



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-C
PUBLIC NOTICE NO. SAM-2015-00374-MJF

July 10, 2015

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-150269

REQUEST TO FILL WETLANDS FOR A NEIGHBORHOOD WAL-MART COMMERCIAL DEVELOPMENT, CITY OF OCEAN SPRINGS, JACKSON 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) can be based. Please communicate this information to interested parties.

APPLICANT: Wal-Mart Real Estate Business Trust
Attention: Mr. Barri Tulgetske
2001 SE 10th Street #0550
Bentonville, Arkansas 72716-0550

AGENT: Carlson Consulting Engineers, Inc.
Attention: Mr. Dave Spencer
7068 Ledgestone Commons
Bartlett, Tennessee 38133

LOCATION: Wetlands Associated with Bayou Porteaux, Back Bay of Biloxi, at the southeast intersection of Highway 609 and Ponce de Leon Street, St. Martin, Harrison County, Mississippi (Section 18, Township 7 South, Range 8 W. (Lat. 30.4349° North; Long. -88.8288° West).

WORK: The applicant proposes to construct a commercial development consisting of a 41,952-square-foot building, 176 parking spaces, all necessary utilities, a 6-pump fueling station and a sediment basin. The subject property is located at the southeast intersection of Highway 609 and Ponce De Leon Street in St. Martin. The subject property is approximately 7.32 acres in size and contains approximately 6.44 acres of jurisdictional pine savanna wetlands. The applicant is proposing to utilize approximately 50,000 cubic yards of clean fill material to fill all 6.44 acres of

jurisdictional wetland for the proposed development. The proposed work would consist of site clearing, site grading and filling, paving and construction of the proposed structures.

EXISTING CONDITIONS: The subject property had been previously cleared and prepared for development in the recent past, with the majority of the site being allowed to become vegetated with a stand of young pine trees. The site contains service drives for maintenance of three drainage features. The property is bounded to the North by a Merchants & Marine Bank and Ponce De Leon street, to the East by single-family residential properties, to the South by an auto-body shop and storage yard, and to the West by Highway 609 with a variety of commercial businesses fronting both sides of this highway. All surface runoff either infiltrates into the sandy soils or is eventually collected by one of two excavated and maintained storm drainage features. The stormwater runoff from the surrounding road network enters the municipal storm water drainage system where it discharges into Old Fort Bayou and/or Porteaux Bayou.

PROJECT PURPOSE: As stated by the applicant, the purpose of the proposed commercial development is “to serve the growing community of St. Martin, Mississippi. The proposed development would provide approximately 95 jobs for the community, increase the annual tax revenue, and ease the consumer needs of the surrounding residential districts.” USACE initially determined the basic project purpose is a retail commercial development and would not be considered a water dependent activity. Additional review will be performed by USACE and cooperating agencies.

ALTERNATIVES: The USACE’ initial review of alternatives submitted by the applicant include four additional sites located within the desired target area and several onsite design layouts. USACE has not verified the adequacy of the applicant’s alternatives analysis at this time. Additional review of alternatives will be performed by USACE and cooperating agencies.

MITIGATION: The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands through the purchase of 12.88 pine savanna mitigation credits from Wetlands Solutions Devil’s Swamp Mitigation Bank. Final compensatory mitigation will be evaluated by 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-150269).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by 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.

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 proposed commercial fill. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services, 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 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.

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 are known to occur in the project areas 12-digit HUC zone 031700090605: the gopher tortoise (T)

(*Gopherus polyphemus*), the Louisiana quillwort (E) (*Isoetes louisianensis*), the Alabama red-belly turtle (E) (*Pseudemys alabamensis*), the Black pine snake (C) (*Pituophis melanoleucus lodingi*), the West Indian manatee (E) (*Trichechus manatus*), the Gulf sturgeon (T) (*Acipenser oxyrinchus desotoi*), the Green sea turtle (T) (*Chelonia mydas*), the Kemp's ridley sea turtle (E) (*Lepidochelys kempii*), the Leatherback sea turtle (E) (*Dermochelys comacea*), the Loggerhead sea turtle (T) (*Caretta caretta*), and the Piping Plover (T) (*Charadrius melodus*). The proposed project location is not within any listed critical habitat. The project site does not contain suitable habitat for any of the above listed species. The applicant's agent conducted a Threatened & Endangered (T&E) species survey and found no evidence of any of the above listed species nor suitable habitat. 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-2015-00374-MJF** and should be directed to USACE, Mobile District, Regulatory Division, 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 Bass, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, **Attention: Mrs. Jennifer Wittmann**, 1141 Bayview Avenue, Suite 501, 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 concerning this publication, you may contact the project manager at (228) 523-4116 or email at maryellen.j.farmer@usace.army.mil. 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



CARLSON CONSULTING ENGINEERS, INC.
 1066 L BODDSTONE COLONY
 SUITE 111, OCEAN SPRINGS, MS 39113
 PO BOX 387, O-401 • FR. 601.384.0710

SITE VICINITY MAP
PROPOSED RETAIL COMMERCIAL DEVELOPMENT
OCEAN SPRINGS, MISSISSIPPI





AERIAL IMAGE

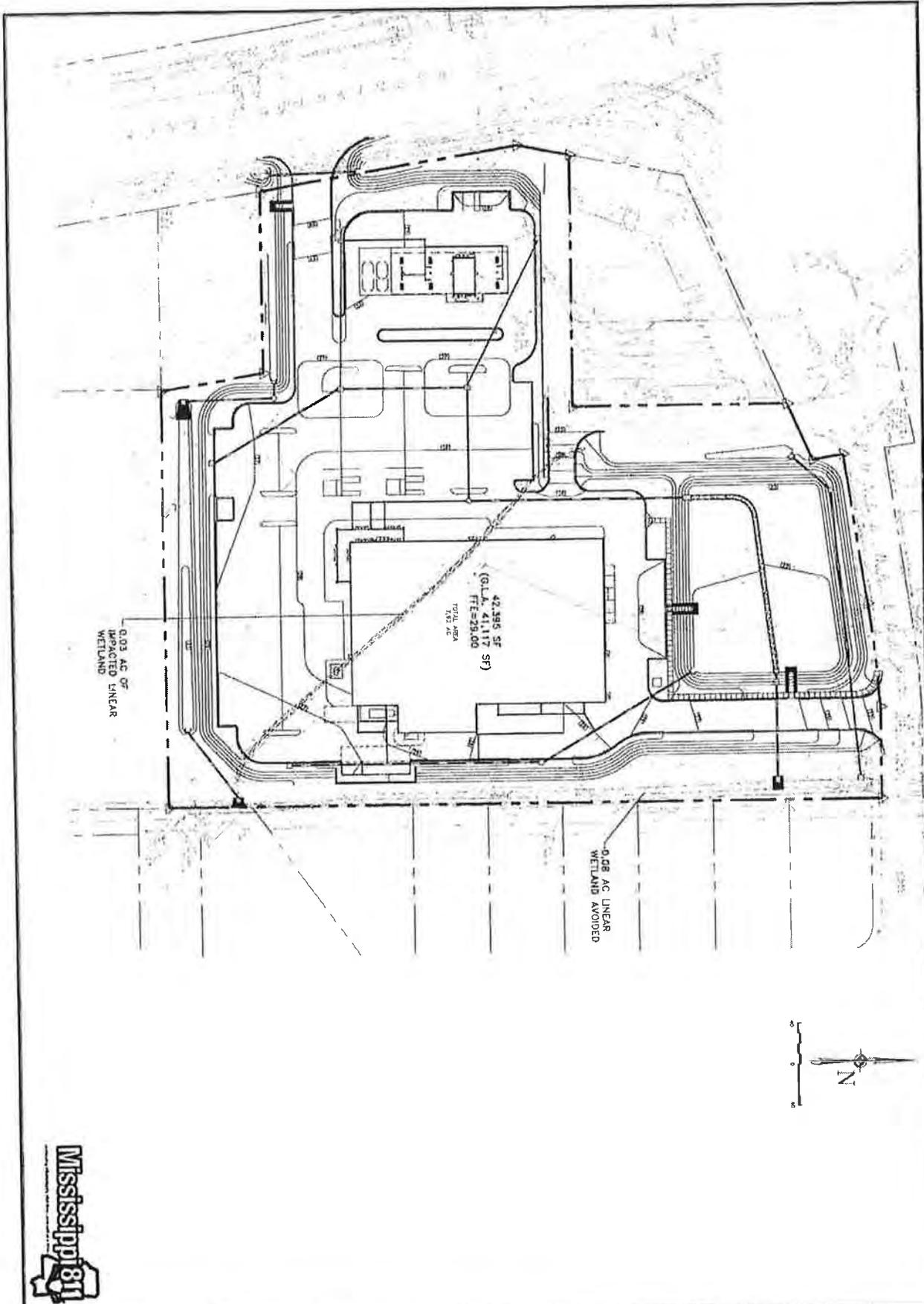
LATITUDE: 30.434317 LONGITUDE: -88.829940

WASHINGTON AVE. AND PONCE DE LEON DR.

OCEAN SPRINGS, MS

Proposed Project Site

Source: GOOGLE EARTH

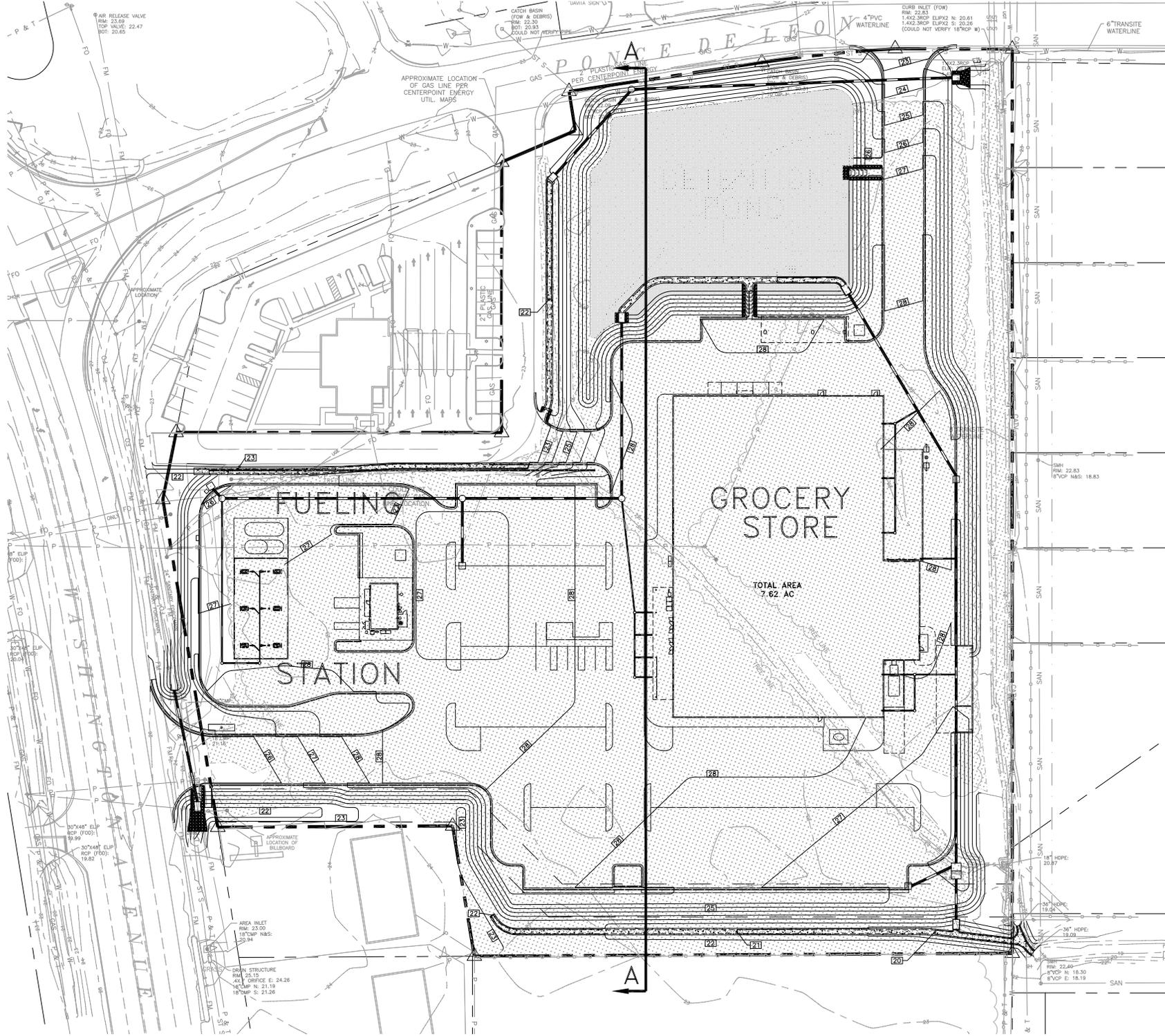


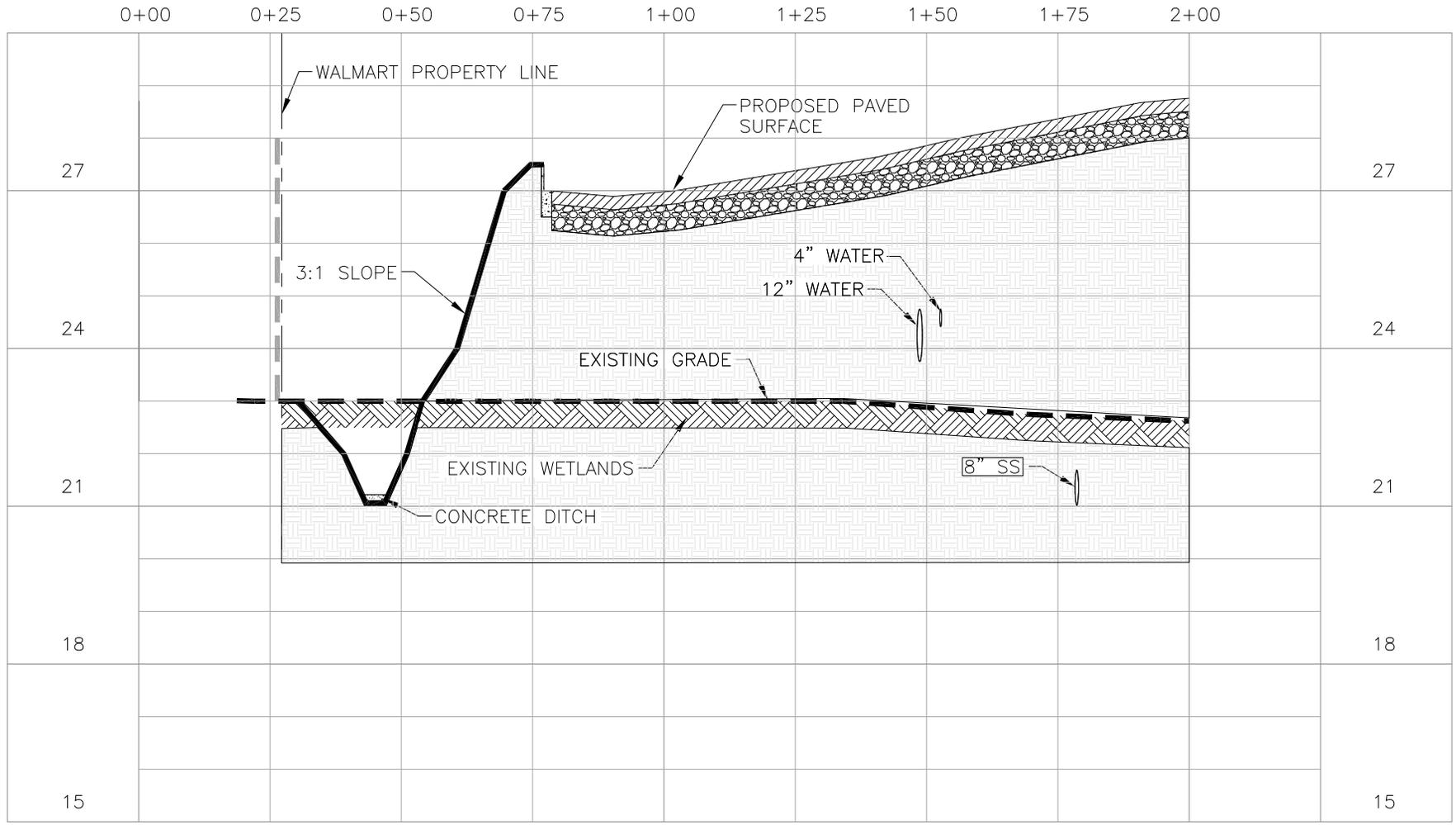
CARLSON CONSULTING ENGINEERS, INC.
 1408 LEGENDSTONE COMMONS
 BARTLETT, TENNESSEE 38133
 P.O. BOX 1100 • 615-364-5251 • FAX (615) 364-0710

GRADING PLAN
 PROPOSED RETAIL COMMERCIAL DEVELOPMENT
 OCEAN SPRINGS, MISSISSIPPI

DATE	DESCRIPTION

MAY 6, 2015





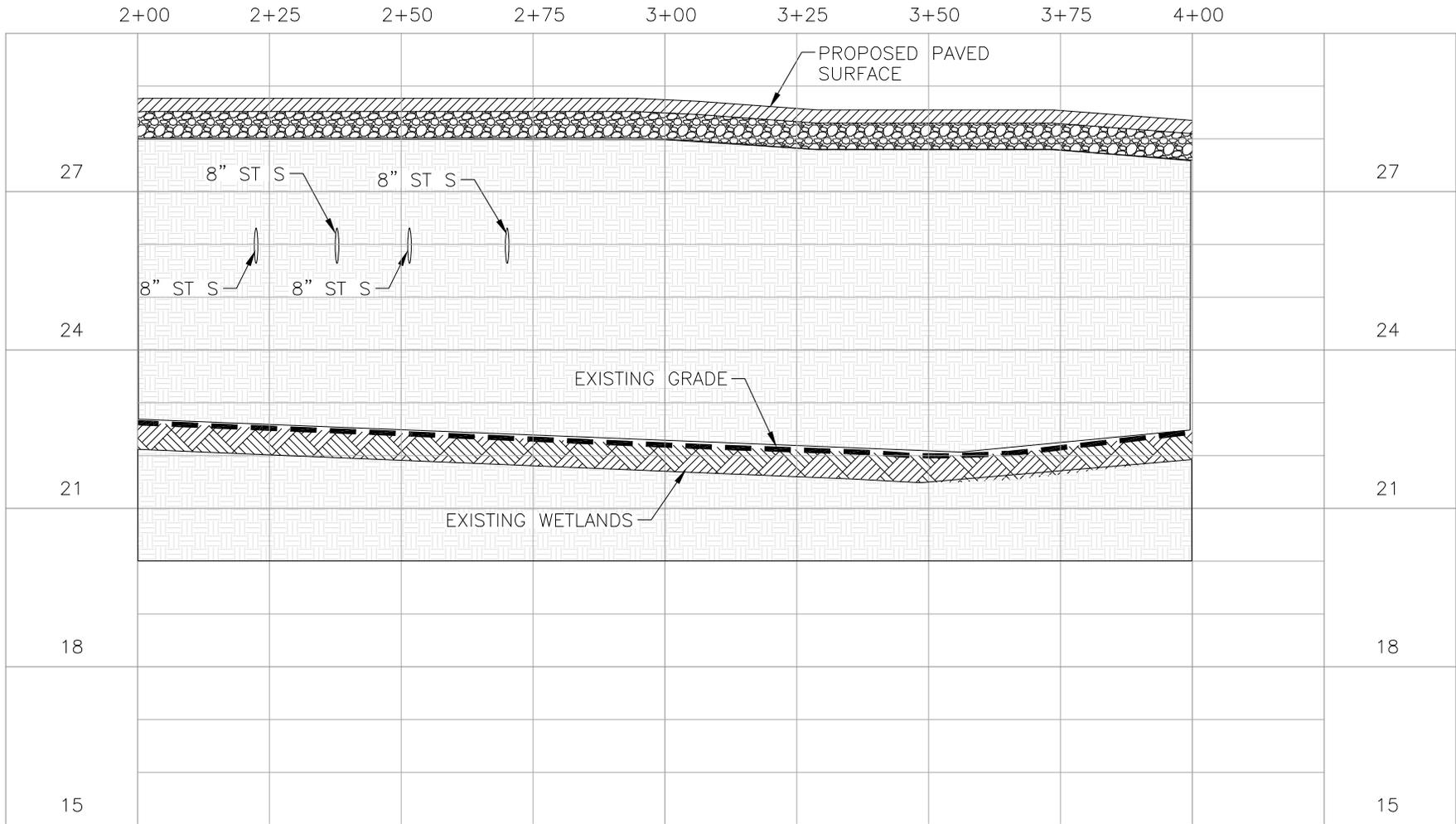
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VERT: 1" = 3'
STA 0+00 - 2+00

SITE CROSS SECTION

OCEAN SPRINGS, MISSISSIPPI

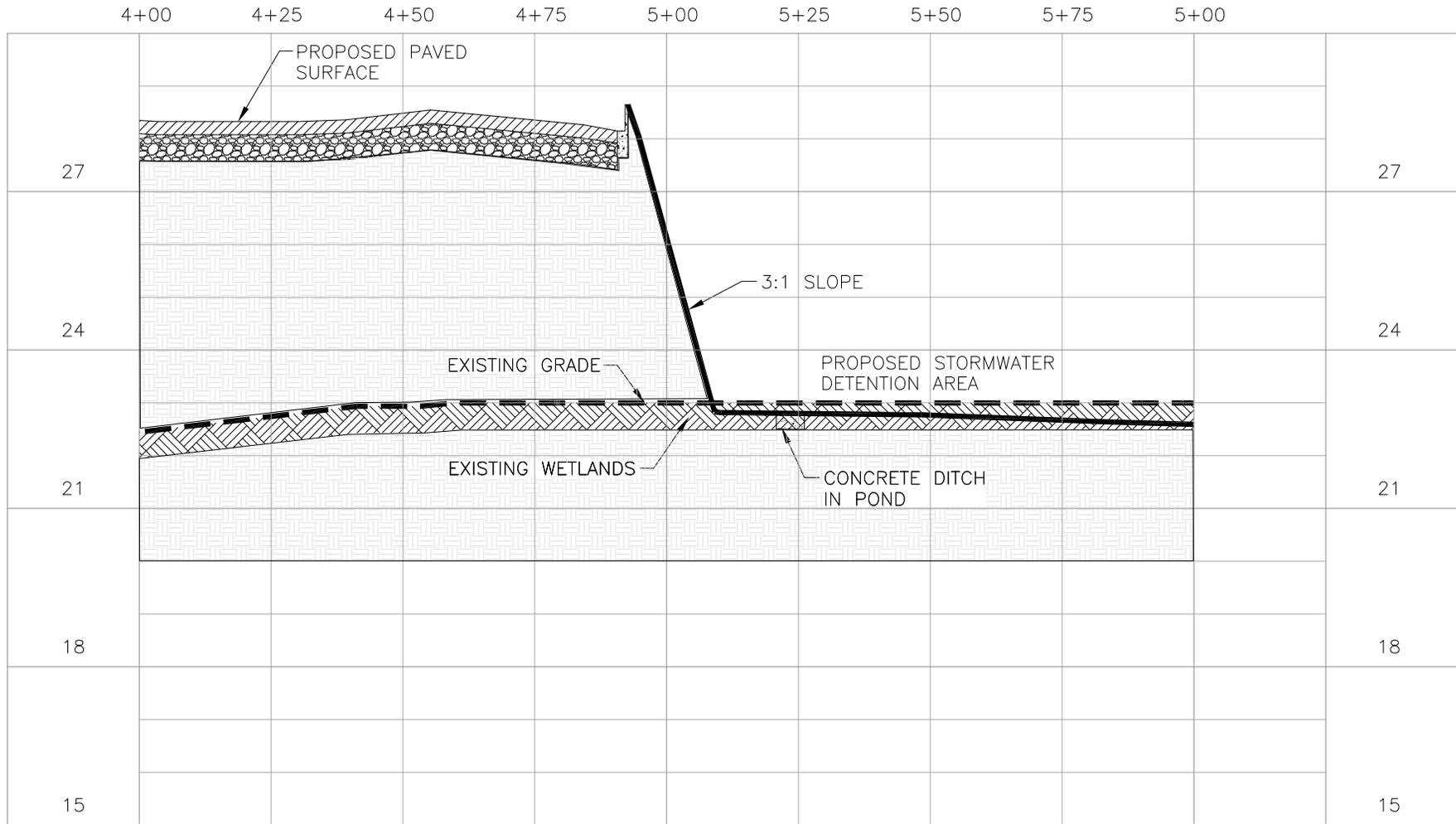
Carlson Consulting
ENGINEERS

MAY 6, 2015



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STA 2+00 - 4+00



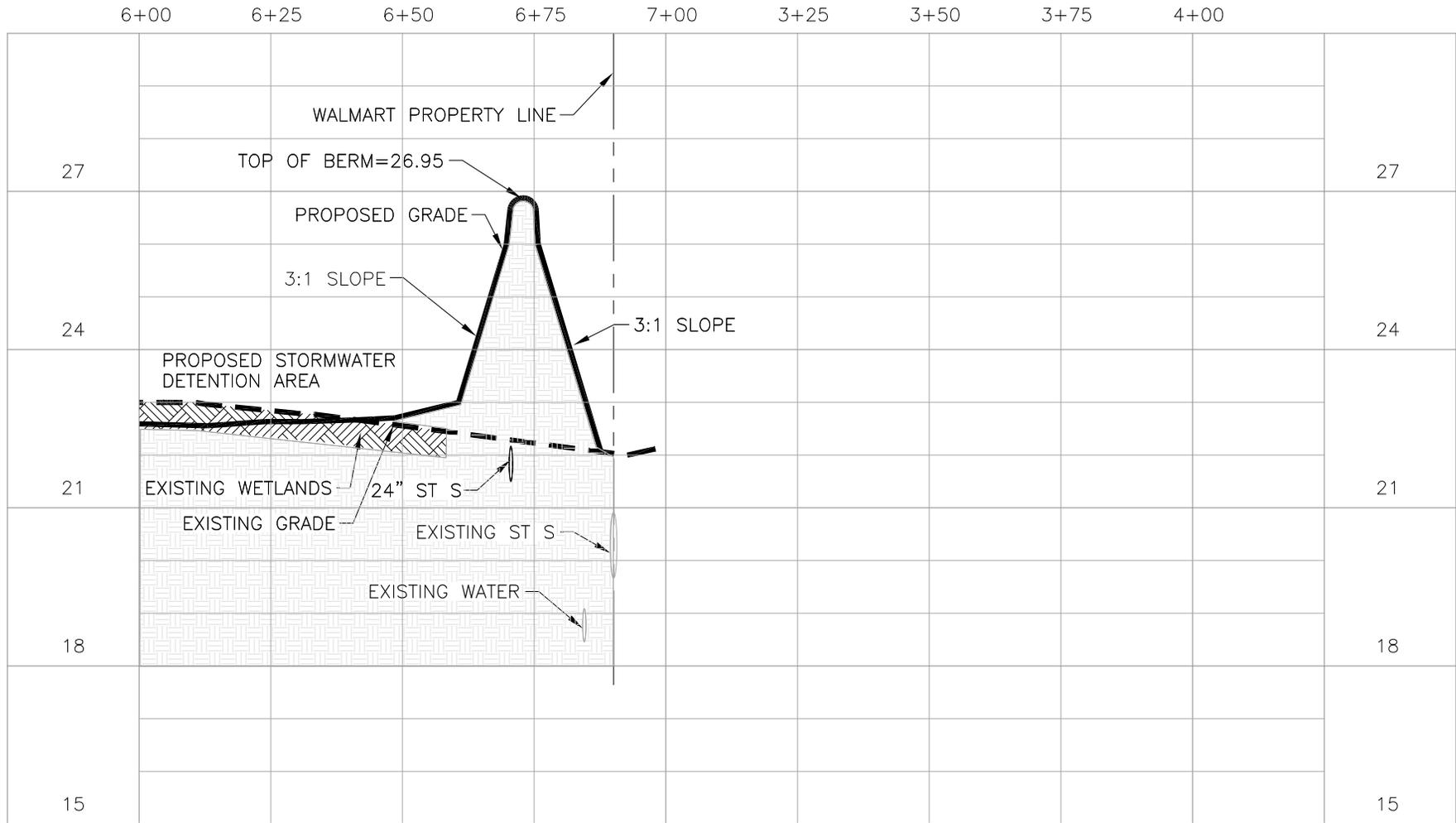
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STA 4+00 - 6+00

SITE CROSS SECTION

OCEAN SPRINGS, MISSISSIPPI

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MAY 6, 2015



HORIZ: 1" = 30'
VERT: 1" = 3'
STA 6+00 - 6+90.01