



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2004-003387-RCV

March 18, 2023

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (MDEQ)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED MODIFICATION TO A PREVIOUSLY PERMITTED RESIDENTIAL SUBDIVISION, IN
WETLANDS ADJACENT TO DAVIS BAYOU, OCEAN SPRINGS, JACKSON COUNTY,
MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a 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: Elliott Land Development, LLC
c/o Mr. Brandon Elliott
1402 Pass Road, Gulfport, MS 39501
brandon@myelliottthome.com

WATERWAY AND LOCATION: The project is in wetlands adjacent to Davis Bayou, Section 24, Township 7 South, Range 8 West, at the intersection of Madison place and Gibson Road, Ocean Springs, Jackson County, Mississippi (Latitude 30.414566 and Longitude -88.744846).

PROPOSED WORK: The Phase II project will consist of the construction of 51 single-family homes. This permit application is a modification to the previously granted Individual Permit issued by USACE on May 16, 2019 (SAM-2004-03387-RCV). Phase II of that permit required filling 8.22 acres of wetlands comprised of a remainder of 2.8 acres for lots 1-9 in Phase II, an additional 5.31 acres of non-tidal pine savanna wetlands and 0.11 acre of non-tidal bottomland hardwood wetlands for the completion of the residential subdivision. As currently authorized, additional roads and stormwater improvements will isolate prominent portions of the site's restrictive covenant. Additionally, 209 linear feet of ephemeral stream within Davis Bayou would require improvement to build out the subdivision's expansion as authorized.

The applicant currently proposes modification of current permit by the filling 13.05 acres of wetlands for the +/- 53-acre project area. (+/- 4.13 acres of low-quality and +/- 8.92 acres of medium-quality jurisdictional wetlands) The filling of the property will require +/- 25,000 cubic yards of sandy clay material sourced from a state authorized borrow pit. The proposed design has allowed for the developer to not only greatly reduce ecological harm, but also to fit enough single family lots within the expansion to offset developmental costs. **The applicant proposes the purchase of mitigation credits to offset any wetland impacts.**

The current restrictive covenant areas will be reduced from 22.63 acres of low-quality wetlands to 19.91 acres. Areas of impact within the extent of the current restrictive covenant will be offset by the preservation of higher quality wetlands that exist adjacent to the Davis Bayou. The current conservation easements are comprised of +/- 22.63 acres of low-quality and medium-quality pine savanna wetlands located primarily in the central section of the project area (See Figure 2). The proposed restrictive covenant includes +/- 19.91 acres comprised of 9.54 acres of low-quality wetlands (Figure 5) , and 10.37 acres of medium-quality pine savanna wetlands and medium-quality bottomland hardwood wetlands that are located in the headwaters of the Davis Bayou drain way (Figure 6) This new easement will remain contiguous with Davis Bayou and its adjacent estuarine and marine wetlands.

This modification of the development would also reduce impacts of the Davis Bayou stream from 209 linear feet to 52 linear feet and would keep Davis Bayou contiguous with its adjacent estuarine and marine wetlands.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Mississippi Department of Environmental Quality and 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 (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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership 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 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 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.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire project site. 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. The U.S. Army Corps of Engineers (USACE) has made a preliminary determination that the proposed project would have no effect on historic properties. CRS Phase 1 was performed on the entire project boundary on February 22, 2021, by TerraXplorations and the results of that survey and report will be coordinated with the Mississippi Department of Archives and History (MDAH). We are seeking comment from the State Historic Preservation Officer, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may be affected by the work. This action 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 project area.

A preliminary review of this application, the U.S. Department of the Interior List of

Endangered and Threatened Wildlife and Plants and the National Marine Fisheries Service list of Mississippi's Threatened and Endangered Species indicate the proposed activity will have no effect on endangered or threatened species, or their critical habitat. This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for information 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-20004-003387-RCV** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South Mississippi Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, 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 email at rudolph.c.villarreal@usace.army.mil. Please refer to the above Public Notice number.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

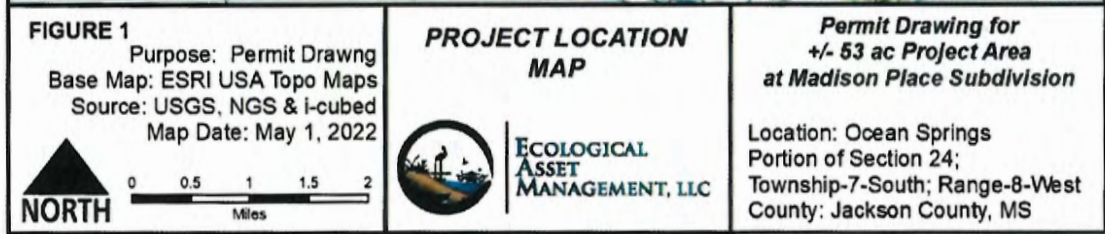
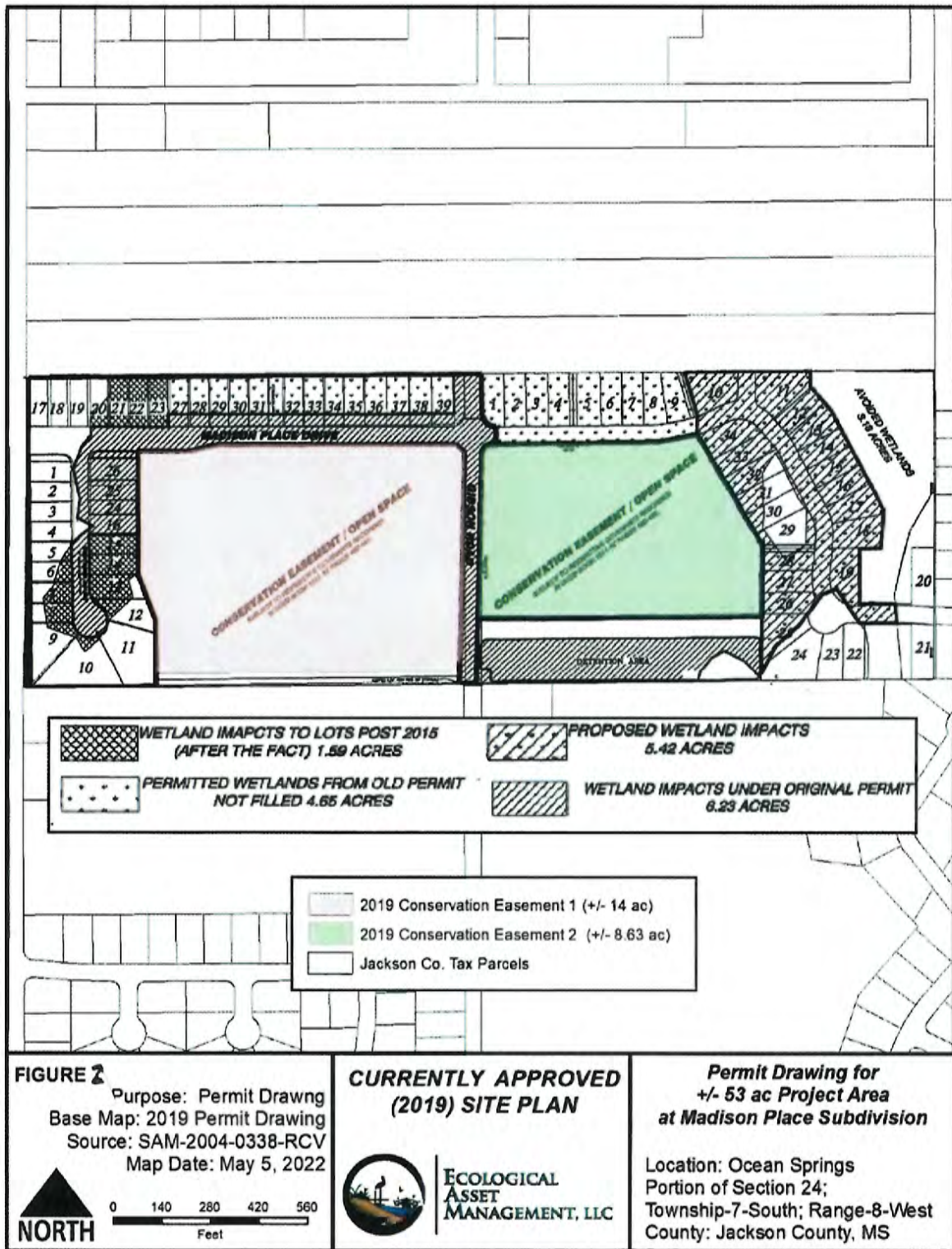


Figure 1. Project Location SAM-2004-003387-RCV



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Figure 2: Currently (2019) Permitted Site Plan

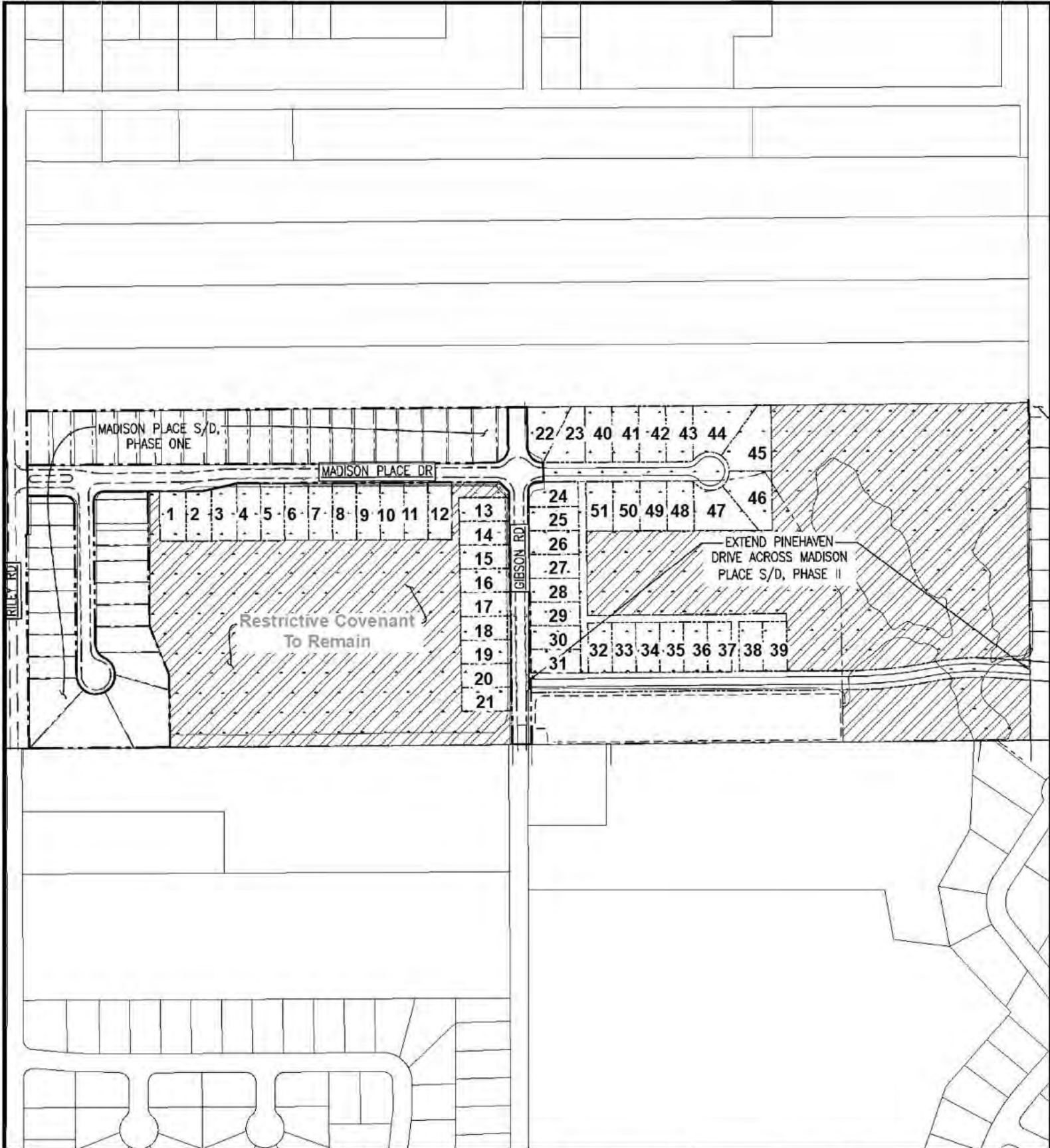
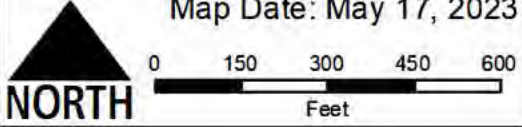


FIGURE 3
 Purpose: Permit Drawing
 Base Map: Proposed Site Plan
 Source: Elliott Homes &
 EAM Field Data
 Map Date: May 17, 2023



**PROPOSED NEW
 SITE PLAN MAP
 SAM-2004-003387-RCV**



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 53 ac Project Area
 at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS

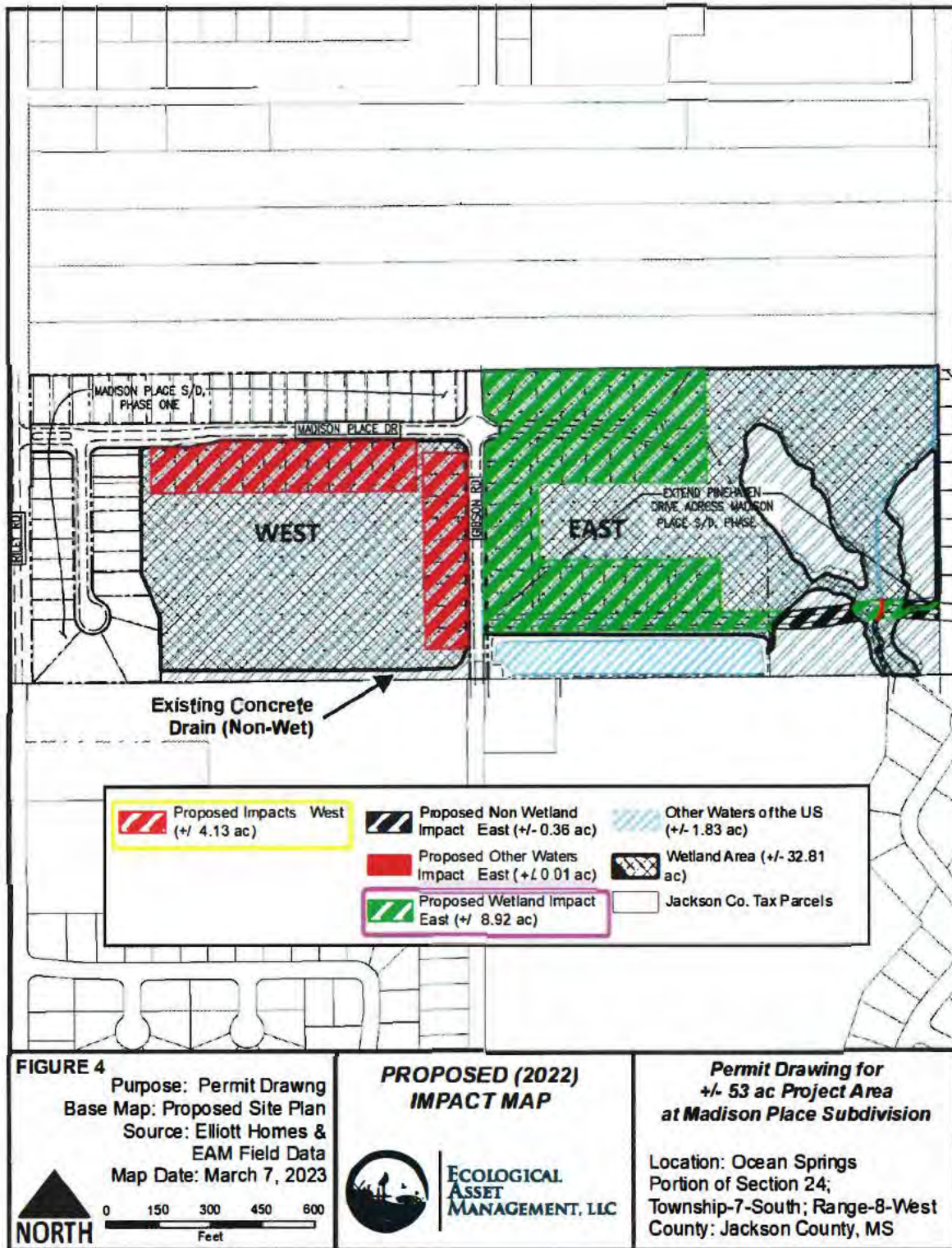


Figure 2-B: Proposed modification to site plan

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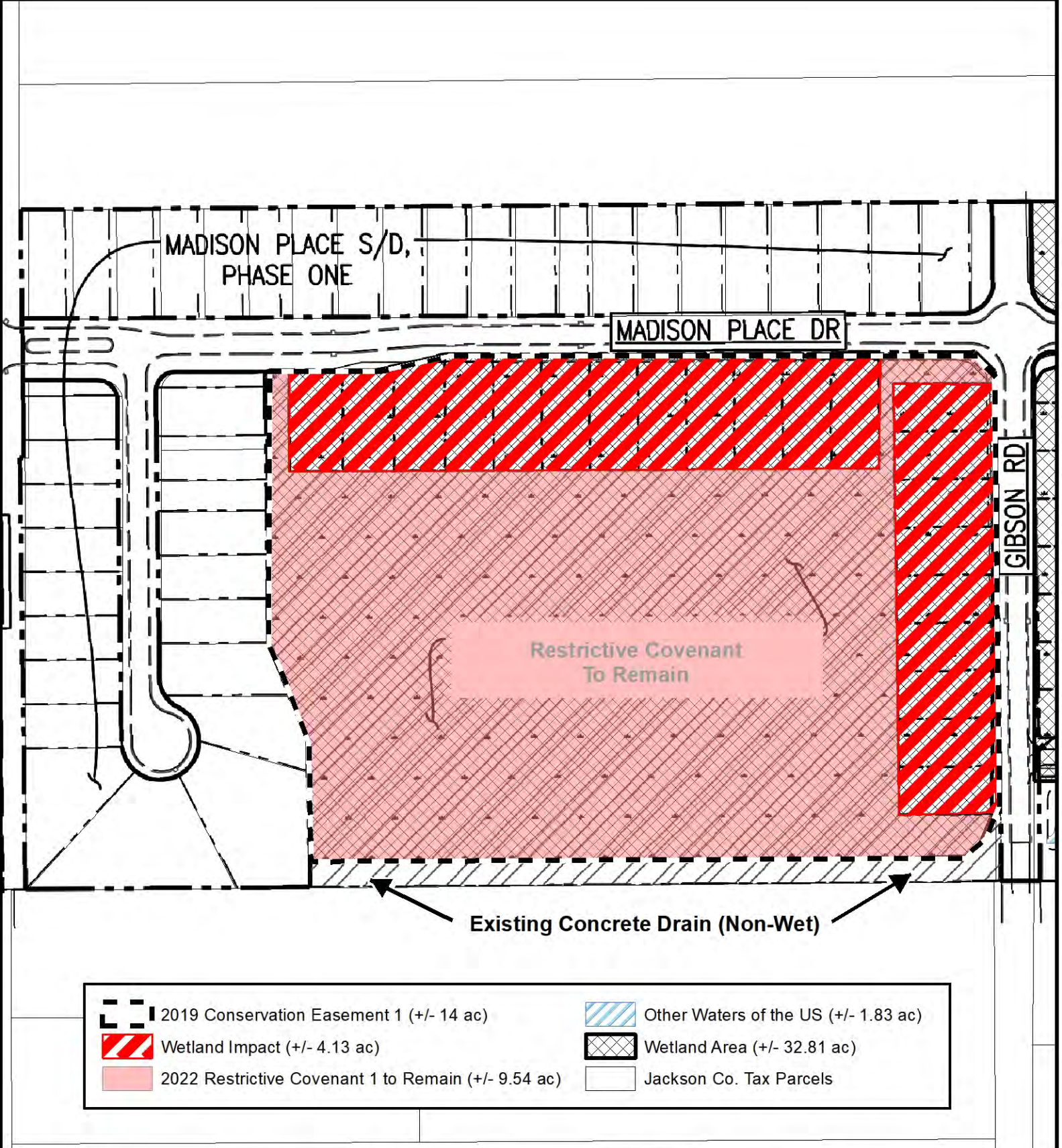
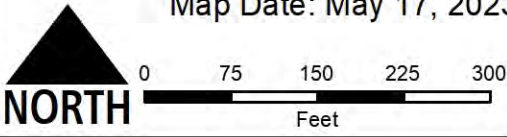


FIGURE 5 Purpose: Permit Drawing
 Base Map: Proposed Site Plan
 Source: Elliott Homes & EAM Field Data
 Map Date: May 17, 2023



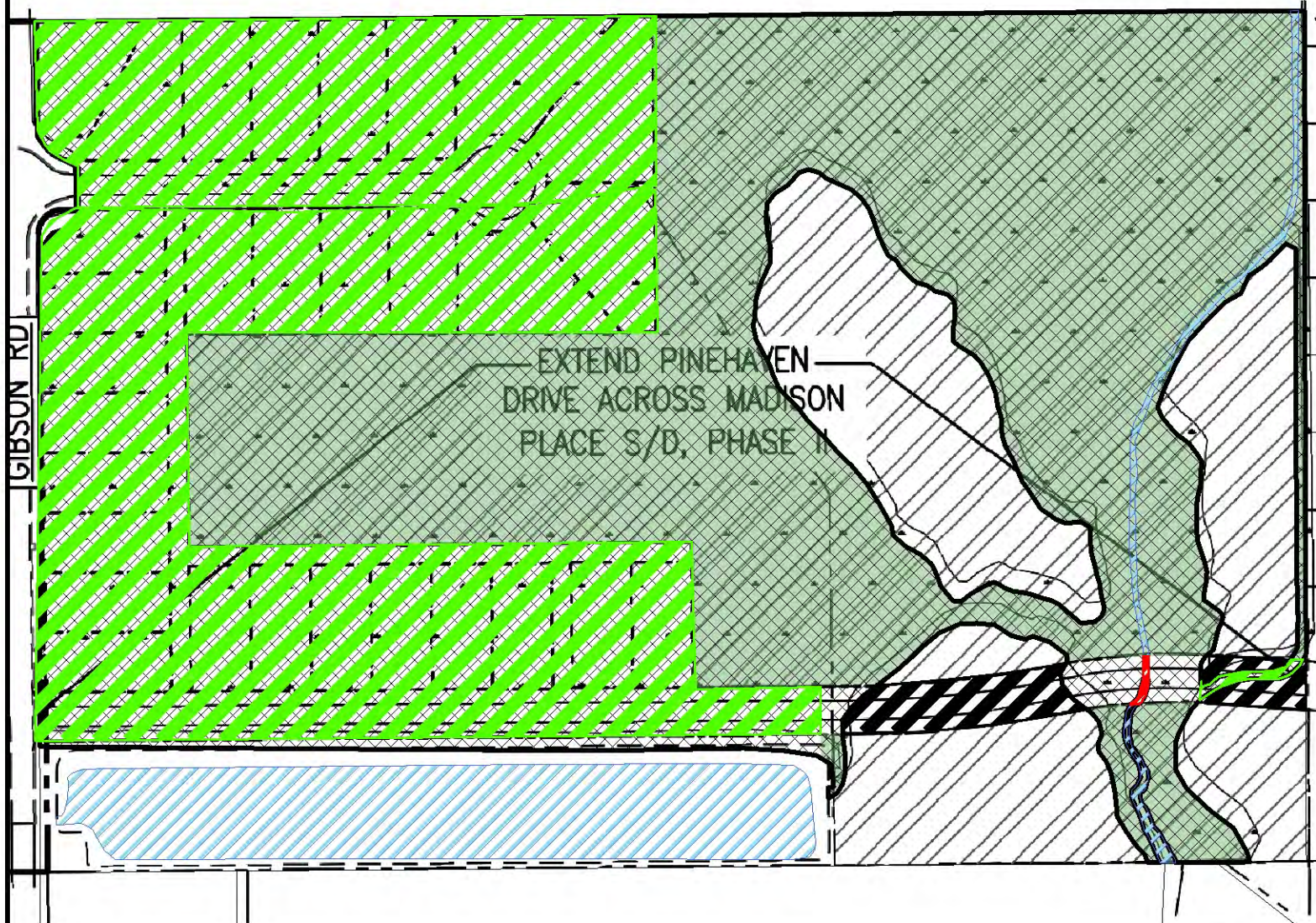
**PROPOSED (2022) IMPACT
 MAP DETAILS - WEST
 BY TYPE**
 SAM-2004-003387-RCV



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
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Location: Ocean Springs
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 Township-7-South; Range-8-West
 County: Jackson County, MS



GIBSON RD








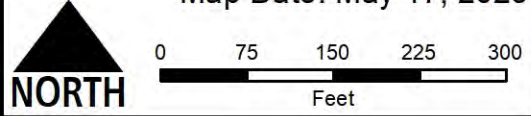
	Non Wetland Impact (+/- 0.36 ac)		Other Waters of the US (+/- 1.83 ac)
	Other Waters Impact (+/- 0.01 ac)		Wetland Area (+/- 32.81 ac)
	Wetland Impact (+/- 8.92 ac)		Jackson Co. Tax Parcels
	2022 Restrictive Covenant 2 to Remain (+/- 10.37 ac)		

FIGURE 6
 Purpose: Permit Drawing
 Base Map: Proposed Site Plan
 Source: Elliott Homes &
 EAM Field Data
 Map Date: May 17, 2023



**PROPOSED (2022) IMPACT
 MAP DETAILS - EAST
 BY TYPE**
 SAM-2004-003387-RCV



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 53 ac Project Area
 at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS

Figure 4: Proposed Pinehaven Road extension

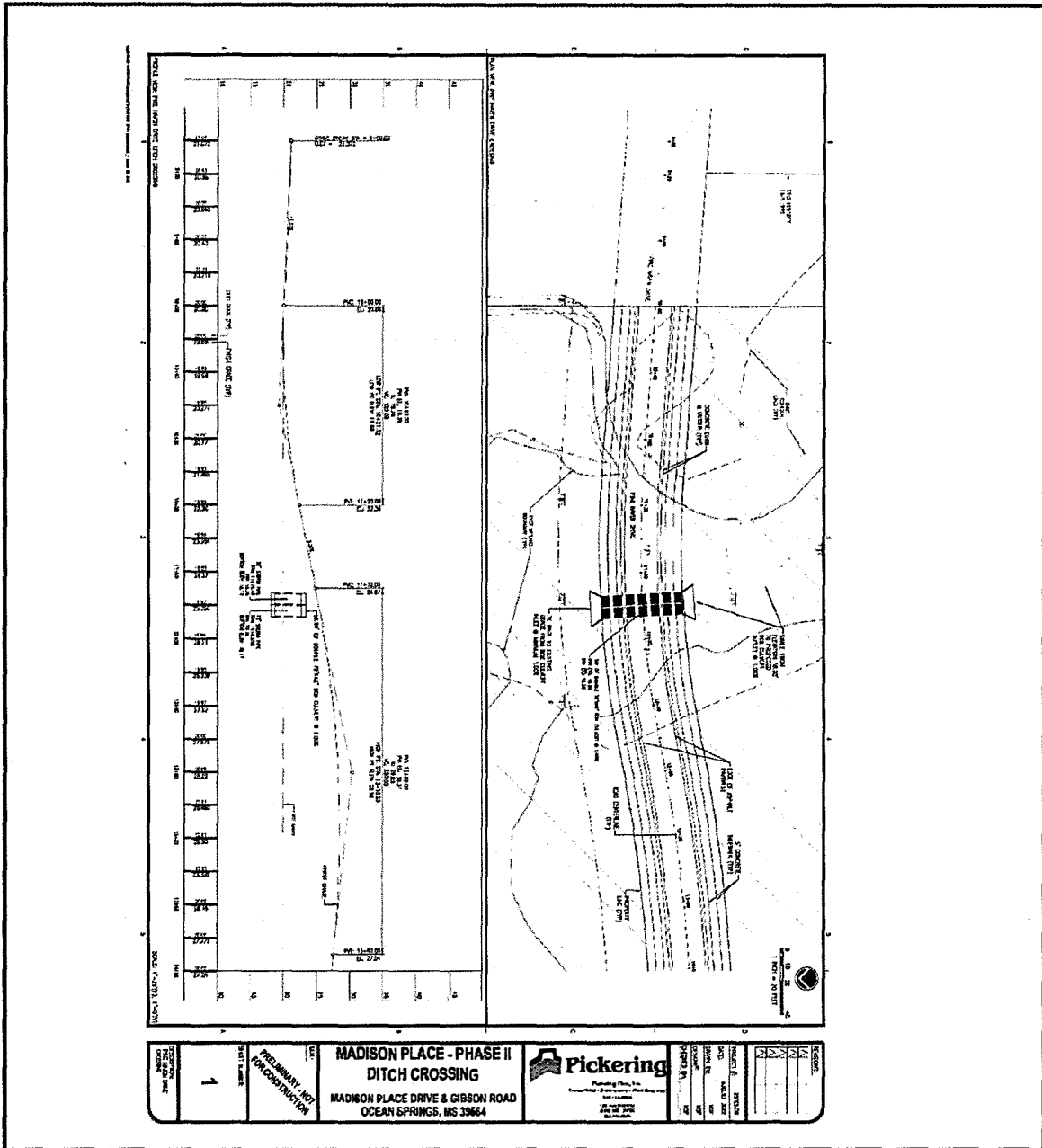


FIGURE 7a
 Purpose: Permit Drawing
 Base Map: Proposed Extension Road Details
 Source: Pickering & Assoc. (2022)
 Map Date: September 1, 2022

NORTH

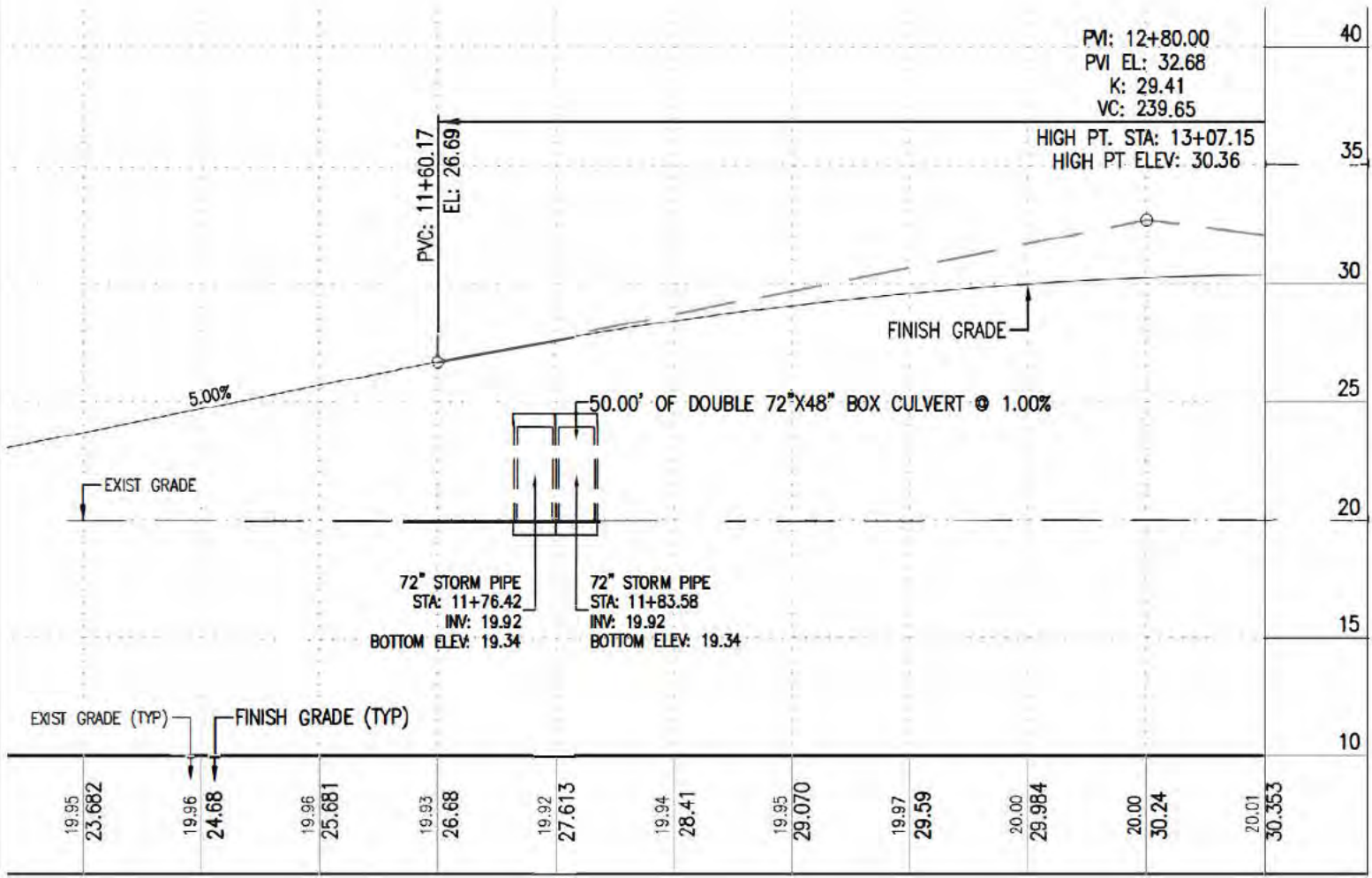
SCALE: As Shown

PROPOSED (2022) EXTENSION ROAD DESIGN & PROFILE

ECOLOGICAL ASSET MANAGEMENT, LLC

Permit Drawing for +/- 53 ac Project Area at Madison Place Subdivision

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS



↑
Centerline Stream

FIGURE7b Purpose: Permit Drawing
 Base Map: Proposed Extension
 Road Details
 Source: Pickering & Assoc. (2022)
 Map Date: May 10, 2023



SCALE: As Shown

**PINEHAVEN DRIVE
 EXTENSION ROAD
 PROFILE DETAILS
 SAM-2004-003387-RCV**



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 53 ac Project Area
 at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS

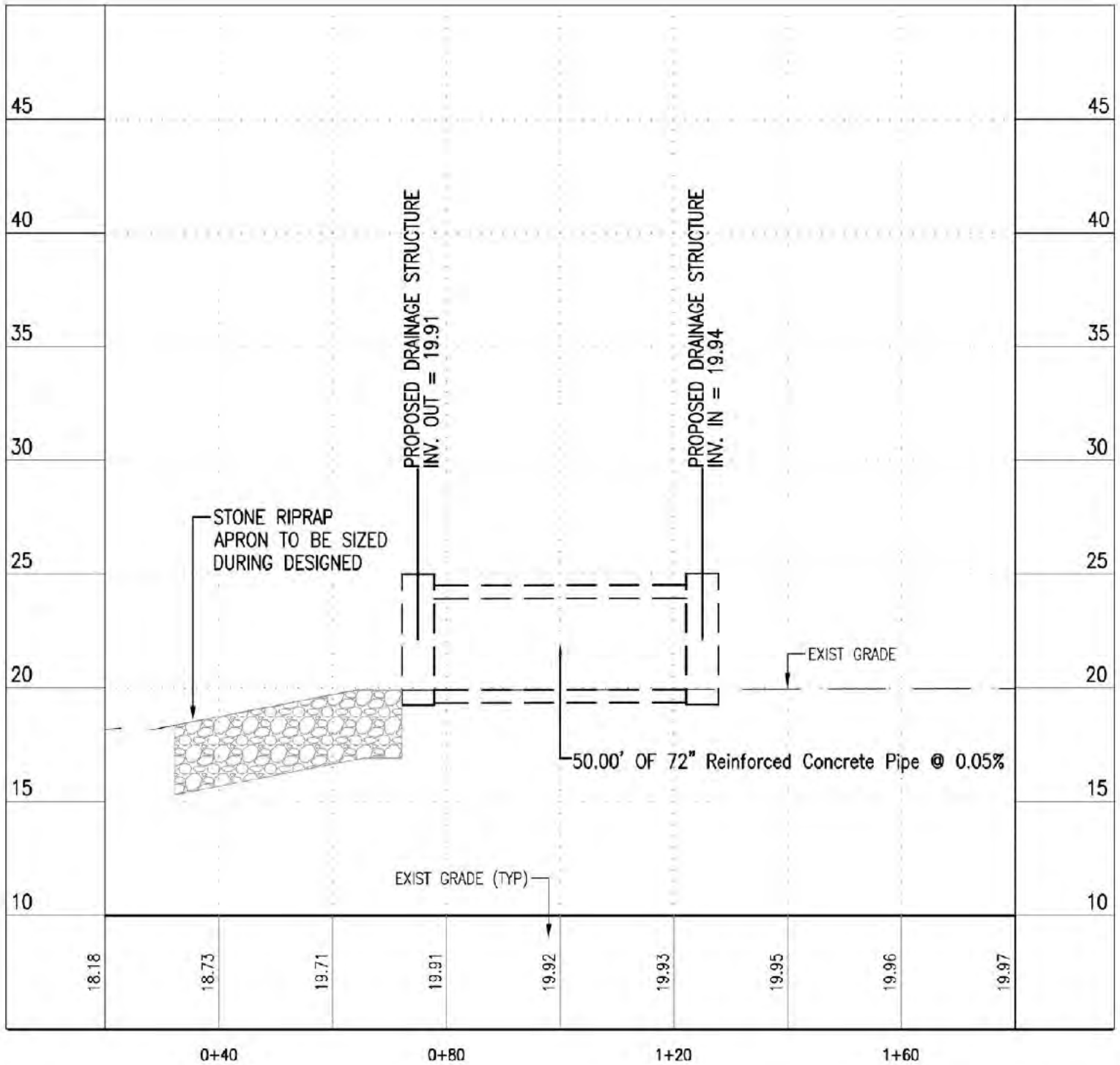


FIGURE 7c Purpose: Permit Drawing
 Base Map: Proposed Extension
 Road Details
 Source: Pickering & Assoc. (2023)
 Map Date: May 10, 2023



SCALE: As Shown

**PINEHAVEN DRIVE
 EXTENSION CULVERT
 PROFILE DETAILS**

SAM-2004-003387-RCV



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 53 ac Project Area
 at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS