



**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-2020-178</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 2, 2021</u>
EXPIRATION DATE:	<u>July 23, 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 DEQ (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:
Honorable Chuck Espy
Mayor, City of Clarksdale
121 Sunflower Avenue
Clarksdale, Mississippi 38614

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

Location of Work: Section 14, T27N-R4W, Latitude 34.2181°N, Longitude -90.5806°W, within the Big Sunflower River Headwaters Watershed in the Big Sunflower River Drainage Basin (8-digit USGS HUC 08030207), Coahoma 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 modification to a Department of the Army permit that was issued on December 18, 2020. The modification is for the discharge dredged and/or fill material into jurisdictional waters of the United States for the construction of a ring levee and detention basin in Clarksdale, Coahoma County, Mississippi. The stated purpose is to prevent rising waters from the Big Sunflower River from flooding adjacent residential lots within the Pearson Subdivision.

The proposed work is the construction of a levee and detention basin within jurisdictional wetlands to alleviate flooding due to large rain events and overtopping of the Big Sunflower River. The applicant now wishes to expand the detention pond footprint from the previously permitted size. The permitted levee footprint will not change.

Approximately 45 homes within the Pearson Street subdivision were flooded in the March 2016 storm event, which exceeded the 100-year flood. The proposed Pearson Street subdivision flood control levee was designed to protect the previously flooded residential subdivision from future flooding by the Big Sunflower River. When completed, the levee will be approximately 3,490 feet in length and have an average height of 6 feet. The top of levee elevation will be 160.0+/- and will provide the required 3-ft of freeboard above the Base Flood (100-year) Elevation needed for FEMA certification.

The previously permitted detention pond covered a surface area of 0.9 acres located within jurisdictional wetlands. The initial design used for the initial Section 404 application was based on an estimated storage volume prior to performing a detailed hydrologic analysis of the watershed draining to the detention pond. The initial estimated storage volume was based on a drainage area of 11.71 acres, which represents the surface area draining to the pond during routine, frequent storm events. During final design of the basin, it was decided that the proposed detention basin would need to be designed to detain the 100-year local storm while assuming a closed flap valve condition, while the Big Sunflower River is in flood stage, resulting in no discharge from the detention basin. In addition, the 100-year high water within the detention basin must remain below the finished floor elevations to prevent flooding on the interior side

of the levee. Therefore, as a result of a detailed hydrologic routing analysis performed during final design of the levee and detention system, it was determined that the drainage area needed to account for a larger drainage area because during a 100-year local storm event, water spills over from adjacent areas into the “routine drainage area,” which almost doubles the drainage area during a 100-year storm. Therefore, the footprint of the initial permitted design of the detention basin needed to be expanded to fully contain the 100-year storm volume while the river is in a flooded condition. The final design of the detention basin consists of two cells – western cell and eastern cell. The western cell, which is slightly lower than the eastern cell, contains a permanent micro pool for water quality treatment (22,198 cubic feet provided).

The runoff volume for the 100-year storm event is equal to 594,520 cubic feet and represents the minimum storage volume for the detention basin on the interior side of the proposed levee. The final detention basin volume provided during final design is 620,000 cubic feet, which exceeds the 100-year storm volume of 594,520 cubic feet and prevents flooding of the residential homes during Big Sunflower River 100-year flood stage.

The total project site is approximately 55.2 acres in size, containing approximately 12.9 acres of jurisdictional wetlands. The initial permit permitted the fill of 0.40 acre of forested wetlands and 0.68 acre of herbaceous wetlands, and the clearing of 0.90 acre of forested wetlands. To compensate for that loss, 17 Charleston wetland mitigation credits were purchased from the Delta Mitigation Bank in December 2020. The proposed modification would result in 2.53 acres of additional impacts within the project area (clearing of 0.4 acre of forested wetlands and impoundment of 2.13 acres of emergent wetlands). The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a USACE approved mitigation bank that services the project area.

The vegetative communities within the project area are dominated by *Carex spp.*, honey locust (*Gleditsia triacanthos*), and *Solidago spp.* Soil within the project site consists primarily of Dowling clay, Dundee-clack soils, and Sharkey clay with NRCS hydric component percentage ratings of 90, 3, and 97, respectively.

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 USACE Vicksburg Regulatory Division coordinated with the State Historic Preservation Officer, federally recognized Tribes, and other interested parties regarding potential effects to historic properties that could have resulted from the proposed activity during the initial permitting process. The permit modification (i.e. proposed detention pond expansion) will not extend outside the footprint of the original project boundaries.

Endangered Species: Threatened and Endangered Species for this area include the Wood stork, Northern long-eared bat, and Pondberry. Utilizing 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 (USFWS), the Corps determined that the proposed activity would have no effect on the Wood stork; and may affect the Northern long-eared bat, but any resulting incidental take is not prohibited by the final 4(d) rule. The potential effect to Pondberry was coordinated with the U.S. Fish and Wildlife Service, and comments regarding endangered species or their critical habitat have been addressed and satisfied during the initial evaluation of the described work.

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 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>.

Bryan Williamson

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

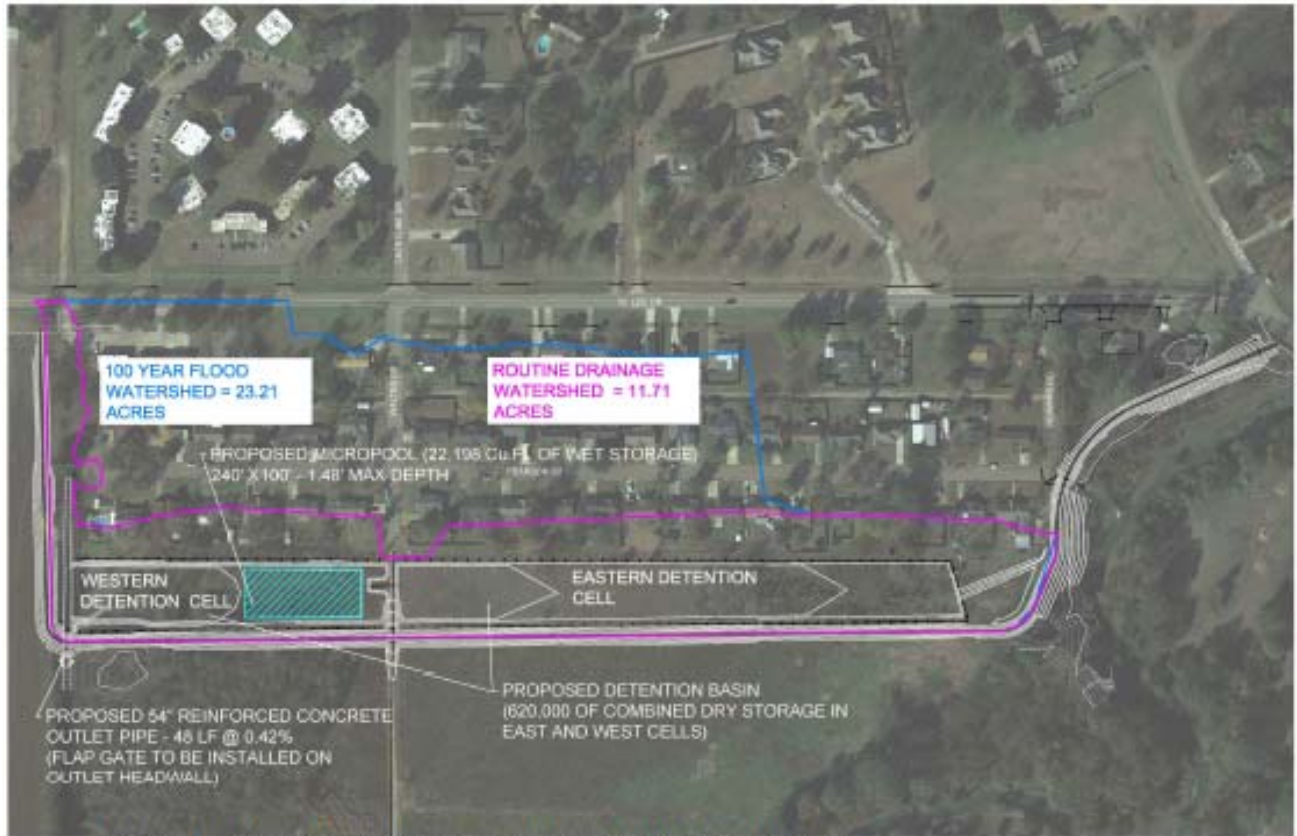









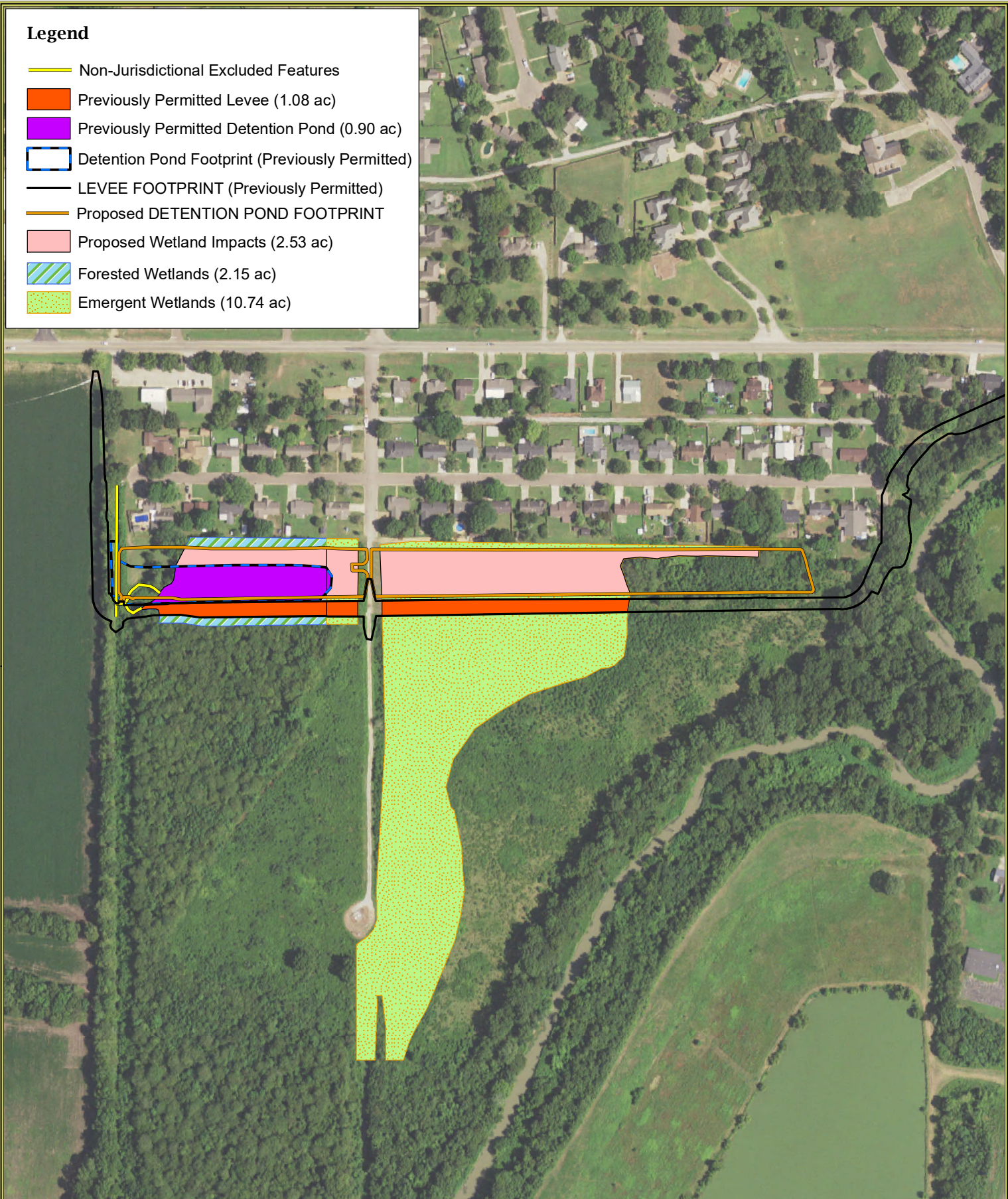


Figure 1. – Watershed, Detention Basin, and Micropool Layout

Legend

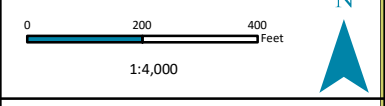
-  Non-Jurisdictional Excluded Features
-  Previously Permitted Levee (1.08 ac)
-  Previously Permitted Detention Pond (0.90 ac)
-  Detention Pond Footprint (Previously Permitted)
-  LEVEE FOOTPRINT (Previously Permitted)
-  Proposed DETENTION POND FOOTPRINT
-  Proposed Wetland Impacts (2.53 ac)
-  Forested Wetlands (2.15 ac)
-  Emergent Wetlands (10.74 ac)




HEADWATERS INC.
NATURAL RESOURCES CONSULTING
WWW.HEADWATERS-INC.COM

Date Created: 4/29/2021 Created by: PGH

Pearson Street Levee Project
Section 14, Township 27 North, Range 4 West
Coahoma County, Mississippi
Proposed Wetland Impacts Map

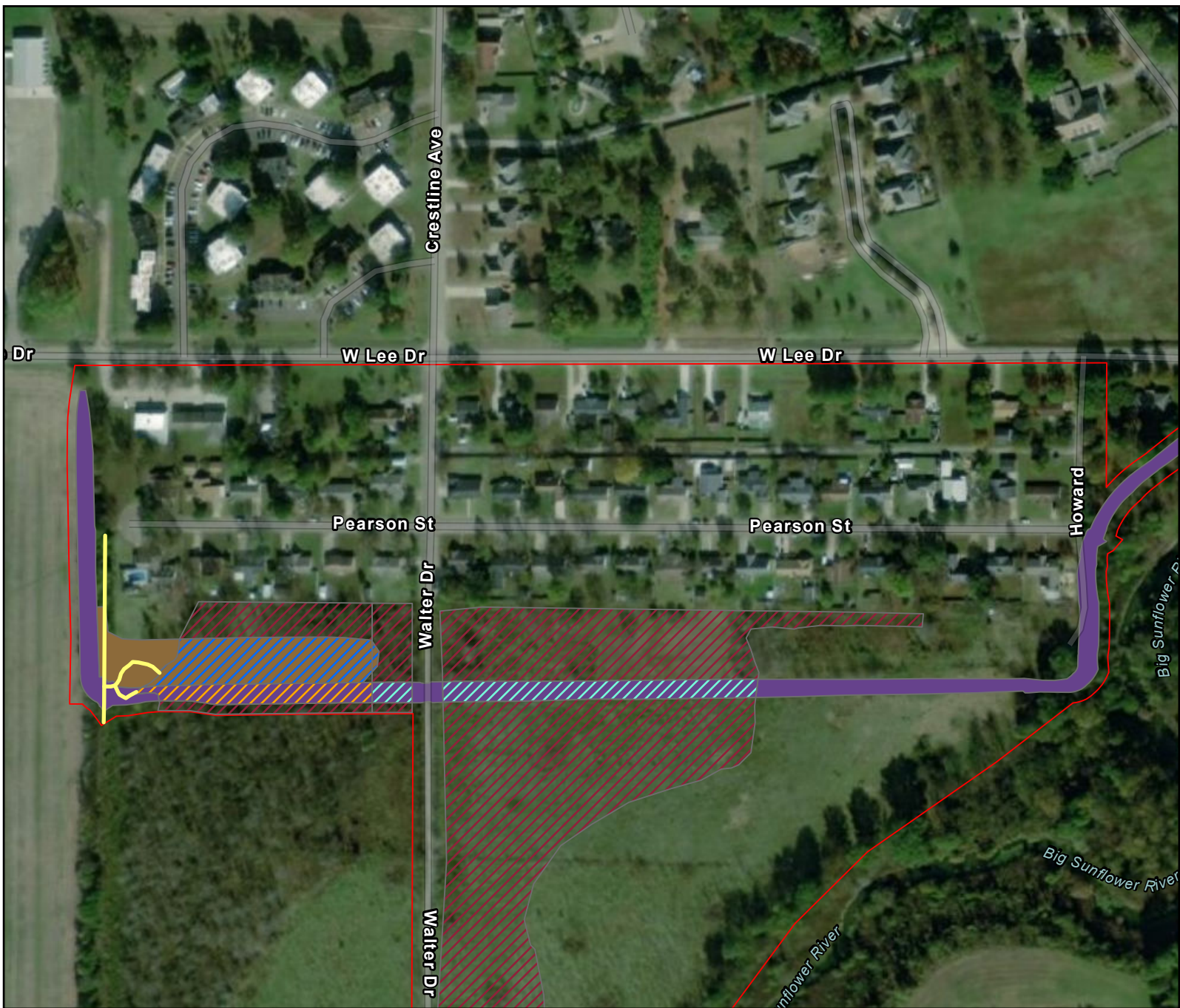


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Feet

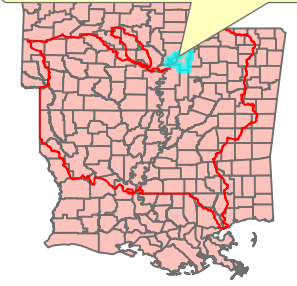
1:4,000

NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

USDA NAIP 2020 Imagery Basemap



Coahoma County, MS



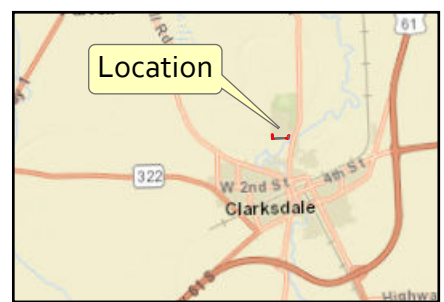
22 JUNE 2020
MVK-2020-178

Mr. Bruce Cook
 Yazoo Mississippi Delta Levee Board
 City of Clarksdale
 Proposed Ring Levee

Approved
 Jurisdictional Determination

Jeremy Stokes

Location



US Army Corps of Engineers®

REGULATORY BRANCH
 ENFORCEMENT SECTION



- Legend**
- Wetlands
 - Project_Boundary
 - Proposed Detention Pond
 - Proposed_Levee_Footprint
 - Non-Jurisdictional Excluded Features
 - Impacted Wetlands_Detention Basin (0.9 Acre)
 - Emergent Wetlands Impacted_Levee (0.68 Acre)
 - Forested Wetlands Impacted_Levee (0.4 Acre)

Scale: 1:3,500