



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-2006-01649-MFM

August 21, 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 MODIFICATION TO AUTHORIZED WETLAND FILL FOR THE
CONSTRUCTION OF A MIXED USE DEVELOPMENT, SAINT MARTIN, JACKSON
COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received a request for a modification to 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: Sun States Development
723 Howard Avenue
Biloxi, Mississippi 39530

LOCATION: In wetlands associated with the Tchoutacabouffa River, North of I-10 and South of Cook Road, Section 11, Township 9 South, Range 7 West, Saint Martin, Jackson County, Mississippi (Latitude 30.4561 North, Longitude 88.8588 West).

WORK DESCRIPTION: A portion of the applicant's original permitted work area was acquired by Jackson County through eminent domain; the county acquired 4.1 acres of the original property. The changes to the permit area have led the applicant to redesign the footprint while reducing the amount of wetland impacts.

The applicant proposes a modification to an existing permit and now proposes to fill 15.30 acres of wetlands for the construction of a mixed use development containing one commercial/office site, two multi-family sites comprising of 500+/- units, and one retirement community site. The proposed work involves the clearing, grading, excavating, and filling of the wetland and forested area to construct the development complex. An access road, detention basin, sewer system, concrete slabs, utilities, and other drainage structures will also be constructed.

PROJECT PURPOSE: Mixed Use Development.

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MITIGATION: The applicant purchased 47.07 mitigation credits to offset wetland impacts.

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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 applied for State Water Quality Certification (WQC) 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 WQC and CZ consistency will be made by the Mississippi Department of Environmental Quality (DEQ), Office of Pollution Control and the Mississippi Department of Marine Resources (DMR).

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, flood plain 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 for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

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

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cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire project area.

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 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. 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the following species may be present in the area: Alabama Red-Bellied Turtle, Dusky Gopher Frog, Gopher Tortoise, Black Pine Snake, Louisiana Quillwort, Sandhill Crane, Red Cockaded Woodpecker, Wood Stork, and West Indian Manatee. The U.S. Army Corps of Engineers (USACE) has initially determined the proposed activity would be not likely to adversely affect endangered or threatened species. The proposed activities are not located in Gulf Sturgeon critical habitat. The project will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal includes no impacts to EFH. Our initial determination is that the proposed action would be not likely to adversely affect EFH or Federally-managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2006-01649-MFM**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: Mr. Philip A. Hegji, Post Office Box 2288, Mobile, Alabama 36628-0001, the Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Bass, P.E., Post Office Box 2261, Jackson, Mississippi 39225, and the Department of Marine Resources, Bureau of Wetlands Permitting and Mitigation, 1141 Bay View 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) 690-3222**, or by email at **philip.a.hegji@usace.army.mil**. Please refer to Public Notice number **SAM-2006-1649-MFM**.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers

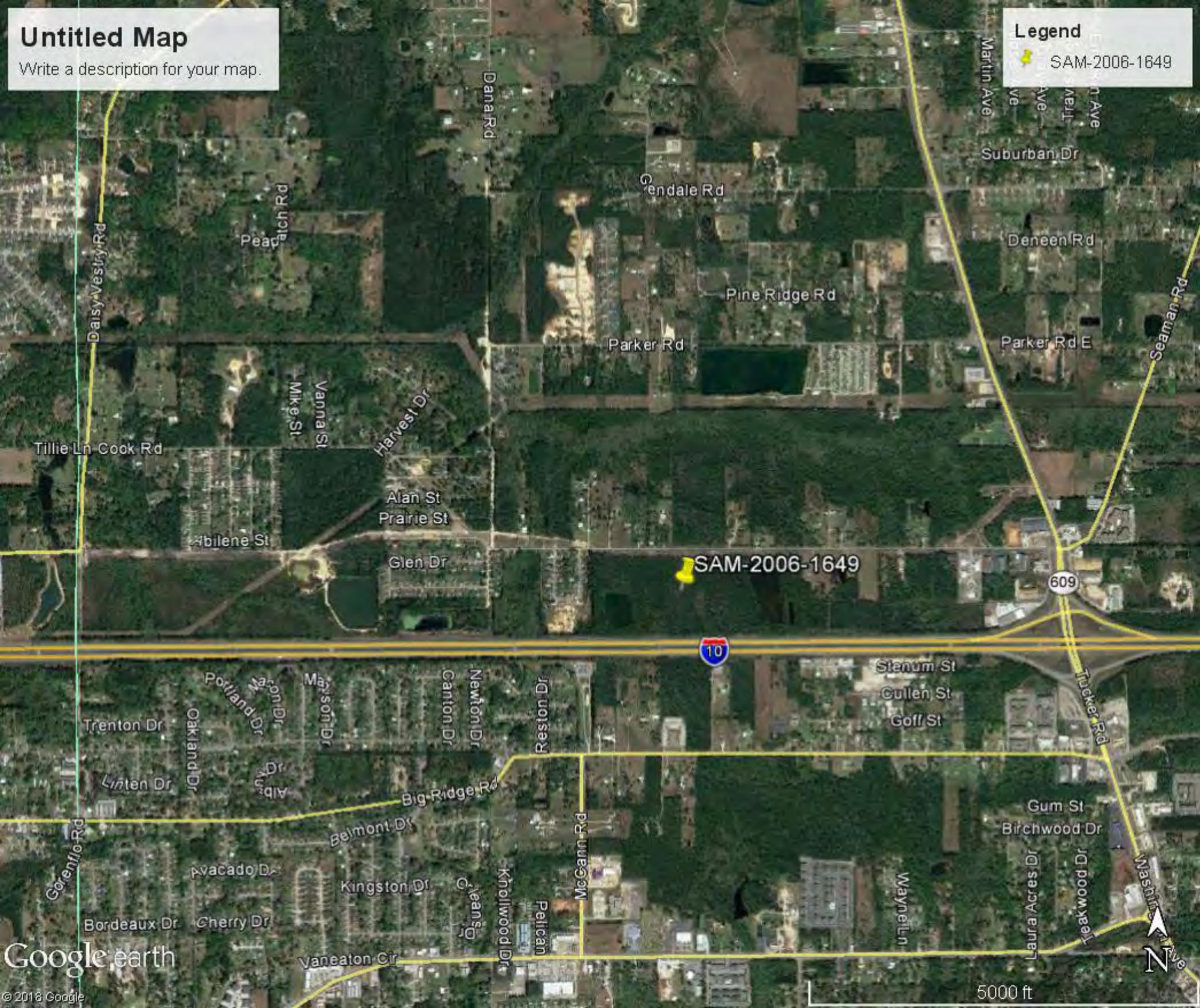
Enclosures

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