US Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435

Public Notice

APPLICATION NO.:	ADS-200302410
EVALUATOR:	Arel D. Simpson
PHONE NO.:	(601) 631-7928
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	October 28, 2003
EXPIRATION DATE:	November 18, 2003

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, ATTN: CEMVK-OD-F, and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, MS 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:
Bobby Henderson, Jr.
Post Office Box 121
Greenwood, Mississippi 38935-0121

Location of Work: Section 7, T18N-R1W, latitude 33°26'45"N longitude 90°20'01"W, within the Yazoo River drainage basin, Leflore County, Gayden Brake near Itta Bena, 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 to construct a reservoir levee within wetlands known as Gayden Brake. The purpose of the reservoir is to provide a year-around fresh water supply for fishing. No water from the reservoir would be used for irrigation. The proposed project would directly impact 4.84 acres of tupelo gum wetlands through mechanized land clearing for levee construction.

The material for the proposed levee would be obtained by excavating an on-site borrow area 3,630 feet long with a top width of 31 feet, a bottom width of 15 feet, and a depth of 4 feet with a 2 to 1 side slope. The material would be deposited outside and adjacent to the borrow area and would serve as the levee.

The completed levee would have a top width of 15 feet, a bottom width of 31 feet, a height of 4 feet with a 2 to 1 side slope, and a total length of 3,630 feet. The completed levee would require approximately 12,000 cubic yards of fill material.

Approximately 33 acres of wetlands would be permanently inundated within the reservoir levee. Currently this area is a tupelo gum brake. Seasonal backwaters overtopping the levee and a water well pump during dry periods would be used to manage water levels.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and levee construction 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 Leflore County, Mississippi, listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, 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.

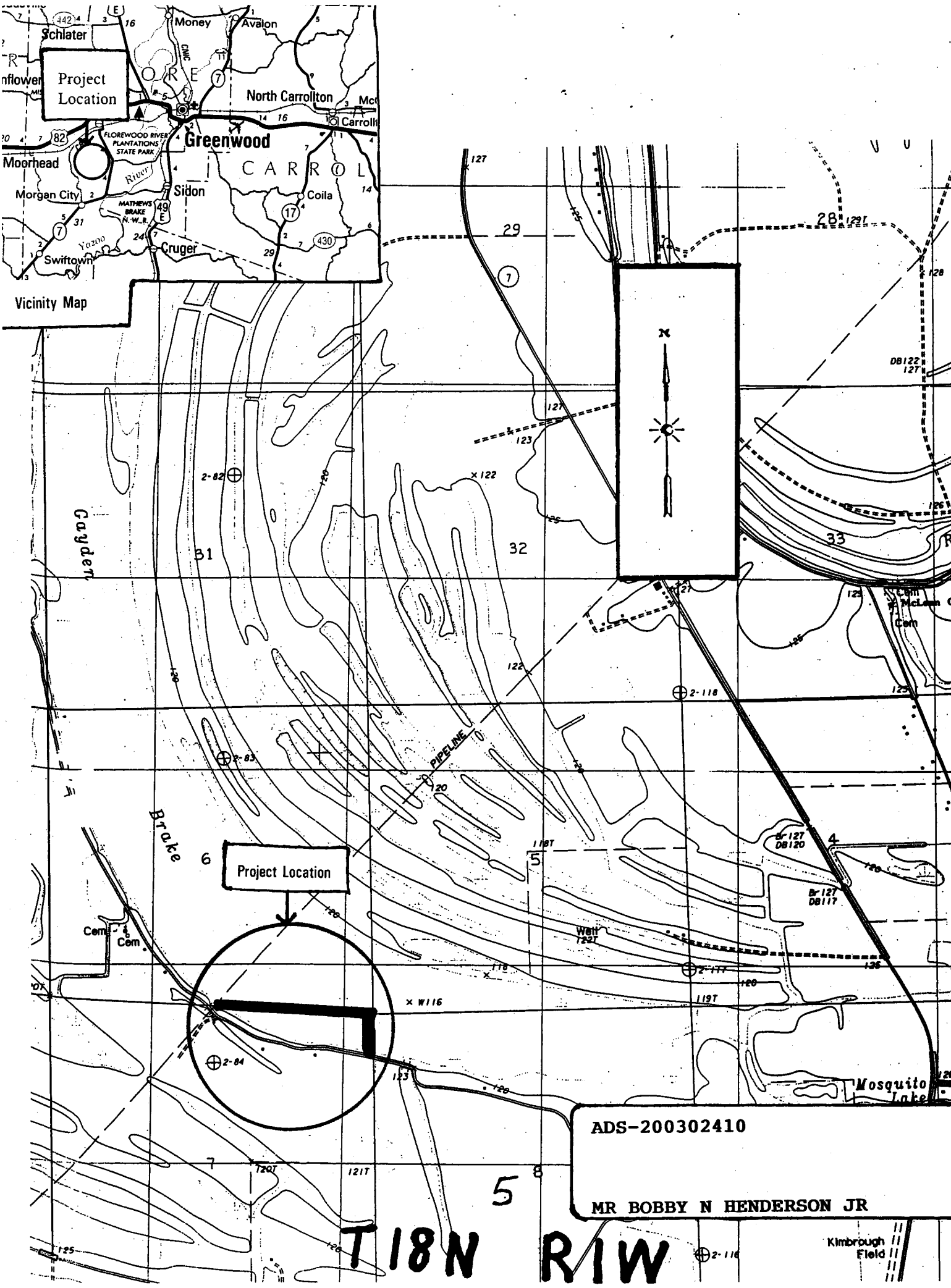
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine 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.

W. Harold Lee
Team Leader
Evaluation Section


Project Location
Schlater
Money
Avalon
North Carrollton
Greenwood
FLOREWOOD RIVER PLANTATIONS STATE PARK
Moorhead
Morgan City
Sidon
Coila
Cruger
Swiftown
Yazoo River
MATHEWS BRAKE N.W.R.
CARROLL
Vicinity Map
Calder
Brake
PIPELINE
Project Location
Cem
Well
Mosquito Lake
Kimbrough Field
ADS-200302410
MR BOBBY N HENDERSON JR
T18N R1W