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 **August 28, 2015**
PUBLIC NOTICE NO. SAM-2014-00754-TMZ

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 AND MITIGATE FOR FILLED WATERS OF THE UNITED STATES FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION, NORTH GULFPORT, HARRISON COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) 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 (USACE) will be based. Please communicate this information to interested parties.

Applicant: **Development Consulting, Inc.**
5235 Koolman Drive, Building 8
Theodore, Alabama 36582

Agent: **Machado Patano, PLLC**
Attention: Mr. Gerrod Kilpatrick, P.E.
1641 Popps Ferry Road, Suite A-4
Biloxi, Mississippi 39532

LOCATION OF WORK: **The proposed residential development is located on the south side of the Williams and O'Neal Roads intersection, approximately 3 miles north of Interstate 10, between Highway 49 and Highway 605, within north Gulfport, Harrison County, Mississippi (Topo Vicinity Map). The project site encompasses approximately 88 acres within Section 2, Township 7 South, Range 11 West, with approximate center coordinates at Latitude 30.467150 North, Longitude -89.064790 West (Aerial Site Vicinity Map). The project site lies within the Coastal River Basin watershed (HUC 03170009). The property includes a few areas that have been impacted and several wetland areas (Sheet Numbers S-02 and S-03) associated with a few streams which drain across the site before converging into a larger order tributary that flows southeastward towards Fritz Creek, which in-turn drains southward into the Biloxi River (Topo Site Vicinity Map).**

Project Purpose: **The purpose of the project is for the development of single family residential lots for a subdivision.**

Proposed Work: **This subdivision is being developed in four phases. The applicant is requesting a DA permit for the completion of Phase 1 and the development of three other Phases in this subdivision. Currently, there is an asphalt road providing complete access to the Phase 1 lots within the development. The applicant indicates that the 88-acre property consists of 27.81 acres of jurisdictional wetlands comprised of 9.26 acres of pine savannah and 18.55 acres of bottomland hardwood (Sheet S-02). The applicant estimates the total impacts to the wetlands as 2.458 acres, with 1.876 acres of pine savannah and 0.582 acre of bottomland hardwood (Sheet S-03). Though it appears that the impacts to the streams was included with the acreage associated with bottomland hardwood, further evaluation of the stream impacts will be reviewed for potential, independent mitigation.**

As illustrated in Sheets S-02 and S-03, the applicant currently depicts an existing detention area close to the center of the site. To date, it has not been determined whether or not this detention area is permitted or whether any other detention areas will be permitted. Current conditions at the site indicate that some impacts to the streams and wetlands at the site already exist and will be mitigated. Any further impacts to wetlands will also require mitigation for fill to be placed on some individual house lots and on a few roads, which cross several streams with culverts (Sheet IM-04).

Project Update: **A preliminary site visit conducted by the USACE on May 15, 2015, confirms the dominant drainage of several streams and the associated wetland areas across the proposed Whitetail Ridge residential development. The applicant's agent (Machado Patano, PLLC) submitted a June 2015 Preliminary Jurisdictional Determination (JD), a June 2015 Wetland Delineation Report, an April 2015 Threatened and Endangered Species Study, and a May 2011 Wetlands Rapid Assessment Procedure (WRAP) for the residential development in the north Gulfport Community. A cultural resources survey was not submitted with the permit application. The USACE will evaluate this Preliminary JD and further evaluate the aforementioned reports for the project area.**

Alternative Site Analysis, Avoidance and Minimization: **As part of alternative site analysis, the applicant's agent (Machado Patano) indicates that Development Consulting Inc. (DCI) looked at several additional sites within the City of Gulfport, for the development of residential neighborhoods. One such site, known as Camden Court, was considered, but was not selected because of the orientation of the wetlands and the potential impacts that it would have on the associated infrastructure cost. The applicant indicates that the Whitetail Ridge Subdivision will have minimal impacts of only 2.458 acres of jurisdictional wetlands over the entire site. <u>The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time</u>.**

Mitigation: **The applicant proposes to mitigate for 1.876 acres of pine savannah (low quality) at a ratio of 2:1 and for 0.582 acres of bottomland hardwood (medium quality) at a ratio of 3:1. The applicant proposes to mitigate for the loss of wetlands through the purchase of wetland credits from an approved mitigation bank. The USACE has not verified the adequacy of this mitigation proposal at this time.**

Water Quality: **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 Management (CZM) consistency in accordance with the State CZM Program. Upon completion of the required advertising, a determination relative to WQC and CZM consistency will be made by the Mississippi Department of Environmental Quality and the Mississippi Department of Marine Resources.**

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 accordance with Appendix C of 33 CFR 325, the USACE has determined that the permit area consists of the areas impacted and to be impacted by fill as well as the adjacent areas. Review of The National Register of Historic Places indicates that no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. This action constitutes the full extent of cultural resources investigations 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 project area. The USACE is seeking comment from the State Historic Preservation Officer, Federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence, or the potential for existence, of significant cultural and historic properties which may be affected by the work.**

Endangered Species: **The applicant's agent acquired the services of D. R. Sanders and Associates, Inc., to conduct a Threatened and Endangered Species Survey for Federally listed species at the Whitetail Ridge Subdivision in north Gulfport. Although this survey listed seven different species that may occur in this part of Harrison County, it concluded that none of the species are present in the project area (88 acres) and there is no suitable habitat for any of these species within this area. Upon review and evaluating the 2014 Federal List of Threatened and Endangered Species for Harrison County, as well as the threatened and endangered species identified using the Standard Local Operating Procedures for Endangered Species (SLOPES) agreement, the USACE has made a preliminary "no effect" determination for all but one of these species. The one species determined by the USACE as "may affect, but not likely to adversely affect" the proposed project (fill of wetland impact areas) is the Louisiana quillwort (*Isoetes louisianensis*). Since this species was not identified at the project site, no protective**

measures need to be implemented specifically for this species to prevent any disturbance and/or destruction of the species. The USACE is seeking comment from the U.S. Fish and Wildlife Service for information on whether any listed threatened or endangered species or their critical habitat may be present in the area, which would be affected by the proposed activity.

Comments: This public notice is being distributed to all known interested persons and serves to solicit comments from the public as well as other interested parties and/or officials of Indian Tribes, Federal, State, and local agencies. This Public Notice may also be reviewed at www.sam.usace.army.mil/Missions/Regulatory.aspx. Comments received will be evaluated and considered by the USACE prior to making the decision to issue or deny a DA permit for the proposed project. This decision will be based the assessment of impacts to threatened and endangered species, cultural and historical properties, water quality, and other public interest factors as outlined in 33 CFR Part 320.4. Comments obtained will be evaluated to prepare an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. The comments will also be considered to determine the overall public interest and need for a public hearing for 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 to support or oppose 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 or not will be based on an evaluation of probable and cumulative impacts of the proposed activity and public interest. That decision will reflect the concern for protection and utilization of important national resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All public interest factors relevant to the proposal will be considered, including the cumulative effects thereof. These factors inclu : conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, as well as the needs and welfare of the people.

Any correspondence concerning this publication should refer to Public Notice Number **SAM-2014-00754-TMZ.** Please direct any written comments to the Project Manager at USACE, RD-M, Attention: Mr. Michael G. Stevens, Post Office Box 2288, Mobile, Alabama 36628-0001 or via email (**Michael.G.Stevens2@usace.army.mil**). You may also send a copy of your correspondence to the Mississippi Department of Environmental Quality, Office of Pollution Control, Environmental Permitting Division, Attention: Ms. Florance Bass, Post Office Box 2261, Jackson, Mississippi 39225 and to the Mississippi Department of Marine

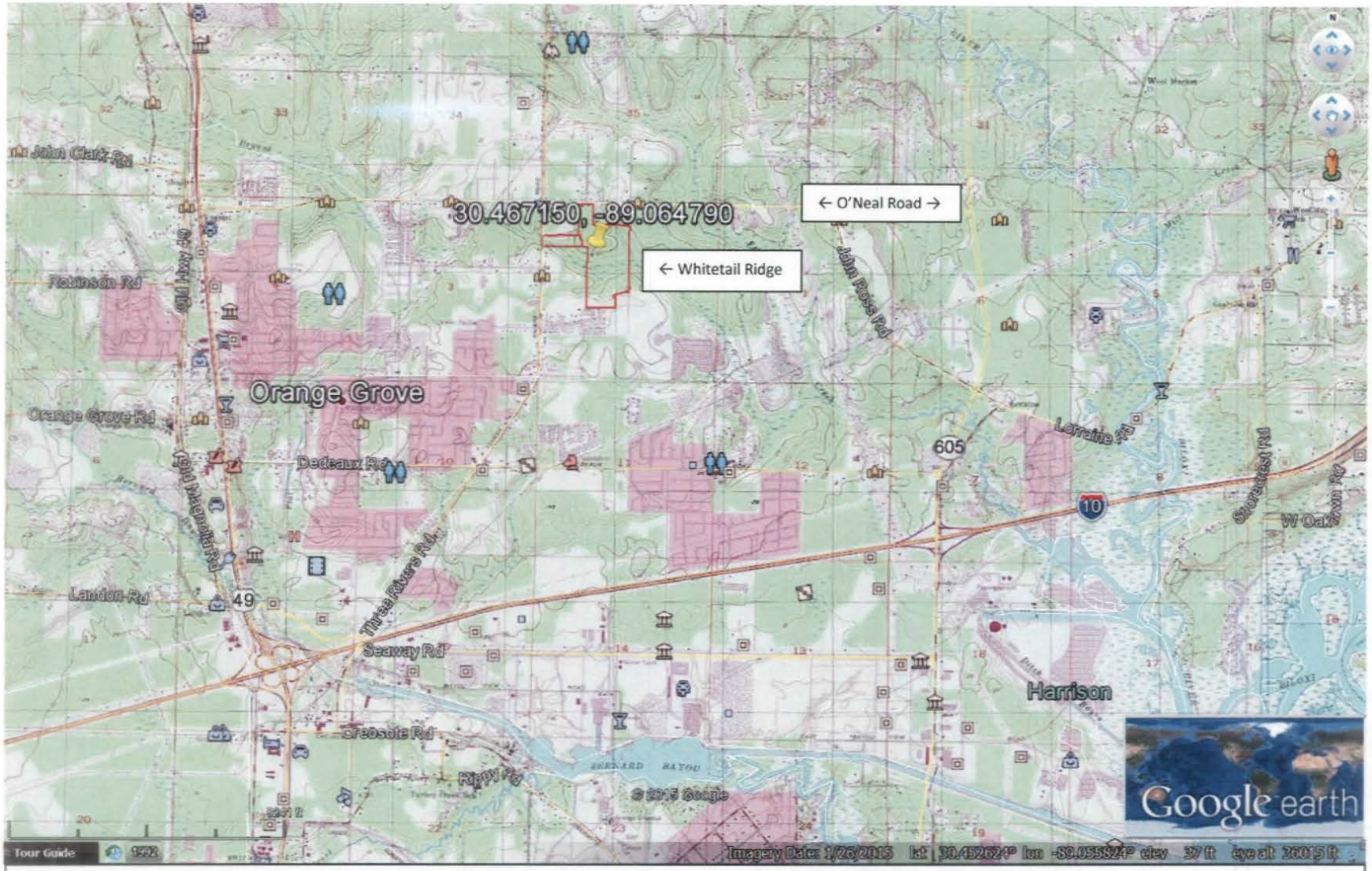
Resources, Bureau of Wetlands Permitting, Attention: Mr. Chris Pickering, 1141 Bayview Avenue, Biloxi, Mississippi 39530.

All Comments should be received no later than 30 days from the date of this Public Notice.

If you have any questions or comments concerning this publication, you may contact the Project Manager via email (**Michael.G.Stevens2@usace.army.mil**) or phone **(251) 694-3702**. 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



Topo Vicinity Map of Whitetail Ridge Subdivision, Southside of Williams-O'Neal Rd Intersection, Gulfport, MS; File No: SAM-2014-00754-TMZ

SAM-2014-00754-TMZ
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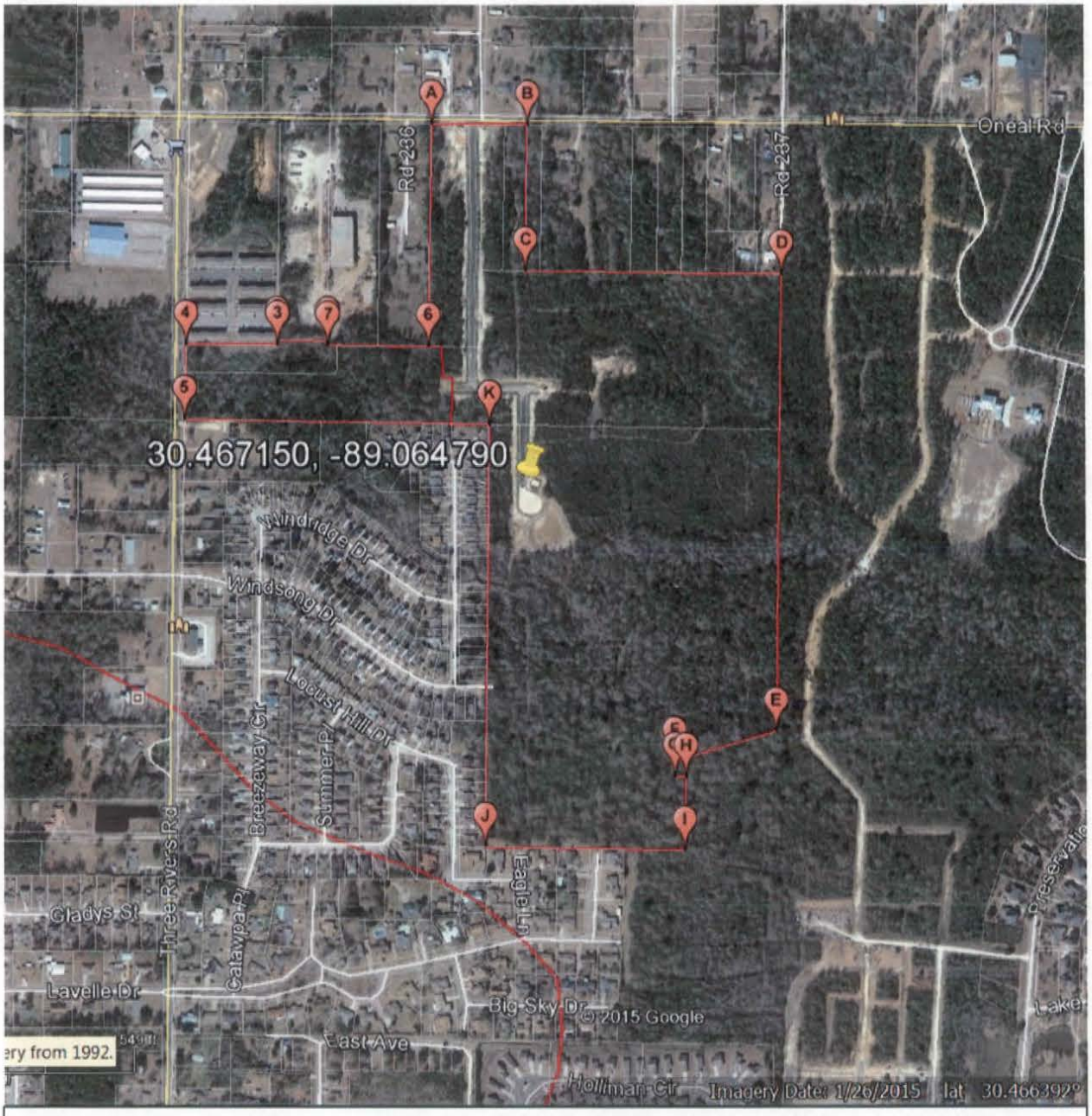

Aerial Site Vicinity Map of Whitetail Ridge Subdivision ~88 Acres; File No: SAM-2014-00754-TMZ

SAM- 2014 - 00754 - TMZ
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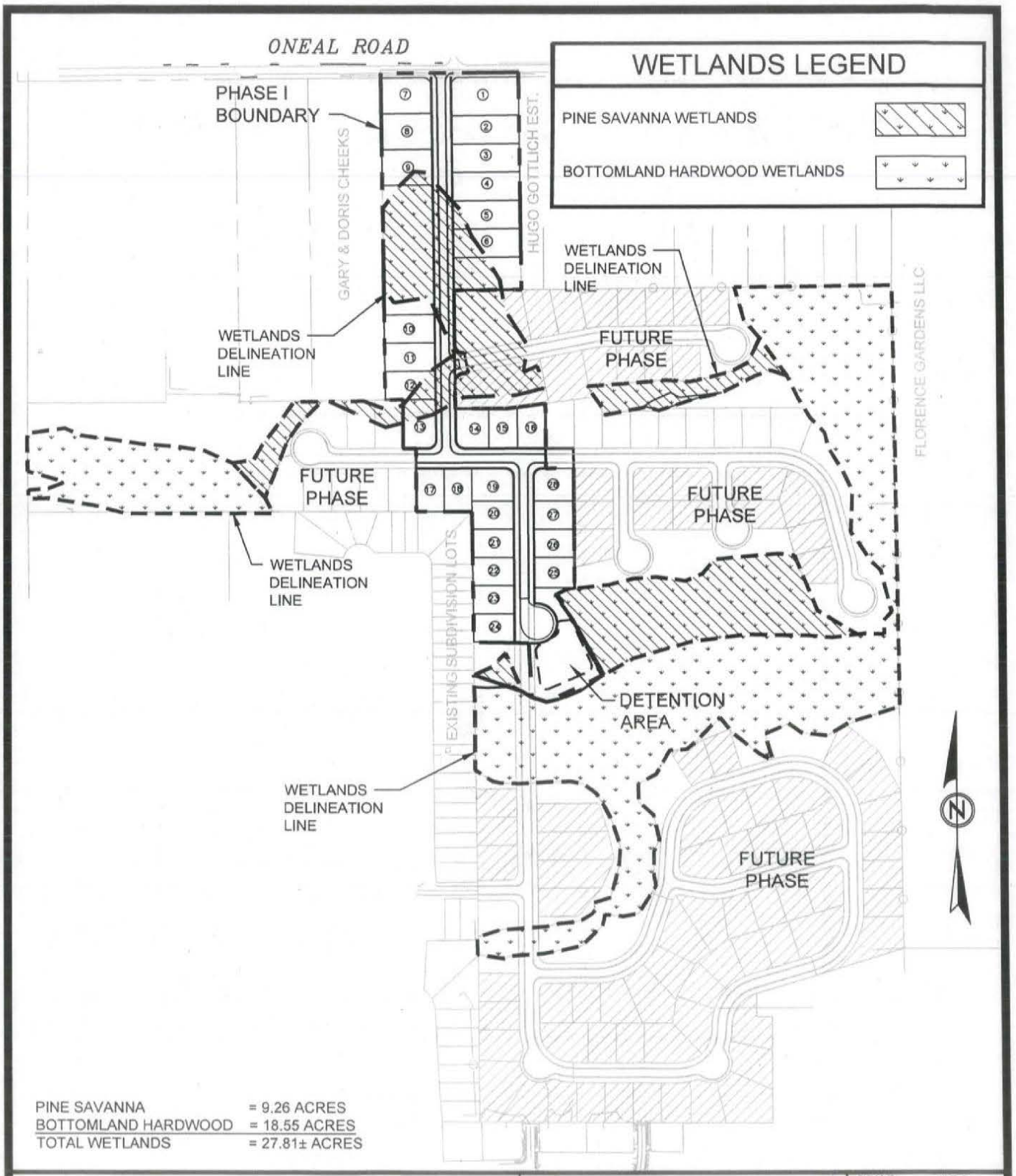

PINE SAVANNA	= 9.26 ACRES
BOTTOMLAND HARDWOOD	= 18.55 ACRES
TOTAL WETLANDS	= 27.81± ACRES

OVERALL WETLANDS MAP

WETLANDS MITIGATION EXHIBIT FOR WHITETAIL RIDGE SUBDIVISION DEVELOPING CONSULTING, INC.

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MECHANICAL
SURVEYING

1641 Popps Ferry Rd., Suite A-4
Biloxi, Mississippi 39532
Office 228.388.1950 | Fax 228.388.1971
www.mpmg.us

SCALE:	N.T.S.
PROJECT NO:	0156.13.002
DATE:	7/9/2015
DRAWN BY:	RCP
CHECKED BY:	GWK
SHEET NO.:	S-02
SHEET 2 OF 4	

SAM-2014-00754-TMZ
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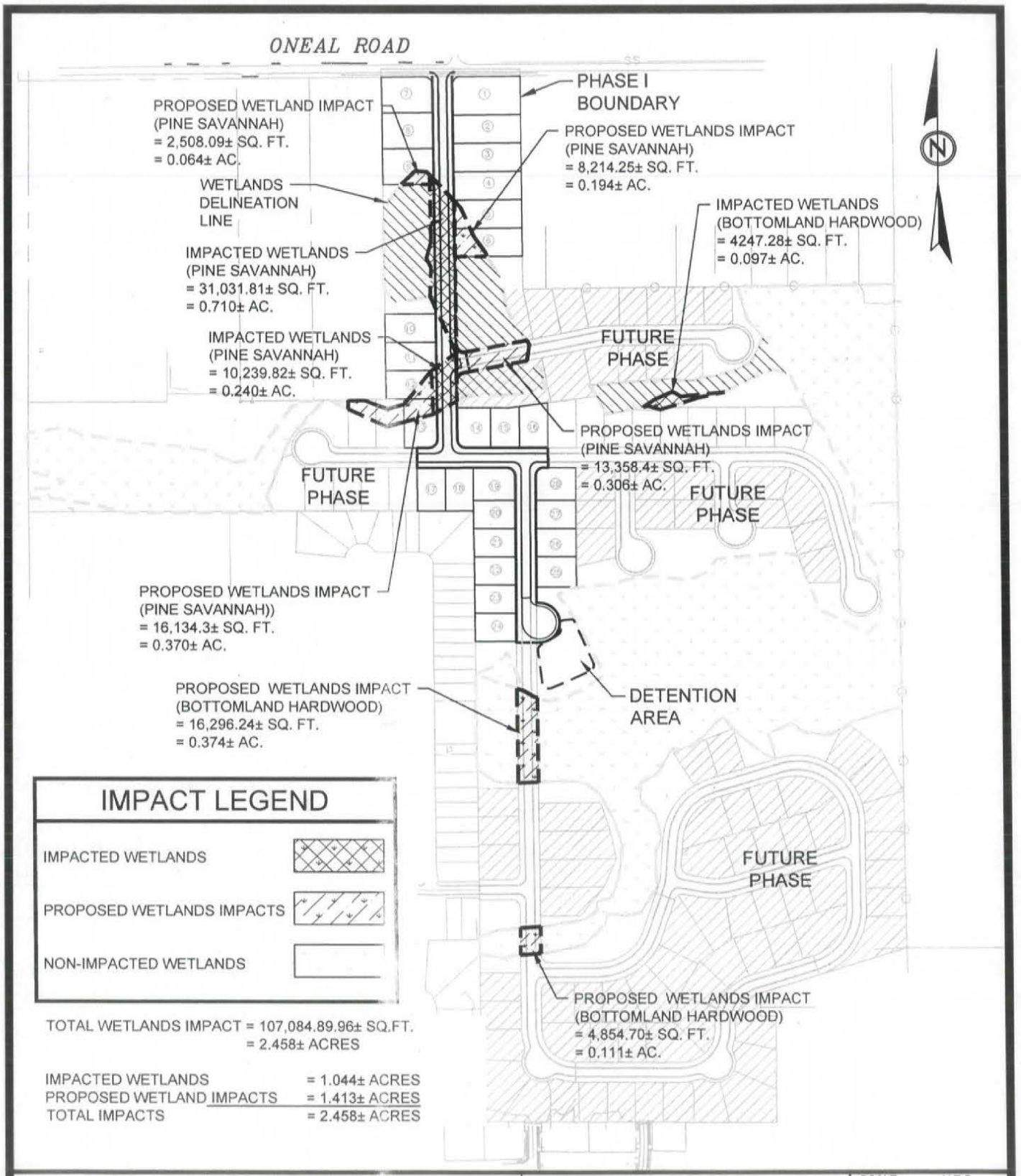

TOTAL WETLANDS IMPACT = 107,084.89.96± SQ.FT.
= 2.458± ACRES

IMPACTED WETLANDS	= 1.044± ACRES
PROPOSED WETLAND IMPACTS	= 1.413± ACRES
TOTAL IMPACTS	= 2.458± ACRES

OVERALL WETLANDS MAP

WETLANDS MITIGATION EXHIBIT FOR WHITETAIL RIDGE SUBDIVISION DEVELOPING CONSULTING INC.

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Biloxi, Mississippi 39532
Office 228.388.1950 | Fax 228.388.1971
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SCALE:	N.T.S.
PROJECT NO:	0156.13.002
DATE:	7/9/2015
DRAWN BY:	RCP
CHECKED BY:	GWK
SHEET NO.:	S-03
SHEET 3 OF 4	

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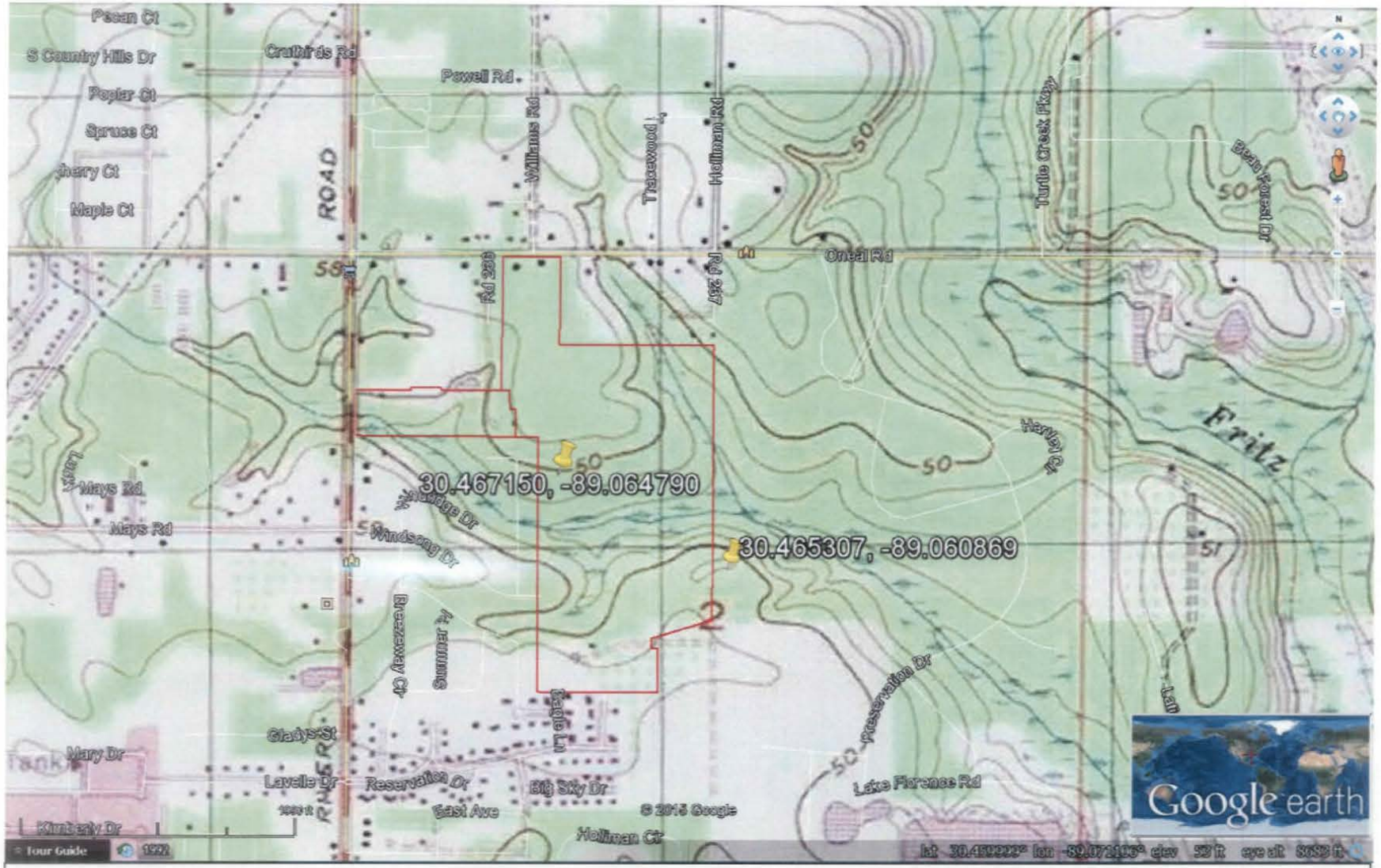

Topo Site Vicinity Map of Whitetail Ridge Subdivision, Gulfport, MS; Center of Property referenced by Corps as Latitude 30.467150 N, Longitude -89.064790 W and referenced by Applicant as Latitude 30.465307 N, Longitude -89.060869 W; File No: SAM-2014-00754-TMZ

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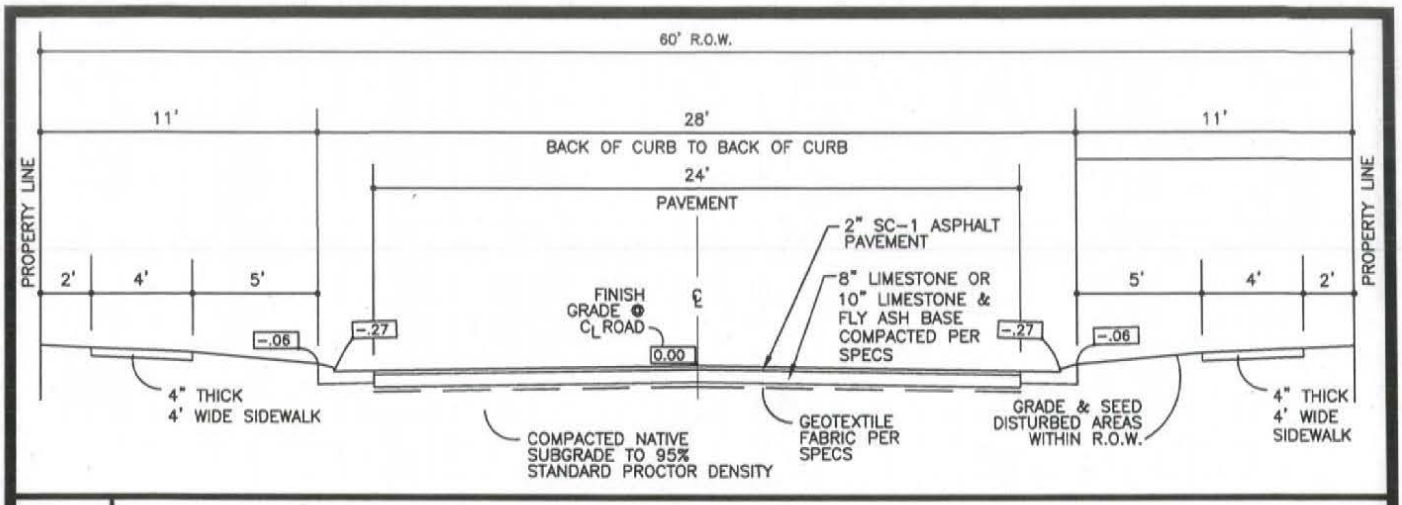
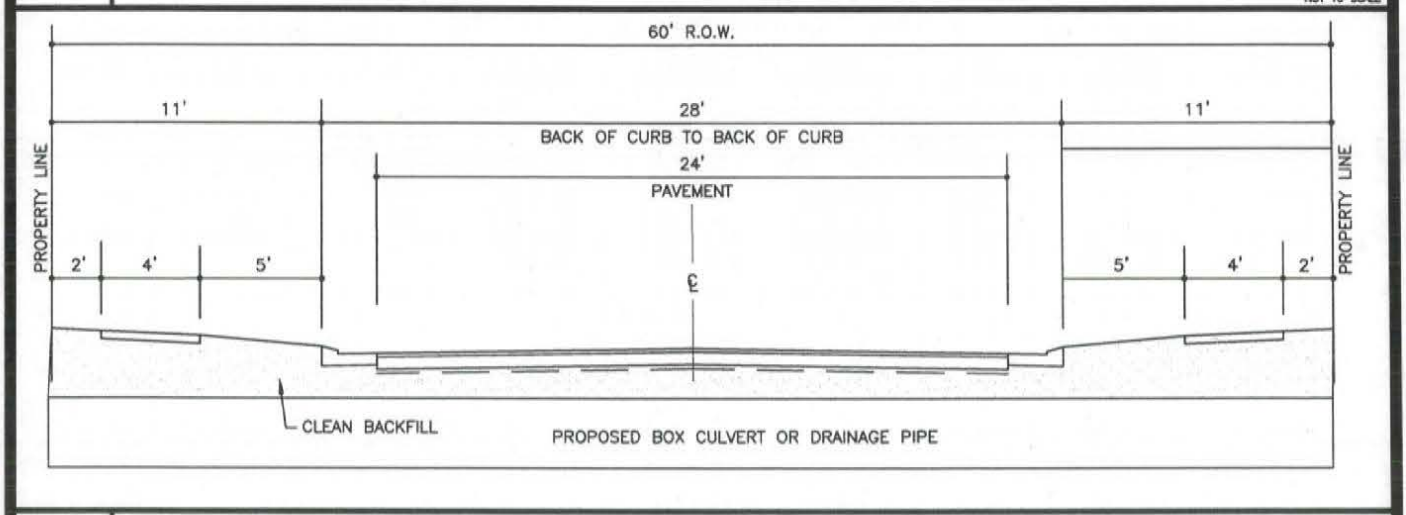


A-A TYPICAL ROADWAY SECTION

NOT TO SCALE



B-B TYPICAL ROADWAY SECTION

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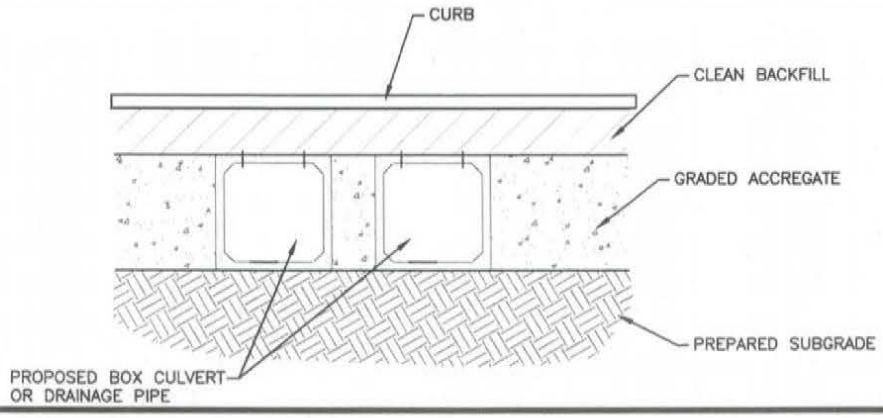

C-C TYPICAL ROADWAY CROSS SECTION

NOT TO SCALE

CONSTRUCTION DETAILS

WETLANDS MITIGATION EXHIBIT FOR WHITETAIL RIDGE SUBDIVISION DEVELOPING CONSULTING, INC.

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SCALE:	N.T.S.
PROJECT NO:	0156.13.002
DATE:	7/9/2015
DRAWN BY:	RCP
CHECKED BY:	GWK
SHEET NO.:	IM-04
SHEET 4 OF 4	

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