



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	TVG-MVK-2013-394
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
FAX NO.:	(601) 631-5459
E-MAIL:	Tarmiko.v.graham@usace.army.mil
DATE:	March 12, 2014
EXPIRATION DATE:	April 2, 2014

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. A Water Quality Certification is required in accordance with statutory authority contained in LRS 30:207A(3) and provisions of the Clean Water Act. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Mississippi Department of Environmental Quality, Registrations and Certifications Section at Post Office Box 2261, Jackson, Mississippi, 39225-2261, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Jack Turnipseed
Delta Pine Land Company, LP
Post Office Box 5669
Greenville, Mississippi 38704

Name of Agent:
Mr. Richard Herring
Herring Environmental, LLC
144 Herring Hill Drive
Saltillo, Mississippi 38866

Location of Work: Section 3, T17N-R9W, latitude 33.3324301, longitude -91.1302624, within the Deer-Steele drainage basin, Washington County, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant, in conjunction with the USDA Natural Resources Conservation Service, is applying for an after-the-fact Department of the Army permit to clear and fill two wetland depressions for precision land leveling in order to allow furrow irrigation to access existing cropland in Washington County, Mississippi.

The purpose of the proposed wetland conversion is to remove two wetland areas surrounded by intensively managed upland agricultural fields. The farmers would precision landform of the terrain where the wetlands are located, which would allow for furrow irrigation of the surrounding agricultural fields. If the two wetland areas are not removed, there would be a large area of the field that cannot be irrigated because the wetlands block the irrigation flow path from the water source to where crops currently grow.

The proposed project involved mechanized land clearing and filling of approximately 2.5 acres of jurisdictional wetlands. Approximately 8.8 acres of forested wetlands would be impacted by the proposed project.

The vegetation within the project site consists of Water Hickory, Sugarberry, Native Pecan, Water Oak, Cedar Elm, Muscadine, Poison Ivy, Overcup Oak, Redvine, and Virginia Jumpseed. Soils within the project site consist of Dowling Clay/Soils (sharkey), occasionally flooded and Tunica Clay.

The proposed project would impact a total of 11.3 acres of forested wetlands. The applicant proposes onsite permittee-responsible compensatory mitigation for the unavoidable loss of wetland functions and values.

The placement of dredged and/or fill material in waters, including wetlands of the United States associated with the mechanized land clearing requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the

effects of the proposed undertaking upon these properties. The proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to imprint upon a historic property, even if present within the affected area.

Endangered Species: Our initial finding is that the proposed work would not likely adversely affect any endangered species or their critical habitats. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

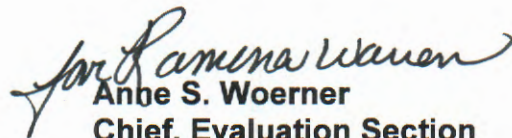
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this

notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.


Anne S. Woerner
Chief, Evaluation Section
Regulatory Branch



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swissstopo, and the GIS User Community

Washington County, MS



24 February 2014
MVK-2013-394

Herring Environmental LLC
 Delta Pine Land Company LLC
 Washington County, MS

**Preliminary
 Jurisdictional Determination
 Warning Letter**

Jeremy Stokes



**US Army Corps
 of Engineers.**

Regulatory Branch

Enforcement Section



Legend

- Other Waters (0.29 Acre)
- Upland/PC Land
- Forested Wetland (8.8 Acres)
- Previously Cleared Forested Wetlands (2.5 Acres)

1:10,000