



**US Army Corps
of Engineers**
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-2018-812
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
E-MAIL:	Tarmiko.V.Graham@usace.army.mil
DATE:	April 16, 2019
EXPIRATION DATE:	May 6, 2019

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 at the above address, and the Mississippi Department of Environmental Quality at Post Office Box 2261, Jackson, Mississippi 39225, 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. Michael Rozier
RM Olive Branch, LLC
10 Lamar Boulevard
Hattiesburg, Mississippi 39402

Name of Agent:
Mr. Ben Day
Toioga Environmental Consultants, Inc.
357 North Main Street
Memphis, Tennessee 38103

Location of Work: Section 28, T1S-R6W, Latitude 34.963022, Longitude - 89.843725, in the Camp Creek watershed within the Lower Mississippi 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 for the discharge of dredged and/or fill material into jurisdictional wetlands for the construction of a 14.2-acre commercial development. The project area is located in the highly desirable and developing commercial district of Olive Branch, Mississippi.

The proposed development would consist of building pads, access drives and parking areas, and storm / flood controls. Approximately 0.15 acre of bottomland hardwood, 0.31 acre of man-made ponds, 680 linear feet of a perennial stream and 265 linear feet of an ephemeral stream would be impacted by the proposed project.

Approximately 83 cubic yard of soil fill and 73 yard of gravel would be placed inside the jurisdictional areas. The majority of the fill would be from cut areas onsite. As necessary, fill may be brought in from local sources.

The site is generally dominated by a mix of hardwood and pine species, including various oaks (*Quercus* sp.), maple (*Acer* sp.), elm (*Ulmus* sp.), sweetgum (*Liquidambar styraciflua*), and sycamore (*Platanus occidentalis*). These species are generally more mature on the southern portion of the site, where the former residences were located, and are smaller and less mature within the former agricultural areas.

The central area that demonstrated wetland hydrology was dominated by river birch (*Betula nigra*) with interspersed black willow (*Salix nigra*) and elm (*Ulmus* sp.) and an herbaceous layer including swamp smartweed (*Polygonum hydropiperoides*), peppervine (*Ampelopsis arborea*), red maple (*Acer rubrum*), and woodoats (*Chasmanthium laxum*).

The upper portion of the ephemeral channel between the ponds contained jewelweed (*Impatiens capensis*) while the northeastern floodplain was dominated by black willow and swamp smartweed. The littoral edges of the ponds were vegetated with jewelweed and floating duckweed (*Lemna minor*) with willow laden banks.

Approximately 16% of the project area is comprised of the Falaya and Collins soils, primarily on the southeastern and southwestern edges of the property where the two streams enter the site. These soils are only noted to have a 3% chance of hydric inclusions and no conditions outside the streams that would lead to hydric conditions were noted. As no other hydrologic or vegetative wetland indicators were noted, no soil profiles were conducted in these areas.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from an approved mitigation bank, whose service area includes the same 8-digit HUC: 08030204.

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. No further cultural resources considerations are warranted at this time. Should archaeological deposits, historic structures, sunken vessels, or human remains be identified during construction, activity shall cease in the immediate area and this office contacted within 24 hours. Further action will be taken pursuant to 33CFR325, Appendix C and 36CFR800.13.

Endangered Species: Our initial finding is that the proposed project may affect, but not likely to adversely affect the wood stork and 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. The proposed project site is not 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
Thomas A. McCabe
Chief, Evaluation Section
Regulatory Branch





Legend

-  Project Boundary
-  Potential Jurisdictional Streams
-  Potential Jurisdictional Waters
-  Potential Jurisdictional Wetlands



THERE ARE JURISDICTIONAL WATERS OF THE U.S. IDENTIFIED WITHIN THE PROPOSED PROJECT BOUNDARY, THUS A PERMIT MAYBE REQUIRED

January 10, 2019
MVK-2018-812
 Tioga Environmental Consultants
 Goodman Road Tract
 Olive Branch, MS
**Preliminary
 Jurisdictional Determination**
 Aerial Imagery:
 ESRI World Imagery

**Regulatory Branch
 Enforcement Section**

0 60 120 240 Feet


Prepared By: Jay Keen
Enclosure 1



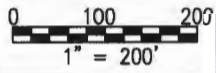
NOT TO SCALE



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GOODMAN CROSSROADS SUBDIVISION

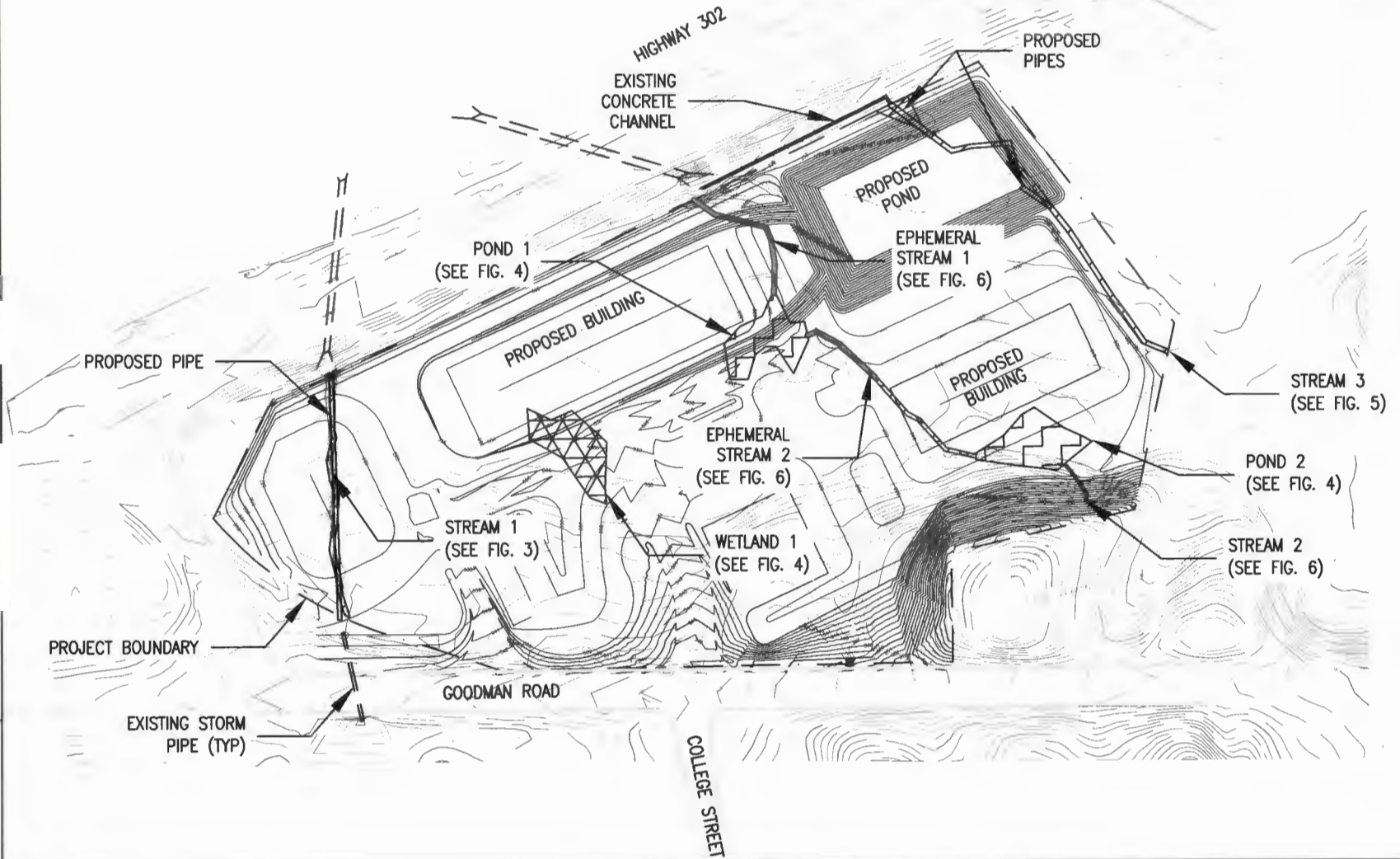
DESCRIPTION:	VICINITY MAP	PROJECT #:	54912.00
LOCATION:	OLIVE BRANCH, MS	DATE:	MARCH 2019



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LEGEND

	PROJECT BOUNDARY		EXISTING MINOR CONTOUR
	PERENNIAL STREAM		EXISTING MAJOR CONTOUR
	EPHEMERAL STREAM		PROPOSED MINOR CONTOUR
	POND		PROPOSED MAJOR CONTOUR
	WETLAND		
	PROPOSED PIPE/CULVERT		

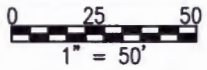


DESCRIPTION: **GOODMAN CROSSROADS SUBDIVISION**

LOCATION: **OLIVE BRANCH, MS**

DATE: **MARCH 2019**

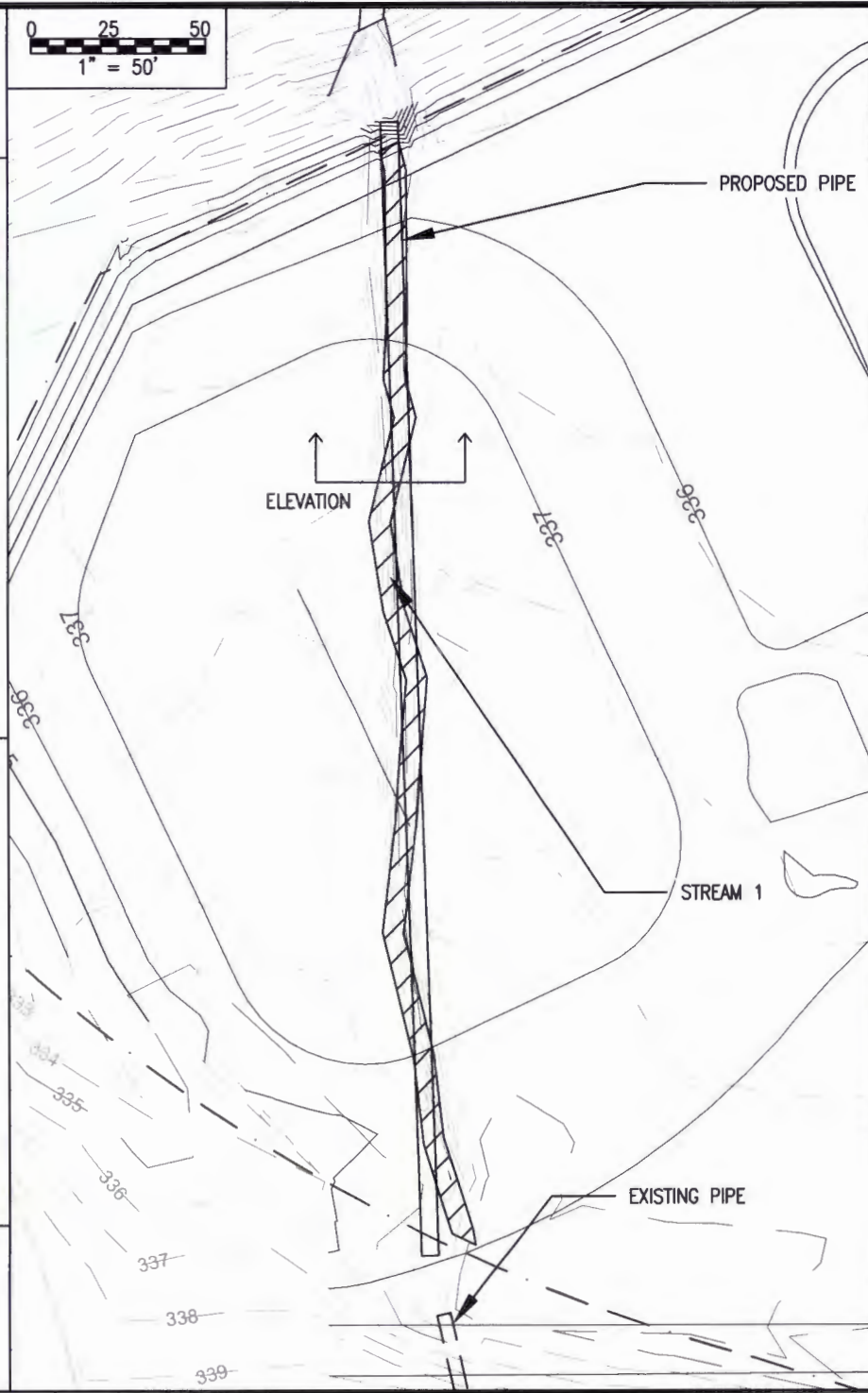
PROJECT # **54912.00**







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GOODMAN CROSSROADS SUBDIVISION
DESCRIPTION: STREAM 1 DETAIL
LOCATION: OLIVE BRANCH, MS
PROJECT #: 54912.00
DATE: MARCH 2019

3

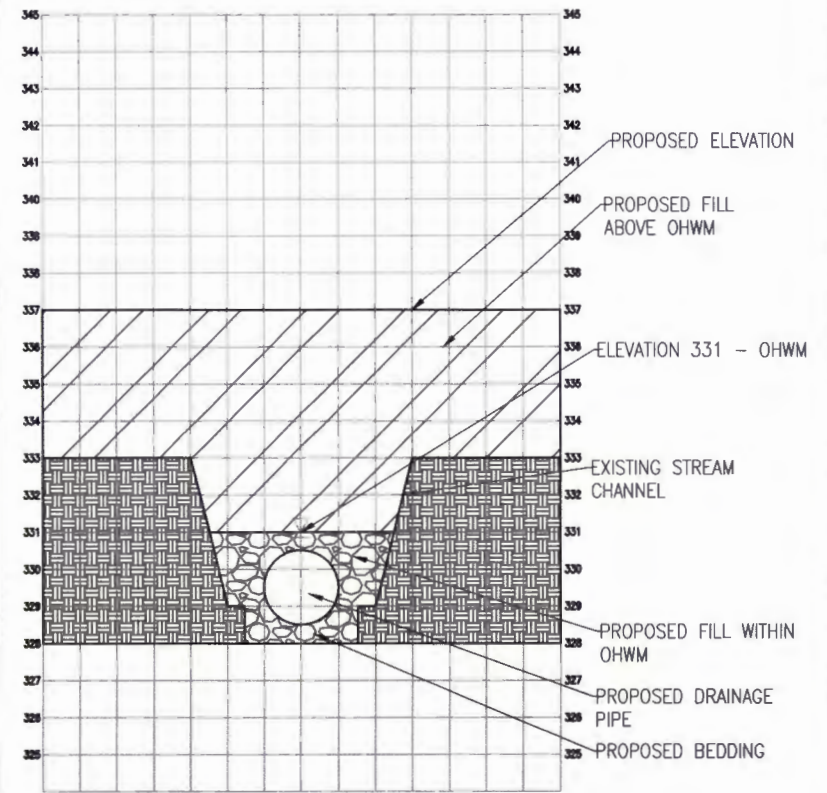


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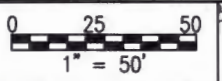
- PROJECT BOUNDARY
-  PERENNIAL STREAM
- EPHEMERAL STREAM
-  POND
-  WETLAND
-  PROPOSED PIPE/CULVERT
- 341 - EXISTING MINOR CONTOUR
- 340 - EXISTING MAJOR CONTOUR
- 341 - PROPOSED MINOR CONTOUR
- 340 - PROPOSED MAJOR CONTOUR

ELEVATION

STREAM 1



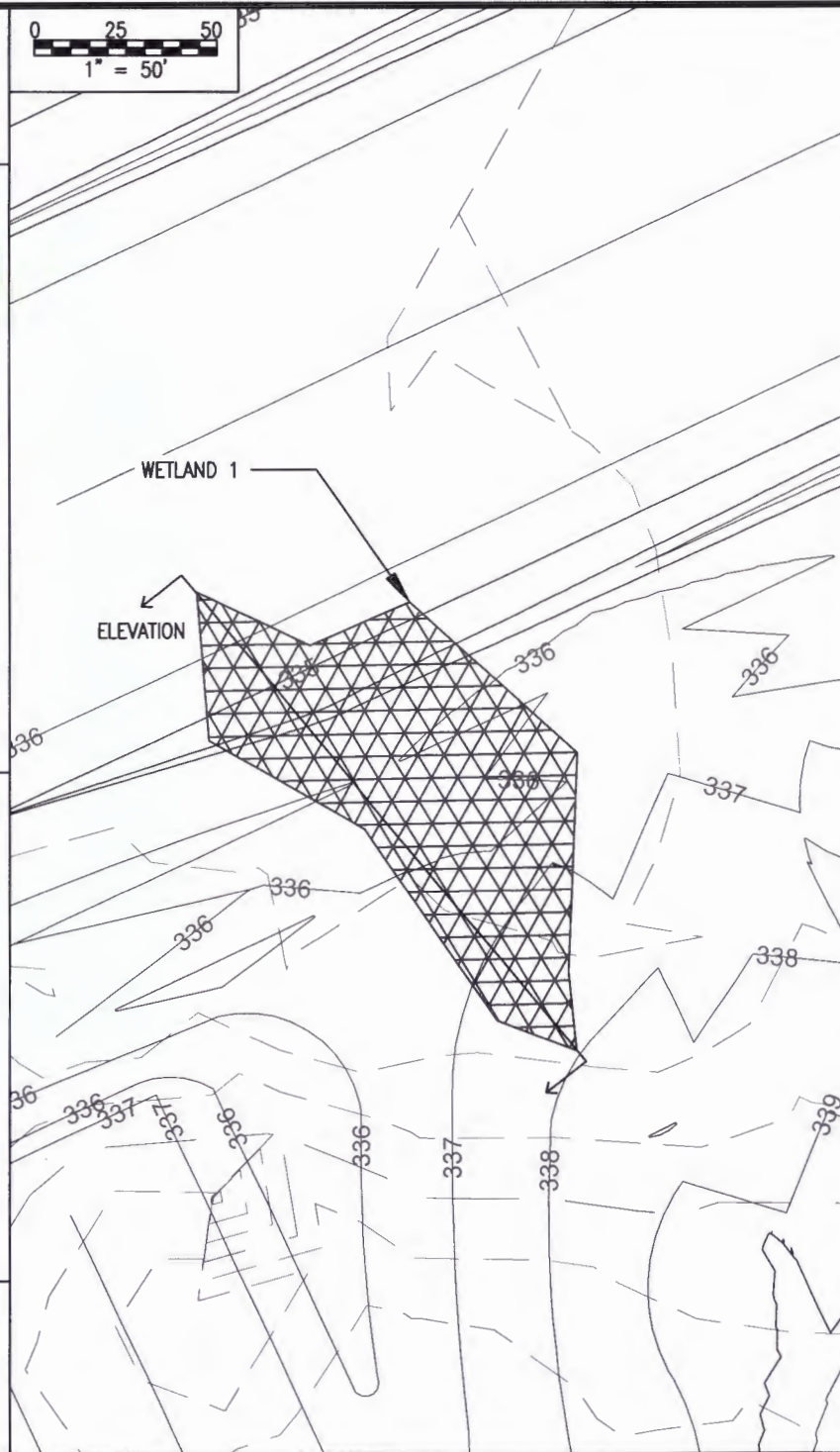
1"=5' HOR
1"=5' VER




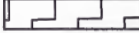

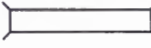
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GOODMAN CROSSROADS SUBDIVISION
DESCRIPTION: WETLAND 1 DETAIL
LOCATION: OLIVE BRANCH, MS
PROJECT #: 54912.00
DATE: MARCH 2019

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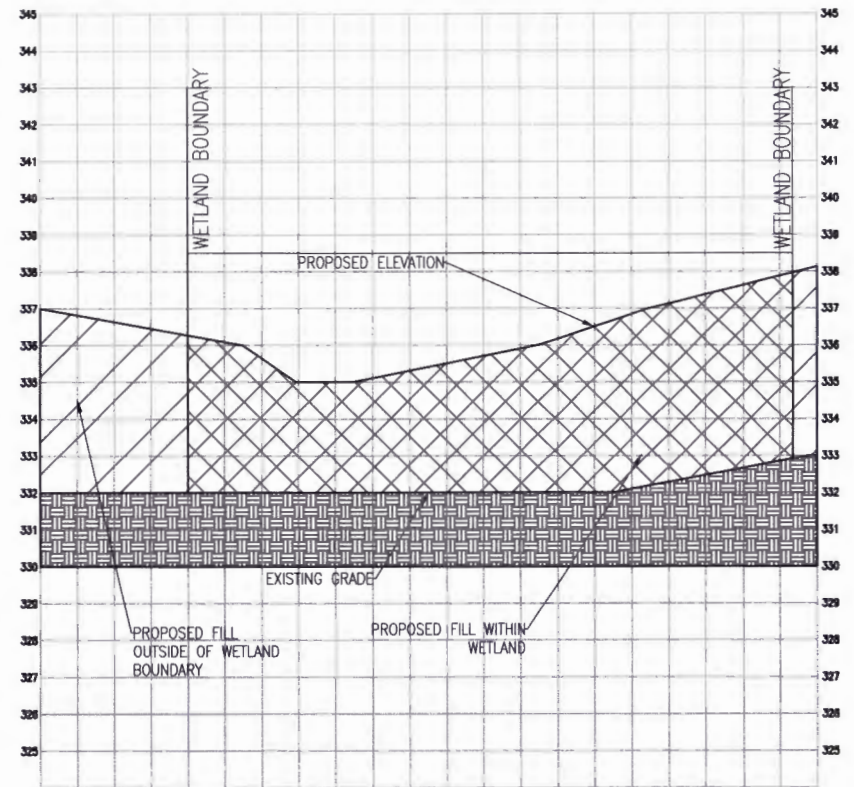


LEGEND

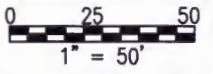
- PROJECT BOUNDARY
-  PERENNIAL STREAM
- EPHEMERAL STREAM
-  POND
-  WETLAND
-  PROPOSED PIPE/CULVERT
- 341— EXISTING MINOR CONTOUR
- 340— EXISTING MAJOR CONTOUR
- 341— PROPOSED MINOR CONTOUR
- 340— PROPOSED MAJOR CONTOUR

ELEVATION

TYPICAL FOR PONDS & WETLAND



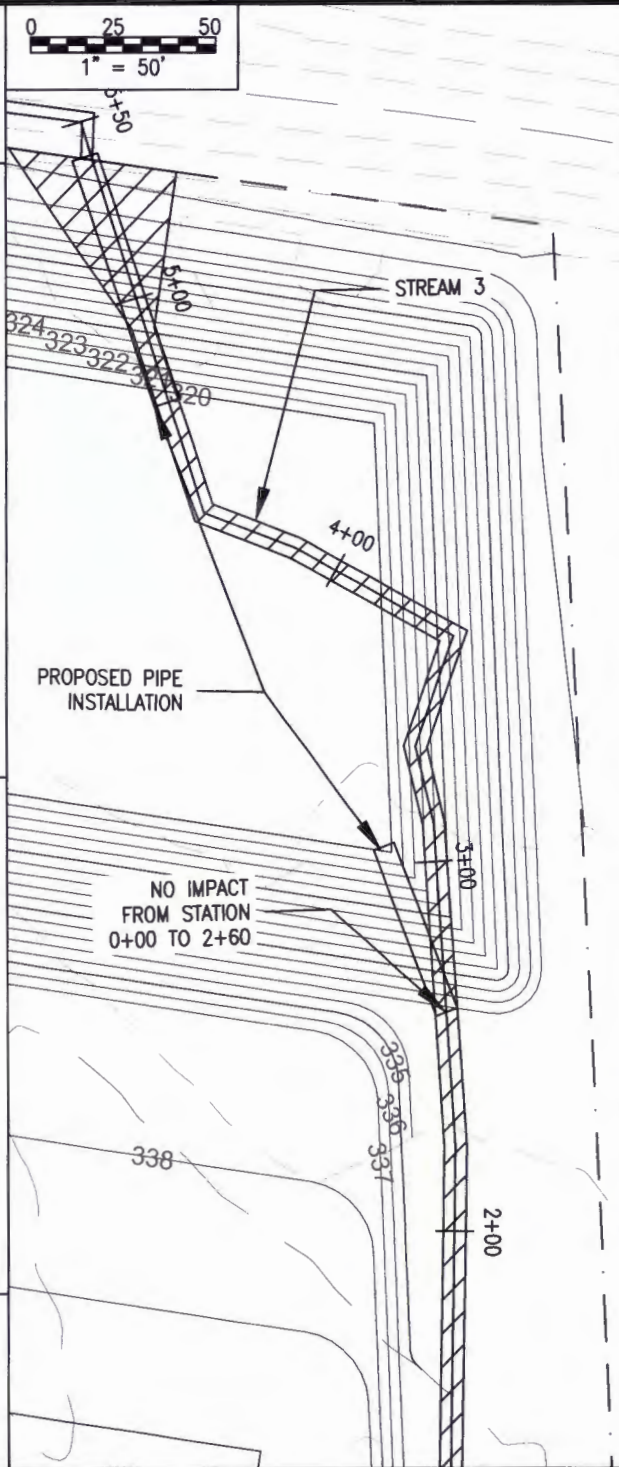
1"=25' HOR
1"=5' VER



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GOODMAN CROSSROADS SUBDIVISION
DESCRIPTION: STREAM 3 DETAIL
LOCATION: OLIVE BRANCH, MS
PROJECT #: 54912.00
DATE: MARCH 2019

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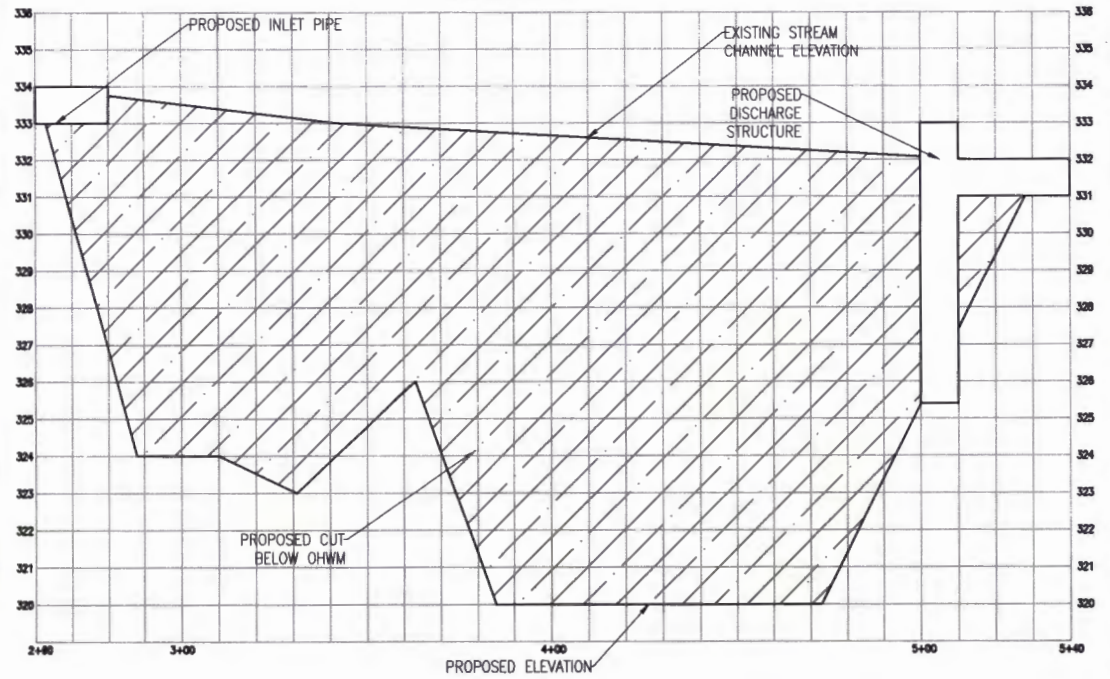


LEGEND

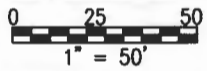
- PROJECT BOUNDARY
- PERENNIAL STREAM
- EPHEMERAL STREAM
- POND
- WETLAND
- PROPOSED PIPE/CULVERT
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR

PROFILE

STREAM 3



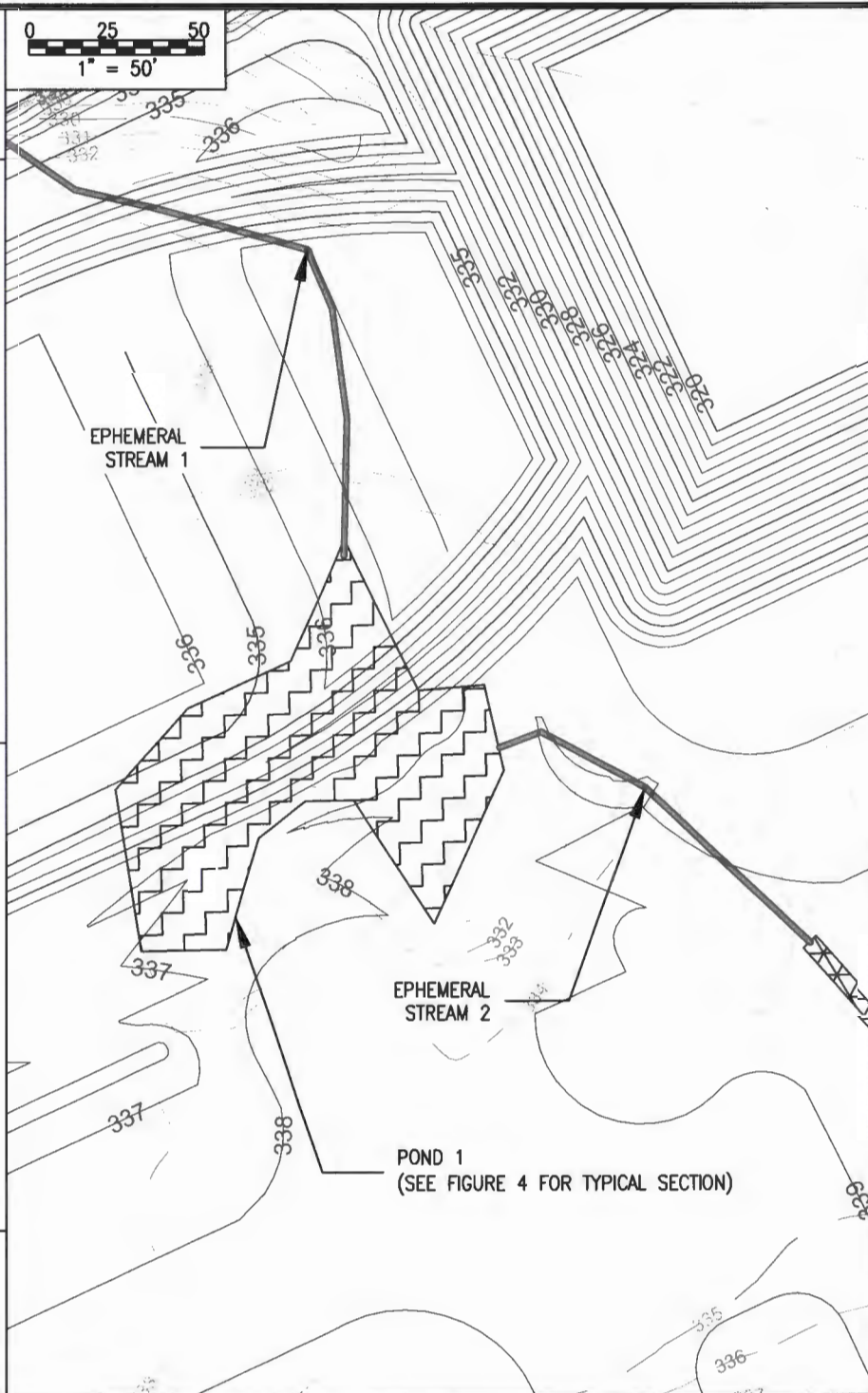
1"=25' HOR
1"=5' VER



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DESCRIPTION: GOODMAN CROSSROADS SUBDIVISION
STREAM FILL DETAIL
LOCATION: OLIVE BRANCH, MS
PROJECT #: 54912.00
DATE: MARCH 2019

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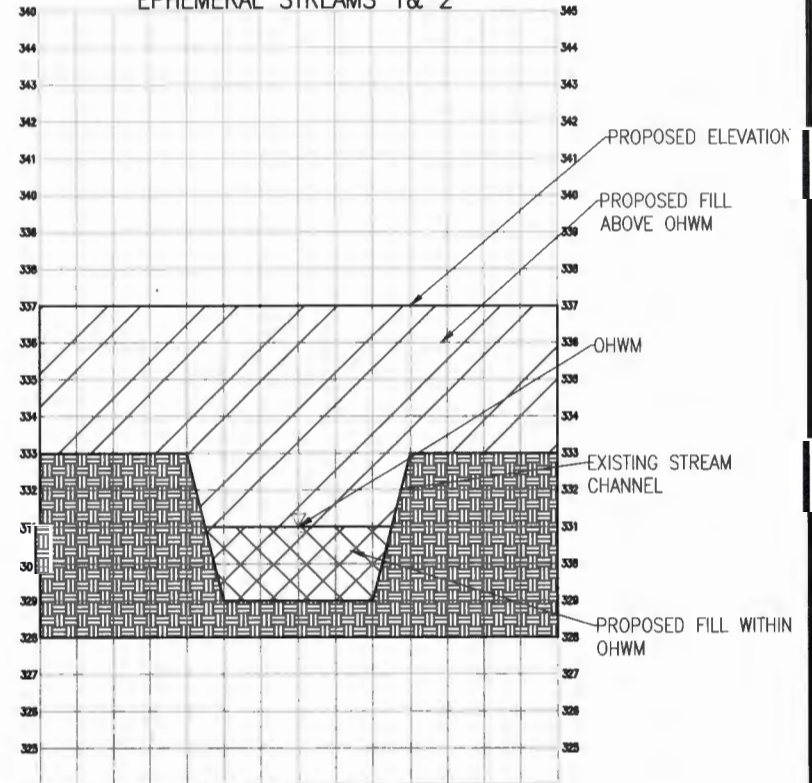


LEGEND

- PROJECT BOUNDARY
- PERENNIAL STREAM
- EPHEMERAL STREAM
- POND
- WETLAND
- PROPOSED PIPE/CULVERT
- 344 - EXISTING MINOR CONTOUR
- 340 - EXISTING MAJOR CONTOUR
- 341 - PROPOSED MINOR CONTOUR
- 340 - PROPOSED MAJOR CONTOUR

SECTION

TYPICAL FOR STREAM 2 & EPHEMERAL STREAMS 1 & 2



1"=5' HOR
1"=5' VER