



REPLY TO
ATTENTION OF:

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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2019-00417-MJF

October 21, 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-190288

**PROPOSED IMPACTS TO 11.07 ACRES OF WETLANDS ASSOCIATED WITH THE
CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT KNOWN AS
CAMP WILKES ROAD SUBDIVISION, BILOXI, HARRISON 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: **Elliott Land Development, LLC**
Mr. Kenneth Jones
402 Pass Road
Gulfport, Mississippi 39501
kenneth@myelliottthome.com

AGENT: **Ecological Asset Management**
Mr. Randy Ellis
803 Highway 90
Bay St. Louis, Mississippi 39520
randy@ecologicalasset.com

LOCATION: Wetlands Associated with Biloxi Back Bay, located south of Pops Ferry Road, north of Brasher Road, east of Tee Street and west of Camp Wilkes Road, City of Biloxi, Harrison County, Mississippi. Sections 14, Township 7 South, Range 10 West, Latitude 30.433721° North Longitude -88.958348° West. This area is depicted on the MS-Biloxi Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009.

WORK: The applicant proposes to place fill material in 11.07 acres in jurisdictional wetlands to construct a 70-lot, single-family residential subdivision. The fill would be for the home lots, roadways, and culverted road crossings. The subject property is a 19.5-acre parcel containing approximately 13.6 acres of jurisdictional wetlands. The proposed work would avoid 2.53 acres of jurisdictional wetlands. 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 composed of a forested wetland/upland complex and an upland maintained grassland area that was a home site. The wetland habitat is dominated by sweetbay magnolia (*Magnolia virginiana*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), live oak (*Quercus virginiana*), southern bayberry (*Myrica cerifera*), red maple (*Acer rubrum*), swamp titi (*Cyrilla racemiflora*), Chinese privet (*Ligustrum sinense*), poison ivy (*Toxicodendron radicans*), and netted chainfern (*Woodwardia areolata*). The forested upland community is dominated by large flower magnolia (*Magnolia grandiflora*), sweetbay magnolia (*Magnolia virginiana*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), southern bayberry (*Myrica cerifera*), saw greenbriar (*Smilax bona-nox*), poison ivy (*Toxicodendron radicans*), and muscadine grape (*Vitis rotundifolia*). The upland, maintained grassland is dominated by Bermuda grass (*Cynodon dactylon*), Bahia grass (*Paspalum notatum*), St. Augustine grass (*Stenotaphrum secundatum*), and live oak (*Quercus virginiana*). Water appears to drain into and off of the property by sheet flow from adjacent properties and drainage features. The project site is bordered by additional forested lands and Popp's Ferry Road to the north, Camp Wilkes Road to the west, Brasher Road to the south and a line of single family residence on the west side of Tee Street.

PROJECT PURPOSE: As stated by the applicant, "To develop a residential subdivision that will provide needed housing in a rapidly growing market." The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is a single-family subdivision, 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 three (3) off-site alternate locations in the vicinity and three (3) on-site alternatives. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: Compensatory mitigation is required for the loss of 11.07 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-190288)

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 July, 2019. As part of the Survey, the Mississippi State Archaeological Site File (MSASF) was utilized. A search of the MSASF identified ten previously recorded archaeological sites within a mile of the project area and 37 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 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 Mississippi Department of Archives and History (MDAH) responded to MDMR by letter dated September 17, 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. (MDAH Project Log #09-037-19).

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-2019-00417-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. Florence 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

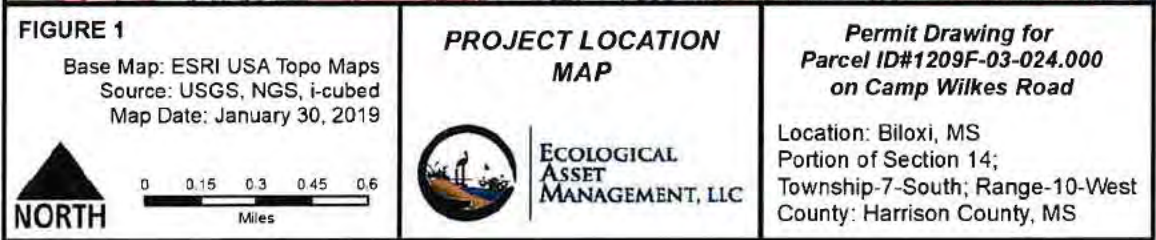
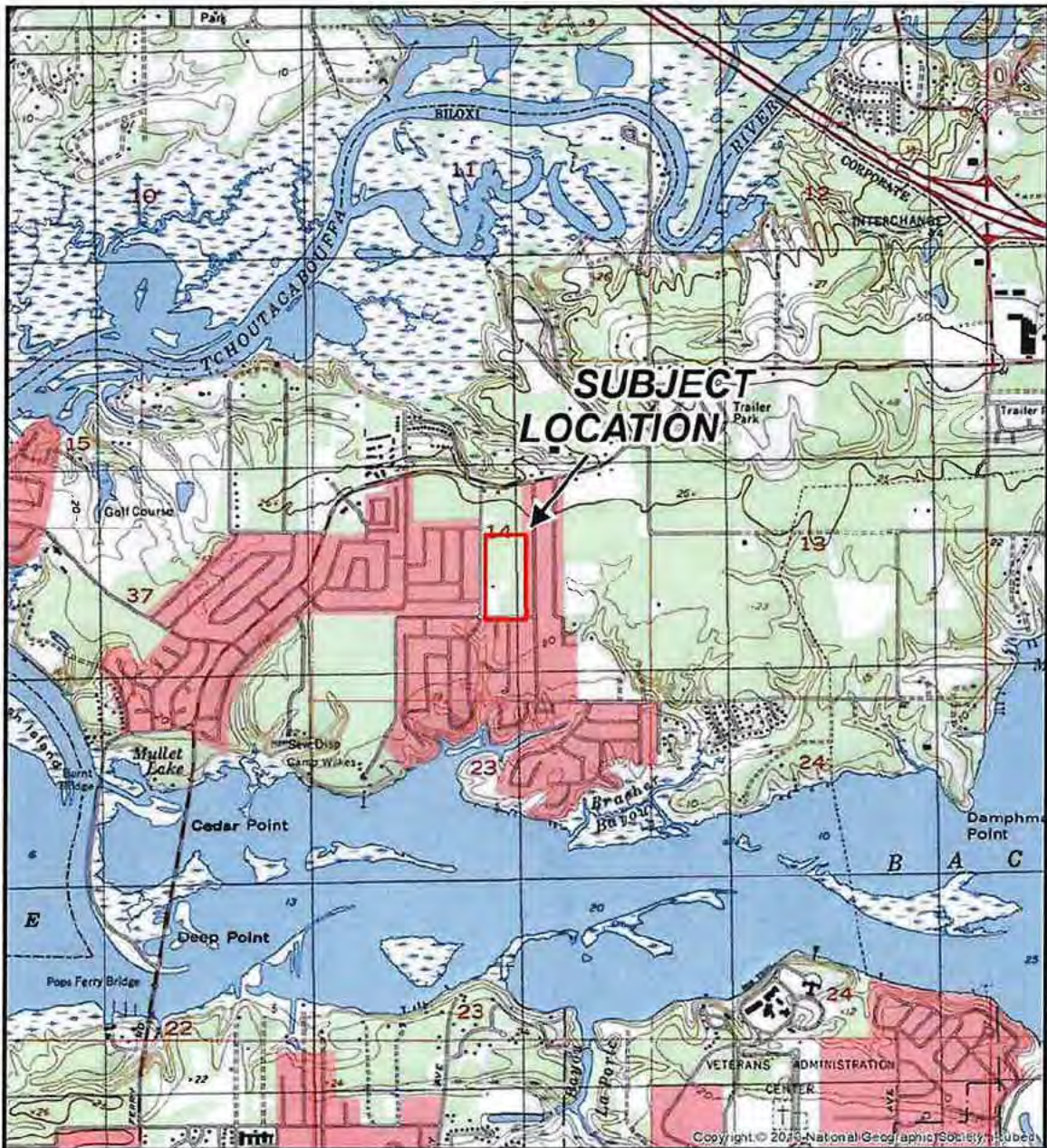
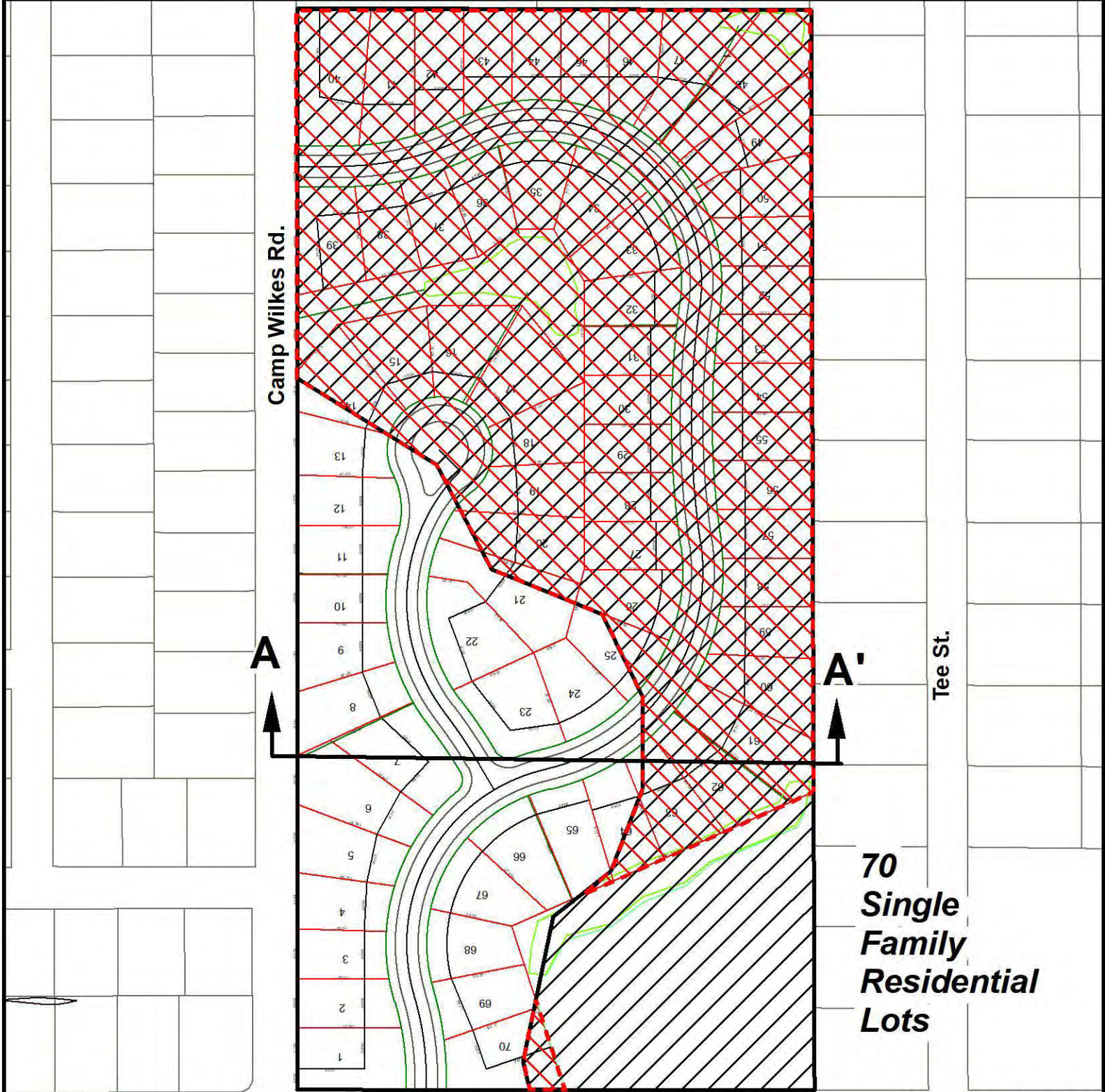


Figure 1. Project Location






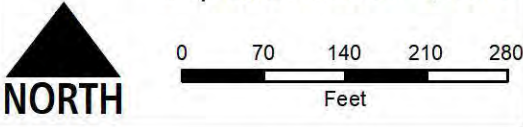
 Wetlands To Be Impacted (+/- 11.07 ac)	 Wetland Area (+/- 13.6 ac)
 Property Boundary (+/- 19.5 ac)	

FIGURE 2 SAM-2014-00936-TMZ
 Base Map: Harrison County Parcels
 & Elliott Site Plan
 Source: Harrison County, MS
 Map Date: October 1, 2019



**SITE PLAN DESIGN
 & CROSS SECTION
 LOCATION**



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

*Permit Drawing for
 Parcel ID#1209F-03-024.000
 on Camp Wilkes Road*

Location: Biloxi, MS
 Portion of Section 14;
 Township-7-South; Range-10-West
 County: Harrison County, MS

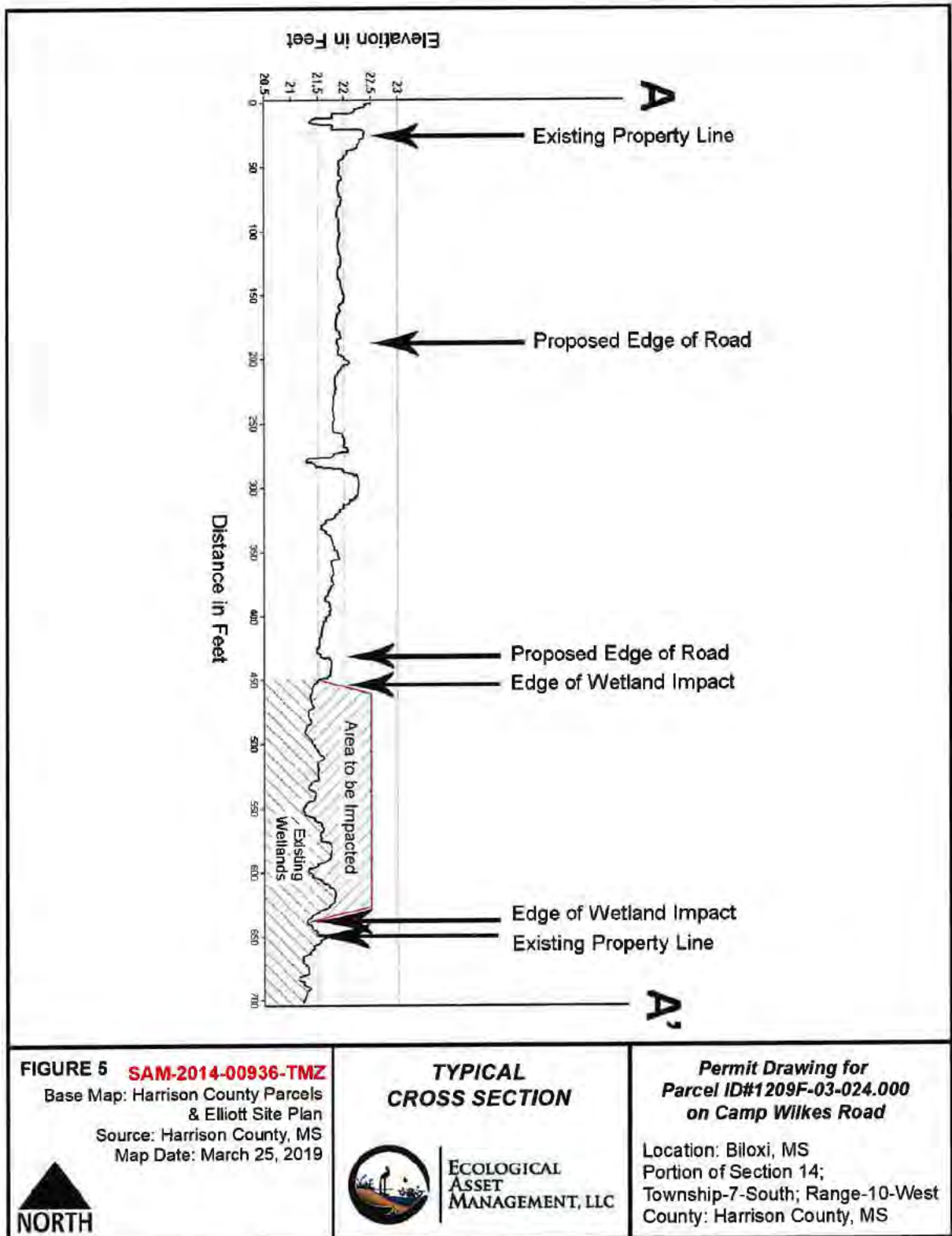


Figure 5. Cross Section Drawing