



REPLY TO  
ATTENTION OF:

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

January 6, 2012

Coastal Branch  
Regulatory Division

JOINT PUBLIC NOTICE SAM-2009-01763-MJF  
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED IMPACTS TO OPEN WATER AND WATERFRONT DEVELOPMENT  
ASSOCIATED WITH THE MODIFICATIONS TO AN AUTHORIZED MARINA FACILITY  
HANCOCK 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 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: City of Bay St. Louis**  
Post Office Box 2550  
Bay St. Louis, Mississippi 39521

**AGENT: BMI Environmental Services, LLC**  
521 34<sup>th</sup> Street  
Gulfport, Mississippi 39507

**LOCATION: North of the CSX Railroad Bridge and south of Highway 90, Section 28, Township 8 South, Range 13 West, Mississippi Sound, Bay St. Louis, Hancock County, Mississippi (Latitude 30.31078 North, Longitude -89.31752 West).**

**WORK: The applicant proposes to modify portions of the previously authorized recreational harbor, specifically for changes in the design of the south and east flow-thru breakwater structures and changes in the size and design of the central pier/platform located along the west wall of the harbor basin.**

**The proposed modifications to the flow-thru breakwater are requested to provide for increased structural integrity. The new design would incorporate concrete pipe piles with concrete sheet-pile panels between the concrete pipe piles in lieu of 16-inch concrete batter piles and a continuous**

concrete sheet-pile wall. The modified breakwater would be constructed along the same alignment as previously authorized and the concrete sheet-pile panels would have the same size openings as previously authorized to allow water and aquatic species movement.

Proposed changes in the design and size of the central pier would call for a deck/platform approximately 155 feet long by 60 feet wide. The original plan called for a 240-foot-long by 40-foot-wide treated wood deck on concrete piles. Recent analysis of the construction costs, long term maintenance costs and serviceability of the structure indicate a concrete deck/platform on structural fill would be more cost effective. In addition to being more cost effective, the new layout provided greater flexibility for pedestrian usage, a safer platform for loading and unloading vessels and a more stable surface for handicap accessibility. Construction of this modified deck/platform would result in an area of fill totaling approximately 11,730 square feet and a removal of fill material approximately 13,635 square feet.

In addition to the above proposed modifications, the applicant also proposes to make minor adjustments to the lengths of some of the docking piers as needed to accommodate minor changes in the slip sizes. The applicant proposes to widen the walkway area at the fuel dock/pump-out facility and add 3 finger piers. The walkway would be widened approximately 13 feet to make the new width 25 feet. The 3 new finger piers would each be 40 feet long by 6 feet wide.

**PROJECT PURPOSE:** The overall project purpose is to provide increased structural integrity, serviceability, safety and to reduce construction and maintenance costs to the permitted marina.

The U.S. Army Corps of Engineers (Corps) initially determined the basic project purpose is for the modification of an authorized marina facility and as a marina, would be considered a water dependent activity.

**ALTERNATIVES:** A full analysis was conducted during the initial permit evaluation. The Corps determined the proposed alternative is the least damaging alternative that meets the overall project purpose, is financially practicable to the applicant and demonstrates meaningful avoidance and minimization of impacts to aquatic resources.

**MITIGATION:** The applicant feels the 11,730 square feet of fill will be offset by the 13,635 square feet of cut concerning mitigation for unavoidable impacts to waters of the United States. The Corps has not verified the adequacy of this mitigation proposal at this time.

Final compensatory mitigation will be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

The applicant has applied for certification modification 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 modification will be made (WQC22009091).

Also, the applicant has applied for certification modification from the State that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program in accordance with Section 57-15-6 of the Mississippi Code Annotated. A determination relative to permit modification will be made by the Mississippi Department of Marine Resources (DMR-100249).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the 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, protected species, 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 for consideration of this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

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. During the initial review of the project, the Mississippi Department of Archives and History (MDAH) requested a shoreline survey to determine the presence of Indian artifacts related to the midden site known as the Ramsay Mound. The applicant continued to consult with MDAH relative to the parking lot component of this project and the MDAH issued a letter dated September 13, 2010, stating that: 1) no additional survey work would be required; and 2) the MDAH had no objection to the project.

The Corps archeologist provided comments stating that they were satisfied that the project would not impact sites eligible for listing on the National Register of Historic Places (MDAH Project Log #04-130-10).

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 Leatherback sea turtle (*Dermochelys coriacea*), Hawksbill sea turtle (*Eremachelys imbricate*), Kemp's Ridley turtle (*Lepidochelys kempii*), Green sea turtle (*Chelonia mydas*), Loggerhead sea turtle (*Caretta caretta*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), Smalltooth Sawfish (*Pristis pectinata*) and Piping Plover (*Charadrius melodus*) may be affected by this project.

The U.S. Fish and Wildlife Service (FWS) evaluated the projects impacts on the Piping Plover and issued a Biological Opinions (BO) that includes conservation measures as well as reasonable and prudent measures to reduce any impacts to the piping plover. Fish and other aquatic species could possibly be affected by short term impacts during the construction phase of the proposed project. Construction activities could impact water quality; however, implementation and proper maintenance of effective BMPs during construction would help to reduce potential impacts from these activities. Adherence to the special conditions containing the state water quality certification, the FWS BO and the National Marine Fisheries Service BO, the project should not have a significant impact on fish and wildlife. Therefore impacts to fish and wildlife should not be significant. All terms and conditions stated in the submitted BO from both agencies and attached as conditions to the prior permitted activity shall remain in effect.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2009-01763-MFJ** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Ms. Maryellen Farmer, 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, Attention: Ms. Florance Watson, P.E., Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Attention: Mr. Greg Christodoulou, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530, in time to be received within **15 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, **Ms. Maryellen Farmer** (maryellen.j.farmer@usace.army.mil), phone (228) 523-4116. Please refer to the above Public Notice number.

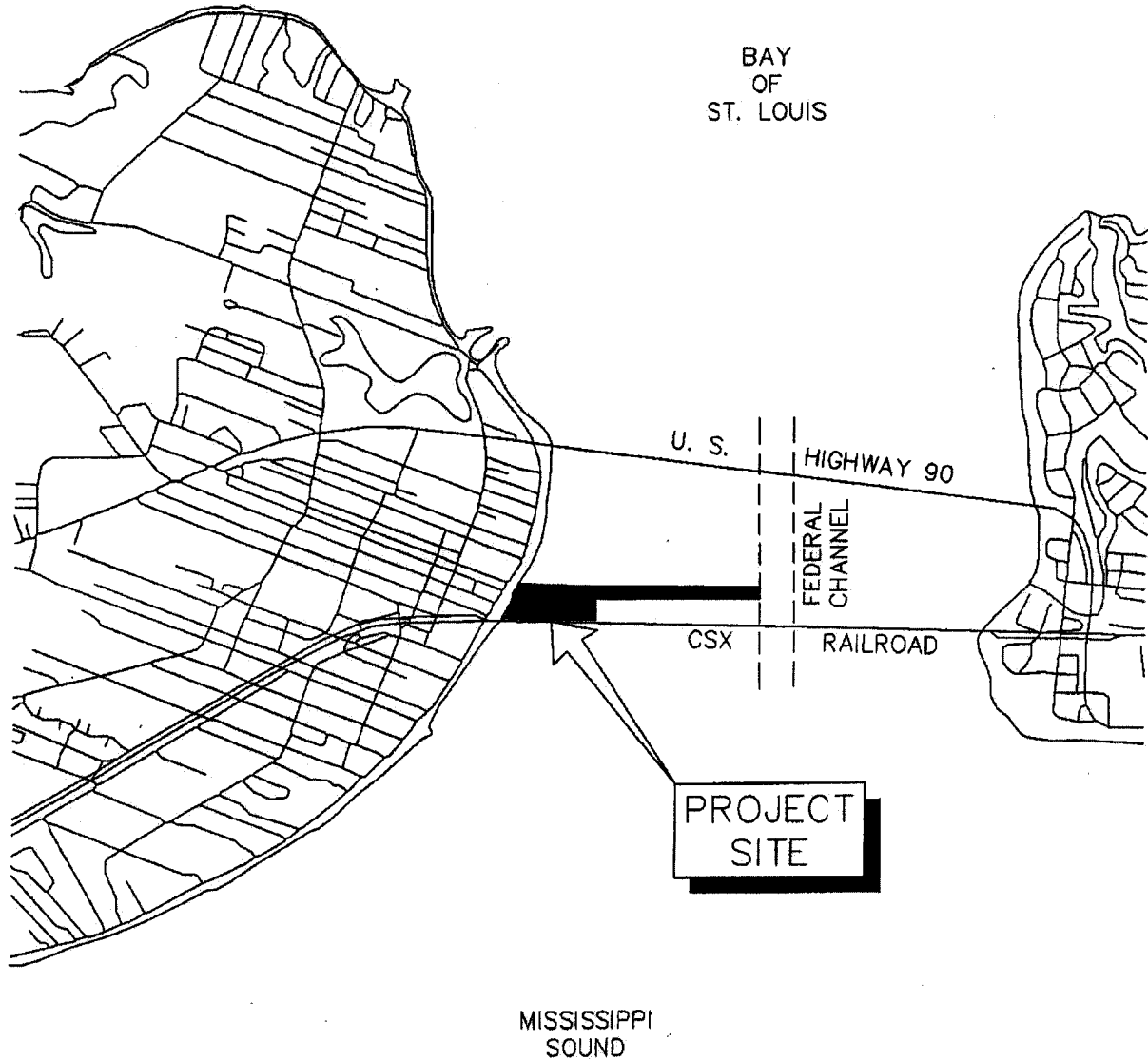
For additional information about our Regulatory Program, please visit our web site at: [www.sam.usace.army.mil/rd/reg](http://www.sam.usace.army.mil/rd/reg) and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve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

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures

# BAY ST. LOUIS MUNICIPAL PIER & HARBOR

BAY  
OF  
ST. LOUIS



VICINITY MAP  
SCALE: 1"=3000'



12/1/09  
3174\3174DMR

**BROWN & MITCHELL, INC.**  
Consulting Engineers

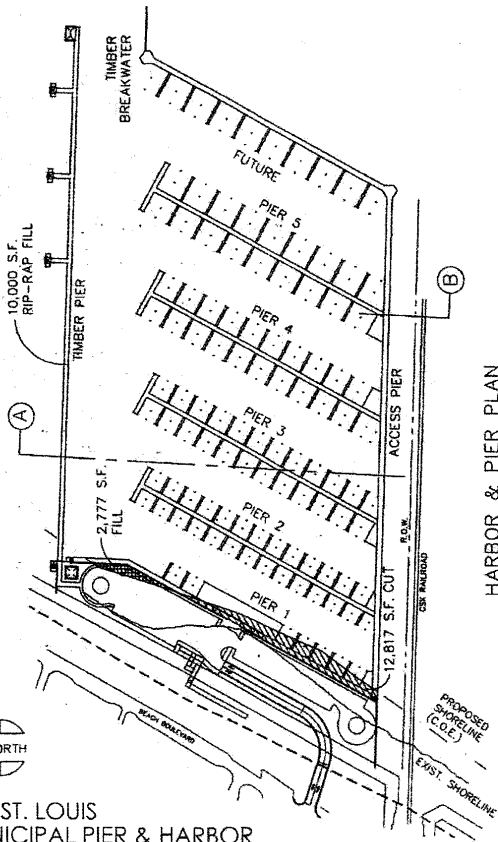
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CITY OF BAY ST. LOUIS MARINA



BAY ST. LOUIS  
MUNICIPAL PIER & HARBOR

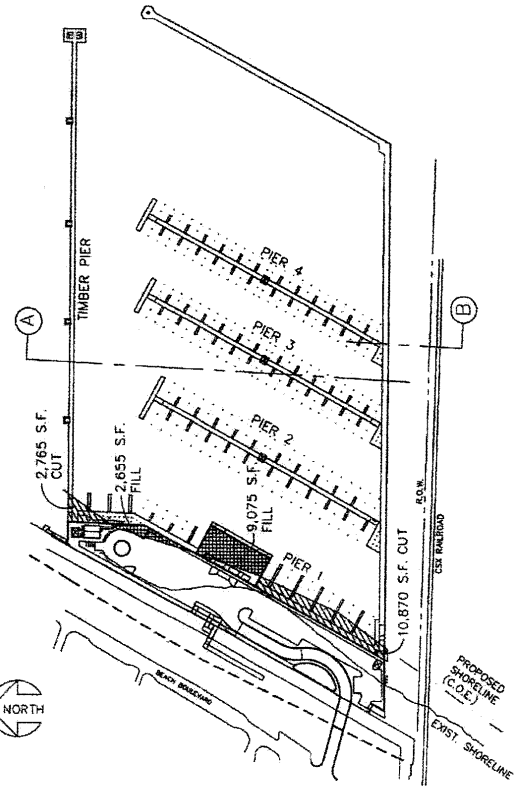
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HARBOR & PIER PLAN  
SCALE: 1"=200'



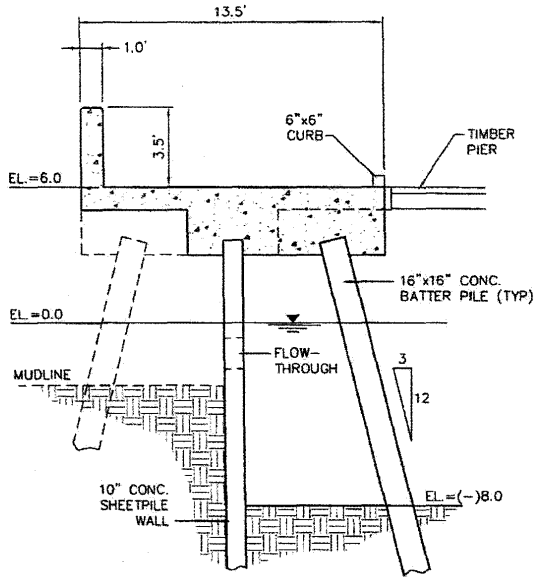
HARBOR & PIER PLAN  
SCALE: 1"=200'



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SAM-2009-01763-MJF

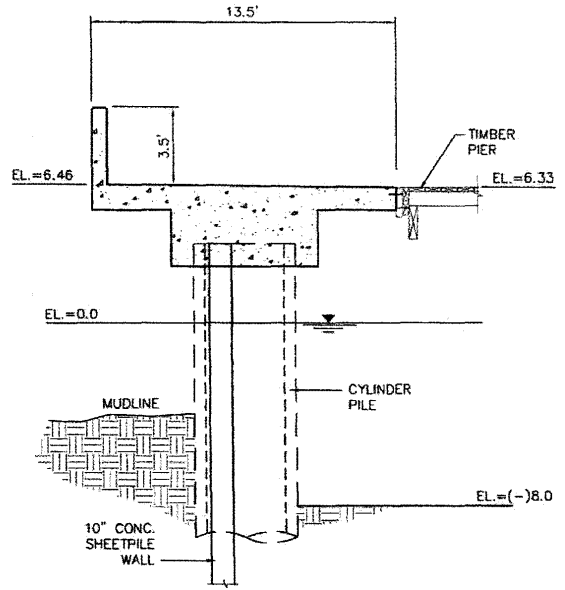


ACCESS PIER SECTION (B)  
SCALE: 1/4"=1'-0"

PERMITTED

BAY ST. LOUIS  
MUNICIPAL PIER & HARBOR

11.4.11  
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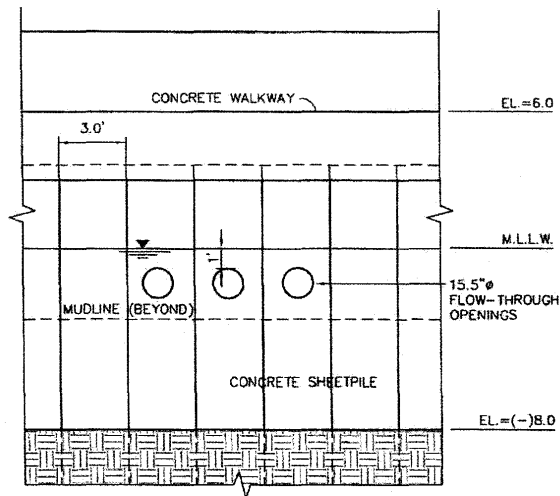


ACCESS PIER SECTION (B)  
SCALE: 1/4"=1'-0"

REVISED

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SAN-2009-01763-MJT



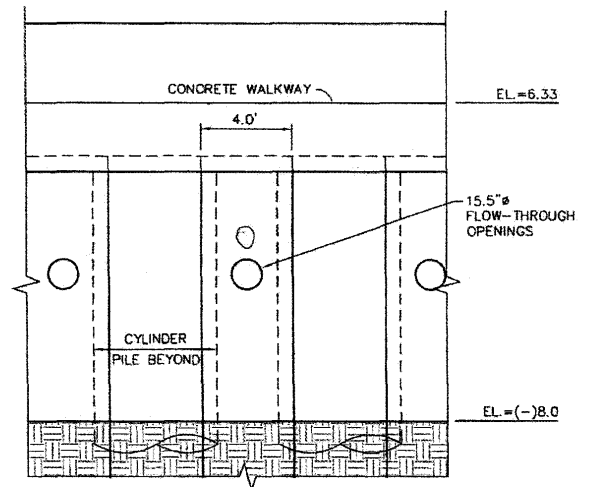
FLOW THROUGH OPENINGS WILL BE PLACED IN CLUSTERS OF 3 CONSECUTIVE CONCRETE SHEETPILES FOLLOWED BY 3 SOLID SHEETPILES, SO ON AND SO FORTH.

ELEVATION AT ACCESS PIER (LOOKING SOUTH)  
SCALE: 1/4"=1'-0"

PERMITTED

BAY ST. LOUIS  
MUNICIPAL PIER & HARBOR

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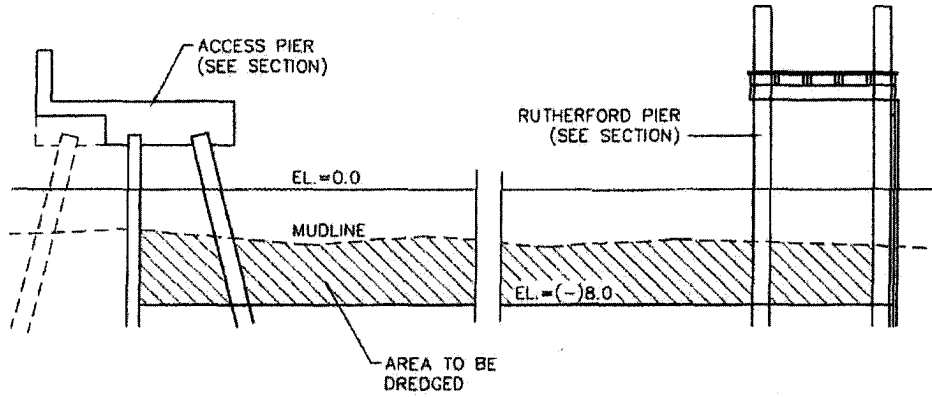


ELEVATION AT ACCESS PIER (LOOKING SOUTH)  
SCALE: 1/4"=1'-0"

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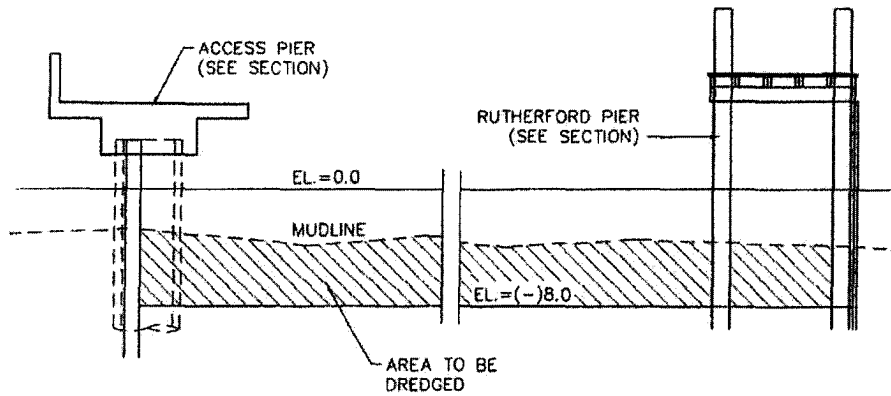
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11.4.11  
1317A REFERENCE 174DMR2



**HARBOR & PIER SECTION (A)**  
SCALE: 1/8" = 1'-0"

PERMITTED



**HARBOR & PIER SECTION (A)**  
SCALE: 1/8" = 1'-0"

REVISED

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