



**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-2016-178</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>July 28, 2021</u>
EXPIRATION DATE	<u>August 18, 2021</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 would 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 would 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. Nathan Killingsworth
APAC - Mississippi, Incorporated
Post Office Box 24508
Jackson, Mississippi 39225

Name of Agent:
Mr. Ryan Odom
Headwaters, Incorporated
Post Office Box 2836
Ridgeland, Mississippi 39157

Location of Work: Section 21, T12N-R1W, Latitude 32.8744, Longitude -90.3006, within the Yazoo Drainage Basin (8-digit USGS HUC: 08030206), Yazoo 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 for the discharge of dredged and/or fill material into jurisdictional wetlands and other waters of the United States for the purpose of constructing a wastewater pond and associated levee within the Benton Mine site.

APAC-Mississippi, Inc. (APAC) is proposing to construct a wastewater pond and associated levee within the overall Benton Mine Site property. APAC constructed the Benton Plant Site to support the commercial mining activities in 2016. The construction of plant site is complete with surface mining activities ongoing. The proposed wastewater pond and associated levee project is located directly to the west of the existing plant site within the southern limits of the overall mine site property boundary.

The proposed wastewater pond is considered critical in the ongoing aggregate mining operations at the site. The proposed wastewater pond would allow on-site processing and wastewater storage/ treatment capacity to facilitate the continued mining of the remaining aggregate (sand & gravel) reserves on the site. As designed, the wastewater pond would allow the quantity necessary to support the adjacent plant site and mining activities and eliminate the need to construct multiple smaller ponds throughout the overall mining site. The proposed wastewater pond also eliminates several safety and operational concerns identified by APAC during the operations of the current site design.

Overall, the proposed project site would encompass approximately 44 acres. The proposed wastewater pond footprint would encompass approximately 34 acres and vary in depths based on the finished excavation depths and embankment contours. The levee would be constructed to contain 2:1 upstream slopes and 3:1 down gradient slopes and would contain an average 20-foot top of levee width for maintenance purposes. The overall levee footprint would encompass approximately 10 acres.

In order to construct the wastewater pond and associated levee, approximately 0.33 acres of scrub-shrub wetlands would be impounded, and 0.03 acre of scrub-shrub wetlands would be filled. In addition, approximately 800.24 linear feet of perennial stream would be filled, and 436 linear feet of perennial stream would be impounded.

The vegetative communities within the project area are dominated by green ash, yellow poplar, water oak, willow oak, American elm, American sycamore, sweetgum, cottonwood, switchcane, and boxelder. Soil within the project site consists of Morganfield silt loam, Memphis silt loam, Memphis-Natchez association and gravel pits. Morganfield is the only soil having a hydric component of 3 by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of wetland functions through the purchase of credits from a USACE approved mitigation bank that services the project's 8-digit HUC (08030206) service area.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work would 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 would 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 would 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. A 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 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 would have no effect on the Wood stork or 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 would be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision would 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 would 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 would 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 would be used to evaluate the impacts of this project. All comments would 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 would be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

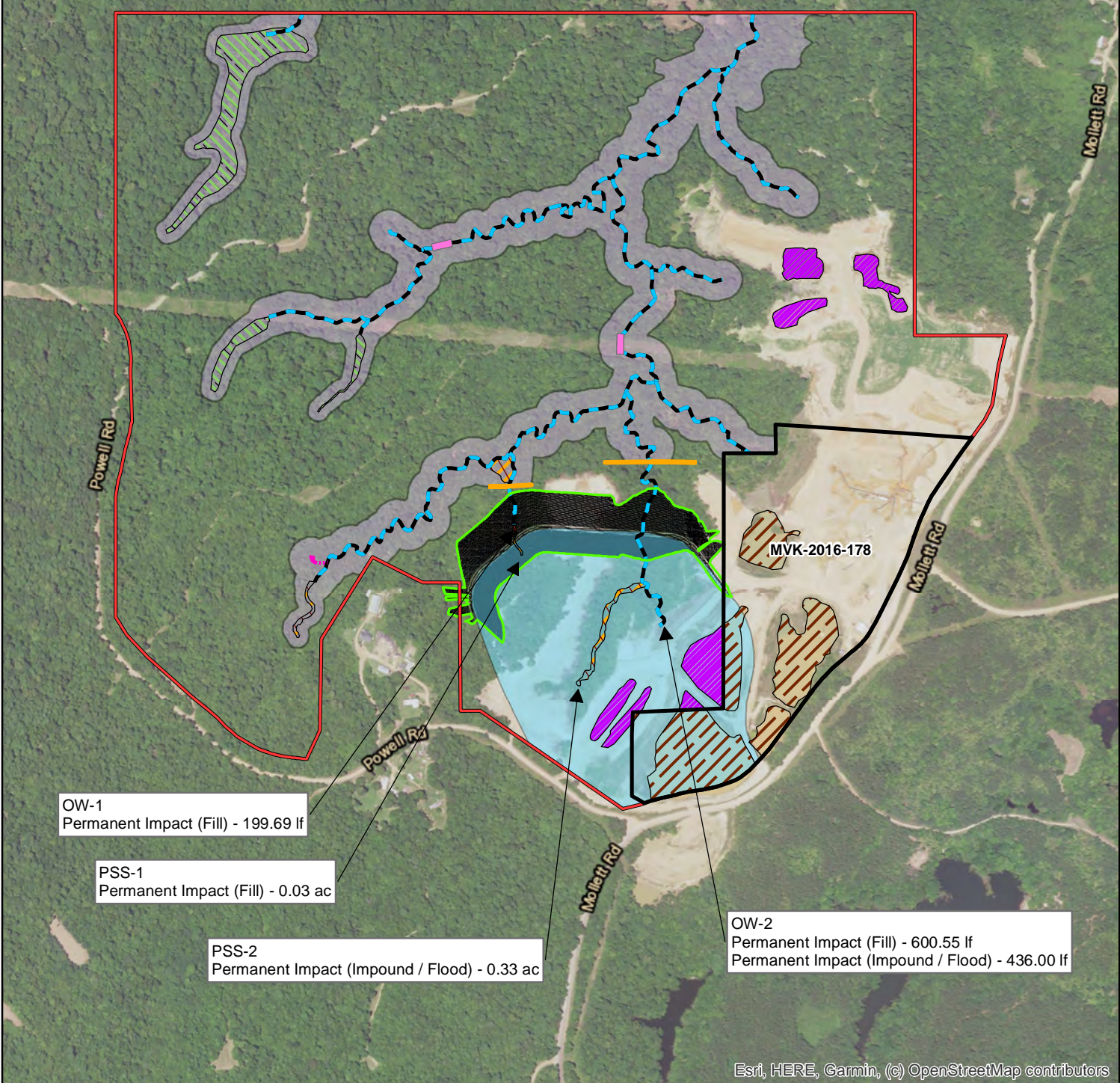
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice would 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>.

Bryan Williamson

**Bryan Williamson
Team Lead, Permit and Evaluation Branch
Regulatory Division**

- Legend**
-  MVK-2016-178
 -  Site Boundary (±312.16 ac)
 -  Excluded Waters (3.83 ac)
 -  Permitted Mining Pits (8.56 ac)
 -  Mining Riparian Buffers
 -  Proposed Levee Footprint (9.76 ac)
 -  Proposed Clearing / Impact Limits
 -  Proposed Wastewater Pond Footprint (approximate)(33.68 ac)
 -  Proposed Levee Contours
 -  100' Culvert Crossing (MVK-2016-178)
 -  Intermittent Stream (110.42 lf)
 -  Perennial Stream (12,696.06 lf)
 -  Scrub-Shrub Wetland (0.75 ac)
 -  Forested Wetland (3.69 ac)



OW-1
Permanent Impact (Fill) - 199.69 lf

PSS-1
Permanent Impact (Fill) - 0.03 ac

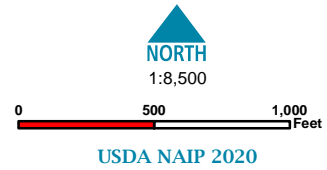
PSS-2
Permanent Impact (Impound / Flood) - 0.33 ac















OW-2
Permanent Impact (Fill) - 600.55 lf
Permanent Impact (Impound / Flood) - 436.00 lf

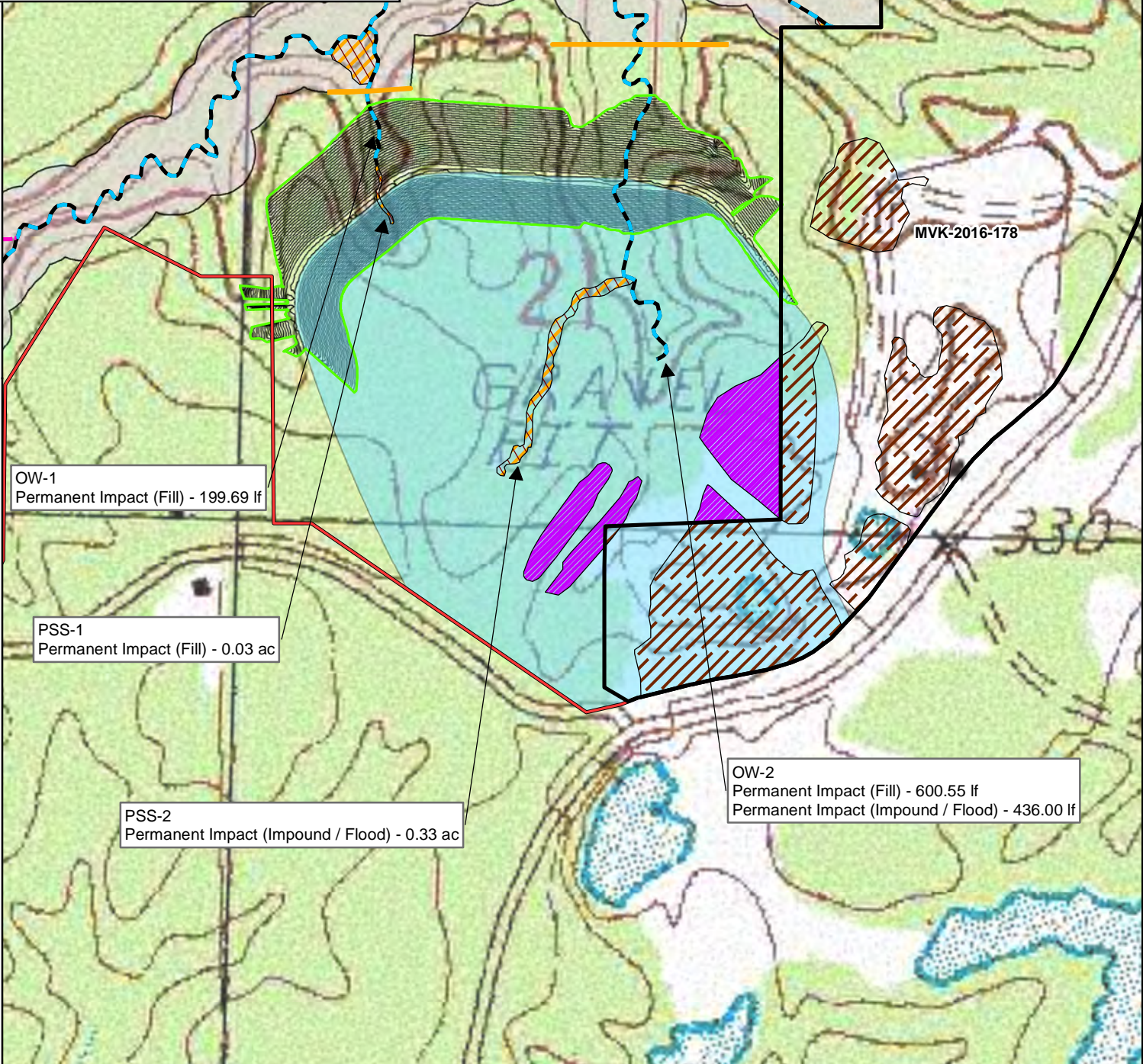
Esri, HERE, Garmin, (c) OpenStreetMap contributors



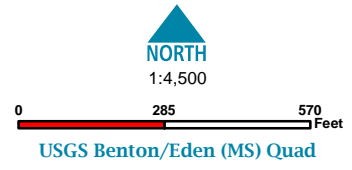
APAC-Mississippi, Inc.
Benton Mine Site
Proposed Wastewater Pond
 Yazoo County, Mississippi
"Waters of the U.S." Impact Map

















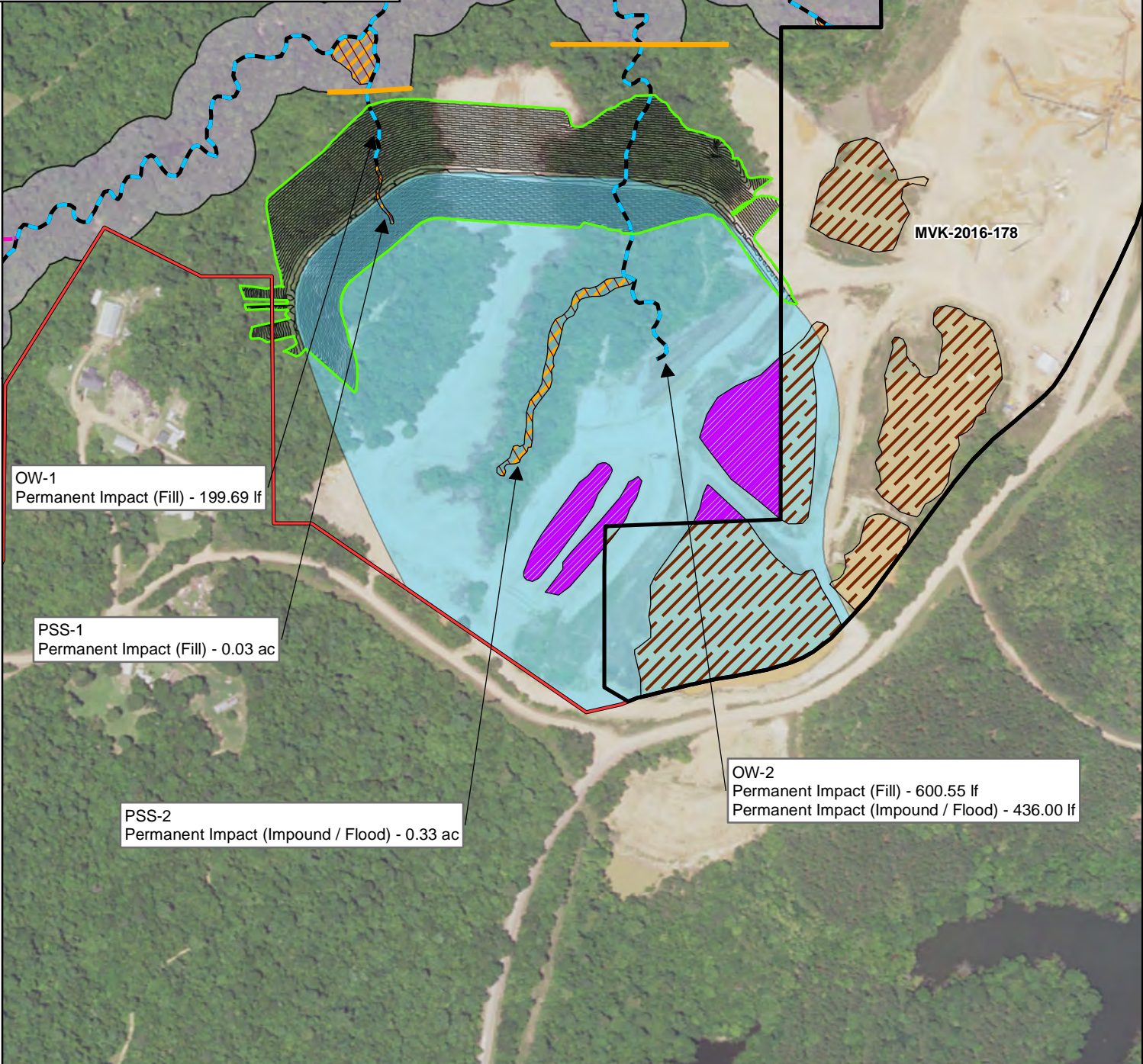
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PSS-1
Permanent Impact (Fill) - 0.03 ac

PSS-2
Permanent Impact (Impound / Flood) - 0.33 ac

OW-2
Permanent Impact (Fill) - 600.55 lf
Permanent Impact (Impound / Flood) - 436.00 lf

MVK-2016-178



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