



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-2022-00334-MJF

January 18, 2023

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR22-000672

PLACEMENT OF FILL IN WETLANDS ASSOCIATED WITH THE CONSTRUCTION OF
TWO SINGLE FAMILY RESIDENCES, HANCOCK 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. Mark Shiffer**
 P.O. Box 1669
 Chalmette, LA 70044
 mshiffer@nocoxmail.com

WATERWAY AND LOCATION: In wetlands associated with Four Dollar Bayou,
Section 29, Township 8 South, Range 14 West, Hancock County, Mississippi.
Latitude: 30.321109° N; Longitude: -89.41972°W.

PROPOSED WORK: The applicant proposes to fill 0.48 acres of jurisdictional wetlands for the construction of two single family residential homes and associated driveways in Bay St. Louis, Mississippi. In addition, the applicant proposes to install approximately 296 linear feet of bulkhead along both lots. The total project site is approximately 1.04 acres in size, of which 0.51 acres have been identified as wetlands. The applicant initially applied for and received a Nationwide Provisional Notification dated June 29, 2022, to complete the work on the southern parcel. 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. A determination relative to CZ consistency will be made by the Mississippi Department of Marine Resources. (DMR22-000627)

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 Corps 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 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.

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 subject parcels. The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The nearest known structure is located 4.56 miles to the southeast and is known as the Main Street Historic District. During the initial Nationwide Permit evaluation, a Phase I Survey was conducted for the southern parcel and provided to MDAH for review. By letter dated June 24, 2022, the MDAH stated they have no reservations with the undertaking. **(MDAH Project Log #06-005-22)**. A Phase I Survey was conducted May 20, 2022, for the additional area to the north and no cultural resources were located. This survey has been provided to MDAH for review and comment. The USACE has made a preliminary determinate 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.

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 species may be present onsite: The Eastern Black Rail (*jamaicensis jamaicensis*), the Wood Stork (*Mycteria americana*) (T), the Dusky Gopher Frog (*Rana sevosa*) (E), and the Gopher Tortoise (*Gopherus polyphemus*) (T). The USACE has made a preliminary determination that the proposed work will have **no effect** on the above listed species. This notice serves as request to the U.S. Fish and Wildlife 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-2022-00334-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, maryellen.j.farmer@usace.army.mil with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, Cbarefoot@mdeq.ms.gov and to the Mississippi Department of Marine Resources, 1141 Bayview Drive, Biloxi, Mississippi, 39530, Jennifer.wilder@dmr.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 application, **Maryellen J. Farmer** (maryellen.j.farmer@usace.army.mil), at (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



Copyright: (c) 2019 National Geographic Society, i-cubed

FIGURE 1

Purpose: Permit Drawing
Base Map: ESRI USA Topo Maps
Source: USGS, NGS & i-cubed
Map Date: August 1, 2022



0 0.4 0.8 1.2 1.6
Miles

PROJECT LOCATION MAP



**ECOLOGICAL
ASSET
MANAGEMENT, LLC**

Permit Drawing for +/- 1.04 ac. Project Area on Eden & Fiesta Streets

Location: Waveland, MS
Portion of Section 29;
Township-8-South; Range-14-West
County: Hancock County, MS

Figure 1. Project Location

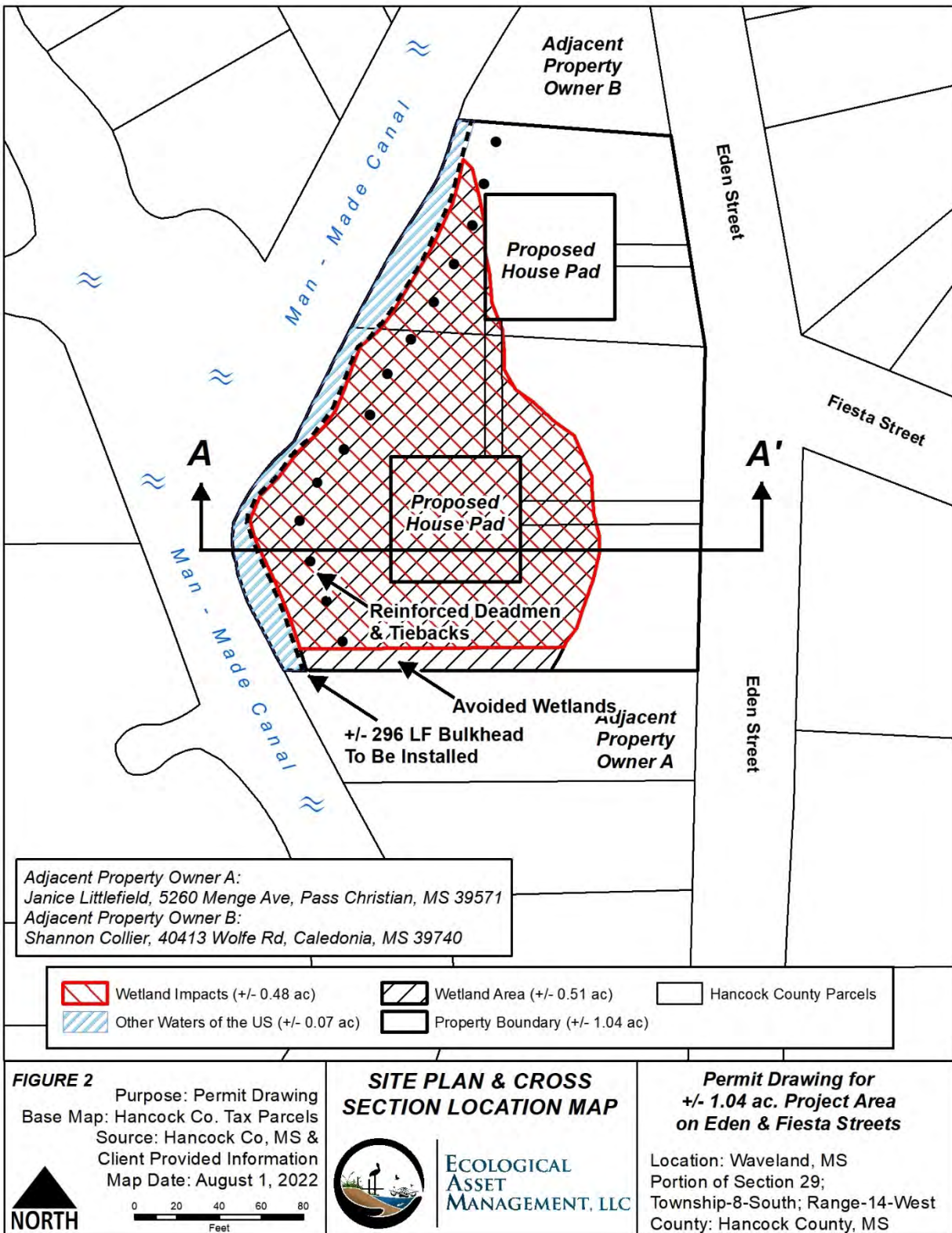


Figure 2. Site Plan & Cross Section Location

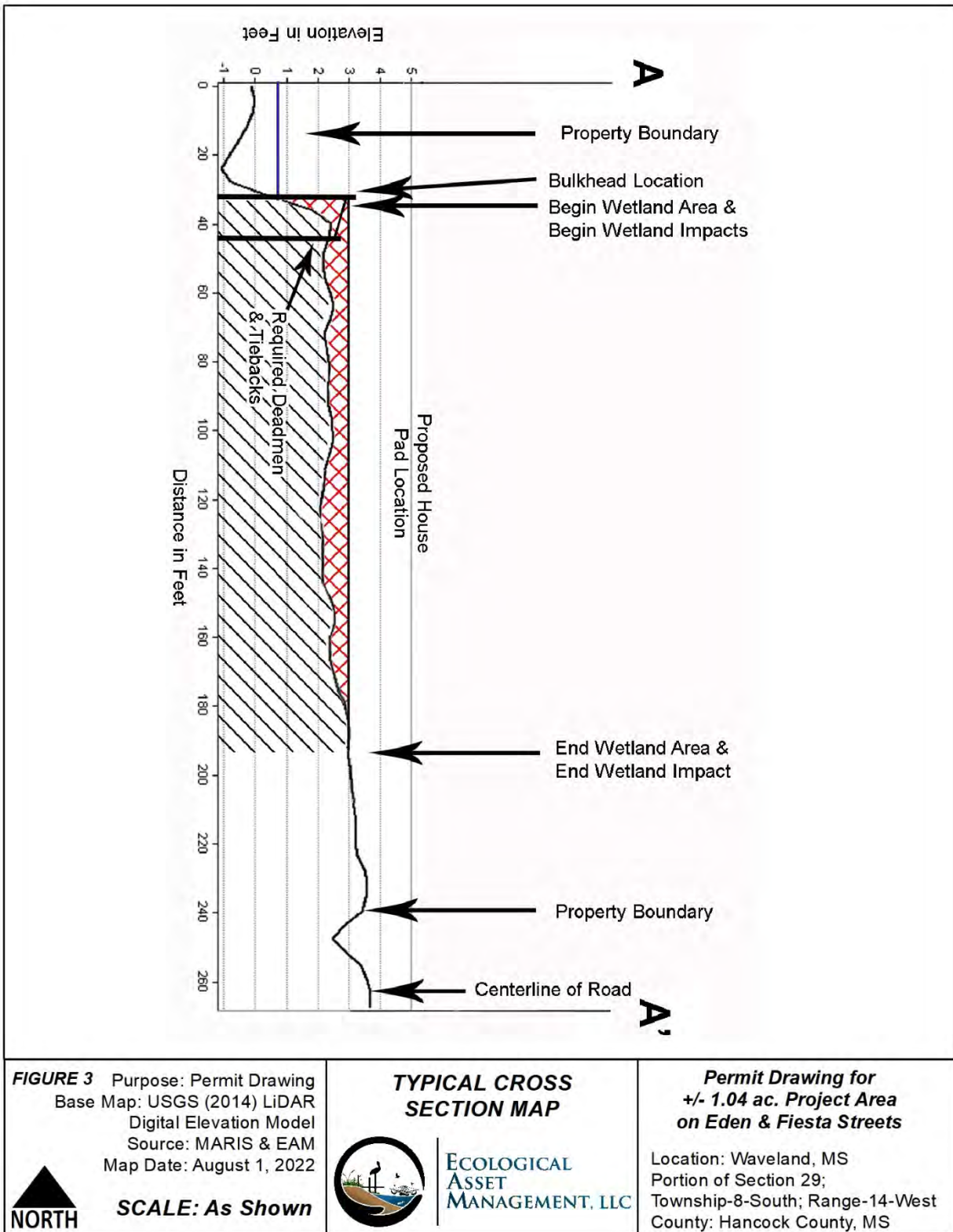


Figure 3. Typical Cross Section Drawing

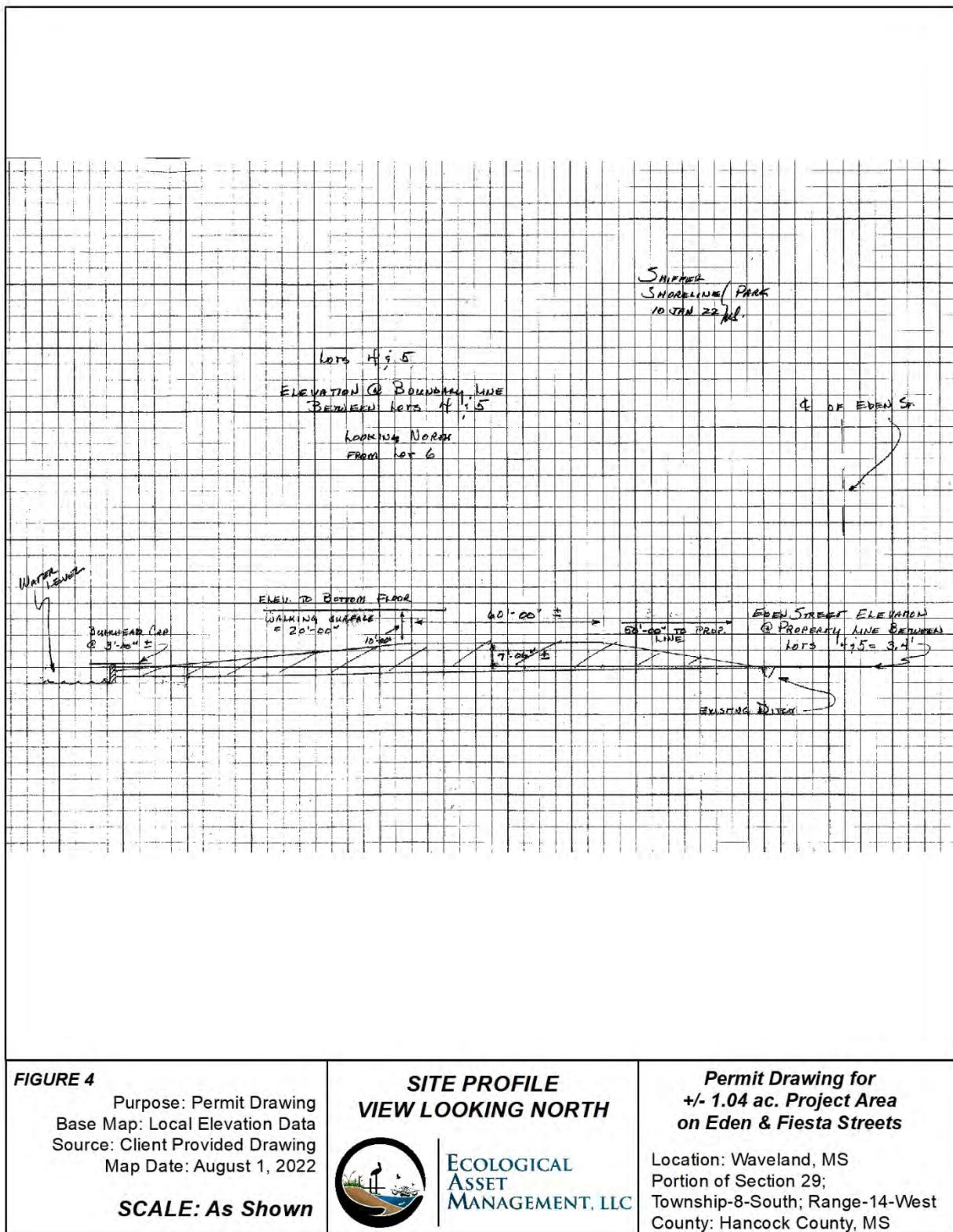


Figure 4: Site Profile View Looking North

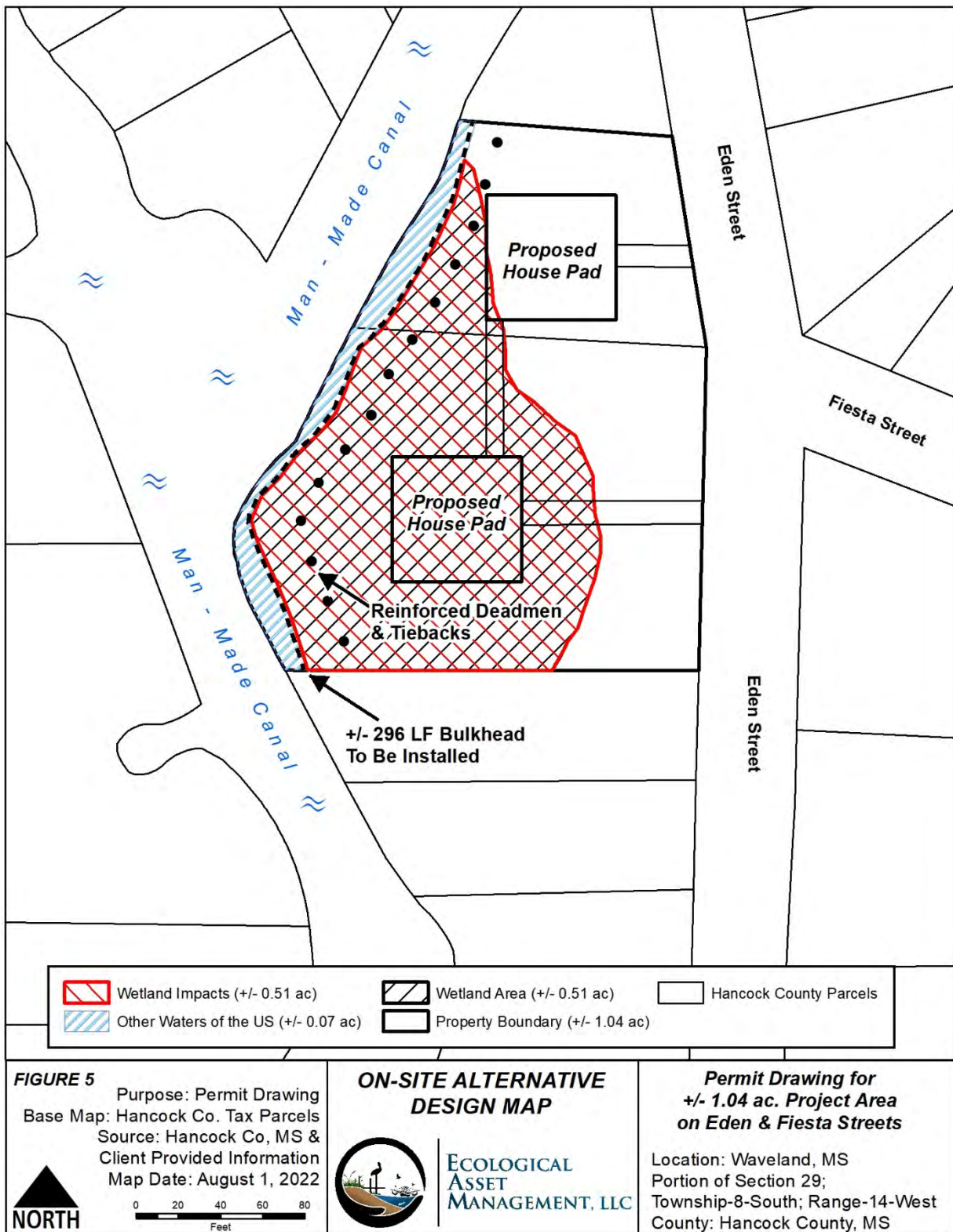


Figure 5: On-site Alternative Design

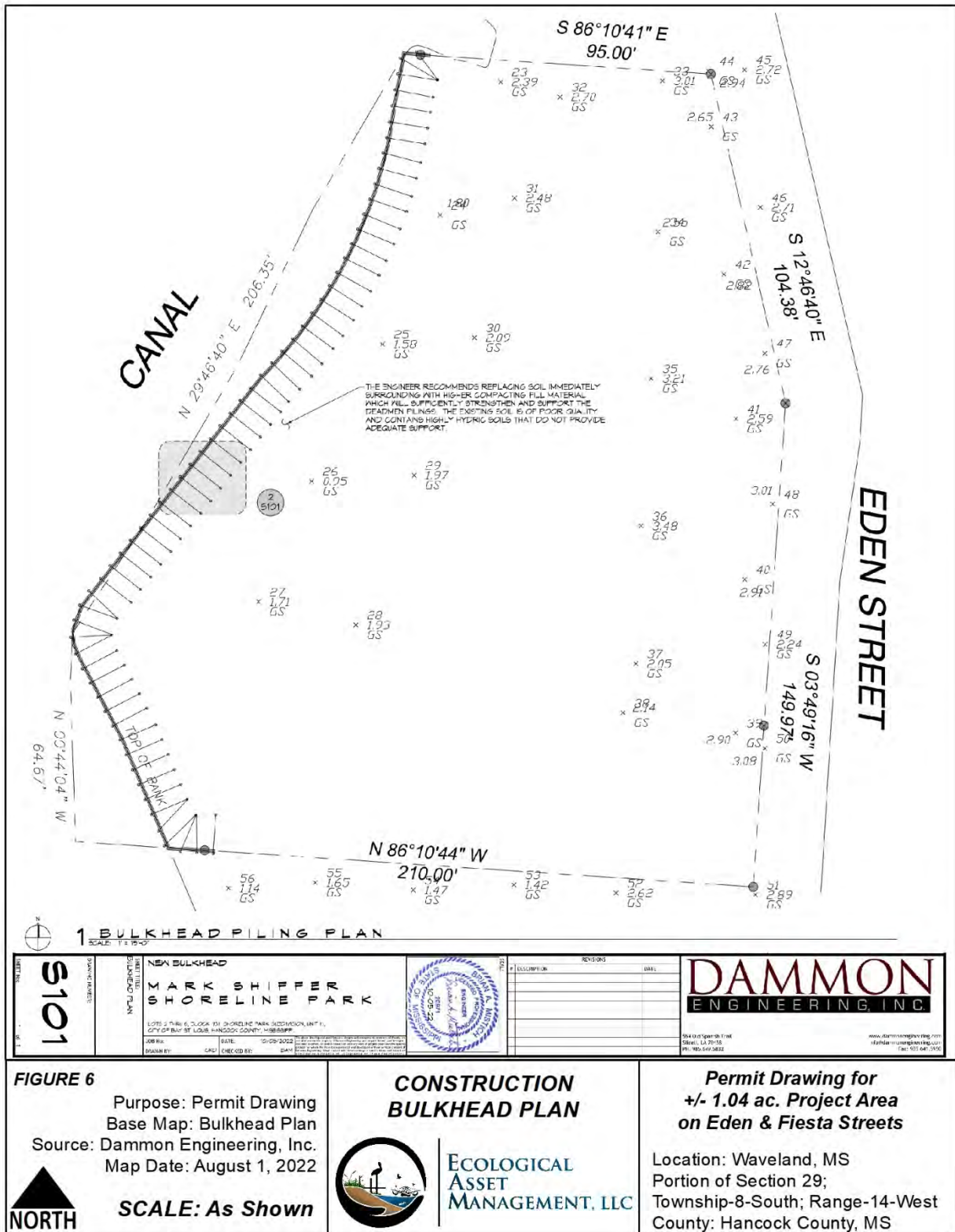


Figure 6: Construction Bulkhead Plan View

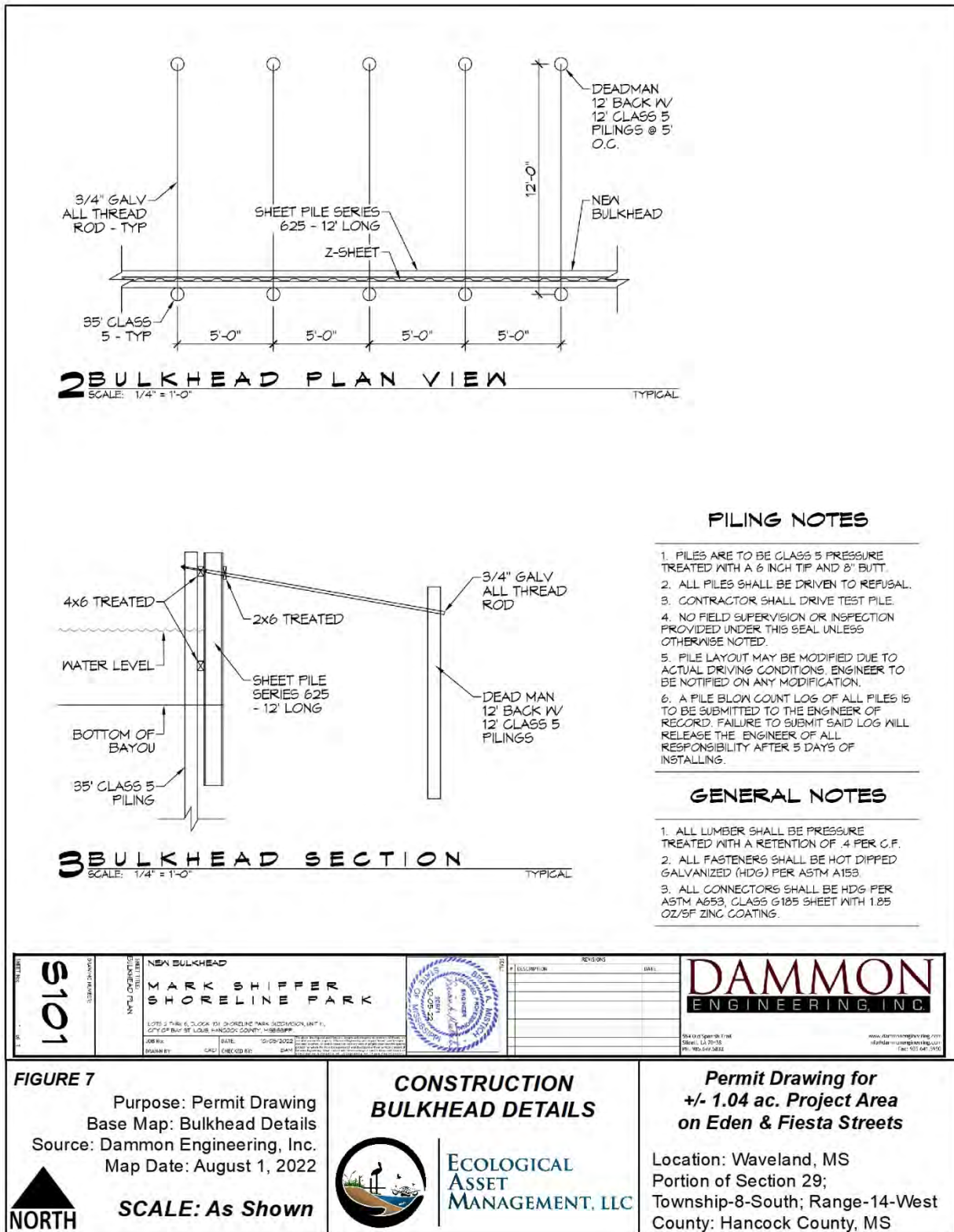


Figure 7: Construction Bulkhead Details