



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

REPLY TO
ATTENTION OF

Inland Branch South
Regulatory Division

17 JULY 2009

**JOINT PUBLIC NOTICE SAM-2008-1488-SBC
U.S. ARMY CORPS OF ENGINEERS**

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

**FILL APPROXIMATELY 2.7 ACRES OF WETLANDS FOR THE PURPOSE OF
CONSTRUCTING AN ASSISTED LIVING FACILITY IN HATTIESBURG,
FORREST COUNTY, MISSISSIPPI.**

TO ALL CONCERNED: The U.S. Army Corps of Engineers (USACE), Mobile 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: Providence Personal Care Community of Hattiesburg, LLC
152 Delta Avenue
Clarksdale, Mississippi 38614

LOCATION OF WORK: Section 27, Township 4 North, Range 13 West; Latitude 31.2849° North and Longitude -89.2946° West, at 5436 Highway 49, Hattiesburg, Forrest County, Mississippi.

WATERWAY: Tributary to Leaf River

PROPOSED WORK: The applicant requests authorization to fill approximately 2.7 acres of previously cleared and cut-over wetlands in order to construct an assisted living facility for the elderly. The facility would include a 91-unit two-story assisted-living facility building, a single-story administrative building, a 51-unit three-story independent-living facility building, walking paths, gardens, access roads, stormwater detention basins, and paved parking areas for residents and employees. The project site would be located on an approximately 9 acre parcel containing a total of approximately 4.4 acres of cleared and cut-over wetlands and bisected by an intermittent stream.

Three alternative sites were evaluated by the applicant and several site plans were considered in an effort to reduce the overall impact on wetlands. Parking lots and stormwater detention ponds were redesigned and reoriented to maximize use of upland areas on the site and avoid wetlands. Access roads were also realigned in order to avoid wetlands. One access road was eliminated from the initial site plans in order to avoid impacts to the intermittent stream and associated wetlands on the site. The applicant has stated the following concerning avoidance and minimization to Waters of the United States: “the proposed project would best serve the target population and project purpose while minimizing the impact to wetlands” and: “The original site design proposed approximately 4 acres of wetland impacts. The final site plan was revised to minimize the impacts to a total of 2.7 acres.” The USACE has not verified the adequacy of the minimization and avoidance statements at this time.

The applicant has proposed to mitigate for unavoidable wetland impacts by purchasing credits from a USACE approved wetland mitigation bank. The USACE has not verified the adequacy of this mitigation proposal at this time.

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.

This public notice is being distributed to all known interested persons 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 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 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 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 Mississippi Department of Archives and History (MDAH) has been consulted, and they found no properties listed in or eligible for the National Register and known to exist which would be affected by the proposed work (MDAH Project Log #06-115-08). This review constitutes 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 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 indicate that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

Correspondence concerning this Public Notice should refer to **Public Notice Number SAM-2008-1488-SBC** and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Attention: Regulatory Division/Crosson
Post Office Box 2288
Mobile, Alabama 36628-0001

A copy of all correspondence is to be sent to:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 2249
Jackson, Mississippi 39225-2249

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 S. Brad Crosson at this office by telephone number (251) 694-3664, or by E-mail at **steven.b.crosson@usace.army.mil**. Please refer to the above Public Notice number.

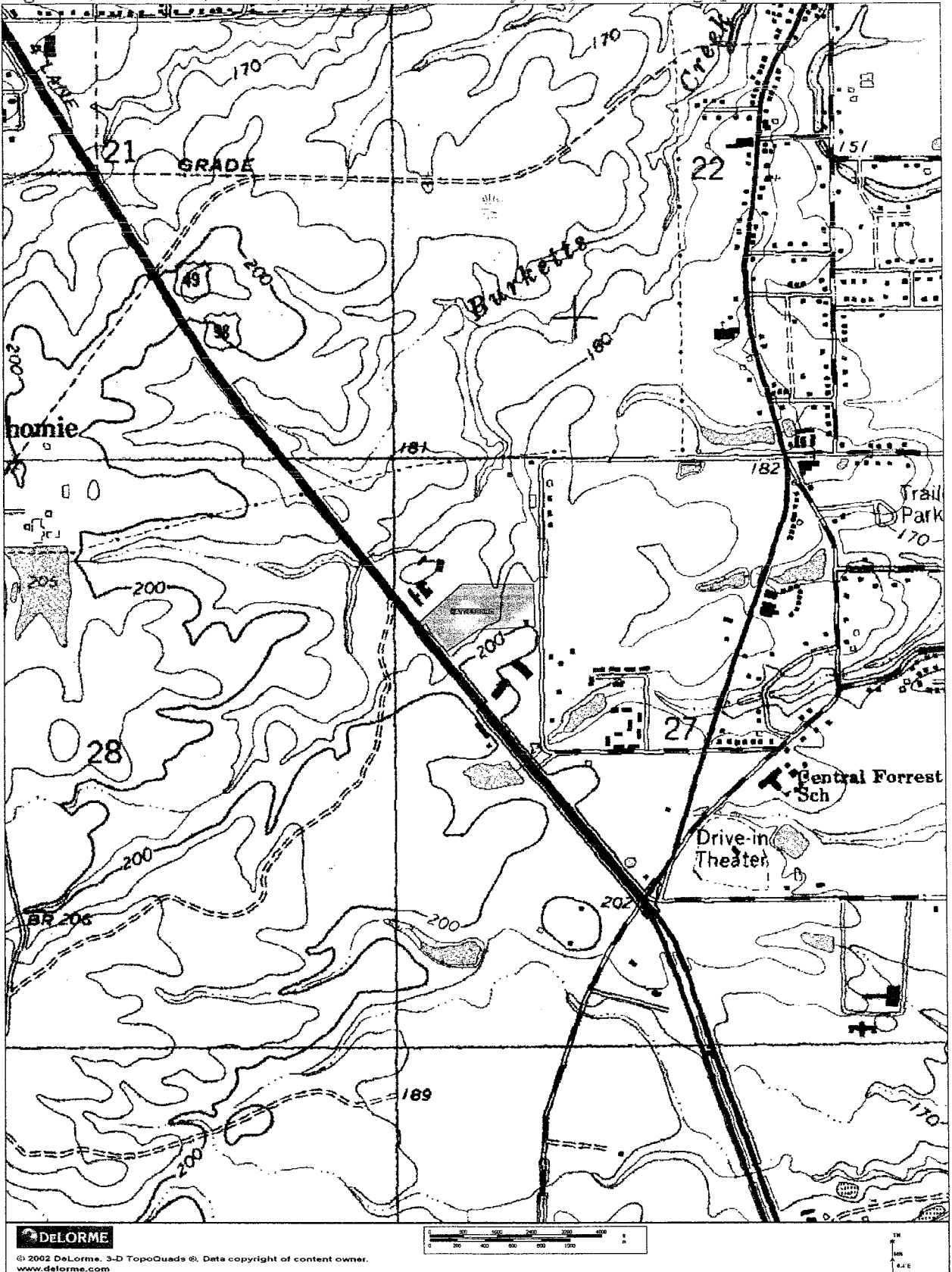
For additional information about the Mobile District's Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

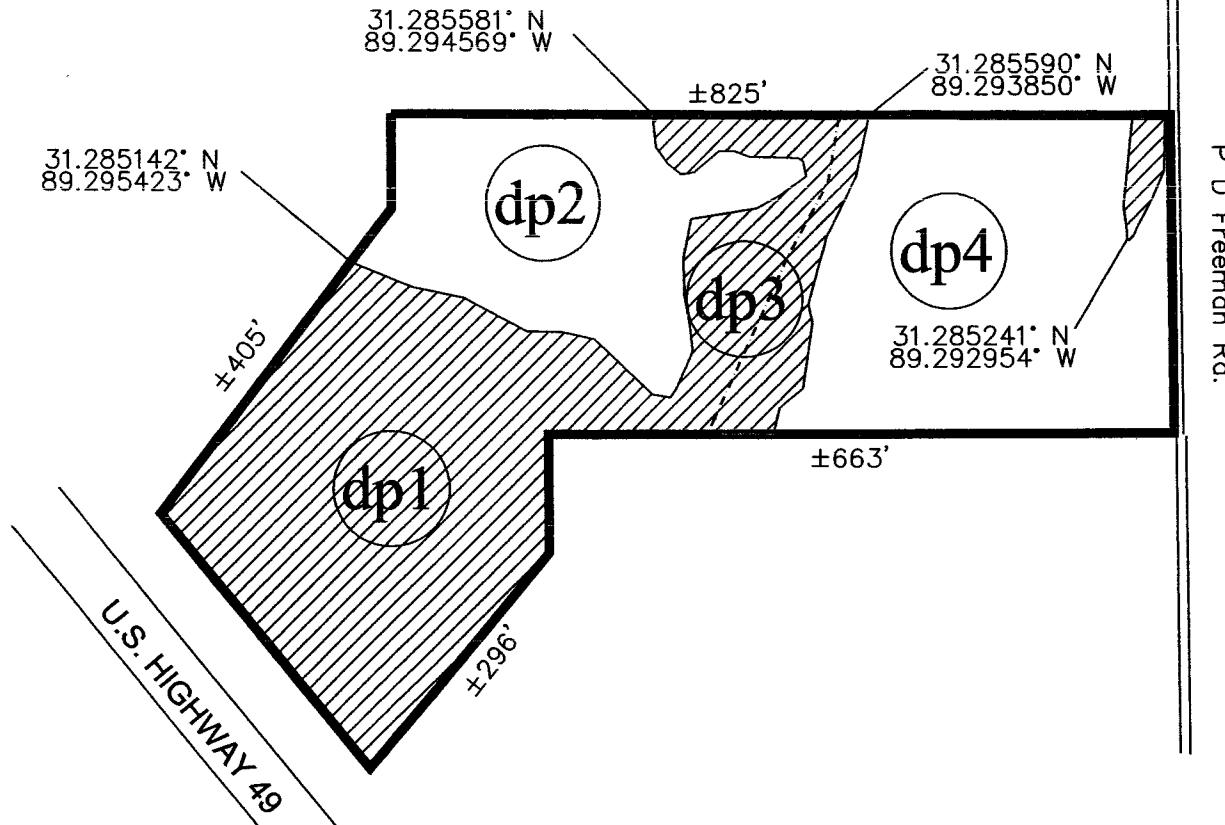
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

1. Topographic Map
2. Wetland Delineation Map
3. Plan View Drawing

Figure 1, Section 27, T-4-N, R-13-W, Forrest County, MS, Hattiesburg Quad





- Uplands: ±4.6 Acres
- Wetlands: ±4.4 Acres
- Other waters of the U.S.: ±0.03 Acres (371 linear feet)
- dp1 Data Point Locations

SOLUTIONS INC.
ENVIRONMENTAL CONSULTANTS

P.O. BOX 6341
DIAMONDHEAD, MS 39525

EMAIL: ericols@aol.com
PHONE: (228) 255-5511

VICKSBURG OFFICE: (601) 634-6118

Steve Downing
Highway 49
Hattiesburg, MS

Section 27, T-4-N, R-13-W
Forrest County, MS

Scale: 1"=300' Date: 8/26/2008

Drawn By: EFN Revised: 5/5/2009

Project No.
SAM-2008-1488-SBC

