



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

REPLY TO
ATTENTION OF:

Mississippi Branch
Regulatory Division

December 3, 2015

**JOINT PUBLIC NOTICE SAM-2015-00235-MJF
U.S. ARMY CORPS OF ENGINEERS**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-160092**

**PROPOSED IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF A COMMERCIAL
DEVELOPMENT KNOWN AS ETC VENTURE RETAIL DEVELOPMENT,
D'IBERVILLE, 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: ETC Ventures, LLC
Attention: Mr. D. M. Shumate
515 Church Street
Franklin, Tennessee 37065

AGENT: Mr. Dana R. Sanders, Jr.
4017 Lake Wilma Road
Moss Point, Mississippi 39562

LOCATION: Wetlands associated with the Tchoutacabouffa River, north of Interstate 10 (I-10) and east of Interstate 110 (I-110), Section 5, Township 7 South, Range 9 West, D'Iberville, Harrison County, Mississippi (Latitude 30.45559 North, Longitude -88.90577 West).

WORK: The applicant proposes to place fill material in 1.50 acres of moderate quality wet pine savannah wetlands and 1.57 acres of low quality bottomland hardwood wetlands (based on WRAP and M-WRAP) to construct a retail development. The development would include 14 buildings consisting of retail shops, large, national, name-brand box stores, restaurants, and a hotel, as well as parking lots, utilities and stormwater detention basins. The subject property is a 21.18-acre parcel containing approximately 3.66 acres of jurisdictional wetlands. The proposed project would be accessed from 4 entrances, 2 off of Old Highway 67, and 2 from Promenade Parkway. Sewer and water utilities are presently available along Promenade Parkway.

Stormwater management would be through an intersecting stormwater system which would flow all water to the water detention on the north edge of the property. An estimated total of 0.59 acre of wetlands on the property are expected to be avoided by the project and would retain hydrologic connectivity to the watershed. Best management practices (BMP) would be implemented during and following all construction activities. Silt fences and other appropriate materials would be installed to block erosion and sedimentation in wetlands outside the project area. Disturbed surfaces would be planted with grass mixtures, except in areas to be sodded. Planting and sodding would be undertaken as soon as possible after preparation of the project area.

EXISTING CONDITIONS: The subject property is forested and located adjacent to the east side of Old Highway 67, north of East Gay Road, and adjoining the west side of the existing Promenade Retail Center. An undeveloped, platted subdivision borders the north boundary line.

PROJECT PURPOSE: As stated by the applicant, "This stand alone project will provide retail shopping, food and lodging for residents and tourists within the D'Iberville area of the Gulf Coast" The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is a commercial development and would not be considered a water dependent activity. Additional review will be performed by the USACE and cooperating agencies.

AVOIDANCE AND MINIMIZATION: According to the applicant's agent, "the plan view shows that impacts to wetlands are unavoidable for this project. The project was arranged in the best configuration allowing the nonwetland acreage to be utilized before any wetlands were impacted. No other practicable configuration could be offered that would result in fewer wetland impacts. Nonwetlands of the property were used to the maximum extent possible." "Minimization of wetland impacts would be carried out employing BMPs in all areas where bare ground exists in order to minimize sediment loading of surface runoff. Silt fences would be constructed and maintained to prevent sedimentation."

ALTERNATIVES: The USACE's initial review of alternatives submitted by the applicant consists of four alternate locations in the vicinity. In addition onsite alternative configurations were also considered. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: Compensatory mitigation is required for the loss of 1.50 acres of moderate quality wet pine savannah wetlands and 1.57 acres of low quality bottomland hardwood wetlands (based on WRAP and M-WRAP). The applicant is proposing mitigation through the purchase of 4.50 bottomland hardwood wetland mitigation credits and 3.14 wet pine savanna wetland mitigation credits from the Devils Swamp Wetland 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 Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated. (DMR-160092).

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 Corps has determined that the permit area is the full area of development for the overall project footprint. 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. A Phase I Cultural Resources Survey was conducted on the project site. Based on the Phase I Cultural Resources Survey, the USACE has determined that the proposed project would have no effect on cultural resources in the permit area. The State Historic Preservation Officer replied to the MDMR notice by letter dated October 26, 2015, stating it is their determination that no cultural resources are likely to be affected and they have no objection with the proposed undertaking (MDAH Project Log #10-063-15).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated the following terrestrial species may be present on-site: 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 Black pine snake (C) (*Pituophis melanoleucus lodingi*) and the Red-Cockaded Woodpecker (E) (*Picoides borealis*). 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 and the agent's Endangered and Threatened Species survey, suggest that the proposed activity will have no effect on listed endangered or threatened species. Suitable habitat for threatened and endangered 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-2015-00235-MJF** and should be directed to the District Engineer, USACE, Mobile District, Biloxi Field Office, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with a copy to 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 Mississippi Department of Marine Resources, Attention: **Mr. Greg Christodoulou**, 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 at (maryellen.j.farmer@usace.army.mil) or (228) 523-4116. Please refer to the above Public Notice number.

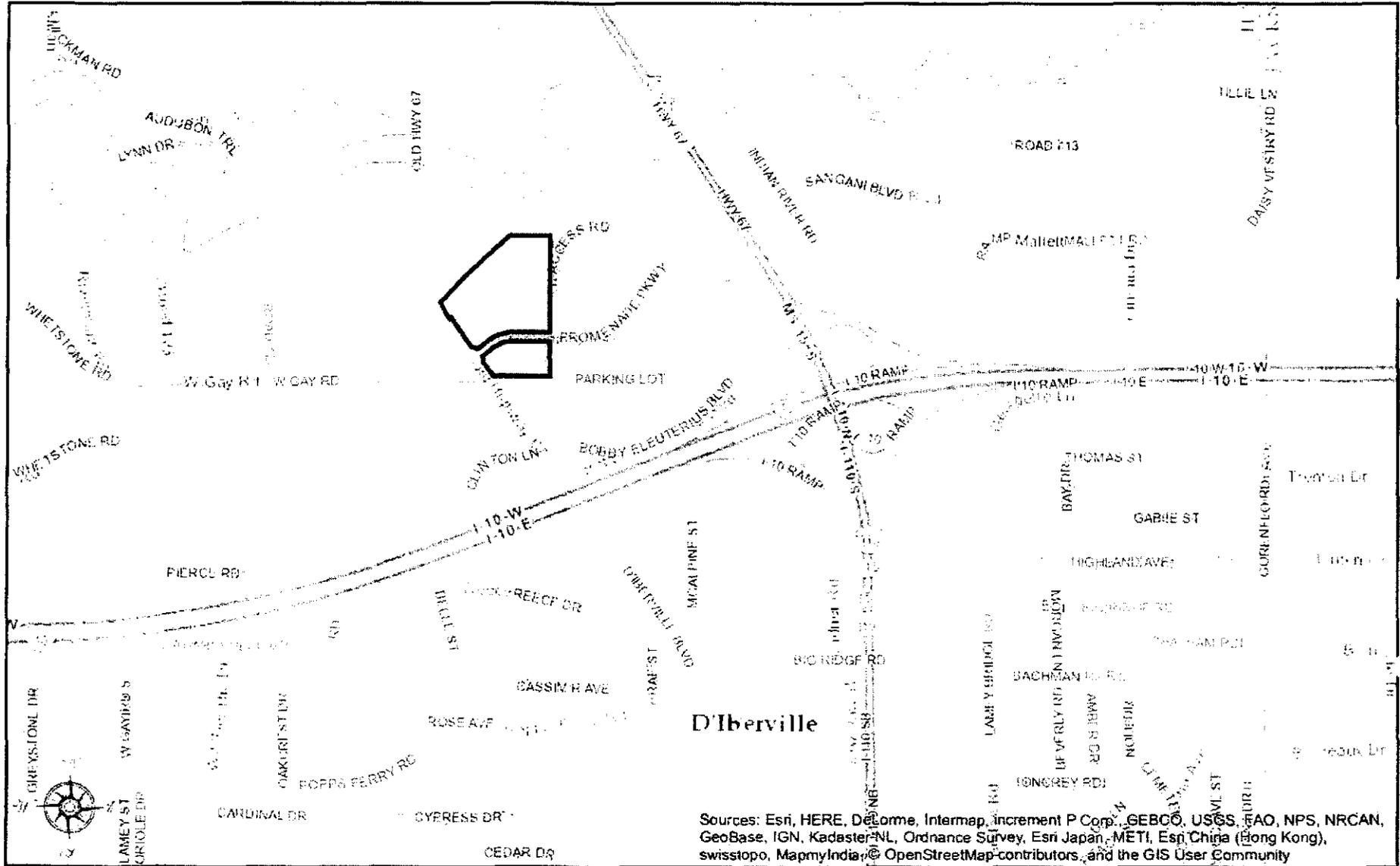
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

FIGURE 1 SITE LOCATION MAP FOR ETC VENTURE RETAIL CENTER

SAM-2015-00235-MJE
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HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.
TAL FLURRY, TAX ASSESSOR.

MAP DATE: October 7, 2015

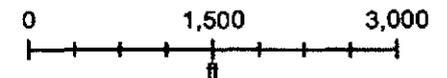
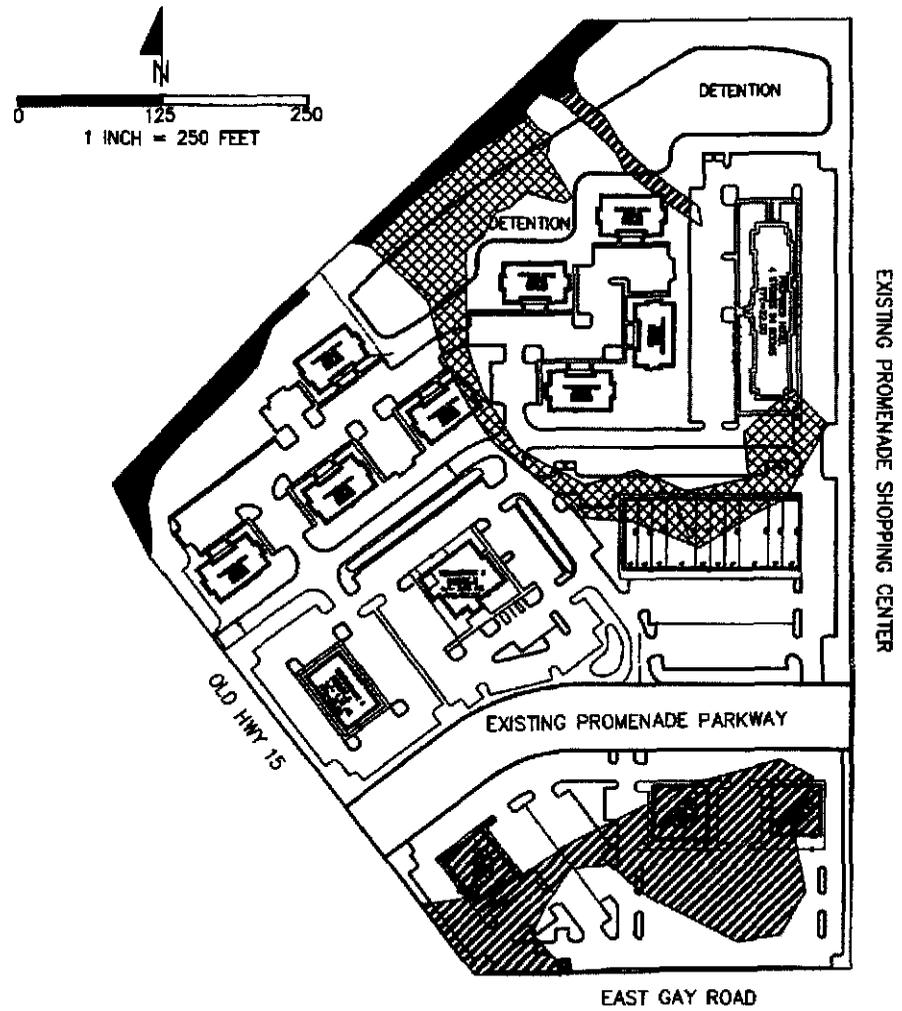
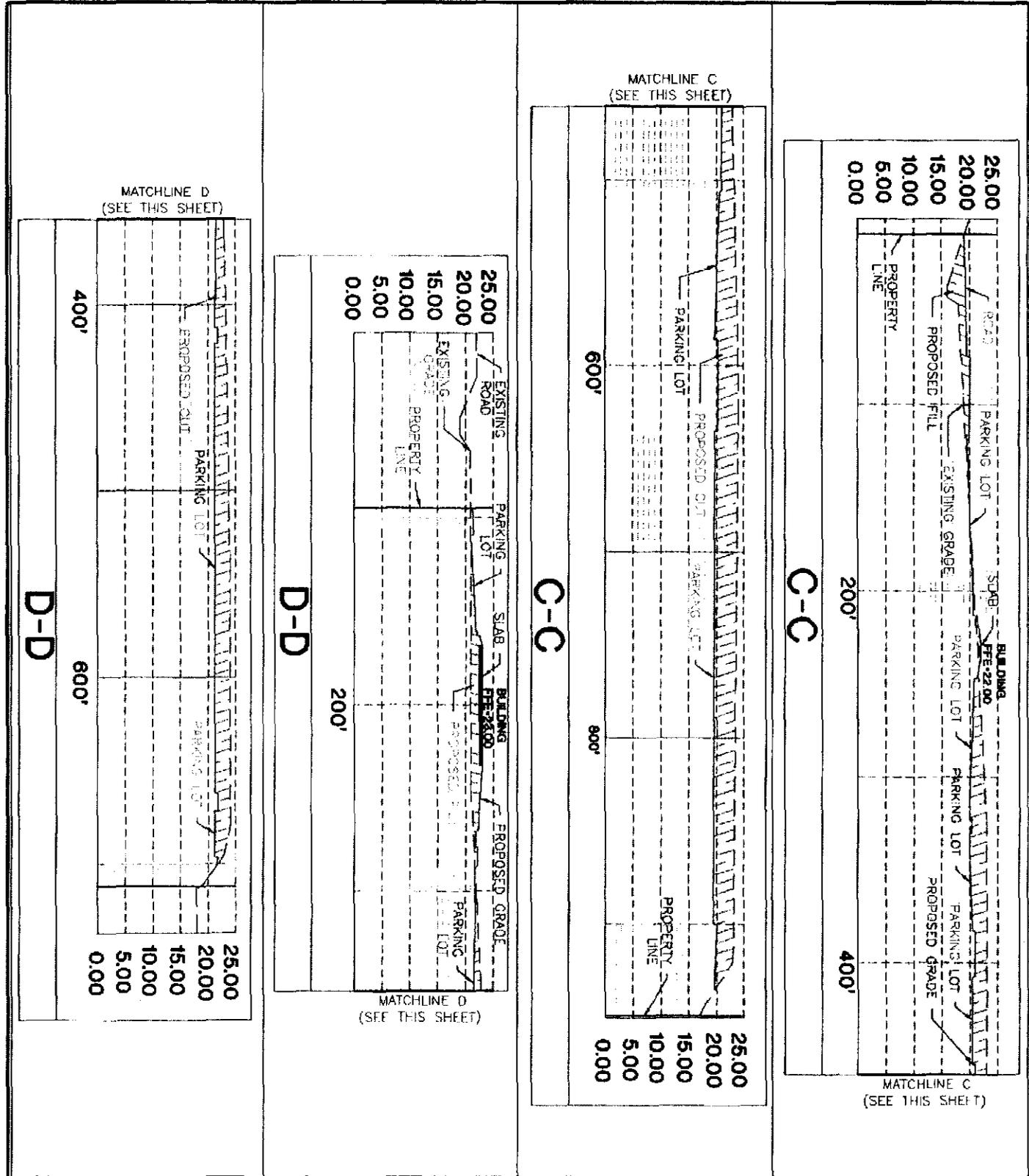


FIGURE 2. ECT VENTURES RETAIL DEVELOPMENT PROJECT LAYOUT
 DIBERVILLE, MISSISSIPPI



- WET PINE SAVANNA WETLAND IMPACTS 1.57 ACRES 
- BOTTOMLAND HARDWOOD WETLAND IMPACTS 1.50 ACRES 
- UNALTERED BOTTOMLAND HARDWOOD WETLANDS 0.59 ACRE 

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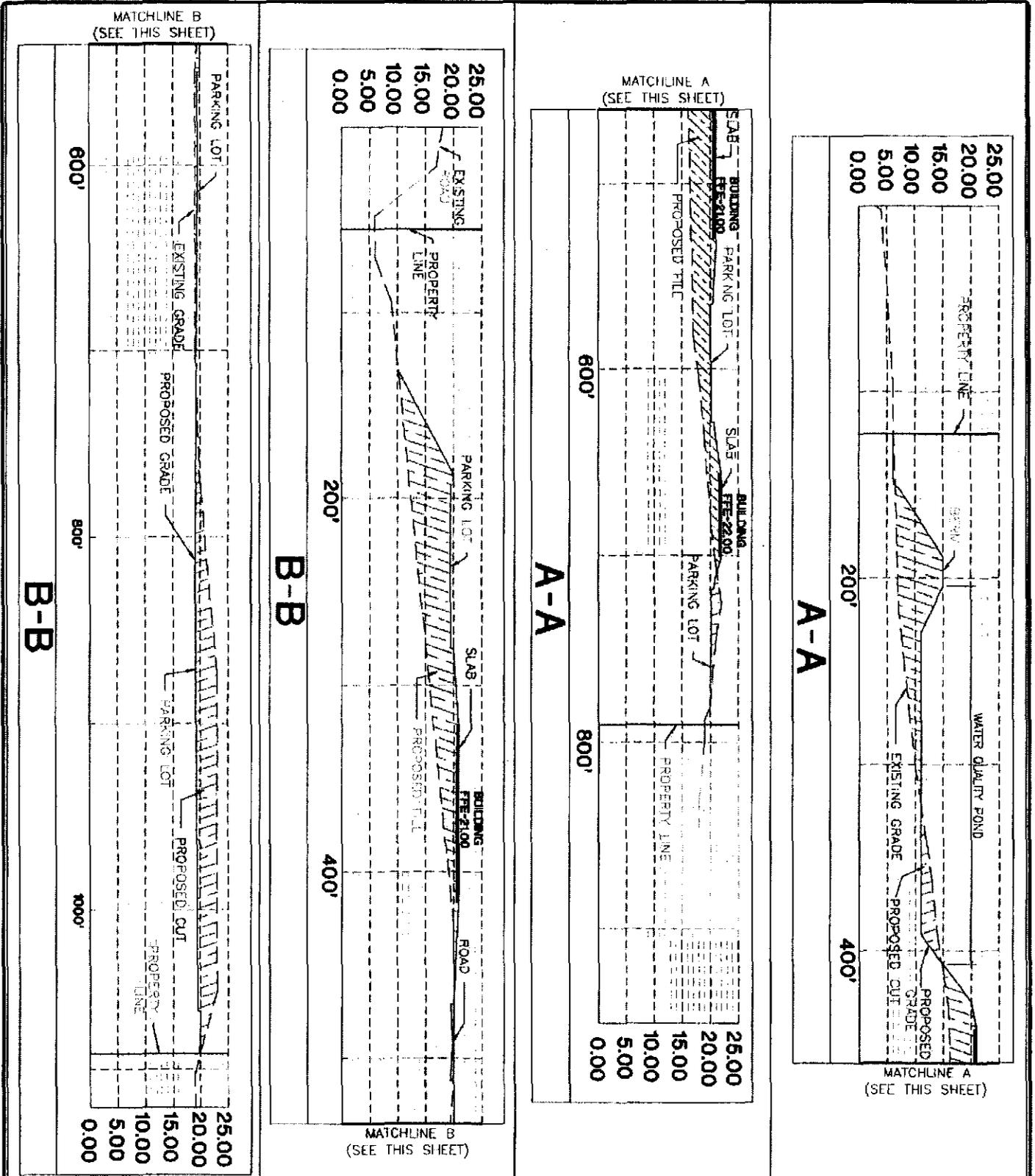
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**CROSS SECTIONS
 PROPOSED RETAIL CENTER
 D'IBERVILLE, MS
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DATE: 9--1--15