



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	MVK-2020-93
EVALUATOR:	Ms. Samantha Thompson
PHONE NO.:	(601) 631-5478
E-MAIL:	Samantha.H.Thompson@usace.army.mil
DATE:	April 24, 2020
EXPIRATION DATE:	May 15, 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:
Kurt Nelson
Hillwood Investment Properties
6410 Poplar Avenue, Suite 835
Memphis, Tennessee 38119

Name of Agent:
Mr. Tim Brophy
Brophy - Heineke & Associates, Inc
2978 Shelby Street
Bartlett, Tennessee 38134

Location of Work: Section 23, T1N, R6W, Latitude 34.99128, Longitude -89.80627, within Yazoo Drainage Basin (8-digit USGS HUC: 08030204), DeSoto 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 waters of the United States for the purpose of constructing a distribution facility. The facility would include a 1,085,280 square foot warehouse building and associated access roads and parking lots.

An existing 40 linear foot culverted road crossing, located in the southeastern corner of the property, would provide access to the site and be utilized to limit stream impacts in the project area.

The vegetative communities within the project area are dominated by sweetgum, red maple, loblolly pine, woolgrass, redroot flatsedge, blunt spikerush, common chickweed, trumpet creeper, Japanese honeysuckle. Soils within the project site consist of Collins and Falaya silt loam.

The total project area is approximately 74.33 acres. A total of 3.23 acres of wetlands, 1,963 linear feet of stream channel and 2.11 acres of open water exist within the project area. Approximately 3.23 acres of jurisdictional wetlands and approximately 2.11 acres of open water would be filled, as well as approximately 263 linear feet of ephemeral stream would be piped. There would be no impacts to the 1700 linear feet of intermittent stream.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a USACE approved 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 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: Our initial finding is that the proposed project will not affect the pallid sturgeon, interior least tern, fat pocketbook mussel, pondberry, and may affect, but not likely to adversely affect the northern long-eared bat, but that any resulting incidental take of the northern long eared bat is not prohibited by the final 4(d) rule utilizing the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on June 6, 2017 between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service.

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. Portions of the project are located within the 100 year floodplain.

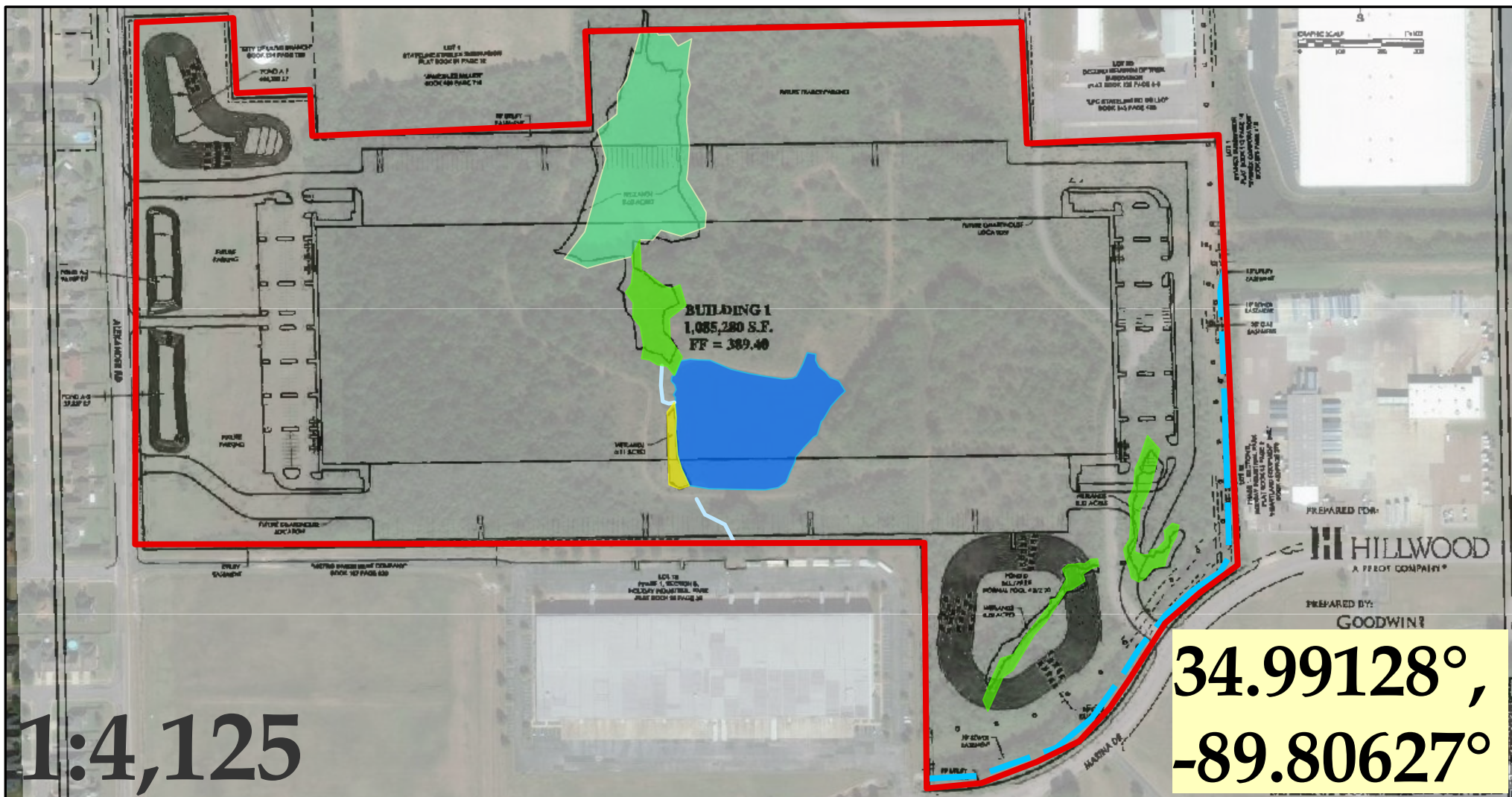
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may 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 proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

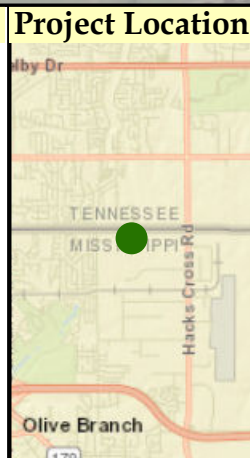
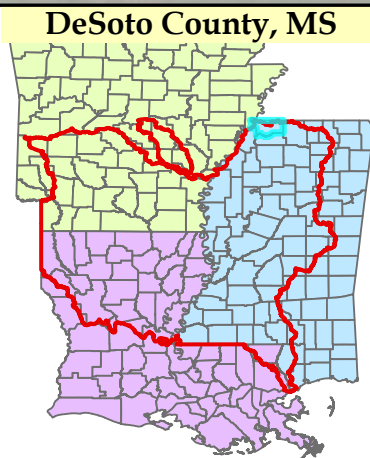
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Thomas A. McCabe
Chief, Evaluation Section
Regulatory Branch



Legend

- Project Boundary**
- Jurisdictional Wetlands & OWS**
- Emergent Wetlands | 0.11 ac**
 - Forested Wetlands | 0.97 ac**
 - Emergent/Scrub-Shrub Wetlands Mix | 2.15 ac**
 - Intermittent stream | 1700 lf**
 - Ephemeral stream | 263 lf**
 - Pond (Open Water) | 2.11 ac**



MVK-2020-93

Project:
Hillwood Investment Properties
Proposed Marina Drive
Commerce Center Parcel

Location:
Section 23, T1S-R6W
Olive Branch Quadrangle
DeSoto County, MS

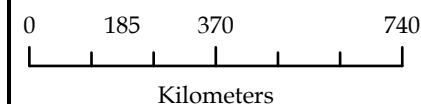
Preliminary Jurisdictional Determination



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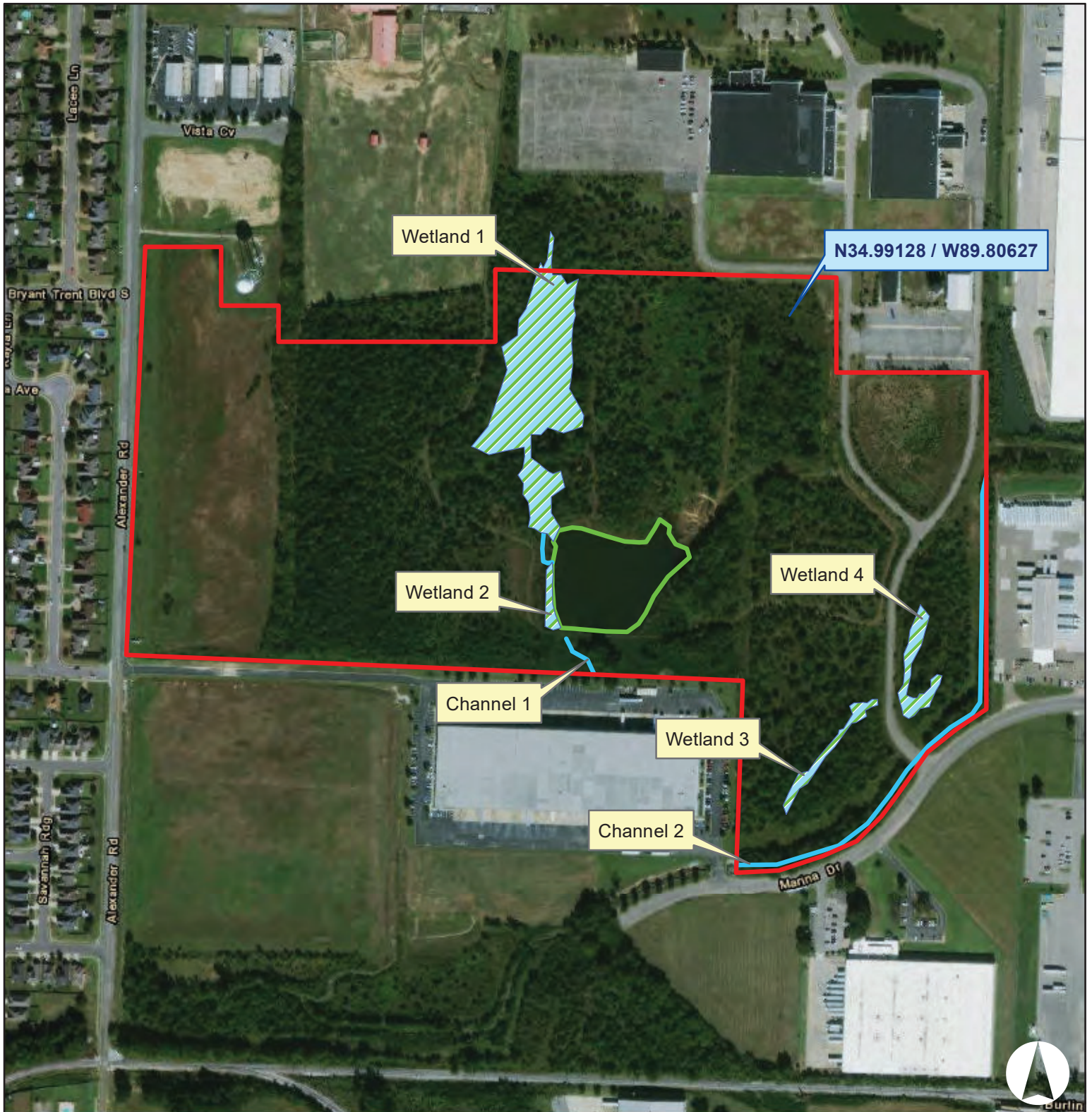
Regulatory Branch

Enforcement Section



Enclosure 1

Marina Drive Parcel Features Map



0 125 250 500 750
Feet
1:5,000

-  Project Area
-  Wetlands
-  Channels
-  Pond/ Other Waters