



REPLY TO
ATTENTION OF:

Mississippi Branch
Regulatory Division

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

May 15, 2019

**JOINT PUBLIC NOTICE SAM-2016-00334-MJF
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-060594**

**PROPOSED IMPACTS ASSOCIATED WITH THE EXPANSION OF AN EXISTING
COMMERCIAL DEVELOPMENT, WETLANDS ASSOCIATED WITH ST. MARTIN BAYOU,
HARRISON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbors Act of 1899 and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: **Mr. Anthony Desporte**
Post Office Box 6309
D'Iberville, Mississippi 39540

AGENT: **Cypress Environmental Science & Engineering**
Attention: Mr. Marc Foster
Post Office Box 1168
Biloxi, Mississippi 39533

LOCATION: **Wetlands Associated with St. Martin Bayou, located at 3921 Warrior Drive, Latitude 30.437449 North, Longitude -88.892452 West, Section 9, Township 7 South, Range 9 West, D'Iberville, Harrison County, Mississippi.**

WORK: **The applicant proposes to place fill material in 1.0 acre of jurisdictional wetlands for the expansion of an existing office/warehouse complex. The subject parcel is part of a larger complex owned by the applicant. The applicant received a permit in 2006, which was then modified in 2009 (SAM-2005-04615) for the fill of 2.29 acres. This site has been constructed and is at 100% capacity. The buildings in this development would be three, 50-foot by 100-foot and one, 50-foot by 50-foot office unit, as well as adjacent parking and walkway areas. A detention basin would be constructed on the south end of the parcel. The proposed project would develop the last portion of the applicant's property by adding an additional 5 units. This would provide another 2 to 2.5 years worth of growth for this facility.**

EXISTING CONDITIONS: This site is located on Warrior Road between 3rd Avenue and Lamey Bridge Road, D'Iberville, Harrison County, Mississippi. The project parcel size is approximately 6.0 acres of which 1.0 acre is considered jurisdictional wetlands. The subject site is maintained by mowing. A stormwater surface inlet and grate is located in the southwest corner. The site is bordered on the west by residential properties, on the north by a middle school, on the east by commercial properties and on the south by commercial properties.

PROJECT PURPOSE: Per the agent, "the project purpose is to enable Mr. Desporte to develop additional office/warehouse units for lease. These units would fulfill a need in the immediate area for these mixed-use or 'flex' units. A variety of tenants occupy the existing development including gyms, auto shops, lawn maintenance, contractors, and professional services companies. This type of space allows for both office space and the ability to have room for storing materials or equipment. They are typically used by small businesses that have outgrown the business owner's homes but cannot yet support large independent facilities." The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is expansion of an office/warehouse complex and would not be considered a water dependent activity. Additional review will be performed by the USACE and cooperating agencies.

AVOIDANCE AND MINIMIZATION: Although the 1.0 acre parcel is the last undeveloped portion of this property and avoidance cannot be accomplished, best management practices would be utilized throughout construction to minimize off-site impacts. All disturbed areas shall be seeded or sodded to reduce off-site sedimentation.

ALTERNATIVES: Per the agent, "the applicant evaluated two off-site alternatives and an onsite alternative of a reduced project footprint" Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: According to the agent "To compensate for the loss of 1.0 acres of low quality (based on MWRAP) scrub-shrub wetlands, the applicant will purchase mitigation credits from an approved wetlands mitigation bank". Additional review of mitigation requirements will be performed by the 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 and received coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated (DMR-060594).

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.

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.

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 overall project footprint to include the 6-acre parcel. 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 USACE has determined that the proposed project would have **"no potential to cause effects"** on cultural resources in the permit area.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated the following species may be present within the watershed: the Dusky Gopher Frog (*Rana sevosia*) (E), the Gopher Tortoise (*Gopherus Polyphemus*) (T), the Wood Stork (*Mycteria americana*) (T), The West India manatee (*Trichechus manatus*) (E), the Mississippi Sandhill Crane (*Grus Canadensis pulla*) (E), the Piping Plover (*Charadrius melodus*) (T), the Red Knot (*Calidris canutus rufa*) (T), the Alabama Red-Bellied Turtle (*Pseudemys alabamensis*) (E), the Loggerhead Sea Turtle (*Caretta Caretta*) (E), and the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*)(T). Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants for the watershed suggest that the proposed activity will have **no effect** on listed endangered or threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service via this public notice and will be submitted to the National Marine Fisheries Service for coordination via their website.

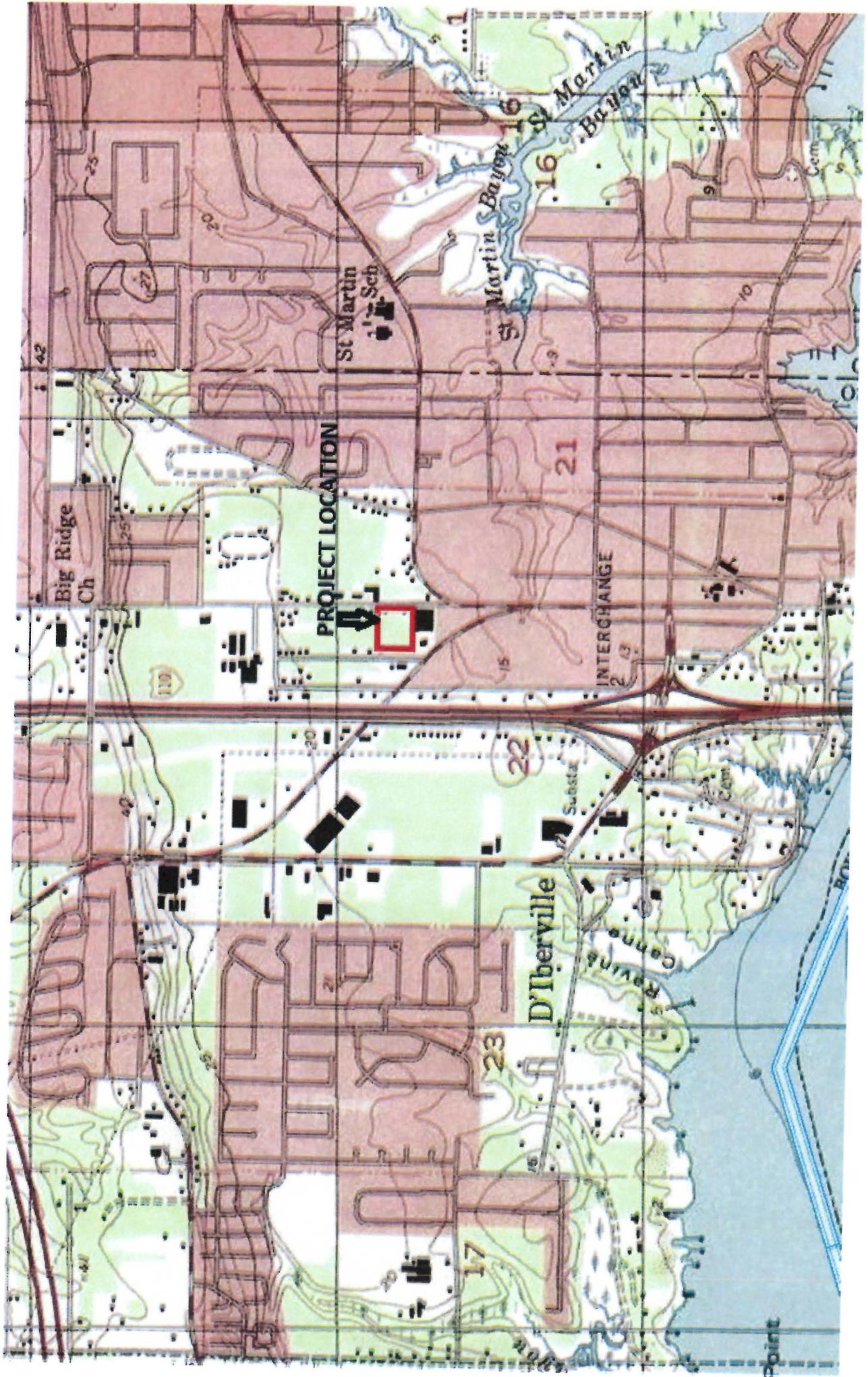
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2016-00334-MJF**, and should be directed to the District Engineer, USACE, Mobile District, Biloxi Field Office, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with 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, in time to be received within **30 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, Ms. Farmer at (228) 523-4116, or 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



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|  | | ELEVATION EXHIBIT PLANS FOR DESORTE DEVELOPMENT CO. LAMEY BRIDGE ROAD DIBERVILLE, MISSISSIPPI | |
| ELEVATION TYPE EXHIBIT 10/15/2017 | | (SHEET 2 OF 2) | |
| SCALE: HORIZONAL 1"=50' VERTICAL 1"=10' DATE: 10/15/2017 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO.: [Number] | | PROFESSIONAL SEAL [Blank space for seal] | |

EX-03

NOT FOR CONSTRUCTION

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