



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 2014-173 (JME)

NOTICE DATE:  
June 9, 2014

Attn: Postmaster,  
Please Post Until ➡

EXPIRATION DATE:  
July 8, 2014

## 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. John Porter  
Porter Development Company  
91 Peyton Parkway, Suite 104  
Collierville, Tennessee 38017  
(901) 277-8743

**AGENT:**

Mr. Timothy E. Brophy  
Brophy-Heineke & Associates, Inc.  
2978 Shelby Street  
Bartlett, Tennessee 38134  
(901) 373-3289

**PURPOSE:** The purpose of the project is to develop a distribution center complex due to increasing need in the area for warehouse space.

**LOCATION:** The project is located south of U.S. Highway 72, north of U.S. Highway 302 (Goodman Road) and east of Cayce Road in Marshall County, Mississippi, at approximate latitude 34.96648° and longitude -89.60378° as shown on the USGS Mount Pleasant, Mississippi, 7.5 minute quadrangle map (Attachment 1).

**DESCRIPTION OF WORK:** The applicant proposes to construct a distribution center complex which would include four buildings with the potential to expand an additional two buildings. The distribution complex would also include access roads and parking areas. The project would result in a discharge of fill material into 21.98 acres of wetlands consisting of willow oak (*Quercus phellos*), American elm (*Ulmus americana*), yellowfruit sedge (*Carex annectens*) and poison ivy (*Toxicodendron radicans*).

Site plans depicting the proposed work, as described above, and the location of wetlands are shown on Attachments 2 and 3, respectively.

It is our preliminary jurisdictional determination that wetlands present on the subject property are jurisdictional waters of the U.S. The applicant's proposed work resulting in a discharge of fill material into waters of the U.S. 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, three stream channels located on the eastern portion of the property will be avoided with the project.

**MITIGATION:** The applicant proposes to mitigate the loss of 21.98 acres of wetlands with the purchase of wetland mitigation credits at the Delta Mitigation Bank located in Tallahatchie County, Mississippi. According to the applicant, a mitigation ratio has not been determined.

**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.

**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  
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Memphis, Tennessee 38103-1894  
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Florance Watson  
Water Quality Certification Branch  
Environmental Permits Division  
Mississippi Department of Environmental Quality  
Post Office Box 2261  
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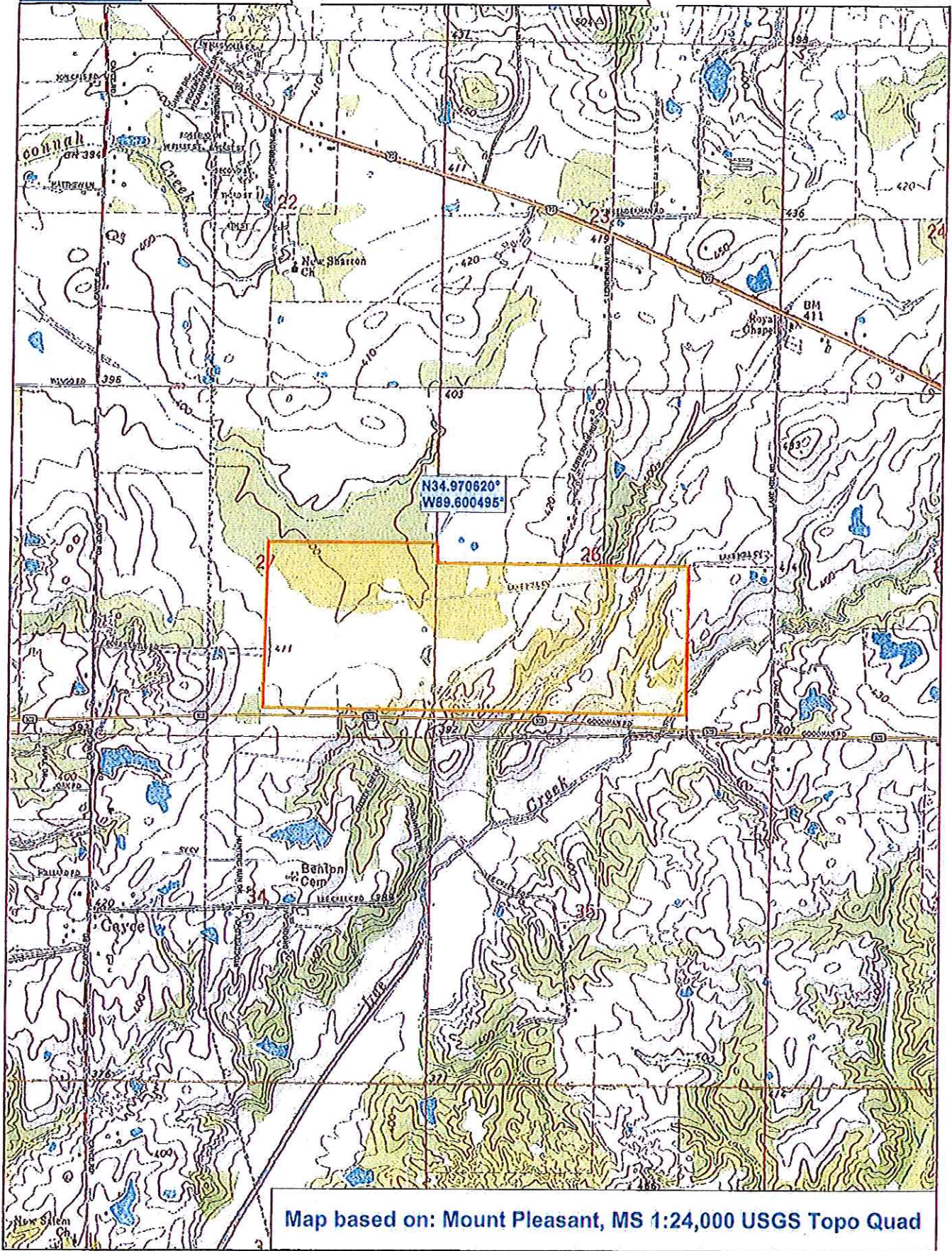
Comments may be sent via mail or E-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.



Tim H. Flinn, P.E.  
Acting Chief, Regulatory Branch

Attachments





Map based on: Mount Pleasant, MS 1:24,000 USGS Topo Quad

Data use subject to license.

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