



**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-2017-854</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>April 12, 2021</u>
EXPIRATION DATE:	<u>May 3, 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 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. Patrick Trainor
Purple Alpha II, LLC
1196 Poplar View Lane South, Suite 1
Collierville, Tennessee 38017

Name of Agent:
Mr. Bill Tomlinson
Sustainable Resource Managers, LLC
Post Office Box 820186
Vicksburg, Mississippi 39182

Location of Work: Section 11, T20N-R12E, Latitude 32.7316, Longitude -91.2042, within Tensas Drainage Basin (8-digit USGS HUC 08050003), East Carroll Parish, Louisiana.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army permit for inadvertently conducting regulated activities in jurisdictional wetlands for the purpose of commercial production of agricultural commodities.

Purple Alpha II, LLC (Purple Alpha) inadvertently cleared a jurisdictional wetland that was embedded within the currently expired USDA Conservation Reserve Program (CRP) parcels. The parcel that was inadvertently cleared is a 2.83-acre wetland and is part of a larger 157.4-acre non-jurisdictional parcel.

The vegetation within the project area is currently dominated by sicklepod, Johnson grass, goldenrod, prickly fanpetals, prostrate knotweed, field blackberry, and heartleaf peppervine. Soil within the project site consists of Newellton-Tunica complex.

Approximately 2.83 acres of scrub shrub wetlands have been permanently filled prior to permit issuance. The permanent fill consisted of 4,817 cubic yards of indigenous soils from adjacent uplands.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional wetlands through the purchase of credits from a commercial 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 plans. 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 so extensively modified that little likelihood exists for the project to impinge upon a historic property, even if present within the affected area.

Endangered Species: The Corps has determined that the activity would have no effect on the Fat pocketbook mussel and 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 Intra-Service Biological Opinion for the final 4(d) rule for the Northern long-eared bat. Our finding is based on utilizing the Information and Planning Consultation for Endangered Species in Louisiana (as per Memorandum of Agreement, signed on January 14, 2020, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office).

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 development described in this public notice and apprise this office of any flood plain development permit requirements. The project is located 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.

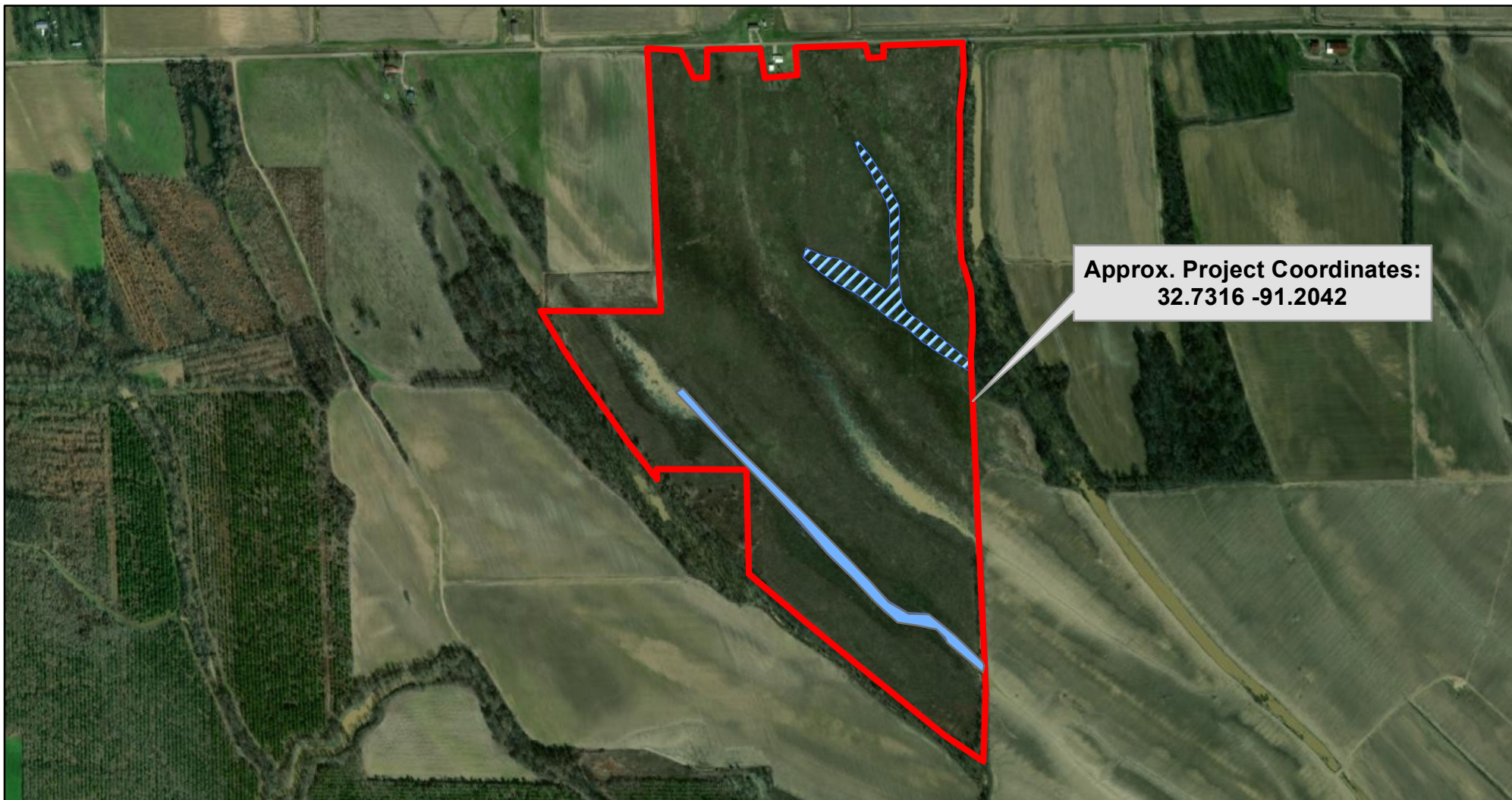
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this

notice will be interpreted to mean that there is no objection to the work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.



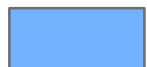
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.



Cori Carraway
Chief, Permit and Evaluation Branch
Regulatory Division



LEGEND

-  Prior Converted Cropland/CRP Non Jurisdictional 153.2 Acres
-  Prior Converted Cropland/CRP Non Jurisdictional Wetlands 4.2 Acres
-  Jurisdictional Wetlands 2.83 Acres



March 18, 2021
MVK-2017-854

Applicant:
 Steve Brunson

Proposed Work:
 CRP Revision

Location:
 Sections 11 & 14, T20N-R12E
 Transylvania, Quadrangle
 East Carroll Parish, LA

Map Background:
 NAIP Aerial (2010)

Jurisdictional Determination

Prepared by:
 Robert G. Ulmer, Jr.



Regulatory Division
 Enforcement & Compliance
 Branch

