



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

SUBJECT: SAM-2006-2171-ALF

JAN 17 2008

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED FILL IN THE BILOXI BAY FOR ESTABLISHMENT OF A PUBLIC PARK
IN 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 of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: City of Biloxi
Post Office Box 429
Biloxi, Mississippi 39533**

WATERWAY: Biloxi Bay near Point Cadet and the Highway 90 Bridge over the Biloxi Bay adjacent to Section 34, Township 7 South, Range 9 West, Biloxi, Harrison County, Mississippi (Latitude 30° 23' 35" N, 88° 51' 27" W)

WORK: The City of Biloxi proposes to fill 0.98 acres of the Biloxi Bay for the purpose of creating a public recreation area. A portion of the project area has already been filled by the Mississippi Department of Transportation (MDOT) for reconstruction of the Highway 90 Bridge. MDOT was authorized to temporarily fill waterbottoms for reconstruction of the bridge and is required to remove all fill material upon completion of the project. Currently, the City of Biloxi is requesting authorization to retain the fill material placed by MDOT and to fill additional waterbottoms, totaling 0.98 acres, for creation of a public recreation area. The proposed public recreation area would be converted from open shallow waters of the Biloxi Bay to a grassed park. The applicant proposes to fill the area utilizing existing bridge rubble and clean fill material. All fill material would be contained by rip rap along the shoreline. As compensatory mitigation for the loss of 0.98 acres of open waters of the Biloxi Bay, the applicant proposes to provide \$200,000.00 to the Mississippi Department of Marine Resources for Deer Island restoration efforts.

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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 Mississippi Department of Marine Resources has determined, by permit issued March 9, 2007 that the proposed activity complies with and will be conducted in a manner consistent with the State Coastal Zone Management Program.

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 (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.

The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register that are known to exist on site which would be affected by the proposed work. This review will constitute the full extent of cultural resources investigations unless comment to

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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 permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project will eliminate 0.98 acres of Essential Fish Habitat. Our initial determination is that the proposed action will not have a substantial impact on EFH or Federally managed fishes. 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-2006-2171-ALF** 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 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530. Comments should be received no later than **21 days** from the date of this Public Notice.

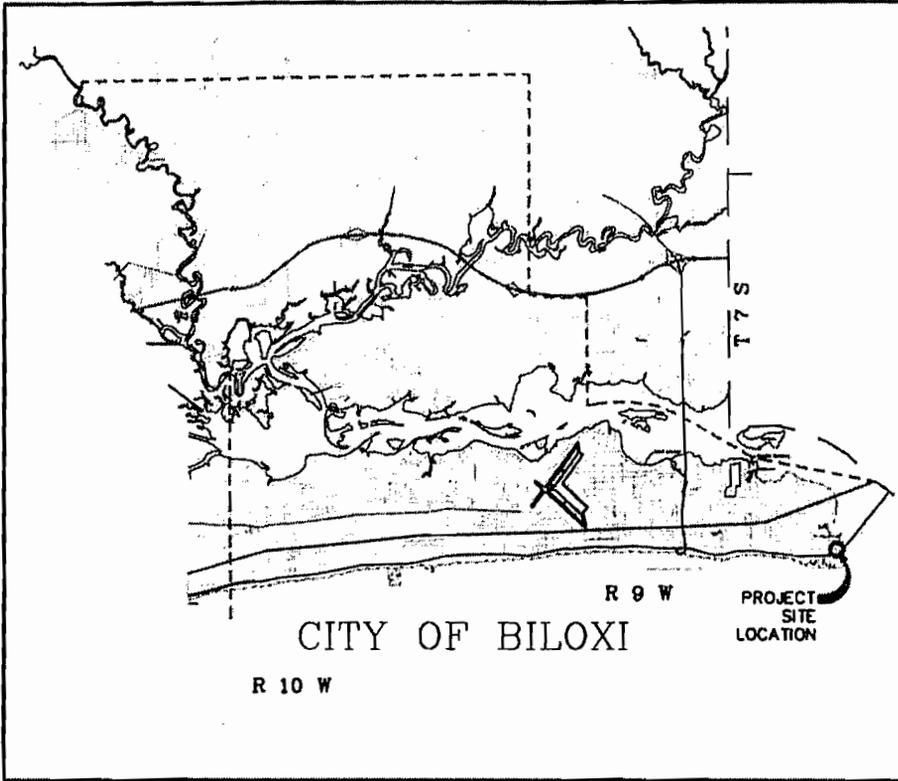
If you have any questions concerning this publication, you may contact the Project Manager via e-mail at Allison.L.Felsher@usace.army.mil or telephone number **(251) 690-2658**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/rd/reg and 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.

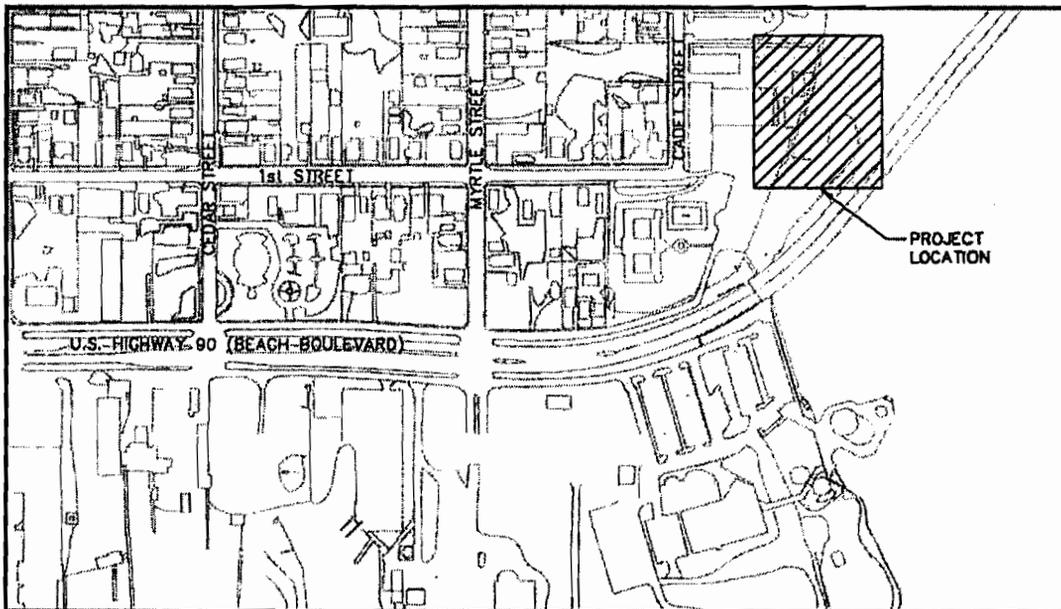
Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers

USACOE PERMIT PROPOSED BILOXI-OCEAN SPRINGS BRIDGE STAGING AREA POINT CADET PENINSULA



PROJECT VICINITY MAP
N.T.S.



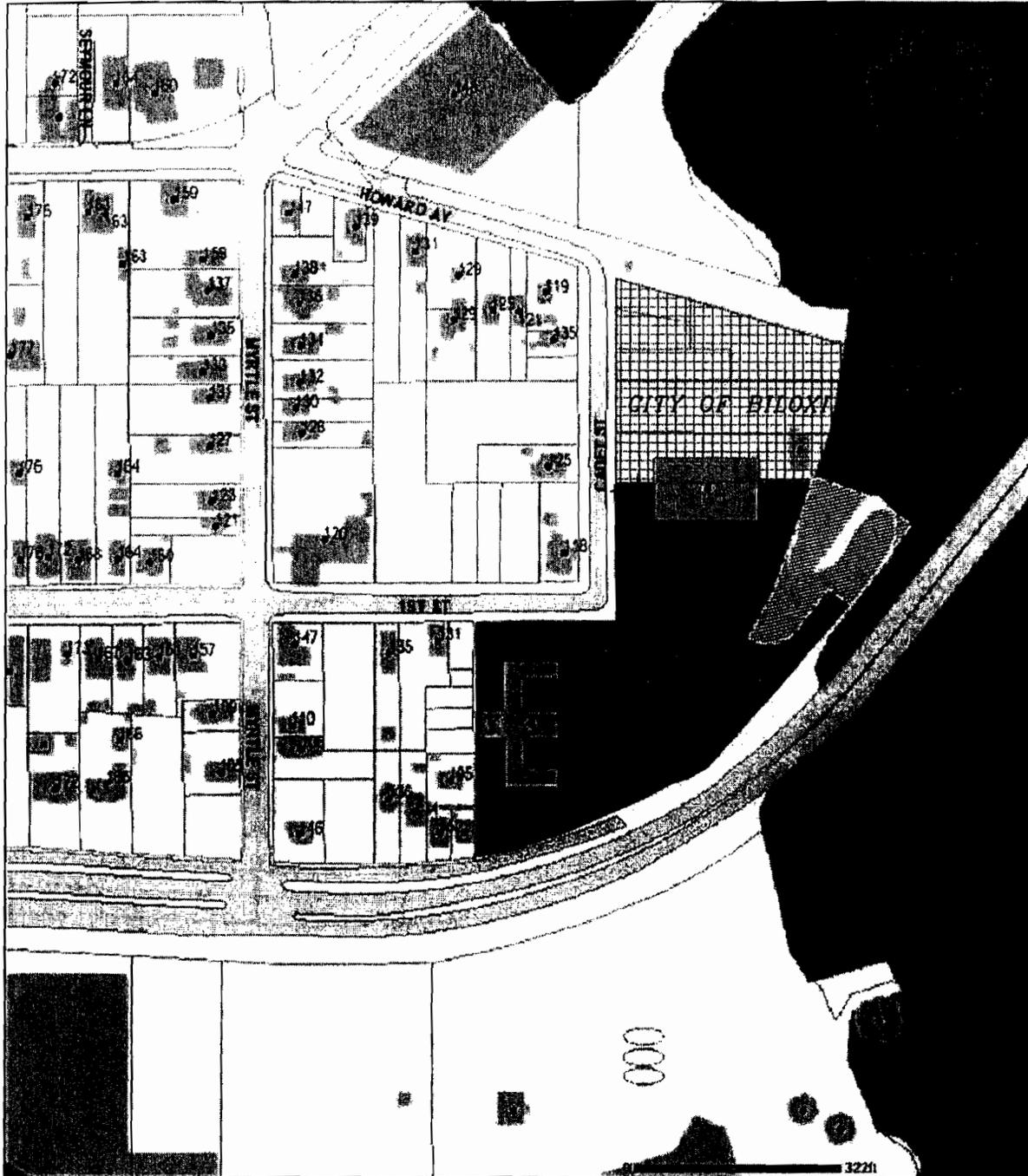
PROJECT LOCATION



STAGING-SK-005

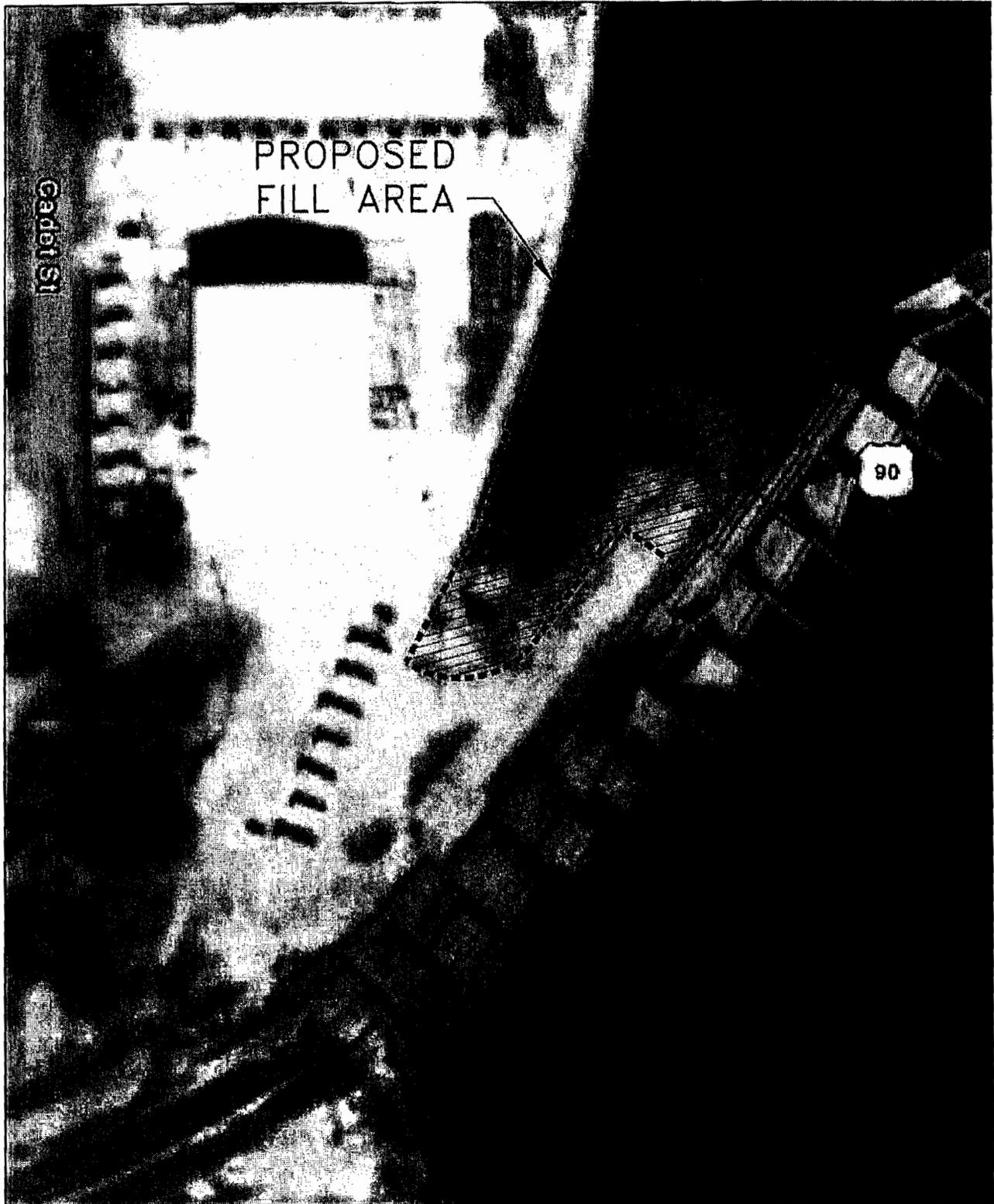
WINK COMPANIES, LLC
Engineering • Surveying
BILOXI, MISSISSIPPI

POINT CADET PENINSULA

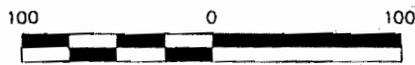


SK-008

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SITE PLAN WITH AERIAL OVELAY

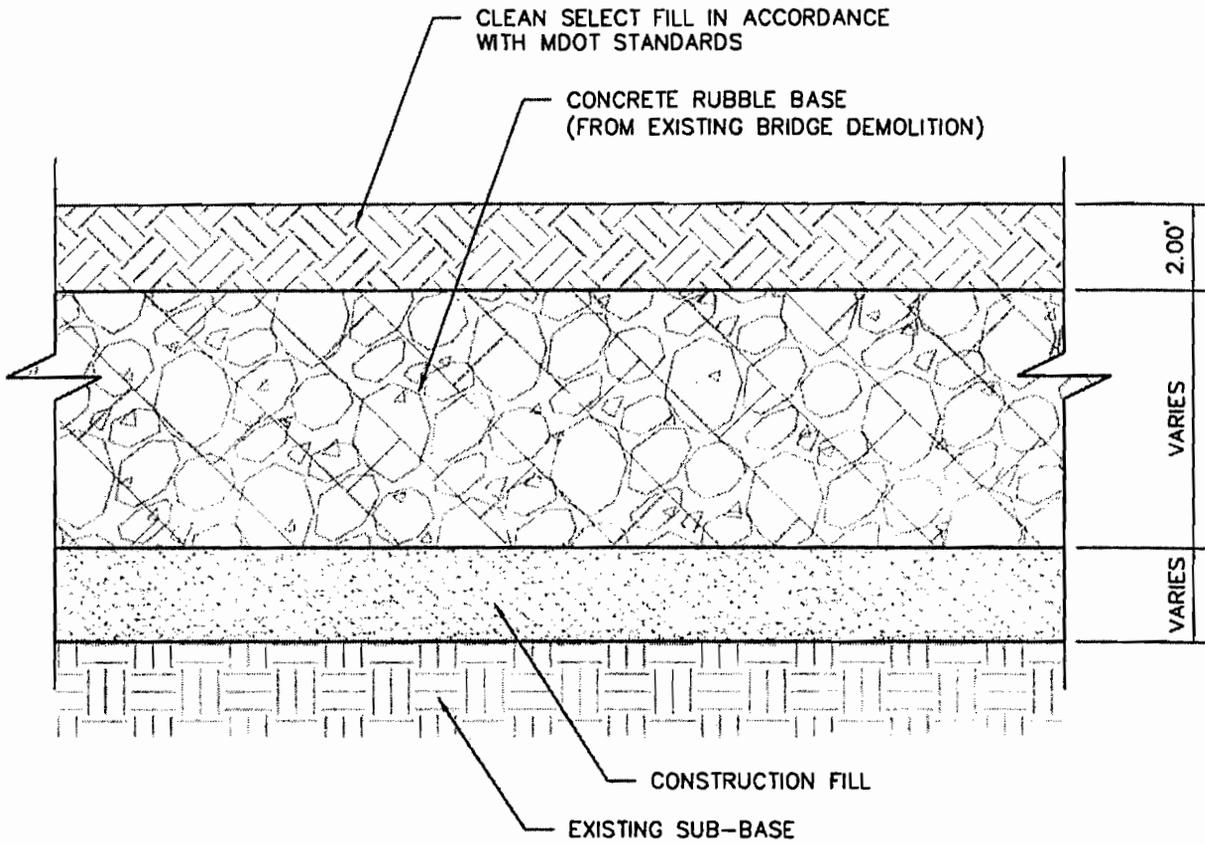


SCALE IN FEET

PROPOSED FILL AREA = 42,652 S.F.±
(0.98 ACRES±)

STAGING-SK-006

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TYPICAL SECTION
NOT TO SCALE

STAGING-SK-007