

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2020-335

NOTICE DATE:
December 7, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
January 6, 2020

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:

Cole Sanford
Johnson Development Associates
100 Dunbar Street, Suite 400
Spartanburg, SC 29306
Ph: (973) 865-4612

AGENT:

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

PURPOSE: The purpose of the project is to construct a distribution center to meet growing demand for warehouse space in Olive Branch, Mississippi.

LOCATION: The project site is located on a 14-acre parcel of property south of Kirk Road and east of Polk Lane in Olive Branch, DeSoto County, Mississippi, at coordinates of N34.98387° / W-89.77725°, as shown on Figure 1.

DESCRIPTION OF WORK: The applicant's proposed work consists of the discharge of fill material within 1.24 acres of low-quality herbaceous wetland to facilitate the development of a 259,200 sqft warehouse. The warehouse development includes associated driveways, parking and stormwater management features, as shown on the attached Site Plan (Figure 2). Development of the site will necessitate the use of fill material to bring the site to grade for construction.

The deposition of fill material into waters of the United States, including streams and wetlands, requires authorization from the Corps of Engineers. Based on a previously issued preliminary jurisdictional determination, the above-mentioned aquatic resources may be considered wetlands or other waters of the United States.

WATER QUALITY CERTIFICATION: 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. In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

AVOIDANCE/MINIMIZATION: According to the applicant, given the size and location of the wetland it is not possible to avoid or minimize the proposed wetland impacts and construct the proposed project. The applicant submitted a 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 1.24 acres of wetland with the purchase of wetland mitigation credits from the Upper Coldwater Mitigation Bank in Marshall County, MS.

ENDANGERED SPECIES: The Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) 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). The project site is not located within the Indiana bat consultation zone per the SLOPES agreement. Therefore, the determination is that the project will have “no effect” to the Indiana bat. 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, in consultation with the Mississippi Department of Archives & History, the Memphis District has received information that no historic properties will be adversely affected by the proposed action. Additional information that is received within the comment period from federal, state, and local agencies, federally-recognized Tribes, the public, and other interested parties will be considered prior to making a final determination.

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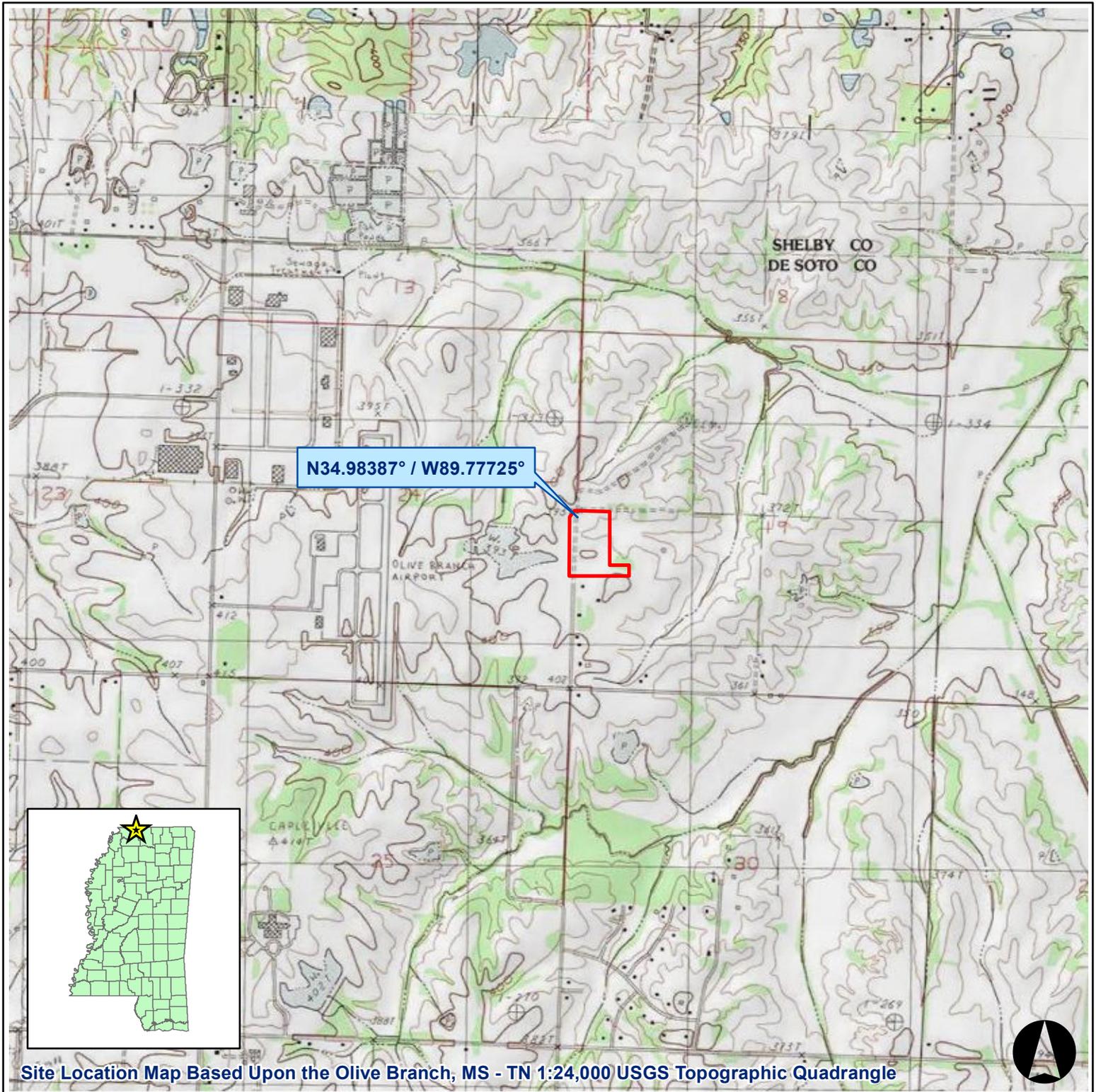
Comments may be sent via mail or e-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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 Division office for examination.

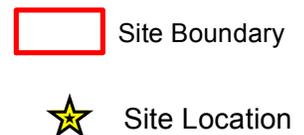
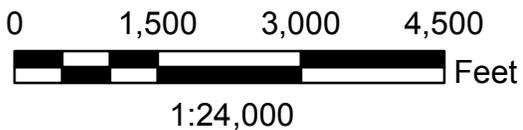
Gregg W. Williams
Chief
Regulatory Division

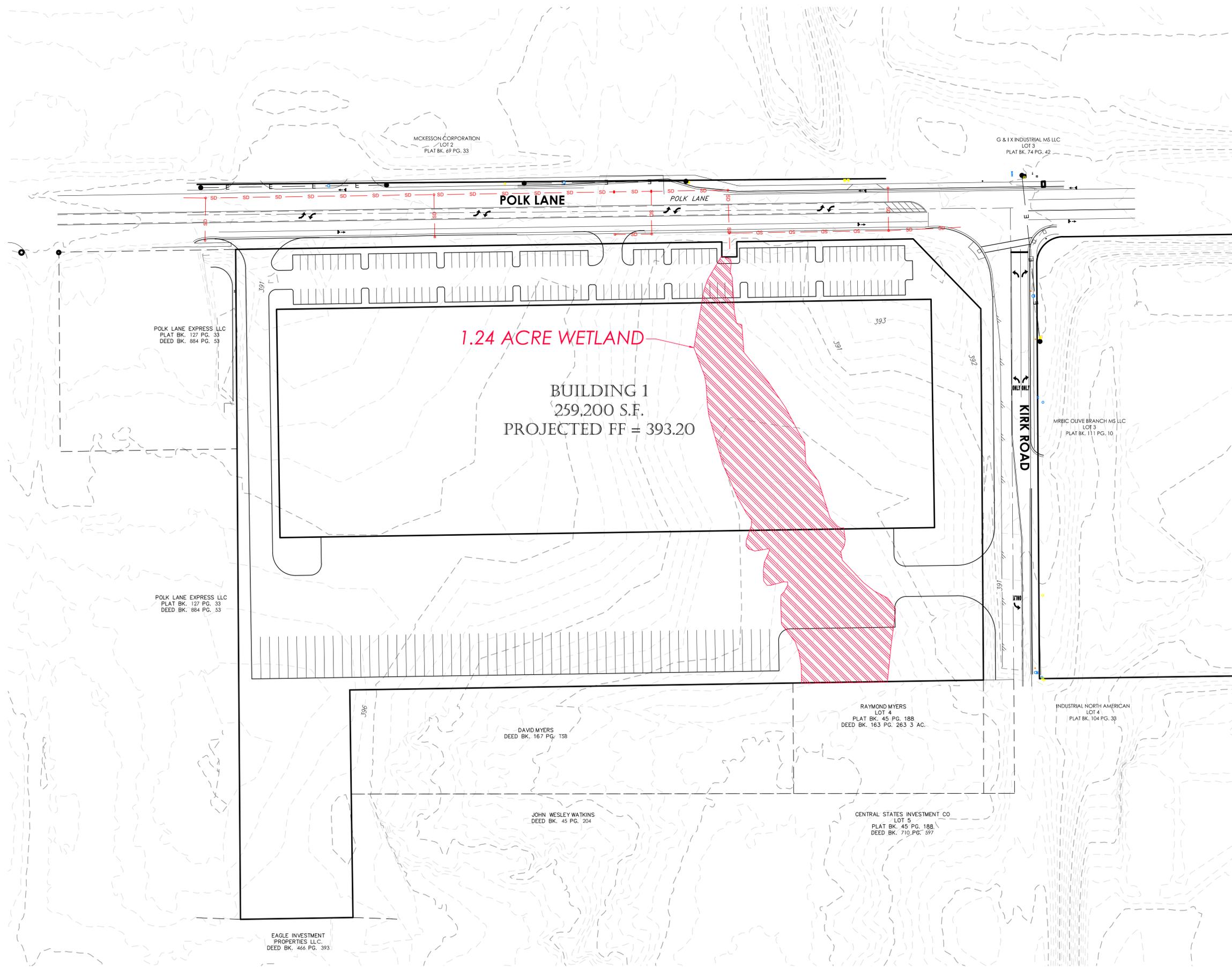
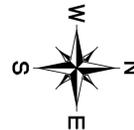
Attachments

Johnson Development Associates Polk Lane Site, Olive Branch, Mississippi Site Location Map



Site Location Map Based Upon the Olive Branch, MS - TN 1:24,000 USGS Topographic Quadrangle





PREPARED FOR:
 **JOHNSON DEVELOPMENT ASSOCIATES, INC.**
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PREPARED BY:
GOODWIN AND MARSHALL, INC.
 CIVIL ENGINEERS - PLANNERS - SURVEYORS
 FORT WORTH - PHOENIX - MEMPHIS - DENVER

WETLAND EXHIBIT
 OF
POLK LANE SITE
 SITUATED IN THE
CITY OF OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI

Date: November 2020