



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	<u>MVK-2019-574</u>
EVALUATOR:	<u>Ms. Samantha Thompson</u>
PHONE NO.:	<u>(601) 631-5478</u>
E-MAIL:	<u>Samantha.H.Thompson@usace.army.mil</u>
DATE:	<u>December 14, 2020</u>
EXPIRATION DATE	<u>January 4, 2020</u>

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. As of the date of this public notice, the applicant has not submitted a certification request to the Louisiana Department of Environmental Quality (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. Jim Purgerson
Alligator Bayou Farms, LLC
2512 Kleinert Avenue
Baton Rouge, Louisiana 70806

Name of Agent:
Mr. Clay Cromwell
Headwaters, Incorporated
Post Office Box 2826
Ridgeland, Mississippi 39158

Location of Work: Section 18, T20N-R11E, Latitude 32.7187, Longitude -91.388969, within the Bayou Macon Drainage Basin (8-digit USGS HUC: 08050002), West Carroll Parish, Louisiana.

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 for the discharge of dredged and/or fill material into jurisdictional wetlands for purposes of farmland improvements.

Alligator Bayou Farms, LLC proposes to enhance Farm No. 502, Tract No. 2181, through the clearing of wetland drains located within the central and eastern portions of the farm. To allow for more efficient irrigation and cropland management increasing the overall production of the cropland and farming operation, the applicant proposes to undertake clearing, grubbing and land leveling the of the wetland features. The planned farm improvements are intended to increase the use of surface water, irrigated water and cropland reducing erosion and non-point source pollution through uncontrolled runoff. Surface water would be managed through new drainage features where it would be recirculated or otherwise controlled as it flows through the farm west towards Lyon Bayou.

The property is approximately 1,076.3 acres in size. Within the property boundary, there are approximately 6.36 acres of forested wetland drains and 4.90 acres of emergent wetland drains which transect the croplands specifically within the project area. All of the 11.26 acres of jurisdictional wetlands on site would be impacted (filled) as a result of the proposed project.

The vegetative communities within the project area are dominated by sugar hackberry, ash, sawtooth blackberry, peppervine, trumpet creeper, black willow, persimmon, button bush, knotweed, seedbox, hardy pecan, camphorweed, water-dragon, willow oak, water oak, bald cypress and sedge. Soil within the project site is dominated by Sharkey clay.

The applicant proposes to mitigate for the unavoidable loss of wetland functions through completing permittee-responsible mitigation within the project's 8-digit HUC (08050002) service 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 permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

Endangered Species: Utilizing the Information for Planning and Conservation (IPaC) tool and the Standard Local Operating Procedures for Endangered Species (SLOPES) as signed on January 17, 2020, 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.

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 proposed project site is not 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

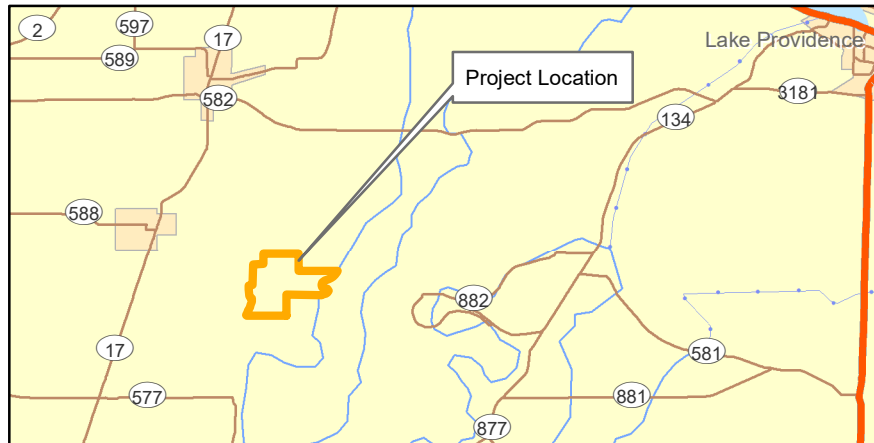
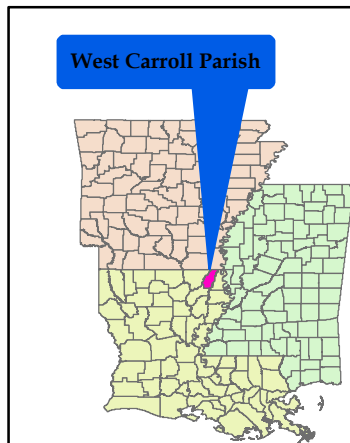
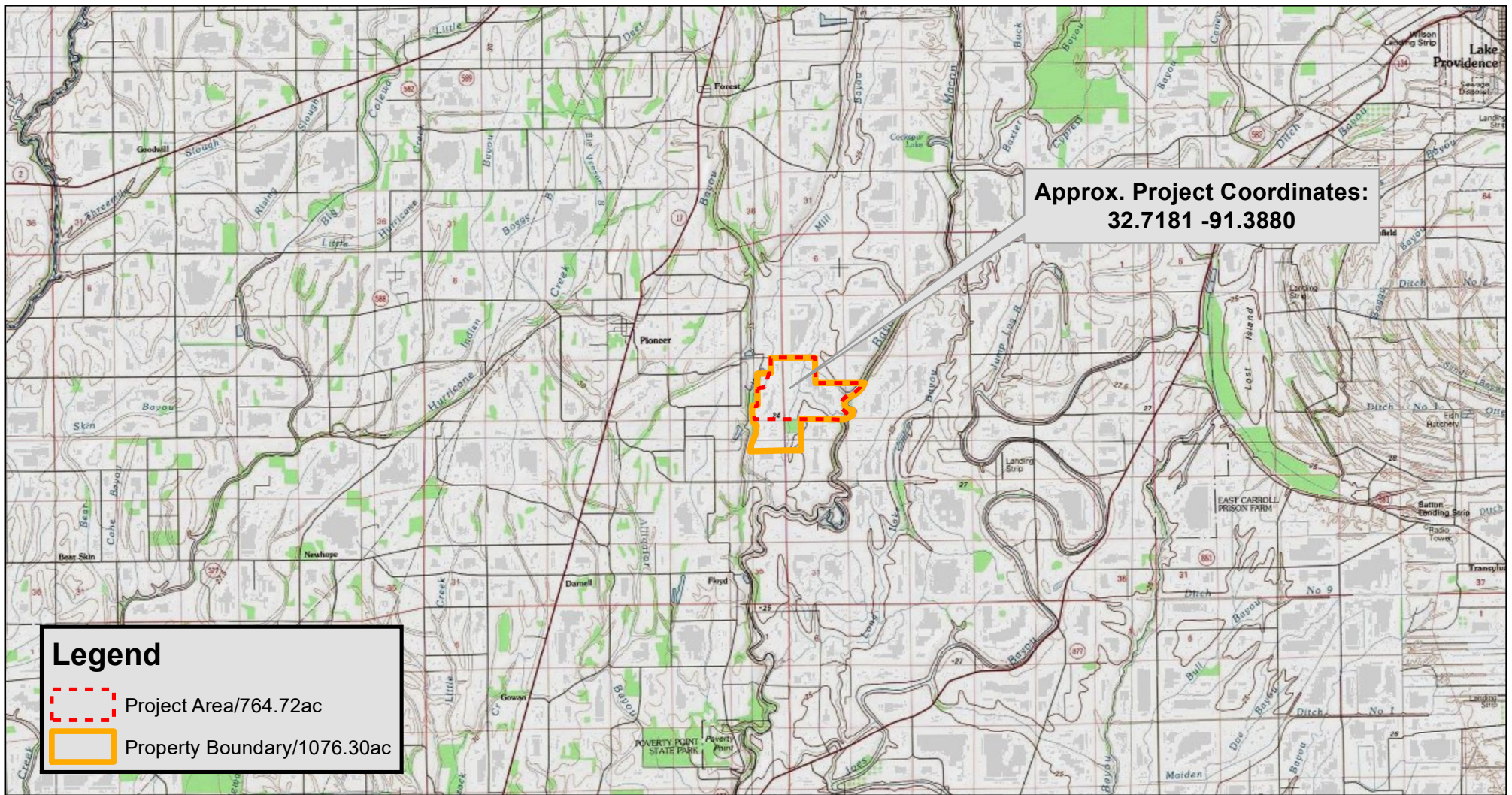
us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

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>.

Cori Carraway

**Cori Carraway
Chief, Permit and Evaluation Branch
Regulatory Division**



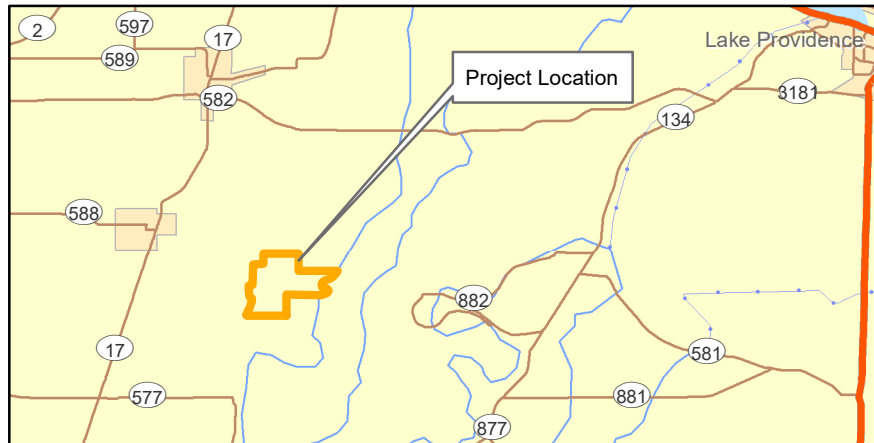
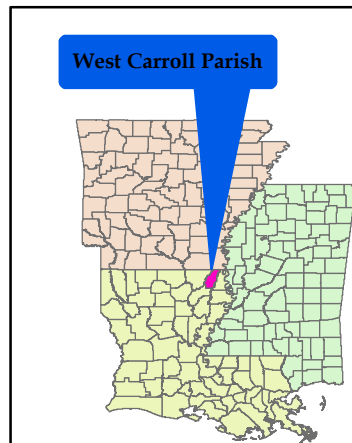
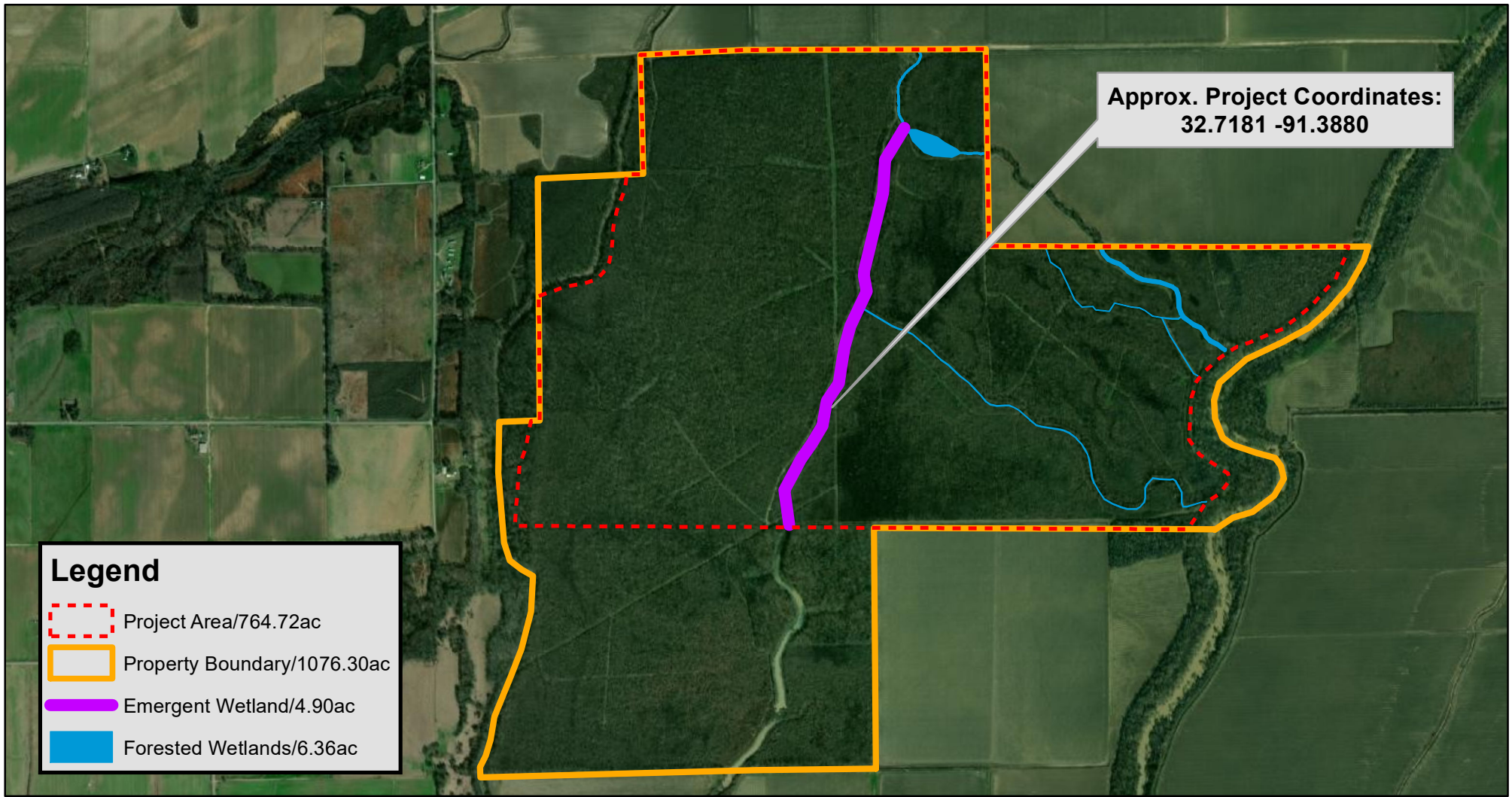
October 27, 2020
MVK-2019-574
 Applicant:
 Jim Purgerson
 Proposed Work:
 Farm Land Improvement
 Location:
 Sections 13,2418,19, T20N-R10,11E
 Pioneer, Quadrangle
 West Carroll Parish, LA
 Map Background:
 NAIP Aerial (2015)
Preliminary
Jurisdictional Determination
 Prepared by:
 Robert G. Ulmer, Jr.

US Army Corps of Engineers

Regulatory Branch

Enforcement Section

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