



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-2014-00457-KMN

August 5, 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  
TWO RESIDENTIAL LOTS  
BILOXI, 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 Corps can be based. Please communicate this information to interested parties.

**APPLICANT:** Randy Wrigley  
Post Office Box 930  
Ocean Springs, Mississippi 39566

**AGENT:** D.R. Sanders and Associates, Inc.  
Attention: Mr. Dana Sanders, Jr.  
4017 Lake Wilma Road  
Moss Point, Mississippi 39562

**LOCATION OF WORK:** The proposed project is located in the Cedar Lakes community south of Interstate 10. The project would consist of two lots identified as Lots 24 & 25 on Bay Breeze Drive, Live Oak on the Bay Subdivision, Section 18, Township 7 North, Range 9 West, Biloxi, Harrison County, Mississippi, Latitude 30.4324° N, Longitude -88.9311° W. The area is depicted on the Mississippi Biloxi Quadrangle, United States Geological Survey Topographic Map.

**WATERWAY:** Back Bay of Biloxi

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

**PROPOSED WORK:** The applicant proposes to impact 0.08 acre of medium quality bottomland hardwood wetlands for the development of two residential lots. The two lots together are approximately 0.55 acre. Approximately 0.40 acre of the property is wetlands with 0.23 acre of medium quality bottomland hardwood wetlands and 0.17 acre of marsh wetlands.

**AVOIDANCE & MINIMIZATION:** As part of their avoidance measures, the applicant evaluated seven off-site properties as possible locations for the proposed development. In addition, the applicant stated “avoidance of on-site wetland impacts occurred through reduction of the original house designs. 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. Upon completion of construction the applicant proposes minimization of wetland impacts through placement of language in the purchase documents instructing buyers that the wetlands on their lot are protected by federal regulations. A map would be included in the documentation identifying the portion of the lot(s) that qualify as wetlands and the wetland boundaries. 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 of Engineers. 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,

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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 a Cultural Resources Survey under MDAH Project Log #05-089-14.

**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 U.S. Army Corps of Engineers (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

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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.

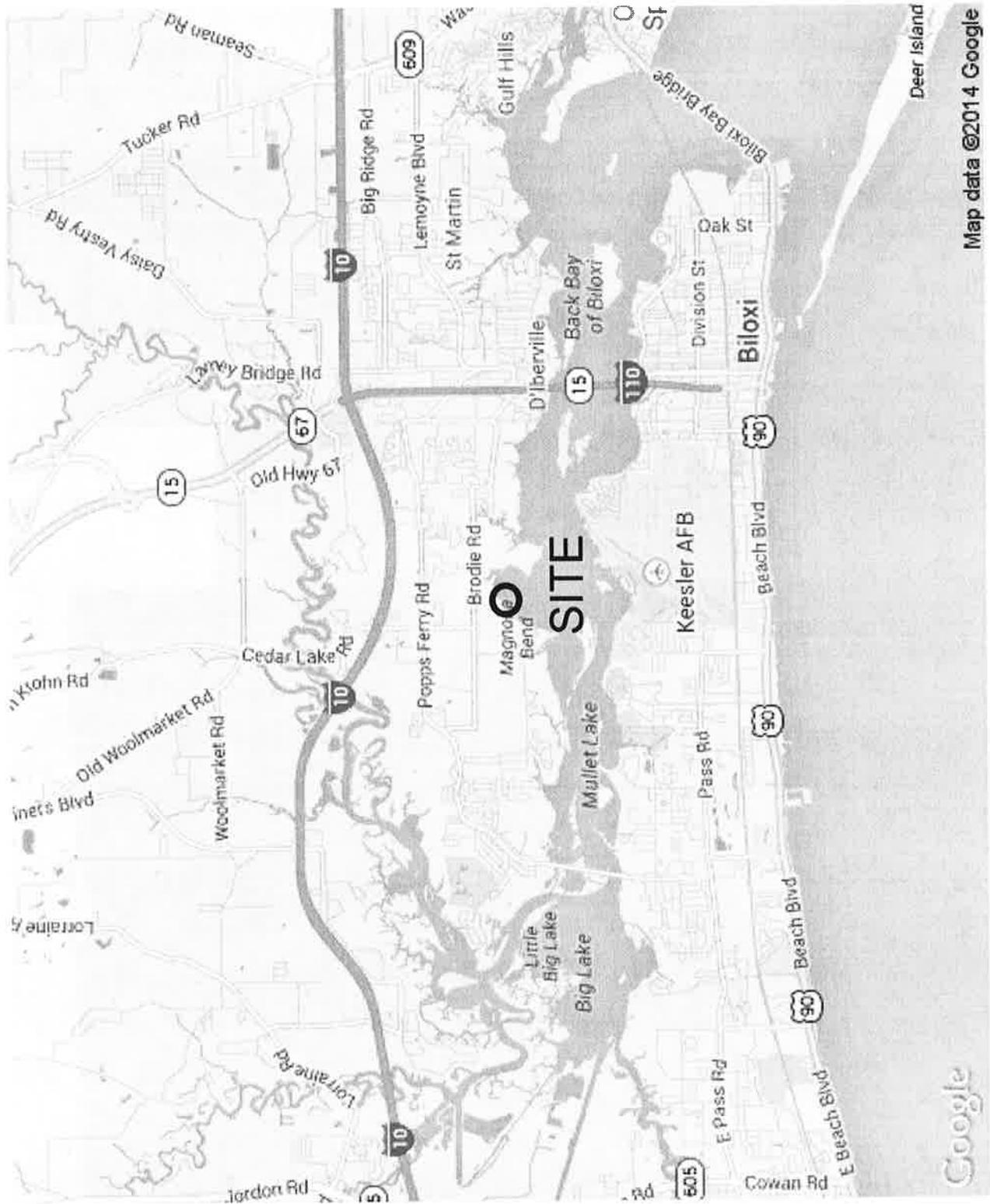
Correspondence concerning this notice should refer to Public Notice Number SAM-2014-00457-KMN and should be directed to: U.S. Army Corps of Engineers, Regulatory Division, Mississippi Field Office, Attention: Kaaren M. Neumann, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with a copy furnished to the Mississippi Department of Environmental Quality, Office of Pollution Control, Environmental Permitting Division, Attention: Florance Watson, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, Attention: Jennifer Wittmann, 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](mailto:kaaren.m.neumann@usace.army.mil) . Please refer to the above Public Notice number SAM-2014-000457-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



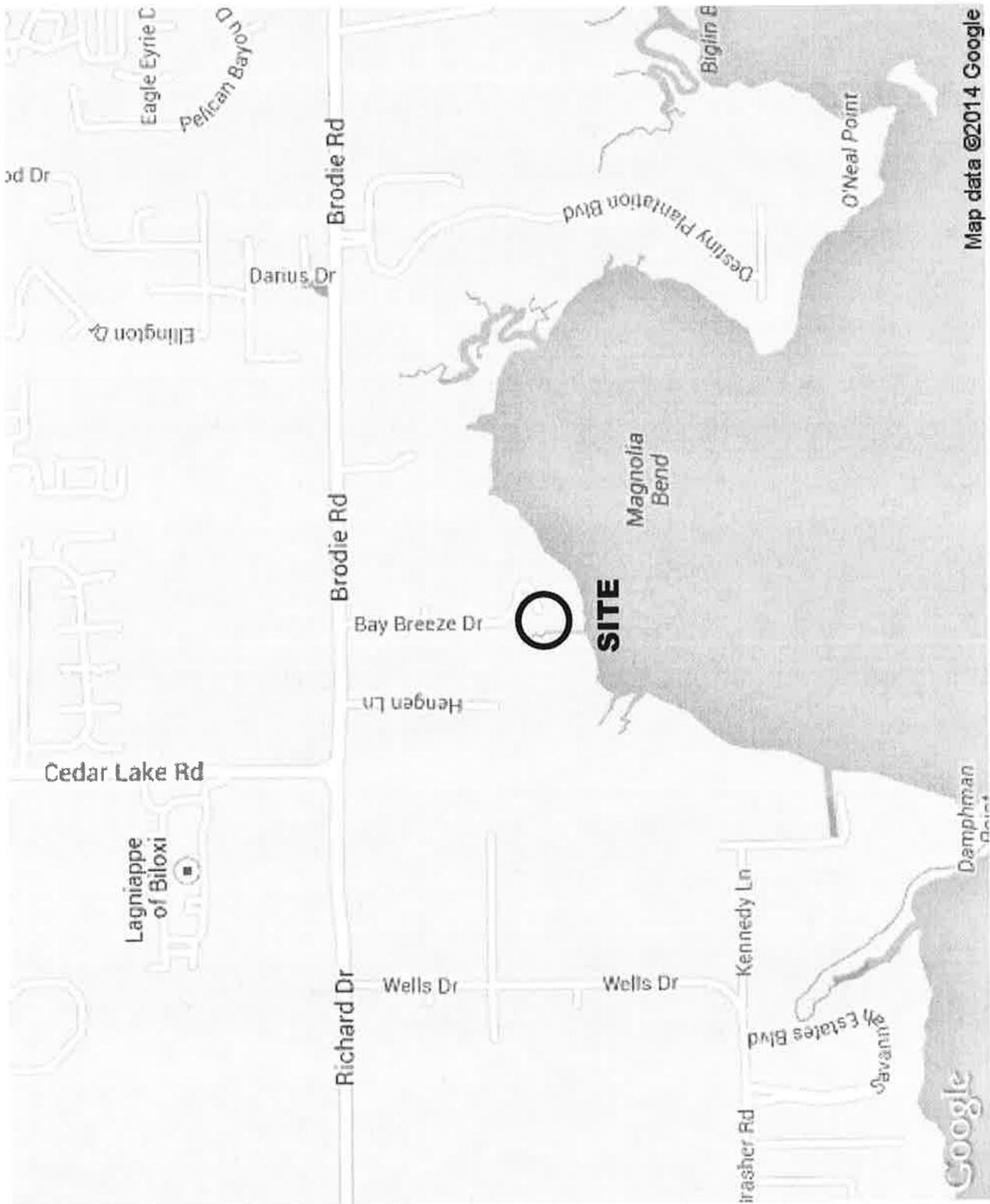
Map data ©2014 Google

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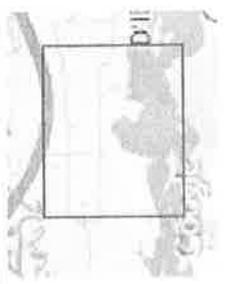
Randy Wrigley  
 Lots 24&25 Live Oak on the Bay  
 Biloxi, Mississippi



Google



Map data ©2014 Google



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Randy Wrigley  
 Lots 24&25 Live Oak on the Bay  
 Biloxi, Mississippi



FIGURE 2. LIVE OAK ON THE BAY LOTS 24 AND 25  
 PROJECT PLANVIEW, CEDAR LAKE AREA, BILOXI, HARRISON COUNTY

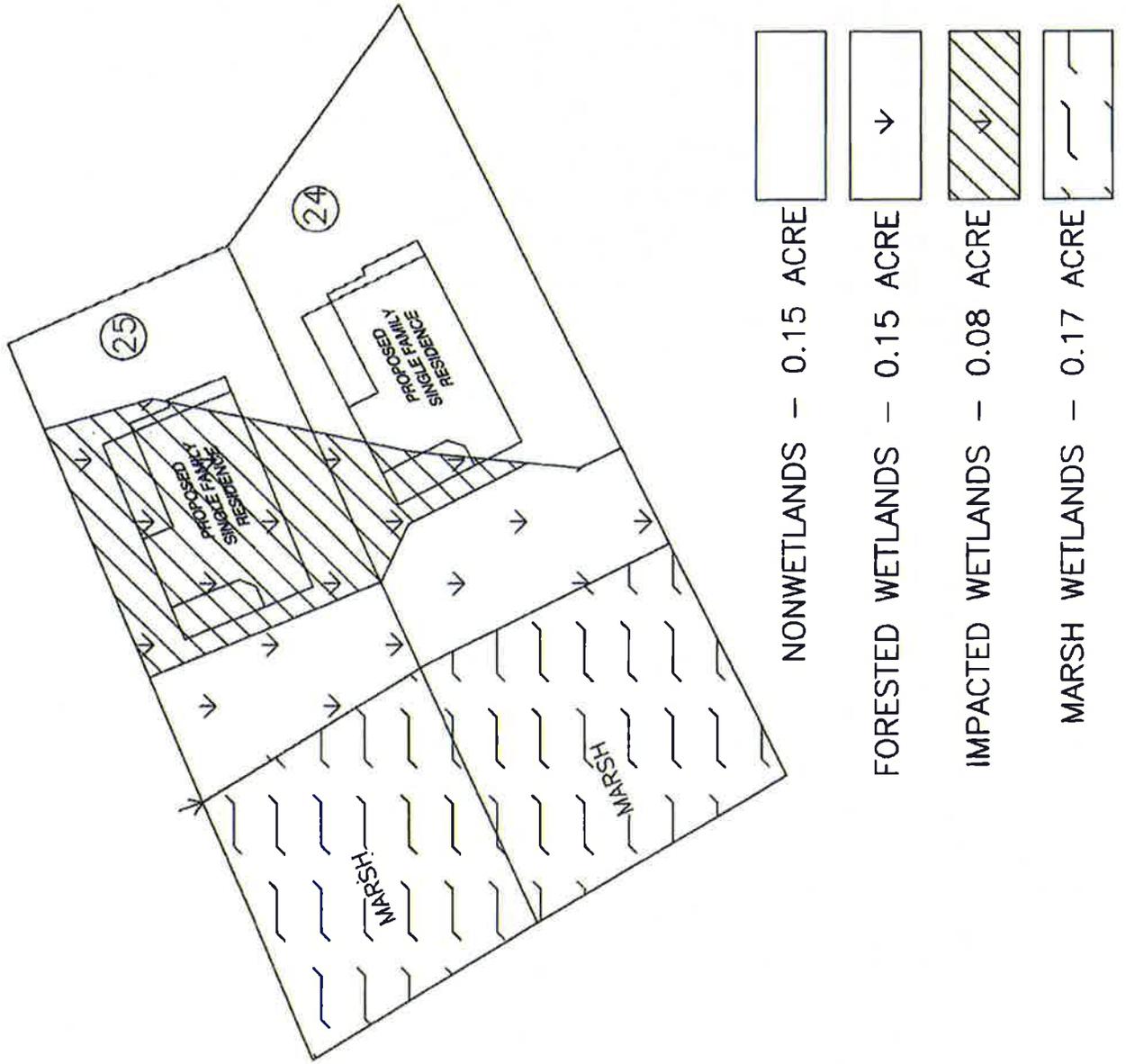


FIGURE 3. CROSS-SECTION VIEW OF LOTS 24 AND 25 OF LIVE OAK ON THE BAY SUBDIVISION

