



REPLY TO
ATTENTION OF:

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

May 21, 2010

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2008-00442-MFM
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**WETLAND FILL FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT,
SAVANNAH PINES SUBDIVISION, PHASE II,
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). Please communicate this information to interested parties.

APPLICANT: Savannah Pines, LLC
Attention: Dr. Alfred E. McNair, Jr.
2953 Bienville Boulevard
Ocean Springs, Mississippi 39564

AGENT: Barry A. Vittor and Associates
Attention: Dr. Barry A. Vittor
8060 Cottage Hill Road
Mobile, Alabama 36695

WATERWAY: The headwaters of Bayou Talla north of Old Fort Bayou, south of Interstate 10 (I-10) and north of Highway 90 at Latitude 30.4486° N, Longitude 88.8129° W, Section 8, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi.

WORK: The applicant proposes to permanently fill 33 acres of low quality pine savannah wetlands located on an approximated 132-acre parcel. The applicant proposes that approximately 34 acres of wetlands would be avoided. The proposed project involves development of single-story, single-family housing built on concrete slabs. According to the agent representing the applicant, Phase II of the Savannah Pines development is designed to provide up to 303 residences, of which 212 units that would be eligible for a Community Development Block Grant (CDBG) funding. Access into the Savannah Pines development would be via roads constructed from Bullock Road and Old Fort Bayou Road. The proposed project includes common areas consisting of open green space and recreational facilities. Detention ponds and other necessary drainage structures would be constructed. All stormwater detention ponds would be located in uplands.

The development would be served by municipal water and sewer service. Construction activities would include clearing, grading, excavating and filling of wetlands.

EXISTING CONDITIONS: Major roads in proximity to the proposed project site are I-10, Walker Road, Old Fort Bayou Road and Yellow Jacket Road. The Savannah Pines Phase I housing development, is located north of the proposed Phase II and is currently under development. Two areas of undeveloped land adjoin the project site: One west of Phase I and north of the proposed Phase II and another south and east of Phase II. The proposed project site is currently undeveloped, although the agent stated some historical impacts occurred previously in the 1990s. Those previous alterations appear to have represented an attempt to prepare the site for residential development. An additional 23 acres of the property was altered by sand borrow excavation operations that occurred in the 1970s according to the agent. The area in the general vicinity of the project site is continuing to recover from Hurricane Katrina.

Topographic relief in the project vicinity, including the proposed project site, is moderate, mostly with gentle slopes (< 5 percent) and ranging from 30 feet above mean sea level at the northern portion of the Phase I site to approximately 12 feet at the eastern end of the Phase II site. The southern portion of Jackson County, including the proposed project site, lies within the Gulf Coast Flatwoods section of the Southern Coastal Plain. The proposed project site is a small representative parcel of this section. The region has flat to gently undulating plain, with low gradient streams having sandy and silty substrates. Drainage through the Savannah Pines subdivision (Phase I and proposed Phase II) forms the headwaters of Bayou Talla, which flows southeasterly under Old Fort Bayou Road. This watercourse consists of a braided forested or scrub-shrub drainageway that was severely degraded by excavation for sand material in the 1970s. Numerous pits and diversion mounds still occur in area of the Bayou Talla system that separates the Phase I and then proposed Phase II properties.

The boundaries of jurisdictional wetlands were delineated by the agent in 2006 to 2007. The proposed Phase II property contains approximately 64.3 acres of uplands and 67.4 acres of wetlands. Most of the wetlands comprise pine savannah or pine flatwoods. These habitats are characterized by slash pine (*Pinus elliottii*), sweetbay (*Magnolia virginiana*), red maple (*Acer rubrum*), gallberry (*Ilex glabra*), fetterbush (*Lyonia lucida*), green titi (*Cyrilla racemiflora*), greenbrier (*Smilax* spp.), pitcher plant (*Sarracenia* spp.) and St. John's-wort (*Hypericum* spp.). There is minimal canopy although the north-central part of the proposed Phase II parcel which contains more trees because it has been subjected to less disturbance than other parts of the property. Again, according to the agent most of this site has been altered in the past. Roadways were cut into the property from Bullock Road and ditches were created along Old Fort Bayou Road and within the site. Undercut material and soil from ditches was spread in areas along the roads, to facilitate construction. That site work resulted in altered drainage and hydrology and diminished wetland area and value. The agent evaluated wetland functional values in the proposed Phase II property, using the Wetland Rapid Assessment Procedure (WRAP). Low-quality habitat was associated with the old sand borrow area wetlands in the Bayou Talla drainageway (WRAP score of 0.44) and in the flat pinewoods west of Bullock Road (0.48 score). Medium-quality habitat (0.74 score) occurred in the north-central part of the property, in an area that had been subjected to the least alteration by previous clearing and re-contouring. This habitat area was determined to comprise the best-quality wetland on the property. Further evaluation will be performed by the U.S. Army Corps of Engineers (Corps) and cooperating

resource agencies.

PROJECT PURPOSE: The agent stated the project purpose is to construct a new phase of a residential development along the Mississippi Coast. The Corps determined the basic project purpose is to construct a new residential development in Jackson County with no need for a waterborne activity; therefore it is a non-water dependent activity. Additional evaluation will be performed by the Corps and cooperating resource agencies.

ALTERNATIVES: The applicant provided the following alternatives information: The primary advantage of a wetland avoidance approach for Phase II would be the avoidance of approximately 33 acres of wetland impact. However, the disadvantages of wetland avoidance are significant and include elimination of lots that are not presently accessible from Old Fort Bayou Road or Bullock Road. The remnant wetlands in Phase II cannot be avoided without compromising the design and efficiency of roadways and utility installations across the project. Wetland avoidance would require that several residential roads be eliminated and that at least two bridges be built to cross small wetlands. Water, sewer and natural gas pipelines would be routed around wetlands or horizontally drilled under wetlands. A central common area would be relocated to the west of Bullock Road. At least 173 fewer residential lots would be provided by the wetland avoidance design. Infrastructure costs would be increased significantly by working around the irregular wetlands in Phase II. If these higher costs were distributed among 57 percent fewer residential lots, the per-lot costs would become financially impracticable.

Overall, development designs that would avoid any wetlands impact would require construction of clusters of homes in several separate upland areas. This would eliminate connectivity between most groups of homes and would reduce the efficiency and cost-effectiveness of road and utility installations. Over half of the projected number of lots in Phase II would be lost also and this approach would not meet the project purpose and need. This alternative was rejected by the applicant.

An alternative to the Phase II development scenario would involve a reduction in the number of house lots to 227 (from 303), with a corresponding 13.3-acre decrease in wetland impacts to 19.7 acres. In this design, all medium-quality wetlands in the Phase II site would be avoided and protected from future development; however this scenario would be a higher cost to the applicant. This increase, with higher per lot infrastructure costs, would make the Phase II house lots less affordable and would not meet the objective of providing affordable workforce housing in Jackson County.

The principal criteria in selection of a site for the proposed project were proximity to major highways (I-10 and Mississippi Highway 609), availability of at least 40 acres of developable land with as little wetland impacts as possible, access to water and sewer services, access to schools and location in or near Ocean Springs. A scan was made of potentially suitable properties in the general area of north Ocean Springs, using the U.S. Fish and Wildlife Service's National Wetland Inventory (NWI) maps, the Natural Resources Conservation Service's Jackson County soil maps and recent aerial photography. Also considered in this screening-level review were zoning classification of properties in this area and Flood Insurance Rate Maps.

Six alternative sites including the proposed project site were identified in the review and were

evaluated with regard to estimates of the amount and distribution of wetlands present, based on NWI and soil maps, as well as on formal delineations available for some of the sites.

The 6 alternative sites are summarized according to the applicant's submittal. Sites 1, 2 and 3 are located north of I-10, east of Highway 609. All 3 have good highway access but contain moderate to high amounts of wetlands, based on formal wetland delineations conducted by the agent. Site 1 contains 16.8 acres of forested wetlands (25 percent of the 66-acre parcel), which occur in two drainage ways. It is not located in a flood hazard zone and had a very high per-acre cost of \$240,000. Site 2 contains 23 acres of forested wetland or 38 percent of the 60-acre site. These wetlands occur irregularly across the property. No flood hazard zones occur on Site 2, which had a per acre cost of \$100,000. Site 3 contains 34 acres of forested wetland or 94 percent of the 36-acre site. Approximately 75 percent of Site 3 lies in the 100-year floodplain.

Site 4 (211 acres) is the site of the proposed Phase II project and was determined to contain 95 acres of wetlands or 44 percent of the total area. The Phase II area comprises 132 acres, of which approximately 67.3 acres (51 percent) are wetland. Less than 5 percent of Site 4 occurs in the 100-year floodplain.

Sites 5 and 6 have not been delineated, but wetland areas were estimated from NWI and soils maps. Site 5 comprises 120 acres and contains approximately 60 acres of wetlands or 50 percent of the area. Those wetlands are mainly wet pinewoods and forested drainage ways and are distributed irregularly across the property. The drainage way wetlands separate upland zones and would make it difficult to develop the uplands without wetland impacts. Less than 5 percent of Site 5 occurs in the 100-year floodplain. Site 6 comprises 50 acres, of which at least 75 percent consists of freshwater wetlands. These wetlands are mainly wet pinewoods or scrub-shrub wetlands and are distributed uniformly across the site, including the frontage on Old Fort Bayou Road.

Site 4, which includes Phase II, was determined to be the most practicable site for the workforce housing development according to the applicant. Sites nearer the I-10 and Highway 15 intersection were not financially feasible due to high land price, while other sites contained higher percent wetlands than Site 4. Although Sites 1 and 2 contained fewer wetlands than Site 4 (the proposed site), the land costs were determined to be excessive and both sites were rejected by the applicant as being financially impracticable because the estimated threshold for land cost was approximately \$33,000 per acre. Sites 3 and 6 contained more wetlands than the proposed Phase II site and were rejected because development of those sites would have resulted in greater wetland impacts than would occur with the proposed development of Phase II. Site 5 contained fewer wetlands than Phase II in Site 4, but the distribution of those wetlands would have resulted in development impacts similar to those in Phase II.

A final evaluation of alternatives will be performed by the Corps and cooperating resource agencies.

MITIGATION: The agent proposes to purchase the sufficient number of in-kind credits from an approved mitigation bank.

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 received certification that the project is consistent with the Mississippi Department of Marine Resources Coastal Program (DMR-080620) and Section 307 of the Coastal Zone Management Act of 1972 (as amended).**

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 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.

The National Register of Historic Places was consulted for properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The agent representing the applicant conducted a survey for any cultural or historic properties. The DRAFT determination by the Corps is that there should be no impact to any cultural or historic properties. 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, Division of Archeological Services for further consultation and comments. **The Corps will consult with in-house expertise and if needed the SHPO to make a final determination based upon this review 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.

Preliminary review of this application following a site visit by the Corps and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity will not affect listed endangered or threatened species, or their critical habitat. **The agent conducted a survey and determined that no species would be affected.** The National Marine Fisheries Service (NMFS) requires the evaluation of impacts to Essential Fish Habitat of estuarine species. This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action will not have a substantial impact on EFH or Federally managed fishes. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

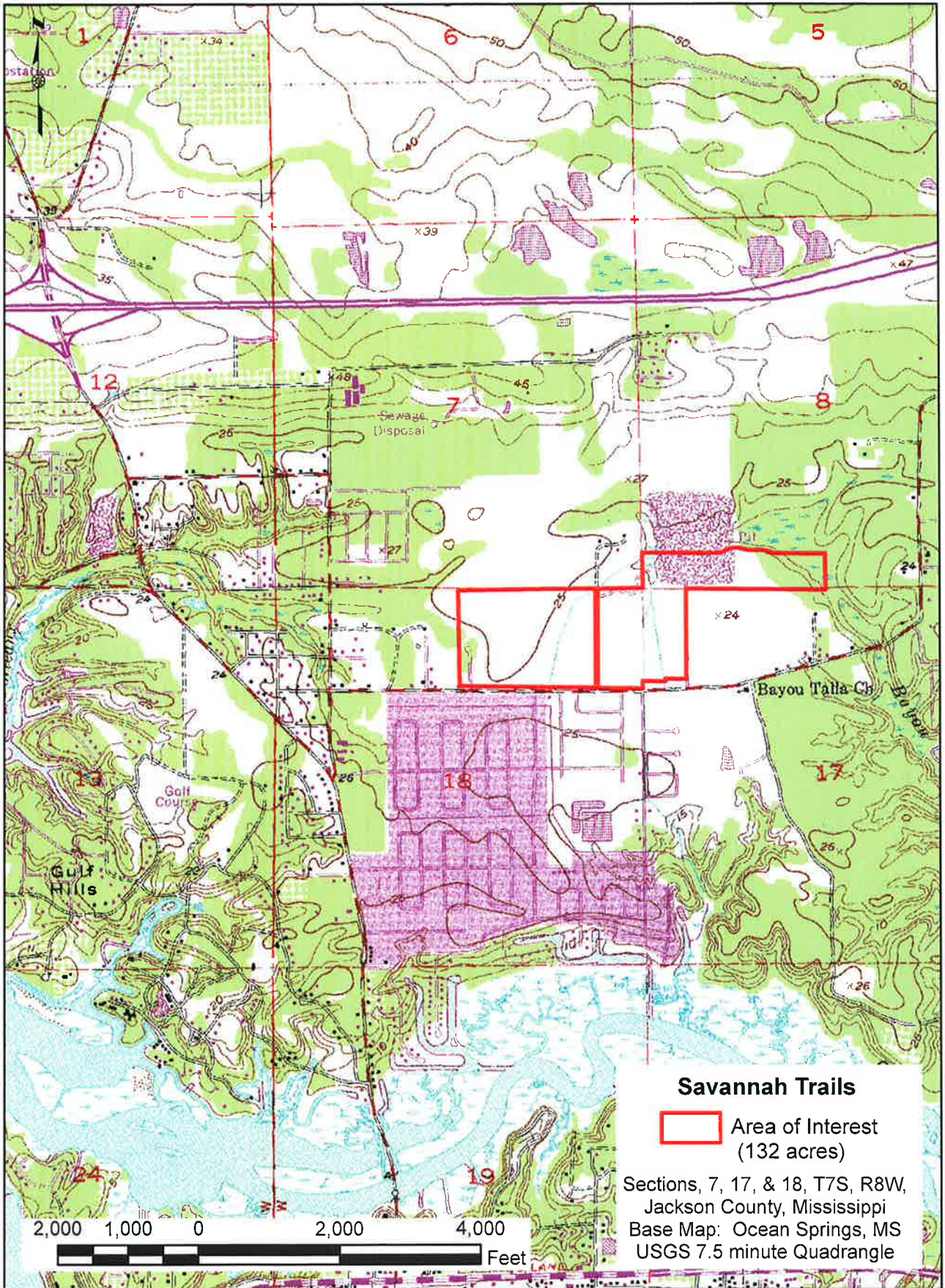
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2008-00442-MFM** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, Attention: Ms. Jana Guynes, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **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, **Mr. Damon M. Young, P.G.** (damon.m.young@usace.army.mil), phone **(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 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



Savannah Trails

 Area of Interest
(132 acres)

Sections, 7, 17, & 18, T7S, R8W,
Jackson County, Mississippi
Base Map: Ocean Springs, MS
USGS 7.5 minute Quadrangle



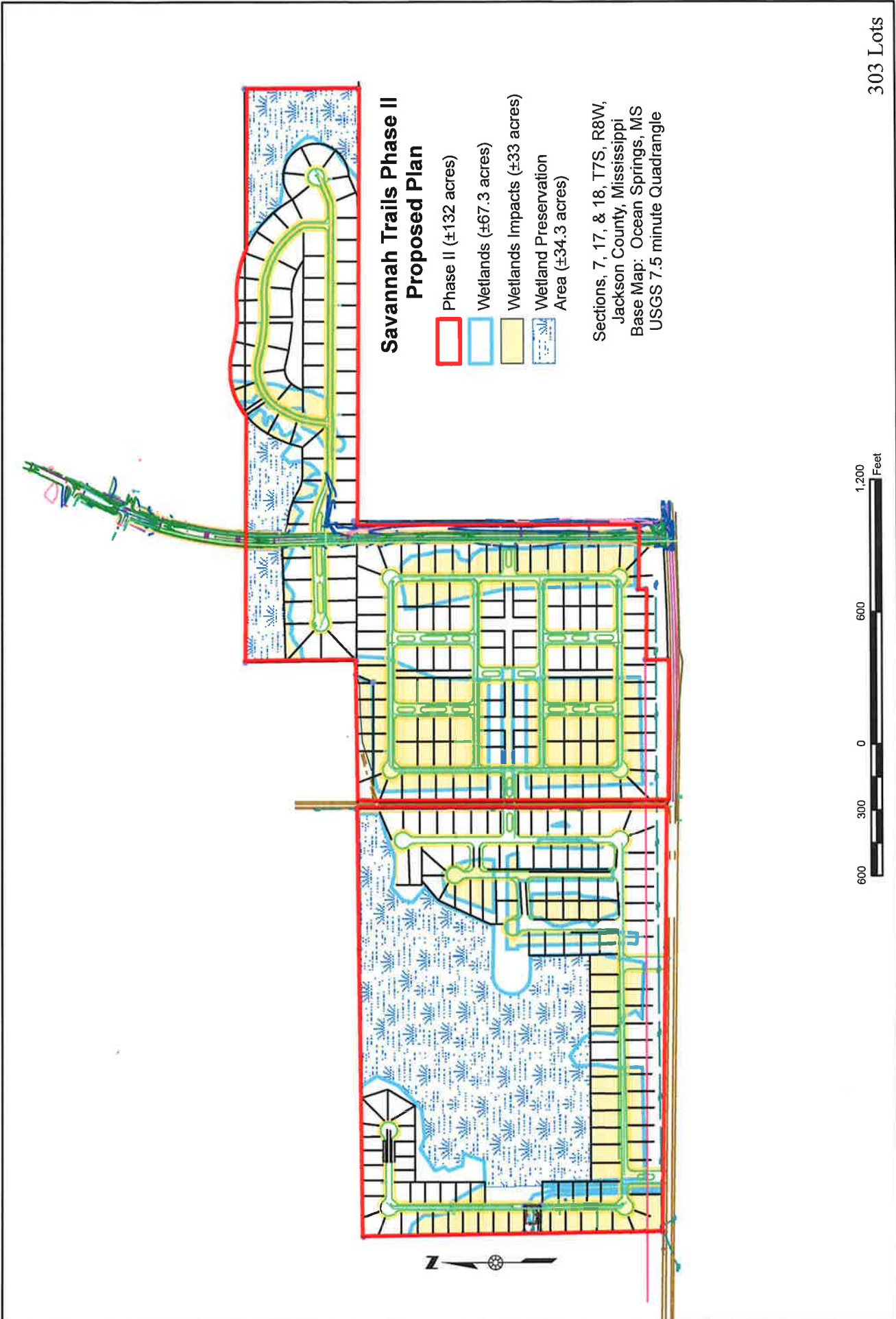


Figure 2. Proposed Savannah Trails Phase 2 development plan.

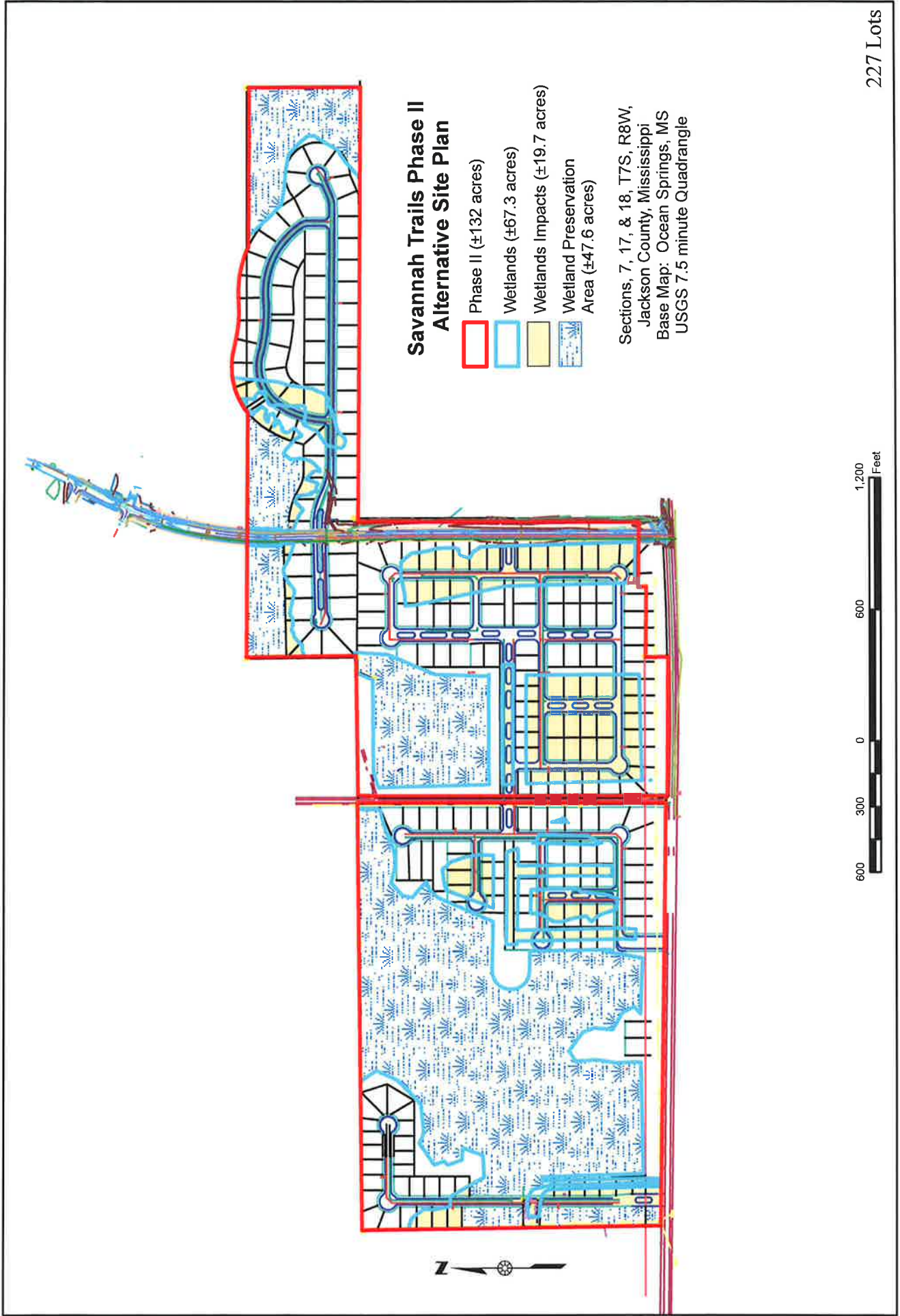
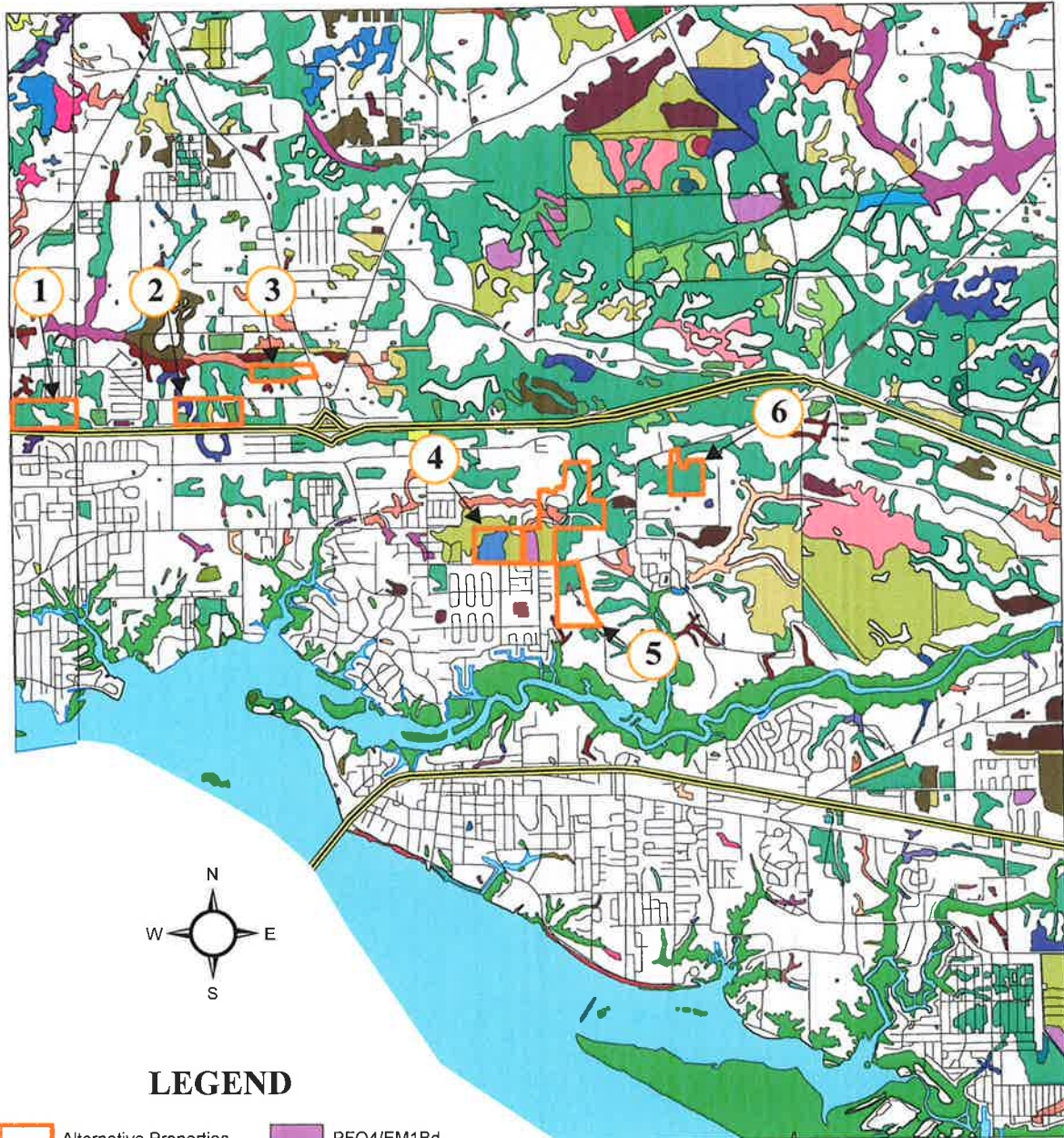


Figure 3. Reduce-scope alternative development plan.

NWI WETLAND MAP for OCEAN SPRINGS, MS



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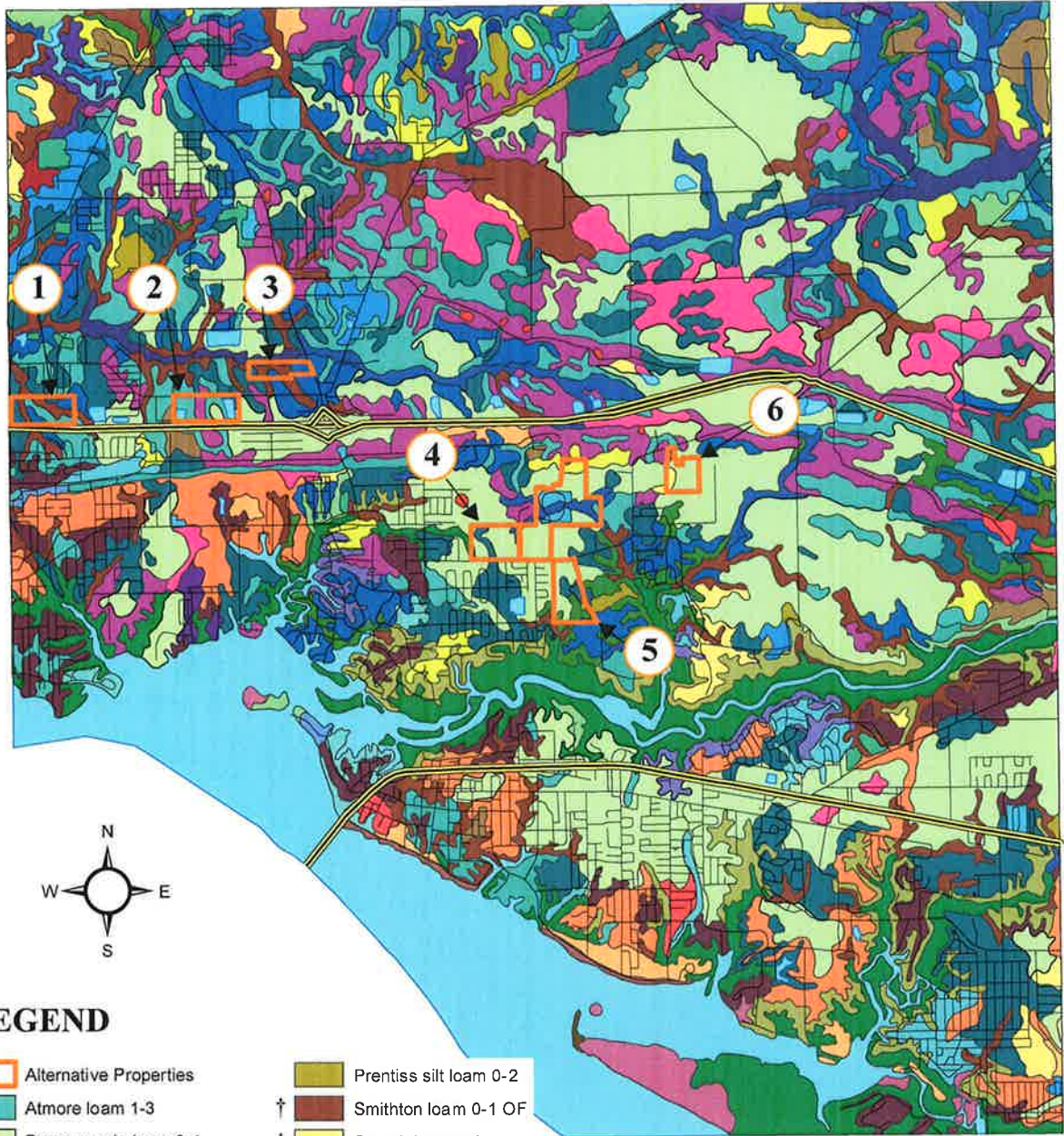
Alternative Properties	PFO4/EM1Bd
E1UBL	PFO4/SS3B
E2EM1P	PFO4/SS3Bd
PEM1B	PFO4B
PFO1C	PFO4Bd
PFO3B	PUBHh
PFO4/1B	PUBHx
PFO4/EM1B	U

Source: USFWS, NWI Data for Jackson County, MS
<http://www.fws.gov/wetlands/Data/>



Figure 4. Locations of six alternative project sites, in relation to NWI mapping.

SOIL MAP for OCEAN SPRINGS, MS



LEGEND

- | | |
|---------------------------------|--------------------------------|
| Alternative Properties | Prentiss silt loam 0-2 |
| † Atmore loam 1-3 | † Smithton loam 0-1 OF |
| † Bayou sandy loam 0-1 | † Stough loam 0-2 |
| † Croatan & Johnston soils FF | Vanceleave fine sandy loam 0-2 |
| Escambia very fine sandy loam | Vanceleave fine sandy loam 2-5 |
| † Handsboro mucky silt loam FF | Vanceleave fine sandy loam 5-8 |
| Malbis fine sandy loam 0-2 | udorthents |
| Malbis fine sandy loam 2-5 | Water |
| † Nugent and Jena soils FF | |

Source: USDA, NRCS Soil Map for Jackson County, MS
<http://www.maris.state.ms.us/>

† Indicates Hydric Soils as determined by the NRCS



Figure 5. Locations of six alternative project sites, in relation to soil mapping.

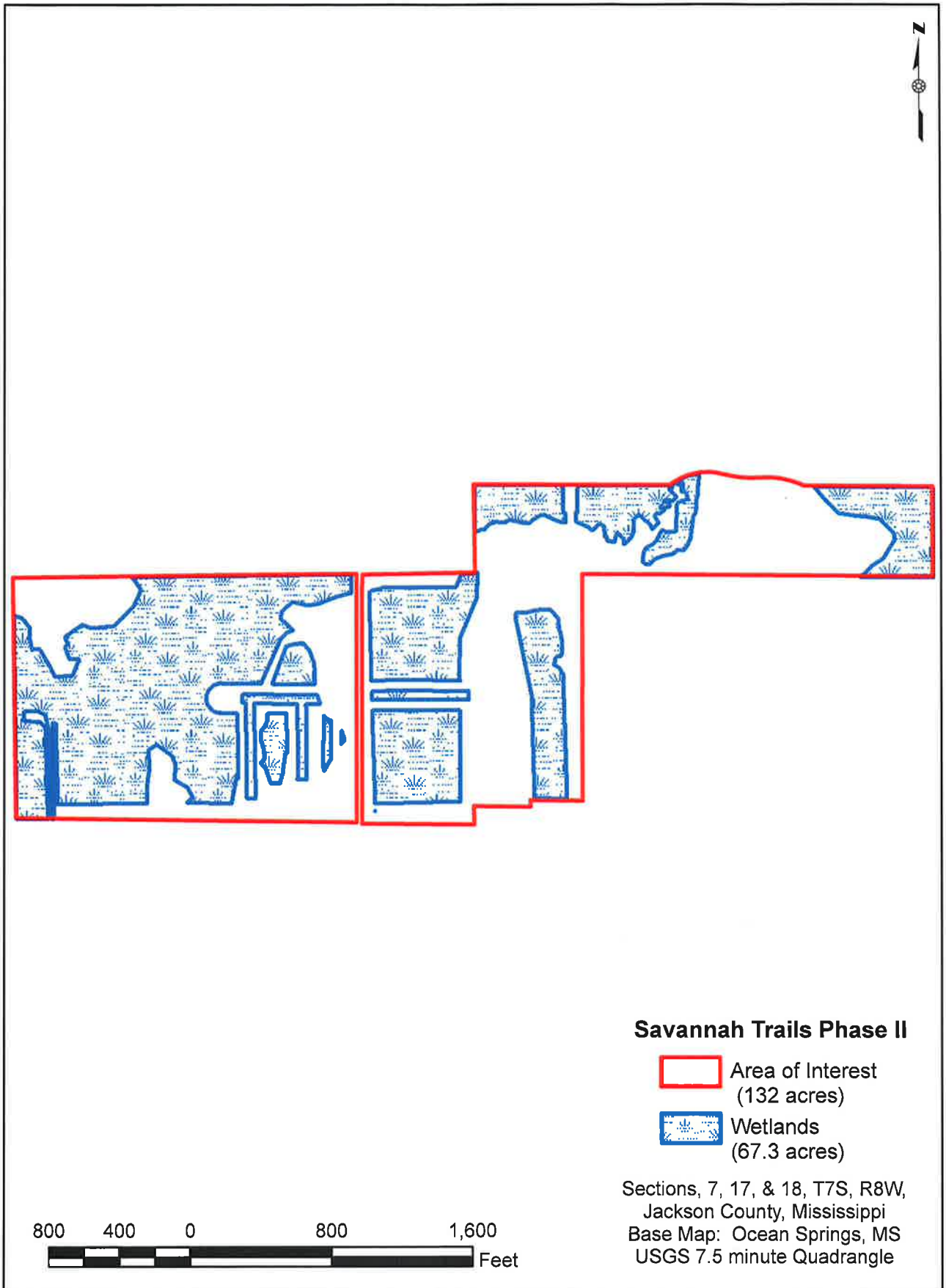


Figure 6. Wetland delineation for the Phase 2 property.