



May 21 , 2014

Ms. Sheri M Zettle  
c/o District Engineer  
U.S. Army Engineer District Mobile  
P.O. Box 2288  
Mobile, AL 36628

RE: SAM-2013-00569-SMZ Love's Travel Center

Dear Ms. Zettle:

Please consider the following comment letter on behalf of the Gulf Restoration Network, a collective of individuals and organizations united to conserve, rehabilitate, and restore the natural resources of the Gulf of Mexico. Our concerns about the wetland filling that will be required by the above referenced project are presented. This project is being conducted within the city limits of Gulfport in the Turkey Creek Watershed where communities are particularly sensitive to wetland losses and where flooding of residential property is already a problem. We oppose the granting of the permit.

The following discussion focuses on the 15 acres of wetland fill.

**1. The Corps should deny the Permit because the project is not water dependent.**

This project is for a truck stop which is not water dependent.

**II. A detailed analysis of alternatives is not presented at all in the permit.**

There is not an alternatives analysis that can be read and understood. If the applicant went through a series of decision-making alternatives, then let him describe them. What has been presented is not an alternatives analysis, but an assurance of one. The permit, as written, doesn't give the reader or the Corps an opportunity to follow the analysis and so is inadequate and should be denied. This falls short of the literal requirement and the intent of 40 C.F.R. Sec. 1502. 14(a).

### **III. An Environmental Assessment is lacking and the public notice, as it reads, does not analyze the project's direct, indirect or cumulative impacts.**

The direct impacts to wetlands need to be explored in greater depth than provided in the assessment which is not an impact analysis at all as much as it is a discussion of the value of wetlands based on vegetative type. The direct impact to wetland function that will come from altering filling the 15 acres - a direct impact on water /flood storage on property and a further direct impact to the discharge of water to local drainages.

Indirect impacts are defined by 40 C.F.R. Sec. 1508 (b) as follows: those effects " which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems including ecosystems."

The cumulative impacts to the Turkey Creek Watershed need to be explored. Neighborhoods downstream in North Gulfport south of I-10 and west of U.S. 49 already have flooding problems and removing wetland functions upstream will add to those problems in some manner. This has not been explored or covered in this 404 notice.

The environmental assessment does not analyze the project for its cumulative impacts. Cumulative impacts are those that result from the "incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." 40 C.F.R. Sec. 1508.7. Wetland and flood water storage impacts of development for shopping centers on the south side of I-10 , west of U.S. 49 exist.

A cumulative impacts analysis is needed for a project such as this which is wedging more development into a watershed that has long felt impacts to wetlands and where residential flooding problems exist. It is clear that hydrological modifications are already causing problems downstream of the the subject site. There are past actions, at least, to be considered and no impacts analysis has been written to include them.

We oppose the permit on the basis of a lack of analysis of direct, indirect and cumulative impacts.

### **IV. The Corps must deny the permit because the mitigation proposal is insufficient.**

Areas exist in the Turkey Creek watershed where mitigation can be accomplished. Nothing more is provided in this notice than an agreement to procure wetland credits in an approved land bank.

Judy Steckler of the Land Trust for the Miss. Coastal Plain should be contacted about mitigation in the Turkey Creek Watershed for the loss of 15 acres of wetlands. Turkey Creek is an area that has received much attention in the recent months due to the documentary film, Come Hell or High Water: The Battle for Turkey Creek. It has been shown in Mississippi on Public Broadcasting and is streaming until the end of May on the internet for free viewings. The film documents all the wetland issues that have been ongoing in the Turkey Creek watershed. Link below will play film for free online.

<http://worldchannel.org/programs/episode/come-hell-or-high-water-battle-turkey-creek/>

At the very least, mitigation should take place in the watershed where the Love's Truck Stop and Travel Center will be built.

Given the importance of the minimizing flooding problems farther downstream in the Turkey Creek watershed, the cultural and historic significance of communities along the Creek, and given the need for the best outcome in the face of the threats posed by more wetland development in the watershed, **a public hearing is requested on this issue.**

**Wetland protection projects in this watershed are part of the Corp's MsCIP restoration project.**

Outright purchases of land in this watershed for the purpose of preserving wetlands and maintaining flood water storage capacity along Turkey Creek downstream of this site are part of an approved Corps of Engineers Hurricane Katrina Restoration project. Dr. Susan Rees at the Mobile District runs this MsCIP program and should be consulted.

A better job of mitigation should be done in this permit by the Mobile COE District when there is already an emphasis from Mobile COE's MsCIP program to protect wetlands and flood water storage capacity in the Turkey Creek Watershed.

Sincerely,

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