



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-2007-1012-ALF

OCT 13 2007

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED DREDGING FOR REMOVAL OF STRANDED VESSEL ALONG BERNARD
BAYOU, 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 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Richard Kinst
2000 E. Pass Road
Gulfport, Mississippi 39507

WATERWAY: Bernard Bayou at Lot 16 Channelside Drive in Gulfport, Harrison County, Mississippi. (Section 30, Township 7 South, Range 10 West; Latitude 30° 24' 38" N, Longitude -88° 37' 00".)

WORK: The applicant proposes to dredge a temporary channel from Bernard Bayou for the purpose of removing and salvaging a vessel stranded at Lot 16 Channelside Drive in Gulfport, Harrison County, Mississippi in Hurricane Katrina in 2005. First, two sections of marsh, 30 feet by 40 feet and 23 feet by 42 feet, would be excavated and placed atop mats on adjacent marsh. Then, a channel approximately 100 feet by 20 feet would be dredged from an existing depth of -2 feet at mean high tide (MHT) to a proposed depth of -6 feet MHT. All dredged material would be pumped into a catchment area on adjacent uplands. The vessel would be floated to the main channel of Bernard Bayou during high tide and all dredged material would be returned to the channel. The applicant anticipates a 1-foot increase in depth of the open water areas due to loss of materials. The marsh areas would be restored to grade and replanted with the original vegetation. The replanted marsh would be monitored for survival and sprigged with plugs from adjacent areas if success is not achieved.

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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 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. 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.

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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 known to exist which would be affected by the proposed work. This review will constitute 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 State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

The project site lies within the range of several Federally listed threatened or endangered species. However 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. In accordance with 33 CFR 325.2(b)(5), this public notice serves as a request for information from the U.S. Fish and Wildlife Service on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would temporarily affect less than 0.1 acre of essential fish habitat. The affected area would be restored to pre-project conditions upon completion of the project and within 4 days of commencement of the work. 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-2007-1012-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

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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@sam.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

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 8 km NE of Gulfport, Mississippi, United States 01 Jul 1979

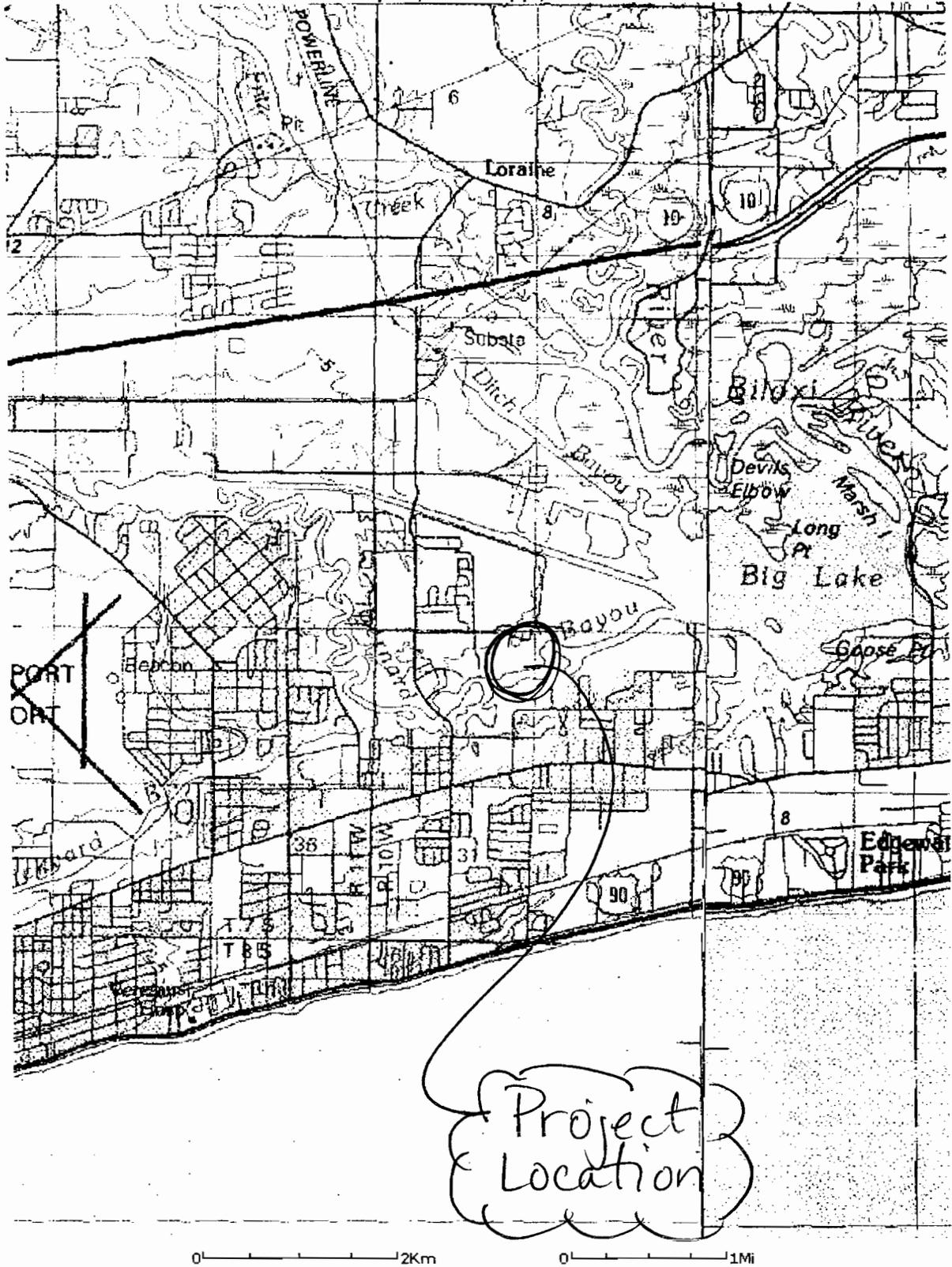


Image courtesy of the U.S. Geological Survey
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VESSEL IS CURRENTLY 15' FROM CHANNELSIDE DREDGE

ORIGINAL POSITION OF VESSEL

CURRENT POSITION OF THE VESSEL

DREDGED MATERIAL TO BE PUMPED TO A TEMPORARY LANDFILL CAUGHTMENT AREA TO BE PUMPED BACK INTO ORIGINAL MARSH TO BRING THE GRADE BACK

MATS TO BE PLACED ON TOP OF MARSH TO CREATE A STABLE SURFACE FOR THE TEMPORARY PLACEMENT OF THE RELOCATED MARSH.

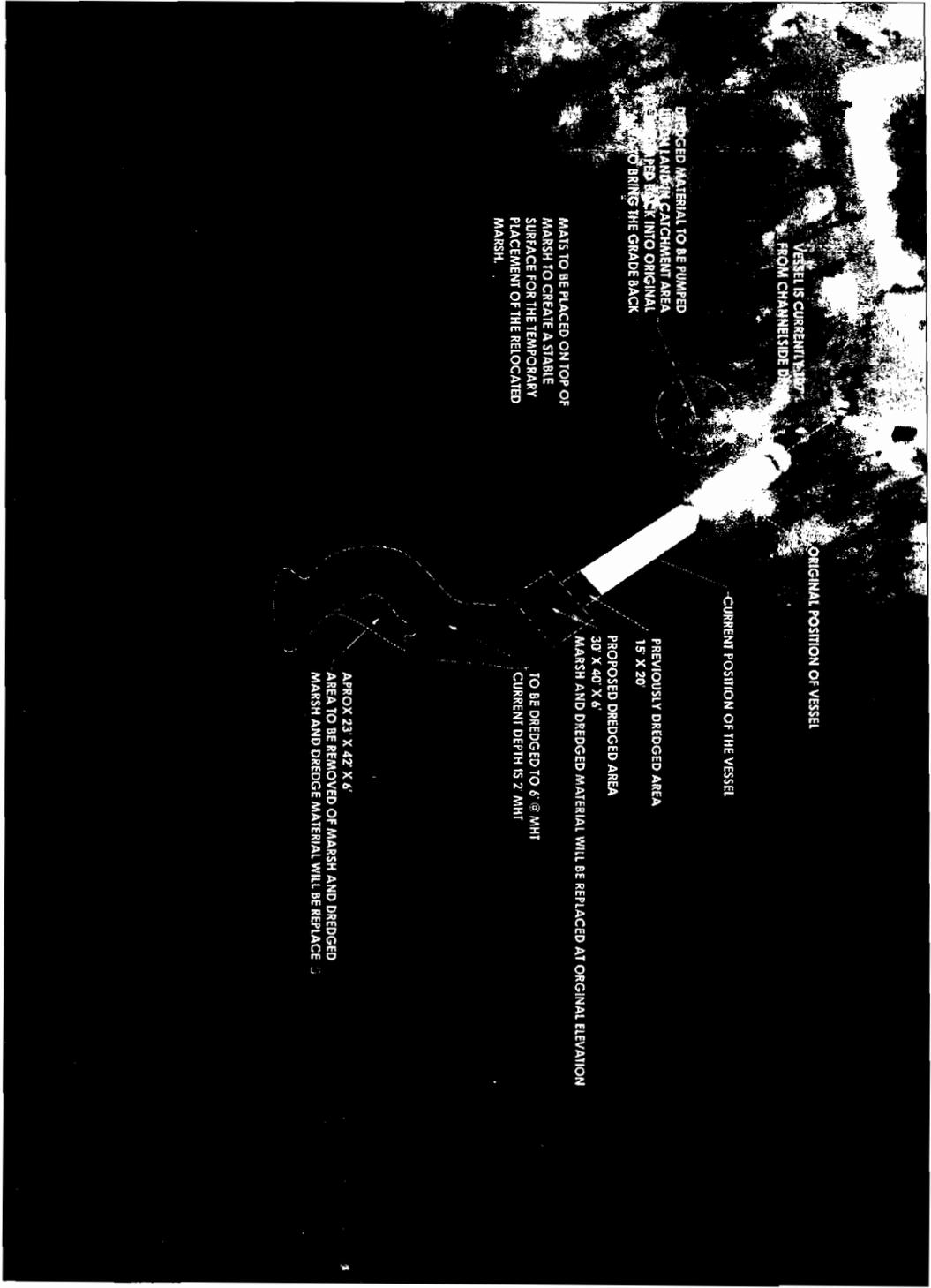
PREVIOUSLY DREDGED AREA 15' X 20'

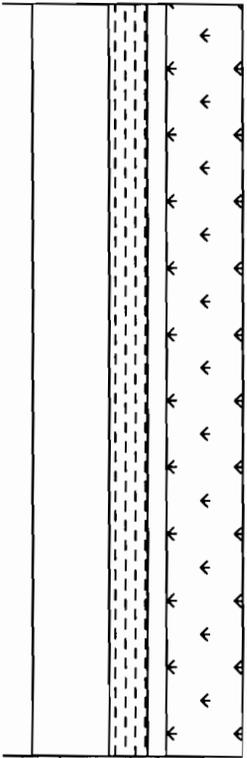
PROPOSED DREDGED AREA 30' X 40' X 6'

MARSH AND DREDGED MATERIAL WILL BE REPLACED AT ORIGINAL ELEVATION

TO BE DREDGED TO 6' @ MHT
CURRENT DEPTH IS 2' MHT

APPROX 23' X 42' X 6'
AREA TO BE REMOVED OF MARSH AND DREDGED MARSH AND DREDGE MATERIAL WILL BE REPLACED





MARSH APRDX 4' HIGH
 GROUND COVER SUPPORTING MARSH ABOVE MHT 1'
 WATER DEPTH 2' @ MHT
 WATER DEPTH 0' @ LOW TIDE
 6' TO BE DREDGED AND REPLACED TO ORIGINAL GRADE

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CROSS SECTION	AUGUST 1 2007
KINST VESSEL	NO.