

**JOINT APPLICATION AND NOTIFICATION
U.S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL**

Applicant: Elliott Land Development,
LLC - Brandon Elliott
Mailing Address: 1402 Pass Road
Gulfport, MS 39501
Phone Number:
Email Address:

Agent: Ecological Asset Management,
LLC - Mitch Tinsley
Mailing Address: 803 Highway 90
Bay St Louis MS, 39520
Phone Number: Email Address:

Date Submitted:

10/20/2022

DMR Permit Number:
DMR22-000663

Historic DMR Permit Numbers:

Probably DMR-050373 and DMR20-000066 but not yet confirmed

DMR File Number:

22-000595

Project Location:

60124060.000
0 RILEY RD
Ocean Springs, MS 39564
Jackson County

Latitude: 30.4157
Longitude: -88.749

Do you still need to enter a Project Location?
How will you identify the project location:

Project Information:

Project Name or Title: Madison Place Subdivision

Project Description: The applicant proposes the filling of +/- 4.13 acres of low-quality and +/- 9.29 acres of medium-quality jurisdictional wetlands for the expansion of the subdivision in Phase 2, a +/- 53-acre project area. This permit application is a modification to the previously granted Individual Permit by USACE in May 16, 2019, under the permit number SAM-2004-03387-RCV. Due to a high demand of single family housing units in this area, and also along the Mississippi Gulf Coast, a steady growth of new construction homes continues to be desired. These needed housing units will provide support for the economic expansion within the Ocean Springs and Biloxi areas as a whole and to the general West Jackson County region. As more families are drawn into these areas, they provide a larger labor force, as well as a larger consumer base, which benefits the city and county revenues. Ecological Asset Management, LLC (EAM) staff biologists with expertise in threatened and endangered (T&E) species surveys conducted a field investigation to identify the presence of Threatened and/or Endangered Species and the existence of potential habitats on the subject property. Prior to the field investigation, EAM biologists reviewed the U.S. Fish and Wildlife Services (USFWS) latest list of T&E species and the Mississippi Department of Wildlife and Fisheries Natural Heritage Programs Data Base within Jackson County, Mississippi. It was determined through in-house research and the field visits on January 13 & 18, 2021, that of the species listed as T&E species in Jackson County, MS, none occur (or are likely to occur) within the subject property. A CRS Phase 1 was performed on the entire project boundary on February 22, 2021, by TerraXplorations and the results of that survey and report was reviewed by USACE and Mississippi Department of Archives and History (MDAH). The results of that review received from MDAH via letter dated March 1, 2021, stating that no cultural resources are likely to be affected on the subject property. Therefore, there is no objection with the proposed undertaking. See Environmental Assessment for details.

Project Purpose and Need: This purpose of this project is to expand a single-family residential subdivision near Highway 90 in eastern Ocean Springs to meet the local housing demand.

Intended Use: Commercial

Will the Proposed Project have a Public Benefit?: Yes

Increased tax base: Yes

Increased employment:

National security benefits:

Improved habitat:

Other:

Does Project area contain any marsh Vegetation?: No

What measures will be taken to reduce detrimental off-site effects to the Coastal Wetlands during and after the proposed activity?: Best Management Practices

Impact Information:

Number of Impact Types **01**

Impact Type: **Wetland Fill**

Permanent or Temporary? Permanent

Specific Purpose of Fill (Wetland Fill) Wetland fill is required to provide suitable foundations for the proposed house pads and necessary infrastructure.

Acreage/Square Footage or Linear Feet (Wetland Fill) 13.42

Specify Unit of Measurement (Wetland Fill) 01. Acreage

Cubic Yards of Fill Material (Wetland Fill) 25,000

Fill Material Type (Wetland Fill) Sandy Clay

Habitat Type (Wetland Fill) 01. Pine Savanna

Mitigation Type(Wetland Fill) 04. Other (Enter Other Type below)

Enter Other Type (Mitigation Type/ Wetland Fill) A combination of preservation and credit purchase

Is this a component of a larger project? No

Is any portion of this impact complete? No

Additional information relating to the proposed activity

Have any other federal, state, or local agencies issued permits or other types of approvals for the proposed project?: No

Have any other federal, state, or local agencies denied approval for the proposed project?: No

Project Schedule

Do you know the Proposed Start Date? Yes
11/01/2022

Do you know the Proposed Completion Date? Yes
10/01/2023

Do you know the Estimated Cost of the Project? Yes
\$150,000.00

Adjacent Property Owners:

Application Certified by: Mitch Tinsley

Attachment “A”
PERMIT DRAWINGS

Madison Place Subdivision

Section 24, T-7-S, R-8-W
Ocean Springs, Jackson County, MS



<p>FIGURE 1 Purpose: Permit Drawing Base Map: ESRI USA Topo Maps Source: USGS, NGS & i-cubed Map Date: May 1, 2022</p> <p>NORTH</p> <p>0 0.5 1 1.5 2 Miles</p>	<p align="center">PROJECT LOCATION MAP</p>  <p>ECOLOGICAL ASSET MANAGEMENT, LLC</p>	<p align="center">Permit Drawing for +/- 53 ac Project Area at Madison Place Subdivision</p> <p>Location: Ocean Springs Portion of Section 24; Township-7-South; Range-8-West County: Jackson County, MS</p>
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Figure 1: Project Location Map

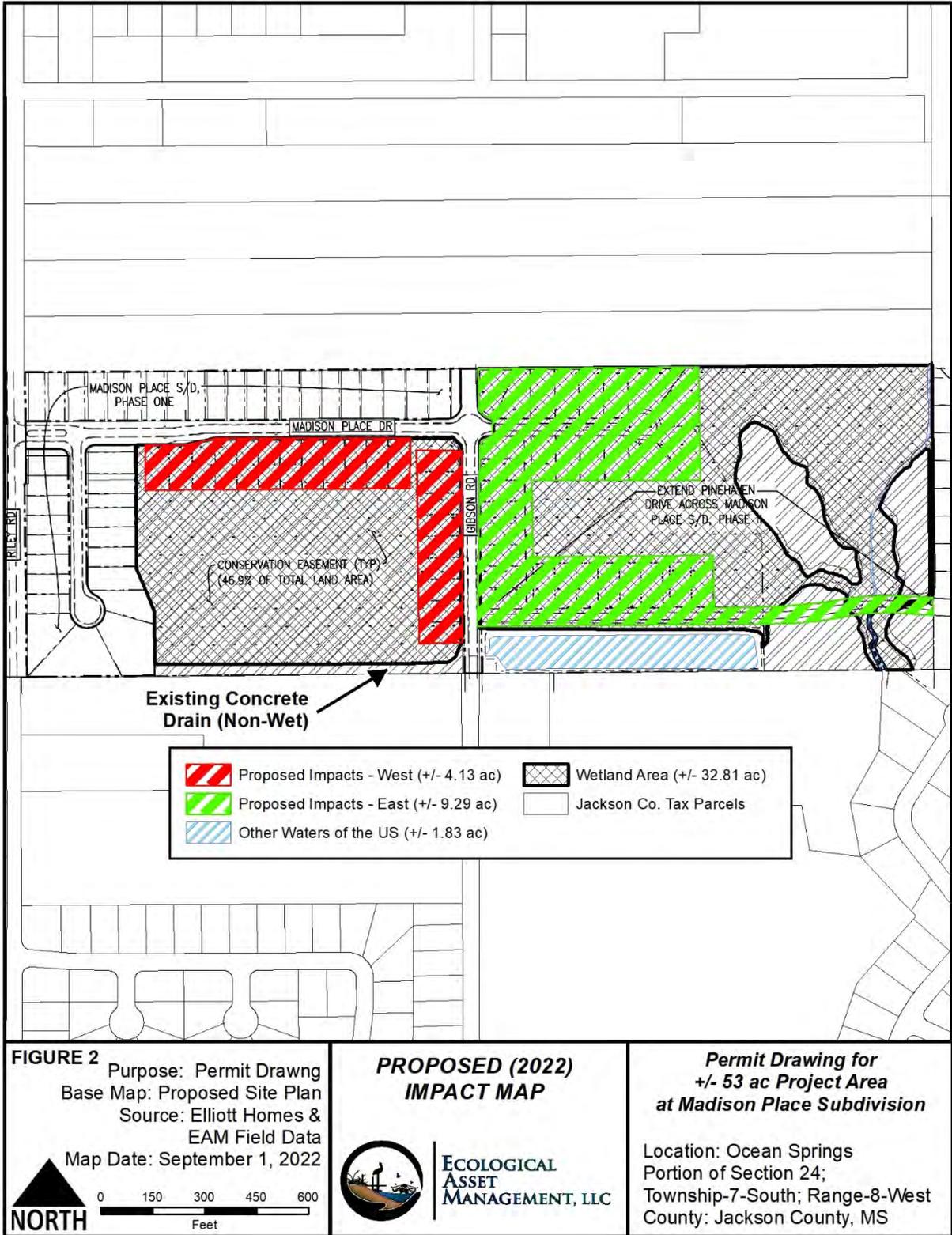


Figure 2. Proposed (2022) Impact Map

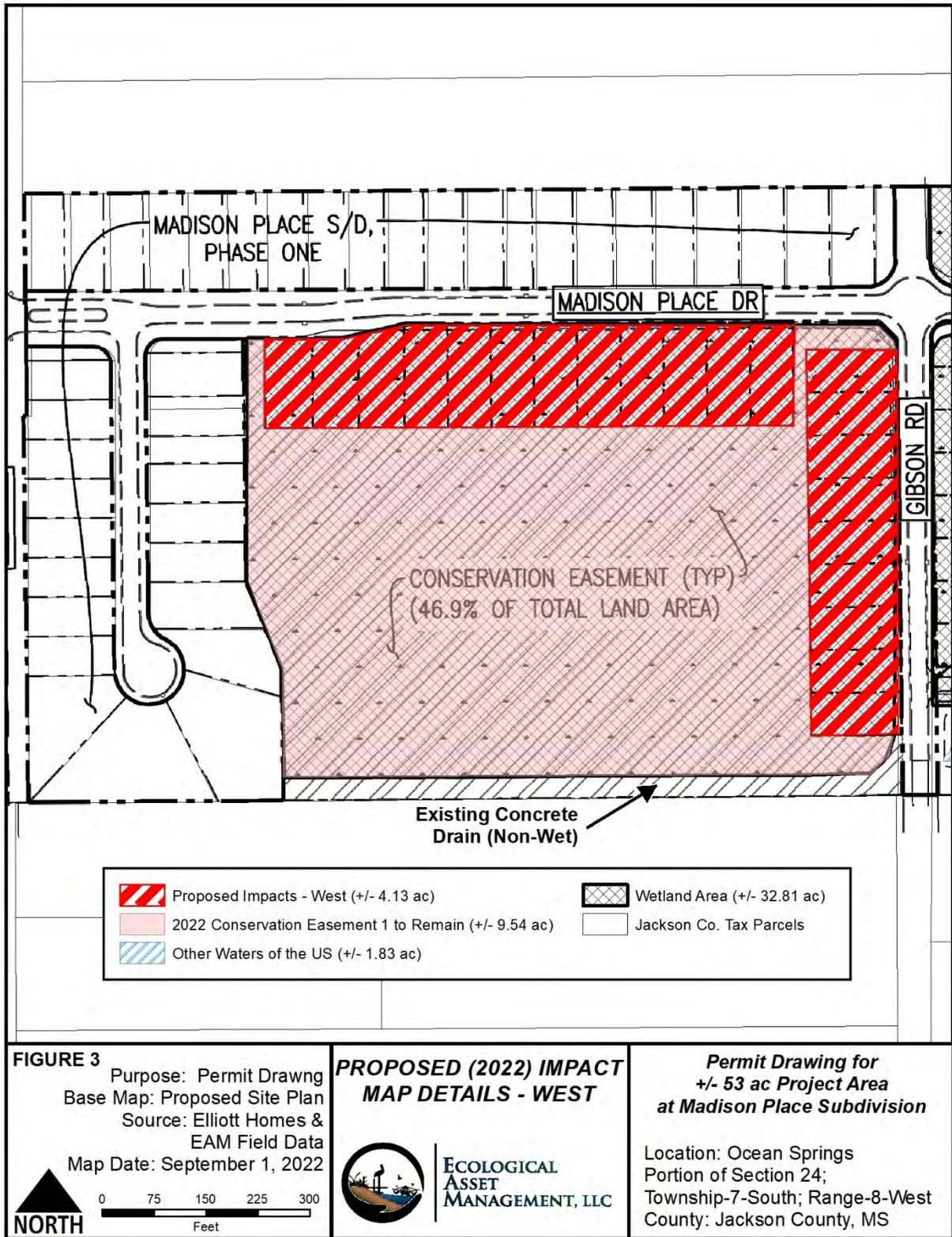


Figure 3. Proposed (2022) Impact Map Details - West

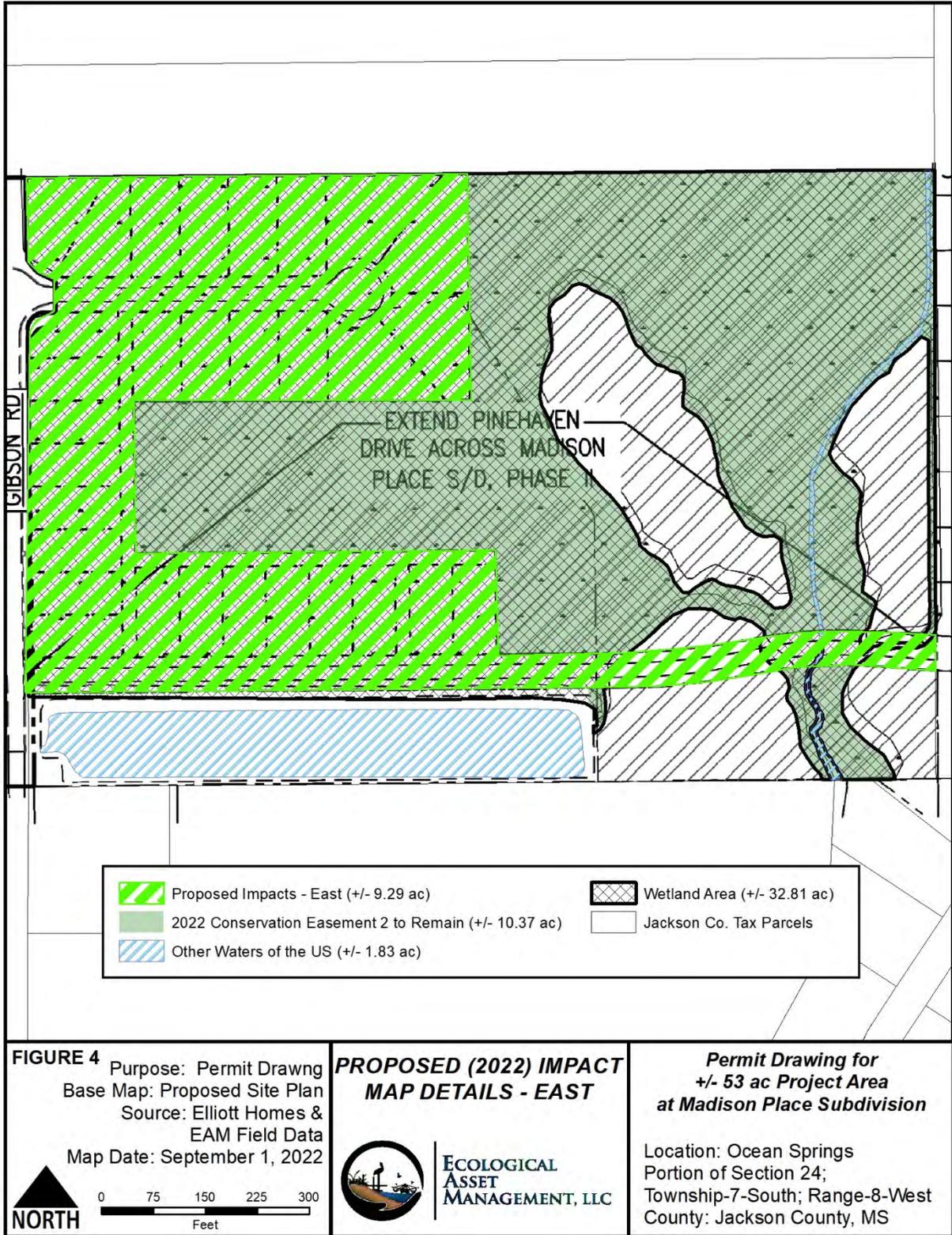


Figure 4: Proposed (2022) Impact Map Details - East

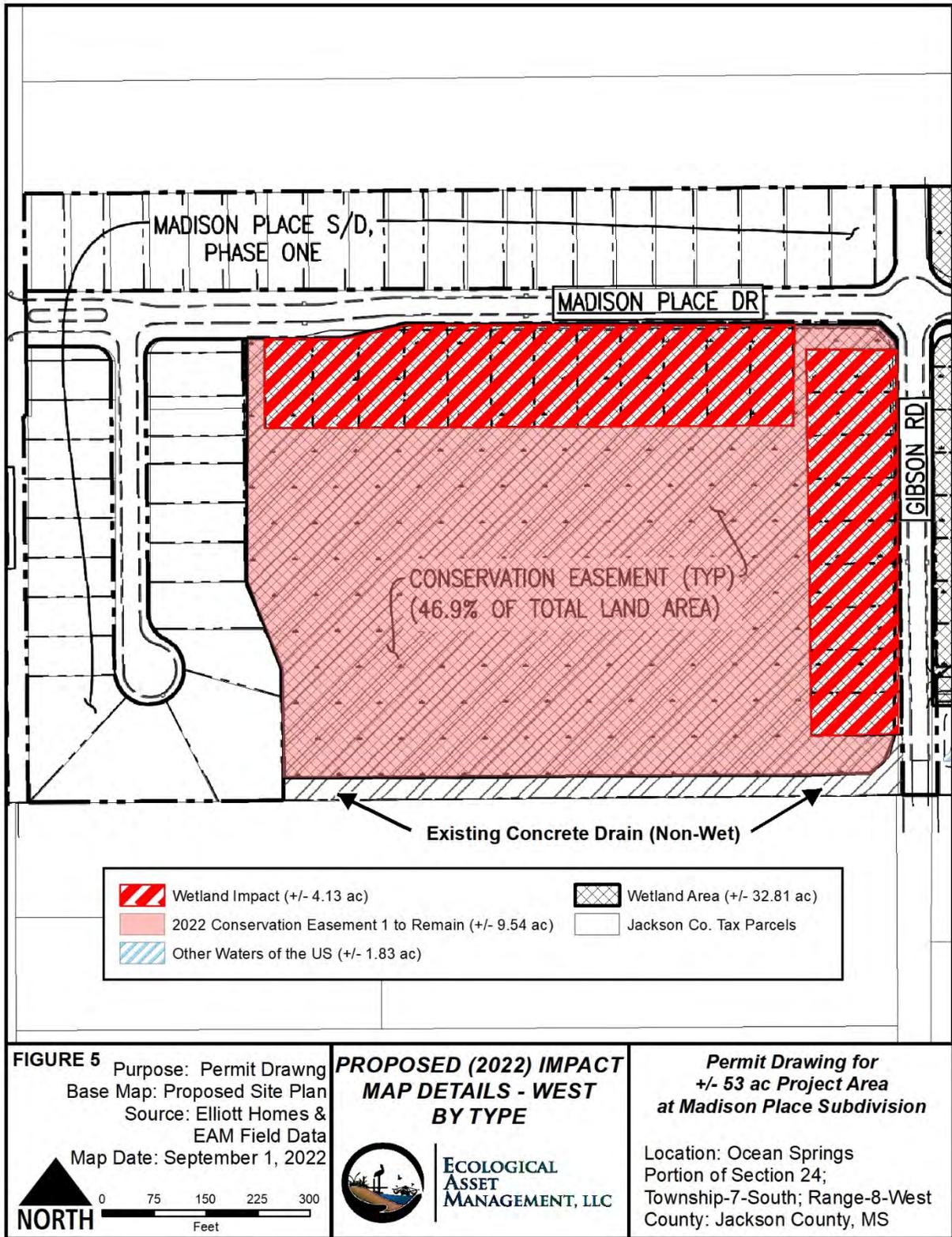


Figure 5: Proposed (2022) Impact Map Details – West by Type

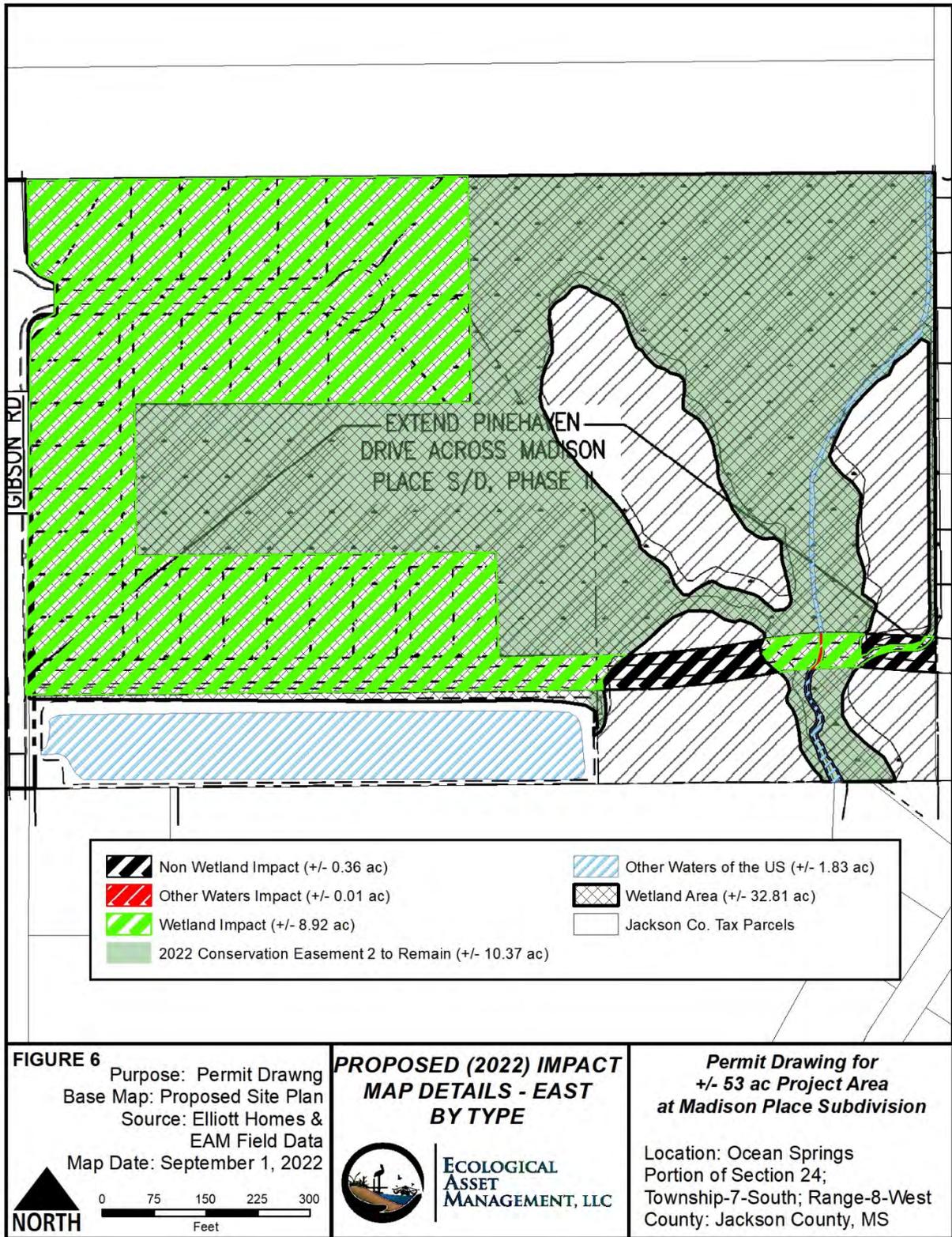


Figure 6: Proposed (2022) Impact Map Details – East by Type

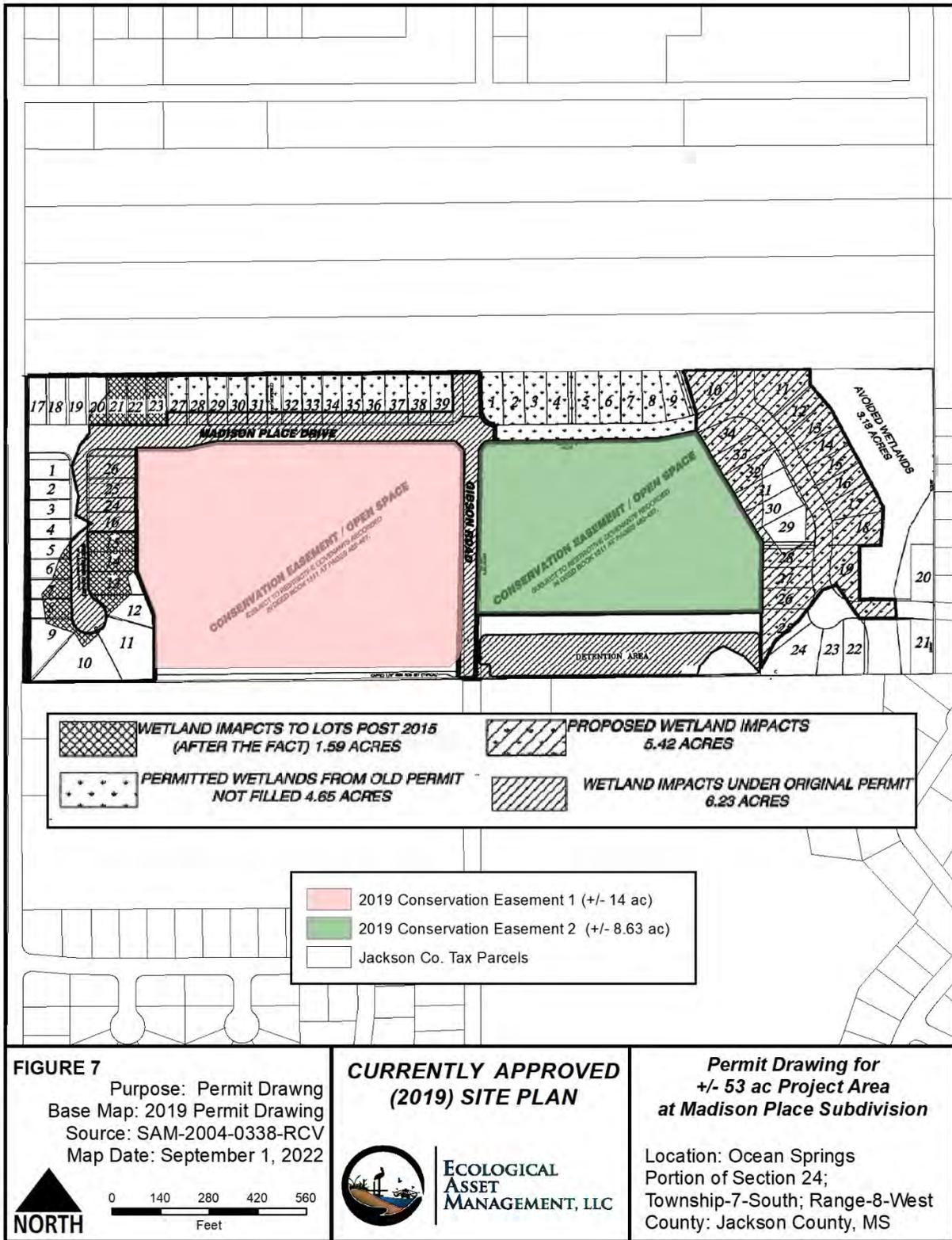


Figure 7: Currently (2019) Approved Site Plan

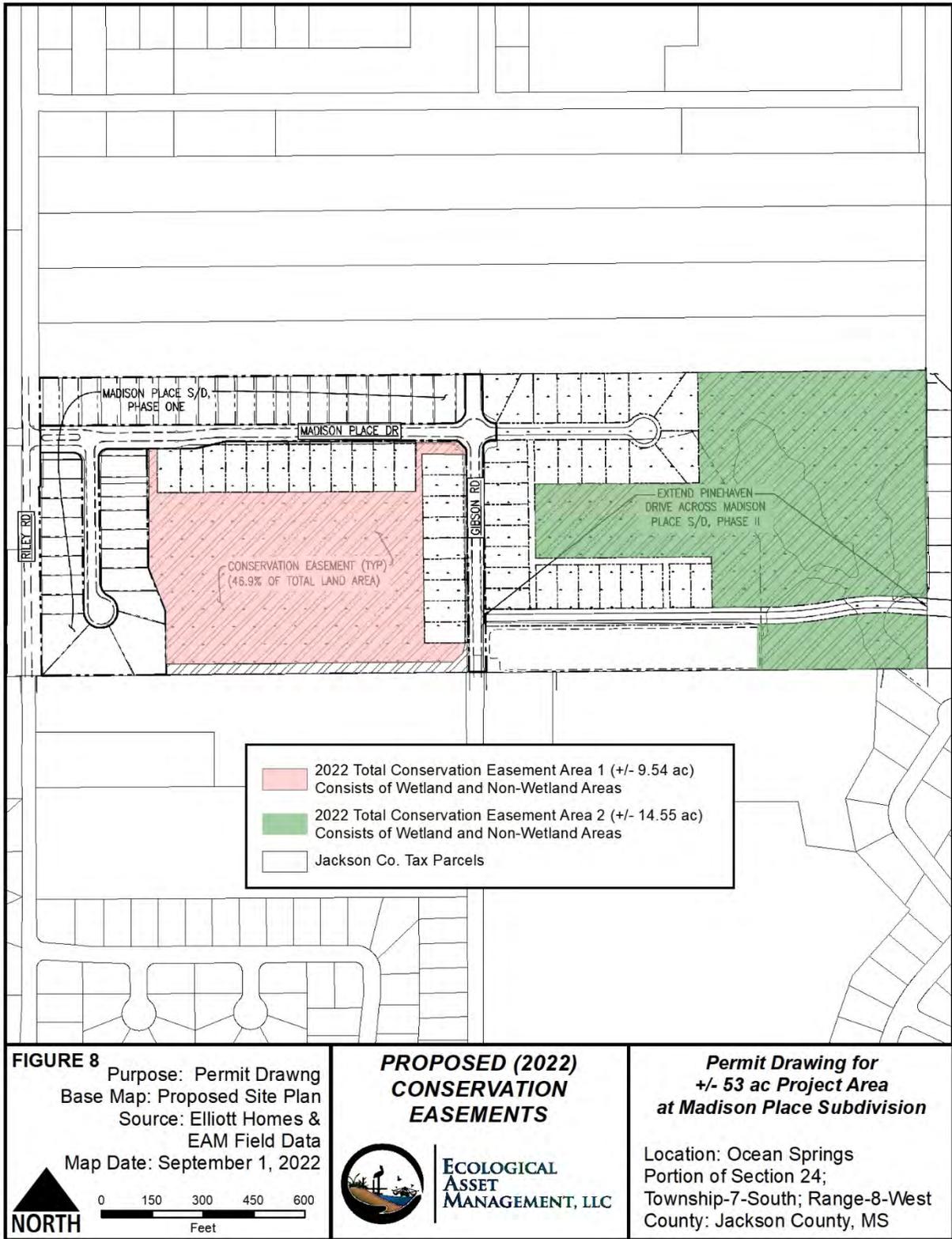
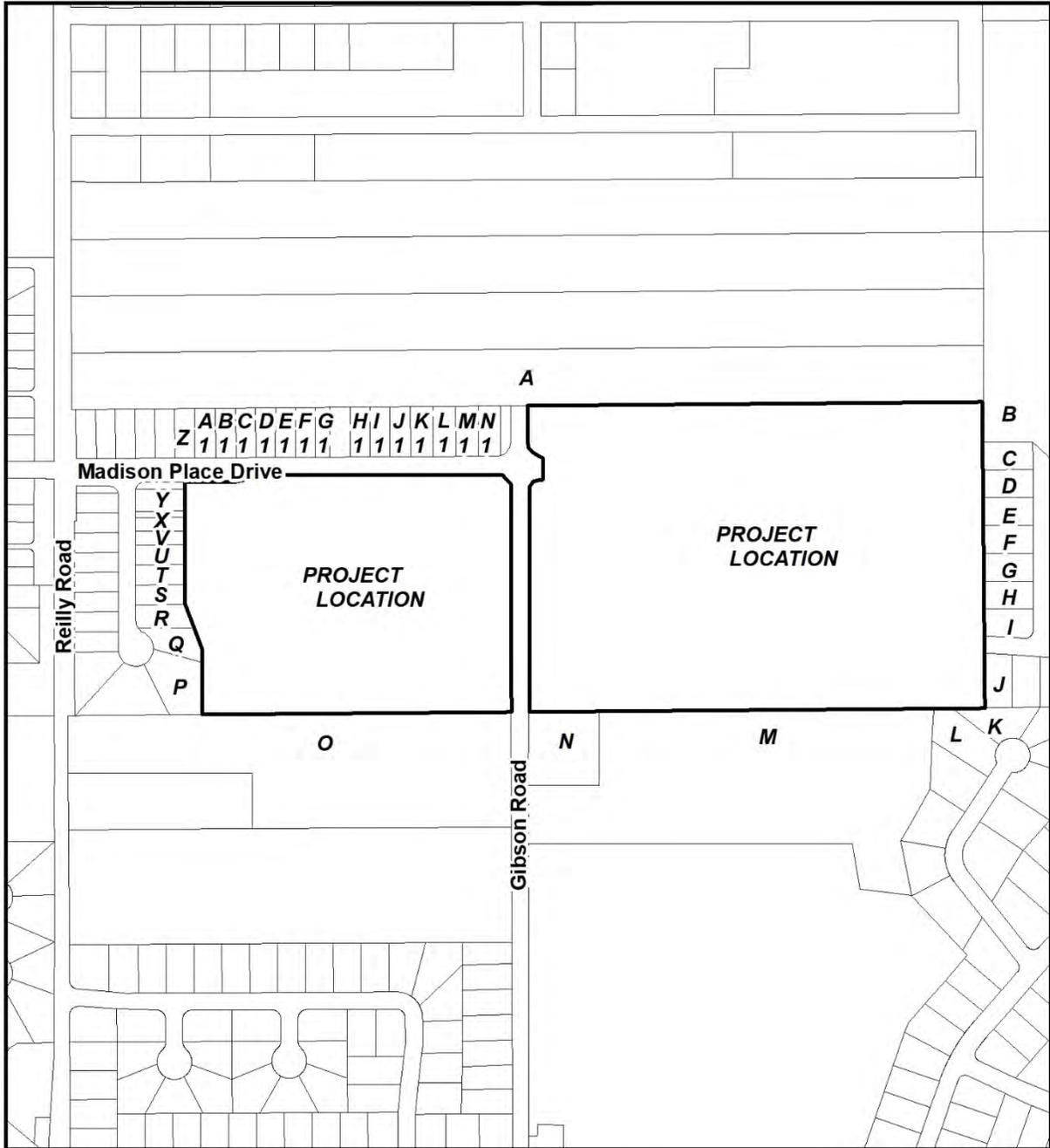


Figure 8: Proposed (2022) Conservation Easements



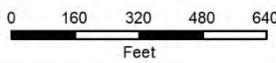
<p>FIGURE 9A Purpose: Permit Drawing Base Map: Jackson Co. Tax Parcels Source: Jackson Co., MS Map Date: May 1, 2022</p>  <p>NORTH</p>  <p>0 160 320 480 640 Feet</p>	<p align="center">ADJACENT LAND OWNER MAP</p>  <p>ECOLOGICAL ASSET MANAGEMENT, LLC</p>	<p align="center">Permit Drawing for +/- 53 ac Project Area at Madison Place Subdivision</p> <p>Location: Ocean Springs Portion of Section 24; Township-7-South; Range-8-West County: Jackson County, MS</p>
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Figure 9A: Adjacent Land Owner Map

Madison Place - Adjacent Land Owners Detail Table				
ID	GISP ID	Name	Address	City, State, Zip
A	786.24-03-0002.00	HENGEN WAYNE L ET AL	979 HOWARD AVE	BILOXI MS 39530
B	786.24-04-0001.00	WILDLIFE MISSISSIPPI	P O BOX 10	STONEVILLE MS 38776
C	786.24-04-0001.21	WILLIAMS ANJANETTE N	75 FAIRWOOD DR	OCEAN SPRINGS MS 39564
D	786.24-04-0001.22	TAVENER LINDA LEE	73 FAIRWOOD DR	OCEAN SPRINGS MS 39564
E	786.24-04-0001.23	UTSEY LEE A JR	10809 WESTWOOD LOOP APT 137	SAN ANTONIO TX 78254
F	786.24-04-0001.24	WEBB PAUL H & NAOMI S	69 FAIRWOOD DRIVE	OCEAN SPRINGS MS 39564
G	786.24-04-0001.25	BADA JOSEPH P	67 FAIRWOOD DR	OCEAN SPRINGS MS 39564
H	786.24-04-0001.26	OVERBY NICKIE A & BEATRICE W	3000 OAKLEIGH CR	OCEAN SPRINGS MS 39564
I	786.24-04-0001.27	HOANG NHUNG THI NGUYEN	63 FAIRWOOD DR	OCEAN SPRINGS MS 39564
J	786.24-03-0001.01	STROM EDITH N	4596 PINEHAVEN DR	OCEAN SPRINGS MS 39564
K	787.25-01-0064.30	DOYLE DWAYNE C	13 N LAKEVIEW DR	OCEAN SPRINGS MS 39564
L	787.25-02-0064.31	BANKS STEPHEN & AMBER	11 N LAKEVIEW DR	OCEAN SPRINGS MS 39564
M	787.25-02-0067.00M	THE CABANAS LLC	P O BOX 1380	OCEAN SPRINGS MS 39566
N	787.25-02-0067.01	CITY OF OCEAN SPRINGS	P O BOX 1800	OCEAN SPRINGS MS 39564
O	787.25-02-0068.01	RODI THOMAS J MOST REV TRUSTEE	4900 REILLY RD	OCEAN SPRINGS MS 39564
P	786.24-03-0001.11	BROWN MEGGAN JANETTE	120 WESTWIND CT	OCEAN SPRINGS MS 39564
Q	786.24-03-0001.12	DEMAURO MICHAEL P & CLARISSA A	118 WESTWIND CT	OCEAN SPRINGS MS 39564
R	786.24-03-0001.13	NELSON STEVEN C & SHARON H	116 WESTWIND CT	OCEAN SPRINGS MS 39564
S	786.24-03-0001.14	HALL WILLIAM E III	114 WESTWIND CT	OCEAN SPRINGS MS 39564
T	786.24-03-0001.15	TONINI JEFFREY	112 WESTWIND CT	OCEAN SPRINGS MS 39564
U	786.24-03-0001.16	SYKES ALLISON RHEA	110 WESTWIND CT	OCEAN SPRINGS MS 39564
V	786.24-03-0001.17	OWENS HEATHER BROOKS	108 WESTWIND CT	OCEAN SPRINGS MS 39564
X	786.24-03-0001.18	PARKER STEPHEN W	106 WESTWIND CT	OCEAN SPRINGS MS 39564
Y	786.24-03-0001.20	HERNANDEZ GEORGE H	104 WESTWIND CT	OCEAN SPRINGS MS 39564
Z	786.24-03-0001.26	BARAJAS ANDREA N & ALBERTO	211 MADISON PLACE DR	OCEAN SPRINGS MS 39564
A1	786.24-03-0001.27	KESSINGER LINDA & THOMAS	213 MADISON PLACE DR	OCEAN SPRINGS MS 39564
B1	786.24-03-0001.28	MCCLAIN KENDRA N	215 MADISON PLACE DR	OCEAN SPRINGS MS 39564
C1	786.24-03-0001.29	WHITAKER MICHAEL D	217 MADISON PLACE DR	OCEAN SPRINGS MS 39564
D1	786.24-03-0001.30	TATE MORGAN	219 MADISON PLACE DR	OCEAN SPRINGS MS 39564
E1	786.24-03-0001.31	WATT GRAY	221 MADISON PLACE DR	OCEAN SPRINGS MS 39564
F1	786.24-03-0001.32	OWNES LOYAL M	223 MADISON PLACE DR	OCEAN SPRINGS MS 39564
G1	786.24-03-0001.34	REILLY PATRICK SEAN	225 MADISON PLACE DR	OCEAN SPRINGS MS 39564
H1	786.24-03-0001.35	SNEDDON BRUCE A	227 MADISON PLACE DR	OCEAN SPRINGS MS 39564
I1	786.24-03-0001.36	BOOKER CHANLER R	229 MADISON PLACE DR	OCEAN SPRINGS MS 39564
J1	786.24-03-0001.37	BAILEY MICHAEL D	231 MADISON PLACE DR	OCEAN SPRINGS MS 39564
K1	786.24-03-0001.38	MILLER PATRICK B & CAROLINE C	233 MADISON PLACE DR	OCEAN SPRINGS MS 39564
L1	786.24-03-0001.39	COLERICK HILARY PENNELL	235 MADISON PLACE DR	OCEAN SPRINGS MS 39564
M1	786.24-03-0001.40	BULLER SHAINA M	237 MADISON PLACE DR	OCEAN SPRINGS MS 39564
N1	786.24-03-0001.41	STENNIS EARL ALEXANDER III	239 MADISON PLACE DR	OCEAN SPRINGS MS 39564

FIGURE 9B
 Purpose: Permit Drawing
 Base Map: Jackson Co. Tax Parcels
 Source: Jackson Co., MS
 Map Date: May 1, 2022

**ADJACENT LAND
OWNER DETAIL TABLE**

**ECOLOGICAL
ASSET
MANAGEMENT, LLC**

**Permit Drawing for
+/- 53 ac Project Area
at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS

Figure 9B: Adjacent Land Owner Table

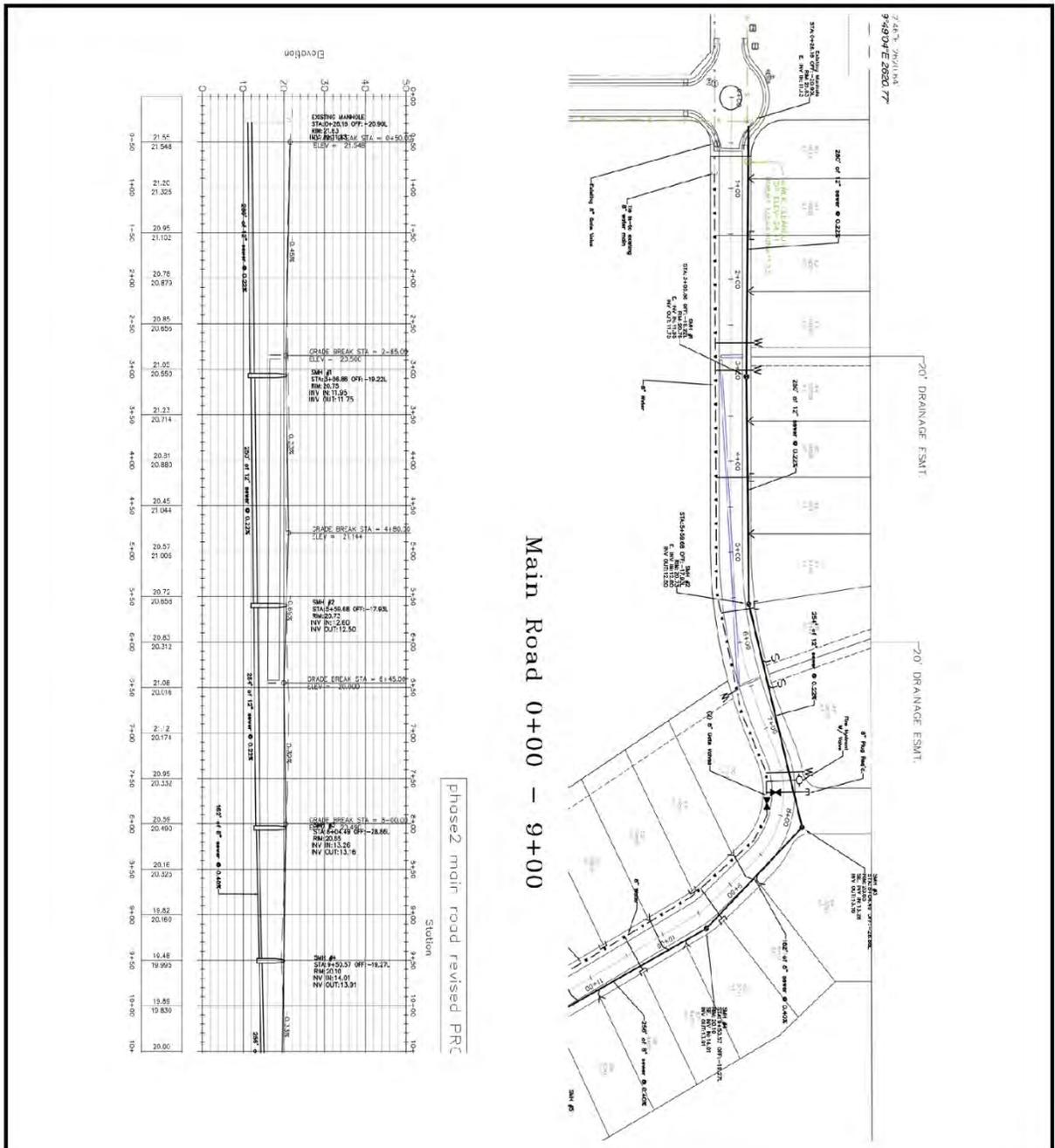


FIGURE 10A
 Purpose: Permit Drawing
 Base Map: Previously Apvd. Site Plan
 Source: Dennis Stieffel & Associates (2017)
 Map Date: September 1, 2022

**PREVIOUSLY APPROVED
 (2019) ROAD DESIGN
 & PROFILE**

**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 53 ac Project Area
 at Madison Place Subdivision**

Location: Ocean Springs
 Portion of Section 24;
 Township-7-South; Range-8-West
 County: Jackson County, MS

Figure 10A: Previously Approved Road Design & Profile

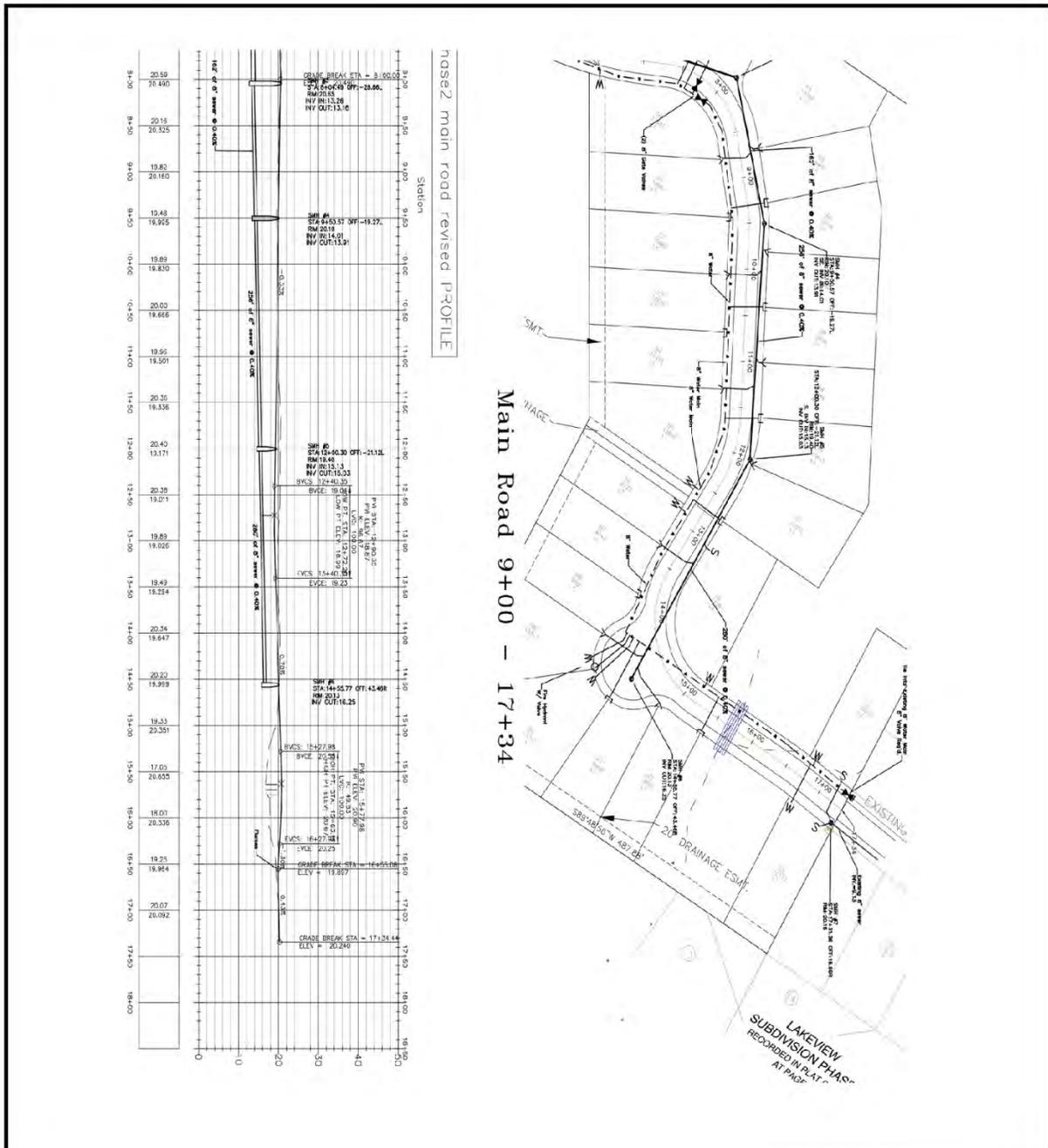


Figure 10B: Previously Approved Road Design & Profile

Attachment “B”
AGENT AUTHORIZATION

Madison Place Subdivision

Section 24, T-7-S, R-8-W
Ocean Springs, Jackson County, MS

Attachment “C”

**ENVIRONMENTAL ASSESSMENT
Madison Place Subdivision**

Section 24, T-7-S, R-8-W
Ocean Springs, Jackson County, MS

Environmental Assessment

Project Background

In November 2000, the subject property was issued a permit to construct a 56-lot, single-family residential subdivision called Fox Hollow Subdivision in the corporate limits of Ocean Springs, Jackson County, Mississippi. Permit MS 99-00157-H authorized impacts to medium quality wetlands in the form of 10.9 acres of fill and an additional 1.5 acres for an on-site detention pond. Mitigation efforts for said permit consisted of a combination of credit purchase and preservation. 29 credits were purchased to offset 8 acres of wetlands at 3:1 and 1.2 acres at 4:1. The preservation portion of mitigation consisted of 23 acres of medium quality wetlands into a conservation easement; this area generated 3.6 credits (ratio of 7:1).

A current permit (SAM-2004-03387-RCV), issued in May 2019, authorizes the fill of 11.66 acres of wetlands to construct a 73-lot, single-family residential subdivision. Credit purchase was used to mitigate for unavoidable impacts to 5.31 acres of low-quality pine savanna (10.62 credits) and 0.11 acres of medium quality bottomland hardwood wetlands (0.33 credits).

The proposed request acts as a modification to the previously planned project (SAM-2004-03387-RCV). Ongoing mitigation planning is taking place concurrently with the permit application process. Additionally, the current landowner and Covenantor of Record, Elliott Land Development, LLC, is requesting the ability to impact areas previously agreed to be held in conservation; however, they are also proposing to identify, protect and restrict additional areas that were previously allowed to be developed under the Permit Number MS04-03387-H. The letter of Restrictive Covenant Reconfiguration Intent addressing this can be found in Figure C-3: Madison Place Phase II –Restrictive Covenant Reconfiguration Intent Letter. This modified effort proposes to establish a larger conservation easement comprised of higher quality wetlands. The modified easement will also encompass and protect a prominent ephemeral stream that maintains connectivity with Davis Bayou.

Project Description

The project consists of the needed expansion of the Madison Place Subdivision, an existing single-family subdivision in the corporate limits of Ocean Springs, Jackson County, MS. The subject property is more specifically located in Section 24, Township-7-South, Range-8-West (Figure 1), Ocean Springs, Jackson County, MS.

This expansion in Phase 2 is being proposed in Madison Place Subdivision, which has seen faster than typical growth and build out. This location is also in a rapidly growing area of the Mississippi Gulf Coast with higher-than-normal demand for housing. The project will entail the filling of +/- 4.13 acres of low-quality and +/- 9.29 acres of medium-quality jurisdictional wetlands for the expansion of the subdivision in Phase 2, a +/- 53-acre project area. The project is intended for single-family residential use and will be located with property that is currently zoned by Jackson County as Medium Density Single-Family Residential (R-D). The filling of the property will require +/- 25,000 cubic yards of sandy clay material sourced from a state authorized borrow pit. It is anticipated that all needed fill material will be provided by Holden Earth Moving & Construction Company, Inc. (Pit Permit Number

P12-015AA). The project will consist of the construction of 51 single-family homes. Best management practices will be employed to ensure that the fill material will not contaminate surrounding wetlands and/or other waters.

Purpose and Need for Project

The purpose of the project is to expand a single-family residential subdivision near Highway 90 in eastern Ocean Springs to meet the local housing demand. The proposed project location exists near major corridors, schools, and shopping, and in turn, demand for affordable housing has been increasing substantially. The homes to be constructed in this project are part of Elliott Homes' Kennedy collection and will be built with the highest standards and quality materials. The average sales price for these homes will be within the \$300,000.00 range.

In the professional opinion of Ecological Asset Management's staffed biologists, the newly proposed site design works to minimize impacts to on-site wetland quality and Other Waters of the United States. The quality of on-site wetlands in areas of interest was determined by EAM's staffed biologists through a Wetland Rapid Assessment Procedure (WRAP), performed on June 1, 2022 (Appendix C-2). As defined, the current conservation easement has experienced continued degradation since its genesis. A combination of interrupted hydrology, fire suppression and habitat fragmentation has had noticeable effects on the easement's overall ecological value. Efforts authorized by permit SAM-2004-03387-RCV will result in the isolation of the site's eastern conservation easement; this action will result in the further degradation of the easement's habitat support buffer, wildlife utilization and overall field hydrology. As a result, an alternative site design has been prompted to make the project less environmentally damaging.

The newly proposed development ensures connectivity to off-site wetland systems that maintain confluence with Davis Bayou. The uninterrupted adjacency of this conservation easement to off-site systems is vital for the success of most populations of terrestrial species that exist within its bounds. As authorized, this easement is to be surrounded entirely by roads, accompanying man-made ditches and single-family residential homes. The subsequent alterations to water quality inputs and their pretreatment efforts will reflect negatively on the site's present vegetative communities and, in turn, overall quality. Additionally, the proposed development reduces impacts to Other Waters (209 linear feet to 52 linear feet).

Areas of impact within the extent of the current conservation easement will be offset by the preservation of higher quality wetlands that exist adjacent to the preserved Other Waters. This new easement remains contiguous with Davis Bayou and its adjacent estuarine and marine wetlands.

Alternatives

The proposed project and design alternatives include: (1) no build alternative, (2) construction of the project as authorized, (3) construction of the modified site design and (4) construction of the project at an alternate site location.

- (1) The no build alternative is undesirable because it would not satisfy the purpose and need for the project and would impact the developer financially, as a significant amount of infrastructure has already been installed to support the subdivision's expansion. A substantial amount of effort has been put into preliminary market research, environmental assessments, site design and permitting. Additionally, current housing demands will likely drive up the price of listed homes without the construction of the new single-family homes, discouraging the purchase of new homes.
- (2) The currently permitted site design is undesirable because it causes greater ecological damage than the proposed site design and would not satisfy the purpose and need for the project. The market demands a larger number of single-family housing units in Ocean Springs, MS, but the currently permitted design does not provide a greater number of lots in the most ecologically conservative manner. As authorized, additional roads and stormwater improvements will work to isolate prominent portions of the site's conservation easement, reducing the quality of the easement. The design in this permit modification will allow for the developer to not only greatly reduce ecological harm, but also to fit enough single family lots within the expansion to offset increasing developmental costs.

As authorized, the development would impact +/- 4.04 acres of high-quality wetlands and +/- 4.2 acres of medium-quality wetlands (WRAP Locations 3 & 4 in Fig. C-3A). Additionally, +/- 0.03 acres of ephemeral stream would need to be altered to prevent flooding of nearby homes within the new development. To help off-set these impacts, a +/- 22.63-acre conservation easement has been authorized. The currently permitted easement contains primarily low- to medium-quality wetlands.

- (3) The modified site design, as proposed, both reduces ecological damage and satisfies the purpose and need of the project, as it provides for the expansion of the existing subdivision to supply for the current and projected needs of secure and affordable homes in the community. The proposed permit modification will make alterations to the previously unsuccessful conservation easement. Said modifications will alter the easement's location and extent to create a larger, higher-quality conservation easement.

The modified site design reduces the impact to high quality wetlands. As presented within the project modification, the development will impact +/- 4.13 acres of low-quality wetlands and +/- 9.29 acres of medium-quality wetlands (WRAP Locations 1, 2, & 4 in Fig. C-3A). Additionally, only +/- 435 square feet of ephemeral stream impact will be required to support this development; these impacts are needed to support a road that will allow for the safe ingress and egress of traffic from the newly proposed housing development. To help off-set these impacts, a +/- 24.09-acre conservation easement has been proposed. This easement contains primarily medium- to high-quality wetlands and works to conserve +/- 0.14 acres of ephemeral stream that exists within the site's eastern portion.

- (4) Alternative sites for the project were investigated. The description of the sites and each reason they were not selected over the proposed location can be found in Appendix C-1 – Alternative Site Analysis.

Affected Environment

Site Analysis

The proposed project area is in eastern Ocean Springs and is primarily comprised of medium and low-quality pine savanna and pine flatwoods. In the early history of this subdivision, portions of these savannas were placed in conservation easements in exchange for mitigation credits. Since established, the conservation easement has experienced a decrease in overall quality. Failures surrounding this conservation easement can be attributed to interrupted hydrology, fire suppression and habitat fragmentation within said easement.

An unnamed tributary of Davis Bayou spans the eastern quarter of the property. Consistent flow within this feature appears to be ephemeral, but low areas within its path will retain water for extended periods of time. This water feature is well-confined and is directed southward. Its confluence with Davis Bayou exists +/- 0.75 miles south of the subject area. Forested/shrub wetlands can be found along its buffer.

Vegetation

The subject property contains a mixed forested/shrub upland vegetative community and a freshwater forested/shrub wetland vegetative community.

The mixed forested/shrub upland vegetative community is dominated by *Pinus elliottii* (Slash Pine), *Triadica sebifera* (Chinese Tallow), *Quercus nigra* (Water Oak), *Ilex coriacea* (Large Gallberry), *Morella cerifera* (Wax Myrtle), *Ligustrum sinense* (Chinese Privet) and *Vitis rotundifolia* (Muscadine).

The freshwater forested/shrub wetland vegetative community is dominated by *Pinus elliottii* (Slash Pine), *Magnolia virginiana* (Sweetbay Magnolia), *Triadica sebifera* (Chinese Tallow), *Morella cerifera* (Wax Myrtle), *Cyrilla racemiflora* (Swamp Titi) and *Vitis rotundifolia* (Muscadine).

Wetlands

A preliminary jurisdictional determination (PJD) associated with permit SAM-2004-03387-RCV was issued on March 2, 2022, and certified that the site currently contains +/- 32.81 acres of jurisdictional wetlands and +/- 1.83 acres of other waters. Additionally, a Wetland Rapid Assessment Procedure (WRAP) was completed by EAM and is included in this submittal. The WRAP sheets can be found in Appendix C-3.

Water Quality

On-site water quality is moderate. Storm water infrastructure such as man-made ditches and a wet detention pond were constructed when the initial subdivision was built. Signs of disrupted hydrology can be found within portions of the conservation easement. It appears that easement's perimeter ditches have worked to lower the site's water table.

A tributary of Davis Bayou spans the eastern quarter of the property. This drain flows southward during heavy rainfall events and receives inputs from a man-made ditch to the west. Portions of this drain appear to hold standing water for a significant duration.

Cultural Resources

A request for a Cultural Resources Assessment was made to the Mississippi Department of Archives and History (MDAH) on July 28, 2020. A response received on August 7, 2020 (Figure C-2), stated that due to the topography of the area, a cultural resource survey will need to be performed on the entirety of the project area. A CRS Phase 1 was performed on the entire project boundary on March 1, 2021, by TerraXplorations, and it was concluded that no cultural resources are likely to be affected on the subject property.

Threatened and Endangered Species

Based on the field survey conducted by EAM personnel, it was determined that of the vulnerable species noted above, only the following three species could persist within the geographical region: *Gopherus polyphemus*, *Pituophis melanoleucus lodingi*, *Grus canadensis pulla* and *Picoides borealis*. Ecological Asset Management, LLC biologists with expertise in T&E species surveys conducted an extensive field investigation using a sub-meter Global Positioning System (GPS) to delineate any potential habitat and to identify any threatened individuals or populations. This field survey was conducted on January 13 & 18, 2021.

Upon completion of the field survey, it was determined that no known species listed as threatened and/or endangered will be impacted by the proposed project, nor is the habitat within the range of the proposed development suitable for any of the county's vulnerable species.

Common Name	Scientific Name	Type	Status
Alabama Red-bellied Turtle	<i>Pseudemys alabamensis</i>	Reptile	Endangered
Gopher Tortoise	<i>Gopherus polyphemus</i>	Reptile	Threatened
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	Reptile	Threatened
Eastern Indigo Snake	<i>Drymarchon couperi</i>	Reptile	Threatened
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Reptile	Endangered
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Reptile	Endangered
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Reptile	Endangered
Green Sea Turtle	<i>Chelonia mydas</i>	Reptile	Threatened
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Reptile	Threatened
Yellow-blotched Map Turtle	<i>Graptemys flavimaculata</i>	Reptile	Threatened
Dusky Gopher Frog	<i>Rana sevosa</i>	Amphibian	Endangered
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Bird	Endangered
Mississippi Sandhill Crane	<i>Grus canadensis pulla</i>	Bird	Endangered
Piping Plover	<i>Charadrius melodus</i>	Bird	Threatened
Red Knot	<i>Calidris canutus rufa</i>	Bird	Threatened
Wood Stork	<i>Mycteria americana</i>	Bird	Threatened
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Bird	Threatened
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Fish	Threatened
Pearl Darter	<i>Percina aurora</i>	Fish	Threatened
West Indian Manatee	<i>Trichechus manatus</i>	Mammal	Threatened
Louisiana Quillwort	<i>Isoetes louisianensis</i>	Plant	Endangered

Table 1: Threatened and Endangered Species of Jackson County, MS as of June 29, 2022. Source: U.S. Fish and Wildlife Service: Information for Planning and Consultation.

Wildlife and Fisheries

The project area consists of a medium-quality freshwater forested/shrub wetland vegetative community and a mixed forested/shrub upland community.

Socio-Economics

The subject property is currently zoned as medium density single-family residential (R-D). Currently, except for property taxes, the property is not generating any revenues for the City of Ocean Springs.

Environmental Consequences

Wetland Impacts

The project will require the filling of +/- 4.13 acres of low-quality and +/- 9.29 acres of medium-quality jurisdictional wetlands. The impacts to these wetlands will be compensated for by the combination of credit purchase of off-site wetland mitigation credits from an approved mitigation site and on-site preservation.

Water Quality

To maximize avoidance, the proposed permit modification will reduce stream impacts to only 52 linear feet. In doing so, less improvements will be made to the system. Construction best management practices (BMPs) would be utilized to prevent silt-laden runoff from entering the waterway or downstream ecosystems. BMPs include but are not limited to the placement of silt fences and/or hay bales around the project perimeter. All imported, non-native fill material would be monitored and managed by the applicant.

Additional information pertaining to the project's corresponding water quality certification is being submitted to MDEQ under separate cover. The response addresses requisite details outlined by 11 Miss. Admin. Code, Pt. 6, Ch. 1, Rule 1.3.4.A.

Cultural Resources

The project does not anticipate any adverse effects on cultural resources within the project area. If artifacts or archaeological features are encountered during projects activities, all activities shall cease and the MDAH and USACE, Mobile District will be consulted with immediately.

Threatened and Endangered Species

The project will have no known adverse effects on species listed as threatened or endangered by the U.S. Fish and Wildlife Service and the Mississippi Natural Heritage Program.

Wildlife and Fisheries

The project area consists of a small, isolated forested/shrub community. Therefore, the property provides minimal habitat value for wildlife such as fur-bearing animals and avian species.

Socioeconomics

The socio-economic impacts of the proposed single-family residential subdivision will be positive. Residents of The City of Ocean Springs and the MS Gulf Coast will most likely fill additional employment opportunities created by this project. Building materials will likely be obtained from local building supply stores. The City of Ocean Springs will benefit from ad valorem and local sales taxes generated from the subdivision expansion.

Works Cited

Ecological Asset Management, LLC.

2021. *Wetland Delineation, Madison Place Subdivision*, Jackson County, MS.

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2001. *Endangered Species of Mississippi*. Mississippi Department of Wildlife, Fisheries and Parks, Museum of Natural Science. Jackson, MS.

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2010. *Habitat descriptions: Federally Endangered and Threatened and Candidate Species of Mississippi*. <http://www.fws.gov/mississippiES/pdf/T&ESpeciesHabitatinfo2010updated.pdf>, Electronic document accessed March 2, 2020.

U.S. Fish & Wildlife Service

2010. *Mississippi List of Federally Threatened and Endangered Species by County*. <http://www.fws.gov/mississippiES/pdf/SpeciesbyCounty.pdf>, Electronic document accessed March 2, 2020.

Appendix C-1

Alternative Site Analysis and Map For Environmental Assessment

Madison Place Subdivision Ocean Springs, Jackson County, MS

Section 24, T-7-S, R-8-W

Alternative Off-Site Analysis

The applicant’s agents utilized the Mississippi Gulf Coast Realtor Multiple Listing Service (MLS) to locate available potential alternative sites. Ecological Asset Management, LLC (EAM), then analyzed the potential environmental impacts as well as the economic feasibility associated with each potential alternative. Key parameters used in the scoping process that were investigated, include but were not limited to, size (10-20 acres), within the corporate limits of the city of Ocean Springs, access to primary traffic corridors, proximity to schools and public facilities, outside of storm surge hazard locations and current/proper zoning for the proposed development. Currently marketed land/unimproved property sites were analyzed, and those alternative sites are discussed here. The National Wetland Inventory (NWI), the Web Soil Survey (WSS), Google Earth, LiDAR imagery, as well as professional judgements were also utilized to analyze the environmental settings associated with each alternate site for the proposed project.

A summary describing each alternative site and the criteria for not selecting each site is listed and the highest qualifying site (A) is also detailed with the provided mapping data, are as follows:

Site	Zoning	Size	Location	LEDPA	Cost
Proposed	Yes	Yes	Yes	Yes	Yes
Alternative “A”	Yes	Yes	Yes	No	N/A
Alternative “B”	Yes	Yes	Yes	No	N/A
Alternative “C”	Yes	Yes	Yes	No	N/A

Assessment analysis of proposed and alternative sites. Zoning indicates whether the site is currently zoned for the project type. Size indicates whether the site fits the project size requirements. Location indicates whether the property is within a desirable distance (0-1 mi) from primary traffic corridors. The Least Environmentally Damaging Practicable Alternative (LEDPA) is determined based on potential impacts on wetland, open water and habitat corridors. Cost indicates whether the site is financially viable based on cost of property, cost to develop and cost of permitting.

Proposed Site

The proposed site is located on Madison Place Drive in Ocean Springs, MS. The site is 53 acres, undeveloped and zoned as Medium Density Single-Family Residential (R-D). Development will not require the improvement of the entirety of the property; much of the site will be placed within a conservation easement.

Location: The parcel is situated less than half a mile from the Highway 90 corridor. The proposed site is situated 2.78 miles from Ocean Springs High School and 1.72 miles from Ocean Springs Middle School. Additionally, the proposed subdivision would be within a mile from Walmart Supercenter and less than 2.5 miles from Rouse’s Market. The location of this site also provides ease of access to public facilities and leisure areas.

Environment: The proposed site location contains 32.81 acres of jurisdictional wetlands. The site is surrounded by single-family residential development and, therefore, does not maintain valuable habitat corridors. A creek exists within the eastern portion of the property and is contiguous without Davis Bayou.

Cost: The site is currently owned by the prospect developer. The need for site clearing, mitigation and purchase/transport of fill material contributes to the cost to develop the subject property.

Alternative Site “A”

Site “A” is located on Lakeview Drive in Ocean Springs, MS (PIDN: 61104029.000). The site is +/- 20 acres, undeveloped and zoned as Medium Density Single-Family Residential (R-D).

Location: The parcel is situated less than half a mile from the Highway 90 corridor. The proposed site is situated 2.39 miles from Ocean Springs High School and 2.2 miles from Ocean Springs Middle School. Additionally, the proposed subdivision would be within 3 miles of multiple grocery and convenience stores. The location of this site also provides ease of access to public facilities and leisure areas.

Environment: The proposed site location appears to be comprised almost entirely by wetlands. The site is mostly surrounded by residential development, but it does maintain a large natural habitat buffer that is contiguous with expanses of uninterrupted pine savanna.

Cost: The site is not currently listed for sale. The need for site mitigation and purchase/transport of fill material contributes to the cost to develop the subject property.

Alternative Site “B”

Site “B” (PIDN: 60126020.050) is located on Groveland Road in Ocean Springs, MS. The site is 18.49 acres, undeveloped and zoned as Medium Density Single-Family Residential (R-D).

Location: The parcel is situated less than half a mile from the Highway 90 traffic corridor. The site is situated 1.4 miles from Ocean Springs Middle School and 3.2 miles from Pecan Park Elementary School. Additionally, this site would be within 0.7 miles of Walmart Supercenter. The location of this site provides ease of access to facilities and leisure areas.

Environment: The proposed site location appears to be comprised almost entirely by wetlands. The site is partially surrounded by commercial and residential development, but it maintains a habitat buffer with adjacent upland food sources. The site is not adjacent to traditional navigable waters (TNW), nor is it tidally influenced.

Cost: The site is not currently listed for sale. The need for site clearing, mitigation and purchase/transport of fill material contributes to the cost to develop the subject property.

Alternative Site “C”

Site “C” is located on Pine Lake Court in Ocean Springs, MS (PIDN: 61104028.000) The site is 19.46 acres, undeveloped and zoned as Medium Density Single-Family Residential (R-D).

Location: The parcel is situated less than half a mile from the Highway 90 traffic corridor. The proposed site is situated 2.4 miles from Ocean Springs High School and 2.0 miles from Ocean Springs Middle School. Additionally, the proposed subdivision would be within 3 miles of multiple grocery and convenience stores.

Environment: The proposed site location appears to be comprised almost entirely by wetlands. The site is near residential and commercial development, but it does maintain a large natural habitat buffer that is contiguous with expanses of uninterrupted Pine Savannas.

Cost: The site is not currently listed for sale. The need for site clearing, mitigation and purchase/transport of fill material contributes to the cost to develop the subject property.

Appendix C-2

MDAH Letter Stating Cultural Resource Survey Must be Performed

**Madison Place Subdivision
Ocean Springs, Jackson County, MS**

Section 24, T-7-S, R-8-W

MISSISSIPPI DEPARTMENT *of* ARCHIVES AND HISTORY



HISTORIC PRESERVATION DIVISION
P. O. BOX 571
Jackson, MS 39205-0571
Phone 601-576-6940 Fax 601-576-6955
Website: mdah.ms.gov

August 7, 2020

Mr. Greg Christodoulou
Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530

RE: DMR20-000066; SAM-2004-03387-RCV; Proposed redesigned project footprint to avoid Davis Bayou, Madison Place, Ocean Springs, by Jared Riecke, MDAH Project Log #07-159-20, Jackson County

Dear Mr. Christodoulou:

We have reviewed your July 28, 2020, request for a cultural resources assessment, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After review, it is our determination that a small portion of the APE (area of potential effect) was surveyed in 1999, prior to the revisions to our Standards and Guidelines for cultural resource surveys. Therefore, a cultural resource survey is needed, primarily for the areas of the APE that will be effected by considerable ground disturbance (road construction, house construction, culvert installation, etc. The resulting report should reference the project log number above on the title page.

A list of individuals who have represented themselves as being willing and qualified to do archaeological survey work in Mississippi will be furnished upon request. A copy of this letter should be made available to the contracting archaeologist(s).

If you have any questions, please contact me at 601-576-6940.

Sincerely,

A handwritten signature in black ink that reads "Hal Bell".

Hal Bell
Review and Compliance Officer

FOR: Katie Blount
State Historic Preservation Officer

Figure C-2: MDAH Letter of Survey to be Performed

Appendix C-3

WRAP For Environmental Assessment

**Madison Place Subdivision
Ocean Springs, Jackson County, MS**

Section 24, T-7-S, R-8-W

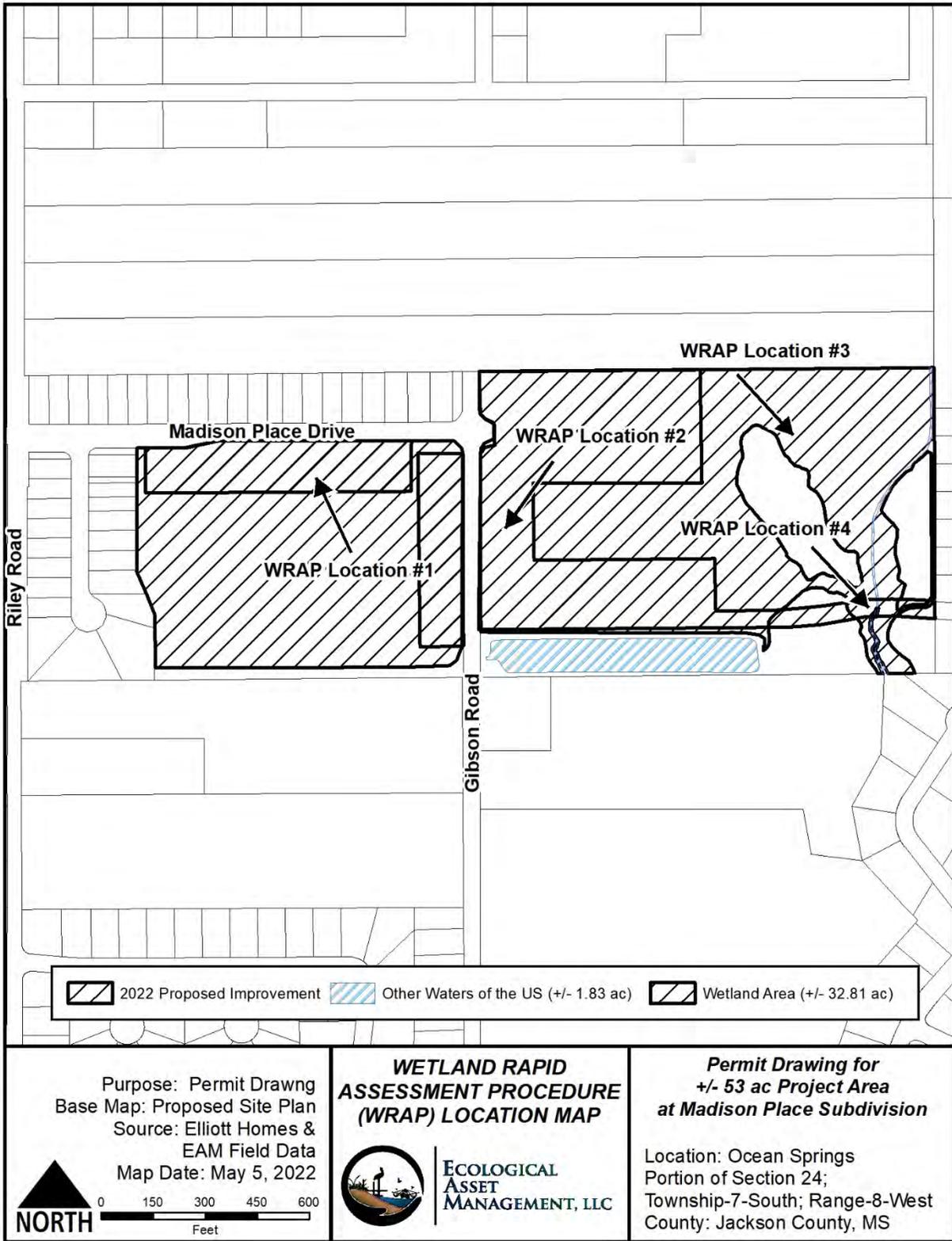


Figure C-3A: Wetland Rapid Assessment Procedure (WRAP) Location Map

PROPOSED
 EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: **Jackson** PROJECT: _____ DATE: **1-Jun-22** REVIEWER: **D. Bartlett & A.G. Boxx** FLUCCS CODE: _____
 APP. #: _____ Madison Place Subdivision 2 WETLAND TYPE: FORESTED Non-Forested

LAND USE CATEGORY	WETLAND AREA	SECONDARY IMPACTS	MELALEUCA INVASION >50%
Single Family Residential	ACRES	<input type="checkbox"/> NO <input type="checkbox"/> YES % =	<input type="checkbox"/> NO <input type="checkbox"/> YES
	8.92 ACRES OF IMPACT		

WILD LIFE UTILIZATION 1.5

WETLAND CANOPY 1.5

WETLAND GROUND COVER 1

HABITAT SUPPORT / BUFFER 1.1

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
Road	0	45	0
Natural Undeveloped	2	55	1.1
			0
			0
			0

FIELD HYDROLOGY 2

WATER QUALITY INPUT & TREATMENT 0.9

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
Single Family Residential	1.5	45	0.675
			0
			0
			0
			0
			0
LU TOTAL			0.675

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
Wet Detention with Dry Detention	2.5	45	1.125
			0
			0
			0
			0
			0
PT TOTAL			1.125

WRAP SCORE

44.44%

WILDLIFE UTILIZATION
 There is minimal evidence of wildlife utilization. The subject area has been burned more recently than the western portion of the easement, and the mid- and understory is moderately dense. There are no adjacent upland food sources.

WETLAND CANOPY
 There are between 25 and 50% undesirable tree and shrub species. The wetland overstory/shrub canopy is providing habitat support, and there are healthy live canopy trees with minimal evidence of disease or insect damage. The edge effect was observed in the subject area; there is an overgrowth of saplings compared to the MWRAP (#3). This effect continues for 50-60 ft past the tree line.

WETLAND GROUND COVER
 There is >75% undesirable vegetation. There is a dense understory, but the subject area has been burned more recently than the western portion of the easement. The edge effect was observed in the subject area.

HABITAT SUPPORT/BUFFER
 Portions of the subject area are connected to an offsite wetland system, where it connects to Davis Bayou to the south. The adjacent upland/wetland buffer averages greater than 300 feet wide.

FIELD HYDROLOGY
 The wetland hydroperiod is adequate, and some wet herbs and saplings are present, such as pitcher plants. The subject area is not ditched.

WQ INPUT & TREATMENT
 The subject wetland receives surface water runoff via a natural undeveloped area to the east. It also receives water via sheet flow, some of which is managed by the stormwater infrastructure.

Figure C-3C: Wetland Rapid Assessment Procedure (WRAP) for Location 2

- PROPOSED
 EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: **Jackson** PROJECT: _____ DATE: **1-Jun-22** REVIEWER: **D. Bartlett & A.G. Boxx** FLUCCS CODE: _____
 APP. #: _____ Madison Place Subdivision 3 WETLAND TYPE: FORESTED Non-Forested

LAND USE CATEGORY Single Family Residential	WETLAND AREA 32.81 ACRES	SECONDARY IMPACTS <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	MELALEUCA INVASION >50% <input type="checkbox"/> NO <input type="checkbox"/> YES
	ACRES OF IMPACT 0	%= _____	

WILD LIFE UTILIZATION 2

WETLAND CANOPY 2

WETLAND GROUND COVER 1.5

HABITAT SUPPORT / BUFFER 2.5

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	2.5	100	2.5
			0
			0
			0
			0

WRAP SCORE

68.06%

FIELD HYDROLOGY 2

WATER QUALITY INPUT & TREATMENT 2.25

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	3	75	2.25
			0
			0
			0
			0
LU TOTAL			2.25

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	3	75	2.25
			0
			0
			0
			0
PT TOTAL			2.25

WILDLIFE UTILIZATION
 Pine Savanna (MWRAP). There is evidence of wildlife utilization and of aquatic amphibians. There is minimal evidence for human disturbance.

WETLAND CANOPY
 Pine Savanna (MWRAP). The area is open, and there is evidence of fire restoration.

WETLAND GROUND COVER
 Pine Savanna (MWRAP). There are nuisance species present (~50%).

HABITAT SUPPORT/BUFFER
 Pine Savanna (MWRAP). There is a natural undeveloped buffer. Some upland habitat was observed adjacent to subject area.

FIELD HYDROLOGY
 Pine Savanna (MWRAP). The plant community is healthy, although there are some signs of interrupted hydrology. There is little evidence of soil subsidence. Stormwater systems have had some effect on the site's hydrology (detention pond and subsurface stormwater systems).

WQ INPUT & TREATMENT
 The subject wetland receives surface water runoff via a natural undeveloped area from all directions. Drainage that would typically arrive in this area has been altered by stormwater improvements within the western and southern developments.

Figure C-3D: Modified Wetland Rapid Assessment Procedure for Pine Savanna Wetlands (M-WRAP) for Location 3

PROPOSED EXISTING CONDITIONS **WETLAND RAPID ASSESSMENT PROCEDURE**

COUNTY: **Jackson** PROJECT: _____ DATE: **1-Jun-22** REVIEWER: **D. Bartlett & A.G. Boxx** FLUCCS CODE: _____
 APP. #: _____ Madison Place Subdivision 4 WETLAND TYPE: FORESTED Non-Forested

LAND USE CATEGORY	WETLAND AREA	SECONDARY IMPACTS	MELALEUCA INVASION >50%
Natural Undeveloped	32.81 ACRES	<input type="checkbox"/> NO <input type="checkbox"/> YES % = _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
	0.25 ACRES OF IMPACT	_____ ACRES	

WILD LIFE UTILIZATION

WETLAND CANOPY

WETLAND GROUND COVER

HABITAT SUPPORT / BUFFER

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	2	60	1.2
Single-family Residential	1.5	40	0.6
			0
			0
			0

WRAP SCORE
63.89%

FIELD HYDROLOGY

WATER QUALITY INPUT & TREATMENT

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	3	50	1.5
Single Family Residential	1.5	10	0.15
			0
			0
			0
LU TOTAL			1.65

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
Natural Undeveloped	3	50	1.5
Wet Detention with Dry Detention	2.5	10	0.25
			0
			0
			0
PT TOTAL			1.75

<p>WILDLIFE UTILIZATION</p> <p>There is minimal evidence of wildlife utilization. The subject area has been burned more recently than the western portion of the easement, and the mid- and understory is moderately dense. There are no adjacent upland food sources.</p>
<p>WETLAND CANOPY</p> <p>There are between 25 and 50% undesirable tree and shrub species. The wetland overstory/shrub canopy is providing habitat support, and there are healthy live canopy trees with minimal evidence of disease or insect damage. The edge effect was observed in the subject area; there is an overgrowth of saplings compared to the MWRAP (#3). This effect continues for 50-60 ft past the tree line.</p>
<p>WETLAND GROUND COVER</p> <p>There is >75% undesirable vegetation. There is a dense understory, but the subject area has been burned more recently than the western portion of the easement. The edge effect was observed in the subject area.</p>
<p>HABITAT SUPPORT/BUFFER</p> <p>Portions of the subject area are connected to an offsite wetland system, where it connects to Davis Bayou to the south. The adjacent upland/wetland buffer averages greater than 300 feet wide.</p>
<p>FIELD HYDROLOGY</p> <p>The wetland hydroperiod is adequate, and some wet herbs and saplings are present, such as pitcher plants. The subject area is not ditched.</p>
<p>WQ INPUT & TREATMENT</p> <p>The subject wetland receives surface water runoff via a natural undeveloped area to the east. It also receives water via sheet flow, some of which is managed by the stormwater infrastructure.</p>

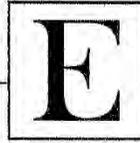
Figure C-3E: Wetland Rapid Assessment Procedure (WRAP) for Location 4

Appendix C-4

Madison Place Phase II Conservation Subdivision – Restrictive Covenant Reconfiguration Intent Letter

**Madison Place Subdivision
Ocean Springs, Jackson County, MS**

Section 24, T-7-S, R-8-W



**ELLIOTT
HOMES**

May 3, 2022

RE: Madison Place Phase II Conservation Subdivision, Madison Place Drive & Gibson Road, Ocean Spring, MS 39564 – Restrictive Covenant Reconfiguration Intent

Department of the Army
U.S. Army Engineer District, Mobile District
Corps of Engineers
Attn: Rudolph C. Villareal, Project Manager
Mississippi Branch Regulatory Division
P.O. Box 2288
Mobile, AL 36628-0001

Dear Mr. Villareal,

As the current landowner of the abovementioned Madison Place Development, Elliott Land Development, LLC is currently and also the Covenantor of record. As you know the current Declaration of Restrictive Covenants were filed by the previous developer Madison Place Development, LLC on October 16, 2007, with the Jackson County, Mississippi Chancery Clerk (See Figure 1). This restrictive covenant protected and prohibited "Parcel 1" and "Parcel 2" with certain restrictions as it pertained to the issuance of the U.S. Army Corps of Engineers, Mobile District, Permit Number MS04-03387-H.

Elliott Land Development, LLC is currently preparing to apply for an Individual Joint Application and Notification that would amend the current restrictive covenants to the conservation easement. This proposed application will request the ability to impact areas previously agreed to be held in conservation however, it would also identify, protect and restrict additional areas that were previously allowed to be developed under the Permit Number MS04-03387-H. Elliott Land Development, LLC wants to ensure the U.S. Army Corps of Engineers, Mobile District that if granted an amended wetland permit, that the remaining and excluded higher quality wetland areas identified to be protected. Of course this modification and amendment would be in concert with your input, guidance and approval, much like that of the existing restrictive covenants. We would approve the modification to be drafted, prepared and ready to be filed upon approval of individual permit.

Sincerely,

Brandon Elliott
CEO

1-844-BUY-ELLIOTT // www.MyElliottHome.com // 1402 Pass Road, Gulfport, MS 39501

Figure C-4: Madison Place Phase II –Restrictive Covenant Reconfiguration Intent Letter