



REPLY TO
ATTENTION OF:

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

January 6, 2012

Coastal Branch
Regulatory Division

JOINT PUBLIC NOTICE SAM-2008-01671-GAC (DMR-090197)
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

WETLAND FILL FOR RESIDENTIAL SUBDIVISION
CONSTRUCTION AND DEVELOPMENT, 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: Shallow Run Developments, LLC
21040 Coastal Parkway
Gulfport, Mississippi 39503

AGENT: Culpepper and Associates
Attention: Mr. Billy Culpepper
Post Office Box 1407
Long Beach, Mississippi 39560

LOCATION: An unnamed tributary to Little Biloxi River, Section 27, Township 6 South, Range 11 West, off Swan Road, Gulfport, Harrison County, Mississippi.

WORK: The applicant proposes to fill approximately 2.45 acres of wetland area in conjunction with the development and construction of a single family dwelling subdivision. Specifically, the proposed project would impact 0.55 acre of low quality drainage swale wetland area and 1.9 acres of medium quality forested wetland area for placement of lot fill, street and utility construction, as shown in attached plans and drawings.

EXISTING CONDITIONS: The property was previously utilized as a homestead and pasture. The site is bordered on the east by vacant land, the south by North Swan Road and the west and north by other residential development which were permitted under SAM-2007-00810-JAM for 0.45 acre of impact. The habitat on-site is characterized as non-tidal Palustrine forested wetland. The project site is located above the headwaters and all surface runoff is directed through roadside ditches and adjacent upland prior to entering the ephemeral and intermittent

subordinate tributaries of the Little Biloxi River. Hydrology is influenced primarily by rainfall and groundwater. The area consists of a mixture of medium and high-density residential and agricultural lands. The project is proposed on a site that is mostly well drained with suitable infrastructure to support the project.

PROJECT PURPOSE: The applicant stated the following for their project purpose and need: "The purpose of the project is to develop an economically viable single-family residential subdivision. The proposed fill of non-tidal Palustrine wetland is required for the successful completion of the project including construction of roads, home sites, homes and utility infrastructure."

The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is for construction of a residential subdivision and is considered a non-water dependent activity.

ALTERNATIVES: The applicant has provided the following statements as an alternatives analysis: "Alternative sites could accommodate residential development; however development of other sites would not be the most practicable alternative. Because of plans of others, local land zoning, greater environmental impacts, project viability, higher property costs and higher development costs, the alternative locations considered were not feasible. If the applicant purchased other property, the property currently proposed for development would still be further subjected to development pressure. The proposed project area contains a relatively large amount of contiguous upland with adequate infrastructure. The applicant has provided adequate infrastructure to Phase III through the development of Phases I and II. An alternative site would require the base infrastructure improvements that have already been made to the subject site. Development of other properties in the area was considered and rejected due to unfavorable determination of the aforementioned items.

The on-site alternatives consist of three development scheme considerations, complete usage of the property: (A) Partial development including development of some wetland; (B) Partial usage of the property with avoidance of wetlands; and (C) The subject property contains approximately 7.35 acres of wetlands that are distributed throughout the site. The upland portion is contiguous. Option C would require abandonment of a significant portion of uplands on-site due to configuration of the wetland location. An avoidance of approximately 15-20 percent of uplands would be required to avoid all wetland impacts due to design constraints. Access and development of some of the upland requires some wetland impacts for practical design of the infrastructure and lot requirements. Option C is not a practicable alternative. Option A would require total development of the subject site. This option would require permanent impacts to approximately 7.35 acres of wetlands. This option would produce additional residential units, however due to cost of land preparation and development, this alternative is not practicable. Option B allows the development of the upland portion of the site with impact to a portion of the wetlands on-site. This option will require impact to a low quality ephemeral swale and riparian wetland margins of a medium quality intermittent drain. This option avoids a majority of the wetlands on-site and allows development of the upland. This alternative is the most practicable least damaging alternative."

Additional coordination regarding project alternatives will be coordinated with cooperating Federal and State agencies.

MITIGATION: The applicant is proposing mitigation for impacts to wetland areas through the purchase of an appropriate number of wetland mitigation credits from an approved wetlands mitigation bank.

Final compensatory mitigation will be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

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.

The applicant has applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated.

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, protected species, 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.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Because the site is located in a submerged area the project should not affect sites on or eligible for the National Register of Historic Places. We are seeking comment from the State Historic Preservation Officer regarding the existence or the potential for

existence of significant cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of development for the overall project footprint. **In a public notice for the project dated November 6, 2008, the Corps consulted with SHPO on this project. By letter dated, January 29, 2009 (MDAH Tracking number 01-111-09), SHPO determined that they “had no reservations with the proposed undertaking”.**

The proposed project site lies within the range of several federally listed species; however, no listed species have been observed on the site, or in the vicinity. The project will be coordinated through officials of the U.S. Fish and Wildlife Service regarding any possible impacts to listed species.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2008-01671-GAC** and should be directed to the District Engineer, U.S. Army Engineer District, Coastal Branch, **Attention: Mr. Philip Hegji**, Post Office Box 2288, Mobile, Alabama 36628-0001, 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 39225 and the Mississippi Department of Marine Resources, **Attention: Ms. Jennifer Wittmann**, 1141 Bayview Avenue, Suite 501, 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 the project manager for this application, **Mr. Philip Hegji** (philip.a.hegji@usace.army.mil), phone **(251) 690-3222**. Please refer to the above Public Notice number.

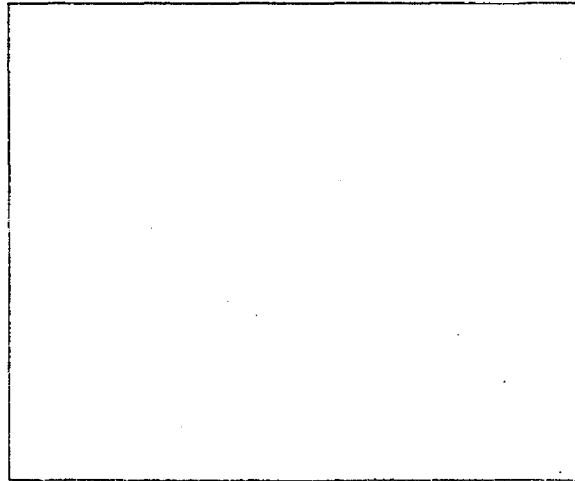
For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

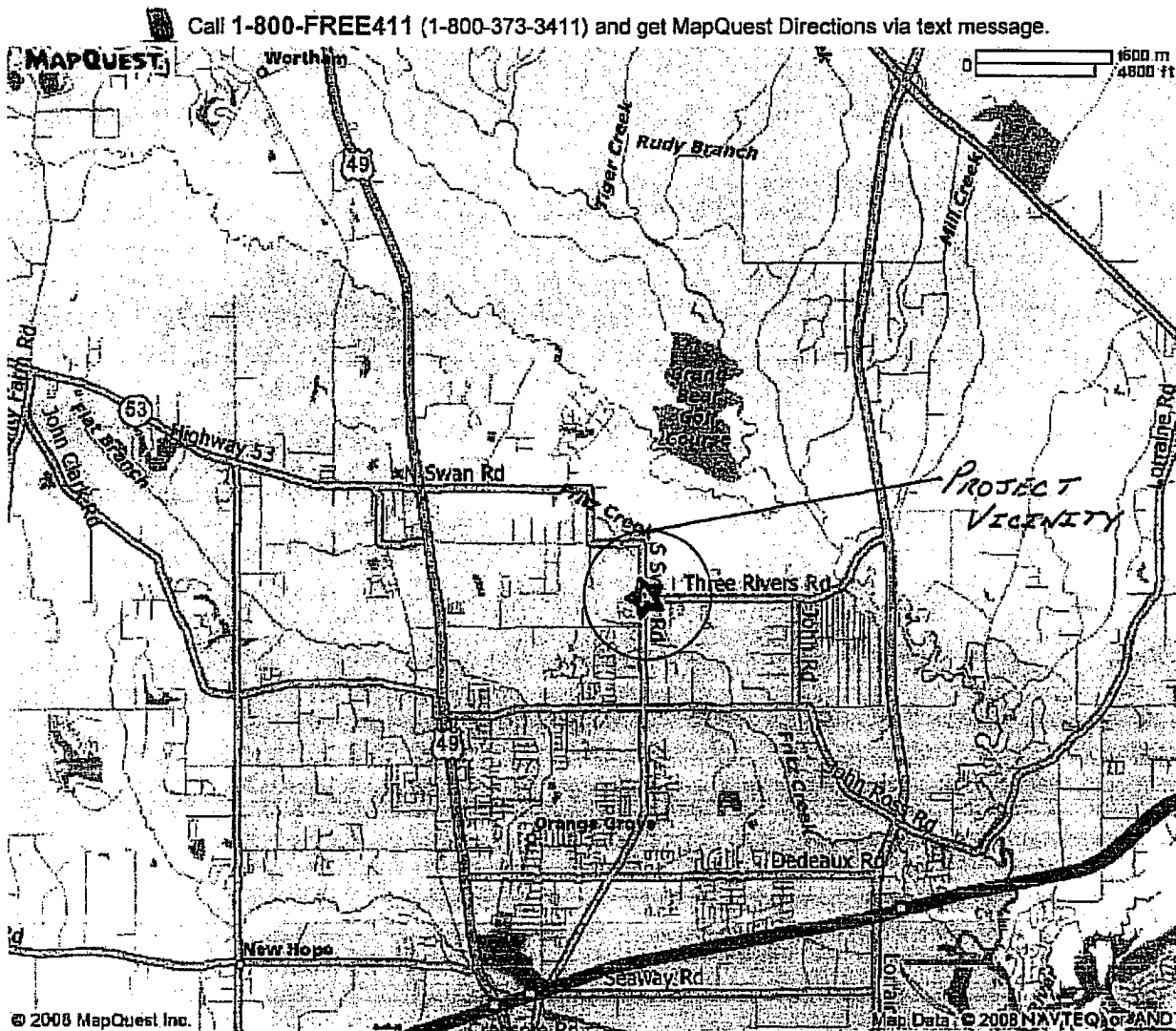
Enclosures

MAPQUEST.

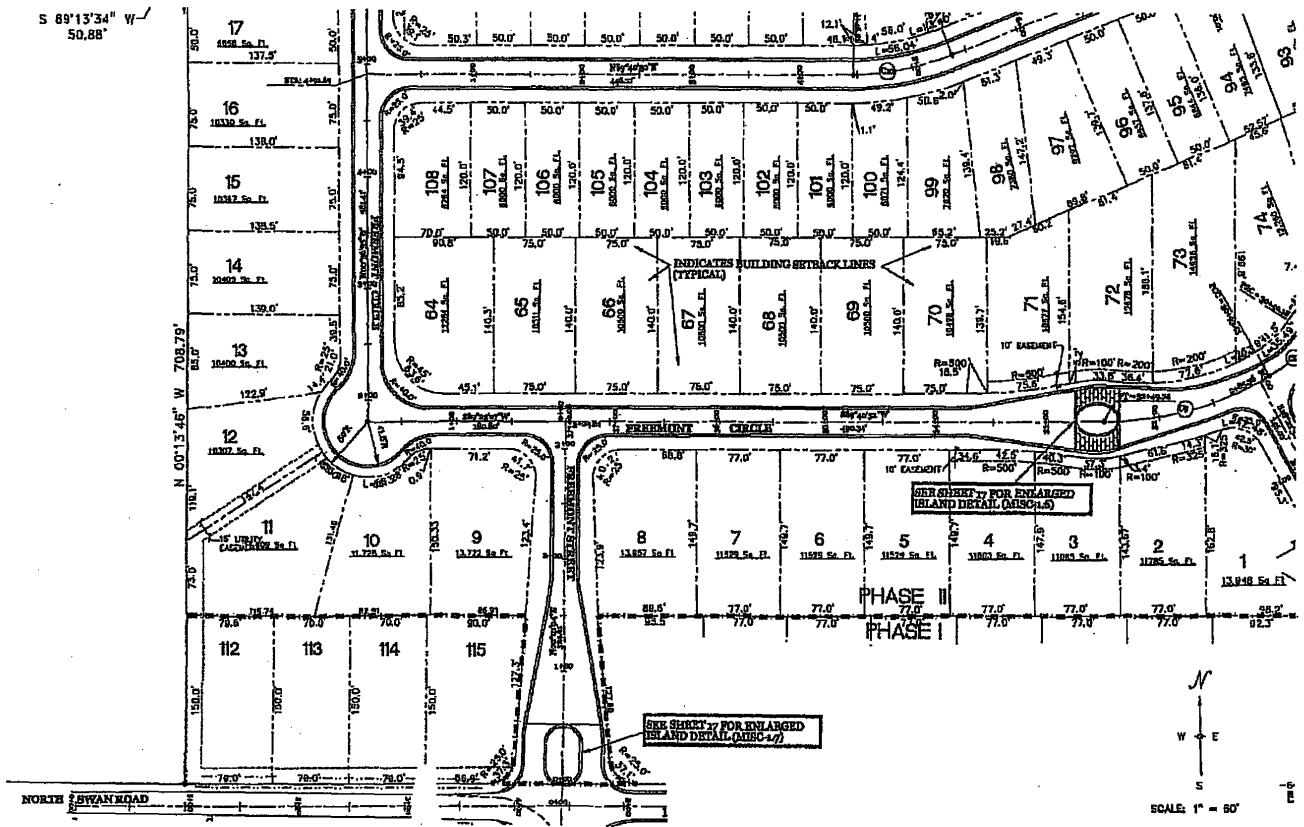
SAM-2008-1671-GAC
Shallow Run Development, LLC



A: [13700-13761] S Swan Rd, Gulfport, MS 39503



S 89°13'34" W
50.88'



SAN-2008-01671-CAC

