



and 4 feet above mean high water, three piers, 6 feet wide for a total of 350 feet in overall length along Bayou Bernard, the existing canal, and the proposed boathouse. An additional pier, 4 feet wide by 25 feet long, would be constructed along the north side of the proposed boathouse. The applicant proposes to construct approximately 1,583 square feet of deck on the east end of the canal adjacent to Bayou Bernard and an additional 675 square feet of deck at the west end of the canal adjacent and south of the proposed boathouse. A 25-foot wide by 25-foot long covered pavilion would be constructed within the limits of the proposed deck at the east end of the canal at Bayou Bernard. All work would be constructed as shown on the enclosed drawings.

**AVOIDANCE & MINIMIZATION:** The applicant has stated he reduced the original scope, thus minimizing impacts to onsite wetlands. The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

**MITIGATION:** The applicant proposes to compensatory mitigation for lost wetlands by transplanting marsh vegetation, 347 square feet, restoration of 470 square feet of adjacent marsh, and enhancement of 5,015 square feet of adjacent marsh. 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.

**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.

**HISTORIC PROPERTIES:** 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.

**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 will not affect listed endangered or threatened species, or their critical habitat. A final determination will be made through further coordination with the U.S. Fish and Wildlife Service via this Public Notice.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 0.18 acre of estuarine substrates and emergent wetlands utilized by various life stages of red drum, Spanish mackerel, and shrimp. 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.

**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,

**CESAM-RD-C**  
**Public Notice Number SAM-2009-1220-LTB**

**August 18, 2009**

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 notice should refer to Public Notice Number **SAM-2009-1220-LTB** and should be directed to:

District Engineer  
U.S. Army Engineer District, Mobile  
Attention: Regulatory Division, Coastal Branch  
Post Office Box 2288  
Mobile, Alabama 36628-0001

With copies to:

Mississippi Department of Environmental Quality  
Office of Pollution Control  
Post Office Box 10385  
Jackson, Mississippi 39289

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 Linda Brown at telephone number (251) 694-3786, or e-mail [linda.t.brown@usace.army.mil](mailto:linda.t.brown@usace.army.mil) Please refer to the above public notice number.

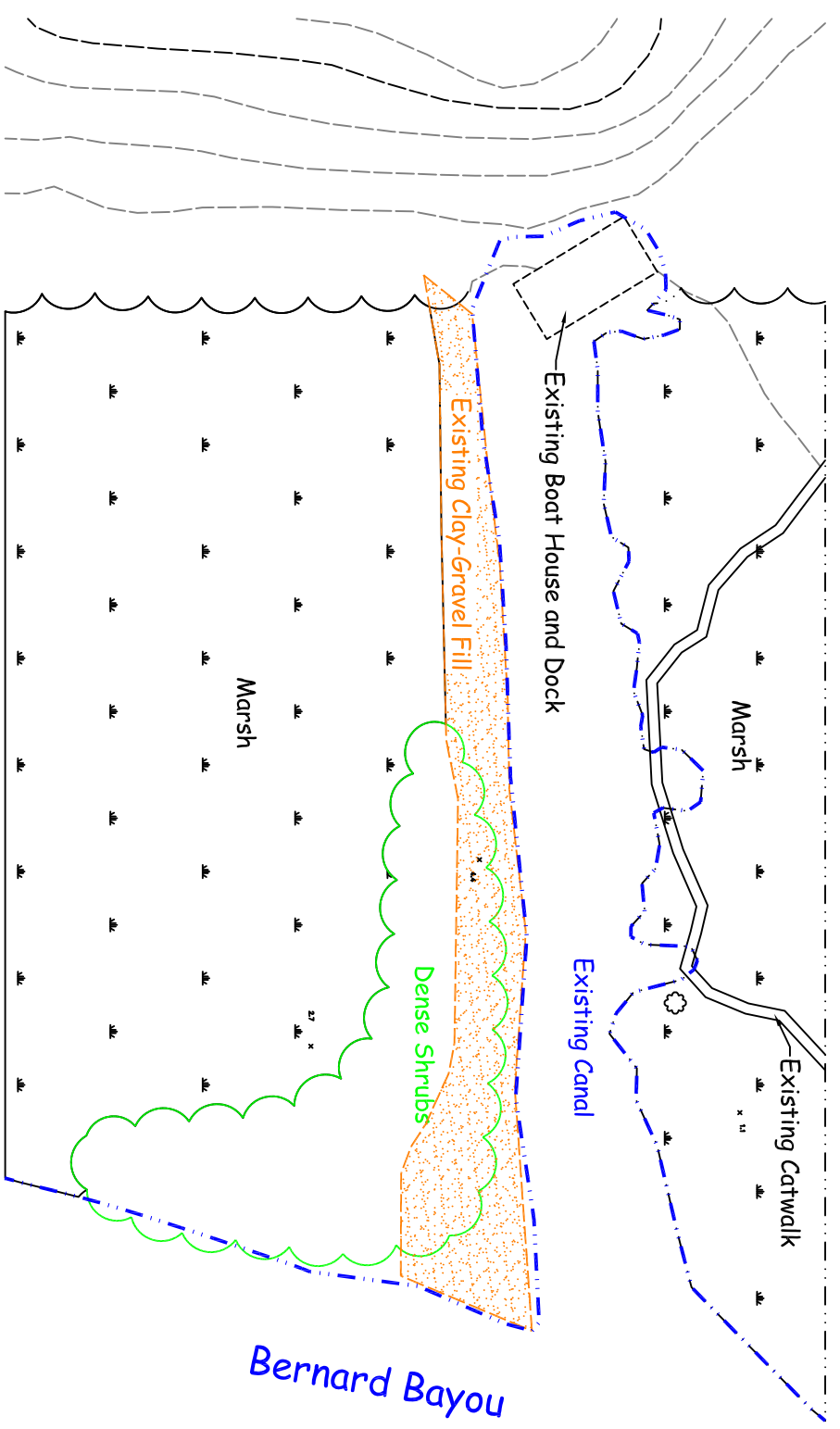
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve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

MOBILE DISTRICT  
U.S. Army Corps of Engineers

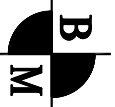
Enclosures (5 pages)



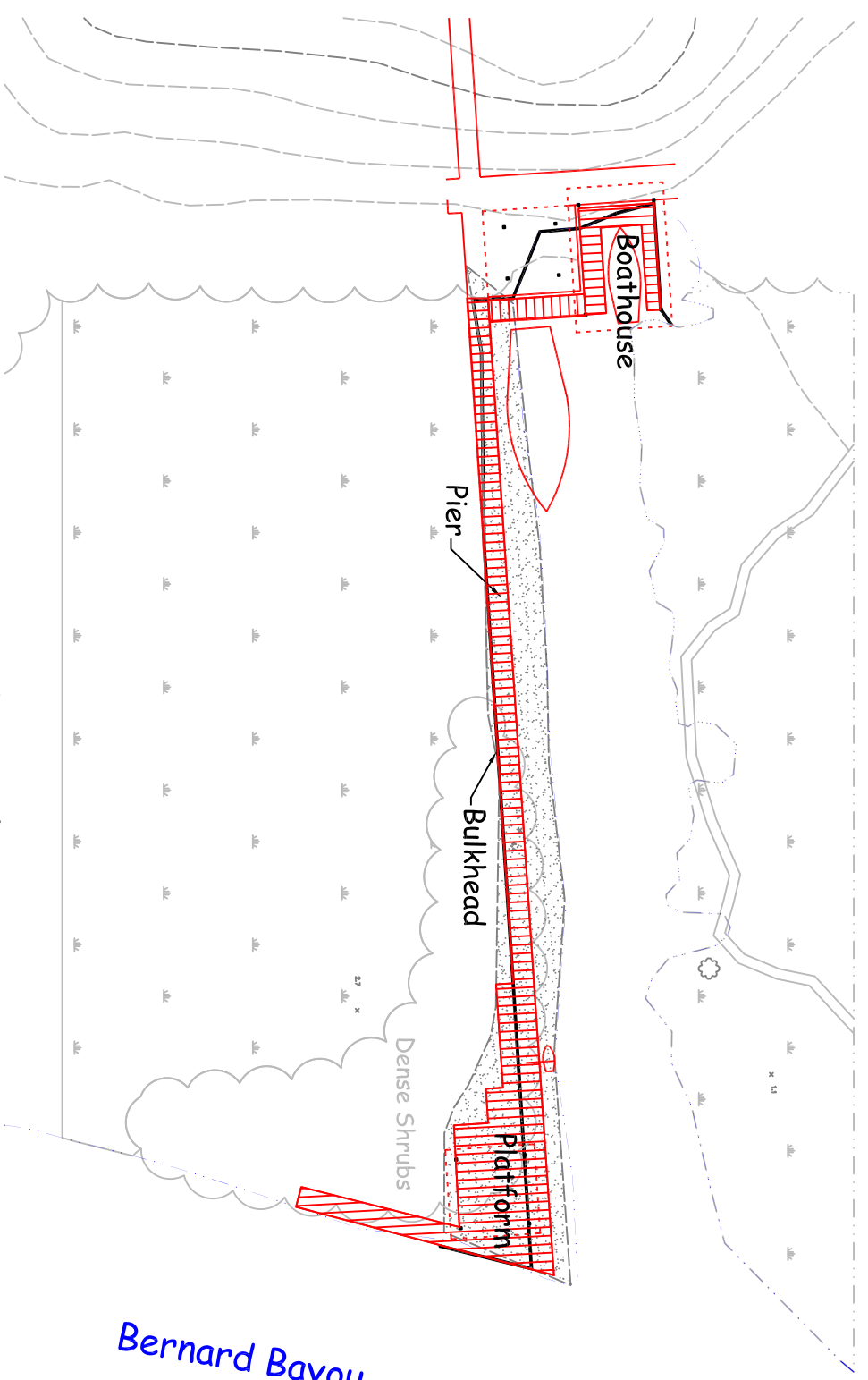
Vicinity Map  
Proposed Boat House and Pier  
Anderson Home Site  
Gulfport, Mississippi



**Existing Conditions**  
**Proposed Boat House and Pier**  
**Anderson Home Site**  
**Gulfport, Mississippi**

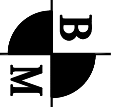


**BMI Environmental Services, LLC**  
*Environmental Consultants*

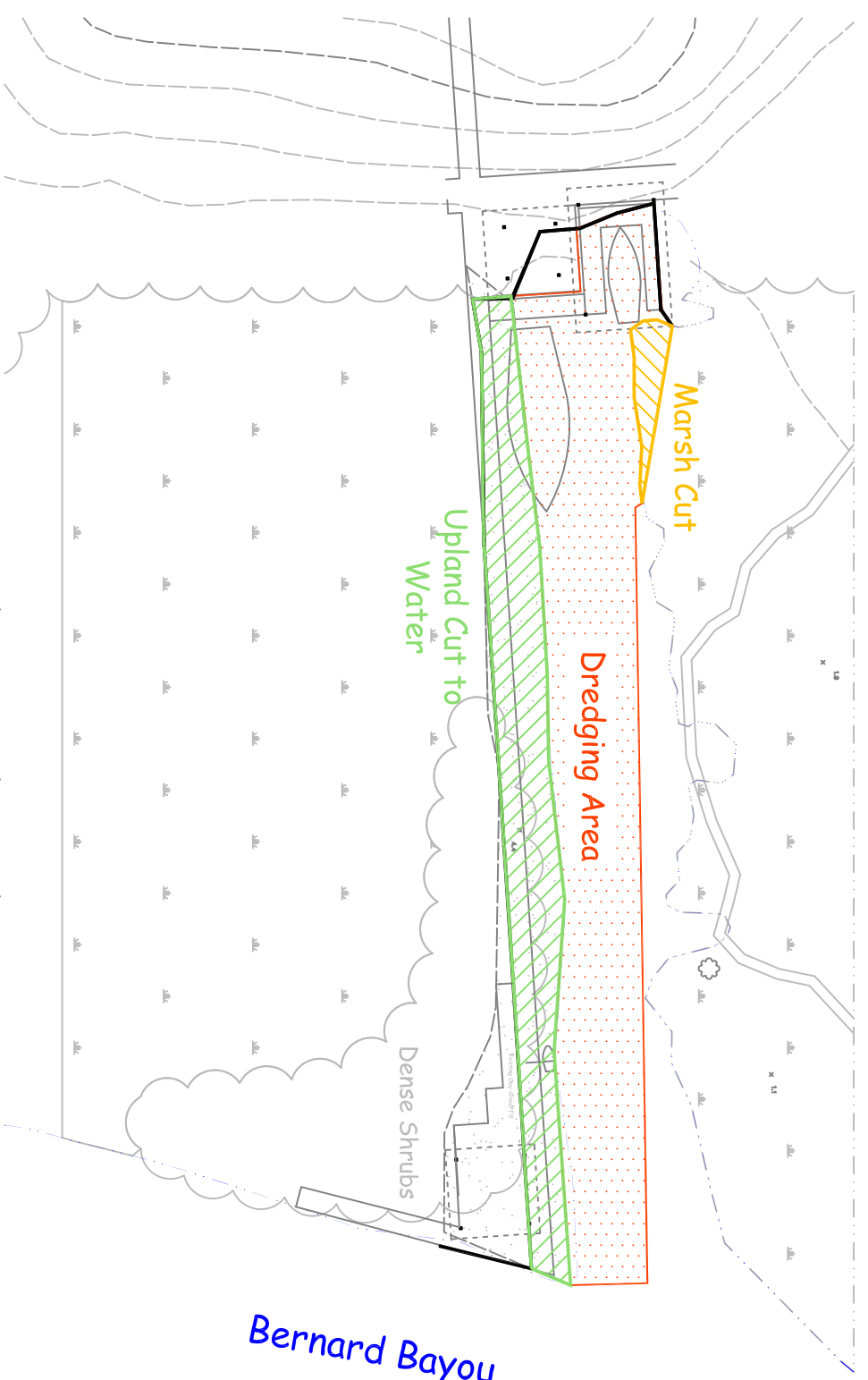


Bernard Bayou

**Proposed Development**  
**Proposed Boat House and Pier**  
**Anderson Home Site**  
**Gulfport, Mississippi**



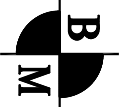
**BMI Environmental Services, LLC**  
*Environmental Consultants*



- Upland Cut ±3,850 sqft
- Marsh Cut ±315 sqft
- Dredging ±1,000 cy

**Proposed Cut and Dredge Area  
Proposed Boat House and Pier  
Anderson Home Site  
Gulfport, Mississippi**

Bernard Bayou





-  Marsh Transplant ±347 sqft
-  Marsh Restoration ±470 sqft
-  Marsh Enhancement ±5,041 sqft

**Proposed Mitigation  
Proposed Boat House and Pier  
Anderson Home Site  
Gulfport, Mississippi**

**B**  
**M**  
BMI Environmental Services, LLC  
*Environmental Consultants*