



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2015-00979-JMT

DATE 18 Dec 2015

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY

**REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES ASSOCIATED
WITH THE CONSTRUCTION OF A PROPOSED MAUNFACTURING FACILITY,
NEWTON 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: City of Newton
Attention: Mr. David Carr, Mayor
Post Office Box 300
Newton, Mississippi 39345

AGENT: Thompson Engineering
Attention: Mr. Lang Kirkwood
100 Business Park Drive, Suite G
Ridgeland, Mississippi 39157

LOCATION: The proposed project site is located within the City of Newton Industrial Park located off Coliseum Drive in Newton, Mississippi (N32.36463, W-89.13284). Specifically, the project is located in Sections 13 and 14; Township 6 North; Range 11 East in Newton County, Mississippi. Impacts to waters of the U.S. are within the Tarlow Creek – Potterchito Creek Watershed (HUC 03170001).

PROJECT PURPOSE: The basic project purpose is industrial development

WORK: The applicant is seeking authorization for the discharge of fill material into waters of the United States for the purpose of constructing buildings, storage structures, roads, parking areas, and rail. These activities would impact 1650 linear feet of intermittent stream.

AVOIDANCE AND MINIMIZATON: The applicant stated they considered off-site alternatives during the project planning stages. The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant is proposing to purchase credits at a USACE approved mitigation bank for impacts to waters of the U.S. associated with this project. The USACE has not verified the adequacy of the applicant's compensatory mitigation plan 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers 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 use 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.

CULTURAL RESOURCES: 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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. **By letter (MDAH Project Log #08-0131-15, Newton County) dated August 19, 2015, the Mississippi Department of Archives and History stated: “After reviewing the information submitted, it is our determination that no cultural resources are likely to be affected, provided the fill material needed for the project is obtained from a borrow area that has been cleared for cultural resources”.**

ENDANGERED SPECIES: 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 most likely will not affect listed endangered or threatened species, or their critical habitat. **By letter dated November 10, 2015, the USFWS stated: “... the Service has determined that the proposed project will have “No Effect” on federally listed species or their habitats. No further consultation under ESA is required with this office unless there are changes in the scope or location of the proposed project.”**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2015-00979-JMT and should be directed to:

U.S. Army Engineer District, Mobile
Birmingham Field Office
Attention: Mr. Joseph Tanko
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

State of Mississippi
Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225

Comments should be received no later than **30 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at joseph.m.tanko@usace.army.mil or telephone number **(205) 290-9096**. 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. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will help us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineer

Enclosures

