



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-C
PUBLIC NOTICE NO. SAM-2012-00179-MJF

October 23, 2018

JOINT PUBLIC NOTICE SAM-2012-00179-MJF
U.S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-130058

PERMIT MODIFICATION #2
PROPOSED IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF A CAR
DEALERSHIP, JACKSON COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbors Act of 1899 and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: **Marshall Smith & Mac McInnis**
P.O. Box 8682
Moss Point, Mississippi 39563

AGENT: **BMI Environmental Services, LLC**
521 34th Street
Gulfport, Mississippi 39507

LOCATION: **Wetlands associated with the Escatawpa River, Section 18, Township 7 South, Range 5 West, Jackson County, Mississippi (Latitude 30.4329 North, Longitude -88.5233 West).**

WORK: **The applicant received a 5-year permit to place fill material into 6.57 acres of jurisdictional wetlands for the construction of a car dealership (dated April 24, 2012). The applicant proposes to modify the existing permit to include an additional 2.37 acres of wetland fill within the same 13.14-acre project parcel. The initial permit was modified with a time extension and is valid through April 24, 2023.**

EXISTING CONDITIONS: **The property is located within an area of Moss Point, Mississippi that has recently been developed for highway commercial uses in response to the construction of the relocated Highway 63. According to the City of Moss Point Zoning Maps, the site is designated as C-3 (Highway Commercial District). The subject property is surrounded by commercial development to the north, south and west. Land to the east of the proposed project consists of a stretch of forested land belonging to**

Mississippi Export Railroad, a power line easement, Mississippi Export rail lines, and then the large Dow Chemical plant. Currently the subject property is cleared along the frontage road side and planted with young pine trees.

PROJECT PURPOSE: As stated by the applicant, “The increase in fill is necessary to accommodate the required stormwater management basins and to provide the 6.57 acres of target useable area for the proposed car dealership. During the permit process and in more recent months, it has become apparent that some of the site features (stormwater management basins) and allowance for safe side slopes after filling, the 6.57-acre tract would not yield the required 6.57 acres of useable space for a car dealership.” Additional review will be performed by the U.S. Army Corps of Engineers (USACE) and cooperating agencies.

AVOIDANCE AND MINIMIZATION: Best management practices would be utilized throughout the construction phase.

ALTERNATIVES: The USACE initial review of alternatives consists of the no action alternative and the proposed subject additional fill. Additional review of alternatives will be performed by the USACE and cooperating agencies.

MITIGATION: According to the Applicant “The applicant has purchased mitigation credits for the initial fill and proposes to purchase the additional credits to compensate for the proposed new fill at a 2:1 ration for low quality pine savanna wetlands”. Additional review of mitigation requirements will be performed by the USACE and cooperating agencies. Final compensatory mitigation will be evaluated by the USACE and cooperating resource agencies throughout the review process for the proposed project.

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.

The applicant has applied for coastal zone consistency from the State of Mississippi Department of Marine Resources (MDMR) in accordance with Section 57-15-6 of the Mississippi Code Annotated. The MDMR modified their previous Certification by letter dated July 12, 2018. (DMR-130058)

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 benefits, 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 U.S. Army Corps of Engineers (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.

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 effect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the USACE has determined that the permit area is the full area of the project footprint. 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. The USACE has determined that the proposed project would have **no potential to cause effects** to cultural resources in the permit area. The Mississippi Department of Archives and History (MDAH) responded to the initial public notice by letter dated September 28, 2012 stating that no cultural resources are likely to be affected. (MDAH Project Log #09-014-12).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated the following species may be present within the 12-digit HUC 031700080705: the Loggerhead sea turtle (*Caretta caretta*) (T), the MS Sandhill Crane (*Grus canadensis pulla*) (E), the Wood Stork (*Mycteria Americana*) (T), the Alabama Red-Bellied Turtle (*Pseudemys alabamensis*) (E), the Dusky Gopher Frog (*Rana sevosia*) (E), the Gopher Tortoise (*Gopherus Polyphemus*) (T), the Yellow-blotched Map Turtle (*Graptemys flavimaculata*) (T), and the Louisiana Quillwort (*Isoetes louisianensis*) (E).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants for the watershed suggest that the proposed activity will have no effect to listed endangered or threatened species. This determination will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2012-00179-MJF** and should be directed to the USACE, Mobile District Regulatory Division, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 104, Biloxi, Mississippi 39530, Attention: U.S. Army Corps of Engineers Biloxi Field Office, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, **Attention: Ms. Florance Bass, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, **Attention: Mr. 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) 523-4116 or email at maryellen.j.farmer@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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

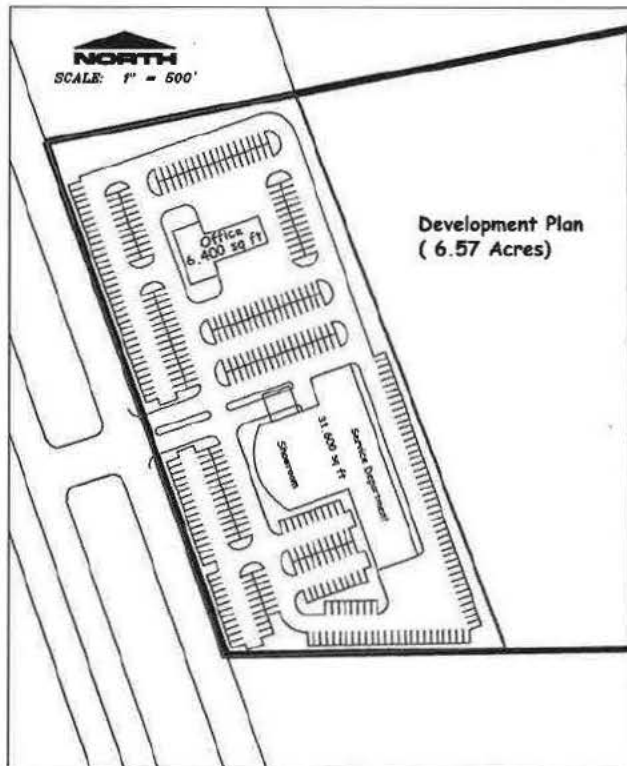


Exhibit 1: Original Plan
Car Dealership Hwy 63
Jackson County, Mississippi



Exhibit 1A: Original Plan + Stormwater Basins
Car Dealership Hwy 63
Jackson County, Mississippi

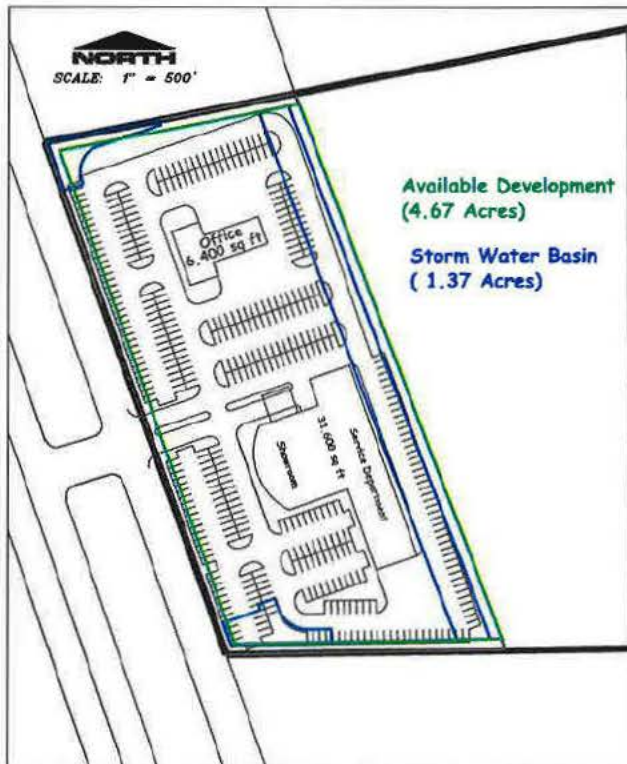


Exhibit 2: Original Plan w/ Side-Slope Buffers
Car Dealership Hwy 63
Jackson County, Mississippi

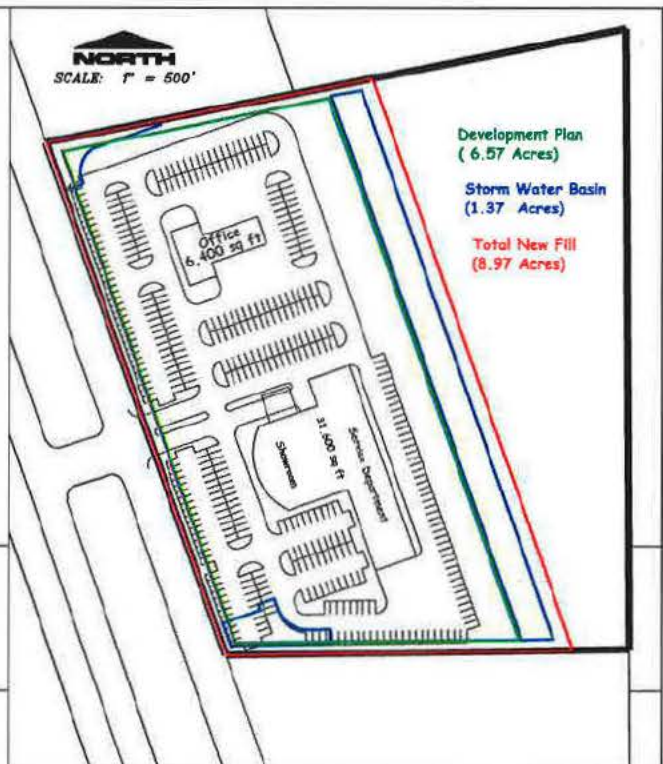


Exhibit 2A: Expanded Fill Plan + Stormwater Basins
Car Dealership Hwy 63
Jackson County, Mississippi

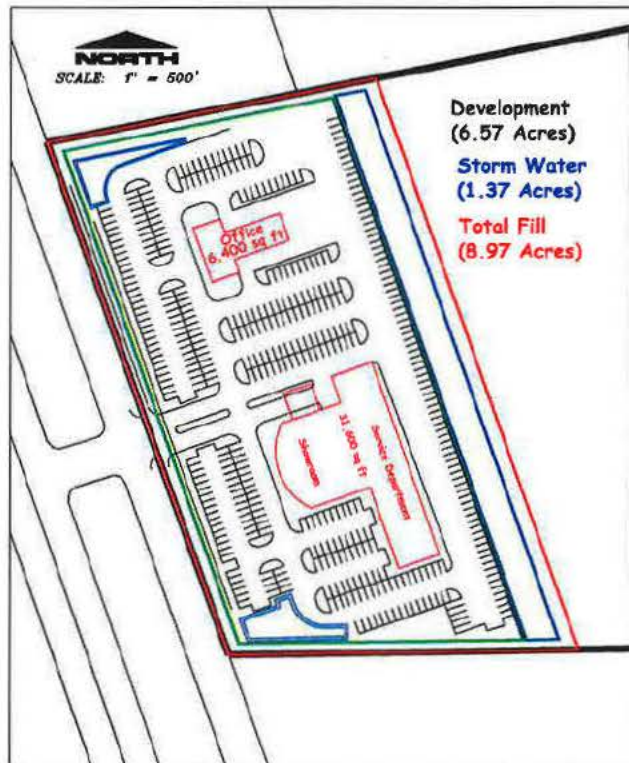


Exhibit 3: Revised Development Plan
Car Dealership Hwy 63
Jackson County, Mississippi



Exhibit 3A: Revised Fill Plan
Car Dealership Hwy 63
Jackson County, Mississippi

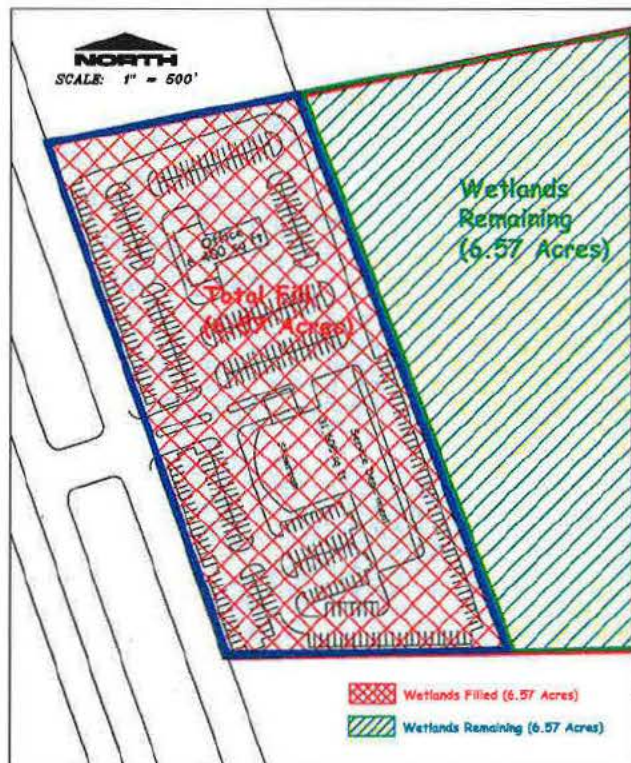


Exhibit 4: Wetlands Fill Original Plan
Car Dealership Hwy 63
Jackson County, Mississippi

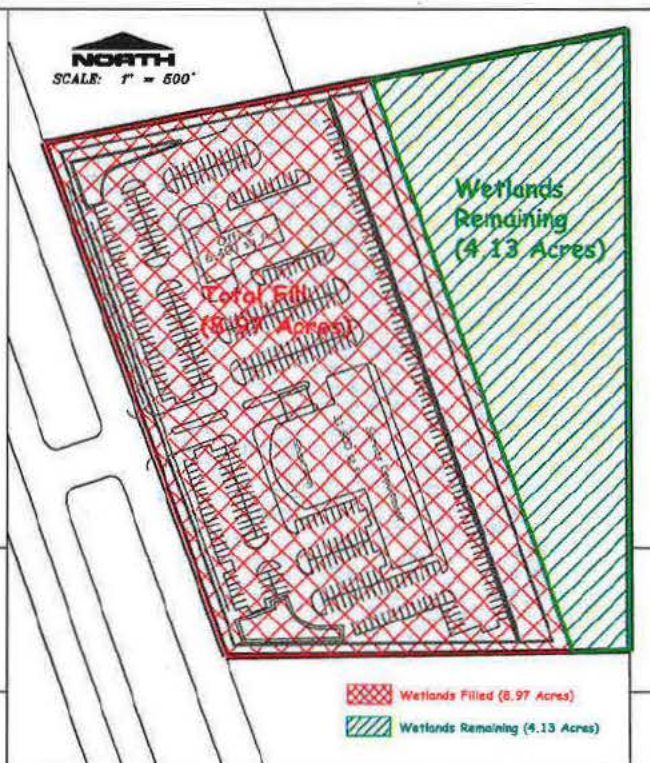


Exhibit 4A: Revised Wetlands Fill Plan
Car Dealership Hwy 63
Jackson County, Mississippi