



REPLY TO
ATTENTION OF:

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

February 8, 2013

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2007-01330-CRO (WQC2009070)
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**MODIFICATION TO PERMITTED ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION
OF MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENTS, FRITZ CREEK,
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 (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: Gulfport Highlands, LP
114 Chadwyck Place
Madison, Mississippi 39110**

**AGENT: Headwaters Natural Resource Consulting
Attention: Mr. Mike Goff
Post Office Box 820188
Vicksburg, Mississippi 39182**

LOCATION: In Mississippi Sound, Fritz Creek and Biloxi River, Sections 5, 6 and 7, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi (Latitude 30.457871° North, Longitude 89.021301° West).

WORK: The applicant proposes to fill 3.43 acres of overgrown pine savanna wetlands in conjunction with the development and construction of a mixed-use residential and commercial development. This modification request includes the addition of an approximate 10-acre parcel adjacent to the southern and eastern portion of the original project site. The aspects of the modification request for the overall project involve a redesign of the access roads through the project site to better facilitate access to and from the property. The addition of the 10-acre parcel will also allow room for the redesign of the post-construction stormwater features for the entire project to more adequately meet the project post-construction stormwater management needs. In addition, the modification request includes development features for the remainder of the newly added 10-acre parcel including proposed commercial and retail developments within the more eastern portion of the additional parcel.

EXISTING CONDITIONS: The additional 10-acre parcel is located along the southern and eastern portions of the original project area. It is also located adjacent to existing residential development on adjoining properties. The existing developments within the project area resulted in significant modifications to the hydrologic functions within the project area including the construction of drainage ditches and other features that have affected the historical stormwater flows for the project site. These existing drainage modifications have resulted in the creation of a "sump area" within the more eastern portion of the additional 10-acre parcel. Stormwater flows within the project area are now captured within the portion of the property and resulted in the formation of the relatively low quality wetlands within the portion of the revised project site. The majority of the proposed additional project wetland impacts are associated within the proposed development within the portion of the additional property.

The majority of the site was impacted by various logging and other agricultural activities, which occurred over the past 30 years. The approximate 10 acres of land included within the modification request was harvested for timber in the past similar in nature to the area included in the original project site. The portion of the property included within the jurisdictional wetland areas is best described as forested Palustrine wetlands. Approximate 10-year-old re-growth currently exists on the site.

The existing habitat of the project area consists of early successional pine regeneration, which primarily includes loblolly pine (*Pinus taeda*) and slash pine (*P. elliottii*) with occasional occurrence of longleaf pine (*P. palustris*). The dense understory growth is composed primarily of yaupon (*Ilex vomitoria*), big-leaf gallberry (*I. coriacea*), wax myrtle (*Myrica cerifera*), green briar (*Smilax* spp.), dwarf palmetto (*Sabal minor*), southern magnolia (*Magnolia grandiflora*) and occasional sweet bays (*M. virginiana*). Along the fringe of the forested areas, where there is adequate sunlight, pale pitcher plants (*Sarracenia alata*) and sundew (*Drosera* spp.) occur. As previously mentioned, due to relatively recent timber harvest activities on the property, the existing vegetation is in the early successional stages.

PROJECT PURPOSE: The purpose of the project is the creation of a mixed-use residential and commercial development. The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is for the creation of a mixed-use residential and commercial development and is considered a non-water dependent activity.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized wetland impacts to the maximum extent practicable. Further evaluation regarding alternatives will be performed by the Corps and cooperating Federal and State agencies.

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 Corps 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 Corps 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 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 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. Because the site is located in a submerged area, the project should not affect sites on or eligible for the National Register of Historic Places. We are seeking comment from the State Historic Preservation Officer regarding the existence or the potential for existence of significant 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 proposed project site lies within the range of several federally listed species. The project will be coordinated through officials of the U.S. Fish and Wildlife Service regarding any possible impacts to listed species.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-01330-CRO** 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

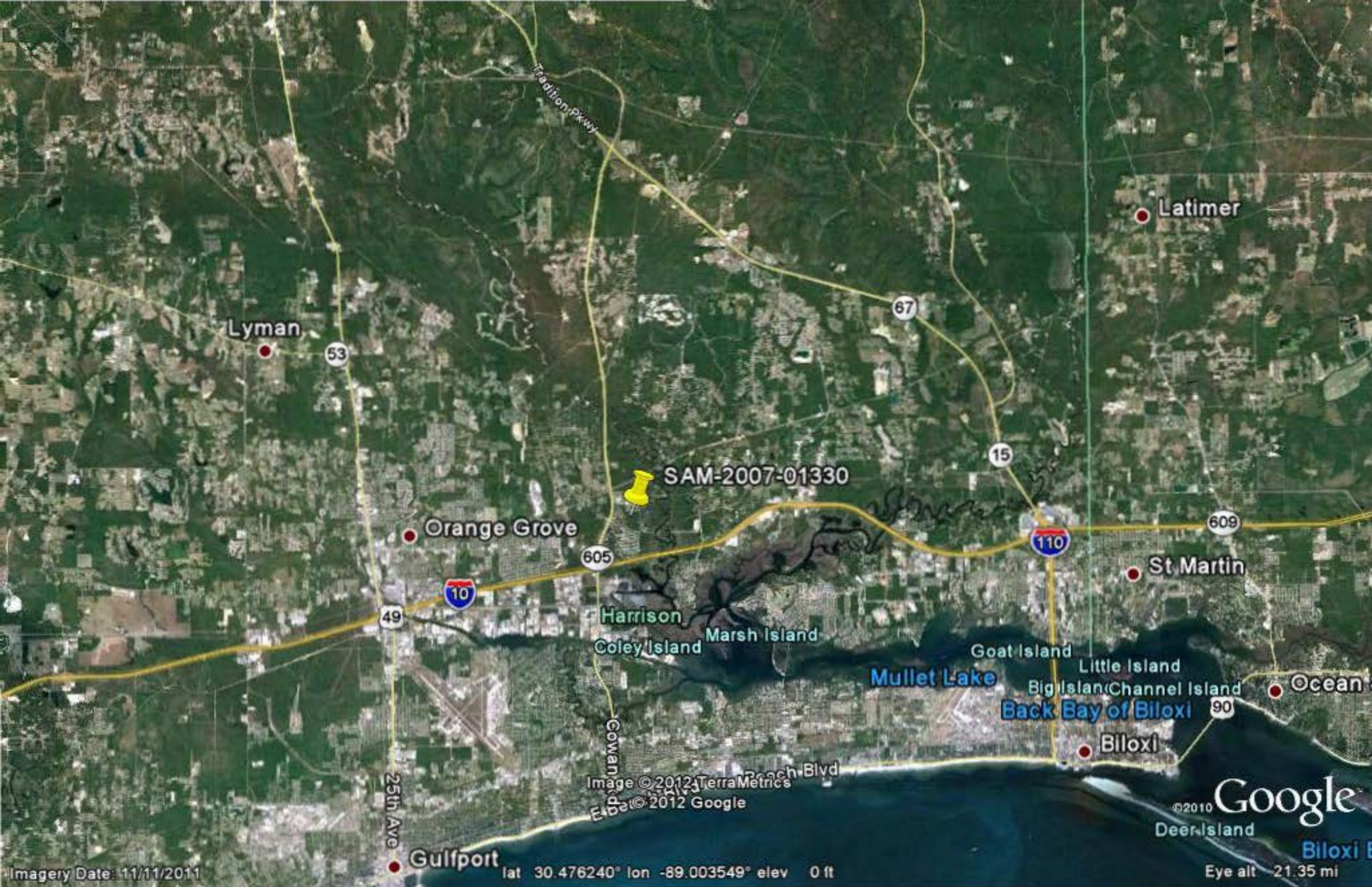
Mississippi Department of Environmental Quality, Office of Pollution Control, **Attention: Ms. Carrie Barefoot**, Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, **Attention: Mr. Greg Christodoulou**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, in time to be received within **15 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, **Mr. Hegji (philip.a.hegji@usace.army.mil)**, phone **(251) 690-3222**. 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



Lyman

Latimer

SAM-2007-01330

Orange Grove

St. Martin

Harrison
Coley Island
Marsh Island

Mullet Lake

Goat Island
Little Island
Big Island
Channel Island
Back Bay of Biloxi

Ocean

Biloxi

25th Ave

Image © 2012 TerraMetrics
Data © 2012 Google
Gowan
Beach Blvd

Google

©2010
Deer Island

Biloxi E

Imagery Date: 11/11/2011

lat 30.476240° lon -89.003549° elev 0 ft

Eye alt 21.35 mi

Oneal Rd

John Ross Rd

Lorraine Rd

Shorecrest Rd

605

SAM-2007-01330

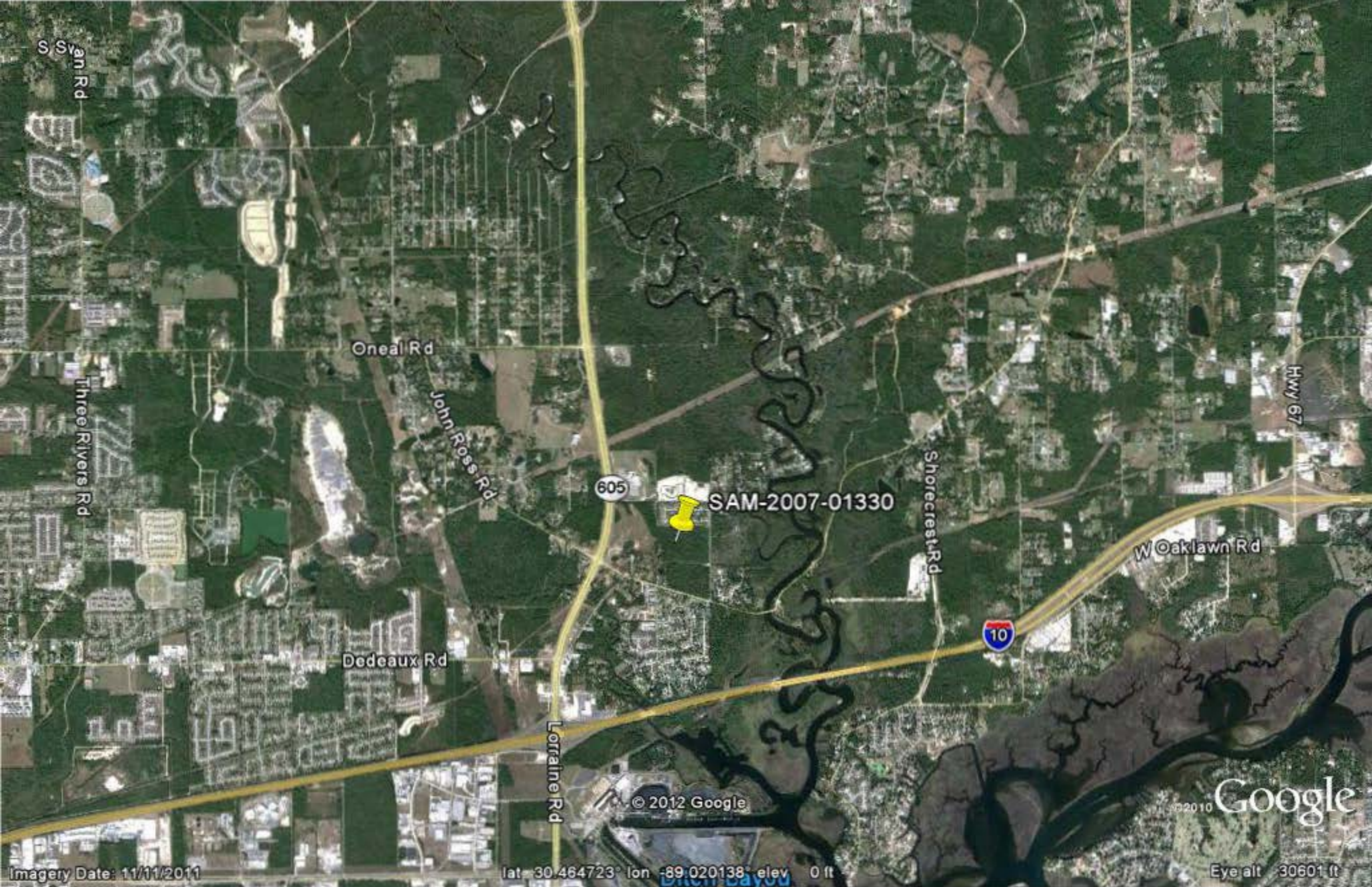
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Imagery Date: 11/11/2011

lat 30.461539° lon -89.022426° elev. 0 ft

Eye alt 13075 ft



S San Rd

Three Rivers Rd

Oneal Rd

John Ross Rd

605

SAM-2007-01330

Shorecrest Rd

Hwy 67

W Oaklawn Rd

Dedeaux Rd

10

Lorraine Rd

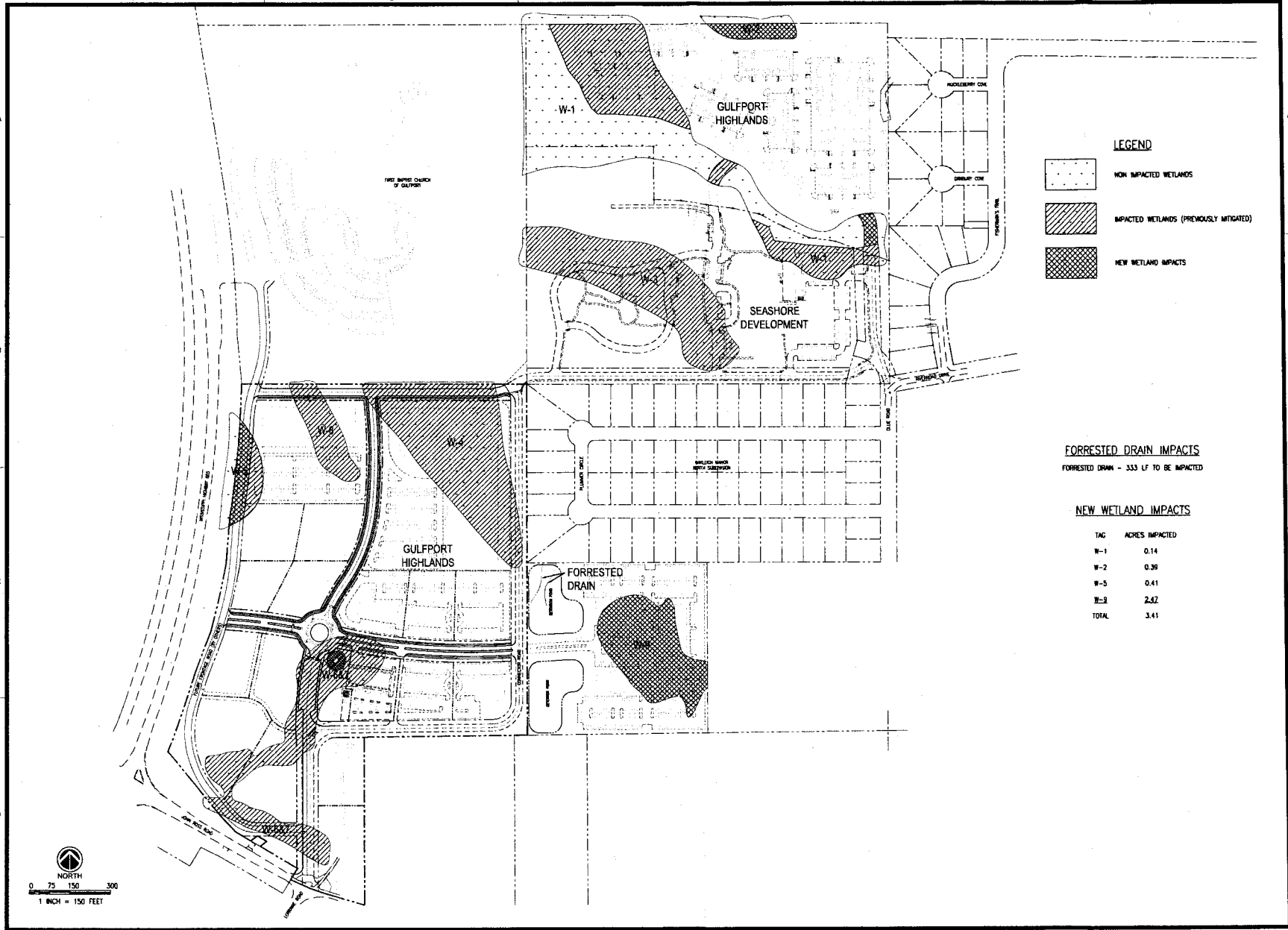
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Imagery Date: 11/11/2011

lat: 30.464723° lon: -89.020138° elev: 0 ft

Eye alt: 30601 ft



LEGEND

- NON IMPACTED WETLANDS
- IMPACTED WETLANDS (PREVIOUSLY MITIGATED)
- NEW WETLAND IMPACTS

FORRESTED DRAIN IMPACTS
 FORRESTED DRAIN - 333 LF TO BE IMPACTED

NEW WETLAND IMPACTS

| TAC | ACRES IMPACTED |
|--------------|----------------|
| W-1 | 0.14 |
| W-2 | 0.36 |
| W-5 | 0.41 |
| W-3 | 2.42 |
| TOTAL | 3.41 |

| | |
|-----------|--|
| REVISIONS | |
| A | PROJECT # 21818.05 DATE 2-17-12 DRAWN BY: JB DESIGNER: SM CHECKED BY: HW |
| B | Pickering <small>Pickering Firm, Inc. 1000 Highway 90, Suite 201 Gulfport, Mississippi 39503 601.834.3463</small> |
| C | GULFPORT HIGHLANDS DEVELOPMENT Gulfport, Mississippi |
| D | SHEET NUMBER <div style="text-align: center; font-size: 24px; font-weight: bold;">1</div> DESCRIPTION New Wetland Impacts |

SAM-2007-01330-CR0
 DEPT. OF THE ARMY PERMIT