



REPLY TO  
ATTENTION OF:

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

**CESAM-RD-M**  
**PUBLIC NOTICE NO. SAM-2014-00369-KMN**

**August 19, 2014**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS**  
**AND**  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF POLLUTION CONTROL**  
**AND**  
**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**REQUEST TO FILL WATERS OF THE UNITED STATES FOR DEVELOPMENT**  
**OF A FAMILY ESTATE SUBDIVISION,**  
**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 (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based. Please communicate this information to interested parties.

**APPLICANT: Mr. John Fayard, Jr.**  
**Post Office Box 2189**  
**Gulfport, Mississippi 39505**

**AGENT: BMI Environmental Services, LLC**  
**Attention: Mr. Larry Lewis**  
**521 34<sup>th</sup> Street**  
**Gulfport, Mississippi 39507**

**LOCATION OF WORK: The proposed project site is located on the north side of Runnymede Drive at the northern end of Debuys Road, on the southern shore of Bernard Bayou, Sections 20 and 29, Township 7 South, Range 10 West, Bernard Bayou, Biloxi, Harrison County, Mississippi (Latitude 30° 24' 44.76" North, Longitude -89° 00' 09.47" West). The area is depicted on the Mississippi Gulfport North Quadrangle, United States Geological Survey Topographic Map.**

**PROJECT PURPOSE: The purpose of the project is for a residential development.**

**PROPOSED WORK:** The applicant proposes to develop a family estate subdivision on an approximately 97-acre site adjacent to Bernard Bayou. The site contains approximately 33 acres of jurisdictional wetlands. Jurisdictional wetlands on-site consist of approximately 11.3 acres of forested wetlands and approximately 21.7 acres of tidal marsh. The applicant is proposing to fill approximately 0.46 acre of forested wetlands and shade approximately 0.16 acre of tidal marsh for construction of the proposed project. The proposed development's legal access would be from DeBuys Road at the intersection of Runnymede Drive. Three forested wetland areas located on the southeastern portion of the project site would be filled for construction of the roadway. The three forested wetland sites to be filled are approximately 0.34 acre, 0.06 acre, and 0.06 acre starting with the most southern wetland moving northward. An elevated bridge would connect the western portion of the property to the legal property entrance on the eastern portion of the property. The elevated bridge would be 250 feet long by 25 feet wide and would shade approximately 0.16 acre of wetlands. Of the area to be shaded, approximately 565 square feet has been determined to be below mean high water and is considered the State of Mississippi public trust tidelands.

**AVOIDANCE & MINIMIZATION:** As part of their avoidance measures, the applicant evaluated four different properties as possible locations for the proposed development. Once the applicant determined which site was most feasible for the proposed project, he evaluated eleven on-site alternatives regarding lot layouts and roadways. In addition, the applicant changed his original on-site proposal to remove jurisdictional wetlands from all home lot lines to avoid any potential future wetland impacts by future lot owners. During construction the applicant proposes minimization of wetland impacts through use of best management practices to ensure that additional wetlands outside the project footprint not be affected. The Corps has not verified the adequacy of the applicant's avoidance and minimization at this time.

**MITIGATION:** The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands through the purchase of mitigation credits from a wetlands mitigation bank approved by the Mobile District, Corps. The Corps has not verified the adequacy of this mitigation proposal at this time.

**WATER QUALITY:** 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 by the Mississippi Department of Environmental Quality.

**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 effect cultural and historic properties within the permit area. In addition to the State Historic Preservation Officer, we are seeking comment from the federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register, which are known to exist and would be affected by the proposed work. The State Historic Preservation Officer is currently reviewing the project site and any associated Cultural Resources Survey under MDAH Project Log #04-037-14.

**ENDANGERED SPECIES:** 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 any listed endangered or threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice.

**COMMENTS:** This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the Corps can be based.

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.

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, 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.

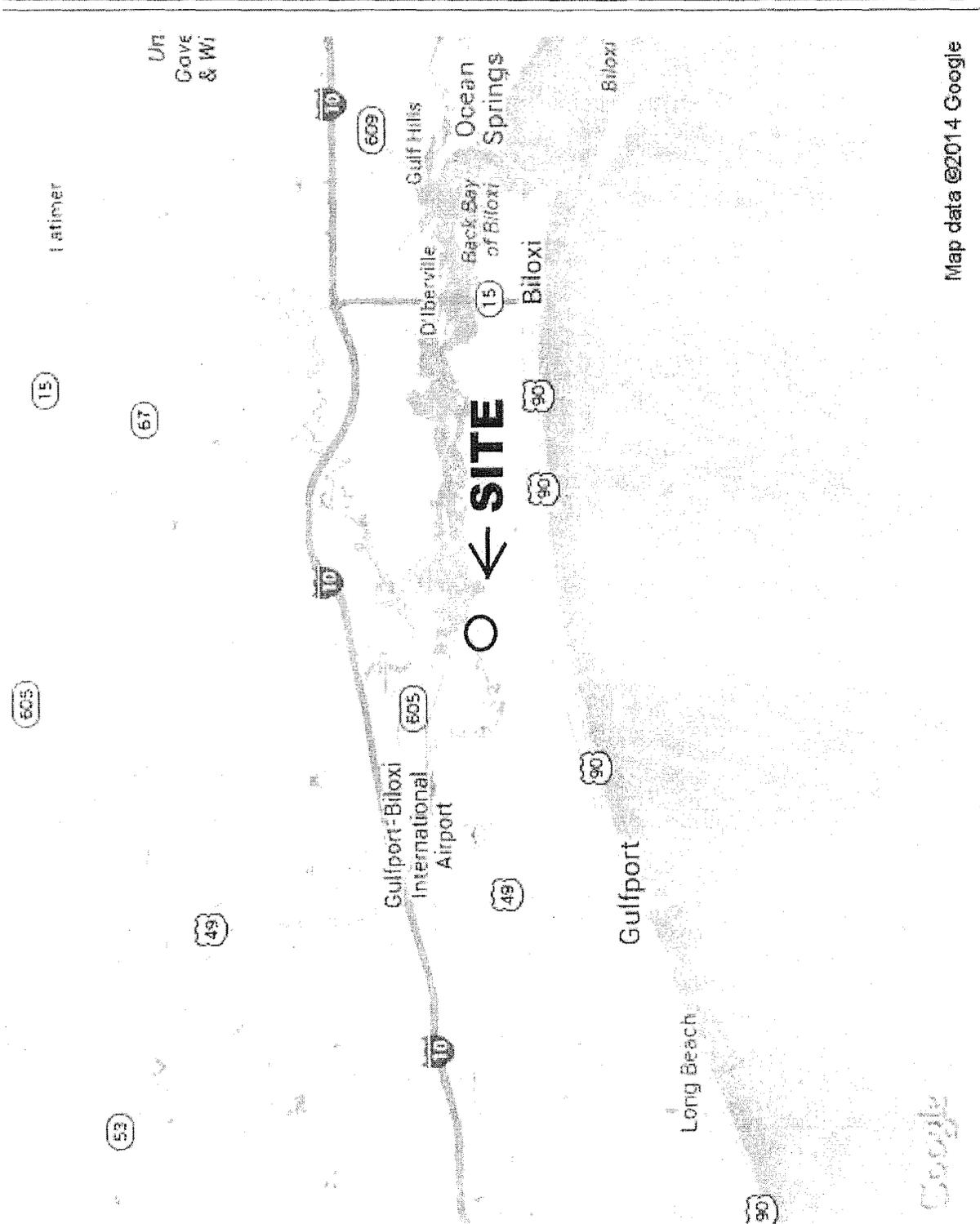
Correspondence concerning this notice should refer to Public Notice Number **SAM-2014-00369-KMN** and should be directed to: U.S. Army Corps of Engineers, Regulatory Division, Mississippi Field Office, Attention: Ms. Kaaren M. Neumann, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with a copy furnished to the Mississippi Department of Environmental Quality, Office of Pollution Control, Environmental Permitting Division, Attention: Ms. Florance Watson, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, Attention: Mr. James Davis, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530. 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 at **(228) 523-4024**, or by e-mail at **kaaren.m.neumann@usace.army.mil**. Please refer to the above Public Notice number **SAM-2014-00369-KMN**.

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

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



Map data ©2014 Google

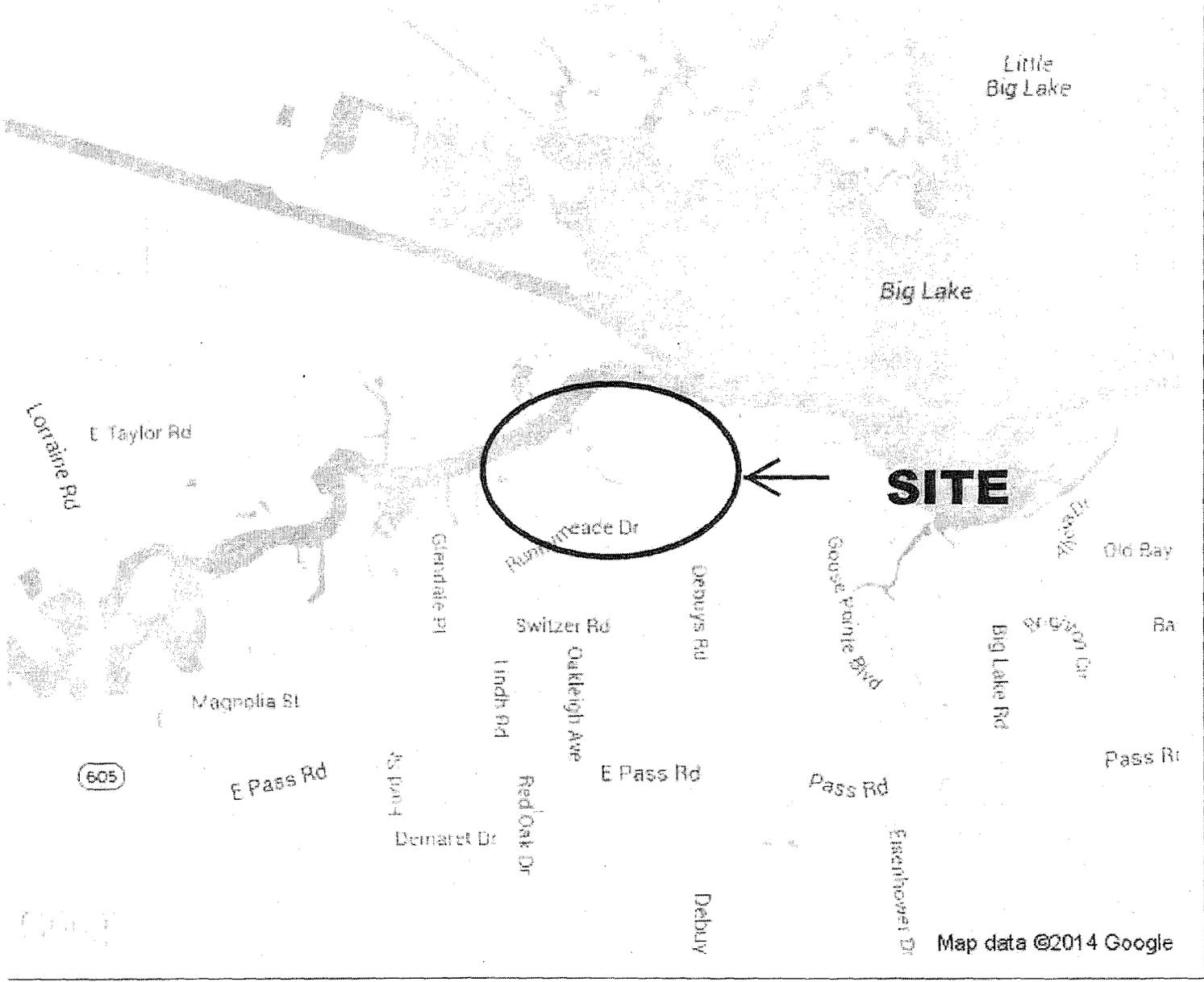


SAM-2014-00369

Fayard Family Estate Subdivision



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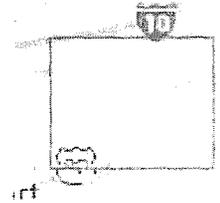


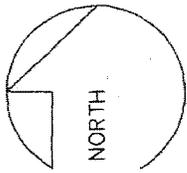
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Fayard Family Estate Subdivision



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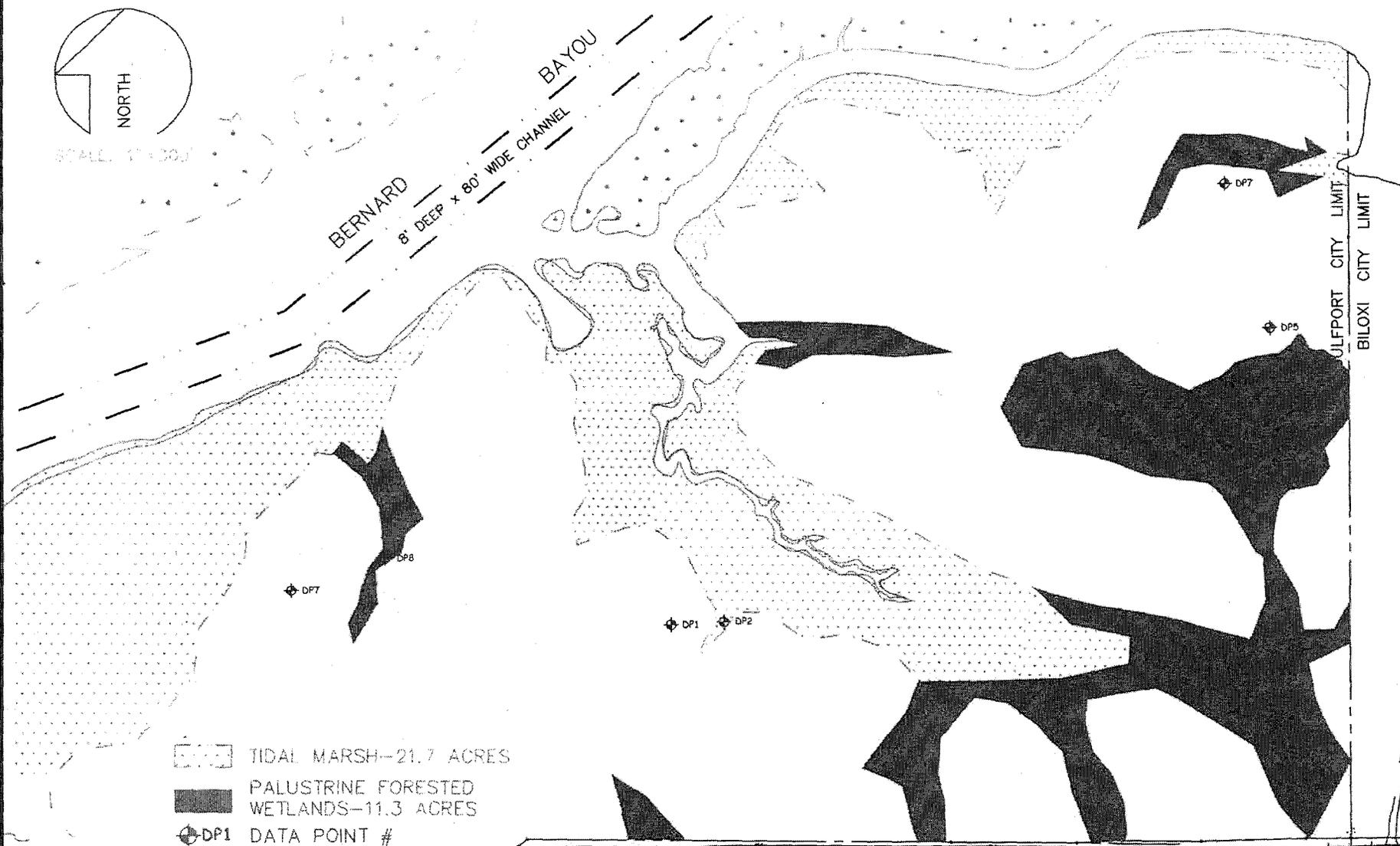




SCALE: 1" = 100'

BERNARD BAYOU  
8' DEEP x 80' WIDE CHANNEL

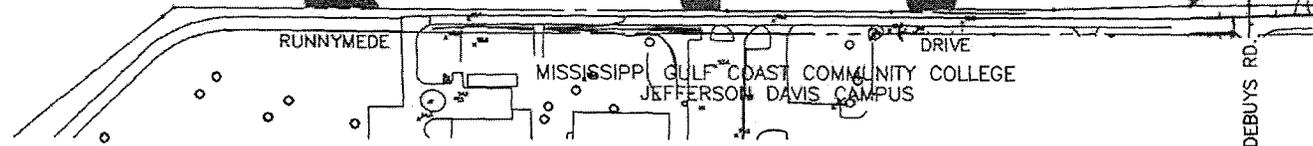
SAM-2014-00319-RMV  
DEPT. OF THE ARMY



- TIDAL MARSH—21.7 ACRES
- PALUSTRINE FORESTED WETLANDS—11.3 ACRES
- DP# DATA POINT #

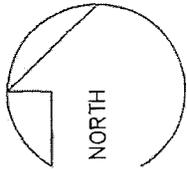
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**bma** BROWN, MITCHELL & ALEXANDER, INC.  
CONSULTING ENGINEERS



WETLANDS MAP  
FAYARD DEVELOPMENT  
GULFPORT, MISSISSIPPI

GULFPORT CITY LIMIT  
BILLOXI CITY LIMIT



SCALE: 1"=300'

6' DEEP x 80' WIDE CHANNEL

MEAN HIGH WATER LINE

0.06 AC. FILL

0.06 AC. FILL

MEAN HIGH WATER LINE

565 S.F. TIDELANDS SHADING

0.34 AC. FILL

10 WIDE WOOD BRIDGE

10 WIDE WOOD BRIDGE

TOTAL FILL	=0.46 AC.
TOTAL SHADING	=0.16 AC.

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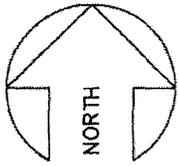


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# PROPOSED DEVELOPMENT PLAN

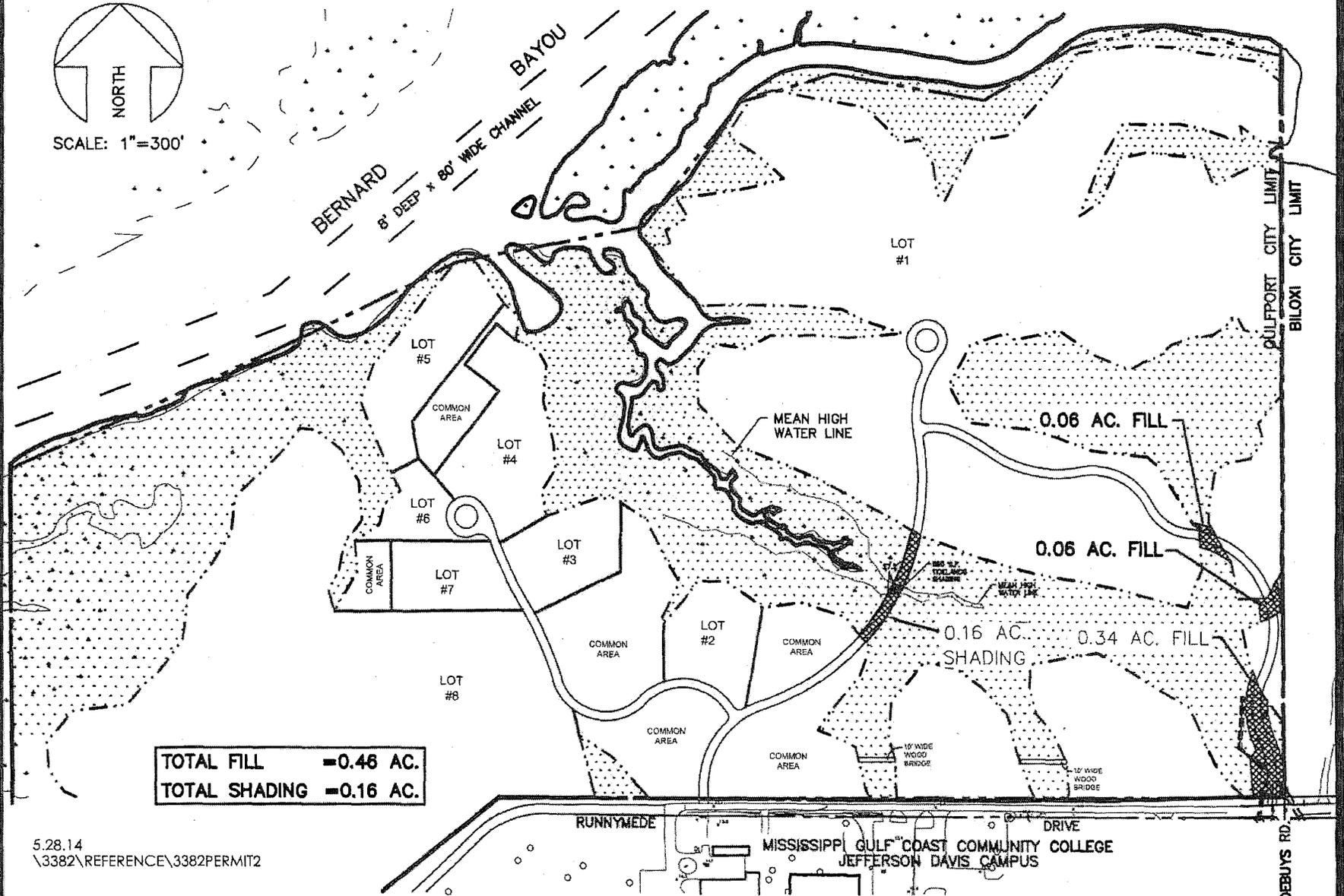
GULFPORT, MISSISSIPPI

SAM-2014-00369 - RMW  
DEPT. OF THE ARMY



SCALE: 1"=300'

SAM-2014-00369-RMN  
DEPT. OF THE ARMY



TOTAL FILL	=0.46 AC.
TOTAL SHADING	=0.16 AC.

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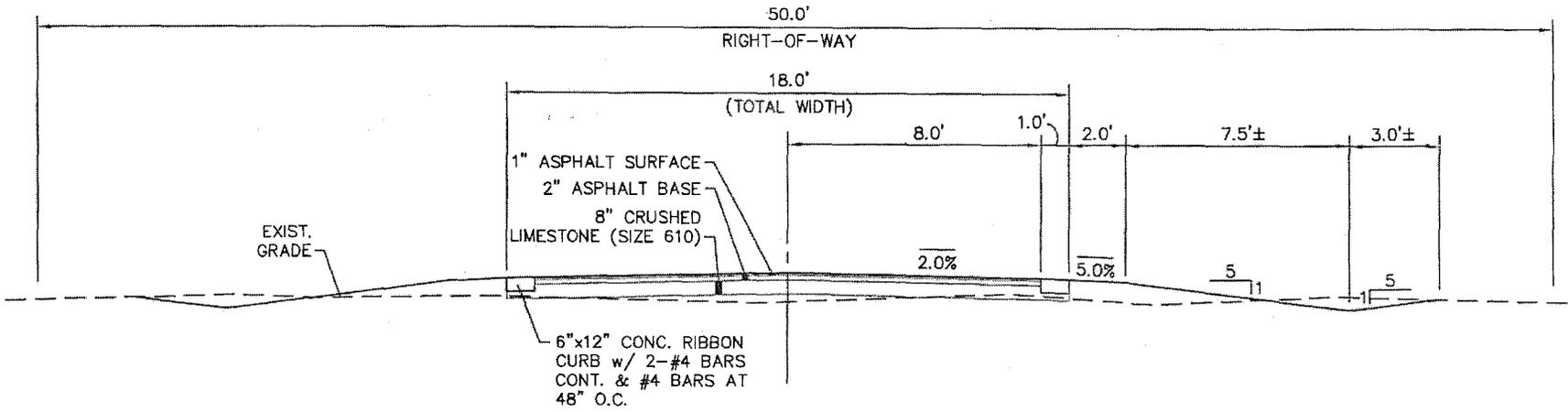


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PROPOSED DEVELOPMENT PLAN  
FAYARD DEVELOPMENT  
GULFPORT, MISSISSIPPI

SAM-2014-00369-RMN  
DEPT. OF THE ARMY

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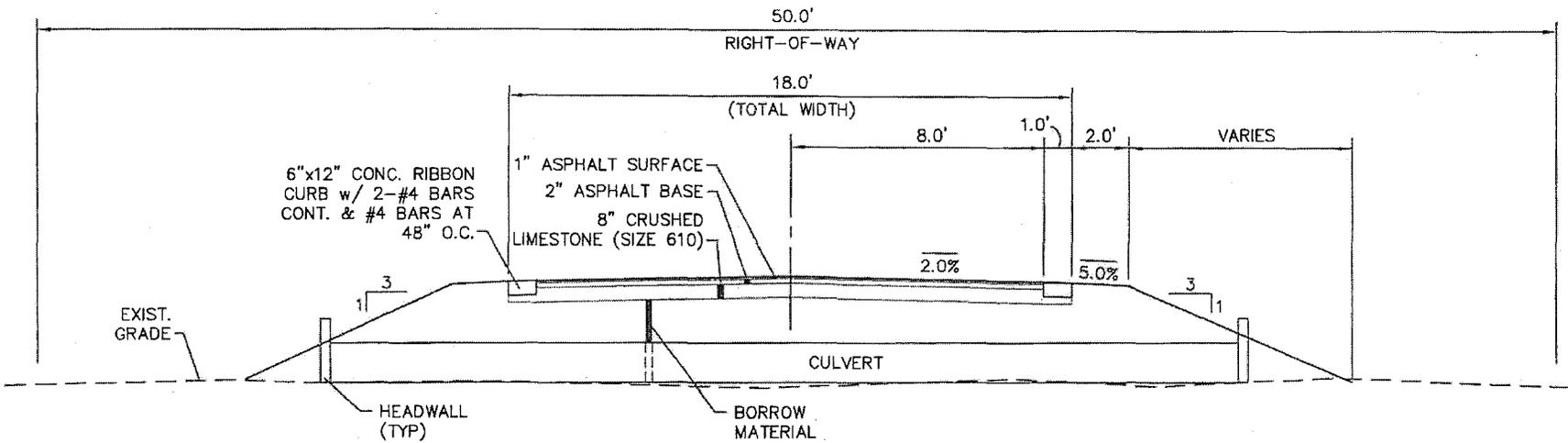
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SCALE: 1"=6'  
ROAD SECTION  
FAYARD DEVELOPMENT  
GULFPORT, MISSISSIPPI

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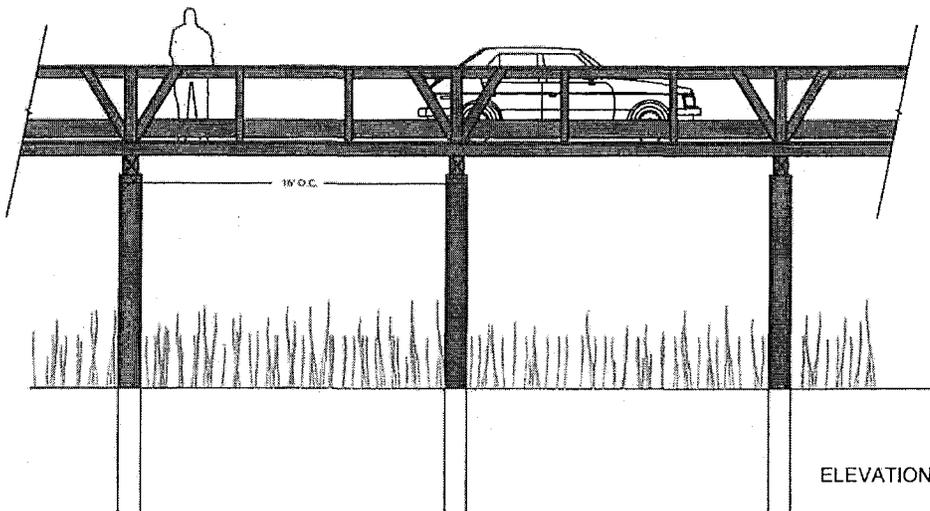
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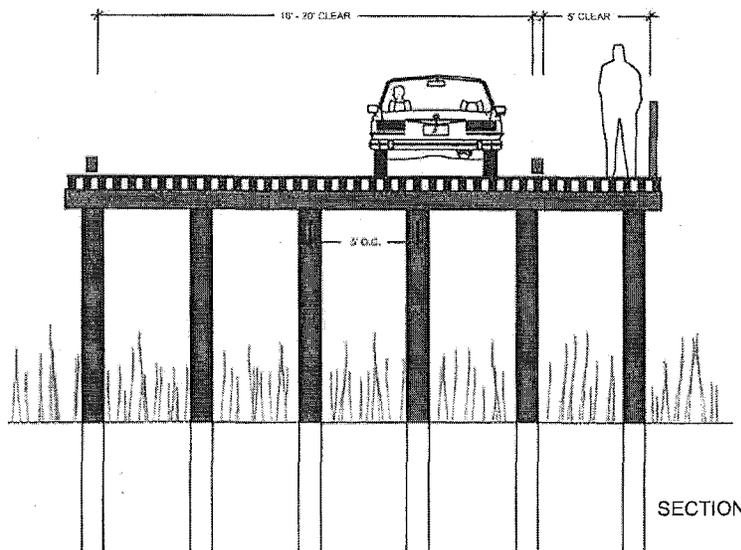
SCALE: 1"=6'  
ROAD SECTION at WETLANDS  
FAYARD DEVELOPMENT  
GULFPORT, MISSISSIPPI



PROPOSED BRIDGE  
LOCATION



ELEVATION



SECTION

3-11-2014

# Gulfport Estate Proposed Bridge

**bma** BROWN, MITCHELL  
& ALEXANDER, INC.  
CONSULTING ENGINEERS

WILLIAM H. SMITH, ASLA  
LANDSCAPE ARCHITECT, MS # 550  
(469) 278-3696



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