home site located in Madison County, Mississippi. As per our conversations, we have prepared the appropriate Application for Special Exception, Surface Mining permit application for the proposal to excavate an approximate 3-4 acre lake site located within the subject property.

Please accept the attached Application for Special Exemption, Surface Mining permit application on behalf of Mr. McGuffey. As always, we appreciate your assistance in this matter. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

J. Clay Cromwell
Vices President

JCC\
Attachments
C: Mr. Charles McGuffey

RECEIVED

MAR 13 2014

APPLICATION FOR SPECIAL EXCEPTION

Surface Mining-

Applicant Mr. Charles McGuffey 49 Redbud Lane Madison, MS 39110	Street Address of Property (if different address): 910 Cottle H RD, Madison, MS 39110
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A-1

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
3/5/14	Residential Estate	See (Exhibit A)	2/03.08	Zone X	See (Exhibit B)

Other Comments: As per Section 2605 of the Madison County Zoning Ordinance.

082C-06-002/03.08

Respectfully Submitted

J. Clay Cromwell agent

Headwaters, Inc.

Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____

Surface Mining Application

1. Copy of deed (proof of ownership)

A copy of the Warranty Deed is attached for your use and reference.

2. Legal description on cd or floppy disc

Please see the attached cd for your use and reference.

3. Hours of operation and life of operation

It is proposed to complete all mining operations and hauling of mined materials between the hours of 8:00am to 3:30pm Monday through Friday. The hours of operation will be limited to daytime only and generally during the middle of the day to avoid periods of high traffic (morning and evening commuters). It is proposed to complete the mining activity within 180 days of approval.

4. Proposed haul route

The proposed borrow site is located along the east boundary of Catlett Road west of U.S. Interstate 55 and south of MS Highway 22 within Madison County, Mississippi. The project site is also generally located north of Panther Creek Road within an open field habitat. The proposed haul route would include a temporary access road from Catlett Road to the proposed mining site located within the McGuffey Property. The proposed haul road would provide access from the mining site west to Catlett Road, where trucks would begin their route north and south along Catlett Road. MS Highway 22 is located north of the subject property and Gluckstadt Road is located south of the subject property.

5. Proposal to minimize road damage

An approximate 25' wide temporary access road would be constructed extending from the proposed mining site within the central portion of the McGuffey Property west to the east boundary of Catlett Road. The proposed access road would grant access to Catlett Road for the hauling of mined material. The proposed temporary haul road would be constructed of clean, free of contaminants, silty clay loam fill material excavated from the mining site. Adjacent to Catlett Road it is specifically proposed to place one (1) 24" culvert within the existing road side drainage feature to maintain current storm water drainage along the east

boundary of Catlett Road. The proposed culvert would be placed at or below natural grade to maintain current storm water flows within this drainage feature. To reduce the transport of dirt material on Catlett Road, it is also proposed to place 1.5-3.5" rock aggregate at the entrance, a minimum of 6" thick and approximately 50' long extending from Catlett Road. The aggregate material is intended to minimize the transport of dirt and other materials onto Catlett Road. As applicable, Catlett Road will be swept or cleaned to prevent potential damage to vehicles traveling Catlett Road.

6. Traffic safety plan

The proposed project would include the mining of material within the limits of the planned lake site within the McGuffey Property. The material excavated from within the proposed lake site will be sold and hauled to other properties in the vicinity. The hours of operation would be limited to 8:00am to 3:30pm restricting hauling activities to daytime only and not during peak traffic times. Hauling of excavated material would be generally limited to the central portion of the day avoiding the congestion of morning and evening commuters.

Type III barricades shall be placed at entrance when construction crews are not working. Further, yellow caution signs referencing "Trucks Entering Highway" shall be placed north and south of the proposed access road along Catlett Road.

7. Proof of application with MDEQ

The Mississippi Department of Environmental Quality (MDEQ), Office of Geology requires that a Notice of Except Operation form be completed for mining activities that remain less than 4 acres and greater than 1320 feet from another mine. As required, a complete copy of the MDEQ Notice of Exempt Operation form has been completed and submitted to Mr. James Matheny, Division Director, Mining and Reclamation Division, MDEQ.

For activities 1 -5 acres in size, the MDEQ, Office of Pollution Control requires applicants to complete a Small Construction Notice of Intent (SCNOI) and a Storm Water Pollution, Prevention Plan (SWPPP). This SCNOI and SWPPP shall be submitted to the MDEQ only upon request from MDEQ; however the SCNOI and SWPPP must be maintained at the permitted site or locally avoidable in case inspector review is necessary. As required, a SCNOI and SWPPP specific to the project site has been prepared and will be kept on site through the completion of the project.

8. Reclamation plan

It is the intention of Mr. McGuffey to develop an open water lake habitat located south of his proposed home site. The open water lake will be managed for fisheries and recreational purposes. The lake site will be approximately 3-4 acres in size and will be designed to maintain adequate water depths to support fisheries throughout the year. Upon the completion of the excavation activities, the temporary access road shall be removed and restored to pre-construction conditions. The banks of the lake site shall be graded, seeded and stabilized with warm/cool season grasses (depending on season) and maintained as a part of the home site.

9. Erosion control plan

The use of Best Management Practices (BMP's) shall be used through the completion of the project. BMP's shall be used to maintain all sediments within the limits of the site and prevent the transport of sediment off site or downstream from the project site. Storm water is expected to flow generally west to east across the site via overland flows. One (1) drainage swale is located within the central portion of the site being considered as an unnamed tributary of Panther Creek.

The most significant potential pollutants are soil particulars subject to removal by storm water. Other potential pollutants subjects to removal by storm water are spilled fuel and lubricants. Material may also be inadvertently tracked off-site or blown off-site when distributed by hauling equipment. To this end, one (1) construction ingress and egress location shall be appropriately rocked to minimize and eliminate soil movement onto Catlett Road via trucks and equipment. The storm water which leaves the site shall meet the non-numeric limitations of being free from oil, scum, debris and other floating materials; eroded soils and other materials that will settle out of the storm water to form objectionable deposits in receiving waters; suspended solids, turbidity and color levels inconsistent with the receiving waters; chemicals in concentrations that would cause violations of the State Water Quality Criteria in the receiving waters.

Within the project area, storm water flows will generally be to the east across the natural swale located within the central portion of the property. Construction activities will include the preparation of one (1) temporary haul road and the excavation of an approximate 3-4 acre lake site. Temporary controls such as hay bales will be placed adjacent to Catlett

Road within the road side drainage feature. Silt fencing shall be installed down gradient from the proposed lake site and access road to reduce soil movement to the south off site. As applicable, a series of BMP's such as hay bales and silt fences shall be placed downstream from the project site to prevent soil movement off the project site. Appropriate BMP controls shall be implemented and maintained as applicable to prevent soil movement into the receiving stream. The proposed plan will reduce and filter soil movement within the limits of the project area.

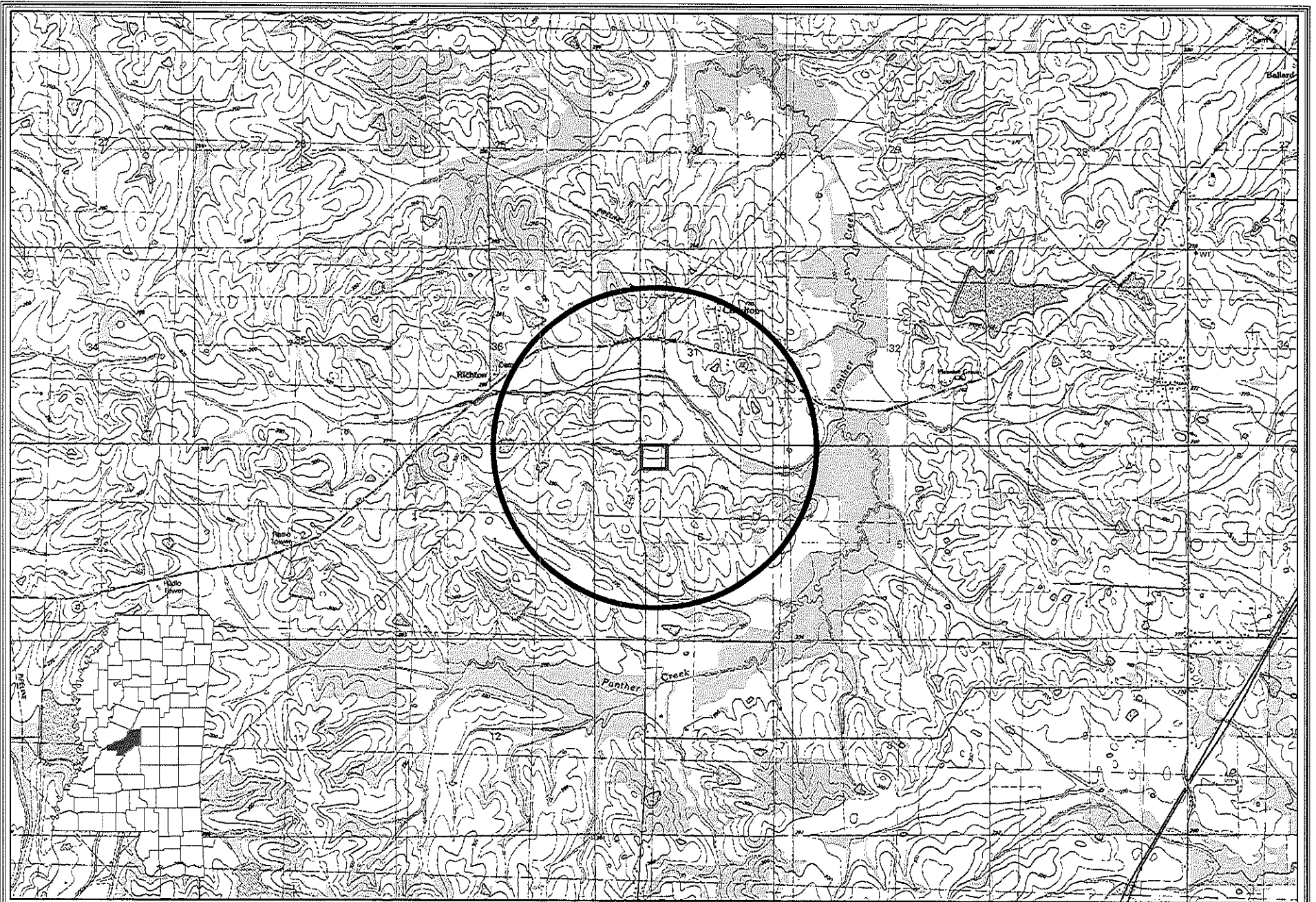
Upon the completion of the project, all exposed soils shall be established with native warm/cool season (depending on season) grasses for site stabilization.

10. Proposal to submit road damage bond if local streets/roads are part of haul route

As applicable, Mr. McGuffey is willing to provide a road damage bond to correct deficiencies that were directly caused by the hauling of excavated materials from the proposed mining site.

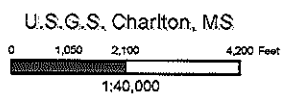
11. Site plan

- a. U.S.G.S. Charlton, Mississippi Quadrangle General Location Map
- b. U.S.G.S. Charlton, Mississippi Quadrangle Site Map
- c. 2012 USDA NAIP color photograph
- d. Warranty Deed
- e. Fema Flood Map
- f. Survey Plat Map
- g. Site Plan
- h. MDEQ Notice of Exempt Operation
- i. USACE Section 404 Wetlands Permit



Catlett Road Property - Charles McGuffy
Madison County, Mississippi

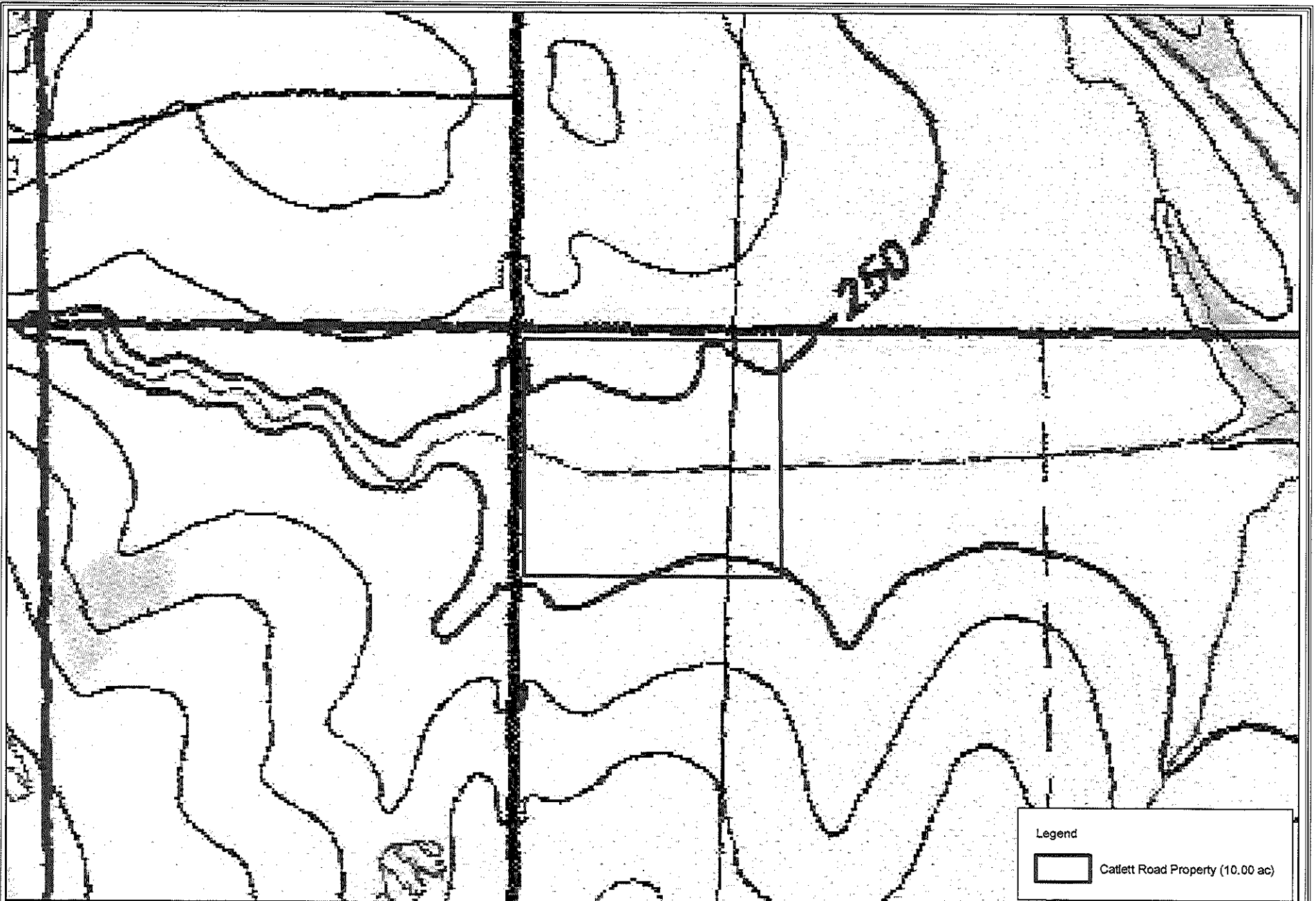
General Location Map



U.S.G.S. Charlton, MS




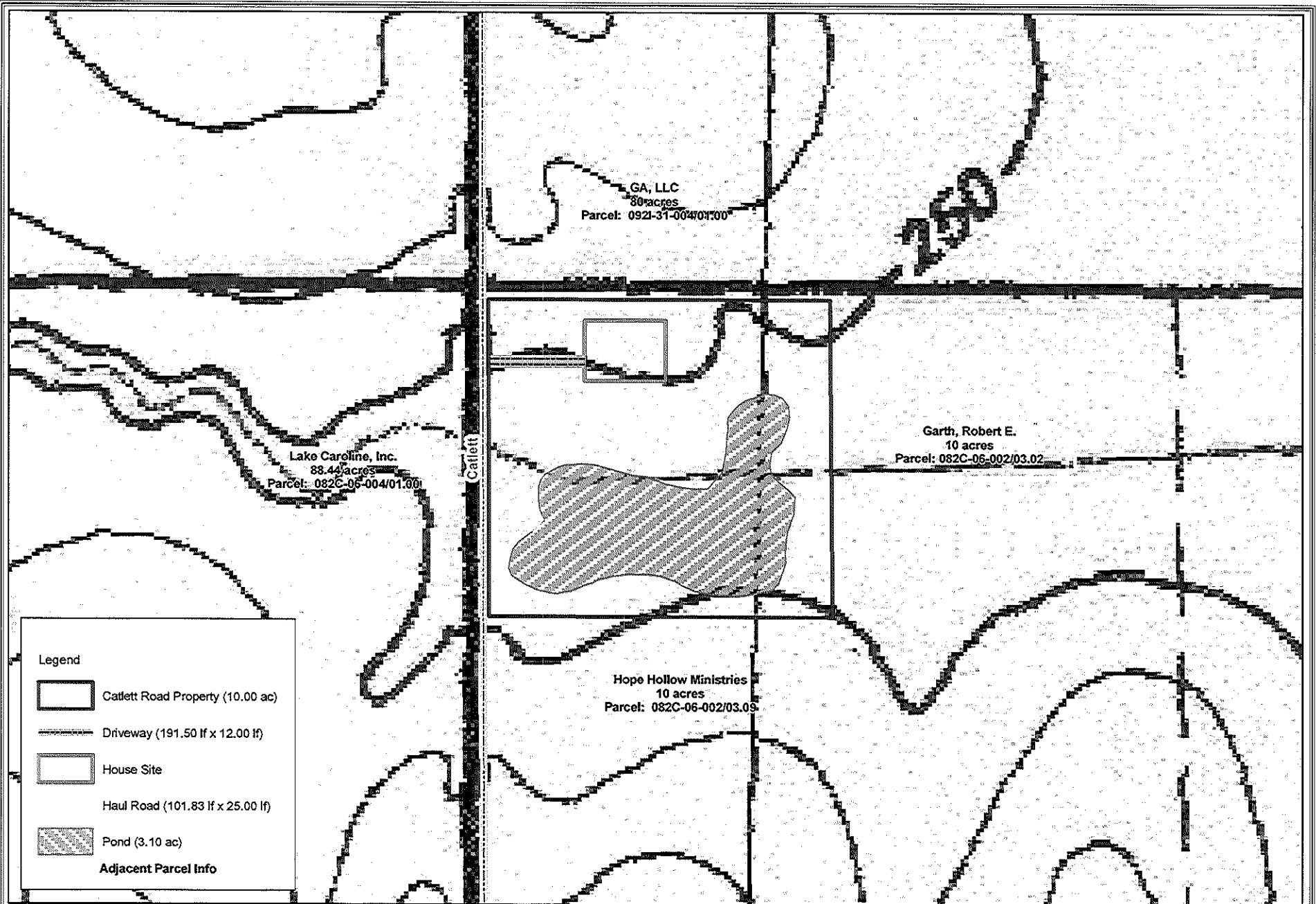
3/10/2014 - JDL










Legend

 Catlett Road Property (10.00 ac)

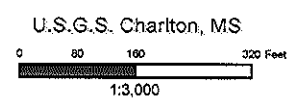


Legend

-  Catlett Road Property (10.00 ac)
-  Driveway (191.50 lf x 12.00 lf)
-  House Site
-  Haul Road (101.83 lf x 25.00 lf)
-  Pond (3.10 ac)
- Adjacent Parcel Info**

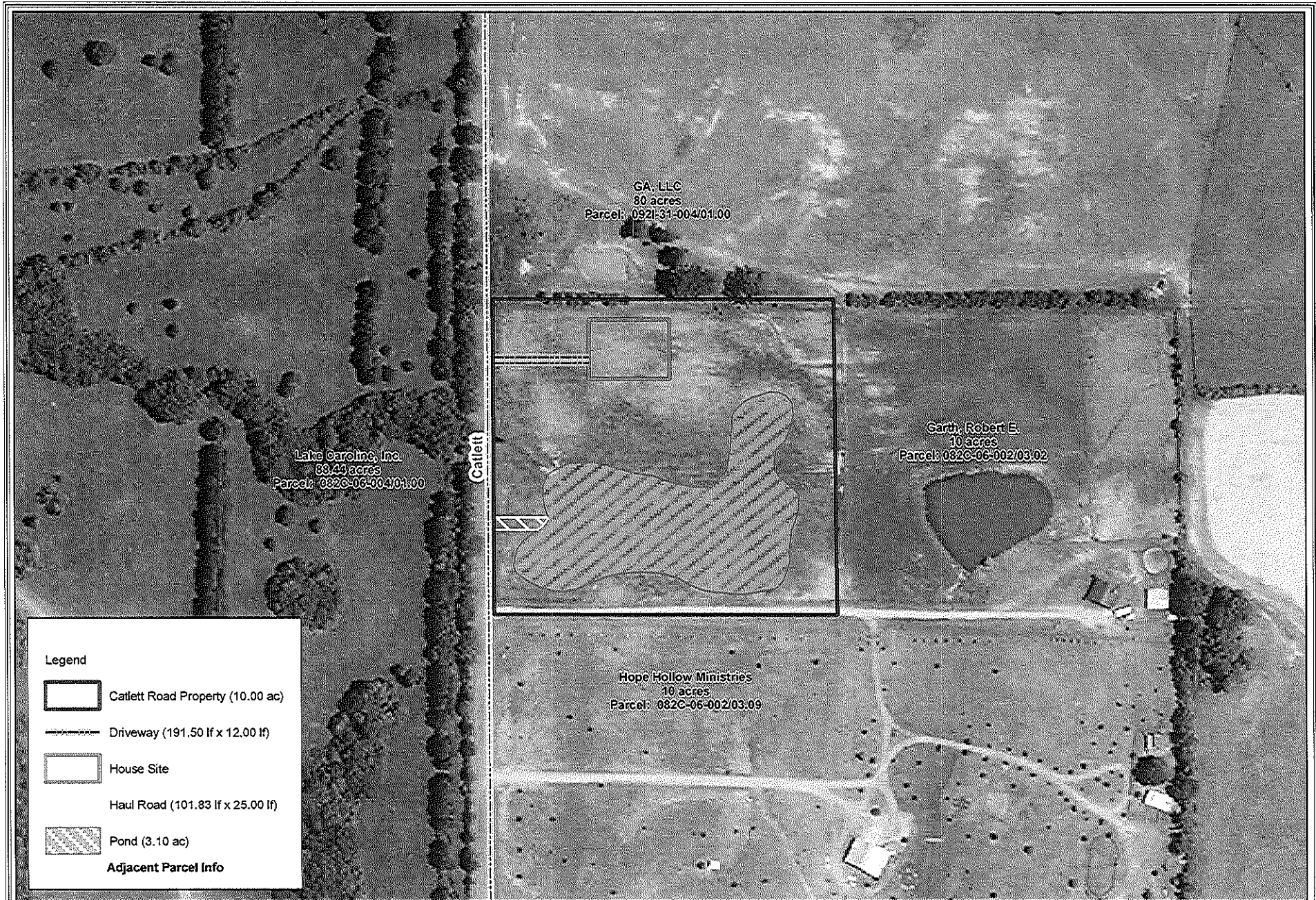


Catlett Road Property - Charles McGuffy
Madison County, Mississippi
 Preliminary Site Layout Map



3/10/2014 - JDL

Path: S:\PROJECT FILES\McGuffy, Charles\Mapping\McGuffy_JDL.mxd



Parcel Details

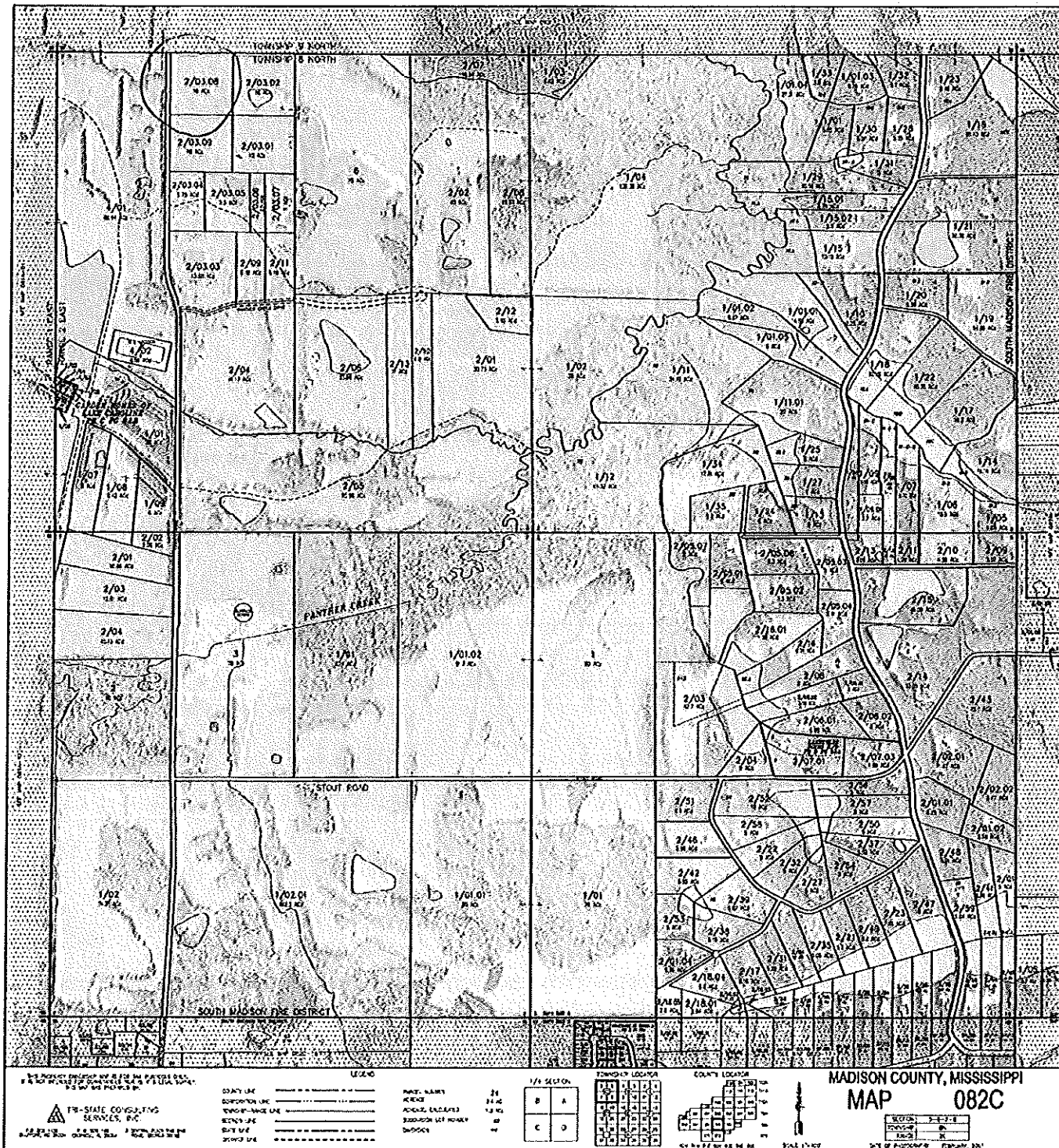
Parcel number	082C-06-002/03.08
PPIN	
Owner's name	GARTH ROBERT E
Physical street number	0
Physical street name	
Mailing address	910 CATLETT RD
Mailing city	CANTON
Mailing state	MS
Mailing zip	39046
True Values	
Land	3650
Improvement	0
Total	3650
Assessed Values	
Land	548
Improvements	0
Total	548
Acres	10.00
Legal description	10 AC IN N1/2 NW1/4 E OF RD
Taxing District:	4 C
Supervisor District	4
Municipality	
School District	CANTON SEPARAT
Special Assessment District	SOUTH MADISON COUNTY FIRE DIST
Deeds signed through 12/31/2012 and recorded by 1/7/2013	
Book / Page / Date	
531 / 321 / 2003-04-15	[View Deed]
526 / 906 / 2003-01-31	[View Deed]
	[Search By Legal Description]
Date	2003-04-15
Homestead	NO

Available Maps

- 082C.PDF

Parcel. 0820-06-0002/03-08

P.N 40850



THIS IS A TRUE AND
CERTIFIED COPY OF
THE ORIGINAL

This instrument prepared by and should be returned to:

ROBERT D. HARRISON
Post Office Box 16389
Jackson, Mississippi 39236-6389
(601) 957-0002

INDEXING INSTRUCTIONS: N ½, Section 6-T8N-R2E, Madison County, MS

GRANTORS' ADDRESS:
910 Catlett Road
Canton, Mississippi 39046
(601) 942-1131

GRANTEES' ADDRESS:
P.O. Box 157
Madison, Mississippi 39130
(601) 940-3846

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, ROBERT E. GARTH, does hereby sell, convey, and warrant unto CHARLES MICHAEL MCGUFFEY AND ANNICE MCGUFFEY, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property lying and being situated in Madison County, Mississippi, more particularly described as follows, to-wit:

A parcel of land containing 10.00 acres (465,696.69 square feet), more or less, being situated in the North ½ of Section 6, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described by metes and bounds, as follows:

Commence at the Southeast corner of Section 8, per deed recorded in Book 436 at Page 333 of the Madison County Land Records; run thence West for a distance of 9231.48 feet; thence North for a distance of 7767.31 feet to the centerline of a fifty foot (50') ingress/egress easement and the East edge of Catlett Road; thence leaving said fifty foot easement run North 00 degrees 28 minutes 15 seconds West for a distance of 28.73 feet; thence North 18 degrees 14 minutes 49 seconds West for a distance of 375.20 feet; thence North 00 degrees 06 minutes 20 seconds West for a distance of 1702.82 feet to a found iron pin at the Southwest corner of Parcel 1E, as evidenced by that certain plat

of survey dated January 16, 2003, prepared by Roger Thomas Ellison attached to Warranty Deed recorded in Book 526 at Page 906, and incorporated herein by reference for all purposes, said pin being the POINT OF BEGINNING for the parcel herein described; thence continue North 00 degrees 06 minutes 20 seconds West along the Western line of Parcel 1E for a distance of 637.17 feet to a found iron pin at the Northwest corner of Parcel 1E; thence leave said Western line and run along the Northern line of Parcel 1E South 89 degrees 55 minutes 53 seconds East for a distance of 681.43 feet to a found iron pin; thence leave said Northern line and run South 00 degrees 32 minutes 00 seconds East for a distance of 637.20 feet to a found iron pin on the Southern line of Parcel 1E; thence run along the Southern line of Parcel 1E North 89 degrees 55 minutes 53 seconds West for a distance of 686.19 feet to the POINT OF BEGINNING.

Excepted from the warranty of this conveyance are any and all easements, dedications, rights-of-way, mineral reservations and mineral conveyances, and restrictive covenants of record pertaining to or affecting the herein described property.

Grantor and Grantee acknowledge that the ad valorem taxes for the present year were prorated on an estimated basis. If this proration proves to be inaccurate upon receipt of the actual tax statement for the present year, Grantor and Grantee shall adjust this proration based on the actual tax figures.

Grantor acquired title from Trustmark National Bank, Trustee of the William P. Garth Family Trust by Quitclaim Deed dated April 11, 2003, recorded in Book 531 at Page 321. The William P. Garth Family Trust was created under the Last Will and Testament of William P. Garth, which was probated in the First Judicial District of Hinds County, Mississippi in Cause No. P-8771, the Order closing which was entered on January 24, 1992.

RESERVATION OF EASEMENT

Grantor reserves and excludes from this conveyance a private road and perpetual easement for utilities, access, ingress and egress over and across the South thirty (30) feet of the subject property, on the following terms and conditions. Grantee shall not to in any way or any manner obstruct the free and open use by Grantor, his successors and/or assigns, of said private road and easement by erecting gates, fences, cattle gaps or any other such obstructions. Grantor shall maintain this private road and easement by constructing ditches, installing culverts or bridges, using materials such as gravel, clay gravel, concrete, asphalt, or other surface, which Grantor may elect to use, all of which shall be at the cost and expense of Grantor. Grantor shall have the further right to construct and maintain either above ground or below ground utility lines, either public or private, as Grantor

may need or desire for the enjoyment of his adjoining property, including electric power lines, telephone lines, television cable lines, water lines, sanitary sewer lines, storm drainage sewer lines, natural gas lines, or any other such lines which Grantor may elect to so construct by any public utility or private utility company. This reservation of easement and private road shall be a covenant running with the land, and may be sold, transferred and conveyed by Grantor, his successors and/or assigns.


WITNESS THE SIGNATURE OF THE GRANTOR, this the 10 day of July, 2013.



ROBERT E. GARTH

STATE OF MISSISSIPPI
COUNTY OF MADISON

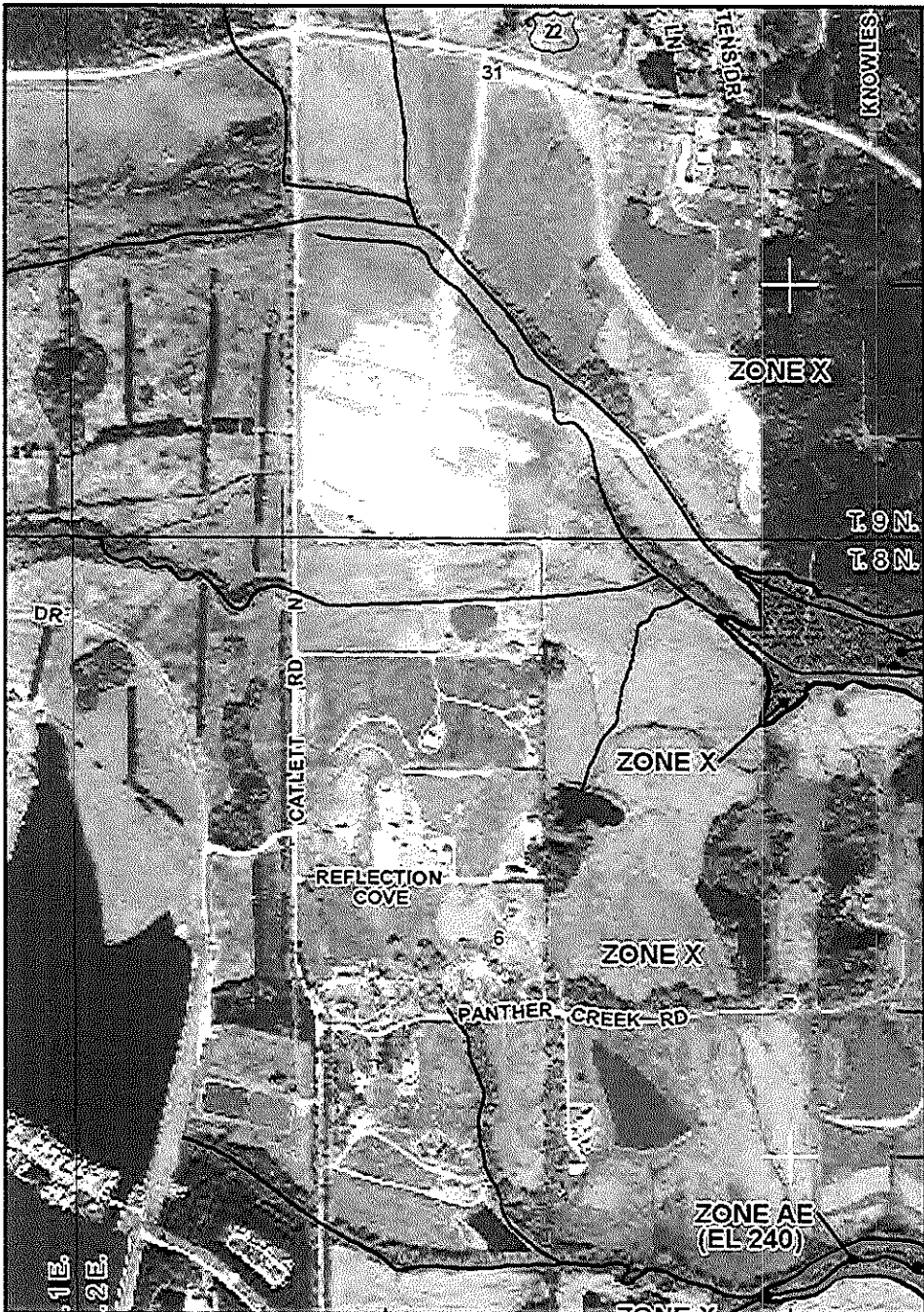
THIS DAY personally appeared before me, the undersigned authority in and for said County and State, within my jurisdiction, on this the 10 day of July, 2013, the within named, ROBERT E. GARTH, who acknowledged that they executed the above and foregoing instrument on the day and year therein mentioned for the purposes set forth therein.



NOTARY PUBLIC

My Commission Expires: _____





112000 FT

ZONE AE
(EL 232)

FLOODING EFFECT
FROM PANTHER

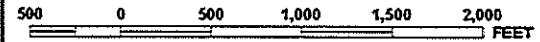
111500 FT

FLOODING EFFECT
FROM PANTHER

Insurance Program at 1-800-658-8620.



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0385F

FIRM
FLOOD INSURANCE RATE MAP
MADISON COUNTY,
MISSISSIPPI
AND INCORPORATED AREAS

PANEL 385 OF 625
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MADISON COUNTY	280228	0385	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
28089C0385F
MAP REVISED
MARCH 17, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

THIS IS A CLASS "B" SURVEY ACCORDING TO THE "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI" ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15(1), MISSISSIPPI CODE OF 1972 AS AMENDED.

ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

○ INDICATES FERROUS METAL ROD ○ PROPERTY CORNERS.

REFERENCE MERIDIAN - TRUE NORTH BASED ON FOUND MONUMENTS.

THIS PROPERTY IS LOCATED IN FLOOD ZONE "C" ACCORDING TO F.L.R.M. PANEL NUMBER ZB069C0190 D DATED APRIL 15, 1994.

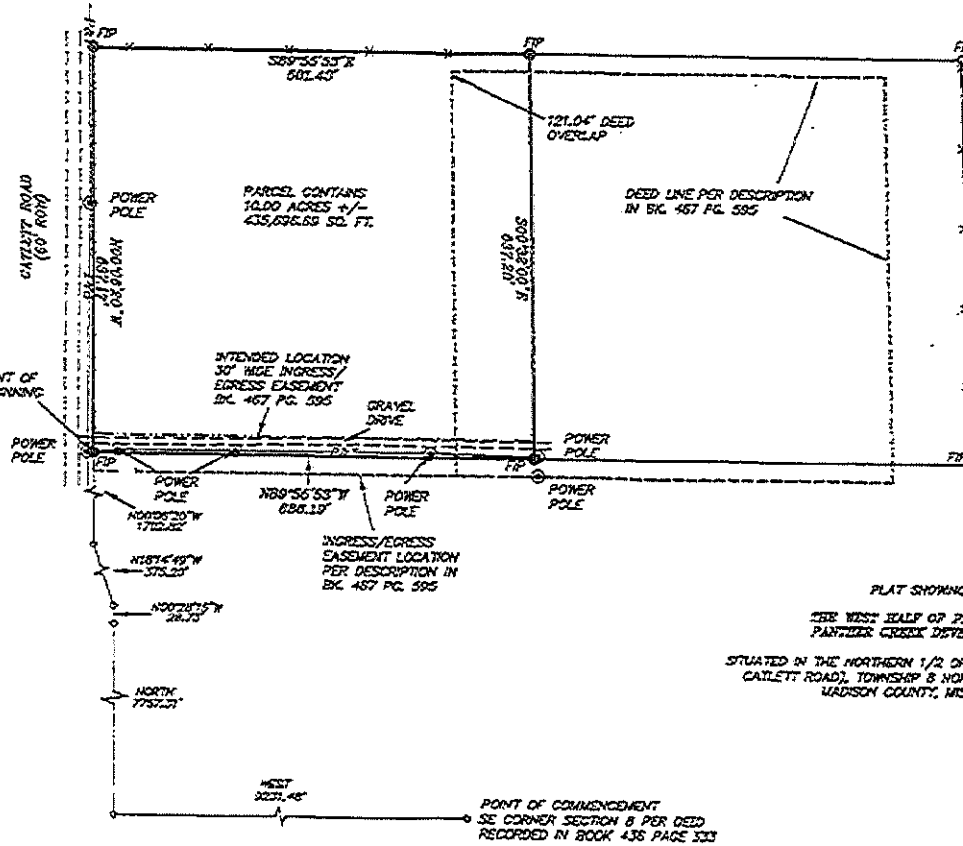
A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS AND / OR SERVITUDES AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

BOOK PAGE 000 026



SURVEYED AND MAPPED BY
CAPITAL SURVEYING, INC.
ROGER T. (TOM) ELLISON
REGISTERED PROFESSIONAL
LAND SURVEYOR
452 HOLLY HEDGE DRIVE
MADISON, MS 39110
JANUARY 16, 2003

SCALE 1"=200'



MADISON COUNTY MS This instrument was filed for record 2003, January, 31 at 10:00 A.M.
Book 526 Page 906
MIKE DROOK, CLERK BY: [Signature] D.C.

PLAT SHOWING
THE WEST HALF OF PARCEL 12
PANTHER CREEK DEVELOPMENT
SITUATED IN THE NORTHERN 1/2 OF SECTION 6 (EAST OF
CAILETT ROAD), TOWNSHIP 8 NORTH, RANGE 2 EAST,
MADISON COUNTY, MISSISSIPPI.

Catlett Road

40' Front Setback

25' Side Setback

40' Rear Setback

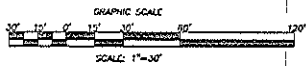
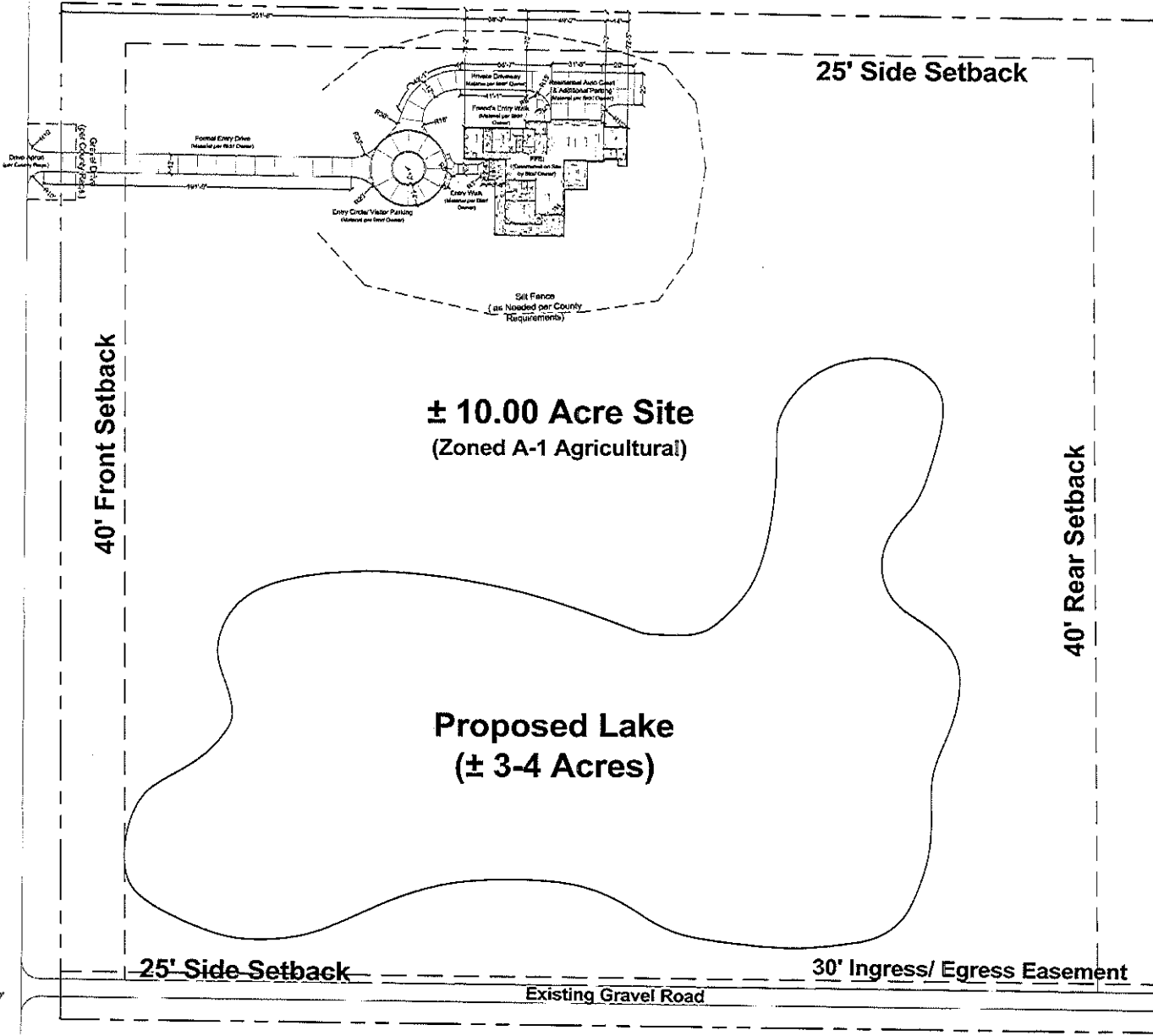
± 10.00 Acre Site
(Zoned A-1 Agricultural)

Proposed Lake
(± 3-4 Acres)

25' Side Setback

30' Ingress/ Egress Easement

Existing Gravel Road



Site Planning &
Landscape Consulting
220 Highway B.L. Biloxi, MS 39237
Telephone: 601.906.8036



Revisions

Site Layout Plan
McGuffey Residence
910 Catlett Road Madison County, Mississippi
Drawn by: M. Guffey
Project No: 11133.13
Date: 11.13.13
Checked by: SRF
Drawing File Path: M:\S:\JG\Residence

Sheet No.
L1.1

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5527

NOTICE OF EXEMPT OPERATION

This form shall be filed with the Office of Geology, Mining and Reclamation Division **only** for operations affecting 4 acres or less *and greater* than 1320 feet from another mine. **NOTE:** Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is *your* responsibility.

Name of applicant/operator: Mr. Charles McGuffey
Mailing address: 49 Redbud Lane, Madison, MS 39110
Telephone number: (601) 940 3846

Do you have any **other** exempt mining operations on file? [] yes [x] no
Do you plan to file for a **permit** and expand this site later? [] yes [x] no

LOCATION

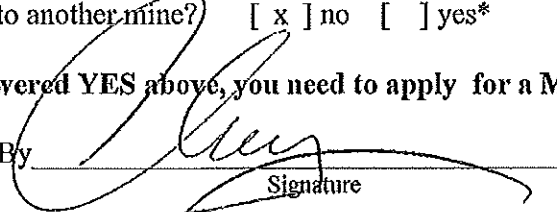
NE 1/4 of NW 1/4 of Section 6, Township 8 North, Range 2 East, County Madison

Include a map or aerial photo marked with site location with this form.

Name of land owner: same as above
Mailing address:
Telephone number:

Date operation to begin May 1, 2014 Date operation to end (estimated) October 1, 2014
Material to be mined silty clay loam fill Number of acres to be mined 3-4 acres (A)*
Total acres to be affected by operation (mine, roads, storage, etc.) Less than 4 acres (B)*
Is operation closer than 1,320 feet (1/4 mile) to another mine? [x] no [] yes*

***If items A or B exceed 4 acres or you answered YES above, you need to apply for a MINING PERMIT.**

Applicant/operator: Charles McGuffey By  Signature
Date: 3/10/2014 Position Land owner

For Office of Geology use only

Date: _____ By _____

Division Director
Mining and Reclamation Division



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

November 26, 2013

Operations Division

SUBJECT: Permit Requirements for the Proposed Construction of a Pond on Residential Property along Catlett Road, Charles McGuffey Project, Madison County, Mississippi

Mr. Charles McGuffey
49 Redbud Lane
Madison, Mississippi 39110

Dear Mr. McGuffey:

Based upon the information provided on your behalf by Headwaters Incorporated, (enclosure 1), it appears that Department of the Army permit requirements for the proposed work to construct an approximate 2.53-acre pond to serve as an attendant feature on residential property located at 910 Catlett Road in Section 6, T-8N, R-2E, in Madison County, Mississippi, will be authorized by Nationwide Permit No. 29, as specified in the February 21, 2012, Federal Register, Reissuance of Nationwide Permits; Notice (77 FR 10184-10290), provided the activity complies with the Special Conditions (enclosure 2), the General Conditions (enclosure 3), and the Regional Conditions (enclosure 4). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permit.

This verification is valid until March 18, 2017, unless the Nationwide Permit is modified, suspended, or revoked. Activities which are under construction or that are under contract to commence in reliance upon a Nationwide Permit will remain authorized, provided the activity is completed within 12 months of the date of any subsequent modification, expiration, or revocation of the Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 5) and return it to our office.

This verification of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not authorize any injury to property or invasion of rights or local laws or regulations, or obviate the requirement to obtain State or local assent required by law for the activity discussed herein.

This verification was based upon a preliminary determination that there appear to be jurisdictional areas on the property subject to regulation pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. An appeals form has been enclosed for your review (enclosure 6).

Thank you for advising us of your plans. If you change your plans for the proposed work, or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Mr. Mike Stewart, telephone (601) 631-5998, fax (601) 631-5459, or e-mail address: regulatory@usace.army.mil. In any future correspondence concerning this project, please refer to identification no. MVK-2013-953.

I am forwarding a copy of this correspondence to Mr. Clay Cromwell, Headwaters Incorporated, Post Office Box 2836, Ridgeland, Mississippi 39159-2836.

Sincerely,



Jennifer A. Mallard
Chief, Permit Section
Regulatory Branch

Enclosures