

**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: Oak Capital, LLC - Chris Eaton
Mailing Address: P.O. Box 773
Ocean Springs, MS 39566
Phone Number:
Email Address:
eatonpropertiesllc@gmail.com

Agent: BMA Consulting Engineers - Patrick Mooney
Mailing Address: 401 Cowan Rd STE A
Gulfport MS, 39507
Phone Number: (601) 447-3523
Email Address:
patrick@bmaengineers.com

Date Submitted:

03/04/2024

DMR Permit Number:
DMR24-000110

Historic DMR Permit Numbers:

DMR File Number:
24-000106

Project Location:

Parcel #s 07160226.000, 07160243.000, & 07160230.000
0 COOK RD
BILOXI, MS
Jackson County

Latitude: 30.4587
Longitude: -88.868

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

Project Information:

Project Name or Title: The Loft #2 Mallet Road

Project Description: The project is a proposed multi-family housing development. The Project area is comprised of a river terrace and flatwoods in proximity to Cypress Creek floodplain. Overall slope at the site is minimal, ranging from an elevation of 18' at the North end of the property to 27' at the South end of the property. An approximate slope of the property is 0.01%, dipping to the North, towards Cypress Creek. Project Mapping is present in the Appendix of this report.

Project Purpose and Need: Data from the 2020 Census shows the coastal counties of Mississippi were one of the only areas to experience positive population growth. In part, this population boom is due to the awardwinning educational facilities located along the Gulf Coast of Mississippi. Two of the top 10 ranked Mississippi school districts are located in the tri-county costal area. One of the best school districts in this area is the Ocean Springs School District (OSSD). The OSSD consists of several consistently award-winning schools as well as an overall student to teacher ratio of approximately 16:1. The excellent performance of the OSSD has helped to fuel a population boom for the City of Ocean Springs. This population increase has created a shortage of available and affordable housing. In addition to meeting the state of Mississippi's need for more affordable housing and adequate education, the proposed activities will allow for future, multi-family home, development inside of a high performing school district. The purpose of this Project is to create multi-family housing to alleviate pressure in the housing market along the entire Mississippi Gulf Coast by offering desirable multi-family housing in a booming county.

Intended Use: Commercial

Will the Proposed Project have a Public Benefit?: Yes
Increased tax base: Yes
Increased employment: Yes
National security benefits:

Improved habitat:

Other: More housing for people to work.

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)	above ground multi-family housing and road
Acreage/Square Footage or Linear Feet (Wetland Fill)	0.996
Specify Unit of Measurement (Wetland Fill)	01. Acreage
Cubic Yards of Fill Material (Wetland Fill)	4,833.33
Fill Material Type (Wetland Fill)	SAND
Habitat Type (Wetland Fill)	02. Bottomland Hardwood
Mitigation Type(Wetland Fill)	01. 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?: Yes

Agency Name: USACD

Type of Approval: JD

Identification Number: SAM-2022-00663-AMR,

Date Applied: 05/04/2022

Date Approved: 08/03/2022

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

Additional information about the proposed project. Already have a JD on wetland extent, please see attached.

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: Patrick Mooney

Mallett Road, The Loft #2– Attachment A

Permit Drawings & Adjacent Landowners Map

MDMR/USACE/MDEQ Joint Application



OAK CAPITAL, LLC
 CONTACT: MR. CHRIS EATON
 P.O. BOX 197
 OCEAN SPRINGS, MISSISSIPPI 39566
 eatonpropertiesllc@gmail.com

PREPARED FOR:

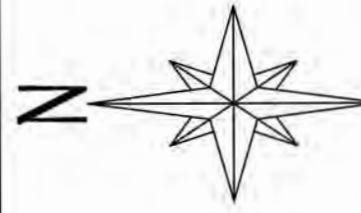
SEE TOPOGRAPHIC LEGEND FOR OTHER EXISTING
 CONDITIONS SYMBOLS

EXISTING GRAVEL SURFACE
 EXISTING CONCRETE PAVING
 EXISTING ASPHALT PAVING
 EXISTING SURFACE WATER

PROPOSED BUILDING
 PROPOSED CONCRETE PAVING
 PROPOSED ASPHALT PAVING
 PROPOSED GRAVEL SURFACE
 PROPOSED GRASSED AREAS
 PROPOSED SURFACE WATER
 PROPOSED WOOD DECKING

SHEET LEGEND:

SCALE: 1" = 50'



7 - 3 STORY, 1 BED BUILDINGS
 7 - 3 STORY, 2 BED BUILDINGS
 TOTAL 14 BUILDINGS TOTAL
 TOTAL 168 APARTMENT UNITS

2 PARKING SPACES PER UNIT = 336 REQ'D
 8 ADA PARKING REQ'D / 2 VAN ACCESSIBLE
 336 PLANNED PARKING
 8 ADA / 5 VAN ACCESSIBLE PLANNED
 12,540 SQ YD PAVING

TOTAL WETLAND IMPACTS 0.996

SITE PLAN

MALLETT RD APARTMENT COMPLEX
 MALLETT ROAD
 BILOXI, MISSISSIPPI

DRAWING DATA:

PROJECT NUMBER:	WE22-010-031
DRAWING FILE:	WE21-016_SITE CONCEPT 6.DWG
DATE:	February 9, 2024
DRAWN BY:	JWW
REVISIONS:	
	000/00/2023



WOOTEN ENGINEERING
 CIVIL PLANNING + DESIGN
 1249 Pencarrow Blvd
 Foley, Alabama 36535
 (251) 269-8689
 jww@wooteneng.com
 www.wooteneng.com

SHEET NUMBER:
C-02 OF X

Mallett Road, The Loft #2– Attachment B

Authorized Agent Letter

MDMR/USACE/MDEQ Joint Application



Oak Capital, LLC

PO Box 197

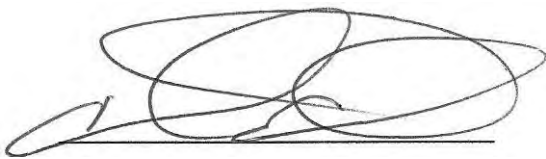
Ocean Springs, MS 39566

RE: AUTHORIZED AGENT

To Whom it may concern,

I, Chris Eaton, am proposing a new development in Jackson County Mississippi. In doing so, I will need to apply for regulatory permitting through multiple agencies.

With this letter, I, Chris Eaton, Owner, authorize Patrick Mooney, RPG, Environmental Geologist at Brown, Mitchell, & Alexander, Inc. to act on my behalf for all regulatory compliance matters.

A handwritten signature in black ink, appearing to read 'Chris Eaton', written over a horizontal line.

Chris Eaton, Oak Capital, LLC

Mallett Road, The Loft #2– Attachment C

Environmental Assessment

MDMR/USACE/MDEQ Joint Application



Produced by:

Patrick Mooney, RPG

Environmental Geologist

Brown, Mitchell, & Alexander, Inc.

401 Cowan Road, STE A

Gulfport, MS 39507

Patrick@bmaengineers.com



1. Project Location & Description

Mallett Road, The Loft #2(Project) is located east of the intersection of Cook Road and Victoria Lane, Jackson County, MS. The Project is a proposed single-family housing development. It consists of two lot assigned parcels, 791.02-00-0018.00 & 791.02-00-0048.00 as an ingress/egress point to Cooks Road. The Project area is approximately 1300' North-South x 350' East-West. Total acreage for the Project is approximately 9.52 acres. The Project is located at:

30°27'31.96"N, 88°51'41.80"W

SECTION 2, TOWNSHIP 7 SOUTH, RANGE 9 WEST

The Project area is comprised of a river terrace and flatwoods in proximity to Cypress Creek floodplain. Overall slope at the site is minimal, ranging from an elevation of 18' at the North end of the property to 27' at the South end of the property. An approximate slope of the property is 0.01%, dipping to the North, towards Cypress Creek. Project Mapping is present in the Appendix of this report.

2.0 Project Purpose & Need

Data from the 2020 Census shows the coastal counties of Mississippi were one of the only areas to experience positive population growth. In part, this population boom is due to the award-winning educational facilities located along the Gulf Coast of Mississippi. Two of the top 10 ranked Mississippi school districts are located in the tri-county costal area. One of the best school districts in this area is the Ocean Springs School District (OSSD). The OSSD consists of several consistently award-winning schools as well as an overall student to teacher ratio of approximately 16:1.

The excellent performance of the OSSD has helped to fuel a population boom for the City of Ocean Springs. This population increase has created a shortage of available and affordable housing. In addition to meeting the state of Mississippi's need for more affordable housing and adequate education, the proposed activities will allow for future, multi-family home, development inside of a high performing school district. The purpose of this Project is to create multi-family housing to alleviate pressure in the housing market along the entire Mississippi Gulf Coast by offering desirable multi-family housing in a booming county.

3.0 Comparison of Alternatives

The proposed project has more than 0.5-acre wetland impact, which requires alternative impact comparison. Three Alternative sites have been found within proximity to the project location for Alternative analysis.

These properties were found using MS Land Search.

<https://www.landsearch.com/properties/filter/center=-88.754298%2B30.475797,zoom=14.3>

Alternative #1: River Road

Alternative #1 consists of a 11.6 Acre lot of vacant wooded land with 1570 feet of waterfront on the Biloxi River, identified by parcel number 1007K-01-029.000 and for sale for \$90,000. Alternative 1 contains a lot of previously undisturbed and most likely higher quality wetlands than are at the Mallet Road project site. Although Alternative 1 is large enough to make it feasible for the planned project, it is likely to disturb more wetlands than requested at Mallet Road.

Alternative #2: Walker Road

Alternative #2 consists of 6.8 Acres of Residential Land for Sale in Ocean Springs, Mississippi identified by parcel number is 0-30-07-020.000 and is for sale for \$174,000.00. Alternative 2 consists of majorly undisturbed undeveloped residential land, likely to contain some wetlands. Alternative 2 is also too small for the planned construction project at Mallet Road and will also result in some wetland impacts. For these reasons, Alternative 2 is not feasible as Mallet Road is already a disturbed site.

Alternative #3: Old Fort Bayou Road

Alternative #3 consists of 4.8 Acres of Commercial Land for Sale in Vancleave, Mississippi, and is not assigned a parcel number but can be identified by the GPS location of (30.4732, -88.7595) and is for sale for \$265,000. Alternative 3 is zoned for commercial use and not residential development, so that would need to be addressed. Additionally, alternative 3 is likely to contain wetlands which would also be impacted. Due to alternative 3 being only 5 acres, more wetlands would be impacted here and there is not even enough area for the planned development of Mallet Road. For these reasons, Alternative 3 is not feasible.

4.0 Impacted Environment

Geophysical Setting

The Mississippi Gulf Coast is situated in the East Gulf Flatwoods Major Land Resource Area. It is comprised of gently rolling hills leading to coastal plains. Local relief at the Project site ranges from 12 to 24 feet above sea level, NAVD 88.

Jackson County is in the warm-temperate to sub-tropical region. Conditions are generally warm and humid with the occasional drop in air temperature during the winter months. Average air temperatures range from 45 degrees Fahrenheit to 88 degrees Fahrenheit. Annual precipitation is among the highest in the United States, averaging approximately 60".

Hydrologic Resources

Hydrology at the site is driven by precipitation and overland flow. Present to the north perimeter of the property is Cypress Creek. Subsurface flow, in general, is primarily driven by elevation and topographic contours which allow for the movement of water. Wetlands at the Project are ephemeral connection to the floodplain. The Project lies in the United States Geological Survey (USGS) Boundary #0317009-0606.

Geologic Resources

Jackson County is underlain by one of America's largest unconfined aquifer systems, the Graham Ferry Formation. The Graham Ferry Formation is mostly present north of Interstate 10 in Harrison County. Bed thickness can exceed 100 feet in the northern end of the county.

South of Interstate 10 is a mix of well-sorted Holocene Epoch deposits. These highly permeable sand-sized sediments mirror the properties of the Graham Ferry Formation but lack the notable oxidized Iron coloring. Bed thickness ranges from 1-30 feet in higher elevations. Both the Holocene and Pleistocene deposits are underlain by the Miocene-aged, Pascagoula Formation. This tenacious clay acts as an aquitard, forcing groundwater to flow laterally, down slope. NRCS Web Soil Survey Maps for the Project are available in the Appendix of this report.

Biological Resources

Wildlife

Wildlife is scarce at the Project site with no signs (i.e., scat or tracks) of wildlife noted throughout the Project area. The Project site may include habitat for various small avian species or small mammals, i.e., rodents or hares, however none were noted. This lack of wildlife is potentially driven by the Project's proximity to busy sections of road and surrounding

development. All Threatened & Endangered species will be thoroughly discussed in the next section.

Threatened & Endangered Species

There are several threatened and endangered species which occupy the coastal region of Jackson County, Mississippi. Species are usually threatened or endangered by loss of critical habitat. A preliminary iPAC Analysis was performed on February 29th, 2024, which confirms the absence Critical Habitats within the Project area. A list of threatened and endangered species for Jackson County, Mississippi is shown below in Table B.

Table B: Threatened or Endangered Species

The listed species ranges include Jackson County, Mississippi. From USFWS preliminary iPAC analysis.

	Taxa	Common Name	Status	Effect Determination
Birds	<i>Grus canadensis pulla</i>	Mississippi Sandhill Crane	<i>Endangered</i>	No Effect
	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Eastern Black Rail	<i>Threatened</i>	No Effect
	<i>Picoides borealis</i>	Red-cockaded Woodpecker	<i>Endangered</i>	No Effect
Reptiles	<i>Pseudemys alabamensis</i>	Alabama Red-bellied Turtle	<i>Endangered</i>	No Effect
	<i>Gopherus polyphemus</i>	Gopher Tortoise	<i>Threatened</i>	No Effect
	<i>Macrochelys temminckii</i>	Alligator Snapping Turtle	<i>Threatened</i>	No Effect
	<i>Pituophis melanoleucus lodingi</i>	Black Pinesnake	<i>Threatened</i>	No Effect
	<i>Chelonia mydas</i>	Green Sea Turtle	<i>Endangered</i>	No Effect
Amphibians	<i>Rana sevosa</i>	Dusky Gopher Frog	<i>Endangered</i>	No Effect
Ferns & Allies	<i>Isoetes louisianensis</i>	Louisiana Quillwort	<i>Endangered</i>	No Effect

The Mississippi Sandhill Crane is known to prefer hydric long leaf pine savannah with minimal canopy cover consisting of long leaf pine. Unfortunately, this habitat no longer exists at the Project site due to the absence of a fire regime. This species is likely not present at the Project site, and the specie's natural instinct to avoid danger will likely cause them to avoid the Project area.

Mississippi has generally been considered to lie outside of the breeding range for black rails. There is little evidence in the historic record to refute this suggestion. Mississippi has relatively little exposure to the outer Gulf Coast and those estuaries that do exist do not appear to support a breeding population. It is more likely that inland areas of the state may support black rails though no records have emerged to support this. The population is currently set to zero for the state with relatively low uncertainty. Black rails have been reported historically during the breeding season in Mississippi, but only in Jackson County (Watts, 2016).

The Gopher Tortoise and Dusky Gopher Frog inhabit similar ecological settings. Upland, Pine Forest with heavy herbaceous layer, sandy, quick draining soils that are easy to burrow. The Gopher Tortoise requires a low water table also and generally inhabits more northern regions of South Mississippi at elevations above 50 feet. These conditions do not exist at the Project site. Commensurate species, i.e., the Black Pine Snake, prefer to inhabit Gopher Tortoise Burrows. The lack of Gopher Tortoise Burrows at the Project site make Black Pine Snake encounters extremely low.

Louisiana Quillwort requires very specific conditions: mature stream bed, an intermittent stream flow, low turbidity, & some amount of canopy cover or protection from late afternoon sun. These conditions do not exist at the Project site.

This Species List was generated from iPAC web resources. A field survey for the presence of listed species with habitat suitability study was conducted periodically between March 2023 and February 2024. None of the listed species were observed at the Project location. Unsuitable soil and vegetative types as well as encroaching development has driven out or prevented establishment of the listed species.

References:

Watts, B. D. 2016. Status and distribution of the eastern black rail along the Atlantic and Gulf Coasts of North America. The Center for Conservation Biology Technical Report Series, CCBTR-16-09. College of William and Mary / Virginia Commonwealth University, Williamsburg, VA. 148 pp.

Vegetation

Vegetation at the Project site is composed of one distinct vegetative community – bottomland hardwoods. Currently, many undesirable species for the former habitat are present. Leaf litter is between 8 - 12” thick which, in effect, stops the establishment of most herbaceous species. However, a few remanent herbaceous species (*Xyris ssp.*) are still present in very limited depressional features. Also due to the lack of a fire regime, the shrub layer is dominated by Gallberry (*Ilex ssp.*). The vine stratum is dominated by dense patches of Green Briar (*Smilax laurelfolia*).

Historical & Cultural Resources

Prior to ground disturbance, Section 106 of the National Historic Preservation Act requires consultation with our State Historic Preservation Office, Mississippi Department of Archives and History (MDAH), if items of questionable significance are found. The project site was periodically investigated from April 2022 to March 2024. During this time, no items nor locations were found which meet, or potentially meet, the criteria outlined in the National Registry of Historical Places.

5.0 Impacts

Hydrologic Resource Impacts

The nature of the Project proposed does have a lasting effect on hydrologic resources present at the Project. This would include the permanent fill of 0.9 acres (xxx ft²) of Bottomland Hardwood wetlands.

Geologic Resource Impacts

No excavation, dredging, or de-mucking will occur as part of the proposed activities. No impoundments of source sediments are proposed as part of the Project as well. Therefore, the Project will result in no impacts to Geologic resources.

Biologic Resource Impacts

All Biological Resources will receive some impact. A strict “No take” guidance will be in place for the contractor carrying out the construction. Proposed activities are planned to begin in the late Autumn to early winter months so as to minimize effects to migratory birds and other avian species such as Bald Eagles. All proposed activities will be conducted in a way that minimizes lasting effects to Biological Resources present at the Project.

Cumulative Impacts

Cumulative impacts are defined as follows:

“an impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).”

In accordance with this definition, the Environmental Assessment provided herein considered the effects of other projects in the vicinity when combined with the Project as proposed. There will be no cumulative effects from the proposed Project, so far as foreseeable. All impacts will be localized to the Project area.

6.0 Mitigation

In an effort to combat the negative effects of filling wetlands, mitigation planning is needed.

Baseline Conditions

Wetland Area Impacted- the permanent fill of 0.996 acres (43,386 ft²) of Bottomland Hardwood wetlands.

The overall score is expressed as a percentage, ranging from 0% - 100%. Within the USACE Mobile District wetland regulatory realm, WRAP scores of 0-50% are considered low quality wetlands; 51-75% are medium quality; and greater than 75% are high quality. WRAP Condition Forms for Wetland Impact Areas A & B are available in the Appendix of this Assessment.

Wetland Area A

The impacted area had a Wetlands Rapid Assessment Procedure (WRAP) score of approximately 44.44%, making these low-quality, emergent palustrine wetlands. This impact area is quantified as 0.666 (29,033 ft²).

Wetland Area B

The impacted area of Wetland B had a Wetlands Rapid Assessment Procedure (WRAP) score of approximately 66.67%, making these medium quality wetlands. This impact area is quantified as 0.326 acres (14,353 ft²).

Determination of Credits

Within the USACE Mobile District wetland regulatory realm, WRAP scores of 0-50% are considered low quality wetlands; 51-75% are medium quality; and greater than 75% are high quality.

Wetland Area A

We are proposing the minimum stated requirement for this emergent, non-forested wetland, at a ratio of 1:1. Resulting in 0.666 of a credit purchased.

Wetland Area B

We are proposing a 3:1 mitigation ratio for these medium-quality, bottomland hardwoods. This will result in 0.978 of a credit purchased.

This will result in a total of 1.64 credits purchased for the Project.

7.0 Conclusion

Mallett Road, The Loft #2 (Project) is a proposed multi-family housing development which will help to address the current housing crisis. It is located near the intersection of Cook Road and

Victoria Lane, Jackson County, MS. The Project is proposed to begin in the Fall of 2024 and end in Spring 2025. The Project proposes the permanent fill of 0.996 (43,386 ft²) of Bottomland Hardwoods wetlands for clearing, fill, and construction with *in-lieu* fee credit purchase.

Appendix to Environmental Assessment

Mallett Road, Oak Capital, LLC

MDMR/USACE/MDEQ Joint Application-Attachment C

1. *Project Mapping*
2. *US Geological Survey (USGS) National Map*
3. *USACE Jurisdictional Determination (JD) Decision Document*

Lofts #2

Legend

- Lofts2
- Lofts2 Wet



Project Map

bma BROWN, MITCHELL & ALEXANDER, INC.
CONSULTING ENGINEERS
www.bmaengineers.com

401 Cowan Road,
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(228)864-7612
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3221 Market Street
Pascagoula, MS 39567
(228)864-7612



USGS 7.5 min Topo



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& ALEXANDER, INC.**

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(228)864-7612



REPLY TO
ATTENTION OF:

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

August 3, 2022

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Preliminary Jurisdictional Determination, File Number SAM-2022-00663-AMR, Oak Capital, LLC, Jackson County, Mississippi

Oak Capital, LLC
Attention: Chris Eaton
P.O. Box 197
Ocean Springs, Mississippi 39566

Dear Mr. Eaton:

Reference is made to your request for a Department of the Army (DA) preliminary jurisdictional determination (PJD) concerning an 8.52-acre site at 15116 Cook Road, Latimer, Mississippi. The project has been assigned Number **SAM-2022-00663-AMR**, which should be referred to in all future correspondence with this office. Specifically, the project is located in Section 2, Township 7 South, Range 9 West, Latitude: 30.459211 North, Longitude: -88.861665 West, Jackson County, Mississippi

Based on our review of the information and wetland determination data forms you furnished, and other desktop information available to our office, we have determined the boundary of waters of the United States (U.S.) to be accurate as shown on the enclosed wetland delineation boundary map. The review area was found to contain 2.86 acres of forested wetlands and 316 linear feet (LF) of an un-named perennial stream. For regulatory purposes, the Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Please be advised that this delineation verification reflects current policy and regulation.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the United States, including streams and wetlands, prior to conducting the work (33 U.S.C. 1344). If future work proposed at this site includes a discharge or placement of dredged and/or fill material into the stream or wetlands, a DA permit is required prior to initiating work.

Attached to this letter is a copy of the Preliminary Jurisdictional Determination (PJD) form for the approximately 2.86 acres of wetlands and 316 LF of perennial stream which drain to Cypress Creek. This PJD treats all wetlands and aquatic resources on the site as jurisdictional for the purposes of determining impacts and mitigation requirements. The PJD is a non-binding action and shall remain in effect unless a request for an approved

jurisdictional determination is submitted or new information or supporting a revision is provided to this office.

Please note that since this jurisdictional determination is preliminary, it is subject to change and therefore is not an appealable action under the USACE administrative appeal procedures defined at 33 CFR 331.

The statements contained herein do not convey any property rights, or any exclusive privileges and do not authorize any injury to property or obviate the requirements to obtain other local, State or Federal approvals required by law. Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2022-00663-AMR** in all future correspondence regarding this site or if you have any questions concerning this determination. You may contact me at (251) 455-6785, or by e-mail at angela.m.rangel@usace.army.mil.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses will help us improve our services.

Sincerely,

Angela
M. Rangel

Digitally signed by
Angela M. Rangel
Date: 2022.08.03
08:56:49 -05'00'

Angela Rangel
Project Manager
South Mississippi Branch
Regulatory Division

Enclosures



Oak Capital, LLC
 8.52 ac Total
 2.86 ac Wetlands
 316 linear feet of stream

Legend
 Oak Cap Wet
 Oak Capital
 Stream

Wetlands Map 7/20/2022

8.52 ac Total
 2.86 acres Wetlands,
 ~316' stream feature

SAM-2022-00663-AMR

bma BROWN, MITCHELL
 & ALEXANDER, INC.

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Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: July 25, 2022

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Chris Eaton, P.O. Box 197, Ocean Springs, MS 39566

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile, SAM-2022-00663-AMR

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: **MS** County/parish/borough: **Jackson** City: **Latimer**

Center coordinates of site (lat/long in degree decimal format):

Lat.: **30.459211** Long.: **-88.861665**

Universal Transverse Mercator: **UTM 1984**

Name of nearest waterbody: **Cypress Creek**

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: July 25, 2022

Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH “MAY BE” SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource “may be” subject (i.e., Section 404 or Section 10/404)
W1	30.460532	-88.861399	2.86 acres	PFO	Section 404
S1	30.460132	-88.861318	316 LF	R2	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant’s acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there “*may be*” waters of the U.S. and/or that there “*may be*” navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)


Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: _____.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Rationale: _____.
- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: _____.
- U.S. Geological Survey Hydrologic Atlas: _____.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Ocean Springs.
- Natural Resources Conservation Service Soil Survey. Citation: Jackson County, MS 059.
- National wetlands inventory map(s). Cite name: Wetlands Mapper 7/25/2022.
- State/local wetland inventory map(s): _____.
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth 1/2022.
or Other (Name & Date): _____.
- Previous determination(s). File no. and date of response letter: _____.
- Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Angela M. Rangel 7/25/2022

Signature and date of
Regulatory staff member
completing PJD

 8/3/2022

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Attachment D

Mallett Road, Oak Capital, LLC

MDMR/USACE/MDEQ Joint Application

**NO VARIANCE OR REVISION
REQUESTED**

- PROPOSED
- EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: PROJECT DATE REVIEWER FLUCCS CODE
 APP. #: WETLAND TYPE: FORESTED Non-Forestad

LAND USE CATEGORY <input type="text" value="Vacant"/>	WETLAND AREA <input type="text" value="3"/> ACRES	SECONDARY IMPACTS <input type="checkbox"/> NO <input type="checkbox"/> YES %= <input type="text"/>	MELALEUCA INVASION >50% <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
	1 ACRES OF IMPACT	<input type="text"/> ACRES	

WILD LIFE UTILIZATION

WRAP SCORE

WETLAND CANOPY

44.44%

WETLAND GROUND COVER

HABITAT SUPPORT / BUFFER

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
mechanical mowed uplands	1	100	1
			0
			0
			0
			0

FIELD HYDROLOGY

WATER QUALITY INPUT & TREATMENT

LAND USE CATEGORY

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
low density commercial	2	100	2
			0
			0
			0
			0
LU TOTAL			2

PRETREATMENT CATEGORY

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
grass swells/ veg buffer	2	100	2
			0
			0
			0
			0
PT TOTAL			2

WILDLIFE UTILIZATION

Sparse or limited upland food source, site is located in and near residential developments with frequent human impacts.

WETLAND CANOPY

Less than 25% invasive species, wetland overstory is providing habitat, few snags, healthy live canopy trees with evidence of natural recruitment

WETLAND GROUND COVER

Ground cover routinely managed, few undesirable ground cover plants are present.

HABITAT SUPPORT/BUFFER

Adjacent Upland is mechanically mowed and maintained.

FIELD HYDROLOGY

Wetland hydroperiod adequate, although canal feature can interfere with the hydroperiod of the site. Plant community health but signs of improper hydrology.

WQ INPUT & TREATMENT

Low density residential properties surround the subject property. Combination swales with detention.

- PROPOSED
- EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

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

LAND USE CATEGORY <input type="text" value="Vacant"/>	WETLAND AREA <input type="text" value="3"/> ACRES	SECONDARY IMPACTS <input type="checkbox"/> NO <input type="checkbox"/> YES %= <input type="text"/>	MELALEUCA INVASION >50% <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
	<input type="text" value="1"/> ACRES OF IMPACT	<input type="text"/> ACRES	

WILD LIFE UTILIZATION

WRAP SCORE

WETLAND CANOPY

66.67%

WETLAND GROUND COVER

HABITAT SUPPORT / BUFFER

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
mechanical mowed uplands	1.5	100	1.5
			0
			0
			0
			0

FIELD HYDROLOGY

WATER QUALITY INPUT & TREATMENT

LAND USE CATEGORY

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
low density commercial	2	100	2
			0
			0
			0
			0
LU TOTAL			2

PRETREATMENT CATEGORY

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
grass swells/ veg buffer	2	100	2
			0
			0
			0
			0
PT TOTAL			2

WILDLIFE UTILIZATION

Evidence of wildlife use, Sparse or limited upland food source, site is located in and near residential developments with frequent human impacts.

WETLAND CANOPY

Less than 25% invasive species, wetland overstory is providing habitat, few snags, healthy live canopy trees with evidence of natural recruitment

WETLAND GROUND COVER

Less than 10% nuisance plants, minimal disturbance to ground cover,

HABITAT SUPPORT/BUFFER

Adjacent Upland is mechanically mowed and maintained.

FIELD HYDROLOGY

Wetland hydroperiod adequate, although canal feature can interfere with the hydroperiod of the site. Plant community health but signs of improper hydrology.

WQ INPUT & TREATMENT

Low density residential properties surround the subject property. Combination swales with detention.