



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2017-306 (JME)

NOTICE DATE:
September 29, 2017

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
October 29, 2017

Joint Public Notice

U.S. Army Corps of Engineers and Mississippi Department of Environmental Quality

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. Hal Crenshaw
Jainie V. Paine Residuary Family Trust
P.O. Box 772898
Memphis, Tennessee 38177
Ph: (901) 461-3816

AGENT:

Ms. Jennifer L. Morrison
Brophy-Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134
Ph: (901) 373-3289

PURPOSE: The purpose of the project is to construct a commercial development consisting of three car dealerships on a 65.7-acre parcel of property.

LOCATION: The project site is located west of Interstate 55 and north of Highway 302 (Goodman Road) in Southaven, DeSoto County, Mississippi, at coordinates of N34.9702° / W-90.0026°, as shown on Figure 1.

DESCRIPTION OF WORK: The applicant's proposed project consists of developing 30.3 acres of the 65.7-acre parcel of property. The proposed work would consist of developing three lots on the subject parcel of property into car dealerships, as shown on Figure 2. The lots would be 12.1 acres, 10.13 acres and 8.07 acres in size. The property contains two streams (Rocky Creek and an unnamed tributary) totaling 5,262 linear feet in length and two wetlands totaling 7.29 acres, as shown on Figure 3. Development of the site would consist of the use of fill material to raise the elevation of the buildable area. The discharge of fill material is being proposed within 5.05 acres of wetland to complete the project. An 80-foot wide culverted road crossing of the unnamed tributary to Rocky Creek is being proposed as part of access road construction located near the southeast corner of the property.

The deposition of fill material into waters of the United States, including streams and wetlands, requires authorization from the Corps of Engineers. At this time, it is our preliminary jurisdictional determination (PJD) that the above-mentioned aquatic resources may be considered wetlands or other waters of the United States.

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, to limit disturbance to existing aquatic resources, the project would be built on only half (30.3 acres) of the 65.7-acre property. By limiting the development to half of the property, wetland impacts would be kept to the proposed 5.05 acres of the 7.29 acres that are present on the property.

The proposed site plan would retain a riparian floodway buffer along the eastern side of Rocky Creek and no impacts are proposed to Rocky Creek. Impacts to the unnamed tributary would be limited to the proposed 80-foot culverted roadway crossing at the far eastern end of the tributary as it occurs on the property. The applicant submitted a detailed practicable alternatives analysis and our office will review this information to determine compliance with Section 404(b)(1) guidelines.

MITIGATION: The applicant is proposing to mitigate the loss of 5.05 acres of wetland with the purchase of wetland mitigation credits from the Delta Wetland Mitigation Bank in Tallahatchie County, MS.

ENDANGERED SPECIES: The wood stork (*Mycteria americana*), least tern (*Sterna antillarum*), fat pocketbook (*Potamilus capax*) and pallid sturgeon (*Scaphirhynchus albus*) are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) in DeSoto County. Potential impacts resulting from the proposed action on the northern long-eared bat (*Myotis septentrionalis*) have been reviewed by our office according to the SLOPES (Standard Local Operating Procedures for Endangered Species) agreement with USFWS. Based on best available information, our office has determined the proposed action "may affect, but is not likely to adversely affect" the northern long-eared bat (NLEB) and any resulting incidental take is not prohibited by the final 4(d) rule as outlined in the SLOPES agreement with USFWS, Jackson, MS, Ecological Services Office (Appendices B and D). This application is being coordinated with USFWS. Any comments USFWS may have regarding endangered or threatened wildlife or plants or their critical habitat in response to this public notice 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. We are soliciting input from federally recognized Tribes who have stated an interest in the area in which the project is located.

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 public notice and notify this office of any floodplain 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 of Engineers 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. James M. Elcan using the information below:

U.S. Army Engineer District – Memphis
 ATTN: James 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
 E-mail: florance_watson@deq.state.ms.us

Comments may be sent via mail or e-mail. The Corps of Engineers 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 must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the "Pending IP" tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.



Gregg Williams
 Chief
 Regulatory Branch

Attachments

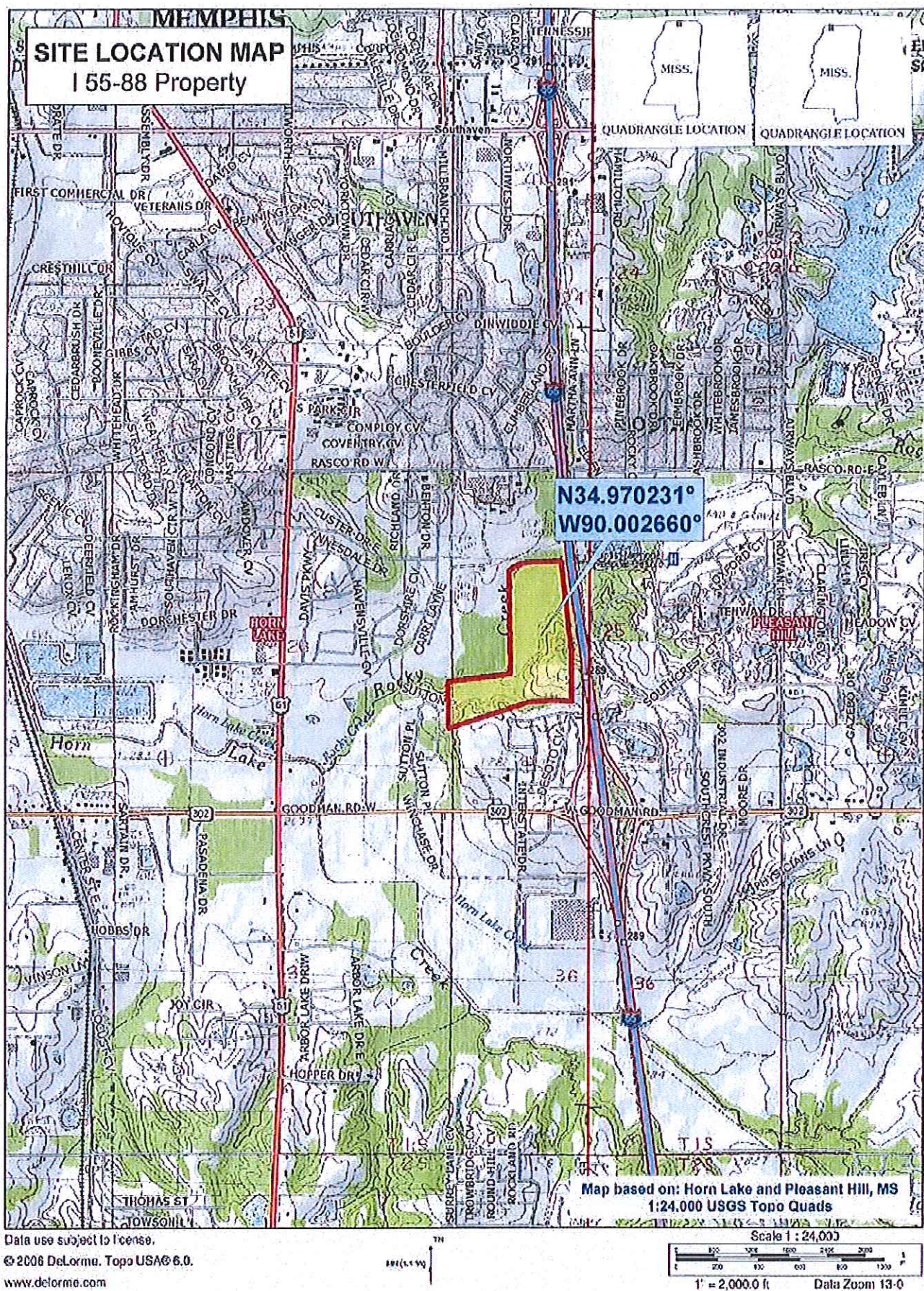


Figure 1.

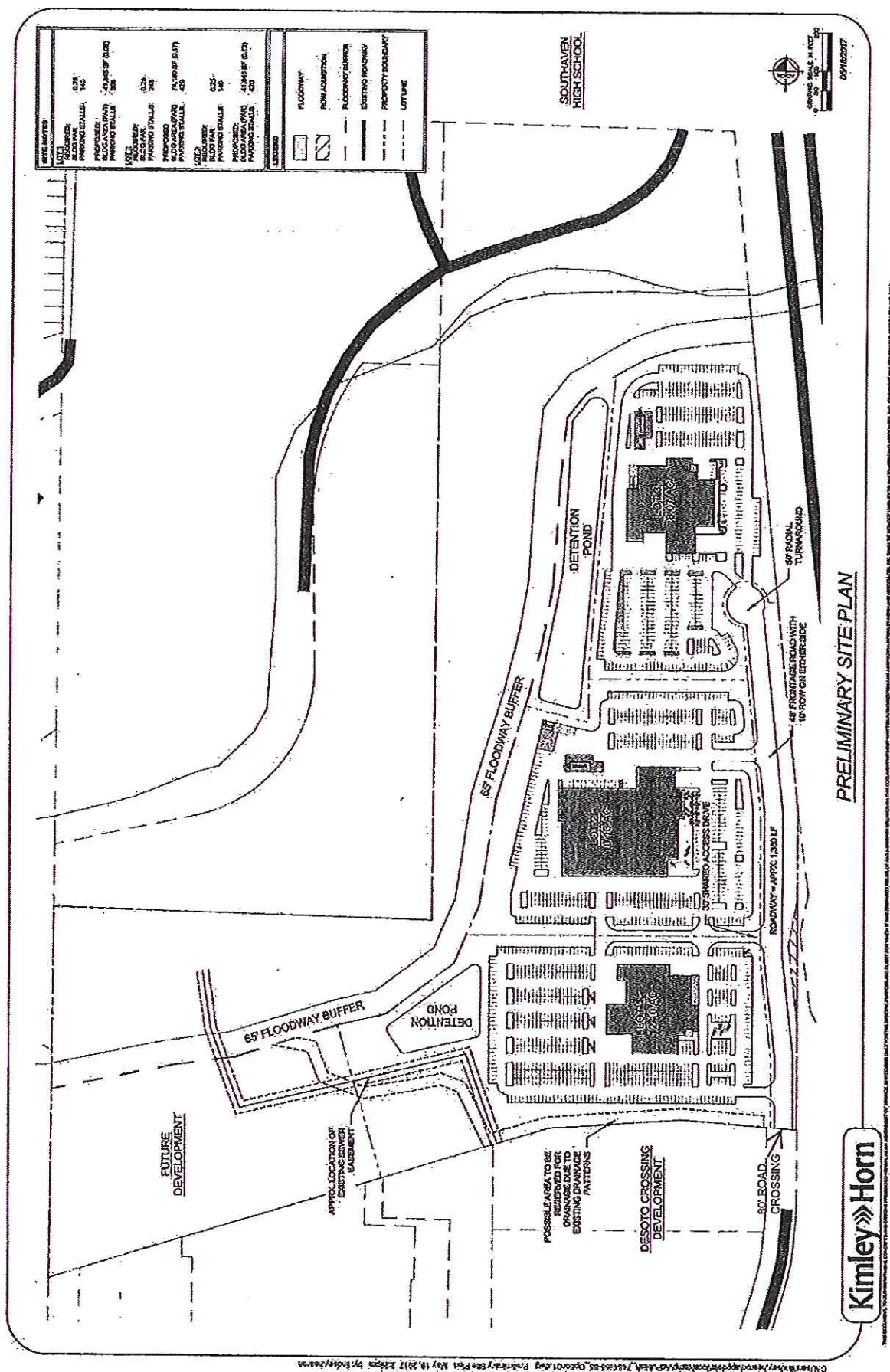


Figure 2.

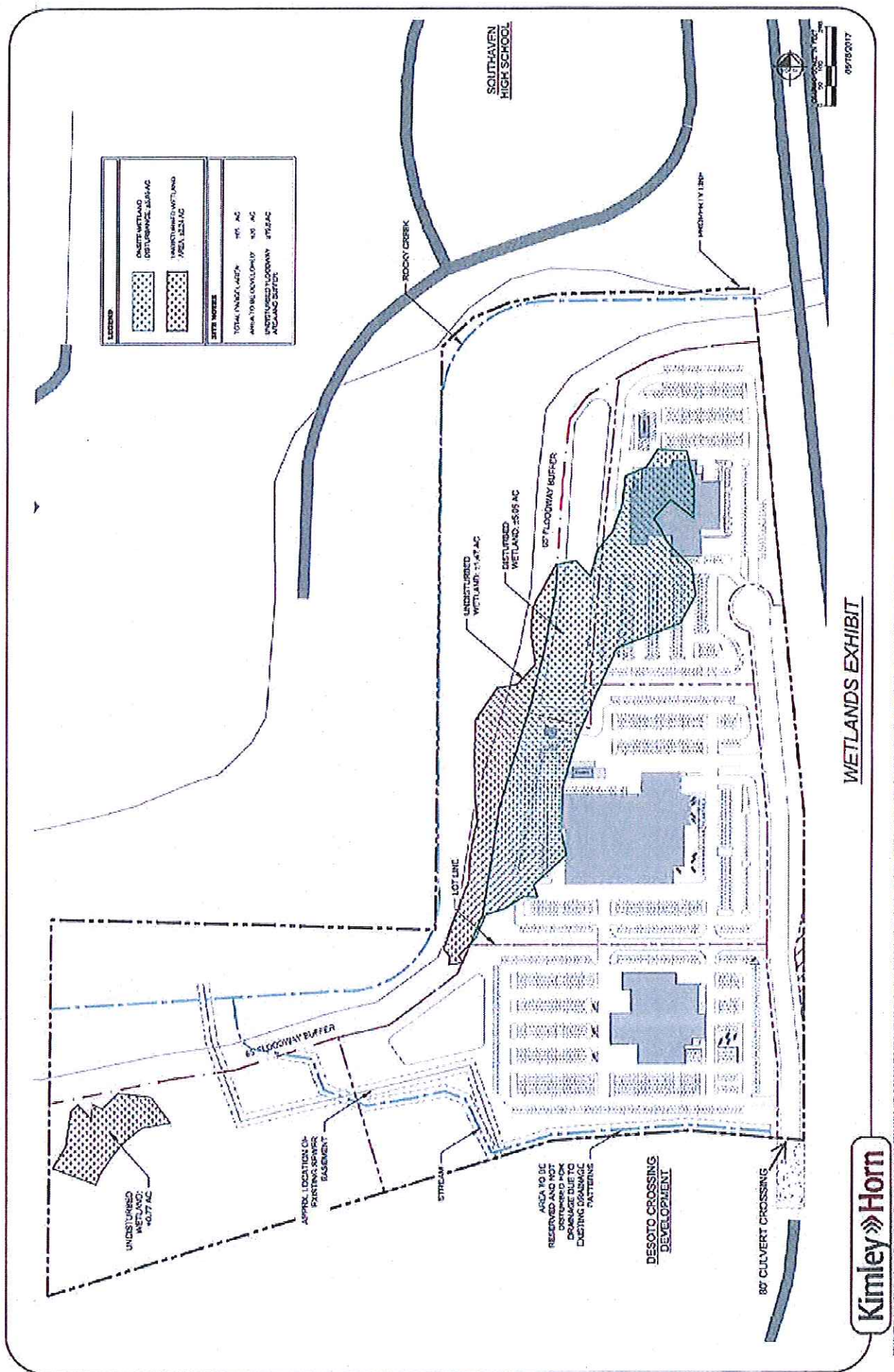


Figure 3.