



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-2008-900-KMN

July 22, 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 Canal
Road, in 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: B&W Land Company, LLC
PO Box 930
Ocean Springs, Mississippi 39566

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 13, T7S, R12W; Latitude 30.43° N, Longitude 89.14° W)

DESCRIPTION OF WORK: The applicant proposes to construct a Multi-Family Apartment Complex on a 14.86-acre site adjacent to Canal Road in northwest Gulfport, Harrison County, Mississippi.

The applicant's proposed development would include thirteen (13) apartment buildings, streets, parking areas, main office, pool, and detention basin. 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 detention basin would be constructed to manage runoff and drainage. It would be located on the southwest corner of the property. It would be approximately 4 feet deep, with a capacity of approximately 230,000 cubic-feet.

Water from a culvert system located along Canal Road that enters the site would be piped to the detention basin.

Site Description: The proposed project would be located on a 14.86 acre site. The site contains approximately 3.74 acres of wetlands forested wetlands of which the applicant proposes to fill approximately 3.13 acres. The on-site wetlands begin along the central eastern boundary of the property and traverse the property toward the southwestern boundary. The bottom two-thirds of the western boundary of the property are wetlands. This wetland area is adjacent to a larger off-site wetland area located to the west of the property boundary. The off-site wetland area to the west contains a tributary of Turkey Creek that runs north to south.

Historically a channel was dug through the on on-site wetland. The channel runs from the central eastern portion of the property through the wetlands in a south western direction. The drain continues in the southwestern direction off the property for approximately 225 feet where it intersects the tributary to Turkey Creek. Water enters the channel from the site and from a culvert system along the eastern property boundary.

The Natural Resources Conservation Service (NRCS) Soil Survey for Harrison County indicates that soil types on the proposed project site are Ponzer/Smithton soils, poorly drained, Smithton fine sandy loam, poorly drained, and, Poarch fine sandy loam, 2-5% slopes. Ponzer/Smithton and Smithton soils are listed as hydric. Poarch is listed as non-hydric.

Vegetation located in the wetland sites include cypress (*Taxodium distichum*), red maple (*Acer rubrum*), black gum (*Nyssa sylvatica*), loblolly pine (*Pinus taeda*), myrtle (*Myrica cerifera*), and titi (*Cyrilla racemiflora*).

Alternatives Analysis/Mitigation:

Alternative Designs: The applicant considered alternative project configurations for the proposed site were reviewed. Due to the alignment of the wetland area through central to southwestern portion of the property it is not possible to avoid wetland areas and still design a financially feasible project. The applicant has stated that it would not be possible to eliminate the detention basin because it provides essential drainage function. Alternative designs with fewer apartment units or less detention were rejected as being not practicable for financial reasons. There could be some possibility of reducing wetland impacts if final engineering designs and specification indicate that adequate detention could be provided with a smaller detention basin.

Alternative Sites: The applicant reviewed seven (7) alternative project sites for the proposed development in the general area of the proposed site. The other sites reviewed were not feasible due to zoning requirements, larger environmental impacts, higher development costs, or the properties were large not large enough to accommodate the development size.

Mitigation Plan: The applicant proposes to compensate for wetland and/or stream 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.

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-2008-900-KMN and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office

SAM-2008-900-KMN

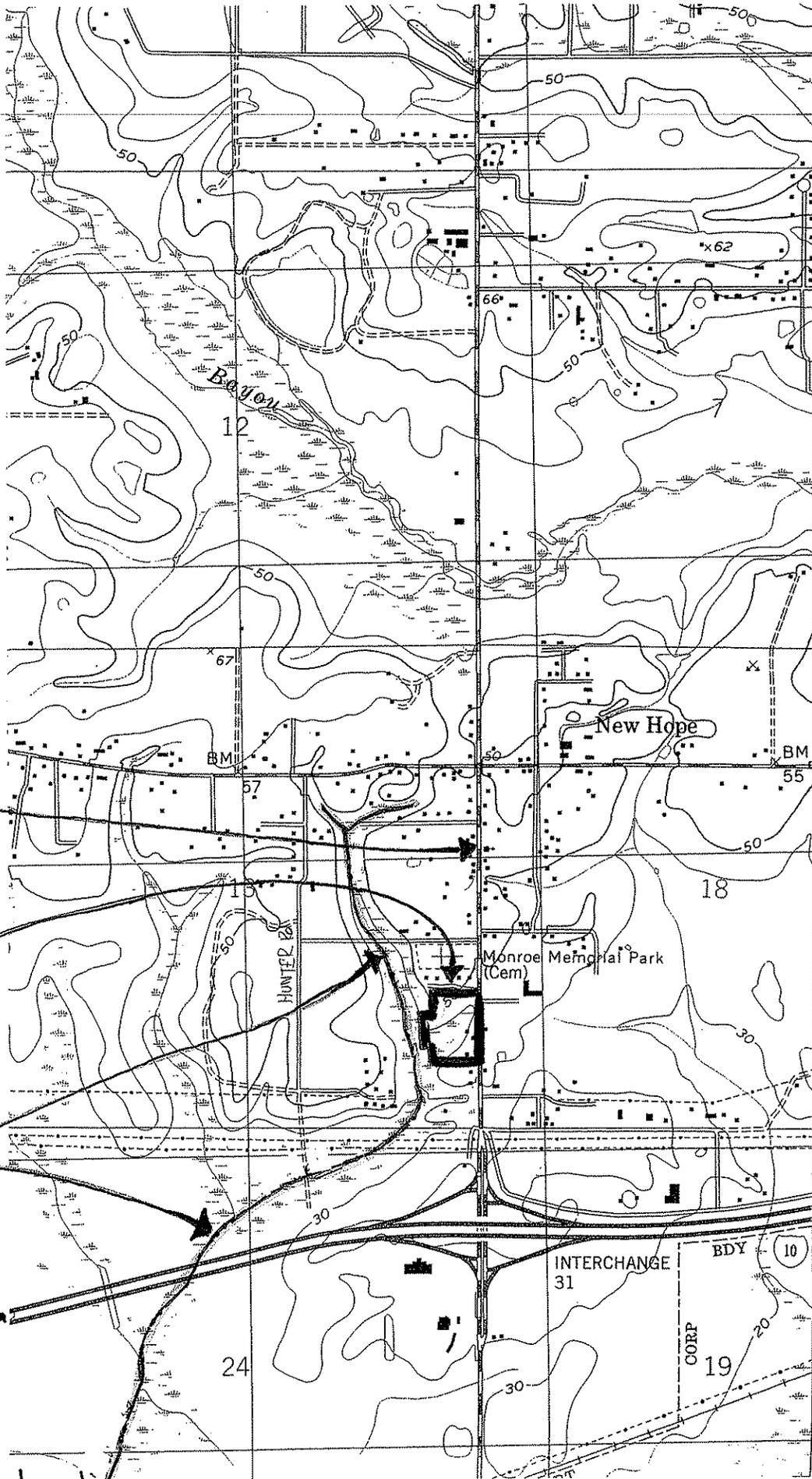
Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, 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 (251) 690-2658. 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



27'30"
 33'71"
 33'70"
 33'69"
 33'68"
 33'67"



Canal Road

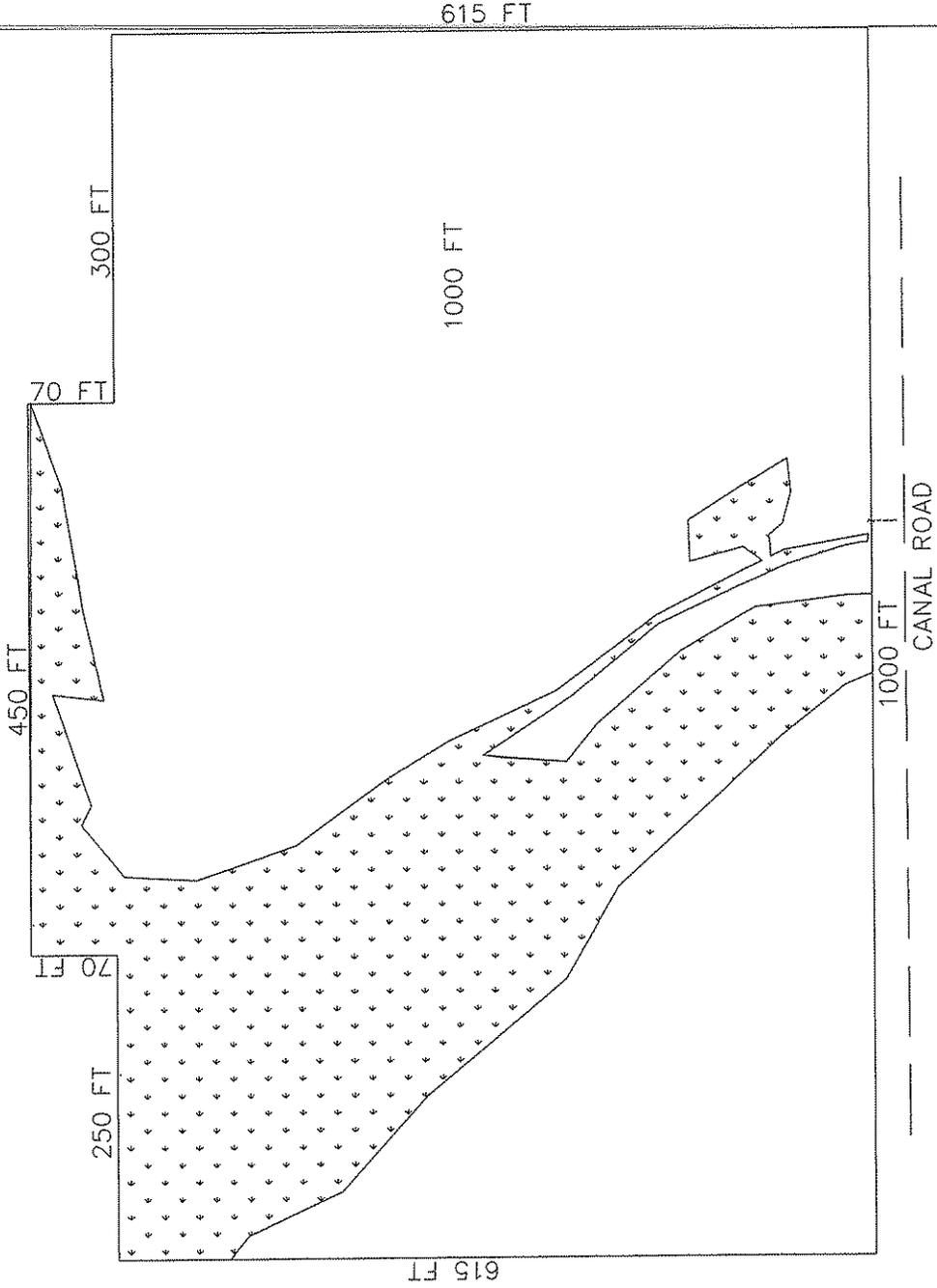
Proposed Project Boundary

Tributary of Turkey Creek

Interstate 10

Canal Place Apartments
 B:W Land Company, LLC
 SAM-2008-900-KMN

WETLANDS OF CANAL PLACE APARTMENTS PROPERTY
 CANAL ROAD, GULFPORT (HARRISON COUNTY), MS



1 INCH = 150 FEET



WETLANDS
 (3.74 ACRES)

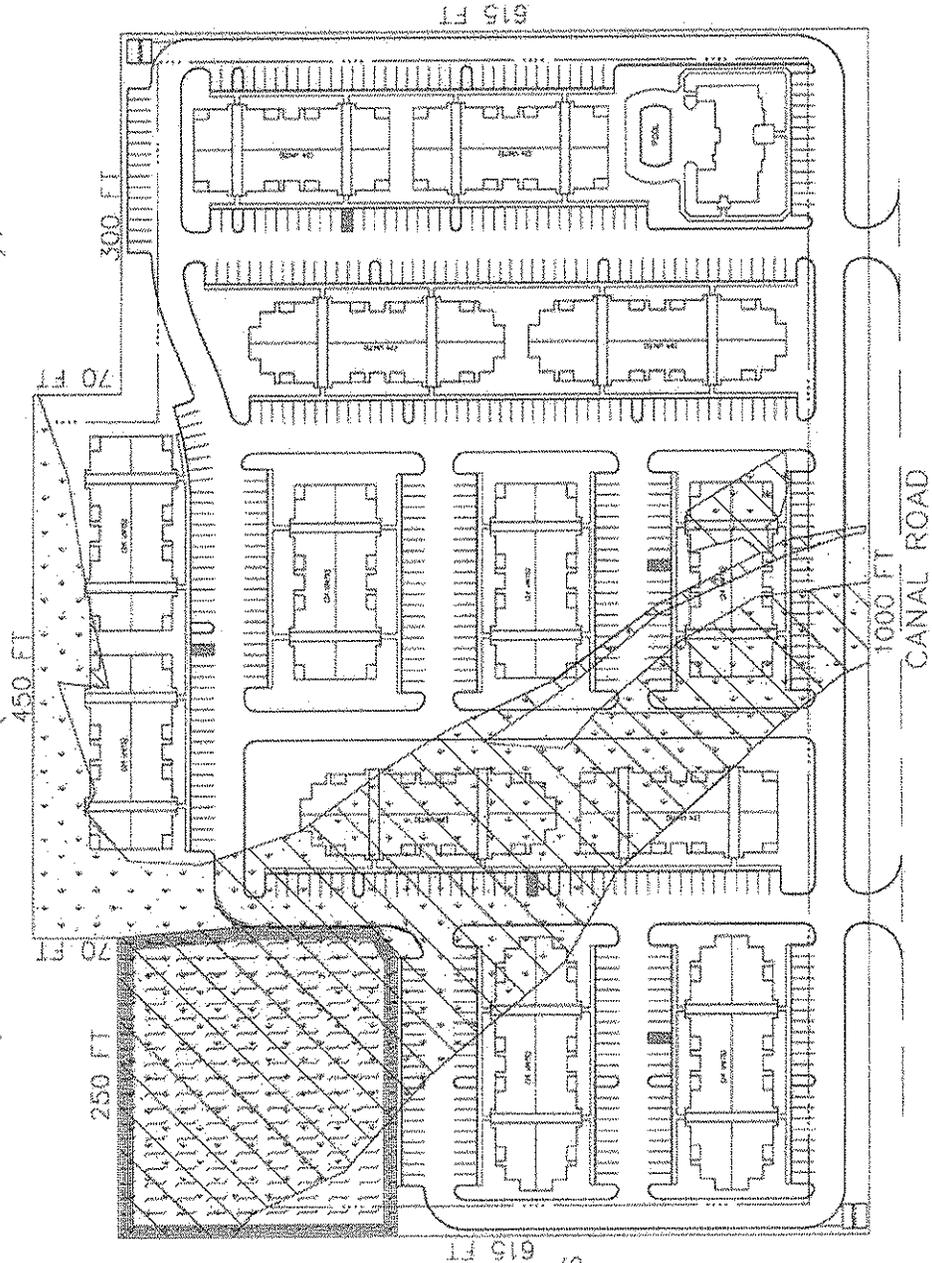


NONWETLANDS
 (11.12 ACRES)



Canal Place Apartments
 B:W Land Company, LLC
 SAM-2008-900-KMN

PLAN VIEW OF CANAL PLACE APARTMENTS
 CANAL ROAD, GULFPORT (HARRISON COUNTY), MS



1 INCH = 150 FEET

- 
 WETLANDS
 (3.74 ACRES)
- 
 WETLAND IMPACTS
 (3.13 ACRES)
- 
 NONWETLANDS
 (11.12 ACRES)
- 
 DETENTION
 (1.32 ACRES)

Canal Place Apartments
 B:W Land Company, LLC
 SAM-2008-900-KMW