



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	MVK-2021-643
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
E-MAIL:	Tarmiko.V.Graham@usace.army.mil
DATE:	October 19, 2021
EXPIRATION DATE:	November 8, 2021

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-RD, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

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. 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 the DEQ (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.

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 Shoemaker
RANDS, LLC
Post Office Box 986
Ridgeland, Mississippi 39158

Name of Agent:
Mr. Clay Cromwell
Headwaters, Incorporated
Post Office 2836
Ridgeland, Mississippi 39158

Location of Work: Section 19, T8N- R2E, Latitude 32.524456, Longitude -90.13674, within the Big Black Drainage Basin (8-digit USGS HUC 08060202), Madison 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 to conduct regulated activities in jurisdictional wetlands and streams for the development of a single-family residential development located in Madison County, Mississippi.

The proposed development would include the construction of +/- eighty-two (82) single-family residential house lots. The minimal allowable lot size would average 10,650 sq. ft. The proposed project would also include the construction of interior roads/streets and utilities as a part of the residential development. The roads would include a curb and gutter underground drainage system to facilitate storm water runoff generally through the subdivision into two (2) planned dry detention areas located in the southwestern and southcentral portions of the subject property. The utilities would be provided by the Bear Creek Water Association (water), Entergy (electricity), Atmos (gas), and AT&T (phone).

Utilities would be installed parallel to the main access road within the 50-foot right-of-way. No impacts to wetlands and other water are anticipated as a result of the installation of the utilities. Utilities would be installed via typical utility trenching and/or directional boring methods next to the culverts. Utilities would be available for each lot with access from the access road. Lot owners would extend utilities as required from the planned access road to their house pad, typically following a driveway. Since the utility line installations would not require disturbance to wetlands or other waters, additional impacts are not expected other than what is included within this proposed project as described.

Approximately 2.60 acres of jurisdictional emergent wetlands and 0.14 acre of jurisdictional forested wetlands would be permanently impacted in association with the proposed development. Approximately 4,500 cubic yards of fill would be placed into the jurisdictional areas. The wetland habitat would be graded and filled to facilitate the construction of the interior access roads/streets, residential house lots, and a detention basin within the southwestern portion of

the proposed project. Approximately 50 linear feet of a jurisdictional intermittent stream channel would be impacted through the installation of a culvert/riprap. Approximately 204.49 linear feet of an ephemeral stream channel would be filled as part of the proposed development.

The emergent wetlands include smartweed (*Persicaria spp.*), *Ludwigia spp.*, lamp rush (*Juncus effusus*), plume grass (*Saccharum giganteum*), bushy bluestem (*Andropogon glomeratus*), blunt spike rush (*Eleocharis obtusa*), and *Carex spp.* Soils within the project area consists predominantly of Ariel silt loam and Loring silt loam.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional resources through the purchase of credits from a commercial mitigation bank that services the project area.

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 is likely to yield resources eligible for inclusion in the National Register of historic places. An investigation for the presence of potentially eligible historic properties is justified.

Endangered Species: Threatened and Endangered Species for this area include the Northern Long-eared bat and Wood Stork. Utilizing the Standard Local Operating Procedures 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, the Corps has determined that the proposed activity may affect the Northern Long-eared bat; however, this project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's Biological Opinion for the final 4(d) rule for the Northern long-eared bat. In addition, this project will have no effect on the Wood Stork.

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 is not 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.

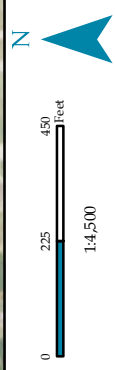
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Jennifer G. Brown

**Jennifer A. Brown
Team Lead, Permit and Evaluation Branch
Regulatory Division**



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NAD 1983 StatePlane Mississippi West FIPS 2002 feet

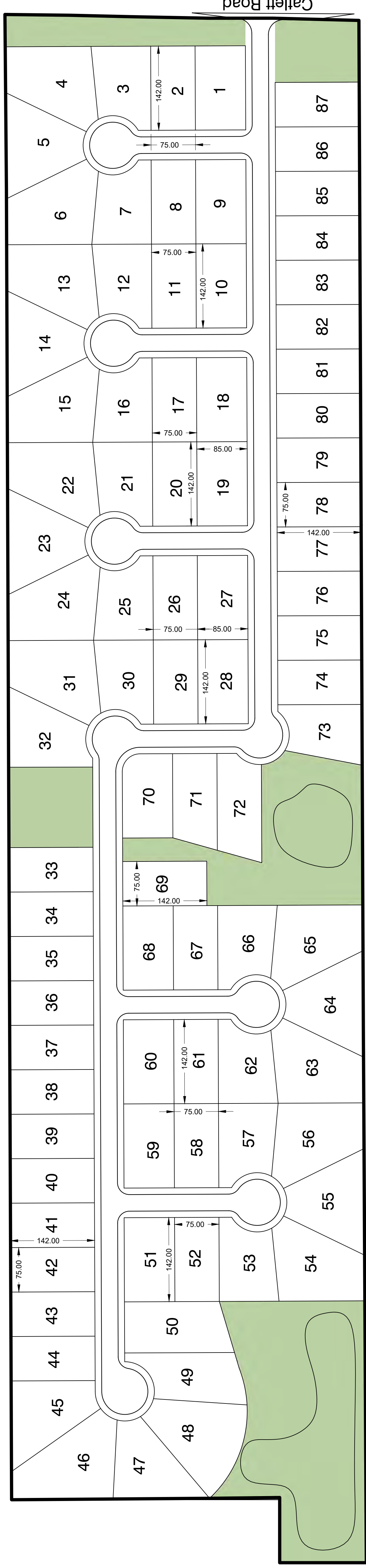
USDA NAIP 2020 Imagery Basemap

Legend
□ Property Boundary (±34 ac)

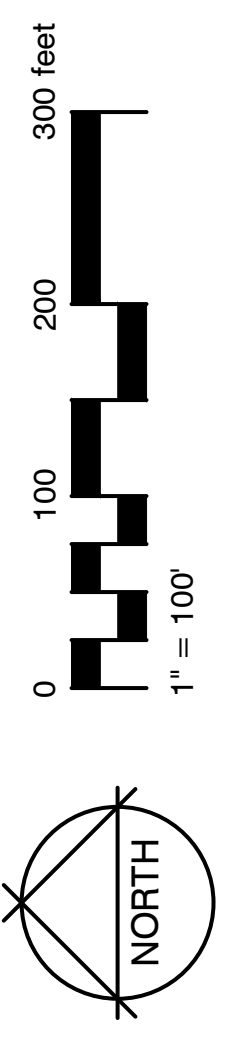
RANDS, LLC
Cattlett Road Property
Sec. 19 - T 8N - R 2E
Madison County, Mississippi
[Site Location Map](#)



Date Created: 4/22/2021
Created by: JDL



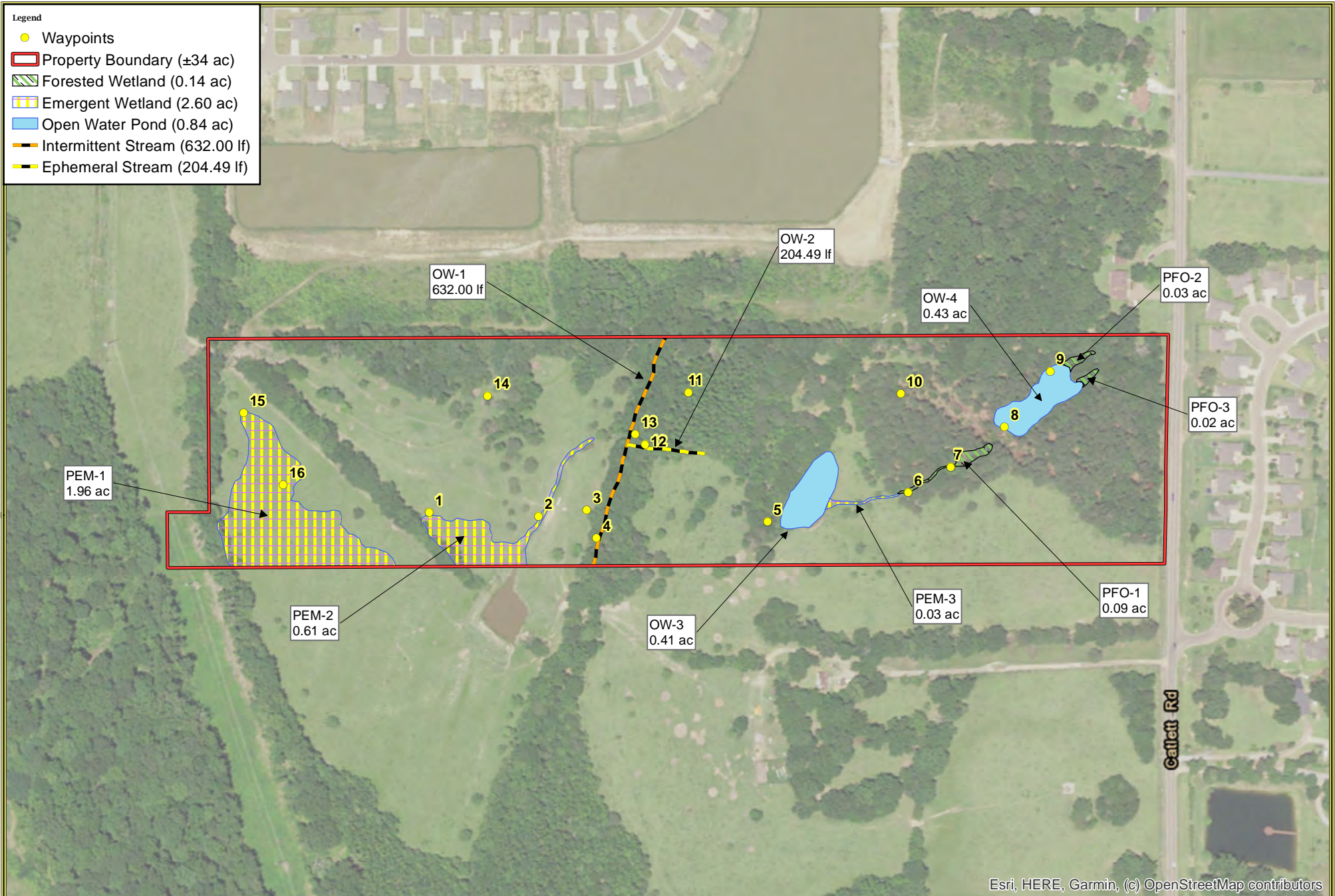
Catlett Road



SITE DEVELOPMENT

SYMBOL	NOTES	SQ. FT.
[Green Box]	GREENSPACE	269,148 sf

- Legend**
- Waypoints
 - ▭ Property Boundary (±34 ac)
 - ▨ Forested Wetland (0.14 ac)
 - ▨ Emergent Wetland (2.60 ac)
 - ▭ Open Water Pond (0.84 ac)
 - Intermittent Stream (632.00 lf)
 - Ephemeral Stream (204.49 lf)



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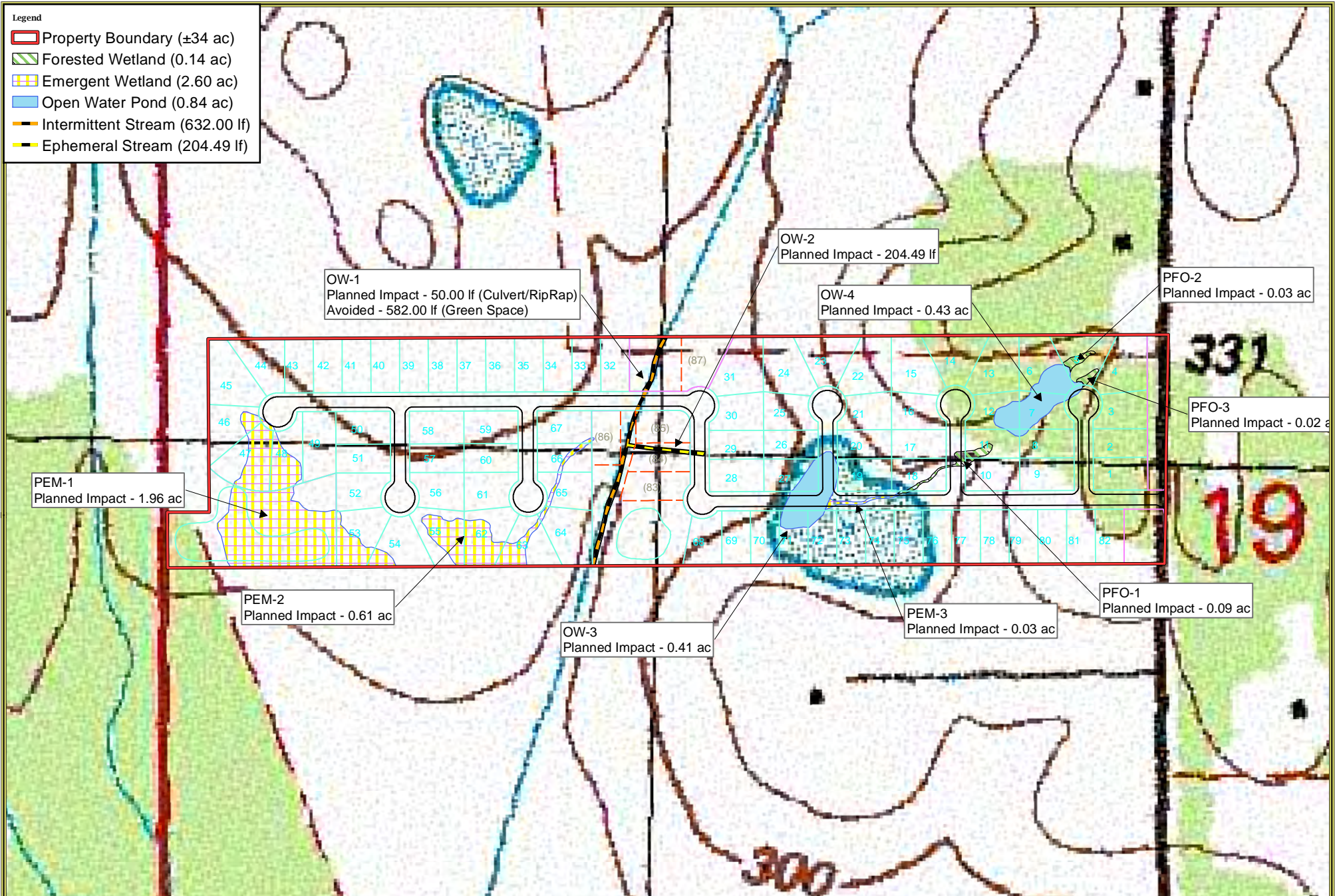
RANDS, LLC
Catlett Road Property
 Sec. 19 - T 8N - R 2E
 Madison County, Mississippi
[GPS/Wetland Location Map](#)

N

1:4,000

NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

USDA NAIP 2020 Imagery Basemap



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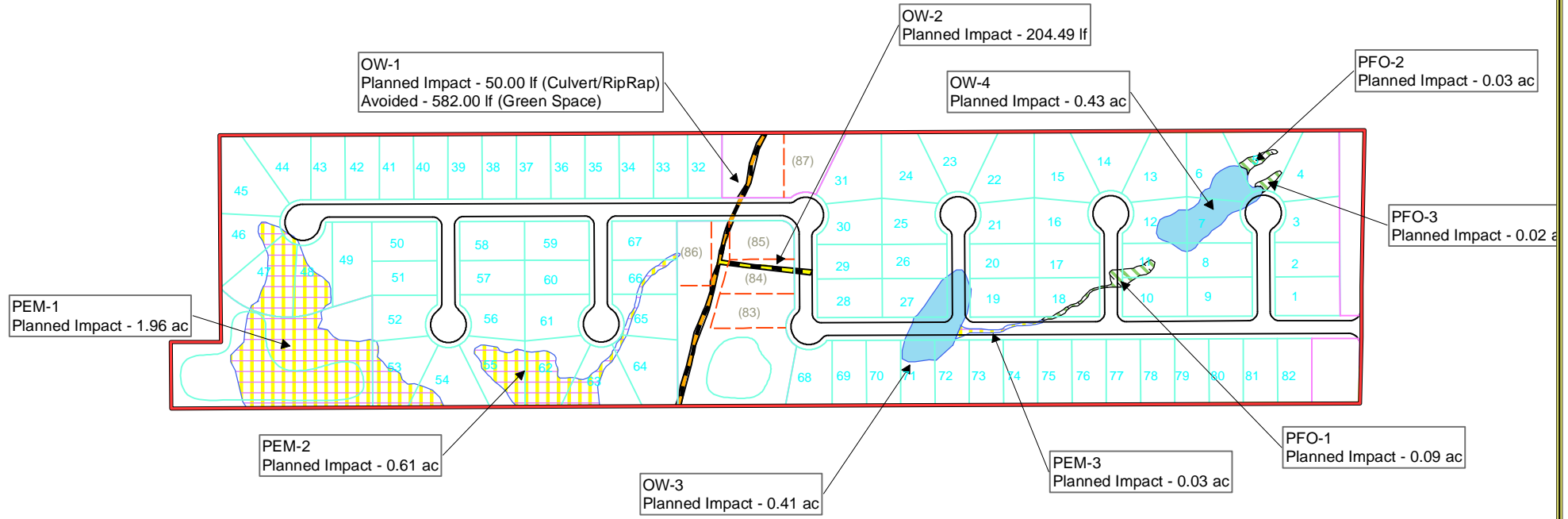
Date Created: 9/21/2021 Created by: JDL

RANDS, LLC
Catlett Road Property
Sec. 19 - T 8N - R 2E
Madison County, Mississippi
[Wetland Impact Map](#)

0 200 400 Feet
1:4,000

NAD 1983 StatePlane Mississippi West FIPS 2302 Feet
USGS Charlton (MS) Quad Basemap

- Legend**
- Property Boundary (±34 ac)
 - Forested Wetland (0.14 ac)
 - Emergent Wetland (2.60 ac)
 - Open Water Pond (0.84 ac)
 - Intermittent Stream (632.00 lf)
 - Ephemeral Stream (204.49 lf)



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RANDS, LLC
Catlett Road Property
 Sec. 19 - T 8N - R 2E
 Madison County, Mississippi
Wetland Impact Map

N

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NAD 1983 StatePlane Mississippi West FIPS 2302 Feet