



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

July 10, 2015

JOINT PUBLIC NOTICE SAM-2015-00140-MJF
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-150158

AFTER-THE-FACT PERMIT REQUEST TO RETAIN 0.15 ACRE OF WETLAND FILL AND
100 LINEAR FEET OF BULKHEAD CONSTRUCTION ASSOCIATED WITH THE
CONSTRUCTION OF A SINGLE FAMILY RESIDENCE, BAY SAINT LOUIS, HANCOCK
COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Brandon Nadler
19195 Landfall Court
Abingdon, Virginia 24210

AGENT: Mr. Mickey Lagasse
210 Idlewood Drive
Waveland, Mississippi 39576

LOCATION: In wetlands associated with Jourdan River, 4031 Borneo Street, Section 16, Township 8 South, Range 14 West, Bay Saint Louis, Hancock County, Mississippi, Latitude 30.33834 North, Longitude -89.40122 West.

WORK: The applicant is proposes to retain 0.15 acre of wetland fill material for the construction of a single-family residential house pad, driveway, and the construction of 100 linear feet of bulkhead. Approximately 133 cubic yards of clean fill material has been placed for the house pad. The applicant proposes an additional 100 cubic yards of fill to be placed behind the proposed bulkhead, and 30 cubic yards of fill for a private driveway.

EXISTING CONDITIONS: The subject property is located within the highly developed residential subdivision of Shoreline Park. The surrounding lots typically contain a single-family home with bulkheads and piers, or did prior to Hurricane Katrina. Most

lots contain some measure of prior impacts from previous fill material when the subdivision was constructed. The subject property is bordered to the north by the paved roadway and to the south by a manmade canal.

PROJECT PURPOSE: As stated by the applicant, the purpose of this project is to install a house pad for construction of a single-family residence and bulkhead to assist with erosion prevention. The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is a single-family residence and would not be considered a water dependent activity. Additional review will be performed by the USACE and cooperating agencies.

AVOIDANCE & MININMIZATION: The applicant lives out of state. Prior to the purchase of the subject property the applicant visited the Bay St. Louis Building Department and received what he was led to believe were all requirements for construction on the subject lot. The applicant then moved forward with lot purchase and applied for and received all known necessary permits and approvals. He then hired a local contractor to clear, grub and place fill for the house pad. The contractor informed the applicant a permit would be required for the construction of the bulkhead. The applicant immediately applied with the Mississippi Department of Marine Resources (MDMR) for a bulkhead permit. During the MDMR processing of the permit the unauthorized fill was discovered and the USACE was informed. The applicant immediately stopped all work upon receipt of the USACE issued Cease and Desist, and obtained the services of a local environmental consultant to aid with the permitting process. The applicant had intended to place additional fill material on the subject property to raise the elevation of the entire lot. He has since reduced the requested amount of fill to the minimum necessary for the house pad and driveway construction, and the leveling of the property between the house pad and the proposed bulkhead.

MITIGATION: Compensatory mitigation is required for the loss of ±0.15 acre of low quality wetlands. The applicant is proposing mitigation through the purchase of 0.30 mitigation credit from Wetlands Solutions Devils Swamp Wetlands Mitigation Bank. Additional review of mitigation requirements will be performed by the USACE and cooperating agencies. Final compensatory mitigation will be evaluated by the USACE 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 MDMR in accordance with Section 57-15-6 of the Mississippi Code Annotated. (DMR-150158).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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 USACE 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 USACE 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 USACE 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. There are no known or recorded archaeological sites located within or close to the project area. The proposed project may have **no potential to cause effects** on cultural resources in the permit area. 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 May 13, 2015, stating no cultural resources are likely to be affected and they have no objection with the proposed undertaking (MDAH Project Log #04-137-15).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated the following species may be present at or near the project location: The gopher tortoise (T)(*Gopherus polyphemus*), the Louisiana quillwort(E) (*Isoetes louisianensis*), the Louisiana black bear (T)(*Ursus americanus luteolus*), the West Indian Manatee (E) (*Trichechus manatus*), the Piping Plover (T) (*Charadrius melodus*) and the Gulf Sturgeon (T) (*Acipenser oxyrinchus desotoi*). No listed critical habitat is located on or near the project site. The proposed project location is not within any listed critical habitat and does not contain suitable habitat for any of the above listed species. The USACE has determined the proposed project will have **no effect** on listed threatened or endangered species. This determination is being coordinated with the U.S. Fish and Wildlife Service via this public notice.

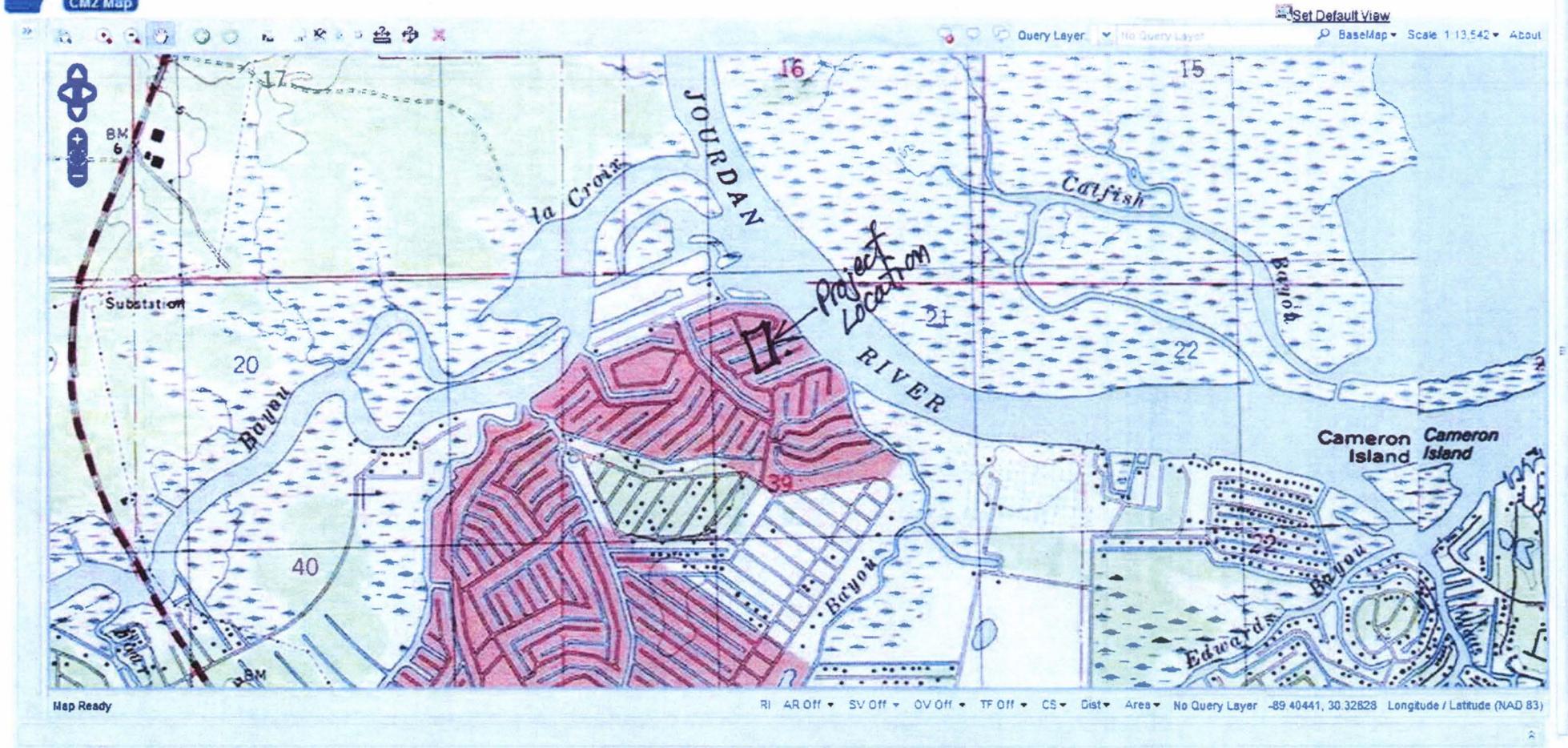
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2015-00140-MJF** and should be directed to the District Engineer, USACE, Mobile District, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: **Ms. Florance Bass, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 and the MDMR, Attention: **Ms. 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. Farmer (maryellen.j.farmer@usace.army.mil), phone (228) 523-4116. 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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South Mississippi Branch: SAM - CESAM-RD-M
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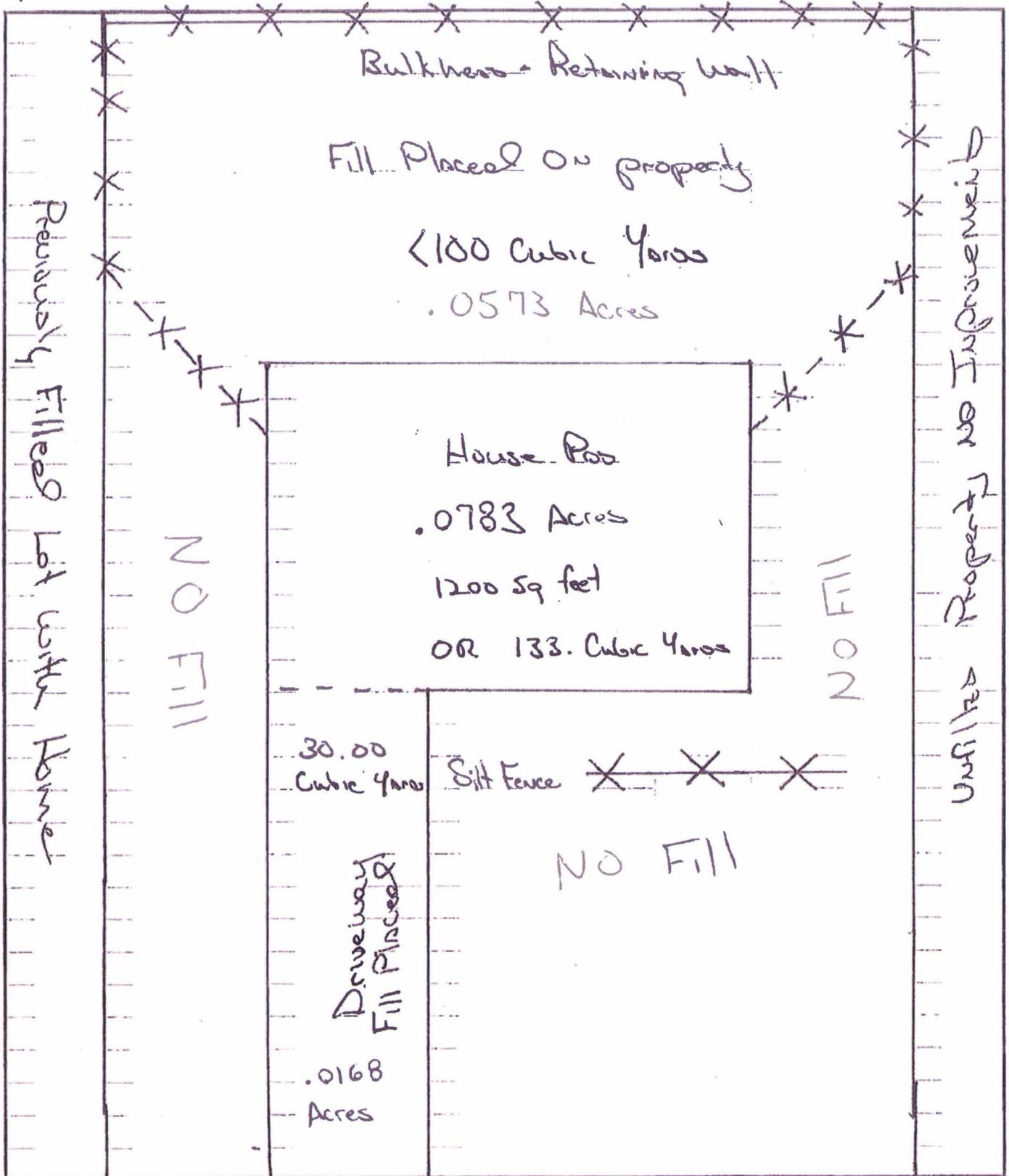
Map Ready

RI AR Off SV Off OV Off TF Off CS Dist Area ORM Project Locations -89.39891, 30.33700 Longitude / Latitude (NAD 83)

10:43 AM 7/8/2015

Waterway

A



Bulkhead - Retaining Wall

Fill Placed on property

<100 Cubic Yards

.0573 Acres

House Pool

.0783 Acres

1200 Sq feet

OR 133. Cubic Yards

30.00
Cubic Yards

Silt Fence

Driveaway
Fill Placed

.0168
Acres

NO FILL

NO FILL

NO FILL

Previously Filled Lot with Home

Unfilled Property no Improvement

BOCNEO ST



□ = 6 inches

— = Adjacent lot previously developed

Fill Behind Billboards .0573 Acres

House Pad Fill .0783 Acres

Driveway Fill .0168 Acres

Drive Way 20' Fill

House Pad 24" Fill

Fill Behind Retaining wall 18-20"

Existing Ground Level

Proposed Bulkhead

Water

