



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

REPLY TO
ATTENTION OF:

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2015-00154-MJF

November 7, 2019

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-060899

PROPOSED IMPACTS TO 5.29 ACRES OF WETLANDS ASSOCIATED WITH THE
CONSTRUCTION OF AN RV DEVELOPMENT KNOWN AS BACK BAY RV RESORT,
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. Please communicate this information to interested parties.

APPLICANT: **Mr. Henry M. Nunmaker IV**
112 HWY 22 East
Madisonville, Louisiana 39501
Mike4nunmakeryachts.com

AGENT: **Mr. Dana Sanders, Jr.**
19032 Old Port Gibson Road
Utica, Mississippi 39175
drsawet@bellsouth.net

LOCATION: **Wetlands Associated with Biloxi Back Bay, located south of Dismuke Drive, north of the Back Bay, east of Crescent Shore Drive and west of Riviera Drive, City of Ocean Springs, Jackson County, Mississippi. Section 14, Township 7 South, Range 9 West, Latitude 30.432872° North Longitude -88.856316° West. This area is depicted on the MS-Ocean Springs Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009.**

WORK: **The applicant proposes to place fill material in 5.88 acres in jurisdictional wetlands to construct a 229-lot, RV resort and dry storage marina. Clean fill material would be placed for 45 of the RV lots, roadways, and seven (7) culverted road crossings. Additional structures to be included, but not impacting wetlands, consist of a 40-foot by 60-foot bath and laundry facility; a 50-foot by 80-foot main office; a 135-foot by 190-foot dry boat storage building; a 100-foot by 135-foot concrete pad; a 145-foot by 164-foot gravel parking lot; additional culverted road crossings; an in-ground swimming**

pool as well as a 40-foot by 60-foot pool pavilion. The subject property is a 60.38-acre parcel containing approximately 18.97 acres of jurisdictional wetlands consisting of approximately 10.34 acres of tidal wetlands and 8.63 acres of low-quality (based on MWRAP) pine savanna wetlands. The proposed work would avoid approximately 13.09 acres of jurisdictional wetlands. The avoided wetlands would be placed into a conservation easement.

In addition to the fill activities, the applicant proposes to construct a 30-foot wide by 80-foot long boat ramp with 80-foot bulkheads running the length of each side; an 8-foot wide by 211-foot long breakwater pier to run north/south with an 8-foot wide by 175.5-foot long segment running east/west from the terminus; and two floating piers extending from each side of the proposed boat ramp. Each pier would include a 6-foot wide by 116-foot long main pier with four 6-foot wide by 40-foot long finger piers. Total square footage for all structures is approximately 6,404 square feet.

The applicant is also proposing to dredge an area measuring approximately 30-foot wide by 237-foot long from current depths of -3MLW to -6MLW. The amount of sediment to be removed is approximately 790 cubic yards. The applicant is proposing to dispose of the material in onsite uplands areas.

Best management practices would be implemented during and following all construction activities. Silt fences and other appropriate materials would be installed to block erosion and sedimentation in wetlands outside the project area. Disturbed surfaces would be planted to grass mixtures, except areas to be sodded. Planting and/or sodding would be undertaken as soon as possible after preparation of the project area.

EXISTING CONDITIONS: The project site consists of a 60.38 acre tract situated south of Dismuke Drive, at the end of Riviera Drive, and is surrounded by residential developments to the west, north, and east. This tract borders the Back Bay of Biloxi along the southern border and has three tidal wetland inlets which extend northward into the property, with pine savanna wetlands bordering and extending northward. The site is forested with a near 100 percent canopy of mature mix pine/hardwood with a dense understory. The property contains pine savanna occurring in the north portion of the property and along the edges of the wetland drainages. Wetlands located on the site are both tidal and non-tidal. The dominant vegetation in the tree stratum has combinations of loblolly pine (*Pinus taeda*) (FAC), magnolia (*Magnolia grandiflora*) (FACU), black gum (*Nyssa sylvatica*)(FAC), and sweetbay magnolia (*Magnolia virginiana*) (FACW). The sapling/shrub stratum is dominated by bigleaf gallberry (*Ilex coriacea*) (FACW), Chinese tallow (*Triadica sebifera*)(FAC), farkleberry (*Vaccinium arborerum*) (FACU+), wax myrtle (*Morella cerifera*)(FACW), and titi (*Cyrilla racemiflora*)(FACW). Soils located on the site include Atmore, Vancleave, Escambia and Saucier soil series. The Escambia soils account for the majority of the upland areas while the Atmore series is the dominant soil found in the wetland areas.

PROJECT PURPOSE: As stated by the applicant, “To provide RV living and dry storage marina opportunities for locals and out of town residence.” The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is an RV resort and dry storage marina and would not be considered a water dependent activity. Additional review will be performed by the USACE and cooperating agencies.

ALTERNATIVES: The USACE initial review of alternatives submitted by the applicant consists of two (2) off-site alternate locations in the vicinity. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: Compensatory mitigation is required for the loss of 5.88 acres of pine savannah wetland. The applicant is proposing mitigation through the purchase of mitigation credits from an approved mitigation bank. Additional review of mitigation requirements will be performed by the U.S. Army Corps of Engineers (USACE) and cooperating agencies. Final compensatory mitigation will be evaluated by the USACE and cooperating resource agencies throughout the review process for the proposed project.

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 coastal zone consistency from the State of Mississippi Department of Marine Resources (MDMR) in accordance with Section 57-15-6 of the Mississippi Code Annotated. (DMR-060899)

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 benefits, 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.

U.S. Army Corps of Engineers (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.

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 effect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the USACE has determined that the permit area is the full area of development for the overall project footprint. The National Park Service, National Register of Historic Places (NRHP) database has been consulted. No known archaeological sites are located within or very close to the project area. The applicant had a Phase I Cultural Resources Survey prepared in February, 2018. As part of the Survey, the Mississippi State Archaeological Site File (MSASF) was utilized. A search of the MSASF identified 13 previously recorded archaeological sites within a mile of the project area and 47 previously conducted cultural resource surveys. The Survey concluded that no cultural resources were identified during the investigation. Based on the above information, the USACE has determined the proposed project will have ***no effect*** on cultural resources in the permit 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. The Mississippi Department of Archives and History (MDAH) responded to MDMR by letter dated August 15, 2019 stating their concurrence that no historic properties or resources eligible for listing in the National Register of Historic Places are likely to be affected by the proposed project in the 39.6 acres that were surveyed. (MDAH Project Log #08-040-19).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife indicated the following terrestrial species may be present within the affected watershed: the Mississippi Sandhill Crane (*Grus canadensispulla*) (E), the Wood Stork (*Mycteria Americana*) (T), the Piping Plover (*Charadrius melodus*) (T), the Red Knot (*Calidris canutus rufa*) (T), the Gopher tortoise (*Gopherus polypemus*) (T), the Mississippi Gopher Frog (*Rana sevosa*) (E) and the Alabama Red-bellied Turtle (*Pseudemys alabamensis*) (E). No listed critical habitat is located on or near the project site. Preliminary

review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants for the 12-HUC watershed suggest that the proposed activity will have ***no effect*** on listed endangered or threatened species or critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service via this public notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2015-00154-MJF** and should be directed to the District Engineer, USACE, Mobile District, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 104, Biloxi, Mississippi 39530, Attention: USACE Biloxi Field Office, Maryellen.j.farmer@usace.army.mil 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 FBass@mdeq.ms.gov and the Mississippi Department of Marine Resources, **Attention: Mr. Greg Christodoulou**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530. Greg.Christodoulou@dmr.ms.gov.

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 (228) 523-4116 or email at Maryellen.j.farmer@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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures