



REPLY TO
ATTENTION OF:

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

September 29, 2011

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2011-00191-KMN:
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**CONSTRUCTION OF SINGLE FAMILY RESIDENCE
OLDE OAK VIEW, OCEAN SPRINGS,
JACKSON 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) and Section 10 of the River and Harbors Act of 1899. Please communicate this information to interested parties.

APPLICANT: Mr. Darryl E. Langley
9385 Ridgeview Drive
Ocean Springs, Mississippi 39564

AGENT: Joe Gill Consulting, LLC
Attention: Mr. Joe Gill, Jr.
Post Office Box 535
Ocean Springs, Mississippi 39566

LOCATION OF WORK: Lot #11 Olde Oak View, Graveline Point Subdivision, adjacent to Graveline Bayou, Section 5, Township 8 South, Range 7 West, USGS 1:24 Quad Name: MS-Gautier North, UTM 3170009, Jackson County, Mississippi (Latitude 30.3778° North, Longitude 88.7059° West).

WORK DESCRIPTION: The applicant proposes to place approximately 0.25 acre of fill material in wetlands adjacent to tidal marsh for the construction of a single family residence. Approximately 1,625 cubic yards of fill material would be placed in the wetlands.

EXISTING CONDITIONS: The subject property is a residential lot located in Graveline Point Subdivision. The lot is approximately 1.435 acres of which approximately 0.472 acre is wetlands, adjacent to tidal wetlands.

PROJECT PURPOSE AND NEED: The applicant's stated purpose for the proposed project is to allow adequate room for construction of his residential dwelling and to provide yard space for recreational activities for his family. The U.S. Army Corps of Engineers (Corps) has initially

determined the basic project purpose for the construction of the single family development would not be considered a water dependent activity.

ALTERNATIVES: The applicant's stated alternatives for his proposed project are as follows: The first alternative would be for the applicant to apply for a jurisdictional permit to fill the property to the mean high tide line and provide mitigation for the loss of approximately 0.50 acre of non-tidal wetlands.

The second alternative is the no-action alternative. Through not allowing development of the project, the applicant would be limited to adequate green space for protection of his development, as well as not having adequate room to provide safe recreation for his small children.

Additional coordination regarding alternatives will be performed with cooperating Federal and State agencies.

MITIGATION: The applicant is proposing to provide mitigation on a 3 to 1 ratio for the wetlands to be filled. The applicant is proposing to purchase credits from a Corps approved mitigation bank. Additional coordination regarding mitigation will be performed with cooperating Federal and State agencies.

Final compensatory mitigation would be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

WATER QUALITY REVIEW: 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.

COASTAL ZONE MANAGEMENT: The applicant has applied for certification from the State 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.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (USFWS) lists 18 endangered, threatened or candidate species as occurring or potentially occurring in Jackson County. Based upon preliminary review of this application and the U.S. Department of the Interior's list of Endangered and Threatened Wildlife and Plants, a preliminary determination has been made that these activities designated for the project site may affect, but not likely to adversely affect, listed or endangered species or their critical habitat. Notification to the USFWS will be furnished via this Public Notice.

The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

HISTORIC PROPERTIES: 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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. 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 concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The District Commander remains the final decision authority.

COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2011-000191-KMN**; and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Ms. Kaaren M. Neumann, 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 Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Attention: Mr. Jeremy Overstreet, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530.

Comments should be received no later than **30 days** of the date of this public notice.

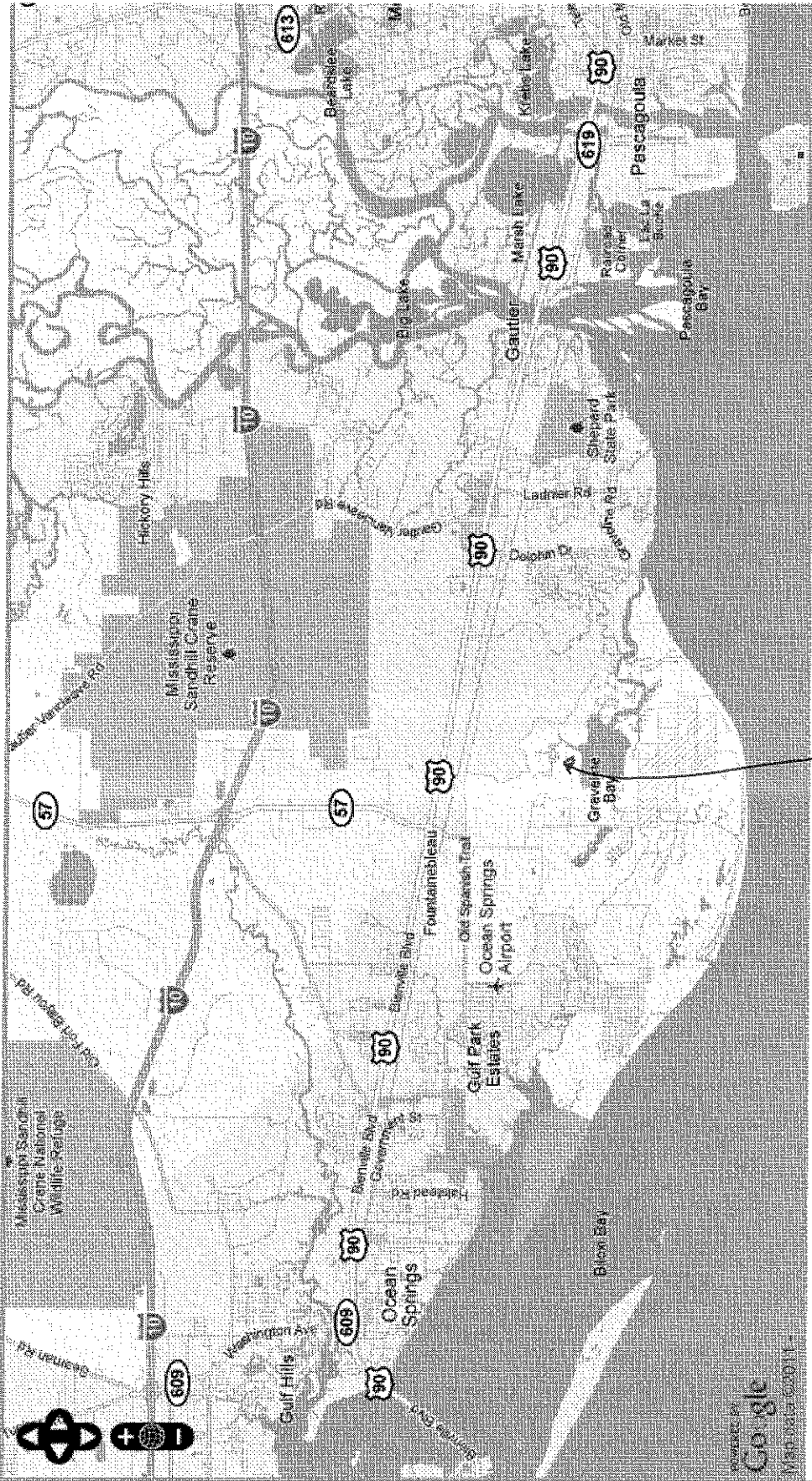
If you have any questions concerning this publication, you may contact the project manager for this application, **Ms. Kaaren M. Neumann** (kaaren.m.neumann@usace.army.mil), phone **(228) 523-4024**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

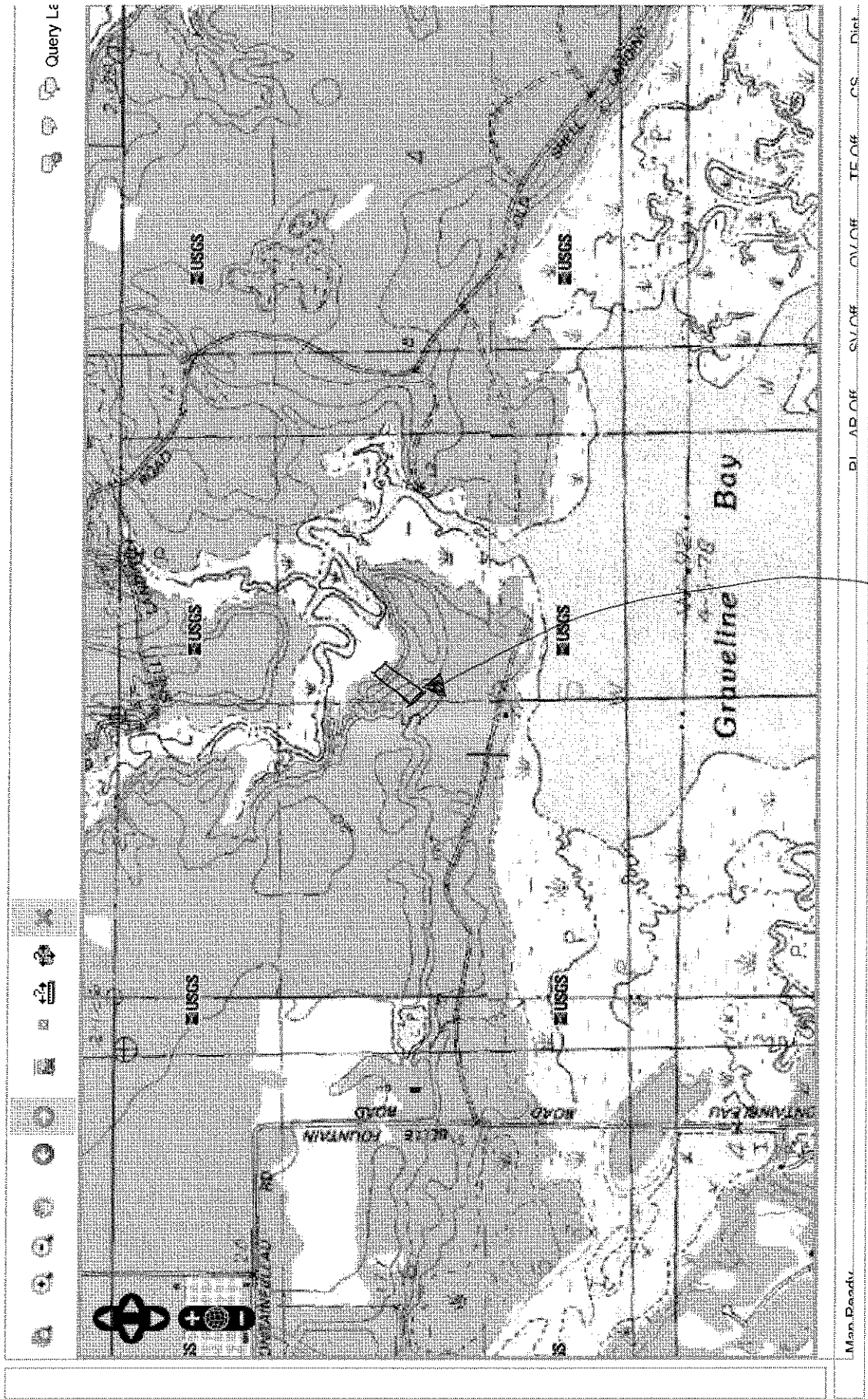
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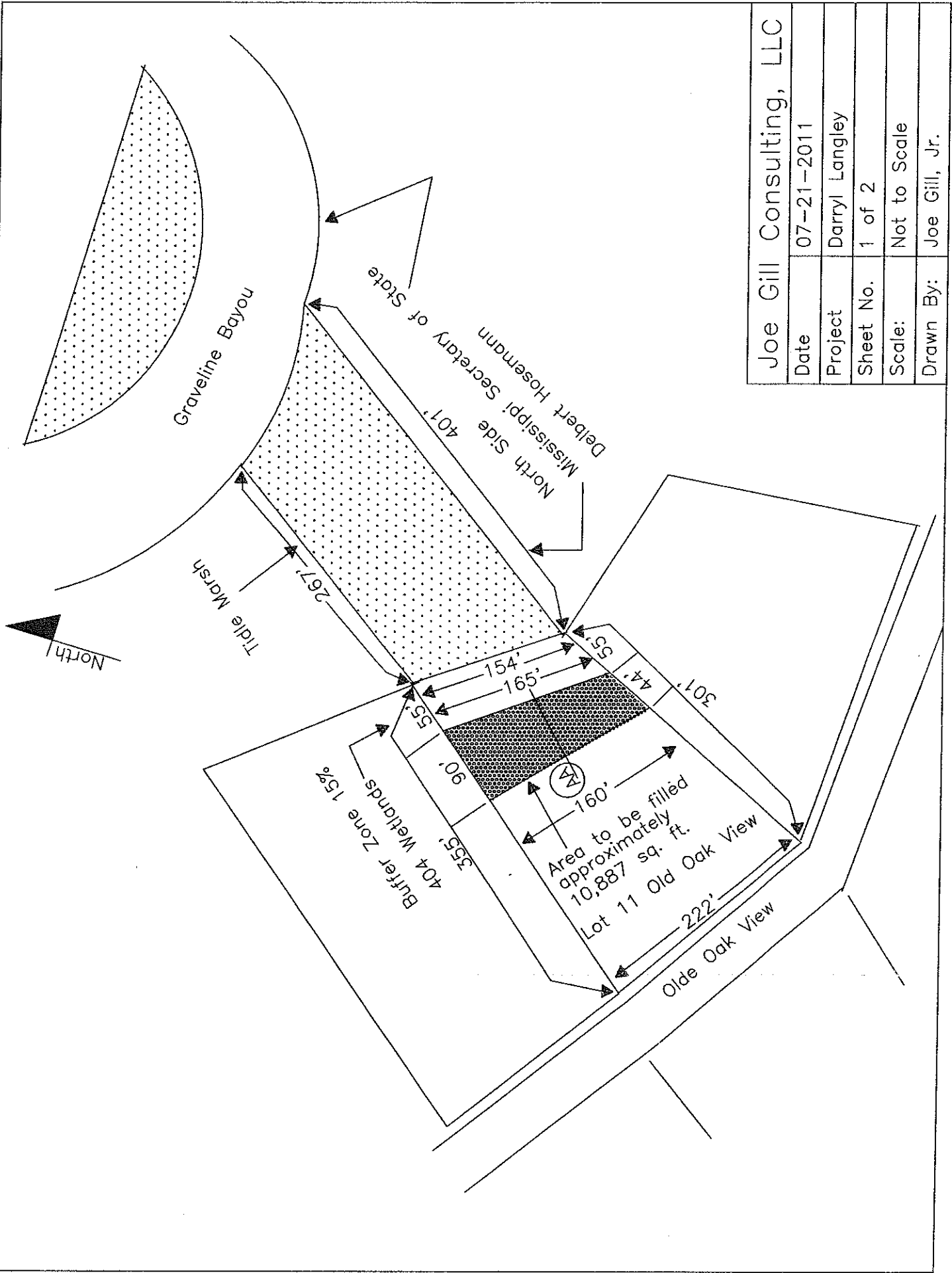


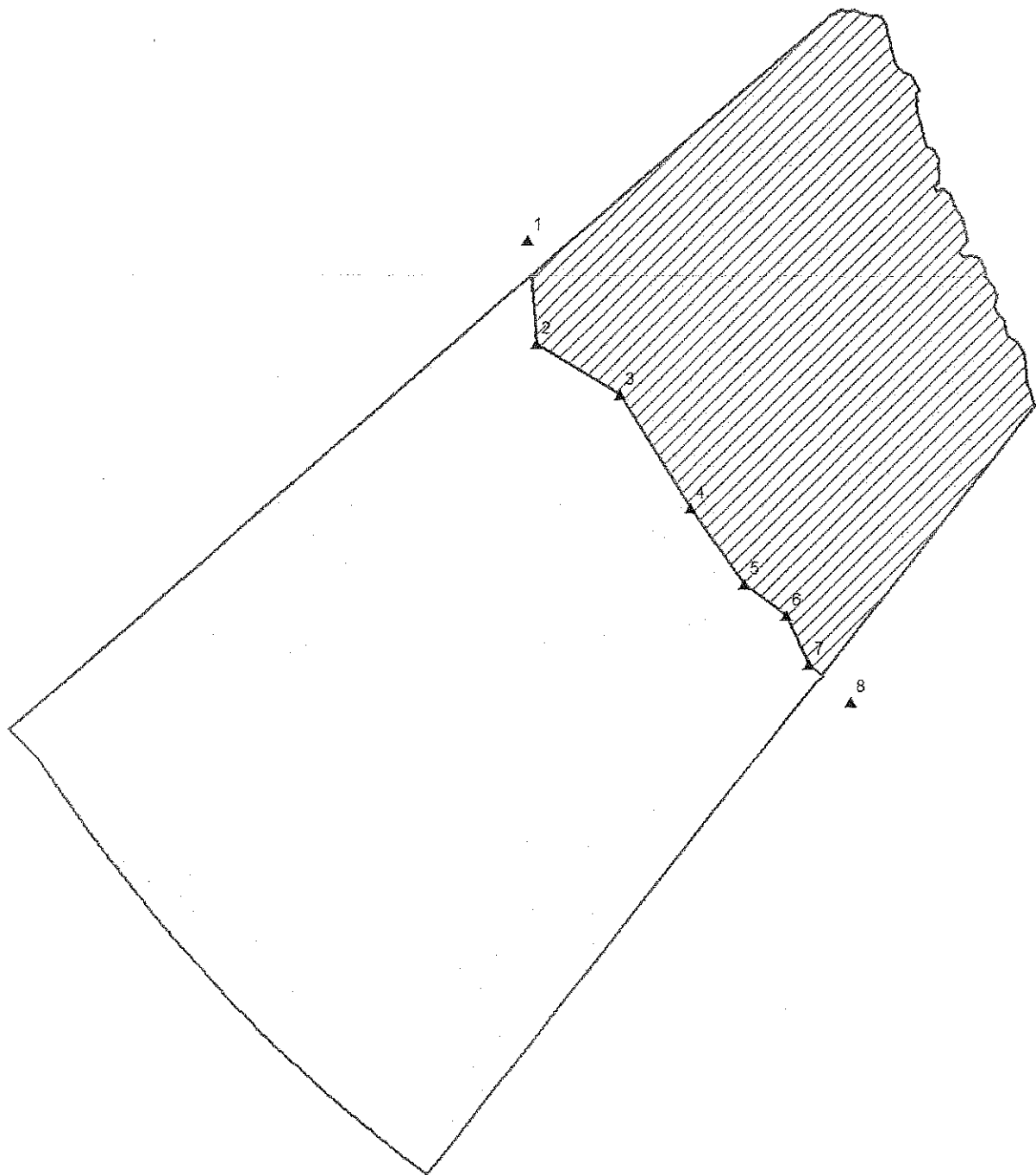
Man. Ready. BL AP OF SLOF CVLOF TELOF CS Dist

USGS Quad: MS-Gratier North site
1:24

SAM-2011-00191-KMM

Joe Gill Consulting, LLC	
Date	07-21-2011
Project	Darryl Langley
Sheet No.	1 of 2
Scale:	Not to Scale
Drawn By:	Joe Gill, Jr.

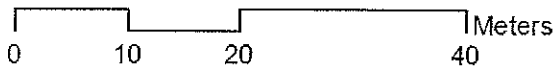


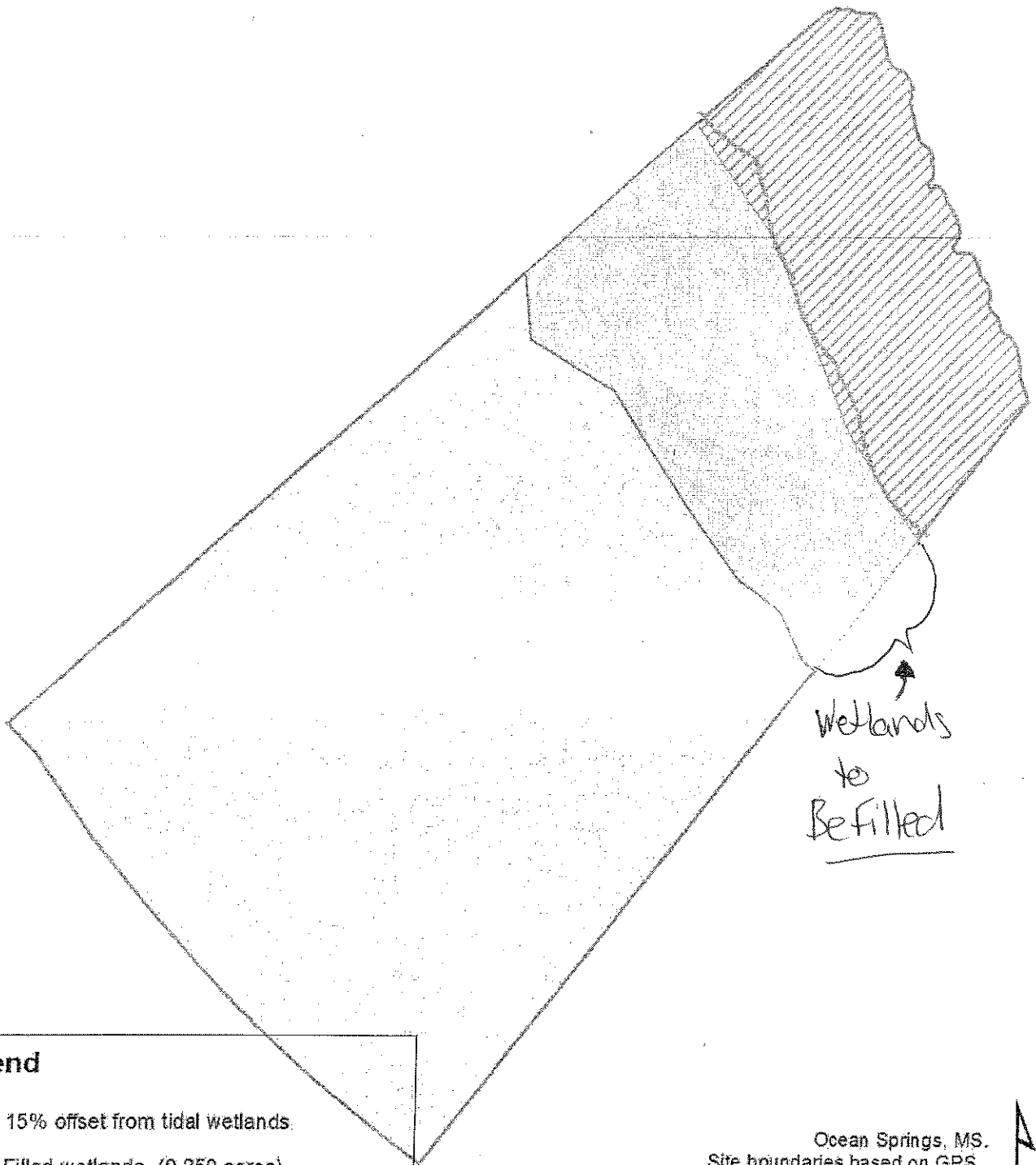


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



- ▲ Delineation Flags
- Nonwetland (0.963 acres / 67.1%)
- ▨ Wetland (0.472 acres / 31.9%)

Ocean Springs, MS.
 Site boundaries based on GPS,
 county parcel maps and land survey.
 Created 6/10/2011

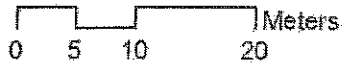




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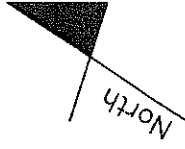
-  15% offset from tidal wetlands.
-  Filled wetlands (0.250 acres)
-  Nonwetland (0.963 acres)
-  Preserved nontidal wetlands (0.222 acres)

Ocean Springs, MS.
 Site boundaries based on GPS,
 county parcel maps and land survey.
 Created 6/10/2011

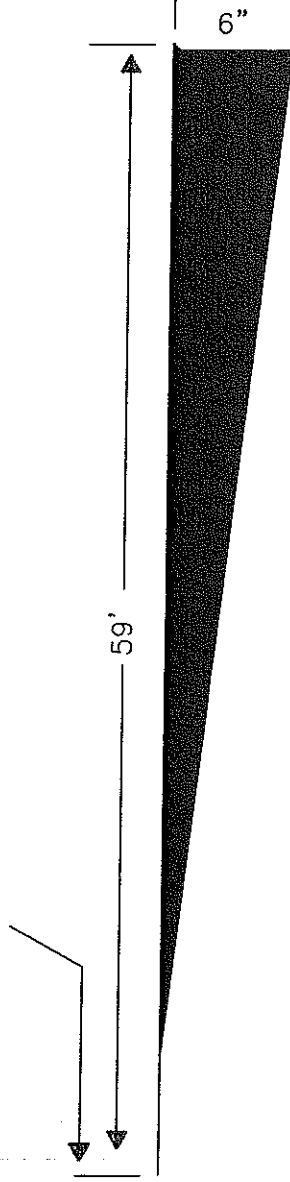


Wetlands
to
Be Filled

Cross Section AA



Upland Delineation Line



Approximately 4,000 Cubic Yards
of Fill.

Joe Gill Consulting, LLC	
Date	07-21-2011
Project	Darryl Langley
Sheet No.	2 of 2
Scale:	Not to Scale
Drawn By:	Joe Gill, Jr.