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

REPLY TO
ATTENTION OF:

CESAM-RD-I-N **December 31, 2008**
PUBLIC NOTICE NO. SAM-2008-1698-JSC

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

PROPOSED IMPACTS TO WATERS OF THE U.S.
IN CONJUNCTION WITH THE A STREAM CLEARANCE AND REVITALIZATION PROJECT OF LINE –TRIM CANE CREEK NEAR WEST POINT, MISSISSPPI

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. Please communicate this information to interested parties.

APPLICANT: Sun Creek Water Association
Attention: Ward Rogers and Favor Attorneys
Post Office Box 80286
Starkville, Mississippi 39759

WATERWAY: Line-Trim Cane Creek, Sections 25 & 26, Township 20 South, Range 15 East, West Point, Clay County, Mississippi (Latitude 33° 34.047' North and Longitude 88° 45.992' West.

WORK: The applicant proposes to remove silt located near a 1200 ft area near the west end of the creek and refuse, including downed timber and woody debris, from a 1.2 mile portion of Line-Trim Cane Creek to alleviate upstream flooding. According to the applicant, current creek conditions are causing upstream flooding of timber and farmlands resulting in crop mortality. The removal of the silt and debris will be completed by the Tennessee Tombigbee Waterway District in accordance with previously used standards for creek clearance. Woody debris removed will be stacked adjacent to the creek and burned, and silt deposits removed will placed adjacent to the creek. The unavoidable impact to jurisdictional wetlands from permanent side-cast materials is 1.5 acres.

AVOIDANCE & MINIMIZATION: The applicant has researched the flooding problem and located the areas in need of clearance in order to alleviate the flooding problem. The work to be completed has been limited to the smallest area practicable while allowing the

project to serve its stated purpose. The applicant will implement a number of logistical and operational measures to further minimize impacts from the project including:

- Normal timber harvesting to clear space for equipment and deposits;
- Drum mulching or shear blades will be utilizes for additional clearing to reduce or eliminate ground disturbance and the need for mechanized land clearing;
- Existing logging roads will be used ingress and egress.

Silt materials will be stacked at slope ratios in accordance with storm water plans, seeded for erosion control, and gaps will be left in the deposit area to allow for normal drainage patterns and flow.

MITIGATION: The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands through the purchase of wetland credits from the Black Swamp Mitigation Bank.

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.

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 (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 may be reasonably 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.

The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. This review will constitute the full extent of cultural resources investigations 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 project area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services.

A 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 endangered or threatened species, or their critical habitat.

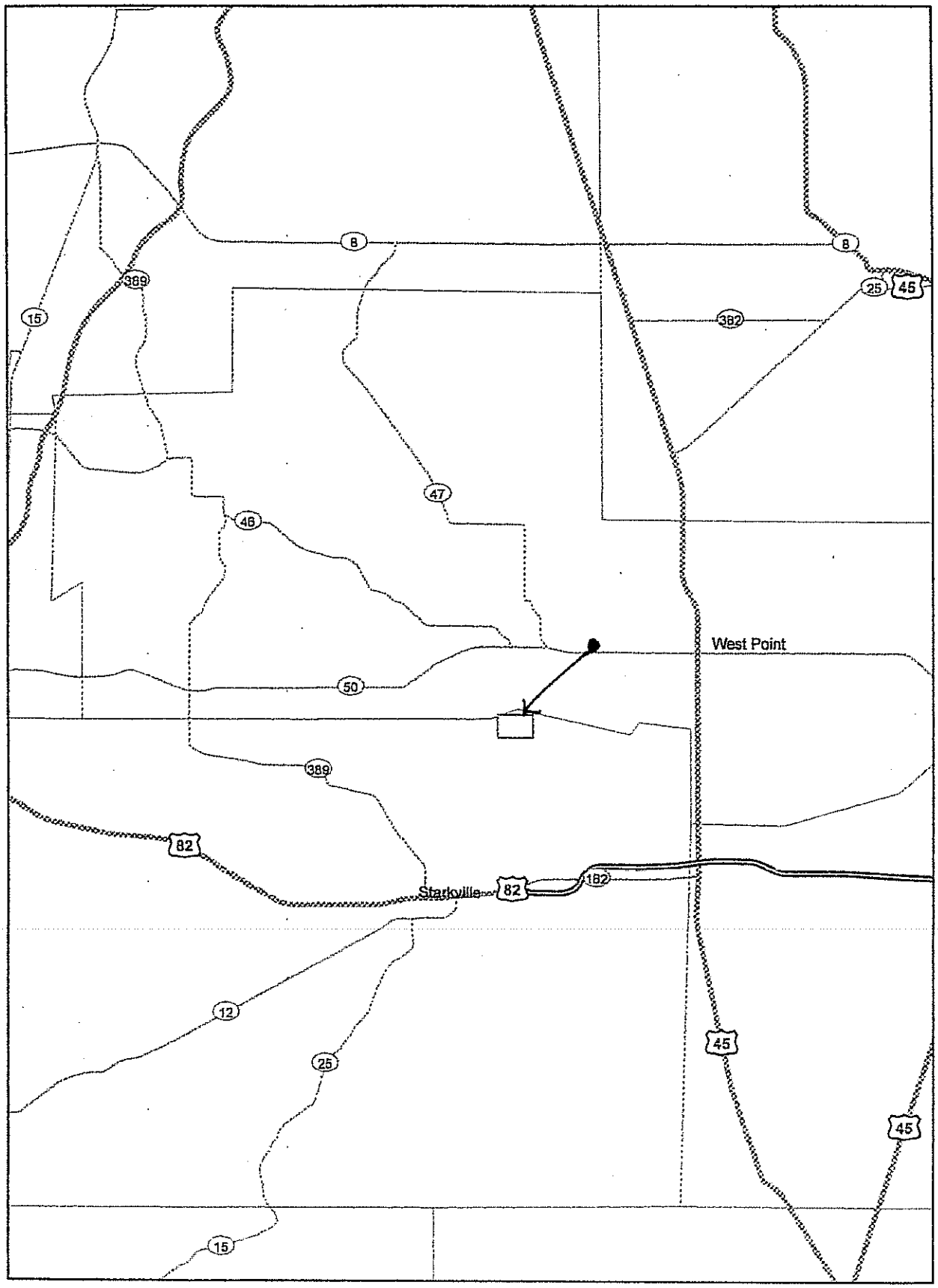
Correspondence concerning this Public Notice should refer to **Public Notice Number SAM-2008-1698-JSC** and should be directed to the District Engineer, Regulatory Division, Montgomery Field Office, 25 LeMay Plaza S., Bldg. 853, Maxwell, AFB, AL 36112, Attention: James Cherry, with copies to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530. Comments should be received no lather than **30 days from the date of this Public Notice.**

If you have any questions concerning this publication, you may contact the Project Manager Mr. James S. Cherry, II via email at james.s.cherry@usace.army.mil or telephone number (334) 953-2172. Please refer to the Public Notice SAM-2008-1698-JSC.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



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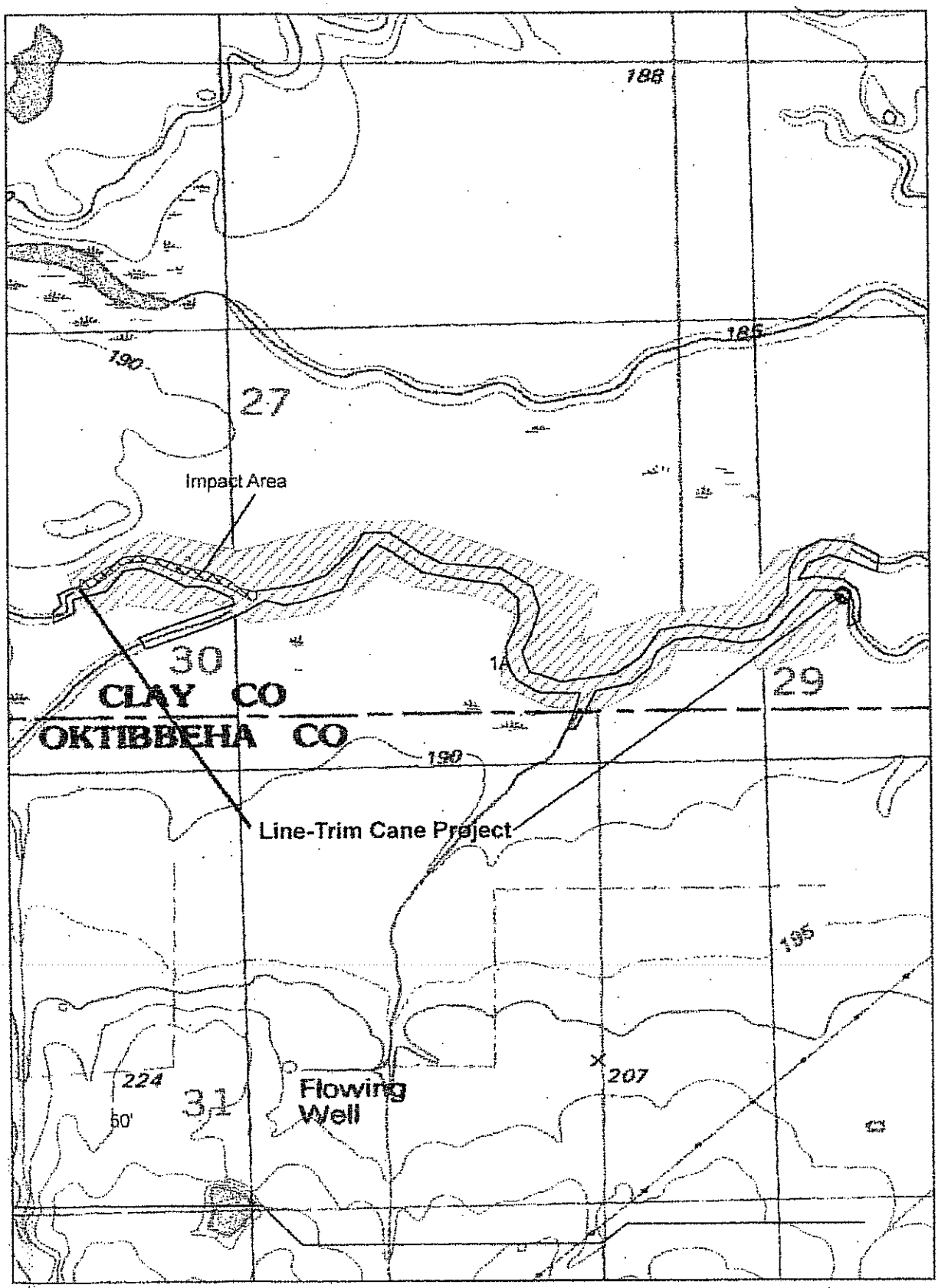
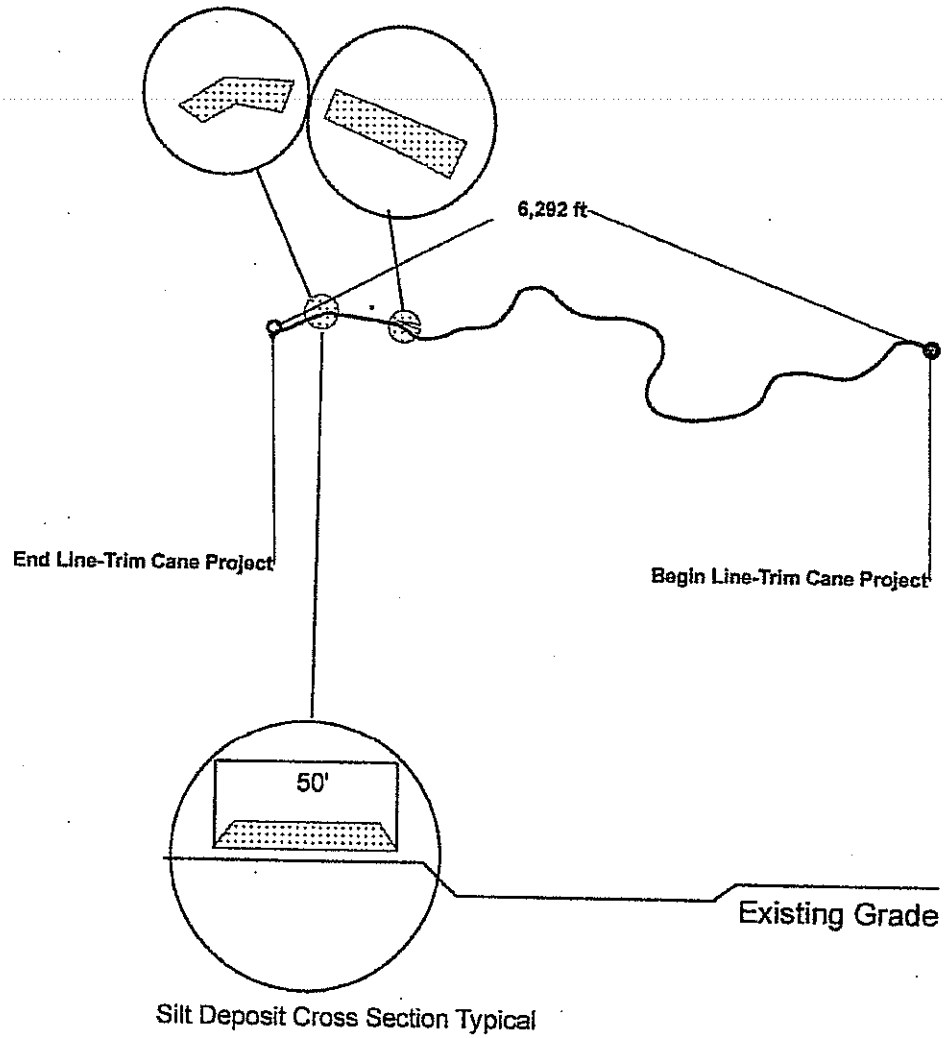
Project Location Map


188
185
190
27
Impact Area
30
1A
29
CLAY CO
OKTIBBEHA CO
190
Line-Trim Cane Project
195
224
31
Flowing
Well
207
50'
0
550
1,100
2,200 Feet
Wetland Delineation, project area



Project Diagram