



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-M
PUBLIC NOTICE NO. SAM-2016-01612-RCV

March 8, 2019

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED IMPACTS FOR A COMMERCIAL DEVELOPMENT,
ON WETLANDS ADJACENT TO FLAT BRANCH CREEK,
GULFPORT NW, 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. Please communicate this information to interested parties.

APPLICANT: **SE Development, LLC**
Attention: Mr. Mark Evans
1000 W. Nifong, Building 4, Suite 200
Columbia, Missouri 65203

AGENT: **D. R. Sanders and Associates, Inc.**
Attention: Dana R. Sanders, Jr.
7129 E. Central Park Drive
Moss Point, Mississippi 39562

LOCATION OF WORK AND WATERWAY: **The Phase 6 of Cardinal Point Subdivision (formerly known as Tarabrooke Subdivision) is located on a 14.06-acre tract located north of John Clark Road. The project site will impact 2.47 acres of low quality pine savanna wetlands adjacent to Flat Branch Creek, Section 25, Township 6 South, Range 12 West, NW Gulfport, Harrison County, Mississippi (Latitude 30.495510° North, Longitude 89.1473509° West).**

PROJECT PURPOSE: **The basic project purpose of the proposed development is the completion of Phase 6 of the Cardinal Point Subdivision; a 51-lot addition adjacent to the north side of phase 5. The U.S. Army Corps of Engineers (USACE) has initially determined this project to be non-water dependent.**

EXISTING CONDITIONS: **Adjacent Phases I-IV of the subdivision have already been constructed, formerly was known as Tarabrooke Subdivision (SAM-2006-617-TMZ), totaling 0.5 acre, none of which was actually filled. However, mitigation was purchased for all 0.5 acre of proposed fill in medium quality wetlands. Phase V of the proposed Cardinal Point Subdivision addition consisted of a road crossing and 21 single-family**

residential lots. The total area of wetlands on Phase V Addition is 0.48 acre (SAM-2016-01612-RCV) Appropriate mitigation was purchased for proposed fill in medium quality wetlands. There are currently no developed residential or commercial areas adjacent or near the project area other than Phases 1-5 of Cardinal Point Subdivision. The 14.06-acre Phase 6 tract includes 2.47 acres of wetlands (Figure 2), all of which are proposed to be impacted by the project. All of the wetlands to be impacted qualify as wet pine savanna.

ALTERNATIVES: Alternative sites were evaluated. Selection criteria for the location of the preferred alternative was based upon the size of the property, target client population, location, accessibility, environmental, cultural, site availability and costs. On-site alternatives were considered for environmental concerns. Wetlands on the north and eastern boundaries of the property were avoided by limiting the size of the project. There could be no other project design alternative that would result in as many lots and as few wetland impacts as the project design, without further reducing the scope of the project.

PROPOSED WORK: The Phase 6 addition is proposed to be constructed north of Phase 5 of the subdivision (Figure 2). Phase 6 includes streets, 51 single-family residential lots, utilities, and two detention ponds.

Areas of proposed fill are primarily on the east side and north end of the project area, along with a small area on the southern project boundary. The proposed fill is primarily in the backs of lots and for construction of a detention pond on the east side, although a portion of a cul-de-sac on the north side also involves wetland fill.

Two detention ponds (Figure 6) are proposed for Phase 6. The larger one, located on the northeast side of the project area, will be approximately 470 ft long, 28 ft wide, and 3 ft in depth, and will be capable of storing 0.91 acre-foot of storm-water runoff. The other detention pond, which will be 225 ft long, 22 ft wide, and 3 ft in depth, will be capable of storing approximately 0.34 acre-foot of storm runoff. The total storage capacity of the two detention ponds will be 1.25 acre-feet of storm-water.

AVOIDANCE & MINIMIZATION: The plan view of the project shows that impacts to wet pine savanna wetlands are unavoidable for this project. No other configuration could be offered that would result in fewer wetland impacts without reducing the scope of the project.

The applicant states that minimization of wetland impacts will be carried out by best management practices (i.e. over-seeding) will be carried out in all areas where bare ground exists in order to minimize sediment loading of surface runoff. Silt fences will be constructed and maintained to prevent sedimentation. The USACE has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant proposes to purchase sufficient number of in-kind credits from a USACE's approved mitigation bank. The applicant proposes to mitigate the

impacts of 2.47 acres of low quality wet pine savanna by purchasing 4.94 wet pine savanna credits from an IRT-approved wetlands mitigation bank. Further mitigation may be required for stream relocation, if applicable. **The U.S. Army Corps of Engineers (USACE) 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 by the Mississippi Department of Environmental Quality.

The National Register of Historic Places (NRHP) will be consulted for properties listed in or eligible for the National Register, which would be affected by the proposed work. 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, and Division of Archeological Services for further consultation and comments. Previous investigations for the facility have determined that no properties are listed in or eligible for listing in the NRHP. In accordance with Appendix C of 33 CFR Part 325, the USACE has determined the permit area is the full area of development for the overall project footprint. The agent representing the applicant submitted a Cultural Resource Assessment of the current permit review area to the Mississippi Department of Archives and History (MDAH) for review. Copies of this public notice are being sent to the SHPO.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity may require additional coordination with the U.S. Fish and Wildlife Service (FWS). The gopher tortoise is the only federally listed species that could potentially occur on this site knowing the presence of dense sapling/ shrub stratum, and to the lack of any supporting habitat that might otherwise be potentially occupied by red-cockaded woodpeckers, Louisiana quillwort, Dusky gopher frog, Mississippi Sandhill Crane, Alabama Red Bellied Turtle, or other Federally listed species that may occur temporarily or otherwise in coastal Mississippi.

The site was surveyed by the agent representing the applicant and no evidence of occupancy (burrows or tracks) was found, allowing the conclusion the site is not occupied by gopher tortoises. Additional coordination will be performed with the FWS on the proposed project. The conclusion of a quillwort survey conducted on this site on April 20, 2018 is that no quillwort exists on this site, nor is there any potential habitat.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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 USACE 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 U.S. Army Corps of Engineers (USACE) 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2016-01612-RCV** and should be directed to the District Engineer, U.S. Army Engineer District Mobile, Attention: **Mr. Rudolph C. Villarreal**, 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 Bass, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, **Attention: Ms. Jennifer Wilder**, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

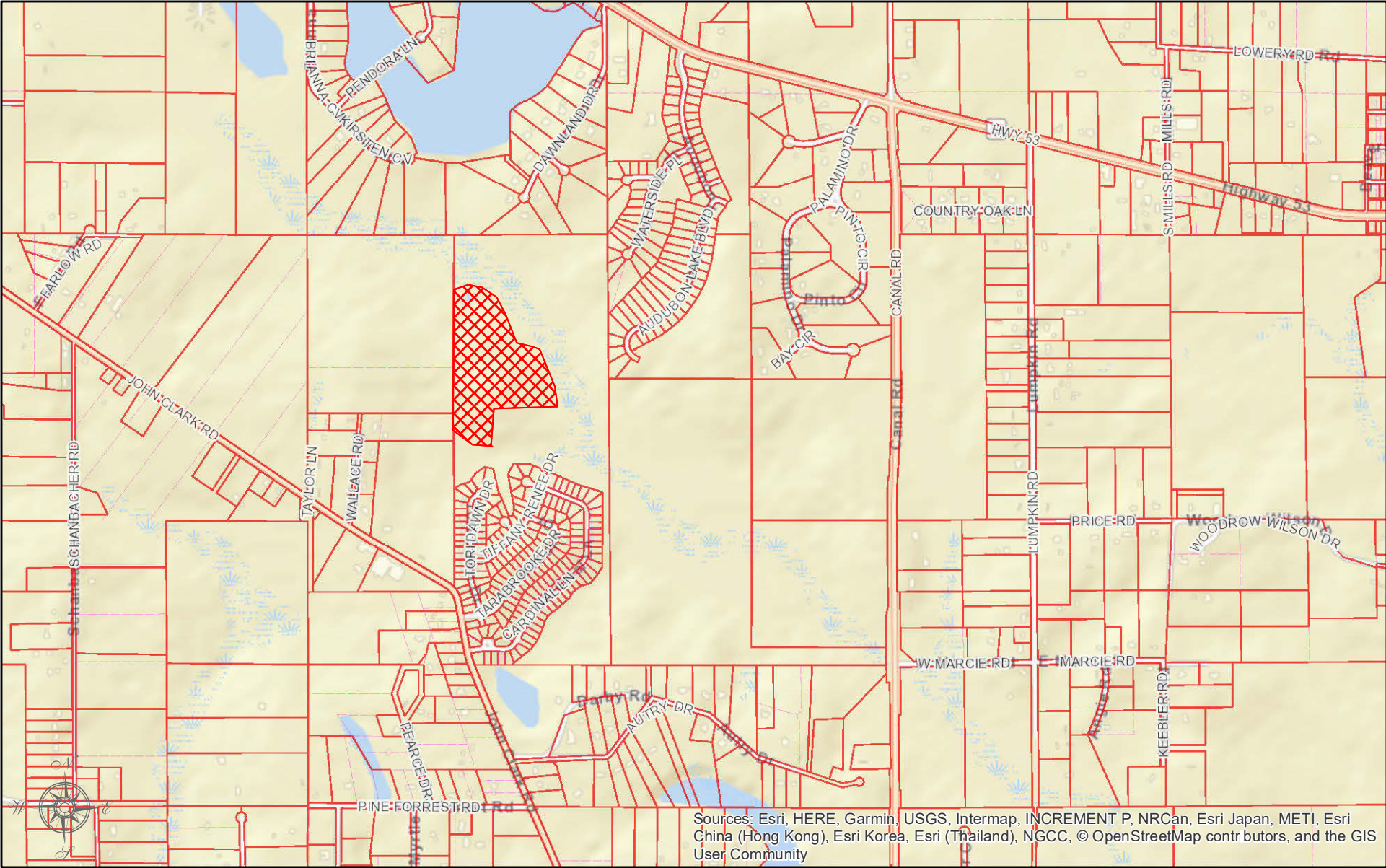
All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (251) 690-3246, or at rudolph.c.villarreal@usace.army.mil. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers

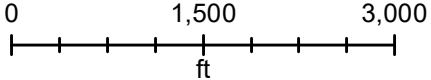
FIGURE 1. CARDINAL POINT PHASE 6



HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TALL FLURRY, TAX ASSESSOR.

MAP DATE: February 28, 2019



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FIGURE 2. PLAN VIEW FOR PHASE 6 OF
 CARDINAL POINT SUBDIVISION
 TOTAL AREA (14.06 ACRES)

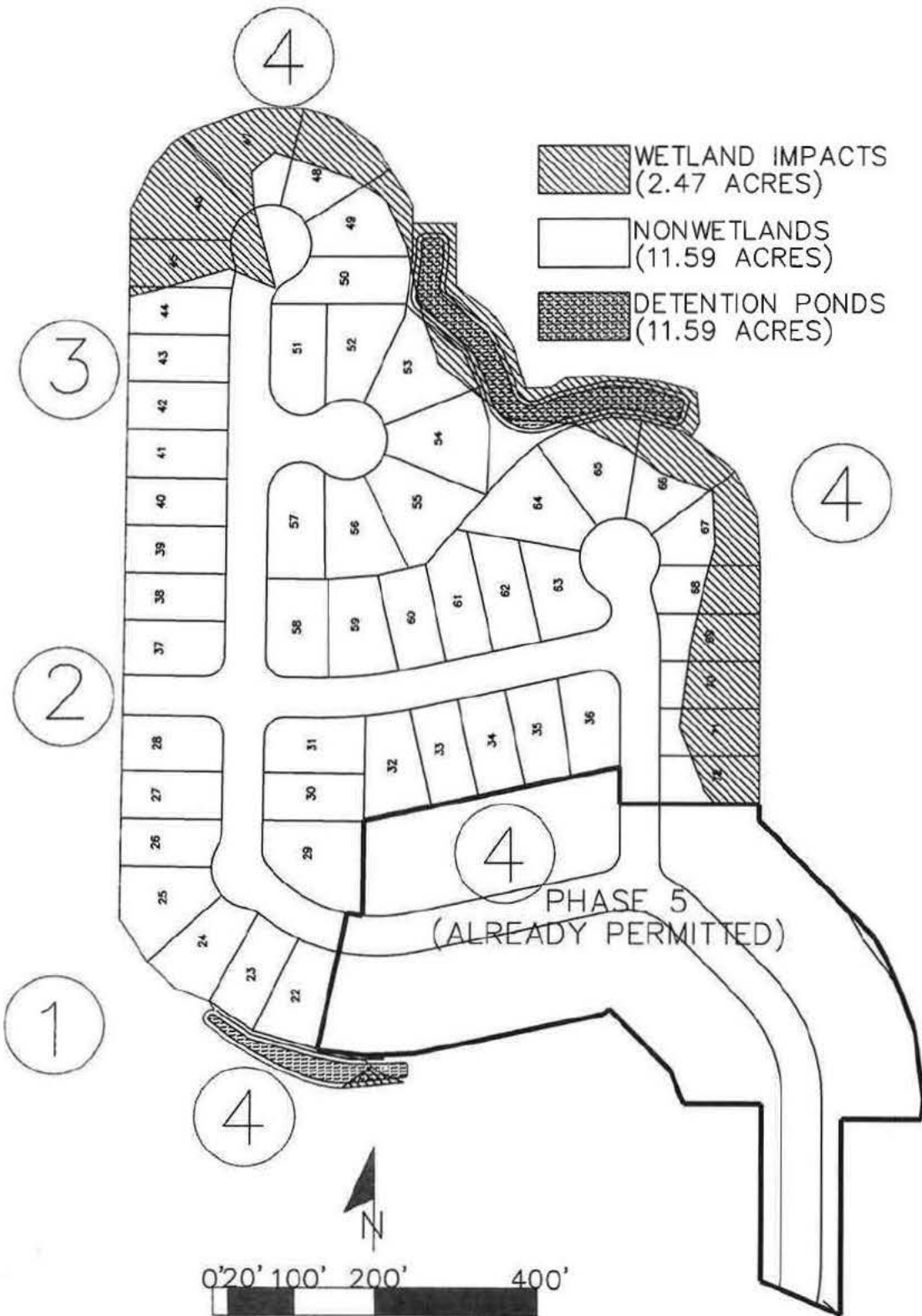


FIGURE 3. TYPICAL LOT

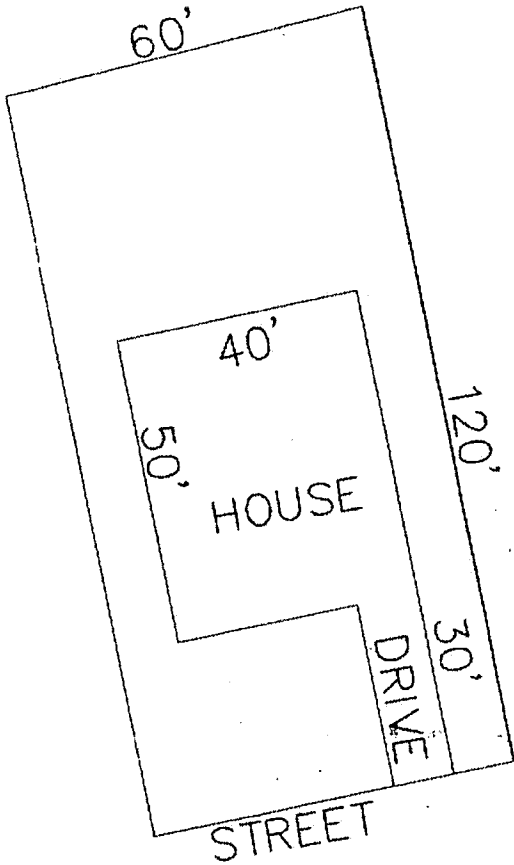


FIGURE 4. TYPICAL CROSS-SECTION OF FILL IN REAR OF LOT (N.T.S.)

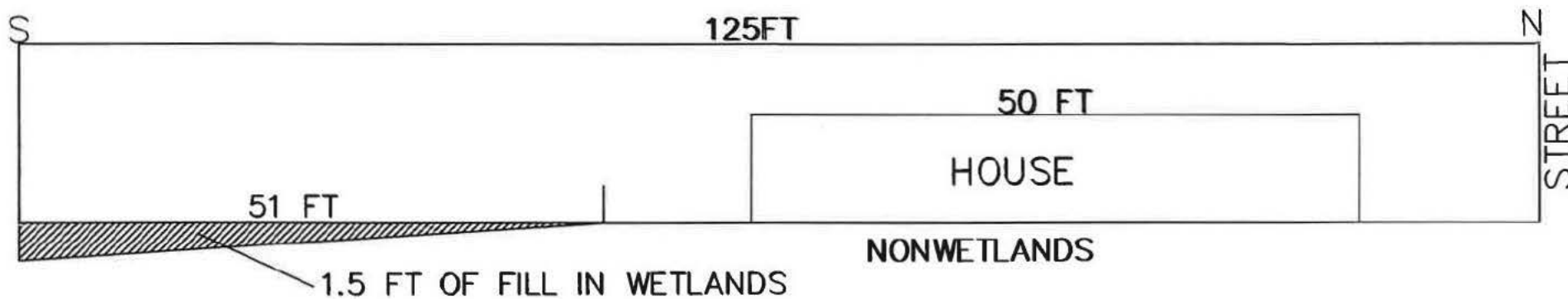


FIGURE 6. TYPICAL CROSS-SECTION OF PROPOSED DETENTION BASIN

