



REPLY TO
ATTENTION OF:

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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2017-00449-KMN

May 10, 2017

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
AND
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-150277**

**REQUEST TO FILL WATERS OF THE UNITED STATES FOR DEVELOPMENT OF AN
ADDITION TO A RESIDENTIAL SUBDIVISION GULFPORT, HARRISON COUNTY,
MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: B&W Land Company, LLC
Attention: Randy Wrigley
Post Office Box 930
Ocean Springs, Mississippi 39562

AGENT: D.R. Sanders and Associates, Inc.
Attention: Mr. Dana Sanders, Jr.
4017 Lake Wilma Road
Moss Point, Mississippi 39562

LOCATION OF WORK: The proposed project is located west of Canal Road along and south of Hutter Road and north of Interstate 10 in Gulfport, Mississippi. The site is located on approximately 30.54 acres in Section 13, Township 7 South, Range 12 West, Gulfport, Harrison County, Mississippi, Latitude 30.4308° N, Longitude -89.1399° W. The area is depicted on the Mississippi Gulfport NW Quadrangle, United States Geological Survey Topographic Map.

WATERWAY: Un-named Tributary to Turkey Creek

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PROJECT PURPOSE: The purpose of the project is for the development of an addition to include 81 single family residential lots in Magnolia Springs Subdivision.

PROPOSED WORK: The proposed Addition of Magnolia Springs Subdivision is located on 30.54 acres which contain approximately 7.0 acres of wetlands and other waters of the United States and 23.54 acres of non-wetlands. The 7.0 acres of on-site wetlands consist of 1.40 acres of Pine Savannah Wetlands and 5.60 acres of Bottomland Hardwood Wetlands. The applicant proposes to impact 2.04 acres of on-site wetlands. The on-site wetlands to be impacted consist of approximately 1.4 acres of pine savannah wetlands and 0.64 acre of bottomland hardwood wetlands. Other waters on the project site is an un-named tributary to Turkey Creek which traverses the central portion of the property through the bottomland hardwood wetlands. The impact to other waters proposed on-site consist of construction of a culverted road crossing.

SITE HISTORY:

SAM-2008-00900-KMN: On October 1, 2009, the applicant obtained a DA Permit for the construction of an apartment complex. The applicant was authorized to fill 2.18 acres of forested palustrine wetlands for the multi-family residential complex. As mitigation for impacts to 2.18 acres of wetlands, the permittee was to purchase 4.2 forested palustrine wetland restorations credits and place a restrictive covenant on the remaining 1.47 acres of on-site wetlands. August 18, 2009, the applicant purchased 4.2 wetland mitigation credits from Wetland Solutions, Devil's Swamp Phase I. On September 18, 2009, the applicant placed a restrictive covenant on the remaining on-site wetlands. (The new project as proposed would place a roadway through the most northern portion of the wetlands placed in the restrictive covenant.)

SAM-2015-00411-KMN: Phases I, II, and III of Magnolia Springs Subdivision are located west of the currently proposed site (Addition). Phase I of the subdivision was constructed in non-wetlands. On January 12, 2016, the applicant obtained a DA permit for the completion of Phase II and construction of Phase III of Magnolia Springs Subdivision. The applicant was authorized to fill 6.38 acres of medium quality pine savannah wetlands and 0.23 acre of high quality bottomland hardwood wetland associated with completion of Phase II and construction of Phase III of Magnolia Springs Subdivision. Fill was to be placed in three lots (34, 35 and 36) of Phase II as well as impacts consisting of 5 detention ponds and 4 road crossings in Phase III. Other water on the project site was an unnamed tributary to Turkey Creek. This tributary was to be impacted by the construction of one culverted road crossing. Mitigation for the proposed impacts to 6.38 acres of medium quality pine savannah wetlands and 0.23 acre of high quality bottomland hardwood wetlands required

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purchase of 19.14 pine savannah wetland credits from Wetland Solutions, Devil's Swamp Phase I and 0.92 bottomland hardwood wetland credit from the Wetland Solutions' George County Mitigation Bank. January 18, 2016, the applicant purchased 19.14 pine savannah wetland credits from Wetland Solutions, Devil's Swamp Phase I and 0.92 bottomland hardwood wetland credit from the Wetland Solutions' George County Mitigation Bank.

AVOIDANCE & MINIMIZATION: As part of their avoidance measures, the applicant evaluated five off-site properties as possible locations for the proposed development. Avoidance of on-site wetland impacts occurred through limiting house lots to the non-wetland areas. During construction the applicant proposes minimization of wetland impacts through use of Best Management Practices to ensure that additional wetlands outside the project footprint not be affected. The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands through the purchase of mitigation credits from a wetlands mitigation bank approved by the Mobile District, U.S. Army Corps of Engineers. The USACE has not verified the adequacy of this mitigation proposal at this time

WATER QUALITY: The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made by the Mississippi Department of Environmental Quality.

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 effect cultural and historic properties within the permit area. In addition to the State Historic Preservation Officer, we are seeking comment from the federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which are known to exist and would be affected by the proposed work.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will have no effect on any listed endangered or

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threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based.

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.

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, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2017-00449-KMN** and should be directed to: U.S. Army Corps of Engineers, Regulatory Division, Mississippi Field Office, Attention: Kaaren M. Neumann, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, with a copy furnished to the

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Mississippi Department of Environmental Quality, Office of Pollution Control,
Environmental Permitting Division, **Attention: Florance Watson**, Post Office Box 2261,
Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources,
Attention: Chris Pickering, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi
39530.

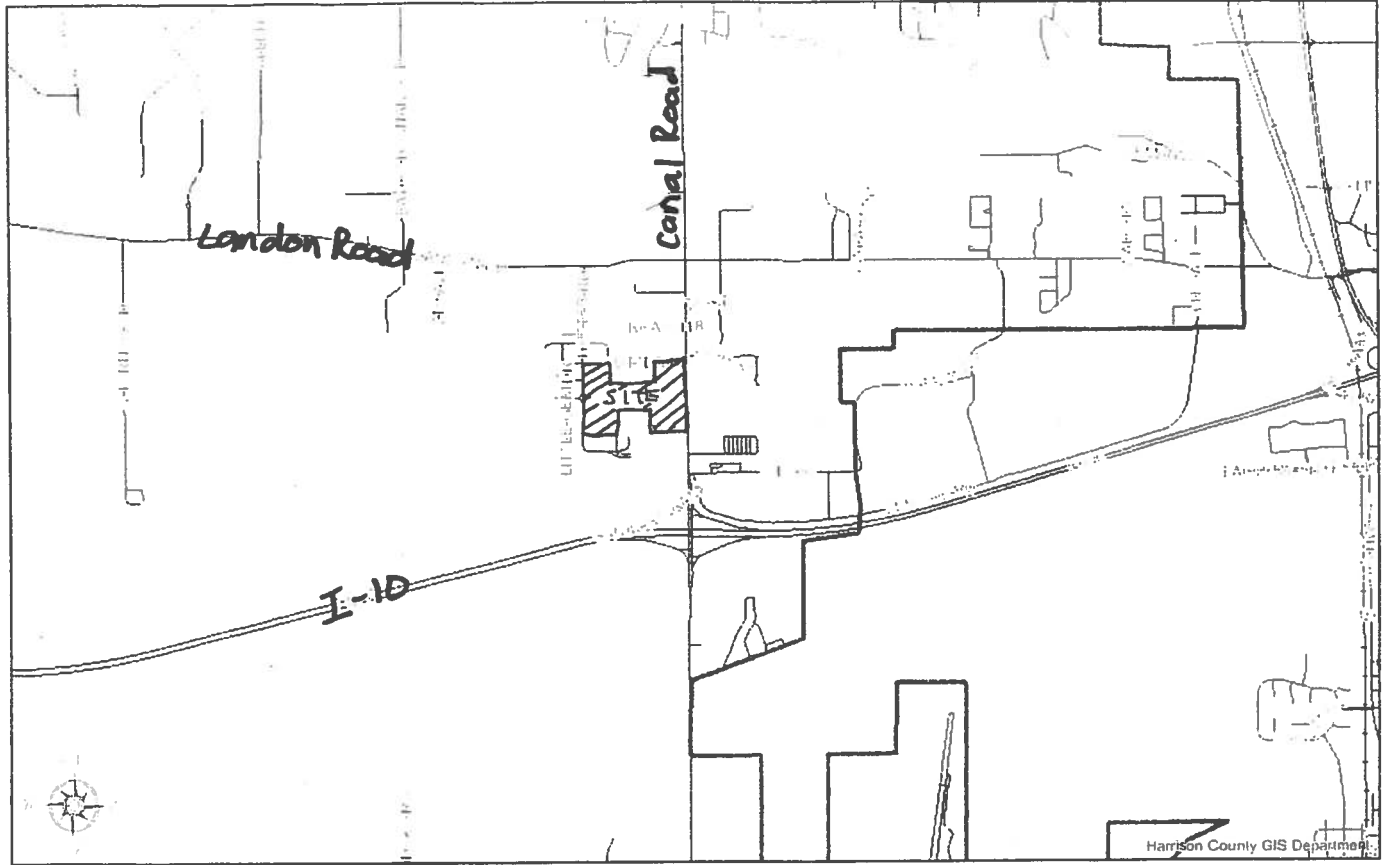
All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (228) 523-4024, or by e-mail at kaaren.m.neumann@usace.army.mil . Please refer to the above Public Notice number SAM-2017-00449-KMN.

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

Enclosures

FIGURE 1. SITE LOCATION MAP FOR MAGNOLIA SPRINGS ADDITION, GULFPORT, MS



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 3, 2017

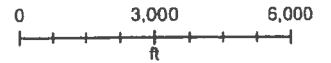


FIGURE 2. WETLAND DELINEATION FOR MAGNOLIA SPRINGS SUBDIVISION ADDITION, GULFPORT (HARRISON COUNTY) MS

TOTAL AREA = 30.54 ACRES

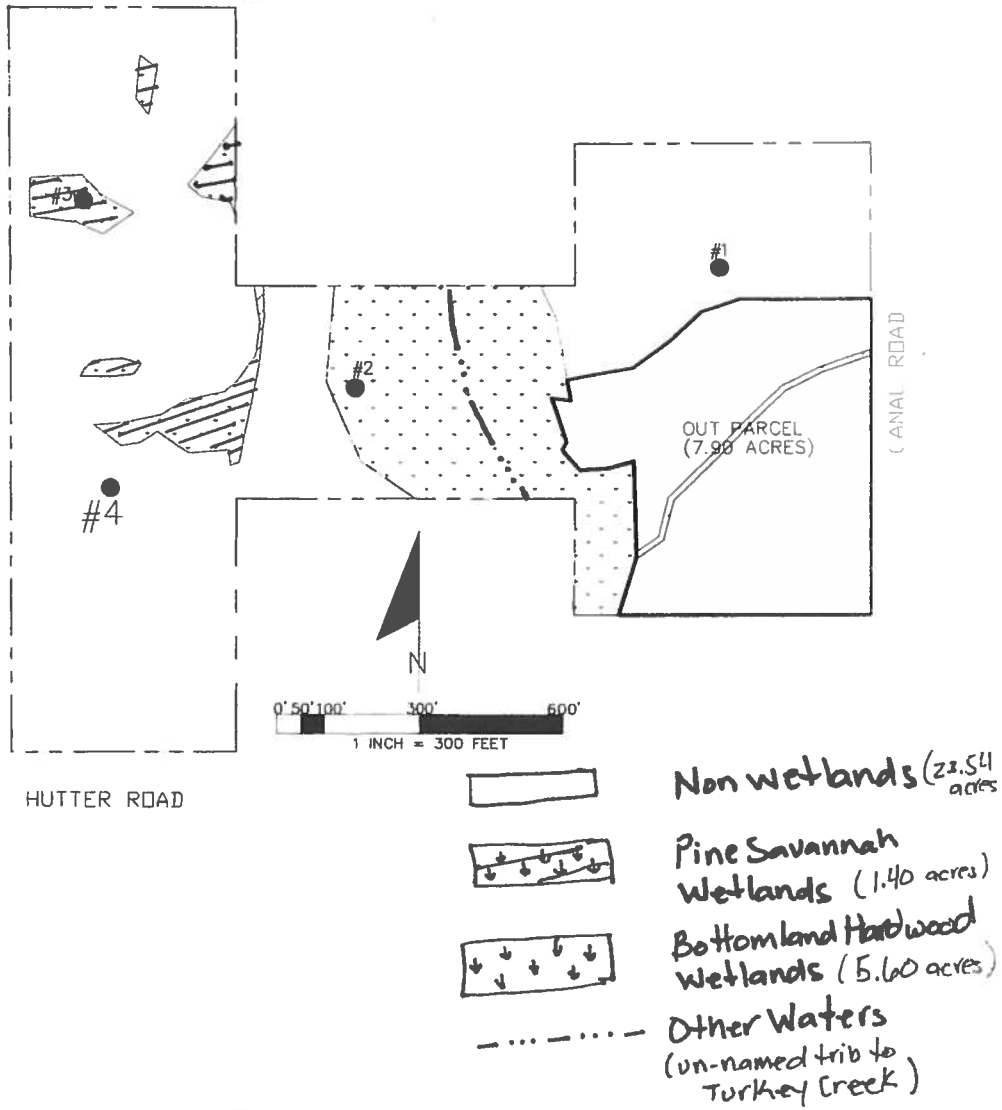


FIGURE 2. PLAN VIEW MAGNOLIA SPRINGS SUBDIVISION,
SUBDIVISION, GULFPORT (HARRISON COUNTY) MS

TOTAL AREA = 30.54 ACRES

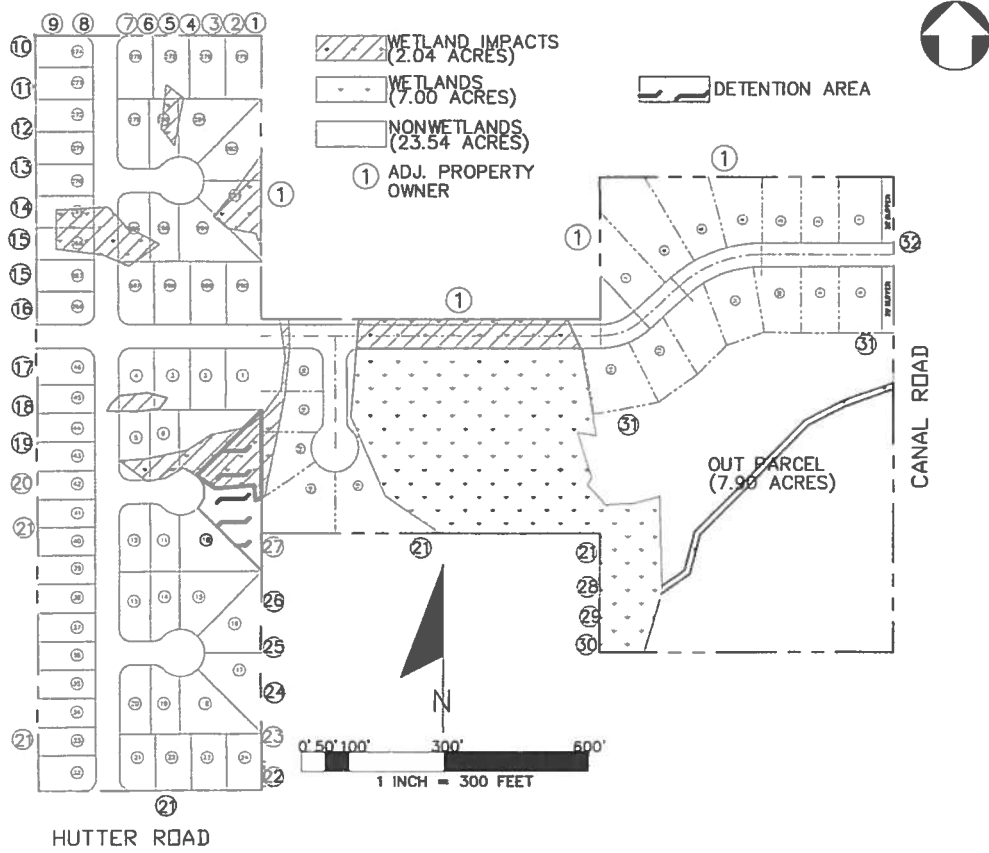


FIGURE 3. TYPICAL LOT

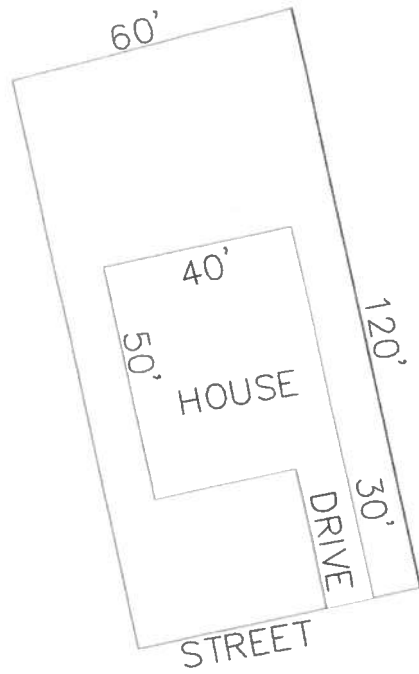


FIGURE 4. TYPICAL CROSS-SECTION OF FILL IN REAR OF LOT (N.T.S.)

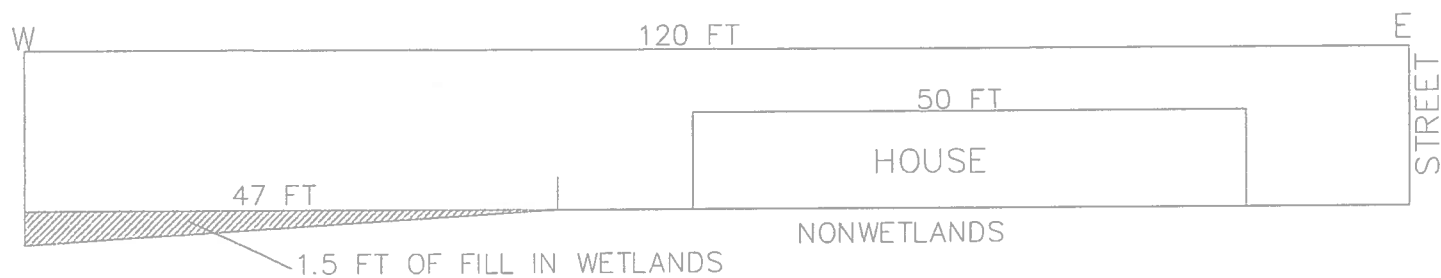
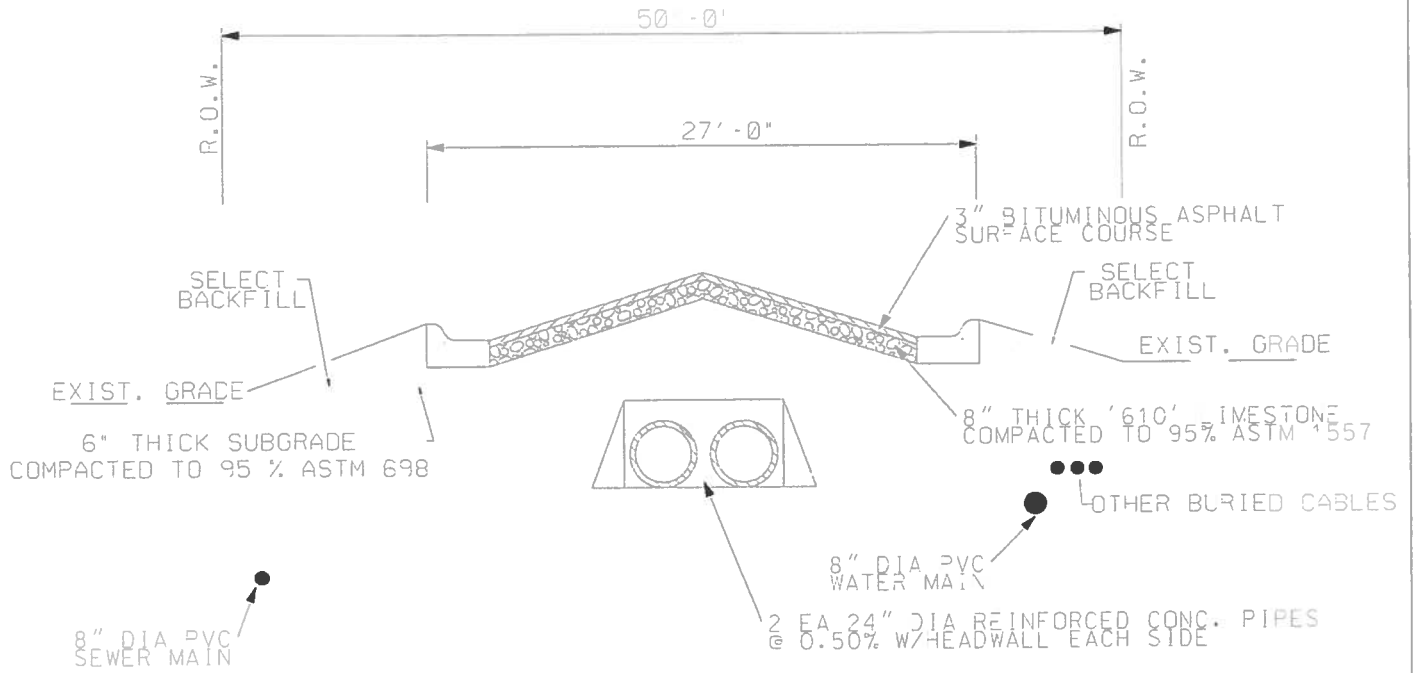


FIGURE 5. SECTION VIEW OF ROAD CROSSING.



ROAD CROSS-SECTION DETAIL
NOT TO SCALE


 RUNSEY CONSULTING ENGINEERING, INC.
PLANNING, SURVEYING, DESIGN
910 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
(228) 432-9344

FIGURE 6. TYPICAL LONGITUDINAL SECTION OF ROAD THROUGH WETLANDS (NTS)

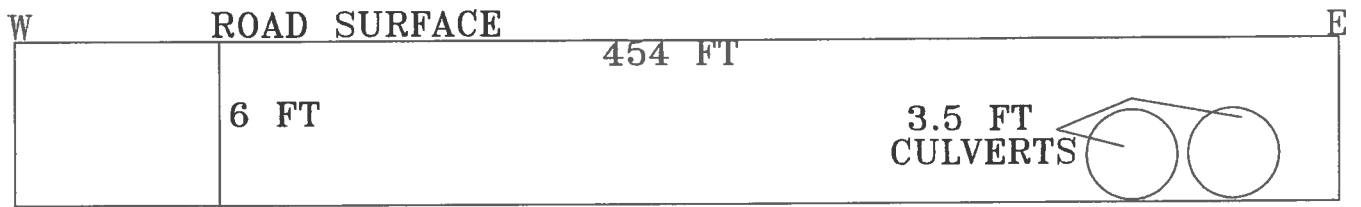


FIGURE 7. TYPICAL CROSS-SECTION OF PROPOSED DETENTION BASIN

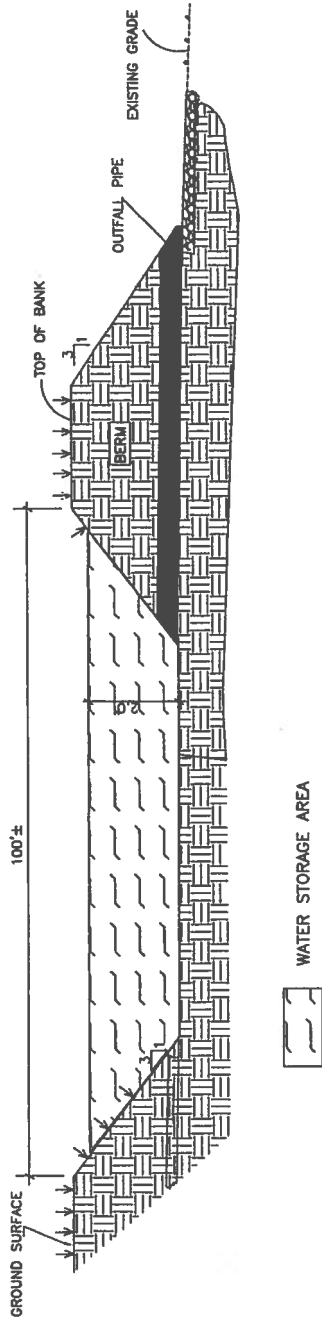


FIGURE 2. WETLAND DELINEATION FOR MAGNOLIA SPRINGS SUBDIVISION ADDITION, GULFPORT (HARRISON COUNTY) MS

TOTAL AREA = 30.54 ACRES

