



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
SAM-2008-01670-KMN

December 19, 2008

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES (MDMR)

Wetland Fill for Construction of an Apartment Complex, on 46th
Avenue, Gulfport, Harrison County, Mississippi

TO WHOM IT MAY CONCERN:

This 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: Roundstone Development, LLC
1750 Valley View Lane, Suite 420
Dallas, Texas 75234

AGENT: Dr. Dana R. Sanders, Sr.
4017 Lake Wilma Road
Moss Point, Mississippi 39562

WATERWAY: Turkey Creek, Mississippi Coastal Drainage Basin,
Hydrologic Unit Code 03170009, Harrison County, Mississippi.
(Section 32, T7S, R11W; Latitude 30.388275° N,
Longitude 89.117944° W)

DESCRIPTION OF WORK: The applicant proposes to construct a Multi-Family Apartment Complex on a 10.14-acre site located west of 46th Avenue and south of 33rd Street in Gulfport, Harrison County, Mississippi (Figures 1 & 2).

The applicant's proposed development would include ten (10) apartment buildings, streets, parking areas, main office, pool, and detention basin (Figure 5). Each apartment building would consist of 24 units. The buildings would be approximately 210 feet long and 60 wide. Parking would be constructed adjacent to each building and would accommodate two cars per unit. Handicap accessible sidewalks would be installed outside the buildings. A

storm water detention basin would be constructed western portion of the property to manage runoff and drainage. It would be approximately 4 feet deep, with a capacity of approximately 61,204 cubic-feet.

Site Description: The proposed project would be located on a 10.14 acre site. The site contains approximately 8.42 acres of forested palustrine wetlands (Figure 3) of which the applicant proposes to fill approximately 5.90 acres.

The applicant is proposing to raise the land surface elevation approximately 3 feet by placing approximately 28,556 cubic yards of clean sandy clay material and concrete in the on-site wetlands.

Dominate overstory vegetation located in the wetland areas include water oak (*Quercus nigra*), red maple (*Acer rubrum*), black gum (*Nyssa sylvatica*), and loblolly pine (*Pinus taeda*). Dominate shrub/scrub vegetation include big leaf gallberry (*Ilex coriacea*), black gum (*Nyssa sylvatica*), sweet bay (*Magnolia virginiana*), wax myrtle (*Myrica cerifera*), and loblolly pine (*Pinus taeda*).

Alternatives Analysis/Mitigation:

Alternative Sites: The agent for the applicant stated that the applicant reviewed four (4) alternative project sites for the proposed development in the general area of the proposed site. The other sites reviewed were considered not feasible due to the cost requirement for the applicant to purchase the property. The applicant currently owns the subject property. The three other sites are reported as containing less of a percentage of on-site wetlands; however, one of the three is reported to have a higher quality of wetlands on-site.

Alternative Designs: The applicant considered two project configurations for the proposed site. The applicant's original plan proposed to impact 7.46 acres of on-site wetlands (Figure 4). The original proposal included ten (10) apartment buildings, streets, parking areas, main office, pool, and detention basin. An alternative design with fewer apartment buildings was considered (Figure 5). The alternative design would remove two (2) apartment buildings and their associated parking from the design. Approximately 5.90 acres of wetlands would be impacted by the alternative design. After review of the two designs, the applicant concluded that the basic goals of the project could still be achieved by constructing the alternative plan.

Mitigation Plan: The applicant proposes to compensate for wetland impacts by purchasing the appropriate number of mitigation credits from a Corps-approved mitigation bank.

STATE WATER QUALITY PERMIT: 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.

STATE COASTAL ZONE CONSISTENCY: The applicant has certified that the proposed activity complies with and would 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 MDMR.

CULTURAL RESOURCES: 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 (SHPO) and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

ENDANGERED SPECIES: 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. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project will not impact EFH. Our initial determination is that the proposed action will not have a substantial impact on EFH or Federally managed fishes. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INVOLVEMENT: 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2008-01670-KMN 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 21 days of the date of this public notice.

If you have any questions concerning this publication, you may contact this office, Kaaren M. Neumann (kaaren.m.neumann@usace.army.mil), telephone number (228) 523-4024. 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 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 (5 Figures)

SITE LOCATION MAP FOR OCEAN ESTATES 1 APARTMENTS.

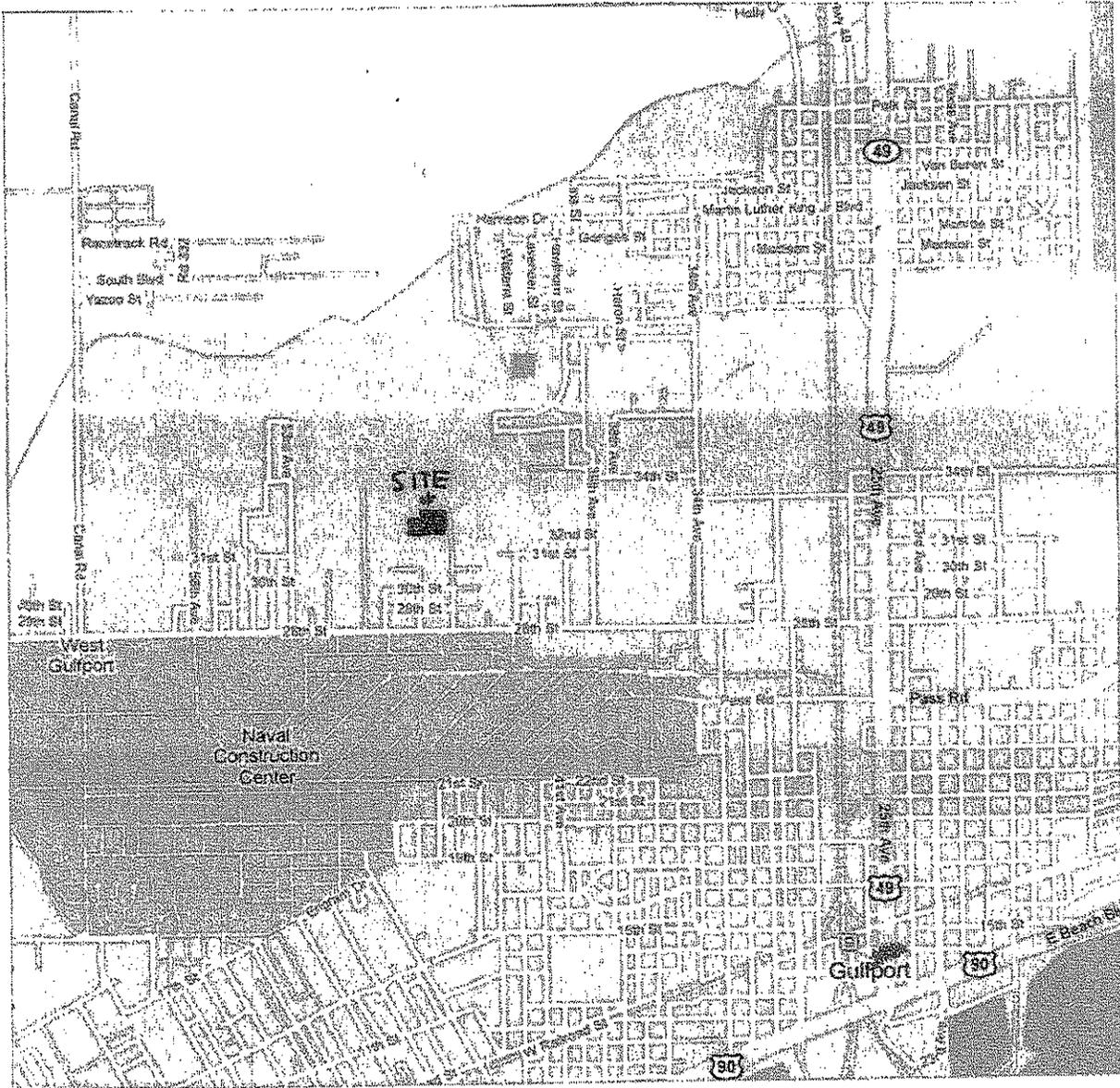
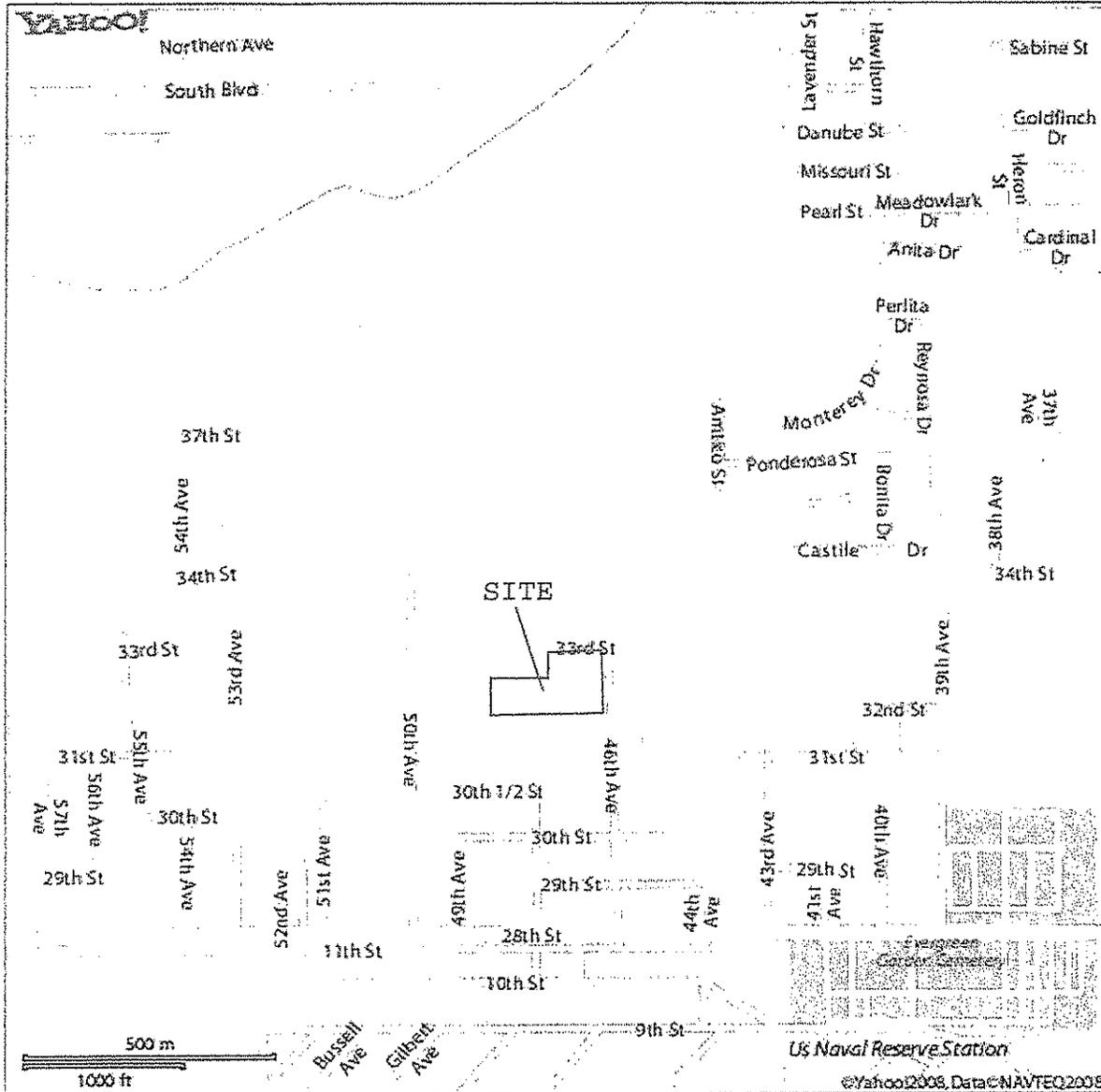


FIGURE 1
(PN) SAM-2008-01670-KMN

Map of Gulfport, MS



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

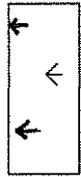
SITE LOCATION FOR OCEAN ESTATES I APARTMENTS.

FIGURE 2
(PN) SAM-2008-01670-KMN

WETLANDS DELINEATION OF ROUNDSTONE DEVELOPMENT TRACT, GULFPORT, MS.

33rd STREET

TOTAL AREA=10.14 ACRES



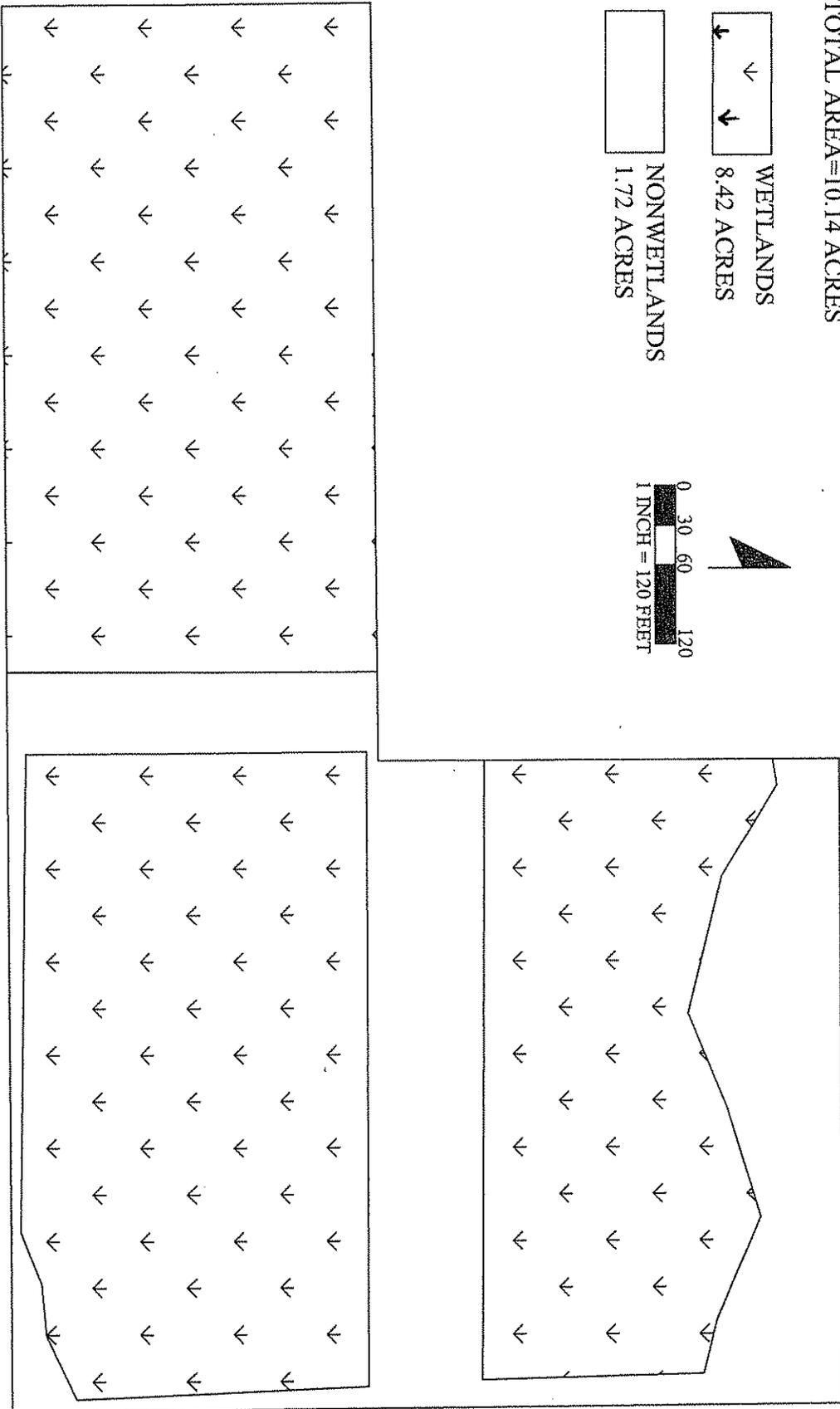
WETLANDS
8.42 ACRES



NONWETLANDS
1.72 ACRES



0 30 60 120
1 INCH = 120 FEET



46th AVENUE

FIGURE 3
(PN) SAM-2008-01670-KMN

PLANVIEW OF OCEAN ESTATES ONE APARTMENTS, GULFPORT, MS.

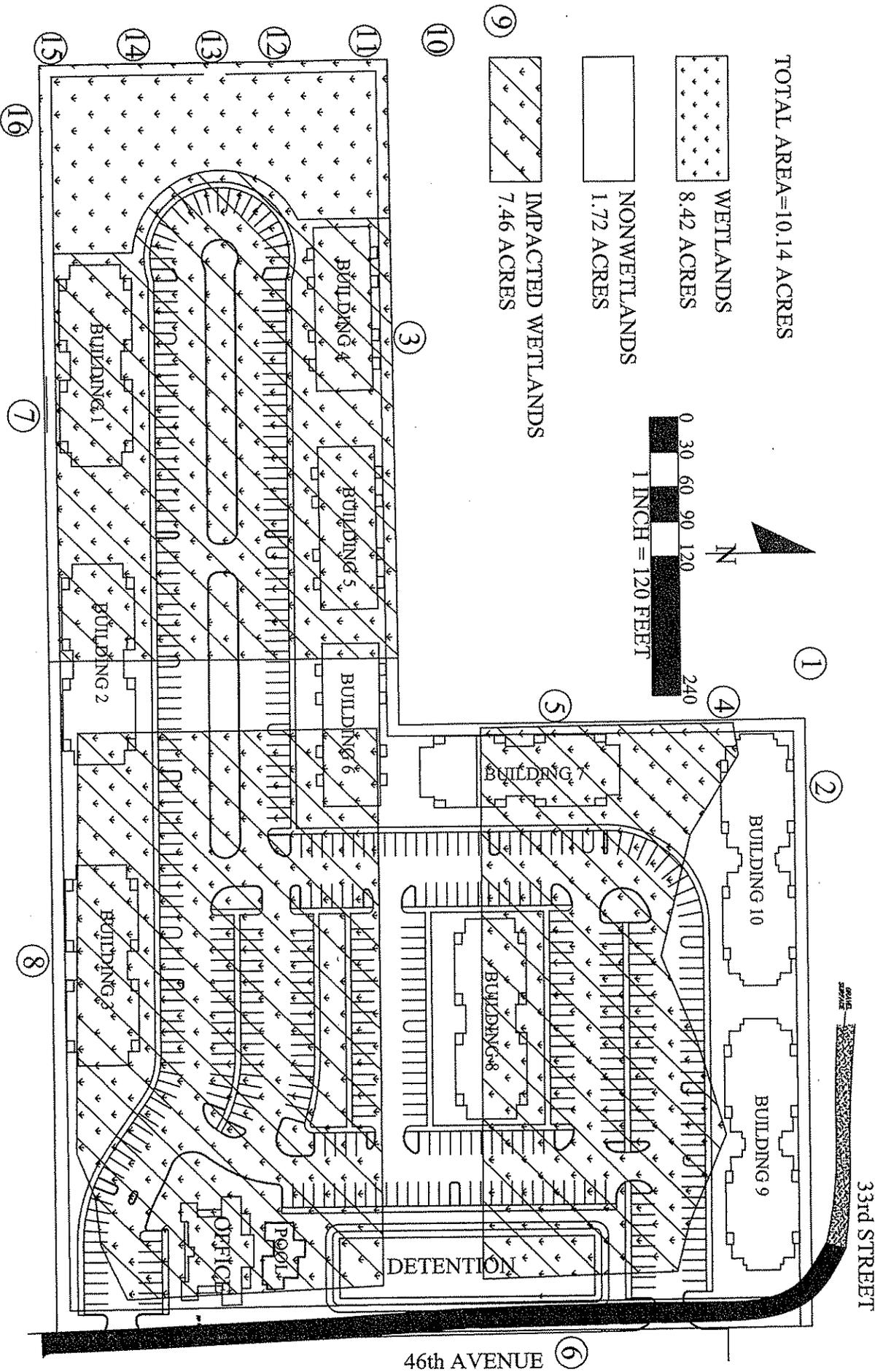


FIGURE 4
(PN) SAM-2008-01670-KMN

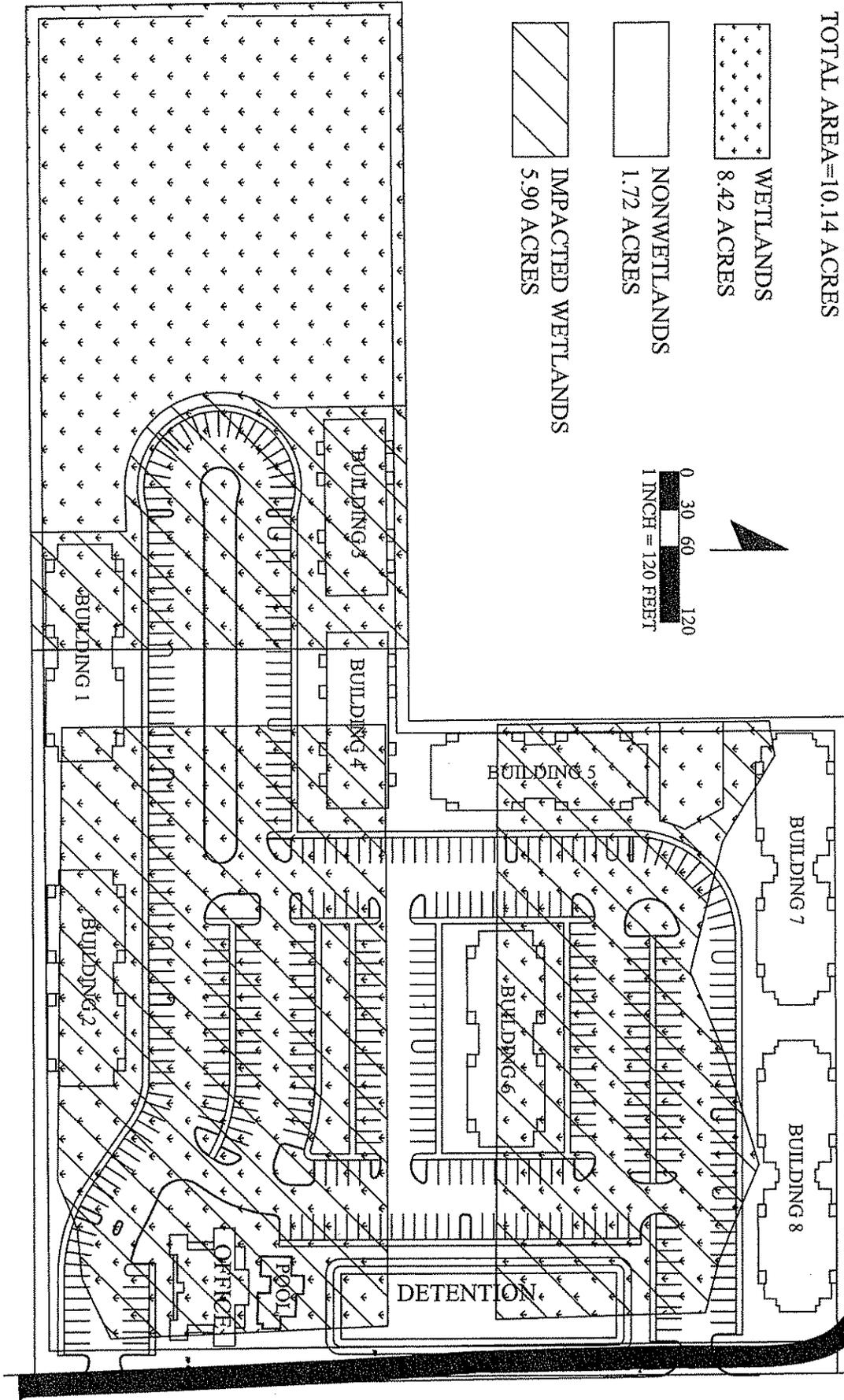
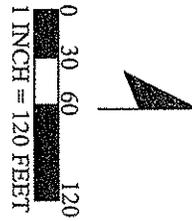
ALTERNATIVE PLANVIEW OF OCEAN ESTATES I APARTMENTS, GULFPORT, MS.

TOTAL AREA=10.14 ACRES

WETLANDS
8.42 ACRES

NONWETLANDS
1.72 ACRES

IMPACTED WETLANDS
5.90 ACRES



46th AVENUE

FIGURE 5
(PN) SAM-2008-01670-KMN