



**US Army Corps
of Engineers.**

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



Public Notice

APPLICATION NO.:	MVK-2019-756
EVALUATOR:	Ms. Kristi Hall
PHONE NO.:	(601) 631-7528
E-MAIL:	Kristina.W.Hall@usace.army.mil
DATE:	April 28, 2020
EXPIRATION DATE:	May 19, 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 39226 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 and / or fill material into waters of the United States.

Name of Applicant:
Mr. Andrew Windham
Windham Tractor and Implement
Company
592 East Main Street
Philadelphia, Mississippi 39350

Name of Agent:
Mr. Bart Pittman
Pittman Environmental Services, LLC
Post Office Box 1926
Purvis, Mississippi 39475

Location of Work: Section 30, T11N- R12E, Latitude 32.7730, Longitude -89.1006, within watershed Kentawka Canal part of the Pearl River Drainage Basin (8-digit USGS HUC 0318000105), Neshoba 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 for the purpose of constructing a gravel parking and equipment storage area. In November 2019, a Nationwide

Permit 39 authorized the applicant for impacts to 0.49 acre of emergent wetlands. Following receipt of verification, the permittee determined additional storage and parking would be necessary to meet the project purpose and need. The current proposal is to fill an additional 0.99 acre of emergent wetlands, and approximately 70 linear feet/0.01 acre of other waters of the U.S. in order to create a 2.25 acre gravel parking lot.

The vegetative communities within wetlands on the project area are dominated by buttercup, bahia grass, rush species and flatsedges. Soil within the project site consists of Bib sandy loam listed as a hydric soil by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a commercial mitigation bank. Regarding the previous Nationwide Permit authorization, the applicant also provided mitigation through the purchase of credits from a commercial mitigation bank.

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. The permit area has been extensively modified and little likelihood exists for the proposed project to impinge upon a historic property. 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: Based on 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, it has been determined that the proposed activity would not affect the following species: Northern long-eared bat and Ringed map turtle.

The Corps has determined that the proposed project may affect, but is not likely to adversely affect Wood stork, but the impact would be considered discountable.

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 completely located within the 100 year floodplain and a portion of the subject property is located in a regulated floodway, no impacts in the floodway are proposed.

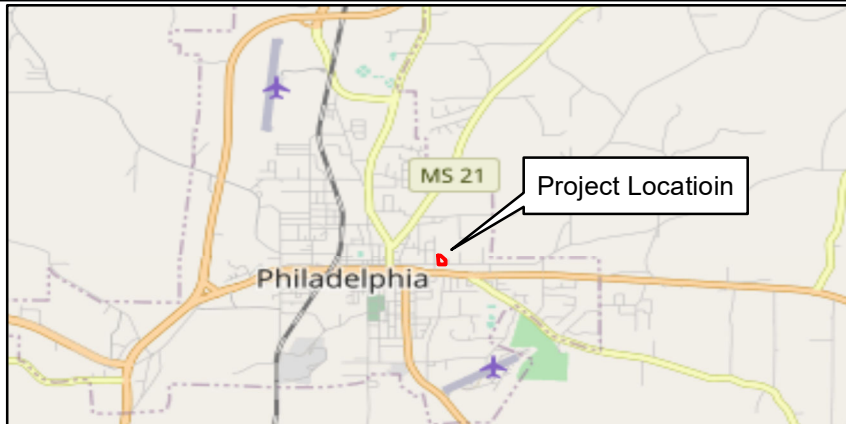
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may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



April 22, 2020

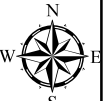
MVK-2019-756

Windham Tractor and Supply

Section 30, T-11N, R-12E
Neshoba County, MS

**Preliminary
Jurisdictional Determination**

**Aerial Imagery:
ESRI World Imagery**



**Regulatory Branch
Enforcement Section**

0 25 50 100 Feet

Prepared By: Kristi Hall

Enclosure 1

SITE PLAN, GRAVEL LOT EXPANSION
Windham Tractor & Implement Co.
2.25 Acre Site, East Myrtle Street
Philadelphia, MS

32.773004, -89.100647
Section 30, T-11N, R-12E
Neshoba County, MS



PITTMAN ENV. SERV.
4-22-20

EVERGREEN AVE.

EAST MYRTLE STREET

Proposed Gravel Lot, 2.25 Acres
0.99 Acres Wetland Impact Required
12" Select Fill with 6" Gravel for Parking

70 LF, 0.01 acre OW Impact (Ditch)

Exisitng Permit Area
MVK-2019-756

Legend

- Proposed Gravel Lot 2.25 Acres
- Delineated Wetland 1.48 Acres
- Exisitng Permit Area (MVK-2019-756) 0.49 Acres
- Jurisdictional Ditch
- Ditch-Stream 0.12 Acres
- Data Points

WINDHAM TRACTOR
& IMPLEMENT CO.
MVK-2019-756

