



**US Army Corps  
of Engineers**

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



# Public Notice

APPLICATION NO.:	KDJ-MVK-2007-51
EVALUATOR:	Ms. Karen Dove-Jackson
PHONE NO.:	(601) 631-7136
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@usace.army.mil
DATE:	October 10, 2008
EXPIRATION DATE:	October 30, 2008

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. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, 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. L.C. Vance  
Omega Construction  
1778 September  
Memphis, Tennessee 38116

Name of Agent:  
Mr. Tim Brophy, President  
Brophy-Heineke and  
Associates, Incorporated  
2978 Shelby Street  
Bartlett, Tennessee 38134-4538

Location of Work: Section 25, T1S-R7W, latitude-39.964745°N, longitude-89.889462°W, within the Mississippi River drainage basin, DeSoto 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 is applying for a Department of the Army permit for the discharge of dredged and/or fill material into waters of the United States in DeSoto County, Mississippi. The purpose of the proposed project is to construct a commercial development within a rapidly expanding portion of DeSoto County, Mississippi.

The proposed 39.62-acre LCT Commercial Development, located north of Goodman Road and one-half mile east of Pleasant Hill Road, in Olive Branch, Mississippi, would be constructed due to local demand. Included in the proposed development would be legal, medical, insurance, and real estate offices; an assisted living facility and a perpetual care facility; a medical supply store; a pharmacy; and a restaurant.

The proposed project would involve regulated activities associated with encapsulating an existing stream into the development. Approximately 1,300 linear feet of intermittent stream channel and 700 linear feet of ephemeral stream channel would be piped/placed underground in conjunction with project construction. The existing streams drain, in general, north to south direction, before ultimately entering Nolehoe Creek.

The applicant conducted an alternatives analysis in order to choose the least damaging practicable alternative project site and plan. The site chosen for the project is located within a rapidly growing portion of Olive Branch, Mississippi, and the local demand for commercial development is very high. Based on this demand, the proposed project site was selected based on location (high demand area/commercially zoned area), availability of necessary water and sewer facilities, and the size of the tract of land. For the proposed on-site development plan, the applicant considered the no action alternative, realignment of the existing stream channels, avoidance of the stream channels, and the chosen alternative. The applicant has chosen to construct the least environmentally damaging alternative on-site plan that would still fulfill the applicant's overall project purpose.

Approximately 1,778 cubic yards of pipe within stream would be used to encapsulate the existing streams located on the project site (2,000 linear feet x 3 feet channel width x 8 feet channel height = 48,000 cubic feet/27 = 1,778 cy). A total of 0.42 acre of waters of the United States would be impacted by the proposed project. No wetlands exist within the proposed project site boundaries, nor would be impacted by the proposed work. The discharge of fill material into waters of the United States 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: An initial review indicates that the proposed project would not affect any of the sites in DeSoto County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. 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.

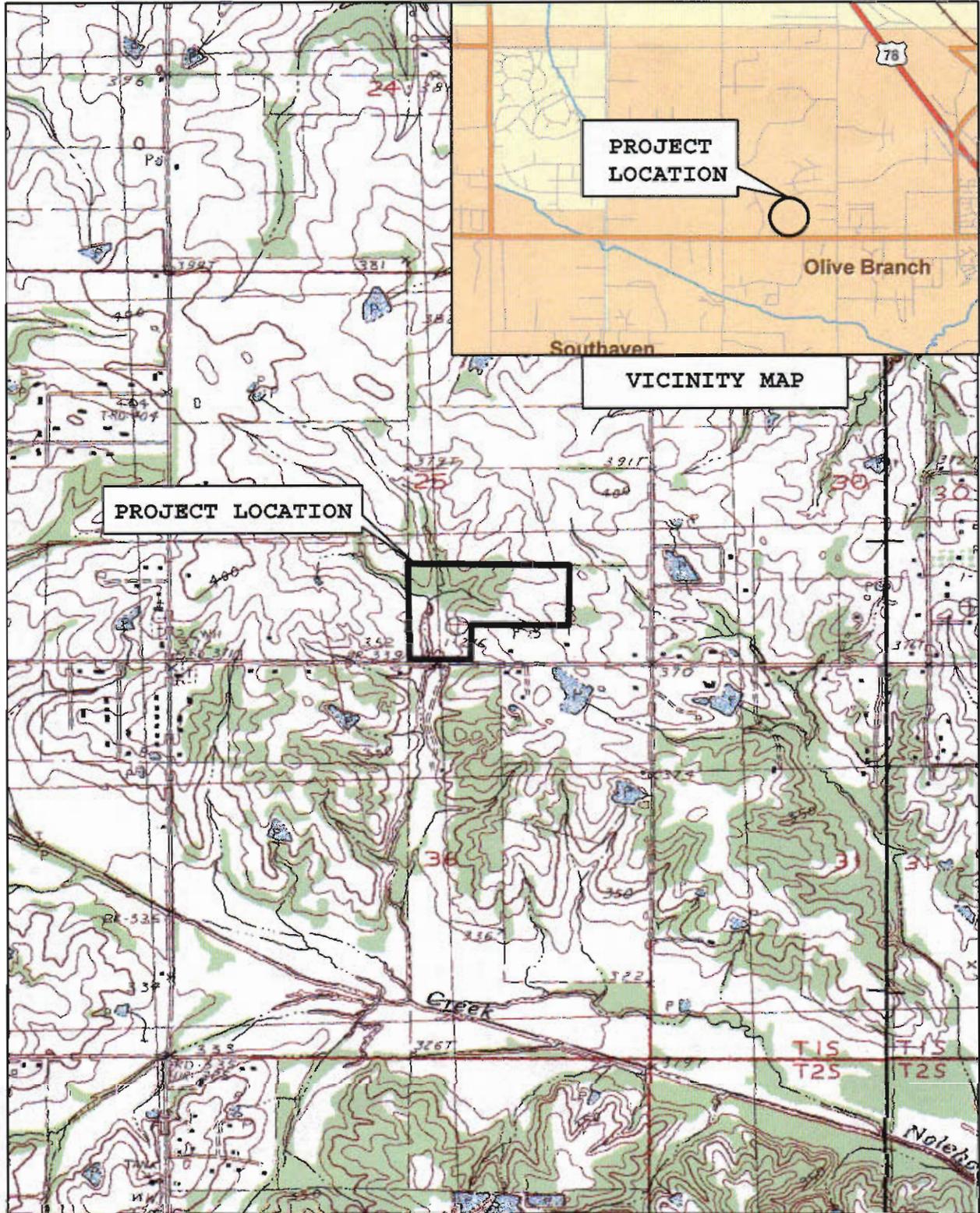
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or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

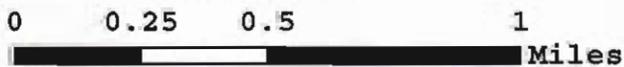
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# LCT COMMERCIAL



PLEASANT HILL QUAD

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OMEGA CONSTRUCTION

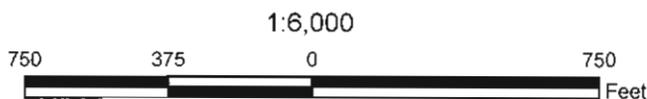
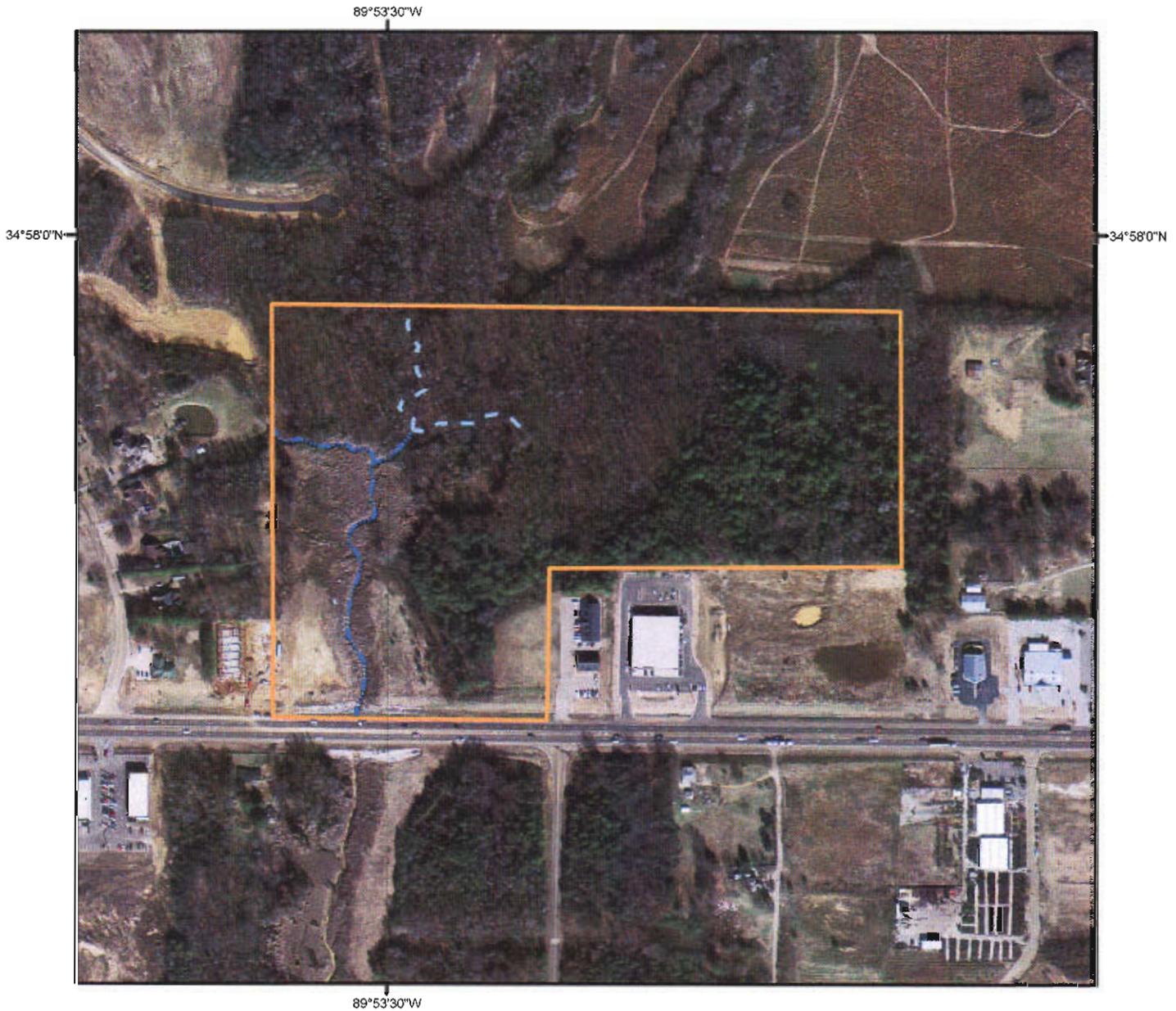


US Army Corps  
of Engineers.

# Revised Jurisdictional Determination 39.52-Acre Parcel, Omega Construction



Section 25, T1S-R7W, Desoto County, Mississippi  
Approximate center: N34° 57' 53.29" W-89° 53' 23.81"



**Legend**

- Property Boundary (~39.52 ac.)
- Jurisdictional Seasonal RPW (~1,300 L.F. / ~0.30 ac.)
- Jurisdictional Non-RPW (~700 L.F. / ~0.12 ac.)

CEMVK-OD-FE KDJ-MVK-2007-51

**Vicksburg District, CE  
Approved JD**

ID# MVK-2007-51

Date 10/02/2008

Signature



Map created by Carpenter on March 21, 2007.

OMEGA CONSTRUCTION

