



REPLY TO  
ATTENTION OF:

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

CESAM-RD-M  
PUBLIC NOTICE NO. SAM-2016-00263-RCV

April 15, 2016

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED IMPACTS FOR A RESIDENTIAL SUBDIVISION,  
ON WETLANDS ADJACENT TO TCHOUTACABOUFFA RIVER,  
ALONG HWY 67, 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: **Merrill Land Company**  
Attention: **Mr. J. Collier Merrill**  
226 South Palafox Place, 11th Floor  
Pensacola, Florida 32591

AGENT: **D. R. Sanders and Associates**  
Attention: **Dana R. Sanders, Jr.**  
4017 Lake Wilma Road  
Moss Point, Mississippi 39562

LOCATION OF WORK AND WATERWAY: The proposed project site is located in the Woolmarket community of Harrison County on a 35.54 acre tract. The project site will impact 5.12 acres of low quality pine savanna wetlands adjacent to Howard Creek, Section 36, Township 6 South, Range 10 West, Biloxi, Harrison County, Mississippi (Latitude 30.47442° North, Longitude 88.94822° West).

PROJECT PURPOSE: The basic project purpose of the proposed development is the construction of an 86 lots, commercial residential subdivision development, including all utility lines, and internal roads., The U.S. Army Corps of Engineers (USACE) has initially determined this project to be non-water dependent.

EXISTING CONDITIONS: The Smith Subdivision project is proposed to be constructed on a 35.54-acre tract located west of Hudson Krohn Road in the Woolmarket Community of Biloxi, Harrison County, Mississippi. The property is bordered by Old Hwy 67 to the east, Woolmarket Road to the south and has private residences bordering the west and north boundaries. The site has a single family home site located in the center of the

property with undeveloped acreage making up the remainder of the acreage.

A total of 18.34 acres of low-quality pine savanna wetlands occur on the 35.54-acre tract. The majority of the pine savanna wetland acreage occurs along the southern half of the property located at the lower slope of the nonwetland ridge which extends across the northern half of the property. The undeveloped acreage has been heavily timbered approximately 5-6 years ago leaving the property with a sparse over story with a dense sapling/shrub stratum. Drainage of this property flows through culverts under Woolmarket Road and ultimately into the Tchoutacabouffa River. A small dredged pond is located along the southern boundary line south of the existing house site.

**ALTERNATIVES:** Alternative sites were evaluated. The applicant states the proposed preferred site is the only property available that meets the required criteria for the project location. Selection criteria for the location of the preferred alternative was based upon the size of the property, target client population, location, accessibility, traffic, environmental, cultural, site availability and costs. On-site alternatives were considered for environmental concerns and available nonwetlands, while still providing an economically viable project

**PROPOSED WORK:** The project consists of an 86 lot residential subdivision, including roads, walkways, and retention ponds. A total of 18.34 acres of low-quality pine savanna wetlands occur on the 35.54-acre tract, of which 5.12 acre is proposed to be permanently filled.

**AVOIDANCE & MINIMIZATION:** The plan view of the project shows the project layout maximizes the non-wetland acreage and allows for maximum utilization of the property for project uniformity. Only strategically placed road crossings and lot edges to accommodate a house pad were considered for fill.

The applicant states that minimization of wetland impacts will be carried out by best management practices (i.e. over-seeding) will be carried out in all areas where bare ground exists in order to minimize sediment loading of surface runoff. Silt fences will be constructed and maintained to prevent sedimentation. The USACE has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

**MITIGATION:** The applicant proposes to purchase sufficient number of in-kind credits from a USACE's approved mitigation bank. The applicant proposes to mitigate the impacts of 5.12 acres of low quality wet pine savanna by purchasing 10.24 wet pine savanna credits from an IRT-approved wetlands mitigation bank. The U.S. Army Corps of Engineers (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 by the Mississippi Department of Environmental Quality.

The National Register of Historic Places (NRHP) will be consulted for properties listed in or eligible for the National Register, which would be affected by the proposed work. Copies of this notice are being sent to the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services for further consultation and comments. Previous investigations for the facility have determined that no properties are listed in or eligible for listing in the NRHP. In accordance with Appendix C of 33 CFR Part 325, the USACE has determined the permit area is the full area of development for the overall project footprint. The agent representing the applicant submitted a Cultural Resource Assessment of the current permit review area to the Mississippi Department of Archives and History (MDAH) for review. Copies of this public notice are being sent to the SHPO.

**ENDANGERED SPECIES: A pedestrian survey of the site was conducted for Federally listed species during December of 2015. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity may require additional coordination with the U.S. Fish and Wildlife Service (FWS). The gopher tortoise is the only federally listed species that could potentially occur on this site knowing the presence of dense sapling/ shrub stratum, and to the lack of any supporting habitat that might otherwise be potentially occupied by red-cockaded woodpeckers, Louisiana quillwort, Mississippi gopher frog, Mississippi Sandhill Crane, Alabama Red Bellied Turtle, or other Federally listed species that may occur temporarily or otherwise in coastal Mississippi.**

**The site was surveyed by the agent representing the applicant and no evidence of occupancy (burrows or tracks) was found, allowing the conclusion the site is not occupied by gopher tortoises. Additional coordination will be performed with the FWS on the proposed project.**

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 benefit, 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

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 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2016-00263** and should be directed to the District Engineer, U.S. Army Engineer District Mobile, Attention: **Mr. Rudolph C. Villarreal**, Post Office Box 2288, Mobile, Alabama 36628-0001, 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. Austry Akins**, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

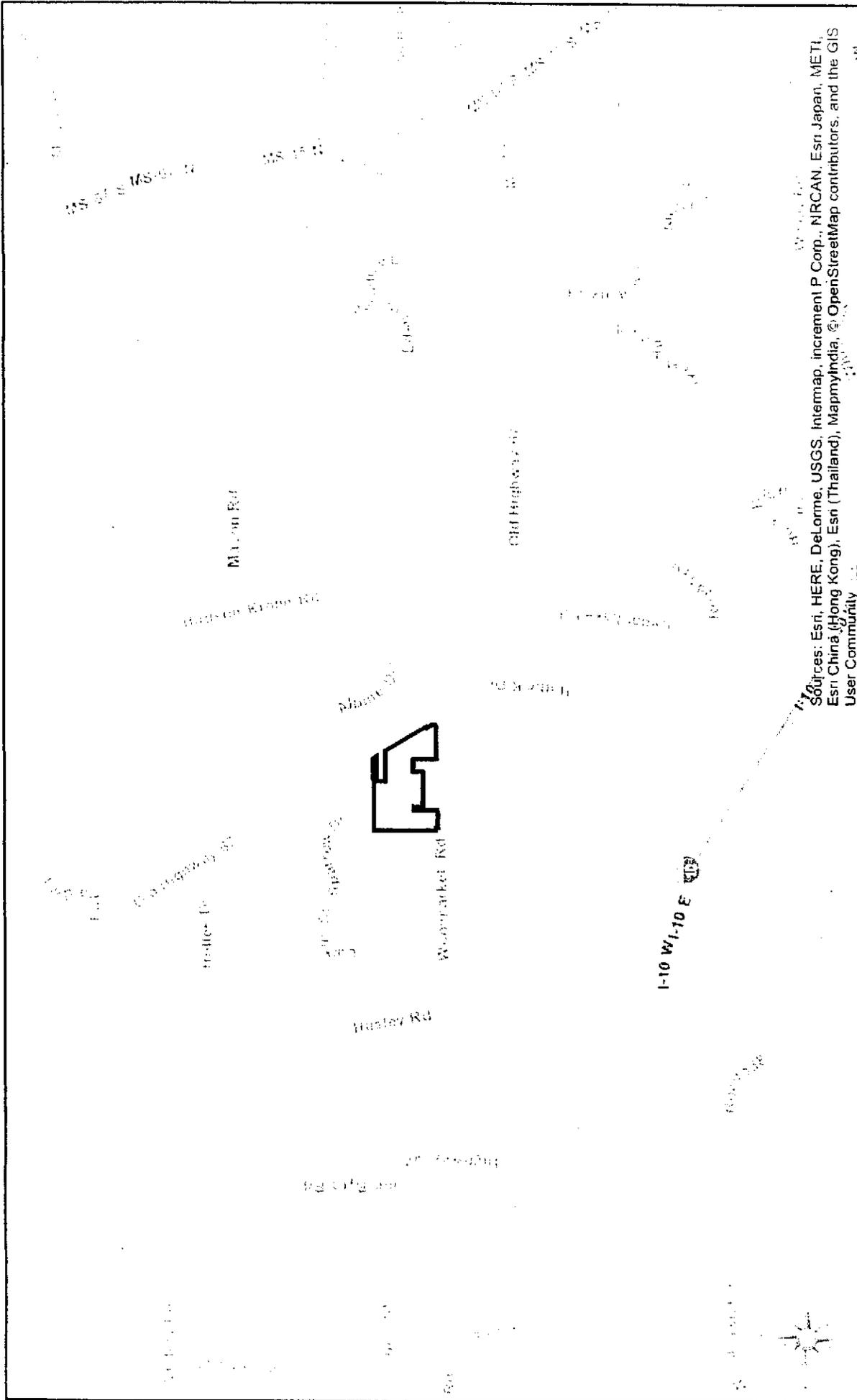
**All Comments should be received no later than 30 days from the date of this Public Notice.** If you have any questions concerning this publication, you may contact the project manager at (251) 690-3246, or at [rudolph.c.villarreal@usace.army.mil](mailto:rudolph.c.villarreal@usace.army.mil). Please 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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

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MOBILE DISTRICT  
U.S. Army Corps of Engineers

**FIGURE 1. SMITH SUBDIVISION PROJECT**



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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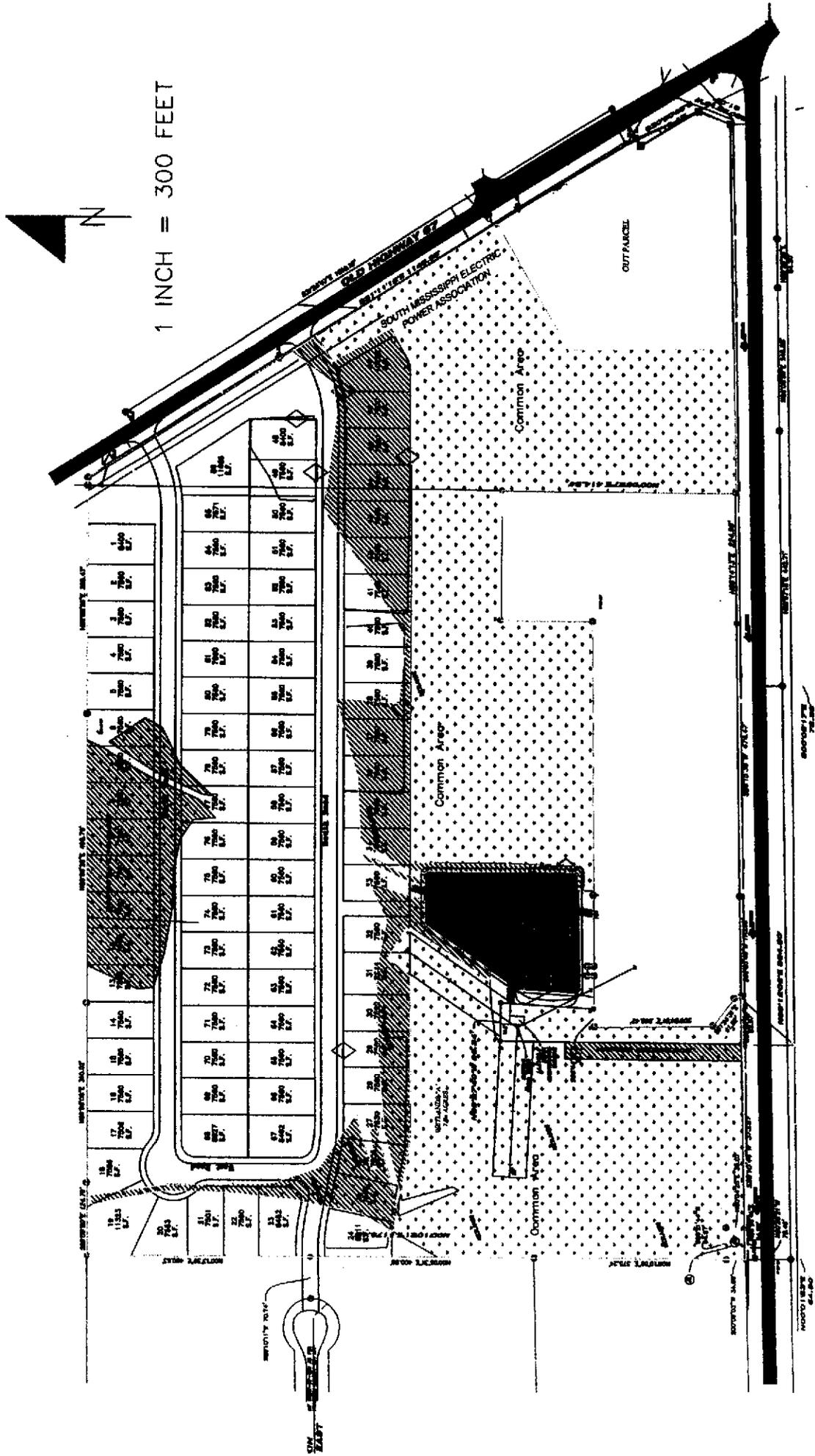


**HARRISON COUNTY, MISSISSIPPI**

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: February 23, 2016

FIGURE 2. SMITH SUBDIVISION PROJECT LAYOUT  
 WOOLMARKET COMMUNITY, HARRISON COUNTY, MS

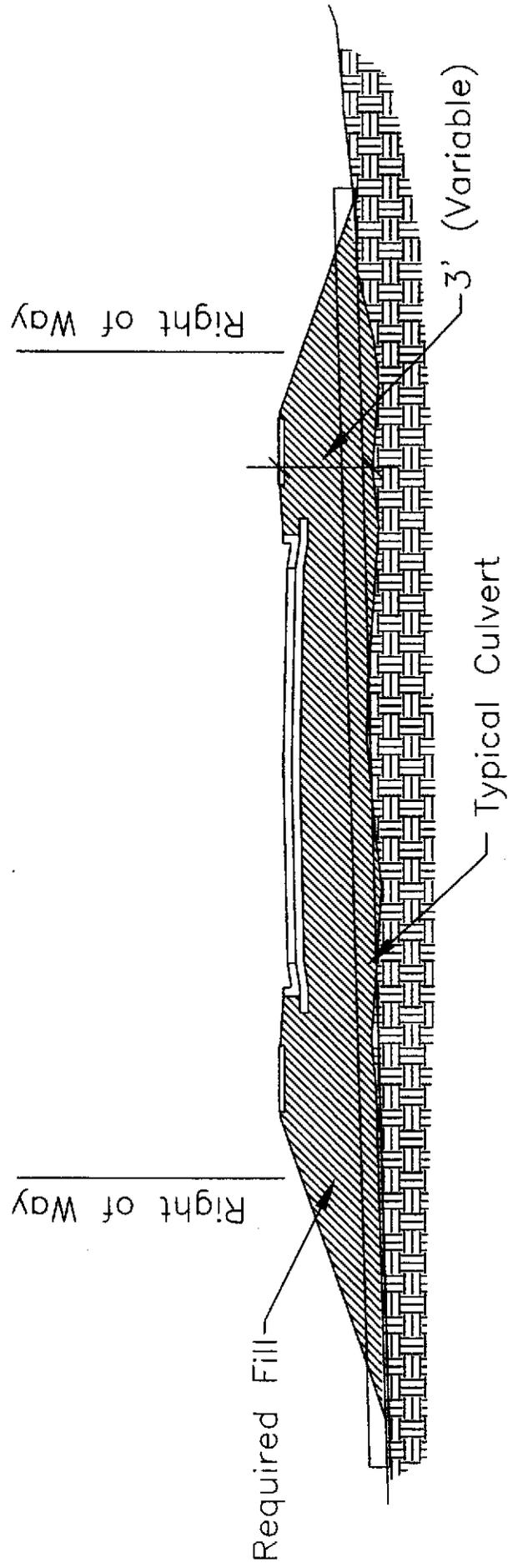


Wetlands - 18.54 Acres

Impacted Wetlands - 5.12 Acres

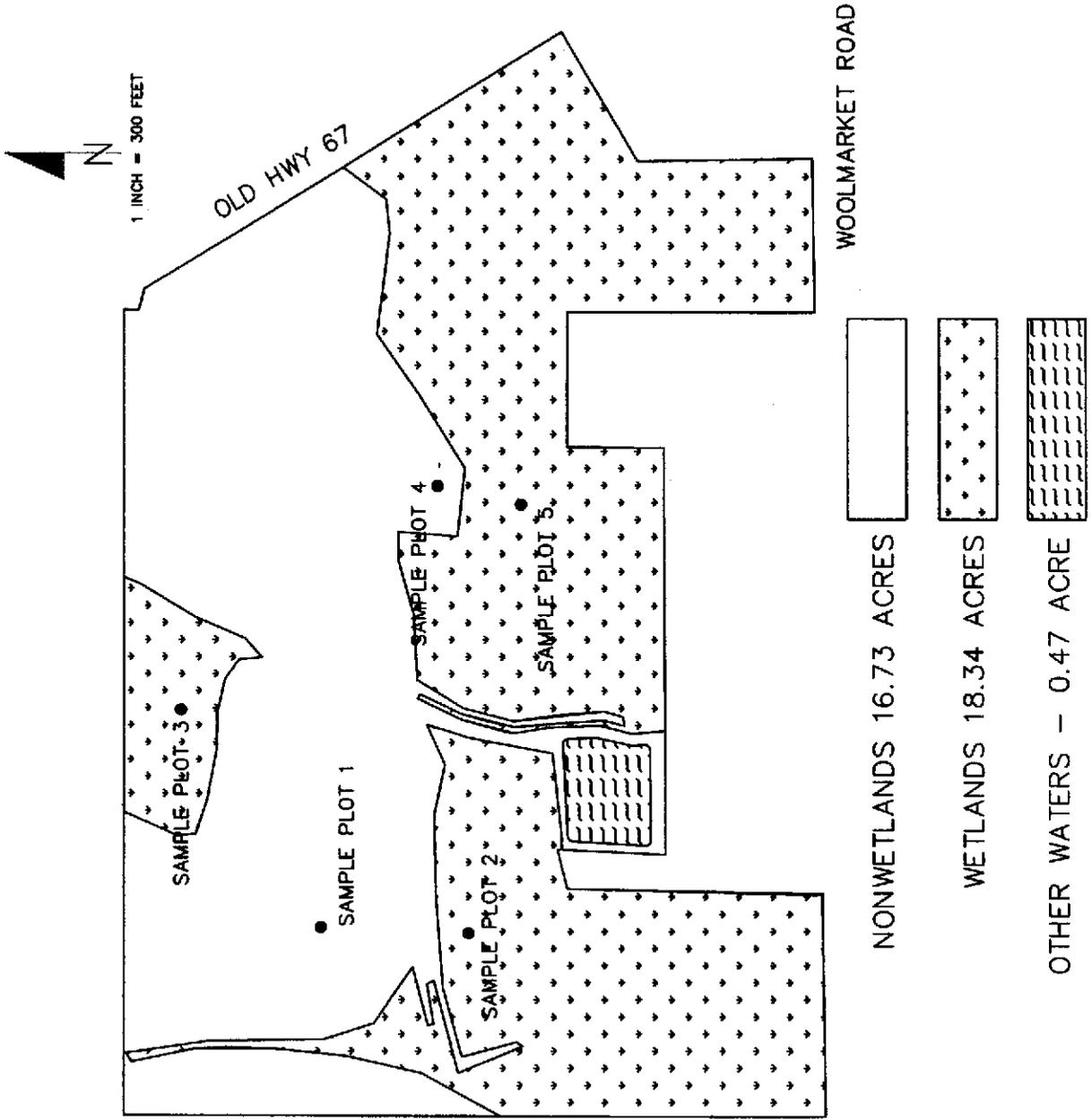
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FIGURE 3. SMITH SUBDIVISION TYPICAL ROAD CROSS SECTION OVER WETLANDS



SOM-2016-00263-REV

FIGURE 2. WETLAND DELINEATION MAP FOR SMITH SUBDIVISION PROPERTY, BILOXI, MS



DELINEATION BY D. R. SANDERS AND ASSOCIATES, INC. 10/15/15

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