



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	MVK-2017-739
EVALUATOR:	Mr. Andy Sanderson
PHONE NO.:	(601) 631-5083
E-MAIL:	Andy.Sanderson@usace.army.mil
DATE:	September 11, 2019
EXPIRATION DATE:	October 1, 2019

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. Kelli Foster
Green Earth Materials, LLC
Post Office Box 321473
Flowood, Mississippi 39232

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

Location of Work: Sections 19 and 30, T7N-R4E, Latitude 32.4239N, Longitude -89.9236°W, within the Riley Creek-Pelahatchie Creek Watershed in the Middle Pearl-Strong River Drainage Basin (8-digit USGS HUC 03180002), Rankin 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 within jurisdictional wetlands and streams in order to construct Phases II and III of the Fallen Oaks residential subdivision in Rankin

County, Mississippi. The stated purpose is to construct 41 residential estate lots to help meet the demand for single family housing within the Brandon and Flowood area.

Phase I was previously completed under a Nationwide Permit in 2018. The proposed development, Phases II and III, would include 41 residential lots ranging in size from 1.5 to 14 acres, interior roads/streets along with utilities, and a 15-acre lake. The roads would be 22 feet (ft) in width with 4 ft wide shoulders within a 50-60 ft wide right-of-way and include open cut drainage features for stormwater runoff. Access to the site would be from Highway 25.

The total project site is approximately 175.6 acres in size containing approximately 24.2 acres of jurisdictional wetlands and 9,173.8 linear feet (lf) of streams. The proposed project would result in the filling of approximately 4.0 acres of wetlands, the rerouting of 204.7 lf of perennial stream into a new 88.8 lf channel through two 5 ft by 10 ft by 57 ft long box culverts, and the rerouting of 276.56 lf of ephemeral stream into 276.83 lf of new channel. The remaining 20.2 acres of wetlands and 8,635.5 lf of streams would be avoided. The proposed 15-acre lake would be the result of an MDEQ permitted mining activity that would have no impact on jurisdictional waters. Approximately 16,000 cubic yards of silty clay loam fill material would be placed within the filled portions of streams and wetlands.

The vegetative communities within the project area are dominated by green ash (*Fraxinus pennsylvanica*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), willow oak (*Quercus phellos*), cherrybark oak (*Quercus pagoda*), black willow (*Salix nigra*), sweetgum (*Liquidambar styraciflua*), swamp chestnut oak (*Quercus michauxii*), American elm (*Ulmus Americana*), American sycamore (*Platanus occidentalis*), buttonbush (*Cephalantus occidntalis*), smartweed (*Polygonum spp.*), and marsh flat sedge (*Cyperus pseudovogetus*). Soil within the project site consists primarily of Kipling-Falkner association, Kipling silt loam, Savannah loam, Falkner silt loam, and Urbo silty clay loam with NRCS hydric component percentage ratings of 5, 0, 0, 2, and 4 respectively.

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: Currently this office is coordinating with the State Historic Preservation officer, Federally-recognized Tribes, and other interested parties regarding potential effects to historic properties that could result from the proposed activity.

Endangered Species: Threatened and Endangered Species for this area include the wood stork and Northern long-eared bat. 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 may affect, but is not likely to adversely affect the wood stork. The project 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 partially 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



- Potential Wetlands (26 Acres)
- Ephemeral (2,352')
- Perennial (7,861')
- Property Boundary
- Intermittent (2,458')

1:9,000

Rankin County, MS



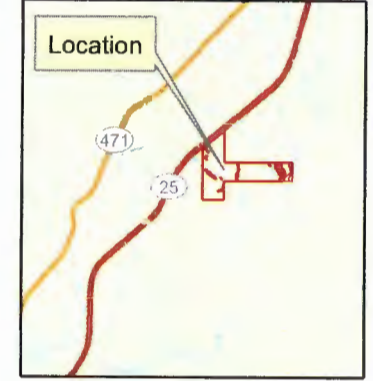
08 November 2017
MVK-2017-739

Headwaters Inc.
 Green Earth Materials, LLC
 Stull Road Property
 Rankin County, MS

**Preliminary
 Jurisdictional Determination**

Jeremy Stokes

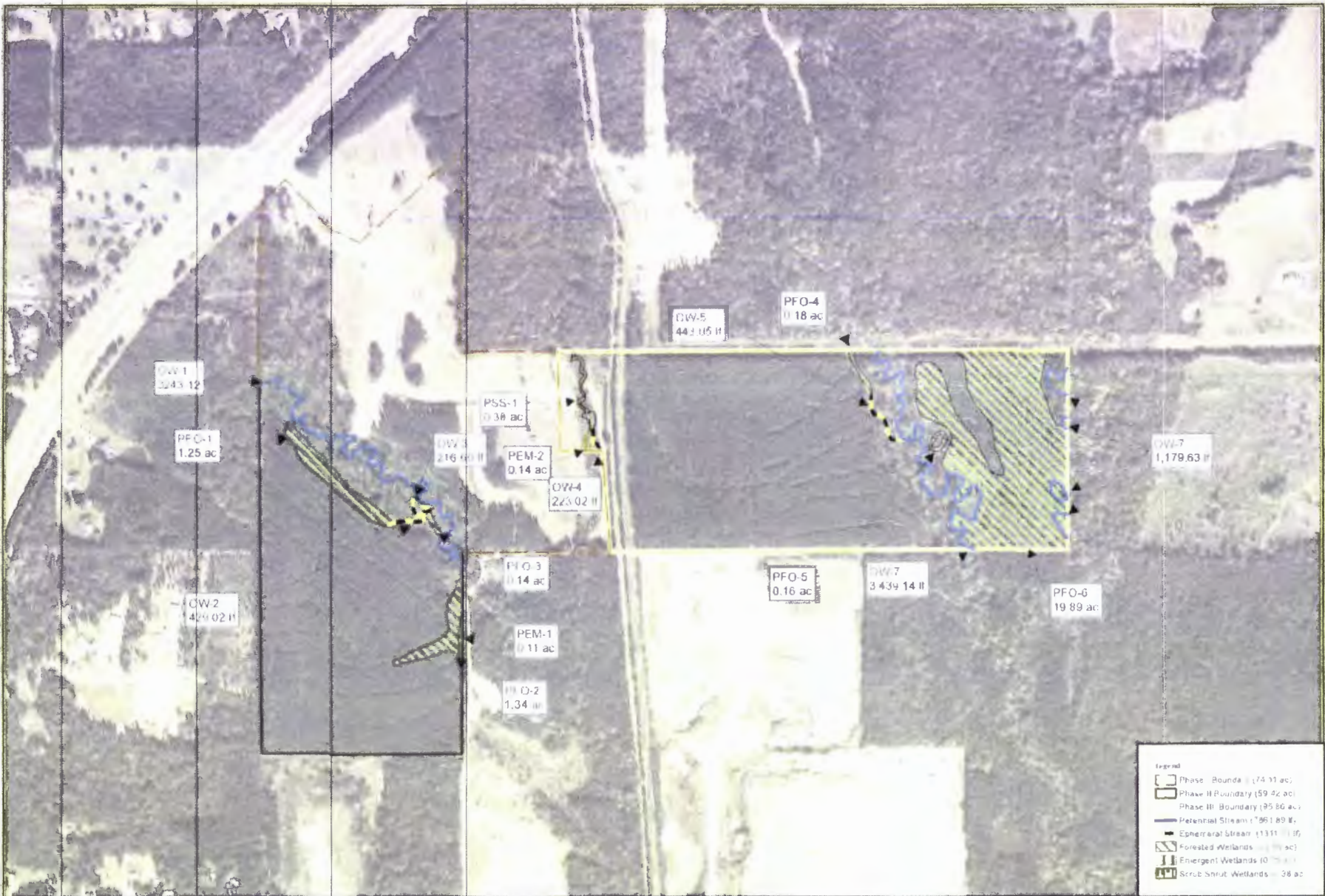
Location



**US Army Corps
 of Engineers**

**Regulatory Branch
 Enforcement Section**





Date Created: 8/5/2019 Created by: JDL

Fallen Oaks

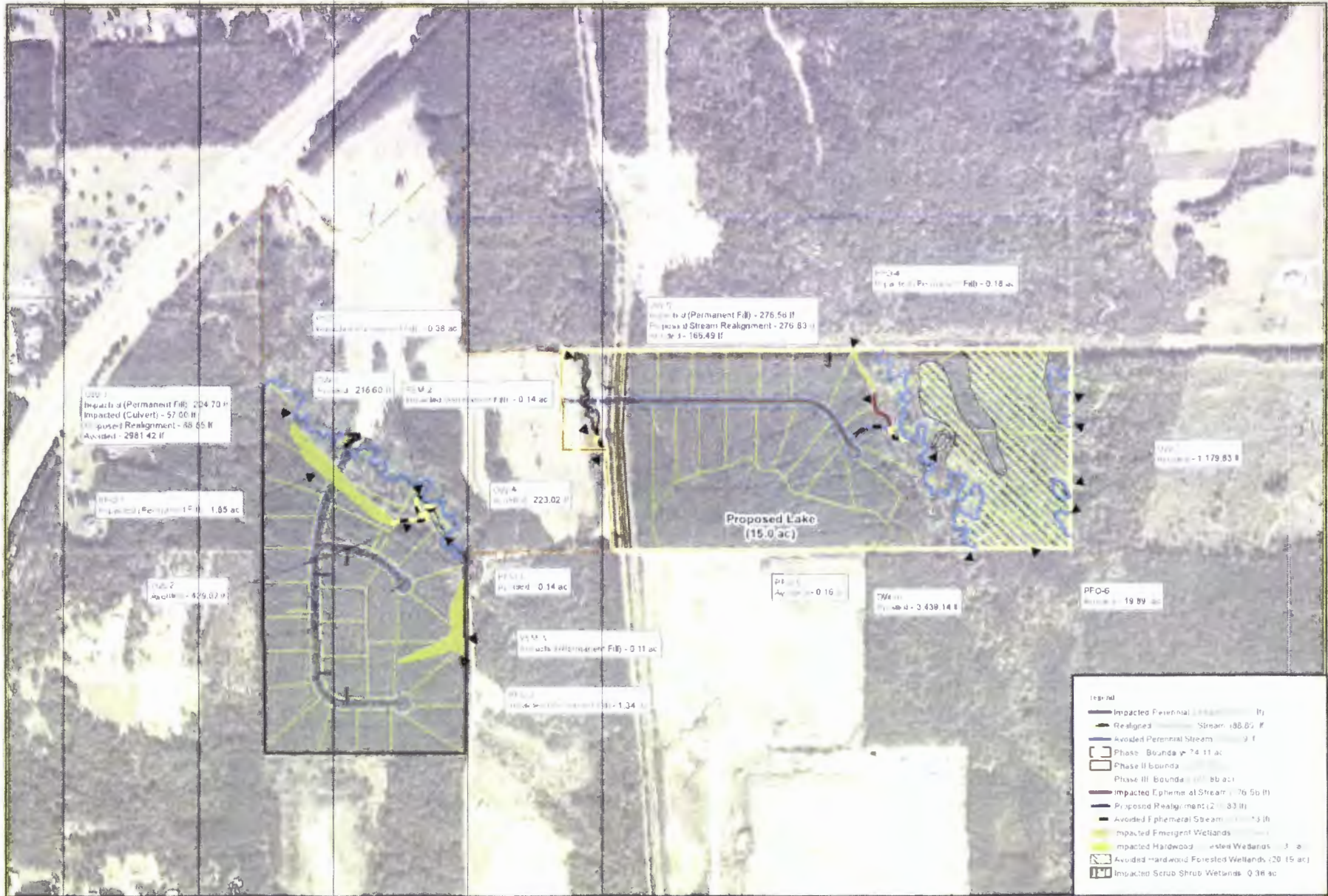
Sec. 19 & 30 - T7N - R4E
 Rankin County, Mississippi
Wetland Location Map



NAIP 1981-2011 StatePlane Mississippi West FIPS 2302 Feet US

USDA NAIP 2018 Imagery Basemap

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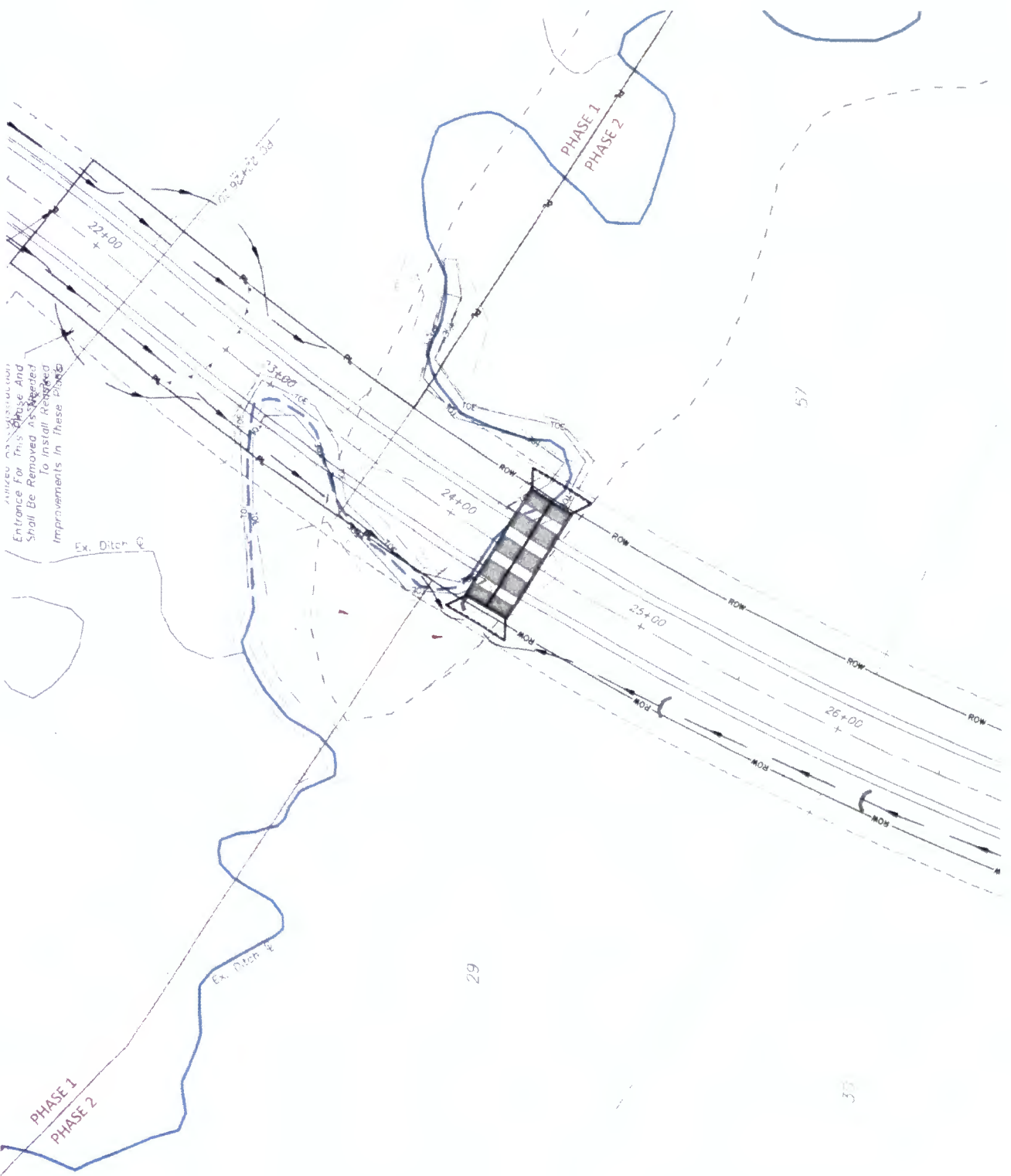
Fallen Oaks
 Sec. 19 & 30 - T7N - R4E
 Rankin County, Mississippi
Wetland Impact Map

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1:10,000

NAIP 1983-2013 StatePlane Mississippi West - PS 2302 Ft - S

USDA NAIP 2018 Imagery Basemap



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