



REPLY TO
ATTENTION OF:

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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2021-01168-KMN

November 05, 2021

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (MDEQ)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR21-000643

PROPOSED WETLAND FILL FOR CONSTRUCTION OF ARTIFICIAL REEFS FOR
RESEARCH PURPOSES, MISSISSIPPI SOUND, PASS CHRISTIAN, HARRISON
COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Mississippi Department of Marine Resources
Attention: Mr. Rick Burris
1141 Bayview Avenue
Biloxi, Mississippi 39530

WATERWAY AND LOCATION: Mississippi Sound, Pass Christian, Harrison County, Mississippi:

Northern Project Area is located approximately 1,500 feet southwest of Henderson Point in Harrison County. The project corners would be located at the following locations: Northwest Corner: Latitude 30° 18.2974' North, Longitude -89° 18.2050' West; Northeast Corner: Latitude 30° 18.2974' North, Longitude -89° 17.9134' West; Southeast Corner: Latitude 30° 18.0558' North, Longitude -89° 17.9134' West; Southwest Corner: Latitude 30° 18.0558' North, Longitude -89° 18.2050' West

Southern Project Area is located approximately 3.2 miles (16,896 feet) south of Henderson Point in Harrison County. The project corners would be located at the following locations: Northwest Corner: Latitude 30° 15.6985' North, Longitude -89° 18.5323' West; Northeast Corner: Latitude 30° 15.6985' North, Longitude -89° 18.2442' West; Southeast Corner: Latitude 30° 18.4546' North, Longitude -89° 18.2442' West; Southwest

Corner: Latitude 30° 15.4546' North, Longitude -89° 18.5323' West

PROPOSED WORK: The proposed project would be a cooperative research effort between the University of Southern Mississippi (USM), the U.S. Army Corps of Engineers Environmental Research Development Center (ERDC), and the Mississippi Department of Marine Resources (MDMR). The proposed artificial reef research project would involve construction of two 50-acre project areas within the Mississippi Sound. Eight 1-acre oyster reefs would be constructed within each of the 50-acre project areas. Locations of each of the eight 1-acre oyster reefs would vary within the 50-acre site and would be placed at least 1-acre apart. The oyster reefs would be constructed using varying amounts of limestone aggregate at different times over a calendar year. Heights would vary among the reefs with a maximum of 8-inches in height per reef. The reefs would be constructed to a maximum elevation of -8 feet mean low low water (MLLW). Current depths at the proposed sites are -8 to -12 feet MLLW. The total area would comprise 100 acres with approximately 16 acres of fill into other waters of the U.S. upon completion of the research project. Specific research interest are to study: 1) impacts of reef restoration on Gulf Sturgeon Critical Habitat; 2) Methods of demonstrating effective restoration strategies and properly formulated monitoring plans for fisheries and ecosystem recovery from natural disasters and anthropogenic disturbances; and 3) capabilities of oyster reef restoration with regard to sediment stabilization. The applicant provided their review of alternative site locations and a discussion regarding why they believe the proposed locations are the most acceptable for the proposed research project. The applicant has broken the project into two 50-acre project sites with eight non-contiguous acres of fill proposed in each site; therefore, avoiding the remaining 42 acres within each site.

The applicant has applied for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. A determination relative to CZ consistency will be made by the Mississippi Department of Marine Resources

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of both 50-acre project sites. The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The Corps has made a preliminary determination that the proposed project would have no effect on historic properties. However, we are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may be affected by the work. This action constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the project area.

A preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and the National Marine Fisheries Service

list of Mississippi's Threatened and Endangered Species indicate the proposed activity may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), Green Sea Turtle (*Chelonia mydas*), Leatherback Turtle (*Dermochelys comacea*), Loggerhead Sea Turtle (*Caretta caretta*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Hawksbill Sea Turtle (*Eretmochelys imbricata*), Giant Manta Ray (*Manta birostris*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), and Gulf Sturgeon Critical Habitat. The project as proposed should have no effect on the remaining listed endangered or threatened species, or their critical habitat. This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for information on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 16 acres of marine substrate utilized by various life stages of species included in Fishery Management Plans for Coastal Migratory Pelagics, Red Drum, Reef Fish, Shrimp, Corals, or Highly Migratory Species. The applicant conducted probing events at both 50-acre sites on April 13 and 15, 2021, and no submerged aquatic vegetation was noted in either area. The applicant also stated that side-scan sonar data was used to profile the water bottoms to determine if oyster reefs were present. No areas of existing oyster reef were identified within the project areas. Our initial determination is that the proposed action would not adversely impact EFH or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service

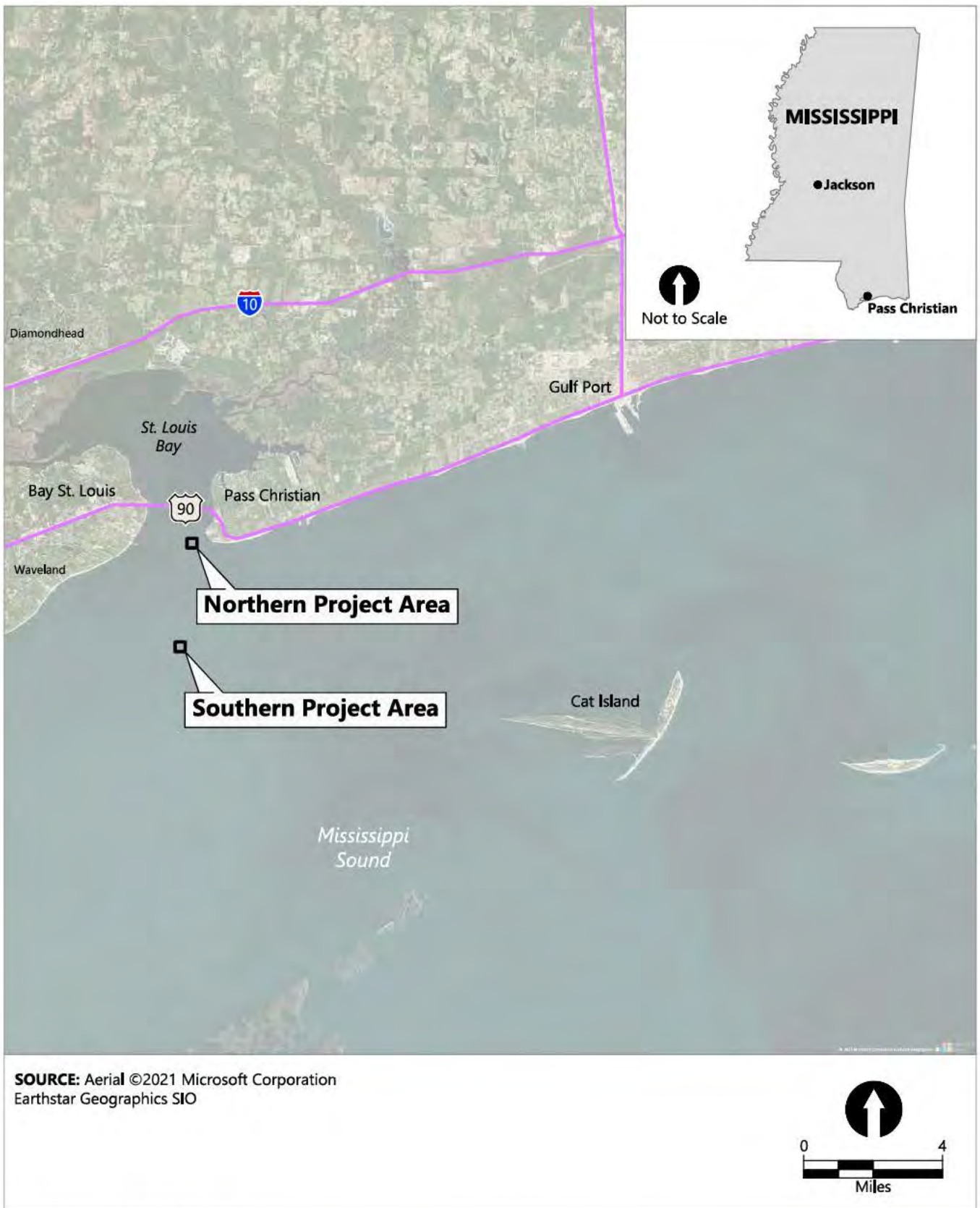
Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2021-01168-KMN and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South Mississippi Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, Attention: Mr. Greg Christodoulou 1141 Bayview Avenue, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, **Ms. Kaaren M. Neumann (Kaaren.M.Neumann@usace.army.mil), phone (228) 386-8293**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our website at: www.sam.usace.army.mil and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



SOURCE: Aerial ©2021 Microsoft Corporation
Earthstar Geographics SIO

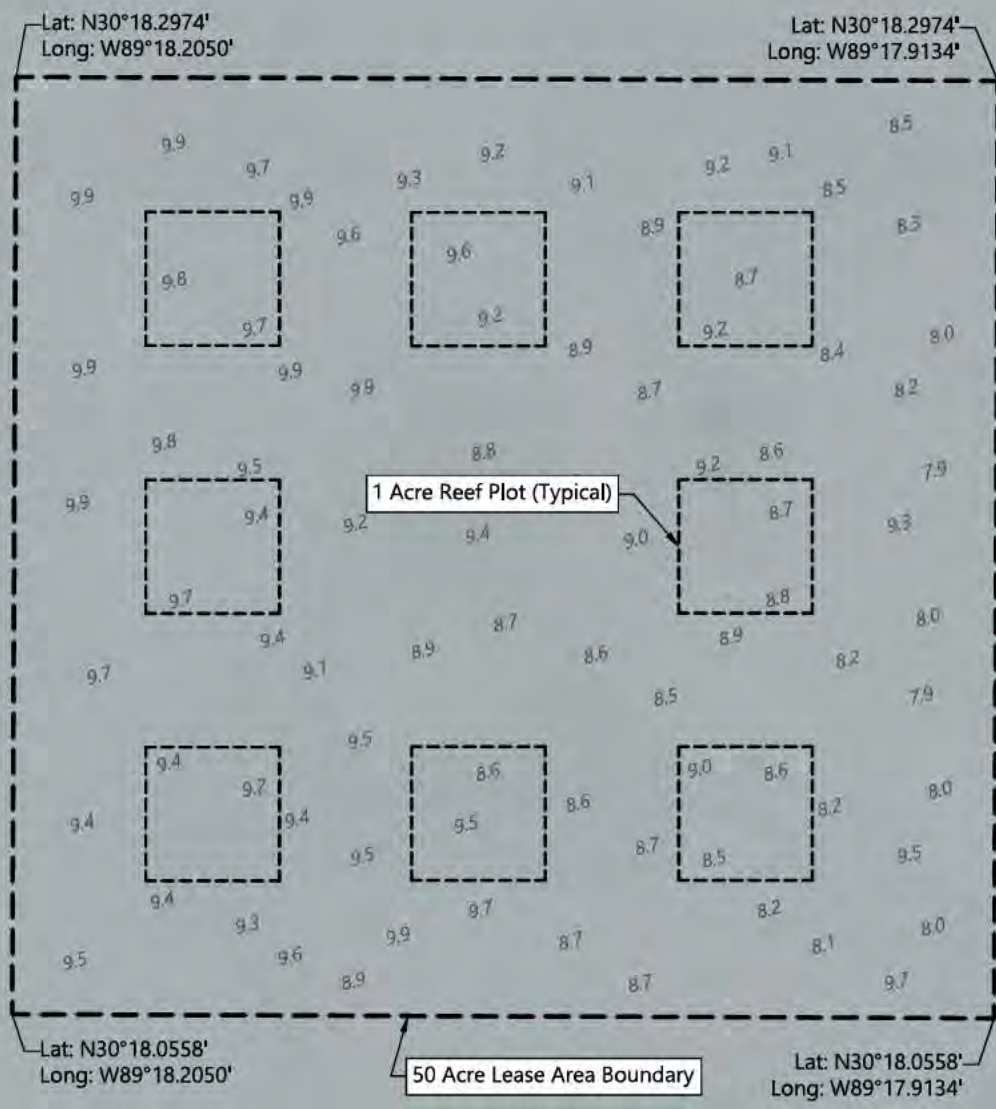
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Filepath: K:\Projects\2302-University of Southern Mississippi\USACE ERDC MS Experimental Shellfish Reefs\zBay St. Louis (Western Zone)\2302-RP-001 (Vicinity-Bay St. Louis).dwg Figure 1



Figure 1
Vicinity Map

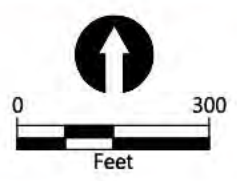
USM-ERDC Experimental Oyster Reefs - Western Zone
Permit Drawings
USM - USACE ERDC



Mississippi Sound

SOURCES: Aerial ©2021 Microsoft Corporation Earthstar Geographics SIO; bathymetry surveys provided by University of Southern Mississippi
NOTE: 1 acre reef plot locations are shown for visualization purposes only. The reef plots may be constructed anywhere within the 50-acre lease area.

LEGEND:
 8.9 Depth in Feet Below MLLW

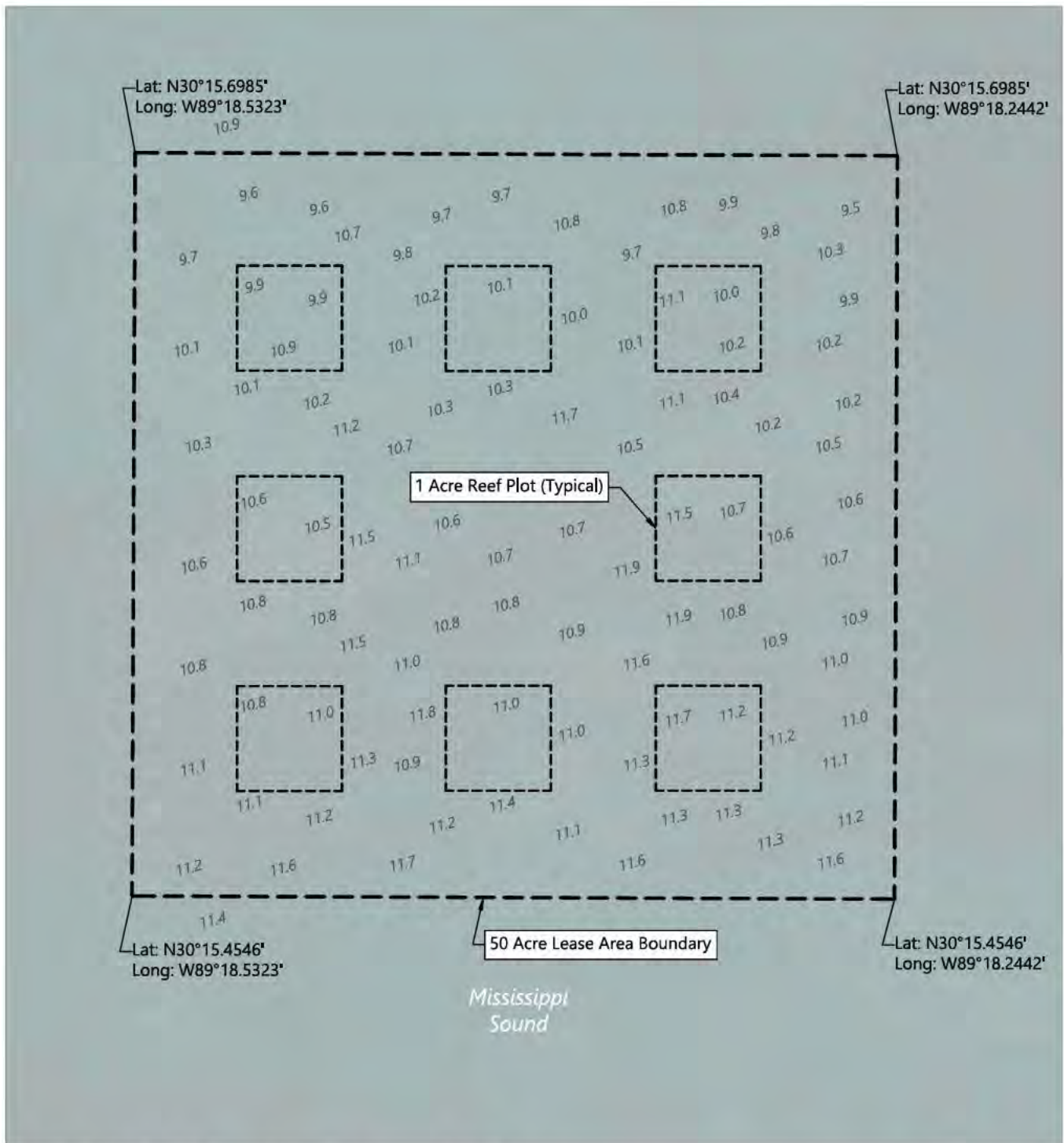


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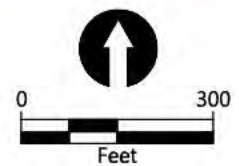
Figure 2
Project Plan View - Northern 50 Acre Area

USM-ERDC Experimental Oyster Reefs - Western Zone
 Permit Drawings
 USM - USACE ERDC



SOURCES: Aerial ©2021 Microsoft Corporation Earthstar Geographics SIO; bathymetry surveys provided by University of Southern Mississippi
NOTE: 1 acre reef plot locations are shown for visualization purposes only. The reef plots may be constructed anywhere within the 50-acre lease area.

LEGEND:
 11.7 Depth in Feet Below MLLW



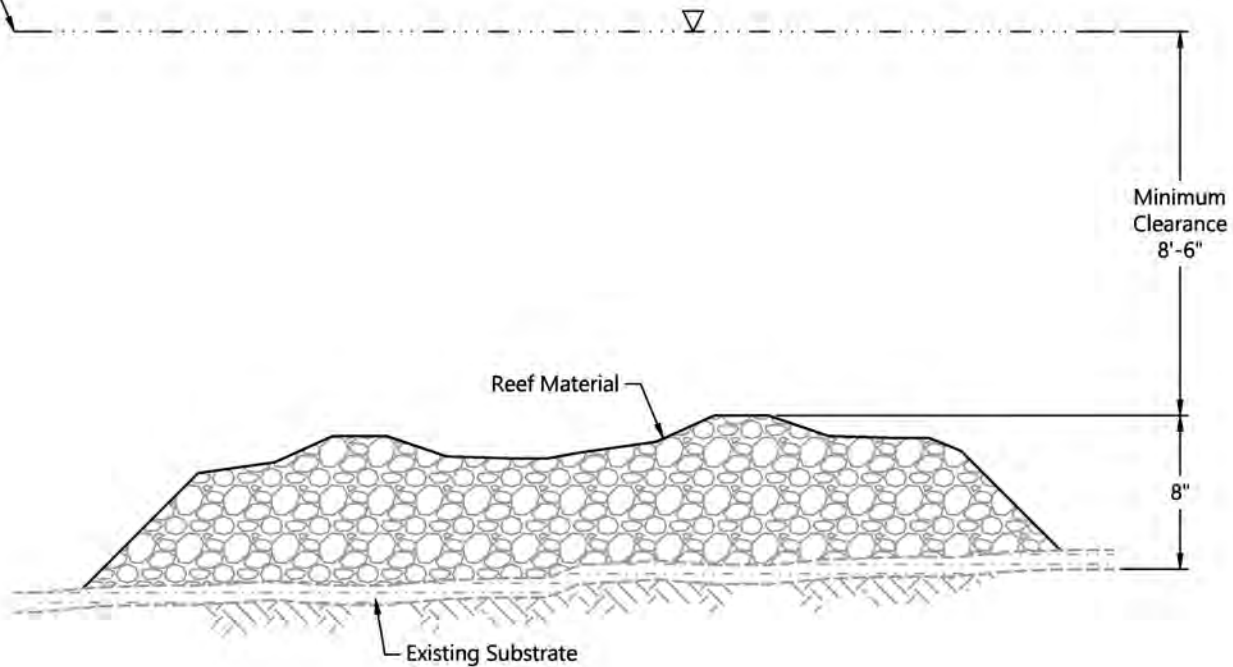
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Figure 3
Project Plan View - Southern 50 Acre Area

USM-ERDC Experimental Oyster Reefs - Western Zone
 Permit Drawings
 USM - USACE ERDC

Mean Lower Low Water
(0.0' MLLW)



Typical Reef Detail
Not to Scale

Mean Lower Low Water (MLLW)

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Figure 4
Typical Reef Detail

USM-ERDC Experimental Oyster Reefs - Western Zone
Permit Drawings
USM - USACE ERDC