



REPLY TO  
ATTENTION OF:

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

Regulatory Division  
Coastal Branch

NOV 2 2007

**JOINT PUBLIC NOTICE  
MODIFICATION OF U.S. ARMY CORPS OF ENGINEERS  
PERMIT SAM-2007-0102-JBM**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**Wetland Fill for Commercial /Residential Development,  
Richard Drive, Biloxi, Harrison County, Mississippi**

TO WHOM IT MAY CONCERN:

This District has received a request to modify Department of the Army permit SAM-2007-0102-JBM issued pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT/AGENT:** Enlightened Properties, LLC  
c/o Mr. Terry Moran  
Moran Engineering (Agent)  
249 Beauvoir Road  
Biloxi, MS 39531

**WATERWAY:** Headwater of tributary to Back Bay of Biloxi, Biloxi, Harrison County, Mississippi. (Section 13, T7S, R10W; Lat. 30°-26.02'N, Long. 88°-56.17'W.)

**REFERENCE:** Joint Public Notice SAM-2007-00102-JBM, dated February 12, 2007.

**PERMITTED WORK:** By Corps of Engineers permit dated September 16, 2007, the applicant was authorized to fill 7.0 acres of wetlands to construct a residential/commercial development surrounding the Wellness Center.

**CESAM-RD-C**

**Public Notice Number SAM-2007-0102-JBM**

**PROPOSED MODIFICATION:** The applicant modified his development plan to eliminated in-stream (wetland) stormwater detention and included residential development. The modified plan (enclosed) includes an additional 0.57 acre of wetland fill. Impacts to wetlands will be mitigated by the purchase of credits from an approved wetland mitigation bank to offset impacts to 0.17 acre of low-quality wetlands and 0.40 acre of medium-quality wetlands.

**The State of Mississippi issued Section 401(a)(1) of the Clean Water Act Certification for the modified project plan on September 10, 2007.**

**By letter dated July 23, 2007, the Mississippi Department of Marine Resources determined the modified project was consistent with the State Coastal Zone Management Program.**

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 modification 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 modification of the permit. 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.

**CESAM-RD-C**

**Public Notice Number SAM-2007-0102-JBM**

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 has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. 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.

Review and coordination with the U.S. Fish and Wildlife Service 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-2007-0102-JBM 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, 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 15 days of the date of this public notice.

If you have any questions concerning this publication, you may contact this office, John B. McFadyen, telephone number (251) 690-3222; E-mail addresses [john.b.mcfadyen@usace.army.mil](mailto:john.b.mcfadyen@usace.army.mil). 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](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

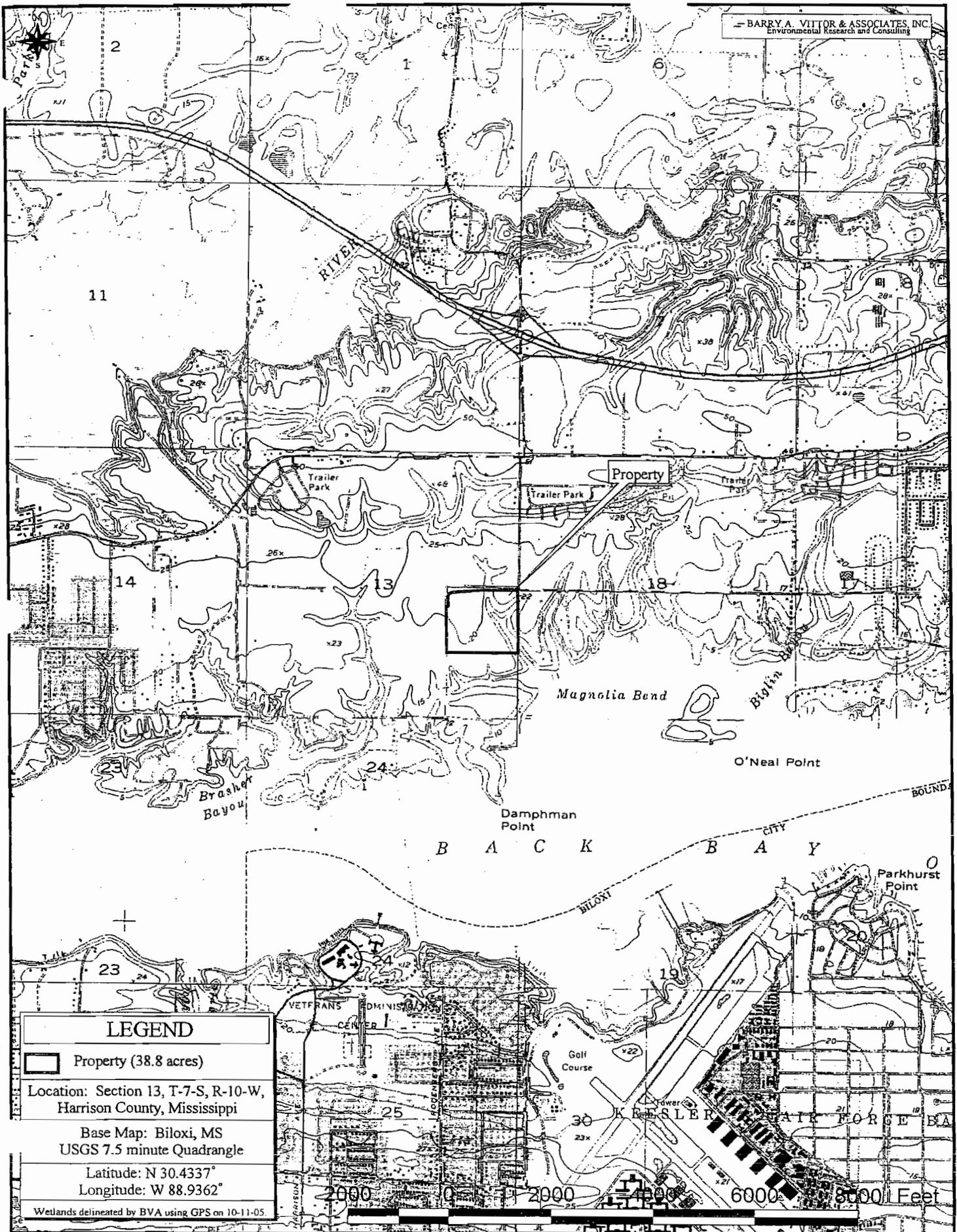
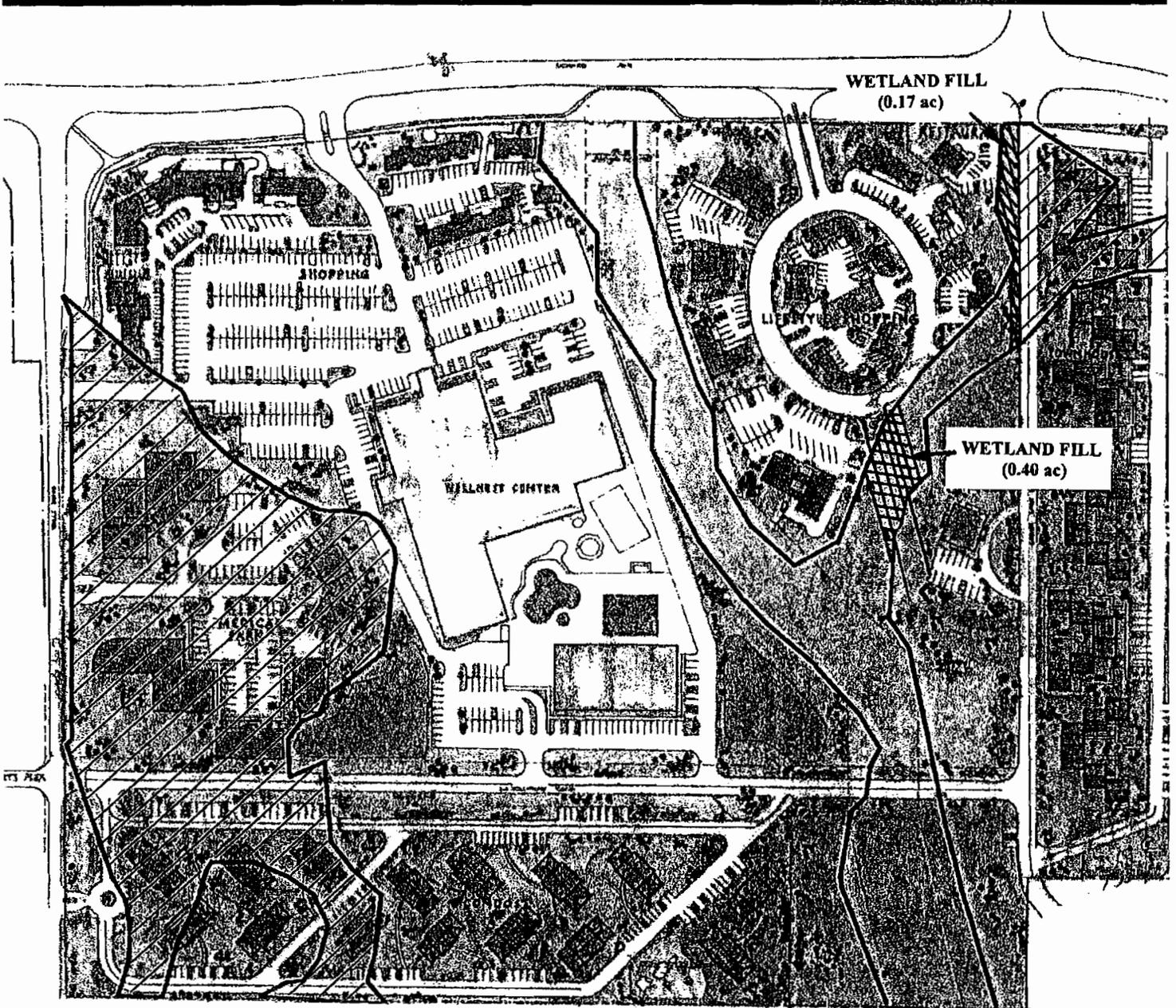


Figure 1. Location of the proposed Wellness Center Project in Biloxi, Mississippi.

**APPROVED**

ENLIGHTENED PROPERTIES, LLC  
SAM-2007-0102-JEM

Request for Modification of Permit,  
to Authorize Additional Wetland Fill



ADDITIONAL WETLAND FILL 