



REPLY TO
ATTENTION OF:

CESAM-RD-M

PUBLIC NOTICE NO. SAM-2019-00593-APS

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

October 18, 2019

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

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**REQUEST FOR AUTHORIZATION TO PLACE FILL IN WATERS OF THE U.S.
FOR THE CONSTRUCTION OF A RESIDENTIAL SUBDIVISION,
JACKSON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: Randall Cooperation of Mississippi
Attention: Mr. Randy Wrigley
Email: randywrigley@aol.com
Post office Box 930
Ocean Springs, Mississippi 39564**

**AGENT: Mr. Dana R. Sanders, Jr.
Email: drsawet@bellsouth.net
7129 East Central Park Drive
Moss Point, Mississippi 39562**

LOCATION: The proposed subdivision is located approximately one half mile north of Interstate 10 in St. Martin, Jackson County, Mississippi, on the north side of Seaman Road in Section 36, Township 9 South, Range 6 West. The approximate coordinates for the project area are latitude 30.480219° North and longitude 88.836486° West. The project area consists of gently sloping, open pasture surrounded by forested habitat comprised primarily of mature hardwood and pine tree species.

PROJECT PURPOSE: The agent stated that the purpose of the project is to provide 83 lots for the construction of single family residences. The agent further states that project will provide jobs for the area, create a tax base for the county, and provide a purchasing opportunity for home buyers wishing to live within close proximity of Ocean Springs, Mississippi, and the Interstate 10 corridor.

PROPOSED WORK: The applicant proposes to construct a 37-acre, 83-lot, residential subdivision with appurtenances. Each lot would be 60 feet wide by 135 feet long. The double-loaded access to the lots would be “U”-shaped with one crossroad inside the outer loop. The access route would originate and terminate from two separate locations on Seaman Road. Utilities would be placed along the access roads and two detention ponds would be located on the northern edge of the project area.

To accomplish the proposed residential development, the applicant proposes to place approximately 9,000 cubic yards of fill material at a depth of approximately 2 feet into 8.40 acres of pine savannah wetland habitat that is currently being maintained as open pasture as part of an existing cattle operation.

AVOIDANCE AND MINIMIZATION: The agent states that the project is designed to maximize the existing non-wetland habitat and would only impact wetland acreage necessary to allow the project to utilize the non-wetland acreage. Due to the size and orientation of the non-wetland habitat within the project area, the applicant cannot avoid wetlands and still construct the proposed project. No other configuration was found that would result in fewer wetland impacts without reducing the scope of the project. North of the project area, 15.26 acres of mostly bottomland hardwood wetland habitat is proposed to be avoided. The implementation of Best Management Practices, such as the installation of silt fencing and the placement of hay bales, during and after all phases of construction would function to control erosion and the sedimentation of wetlands beyond the areas that are proposed to be filled. Disturbed surfaces would be over-seeded with a mixture of grasses to minimize sediment loading of surface runoff. However, areas proposed to be sodded would not be seeded. These areas would be sodded as soon as possible after preparation of the area. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified or denied the adequacy of the applicant’s avoidance and minimization efforts.

MITIGATION: To compensate for unavoidable impacts to 8.40 acres of pine savannah wetland habitat, the applicant proposes to purchase the required number of wetland mitigation credits from a USACE approved mitigation bank. The agent stated that the pine savannah wetlands that are proposed to be impacted are low quality due to past management activities and the development of adjacent areas; therefore, the agent proposes a mitigation ratio of 2:1. Based upon this mitigation ratio, the applicant is proposing to purchase 16.80 wetland mitigation credits from an approved wetland mitigation bank as compensatory mitigation for permanent impacts to 8.40 acres of pine savannah wetland habitat that would result from the activities as proposed. The USACE, Mobile District, has not yet verified or denied the adequacy of the applicant’s mitigation proposal.

WATER QUALITY CERTIFICATION AND COASTAL ZONE CONSISTENCY: The applicant has applied for State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Consistency (CZ) in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQC and CZ consistency will be made by the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control, and the Mississippi Department of Marine Resources (MDMR).

HISTORIC PROPERTIES/CULTURAL RESOURCES: 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 affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire 37-acre subdivision. The applicant's agent reviewed the Mississippi Department of Archives and History (MDAH) Historic Resources Inventory Map for any known historic resources near the preferred alternative locations. According to the agent, there are no known historic resources in the project area. A review of the Mississippi Department of Archives and History (MDAH) Historic Resources Inventory Map reveals that there are not any known historic resources within a two mile radius of the permit area. Additionally, the National Park Service (NPS) maintained National Register of Historic Places (NRHP) Google Earth layer has been consulted and the nearest NRHP listed property is over 4.25 aerial miles south of the permit area. The U.S. Army Corps of Engineers (USACE) has made a preliminary determination that the proposed activities will have no effect on cultural and historic resources within the permit area. However, we are seeking comment from the MDAH, State Historic Preservation Officer; federally-recognized American Indian tribes; local historical societies; museums; universities; the NPS, Archeological Services Division and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may 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 permit area.

THREATENED AND ENDANGERED SPECIES: In accordance with Section 7 of the Endangered Species Act (ESA), the USACE is evaluating the proposed activities for potential effects to federally-listed or proposed-to-be-listed threatened or endangered species and federally-designated critical habitat. The agent submitted a June 10, 2019, document that reports the results of an endangered species survey that was performed on the subject property. The agent surveyed the 37-acre property for signs of the presence or absence of federally-listed individuals and/or suitable habitat for the following terrestrial species: Mississippi sandhill crane (*Grus canadensis pulla*), red-cockaded woodpecker (*Picoides borealis*), dusky gopher frog (*Rana sevosia*), gopher tortoise (*Gopherus polyphemus*), Louisiana quillwort (*Isoetes louisianensis*), Louisiana

black bear (*Ursus americanus luteolus*) and Alabama red-bellied turtle (*Pseudemys alabamensis*). The results of the survey indicate that for the species considered, none of the species are present and habitat supporting each of the species does not exist within the area of evaluation.

According to the 2020 the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) South Mississippi Standard Local Operating Procedures for Endangered Species (SLOPES), the species with the potential to exist in the ESA action area are: Mississippi sandhill crane, red-cockaded woodpecker, wood stork (*Mycteria americana*), black pinesnake (*Pituophis melanoleucus lodingi*), dusky gopher frog, gopher tortoise, and Louisiana quillwort. The 12-digit HUC 031700090402, Bayou Costapia, in which the ESA action area exists does not contain any federally-designated critical habitat. According to the 2020 South MS SLOPES document, there would be no effect induced by the proposed activities to any of the MS SLOPES species listed as having the potential to exist within the ESA action area. Additionally, due to the absence of critical habitat within the action area's subwatershed, there would be no effect to federally-designated critical habitat. Based upon the endangered species survey results and the 2020 South Mississippi SLOPES document, the USACE has determined that there would be no effect on federally-listed threatened or endangered species or federally-designated critical habitat by the proposed activities.

ESSENTIAL FISH HABITAT: Based upon a review of the National Marine Fisheries Service (NMFS) EFH Mapper Tool and the fact that there are not any rivers or large waterbodies reported within the project area, the USACE has determined that there is not any essential fish habitat within the permit area; therefore, evaluation of effects on EFH, HAPCs, and EFH Areas Protected from Fishing in accordance with the Magnuson Stevens Fishery Conservation and Management Act is not required.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (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 impacts, 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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership 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 to consider 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.

The Department of Interior (DOI) is the lead Federal agency for this project responsible for ensuring compliance with the National Historic Preservation Act.

DOI is the lead Federal agency for this project responsible for ensuring compliance with the Endangered Species Act.

The National Oceanic and Atmospheric Administration (NOAA) Restoration Center is the lead Federal agency for this project responsible for ensuring compliance with the Magnuson Stevens Fishery Conservation and Management Act.

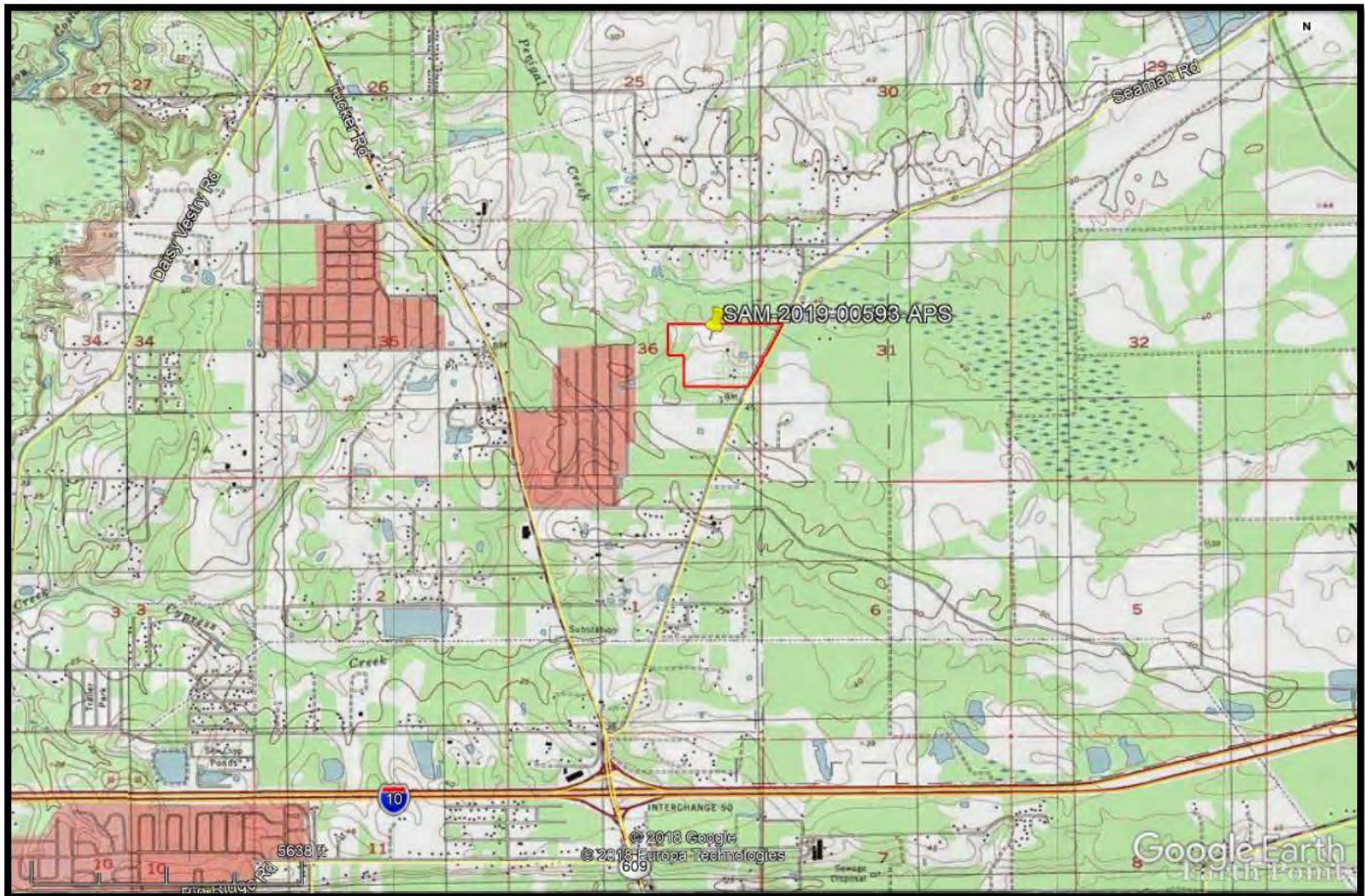
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM- 2019-00593-APS**, and should be directed to USACE, Mobile District, Regulatory Division, Attention: Mrs. Amiee P. Smith, Post Office Box 2288, Mobile, Alabama 36628-0001; with a copy to the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control, Environmental Permitting Division, Attention: Ms. Florance Bass, Post Office Box 2261, Jackson, Mississippi 39225; and the Mississippi Department of Marine Resources (MDMR), Wetland Permitting Division, Attention: Ms. Willa Brantley, 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 (228) 523-4024 or email at Amiee.P.Smith@usace.army.mil. Please refer to Public Notice number SAM-2019-00593-APS when submitting comments.

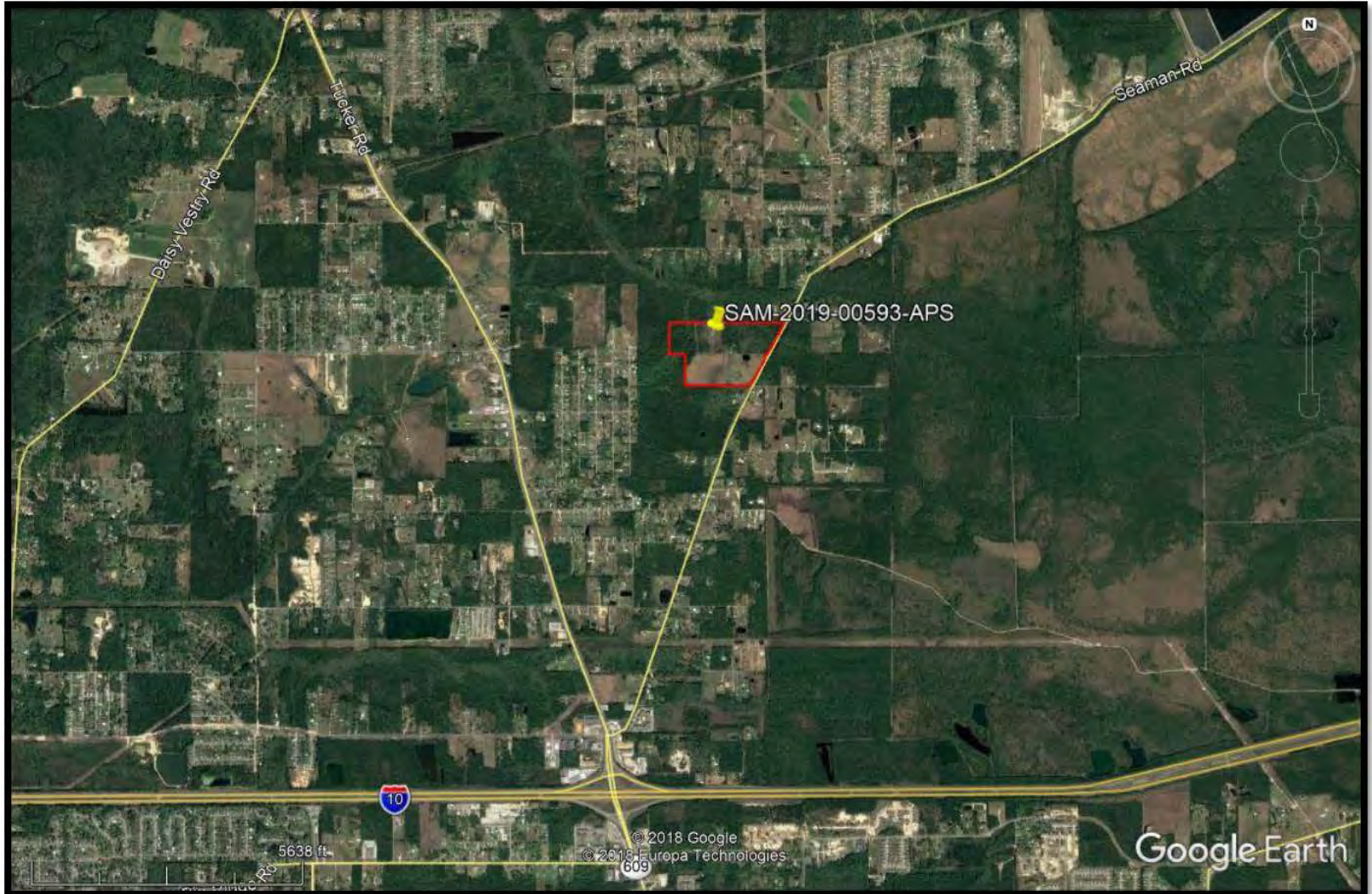
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



TOPOGRAPHICAL VICINITY MAP



AERIAL VICINITY MAP

FIGURE 2. SEAMAN ROAD SUBDIVISION PROJECT LAYOUT
ST. MARTIN, JACKSON COUNTY, MS

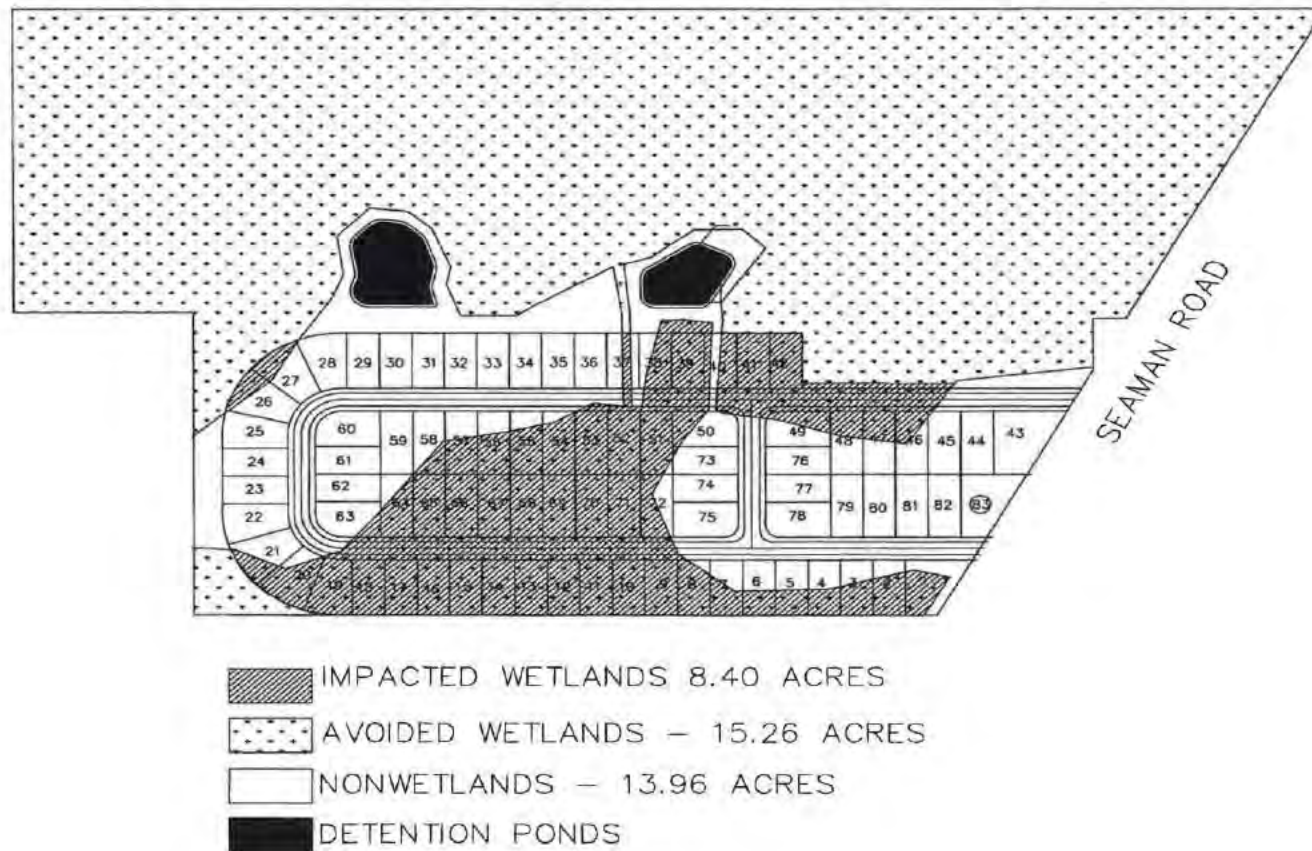
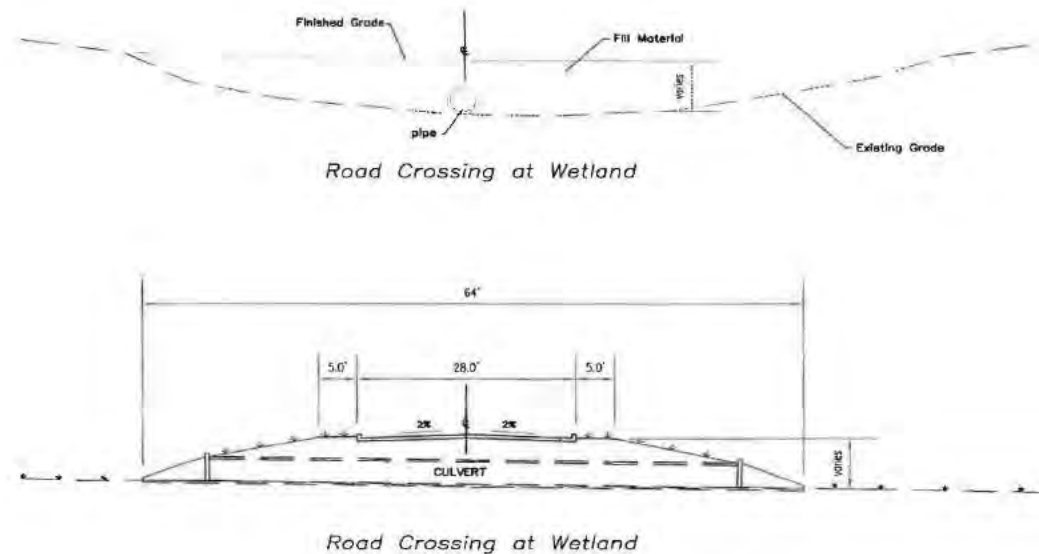
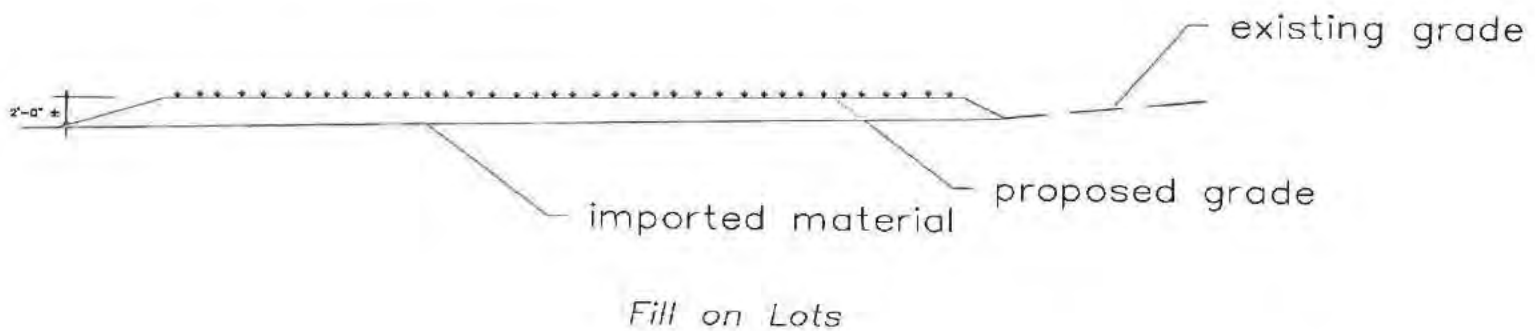


FIGURE 3. CROSS SECTION OF TYPICAL ROAD CROSSING
SEAMAN ROAD SUBDIVISION PROJECT



CROSS-SECTION OF ACCESS ROAD

FIGURE 4. CROSS SECTION TYPICAL LOT FILL
SEAMAN ROAD SUBDIVISION PROJECT



CROSS-SECTION OF ACCESS ROAD