



REPLY TO
ATTENTION OF:

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

Coastal Branch
Regulatory Division

June 29, 2011

**JOINT PUBLIC NOTICE SAM-1994-03568-P
MODIFICATION 03**

U.S. ARMY CORPS OF ENGINEERS

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED MODIFICATIONS TO CASINO VESSEL MOORINGS,
IP CASINO, RESORT & SPA, BILOXI, 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) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Imperial Palace of Mississippi, LLC
Attention: Mr. W. Owen Nitz, Vice President
601 South Tenth Street, Suite 201
Las Vegas, Nevada 89101

AGENT: Thompson Engineering, Inc.
Attention: Mr. John B. McFadyen
2970 Cottage Hill Road, Suite 190
Mobile, Alabama 36606

WATERWAY: Back Bay of Biloxi, Biloxi, Harrison County, Mississippi; Latitude 30.412806° N, Longitude 88.890139 W.

WORK: The applicant proposes to upgrade their casino vessel moorings at the IP Casino, Resort and Spa (Resort) located along the south shoreline of the Back Bay of Biloxi at 850 Bayview Avenue, Biloxi, Mississippi. An area, 150 feet long by 690 feet wide beneath and around the existing casino vessel, will be dredged from a current depth of -6.0 feet mean lower low water (mllw) to a depth of -15 feet mllw. Approximately 33,300 cubic yards of silt, clay and sand will be hydraulically dredged and pumped into hopper barges for dewatering and transport to a State approved Beneficial Use site (Deer Island) or an approved upland disposal site. A 615-foot-long by 130-foot-wide dry dock structure, consisting of concrete and structural steel supports, will be placed beneath the existing casino vessel. Eight-hundred-twenty (820) linear feet of sheetpile wall will be installed around the perimeter of the dry

dock. Upon completion of the sheetpile wall, the previously dredged area outboard of the wall will be backfilled with 3,600 cubic yards of dewatered dredged material to restore bay bottoms to pre-dredge grade. Upon project completion, the area within the dry dock will be maintained in a dewatered condition.

PROJECT PURPOSE: The purpose of the project is to upgrade the mooring facility for the Resort's 608-foot-long by 121-foot-wide casino vessel. The current mooring structures and vessel were installed in 1997 under Corps of Engineers authorization MS94-03568-P (SAM-1994-03568-P). As constructed, the permanently moored casino vessel floats in a dredged basin with dock side access to land-based facilities as was required by State gaming law of that period. Changes to the State gaming law after Hurricane Katrina eliminated the requirement that the casino vessel float on the water. The need for the proposed project is based on the structural conditions of the casino vessel hull, shoaling in the basin, vessel grounding, and required periodic maintenance dredging of the basin. The proposed project would eliminate these operational problems and provide for safer, long-term vessel mooring. Normal casino operations at the current location will be maintained while construction is underway.

MITIGATION: The applicant has avoided and minimized impacts to waters of the U.S. "by limiting the impacts to a relatively small, two-acre site mostly within the footprint of the existing casino vessel, which is located in a traditionally commercial/industrial area of the Back Bay of Biloxi. The project will not impact wetlands, submerged aquatic vegetation, oyster reefs, Coastal Preserves, or State-established fishing reefs." The applicant has also stated, "The quality of the aquatic habitat in the project area is considered to be low due to the 5-foot draft casino vessel and 6 foot +/- water depth. Most of the water column over the 1.94-acre site is displaced by the vessel. Compensatory mitigation for unavoidable impacts to the low quality estuarine habitat will be developed in coordination with the Mississippi Department of Marine Resources and coordinated with state and federal resource agencies."

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.

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. 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.

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 2 acres of estuarine substrate utilized by various life stages of various marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-1994-03568-P 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

**CESAM-RD-C
SAM-1994-03568-P MODIFICATION 03
IMPERIAL PALACE OF MISSISSIPPI, LLC**

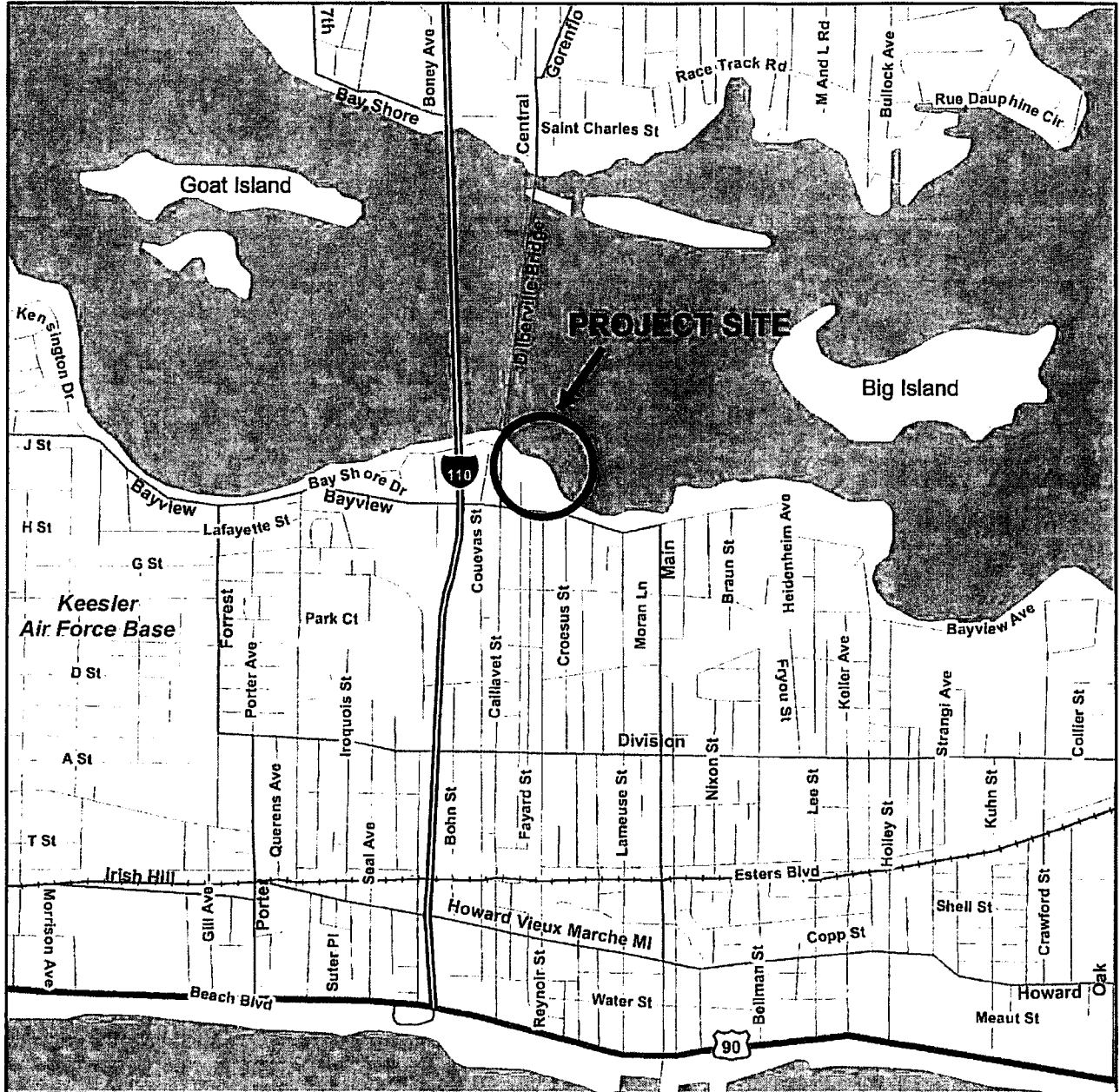
**June 29, 2011
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101, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice. If you have any questions concerning this publication, you may contact the project manager for this application, Mrs. Allison F. Monroe (allison.f.monroe@usace.army.mil), phone (251) 690-2658. Please refer to the above Public Notice number.

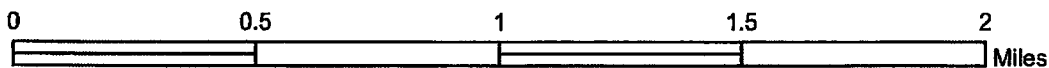
For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



1:24,000



IP CASINO RESORT
BILOXI, MISSISSIPPI



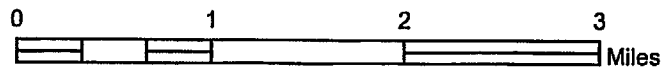
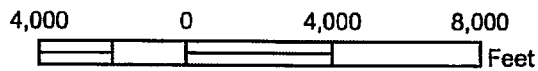
FIGURE 1
SITE VICINITY MAP

PROJECT NO.:
11-2111-9000

DATE:
JUNE 2011



1:60,000



IP CASINO RESORT
BILOXI, MISSISSIPPI



thompson
ENGINEERING

FIGURE 2
DREDGED MATERIAL DISPOSAL
VICINITY MAP

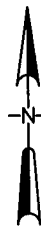
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BACK BAY OF BILOXI

TIDELANDS LEASE LINE

DREDGE LIMITS
(EL. -15.0' MLLW)



GRAPHIC SCALE

0 75 150 FT.

PARKING GARAGE STRUCTURE
10 STORIES

EXISTING BULKHEAD

ENTRANCE/
CHECK IN
SHOPS

CASINO BARGE
3 FLOORS

NEW AZ SHEET PILE
BULKHEAD (820-LF)

EXISTING MOORING
DOLPHIN, TYP.

IP HOTEL

THE INFORMATION DEPICTED IS
INTENDED TO PROVIDE VISUAL
AID WITHIN THE CONTEXT OF
THIS REPORT AND SHOULD NOT
BE USED AS A SOLE REFERENCE
IN PRECISE DIMENSIONING OF
FEATURES INDICATED.

DOCKSIDE FACILITIES

EXISTING
BULKHEAD

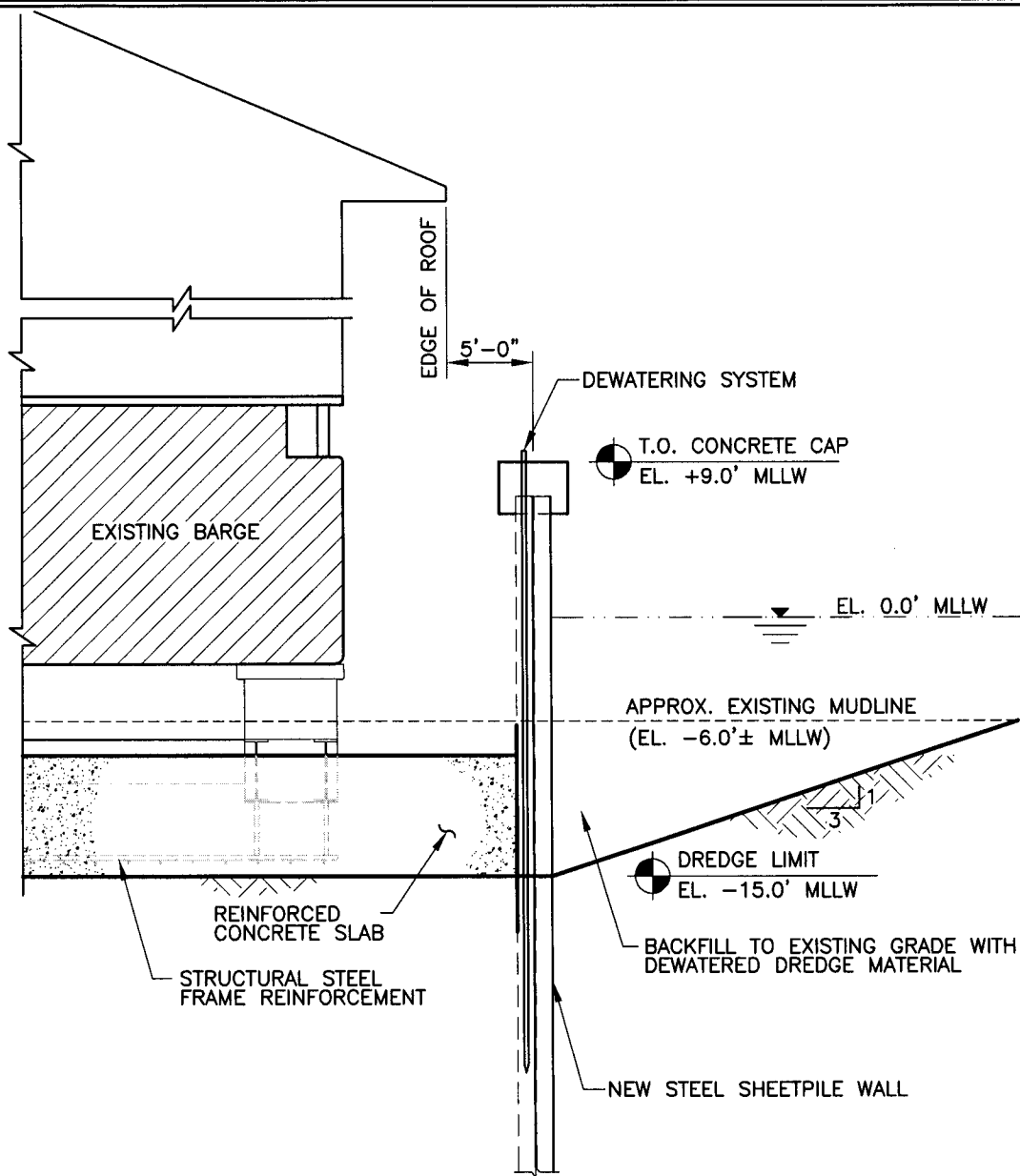
IP CASINO RESORT
BILOXI, MISSISSIPPI



FIGURE 3
SITE PLAN

PROJECT NO: 11-4040-0005

DATE: JUNE 2011



TYPICAL DRY DOCK (GRAVING DOCK) SECTION

SCALE: 1" = 10'

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IP CASINO RESORT
BILOXI, MISSISSIPPI

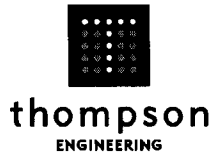


FIGURE 4
TYPICAL FACILITY SECTION

PROJECT NO: 11-4040-0005

DATE: JUNE 2011