

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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2018-00832-MJF

March 8, 2019

JOINT PUBLIC NOTICE SAM-2018-00832-MJF U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES DMR-190014

PROPOSED IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT KNOWN AS MITCHELL ROAD SUBDIVISION, ADJACENT TO CANAL NO. 2, LONG BEACH, HARRISON 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: A1 Development, LLC

Attention: Mr. Noah Saunders

Post Office Box 7668

D'Iberville, Mississippi 39540

AGENT: Mr. Dana R. Sanders, Jr.
7129 East Central Park Drive
Moss Point. Mississippi 39562

LOCATION: In wetlands adjacent to Canal No. 2, north of Lantana Boulevard, east of Mitchell Road, and east of Old Savannah Drive, Latitude 30.354105 North, Longitude - 89.175234 West, Section 10, Township 8 South, Range 12 West, Long Beach, Harrison County, Mississippi.

WORK: The applicant proposes to place fill material in 5.08 acres of low quality (as determined by M-WRAP), wet pine savannah wetlands to construct a 113-lot, single-family residential subdivision. The subject property is a 108-acre parcel containing approximately 72.89 acres of jurisdictional wetlands. On-site wetlands consist of 24.57 acres of bottomland hardwood wetlands running parallel to Canal No. 2, and 48.32 acres of pine savannah wetlands. The applicant proposes to develop approximately 41 acres of the larger 108-acre tract. The project is made up of two parts, the first located in the northern end of the property east of Mitchell Road and the second along the south property line directly adjacent to an existing subdivision. 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 is currently forested with a mixed pine/ hardwood canopy with a dense sapling/shrub understory. The project site is bordered by private residences to the north, south and west with mostly undeveloped acreage to the east. Canal No. 2 flows northeast to southwest through the southern portion of the property. The northern acreage adjacent to Mitchell Road has an existing private residence along with an abandoned RV park with abandoned buildings. Dominant vegetation in the pine savannah wetland tree stratum include loblolly pine, magnolia, black gum and sweetbay. The sapling/shrub stratum is dominated by big leaf gallberry, farkleberry, and titi. Soils consist of Harleston (HIB and HIA) and Ocilla in the uplands, and Plummer and Ponzer soils in the wetlands. The majority of the site has Harleston soils at a 2-4 percent slope.

PROJECT PURPOSE: As stated by the applicant, "To provide 113 lots for construction of single family residences. The project will provide jobs for the area, create a tax base for the County, and provide a purchasing opportunity for home buyers wishing to live within close proximity of Gulfport schools, shopping and beaches." The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is a single-family, 113-lot subdivision, and would not be considered a water dependent activity. Additional review will be performed by the USACE and cooperating agencies.

ALTERNATIVES: The USACE's initial review of alternatives submitted by the applicant consists of four alternate locations in the vicinity. The 108-acre parcel contains 72.89-acres of jurisdictional wetlands. The applicant designed the proposed project to make maximum use of all on-site uplands. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: Compensatory mitigation is required for the loss of 5.08 acres of low quality (based on M-WRAP analysis) wet pine savanna. The applicant is proposing mitigation through the purchase of 10.16 (2:1) mitigation credits from an approved 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 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. The MDMR issued consistency by letter dated December 6, 2018 (DMR-190014).

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 full area of development for the overall project footprint. The National Park Service, National Register of Historic Places database has been consulted. No known archaeological sites are located within or very close to the project area. The proposed project will have *no potential to cause effects* 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 State Historic Preservation Officer replied to the MDMR notice by letter dated June 1, 2015, stating it is their determination that no cultural resources are likely to be affected, (MDAH Project Log #05-062-15).

Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicated the following terrestrial species may be present within the affected watershed: The West Indian Manatee (E) (*Trichechus manatus*), the Piping Plover (T) (*Charadrius melodus*), the Red Knot (T) (*Calidris canutus rufa*), the Wood Stork (T) (*Mycteria Americana*), the gopher tortoise (T)(*Gopherus polypemus*), the Mississippi Gopher Frog (E) (*Rana sevosa*) and the Loggerhead Sea Turtle (E)(*Caretta Caretta*). 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's List of Endangered and Threatened Wildlife and Plants for the 12-HUC watershed suggest that the proposed activity will have <u>no</u> <u>effect</u> 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.

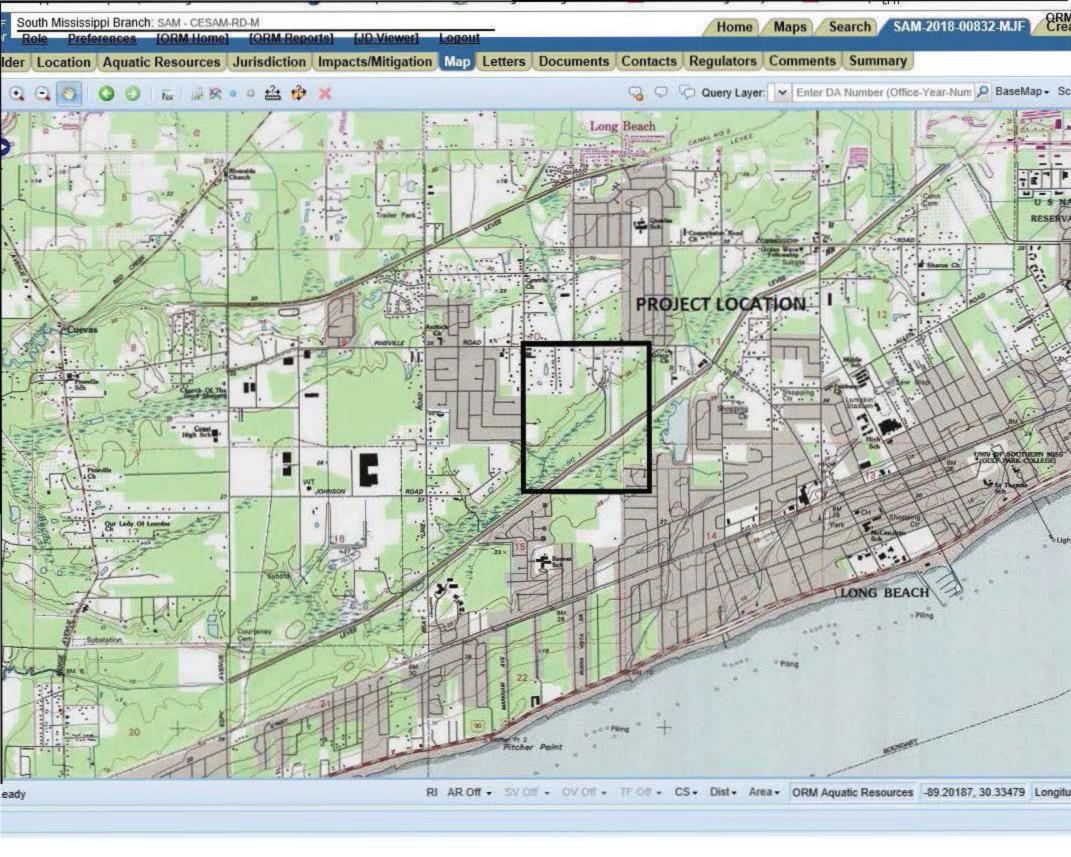
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2018-00832-MJF**, and should be directed to the District Engineer, USACE, Mobile District, Biloxi Field Office, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 104, Biloxi, Mississippi 39530, with 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.

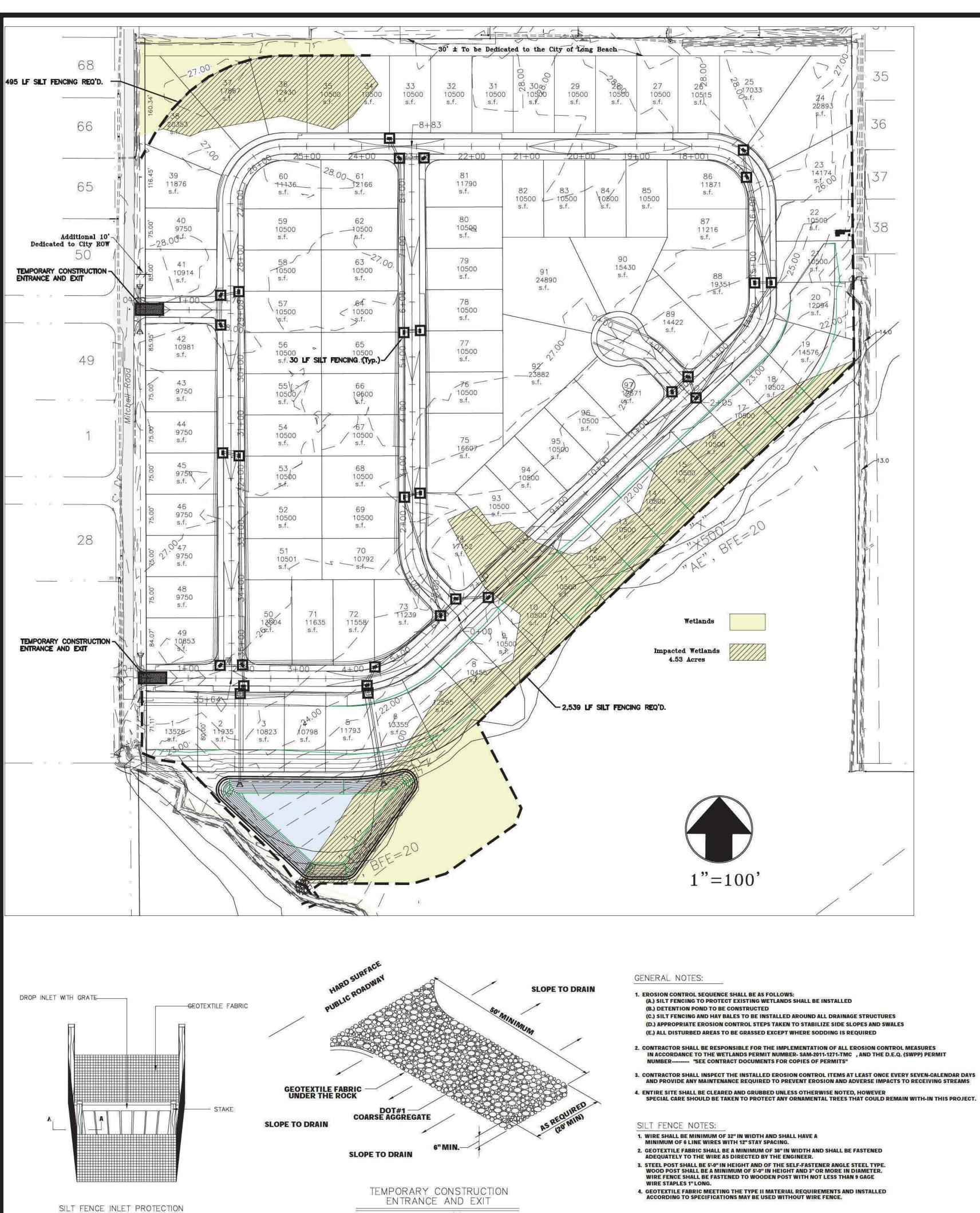
All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (228) 523-4116, or email maryellen.j.farmer@usace.army.mil. Please refer to the above Public Notice number.

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





UPDATED: 4/5/05

STORM WATER POLLUTION PREVENTION PLAN

MAINTENANCE PLAN:

1) Vegetative buffer zones shall be maintained between land disturbing activities and perennial water bodies or planted vegetated areas. Buffer zones shall provide a minimum 150-ft buffer and shall be no less than 15 feet in width.

2) Vegetative controls shall be initiated no later than the next work day following any clearing, grading, excavating or other land disturbing activities which have temporarily or permanently ceased on any portion of the site and will not resume for a period of fourteen (14) days or more. Vegetative controls shall consist of Bermuda grass or other suitable ground cover grasses which will blend with the native vegetation and provide the desired stabilization and erosion protection. Solid sod may be used in areas prone to erosion due to

isolated concentrations of surface drainage.

3) Structural controls shall consist of silt fencing, straw bales, rip-rap and/or erosion matting or some combination thereof at all points of discharge into existing drainage systems. The controls are to be left in place and maintained for the duration of the project. Upon satisfactory stabilization of site, structural controls shall be removed along with any and all silt build-up. Structural controls are to eliminate tracking of sediment in order to prevent any damage to the downstream tributaries or water ways and/or associated wetland areas. Best management practices (BMPs) will be utilized throughout the duration of the construction of the project. Stone-stabilized

areas. Best management practices (BMPs) will be utilized throughout the duration of the construction of the project. Stone-stabilized construction entrances (6" thick and 50' long) will be used to prevent sediment from being tracked onto public roads with tires being washed on an as-needed basis.

4) Check all disturbed areas, erosion and sediment controls after each significant rainfall but not less than once per week. Make needed repairs within 24 hours. Remove sediment from basin area(s), inlet protection devices and silt fences when accumulated

sediment has reached 50 percent capacity. Replace non-functional silt fence. Maintain all vegetated areas to provide proper ground cover, re-grass, fertilize, and mulch as needed.

5) Topsoil shall be stockpiled and reapplied to disturbed areas at a depth of 2 inches on 3:1 slopes and 4 inches on flatter slopes with

5) Topsoil shall be stockpiled and reapplied to disturbed areas at a depth of 2 inches on 3:1 slopes and 4 inches on flatter slopes with an admixture of commercial grade 13-13-13 fertilizer.

Heavy equipment use shall be avoided in re-grassed areas. If compaction cannot be avoided, the top 4 inches of the soil bed shall be tilled/scarified before re-vegetation. Any necessary fertilizer or other soil amendments shall be added during the tilling process.
 Steep slopes that cannot be avoided shall have silt fences for all down slope boundaries (and for those side slope boundaries deemed appropriate by individual site conditions) with the exception of those areas incorporating sediment basins with a calculated volume of run-off from a 2-yr, 24-hr storm or 3,600 cubic feet of storage per acre drained as per the Erosion Control & Drainage Plan. Silt fencing shall be installed at the downstream boundaries of the proposed project to protect areas that are to remain undisturbed.
 Storm drain inlets that could potentially receive storm water from construction activities shall be protected by surrounding with silt force until final stabilization has been achieved. Additionally, the lower artificial is the cutfoll stabilization has been achieved.

8) Storm drain inlets that could potentially receive storm water from construction activities shall be protected by surrounding with silt fence until final stabilization has been achieved. Additionally, the lower orifice in the outfall structure shall be temporarily plugged until the completion of the construction of the project.

SEQUENCE OF CONSTRUCTION ACTIVITIES:

Construct construction entrance/exit(s).
 Construct sedimentation/detention basin(s) with appropriate grassing and/or rip-rap.

3) Rough grade site, construct diversions and drainage ways, stockpile topsoil and install silt fence around stockpile, install utilities, culverts and inlets with associated silt fencing.

4) Install vegetative controls.

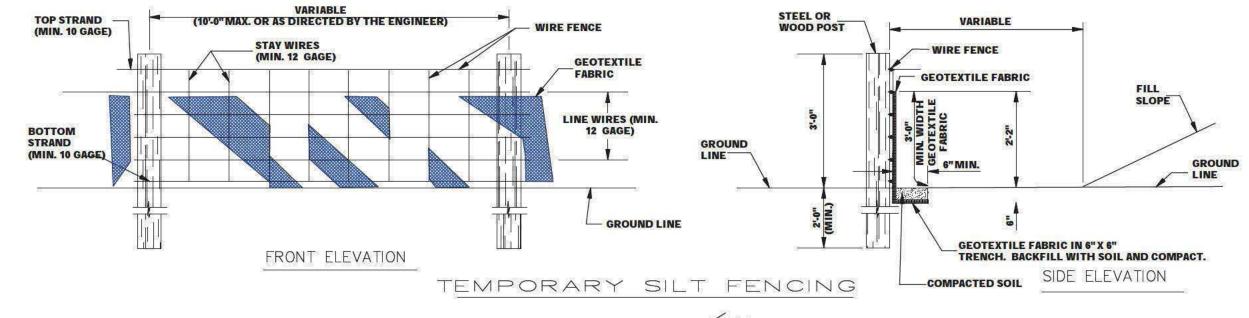
Construct roadways, drives, parking and buildings.

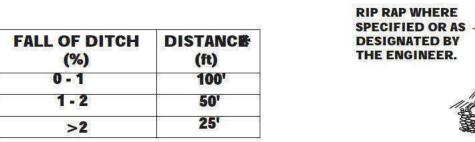
6) Perform final grading, grassing and landscaping operations.

7) After site is stabilized, remove all temporary measures and any excess sedimentation from basins.

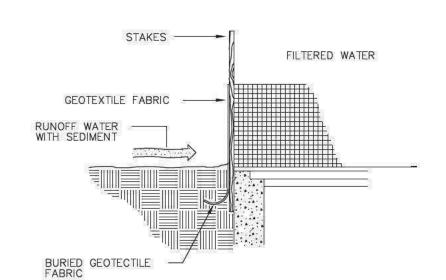
HOUSEKEEPING PRACTICES: All equipment maintenance and repair shall be done off-site. The site is to be cleaned of trash and construction debris on a weekly basis so as to prevent the spreading of such onto adjacent properties. Paints, solvents, fertilizers, and any other potentially toxic materials shall not be stored on site. Portable sanitary facilities will be provided for construction workers. A designated pit area is required near construction entrance(s) for concrete truck wash-out. Site shall be inspected weekly for spills and leaks. Any spills or leaks detected will be immediately cleaned with a dry absorbent material and absorbent oil socks shall be placed around any adjacent drainage inlets. Upon completion of construction, excessive sedimentation and/or pollutants shall be removed from sedimentation basin. Emergency spill kit and telephone shall be available for use for site. Any spills in danger of migrating off-site shall be immediately reported to the National Response Center at (800) 424-8802.

POST CONSTRUCTION/STORM WATER MANAGEMENT MEASURES: The individual lot/site protection plan consists of the installation of sedimentation/detention basin(s), silt fencing, hay bales and/or other erosion/siltation control measures in a continuous band across the downhill side of all disturbed areas including areas adjacent to streets. Under no circumstances will silt laden run-off be allowed to escape the site. Additionally, these requirements are to be an integral part of any sales contracts and recorded covenants for the development. Sedimentation/detention basin(s) are to be thoroughly cleaned of excess sediment after construction. Grassing and/or rip-rap will be placed at concentrated storm water discharge points to prevent erosion from high run-off velocities.





MIN. DISTANCES FOR EROSION CHECKS



SECTION A-A

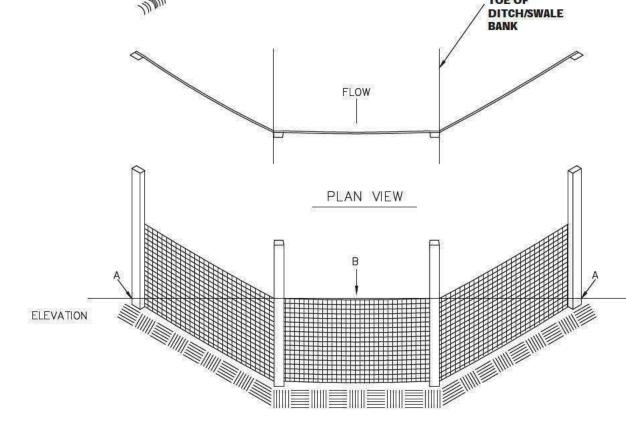
TEMPORARY SILT FENCE
SWALE & INLET PROTECTION

SCALE: N.TS.

NOTES:

1. SILT FENCE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF BILOXI SPECIFICATION SECTION 907—234 AND OTHER EROSION CONTROL DETAILS.

UPDATED: 4/5/05

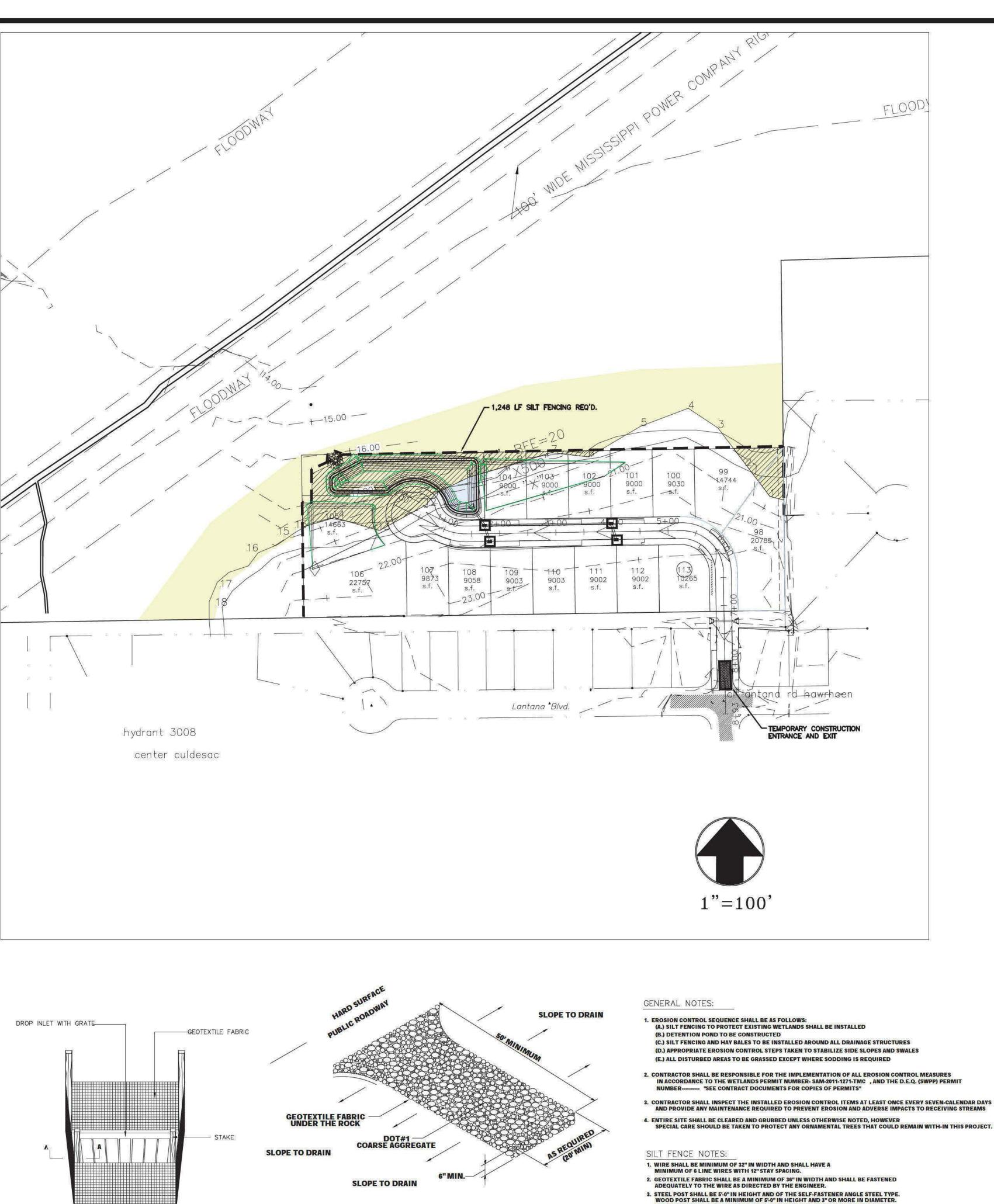


POINTS A SHOULD BE HIGHER THAN POINT B
SILT FENCE DITCH/SWALE PROTECTION

Dennis Stieffel and

SHEET 5

PROJECT



TEMPORARY CONSTRUCTION

ENTRANCE AND EXIT

UPDATED: 4/5/05

SILT FENCE INLET PROTECTION

STORM WATER POLLUTION PREVENTION PLAN

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4) Check all disturbed areas, erosion and sediment controls after each significant rainfall but not less than once per week. Make needed repairs within 24 hours. Remove sediment from basin area(s), inlet protection devices and silt fences when accumulated sediment has reached 50 percent capacity. Replace non-functional silt fence. Maintain all vegetated areas to provide proper ground cover, re-grass, fertilize, and mulch as needed.

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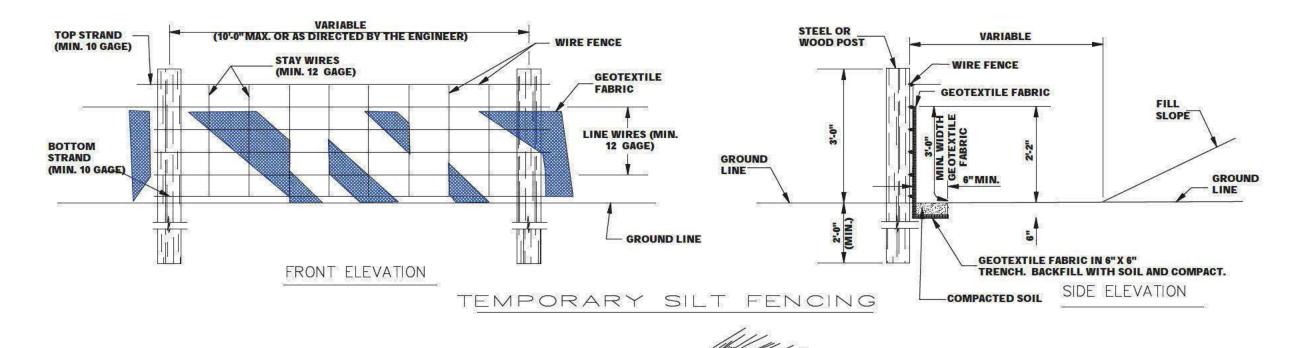
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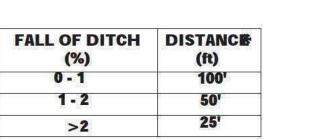
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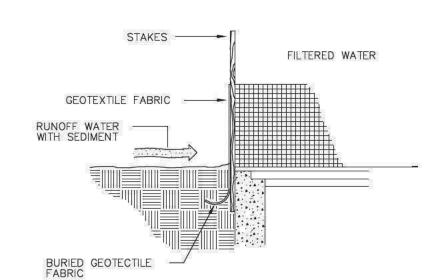
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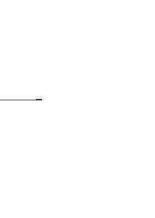




RIP RAP WHERE SPECIFIED OR AS **DESIGNATED BY** THE ENGINEER.

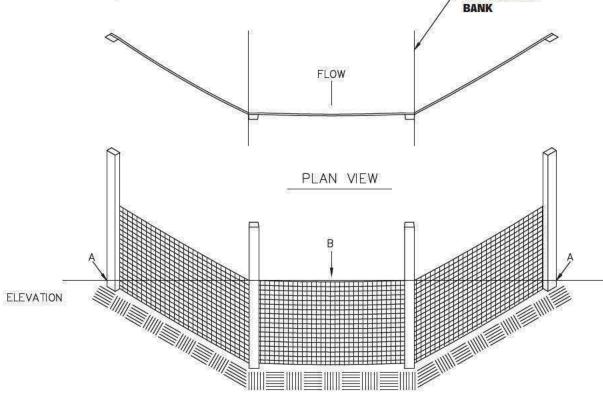
MIN. DISTANCES FOR EROSION CHECKS





SECTION A-A TEMPORARY SILT FENCE SWALE & INLET PROTECTION SCALE: N.TS. UPDATED: 4/5/05

1. SILT FENCE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF BILOXI SPECIFICATION SECTION 907-234 AND OTHER EROSION CONTROL DETAILS.

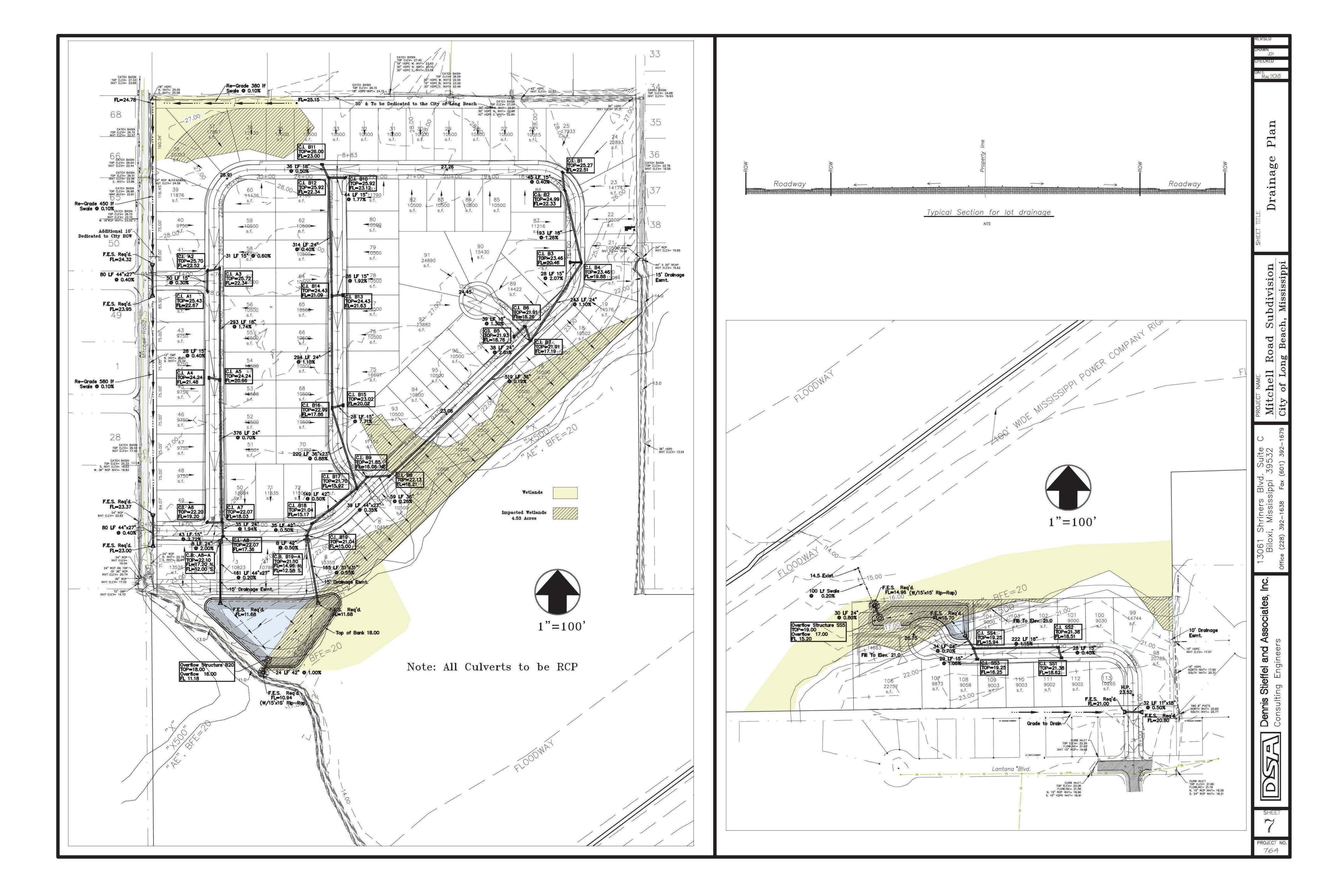


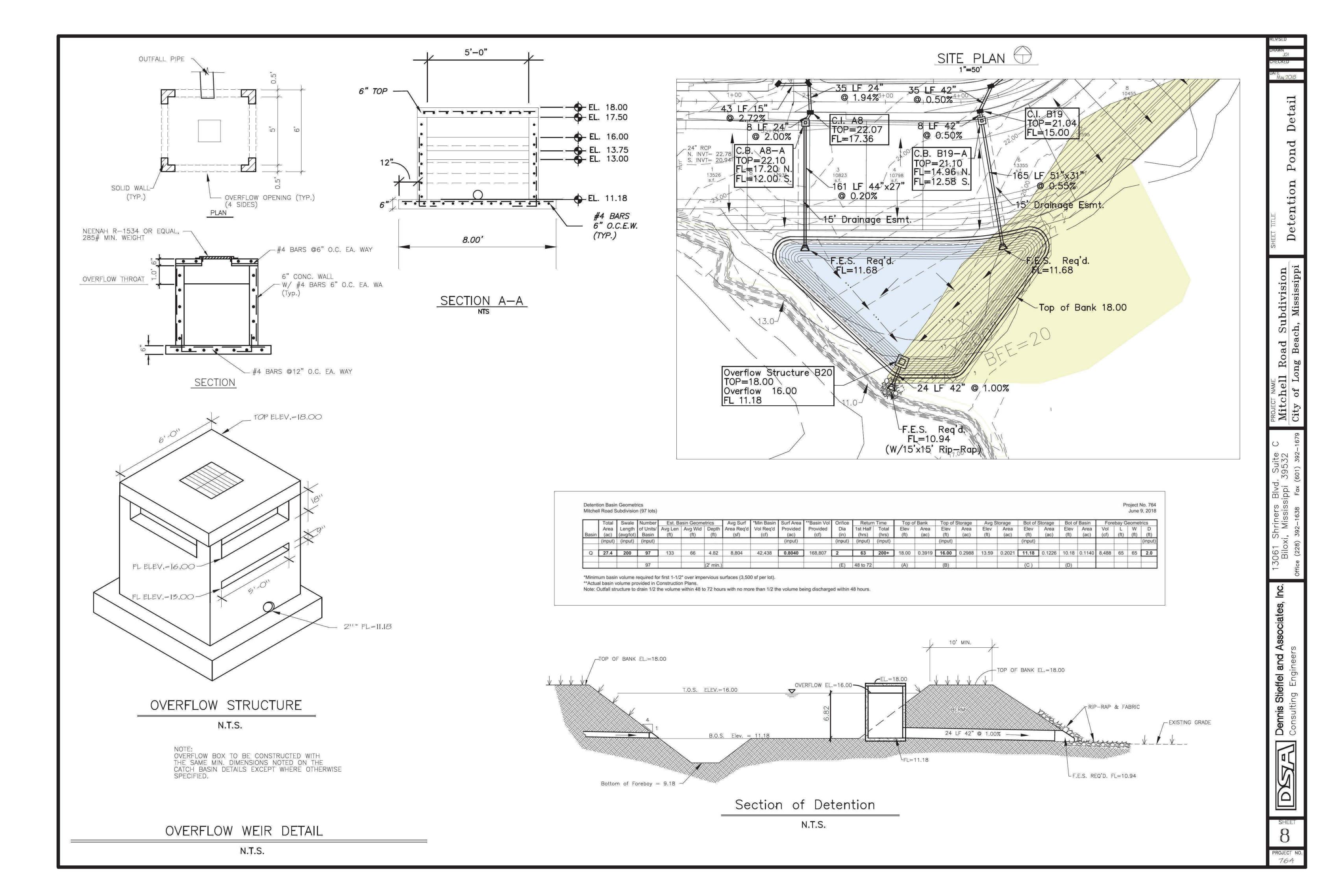
DITCH/SWALE

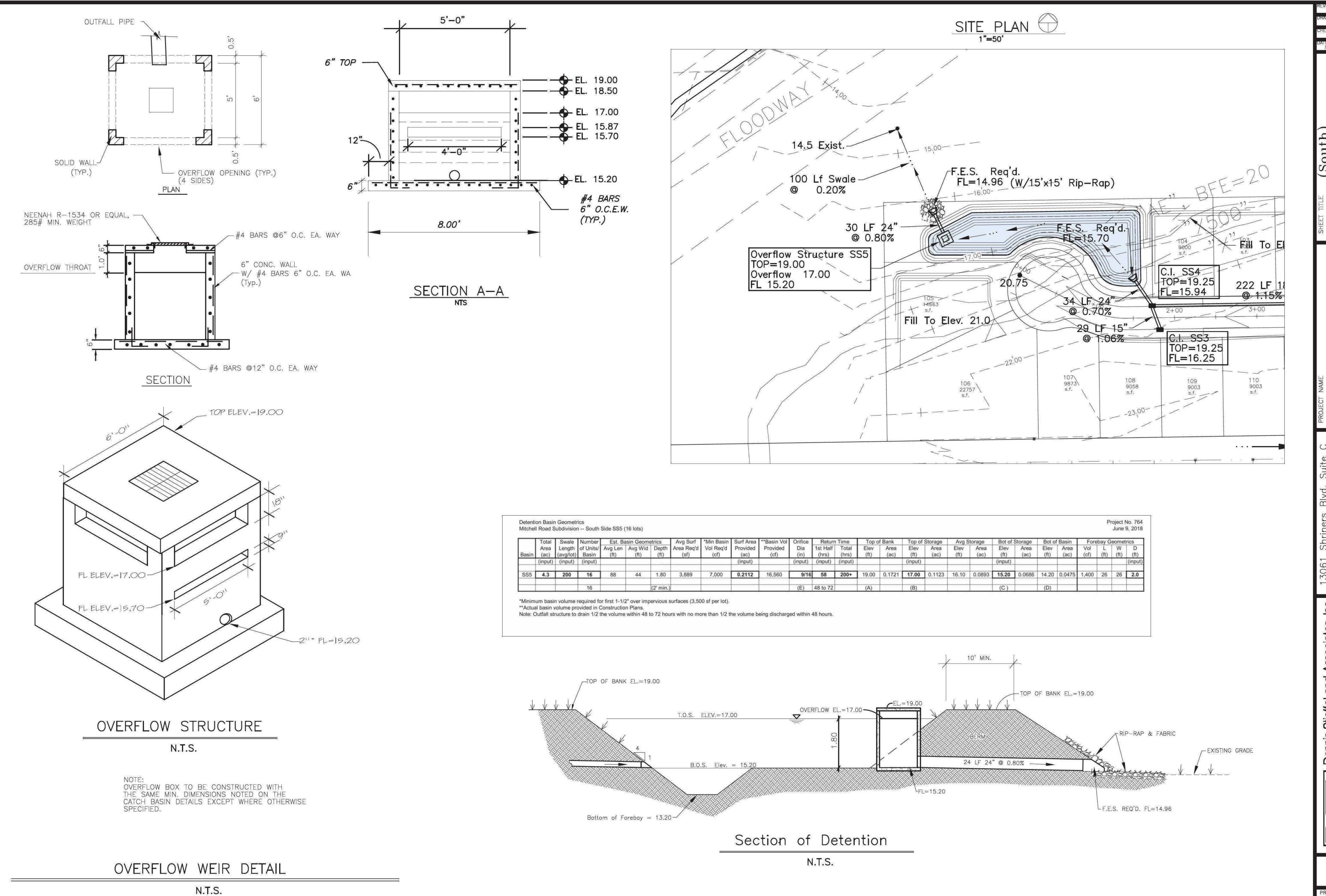
POINTS A SHOULD BE HIGHER THAN POINT B SILT FENCE DITCH/SWALE PROTECTION

3. STEEL POST SHALL BE 5'-0" IN HEIGHT AND OF THE SELF-FASTENER ANGLE STEEL TYPE. WOOD POST SHALL BE A MINIMUM OF 5'-0" IN HEIGHT AND 3" OR MORE IN DIAMETER. WIRE FENCE SHALL BE FASTENED TO WOODEN POST WITH NOT LESS THAN 9 GAGE

4. GEOTEXTILE FABRIC MEETING THE TYPE II MATERIAL REQUIREMENTS AND INSTALLED ACCORDING TO SPECIFICATIONS MAY BE USED WITHOUT WIRE FENCE.







(South) tion Pon

Deten Subdivision ch, Mississippi Road

Suite 9532

FIGURE 2. MITCHELL ROAD PROPOSED LAYOUT WITH HARDWOOD/PINE SAVANNA WETLANDS

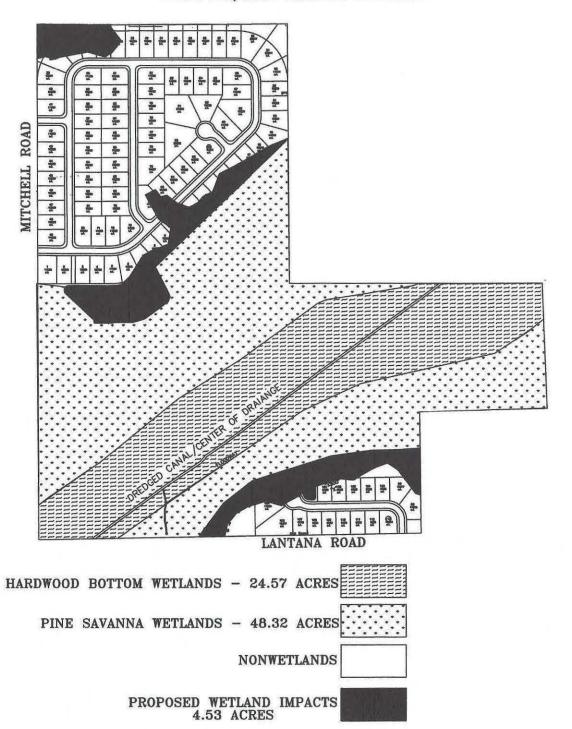


FIGURE 2. PROJECT LAYOUT MAP FOR MITCHELL ROAD 108 ACRE TRACT, GULFPORT, HARRISON COUNTY, MS

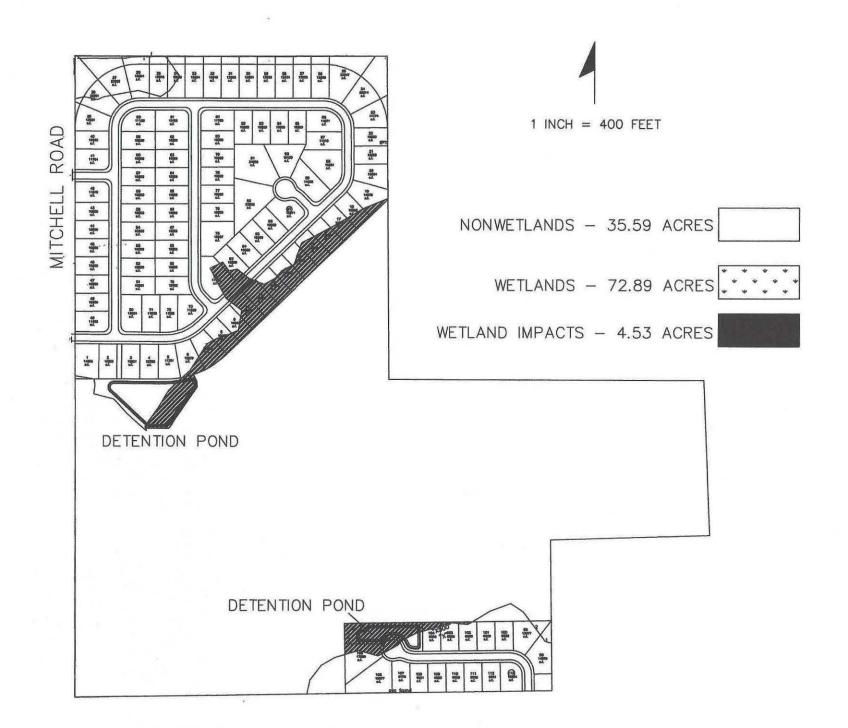


FIGURE 4. CROSS-SECTION OF FILL IN LOT

