



REPLY TO  
ATTENTION OF:

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

February 8, 2010

Coastal Branch  
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2004-03387-MNS  
U.S. ARMY CORPS OF ENGINEERS**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**RE-AUTHORIZATION OF THE PLACEMENT OF FILL IN WETLANDS ADJACENT TO  
DAVIS BAYOU, 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 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: Madison Place Development  
Post Office Box 3127  
Slidell, Louisiana 70458-3127**

**AGENT: Culpeper and Associates  
Attention: Mr. Billy Culpeper  
21794 Pine Terrace Drive  
Gulfport, Mississippi 39503**

**WATERWAY: The project is located in wetlands adjacent to Davis Bayou, Section 24, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi (Latitude 30.409166 and Longitude -88.745833.).**

**WORK: The U.S. Army Corps of Engineers (Corps), Mobile District has received an application for re-authorization of construction of a previously permitted commercial subdivision development (MS04-03387-H, Madison Place Development, LLC). The authorization expired November 30, 2008, prior to start of construction. The re-authorization request proposes the original impacts of 12.4 acres of wetlands in conjunction with the construction of a single family residential subdivision, associated roads, driveways and foundations. To mitigate for the unavoidable loss of wetlands, the applicant preserved approximately 23 acres of onsite wetlands and has purchased 29 credits from the Wetland Solutions Mitigation Bank. All work will be accomplished in accordance to the attached drawings provided by the applicant.**

**PROJECT PURPOSE:** The applicant stated the purpose of the proposed project is to provide needed residential housing. The Corps determined the basic project purpose is the construction of commercial development that is non-water dependent.

**EXISTING CONDITIONS:** The project site consists of an approximated 53 acre residential subdivision previously authorized by the Corps under application number MS04-03387-H (previously MS99-00157-E). Of the approximated 53 acre project site, 38.41 acres was previously delineated as medium quality wetland habitat in accordance with the 1987 Delineation Manual prior to the impacts. Approximately 23 acres of wetland habitat is remaining preserved on-site. The project was approved previously for 12.4 acres of impact associated with construction activities. Wetlands on-site are adjacent to Davis Bayou which drains into the Bay of Biloxi which has been designated as traditional navigable water.

**PROPOSED MITIGATION:** For impacts to 12.4 acres of medium quality wetlands, the applicant has purchased the required 29 in-kind credits December 18, 2007, from the Wetland Solutions Mitigation Bank. Approximately 23 acres of wetland habitat remaining has been preserved on-site.

**WATER QUALITY:** The applicant received certification September 27, 2007 (WQC2005002), from the Mississippi Department of Environmental Quality in accordance with Section 401(a) (1) of the Clean Water Act.

**COASTAL ZONE MANAGEMENT:** The applicant has received certification February 12, 2005 (DMR050373) from the State Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources.

**CULTURAL RESOURCES:** The permit area has been defined as the property parcel boundary. The National Register of Historic Places (NRHP) has been consulted for properties listed in or eligible for the National Register known to exist which will be affected by the proposed work. The initial determination by the Corps is that this project will have "no effect" on any known historic or cultural resources. The project site and vicinity has been commercially developed. Copies of this public notice are being sent to the Mississippi State Historic Preservation Officer (SHPO), Federally recognized American-Indian Tribes and the U.S. Department of the Interior, National Park Service, Division of Archaeological Services for further consultation and comments. Additional coordination was conducted with the SHPO on April 12, 1999, as a result of the original project MS99-00157-E. The Eastern Shawnee Tribe of Oklahoma stated no objections to the project January 13, 2005. Copies of this notice are being sent to the SHPO and the U.S. Department of the Interior, National Park Service, Division of Archeological Services for further consultation and comments.

**ENDANGERED SPECIES:** Preliminary review of this application, a site visit by the Corps and the U.S. Department of the Interior's list of Endangered and Threatened Wildlife and Plants indicate the proposed activity will not affect listed endangered or threatened species or their critical habitat. In a letter dated February 18, 2005 the U.S. Fish and Wildlife Service stated the project will not impact listed threatened or endangered species. The National Marine and Fisheries Service indicated recommendations in a letter dated January 25, 2005.

**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 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2004-03387-MNS** and shall be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: **Mr. Rudolph C. Villarreal**, 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, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **21 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. Rudolph C. Villarreal** (Rudolph.c.villarreal@usace.army.mil), phone **(251) 690-3246**. Please refer to the above Public Notice number.

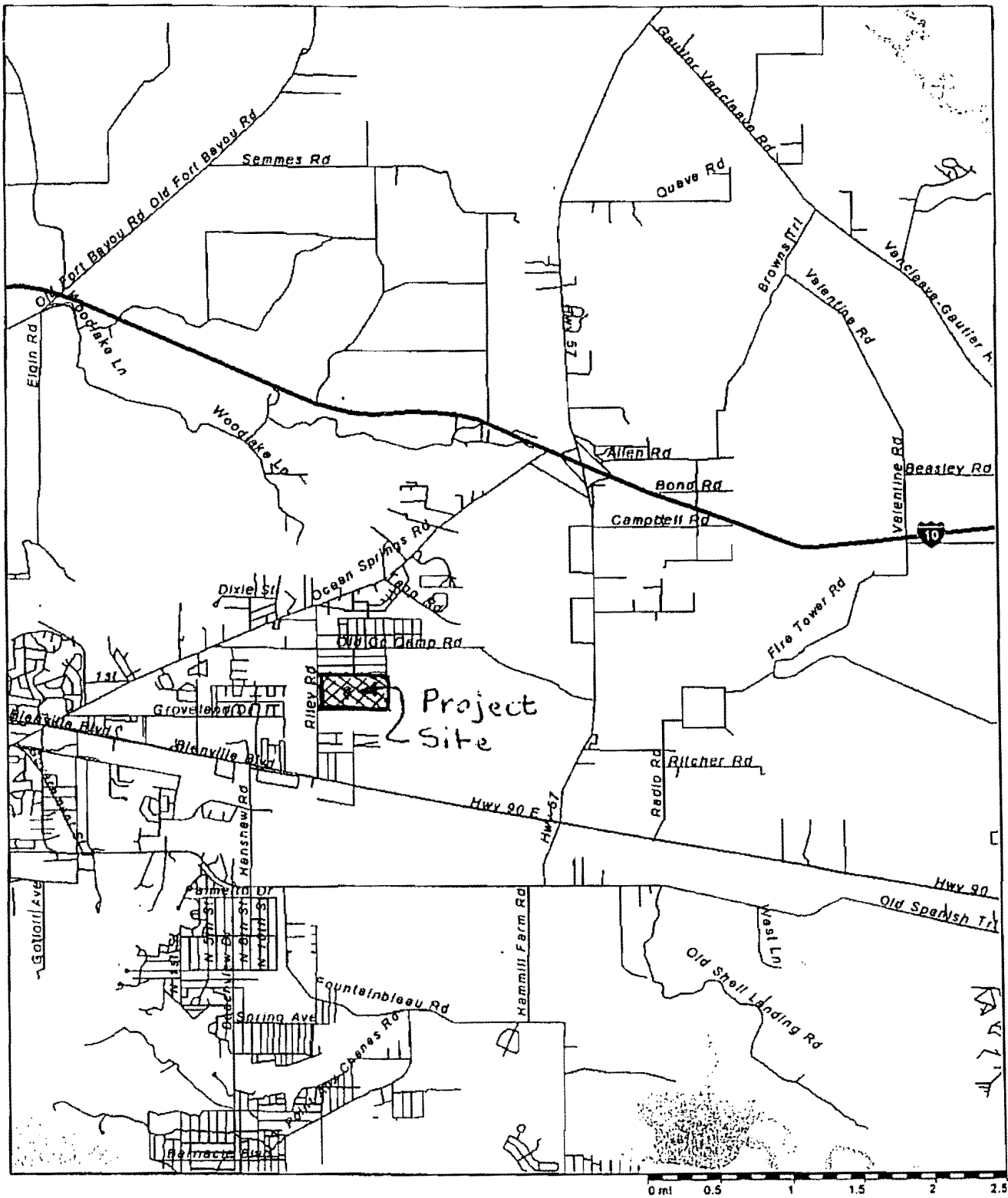
**CESAM-RD-C**  
**SAM-2004-03387-MNS**  
**Madison Place Development, LLC**

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



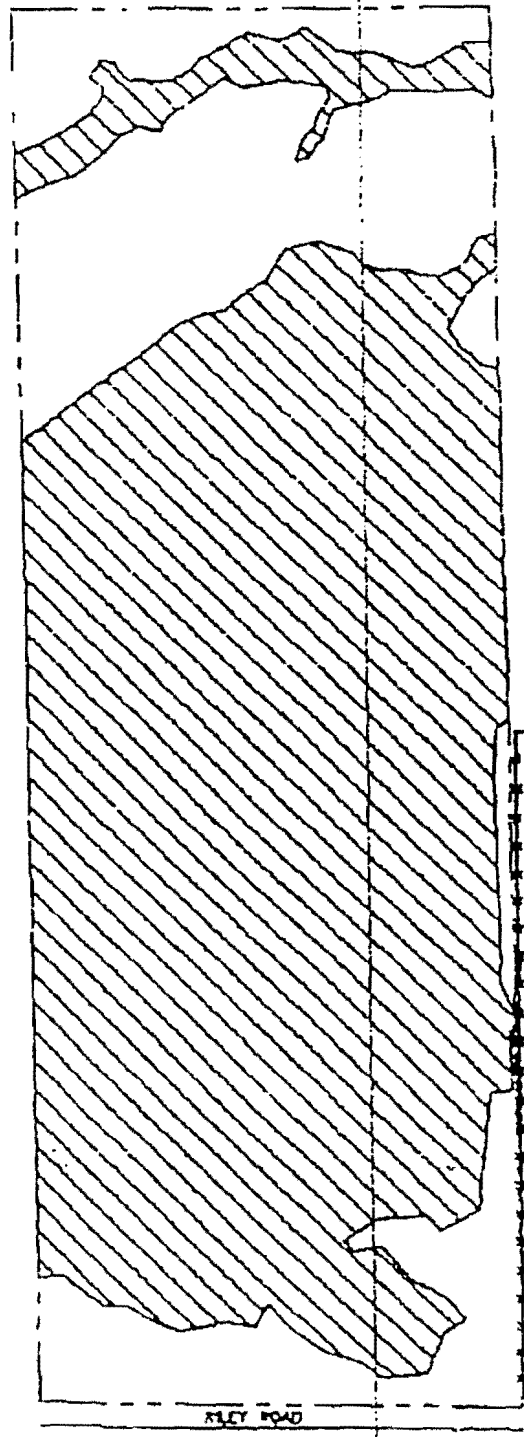
MADISON PLACE

FIGURE 2. OCEAN SPRINGS, MS--



-  WETLANDS 38.41 ACRES
-  NONWETLANDS 14.59 ACRES

1 INCH = 300 FEET



PREPARED BY O.R. SANDERS AND ASSOCIATES, INC.

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