



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
PUBLIC NOTICE NO. SAM-2019- 00444-RCV

June 12, 2019

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED IMPACTS FOR CONSTRUCTION OF A RESIDENTIAL SUBDIVISION,
IN WETLANDS ADJACENT TO THE TUXAHANIE CREEK,
D'IBERVILLE, 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. Please communicate this information to interested parties.

APPLICANT: **DR Horton**
Attention: Mr. J. Coleman
25366 Profit Drive
Daphne, Alabama 36526

AGENT: **Mr. Dana R. Sanders, Jr.**
19032 Old Port Gibson Road
Utica, Mississippi 39175

LOCATION OF WORK AND WATERWAY: The proposed project is located west of U.S. Highway 15 and east of Lamey Bridge Road in wetlands adjacent to the Tuxahanie Creek. Section 19, Township 6 South and Range 9 West (Latitude 30.50824, Longitude - 88.91824 W.). The project is located in the Pascagoula watershed (8-digit HUC 03170009) in Mississippi.

PROJECT PURPOSE: The basic project purpose is the construction a single family residential subdivision development. The U.S. Army Corps of Engineers (USACE) has initially determined this project to be non-water dependent.

EXISTING CONDITIONS: The site is a proposed Phase IV of the Meginley Subdivision Project. Phase III borders this project to the north. The western property boundary is bordered by undeveloped property while existing subdivision borders the south and east property boundaries. The site has a 100 percent of canopy consisting of trees and a very dense sapling and shrub stratum. The site has ridges which are bordered by hardwood drainages which flow off the property to the southeast. There are no access roads to the property.

ALTERNATIVES: On-site alternatives were considered for environmental concerns. There could be no other project design alternative that would result in as few wetland impacts as the project design, without further reducing the scope of the project.

PROPOSED WORK: This proposed project consists of a housing development to be constructed on a 24.10 acre tract which contains 9.32 acre of medium-quality bottomland hardwood wetlands, of which 2.77 acre is proposed to be permanently filled for lots, roads, and utilities. A plan view of the proposed lot layout is provided in Figure 2.

AVOIDANCE & MINIMIZATION: The plan view of the project shows that impacts to wetlands are unavoidable for this project; however the planned drainage will allow for single-family homes to be constructed at this location. No other configuration could be offered that would result in fewer wetland impacts without reducing the scope of the project, which cannot be justified economically as 17 of the residential lots are affected in some way by wetlands. The wetlands to be avoided are the highest quality of those occurring on the site and the wetlands proposed to be impacted are the lowest quality of those occurring on the site. Nonwetlands proposed to be avoided could not be incorporated into the project plan without increasing the acreage of wetland impacts.

The applicant states that minimization of wetland impacts will be carried out by best management practices (i.e. over-seeding) 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 avoided 6.55 acres will be placed in a Conservation Area. 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's approved mitigation bank. The applicant proposes to mitigate the impacts of 2.77 acres of medium quality wetlands with the purchase of 8.31 credits from an IRT-approved wetlands mitigation bank. The U.S. Army Corps of Engineers (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.

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. While two archaeological sites, 22Hr1207 and 22Hr1209, were located in proximity to the project site. The SHPO concurred that a July 2013 cultural resources survey, revised in August and September 2013, revealed no cultural resources eligible for listing in the National Register of Historic Places are likely to be affected (**MDAH Project Log # 07-064-13, Report # 13-0416**). 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. The agent representing the applicant submitted a Cultural Resource Assessment of the current permit review area to the Mississippi Department of Archives and History (MDAH) for review. 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 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 site contains the presence of dense sapling/ shrub stratum, and to the lack of any supporting habitat that might otherwise be potentially occupied by the gopher tortoise, red-cockaded woodpeckers, Louisiana quillwort, Dusky gopher frog, Black Pine Snake, Wood Stork, or other Federally listed species that may occur temporarily or otherwise in coastal Mississippi.

Pine timber which could be used for potential foraging habitat by the red-cockaded woodpeckers is disconnected by 0.25 miles or more of open space from any adjacent potential habitat

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. The conclusion of a quillwort survey conducted on this site is that no quillwort exists on this site, nor is there any potential habitat. 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 U.S. Army Corps of Engineers (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-2019-00444-RCV** and should be directed to the District Engineer, U.S. Army Engineer District Mobile, Attention: **Mr. Rudolph C. Villarreal**, Post Office Box 2288, Mobile, Alabama 36628-0001, 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. Greg Christodoulou**, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

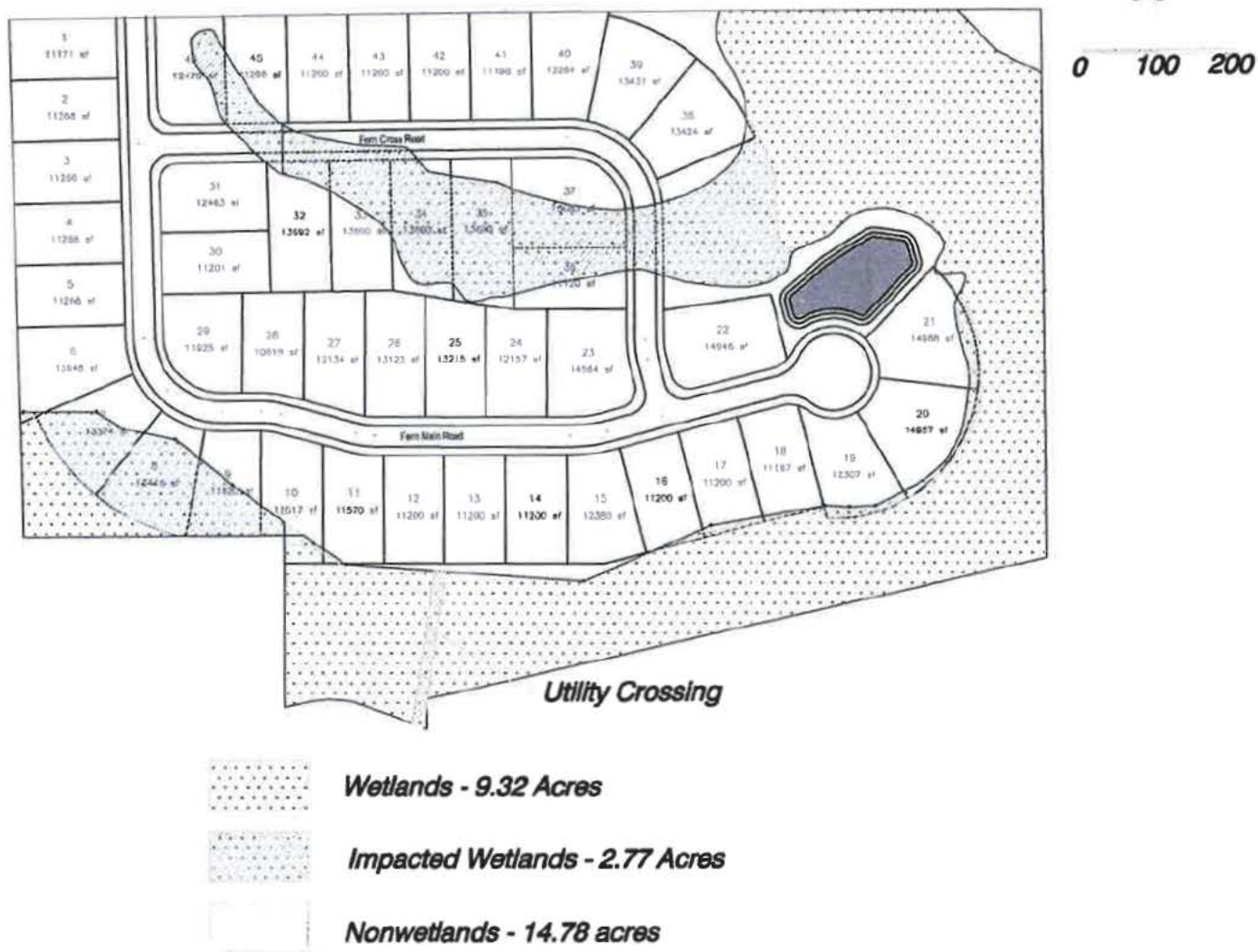
All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (251) 690-3246, or at rudolph.c.villarreal@usace.army.mil. Please refer to the above Public Notice number.

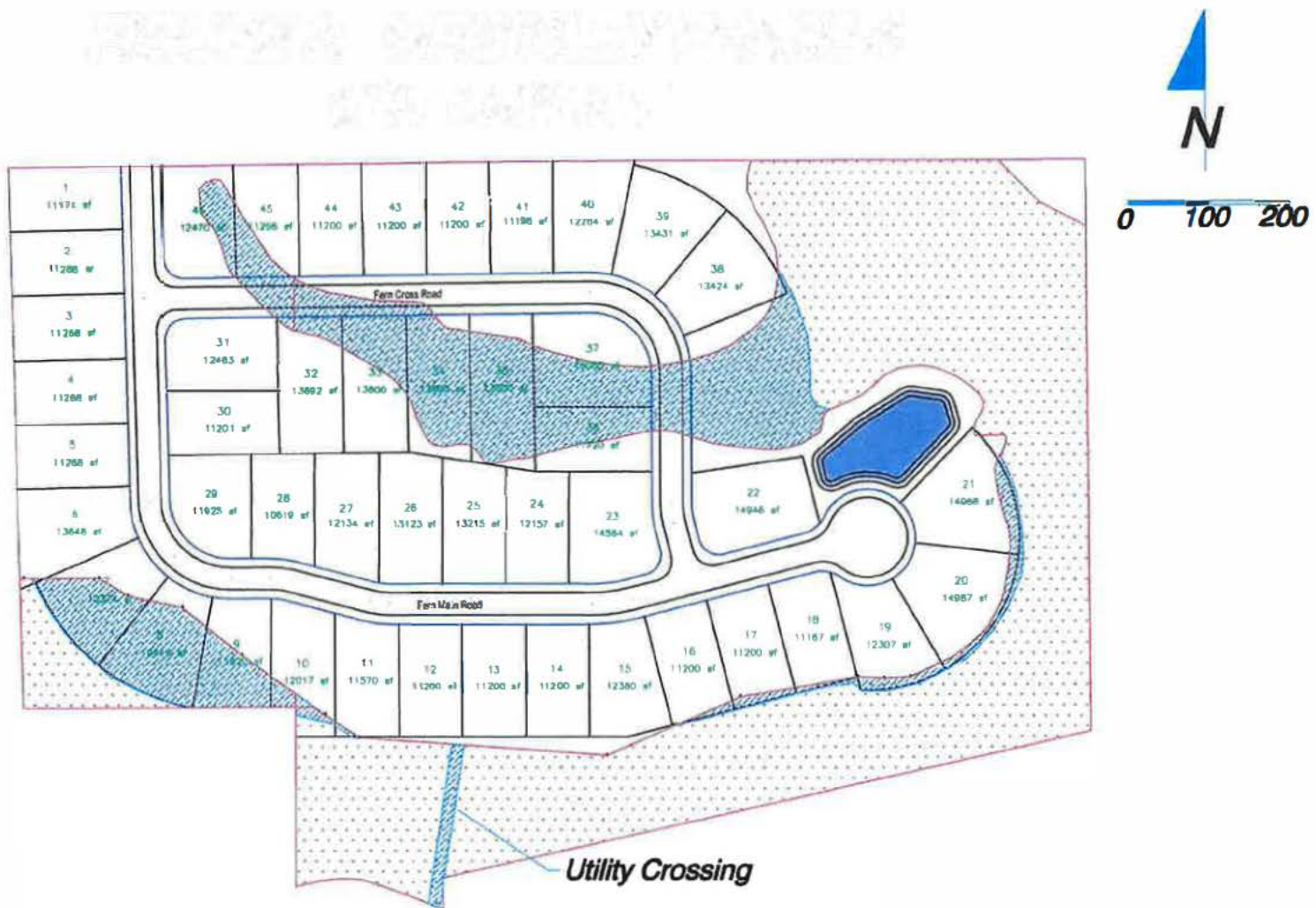
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

**FIGURE 2. MEGINLEY PHASE 4
LOT LAYOUT**





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