



REPLY TO  
ATTENTION OF:

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

Coastal Branch  
Regulatory Division

September 17, 2008

**JOINT PUBLIC NOTICE SAM-2008-1307-SMZ  
U.S. ARMY CORPS OF ENGINEERS**

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**Wetland Fill for Commercial Development,  
Highway 63, Moss Point  
Jackson County, Mississippi**

TO WHOM IT MAY CONCERN:

This District has received an application for an Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT:** MP/2C, LLC  
M. Bennett Chotard  
274 Commerce Park Drive, Suite A  
Ridgeland, Mississippi 39157

**LOCATION OF WORK:** Highway 63, Section 18, Township 7 South, Range 5 West, Moss Point, Jackson County, Mississippi, Latitude: 30.4335°N, Longitude: -88.5240°W

**WATERWAY:** Escatawpa River

**PROPOSED WORK:** The applicant proposes to fill 11 acres of wetlands for the construction of a commercial development on an 11-acre site. The proposed development would contain 83,000 square feet of commercial space that would be used for office, retail, or storage and two outparcels featuring a hotel and restaurant. Six acres of the proposed development site were previously permitted and mitigated under MS93-00033-I.

The applicant has stated the following concerning avoidance and minimization to waters of the United States: "A variety of siting, sizing, and layout options and combinations were considered in

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attempts to identify the commercial development design that avoid and minimize impacts to the wetland areas of the site to the greatest extent practicable. Unfortunately, the entire preferred site is comprised of wetland areas. Therefore, complete avoidance of impacts to wetlands is not feasible. In order to minimize the adverse effects of the unavoidable wetland fills, Eco-Systems considered the minimization factors identified at 40 CFR 230 Subpart H. Subpart H lists appropriate actions to minimize the effects of unavoidable discharges. ” The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

The applicant has stated the following concerning mitigation for unavoidable impacts to waters of the United States: “Compensatory mitigation for impacts to six acres of the onsite wetland has already occurred as a part of Jackson County’s Highway 63 Master Plan. Therefore, MP/2C, LLC is proposing compensatory mitigation for impacts to 5 acres of forested wetlands located on the east side of the subject property. The mitigation plan for the remaining [5 acres of ] impacts will include the purchase of 15 wetland mitigation credits from Wetland Solutions...” The Corps has not verified the adequacy of this mitigation proposal at this time.

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 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.

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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.

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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the proposed activity will not affect listed endangered or threatened species, or their critical habitat. In accordance with 33 CFR 325.2(b)(5), this public notice serves as a request for information from the U.S. Fish and Wildlife Service on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2008-1307-SMZ 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.

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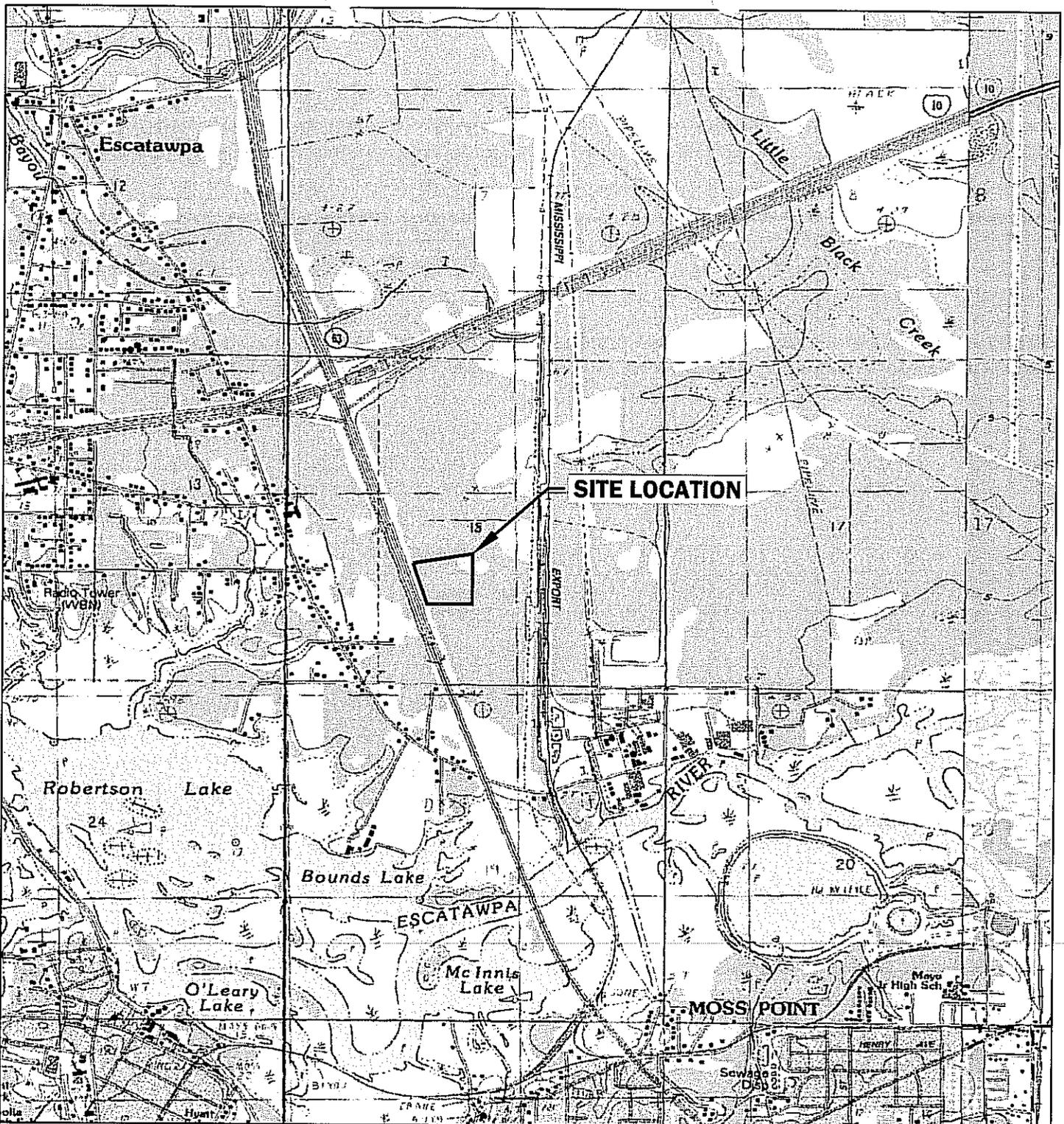
**Public Notice Number SAM-2008-1307-SMZ**

If you have any questions concerning this publication, you may contact this office, Sheri Zettle, telephone number (251) 690-2349, e-mail [sheri.m.zettle@usace.army.mil](mailto:sheri.m.zettle@usace.army.mil). Please refer to the above Public Notice number.

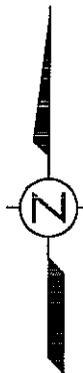
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



QUADRANGLE LOCATION



MP/2C, LLC  
MOSS POINT, MISSISSIPPI

**Eco-Systems, Inc.**   
Consultants, Engineers and Scientists

SCALE: 1"=2000'	DRAWN BY: N. SISSON	DATE: 8/4/08
	CHKD. BY: CAW	DATE: 8/4/08

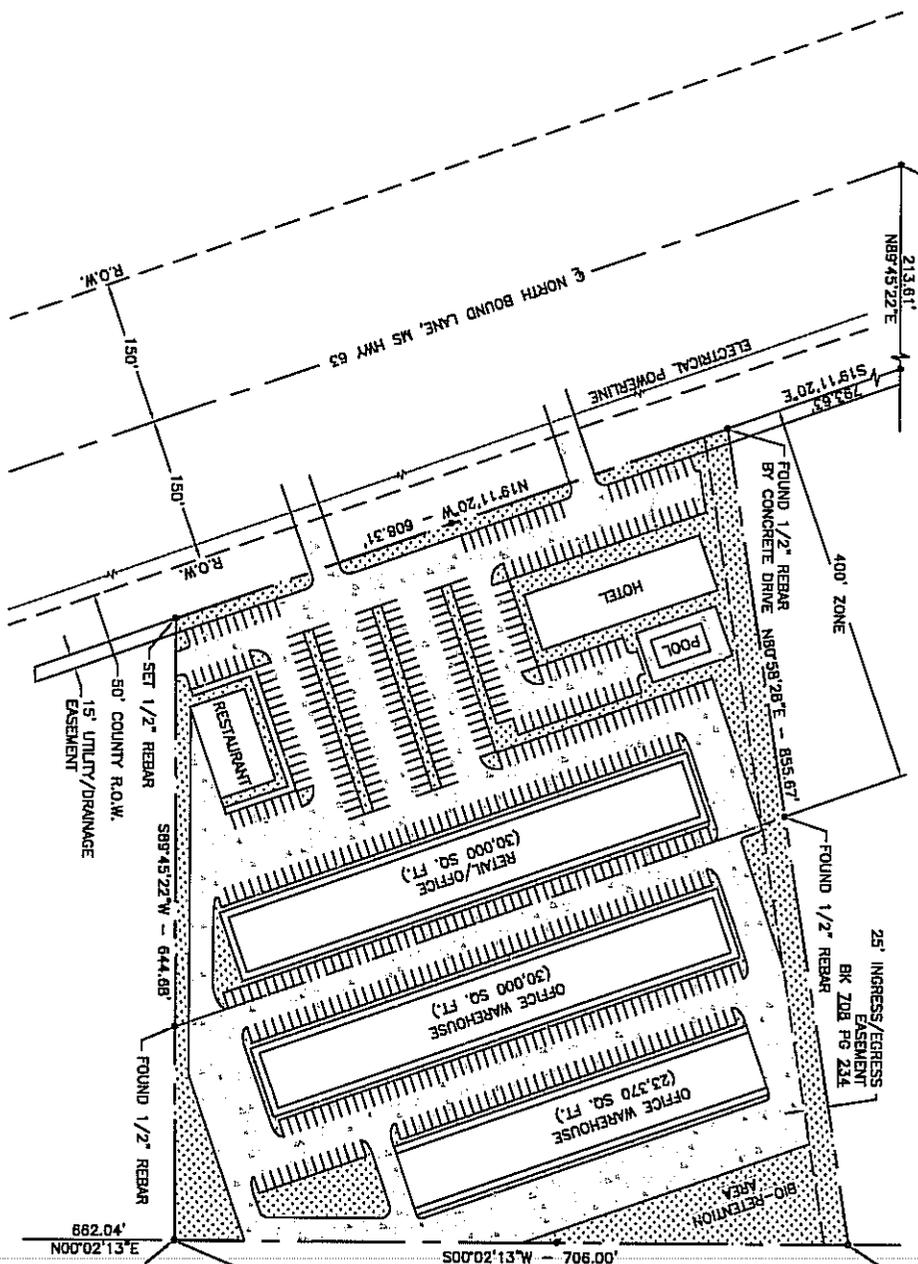
PROJECT NO. MPC82628148	CAD FILE MPC82628148-TOPD
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SITE LOCATION MAP

FIGURE

1

CONCRETE MARKER FOUND NW CORNER  
OF NE 1/4 OF SW 1/4 OF SECTION 18,  
T17S, R5W, JACKSON COUNTY, MISSISSIPPI

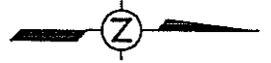


For Wetland  
Permitting Only

CONCRETE MARKER FOUND SE CORNER  
OF NE 1/4 OF SW 1/4 OF SECTION 18,  
T17S, R5W, JACKSON COUNTY, MISSISSIPPI

P.O.B.  
TRACT 1

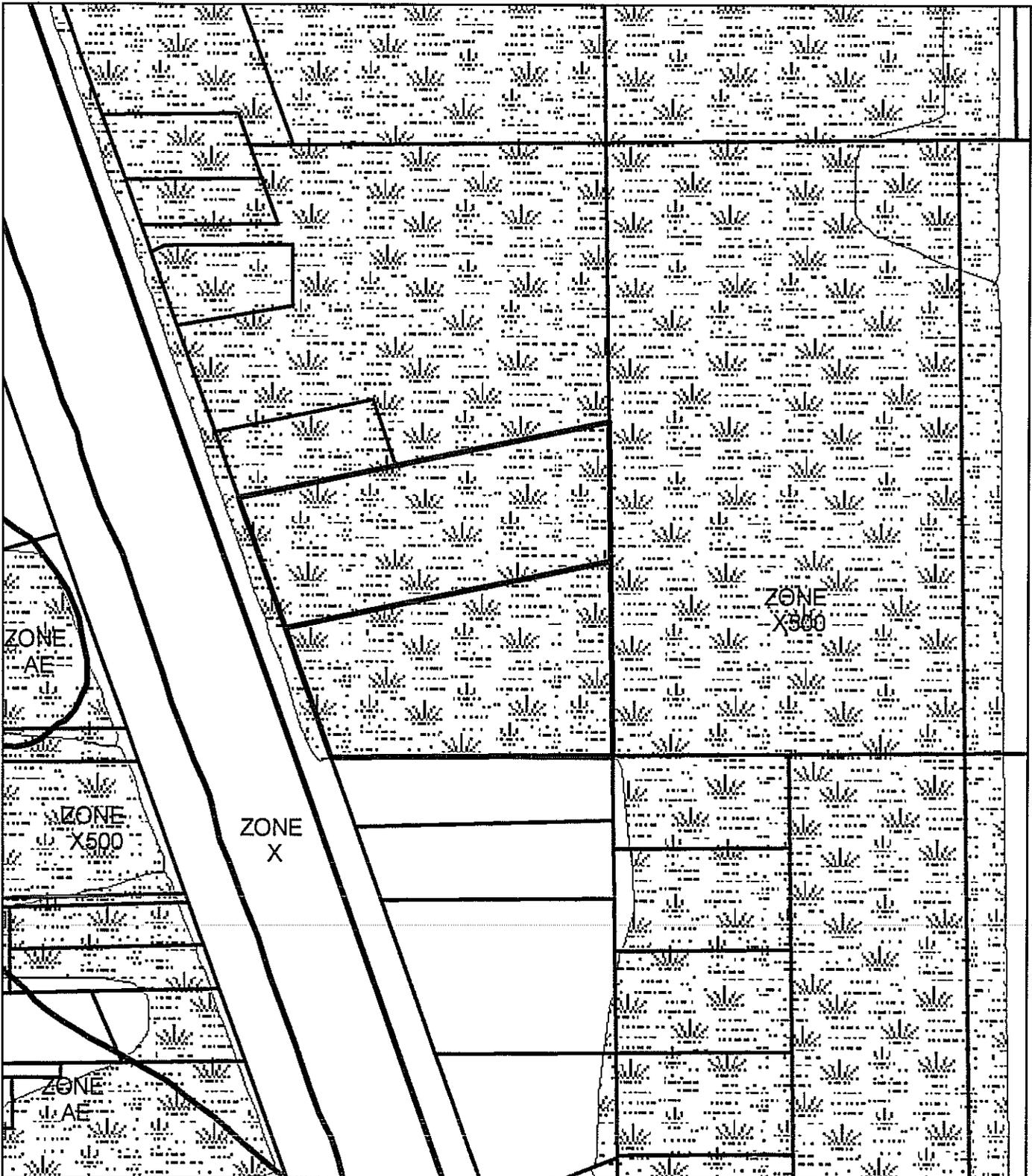
- LEGEND**
- PROPERTY BOUNDARY
  - - - EASEMENT/RIGHT OF WAY
  - ELECTRICAL POWERLINE
  - ▒ CONCRETE
  - ▒ GRASS



SCALE:	1"=200'
DRAWN:	JNS
CHECKED:	CAW
REVIEWED:	AHD
PROJECT MANAGER:	CAW
DATE:	8/4/08

**Eco-Systems, Inc.**  
Consultants, Engineers and Scientists  
Jackson, MS • Meridian, MS • Mobile, AL  
Houston, TX • Nashville, TN • Atlanta, GA  
Hattiesburg, MS • Gulfport, MS

<b>PROPOSED SITE PLAN</b>	
PROJECT No.	MPG82828148
CAD FILE NAME	MPG82828148
MP/2C, LLC	MPG82828148-2
HWY 65, MOSS POINT, MISSISSIPPI	FIGURE REVISION
	2 0



**LEGEND**

- APPROXIMATE PREFERRED SITE 1 - PIDN-2011B040.000 & 2011B040.020
- JACKSON COUNTY GIS PARCEL LAYER
- JACKSON COUNTY 2007 NWI LAYER
- JACKSON COUNTY GIS FLOOD ZONE INFORMATION

0      150      300  
 Feet

**MP/2C, LLC**  
**JACKSON COUNTY, MISSISSIPPI**

**Eco-Systems, Inc.**   
*Consultants, Engineers, and Scientists*

SCALE 1" = 300'	DRAWN BY: PML	DATE: 7-29-2008	
	CHKD BY: CV	DATE: 7-29-2008	
PROJECT NO. MPC82628148		FILE MPC82628148-FIG. 3	
<b>ADJACENT LAND OWNERS</b>			<b>FIGURE 10</b>

# PHOTOGRAPHS TAKEN DURING THE SITE RECONNAISSANCE

Highway 63  
JACKSON COUNTY, MISSISSIPPI



**PHOTO 1**

View of pine stands located on the western portion of the site.



**PHOTO 2**

View of habitat located throughout the western portion of the site.



**PHOTO 3**

View eastward of a drainage ditch.

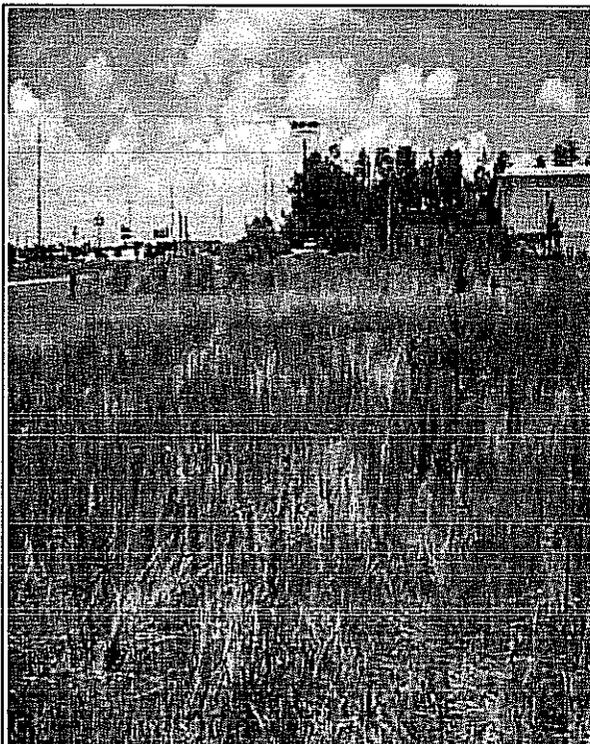
# PHOTOGRAPHS TAKEN DURING THE SITE RECONNAISSANCE

Highway 63  
JACKSON COUNTY, MISSISSIPPI



**PHOTO 4**

View of northward of the grasslands located throughout the western portion of the site.



**PHOTO 5**

View of the northwest portion of the subject site.

# PHOTOGRAPHS TAKEN DURING THE SITE RECONNAISSANCE

Highway 63  
JACKSON COUNTY, MISSISSIPPI



**PHOTO 6**

View of the mucky soil observed throughout the majority of the site.



**PHOTO 7**

View of typical vegetation found throughout the western portion of the site.