



REPLY TO
ATTENTION OF:

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

Regulatory Division
Coastal Branch

March 20, 2009

**JOINT PUBLIC NOTICE SAM-2007-1957-JWS
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Proposal for 20th Avenue Extension, City of 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 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 Gulfport

P.O. Box 1780

Gulfport, Mississippi 39502

AGENT: BMI Environmental Services, LLC

521 34th Street

Gulfport, Mississippi 39507

LOCATION OF WORK: Bert Jones Yacht Basin and 20th Avenue, Section 09, Township 8 South, Range 11 West, Latitude 30°21'49"/Longitude 89°05'06", in the Mississippi Sound, Gulfport, Harrison County, Mississippi.

WATERWAY: Mississippi Sound

PROJECT PURPOSE: The basic project purpose is for a road. The overall project purpose is to realign 20th Avenue to provide improved access to the Bert Jones Yacht Basin.

PROPOSED WORK: To place 0.96 acres of fill material, waterward of the MHWL, to provide a 50-foot wide beach area that will protect 20th Avenue and provide a recreational beach on the east side of 20th Avenue.

AVOIDANCE & MINIMIZATION: The applicant has not provided any documentation or justification concerning avoidance and minimization to Waters of the United States.

CESAM-RD-C-M

Public Notice Number SAM-2007-1957-JWS

MITIGATION: The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: “The City of Gulfport will create 0.96 acres of shallow water bottoms, just north of the proposed fill area”. The Corps has not verified the adequacy of this mitigation proposal at this time.

WATER QUALITY: 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 by the Mississippi Department of Environmental Quality (MDEQ).

COASTAL ZONE MANAGEMENT: 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 (MDMR).

HISTORIC PROPERTIES: 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 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 State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

ENDANGERED SPECIES: 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 may affect listed endangered or threatened species. Specifically, the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), and Piping Plover (*Charadrius melodus*) may be affected by this project. These determinations will be coordinated with the Fish and Wildlife Service (FWS) via separate letter.

This notice initiates the Essential Fish Habitat (EFH) and Threatened and Endangered Species/Critical Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 0.96 acres of marine substrate utilized by various life stages of red drum, Spanish mackerel, and shrimp. Our initial determination is that the proposed action may have an adverse impact on EFH or Federally managed fisheries in the Mississippi Sound. 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

CESAM-RD-C

Public Notice Number SAM-2007-1957-JWS

(NMFS).

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

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.

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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1957-JWS and should be directed to the following, in time to be received within 21 days of the date of this public notice:

CESAM-RD-C
Public Notice Number SAM-2007-1957-JWS

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:

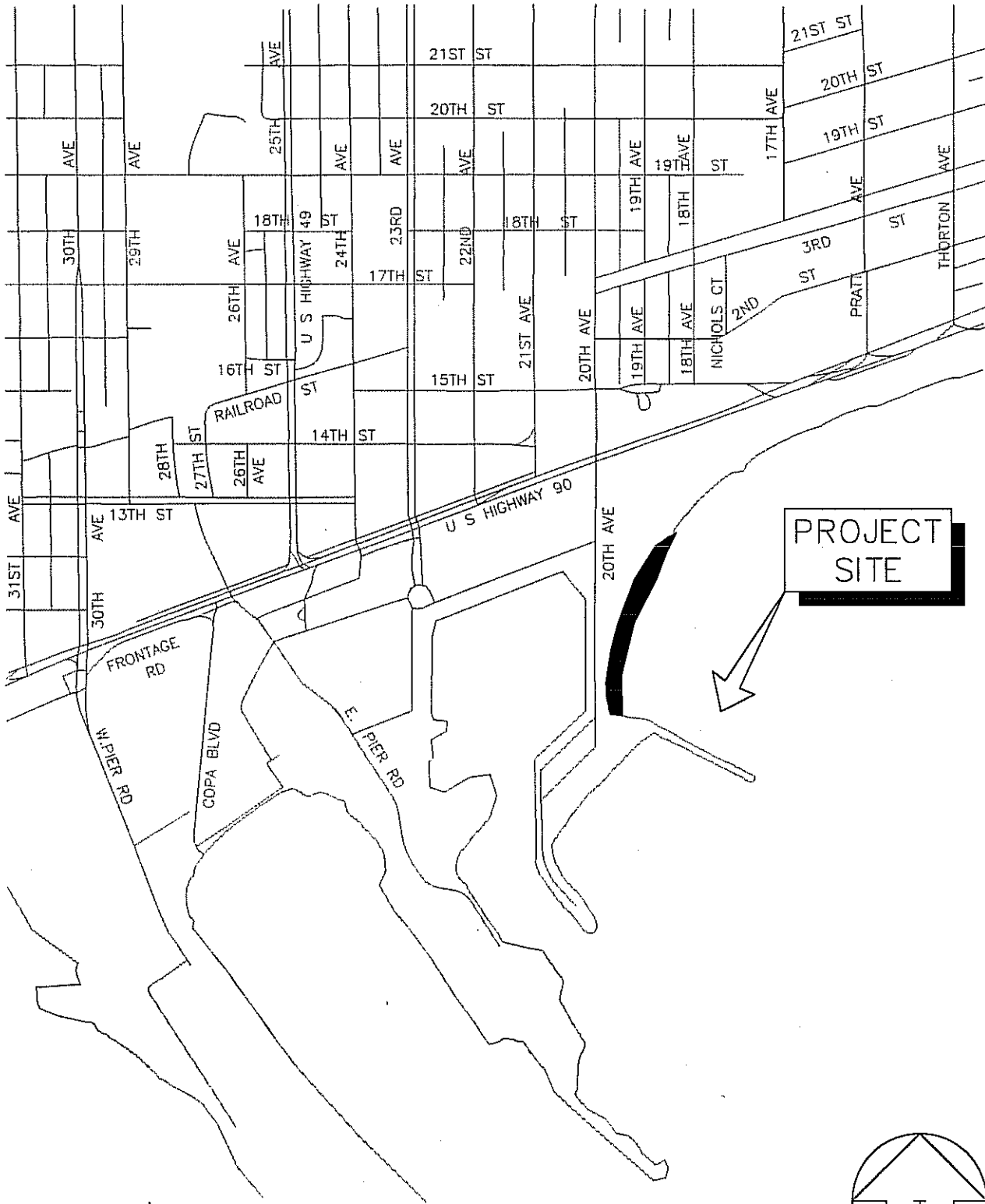
Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530

If you have any questions concerning this publication, you may contact this office, Jason W. Steele, telephone number (251) 690-3188, E-mail Jason.W.Steele@usace.army.mil. 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.

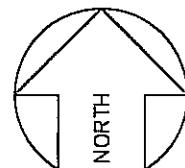
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures (3-pages)



Vicinity Map

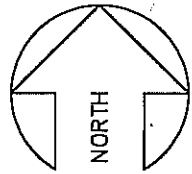
Bert Jones Yacht Basin & Jones Memorial Park
 Gulfport, Mississippi



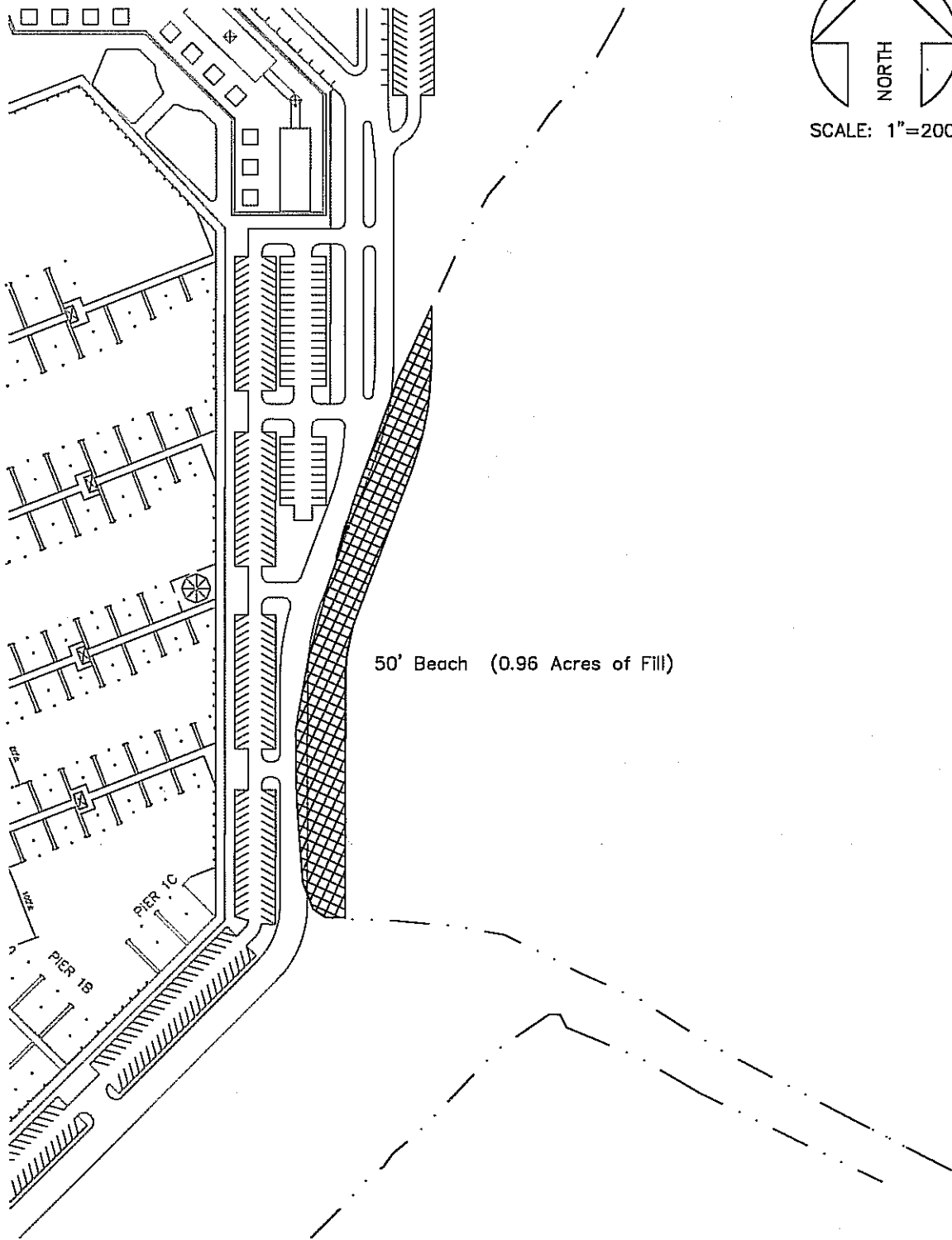
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BROWN & MITCHELL, INC.
 Consulting Engineers
 BMI Environmental Services, LLC



SCALE: 1"=200'

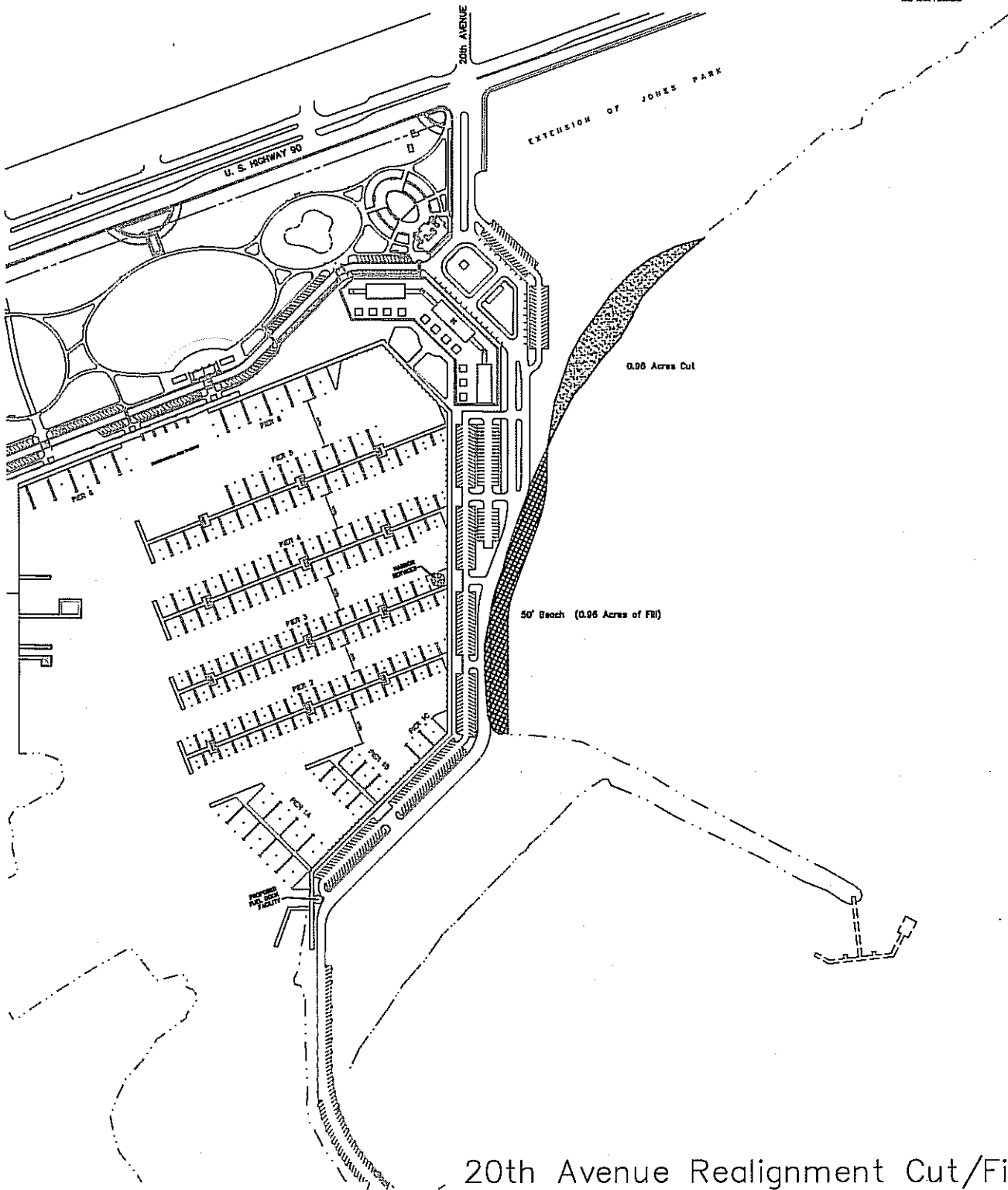


50' Beach (0.96 Acres of Fill)

20th Avenue Realignment Proposed Fill
Bert Jones Yacht Basin & Jones Memorial Park
Gulfport, Mississippi

3/11/09
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BROWN & MITCHELL, INC.
Consulting Engineers
BMI Environmental Services, LLC



20th Avenue Realignment Cut/Fill
Bert Jones Yacht Basin & Jones Memorial Park
Gulfport, Mississippi

3/1/08
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