



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2012-00731-AFM

April 24, 2013

JOINT PUBLIC NOTICE SAM-2012-0731-AFM
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED MAINTENANCE DREDGING OF DEVIL'S ELBOW, A TRIBUTARY OF
ROTTEN BAYOU, IN DIAMONDHEAD, HANCOCK 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 River and Harbors Act of 1899 (33 USC 403). Please communicate this information to interested parties.

APPLICANT: Hancock County Board of Supervisors
854 Highway 90, Suite A
Bay St. Louis, MS 39520

Diamondhead Property Owners Association
5300 Diamondhead Circle
Diamondhead, MS 39525

AGENT: Compton Engineering, Inc.
156 Nixon St.
Biloxi, MS 39530

WATERWAY: Devil's Elbow, an oxbow adjoining Rotten Bayou, in Diamondhead, Hancock County, Mississippi (Latitude 30.427491° N, Longitude 89.057140° W).

WORK: The applicant proposes excavation and dredging of accreted sediment in Devil's Elbow, an oxbow of Rotten Bayou, in Diamondhead, Hancock County, Mississippi. Rotten Bayou is a tributary of the Jourdan River which flows to St. Louis Bay. Devil's Elbow experiences accelerated sedimentation such that the waterway is no longer navigable at the project location. The applicant proposes to remove approximately 36,000 cubic yards of material from the project site. The proposed dredge area is 1,560 feet long by 200 feet wide with depths ranging between 0 and -11 feet mean sea level. The area would be dredged to a maximum depth of -8 feet in order to align with natural channel depths upstream and downstream of the accumulated sediment. Wetland vegetation has established on the accumulated sediment and consists of *Erianthus giganteus*, *Panicum repens*, *Solidago simpervirens*, *Baccharis halimifolia*, *Juncus roemerianus*, *Sesbania* sp., and *Polygonum* sp. A total of 0.87 acres of wetlands exist within the dredge area and would be permanently impacted by the project. All material would be dredged by hydraulic cutter head and pumped directly to a barge or beneficial use site. The applicant proposes to utilize a

state-operated beneficial use site for disposal of dredged material if one becomes available within a feasible distance to the project site. However, an alternative disposal site has been identified for use in the event a beneficial use site is not operational prior to commencement of work. The alternative site is King Class I Rubbish Site off Bayou LaCroix Road in Hancock County. The applicant does not propose compensatory mitigation because the proposed project is designed to restore historic flows and improve water quality within an impacted subwatershed of Rotten Bayou. The applicant also intends to utilize a beneficial use site for dredged material disposal if one becomes available. In addition to the proposed dredging and disposal, the applicant intends to implement a Sedimentation and Erosion Remediation and Maintenance Plan within the City of Diamondhead to control the source of sediment to Devil's Elbow.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Mississippi Office of Pollution Control and the Mississippi Department of Marine Resources.

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 use 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, cultural values, fish and wildlife values, 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.

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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 effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. 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 concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. The Corps has made a preliminary determination that there is little potential to effect cultural and historic properties within the permit area.

A preliminary endangered species assessment has been conducted to determine the presence of Federally listed species or critical habitat. The preliminary assessment concluded that the project will not adversely affect listed or proposed species. The project will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in accordance with the provisions of the Federal Endangered Species Act, to insure that the proposed activities will not adversely affect any listed or proposed species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 7.2 acres of habitat within Devil's Elbow oxbow utilized by various life stages of various marine species, which includes 0.87 acre of wetlands that has established on accumulated sediment. Our initial determination is that the proposed action may impact EFH or Federally managed fisheries, but that the overall impact would be beneficial. 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-2012-0731-AFM and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson,

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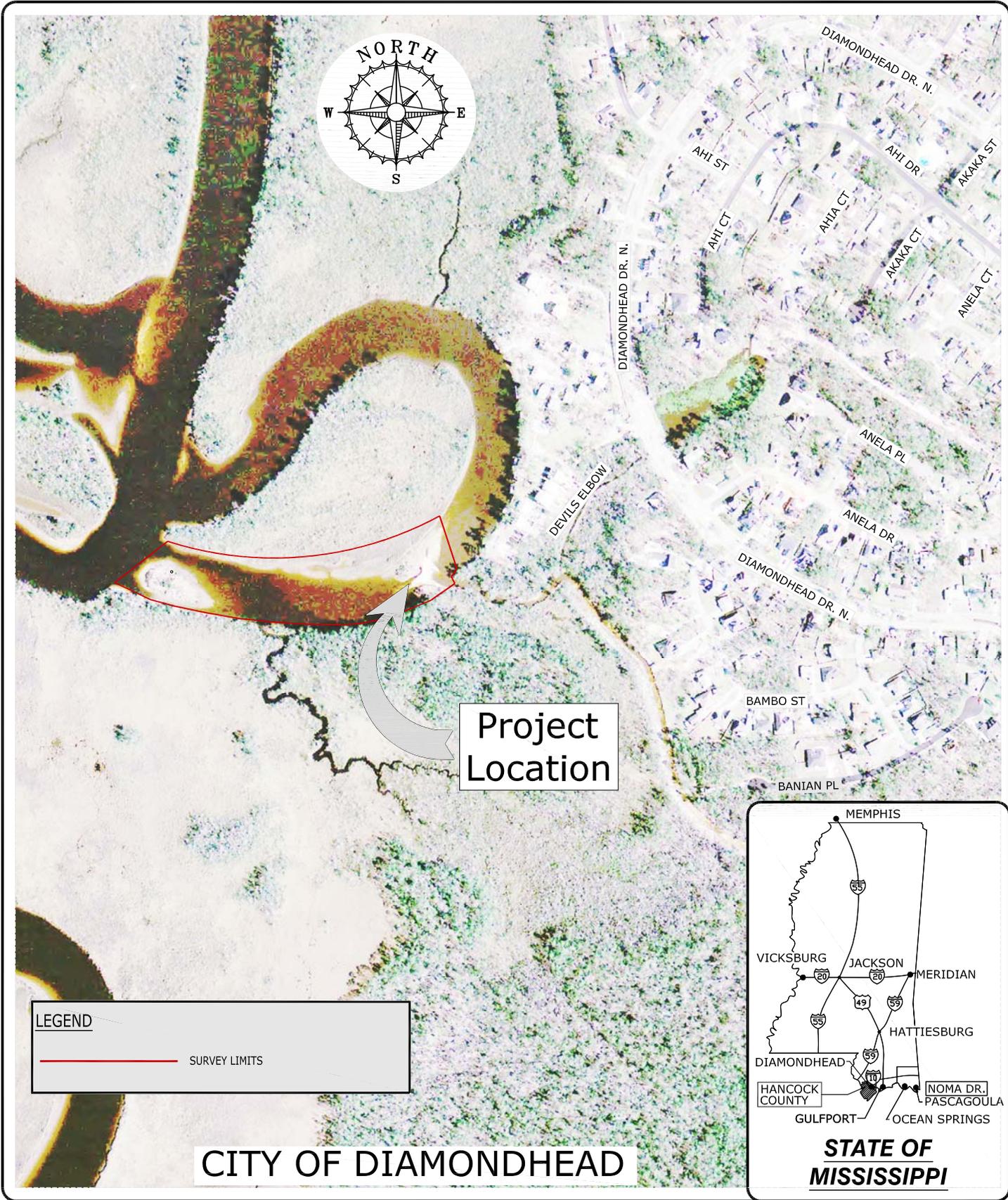
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Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice. If you have any questions concerning this publication, you may contact the project manager for this application, Mrs. Allison F. Monroe (allison.f.monroe@usace.army.mil), phone (251) 690-2658. Please refer to the above Public Notice number.

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

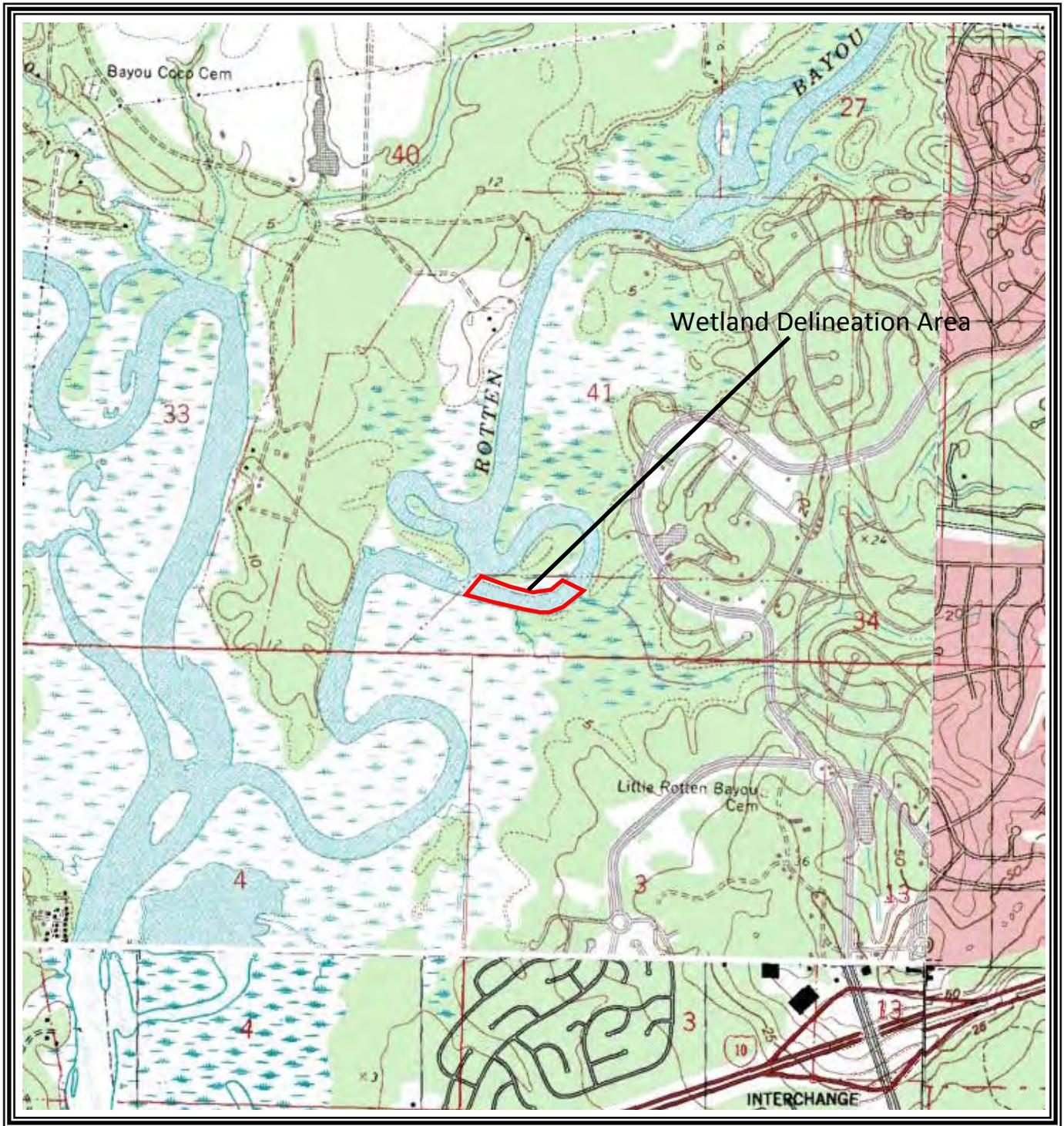
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



COMPTON ENGINEERING, INC.
 Engineering, Surveying, and Environmental Services
 156 Nixon Street
 Biloxi, Mississippi 39530
 Phone: (228) 432-2133 Fax: (228) 432-8149
 E-mail: compton@comptonengineering.com

210-102
 DEVILS ELBOW MAINTENANCE
 DREDGING PROJECT
 DIAMONDHEAD, MS
 ENVIRONMENTAL
 SHEET 1

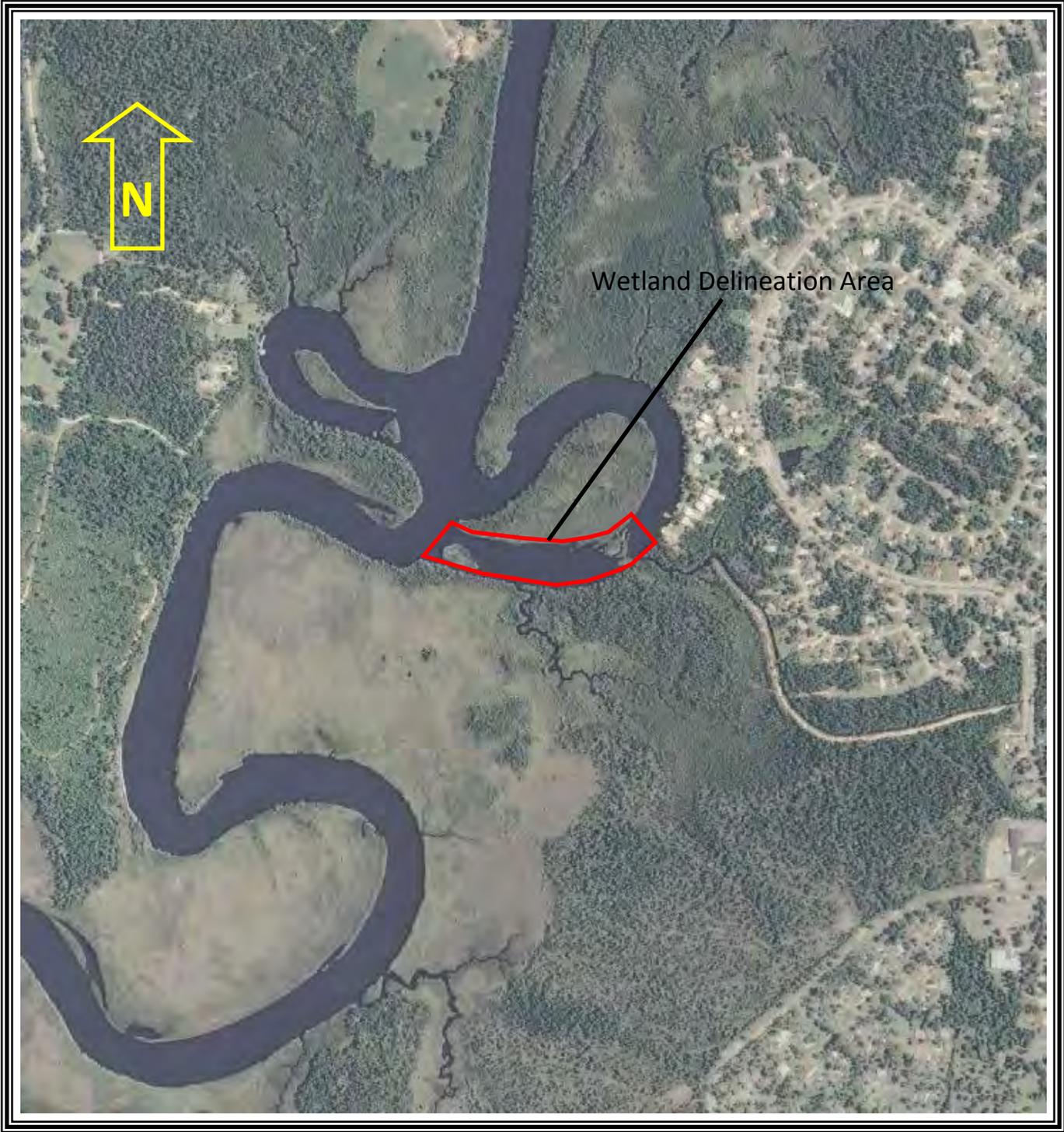


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Phone: (228) 432-2133 Fax: (228) 432-8149
E-mail: compton@comptonengineering.com

Site: Devils Elbow Restoration
Project
Diamondhead, MS

Figure Title: **USGS Topographic Map** (Map Source: MyTopo Map Pass, 7.5
Minute Series, 1:24,000, Quad: Kiln, 1987; not to scale)

Appendix ID:
B



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Figure Title: **Aerial Photo** (Map Source: MyTopo Map Pass; Photo Date: June 21, 2010;
not to scale)

Appendix ID:
B

REFERENCE BEARING:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM, EAST ZONE (2301), NAD 83, GRID VALUES, USING A SCALE FACTOR OF 0.99985161 AND A CONVERGENCE ANGLE OF (NEG)-00 DEGREES 16 MINUTES 51.76 SECONDS DETERMINED SPECIFICALLY FOR THIS PROJECT USING G.P.S. METHODS FROM A BASE STATION LOCATED AT N295.685.009, E813.011.570 OBTAINED BY AN OPUS SOLUTION.

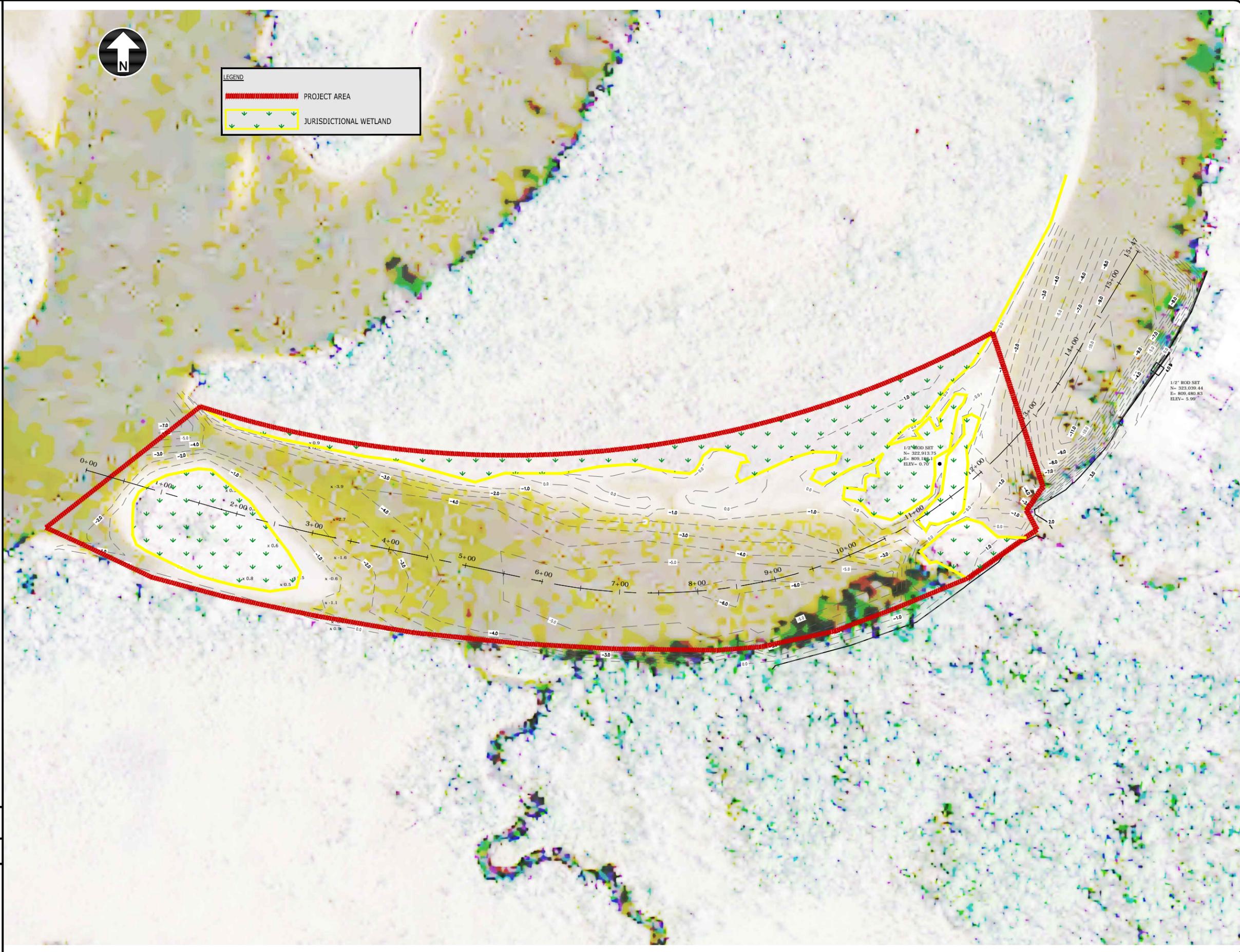
ALL ELEVATIONS SHOWN ARE NAVD88.



LEGEND

 PROJECT AREA

 JURISDICTIONAL WETLAND



SURVEYOR'S CERTIFICATE
STATE OF MISSISSIPPI
COUNTY OF HANCOCK

THE UNDERSIGNED, PROFESSIONAL LICENSED SURVEYOR, HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND MADE AT THE REQUEST OF DEVILS ELBOW POA.

WITNESS MY SIGNATURE ON THIS, THE 16TH DAY OF DECEMBER, 2010.

P.L.S.
LESTER H. MARTIN JR.
LICENSE #3004

COMPTON ENGINEERING, INC.
Engineering, Surveying, and Environmental Services
3036 Longfellow Drive
Bay St. Louis, Mississippi 39520
Phone: (228) 467-2770 Fax: (228) 467-2720
E-mail: bs@comptonengineering.com



EXISTING CONTOURING OF DEVILS ELBOW
PART OF SECTION 34 - T7S - R14W
HANCOCK COUNTY, MISSISSIPPI

SCALE:	1" = 60'
JOB NO.:	210-102
DATE:	12-16-2010
DSGN.:	LMJ
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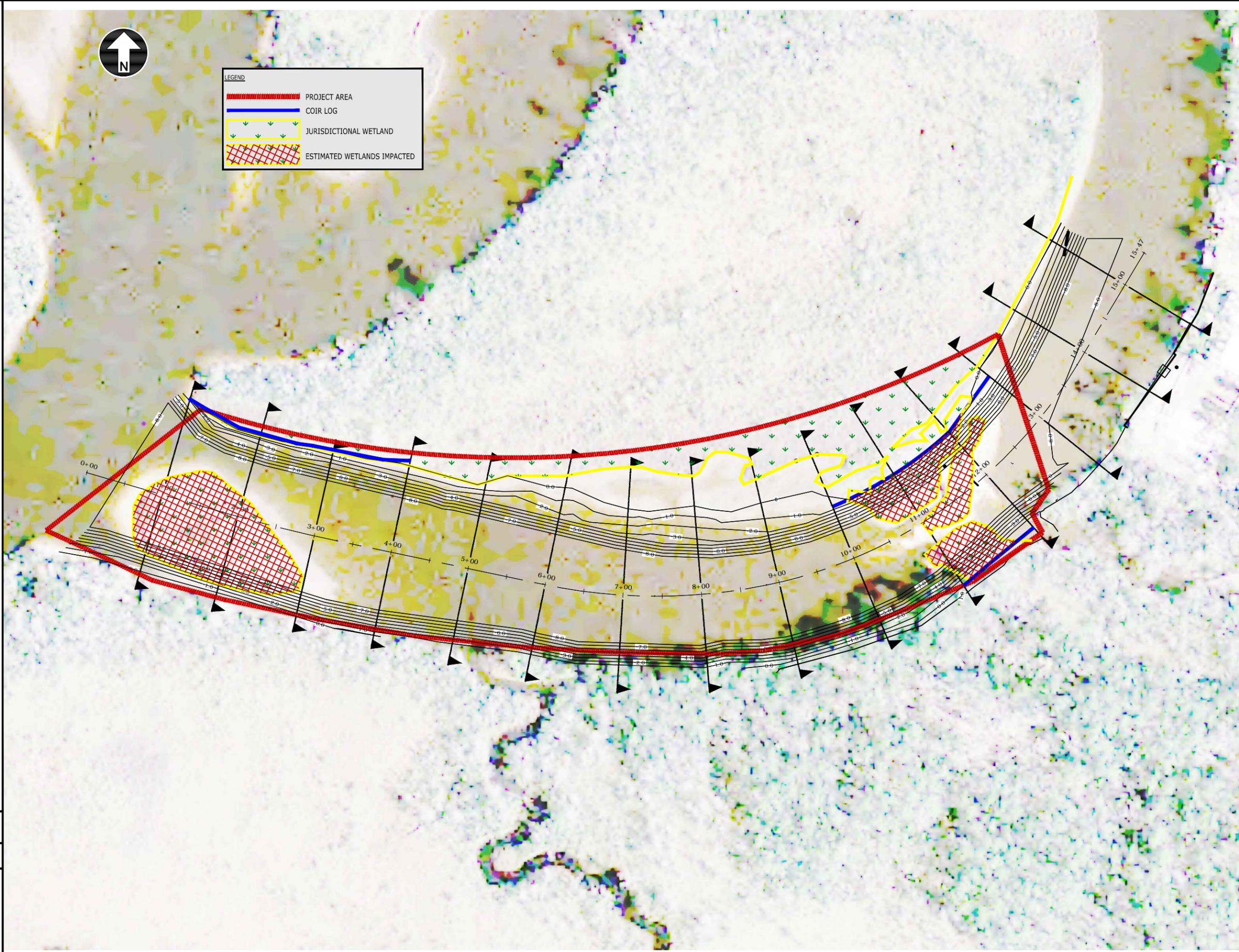
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SURVEYOR'S CERTIFICATE
STATE OF MISSISSIPPI
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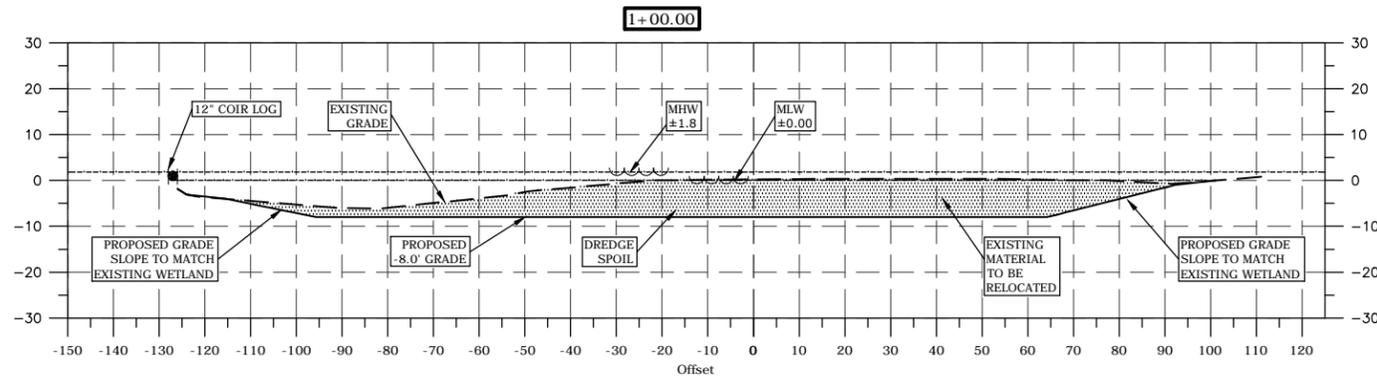
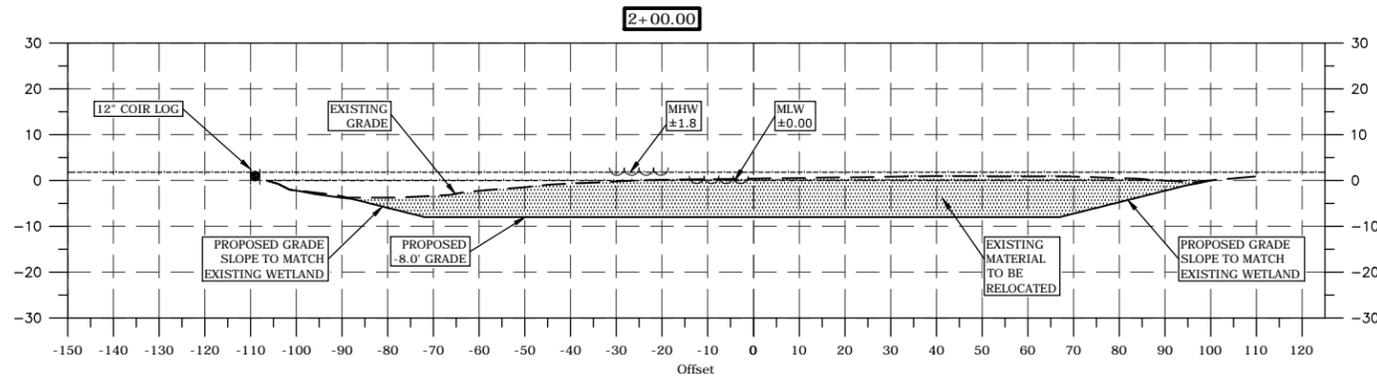
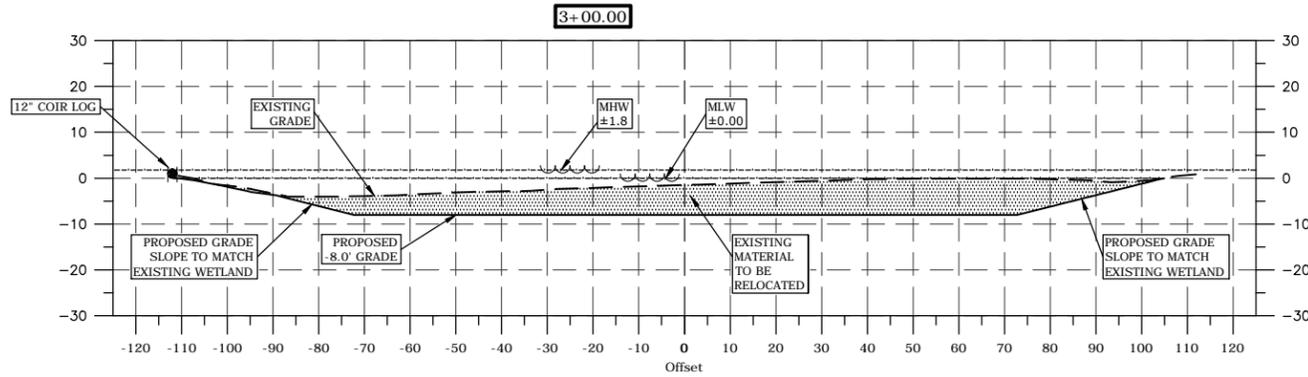
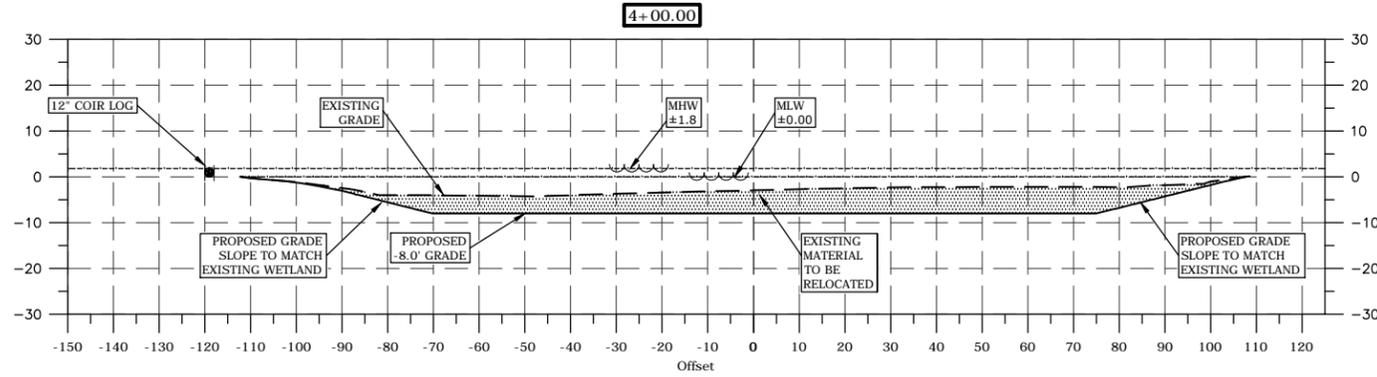
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HANCOCK COUNTY, MISSISSIPPI

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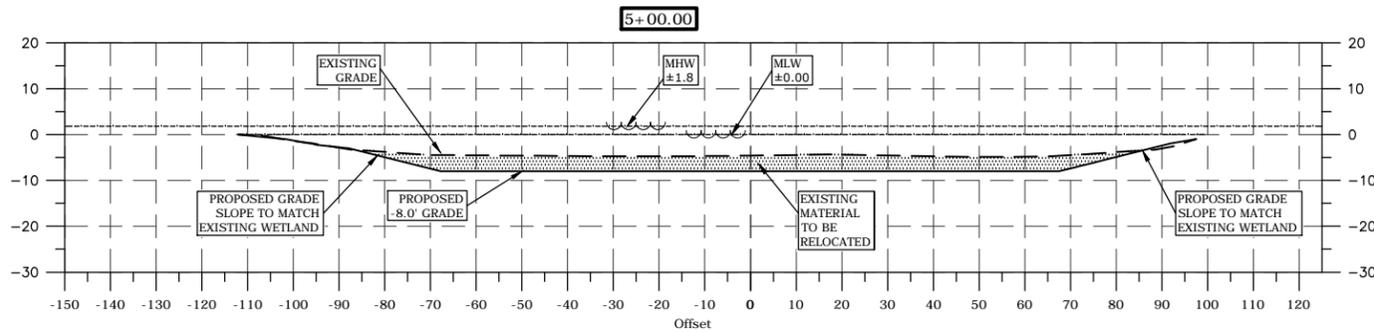
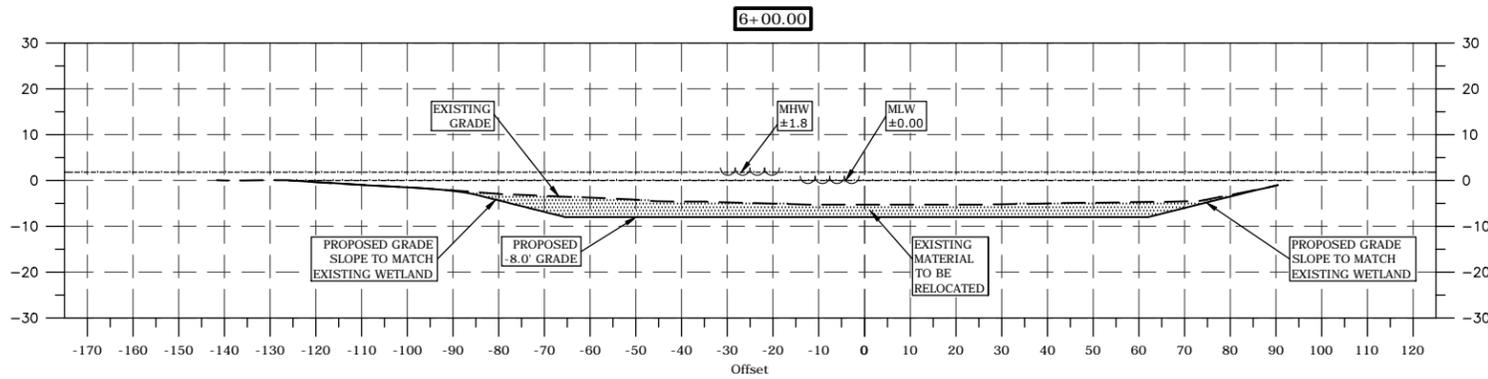
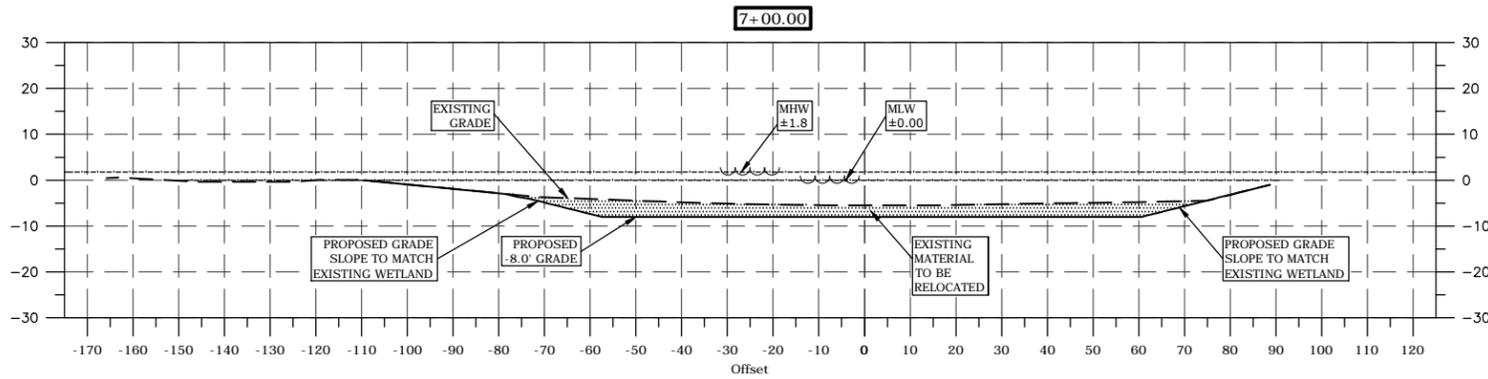
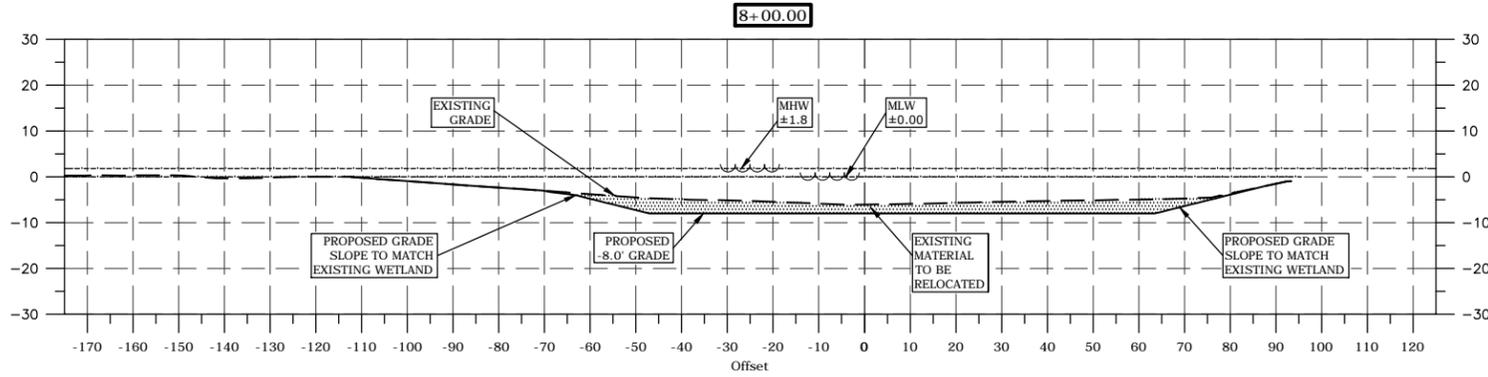
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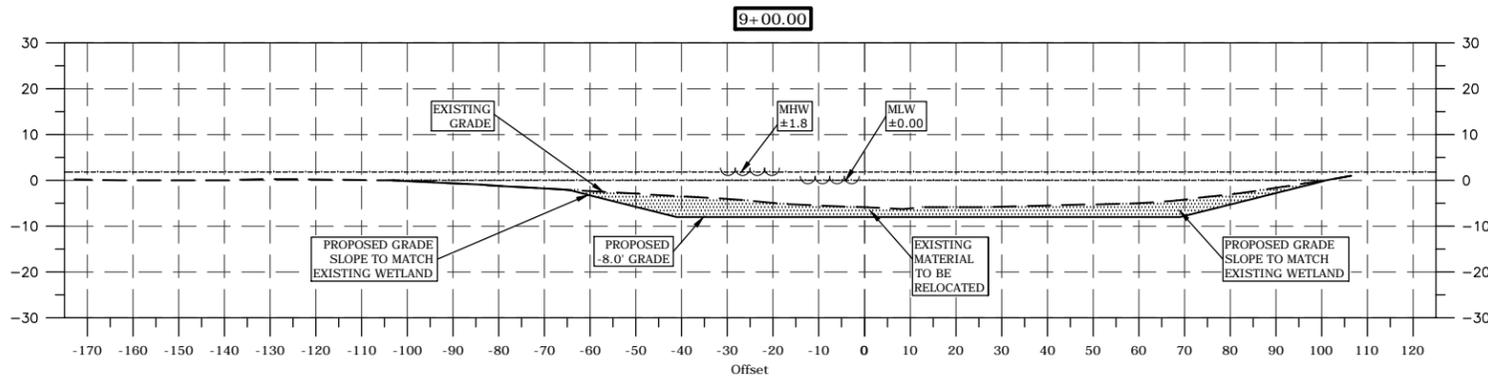
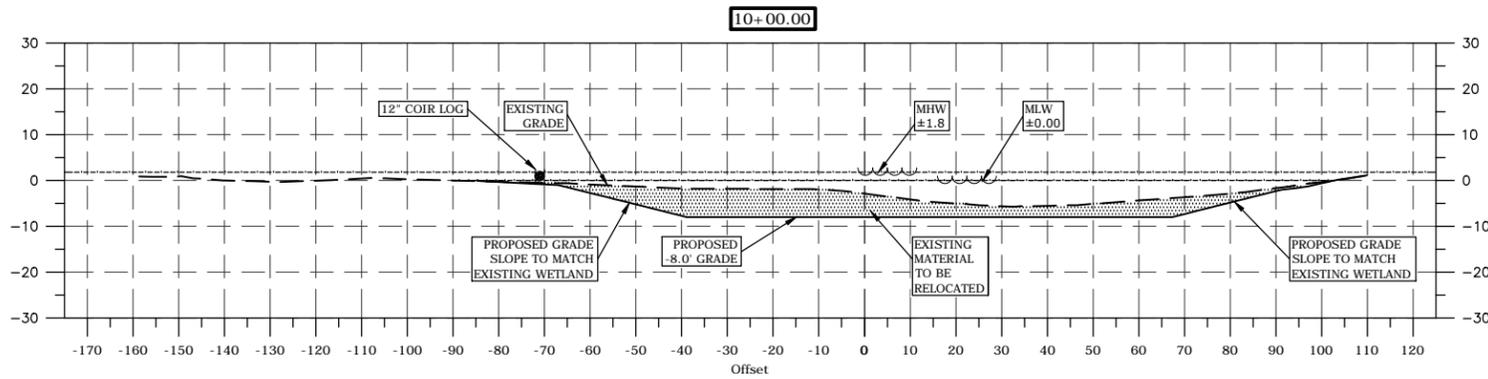
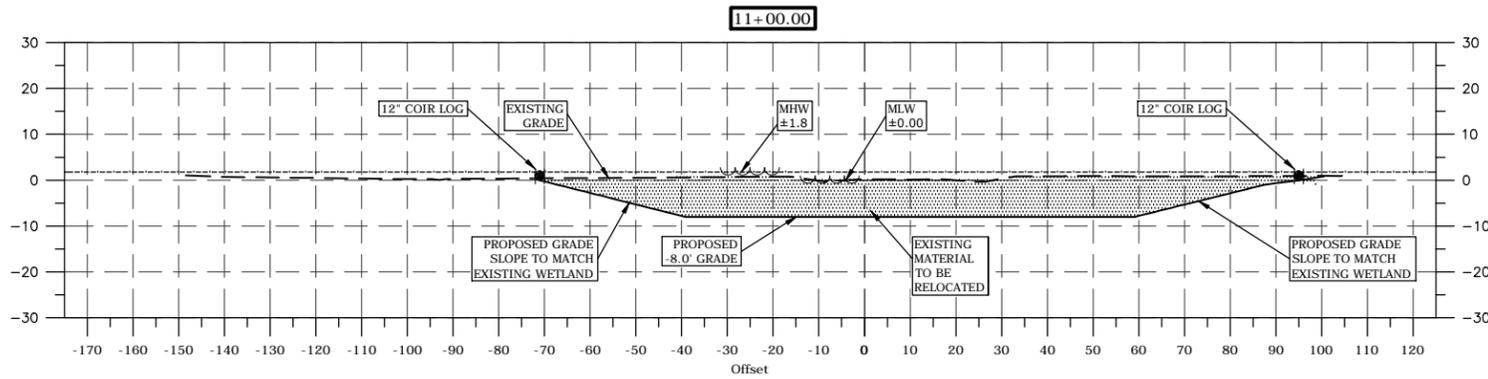
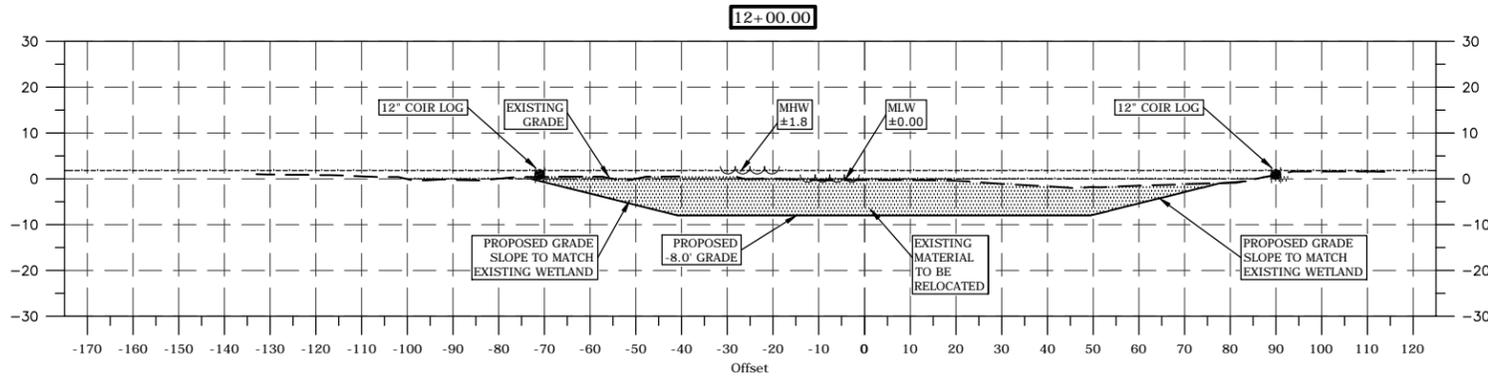
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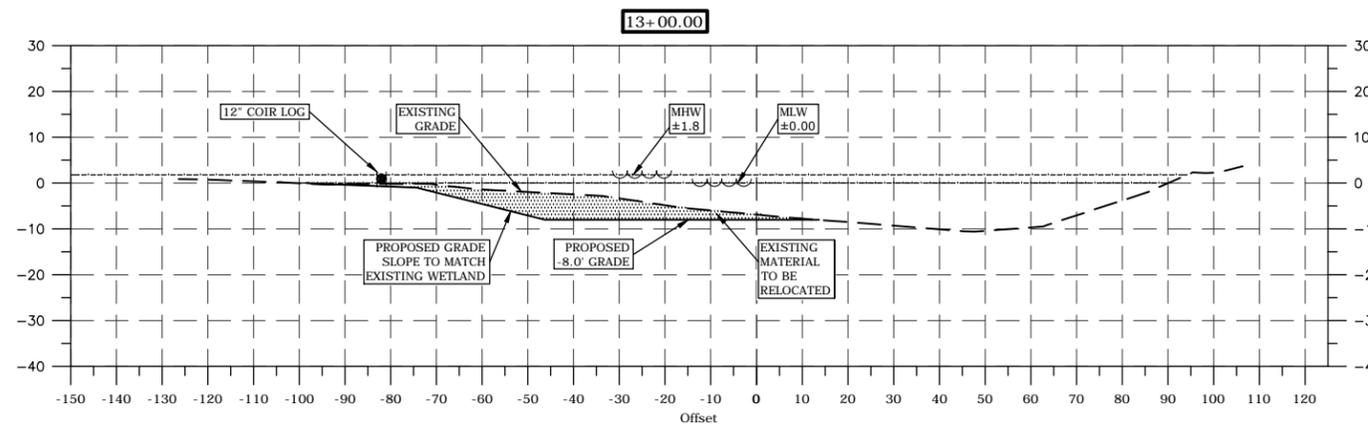
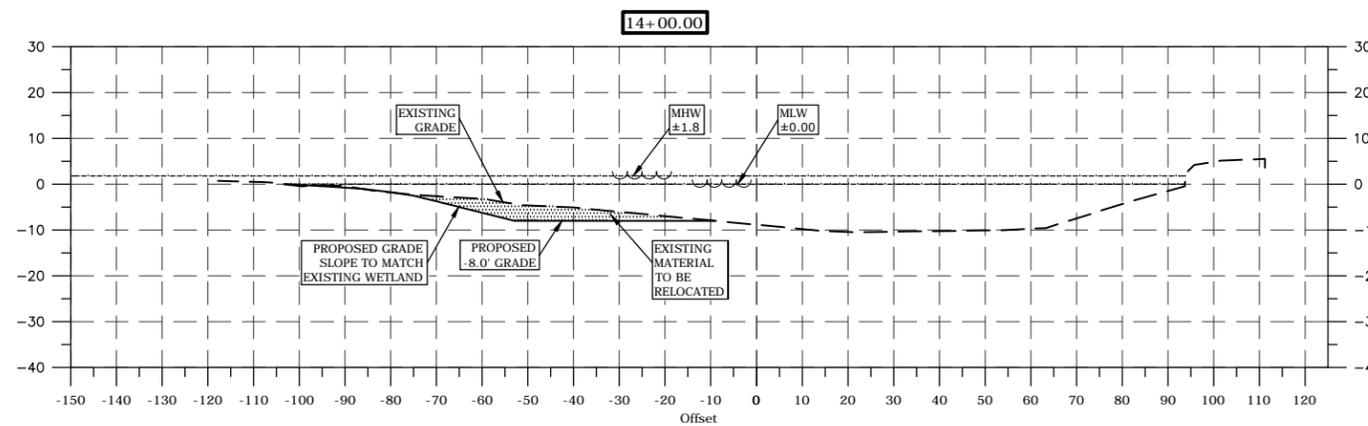
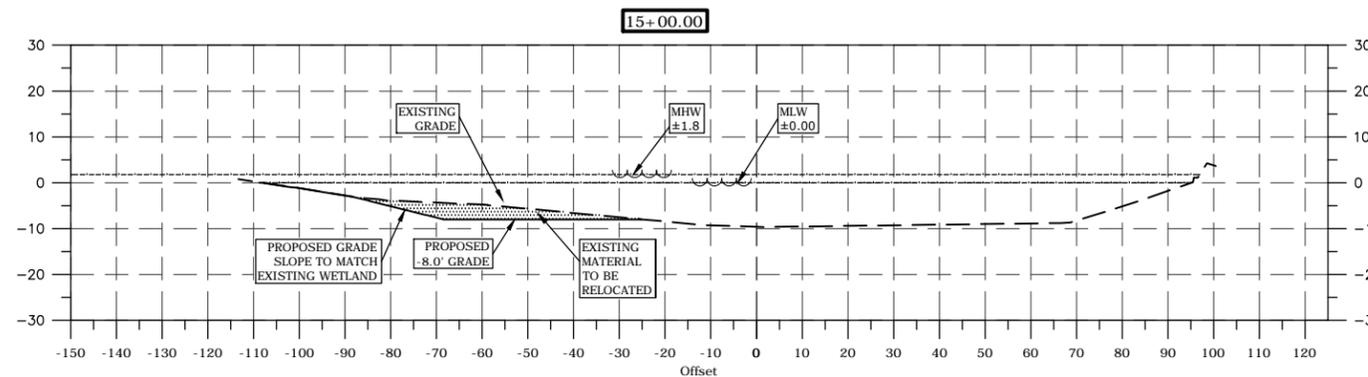
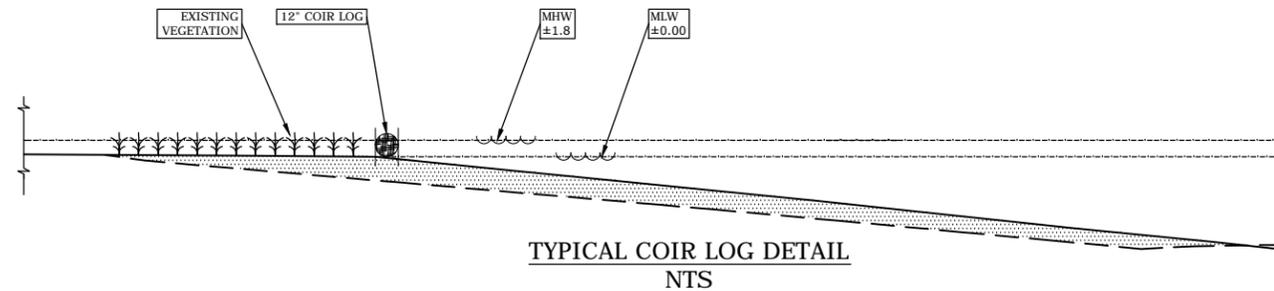
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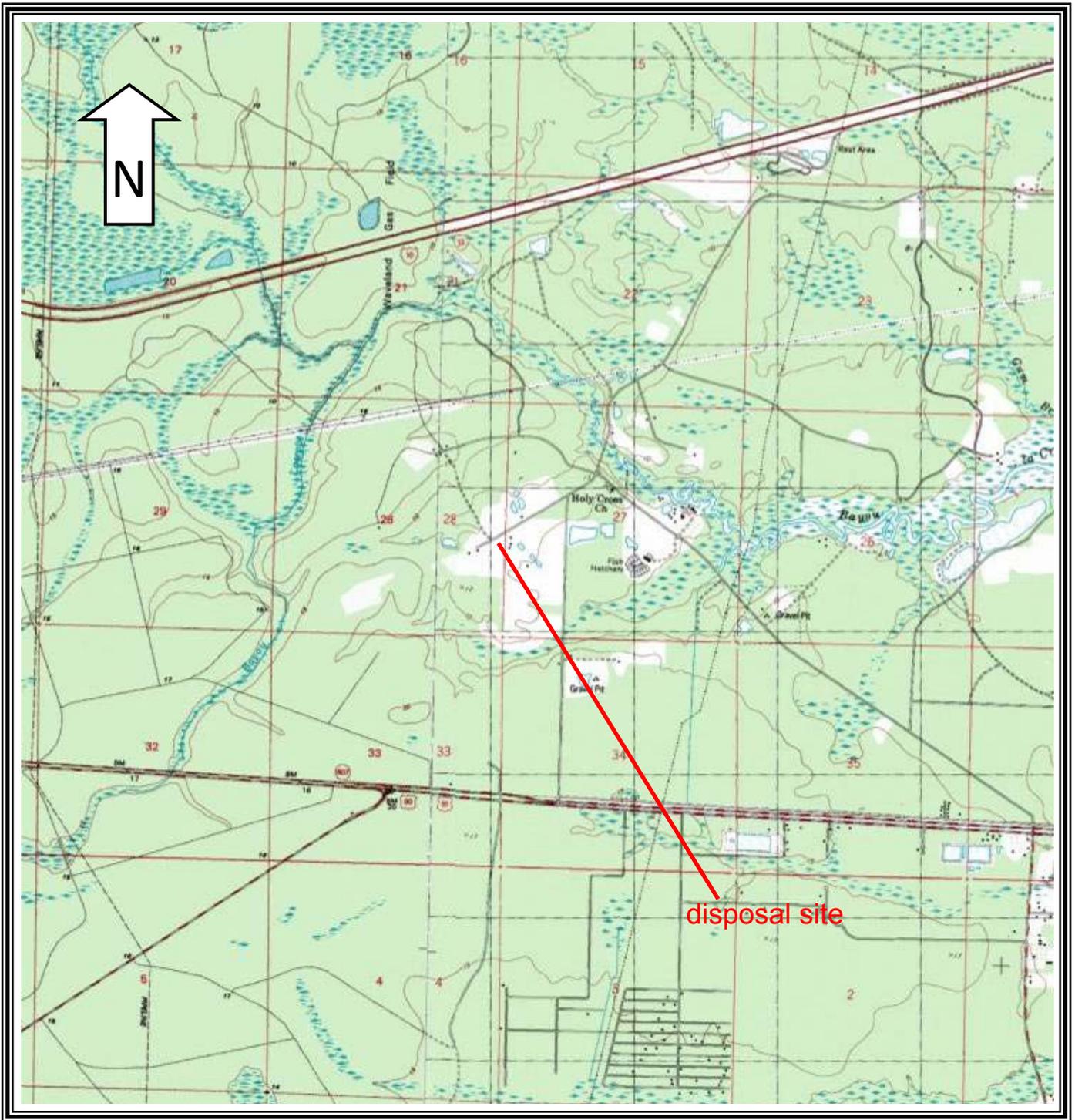
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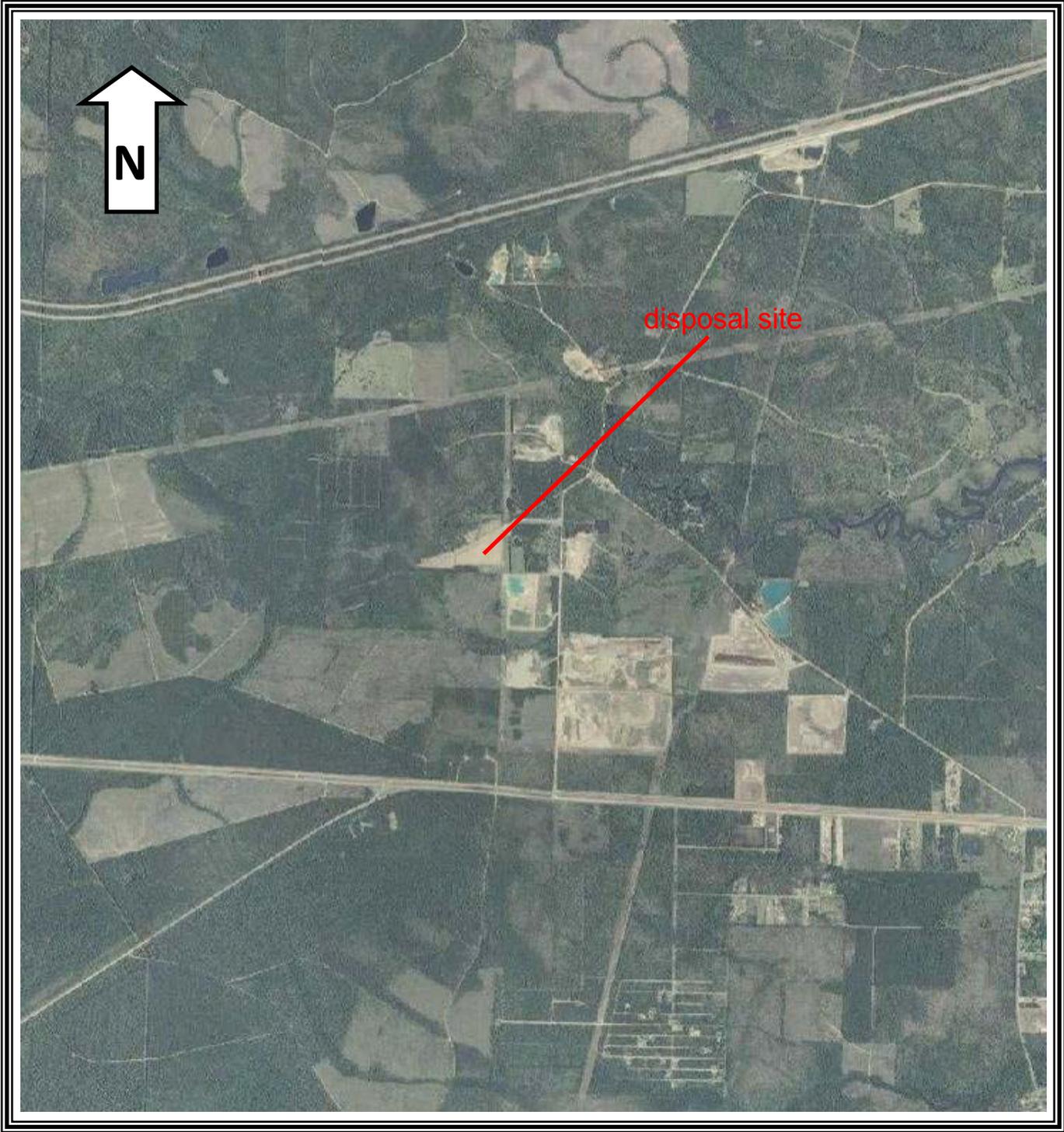
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Site: Devils Elbow Restoration
 Project
 Diamondhead, MS

Figure Title: **USGS Topographic Map – Alternative Dredge Disposal Site** (Map Source: MyTopo
 Map Pass; 7.5 Minute Series; Quad: Waveland, 1999; not to scale)



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Site: Devils Elbow Restoration
Project
Diamondhead, MS

Figure Title: **Aerial Photo – Alternative Dredge Disposal Site** (Map Source: MyTopo Map Pass; Photo Date: September 9, 2012; not to scale)