



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant: Shane Switzer, CFO
Biloxi Public School District

Published: April 17, 2025
Expires: May 19, 2025

Mobile District
Permit Application No. SAM-2025-00242-KPJ

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
DMR25-000172

TO WHOM IT MAY CONCERN: The Mobile District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Shane Switzer, CFO
Biloxi Public School District
160 St. Peter Street
Biloxi, Mississippi 39530

AGENT: Mitch Tinsley
Ecological Asset Management, LLC
530 Main Street, Suite B
Bay St. Louis, Mississippi 39520

LOCATION: The project would affect wetlands associated with an unnamed tributary of the Back Bay of Biloxi. The project/review area is located on the north side of Popps Ferry Road (parcel number 1308N-02-007.00); within Section 7, Township 7 South, Range 9 West; at Latitude 30.4430 North and Longitude 88.9237 West; in Biloxi, Harrison County, Mississippi.

EXISTING CONDITIONS: The total project site is approximately 36.92 acres in size of which approximately 13.28 acres have been identified as low-quality, forested/shrub wetlands. The western half of the site has been maintained by mowing and the eastern half has remained as a natural, forested area for approximately 20 years. The project site is located at the northeast corner of the intersection of Popps Ferry Road and

Motsie Road; approximately 0.4 miles east of Cedar Lake Road. The project site is bordered by Interstate 10 at the north, commercial businesses to the west, and residential areas to the south and east.

PROJECT PURPOSE:

Basic: The Corps has determined that the basic purpose of the proposed project is to construct an elementary school.

Overall: The Corps has determined that the overall purpose of the proposed project is to provide an upper elementary school for students within the Biloxi Public School District (BPSD).

PROPOSED WORK: The applicant requests authorization to place clean fill material into approximately 3.94 acres of low-quality forested/shrub wetlands associated with the construction of a new upper elementary school, gymnasium, and activity field for the Biloxi Public School District.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The agent states that impacts have been concentrated within the historically disturbed areas of the site with only minor fringe impacts to the on-site forested areas. The impact area has been historically maintained by mowing. The applicant would avoid approximately 9.34 acres of wetlands.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to provide in-kind compensatory mitigation through an approved mitigation bank.

CULTURAL RESOURCES:

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation

(IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1. ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Alabama red-bellied turtle	<i>Pseudemys alabamensis</i>	Endangered
Black pinesnake	<i>Pituophis melanoleucus lodingi</i>	Threatened
Eastern Black rail	<i>Laterallus jamaicensis jamaicensis</i>	Threatened
Gopher tortoise	<i>Gopherus polyphemus</i>	Threatened
Louisiana quillwort	<i>Isoetes louisianensis</i>	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened
Red-cockaded woodpecker	<i>Dryobates borealis</i>	Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Mississippi Department of Environmental 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).

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Mobile District will receive written comments on the proposed work, as outlined above, until May 17, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Karen Jordan at karen.p.jordan@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: Karen Jordan, PO Box 2288, Mobile, Alabama 36628. Please refer to the permit application number in your comments. 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

MOBILE DISTRICT
U.S. Army Corps Of Engineers

Attachments

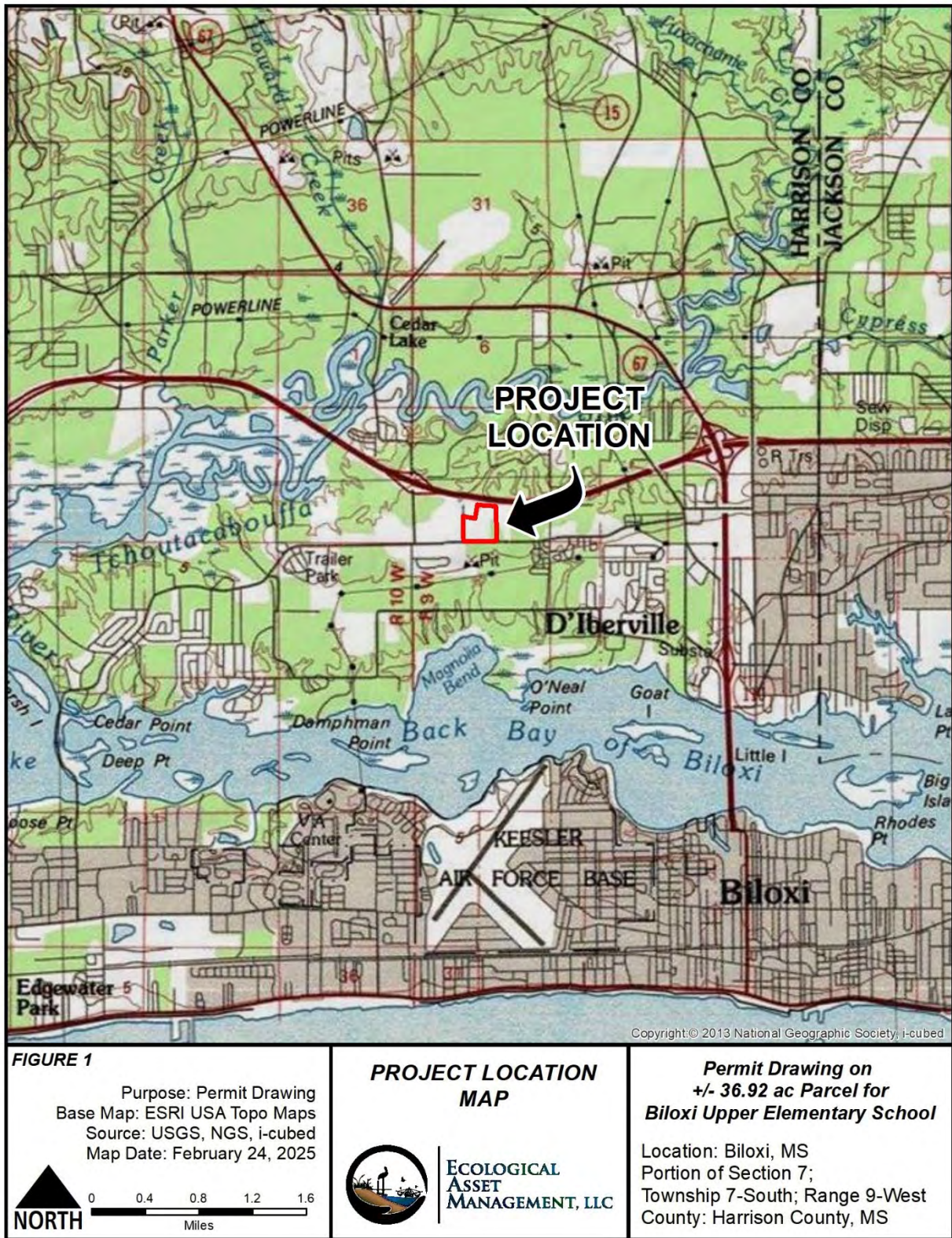
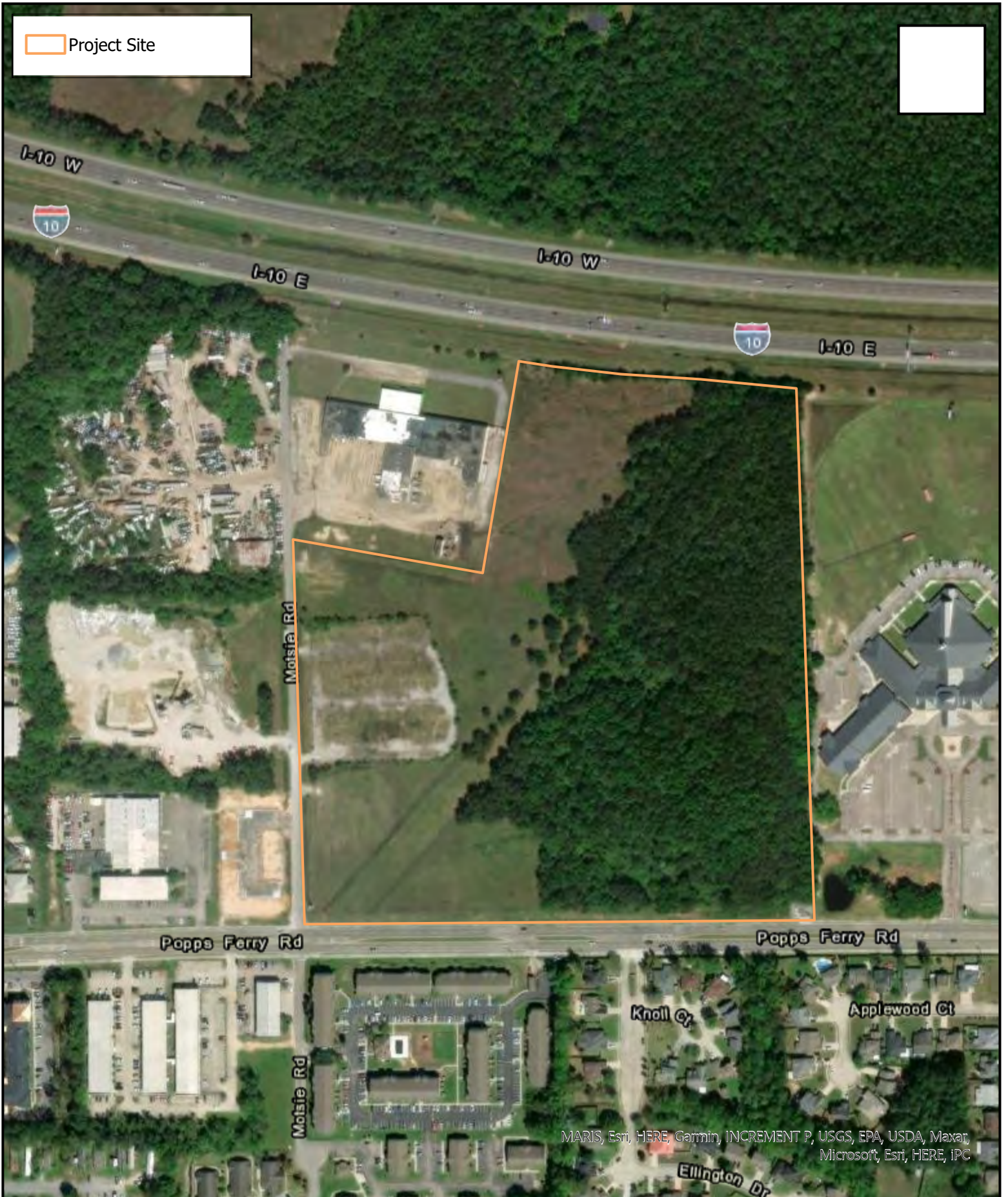


Figure 1. Project Location

Project Site



SAM-2025-00242-KPJ

0 187.5 375 750
ft

Date: 4/10/2025
Coordinate System: WGS 1984 Web
Mercator Auxiliary Sphere

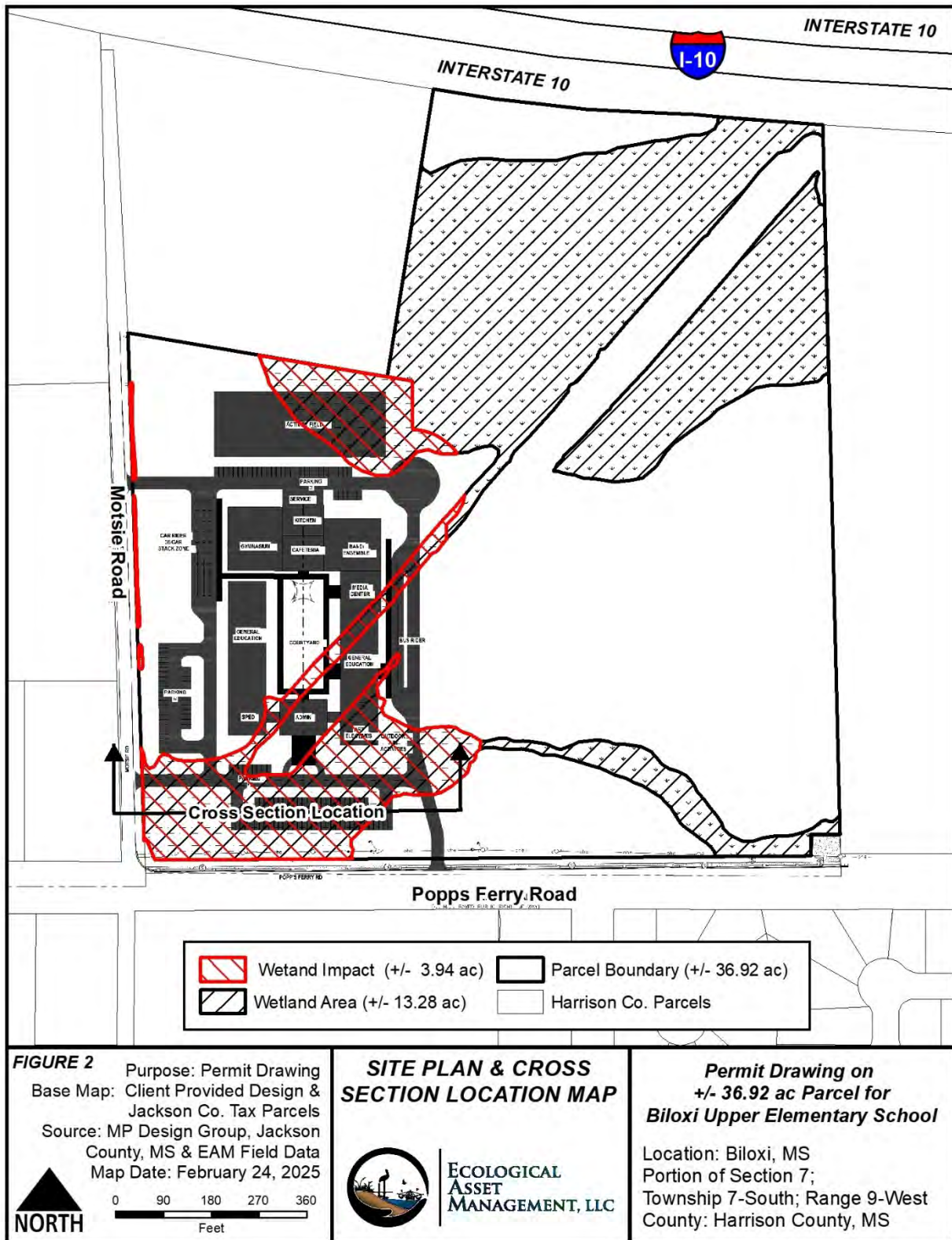


Figure 2. Existing Site Plan & Cross Section Location

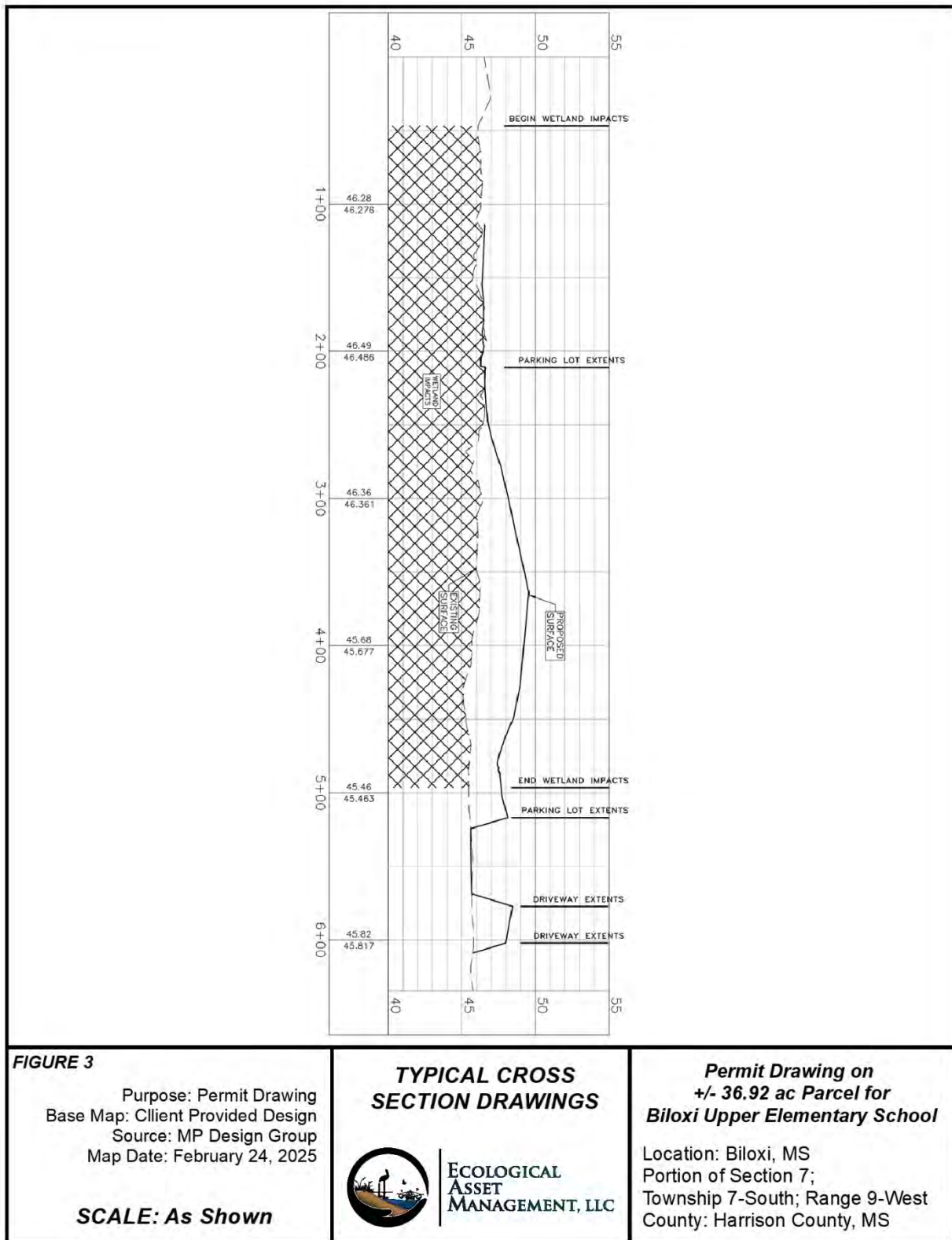


Figure 3. Typical Cross Section Drawing