



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

REPLY TO
ATTENTION OF:

CESAM-RD-M
Regulatory Division

December 3, 2015

JOINT PUBLIC NOTICE SAM-2007-00114-CRO (DMR-070319)
U.S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (WQC2007034)

**ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OF A DEVELOPMENT, FRITZ
CREEK, HARRISON 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. Please communicate this information to interested parties.

APPLICANT: Developers Diversified Realty
3300 Enterprise Parkway
Beachwood, Ohio 44122

AGENT: BMI Environmental Services, LLC.
Attention: Mr. Larry Lewis
401 Cowan Road, Suite A
Gulfport, Mississippi 39507

LOCATION: In wetlands associated with Fritz Creek, Section 7, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi (Latitude 30.4473° North, Longitude 89.0339° West).

WORK: The applicant proposes to fill 8.20 acres of forested wetlands which was previously permitted but never started. The fill would be for the development and construction of a commercial development.

PROJECT PURPOSE: The purpose of the project is the construction of a commercial development. The site development plans for the project completion are consistent with those submitted for and covered by the previous permit authorization. The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is for the creation of a commercial development and is considered a non-water dependent activity.

MITIGATION: The mitigation credits covering the 8.75 acres of fill associated with this re-authorization were previously purchased as a condition of the initial permit authorization.

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 applied for State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQC and CZ consistency will be made by the Mississippi Office of Pollution Control and the Mississippi Department of Marine Resources.

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 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, historic properties, 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 and fiber production, mineral needs, consideration of property ownership 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 for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

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. In accordance with Appendix C of 33 CFR 325, the Corps has determined that the permit area consists of the work site. We are

seeking comment from the State Historic Preservation Officer, Federally-recognized American Indian tribes, and the general public regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. The Corps has made a preliminary determination that there should be no adverse affect to cultural and historic properties within the permit area based on the repeated development in the area. This area has been previously evaluated and no historic resources or other cultural resources were identified on the project site.

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 have no effect on listed endangered or threatened species, or their critical habitats, or essential fish habitat. The project has previously been coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project area includes no resources that would be utilized by various life stages of various marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-00114-CRO** and should be directed to the District Commander, U.S. Army Corps of Engineer, Mobile District, Attention: Mr. Philip A. Hegji RD-M, Post Office Box 2288, Mobile, Alabama 36628-0001, and a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Bureau of Wetlands Permitting and Mitigation, 1141 Bayview Avenue, Biloxi, Mississippi 39530

All 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 for this application, Mr. Hegji at **(251) 690-3222** or at **philip.a.hegji@usace.army.mil**. Please refer to the above Public Notice number.

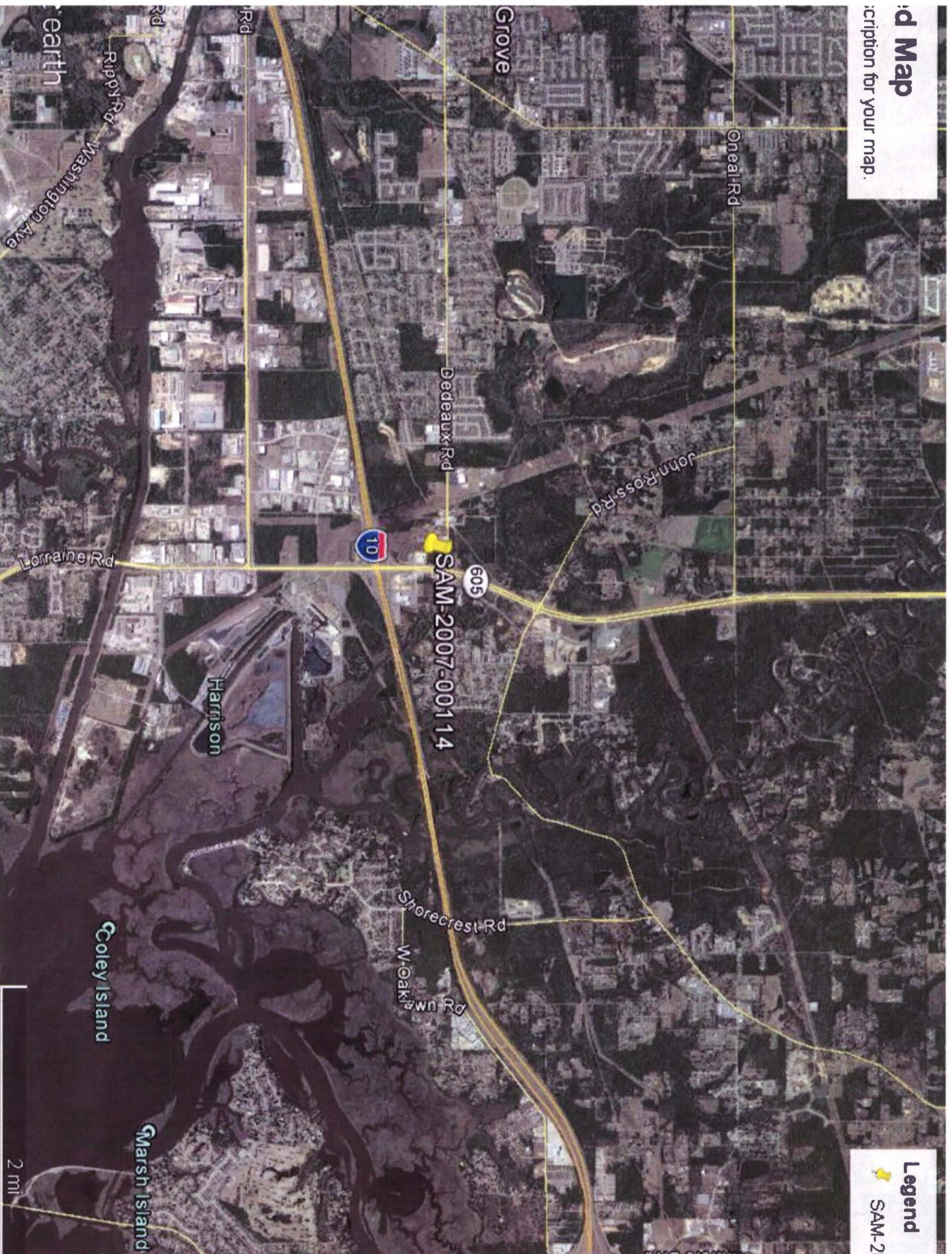
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

id Map

Description for your map.



Legend

 SAM-20

id Map

Description for your map.



Legend

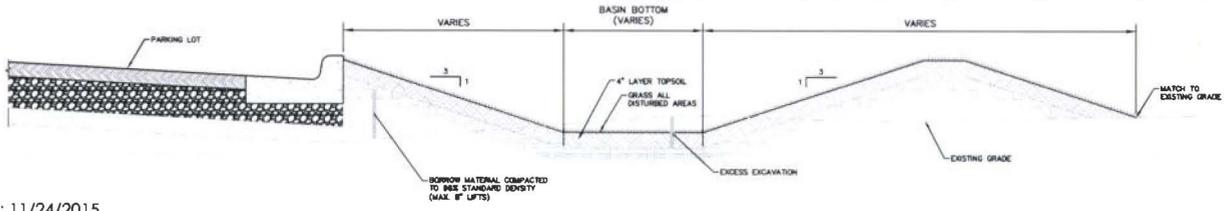
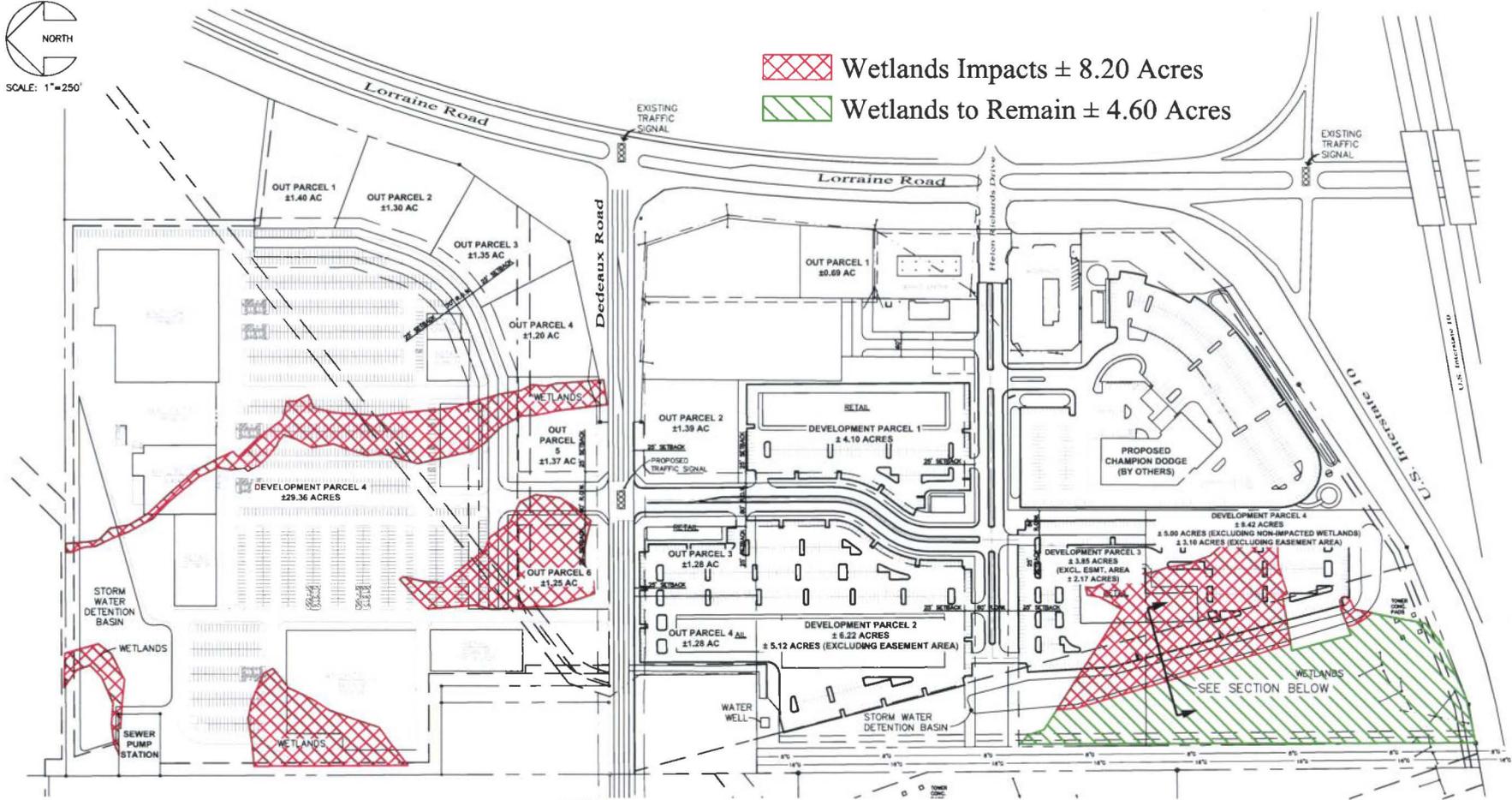
 SAM-2007-00114

30000 ft



SCALE: 1"=250'

 Wetlands Impacts ± 8.20 Acres
 Wetlands to Remain ± 4.60 Acres



TYPICAL PARKING LOT & DETENTION POND SECTION
 NOT TO SCALE

Proposed Wetland Impacts
 Proposed Gulfport Promenade
 Dedeaux Road
 Gulfport, Mississippi

bma BROWN, MITCHELL & ALEXANDER, INC.
 CONSULTING ENGINEERS

DATE: 11/24/2015
 FILE NAME: 3482SITE.DWG