



**US Army Corps  
of Engineers**

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



# Public Notice

APPLICATION NO.:	MVK-2018-108
EVALUATOR:	Mr. Andy Sanderson
PHONE NO.:	(601) 631-5083
E-MAIL:	Andy.Sanderson@usace.army.mil
DATE:	June 08, 2018
EXPIRATION DATE:	June 28, 2018

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-OD-F, 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.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:  
Mr. Paul Campbell  
Vicksburg Petroleum Products, LLC  
3532 Manor Drive, Suite 1  
Vicksburg, Mississippi 39180

Name of Agent:  
Mr. Clay Cromwell  
Headwaters, Inc.  
P.O. Box 2836  
Ridgeland, Mississippi 39158

Location of Work: Section 9, T15N- R3E, Latitude 32.2852, Longitude -90.9218, within the Lower Mississippi-Natchez River Drainage Basin (8-digit USGS HUC 08060100), Warren County, Mississippi.

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

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army Permit for activities conducted in jurisdictional waters for the construction of an access road, two levees, and the expansion of an existing rock yard. The stated purpose

was to construct an access road to replace Kemp Bottom Road which was damaged and made impassable in recent flood events, improve existing levees adjacent to the facility, and to expand an existing rock yard to meet current demands.

The subject property is approximately 21.59 acres in size, of which approximately 1.61 acres were emergent wetlands and have been filled by activities related to the after-the-fact permit application request. The access road is approximately 30 feet wide by 1,700 feet long. The levee along the south side of the road is approximately 70 feet wide by 1,750 feet long. The levee to the east of the Energy plant is approximately 70 feet wide by 255 feet long. The expanded rock yard is approximately 13.20 acres. Approximately 5,250 cubic yards of silty clay loam was placed within jurisdictional wetlands. No additional work is proposed.

The vegetative communities within the project area have been disturbed due to recent activities related to this after-the-fact permit application. Soil within the project site consists of Adler silt loam with a Natural Resources Conservation Service's (NRCS) hydric component percentage rating of 3.

The applicant proposes to compensate for the unavoidable loss of jurisdictional impacts through the purchase of credits from an approved mitigation.

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, state 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: The permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

**Endangered Species:** Listed species for the affected area include the Interior least tern, Pallid sturgeon, Fat pocketbook mussel, Pondberry, Wood stork, and Northern long-eared bat. 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, the Corps has made the following determinations. The activity would have no effect on the following listed species: Interior least tern, Fat pocketbook mussel, and Pondberry. The activity may affect the Northern long-eared bat, but any resulting incidental take of the Northern long-eared bat is not prohibited by the final 4(d) rule. The activity is not likely to adversely affect the Wood stork or the Pallid Sturgeon. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

**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 is completely inside of 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.

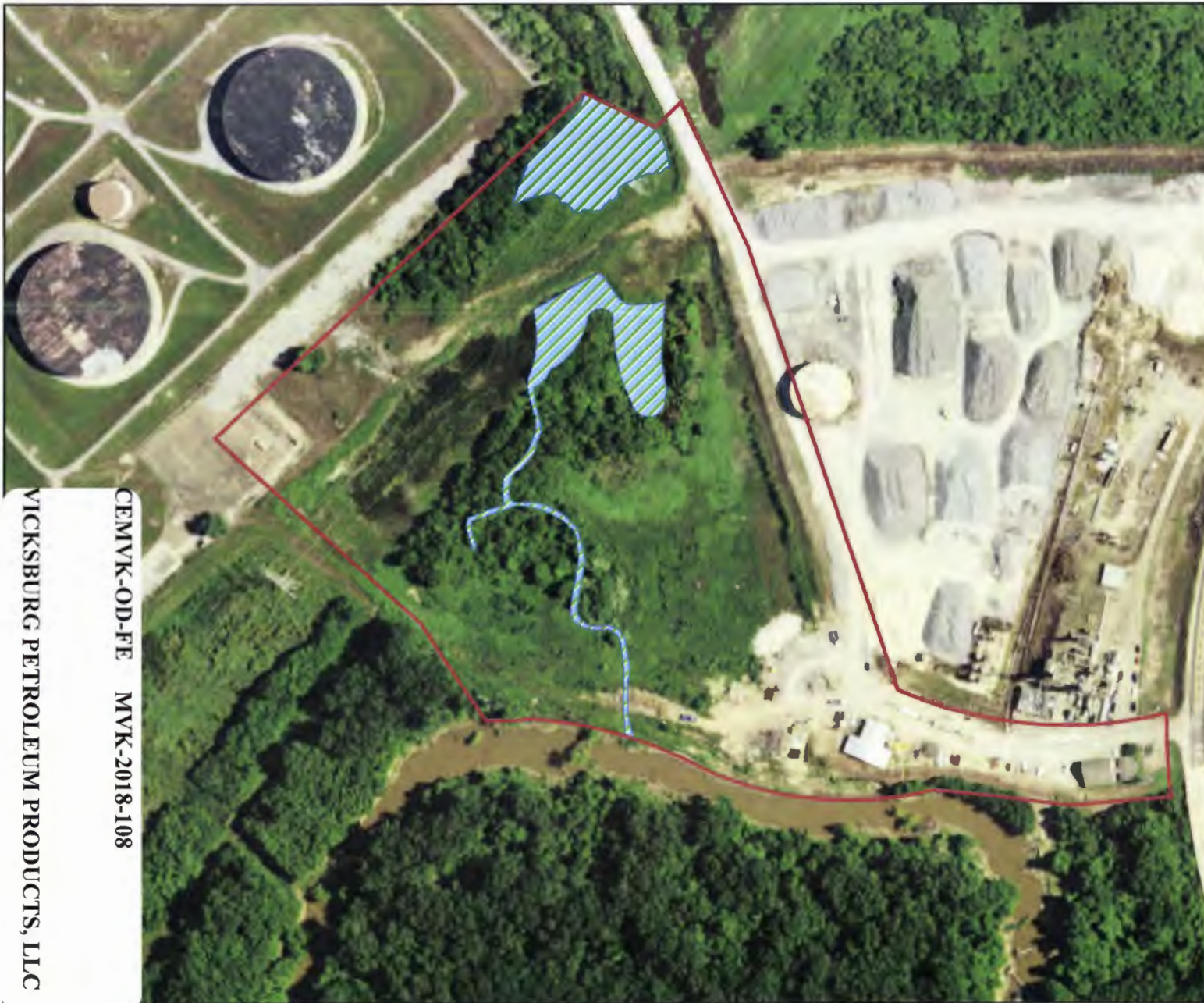
**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help 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.

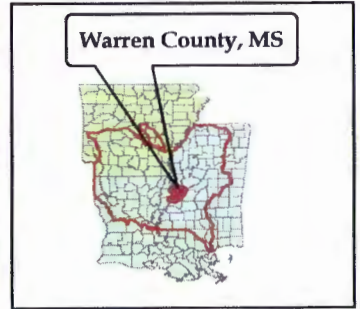
Please bring this announcement to the attention of anyone you know who might be interested in this matter.

**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>.

*Thomas A. McCabe*  
**Thomas A. McCabe**  
Chief, Evaluation Section  
Regulatory Branch



CEMVK-OD-FE MVK-2018-108  
 VICKSBURG PETROLEUM PRODUCTS, LLC



**7 May 2018**  
**MVK-2018-108**  
 Vicksburg Petroleum Products, LLC  
 Headwaters Inc.  
 ATF Permit  
 Emergency Access Road and Rock Yard Expansion  
 for Access to Baxter Wilson Power Plant  
 Warren County, MS  
**Preliminary**  
**Jurisdictional Determination**  
**ATF Permit Application**  
 Jeremy Stokes



**US Army Corps of Engineers**  
**Regulatory Branch**  
**Enforcement Section**  
 0 145 290  
 Feet

**Vicksburg Petroleum Products, LLC**

- Emergent Wetlands Impacted (1.61 Acres)
- Property Boundary

**1:3,000**

Legend

Project Boundary (21.59 ac)



CEMVK-OD-FE MVK-2018-108

VICKSBURG PETROLEUM PRODUCTS, LLC



Vicksburg Petroleum Products

Sec. 8 - T 16 N - R 3E  
Warren County, Mississippi

Site Location Map




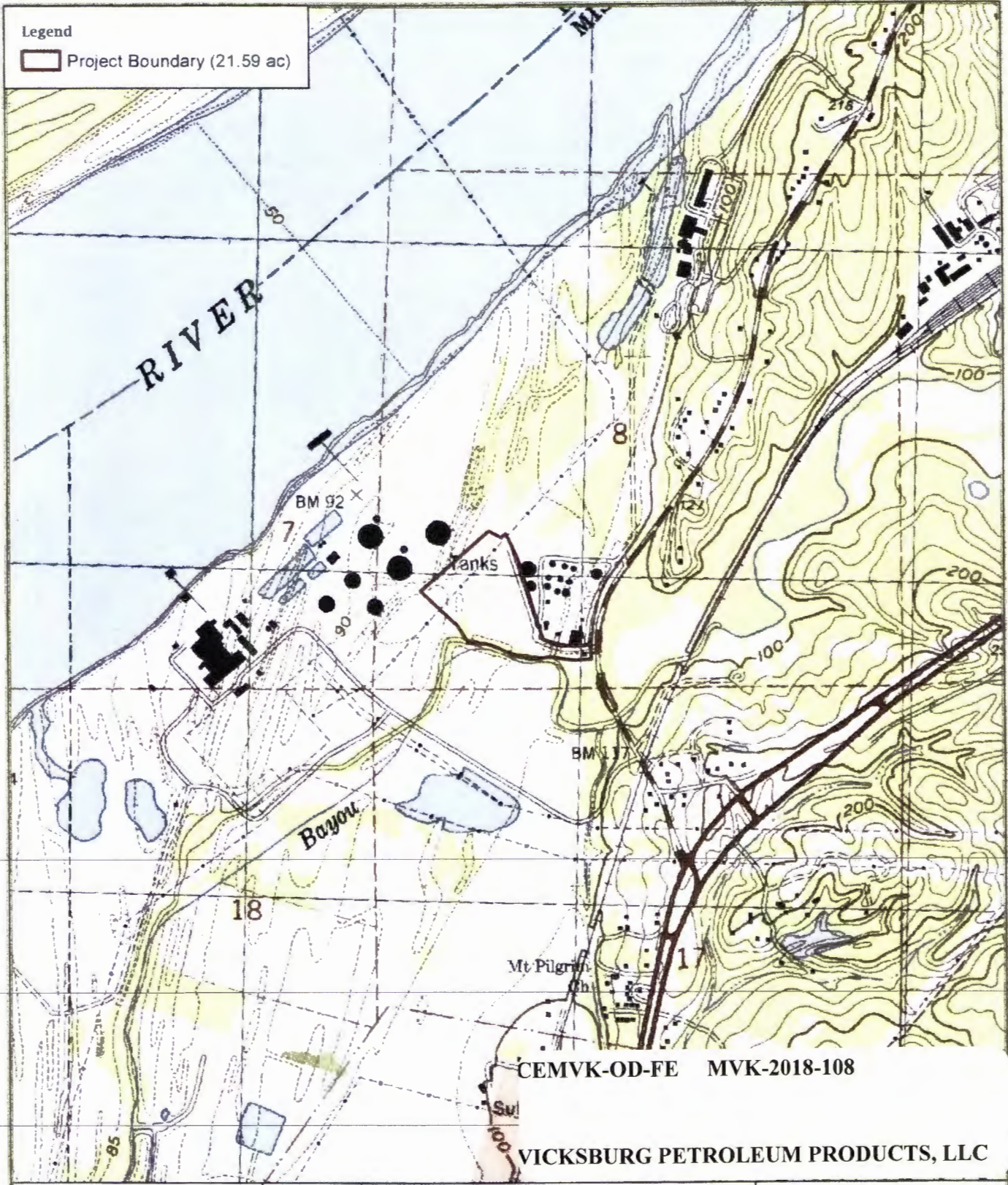
NAD 1983 2011 StatePlane Mississippi West FIPS 2802 Feet US

USDA NAIP 2016 Imagery Basemap

Date Created: 1/30/2018

Created by: JDL

**Legend**  
 Project Boundary (21.59 ac)



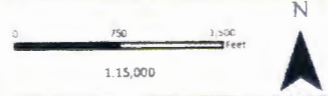
CEMVK-OD-FE MVK-2018-108

VICKSBURG PETROLEUM PRODUCTS, LLC



Date Created: 1/30/2018 Created by: JDL

**Vicksburg Petroleum Products**  
 Sec. 8 - T 16 N - R 3E  
 Warren County, Mississippi  
**Site Location Map**







VAD 2983 2011 StatePlane Mississippi West PPS 2302 Ft US

USGS Vicksburg West (MS) Quad Basemap

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**Legend**

-  Project Boundary (21.59 ac)
-  Rock Yard (13.20 ac)
-  Entergy Mississippi, Inc. Access Road (1.25 ac)
-  Levee (3.41 ac)



**CEMVK-OD-FE MVK-2018-108**

**VICKSBURG PETROLEUM PRODUCTS, LLC**



**Vicksburg Petroleum Products**

Sec. 8 - T 16 N - R 3E  
Warren County, Mississippi

[Site Plan Map](#)

0 175 350 Feet

1:3,500

N

NAD 1983 2011 StatePlane Mississippi West FIPS 2302 Ft US

2017 Digital Globe Imagery