



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, MOBILE DISTRICT  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

CESAM-RD-N  
PUBLIC NOTICE NO. SAM-2020-00314-CMS

July 23, 2020

**JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL (MDEQ)**

**REQUEST TO RETAIN UNAUTHORIZED FILL IN WETLANDS ASSOCIATED WITH  
THE CONSTRUCTION OF AN ASPHALT PLANT IN SHANNON, LEE COUNTY,  
MISSISSIPPI**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: APAC Mississippi, Inc.  
Attention: Nathan Killingsworth  
Post Office Box 24508  
Jackson, Mississippi 39925  
nkillingsworth@apac.com

AGENT: Headwaters, Inc.  
Attention: Cullen Dendy  
Post Office Box 3658  
Tupelo, Mississippi 38803-3658  
cullen@headwaters-inc.com

LOCATION: The project is located in wetlands on an 18-acre parcel located in Shannon, Lee County, Mississippi. Specifically, the project boundary is located within Section 6, Township 11 South and Range 6 East. Center coordinates of the project site are latitude 34.15636, longitude -88.717397. The project is located in the Town Creek 8 digit hydrologic unit code (HUC 03160102).

PROJECT PURPOSE: The basic project purpose is an asphalt plant.

PROPOSED WORK: The applicant is requesting after-the-fact authorization to retain the unauthorized discharge fill material into waters of the United States (U.S.) in association with the construction of a hot mix asphalt plant. The discharge of fill material resulted in unavoidable impacts to 8.17 acres of forested

**wetlands. The applicant is requesting to fill in the ditch bisecting the property, which is included in the 8.17 acres of impact.**

**AVOIDANCE & MINIMIZATION: The applicant will avoid 3.83 acres of forested wetlands and 1.24 acres of emergent wetlands in the project boundary.**

**COMPENSATORY MITIGATION: The applicant proposes to purchase wetland credits from an approved mitigation bank.**

The applicant will apply for water quality certification from the State of Mississippi in accordance with Section 401(a) (1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to water quality certification will be made by the Mississippi Department of Environmental Quality.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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 USACE 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 USACE 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.

**HISTORIC PROPERTIES:** 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 affect cultural and historic properties within the permit area. The USACE has not made a determination of effects to historic properties at this time. Copies of this public notice are being distributed to the State Historic Preservation Officer, Federally-recognized American Indian tribes, and the National Park Service, Division of Archaeological Services for review and comment.

**ENDANGERED/THREATENED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Species indicates the following species have the potential to occur in the project watershed: northern long-eared bat, wood stork and Price's potato bean. An effects determination will be made during the evaluation process, at which time the USACE will initiate consultation with the United States Fish and Wildlife Service (USFWS), if necessary. Copies of this public notice are being sent to the USFWS for review and comment.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2020-00314-CMS** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: **Ms. Courtney Shea**, 218 Summit Parkway, Suite 222, Homewood, Alabama 35209, with a copy to the Mississippi Department of Environmental Quality, Environmental Permits Division, Post Office Box 2261, Jackson, Mississippi 39225. Comments may also be submitted via e-mail to USACE at **Courtney.M.Shea@usace.army.mil**.

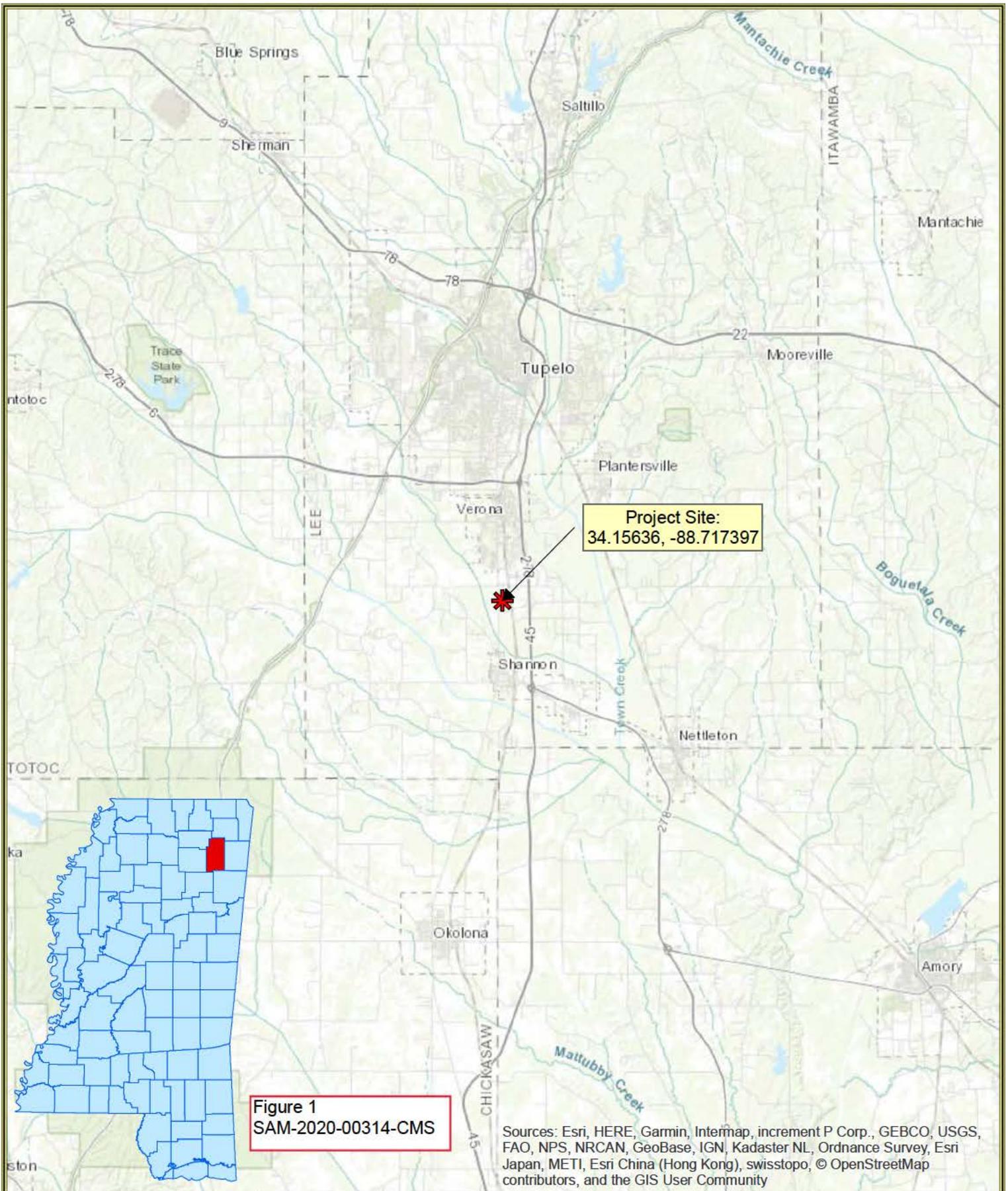
Comments should be received no later than **30 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at **Courtney.M.Shea@usace.army.mil** or telephone number **(205) 381-8108**. Please refer to the above Public Notice number.

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

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



**Project Site:**  
34.15636, -88.717397

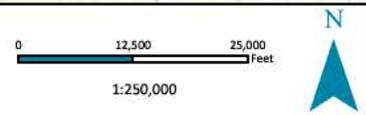
**Figure 1**  
SAM-2020-00314-CMS

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), swisstopo, © OpenStreetMap contributors, and the GIS User Community

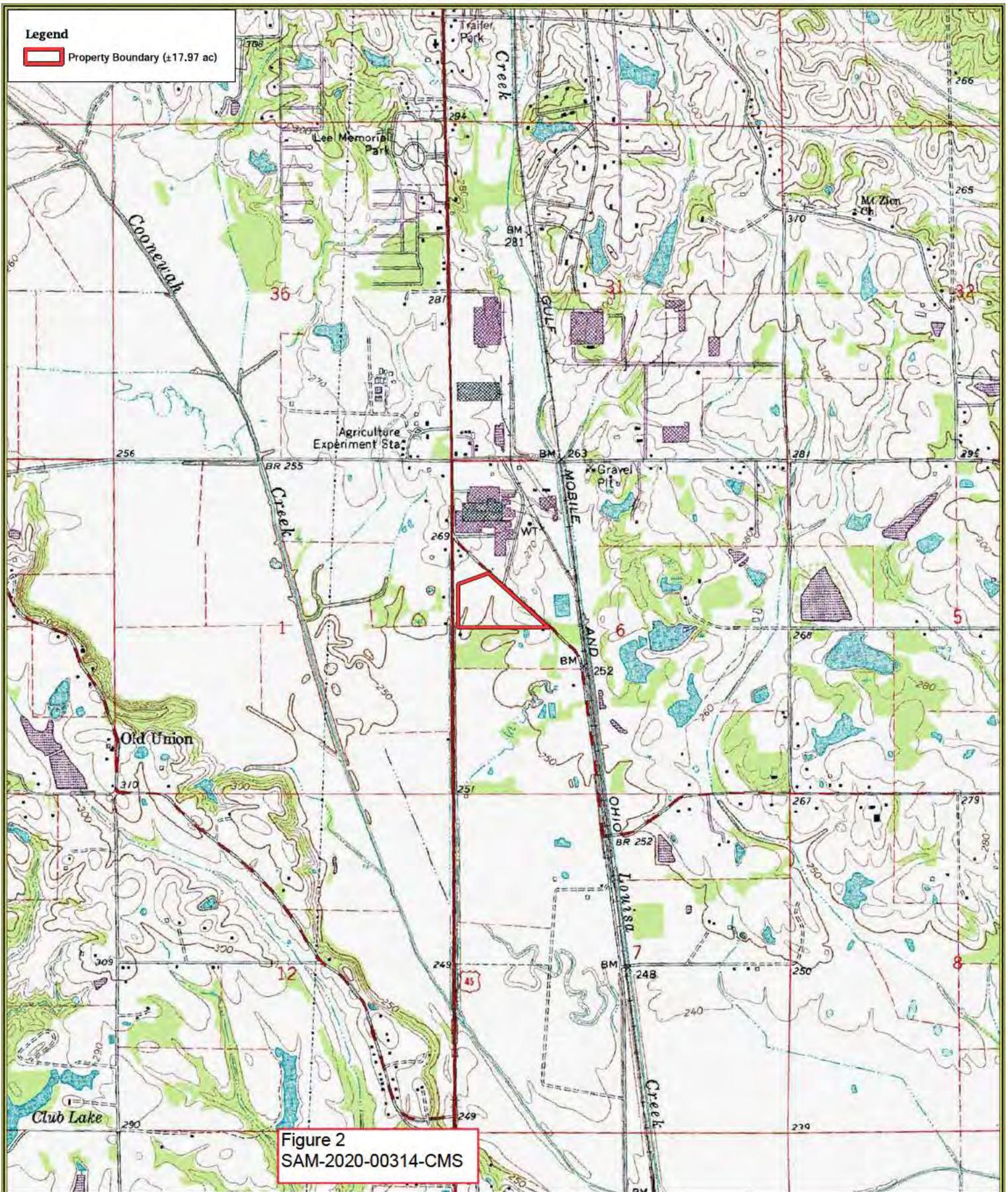


Date Created: 3/6/2020      Created by: PGH

**APAC-Mississippi, Inc.**  
**Shannon Plant**  
Section 6, Township 11 South, Range 6 East  
Lee County, Mississippi  
**General Location Map**



NAD 1983 2011 StatePlane Mississippi East FIPS 2301 Ft US  
USGS 1979 Verona (MS) Quad Basemap



**Figure 2**  
 SAM-2020-00314-CMS

**HEADWATERS** INC.  
 NATURAL RESOURCES CONSULTING  
 WWW.HEADWATERS-INC.COM

Date Created: 3/6/2020 Created by: PGH

**APAC-Mississippi, Inc.**  
**Shannon Plant**  
 Section 6, Township 11 South, Range 6 East  
 Lee County, Mississippi  
**Site Location Map**

0 1,200 2,400 Feet  
 1:24,000  
 N  
 NAD 1983 2011 StatePlane Mississippi East FIPS 2301 Ft US  
 USGS 1979 Verona (MS) Quad Basemap



**Figure 3**  
**SAM-2020-00314-CMS**

Esri, HERE, Garmin, (c) OpenStreetMap contributors

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 Section 6, Township 11 South, Range 6 East  
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[Site Location Map](#)

0 1,200 2,400 Feet  
 1:24,000

NAD 1983 2011 StatePlane Mississippi East FIPS 2301 Ft US  
 USDA NAIP 2018 Imagery Basemap



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Date Created: 3/17/2020      Created by: PGH

**APAC-Mississippi, Inc.**  
**Shannon Plant**  
Section 6, Township 11 South, Range 6 East  
Lee County, Mississippi  
**Wetland Impact Map**

0      125      250  
Feet

1:2,500

NAD 1983 2011 StatePlane Mississippi East FIPS 2301 Ft US

USDA NAIP 2018 Imagery Basemap