



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	<u>MVK-2022-630</u>
EVALUATOR:	<u>Ms. Jennifer Brown</u>
PHONE NO.:	<u>(601) 631-5147</u>
E-MAIL:	<u>Jennifer.G.Brown@usace.army.mil</u>
DATE:	<u>September 29, 2022</u>
EXPIRATION DATE:	<u>October 20, 2022</u>

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality (MDEQ), 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-RD, and the MDEQ at Post Office Box 2261, Jackson, Mississippi 39225-2261, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to MDEQ (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request, the Corps of Engineers will notify the certifying agency of the reasonable period of time for them to act upon the certification request.

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

Name of Applicant:
Mr. Chip Pickering
Chute, LLC
1018 Highland Colony Parkway, Suite 700
Ridgeland, Mississippi 39157

Name of Agent:
Mr. Elliot Smith
Headwaters, Incorporated
Post Office Box 2836
Ridgeland, Mississippi 39158

Location of Work: Section 9, Township 17 North, Range 2 East; Latitude 32.460390, Longitude -91.025341; within the Paw Paw Chute – Mississippi River Drainage Basin (8-digit HUC 08030100); Warren 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 construction of a greentree reservoir. The applicant proposes to form an 11-acre greentree reservoir by constructing a 1,215 feet long earthen levee with a flashboard riser and drainpipe water control structure. The purpose of the project is to establish water depths that are favorable for waterfowl species during the winter migration. The proposed 1,215 feet long levee would be ten feet wide at the base and four feet wide at the crest. The fill material for the levee would be sourced by excavating adjacent land alongside the proposed levee footprint. The regulated discharge of fill totals 0.28 acres in waters of the U.S., including wetlands. Approximately 10.72 acres of forested wetlands would be seasonally inundated through the operation of the water management plan.

The vegetative communities within the project area are dominated by water hickory (*Carya aquatica*), American elm (*Ulmus americana*), sugarberry (*Celtis laevigata*), green ash (*Fraxinus pennsylvanica*), box elder (*Acer negundo*), lizard's tail (*Saururus cernuus*), and trumpet creeper (*Campsis radicans*). Soils within the project site consist of Commerce, Robinsonville, and Crevasse soils.

To compensate for the 0.28 acres of wetland loss, the applicant proposes to supply compensatory mitigation credits from an USACE Vicksburg District approved mitigation bank servicing the hydrologic unit code of the impacts, HUC 08030100.

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, 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 permit area was created in modern times and has had no human habitation; therefore, little likelihood exists for the proposed project to impinge upon a historic property.

Endangered Species: The Threatened and Endangered Species list for the project area includes: Fat Pocketbook Mussel (*Potamilus capax*), Pallid Sturgeon (*Scaphirhynchus albus*), Pondberry (*Lindera melissifolia*), Wood Stork (*Mycteria americana*), and Northern Long-eared Bat (*Myotis septentrionalis*). Utilizing the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on June 28, 2017, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service (USFWS), the Corps has determined that the proposed activity would have: no effect on Fat Pocketbook Mussel, Pallid Sturgeon and Pondberry; may affect, but would not be likely to affect Wood Stork; and may affect the Northern Long-eared Bat, however take incidental to the proposed activity would not be prohibited as per the Northern Long-eared Bat Final 4(d) Rule.

Floodplain: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project area is located within the 100-year floodplain.

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/Missions/Regulatory.aspx>.

Bryan Williamson
Chief, Permit and Evaluation Branch
Regulatory Division



Assessment Area (±46 ac)



HEADWATERS INC.
NATURAL RESOURCES CONSULTING
www.headwaters-inc.com

Date Created: 7/14/2022 Created by: JDL


Chute, LLC
Greentree Improvements
Sec. 9 - T17N - R2E
Warren County, Mississippi
[General Location Map](#)

0 4,000 8,000
Feet



1:100,000

NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

Google Maps Hybrid






 Assessment Area (±46 ac)
 Chute Investments Property Boundary

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Chute, LLC
Greentree Improvements
Sec. 9 - T17N - R2E
Warren County, Mississippi
[Site Location Map](#)

0 330 660
Feet
1:8,000



NAD 1983 StatePlane Mississippi West FIPS 2302 Feet
USDA NAIP 2021 Imagery Basemap

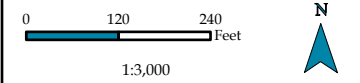
-  Proposed Levee Footprint
-  Assessment Area (±46 ac)
-  Forested Wetlands (25.77 ac)



Proposed Impacts
 Fill (Construction of Levee) = 0.37 acre
 Avoided = 25.4 acres



Chute, LLC
 Greentree Improvements
 Sec. 9 - T17N - R2E
 Warren County, Mississippi
Wetland Impact Map






Date Created: 7/20/2022

Created by: JDL

NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

USDA NAIP 2021 Imagery Basemap

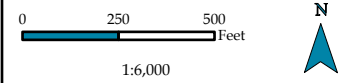
-  Proposed GTR Levee (Top Elev. 87') (1,215 lf)
-  Proposed GTR (±11 ac)
-  Assessment Area (±46 ac)



Date Created: 7/14/2022

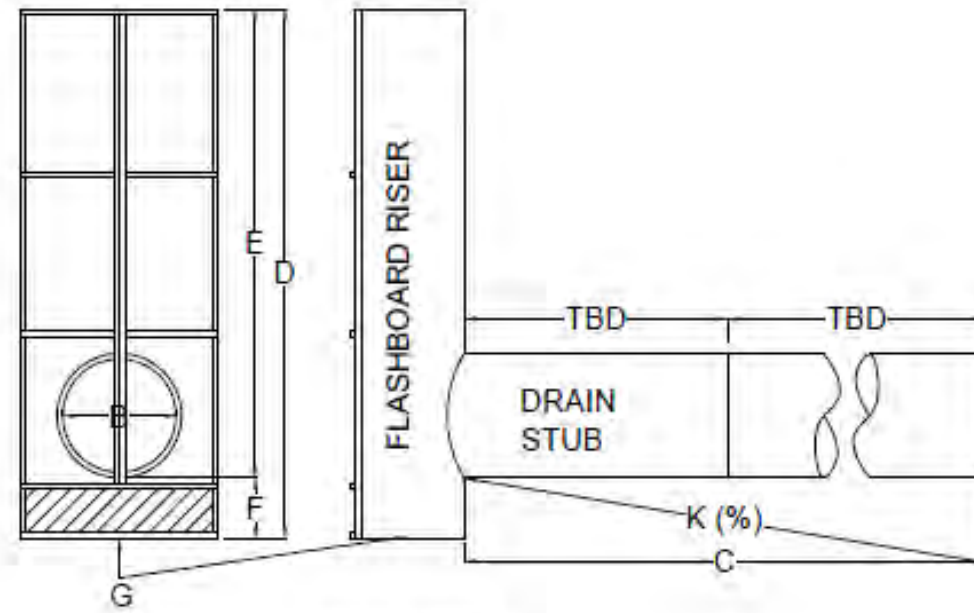
Created by: JDL

Chute, LLC
Greentree Improvements
 Sec. 9 - T17N - R2E
 Warren County, Mississippi
[Proposed Site Plan](#)

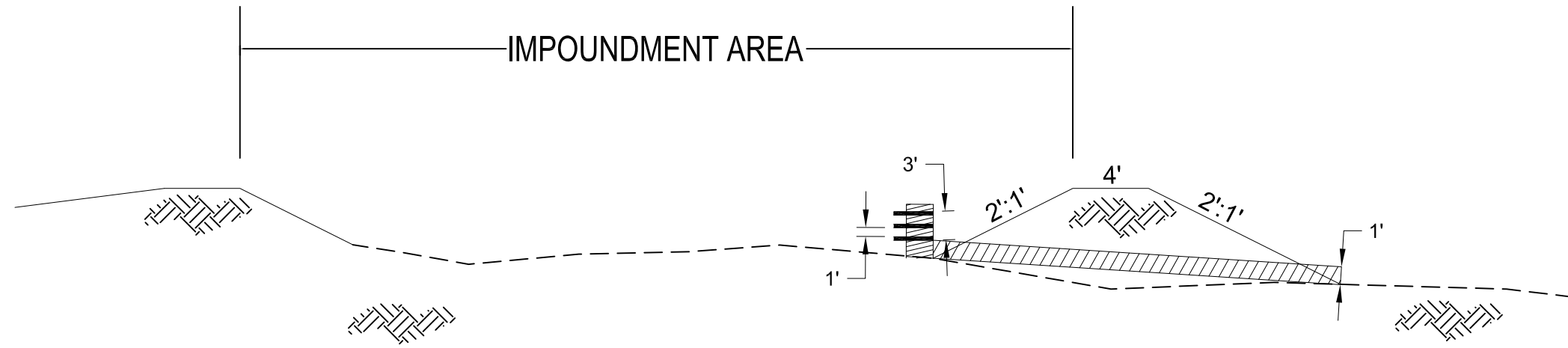


NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

USDA NAIP 2021 Imagery Basemap



SIDE VIEW



IMPOUNDMENT AREA

FLASHBOARD RISER
CREEKMORE GTR
WARREN COUNTY, MISSISSIPPI

IMPOUNDMENT AREA

PATH: I:\Projects\Land Projects\H-738-13-22\CADD Files\DWG\H-738-13-22.dwg



MENDROP
ENGINEERING RESOURCES
854 WILSON DRIVE
SUITE A
RIDGELAND, MS 39157
TEL (601) 899-5158
FAX (601) 899-5110

DRAWN BY: D. BRYAN
SCALE: 1" = 40'
DATE: JULY, 2022
PROJECT NO.: H-738-13-22

SHEET
1.2