



REPLY TO
ATTENTION OF:

South Branch
Regulatory Division

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

June 26, 2013

**JOINT PUBLIC NOTICE SAM-2012-01590-DMY
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

**WETLAND FILL ASSOCIATED WITH THE CONSTRUCTION OF A GAMING
FACILITY IN D'IBERVILLE, HARRISON AND JACKSON COUNTIES, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

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

APPLICANT: **Lewis Enterprises**
5493 Highway 119
Montevallo, Alabama 35115

AGENT: **Spectrum Environmental, Inc.**
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: **Adjacent and abutting wetlands situated north of Race Track Road, west of Beach Bayou Road, south of Norton Road, and east of Fountain Road, in Section 21, Township 7 South, Range 9 West, D'Iberville, Harrison and Jackson Counties, Mississippi, Latitude 30.4279 North, Longitude 88.8838 West, in the Back Bay watershed.**

WORK: **The applicant proposes the construction of a new gaming facility, a retail center, an entertainment center, dining establishments, a hotel and an associated parking garage in D'Iberville impacting a total of 0.18 acre of wetlands within the existing Back Bay watershed.**

PROJECT PURPOSE: **As stated by the applicant's agent, the project is for a proposed gaming facility in D'Iberville, Mississippi. The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is to create a new gaming facility and is therefore non-water dependent. Additional review will be performed by the Corps and cooperating agencies.**

ALTERNATIVES: The Corps' initial review of alternatives submitted by the applicant consists of the preferred alternative, one alternative site, and a no-action alternative. Additional review of alternatives will be performed by the Corps and cooperating agencies.

MITIGATION: The applicant is not proposing mitigation for impacts at this time. The Corps has not verified the adequacy of the applicant's mitigation proposal at this time. Further coordination will be performed by the Corps and cooperating agencies.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act and upon completion of the required advertising; a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps 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 benefits, 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, cultural values, fish and wildlife values, protected species, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The Corps 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 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 for consideration of 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 effect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area consists of the project site. **The applicant has already prepared a Phase I cultural resources survey report dated August 17, 2012 which was submitted to the State Historic Preservation Officer for review. The State Historic Preservation Officer replied on September 14, 2012 that “no known cultural resources” are onsite.** 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 a potential exists for the location of significant sites or properties within the permit area, the Corps will consult with in-house expertise and the State Historic Preservation Officer to make a final determination based upon the submitted report.

The U.S. Fish and Wildlife Service lists 4 endangered, threatened or candidate species as occurring or potentially occurring in this habitat in Harrison County and Jackson County, Mississippi. These include the Mississippi sandhill crane (*Grus Canadensis pulla*), gopher tortoise (T) (*Gopherus polyphemus*), the Louisiana black bear (T) (*Ursus americanus luteolus*), and the Black pine snake (C) (*Pituophis melanoleucus lodingi*).

Based on a report dated August 1, 2012 the U.S. Fish and Wildlife Service determined the project is not likely to adversely affect listed endangered or threatened species or their critical habitats.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2012-01590-DMY** and should be directed to the District Commander, U.S. Army Engineer District, Mobile, **Attention: Mr. Philip A. Hegji**, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South Alabama Branch and a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, **Attention: Ms. Florance Watson, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225, 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, **Mr. Philip A. Hegji** (philip.a.hegji@usace.army.mil), phone (251) 690-3222. Please refer to the above Public Notice number.

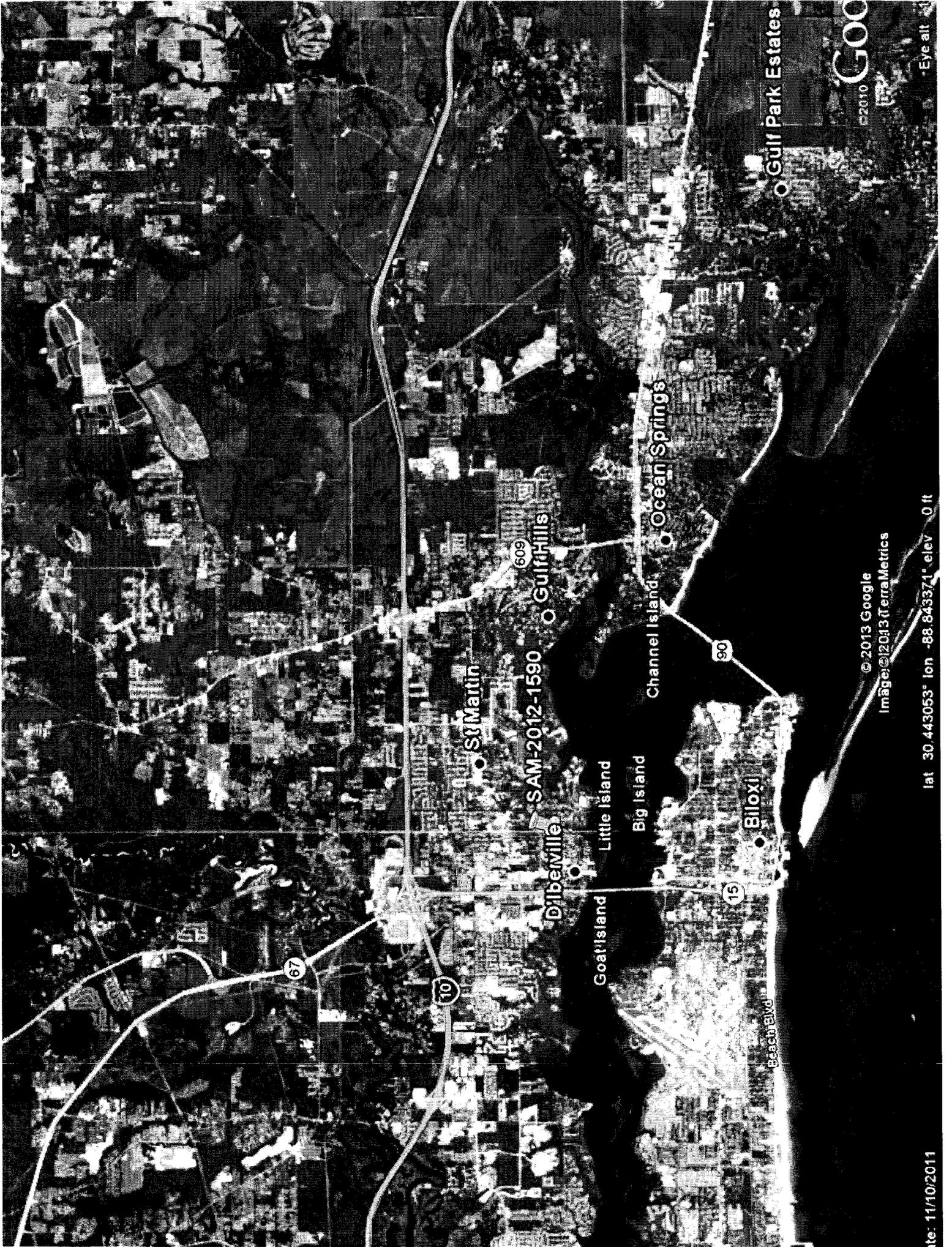
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For additional information about our Regulatory Program, please visit our web site at
<http://www.sam.usace.army.mil/Missions/Regulatory.aspx>.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



Date: 11/10/2011

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Image: © 2013 TerraMetrics

lat 30.443053° lon -88.843371° elev 0 ft

© 2010

Eye alt





Bosarge St

Bullock Ave

Gulf Stream Rd

St Martin Rd

Mirand Ln

Racehacker Rd

Brittany Ave

Lepoma Ave

SAM-2012-1590

Beach Bayou Rd

Balla Ave

Grady Ln

Fountain Ave

Happy Landing Ln

Byrd Ave

Beaugez St

Fournier Ave

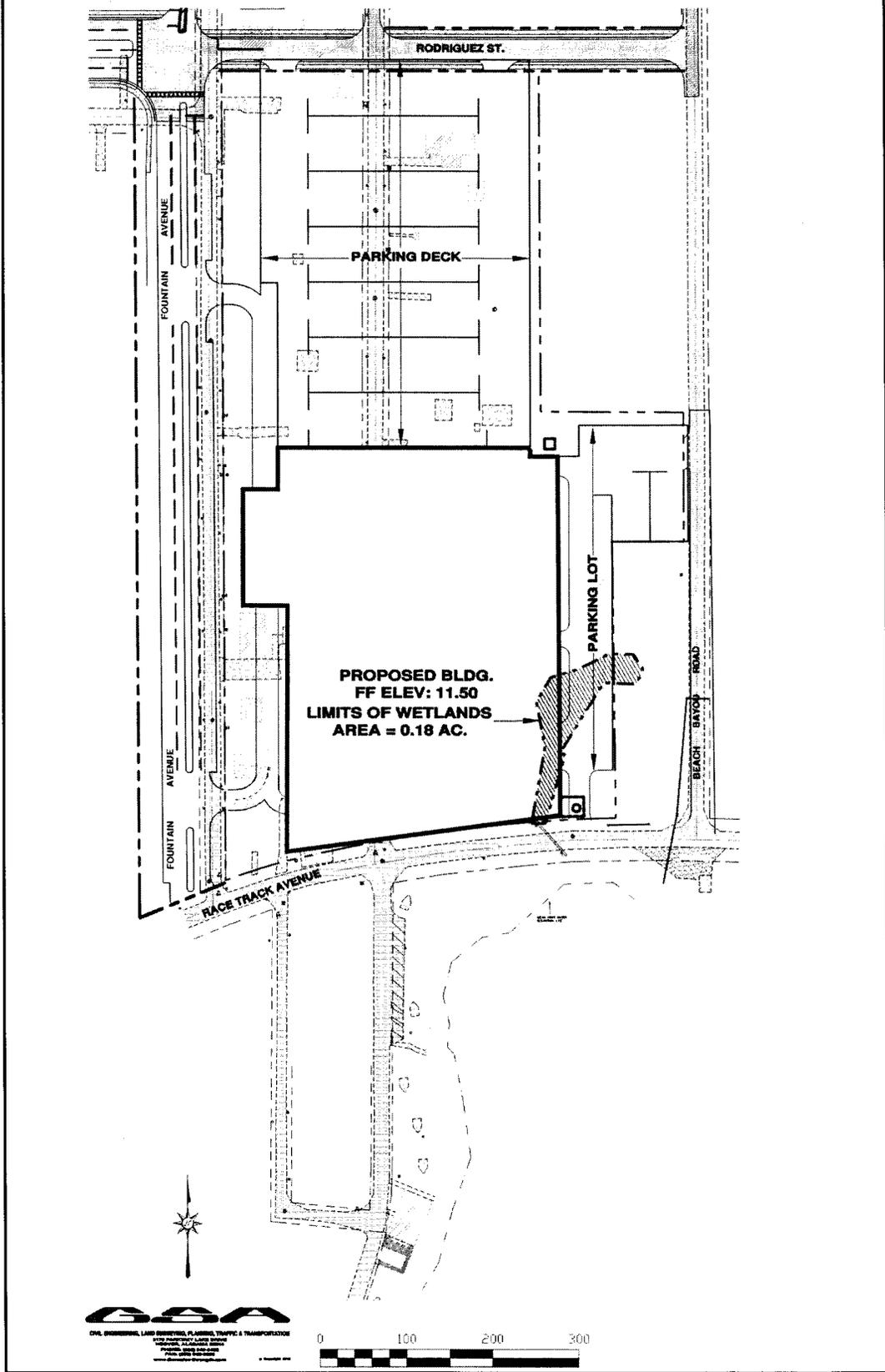
Ping's Ave

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lat 30.427011° lon -88.882441° elev 0 ft

Sat 11/10/2011

WETLANDS LOCATION PLAN



ASA
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, ENVIRONMENTAL & TRANSPORTATION
 10000 Highway 100, Suite 100
 Birmingham, AL 35243
 Phone: (205) 990-8800
 Fax: (205) 990-8801
 www.asa-engineers.com



NO.	DATE	REVISION DATE	BY

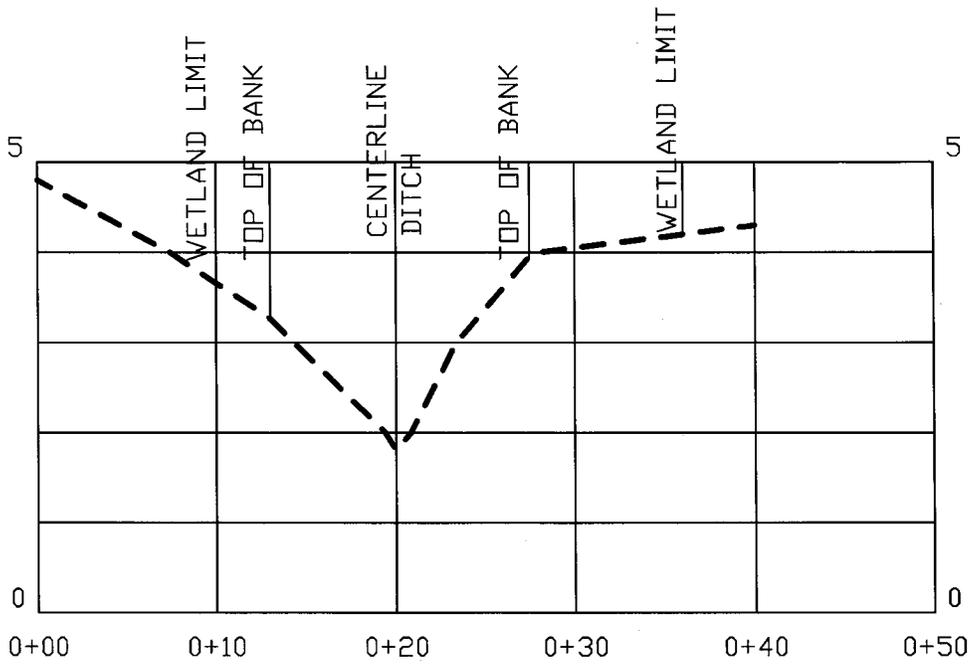
Drawn By:	Project #:
Checked By:	Date:
Proj. Mgr.:	File Name:

SPECTRUM

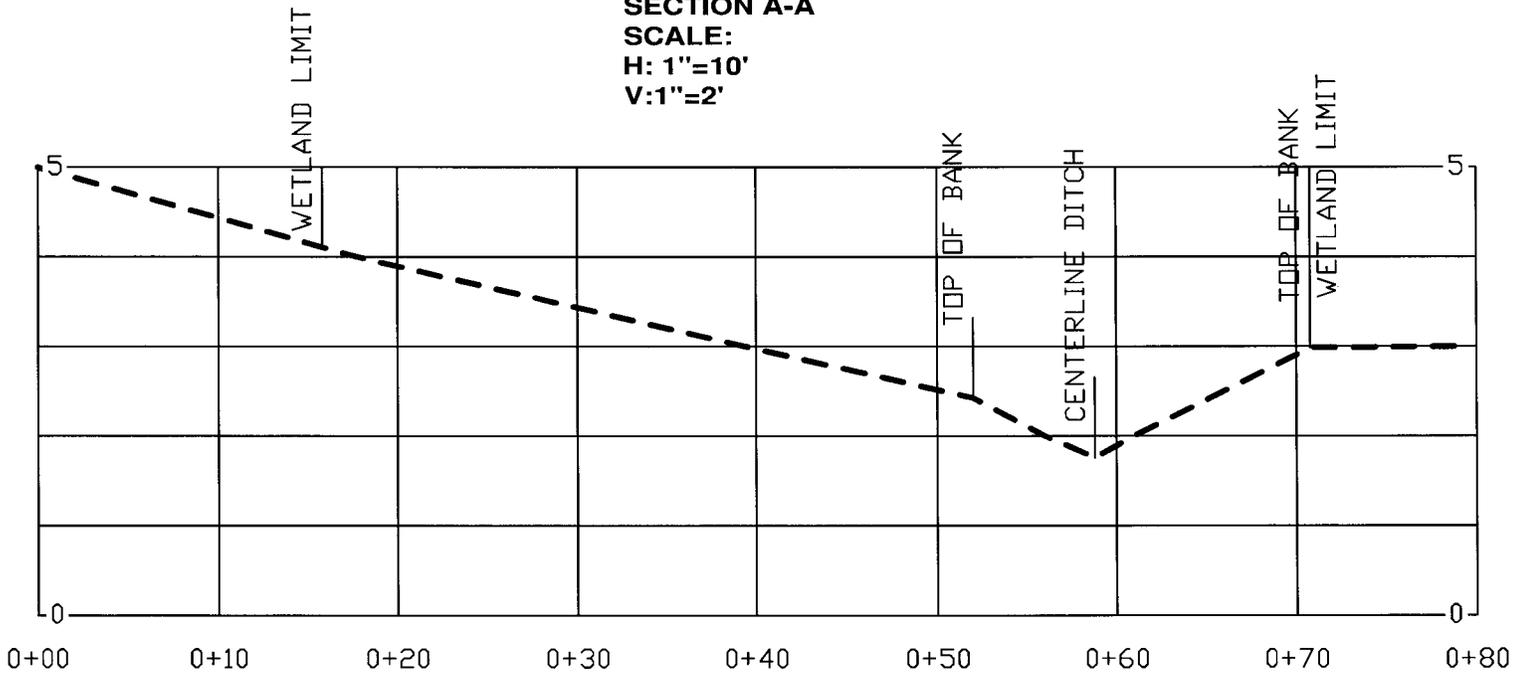
85 Spectrum Cove
 Atabaster, AL 35007
 P (205) 664-2000
 F (205) 664-2142
 www.specenviro.com

TITLE

Figure 2562002-9
 Alternative Site Layout
 Proposed Gaming Facility
 D'Iberville, Harrison and Jackson Counties, MS



SECTION A-A
SCALE:
H: 1"=10'
V: 1"=2'



SECTION B-B
SCALE:
H: 1"=10'
V: 1"=2'

WETLANDS SECTION PLAN



CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
 2176 PARKWAY LAKE DRIVE
 HOOVER, ALABAMA 35244
 PHONE: (205) 942-2486
 FAX: (205) 942-3033
 www.Gonzalez-Strength.com