



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Focus Construction

Published: March 13, 2026
Expires: April 13, 2026

Mobile District
Permit Application No. SAM-2008-01227-MJF
Joint Public Notice: U.S. Army Corps of Engineers (USACE),
Mississippi Department of Environmental Quality Office of
Pollution Control (MDEQ), and Mississippi Department of
Marine Resources (MDMR) (DMR26-000056)

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: Mr. Shawn Pedersen
Focus Construction
15121 Lemoyne Blvd.
Biloxi, Mississippi 39532

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

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Graveline Bay. The project/review area is located on the south side of Old Spanish Trail in 38 Section, 7S Township, 7W Range; at Latitude 30.392728° and Longitude -88.702779°; in City of Gautier, Jackson County, Mississippi.

EXISTING CONDITIONS: The 20.26-acres project site contains 18.98-acres of medium-quality (based on MWRAP) pine savannah wetlands associated with Graveline Bayou. The property is bordered on the east, south, and west by forested residentially zoned land and to the north by Old Spanish Trail roadway. The project site is currently wooded. A Department of the Army (DA) permit was previously issued for the subject property on December 16, 2011 and expires on September 27, 2015. The permit authorized the fill of 13.82 acres of medium-quality pine savanna wetlands to construct a 56-lot single-family residential subdivision. No mitigation credits were purchased for this permit, and no work was completed.

PROJECT PURPOSE:

Basic: The Corps has determined that the basic purpose of the project is to provide residential housing.

Overall: The overall project purpose is to provide housing through the development of a residential subdivision in the City of Gautier within the Ocean Springs School District (OSSD).

PROPOSED WORK: The applicant requests authorization to fill approximately 17.19 acres of medium-quality pine savannah wetlands to construct a 58-lot single-family residential subdivision. The proposed plan includes house lots, roads, and utilities.

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 proposed project was designed to avoid approximately 1.79 acres of medium-quality pine savannah wetlands. In addition, the applicant will utilize Best Management Practices (BMPs) during construction. Temporary and permanent construction best management practices will be implemented to prevent silt-laden runoff and other pollutants from entering the avoided wetland areas, neighboring watershed and other downstream ecosystems before, during and after development. BMPs include but are not limited to the placement of silt fences, the use of silt fence inlet protection, the installation of riprap (if needed), and the use of vegetative stabilization within disturbed areas.

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 the purchase of mitigation credits from an approved mitigation bank.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

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), and the USFWS Standard Local Operating Procedures for Endangered Species (SLOPES), were used to determine if any threatened, endangered, proposed, or candidate species, and/or any 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 may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

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	Preliminary Effect Determination
Dusky Gopher Frog	<i>Rana sevosa</i>	Endangered	No Effect
Red Rufa Knot	<i>Calidris canutus rufa</i>	Threatened	No Effect
Piping Plover	<i>Charadrius melodus</i>	Threatened	No Effect
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	Threatened	No Effect
Wood Stork	<i>Mycteria americana</i>	Threatened	No Effect
Gopher Tortoise	<i>Gopherus polyphemus</i>	Threatened	No Effect
Alabama Red-Bellied Turtle	<i>Pseudemys alabamensis</i>	Endangered	No Effect
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened	No Effect
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	May Affect
Mississippi Sandhill Crane	<i>Antigone canadensis pulla</i>	Endangered	Not Likely to Adversely Affect

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

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 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 **April 13, 2026**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Maryellen Farmer. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: Maryellen Farmer, 100 Canal Street, Regulatory Division, Mobile, Alabama 36602-1901. 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. Please refer to the permit application number in your comments.

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.

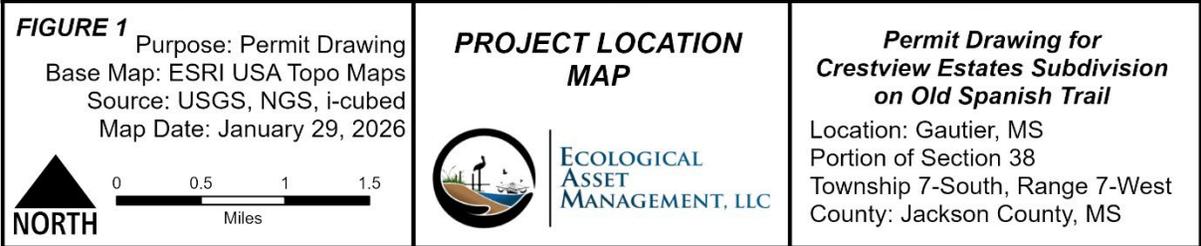
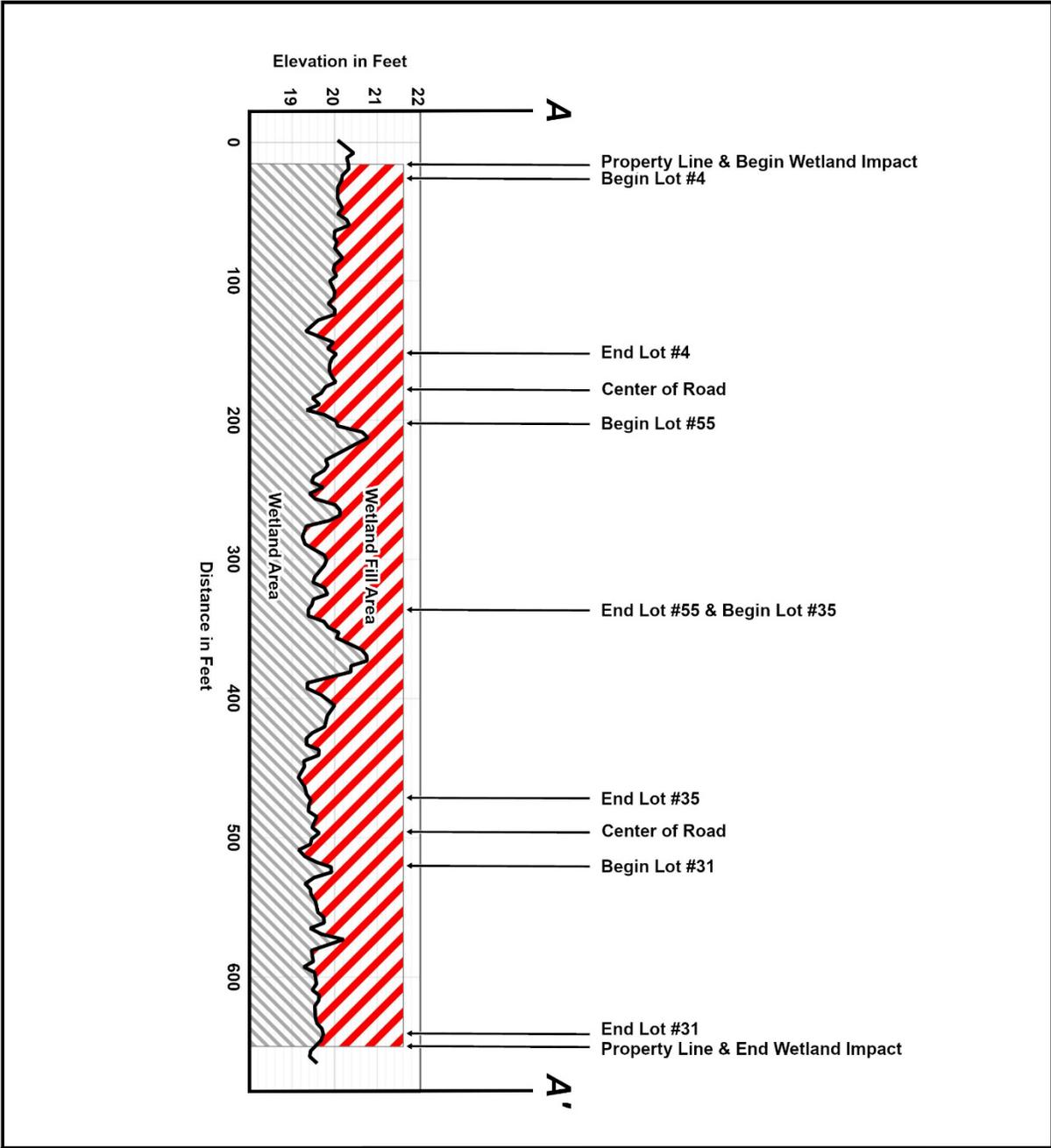


Figure 1. Project Location



<p>FIGURE 3</p> <p>Purpose: Permit Drawing Base Map: Project Design Profile Source: Focus Construction & EAM Field Data Map Date: January 29, 2026</p> <p>NORTH</p> <p>SCALE: As Shown</p>	<p>CROSS SECTION DRAWING</p>  <p>ECOLOGICAL ASSET MANAGEMENT, LLC</p>	<p>Permit Drawing for Crestview Estates Subdivision on Old Spanish Trail</p> <p>Location: Gautier, MS Portion of Section 38 Township 7-South, Range 7-West County: Jackson County, MS</p>
--	--	---

Figure 3. Typical Cross Section Drawing

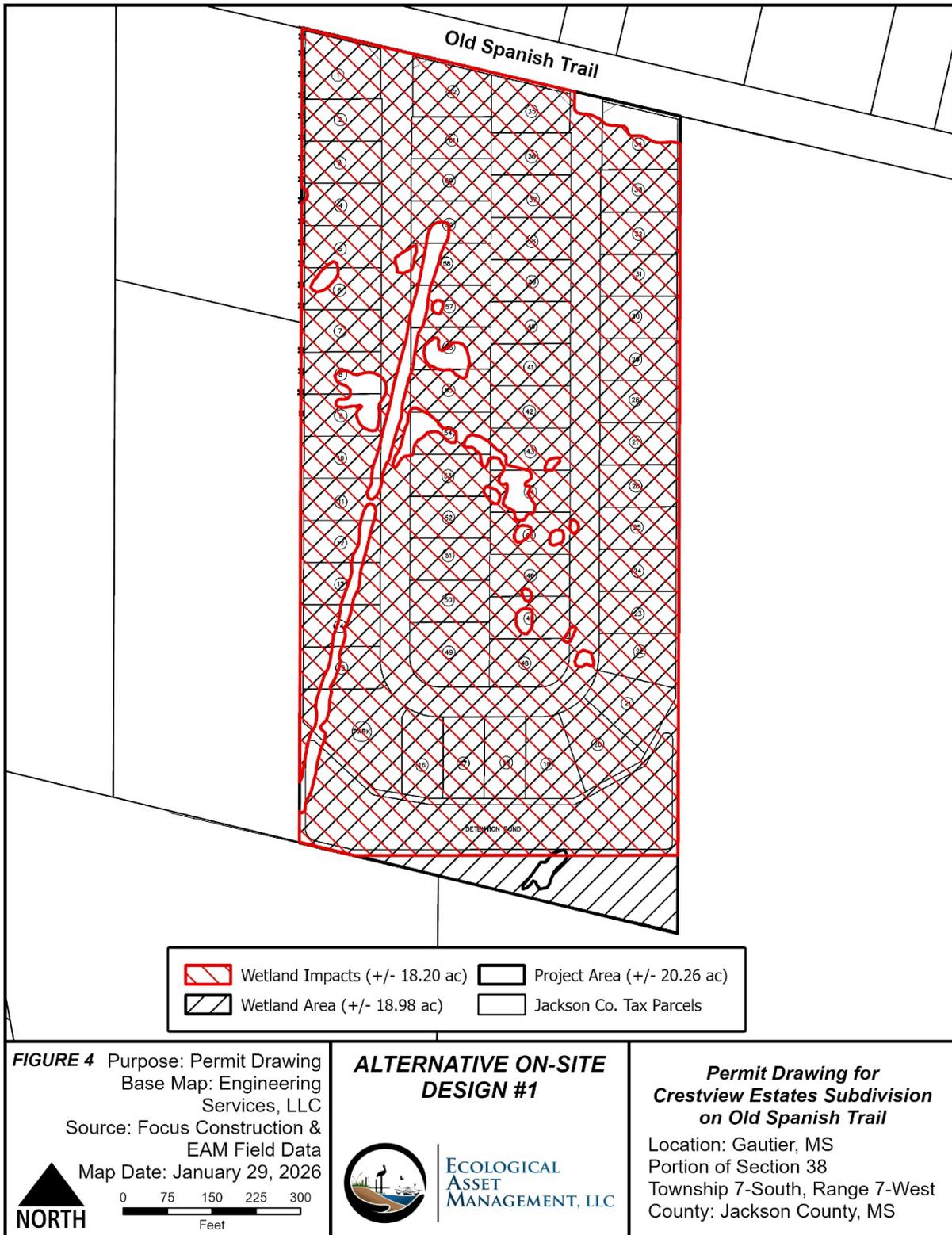


Figure 4: Site Design Option #1