

Permit No. _____

STATE OF MISSISSIPPI

Application No. _____

SURFACE MINING PERMIT APPLICATIONMISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

Other permits required: Y/N	Date
NPDES	_____
State Operating Permit	_____
Corps of Engineers	_____
_____	_____
_____	_____

P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515
Fax (601) 961-5521

For Office use only

City/County approval	Required	Yes	No
Received Date:	_____	_____	_____
County	_____	_____	_____
City	_____	_____	_____

A. GENERAL INFORMATION

1. Name of Applicant: HDS Holdings, LLC
Mailing Address: PO Box 7001, Gulfport, MS 39506
E-mail Address: hdsholdingsllc@gmail.com
Phone No. (228) 861-4975 Fax No. _____
Authorized Representative _____
2. Engineering Firm, Consultant, etc.: Covington Civil & Environmental, LLC
Mailing Address: 2300 14th Street, Gulfport, MS 39501
E-mail Address: alane@ccellc.us
Phone No. (228) 396-0486 Fax No. (228) 396-0487
3. Name of Mine: Hardie Mine Mine Supervisor: Mike Holmes
Phone No. (228) 861-4975 Fax No. _____
4. Location of Operation (to nearest quarter-quarter section):
_____ 27 8S 15W Hancock
Section Township Range County
5. Physical address of mine or nearest named road Rifle Range Road
6. Method of Operation ☒ Open Pit ☒ Strip ☐ Dredge ☐ Wash Operation, if so Water Source _____
Wash System Type ☐ Closed system ☐ Open system
7. Number of Acres to be Permitted:
Excavation 19.25
Haul roads, plant site, ponds, storage piles, etc. 19.14
TOTAL PERMITTED AREA 38.39
8. Is the Permit Area located: Yes No
a. within 100 feet of a public road? X _____
b. within 100 feet of a cemetery? _____ X
c. within 300 feet of an occupied building? _____ X
If YES to a, b, or c, a letter must be filed with the Office giving permission from the owner or maintaining authority to mine within these distances to the subject property.
9. Materials to be Mined: Sand

10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes X No

If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

- | | |
|--|--------------------------------------|
| 1. Description of materials: | 2. Anticipated Schedule (month/year) |
| Thickness of overburden <u>4</u> ft.
(Topsoil MUST be stockpiled for use during reclamation) | Begin clearing <u>09 / 25</u> |
| Thickness of useable material <u>unknown</u> ft. | Begin mining <u>09 / 25</u> |
| Total depth of excavation <u>unknown</u> ft. | Complete mining <u>unknown</u> |
| Estimated annual production <u>10,000</u> tons | Begin reclamation <u>unknown</u> |
| | Complete reclamation <u>unknown</u> |
-
- | | |
|--|---|
| 3. Depth to ground water: <u>1.5</u> ft. | 5. Types of erosion control structures that will be utilized. |
| 4. How will dust be controlled? | |
| ☒ Water on haul roads | ☒ Settling ponds ☒ Drainage ditches |
| ☐ _____ | ☐ Diversion berms ☐ Terraced slopes |
| | ☒ <u>Silt Fences/Straw Waddles</u> |
| 6. Describe the land to be affected by mining as it presently exists: | Slash pine, swamp tupelo, red maple, yaupon holly, virginia creeper, Japanese climbing fern, muscadine, black willow, chinese tallow, swamp grass, bayberry |
| a. Land use <u>Previous sand mining and vegetation</u> | b. Predominant vegetation _____ |
| 7. Will explosives be used? <u> </u> Yes <u>X</u> No | 8. Is test-boring data available? <u> </u> Yes <u>X</u> No |
| 9. Are toxic materials likely to be encountered at any time? <u> </u> Yes <u>X</u> No | |
| 10. Will there be any discharge to local streams or other bodies of water? <u>X</u> Yes <u> </u> No | |

If any of questions 7-10 are answered "YES," provide additional information on page 5, or attach separate pages.

C. RECLAMATION PLAN

NOTE: It is suggested that the county NRCS office be consulted for specific recommendations on the following items.

- | | |
|---|--|
| 1. Describe the soil handling technique for the reclamation phase of the operation: | |
| ☒ Topsoil segregated ☐ Mixed strata ☐ _____ | |
| 2. Describe the protection method for the stockpiled topsoil. | 3. How will highwalls, standing faces, and banks be reduced to minimize erosion? (All highwalls must be sloped, minimum 3 horizontal to 1 vertical.) |
| ☒ berm around the storage pile | ☐ slopes will be terraced |
| ☐ grass cover on the pile (recommended) | ☒ sloped to a gradient of <u>3</u> to 1 (max.) |
| ☐ stored under a cover | ☐ blended with surrounding contours |
| ☒ silt fence | ☒ Establish vegetative cover |

4. What is the general plan for reclamation?

☐ reforestation

☒ establish grass cover

☒ pond or lake

☒ **Class II Rubbish Landfill (See Page 5.)**

5. What planting method will be used?

☒ broadcast seed ☐ mechanical seeding

☐ seeding by manual labor

☐ _____

6. How will fertilizer and lime be applied and incorporated?

☐ harrowing

☒ broadcasting

☐ disking

7. Quantity of lime and fertilizer to be applied?

a. For initial planting

lime: 2 tons per acre

fertilizer: 13 - 13 - 13 (type) 800 pounds per acre

b. For successive years prior to 100% release

fertilizer: 13 - 13 - 13 (type) 400 pounds per acre

when: June (month)

8. Describe the planting schedule:

Tree or Seed Species	Tree spacing or lbs./acre	Planting Season
<u>byhalia grass</u>	<u>50</u>	<u>early spring</u>
<u>millet</u>	<u>50</u>	<u>summer</u>
<u>rye</u>	<u>50</u>	<u>fall</u>
_____	_____	_____

9. Will the area be mulched? ☒ Yes ☐ No If yes, rate per acre as needed

Method of holding in place: ☐ crimped ☐ _____

10. How will the vegetation be maintained until the final bond release?

☒ watering

☒ mowing

times per year 2 in accessible areas

approximate month(s) June, September, _____

☒ repairing gullies

☒ replanting eroded areas

☐ _____

11. How will debris be disposed of when the mine is finally closed?

☐ burying

☐ burning

☒ hauling away

12. Will a soil analysis be submitted for this site? ☐ Yes ☒ No

NOTE: available from the Cooperative Extension Service through the applicant's County Agent

13. Estimated cost per acre for reclamation of this site: \$1,000/acre (minimum of \$1,000 per acre)

D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

1. Landowner(s) of area to be mined/leased

Name: HDS Holdings, LLC
Address: PO Box 7001
Gulfport, MS 39506
Phone: (228) 861-4975

Name: _____
Address: _____
Phone: _____

2. Landowner(s) within 500 feet of the area (See Map #7 for location of adjacent landowners)

A. Name: W. C. Fore
Address: 14270 Creosote Road
Gulfport, MS 39503
Phone: _____

B. Name: Charles Bourgeois
Address: 832 Spruce Street
Waveland, MS 39576
Phone: _____

C. Name: King Construction & Environmental Services
Address: 102 Oaks Blvd.
Bay St. Louis, MS 39520
Phone: _____

E. Name: Harold H. White III
Address: 500 Canal St.
Metairie, LA 70005
Phone: _____

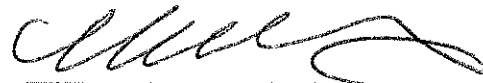
3. Person(s) living on permit area

Name: None
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached to this application; furthermore, I certify that they are true to the best of my knowledge.

8-12-25
date


signature

Mike Holmes

printed name

Member

title

E. ADDITIONAL COMMENTS

[illegible]

If more space is required, use full sheets of paper the same size as this page. Attach all sheets to this application.

Adjacent Property Owners



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

AI 23905
MSR323098



Rec'd via email: 11/06/2025

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR32 3098
(Number to be assigned by State)**

File at least 30 days prior to the commencement of mining; 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file and mine dewatering is not proposed. Lateral expansion of an existing mine that has general permit coverage requires the submittal of the Major Modification Form, not a new MNOI. However, modification of the existing SWPPP to include the expansion is required. Discharge of storm water or impounded water associated with mining or the operation of a wastewater recirculation system with no discharge without written notification of coverage from MDEQ is a violation of State Law.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Please indicate the activities to be covered by this MNOI (check all that apply).

- ☐ Storm Water Discharges Associated with Mining ☒ Mine Dewatering
☐ Wastewater Recirculation System with No Discharge

The appropriate section of the MNOI must be completed if the applicant proposes to discharge storm water, discharge impounded mine water (dewatering) and/or operate a wastewater recirculation system with no discharge.

A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit and a United States Geological Survey (USGS) quadrangle map or photocopy, indicating the site location and outfalls must be included with the MNOI submittal. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523. Additional submittals may include the following (check all that apply).

- ☒ Section 404 Documentation
(See Corps Determination Letter) ☐ Notice of Exempt Operations Form
☐ Dam/Reservoir Safety Permit or Written Authorization

ALL INFORMATION MUST BE COMPLETED (indicate "N/A" where not applicable)

MSR32 3098

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE: ☒ OWNER ☒ OPERATOR

OWNER CONTACT INFORMATION

OWNER CONTACT PERSON: Mike Holmes
OWNER COMPANY LEGAL NAME: HDS Holdings, LLC
OWNER STREET OR P. O. BOX: PO Box 7001
OWNER CITY: Gulfport STATE: MS ZIP: 39506
OWNER PHONE #: (228) 861-4975 OWNER EMAIL: hdsholdings@gmail.com

OPERATOR CONTACT INFORMATION

OPERATOR CONTACT PERSON: Mike Holmes
OPERATOR COMPANY LEGAL NAME: HDS Holdings, LLC
OPERATOR STREET OR P. O. BOX: P.O. Box 7001
OPERATOR CITY: Gulfport STATE: MS ZIP: 39506
OPERATOR PHONE #: (228) 861-4975 OPERATOR EMAIL: hdsholdings@gmail.com

MINE INFORMATION

MINE NAME: Hardie Pit
MINE SITE ADDRESS (If the physical address is not available, please indicate nearest named road.)
Street: Rifle Range Road
City: Bay St. Louis State: Mississippi County: Hancock Zip: 39520
_____/4 OF _____/4 OF SECTION 27, TOWNSHIP 8S, RANGE 15W
MINE SITE TRIBAL LAND ID (N/A If not applicable): _____
ATTACH A USGS QUAD MAP, EXTENDING ½ MILE BEYOND FACILITY, OUTLINING THE MINE BOUNDARIES
(Maps can be obtained from the Mississippi Office of Geology. For information call 601-961-5523).
LATITUDE: 30 degrees 19 minutes 03 seconds LONGITUDE: 89 degrees 29 minutes 25 seconds
LAT & LONG DATA SOURCE (GPS (Please GPS Entrance Gate) or Map Interpolation): Google Map
TOTAL ACREAGE: 38.39 MATERIAL TO BE MINED: Sand
WILL HYDRAULIC DREDGING BE USED? ☐ YES ☒ NO
WASHING OF SAND/GRAVEL? ☐ YES ☒ NO

ESTIMATED START DATE: 2025-09-01

Or 5 days following
permit authorization

ESTIMATED END DATE: 12-31-2035

YYYY-MM-DD

YYYY-MM-DD

SIC CODE 1442

NAICS CODE 212321

RECEIVING STREAM INFORMATION

NEAREST NAMED RECEIVING STREAM: Bayou Lacroix

IS RECEIVING STREAM ON MISSISSIPPI'S 303(D) LIST OF IMPAIRED WATER ☒ YES ☐ NO

BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's website:

http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)

HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT? ☒ YES ☐ NO

COMPLETE IF STORM WATER DISCHARGE IS PROPOSED

ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SEE PERMIT FOR REQUIREMENTS)

IDENTIFY THE ASSOCIATION OR GENERIC SWPPP ON FILE AT MDEQ: See attached SWPPP.

COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

DISTANCE BETWEEN RECIRCULATION POND(S) AND PROPERTY LINE: (FT)
(MUST BE AT LEAST 150 FEET)

NUMBER OF RECIRCULATION POND(S):

STORAGE CAPACITY OF EACH RECIRCULATION POND(S): (FT³)

COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: 50,000 (GAL/DAY)

Note: First dewatering event may discharge
more volume than the standard daily
maintenance rate.

NAME AND ADDRESS OF THE RECIPIENT OF THE DISCHARGE MONITORING REPORTS (DMRs), IF
DIFFERENT FROM SIGNATORY:

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS

Coverage under this general permit will not be granted until all other required MDEQ permits and approvals are addressed.

WILL THE CONSTRUCTION OR OPERATION OF THIS MINE INVOLVE THE RE-ROUTING, FILLING OR CROSSING OF A WATER CONVEYANCE OF ANY KIND? ☐ YES ☒ NO **(See Corps Determination Letter)**

If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements. If the mine requires a Corps of Engineers Section 404 permit, provide appropriate documentation with this MNOI that:

- The mine has been approved by individual permit, or
- The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
- The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required.

LIST ANY NPDES PERMIT NO(s). _____ GEOLOGY APPLICATION/PERMIT NO. _____

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA _____

IS THE MINE LESS THAN 4 ACRES AND GREATER THAN 1320 FEET FROM ANOTHER MINE?

- ☐ YES A "Notice of Exempt Operations" Form must be included with the MNOI or proof of prior submission, if previously submitted to the Office of Geology.
- ☒ NO A "Notice of Intent to Mine Class I or Class II Materials" Form must be filed before coverage will be granted under the Mining General Permit. For information on Office of Geology requirements, call 601-961-5515.

LIST ANY LOCAL STORM WATER ORDINANCES WITH WHICH THE OPERATIONS MUST COMPLY AND SUBMIT ANY ASSOCIATED APPROVAL DOCUMENTATION. _____

IF IMPOUNDMENTS WILL BE CONSTRUCTED ABOVE NATURAL SURFACE ELEVATIONS, INDICATE WHICH, IF ANY, OF THE FOLLOWING APPLY.

- ☐ The impoundment will be constructed with a peripheral dam or levee 8 feet or greater in height, measured from the lowest elevation of its toe.
- ☐ The impoundment will have a maximum storage volume greater than 25 acre-feet.
- ☐ The impoundment will impound a watercourse with a continuous flow.
- ☐ The impoundment has the potential to threaten downstream lives or man-made structures.

If any of the impoundments meet any of the above criteria, the applicant will be required to obtain written authorization from MDEQ, Dam Safety Division before coverage will be granted under the Mining General Permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Authorized Signature¹

8-12-25
Date

Mike Holmes

Member

Printed Name

Title

¹This application shall be signed according to the General Permit, Act 15, T-4 as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- Duly Authorized Representative

Please submit this form to: Chief, Environmental Permits Division
MDEQ, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

September 1, 2022

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army, No Permit Required, File Number SAM-2022-00658, Hardie Pit Mine, Bay Saint Louis, Hancock County, Mississippi

Specialty Contractors & Associates, Inc.
Attention: Ms. Kate Dennis Spear and Mr. Padrick Dennis
Post Office Box 7001
Gulfport, Mississippi 39506

And

Mr. Michael Holmes
7445 Pine Street
Pass Christian, MS 39571

Dear Ms. Spear, Mr. Dennis and Mr. Holmes:

Reference is made to your request for a Department of the Army (DA) review of the Hardie Pit Mine in Bay Saint Louis, Mississippi. This project has been assigned File Number **SAM-2022-00658-PAH**, which should be referred to in all future correspondence with this office concerning this project. The project is located at parcel 128-0-27-010.001; within Section 27, Township 8 South, Range 15 West; Latitude 30.3173° North and Longitude 89.4885° West; Bay Saint Louis, Mississippi.

A review of the information you submitted indicates a DA Permit pursuant to Section 404 of the Clean Water Act **will not be required** for excavation of waters of the United States. This determination is based on the nature of the proposed activities, as described in the attached project description/plans and follow-up correspondence on July 29, 2022. Any proposed modifications to the project location or scope of work should be coordinated with our office prior to commencing the activity.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work.

Electronic copies of this letter are being provided to your agent, Rachel Kistler at rachel@ccellc.us.

If you have any questions, please contact me at (251) 509-2363, or Philip.a.hegji@usace.army.mil. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

Philip Hegji
Project Manager
South Mississippi Branch
Regulatory Division

Attachments



**Storm Water
Pollution Prevention Plan
(SWPPP)**

Facility Location:

Hardie Pit Mine
Rifle Range Road
Bay St. Louis, MS 39520
Sec. 27, Township 8S, Range 15 West
Hancock County

Prepared For:

HDS Holdings, LLC
P.O. Box 7001
Gulfport, MS 39506

Date: June 12, 2024

OVERVIEW:

The Hardie Mine is a surface mining facility located on Rifle Range Road, Bay St. Louis, Hancock County, MS (Map 1). The site is approximately 38.39 acres in size and is located in Section 27, T8S, R15W. The site is moderately sloping east from approximately 10' mean sea level, as shown on Map 1. The nearest receiving stream is Bayou Lacroix, which is approximately 2,000' northeast of the surface mine, along Rifle Range Road, which ultimately flows into the Jourdan River and subsequently into St. Louis Bay. All stormwater from the active mining area will be directed into the mined area in western side of the permit area. The ponded water will be dewatered, when necessary for mining operations, by pumping the collected storm water to a settling pond in the northwest corner of property, where it will be allowed to settle prior to discharging west to the roadside ditch along the east side of Rifle Range Road (Map 2). Stormwater outside the active mining area will drain naturally to the north and east through undisturbed areas of the site. The following narrative details stormwater management practices for surface runoff.

BACKGROUND:

The Hardie Mine was originally permitted as a surface mining facility operated by Richard L. Hardie, Jr. on May 19, 2006, as an Exempt Surface Mining Operation (Permit AI#23905). The Exempt Operation permit limited the size of the surface mining operation to 4 acres. In approximately 2012, Mr. Hardie died, and the surface mining operations ceased.

In March 2020, the present owners of the property submitted a Mining Notice of Intent (MNOI) to re-open the surface mining operation as an Exempt Surface Mining Operation under Permit AI#23905. In reviewing the MNOI, the Mississippi Department of Environmental Quality determined that Mr. Hardie had mined more than the 4-acre limit established for an exempt mining operation. Therefore, a complete MNOI was required to be submitted prior to resuming surface mining operations at the site.

This SWPPP is part of the submittal for coverage under Mississippi's Mining Storm Water, Dewatering and No Discharge General Permit.

POTENTIAL POLLUTANT SOURCES:

Potential pollutants consist of de minimis discharge or oils, fuels, and fuel oils from equipment and trucks. Additionally, turbidity from mechanical and hydraulic operations within the surface mine, loading area, and haul road(s) are other potential pollutant sources.

STORMWATER POLLUTION PREVENTION PLAN:

Stormwater from active mining, disturbed areas will be directed into the previously mined area (pond). When collected stormwater in the pond area impacts mining operations, the collected stormwater will be pumped to a settling pond area northeast of the surface mine. Stormwater will be discharged from the settling pond area, along an existing drainage way west to the roadside ditch on the east side of Rifle Range Road. It is anticipated that the majority of the

stormwater collected from the active mining, disturbed areas will mainly be treated through evaporation or infiltration.

1. Slopes within the mine area will be less than 5%. The proposed project will not create any greater slopes or erosion potential.
2. **Control Methods** – Erosion and Sediment Control will be implemented utilizing the following methods:
 - a. Grade slopes within the mine area will be held below 5% where practicable. Areas that display erosion problems will be addressed by installing permanent vegetation followed by an application of mulch or loose hay or erosion control blankets where mechanical remedy is not practicable. If required, additional temporary measures such as straw bales and/or straw waddles will be installed to protect permanent vegetation until vegetation is established.
 - b. The perimeter of the mine will be controlled utilizing earthen controls or permanent vegetation. Any off-site stormwater runoff will be diverted around the mine area utilizing earthen controls and ditches. Disturbed areas will be re-vegetated immediately.
 - c. Vegetative cover will be established on soil surfaces not utilized in operations (left undisturbed for more 30 days or more). The areas utilized for operations on the site will be covered with sand and/or gravel. The entrance to the mine will be surfaced with a minimum of 6" of 610 Limestone or 8" of crushed concrete for a minimum distance of 50' from Rifle Range Road. This is to prevent mud from being tracked onto Rifle Range Road. The remaining on-site surfaces are comprised of open surface mine pit, processing equipment and area, or material stockpiles.
 - d. The active surface mine area will be minimized to an area that meets the current operational needs of the mine.
 - e. All stormwater within the mining area will be directed into the previously mined area (pond). When collected stormwater in the pond area impacts mining operations, the collected stormwater will be pumped to a settling pond northeast of the surface mine. Stormwater will be discharged from the settling pond area, along an existing drainage way west to the roadside ditch on the east side of Rifle Range Road.

3. Control Practices

- a. Appropriate vegetative control practices will be implemented within seven (7) calendar days following discontinuation of work in a disturbed area (left undisturbed for 30 days or more).
- b. Areas of vehicular traffic that are abandoned and not utilized for other mining purposes will be reclaimed with a permanent grade below 5% and vegetative cover.
- c. Other controls will be implemented on an "as needed" basis to control off-site runoff into adjacent ditches and runoff from the mine area into the on-site

pond.

4. Maintenance and Inspections

- a. All erosion controls will be inspected at least once per month and after a two-year 24-hour storm event (5.74"). The attached inspection form shall be filled out during each inspection. The inspection reports shall be retained for at least three (3) years from the date of each inspection and shall be kept with this SWPPP.
- b. All on-site personnel shall be trained in requirements of this SWPPP within twelve (12) months of issuance of coverage under the Mining Storm Water, Dewatering and No Discharge General Permit for the site. All new employees shall receive similar training.
 - i. Training records showing date of training, employee names receiving training and employee signatures acknowledging training was received shall be maintained and retained for three (3) years.
 - ii. Training shall include SWPPP goals and plan components; Housekeeping and pollution prevention requirements; spill preventing and response procedures; installation, maintenance, and inspection of erosion and sediment controls Best Management Practices (BMPs); and recordkeeping, reporting and record retention requirements.
- c. Provide temporary seeding and mulch in disturbed areas within mine operation area not being utilized for operations (left undisturbed for 30 days or more).
- d. Complete maintenance activities (site grading, earthen stormwater controls, aggregate surface installation, etc.).
- e. Restore grade and vegetate all abandoned disturbed areas with permanent seeding upon mining completion in compliance with the reclamation plan.

5. Housekeeping Practices

- a. Equipment maintenance and repair shall not be performed on the mine site. Those activities shall be performed elsewhere in areas designed and equipped for equipment maintenance and repair activities.
- b. Concrete construction will not be required at the site, so concrete washout and cleaning of concrete chutes will not be necessary for this site.
- c. Waste receptacles will be located in close proximity to areas where waste is accumulated. Waste receptacles will be emptied and maintained on a regular basis.
- d. Properly protected chemical, solvent and pipe lubricant waste receptacles shall be located in close proximity to areas where such waste is accumulated. Waste receptacles will be emptied and maintained on a regular basis.
- e. Sanitary facilities shall be located in close proximity to areas where employees are working. Sanitary facilities will be emptied and maintained on regular basis.
- f. All BMPs shall be maintained and inspected weekly.

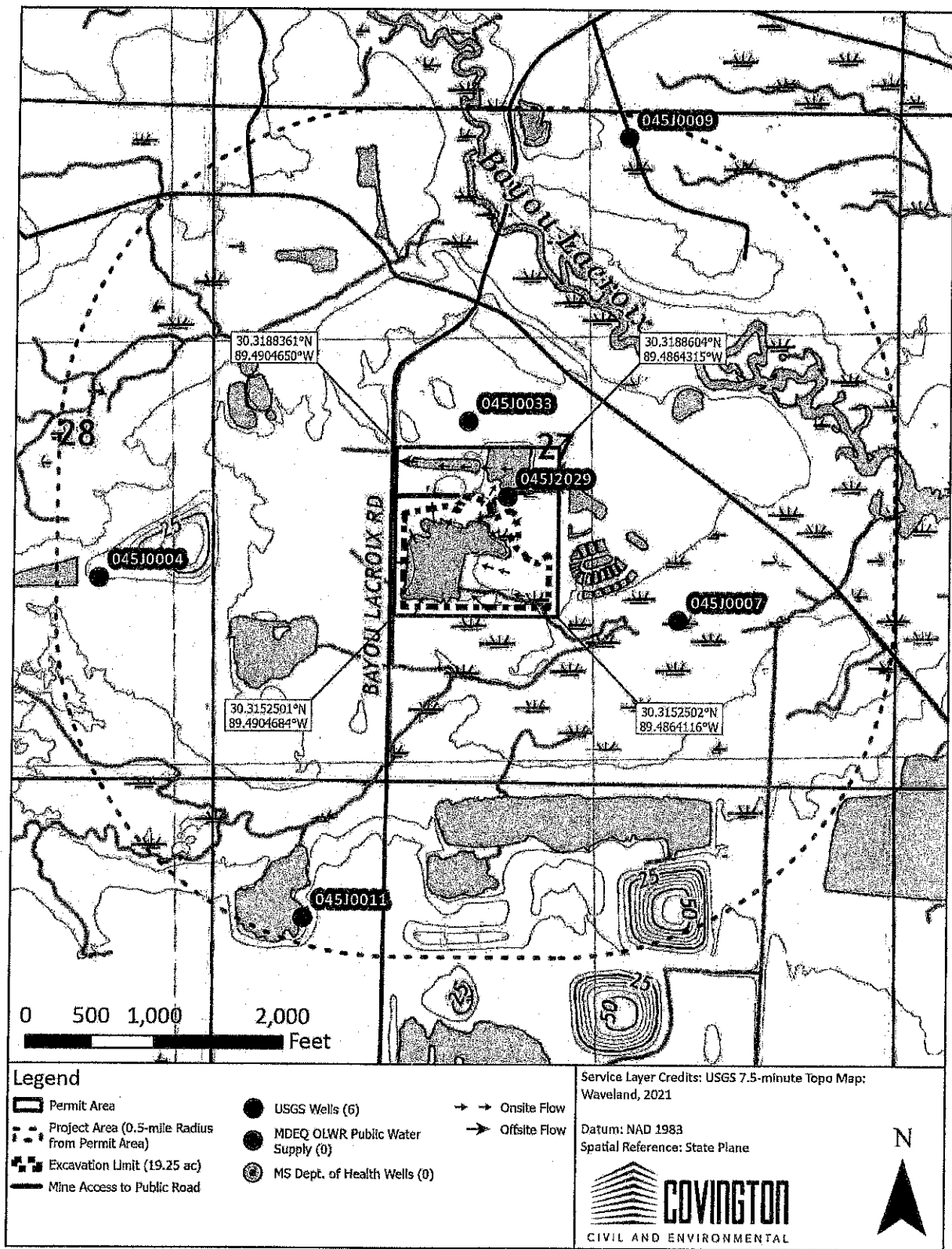
- g. Monthly inspections will be completed, and reports will be submitted semi-annually.

IMPLEMENTATION SCHEDULE:

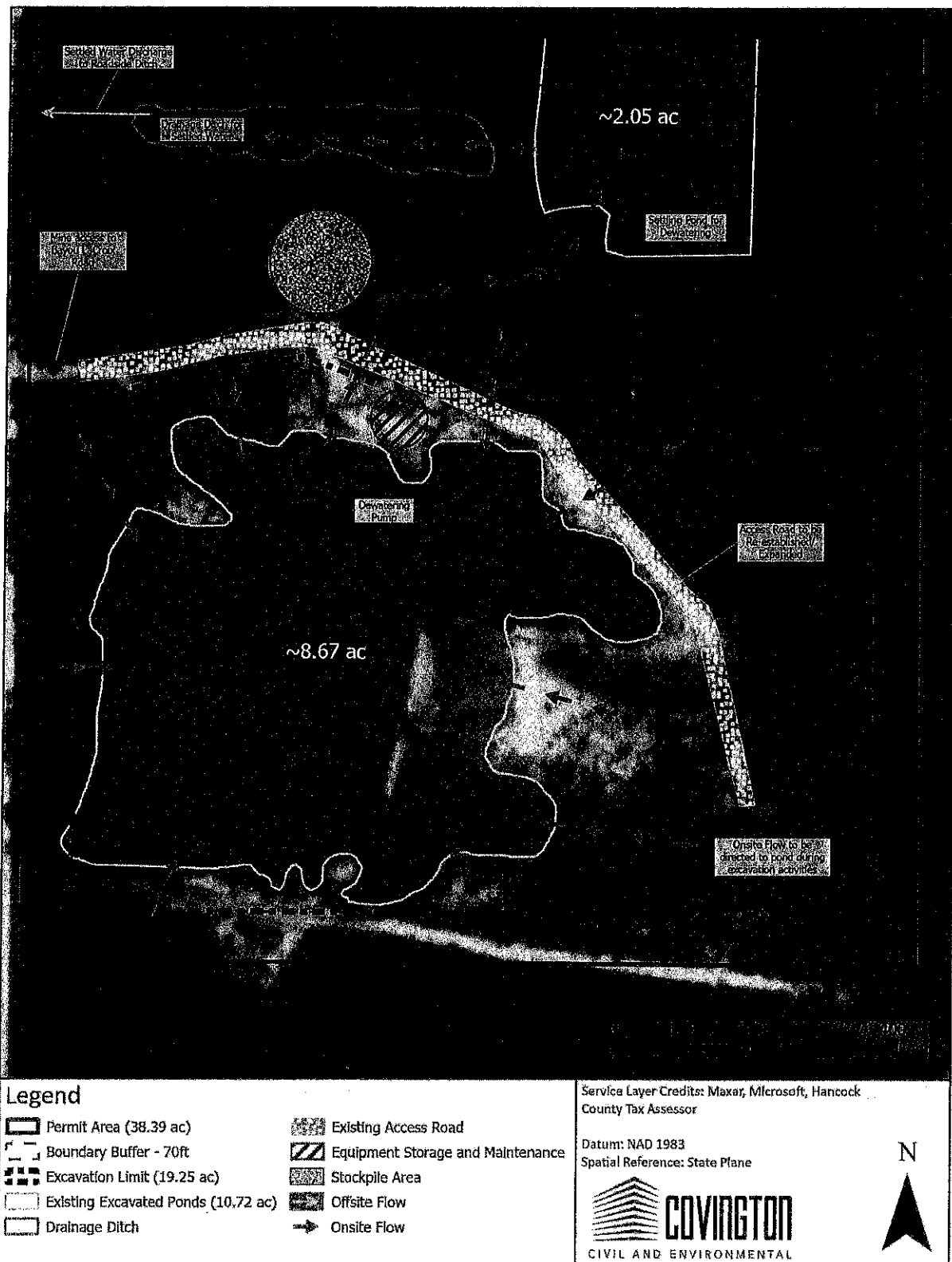
With the submittal and approval of this SWPPP and the Mining Notice of Intent (MNOI), this SWPPP will be immediately implemented by:

1. Providing training for all on-site personnel.
2. Inspecting to ensure all erosion and sediment control Best Management Practices (BMPs) are properly installed and maintained. Filling out and retaining inspection report.
3. Vegetating all disturbed areas not actively being used for at least thirty (30) days.
4. Ensuring entrance surface is clean and vehicles are not tracking mud onto Rifle Range Road.
5. Ensuring proper waste receptacles and sanitary facilities are in place.
6. Continuing maintenance, inspection, and housekeeping practices during my operations. Implement control measures as required.

FIGURES



Map 1: Topo Map



INSPECTION REPORT FORM

Covington Project No. 16412.07
Storm Water Pollution Prevention Plan (SWPPP)
Hardie Mine, Rifle Road, Hancock County, Mississippi

COVERAGE NUMBER (MSR32 _____) INSPECTION YEAR _____
SITE INSPECTION REPORT AND CERTIFICATION FORM
MINING GENERAL PERMIT



Results of the inspection by ACT7 of this permit shall be recorded on this report form and in addition, copies of all completed forms shall be retained onsite or locally available. Inspections must be performed monthly and after a 2-year, 24-hour storm event (approx. 6-inches on Gulf Coast to 4-inches at MS/TN State Line). The coverage number must be listed at the top of all Site Inspection Report and Certification Forms.

COVERAGE RECIPIENT INFORMATION

COMPANY NAME: _____ MINE NAME: _____
 MINE LOCATION: _____ GEOLOGY APPLICATION/PERMIT NO. _____
 NEAREST PROJECT CITY: _____ COUNTY: _____
 MAILING ADDRESS: _____
 MAILING CITY: _____ STATE: _____ ZIP: _____
 CONTACT PERSON: _____ CONTACT PHONE NUMBER: _____

INSPECTION DOCUMENTATION

DATE (mm/dd/yy)	TIME (hh:mm AM/PM)	AFTER 2-YEAR, 24- HOUR STORM EVENT? (CHECK IF YES)	ANY DEFICIENCIES? (CHECK IF YES)	INSPECTOR(S)
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	

Deficiencies Noted During any Inspection (give date(s); attach additional sheets if necessary): _____

Corrective Action Taken or Planned (give date(s); attach additional sheets if necessary): _____

Based upon this inspection which I or personnel under my direct supervision conducted, I certify that all erosion and sediment controls have been implemented and maintained, except for those deficiencies noted above, in accordance with the Storm Water Pollution Prevention Plan filed with the Office of Pollution Control and sound engineering practices as required by the above referenced permit. I further certify that the MNOI and SWPPP information on file with MDEQ is up to date.

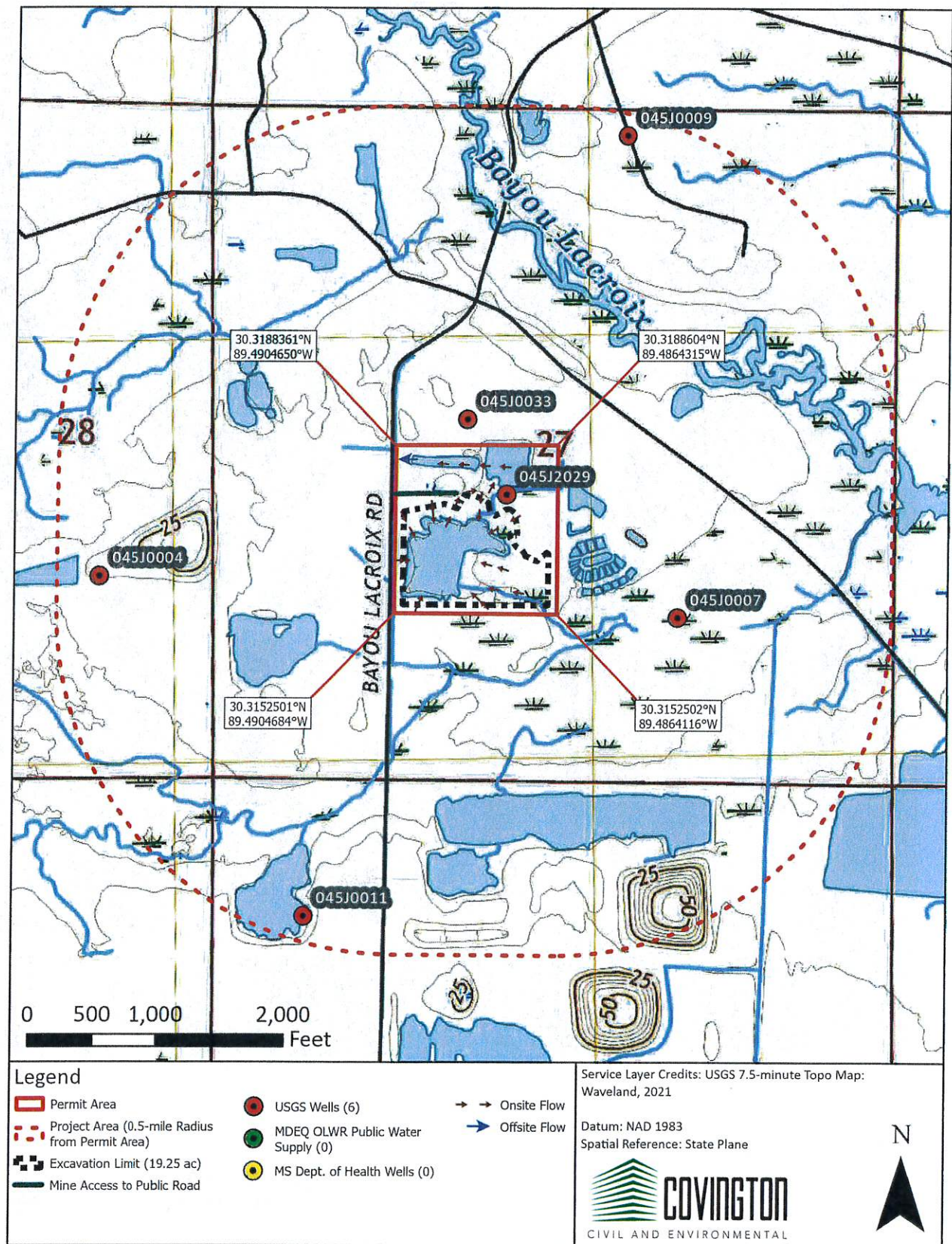
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Authorized Signature _____

Date _____

Printed Name _____

Title _____

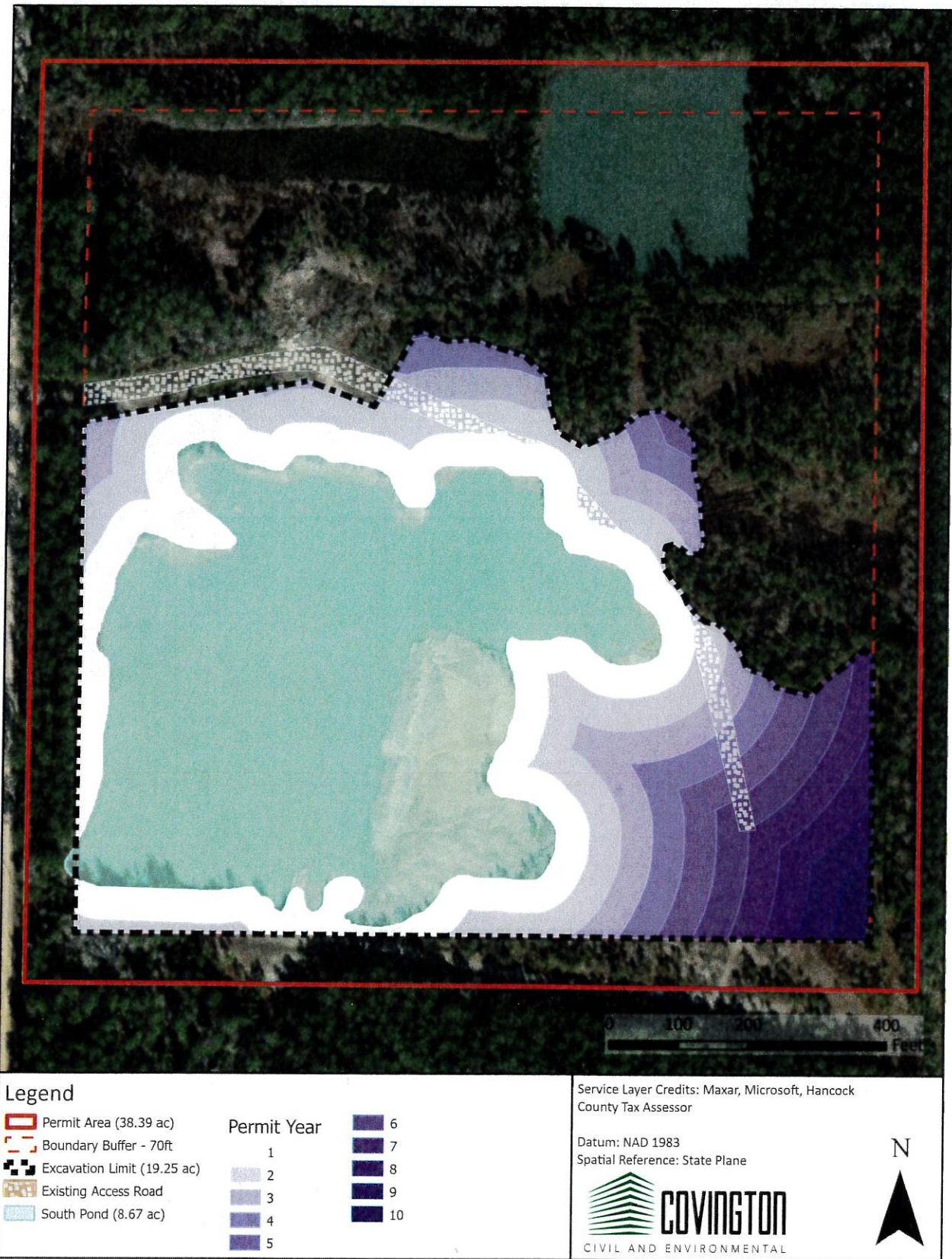


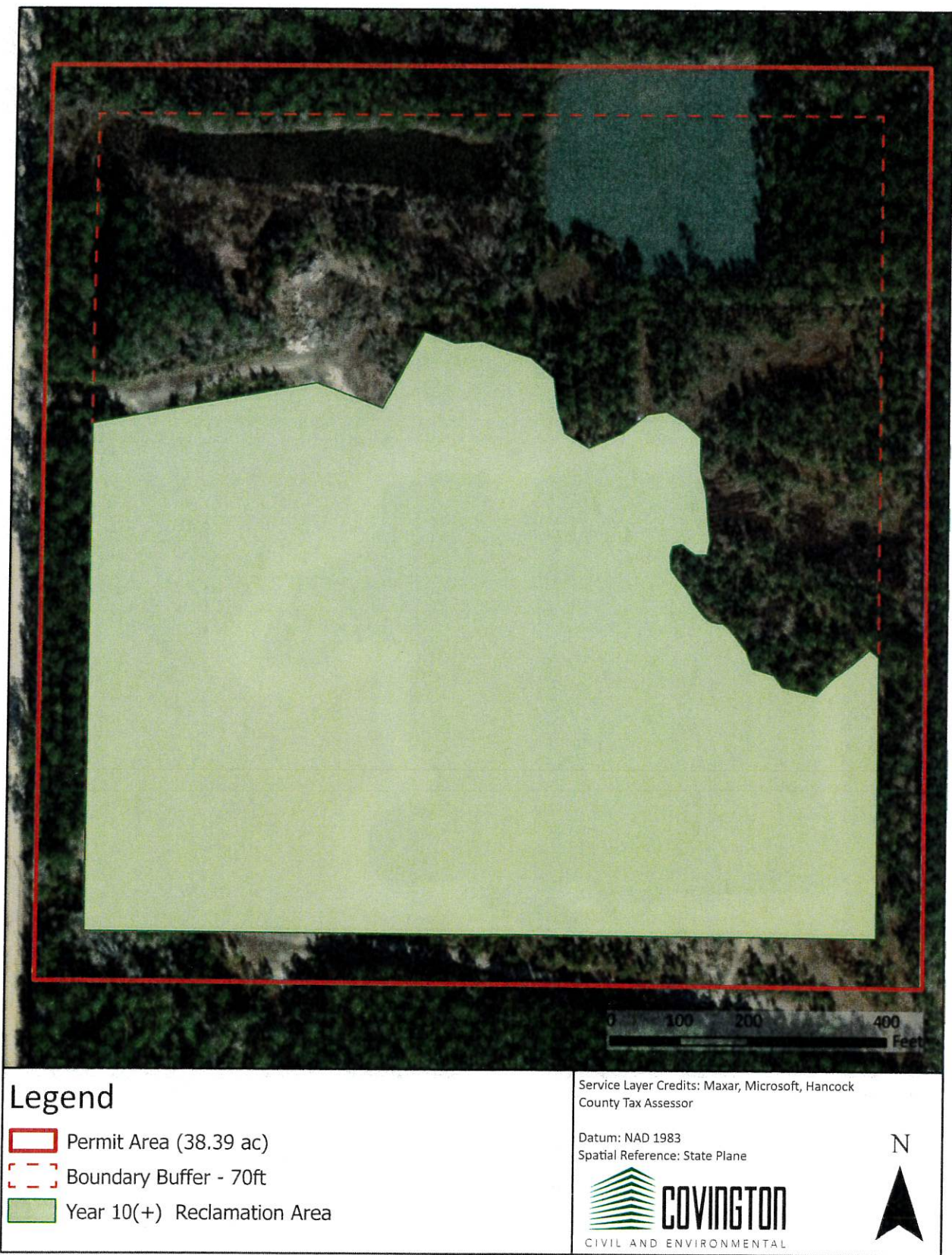
Map 1: Topo Map



Map 2: General Site Plan

Note: During mining operations, material stockpiles, access roads and equipment storage/maintenance areas may be moved within permitted area in order to continue mining operations.

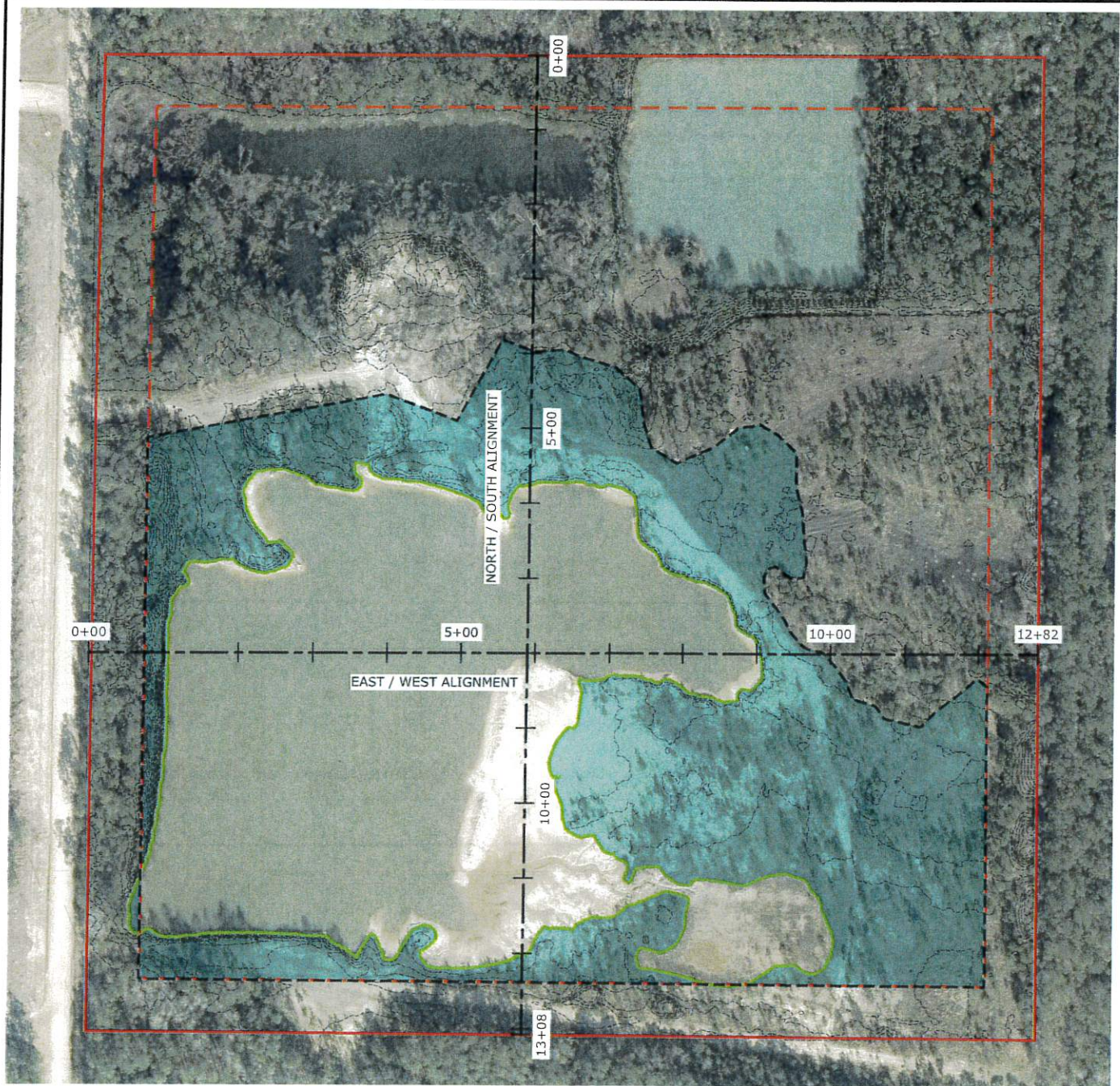




Map 4: Yearly Reclamation Plan

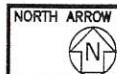
Note: Prior to reclamation beginning, Owners will determine whether the mining area can be permitted for a Class II Rubbish Landfill, following MDEQ evaluation requirements.

Z:\Shared\Projects\16412.07 - Hardie Dirt Pit Expansion\06-Deliverables\Permitting\X1.0-X1.3.dwg, 5A, 6/25/2024 12:54:05 PM, Tommy Parker



LEGEND

- PERMIT AREA
- BOUNDARY BUFFER 70 FT.
- EXCAVATION LIMITS (19.25 AC)
- EXISTING EXCAVATED POND (8.67 AC)



PREPARED BY:



228-396-0486 . WWW.CCELLC.US
2300 14th Street
Gulfport, Mississippi 39501

PREPARED FOR:

THE DIRT PIT, LLC

PROJ NUMBER:

16412

LOCATION:

HANCOCK COUNTY, MS

SCALE:

N.T.S.

DESIGN:

DRAWN:

T. PARKER

DATE:

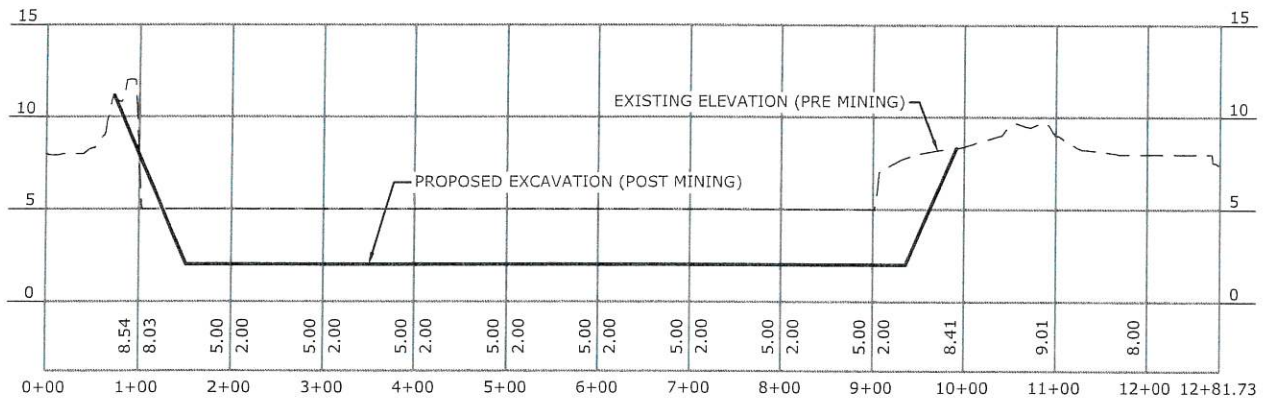
JUNE 2024

TITLE:

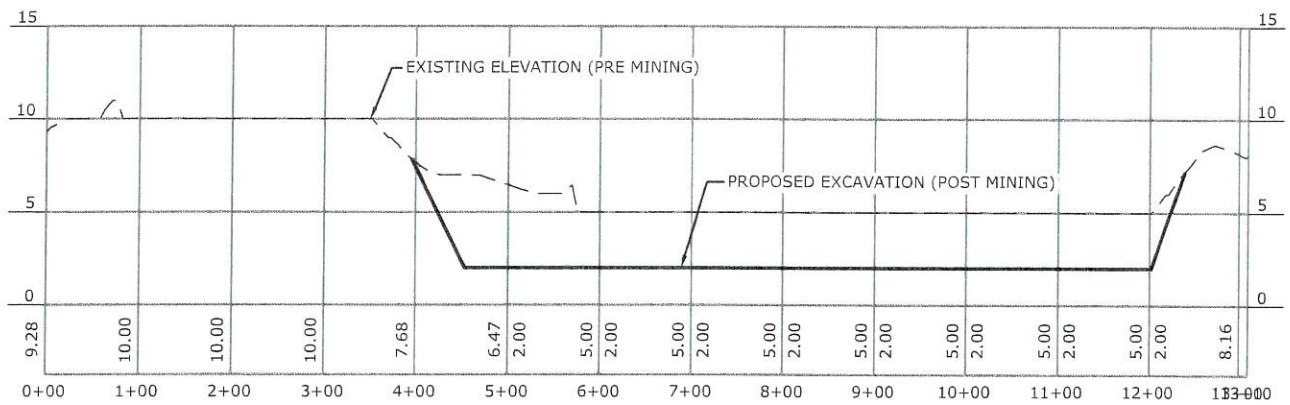
HARDIE DIRT PIT EXPANSION - PRE / POST MINING PLAN

SHEET:

5A



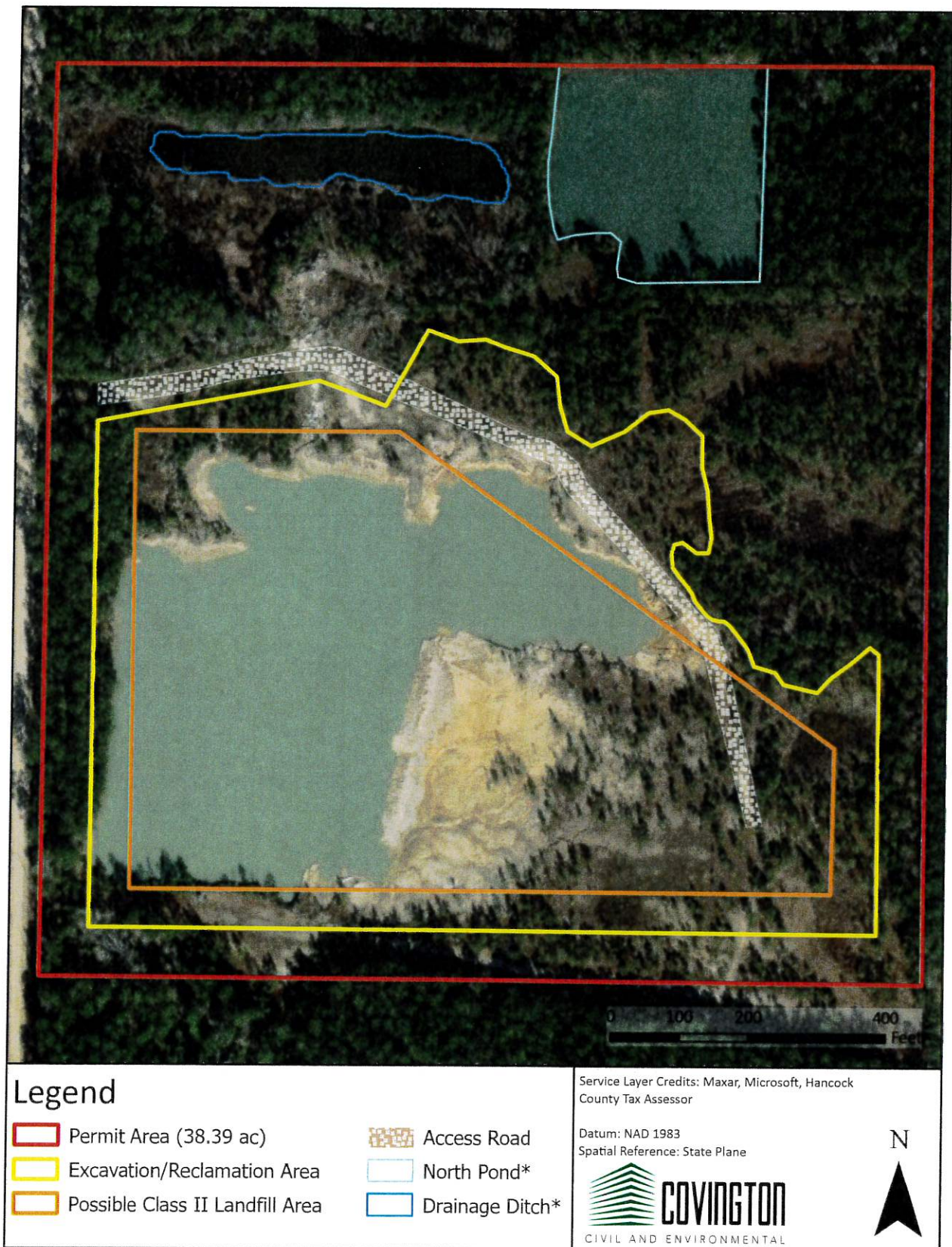
EAST / WEST PROFILE



NORTH / SOUTH PROFILE



PREPARED BY:  228-396-0486 . WWW.CCELLC.US 2300 14th Street Gulfport, Mississippi 39501		PREPARED FOR: THE DIRT PIT, LLC		PROJ NUMBER: 16412	
TITLE: HARDIE DIRT PIT - PRE / POST MINING PROFILES		LOCATION: HANCOCK COUNTY, MS		SCALE: N.T.S.	
		DESIGN: T. PARKER		DATE: JUNE 2024	
				SHEET: 5B	



* Asterisk denotes property features that will not be impacted by mining/excavation activities.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, LLC 2909 13th St 4th Floor Gulfport MS 39501		CONTACT NAME: Cindy Teague PHONE (A/C, No, Ext): 228-863-5362 FAX (A/C, No): 228-863-1957 E-MAIL ADDRESS: Cindy.Teague@aig.com	
License#: 0D69293 HDSHOLD-01		INSURER(S) AFFORDING COVERAGE	
INSURED HDS Holdings, LLC P. O. Box 7001 Gulfport MS 39506		INSURER A: Maxum Indemnity Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 26743	

COVERAGES

CERTIFICATE NUMBER: 533820619

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:		BDG312201901	8/7/2025	8/7/2026	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$ Included \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y/N N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

MS Dept. of Environmental Quality
P. O. Box 2279
Jackson MS 39225-2279

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

Note: Miss. Code Ann. § 53-7-27 (2)(h) requires that an Application for Surface Mining Permit include a notarized statement showing the applicant's legal right to surface mine the affected area.

CERTIFICATION OF LEGAL RIGHT TO MINE

I certify that I have the legal right to conduct surface mining operations on the property which is the subject of this application for Surface Mining Permit.

I am including a copy of the deed to the property and a copy of the Lease/Contract to surface mine the property (if applicable).

HDS Holdings, LLC

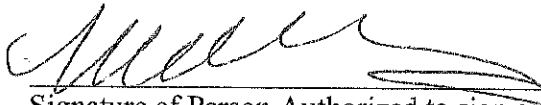
Printed/Typed Name of Applicant for Surface Mining Permit

Mike Holmes

Printed/Typed Name of Person Authorized to sign on behalf of Applicant

Member

Title of Person Authorized to sign on behalf of Applicant


Signature of Person Authorized to sign on behalf of Applicant

STATE OF Mississippi

COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 7th day of August, 20 25, within my jurisdiction, the within named Mike Holmes, who acknowledged that (he) (she) is Member (title) of HDS Holdings, LLC, a Mississippi (state) corporation, and that for and on behalf of the said corporation, and as its act and deed (he) (she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

(NOTARY PUBLIC)



My Commission expires: September 28, 2025



2025 11219
Recorded in the Above
Deed Book & Page
08-08-2025 01:41:41 PM
Tiffany L Cowman
Hancock County

Prepared by:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
MS Bar # 1866

Return to:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
File # 25-116

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, We

Michael I. Holmes: 7445 Pine Street, Pass Christian, MS 39571 228-862-4975

and

Padrick D. Dennis: P.O. Box 7001, Gulfport, MS 39506 228-832-9820

and

Kathryn D. Spear: P.O. Box 7001, Gulfport, MS 39506 228-832-9820

do hereby sell, convey and quitclaim unto

HDS Holdings, LLC
P.O. Box 7001
Gulfport, MS 39506
228-832-9820

that certain tract, piece or parcel of land situated and being located in Hancock County, State of Mississippi, more particularly described as follows, to-wit:

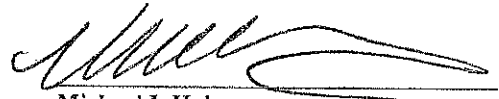
(See Exhibit A attached)

INDEXING INSTRUCTIONS: Section 27, Township 8 South, Range 15 West, Hancock County Mississippi

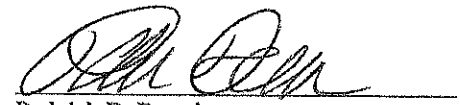
TITLE NOT EXAMINED

THIS CONVEYANCE is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all easement restrictions, reservations and covenants of record.

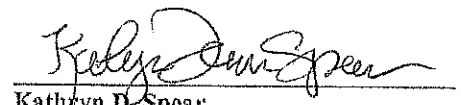
WITNESS OUR SIGNATURES, this 7th day of August, 2025.



Michael I. Holmes



Padrick D. Dennis



Kathryn D. Spear

STATE OF MISSISSIPPI

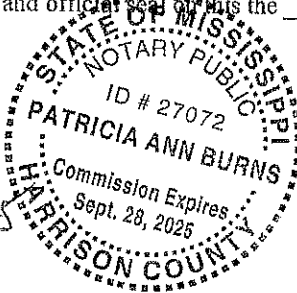
COUNTY OF Harrison

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Michael I. Holmes who acknowledged that he signed and delivered the foregoing Quitclaim Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 7th day of August, 2025.

MY COMMISSION EXPIRES:

September 28 2025



NOTARY PUBLIC

Patricia Ann Burns

STATE OF MISSISSIPPI

COUNTY OF Harrison

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Padrick D. Dennis who acknowledged that he signed and delivered the foregoing Quitclaim Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 7th day of August, 2025.

MY COMMISSION EXPIRES:

September 28 2025



NOTARY PUBLIC

Patricia Ann Burns

STATE OF MISSISSIPPI

COUNTY OF Harrison

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Kathryn D. Spear who acknowledged that she signed and delivered the foregoing Quitclaim Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 7th day of August, 2025.

MY COMMISSION EXPIRES:

September 28, 2025



NOTARY PUBLIC

Patricia Ann Burns

Exhibit "A"

Parcel 1:

The N ½ of NE 1/4 of SW 1/4, Section 27, Township 8 South, Range 15 West, Hancock County Mississippi, containing 20 acres, more or less.

AND ALSO

Parcel 2:

The S ½ of NE 1/4 of SW 1/4, Section 27, Township 8 South, Range 15 West, Hancock County Mississippi, containing 20 acres, more or less.

Hancock County
I certify this instrument was filed on
08-08-2025 01:41:41 PM
and recorded in Deed Book
2025 at pages 11219 - 11223
Tiffany L Cowman



Kat R. De

MINING AND LEASE AGREEMENT

This lease and mining agreement is effective as of the 12th day of August 2025 (the "Lease" or "Agreement"), by and between HDS Holdings, LLC ("Lessor" or "Owner"), and DeLisle Dirt, LLC ("Lessee" or "Operator").

RECITALS

- A. Lessor owns that certain sand, clay, and gravel pit located Bayou LaCroix Road, Bay St. Louis, MS 39520 as more particularly described and indicated on Exhibit A attached hereto (the "Premises").
- B. Owner desires to lease the Premises to Operator and Operator desires to lease the Premises from Owner for the purpose of mining and processing sand, clay, and gravel and related activities on the Premises all upon the terms and conditions hereinafter set forth.
- C. The parties desire to enter into this Lease upon the terms and conditions hereinafter set forth.

AGREEMENTS

NOW THEREFORE, in consideration of the foregoing and the covenants contained herein, the parties hereto agree as follows:

- 1. **Prior Lease.** Immediately upon execution of this Agreement, Owner shall terminate any prior leases or right to mine agreements between Owner and any other individual or entity for or concerning the Premises.
- 2. **Term.** Lessor does hereby lease to Lessee the above-described Premises for the period of five (5) years commencing **September 1, 2025** and ending **August 31, 2030**. a) The Lessor grants the Lessee one (1) five-year extension exercisable by the Lessee upon ninety (90) days prior written notice. b) In the event that extractable materials from the Premises are depleted to the extent that continued mining is cost prohibitive prior to the expiration of this Lease, the Lessee shall give the Lessor written notice and the parties agree to renegotiate the Lease in good faith within sixty (60) calendar days following the date written notice was given.
- 3. **Rent/Royalties.** As full and complete consideration of this Lease, Lessee agrees to pay royalties to Lessor for each cubic yard of material originating from the Premises that has been extracted, processed and sold by Lessee. The royalty unit price is \$1.25 per cubic yard ("Royalty Unit Price"). Royalties shall be due and payable no later than the last day of the month after the date of sale.
- 4. **Licenses and Permits.** Lessee shall obtain and keep current all necessary licenses and permits as deemed necessary by any government entity whether local, state or federal

Lessor Initials: KDS

Lessee Initials: MLA

relating to conducting business on the Premises. If such licenses and/or permits were unattainable, this Lease would be in default.

5. **Reclamation Plan.** Prior to commencing any reclamation activities, Lessee shall submit a written general plan for such activities ("Reclamation Plan") to the Lessor for the Lessor's approval which approval shall not be unreasonably withheld.
6. **Possession and Enjoyment.** a) Lessor agrees that Lessee, paying the royalties and performing the other terms and conditions of this lease, may peaceably hold and enjoy the leased Premises during the lease term without any interruption by Lessor or any other person lawfully claiming by, through or under Lessor. Lessor shall have the right, during the term of this Agreement, to enter upon the leased Premises during normal business hours for the purpose of inspection and determination of compliance with the mining specifications and conditions. b) Lessee acknowledges that it has examined the Premises and knows the condition thereof and that no representations have been made as to the condition or state thereof, and Lessee accepts the Premises in its present condition.
7. **Business.** Lessee shall use the Premises for such general uses as a sand, clay, and gravel plant site, material stockpile site, landfill/backfill, scales, sales office, customer and equipment parking, and other lawful activities pertaining to the aforementioned activities.
8. **Use of Premises.** Lessee shall at all times keep and maintain the premises in a clean, orderly, and sanitary condition, and shall comply with all environmental rules and regulations. No storage or dumping of hazardous materials is permitted, unless expressly used in the operation of the sand, clay, and gravel plant.
9. **Improvements.** Lessee may at its own expense construct such buildings, structures, and other improvements on the Premises as are reasonably necessary for the conduct of its business. All such permanent buildings, structures, and improvements constructed by Lessee shall either become the property of the Lessor and remain on and be surrendered with the Premises as a part thereof at the termination of this Lease or may be removed at the Lessee's expense. Lessee agrees to maintain, at its own expense, the interior and exterior of any buildings, structures, and improvements it may construct thereon in good condition and repair.
10. **Occupancy Expenses and Property Taxes.** Lessee shall promptly pay when due all gas, light, heat, power, plumbing, water, and other occupancy expenses of whatsoever kind or nature, including utility deposits, connection fees, and running of utilities to the Premises, and shall pay all property taxes on equipment and improvements placed on the Premises by Lessee.
11. **Damage to Property and Persons.** All property of any kind which may be on the Premises during the term of the lease shall be at the sole risk of the Lessee; and Lessor shall not be liable to Lessee, its agents, guests, customers, employees, for any damage caused to their person or property by water, rain, snow, sleet, fire, storms and accidents, or

Lessor Initials: KDS

Lessee Initials: WJS

by breakage, stoppage or leaking of water, gas, electricity, heating, sewer pipes or plumbing on, about or adjacent to the Premises; and in the event of any breakage, stoppage or leakage, Lessee shall promptly remedy the same at its expense.

- 12. Insurance.** Lessee shall provide and obtain and maintain in full force during the leased term, for the benefit of both parties hereto, as their respective interests may appear, liability insurance in a company satisfactory to Lessor, general liability insurance in the minimum amount of One Million Dollars (\$1,000,000) with the respect to injuries to any one person. Two Million Dollars (\$2,000,000) with respect to injuries in any one accident and One Hundred Thousand Dollars (\$100,000) with respect to any property damage. Owner shall be listed as an additional injured on all insurance policies and shall furnish certificates evidencing the existence of all policies when reasonably requested. Notwithstanding, Lessee's obligations shall be limited to the extent of the liabilities assumed by Lessee hereunder.
- 13. Indemnity.** Lessee shall indemnify and save harmless Lessor from and against any and all claims, liability, penalties, damages, expenses and judgments for injuries or accidents to persons or property, in connection with Lessee's operations, occurring on or about the Premises and the driveways and streets adjacent hereto, during the leased term, any extensions thereof, and any other period of occupancy, including costs, expenses and attorney's fees incurred by Lessor in defense of any such claims to the extent such claims are caused by Lessor's fault, liability, negligence, or omission, whether the same be or not be covered adequately by insurance. This indemnification shall survive the termination of this Lease.
- 14. Insolvency or Bankruptcy.** In the event of the insolvency of Lessee, or the filing of by it or against it of any voluntary or involuntary petition under the Bankruptcy Act, or a partial or a general assignment by it for the benefit of creditors, or any proceedings whereby its full rights to the use, control and occupancy of the Premises may be impaired or transferred, in whole or in part, then this Lease, at the option of the Lessor, may be immediately terminated.
- 15. Title.** Lessor represents and warrants that it has clear and full title to the Premises, and agrees that so long as this Agreement remains in force, Lessor will not do or suffer anything to interfere with or impair the rights of Lessee. If, subsequent to the execution of this Agreement, the Premises should be sold or used as collateral, Lessor shall take all necessary action to fully maintain this Agreement in full force and effect with any other owner or creditor.
- 16. Delivery at Termination.** Upon the expiration or sooner termination of this lease, Lessee shall immediately deliver to Lessor quiet and peaceable possession of the leased Premises, together with any buildings, structures, equipment, and improvements thereon constructed by Lessee, with the exception so noted in Paragraph 9 of this Lease, with the keys to the same, cleared of all persons and property not belonging to Lessor, in good, clean and orderly condition.

Lessor Initials: KDS

Lessee Initials: WLS

17. Default. a) If Lessee neglects to pay when due any of the sums provided in this Lease and the neglect or failure shall continue for more than thirty (30) days after written notice to Lessee, this Lease may be immediately terminated, at the option of the Lessor, without further notice and without any obligation whatsoever to Lessor, or b) the breach of any of the terms and conditions contained herein.

18. Holding Over. In the event a new Lease Agreement is not executed prior to the end of the lease term, there shall be no holding over at the end of the said term and immediate possession of the property shall be returned over to the Lessor. The Lessee may cancel this Lease at the end of the term hereof or sooner if approved by Lessor due to lack of material or difficulty in mining.

19. Notice. All notices and other communication required or permitted under this lease shall be in writing and shall be deemed to have been duly given made and received when delivered against receipt requested, or twenty-four hours after sending via facsimile or electronic mail, addresses as set forth below or such other addresses as the parties hereto may designate in writing:

LESSOR: HDS Holdings, LLC
P.O. Box 7001
Gulfport, MS 39506
E-Mail: hdsholdingsmsllc@gmail.com
Fax: (228) 832-9851

LESSEE: DeLisle Dirt, LLC
7445 Pine Street
Pass Christian, MS 39571
E-Mail: goindeep1997@aol.com
Fax: (228) 861-4975

20. Time is of the Essence. Time is of the essence in the performing of each and every requirement set forth in the Lease.

21. Further Assurance. Each of the parties hereto shall execute and deliver all other instruments and take all such actions as any party hereto may reasonably request from time to time in order to effectuate the purposes of this Lease and the transactions provided for herein.

22. Controlling Law. This Lease and all questions relating to its validity, interpretation, performance and enforcement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of Mississippi. The Circuit Court of Harrison County, Mississippi shall be the exclusive venue for all claims under this Lease and both Parties waive the right to a trial by jury.

Lessor Initials: KDS

Lessee Initials: WDA

23. No Drafting Party. It is understood and agreed to between the Parties that this document represents an equal cooperative drafting effort and no individual Party shall be deemed the drafter thereof, accordingly, any lack of clarity or understanding shall be borne equally by the Parties.

24. Nature of Relationship Between Parties. The sole relationship between the parties created by this Agreement is that of the Lessor and Lessee. Nothing contained in the Lease shall be deemed, held or construed as creating a joint venture or partnership between the parties.

25. Amendments, Changes, or Modifications. This Lease may be amended, changed, or modified only by an instrument in writing executed by both Lessor and Lessee.

26. Succession and Assignment. The provisions of this Lease shall be binding upon and enure to the benefit of the parties hereto, the heirs, executors, administrators, successors and assigns. In the event of any subletting, the Lessee shall not be discharged of its obligations under this Lease but shall remain liable therefore unless Lease is cancelled in writing by the Lessor and Lessee. All subletting and/or assignments of this Lease shall be subject to prior written approval of the Lessor.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Lease as of the date first above written.

OWNER / LESSOR:

Kathryn Spear
HDS Holdings, LLC

STATE OF MISSISSIPPI
HARRISON COUNTY

On this 12th day of August, 2025, before me, a Notary Public in and for the State of Mississippi, personally appeared Kathryn Spear, as legal representative of HDS Holdings, LLC, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

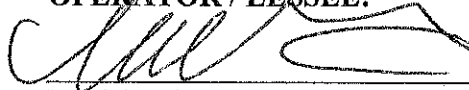
Patricia Ann Burns
NOTARY PUBLIC in and for the State of Mississippi
My commission expires September 28, 2025
Print Name Patricia Ann Burns



Lessor Initials: KDS

Lessee Initials: [Signature]

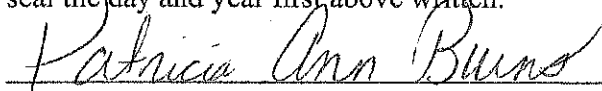
OPERATOR / LESSEE:



DeLisle Dirt, LLC

STATE OF MISSISSIPPI
HARRISON COUNTY

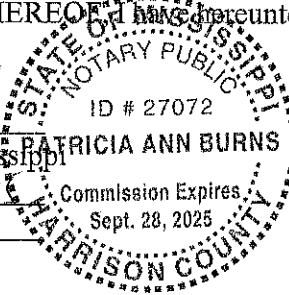
On this 12th day of August, 2025, before me, a Notary Public in and for the State of Mississippi, personally appeared Mike Holmes, as legal representative of DeLisle Dirt, LLC, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



NOTARY PUBLIC in and for the State of Mississippi

My commission expires September 28 2025

Print Name Patricia Ann Burns



Lessor Initials: KOB

Lessee Initials: MH

EXHIBIT A TO MINING AND LEASE AGREEMENT

The Legal Description of the Premises identified in the Mining and Lease Agreement is as follows:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27, Township 8 South, Range 15 West, Hancock County Mississippi, containing 20 acres, more or less; AND ALSO the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27, Township 8 South, Range 15 West, Hancock County Mississippi, containing 20 acres, more or less.

Lessor Initials: KOS

Lessee Initials: HTB



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Betz Rosetti & Associates Inc. 2304 19th Street, Suite 102 Gulfport MS 39501		CONTACT NAME: John Rosetti PHONE (A/C, No, Ext): 228-701-0200 FAX (A/C, No): E-MAIL: info@betzrosetti.com ADDRESS: info@betzrosetti.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Scottsdale Insurance Company	
		INSURER B: Great American Insurance Co.	
		INSURER C: Builders Mutual Ins Co 10844	
		INSURER D: Progressive 42412	
		INSURER E:	
		INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 1463199328

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:			CPS8151944	2/11/2025	2/11/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
D	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			860824951	7/31/2025	7/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCP109960301	7/19/2025	7/19/2026	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Equipment Floater			IMPF1103300100	10/13/2024	10/13/2025	Leased/Rented 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Dirt Pit Locations
8385 Kiln Delisle Road, Pass Christian, MS 39571 (21 Acre Dirt Pit)
20 Acre Dirt Pit located at Parcel #128-0-27-010.000, Bay St Louis, MS 39520
20 Acre Dirt Pit located at Parcel #128-0-27-010.001, Bay St Louis, MS 39520

CERTIFICATE HOLDER**CANCELLATION**

HDS Holdings, LLC PO Box 7001 Gulfport MS 39506 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515

SAFEKEEPING RECEIPT

Received for the
Account of: Operator DeLisle Dirt LLC (operator) & HDS Holdings, LLC (owner)
Address P.O. Box 7001
Gulfport, MS 39506
Date Received 8/13/2025

Security Description: Certificate of Deposit (CD)

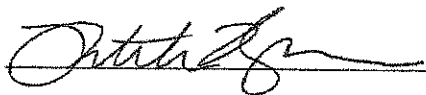
Security Number: 302067

Amount of Security: \$19,250.⁰⁰

Issue Date: 8/13/2025

Maturity Date: 7/13/2026 (will AUTO ROLL OVER IN 12MO INTERVAL)

Instructions: Security(ies) pledged to the Mississippi Department of Environmental Quality, Office of Geology. **DO NOT RELEASE WITHOUT WRITTEN PERMISSION FROM THE OFFICE OF GEOLOGY.** To be surrendered to the Office of Geology upon presentation of sufficient evidence that operator has defaulted on the project. Operator to draw interest.

By (Signature) 

Typed Name Matthew Rogers

Title Branch Manager / Account Officer
Authorized Bank Official

Bank Name The Peoples Bank

Bank Address 152 Lameuse Street; Biloxi, MS 39530

Comments: Office of Geology to be sent a copy of the security and the original of this safekeeping receipt.

Certificate of Deposit Receipt

NOT NEGOTIABLE - NOT TRANSFERABLE.

This receipt is issued to:

SPECIALTY CONTRACTORS & ASSOCIATES INC
PO BOX 7001
GULFPORT, MS 39506-7001

Account Number: 302067

IRA Number: _____

Amount \$ 19,250.00

Date Opened 08/13/2025

Term 11 Month(s)

Maturity Date 07/13/2026

Interest Rate 3.450000 %

Annual Percentage Yield 3.51 %

THE PEOPLES BANK
MAIN OFFICE
152 LAMEUSE STREET
BILOXI, MS 39530-4214

The account evidenced by this receipt is subject to and further explained in the terms and conditions contained in the account agreement and account disclosures. Only the items checked apply.

- ☒ Fixed Interest Rate ☐ Variable Interest Rate
☐ Additions Permitted
☒ Automatically Renewable ☐ Single Maturity (not automatically renewable) ☐ Callable ☐ Notice Account

Interest will be:

- ☐ mailed to the owner(s).
☒ added to principal (compounded).
☐ paid to _____ account No. _____
☒ paid every 1 Month(s)

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY

Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515

Permit Number

Application
Number

PERFORMANCE BOND

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, that Mike Holmes

as Principal, hereinafter called Principal, and n/a - cash bond

as Surety, hereinafter called Surety, are held and firmly bound unto the State of Mississippi in the amount of nineteen thousand two hundred fifty and 00/100 Dollars (\$ 19,250.00)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents:

WHEREAS, Principal has filed an application with the Office of Geology, hereinafter called Office, for a permit to engage in a surface mining operation as required by the Mississippi Surface Mining and Reclamation Act of 1977 (Section 53-7-1 et seq., Mississippi Code of 1972), hereinafter called the Act, which permit application is by reference made a part hereof; in said

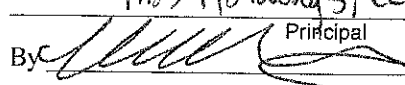
application Principal estimates that 19.25 acres of land will be affected by the surface mining operation; and said application contains a plan for reclamation of lands to be affected by the proposed mining operation.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if Principal shall faithfully perform the reclamation plan approved by the Office on all affected lands covered by said permit application in accordance with the Act, the rules and regulations of the Office, and the conditions of the surface mining permit, then this obligation shall be null and void, otherwise to remain in full force and effect.

Whenever Principal shall be, and declared by the Office to be, in default under the surface mining permit, Surety shall be given written notice of such default and may commence corrective action within sixty (60) days from the date of such notice, all in accordance with Section 53-7-35, Mississippi Code of 1972.

Dated the 12 day of August, 2025


Witness

HDS Holdings, LLC
Principal
By 
Mike Holmes, Member
Print Name and Title

Witness

By

Surety

Print Name and Title

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515

ORGANIZATION REPORT

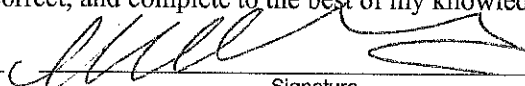
This is the initial and principal instrument that identifies an organization to the Office of Geology. It is imperative that it be fully and correctly executed and filed with the Office of Geology.

1. Full Name of Organization: HDS Holdings, LLC PO Box 7001
2. Post Office Box or Street Address, City, State, and Zip and Telephone Number: Gulfport, MS 39506
(228) 861-4975
3. Type of Organization (state whether corporation, partnership, limited partnership, joint venture, individual, trust, etc.): Limited Liability Company
4. If reorganized, give full name and address of previous organization. N/A
5. If foreign corporation, give state or country under the laws of which it was incorporated. N/A
6. If foreign corporation, give name and address of person registered as Mississippi agent. N/A
7. If limited partnership, give name of Mississippi county in which certificate detailing the organization was filed. N/A
8. Directors, Officers, Partners, Trustees, and General Partners* (required of all organizations except individuals):

Title	Name	Address
Member	Mike Holmes	7445 Pine Street; Pass Christian, MS 39571
Member	Padrick Dennis	P.O. Box 7001; Gulfport, MS 39605
Member	Kathryn Spear	P.O. Box 7001; Gulfport, MS 39605

*If separate Form MRD-1's are already on file for any partner or joint venturer, include and clearly specify the organization names that appear on those forms.

I declare that I am authorized to make this report, that it was prepared by me or under my supervision, and that facts and information stated herein are true, correct, and complete to the best of my knowledge.

8-12-25		
Date	Signature	
HDS Holdings, LLC	Mike Holmes	
Organization	Name of Person (Print)	
PO Box 7001	Member, Operator	
Street Address or P. O. Box	Title (If agent, attach authorization from operator)	
Gulfport	MS	39506
City	State	Zip
Telephone: (228) 861-4975		
(Area Code)		(Number)

36961

**SPECIALTY CONTRACTORS
& ASSOCIATES, INC.**P.O. BOX 7001
GULFPORT, MS 39506
PH. (228) 832-9820 • FAX (228) 832-9851HANCOCK WHITNEY BANK
GULFPORT, MISSISSIPPI 39502

85-368/655



36961

PAY two hundred ninety-two dollars and fifty cents *****

TO THE
ORDER OF

DATE

8/13/2025

AMOUNT

\$292.50

MDEQ Accounts Receivable

VOID AFTER 90 DAYS


AUTHORIZED SIGNATURE

⑈036961⑈ ⑈065503681⑈

⑈010131628⑈

SPECIALTY CONTRACTORS & ASSOCIATES, INC.

36961

Reference: Vendor: MDEQ Accounts Receivable mdeq

JOB	DESCRIPTION	GROSS	RETAINAGE	NET
	HD\$ Holdings Permit	292.50	0.00	292.50
Check No.36961	Check Date:8/13/2025 Account #:	292.50	0.00	292.50

Security features: Details on back

