



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-2017-01234-RCV

November 28, 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 IMPACTS FOR A RESIDENTIAL SUBDIVISION, IN WETLANDS ADJACENT
TO BAYOU TALLA, ST. MARTIN, JACKSON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: **Huger Enterprises, LLC**
Attention: Mr. Jim Huger
835 Union Street, Suite 300
New Orleans, Louisiana 70112

AGENT: **D. R. Sanders and Associates**
Attention: Mr. Dana R. Sanders, Jr.
4017 Lake Wilma Road
Moss Point, Mississippi 39562

LOCATION OF WORK AND WATERWAY: **The proposed Fort Bayou Subdivision will be constructed on a 28.3-acre tract located adjacent to the east side of Old Fort Bayou Road. The project site will impact 27 acres of low quality pine savanna wetlands adjacent to Talla Bayou, Section 8, Township 7 South, Range 8 West, St. Martin, Jackson County, Mississippi (Latitude 30.448726° N, Longitude -88.801624°W).**

PROJECT PURPOSE: **The basic project purpose of the proposed development is the construction of 76 lots, commercial residential subdivision development, including all utility lines, and internal roads. The U.S. Army Corps of Engineers (USACE) has initially determined this project to be non-water dependent.**

EXISTING CONDITIONS: **The Fort Bayou Subdivision project is proposed to be constructed on a 28.3-acre tract. A total of 27 acres of low-quality pine savanna wetlands occur on the 28.3-acre tract. The property is densely forested with mature pine mixed with hardwood and a dense sapling/shrub stratum. The nonwetlands portions of the property are located along the north property line and have slightly higher elevations than the rest of the property. The nonwetlands acreage has a**

combination of hardwoods and pine with a very dense understory of sapling/shrubs. Undeveloped property adjoins the property on the east and south. Individual lots lie adjacent to Old Fort Bayou Road, west of the road and north of the property.

ALTERNATIVES: Alternative sites were evaluated. The applicant states the proposed preferred site is the only property available that meets the required criteria for the project location. Selection criteria for the location of the preferred alternative was based upon the size of the property, target client population, location, accessibility, traffic, environmental, cultural, site availability and costs. On-site alternatives were considered for environmental concerns and available nonwetlands, while still providing an economically viable project

PROPOSED WORK: The project consists of a 76-lot residential subdivision, including roads, walkways, and retention ponds. A total of 27 acres of low-quality pine savanna wetlands occur on the 28.3-acre tract, of which 27 acres is proposed to be permanently filled. The subdivision (Figure 2) will be constructed by having a main street (50 feet right-of-way) extending east from Old Fort Bayou Road, dividing to form a broad figure-8 shape, with lots on both sides of the streets. Surface drainage will be directed through curb and gutter to pipes terminating in a 2.21-acre detention pond located in the southwestern corner of the property with an extension along the southern boundary to the eastern property boundary. The eastern extension will be 38 feet from the top of the levee to the top of the other side. With a depth of 3 feet (Figure 6), the pond will have the capability of detaining approximately 6.5 acre-feet of water. This capacity is in excess of that needed to handle the runoff from the subdivision. It will also receive water from some adjacent areas, especially Old Fort Bayou Road, at the request of the Jackson County Road Department in order to relieve downstream flooding. Water from the detention pond will be released into a natural swale that eventually conveys water to the west through a drainage to the Bayou Talla.

AVOIDANCE & MINIMIZATION: The plan view of the project shows that impacts to wetlands are unavoidable for this project. No other on-site configuration could be offered that would result in fewer wetland impacts. The applicant states that minimization of wetland impacts will be carried out by best management practices (i.e. over-seeding) will be carried out in all areas where bare ground exists in order to minimize sediment loading of surface runoff. Silt fences will be constructed and maintained to prevent sedimentation. The USACE has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant proposes to purchase sufficient number of in-kind credits from a USACE approved mitigation bank. The applicant proposes to mitigate the impacts of 27 acres of low quality wet pine savanna by purchasing 54 wet pine savanna credits from an IRT-approved wetlands mitigation bank. The USACE has not verified the adequacy of this mitigation proposal at this time.

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 by the Mississippi Department of Environmental Quality.

HISTORIC PROPERTIES: The National Register of Historic Places (NRHP) will be consulted for properties listed in or eligible for the National Register, which would be affected by the proposed work. Copies of this notice are being sent to the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services for further consultation and comments. **Previous investigations for the facility have determined that no properties are listed in or eligible for listing in the NRHP.** In accordance with Appendix C of 33 CFR Part 325, the USACE has determined the permit area is the full area of development for the overall project footprint. Copies of this public notice are being sent to the SHPO.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity may require additional coordination with the U.S. Fish and Wildlife Service (FWS). The gopher tortoise is the only federally listed species that could potentially occur on this site knowing the presence of marginal suitable soils, and to the lack of any supporting habitat that might otherwise be potentially occupied by red-cockaded woodpeckers, Louisiana quillwort, Mississippi gopher frog, Mississippi Sandhill Crane, Alabama Red Bellied Turtle, or other Federally listed species that may occur temporarily or otherwise in coastal Mississippi.

The site was surveyed by the agent representing the applicant and no evidence of occupancy (burrows or tracks) was found, allowing the conclusion the site is not occupied by gopher tortoises. Additional coordination will be performed with the FWS on the proposed project.

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 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, 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2017-01234-RCV** and should be directed to the District Engineer, U.S. Army Engineer District Mobile, 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, Attention: Ms. Florance Bass, P.E., Post Office Box 2261, Jackson, Mississippi 39225-2261, and the Mississippi Department of Marine Resources, **Attention: Ms. Jennifer Wilder**, 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 at (251) 690-3246, or at 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.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers

FIGURE 1. SITE LOCATION MAP FOR HUGER 25 ACRE SITE

Legend

-  Huger Subdivision Property
-  Untitled Polygon

Huger Subdivision Property



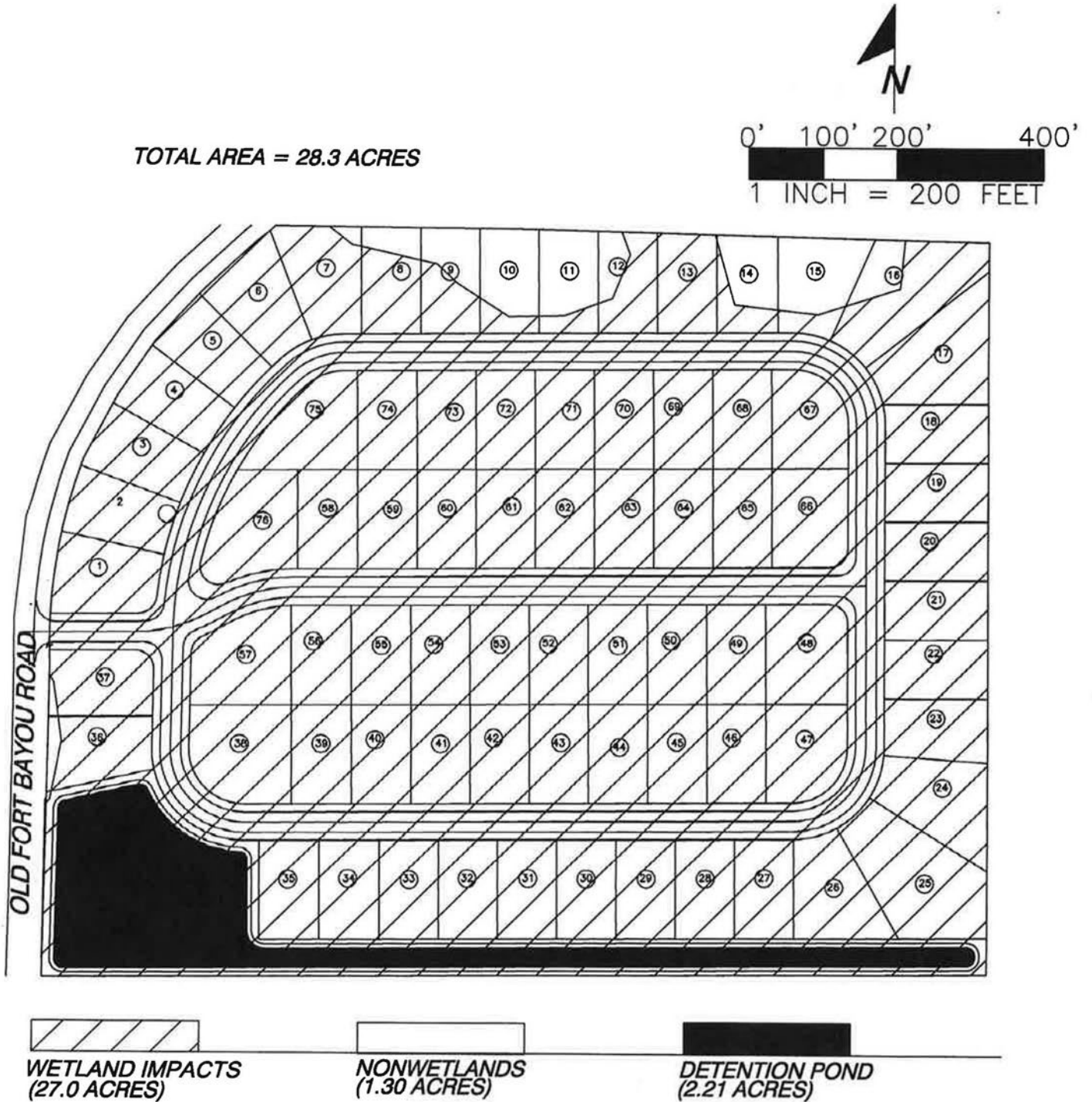
Google Earth

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1 mi



FIGURE 2. PLAN VIEW OF FORT BAYOU SUBDIVISION



SAM-2017-01234-RCV

FIGURE 3. TYPICAL LOT LAY-OUT

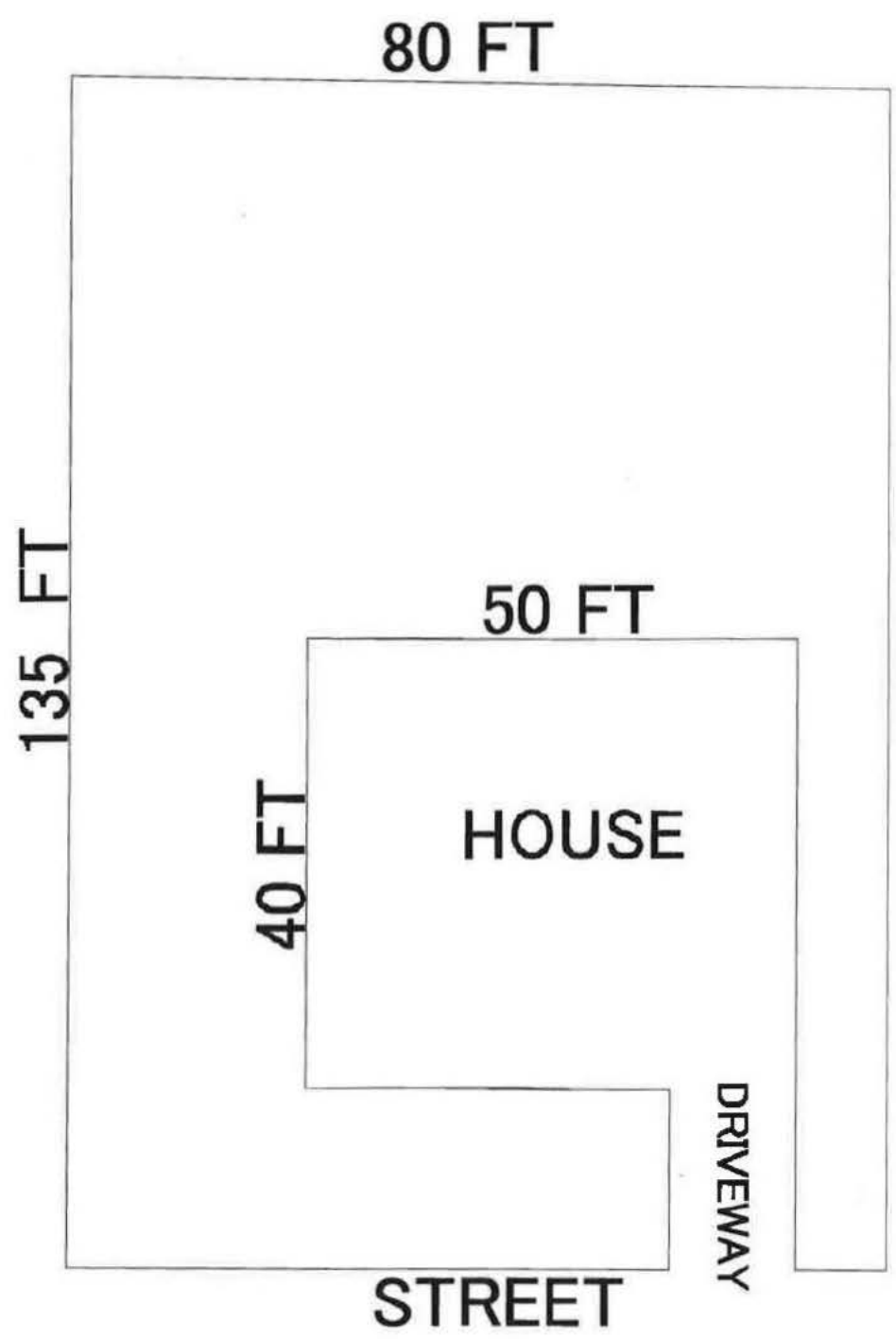


FIGURE 4. TYPICAL CROSS-SECTION OF FILL IN LOT (N.T.S.)

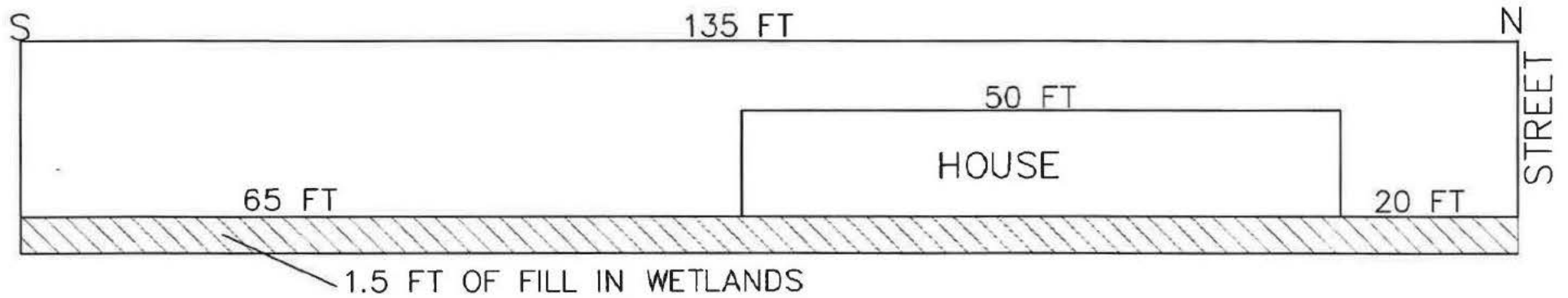
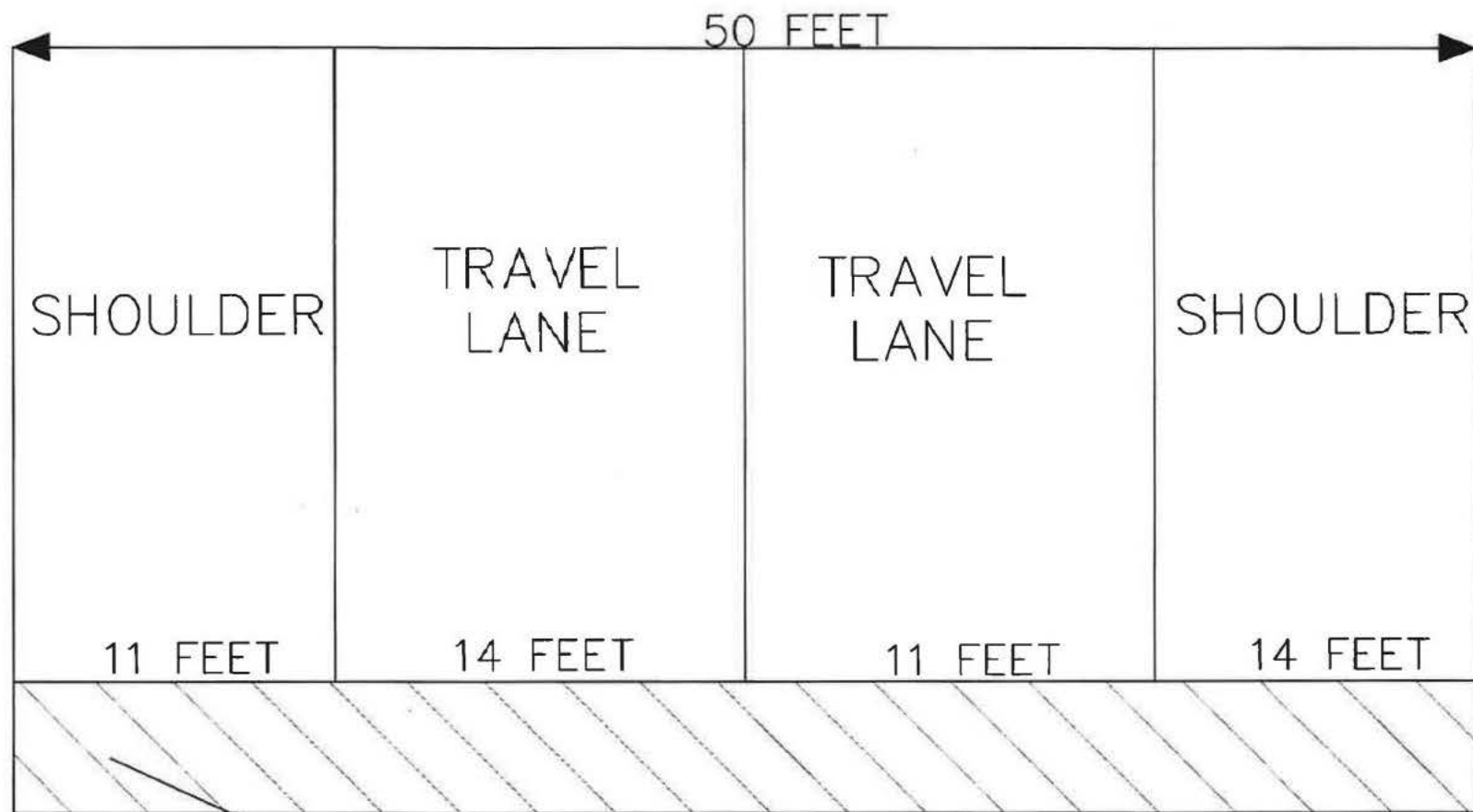
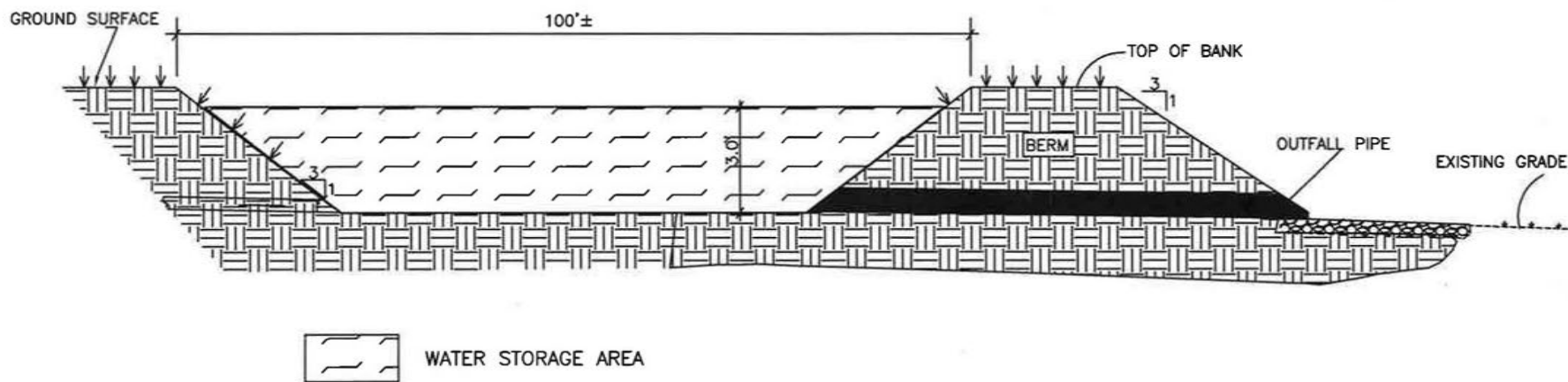


FIGURE 5. ROAD CROSS-SECTION IN WETLANDS



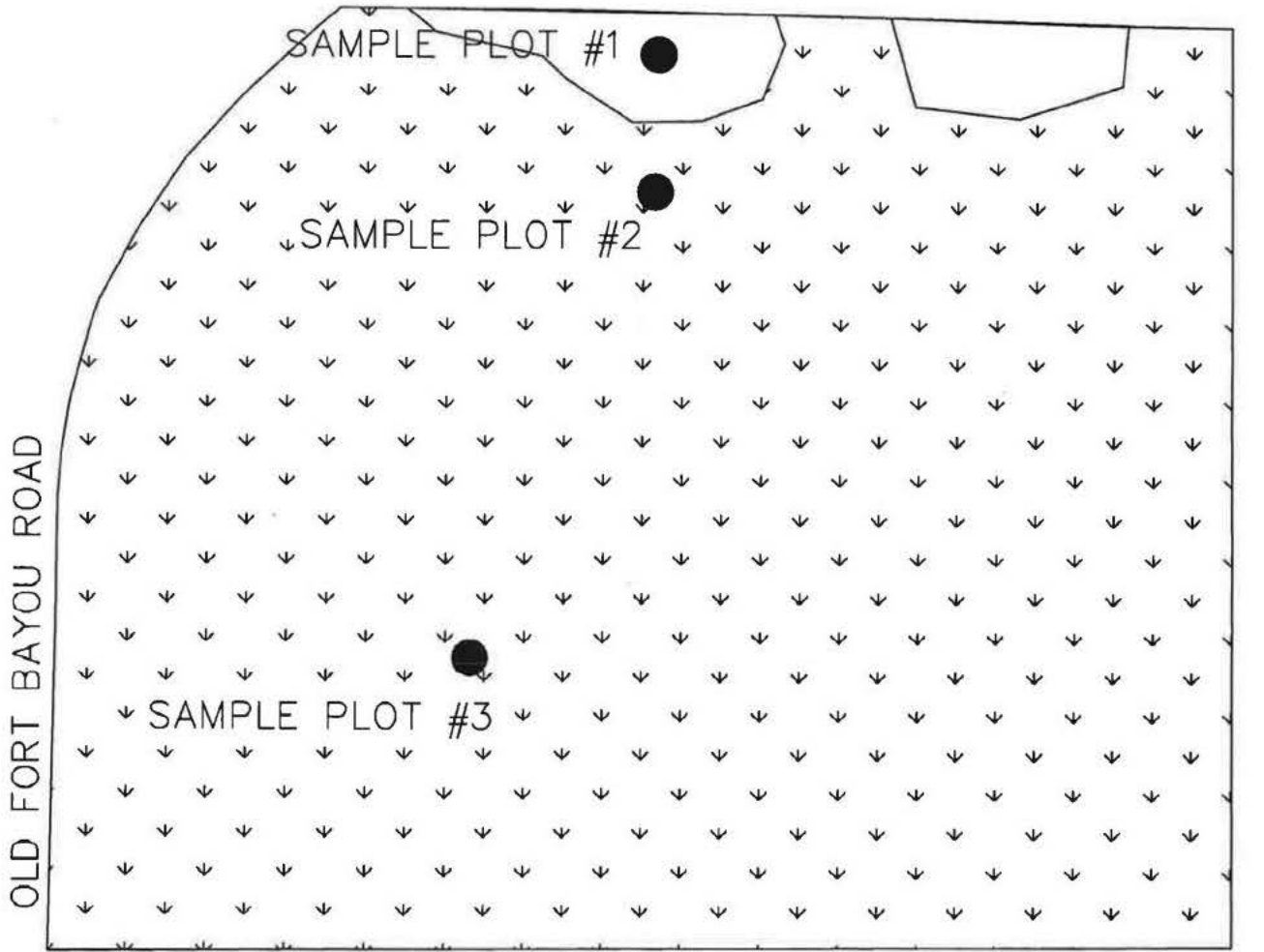
2.0 FEET OF FILL IN WETLANDS

FIGURE 6. TYPICAL CROSS-SECTION OF PROPOSED DETENTION BASIN

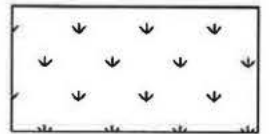


SAM-2017-01234-RCV

Figure 7. WETLAND DELINEATION MAP FOR HUGE FORT BAYOU ROAD PARCEL, JACKSON COUNTY, MO



WETLANDS — 27.00 ACRES



NONWETLAND — 1.30 ACRES



SAM-2017-01234-RCV