



**US Army Corps
of Engineers.**

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

Public Notice

APPLICATION NO.:	MVK-2024-192
EVALUATOR:	Mr. Jared Everitt
PHONE NO.:	(601) 631-7104
E-MAIL:	Jared.H.Everitt@usace.army.mil
DATE:	May 21, 2024
EXPIRATION DATE:	June 20, 2024

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-RD, and the Mississippi Department of Environmental Quality 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 Water Quality Certification Improvement Rule (Certification Improvement Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to 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 the Mississippi Department of Environmental Quality (certifying authority). In accordance with Certification Improvement Rule, once the applicant submits a certification request, the U.S. Army Corps of Engineers and the certifying authority will jointly establish the reasonable period of time for the certifying authority 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. Scott Gill
SMJ Enterprise LLC
8275 Tournament Drive Suite 100
Memphis, Tennessee 38125

Name of Agent:
Mr. Cullen Dendy
Headwaters Incorporated
Post Office Box 3658
Tupelo, Mississippi 38803

Location of Work: The proposed project site is located in Section 8 T8S-R3W, Latitude 34.344837, Longitude -89.523303 within the Lower Mississippi Region—Yazoo River Drainage Basin (8-digit USGS HUC 08030203), Lafayette County, Mississippi.

Description of Work: (See enclosed maps 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 conduct regulated activities in “Waters of the U.S.” for the purpose of constructing the Bella Vita Condominiums, within Lafayette County, Mississippi.

The primary purpose of the project is to build new condominiums within the City of Oxford, Mississippi. The proposed Bella Vita condominiums would include the construction of sixty-one new condo building units with shared parking and drive lanes. Ingress/egress into the site will be provided via Harlan Drive to the north and Stillwater Lane to the south. Potable water will connect to an existing water main located in Stillwater Lane in the southern development. The sanitary sewer will connect to the existing City of Oxford sewer trunk line that follows Bailey Branch. Two detention ponds and two underground detention systems will be used to capture and temporarily detain the stormwater runoff from the site post-construction. The detention systems will discharge into Burney Branch after sufficient settling of any captured sediments and the gradual release of the storm water.

The following is a breakdown of the identified aquatic resources found within the project site:

Permanent fill of 4.9 acres of forested wetland

Permanent fill of 1,454.6 linear feet of ephemeral stream channel

The project as proposed will impact 4.9 acres of forested wetland and 1,454.6 linear feet of ephemeral stream by grading and filling in those features for the building pads and attendant features of the condominium development.

Approximately 626.1 linear feet of new open ditch will be created in the southern part of the development to help facilitate storm water to Burney Branch.

Approximately 7,905 cubic yards of fill material will be used to fill in and grade the site.

The applicant proposes to satisfy any compensatory mitigation requirements for unavoidable impacts to resources by purchasing credits from a USACE approved mitigation bank servicing the project’s 8-digit USGS HUC (08030203).

The majority of the proposed development site is currently forested and contains both upland and wetland habitat types. Primary hydrology indicators observed on site include surface water, sediment deposits, drift deposits, and water-stained leaves. Secondary hydrology indicators included drainage patterns. The dominant wetland vegetation within the project area consists of black willow (*Salix nigra*), sweetgum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), and red maple (*Acer rubrum*). Soils within the project area consists of Smithdale sandy loam, 15 to 35 percent slopes, eroded and Ochlockonee sandy loam, occasionally flooded.

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 determination is based on current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: The permit area is composed (mostly) of low-lying wetlands with no existing or subsided natural levee landforms: and therefore, has a very low potential for yielding unidentified cultural deposits that may be eligible for the National Register of Historic Places.

Copies of this public notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: Threatened and Endangered Species for this area include the Northern Long-Eared bat and Wood Stork. 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 and the Service's IPAC system, the Corps has determined that the proposed activity would have no effect on the Wood Stork and a not likely to adversely affect for the Northern Long-Eared bat. Also, the project should not negatively impact the proposed threatened Tricolored Bat and Alligator Snapping Turtle.

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. Some of project site is located within the 100-year floodplain.

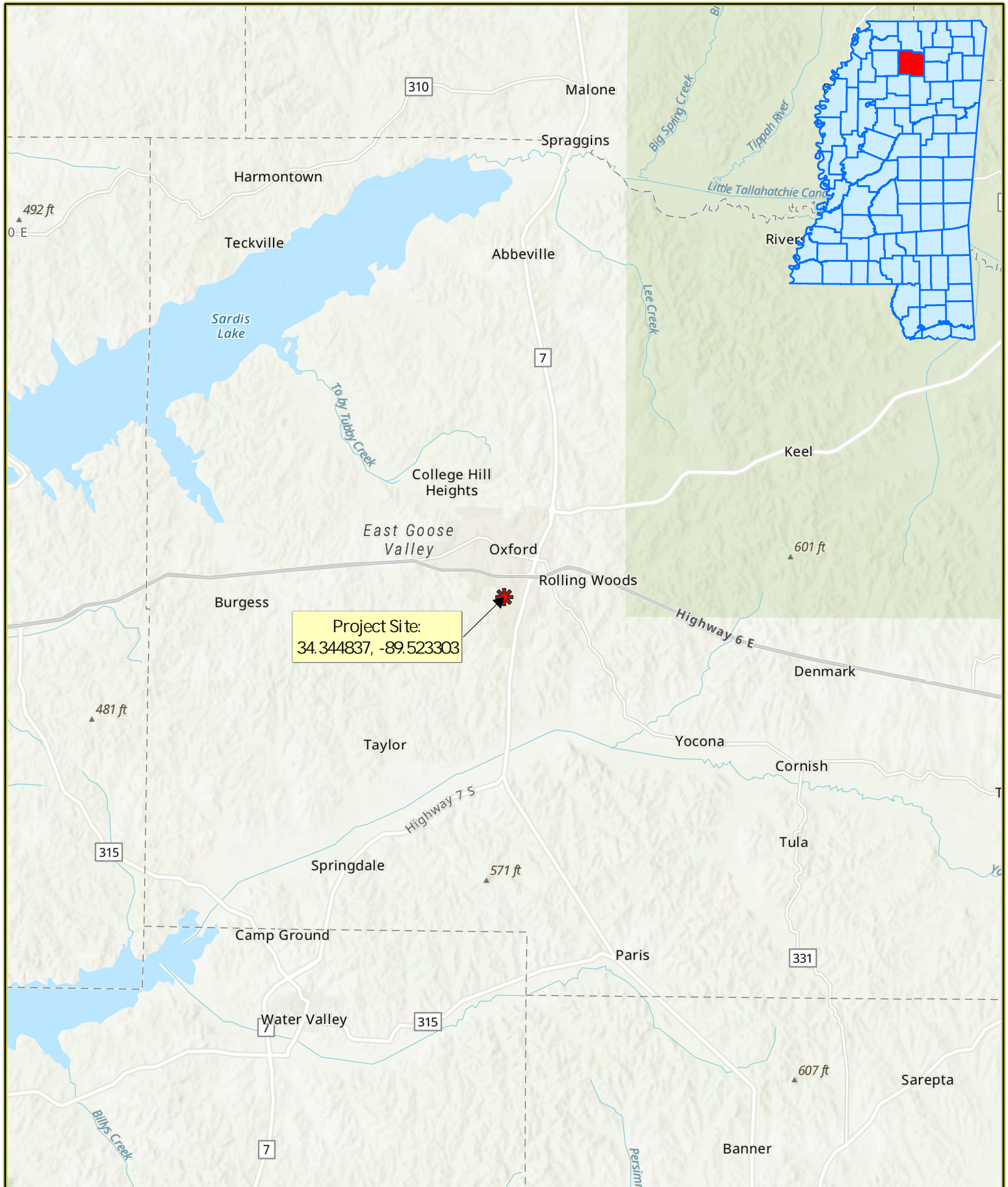
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may 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.

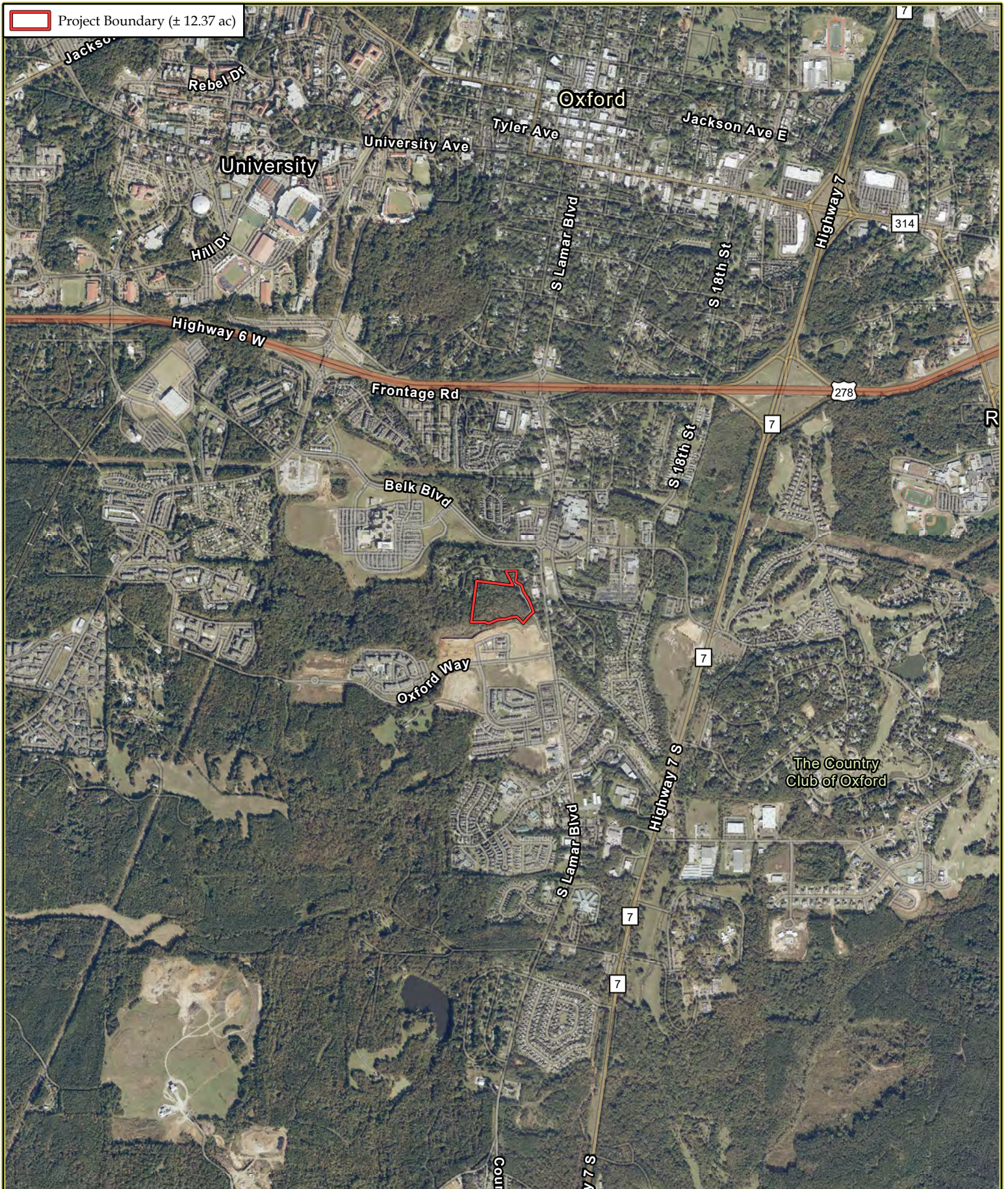
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

**Bryan Williamson
Chief, Mississippi Branch
Regulatory Division**



Project Site:
34.344837, -89.523303

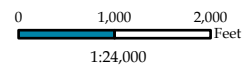
 Project Boundary (± 12.37 ac)



Bella Vita


Section 33, Township 8 South, Range 3 West
Lafayette County, Mississippi

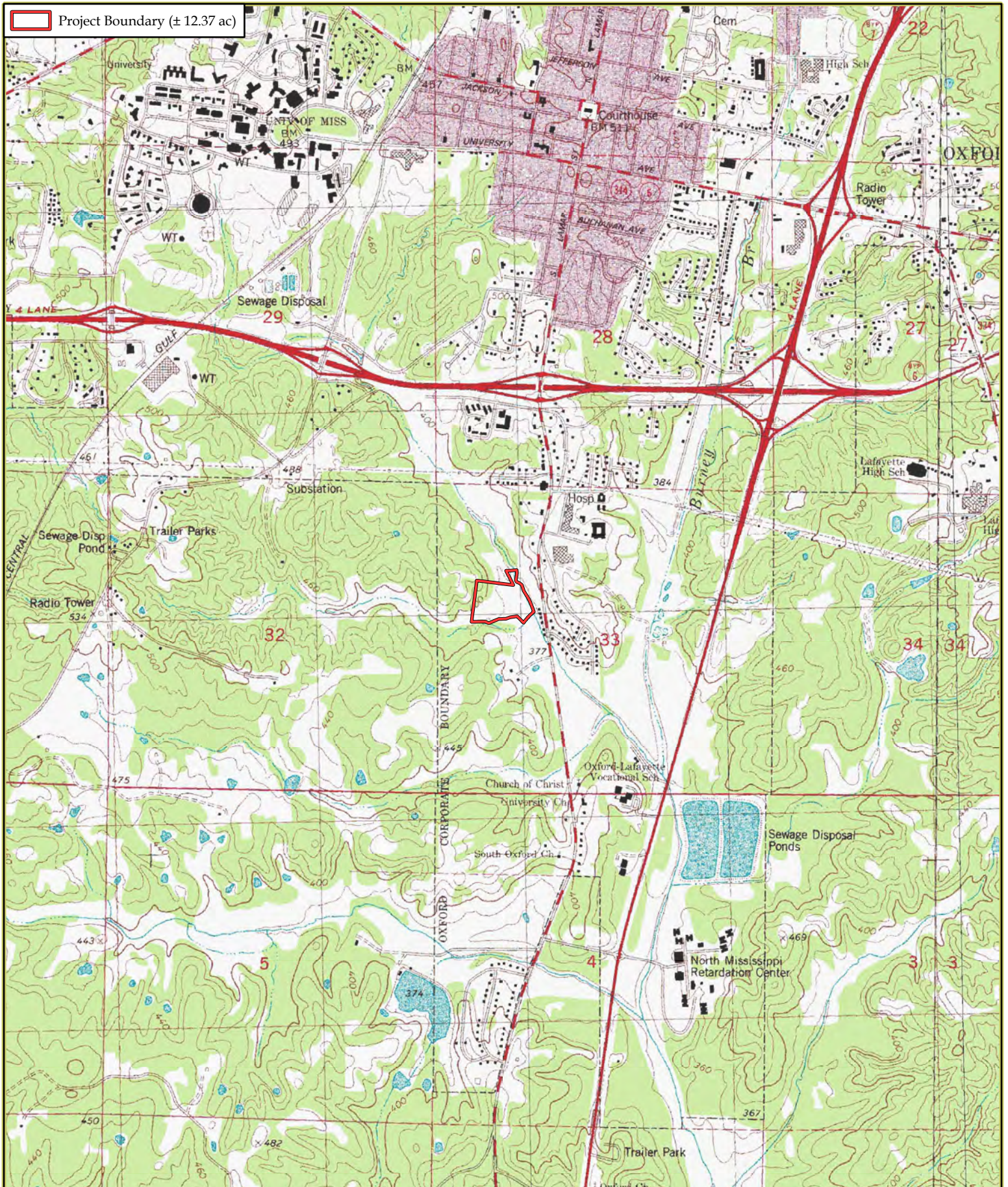
[Site Location Map](#)



NAD 1983 2011 StatePlane Mississippi East FIPS 2301 Ft US

USDA NAIP 2021 Imagery Basemap

 Project Boundary (± 12.37 ac)




Bella Vita


Section 33, Township 8 South, Range 3 West
Lafayette County, Mississippi

Site Location Map



 Project Boundary (± 12.37 ac)

Site Plan


 Existing Topography


 Proposed Grading


 Proposed Layout

Stream Impacts

 Ephemeral Stream, Fill ($\pm 1,454.58$ lf)

 Ephemeral Stream, Avoided (± 507.09 lf)

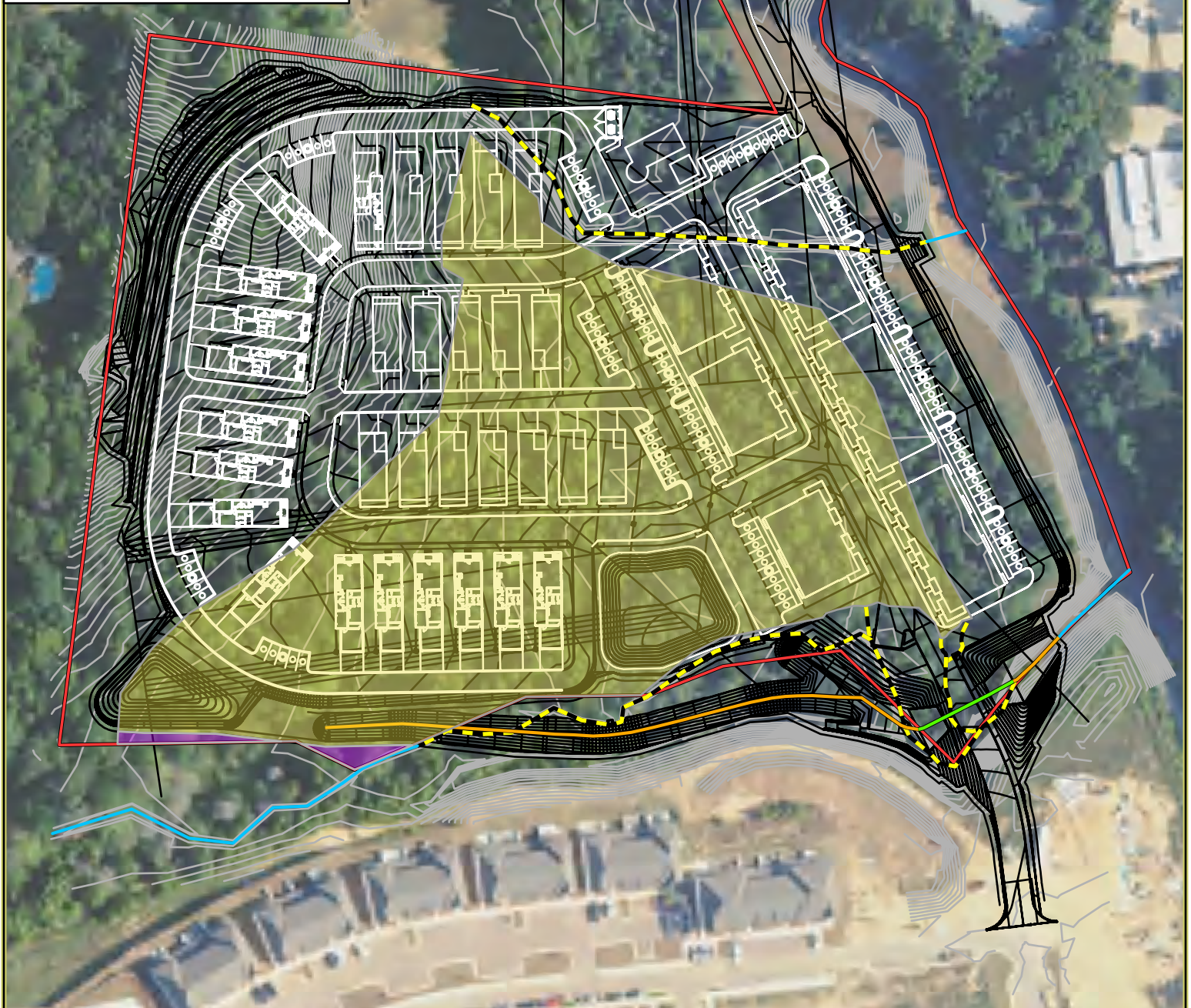
 Rerouted Stream (± 626.11 lf)

 Box Culvert (± 99.32 lf)

Forested Wetland Impacts

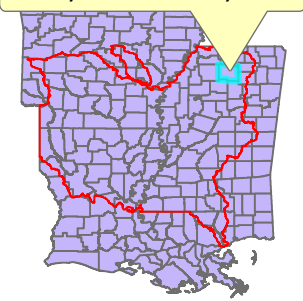
 Forested Wetland, Fill (± 4.90 ac)

 Forested Wetland, Avoided (± 0.05 ac)





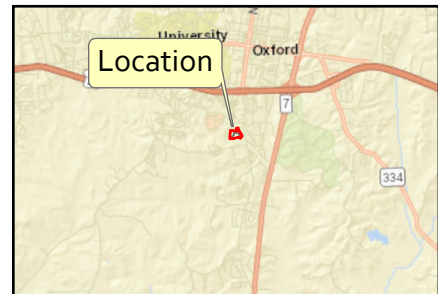
Lafayette County, MS



15 MAY 2024
MVK-2024-192

SMJ Enterprises, LLC
Headwaters Inc
Proposed Bella Vita
Condominiums
Oxford, MS

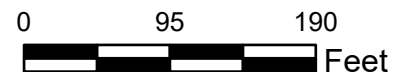
Approved/Preliminary
Jurisdictional Determination
Jeremy Stokes



US Army Corps
of Engineers®



REGULATORY DIVISION
MISSISSIPPI BRANCH



Legend

- Non-Jurisdictional Ephemeral Drains (1,009')
- ▨ Potentially Jurisdictional Forested Wetlands (4.9 Acres)
- ▭ Property Boundary

Scale: 1:1,500