REPLY TO
ATTENTION OF:

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

CESAM-RD-M **April 15, 2014**
PUBLIC NOTICE NO. SAM-2014-00275-TMZ

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

DEEPWATER HORIZON OIL SPILL EARLY RESTORATION PROJECT
PROPOSED POPPS FERRY CAUSEWAY PARK
BACK BAY OF BILOXI, BILOXI, 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 (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 Environmental Quality**
Attention: Mr. Richard Harrell
Post Office Box 2261
Jackson, Mississippi 39225

AGENT: **Adaptive Management Services, LLC**
Attention: Mr. Stephen Parker
2510 14th Street, Suite 1010
Gulfport, Mississippi 39501

LOCATION OF WORK: **Back Bay of Biloxi, Popps Ferry Causeway, Biloxi, Harrison County, Mississippi (Section 22, Township 7 South, Range 10 West; N 30.417783, W -89.076683).**

WORK DESCRIPTION: The mostly unimproved 10-acre Popps Ferry Causeway is a parcel of land and marsh located just to the west of the Popps Ferry Bridge. It is owned by the City of Biloxi, Mississippi. It is surrounded by water on all sides, including the Biloxi River to the north, Big Lake to the west, and the Back Bay to the south and east. The property was purchased by the City of Biloxi in the year 2000. Improvements were started in 2001 but these were destroyed by Hurricane Katrina in 2005. Construction commenced again in 2011, and the following work has been completed and is not included in this proposed Early Restoration project: boardwalk system (north of the boat launch), some shoreline stabilization, a marsh boardwalk and shelters in the northern portion of the area, some utility work, construction of an

entry sign, construction of one fishing pier, some roadway lighting, and roadway repairs on the east side of the causeway.

The Early Restoration project currently being proposed would upgrade the existing site and amenities by creating the Popps Ferry Causeway Park, an interactive location where the public would continue to fish, crab, and walk through a system of boardwalks and nature trails that would allow viewing of the waterfront and marshes. The preferred site plan includes roadway repair and lighting, construction of a concession and bait stand, continuation of an 8-foot-wide concrete walkway/wooden boardwalk on the west side of the site, additional riprap shoreline stabilization, construction of new fishing piers, picnic areas, nature trails, visitor parking, and construction of a new Interpretive Center. A summary of impacts to wetlands and waters of the United States resulting from the preferred site plan is attached; impacts are confined largely to shading effects from pile-supported structures built over marsh and open water. Some minor impacts to discontinuous marsh wetland vegetation will also occur as a result of the discharge of new riprap replacing existing eroded riprap along the shoreline. Other than these listed impacts, palustrine emergent and forested wetlands existing in the vicinity will be avoided during project construction.

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. The applicant has also applied for certification from the State that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources (DMR).

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 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. 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 proposed activity on-site was 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 were also considered. The Corps reviewed the project permit area and made a preliminary determination that there will be no effect to cultural or historic properties as a result of this undertaking. We are seeking comment from the State Historic Preservation Officer regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The District Engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity may effect, but not adversely effect, listed threatened or endangered species and/or their critical habitat.

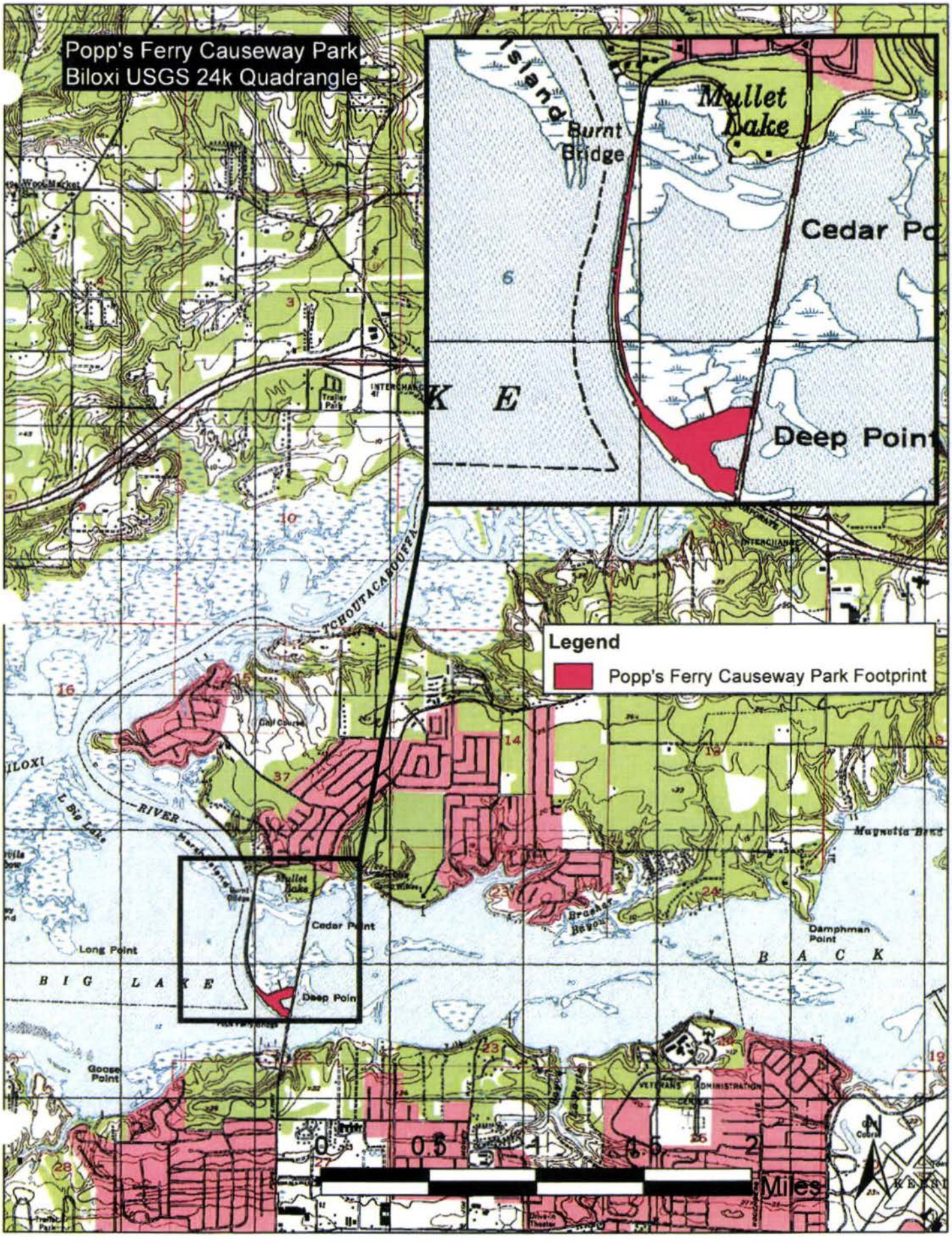
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps's initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries.

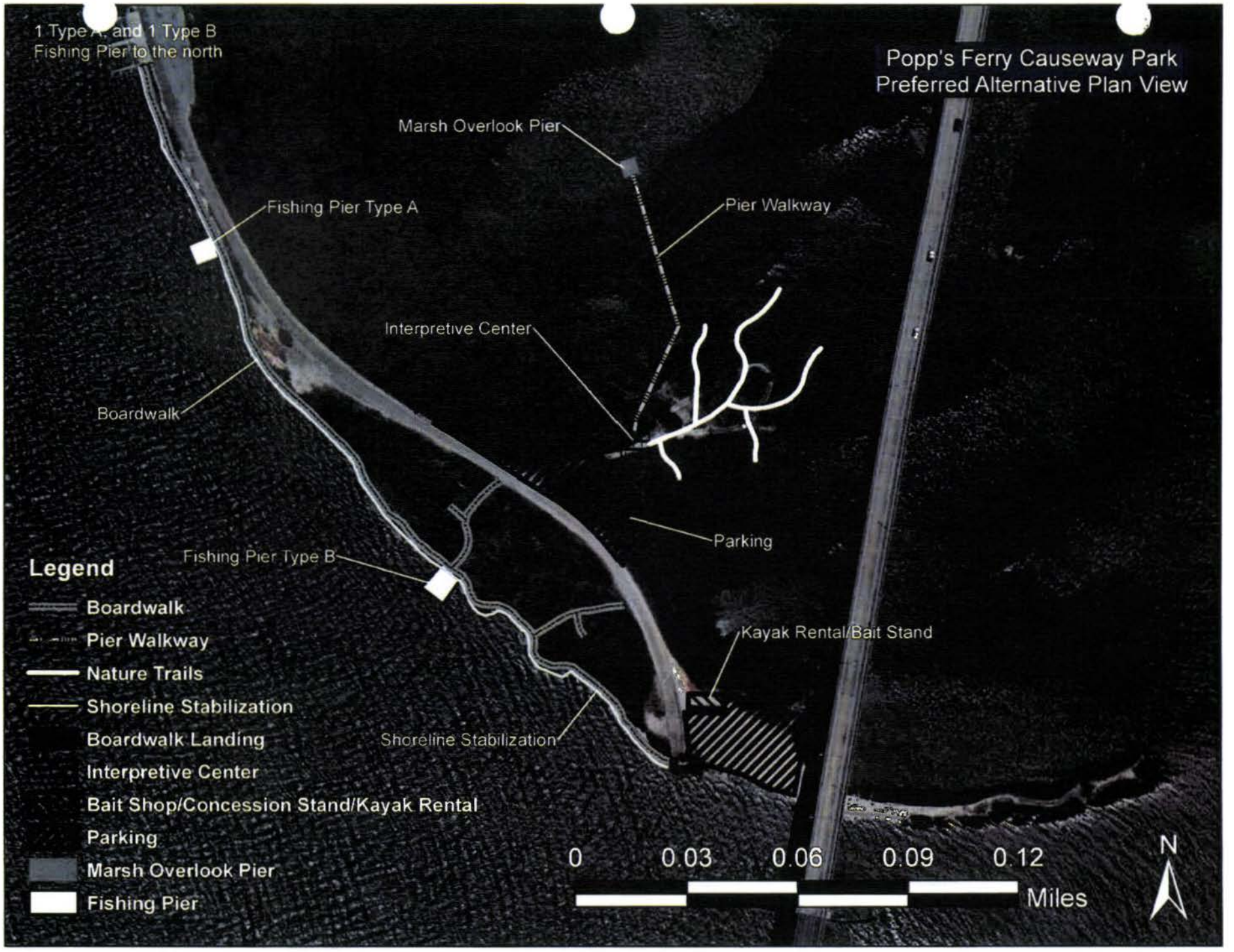
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2014-00275-TMZ** and should be directed to the District Engineer, U.S. Army Engineer Mobile District, Attention: **Mr. Tad Zebryk**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225-2261, and the DMR, 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 via e-mail at **tad.m.zebryk@usace.army.mil** or **(251) 694-3779.** 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.

MOBILE DISTRICT
U.S. Army Corps of Engineer

Enclosures


Popp's Ferry Causeway Park
Biloxi USGS 24k Quadrangle
Legend
Popp's Ferry Causeway Park Footprint
Mullet Lake
Burnt Bridge
Island
Cedar Point
Deep Point
TCHOUTACABOUFFA
RIVER
BIG LAKE
BACK
Long Point
Goose Point
Damphman Point
Magnolia Bend
Breakar Bayou
VETERANS ADMINISTRATION CENTER
0 0.5 1 1.5 2
Miles


1 Type A, and 1 Type B
Fishing Pier to the north
Popp's Ferry Causeway Park
Preferred Alternative Plan View
Marsh Overlook Pier
Fishing Pier Type A
Pier Walkway
Interpretive Center
Boardwalk
Parking
Fishing Pier Type B
Kayak Rental/Bait Stand
Shoreline Stabilization
Legend
Boardwalk
Pier Walkway
Nature Trails
Shoreline Stabilization
Boardwalk Landing
Interpretive Center
Bait Shop/Concession Stand/Kayak Rental
Parking
Marsh Overlook Pier
Fishing Pier
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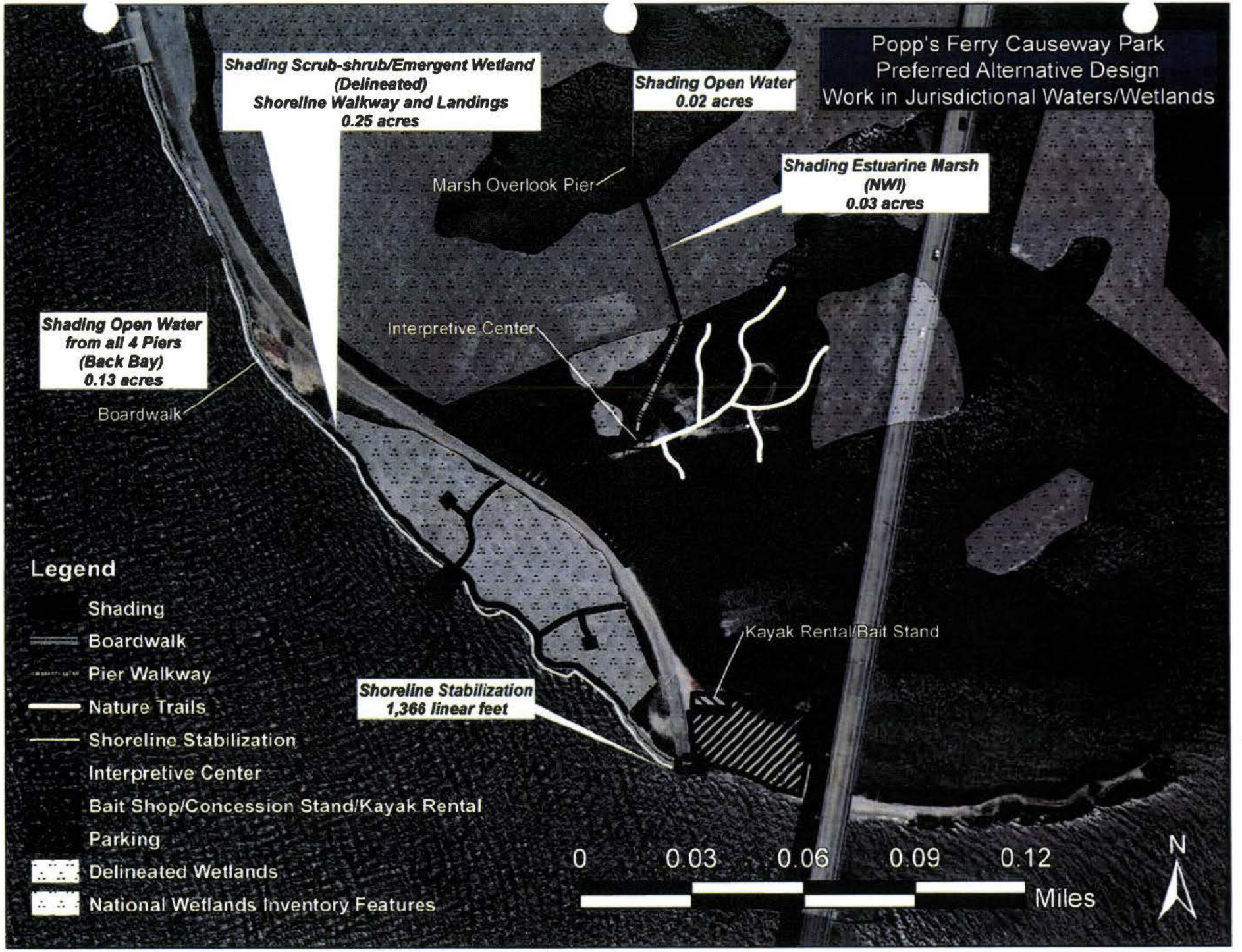
0.03
0.06
0.09
0.12
Miles
N


Popp's Ferry Causeway Park
Preferred Alternative Design
Work in Jurisdictional Waters/Wetlands
Shading Scrub-shrub/Emergent Wetland (Delineated) Shoreline Walkway and Landings 0.25 acres
Shading Open Water 0.02 acres
Shading Estuarine Marsh (NWI) 0.03 acres
Marsh Overlook Pier
Interpretive Center
Shading Open Water from all 4 Piers (Back Bay) 0.13 acres
Boardwalk
Kayak Rental/Bait Stand
Shoreline Stabilization 1,366 linear feet
Legend
Shading
Boardwalk
Pier Walkway
Nature Trails
Shoreline Stabilization
Interpretive Center
Bait Shop/Concession Stand/Kayak Rental
Parking
Delineated Wetlands
National Wetlands Inventory Features
0
0.03
0.06
0.09
0.12
Miles
N

7.0 PREFERRED ALTERNATIVE IMPACTS

Wetland disturbances are summarized in Table 7.0-1. Although the proposed boardwalk would not disturb the delineated estuarine marsh, it would traverse the downslope NWI estuarine marsh area for access to the marsh overlook pier. Construction of the marsh overlook pier/boardwalk could shade 625 square feet of open water and 1,266 square feet of NWI estuarine marsh (Table 7.0-1). Construction of the shoreline walkway/boardwalks could result in a 10,020 square feet of shading to scrub-shrub/emergent wetland and open water. Construction of the boardwalk landings could result in a 450 square feet of shading to scrub-shrub/emergent wetland. There would be some short-term disturbance to vegetation in the immediate area of each feature due to movement of construction equipment. The fishing piers would result in the impact to 4,400 square feet of open water of Back Bay.

Although construction of the marsh overlook pier/boardwalk would affect 1,891 square feet of emergent marsh habitat through shading, this represents only a small portion of the total emergent marsh habitat located in the surrounding area, which would continue to support local and regional vegetative communities. Similarly, the shoreline walkway/boardwalk and landings would affect 2,820 square feet of emergent/scrub shrub wetland; however, this represents a small portion of the total 1.62-acre area of this habitat located on the project site. The palustrine emergent and forested wetland is in the area of the proposed Interpretive Center but would be avoided during construction. Overall, there would be short-term minor impacts to wetland habitats during construction. There would be long-term impacts to wetlands shaded as a result of the proposed project, but because of the small footprint of project features and the overall availability of the wetland habitats onsite, these impacts would also be minor.

The shoreline would be stabilized with riprap; the treatment would be similar to stabilization work to the north of the existing pier. The shoreline stabilization (riprap) area would result in a long-term moderate impact to 1,366 linear feet of vegetated shoreline. The existing shoreline is a mosaic of discontinuous wetland vegetation and riprap including concrete debris. Some segments of the shoreline are experiencing substantial erosion. Stabilization in this partially degraded and eroding system is required for the shoreline as well as for the shoreline walkway.

The current site design has been developed to avoid and minimize impacts on wetlands. Contractors would be instructed to minimize disturbance during construction in wetlands. Section 6.10 outlines best management practices that would be adhered to during the construction process.

Table 7.0-1. Impacts to wetlands and waters of the U.S. in the Popp's Ferry Causeway Park*.

PROJECT FEATURE	WETLAND TYPE	TYPE OF DISTURBANCE	LENGTH (feet)	WIDTH (feet)	ESTIMATED HEIGHTH (above vegetation/ water)	TOTAL AREA (Sq. ft.)
2 Piers (Type A)-west of Causeway Dr.	Open Water	Shading and pilings	20	30	4	1,200
2 Piers (Type B)-west of Causeway Dr.	Open Water	Shading and pilings	40	40	4	3,200
2 Boardwalk Landings-west of Causeway Dr.	Scrub-shrub/emergent Wetland, non-tidal	Shading and pilings	15	15	2	450
Boardwalk-west of Causeway Dr.	Scrub-shrub/emergent Wetland, non-tidal and open water	Shading and pilings	1,670	6	2 (wetlands) 4' (tidal and open water)	10,020
			395 over wetlands			2,370 over wetlands
			1,270 over water			7,650 over water
Marsh Overlook Pier	Open Water	Shading and pilings	25	25	6	625
Marsh Boardwalk	Estuarine Marsh (NWI), tidal	Shading and pilings	211	6	6	1,266
Shoreline Stabilization	Shoreline Emergent-Disturbed/Existing Riprap	Riprap	1,366	N/A	N/A	(3,928 cu. yd.)

*See Figure 4.0-7 for locations of National Wetlands Inventory (NWI) features and delineated wetlands.

8.0 REFERENCES

City of Biloxi. 2009. City of Biloxi Comprehensive Plan. Adopted December 2009. Available: http://www.biloxi.ms.us/CompPlanDraft.htm.

Mississippi Department of Environmental Quality (MDEQ). 2005. Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi. Second Edition. Nonpoint Source Section.

MDEQ. 2012. Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas. Volume 1: Erosion and Sediment Control Practices.