



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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2020-00721-MJF

June 30, 2021

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (MDEQ)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR20-000046

**PROPOSED WETLAND FILL FOR CONSTRUCTION OF A RESIDENTIAL
SUBDIVISION, CITY OF 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 (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Gregory Bertucci
2330 Atkinson Road
Biloxi, Mississippi 39531

WATERWAY AND LOCATION: Wetlands associated with Biloxi Back Bay, Section 22, Township 7 South, Range 10 West, City of Biloxi, Harrison County, Mississippi (Latitude 30.412461° North; Longitude -88.973281° West). This area is depicted on the Mississippi-Biloxi Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009

PROPOSED WORK: The applicant proposes to fill 2.92 acres of wetlands associated with the construction of a mixed residential subdivision off Atkinson Road in Biloxi, Harrison County, Mississippi. The project will include 12-private residence lots as well as townhouse structures. The townhouses will consist of two-story structures with 8 units on each level. These buildings will include suitable parking space as well as greenspace for landscaping. Work will also include detention ponds and culverted road crossings as well as all required utility structures. The total project site is approximately 44.35 acres in size of which 5.0 acres have been identified as wetlands. Impacts include filling 0.88 acres of moderate-quality hardwood drain wetlands and 2.04 acres of low-quality wet pine savanna wetlands. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank.

The applicant has applied for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. The Mississippi Department of Marine Resources (MDMR) issued consistency certification by letter dated January 26, 2021 (DMR20-000046).

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (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, 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 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 historic properties. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire 44.35-acre parcel. The National Register of Historic Places has been consulted and three previously identified historic resources and one NRHP-listed resource were located within one mile of the project area. A Phase I Cultural Resources Survey was conducted on the project site in December 2020 (Report #20-0432). The investigation required 202 shovel tests, of which, eight were positive for cultural material (22Hr1141). Artifacts collected were cataloged and submitted to Troy University for long-term curation. The Survey was submitted to the Mississippi Department of Archives and History (MDAH) by the MDMR. MDAH responded by letter dated January 5, 2021 (MDAH Project Log #12-151-20) stating that site 22Hr1141 should be avoided and determined the remainder of the project site contained no historic resources and concur the project as proposed would have no effect on cultural resources listed in or eligible for listing in the National Register of Historic Places. The U.S. Army Corps of Engineers (USAC) has made a preliminary determination that the proposed project would have no effect on historic properties. 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.

A preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and the National Marine Fisheries Service list of Mississippi's Threatened and Endangered Species indicate the proposed activity will have **no effect** on endangered or threatened species, or their critical habitat. The review indicated the following terrestrial species may be present within the affected watershed: the Wood Stork (*Mycteria Americana*) (T), the Piping Plover (*Charadrius melodus*) (T), the Red Knot (*Calidris canutus rufa*) (T), the Mississippi Sandhill Crane (*Grus canadensis pulla*) (E), the Gopher tortoise (*Gopherus polyphemus*) (T), the Mississippi Gopher Frog (*Rana sevosia*) (E), and the Alabama Red-bellied Turtle (*Pseudemys alabamensis*) (E). No listed critical habitat is located on or near the project site. 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-2020-00721-MJF and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South

Mississippi Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice.

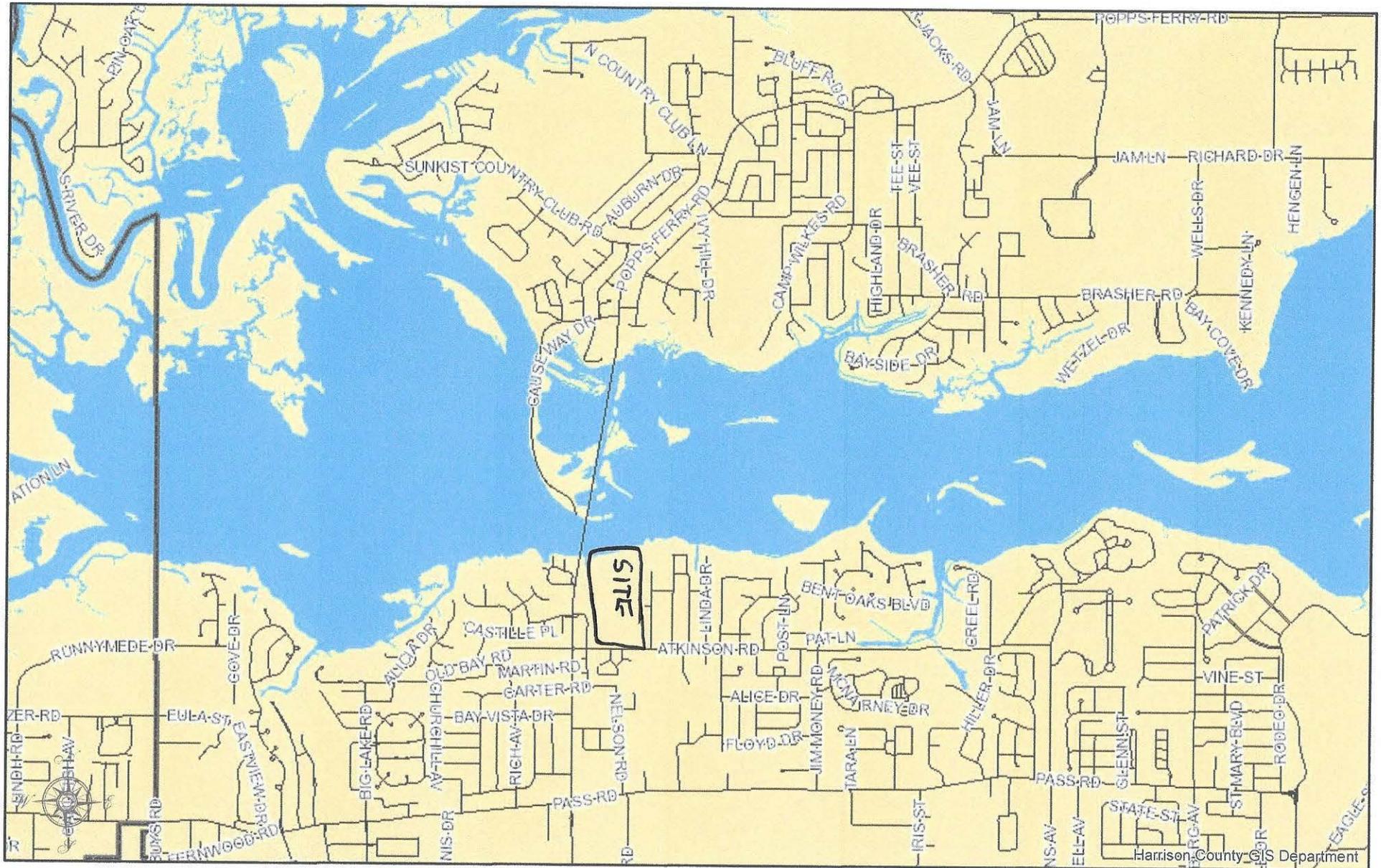
If you have any questions concerning this publication, you may contact the project manager for this application, Maryellen Farmer(maryellen.j.farmerr@usace.army.mil), phone (228) 523-4116. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our website at: www.sam.usace.army.mil and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

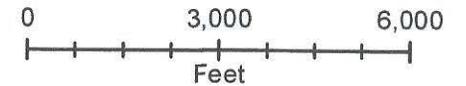
FIGURE 1. SITE LOCATION FOR BERTUCCI TRACT, BILOXI, MS

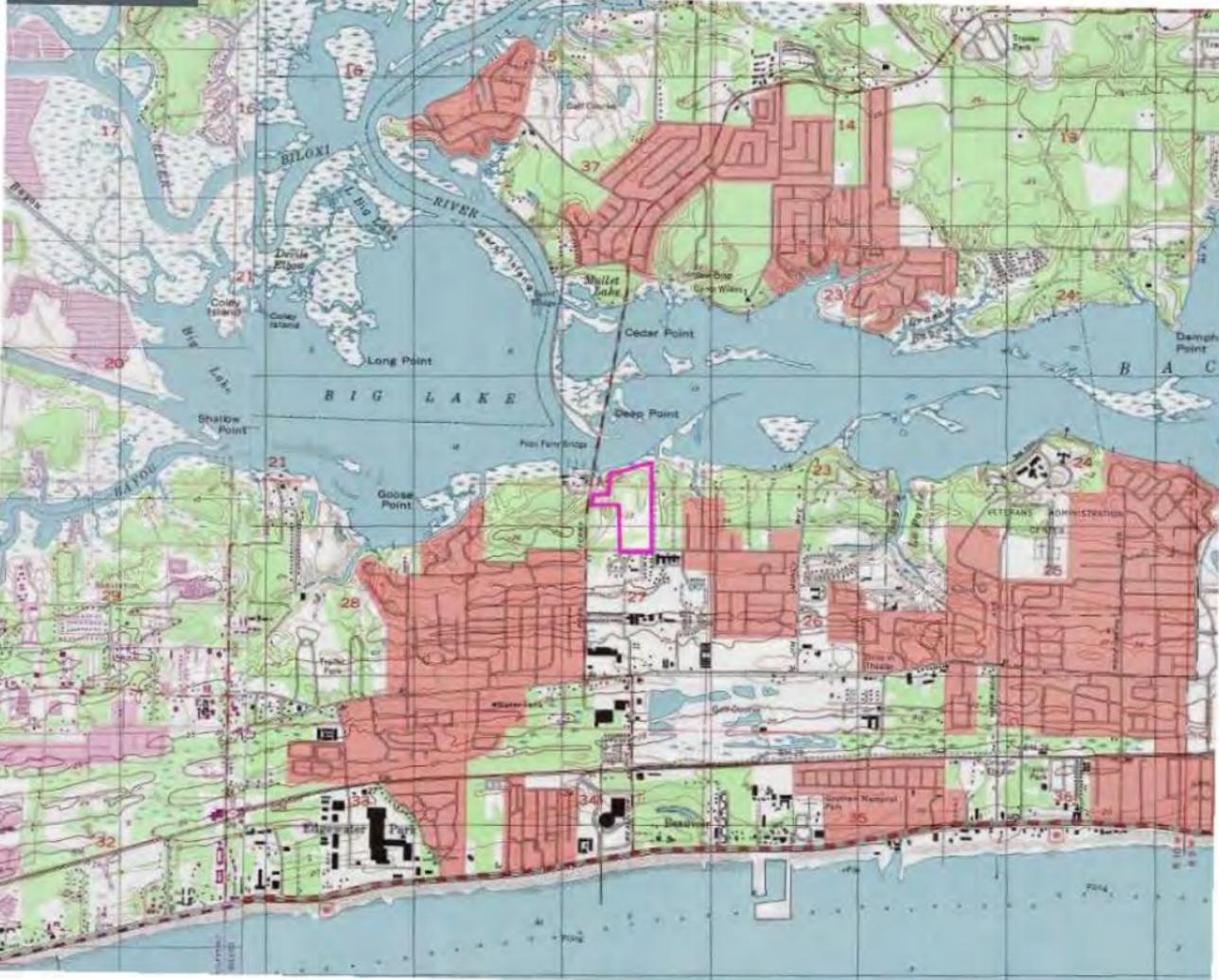


HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TAL FLURRY, TAX ASSESSOR.

MAP DATE: December 11, 2019







1"=100'

-  Total Wetlands
5.00 Acres
-  Impacted Wetlands
2.92 Acres



REVISED
DRAWN
CHECKED
DATE
Number 2019

SHEET TITLE
Wetland Impact

PROJECT NAME
Bertucci Park
City of Biloxi, Mississippi

13061 Shriners Blvd. Suite C
Biloxi, Mississippi 39532
Office (228) 392-1638 Fax (228) 392-1679

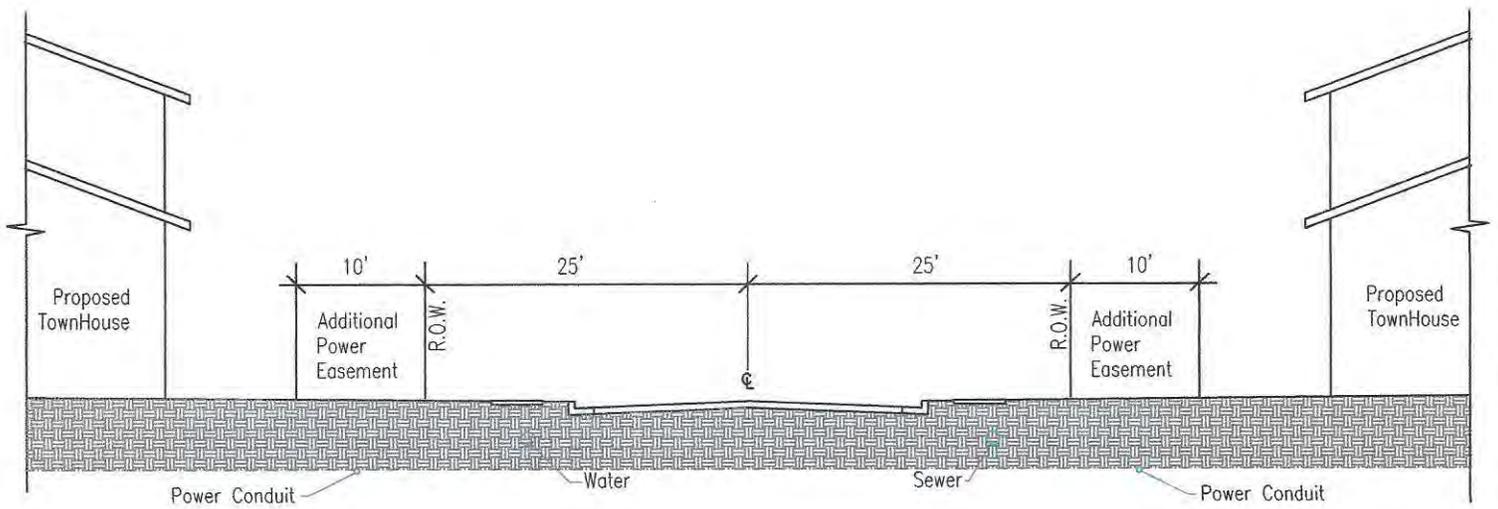
Dennis Stieffel and Associates, Inc.
Consulting Engineers



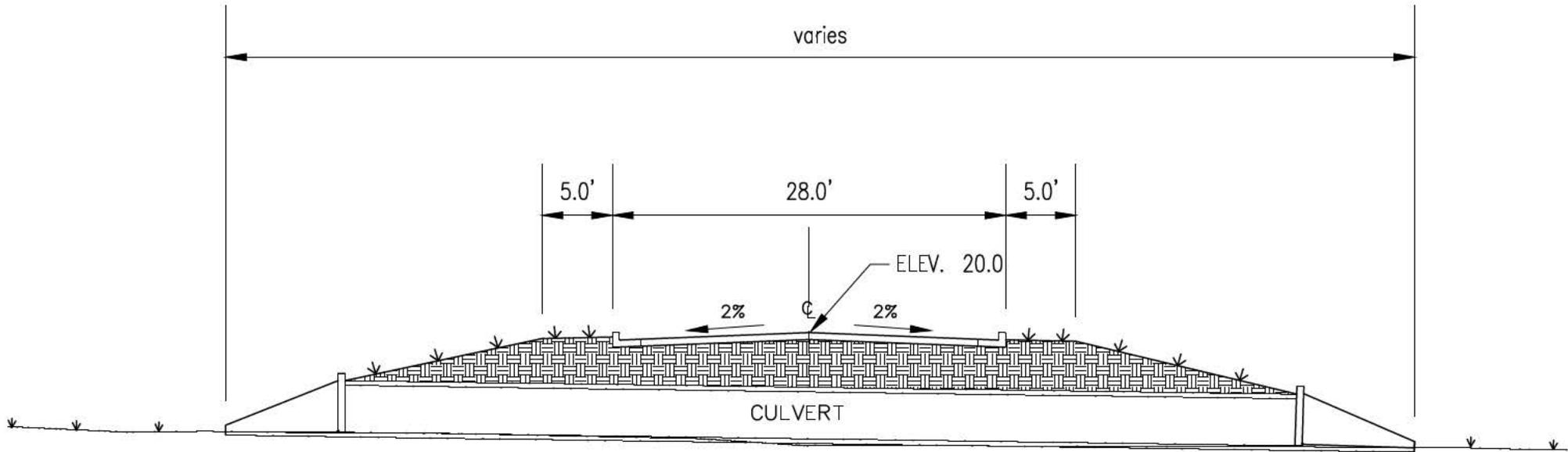
SHEET
1

PROJECT NO.
739

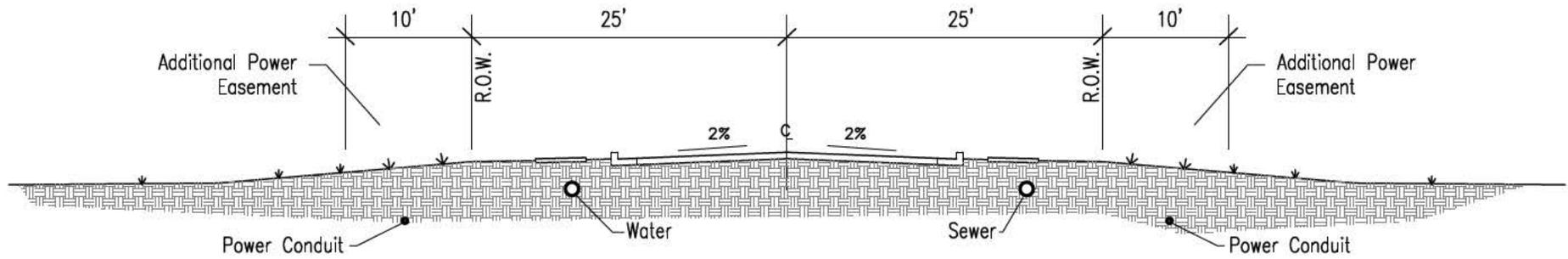
BERTUCCI TYPICAL CROSS SECITON
BUILDING AND STREET FILL IN WETLAND



Typical Section Across Street and lots



Road Crossing at Wetland



Road Crossing at Wetland

BERTUCCI SUBDIVISION PROJECT WITH WETLAND IMPACTS



Total Wetlands
5.00 Acres



PINE SAVANNA WETLAND IMPACTS
2.04 ACRES



BOTTOMLAND HARDWOOD WETLAND IMPACT
0.88 ACRES

FIGURE 2. BERTUCCI WETLAND DELINEATION
 BILOXI, MISSISSIPPI 12/11/19

