



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

Public Notice

APPLICATION NO.:	<u>MVK-2024-00672</u>
EVALUATOR:	<u>Mr. Michael Maaninen</u>
PHONE NO.:	<u>(601) 953-9350</u>
E-MAIL:	<u>Michael.A.Maaninen@usace.army.mil</u>
DATE:	<u>December 5, 2024</u>
EXPIRATION DATE:	<u>January 4, 2025</u>

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-RD, and the Mississippi Department of Environmental Quality at Post Office Box 2261, Jackson, Mississippi 39225-2261, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Water Quality Certification Improvement Rule (Certification Improvement Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to 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. As of the date of this public notice, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority). In accordance with Certification Improvement Rule, once the applicant submits a certification request, the U.S. Army Corps of Engineers and the certifying authority will jointly establish the reasonable period of time for the certifying authority to act upon the certification request.

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. John Porter,
Porter Construction MS, LLC
9695 Poplar Avenue
Germantown, Tennessee 38139
Johnporter253@gmail.com

Name of Agent:

Mr. Dillon Easley
Headwaters, Incorporated
Post Office Box 2836
Ridgeland, Mississippi 39158
dillon@headwaters-inc.com

Location of Work: The proposed project site is located in Section 35 & 36, T2S-R5W, Latitude 34.863167, Longitude -89.687198, North of East Stonewall Road, Byhalia, Marshall County, Mississippi.

Description of Work: (See enclosed maps 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 to conduct regulated activities in “Waters of the U.S.” for the purpose of constructing The Townes at Ridgecrest townhome neighborhood in Byhalia, Mississippi.

The residential townhomes would include the construction of three hundred seventy-nine (379) units and associated parking and road system. Ingress/egress into the site will be provided via Highway 309 to the west and Oak Street to the north. The Town of Byhalia will service the new development with water and sanitary sewer.

Approximately 1.82 acres of forested wetlands would be impacted on the approximately 40.18-acre site by the proposed project. To off-set the unavoidable impacts, the applicant proposes to purchase compensatory mitigation credits from an approved mitigation bank.

The dominant vegetation within the project consists of sweetgum, sycamore, black willow, and red maple. Soil within the project area consists of Cahaba-Providence complex, Gullied land-Loring complex, Loring silt loam, and Vicksburg silt loam.

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 Project Manager is reviewing the proposed permit area/area of potential effect for potential impacts to Historic Properties under Section 106 of the National Historic Preservation Act. If it is determined there is a potential for effect to listed sites or sites eligible for listing in the National Register of Historic Places, consultation will be initiated with the SHPO and Native American Tribes.

Endangered Species: Threatened and Endangered Species for this area include the Indian Bat. Utilizing the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on June 28, 2017, between the U.S. Army Corps of Engineers, Vicksburg District, and the U.S. Fish and Wildlife Service, the Corps has determined that the proposed activity would may affect, not likely to adversely affect the Indiana bat, but any resulting incidental take is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

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 project is not located 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.

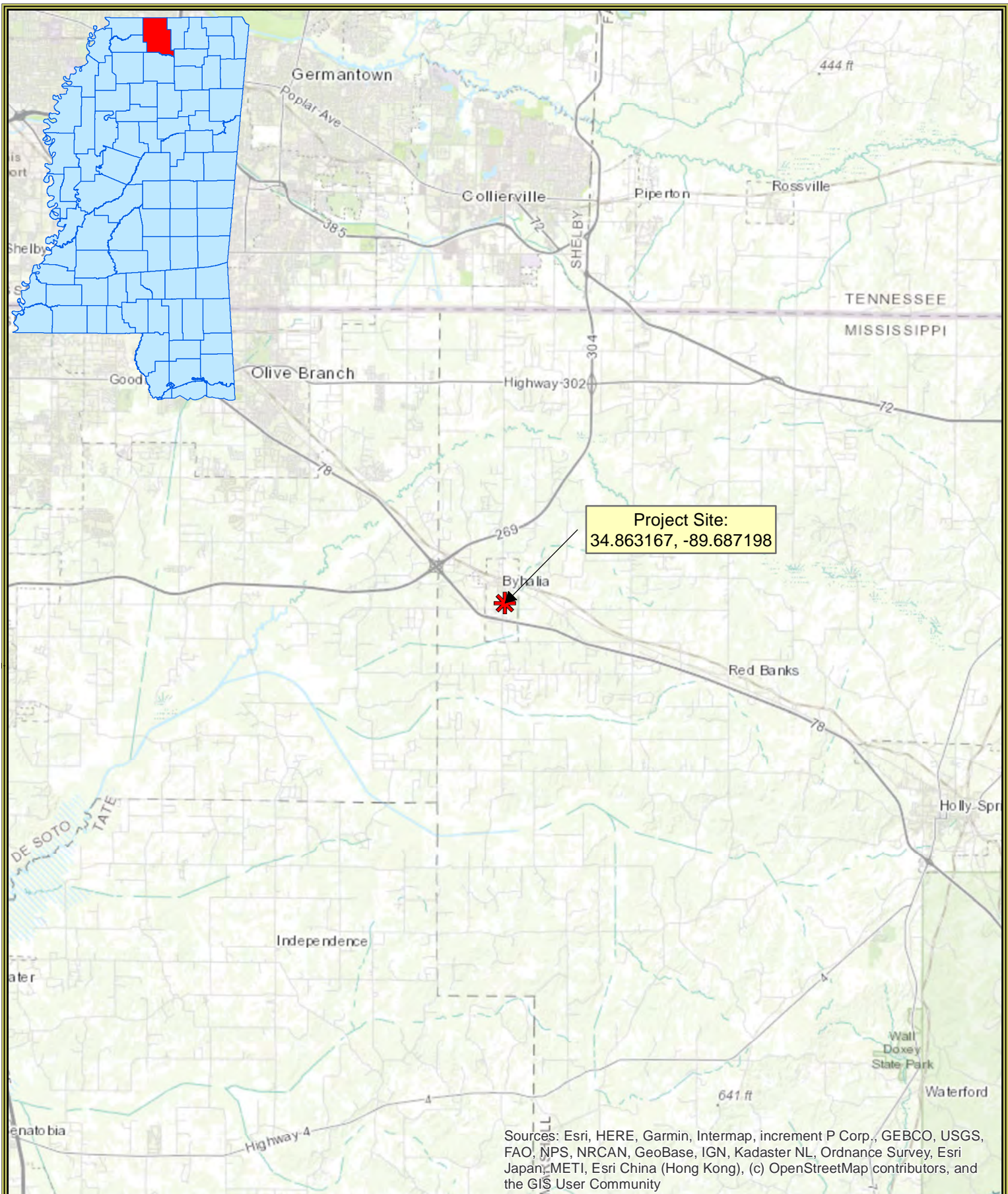
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this 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>.

**Bryan Williamson
Chief, Mississippi Branch/Deputy
Regulatory Division**

ATTACHMENT A

Project Maps and Drawings



Project Site:
34.863167, -89.687198

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



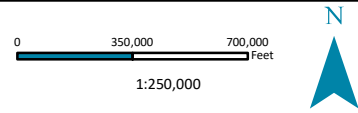
Date Created: 5/15/2023

Created by: PGH

The Towns at Ridgecrest

Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi


General Location Map



NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USGS 1973 Byhalia (MS) Quad Basemap

Legend

 Project Area (±40.18 ac)



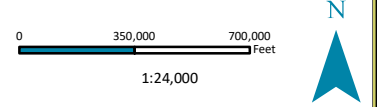
Esri, HERE, Garmin, (c) OpenStreetMap contributors



HEADWATERS
NATURAL RESOURCES CONSULTING
WWW.HEADWATERS-INC.COM

The Towns at Ridgecrest
Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi

[Site Location Map](#)




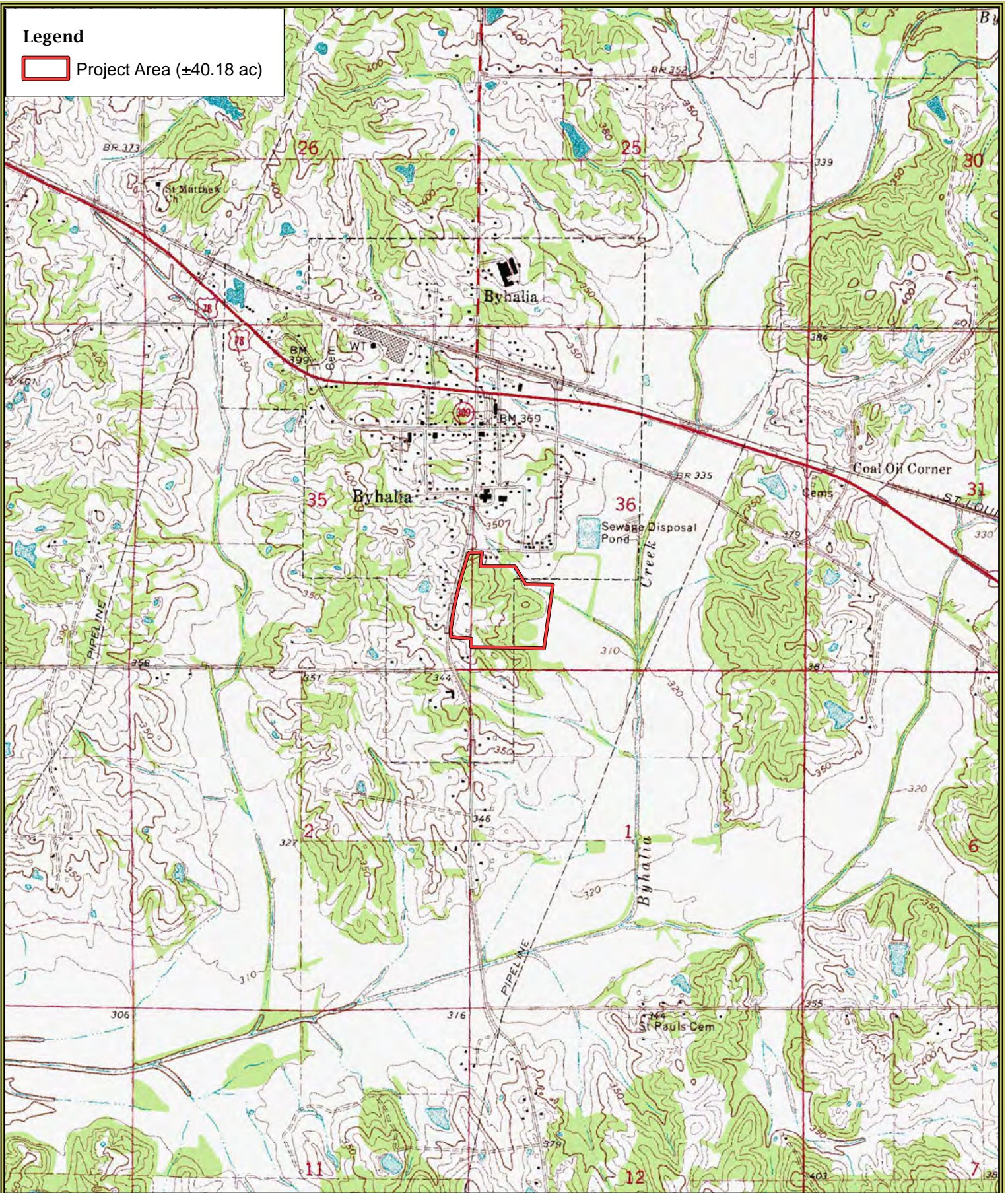
NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USDA NAIP 2021 Imagery Basemap

Date Created: 5/15/2023 Created by: PGH

Legend

 Project Area (±40.18 ac)



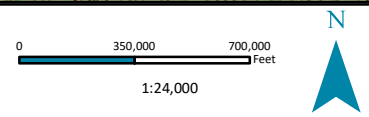
Date Created: 5/15/2023

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The Towns at Ridgecrest

Sections 35 & 36, Township 2 South, Range 5 West
Marshall County, Mississippi

[Site Location Map](#)



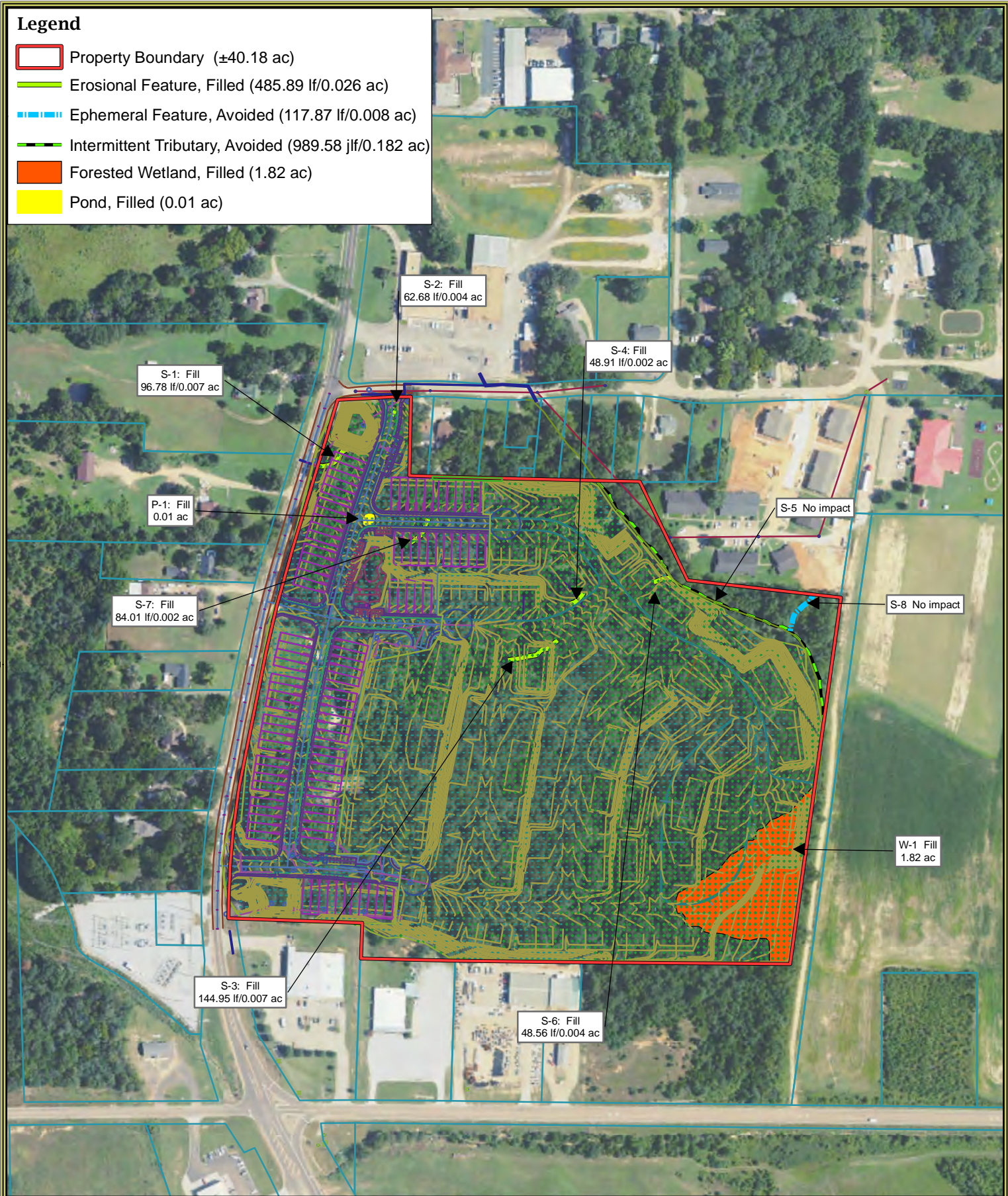
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NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USGS 1973 Byhalia (MS) Quad Basemap

Legend

- Property Boundary (±40.18 ac)
- Erosional Feature, Filled (485.89 lf/0.026 ac)
- Ephemeral Feature, Avoided (117.87 lf/0.008 ac)
- Intermittent Tributary, Avoided (989.58 jlf/0.182 ac)
- Forested Wetland, Filled (1.82 ac)
- Pond, Filled (0.01 ac)



S-1: Fill
96.78 lf/0.007 ac

S-2: Fill
62.68 lf/0.004 ac

S-4: Fill
48.91 lf/0.002 ac

P-1: Fill
0.01 ac

S-5 No impact

S-7: Fill
84.01 lf/0.002 ac

S-8 No impact

W-1 Fill
1.82 ac

S-3: Fill
144.95 lf/0.007 ac

S-6: Fill
48.56 lf/0.004 ac

The Towns at Ridgecrest
 Sections 35 & 36, Township 2 South, Range 5 West
 Marshall County, Mississippi
Wetland Impact Map

N

0 350,000 700,000
 Feet

1:4,000

NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

USDA NAIP 2023 Imagery Basemap

OAK STREET

TRACEAIR office

HWY 309

Master Site Plan

PH 1
72 UNITS

PH 2
78 UNITS

PH 4
73 UNITS

PH 5
69 UNITS

PH 3
87 UNITS

FUTURE S FULLER ST EXTENSION

Townes at Ridgecrest

08/30/2024

Overlays

