



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

Public Notice

APPLICATION NO.:	SAM-2023-0089
EVALUATOR:	Mr. Anthony Lobred
PHONE NO.:	(601) 631-5478
E-MAIL:	Anthony.R.Lobred@usace.army.mil
DATE:	February 6, 2024
EXPIRATION DATE:	March 1, 2024

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-RD, and the Mississippi Department of Environmental Quality at Post Office Box 2261, Jackson, Mississippi 39225-2261, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Water Quality Certification Improvement Rule (Certification Improvement Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. 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 completed the pre-filing meeting requirements with the Mississippi Department of Environmental Quality (certifying authority) on October 25, 2022. As of the date of this public notice, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality. In accordance with Certification Improvement Rule, once the applicant submits a certification request, the U.S. Army Corps of Engineers and the certifying authority will jointly establish the reasonable period of time for the certifying authority to act upon the certification request.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and/or fill material into waters of the United States.

Name of Applicant:

**Mr. Lee Frederick, P.E.
Mississippi Department of Transportation (MDOT)
Post Office Box 1850
Jackson, Mississippi 39215**

Location of Work: Sections 16, 17, 20, and 21, T7S-R11W, Latitude 30.4243N, Longitude -89.105881W within the Bayou Benard Drainage Basin (12-digit USGS HUC: 031700090602), Harrison County, Mississippi.

Description of Work: (See enclosed maps and drawings.)

The applicant is applying for a Department of the Army permit in conjunction with the Mississippi Department of Marine Resources to conduct regulated activities in jurisdictional wetlands for the proposed construction of an approximately 3.0- mile transportation corridor oriented in a north-south alignment along the western portion of the I-10 and US49 interchange located in Harrison County, Mississippi. The proposed construction will encompass upgrading the existing road to a lighted, divided two lane facility along Service Road, Daniel Boulevard, 34th Avenue, and Factory Shop Boulevard with upgraded road surfaces with accommodations for pedestrian and bicycle traffic. The proposed project will also construct a new 1.3 mile lighted, divided four-lane road with pedestrian and bicycle accommodations in a north-south alignment which will include bridging over I-10 and connect into a new intersection for Canal 1-10 Service Road, Landon Road, and 34th Avenue.

The proposed infrastructure improvement project includes approximately 1.7 miles of 2-lane expansion/upgrades, approximately 1.3 miles of new 4-lane alignment, and the construction of an approximately 58-acre detention pond construction along the southeastern portion of the proposed project. To facilitate construction of the proposed project, the proposed activities would include clearing, filling, grubbing, and dredging in jurisdictional areas. The new corridor would allow MDOT to manage existing and future traffic congestion within the I-10 and US 49 interchange corridor by having a new roadway on the western side the interchange complex in conjunction with the existing interchange and the existing 4-lane Three Rivers Road on the eastern side of the interchange.

Approximately 6.07 acres of emergent wetlands and 92.22 acres of mixed pine/ bottomland hardwood wetlands would be impacted by the proposed activities. A total of approximately 98.29 acres of wetlands would be impacted by the planned project over the course of the proposed project.

The applicant proposes to purchase available compensatory mitigation credits from an approved mitigation bank within the Turkey Creek watershed for the proposed impacts. If sufficient credits are not available, MDOT proposes to

purchase the remaining credits from other approved mitigation banks servicing the project area. Proof of mitigation purchase must be satisfied prior to commencing work.

The dominant vegetation within the project consists of slash pine, pitcher plant, loblolly pine, gallberry, sweet bay, bald cypress, ti-ti, yaupon, laurel oak, red maple, tupelo gum, water oak, rush, chain fern, blunt spike rush, and plumegrass, and sedge. Soil within the project area consists predominantly of Atmore silt loam, Harleston fine sandy loam, Nahunta silt loam, Ocilla loamy sand, Plummer loamy sand, Poarch fine sandy loam, Ponzer and Smithton fine sandy loam, and Smithton fine sandy loam.

An Environmental Assessment for this proposed project was conducted and reviewed by Federal Highway Administration Mississippi Division which resulted in a Finding of No Significant Impacts on September 14, 2022 (<https://www.interconnectinggulfport.com/>).

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: FHWA and MDOT have completed Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of transportation Act Section requirements by conducting a cultural resources study of the corridor areas. The findings of the report were forwarded to the Mississippi Department of Archives and History (MDAH) and each of the six Federally-recognized Native American Tribes of Mississippi. On September 15, 2020, MDAH concluded that no sites determined eligible for or listed on the National Register of Historic Places are within the proposed permit area or affected area.

Endangered Species: Correspondence dated August 11, 2020 between the Federal Highway Administration, MDOT, and the U.S. Fish and Wildlife Service (FWS), FWS determined that the proposed activity would no effect on any listed species nor their habitats.

Floodplain: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain

administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project area is not located within the 100-year floodplain.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Bryan Williamson
Chief, Mississippi Branch
Regulatory Division

17. DIRECTIONS TO THE SITE

From the South: The project area begins near the Pool Street & Old Hwy 49 intersection. From this intersection, the proposed project extends west for approximately 1/2 mile, then turns north to I-10.

From the north of I-10: Enter Daniel Blvd until it terminates. The proposed project begins at the end of Daniel Blvd and extends west to the Canal I-10 Service Road.

The central portion of the proposed project area can be accessed by Factory Shop Blvd. The proposed project would begin at the western terminus of Factory Shop Blvd and continue west.

18. Nature of Activity (Description of project, include all features)

See Attachment B.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

See Attachment B.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Imported select fill (free of contaminants) would be used for the construction of the proposed public use roadway and stormwater detention pond. The fill will be used to construct the road and bridge over I-10 to the appropriate grade and elevations.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Approximately 175,000 CY of imported select fill (silty clay loam).		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 98.38 acres. See Attachment B.

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See Attachment B.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See Attachment C.

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
USACE	404 & 408 (potential)		1/2024		
MSDMR	Wetlands		1/2024		
MDEQ	401 WQC, 402 NPDES Construction Stormwater		1/2024		
City of Gulfport	Floodplain/Stormwater		6/2024		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 1/25/2024
SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

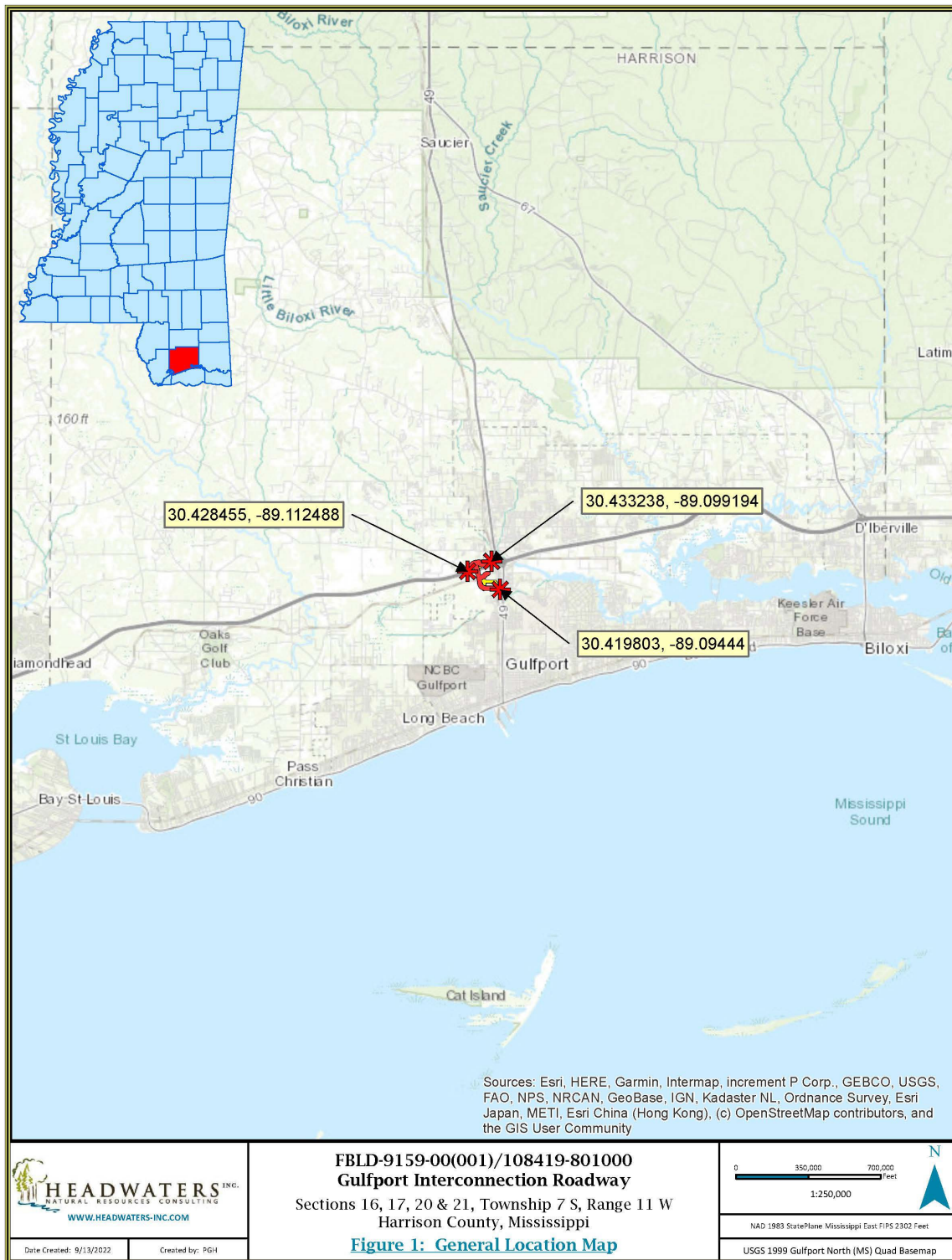


Figure 1. State and County Maps.

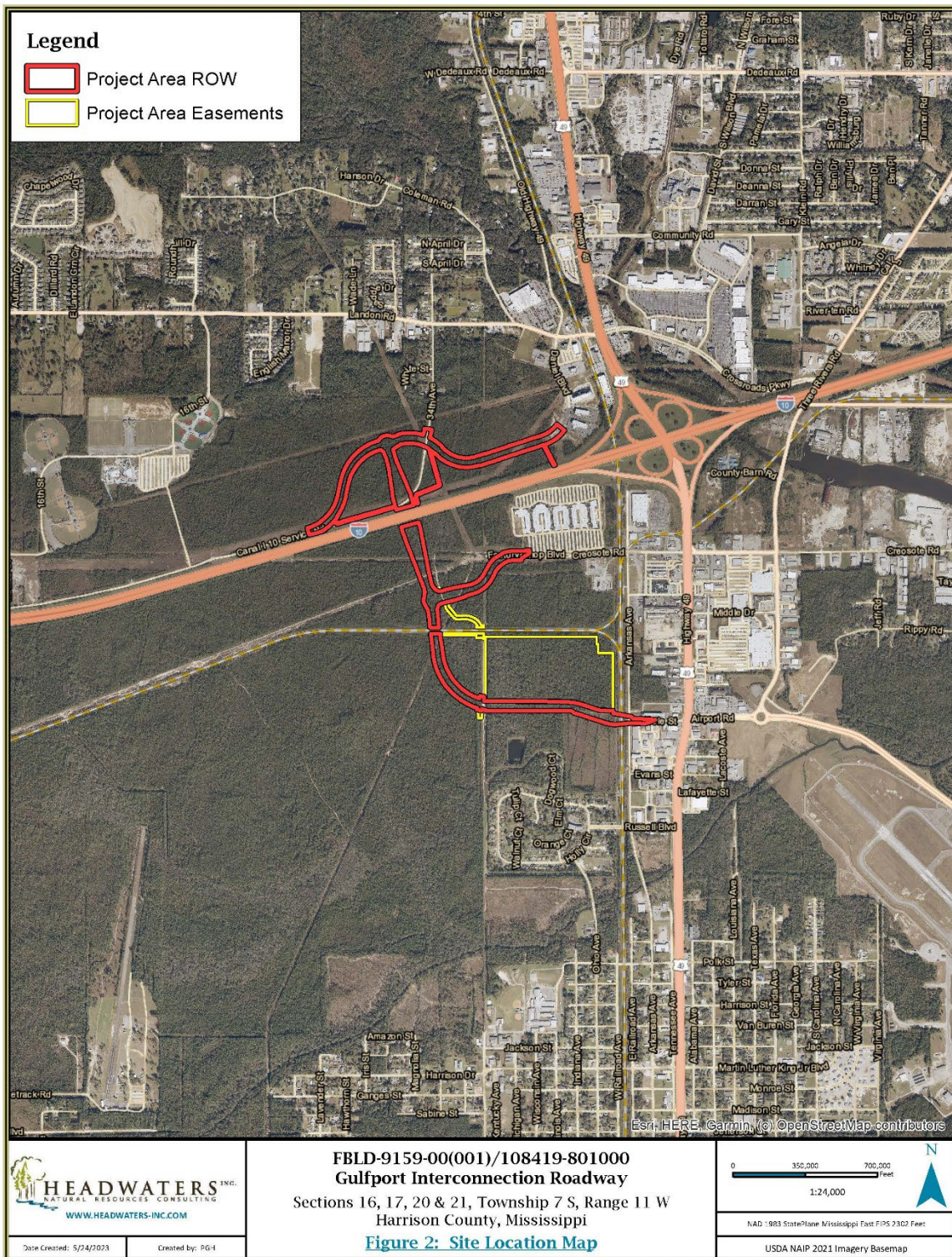


Figure 2. 2021 Aerial Photography for project area.

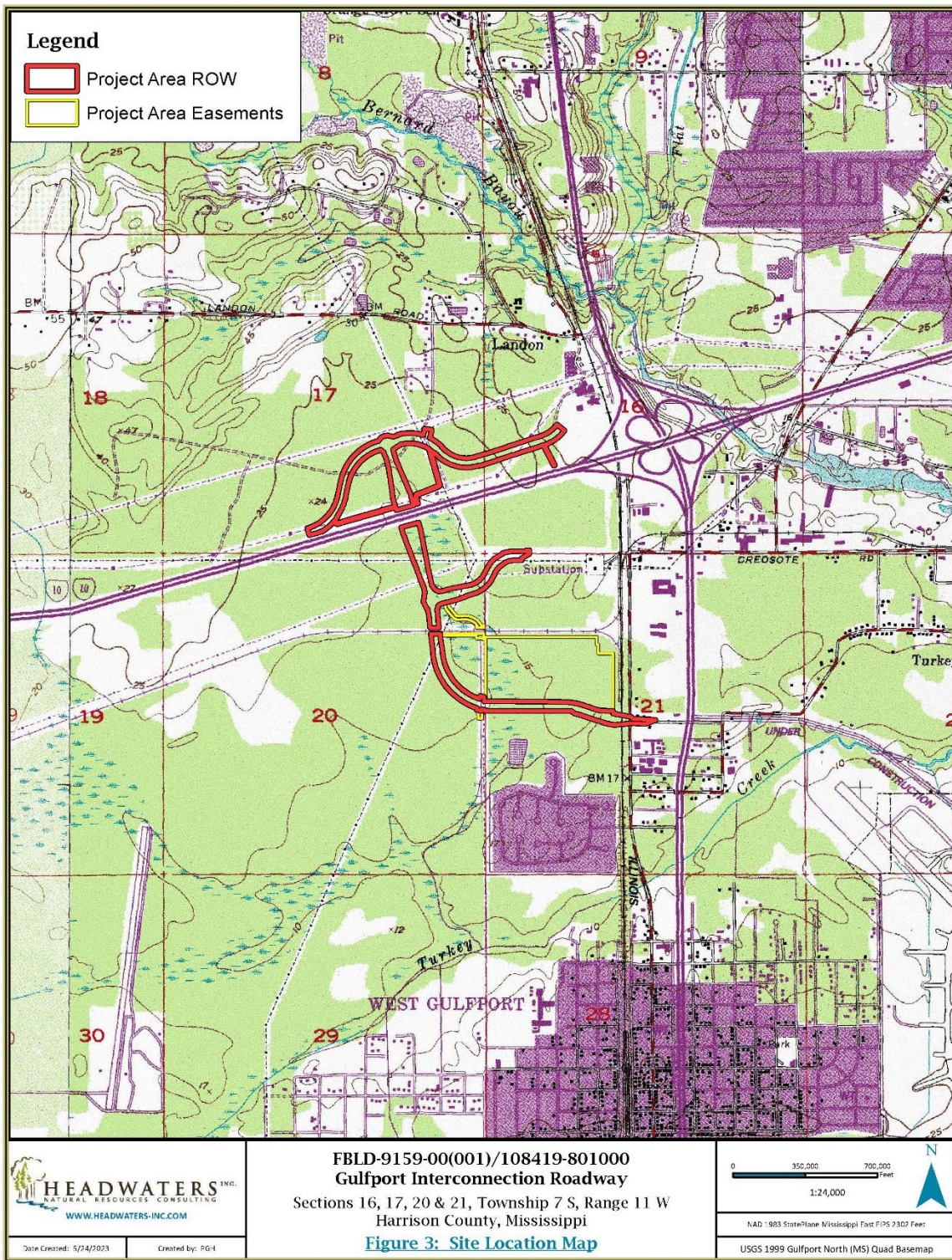


Figure 3. USGS Topographic Map for project area.

Attachment B

Additional Information for Application

Block 18. Nature of Activity

Block 19. Project Purpose

Block 22. Type of Material Being Discharged and Amount

Block 23. Description of Avoidance, Minimization, and Compensation

ADDITIONAL PERMIT APPLICATION INFORMATION

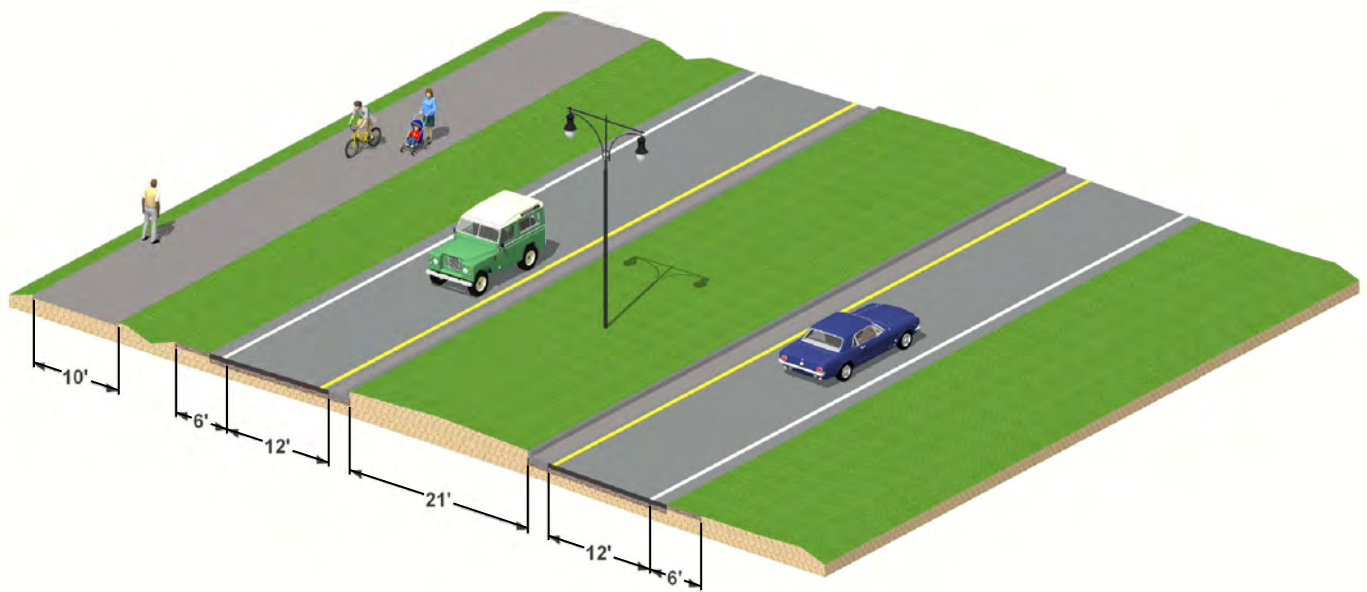
The Federal Highway Administration (FHWA) has prepared an Environmental Assessment for the proposed action and issued a Finding of No Significant Impact. As indicated in the EA, the subject route was selected for the proposed action. The EA is attached for additional information and reference. The figures that are referenced in this text are referencing figures within the EA.

18. NATURE OF ACTIVITY

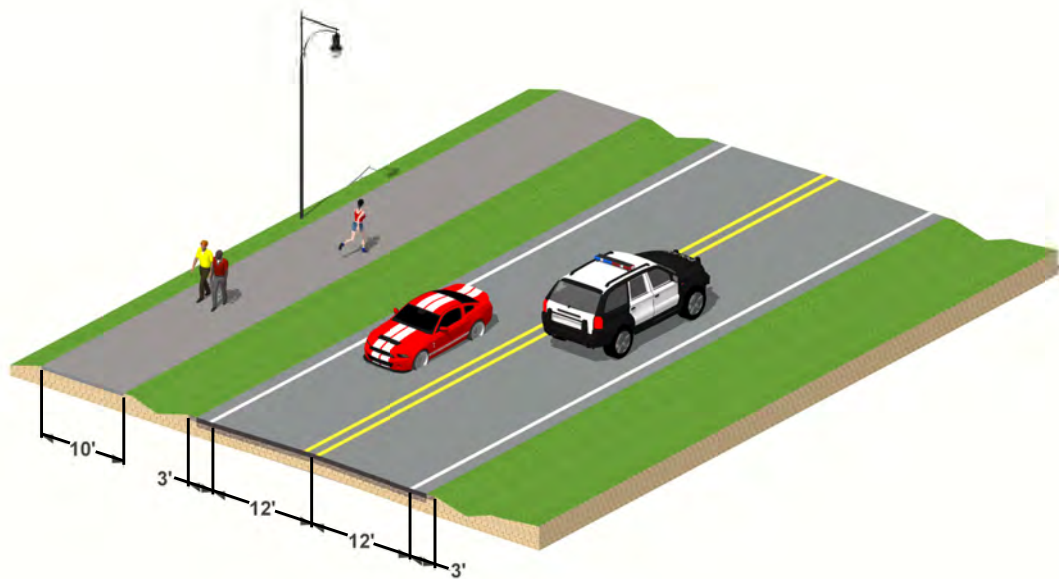
Alternative C begins on Poole Street at the eastern limit of a reconstructed intersection with Old US 49. A left turn lane will be provided on all four approaches on the reconstructed intersection. Intersection improvements will be constructed in a separate phase to connect the proposed project. The beginning point of the proposed project on Poole Street is the approximate western limit of the two-lane Poole Street-Airport Road intersection with US 49. From its beginning point, the proposed project continues west as a two-lane facility along the Poole Street corridor a short distance before starting a slight reverse curve to the north near the centerline of Old US 49. Accommodation for pedestrians and bicyclists begins on the western side of the reconstructed Poole Street/Old US 49 intersection. As the proposed project continues west from the intersection with Old US 49, the alignment would be a two-lane divided lighted roadway with the support ports for the lighting provided in the center of a raised median. During the process of making the reverse curve to the north, the alignment crosses the KCS railroad before finishing its curve. Establishing the reverse curve, enables the southern right-of-way needed for the proposed project to avoid the city's sanitary sewer lift station. Slightly before crossing the power line, the alignment then curves to the north and upon completing the curve crosses the KCS spur line at a location where stopped trains will not block the project's at-grade crossing of the railroad. North of the spur line crossing, a roundabout is proposed where the alignment intersects a southwest extension of the two-lane divided Factory Shop Boulevard. Between the spur line crossing and the roundabout, the proposed project curves to the northwest and at the roundabout Alternative C changes to a four-lane divided section as depicted below (Figure 3-5 of the EA) with pedestrian and bicyclist accommodations, as well as lighting in the center of the raised median. The accommodations for pedestrians and bicyclists on the extension of Factory Shop Boulevard is shown below (Figure 3-6 of the EA).

As the lighted four-lane divided section of the proposed alignment with accommodations for pedestrians and bicyclists continues northwest from the roundabout, the alternative crosses two sets of power lines, makes a bridged crossing over I-10, crosses another set of power lines and terminates at a roundabout intersection. The other two roads intersecting opposite each other at the roundabout are a relocated lighted section of the Canal I-10 Service Road having accommodations for pedestrians and bicyclists (Figure 3-9 of the EA shown below) and a lighted extension of the four-lane divided Daniel Boulevard having accommodations for pedestrians and bicyclists (Figure 3-10 of the EA shown below). 34th Avenue would connect to the north side of the extension of Daniel Boulevard slightly east of the roundabout. 34th Avenue does not have accommodations for pedestrians and bicyclists (Figure 3-11 of the EA shown below). Therefore, no accommodations for pedestrians and bicyclists are proposed for the short tie-in connection on 34th Avenue at its intersection with the extension of Daniel Boulevard.

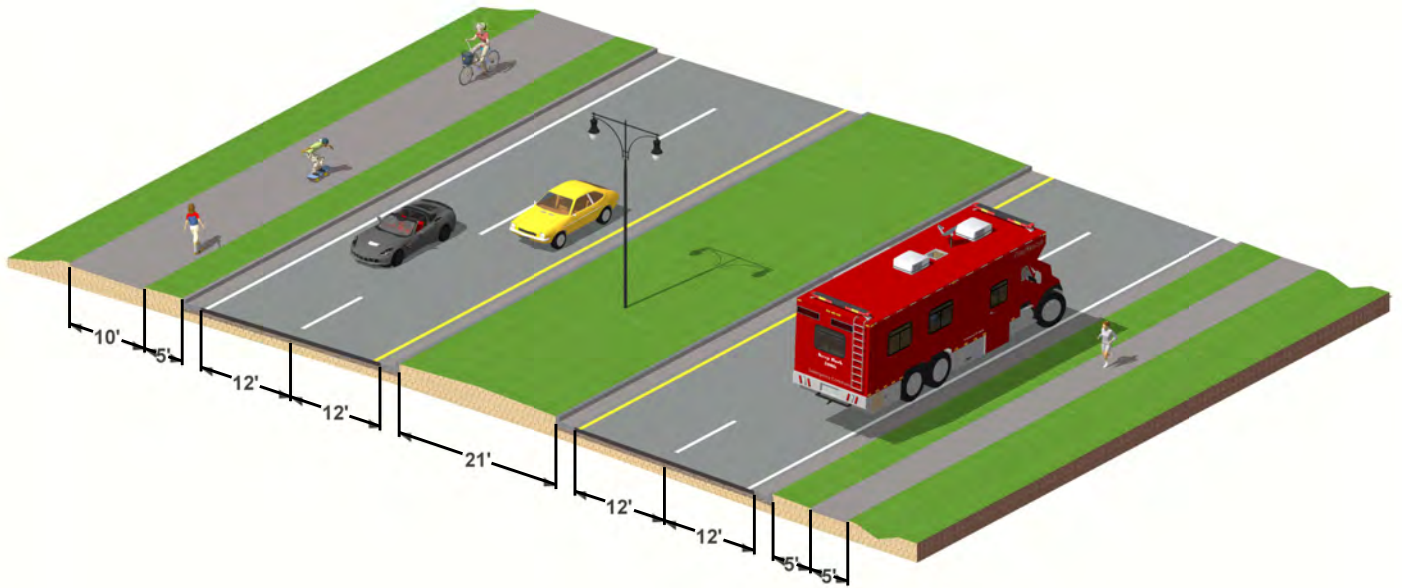




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19. PROJECT NEED AND PURPOSE

A need exists for a connection between the areas north and south of Interstate 10 to serve the existing commercial establishments and offer the public an alternative to the congested I-10/US 49 Interchange.

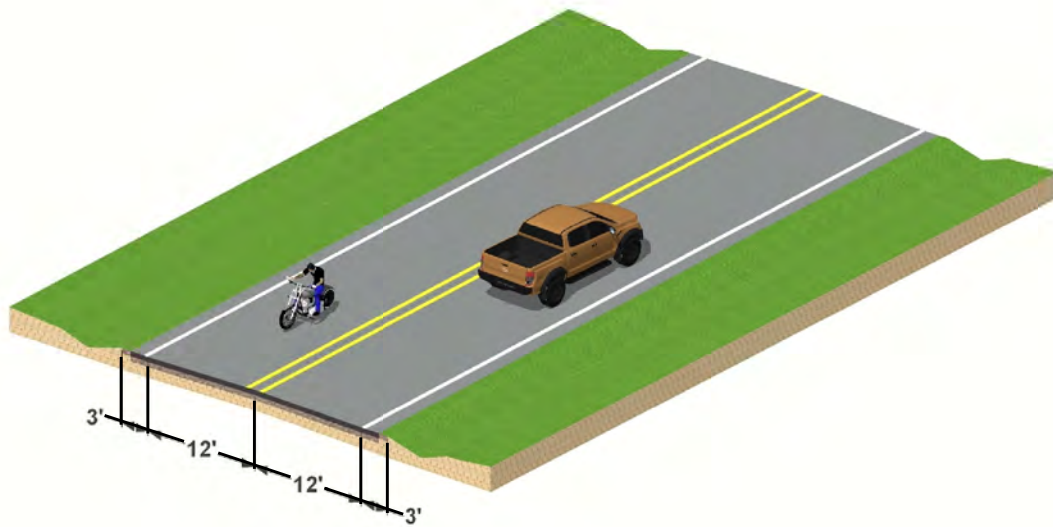
Prior to and after the construction of the interstate system in Mississippi, United States Highway 49 (US 49) has been the major north-south route for travel between Jackson, Mississippi, and Gulfport. The rural cloverleaf type interchange was constructed at the Interstate 10 (I-10) crossing of US 49 in the 1970s.

Since 1994, the City of Gulfport has more than doubled its size, due primarily to the annexation of 33 square miles north of the original city limits. Currently, Gulfport is the second largest urbanized area in the State of Mississippi with a population of nearly 210,000 residents.

The Mississippi Department of Transportation (MDOT) conducted a Planning and Environmental Linkage (PEL) study at the request of the City of Gulfport 2017 to: (1) identify the purpose and need for improvements within the I-10/US 49 Interchange area; (2) determine possible viable concepts for long-term solutions; and (3) recommend concepts for possible implementation. The concepts considered for improving traffic flow and safety on US 49 in the PEL study included providing an alternate route for travel west of US 49 connecting properties on the north and south side of the interstate. The route would require a bridged crossing of the interstate and utilize the local road network for connecting to US 49 north of I-10 at the Landon Road - Crossroads Parkway intersection and for connecting US 49 south of I-10 at the Creosote Road and Poole Street - Airport Road intersections.

After reviewing the information in the PEL Study, the city prepared and submitted an application for a 2019 Fiscal Year U.S. Department of Transportation BUILD grant. The city was awarded a 2019 BUILD grant titled "Interconnecting Gulfport" to consist of a base phase for engineering and an option phase 1 for construction of a two-lane roadway on new location from the Old Highway 49 / Poole Street intersection to Creosote Road, then four lanes over I-10 to Daniel Boulevard Extension.

The purpose of this project is to provide transportation infrastructure that will improve the flow of vehicular traffic around the Interstate 10 and US 49 interchange. The project will improve commuter, pedestrian, and bicyclist safety with a complete street concept.



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22. Surface Area in Acres of Wetlands or Other Waters Filled

Wetland Data Point Summary Table

Data Point	Wetland ID#	Site # OR Worksheet #	Latitude	Longitude	Approximate Station Number	Section-Township-Range	Area from ROW to ROW (Acres)	Cowardin Classification	Impact
DP1	W-1	1	30.428817	-89.111556	107+00	17, T7S, R11W	0.96	PEM	Permanent Fill = 0.38 Temporary Fill = 0.58
DP2	W-2	2,3,4,5,12,13	30.429542	-89.110927	112+05	17, T7S, R11W	11.84	PFO	Permanent Fill = 7.32 Temporary Fill = 4.43
DP6	W-3	6	30.432698	-89.106623	133+35	17, T7S, R11W	0.32	PEM	Permanent Fill = 0.20 Temporary Fill = 0.12
	W-4	7	30.432400	-89.106200	134+90	17, T7S, R11W	0.03	PEM	Permanent Fill = 0.01 Temporary Fill = 0.02
DP7	W-5	6,7,8,9	30.432465	-89.106007	135+00	17, T7S, R11W	5.67	PFO	Permanent Fill = 3.65 Temporary Fill = 2.02
DP10	W-6	10	30.432581	-89.101063	153+40	16, T7S, R11W	0.92	PEM	Permanent Fill = 0.60 Temporary Fill = 0.32
DP11	W-7	10	30.432483	-89.100906	153+40	16, T7S, R11W	0.90	PFO	Permanent Fill = 0.59 Temporary Fill = 0.31
	W-8	10	30.432200	-89.100000	155+40	17, T7S, R11W	0.06	PFO	Permanent Fill = 0.06
DP13	W-9	7	30.431382	-89.105823	135+25	17, T7S, R11W	0.25	PEM	Permanent Fill = 0.25
DP16	W-10	13	30.429905	-89.107542	19+38	17, T7S, R11W	0.36	PEM	Permanent Fill = 0.28 Temporary Fill = 0.08
DP17	W-11	14,15	30.428732	-89.106736	24+15	17, T7S, R11W	3.47	PFO	Permanent Fill = 2.62 Temporary Fill = 0.85
DP21	W-12	15,16	30.426607	-89.106206	30+65	20, T7S, R11W	0.89	PFO	Permanent Fill = 0.75 Temporary Fill = 0.14
	W-13	16	30.426300	-89.106500	33+22	20, T7S, R11W	0.34	PEM	Permanent Fill = 0.29 Temporary Fill = 0.05
DP22	W-14	16,17,29	30.425699	-89.106103	33+50	20, T7S, R11W	3.46	PFO	Permanent Fill = 3.25 Temporary Fill = 0.21
	W-15	18	30.423800	-89.106000	42+65	21, T7S, R11W	0.59	PFO	Permanent Fill = 0.54 Temporary Fill = 0.05
DP24	W-16	18	30.422932	-89.105801	44+50	20, T7S, R11W	0.47	PEM	Permanent Fill = 0.39

									Temporary Fill = 0.08
DP25	W-17	18, 19, 20	30.422524	-89.105604	45+65	20, T7S, R11W	4.17	PFO	Permanent Fill = 3.59 Temporary Fill = 0.58
DP27	W-18	20, 21, 35	30.420497	-89.102823	58+95	21, T7S, R11W	16.10	PFO	Permanent Fill = 16.10
DP29	W-19	21, 22, 23, 35	30.420403	-89.099051	66+50	21, T7S, R11W	41.41	PFO	Permanent Fill = 41.41
DP30	W-20	23, 24	30.420148	-89.097670	73+00	21, T7S, R11W	1.31	PEM	Permanent Fill = 1.24 Temporary Fill = 0.07
DP34	W-21	24	30.419907	-89.095739	81+85	21, T7S, R11W	0.23	PEM	Permanent Fill = 0.19 Temporary Fill = 0.04
	W-22	29, 30, 33	30.425800	-89.105400	102+05	20, T7S, R11W	1.28	PFO	Permanent Fill = 1.24 Temporary Fill = 0.04
DP35	W-23	30, 31	30.425756	-89.104010	105+30	20, T7S, R11W	1.38	PFO	Permanent Fill = 1.01 Temporary Fill = 0.37
DP36	W-24	30, 31	30.426309	-89.103130	109+00	21, T7S, R11W	0.52	PEM	Permanent Fill = 0.43 Temporary Fill = 0.09
	W-25	30, 31	30.426300	-89.103000	110+20	21, T7S, R11W	0.19	PFO	Permanent Fill = 0.09 Temporary Fill = 0.10
DP37	W-26	31	30.426937	-89.102532	111+40	21, T7S, R11W	0.63	PFO	Permanent Fill = 0.49 Temporary Fill = 0.14
DP38	W-27	34	30.423768	-89.104520	42+65 (in easement)	20, T7S, R11W	0.27	PFO	Temporary Fill = 0.27
DP25	W-28	15	30.422524	-89.105604	30+00	20, T7S, R11W	0.36	PEM	Permanent Fill = 0.29 Temporary Fill = 0.07

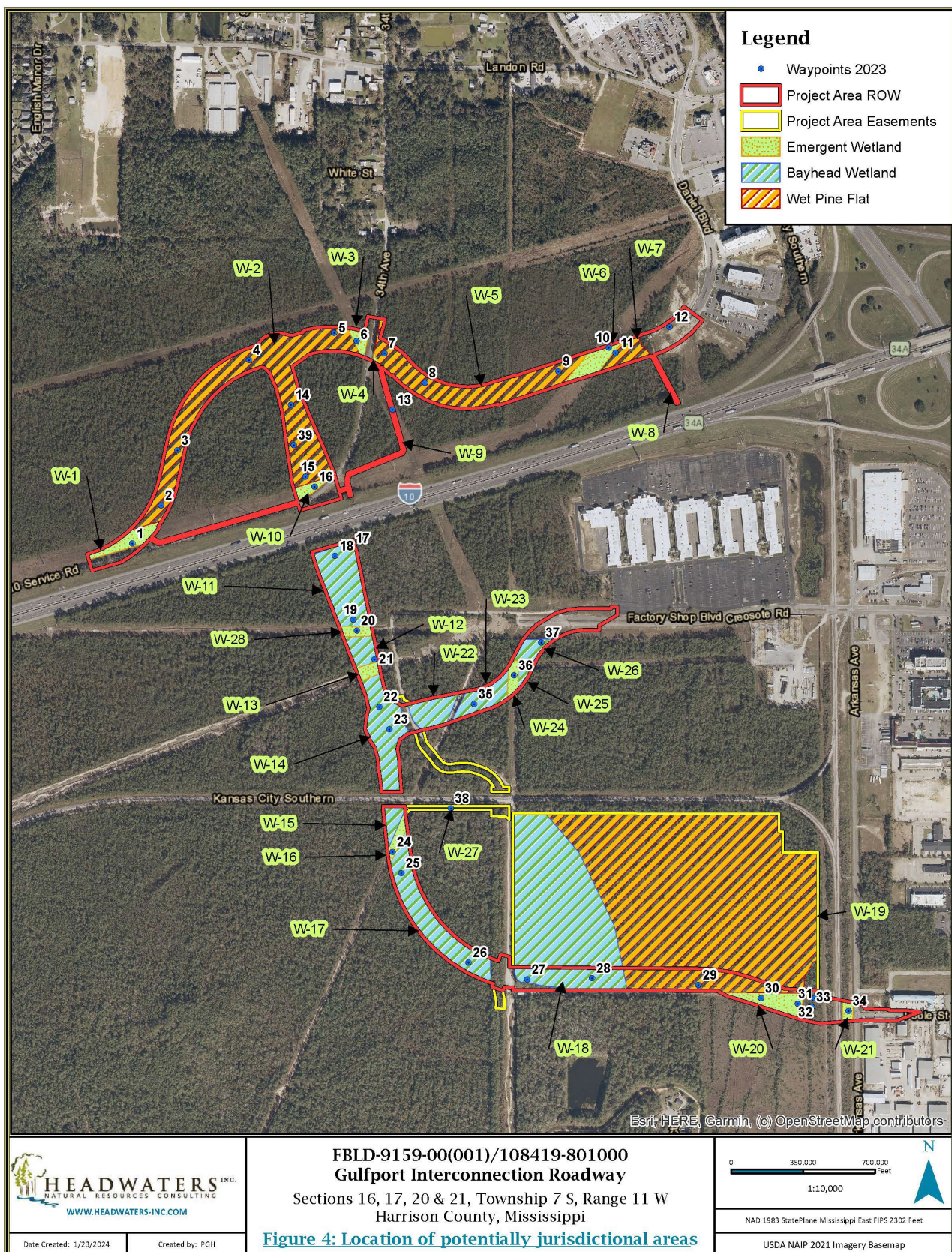
DP- Data point- collection point for sampling data for wetland assessment

W- Wetland- areas described as wetlands

PFO- Palustrine Forested

PEM- Palustrine Emergent

Wetland Summary:	6 Total Present (acres)	Permanent Fill (acres)	Temporary Fill (acres)
Forested:	92.31	82.80	9.51
Shrub-Scrub:	0	0	0
Emergent:	6.07	4.55	1.52
Total	98.38	87.35	11.03



23. Description of Avoidance, Minimization, and Compensation

The alternative identification process involves an examination of transportation issues and consideration of constraints while satisfying the project purpose and need. After conducting a screening process of the initial alternatives under consideration, one or more build alternatives were advanced alongside a no-build alternative for further study and analyzed in-depth in terms of their ability to meet the purpose and need of the proposed project while still taking practicable measures to avoid, minimize, and mitigate potential impacts to the human and natural environments.

The concepts in the Planning and Environmental Linkage (PEL) were evaluated using a three-tiered screening process. These tiers were fatal flaw screening, refinement process screening and detailed evaluation screening of concepts. The successful concepts at each level were advanced to the next screening level for further evaluation, while the unsuccessful concepts were eliminated from further consideration. Decisions made during the screening process were thoroughly documented in the PEL study.

A detailed analysis of the alternatives was conducted in the referenced EA on pages 3-1 to 3-25.

Mitigation would be performed in the Turkey Creek Watershed pending availability. If no compensatory mitigation is available within the Turkey Creek Watershed, mitigation would be sought at other mitigation banks as required by USACE.