



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
SUBJECT: SAM-2000-02528-ALF

SEP 20 2007

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

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED WETLAND FILL FOR CONSTRUCTION OF A CONDOMINIUM
DEVELOPMENT IN LAKESHORE, HANCOCK 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: Michael Cure
P.O. Box 44
Lakeshore, Mississippi 39558**

WATERWAY: Wetlands adjacent to Bayou Caddy at 5200 Shipyard Road in Section 19, Township 9 South, Range 14 West in Lakeshore, Hancock County, Mississippi; specifically, the site is located at Latitude 30° 14.30'N, Longitude -89° 25.61'W.

WORK: The applicant requests after-the-fact authorization to retain fill material placed in 2.7 acres of wetlands at 5200 Shipyard Road, Lakeshore, Hancock County, Mississippi. In 2000, a DA permit was issued on the same property to fill 2.7 acres of wetlands for the expansion of a seafood processing facility. The original permit has expired and the project purpose has changed. Currently, the applicant requests authorization to retain the fill material for the purpose of constructing a condominium development, Breezes of Paradise Bay, consisting of four condominium towers. The project site is approximately 5.3 acres in size, of which 3.9 acres are considered wetlands. The wetlands are part of the estuarine system of Bayou Caddy and the Mississippi Sound. The applicant proposes to compensate for the impacts to 2.7 acres of wetlands through the creation of 4 acres of high marsh and the preservation of 40 acres of mixed estuarine, palustrine, and upland habitat. The marsh creation would include grading the project site to appropriate elevations, sprigging with high marsh vegetation on 3-foot centers, and yielding 80% coverage in 5 years. The mitigation site is located along Turkey Bayou north of Bayou Caddy in Section 13, Township 9 South, Range 15 West in Lakeshore, Hancock County, Mississippi.

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.

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The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State 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 will be consulted for properties listed in or eligible for the National Register known to exist which would be affected by the proposed work. This review will constitute the full extent of cultural resources investigations 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. Copies of this notice

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

The project site lies within the range of several Federally listed threatened or endangered species. However 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.

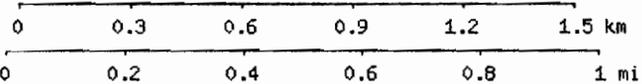
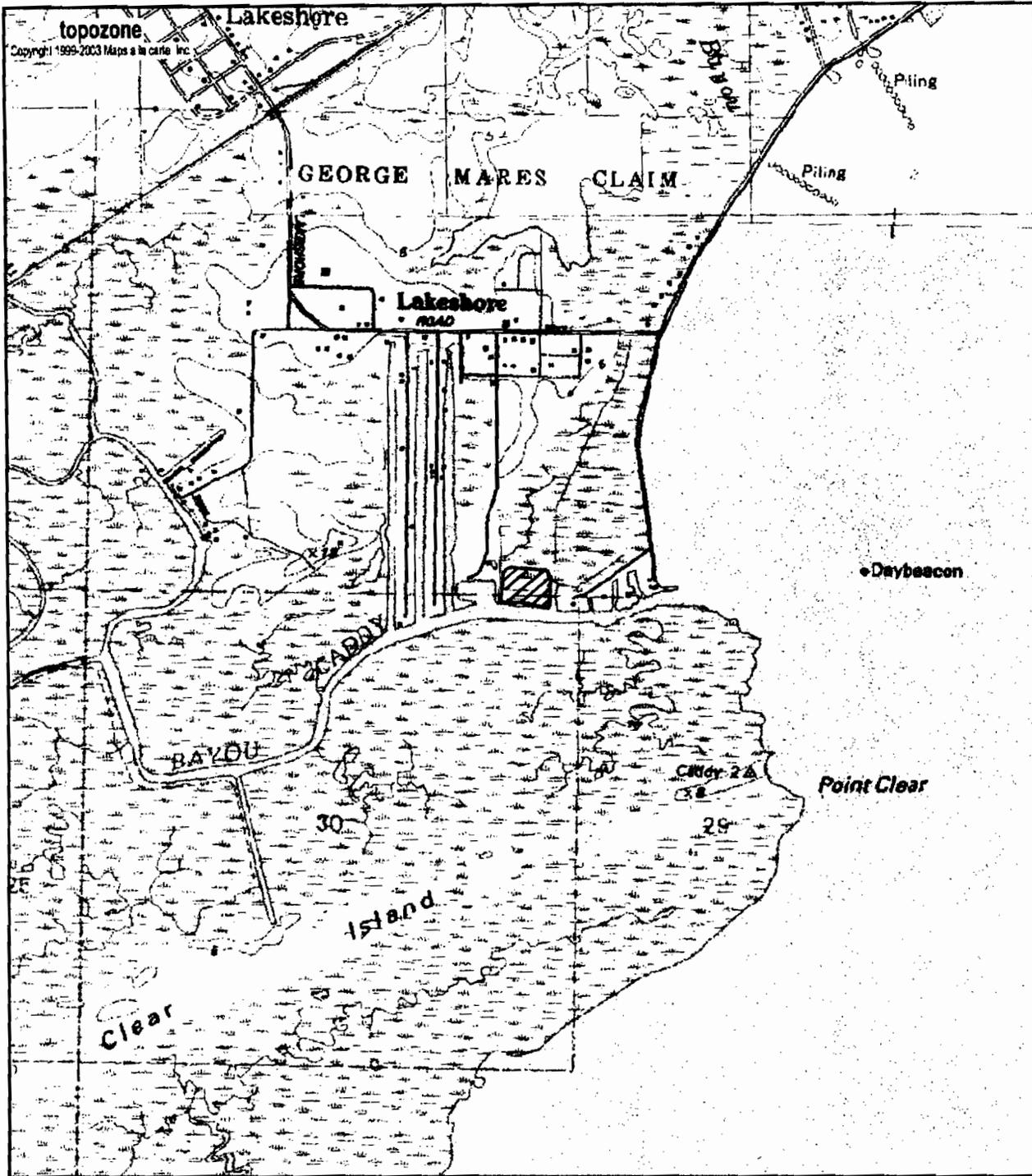
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2000-02528-ALF** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department 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. 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 via e-mail at Allison.L.Felsher@sam.usace.army.mil or telephone number **(251) 690-2658**. 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/rd/reg and take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

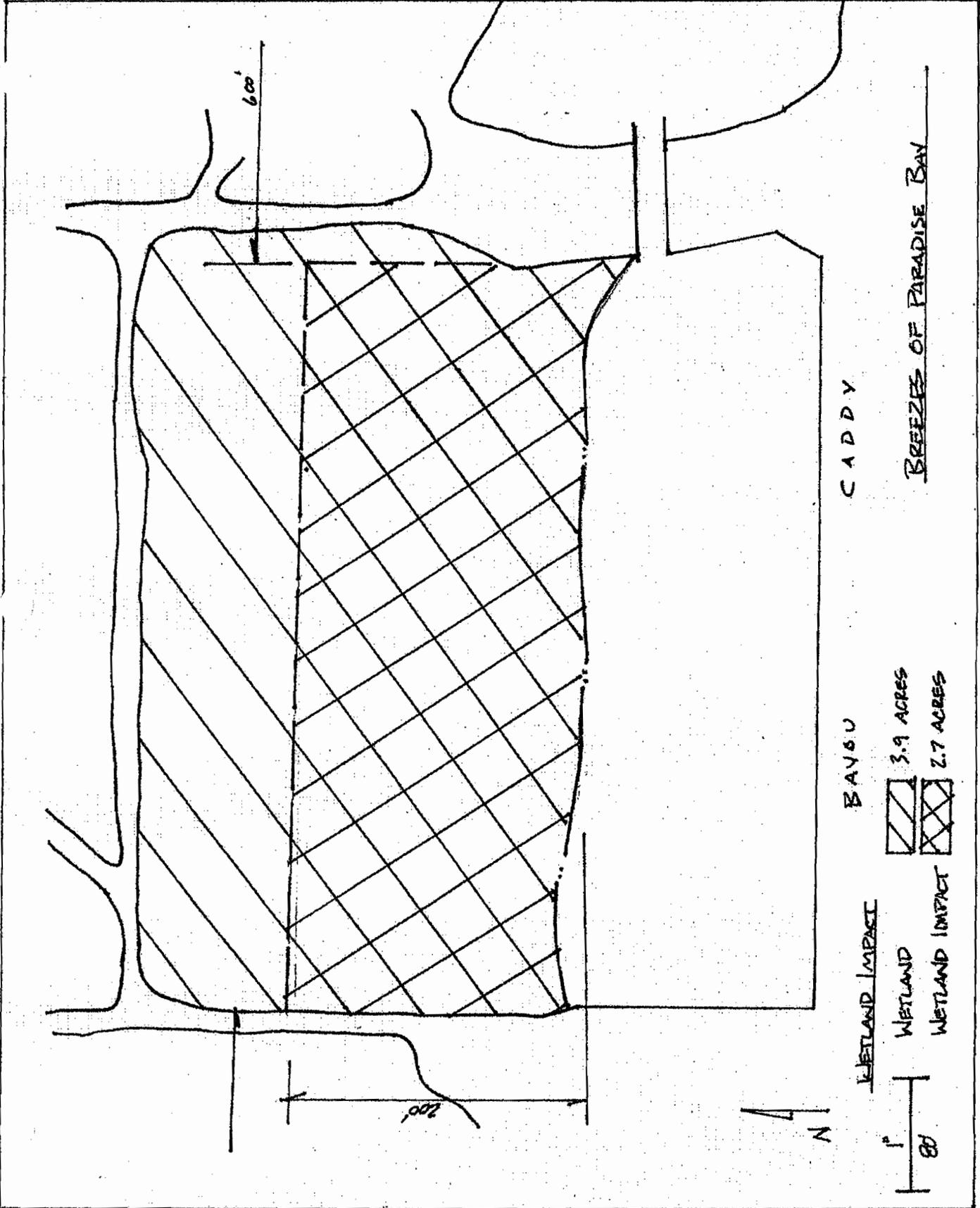
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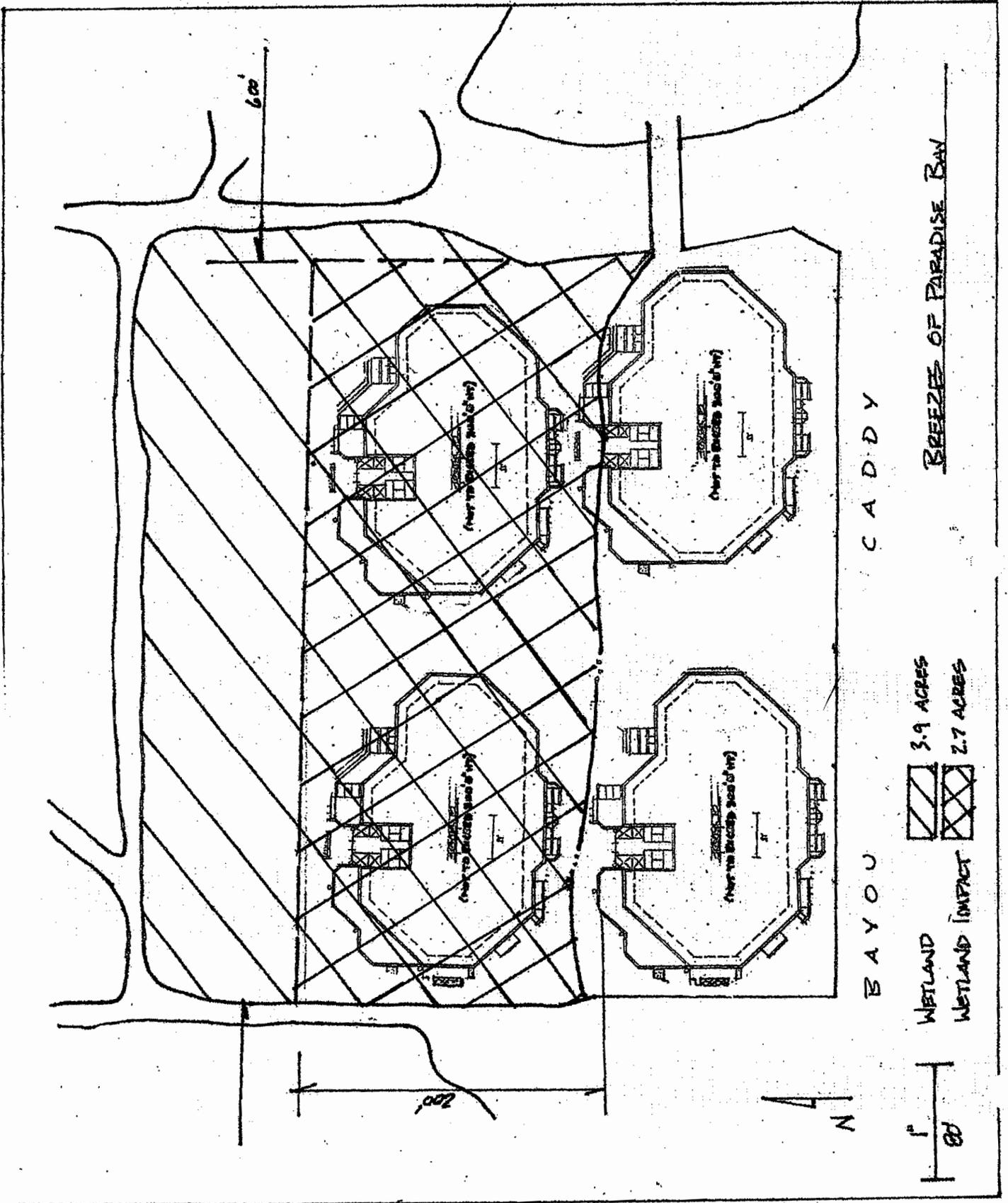
MOBILE DISTRICT
U.S. Army Corps of Engineers



SITE: 30° 14.30'N, 89° 25.74'W (NAD27)
USGS Saint Joe Pass (MS,LA) Quadrangle
 Projection is UTM Zone 16 NAD83 Datum

MR. MIKE CURE · BREEZES OF PARADISE BAY





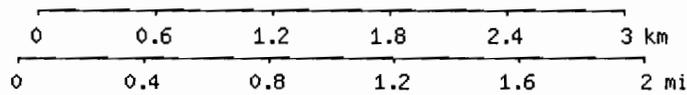
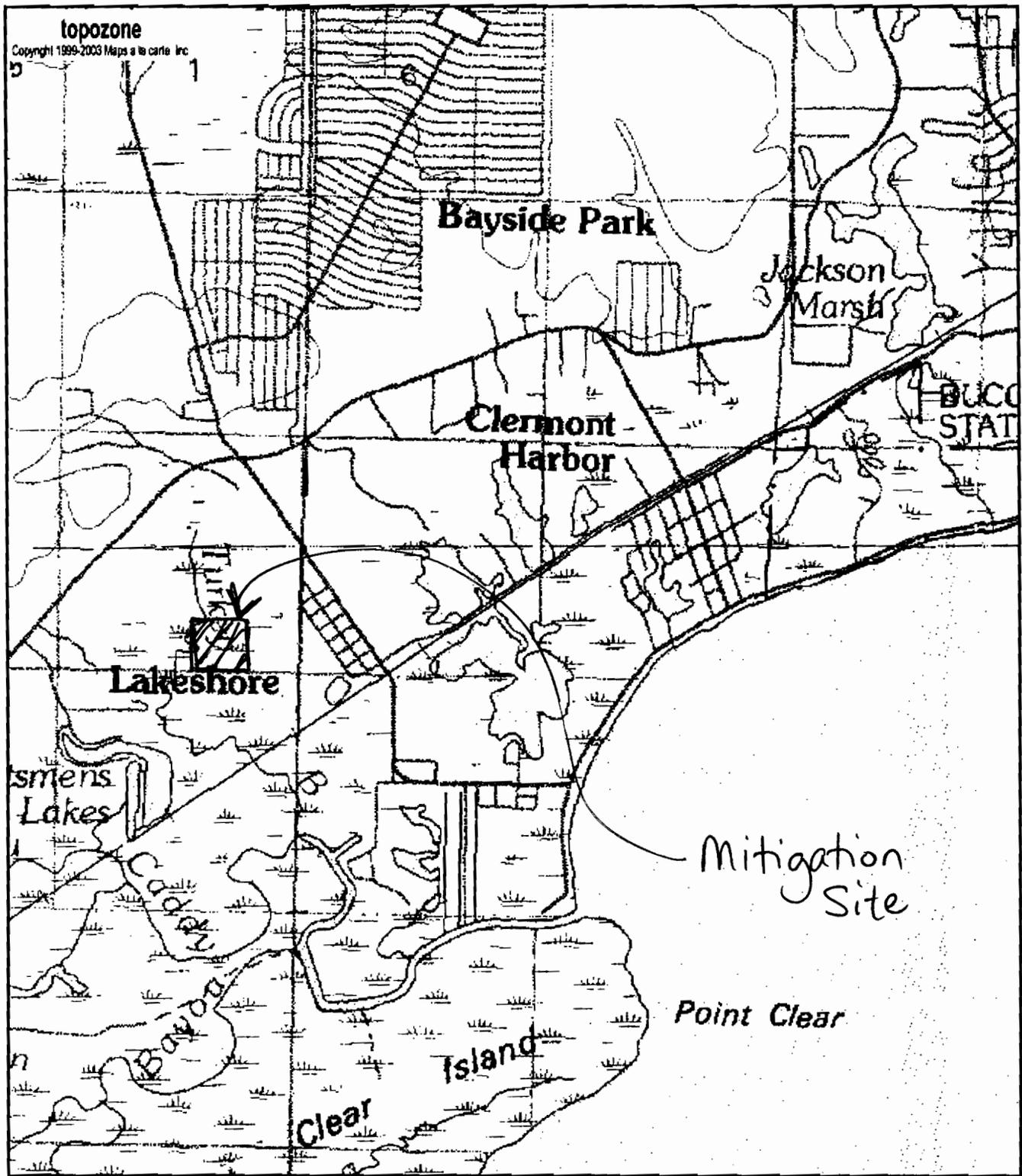
CADDY

BAYOU

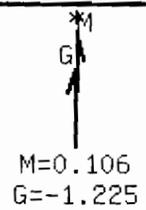
BREEZE OF PARADISE BAY

WETLAND 3.9 ACRES
 WETLAND IMPACT 2.7 ACRES

1" = 80'



UTM 16 266325E 3349674N (NAD27)
USGS Waveland (MS) Quadrangle
Projection is UTM Zone 16 NAD83 Datum

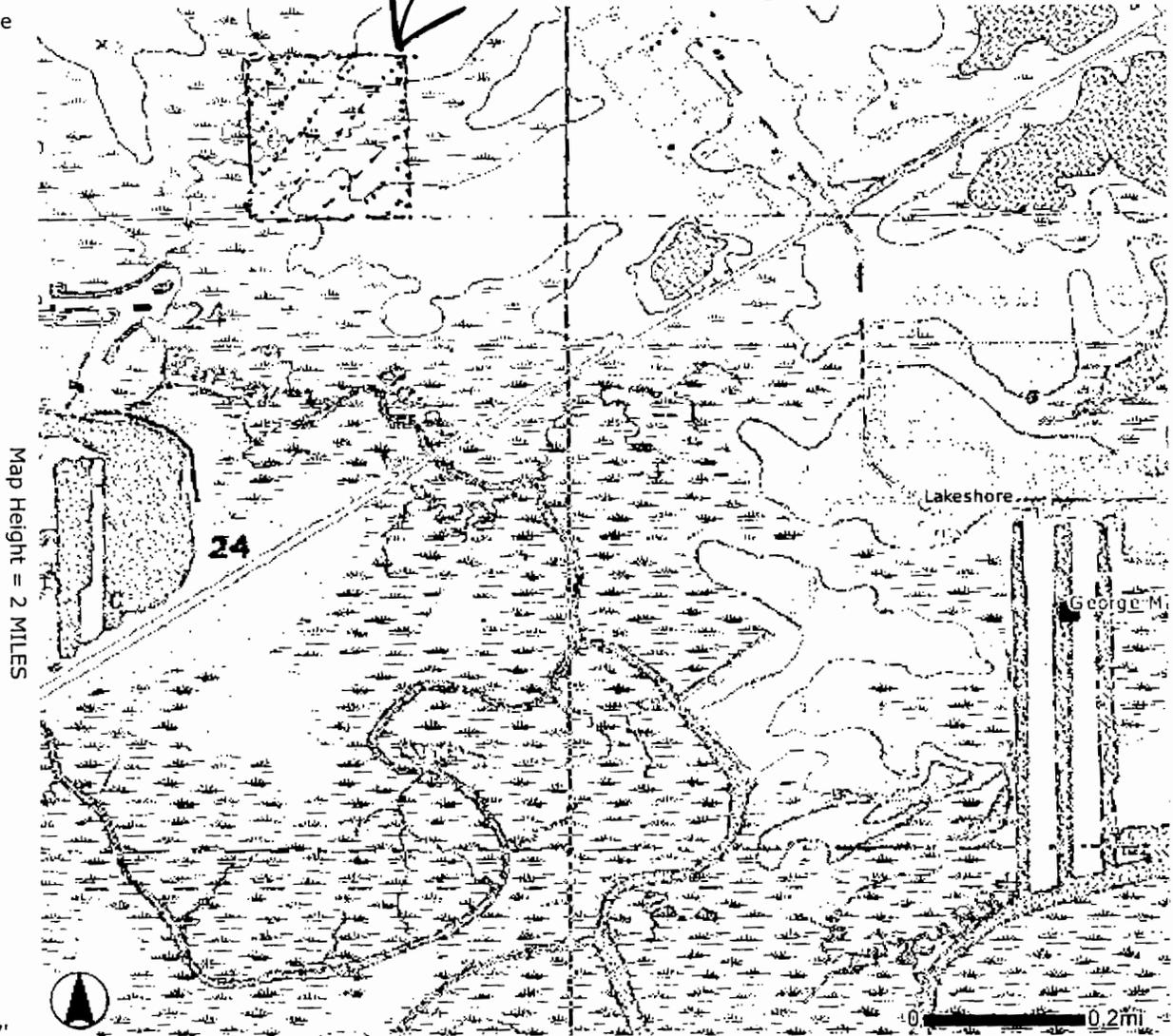


Fri

Map Width = 2 MILES

89° 27'
21.87"
W
Longitude
30° 15'
22.72"
N
Latitude

Mitigation Site



89° 27'
21.87"
W
Longitude
30° 14'
8.32"
N
Latitude

Comment

1:

Comment

2:

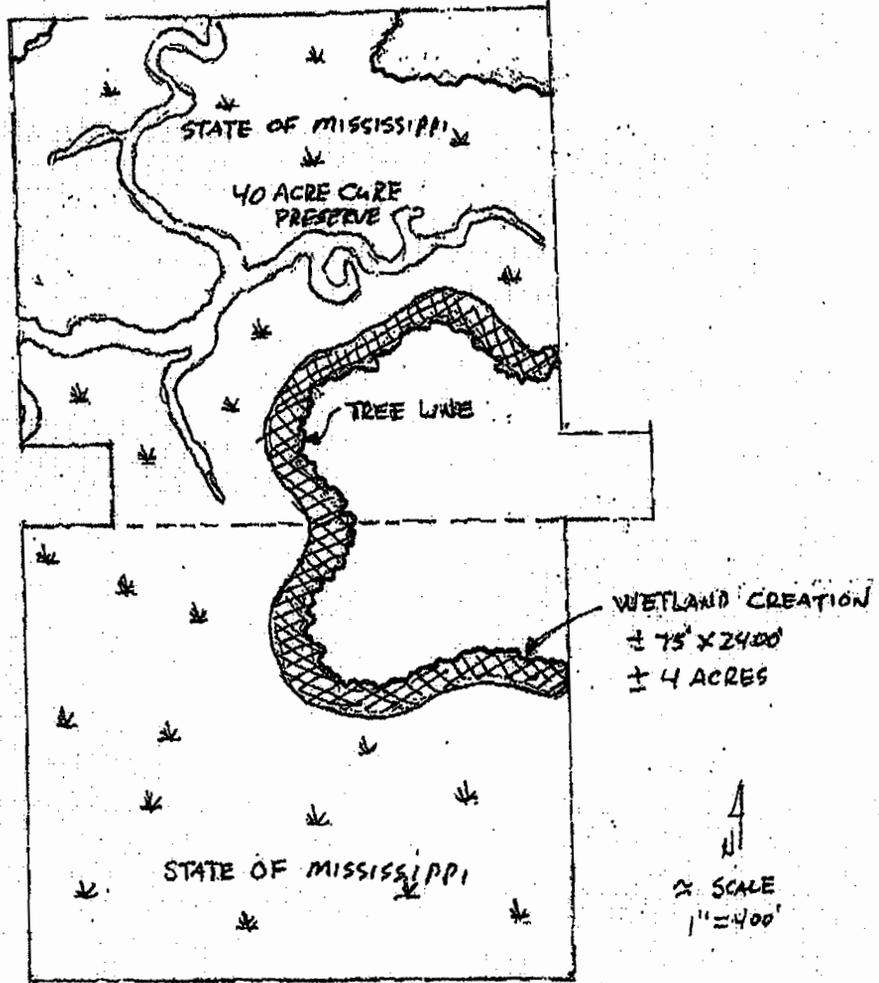
MIKE CURE - BREEZES CONDOMINIUM MITIGATION PLAN

MITIGATION CREDIT RECONCILIATION

WETLAND IMPACT 2.7 ACRES

40A CREATION ± 4 ACRES @ 2:1 RATIO = 2 CREDITS

DEED PRESERVATION - 40 ACRES @ 10:1 RATIO = 4 CREDITS



NOTE: MITIGATION PROPERTY IS OWNED BY THE STATE OF MISSISSIPPI. THE WETLAND ENHANCEMENT AREA WILL BE REDUCED IN GRADE AND PLANTED WITH MARSH GRASS PER SPECIFICATIONS OF AND DIRECTIONS OF THE MISS. DEPT. OF MARINE RESOURCES.



ENVIROUSOUTH 3-16-07

REDUCE TO MARSH ELEVATION, PLANT 3' CENTERS, 80% COVERAGE W/S,