



REPLY TO
ATTENTION OF:

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

CESAM-RD
SUBJECT: SAM-2006-1584-JAM

FEB 13 2008

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED WETLAND FILL FOR EXPANSION OF AN APARTMENT COMPLEX IN
BILOXI, HARRISON 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 Rivers and Harbors 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: The Landmark Group
P.O. Box 12004
Jackson, Mississippi 39236

WATERWAY: Wetlands connecting to the Back Bay of Biloxi along Cedar Lake Road in Section 13, Township 7 South, Range 10 West in Biloxi, Harrison County, Mississippi.

WORK: The applicant proposes to fill 2.16 acres of low quality pine savanna wetlands for the expansion of an existing apartment complex at Cedar Lake Road in Biloxi, Harrison County, Mississippi. In September 2006, impacts to 0.46 acres of waters of the U.S., including 153 linear feet of stream, were authorized through a Nationwide Permit. The applicant commenced work under the Nationwide Permit and is currently requesting authorization for additional wetland impacts on the same project site for construction of 4 additional apartment buildings and additional parking areas. The applicant proposes to compensate for impacts to 2.16 acres of low quality pine savanna wetlands through purchase of credits from a Corps-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.

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The applicant has certified 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.

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, 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.

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The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register that are known to exist on site which would be affected by the proposed work. The applicant conducted a Phase I Cultural Resources Survey and coordinated with the State Historic Preservation Officer (SHPO). SHPO concurred with the findings that no known cultural resources listed in or eligible for the National Register of Historic Places would be affected. This review will constitute 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 SHPO 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 indicates 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-2006-1584-JAM** 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 Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi 39530. Comments should be received no later than **15 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at allison.l.felsher@sam.usace.army.mil or telephone number **(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 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.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers



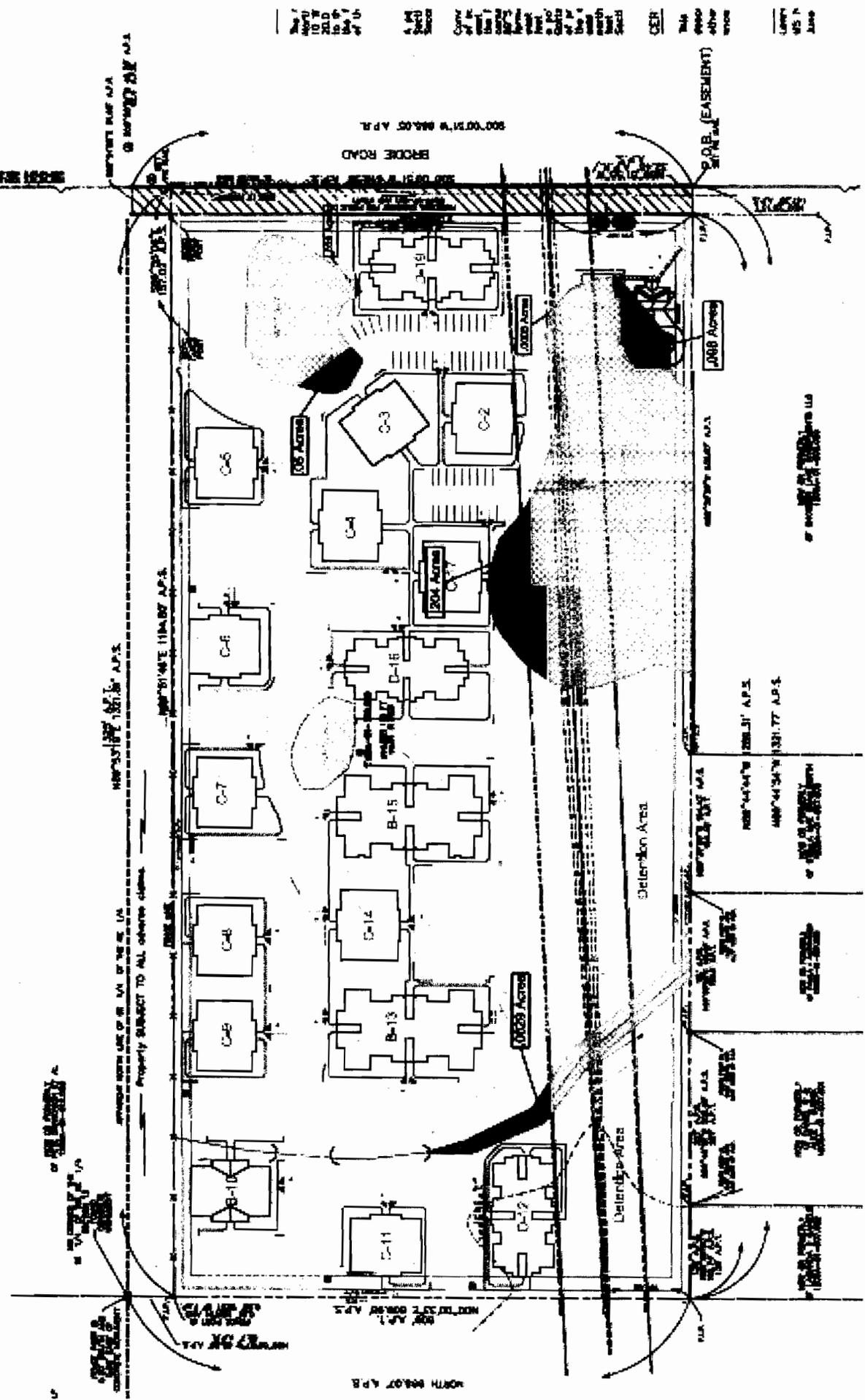
Landmark Group
 Cedar Lake Road Property
 Harrison County, Mississippi

SCALE CLASS 7

SUBMITTAL OF A WETLAND HAZARD REPORT
 POWER COMPANY EMBLEMMENT IS FINANCIALLY PLANNED
 APPROPRIATE CONSTRUCTION OF OVERHEAD ELECTRIC LINES

Drawn By: J. J. [unclear] 2004-08-01
 Checked By: [unclear] 2004-08-01
 Date: 2004-08-01
 Project: 2004 5100 0 02
 Job: 1208A

Wetlands Avoidance
 Wetlands Impacts



Legend:
 Wetland Avoidance: [Symbol]
 Wetland Impacts: [Symbol]
 Other symbols for easements and roads.

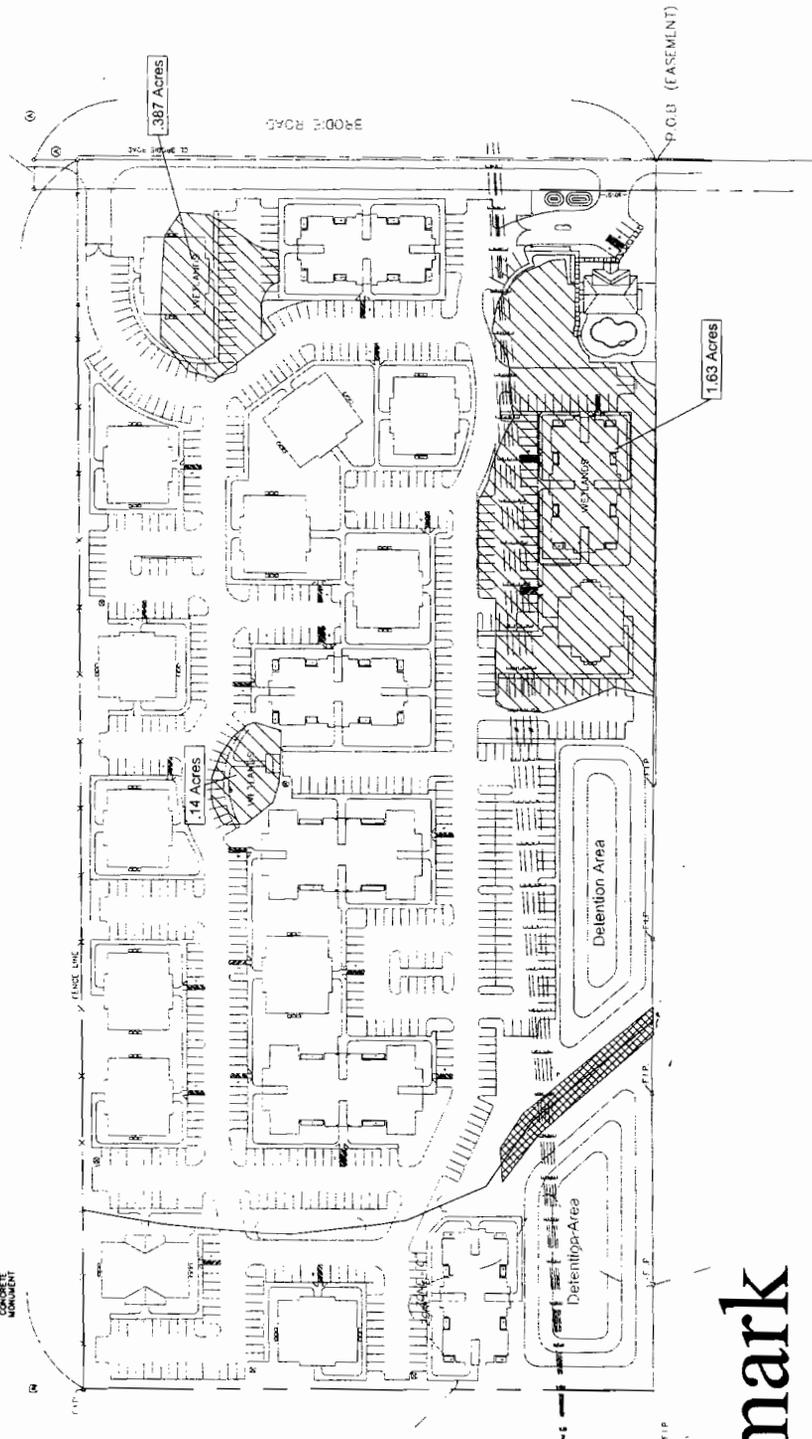
Wetland Impacts under Nationwide Permit

LEGEND

- Wetlands Avoidance
- Wetlands Impacted

2.16 acres

1/4 SECTION 3, T11N, R10E, S12E, MISSISSIPPI COUNTY, MISSOURI



Wetlands Impact Exhibit

The Landmark

Biloxi, Mississippi

Proposed Wetland Impacts