



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

September 23, 2008

**JOINT PUBLIC NOTICE SAM-2008-1127-JWS  
U.S. ARMY CORPS OF ENGINEERS**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**Proposed Wetland Fill for a Residential Subdivision,  
Gautier, Jackson 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:** Pederson Development  
23117 Coelho Way  
Diamondhead, Mississippi 39525

**AGENT:** Culpepper & Associates  
21794 Pine Terrace Drive  
Gulfport, Mississippi 39503

**LOCATION OF WORK:** Old Spanish Trail, Latitude: 30°23'33" N, Longitude: -88°42'09" W,  
Gautier, Jackson County, Mississippi

**WATERWAY:** Tributary to Mississippi Sound

**PROJECT PURPOSE:** The basic project purpose is housing. The overall project purpose to provide housing within Gautier, MS.

**PROPOSED WORK:** The applicant proposes to fill 16.62 acres of pine savannah wetlands for the construction of a 62 lot subdivision on a 20-acre site.

**AVOIDANCE & MINIMIZATION:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The project will require complete development of the property due to cost of property, development costs, wetland mitigation costs, permitting costs, engineering and design costs, and financing costs." The Corps has not verified the

**CESAM-RD-C**

**Public Notice Number SAM-2008-1127-JWS**

adequacy of the applicants avoidance and minimization statement at this time.

**MITIGATION:** The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: “The applicant proposes to impact and provide mitigation for 16.62 acres of medium quality wetlands. Mitigation will include purchase of the appropriate amount of mitigation credits from an approved mitigation bank.” The Corps has not verified the adequacy of this mitigation proposal at this time.

**WATER QUALITY:** 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 by the Mississippi Department of Environmental Quality (MDEQ).

**COASTAL ZONE MANAGEMENT:** 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 (MDMR).

**HISTORIC PROPERTIES:** The applicant has stated, “No cultural resources have been identified, however if any are discovered Mississippi Department of Archives and History will be immediately notified. A Phase I Cultural Resource Survey has not been completed on the subject site.” 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.

**ENDANGERED SPECIES:** The applicant has stated, “The site does lie within the range of several federally listed endangered species. The site, however, is not suitable habitat for any listed species nor have any listed species been observed on the site or in the vicinity.” 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 have no affect on any listed endangered or threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service (FWS) via this Public Notice.

This notice initiates the Essential Fish Habitat (EFH) and Threatened and Endangered Species/ Critical Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal will not impact marine substrate utilized by various life stages of red drum, Spanish mackerel, and shrimp. Our initial determination is that the proposed action will have no adverse impact on EFH or Federally managed fisheries in the Mississippi Sound. Our final

**CESAM-RD-C**

**Public Notice Number SAM-2008-1127-JWS**

determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service (NMFS).

**COMMENTS:** This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

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.

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.

Correspondence concerning this Public Notice should refer to Public Notice Number

**CESAM-RD-C**

**Public Notice Number SAM-2008-1127-JWS**

SAM-2008-1127-JWS and should be directed to:

District Engineer  
U.S. Army Engineer District, Mobile  
Attention: Regulatory Division, Coastal Branch  
Post Office Box 2288  
Mobile, Alabama 36628-0001

With a Copy to:

Mississippi Department of Environmental Quality  
Office of Pollution Control  
Post Office Box 10385  
Jackson, Mississippi 39289

And to:

Mississippi Department of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, Mississippi 39530

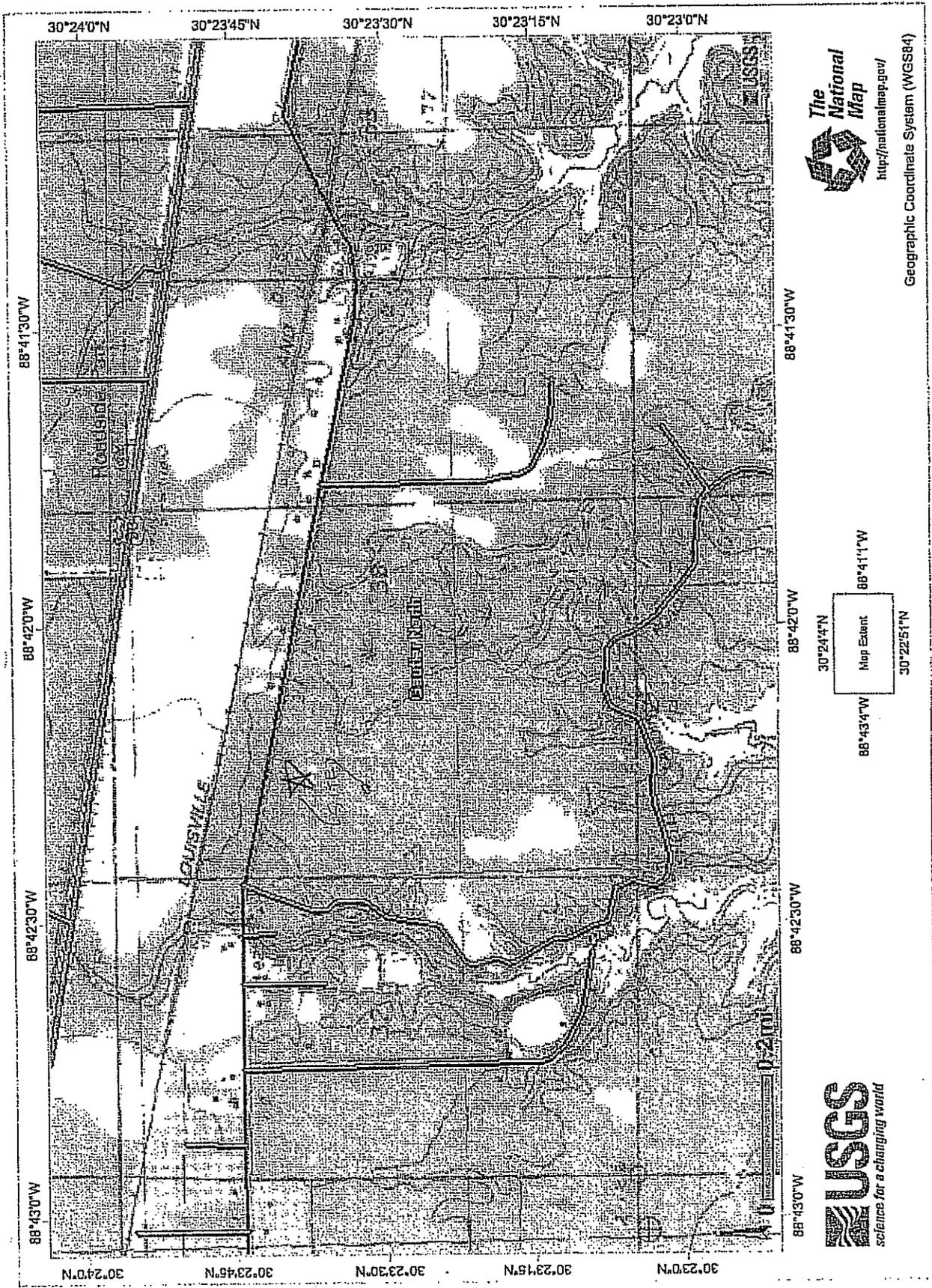
Comments should be received no later than **21 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact this office, Jason W. Steele, telephone number (251) 690-3188, E-mail [Jason.W.Steele@usace.army.mil](mailto:Jason.W.Steele@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 (3-pages)



The National Map  
<http://nationalmap.gov/>

Geographic Coordinate System (WGS84)

Map Extent  
 88°43'4\"/>

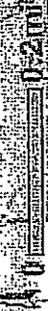


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88°42'30\"/>

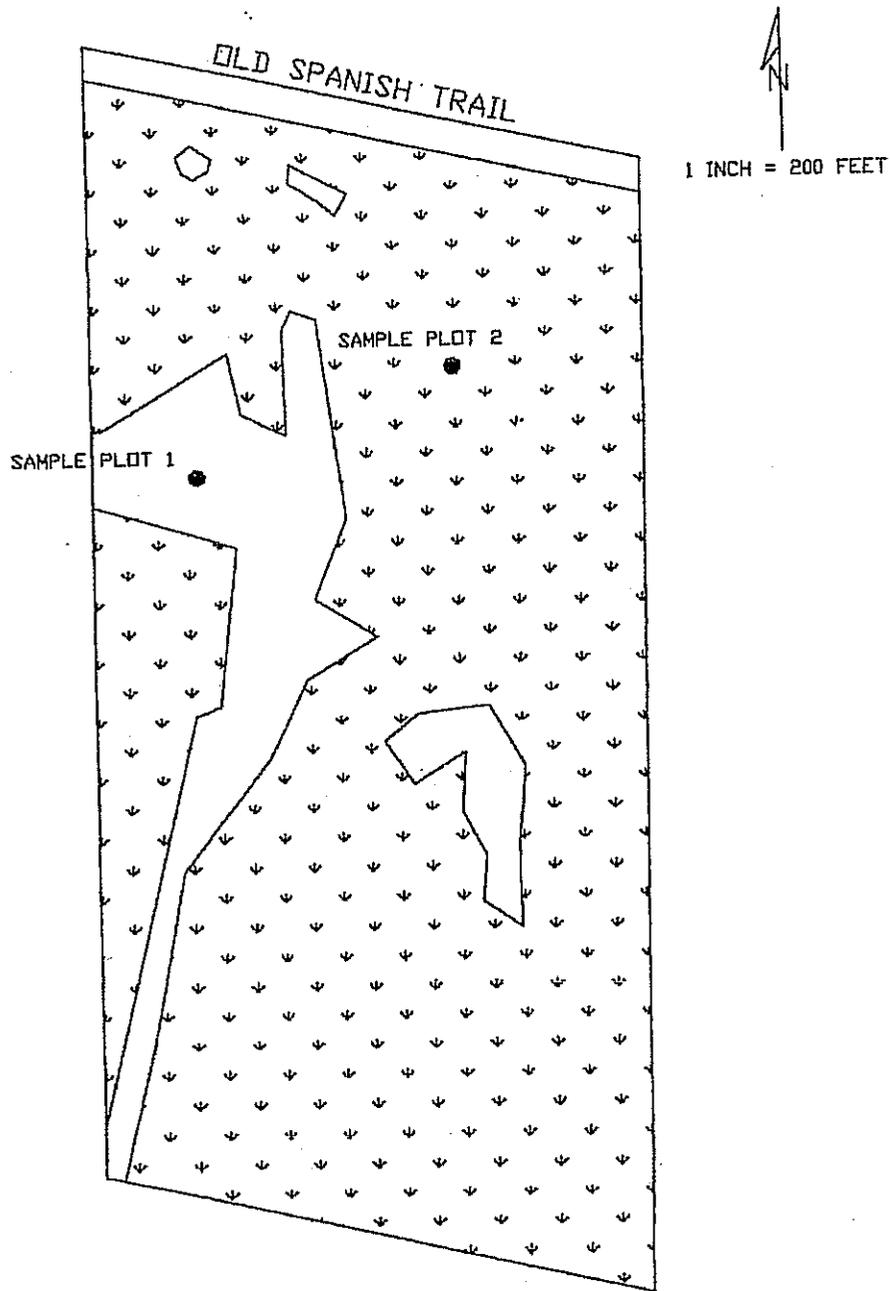
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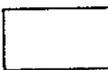
88°41'30\"/>



USGS

FIGURE 2. WETLAND DELINEATION MAP FOR PEDERSEN TRACT, OLD SPANISH TRAIL GAUTIER, JACKSON COUNTY, MS



NONWETLANDS - 3.38 ACRES 

WETLANDS - 16.62 ACRES 