



**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-2022-01050-RCV**

**November 28, 2022**

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

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**PROPOSED WETLAND FILL FOR THE CONSTRUCTION OF A COMMERCIAL**  
**BUILDING IN BILOXI, HARRISON 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:** Anderson Construction  
5266 Highway 613  
Lucedale, MS 39452

**WATERWAY AND LOCATION:** located at the southeast corner of Cedar Lake Road and Old Highway 67, in Section 1, Township 7 South, and Range 10 West, in Biloxi, Harrison County, MS (latitude 30.457685° North, longitude - 88.937553 ° West). The project site includes wetlands associated to Howards Creek in the Coastal Mississippi drainage (HUC 03170009).

**PROPOSED WORK:** The applicant proposes to impact 1.47 acres of wetlands adjacent to Howards Creek. All impacts would be associated with the construction of a commercial building and associated parking lot. The applicant proposes the purchase of mitigation credits to offset any wetland impacts.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Mississippi Department of Environmental Quality and the Mississippi Department of Marine Resources.

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 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 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.

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 USACE has determined the permit area consists of the entire project site. 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. The U.S. Army Corps of Engineers (USACE) has made a preliminary determination that the proposed project would have no effect on historic properties. However, 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. 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.

A preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and the National Marine Fisheries Service list of Mississippi's Threatened and Endangered Species indicate the proposed activity will have no effect on endangered or threatened species, or their critical habitat. This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for information on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2022-01050-RCV** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South Mississippi Branch, with a copy 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.** If you have any questions concerning this publication, you may contact the project manager at (251) 690-3246, or email at [rudolph.c.villarreal@usace.army.mil](mailto:rudolph.c.villarreal@usace.army.mil). Please refer to the above Public Notice number.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures

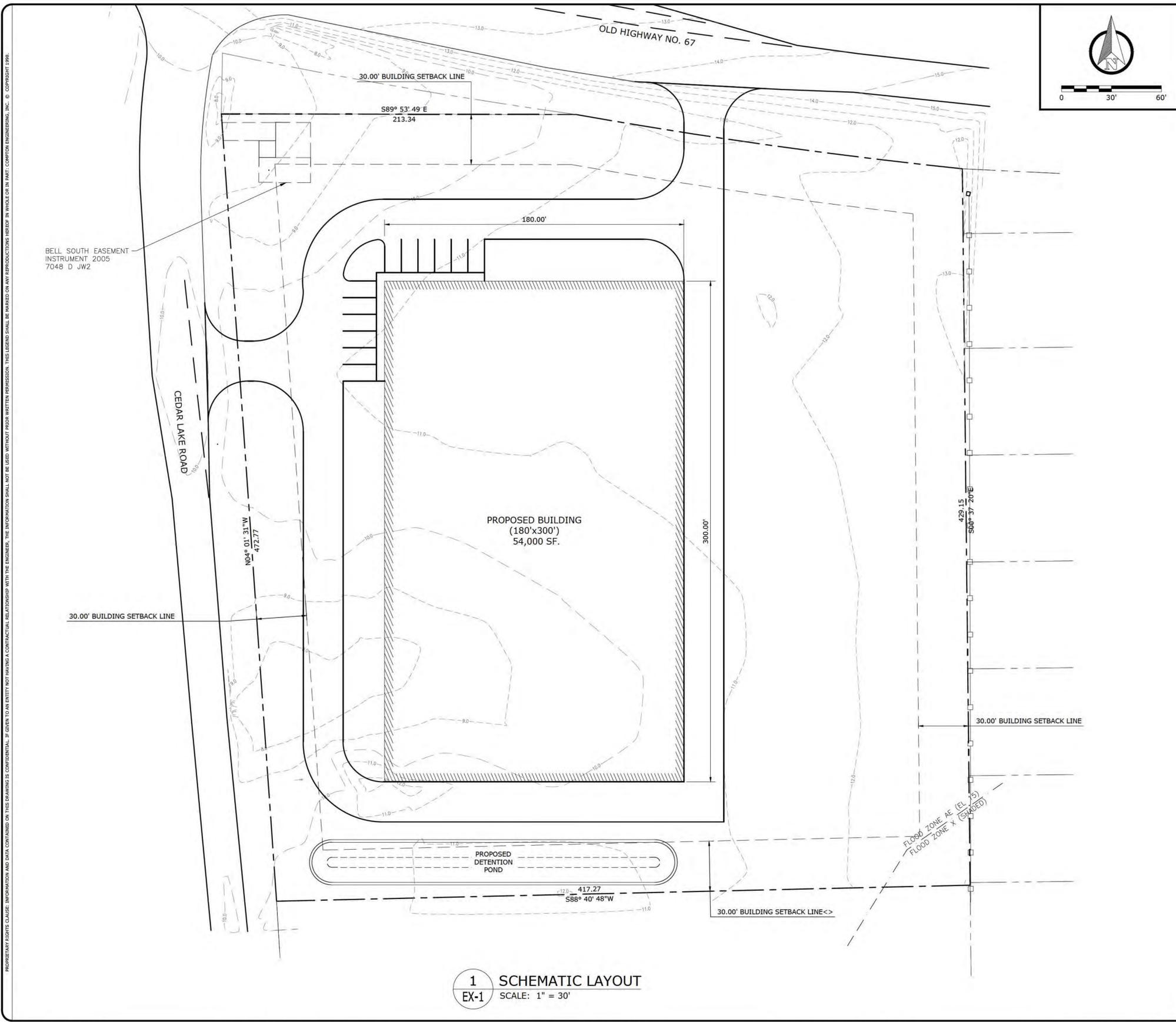


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<p>Base Map: ESRI USA Topo Maps          Source: USGS, NGS, i-cubed          Map Date: July 28, 2022</p> <p><b>NORTH</b></p> <p>0 0.4 0.8 1.2 1.6          Miles</p>	<p><b>PROJECT LOCATION          MAP</b></p>  <p><b>ECOLOGICAL          ASSET          MANAGEMENT, LLC</b></p>	<p><b>Wetland Delineation          on +/- 4.6 ac Parcel          on Cedar Lake Rd. &amp; Old Hwy 67</b></p> <p>Location: Biloxi, MS          Portion of Section 1;          Township-7-South; Range-10-West          County: Harrison County, MS</p>
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Figure 1: Project Location of the +/- 4.58-acre Cedar Lake & Old Highway 67 project area; Biloxi, Harrison County, MS.

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**1** SCHEMATIC LAYOUT  
EX-1 SCALE: 1" = 30'

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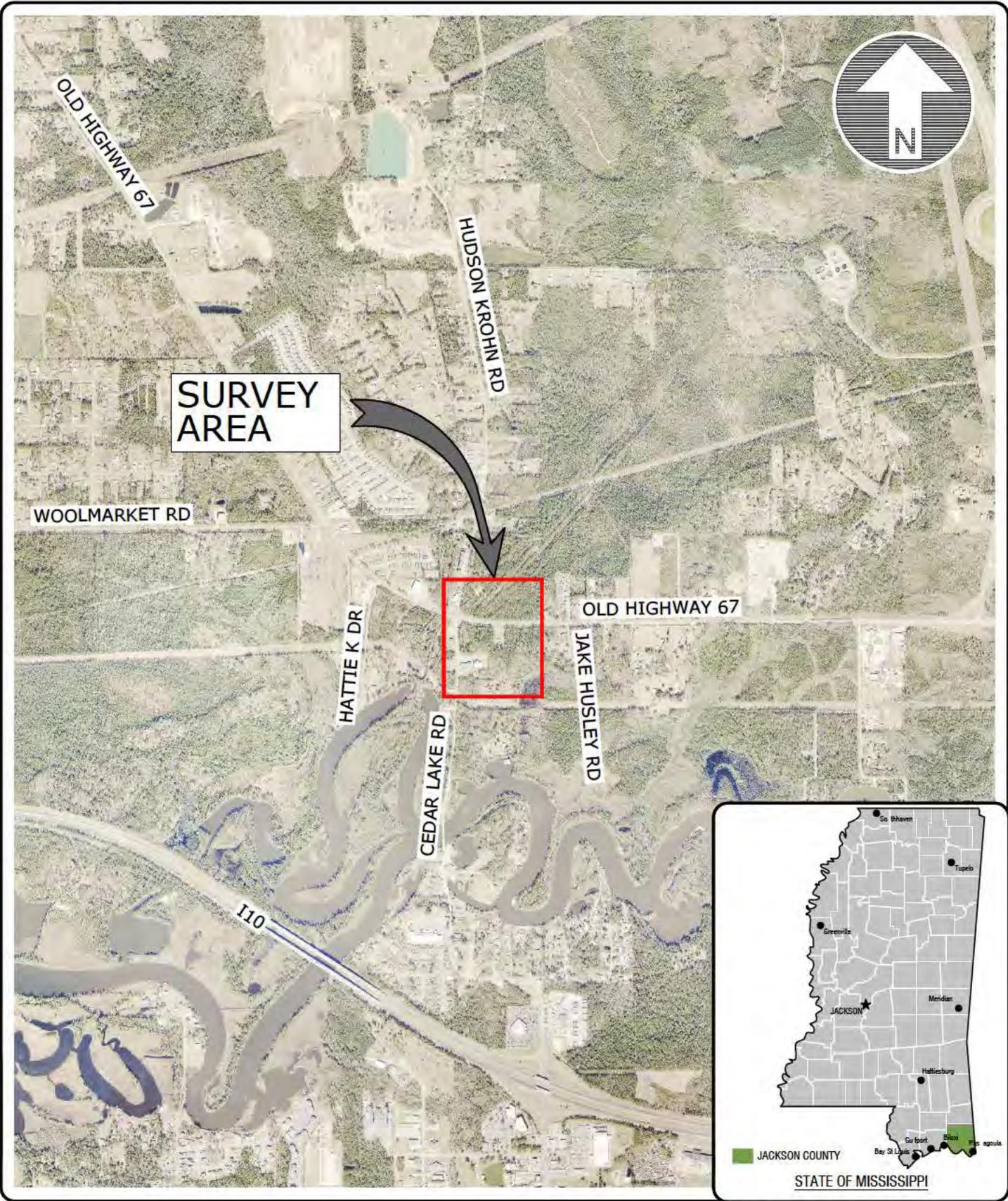
**ANDERSON HOMES AND CONSTRUCTION, LLC**  
**SITE DEVELOPMENT ON OLD HWY 67**

SCHEMATIC LAYOUT

SCALE:	AS NOTED
JOB NO.:	222-035
DATE:	WAD
DSGN.:	JDL
DWG. BY:	WAD
CHK.:	WAD
APVD.:	

EX-1

09/22/22	ISSUED FOR REVIEW	JDL	WAD	09/26/22	ISSUED FOR REVIEW	JDL	WAD	09/26/22	ISSUED FOR REVIEW	JDL	WAD	09/26/22	ISSUED FOR REVIEW	JDL	WAD	10/05/22	ISSUED FOR REVIEW	JDL	WAD	10/11/22	ISSUED FOR REVIEW	JDL	WAD
DATE	DESCRIPTION	BY	APVD																				



M:\2022\222-035 Billy Anderson - Comm Dev - 12011 Old Hwy. 67, Biloxi\EnvrPermitting\Owgs\ENVPRO-1 REV A.dwg, 10/13/2022 11:15:18 AM, Joseph, 1:1



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222-035  
 ANDERSON HOMES AND CONSTRUCTION, LLC  
 SITE DEVELOPMENT ON OLD HWY 67,  
 BILOXI, HARRISON CO., MS,  
 WETLAND DELINEATION,  
 SHEET 1  
 SCALE: NTS  
 DRN. BY: JDL

SAM-2022-01050-RCV

M:\2022\222-035 Billy Anderson - Comm Dev. 12011 Old Hwy. 67, Biloxi\EnvirPermitting\Owgs\ENVFRO-1 REV A.dwg, 10/13/2022 11:15:26 AM, Joseph, 1:1



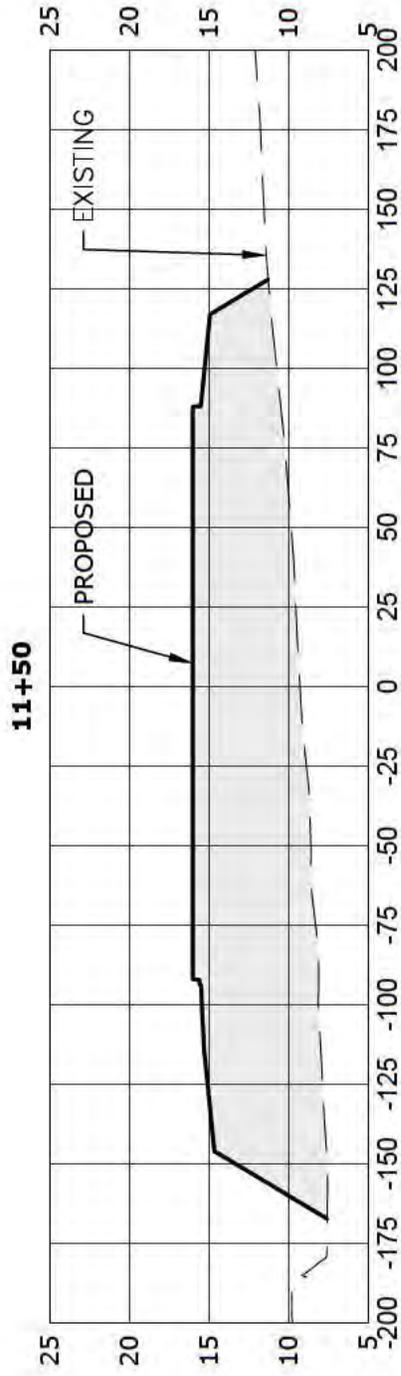
**LEGEND**

- SURVEY LIMITS:
- WETLAND BOUNDARY:  
TOTAL SITE WETLAND: (2.65 ACRES)
- TOTAL IMPACTED WETLAND AREA:  
65,135.89 sq.ft. (1.47 ACRES)
- X-X WETLAND DETERMINATION DATA POINT



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**1 SECTION**  
**SHT. 3** SCALE: NTS

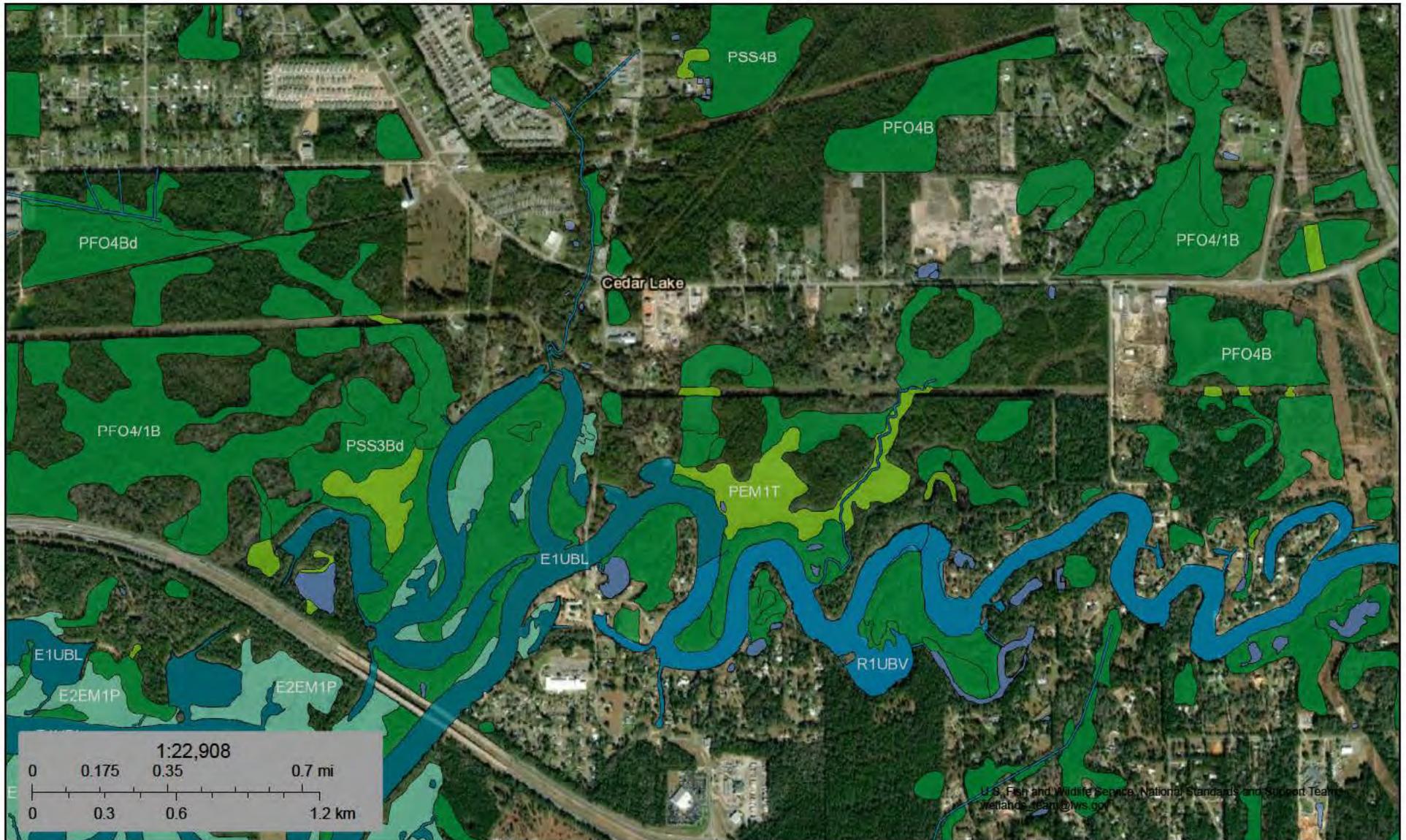


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- 1) Oscar Krohn, et al, C/O -Mrs Norma Richards, 350 St. Marys Blvd, Biloxi, MS 39531
- 2) Cedar Lake United Methodist Church – 12332 Cedar Lake Road, Biloxi, MS 39532
- 3) Joe Davis Trustee – 12462 Old Hwy 67, Biloxi, MS 39532
- 4-9) Elliot Land Developers, LLC- 1402 Pass Road, Gulfport, MS 39501
- 10) Billy Rae and Audie Broadus- 12322 Hatti K Drive, Biloxi, MS 39532



October 6, 2022

**Wetlands**

- |  |   |  |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland       |  Lake     |
|  Estuarine and Marine Wetland   |  Freshwater Forested/Shrub Wetland |  Other    |
|  |  Freshwater Pond                   |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.