



**US Army Corps
of Engineers**

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

Public Notice

APPLICATION NO.:	MVK-2022-00820
EVALUATOR:	Mr. Anthony Lobred
PHONE NO.:	(601) 631-5478
E-MAIL:	Anthony.R.Lobred@usace.army.mil
DATE:	October 9, 2024
EXPIRATION DATE:	October 31, 2024

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 completed the pre-filing meeting requirements with the Mississippi Department of Environmental Quality (certifying authority) on May 22, 2024. As of the date of this public notice, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality. 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. Blaine Fontaine
Hancock County Port and Harbor
Commission
14054 Fred and Al Key Road
Kiln, Mississippi 39556

Name of Agent:

Ms. Lindsay Spurrier
Cypress Environment &
Infrastructure
772 Howard Avenue
Biloxi, Mississippi 35930

Location of Work: Section 25, T9S-R15W, Sections 19 and 30, T9S-R15W, Latitude 30.233602N, Longitude -89.546249W within the Pearl River Drainage Basin (12-digit USGS HUC: 031800041006), Hancock County, Mississippi.

Description of Work: (See enclosed maps and drawings.)

The applicant is applying for a Department of the Army permit in conjunction with the Mississippi Department of Marine Resources to conduct regulated activities in jurisdictional wetlands for the proposed construction of an industrial manufacturing facility codenamed Mockingbird. The proposed activity will include a manufacturing facility, several support office buildings, two driveways, and a detention pond located in Hancock County, Mississippi. The proposed construction will encompass 99.81 acres inside the existing Site 1 of the Port Bienville Industrial Park in which 72.80 acres will be filled to an elevation of 19 feet NVGD and the construction of an approximately 2.25-acre detention pond. To facilitate construction of the proposed project, the proposed activities would include clearing, filling, grubbing, and dredging in jurisdictional areas. The applicant has provided this office with an alternative analysis that is attached.

Approximately 43.45 acres of a mixed pine savannah/bayhead magnolia wetlands would be permanently impacted and 12.93 acres of mixed pine savannah/bayhead magnolia wetlands would be temporarily impacted by the proposed activities. A total of approximately 56.38 acres of wetlands would be impacted by the planned project over the course of the proposed project.

The applicant proposes to purchase available compensatory mitigation credits from an approved mitigation bank that services the watershed for the proposed impacts. If sufficient credits are not available, applicant proposes to purchase the remaining credits from other approved mitigation banks at the discretion of the Vicksburg District. Proof of mitigation purchase must be satisfied prior to commencing work.

The dominant vegetation within the project boundaries consists of *Magnolia virginiana*, *Nyssa sylvatica*, *Pinus elliottii*, *Pinus taeda*, and *Triadica sebifera*, *Andropogon mohrii*, *Axonopus compressus*, *Carex turgescens*, *Paspalum urvillei*, *Cyrilla racemiflora*, *Magnolia virginiana*, *Nyssa sylvatica*, *Quercus laurifolia*, *Quercus nigra*, and *Triadica sebifera*. Soil within the project area consists predominantly of Atmore silt loam, Harleston fine sandy loam, Beauregard silt

loam, Ocilla loamy sand, Plummer loamy sand, Poarch fine sandy loam, Smithton Association, and Smithton fine sandy 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 Archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

Copies of this public notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: Threatened and Endangered Species for this area include the Gopher Tortoise, Dusky Gopher Frog, Eastern Black Rail, Gulf Sturgeon, Ringed Map Turtle, West Manatee, and the Wood Stork. 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 and the Service's IPAC system, the Corps has determined that the proposed activity would have no effect on the listed species. In addition, the Corps has determined the proposed activity would not jeopardize the continued existence of the proposed threatened Alligator Snapping Turtle.

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 area 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>.

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Bryan Williamson
Chief, Mississippi Branch/Deputy
Regulatory Division