



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	MVK-2019-997
EVALUATOR:	Mr. Andy Sanderson
PHONE NO.:	(601) 631-5083
E-MAIL:	Andy.Sanderson@usace.army.mil
DATE:	March 6, 2020
EXPIRATION DATE:	March 27, 2020

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-OD-F, 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.

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:
Mr. Jerome Benoit
Phylway Construction, LLC
1074-A Highway 1
Thibodaux, Louisiana 70301

Name of Agent:
Mr. Paul Hogan
Phylway Construction, LLC
1074-A Highway 1
Thibodaux, Louisiana 70301

Location of Work: Section 5, T18N-R2E, Latitude 32.5700° N, Longitude -91.0392 °W, within the Paw Paw Chute-Mississippi River Watershed in the Lower Mississippi-Greenville Drainage Basin (8-digit USGS 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 to discharge dredged and/or fill material into jurisdictional waters of the United States for the construction of a haul road across an existing borrow pit in Warren County, Mississippi. The stated purpose is to provide a stable haul road to facilitate the

hauling of clay from a borrow area to a U.S. Army Corps of Engineers project involving levee enlargement.

The proposed haul road right-of-way would be approximately 445 feet (ft) long by approximately 100 ft wide. The road through jurisdictional areas would be approximately 445 ft long by 60 ft wide.

The total project site is approximately 1.14 acres in size containing approximately 0.60 acre of jurisdictional wetlands and 0.52 acre of open water. The proposed project would result in the clearing and filling of 0.49 acre of wetlands, fill of 0.46 acre of open water, along with the clearing of 0.11 acre of wetlands. Water connectivity would be maintained within the borrow pit through the installation of an 80 ft long by 36 inch diameter culvert in the haul road. Approximately 10,500 cubic yards of clay fill material would be placed within the wetlands and open water.

The vegetative communities within the project area are dominated by Black willow (*Salix nigra*), Bitter pecan (*Carya aquatica*), and Nuttall oak (*Quercus nuttalli*). Soil within the project site consists primarily of Borrow pits and Water with NRCS hydric component percentage ratings of 0 and 0.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a USACE approved 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, state 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: An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

Endangered Species: Threatened and Endangered Species for this area include the Interior least tern, Wood stork, Pallid sturgeon, Northern long-eared bat, Fat pocketbook mussel, and Pondberry. 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, the Corps has determined that the proposed activity is not likely to adversely affect the Interior least tern or Wood stork; would have no effect on the Pallid sturgeon, Fat pocketbook mussel, or Pondberry; and may affect the Northern long-eared bat, but any resulting incidental take is not prohibited by the final 4(d) rule. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat would be addressed in our evaluation of the described work.

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 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.

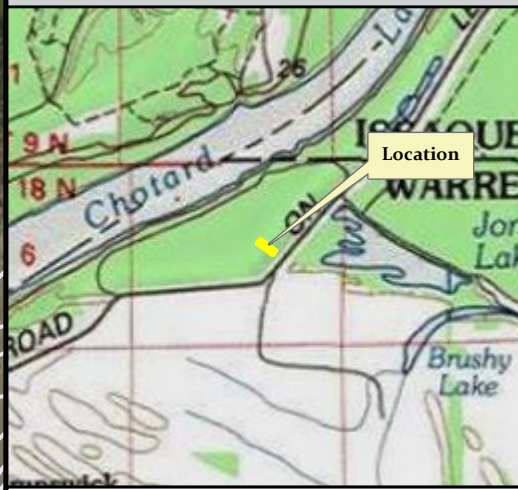
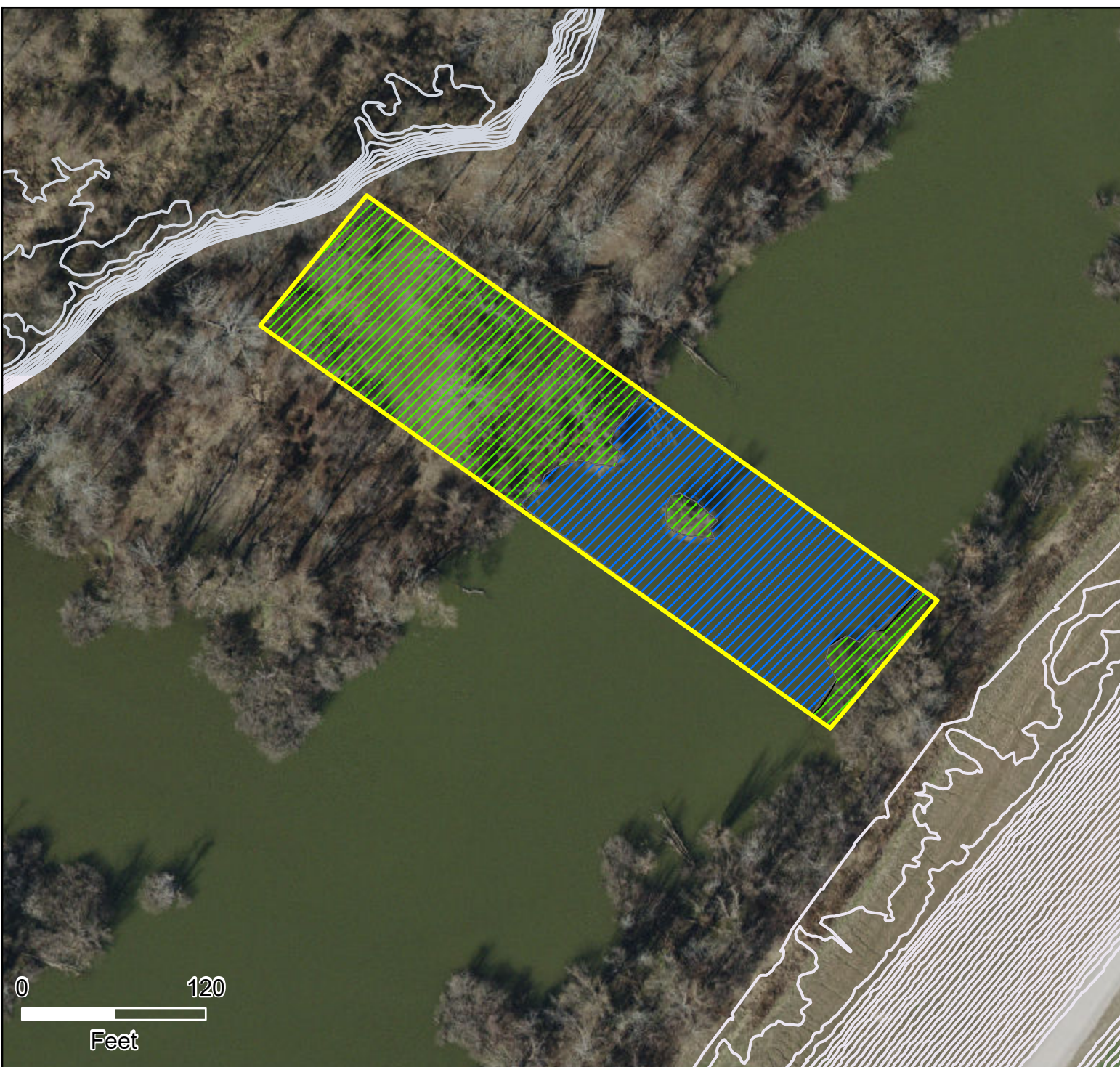
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine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

Thomas A. McCabe
Chief, Evaluation Section
Regulatory Branch



Project Boundary

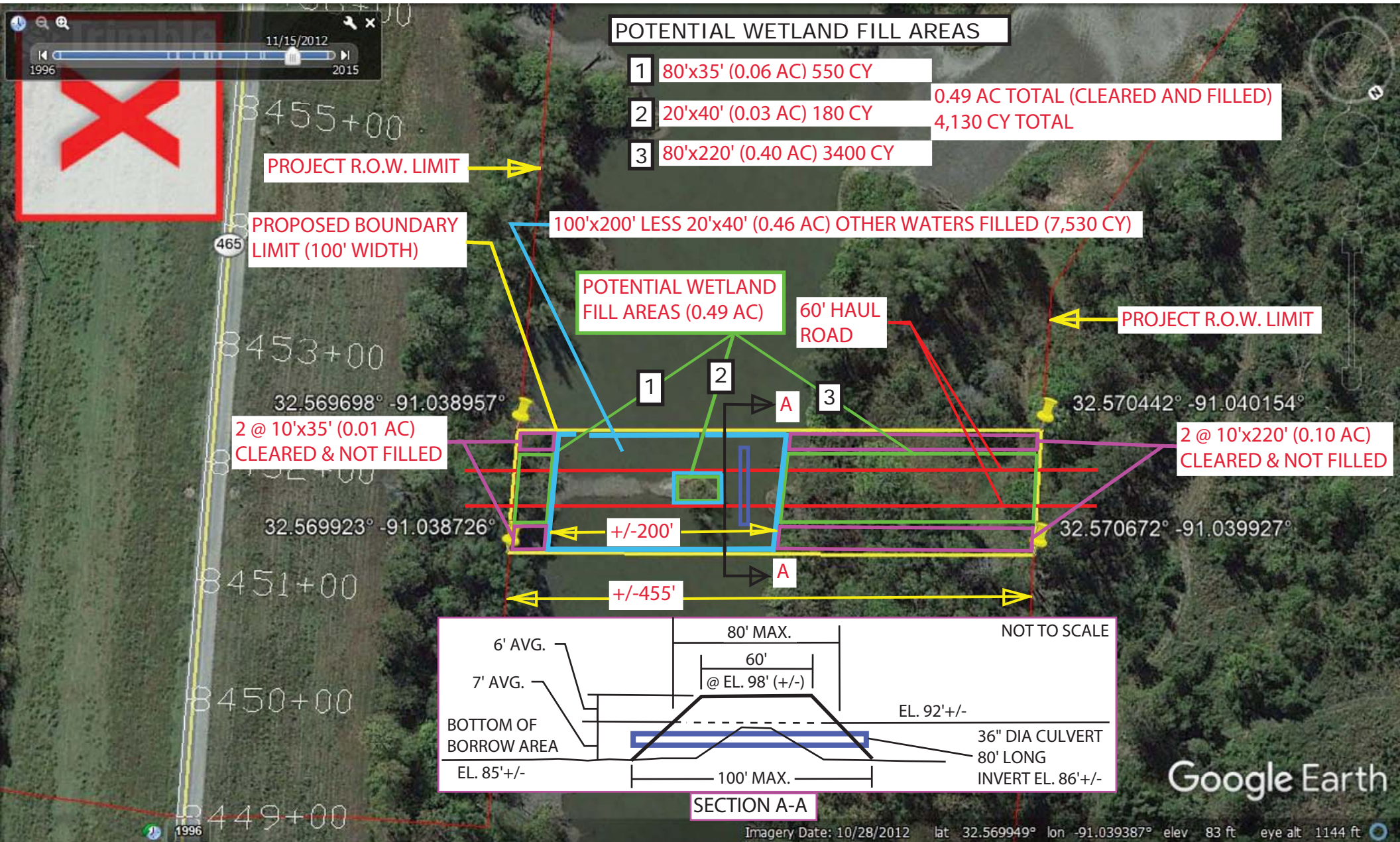
-  Project Boundary
-  Forested wetlands
-  Open Water

*There are jurisdictional wetlands within the subject property that have been impacted.



Wetlands Map





ATTACHMENT A