



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

REPLY TO
ATTENTION OF:

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2017-00109-RCV

May 17, 2017

JOINT PUBLIC NOTICE
U. S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED WETLAND FILL ASSOCIATED WITH THE CONSTRUCTION OF A
MULTI-FAMILY RESIDENTIAL DEVELOPMENT,
LAKESHORE, HANCOCK COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: **L and M Land, LLC**
Attention: Mr. Kirk Ladner
7412 Kome Place
Diamondhead, Mississippi 39525

AGENT: **Culpepper and Associates, LLC**
Post Office Box 1407
Long Beach, Mississippi 39560

LOCATION: The proposed residential development is located at 5237 South Beach Boulevard, Section 29, Township 9 South, Range 14 West; Latitude 30.24563° North and Longitude -89.42487° West, Bayou Caddy, Lakeshore, Hancock County, Mississippi.

The project area is sparsely developed with residences and commercial facilities. Bayou Caddy drains into Mississippi Sound about 0.5 mile to the south of the immediate project area. Hydrology is dominated by precipitation but groundwater is tidally influenced. The wetland is rarely inundated by tidal waters except during abnormal storm tides. The 6-acre parcel consists of about 3.82 acres of wetland and is bounded on the east by South Beach Boulevard and Mississippi Sound, and high marsh and shrubs to the south, north and west. Drainage and mosquito ditches were excavated 3 to 5 feet wide approximately 50 years ago, and the side-cast material formed numerous knolls where shrubs, slash pine, and small live oaks dominate. The wetland predominant consists of high salt marsh which has been maintained by mowing east of the ditches.

BACKGROUND: The site was previously approved for the proposed project by DA permit MS04-01340-G in April 2005. While undertaking the development and mitigation activities, Hurricane Katrina occurred and halted the project indefinitely in August 2005. The on-site mitigation activities and a minor portion of fill were completed, see Mitigation.

WORK DESCRIPTION: The applicant proposes to fill 1.8 acres of herbaceous non-tidal wetland for residential development. Approximately 12,000 cubic yards of sandy clay fill would be used to increase elevations 2 to 4 feet and provide foundation for twin towers with 208 total condominium units, amenities, office, and associated parking. Upon completion of grades, the parking and foundation, drainage structures, and other utilities will be completed. Condominium structures will be completed thereafter.

MITIGATION: Approximately 1.8 acres of medium quality estuarine wetland will be impacted for the proposed development. The U.S. Army Corps of Engineers (USACE) is evaluating the applicant's proposal to provide mitigation for unavoidable impacts to wetland solely by purchase of credits from an approved wetland mitigation bank servicing the area of the project. The mitigation credit will be purchased from a bank situated in Hancock County to suit proximity preferences. Best management practices will be employed to mitigate any secondary impacts to wetlands.

While the project was previously authorized by aforementioned DA permit, the permittee attempted to complete the on-site mitigation activities prior to Hurricane Katina. This included completed filing of the deed restriction and the estuarine wetland restoration and enhancement. The on-site activities included the removal of the upland spoil berms and haul road followed by the natural recruitment of intertidal estuarine species. Mitigation included grading old spoil mounds to adjacent wetland elevations and planting native cordgrass, rushes and salt meadow hay on 1-foot centers. No previous assessment of the area was documented for ecological benefit or success of the restoration, no annual reports were filed, and it was not deemed successful within five years by the USACE. However, preservation totaling 2.03 acres was accomplished by restrictive covenant.

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 Consistency (CZ) 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 Office of Pollution Control 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 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 impacts, 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 cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the USACE has determined that the permit area consists of the proposed footprint of jurisdictional wetlands in which fill will be placed and the footprint of the proposed bulkhead. 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 USACE has made a preliminary determination that there is no potential to affect cultural and historic resources within the permit area. However, 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.

The Mississippi Department of Archives and History (MDAH) requested a cultural resources survey. By MDAH letter of July 16, 2004, MDAH concurred with the findings of the June 2004 report (DAH04-201) and had no objection to issuing the previously referenced DA permit.

A preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and utilization of the Special Effects Determination Key contained in the 2012 SLOPES agreement for Hancock County indicates the proposed project and will have **no effect on the Louisiana black bear (*Ursus americanus luteolus*), Louisiana quillwort (*Isoetes louisianensis*), Piping plover (*Charadrius melodus*), Red knot (*Calidris canutus rufa*) Ringed map turtle (*Graptemys oculifera*), West Indian manatee (*Trichechus manatus*),** and no effect on any other threatened, endangered, or proposed species and/or their designated 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-2017-00109-RCV**, and should be directed to USACE, Mobile District, Regulatory Division, 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, Post Office Box 2261, Jackson, Mississippi 39225-2261, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

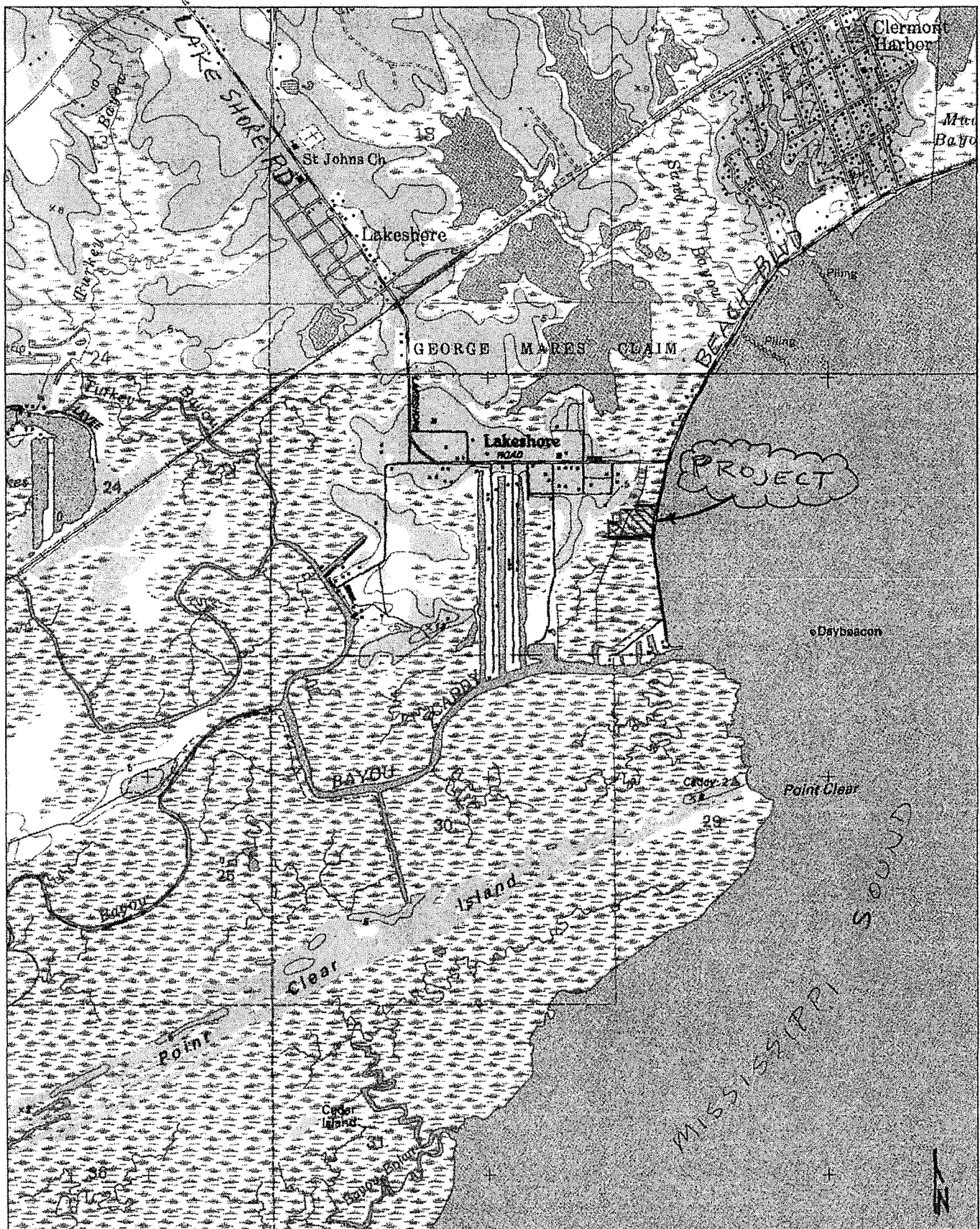
All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager, Mr. Villarreal at (251) 690-3246 or Rudolph.c.villarreal@usace.army.mil. Please refer to the above Public Notice number.

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

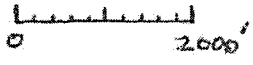
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

To U.S. 90



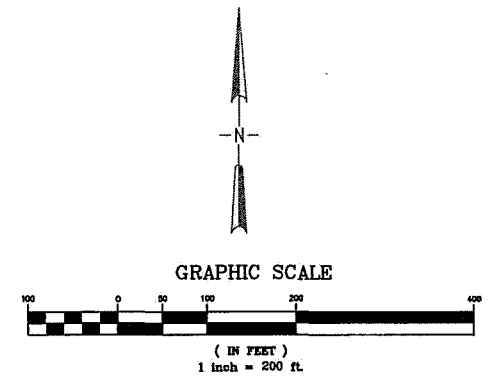
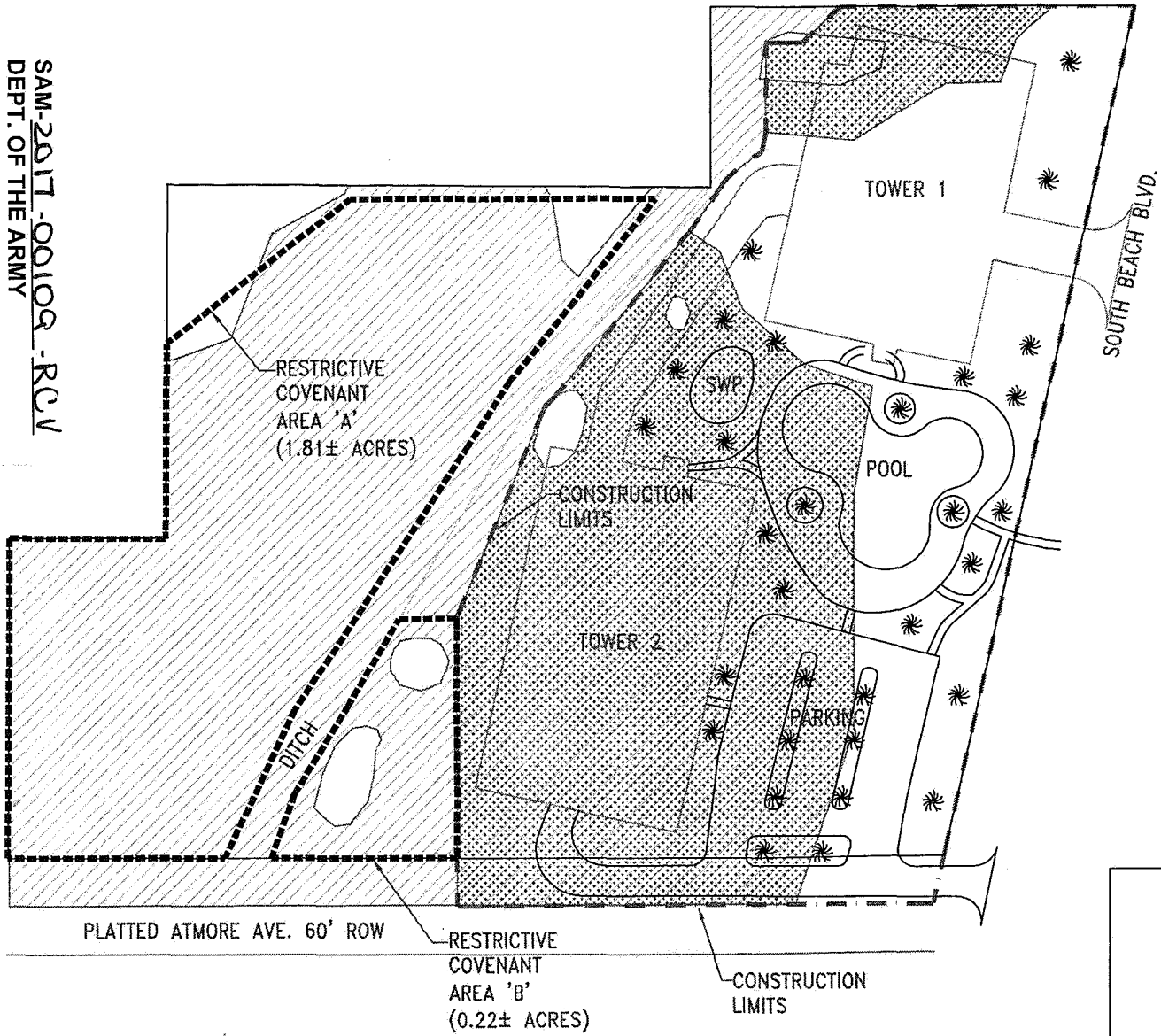
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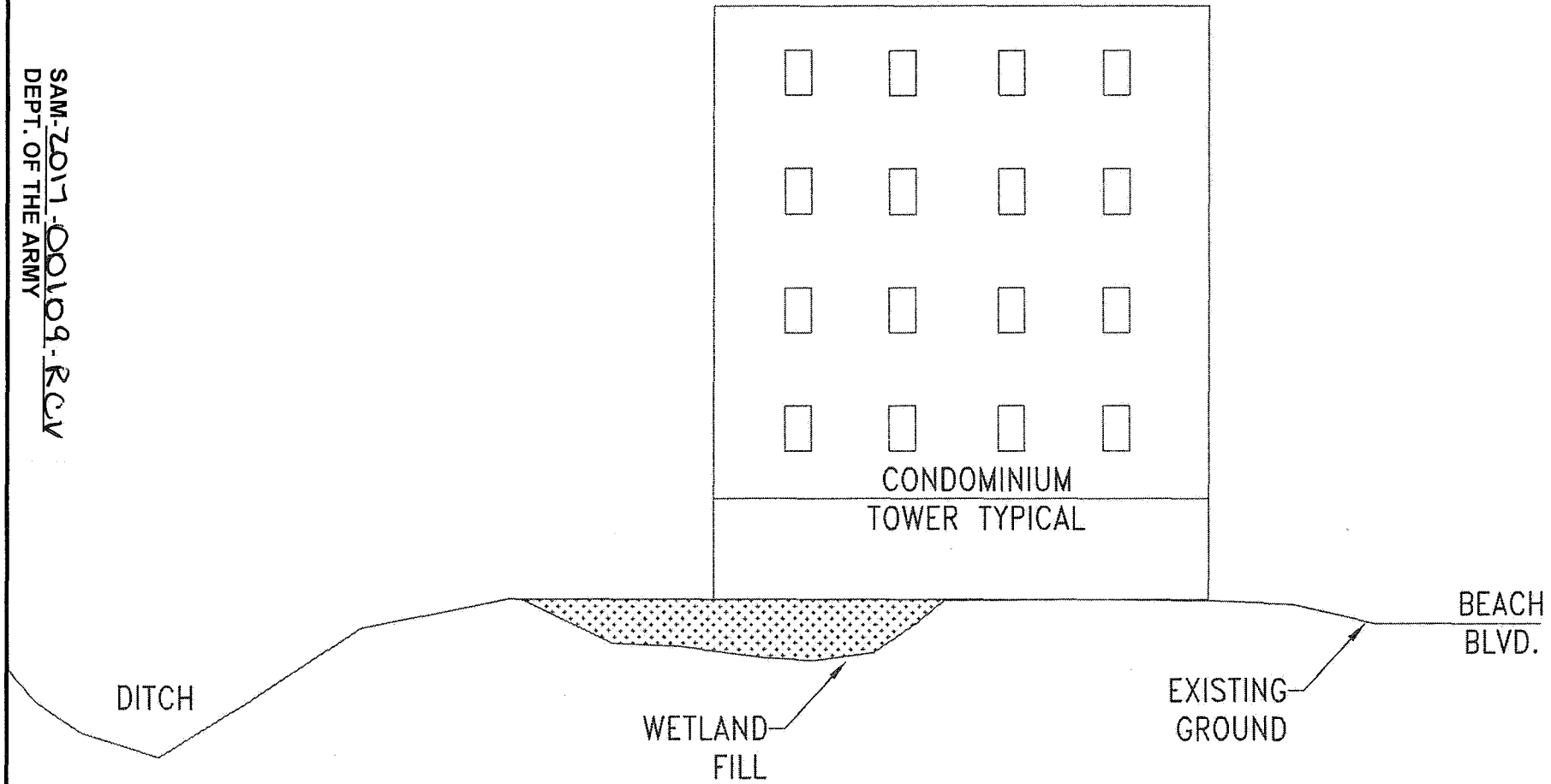
-  PROPOSED WETLAND IMPACTS. (1.8 ACRES)
-  TOTAL WETLAND AND OTHER WATERS (3.82 ACRES)
-  RESTRICTIVE COVENANTS AREAS

* PARKING FOR BOAT, RV, AND OVERFLOW.

PERMITTING EXHIBIT
for
L AND M LAND, LLC.
ISLANDER CONDOMINIUMS
HANCOCK COUNTY MS

Fig 1

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PERMITTING EXHIBIT
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Fig. 2