

AI: 90258

Rec'd via email: 01/13/2026

**MSR32** 3103

(NUMBER TO BE ASSIGNED BY STATE)

**APPLICANT IS THE:** ☐ OWNER ☒ OPERATOR

**OWNER CONTACT INFORMATION**

**OWNER CONTACT PERSON:** Jim Sisson  
**OWNER COMPANY LEGAL NAME:** Sisson Realty, LLC  
**OWNER STREET OR P. O. BOX:** 131 Airpark Drive  
**OWNER CITY:** Philadelphia **STATE:** MS **ZIP:** 39350  
**OWNER PHONE #:** (601) 416-3239 **OWNER EMAIL:** N/A

**OPERATOR CONTACT INFORMATION**

**OPERATOR CONTACT PERSON:** Stewart Inman  
**OPERATOR COMPANY LEGAL NAME:** W. G. Yates & Sons Construction  
**OPERATOR STREET OR P. O. BOX:** 6000 I-55 South  
**OPERATOR CITY:** Byram **STATE:** MS **ZIP:** 39272  
**OPERATOR PHONE #:** (601) 927-6147 **OPERATOR EMAIL:** sinman@wgyates.com

**MINE INFORMATION**

**MINE NAME:** Sisson Pit  
**MINE SITE ADDRESS (If the physical address is not available, please indicate nearest named road.)**  
**Street:** Sanitary Landfill Road  
**City:** Philadelphia **State:** MS **County:** Neshoba **Zip:** 39350  
**NW** /4 OF NW /4 OF SECTION 08 , **TOWNSHIP** 10N , **RANGE** 12E  
**MINE SITE TRIBAL LAND ID (N/A If not applicable):** N/A  
**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:** 32 degrees 44 minutes 12 seconds **LONGITUDE:** -89 degrees 5 minutes 31 seconds  
**LAT & LONG DATA SOURCE (GPS (Please GPS Entrance Gate) or Map Interpolation):** GPS  
**TOTAL ACREAGE:** 13.9 **MATERIAL TO BE MINED:** Dirt  
**WILL HYDRAULIC DREDGING BE USED?** ☐ YES ☒ NO  
**WASHING OF SAND/GRAVEL?** ☐ YES ☒ NO

ESTIMATED START DATE: 2026-01-15

YYYY-MM-DD

ESTIMATED END DATE: 2028-06-30

YYYY-MM-DD

SIC CODE 1442

NAICS CODE 212321

### RECEIVING STREAM INFORMATION

NEAREST NAMED RECEIVING STREAM: Funny Yackana Creek

IS RECEIVING STREAM ON MISSISSIPPI'S 303(D) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found of MDEQ's website: [http://www.deq.state.ms.us/MDEQ.nsf/page/TWB\\_Total\\_Maximum\\_Daily\\_Load\\_Section](http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)) ☐ YES ☒ NO

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: N/A

### COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

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

NUMBER OF RECIRCULATION POND(S): N/A

STORAGE CAPACITY OF EACH RECIRCULATION POND(S): N/A (FT<sup>3</sup>)

### COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: N/A (GAL/DAY)

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

# 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

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). N/A GEOLOGY APPLICATION/PERMIT NO. applied for

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA N/A

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. N/A

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.

[Signature]  
Authorized Signature

12/18/25  
Date

Harry Sterling  
Printed Name

V.P.  
Title

<sup>1</sup>This 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



# YATES

## CONSTRUCTION

January 8, 2026

Mr. James Matheny  
Office of Geology  
PO Box 2279  
Jackson, Mississippi 39225

RECEIVED  
JAN 13 2026  
MDEQ

Dear Mr. Matheny:

Re: Sisson Pit, Neshoba County  
Geology Permit Application  
Mining Stormwater Permit Application

Enclosed is a completed applicant's checklist with associated maps and materials. The application for the referenced borrow pit is in Neshoba County. This pit is in support of the adjacent Mississippi Department of Transportation State Route 19 project through Neshoba County (STP-0026-01(072)/101649301).

Also, enclosed is a completed Mining Stormwater Notice of Intent, SWPPP and topo maps illustrating proposed mining areas. All stormwater is collected and allowed to settle on site before discharging from the site.

If you have any questions or need additional information, please feel free to call me at (601) 927-6147 or email at [sinman@wgyates.com](mailto:sinman@wgyates.com). Thank you for your assistance with this matter.

Sincerely,



Stewart Inman, P.E.  
Environmental Coordinator

Enclosures

CC: Ms. Carrie Barefoot EPD, MDEQ





MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)  
FOR COVERAGE UNDER  
MINING STORM WATER, DEWATERING AND NO DISCHARGE  
GENERAL PERMIT MSR32 \_\_\_\_-\_\_\_\_-\_\_\_\_  
(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      ☐ Notice of Exempt Operations Form  
☐ Dam/Reservoir Safety Permit or Written Authorization

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

**Stormwater Pollution Prevention Plan**  
**for:**

W. G. Yates & Sons Construction  
Sisson Pit  
Highway 19 Neshoba County, MS

Under Mississippi's Stormwater Mining General Permit  
Coverage No. MSR32

**SWPPP Contact(s):**

W. G. Yates & Sons Construction  
115 Main Street  
Biloxi, MS 39530  
Stewart Inman, PE  
sinman@wgyates.com  
(601) 927-6147

**SWPPP Preparation Date:**

August 14, 2025

**SWPPP Revision Date:**

December 11, 2025

**W. G. Yates & Sons Construction**  
**Stormwater Pollution Prevention Plan**  
**Sisson Pit**  
**Neshoba County, MS**

## **Introduction**

The purpose of the Stormwater Pollution Prevention Plan (SWPPP) is to provide a site-specific description of the best management practices to prevent contamination of the site stormwater flows from potential pollutants associated with mining activities. The SWPPP has been prepared for W. G. Yates & Sons Construction as required by the Mississippi Department of Environmental Quality (MDEQ) in compliance with the applicable regulations for coverage under the Mining Stormwater, Dewatering and No Discharge General NPDES Permit. The plan also outlines implementation, inspection and maintenance requirements. The erosion and sediment control practices should be monitored, and the plan should be revised if stormwater compliance is not achieved.

## **Site Information**

W. G. Yates & Sons (Yates) will be the operator of this site as it pertains to this SWPPP. The project site office is located off Old State Highway 19 adjacent to East Tucker Road. The contact information is located on the front page of this Plan. Yates will be spreading mining borrow materials for an adjacent linear construction project from the Sisson Pit (Property). The Property is located at 15451 Hwy 19 South and will disturb a maximum of 13.9 acres. The scope of the project is to haul out suitable materials and backfill the site with excess materials from the adjacent linear construction project. The Property currently is cleared and drains to the North. The receiving water body is an unnamed tributary of Funny Yockana Creek. Access to the Property is located off Sanitary Landfill Road to the South of Old State Highway 19.

The entire property has been delineated and the proposed project will not require a permit from the US Army Corp of Engineers (USACE) since a loss of wetlands or "other waters of the U.S." is not anticipated with the planned project. (JD Number MVK-2025-757)

Waters of the State may be affected by the proposed project. The Waters of the State extending through the project primarily originate as overland sheet flow within the site. Overland sheet flows South to North through Waters of the State into proposed sediment basins. The sediment basins have been designed in accordance with the MDEQ requirements with details depicted on the erosion control plan included within this document.



The classified use of Funny Yockana Creek is fish and wildlife. Waters with a fish and wildlife classification are intended for fishing, propagation of fish, aquatic life, and wildlife. Waters that meet these criteria shall be suitable for secondary contact recreation. Secondary contact recreation is defined as incidental contact with water during activities such as wading, fishing, and boating that are not likely to result in full body immersion. The project, as proposed, would not have an adverse effect on the classified uses. The sediment basins would not only assist in downstream flooding and reducing the erosion potential, but they would prove a temporary pool that would allow upstream pollutants to settle before discharging through.

Regarding initial impacts to Waters of the State, erosion and sediment controls would be utilized and employed before and during mining to minimize soil movement and erosion. This SWPPP has been prepared to provide a site-specific description of sediment and erosion control measures that would prevent contamination of stormwater runoff from potential pollutant sources, namely sedimentation. As a result of the water quality improvements arising from the mitigation measures described above with the implementation of this SWPPP, the proposed project would not have any significant secondary effects to Waters of the State, nor would it negatively affect the fish and wildlife classification of the watersheds.

### **Potential Pollution Sources:**

The most significant potential pollutants are soil particles subject to removal by stormwater. Other potential pollutants subject to removal by stormwater include spilled fuel, oil and lubricants. Material may also be inadvertently tracked off-site or blown off-site when disturbed by hauling equipment. The stormwater, which leaves the site, shall meet the non-numeric limitation of being free from oil, scum, debris, other floating materials, and eroded soils.

In terms of opportunities to mitigate potential impacts to Waters of the State, several elements within the planned design and mining sequences are beneficial. Elements of the proposed mitigation plan include the construction of one (1) sedimentation basin that will support the project area in order to maintain water quality attributes within the basin. The sedimentation basin was designed to ensure that primary and secondary adverse impacts to the watershed do not occur. Through the incorporation of these mitigation measures, the applicant has limited the degree of magnitude of the action and its implementation by taking affirmative steps to avoid or reduce the impacts.

### **Site Specific Controls**

**T-1 (1):** Water volume and velocity will be controlled by minimizing steep slopes on the site and perimeter silt fence. The perimeter silt fence will treat stormwater before it leaves the site and help divert stormwater from running onto the site.

**T-1 (2):** Discharge points on the site will be stabilized and reinforced with rip rap.

**T-1 (3):** Soil exposure will be kept under 13.9 acres for the duration that Yates is onsite. If land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of 14 days, temporary stabilization will be implemented immediately.

**T-1 (4):** Steep slopes will not be disturbed as the Property is flat, and Yates will not construct any steep slopes.

**T-2 (5):** A temporary sediment trap will be constructed at the low end of the Property. An embankment will be constructed to retain more than 54,000 cubic feet of stormwater. This basin will have an average depth of 2 feet. An emergency overflow will be constructed of stone. Stormwater will be directed to the sediment basin by the perimeter silt fence. The sediment basin will be constructed in accordance with MDEQ's Field Manual for erosion and sediment control.

**T-2 (7):** Soil compaction will be minimal, and topsoil will not be excavated.

**T-2 (8):** All stormwater will be directed to a single sediment basin via perimeter silt fence. The stormwater will then be discharged to an undisturbed vegetated area. Stormwater discharges will be free of debris, oil, scum, and other floating materials, eroded soils and other materials, suspended solids, turbidity and color at levels inconsistent with the receiving waters, and chemicals in concentrations that would cause violation of State Water Quality Criteria.

**T-2 (9):** There will not be any steep slopes on the Property. Where slopes are present, wattles will be utilized along the contours of the slope to minimize the velocity of the water.

**T-2 (10):** Steep slopes will not be cut into the property and soil compaction will be kept to a minimum.

**T-2 (11):** A stone entrance is currently present but will be reinforced with larger stone to create a compliant construction entrance in accordance with MDEQ's Field Manual for erosion and sediment control.

**T-3 (1):** Vegetative stabilization will be initiated when any land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of 14 days, temporary stabilization will be implemented immediately. Such practices for this site will include either temporary seeding or permanent seeding.

**T-3 (1-A):** A 50 foot undisturbed buffer zone will be maintained outside of the perimeter silt fence and sediment basin.

**T-3 (1-B):** The topsoil will be stockpiled on the upstream side of the site within the perimeter silt fence.

**T-3 (1-C):** Upon completion of the project, the soil will be assessed and tilled, if necessary, before permanent stabilization takes place.

**T-3 (2):** Structural practices shall divert flows from exposed areas, store flows and limit runoff from exposed areas. The primary controls used on this site will be silt fence, a sediment basin and a construction entrance.

**T-3 (2-A):** Steep slopes will be avoided on the site, but if they are present, silt fence will be around the entire perimeter of the site and wattles used on the contours of the slope.

**T-3 (2-B):** A stone entrance is currently present but will be reinforced with larger stone to create a compliant construction entrance in accordance with MDEQ's Field Manual for erosion and sediment control.

**T-3 (2-C):** There are no storm drain inlets on the site, so inlet protection has been deemed infeasible.

**T-3 (2-D):** Silt fence will be installed around the perimeter of the Property.

**T-5:** There will be no other waste generated at the site. This includes no clearing or demolition debris, sediment, construction or domestic waste. There will be no sanitary waste on the site. All solid waste will be taken off-site for proper disposal.

## Post Construction

**T-4 (4):** Post construction stormwater will be controlled by permanent vegetative coverage and the onsite infiltration of runoff.

**T-4 (5):** This section has been deemed not applicable, because the site has not been split into individual lots or out-parcels.

## Site Map

The scaled site map can be found in Appendix A of this Plan.

## Scope Sequencing

Below is the mining sequence for this project. This sequence could change depending on the need for material. An updated implementation sequence will be submitted to MDEQ if changes occur.

1. Obtain plan approval and all other applicable permits.
2. Conduct employee conference to review all needed BMPs. A copy of the SWPPP will be retained at the jobsite trailers.
3. Install the construction entrance as shown on the plans.
4. Install all erosion and sediment controls as indicated on the site plan.
5. Continue site work.
6. Perform monthly reviews of the site conditions along with erosion and sediment practices to ensure compliance with the SWPPP. Inspection reports will be kept with an updated SWPPP and electronically. The SWPPP will be amended to address necessary changes in design, construction, operation or maintenance or as required by MDEQ.
7. As the site is mined, maintain BMPs as needed to ensure minimal erosion and sedimentation issues. Install additional BMPs when existing controls prove to be ineffective.
8. Minimize off-site tracking of sediment.
9. Perform temporary seeding as needed and instructed throughout the mining process.
10. Final grading, seeding, sodding, mulching, and fertilizing.
11. Ensure final stabilization is achieved within the mining site.
12. Removal of temporary controls.



A copy of the Mining Stormwater General Permit certificate and a copy of the Stormwater Pollution Prevention Plan should be kept onsite and locally available.

## **Maintenance**

**T-5 (A):** If sediment is tracked onto the adjacent roadway, the sediment will be swept or otherwise removed. The construction entrance will be reinforced when needed.

**T-5 (B):** Sediment or other pollutants that accumulate in or near any sediment control measures on the site will be removed once they have accumulated above 1/3 the capacity of the control measure.

**T-5 (C):** Sediment that has been trapped by sediment control measures at the site will be maintained in accordance with the maintenance requirements covered under the Small Construction General Permit.

**T-11:** No allowable sources of non-stormwater discharges, except for potential flows from actual firefighting activities, will occur onsite. If dewatering occurs onsite, the discharge will be controlled through a sediment bag placed on filter stone.

**T-12:** Permanent stabilization will include seeding and grass growth across the entire site. The temporary controls will not be removed until 70% coverage has been achieved.

## **Monthly Inspections**

Inspections will occur once a month and at least twelve (12) times a year, and after rain events that produce a discharge. The inspections will make note of the condition of outfalls and controls around the site. Any deficiencies observed are required to be corrected as soon as possible, but not to exceed 24 hours of the inspection unless prevented by unsafe weather conditions as documented on the inspection form.

The minimum inspection requirement in no way relieves the permittee of performing whatever inspections are needed to ensure safe and pollution free operation.

The owner and/or contractor must inspect, as described in the section above, and maintain controls and prepare monthly reports noting damages or deficiencies and corrective actions. The inspection reports are kept onsite until the Request for Termination (RFT) form is submitted. All records, reports, and information resulting from activities required by this Plan and the issued permit shall be retained for at least three years from the date of the MNOI, inspection or report.

## Revisions

The stormwater pollution prevention plan will be kept current by the company representative and will be revised as changes in site conditions warrant. Factors that would compel the SWPPP to be modified include:

- Inadequacies revealed by routine inspections.
- Changes in identified sources, non-stormwater discharges, or non-stormwater solid wastes.
- MDEQ Office of Pollution Control notification that the plan does not meet one or more of the minimum requirements.
- Changes in design, construction, operation, or maintenance, which has affected the discharge of pollutants to Waters of the State and which were not otherwise addressed in the SWPPP.
- Identification of any new contractor and/or subcontractor that will implement a measure of the SWPPP.
- Install of additional erosion and sediment control measures when existing controls prove to be ineffective.
- Any additions, removals, or modifications to construction entrances as shown in the site plans.

A plan revision will be completed within 30 days of the date if determined that a revision is warranted. If the modification is in response to a request by the Office of Pollution Control (OPC), the permittee must submit to the OPC certification that the requested changes have been made.

## Termination of Coverage

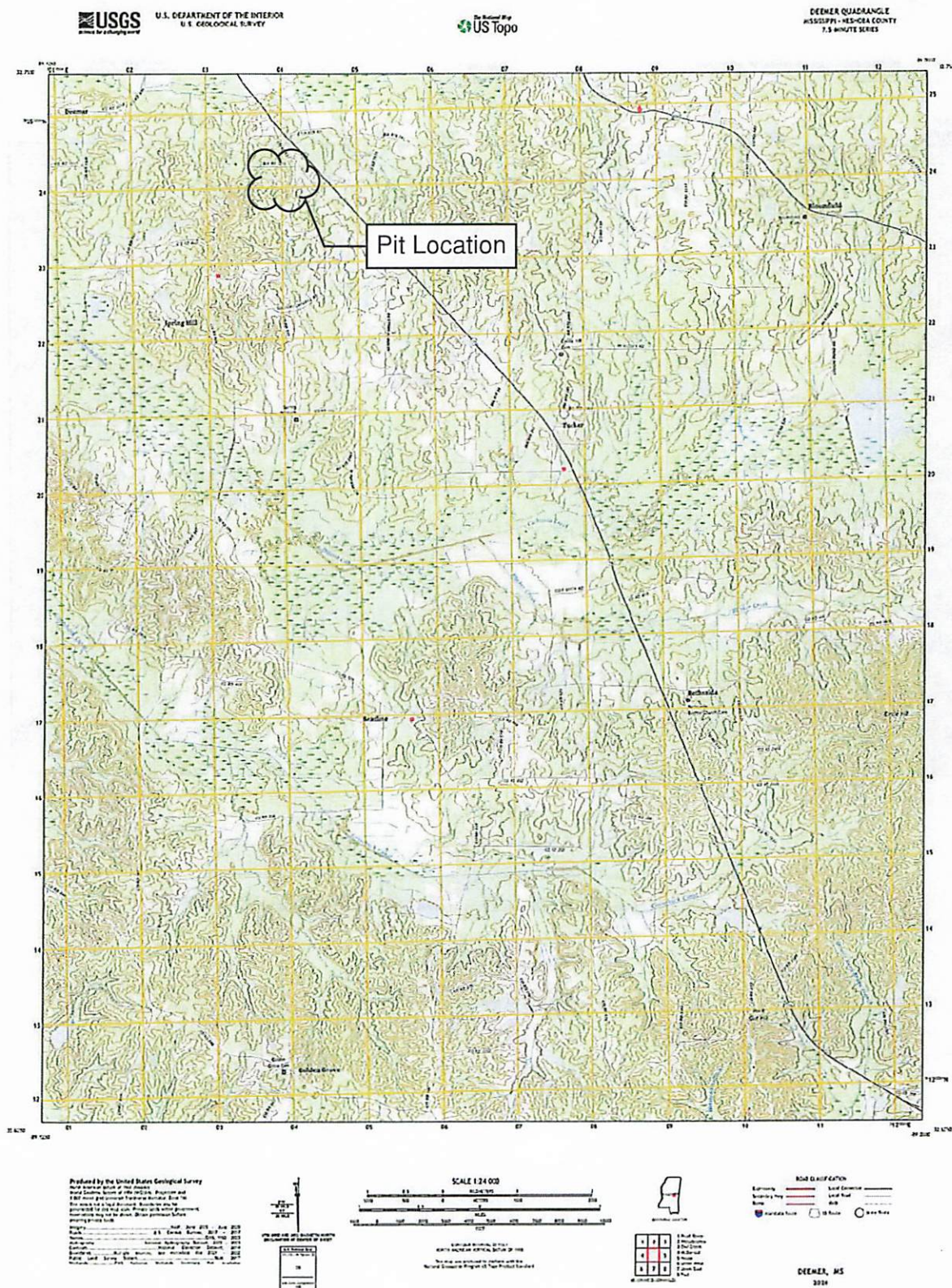
For non-exempt mining operations, the Office of Pollution Control must be notified by a completed Request for Termination (RFT) of Coverage form (copy provided) and a copy of the Permit Board Order, authorizing 90% or final release of the mining performance bond. MDEQ staff will inspect the site and if no sediment or erosion problems are identified and adequate permanent controls are established, the owner or operator will receive a termination letter. Coverage is not terminated until notified in writing by MDEQ. Failure to submit an RFT form is a violation of permit conditions.

## **Appendix A**

### **Site Maps**



W. G. Yates & Sons Construction  
No water wells within 0.5 miles of the permit area  
08.22.2025





# Map #1.B USGS Topographic Map

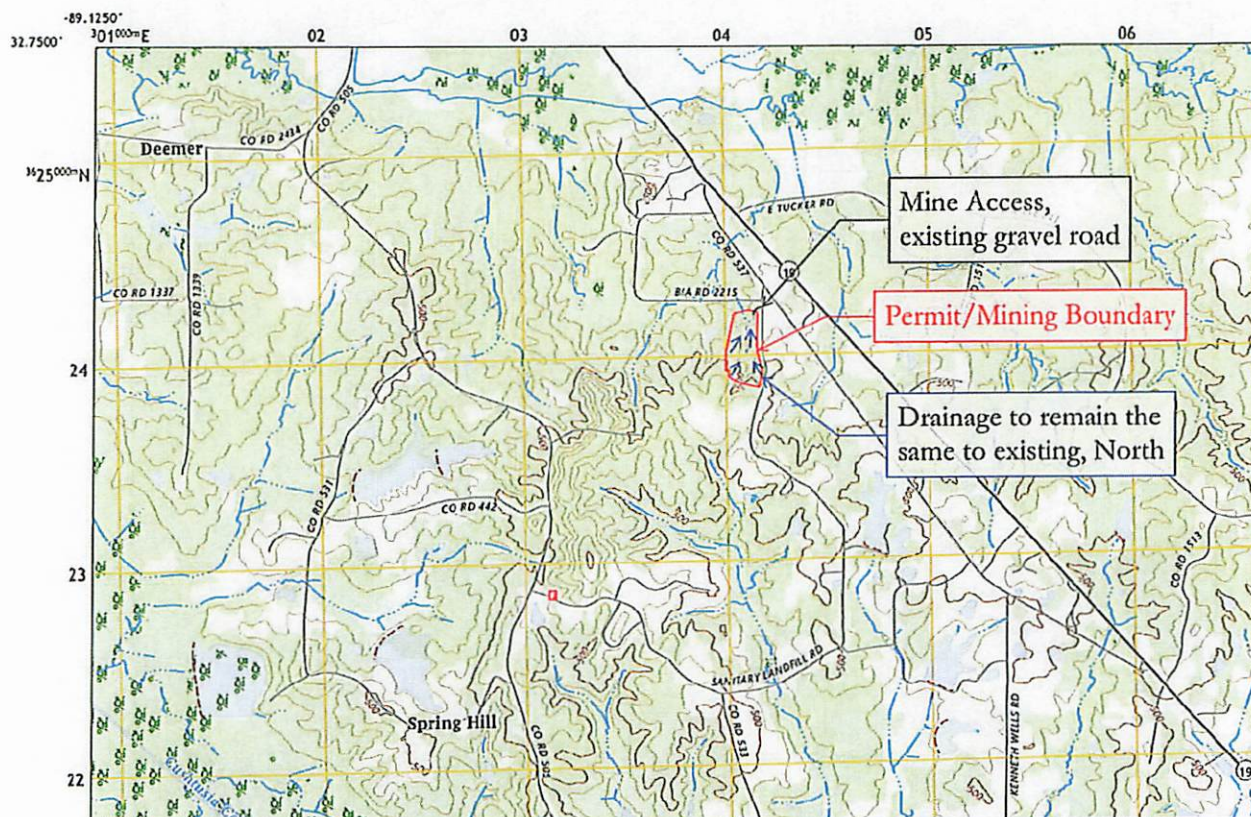
W. G. Yates & Sons Construction  
08.22.2025



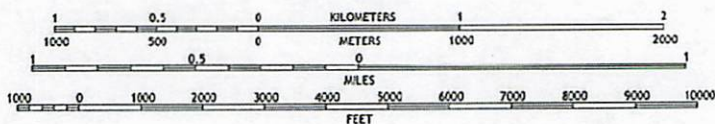
U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



DEER GUARANTEE  
MISSISSIPPI - MISSOURI COUNTY



SCALE 1:24 000



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1983

This map was produced to conform with the  
National Geospatial Program US Topo Product Standard.

Produced by the United States Geological Survey

North arrow is shown at 0° (true north)

Boundaries shown are for the purpose of this map only and do not constitute a legal boundary.

This map is not a legal document. Boundaries may be

disputed. For legal purposes, consult the official records of the

appropriate authority.

Map Date: 2015 Date: 2015 Date: 2015

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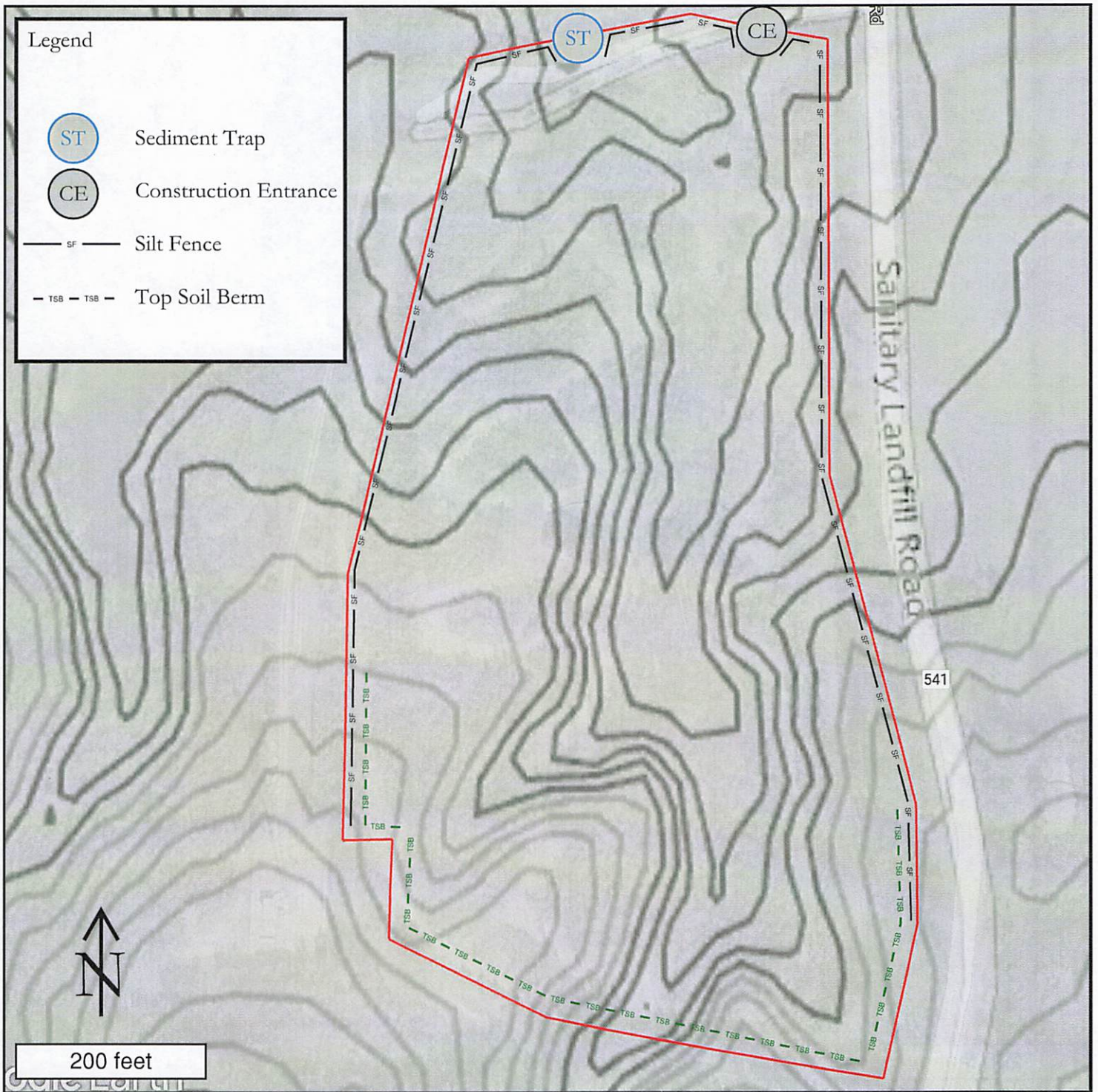
ROAD CLASSIFICATION	Symbol
Interstate	Thick red line with blue border
State Route	Red line with blue border
County Road	Thin red line
Unimproved Road	Dashed red line
Trail	Thin black line
Other	Thin black line

DEER, MS  
3024



# Map #2 General Site Map

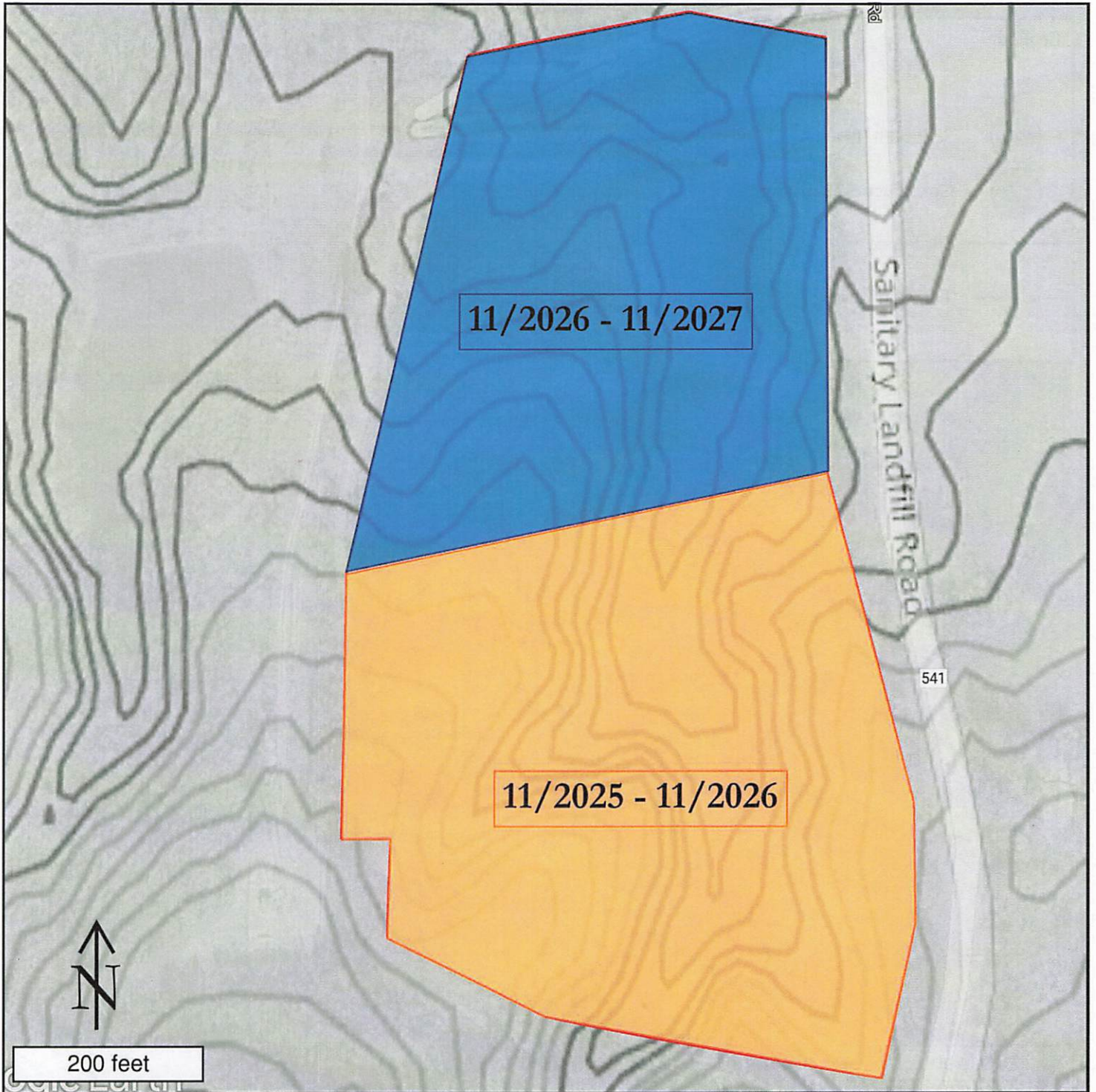
W. G. Yates & Sons Construction  
08.22.2025





Map #3 Yearly Mining Plan Map

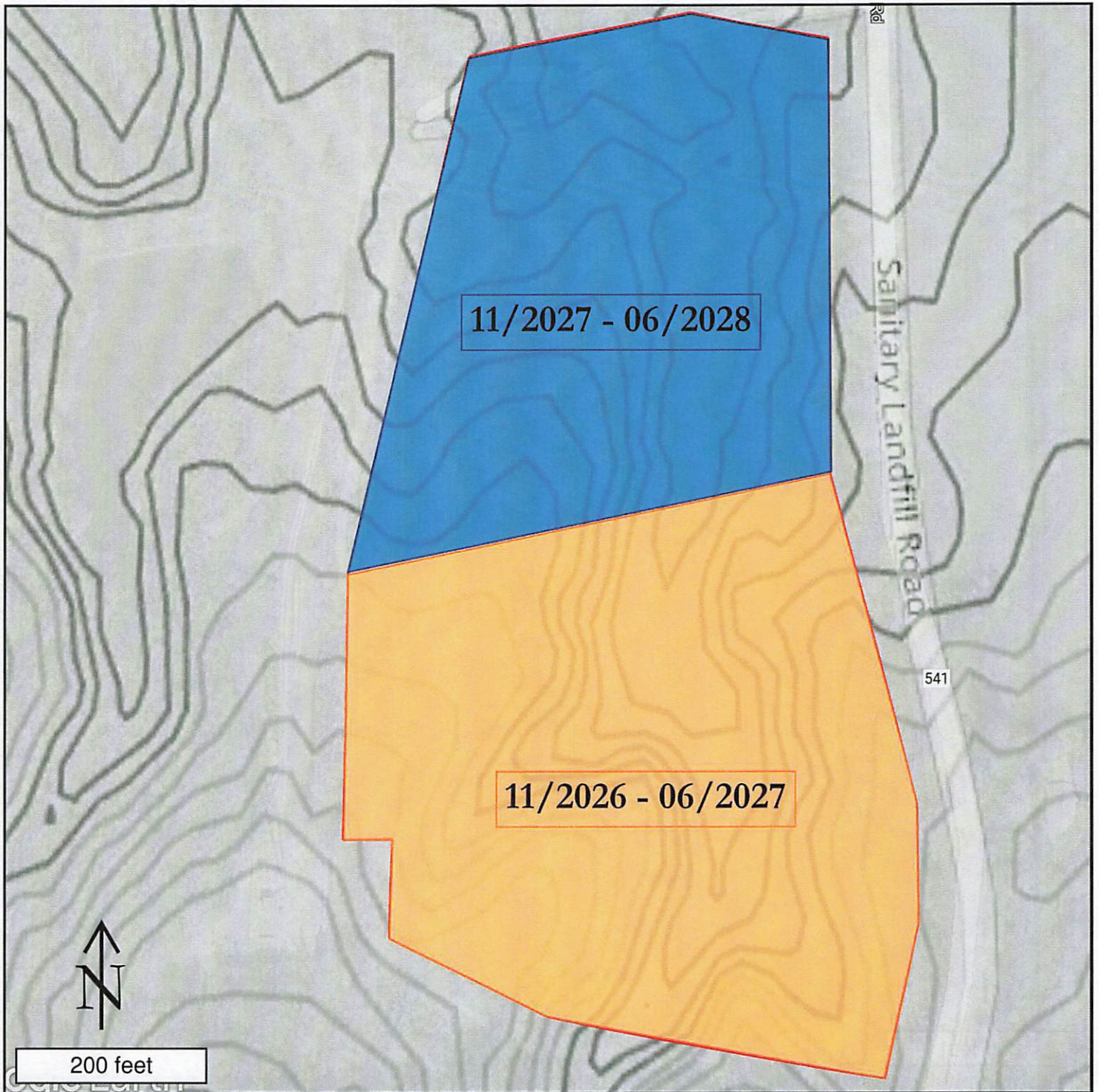
W. G. Yates & Sons Construction  
08.22.2025





Map #4 Yearly Reclamation Plan Map

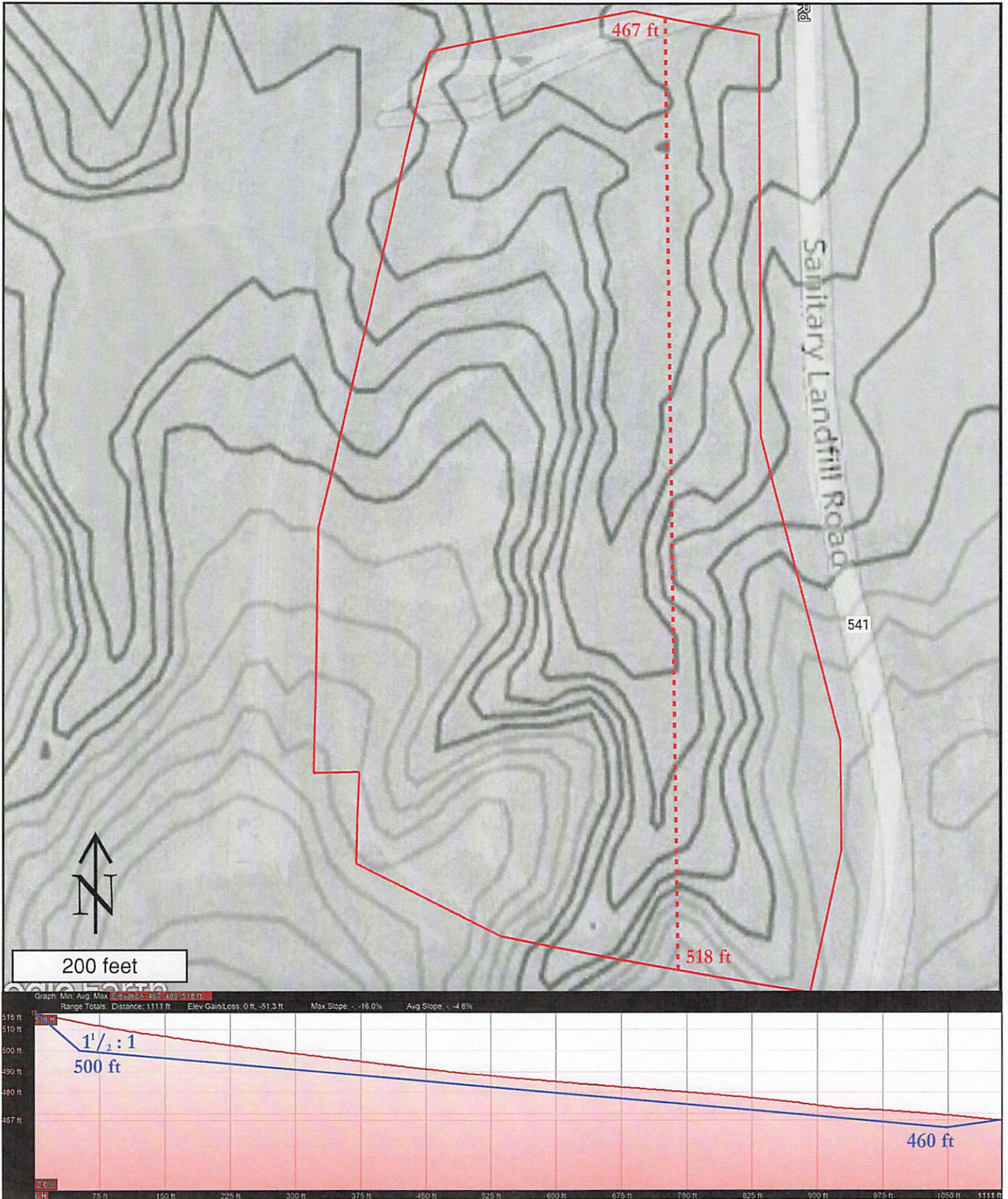
W. G. Yates & Sons Construction  
08.22.2025





Map #5.A North - South Elevation Map

W. G. Yates & Sons Construction  
08.22.2025

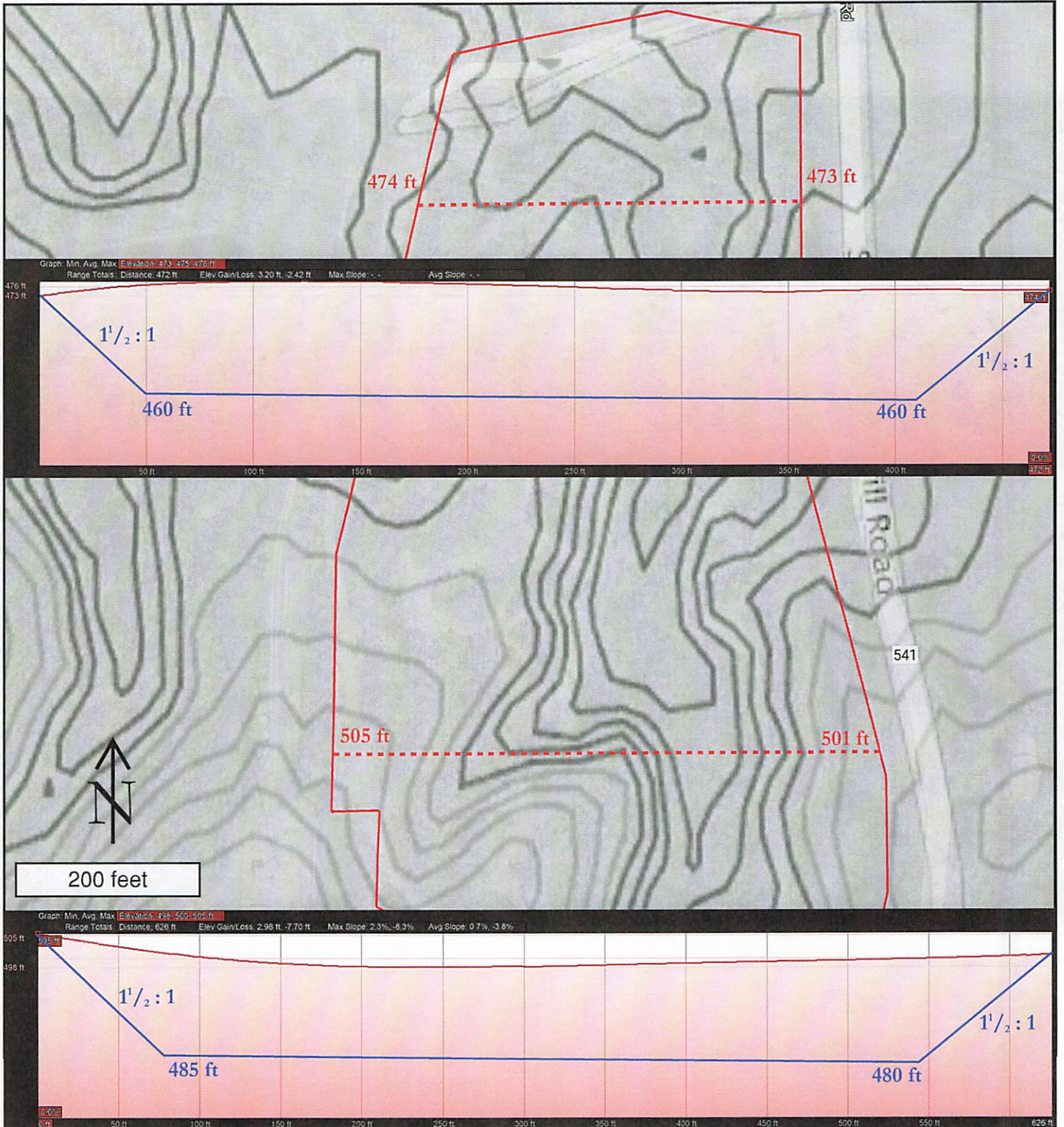




# Map #5.B East - West Elevation Map

W. G. Yates & Sons Construction

08.22.2025





Map #6 Post-Mining Reclamation Map

W. G. Yates & Sons Construction

08.22.2025



**Appendix B**  
**AJD MVK-2025-757**





# Legend

Project\_Boundary

## Type

Non-Jurisdictional NRPW Ephemeral (677.73')(AJD)

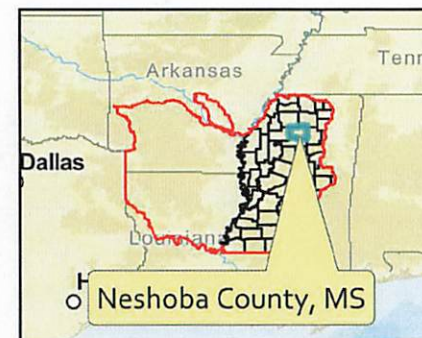
## Type

Non-Jurisdictional Emergent Wetland (0.12 Acres)(AJD)

Non-Jurisdictional Forested Wetlands (0.69 Acres)(AJD)

Non-Jurisdictional Pond (1.21 Acres)(AJD)

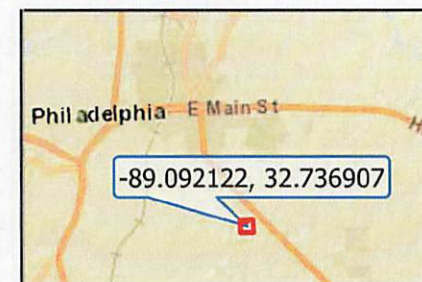
Scale: 1:4,757



**10 DECEMBER  
2025  
MVK-2025-757**

Yates Construction  
Dirt Pit for MDOT  
Sisson Property, Neshoba  
County, Mississippi  
**Approved Jurisdictional  
Determination**

**W I L L B A H A M**



**US Army Corps  
of Engineers®**



**REGULATORY DIVISION  
MISSISSIPPI BRANCH**

0 305 610  
 Feet





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT  
4155 EAST CLAY STREET  
VICKSBURG, MISSISSIPPI 39183

CEMVK-RD

10 December 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime  
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322  
(2023),<sup>1</sup> [MVK-2025-757](#)

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.<sup>2</sup> AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.<sup>3</sup> For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>4</sup> the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable [Mississippi](#) due to litigation.

1. SUMMARY OF CONCLUSIONS.

---

<sup>1</sup> While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

<sup>2</sup> 33 CFR 331.2.

<sup>3</sup> Regulatory Guidance Letter 05-02.

<sup>4</sup> USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), **MVK-2025-757**

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

- I. **MVK-2025-757 Ephemeral, 677.73 Linear Feet, Non-RPW, Non-jurisdictional**
- II. **MVK-2025-757 Isolated Wetland (pond), 1.21 acres, non-jurisdictional**
- III. **MVK-2025-757 Isolated Wetland (PEM), 0.12 acres, non-jurisdictional**
- IV. **MVK-2025-757 Isolated Wetland (PFO), 0.69 acres, non-jurisdictional**

## 2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. \_\_\_, 143 S. Ct. 1322 (2023)
- e. "Memorandum To The Field Between The U.S. Department Of The Army, U.S. Army Corps Of Engineers And The U.S. Environmental Protection Agency Concerning The Proper Implementation Of 'Continuous Surface Connection' Under The Definition Of "Waters Of The United States" Under The Clean Water Act" (March 12, 2025)

## 3. REVIEW AREA.

- **The property is located within the City of Philadelphia, Neshoba County, Mississippi. (32.736907, -89.092122).**

## 4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. **N/A**



CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [MVK-2025-757](#)

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. [N/A](#)
6. SECTION 10 JURISDICTIONAL WATERS<sup>5</sup>: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.<sup>6</sup> [N/A](#)
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
  - a. TNWs (a)(1): [N/A](#)
  - b. Interstate Waters (a)(2): [N/A](#)
  - c. Other Waters (a)(3): [N/A](#)
  - d. Impoundments (a)(4): [N/A](#)
  - e. Tributaries (a)(5): [N/A](#)
  - f. The territorial seas (a)(6): [N/A](#)

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<sup>5</sup> 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

<sup>6</sup> This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [MVK-2025-757](#)

g. Adjacent wetlands (a)(7): [N/A](#)

## 8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).<sup>7</sup> Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. [N/A](#)
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. [N/A](#)
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. [N/A](#)
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. [N/A](#)
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. [N/A](#)
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are

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<sup>7</sup> 51 FR 41217, November 13, 1986.



CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), **MVK-2025-757**

non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

- **Ephemeral 1 does not meet the relatively permanent standard to be considered an RPW and is therefore non-jurisdictional.**
- **MVK-2025-757 (Pond) meets the relatively permanent standard to be considered a preamble water and is therefore excluded and non-jurisdictional.**
- **MVK-2025-757 (PEM & PFO) is not adjacent too or directly abutting a requisite water and is there for non-jurisdictional.**

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Office determination based on consultant delineation.

b. GIS

c. Aerial Photos

d. NHD

e. NWI

f. LiDAR

g. Google Earth Pro

h. Digital Globe

10. OTHER SUPPORTING INFORMATION. **N/A**

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Ryan Harden		File Number: MVK-2025-757	Date: December 10, 2025
Attached is:		See Section Below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

## SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

### POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers  
Attn: Paul Baham  
Regulatory Division  
4155 Clay Street  
Vicksburg, MS 39183-3435  
(601) 631-5588

If you only have questions regarding the appeal process you may also contact:

Attn: Appeals Review Officer  
Mississippi Valley Division  
Post Office Box 80  
Vicksburg, MS 39181-0080  
(601) 634-5820

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

### **NAP/RFA Explanatory Comments**

The enclosed letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 C.F.R. part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division office at the following address:

Division Engineer  
Attn: Appeals Review Officer  
Mississippi Valley Division  
Post Office Box 80  
Vicksburg, MS 39181-0080  
(601) 634-5820

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by **February 7, 2026**. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in the enclosed letter.



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT**  
**4155 CLAY STREET**  
**VICKSBURG, MISSISSIPPI 39183-3435**

December 10, 2025

**SUBJECT: Yates Construction, Jurisdictional Determination Request, Dirt Pit for the MDOT Neshoba County SR19, SR492 to Tucker Road Federal Aid Project No. STP-0026-01(072) / 101649301 Sisson Property, Neshoba County, Mississippi**

Ryan Harden  
Yates Construction  
11001 CR 537  
Philadelphia, Mississippi 39350

Dear Mr. Harden:

I refer to your letter requesting a jurisdictional determination for the subject property located in Neshoba County, Mississippi. The location of the property is depicted on the enclosed map (enclosure 1).

Based upon the information provided, we have determined that a Department of the Army Section 10/404 permit will not be required since there are no jurisdictional wetlands or other waters of the United States located within the limits of the property. I have attached our basis for determination (enclosure 2) and a copy of the appeals form (enclosure 3) for your convenience.

This approved jurisdictional determination is valid for a period not to exceed five years from the date of this letter unless superseded by law or regulation. If the proposed work is not completed by this time, or if project plans change, you should contact this office for a reevaluation of permit requirements and refer to Identification No. MVK-2025-00757 when submitting the information.

This determination 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.

The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

-2-

If we may be of any further assistance in this matter, please contact Mr. Paul Baham of this office, telephone (601) 631-5588, or e-mail address: Paul.W.Baham@usace.army.mil.

Sincerely,

Bryan  
Williamson

Digitally signed by Bryan  
Williamson  
Date: 2025.12.09  
08:41:09 -06'00'

Bryan Williamson  
Chief, Mississippi Branch/Deputy  
Regulatory Division

Enclosures

## **Appendix C**

### **MNOI**





MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)  
FOR COVERAGE UNDER  
MINING STORM WATER, DEWATERING AND NO DISCHARGE  
GENERAL PERMIT MSR32 \_\_\_\_\_  
(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      ☐ Notice of Exempt Operations Form  
☐ Dam/Reservoir Safety Permit or Written Authorization

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

**MSR32** \_ \_ \_ \_

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE: ☐ OWNER ☒ OPERATOR

**OWNER CONTACT INFORMATION**

OWNER CONTACT PERSON: Jim Sisson  
OWNER COMPANY LEGAL NAME: Sisson Realty, LLC  
OWNER STREET OR P. O. BOX: 131 Airpark Drive  
OWNER CITY: Philadelphia STATE: MS ZIP: 39350  
OWNER PHONE #: (601) 416-3239 OWNER EMAIL: N/A

**OPERATOR CONTACT INFORMATION**

OPERATOR CONTACT PERSON: Stewart Inman  
OPERATOR COMPANY LEGAL NAME: W. G. Yates & Sons Construction  
OPERATOR STREET OR P. O. BOX: 6000 I-55 South  
OPERATOR CITY: Byram STATE: MS ZIP: 39272  
OPERATOR PHONE #: (601) 927-6147 OPERATOR EMAIL: sinman@wgyates.com

**MINE INFORMATION**

MINE NAME: Sisson Pit

MINE SITE ADDRESS (If the physical address is not available, please indicate nearest named road.)

Street: Sanitary Landfill Road  
City: Philadelphia State: MS County: Neshoba Zip: 39350

NW        /4 OF NW        /4 OF SECTION 08 , TOWNSHIP 10N , RANGE 12E

MINE SITE TRIBAL LAND ID (N/A If not applicable): N/A

ATTACH A USGS QUAD MAP, EXTENDING 1/4 MILE BEYOND FACILITY, OUTLINING THE MINE BOUNDARIES  
(Maps can be obtained from the Mississippi Office of Geology. For information call 601-961-5523).

LATITUDE: 32 degrees 44 minutes 12 seconds LONGITUDE: -89 degrees 5 minutes 31 seconds

LAT & LONG DATA SOURCE (GPS (Please GPS Entrance Gate) or Map Interpolation): GPS

TOTAL ACREAGE: 13.9 MATERIAL TO BE MINED: Dirt

WILL HYDRAULIC DREDGING BE USED? ☐ YES ☒ NO

WASHING OF SAND/GRAVEL? ☐ YES ☒ NO



ESTIMATED START DATE: 2026-01-15  
YYYY-MM-DD  
SIC CODE 1442

ESTIMATED END DATE: 2028-06-30  
YYYY-MM-DD  
NAICS CODE 212321

### RECEIVING STREAM INFORMATION

NEAREST NAMED RECEIVING STREAM: Funny Yackana Creek

IS RECEIVING STREAM ON MISSISSIPPI'S 303(D) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found of MDEQ's website: [http://www.deq.state.ms.us/MDEQ.nsf/page/TWB\\_Total\\_Maximum\\_Daily\\_Load\\_Section](http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)) ☐ YES ☒ NO

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: N/A

### COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

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

NUMBER OF RECIRCULATION POND(S): N/A

STORAGE CAPACITY OF EACH RECIRCULATION POND(S): N/A (FT<sup>3</sup>)

### COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: N/A (GAL/DAY)

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



# 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

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). N/A GEOLOGY APPLICATION/PERMIT NO. applied for

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA N/A

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. N/A

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 Signature

Date

Printed Name

Title

\*This 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

## **Appendix D**

### **Inspection Form**

**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)
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

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

## **Appendix E**

### **RFT Form**



# Request for Termination (RFT) of Coverage

Mining General NPDES Permit No. **MSR32** \_\_\_\_\_ County \_\_\_\_\_  
(Fill in your Certificate of Coverage Number and County)



Use this form to request coverage termination only after mining activities have permanently stopped and permanent erosion and sediment controls are successfully established. Inspections must continue until the coverage recipient receives written notice of coverage termination by MDEQ.

Please check which of the following apply:

- ☐ Non-Exempt Mining Operation (copy of Permit Board Order, authorizing 90% or final release of mining performance bond attached)
- ☐ Exempt Mining Operation (as defined in MDEQ's Mississippi Surface Mining and Reclamation Rules and Regulations)

(Please Print or Type)

Facility Name: \_\_\_\_\_ Closure Date: \_\_\_\_\_

Physical Site Street Address (if not available, indicate nearest named road): \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_

Landowner Company Name: \_\_\_\_\_

Landowner Company Contact Name and Position: \_\_\_\_\_

Street Address / P.O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel. # (\_\_\_\_\_) \_\_\_\_\_

Operator Company Name (if different than owner): \_\_\_\_\_

Operator Contact Name and Position: \_\_\_\_\_

Street/ Address / P.O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel. # (\_\_\_\_\_) \_\_\_\_\_

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 fines and imprisonment for knowing violations. I understand that by submitting this Request for Termination and receiving written confirmation, I will no longer be authorized to discharge storm water associated with industrial activity under this general permit. Discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Request for Termination does not release an owner or operator from liability for any violations of this permit or the Clean Water Act.

Authorized Name (Print) \_\_\_\_\_ Telephone \_\_\_\_\_ Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

<sup>1</sup>This 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 principal executive officer, mayor, or ranking elected official.

After signing please mail to: Environmental Permits Division, Office of Pollution Control  
P.O. Box 2261  
Jackson, MS 39225

Revision: 2/16/2018



**APPLICANT'S CHECKLIST  
FOR A SURFACE MINING PERMIT**

W. G. Yates Construction  
Sisson Pit  
Neshoba Co.

**REQUIRED MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS**

Draw to scale with date, operator's name and north arrow:

- ☒ Map #1: On a USGS Topographic Map (8 1/2" x 11" photocopy of applicable portion of topographic map):

Name of Topographic Map Deemer

1. Locate water wells within 0.5 mile of the permit area.
2. Outline boundaries of both the permit area and the entire mine area (if different).
3. Draw access to the nearest public road from the mine.
4. Illustrate how surface drainage will be conducted or changed.

- ☒ Map #2: General site plan showing location of excavations, spoil piles, settling ponds, plant, surface drainage patterns, etc. (8 1/2" x 11")

- ☒ Map #3: On an 8 1/2" x 11" sheet, show yearly mining plan.

- ☒ Map #4: On an 8 1/2" x 11" sheet, show yearly reclamation plan.

- ☒ Map #5: On an 8 1/2" x 11" sheet, show the pre-mining and post-mining ground surfaces in profile (cross-sections). Include at least both North-South and East-West profiles. Also show, if any, ponds, buffer zones and any other features necessary to show how mining will be conducted.

- ☒ Map #6: On an 8 1/2" x 11" sheet, draw a post-mining reclamation map, showing lakes or ponds, surface drainage patterns, and any roads to be left after reclamation.

- ☒ GPS location of all permit corners

**REQUIRED DOCUMENTS**

- ☒ 1. Certificate of Insurance (at least \$100,000/\$300,000 bodily injury + \$100,000 property damage or \$300,000 aggregate).

- ☒ 2. Legal Right to Mine (deed, lease or agreement); must be notarized. Include county zoning approval, if applicable.

- ☒ 3. Application Fee: \$100 + \$10 an acre (not to exceed \$500). Check should be made payable to MDEQ Accounts Receivable.  $\$100 + (13.9 \text{ ac} \times \$10/\text{ac}) = \$239$

- ☒ 4. Original of Performance Bond including form MRD-4, or copy of Certificate of Deposit including original of form MRD-4A, or original Irrevocable Standby Letter of Credit (downloadable from MDEQ website, [www.deq.state.ms.us](http://www.deq.state.ms.us)), printed on bank letterhead (\$1,000-\$2,500 an acre; the amount to be based on your estimate of the cost/acre to reclaim).

- ☒ 5. Organization Report form MRD-1.

**SEND ALL THE ABOVE MATERIALS WITH APPLICATION (FORM MRD-3)**

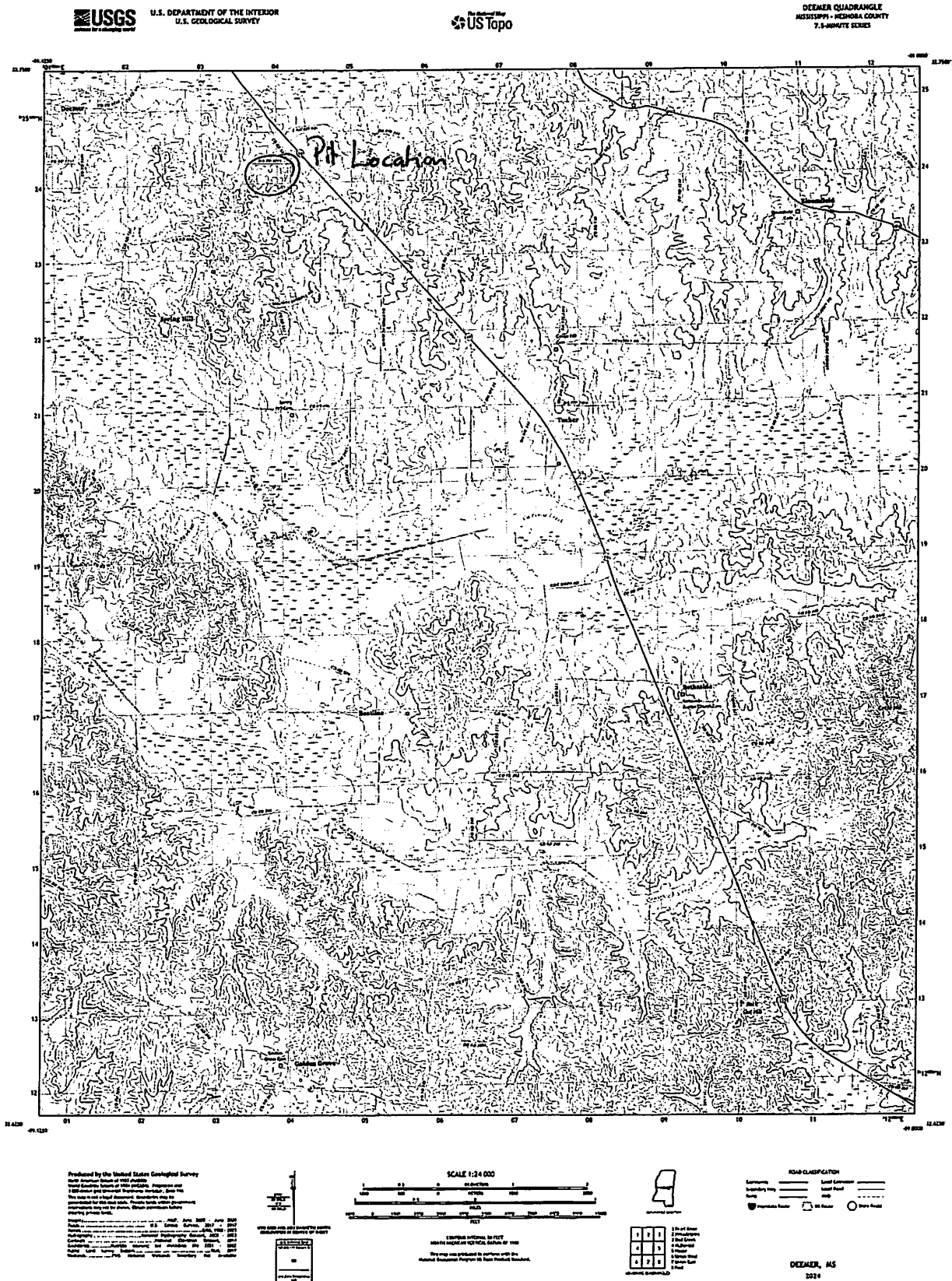
Mississippi Office of Geology, P. O. Box 2279, Jackson, MS 39225-2279; telephone (601) 961-5515

# Map #1.A USGS Topographic Map

W. G. Yates & Sons Construction

No water wells within 0.5 miles of the permit area

08.22.2025



# Map #1.B USGS Topographic Map

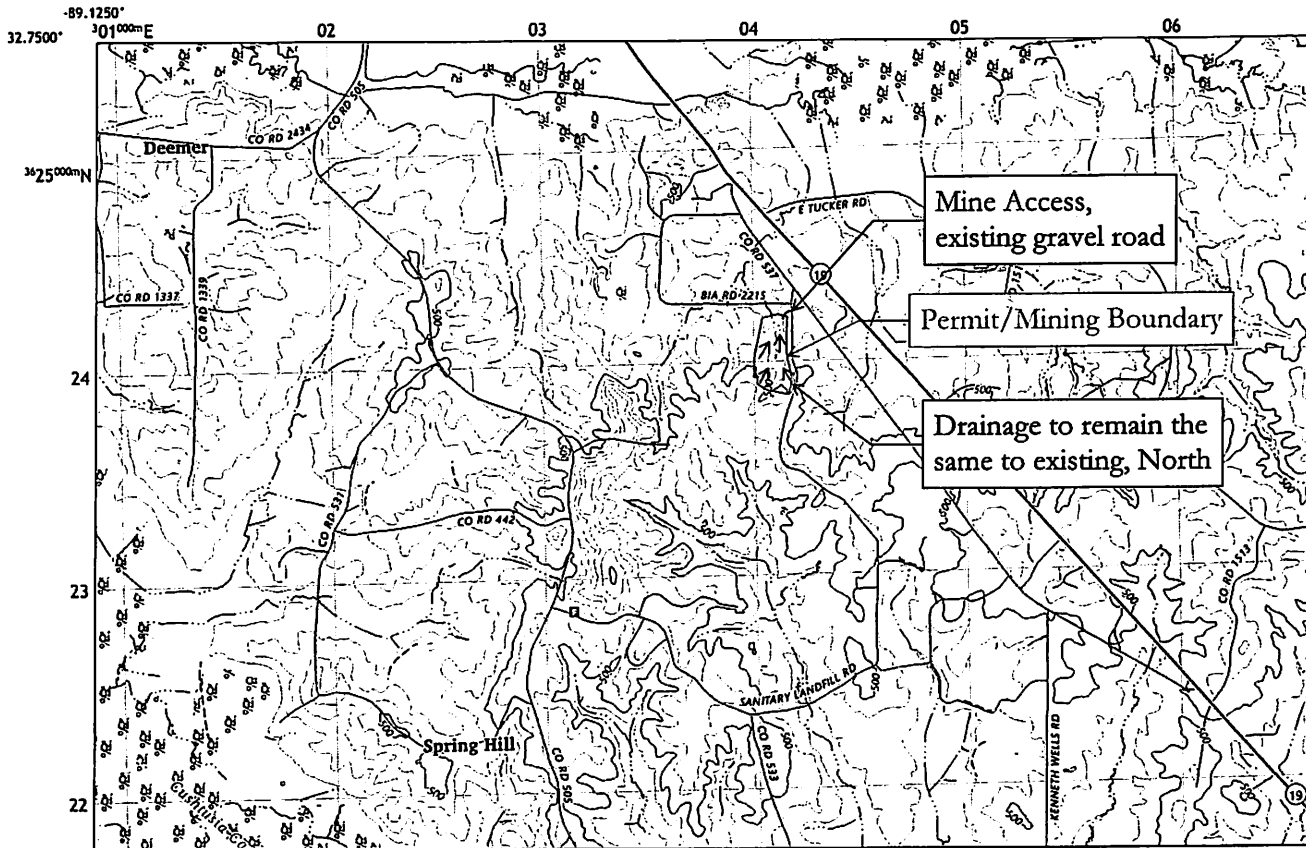
W. G. Yates & Sons Construction  
08.22.2025



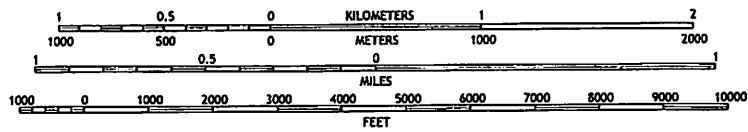
U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



DEEMER QUADRANGLE  
MISSISSIPPI - MISSOURI COUNTY



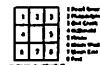
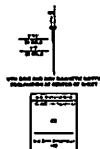
SCALE 1:24 000



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the  
National Geospatial Program US Topo Product Standard.

Produced by the United States Geological Survey  
Base map is based on 1:25,000 scale  
Topographic Survey of the 1980s. Production and  
distribution of this map is the responsibility of the  
U.S. Geological Survey. The map is not to be used for  
any purpose other than the one for which it was  
designed. The map is not to be used for any purpose  
other than the one for which it was designed.



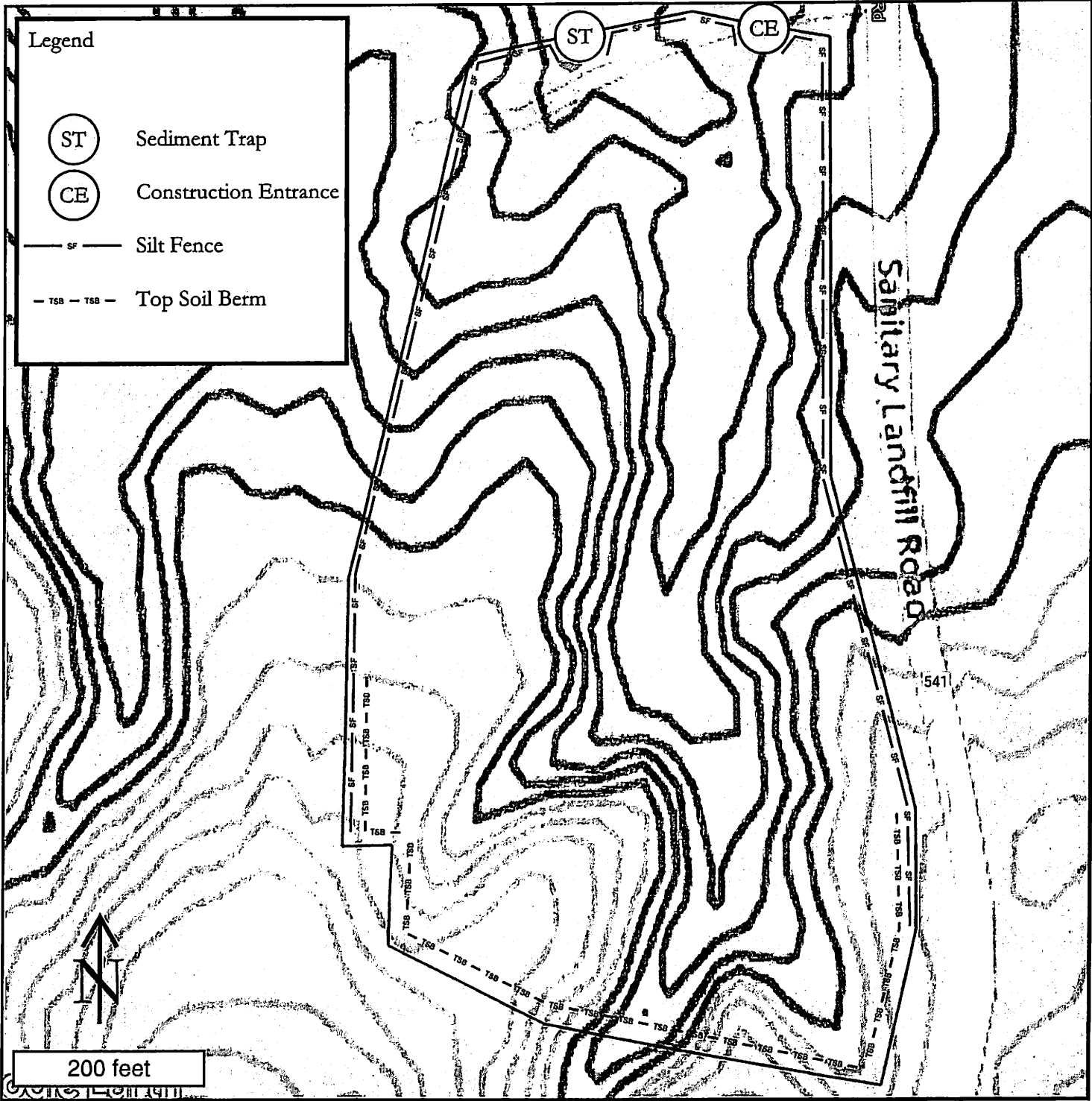
ROAD CLASSIFICATION  
Main Road  
Secondary Road  
Tertiary Road  
Quaternary Road  
Quinary Road  
Sextenary Road  
Septenary Road  
Octonary Road  
Nonary Road  
Decenary Road

DEEMER, MS  
2024



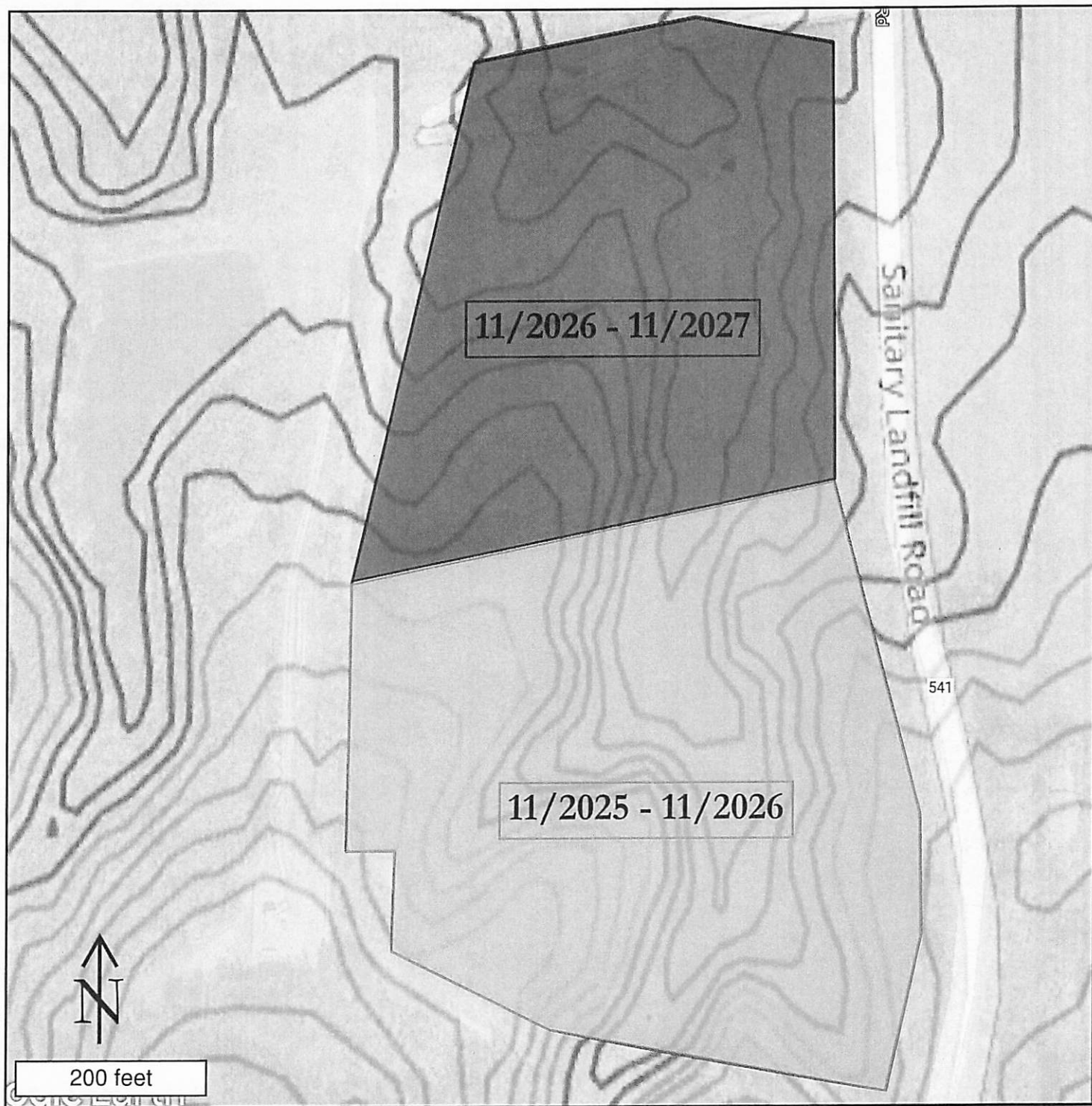
Map #2 General Site Map

W. G. Yates & Sons Construction  
08.22.2025



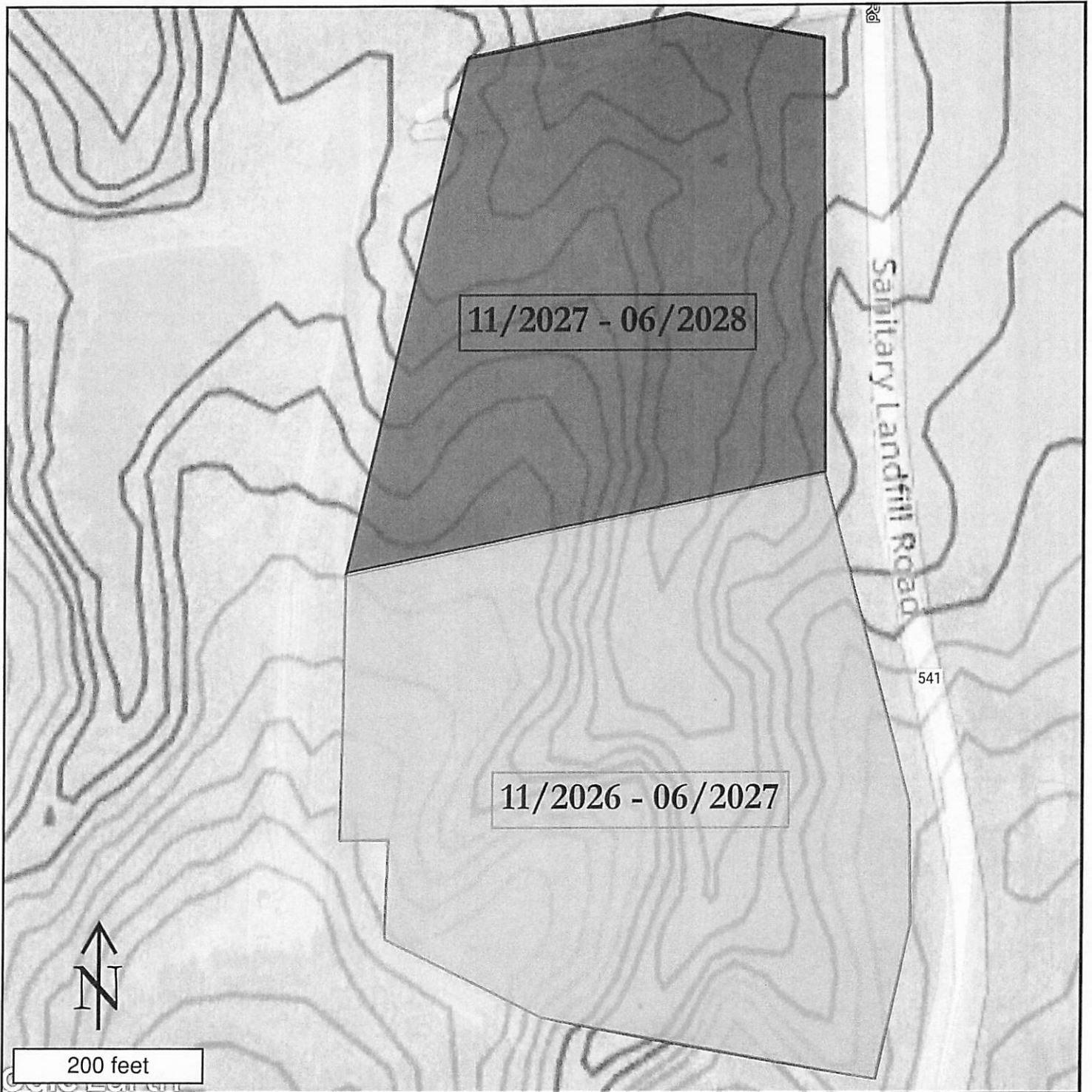
Map #3 Yearly Mining Plan Map

W. G. Yates & Sons Construction  
08.22.2025



Map #4 Yearly Reclamation Plan Map

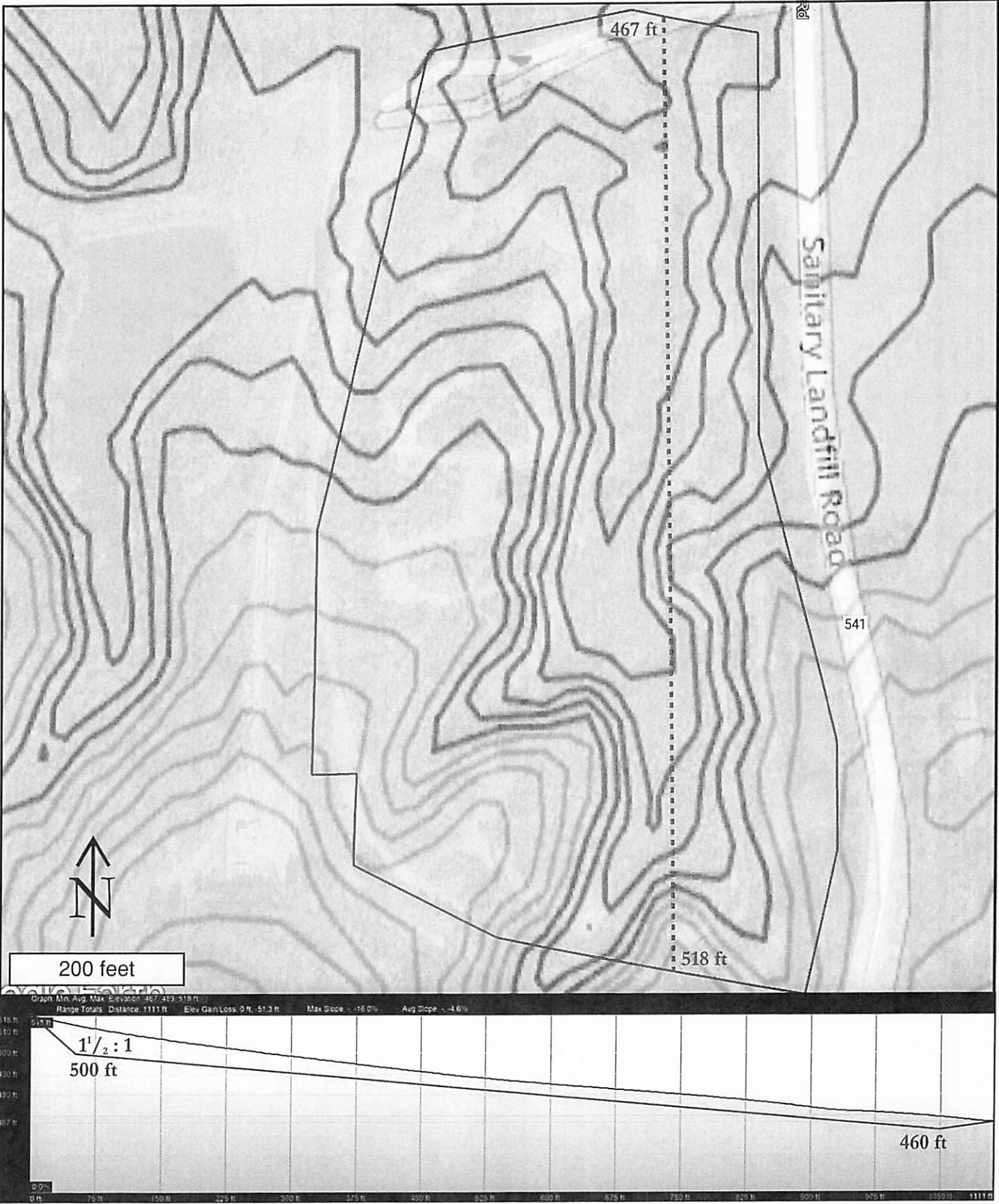
W. G. Yates & Sons Construction  
08.22.2025





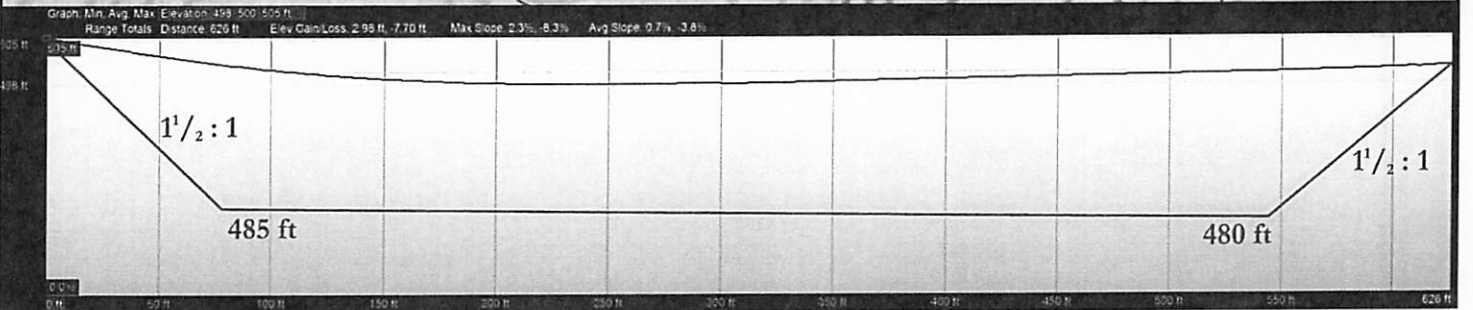
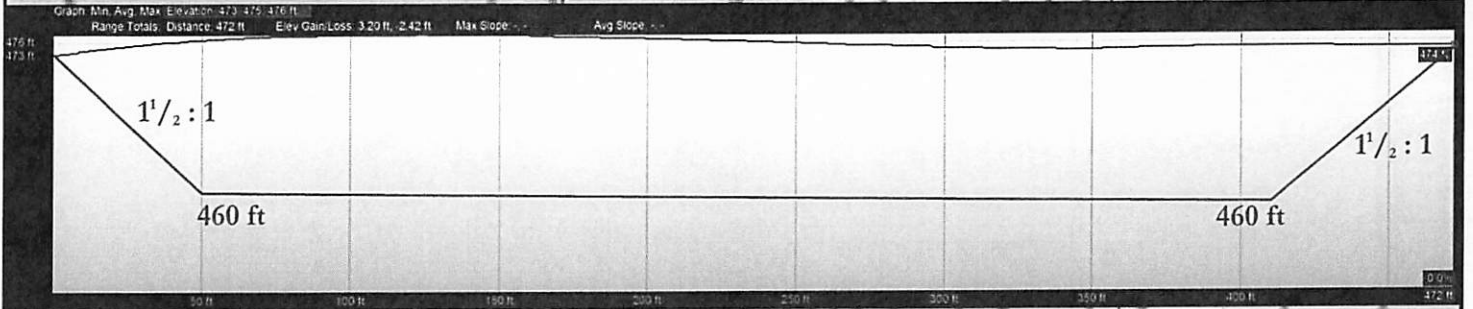
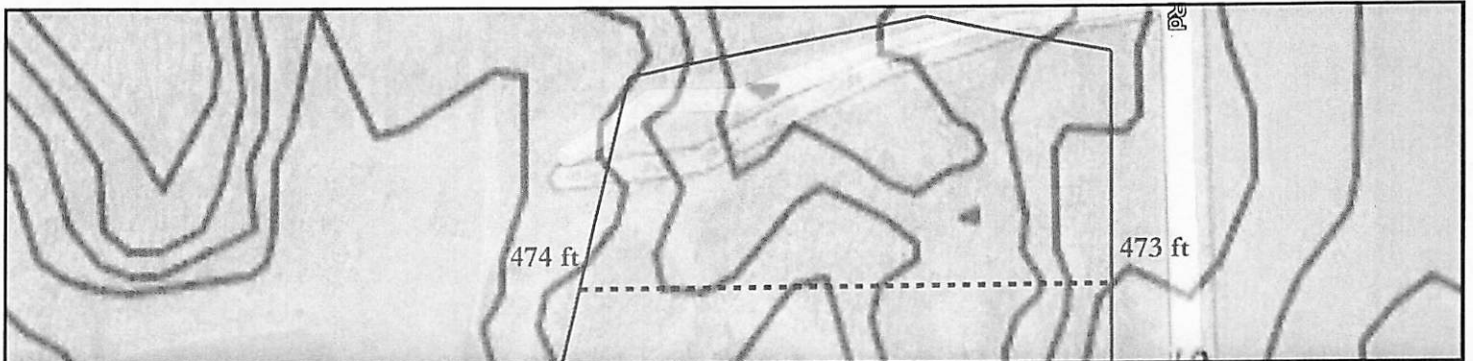
Map #5.A North - South Elevation Map

W. G. Yates & Sons Construction  
08.22.2025



# Map #5.B East - West Elevation Map

W. G. Yates & Sons Construction  
08.22.2025



Map #6 Post-Mining Reclamation Map

W. G. Yates & Sons Construction  
08.22.2025





GPS location on all permit corners

W. G. Yates & Sons Construction  
08.22.2025





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/14/2025

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).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, LLC 1076 Highland Colony Parkway Suite 300 Ridgeland MS 39157	<b>CONTACT NAME:</b> Terri Pietrzak <b>PHONE (A/C, No, Ext):</b> 601-863-3112 <b>FAX (A/C, No):</b> 866-583-4069 <b>E-MAIL ADDRESS:</b> terri_pietrzak@ajg.com												
<b>INSURED</b> W.G. Yates & Sons Construction Co. P. O. Box 456 Philadelphia, MS 39350	<b>INSURER(S) AFFORDING COVERAGE</b> <table><tr><td><b>INSURER A:</b> Travelers Indemnity Company</td><td><b>NAIC #</b> 25658</td></tr><tr><td><b>INSURER B:</b> Berkley Regional Insurance Company</td><td><b>NAIC #</b> 29580</td></tr><tr><td><b>INSURER C:</b> XL Insurance America, Inc.</td><td><b>NAIC #</b> 24554</td></tr><tr><td><b>INSURER D:</b> Travelers Property Casualty Company of America</td><td><b>NAIC #</b> 25674</td></tr><tr><td><b>INSURER E:</b> Berkshire Hathaway Specialty Insurance Company</td><td><b>NAIC #</b> 22276</td></tr><tr><td><b>INSURER F:</b></td><td></td></tr></table>	<b>INSURER A:</b> Travelers Indemnity Company	<b>NAIC #</b> 25658	<b>INSURER B:</b> Berkley Regional Insurance Company	<b>NAIC #</b> 29580	<b>INSURER C:</b> XL Insurance America, Inc.	<b>NAIC #</b> 24554	<b>INSURER D:</b> Travelers Property Casualty Company of America	<b>NAIC #</b> 25674	<b>INSURER E:</b> Berkshire Hathaway Specialty Insurance Company	<b>NAIC #</b> 22276	<b>INSURER F:</b>	
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<b>INSURER E:</b> Berkshire Hathaway Specialty Insurance Company	<b>NAIC #</b> 22276												
<b>INSURER F:</b>													

**COVERAGES****CERTIFICATE NUMBER:** 1679707818**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	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> XCU Cov Incl. <input checked="" type="checkbox"/> Contractual Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			CO5787B693IND25	11/30/2025	11/30/2026	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
D	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CAP5787B700IND25	11/30/2025	11/30/2026	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
D C	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$			CUP2W2684952525 US00133004L125A	11/30/2025 11/30/2025	11/30/2026 11/30/2026	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000 \$
D	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	N/A	UB9P1881722525D	11/30/2025	11/30/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
E B	3rd Excess Liability 4th Excess Liability			47XSF30629908 BCS880014540	11/30/2025 11/30/2025	11/30/2026 11/30/2026	Each Occ/Agg \$10,000,000 Each Occ/Agg \$5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
RE: MDEQ Contract #'s 17-00011 & 16-00002

**CERTIFICATE HOLDER****CANCELLATION**

Mississippi 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

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### Borrow Purchase Agreement

This Borrow Purchase Agreement is made this \_\_\_\_ 12th \_\_\_\_ day of August, 2025, by and between W.G. Yates & Sons Construction Company, a Mississippi corporation, whose address is 6000 I-55 South, Byram, Mississippi, herein represented by its undersigned duly authorized representative (the "Contractor") and Sisson Realty, LLC, an individual, whose address is 131 Airpark Drive, Philadelphia, MS 39350, herein represented by its undersigned duly authorized representative (the "Owner").

WHEREAS Owner has property located in Section 08, Township 10N, Range 12E of Neshoba County, Mississippi, further described as Parcel ID 08400-08-027.000 (the "Property").

WHEREAS Contractor desires to purchase from Owner a quantity of borrow soil (the "Borrow") in place, in its natural state, together with the exclusive right to excavate and remove such amounts of Borrow from the Property as Contractor desires, to satisfy Contractor's obligations for the project known as STP-0026-001-072/101649301 in Neshoba County, Mississippi (the "Project").

WHEREAS Owner desires to sell materials to Contractor for Contractor's intended purpose.

Owner and Contractor hereby bargain, covenant, and agree as follows:

1. Owner conveys and grants to Contractor all rights necessary for and reasonably incidental to the performance of a borrow pit operation on the Property, including but not limited to the right to remove trees, shrubs, and other growth in the areas of operation; to excavate and stockpile materials; and to perform all other acts reasonably related to a Borrow Pit as stipulated in the Permit. Contractor shall not remove any trees or significant vegetation from the property without prior approval of the Owner.
2. Contractor agrees to pay Owner the sum of **One Dollar (\$1.00) per Cubic Yard LVM** of borrow material taken from the Property during the term of this agreement. The quantity of borrow material for payment will be based upon daily load count tickets as reviewed and approved on a bi-weekly basis by the Contractor, according to the schedule below. No other method of payment for borrow material will be accepted or entertained.

18-wheel tractor trailer	22 CY LVM
Tri-axle dump truck	19 CY LVM
10-wheel truck, high sides	17 CY LVM
10-wheel truck, low sides	12 CY LVM

3. The term of this Borrow Purchase Agreement shall commence upon the execution of this agreement and continue until such time as the **Project is completed, or December 31, 2028**, whichever is the later.
4. Prior to any excavation, the parties shall establish by joint agreement the exact location of the borrow pit on the Property, and Contractor shall have the right to enter upon the Property for purposes of testing the Borrow so as to ascertain whether the borrow material meets the specification for the project. If at any time throughout

W.G. YATES & SONS CONSTRUCTION COMPANY

Phone (601) 376-3010 • Fax (601) 371-7502 • [www.wgyates.com](http://www.wgyates.com) • 5990 I-55 South, Byram, MS 39272



# **YATES**

## **CONSTRUCTION**

the Project, Contractor determines that the Property does not contain sufficient Borrow material which meets the Project specifications, Contractor shall have the right to terminate this Borrow Agreement, subject to the reclamation efforts required under the Permit. Termination of this agreement due to insufficient material contained on the Property shall not relieve the Contractor from fulfilling payment for Borrow removed to that point in time.

5. The Owner shall have access to and use the Property for any purpose not inconsistent with Contractor's use or permitted use. The Owner agrees not to interfere with Contractor's free use of the property for the permitted purpose. The Owner shall not have any rights to use, operate, or move Contractor's equipment which is located on the property. The Owner shall be responsible for paying all taxes including property taxes.
6. The Contractor shall conduct its activities on the Property in strict compliance with all applicable governmental laws, rules and regulations including the surface mining permit related to the borrow mining operation.
7. The Contractor shall conduct its operations and activities in a workman like manner, and shall maintain the Property in a neat, orderly, and safe condition at all times.
8. Owner and Contractor agree that during excavation of borrow soil, Contractor may encounter gravel, sand, or sand clay gravel, which for the purpose of this agreement are agreed to be classified as borrow soil material and paid as same.
9. Contractor shall reclaim the Property in accordance with all applicable state or federal laws or regulations.
10. Contractor shall follow all applicable MDEQ guidelines and shall restore the Property in accordance with reasonable reclamation standards, and as near as possible to Owner's reasonable satisfaction. The Property will be dressed smoothly, fertilized and grassed with a permanent grass mixture used locally for pastures, and the locally recommended rate of application. All slopes will be in accordance with the MDEQ stormwater permit for the surface mining operation.
11. Contractor shall remove from the Property any equipment or materials brought to the Property by Contractor.
12. Contractor agrees to indemnify and hold harmless Owner against any and all claims, costs, losses or expenses incurred during the operation of the borrow pit operations; however, Contractor shall not be responsible for, nor shall Contractor be obligated to defend, indemnify or hold harmless Owner for any such claims, costs, losses or expenses to the extent same are caused by any grossly negligent act or omission of Owner.
13. Owner hereby warrants and represents that it has good, marketable title to the Property, unencumbered by anything or matter which would impede or prohibit Contractor's possession and use of the Property for the excavations and removal of Borrow materials from the property. Owner represents that the Owner is not aware of any existing leases (oil, gas, mineral, or otherwise) which would interfere with Contractor's operations, and Owner covenants to take any remedial actions necessary to preserve Contractor's rights under to this agreement.

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14. This agreement contains the entire agreement between the parties hereto. There are no other covenants, agreements, representations, or warranties between the parties hereto, and this agreement may only be modified or amended by written instrument executed by all parties hereto.

Signed this day of 20<sup>TH</sup> of AUGUST, 2025.

W.G. Yates & Sons Construction

6000 I-55 South

Byram, MS

By: [Signature]

Title: SENIOR PM

Jim Sisson

131 Airpark Drive

Philadelphia, MS 39325

By: [Signature]

Tax Id # or SSN: 99-0424287



#### Reclamation Schedule

Material	Application per acre
Fertilizer - 13-13-13	350 lbs
Grass seed - Bahia	14 lbs
Grass seed - White Dutch Clover	10 lbs

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894064

VENDOR NO.		VENDOR NAME			CHECK NUMBER				
19609		MS DEPT OF ENVIRONMENTAL QUALITY			894064				
Trans Record	Reference	Date	Description	Gross Amount	Discount	Retainage	Previous	Balance	Net Amount
12252873	251217	12/17/25		239.00	0.00	0.00	0.00	0.00	239.00
1115F022423									
Safeguard									
19609				239.00	0.00	0.00	0.00	0.00	239.00

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS.

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER. HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED.

**W.G. YATES & SONS CONSTRUCTION CO.**P.O. BOX 456 \* PH. (601) 656-5411  
PHILADELPHIA, MISSISSIPPI 39350THE CITIZENS BANK  
OF PHILADELPHIA  
PHILADELPHIA, MISSISSIPPI

85-215/653

**894064**

DATE

CHECK NO.

AMOUNT

12/23/25

894064

**\$239.00****\*\*\*Two hundred thirty-nine and xx / 100 Dollars\*\*\***PAY  
TO THE  
ORDER  
OF**MS DEPT OF ENVIRONMENTAL QUALITY  
P O BOX 2339  
JACKSON, MS 39225**W.G. YATES & SONS CONSTRUCTION CO.  
VOID IF NOT CASHED IN 90 DAYSSECURED BY  
FEDERAL

SAFEGUARD

SECURE

⑈894064⑈ ⑆065302154⑆ ⑆01 7215 5⑈

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. LPM9450841 & 108316765

KNOW ALL MEN BY THESE PRESENTS, that W. G. Yates & Sons Construction Company

104 Gully Avenue, Philadelphia, MS 39350

as Principal, hereinafter called Principal, and Fidelity & Deposit Company of Maryland AND

Travelers Casualty and Surety Company of America

as Surety, hereinafter called Surety, are held and firmly bound unto the State of Mississippi in the amount of \_\_\_\_\_

Thirteen Thousand and Nine Hundred & 00/xx Dollars (\$ \$13,900.00 )  
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 13.9 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 27th day of August, 2025

Amy John Son  
Witness

Alexis Dempsey  
Witness

W.G. Yates & Sons Construction Company  
Principal  
By Melanie Jenkins  
Melanie Jenkins, Corp. Sec.  
Print Name and Title

Fidelity & Deposit Company of Maryland  
Travelers Casualty and Surety Company of America  
Surety  
By George F. Burnett  
George F. Burnett Attorney-in-Fact  
Print Name and Title

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Christopher Nolan, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **George F. BURNETT, Alexis L. DEMPSEY, John C KING of Philadelphia, Mississippi**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 02nd day of July, A.D. 2025.



**ATTEST:**  
**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Christopher Nolan*  
Vice President

By: *Dawn E. Brown*  
Secretary

**State of Maryland  
County of Baltimore**

On this 02nd day of July, A.D. 2025, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Christopher Nolan, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

**Genevieve M. Maison**  
Notary Public  
My Commission Expires January 27, 2029





## EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

### CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

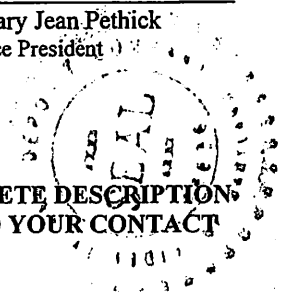
RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 27th day of August, 2025.



*MJ Pethick*

Mary Jean Pethick  
Vice President



**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:**

Zurich Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056  
[reportsfclaims@zurichna.com](mailto:reportsfclaims@zurichna.com)  
800-626-4577

Authenticity of this bond can be confirmed at [bondvalidator.zurichna.com](http://bondvalidator.zurichna.com) or 410-559-8790



**Travelers Casualty and Surety Company of America  
Travelers Casualty and Surety Company  
St. Paul Fire and Marine Insurance Company**

**POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **George F. Burnett** of **PHILADELPHIA**, **Mississippi**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, 2021.



State of Connecticut

City of Hartford ss.

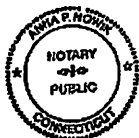
By: \_\_\_\_\_

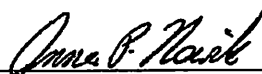
  
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026



  
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is


**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **27th** day of **August**, 2025



  
Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.**  
**Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

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

Sisson Pit  
Neshoba Co

**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: W. G. Yates and Sons Construction Company
2. Post Office Box or Street Address, City, State, and Zip and Telephone Number:  
P.O. Box 456, Philadelphia, MS 39350; 601-656-5411
3. Type of Organization (state whether corporation, partnership, limited partnership, joint venture, individual, trust, etc.): Corporation
4. If reorganized, give full name and address of previous organization.
5. If foreign corporation, give state or country under the laws of which it was incorporated.
6. If foreign corporation, give name and address of person registered as Mississippi agent.
7. If limited partnership, give name of Mississippi county in which certificate detailing the organization was filed.
8. Directors, Officers, Partners, Trustees, and General Partners\* (required of all organizations except individuals):

Title	Name	Address
President	William Yates, III	115 Main St, Biloxi, MS 39530
Vice President	Hamp Sterling	781 Larson St, Jackson, MS 39202
Division Manager	Paul Rossetti	5990 I-55 S, Jackson, MS 39272
Senior Project Manager	Tony Strain	5990 I-55 S, Jackson, MS 39272
Environmental Manager	Jonathan Ludwig	115 Main St, Biloxi, MS 39530

\*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.

January 7, 2026

Date

  
Signature

W. G. Yates and Sons Construction Company  
Organization

Hamp Sterling  
Name of Person (Print)

781 Larson Street  
Street Address or P. O. Box

Vice President  
Title (If agent, attach authorization from operator)

Jackson                      MS                      39202  
City                              State                      Zip

Telephone: 601-260-2425  
(Area Code)                      (Number)