



REPLY TO  
ATTENTION OF:

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

CESAM-RD-I-S  
Public Notice Number SAM-2010-01547-LET

May 5, 2011

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
AND  
STATE OF MISSISSIPPI  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**REQUEST FOR AFTER-THE-FACT AUTHORIZATION FOR FILLING OF 0.85  
ACRE OF WETLANDS TO DEVELOP A RESIDENTIAL SUBDIVISION ON 240-  
ACRE TRACT OF LAND CONTAINING WETLANDS TRIBUTARY TO AN  
UNNAMED TRIBUTARY TO LEAF RIVER AND GREENS CREEK, EASTABUCHIE,  
FORREST 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:** Fairley Construction Company, Inc.  
Mr. Stephen Fairley  
828 Highway 11  
Petal, Mississippi 39465

**AGENT:** Pittman Environmental Services, LLC  
% Bart Pittman  
Post Office Box 1926  
Purvis, Mississippi 39475

**LOCATION OF WORK AND WATERWAY:** The project is located on the west side of Lynn Ray Road north of Eastabuchie Road within Section 6 of Township 5 North, Range 12 West, at latitude 31.428540° North and longitude -89.242316° West, on forested bayhead wetland drains tributary to Greens Creek and tributaries to the Leaf River in the Eastabuchie community northeast of Petal in Forrest County, Mississippi. The project is located in the Upper Leaf watershed (HUC 03170004) in Mississippi.

**PROJECT PURPOSE:** The project purpose is to develop a single-family residential subdivision.

**PROPOSED WORK:** The applicant is requesting after-the-fact authorization to retain 0.72

acre of existing wetland fill and discharge fill material into an additional 0.13 acre of wetland drains to construct a total of twelve road and driveway crossings within a two phase single-family residential subdivision development to be known as Briarwood Estates, which is located on an approximately 240 acre tract of land. Phase I of the subdivision would consist of approximately 126 acres of land and Phase II of the subdivision would encompass the remaining 114 acres of land to the north of Phase I. In August 2010 approximately 3,000 cubic yards of fill material was discharged into 0.72 acre of forested bayhead wetland drains to construct six subdivision road crossings for a "Loop Road" in Phase I of the subdivision to provide a northern and southern entrance to the subdivision from Lynn Ray Road. The applicant proposes to retain the 0.72 acre of wetland fill within the existing "Loop Road" and proposes to discharge an additional 705 cubic yards of fill material into approximately 0.13 acre of wetlands to construct one additional subdivision road crossing and five driveway crossings within residential lots.

**AVOIDANCE & MINIMIZATION:** The wetland drains located on the proposed subdivision site are long, narrow linear features which run down hill slopes and roughly down the center of valleys between the hills on the site. Due to the location of the wetland features within the site, road crossings are required in order to access the property, therefore avoidance of wetland impacts is not a feasible option. The applicant has placed existing and proposed road and driveway crossings, and laid out the proposed subdivision plat so the impacts required to develop the property have been minimized. The applicant has also indicated that the remaining wetlands within the property will be placed under restrictive covenants and will be shown on the subdivision plat.

**MITIGATION:** The Wetland Rapid Assessment Procedure (WRAP) was used to determine the functionality of the wetland areas to be impacted by the proposed project. Due to similarity in quality and composition of the existing and proposed wetland impact areas within Phase I of the subdivision development, these areas were combined into a consolidated WRAP score of 68.06% (0.681). Likewise, due to similarity in wetland quality and composition, the proposed impact areas within Phase II were combined into a consolidated WRAP score of 47.22% (0.472). Currently the applicant proposes to purchase bottomland hardwood mitigation credits from the Black Creek Swamp Mitigation Bank to fulfill wetland mitigation requirements. Any proximity factor calculations that may be required in order to use the selected bank will be applied. The Corps has not verified the adequacy of the 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.

**HISTORIC PROPERTIES:** A cultural resources assessment of the proposed project site has been conducted by Gulf South Survey & Environmental, LLC and was submitted to the Mississippi Department of Archives and History (MDAH) for review in March 2011. The MDAH has provided a letter dated April 11, 2011 (**MDAH Project Log #03-094-11**) which indicates the agency "concurrs that no known archaeological resources listed in or eligible for listing in the National Register of Historic Places are likely to be affected." Copies of this public notice are being sent to the State Historic Preservation Officer.

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**ENDANGERED SPECIES:** The U. S. Fish and Wildlife Service (FWS) lists nine endangered, threatened, or candidate species as occurring or potentially occurring within Forrest County. The Louisiana Quillwort (*Isoetes louisianensis*) and Red-cockaded Woodpecker (*Picoides borealis*) are listed as endangered and the Mississippi Gopher Frog (*Rana capito sevosa*) is listed as endangered with identified Critical Habitat. The Louisiana Black Bear (*Ursus americanus luteolus*), Gopher Tortoise (*Gopherus polyphemus*), and Yellow-blotched Map Turtle (*Graptemys flavimaculata*) are listed as threatened and the Gulf Sturgeon (*Acipenser oxyrhincus desotoi*) is listed as threatened with identified Critical Habitat. The Pearl Darter (*Percina aurora*) and Black Pine Snake (*Pituophis melanoleucus lodingi*) are listed as a candidate species. Based upon preliminary review of the information provided in the permit application and the U.S. Department of the Interior's list of Endangered and Threatened Wildlife and Plants, a preliminary determination has been made that the proposed project would have "No Effect" on any of the listed species. This determination is being coordinated with the FWS via this Public Notice.

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 use 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.

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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-2010-01547 and should be directed to:

U.S. Army Corps of Engineers, Mobile District  
Regulatory Division (RD-I-S)  
Attn: Leslie Turney  
Post Office Box 2288  
Mobile, Alabama 36628-0001

With copies to:  
Mississippi Department of Environmental Quality  
Office of Pollution Control  
Water Quality Certification Branch  
Environmental Permits Division  
Post Office Box 2261  
Jackson, Mississippi 39225-2261

Comments should be received **no later than 30 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the project manager at telephone number (251) 694-3873, or by e-mail at [leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@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