



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-2022-00452-MJF

May 13, 2022

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR22-000283

WETLAND FILL ASSOCIATED WITH THE CONSTRUCTION OF A MULTI-FAMILY
APARTMENT COMPLEX, BILOXI BAY, 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: Arbor Properties, Inc.
Attention: Mr. Christian Griffith
4910 North Monroe Street
Tallahassee, Florida 32303
christian@arborproperties.com

WATERWAY AND LOCATION: Within Wetlands Associated with Biloxi Bay, Section 16, Township 7 South, Range 9 West, Latitude 30.43409° North, Longitude -88.898468° West, City of D'Iberville, Harrison County, Mississippi.

PROPOSED WORK: The applicant proposes to fill 0.86 acres of wetlands associated with the construction of a residential apartment complex, in D'Iberville, Harrison County, Mississippi. The project would consist of ten multi-family apartment buildings measuring 80' x 140' each. Each building would accommodate 10 units with under roof parking for 10 vehicles. The proposed project would also allow for additional parking, utilities, a 21,000 square foot detention pond, a management office near the center of the project, as well as greenspace between buildings. The total project site is approximately 6.10 acres in size of which 0.86 acres have been identified as wetlands. The applicant proposed to provide in-kind compensatory mitigation through an approved 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.

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 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 footprint of the proposed subdivision. 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 USACE has made a preliminary determinate that the proposed project would have “no potential to cause affects” 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*) (T), the Mississippi Sandhill Crane (*Grus canadensis pulla*) (E), the Dusky Gopher Frog (*Rana sevosa*) (E), the Wood Stork (*Mycteria americana*) (T), and the Gopher Tortoise (*Gopherus polyphemus*) (T). 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-2022-00452-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 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

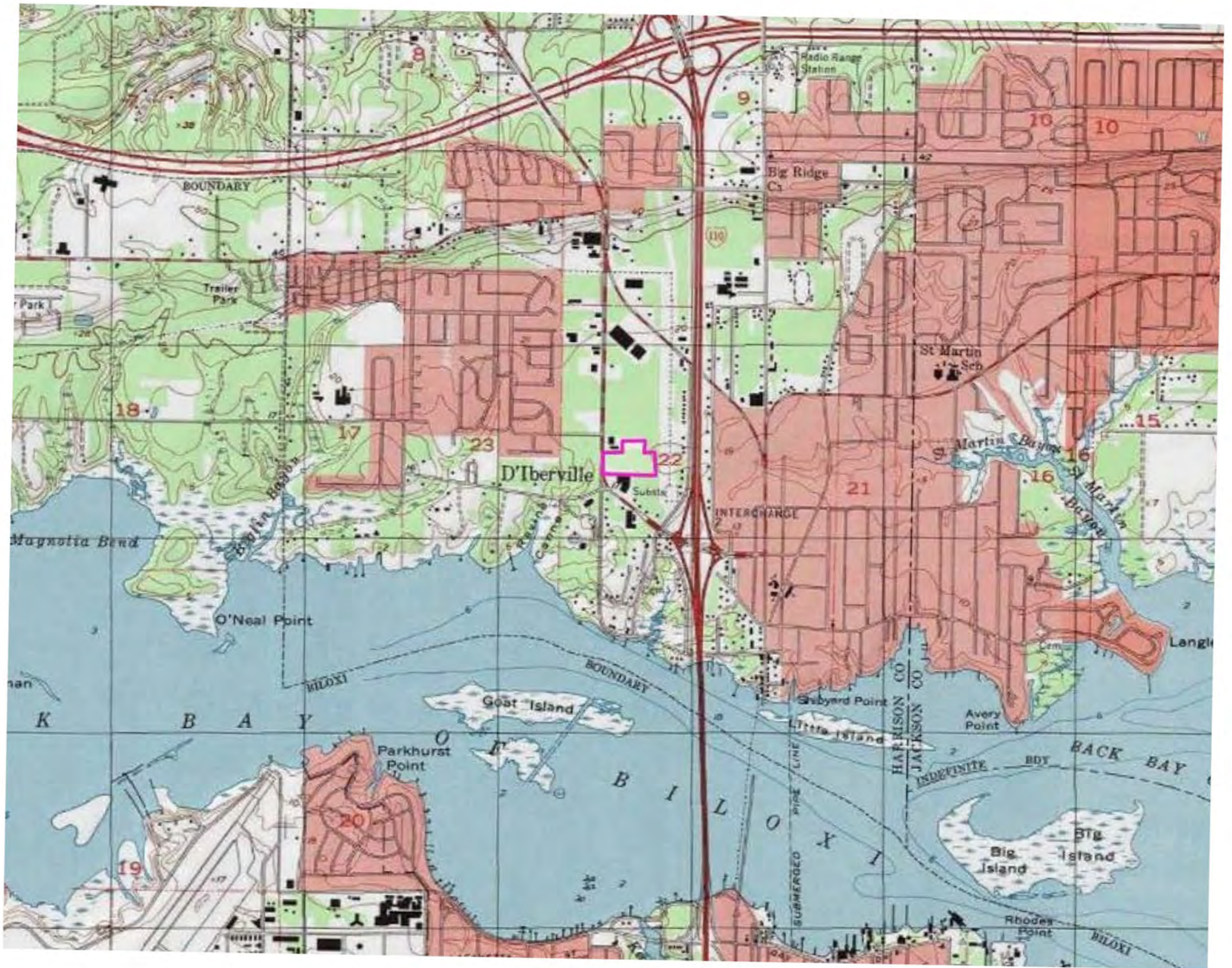


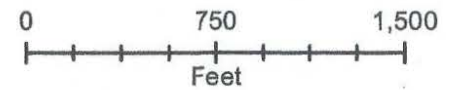
FIGURE 1. ARBOR VIEW PHASE 2 SITE LOCATION MAP ON GOOGLE MAP



HARRISON COUNTY, MISSISSIPPI

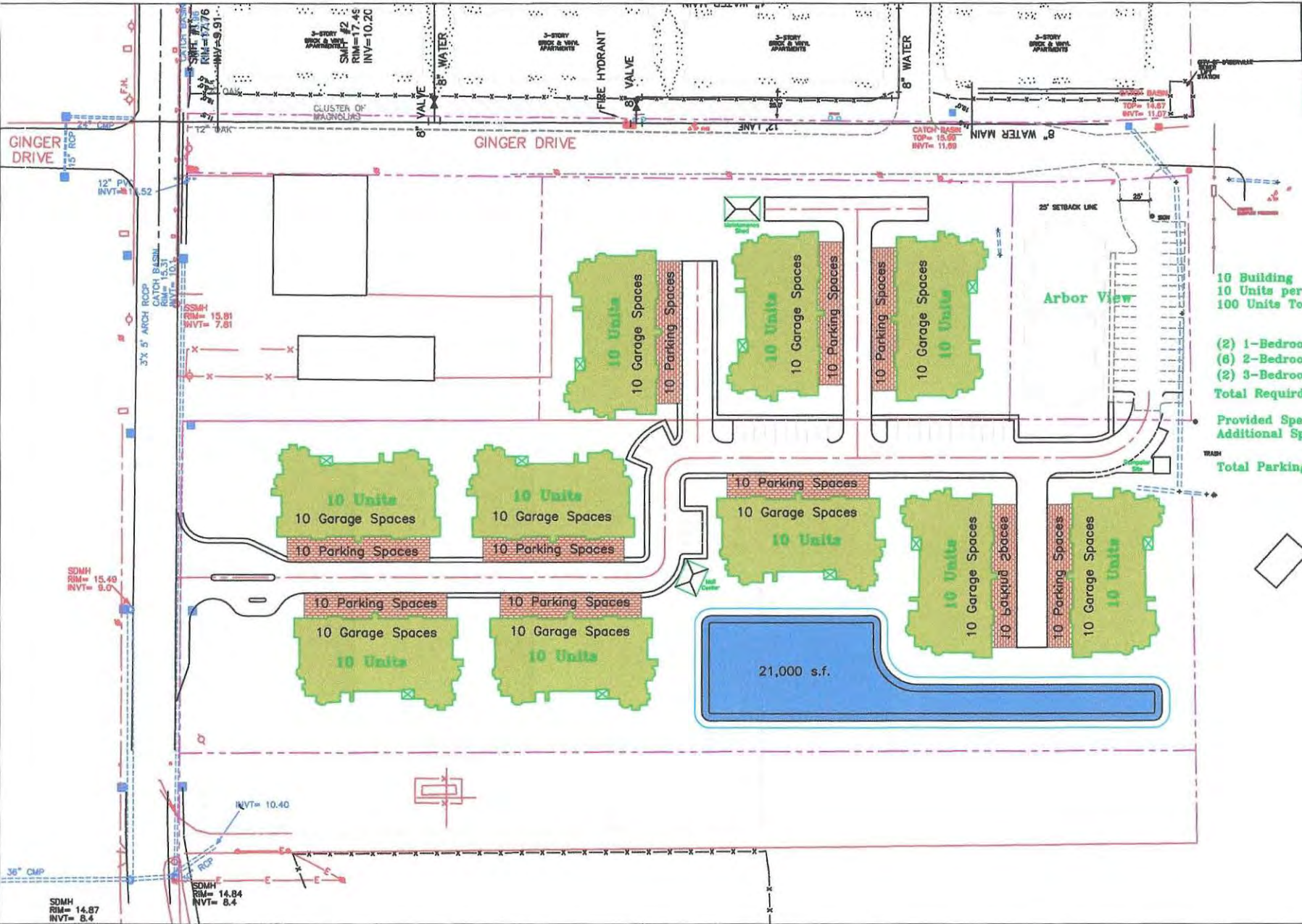
DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TAL FLURRY, TAX ASSESSOR.

MAP DATE: April 5, 2022





1"=40'



10 Building
10 Units per building
100 Units Total

(2) 1-Bedroom (1 space)
(6) 2-Bedroom (1.5 spaces)
(2) 3-Bedroom (2 spaces)
Total Required Spaces/ Building = 15

Provided Spaces at Building = 20
Additional Spaces Provided = 28
Total Parking Spaces Provided = 228



SDMH
RM= 14.87
NVT= 8.4

SDMH
RM= 14.84
NVT= 8.4

NVT= 10.40

SDMH
RM= 15.40
NVT= 9.0

SDMH
RM= 15.91
NVT= 7.81

3-STORY
BRICK & VINYL
APARTMENTS
RM= 17.76
INV= 10.20

GINGER DRIVE

Arbor View

25' SETBACK LINE

21,000 s.f.

GINGER DRIVE

12" P.V.
INVT= 5.52

3.3' 5' ARCH ROOF
CATCH BASIN
RM= 15.31
NVT= 10.3

10 Units
10 Garage Spaces
10 Parking Spaces

10 Units
10 Garage Spaces
10 Parking Spaces

10 Units
10 Garage Spaces
10 Parking Spaces

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10 Garage Spaces
10 Parking Spaces

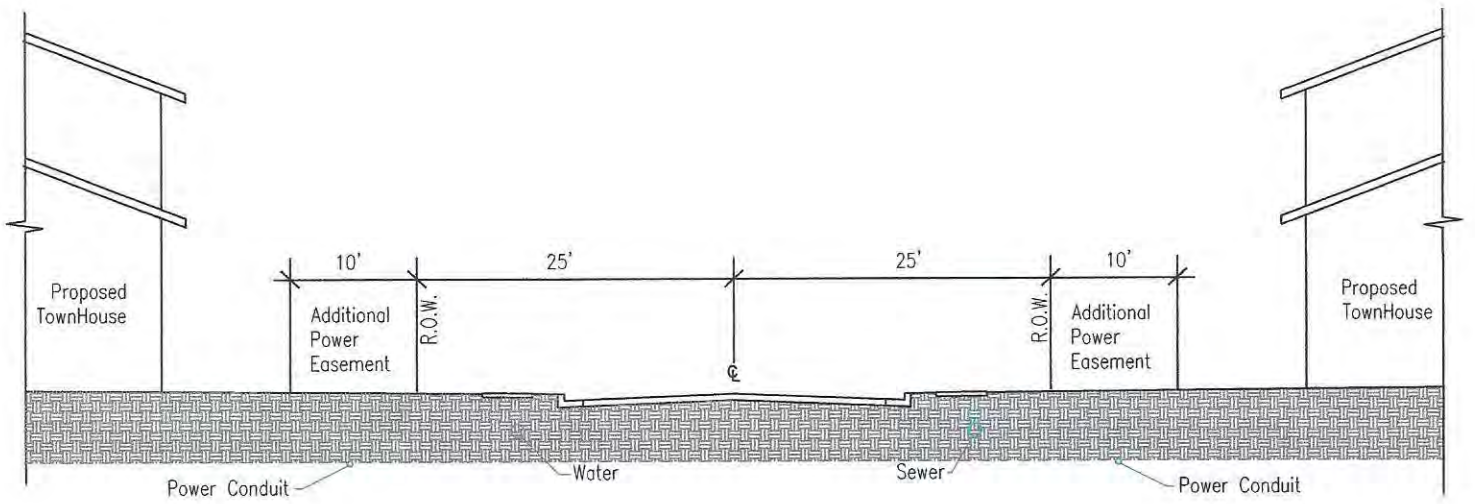
10 Units
10 Garage Spaces
10 Parking Spaces

10 Units
10 Garage Spaces
10 Parking Spaces

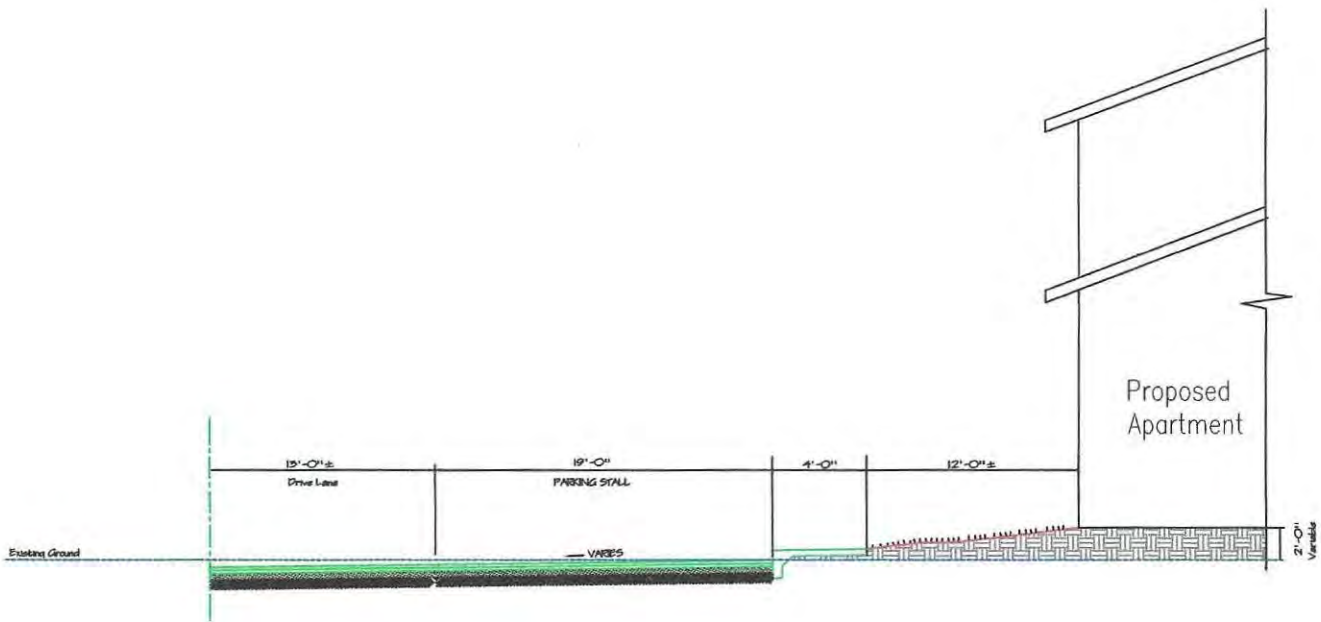
10 Units
10 Garage Spaces
10 Parking Spaces

10 Units
10 Garage Spaces
10 Parking Spaces





Typical Section Across Street and lots



Typical Section Across parking and Apartments

FIGURE 2. ARBOR VIEW PHASE 2 WETLAND IMPACT MAP

