



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2024-00273-CSP

July 11, 2024

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS (USACE)

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (MDEQ)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR24-000117

PROPOSED WETLAND FILL FOR CONSTRUCTION OF A COMMERCIAL RETAIL
DEVELOPMENT, 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 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Lemoyne Landing Development
4503 Marburg Avenue
Cincinnati, OH 45209

LOCATION: Wetlands Associated with Cypress Creek; Parcel # 03610080.000 Daisy Vestry Road; within Section 10, Township 7 South, Range 9 West; Latitude 30.455915° North and Longitude -88.878953° West; Jackson County, Mississippi.

PROPOSED WORK: The applicant proposes to fill 32.96 acres of wetlands and 0.53-acre of other waters (streams) associated with the construction of a commercial retail development off of Mallett Road in Jackson County, Mississippi. The total project site is approximately 59.80 acres in size of which 35.97 acres have been identified as wetlands and 0.59 acre (3,403 linear feet) of stream (1,125 LF of Perennial, 1,615 LF of Intermittent and 663 LF of Ephemeral streams). Impacts include clearing and filling 32.96 acres of wetlands and filling and piping approximately 3,088 linear feet of stream. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank.

COASTAL ZONE: The applicant has applied for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. A determination relative to CZ consistency will be made by the Mississippi Department of Marine Resources.

WATER QUALITY: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of

the date of this public notice, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority).

HISTORIC PROPERTIES: 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 historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the entire project location. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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 following federally-listed species are known or expected to occur within the project area: Alabama Red-Bellied Turtle (E), Red-Cockaded Woodpecker (E), Black Pinesnake (T), Eastern Black Rail (T), Wood Stork (T), Dusky Gopher Frog (E), Gopher Tortoise (T), Louisiana Quillwort (E), and Mississippi Sandhill Crane (E). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

COMMENTS: 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 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, 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 Corps of Engineers 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 Corps of Engineers 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2024-00273-CSP** and should be directed to the District Engineer, Mobile District, Regulatory Division, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Christopher S. Pickering, or submitted electronically at christopher.s.pickering@usace.army.mil, (251) 455-8627. Copies of all comments should be furnished to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi 39530.

All comments should be received no later than 30 days from the date of this Public Notice.

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

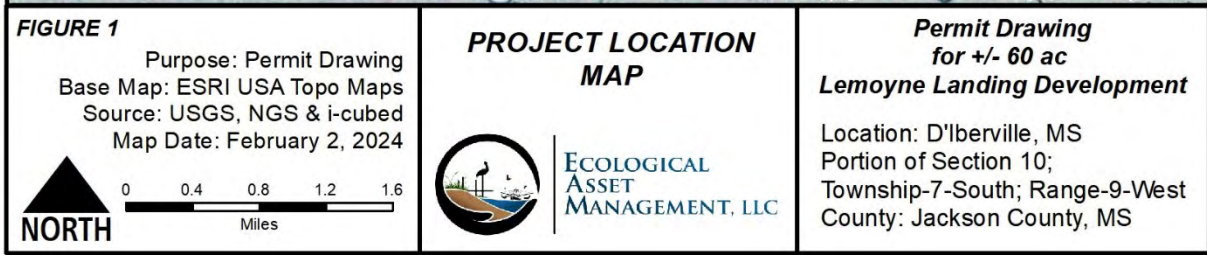
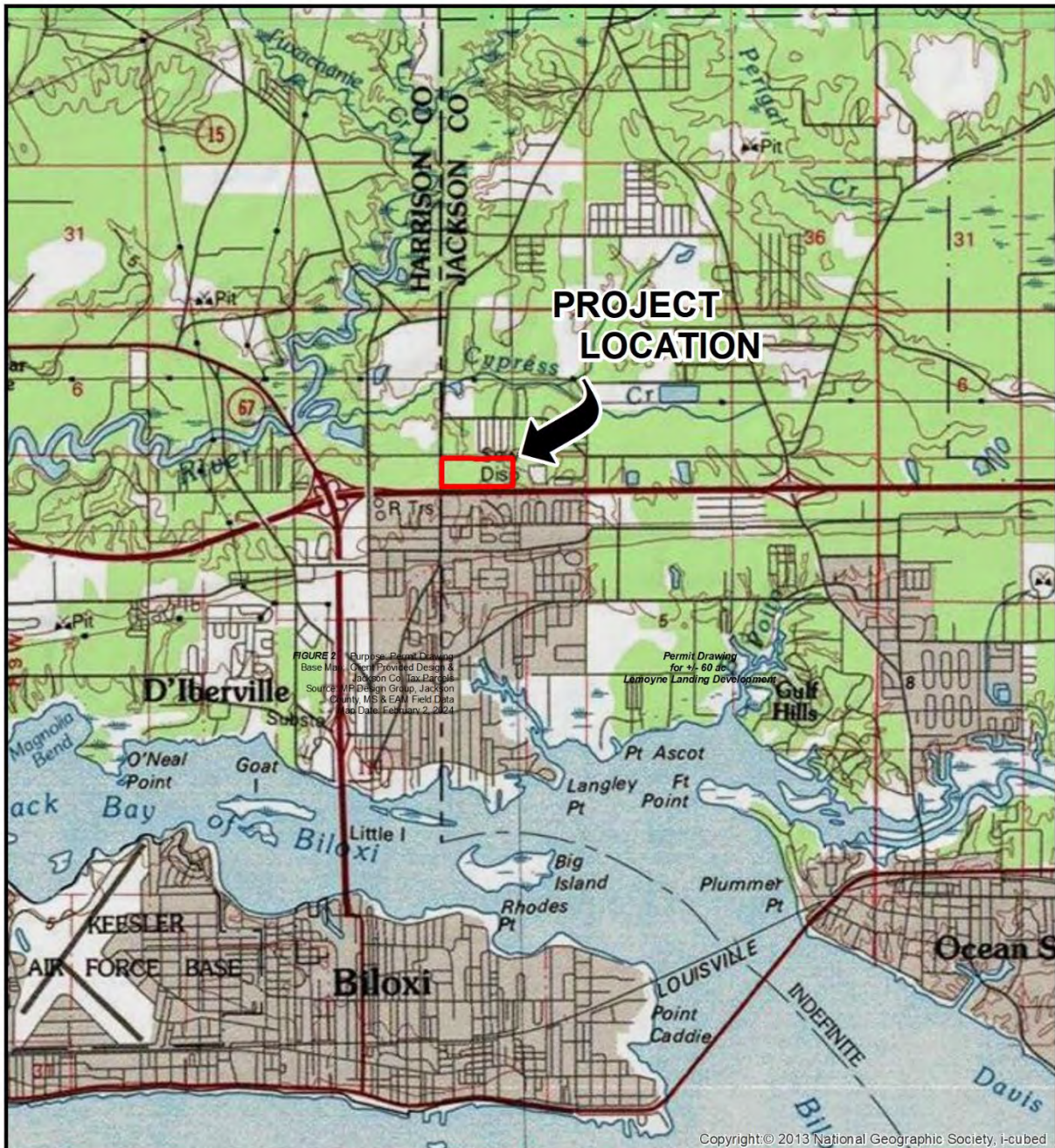
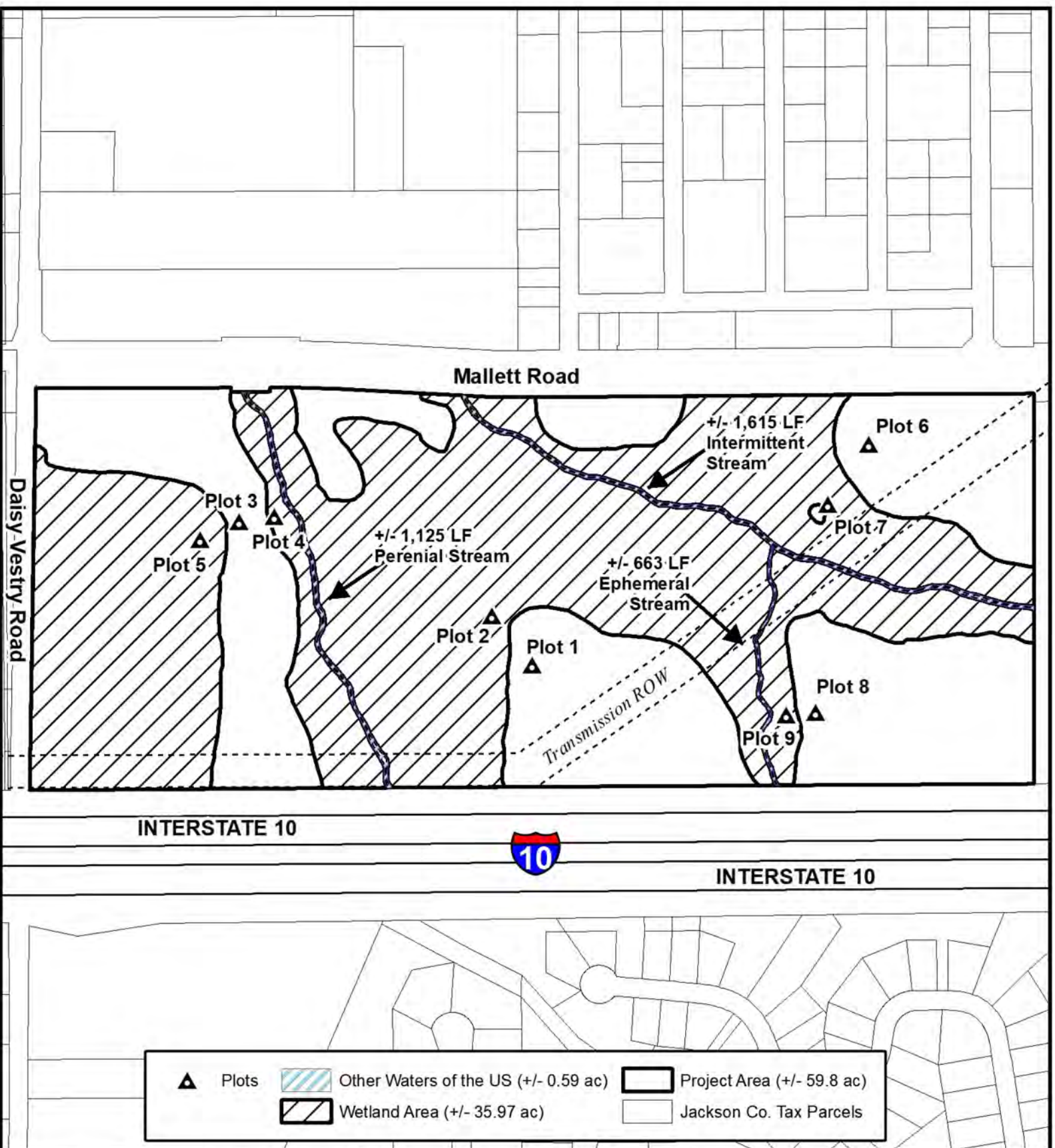
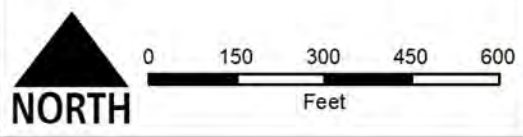


Figure 1. Project Location



Base Map: Jackson Co. Tax Parcels
 Source: Jackson Co., MS & EAM Field Data
 Map Date: November 10, 2023



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

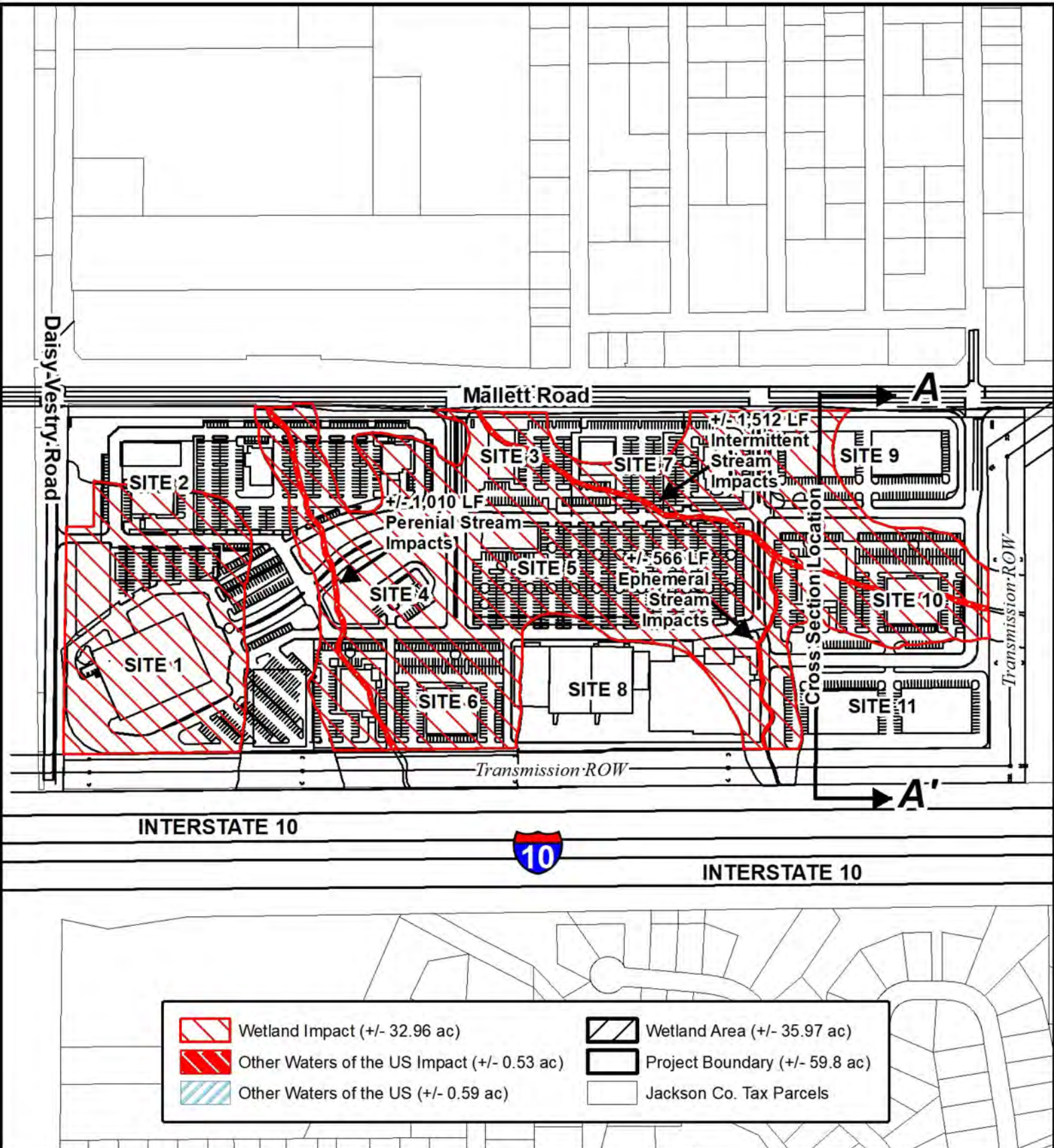
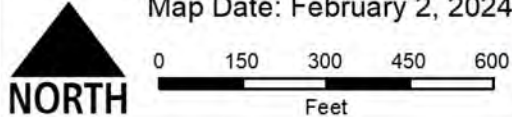


FIGURE 2 Purpose: Permit Drawing
 Base Map: Client Provided Design & Jackson Co. Tax Parcels
 Source: MP Design Group, Jackson County, MS & EAM Field Data
 Map Date: February 2, 2024



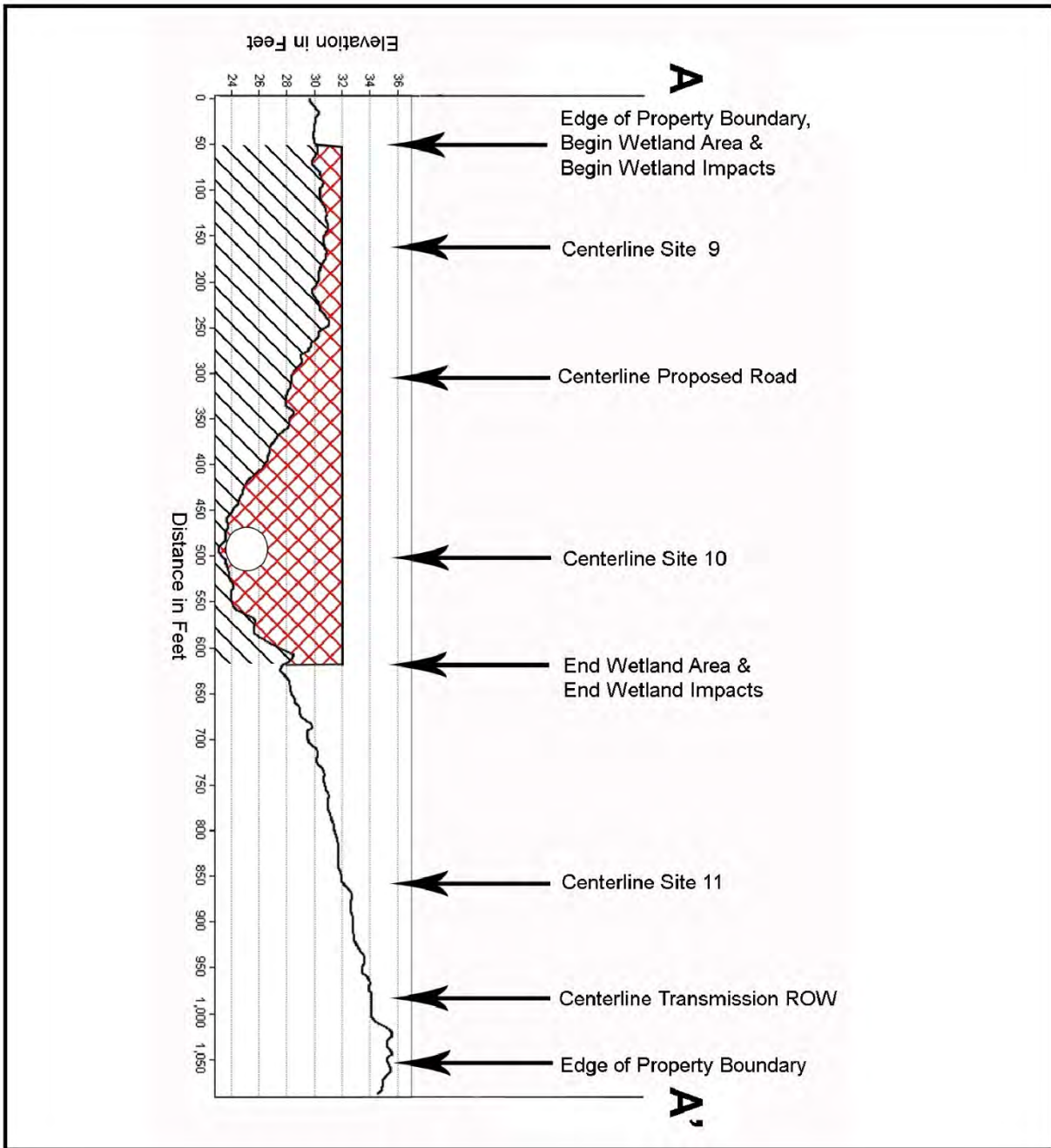
SITE PLAN & CROSS SECTION LOCATION MAP



ECOLOGICAL ASSET MANAGEMENT, LLC

Permit Drawing for +/- 60 ac Lemoyne Landing Development

Location: D'Iberville, MS
 Portion of Section 10;
 Township-7-South; Range-9-West
 County: Jackson County, MS




<p>FIGURE 3</p> <p>Purpose: Permit Drawing Base Map: USGS LiDAR Digital Elevation Model Source: USGS, MARIS & EAM Map Date: February 2, 2024</p> <p>NORTH</p> <p>SCALE: As Shown</p>	<p>TYPICAL CROSS SECTION DRAWING</p>  <p>ECOLOGICAL ASSET MANAGEMENT, LLC</p>	<p>Permit Drawing for +/- 60 ac Lemoyne Landing Development</p> <p>Location: D'Iberville, MS Portion of Section 10; Township-7-South; Range-9-West County: Jackson County, MS</p>
--	--	---

Figure 3. Typical Cross Section Drawing