



August 3rd, 2015

District Engineer  
U.S. Army Corps of Engineers Mobile District/Regulatory Division  
Attention: Philip A. Hegji  
P.O. Box 2288  
Mobile, AL 36628-0001

Ms. Willa Brantley, Coastal Permit Section  
Mississippi Department of Marine Resources  
1141 Bayview Avenue Suite 101  
Biloxi, Ms 39530

Ms. Florance Bass  
Mississippi Department of Environmental Quality  
P.O. Box 2261  
Jackson, Ms 39225-2261

Dear Mr. Hegji, Ms. Brantley, and Ms. Bass:

Gulf Restoration Network is a twenty year-old environmental advocacy organization committed to uniting and empowering people to protect and restore the natural resources of the Gulf of Mexico region. We focus our work on the Clean Water Act and wetland and water pollution permits, and water projects in Florida, Alabama, Mississippi, Louisiana and Texas relevant to, or posing threats to the health of the Gulf of Mexico and the rivers, streams, bays, estuaries and bayous that contribute to it.

These comments are responsive to 404 wetland fill permit **SAM-2015-00573-PAH**. This joint application by Ward Investments and the City of Gulfport to the Mobile Corps of Engineers District seeks to fill 432 acres of wetlands to extend Creosote Road, build playing fields, and provide land for development into retail, commercial, industrial and office space in north Gulfport. The total area of the land in question is around 1300 acres. Just over 1000 acres are classified as wetlands. Mitigation of wetlands is offered through improvement and preservation of low, medium and high quality wetlands on-site and off-site on nearby forested properties. Stormwater management is through the use of borrow pits situated as stormwater treatment ponds in several places on the property.

Turkey Creek is a freshwater stream with a small watershed in Harrison County in the coastal streams basin of Mississippi. It originates and flows from upland areas not very far north of Interstate 10. Its watershed lies north of Long Beach, Ms., between the Wolf River to the west and Little Biloxi watershed to the east. The lower reach of Turkey Creek is slow moving, bayou-like and tidally influenced. It flows into Bernard Bayou

west of U.S. Hwy 49 near Rippy Road and Creosote Road in north Gulfport. Bernard Bayou enters the Back Bay of Biloxi from the west. Turkey Creek has a warmwater stream fishery over most of its length, but in the lower reaches subject to tidal forcing, salt water fish and invertebrate species are known to exist, moving into lower Turkey Creek as tidal movement and freshwater discharge allow. The topography of the Creek's watershed is flat with very little relief south of Interstate 10 near the airport, U.S. Hwy 49 and the Ward project land. Turkey Creek runs northwest to southeast and cuts across one of the busiest sections of Gulfport containing U.S. Hwy 49, Interstate 10, numerous neighborhoods and businesses and the Gulfport Airport which shares runway space with Mississippi Air National Guard ground support facilities.

Gulf Restoration Network has examined the application for the project and submits the following comments:

**A full Environmental Impact Statement (EIS) is required by Ward Investments/City of Gulfport for their Joint Application to fill 432 acres of wetlands in the Turkey Creek Watershed.**

The document submitted to the Mobile District Corps of Engineers in support of the application for this 404 permit is an environmental assessment or EA. When proposed actions are those "significantly affecting the quality of the human environment", the National Environmental Policy Act (NEPA) requires a full Environmental Impact Statement (EIS) to be prepared.

The filling of 432 acres of wetlands that drain to Turkey Creek is an unusually large request in Mississippi. This is the largest swath of proposed wetland fill in at least a decade. The project is proposed on a parcel of land that by the applicant's admission drains downstream to Turkey Creek. At the Ward property's south end, the creek flows between neighborhoods that already have drainage and stormwater problems. There is local street flooding from creek flooding during heavy rains and flooding in homes and buildings when rains accompany storm surges. The fact that the applicant's own analysis shows the neighborhoods adjacent to the Ward property meet Environmental Justice criteria means that the health of the people living in this area of north Gulfport merits a deeper analysis than this EA.

Statements are made in the EA/Application that flooding problems should not be either worsened or improved in the Forest Heights neighborhood by the project's runoff to Turkey Creek are optimistic and cannot be taken at face value. Forest Height's levee is discussed at length, but no discussion is offered about the lack of levees around the North Gulfport neighborhood. Anything affecting the discharge or flood stages in Turkey Creek will affect that and other neighborhoods as well. Much more information must be

provided about the design and placement of the stormwater ponds, the cumulative and future impacts of stormwater coming through the property from the sub basins north of interstate 10, and the suitability of soils for stormwater pond design. These ponds and other water handling systems must manage what runs off or is produced by the site as it develops over three 5-year phases (15 years). Because the areas north of I-10 affecting the drainage to the Creek are developing, flooding and stormwater problems in the Turkey Creek watershed are a moving target. The application identifies future runoff problems in sub-basins north of Interstate 10 that can affect the success of stormwater design on the Ward property, but nothing is proposed to deal with those problems. Also, adaptive management of stormwater isn't raised as an issue even though the project clearly plans for 15 years of development to reach the full target acreage of wetland filling.

Since the City of Gulfport is a joint applicant with Ward Investments, there should be some discussion about the city's growth planning, how it proposes to handle stormwater in the sub-basins affecting the Ward property and about the city's jurisdiction in these issues surrounding Turkey Creek. If Gulfport is a partner in this application and permit, it cannot limit its involvement just to Creosote Road and the sports fields that it wants.

The need to do periodic light burning on the property for vegetative control is something that merits more discussion. It doesn't seem likely that this property is a good candidate for the use of fire because of the proximity of major roads, several neighborhoods, an airport and an Air National Guard base. Smoke from forestry controlled burn operations can affect human respiration, road traffic and air traffic. Respiratory health concerns alone seem to be likely to eliminate the use of fire in such a populated area.

Two projects in the Mississippi Coastal Improvement Plan (MsCIP) which have been approved and authorized by the U.S. Congress seek to address stormwater and wetland storage problems in the Turkey Creek Watershed in the vicinity of the Ward Project. One MsCIP project seeks to improve the levee protection around the Forest Heights neighborhood and the other seeks a buyout and improvement of wetlands on the Ward property south of the Kansas City Southern railroad line. Improvement of the quality of the human environment, with respect to flooding, is the purpose of both of these projects. Filling 432 acres would compromise both MsCIP projects because not only would it decrease the amount of wetlands available for improvement, it would also likely subject any improved levees to increased flow in Turkey Creek. MsCIP is a project that is designed to increase coastal resiliency to flooding and hurricane damage. The MsCIP Program's very existence is based on trying to reduce flooding and strengthening the resiliency to flooding in the exact place where 432 acres of wetland filling is being proposed.

For the reasons given above, GRN maintains that this project will significantly affect the quality of the human environment and that a full Environmental Impact Statement is warranted in this situation.

**This project for construction of a mixed-use industrial, commercial, retail and residential town center, a road, and sports fields is not considered a water dependent use.**

“The Corps is prohibited from issuing a 404 permit when *“there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem”* 40 CFR 230.10(a)(3).

If the project’s purpose does not require proximity to water, the Corps may determine that it is not water dependent if: *“practicable alternatives that do not involve special aquatic sites (such as wetlands, see section 230.41) are presumed to be available.”* If Ward Investments and Gulfport were seeking to use Turkey Creek for commerce, this project may be water dependent. The site’s only water dependency that is discussed is that the Port of Gulfport is being expanded and will need “back office” and goods handling space. This project, if built, may provide office and warehouse and goods handling space related to the port trade, but the piece of land is not being developed as a port. This project is not water dependent.

**The applicant’s alternatives analysis for site selection was improper and should be rejected.**

As the developer presented the site alternatives analysis it was clear that there is much undeveloped land in Gulfport that could be used to build a mixed-use project such as this one. Mixed commercial, retail and industrial space could be located at any of the sites used as comparable locations. Since visibility from major roads for a live/work/play destination is a fairly desirable characteristic, that subject was discussed as ranking high in decision-making. Some sites offered good visibility. However the unavoidable single theme that ran through the sequential rejection of alternative sites was that Ward Investments did not own those lands yet, as it does here, and that land elsewhere would cost more to buy, or would be less visible or accessible from major roads. The true foundation of the whole alternatives discussion is that the applicants own this land and not another property. Any other conclusion is only a distraction. Ward’s ownership and control of this property is as much a foundation for the alternatives analysis as the earth’s magnetic field is to the operation of a compass.

This project has the potential to do major environmental damage in the watershed of Turkey Creek which is an impaired waterway with an incomplete TMDL for pathogens being written for it. Adding parking lot runoff and road runoff to Turkey Creek is harmful. Plans to remove low and medium quality wetlands to replace them with concrete, rooftops, drainage infrastructure and stormwater holding ponds must be better explained as each phase of the development takes place. The applicant has not adequately demonstrated that mitigation plans to re-contour ditches, roads and modifying the pine savannah vegetation can compensate for the present wetland functions found on the site. The majority of the compensatory activities to replace 432 acres of wetlands take place on other sites not now owned by the applicant. Other compensatory land purchase north of Interstate 10 should be explored to better control

development in drainage basins to the north that affect the Ward site. Major environmental damage to existing, functioning wetlands will happen if this project goes forward.

If development of a site will result in greater environmental damage than would be realized at another site, the Corps clearly violates the CWA regulations and therefore its conduct is arbitrary and capricious when it permits a developer to obtain a permit on its chosen site because that site is the most practicable or most profitable. Sierra Club v. Flowers 423 F. Supp. 2<sup>d</sup> 1273, 1351-1352. (S.D. Fla. 2006)

One alternative that could have been discussed and which was not introduced is the use of the full extent of the land as a wetland mitigation bank. A wetland mitigation bank in this area could have a life as long as the full life of the development project (15 to 20 years) and produce payouts to the landowner or investor over as many years. Many of the acres of wetlands identified and classified by the Environmental Assessment are of medium and low quality. These wetlands hold great value for improvement in function and so will yield a satisfactory number of wetland credits that a bank could sell over many years. The wetland soils and wetland hydrology on the site could be complemented by projects which restore sheet flow and modify the plant community to one that is healthier and better resembles other wet pine savannahs such as those at the Mississippi Sandhill Crane Refuge. This requires removal of overly dense groundcover vegetation, removal of trees, and shrubs to open the tree canopy to a greater degree and would require removal of exotic plants. Whether this can be accomplished through the use of fire, cutting, mechanical removal, chopping, grubbing, mowing, spraying or some combination of these is not determined at this point.

**A mitigation plan that relies to any degree on the use of fire to control wetland vegetation and to create an increase or “lift” in habitat function units will likely be hampered or rendered impossible due to the location of the subject property.**

Use of controlled fire for vegetation management within the city limits of Gulfport adjacent to well populated neighborhoods and schools, Interstate 10, U.S. Hwy 49, and a municipal airport that houses an Air National Guard base will be very difficult to accomplish. Burn permits are required and opposition can be expected from any of these neighbors to the Ward property.

No discussions with the Mississippi Forestry Commission appeared in the application to even investigate whether a burn permit could be obtained here for vegetation control. It is likely that mechanical removal, spraying with herbicides and mulching or piling of materials may have to be relied on to control vegetation. The Mississippi Crane Refuge to the east is burned by the US Fish and Wildlife Service, and forest land is burned in the DeSoto National Forest to the north. Neither situation is comparable to burning the Ward wetlands in the Gulfport City limits. If burning cannot happen, the “lift” in wetland function gained by management of wetland vegetation with fire may not happen to the same degree as discussed in the application, or at all. Checking about burning with the proper city, state, and airport authorities at the very least should have taken place

before proposing and relying on the Functional Capacity Unit (FCU) lift that is used to calculate mitigation.

**GRN disagrees with the misleading argument made about the extent of decline of wetland quality and function if the “No Action” alternative is selected.**

In section 4.1 in the Wetland discussion on page C-26, the following statement is made after a long discussion of the kinds of function appreciation or “lift” that the applicant plans if wetland habitats are modified with fire other vegetation control and re-contouring on the subject site and two other off-site pieces of property: “under the no action alternative a total of 860 CFUs would be impacted within the wet pine savannah and cypress habitat areas. For this and other reasons outlined in this application, the project will not have a significant impact on wetland resources.”

Trying to make sense of this statement apparently requires that the total of 575 CFUs impacted (if the project goes forward) be considered as a preferable wetland management/ function outcome than leaving the property alone (no action) and letting plants continue to grow. In other words, the applicants claim that a deficit of 860 habitat units will happen sometime in the future to wetland function because of the lack of burning and continued plant growth, shading and loss of ground cover, so the impact on 575 habitat units if the existing wetlands are dug out and/or buried with 3 feet of fill isn’t so bad by comparison because owing 575 CFUs for mitigation is better than owing 860 CFUs. If this is the intent of the statement, it is an argument comparable to the logic of saying: “we’ve got to destroy the village to save it.” This is an absurd argument and unbelievable. If Ward Investments left the wetlands alone, no agency would require that the company do anything to offset the decline of wetland function “costing” it 860 CFUs. This “straw man” argument presented for pine savannah mitigation does nothing to help convince the reader that this project will have a neutral impact on wetland resources.

**GRN finds the discussion of storm water management incomplete. Stormwater handling on the Ward property is conditioned on improvements in wetland function. Pond designs seem very conceptual at this point, and no mitigation or land protection or urban planning solutions are proposed to address sub-basins north of I-10 that flow through the Ward property and that are identified as future runoff concerns by the document.**

Stormwater ponds that hold the 100 year, 24 hour rainfall event for the locality are promised by the environmental assessment.

According to the Slidell, La. office of the National Weather Service, NOAA Atlas 14 provides that such an event would drop 14.2 inches of rainfall over the Hwy 49, I-10 interchange in a 24 hour period. Over 100 years, this is the 1% probability event for any given year. The environmental assessment does not provide a rainfall amount to go with its 100 year stormwater pond design criteria. If anything less than the 14.2 inches/24hrs

is contemplated, then the design needs to be corrected. There was no discussion of climate change to accompany the 100 year 24 hour rainfall pond design, so it is hard to tell if a wetter climate on the Mississippi coast has been built in to the design.

For something as essential as stormwater management to the neighborhoods downstream and across Turkey Creek from the Ward property, it seems that the results of actual modeling would be presented in the body of the text of the application. The impacts to 432 acres of wetlands are being mitigated by digging out 91 acres of wetlands to create stormwater treatment ponds on the site, while filling 341 acres with the spoil removed from the ponds. The mitigation plan, described as helping improve sheet flow and surface water movement between stormwater ponds and Turkey Creek, would improve only 248 acres on the Ward property itself. Increased stormwater volumes will be generated on the Ward site by creating impervious surfaces as roads buildings and parking lots are developed. The mitigation plan seeks to improve 827 acres of wetlands elsewhere on two remote properties to the south and west.

Much of the discussion of the stormwater ponds is conceptual in the document. There is no modeling or explicit demonstration of the function of the stormwater ponds as each of the three phases of development proceeds in sequence over 15 years. There is no explanation of how 91 acres of stormwater ponds will replace the function of 341 acres of filled, but formerly intact, functioning wetlands on the Ward site. There is no assurance that re-grading, ditch and road re-contouring and using vegetation management, with or without fire, on 248 acres on the Ward site will balance the loss of 341 acres and improve the stormwater and surface water discharge characteristics that affect Turkey Creek from the Ward site.

The document claims on page C-42 that “This bold mitigation plan when implemented will improve the quality of the native habitats associated with Turkey Creek, and ensure the proposed action does not result in a significant (adverse or beneficial) impact on wetlands.” This language may be trying to say that there will be no net loss of wetlands from the planned activities, or it may be a way of lowering expectations for improvements to wetland function by the mitigation activities. What does this mean? A wetland mitigation plan that derives most credits from preservation, and improvement of function doesn’t convince us that a net loss of wetlands is avoided. Wetlands lost on the Ward site aren’t being replaced or improved on the Ward site to a degree that removes the need for extensive and complex stormwater treatment ponds. Wetland mitigation isn’t often conditioned or tied to the need for stormwater treatment as it is on the main Ward site. The Corps must consider that this plan is unusual.

Plans to build stormwater handling ponds and to improve the wetlands on the Ward property are more relevant to the water level in Turkey Creek and its effects on nearby neighborhoods than wetland function improvement on the other two properties that have been identified for uses as mitigation land. The fact that 2/3 of the mitigation takes place off site does not provide much assurance that the combination of stormwater pond design and wetland function improvements on the Ward site will be effective in reducing discharge to Turkey Creek or protecting nearby neighborhoods from a rising creek.

In the discussion of stormwater handling, the environmental assessment identifies four drainage basins north of Interstate 10 that contribute to water flow across the Ward property. These basins, in the upper watershed of Turkey Creek and upstream of the Ward land, are piped into culverts under I-10 and flow across the Ward property. As development north of I-10 proceeds, these basins will continue to become less forested and more developed. This change has been happening for some time since 2006. There is some opportunity through either City regulation or through Ward's purchase of mitigation lands or easements there to ensure that these watersheds north of I-10 don't lose their mostly forested character. If more impervious surfaces are created north of I-10, the stormwater handling systems designed by Ward and the City on the south side of I-10 won't keep up with the stormwater volume. It is a missed opportunity at this point not to identify some of these lands for purchase as mitigation properties or for some kind of stormwater management restrictions. If Ward and the City took this opportunity, it would raise confidence that they are willing to solve problems that they have identified through their work on the environmental assessment.

**The 401 State Water Quality Certification letter should not be issued now and may not be issued unless the Designated Uses on Turkey Creek are protected.**

A 401 state water quality certification is necessary to be issued for the project. The state is required by the Clean Water Act to protect the water quality of the wetlands on the site and to protect the water quality in Turkey Creek. Wetlands on the site are being relied on in combination with stormwater treatment ponds to deliver good water quality to Turkey Creek which is classified partly as a recreational use stream and partly for fish and wildlife use. It will be required, under Tier 1 Anti-degradation policy, for the state to determine if any threats to existing uses will result from stormwater pond discharge and to insure that they do not occur.

Also, the permit plans for stormwater management/treatment ponds to have discharges into restored and improved existing wetlands that in turn discharge to Turkey Creek. We feel that these discharges need NPDES discharge permits because the ponds will be treating collected stormwater from developed areas. Water will contain runoff from roads, parking lots and land zoned for retail, industrial and commercial uses. Oil and grease, total suspended solids, chlorides and other appropriate parameters should have limits placed on them for the outfalls of the ponds.

With a phone call to Mr. Paul Yeargain of VHB, the consulting engineer doing the stormwater pond design, I learned that the report of existing conditions for the site was not final, and that a report of future conditions is not in existence so far. It has been my concern that the stormwater design is conceptual only at this point. The stormwater design is also dependent on the wetland mitigation practices on the Ward site. Wetland function improvement is being relied on as a way to provide appreciation or "lift" to the credits generated for the wetlands on the site. They are pine savannah wetlands, and over the last 20 to 30 years, logging roads, canals and spoil banks have disrupted what would be considered normal surface sheet flow on the land. If certain ditches or canals



are refilled and recontoured, if spoil banks and raised road beds are flattened, and if the vegetation on the site is burned, or otherwise thinned some better wetland functions are proposed for the land. Low quality wetlands may be raised to medium quality wetlands through these practices, and the resulting lift may cause an appreciation in existing wetland function. A lift of wetland function affects the way the developer calculates the Functional Capacity Units or CFUs needed under the chosen HGM wetland function assessment method. Modification of wetlands is being relied on for the wetland mitigation accounting and for the proper treatment of stormwater and runoff.

There is not enough data available now on any of these plans or practices for MDEQ to grant a 401 letter. This is especially true since stormwater ponds are discharging to the improved wetlands, and water is designed to move as sheet flow and shallow groundwater, from the pond outfalls and down a slight gradient south into Turkey Creek.

There are several reasons that a 401 state water quality certification should not be granted now. An incomplete TMDL for pathogens is being finalized for the creek by another division of MDEQ. NPDES permits must be designed and granted for around 10 stormwater treatment ponds totaling 91 acres. Not enough information exists on how the combination of wetland improvements and stormwater pond design will work to protect existing uses on the Ward site. For these reasons, granting a 401 state water quality certification letter will be improper and unwarranted at this time. The state should put conditions on this permit applicant, including the securing of NPDES permits that will ensure that uses in Turkey Creek are protected. The state should prepare and make available an anti-degradation analysis for this 401/404 permit because state water quality standards may be affected by new discharges from the proposed activity. The state should prepare and make available an anti-degradation review for any new NPDES permits that may be written for the outfalls from stormwater treatment ponds.

**The Mississippi Department of Marine Resources must perform a coastal zone consistency review for this permit application because it is a 404 wetland fill in the coastal zone that can have an effect on flooding.**

Under The Mississippi Coastal Zone Program, 1988, Sec. 4 part V B. 2 (c), a permit application under section 404 of the Clean Water Act is reviewable for coastal zone plan consistency. The property is in the Mississippi Coastal Zone, situated south of Interstate 10. For lands in the coastal zone, the national interest in the reduction of the loss of life and property damage from natural hazards, including flooding and erosion makes this project fall squarely in the category of reviewable actions. see MCP (1988) Sec. 7, G.

The wetlands on the Ward property fall partly within the 100-year flood plain along Turkey Creek and are subject to the tidal influence on Turkey Creek from Bernard Bayou and the Back Bay of Biloxi. High tides and storm tides move up both Turkey Creek and Bernard Bayou. Bernard Bayou can back water up on the north side of Interstate 10, and Turkey Creek can back water up on the south side of Interstate 10.

Since culverts feeding into the Ward property run underneath Interstate 10, waters north of I-10 are connected to waters south of the Interstate, and the Ward property lies between. Normal gravity flow takes water under the interstate from north to south into the Ward property. Although much of the property can look like ordinary pine and hardwood forests during dry conditions, it is subject to inundation tidal surge back-up with Biloxi Bay water in tropical storms and hurricanes.

*The discussion of the Turkey Creek Habitat Restoration plan by the Corps of Engineers in their MsCIP plan mentioned that after Hurricane Katrina, salt water inundation harmed substantial areas of the vegetation on the Ward property and that the quality of the wetlands suffered as a result. This salt water was pushed here into the floodplain along Turkey Creek by Katrina's high tides and storm surge.*

**The Cumulative Impacts Analyses set forth do no more than make the applicant's case for development and are insufficient.**

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 indirect impacts that follow from the development of this site include the completion of Creosote Road that connects Canal Road and U.S. Hwy. 49. This new east-west access road will make a number of growth inducing effects possible and likely. These possible indirect impacts include increased channelization of the streams that deliver water to the Ward site from north of I-10, and more complicated surface water flow in the northern 1/3 of the property. Other indirect impacts are more commercial structures along Creosote Road, more complex stormwater handling issues, more induced development and building on and off of the Ward property to capture Creosote Road's increased commercial traffic flow. Increased air pollution from more auto, truck and rail traffic will follow the extension of Creosote Road

The environmental assessment draws the cumulative impacts in the light most favorable to the applicant. We question this analysis. 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.

The Gulfport airport is perhaps the largest other single development along Turkey Creek that has altered hydrology and changed runoff to Turkey Creek. This present project adds 284 acres of fill to the cumulative impacts that have come before, including the airport's acres of roads and paved runways, and recent commercial developments along the U.S. Hwy 49 corridor, almost all of which drain to Turkey Creek. An additional 126 acres of wetland fill on this site is contemplated by the Port Connector Road project

which is suspended during litigation between the developer and the Mississippi Department of Transportation. In spite of the results of litigation, the Connector Road is still a foreseeable project at this time. The impacts of alterations to an additional 126 acres should be considered cumulatively along with the 432 acres presented for wetland filling in this permit by Ward Investments.

The Gulfport City Council was concerned enough about the impacts of the wetland filling associated with the Port Connector Road that it passed a resolution on Sept 4th 2007 against filling 126 acres of wetlands on part of the Ward property that was to be purchased through eminent domain for the connector road.

“SECTION 4. That the City of Gulfport officially affirms its opposition to the significant wetland impacts associated with the current design of the Canal Road Connector, which would destroy 162 acres of wetlands;”

If the loss of 126 wetland acres in the Turkey Creek drainage was objectionable enough for the Council to oppose because of the loss of floodwater storage, then this wetland fill project of 284 acres and digging out another 91 acres is more than twice as objectionable because it poses a much larger threat to flood storage along Turkey Creek.

This is a large project. In fact, since the building of the Gulfport airport, it is unlikely that such a large loss of wetlands has occurred in a single place in this part of the city. A cumulative impacts analysis is lacking and must be performed before the granting of this permit.

**The cumulative impacts to Turkey Creek must be based on correct choices of the watershed drainage areas.**

We question the use of the full watershed of Turkey Creek (18,350 ac.) as a basis of comparison to conclude that the Ward Investments project only affects 3% of the acreage of this larger drainage basin. Instead of the whole watershed of Turkey Creek, the subwatersheds or sub-basins that begin north of Interstate 10, connected with this site and discharging into Turkey Creek from it are more relevant to the project and should be considered as a more reasonable, scientifically valid and honest basis of comparison when discussing the scale of the wetland alterations and conversions that are planned. The HUC 12 digit code sub-watershed appropriate to examine for this project is the one which the project's Environmental Assessment used on page C-27 and labeled in sub-basins 1, 1a, 1b, 2, and 2a in Figure C-7. This 4,265 acre sub-watershed starts north of I-10 and includes the Ward Investments property, and these labeled areas. The project's footprint of wetland digging, fill and alteration for roadbuilding and development over 15 years would take up 31% of this watershed's surface area. A 10-fold increase in the magnitude (30% vs 3%) of the project's wetland footprint comes from using the more appropriate smaller sub-watershed for comparison.

The smaller watershed is a more appropriate comparison and basis for discussion because it drains into Turkey Creek closer to the section of the creek classified for recreation and secondary contact by MDEQ. (2015 Draft TMDL for pathogens) Being closer to this recreational-use classified section of the creek means that the treatment of the water runoff via the project's planned stormwater ponds affects the creek where human uses will happen. Runoff that happens elsewhere, farther up the watershed isn't as relevant as what will be discharged to the Creek closer to the recreational reach of the creek. If the stormwater treatment ponds don't adequately treat discharge due to under-design or incorrect calculations of capacity, it will affect this section of the creek and its recreational use classification. The applicants have also identified the sub-watersheds north of I-10 as being the source of much of the water flowing through the Ward property, and they have identified likely continued changes from development in these watersheds from loss of forested cover as being a problematic issue in the future for surface flow through the Ward site.

When several letters were written to request a time extension to comment, a public meeting on this permit application was requested by GRN and others, to be held in the north Gulfport area. The Mobile Corps District needs to set such a meeting. The North Gulfport Land Trust, Steps Coalition and Gulf Restoration held their own informational meeting about the permit application on Tuesday July 28<sup>th</sup> at the Isiah Fredericks Community Center. A petition from that night has produced 517 signatures in support of a COE public meeting, the requirement of a full EIS for the project and/or for the Corps to deny the current permit.

Gulf Restoration Network associates and further relies on comments prepared by the Steps Coalition, Mississippi Center for Justice, and Sierra Club. Any comments submitted by "action alert" emails to Mr. Hegji and Gulfport Mayor Billy Hewes are also included by reference.

Thank you for taking the time to consider these comments.

Andrew E. Whitehurst

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