



Planning Commission | Agenda

Thursday, October 23, 2025 – 4:30 PM

City Hall – Council Chambers
2309 15th Street, Gulfport

- A. Prayer**
- B. Pledge of Allegiance**
- C. Call to Order**
- D. Determination of a Quorum**
- E. Confirmation of Agenda**
- F. Adoption of Minutes**

F1. Planning Commission Meeting - 09-25-2025

G. Announcements

G1. If you are aggrieved by a vote of the Planning Commission, see below.

DECISION ITEMS: Except as noted below, items listed on this agenda as “Decision Items” may be appealed to the Gulfport City Council as follows: Any person or any officer, department or agency of the City aggrieved by a decision of the Planning Commission may, within fifteen (15) days thereafter, appeal therefore to the Gulfport City Council by submitting to the Planning Commission (Department of Urban Development – Planning Division) a written notice of appeal specifying the decision from which the appeal is taken. In the case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the City Council, and the matter will be heard on said transcripts. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges.

Exception: The disapproval of a general subdivision plan may be appealed by the subdivider by submitting to the Planning Commission and the Mayor and City Council a written notice of appeal. Upon receipt of notice of appeal, the planning commission shall transmit to the City Council a certified copy of the proceedings upon which the appeal is taken. The City Council may overrule such disapproval by a recorded vote of not less than 2/3 of its entire membership. No other right of appeal exists as to action taken by the Planning Commission on a general subdivision plan. The City Council hearing is not limited to the record created before the Planning Commission.

RECOMMENDATION ITEMS: As to items listed on this agenda as “Recommendation Items”, the recommendation of the Planning Commission, whether to approve (with or without condition) or disapprove, will automatically be submitted to the City Council by the Department of Urban

Development – Planning Division, and the item (except recommendations on Final Plats which are not so limited) will be considered by the City Council on the record created before the Planning Commission. It is not necessary to file anything with the Planning Commission in order to have the matter heard by the City Council.

G2. Anyone speaking today is asked to complete a "Speaker's Card".

Please provide the completed card at the time you speak to the Planning Commission. City staff personnel can assist in any questions you may have or in completing the card. This public meeting is open to all for comment.

H. Hearing of Cases

H1. Planning Commission Decision

1. Tree Permit Appeal 2510PC117:

Tree Permit Appeal 2510PC117, by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2

2. Special Exception 2510SE118:

Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

H2. Planning Commission Recommendation

1. Zoning Map Amendment 2510PC119:

Zoning Map Amendment 2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

2. Zoning Map Amendment 2511PC122:

Zoning Map Amendment 2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

I. Reports

J. Unfinished Business

K. Other Business

K1. Other Business

L. Adjournment

MINUTES
GULFPORT CITY PLANNING COMMISSION
Thursday, September 25, 2025, 4:30 P.M.
City Hall Council Chambers

- A. **Prayer**: The Planning Commission led a prayer.
- B. **Pledge of Allegiance**: The Pledge of Allegiance was recited.
- C. **Call to Order**: The meeting of the Planning Commission was called to order at **4:32 P.M.**
- D. **Determination of a Quorum**: A roll call was performed and a quorum was determined.

BOARD MEMBERS PRESENT:

WM. PRINCE JONES
CHARLIE HEWES
KEITH WILLIAMS
HAROLD SPANN
VIRGINIA ADOLPH
BILL WILLIAMS
DANIEL KEATING
TIM DAIGLE JR
CHRIS ROMANO
BRYAN JACOBS

BOARD MEMBERS ABSENT:

DOUG HANCOCK

STAFF MEMBERS PRESENT:

MATILDA WELCH
SAMUEL SMITH
WILLIAM DICKINSON

COURT REPORTER:

NORMA JEAN SOROE

E. **Confirmation of Agenda**:

F. **Adoption of Minutes**:

Motion by **Mr. Spann** and seconded by **Mr. Hewes** to approve Minutes of the **August 28, 2025** Planning Commission meetings was carried unanimously.

G. **Hearing of Cases**:

G1. The PUBLIC DECLARATION OF APPEAL PROCESS was read by the Chairperson: Any person or any officer, department or agency of the City aggrieved by any decision of the Planning Commission may within fifteen (15) days thereafter appeal there from to the mayor and City Council by filing with the Planning Commission a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the mayor and City Council, and the matter will be heard on said transcripts. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development-Planning Division stating what decision is being appealed and detailing how you are aggrieved.

G2. The Chairperson asked for anyone speaking at the meeting to complete a Speaker's Card.

G3. Routine Agenda

H1. Planning Commission Decisions

1. Planning Commission Approval 2509PC104:

Planning Commission Approval 2509PC104, by owner Arlin Lang, seeking approval for a home occupation for an administrative office for consulting services, Tax Parcel 0811F-05-024.000, 2018 24th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 3

Speaking for the Petition: Arlin Lang

Speaking against the Petition: None.

Motion: Harold Spann- to approve applicant’s request with stated conditions.

Second: Bill Williams

- | | |
|------------------|------------|
| KEITH WILLIAMS | – Chairman |
| VIRGINIA ADOLPH | – Yea |
| CHARLIE HEWES | – Yea |
| DANIEL KEATING | – Yea |
| WM. PRINCE JONES | – Yea |
| DOUG HANCOCK | – Absent |
| BRYAN JACOBS | – Yea |
| TIM DAIGLE JR | – Yea |
| CHRIS ROMANO | – Yea |
| HAROLD SPANN | – Yea |
| BILL WILLIAMS | – Yea |

Action: Motion approved unanimously.

2. Planning Commission Approval 2509PC107:

Planning Commission Approval 2509PC107, by agent Carter James Properties, LLC, seeking approval for a reducing salon use, Tax Parcel 0909G-01-001.023, Seaway Road, Zoned I-2 (Heavy industry), Ward 4

Speaking for the Petition: Gus Gamboa

Speaking against the Petition: None.

Motion: Daniel Keating- to approve applicant’s request with states conditions.

Second: Bryan Jacobs

- | | |
|------------------|------------|
| KEITH WILLIAMS | – Chairman |
| VIRGINIA ADOLPH | – Yea |
| CHARLIE HEWES | – Yea |
| DANIEL KEATING | – Yea |
| WM. PRINCE JONES | – Yea |
| DOUG HANCOCK | – Absent |
| BRYAN JACOBS | – Yea |
| TIM DAIGLE JR | – Yea |
| CHRIS ROMANO | – Yea |
| HAROLD SPANN | – Yea |
| BILL WILLIAMS | – Yea |

Action: Motion approved unanimously.

3. Architectural Review Committee Appeal 2510PC120:

Consider appeal from the decision of the Architectural Review Committee (Case 2508ARC014) denying the application of agent, Frank Wilem, seeking approval for metal siding for a proposed commercial structure, Tax Parcel 1010N-01-087.000, Cowan Road, Zoned T5 (Urban Center Zone), Ward 2

Speaking for the Petition: Wayne O’Neal, Donna Tindell

Speaking against the Petition: Chris Spear

Motion: Virginia Adolph- To approve applicant’s request with the condition that all metal facades to be covered with Hardy Board.

Second: Tim Daigle Jr.

- | | |
|------------------|------------|
| KEITH WILLIAMS | – Chairman |
| VIRGINIA ADOLPH | – Yea |
| CHARLIE HEWES | – Yea |
| DANIEL KEATING | – Yea |
| WM. PRINCE JONES | – Yea |
| DOUG HANCOCK | – Absent |
| BRYAN JACOBS | – Yea |
| TIM DAIGLE JR | – Yea |
| CHRIS ROMANO | – Yea |
| HAROLD SPANN | – Yea |
| BILL WILLIAMS | – Yea |

Action: Motion approved unanimously.

H2. Planning Commission Recommendation

4. Zoning Map Amendment 2509PC105:

Zoning Map Amendment 2509PC105, by owner Gregory Smith, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 1011D-01-055.000, 127 Laurel Drive, Zoned T6 (Urban Core Zone), Ward 2

Speaking for the Petition: Greg Smith

Speaking against the Petition: None

Motion: Bill Williams- to recommend approval due to public need and the change of character in the neighborhood.

Second: WM. Prince Jones

- | | |
|------------------|------------|
| KEITH WILLIAMS | – Chairman |
| VIRGINIA ADOLPH | – Yea |
| CHARLIE HEWES | – Yea |
| DANIEL KEATING | – Yea |
| WM. PRINCE JONES | – Yea |
| DOUG HANCOCK | – Absent |
| BRYAN JACOBS | – Yea |
| TIM DAIGLE JR | – Yea |
| CHRIS ROMANO | – Yea |
| HAROLD SPANN | – Yea |
| BILL WILLIAMS | – Yea |

Action: Motion approved unanimously.

5. Zoning Map Amendment 2509PC108:

Zoning Map Amendment 2509PC108, by agent Eddie Hartwell, requesting to rezone to B-2 (General-business), Tax Parcels 0810F-02-050.000, 0810K-01-001.002, 0810K-01-001.004, 0810K-01-001.009, John Hill Blvd, Zoned B-2 (General-business), I-1 (Light industry), Ward 3

Speaking for the Petition: Eddie Hartwell

Speaking against the Petition: None.

Motion: Tim Daigle Jr.- to recommend approval due to a mistake in the original zoning, change in character of the neighborhood, and the public need.

Second: Virginia Adolph

- | | |
|------------------|------------|
| KEITH WILLIAMS | – Chairman |
| VIRGINIA ADOLPH | – Yea |
| CHARLIE HEWES | – Yea |
| DANIEL KEATING | – Yea |
| WM. PRINCE JONES | – Yea |
| DOUG HANCOCK | – Absent |
| BRYAN JACOBS | – Yea |
| TIM DAIGLE JR | – Yea |
| CHRIS ROMANO | – Yea |
| HAROLD SPANN | – Yea |
| BILL WILLIAMS | – Yea |

Action: Motion approved unanimously.

I. Adjournment

There being no further business , a Motion was made by **Ms. Adolph** to adjourn, seconded by **Mr. Daigle** and carried unanimously. The meeting adjourned at **5:29 P.M.**

William Prince Jones, Secretary

Date: _____



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Planning Commission Decision

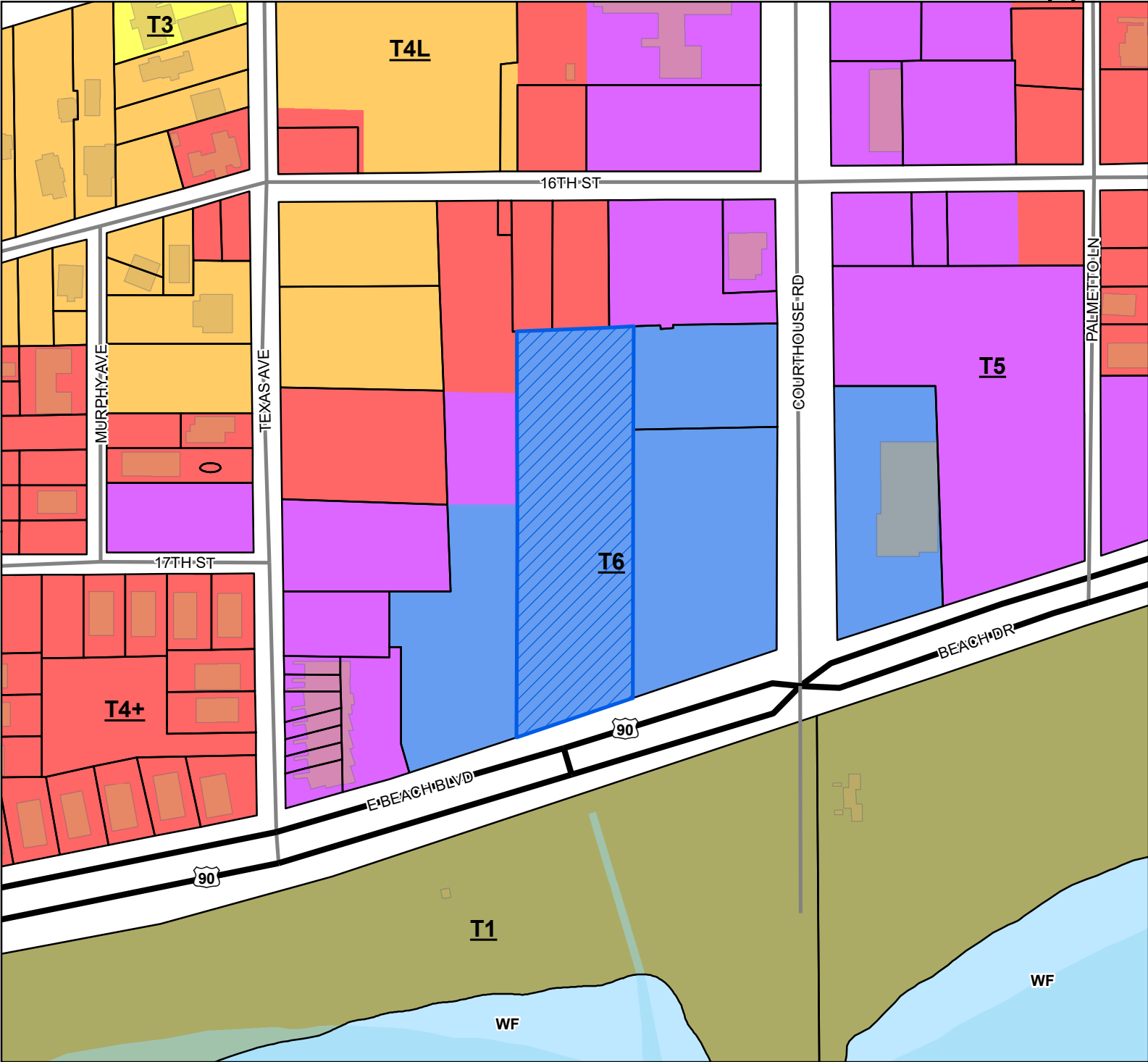


URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFPORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Tree Permit Appeal 2510PC117: Tree Permit Appeal 2510PC117, by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2



- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features
- City Limit

Smart Code

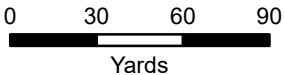
- T6
- T5
- T4+
- T4L
- T3
- T1

Zoning

- WF - Water Front

Site Information

0911B-02-015.000
 Zoning: T6 (Urban Core Zone)
 Size: 2.1 acres
 Flood: VE,AE



1 inch = 200 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

For Staff Use Only

Case File #: 2510 PC117Date Received: 8/21/2025Receipt #: 13444133Received By: AGJZoning: T6Ward: 2 Flood: AE/VESize: 2.1 Acres

APPLICATION FOR APPEALS

Property Information

TAX PARCEL # 0911B-02-015.000

(If necessary, use separate sheet of paper)

Address of Property Involved: 30 E Beach Blvd GPT

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: 30 E Beach Blvd GPT

GENERAL DESCRIPTION OF APPEAL:

Appeal denial + rec permit # 2508TP086

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Printed Name Of Owner

3712 EVANGELINE AVE

Mailing Address

CHALMETTE LA 70043

City

State

Zip code

Home Phone

Work/Cell Phone

Email

minh so cuong@gmail.com

Signature Of Owner

Printed Name Of Agent

501 E NORTH ST

Mailing Address

PASS CHRISTIAN MS 39571

City

State

Zip code

Home Phone

Work/Cell Phone

Email

vugeneralcontractors@gmail.com

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

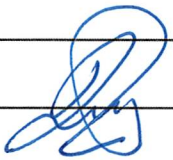
☐

SECTIONS A. THROUGH H. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

+ NAME OF OWNER (PRINT) minh S QUACH.
 ADDRESS (STREET, CITY, STATE, ZIP CODE) 3712 EVANGELINE AVE CHALMETTE LA, 70043
 PHONE # (H) / (WK/CELL) 504-915-4052

TAX PARCEL NUMBER(S) OWNED _____
 SIGNATURE: 

+ NAME OF OWNER (PRINT) Victoria Ngo
 ADDRESS (STREET, CITY, STATE, ZIP CODE) 3712 EVANGELINE AVE CHALMETTE LA, 70043
 PHONE # (H) / (WK/CELL) 504-905-6098

TAX PARCEL NUMBER(S) OWNED _____
 SIGN: Victoria Ngo

NAME OF OWNER (PRINT) _____
 ADDRESS (STREET, CITY, STATE, ZIP CODE: _____
 PHONE # (H) _____ (WK/CELL) _____
 TAX PARCEL NUMBER(S) OWNED _____
 SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES PERSON/AGENT FOR YOU: _____



Designation of Agent

I, Mink So Quak, being property owner of 30 E. Beach BLVD ^{Gulfport} MS. 39501
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize TONY VA to act as my
PRINT NAME
representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf, and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Signature

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 21st day of August, 2025

Lamika King
Notary Public



March 25, 2029
Commission Expiration



Covenant Affidavit

TONY Vu

PRINT NAME

being owner or agent of the property

30 E Beach Blvd

PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this request is not in violation of any restrictive or protective covenants.



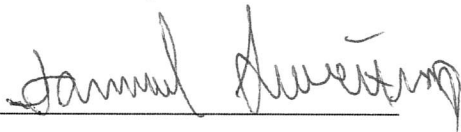
Signature

Sept 9-25

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 9th day of September, 20 25



Notary Public

05/22/2027

Commission Expiration



Tony-Vu

TV
8/29/25

I, Appeal Tree permit # 2508TP086

Reason proposal tree two block development
will impact the tree.

RE: TREE Permit # 2508TP086

Thank You!

X Tony Vu



Memorandum

Date: August 19, 2025

Permit #: 2508TP086

Address: 30 E Beach Blvd/0911B-02-015.000

This memorandum addresses the denied permit 2508TP086 requesting for the removal of two large protected live oaks located at 30 E Beach Blvd/0911B-02-015.000. It was stated in person on site that the live oaks had recently been pruned and the six dead/heavily damaged trees had been removed prior to that meeting. It was also stated in transmittal letters and at a Preliminary Plan Review meeting that the trees on site are to remain. It still stands that the trees on property are to remain as they are and be designed around with the preservation of these protected live oaks the priority. Also, the road, infrastructure, any concrete, and/or buildings will not be allowed under the drip line or affecting the roots of these trees.

Thank you.

Alan Featherston

ISA Certified Arborist®SO-10351A

ISA Qualified Tree Risk Assessor

City Arborist/Tree Protection Advisor

Department of Leisure Services

City of Gulfport

Phone: (228) 236-4596

www.gulfport-ms.gov



CITY OF GULFPORT
TREE PERMIT APPLICATION (VER. 3/25)

City of Gulfport Department of Urban Development
1410 24th Avenue, Gulfport, Mississippi 39501 (228) 868-5715

Please read and fill in **ALL** information that is requested. Failure to fully and adequately complete this application may result in a delay in issuing a permit. **PLEASE PRINT LEGIBLY.** ** NOTE: It is acknowledged by the undersigned Applicant herein as a condition of any permit issued, that it is the responsibility of the owner of the property and the contractor, if any, for the removal of all limbs, stumps, and other related material after any permitted pruning and/or tree removal has occurred.

APPLICANT INFORMATION

FULL NAME OF APPLICANT: TONY - VU
PHONE NO.: 228 343-3113 EMAIL: Vugenerakcontractors@gmail.com
NAME OF CONTRACTOR (IF ANY): _____
ADDRESS OF APPLICANT: 501 E North St (street address)
Pass Christian MS 39571
City State Zip

PROPERTY INFORMATION FOR LOCATION OF TREES

STREET ADDRESS FOR AFFECTED TREES: 30 E Beach Blvd
TAX PARCEL NUMBER FOR PROPERTY: 0911B-02-015.000
(REQUIRED FOR ISSUANCE)

* IF METES AND BOUNDS ATTACH PHOTOCOPY OF DEED OR SURVEY WITH LEGAL DESCRIPTION

FULL NAME OF PROPERTY OWNER: Victoria & Minh Quach
ADDRESS OF PROPERTY OWNER: 3712 Evangeline Ave (street address)
Chalmette, LA 70043
City State Zip

PHONE NO.: 504 915-4052 EMAIL: minhsoquach@gmail.com

PERMIT INFORMATION

Permit for (check all that apply): Removal ☒ Pruning _____ Other _____

Reason for permit request: It's in the way for development
(Use separate sheet if needed.)

Total Number of Protected Trees to be removed / pruned: 2 Number of Acres: 2.1 Acres

Provide Number of Protected Trees Below (in blanks provided):

<u>2</u> Live Oak	_____ Red Maple	_____ Shumard Oak
_____ Southern Magnolia	_____ American Sycamore	_____ Overcup Oak
_____ Bald Cypress	_____ Willow Oak	_____ Swamp Chestnut Oak

Application is hereby made to the City of Gulfport pursuant to the City's Code of Ordinances for removal and/or pruning of protected trees. I, the undersigned applicant, state and affirm that the above information is true and correct and that I have full authority over the description of work to be performed and to submit this Application and seek the permit herein. I also understand the City's Tree Protection Advisor or designee has fourteen (14) working days to issue or deny the application and I agree to comply with all provisions and requirements of the City's Code of Ordinances and its Tree Protection Ordinance and with all conditions or requirements associated with any permit issued. Any permit shall be valid for a period of 180 days following date of issuance.

FEE: _____ SIGNATURE: [Signature] DATE: 8-6-25

**ADDITIONAL INFORMATION
REQUIRED FROM APPLICANT**

Site plan showing the following information at a scale sufficient to enable the determination of matters required under the Tree Protection Ordinance:

- (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
- (2) Location and dimensions of all protected trees identified by common or botanical name. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups of trees in close proximity, three (3) foot spacing or closer, may be designated as a "clump" of trees, and predominant species, estimated number, and average size listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction (a statement as to proposed Protective Barriers as defined in Section 8-12, etc).
- (4) Statement as to grade changes proposed for the lot/parcel and how such changes will affect these regulations.
- (5) A description of any proposed tree replacement, to include size, type, number and location of existing trees and the same for replacement trees.
- (6) The Tree Protection Advisor may require the applicant to furnish additional information as necessary and appropriate to properly analyze the application.

Tree Permit Fee Schedule:

**RESIDENTIAL AND COMMERCIAL
(IMPROVED)***

One Tree: \$25.00
Each additional tree: \$10.00

**RESIDENTIAL AND COMMERCIAL
(UNIMPROVED)***

One Tree: \$35.00
Each additional tree: \$15.00

OFFICIAL USE ONLY

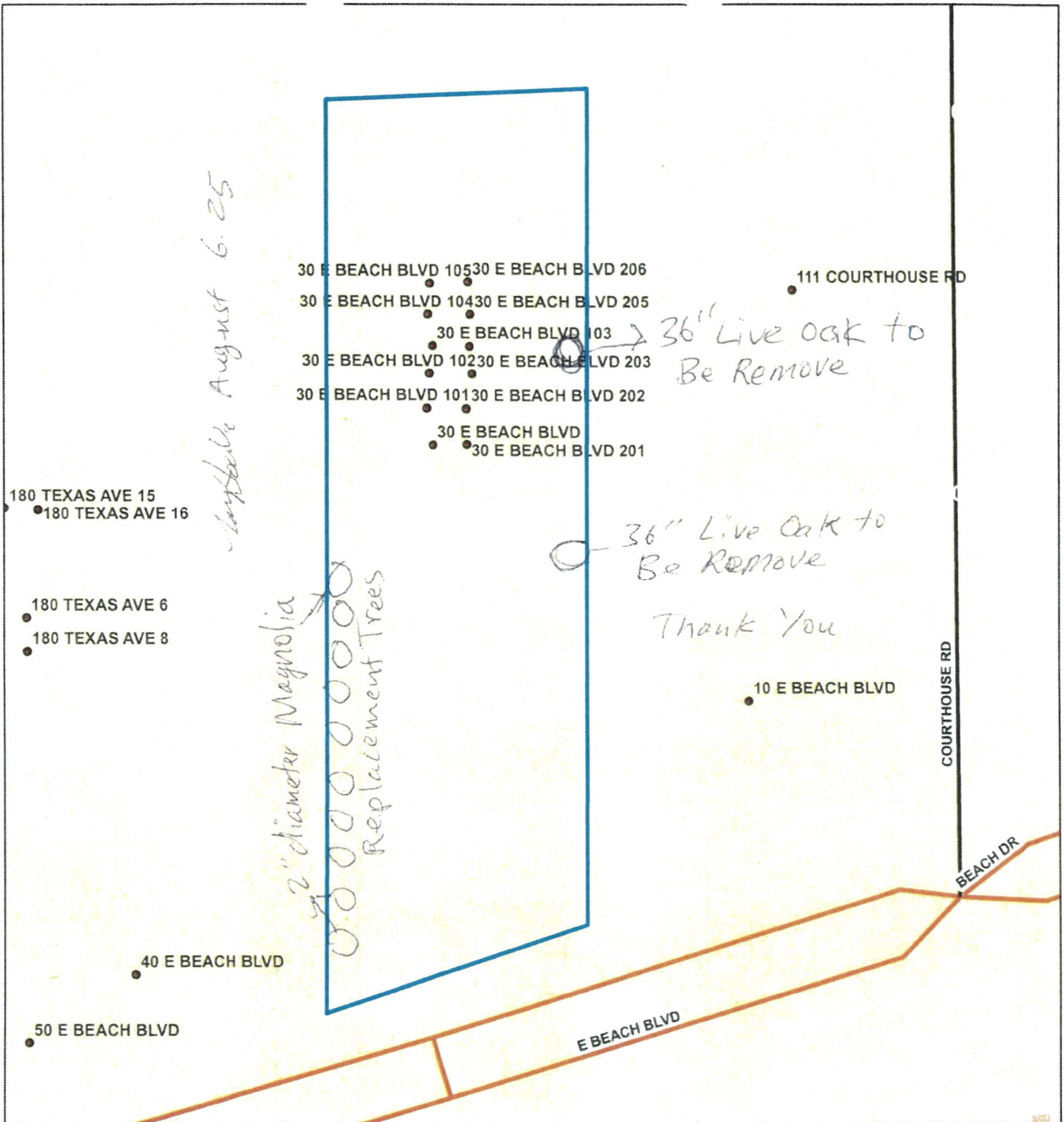
Name of Employee Receiving Application: [Signature] Date Received: 8/6/25 Date Received by Tree Protection Advisor: 08/06/2025

Amount of Money Received with Application (Application Fee): _____ Method of Payment: _____

Tree Permit Approved: _____ Tree Permit # 2508TP086 Tree Permit Denied ☒ (See attached comments, if any)

Signature: [Signature] Date: 08/19/2025

NOT APPROVED



1 inch = 83 feet



DATA DISCLAIMER

All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness or adequacy of the information contained on this map are expressed or implied.

Area Map

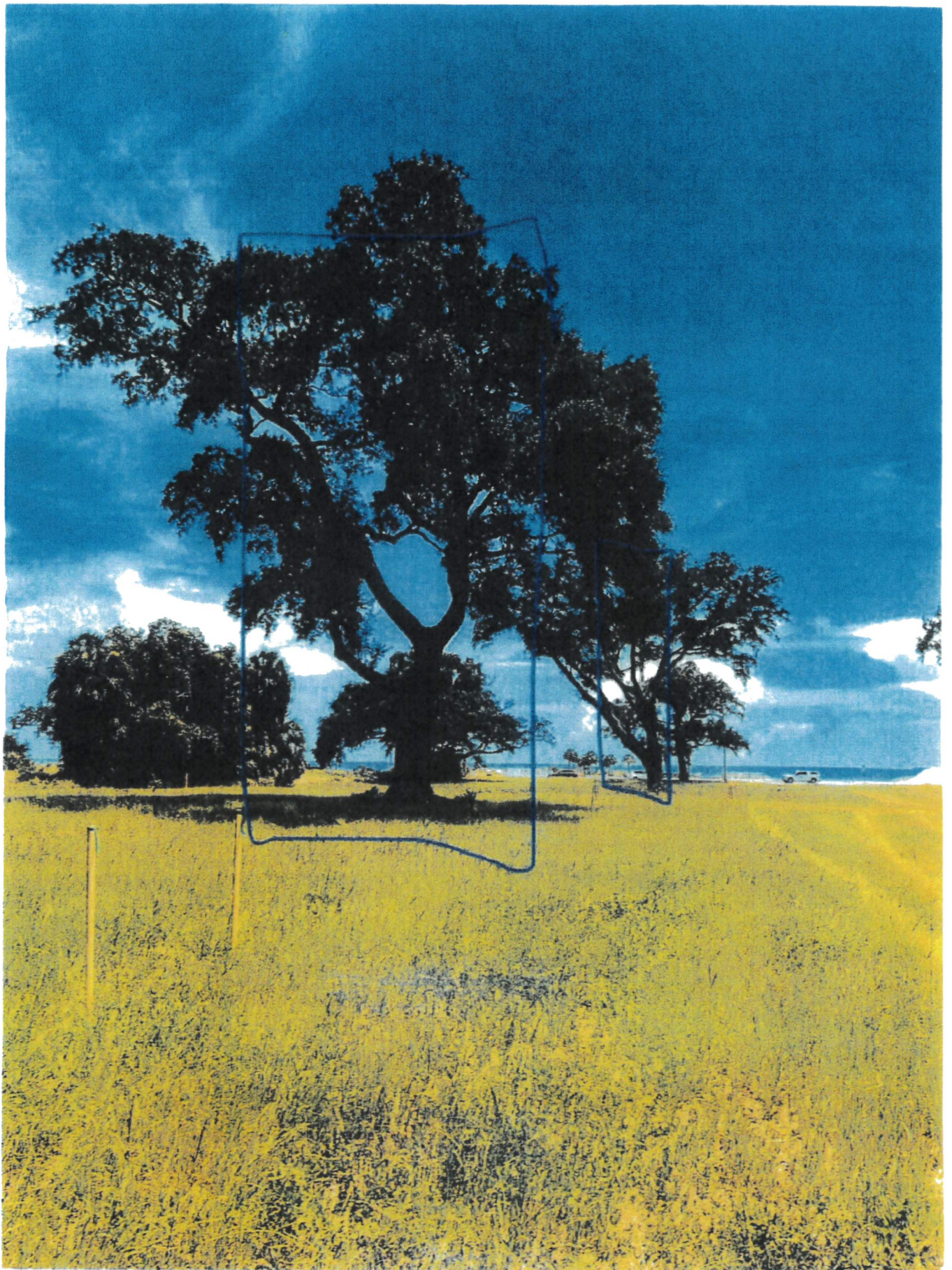
Parcels

Printed 8/6/2025



30 E Beach Blvd
8/19/2025



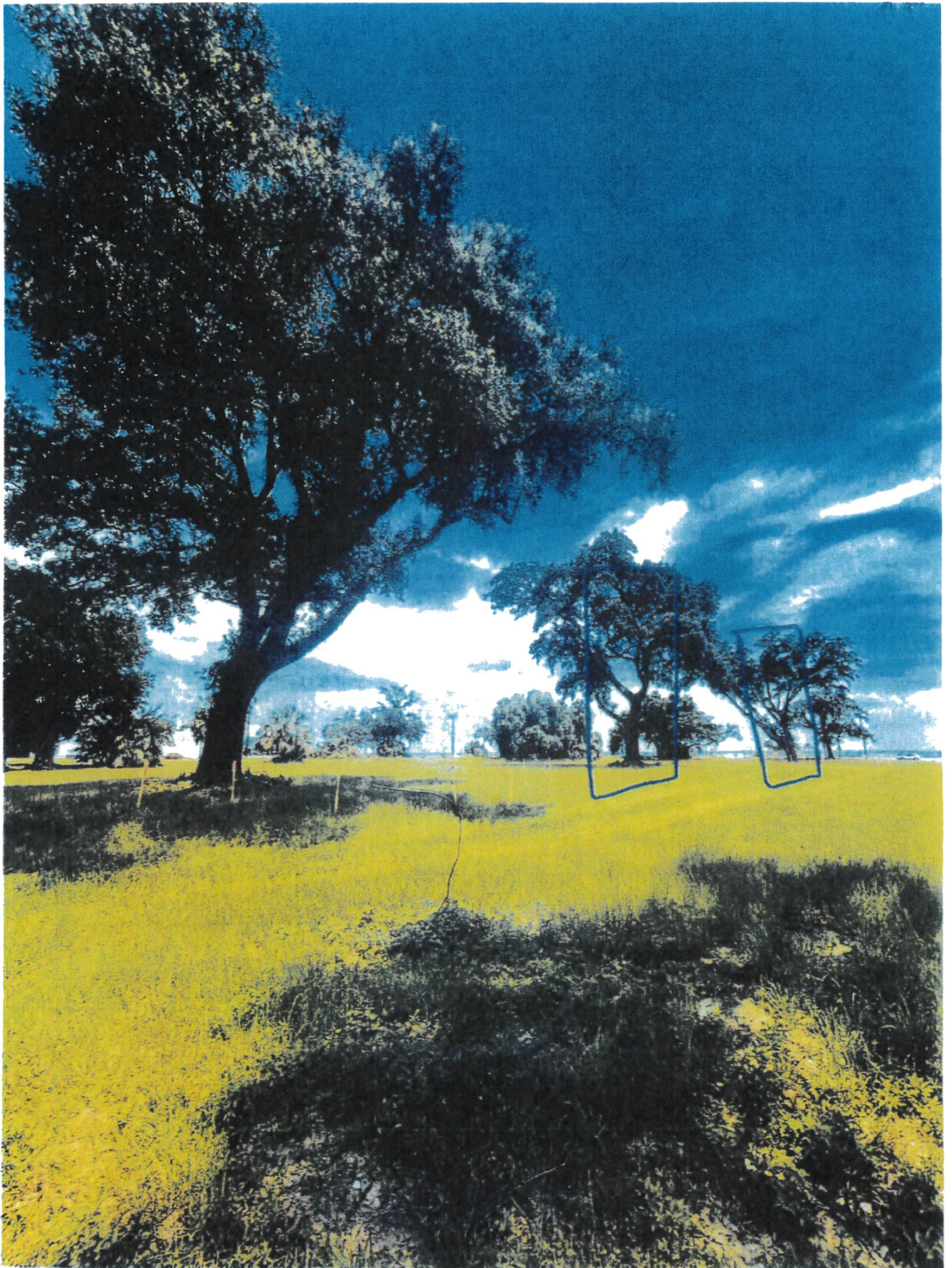


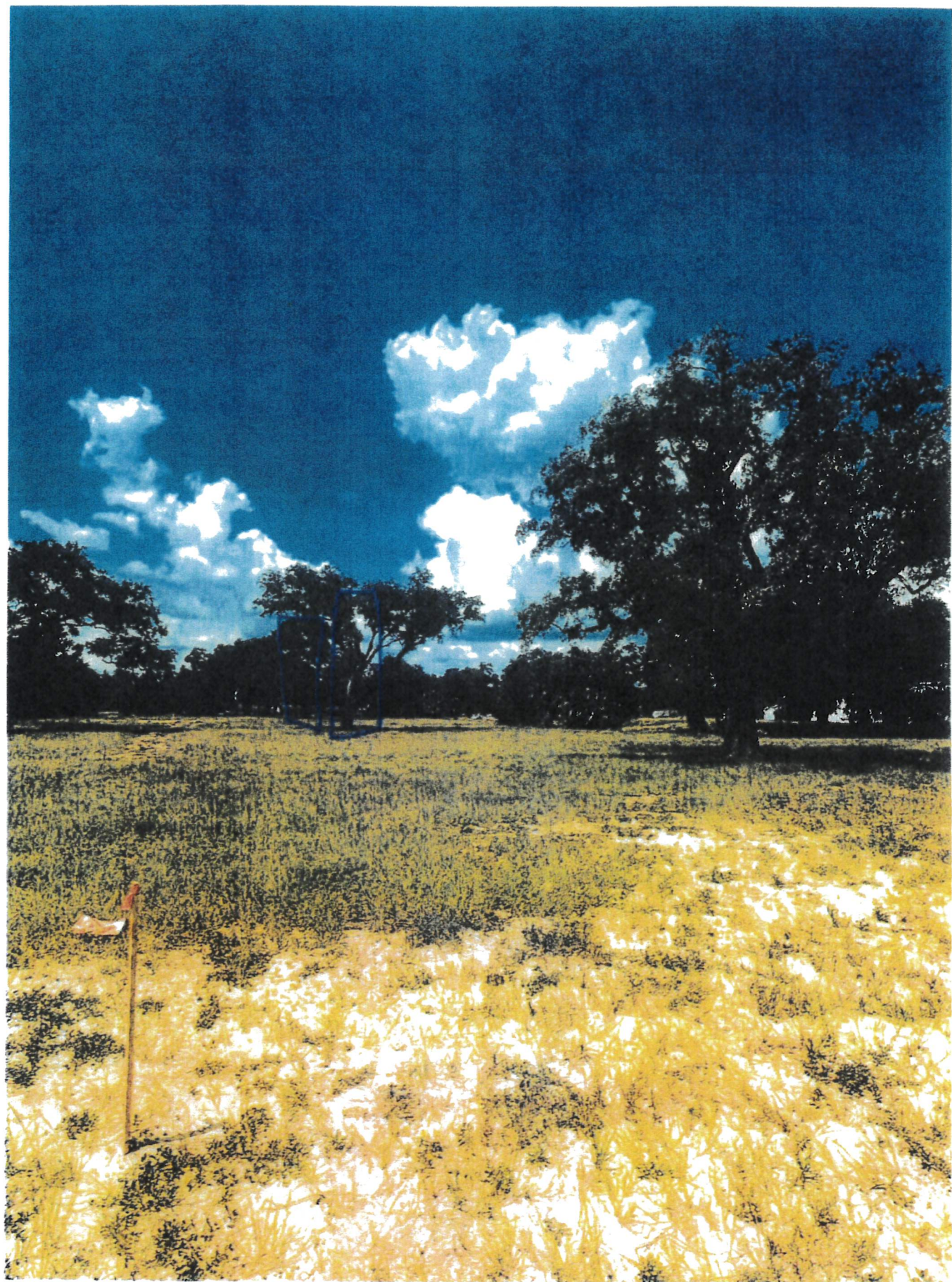
2 tree removed please

1 tree
removed please

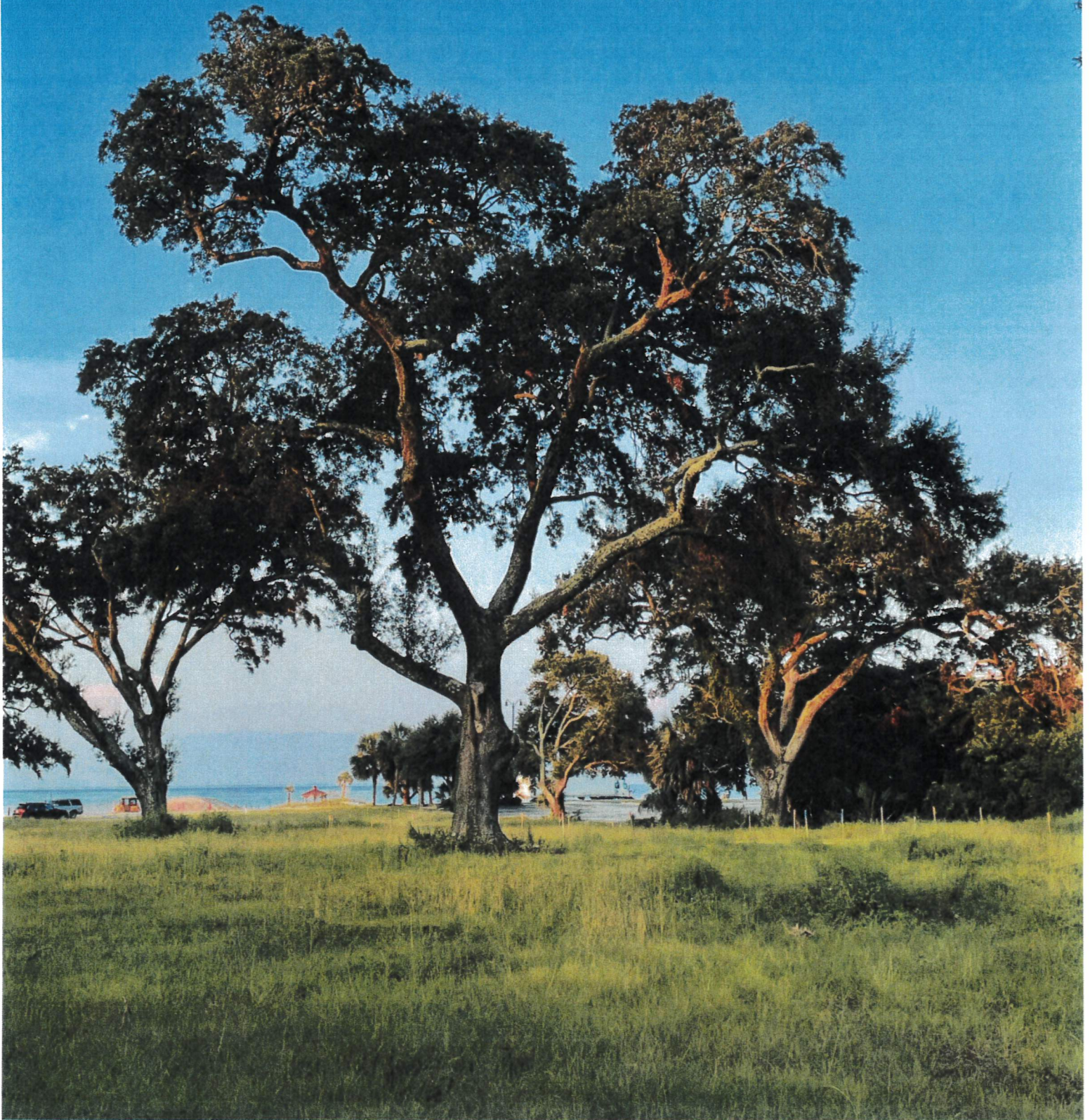
30 East Beach BLVD Gulfport, MS

East side of the property
2 tree to be removed completely
thank you

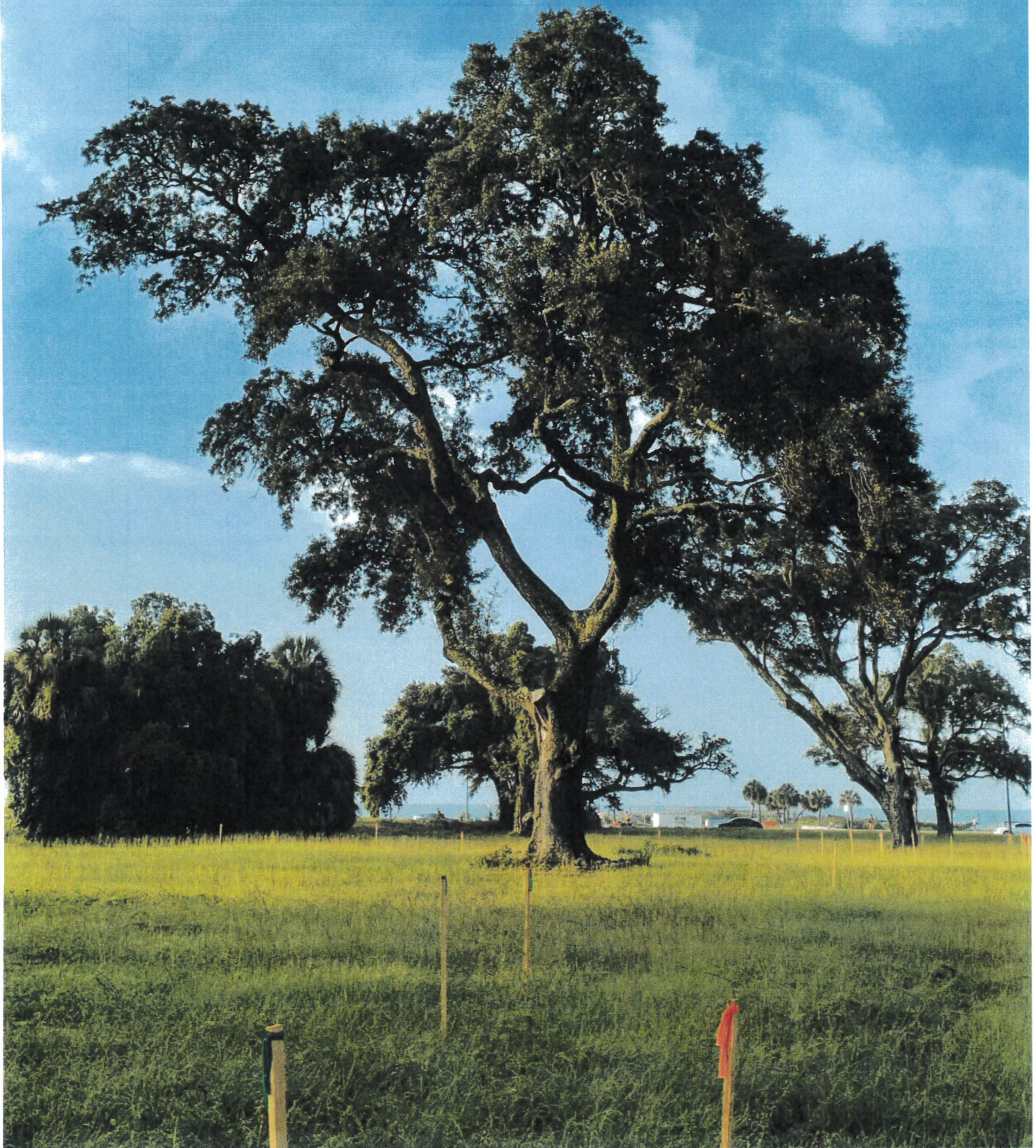




30 E Beach Blvd
8/19/2025



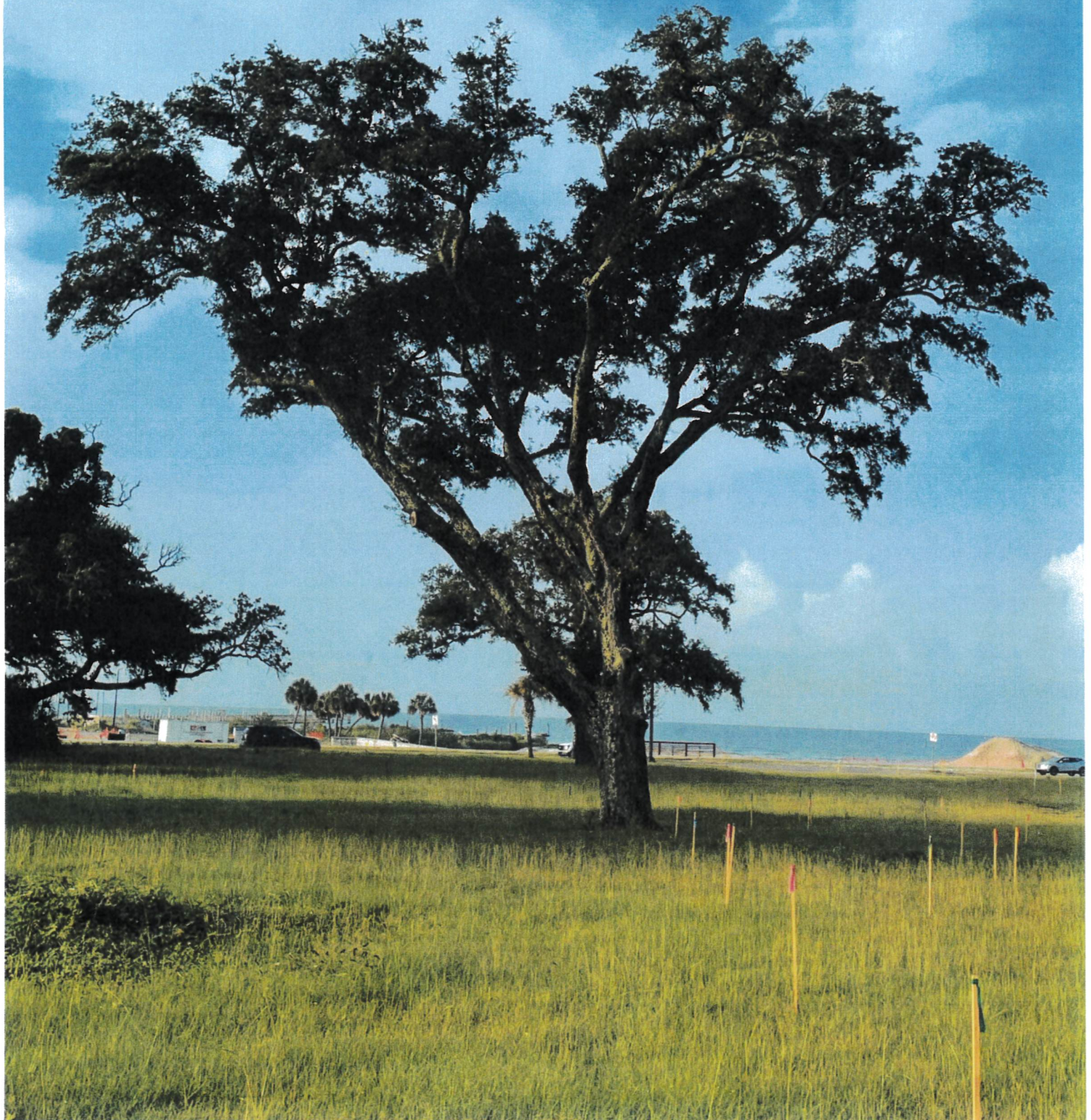
30 E. Beach Blvd
7/1/2025



30 E Beach Blvd
7/1/2025



30 E Beach Blvd.
7/1/2025





Our File: B230789

Prepared by & return to:

Schwartz, Orgler & Jordan, PLLC

2137 East Pass Road

Gulfport, MS 39507, 228-388-7441



1st JUDICIAL DISTRICT
INSTRUMENT 2023-0025014-D-J1
FILED/RECORDED 12/13/2023 9:33:01 AM
TOTAL FEES \$26.00
3 PAGES RECORDED

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Index: Lot 6, Fractional Section 1,

QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

MINH SO QUACH AND VICTORIA NGO

3712 Evangeline Drive, Chalmette, LA 70043, 504-915-4052

do hereby sell, convey and quit claim unto

MINH SO QUACH AND VICTORIA NGO

3712 Evangeline Drive, Chalmette, LA 70043, 504-915-4052

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

RECORD LEGAL DESCRIPTION

PARCEL 1:

Tax Parcel #0911B-02-015.000

A parcel of land situated in Lot 6 of Fractional Section 1, Township 8 South, Range 11 West, City of Gulfport, Harrison County, Mississippi, being more particularly described as follows, to-wit:

COMMENCE at the intersection of the West right-of-way of Courthouse Road and the North right-of-way line of U.S. Highway 90; thence run South 72 degrees 22' 00" West, along said North margin of U.S. Highway 90, for a distance of 392.47 feet to a point; thence run North 0 degrees 08' 32" East for a distance of 330.75 feet to the POINT OF BEGINNING; thence run South 89 degrees 51' 28" East for a distance of 106.80 feet to a point; thence run North 0 degrees 08' 32" East for a distance of 172.30 feet to a point; thence run South 89 degrees 51' 28" East for a distance of 14.71 feet to a point; thence run North 0 degrees 41' 07" West for a distance of 60.61 feet to a point; thence run North 89 degrees 55' 15" West for a distance of 61.12 feet to a point; thence run South 0 degrees 37' 07" West for a distance of 45.98 feet to a point; thence run South 89 degrees 54' 25" West for a distance of 59.41' to a point; thence run South 0 degrees 03' 24" West for a distance of 186.62 feet to the POINT OF BEGINNING, containing 23,008 square feet or 0.528 acres, formerly known as Shoreline Oaks

Condominiums, Phase I, now revoked and terminated. It being the intention to convey all of the land described in the Plan of Condominiums filed in Plat Book 33 at Page 11 which was revoked and terminated.

PARCEL 2:
Tax Parcel #0911B-02-015.002

A parcel of land situated and being located in U.S. Government Lot 6, Fractional Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the northerly right-of-way line of U.S. Highway 90/East Beach Boulevard with the westerly right-of-way line of Courthouse Road; thence run South 72 degrees 09 minutes 46 seconds West 157.40 feet along the northerly right-of-way line of U.S. Highway 90/East Beach Boulevard to the west boundary of property of Joseph Naoum Salloum and Richard P. Salloum; thence run South 72 degrees 09 minutes 46 seconds West 60.00 feet along the northerly right-of-way line of U.S. Highway 90/East Beach Boulevard to the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 72 degrees 09 minutes 46 seconds West 175.49 feet; thence run North 00 degrees 08 minutes 41 seconds East 316.30 feet along the east boundary of property now or formerly of Desai to the southwest corner of Shoreline Oaks Condominium, Phase One (Plat Book 33, Page 11A&B); thence run the following courses and distances along the boundary of Shoreline Oaks Condominium, Phase One; South 89 degrees 55 minutes 49 seconds East 106.92 feet; North 00 degrees 02 minutes 33 seconds East 172.36 feet; South 89 degrees 25 minutes 43 seconds East 14.74 feet; North 00 degrees 52 minutes 54 seconds West 60.64 feet; North 89 degrees 56 minutes 52 seconds West 61.09 feet; South 00 degrees 34 minutes 36 seconds West 45.81 feet; South 89 degrees 52 minutes 14 seconds West 59.50 feet to the east boundary of property now or formerly of Desai; thence run North 00 degrees 01 minutes 08 seconds East 88.80 feet along the east boundary of property now or formerly of Desai; thence run North 87 degrees 31 minutes 06 seconds East 167.69 feet; thence run South 00 degrees 06 minutes 58 seconds West 545.43 feet to the Point of Beginning. Containing 71,921 square feet, more or less.

A portion of the above described property is also described as Lots 1 through 9, inclusive, MAYWOOD COURT (Plat Book 14, Page 28) thereof, reference to which is hereby made in aid of and as a part of this description, together with that portion of Maywood Drive vacated by Decree of the Chancery Court rendered in Cause No. 60,078.

TOGETHER WITH A NON-EXCLUSIVE, UNIMPROVED INGRESS-EGRESS EASEMENT:

A parcel of land situated and being located in U.S. Government Lot 6, Fractional Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

COMMENCING at the intersection of the northerly right-of-way of U.S. Highway 90/East Beach Boulevard with the westerly right-of-way of Courthouse Road; thence run North 00 degrees 09 minutes 29 seconds East 320.00 feet along the westerly right-of-way of Courthouse Road; thence continue North 00 degrees 09 minutes 29 seconds East 114.76 feet along the westerly right-of-way of Courthouse Road to the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 89 degrees 16 minutes 58 seconds West 44.08 feet to a point on a curve concave to the north having a radius of 25.00 feet; thence run generally Westerly 52.36 feet along said curve and through an angle of 120 degrees 00 minutes 00 seconds to a point that is South 89 degrees 16 minutes 58 seconds West 43.30 feet from the aforementioned point; thence run South 89 degrees 16 minutes 58 seconds West 119.78 feet to the easterly boundary of property of The Peoples Bank; thence run North 00 degrees 06 minutes 58 seconds East 25.00 feet along the easterly boundary of property of The Peoples Bank; thence run North 89 degrees 16 minutes 58 seconds East 119.41 feet to a point on a curve concave to the south having a radius of 25.00 feet; thence run generally Easterly 52.36 feet along said curve and through an angle of 120 degrees 00 minutes 00 seconds to a point that is North 89 degrees 16 minutes 58 seconds East 43.30 feet from the aforementioned point; thence run North 89 degrees 16 minutes 58 seconds East 44.46 feet to the westerly right-of-way of Courthouse Road; thence run South 00 degrees 09 minutes 29 seconds West 25.00 feet along the westerly right-of-way of Courthouse Road to the POINT OF BEGINNING.

The intent of this deed and the execution of same is for the purpose of combining parcels one (1) and two (2) into one (1) overall parcel.

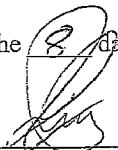
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TITLE NOT EXAMINED OR REQUESTED

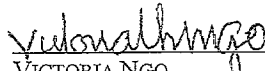
THE ABOVE described property is no part of Homestead of the grantor herein.

TAXES are hereby assumed by the Grantee herein.

WITNESS OUR SIGNATURE , on this the 8 day of ^{December}~~October~~, 2023.



MINH SO QUACH



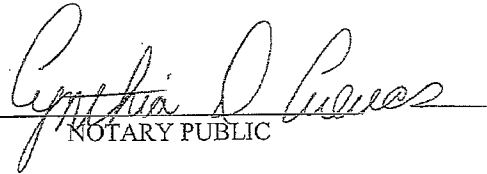
VICTORIA NGO

STATE OF MISSISSIPPI

COUNTY OF HARRISON

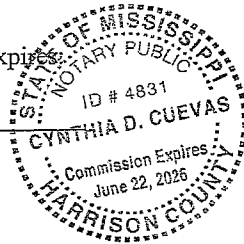
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, MINH SO QUACH AND VICTORIA NGO, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantor on the day and in the year therein mentioned.

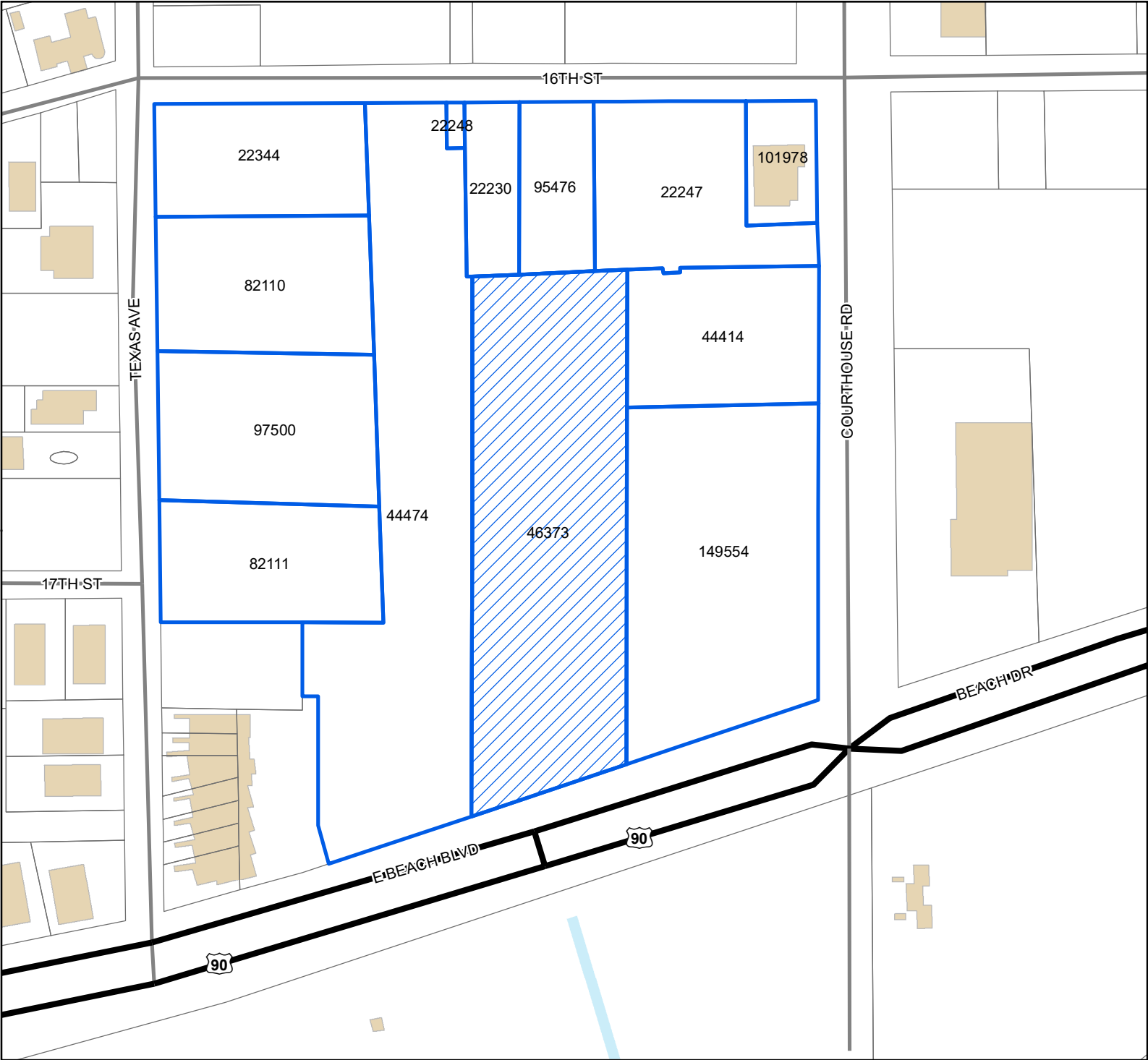
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 8 day of ^{December}~~October~~, 2023.



NOTARY PUBLIC

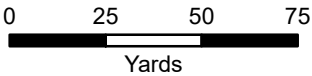
My Commission Expires





Legend

- Site
- US or State Highway
- Street
- Buildings
- Water Features



1 inch = 150 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0911B-02-015.000	MINH SO QUACH & VICTORIA NGO (OWNERS)	3712 EVANGELINE AVE	CHALMETTE	LA	70043
			TONY VU (AGENT)	501 E NORTH ST	PASS CHRISTIAN	MS	39571
			Adjacent Property Owners (2510PC117)				
	82111	0911B-02-009.001	CHEVALIER BRIAN	2510 PROVENCE PLACE	BILOXI	MS	39531
	149554	0911B-02-013.003	BETH HOLDINGS LLC	188 CHANTILLY DR	MADISON	MS	39110
	95476	0911B-02-015.001	TABOR TERESA	601 STONEBROOK DR	CHATANOOGA	TN	37415
	22230	0911B-02-011.000	CARTHUSIAN LLC	300 S TOULME ST	BAY ST LOUIS	MS	39520
	82110	0911B-02-009.003	PICKETT ALLAN V	1336 SECOND ST	GULFPORT	MS	39501
N	46373	0911B-02-015.000	QUACH MINH SO & VICTORIA NGO	3712 EVANGELINE DR	CHALMETTE	LA	70043
	22248	0911B-02-010.000	GULF SOUTH PIPELINE COMPANY LP	ATTN: PROPERTY TAX DEPT	HOUSTON	TX	77046
	44474	0911B-02-018.000	NGUYEN DAVID	8907 BOULDER SPRING DR	HOUSTON	TX	77083
	22247	0911B-02-012.000	GULFPORT CITY OF	AMERICAN LEGION POST 119 PARK			0
	97500	0911B-02-009.002	SMITH EMILY C & WILLIAM J	71206 WHISKEY OAKS LN	COVINGTON	LA	70433
N	101978	0911B-02-013.002	HARRISON CO				0
	22344	0911B-02-009.000	DELANO TODD & ANDERSON MICKEY	920 CEDAR LAKE RD SUITE E3	BILOXI	MS	39532
	44414	0911B-02-013.000	SALLOUM JOSEPH NAOUM & RICHARD P	P O BOX 1176	GULFPORT	MS	39502

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	IPL0278361	Legal Ad - IPL0278361		1.0	60.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
accountspayable@gulfport-ms.gov;sasmith@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, October 23, 2025 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on the first floor of the William H. Hardy Building, 1410 24th Avenue.

Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

Tree Permit Appeal 2510PC117, by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2

Zoning Map Amendment 2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

This the 1st day of October 2025
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0278361
Oct 8 2025

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1.0 insertion(s) published on:
10/08/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



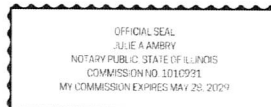
Russ Davis

Julie A Ambry



Sworn to and subscribed before
me on

Oct 8, 2025, 10:55 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX*



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFPORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Special Exception 2510SE118: Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

Technical Report

SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2510SE118

Hearing Date: Zoning Board October 16, 2025
Planning Commission October 23, 2025

Current Zoning/Use: B-2 / Commercial Building

Legal: Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

TECHNICAL DETAILS

The applicant requests a special exception for liquor store use at 13111 Three Rivers Road, zoned B-2 (General Business). Ordinance 3158 approved on August 3, 2022, eliminated the distance requirements required in the chart of permitted uses for these establishments, however the proposed liquor store is still required to go through Special Exception. The applicant has provided an affidavit that the state requires, that lets us know that the applicant is compliant with Mississippi Code 67-1-51. According to Mississippi Code 67-1-51 section (3) (a), "Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet." The closest church, Gulf Coast Free Will Baptist Church at 13040 Three Rivers Road, being approximately 466 feet away from the subject site. The applicant claims that the business is compatible with the adjacent properties. Upon site visit, the surrounding area is mixed use with business and residential. The Texaco Gas Station with the proposed liquor store and the Dollar General at 13125 Three Rivers Road, that is located next door, are the only two businesses in the B-2 commercial zone on this section of Three Rivers Road. Across the street at 13120 Three Rivers Road is Three Rivers Landing, which is an apartment complex.

EXECUTIVE SUMMARY

The applicant requests a special exception for liquor store use at 13111 Three Rivers Road, zoned B-2 (General Business). The applicant states that the property was renovated into a modern 5,000 square foot Texaco-branded convenience store and gas station (designated as Suite A). The proposed liquor store will be in Suite B at the same address. Upon staff site visit, the property provides a safe ingress and egress from Three Rivers Road. The applicant says that there are no issues with utilities, access, or parking with the proposed site and use. The City of Gulfport's off-street parking ordinances require 1 parking space per 300 square feet of gross-floor area. The proposed liquor store space is approximately 3,200 square feet. The combined square footage of the convenience store/gas station and liquor store is 8,200 square feet. The property provides plenty of parking spaces with that total coming to 27 parking spaces and 2 van

Technical Report

SPECIAL EXCEPTION

accessible handicapped parking spaces, which meets the required parking spaces for off-street parking by the City of Gulfport. Even though the use may be in harmony with the current businesses in this section of Three Rivers Road, the current zoning district would require approval from both the Zoning Board and Planning Commission before a business license could be issued.

Any approval should consider these conditions:

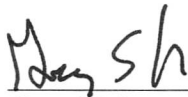
1. Liquor store use approval requires both the Zoning Board and Planning Commission.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 10/6/2025.
<u>Public Works:</u>	No comment as of 10/6/2025.
<u>Traffic and Safety:</u>	No conditions. Memo dated 10/6/2025.
<u>Building Code Services:</u>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 9/24/2025.
<u>GIS:</u>	No conditions. Memo dated 10/6/2025.
<u>Police Department:</u>	No comment as of 10/3/2025.
<u>Fire Department:</u>	No conditions. Memo dated 9/26/2025.
<u>City Arborist:</u>	No conditions. Memo dated 9/24/2025.

DIRECTOR APPROVAL

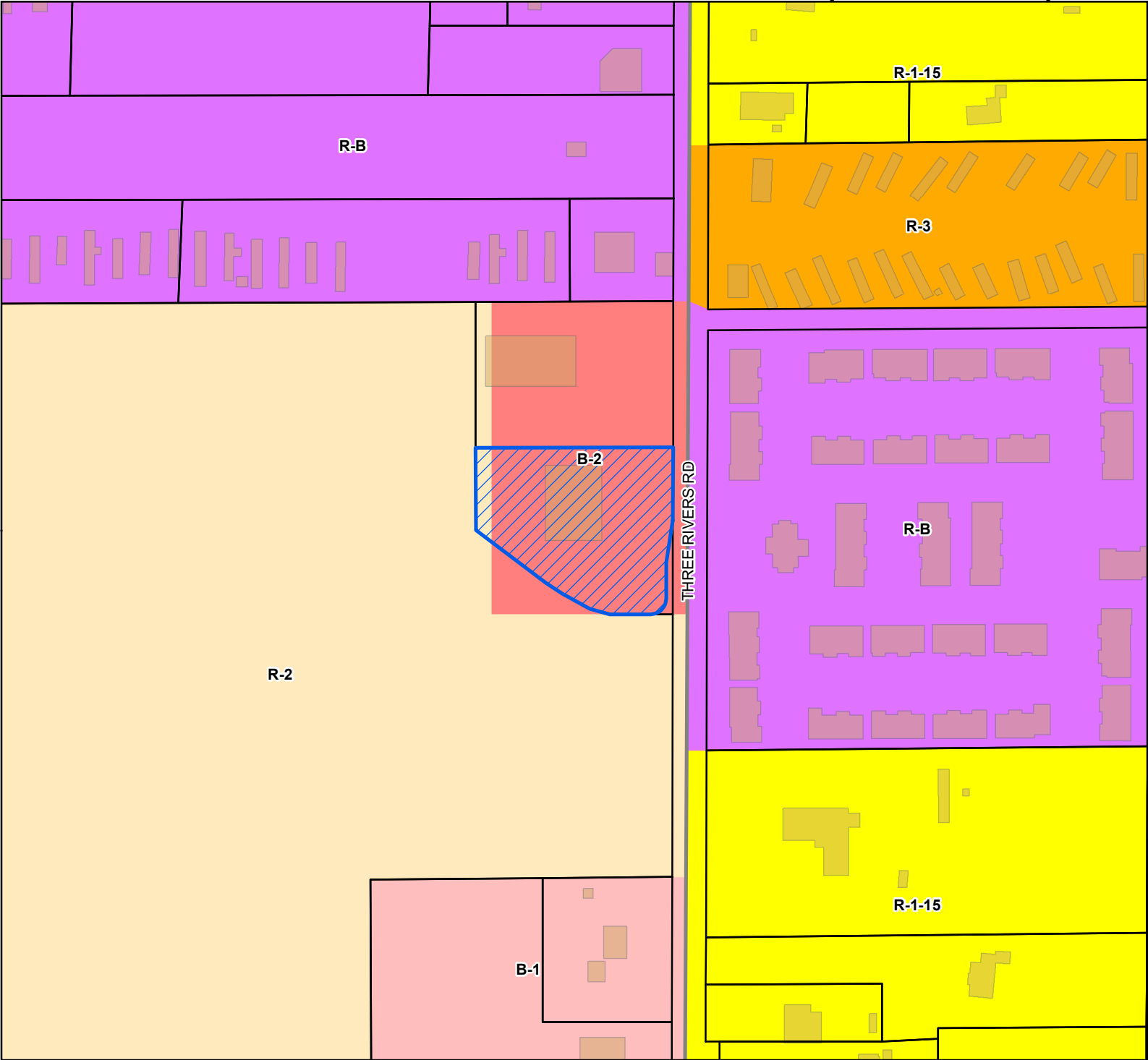
This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department

2510SE118

Special Exception



Site

Street

Parcels

Buildings

Zoning

B-1 - Neighborhood Business District

B-2 - General Business District

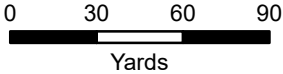
R-1-15 - Single Family Residence District (Low Density)

R-2 - Single Family Residence District (Medium Density)

R-3 - General Residence (High Density)

R-B - Residence-Business District

Site Information
0807P-01-023.002
Zoning: B-2 (General Business)
Size: 1.3 acres
Flood: X



1 inch = 200 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

Urban Development - Planning Division
1410 24th Avenue | Gulfport, MS 39501 | (228) 868-5710

CASE NUMBER

2510 SE 118
8/26/2025
Rec# 13449876

ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- ☐ Appeal of Planning Administrator
- ☐ Excessive Height
- ☐ Fence Variance
- ☒ Special Exception
- ☐ Variance

TAX PARCEL NUMBERS

0	8	0	7	P	-	0	1	-	0	2	3	.	0	0	2					-				-				.		
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Property Address:

13111 Three Rivers Road, Gulfport MS 39503

Lot(s) _____ Block(s) _____ Subdivision _____

General Description of Request: 3 Rivers LLC respectfully Submits this request for the special
expection to establish a fine package store at 13111 Three Rivers Rd, Gulfport MS 39503

(wine & spirit store).

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request. We can only accept applications with ***original signatures.***

OWNER:

3 Rivers LLC

Printed Name of Owner

13111 Three Rivers Rd,

Mailing Address

Gulfport MS 39503

City

State

Zip Code

601-994-4232

Home Phone

Work/Cell Phone

kashyap16499@gmail.com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

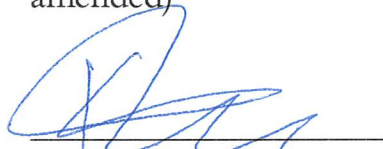
Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

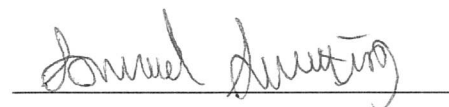


I, the applicant, acknowledge and understand that a liquor store/package store shall operate in compliance with Miss. Code Ann § 67-1-51, as amended, and that I, the applicant, must demonstrate and certify that I meet the distance requirements set forth in state law or adopted state regulations (e.g., Miss. Code Ann § 67-1-51 (3), as amended)


Applicant Signature

8/26/25
Date

Given under my hand and seal of office this the 26th day of August, 2025.


Notary Public

05/22/2027
Commission Expiration





Covenant Affidavit

I, Kashyap Patel ^(Kenny), being owner or agent of the property 13111 Three Rivers Rd
PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this request is not in violation of any restrictive or protective covenants.

[Signature]
Signature

9/10/25.
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 10th day of September, 2025

[Signature]
Notary Public

Commission Expiration



Special Exception Request

Applicant / Owner: 3 Rivers LLC

Parcel No.: 0807P-01-023.002

Address: 13111 Three Rivers Rd, Gulfport, MS 39503

Phone: 601-994-4232

Email: kashyap.6499@gmail.com

Agent Name: Kashyap Patel (Kenny)

General Description of Request

3 Rivers LLC respectfully submits this request for a Special Exception to establish a fine **Package Store** at 13111 Three Rivers Rd, Gulfport, MS 39503.

The subject property was originally constructed as an **8,320 sq. ft. Family Dollar retail building**. Recently, 3 Rivers LLC has **renovated the property into a modern 5,000 sq. ft. Texaco-branded convenience store and gas station (designated as Suite A)**, complete with a **new canopy** installed in full compliance with all City of Gulfport permits and regulations. The proposed **Package Store will be located in Suite B of the same address**, functioning as a separate, dedicated retail establishment.

In addition, extensive **landscaping and site upgrades** have been completed to meet city requirements and create a clean, safe, and attractive commercial property. Importantly, the entrance to Suite B is located **more than 400 feet away from the nearest school or church**, which is significantly beyond the **100-foot minimum distance required under state law**.

The Package Store will complement the existing operations by providing a professionally managed, responsible, and community-oriented retail business. The goal of this addition is to enhance the retail environment in Gulfport, provide customers with access to a high-quality selection of wine and spirits and contribute positively to the local tax base.

Responses to Criteria

1. Ingress and Egress

The property provides safe ingress and egress directly from Three Rivers Road. The renovated site design ensures smooth traffic flow and safe access for both vehicles and pedestrians. Emergency vehicles, including fire and police, will have unobstructed access in case of any incident.

2. Off-Street Parking and Loading

Ample off-street parking is available to accommodate customer and employee vehicles. Parking spaces are clearly marked, including ADA-compliant spaces for accessibility. A designated loading area is available for product deliveries. The parking and loading design minimizes potential noise, glare, or congestion, ensuring a safe and efficient customer experience.

3. Refuse and Service Areas

A screened refuse and service area has been established at the rear of the property. These areas are enclosed, maintained regularly, and designed to prevent odor, noise, or visual impact on adjoining properties.

4. Utilities

The property is served by municipal water, sewer, and electricity systems with adequate capacity for the proposed use. All connections are compatible with the existing and planned retail operations.

5. Screening and Buffering

The property already includes **new landscaping and buffering improvements** in compliance with city requirements. Shrubs, greenery, and site design ensure visual compatibility and separation from nearby properties while enhancing the overall appearance of the district.

6. Signs and Exterior Lighting

Signage for the Package Store will be tasteful, professional, and compliant with City of Gulfport regulations. Exterior lighting has already been installed as part of the convenience store/gas station renovation. Lighting is shielded and directed downward to ensure customer safety while preventing glare or disturbance to nearby properties.

7. Required Yards and Open Space

All yard setbacks and open space requirements are met under the current site design. The property layout ensures orderly development in compliance with zoning standards.

8. Compatibility with Adjacent Properties

This site has historically been used for retail purposes, first as a Family Dollar and now as a Texaco-branded convenience store and gas station (Suite A). The proposed Wine & Spirits Package Store (Suite B) represents a **natural continuation of the property's commercial use**. The operation will be clean, safe, and well-managed, ensuring compatibility with adjacent properties and supporting the character of the district.

9. Harmony with Zoning Ordinance

The requested Special Exception aligns with the intent of the Zoning Ordinance by promoting orderly commercial growth, enhancing local services, and providing economic benefit to the community while maintaining harmony with surrounding properties.

Additional Planning Commission Criteria

Transportation and Access

The location is well-served by Three Rivers Road and existing infrastructure. The proposed use will not cause undue traffic congestion or create hazards. The site layout is designed to manage customer and delivery traffic safely and efficiently.

Water Supply and Waste Disposal

The property is connected to city water and sewer services, which provide adequate capacity for the proposed use. Waste disposal is managed through the screened service area and in compliance with all city regulations.

Fire, Police, and Public Facilities

The site is fully accessible to fire, police, and emergency services. Fire hydrants and supporting infrastructure are located nearby. The Package Store will not create additional burden on public facilities.

Orderly Development

The transformation of the property from a vacant Family Dollar to a modern Texaco-branded convenience store (Suite A), complete with canopy, landscaping, and improved site features, demonstrates a strong commitment to **orderly and high-quality development**. The addition of a Package Store in Suite B is in harmony with this ongoing improvement and consistent with the appropriate development of the district.

Conclusion

3 Rivers LLC respectfully requests approval of this Special Exception. The proposed Wine & Spirits Package Store, located in Suite B of 13111 Three Rivers Rd, builds on the substantial recent investment in the property, which now includes a modern Texaco convenience store and gas station in Suite A.

The business will operate responsibly, contribute to the tax base, and serve as a compatible addition to the Gulfport community. Its entrance is **over 400 feet away from**

the nearest school or church, exceeding state law requirements, ensuring that the proposed use is fully compliant and appropriate for the location.

For these reasons, we believe the Special Exception is consistent with the general purpose and intent of the Zoning Ordinance and in harmony with the orderly development of the district.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name

3 Rivers LLC

Name Type

Legal

Business Information

Business Type:

Limited Liability Company

Business ID:

1380393

Status:

Good Standing

Effective Date:

02/24/2023

State of Incorporation:

Mississippi

Principal Office Address:

150 Bienville Dr
MADISON, MS 39110

Registered Agent

Name

PALWINDER SINGH
150 Bienville Dr
MADISON, MS 39110

Officers & Directors

Name

PALWINDER SINGH
150 Bienville Dr
MADISON, MS 39110

Title

Member

ADDENDUM TO LLC AGREEMENT

OF 3 RIVERS LLC

This Addendum is made and entered into as of **August 26, 2025**, and shall be attached to and made part of the original LLC Agreement of **3 Rivers LLC**, dated February 24, 2023.

AUTHORIZATION

WHEREAS, the Members of 3 Rivers LLC desire to authorize one of its Members, **Kashyap Patel**, to act on behalf of the LLC with respect to certain matters;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Authorization to Apply

The Managing Member hereby authorizes **Kashyap Patel**, a Member of 3 Rivers LLC, to apply for and pursue the **Special Exception Application** required for the Package Store located at:

13111 Three Rivers Rd, Gulfport, MS 39503.

2. Scope of Authority

a. **Kashyap Patel** is authorized to prepare, sign, and submit applications, petitions, or related documents to the City of Gulfport or any other relevant governmental authority in connection with the Special Exception request.

b. This authorization does not extend to financial commitments, leases, sales, or other contracts without the consent of the Managing Member as required by the LLC Agreement.

3. Ratification

All actions taken by **Kashyap Patel** consistent with this authorization are hereby ratified and confirmed by the Managing Member of 3 Rivers LLC.

4. Continuing Effect

Except as expressly amended herein, all other terms and provisions of the LLC Agreement dated February 24, 2023, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, acting as Managing Member of 3 Rivers LLC, has executed this Addendum as of the date first above written.

3 RIVERS LLC

By: Palwinder Singh

Palwinder Singh, Managing Member

NOTARY ACKNOWLEDGMENT

STATE OF MISSISSIPPI

COUNTY OF Madison

On this 26th day of August, 2025, before me, the undersigned Notary Public, personally appeared **Palwinder Singh**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his capacity as **Managing Member of 3 Rivers LLC**, and that by his signature on the instrument, the LLC executed the instrument.

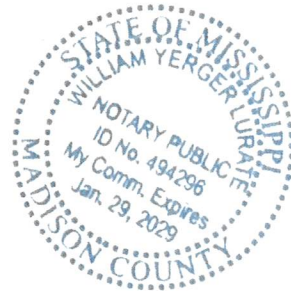
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

William Yerge

William Yerge

My Commission Expires: 1/29/29





JLL 1st JUDICIAL DISTRICT
Instrument 2023-0009382-D-J1
Filed/Recorded 05/23/2023 3:08:01 PM
Total Fees 26.00
5 Pages Recorded

SPACE ABOVE LINE FOR OFFICIAL USE ONLY

PREPARED BY:
REALTY INCOME CORPORATION
ATTN: LEGAL DEPARTMENT
11995 EL CAMINO REAL
SAN DIEGO, CA 92130
858-284-5000

WHEN RECORDED MAIL TO:

FIDELITY NATIONAL TITLE CO - NCS DIV
ONE EAST WASHINGTON STREET, SUITE 450
PHOENIX, AZ 85004
ATTN: KELLI VOS
MASTER ESCROW NO.: Z2346615/ESCROW NO.: Z2346616
(602) 343-7572

GRANTOR:
VEREIT REAL ESTATE, L.P.
11995 EL CAMINO REAL
SAN DIEGO, CA 92130
858-284-5000

GRANTEE:
3 RIVERS, LLC
150 BIENVILLE DR.
MADISON, MS 39110
601-497-6938

INDEXING INSTRUCTIONS: SE ¼ OF SEC. 34, T6S, R11W

SPECIAL WARRANTY DEED

WHEN RECORDED MAIL TO:

Fidelity National Insurance Title Company
Attn: Kelli Vos
One East Washington Street, Suite #450
Phoenix, AZ 85004
(602) 343.7572

INDEXING INSTRUCTIONS:

SE 1/4 of Sec. 34, T6S, R11W

Grantor:

Vereit Real Estate, L.P.
11995 El Camino Real
San Diego, CA 92130
Telephone: (858) 284-5000

THIS INSTRUMENT PREPARED BY:

Realty Income Corporation
Attn: Legal Department
11995 El Camino Real
San Diego, CA 92130
Telephone: (858) 284-5000

Grantee:

3 Rivers, LLC
150 Bienville Dr.
Madison, MS 39110
Telephone: (601) 497-6938

STATE OF MISSISSIPPI
COUNTY OF HARRISON

§
§

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, VEREIT REAL ESTATE, L.P., a Delaware limited partnership ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration cash in hand paid the receipt and sufficiency of all of which is hereby acknowledged VEREIT REAL ESTATE, L.P., a Delaware limited liability company does hereby grant, bargain, sell, convey and specially warrant unto 3 RIVERS LLC, a Mississippi limited liability company ("Grantee"), the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described on Exhibit "A," attached hereto and made a part hereof for all purposes, together with all improvements and fixtures situated thereon (collectively, the "Property"); SUBJECT TO all real estate taxes not yet delinquent; covenants, conditions, restrictions, easements, rights of way and other matters of record; applicable laws, ordinances, statutes, orders, requirements and regulations to which the Property is subject, including,

without limitation, all building, zoning and environmental laws and requirements; and any state of facts which a new or updated survey or physical inspection of the Property might disclose.

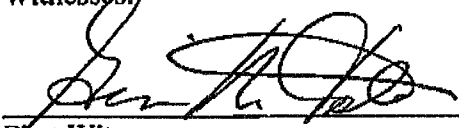
TO HAVE AND TO HOLD the Property, together with all and singular the rights, hereditaments, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor but not otherwise.

BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY (OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN). BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS, WHERE IS, WITH ALL FAULTS," AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES, OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED), CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY, (ii) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE OR ANYONE ELSE MAY CONDUCT THEREON, (iii) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND (iv) THE COMPLIANCE OF THE PROPERTY WITH APPLICABLE LAWS AND REGULATIONS.

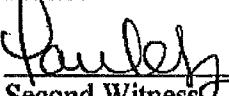
(Signatures appear on the following page)

EXECUTED this 4th day of May, 2023.

Witnesses:


First Witness

Gina M. Vallone
Printed Name of First Witness


Second Witness

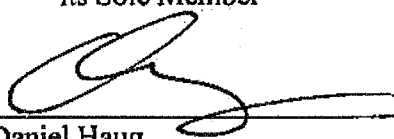
Paula Valdez
Printed Name of Second Witness

GRANTOR:

VEREIT REAL ESTATE, L.P.,
a Delaware limited liability company

By: VEREIT Real Estate GP, LLC.
a Delaware limited liability company,
its General Partner

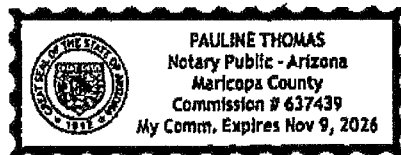
By: VEREIT Operating Partnership,
L.P.,
a Delaware limited partnership,
its Sole Member

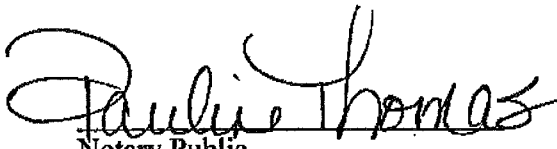
By: 
Name: Daniel Haug
Title: SVP, Associate General Counsel

Approved As To Form
Legal Department
NM EG
11/1/2023

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

On this 4th day of May, 2023 before me personally appeared Daniel Haug, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document as the SVP, Associate General Counsel of Vereit Real Estate, L.P., a Delaware limited partnership on behalf thereof.




Notary Public

My Commission expires: 11/9/26

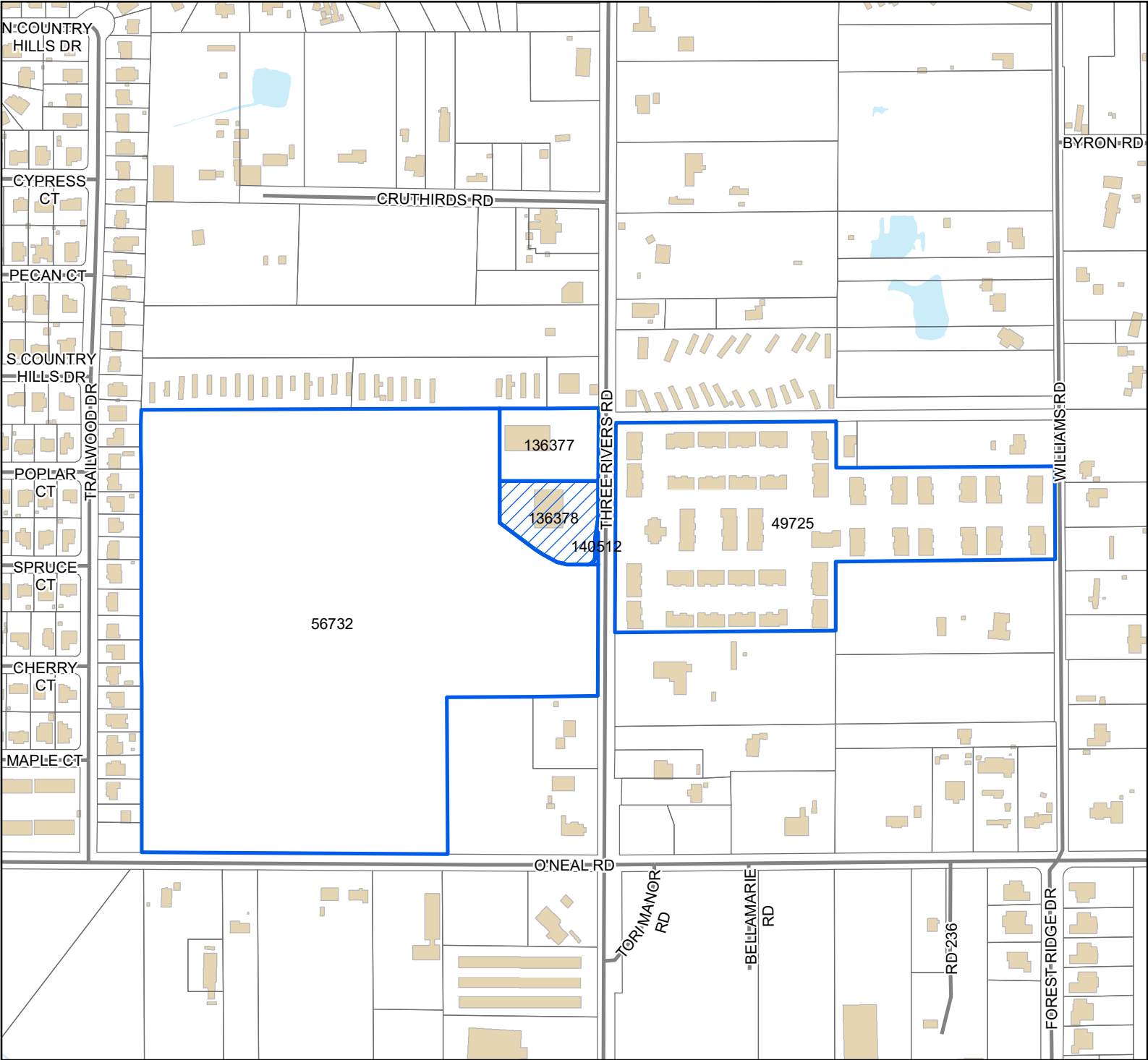
EXHIBIT "A"
LEGAL DESCRIPTION OF THE REAL PROPERTY

Location: 13111 Three Rivers Road, Gulfport, MS 39503

LEGAL DESCRIPTION FOR THAT PARCEL DESCRIBED AS LOT B-2 RECORDED IN INSTRUMENT NO. 2009-2326-D-J1 ON FILE IN THE OFFICE OF THE CHANCERY CLERK, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI AND BEING FURTHER DESCRIBED AS FOLLOWS, TO WIT:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 11 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI AND BEING FURTHER DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT AN IRON ROD FOUND DENOTING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34; THENCE RUN SOUTH 89 DEGREES 59 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 1026.48 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 16 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 210.12 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 58 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 285.09 FEET TO A POINT ON THE WEST MARGIN OF THREE RIVERS ROAD; THENCE RUN ALONG SAID MARGIN SOUTH 00 DEGREES 16 MINUTES 43 SECONDS WEST A DISTANCE OF 103.28 FEET TO A POINT; THENCE DEPARTING SAID MARGIN RUN SOUTH 09 DEGREES 20 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 63.62 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 21 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 51.60 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 88 DEGREES 09 MINUTES 30 SECONDS AND A RADIUS OF 23.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 35.39 FEET TO A POINT WHICH IS SOUTH 46 DEGREES 03 MINUTES 52 SECONDS WEST A DISTANCE OF 32.00 FEET FROM THE PREVIOUSLY DESCRIBED POINT; THENCE RUN NORTH 89 DEGREES 51 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 58.49 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 17 DEGREES 07 MINUTES 14 SECONDS AND A RADIUS OF 100.00 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 29.88 FEET TO A POINT WHICH IS NORTH 75 DEGREES 29 MINUTES 26 SECONDS WEST A DISTANCE OF 29.77 FEET FROM THE PREVIOUSLY DESCRIBED POINT; THENCE RUN NORTH 61 DEGREES 07 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 46.16 FEET TO A POINT; THENCE RUN NORTH 57 DEGREES 01 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 27.12 FEET TO A POINT; THENCE RUN NORTH 52 DEGREES 56 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 126.43 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 14 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 119.13 FEET TO THE POINT OF BEGINNING, CONTAINING 57,127.16 SQUARE FEET OR 1.31 ACRES, MORE OR LESS.



Legend

- Site
- Street
- Buildings
- Water Features

0 60 120 180
Yards

1 inch = 400 feet

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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0807P-01-023.002	3 RIVERS LLC (OWNER)	13111 THREE RIVERS RD	GULFPORT	MS	39503
Adjacent Property Owners (2510SE118)							
	136377	0807P-01-023.001	EXCHANGERIGHT NET LEASED	PORTFOLIO 6 DST	PASADENA	CA	91116
N	49725	0907M-02-018.000	THREE RIVERS LANDING OF GULFPORT LP	C/O DEOMINIUM	PLYMOTH	MN	55441
	56732	0807P-01-023.000	EXECUTIVE HOLDINGS LLC	311 TELLY RD	PICAYUNE	MS	39466
	136378	0807P-01-023.002	3 RIVERS LLC	150 BIENVILLE DR	MADISON	MS	39110
N	140512	0807P-01-023.003	3 RIVERS LLC	150 BIENVILLE DR	MADISON	MS	39110

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	IPL0278361	Legal Ad - IPL0278361		1.0	60.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
accountspayable@gulfport-ms.gov;sasmith@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, October 23, 2025 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on the first floor of the William H. Hardy Building, 1410 24th Avenue.

Special Exception 2510SE118,

by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

Tree Permit Appeal 2510PC117,

by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2

Zoning Map Amendment

2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

Zoning Map Amendment

2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

This the 1st day of October 2025
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0278361
Oct 8 2025

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1.0 insertion(s) published on:

10/08/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



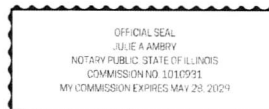
Russ Davis

Julie A Ambry



Sworn to and subscribed before
me on

Oct 8, 2025, 10:55 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Planning Commission Recommendation



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFPORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Zoning Map Amendment 2510PC119: Zoning Map Amendment 2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2510PC119

Hearing Date: October 23, 2025

Current Zoning/Use: T5 / Vacant Lot

Legal: Zoning Map Amendment 2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

According to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove, by clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant is requesting to rezone approximately 25,676 square feet of property from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus"). As presented, the applicant states, "the request to rezone all parcels to T4+, in order to allow for the unified development of the proposed project." No information other than a time schedule of 18 months has been provided concerning development. The Planning Commission can only offer recommendations; the City Council will have final decision for the rezoning before building can begin. The surrounding consistency of the neighborhood are areas containing residential and commercial properties.

The applicant has chosen that the character of the neighborhood has changed as justification for the change of the current zoning.

1. The applicant states that there was no error in zoning but rather to reflect the evolution of the neighborhood and to ensure consistency across the parcels under the same ownership.

Technical Report

Zoning Map Amendment

2. The applicant addresses Character of the Neighborhood changing by stating that the character of the neighborhood has changed, and the lots, which today belong to the same company and are adjacent, currently have different zoning regulations.

EXECUTIVE SUMMARY

The applicant wishes to rezone the subject site from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus") to open doors to more opportunity for housing development, while limiting commercial activity in the area. The applicant has not proven with clear and convincing evidence for a zoning change as required by the state, however, the staff notes that there are a few residential homes in the surrounding neighborhood, and rezoning to T4+ would be in harmony with the existing neighborhood. Nevertheless, the applicant will need to provide a revised site plan addressing the following issues: show proposed parcel division with projected parcel square footage, parking dimensions and material used, and needs to show setbacks. At present, the property is in harmony with the commercial and residential nature of the surrounding area.

Any approval should consider these conditions:

1. Approval would grant applicant to rezone property from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus") zoning district. The Planning Commission can only offer recommendations; the City Council will have final decision for the rezoning.
2. Approval does not grant a site plan or number of dwelling units.
3. Must meet all current building codes and all other City of Gulfport Ordinances.

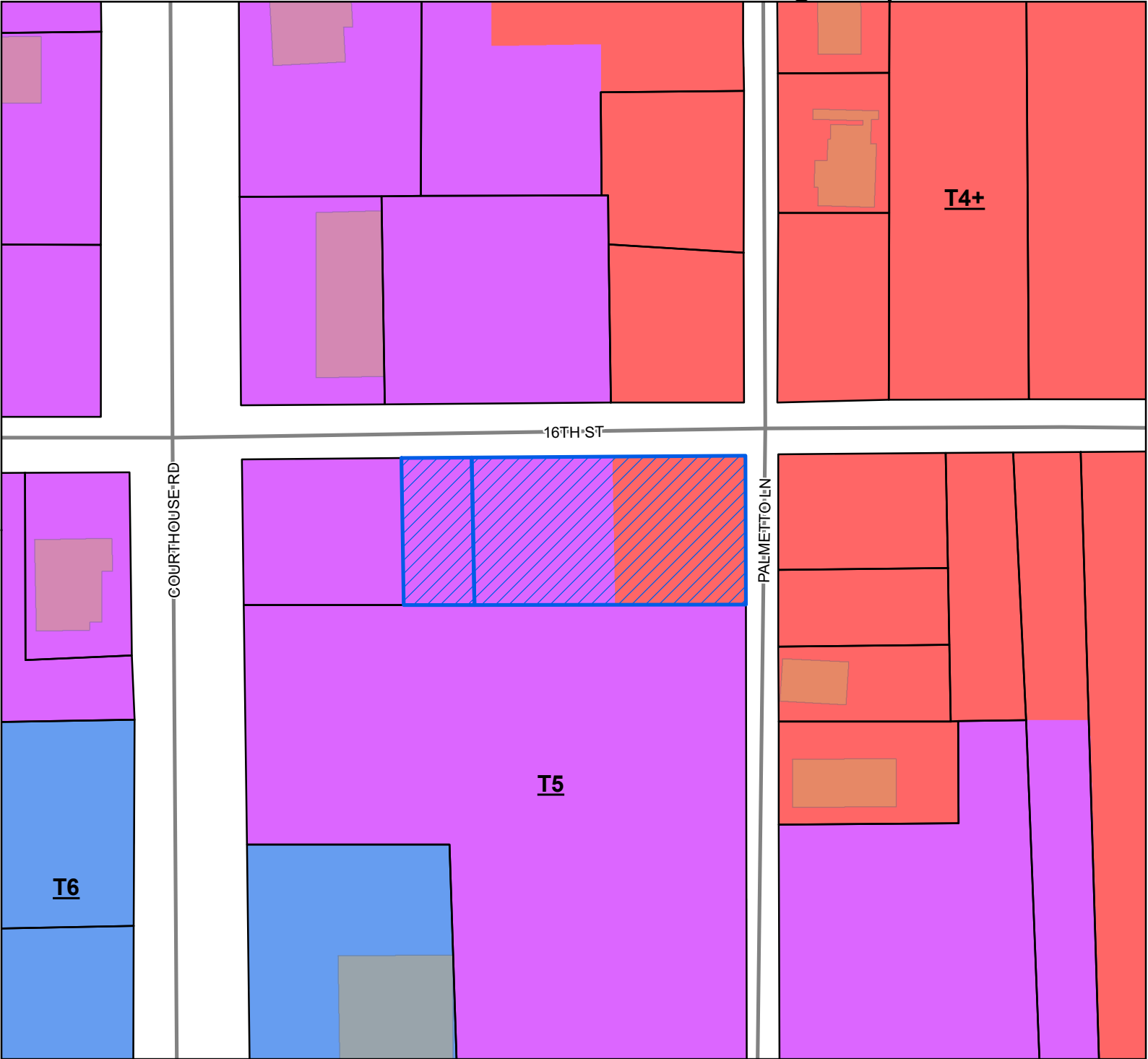
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



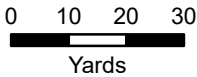
Site
Street
Parcels
Buildings

Smart Code

T6
T5
T4+

Site Information

0911A-02-098.000
0911A-02-099.000
Zoning: T4+ (General Urban Zone "Plus")
T5 (Urban Center Zone)
Size: 26377.5 sqft
Flood: X,AE



1 inch = 100 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

**APPLICATION FOR ZONING MAP
AMENDMENT/LAND USE
RECLASSIFICATION (SMARTCODE)**

Property Information

TAX PARCEL #

0	9	1	1	A
0	9	1	1	A

 -

0	2
0	2

 -

0	9	9			
0	9	8			

 .

0	0	0
0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 139 Belmont by 418 16th St

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Those lots have different zones, the request is to rezone all parcels to T4+

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Cast Developments LLC

Printed Name of Owner

2472 Ross Rd, St A

Mailing Address

Biloxi MS 39531

City

State

Zip code

228-2365151

Home Phone

Work/Cell Phone

Juandacastano18@gmail.com

Email

[Signature]

Signature of Owner

Printed Name of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

Reasons for Rezoning Request

E. Zoning Inconsistency

Parcel #0911A-02-099.000 is currently zoned T5 and T4*, while parcel #0911A-02-098.000 is zoned T5. The request is to rezone all parcels to T4* in order to allow for the unified development of the proposed project.

F. Convincing Evidence

The character of the neighborhood has changed, and the lots, which today belong to the same company and are adjacent, currently have different zoning regulations.

1. Interest

- **Cast Developments LLC**, 2472 Pass Rd, Ste A, Biloxi, MS 39531
- **Juan Castano**, 2472 Pass Rd, Ste A, Biloxi, MS 39531
- **Diana Mejia**, 16271 Greenglade Dr, Gulfport, MS

Owners of Adjacent Properties:

- **Creeks II LLC The**, 799 Destiny Plantation Blvd, Biloxi, MS 39532-4603
- **Koskan Allen J (Estate)**, 19247 Champion Circle, Gulfport, MS 39503

2. Time Schedule

The projected time frame for the development is 18 months.

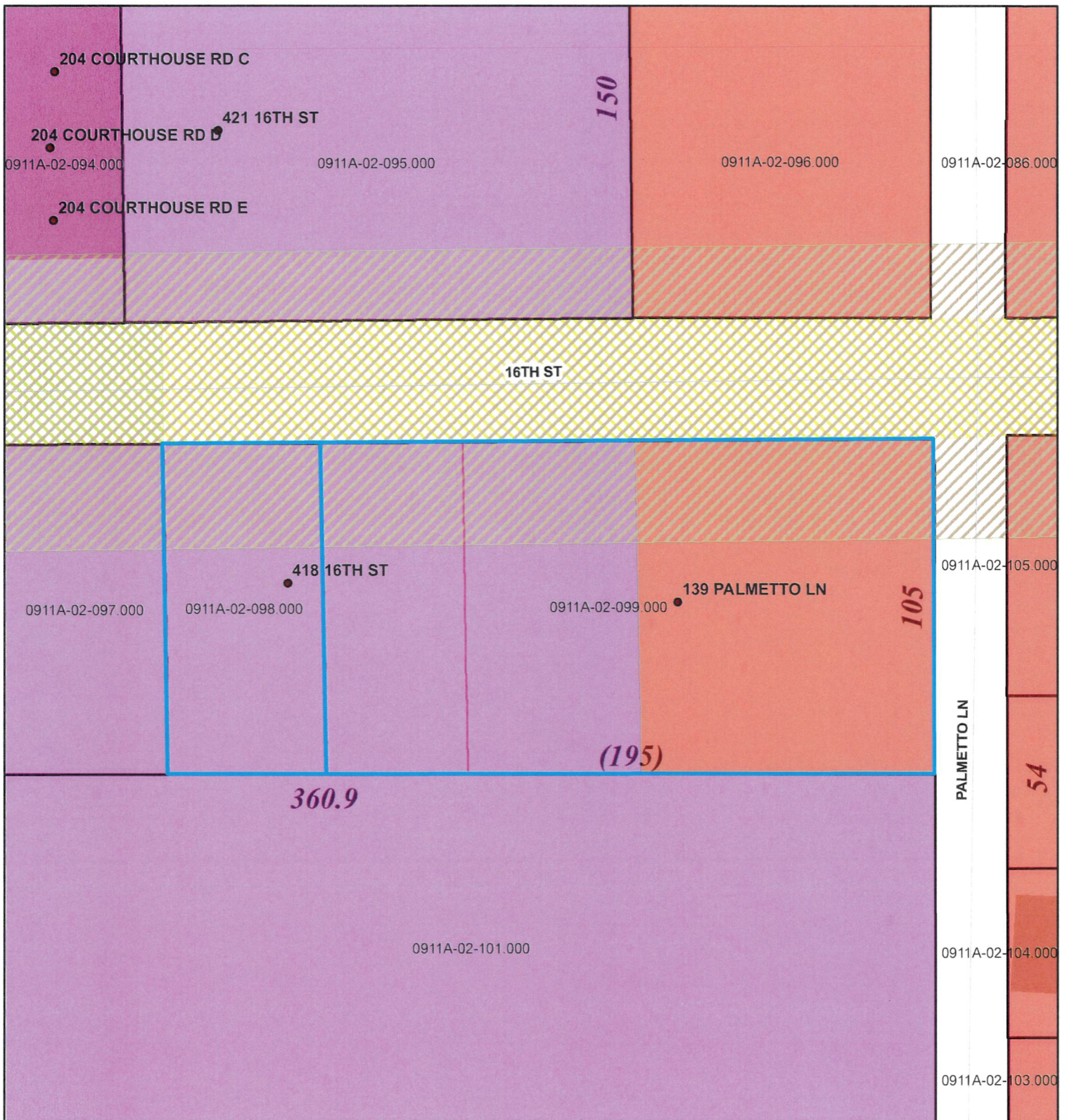
3. Benefits

Rezoning will create greater opportunities for housing development while limiting commercial activity in the area. This will help redirect commercial traffic to more suitable corridors such as Cowan Road

(605), Courthouse Road, and Highway 90, where commercial growth is already concentrated.

4. Clarification

This rezoning request is not due to a mistake in the zoning map but rather to reflect the evolution of the neighborhood and to ensure consistency across the parcels under the same ownership.



1 inch = 42 feet



DATA DISCLAIMER:

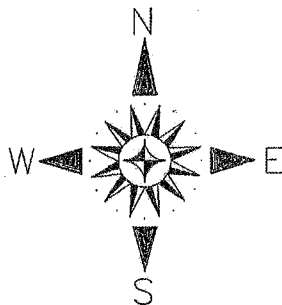
All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness or adequacy of the information contained on this map are expressed or implied.

Area Map

 Parcels

Printed 8/26/2025





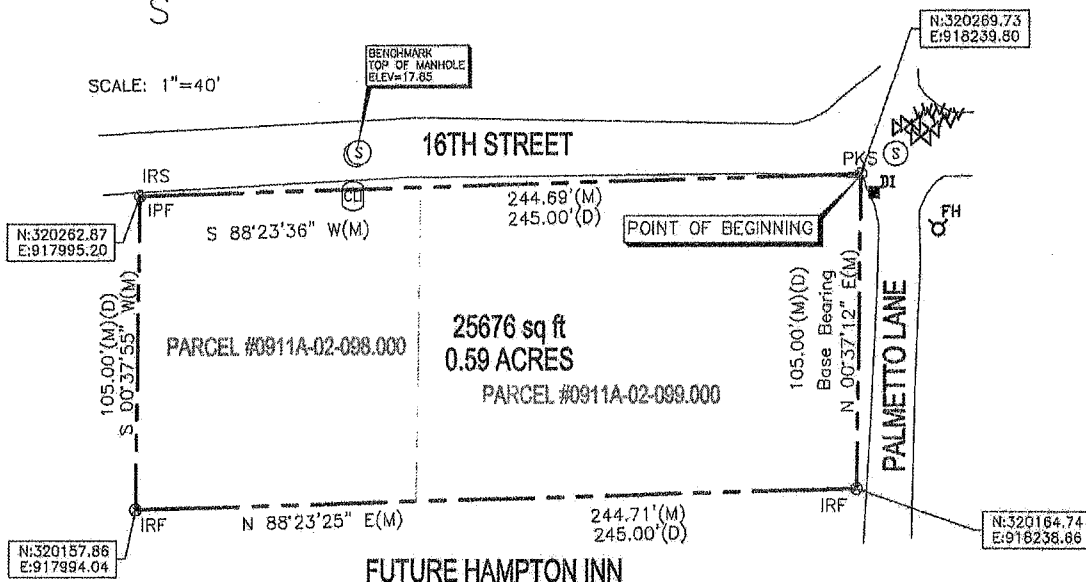
139 PALMETTO LANE
SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 WEST
GULFPORT, MISSISSIPPI

PARCEL #0911A-02-098.000
PARCEL #0911A-02-099.000

IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET
CMF CONCRETE MONUMENT
PKS PK NAIL SET

P=PLAT OF RECORD
M=MEASURED
D=DEED

REFERENCE:
SURVEY BY JAMES
BOOTH, P.L.S.
DATED 4/09/24



LEGAL DESCRIPTION
(Per Survey)

Beginning at the intersection of the West line of Palmetto Alley and the South line of 16th Street and running thence S 88°23'36" W along the South line of 16th Street 244.69 feet to an iron rod, running thence S 00°37'55" W 105.00 feet to an iron rod, thence N 88°23'25" E 244.71 feet to an iron rod to the West margin of Palmetto Lane, thence N 00°37'12" E 105.00 feet to the Point of Beginning. Said parcel contains 25676 square feet or 0.59 acres. Bearings based on GPS Observation, Mississippi East Zone, NAD 83, using Topnet GPS Network, per survey by Gary A. Durbin, P.L.S. dated April 10, 2025.,

NOTE:

Land Surveys do not transfer title or ownership. No part of this map should be interpreted as an instrument conveying ownership or any other rights between parties. Further more this map does not create an easement. Easements shown do not exist unless or until recordation of a properly prepared instrument.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such. This survey therefore does not depict all easements and encumbrances that could affect this property.

This is a Class "B" survey per "The Standards of Practice for Land Surveying in the State of Mississippi".

Bearings based on GPS Observation of the west margin of Palmetto Lane, NAD 83, MS East Zone, convergence angle -0.130449, scale factor 0.999960.

This property is situated in Zone "AE-18" per FEMA Flood Insurance Rate Map, City of Gulfport, Harrison County, Mississippi, Community Panel Number 28047C-0268-G, Revised: 6/16/09. This does not warranty that this property will not or could not flood, it is within the Limits of Moderate Wave Action.

This is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

Gary A. Durbin, P.L.S. 2401
September 9, 2024



JOB 11440

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
13048 RIVERWALK CIRCLE, DIBERVILLE, MS. 39540
PH. (228) 365-3632 Teelokgd@aol.com

105

245"

16TH ST

Palmetto Ln

Palmetto Townhomes.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Cast Developments LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1504560
Status:	Good Standing
Effective Date:	08/20/2025
State of Incorporation:	Mississippi
Principal Office Address:	NO PRINCIPAL OFFICE ADDRESS FOUND

Registered Agent

Name
Juan David Castano 2472 Pass Road, Suite A Biloxi, MS 39531

Officers & Directors

Name	Title
Juan David Castano 2472 Pass Road, Suite A Biloxi, MS 39531	Member



Angela Hines 1st JUDICIAL DISTRICT
INSTRUMENT 2025-0011462-D-J1
FILED/RECORDED 6/11/2025 3:49:01 PM
TOTAL FEES \$26.00
4 PAGES RECORDED

INDEXING INSTRUCTIONS: 2 Parcels in 1-8-11 N X 16th Street

This instrument prepared by and return to:

Joel Blackledge, MSB 10606
Blackledge Law Firm
PO Box 8155
Gulfport, MS 39506
(228) 669-6254
File No.: 634.1729

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

Lee C. Anderson and Lynn A. Denison

57 Trossach Rd
Staten Island NY 10304
718.974.8305

do(es) hereby sell, convey and warrant unto

Cast Developments LLC
11058 Channel Side Dr
Gulfport, MS 39507
(228) 236-5151

the following described land and property being located in Harrison County, Mississippi, being more particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the 2024 year have been pro-rated between the parties

WITNESS MY SIGNATURE, on this the ^{DEC 26 2024} 13th day of December, 2024.

Lee C. Anderson

Angela D. Silva

Lynn A. Denison by Angela Silva,
Attorney-in-Fact

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ^{DEC 26 2024} 13th day of December, 2024, within my jurisdiction, the within named Lee C. Anderson, who acknowledged that (he) (she) (they) executed the above and foregoing instrument.

Notary Public

STATE OF _____
COUNTY OF _____
Federative Republic of Brazil)
State of São Paulo)
City of São Paulo) SS:
Consulate General of the)
United States of America)

Personally appeared before me, the undersigned authority in and for the said county and state, on this ^{DEC 26 2024} 13th day of December, 2024, within my jurisdiction, the within named Angela Silva, who acknowledged that (he) (she) (they) is the attorney in fact for Lynn A. Denison, and that for and on behalf of said Lynn A. Denison, and as her act and deed, she executed the above and foregoing instrument, after having first been authorized so to do.

William Astillero

Notary Public



This document consists of 3 pages
each initialed by the affiant/acknowledger

SEE EXHIBIT "A" ATTACHED HERETO

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the 2024 year have been pro-rated between the parties

WITNESS MY SIGNATURE, on this the 13th day of December, 2024.

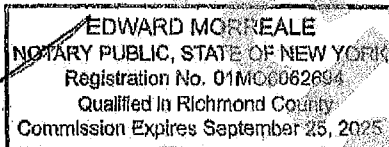
Lee C. Anderson
Lee C. Anderson

Lynn A. Denison by Angela Silva,
Attorney-In-Fact

STATE OF New York
COUNTY OF Richmond

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13th day of December, 2024, within my jurisdiction, the within named Lee C. Anderson, who acknowledged that (he) (she) (they) executed the above and foregoing instrument.

Edward Morreale
Notary Public



STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13th day of December, 2024, within my jurisdiction, the within named Angela Silva, who acknowledged that (he) (she) (they) is the attorney in fact for Lynn A. Denison, and that for and on behalf of said Lynn A. Denison, and as her act and deed, she executed the above and foregoing instrument, after having first been authorized so to do.

Notary Public

EXHIBIT "A"

Beginning at the intersection of the West line of Palmetto Alley or road with the South line of 16th Street and running thence West along the South line of 16th Street 150 feet to a point, which is the point of beginning, running thence West along the South side of 16th Street 95 feet, more or less, thence South 105 feet, more or less; thence East 95 feet, more or less; thence North 105 feet, more or less; the property being bounded on the East by property of Clyde R. and Virginia M. Anderson; on the West by property now or formerly owned by H.L. Ernst, and on the South by property of the heirs at law of J.T. Latimer and on the North by 16th Street.

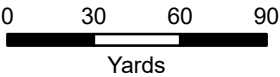
AND ALSO

Beginning at the intersection of the West line of Palmetto Alley or Road with the South line of 16th Street, said point of beginning being the Northeast corner of the land herein described and conveyed and of larger tract of land as described in and conveyed by Deed executed by Mrs. Julia Latimer to the Grantor herein on July 19, 1940, and of record in Book 233, Pages 565-566, of the Harrison County Deed Records, and from said point of beginning thence in Southerly direction along the West line of Palmetto Alley or Road a distance of 105 feet; running thence West a distance of 150 feet parallel with 16th Street; running thence North a distance of 105 feet parallel with Palmetto Lane of Road, to the South Line of 16th Street; running thence East along the South line of 16th Street a distance of 150 feet to the point of beginning.



Legend

- Site
- US or State Highway
- Street
- Railroad
- Buildings
- Water Features



1 inch = 200 feet



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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0911A-02-098.000	CAST DEVELOPMENT LLC (OWNER)	2472 PASS ROAD, STE A	BILOXI	MS	39531
			Adjacent Property Owners (2510PC119)				
	39067	0911A-02-095.000	REVELRY OAKS LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	99737	0911A-02-093.001	MCCARTHY JOHN JOSEPH III	226 COURTHOUSE RD	GULFPORT	MS	39507
	127926	0911A-02-105.001	KELLEY GABRIEL R & MECHELLE A	15803 PEAIRS RD	PRIDE	LA	70770
N	39108	0911A-02-096.000	REVELRY OAKS LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	22233	0911A-02-086.000	MANDAL ELIZABETH ANNE TRUSTEE	477 TUSCANO DRIVE	BILOXI	MS	39531
	22304	0911A-02-099.000	ANDERSON VIRGINIA M ETAL	57 TROSSACH ROAD	STATEN ISLAND	NY	10304
	22234	0911A-02-085.000	GOODWIN JAMIE LYNN & WILLIAM	212 PALMETTO LN	GULFPORT	MS	39507
	104802	0911A-02-096.001	PARRINO MARY B	5314 HEIDIS PLACE	BATON ROUGE	LA	70817
N	22305	0911A-02-098.000	ANDERSON VIRGINIA ETAL	57 TROSSACH ROAD	STATEN ISLAND	NY	10304
	22235	0911A-02-084.000	CHAPMAN RICKEY E & SANDRA A	6022 VISTA CIRCLE	GULFPORT	MS	39507
N	97510	0911A-02-106.001	WERBY HELEN C & SAMMAR LLC -ETAL-	1308 E BEACH BLVD	GULFPORT	MS	39501
	22291	0911A-02-103.000	MCGRAW FRANK ADAM & DAWN MICHELE	127 MARKHAM DRIVE	GULFPORT	MS	39507
	25204	0911B-02-004.000	SHARP MYLES E	10978 CHANNELSIDE DR	GULFPORT	MS	39503
	22311	0911A-02-094.000	WILSON JOHN T	1225 32ND AVE	GULFPORT	MS	39501
	22303	0911A-02-101.000	CREEKS II LLC THE	799 DESTINY PLANTATION BLVD	BILOXI	MS	4E+08
	22221	0911A-02-102.000	WERBY HELEN C & SAMMAR LLC	1308 E BEACH BLVD	GULFPORT	MS	39501
	22224	0911A-02-087.000	C & G RENOVATIONS LLC	199 TRENTON DR	SLIDELL	LA	70461
N	38454	0911A-02-093.000	REVELRY OAKS LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	22306	0911A-02-097.000	KOSKAN ALLEN J PA -ESTATE-	19247 CHAMPION CIRCLE	GULFPORT	MS	39503
	22289	0911A-02-105.000	KELLEY ROBERT EDWARD SR -EST-	7844 BRETT PL	BATON ROUGE	LA	70818
	22290	0911A-02-104.000	SCHLOSSER BRIAN & MELINDA	130 PALMETTO LN	GULFPORT	MS	39507

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	IPL0278361	Legal Ad - IPL0278361		1.0	60.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
accountspayable@gulfport-ms.gov;sasmith@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 PM., Thursday, October 23, 2025 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on the first floor of the William H. Hardy Building, 1410 24th Avenue.

Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

Tree Permit Appeal 2510PC117, by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2

Zoning Map Amendment

2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

Zoning Map Amendment

2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

This the 1st day of October 2025
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0278361
Oct 8 2025

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1.0 insertion(s) published on:
10/08/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



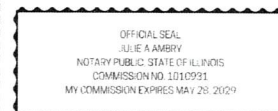
Russ Davis

Julie A Ambry



Sworn to and subscribed before
me on

Oct 8, 2025, 10:55 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFPORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, October 23, 2025

Zoning Map Amendment 2511PC122: Zoning Map Amendment 2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2511PC122

Hearing Date: October 23, 2025

Current Zoning/Use: T4L & T5 / Commercial Structures

Legal: Zoning Map Amendment 2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

According to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove, by clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant is seeking to rezone approximately 1.09 acres of commercial property from the current zonings of T4L (General Urban Zone "Limited") and T5 (Urban Center Zone) to be all T5 zoning. The applicant claims the reason for their rezoning request is due to a lack of commercial sites, and that they wish to develop the site or to rent it out within the next 6 months to a year. The applicant does not provide any information about the potential development, or what use will be brought onto the subject site with the proposed rezoning. While one of the subject sites is zoned as the requested T5 zoning, the other property in question is zoned T4L. While T4L does allow for some light commercial uses, such as medical clinics, administrative offices, floral shop, and book store, T5 allows for a greater intensity of commercial uses. Uses such as small animal clinics with boarding facilities, dry-cleaning services, sporting goods store-retail, and lumber yard and building materials-retail. While these properties have had commercial uses active on the premises, and some commercial uses nearby, they are also in close proximity to residential properties. The southern property currently has active pre-

Technical Report

Zoning Map Amendment

existing non-conforming businesses for automobile towing services and transit vehicle storage and servicing, which would not be allowed in either T4L or T5 zoning districts.

According to the City's 2002 Comprehensive Plan, these properties were to allow for commercial uses. While one of these properties has had active pre-existing non-conforming businesses on premises for several years, none of these uses would be allowed within the proposed zoning of T5.

The applicant has chosen a need for commercial sites as reason for change of the current zoning district.

- (a) The applicant states within their application that they are "requesting zoning change due to lack of commercial sites that I need." No quantifiable documentation, or explanation, was provided to elaborate on this statement or explain what potential commercial use would require the zoning change.

EXECUTIVE SUMMARY

The applicant is requesting to rezone approximately 1.09 acres of commercial property to T5 (Urban Center Zone). While one parcel is currently zone T5, the other parcel is zoned T4L (General Urban Zone "Limited") and the applicant wishes to have both parcels zoned T5. The applicant states in their application the requesting the zoning change due to a lack of commercial sites that I need." The applicant notes that they plan to develop the site or rent it within the next 6 months to a year. The applicant does not elaborate on what commercial development they are wishing to propose, or what commercial uses would be brought in. While these properties have had commercial uses active on the premises, and some commercial uses nearby, they are also near residential properties. According to the City's 2002 Comprehensive Plan, these properties were to allow for commercial uses. While the southernmost property currently has active businesses for automobile towing services and transit vehicle storage and servicing, these uses are pre-existing non-conforming and would not be allowed in either the T4L or T5 zoning districts per the Chart of Permitted Uses. The applicant has claimed the reasoning for the rezoning is due to a need for commercial sites. However, the applicant does not elaborate on this statement, nor do they explain what potential commercial use would be brought to the site that would require the zoning change.

Any approval should consider these conditions:

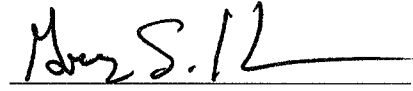
1. Planning Commission can only give a recommendation regarding rezoning, approval or denial for rezoning would need to be granted by City Council.

Technical Report

Zoning Map Amendment

DIRECTOR APPROVAL

This report has been reviewed and approved by:

A handwritten signature in black ink, appearing to read "Greg S. Holmes", written over a horizontal line.

Greg Holmes

Director of Urban Development Department



Site

Street

Parcels

Buildings

City Limit

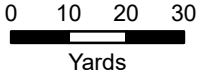
Smart Code

T5

T4+

T4L

Site Information
0811F-05-027.000
0811F-05-026.000
Zoning: T5 (Urban Center Zone)
T4L (General Urban Zone
"Limited")
Size: 1.1 Acres
Flood: X



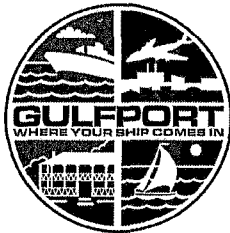
1 inch = 100 feet



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1st

Revision date 11/2/2020



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

**APPLICATION FOR ZONING MAP
AMENDMENT/LAND USE
RECLASSIFICATION (SMARTCODE)**

Property Information

For Staff Use Only

Case File #: 2511PC122
Date Received: 09/3/2025
Receipt #: 13458711
Received By: JJA*
Zoning: T4L, T5
Ward: 3 Flood: X

TAX PARCEL #

0	8	1	1	F
0	8	1	1	F

 -

0	5
0	5

 -

0	2	6
0	2	7

 •

0	0	0
0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 2100 24th Ave GULFPORT, MS 39501

Lot(s) 13-20, Block(s) 820454AL, Subdivision CITY OF GULFPORT, 1ST

General Location: JUDICIAL DISTRICT OF HARRIS COUNTY, MS.

GENERAL DESCRIPTION OF REQUEST:

TO MAKE ALL LOTS TO
T5 FROM T-4

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER
RUSSELL J MORAN
Printed Name Of Owner
2100 24th Ave.
Mailing Address
GULFPORT MS 39501
City 228- State Zip code
388-1384 228-868-7777
Home Phone Work/Cell Phone
CELEBRITY LIMOS LLC.COM
Email
Russell Moran
Signature Of Owner

AGENT
JOHN DEES
Printed Name Of Agent
18053 LAKE BREEZE DR
Mailing Address
SAUCIER MS 39574
City State Zip code
228-263-1911
Home Phone Work/Cell Phone
JOHNNY DEES TM@gmail.com
Email
John Dees
Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) RUSSELL J MORAN
 ADDRESS (STREET, CITY, STATE, ZIP CODE) 2100 24th Ave Gulfport MS
 PHONE # (H) 228 388-1384 (W) 228 868-7777 3959
 TAX PARCEL NUMBER(S) OWNED 0811F, 05, 026, 000
 SIGNATURE: *Russell J Moran*
 NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____
 PHONE # (H) _____ (W) _____
 TAX PARCEL NUMBER(S) OWNED _____
 SIGNATURE: _____

NAME OF OWNER (PRINT) _____
 ADDRESS (STREET, CITY, STATE, ZIP CODE) _____
 PHONE # (H) _____ (W) _____
 TAX PARCEL NUMBER(S) OWNED _____
 SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: JOHN DEES, W. F. HOLDEN

STATE OF MISSISSIPPI

COUNTY OF HARRISON

APPOINTMENT OF AGENT

Grantor/Landowner: Russell J. Moran

Grantee/Agent: John Dees

Subject Property: 2100 - 24th Avenue
Gulfport, Mississippi 39501

Be it known, that I, Russell J. Moran, do hereby appoint, designate, and authorize John Dees to act in my place and stead as my agent before the City of Gulfport, Mississippi Planning and Zoning Commission, with full authority to do all I could do if personally present in presenting my application for re-zoning of the above subject property. This document shall be accepted and construed as giving Mr. Dees full and complete authority to do all necessary and to further act in my place and stead to obtain a favorable outcome as to the zone change or modification requested.

Witness my signature, this the 2nd day of September, 2025.



RUSSELL J. MORAN

STATE OF MISSISSIPPI

COUNTY OF HARRISON

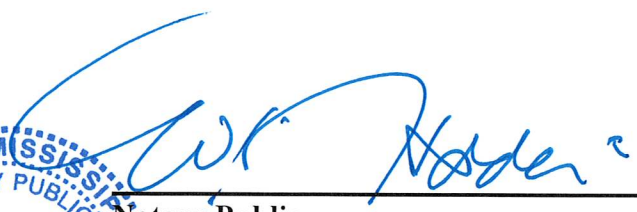
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, RUSSELL J. MORAN, who

acknowledged that he signed and delivered the above and foregoing Appointment of Agent on the day and year therein shown for the purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 2nd day of September, 2025.

SEAL




Notary Public

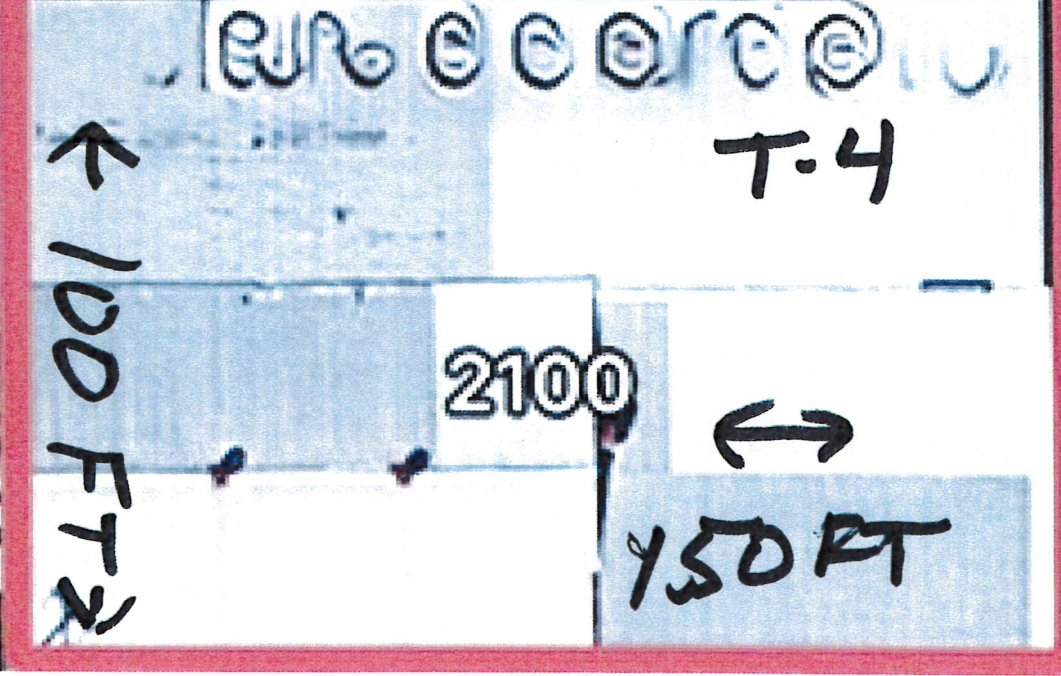
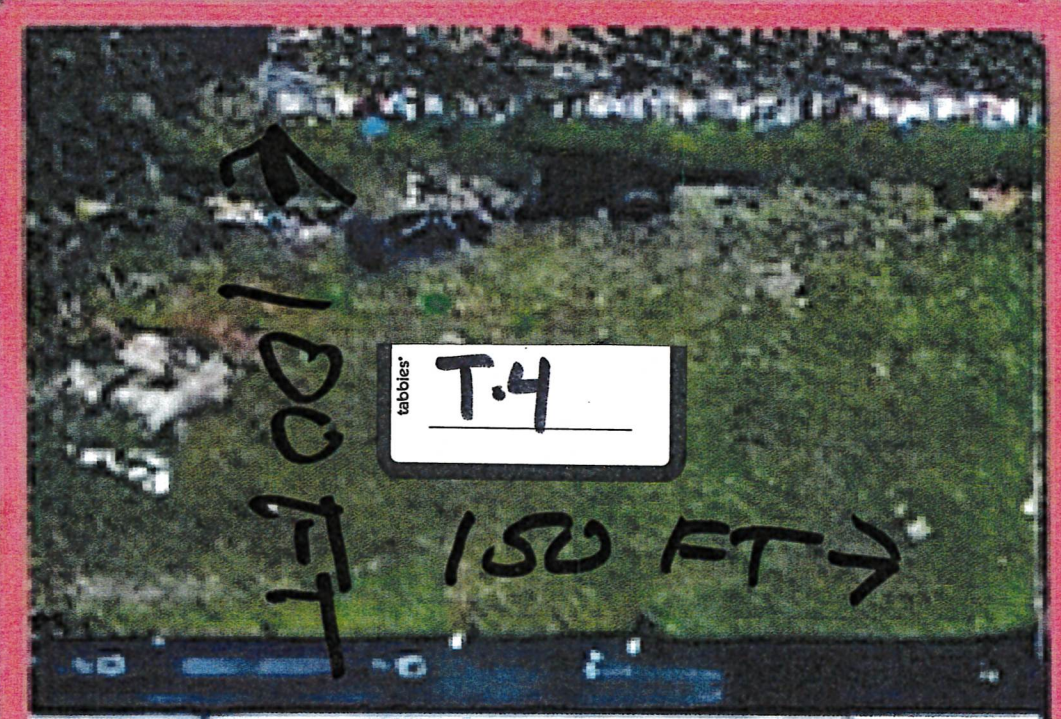
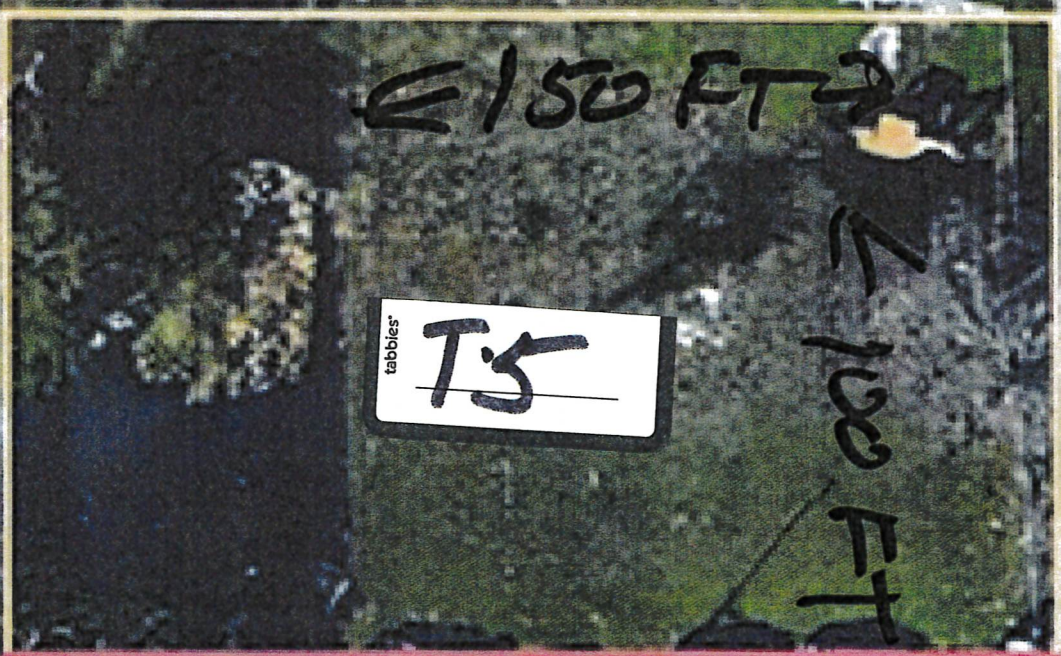
To whom it may concern

In Requesting Zoning Change Due to
Lack of Commercial Sites THAT I NEED
I PLAN TO DEVELOP THE SITE OR TO
RENT IT ~~WHEN~~ WITHIN THE NEXT 6 MONTHS TO
A YEAR

Sincerely,

Reshawn

44th Ave 44th Ave



FILED
FEB 09 2024
ANGELA THRASH, CHANCERY CLERK
BY: A. Zacharias D.C.

Prepared by:

Michael S. Arban
15520 Daniel Boulevard, Suite E,
Box 178
Gulfport, Mississippi 39503

Return to:

Russell J. Moran
2100 24th Avenue
Gulfport, Mississippi 39501

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

QUITCLAIM DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I, **MICHAEL S. ARBAN**, of 15520 Daniel Boulevard, Suite E, Box 178, Gulfport, Mississippi 39503, (601)433-4343, do hereby sell, transfer, and quitclaim unto **RUSSELL J. MORAN**, of 2100 24th Avenue, Gulfport, Mississippi 39501, (228)388-1384, those certain lots or parcels of real property situated and located in the City of Gulfport, First Judicial District of Harrison County, Mississippi, more particularly and certainly described as follows, to-wit:

Lots 13 through 24, inclusive, Block 82, **ORIGINAL GULFPORT**, a subdivision of the City of Gulfport, First Judicial District of Harrison County, Mississippi, as per the official map or plat thereof on file and in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

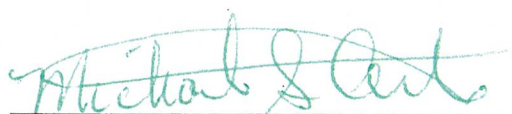
Indexing Instructions:

Lots 13 - 24, inc., **ORIGINAL GULFPORT**, First Judicial District of Harrison County, Mississippi.

That though this conveyance be done by quitclaim conveyance only, it is specifically noted that this conveyance is subject to all protective or restrictive covenants of record, as well as all easements, servitudes, prior oil, gas, and other mineral reservations or exceptions of record, and any and all persons in possession.

Ad valorem taxes as of the date hereof have been prorated between Grantor and Grantee and are assumed by Grantee.

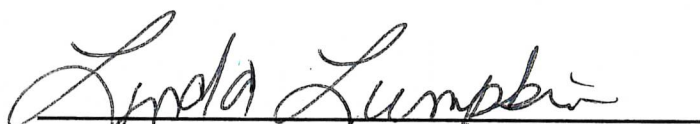
WITNESS MY SIGNATURE, this the 4th day of Jan, A. D., 2024

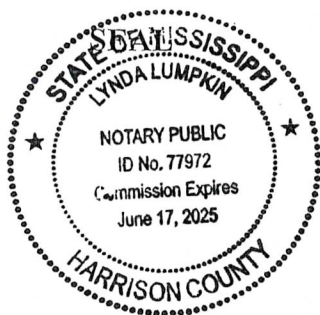

MICHAEL S. ARBAN

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY, PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, MICHAEL S. ARBAN, who acknowledged that he signed and delivered the above and foregoing Quitclaim Deed on the day and year therein shown.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 4th day of Jan, A. D., 2024

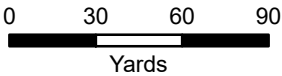

Notary Public





Legend

- Site
- US or State Highway
- Street
- Alley
- Railroad
- Buildings
- Water Features



1 inch = 200 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811F-05-026.000	RUSSELL MORAN (OWNER)	2100 24TH AVE	GULFPORT	MS	39501
			JOHN DEES (AGENT)	18053 LAKE BREEZE DR	SAUCIER	MS	39574
			Adjacent Property Owners (2511PC122)				
	19402	0811F-01-091.000	POWER SOURCE CHRISTIAN CENTER INC	3714 AJAX ST	HOUSTON	TX	77022
	19327	0811C-03-046.000	SWITZER VINCENT KEITH	4464 KENDALL CIRCLE	GULFPORT	MS	39507
	19415	0811F-05-030.000	KINSEY LEWIS E & DARLA J	2101 24TH AVE	GULFPORT	MS	39501
	93631	0811C-03-085.000	TAYLOR JAMES R	2214 24TH AVE	GULFPORT	MS	39501
	19330	0811C-03-049.000	CATHOLIC DIOCESE OF BILOXI INC	1790 POPPS FERRY RD	BILOXI	MS	39532
	19408	0811F-05-003.000	EASTERLING ROBERT C	2608 EVERGREEN LANE	BILOXI	MS	39531
	19328	0811C-03-047.000	WENNINGER DARNELL NICOVICH	115 ALVERADO DR	LONG BEACH	MS	39560
	19403	0811F-01-092.000	PAYZONE LLC	2108- 23RD AVENUE	GULFPORT	MS	39501
	90803	0811F-05-002.000	FOWLER LAVELL	2107 23RD AVE UNIT A	GULFPORT	MS	39501
	19405	0811F-05-001.000	MATTHEWS F MICHAEL	109C MOLOAKI VILLAGE	DIAMONHEAD	MS	39525
	19404	0811F-01-093.000	TINDELL INVESTMENTS & PROPERTY LLC	2200 25TH AVE	GULFPORT	MS	39501
	19410	0811F-05-026.000	ARBAN MICHAEL S	15520 DANIEL BLVD STE E	GULFPORT	MS	39503
	19609	0811F-01-089.000	HALEY JOSHUA	2018 23RD AVE	GULFPORT	MS	39501
	19610	0811F-01-090.000	OAK PLACE LLC	1124 2ND STREET	GULFPORT	MS	39501
	19588	0811F-05-005.000	DOWDLE WAYNE JR	13616 TARA HILLS CIR	GULFPORT	MS	39503
N	19332	0811C-03-051.000	TAYLOR JAMES R	2214 24TH AVE	GULFPORT	MS	39501
	19316	0811C-03-087.000	CRUTHIRDS JEFFREY D	2410 22ND ST	GULFPORT	MS	39501
	19331	0811C-03-050.000	PIERRE SYLVIA MARIE	2210 24TH AVE	GULFPORT	MS	39501
	19329	0811C-03-048.000	SUMRALL WILLIAM R JR & LAURIE C	2200 24TH AVE	GULFPORT	MS	39501
	19315	0811C-03-086.000	MAGGIO LAW FIRM PC	2201 24TH AVE	GULFPORT	MS	39501
	19578	0811F-05-031.000	ROB-LANDS LLC	111 LUNDGREN LANE	GULFPORT	MS	39507
	19587	0811F-05-004.000	NICHOLSON REAL ESTATE III LLC	P O BOX 584	GULFPORT	MS	39502
	19589	0811F-05-006.000	PALMS LLC	16164 ORANGE GROVE RD	GULFPORT	MS	39503
	19593	0811F-05-022.000	SOMEWHERE IN TIME LLC	922 PORTER AVE	OCEAN SPRINGS	MS	39564
	19413	0811F-05-028.000	HARTFIELD GEORGE D SR	1325 28TH AVE	GULFPORT	MS	39501
N	19411	0811F-05-027.000	ARBAN MICHAEL S	15520 DANIEL BLVD STE E	GULFPORT	MS	39503
	19596	0811F-05-025.000	JAC HOLDINGS LLC	19157 CHAMPION CIRCLE	GULFPORT	MS	39503
	19594	0811F-05-023.000	GUTHRIE DEBRA G	13510 WHITE TAIL DR	TYLER	TX	75707
	19595	0811F-05-024.000	RUSHING SHERMAN JOSEPH SR	10166 WOODLANDS DR	BILOXI	MS	39532
	19326	0811C-03-045.000	POSSUM NECK ACQUISITIONS LLC	2103 5TH ST	MERIDIAN	MS	39301
	93626	0811C-03-086.001	LOGAN BERINDA E	129 HILLCREST CIR	PASS CHRISTIAN	MS	39571
	19608	0811F-01-088.000	MCKEE INVESTMENTS INC	1235 22ND ST	GULFPORT	MS	39501
	19414	0811F-05-029.000	GULF COAST COMM FED CREDIT UNION	12364 HWY 49	GULFPORT	MS	39503

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	IPL0278361	Legal Ad - IPL0278361		1.0	60.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
accountspayable@gulfport-ms.gov;sasmith@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 P.M., Thursday, October 23, 2025 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development, Planning Division, located on the first floor of the William H. Hardy Building, 1410 24th Avenue.

Special Exception 2510SE118, by owner 3 Rivers LLC, seeking approval for a liquor store use, Tax Parcel 0807P-01-023.002, 13111 Three Rivers Road, Zoned B-2 (General-business), R-2 (Single-Family), Ward 7

Tree Permit Appeal 2510PC117, by agent Tony Vu, seeking to appeal denied tree permit, Tax Parcel 0911B-02-015.000, 30 E Beach Blvd, Zoned T6 (Urban Core Zone), Ward 2

Zoning Map Amendment 2510PC119, by owner Cast Developments LLC, requesting to rezone parcels to T4+ (General Urban Zone "Plus"), Tax Parcels 0911A-02-099.000, 0911A-02-098.000, 139 Palmetto Lane, 418 16th Street, Zoned T4+ (General Urban Zone "Plus"), T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2511PC122, by agent John Dees, requesting to rezone parcel to be T5 (Urban Center Zone), Tax Parcels 0811F-05-026.000, 0811F-05-027.000, 2100 24th Avenue, 2122 24th Avenue, Zoned T4L (General Urban Zone "Limited"), T5 (Urban Center Zone), Ward 3

This the 1st day of October 2025
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0278361
Oct 8 2025

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1.0 insertion(s) published on:
10/08/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



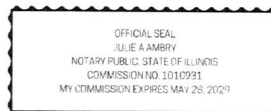
Russ Davis

Julie A Ambry



Sworn to and subscribed before
me on

Oct 8, 2025, 10:55 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

**APPLICATION FOR
GENERAL SUBDIVISION PLAN
FOR TOWNHOMES**
Property Information

For Staff Use Only

Case File #: 2512AC134Date Received: 10/16/25Receipt #: 13533498Received By: LDZoning: T4+, T4LWard: 2 Flood: _____Size: 2.34 acres

(If necessary, use separate sheet of paper)

TAX PARCEL #

1	0	1	0	K
1	0	1	0	K
1	0	1	0	K

 -

0	4
0	4
0	4

 -

0	2	1
0	1	0
0	0	6

 •

0	0	0
0	0	0
0	0	0

Address of Property Involved: 0 Cowan RoadLot(s) _____, Block(s) _____, Subdivision Eureka AddGeneral Location: East of Cowan Road, West of 5th Street, South of 5th Street, North of North Street**GENERAL DESCRIPTION OF REQUEST:**+ 5 out parcels
Reducing lot density in proposed development from 44 Lots to 36 Lots per Owners request.**OWNERSHIP AND CERTIFICATION:**

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Cowan Investments, LLC

Printed Name Of Owner
13334 Seaway Rd. Ste 201Mailing Address
Gulfport MS 39503City State Zip code
562.896.5488Home Phone Work/Cell Phone
rick@bhomesinc.com

Email

Signature Of Owner

AGENT

Freddie Fountain w/Fountain & Associates, LLC

Printed Name Of Agent
13334 Seaway Road, Ste. 202Mailing Address
Gulfport MS 39503City State Zip code
228-574-3659Home Phone Work/Cell Phone
freddie@fountainllc.com

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

**SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.**

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Cowan Investments, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE) 13334 Seaway Rd. Ste 201, Gulfport, MS, 39503

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED 1010K-04-006.000, 1010K-04-010.000, 1010K-04-021.000

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES PERSON/AGENT FOR YOU: _____

**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

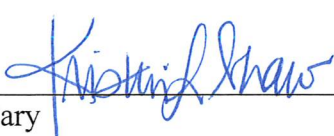
Please allow this letter to serve as official notice that **Freddie Fountain with Fountain & Associates**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

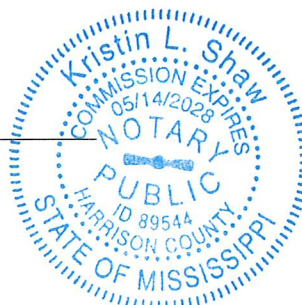
Sincerely,



Jennifer Davis



Notary



**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

Please allow this letter to serve as official notice that **DJ Arwood with Matrix Building, LLC**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

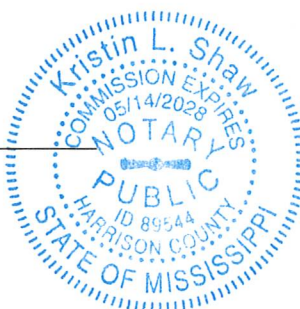
Sincerely,



Jennifer Davis



Notary



**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

Please allow this letter to serve as official notice that **Terry Moran with Terry Moran Engineering, LLC**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

Sincerely,

Jennifer Davi

Notary





TERRY MORAN
ENGINEERING

P.O. BOX 4076
BLOOMING, MS 38835
PH 228.866.4733

TERRY MORAN,
P.E., P.L.S.

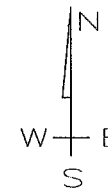
In Association With

FA FOUNTAIN & ASSOCIATES
CIVIL AND COMMERCIAL DESIGN
13334 Seaway Road, Ste. 202
Gulfport, MS 39503
228-574-3659

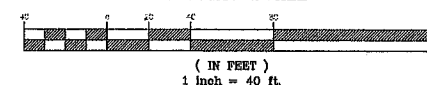
Date 08-27-2025
Drawn By F.O.F.
Check By T.J.M.
REV 09-23-2025
10-16-2025

PROPOSED RELAYOUT
OF COWAN TOWNHOMES
0 COWAN ROAD
GULFPORT, MS

Sheet
C3



GRAPHIC SCALE



	TOP OF SEWER MANHOLE AT SW CORNER OF PROPERTY
ELEV. = 28.71'	

BOUNDARY BASED ON SURVEY BY CROSBY SURVEYING;
TOPOGRAPHIC INFORMATION BASED ON THE SAME
SUBJECT PROPERTY LIES WITHIN "X" FLOOD ZONE
PER FEMA PANEL 28047C0269G DATED JUNE 16, 2009.

NOTE: SITE LIGHTING POLES, FIXTURES, AND
PHOTOMETRIC STUDY TO BE PROVIDED BY MS
POWER.

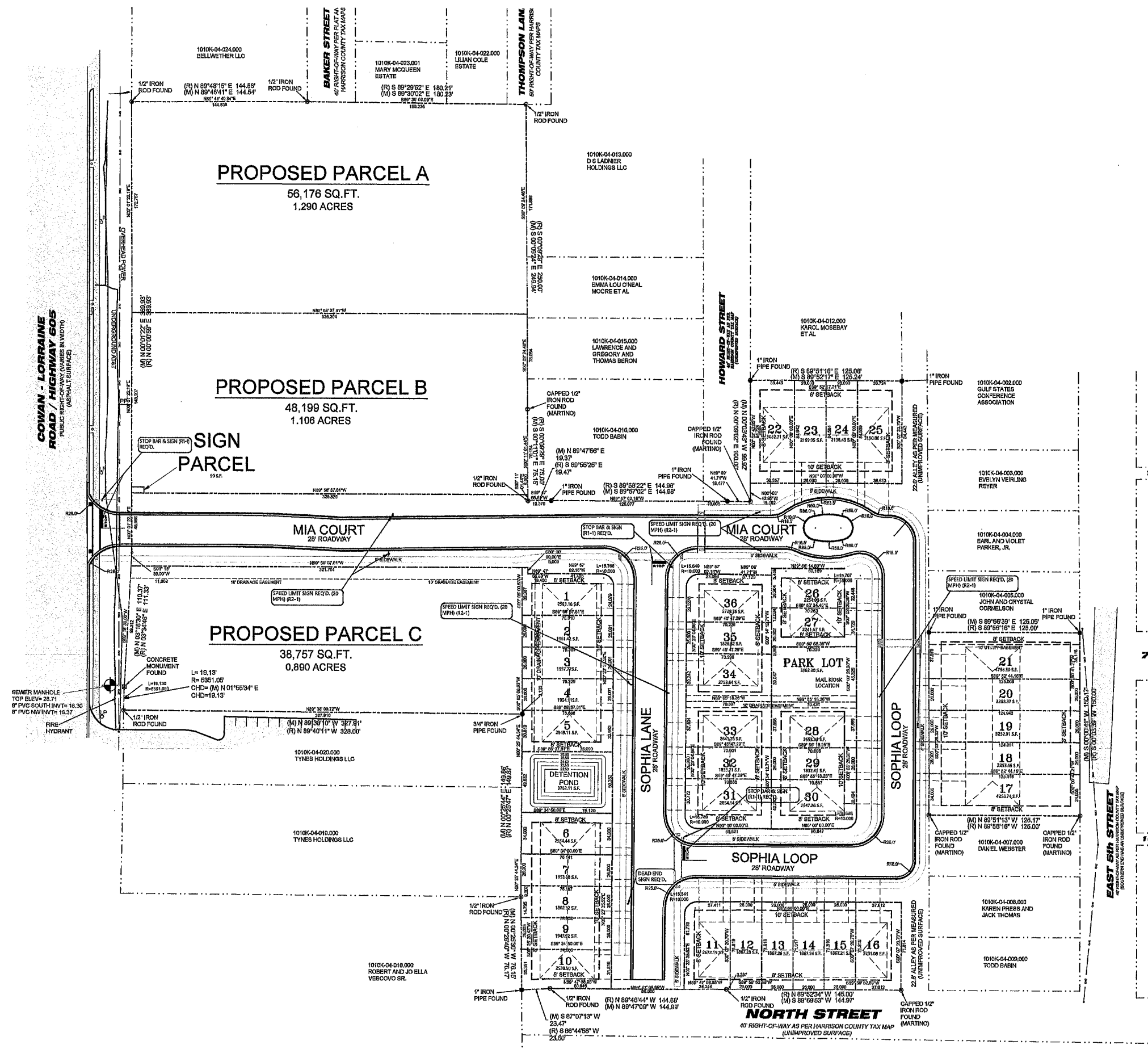
SITE DATA TABLE

ACREAGE: 6.899 +/- AC; DISTURBED: 4.255 +/- AC

ZONING: T4+ (R-B) & T4L (R-O)

SETBACKS:

FYSB - 10 FT
SYSB - 8 FT
RYSB - 8 FT



LOT & STREET LAYOUT

SCALE: 1" = 40'-0"

Proposed Townhome Project
Cowan Road
Gulfport, Mississippi

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Prepared for

CamDav, LLC
2082 Beach Dr.
Gulfport, MS 39507

By:

Terry Moran Engineering with
Fountain & Associates
13334 Seaway Road Ste. 202
Gulfport, Mississippi 39503
PH (228) 861-5209

Project No. 24-011

STORMWATER POLLUTION PREVENTION PLAN

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Project Narrative

Project Description

The proposed project consists of the construction of installing all utilities, building the roadways, and grading/building pads for 8 townhome buildings consisting of 44 units located off of Cowan Road in Gulfport, Mississippi (see attached vicinity map). The proposed construction and development project consists of approximately 4.42 +/- total acres with 4.255 +/- acres being disturbed. The areas included in the total disturbed area is any sections of land where development will take place. Construction of the proposed streets and lots will require site preparation (clearing and grubbing), earthwork (cut and fill), installation of impervious pavements and townhomes. Post-development surface runoff calculations have been prepared and are included in Appendix A.

Underground and surface storm water drainage will be implemented for the proposed development, as it is required by the local governmental authority. Erosion control devices such as silt fencing, straw wattles, and inlet protection will be used to control erosion occurring on site and help prevent sedimentation onto neighboring properties.

Location

As stated above, the proposed project will be located off of Cowan Road in Biloxi, Mississippi, as shown in the attached exhibits. The proposed project is approximately 0.65 miles north of Hwy 90 on Cowan Road.

Construction of all streets and related improvements will be completed in one phase of the project. Once construction is completed and the subdivision is platted with the local jurisdiction, construction of residences will begin.

Access

There is one means of egress located off of Cowan Road as shown in the drawings.

Planned Work

The proposed project will be completed in one phase. This phase of the development, including neutral ground, is planned to be approximately 4.255 +/- acres.

Soils

Based on information from the NRCS's Web Soil Survey Website, the proposed project site's native soil consists of 41.5% Pactolus which has characteristics of being well drained with a negligible runoff coefficient, 37.6% of the soil on site is Ponzer and Smithton which has characteristics of being poorly drained and has a high runoff classification, and the remaining soil makeup of the property is Latonia loamy sand which has characteristics of being well drained and has a very low runoff classification.

Construction Implementation Sequence

The following construction implementation sequence is planned to minimize the amount of sediment movement on site and sediment loss from the project site. Silt fencing will be placed along property line and construction boundaries. Double silt fencing will be placed along sensitive areas such as wetlands, creeks, or other waters of the U.S. to ensure no sediment is deposited in these areas. There are no wetlands on this property; however, double silt fencing will be installed around the detention pond. Inlet protection consisting of silt fencing, aggregate, and wooden stakes, as shown in construction details, will be placed around all drainage inlets to prevent infrastructure from being filled with silt during construction. Straw wattles will also be used around inlets and the effluent ends of drainage pipes to contain additional siltation.

Temporary grassing of all slopes, ROW, and common areas will be performed within 72 hours of area being disturbed, but no more than 7 days after disturbance of the area is complete.

Installation and maintenance of these measures are considered critical for controlling sediment movement at this project site. Activities will not begin until all permits have been obtained and the work is authorized. Construction is expected to take 6 to 8 months, weather permitting. It is important that appropriate construction workers are aware of the SWPPP and have ready access to it. The owner or prime contractor must inspect and maintain controls, recording damages or deficiencies and corrective measures, and complete monthly inspection reports using the form

Storm Water Pollution Prevention Plan

provided by MDEQ. Problems should be corrected within 24 hours or as soon as practicable after an inspection. Changes to correct deficiencies in the SWPPP should also be made as soon as practicable after the inspection. The SWPPP must accurately reflect the site and construction and be corrected if it does not.

Construction Activities Sequence

Major construction activities will be scheduled and carried out in a manner consistent with routine construction practices per approved plans and specifications. The following list provides a general schedule of the events that will occur during construction as well as the sequence in which the events are proposed:

1. Install erosion control measures in areas to be disturbed in accordance with the erosion control plan such as construction entrance and silt fencing
2. Clear and grub the site as per the plans and specifications
3. Excavate to subgrade and stabilize
4. Install infrastructure, water, sewer, and drainage
5. Construct roadway base courses
6. Finalize construction
7. Complete final grading
8. Provide permanent stabilization
9. Remove temporary erosion control measures

Site Preparation

Prior to actual clearing and grubbing and stripping of the street areas or any type of construction, silt fence shall be placed along the perimeter of the development, in particular the down-slope edges of the area being developed. Storm drain inlet protection system shall be installed around all existing inlets and other drainage structures in close proximity of the project to prevent siltation into the underground storm drainage system.

Construction Access

Access to the development shall consist of one entrance located on Cowan Road, as shown on erosion control plan. This ingress/egress point shall be stabilized with crushed limestone, to a

minimum thickness of eight inches (8"). The limestone shall be graded smooth, and maintained in that condition, for the duration of construction. The area of each limestone surface shall be a minimum of 25 feet wide by 50 feet long. Accumulated mud and debris shall be regularly removed from the entrance areas to prevent tracking onto public roads.

Sediment Control Measures

This project will be constructed utilizing associated sediment control measures. Silt fences, straw wattles, storm drain systems, retention/detention ponds, and energy dissipation devices will be utilized and shall be installed in the following sequence to minimize soil movement and loss off of the site:

- 1) Silt Fence: Silt fence shall be installed according to the manufacturer's recommendations.
 - a. Install a single line of silt fence barrier around the project perimeter property lines and install a double line of silt fence along the down slope sides of all environmentally sensitive areas such as delineated wetlands, existing creeks and waterways, etc. prior to the clearing and grubbing and earth moving operation;
 - b. Silt fence shall also be placed around all four (4) sides of each drainage structure that is constructed, to ensure no siltation into the underground storm drainage system;
 - c. Silt fence shall be removed no sooner than 30 days after all streets are paved and all right-of-ways are established with a good stand of grass vegetation.
- 2) Install the storm drains to the grades, elevations, and locations shown on the plans. Actions shall be taken to minimize movement of sediment into the storm drains until the streets receive their final surfaces, and right-of-ways are established with grass in accordance with the above. All drainage culverts under access driveways shall be particularly protected against siltation, utilizing silt fence or straw wattles as described above.
- 3) Retention and Detention ponds shall be installed as specified in the construction plans. These ponds will be sized to meet MDEQ specifications for Water Quality Certification (WQC). Upon completion of construction, ponds will be reshaped to provide appropriate storage volumes that will meet City's stormwater ordinance for pre and post development runoff.

Vegetation

Site development will proceed in a planned sequence and every attempt will be made to preserve existing vegetation to reduce erosion. All disturbed sites will be managed and re-vegetated as

soon as practicable after final grading. Where applicable, disturbed areas will be stabilized by temporarily seeding, permanent seeding, and/or mulching or by leaving the existing forest floor intact. When a disturbed area will be left undisturbed or unattended for seven (7) days or more, appropriate temporary or permanent vegetative practices shall be implemented immediately.

Maintenance Plan

Short Term (During Construction)

When a disturbed area, including stockpiled materials, will be left undisturbed or unattended for seven (7) days or more, appropriate temporary or permanent vegetative practices shall be implemented immediately. These areas will be seeded in accordance with planting schedule, rate of application, and planting preparation outlined in the MDEQ seeding chart, or shall be lined with an erosion and sediment control blanket or shall be mulched per MDEQ requirements.

All erosion and sediment control practices will be checked for stability and operation following every runoff producing rainfall, but not less than once per week. Any needed repairs and/or replacement shall be made immediately to maintain the performance as designed.

Sediment shall be removed from the upstream side of the silt fence when it accumulates to approximately one-third of the height of the silt fence. The silt fence shall then be replaced as necessary to maintain a continuous barrier.

All vegetated areas will be fertilized, and re-vegetated as necessary to maintain a dense plant establishment.

Long Term (After Construction)

All vegetated areas will be maintained in an adequate condition to provide proper ground cover and to reduce to potential for erosion and soil loss, until taken over by the City/County. Where vegetation is lost, the area shall be fertilized, re-mulched and re-seeded as necessary to restore proper ground cover, until the County takes over permanent maintenance of the right-of-ways.

As needed, new employees and/or parties responsible for maintaining right-of-ways will be informed about the requirements of the Maintenance Plan.

Good Housekeeping

The following good housekeeping practices will be practiced at the site throughout the construction project:

- All onsite materials shall be stored in a neat, orderly manner in their appropriate containers
- Products will be kept in their original containers with the original manufacture's label
- Manufacturer's recommendations for the proper use and disposal of materials will be followed
- The site superintendent will inspect the site on a daily basis to ensure proper onsite use and disposal of all materials
- The Contractor shall clearly indicate on a site map within the SWPPP a designated area for concrete truck washout. The location shall be approved by the Owner or their authorized representative prior to its usage. The washout area must be in a location that captures the residual concrete and prevents it from migrating to natural or manmade drainage ways and/or to surface waters. It is the responsibility of the Contractor to monitor this area and to ensure that all residual concrete is captured and handled appropriately and/or as directed by the Owner or their authorized representative. During final site cleanup, the Contractor shall remove from the project site all residual concrete produced by the washout operations.

Additional SWPPP Notes

- Contractor shall stockpile topsoil for use in landscaping
- Contractor shall line all proposed swales and detention pond slopes with erosion and sediment control blankets as shown
- Contractor shall roughen all 4:1 cut slopes by disking prior to seeding
- Contractor shall be responsible for seeding with permanent seed any disturbed areas within 7 days (see owner for type of landscape to be used)
- All equipment maintenance and repair shall be done offsite
- Trash receptacles shall be placed at convenient locations through the site

Storm Water Pollution Prevention Plan

- The main trash collection bin shall be placed near the corner of the construction entrance. Contractor shall coordinate pickup with the City or refuse disposal providers and shall ensure that collection is done with a minimum of once a week.
- Contractor shall check all disturbed area, erosion and sediment controls after each significant rainfall but not less than once per week and make any needed repairs within 24 hours.
- Contractor shall remove any sediment from silt fence, check points, and inlet protection devices whenever sediment has accumulated to one-third the height of the BMP. Contractor shall maintain all vegetated areas to provide proper ground cover by reseeding, fertilization, or mulching.
- A temporary office and portable toilet buildings shall be located at the or near the job trailer or lay-down yard and at locations so that no part of the project is more than 1,000 feet from a toilet facility if possible. These structures shall be maintained on a regular schedule by a licensed disposal company.

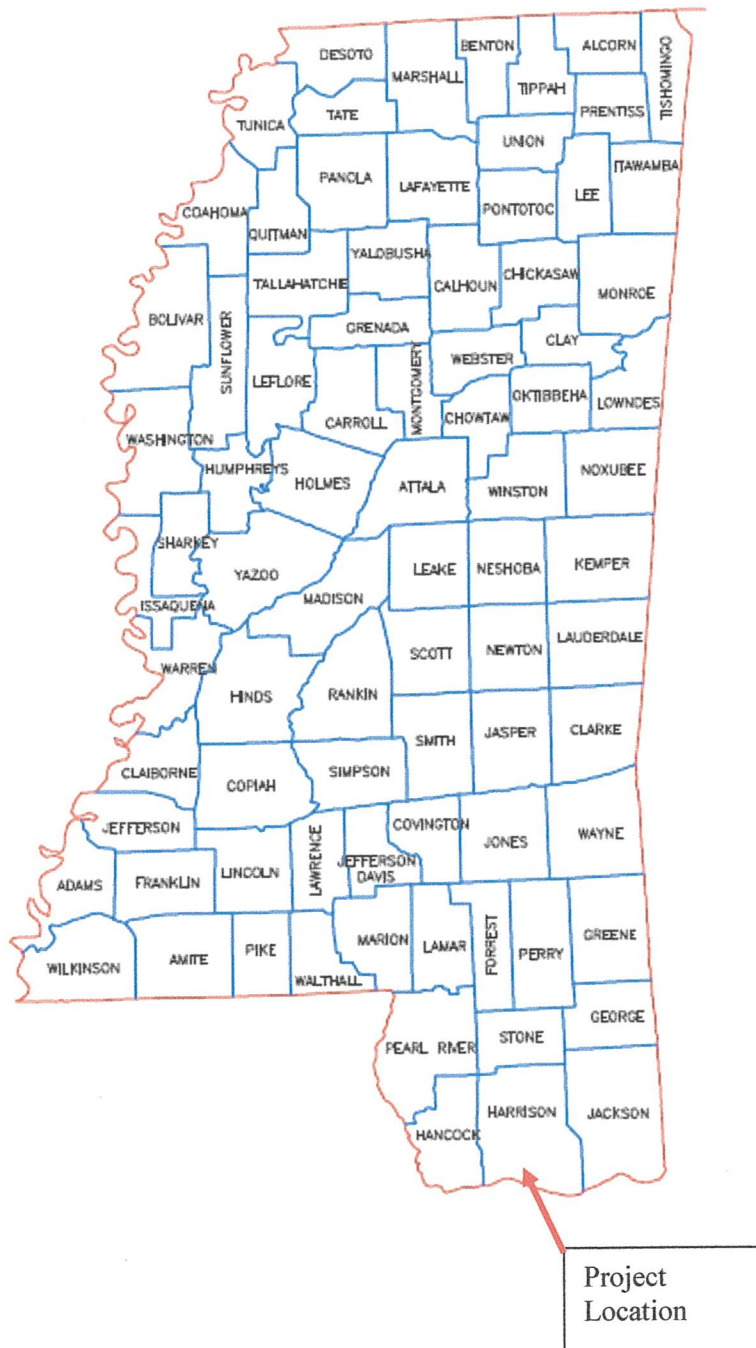
Storm Water Pollution Prevention Plan

Seeding Chart for the State of Mississippi

SPECIES	SEEDING RATE/ACRE	PLANTING TIME	DESIRED pH RANGE	FERTILIZATION RATE/ACRE	METHOD OF ESTABLISHMENT	ZONE OF ADAPTABILITY ¹
Common Bermuda	15 lbs. alone 10 lbs. mixture	3/11-7/115 9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Bahia	40 lbs. alone 30 lbs. mixture	3/1-7/115 9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	Central South
Fescue	40 lbs. alone 30 lbs. mixture	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	North Central
Saint Augustine	--	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	sod only	Central South
Centipede	4 lbs. alone 2.5 lbs. mix	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Carpet Grass	15 lbs. alone 10 lbs. mixture	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Oysia Grass	--	3/1-7/115	6.0 - 7.0	600 lbs. 13-13-13	sod only	All
Creeping Red Fescue	30 lbs. alone 22.5 lbs. mix	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
Weeping Lovegrass	10 lbs. alone 5 lbs. mix	3/1-7/15	6.0 - 7.0	600 lbs. 13-13-13	seed	All
Sericca Lcspedeza	40 lbs.	3/11-7/115 9/11-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Wheat	90 lbs. alone	9/1-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
*Ryegrass	30 lbs.	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
*White Clover	5 lbs.	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Crimson Clover	25 lbs. alone 15 lbs. mix	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Hairy Vetch	30 lbs.	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Browntop Millet	40 lbs. alone 15 lbs. mix	4/1-8/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All

* Annuals. For permanent seeding, annuals can only be used in a mixture with perennials.

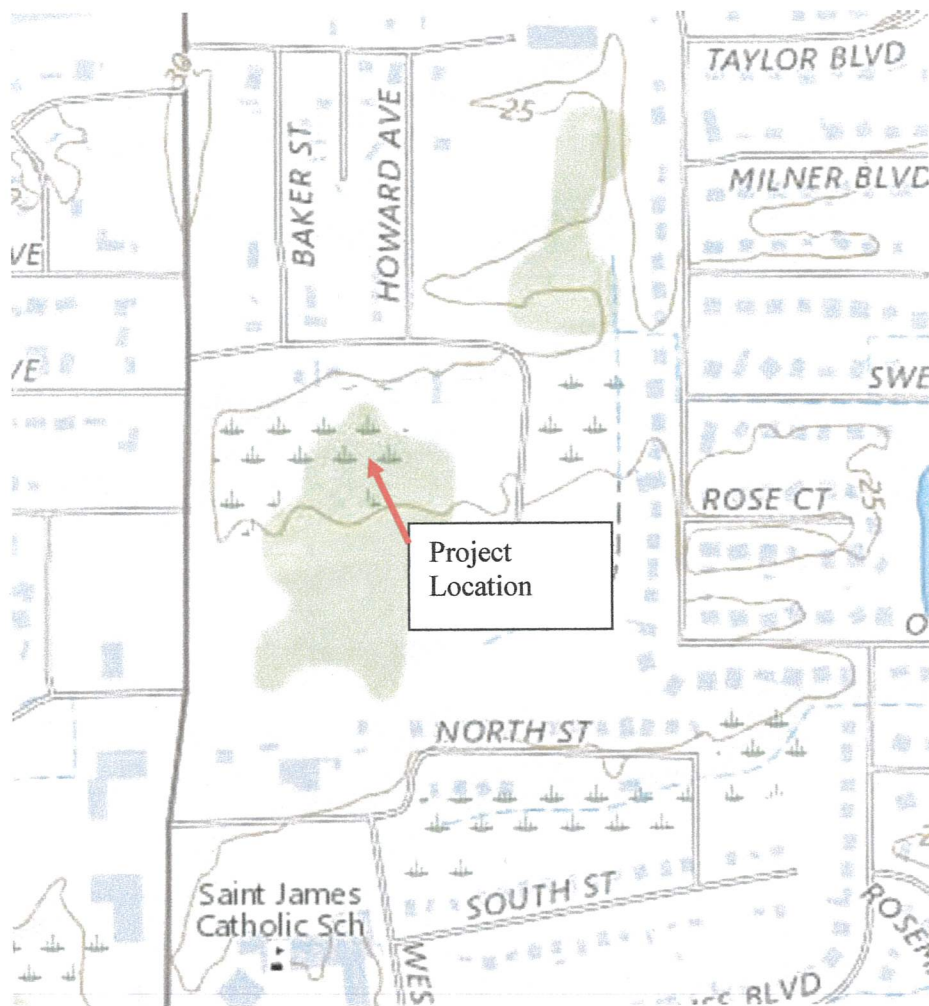
Site Location Map



Vicinity Map



USGS 7.5 Minute Quadrangle Map



Erosion Control Plan and Details

(see attached Sediment Control Plan and Details)

Appendix A – Drainage Calculations

(see Sheet C – Area Flow Calculations)



DRAINAGE ANALYSIS FOR:

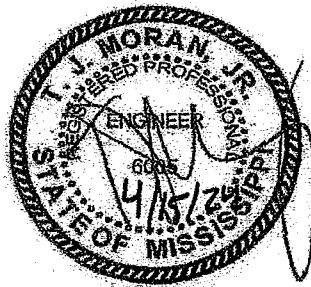
Cowan Townhomes

Gulfport, MS

4/15/2024

Prepared By: Nick Fountain

Project No. 24-011



Rational Method: MDOT Design Manual

PROJECT: Cowan Townhomes
Proj #: 24-001

Date: 15-Apr-24

Property : 4.42 Acres
Offsite: Acres

Max. Elev. 30.00
Min. Elev. 23.00

PREDEVELOPMENT

100 year Storm

1 C = 0.11
A = 4.420 acres

L = 312.94 overland flow length (ft)
n = 0.01 Manning roughness coefficient
I = 14.92 rainfall intensity (in/hr) assume
S = 0.01270 av. slope of length of flow (ft/ft)

2 Region 3
See handwritten Tc calcs

3 Tc = 3.37 min.

4 Q=CIA 7.25 cfs

C = 0.11 Non weighted
I = 14.92 from above
A = 4.420 acres

POSTDEVELOPMENT

100 year Storm

1 C (avg) = 0.370
A = 4.420 acres

L = 264.83 overland flow length (ft)
n = 0.011 Manning roughness coefficient
I = 14.9 rainfall intensity (in/hr) assume
S = 0.01630 av. slope of length of flow (ft/ft)

2 Region 3
See handwritten Tc calcs

3 Tc = 1.70 min.

0.03 hours

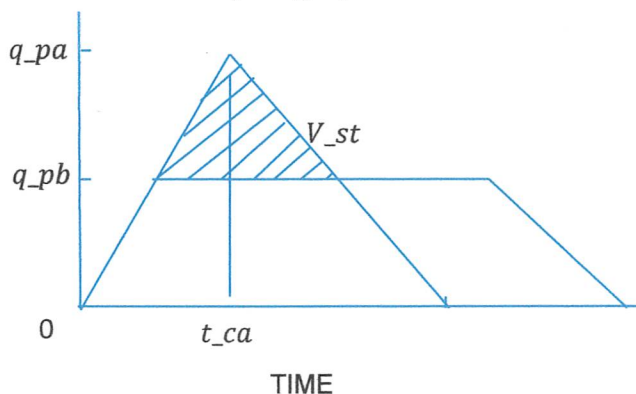
4 Q=CIA 23.58 cfs

C = 0.370 Weighted
I = 14.420 from above
A = 4.420 acres

ΔQ 16.33 cfs

Detention Calculation: Rational Stormwater Hydrograph

$$V_{st} = (0.08264)(Q_{pa} - Q_{pb})(t_{ca})$$



Q_{pa}	23.58	Post development runoff discharge (cfs)
t_{ca}	0.03	Post development time of concentration (hours)
Q_{pb}	7.25	Outflow peak discharge (cfs)
V_{st}	0.038	Storage volume required (ac-ft)
	1666	cf Required
	11916	cf Provided

Project Description: Cowan Townhomes

50-year drainage study

Analysis Options

Flow Units cfs

Subbasin Hydrograph Method. Rational

Time of Concentration..... SCS TR-55

Return Period..... 50 years

Starting Date APR-15-2024 00:00:00

Ending Date APR-16-2024 00:00:00

Report Time Step 00:00:10

Subbasin Summary

Subbasin Total Area (acres)

Sub-01 4.42

Node ID	Element Type	Invert Elevation (ft)	Maximum Elev (ft)	Ponded Area (ft ²)
------------	-----------------	--------------------------	----------------------	-----------------------------------

OFS	JUNCTION	22.30	26.00	7977.00
-----	----------	-------	-------	---------

Out-02	OUTFALL	26.00	26.00	0.00
--------	---------	-------	-------	------

Runoff Quantity Continuity	Volume acre-ft	Depth inches
Total Precipitation	0.630	0.855
Continuity Error (%)	0.758	

Flow Routing Continuity	Volume acre-ft	Volume Mgallons
-------------------------	-------------------	--------------------

External Inflow 0.000 0.000

External Outflow 0.152 0.050

Runoff Coefficient Computations Report:

Predevelopment

Soil/Surface Description	Area (acres)	Soil Group	Runoff Coeff.
Forest, 25 years or greater	4.42	A (2-6%)	0.11

Post-Development

Soil/Surface Description	Area (acres)	Soil Group	Runoff Coeff.
Residential, 25 years or greater	3.50	A (2-6%)	0.37

SCS TR-55 Time of Concentration Computations Report

Sheet Flow Equation:

$$T_c = (0.007 * ((n * L_f)^{0.8})) / ((P^{0.5}) * (S_f^{0.4}))$$

Where:

T_c = Time of Concentration (hrs)

n = Manning's Roughness

L_f = Flow Length (ft)

P = 2 yr, 24 hr Rainfall (inches)

S_f = Slope (ft/ft)

Shallow Concentrated Flow Equation:

$$V = 16.1345 * (S_f^{0.5}) \text{ (unpaved surface)}$$

$$V = 20.3282 * (S_f^{0.5}) \text{ (paved surface)}$$

$$V = 15.0 * (S_f^{0.5}) \text{ (grassed waterway surface)}$$

$$V = 10.0 * (S_f^{0.5}) \text{ (nearly bare \& untilled surface)}$$

$$V = 9.0 * (Sf^{0.5}) \text{ (cultivated straight rows surface)}$$

$$V = 7.0 * (Sf^{0.5}) \text{ (short grass pasture surface)}$$

$$V = 5.0 * (Sf^{0.5}) \text{ (woodland surface)}$$

$$V = 2.5 * (Sf^{0.5}) \text{ (forest w/heavy litter surface)}$$

$$Tc = (Lf / V) / (3600 \text{ sec/hr})$$

Where:

Tc = Time of Concentration (hrs)

Lf = Flow Length (ft)

V = Velocity (ft/sec)

Sf = Slope (ft/ft)

Channel Flow Equation:

$$V = (1.49 * (R^{2/3}) * (Sf^{0.5})) / n$$

$$R = Aq / Wp$$

$$Tc = (Lf / V) / (3600 \text{ sec/hr})$$

Where:

Tc = Time of Concentration (hrs)

Lf = Flow Length (ft)

R = Hydraulic Radius (ft)

Aq = Flow Area (ft²)

Wp = Wetted Perimeter (ft)

V = Velocity (ft/sec)

Sf = Slope (ft/ft)

n = Manning's Roughness

Predevelopment

Sheet Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	300.00	0.00	0.00
Slope (%):	1.27	0.00	0.00
2 yr, 24 hr Rainfall (in):	5.80	5.80	5.80
Velocity (ft/sec):	1.92	0.00	0.00
Computed Flow Time (minutes):	2.60	0.00	0.00

Shallow Concentrated Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Flow Length (ft):	12.94	0.00	0.00
Slope (%):	1.27	0.00	0.00
Surface Type:	Forest	Unpaved	Unpaved
Velocity (ft/sec):	0.28	0.00	0.00
Computed Flow Time (minutes):	0.77	0.00	0.00

Total TOC (minutes):	3.37
----------------------	------

Post-Development

Sheet Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	50.38	0.00	0.00
Slope (%):	2.00	0.00	0.00
2 yr, 24 hr Rainfall (in):	5.80	5.80	5.80
Velocity (ft/sec):	1.61	0.00	0.00
Computed Flow Time (minutes):	0.52	0.00	0.00

Shallow Concentrated Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Flow Length (ft):	214.45	0.00	0.00
Slope (%):	1.26	0.00	0.00
Surface Type:	Paved	Unpaved	Unpaved
Velocity (ft/sec):	2.28	0.00	0.00
Computed Flow Time (minutes):	1.57	0.00	0.00

Channel Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	327.40	0.00	0.00
Channel Slope (%):	0.25	0.00	0.00
Cross Section Area (ft ²):	1.77	0.00	0.00
Wetted Perimeter (ft):	4.71	0.00	0.00
Velocity (ft/sec):	3.52	0.00	0.00
Computed Flow Time (minutes):	1.55	0.00	0.00

Total TOC (minutes): 3.64

Subbasin Runoff Summary

Subbasin ID	Accumulated Precip(in.)	Rainfall Intensity(in/hr.)	Total Runoff(in.)	Peak Runoff(cfs)	C-value
Predevelopment	0.83	14.92	0.09	7.25	0.110
Post-Development	0.88	14.42	0.33	23.58	0.370



State of Mississippi
Mississippi Department of Environmental Quality
(MDEQ) Office of Pollution Control (OPC)
Environmental Permits Division (EPD)



SMALL CONSTRUCTION STORM WATER GENERAL PERMIT

FOR LAND DISTURBING ACTIVITIES OF ONE (1) to LESS THAN FIVE (5) ACRES

TO DISCHARGE STORM WATER AND ALLOWABLE NON-STORM WATER FROM REGULATED CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

THIS CERTIFIES THAT

FACILITIES OR PROJECTS ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM AND/OR ALLOWABLE NON-STORM WATER FROM REGULATED CONSTRUCTION ACTIVITIES INTO STATE WATERS

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

Mississippi Environmental Quality Permit Board


Authorized Signature

Mississippi Department of Environmental Quality

Issued: MAY 20 2019

Permit No. MSR15

Expires: APR 30 2024

AI 35524

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ACT1 (Small Construction) Introduction:

Narrative Requirements:

Condition	
No.	Condition
T-1	INTRODUCTION: The Small Construction General Permit (SCGP) authorizes storm water discharges from construction activities disturbing one (1) acre to less than five (5) acres, or less than one acre if part of a "larger common plan of development or sale," where the total acreage is based on cumulative planned disturbance of less than 5 acres. Construction activities and construction activities part of a "larger common plan of development or sale" disturbing five acres or greater are regulated under the Large Construction General Permit. Storm water discharges that enter waters of the state or storm water conveyance systems leading to waters of the state are subject to regulation and compliance with the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by the Executive Director based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the state. Upon issuance by the Permit Board on Environmental Quality, this permit will replace the previous Small Construction General Permit which expired on March 31, 2018. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (for example, the maintenance of existing ditches, channels, or other similar storm water conveyances, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, re-clearing of vegetation in a right-of-way, and other similar maintenance activities).

ACT2 (Small Construction) Permit Applicability and Coverage:

Narrative Requirements:

Condition No.	Condition
T-1	PERMIT AREA: The Small Construction General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	COVERED DISCHARGES: (1) Discharges composed entirely of stormwater and allowable non-stormwater identified in T-5 of this ACT from small construction activities including clearing, grading, excavating and other land disturbing activities equal to or greater than one (1) acre and less than five (5) acres. These discharges are designated as small construction activities under the National Pollutant Discharge Elimination System (NPDES) stormwater program and are covered under this permit. Small construction activities disturbing less than one (1) acre are designated if: (A) The project is part of a larger common plan of development or sale with a cumulative planned disturbance of equal to or greater than one (1) acre and less than five (5) acres (for example, individual or commercial lots that are part of a subdivision or a commercial development that initially impacts less than one (1) acre but will ultimately exceed the one (1) acre threshold, or (B) The Executive Director of the Mississippi Department of Environmental Quality (MDEQ) designates the construction activity based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (2) A project is eligible for coverage under this general permit for discharges of pollutants of concern to water bodies for which there is a Total Maximum Daily Load (TMDL) established or approved by the Environmental Protection Agency (EPA) if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the project must incorporate in the Storm Water Pollution Prevention Plan (SWPPP) and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific wasteload allocation is established that would apply to the project's discharge, the project must implement steps necessary to meet that allocation within three (3) months from the final TMDL approval date. MDEQ's approved TMDL list may be found at the link listed in paragraph (3) below. In addition, "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" identifies specific controls that may be used to address consistency with any applicable TMDLs. The manual can be found at our website, https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/

ACT2 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-3	(3) A project is eligible for coverage under this general permit for discharges of storm water to impaired water bodies on MDEQ's 303(d) list, provided best management practices (BMPs) are employed that prohibit further impairment of the designated and/or existing beneficial uses in the receiving water body. To be eligible for coverage under this general permit, the owner/operator must indicate on the SCNOI that the project discharges to a 303(d) listed receiving water and incorporate appropriate BMPs in its SWPPP. MDEQ's 303(d) list of impaired water bodies may be found on MDEQ's website, www.mdeq.ms.gov
T-4	ALLOWABLE NON-STORM WATER DISCHARGES: Owner or operators are authorized for the following non-storm water discharges. Except for flows from firefighting activities, sources of non-storm water below that are combined with storm water discharges associated with construction activity must be identified in the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. A. Discharges from fire-fighting activities B. Fire hydrant flushings C. Water used to control dust D. Potable water sources including water line flushings E. Routine external building wash down that does not use detergents F. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless totally removed) and where detergents are not used G. Uncontaminated air conditioning or compressor condensate H. Uncontaminated ground water or spring water I. Foundation or footing drains where flows are not contaminated with process materials such as solvents J. Landscape irrigation K. Water used to wash vehicles, wheel wash water, and other wash waters where detergents are not used. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	PROHIBITED NON-STORM WATER DISCHARGES: A. Wastewater from washout of concrete (unless managed by an appropriate control) B. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials C. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance D. Soaps or solvents used in vehicle and equipment washing E. Wastewater from sanitary facilities, including portable toilets F. Dewatering activities, including discharges from dewatering of trenches and excavations unless managed by BMPs. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT2 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-6	THIS PERMIT DOES NOT AUTHORIZE: (1) Discharges associated with construction activity that disturb five (5) or more acres that are covered under the Large Construction General Permit or that have been covered under an individual permit in accordance with ACT3, S-2 of this permit. (2) Discharges from construction sites that the Executive Director determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. Where such determinations have been made, the Mississippi Environmental Quality Permit Board (Permit Board) will contact the owner or operator. The Permit Board may determine that an individual permit application is necessary in accordance with ACT3, S-2 of this permit. However, the Permit Board may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the Storm Water Pollution Prevention Plan. (3) Discharges to impaired receiving waters, unless the SWPPP specifically identifies Best Management Practices (BMPs) which ensure storm water will not cause or contribute to non-attainment of a water quality standard. In cases where the Permit Board becomes aware of potential impairment due to small construction activities, the Permit Board will require the submittal of the SWPPP in order to ascertain whether the selected BMPs are sufficient to comply with requirements of this permit or any other requirements of the Permit Board. (4) Activities that will affect waters of the state, including wetlands, without obtaining the necessary U.S. Army Corps of Engineers' (COE) individual Section 404 permit or coverage under a COE nationwide or general permit. If a Small Construction Notice of Intent (SCNOI) is requested by the Permit Board, appropriate COE documentation must be included. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (5) Discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization. (6) Discharges of hazardous substances or oil resulting from an on-site spill. (7) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed SCNOI, or County Utility Authority approval, if applicable, will be deemed to constitute the regulated entity's certification of eligibility. [40 CFR 122.49]

ACT3 (Small Construction) Obtaining Coverage:

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Submittal/Action Requirements:

Condition	
No.	Condition
S-1	HOW TO OBTAIN AUTHORIZATION: (1) If a Small Construction Notice of Intent (SCNOI) has not been requested by the Permit Board (SCNOI not submitted to MDEQ), Owners or operators are authorized to discharge storm water or allowable non-storm water associated with small construction activity under the terms and conditions of this permit upon commencement of small construction land disturbing activities (i.e., Construction may begin after the completion of the SCNOI and the development and implementation of the required Storm Water Pollution Prevention Plan (SWPPP)). (2) If a Small Construction Notice of Intent (SCNOI) has been requested by the Permit Board (SCNOI submitted to MDEQ). Owners or operators are authorized to discharge storm water or allowable non-storm water only after staff review and receipt of written notification of approval of coverage by the Permit Board Staff. Beginning December 21, 2020, applicants must submit the NOI electronically as required by 40 CFR 127.16 when requested by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	REQUIRING AN INDIVIDUAL PERMIT: Upon receipt of a SCNOI, the Permit Board may require an alternate permit. The Permit Board may require any owner or operator of land disturbing activities of equal to or greater than one (1) acre and less than five (5) acres to apply for and obtain an individual NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any small construction owner or operator to apply for an individual NPDES permit only if the owner or operator has been notified in writing. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (Small Construction) Small Construction Notice of Intent:

Submittal/Action Requirements:

Condition	
No.	Condition

S-1 SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI):

Prior to the commencement of small construction activity, the owner or operator must complete a Small Construction Notice of Intent (SCNOI) provided at the end of this permit. The SCNOI and SWPPP described in ACT5 shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) only upon request from MDEQ. However, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Failure to complete a SCNOI prior to the commencement of construction activity or to submit a SCNOI when requested is a violation of State regulations. The SCNOI shall be retained by the owner or operator as required by ACT8, R-1 of this permit. Attachments to the SCNOI must include: A Storm Water Pollution Prevention Plan (SWPPP) and a U.S. Geological Survey quadrangle map or copy (only if required to be submitted to MDEQ) showing site location.

The owner(s) of the property and the operator(s) associated with the regulated construction activity on the property have joint and severable responsibility for compliance with the permit. Notwithstanding any permit condition to the contrary, the coverage recipient and any person who causes pollution of waters of the state or places waste in a location where they are likely to cause pollution, shall remain responsible under applicable federal and state laws and regulations, and applicable permits.

The SCNOI shall be signed in accordance with the provisions of ACT11, T-4 of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Page 7 of 35

Narrative Requirements:

Condition No.	Condition
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T-1 WHERE TO SUBMIT THE SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI), IF REQUESTED:

If requested, complete and appropriately signed SCNOI forms must be submitted to:

Chief, Environmental Permits Division
MS Dept. of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

For priority or overnight deliveries, the physical address is:

515 East Amite Street
Jackson, Mississippi 39201

Beginning December 21, 2020, applicants must submit the NOI electronically as required by 40 CFR 127.16 when requested by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (Small Construction) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:

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Submittal/Action Requirements:

Condition	
No.	Condition
S-1	SWPPP DEVELOPMENT: A site-specific SWPPP shall be developed requiring the design, installation, implementation and maintenance of effective pollution prevention measures by each owner or operator subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with construction activity. The SWPPP shall describe and ensure the implementation of specific best management practices for the project site, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. (1) The SWPPP shall be retained at the permitted site or locally available. A copy of the SWPPP must be made available to the MDEQ or MS4 inspectors for review at the time of an on-site inspection. (2) BMPs shall be in place upon commencement of construction. (3) The Executive Director of MDEQ or designee will notify the owner or operator whenever he/she becomes aware that the SWPPP does not meet the minimum requirements of this permit. After notification, the owner or operator shall amend the SWPPP, implement the changes and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided by the Executive Director, the requested changes shall be made within 15 days. (4) The owner or operator shall amend the SWPPP and implement the changes before there is a change in construction, operation, or maintenance, which may potentially affect the discharge of pollutants to waters of the state. (5) The owner or operator shall amend the SWPPP and implement the necessary changes within 15 days if the SWPPP proves to be ineffective in controlling storm water pollutants including, but not limited to, significant sediment leaving the site and non-functioning BMPs.

ACT5 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-1	SWPPP CONTENT: Owner or Operator: The SWPPP shall identify the "owner or operator" as defined in ACT12 of this permit. The operator's name, complete mailing address, email address, and telephone number(s) shall be identified on the plan. [11 Miss. Admin. Code Pt. 6, Ch. 1.] Erosion and Sediment Controls and Soil Stabilization Requirements: The SWPPP shall list and describe site-specific controls appropriate for the construction activities as well as the procedures for implementing such controls. Controls shall be designed to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the project site, the SWPPP must include written justification as to why site-specific constraints and/or costs make the control(s) infeasible. At a minimum, such controls must be designed, installed and maintained to: (1) Control storm water volume and velocity within the site to minimize soil erosion; (2) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points; (3) Minimize the amount of soil exposed during construction activity; (4) Minimize the disturbance of steep slopes.

ACT5 (continued):

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Narrative Requirements:

Condition No.	Condition
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T-2 SWPPP CONTENT (continued):

(5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provide and maintain a 50-foot undisturbed natural buffer around waters of the United States; or provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. Direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible;

(7) Minimize soil compaction and, unless infeasible, preserve topsoil;

(8) Direct storm water to vegetated areas, brush barriers, silt fences, hay bales, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge;

(9) Transport runoff down steep slopes through lined channels or piping;

(10) Minimize the amount of cut and fill, and soil compaction; and

(11) Minimize off-site vehicle tracking of sediments.

At a minimum, the controls must be in accordance with the standards set forth in the most current edition of the "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)," or other recognized manuals of design as appropriate for Mississippi. The planning and design manual can be obtained by calling 601/961-5171 or may be found electronically on the MDEQ website, <https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/>.

Narrative Requirements:

Condition	
No.	Condition
T-3	SWPPP CONTENT (continued): The number and type of BMPs included in the SWPPP must reflect the specific conditions of the construction site. An effective SWPPP includes a combination of BMPs that are designed to work together. A combination of BMPs is listed below and must be included as minimum components of a SWPPP. (1) Vegetative Practices shall be designed to preserve existing vegetation where feasible and initiate vegetative stabilization measures after land disturbing activities. Such practices may include, but are not limited to, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, tree protection and topsoil preservation. Soil stabilization-vegetative stabilization measures must be initiated whenever any clearing, grading, excavating or other land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of fourteen (14) days or more. The appropriate temporary or permanent vegetative practices shall be implemented immediately. For the purpose of this permit, "immediately" is interpreted to mean no later than the next work day. The following specific practices must be included, unless infeasible (see Definitions). If any of the following practices are deemed infeasible, written justification must be included in the SWPPP. (A) Buffer zones (see Definitions) shall be maintained between land disturbing activities and water bodies. (B) Topsoil should be stockpiled and used in areas that will be re-vegetated. When final grade is reached it should be distributed to a minimum depth of 2 inches on 3:1 slopes and 4 inches on flatter slopes. (C) Heavy equipment use in areas to be re-vegetated should be avoided. If compaction cannot be avoided, the top 4 inches of the soil bed should be tilled before re-vegetation. Any necessary fertilizer or other soil amendments should be added during the tilling process. (2) Structural practices shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include, but are not limited to, construction entrance/exit, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls. If a sedimentation basin is used, must be installed before initial site grading and utilize outlet structures that withdraw water from the surface and that are designed for a minimum 2-year, 24-hour storm event.

Narrative Requirements:

Condition No.	Condition
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T-3 SWPPP CONTENT (continued):

The following specific practices must be included, unless infeasible (see Definitions). If any of the following practices are deemed infeasible, written justification must be included in the SWPPP.

- (A) Steep Slopes (see Definitions) that cannot be avoided must have, at a minimum, silt fences or equivalent sediment controls for all down slope boundaries (and for those side slope boundaries deemed appropriate by individual site conditions), unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- (B) Construction entrances/exits (see Definitions) shall be installed wherever traffic will be leaving a construction site and moving directly onto a paved public road.
- (C) Storm Drain Inlets-Inlets that could receive storm water from construction activities shall be protected by surrounding or covering with a filter material until final stabilization has been achieved.
- (D) Perimeter Controls-Natural areas shall be maintained and supplemented with silt fence and fiber rolls around project perimeter. If not feasible to maintain natural areas, a silt fence or similar controls, such as fiber rolls, are sufficient.
- (E) Phasing- Schedule or sequence construction activities so as to concentrate work in certain areas so as to minimize the amount of soil that is exposed at one time.

Narrative Requirements:

Condition	
No.	Condition
T-4	SWPPP CONTENT (continued): (3) Facilities discharging into impaired receiving waters (i.e., receiving stream segments which are listed on MDEQ's 303(d) List of Impaired Waters or segments for which a Total Daily Maximum Load (TMDL) has been approved) must identify the pollutant of concern(s) for the receiving stream in the SWPPP. If applicable, the SWPPP shall describe how the selected BMPs will ensure that discharges from the site will not cause or contribute to exceedance of the water quality standards in the receiving stream. (4) A description of any post-construction control measures. Post-construction control measures should be installed, as necessary, to control pollutants in storm water after construction is complete. These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. (5) Proposed responsible parties (original coverage recipient or new owner or operator) shall be identified for individual lots or out-parcels that are part of a larger common plan of development or sale. If permit responsibility is retained by the original coverage recipient, a narrative description of sediment and erosion controls for subdivision lots is acceptable. Out-parcels in commercial developments must be included in the scaled site map referenced below.

Narrative Requirements:

Condition	
No.	Condition

T-5 Housekeeping Practices:

The owner or operator shall design, install, implement and maintain practices appropriate to prevent pollutants from entering storm water from construction sites because of poor housekeeping. These practices must be listed in the SWPPP and located on the site map.

The owner or operator shall designate and report in the SWPPP areas for equipment maintenance and repair and concrete chute wash off; provide waste receptacles and regular collection of waste; provide adequately maintained sanitary facilities; provide protected storage areas for chemicals, paints, solvents, fertilizers, pesticides, herbicides, detergents and other potentially toxic materials; and implement spill and leak prevention practices and response procedures if spills and leaks do occur; minimize the exposure of building materials, building products, construction wastes, trash and landscape materials. These areas and specific potential pollutants shall be addressed in the SWPPP and located on the scaled site map.

The owner or operator shall provide a description of procedures for:

- (A) Sweeping or removal of sediment and other debris that has been tracked from the site or deposited from the site onto streets and other paved surfaces;
- (B) Removal of sediment or other pollutants that have accumulated in or near any sediment control measures, storm water conveyance channels, storm drain inlets, or water course conveyance within the construction site, and;
- (C) Removal of accumulated sediment that has been trapped by sediment control measures at the site, in accordance with applicable maintenance requirements covered under this permit.

The owner or operator shall also provide a description of the procedures for handling and disposing of wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. [11 Miss. Admin. Code Pt. 6, R. 1]

Narrative Requirements:

Condition	
No.	Condition
T-6	Prepare Scaled Site Map(s): If the construction project is a linear construction project (e.g., pipeline, road, etc.), a scaled site map is not required, however standard diagrams (e.g., cross sections showing dimensions and labeled components) of erosion and sediment controls to be used must be submitted. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	The owner or operator of a non-linear construction project shall prepare a scaled site map showing: (1) Boundaries of property and proposed construction activities, noting any phasing of construction activities, (2) Original and proposed contours (if feasible), with steep slopes (see Definitions) identified, (3) North arrow, (4) Drainage pattern arrows and storm water outfalls, (5) Location of sensitive areas, such as wetlands, perennial streams and adjacent receiving water bodies, (6) Natural buffer zones (7) Location of any storm drain inlets and any receiving MS4, (8) All erosion and sediment controls (vegetative and structural), (9) Any post-construction control measures, and (10) Location of housekeeping practices.

Narrative Requirements:

Condition	
No.	Condition

T-8 Implementation Sequence:

The SWPPP shall outline an implementation sequence (including any phasing of construction activities), which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project.

T-9 Implementation of Controls:

The SWPPP shall require the owner or operator, in disturbing an area, to implement controls as needed to prevent erosion and adverse impacts to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Narrative Requirements:

Condition	
No.	Condition
T-10	Maintenance and Weekly Inspections: The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all controls and outfalls/discharge points are inspected weekly for a minimum of four inspections per month in accordance with ACT6, S-4. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under this permit shall be corrected as soon as possible, but not to exceed 24 hours of the inspection unless prevented by unsafe weather conditions as documented on the inspection form. In the event of an unanticipated breach of a sediment basin/pond temporary containment measures shall be taken within 24 hours after the inspection. Permanent corrective measures shall be implemented within five (5) days of the inspection; however, if permanent corrective measures cannot be implemented within the timeframes provided herein the owner or operator shall contact MDEQ. [11 Miss. Admin. Code Pt. 6, R. 1]
T-11	Non-Storm Water Discharge Management: The SWPPP must identify all allowable sources of non-storm water discharges listed in ACT2, T-5, except for flows from actual firefighting activities, which are combined with storm water discharges associated with large construction activity. Non-storm water discharges should be eliminated or reduced to the extent feasible. Wash waters must be treated in a sediment basin or alternate control that provides equivalent or better treatment prior to discharge. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge.
T-12	Final Stabilization: The SWPPP shall describe procedures to achieve final stabilization (See Definitions) of all disturbed areas of the project site.
T-13	Example Storm Water Pollution Prevention Plans (SWPPPs): Example SWPPPs are included in the Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities as well as the MDEQ Registration Form for Individual Residential Lots. The Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities is also available online at our website, https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/ US EPA also lists example SWPPPs on their website at: https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp

Submittal/Action Requirements:

Condition	
No.	Condition
S-1	SWPPP IMPLEMENTATION REQUIREMENTS: The coverage recipient shall: (1) Implement the site-specific SWPPP and retain a copy of the SWPPP at the permitted site. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to state or local inspectors for review at the time of an on-site inspection. (2) Implement the following pre-construction activities: (A) Mark off areas of "disturbance", "no disturbance" (i.e. buffer zone), and "sensitive areas" (i.e., delineate and clearly flag or mark off areas such as steep slopes, wetlands, perennial streams and adjacent water bodies, or other sensitive areas), (B) Preserve native topsoil on the site to the extent feasible, and (C) Limit construction stream crossings to the minimum necessary to provide access for the construction project. (3) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction. (4) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within thirty (30) days of amendment. (5) Amend the SWPPP if notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements. Coverage recipient shall certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within fifteen (15) days.

Submittal/Action Requirements:

Condition	
No.	Condition
S-2	SWPPP IMPLEMENTATION REQUIREMENTS (continued): (6) Install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction. (7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site. (8) Comply with applicable State or local waste disposal, sanitary sewer or septic system regulations. (9) Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow. (10) If, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation.
S-3	SWPPP COMPLIANCE WITH LOCAL STORM WATER ORDINANCES: (1) In addition to the requirements of this permit, the SWPPP shall be in compliance with all local storm water ordinances. (2) When storm water discharges into a Municipal Separate Storm Sewer System (MS4), the owner or operator must make the SWPPP available to the municipal authority upon request.

Submittal/Action Requirements:

Condition No.	Condition
S-4	INSPECTION REQUIREMENTS: Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the general permit by qualified personnel (see Definitions). (1) after rain events that produce a discharge and at least weekly for a minimum of four inspections per month; and (2) As often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and to determine if additional or alternative control measures are required. Before conducting the site inspection, the inspector should review Chapter 4, Inspector's Checklist and Troubleshooting Chart found in MDEQ's Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi, available online at our website, https://www.mdeq.ms.gov/permits/environmental-permits-division/types-of-general-permits/ MDEQ strongly recommends that coverage recipients perform a "walk through" inspection of the construction site daily to ensure controls are in place and will function properly. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Limitation Requirements:

Condition	No.	Parameter	Condition
	L-1		NON-NUMERIC LIMITATIONS: Storm water discharges shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters, 4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT8 (Small Construction) Record Keeping:**Record-Keeping Requirements:**

Condition	
No.	Condition
R-1	RETENTION OF RECORDS: All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least three (3) years from the date that the document(s) was generated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
R-2	DOCUMENTATION OF INSPECTIONS: All inspections required by ACT6, S-4 of this permit must be documented on the Inspection and Certification Form provided at end of this permit. The form must be certified according to the signatory requirements outlined in ACT11, T-4, T-5 and T-6 of this permit. Documentation must include the day and time the inspection was performed, who performed the inspection, any deficiencies noted, and corrective action needed. Documentation of all inspections must be kept with the SWPPP. Inspections must continue until such time that planned construction activities have been completed, land disturbing activities have ceased and disturbed areas have been stabilized with no significant erosion occurring. To satisfy this requirement for linear projects, inspections may be conducted at representative locations for portions of the project that have been completed and stabilized.

ACT9 (Small Construction) Termination of Permit Coverage:

Submittal/Action Requirements:

Condition	
No.	Condition
S-1	TERMINATION OF PERMIT REQUIREMENTS: (1) If a SCNOI has not been requested by the Permit Board (SCNOI not submitted to MDEQ). Upon successful completion of all permanent erosion and sediment controls, inspections and reporting requirements are no longer required. The owner or operator must record the date of completion of all permanent erosion and sediment controls on the final inspection report. (2) If a SCNOI has been requested by the Permit Board (SCNOI submitted to MDEQ). Upon successful completion of all permanent erosion and sediment controls for a small construction project a written notification of such shall be submitted to the MDEQ. Permit requirements remain in effect until such time the coverage recipient receives written notice of coverage termination from MDEQ.

ACT10 (Small Construction) Standard Requirements Applicable to All Water Permits:

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Narrative Requirements:

Condition	
No.	Condition
T-1	DUTY TO COMPLY: The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for coverage termination, revocation and reissuance, or modifications; or denial of a renewal application. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	DUTY TO MITIGATE: The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which is likely to adversely affect human health or the environment. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	DUTY TO PROVIDE INFORMATION: The owner or operator shall furnish to the Permit Board, within a reasonable time, any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The owner or operator shall also furnish to the Permit Board, upon request, copies of records required to be kept by this permit.

ACT10 (continued):

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Narrative Requirements:

Condition No.	Condition
T-4	SIGNATORY REQUIREMENTS: All SCNOIs and Requests for Recoverage shall be signed as follows: (1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means: (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (B) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; Note: MDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (1)(A) above. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Permit Board to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (1)(B) above rather than to specific individuals. (2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) For a municipal, State, Federal, or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: a) the chief executive officer of the agency, or b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (continued):**Narrative Requirements:**

Condition	
No.	Condition
T-5	DULY AUTHORIZED REPRESENTATIVE: All SWPPPs, reports required by this permit, certifications and other information requested by the Permit Board shall be signed by a person described in ACT 11, T-4 above, or by a duly authorized representative of that person. A person is a duly authorized representative when: (1) The authorization is made in writing and submitted to the Permit Board by a person described in ACT 11, T-4 above. (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position).
T-6	CHANGES IN AUTHORIZATION: If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of ACT 11 T-4, T-5 and T-6 must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CERTIFICATION: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	OIL AND HAZARDOUS SUBSTANCE LIABILITY: Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the CWA.
T-9	PROPERTY RIGHTS: The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

ACT10 (continued):

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Narrative Requirements:

Condition No.	Condition
T-10	SEVERABILITY: The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
T-11	TRANSFERS: Coverage under this permit is not transferable to any person except after notice to and approval by the Permit Board. The Permit Board may require the coverage recipient to obtain another NPDES permit. Transfer of coverage requests shall be submitted to the Permit Board using the form provided at the end of this permit.
T-12	PROPER OPERATION AND MAINTENANCE: The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit, including the Storm Water Pollution Prevention Plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	BYPASS PROHIBITION: Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an owner or operator for a bypass, unless: a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the owner or operator should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and c) The owner or operator submitted notices per ACT 11, T-17 and/or T-18.

ACT10 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-14	UPSET CONDITIONS: An upset is an exceptional incident in which there is unintentional and temporary noncompliance. An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a coverage recipient shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: 1) An upset occurred and the coverage recipient can identify the specific cause(s) of the upset, 2) The permitted facility was at the time being properly operated, 3) The coverage recipient submitted notices per ACT 11, T-17 and/or T-18 and 4) The coverage recipient took remedial measures as required under ACT 11, T-2. In any enforcement proceeding, the coverage recipient has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
T-15	RELEASE REPORTING: Releases into the environment of hazardous substances, oil, and pollutants or contaminants, which pose a threat to applicable water quality standards or causes a film, sheen or discoloration of State waters, shall be reported to the: - Mississippi Emergency Management Agency (601) 933-6362 or (800) 222-6362; or - National Response Center (800) 424-8802. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-16	NONCOMPLIANCE REPORTING: (1) Anticipated Noncompliance. The owner or operator shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the owner or operator from enforcement for that noncompliance. (2) Unanticipated Noncompliance. The owner or operator shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written report shall be provided to the MDEQ within five (5) working days of the time he or she becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

ACT10 (continued):

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Narrative Requirements:

Condition No.	Condition
T-17	INSPECTION AND ENTRY: The owner or operator shall allow the Permit Board staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to: (1) enter upon the owner's or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit; (2) have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and (3) inspect at reasonable times any facilities or equipment. (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	PERMIT ACTIONS: This permit may be modified, revoked and reissued, or terminated for cause. A request by the owner or operator for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-19	REOPENER CLAUSE: If there is evidence indicating potential or realized impacts on water quality due to construction activities covered by this permit, the owner or operator may be required to obtain an individual permit or an alternative general permit in accordance with ACT 3, S-2 or the permit may be modified to include different limitations and/or requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-20	PERMIT MODIFICATION: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-21	CIVIL AND CRIMINAL LIABILITY: (1) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Air and Water Pollution Control Law is subject to the actions defined by the Mississippi Air and Water Pollution Control Law. (2) Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the coverage recipient from civil or criminal penalties for noncompliance. (3) It shall not be the defense of the coverage recipient in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (Small Construction) Definitions:

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Narrative Requirements:

Condition No.	Condition
T-1	BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	BUFFER ZONE , as used in this permit, means a strip of dense undisturbed perennial vegetation, either original or reestablished, that borders perennial streams and rivers, ponds, lakes, wetlands, etc. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when storm water runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in storm water runoff flowing into and through the buffer zone as shallow sheet flow.
T-3	CFR means the Code of Federal Regulations.
T-4	COMMENCEMENT OF CONSTRUCTION ACTIVITIES means the initial disturbance of soils associated with clearing, grading, grubbing, or excavating activities or other construction-related activities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	COMPACTION means the process by which the soil grains are rearranged to decrease void space and bring the grains into closer contact with one another and thereby increase the weight of solid material per cubic foot.
T-6	CONSTRUCTION ACTIVITY as used in this permit, includes construction activity as defined in 40 CFR part 122.26(b)(14)(x). This includes a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, grubbing, filling and excavating. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CONSTRUCTION ENTRANCE/EXIT is a stone-base pad designed to provide a buffer area where mud-and caked-soil can be removed from the tires of vehicles to avoid transporting it onto public roads. This practice applies anywhere traffic will be leaving a mining site and moving directly onto a paved public road or street.
T-8	CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-9	CLEAN WATER ACT (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-10	DISCHARGE OF STORM WATER ASSOCIATED WITH SMALL CONSTRUCTION ACTIVITY as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete) are located.
T-11	EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	FACILITY OR ACTIVITY means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	FINAL STABILIZATION means all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% for the area has been established or equivalent measures have been employed.
T-14	HIGHLY ERODIBLE SOILS can be identified in the State of Mississippi's County Soil Surveys developed by the National Resources Conservation Service (NRCS).
T-15	INFEASIBLE means not technologically possible, or not economically practicable, and achievable in light of best industry practices.
T-16	LARGE CONSTRUCTION ACTIVITY includes clearing, grading, grubbing, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. Large construction activity is covered by the Large Construction General Permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-17	LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-18	LINEAR PROJECT includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. [11 Miss. Admin. Code Pt. 6, R. 1]
T-19	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, (ii) Designed or used for collecting or conveying storm water, (iii) Which is not a combined sewer, and (iv) Which is not part of a Publicly Owned Treatment Works (POTW).
T-20	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the National Pollutant Discharge Elimination System, which is a program administered under the authority of the Clean Water Act that prohibits the discharge of pollutants into waters of the United States unless a special permit is issued. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-21	OWNER OR OPERATOR for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria: (1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) The party has day to day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform coverage recipients of MDEQ's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-22	PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28.
T-23	POLLUTANT is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste.

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-24	QUALIFIED PERSONNEL means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
T-25	SCNOI is an acronym for Small Construction Notice of Intent. A Notice of Intent is the mechanism used to apply for coverage under a general permit.
T-26	SMALL CONSTRUCTION ACTIVITY is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, grubbing, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-27	STATE LAW means The Mississippi Air and Water Pollution Control Law, specifically, Miss. Code Ann 49-17-1 through 49-17-43, and any subsequent amendments. [11 Miss. Admin. Code Pt. 6, R. 1].
T-28	STEEP SLOPES, as used in this permit, means slopes or grades steeper than (3:1).
T-29	STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, grubbing, or excavation), construction materials or equipment storage or maintenance (e.g., stock piles, borrow area, concrete truck chute wash down, fueling) are located.
T-30	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-31	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-32	SUCCESSFUL COMPLETION OF ALL PERMANENT EROSION AND SEDIMENT CONTROLS means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-33	TEMPORARY STABILIZATION means practices such as seeding, mulching and erosion control blankets or mats that are used to stabilize exposed areas in which construction activity has been temporarily suspended. [11 Miss. Admin. Code Pt. 6, R. 1]
T-34	TOPSOIL means the top layer of undisturbed soil, consisting of a high percentage of organic matter, which is conducive to plant growth.
T-35	TOTAL MAXIMUM DAILY LOAD (TMDL) means the maximum daily amount of a pollutant that can enter a water body so that the water body will meet and continue to meet state water quality standards.
T-36	TURBIDITY is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted with no change in direction of flux level through the sample caused by suspended and colloidal matter such as clay, silt, finely divided organic and inorganic matter and plankton and other microscopic organisms.
T-37	UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the coverage recipient. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [11 Miss. Admin. Code Pt. 6, R. 1]
T-38	WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C.1251 et seq.).
T-39	11 Miss. Admin. Code Pt. 6, Ch. 1. means the Mississippi Commission on Environmental Quality National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification.

Submit only upon request from MDEQ



SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI)

GENERAL NPDES PERMIT MSR15 _____ (Number to be assigned by MDEQ if submitted)

Prior to the commencement of small construction activity (see Small Construction General Permit ACT11, T-17), the owner or operator of a small construction project must complete this form and develop a Storm Water Pollution Prevention Plan (SWPPP) as required by ACT5 of Mississippi's Small Construction General Permit. This SCNOI and SWPPP shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) only upon request from MDEQ; however, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Attachments with this SCNOI must include: a USGS quad map or copy showing site location (only if required to be submitted to MDEQ) and a Storm Water Pollution Prevention Plan (SWPPP). All questions must be answered – answer "NA" if the question is not applicable.

PROJECT INFORMATION

OWNER CONTACT PERSON: <u>Nick Fountain</u>	OPERATOR (if different from owner) CONTACT PERSON: _____
OWNER COMPANY NAME: <u>CamDay, LLC</u>	OPERATOR COMPANY: _____
OWNER STREET (P.O. BOX): <u>13334 Seaway Road Ste. 201</u>	OPERATOR STREET (P.O. BOX): _____
OWNER CITY: <u>Gulfport</u>	OPERATOR CITY: _____
STATE: <u>MS</u> ZIP: <u>39503</u>	STATE: _____ ZIP: _____
OWNER PHONE # (INCLUDE AREA CODE): <u>228-860-8812</u>	OPERATORPHONE # (INCLUDE AREA CODE): _____

PROJECT NAME: <u>Cowan Townhomes</u>
DESCRIPTION OF CONSTRUCTION ACTIVITY: <u>Clearing, striping, earthwork, drainage, utilities, paving, and permanent erosion control.</u>
ACREAGE DISTURBED (to be covered by this permit, area must be less than five (5) acres): <u>4.22</u>
PHYSICAL SITE ADDRESS (If not available, indicate the nearest named road. For linear projects, indicate the beginning of the project and identify all counties the project traverses.): <u>STREET: 0 Cowan Road</u>
CITY: <u>Gulfport</u> COUNTY: <u>Harrison</u> ZIP: <u>39503</u>
NEAREST NAMED RECEIVING STREAM: <u>Gulf of Mexico</u>

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Signature] Date Signed: 04/05/2024

Printed Name: _____ Title: Project Engineer

¹This application shall be signed according to the Small Construction General Permit, ACT10, T-4.

If requested, please submit this form to:

Chief, Environmental Permits Division
MDEQ, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
COWAN TOWNHOMES**

THIS DECLARATION is made this the 08th day of October, 2025, by Cowan Investments, LLC a Mississippi Limited Liability companies, for itself, its successors, grantees and assigns, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Harrison County, Mississippi, which is more particularly described as follows, to-wit:

Lots 1 through 36, inclusive, Cowan Townhomes, Harrison County, Mississippi, according to a plat thereof recorded in Plat Book____ at page____ of the Land Deed Records of HARRISON County, Mississippi.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I
DEFINITIONS**

- Section 1. "Association" shall mean and refer to Cowan Townhomes Homeowners Association, Inc., a Mississippi non-profit corporation, with its successors and assigns.
- Section 2. "Board" or "Board of Directors" shall mean the Board of Directors of the Cowan Townhomes Homeowners Association, Inc.
- Section 3. "Builder" shall mean any Person or legal entity that purchases one or more Lots for the purpose of constructing improvements for later sale to consumers.
- Section 4. "Building Site" shall mean those fractional parts of adjacent lots or one or more lots and all or a portion of an adjacent lot within the subdivision, which are more particularly described and defined in Section 2 of Article VI of this Declaration.
- Section 5. "Common Area" shall mean all real property (including improvements thereto) owned by the Association and/or which the Association members have the right to use and enjoy and also all rights of easement and license and shall include any and all other property shown on the recorded plat of Cowan Townhomes, but with the exception of and excluding the platted lots and parcels, and with the exception of and excluding the drainage and utility easements and the streets and/or roads.

- Section 6. "Declarant" shall mean and refers to Cowan Investments, LLC, a Mississippi limited liability company, and its successors and assigns.
- Section 7. "Director" shall mean a member of the Board of Directors of the Association.
- Section 8. "Home" or "Dwelling" shall mean and refer to any building situated upon a Lot or Building Site which is designated and intended for use and occupancy as a residence by a single family.
- Section 10. "Living Unit" shall mean and refer to a Lot and the Home constructed thereon.
- Section 11. "Lot" shall mean and refer to any numbered lot as illustrated and shown on the plat of Cowan Townhomes as recorded in the public records of Harrison County, Mississippi.
- Section 12. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 hereof.
- Section 13. "Owner" shall mean and refer to the owner of record, whether one or more persons or entities of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 14. "Properties" or "Property" shall mean and refer to that certain real property hereinabove described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II

MEMBERSHIP, VOTING RIGHTS, AND GOVERNANCE OF THE ASSOCIATION

- Section 1. Every Owner of a Lot in Cowan Townhomes and all future phases of Cowan Townhomes shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- Section 2. The Association shall have two classes of voting membership and one class of non-voting membership, as follows:
- CLASS A. Class A members shall be all owners, except for the Declarant, and shall be entitled to one vote for each Lot or Building Site owned in any Phase of Cowan Townhomes. When more than one person has an interest in any Lot of Building Site, all such persons shall be members. The vote for such Lot of Building Site shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot or Building Site.
- CLASS B. The Class B members shall include the Declarant and shall be entitled to four votes for each Lot owned in Cowan Townhomes.

Section 3. Governing Body: Composition:

The affairs of the Association shall be governed by a Board of Directors, the members of which must own property in Cowan Townhomes; provided, however, no Person and his or her spouse may serve on the Board at the same time. The number of Directors shall be either three or five. The Board members shall also serve as the officers of the Association.

ARTICLE III
COVENANT FOR ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments

The Declarant, for each Building Site and/or Lot owned within the subdivision, hereby covenants, and each Owner of any Building Site and/or Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) Annual Assessments or charges, and (2) special assessments for capital improvements; such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments

The assessments levied by the Association shall be used for the improvement, landscaping, replacement, maintenance, repair, enhancement, enlargement, and operation of the Common Area, if any, and improvements thereon, if any; and for maintaining and lighting the entranceways and fence ways attached to entranceways and appurtenant landscaping; and for maintaining and lighting entranceway signs.

Section 3. Maximum Annual Assessments

Notwithstanding the recording date of these covenants, the Annual Assessment for Class A and Class B members owning property in Cowan Townhomes shall be first set concurrent with the assessment by the Association for the next fiscal year beginning on _____, payable in advance.

(a) The maximum Annual Assessment shall be determined by the Board of Directors of the Association and may not be increased more than 10% above the maximum assessment for the previous year without a vote of the membership as provided in Section 3(b) below.

(b) The maximum Annual Assessment may be increased by more than 10% above the maximum Annual Assessment for the previous year by a vote of two-thirds of the

members present and voting who are voting in person or by proxy at a meeting duly called for this purpose.

(c) If the Board of Directors of the Association, by majority vote, determines that the important and essential functions of the Association may be properly funded by Annual Assessments less than those set out above, it may levy such lesser assessments. The levy of Annual Assessments less than the maximum Annual Assessments in one year shall not affect the Board's right to levy the maximum Annual Assessments in subsequent years. If the Board of Directors shall levy less than the maximum Annual Assessments for any assessment year and if thereafter, during such assessment year, the Board of Directors shall determine that the important and essential functions of the Association cannot be funded by such lesser assessments, the Board may levy supplemental Annual Assessments.

Section 4. Special Assessments for Capital Improvements

In addition to the Annual Assessments authorized above, the Association may levy in any assessment year, a Special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the costs of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, if any, or in the subdivision, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose. An initial capital contribution of \$_____ is required upon the Purchase of Lot from the Declarant and/or its successors in interest.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3(b) and 4 of This Article

Written notice of any meeting called for the purpose of taking any action authorized under Sections 3(b) and 4 of this Article shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members and/or proxies entitled to cast fifty percent plus one vote (50%+1) of all votes shall constitute a quorum. If the required quorum is not present at any such meeting, one (1) or more subsequent meetings may be called for the same purpose, subject to not less than ten (10) days written notice of each such subsequent meeting being provided to all Members, and the required quorum at any subsequent meeting shall be one-half of the required quorum of the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment

Both Annual and Special Assessments must be fixed at a uniform rate for all Lots and Building Sites.

Section 7. Date of Commencement of Annual Assessments: Due Dates

The Annual Assessments provided for herein shall commence on all lots or building sites in Cowan Townhomes. Declarant and/or Assignees shall not be responsible for annual or special assessments on any Lot while owned by the Declarant or its Assignees until such Lot first contains an occupied residence and the assessment shall then be prorated for the months and days of the fiscal year remaining. The Board of Directors shall fix the amount of the Annual Assessment against each Lot at least 30 days in advance of each Annual Assessment period. Written notice of the Annual Assessment shall be sent to every owner subject thereto. The billing cycles and due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association

Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of 10% per annum. The Board may bring action at law against the owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non- use of the Common Area, if any, or abandonment of his Lot. The Board may suspend the rights of a Member to vote and to use Common Areas in three situations: (1) failure for 30 days after mailing of written notice to remedy a violation of the Covenants; (2) failure to pay an assessment within 30 days after the due date of such assessment; and (3) violation of the Association's rules regarding the use of the Common Areas. Suspension shall be for the period during which the violation occurs except that suspension can be for a period not to exceed 60 days after cure of a violation.

Section 9. Subordination of the Lien to Mortgages

The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering any Lot, parcel or Building Site within the subdivision. Sale or transfer of any Lot or Building Site shall not affect the assessment lien. However, the sale or transfer of any Lot or Building Site pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot or Building Site from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV
ARCHITECTURAL CONTROL

Section 1. Architectural Control Committee

The Architectural Control Committee (hereinafter referred to as ACC) shall consist of three or five members, appointed by the Board of Directors for one-year terms coinciding with the fiscal year of the Association. The Association pays the cost of operating the ACC. The Board can remove a member of the ACC at any time. The Board can fill any vacancy whether caused by removal, resignation, or any other reason. The members of the Committee need not be Members of the Association or representatives of Members. Members of the Committee shall not be entitled to any compensation for services performed pursuant to this Article unless compensation is hereafter authorized by the Board. Notwithstanding the aforesaid, Cowan Investments, LLC shall be the sole member of the ACC so long as Cowan Townhomes, LLC owns a lot within said subdivision.

Section 2. Architectural Approval

No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, satellite dish, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications for the proposed project have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by, the Architectural Control Committee. The plans shall include, as a minimum: a site plan; a floor plan; exterior elevations of all structures to be constructed or altered; plans for materials, color schemes, exterior lighting schemes and other details that affect the exterior appearance of the structure; and plans for landscaping and grading. Approval of plans is final and cannot be revoked, provided the plans are adhered to.

Section 3. Granting of Variances

When a building or other structure has been erected or its construction substantially advanced and the building is located on any lot or building site in a manner that constitutes a violation of these covenants, conditions and restrictions or the building setback lines shown on the recorded plat, or if the committee in its sole discretion determines that, a variance is desirable in order to best accommodate the location of a planned building on a particular lot, the committee may release the lot or building site, or parts of it, from any part of the covenants, conditions and restrictions, or setback lines, that are violated. The committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. The Committee shall have no authority to grant a variance of a HARRISON County subdivision or zoning regulation, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. However, in the event of a violation of these covenants; or the commencement of construction of a plan that had been rejected by the committee or a plan or change not submitted to the committee, the Board shall be

empowered to bring any legal action in law or in equity, to seek injunction preventing such violation, or seeking its removal entirely, or both, at the expense of the Owner. In the event of any successful injunction and/or removal order, whether in whole or in part, the Owner shall pay all legal fees, court costs and expenses of the committee in enforcing these covenants, which costs shall become a lien against the property as provided for elsewhere herein.

Section 4. Limitation of Liability

Review and approval of any plans pursuant to this Article is made based on aesthetic considerations only and the Architectural Control Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board, any committee, or members of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications to any Lot or improvements thereon.

ARTICLE V

DUTY TO CLEAR A LOT IF OWNER ELECTS NOT TO REBUILD AFTER DESTRUCTION

In the event of substantial damage to or destruction of any Home on the Properties by fire, windstorm, water, or other cause whatsoever, then the owner shall, within six (6) months after the date of substantial damage to or destruction of the home, be required to either: (1) begin reconstruction, repair and restoration of the home, such work to be completed in a timely manner; or (2) clear the lot and begin construction of a new home, such construction to be completed in a timely manner; or (3) clear the Lot, such clearing to be completed in a timely manner. If the Owner elects to clear the lot and not rebuild, the Owner shall be required to maintain the Lot in a clean and presentable manner, free from all trash and rubble, and to maintain the Lot so that it is in harmony with the surrounding property.

ARTICLE VI

RESTRICTIONS AS TO USE, OCCUPANCY AND APPEARANCE

Section I. General

All the Lots shall be used and occupied as single family townhome residences and no dwelling shall be erected, altered, placed or permitted to remain other than one single family townhome dwelling for at least one (1) but not more than three (3) vehicles. No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. Each Owner shall be responsible for his/her home's own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owners, and is consistent

with these Covenants, Conditions and Restrictions, and harmonious with the surrounding improvements.

Section 2. Animals

No livestock, animals, chickens or fowl of any kind shall be permitted on the Properties except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on the Properties except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible individual. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Association may perform such service and shall bill the pet owner accordingly. The Board shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance. Pets shall be registered, licensed, and inoculated as required by law. No pets other than service dogs accompanied by a handicapped person are allowed on the premises of recreational areas maintained by the Association.

Section 3. Building Condition, General Appearance. Nuisance and Health Regulations

All premises shall be maintained in good repair, shall be clean and sanitary at all times, and free of unsightly debris and clutter. All porches, patios, stoops, terraces, etc. that are not screened from the view of surrounding Lots shall be kept clean and uncluttered, and any furnishings placed on such area must be designed for exterior use and be in harmony with the homes in the subdivision. No nuisances and no violation of the rules and regulations of the State Board of Health or any governmental agency shall be permitted.

Section 4. Building Setback Requirements

All buildings shall comply with the building setback requirements of the City of Gulfport zoning regulations for the respective Lot or Building Site. Determination of the location of the rear and side yard setbacks for corner lots shall be based on the orientation of the residential building to be built on the lot. For the purpose of these covenants, conditions and restrictions, eaves, steps and open patios shall not be considered a part of the building.

Section 5. Clothes Lines, Garbage Receptacles, Yard Equipment and Screening of Storage Areas

No outside clothes lines or other items detrimental to the appearance of the property shall be permitted on any Lot. All personal garbage and trash receptacles which are to be furnished by the Owners or garbage collection agencies must be hidden from view. Similarly, all yard equipment, and storage areas must be screened so as to conceal them from the view of neighboring lots, streets, or other property.

Section 6. Fences

All fences to be constructed on any lot or building site shall be six (6) feet in height and constructed with unpainted treated lumber or a four feet in height black aluminum fence, unless a variance is granted by the Architectural Control Committee. Chain-link or other galvanized metal fencing is strictly prohibited. Notwithstanding the aforesaid, certain Lots may be required to construct different type fences depending on their surroundings. No fence shall be located within drainage easements and drainage swales: as such fences would obstruct the natural water flow and cause a flooding hazard.

Section 7. Firearms

No hunting by any means or the discharge of firearms of any type shall be allowed on the Property.

Section 8. Landscaping

The front yard shall be landscaped before any residence is occupied. Landscaping requirements shall include: grass areas in the front and side yard areas (if located at an end unit) and no trees or shrubs shall be planted in drainage swales, utility or ingress/egress easements and road rights-of-way.

Section 9. Landscaping Maintenance

Owner shall maintain the appearance of the building site, including easement areas. Grass, flowers, and shrubbery must be kept in an orderly fashion.

Section 10. Lawful Use

No immoral, improper, offensive or unlawful use shall be made of the Properties or any part thereof; and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Properties shall be the same as the responsibility for the maintenance and repair of the property concerned

Section 11. Maintenance of Vacant Lots or Building Sites

If construction of a dwelling is not commenced forthwith on any lot or building site, then the Owner shall remove all underbrush and mow and maintain the lot on a quarterly basis. If any unimproved lot or building site is not so maintained the Declarant, the Board, or the Association shall be empowered to maintain the lot or building site and file a lien against the property for any and all expenditures in connection with said maintenance.

Section 12. Noxious and Offensive Trade

No noxious or offensive trade or activity shall be carried out upon the Properties nor shall anything be done thereon which may be or become an annoyance to the others. Floodlights, bells, telephones, music, number or noise level of pets, air pollutants, etc. shall not be such as to constitute a nuisance to or impair the enjoyment of neighboring lots or building sites.

Section 13. Nuisances

No nuisance shall be allowed upon the Properties, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the Properties by its residents. All parts of the Properties shall be kept in a clean and sanitary condition, and no rubbish, refuse or garbage allowed to accumulate, nor any fire hazard allowed to exist. No Owner shall permit clothes, towels, or other items of personal property to be hung, draped, or otherwise displayed on the patio, porch, etc. or on fences for the purpose of drying or for any other purpose in a manner which would allow said clothing, towels or other personal property to be viewed by any other person occupying or using the Properties. No dwelling shall permit any noise to originate from his home that would be an annoyance or nuisance to occupants of nearby Lots, including, but not limited to radios, record players, stereos, musical instruments, singing, barking of dogs, and meowing of cats.

Section 14. Parking

No boat, other watercraft, trailer, truck, tractor or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger automobiles, pickups and operating passenger vans (vans are limited to those with a passenger capacity of not more than eight people) shall be parked or stored in any driveway or on any Lot in the subdivision or on the street or road right-of-way in front of or beside any such Lot so as to be visible from the street or be visible to the other residences in the subdivision.

Section 15. Regulations

Reasonable regulations concerning the use of the Properties may be made and amended from time to time by the Association in the manner provided by its Articles of Incorporation and By-Laws. Copies of such regulations and amendments shall be furnished by the Association to all Owners and residents on the Properties upon request.

Section 16. Sewage and Drainage Control

No activities shall be permitted that discharge pollutants into the surface drainage system.

Section 17. Signs

No professional, commercial, political, or other signs of any kind shall be erected or maintained on any Lot.

Section 18. Temporary Structures

No structure of a temporary nature (trailer, shack, tent or other building) shall be moved to, placed upon or used on any Lot at any time either temporarily or permanently.

Section 19. Trade or Business

No lot shall at any time be used for the purpose of any trade, business, manufacture, or public amusement.

Section 20. Trespass

Whenever the Declarant or the Association is permitted by this Declaration to correct, repair, clean, preserve, clear-out, or do any action on any of the Properties or on the easement areas adjacent thereto or included therein, entering such Property and taking such action shall not be deemed a trespass.

ARTICLE VII
GENERAL PROVISIONS

Section 1. Enforcement

The Association, the Board, the Declarant or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association, the Board, the Declarant, or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event that a Court of competent jurisdiction shall determine that any lot owner shall have violated or have attempted to violate any of the covenants herein, the owner of the lot or lots causing the violation upon which the violation occurs shall pay all attorneys' fees, court costs, and other necessary expenses incurred by the Person instituting such legal proceedings to maintain and enforce the aforesaid covenants. Said attorneys' fees, court costs and other expenses allowed and assigned by the Court shall become a lien upon the lot and improvements.

Section 2. Severability

Invalidation of any one of these covenants or restrictions by judgment or Court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. No Liability

Declarant has, using best efforts and all due diligence, prepared and recorded this Declaration so that each and every Owner shall have the right and the power to enforce the terms and provisions of this Declaration against every other Owner. However, in the event that this Declaration, or any part thereof, is, for any reason whatsoever, unenforceable by an Owner (or any other person) in a court of law or otherwise, Declarant shall have no liability of any kind as a result of such unenforceability, and each and every Owner, by acceptance of a deed conveying a Lot, acknowledges that Declarant shall have no such liability.

Section 4. Indemnification

The Association shall indemnify every officer, director, and committee member against all damages and expenses, including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under this Section and Mississippi law. The officers, directors, and committee members shall not be liable for any mistake of judgement, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct, or bad faith. The officers, directors, and committee members shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association. The Association shall indemnify and forever hold each such officer, director and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. The Association shall, as a common expense, maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available. All officers and board members having direct control and access to funds of the association shall be bonded, in an amount not less than twice the total amount of all funds of the association. Such amount may be estimated and set by the Board. Any bond fees shall be paid by the Association.

Section 5. Amendment

- (a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of fifteen (15) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.
- (b) This Declaration may be amended anytime during the initial fifteen (15) year period or any extensions thereof by Declarant or its nominees, provided they own at least fifty-one percent (51%) of the numbered lots in Cown Townhomes. Beginning three (3) years from the date of recordation of the Declaration and for the remainder of the initial fifteen (15) year period or any extensions, the Covenants may also be amended by the written consent

of at least seventy-five percent (75%) of the Lot Owners within Cowan Townhomes. Any amendment must be recorded in the land Deed Records of HARRISON County, Mississippi, and shall be supplementary to this Declaration. Notwithstanding any provision herein to the contrary, no amendment to the Declaration, Bylaws, or Articles of Incorporation shall be effective without the written consent of the Class B Member or its successors and assigns, so long as there is a Class B member of the Association.

- (c) Notwithstanding anything herein contained to the contrary, the Declarant reserves and shall have the right for a period of three (3) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property.

WITNESS ITS SIGNATURE on this the _____ day of _____, 2025.

Cowan Investments, LLC

BY: _____

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this _____ day of _____, 20____, the within named _____, as _____ of Cowan Investments, LLC, a Mississippi LLC, who signed, executed and delivered for and on behalf of said LLC, and as its own act and deed, the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.

NOTARY PUBLIC

My Commission Expires _____



REPLY TO
ATTENTION OF

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

August 16, 2021

Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Approved Jurisdictional Determination, File Number SAM-2021-00481-AMR, 7.3-Acre Tract, Gulfport, Harrison County, Mississippi

Columbus Management, LLC C/O Covington Civil and Environmental
Attention: Tom Strange
2510 14th Street, Suite 1010
Gulfport, Mississippi 39501
Email Address: Tom@ccellc.us

Dear Mr. Strange:

This is in response to your request for a Department of the Army (DA) approved jurisdictional determination (AJD) concerning a 7.3-acre tract east of Cowan Road, Gulfport, Mississippi, Parcels 1010K-04-021.000, 1010K-04-010.000, and 1010K-04-006.000, Mississippi. The project has been assigned file Number SAM-2021-00481-AMR, which should be referred to in all future correspondence with this office concerning this project site. Specifically, the tract is located in Section 29, Township 7 South, Range 10 West, Latitude 30.402222 North, Longitude -89.010217 West, Harrison County, Mississippi.

Based on information gathered during our site visit on June 10, 2021, 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 aquatic resources to be accurate as shown on the enclosed delineation boundary figures. According to criteria contained in the USACE 1987 Wetland Delineation Manual and the Regional Supplement to the USACE Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), the review area was found to contain 2.4 acres of forested wetlands (Wetlands A and B). These wetlands are considered isolated and do not contribute to downstream jurisdictional water in a typical year. Therefore, the identified Wetlands A and B are not subject to Federal permitting authority pursuant to Section 404 of the Clean water Act (CWA) of 1977 (33 U.S.C. 1344).

This letter contains an AJD for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division Office, Attention: Mr. Philip A. Shannin, Regulatory Appeals Review Officer, South Atlantic Division, 60 Forsyth

Street Southwest, Room 10M15, Atlanta, Georgia 30303-8801, (404) 562-5136, Fax (404) 562-5138.

In order for an RFA form to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 9, 2021. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This AJD is based on current policy and regulation and is valid for a period of five years from the date of this letter. If after the five-year period this JD has not been specifically revalidated by the U.S. Army Corps of Engineers (USACE), it shall automatically expire.

This letter grants no property rights nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work at this site.

Furthermore, this delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

You are receiving an electronic copy of this letter only. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628.

If you have any questions concerning this matter, please contact me at (251) 694-3873 or by e-mail at angela.m.rangel@usace.army.mil should you have any questions. 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 are appreciated and will help us improve our services.

Sincerely,

RANGELA.A
NGELA.M.1
554134862

Digitally signed
by
RANGELA.ANGELA.
M.1554134862
Date: 2021.08.16
15:35:04 -05'00'

Angela M. Rangel
Project Manager
Regulatory Division
South Mississippi Branch

Attachments

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Columbus Management, LLC		File Number: 2021-00481-AMR	Date: 08/16/2021
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XX	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

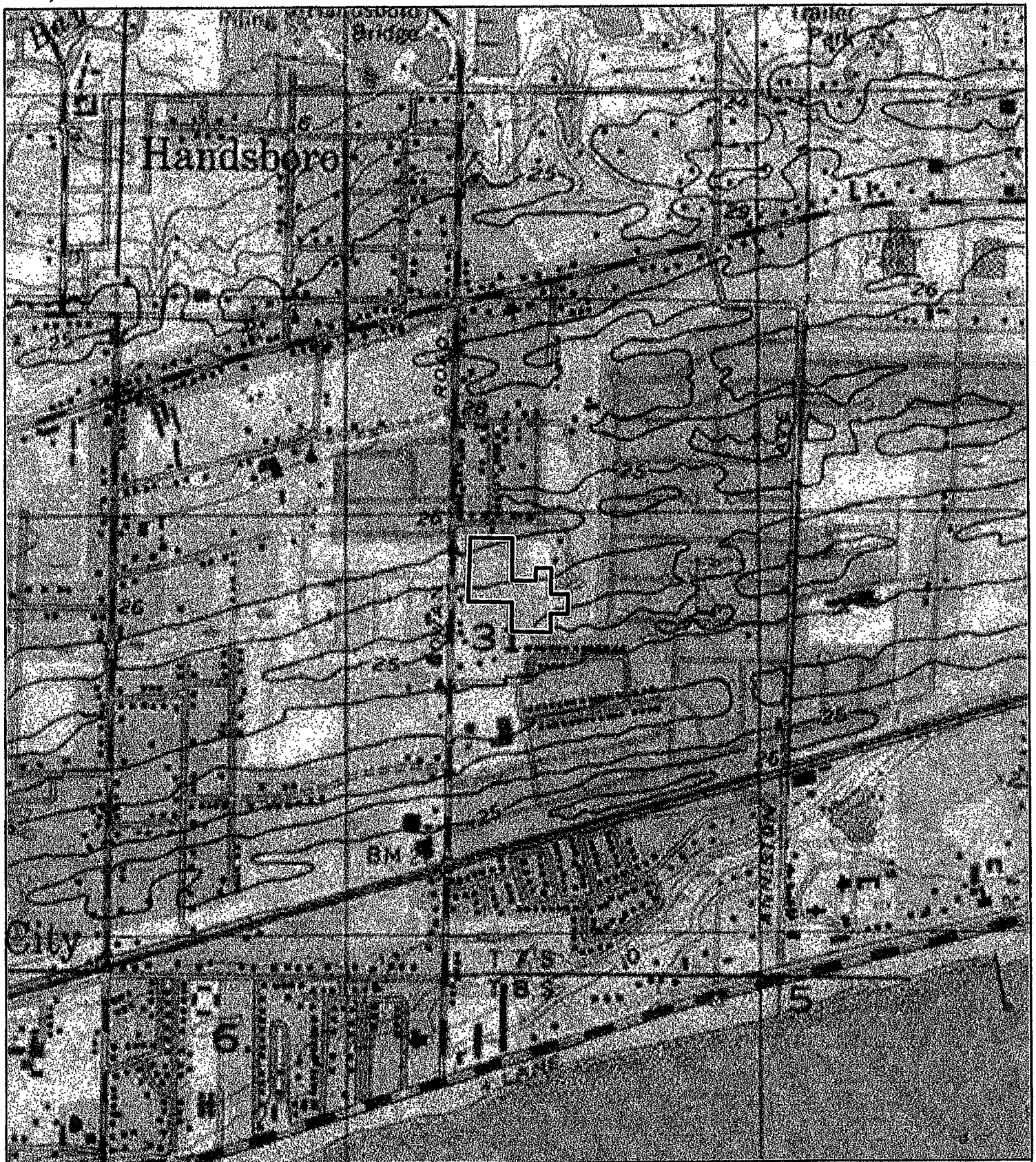
B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.



Cowan Road

SAM-2021-00481-AMR

1,000
Feet

Approximate Project Area



R:\projects\17280-1643-001\gis\doc\map\figure_2.mxd

Background: USGS 1:24,000 DRG

Figure 2. Map showing overview of project area based on USGS topographic quadrangle Gulfport North, MS (7.5-minute series).

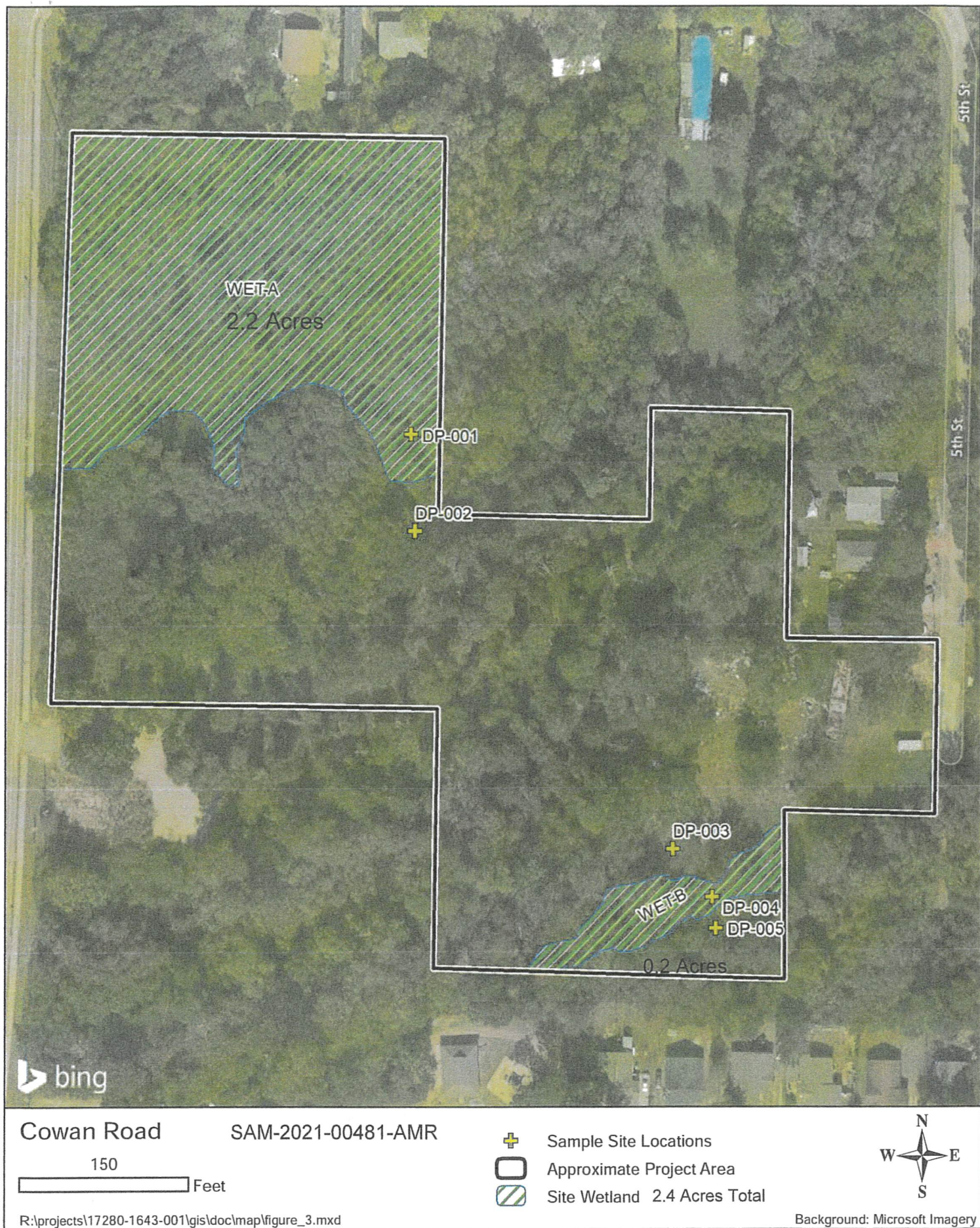


Figure 3. Map showing project area details on 2010 Microsoft BING Imagery.

**DELINEATION OF POTENTIAL
SECTION 404 ISSUES
CORPORATE CAPITAL, LLC
+/- 7.3-ACRE PARCEL, COWAN ROAD
GULFPORT, HARRISON COUNTY, MS**

OCTOBER 2, 2017

DELINEATION OF POTENTIAL
SECTION 404 ISSUES
CORPORATE CAPITAL, LLC
+/- 7.3-ACRE PARCEL, COWAN ROAD
GULFPORT, HARRISON COUNTY, MS

Prepared for

Mr. Joseph C. Canizaro
909 Poydras Street, Suite 1700
New Orleans, LA, 70112

Prepared by

FTN Associates, Ltd.
3 Innwood Circle, Suite 220
Little Rock, AR 72211

FTN No. R17280-1643-001

October 2, 2017

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1.0 INTRODUCTION

Corporate Capital, LLC (the Client) contracted with FTN Associates, Ltd. (FTN), of Diamondhead, Mississippi, to delineate Section 404 wetlands and other waters of the US within a parcel located on Cowan Road in Gulfport, Harrison County, Mississippi (Figure 1).

The area of the delineation is mapped on US Geological Survey (USGS) topographic quadrangle, Gulfport North MS (7.5-minute series). Legal description of the project area is Part of Section 31, Township 7 South, and Range 10 West (Figure 2).

2.0 MATERIALS AND METHODS

FTN conducted a Level 3, routine wetland delineation as described in the US Army Corps of Engineers (USACE) *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (USACE 2010). Field investigations for the delineation were completed August 10, 2017. FTN evaluated the area of the delineation for potential Section 404 issues, i.e., wetlands and other waters of the US.

Sampling point locations were selected to evaluate low-lying areas and other areas appearing to have at least some potential for USACE regulation under Section 404 of the Clean Water Act (CWA) or uplands for the purpose of collecting data regarding community type. A total of five sampling point locations were established (with those data points designated as DP-001 through DP-005), and data were collected on vegetation, hydrology, and soils at each of those locations (Figure 3 and Figure 4). Radford's *Manual of the Vascular Flora of the Carolinas* (1964) was used to confirm certain plant identifications, and the online National Wetland Plant List (Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 wetland ratings*. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X) was used to determine wetland indicator status for the dominant species. Soil pits were dug with a sharpshooter shovel to a depth of approximately 18 inches, where possible, and soil colors were determined with the aid of Munsell color charts. Soil survey

data from Harrison County (Natural Resources Conservation Service [NRCS] 1975) was used to determine the NRCS map units for the area. Also, the NRCS *Harrison County, Mississippi Hydric Soils Map List and Map Units with Hydric Inclusions* was used to assist in the selection of sampling points appearing to have a potential for the occurrence of hydric soils.

A Trimble GeoExplorer handheld GPS unit was used for navigation and marking sampling site locations and Section 404 features.

3.0 FINDINGS AND RESULTS

3.1 General Site Description

This delineation was conducted on a parcel that is approximately 7.3 acres in size. The parcel is forested with many large trees and shrubs. The site is bordered by a high-volume highway (Cowan Road), several residences, and commercial developments. Current conditions of the parcel resemble the Bing imagery from 2010 (Figure 3).

3.2 Wetlands

FTN identified two areas totaling approximately 2.4 acres as potential Section 404 wetlands (Figure 3 and Figure 4). Table 1 provides a summary of findings at each of the five sampling locations. Attachment 1 provides completed USACE data forms for both wetlands and uplands within the investigated area. Photos for the wetland areas can be found within Attachment 2. The current conditions of the wetlands can be seen in Photos 1, 2, and 6.

Table 1. Summary of findings at each of five sampling point locations.

Sampling Site No.	Hydrophytic Vegetation	Wetland Hydrology	Hydric Soils	Jurisdictional Wetland
DP-001	Yes	Yes	Yes	Yes
DP-002	No	No	No	No
DP-003	No	No	No	No
DP-004	Yes	Yes	Yes	Yes
DP-005	Yes	No	No	No

3.2.1 Vegetation

The approximately 7.3-acre delineation area supported two plant community types:

- Forested wetland community, and
- Forested upland community.

The forested wetland communities were observed along the north property line and near the southeastern corner of the site. Species identified within this community are black tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*), Chinese privet (*Ligustrum sinense*), Chinese tallow tree (*Triadica sebifera*), water oak (*Quercus nigra*), laurel-leaf greenbrier (*Smilax laurifolia*), poison ivy (*Toxicodendron radicans*), netted chainfern (*Woodwardia areolata*), and cinnamon fern (*Osmundastrum cinnamomeum*). The forested wetland community consists of two areas that are approximately 2.4 acres in size. Photographs of the wetland communities can be seen in Photos 1 and 2 of Attachment 2.

The forested upland community was observed in higher elevations of the site. Species identified within the upland community include sand live oak (*Quercus virginiana* var. *geminata*), live oak (*Quercus virginiana*), sweetgum (*Liquidambar styraciflua*), Chinese privet, Chinese tallow tree, water oak, poison ivy, American beauty-berry (*Callicarpa americana*), trumpet-creeper (*Campsis radicans*), Virginia creeper (*Parthenocissus quinquefolia*), and muscadine (*Vitis rotundifolia*). Photographs of the upland communities can be seen in Photos 3 and 4 of Attachment 2.

A dominance of hydrophytic vegetation was observed at DP-001, DP-004, and DP-005 (Attachment 1).

3.2.2 Wetland Hydrology

Two areas within the project were identified as having hydrology associated with wetlands. Saturation, oxidized rhizospheres, and FAC-neutral test were observed within the wetland area. Because this area appears to have a direct connection to a jurisdictional channel

and navigable waterways, they would likely be considered jurisdictional to the USACE under Section 404 of the CWA.

Positive indicators of wetland hydrology were observed at DP-001 and DP-004 (Attachment 1).

3.2.3 Hydric Soils

The published NRCS soil survey for Harrison County includes two map units within the investigated area. The map units include:

- EtB-Eustis loamy sand, 0 to 5 percent slopes; and
- Ps-Ponzer and Smithton soils.

Eustis loamy sand is described by the soil survey as somewhat excessively drained soils that formed in sandy material on uplands. Lakeland, Latonia and Poarch can be found within the EtB mapunit. The EtB map unit is not hydric, nor does it contain any hydric components. Soil profiles resemble the EtB map unit in all areas except for the 0.2-acre wetland in the southeastern corner of the site. Soils in the 0.2-acre wetland resemble Hyde, a hydric soil.

Ponzer and Smithon soils are described as densely forested soils on low, wet flats, or depressions. The map unit is about 59 percent Ponzer soils, 18 percent Smithton soils, and 23 percent Handsboro, Hyde, St. Lucie, and similar soils of minor extent. The soil survey also describes these soils as flooded and covered by standing water for long periods. The Ponzer and Smithton mapunit is considered to be a hydric soil. Soils found within areas mapped as wetlands areas resembled Smithton and Hyde. Smithton and Hyde are considered to be hydric components of the Ponzer and Smithton map unit.

Positive indicators of hydric soils were observed at DP-002 and DP-004 (Attachment 1).

4.0 FEMA 100-YEAR FLOODPLAIN AND FLOODWAY ISSUES

According to FEMA FIRM maps 28047C0269G, the proposed project is located in Zone X. Areas located in Zone X have been determined to be outside the 0.2% annual chance floodplain (Attachment 3).

5.0 WETLAND FUNCTIONS AND VALUES

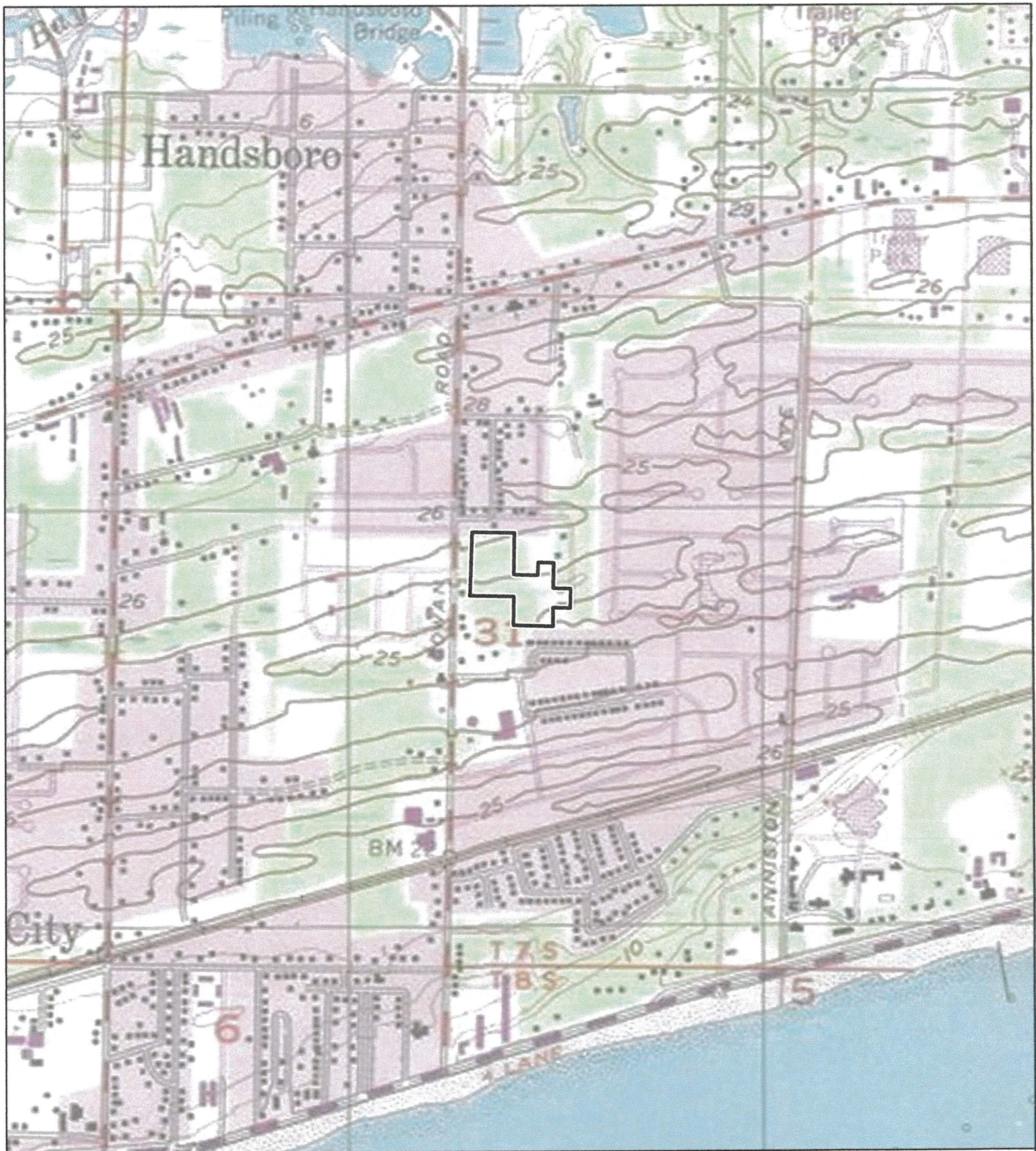
Two wetland areas totaling approximately 2.4 acres were identified within the project area (Figure 3 and Figure 4). Wetland A is approximately 2.2 acres in size. Wetland B is approximately 0.2 acre in size. The entirety of Wetland A and Wetland B will likely be considered jurisdictional by the Corps, as both have an ultimate connection to jurisdictional channels and navigable waters. The wetland areas were observed to support both aquatic and wildlife values and exhibited a diversity of hydrophytic vegetation. In addition, these areas would be expected to function for both flood storage and wildlife habitat.

6.0 SUMMARY AND CONCLUSIONS

1. FTN observed approximately 2.5 acres of forested wetlands that will likely qualify for USACE jurisdiction under Section 404 of the CWA.
2. The proposed project is located within Zone X. Areas found in Zone X are outside of the 0.2% annual chance floodplain.



Figure 1. Vicinity Map



Cowan Road

1,000

Feet

Approximate Project Area



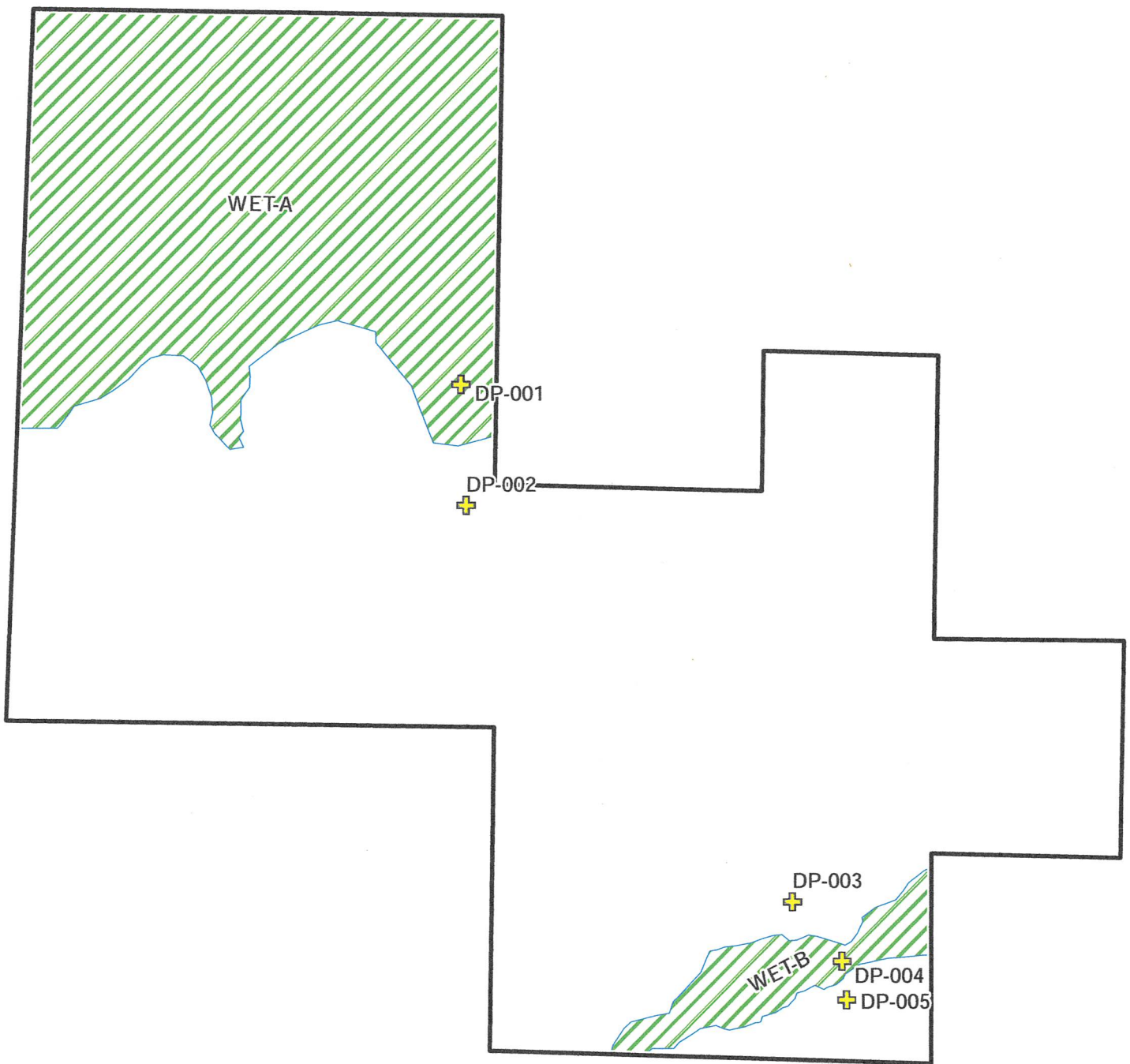
R:\projects\17280-1643-001\gis\doc\map\figure_2.mxd

Background: USGS 1:24,000 DRG

Figure 2. Map showing overview of project area based on USGS topographic quadrangle Gulfport North, MS (7.5-minute series).



Figure 3. Map showing project area details on 2010 Microsoft BING Imagery.



Cowan Road

150

Feet

R:\projects\17280-1643-001\gis\doc\map\figure_4.mxd

-  Sample Site Locations
-  Approximate Project Area
-  Site Wetland



Figure 4. Map showing project area details.

ATTACHMENT 1

Sampling Site Data Sheets

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-001
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): drainageway Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.392687 Long: -89.025564 Datum: WGS84
 Soil Map Unit Name: Ponzer and Smithton soils NWI classification: PF01B

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland?	Yes ☒ No ☐
Hydric Soil Present?	Yes ☒ No ☐		
Wetland Hydrology Present?	Yes ☒ No ☐		
Remarks:			

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)	
Primary Indicators (minimum of one is required; check all that apply)			
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)	
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)	
☒ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Water Marks (B1)	☒ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)	
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)	
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)	
☐ Water-Stained Leaves (B9)		☒ FAC-Neutral Test (D5)	
		☐ Sphagnum moss (D8) (LRR T, U)	
Field Observations:			
Surface Water Present?	Yes ☐ No ☒ Depth (inches):	Wetland Hydrology Present? Yes ☒ No ☐	
Water Table Present?	Yes ☐ No ☒ Depth (inches):		
Saturation Present? (includes capillary fringe)	Yes ☒ No ☐ Depth (inches): <u>surface</u>		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-001

Tree Stratum (Plot size: <u>10m</u>)				Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Acer rubrum</i>	15	yes	FAC		
2.	<i>Quercus nigra</i>	10	yes	FAC		
3.	<i>Triadica sebifera</i>	10	yes	FAC		
4.	<i>Magnolia virginiana</i>	10	yes	FACW		
5.						
6.						
7.						
8.						
		45	= Total Cover			
		50% of total cover: <u>22.5</u>	20% of total cover: <u>9</u>			
Sapling/Shrub Stratum (Plot size: <u>10m</u>)				Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Ligustrum sinense</i>	30	yes	FAC		
2.	<i>Triadica sebifera</i>	20	yes	FAC		
3.	<i>Nyssa sylvatica</i>	15	yes	FAC		
4.	<i>Acer rubrum</i>	5	no	FAC		
5.						
6.						
7.						
8.						
		70	= Total Cover			
		50% of total cover: <u>35</u>	20% of total cover: <u>14</u>			
Herb Stratum (Plot size: <u>10m</u>)				Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Woodwardia areolata</i>	40	yes	OBL		
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
		40	= Total Cover			
		50% of total cover: <u>20</u>	20% of total cover: <u>8</u>			
Woody Vine Stratum (Plot size: <u>10m</u>)				Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Vitis rotundifolia</i>					
2.						
3.						
4.						
5.						
			= Total Cover			
		50% of total cover: _____	20% of total cover: _____			

Remarks: (If observed, list morphological adaptations below).

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 8 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0¹

___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ☒ No _____

SOIL

Sampling Point: dp-001

[illegible]

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-002
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaise Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.392645 Long: -89.0255645 Datum: WGS84
 Soil Map Unit Name: Ponzer and Smithton soils NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒	
Wetland Hydrology Present?	Yes ☐ No ☒	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required):
Primary Indicators (minimum of one is required; check all that apply)		
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)
☐ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Water Marks (B1)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)
☐ Water-Stained Leaves (B9)		☐ FAC-Neutral Test (D5)
		☐ Sphagnum moss (D8) (LRR T, U)
Field Observations:		
Surface Water Present? Yes ☐ No ☒	Depth (inches):	Wetland Hydrology Present? Yes ☐ No ☒
Water Table Present? Yes ☐ No ☒	Depth (inches):	
Saturation Present? Yes ☐ No ☒ (includes capillary fringe)	Depth (inches):	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-002

Tree Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <i>Quercus virginiana</i> var. <i>geminata</i>	15	yes	FACU	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33.33%</u> (A/B)
2. <i>Quercus nigra</i>	15	yes	FAC	
3. <i>Quercus virginiana</i>	15	yes	FACU	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
<u>45</u> = Total Cover 50% of total cover: <u>22.5</u> 20% of total cover: <u>9</u>				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>10m</u>)				
1. <i>Ligustrum sinense</i>	5	yes	FAC	
2. <i>Callicarpa americana</i>	3	yes	FACU	
3. _____				
4. _____				
5. _____				
6. _____				
<u>8</u> = Total Cover 50% of total cover: <u>4</u> 20% of total cover: <u>1.6</u>				Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☐ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
Herb Stratum (Plot size: <u>10m</u>)				
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
_____ = Total Cover 50% of total cover: _____ 20% of total cover: _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
Woody Vine Stratum (Plot size: <u>10m</u>)				
1. <i>Parthenocissus quinquefolia</i>	5	yes	FACU	
2. <i>Toxicodendron radicans</i>	1	no	FAC	
3. <i>Parthenocissus quinquefolia</i>	1	no	FAC	
4. _____				
5. _____				
<u>7</u> = Total Cover 50% of total cover: <u>3.5</u> 20% of total cover: <u>1.4</u>				
Remarks: (If observed, list morphological adaptations below).				

SOIL

Sampling Point: dp-002

[illegible]

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-003
 Investigator(s): FTN Associates, Ltd. - Eric F. Ncaise Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391872 Long: -89.024809 Datum: WGS84
 Soil Map Unit Name: Eustis loamy sand, 0-5% slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒	
Wetland Hydrology Present?	Yes ☐ No ☒	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ☐ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		<u>Secondary Indicators (minimum of two required)</u> ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes ☐ No ☒ Depth (inches): _____ Water Table Present? Yes ☐ No ☒ Depth (inches): _____ Saturation Present? Yes ☐ No ☒ Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-003

<u>Tree Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Quercus virginiana var. geminata</u>	<u>20</u>	<u>yes</u>	<u>FACU</u>
2. <u>Quercus virginiana</u>	<u>15</u>	<u>yes</u>	<u>FACU</u>
3. <u>Quercus nigra</u>	<u>5</u>	<u>no</u>	<u>FACW</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

40 = Total Cover

50% of total cover: 20 20% of total cover: 8

<u>Sapling/Shrub Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

<u>Herb Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Campsis radicans</u>	<u>60</u>	<u>yes</u>	<u>FAC</u>
2. <u>Sorghum halepense</u>	<u>5</u>	<u>no</u>	<u>FACU</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

65 = Total Cover

50% of total cover: 32.5 20% of total cover: 13

<u>Woody Vine Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

 Total Number of Dominant Species Across All Strata: 3 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 33.33% (A/B)

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by: _____

OBL species: _____ x 1 = _____

FACW species: _____ x 2 = _____

FAC species: _____ x 3 = _____

FACU species: _____ x 4 = _____

UPL species: _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:
☐ 1 - Rapid Test for Hydrophytic Vegetation

☐ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0¹
☐ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic
Vegetation
Present?

 Yes _____ No ☒

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: dp-003

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 3/2	100					loamy sand	
8-12	10YR 4/2	100					loamy sand	
12-18	10YR 4/3	100					sandy loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Polyvalue Below Surface (S8) (LRR S, T, U)	☐ 1 cm Muck (A9) (LRR O)
☐ Histic Epipedon (A2)	☐ Thin Dark Surface (S9) (LRR S, T, U)	☐ 2 cm Muck (A10) (LRR S)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (LRR O)	☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Stratified Layers (A5)	☐ Depleted Matrix (F3)	☐ Anomalous Bright Loamy Soils (F20)
☐ Organic Bodies (A6) (LRR P, T, U)	☐ Redox Dark Surface (F6)	☐ (MLRA 153B)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)	☐ Depleted Dark Surface (F7)	☐ Red Parent Material (TF2)
☐ Muck Presence (A8) (LRR U)	☐ Redox Depressions (F8)	☐ Very Shallow Dark Surface (TF12)
☐ 1 cm Muck (A9) (LRR P, T)	☐ Marl (F10) (LRR U)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Ochric (F11) (MLRA 151)	
☐ Thick Dark Surface (A12)	☐ Iron-Manganese Masses (F12) (LRR O, P, T)	
☐ Coast Prairie Redox (A16) (MLRA 150A)	☐ Umbric Surface (F13) (LRR P, T, U)	
☐ Sandy Mucky Mineral (S1) (LRR O, S)	☐ Delta Ochric (F17) (MLRA 151)	
☐ Sandy Gleyed Matrix (S4)	☐ Reduced Vertic (F18) (MLRA 150A, 150B)	
☐ Sandy Redox (S5)	☐ Piedmont Floodplain Soils (F19) (MLRA 149A)	
☐ Stripped Matrix (S6)	☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)	
☐ Dark Surface (S7) (LRR P, S, T, U)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-004
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): drainageway Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391780 Long: -89.024707 Datum: WGS84
 Soil Map Unit Name: EtB-Eustis loamy sand, 0 to 5 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☒ No ☐
Hydric Soil Present?	Yes ☒ No ☐	
Wetland Hydrology Present?	Yes ☒ No ☐	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)
☒ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Water Marks (B1)	☒ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)
☐ Water-Stained Leaves (B9)		☒ FAC-Neutral Test (D5)
		☐ Sphagnum moss (D8) (LRR T, U)
Field Observations:		
Surface Water Present? Yes ☐ No ☒	Depth (inches):	Wetland Hydrology Present? Yes ☒ No ☐
Water Table Present? Yes ☐ No ☒	Depth (inches):	
Saturation Present? Yes ☒ No ☐ (includes capillary fringe)	Depth (inches): <u>surface</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-004

<u>Tree Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Liquidambar styraciflua</i>	15	yes	FAC
2. <i>Quercus nigra</i>	10	yes	FAC
3. <i>Acer rubrum</i>	10	yes	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

35 = Total Cover

 50% of total cover: 17.5 20% of total cover: 7

<u>Sapling/Shrub Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Ligustrum sinense</i>	5	yes	FAC
2. <i>Triadica sebifera</i>	2	no	FAC
3. <i>Quercus nigra</i>	2	no	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

9 = Total Cover

 50% of total cover: 4.5 20% of total cover: 1.8

<u>Herb Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Osmundastrum cinnamomeum</i>	10	yes	OBL
2. <i>Campsis radicans</i>	2	no	FAC
3. <i>Toxicodendron radicans</i>	1	no	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

13 = Total Cover

 50% of total cover: 6.5 20% of total cover: 2.6

<u>Woody Vine Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

 Total Number of Dominant Species Across All Strata: 5 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by: _____

OBL species _____ x 1 = _____

FACW species _____ x 2 = _____

FAC species _____ x 3 = _____

FACU species _____ x 4 = _____

UPL species _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

 ___ 3 - Prevalence Index is ≤3.0¹

 ___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:
Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

 Yes ☒ No _____

Remarks: (If observed, list morphological adaptations below).

Sampling Point: dp-004

Atlantic and Gulf Coastal Plain Region ~ Version 2.0

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-005
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391692 Long: -89.024688 Datum: WGS84
 Soil Map Unit Name: EtB-Eutis loamy sand, 0 to 5 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present? Yes ☐ No ☒	
Wetland Hydrology Present? Yes ☐ No ☒	
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ☐ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		<u>Secondary Indicators (minimum of two required)</u> ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes ☐ No ☒ Depth (inches): _____ Water Table Present? Yes ☐ No ☒ Depth (inches): _____ Saturation Present? Yes ☐ No ☒ Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-005

Tree Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Liquidambar styraciflua</u>	<u>25</u>	<u>yes</u>	<u>FAC</u>
2. <u>Quercus nigra</u>	<u>10</u>	<u>yes</u>	<u>FAC</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

35 = Total Cover
 50% of total cover: 17.5 20% of total cover: 7

Sapling/Shrub Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Ligustrum sinense</u>	<u>5</u>	<u>yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

5 = Total Cover
 50% of total cover: 2.5 20% of total cover: 1

Herb Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Campsis radicans</u>	<u>5</u>	<u>yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

5 = Total Cover
 50% of total cover: 2.5 20% of total cover: 1

Woody Vine Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover
 50% of total cover: _____ 20% of total cover: _____

Remarks: (If observed, list morphological adaptations below).

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

 Total Number of Dominant Species Across All Strata: 4 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ☒ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0¹
- ___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:
Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

 Yes ☒ No _____

SOIL

Sampling Point: dp-005

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	7.5YR 4/3	100					fsl	
12-18	7.5YR 3/2	100					fsl	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Polyvalue Below Surface (S8) (LRR S, T, U)	☐ 1 cm Muck (A9) (LRR O)
☐ Histic Epipedon (A2)	☐ Thin Dark Surface (S9) (LRR S, T, U)	☐ 2 cm Muck (A10) (LRR S)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (LRR O)	☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Stratified Layers (A5)	☐ Depleted Matrix (F3)	☐ Anomalous Bright Loamy Soils (F20)
☐ Organic Bodies (A6) (LRR P, T, U)	☐ Redox Dark Surface (F6)	☐ (MLRA 153B)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)	☐ Depleted Dark Surface (F7)	☐ Red Parent Material (TF2)
☐ Muck Presence (A8) (LRR U)	☐ Redox Depressions (F8)	☐ Very Shallow Dark Surface (TF12)
☐ 1 cm Muck (A9) (LRR P, T)	☐ Marl (F10) (LRR U)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Ochric (F11) (MLRA 151)	
☐ Thick Dark Surface (A12)	☐ Iron-Manganese Masses (F12) (LRR O, P, T)	³ Indicators of hydrophytic vegetation and
☐ Coast Prairie Redox (A16) (MLRA 150A)	☐ Umbric Surface (F13) (LRR P, T, U)	wetland hydrology must be present,
☐ Sandy Mucky Mineral (S1) (LRR O, S)	☐ Delta Ochric (F17) (MLRA 151)	unless disturbed or problematic.
☐ Sandy Gleyed Matrix (S4)	☐ Reduced Vertic (F18) (MLRA 150A, 150B)	
☐ Sandy Redox (S5)	☐ Piedmont Floodplain Soils (F19) (MLRA 149A)	
☐ Stripped Matrix (S6)	☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)	
☐ Dark Surface (S7) (LRR P, S, T, U)		

Restrictive Layer (if observed):

Type: _____

Depth (Inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

ATTACHMENT 2

Representative Photos



Photo 1. Conditions found within Wetland A. The photo was taken near DP-001 facing north.



Photo 2. Conditions found within Wetland B. The photo was taken near DP-004 facing southwest.



Photo 3. Conditions found within areas mapped as uplands. The photo was taken near DP-002 facing west.



Photo 4. Conditions found within areas mapped as uplands. The photo was taken facing east from Cowan Road.



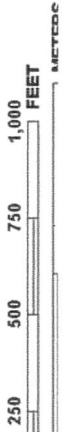
Photo 5. Non-hydric soil profile at DP-002. Soils at this location resemble Poarch, a non-hydric soil.



Photo 6. Hydric soil profile at DP-004. The soil resembles Hyde, a hydric soil. This soil profile was taken within the Eustis loamy sand mapunit (EtB).

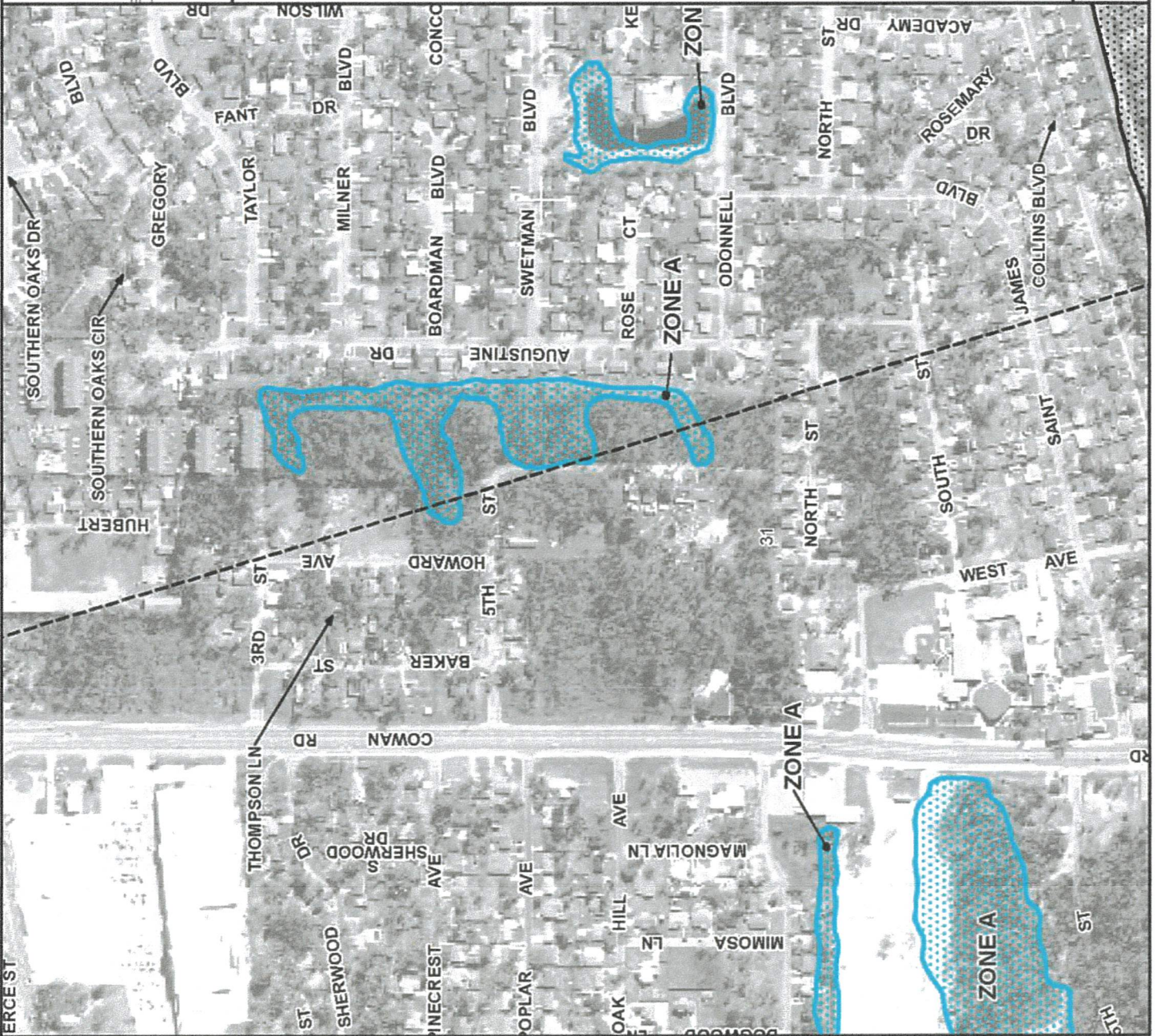
ATTACHMENT 3

FEMA Firmette



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Cowan Investments LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1448504
Status:	Good Standing
Effective Date:	07/02/2024
State of Incorporation:	Mississippi
Principal Office Address:	13334 Seaway Road, Ste 201 Gulfport, MS 39503

Registered Agent

Name
William Symmes
1806 23rd Avenue, Ste. A
Gulfport, MS 39501

Officers & Directors

Name	Title
Jennifer Davi	
13334 Seaway Rd, Ste 201	
Gulfport, MS 39503	Manager



Amelia Hines 1st JUDICIAL DISTRICT
Instrument 2024-0013344-D-J1
Filed/Recorded 07/16/2024 3:57:01 PM
Total Fees 27.00
6 Pages Recorded

Indexing: Parcel A, B & C in Cert of Resubdivision filed
in Instrument Number 2018-5733D-J1;
A-Lots 6-15, Blk 3 & pt of Lots 8-15, Blk 4 and Lots 31-
40, Blk 4 Abyssinia S/D along w/vacated streets & alleys
B-Pt of Lots 16-25, Blk 3 (together w/vacated streets and
alleys), Lots 41-50, Blk 4, Abyssinia S/D & Lots 19-34,
Blk 7 & Lots 35-54, Blk 6, Eureka S/D
C-Lots 23-28, Blk 6, Eureka Addition

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962
File#4931

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid,
and other good and valuable considerations, the receipt and sufficiency of all of which is hereby
acknowledged, the undersigned,

COLUMBUS MANAGEMENT, LLC
A MISSISSIPPI LIMITED LIABILITY COMPANY
240 METARIE RD.
METAIRIE, LA 70005
(228)396-9622

does hereby SELL, CONVEY and WARRANT unto

COWAN INVESTMENTS LLC
A MISSISSIPPI LIMITED LIABILITY COMPANY
2082 BEACH DRIVE
GULFPORT, MS 39507
(228)224-5337

2

the following described land together with all improvements thereon located in First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is subject to any and all easements, restrictive or protective covenants, rights-of-way, zoning ordinances and reservations affecting said property of record.

TAXES for the year 2024 are hereby prorated and the same are hereby assumed by the Grantee herein. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantee herein.

WITNESS our signature this the 15TH day of July, 2024.

COLUMBUS MANAGEMENT, LLC

BY: 
TMICIA R. PEREZ, SECRETARY

EXHIBIT "A"**Parcel A-(1010K-04-021.000):**

Lots 8 and 9, Lots 14 through 25, inclusive, Lots 41 through 50, inclusive, of Block 4; and Lots 6 through 25, inclusive, of Block 3; Abyssinia Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots 19 through 34, inclusive, of Block 7, Eureka Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi; together with all interest the Grantors now have or may hereinafter acquire in the streets and alleys joining the above described land and property.

AND ALSO:

Lots 6 and 7 and Lots 10 through 13, inclusive, Block 4 Abyssinia Subdivision, a subdivision according to a map or plat thereof on file and of record in Plat Book 7 at Page 4, in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots 31 - 40 inclusive of Block 4, ABYSSINIA SUBDIVISION, a subdivision located in the City of Gulfport, First Judicial District of Harrison County, Mississippi, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk in Plat Book 7 at page 4, AND ALSO:

Beginning at the Northeast corner of Lot 6, Block 4 of Abyssinia Subdivision and from said point run thence South to the Southeast corner of Lot 25, from said point run thence East 10 feet to the Southwest corner of Lot 50, from said point run thence North to the Northwest corner of Lot 31, from said point run thence West a distance of 10 feet to the point of beginning. Said property being located in the First Judicial District of Harrison County, Mississippi.

Parcel B-(1010K-04-010.000):

Lots 8 and 9, Lots 14 through 25, inclusive, Lots 41 through 50, inclusive, of Block 4; and Lots 6 through 25, inclusive, of Block 3; Abyssinia Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots Twenty-three to Twenty-eight (23-28) Inclusive, Thirty-five to Fifty-four (35-54) Inclusive, Block Six (6), EUREKA ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof; on file and of record in the office of the Chancery Clerk of the First Judicial

5

District of Harrison County, Mississippi in Plat Book 9 at Page 8 (Copy Book 4 at page 279) thereof; reference to which is hereby made in aid of and as a part of this description.

Parcel C-(1010K-04-006.000):

Lots Twenty-three to Twenty-eight (23-28) Inclusive, Thirty-five to Fifty-four (35-54) Inclusive, Block Six (6), EUREKA ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof; on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 9 at Page 8 (Copy Book 4 at page 279) thereof; reference to which is hereby made in aid of and as a part of this description.

6

**CONSENT
OF THE SOLE MEMBER AND MANAGER OF
COLUMBUS MANAGEMENT, L.L.C.**

The undersigned, being the sole Member and Manager of **Columbus Management, L.L.C.**, a Louisiana Limited Liability Company (the "Company"), and acting herein by unanimous consent as permitted by Louisiana Limited Liability Company Law, does hereby consent to, authorize and adopt the following resolutions or actions contained herein:

WHEREAS, the member and manager of Columbus Management, L.L.C. is **Joseph C. Canizaro**; and

WHEREAS, the Company desires to authorize the sale of the property located at **540 Cowan Road, Gulfport, Mississippi 39507** as outlined in the legal description contained in Exhibit A attached hereto *for the Gross Sale Price of \$799,000.00*; and

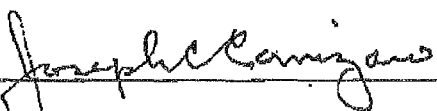
WHEREAS, the Company desires to authorize **Tricia R. Perez**, to execute all documents in connection with sale of said property including, but not limited to, any settlement statement, closing disclosure, act of sale and/or any other documents as necessarily required to effectuate the purpose of this Authorization having such terms and conditions as she deems appropriate in her sole discretion; and

NOW THEREORE, BE IT RESOLVED, AGREED AND CONSENTED, by **Columbus Management, L.L.C.**, that:

Tricia R. Perez, is hereby authorized to act on behalf of the Company, **Columbus Management, L.L.C.**, with respect to the above described sale, conveyance, mortgage, and/or pledge and to execute any and all documents in connection with said sale of property including, but not limited to, any settlement statement, closing disclosure, act of sale and/or any other documents as necessarily required to effectuate the purpose of this Authorization having such terms and conditions as she deems appropriate in her sole discretion.

Thus, done and signed on this 9th day of July, 2024.

Columbus Management, L.L.C.



By: **Joseph C. Canizaro**
Member and Manager



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

**APPLICATION FOR
GENERAL SUBDIVISION PLAN
FOR TOWNHOMES**
Property Information

For Staff Use Only

Case File #: 2512AC134Date Received: 10/16/25Receipt #: 13533498Received By: LDZoning: T4+, T4LWard: 2 Flood: _____Size: 2.34 acres

(If necessary, use separate sheet of paper)

TAX PARCEL #

1	0	1	0	K
1	0	1	0	K
1	0	1	0	K

 -

0	4
0	4
0	4

 -

0	2	1
0	1	0
0	0	6

 •

0	0	0
0	0	0
0	0	0

Address of Property Involved: 0 Cowan RoadLot(s) _____, Block(s) _____, Subdivision Eureka AddGeneral Location: East of Cowan Road, West of 5th Street, South of 5th Street, North of North Street**GENERAL DESCRIPTION OF REQUEST:**+ 5 out parcels
Reducing lot density in proposed development from 44 Lots to 36 Lots per Owners request.**OWNERSHIP AND CERTIFICATION:**

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Cowan Investments, LLC

Printed Name Of Owner
13334 Seaway Rd. Ste 201Mailing Address
Gulfport MS 39503City State Zip code
562.896.5488Home Phone Work/Cell Phone
rick@bhomesinc.com

Email

Signature Of Owner

AGENT

Freddie Fountain w/Fountain & Associates, LLC

Printed Name Of Agent
13334 Seaway Road, Ste. 202Mailing Address
Gulfport MS 39503City State Zip code
228-574-3659Home Phone Work/Cell Phone
freddie@fountainllc.com

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

**SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.**

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Cowan Investments, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE) 13334 Seaway Rd. Ste 201, Gulfport, MS, 39503

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED 1010K-04-006.000, 1010K-04-010.000, 1010K-04-021.000

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES PERSON/AGENT FOR YOU: _____

**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

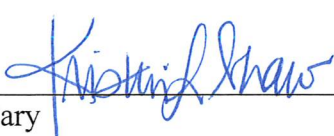
Please allow this letter to serve as official notice that **Freddie Fountain with Fountain & Associates**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

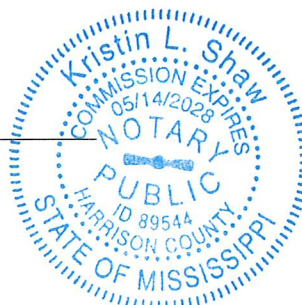
Sincerely,



Jennifer Davis



Notary



**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

Please allow this letter to serve as official notice that **DJ Arwood with Matrix Building, LLC**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

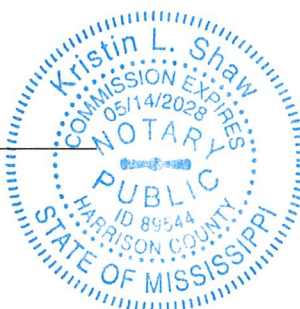
Sincerely,



Jennifer Davis



Notary



**Cowan Investments, LLC
13334 Seaway Rd, Ste 201
Gulfport, MS 39503**

October 6, 2025

City of Gulfport
Planning Department
1410 24th Avenue
Gulfport, MS 39501

RE: **Planning Commission and City Council Hearings
0 Cowan Road
Tax Parcel #: 1010K-04-006.000, 1010K-04-010.000 & 1010K-04-021.000
Gulfport, MS**

To Whom It May Concern:

Please allow this letter to serve as official notice that **Terry Moran with Terry Moran Engineering, LLC**, is authorized to act as agent on behalf of **Cowan Investments, LLC** in any hearings for Planning Commission and City Council for the above referenced address.

If you have any questions, please call me at 562-896-5488.

Sincerely,

Jennifer Davi

Notary





TERRY MORAN
ENGINEERING

P.O. BOX 4076
BLOOMING, MS 38835
PH 228.866.4733

TERRY MORAN,
P.E., P.L.S.

In Association With

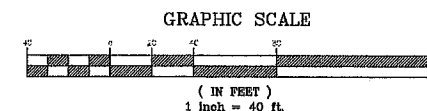
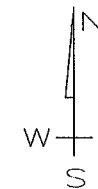
FA FOUNTAIN & ASSOCIATES
CIVIL AND COMMERCIAL DESIGN
13334 Seaway Road, Ste. 202
Gulfport, MS 39503
228-574-3659

Date 08-27-2025
Drawn By F.O.F.
Check By T.J.M.
REV 09-23-2025
10-16-2025

PROPOSED RELAYOUT
OF COWAN TOWNHOMES
0 COWAN ROAD
GULFPORT, MS

Sheet

C3



	TOP OF SEWER MANHOLE AT SW CORNER OF PROPERTY
ELEV. = 28.71'	

BOUNDARY BASED ON SURVEY BY CROSBY SURVEYING;
TOPOGRAPHIC INFORMATION BASED ON THE SAME
SUBJECT PROPERTY LIES WITHIN "X" FLOOD ZONE
PER FEMA PANEL 28047C0269G DATED JUNE 16, 2009.

NOTE: SITE LIGHTING POLES, FIXTURES, AND
PHOTOMETRIC STUDY TO BE PROVIDED BY MS
POWER.

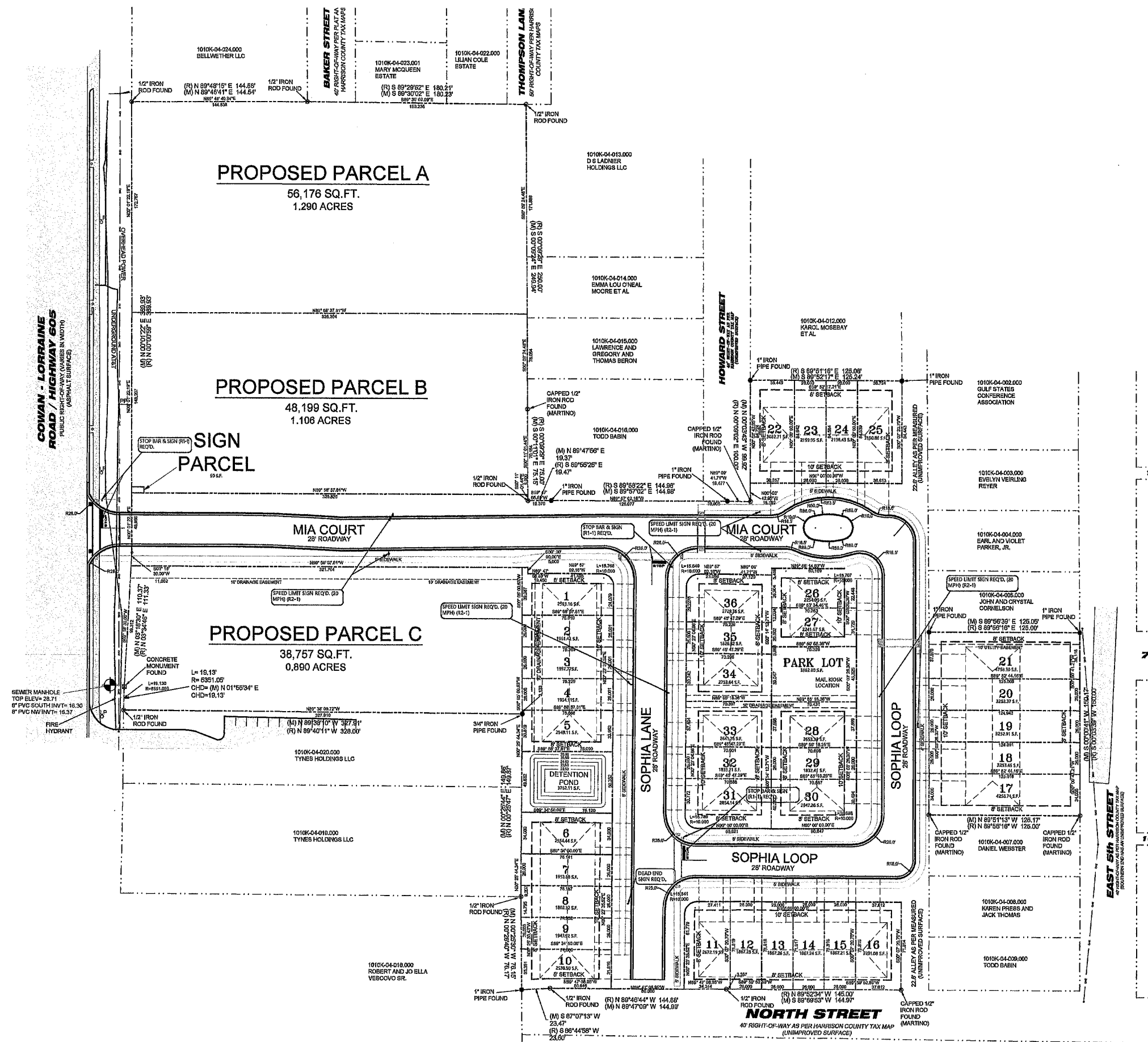
SITE DATA TABLE

ACREAGE: 6.899 +/- AC; DISTURBED: 4.255 +/- AC

ZONING: T4+ (R-B) & T4L (R-O)

SETBACKS:

FYSB - 10 FT
SYSB - 8 FT
RYSB - 8 FT



LOT & STREET LAYOUT

SCALE: 1" = 40'-0"

Proposed Townhome Project
Cowan Road
Gulfport, Mississippi

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Prepared for

CamDav, LLC
2082 Beach Dr.
Gulfport, MS 39507

By:

Terry Moran Engineering with
Fountain & Associates
13334 Seaway Road Ste. 202
Gulfport, Mississippi 39503
PH (228) 861-5209

Project No. 24-011

STORMWATER POLLUTION PREVENTION PLAN

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Project Narrative

Project Description

The proposed project consists of the construction of installing all utilities, building the roadways, and grading/building pads for 8 townhome buildings consisting of 44 units located off of Cowan Road in Gulfport, Mississippi (see attached vicinity map). The proposed construction and development project consists of approximately 4.42 +/- total acres with 4.255 +/- acres being disturbed. The areas included in the total disturbed area is any sections of land where development will take place. Construction of the proposed streets and lots will require site preparation (clearing and grubbing), earthwork (cut and fill), installation of impervious pavements and townhomes. Post-development surface runoff calculations have been prepared and are included in Appendix A.

Underground and surface storm water drainage will be implemented for the proposed development, as it is required by the local governmental authority. Erosion control devices such as silt fencing, straw wattles, and inlet protection will be used to control erosion occurring on site and help prevent sedimentation onto neighboring properties.

Location

As stated above, the proposed project will be located off of Cowan Road in Biloxi, Mississippi, as shown in the attached exhibits. The proposed project is approximately 0.65 miles north of Hwy 90 on Cowan Road.

Construction of all streets and related improvements will be completed in one phase of the project. Once construction is completed and the subdivision is platted with the local jurisdiction, construction of residences will begin.

Access

There is one means of egress located off of Cowan Road as shown in the drawings.

Planned Work

The proposed project will be completed in one phase. This phase of the development, including neutral ground, is planned to be approximately 4.255 +/- acres.

Soils

Based on information from the NRCS's Web Soil Survey Website, the proposed project site's native soil consists of 41.5% Pactolus which has characteristics of being well drained with a negligible runoff coefficient, 37.6% of the soil on site is Ponzer and Smithton which has characteristics of being poorly drained and has a high runoff classification, and the remaining soil makeup of the property is Latonia loamy sand which has characteristics of being well drained and has a very low runoff classification.

Construction Implementation Sequence

The following construction implementation sequence is planned to minimize the amount of sediment movement on site and sediment loss from the project site. Silt fencing will be placed along property line and construction boundaries. Double silt fencing will be placed along sensitive areas such as wetlands, creeks, or other waters of the U.S. to ensure no sediment is deposited in these areas. There are no wetlands on this property; however, double silt fencing will be installed around the detention pond. Inlet protection consisting of silt fencing, aggregate, and wooden stakes, as shown in construction details, will be placed around all drainage inlets to prevent infrastructure from being filled with silt during construction. Straw wattles will also be used around inlets and the effluent ends of drainage pipes to contain additional siltation.

Temporary grassing of all slopes, ROW, and common areas will be performed within 72 hours of area being disturbed, but no more than 7 days after disturbance of the area is complete.

Installation and maintenance of these measures are considered critical for controlling sediment movement at this project site. Activities will not begin until all permits have been obtained and the work is authorized. Construction is expected to take 6 to 8 months, weather permitting. It is important that appropriate construction workers are aware of the SWPPP and have ready access to it. The owner or prime contractor must inspect and maintain controls, recording damages or deficiencies and corrective measures, and complete monthly inspection reports using the form

Storm Water Pollution Prevention Plan

provided by MDEQ. Problems should be corrected within 24 hours or as soon as practicable after an inspection. Changes to correct deficiencies in the SWPPP should also be made as soon as practicable after the inspection. The SWPPP must accurately reflect the site and construction and be corrected if it does not.

Construction Activities Sequence

Major construction activities will be scheduled and carried out in a manner consistent with routine construction practices per approved plans and specifications. The following list provides a general schedule of the events that will occur during construction as well as the sequence in which the events are proposed:

1. Install erosion control measures in areas to be disturbed in accordance with the erosion control plan such as construction entrance and silt fencing
2. Clear and grub the site as per the plans and specifications
3. Excavate to subgrade and stabilize
4. Install infrastructure, water, sewer, and drainage
5. Construct roadway base courses
6. Finalize construction
7. Complete final grading
8. Provide permanent stabilization
9. Remove temporary erosion control measures

Site Preparation

Prior to actual clearing and grubbing and stripping of the street areas or any type of construction, silt fence shall be placed along the perimeter of the development, in particular the down-slope edges of the area being developed. Storm drain inlet protection system shall be installed around all existing inlets and other drainage structures in close proximity of the project to prevent siltation into the underground storm drainage system.

Construction Access

Access to the development shall consist of one entrance located on Cowan Road, as shown on erosion control plan. This ingress/egress point shall be stabilized with crushed limestone, to a

minimum thickness of eight inches (8"). The limestone shall be graded smooth, and maintained in that condition, for the duration of construction. The area of each limestone surface shall be a minimum of 25 feet wide by 50 feet long. Accumulated mud and debris shall be regularly removed from the entrance areas to prevent tracking onto public roads.

Sediment Control Measures

This project will be constructed utilizing associated sediment control measures. Silt fences, straw wattles, storm drain systems, retention/detention ponds, and energy dissipation devices will be utilized and shall be installed in the following sequence to minimize soil movement and loss off of the site:

- 1) Silt Fence: Silt fence shall be installed according to the manufacturer's recommendations.
 - a. Install a single line of silt fence barrier around the project perimeter property lines and install a double line of silt fence along the down slope sides of all environmentally sensitive areas such as delineated wetlands, existing creeks and waterways, etc. prior to the clearing and grubbing and earth moving operation;
 - b. Silt fence shall also be placed around all four (4) sides of each drainage structure that is constructed, to ensure no siltation into the underground storm drainage system;
 - c. Silt fence shall be removed no sooner than 30 days after all streets are paved and all right-of-ways are established with a good stand of grass vegetation.
- 2) Install the storm drains to the grades, elevations, and locations shown on the plans. Actions shall be taken to minimize movement of sediment into the storm drains until the streets receive their final surfaces, and right-of-ways are established with grass in accordance with the above. All drainage culverts under access driveways shall be particularly protected against siltation, utilizing silt fence or straw wattles as described above.
- 3) Retention and Detention ponds shall be installed as specified in the construction plans. These ponds will be sized to meet MDEQ specifications for Water Quality Certification (WQC). Upon completion of construction, ponds will be reshaped to provide appropriate storage volumes that will meet City's stormwater ordinance for pre and post development runoff.

Vegetation

Site development will proceed in a planned sequence and every attempt will be made to preserve existing vegetation to reduce erosion. All disturbed sites will be managed and re-vegetated as

soon as practicable after final grading. Where applicable, disturbed areas will be stabilized by temporarily seeding, permanent seeding, and/or mulching or by leaving the existing forest floor intact. When a disturbed area will be left undisturbed or unattended for seven (7) days or more, appropriate temporary or permanent vegetative practices shall be implemented immediately.

Maintenance Plan

Short Term (During Construction)

When a disturbed area, including stockpiled materials, will be left undisturbed or unattended for seven (7) days or more, appropriate temporary or permanent vegetative practices shall be implemented immediately. These areas will be seeded in accordance with planting schedule, rate of application, and planting preparation outlined in the MDEQ seeding chart, or shall be lined with an erosion and sediment control blanket or shall be mulched per MDEQ requirements.

All erosion and sediment control practices will be checked for stability and operation following every runoff producing rainfall, but not less than once per week. Any needed repairs and/or replacement shall be made immediately to maintain the performance as designed.

Sediment shall be removed from the upstream side of the silt fence when it accumulates to approximately one-third of the height of the silt fence. The silt fence shall then be replaced as necessary to maintain a continuous barrier.

All vegetated areas will be fertilized, and re-vegetated as necessary to maintain a dense plant establishment.

Long Term (After Construction)

All vegetated areas will be maintained in an adequate condition to provide proper ground cover and to reduce to potential for erosion and soil loss, until taken over by the City/County. Where vegetation is lost, the area shall be fertilized, re-mulched and re-seeded as necessary to restore proper ground cover, until the County takes over permanent maintenance of the right-of-ways.

As needed, new employees and/or parties responsible for maintaining right-of-ways will be informed about the requirements of the Maintenance Plan.

Good Housekeeping

The following good housekeeping practices will be practiced at the site throughout the construction project:

- All onsite materials shall be stored in a neat, orderly manner in their appropriate containers
- Products will be kept in their original containers with the original manufacture's label
- Manufacturer's recommendations for the proper use and disposal of materials will be followed
- The site superintendent will inspect the site on a daily basis to ensure proper onsite use and disposal of all materials
- The Contractor shall clearly indicate on a site map within the SWPPP a designated area for concrete truck washout. The location shall be approved by the Owner or their authorized representative prior to its usage. The washout area must be in a location that captures the residual concrete and prevents it from migrating to natural or manmade drainage ways and/or to surface waters. It is the responsibility of the Contractor to monitor this area and to ensure that all residual concrete is captured and handled appropriately and/or as directed by the Owner or their authorized representative. During final site cleanup, the Contractor shall remove from the project site all residual concrete produced by the washout operations.

Additional SWPPP Notes

- Contractor shall stockpile topsoil for use in landscaping
- Contractor shall line all proposed swales and detention pond slopes with erosion and sediment control blankets as shown
- Contractor shall roughen all 4:1 cut slopes by disking prior to seeding
- Contractor shall be responsible for seeding with permanent seed any disturbed areas within 7 days (see owner for type of landscape to be used)
- All equipment maintenance and repair shall be done offsite
- Trash receptacles shall be placed at convenient locations through the site

Storm Water Pollution Prevention Plan

- The main trash collection bin shall be placed near the corner of the construction entrance. Contractor shall coordinate pickup with the City or refuse disposal providers and shall ensure that collection is done with a minimum of once a week.
- Contractor shall check all disturbed area, erosion and sediment controls after each significant rainfall but not less than once per week and make any needed repairs within 24 hours.
- Contractor shall remove any sediment from silt fence, check points, and inlet protection devices whenever sediment has accumulated to one-third the height of the BMP. Contractor shall maintain all vegetated areas to provide proper ground cover by reseeding, fertilization, or mulching.
- A temporary office and portable toilet buildings shall be located at the or near the job trailer or lay-down yard and at locations so that no part of the project is more than 1,000 feet from a toilet facility if possible. These structures shall be maintained on a regular schedule by a licensed disposal company.

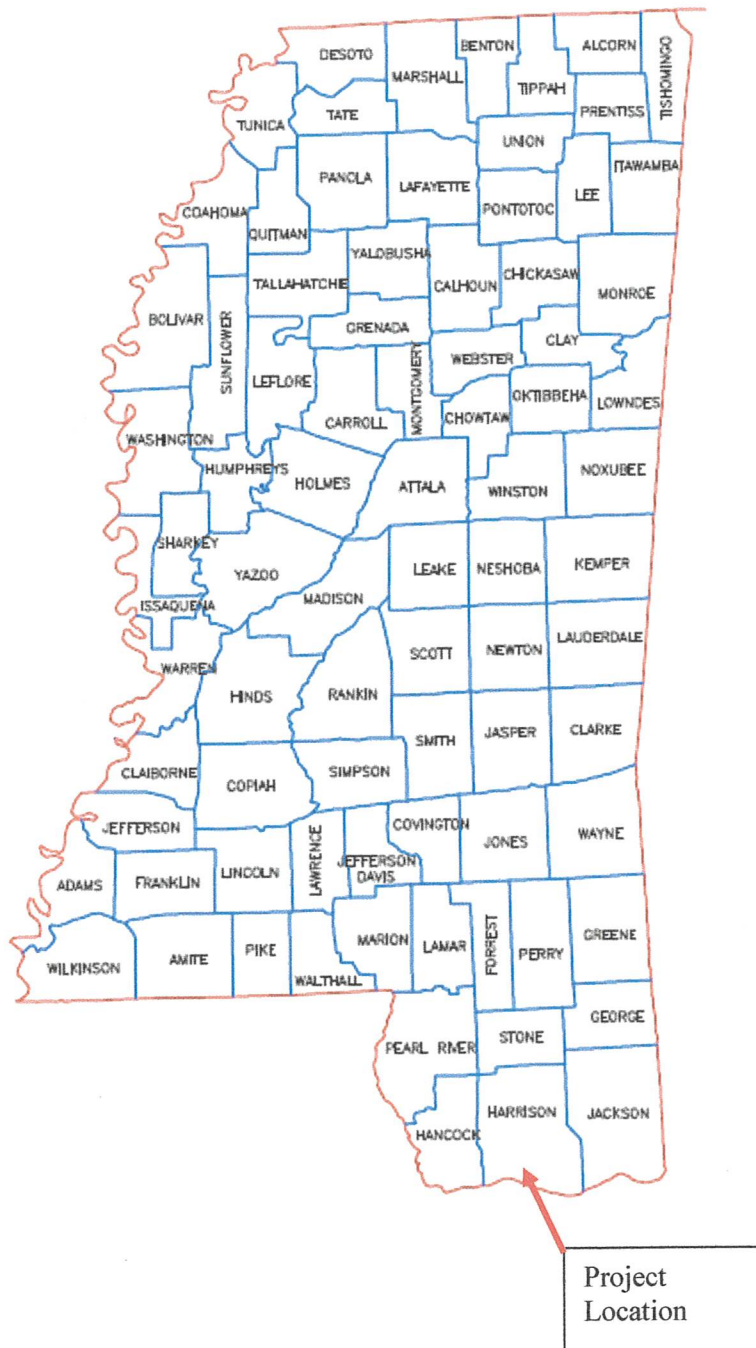
Storm Water Pollution Prevention Plan

Seeding Chart for the State of Mississippi

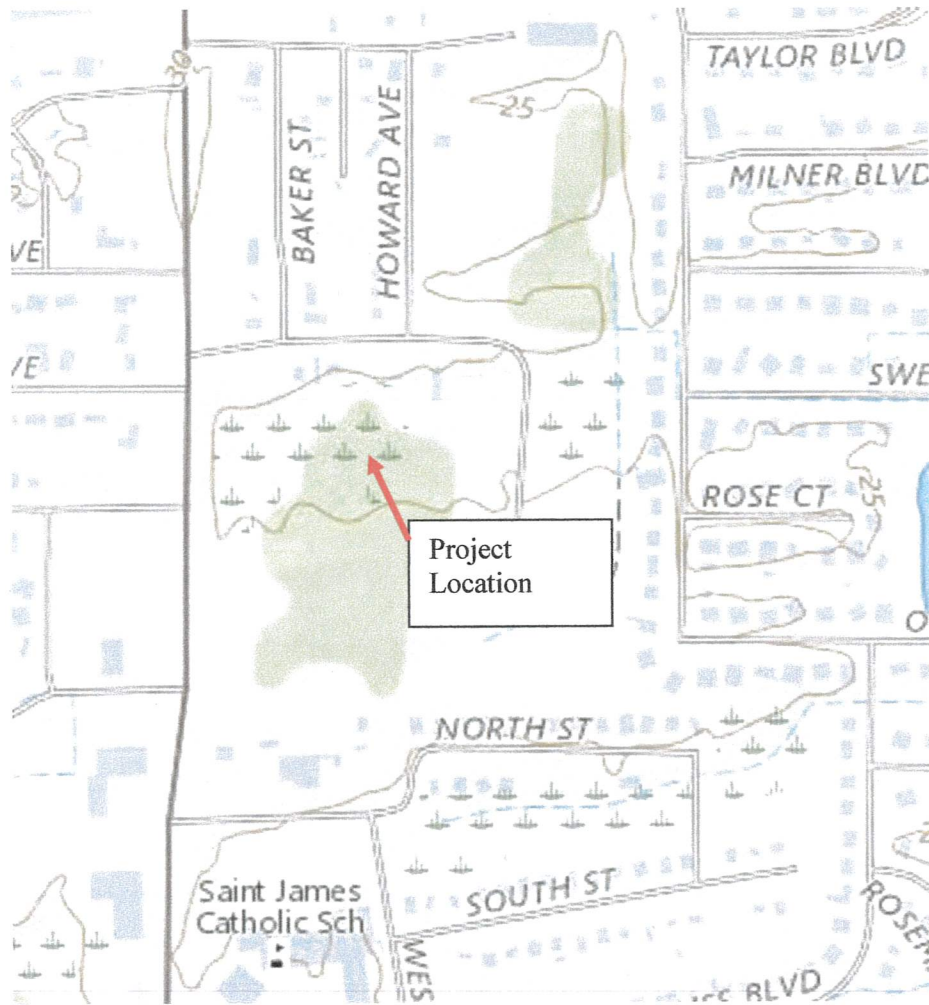
SPECIES	SEEDING RATE/ACRE	PLANTING TIME	DESIRED pH RANGE	FERTILIZATION RATE/ACRE	METHOD OF ESTABLISHMENT	ZONE OF ADAPTABILITY ¹
Common Bermuda	15 lbs. alone 10 lbs. mixture	3/11-7/115 9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Bahia	40 lbs. alone 30 lbs. mixture	3/1-7/115 9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	Central South
Fescue	40 lbs. alone 30 lbs. mixture	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	North Central
Saint Augustine	--	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	sod only	Central South
Centipede	4 lbs. alone 2.5 lbs. mix	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Carpet Grass	15 lbs. alone 10 lbs. mixture	3/11-7/115	6.0 - 7.0	600 lbs. 13-13-13	seed or sod	All
Oysia Grass	--	3/1-7/115	6.0 - 7.0	600 lbs. 13-13-13	sod only	All
Creeping Red Fescue	30 lbs. alone 22.5 lbs. mix	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
Weeping Lovegrass	10 lbs. alone 5 lbs. mix	3/1-7/15	6.0 - 7.0	600 lbs. 13-13-13	seed	All
Sericca Lcspedeza	40 lbs.	3/11-7/115 9/11-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Wheat	90 lbs. alone	9/1-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
*Ryegrass	30 lbs.	9/11-11/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All
*White Clover	5 lbs.	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Crimson Clover	25 lbs. alone 15 lbs. mix	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Hairy Vetch	30 lbs.	9/1-11/30	6.0 - 7.0	400 lbs. 6-24-24	seed	All
*Browntop Millet	40 lbs. alone 15 lbs. mix	4/1-8/30	6.0 - 7.0	600 lbs. 13-13-13	seed	All

* Annuals. For permanent seeding, annuals can only be used in a mixture with perennials.

Site Location Map



USGS 7.5 Minute Quadrangle Map



Erosion Control Plan and Details

(see attached Sediment Control Plan and Details)

Appendix A – Drainage Calculations

(see Sheet C – Area Flow Calculations)



DRAINAGE ANALYSIS FOR:

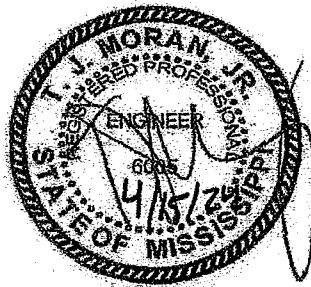
Cowan Townhomes

Gulfport, MS

4/15/2024

Prepared By: Nick Fountain

Project No. 24-011



Rational Method: MDOT Design Manual

PROJECT: Cowan Townhomes
Proj #: 24-001

Date: 15-Apr-24

Property : 4.42 Acres
Offsite: Acres

Max. Elev. 30.00
Min. Elev. 23.00

PREDEVELOPMENT

100 year Storm

1 C = 0.11
 A = 4.420 acres

L = 312.94 overland flow length (ft)
 n = 0.01 Manning roughness coefficient
 I = 14.92 rainfall intensity (in/hr) assume
 S = 0.01270 av. slope of length of flow (ft/ft)

2 Region 3
 See handwritten Tc calcs

3 Tc = 3.37 min.

4 Q=CIA 7.25 cfs

C = 0.11 Non weighted
 I = 14.92 from above
 A = 4.420 acres

POSTDEVELOPMENT

100 year Storm

1 C (avg) = 0.370
 A = 4.420 acres

L = 264.83 overland flow length (ft)
 n = 0.011 Manning roughness coefficient
 I = 14.9 rainfall intensity (in/hr) assume
 S = 0.01630 av. slope of length of flow (ft/ft)

2 Region 3
 See handwritten Tc calcs

3 Tc = 1.70 min.

0.03 hours

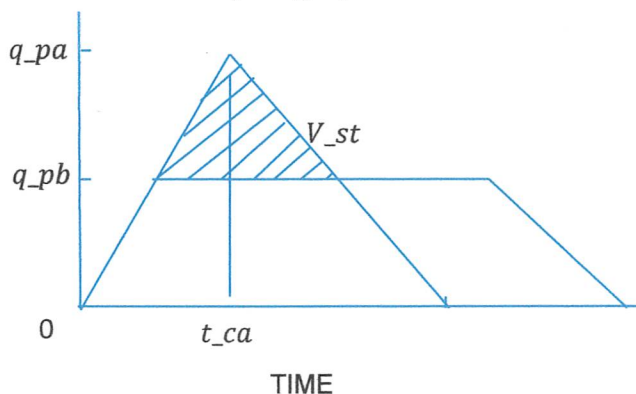
4 Q=CIA 23.58 cfs

C = 0.370 Weighted
 I = 14.420 from above
 A = 4.420 acres

ΔQ 16.33 cfs

Detention Calculation: Rational Stormwater Hydrograph

$$V_{st} = (0.08264)(Q_{pa} - Q_{pb})(t_{ca})$$



Q_{pa}	23.58	Post development runoff discharge (cfs)
t_{ca}	0.03	Post development time of concentration (hours)
Q_{pb}	7.25	Outflow peak discharge (cfs)
V_{st}	0.038	Storage volume required (ac-ft)
	1666	cf Required
	11916	cf Provided

Project Description: Cowan Townhomes

50-year drainage study

Analysis Options

Flow Units cfs

Subbasin Hydrograph Method. Rational

Time of Concentration..... SCS TR-55

Return Period..... 50 years

Starting Date APR-15-2024 00:00:00

Ending Date APR-16-2024 00:00:00

Report Time Step 00:00:10

Subbasin Summary

Subbasin Total Area (acres)

Sub-01 4.42

Node ID	Element Type	Invert Elevation (ft)	Maximum Elev (ft)	Ponded Area (ft ²)
------------	-----------------	--------------------------	----------------------	-----------------------------------

OFS	JUNCTION	22.30	26.00	7977.00
-----	----------	-------	-------	---------

Out-02	OUTFALL	26.00	26.00	0.00
--------	---------	-------	-------	------

Runoff Quantity Continuity	Volume acre-ft	Depth inches
----------------------------	-------------------	-----------------

Total Precipitation	0.630	0.855
---------------------------	-------	-------

Continuity Error (%)	0.758
----------------------------	-------

Flow Routing Continuity	Volume acre-ft	Volume Mgallons
-------------------------	-------------------	--------------------

External Inflow 0.000 0.000

External Outflow 0.152 0.050

Runoff Coefficient Computations Report:

Predevelopment

Soil/Surface Description	Area (acres)	Soil Group	Runoff Coeff.
Forest, 25 years or greater	4.42	A (2-6%)	0.11

Post-Development

Soil/Surface Description	Area (acres)	Soil Group	Runoff Coeff.
Residential, 25 years or greater	3.50	A (2-6%)	0.37

SCS TR-55 Time of Concentration Computations Report

Sheet Flow Equation:

$$T_c = (0.007 * ((n * L_f)^{0.8}) / ((P^{0.5}) * (S_f^{0.4}))$$

Where:

T_c = Time of Concentration (hrs)

n = Manning's Roughness

L_f = Flow Length (ft)

P = 2 yr, 24 hr Rainfall (inches)

S_f = Slope (ft/ft)

Shallow Concentrated Flow Equation:

$$V = 16.1345 * (S_f^{0.5}) \text{ (unpaved surface)}$$

$$V = 20.3282 * (S_f^{0.5}) \text{ (paved surface)}$$

$$V = 15.0 * (S_f^{0.5}) \text{ (grassed waterway surface)}$$

$$V = 10.0 * (S_f^{0.5}) \text{ (nearly bare \& untilled surface)}$$

$$V = 9.0 * (Sf^{0.5}) \text{ (cultivated straight rows surface)}$$

$$V = 7.0 * (Sf^{0.5}) \text{ (short grass pasture surface)}$$

$$V = 5.0 * (Sf^{0.5}) \text{ (woodland surface)}$$

$$V = 2.5 * (Sf^{0.5}) \text{ (forest w/heavy litter surface)}$$

$$Tc = (Lf / V) / (3600 \text{ sec/hr})$$

Where:

Tc = Time of Concentration (hrs)

Lf = Flow Length (ft)

V = Velocity (ft/sec)

Sf = Slope (ft/ft)

Channel Flow Equation:

$$V = (1.49 * (R^{2/3}) * (Sf^{0.5})) / n$$

$$R = Aq / Wp$$

$$Tc = (Lf / V) / (3600 \text{ sec/hr})$$

Where:

Tc = Time of Concentration (hrs)

Lf = Flow Length (ft)

R = Hydraulic Radius (ft)

Aq = Flow Area (ft²)

Wp = Wetted Perimeter (ft)

V = Velocity (ft/sec)

Sf = Slope (ft/ft)

n = Manning's Roughness

Predevelopment

Sheet Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	300.00	0.00	0.00
Slope (%):	1.27	0.00	0.00
2 yr, 24 hr Rainfall (in):	5.80	5.80	5.80
Velocity (ft/sec):	1.92	0.00	0.00
Computed Flow Time (minutes):	2.60	0.00	0.00

Shallow Concentrated Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Flow Length (ft):	12.94	0.00	0.00
Slope (%):	1.27	0.00	0.00
Surface Type:	Forest	Unpaved	Unpaved
Velocity (ft/sec):	0.28	0.00	0.00
Computed Flow Time (minutes):	0.77	0.00	0.00

Total TOC (minutes):	3.37
----------------------	------

Post-Development

Sheet Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	50.38	0.00	0.00
Slope (%):	2.00	0.00	0.00
2 yr, 24 hr Rainfall (in):	5.80	5.80	5.80
Velocity (ft/sec):	1.61	0.00	0.00
Computed Flow Time (minutes):	0.52	0.00	0.00

Shallow Concentrated Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Flow Length (ft):	214.45	0.00	0.00
Slope (%):	1.26	0.00	0.00
Surface Type:	Paved	Unpaved	Unpaved
Velocity (ft/sec):	2.28	0.00	0.00
Computed Flow Time (minutes):	1.57	0.00	0.00

Channel Flow Computations

	Flowpath A	Flowpath B	Flowpath C
Manning's Roughness:	0.01	0.00	0.00
Flow Length (ft):	327.40	0.00	0.00
Channel Slope (%):	0.25	0.00	0.00
Cross Section Area (ft ²):	1.77	0.00	0.00
Wetted Perimeter (ft):	4.71	0.00	0.00
Velocity (ft/sec):	3.52	0.00	0.00
Computed Flow Time (minutes):	1.55	0.00	0.00

Total TOC (minutes): 3.64

Subbasin Runoff Summary

Subbasin ID	Accumulated Precip(in.)	Rainfall Intensity(in/hr.)	Total Runoff(in.)	Peak Runoff(cfs)	C-value
Predevelopment	0.83	14.92	0.09	7.25	0.110
Post-Development	0.88	14.42	0.33	23.58	0.370



State of Mississippi
Mississippi Department of Environmental Quality
(MDEQ) Office of Pollution Control (OPC)
Environmental Permits Division (EPD)



SMALL CONSTRUCTION STORM WATER GENERAL PERMIT

FOR LAND DISTURBING ACTIVITIES OF ONE (1) to LESS THAN FIVE (5) ACRES

TO DISCHARGE STORM WATER AND ALLOWABLE NON-STORM WATER FROM REGULATED CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

THIS CERTIFIES THAT

FACILITIES OR PROJECTS ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM AND/OR ALLOWABLE NON-STORM WATER FROM REGULATED CONSTRUCTION ACTIVITIES INTO STATE WATERS

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

Mississippi Environmental Quality Permit Board


Authorized Signature

Mississippi Department of Environmental Quality

Issued: MAY 20 2019

Permit No. MSR15

Expires: APR 30 2024

AI 35524

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ACT1 (Small Construction) Introduction:

Narrative Requirements:

Condition	
No.	Condition
T-1	INTRODUCTION: The Small Construction General Permit (SCGP) authorizes storm water discharges from construction activities disturbing one (1) acre to less than five (5) acres, or less than one acre if part of a "larger common plan of development or sale," where the total acreage is based on cumulative planned disturbance of less than 5 acres. Construction activities and construction activities part of a "larger common plan of development or sale" disturbing five acres or greater are regulated under the Large Construction General Permit. Storm water discharges that enter waters of the state or storm water conveyance systems leading to waters of the state are subject to regulation and compliance with the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by the Executive Director based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the state. Upon issuance by the Permit Board on Environmental Quality, this permit will replace the previous Small Construction General Permit which expired on March 31, 2018. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (for example, the maintenance of existing ditches, channels, or other similar storm water conveyances, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, re-clearing of vegetation in a right-of-way, and other similar maintenance activities).

ACT2 (Small Construction) Permit Applicability and Coverage:

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Narrative Requirements:

Condition No.	Condition
T-1	PERMIT AREA: The Small Construction General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	COVERED DISCHARGES: (1) Discharges composed entirely of stormwater and allowable non-stormwater identified in T-5 of this ACT from small construction activities including clearing, grading, excavating and other land disturbing activities equal to or greater than one (1) acre and less than five (5) acres. These discharges are designated as small construction activities under the National Pollutant Discharge Elimination System (NPDES) stormwater program and are covered under this permit. Small construction activities disturbing less than one (1) acre are designated if: (A) The project is part of a larger common plan of development or sale with a cumulative planned disturbance of equal to or greater than one (1) acre and less than five (5) acres (for example, individual or commercial lots that are part of a subdivision or a commercial development that initially impacts less than one (1) acre but will ultimately exceed the one (1) acre threshold, or (B) The Executive Director of the Mississippi Department of Environmental Quality (MDEQ) designates the construction activity based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (2) A project is eligible for coverage under this general permit for discharges of pollutants of concern to water bodies for which there is a Total Maximum Daily Load (TMDL) established or approved by the Environmental Protection Agency (EPA) if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the project must incorporate in the Storm Water Pollution Prevention Plan (SWPPP) and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific wasteload allocation is established that would apply to the project's discharge, the project must implement steps necessary to meet that allocation within three (3) months from the final TMDL approval date. MDEQ's approved TMDL list may be found at the link listed in paragraph (3) below. In addition, "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" identifies specific controls that may be used to address consistency with any applicable TMDLs. The manual can be found at our website, https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/

ACT2 (continued):

Page 3 of 35

Narrative Requirements:

Condition	
No.	Condition
T-3	(3) A project is eligible for coverage under this general permit for discharges of storm water to impaired water bodies on MDEQ's 303(d) list, provided best management practices (BMPs) are employed that prohibit further impairment of the designated and/or existing beneficial uses in the receiving water body. To be eligible for coverage under this general permit, the owner/operator must indicate on the SCNOI that the project discharges to a 303(d) listed receiving water and incorporate appropriate BMPs in its SWPPP. MDEQ's 303(d) list of impaired water bodies may be found on MDEQ's website, www.mdeq.ms.gov
T-4	ALLOWABLE NON-STORM WATER DISCHARGES: Owner or operators are authorized for the following non-storm water discharges. Except for flows from firefighting activities, sources of non-storm water below that are combined with storm water discharges associated with construction activity must be identified in the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. A. Discharges from fire-fighting activities B. Fire hydrant flushings C. Water used to control dust D. Potable water sources including water line flushings E. Routine external building wash down that does not use detergents F. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless totally removed) and where detergents are not used G. Uncontaminated air conditioning or compressor condensate H. Uncontaminated ground water or spring water I. Foundation or footing drains where flows are not contaminated with process materials such as solvents J. Landscape irrigation K. Water used to wash vehicles, wheel wash water, and other wash waters where detergents are not used. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	PROHIBITED NON-STORM WATER DISCHARGES: A. Wastewater from washout of concrete (unless managed by an appropriate control) B. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials C. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance D. Soaps or solvents used in vehicle and equipment washing E. Wastewater from sanitary facilities, including portable toilets F. Dewatering activities, including discharges from dewatering of trenches and excavations unless managed by BMPs. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT2 (continued):

Page 4 of 35

Narrative Requirements:

Condition	
No.	Condition
T-6	THIS PERMIT DOES NOT AUTHORIZE: (1) Discharges associated with construction activity that disturb five (5) or more acres that are covered under the Large Construction General Permit or that have been covered under an individual permit in accordance with ACT3, S-2 of this permit. (2) Discharges from construction sites that the Executive Director determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. Where such determinations have been made, the Mississippi Environmental Quality Permit Board (Permit Board) will contact the owner or operator. The Permit Board may determine that an individual permit application is necessary in accordance with ACT3, S-2 of this permit. However, the Permit Board may authorize coverage under this permit after appropriate controls and implementation procedures, designed to bring the discharges into compliance with water quality standards, have been included in the Storm Water Pollution Prevention Plan. (3) Discharges to impaired receiving waters, unless the SWPPP specifically identifies Best Management Practices (BMPs) which ensure storm water will not cause or contribute to non-attainment of a water quality standard. In cases where the Permit Board becomes aware of potential impairment due to small construction activities, the Permit Board will require the submittal of the SWPPP in order to ascertain whether the selected BMPs are sufficient to comply with requirements of this permit or any other requirements of the Permit Board. (4) Activities that will affect waters of the state, including wetlands, without obtaining the necessary U.S. Army Corps of Engineers' (COE) individual Section 404 permit or coverage under a COE nationwide or general permit. If a Small Construction Notice of Intent (SCNOI) is requested by the Permit Board, appropriate COE documentation must be included. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (5) Discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization. (6) Discharges of hazardous substances or oil resulting from an on-site spill. (7) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed SCNOI, or County Utility Authority approval, if applicable, will be deemed to constitute the regulated entity's certification of eligibility. [40 CFR 122.49]

ACT3 (Small Construction) Obtaining Coverage:

Page 5 of 35

Submittal/Action Requirements:

Condition	
No.	Condition
S-1	HOW TO OBTAIN AUTHORIZATION: (1) If a Small Construction Notice of Intent (SCNOI) has not been requested by the Permit Board (SCNOI not submitted to MDEQ), Owners or operators are authorized to discharge storm water or allowable non-storm water associated with small construction activity under the terms and conditions of this permit upon commencement of small construction land disturbing activities (i.e., Construction may begin after the completion of the SCNOI and the development and implementation of the required Storm Water Pollution Prevention Plan (SWPPP)). (2) If a Small Construction Notice of Intent (SCNOI) has been requested by the Permit Board (SCNOI submitted to MDEQ). Owners or operators are authorized to discharge storm water or allowable non-storm water only after staff review and receipt of written notification of approval of coverage by the Permit Board Staff. Beginning December 21, 2020, applicants must submit the NOI electronically as required by 40 CFR 127.16 when requested by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	REQUIRING AN INDIVIDUAL PERMIT: Upon receipt of a SCNOI, the Permit Board may require an alternate permit. The Permit Board may require any owner or operator of land disturbing activities of equal to or greater than one (1) acre and less than five (5) acres to apply for and obtain an individual NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any small construction owner or operator to apply for an individual NPDES permit only if the owner or operator has been notified in writing. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (Small Construction) Small Construction Notice of Intent:

Submittal/Action Requirements:

Condition	
No.	Condition

S-1 SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI):

Prior to the commencement of small construction activity, the owner or operator must complete a Small Construction Notice of Intent (SCNOI) provided at the end of this permit. The SCNOI and SWPPP described in ACT5 shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) only upon request from MDEQ. However, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Failure to complete a SCNOI prior to the commencement of construction activity or to submit a SCNOI when requested is a violation of State regulations. The SCNOI shall be retained by the owner or operator as required by ACT8, R-1 of this permit. Attachments to the SCNOI must include: A Storm Water Pollution Prevention Plan (SWPPP) and a U.S. Geological Survey quadrangle map or copy (only if required to be submitted to MDEQ) showing site location.

The owner(s) of the property and the operator(s) associated with the regulated construction activity on the property have joint and severable responsibility for compliance with the permit. Notwithstanding any permit condition to the contrary, the coverage recipient and any person who causes pollution of waters of the state or places waste in a location where they are likely to cause pollution, shall remain responsible under applicable federal and state laws and regulations, and applicable permits.

The SCNOI shall be signed in accordance with the provisions of ACT11, T-4 of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Page 7 of 35

Narrative Requirements:

Condition No.	Condition
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T-1 WHERE TO SUBMIT THE SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI), IF REQUESTED:

If requested, complete and appropriately signed SCNOI forms must be submitted to:

Chief, Environmental Permits Division
MS Dept. of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

For priority or overnight deliveries, the physical address is:

515 East Amite Street
Jackson, Mississippi 39201

Beginning December 21, 2020, applicants must submit the NOI electronically as required by 40 CFR 127.16 when requested by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (Small Construction) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:

Page 8 of 35

Submittal/Action Requirements:

Condition	
No.	Condition
S-1	SWPPP DEVELOPMENT: A site-specific SWPPP shall be developed requiring the design, installation, implementation and maintenance of effective pollution prevention measures by each owner or operator subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with construction activity. The SWPPP shall describe and ensure the implementation of specific best management practices for the project site, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. (1) The SWPPP shall be retained at the permitted site or locally available. A copy of the SWPPP must be made available to the MDEQ or MS4 inspectors for review at the time of an on-site inspection. (2) BMPs shall be in place upon commencement of construction. (3) The Executive Director of MDEQ or designee will notify the owner or operator whenever he/she becomes aware that the SWPPP does not meet the minimum requirements of this permit. After notification, the owner or operator shall amend the SWPPP, implement the changes and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided by the Executive Director, the requested changes shall be made within 15 days. (4) The owner or operator shall amend the SWPPP and implement the changes before there is a change in construction, operation, or maintenance, which may potentially affect the discharge of pollutants to waters of the state. (5) The owner or operator shall amend the SWPPP and implement the necessary changes within 15 days if the SWPPP proves to be ineffective in controlling storm water pollutants including, but not limited to, significant sediment leaving the site and non-functioning BMPs.

ACT5 (continued):

Page 9 of 35

Narrative Requirements:

Condition	
No.	Condition
T-1	SWPPP CONTENT: Owner or Operator: The SWPPP shall identify the "owner or operator" as defined in ACT12 of this permit. The operator's name, complete mailing address, email address, and telephone number(s) shall be identified on the plan. [11 Miss. Admin. Code Pt. 6, Ch. 1.] Erosion and Sediment Controls and Soil Stabilization Requirements: The SWPPP shall list and describe site-specific controls appropriate for the construction activities as well as the procedures for implementing such controls. Controls shall be designed to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the project site, the SWPPP must include written justification as to why site-specific constraints and/or costs make the control(s) infeasible. At a minimum, such controls must be designed, installed and maintained to: (1) Control storm water volume and velocity within the site to minimize soil erosion; (2) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points; (3) Minimize the amount of soil exposed during construction activity; (4) Minimize the disturbance of steep slopes.

ACT5 (continued):

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Narrative Requirements:

Condition No.	Condition
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T-2 SWPPP CONTENT (continued):

(5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provide and maintain a 50-foot undisturbed natural buffer around waters of the United States; or provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. Direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible;

(7) Minimize soil compaction and, unless infeasible, preserve topsoil;

(8) Direct storm water to vegetated areas, brush barriers, silt fences, hay bales, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge;

(9) Transport runoff down steep slopes through lined channels or piping;

(10) Minimize the amount of cut and fill, and soil compaction; and

(11) Minimize off-site vehicle tracking of sediments.

At a minimum, the controls must be in accordance with the standards set forth in the most current edition of the "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)," or other recognized manuals of design as appropriate for Mississippi. The planning and design manual can be obtained by calling 601/961-5171 or may be found electronically on the MDEQ website, <https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/>.

Narrative Requirements:

Condition	
No.	Condition
T-3	SWPPP CONTENT (continued): The number and type of BMPs included in the SWPPP must reflect the specific conditions of the construction site. An effective SWPPP includes a combination of BMPs that are designed to work together. A combination of BMPs is listed below and must be included as minimum components of a SWPPP. (1) Vegetative Practices shall be designed to preserve existing vegetation where feasible and initiate vegetative stabilization measures after land disturbing activities. Such practices may include, but are not limited to, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, tree protection and topsoil preservation. Soil stabilization-vegetative stabilization measures must be initiated whenever any clearing, grading, excavating or other land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of fourteen (14) days or more. The appropriate temporary or permanent vegetative practices shall be implemented immediately. For the purpose of this permit, "immediately" is interpreted to mean no later than the next work day. The following specific practices must be included, unless infeasible (see Definitions). If any of the following practices are deemed infeasible, written justification must be included in the SWPPP. (A) Buffer zones (see Definitions) shall be maintained between land disturbing activities and water bodies. (B) Topsoil should be stockpiled and used in areas that will be re-vegetated. When final grade is reached it should be distributed to a minimum depth of 2 inches on 3:1 slopes and 4 inches on flatter slopes. (C) Heavy equipment use in areas to be re-vegetated should be avoided. If compaction cannot be avoided, the top 4 inches of the soil bed should be tilled before re-vegetation. Any necessary fertilizer or other soil amendments should be added during the tilling process. (2) Structural practices shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include, but are not limited to, construction entrance/exit, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls. If a sedimentation basin is used, must be installed before initial site grading and utilize outlet structures that withdraw water from the surface and that are designed for a minimum 2-year, 24-hour storm event.

Narrative Requirements:

Condition No.	Condition
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T-3 SWPPP CONTENT (continued):

The following specific practices must be included, unless infeasible (see Definitions). If any of the following practices are deemed infeasible, written justification must be included in the SWPPP.

- (A) Steep Slopes (see Definitions) that cannot be avoided must have, at a minimum, silt fences or equivalent sediment controls for all down slope boundaries (and for those side slope boundaries deemed appropriate by individual site conditions), unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- (B) Construction entrances/exits (see Definitions) shall be installed wherever traffic will be leaving a construction site and moving directly onto a paved public road.
- (C) Storm Drain Inlets-Inlets that could receive storm water from construction activities shall be protected by surrounding or covering with a filter material until final stabilization has been achieved.
- (D) Perimeter Controls-Natural areas shall be maintained and supplemented with silt fence and fiber rolls around project perimeter. If not feasible to maintain natural areas, a silt fence or similar controls, such as fiber rolls, are sufficient.
- (E) Phasing- Schedule or sequence construction activities so as to concentrate work in certain areas so as to minimize the amount of soil that is exposed at one time.

Narrative Requirements:

Condition	
No.	Condition
T-4	SWPPP CONTENT (continued): (3) Facilities discharging into impaired receiving waters (i.e., receiving stream segments which are listed on MDEQ's 303(d) List of Impaired Waters or segments for which a Total Daily Maximum Load (TMDL) has been approved) must identify the pollutant of concern(s) for the receiving stream in the SWPPP. If applicable, the SWPPP shall describe how the selected BMPs will ensure that discharges from the site will not cause or contribute to exceedance of the water quality standards in the receiving stream. (4) A description of any post-construction control measures. Post-construction control measures should be installed, as necessary, to control pollutants in storm water after construction is complete. These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. (5) Proposed responsible parties (original coverage recipient or new owner or operator) shall be identified for individual lots or out-parcels that are part of a larger common plan of development or sale. If permit responsibility is retained by the original coverage recipient, a narrative description of sediment and erosion controls for subdivision lots is acceptable. Out-parcels in commercial developments must be included in the scaled site map referenced below.

Narrative Requirements:

Condition	
No.	Condition

T-5 Housekeeping Practices:

The owner or operator shall design, install, implement and maintain practices appropriate to prevent pollutants from entering storm water from construction sites because of poor housekeeping. These practices must be listed in the SWPPP and located on the site map.

The owner or operator shall designate and report in the SWPPP areas for equipment maintenance and repair and concrete chute wash off; provide waste receptacles and regular collection of waste; provide adequately maintained sanitary facilities; provide protected storage areas for chemicals, paints, solvents, fertilizers, pesticides, herbicides, detergents and other potentially toxic materials; and implement spill and leak prevention practices and response procedures if spills and leaks do occur; minimize the exposure of building materials, building products, construction wastes, trash and landscape materials. These areas and specific potential pollutants shall be addressed in the SWPPP and located on the scaled site map.

The owner or operator shall provide a description of procedures for:

- (A) Sweeping or removal of sediment and other debris that has been tracked from the site or deposited from the site onto streets and other paved surfaces;
- (B) Removal of sediment or other pollutants that have accumulated in or near any sediment control measures, storm water conveyance channels, storm drain inlets, or water course conveyance within the construction site, and;
- (C) Removal of accumulated sediment that has been trapped by sediment control measures at the site, in accordance with applicable maintenance requirements covered under this permit.

The owner or operator shall also provide a description of the procedures for handling and disposing of wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. [11 Miss. Admin. Code Pt. 6, R. 1]

Narrative Requirements:

Condition	
No.	Condition
T-6	Prepare Scaled Site Map(s): If the construction project is a linear construction project (e.g., pipeline, road, etc.), a scaled site map is not required, however standard diagrams (e.g., cross sections showing dimensions and labeled components) of erosion and sediment controls to be used must be submitted. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	The owner or operator of a non-linear construction project shall prepare a scaled site map showing: (1) Boundaries of property and proposed construction activities, noting any phasing of construction activities, (2) Original and proposed contours (if feasible), with steep slopes (see Definitions) identified, (3) North arrow, (4) Drainage pattern arrows and storm water outfalls, (5) Location of sensitive areas, such as wetlands, perennial streams and adjacent receiving water bodies, (6) Natural buffer zones (7) Location of any storm drain inlets and any receiving MS4, (8) All erosion and sediment controls (vegetative and structural), (9) Any post-construction control measures, and (10) Location of housekeeping practices.

Narrative Requirements:

Condition	
No.	Condition

- T-8

Implementation Sequence:

The SWPPP shall outline an implementation sequence (including any phasing of construction activities), which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project.
- T-9

Implementation of Controls:

The SWPPP shall require the owner or operator, in disturbing an area, to implement controls as needed to prevent erosion and adverse impacts to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Narrative Requirements:

Condition	
No.	Condition
T-10	Maintenance and Weekly Inspections: The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all controls and outfalls/discharge points are inspected weekly for a minimum of four inspections per month in accordance with ACT6, S-4. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under this permit shall be corrected as soon as possible, but not to exceed 24 hours of the inspection unless prevented by unsafe weather conditions as documented on the inspection form. In the event of an unanticipated breach of a sediment basin/pond temporary containment measures shall be taken within 24 hours after the inspection. Permanent corrective measures shall be implemented within five (5) days of the inspection; however, if permanent corrective measures cannot be implemented within the timeframes provided herein the owner or operator shall contact MDEQ. [11 Miss. Admin. Code Pt. 6, R. 1]
T-11	Non-Storm Water Discharge Management: The SWPPP must identify all allowable sources of non-storm water discharges listed in ACT2, T-5, except for flows from actual firefighting activities, which are combined with storm water discharges associated with large construction activity. Non-storm water discharges should be eliminated or reduced to the extent feasible. Wash waters must be treated in a sediment basin or alternate control that provides equivalent or better treatment prior to discharge. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge.
T-12	Final Stabilization: The SWPPP shall describe procedures to achieve final stabilization (See Definitions) of all disturbed areas of the project site.
T-13	Example Storm Water Pollution Prevention Plans (SWPPPs): Example SWPPPs are included in the Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities as well as the MDEQ Registration Form for Individual Residential Lots. The Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities is also available online at our website, https://www.mdeq.ms.gov/water/surface-water/nonpoint-source-pollution-program/erosion-and-sediment-control-manual/ US EPA also lists example SWPPPs on their website at: https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp

Submittal/Action Requirements:

Condition	
No.	Condition
S-1	SWPPP IMPLEMENTATION REQUIREMENTS: The coverage recipient shall: (1) Implement the site-specific SWPPP and retain a copy of the SWPPP at the permitted site. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to state or local inspectors for review at the time of an on-site inspection. (2) Implement the following pre-construction activities: (A) Mark off areas of "disturbance", "no disturbance" (i.e. buffer zone), and "sensitive areas" (i.e., delineate and clearly flag or mark off areas such as steep slopes, wetlands, perennial streams and adjacent water bodies, or other sensitive areas), (B) Preserve native topsoil on the site to the extent feasible, and (C) Limit construction stream crossings to the minimum necessary to provide access for the construction project. (3) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction. (4) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within thirty (30) days of amendment. (5) Amend the SWPPP if notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements. Coverage recipient shall certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within fifteen (15) days.

Submittal/Action Requirements:

Condition	
No.	Condition
S-2	SWPPP IMPLEMENTATION REQUIREMENTS (continued): (6) Install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction. (7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site. (8) Comply with applicable State or local waste disposal, sanitary sewer or septic system regulations. (9) Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow. (10) If, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation.
S-3	SWPPP COMPLIANCE WITH LOCAL STORM WATER ORDINANCES: (1) In addition to the requirements of this permit, the SWPPP shall be in compliance with all local storm water ordinances. (2) When storm water discharges into a Municipal Separate Storm Sewer System (MS4), the owner or operator must make the SWPPP available to the municipal authority upon request.

Submittal/Action Requirements:

Condition No.	Condition
S-4	INSPECTION REQUIREMENTS: Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the general permit by qualified personnel (see Definitions). (1) after rain events that produce a discharge and at least weekly for a minimum of four inspections per month; and (2) As often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and to determine if additional or alternative control measures are required. Before conducting the site inspection, the inspector should review Chapter 4, Inspector's Checklist and Troubleshooting Chart found in MDEQ's Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi, available online at our website, https://www.mdeq.ms.gov/permits/environmental-permits-division/types-of-general-permits/ MDEQ strongly recommends that coverage recipients perform a "walk through" inspection of the construction site daily to ensure controls are in place and will function properly. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Limitation Requirements:

Condition	No.	Parameter	Condition
	L-1		NON-NUMERIC LIMITATIONS: Storm water discharges shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters, 4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT8 (Small Construction) Record Keeping:**Record-Keeping Requirements:**

Condition	No.	Condition
R-1	RETENTION OF RECORDS:	All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least three (3) years from the date that the document(s) was generated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
R-2	DOCUMENTATION OF INSPECTIONS:	All inspections required by ACT6, S-4 of this permit must be documented on the Inspection and Certification Form provided at end of this permit. The form must be certified according to the signatory requirements outlined in ACT11, T-4, T-5 and T-6 of this permit. Documentation must include the day and time the inspection was performed, who performed the inspection, any deficiencies noted, and corrective action needed. Documentation of all inspections must be kept with the SWPPP. Inspections must continue until such time that planned construction activities have been completed, land disturbing activities have ceased and disturbed areas have been stabilized with no significant erosion occurring. To satisfy this requirement for linear projects, inspections may be conducted at representative locations for portions of the project that have been completed and stabilized.

ACT9 (Small Construction) Termination of Permit Coverage:

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Submittal/Action Requirements:

Condition	
No.	Condition
S-1	TERMINATION OF PERMIT REQUIREMENTS: (1) If a SCNOI has not been requested by the Permit Board (SCNOI not submitted to MDEQ). Upon successful completion of all permanent erosion and sediment controls, inspections and reporting requirements are no longer required. The owner or operator must record the date of completion of all permanent erosion and sediment controls on the final inspection report. (2) If a SCNOI has been requested by the Permit Board (SCNOI submitted to MDEQ). Upon successful completion of all permanent erosion and sediment controls for a small construction project a written notification of such shall be submitted to the MDEQ. Permit requirements remain in effect until such time the coverage recipient receives written notice of coverage termination from MDEQ.

ACT10 (Small Construction) Standard Requirements Applicable to All Water Permits:

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Narrative Requirements:

Condition	
No.	Condition
T-1	DUTY TO COMPLY: The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for coverage termination, revocation and reissuance, or modifications; or denial of a renewal application. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	DUTY TO MITIGATE: The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which is likely to adversely affect human health or the environment. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	DUTY TO PROVIDE INFORMATION: The owner or operator shall furnish to the Permit Board, within a reasonable time, any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The owner or operator shall also furnish to the Permit Board, upon request, copies of records required to be kept by this permit.

ACT10 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-4	SIGNATORY REQUIREMENTS: All SCNOIs and Requests for Recoverage shall be signed as follows: (1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means: (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (B) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; Note: MDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (1)(A) above. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Permit Board to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (1)(B) above rather than to specific individuals. (2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) For a municipal, State, Federal, or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: a) the chief executive officer of the agency, or b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (continued):**Narrative Requirements:**

Condition	
No.	Condition
T-5	DULY AUTHORIZED REPRESENTATIVE: All SWPPPs, reports required by this permit, certifications and other information requested by the Permit Board shall be signed by a person described in ACT 11, T-4 above, or by a duly authorized representative of that person. A person is a duly authorized representative when: (1) The authorization is made in writing and submitted to the Permit Board by a person described in ACT 11, T-4 above. (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position).
T-6	CHANGES IN AUTHORIZATION: If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of ACT 11 T-4, T-5 and T-6 must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CERTIFICATION: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	OIL AND HAZARDOUS SUBSTANCE LIABILITY: Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the CWA.
T-9	PROPERTY RIGHTS: The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

ACT10 (continued):

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Narrative Requirements:

Condition No.	Condition
T-10	SEVERABILITY: The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
T-11	TRANSFERS: Coverage under this permit is not transferable to any person except after notice to and approval by the Permit Board. The Permit Board may require the coverage recipient to obtain another NPDES permit. Transfer of coverage requests shall be submitted to the Permit Board using the form provided at the end of this permit.
T-12	PROPER OPERATION AND MAINTENANCE: The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit, including the Storm Water Pollution Prevention Plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	BYPASS PROHIBITION: Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an owner or operator for a bypass, unless: a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the owner or operator should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and c) The owner or operator submitted notices per ACT 11, T-17 and/or T-18.

ACT10 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-14	UPSET CONDITIONS: An upset is an exceptional incident in which there is unintentional and temporary noncompliance. An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a coverage recipient shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: 1) An upset occurred and the coverage recipient can identify the specific cause(s) of the upset, 2) The permitted facility was at the time being properly operated, 3) The coverage recipient submitted notices per ACT 11, T-17 and/or T-18 and 4) The coverage recipient took remedial measures as required under ACT 11, T-2. In any enforcement proceeding, the coverage recipient has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
T-15	RELEASE REPORTING: Releases into the environment of hazardous substances, oil, and pollutants or contaminants, which pose a threat to applicable water quality standards or causes a film, sheen or discoloration of State waters, shall be reported to the: - Mississippi Emergency Management Agency (601) 933-6362 or (800) 222-6362; or - National Response Center (800) 424-8802. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-16	NONCOMPLIANCE REPORTING: (1) Anticipated Noncompliance. The owner or operator shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the owner or operator from enforcement for that noncompliance. (2) Unanticipated Noncompliance. The owner or operator shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written report shall be provided to the MDEQ within five (5) working days of the time he or she becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

ACT10 (continued):

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Narrative Requirements:

Condition No.	Condition
T-17	INSPECTION AND ENTRY: The owner or operator shall allow the Permit Board staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to: (1) enter upon the owner's or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit; (2) have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and (3) inspect at reasonable times any facilities or equipment. (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	PERMIT ACTIONS: This permit may be modified, revoked and reissued, or terminated for cause. A request by the owner or operator for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-19	REOPENER CLAUSE: If there is evidence indicating potential or realized impacts on water quality due to construction activities covered by this permit, the owner or operator may be required to obtain an individual permit or an alternative general permit in accordance with ACT 3, S-2 or the permit may be modified to include different limitations and/or requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-20	PERMIT MODIFICATION: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (continued):

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Narrative Requirements:

Condition	
No.	Condition
T-21	CIVIL AND CRIMINAL LIABILITY: (1) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Air and Water Pollution Control Law is subject to the actions defined by the Mississippi Air and Water Pollution Control Law. (2) Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the coverage recipient from civil or criminal penalties for noncompliance. (3) It shall not be the defense of the coverage recipient in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (Small Construction) Definitions:

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Narrative Requirements:

Condition No.	Condition
T-1	BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	BUFFER ZONE, as used in this permit, means a strip of dense undisturbed perennial vegetation, either original or reestablished, that borders perennial streams and rivers, ponds, lakes, wetlands, etc. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when storm water runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in storm water runoff flowing into and through the buffer zone as shallow sheet flow.
T-3	CFR means the Code of Federal Regulations.
T-4	COMMENCEMENT OF CONSTRUCTION ACTIVITIES means the initial disturbance of soils associated with clearing, grading, grubbing, or excavating activities or other construction-related activities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	COMPACTION means the process by which the soil grains are rearranged to decrease void space and bring the grains into closer contact with one another and thereby increase the weight of solid material per cubic foot.
T-6	CONSTRUCTION ACTIVITY as used in this permit, includes construction activity as defined in 40 CFR part 122.26(b)(14)(x). This includes a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, grubbing, filling and excavating. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CONSTRUCTION ENTRANCE/EXIT is a stone-base pad designed to provide a buffer area where mud-and caked-soil can be removed from the tires of vehicles to avoid transporting it onto public roads. This practice applies anywhere traffic will be leaving a mining site and moving directly onto a paved public road or street.
T-8	CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-9	CLEAN WATER ACT (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-10	DISCHARGE OF STORM WATER ASSOCIATED WITH SMALL CONSTRUCTION ACTIVITY as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete) are located.
T-11	EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	FACILITY OR ACTIVITY means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	FINAL STABILIZATION means all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% for the area has been established or equivalent measures have been employed.
T-14	HIGHLY ERODIBLE SOILS can be identified in the State of Mississippi's County Soil Surveys developed by the National Resources Conservation Service (NRCS).
T-15	INFEASIBLE means not technologically possible, or not economically practicable, and achievable in light of best industry practices.
T-16	LARGE CONSTRUCTION ACTIVITY includes clearing, grading, grubbing, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. Large construction activity is covered by the Large Construction General Permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-17	LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-18	LINEAR PROJECT includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. [11 Miss. Admin. Code Pt. 6, R. 1]
T-19	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, (ii) Designed or used for collecting or conveying storm water, (iii) Which is not a combined sewer, and (iv) Which is not part of a Publicly Owned Treatment Works (POTW).
T-20	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the National Pollutant Discharge Elimination System, which is a program administered under the authority of the Clean Water Act that prohibits the discharge of pollutants into waters of the United States unless a special permit is issued. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-21	OWNER OR OPERATOR for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria: (1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) The party has day to day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform coverage recipients of MDEQ's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-22	PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28.
T-23	POLLUTANT is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste.

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-24	QUALIFIED PERSONNEL means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
T-25	SCNOI is an acronym for Small Construction Notice of Intent. A Notice of Intent is the mechanism used to apply for coverage under a general permit.
T-26	SMALL CONSTRUCTION ACTIVITY is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, grubbing, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-27	STATE LAW means The Mississippi Air and Water Pollution Control Law, specifically, Miss. Code Ann 49-17-1 through 49-17-43, and any subsequent amendments. [11 Miss. Admin. Code Pt. 6, R. 1].
T-28	STEEP SLOPES, as used in this permit, means slopes or grades steeper than (3:1).
T-29	STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, grubbing, or excavation), construction materials or equipment storage or maintenance (e.g., stock piles, borrow area, concrete truck chute wash down, fueling) are located.
T-30	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-31	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-32	SUCCESSFUL COMPLETION OF ALL PERMANENT EROSION AND SEDIMENT CONTROLS means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

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Narrative Requirements:

Condition No.	Condition
T-33	TEMPORARY STABILIZATION means practices such as seeding, mulching and erosion control blankets or mats that are used to stabilize exposed areas in which construction activity has been temporarily suspended. [11 Miss. Admin. Code Pt. 6, R. 1]
T-34	TOPSOIL means the top layer of undisturbed soil, consisting of a high percentage of organic matter, which is conducive to plant growth.
T-35	TOTAL MAXIMUM DAILY LOAD (TMDL) means the maximum daily amount of a pollutant that can enter a water body so that the water body will meet and continue to meet state water quality standards.
T-36	TURBIDITY is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted with no change in direction of flux level through the sample caused by suspended and colloidal matter such as clay, silt, finely divided organic and inorganic matter and plankton and other microscopic organisms.
T-37	UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the coverage recipient. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [11 Miss. Admin. Code Pt. 6, R. 1]
T-38	WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C.1251 et seq.).
T-39	11 Miss. Admin. Code Pt. 6, Ch. 1. means the Mississippi Commission on Environmental Quality National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification.

Submit only upon request from MDEQ



MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI)

GENERAL NPDES PERMIT MSR15 _____ (Number to be assigned by MDEQ if submitted)

Prior to the commencement of small construction activity (see Small Construction General Permit ACT11, T-17), the owner or operator of a small construction project must complete this form and develop a Storm Water Pollution Prevention Plan (SWPPP) as required by ACT5 of Mississippi's Small Construction General Permit. This SCNOI and SWPPP shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) only upon request from MDEQ; however, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Attachments with this SCNOI must include: a USGS quad map or copy showing site location (only if required to be submitted to MDEQ) and a Storm Water Pollution Prevention Plan (SWPPP). All questions must be answered – answer "NA" if the question is not applicable.

PROJECT INFORMATION

OWNER CONTACT PERSON:	Nick Fountain
OWNER COMPANY NAME:	CamDay, LLC
OWNER STREET (P.O. BOX):	13334 Seaway Road Ste. 201
OWNER CITY:	Gulfport
STATE:	MS
ZIP:	39503
OWNER PHONE # (INCLUDE AREA CODE):	228-860-8812

OPERATOR (if different from owner) CONTACT PERSON:	
OPERATOR COMPANY:	
OPERATOR STREET (P.O. BOX):	
OPERATOR	CITY:
STATE:	ZIP:
OPERATORPHONE # (INCLUDE AREA CODE):	

PROJECT NAME:	Cowan Townhomes
DESCRIPTION OF CONSTRUCTION ACTIVITY:	Clearing, striping, earthwork, drainage, utilities, paving, and permanent erosion control.
ACREAGE DISTURBED (to be covered by this permit, area must be less than five (5) acres):	4.22
PHYSICAL SITE ADDRESS (If not available, indicate the nearest named road. For linear projects, indicate the beginning of the project and identify all counties the project traverses,):	
STREET:	0 Cowan Road
CITY:	Gulfport
COUNTY:	Harrison
ZIP:	39503
NEAREST NAMED RECEIVING STREAM:	Gulf of Mexico

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: *[Signature]* Date Signed: 04/05/2024

Printed Name: Title: Project Engineer

¹This application shall be signed according to the Small Construction General Permit, ACT10, T-4.

If requested, please submit this form to:

Chief, Environmental Permits Division
MDEQ, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
COWAN TOWNHOMES**

THIS DECLARATION is made this the 08th day of October, 2025, by Cowan Investments, LLC a Mississippi Limited Liability companies, for itself, its successors, grantees and assigns, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Harrison County, Mississippi, which is more particularly described as follows, to-wit:

Lots 1 through 36, inclusive, Cowan Townhomes, Harrison County, Mississippi, according to a plat thereof recorded in Plat Book____ at page____ of the Land Deed Records of HARRISON County, Mississippi.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I
DEFINITIONS**

- Section 1.** "Association" shall mean and refer to Cowan Townhomes Homeowners Association, Inc., a Mississippi non-profit corporation, with its successors and assigns.
- Section 2.** "Board" or "Board of Directors" shall mean the Board of Directors of the Cowan Townhomes Homeowners Association, Inc.
- Section 3.** "Builder" shall mean any Person or legal entity that purchases one or more Lots for the purpose of constructing improvements for later sale to consumers.
- Section 4.** "Building Site" shall mean those fractional parts of adjacent lots or one or more lots and all or a portion of an adjacent lot within the subdivision, which are more particularly described and defined in Section 2 of Article VI of this Declaration.
- Section 5.** "Common Area" shall mean all real property (including improvements thereto) owned by the Association and/or which the Association members have the right to use and enjoy and also all rights of easement and license and shall include any and all other property shown on the recorded plat of Cowan Townhomes, but with the exception of and excluding the platted lots and parcels, and with the exception of and excluding the drainage and utility easements and the streets and/or roads.

- Section 6. "Declarant" shall mean and refers to Cowan Investments, LLC, a Mississippi limited liability company, and its successors and assigns.
- Section 7. "Director" shall mean a member of the Board of Directors of the Association.
- Section 8. "Home" or "Dwelling" shall mean and refer to any building situated upon a Lot or Building Site which is designated and intended for use and occupancy as a residence by a single family.
- Section 10. "Living Unit" shall mean and refer to a Lot and the Home constructed thereon.
- Section 11. "Lot" shall mean and refer to any numbered lot as illustrated and shown on the plat of Cowan Townhomes as recorded in the public records of Harrison County, Mississippi.
- Section 12. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 hereof.
- Section 13. "Owner" shall mean and refer to the owner of record, whether one or more persons or entities of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 14. "Properties" or "Property" shall mean and refer to that certain real property hereinabove described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II

MEMBERSHIP, VOTING RIGHTS, AND GOVERNANCE OF THE ASSOCIATION

- Section 1. Every Owner of a Lot in Cowan Townhomes and all future phases of Cowan Townhomes shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- Section 2. The Association shall have two classes of voting membership and one class of non-voting membership, as follows:
- CLASS A. Class A members shall be all owners, except for the Declarant, and shall be entitled to one vote for each Lot or Building Site owned in any Phase of Cowan Townhomes. When more than one person has an interest in any Lot of Building Site, all such persons shall be members. The vote for such Lot of Building Site shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot or Building Site.
- CLASS B. The Class B members shall include the Declarant and shall be entitled to four votes for each Lot owned in Cowan Townhomes.

Section 3. Governing Body: Composition:

The affairs of the Association shall be governed by a Board of Directors, the members of which must own property in Cowan Townhomes; provided, however, no Person and his or her spouse may serve on the Board at the same time. The number of Directors shall be either three or five. The Board members shall also serve as the officers of the Association.

ARTICLE III
COVENANT FOR ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments

The Declarant, for each Building Site and/or Lot owned within the subdivision, hereby covenants, and each Owner of any Building Site and/or Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) Annual Assessments or charges, and (2) special assessments for capital improvements; such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments

The assessments levied by the Association shall be used for the improvement, landscaping, replacement, maintenance, repair, enhancement, enlargement, and operation of the Common Area, if any, and improvements thereon, if any; and for maintaining and lighting the entranceways and fence ways attached to entranceways and appurtenant landscaping; and for maintaining and lighting entranceway signs.

Section 3. Maximum Annual Assessments

Notwithstanding the recording date of these covenants, the Annual Assessment for Class A and Class B members owning property in Cowan Townhomes shall be first set concurrent with the assessment by the Association for the next fiscal year beginning on _____, payable in advance.

(a) The maximum Annual Assessment shall be determined by the Board of Directors of the Association and may not be increased more than 10% above the maximum assessment for the previous year without a vote of the membership as provided in Section 3(b) below.

(b) The maximum Annual Assessment may be increased by more than 10% above the maximum Annual Assessment for the previous year by a vote of two-thirds of the

members present and voting who are voting in person or by proxy at a meeting duly called for this purpose.

(c) If the Board of Directors of the Association, by majority vote, determines that the important and essential functions of the Association may be properly funded by Annual Assessments less than those set out above, it may levy such lesser assessments. The levy of Annual Assessments less than the maximum Annual Assessments in one year shall not affect the Board's right to levy the maximum Annual Assessments in subsequent years. If the Board of Directors shall levy less than the maximum Annual Assessments for any assessment year and if thereafter, during such assessment year, the Board of Directors shall determine that the important and essential functions of the Association cannot be funded by such lesser assessments, the Board may levy supplemental Annual Assessments.

Section 4. Special Assessments for Capital Improvements

In addition to the Annual Assessments authorized above, the Association may levy in any assessment year, a Special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the costs of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, if any, or in the subdivision, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose. An initial capital contribution of \$_____ is required upon the Purchase of Lot from the Declarant and/or its successors in interest.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3(b) and 4 of This Article

Written notice of any meeting called for the purpose of taking any action authorized under Sections 3(b) and 4 of this Article shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members and/or proxies entitled to cast fifty percent plus one vote (50%+1) of all votes shall constitute a quorum. If the required quorum is not present at any such meeting, one (1) or more subsequent meetings may be called for the same purpose, subject to not less than ten (10) days written notice of each such subsequent meeting being provided to all Members, and the required quorum at any subsequent meeting shall be one-half of the required quorum of the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment

Both Annual and Special Assessments must be fixed at a uniform rate for all Lots and Building Sites.

Section 7. Date of Commencement of Annual Assessments: Due Dates

The Annual Assessments provided for herein shall commence on all lots or building sites in Cowan Townhomes. Declarant and/or Assignees shall not be responsible for annual or special assessments on any Lot while owned by the Declarant or its Assignees until such Lot first contains an occupied residence and the assessment shall then be prorated for the months and days of the fiscal year remaining. The Board of Directors shall fix the amount of the Annual Assessment against each Lot at least 30 days in advance of each Annual Assessment period. Written notice of the Annual Assessment shall be sent to every owner subject thereto. The billing cycles and due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association

Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of 10% per annum. The Board may bring action at law against the owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non- use of the Common Area, if any, or abandonment of his Lot. The Board may suspend the rights of a Member to vote and to use Common Areas in three situations: (1) failure for 30 days after mailing of written notice to remedy a violation of the Covenants; (2) failure to pay an assessment within 30 days after the due date of such assessment; and (3) violation of the Association's rules regarding the use of the Common Areas. Suspension shall be for the period during which the violation occurs except that suspension can be for a period not to exceed 60 days after cure of a violation.

Section 9. Subordination of the Lien to Mortgages

The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering any Lot, parcel or Building Site within the subdivision. Sale or transfer of any Lot or Building Site shall not affect the assessment lien. However, the sale or transfer of any Lot or Building Site pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot or Building Site from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV
ARCHITECTURAL CONTROL

Section 1. Architectural Control Committee

The Architectural Control Committee (hereinafter referred to as ACC) shall consist of three or five members, appointed by the Board of Directors for one-year terms coinciding with the fiscal year of the Association. The Association pays the cost of operating the ACC. The Board can remove a member of the ACC at any time. The Board can fill any vacancy whether caused by removal, resignation, or any other reason. The members of the Committee need not be Members of the Association or representatives of Members. Members of the Committee shall not be entitled to any compensation for services performed pursuant to this Article unless compensation is hereafter authorized by the Board. Notwithstanding the aforesaid, Cowan Investments, LLC shall be the sole member of the ACC so long as Cowan Townhomes, LLC owns a lot within said subdivision.

Section 2. Architectural Approval

No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, satellite dish, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications for the proposed project have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by, the Architectural Control Committee. The plans shall include, as a minimum: a site plan; a floor plan; exterior elevations of all structures to be constructed or altered; plans for materials, color schemes, exterior lighting schemes and other details that affect the exterior appearance of the structure; and plans for landscaping and grading. Approval of plans is final and cannot be revoked, provided the plans are adhered to.

Section 3. Granting of Variances

When a building or other structure has been erected or its construction substantially advanced and the building is located on any lot or building site in a manner that constitutes a violation of these covenants, conditions and restrictions or the building setback lines shown on the recorded plat, or if the committee in its sole discretion determines that, a variance is desirable in order to best accommodate the location of a planned building on a particular lot, the committee may release the lot or building site, or parts of it, from any part of the covenants, conditions and restrictions, or setback lines, that are violated. The committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. The Committee shall have no authority to grant a variance of a HARRISON County subdivision or zoning regulation, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. However, in the event of a violation of these covenants; or the commencement of construction of a plan that had been rejected by the committee or a plan or change not submitted to the committee, the Board shall be

empowered to bring any legal action in law or in equity, to seek injunction preventing such violation, or seeking its removal entirely, or both, at the expense of the Owner. In the event of any successful injunction and/or removal order, whether in whole or in part, the Owner shall pay all legal fees, court costs and expenses of the committee in enforcing these covenants, which costs shall become a lien against the property as provided for elsewhere herein.

Section 4. Limitation of Liability

Review and approval of any plans pursuant to this Article is made based on aesthetic considerations only and the Architectural Control Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board, any committee, or members of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications to any Lot or improvements thereon.

ARTICLE V

DUTY TO CLEAR A LOT IF OWNER ELECTS NOT TO REBUILD AFTER DESTRUCTION

In the event of substantial damage to or destruction of any Home on the Properties by fire, windstorm, water, or other cause whatsoever, then the owner shall, within six (6) months after the date of substantial damage to or destruction of the home, be required to either: (1) begin reconstruction, repair and restoration of the home, such work to be completed in a timely manner; or (2) clear the lot and begin construction of a new home, such construction to be completed in a timely manner; or (3) clear the Lot, such clearing to be completed in a timely manner. If the Owner elects to clear the lot and not rebuild, the Owner shall be required to maintain the Lot in a clean and presentable manner, free from all trash and rubble, and to maintain the Lot so that it is in harmony with the surrounding property.

ARTICLE VI

RESTRICTIONS AS TO USE, OCCUPANCY AND APPEARANCE

Section I. General

All the Lots shall be used and occupied as single family townhome residences and no dwelling shall be erected, altered, placed or permitted to remain other than one single family townhome dwelling for at least one (1) but not more than three (3) vehicles. No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. Each Owner shall be responsible for his/her home's own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owners, and is consistent

with these Covenants, Conditions and Restrictions, and harmonious with the surrounding improvements.

Section 2. Animals

No livestock, animals, chickens or fowl of any kind shall be permitted on the Properties except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on the Properties except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible individual. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Association may perform such service and shall bill the pet owner accordingly. The Board shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance. Pets shall be registered, licensed, and inoculated as required by law. No pets other than service dogs accompanied by a handicapped person are allowed on the premises of recreational areas maintained by the Association.

Section 3. Building Condition, General Appearance. Nuisance and Health Regulations

All premises shall be maintained in good repair, shall be clean and sanitary at all times, and free of unsightly debris and clutter. All porches, patios, stoops, terraces, etc. that are not screened from the view of surrounding Lots shall be kept clean and uncluttered, and any furnishings placed on such area must be designed for exterior use and be in harmony with the homes in the subdivision. No nuisances and no violation of the rules and regulations of the State Board of Health or any governmental agency shall be permitted.

Section 4. Building Setback Requirements

All buildings shall comply with the building setback requirements of the City of Gulfport zoning regulations for the respective Lot or Building Site. Determination of the location of the rear and side yard setbacks for corner lots shall be based on the orientation of the residential building to be built on the lot. For the purpose of these covenants, conditions and restrictions, eaves, steps and open patios shall not be considered a part of the building.

Section 5. Clothes Lines, Garbage Receptacles, Yard Equipment and Screening of Storage Areas

No outside clothes lines or other items detrimental to the appearance of the property shall be permitted on any Lot. All personal garbage and trash receptacles which are to be furnished by the Owners or garbage collection agencies must be hidden from view. Similarly, all yard equipment, and storage areas must be screened so as to conceal them from the view of neighboring lots, streets, or other property.

Section 6. Fences

All fences to be constructed on any lot or building site shall be six (6) feet in height and constructed with unpainted treated lumber or a four feet in height black aluminum fence, unless a variance is granted by the Architectural Control Committee. Chain-link or other galvanized metal fencing is strictly prohibited. Notwithstanding the aforesaid, certain Lots may be required to construct different type fences depending on their surroundings. No fence shall be located within drainage easements and drainage swales: as such fences would obstruct the natural water flow and cause a flooding hazard.

Section 7. Firearms

No hunting by any means or the discharge of firearms of any type shall be allowed on the Property.

Section 8. Landscaping

The front yard shall be landscaped before any residence is occupied. Landscaping requirements shall include: grass areas in the front and side yard areas (if located at an end unit) and no trees or shrubs shall be planted in drainage swales, utility or ingress/egress easements and road rights-of-way.

Section 9. Landscaping Maintenance

Owner shall maintain the appearance of the building site, including easement areas. Grass, flowers, and shrubbery must be kept in an orderly fashion.

Section 10. Lawful Use

No immoral, improper, offensive or unlawful use shall be made of the Properties or any part thereof; and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Properties shall be the same as the responsibility for the maintenance and repair of the property concerned

Section 11. Maintenance of Vacant Lots or Building Sites

If construction of a dwelling is not commenced forthwith on any lot or building site, then the Owner shall remove all underbrush and mow and maintain the lot on a quarterly basis. If any unimproved lot or building site is not so maintained the Declarant, the Board, or the Association shall be empowered to maintain the lot or building site and file a lien against the property for any and all expenditures in connection with said maintenance.

Section 12. Noxious and Offensive Trade

No noxious or offensive trade or activity shall be carried out upon the Properties nor shall anything be done thereon which may be or become an annoyance to the others. Floodlights, bells, telephones, music, number or noise level of pets, air pollutants, etc. shall not be such as to constitute a nuisance to or impair the enjoyment of neighboring lots or building sites.

Section 13. Nuisances

No nuisance shall be allowed upon the Properties, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the Properties by its residents. All parts of the Properties shall be kept in a clean and sanitary condition, and no rubbish, refuse or garbage allowed to accumulate, nor any fire hazard allowed to exist. No Owner shall permit clothes, towels, or other items of personal property to be hung, draped, or otherwise displayed on the patio, porch, etc. or on fences for the purpose of drying or for any other purpose in a manner which would allow said clothing, towels or other personal property to be viewed by any other person occupying or using the Properties. No dwelling shall permit any noise to originate from his home that would be an annoyance or nuisance to occupants of nearby Lots, including, but not limited to radios, record players, stereos, musical instruments, singing, barking of dogs, and meowing of cats.

Section 14. Parking

No boat, other watercraft, trailer, truck, tractor or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger automobiles, pickups and operating passenger vans (vans are limited to those with a passenger capacity of not more than eight people) shall be parked or stored in any driveway or on any Lot in the subdivision or on the street or road right-of-way in front of or beside any such Lot so as to be visible from the street or be visible to the other residences in the subdivision.

Section 15. Regulations

Reasonable regulations concerning the use of the Properties may be made and amended from time to time by the Association in the manner provided by its Articles of Incorporation and By-Laws. Copies of such regulations and amendments shall be furnished by the Association to all Owners and residents on the Properties upon request.

Section 16. Sewage and Drainage Control

No activities shall be permitted that discharge pollutants into the surface drainage system.

Section 17. Signs

No professional, commercial, political, or other signs of any kind shall be erected or maintained on any Lot.

Section 18. Temporary Structures

No structure of a temporary nature (trailer, shack, tent or other building) shall be moved to, placed upon or used on any Lot at any time either temporarily or permanently.

Section 19. Trade or Business

No lot shall at any time be used for the purpose of any trade, business, manufacture, or public amusement.

Section 20. Trespass

Whenever the Declarant or the Association is permitted by this Declaration to correct, repair, clean, preserve, clear-out, or do any action on any of the Properties or on the easement areas adjacent thereto or included therein, entering such Property and taking such action shall not be deemed a trespass.

ARTICLE VII
GENERAL PROVISIONS

Section 1. Enforcement

The Association, the Board, the Declarant or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association, the Board, the Declarant, or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event that a Court of competent jurisdiction shall determine that any lot owner shall have violated or have attempted to violate any of the covenants herein, the owner of the lot or lots causing the violation upon which the violation occurs shall pay all attorneys' fees, court costs, and other necessary expenses incurred by the Person instituting such legal proceedings to maintain and enforce the aforesaid covenants. Said attorneys' fees, court costs and other expenses allowed and assigned by the Court shall become a lien upon the lot and improvements.

Section 2. Severability

Invalidation of any one of these covenants or restrictions by judgment or Court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. No Liability

Declarant has, using best efforts and all due diligence, prepared and recorded this Declaration so that each and every Owner shall have the right and the power to enforce the terms and provisions of this Declaration against every other Owner. However, in the event that this Declaration, or any part thereof, is, for any reason whatsoever, unenforceable by an Owner (or any other person) in a court of law or otherwise, Declarant shall have no liability of any kind as a result of such unenforceability, and each and every Owner, by acceptance of a deed conveying a Lot, acknowledges that Declarant shall have no such liability.

Section 4. Indemnification

The Association shall indemnify every officer, director, and committee member against all damages and expenses, including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under this Section and Mississippi law. The officers, directors, and committee members shall not be liable for any mistake of judgement, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct, or bad faith. The officers, directors, and committee members shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association. The Association shall indemnify and forever hold each such officer, director and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. The Association shall, as a common expense, maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available. All officers and board members having direct control and access to funds of the association shall be bonded, in an amount not less than twice the total amount of all funds of the association. Such amount may be estimated and set by the Board. Any bond fees shall be paid by the Association.

Section 5. Amendment

- (a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of fifteen (15) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.
- (b) This Declaration may be amended anytime during the initial fifteen (15) year period or any extensions thereof by Declarant or its nominees, provided they own at least fifty-one percent (51%) of the numbered lots in Cown Townhomes. Beginning three (3) years from the date of recordation of the Declaration and for the remainder of the initial fifteen (15) year period or any extensions, the Covenants may also be amended by the written consent

of at least seventy-five percent (75%) of the Lot Owners within Cowan Townhomes. Any amendment must be recorded in the land Deed Records of HARRISON County, Mississippi, and shall be supplementary to this Declaration. Notwithstanding any provision herein to the contrary, no amendment to the Declaration, Bylaws, or Articles of Incorporation shall be effective without the written consent of the Class B Member or its successors and assigns, so long as there is a Class B member of the Association.

- (c) Notwithstanding anything herein contained to the contrary, the Declarant reserves and shall have the right for a period of three (3) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property.

WITNESS ITS SIGNATURE on this the _____ day of _____, 2025.

Cowan Investments, LLC

BY: _____

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this _____ day of _____, 20____, the within named _____, as _____ of Cowan Investments, LLC, a Mississippi LLC, who signed, executed and delivered for and on behalf of said LLC, and as its own act and deed, the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.

NOTARY PUBLIC

My Commission Expires _____



REPLY TO
ATTENTION OF

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

August 16, 2021

Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Approved Jurisdictional Determination, File Number SAM-2021-00481-AMR, 7.3-Acre Tract, Gulfport, Harrison County, Mississippi

Columbus Management, LLC C/O Covington Civil and Environmental
Attention: Tom Strange
2510 14th Street, Suite 1010
Gulfport, Mississippi 39501
Email Address: Tom@ccellc.us

Dear Mr. Strange:

This is in response to your request for a Department of the Army (DA) approved jurisdictional determination (AJD) concerning a 7.3-acre tract east of Cowan Road, Gulfport, Mississippi, Parcels 1010K-04-021.000, 1010K-04-010.000, and 1010K-04-006.000, Mississippi. The project has been assigned file Number SAM-2021-00481-AMR, which should be referred to in all future correspondence with this office concerning this project site. Specifically, the tract is located in Section 29, Township 7 South, Range 10 West, Latitude 30.402222 North, Longitude -89.010217 West, Harrison County, Mississippi.

Based on information gathered during our site visit on June 10, 2021, 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 aquatic resources to be accurate as shown on the enclosed delineation boundary figures. According to criteria contained in the USACE 1987 Wetland Delineation Manual and the Regional Supplement to the USACE Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), the review area was found to contain 2.4 acres of forested wetlands (Wetlands A and B). These wetlands are considered isolated and do not contribute to downstream jurisdictional water in a typical year. Therefore, the identified Wetlands A and B are not subject to Federal permitting authority pursuant to Section 404 of the Clean water Act (CWA) of 1977 (33 U.S.C. 1344).

This letter contains an AJD for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division Office, Attention: Mr. Philip A. Shannin, Regulatory Appeals Review Officer, South Atlantic Division, 60 Forsyth

Street Southwest, Room 10M15, Atlanta, Georgia 30303-8801, (404) 562-5136, Fax (404) 562-5138.

In order for an RFA form to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 9, 2021. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This AJD is based on current policy and regulation and is valid for a period of five years from the date of this letter. If after the five-year period this JD has not been specifically revalidated by the U.S. Army Corps of Engineers (USACE), it shall automatically expire.

This letter grants no property rights nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work at this site.

Furthermore, this delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

You are receiving an electronic copy of this letter only. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628.

If you have any questions concerning this matter, please contact me at (251) 694-3873 or by e-mail at angela.m.rangel@usace.army.mil should you have any questions. 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 are appreciated and will help us improve our services.

Sincerely,

RANGELA.A
NGELA.M.1
554134862

Digitally signed
by
RANGELA.ANGELA.
M.1554134862
Date: 2021.08.16
15:35:04 -05'00'

Angela M. Rangel
Project Manager
Regulatory Division
South Mississippi Branch

Attachments

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Columbus Management, LLC		File Number: 2021-00481-AMR	Date: 08/16/2021
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XX	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

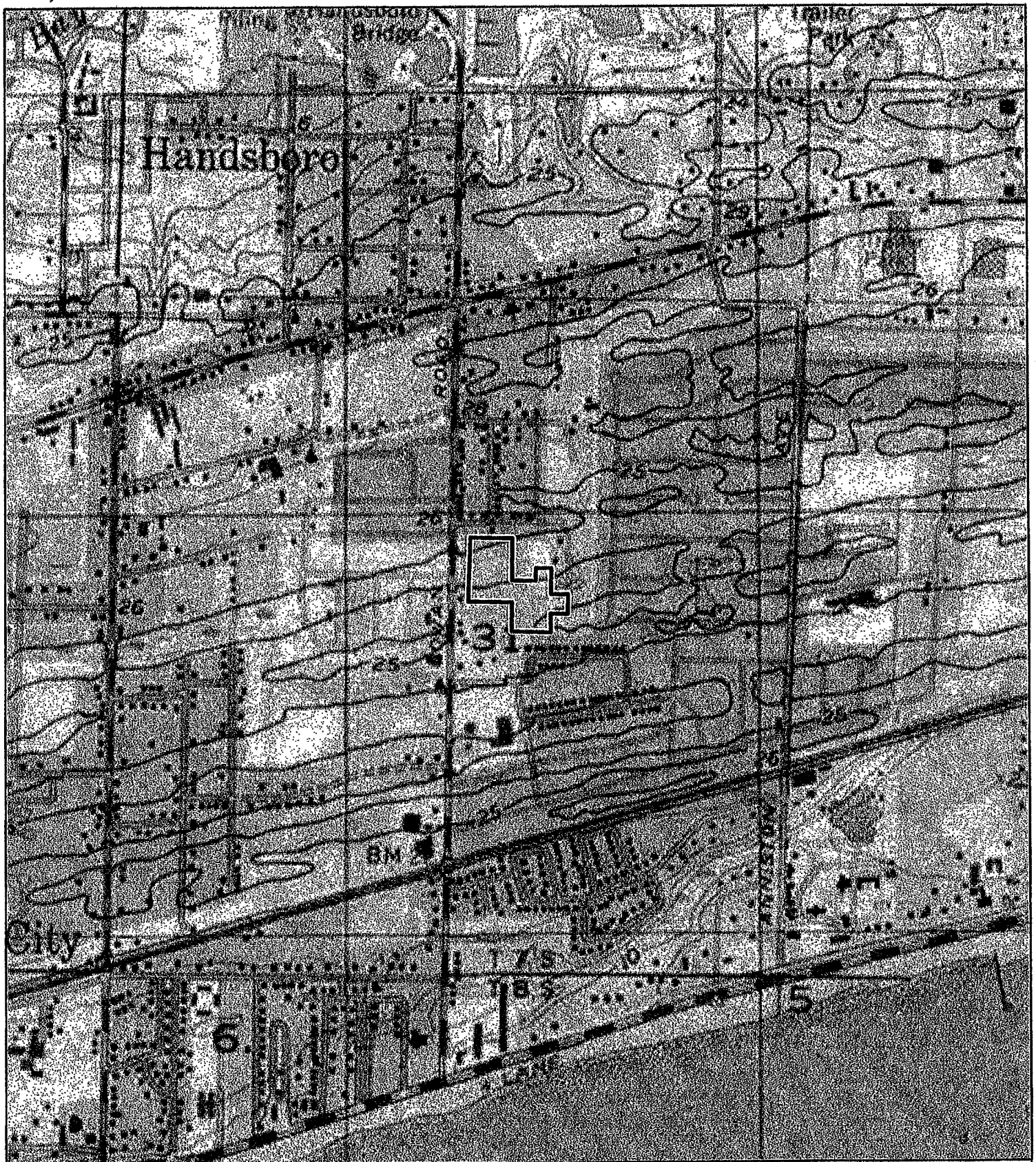
B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.



Cowan Road

SAM-2021-00481-AMR

1,000
Feet

Approximate Project Area



R:\projects\17280-1643-001\gis\doc\map\figure_2.mxd

Background: USGS 1:24,000 DRG

Figure 2. Map showing overview of project area based on USGS topographic quadrangle Gulfport North, MS (7.5-minute series).

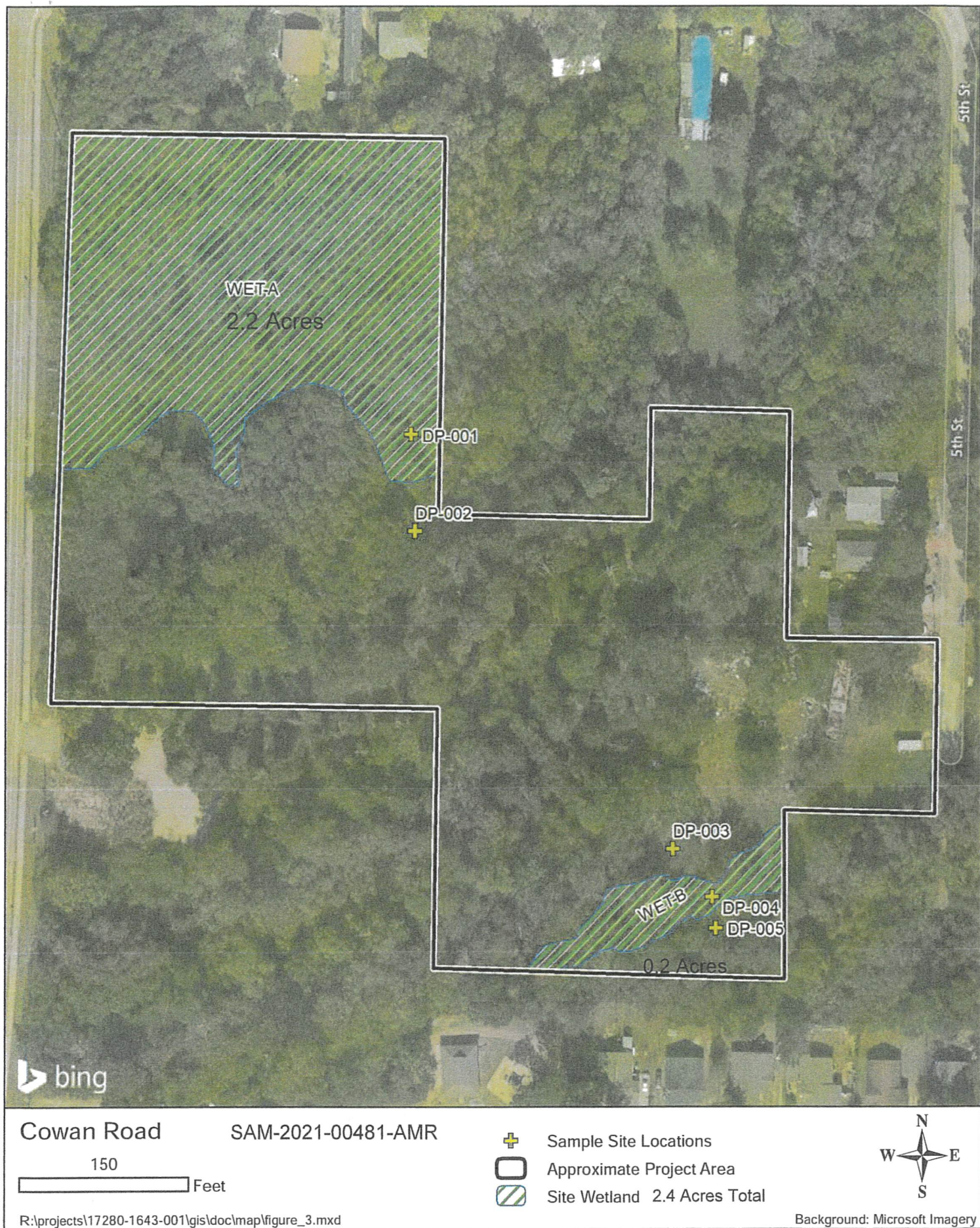


Figure 3. Map showing project area details on 2010 Microsoft BING Imagery.

**DELINEATION OF POTENTIAL
SECTION 404 ISSUES
CORPORATE CAPITAL, LLC
+/- 7.3-ACRE PARCEL, COWAN ROAD
GULFPORT, HARRISON COUNTY, MS**

OCTOBER 2, 2017

DELINEATION OF POTENTIAL
SECTION 404 ISSUES
CORPORATE CAPITAL, LLC
+/- 7.3-ACRE PARCEL, COWAN ROAD
GULFPORT, HARRISON COUNTY, MS

Prepared for

Mr. Joseph C. Canizaro
909 Poydras Street, Suite 1700
New Orleans, LA, 70112

Prepared by

FTN Associates, Ltd.
3 Innwood Circle, Suite 220
Little Rock, AR 72211

FTN No. R17280-1643-001

October 2, 2017

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ATTACHMENT 2:	Representative Photos
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1.0 INTRODUCTION

Corporate Capital, LLC (the Client) contracted with FTN Associates, Ltd. (FTN), of Diamondhead, Mississippi, to delineate Section 404 wetlands and other waters of the US within a parcel located on Cowan Road in Gulfport, Harrison County, Mississippi (Figure 1).

The area of the delineation is mapped on US Geological Survey (USGS) topographic quadrangle, Gulfport North MS (7.5-minute series). Legal description of the project area is Part of Section 31, Township 7 South, and Range 10 West (Figure 2).

2.0 MATERIALS AND METHODS

FTN conducted a Level 3, routine wetland delineation as described in the US Army Corps of Engineers (USACE) *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (USACE 2010). Field investigations for the delineation were completed August 10, 2017. FTN evaluated the area of the delineation for potential Section 404 issues, i.e., wetlands and other waters of the US.

Sampling point locations were selected to evaluate low-lying areas and other areas appearing to have at least some potential for USACE regulation under Section 404 of the Clean Water Act (CWA) or uplands for the purpose of collecting data regarding community type. A total of five sampling point locations were established (with those data points designated as DP-001 through DP-005), and data were collected on vegetation, hydrology, and soils at each of those locations (Figure 3 and Figure 4). Radford's *Manual of the Vascular Flora of the Carolinas* (1964) was used to confirm certain plant identifications, and the online National Wetland Plant List (Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 wetland ratings*. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X) was used to determine wetland indicator status for the dominant species. Soil pits were dug with a sharpshooter shovel to a depth of approximately 18 inches, where possible, and soil colors were determined with the aid of Munsell color charts. Soil survey

data from Harrison County (Natural Resources Conservation Service [NRCS] 1975) was used to determine the NRCS map units for the area. Also, the NRCS *Harrison County, Mississippi Hydric Soils Map List and Map Units with Hydric Inclusions* was used to assist in the selection of sampling points appearing to have a potential for the occurrence of hydric soils.

A Trimble GeoExplorer handheld GPS unit was used for navigation and marking sampling site locations and Section 404 features.

3.0 FINDINGS AND RESULTS

3.1 General Site Description

This delineation was conducted on a parcel that is approximately 7.3 acres in size. The parcel is forested with many large trees and shrubs. The site is bordered by a high-volume highway (Cowan Road), several residences, and commercial developments. Current conditions of the parcel resemble the Bing imagery from 2010 (Figure 3).

3.2 Wetlands

FTN identified two areas totaling approximately 2.4 acres as potential Section 404 wetlands (Figure 3 and Figure 4). Table 1 provides a summary of findings at each of the five sampling locations. Attachment 1 provides completed USACE data forms for both wetlands and uplands within the investigated area. Photos for the wetland areas can be found within Attachment 2. The current conditions of the wetlands can be seen in Photos 1, 2, and 6.

Table 1. Summary of findings at each of five sampling point locations.

Sampling Site No.	Hydrophytic Vegetation	Wetland Hydrology	Hydric Soils	Jurisdictional Wetland
DP-001	Yes	Yes	Yes	Yes
DP-002	No	No	No	No
DP-003	No	No	No	No
DP-004	Yes	Yes	Yes	Yes
DP-005	Yes	No	No	No

3.2.1 Vegetation

The approximately 7.3-acre delineation area supported two plant community types:

- Forested wetland community, and
- Forested upland community.

The forested wetland communities were observed along the north property line and near the southeastern corner of the site. Species identified within this community are black tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*), Chinese privet (*Ligustrum sinense*), Chinese tallow tree (*Triadica sebifera*), water oak (*Quercus nigra*), laurel-leaf greenbrier (*Smilax laurifolia*), poison ivy (*Toxicodendron radicans*), netted chainfern (*Woodwardia areolata*), and cinnamon fern (*Osmundastrum cinnamomeum*). The forested wetland community consists of two areas that are approximately 2.4 acres in size. Photographs of the wetland communities can be seen in Photos 1 and 2 of Attachment 2.

The forested upland community was observed in higher elevations of the site. Species identified within the upland community include sand live oak (*Quercus virginiana* var. *geminata*), live oak (*Quercus virginiana*), sweetgum (*Liquidambar styraciflua*), Chinese privet, Chinese tallow tree, water oak, poison ivy, American beauty-berry (*Callicarpa americana*), trumpet-creeper (*Campsis radicans*), Virginia creeper (*Parthenocissus quinquefolia*), and muscadine (*Vitis rotundifolia*). Photographs of the upland communities can be seen in Photos 3 and 4 of Attachment 2.

A dominance of hydrophytic vegetation was observed at DP-001, DP-004, and DP-005 (Attachment 1).

3.2.2 Wetland Hydrology

Two areas within the project were identified as having hydrology associated with wetlands. Saturation, oxidized rhizospheres, and FAC-neutral test were observed within the wetland area. Because this area appears to have a direct connection to a jurisdictional channel

and navigable waterways, they would likely be considered jurisdictional to the USACE under Section 404 of the CWA.

Positive indicators of wetland hydrology were observed at DP-001 and DP-004 (Attachment 1).

3.2.3 Hydric Soils

The published NRCS soil survey for Harrison County includes two map units within the investigated area. The map units include:

- EtB-Eustis loamy sand, 0 to 5 percent slopes; and
- Ps-Ponzer and Smithton soils.

Eustis loamy sand is described by the soil survey as somewhat excessively drained soils that formed in sandy material on uplands. Lakeland, Latonia and Poarch can be found within the EtB mapunit. The EtB map unit is not hydric, nor does it contain any hydric components. Soil profiles resemble the EtB map unit in all areas except for the 0.2-acre wetland in the southeastern corner of the site. Soils in the 0.2-acre wetland resemble Hyde, a hydric soil.

Ponzer and Smithon soils are described as densely forested soils on low, wet flats, or depressions. The map unit is about 59 percent Ponzer soils, 18 percent Smithton soils, and 23 percent Handsboro, Hyde, St. Lucie, and similar soils of minor extent. The soil survey also describes these soils as flooded and covered by standing water for long periods. The Ponzer and Smithton mapunit is considered to be a hydric soil. Soils found within areas mapped as wetlands areas resembled Smithton and Hyde. Smithton and Hyde are considered to be hydric components of the Ponzer and Smithton map unit.

Positive indicators of hydric soils were observed at DP-002 and DP-004 (Attachment 1).

4.0 FEMA 100-YEAR FLOODPLAIN AND FLOODWAY ISSUES

According to FEMA FIRM maps 28047C0269G, the proposed project is located in Zone X. Areas located in Zone X have been determined to be outside the 0.2% annual chance floodplain (Attachment 3).

5.0 WETLAND FUNCTIONS AND VALUES

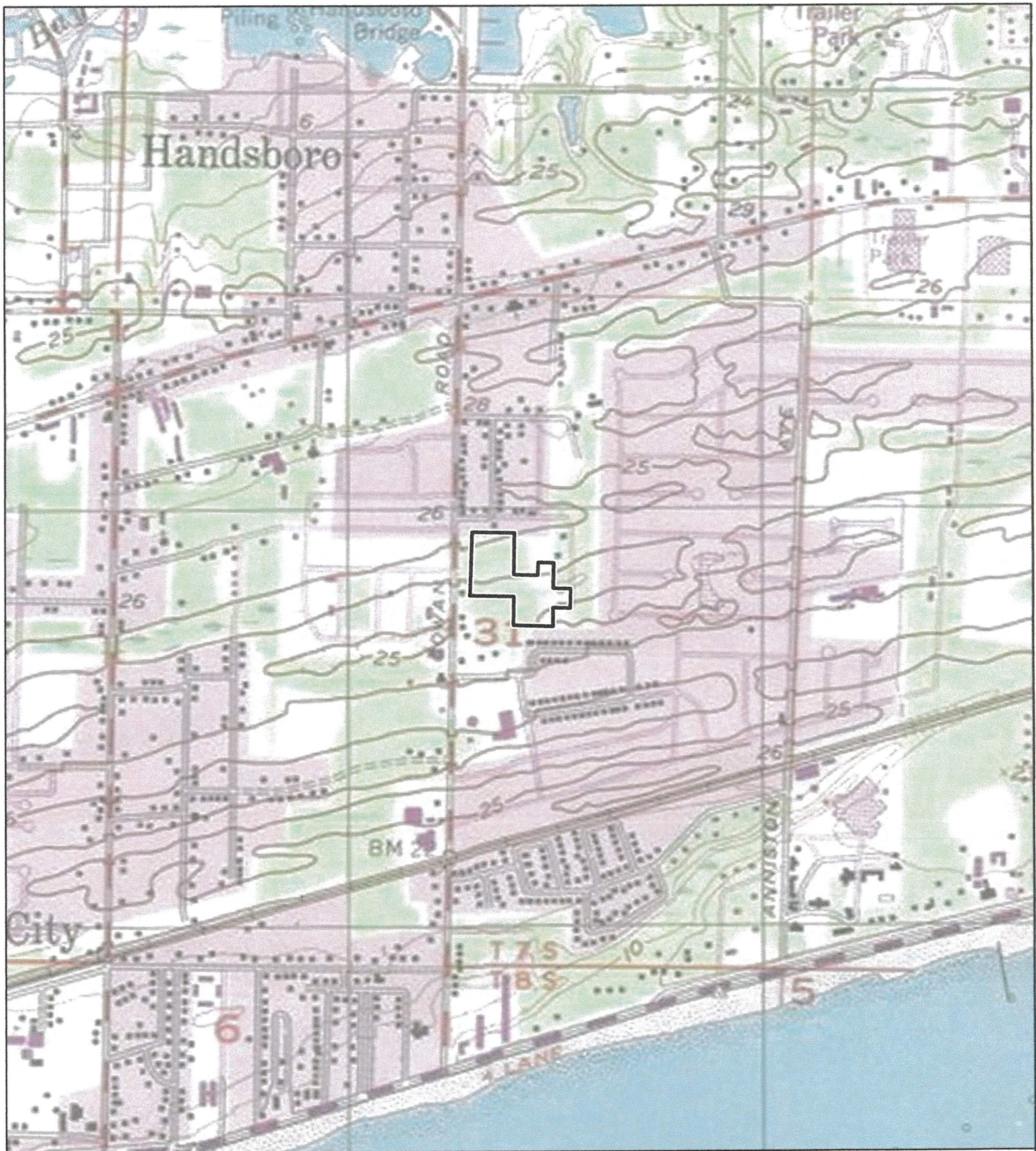
Two wetland areas totaling approximately 2.4 acres were identified within the project area (Figure 3 and Figure 4). Wetland A is approximately 2.2 acres in size. Wetland B is approximately 0.2 acre in size. The entirety of Wetland A and Wetland B will likely be considered jurisdictional by the Corps, as both have an ultimate connection to jurisdictional channels and navigable waters. The wetland areas were observed to support both aquatic and wildlife values and exhibited a diversity of hydrophytic vegetation. In addition, these areas would be expected to function for both flood storage and wildlife habitat.

6.0 SUMMARY AND CONCLUSIONS

1. FTN observed approximately 2.5 acres of forested wetlands that will likely qualify for USACE jurisdiction under Section 404 of the CWA.
2. The proposed project is located within Zone X. Areas found in Zone X are outside of the 0.2% annual chance floodplain.



Figure 1. Vicinity Map



Cowan Road

1,000
Feet

Approximate Project Area



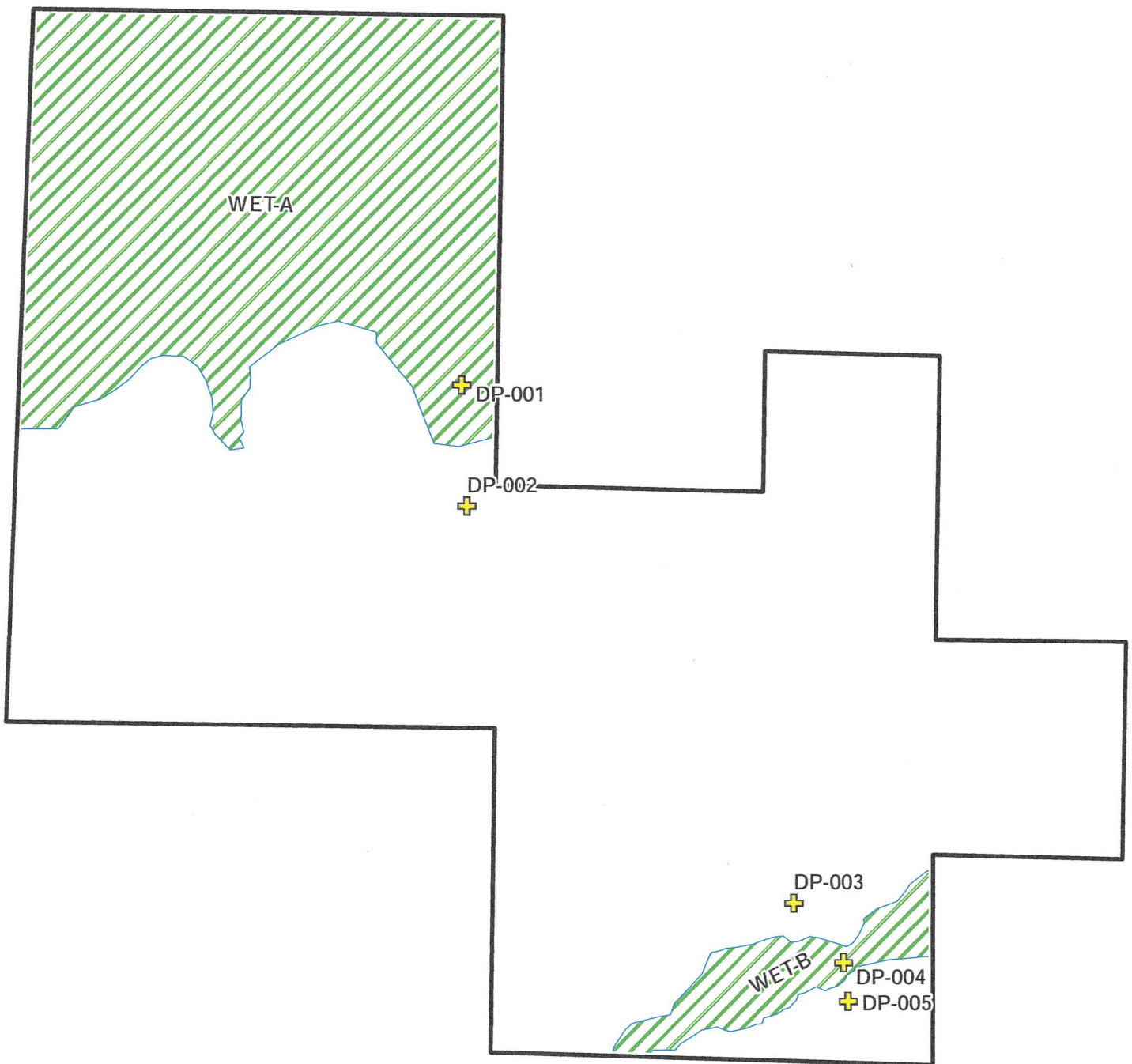
R:\projects\17280-1643-001\gis\doc\map\figure_2.mxd

Background: USGS 1:24,000 DRG

Figure 2. Map showing overview of project area based on USGS topographic quadrangle Gulfport North, MS (7.5-minute series).



Figure 3. Map showing project area details on 2010 Microsoft BING Imagery.



Cowan Road

150

Feet

R:\projects\17280-1643-001\gis\doc\map\figure_4.mxd

-  Sample Site Locations
-  Approximate Project Area
-  Site Wetland



Figure 4. Map showing project area details.

ATTACHMENT 1

Sampling Site Data Sheets

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-001
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): drainageway Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.392687 Long: -89.025564 Datum: WGS84
 Soil Map Unit Name: Ponzer and Smithton soils NWI classification: PF01B

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland?	Yes ☒ No ☐
Hydric Soil Present?	Yes ☒ No ☐		
Wetland Hydrology Present?	Yes ☒ No ☐		
Remarks:			

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)	
<u>Primary Indicators (minimum of one is required; check all that apply)</u>			
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)	
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)	
☒ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Water Marks (B1)	☒ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)	
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)	
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)	
☐ Water-Stained Leaves (B9)		☒ FAC-Neutral Test (D5)	
		☐ Sphagnum moss (D8) (LRR T, U)	
Field Observations:			
Surface Water Present?	Yes ☐ No ☒ Depth (inches):	Wetland Hydrology Present? Yes ☒ No ☐	
Water Table Present?	Yes ☐ No ☒ Depth (inches):		
Saturation Present? (includes capillary fringe)	Yes ☒ No ☐ Depth (inches): <u>surface</u>		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-001

<u>Tree Stratum</u> (Plot size: <u>10m</u>)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Acer rubrum</i>	15	yes	FAC
2.	<i>Quercus nigra</i>	10	yes	FAC
3.	<i>Triadica sebifera</i>	10	yes	FAC
4.	<i>Magnolia virginiana</i>	10	yes	FACW
5.				
6.				
7.				
8.				

45 = Total Cover
 50% of total cover: 22.5 20% of total cover: 9

<u>Sapling/Shrub Stratum</u> (Plot size: <u>10m</u>)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Ligustrum sinense</i>	30	yes	FAC
2.	<i>Triadica sebifera</i>	20	yes	FAC
3.	<i>Nyssa sylvatica</i>	15	yes	FAC
4.	<i>Acer rubrum</i>	5	no	FAC
5.				
6.				
7.				
8.				

70 = Total Cover
 50% of total cover: 35 20% of total cover: 14

<u>Herb Stratum</u> (Plot size: <u>10m</u>)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Woodwardia areolata</i>	40	yes	OBL
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

40 = Total Cover
 50% of total cover: 20 20% of total cover: 8

<u>Woody Vine Stratum</u> (Plot size: <u>10m</u>)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Vitis rotundifolia</i>			
2.				
3.				
4.				
5.				

= Total Cover
 50% of total cover: _____ 20% of total cover: _____

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 8 (A)

 Total Number of Dominant Species Across All Strata: 8 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by: _____

OBL species _____ x 1 = _____

FACW species _____ x 2 = _____

FAC species _____ x 3 = _____

FACU species _____ x 4 = _____

UPL species _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

 ___ 3 - Prevalence Index is ≤3.0¹

 ___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:
Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

**Hydrophytic
Vegetation
Present?**

 Yes ☒ No _____

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: dp-001

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/2	100					loam	
4-12	10YR 6/2	95	10YR 5/4	5	C	PL	loam	
12-18	10YR 6/2	90	10YR 5/4	10	C	PL	loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | | |
|--|---|--|
| ☐ Histosol (A1) | ☐ Polyvalue Below Surface (S8) (LRR S, T, U) | ☐ 1 cm Muck (A9) (LRR O) |
| ☐ Histic Epipedon (A2) | ☐ Thin Dark Surface (S9) (LRR S, T, U) | ☐ 2 cm Muck (A10) (LRR S) |
| ☐ Black Histic (A3) | ☐ Loamy Mucky Mineral (F1) (LRR O) | ☐ Reduced Vertic (F18) (outside MLRA 150A,B) |
| ☐ Hydrogen Sulfide (A4) | ☐ Loamy Gleyed Matrix (F2) | ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T) |
| ☐ Stratified Layers (A5) | ☒ Depleted Matrix (F3) | ☐ Anomalous Bright Loamy Soils (F20) |
| ☐ Organic Bodies (A6) (LRR P, T, U) | ☐ Redox Dark Surface (F6) | ☐ (MLRA 153B) |
| ☐ 5 cm Mucky Mineral (A7) (LRR P, T, U) | ☐ Depleted Dark Surface (F7) | ☐ Red Parent Material (TF2) |
| ☐ Muck Presence (A8) (LRR U) | ☐ Redox Depressions (F8) | ☐ Very Shallow Dark Surface (TF12) |
| ☐ 1 cm Muck (A9) (LRR P, T) | ☐ Marl (F10) (LRR U) | ☐ Other (Explain in Remarks) |
| ☐ Depleted Below Dark Surface (A11) | ☐ Depleted Ochric (F11) (MLRA 151) | |
| ☐ Thick Dark Surface (A12) | ☐ Iron-Manganese Masses (F12) (LRR O, P, T) | |
| ☐ Coast Prairie Redox (A16) (MLRA 150A) | ☐ Umbric Surface (F13) (LRR P, T, U) | |
| ☐ Sandy Mucky Mineral (S1) (LRR O, S) | ☐ Delta Ochric (F17) (MLRA 151) | |
| ☐ Sandy Gleyed Matrix (S4) | ☐ Reduced Vertic (F18) (MLRA 150A, 150B) | |
| ☐ Sandy Redox (S5) | ☐ Piedmont Floodplain Soils (F19) (MLRA 149A) | |
| ☐ Stripped Matrix (S6) | ☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D) | |
| ☐ Dark Surface (S7) (LRR P, S, T, U) | | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (Inches): _____

Hydric Soil Present? Yes ☒ No ☐

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-002
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaise Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.392645 Long: -89.0255645 Datum: WGS84
 Soil Map Unit Name: Ponzer and Smithton soils NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒	
Wetland Hydrology Present?	Yes ☐ No ☒	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required):
Primary Indicators (minimum of one is required; check all that apply)		
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)
☐ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Water Marks (B1)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)
☐ Water-Stained Leaves (B9)		☐ FAC-Neutral Test (D5)
		☐ Sphagnum moss (D8) (LRR T, U)
Field Observations:		
Surface Water Present? Yes ☐ No ☒	Depth (inches):	Wetland Hydrology Present? Yes ☐ No ☒
Water Table Present? Yes ☐ No ☒	Depth (inches):	
Saturation Present? Yes ☐ No ☒ (includes capillary fringe)	Depth (inches):	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-002

Tree Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <i>Quercus virginiana</i> var. <i>geminata</i>	15	yes	FACU	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33.33%</u> (A/B)
2. <i>Quercus nigra</i>	15	yes	FAC	
3. <i>Quercus virginiana</i>	15	yes	FACU	
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
<u>45</u> = Total Cover 50% of total cover: <u>22.5</u> 20% of total cover: <u>9</u>				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>10m</u>)				
1. <i>Ligustrum sinense</i>	5	yes	FAC	
2. <i>Callicarpa americana</i>	3	yes	FACU	
3. _____				
4. _____				
5. _____				
6. _____				
<u>8</u> = Total Cover 50% of total cover: <u>4</u> 20% of total cover: <u>1.6</u>				Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☐ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
Herb Stratum (Plot size: <u>10m</u>)				
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
_____ = Total Cover 50% of total cover: _____ 20% of total cover: _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
Woody Vine Stratum (Plot size: <u>10m</u>)				
1. <i>Parthenocissus quinquefolia</i>	5	yes	FACU	
2. <i>Toxicodendron radicans</i>	1	no	FAC	
3. <i>Parthenocissus quinquefolia</i>	1	no	FAC	
4. _____				
5. _____				
<u>7</u> = Total Cover 50% of total cover: <u>3.5</u> 20% of total cover: <u>1.4</u>				
Remarks: (If observed, list morphological adaptations below).				

SOIL

Sampling Point: dp-002

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/2	100					loamy sand	
4-10	10YR 4/2	100					loamy sand	
10-18	10YR 5/4	100					sandy loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) ☐ Histosol (A1) ☐ Histic Epipedon (A2) ☐ Black Histic (A3) ☐ Hydrogen Sulfide (A4) ☐ Stratified Layers (A5) ☐ Organic Bodies (A6) (LRR P, T, U) ☐ 5 cm Mucky Mineral (A7) (LRR P, T, U) ☐ Muck Presence (A8) (LRR U) ☐ 1 cm Muck (A9) (LRR P, T) ☐ Depleted Below Dark Surface (A11) ☐ Thick Dark Surface (A12) ☐ Coast Prairie Redox (A16) (MLRA 150A) ☐ Sandy Mucky Mineral (S1) (LRR O, S) ☐ Sandy Gleyed Matrix (S4) ☐ Sandy Redox (S5) ☐ Stripped Matrix (S6) ☐ Dark Surface (S7) (LRR P, S, T, U)	☐ Polyvalue Below Surface (S8) (LRR S, T, U) ☐ Thin Dark Surface (S9) (LRR S, T, U) ☐ Loamy Mucky Mineral (F1) (LRR O) ☐ Loamy Gleyed Matrix (F2) ☐ Depleted Matrix (F3) ☐ Redox Dark Surface (F6) ☐ Depleted Dark Surface (F7) ☐ Redox Depressions (F8) ☐ Marl (F10) (LRR U) ☐ Depleted Ochric (F11) (MLRA 151) ☐ Iron-Manganese Masses (F12) (LRR O, P, T) ☐ Umbric Surface (F13) (LRR P, T, U) ☐ Delta Ochric (F17) (MLRA 151) ☐ Reduced Vertic (F18) (MLRA 150A, 150B) ☐ Piedmont Floodplain Soils (F19) (MLRA 149A) ☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)	Indicators for Problematic Hydric Soils³: ☐ 1 cm Muck (A9) (LRR O) ☐ 2 cm Muck (A10) (LRR S) ☐ Reduced Vertic (F18) (outside MLRA 150A, B) ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T) ☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B) ☐ Red Parent Material (TF2) ☐ Very Shallow Dark Surface (TF12) ☐ Other (Explain in Remarks)
--	--	--

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes _____ No ☒
Remarks:	

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-003
 Investigator(s): FTN Associates, Ltd. - Eric F. Ncaise Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391872 Long: -89.024809 Datum: WGS84
 Soil Map Unit Name: Eustis loamy sand, 0-5% slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐ No ☒	
Wetland Hydrology Present?	Yes ☐ No ☒	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ☐ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		<u>Secondary Indicators (minimum of two required)</u> ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes ☐ No ☒ Depth (inches): _____ Water Table Present? Yes ☐ No ☒ Depth (inches): _____ Saturation Present? Yes ☐ No ☒ Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-003

<u>Tree Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Quercus virginiana var. geminata</u>	<u>20</u>	<u>yes</u>	<u>FACU</u>
2. <u>Quercus virginiana</u>	<u>15</u>	<u>yes</u>	<u>FACU</u>
3. <u>Quercus nigra</u>	<u>5</u>	<u>no</u>	<u>FACW</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

40 = Total Cover

50% of total cover: 20 20% of total cover: 8

<u>Sapling/Shrub Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

<u>Herb Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Campsis radicans</u>	<u>60</u>	<u>yes</u>	<u>FAC</u>
2. <u>Sorghum halepense</u>	<u>5</u>	<u>no</u>	<u>FACU</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

65 = Total Cover

50% of total cover: 32.5 20% of total cover: 13

<u>Woody Vine Stratum</u> (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

 Total Number of Dominant Species Across All Strata: 3 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 33.33% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ☐ 1 - Rapid Test for Hydrophytic Vegetation
- ☐ 2 - Dominance Test is >50%
- ☐ 3 - Prevalence Index is ≤3.0¹
- ☐ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

**Hydrophytic
Vegetation
Present?**

 Yes _____ No ✓

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: dp-003

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 3/2	100					loamy sand	
8-12	10YR 4/2	100					loamy sand	
12-18	10YR 4/3	100					sandy loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Polyvalue Below Surface (S8) (LRR S, T, U)	☐ 1 cm Muck (A9) (LRR O)
☐ Histic Epipedon (A2)	☐ Thin Dark Surface (S9) (LRR S, T, U)	☐ 2 cm Muck (A10) (LRR S)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (LRR O)	☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Stratified Layers (A5)	☐ Depleted Matrix (F3)	☐ Anomalous Bright Loamy Soils (F20)
☐ Organic Bodies (A6) (LRR P, T, U)	☐ Redox Dark Surface (F6)	☐ (MLRA 153B)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)	☐ Depleted Dark Surface (F7)	☐ Red Parent Material (TF2)
☐ Muck Presence (A8) (LRR U)	☐ Redox Depressions (F8)	☐ Very Shallow Dark Surface (TF12)
☐ 1 cm Muck (A9) (LRR P, T)	☐ Marl (F10) (LRR U)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Ochric (F11) (MLRA 151)	
☐ Thick Dark Surface (A12)	☐ Iron-Manganese Masses (F12) (LRR O, P, T)	
☐ Coast Prairie Redox (A16) (MLRA 150A)	☐ Umbric Surface (F13) (LRR P, T, U)	
☐ Sandy Mucky Mineral (S1) (LRR O, S)	☐ Delta Ochric (F17) (MLRA 151)	
☐ Sandy Gleyed Matrix (S4)	☐ Reduced Vertic (F18) (MLRA 150A, 150B)	
☐ Sandy Redox (S5)	☐ Piedmont Floodplain Soils (F19) (MLRA 149A)	
☐ Stripped Matrix (S6)	☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)	
☐ Dark Surface (S7) (LRR P, S, T, U)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-004
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): drainageway Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391780 Long: -89.024707 Datum: WGS84
 Soil Map Unit Name: EtB-Eustis loamy sand, 0 to 5 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☒ No ☐
Hydric Soil Present?	Yes ☒ No ☐	
Wetland Hydrology Present?	Yes ☒ No ☐	
Remarks:		

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)
☒ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Water Marks (B1)	☒ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)
☐ Water-Stained Leaves (B9)		☒ FAC-Neutral Test (D5)
		☐ Sphagnum moss (D8) (LRR T, U)
Field Observations:		
Surface Water Present? Yes ☐ No ☒	Depth (inches):	Wetland Hydrology Present? Yes ☒ No ☐
Water Table Present? Yes ☐ No ☒	Depth (inches):	
Saturation Present? Yes ☒ No ☐ (includes capillary fringe)	Depth (inches): <u>surface</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-004

<u>Tree Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Liquidambar styraciflua</i>	15	yes	FAC
2. <i>Quercus nigra</i>	10	yes	FAC
3. <i>Acer rubrum</i>	10	yes	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

35 = Total Cover

50% of total cover: 17.5 20% of total cover: 7

<u>Sapling/Shrub Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Ligustrum sinense</i>	5	yes	FAC
2. <i>Triadica sebifera</i>	2	no	FAC
3. <i>Quercus nigra</i>	2	no	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

9 = Total Cover

50% of total cover: 4.5 20% of total cover: 1.8

<u>Herb Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Osmundastrum cinnamomeum</i>	10	yes	OBL
2. <i>Campsis radicans</i>	2	no	FAC
3. <i>Toxicodendron radicans</i>	1	no	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

13 = Total Cover

50% of total cover: 6.5 20% of total cover: 2.6

<u>Woody Vine Stratum</u> (Plot size: <u>10m</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover

50% of total cover: _____ 20% of total cover: _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by: _____

OBL species _____ x 1 = _____

FACW species _____ x 2 = _____

FAC species _____ x 3 = _____

FACU species _____ x 4 = _____

UPL species _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0¹

___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

Yes ☒ No _____

Remarks: (If observed, list morphological adaptations below).

Sampling Point: dp-004

Atlantic and Gulf Coastal Plain Region ~ Version 2.0

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Corporate Capital, LLC - 7.3-acre Cowan Road City/County: Gulfport, Harrison Sampling Date: 08/10/2017
 Applicant/Owner: Corporate Capital, LLC State: MS Sampling Point: dp-005
 Investigator(s): FTN Associates, Ltd. - Eric F. Necaie Section, Township, Range: Sec. 31, T-7-S, R-10-W
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): None Slope (%): 0-2
 Subregion (LRR or MLRA): 152A Lat: 30.391692 Long: -89.024688 Datum: WGS84
 Soil Map Unit Name: EtB-Eutis loamy sand, 0 to 5 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present? Yes ☐ No ☒	
Wetland Hydrology Present? Yes ☐ No ☒	
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ☐ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		<u>Secondary Indicators (minimum of two required)</u> ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes ☐ No ☒ Depth (inches): _____ Water Table Present? Yes ☐ No ☒ Depth (inches): _____ Saturation Present? Yes ☐ No ☒ Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes ☐ No ☒
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: dp-005

Tree Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Liquidambar styraciflua</u>	<u>25</u>	<u>yes</u>	<u>FAC</u>
2. <u>Quercus nigra</u>	<u>10</u>	<u>yes</u>	<u>FAC</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

35 = Total Cover
 50% of total cover: 17.5 20% of total cover: 7

Sapling/Shrub Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Ligustrum sinense</u>	<u>5</u>	<u>yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

5 = Total Cover
 50% of total cover: 2.5 20% of total cover: 1

Herb Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Campsis radicans</u>	<u>5</u>	<u>yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

5 = Total Cover
 50% of total cover: 2.5 20% of total cover: 1

Woody Vine Stratum (Plot size: <u>10m</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

_____ = Total Cover
 50% of total cover: _____ 20% of total cover: _____

Remarks: (If observed, list morphological adaptations below).

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

 Total Number of Dominant Species Across All Strata: 4 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ☒ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0¹
- ___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:
Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

 Yes ☒ No _____

Sampling Point: dp-005

Sampling Point: dp-005

[illegible]

Location: PL=Pore Lining, M=Matrix.

Indicators for Problematic Hydric Soils³:

- | | | |
|--|---|--|
| ☐ Histosol (A1) | ☐ Polyvalue Below Surface (S8) (LRR S, T, U) | ☐ 1 cm Muck (A9) (LRR O) |
| ☐ Histic Epipedon (A2) | ☐ Thin Dark Surface (S9) (LRR S, T, U) | ☐ 2 cm Muck (A10) (LRR S) |
| ☐ Black Histic (A3) | ☐ Loamy Mucky Mineral (F1) (LRR O) | ☐ Reduced Vertic (F18) (outside MLRA 150A,B) |
| ☐ Hydrogen Sulfide (A4) | ☐ Loamy Gleyed Matrix (F2) | ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T) |
| ☐ Stratified Layers (A5) | ☐ Depleted Matrix (F3) | ☐ Anomalous Bright Loamy Soils (F20) |
| ☐ Organic Bodies (A6) (LRR P, T, U) | ☐ Redox Dark Surface (F6) | ☐ (MLRA 153B) |
| ☐ 5 cm Mucky Mineral (A7) (LRR P, T, U) | ☐ Depleted Dark Surface (F7) | ☐ Red Parent Material (TF2) |
| ☐ Muck Presence (A8) (LRR U) | ☐ Redox Depressions (F8) | ☐ Very Shallow Dark Surface (TF12) |
| ☐ 1 cm Muck (A9) (LRR P, T) | ☐ Marl (F10) (LRR U) | ☐ Other (Explain in Remarks) |
| ☐ Depleted Below Dark Surface (A11) | ☐ Depleted Ochric (F11) (MLRA 151) | |
| ☐ Thick Dark Surface (A12) | ☐ Iron-Manganese Masses (F12) (LRR O, P, T) | ^a Indicators of hydrophytic vegetation and |
| ☐ Coast Prairie Redox (A16) (MLRA 150A) | ☐ Umbric Surface (F13) (LRR P, T, U) | wetland hydrology must be present, |
| ☐ Sandy Mucky Mineral (S1) (LRR O, S) | ☐ Delta Ochric (F17) (MLRA 151) | unless disturbed or problematic. |
| ☐ Sandy Gleyed Matrix (S4) | ☐ Reduced Vertic (F18) (MLRA 150A, 150B) | |
| ☐ Sandy Redox (S5) | ☐ Piedmont Floodplain Soils (F19) (MLRA 149A) | |
| ☐ Stripped Matrix (S6) | ☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D) | |
| ☐ Dark Surface (S7) (LRR P, S, T, U) | | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: _____

Depth (inches):

Hydric Soil Present? Yes _____ No ☒

Remarks:

ATTACHMENT 2

Representative Photos



Photo 1. Conditions found within Wetland A. The photo was taken near DP-001 facing north.



Photo 2. Conditions found within Wetland B. The photo was taken near DP-004 facing southwest.



Photo 3. Conditions found within areas mapped as uplands. The photo was taken near DP-002 facing west.



Photo 4. Conditions found within areas mapped as uplands. The photo was taken facing east from Cowan Road.



Photo 5. Non-hydric soil profile at DP-002. Soils at this location resemble Poarch, a non-hydric soil.



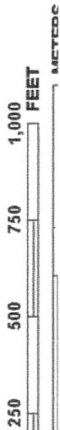
Photo 6. Hydric soil profile at DP-004. The soil resembles Hyde, a hydric soil. This soil profile was taken within the Eustis loamy sand mapunit (EtB).

ATTACHMENT 3

FEMA Firmette



MAP SCALE 1" = 500'



PANEL 0269G

FIRM

FLOOD INSURANCE RATE MAP
HARRISON COUNTY,
MISSISSIPPI
AND INCORPORATED AREAS

PANEL 269 OF 575

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BILOXI CITY OF	285252	0269	G
GULFPORT, CITY OF	285253	0269	G
HARRISON COUNTY	285255	0269	G

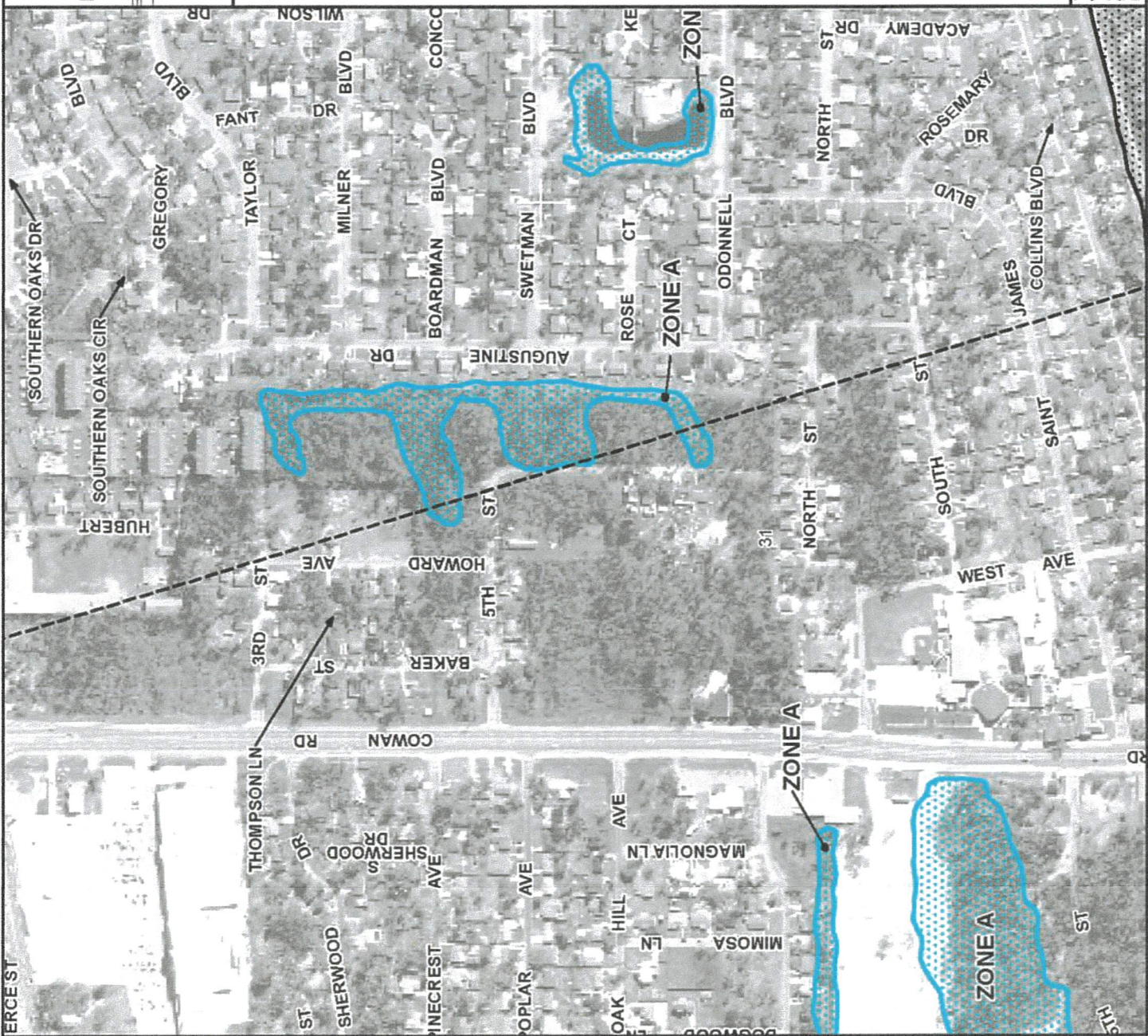
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
28047C0269G

EFFECTIVE DATE
JUNE 16, 2009

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Cowan Investments LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1448504
Status:	Good Standing
Effective Date:	07/02/2024
State of Incorporation:	Mississippi
Principal Office Address:	13334 Seaway Road, Ste 201 Gulfport, MS 39503

Registered Agent

Name
William Symmes 1806 23rd Avenue, Ste. A Gulfport, MS 39501

Officers & Directors

Name	Title
Jennifer Davi 13334 Seaway Rd, Ste 201 Gulfport, MS 39503	Manager



Amelia Hines 1st JUDICIAL DISTRICT
Instrument 2024-0013344-D-J1
Filed/Recorded 07/16/2024 3:57:01 PM
Total Fees 27.00
6 Pages Recorded

Indexing: Parcel A, B & C in Cert of Resubdivision filed
in Instrument Number 2018-5733D-J1;
A-Lots 6-15, Blk 3 & pt of Lots 8-15, Blk 4 and Lots 31-
40, Blk 4 Abyssinia S/D along w/vacated streets & alleys
B-Pt of Lots 16-25, Blk 3 (together w/vacated streets and
alleys), Lots 41-50, Blk 4, Abyssinia S/D & Lots 19-34,
Blk 7 & Lots 35-54, Blk 6, Eureka S/D
C-Lots 23-28, Blk 6, Eureka Addition

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962
File#4931

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid,
and other good and valuable considerations, the receipt and sufficiency of all of which is hereby
acknowledged, the undersigned,

COLUMBUS MANAGEMENT, LLC
A MISSISSIPPI LIMITED LIABILITY COMPANY
240 METARIE RD.
METAIRIE, LA 70005
(228)396-9622

does hereby SELL, CONVEY and WARRANT unto

COWAN INVESTMENTS LLC
A MISSISSIPPI LIMITED LIABILITY COMPANY
2082 BEACH DRIVE
GULFPORT, MS 39507
(228)224-5337

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the following described land together with all improvements thereon located in First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is subject to any and all easements, restrictive or protective covenants, rights-of-way, zoning ordinances and reservations affecting said property of record.

TAXES for the year 2024 are hereby prorated and the same are hereby assumed by the Grantee herein. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantee herein.

WITNESS our signature this the 15TH day of July, 2024.

COLUMBUS MANAGEMENT, LLC

BY: 
TMICIA R. PEREZ, SECRETARY

STATE OF LOUISIANA

COUNTY OF JEFFERSON

Personally appeared before me, the undersigned authority in and for the said county and state on this 15th day of JULY 2024, within my jurisdiction, the within named TRICIA R. PEREZ, who acknowledged that she is a SECRETARY of COLUMBUS MANAGEMENT, LLC and that for and on behalf of said company, and as its act and deed she executed the above foregoing instrument, after first having been duly authorized by said company so to do.

Sandra A. Hayden
NOTARY PUBLIC

(SEAL)

My Commission Expires:



EXHIBIT "A"**Parcel A-(1010K-04-021.000):**

Lots 8 and 9, Lots 14 through 25, inclusive, Lots 41 through 50, inclusive, of Block 4; and Lots 6 through 25, inclusive, of Block 3; Abyssinia Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots 19 through 34, inclusive, of Block 7, Eureka Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi; together with all interest the Grantors now have or may hereinafter acquire in the streets and alleys joining the above described land and property.

AND ALSO:

Lots 6 and 7 and Lots 10 through 13, inclusive, Block 4 Abyssinia Subdivision, a subdivision according to a map or plat thereof on file and of record in Plat Book 7 at Page 4, in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots 31 - 40 inclusive of Block 4, ABYSSINIA SUBDIVISION, a subdivision located in the City of Gulfport, First Judicial District of Harrison County, Mississippi, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk in Plat Book 7 at page 4, AND ALSO:

Beginning at the Northeast corner of Lot 6, Block 4 of Abyssinia Subdivision and from said point run thence South to the Southeast corner of Lot 25, from said point run thence East 10 feet to the Southwest corner of Lot 50, from said point run thence North to the Northwest corner of Lot 31, from said point run thence West a distance of 10 feet to the point of beginning. Said property being located in the First Judicial District of Harrison County, Mississippi.

Parcel B-(1010K-04-010.000):

Lots 8 and 9, Lots 14 through 25, inclusive, Lots 41 through 50, inclusive, of Block 4; and Lots 6 through 25, inclusive, of Block 3; Abyssinia Subdivision, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

AND ALSO:

Lots Twenty-three to Twenty-eight (23-28) Inclusive, Thirty-five to Fifty-four (35-54) Inclusive, Block Six (6), EUREKA ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof; on file and of record in the office of the Chancery Clerk of the First Judicial

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District of Harrison County, Mississippi in Plat Book 9 at Page 8 (Copy Book 4 at page 279) thereof; reference to which is hereby made in aid of and as a part of this description.

Parcel C-(1010K-04-006.000):

Lots Twenty-three to Twenty-eight (23-28) Inclusive, Thirty-five to Fifty-four (35-54) Inclusive, Block Six (6), EUREKA ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof; on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 9 at Page 8 (Copy Book 4 at page 279) thereof; reference to which is hereby made in aid of and as a part of this description.

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**CONSENT
OF THE SOLE MEMBER AND MANAGER OF
COLUMBUS MANAGEMENT, L.L.C.**

The undersigned, being the sole Member and Manager of **Columbus Management, L.L.C.**, a Louisiana Limited Liability Company (the "Company"), and acting herein by unanimous consent as permitted by Louisiana Limited Liability Company Law, does hereby consent to, authorize and adopt the following resolutions or actions contained herein:

WHEREAS, the member and manager of Columbus Management, L.L.C. is **Joseph C. Canizaro**; and

WHEREAS, the Company desires to authorize the sale of the property located at **540 Cowan Road, Gulfport, Mississippi 39507** as outlined in the legal description contained in Exhibit A attached hereto *for the Gross Sale Price of \$799,000.00*; and

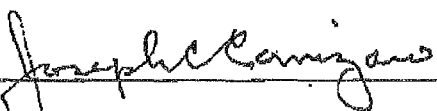
WHEREAS, the Company desires to authorize **Tricia R. Perez**, to execute all documents in connection with sale of said property including, but not limited to, any settlement statement, closing disclosure, act of sale and/or any other documents as necessarily required to effectuate the purpose of this Authorization having such terms and conditions as she deems appropriate in her sole discretion; and

NOW THEREORE, BE IT RESOLVED, AGREED AND CONSENTED, by **Columbus Management, L.L.C.**, that:

Tricia R. Perez, is hereby authorized to act on behalf of the Company, **Columbus Management, L.L.C.**, with respect to the above described sale, conveyance, mortgage, and/or pledge and to execute any and all documents in connection with said sale of property including, but not limited to, any settlement statement, closing disclosure, act of sale and/or any other documents as necessarily required to effectuate the purpose of this Authorization having such terms and conditions as she deems appropriate in her sole discretion.

Thus, done and signed on this 9th day of July, 2024.

Columbus Management, L.L.C.

A handwritten signature in dark ink, appearing to read "Joseph C. Canizaro", is written over a horizontal line.

By: **Joseph C. Canizaro**
Member and Manager