



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

October 2, 2013

Mississippi Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2013-01103-RCV
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED CONSTRUCTION OF A COMMERCIAL CHICKEN HOUSE FACILITY,
NEAR ELLISVILLE, JONES COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: **Mr. Jeffery Lawson**
1950 Highway 29 South
Ellisville, Mississippi 39437

AGENT: **Wetland Consulting Services, Inc.**
21 Autumn Run
Hattiesburg, Mississippi 39402

LOCATION: The proposed project would directly impact wetlands adjacent to a tributary to Dry Creek. The project is located within the Lower Leaf River watershed (HUC 03170005) and is hydrologically connected to Bogue Homo in, Section 19, Township 7 North, Range 11 West; Latitude 31.551° North and Longitude -89.132° West, near Ellisville, Jones County, Mississippi.

WORK DESCRIPTION: The applicant proposes to discharge fill material into approximately 1.0 acre of jurisdictional wetlands for constructing a commercial chicken house facility.

The project site consists uplands and a forested wetland community, which is surrounded on three sides by undeveloped forested tracts. Approximately 1.0 acre of these medium-quality wetlands are proposed to be permanently filled and graded for the purposes of this project. An existing access road will be maintained onsite and will not require the placement of additional fill. No tidal wetlands or open waters will be affected by the project.

AVOIDANCE AND MINIMIZATION: The applicant has stated that wetland impact avoidance and minimization has been accomplished by limiting the size of the facility and by designing the shape to utilize all available uplands. During construction, appropriate best management practices will be implemented to prevent sediment from leaving the construction site and entering offsite wetlands or other jurisdictional waters. The U.S. Army Corps of Engineers' (Corps) has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: Mitigation for permanent impacts to 1.0 acre of medium-quality wetlands will be accomplished by the purchase of an appropriate number of credits from a Corps' approved wetland mitigation bank. The Corps has not verified the adequacy of the mitigation proposal at this time.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made. The applicant has also applied for certification from the State that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources (DMR).

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Because the site is located in a wetland, the project should not affect sites on or eligible for the National Register of Historic Places. We are seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of development for the overall project footprint. The Corps will consult with the SHPO to make a final determination based upon this review unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work or that adequately documents that a potential exists for the location of significant sites or properties within the permit area.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (FWS) lists endangered, threatened or candidate species as occurring or potentially occurring in Jones County, Mississippi. These include the gopher tortoise (T)(*Gopherus Polyphemus*), the Louisiana quillwort(E) (*Isoetes louisianensis*), the Gulf sturgeon (TCH) (*Acipenser oxyrinchus desotoi*), the Louisiana black bear (T)(*Ursus americanus luteolus*), the Black pine snake (C) (*Pituophis melanoleucus lodingi*), the Yellow-blotched map turtle (T) (*Graptemys flavimaculata*) and the Red-cockaded woodpecker (E) *Picoides borealis*. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will not affect listed threatened or endangered species. The applicant has submitted the species survey to the FWS for review.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian 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 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. 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 public hearings shall state with particularity, the reasons for holding a public hearing. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

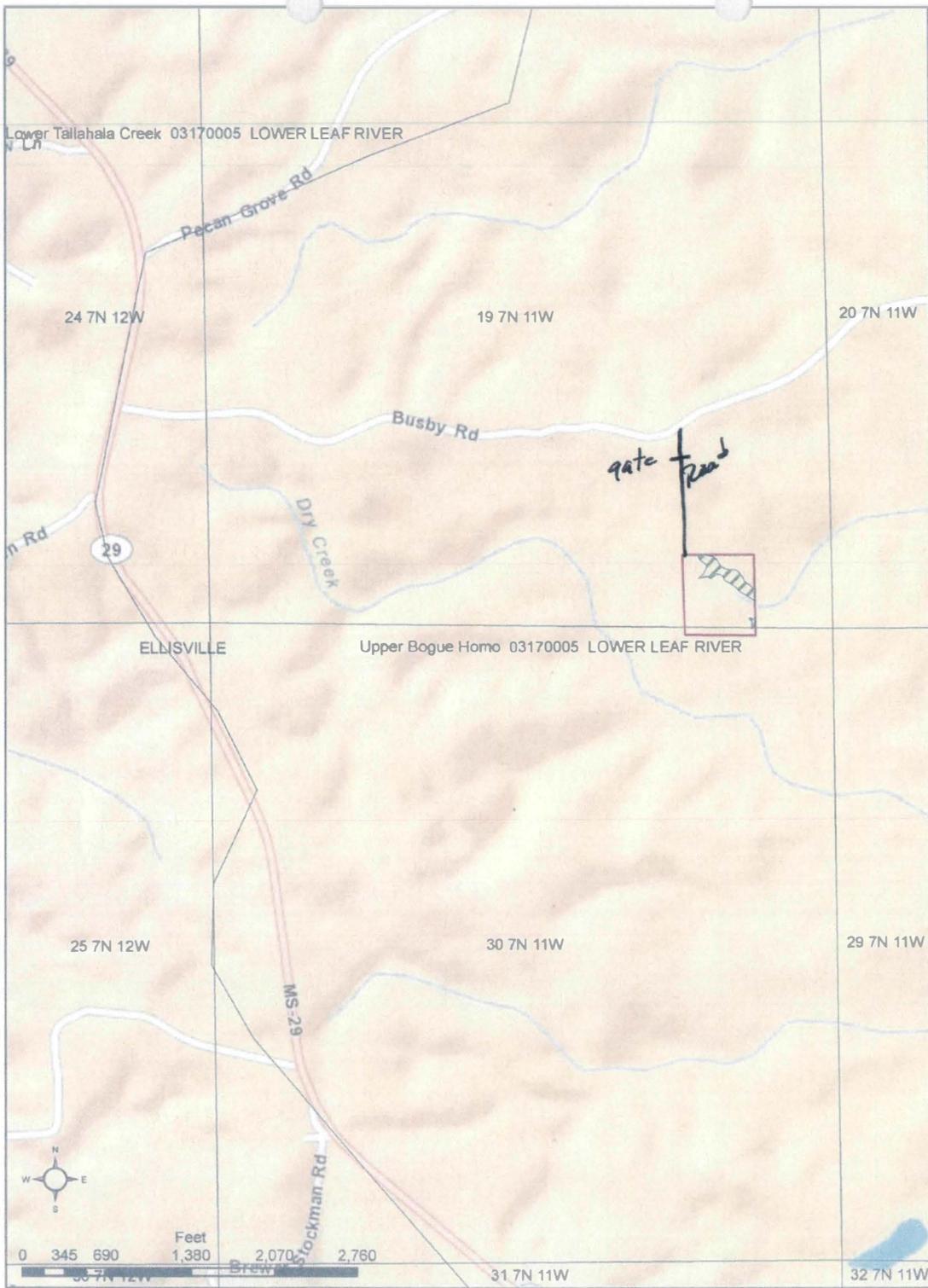
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2013-01103-RCV** and should be directed to the District Engineer, U.S. Army Engineer Mobile District, Attention: **Mr. Rudolph C. Villarreal**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225-2261, and the DMR, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, **Mr. Rudolph C. Villarreal** (rudolph.c.villarreal@usace.army.mil), phone **(251) 690-3246**. Please refer to the above Public Notice number.

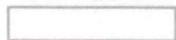
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

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U.S. Army Corps of Engineer

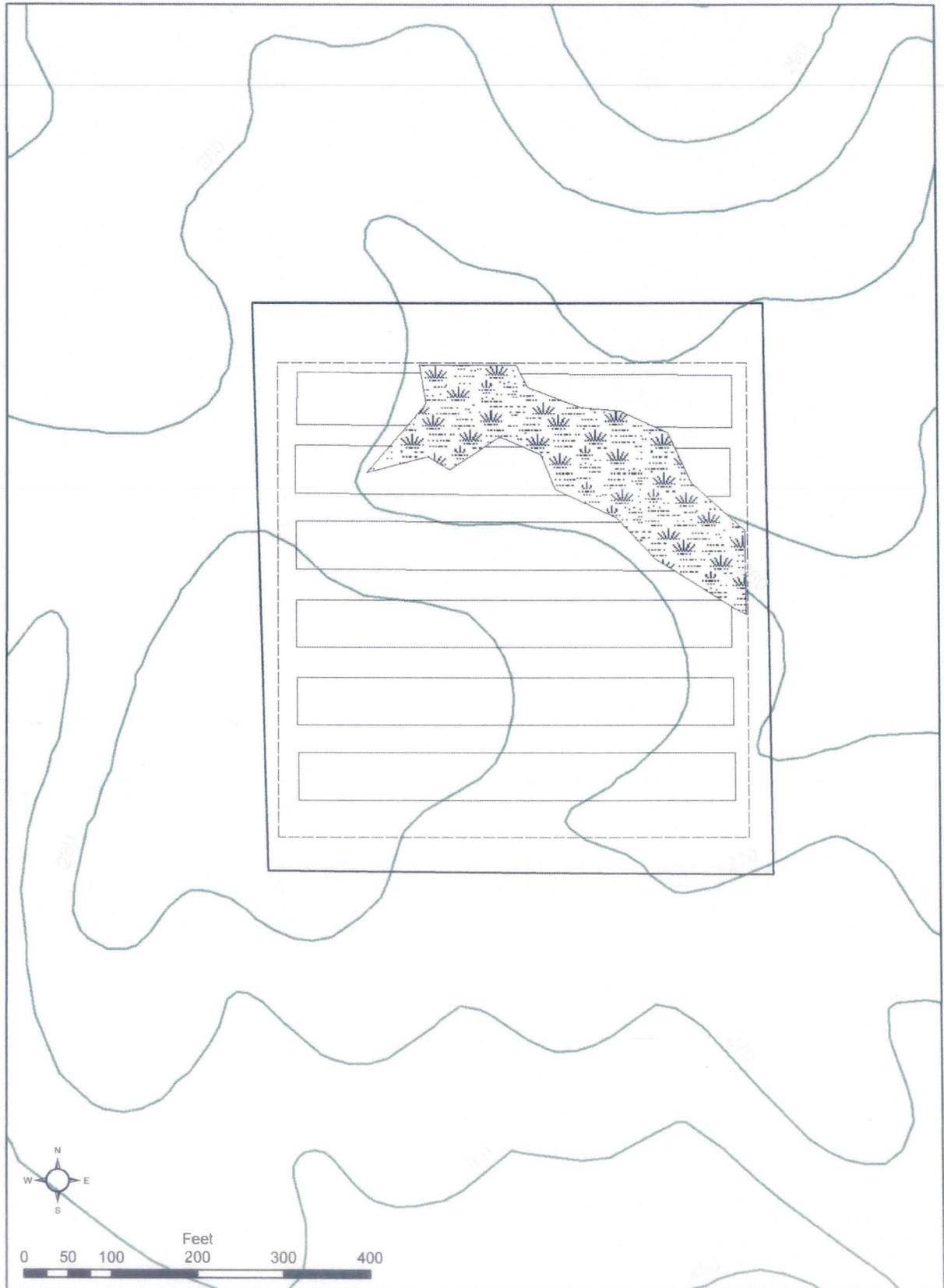


Legend

-  Wetland Delineation
-  Property Boundary

Jefferey Lawson
 Proposed Chicken House Location
 Wetland Delineation - May 2013
 Wetland Consulting Services, Inc.

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DEPT. OF THE ARMY PERMIT

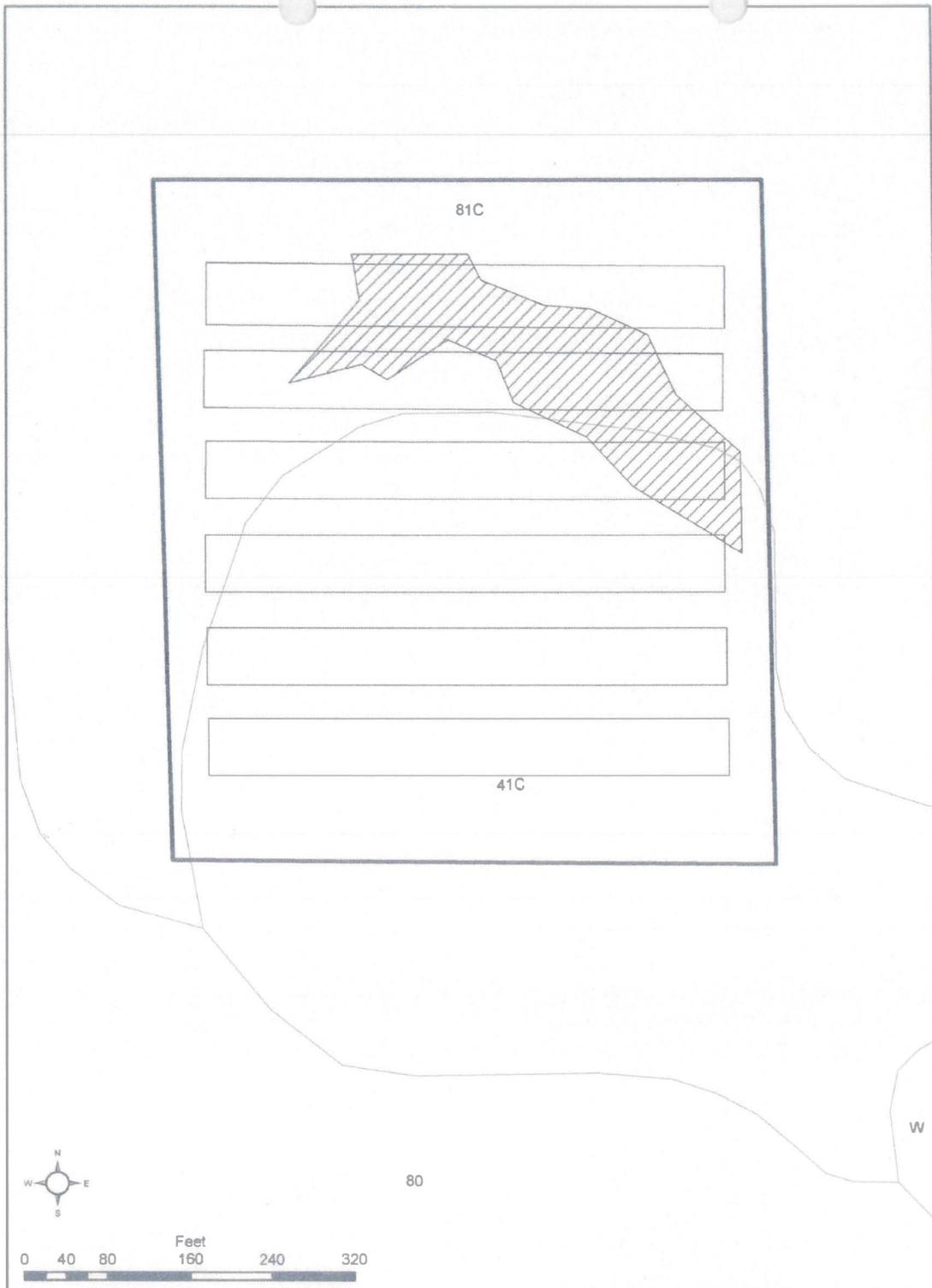


Legend

-  Property Boundary
-  Fill Area
-  Project Wetland Impact 1 acre
-  Proposed Chicken House

Jefferey Lawson
 Proposed Chicken House Location
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Cross Section Construction Wetland Fill

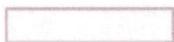


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Jeffery Lawson
Proposed Chicken House Location
Cross Section



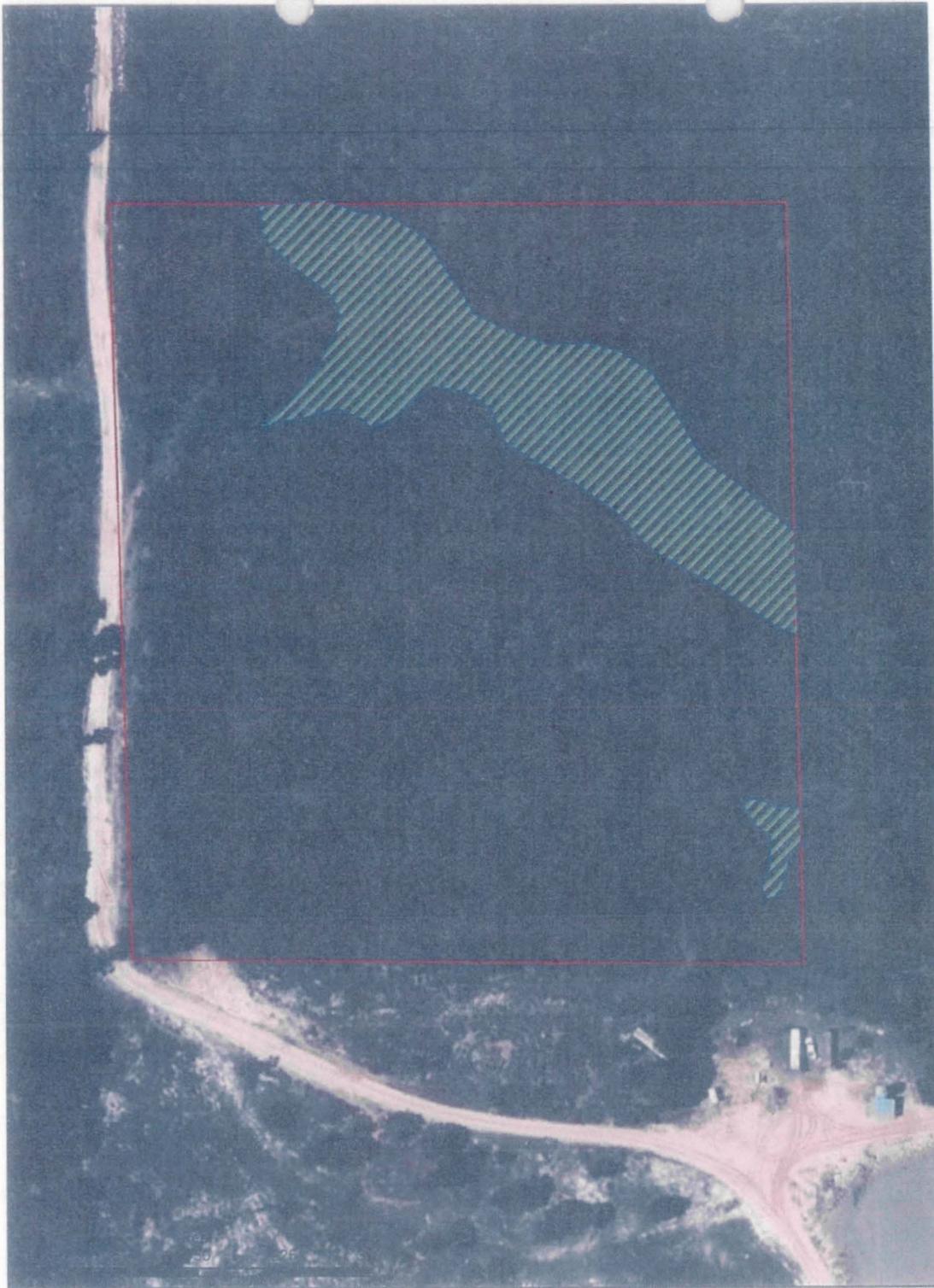
Legend

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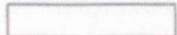
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Legend



Wetland Delineation

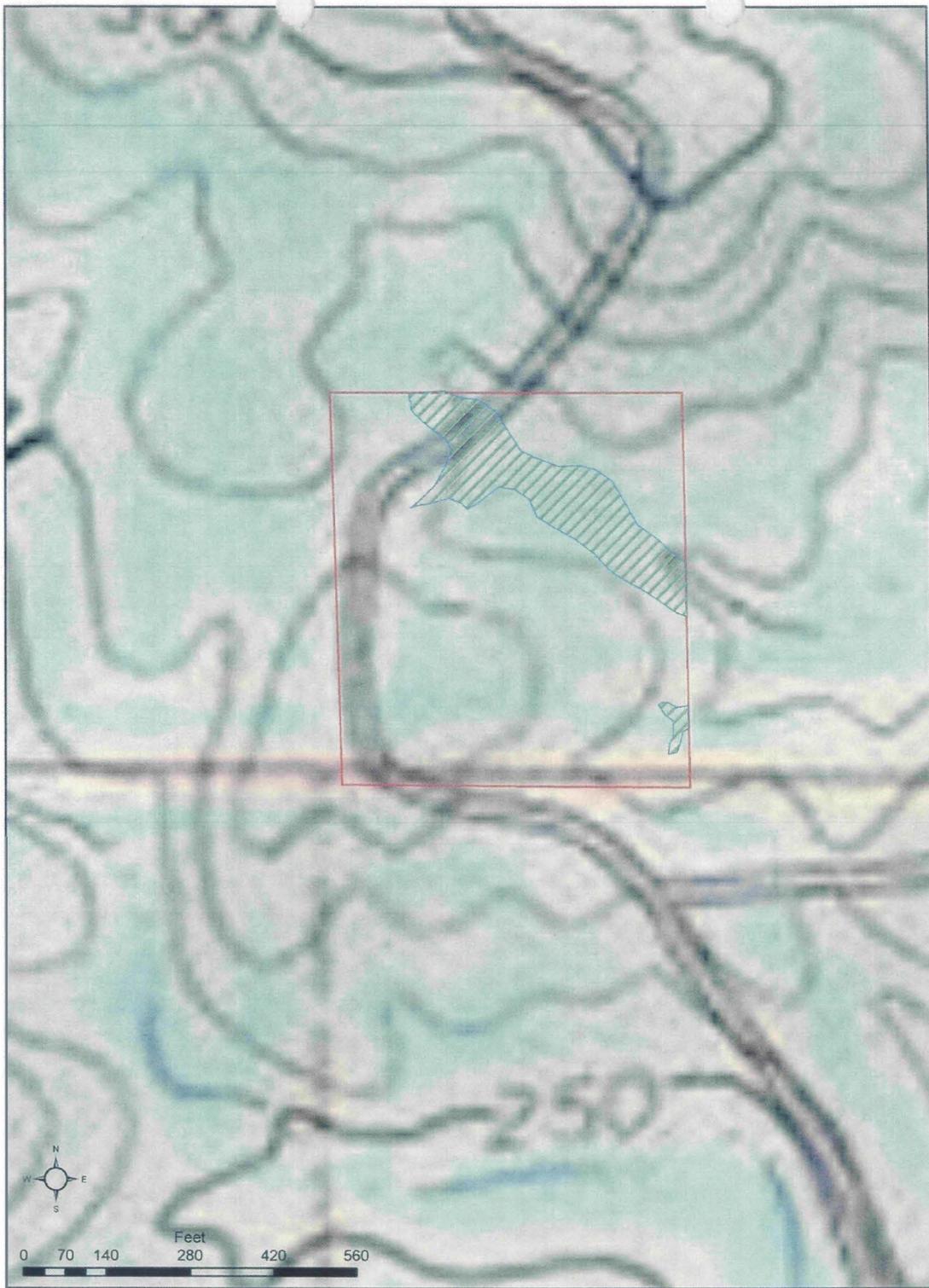


Property Boundary

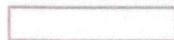
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Legend

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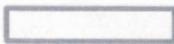
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