



REPLY TO
ATTENTION OF:

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

Coastal Branch
Regulatory Division

MAR 13 2008

PUBLIC NOTICE NO. SAM-2008-0189-SMZ

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**MALPASS LANDING SUBDIVISION ADDITION
WETLANDS TRIBUTARY TO BACK BAY OF BILOXI
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 (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Champagne & Fearn Builders
Mr. Michael Fern
193 Beauvoir Road
Biloxi, MS 39566

WATERWAY: Wetlands tributary to Back Bay of Biloxi located on Brasher Road in Section 14, Township 7 South, Range 10 West, Biloxi, Harrison County, Mississippi. Specifically, the site is located at Latitude 30.4286° N and Longitude -88.9532° W.

WORK: The applicant proposes to fill at total of 2.73 acres of wetlands for two additional phases of Malpass Landing Subdivision in Biloxi, Harrison County, Mississippi. The project site is 7.78 acres located north of Brasher Road. Wetlands comprise 2.73 acres of the project site and are composed of pine savannah wetlands. The area is bordered on the north by undeveloped land and private residences, on the east by Biloxi public school and private residences, on the south by Brasher Road, and on the west by a residential subdivision. The applicant proposes to mitigate for wetland impacts by purchasing the appropriate number of mitigation credits from a Corps-approved mitigation bank.

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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 certified that the proposed activity complies with and will be conducted in a manner that is consistent with the Mississippi Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) 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, 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 Corps 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 Corps 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 to consider 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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice

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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. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

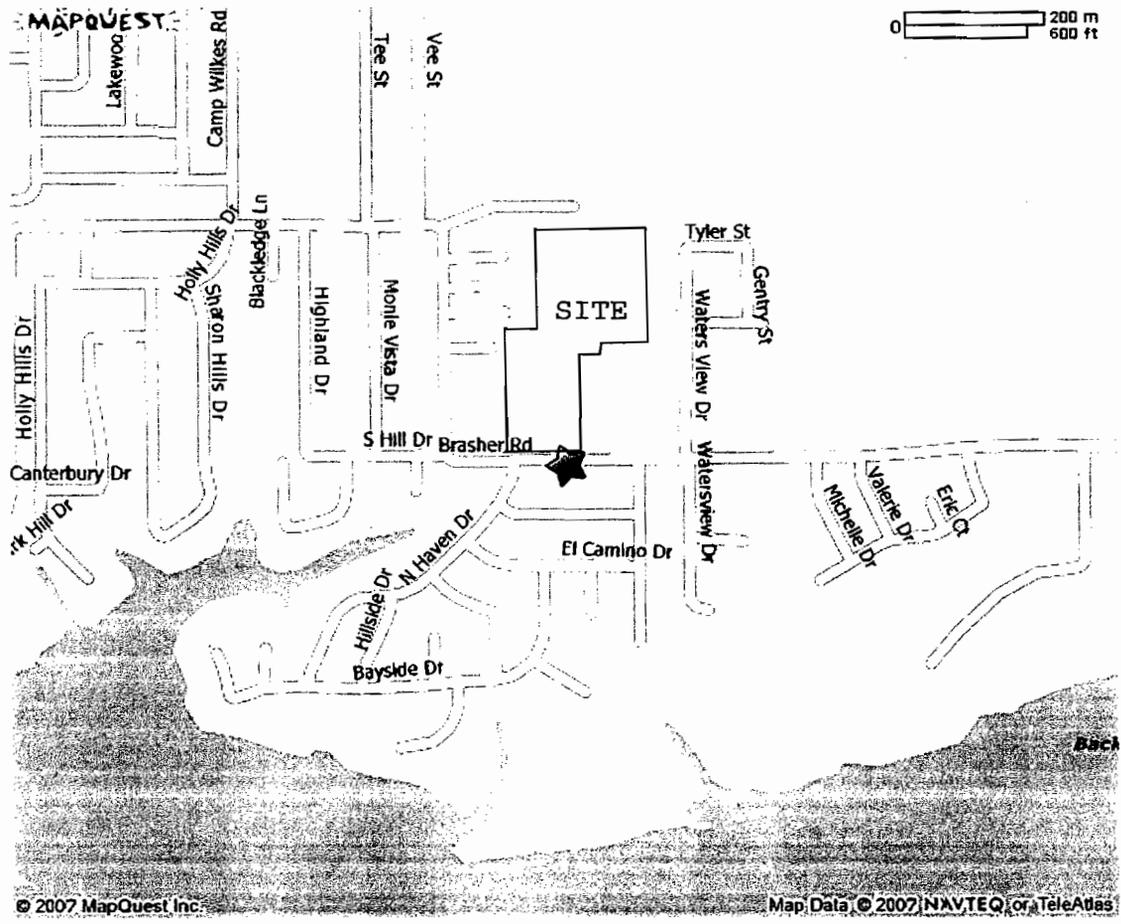
Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. In accordance with 33 CFR 325.2(b)(5), this public notice serves as a request for information from the U.S. Fish and Wildlife Service 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-2008-0189-SMZ and should be directed to the District Engineer, U.S. Army Corps of Engineers, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received not later than 21 days from the date of this notice. If you have any questions concerning this publication, you may contact the Project Manger via email at sheri.m.zettle@sam.usace.army.mil or telephone number 251-690-2349. Please refer to the above Public Notice number. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Enclosures

MOBILE DISTRICT
U.S. Army Corps of Engineers

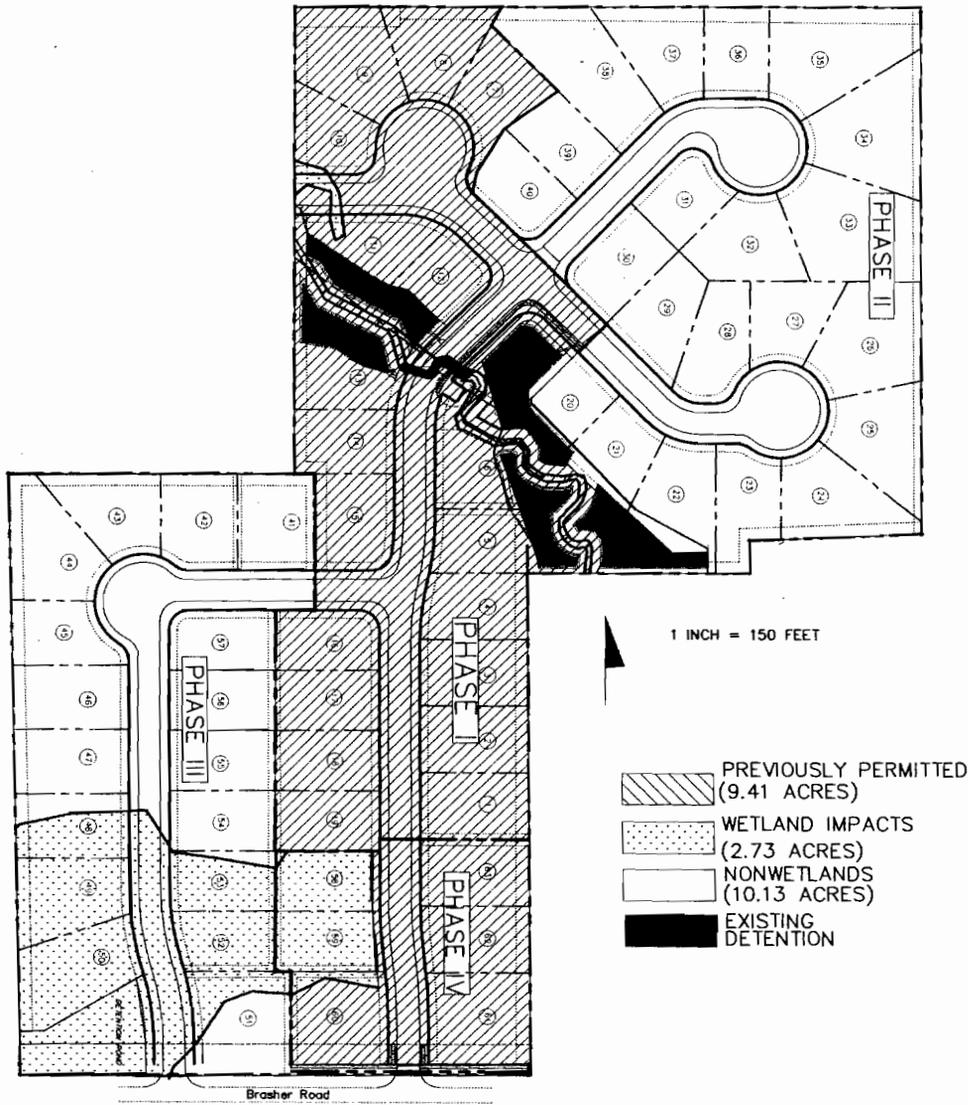
FIGURE 1. SITE LOCATION OF MALPASS LANDING
BRASHER ROAD, HARRISON COUNTY, MISSISSIPPI.



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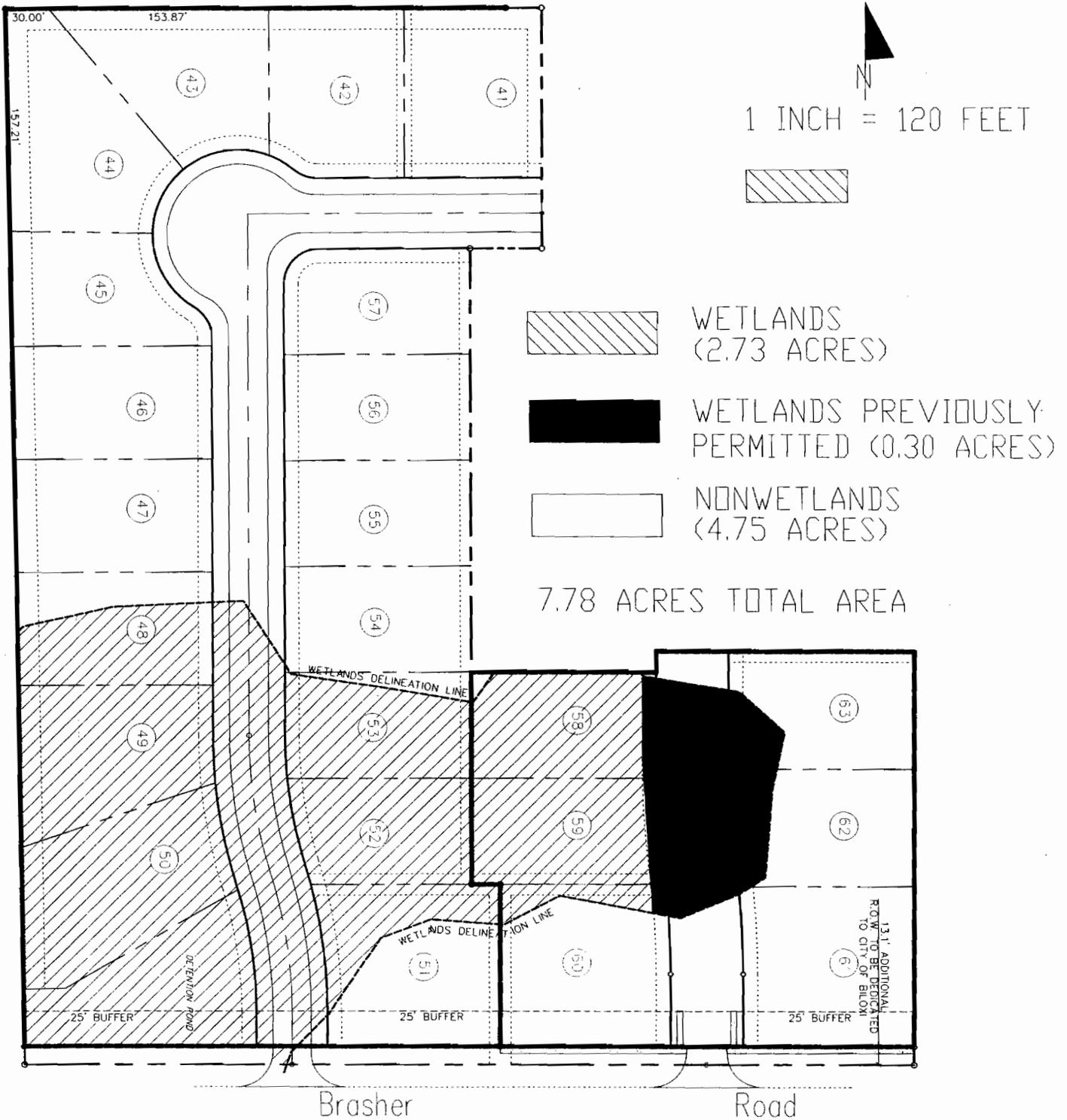
FIGURE 2a. PLAN VIEW OF MALPASS LANDING SUBDIVISION

City of Biloxi, Mississippi
Champagne & Fearn, Inc.



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FIGURE 2b. PLAN VIEW OF MALPASS LANDING SUBDIVISION ADDITION BILOXI, MS
 CHAMPAGNE & FEARN, INC.



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