



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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2020-01053-RCV

January 24, 2024

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS (USACE)

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR23-000770**

**PROPOSED DISCHARGE OF FILL INTO 3.17 ACRES OF WETLANDS ASSOCIATED
WITH A RESIDENTIAL DEVELOPMENT, BILOXI, JACKSON 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. David Buchanan
2190 Popps Ferry Road
Biloxi, Mississippi 39532

WATERWAY AND LOCATION: Wetlands abutting Bayou Porteaux, located north of Lemoyne Boulevard in the St. Martin Community, Biloxi, Mississippi, Latitude: 30.4445 North, Longitude: -88.8512 West.

PROPOSED WORK: The applicant is currently proposing to fill 3.17 acres of wetlands to develop a 7.8 -acre parcel into a 32-single family home subdivision. The construction would provide suitable foundation for the construction of the homes and appurtenances. The original Section 404 permit request was submitted with initial plans and the original impact of 1.42 acres. This project is being re-advertised to comply with engineering review of the proposed alternatives and the city, County, and State Stormwater requirements including requirements by the DMR for Coastal Projects. The project engineers had to redesign the plans to meet the "Requested Design Criteria Storm Water Management Plan" to qualify for the Section 401 Certification.

After this review a stormwater plan was developed to meet the stormwater criteria of the city, County, and State Stormwater requirements. The requirement is the primary determining factor in the final design and impacts. The final plan required the site to be elevated to ensure post construction slope and runoff parameters were met. In addition,

retention ponds were required as well as treatment for sewage leaving the development prior to entering the City Sewer System. **Impact on the final plan is 3.17 acres with an avoidance of 0.143 acres primarily due to setbacks along the east and west boundary of the project.**

COASTAL ZONE: The applicant has applied for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. A determination relative to CZ consistency will be made by the Mississippi Department of Marine Resources.

WATER QUALITY: 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 for the new project).

HISTORIC PROPERTIES: 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 Corps has determined the permit area consists of the entire 7.8-acre project site. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally-listed species are known or expected to occur within the project area: Dusky Gopher Frog (*Rana sevosa*) (E), Gopher Tortoise (*Gopherus polyphemus*) (T), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) (T), Wood Stork (*Mycteria americana*) (T), Piping Plover (*Charadrius melodus*) (T), and Red Knot (*Calidris rufa*) (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

COMMENTS: 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 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 Corps of Engineers 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2020-01053-RCV** and should be directed to the District Engineer, Mobile District, Regulatory Division, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Mr. Rudolph Villarreal, or submitted electronically at Rudolph.c.villarreal@usace.army.mil, 251-690-3246 Copies of all comments should be

furnished 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.

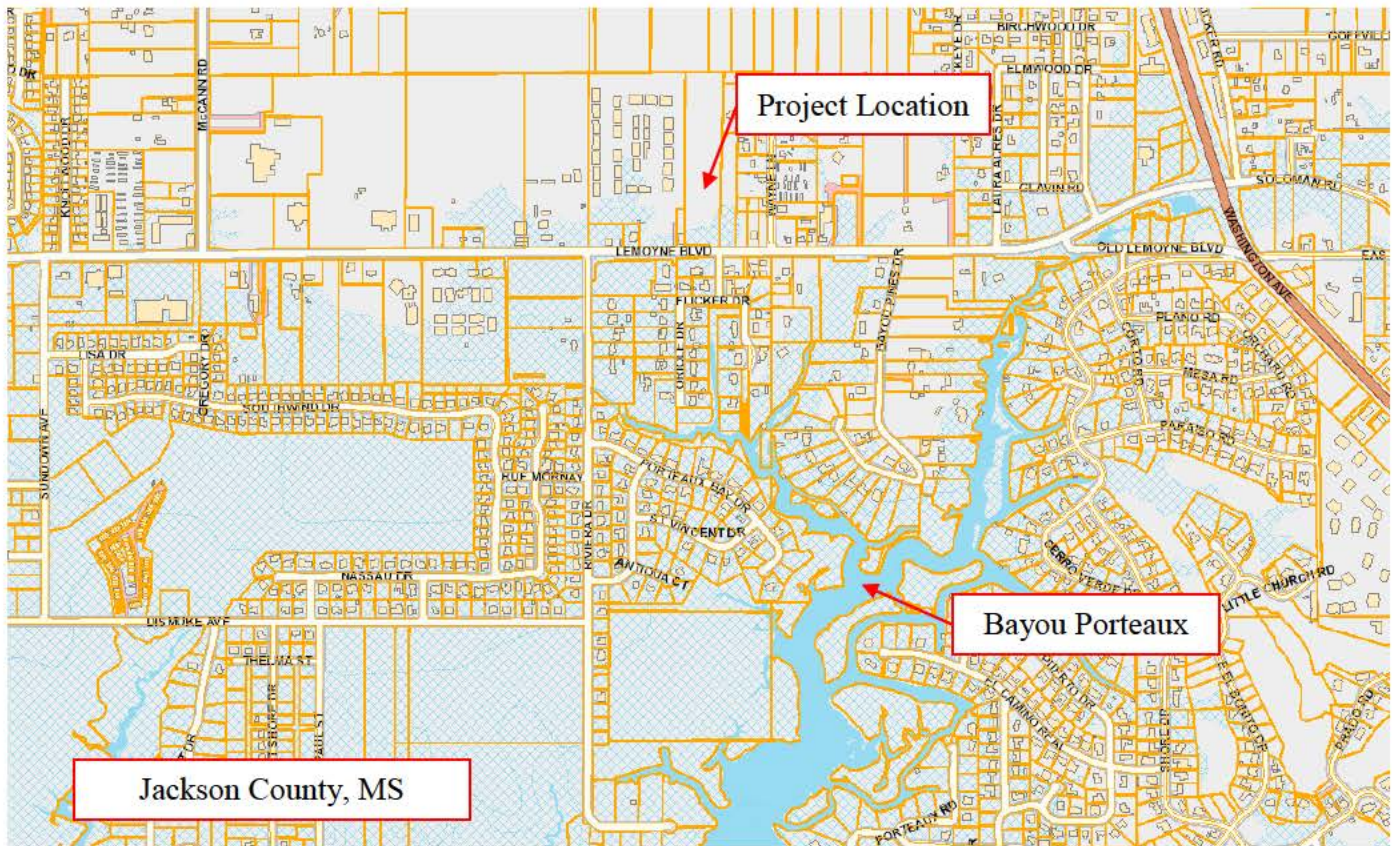
All comments should be received no later than 30 days from the date of this Public Notice.

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

Attachments

Site Location Map



Vicinity Map

03611340.000



Show search results for 036...

Parcels: PHOENIX CONSTRUCTION LLC

GISP	791.11-00-0018.00
PIDN	03611340.000
MAPNO	793.11-11-020.00
GISP_1	791.11-00-0018.00
NAME	PHOENIX CONSTRUCTION LLC
NAME2	
ADDRESS	5255 WHETSTONE RD
CITY	D'IBERVILLE MS
ZIP	39540
LOCATION	LEMOYNE BLVD
DESC1	COM SEC SEC 11 N 45' W 345.5' AL
DESC2	G NEW N/L LEMOYNE

[Zoom to](#)



LEMOYNE BLVD

RIVIERA DR

FLICKER DR

ORIOLE DR

BAYOU PINES DR

BIRCHWOOD DR

ELMWOOD DR

BUCKEYE DR

LAURA ACRES DR

HONEYSUCKLE RD

GLAVIN



T:\TEI Projects\2015 to Present\1531-21 PG Miles Buchanan - Residential Subdivision Jackson County\Drawings\1531-21 DESIGN.dwg LOT LAYOUT Jan 04, 2023 - 2:17pm

REVISIONS				DRAWING INFORMATION	
NO.	DATE	BY	DESCRIPTION	FILE NO.:	1531-21
				DATE:	01/06/2023
				SCALE:	1" = 50'
				DRAWN BY:	RLN
				CHECKED BY:	WRT
				QA/QC:	MG

OAKS BAYOU ESTATES
A RESIDENTIAL SUBDIVISION

MILES BUCHANAN
LEMOYNE BOULEVARD, JACKSON COUNTY, MISSISSIPPI

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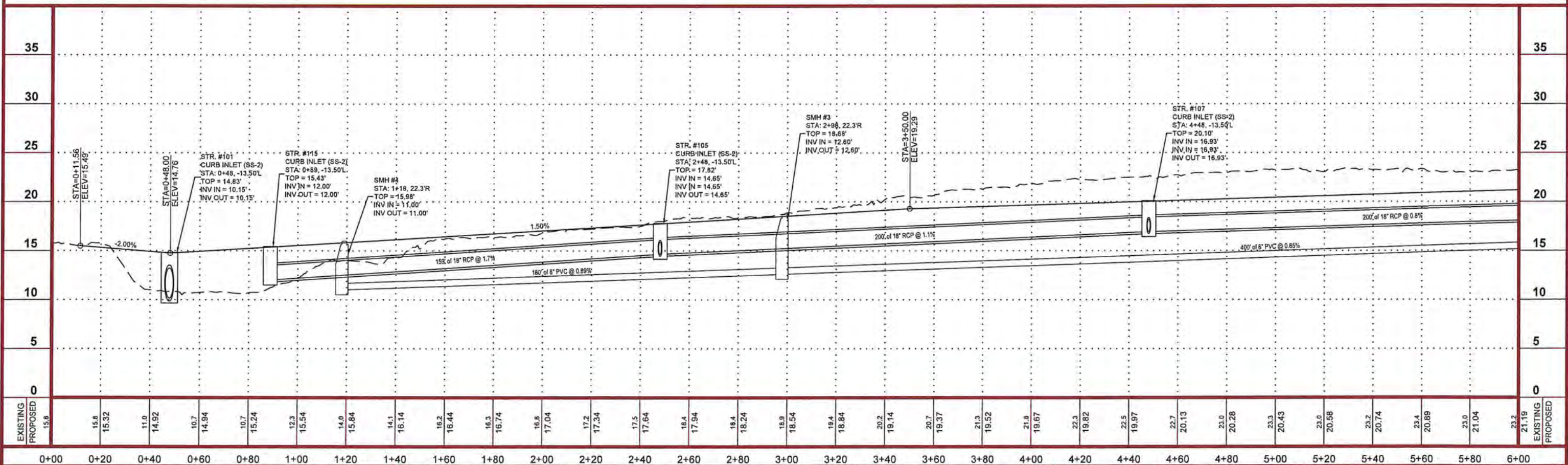
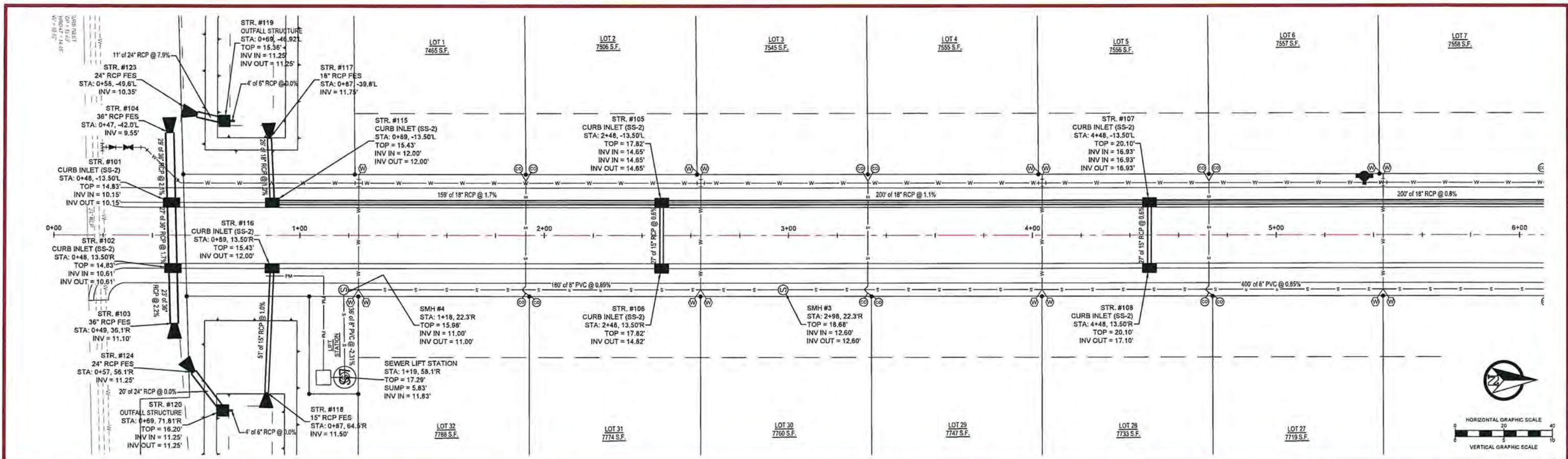
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510 S. VARDAMAN ST.
WIGGINS, MS 39577

PHONE: 601.928.4121
EMAIL: info@ticeeng.com

LOT AND STREET PLAN	
WORKING NUMBER: PL-1	SHEET NUMBER: XX



REVISIONS				DRAWING INFORMATION			
NO.	DATE	BY	DESCRIPTION	FILE NO.:	1531-21		
				DATE:	01/06/2023		
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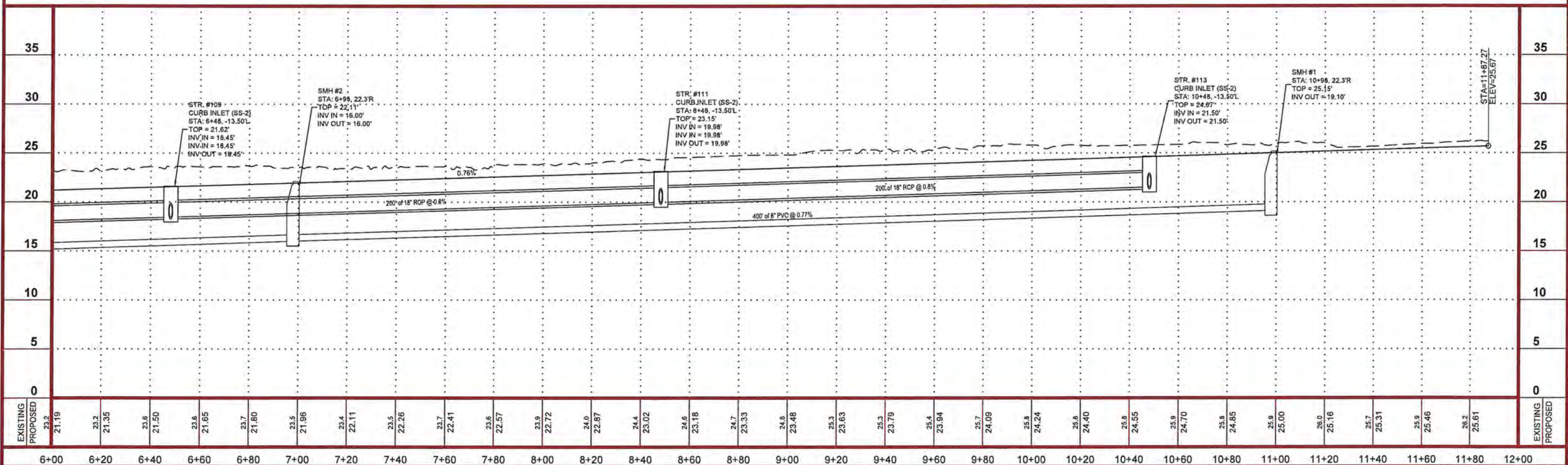
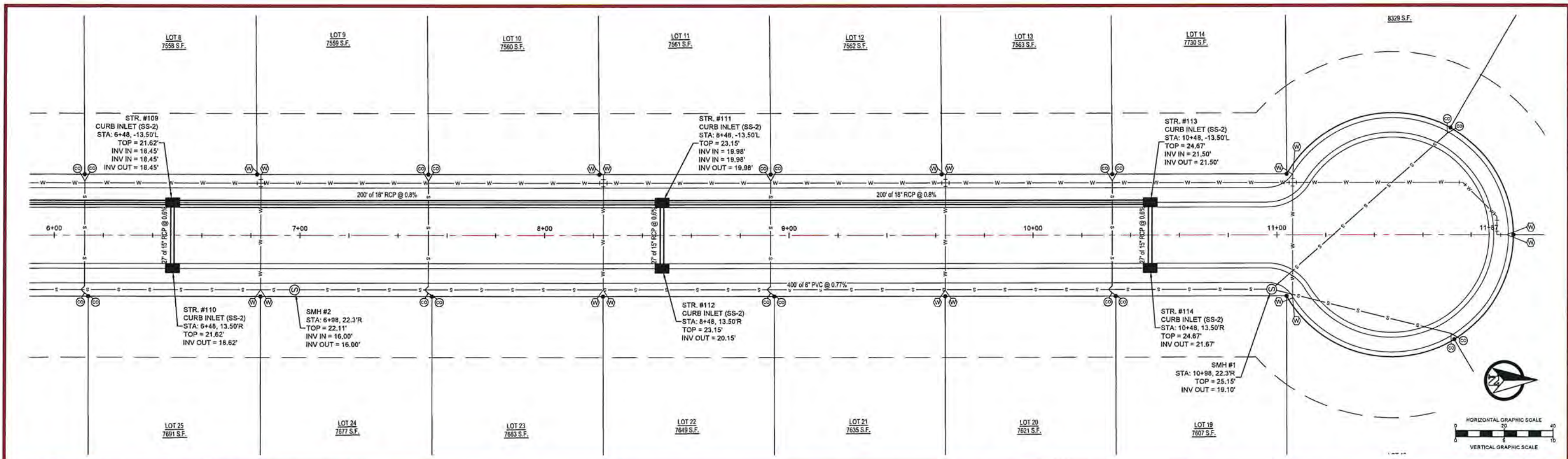
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WIGGINS, MS 39577

PHONE: 601.928.4121
EMAIL: info@ticeeng.com

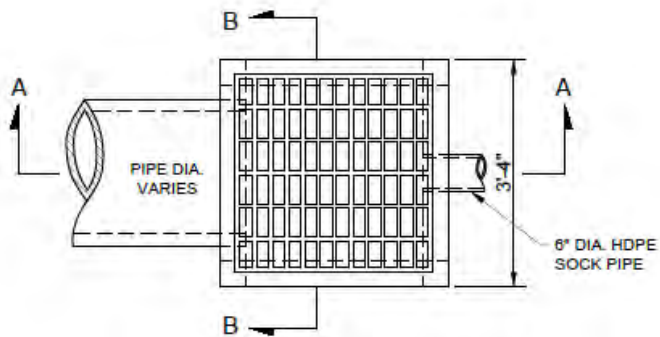
STREET NAME
PLAN AND PROFILE
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WORKING NUMBER:
PLPR-1

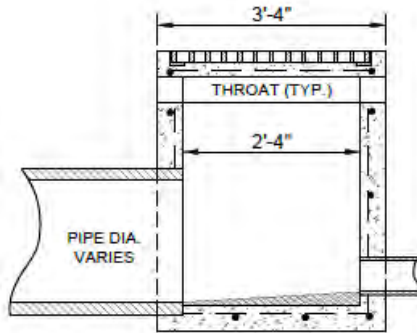
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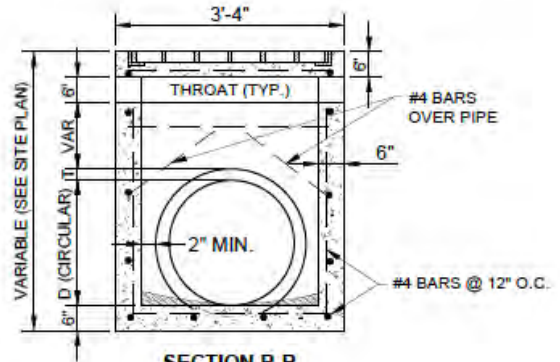
REVISIONS				DRAWING INFORMATION		OAKS BAYOU ESTATES A RESIDENTIAL SUBDIVISION MILES BUCHANAN LEMOYNE BOULEVARD, JACKSON COUNTY, MISSISSIPPI		<div><div>TEI</div><div>TICE ENGINEERING, INC. ENGINEERS / SURVEYORS</div></div> <div>Trusted Engineers. Experienced Surveyors. Innovative Results.</div> <div>510 S. VARDAMAN ST. WIGGINS, MS 39577</div> <div>PHONE: 601.928.4121 EMAIL: info@ticeeng.com</div>		STREET NAME PLAN AND PROFILE STA. 6+00 TO STA. 11+87	
NO.	DATE	BY	DESCRIPTION	FILE NO.:	1531-21						
				DATE:	01/06/2023						
				SCALE:	1"=20' H 1"=5' V						
				DRAWN BY:	RLN						
				CHECKED BY:	WRT			WORKING NUMBER: PLPR-2		SHEET NUMBER: XX	
				QA/QC:	MG						



PLAN VIEW
N.T.S.



SECTION A-A
N.T.S.



SECTION B-B
N.T.S.

NOTE:

1. ALL REBAR SHALL HAVE A MINIMUM 2" CLEARANCE TO THE INLET WALLS.
2. CONCRETE SHALL BE 3000 PSI.
3. REINFORCEMENT #4 BARS SPACE @ 12" O.C. BOTH WAYS.
4. HEIGHT MAY VARY (SEE SITE PLAN FOR INVERT AND TOP ELEVATION.)

DETENTION POND OUTLET STRUCTURE
N.T.S.



Legend


Property Boundary

Wetlands 3.311 acres

PHOENIX CONSTRUCTION

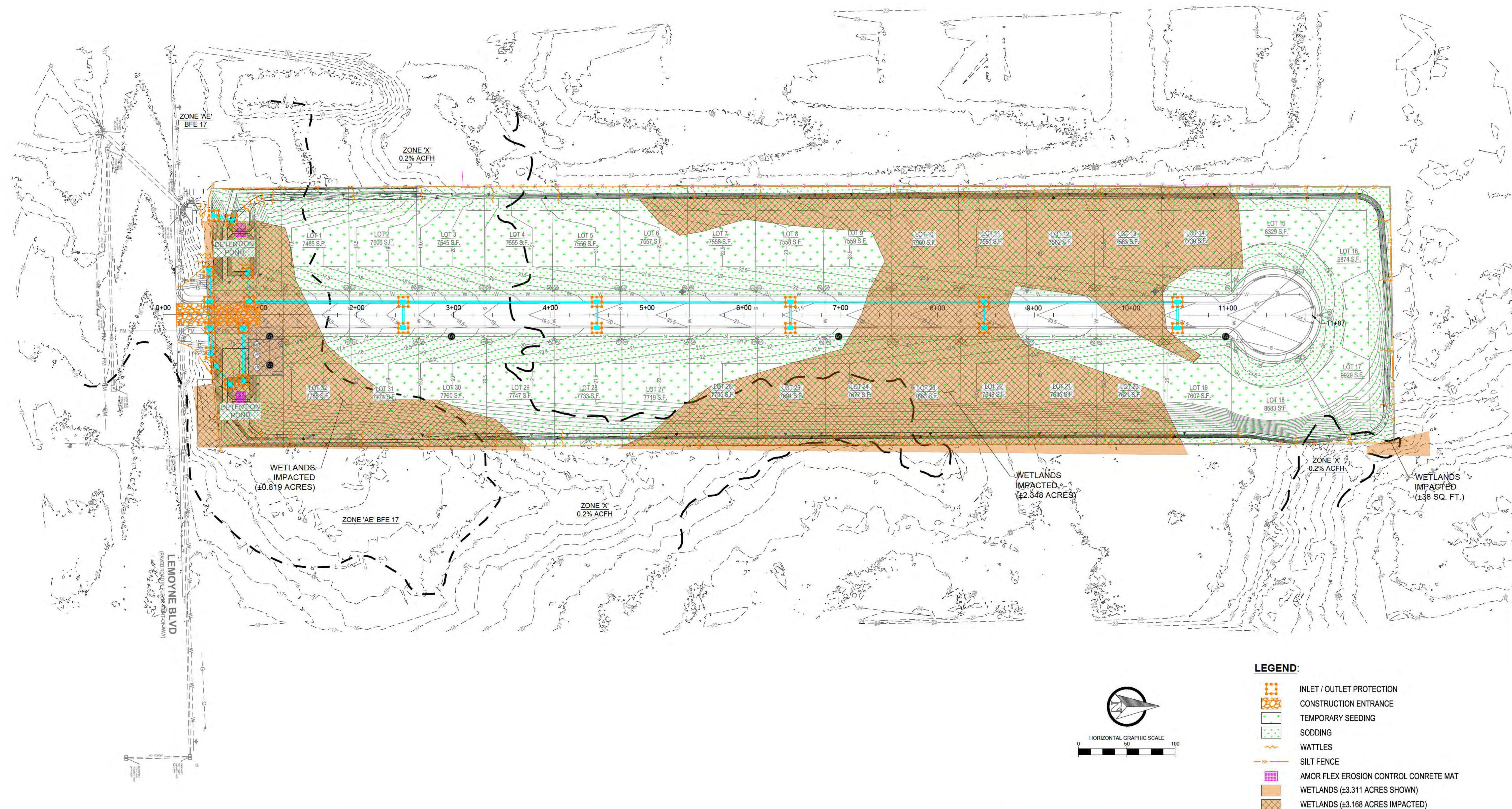
Arcmap DB

08/25/2021



Wetland Consulting Services, Inc.

Exhibit B:Alternative 2 – 1.42 acre fill



REVISIONS				DRAWING INFORMATION	
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				DATE:	09/19/2023
				SCALE:	1" = 50'
				DRAWN BY:	RLN
				CHECKED BY:	WRT
				QA/QC:	MG

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A RESIDENTIAL SUBDIVISION

MILES BUCHANAN
LEMOYNE BOULEVARD, JACKSON COUNTY, MISSISSIPPI

	TICE ENGINEERING, INC. ENGINEERS / SURVEYORS		STORM WATER POLLUTION PREVENTION PLAN & WETLANDS IMPACT	
	<i>Trusted Engineers. Experienced Surveyors. Innovative Results.</i>		WORKING NUMBER: SWPPP-1	SHEET NUMBER: 31
510 S. VARDAMAN ST. WIGGINS, MS 39577		PHONE: 601.928.4121 EMAIL: info@ticeeng.com		