

**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: LEECON LLC - Jesse Lee

Mailing Address: [REDACTED]

Phone Number: [REDACTED]

Email Address:

Agent: Ecological Asset Management,
LLC - Mitch Tinsley

Mailing Address: 803 Highway 90

Bay St Louis MS, 39520

Phone Number: (228) 324-9093

Email Address:

mitch@ecologicalasset.com

Date Submitted:

01/03/2024

DMR Permit Number:

DMR24-000003

Historic DMR Permit Numbers:

DMR File Number:

24-000002

Project Location:

134R-0-40-398.000

0

Bay St. Louis , MS 39520

Hancock County

Latitude: 30.3282

Longitude: -89.414

Do you still need to enter a Project Location?

How will you identify the project location:

Project Information:

Project Name or Title: Alaska Street Single-Family Residential Homes

Project Description: The applicant proposes to receive an after the fact permit for a total of +/- 0.22 acres of low quality wetlands to construct two single-family residential homes and a +/- 100 LF bulkhead. Waterfront properties often experience loss of land due to erosion. Bulkheads are a common erosion control measure that prevent property loss. A +/- 100 LF bulkhead will be installed along the man-made canal on the southwestern boundary of the property. To support a bulkhead, deadman anchors will be required; these anchors are typically placed with a 10-15 LF setback from the bulkhead. To provide stability to the bulkhead, these structures need to be placed within firm soils, which required the filling of the area to the east of the bulkhead location. No marsh fringe exists along the shoreline, so there will be minimal impact on aquatic plants and wildlife. 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 that took place in August 2022, EAM biologists reviewed the latest U.S. Fish and Wildlife Service IPAC map of critical habitats and list of T&E species within Hancock County, Mississippi. It was determined through in-house research and the field visit that of the species listed as T&E species in Hancock County, MS, none occur on habitat contained of the subject property, and the subject area is not within or adjacent to critical habitat. The project area consists of a cleared upland vegetative community and a cleared freshwater forested/shrub wetland vegetative community that is surrounded by residential development. The property provides access to Bayou La Croix, but lacks terrestrial wildlife corridors to off-site, undeveloped areas. Due to the property being previously filled, it currently provides minimal habitat value for wildlife such as fur-bearing animals and avian species; it has been determined that the proposed development will not lead to any notable impacts to any animal populations that may persist within the project area. EAM has not submitted a request for a Cultural Resources Assessment to the Mississippi Department of Archives and History (MDAH). It is our expectation that the Corps Project Manager will coordinate with the Corps archaeologist to determine if a cultural resource survey will be needed to comply with Section 106 of the National Historic Preservation Act and 36 CFR Part 800. If a survey will be

required, the applicant will engage a CRS firm at that time.

Project Purpose and Need: The purpose of this project is to construct two single-family residential homes and a bulkhead.

Intended Use: Residential

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) Fill was required to provide a suitable foundation for the proposed single-family residential homes.

Acreage/Square Footage or 0.22
Linear Feet (Wetland Fill)

Specify Unit of Measurement 01. Acreage
(Wetland Fill)

Cubic Yards of Fill Material 380
(Wetland Fill)

Fill Material Type (Wetland Fill) sandy clay

Habitat Type (Wetland Fill) 14. Other (Provide type below)

Enter Other former Mixed Pine Forested / Shrub wetland

Mitigation Type(Wetland Fill) 01. Credit Purchase

Is this a component of a larger No
project?

Is any portion of this impact No
complete?

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

Additional information about the proposed project.

Project Schedule

Do you know the Proposed Start Date? No

Do you know the Proposed Completion Date? No

Do you know the Estimated Cost of the Project?

Adjacent Property Owners:

Application Certified by: Mitch Tinsley

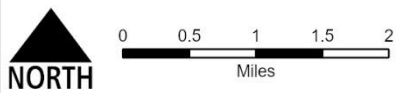
**Attachment “A”
PERMIT DRAWINGS**

Alaska Street

Section 40, T-8-S, R-14-W
Bay St. Louis, Hancock County, MS



FIGURE 1 Purpose: Permit Drawing
 Base Map: ESRI USA Topo Maps
 Source: USGS, NGS, i-cubed
 Map Date: October 26, 2023



PROJECT LOCATION MAP



ECOLOGICAL ASSET MANAGEMENT, LLC

Permit Drawing for +/- 0.24 ac Project Area on Alaska Street

Location: Bay St. Louis, MS
 Portion of Section 40
 Township 8-South, Range 14-West
 County: Hancock County, MS

Figure 1. Project Location

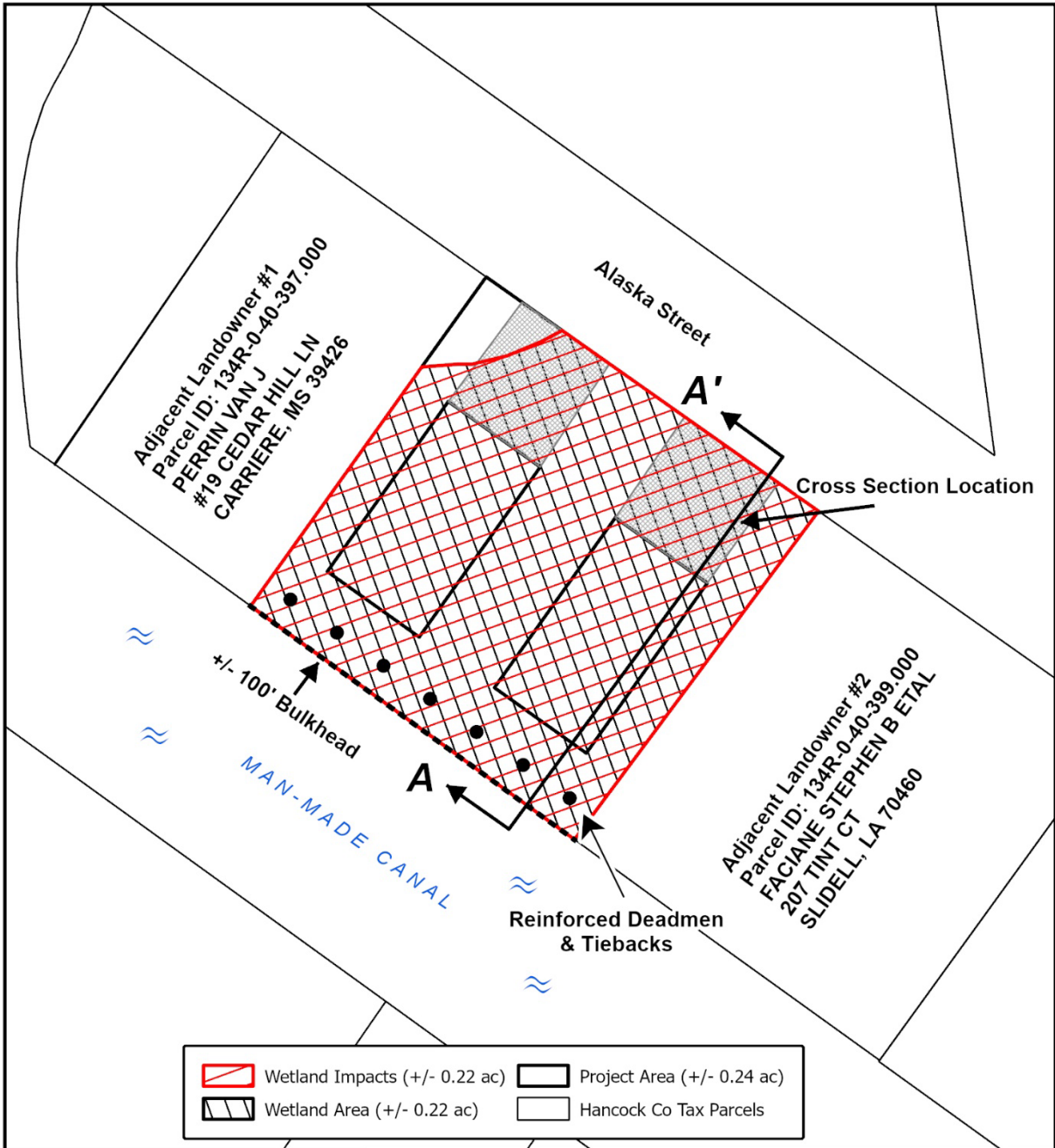


FIGURE 2
 Purpose: Permit Drawing
 Base Map: Client Provided Design
 Source: EAM Field Data
 Map Date: October 26, 2023



0 10 20 30 40 50
 Feet



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**SITE PLAN & CROSS
 SECTION LOCATION MAP**

**Permit Drawing for
 +/- 0.24 ac Project Area
 on Alaska Street**

Location: Bay St. Louis, MS
 Portion of Section 40
 Township 8-South, Range 14-West
 County: Hancock County, MS

Figure 2. Existing Site Plan & Cross Section Location

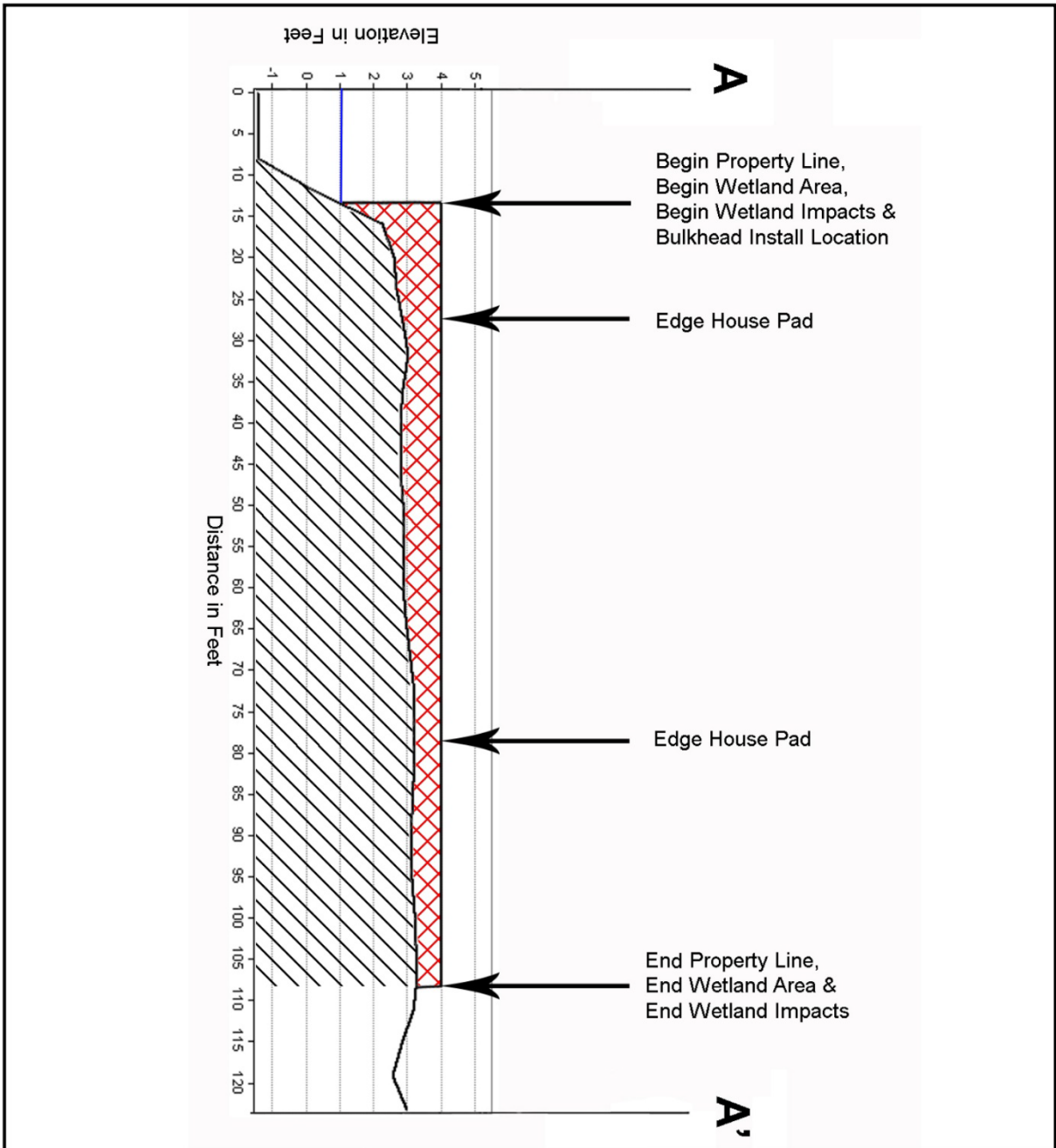



FIGURE 3
 Purpose: Permit Drawing
 Base Map: Client Provided Design
 Source: EAM Field Data
 Map Date: October 26, 2023

NORTH
 SCALE: As Shown

**CROSS SECTION
 DRAWING**



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**Permit Drawing for
 +/- 0.24 ac Project Area
 on Alaska Street**

Location: Bay St. Louis, MS
 Portion of Section 40
 Township 8-South, Range 14-West
 County: Hancock County, MS

Figure 3. Typical Cross Section Drawing

Attachment “B”
AGENT AUTHORIZATION

Alaska Street

Section 40, T-8-S, R-14-W
Bay St. Louis, Hancock County, MS



MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Agent Authorization

I authorize the person(s) and/or company listed below to act as my agent regarding the proposed project as described in the Joint Application and Notification at the location listed below:

Ecological Asset Management

c/o Mitch Tinsley

(name of agent)

5009 Alaska Street

(location of project)

803 Highway 90

(address)

Section 40; Township 8-South; Range 14-West

Bay St. Louis, MS, 39520

(city, state, zip code)

Bay St. Louis, Hancock County, MS

C: 228-324-9093, O: 228-231-1077

(agent phone number)

Jesse Lee Jr.

(print applicant name)

Jesse Lee Jr.

(applicant signature)

5/18/2023

(date)

Do you want the permit mailed to the agent? Yes No

Figure B-1: Signed Agent Authorization

Attachment “C”

ENVIRONMENTAL ASSESSMENT

Alaska Street

Section 40, T-8-S, R-14-W

Bay St. Louis, Hancock County, MS

Environmental Assessment

Project Description

The project consists of the construction of two single-family residential homes and a +/- 100 LF bulkhead on a +/- 0.24-acre project area in Bay St. Louis, MS. The subject property is more specifically located on Alaska Street in Section 40, Township-8-South, Range-14-West (Figure 1), Bay St. Louis, Hancock County, MS.

Construction for the project began following approval by the City of Bay St. Louis. During construction, the applicant was notified of the inadvertent filling of +/- 0.22 acres of wetlands (Figure 2). After it was discovered that unauthorized impacts had occurred, Ecological Asset Management, LLC (EAM) was contracted to assist in bringing the project into compliance.

The applicant is requesting after-the-fact (ATP) authorization for the land clearing and the permanent filling of +/- 0.22 acres of low-quality jurisdictional wetlands. The filling of the property consists of +/- 380 cubic yards of sandy clay material sourced from an approved Mississippi mining pit. Best management practices, such as the installation of silt fences, have been employed to ensure that the fill material will not contaminate surrounding wetlands and/or other waters of the U.S.

Purpose and Need for Project

The purpose of the project is to develop two single-family residential homes and a +/- 100 LF bulkhead. The project, as proposed, allows for the construction of all improvements necessary for the development of two single-family residences with waterfront access zoned by the City of Bay St. Louis as Single-Family Residential (R-1).

This site location is ideally located on Alaska Street within Shoreline Park, which is a growing subdivision that hosts many waterfront properties. The proposed site exists along a man-made canal that stems from Bayou La Croix. The proposed project location is situated less than a mile from the Highway 603 traffic corridor that connects Highway 90 to Interstate 10. Its location near Highway 603 grants easy access to newly erected commercial store fronts, healthcare offices and restaurants, and it is 13 minutes from Old Town Bay Saint Louis.

Waterfront properties often experience loss of land due to erosion. Bulkheads are a common erosion control measure that prevent property loss. A +/- 100 LF bulkhead will be installed along the man-made canal on the southwestern boundary of the property. To support a bulkhead, deadman anchors will be required; these anchors are typically placed with a 10-15 LF setback from the bulkhead. To provide stability to the bulkhead, these structures need to be placed within firm soils, which required the filling of the area to the east of the bulkhead location.

Alternatives

Identified project and project alternatives include: (1) obtaining regulatory authorization for the unauthorized wetland impacts, (2) alternative sites and (3) the no-build alternative with restoration of impacted wetlands.

- (1) The project, as proposed, provides the minimal square-footage required to build two single-family residential homes and associated driveways, while meeting all required setback minimums. The proposed site plan was designed to have comparable house and driveway sizes to surrounding residences. This design also includes the construction of a +/- 100 LF bulkhead. Reinforced deadman anchors and tiebacks need to be placed away from the bulkhead to stabilize the structure. These structures need to be placed within firm soils to prevent them from pulling loose, which required the filling of the area to the east of the bulkhead location.
- (2) The subject property was filled in order to provide a suitable foundation for the proposed houses. As a result, on-site wetlands have been inadvertently impacted. *The selection of another off-site option may result in the impact of additional waters of the US.* Additionally, the selection of an off-site alternative would not reverse impacts to the project area. Due to the amount of fill placed and the duration of the impact, any attempt to restore the impacted wetlands would not adequately reinstate all lost functions and values of said wetlands.
- (3) The no-build alternative with the restoration of impacted wetlands to pre-construction conditions is undesirable because it is unlikely that the applicant will be able to completely restore the impacted wetlands to their previous quality. The impacts to these wetlands will be compensated for by the purchase of off-site wetland mitigation credits at an approved mitigation site. Additionally, this is a cost prohibitive option for the applicant, and it would not satisfy the purpose and need for the project by providing a home for the applicant.

Affected Environment

Site Analysis

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

Vegetation

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

The cleared forested/shrub upland vegetative community is dominated by *Pinus elliottii* (Slash Pine) and *Panicum repens* (Torpedo Grass).

The cleared freshwater forested/shrub wetland vegetative community is dominated by *Pinus elliottii* (Slash Pine), *Ilex vomitoria* (Yaupon), *Morella cerifera* (Wax Myrtle), *Panicum dichotomiflorum* (Smooth Witchgrass), *Panicum repens* (Torpedo Grass) and *Toxicodendron radicans* (Poison Ivy).

Wetlands

A wetland delineation and Wetland Rapid Assessment Procedure (WRAP) were completed by Ecological Asset Management, LLC and are included in this submittal. The results of the study determined that the site contains +/- 0.22 acres of federally regulated wetlands of low quality. The

WRAP sheet can be found in Appendix C-1. The U.S. Army Corps of Engineers – Mobile District issued a Preliminary Jurisdictional Determination (PJD) concurring with the findings of this delineation on July 10, 2023.

Water Quality

The local hydrology was investigated extensively throughout the project area. It was determined that the natural hydrology has been recently altered by the clearing and filling of the project area. Drainage enters the site’s wetland system from the north and flows off-site to the south via sheet flow into a canal along the site’s southern boundary, ultimately flowing into Bayou La Croix.

Cultural Resources

EAM has not submitted a request for a Cultural Resources Assessment to the Mississippi Department of Archives and History (MDAH). It is our expectation that the Corps project manager will coordinate with the Corps archaeologist to determine if a CRS P1 will be needed to comply with Section 106 of the National Historic Preservation Act and 36 CFR Part 800. If at that point, a survey is required, the applicant will engage a CRS firm.

Threatened and Endangered Species

Based on the field survey conducted by EAM personnel, it was determined that of the vulnerable species noted in Table 1, only the following three species could persist within the geographical region: *Gopherus polyphemus* (Gopher Tortoise), *Pituophis melanoleucus lodingi* (Black Pine Snake) and *Picoides borealis* (Red-cockaded Woodpecker). Ecological Asset Management, LLC biologists with expertise in Threatened and Endangered (T&E) species surveys conducted an extensive field investigation using a sub-foot Global Positioning System (GPS) to delineate any potential habitat and to identify any threatened individuals or populations. This field survey was conducted on August 11, 2022.

Common Name	Scientific Name	Type	Status
Ringed Map Turtle	<i>Graptemys oculifera</i>	Reptile	Threatened
Gopher Tortoise	<i>Gopherus polyphemus</i>	Reptile	Threatened
Black Pinesnake	<i>Pituophis melanoleucus lodingi</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
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Reptile	Threatened
Dusky Gopher Frog	<i>Rana sevosa</i>	Amphibian	Endangered
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Bird	Endangered
Piping Plover	<i>Charadrius melodus</i>	Bird	Threatened
Red Knot	<i>Calidris canutus rufa</i>	Bird	Threatened
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Bird	Threatened
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Fish	Threatened
West Indian Manatee	<i>Trichechus manatus</i>	Mammal	Threatened
Inflated Heelsplitter	<i>Potamilus inflatus</i>	Clam	Threatened
Louisiana Quillwort	<i>Isoetes louisianensis</i>	Plant	Endangered

Table 1: Threatened and Endangered Species of Hancock County, MS as of September 5, 2023. Source: U.S. Fish and Wildlife Service: Information for Planning and Consultation.

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.

Wildlife and Fisheries

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

Socio-Economics

The subject property is currently zoned as Single-Family Residential (R-1A). Currently, except for property taxes, the property is not generating any revenues for the City of Bay St. Louis.

Environmental Consequences

Wetland Impacts

The applicant is seeking after-the-fact authorization for the filling of +/- 0.22 acres of low-quality jurisdictional wetlands. Any impacts to these wetlands will be compensated for by the purchase of off-site wetland mitigation credits from an approved mitigation site.

Water Quality

No degradation of water quality chemistry is expected to result from the presence of the proposed project. The stabilization of the upland area will decrease the amount of silt run-off from the adjacent uplands. The criteria used to regulate coastal subdivisions presently unsuitable for development as described in Exhibit E of 11 Mississippi Administrative Code Part 6, Chapter 1, Subchapter 3 (coastal subdivisions platted prior to the Clean Water Act with waterfront access to estuarine waters by man-made canals). (Statement A, D, & E) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.C.(5))" has been considered during the design of the project and will be considered during its development.

Best management practices (BMPs) have been employed to prevent the movement of sediment into adjacent waters or drainage areas. In the event of any BMP failure, corrective actions will be taken immediately.

Cultural Resources

EAM has not submitted a request for a Cultural Resources Assessment to the Mississippi Department of Archives and History (MDAH). It is our expectation that the Corps project manager will coordinate with the Corps archaeologist to determine if a CRS P1 will be needed to comply with Section 106 of the National Historic Preservation Act and 36 CFR Part 800. If at that point, a survey is required, the applicant will engage a CRS firm. 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: Information for Planning and Consultation (IPAC), nor is it within or adjacent to critical habitat.

Wildlife and Fisheries

The project area consists of a cleared wooded/shrub community that is surrounded by residential property. The site is adjacent to a man-made canal that stems from Bayou La Croix. The tidal flow received within this canal is contiguous with St. Louis Bay and, ultimately, the Mississippi Sound. The property lacks any terrestrial wildlife corridors to off-site, undeveloped areas. Therefore, the property provides minimal habitat value for wildlife such as fur-bearing animals and avian species. It has been determined that the proposed development will not lead to any notable impacts to any animal populations that may persist within the project area.

Socio-Economics

The socio-economic impacts of the proposed residential homes would be positive. Building materials would likely be obtained from local building supply stores. The City of Bay St. Louis will benefit from ad valorem taxes generated from the new residential homes.

Works Cited

Ecological Asset Management, LLC. 2022. +/- 0.24-Acre Alaska Street Project Area, Bay St. Louis, Hancock County, MS.

NOAA/NWS/NHC Storm Surge Unit. *Story map Series*. National Storm Surge Hazard Maps. <https://noaa.maps.arcgis.com/apps/MapSeries/index.html?appid=d9ed7904dbec441a9c4dd7b277935fad&entry=1>, Electronic map accessed: March 2, 2022.

U.S. Fish & Wildlife Service: Information for Planning and Consultation. 2023. *IPaC Resource List*. <https://ipac.ecosphere.fws.gov/location/BUXA6BAGKJDETGG2O53OVFWNSE/resources>, Electronic document accessed: September 5, 2023.

Appendix C-1

**WRAP
For Environmental Assessment**

Alaska Street

Section 40, T-8-S, R-14-W
Bay St. Louis, Hancock County, MS

- PROPOSED
- EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: PROJECT: DATE: REVIEWER: FLUCCS CODE: WETLAND TYPE: FORESTED Non-Forested

LAND USE CATEGORY Single Family Residential	WETLAND AREA 0.22 ACRES	SECONDARY IMPACTS <input type="checkbox"/> NO <input type="checkbox"/> YES % = <input type="text" value=""/>	MELALEUCA INVASION >50% <input type="checkbox"/> NO <input type="checkbox"/> YES
	0.22 ACRES OF IMPACT	<input type="text" value=""/> ACRES	

- WILD LIFE UTILIZATION
- WETLAND CANOPY
- WETLAND GROUND COVER
- HABITAT SUPPORT / BUFFER

WRAP SCORE

31.94%

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
natural undeveloped areas	1.5	75	1.125
low density road	0.5	25	0.125
			0
			0
			0

- FIELD HYDROLOGY
- WATER QUALITY INPUT & TREATMENT

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
natural undeveloped areas	3	25	0.75
			0
			0
			0
			0
			0
LU TOTAL			0.75

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
dry detention only	1	25	0.25
			0
			0
			0
			0
PT TOTAL			0.25

WILDLIFE UTILIZATION
 DISCLAIMER: The applicant is seeking after-the-fact authorization for fill within the site's wetland area. This WRAP has been completed based on characteristics of the adjacent property to the east. There is minimal to no evidence of wildlife utilization with sparse adjacent upland food sources.

WETLAND CANOPY
 There are notable undesirable canopy trees/shrubs, and the wetland overstory is providing some habitat support. The wetland canopy is dominated by Pinus elliottii.

WETLAND GROUND COVER
 There are few undesirable groundcover plant species present. The ground cover has been slightly impacted by humans. Several FACW species were present in the herb stratum.

HABITAT SUPPORT/BUFFER
 There is a natural undeveloped area buffer around the site's wetlands that is greater than 30 ft but less than 300 feet average width. This buffer is not connected to wildlife corridors. A dirt road runs along the site's northern property boundary. The southern property edge borders a man-made canal that connects to Bayou La Croix.

FIELD HYDROLOGY
 There are signs of upland plant encroachment. There are signs of improper hydrology, and the wetland hydroperiod has been interfered with by ditching along the northern property boundary.

WQ INPUT & TREATMENT
 Drainage enters the wetland from the north and flows into the man-made canal to the south. A man-made ditch and dirt road traverse the property's northern boundary.

Figure C-1: Alaska Street Wetland Rapid Assessment Procedure (WRAP)