



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

REPLY TO  
ATTENTION OF:

**CESAM-RD-M  
PUBLIC NOTICE NO. SAM-2021-00783-MJF**

**February 17, 2022**

**JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS**

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

**PROPOSED IMPACTS TO WETLANDS ASSOCIATED WITH THE CONSTRUCTION OF A  
SINGLE-FAMILY RESIDENTIAL DEVELOPMENT KNOWN AS BAYOU HILL SUBDIVISION,  
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. Please communicate this information to interested parties.

**APPLICANT:** Mr. Richard Baudry  
1460 Beach Blvd  
Biloxi, Mississippi 39530  
Rbaudry1@gmail.com

**AGENT:** Mr. Dana R. Sanders, Jr.  
2305 Lewis Gate Drive  
Gautier, Mississippi 39155  
drsawet@bellsouth.net

**WATERWAY AND LOCATION:** Wetlands Associated with Fort Bayou Creek, located north of Semmes Road and west of Old Fort Bayou Road, Jackson County, Mississippi, Section 35, Township 6 South, Range 8 West, Latitude 30.47928° North Longitude -88.757579° West. This area is depicted on the Mississippi-Ocean Springs Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009.

**PROPOSED WORK:** The applicant proposes to place fill material in 9.20 acres of jurisdictional wetlands to construct a 72-lot, single-family residential subdivision, to be known as Bayou Hill Subdivision. The fill would be for the home lots, roadways, and culverted road crossings. The subject property is an approximately 40-acre parcel containing approximately 22.44 acres of jurisdictional wetlands. The jurisdictional wetlands are comprised of approximately 1.38 acres of bottomland hardwood and approximately 21.06-acres of low quality pine savannah. The proposed work would avoid 13.24 acres of jurisdictional wetlands to include all of the bottomland hardwood 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 subject parcel is heavily wooded with a dirt road running into the western portion of the property. The parcel is bordered on the east by Old Fort Bayou Road. The southern border is a maintained dirt road. The areas to the north and west are heavily forested, and Fort Bayou Creek runs just to the north of the parcel.

**PROJECT PURPOSE:** As stated by the applicant, "The purpose of this project is to provide private opportunity to people seeking to live along the Mississippi gulf coast." 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.

**MITIGATION:** Compensatory mitigation is required for the loss of 9.20 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 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

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. (DMR21-000481). The MDMR issued Consistency by letter dated October 19, 2021.

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 of Engineers 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 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.

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 USACE has made a preliminary determination that the proposed project will have **no effect** on cultural resources in the permit area. 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 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. The Mississippi Department of Archives & History (MDAH) responded to the MDMR notice by letter dated July 13, 2021 stating that due to the topography of the area, the presence of sites in close proximity and the area not having been surveyed, that a survey is needed. (MDAH Project Log #07-014-21)

A preliminary review of this application and 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 listed endangered or threatened species or critical habitat. The following terrestrial species may be present within the affected watershed: the Wood Stork (*Mycteria*

*Americana*) (T), the Black Pine Snake (*Pituophis melanoleucus lodingi*) (T), the Gopher tortoise (*Gopherus polyphemus*) (T), the Mississippi Gopher Frog (*Rana sevosa*) (E), the Piping Plover (*Charadrius melodus*) (T), and the Red Knot (*Calidris canutus rufa*)(T). The Corps has made a **may affect, but is not likely to adversely affect** the following listed species: the Louisiana Quillwort (*Isoetes louisianensis*) (E) and the Mississippi Sandhill Crane (*Grus canadensis pulla*) (E). 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-2021-00783-MJF**, and should be directed to the District Engineer, Mobile District, Biloxi Field Office, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 203, Biloxi, Mississippi 39530, maryellen.j.farmer@usace.army.mil, 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 FBass@mdeq.ms.gov, in time to be received within **30 days** of the date of this public notice.

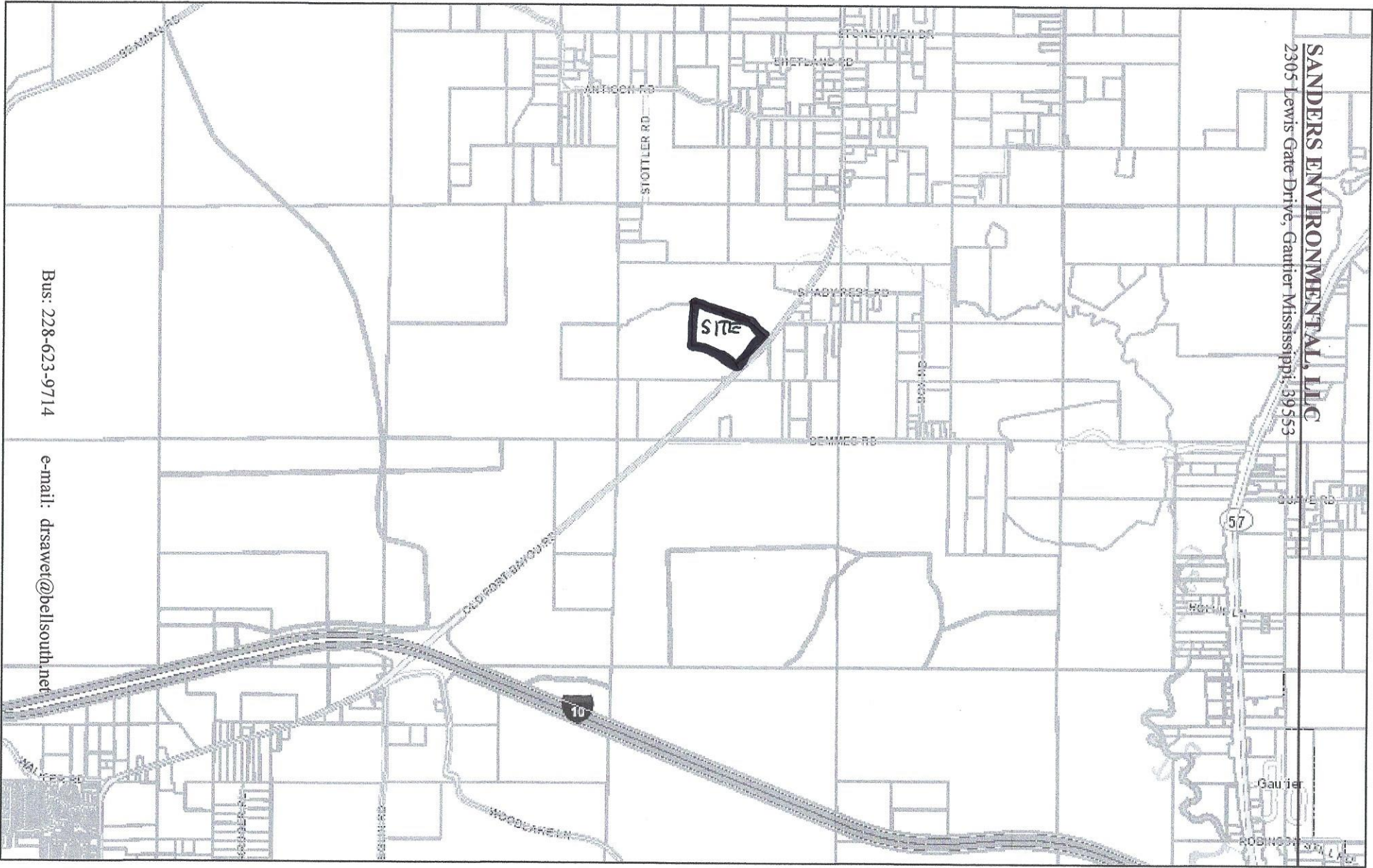
if you have any questions concerning this publication, you may contact the project manager for this applicant, Ms. Maryellen Farmer ([maryellen.j.farmer@usace.army.mil](mailto:maryellen.j.farmer@usace.army.mil)), phone (228) 523-4116. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at: [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx) and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

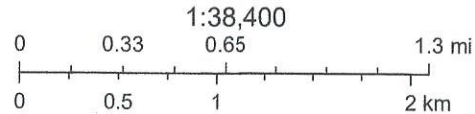
Enclosures

FIGURE 1. SITE LOCATION MAP FOR BAUDRY 39.98 ACRE TRACT, JACKSON COUNTY, MS



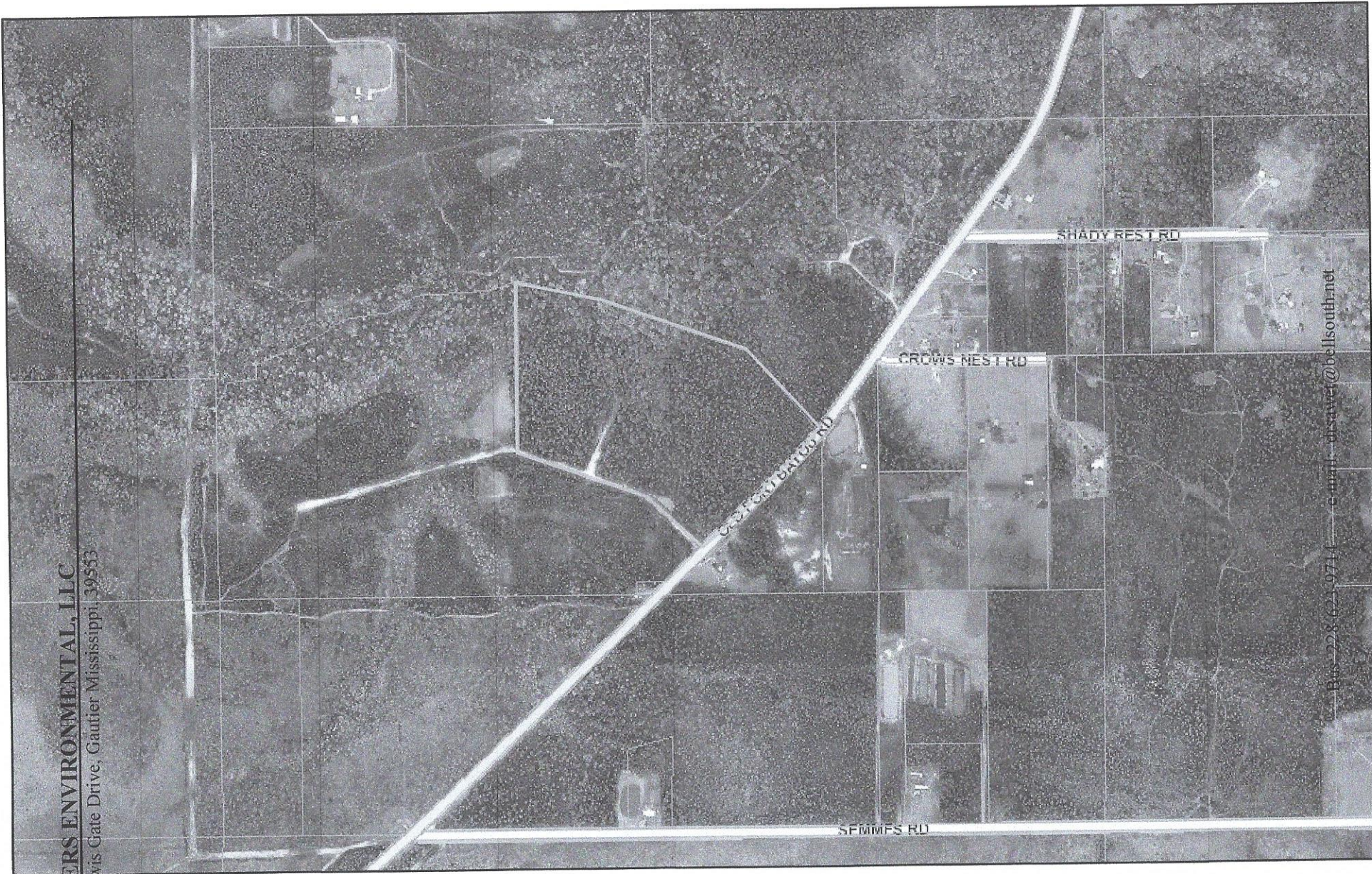
June 25, 2021

Parcels Primary Roads City Limits  
Major Center Lines



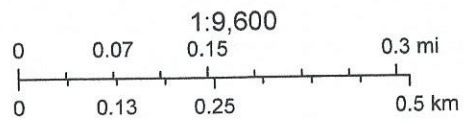
Jackson County GIS

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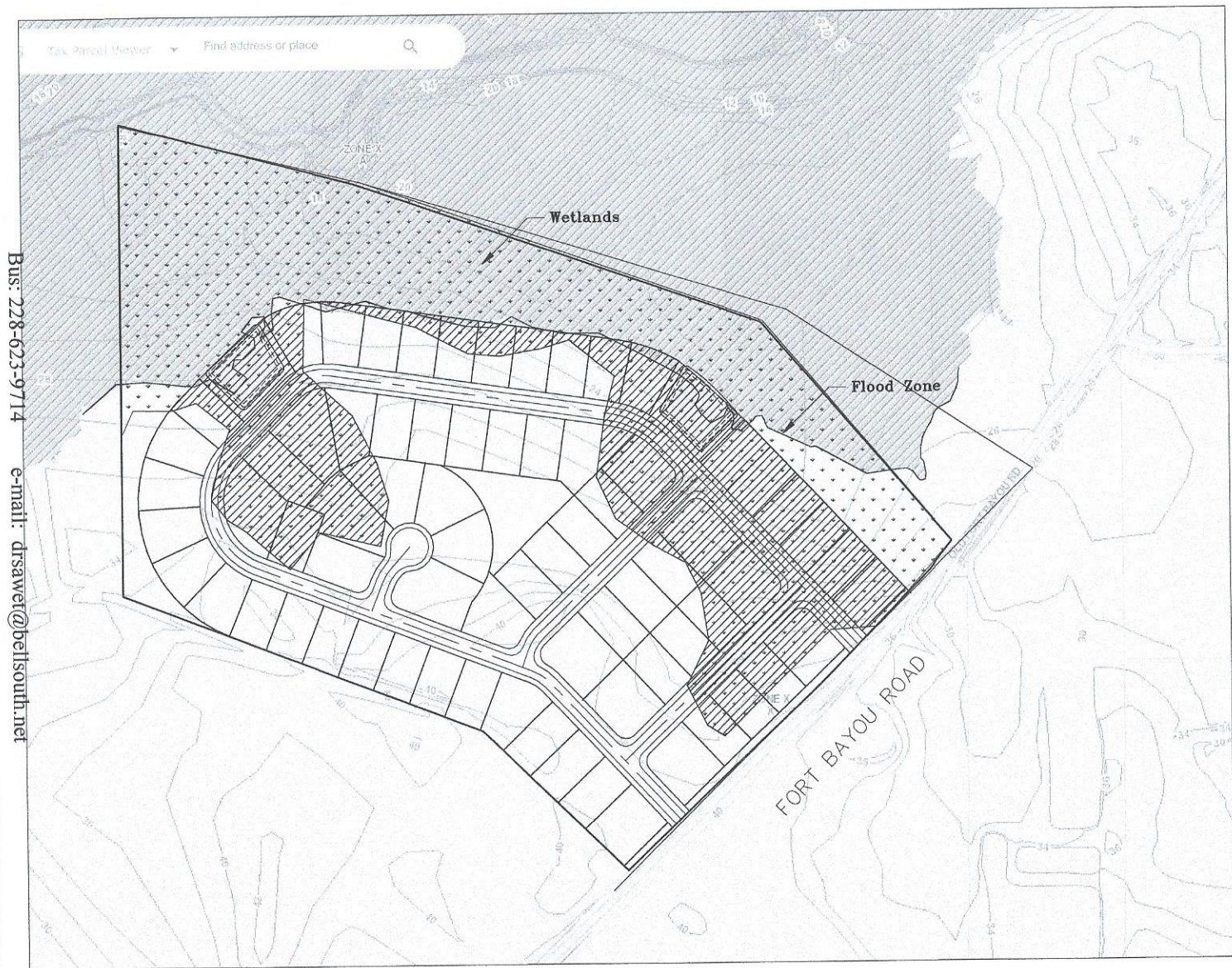


June 20, 2021

- Parcels
- Major
- Primary Roads
- City Limits
- Center Lines



Jackson County GIS , 1



1"=100'

Min Lot = 80'x130'  
Total Lots = 72



Wetlands  
19.7 Acres

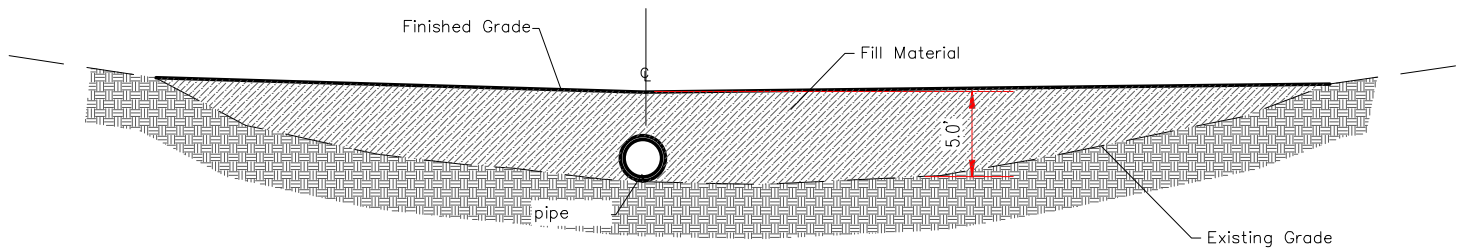


Impacted Wetlands  
9.2 Acres

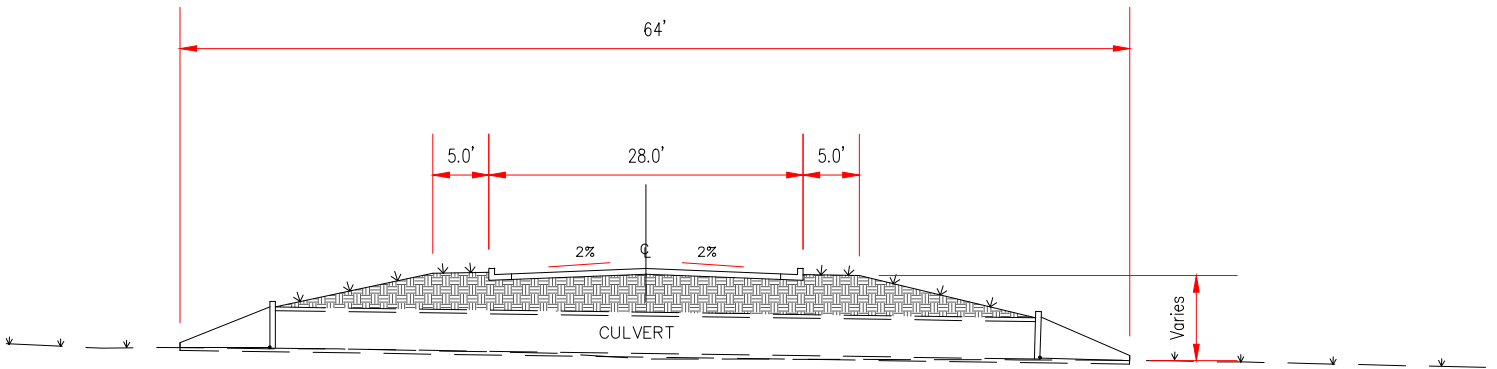
Bus: 228-623-9714 e-mail: drsawet@bellsouth.net

**SANDERS ENVIRONMENTAL, LLC**  
2305 Lewis Gate Drive, Gautier, Mississippi, 39553

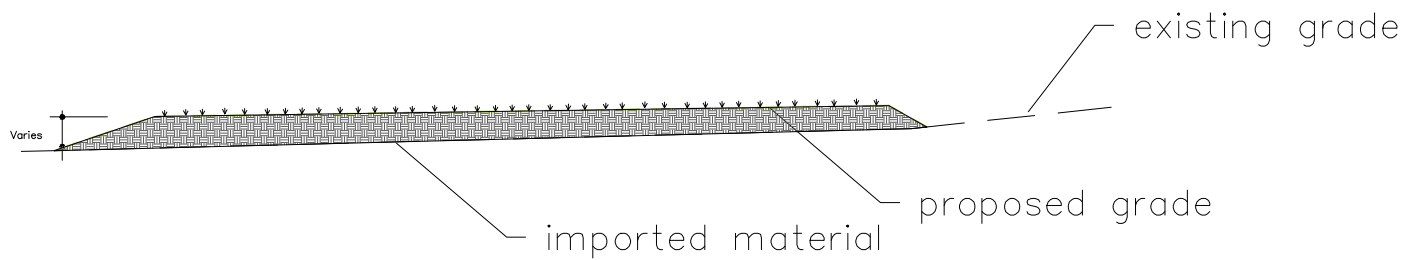
REVISION	
DESIGN	
CHECKED	
DATE	Jan 2, 2010
SHEET TITLE	Preliminary Layout
PROJECT NAME	Old Fort Bayou Road Jackson County, Mississippi
13061 Shriners Blvd. Suite C Biloxi, Mississippi 39532 Office (228) 392-1338 Fax (601) 392-1679	
<b>DSA</b> Dennis Stiefel and Associates, Inc. Consulting Engineers	
SHEET	X
PROJECT NO.	0860



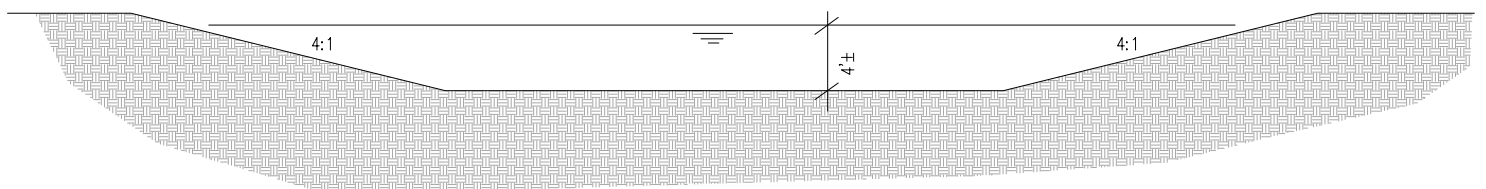
*Road Crossing at Wetland*



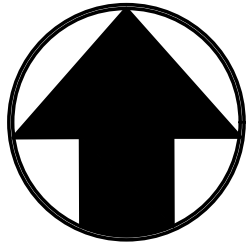
*Road Crossing at Wetland*



*Fill on Lots*

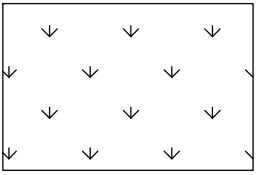


*Cross Section of Detention Pond*

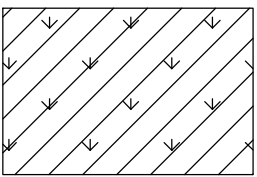


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