



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
PUBLIC NOTICE NO. SAM-2015-01291-KMN

March 29, 2016

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-160116

PROPOSAL TO FILL PORTIONS OF A MITIGATION EASEMENT/ DRAINAGE EASEMENT,
2 LOTS IN SEA OAKS SUBDIVISION,
LONG BEACH, 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. Please communicate this information to interested parties.

APPLICANT: **William Leiteritz**
141 Sea Oaks Boulevard
Long Beach, Mississippi 39560

AGENT: **William Leiteritz**
141 Sea Oaks Boulevard
Long Beach, Mississippi 39560

WATERWAY: **Mississippi Sound, Section 15, Township 8 South, Range 12 West, Long Beach, Harrison County, Mississippi (Latitude 30.3423° North, Longitude -89.1723° West). The area is depicted on the Mississippi Pass Christian Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009.**

WORK: **The applicant is requesting a DA Permit to place fill material in a wetland mitigation site including an unnamed drain (192' x 12' x 3') adjacent to two single-family residential lots at 139 Sea Oaks Boulevard (Mr. and Mrs. Henry Kijonka) and 141 Sea Oaks Boulevard (Mr. and Mrs. William Leiteritz), Long Beach, Mississippi. The applicant has requested to fill the drainage area (192' x 12' x 3') with placement of a 10" diameter culvert and fill material. The wetland mitigation site including the drainage area are located on the western portion of the lots and drains southward through a series of swales, culverts, and maintained City drains to the Mississippi Sound. The subject area is within a designated wetland mitigation easement and drainage easement associated with the original development of subdivision. The designated easement areas on each lot are approximately 40 feet wide by 90 feet long.**

HISTORY: In 1998, DA Permit Number MS97-02854 was issued for construction of Sea Oaks Subdivision, Long Beach, Mississippi. Mitigation to offset the impacts to on-site wetlands through the development of the subdivision were to include creation and preservation of on-site wetlands. The created and preserved wetlands were to be protected from disturbance through restrictive covenants in accordance with the Office of Pollution Controls specifications.

PROJECT PURPOSE: The applicant states that the project would enclose an existing drain removing an eyesore and a breeding location for disease carrying insects.

AVOIDANCE & MINIMIZATION: The applicant is proposing to place fill material in a residential mitigation easement area on two privately-owned lots. U.S. Army Corps of Engineers (USACE) has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant stated that he has no plans to offset the current mitigation area. USACE has not verified the adequacy of this mitigation proposal at this time.

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.

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 U.S. Army Corps of Engineers (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. 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 within the permit area. In accordance with Appendix C of 33 CFR Part 325, USACE has made a preliminary determination that the project as proposed would have "no potential to cause effects". **USACE will consult with the State Historic Preservation Officer to make a final determination based upon this review 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 permit area.**

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity would have "no effect" on listed endangered or threatened species. This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for information on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2015-01291-KMN** and should be directed to U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: **Ms. Kaaren M. Neumann**, 1141 Bayview Avenue, Suite 101, 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. Autry Akins**, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

CESAM-RD-M
SAM-2015-01291-KMN

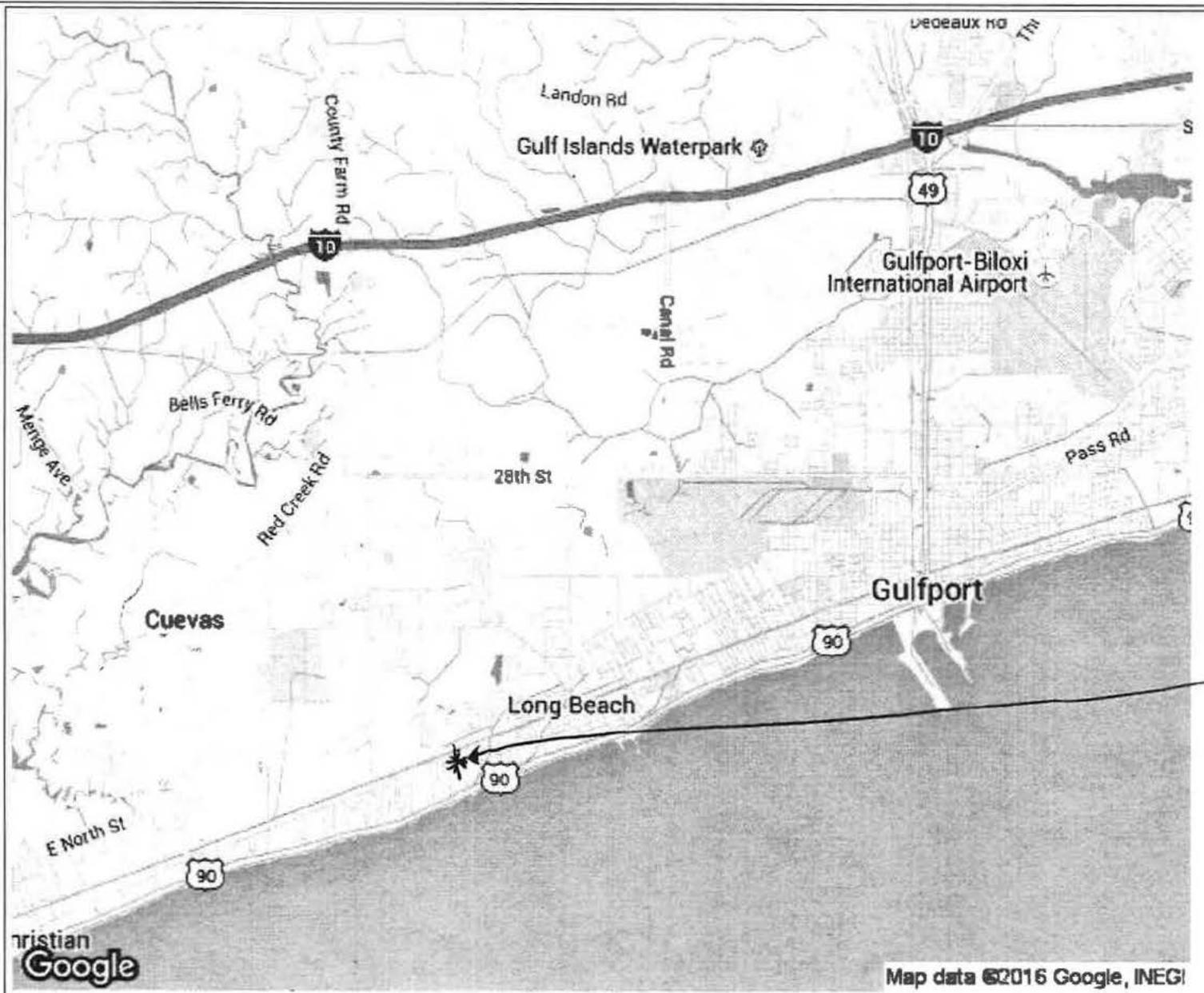
March 29, 2016
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All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (228) 523-4024 or email at kaaren.m.neumann@usace.army.mil. 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/Mission/Regulatory.aspx.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers



site



SAM-2015-01291-KMN



William Leiteritz
139 and 141 Sea Oaks Boulevard
Long Beach, Mississippi

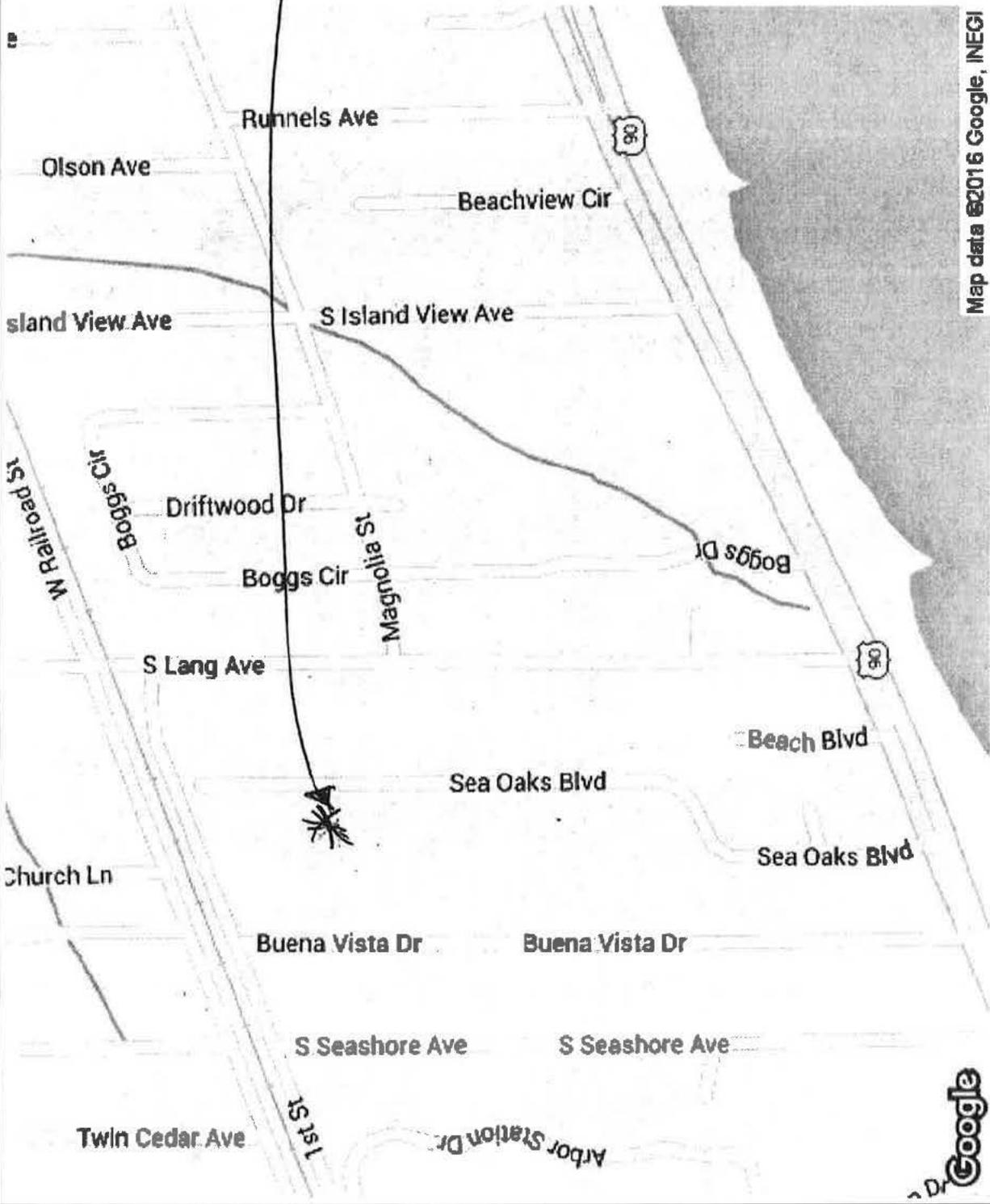


Date Printed: 03.23.2016

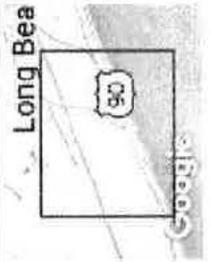
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Site



Map data ©2016 Google, INEGI



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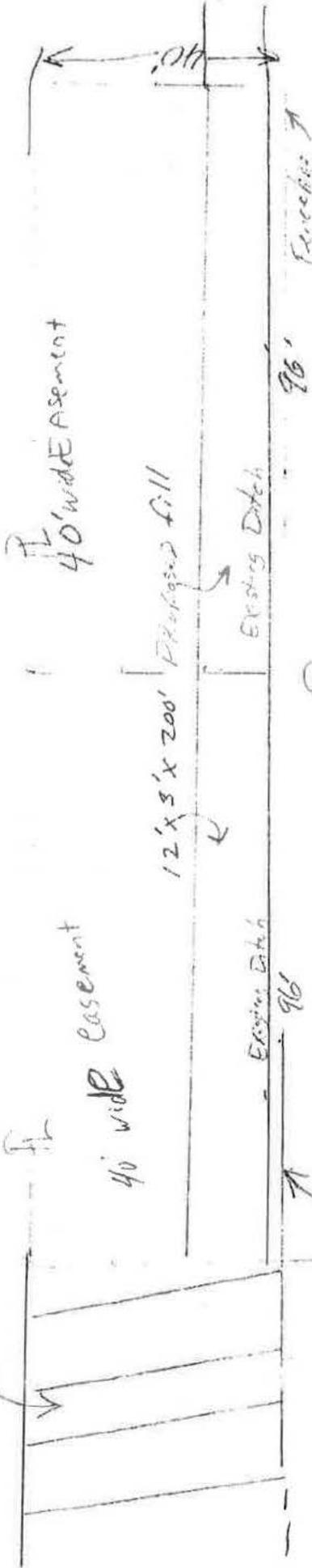
William Leiteritz
 139 and 141 Sea Oaks Boulevard
 Long Beach, Mississippi



Date Printed: 03.23.2016 Map Scale: 1:6771



EXISTING



143
SEA OAKS
STEVE
LANSON

141 SEA OAKS
William Lesteritz

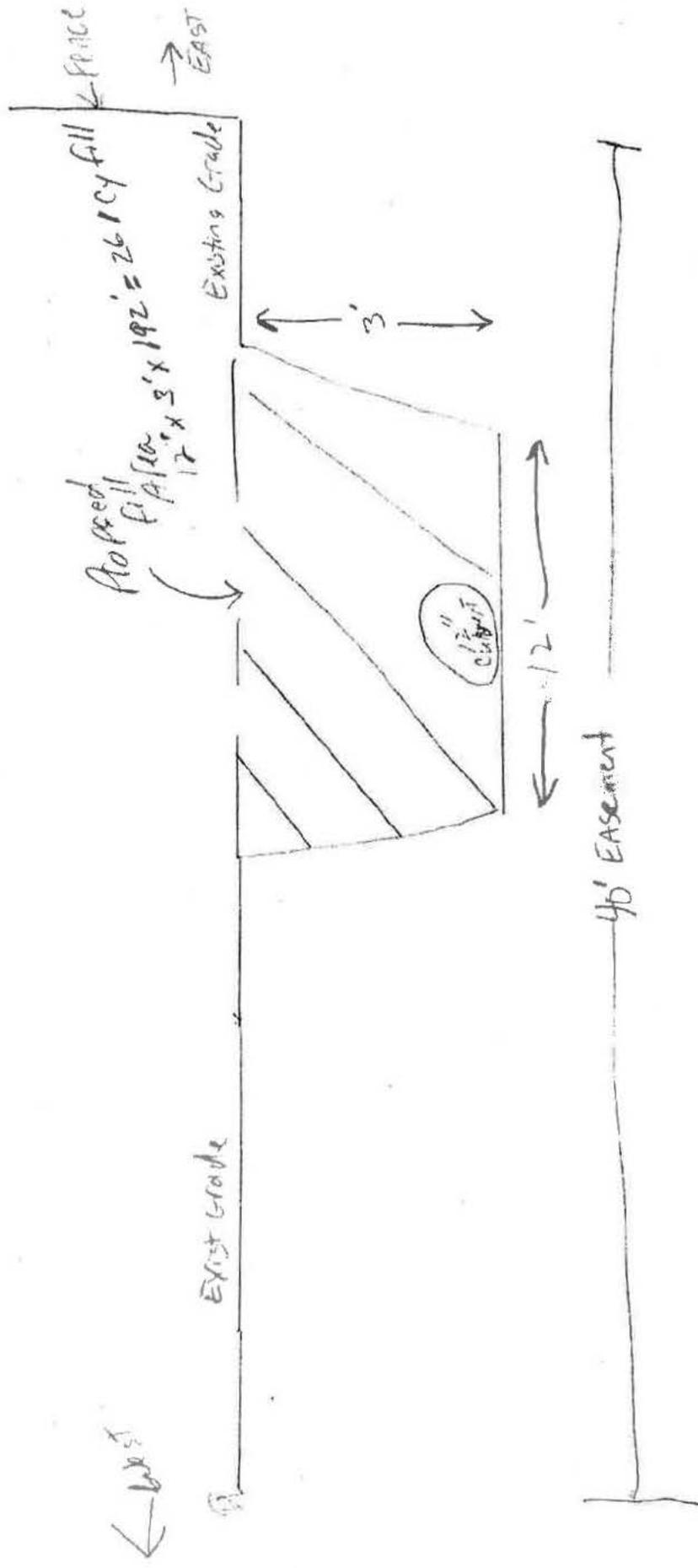
139 SEA OAKS
Henry Kijimka

137 SEA OAKS

FREDRICK FEENEY

SEA OAKS OAKS

11' x 25'
139-141 sea oaks Blvd
Long Beach, MS 39560



Typical X-section
 No Scale

139-141 Seacoaks Blvd
 Long Beach, MS, 39560