



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

REPLY TO
ATTENTION OF:

South Mississippi Branch
Regulatory Division

January 7, 2015

**JOINT PUBLIC NOTICE SAM-2014-01331-MJF
U.S. ARMY CORPS OF ENGINEERS**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-150159**

**PROPOSED IMPACTS ASSOCIATED WITH THE
CONSTRUCTION OF A COMMERCIAL DEVELOPMENT
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. Please communicate this information to interested parties.

APPLICANT: **Mr. Jimmy Lane**
Post Office Box 1437
Ocean Springs, Mississippi 39566

AGENT: **Dana R. Sanders, Sr., PhD**
4017 Lake Wilma Road
Moss Point, Mississippi 39562

LOCATION: **In wetlands associated with Tchoutacabouffa River, Section 12, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi (Latitude 30.44609 North, Longitude -88.944586 West).**

WORK: **The applicant proposes to place fill material in 3.60 acres of wetlands to construct a commercial development. The development, to be known as Biloxi Commerce Park, would consist of a central road, 11 commercial buildings (254,124 total square feet) with associated parking, seven detention ponds, and a road stub to eventually connect to Medical Park Drive. The parking lots would be designed to meet the City of Biloxi regulations regarding parking. The project would originate at Popps Ferry Road and extend northward to a proposed restaurant site. The majority of the proposed roadway would have a 50-foot right-of-way with two 12.5-foot wide traffic lanes. The entrance way would have single lanes separated by green space for a distance of approximately 75 feet north of Popps Ferry Road. The road surface would consist of 6 inches of concrete or asphalt overlying 2 feet of fill material. The road**

would end in a circular 120 feet wide cul-de-sac at the northern end of the project. One 24-inch culvert would be placed under the street immediately south of the stub for the future extension of Medical Park Drive. A total of 3.60 acres of bottomland hardwood and wet pine savanna wetlands would be impacted by the project. A total of 2.85 acres of forested wetlands would be avoided by the project, in addition to the 5.49 acres of marsh and open water. Best management practices would be implemented during and following all construction activities. Silt fences and other appropriate materials would be installed to minimize erosion into and the deposition of sediments into wetlands. All disturbed nonwetland surfaces would be planted with grass mixtures as soon as possible after disturbance.

EXISTING CONDITIONS: The subject property is bordered to the south by Popp's Ferry Road. The area to the west is a site that has been permitted for future construction of apartment buildings (SAM-2012-00592), to the north is marsh and open water adjacent to the Tchoutacabouffa River, and undeveloped land lies east of the project. Drainage from the project area is primarily to the north and west toward the Tchoutacabouffa River. The total project area is a 38.05 acre-parcel of which 6.45 acres are jurisdictional wetlands. An additional 5.49 acres are marsh and open water that will not be impacted. The site had previously been used as a private residence and pasture. FEMA trailers were situated on a portion of the site following Hurricane Katrina.

PROJECT PURPOSE: As stated by the applicant, "The purpose of this project is to provide lots for construction of retail outlets and provide a connector to allow a westward extension of Medical Park Drive. The proposed project would provide jobs and increased tax base for the County. it will allow for improved traffic flow." The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is commercial development 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 eight alternate locations within the Popp's Ferry/Cedar Lake area north of the Biloxi Bay. In addition, three onsite alternative configurations were also considered. Additional review of alternatives will be performed by the Corps and cooperating agencies.

MITIGATION: Compensatory mitigation is required for the loss of ±3.6 acres of wetlands; of which 2.23 acres are low quality (based on WRAP analysis) wet pine savanna and 1.37 acres are medium quality bottomland hardwood wetlands. The applicant is proposing mitigation through the purchase of mitigation credits from Devils Swamp Wetlands Mitigation Bank, or another approved wetlands 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 applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated. (DMR-150159).

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. 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 National Park Service, National Register of Historic Places (NRHP) database has been consulted. A known and recorded archaeological site is located within or very close to the project area. The proposed project may have *potential to cause effects* on cultural resources in the permit area. A Cultural Resource survey is recommended. We are 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. The State Historic Preservation Officer replied to the MDMR notice by letter dated December 17, 2014, requiring a Cultural Resource Survey be conducted on the subject property. (MDAH Project Log #11-131-14)

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated the following terrestrial species may be present onsite: the gopher tortoise (T)(*Gopherus polyphemus*), the Louisiana quillwort(E) (*Isoetes louisianensis*), the Louisiana black bear (T)(*Ursus americanus luteolus*), the Alabama red-belly turtle (E) (*Pseudemys alabamensis*), the Mississippi Sandhill Crane (E)(*Grus canadensis pulla*), the Red-cockaded woodpecker (E) (*Picoides borealis*), and the Black pine snake (C) (*Pituophis melanoleucus lodingi*). No listed critical habitat is located on or near the project site. 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 Louisiana quillwort 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. This determination is being coordinated with the U.S. Fish and Wildlife Service via this public notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2014-01184-MJF** and should be directed to the District Engineer, Corps, Mobile District, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, Attention: USACE Biloxi Field Office, 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 Mississippi Department of Marine Resources, **Attention: Mrs. Jennifer Wilder**, 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. Maryellen Farmer (maryellen.j.farmer@usace.army.mil), phone (228) 523-4116. Please refer to the above Public Notice number.

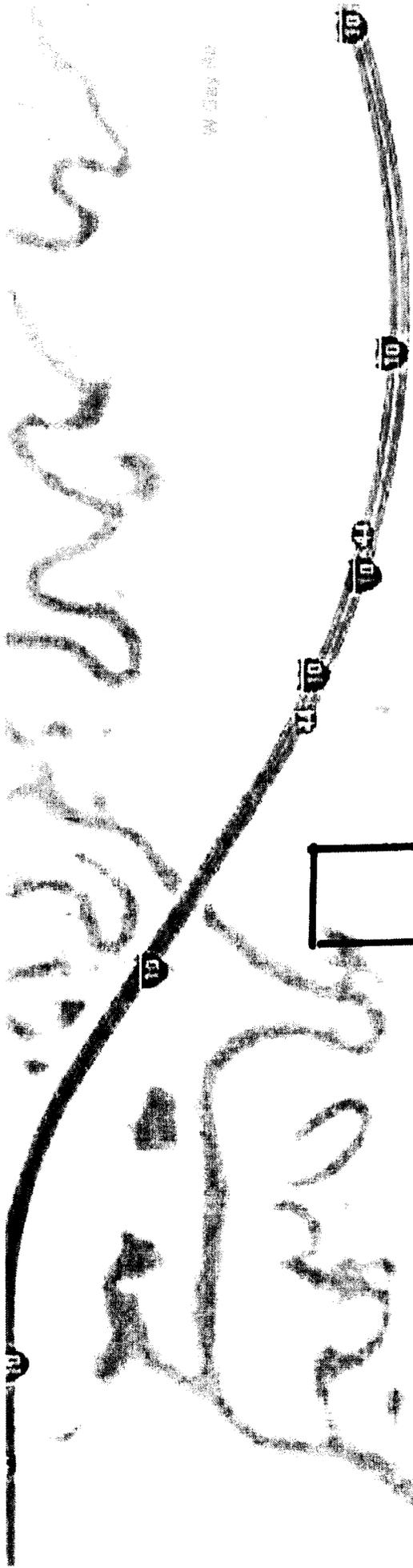
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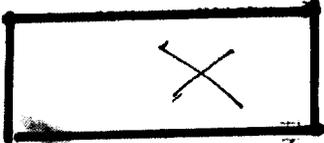
For additional information about our Regulatory Program, please visit our web site at:
www.sam.usace.army.mil/Missions/Regulatory.aspx.

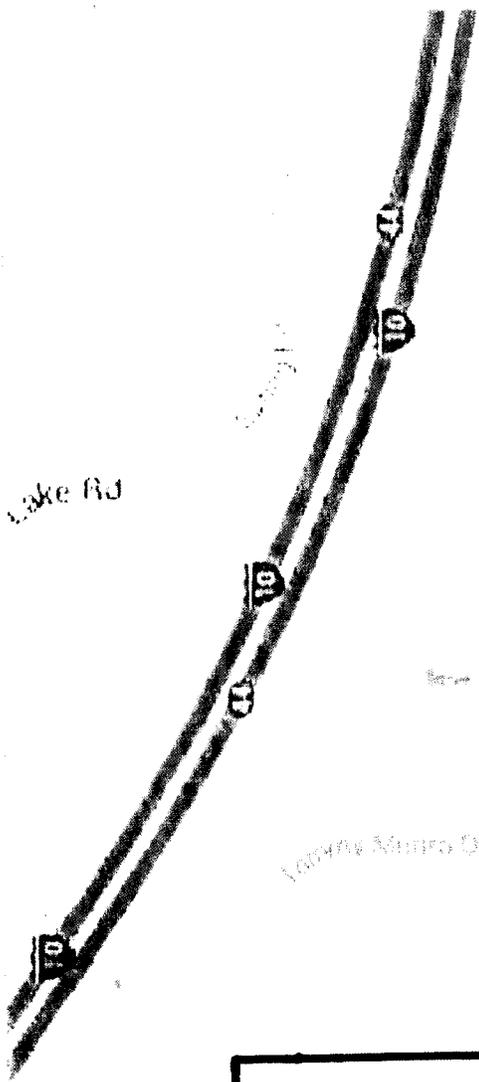
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



Project Location





Winton Rd

Country Ln

Lake Rd

Interstate 10 shields

Interstate 41 shield

Cedar Lake Rd

Popps Ferry Rd

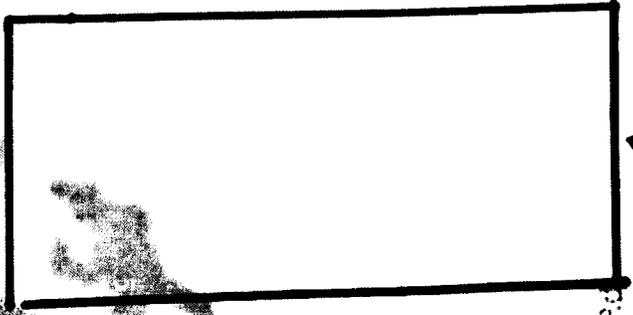
Medical Park Dr

Winton Rd

Intervy Manor Dr

Intervy Manor Dr

Popps Ferry Rd



Project Location

Lagniappe of Biloxi

Richard Dr

Jam Ln

Country Ln

Popps Ferry Rd

Rd

1000 1000 1000

FIGURE 2. PLANVIEW FOR BILOXI COMMERCE CENTER

TOTAL PROPERTY AREA (38.05 ACRES)

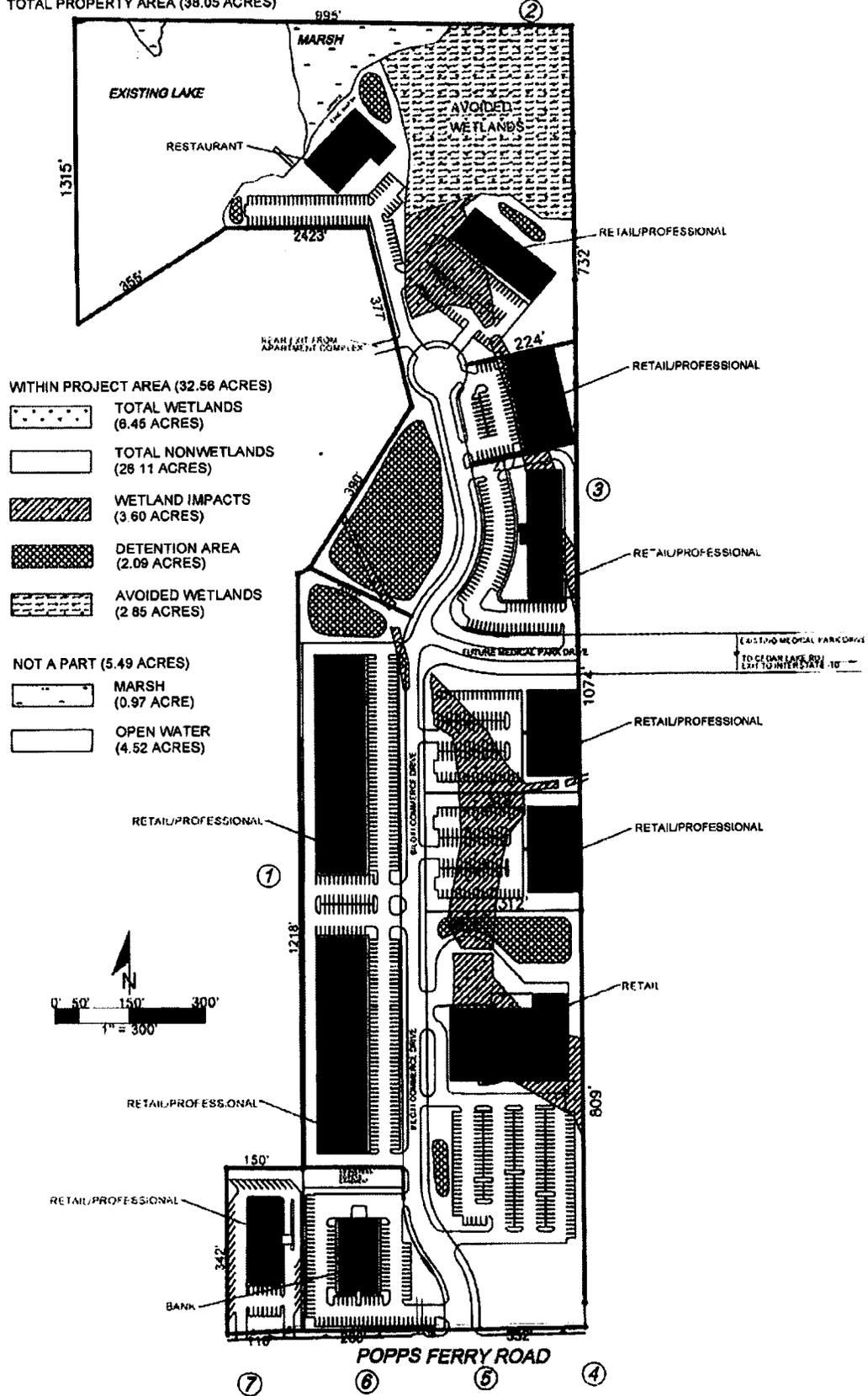
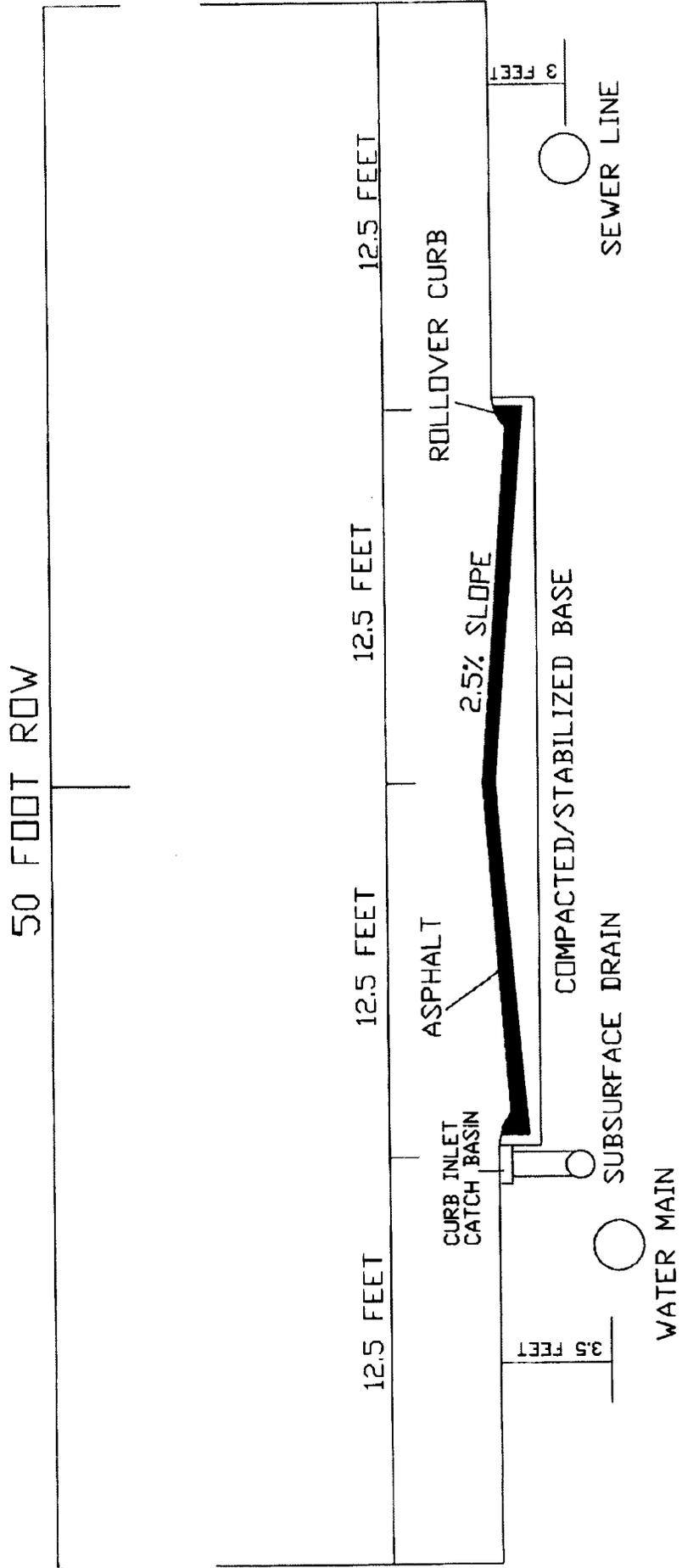


FIGURE 3. BILOXI COMMERCE PARK PROJECT
TYPICAL STREET CROSS-SECTION



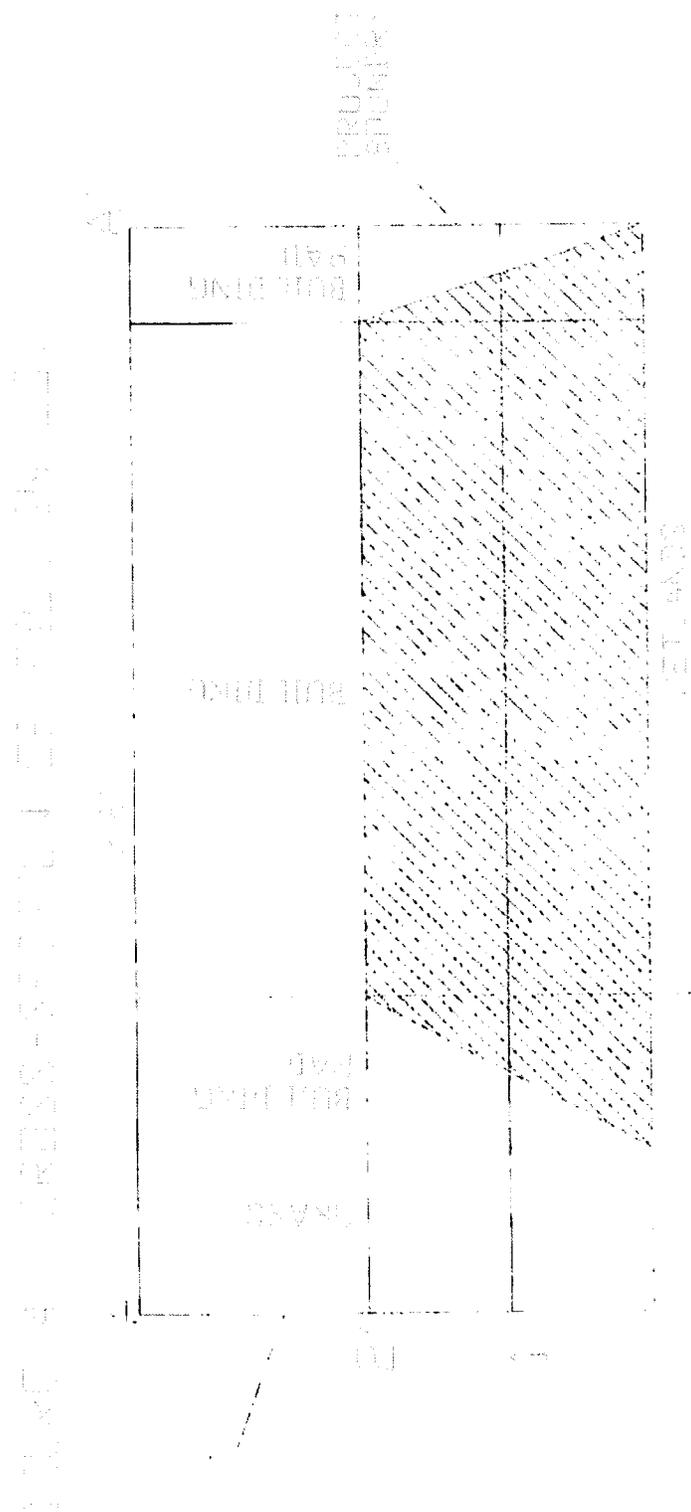


FIGURE 5. TYPICAL CROSS-SECTION OF PROPOSED DETENTION BASIN

