



REPLY TO
ATTENTION OF:

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

November 27, 2013

Mississippi Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2013-00786
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-140089**

**PROPOSED IMPACTS ASSOCIATED WITH THE
CONSTRUCTION OF A COMMERCIAL DEVELOPMENT
GULFPORT, 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: Sam Walton Development Complex
Attention: Mr. Michael Allan
2001 SE 10th Street
Bentonville, Arkansas 72716-5510**

**AGENT: Carlson Consulting Engineers, Inc.
Attention: Mr. John Parrish
7068 Ledgestone Commons
Bartlett, Tennessee 38133**

LOCATION: in wetlands associated with Bernard Bayou, Section 31 Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi (Latitude 30° 23' 58.47" North, Longitude 89° 01' 09.50" West).

WORK: The applicant proposes to construct a commercial development consisting of a 41,839-square-foot steel frame building, parking spaces, all necessary utilities and 2 stormwater detention ponds. The subject property is located at the southwest corner of Anniston Avenue and Pass Road in Gulfport. The subject property is approximately 7.89 acres in size and contains approximately 1.82 acres of jurisdictional wetlands. The applicant is proposing to utilize approximately 23,000 cubic yards of clean fill material to fill the 7.89-acre site, which would include the filling of approximately 1.82 acres of

jurisdictional wetland for the proposed development. The proposed work would consist of site clearing, site grading and filling, paving and construction of the proposed structures.

EXISTING CONDITIONS: The property is located within a highly developed area of Gulfport along Pass Road. The project site is bordered by Pass Road to the north, Anniston Avenue to the east and Pine Street to the south and west. The northeastern corner of the site at the intersection of Pass Road and Anniston Avenue contains a vacant commercial building. The remaining portion of the site is forested and contains approximately 1.82 acres of forested wetlands in the southern portion of the site. An approximately 620-linear-foot drainage channel is located in the wetlands and flows from east to west. Portions of the channel have been dug out to allow continued flow with spoil material being placed along the banks. Other portions of the channel to the interior of the site have been blocked with piles of dirt removing the defined bed and bank, which has developed into a system of swales to continue flow through the drainage channel system. The drainage channel is connected to city drainage through culverts under Anniston Avenue to the east and Pine Street to the west. The site is surrounded by commercial and residential developments.

PROJECT PURPOSE: As stated by the applicant, "The proposed construction of a Wal-Mart Neighborhood Market is welcomed by city officials who say there is not much diversity when it comes to grocery shopping. This development is intended to serve a growing Gulfport community and surrounding areas."

The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is for the construction of a commercial retail development with amenities and would not be considered a water dependent activity. Additional review will be performed by the Corps and cooperating agencies.

ALTERNATIVES: The Corps' initial review of alternatives submitted by the applicant consists of three potential sites all located along Pass Road. Site I is the site of an existing shopping center and was the preferred site but the applicant stated that the owner had leases he could not terminate so this site was not available. Site II was an undeveloped property. Access to the second site was determined to be insufficient. The proposed site was Site III. The site was chosen due to its size and access points. Additional review of alternatives will be performed by the Corps and cooperating agencies.

MITIGATION: The applicant is proposing to mitigate for the loss of ±1.82 acres of low quality forested wetlands through the purchase of 3.64 credits from the Wetland Solutions Mitigation Bank. Additional review of mitigation requirements will be performed by the Corps and cooperating agencies.

Final compensatory mitigation will be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

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 received coastal zone consistency from the State of Mississippi Department of Marine Resources (DMR) in accordance with Section 57-15-6 of the Mississippi Code Annotated; by October 21, 2013 letter (DMR-140089).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the 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 benefits 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, protected species, 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 for consideration of 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.

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. The State Historic Preservation Officer (SHPO) has commented to notice from DMR by October 7, 2013 letter. **The SHPO reviewed a submitted Phase I Archaeological Resources Survey and concur that no known cultural resources listed in or eligible for listing in the National Register of Historic Places are likely to be affected within the project area surveyed. (MDAH Project Log #09-121-13)** In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of development for the overall project footprint. **The Corps will consult with SHPO to make a final determination based upon this review 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 permit area.**

The U.S. Fish and Wildlife Service (FWS) lists sixteen endangered, threatened or candidate species as occurring or potentially occurring in Harrison County. These include the gopher tortoise (T)(*Gopherus polypemus*), the Louisiana quillwort(E) (*Isoetes louisianensis*), the Mississippi gopher frog (E) (*Rana capito sevosa*), the Gulf sturgeon (TCH) (*Acipenser oxyrinchus desotoi*), the Red-cockaded woodpecker (E) (*Picoides borealis*), the Piping Plover (TCH)(*Charadrius melodus*), the Red knot (*Calidris canutus rufa*), the West Indian manatee (E) (*Trichechus manatus*), the Louisiana black bear (T)(*Ursus americanus luteolus*), the Alabama red-belly turtle (E) (*Pseudemys alabamensis*), the Black pine snake (C) (*Pituophis melanoleucus lodingi*), the Green sea turtle (T)(*Chelonia*), the Hawksbill sea turtle (E) (*Eretmochelys imbricate*), the leatherback sea turtle (E)(*Dermochelys coriacea*), the Kemp's ridley sea turtle (E) (*Lepidochelys kempii*) and the Loggerhead sea turtle (T) (*Caretta caretta*).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants for the 12-HUC watershed suggest that the proposed activity may affect but is not likely to adversely affect listed endangered or threatened species. Specifically, the Black pine snake, the Louisiana black bear, and the Gopher tortoise may be affected by this project. Required habitat for the remaining listed species is not found on the proposed project site. **By June 23, 2013 letter, the FWS stated that the proposed project would have "No Effect" on federally listed species or their habitats.**

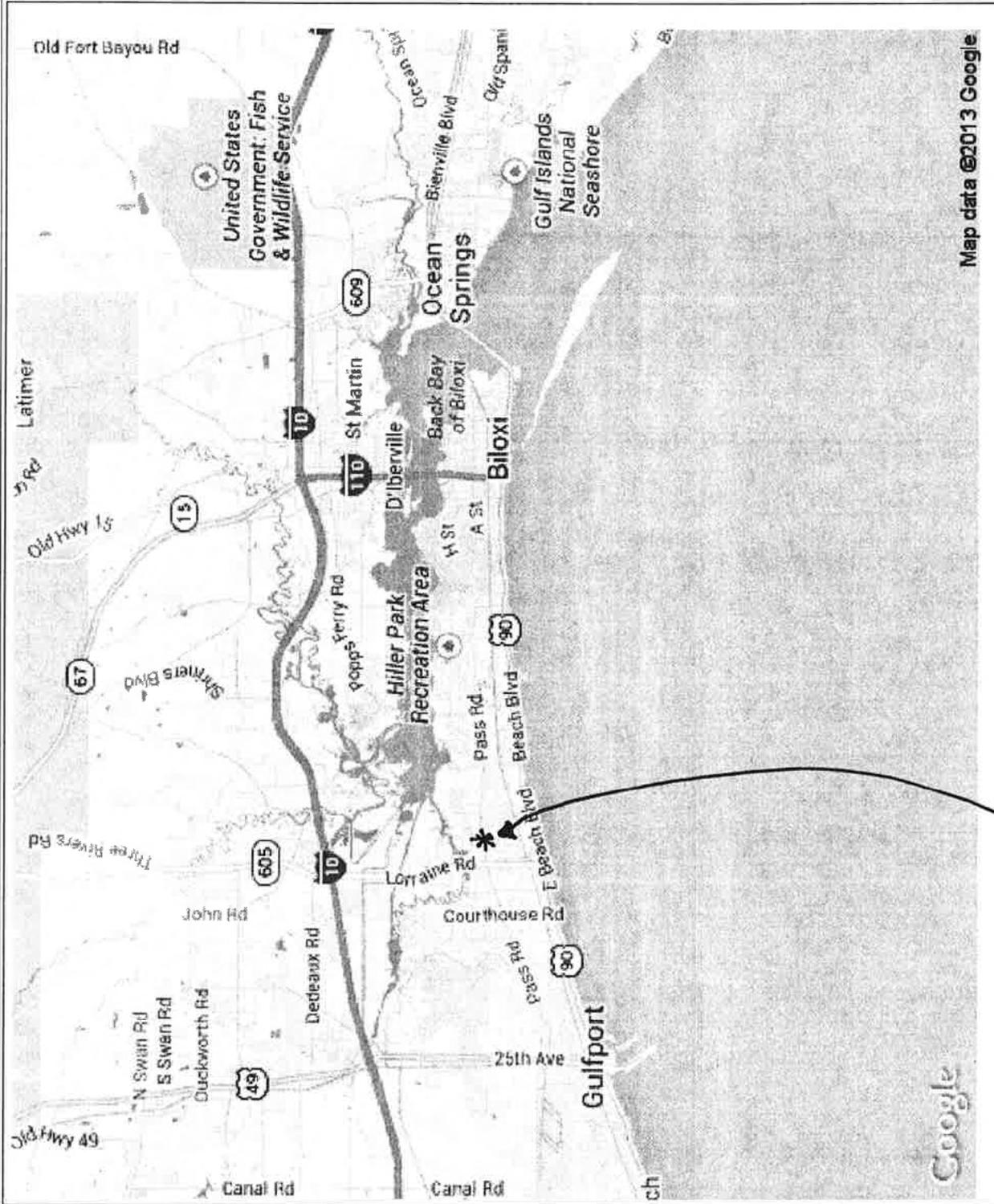
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2013-00786** and should be directed to the District Engineer, U.S. Army Engineer District, Biloxi Field Office, **Attention: Ms. Kaaren Neumann**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with a 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 DMR, **Attention: Ms. Willa Brantley**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, **Ms. Neumann (kaaren.m.neumann@usace.army.mil), (228) 523-4024**. 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

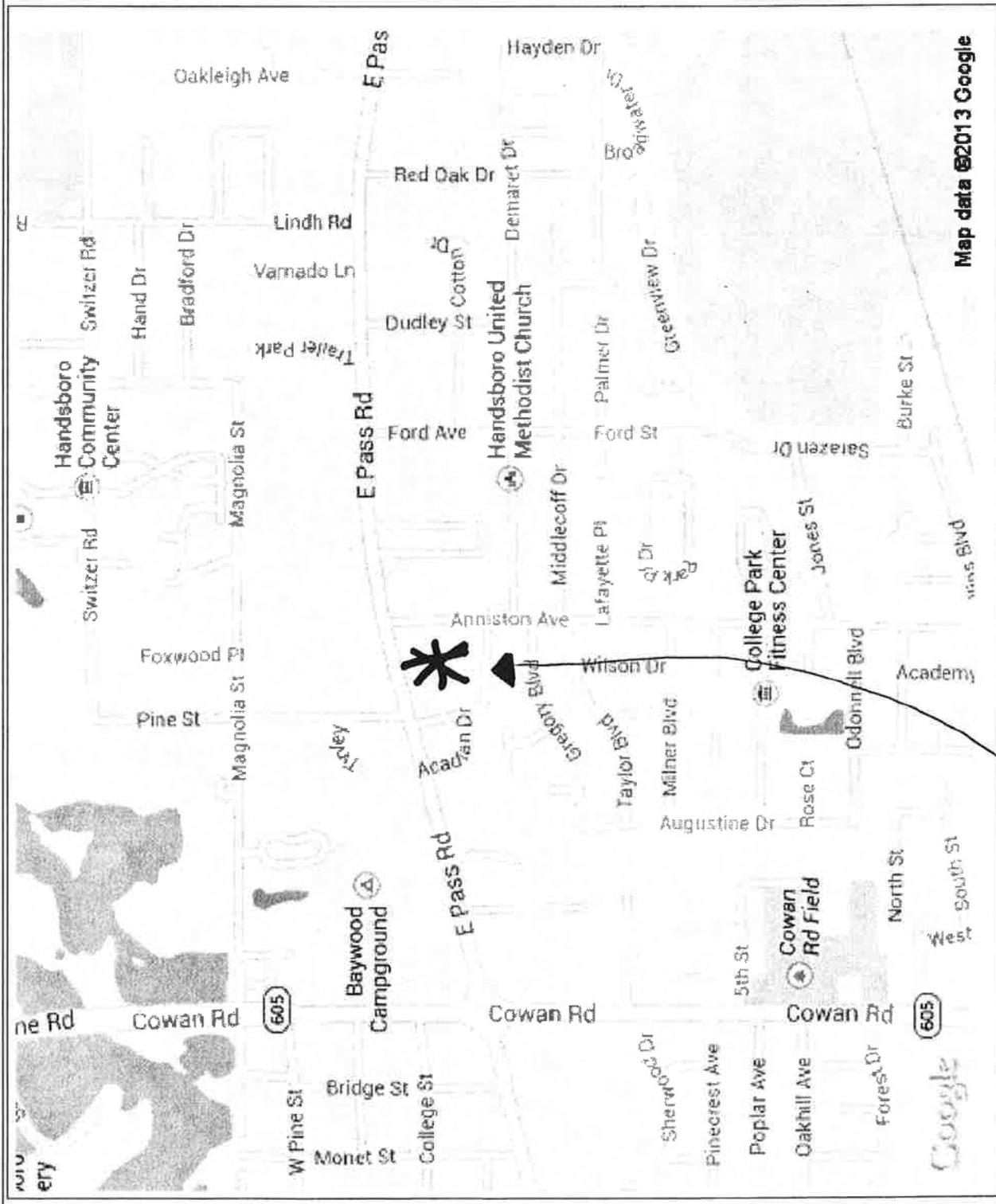


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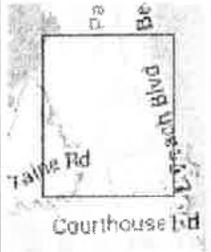
Wal-Mart Neighborhood Market

0 2 4 6km

Date Printed: 11.20.2013



Map data ©2013 Google



SAM-2013-00786

Wal-Mart Neighborhood Market



Map Scale: 1:13352

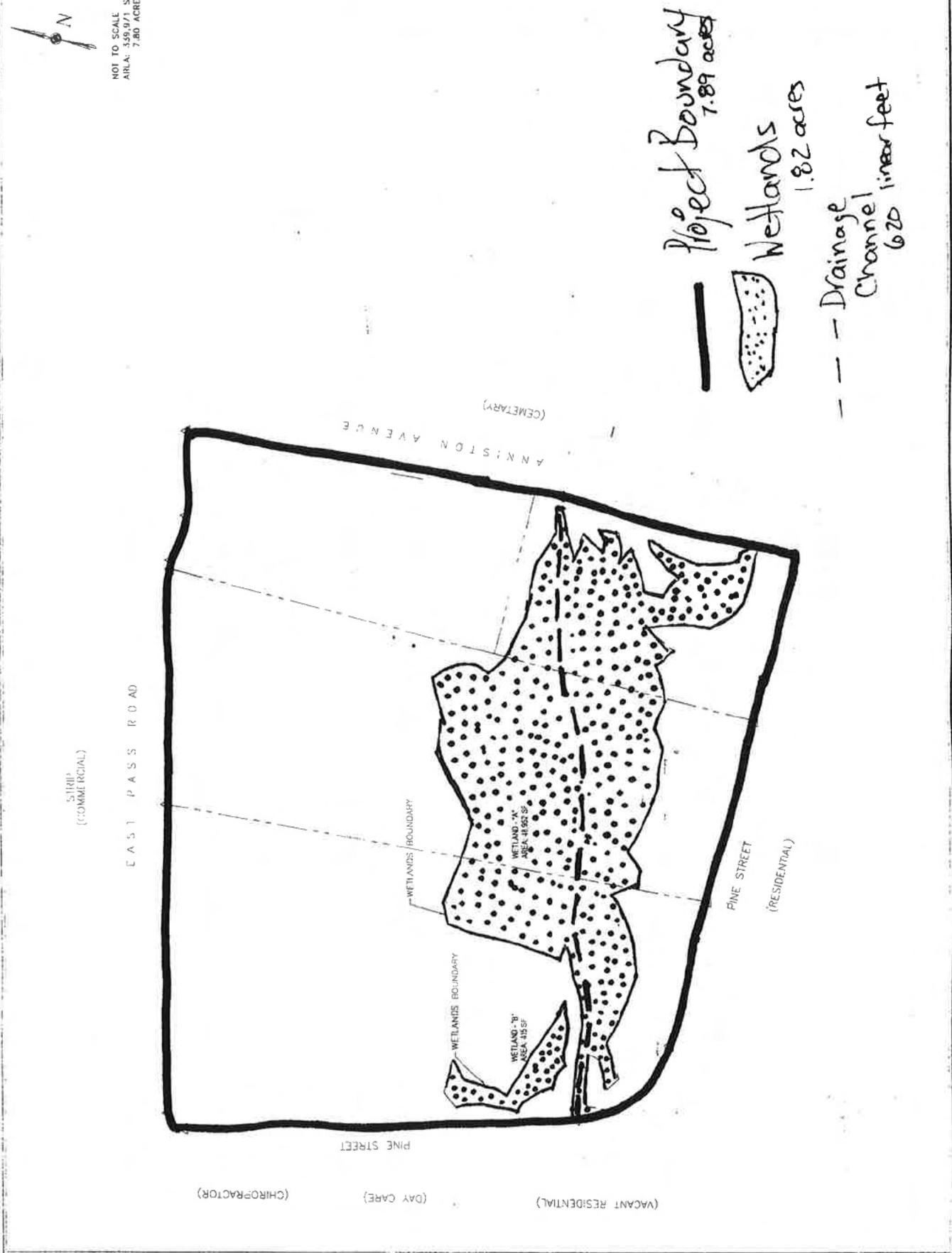
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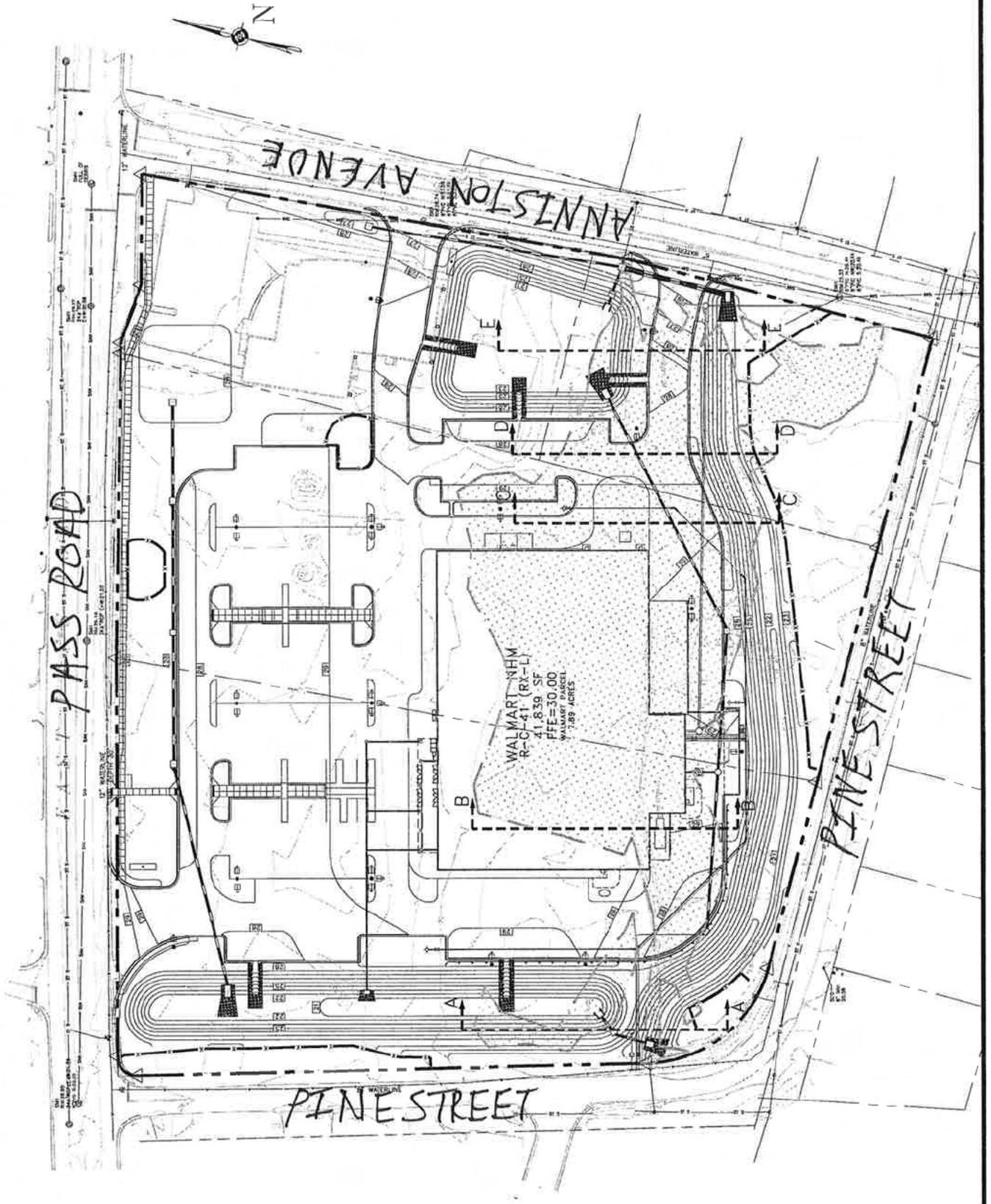


NOT TO SCALE
 AREA: 359,971 SF
 7.80 ACRES

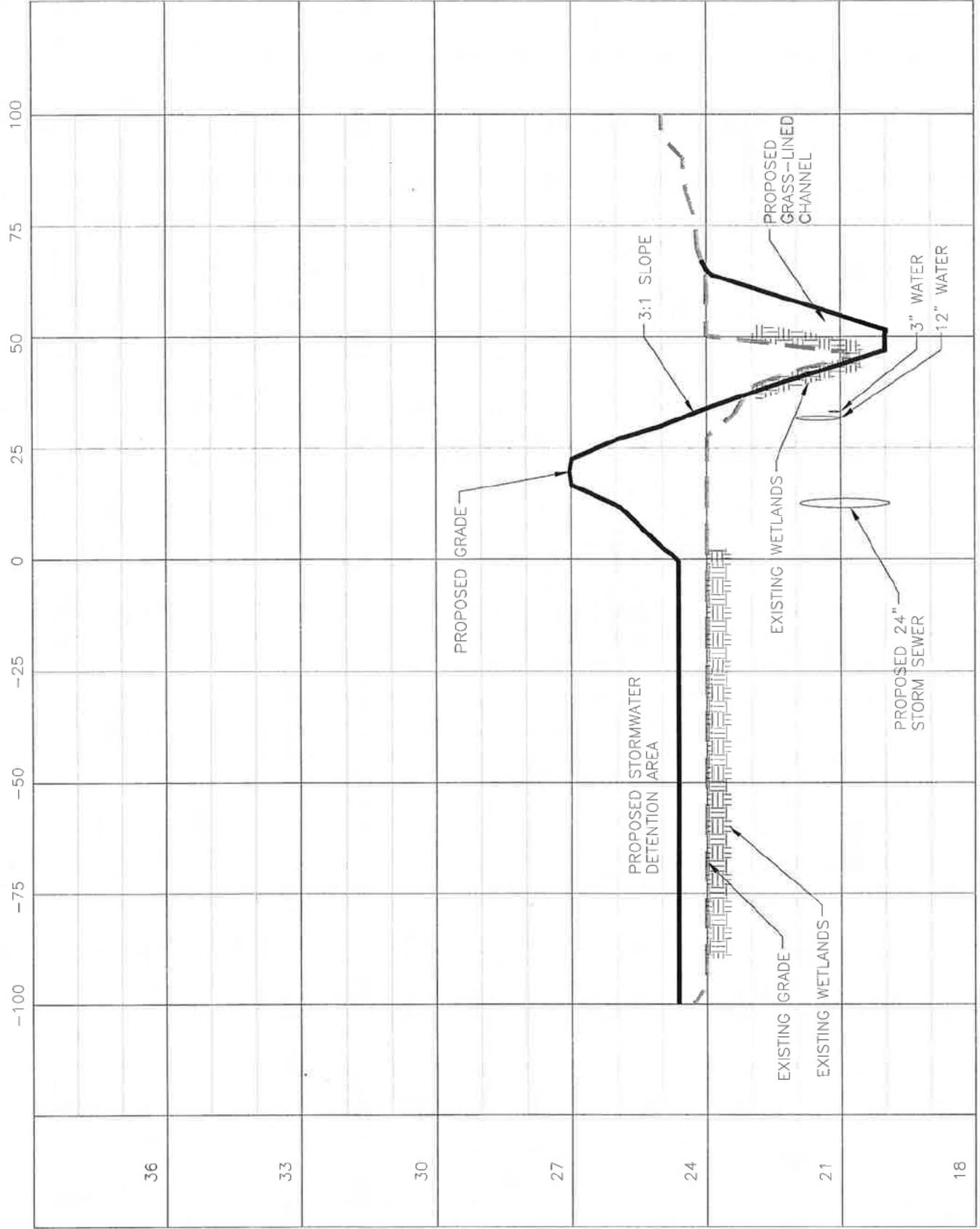


Project Boundary 7.89 acres
 Wetlands 1.82 acres
 Drainage Channel 620 linear feet

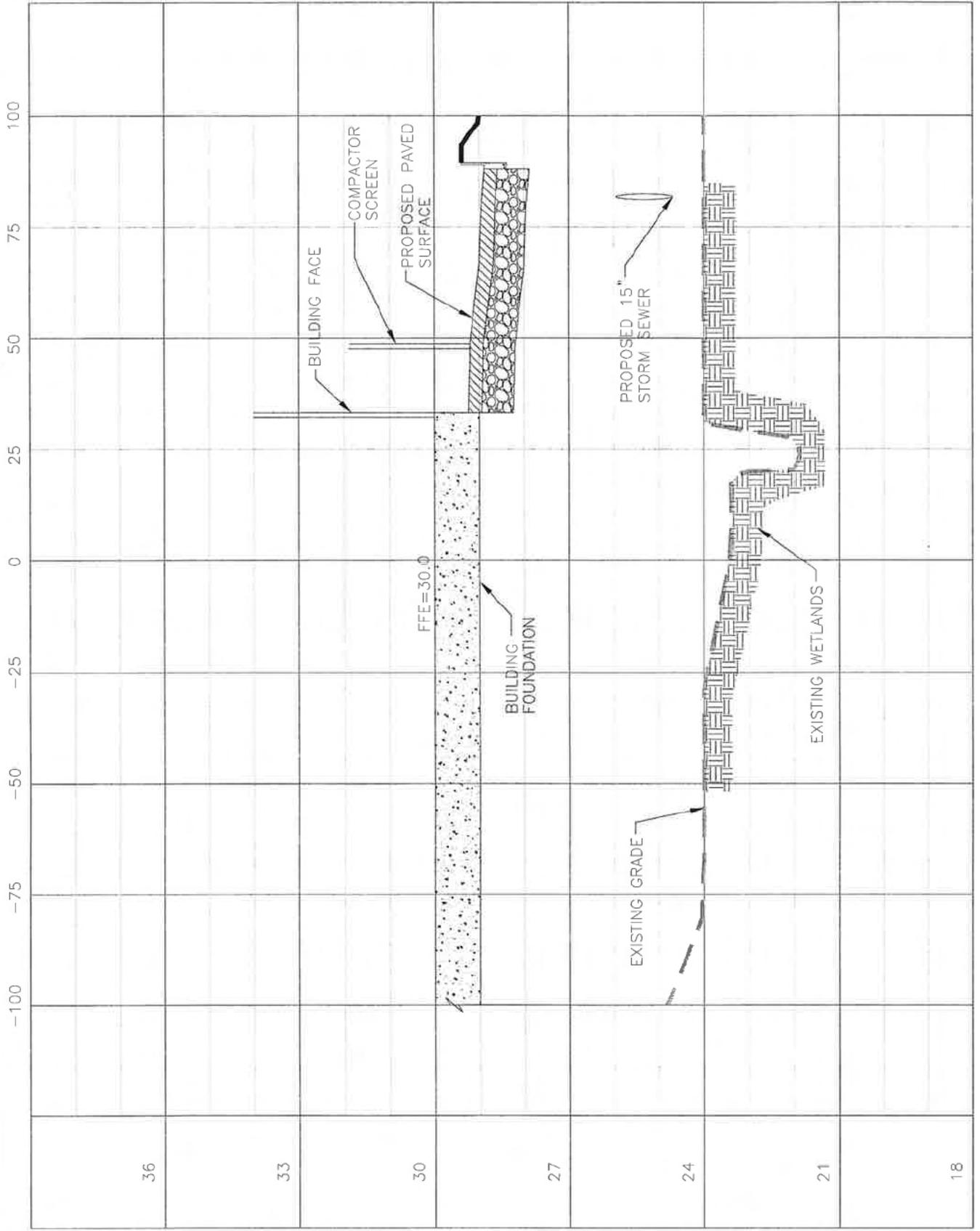




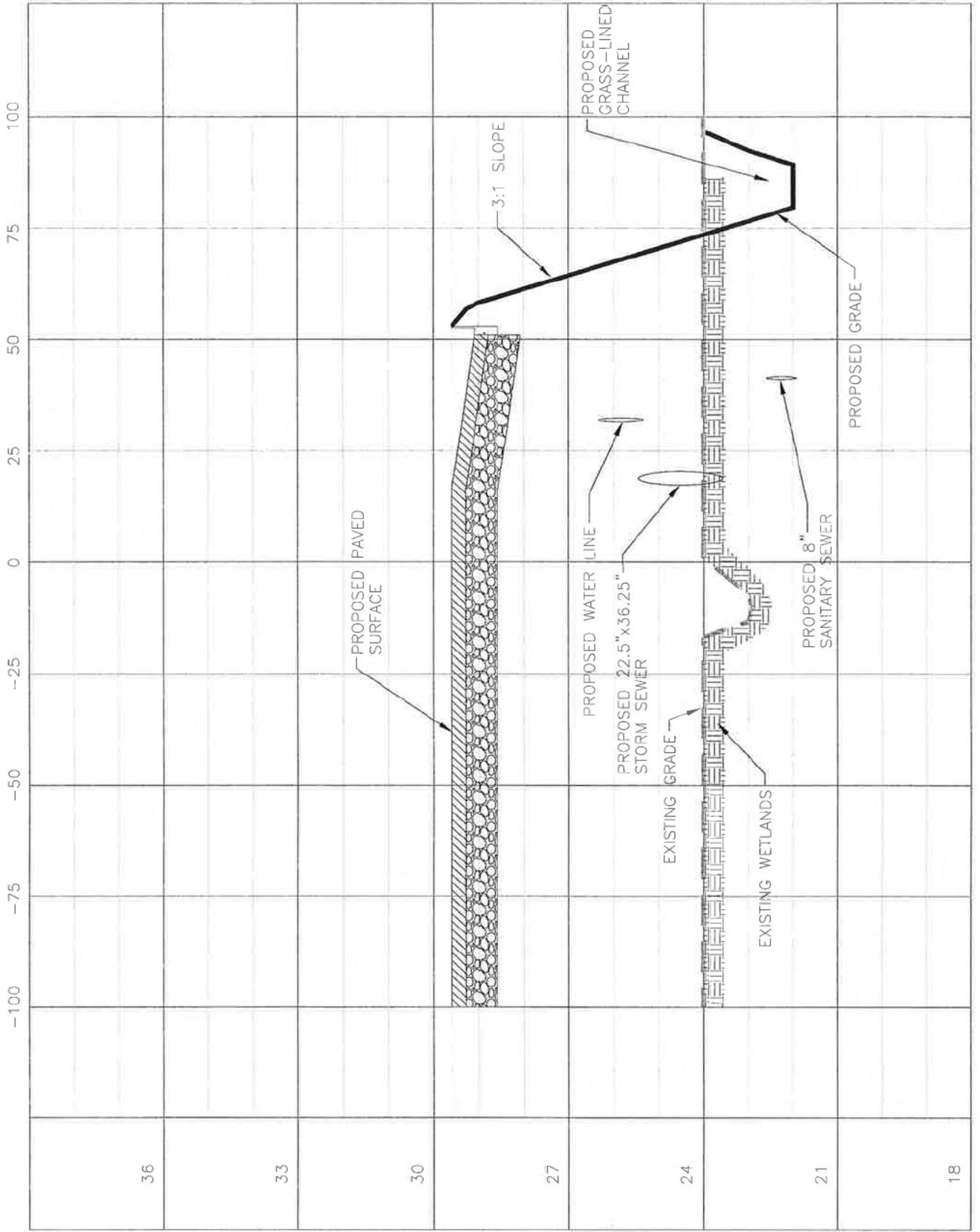
SECTION VIEW A-A



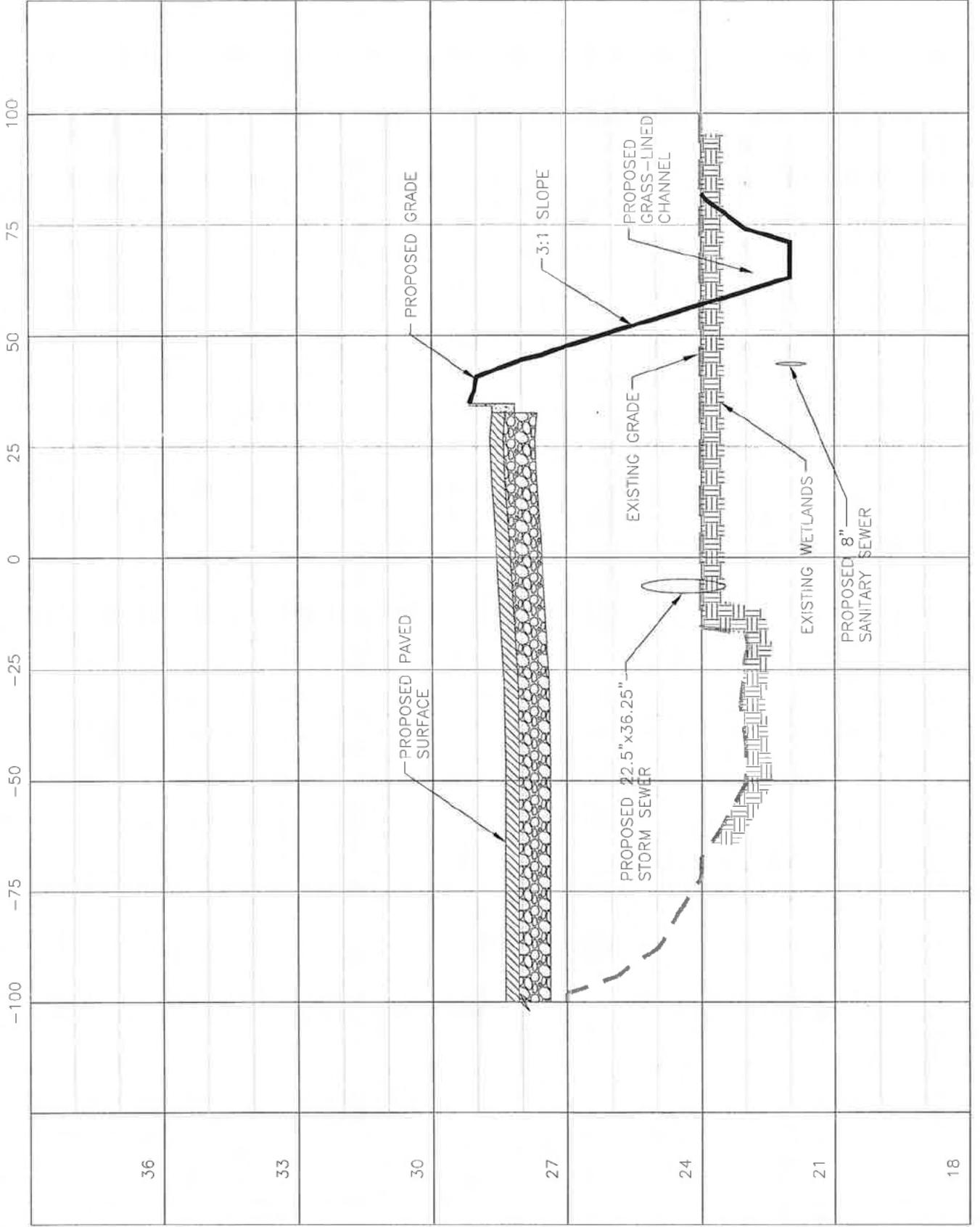
SECTION VIEW B-B



SECTION VIEW C-C



SECTION VIEW D-D



SECTION VIEW E-E

