



**DEPARTMENT OF THE ARMY**  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, AL 36628-0001

REPLY TO  
ATTENTION OF:

**CESAM-RD**  
**PUBLIC NOTICE NO.**  
**SAM-2006-1289-TMZ**

**July 17, 2006**

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

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**FILL EXISTING BOAT SLIP, ISLE OF CAPRI CASINOS, MISSISSIPPI SOUND, BILOXI,**  
**HARRISON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

The Mobile District has received an application for a modification to a Department of the Army (DOA) permit pursuant to Section 10 of the River and Harbor 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 for the  
Isle of Capri Casinos, Inc.  
P.O. Box 429  
Biloxi, MS 39533

WATERWAY: Point Cadet Marina, Mississippi Sound, Biloxi, Harrison County, Mississippi.

WORK: Modification to DOA permit MS04-03201-P, issued in January 2005. This permit authorized an expansion of the casino moorings, including dredging and construction of a sheet pile closure wall and access pier with in the City of Biloxi's Point Cadet Marina. The purpose of the project was to replace the existing casino barge with a larger casino barge within an enclosed basin. In August 2005, Hurricane Katrina heavily damaged the Casino Resort and its casino vessel was destroyed. The larger casino vessel, which was under construction, was also destroyed.

In the aftermath of Hurricane Katrina, the Mississippi Legislature enacted changes to the Mississippi gaming regulations to allow the development of gaming facilities on land within 800 feet of the shoreline. The Isle of Capri evaluated land-based gaming opportunities and developed an alternative site plan that relocates gaming on land (where it is less vulnerable to hurricane events) and eliminates the need for a casino barge and mooring facilities. The on-land location will improve project sustainability by decreasing risks, improving overall facility safety, and reducing operational maintenance.

In order to accommodate an on-land casino, the existing 1.8-acre boat slip will be filled with 50,000 cubic yards of select fill to elevation +5 feet, mean sea level. The sheet pile closure wall and access pier will be constructed as previously permitted. Unsuitable material within the basin will be excavated prior to placement of select fill. This excavation is currently authorized as dredging between elevation -9.0 feet, and -12.0 feet, mean low water. The currently authorized dredging to provide access for the new, larger casino vessel (-9.0 feet mean low water) and the temporary removal of the marina breakwater will be eliminated. All excavated material will be confined to an upland disposal area as previously authorized.

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 certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising, a determination relative to consistency will be made by 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 (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 reason 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 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 review

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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 permit area. Copies of this notice are being sent to 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 indicate 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. 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-2006-1289-TMZ and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi 39530, in time to be received not later than August 17, 2006.

If you have any questions concerning this publication, you may contact the project manager, Mr. Tad Zebryk, at telephone number (251) 694-3779. Comments should be received prior to August 17, 2006. Please refer to the above Public Notice number SAM-2006-1289-TMZ.

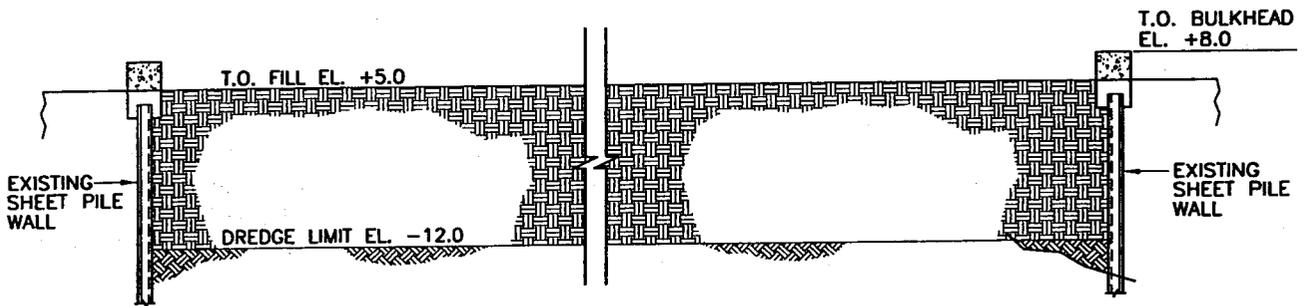
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve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

MOBILE DISTRICT  
U.S. Army Corps of Engineers

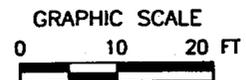
Enclosures



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SECTION "A-A" THROUGH BASIN



**APPLICANT:** CITY OF BILOXI  
**PROJECT:** ISLE OF CAPRI  
BILOXI, MISSISSIPPI  
EXPANSION

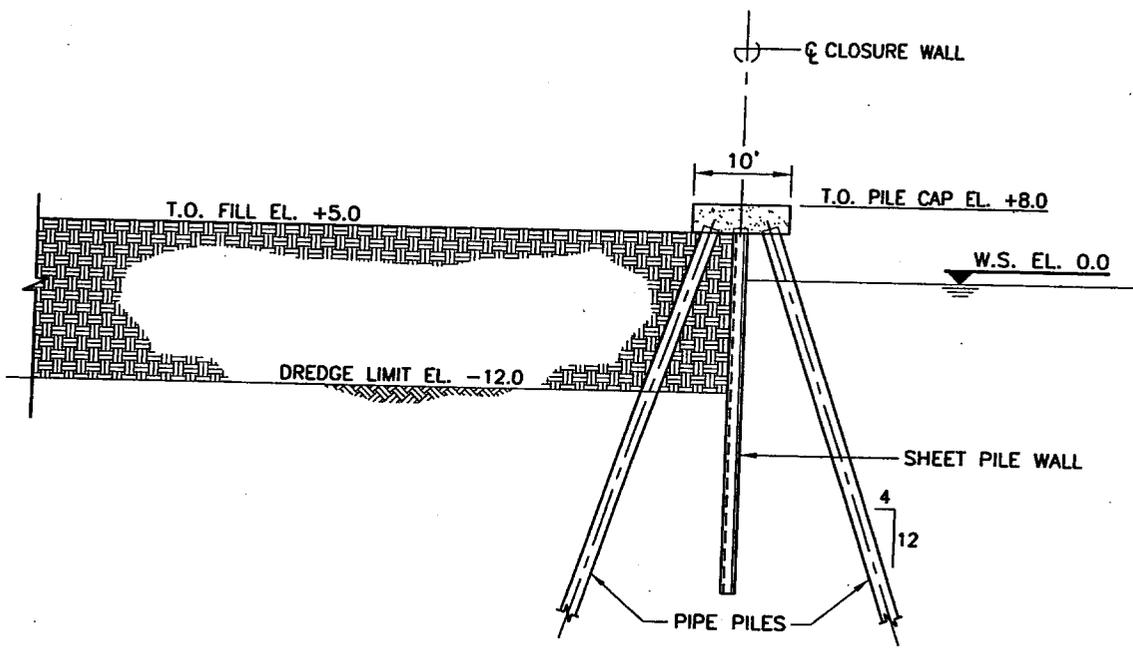


**FIGURE 3**  
**SECTION A-A**  
**MODIFICATION NO.1**

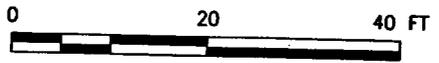
PROJECT NO:  
04-2111-0028

DATE:  
JUNE, 2006

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SECTION "B-B" THROUGH CLOSURE WALL



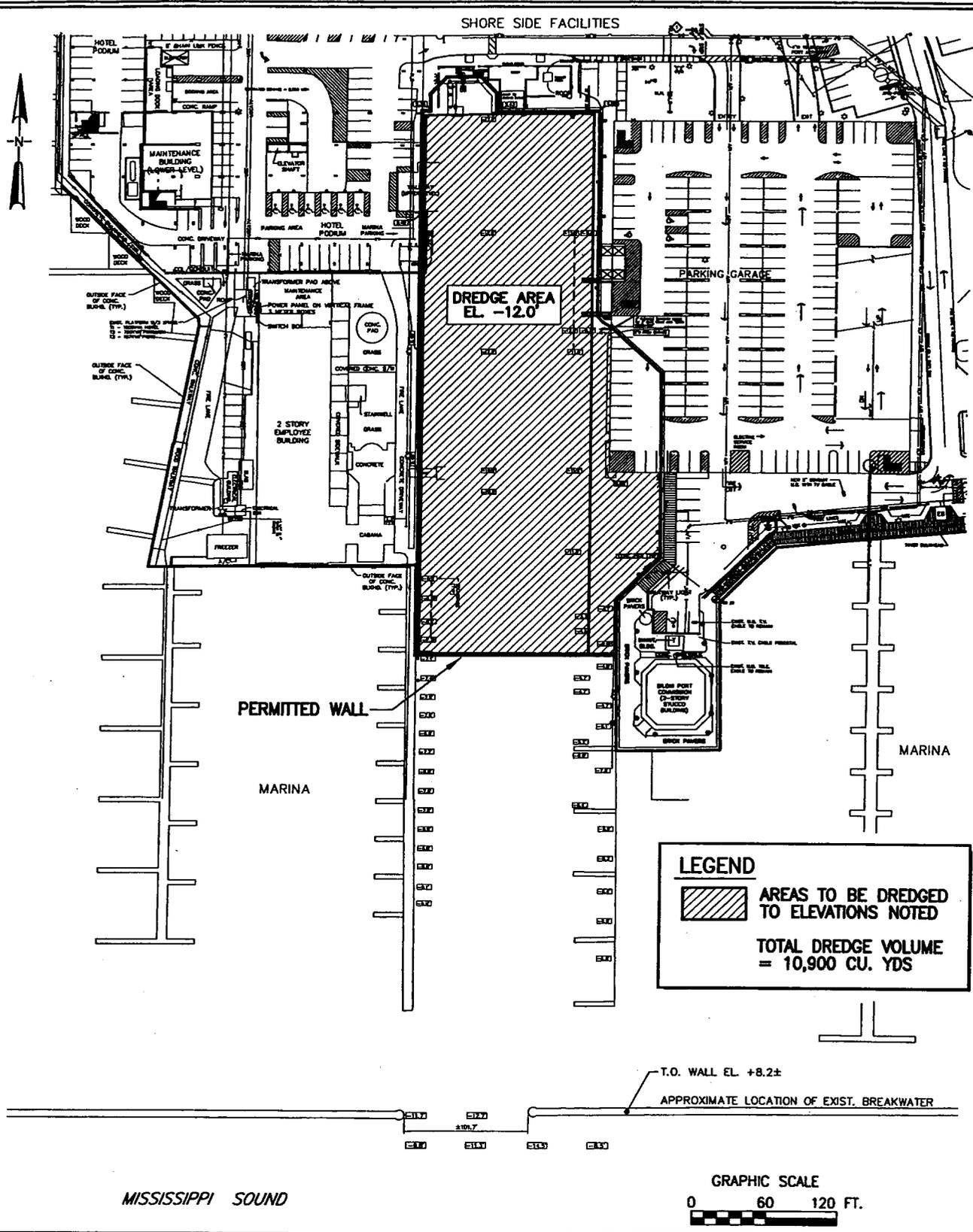
**APPLICANT:** CITY OF BILOXI  
**PROJECT:** ISLE OF CAPRI  
BILOXI, MISSISSIPPI  
EXPANSION



**FIGURE 4**  
**SECTION B-B**  
**MODIFICATION NO.1**

**PROJECT NO:** 04-2111-0028 **DATE:** JUNE, 2006

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**APPLICANT:** CITY OF BILOXI

**PROJECT:** ISLE OF CAPRI BILOXI, MISSISSIPPI EXPANSION



**FIGURE 5  
DREDGE PLAN  
MODIFICATION NO.1**

PROJECT NO: 04-2111-0028      DATE: JUNE, 2006

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

