



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-515 (JME)

NOTICE DATE:
December 18, 2012

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
January 1, 2013

Public Notice U.S. Army Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT:

Mr. William C. Adair
WCA Land & Development Co.
#50 Highway 196 South
Piperton, Tennessee 38017
(662) 501-9946

AGENT:

Ms. Margaret J. Lee
Brophy-Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134
(901) 373-3289

PURPOSE: The purpose of the project is to construct a commercial development, DeSoto Pointe P.D., to serve the expanding area.

LOCATION: The project is located east of Interstate 55 and north of Church Road in Southaven, DeSoto County, Mississippi at approximate latitude 34.9376° and longitude 89.9889° as shown on the USGS Pleasant Hill 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to develop the DeSoto Pointe Planned Development project on a 130-acre parcel of property. The project would require filling of 1,300 linear feet of an unnamed tributary to Lateral D of Horn Lake Creek. This would result in the loss of approximately 0.11 acre of waters of the United States. Flows from the unnamed tributary would be routed through a linear detention basin adjacent to Lateral D of Horn Lake Creek. The detention pond would discharge into Lateral D of Horn Lake Creek at the southeastern corner of the site. No wetlands are being impacted with the project.

Additional work proposed by the applicant includes widening and bank stabilization along 450 linear feet of Lateral D of Horn Lake Creek with the use of Geoweb Wall or a similar material. Approximately 40 linear feet of rock riprap would be placed at the upstream section of the bank stabilization area within Lateral D of Horn Lake Creek. The placement of two 12 X 8-foot culverts is proposed adjacent to two existing culverts at the Plum Pointe Avenue road crossing. At the outlet of this crossing, 102 linear feet of Lateral D of Horn Lake Creek will be stabilized with Geoweb Wall or similar material. The road crossing and the bank stabilization work meets the requirements of Nationwide Permit 14 (Linear Transportation Projects) and Nationwide Permit 13 (Bank Stabilization), respectively, pursuant to Federal Register, Volume 77, Number 34, dated February 21, 2012.

Plans depicting the proposed work, as described above, are shown on Attachments 2A-2C.

It is our preliminary jurisdictional determination that Lateral D of Horn Lake Creek and the unnamed tributary are jurisdictional waters of the United States. The applicant's proposed work resulting in a discharge of fill material into waters of the United States requires authorization from the U.S. Army Corps of Engineers.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Mississippi Department of Environmental Quality, Office of Pollution Control, that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341 (a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. Commentors are requested to also furnish a copy of their comments to the Mississippi Department of Environmental Quality, Office of Pollution Control, P.O.

Box 2261, Jackson, Mississippi, 39225. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404 (b) of the Clean Water Act.

AVOIDANCE/MINIMIZATION: According to the applicant, project plans have been modified to reduce environmental impacts. The applicant states that impacts to the unnamed tributary to Lateral D of Horn Lake Creek are not avoidable in order to complete the project.

MITIGATION: The applicant proposes to mitigate the loss of 1,300 linear feet of the unnamed tributary with the purchase of 2-acres of mitigation credits at the Delta Mitigation Bank located in Tallahatchie County, Mississippi.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary search of in-house records indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held it will be for the purpose of obtaining additional information that

we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS: To request additional information or provide comments on this notice, please contact Mr. Mitch Elcan using the information below:

U.S. Army Engineer District – Memphis
ATTN: Mitch Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
e-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

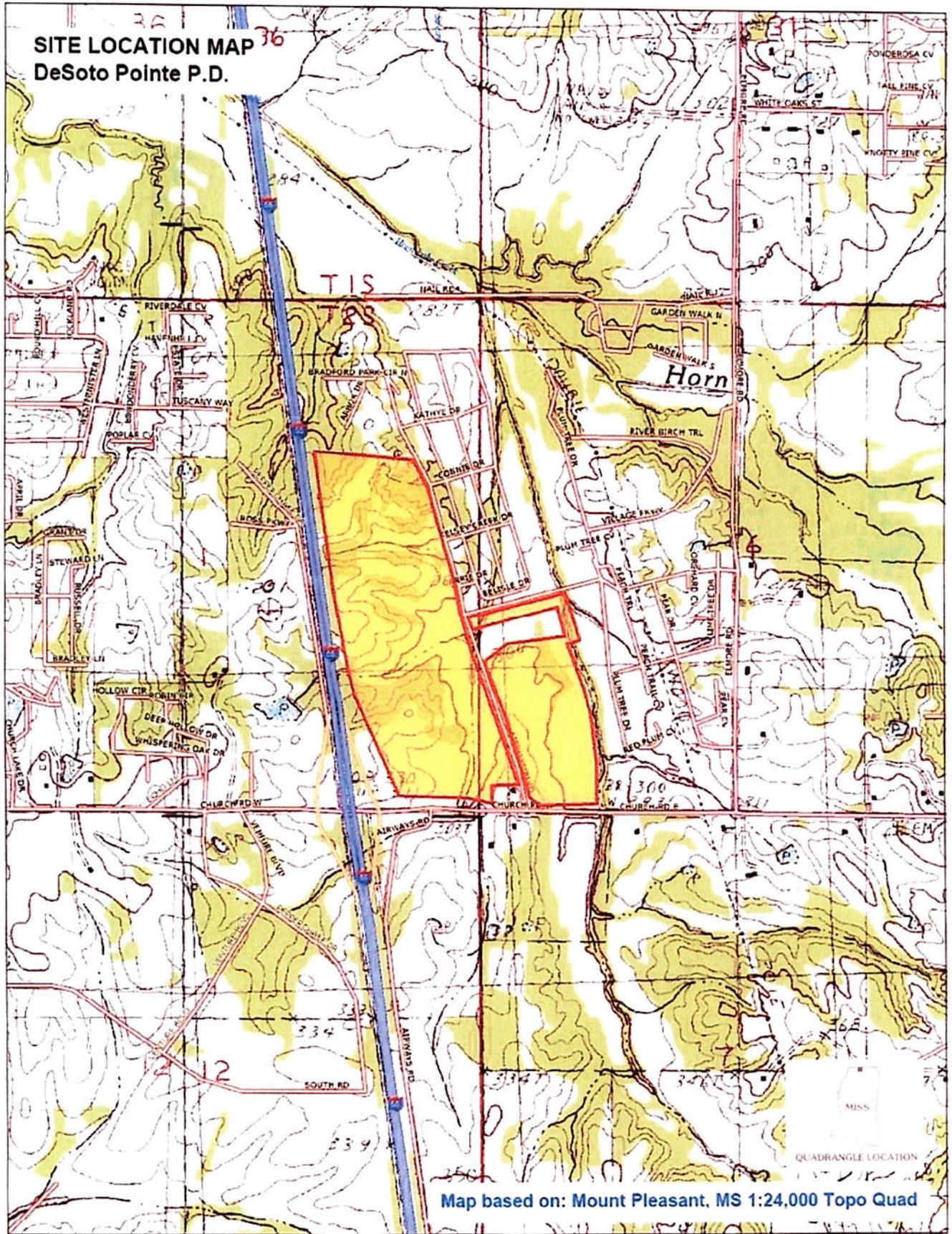
Florance Watson
Water Quality Certification Branch
Environmental Permits Division
Mississippi Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225
florance_watson@deq.state.ms.us

Comments may be sent via mail or e-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

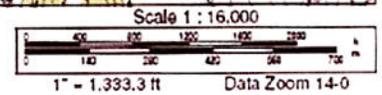


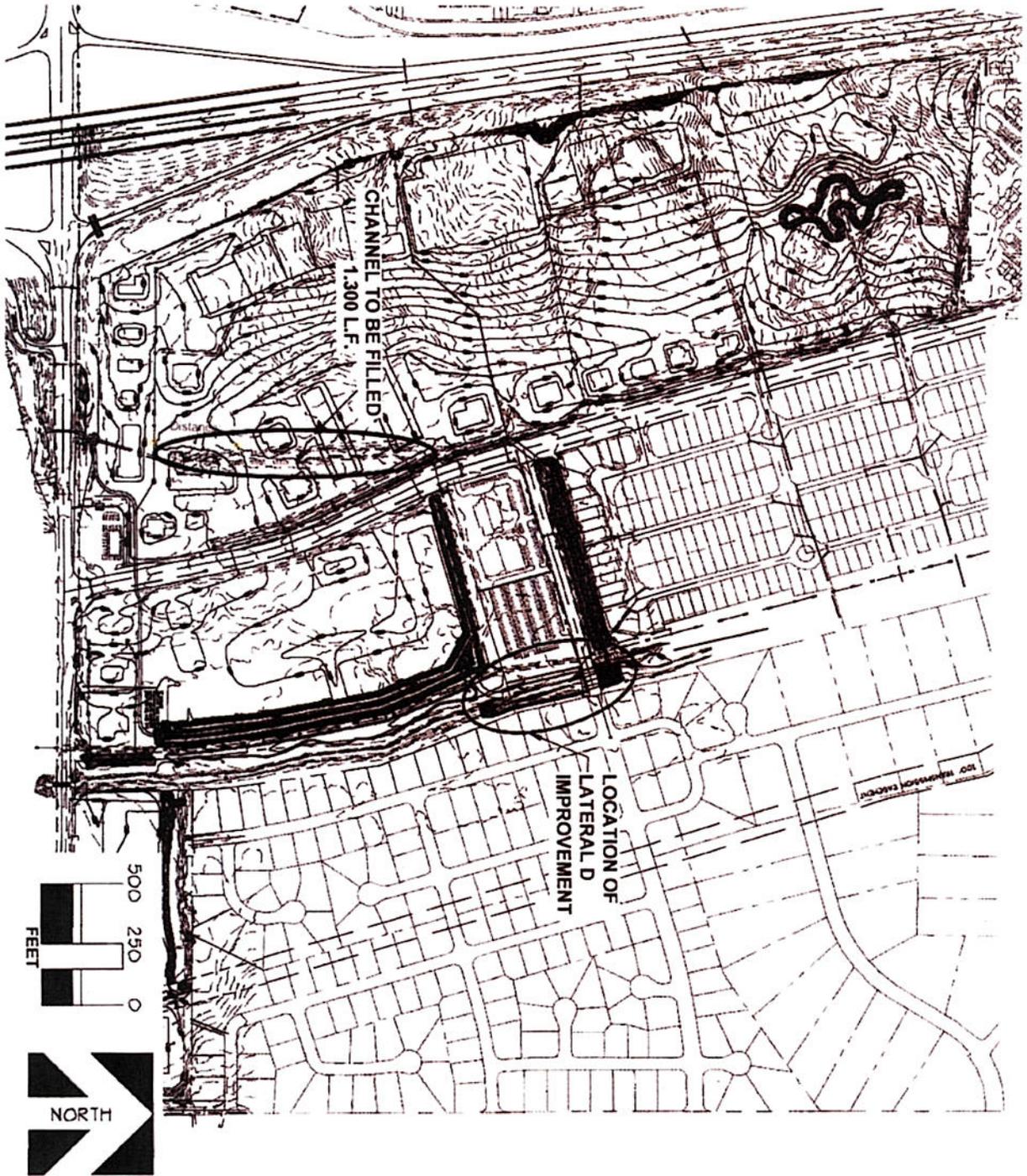
Gregg Williams
Chief, Regulatory Branch

Attachments



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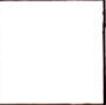
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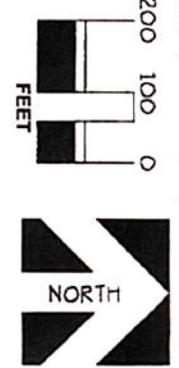
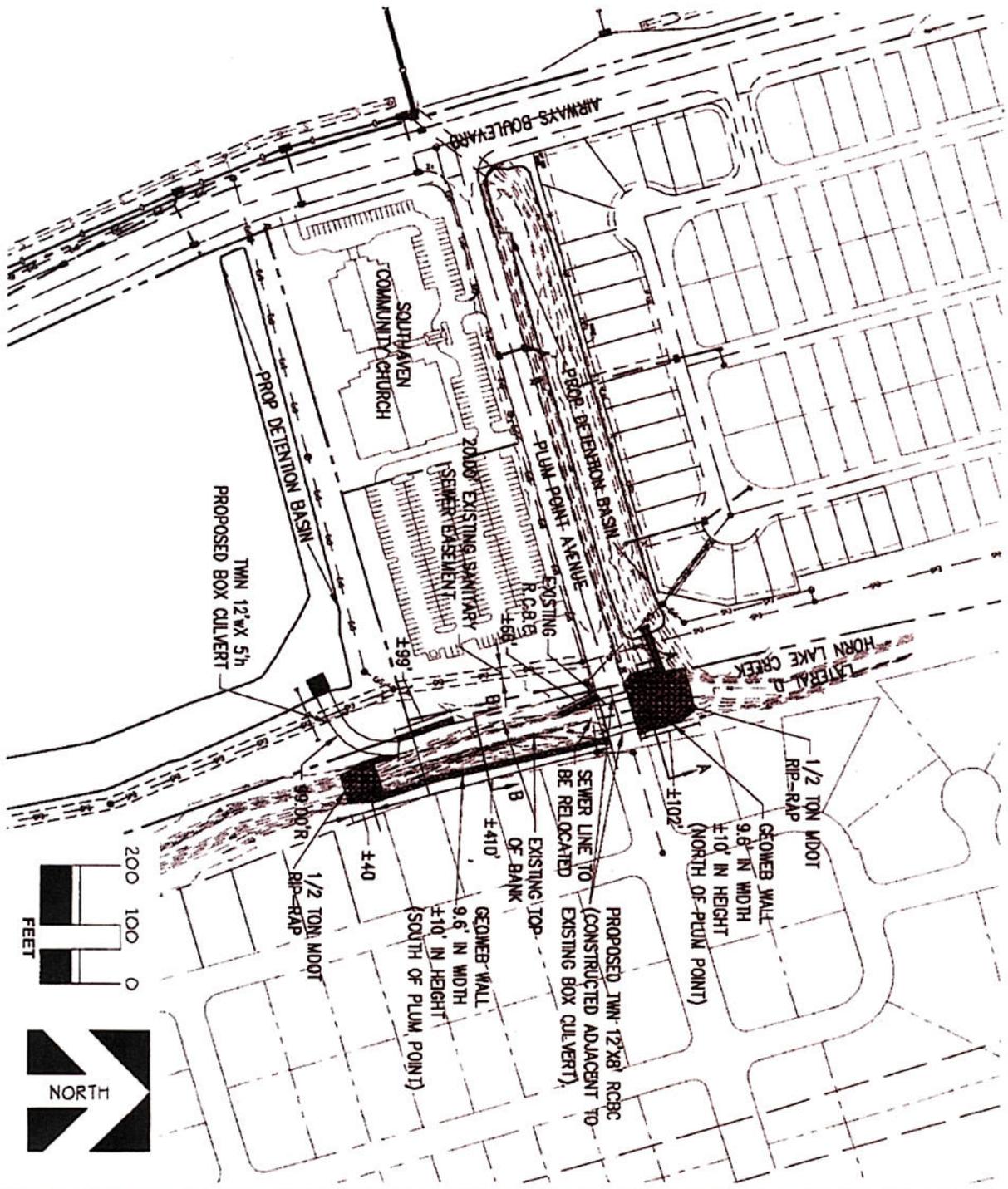
PROJECT NUMBER:
DATE: 11-11-11
REVISIONS:

SOUTHAVEN COMMUNITY CHURCH
PROPOSED DRAINAGE OUTFALL

AN CORPORATION • ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE

2000 BUSH BLVD. SUITE 100 • MEMPHIS, TENNESSEE 38117-2000 • (901) 683-2000



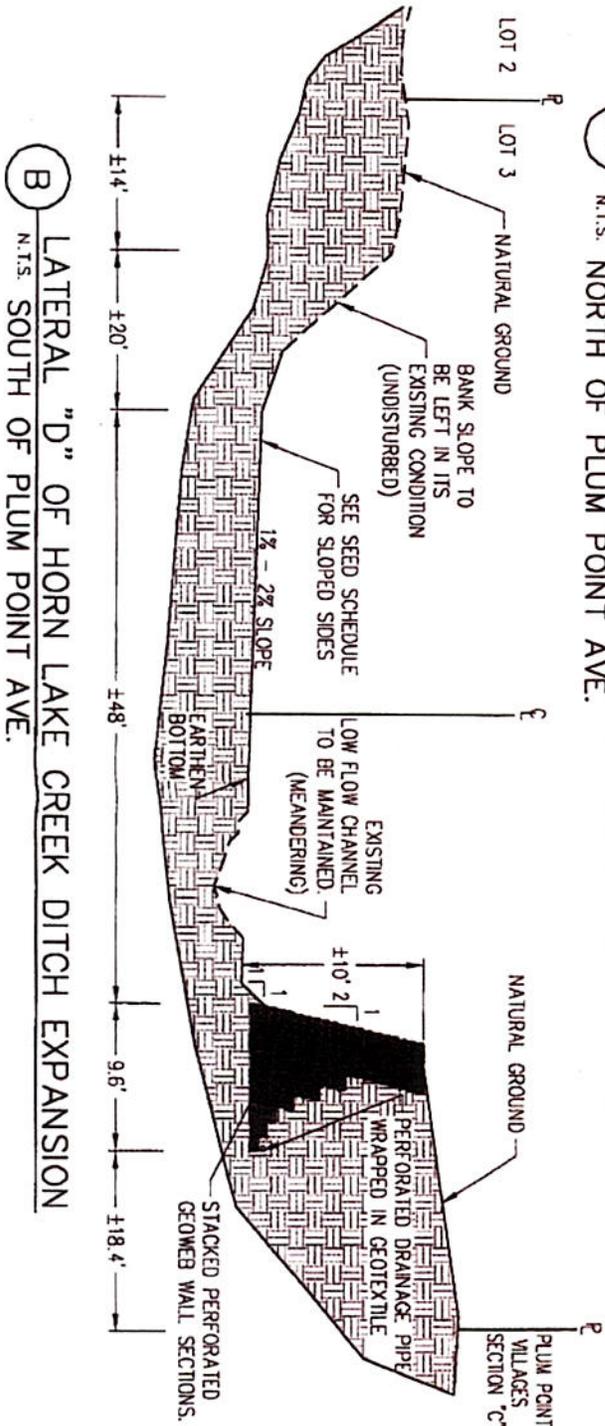
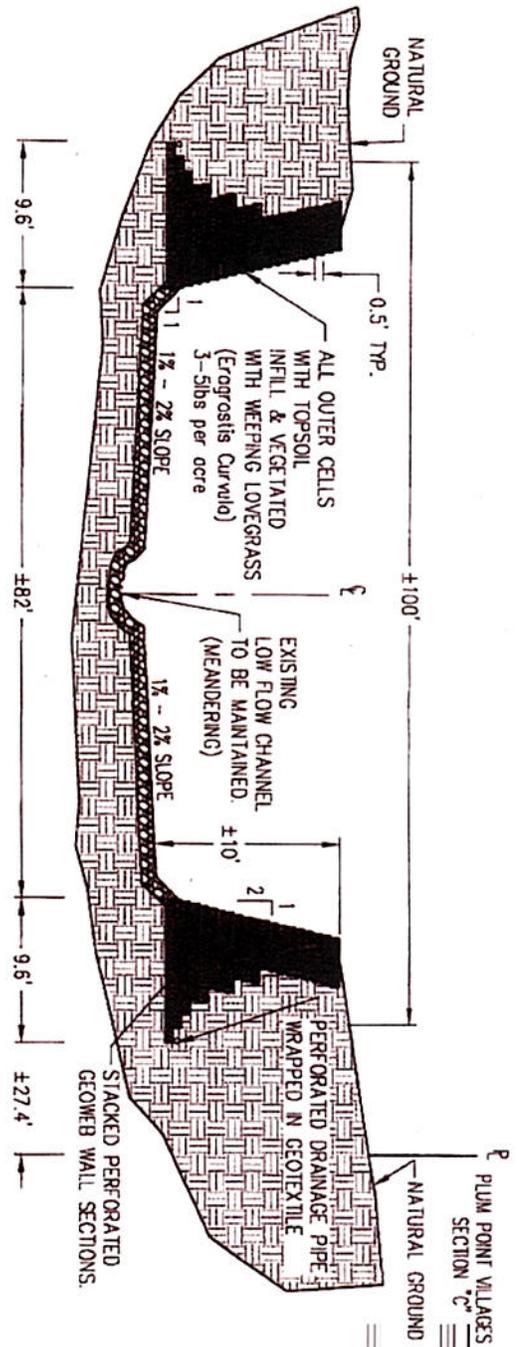


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DATE: 1-11-11
 DRAWN BY: [Name]
 CHECKED BY: [Name]

**SOUTHAVEN COMMUNITY CHURCH
 PROPOSED DRAINAGE OUTFALL**

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PROPOSED DRAINAGE OUTFALL

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