



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

REPLY TO  
ATTENTION OF:

**CESAM-RD-M-S  
PUBLIC NOTICE NO. SAM-2004-03387-RCV**

**September 6, 2018**

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

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL**

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**PROPOSED NEW AND AFTER-THE-FACT IMPACTS FOR A RESIDENTIAL SUBDIVISION,  
IN WETLANDS ADJACENT TO DAVIS BAYOU, OCEAN SPRINGS, JACKSON 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. Please communicate this information to interested parties.

APPLICANT: **Madison Place, LLC  
Attention: Mr. Edward Riecke  
Post Office Box 3127  
Slidell, Louisiana 70459-3127**

AGENT: **D. R. Sanders and Associates  
Attention: Mr. Dana R. Sanders, Jr.  
7129 East Central Park Drive  
Moss Point, Mississippi 39562**

LOCATION OF WORK AND WATERWAY: **The project is in wetlands adjacent to Davis Bayou, Section 24, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi (Latitude 30.41474 and Longitude -88.74631).**

PROJECT PURPOSE: **The basic project purpose of the proposed development is the completed construction of a 73-lot, commercial residential subdivision development, including all utility lines, and internal roads. The U.S. Army Corps of Engineers (USACE) has initially determined this project to be non-water dependent.**

EXISTING CONDITIONS: **The property is located on a 52.41-acre tract east of Reilly Road and east of the existing Gibson Road, with residential development to the east and south with undeveloped acreage to the north. The proposed project site currently has residential lots with forested acreage having dense saplings and shrubs. The acreage has a hardwood drainage flowing from north to south along the eastern portion of the property. The total area of wetlands proposed to be impacted within the project**

area is 17.89 acres of which 12.47 acres were previously mitigated under the expired 2010 permit (SAM-2004-03387-MNS). Under current wetland delineations the remaining 5.42 acres will require additional compensatory wetland mitigation. This includes 5.31 acres of low quality pine savanna wetlands that will require 10.62 wetland mitigation credits, and 0.11 acre of medium quality hardwood bottom wetlands that will require 0.33 wetland mitigation credit.

**ALTERNATIVES:** Alternative sites were evaluated. The applicant states the proposed preferred site is the only property available that meets the required criteria for the project location. Selection criteria for the location of the preferred alternative was based upon the size of the property, target client population, location, accessibility, traffic, environmental, cultural, site availability and costs. On-site alternatives were considered for environmental concerns and available nonwetlands, while still providing an economically viable project.

**PROPOSED WORK:** The Madison Place Subdivision project is proposed to complete construction of a residential subdivision on a 52.41-acre tract. New impacts will involve the discharge of 2.0 feet of fill material, resulting in the elimination of all wetlands characteristics. This project was previously permitted in 2010, in which 12.47 acres of wetland was proposed as impacted. Due to the down turn in the economy, the project was not completed. Of the original 12.47 acres of proposed fill, 6.23 acres of wetland were filled with the construction of roads, utilities, detention pond and residential lots. In January 2018, the property owner proceeded to clear and fill 1.59 acres of previously permitted and mitigated acreage in order to build houses on 14 lots. These are considered "After the Fact" (AFT) since the permit had expired in 2015. Current authorization for 11.66 acres is requested for the remaining 4.65 acres, 1.59 acres of AFT impacts, and an additional 5.42 acres required under current delineation standards (See figure 2).

**AVOIDANCE & MINIMIZATION:** Two wetland parcels located south of Madison Pace Drive totaling 14 acres and 9.07 acres will remain preserved under a Conservation easements as originally permitted in 2010. A 3.18-acre hardwood drainage on the east side of the project site will also be avoided. No other on-site configuration could be offered that would result in fewer wetland impacts. The applicant states that minimization of wetland impacts will be carried out by best management practices (i.e. over-seeding) will be carried out in all areas where bare ground exists in order to minimize sediment loading of surface runoff. Silt fences will be constructed and maintained to prevent sedimentation. The USACE has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

**MITIGATION:** The applicant proposes to purchase sufficient number of in-kind credits from a USACE approved mitigation bank. The applicant proposes to mitigate the impacts of 5.31 acres of low quality wet pine savanna by purchasing 10.62 pine savanna credits from an IRT-approved wetlands mitigation bank. In addition, the 0.11 acre of medium quality hardwood bottom wetlands will require 0.33 wetland mitigation credit.

**The 23.07 acres of pine savanna wetlands will remain in preservation as originally permitted. The USACE has not verified the adequacy of this mitigation proposal at this time.**

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 (DEQ).

**HISTORIC PROPERTIES:** The National Register of Historic Places (NRHP) will be consulted for properties listed in or eligible for the National Register, which would be affected by the proposed work. Copies of this notice are being sent to the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services for further consultation and comments. **Previous investigations for the facility have determined that no properties are listed in or eligible for listing in the NRHP.** In accordance with Appendix C of 33 CFR Part 325, the USACE has determined the permit area is the full area of development for the overall project footprint. Copies of this public notice are being sent to the SHPO.

**ENDANGERED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the proposed activity may require additional coordination with the U.S. Fish and Wildlife Service (FWS). The gopher tortoise is the only Federally listed species that could potentially occur on this site knowing the presence of marginal suitable soils, and to the lack of any supporting habitat that might otherwise be potentially occupied by red-cockaded woodpeckers, Louisiana quillwort, Mississippi gopher frog, Mississippi Sandhill Crane, Alabama Red Bellied Turtle, or other Federally listed species that may occur temporarily or otherwise in coastal Mississippi.

**The site was surveyed by the agent representing the applicant and no evidence of occupancy (burrows or tracks) was found, allowing the conclusion the site is not occupied by gopher tortoises. Additional coordination will be performed with the FWS on the proposed project.**

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the 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, cultural values, fish and wildlife values, protected species, 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.

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 for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

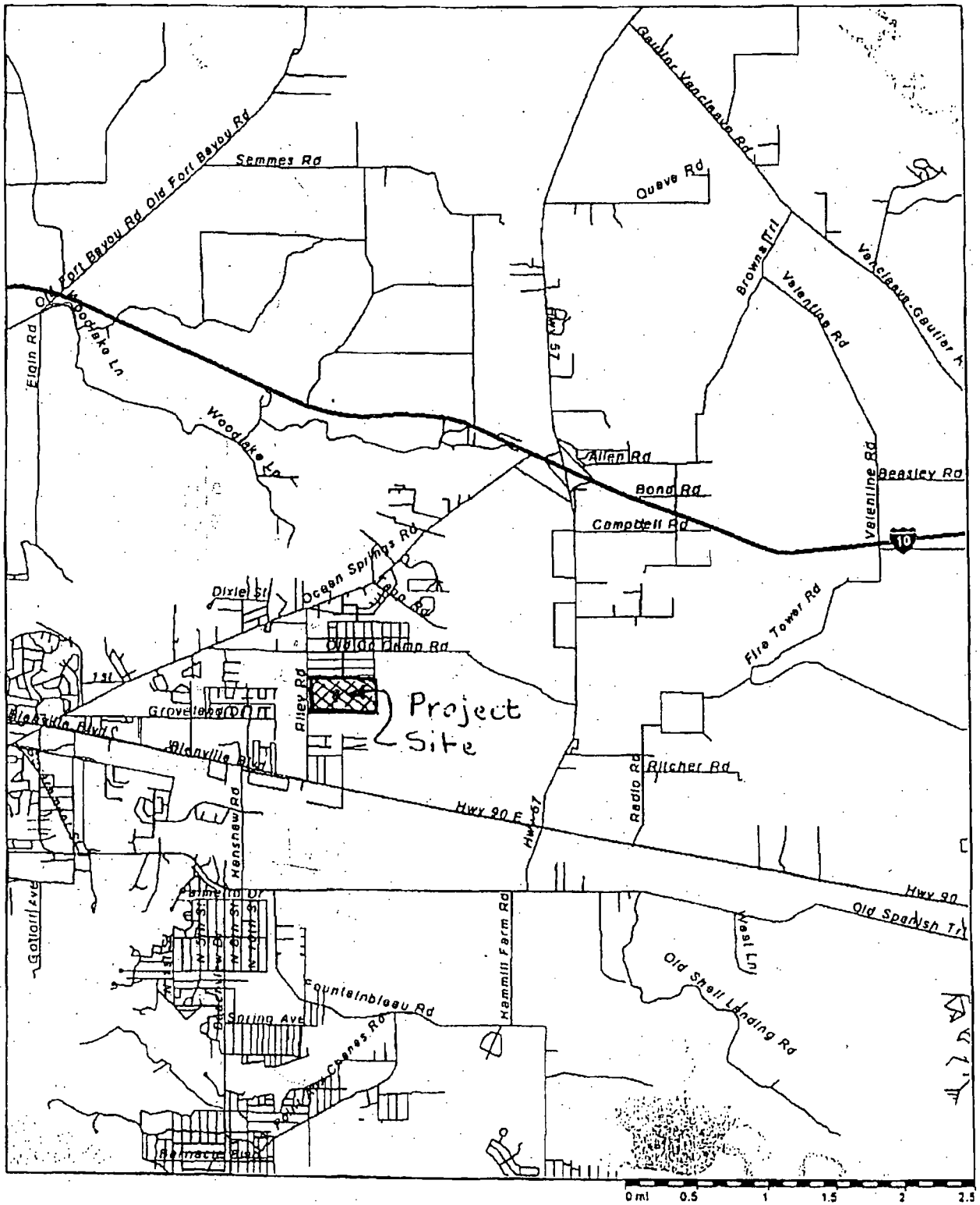
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2004-03387-RCV**, and should be directed to the District Engineer, USACE, CESAM-RD, Attention: **Mr. Rudolph C. Villarreal**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the DEQ, Office of Pollution Control, Attention: Ms. Florance Bass, P.E., Post Office Box 2261, Jackson, Mississippi 39225-2261, and the Mississippi Department of Marine Resources, **Attention: Mr. Greg Christodoulou**, 1141 Bayview Avenue, Suite 101, 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 (251) 690-3246, or at [rudolph.c.villarreal@usace.army.mil](mailto:rudolph.c.villarreal@usace.army.mil). 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).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



SAM-2004-03387-RCV

Vicinity



# **MADISON PLACE SUBDIVISION PROPOSED LOT LAYOUT** **OCEAN SPRINGS, MS 7/2018**

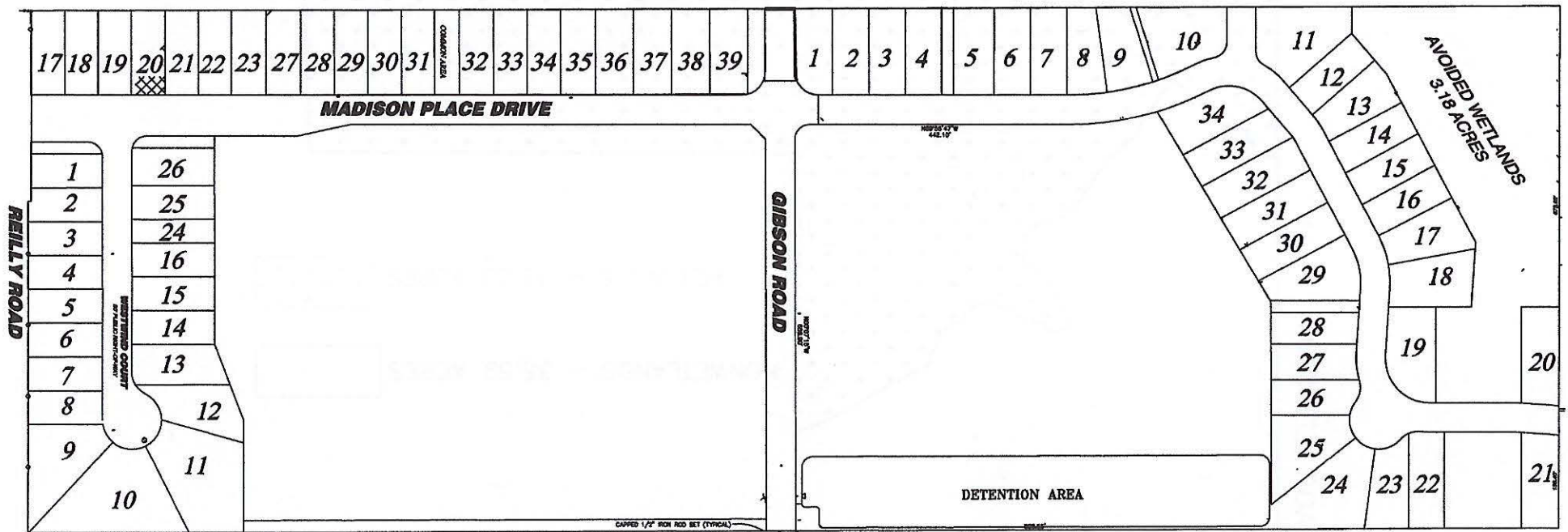


Figure 1 SAM-2004-03387-RCV  
Proposed Layout

# **MADISON PLACE SUBDIVISION OCEAN SPRINGS, MS**

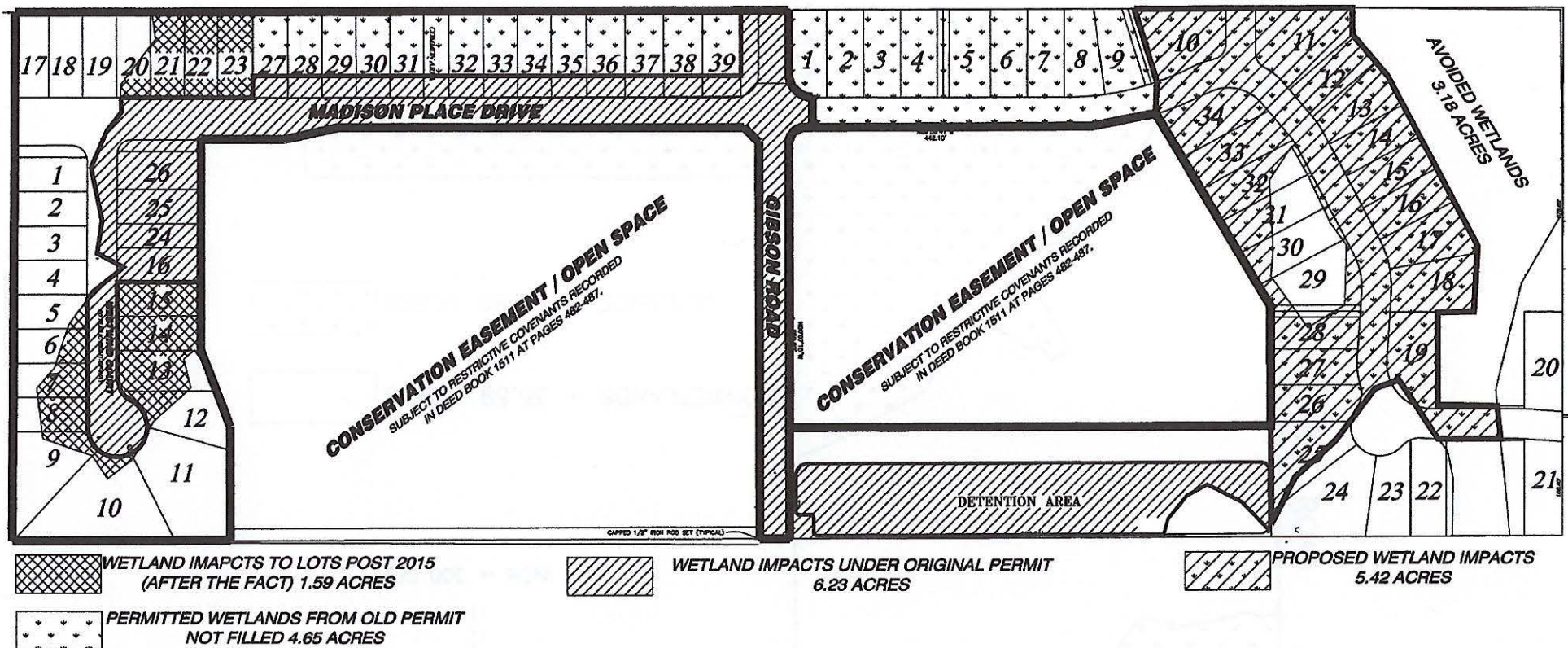


Figure 2 SAM-2004-03387-RCV  
Past, Current & Future impacts with acreage