



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2009-00966-JEB

13 January 2010

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**REQUEST FOR AFTER THE FACT AUTHORIZATION TO CLEAR AND FILL
WETLANDS FOR DEVELOPMENT OF THREE RESIDENTIAL LOTS WITHIN
SKYLARK SUBDIVISION, GAUTIER, JACKSON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Hoyt Property, LLC
Attention: Mr. Jason Malley
1215 Dedeaux Road
Gulfport, Mississippi 39503

AGENT: Coastal Environments, Inc.
812 Water Street
Biloxi, Mississippi 39530

LOCATION OF WORK: Lots 2, 3, and 4 along proposed Norman Drive in Skylark Subdivision, in wetlands draining to Mary Walker Bayou, Section 34, Township 7 South, Range 7 West, 30.397381° N/ 88. 668806° W, Gautier, Jackson County, Mississippi.

WATERWAY: Wetlands draining to Mary Walker Bayou, Section 34, Township 7 South, Range 7 West, 30.397381° N/ 88. 668806° W, Gautier, Jackson County, Mississippi.

PROPOSED WORK: The applicant requests after-the-fact authorization to clear and fill three

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residential lots within Skylark subdivision for the purpose of creating three individual home sites. The proposed project will impact 0.93 acres of hardwood and herbaceous wetlands.

The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The site plan for each parcel was designed to avoid additional impacts to wetlands. Minimal size buffers will be utilized to allow for the house pads and parking. " The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: "The applicant will achieve mitigation for the development through purchasing the approved amount of habitat through Wetland Solutions Mitigation Bank. Proof of purchase will be provided before construction commences." The Corps 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 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,

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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 which are known to exist and would be affected by the proposed work. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. 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 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 listed endangered and threatened species or their critical habitat may occur within the project area. Notification to the United States Fish and Wildlife Service will be furnished via this Public Notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2009-00966-JEB** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, 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 within 30 days of the date of this public notice.

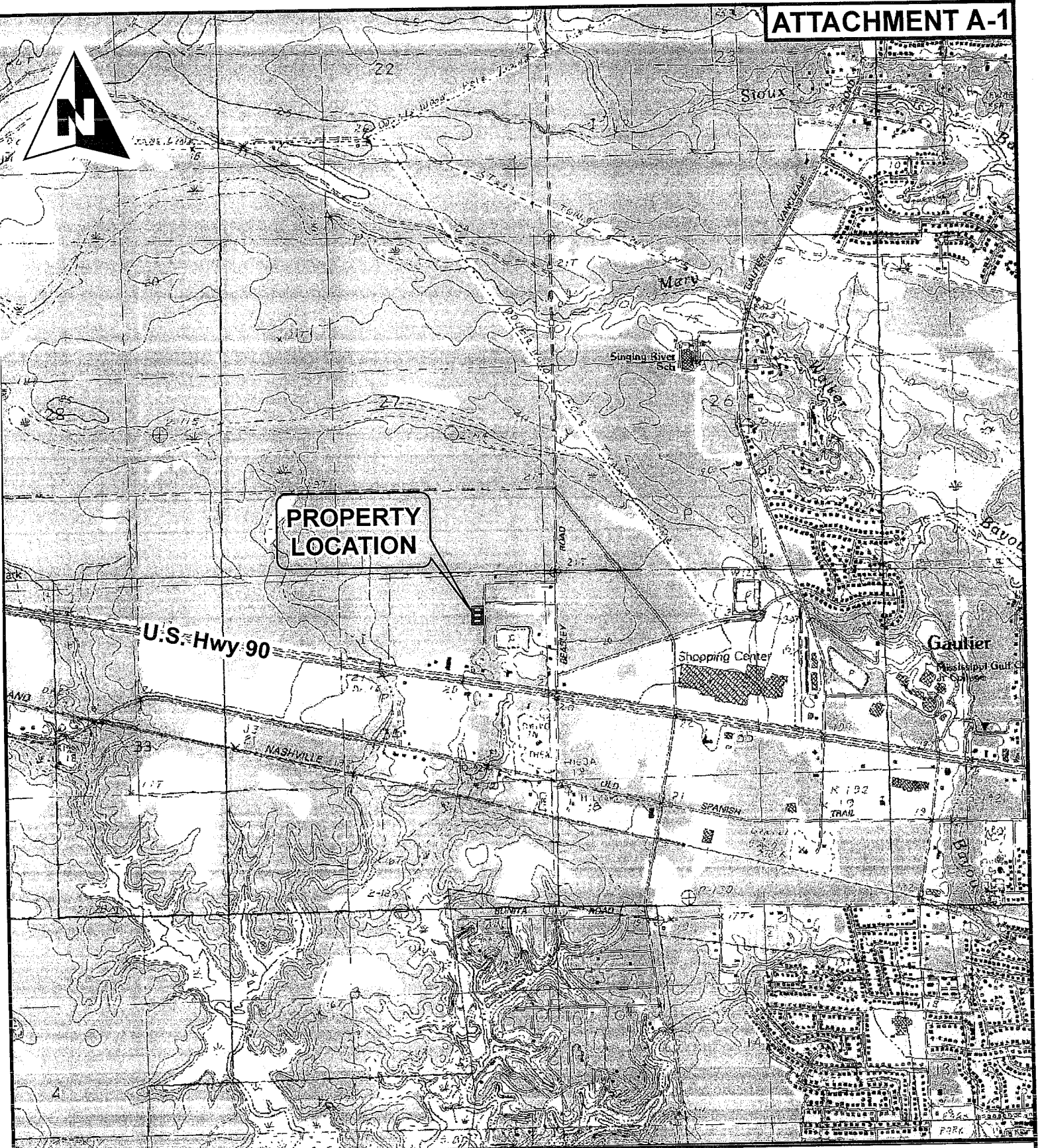
If you have any questions concerning this publication, you may contact this office, **Mr. Eric Buckelew**, telephone number **251-690-3184**, e-mail **james.e.buckelew@usace.army.mil**. Please refer to the above Public Notice number.

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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



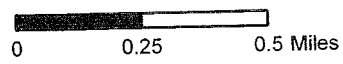
**PROPERTY
LOCATION**

U.S. Hwy 90


Shopping Center

Gautier

PURPOSE: Residential Development
SOURCE: CEI
MAP BASE: USGS 24K Quadrangle:
Gautier North
DATUM: NGVD

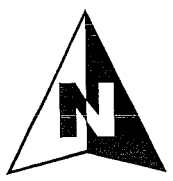


SUBJECT LOCATION

 Coastal Environments, Inc.
Biloxi, MS.....228-385-5547

**Skylark Sub'd. Lots 2, 3, & 4
Wetland Permit
+/- 0.93 Acre Tract**

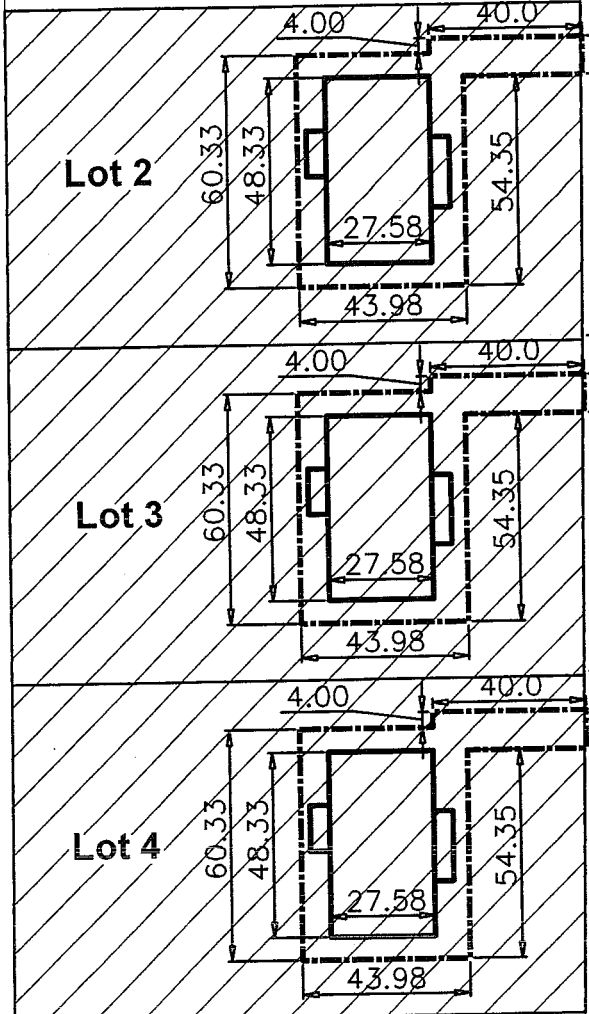
Location: S-34, T-7-S, R-7-W
County: Jackson, MS
Application By: Hoyt Property, L.L.C.
Date: November 2009



OWNER A

Norman Dr.

Hoyt Drive



OWNER B

OWNER E

10.00
10.00

10.00
10.00

Proposed Norman Dr.

OWNER C

OWNER D

Proposed Heidelberg Dr.

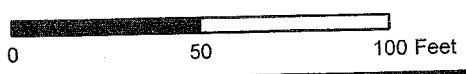
Building Pad
 3,000 sf Fill Area per Lot
 Unauthorized Cleared Wetland

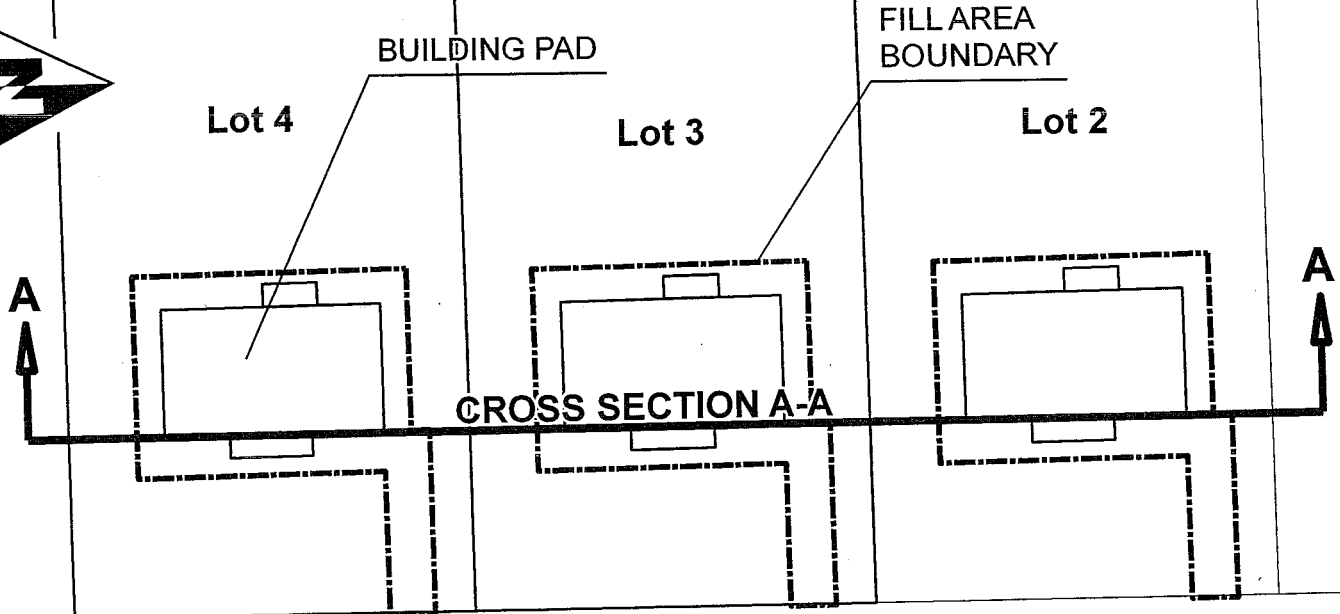
PURPOSE: Residential Development
 SOURCE: CEI
 MAP BASE: JACKSON COUNTY
 DATUM: NAD83

SITE LAYOUT & WETLAND LOCATION

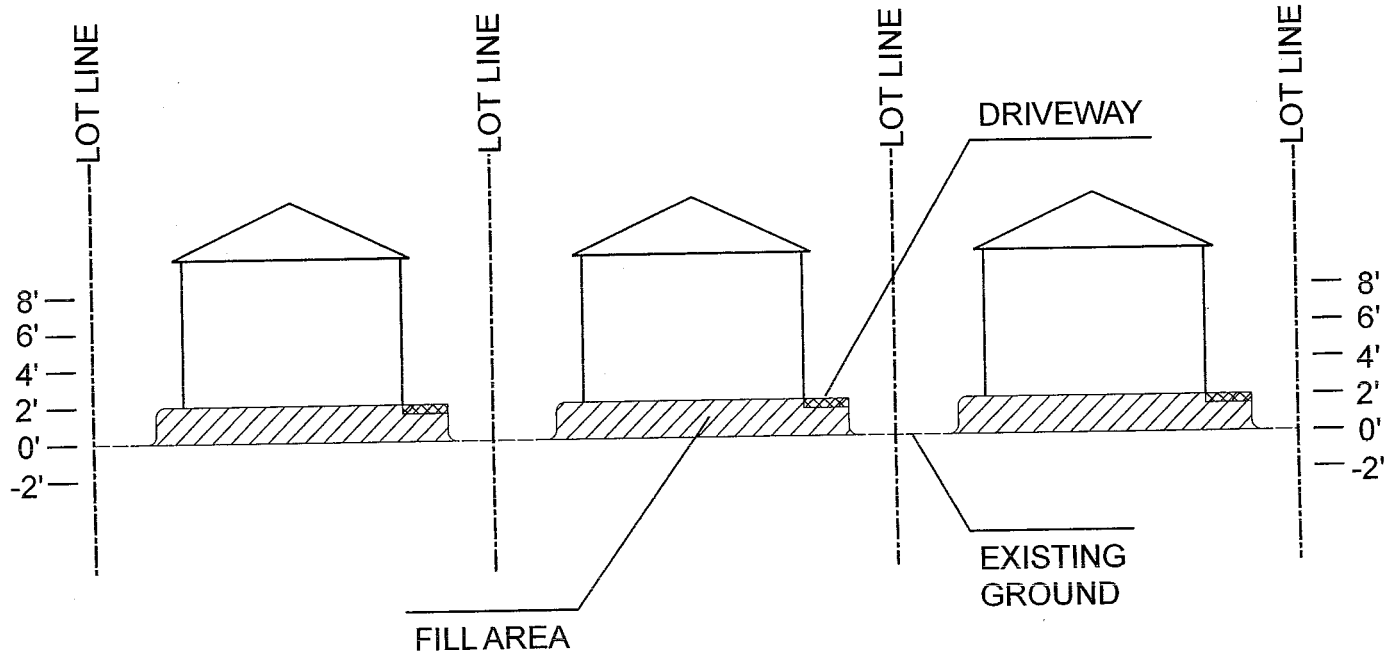
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Proposed Norman Dr.



CROSS SECTION A-A

PURPOSE: Residential Development
 SOURCE: CEI
 MAP BASE: JACKSON COUNTY
 DATUM: NAD83

CROSS SECTION THROUGH PROP.

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