



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

REPLY TO
ATTENTION OF:

South Mississippi Branch
Regulatory Division

January 5, 2015

**JOINT PUBLIC NOTICE SAM-2014-01357-RCV
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED FILLING OF WETLANDS IN CONJUNCTION WITH THE
DEVELOPMENT OF A MARINE MAMMAL STUDIES FACILITY, BAYOU BERNARD
INDUSTRIAL SEAWAY, GULFPORT, 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 and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

Applicant: Institute for Marine Mammal Studies
Attention: Dr. Moby Solangi
P.O. Box 207
Gulfport, Mississippi 39502

Agent: Barry A. Vittor and Associates, Inc.
8060 Cottage Hill Road
Mobile, Alabama 36695

Location: South side of the Bernard Bayou Industrial Seaway, east of Cowan Lorraine Road, Section 19, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi. (Latitude 30.421093 North, Longitude -89.021809 West).

Work: The applicant is requesting a permit to place fill in 1.46 acres of forested pine flatwood wetlands adjacent to Bernard Bayou for development fill.

Project Purpose: As stated by the applicant, the project purpose is for the construction of an expansion of the current research facility, and will include construction of new classrooms, laboratories, student dormitory, an exhibit pavilion, and parking for visitors and staff.

Avoidance & Minimization: The applicant proposes to avoid 0.35 acre of wetland at the west end of the expansion site. The Corps has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

Mitigation: The applicant proposes the purchase of wetland credits from a Corps approved mitigation for the loss of functions resulting from unavoidable impacts. The Corps has not verified the adequacy of this mitigation proposal at this time.

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 applied for State Water Quality Certification (WQC) 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 WQC 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 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, historic properties, 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 and fiber production, mineral needs, consideration of property ownership 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.

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 cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the proposed bulkhead and breakwater repair. 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. 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. 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the following species may be present onsite: Gopher Tortoise (*Gopherus polyphemus*), Black pine snake (*Pituophis melanoleucus lodingi*), and the Red-Cockaded Woodpecker (*Picoides borealis*). An August 2014 pedestrian survey revealed no present species and no suitable habitat occurs on site. The Corps has determined that the project would have "no effect" on critical habitat. The project will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal includes filling an area approximately 7.6 acre in size within an existing commercial research facility adjacent to the Industrial Seaway. No impact to this tributary to Bernard Bayou is expected. Our initial determination is that the proposed action would not affect 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.

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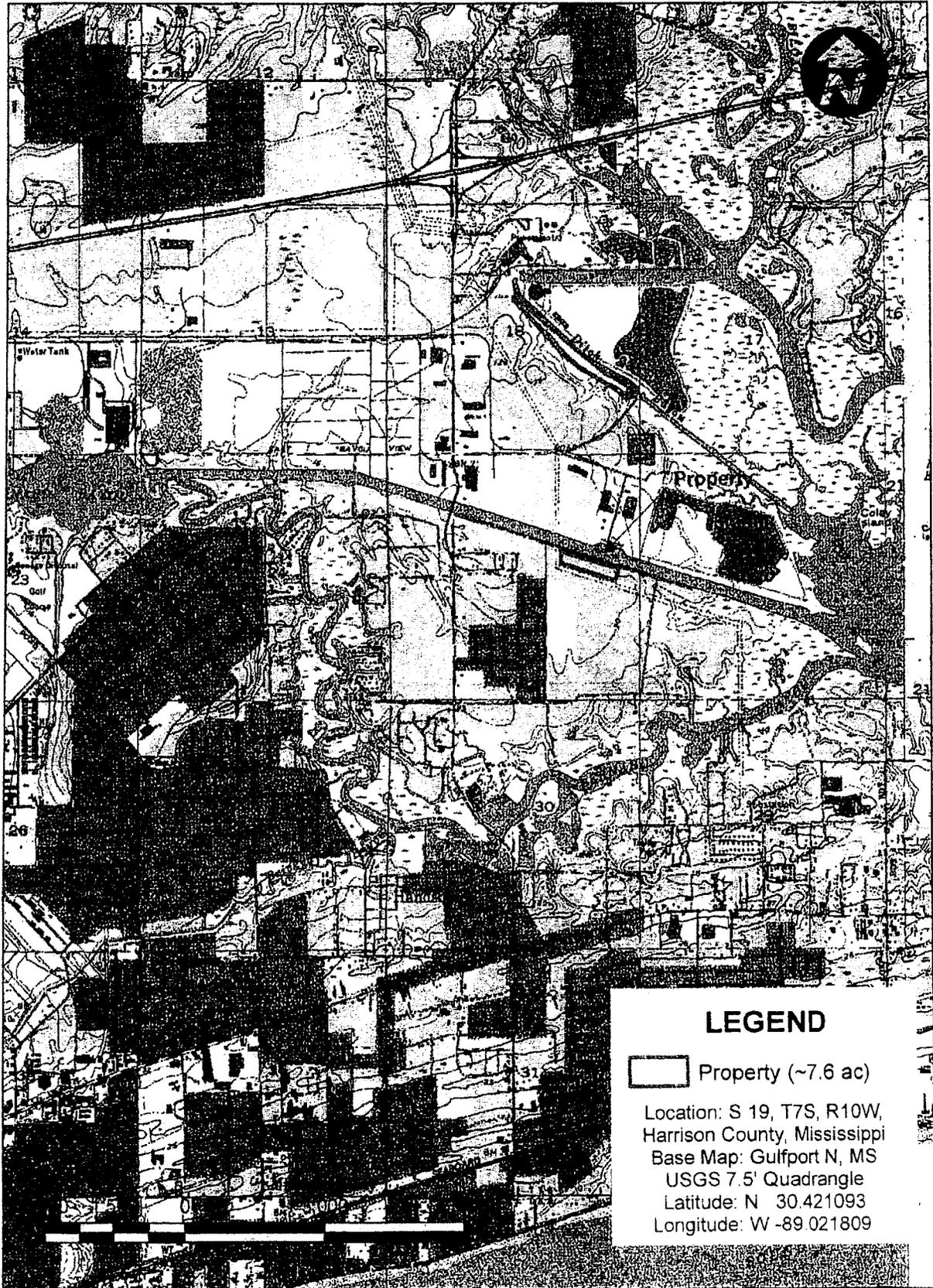
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2014-01357-RCV** and should be directed to the District Commander, U.S. Army Corps of Engineers, RD-M, Attention: Rudolph C. Villarreal, Post Office Box 2288, Mobile, Alabama 36628-0001, and a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: Ms. Florance Watson, P.E. Environmental Permitting Division, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, Bureau of Wetlands Permitting and Mitigation, 1141 Bay View Avenue, Biloxi, Mississippi 39530.

All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager for this application, Mr. Rudolph Villarreal, at (251) 690-3246, or by e-mail at rudolph.c.villarreal@usace.army.mil . Please refer to the above Public Notice number SAM-2014-01357-RCV.

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 Engineers

Enclosures



Vicinity



LEGEND

 Property (~7.6 ac)

 Wetlands (~1.8 ac)

 Field Sampling Points

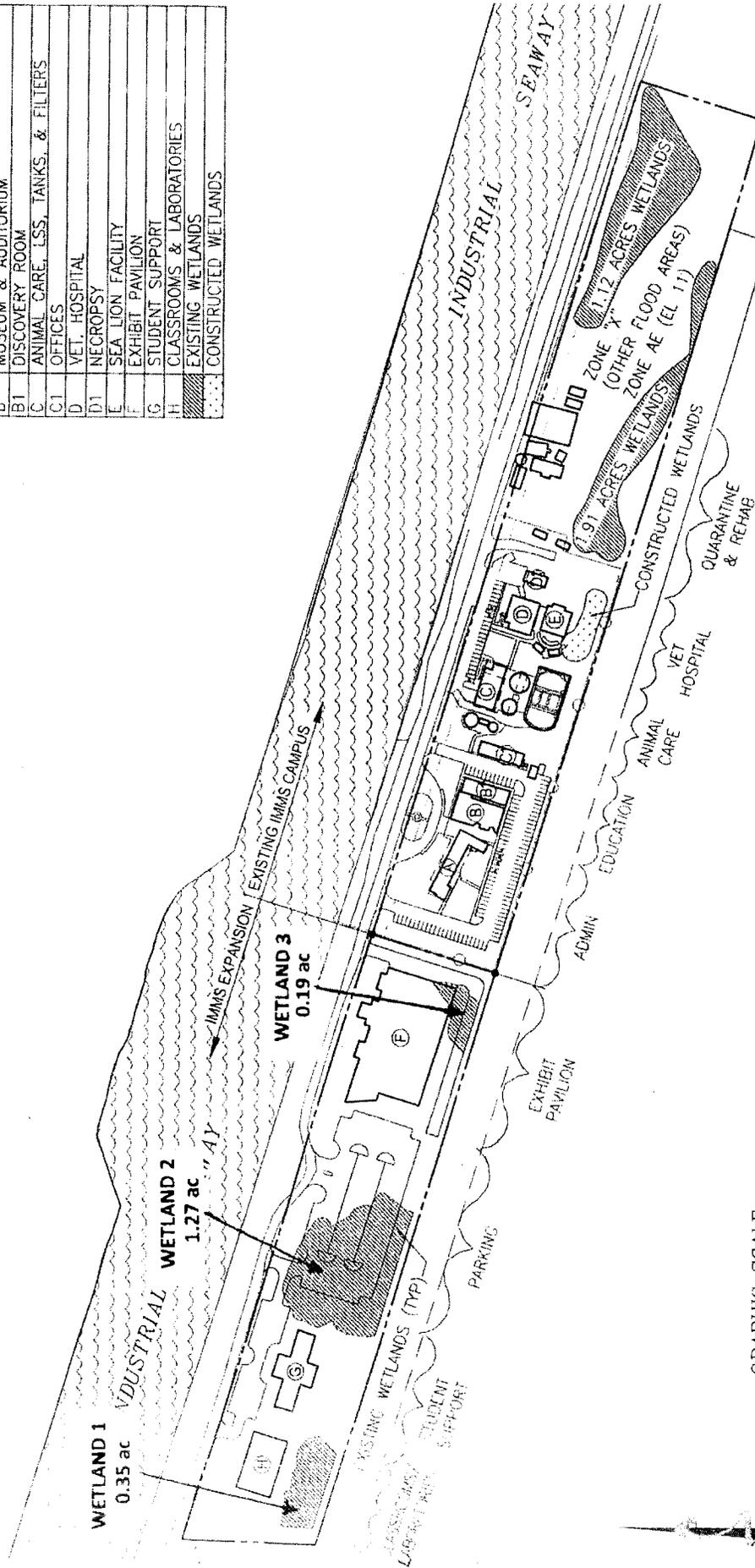
Location: S 19, T7S, R10W,
 Harrison County, Mississippi
 Base Map: 2012 NAIP Image
 Harrison County, Mississippi
 Latitude: N 30.421093
 Longitude: W -89.021809

09/12/2014

Positions of wetland flags were fixed using GPS accurate to +/- 3 meters. Wetland boundaries have not been verified by the U.S. Army Corps of Engineers. Property boundaries are approximate.

Site

KEY	
A	ADMINISTRATION
B	MUSEUM & AUDITORIUM
B1	DISCOVERY ROOM
C	ANIMAL CARE, LSS, TANKS, & FILTERS
C1	OFFICES
D	VET. HOSPITAL
D1	NECROPSY
E	SEA LION FACILITY
F	EXHIBIT PAVILION
G	STUDENT SUPPORT
H	CLASSROOMS & LABORATORIES
	EXISTING WETLANDS
	CONSTRUCTED WETLANDS



ALTERNATIVE 4 - PROPOSED IMMS EXPANSION PLAN

