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: Racetrac Petroleum, Inc.
3225 Cumberland Boulevard, Suite 100
Atlanta, Georgia 30339

AGENT: Machado/Patano, PLLC
Attention: Jason Polite, E.I.
1641 Popps Ferry Road, Suite A-4
Biloxi, Mississippi 39532

LOCATION: Wetlands associated with the Bernard Bayou watershed, south of Interstate 10 (I-10), north of Intraplex Parkway and adjacent to Lorraine Road, Section 18, Township 7 South, Range 10 West, City of Gulfport, Harrison County, Mississippi. (Latitude 30.437 North, Longitude -89.033 West).

WORK: The applicant proposes to place fill material in 3.92 acres of wetlands for the construction of a fueling station, convenience store, parking lot, and a future bank. The work would include the placement of approximately 18,975 cubic yards of clean fill material into the 3.92-acre parcel. The proposed Racetrac Market would include a 5,411 square foot building, associated fuel pumps and 38 parking spaces. The proposed bank building would include an approximately 4,000 square foot building, 5 drive thru lanes, and 25 parking spaces. The project plans include two detention basins, one located on the west side of the property and one located on the north side adjacent to Intraplex Parkway. Additionally, two driveway entry points would be constructed. The
entry from Intraplex parkway would include a 67-foot by 15-inch culvert. The entry from Lorraine Road would include an 80-foot by 24-inch culvert. Best Management Practices would be utilized to prevent fill material from entering adjacent wetland areas.

EXISTING CONDITIONS: The 3.92-acre parcel is located at the intersection of Intraplex Parkway and Lorraine Road. This parcel is a portion of an 81.20-acre property owned by Mississippi Power which the applicant will be purchasing. The parcel is located within the Seaway Industrial Park on the far eastern end. The parcel is mostly forested and bordered by heavily trafficked roadways. The central section of the 81.20-acre property is cleared and being utilized as a training center for electric power linemen. The remainder of the parcel is jurisdictional wetlands.

PROJECT PURPOSE: As stated by the applicant, “This project would involve the construction and operation of a fuel station and convenience store located in Gulfport and capable of servicing the high traffic volumes around the I-10 and Lorraine Road interchange. Continued growth of retail, travel and transportation industries in Gulfport have created the need for accessible gasoline and diesel fuel stations, such as that which is proposed. The preferred project site is located approximately .15 miles from I-10, a heavily traveled interstate system in Mississippi. In 2014, the Mississippi Department of Transportation and Development estimated that I-10 (just east of the Lorriane/Cowan interchange) carries approximately 72,000 vehicles per day. Currently, there are no fuel stations in the viewshed of the preferred site. As a result, there is a high demand for this resource in the area and the proposed project would meet that need. The construction of this project would create local jobs and provide valuable goods and services to this portion of Gulfport and Harrison County.” Additional review will be performed by the USACE and cooperating agencies.

AVOIDANCE AND MINIMIZATION: Minimization of wetland impacts would be carried out by employing Best Management Practices 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 to grass mixtures, except in areas to be sodded. Planting and/or sodding would be undertaken as soon as possible after preparation of the project area.

ALTERNATIVES: The USACE initial review of alternatives submitted by the applicant consists of the No-Action alternative, three off-site alternatives, and the proposed alternative. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: Compensatory mitigation would be required for the loss of 3.92 acres of low quality wet pine savannah wetlands (based on M-WRAP). The applicant would purchase 7.84 in-kind wetland mitigation credits from the Wetlands Solutions Devil’s 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. The MDMR issued Certification by letter dated January 20, 2017. (DMR-170135).

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 affect 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 entire footprint of the fuel station, market place, bank and parking 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 USACE has determined that the proposed project would have “no effect” on cultural resources in the permit area. The MDAH responded to the MDMR notice by letter dated December 14, 2016 stating “no historic properties listed in or eligible for listing in the National Register of Historic Places are likely to be affected. As such, we have no objections to the proposed undertaking.” (MDAH Project Log #11-094-16).

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 in Harrison County: the gopher tortoise (T)(Gopherus polypemus), the Dusky gopher frog (Rana sevosa), the Louisiana quillwort(E) (Isoetes louisianensis), the Alabama red-belly turtle (E) (Pseudemys alabamensis), 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 county and the Agent’s Endangered and Threatened Species evaluation, 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. The Agent for the applicant provided information to the USFWS requesting consultation. By letter dated February 7, 2017, the USFWS stated the proposed project area does not contain suitable habitat for federally listed species, therefore, the Service has determined that the proposed project will have “No Effect” on listed species.”

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2016-01577-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: Ms. Jennifer Wittmann, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530.

All Comments should be received no later than 30 days from the date of the 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