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

REPLY TO
ATTENTION OF:

August 2, 2019

Mississippi Branch
Regulatory Division

JOINT PUBLIC NOTICE SAM-2019-00961-PAH (DMR-200018)
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

WETLAND FILL FOR COMMERCIAL DEVELOPMENT, GAUTIER, 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 (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: AVC Land Company, LLC.
Post Office Drawer 1287
Pascagoula, Mississippi 39568

AGENT: Ms. Sarah McLellan
925 Tommy Munro Drive, Suite G
Biloxi, Mississippi 39532

LOCATION: In wetlands associated with the Mississippi Sound, Highway 90, Section 35, Township 7 South, Range 7 West, Gautier, Jackson County, Mississippi. Latitude: 30.3927N; Longitude: 88.6619W

WORK: The applicant proposes to fill 0.94 acres of wetlands for the construction of commercially available retail space.

EXISTING CONDITIONS: The proposed project consists of commercially zoned property located along Highway 90. The site is located between two existing commercial developments and north of other forested lands. The site is situated on approximately 1.15 acres of land in a commercial zone above the headwaters of an unnamed waterway adjacent to the Mississippi Sound. The site consists of dense scrub-shrub understory and mixed pine/hardwood flat. The site wetland is impacted by drainage improvements and diversion, suppressed fire, adjacent and surrounding development.

PROJECT PURPOSE: The purpose of the project is the creation commercially available retail space. The U.S. Army Corps of Engineers (USACE) initially determined the basic project purpose is for construction commercial development and is considered a non-water dependent activity.

MITIGATION: The applicant is proposing mitigation for impacts to wetland areas through the purchase of an appropriate number of wetland mitigation credits from an approved wetlands mitigation bank.

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 in accordance with Section 57-15-6 of the Mississippi Code Annotated.

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.

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 Corps has determined that the permit area is the full area of development for the overall project footprint.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. This action constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the project area. 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the following species may be present in the area: Alabama Red-Bellied Turtle, Dusky Gopher Frog, Gopher Tortoise, Loggerhead Sea Turtle, Sandhill Crane, Piping Plover, Red Knot, Wood Stork, Gulf Sturgeon, and West Indian Manatee. The U.S. Army Corps of Engineers (USACE) has initially determined the proposed activity would be not likely to adversely affect endangered or threatened species. The proposed activities are not located in Gulf Sturgeon critical habitat. The project will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

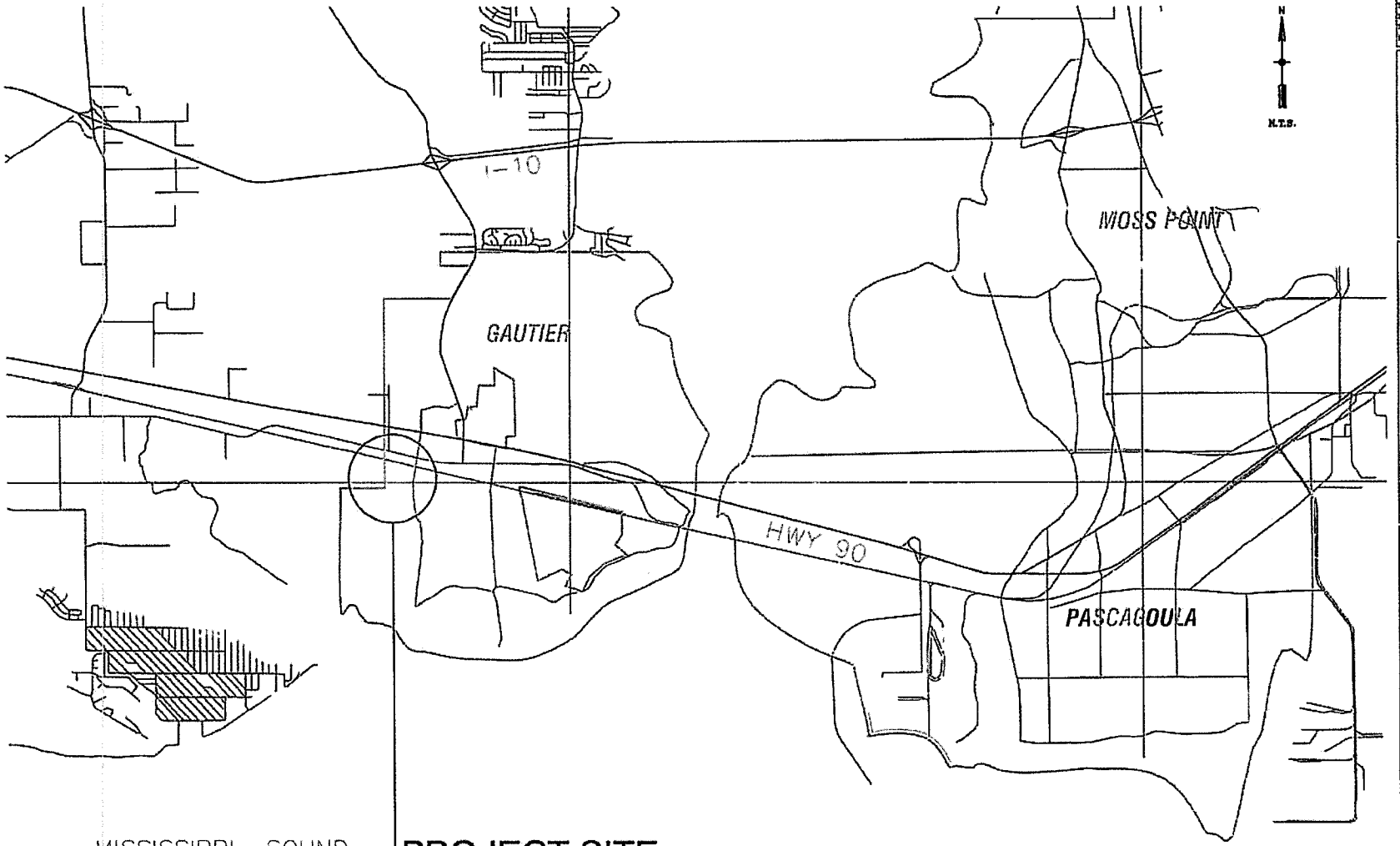
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2019-00691-PAH** and should be directed to the District Engineer, U.S. Army Engineer District, Coastal Branch, Attention: **Mr. Philip Hegji**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, **Attention: Ms. Florance Bass** Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, **Attention: Greg Christodoulou**, 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 (251) 690-3222, or email at **philip.a.hegji@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/Mission/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



PROJECT SITE

30°23'34" N , 88°39'42" W

SITE VICINITY MAP N.T.S.

Sheet Title: SITE VICINITY MAP

Project Name: PARCEL ID NO.'S 82435240.330 AND 82435240.260- HIGHWAY 90 GAUTIER, MISSISSIPPI

SEYMOUR ENGINEERING
PHONE: 228-388-2550 925 TOMMY MUNRO DRIVE, SUITE C BILOXI, MISSISSIPPI 39532 FAX: 228-388-2555

Sheet: C1

Project No. 19-010

-PRELIMINARY-
NOT ISSUED FOR CONSTRUCTION

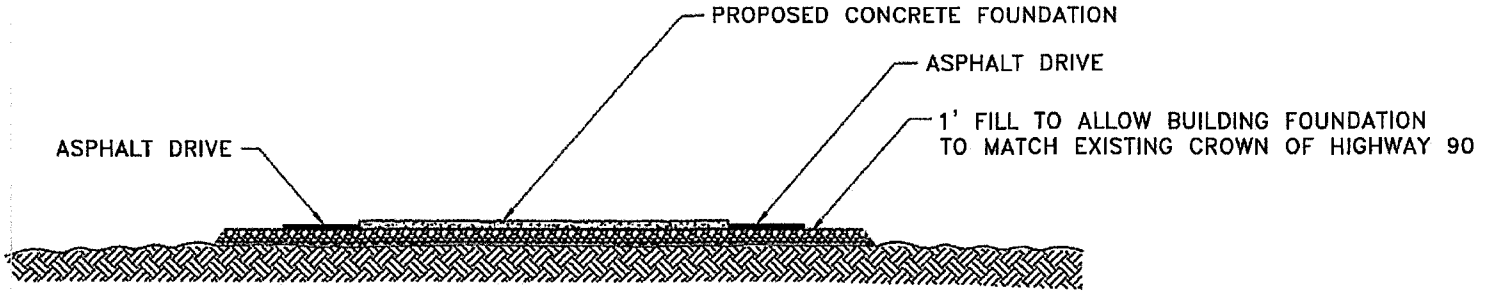
SEYMOUR ENGINEERING
PHONE: 228-388-2360 925 TOMMY MUNRO DRIVE, SUITE G BILOXI, MISSISSIPPI 39532 FAX: 228-388-2363

Project Name
PARCEL ID NO.'S 82435240.330
AND 82435240.260- HIGHWAY 90
GAUTIER, MISSISSIPPI

Sheet Title
PROPOSED SITE PLAN

Project No. 19-010

Sheet C2



TYPICAL SECTION - FOUNDATION (EAST-WEST)

SCALE: N.T.S.

Sheet Title: TYPICAL SECTION

Project Name: PARCEL ID NO.'S 8243S240.330 AND 8243S240.260- HIGHWAY 90 GAUTIER, MISSISSIPPI

SEYMOUR ENGINEERING
PHONE 228-363-2300 1928 TOMMY MUNRO DRIVE, SUITE B BILOXI, MISSISSIPPI 39532 FAX: 228-385-2383

Sheet No. C3

Project No. 18-019

Project No. 0100	Sheet C4	**SEYMOUR ENGINEERING** PHONE: 228-380-2390 923 TOMMY MUNRO DRIVE, SUITE B BILOXI, MISSISSIPPI 39532 FAX: 228-380-2383	Project Name PARCEL ID NO.'S 82435240.330 AND 82435240.260- HIGHWAY 90 GAUTIER, MISSISSIPPI	Sheet Title WETLAND DELINEATION