



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
John Porter
Porter Construction MS, LLC

Published: April 29, 2025
Expires: May 14, 2025

**Vicksburg District
Permit Application No. MVK-2024-00672**

TO WHOM IT MAY CONCERN: The Vicksburg District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). This public notice will also serve as a joint public notice with The Mississippi Department of Environmental Quality for State Water Quality Certification. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: John Porter
Porter Construction MS, LLC
9695 Poplar Avenue
Germantown, Tennessee 38139

AGENT: Dillon Easley
Headwaters, Incorporated
Post Office Box 2836
Ridgeland, Mississippi 39158

WATERWAY AND LOCATION: The project would affect waters of the United States associated with an unnamed tributary and forested wetlands. The project/review area is located North of East Stonewall Road in Section 35 & 36, T2S-R5W; at Latitude 34.863167 and Longitude -89.687198; in Byhalia, Marshall County, Mississippi.

EXISTING CONDITIONS: The recently conducted wetland assessment revealed the potential presence of five (5) separate habitat types located within the subject area to include an intermittent tributary, ephemeral feature, forested wetlands, an open water pond, and upland habitat. The applicant has cleared much of the upland habitat in anticipation of construction.

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is to develop single and multi-family housing opportunities within Marshall County to meet the growing population needs.

PROPOSED WORK: The applicant requests authorization to grade and discharge clean fill material into 1.82 acres of waters of the United States (forested wetlands) in order to facilitate the development of the proposed residential development site to include construction of interior access roads/streets, residential house lots, and a stormwater detention basin.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: As a part of the initial project planning, Headwaters conducted a wetland delineation and determination report covering the proposed project area. A copy of the wetland delineation will be submitted concurrently with this permit application. During the planning process, alternative sites were considered for the construction of the planned development. Consideration for criteria such as location, access, zoning, cost, environmental impact, utilities, county restrictions and overall availability were strongly considered when researching available properties. Alternative sites were reviewed during the preliminary stages of this project. These sites potentially contained significantly more jurisdictional wetlands and other waters of the U.S. and therefore were eliminated from consideration. As a result, Porter Construction identified the chosen site as the best suited for the planned residential development. As a result, the applicant identified the chosen site in place of these alternative sites as the best suited for the planned residential development. Upon selecting a site, consideration for alternative site designs that considered the avoidance and minimization factors were also considered before identifying the chosen site design as the best suited for the planned development. As described within this wetland permit application, the chosen site design supported the design criteria while minimizing potential impacts to wetlands and "other waters" within the site. More specifically, the chosen site design would allow the avoidance and minimization of 989.58 linear feet of intermittent tributary (100%) proving the chosen design was the least environmentally damaging alternative for the planned project.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The required mitigation would be purchased from an approved mitigation bank located within the same watershed as the impacts prior to the commencement of the planned project.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that no historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Indiana Bat (*Myotis sodalist*)

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Mississippi Department of Environmental Quality (MDEQ)

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the jurisdiction of the Corps has not been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts 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 reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and

wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Vicksburg District will receive written comments on the proposed work, as outlined above, until May 14, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to CEMVK-RD, 4155 East Clay Street Vicksburg, Mississippi 39183-3435 Maaninen at Michael.A.Maaninen@usace.army.mil and the Mississippi Department of Environmental Quality at Post Office Box 2261, Jackson, Mississippi 39225-2261. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Vicksburg District, Attention: CEMVK-RD, 4155 East Clay Street Vicksburg, Mississippi 39183-3435. Please refer to the permit application number in your comments.

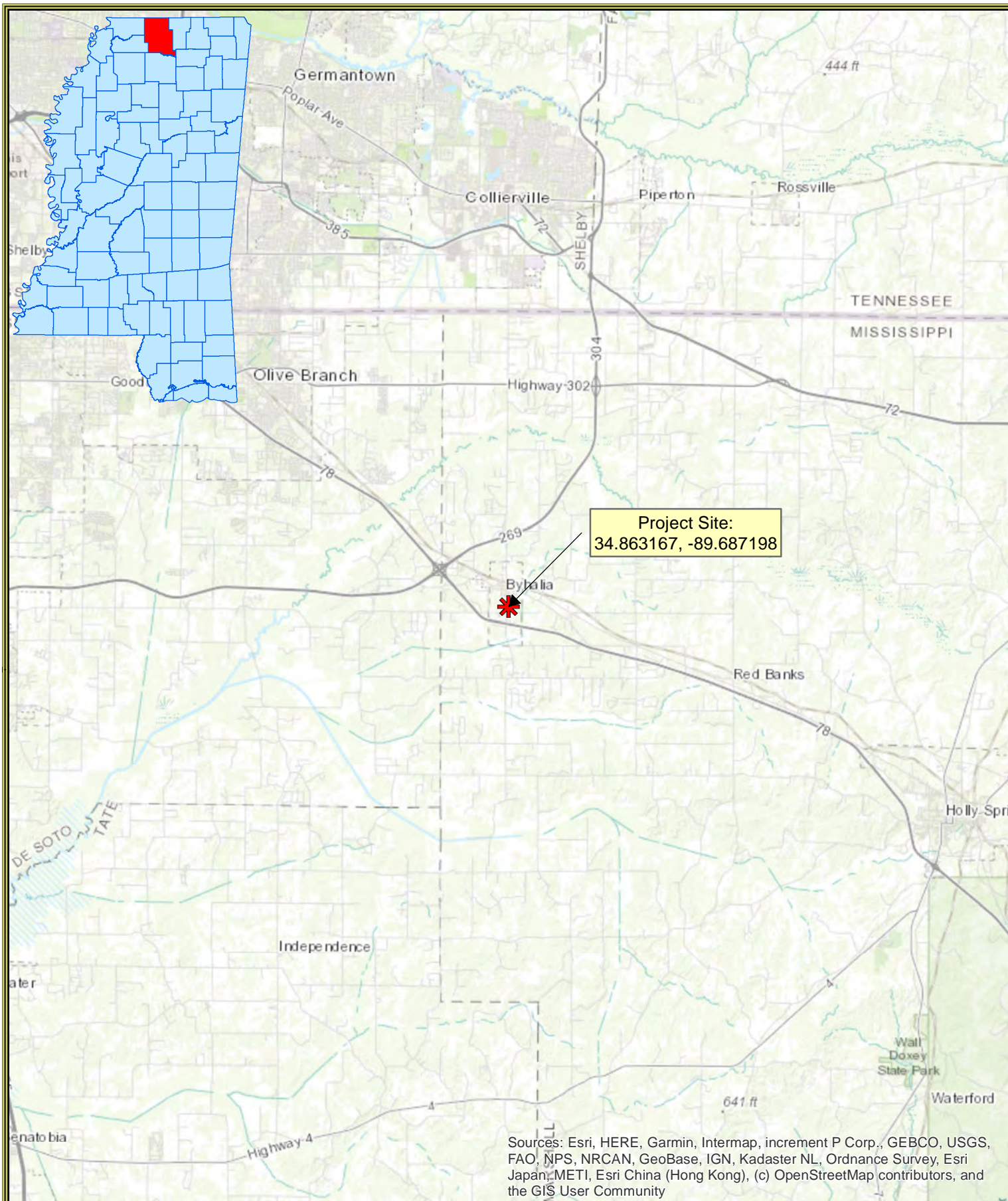
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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>.

**Jared Everitt
Chief (Acting), Mississippi Branch
Regulatory Division**

ATTACHMENT A

Project Maps and Drawings



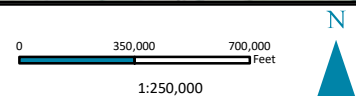
Date Created: 5/15/2023

Created by: PGH

The Towns at Ridgecrest

Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi


General Location Map

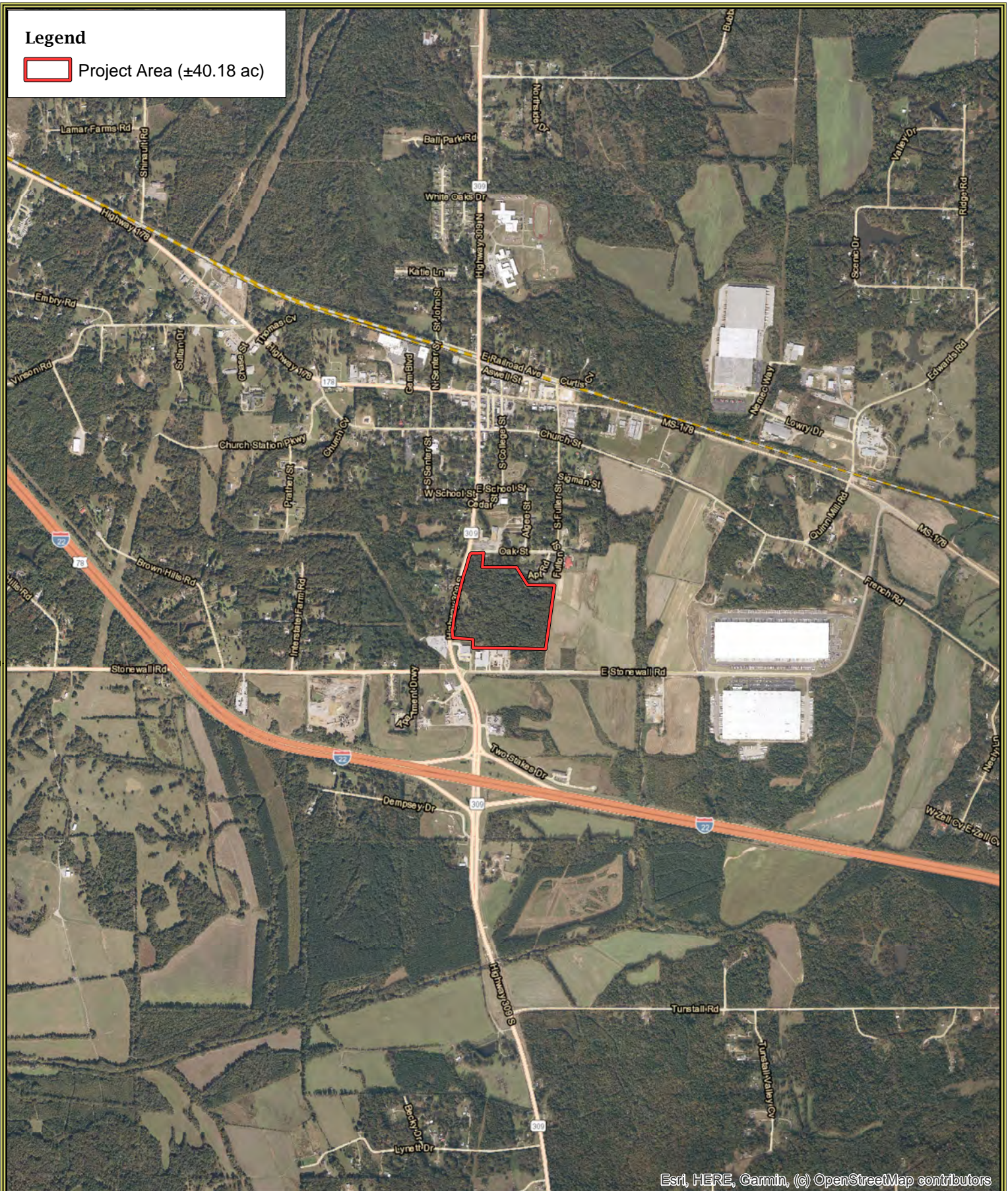


NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USGS 1973 Byhalia (MS) Quad Basemap

Legend

 Project Area (± 40.18 ac)



Esri, HERE, Garmin, (c) OpenStreetMap contributors



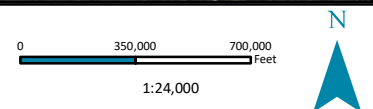
Date Created: 5/15/2023

Created by: PGH

The Towns at Ridgecrest

Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi


Site Location Map

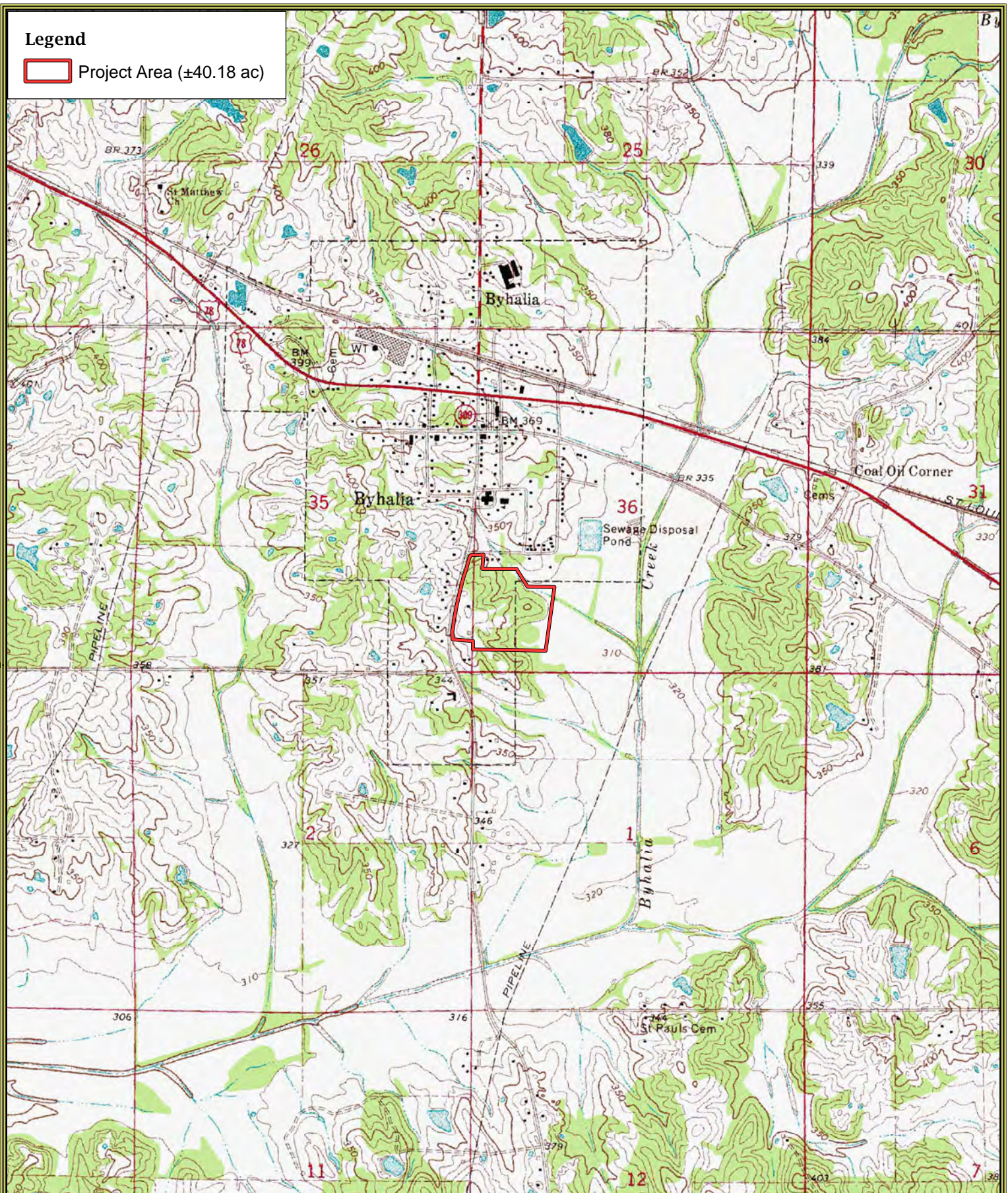


NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USDA NAIP 2021 Imagery Basemap

Legend

 Project Area (± 40.18 ac)



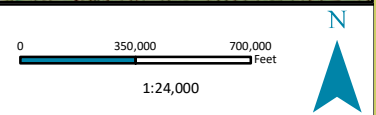
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The Towns at Ridgecrest

Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi

[Site Location Map](#)

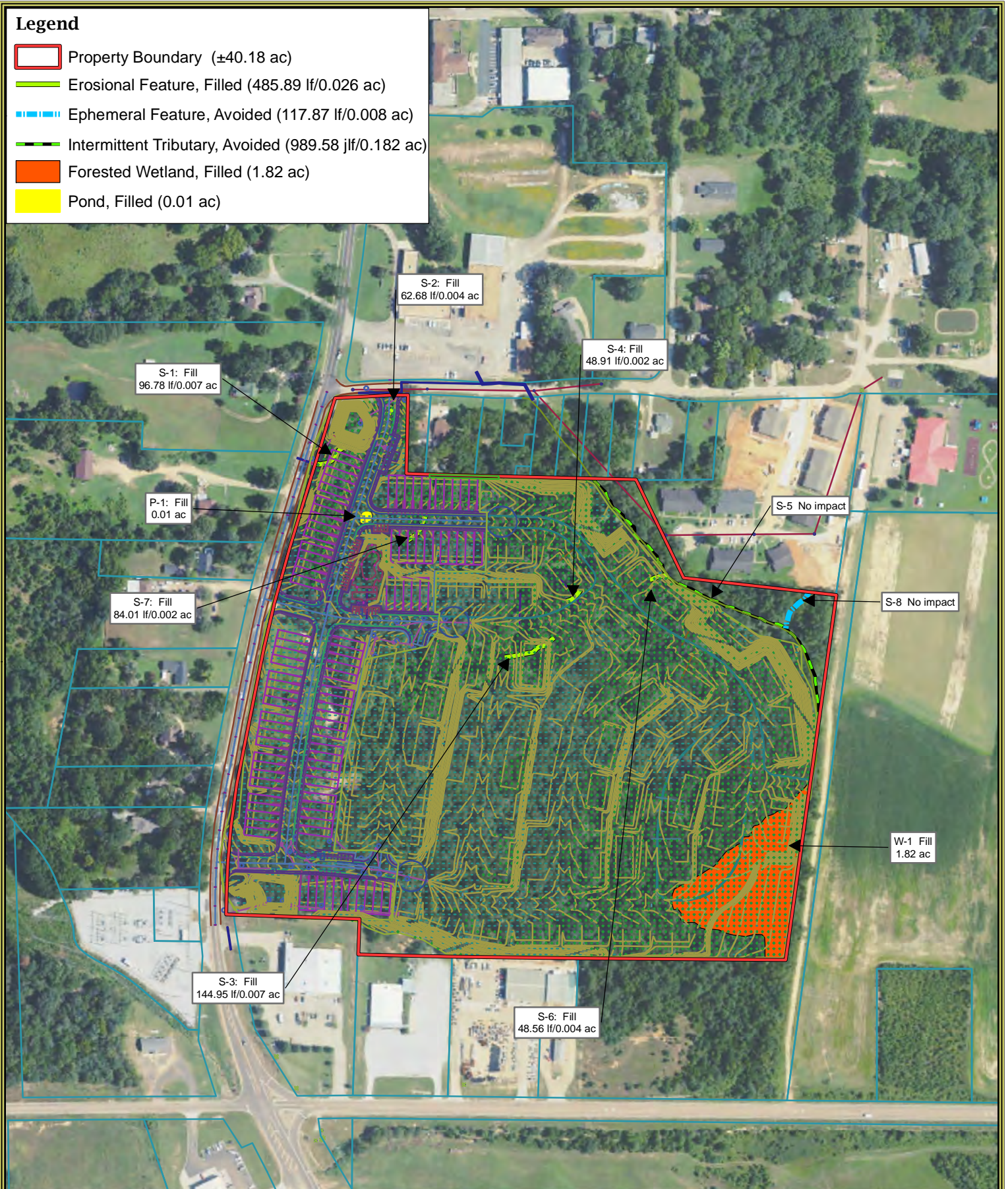


NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USGS 1973 Byhalia (MS) Quad Basemap

Legend

- Property Boundary (±40.18 ac)
- Erosional Feature, Filled (485.89 lf/0.026 ac)
- Ephemeral Feature, Avoided (117.87 lf/0.008 ac)
- Intermittent Tributary, Avoided (989.58 jlf/0.182 ac)
- Forested Wetland, Filled (1.82 ac)
- Pond, Filled (0.01 ac)



OAK STREET

TRACE AIR office

HWY 309

Master Site Plan

PH 1
72 UNITS

PH 2
78 UNITS

PH 4
73 UNITS

PH 5
69 UNITS

PH 3
87 UNITS

FUTURE S FULLER ST EXTENSION

Townes at Ridgecrest

08/30/2024

Overlays

Drone Imagery of Current Site Conditions

