



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-C

December 18, 2009

**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

City of Bay St. Louis Marina
City of Bay St. Louis
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 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 Bay St. Louis
P.O. Box 2550
Bay St. Louis, Mississippi 39521

Agent: BMI Environmental Services, LLC.
521 34th St.
Gulfport, Mississippi 39507

LOCATION OF WORK: North of the CSX Railroad Bridge and South of U.S. Highway 90, Section 28, Township 8 South, Range 13 West, Latitude 30.31078 Longitude -89.31752, in the Mississippi Sound, Bay St. Louis, Hancock County, Mississippi.

WORK DESCRIPTION: The applicant proposes to construct a recreational harbor which would provide approximately 208 boat slips within a protected basin. The harbor would include a sheltered basin, piers and walkways, sewer pump out facilities, fuel service and marine convenience store, and parking for the users and visitors.

The proposed action would entail the following:

1. The creation/dredge of a 150' X 4100' (14.1 acre) channel to -8 ft below mllw, and create/dredge a 850' X 1200' (23.4 acre) basin to -8 below mllw for a total of approximately 150,000 cy of dredged material. The dredged material would be deposited on adjacent beaches and/or a Corps approved beneficial use area or upland disposal areas;

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2. The fill of 2,777 square feet of water bottoms and cut of 12,817 square feet of water bottoms to straighten the shoreline for bulkhead installation; and
3. The construction of a 985 linear foot concrete bulkhead along the western margin of the harbor, a 1,780 linear-foot concrete pier/walkway/breakwater structure along the southern margin, a 100 linear-foot timber pile breakwater along the eastern margin, and re-construct the 1,200' x 10' Rutherford Pier, which includes three (3) 40' x 10' fishing piers, three (3) 15' x 15' pavilions, one (1) 30' x 20' pavilion, and three (3) 30' x 10' T-Head piers, and a 1,200 linear-foot vinyl sheet pile breakwater along the northern margin of the harbor.
4. Within the harbor, five (5) main piers would be constructed. Pier 1 would be 10' wide and 750' long, would include six (6) 4' x 40' finger piers, and would provide fourteen (14) 40' boat slips. A 40' x 200' deck platform for loading/unloading would also be constructed on Pier 1. Pier 2 would be 10' wide and 600' long, would include thirteen (13) 4' x 35' finger piers and twelve (12) 4' x 40' finger piers, a 10' x 85' temporary lay-by pier on the northern end, and would provide twenty-seven (27) 35' boat slips and twenty-six (26) 40' boat slips. Pier 3 will be 10' wide and 600' long, would include twenty-two (22) 4' x 45' finger piers, a 10' x 100' temporary lay-by pier on the northern end, and would provide forty-seven (47) 45' boat slips. Pier 4 would be 10' wide and 600' long, would include nineteen (19) 4' x 50' finger piers, a 10' x 110' temporary lay-by pier on the northern end, and would provide forty-one (41) 50' boat slips. Pier 5 would be 10' wide and 600' long, would include eight (8) 4' x 50' finger piers and eight (8) 4' x 60' finger piers, a 10' x 120' temporary lay-by pier on the northern end, and would provide eighteen (18) 50' boat slips and seventeen (17) 60' boat slips. Future build-out is designed for an additional nine (9) 4' x 60' finger piers off of the concrete pier/walkway/breakwater structure, and would provide eighteen (18) 60' boat slips. Each of the five (5) main piers would also include a 10' x 10' electrical platform; and
5. Install 216 mooring piles and 10 channel marker/sign pilings.

The overall project purpose is to provide docking space for recreational boaters along the Mississippi Gulf Coast. The municipal harbor would provide a "focal point" for the waterfront area of downtown Bay St. Louis and would help to bring businesses and people back to this import area of the City. The municipal harbor would generate revenues that would allow the City to operate the public facility which in turn would provide opportunities for recreational access to boaters, fishermen, and the general public.

Avoidance and Minimization:

A number of alternatives were considered for the project. Alternative locations, construction techniques and designs were considered and evaluated in relation to the over all purpose and need.

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The criteria used to evaluate sites include: suitable site location relative to downtown waterfront area; suitable site conditions; reasonable development and construction costs; and compatible with the existing environmental resources. Based on a detailed evaluation of the project alternatives, the City eliminated the alternatives site locations south of the CSX Railroad. The shoreline areas south of the CSX Railroad are adjacent to schools, churches, and residential development. The City also eliminated alternative designs that involved filling large areas of open water for parking and vehicular access to the piers and boat berths. The alternatives that involved the use of rip-rap for breakwater construction were also eliminated from consideration. The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

Mitigation: The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: "The applicant feels the 2,777 square feet of fill will be offset by the 12,817 square feet of cut". The Corps has not verified the adequacy of this mitigation proposal at this time.

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.

Also, the applicant has applied for certification 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. 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

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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 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. 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.

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*

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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*), the Smalltooth Sawfish (*Pristis pectinata*) and Piping Plover (*Charadrius melodus*) may be affected by this project.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 37.5 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. 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 (NMFS).

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2009-01763-MJF and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile (RD-C)
Post Office Box 2288
Mobile, Alabama 36628-0001
Attn: Maryellen Farmer

With a Copy to:

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

And to:

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 Maryellen.J.Farmer@usace.army.mil or telephone number **(228) 523-4116**. Please refer to the above Public Notice number.

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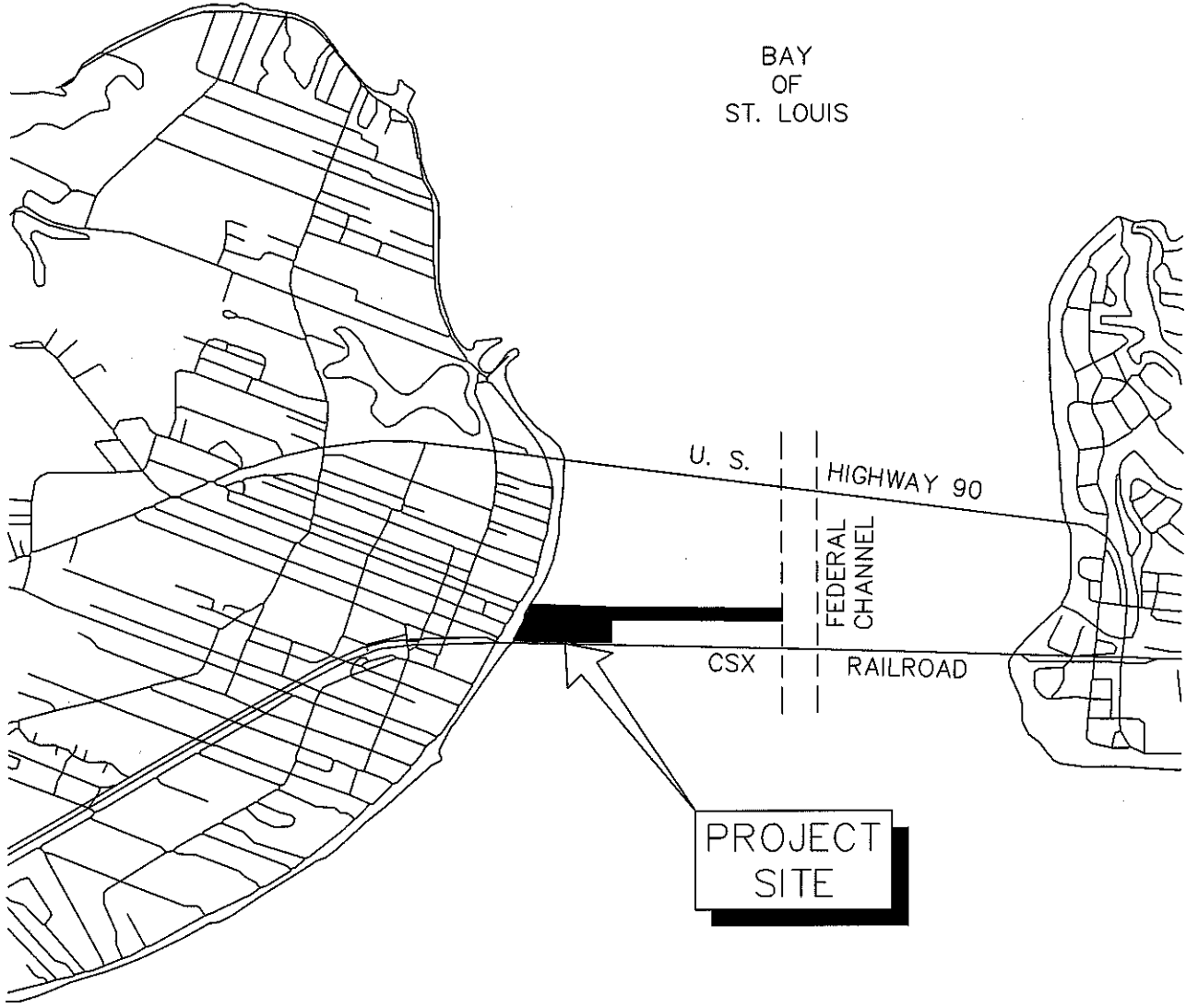
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer

BAY ST. LOUIS MUNICIPAL PIER & HARBOR

BAY
OF
ST. LOUIS



MISSISSIPPI
SOUND

VICINITY MAP

SCALE: 1"=3000'



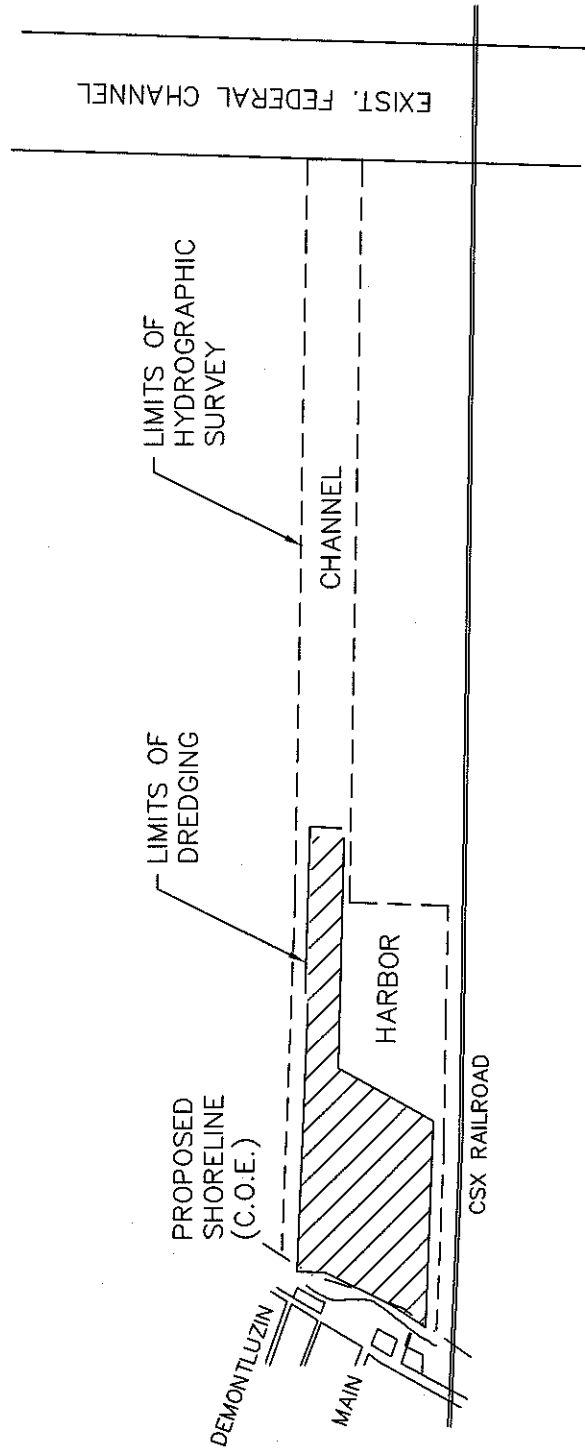
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BROWN & MITCHELL, INC.
Consulting Engineers

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CITY OF BAY ST. LOUIS MARINA

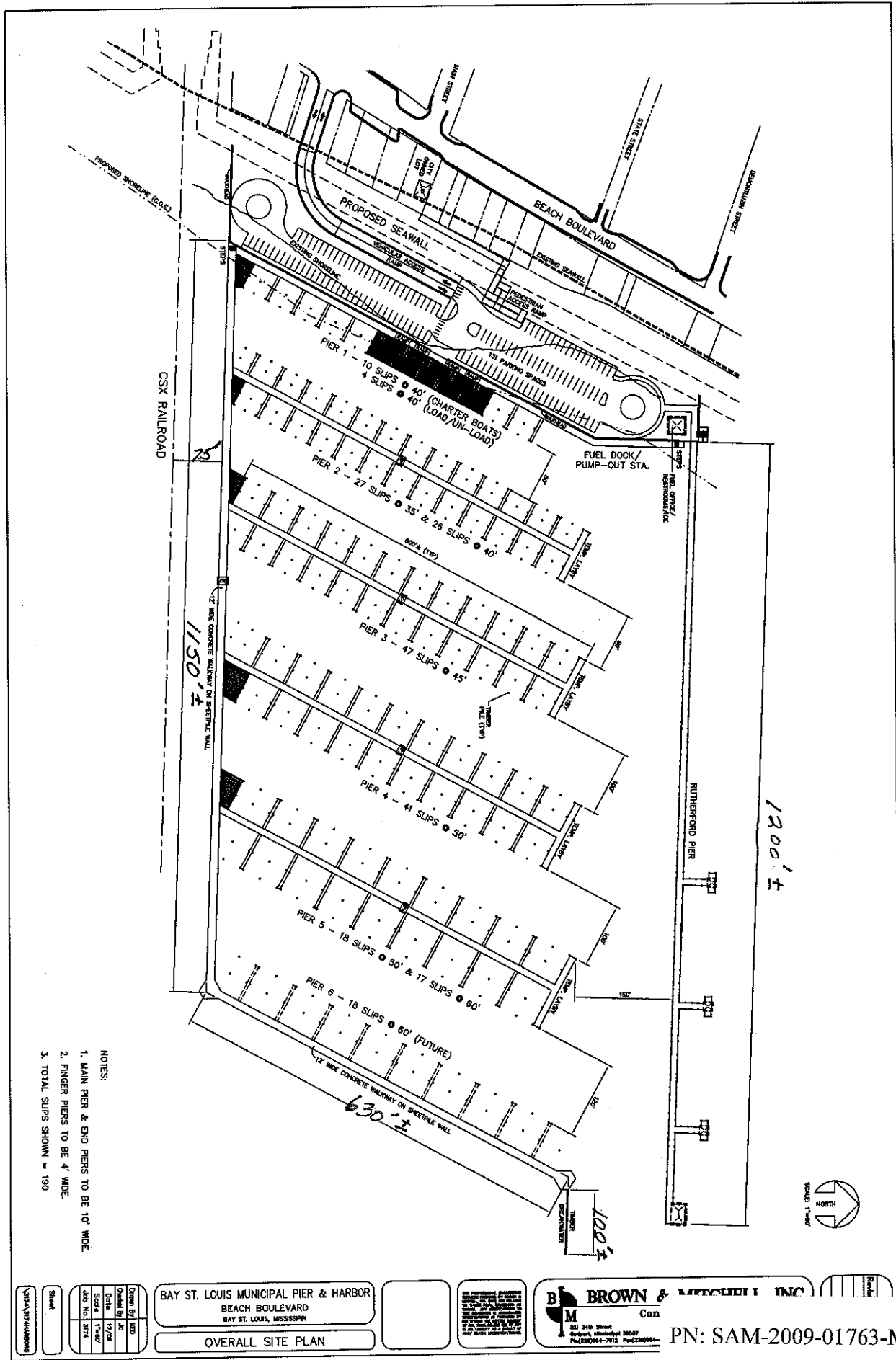
BAY ST. LOUIS
MUNICIPAL PIER & HARBOR



OVERALL PLAN
SCALE: 1"=1000'

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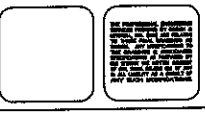


- NOTES:
1. MAIN PIER & END PIERS TO BE 10' WIDE.
 2. FINGER PIERS TO BE 4' WIDE.
 3. TOTAL SLIPS SHOWN = 190

Drawn By: JED	Checked By: JED
Date: 12/20/07	Scale: 1"=40'
Doc No: 2176	Sheet No: 2176

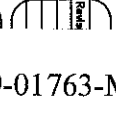
BAY ST. LOUIS MUNICIPAL PIER & HARBOR
 BEACH BOULEVARD
 BAY ST. LOUIS, MISSISSIPPI

OVERALL SITE PLAN



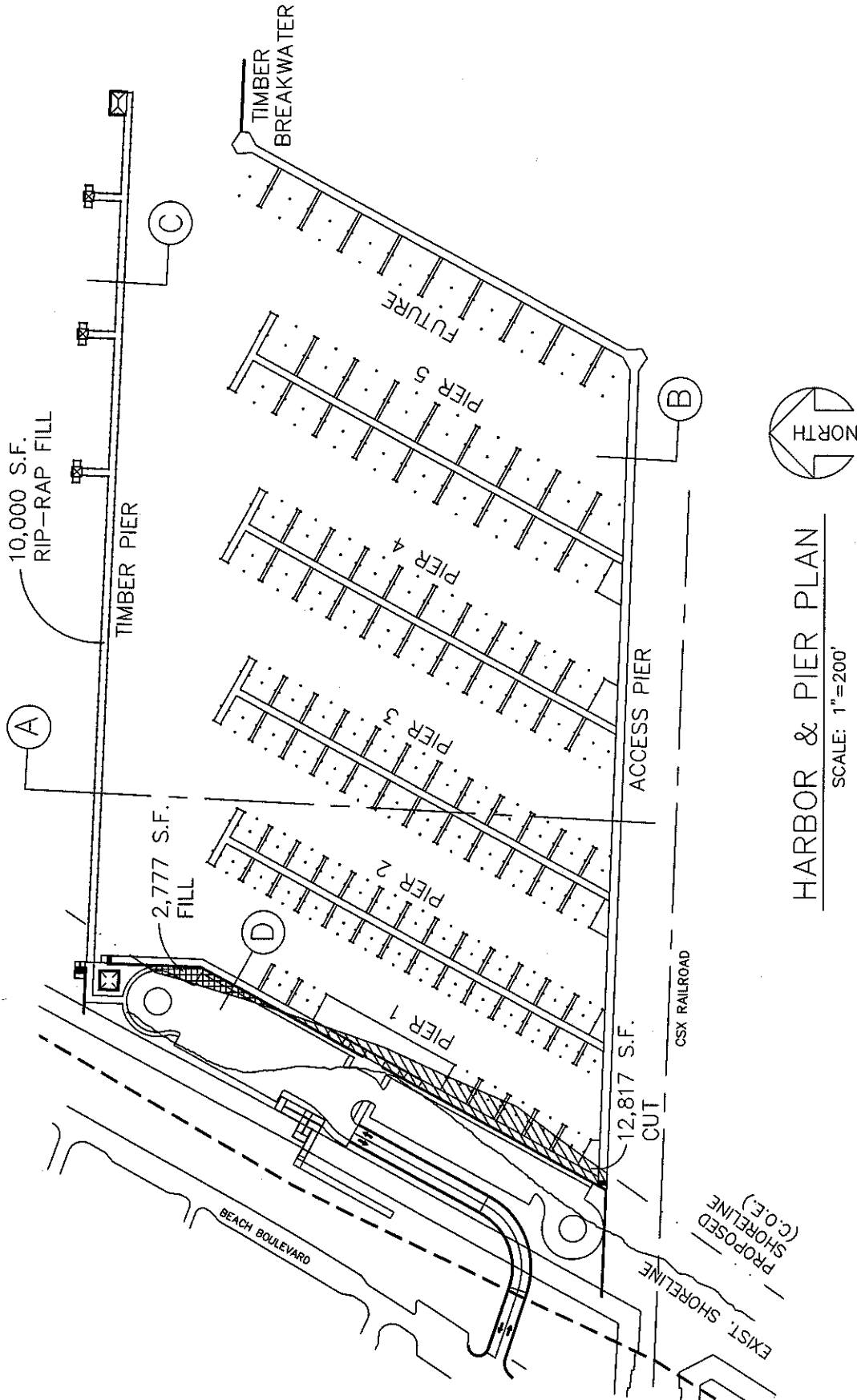
BROWN & MITCHELL, INC.
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501 34th Street
 Bayport, Mississippi 39007
 Ph: (228) 768-7811 Fax: (228) 768-7812



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BAY ST. LOUIS
MUNICIPAL PIER & HARBOR



HARBOR & PIER PLAN

SCALE: 1"=200'

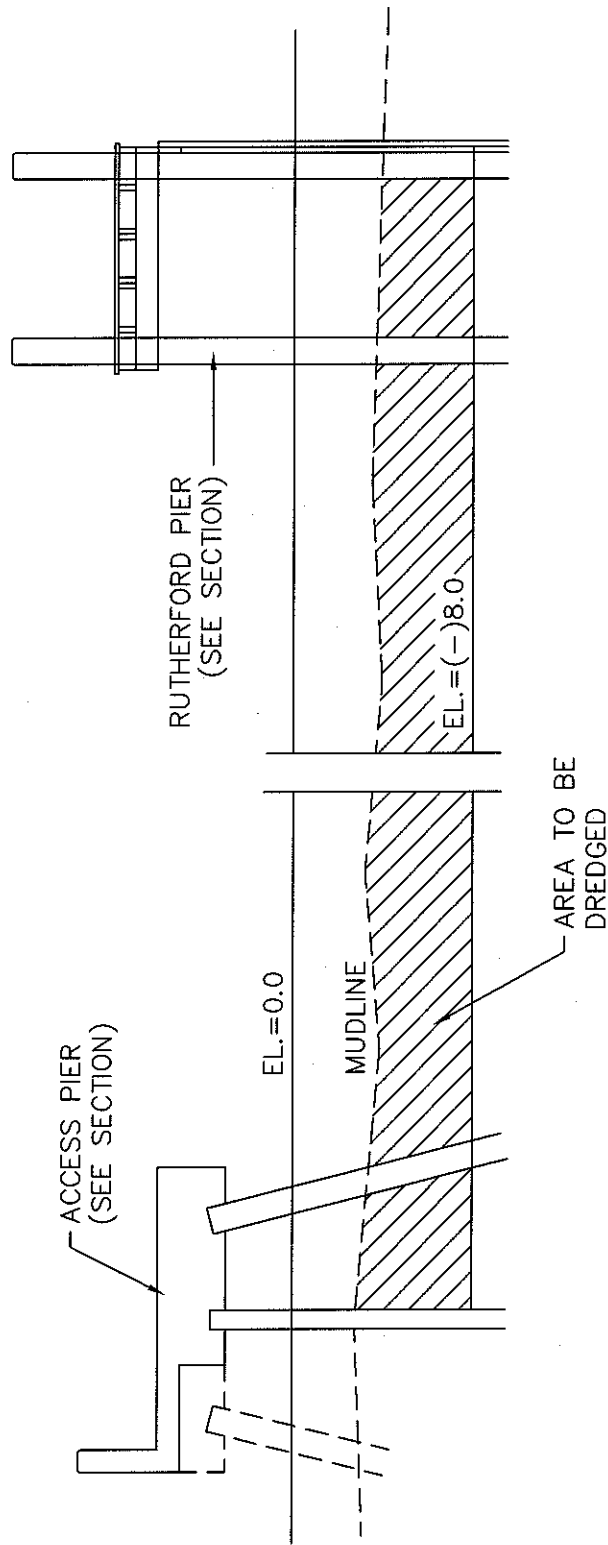
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BAY ST. LOUIS
MUNICIPAL PIER & HARBOR



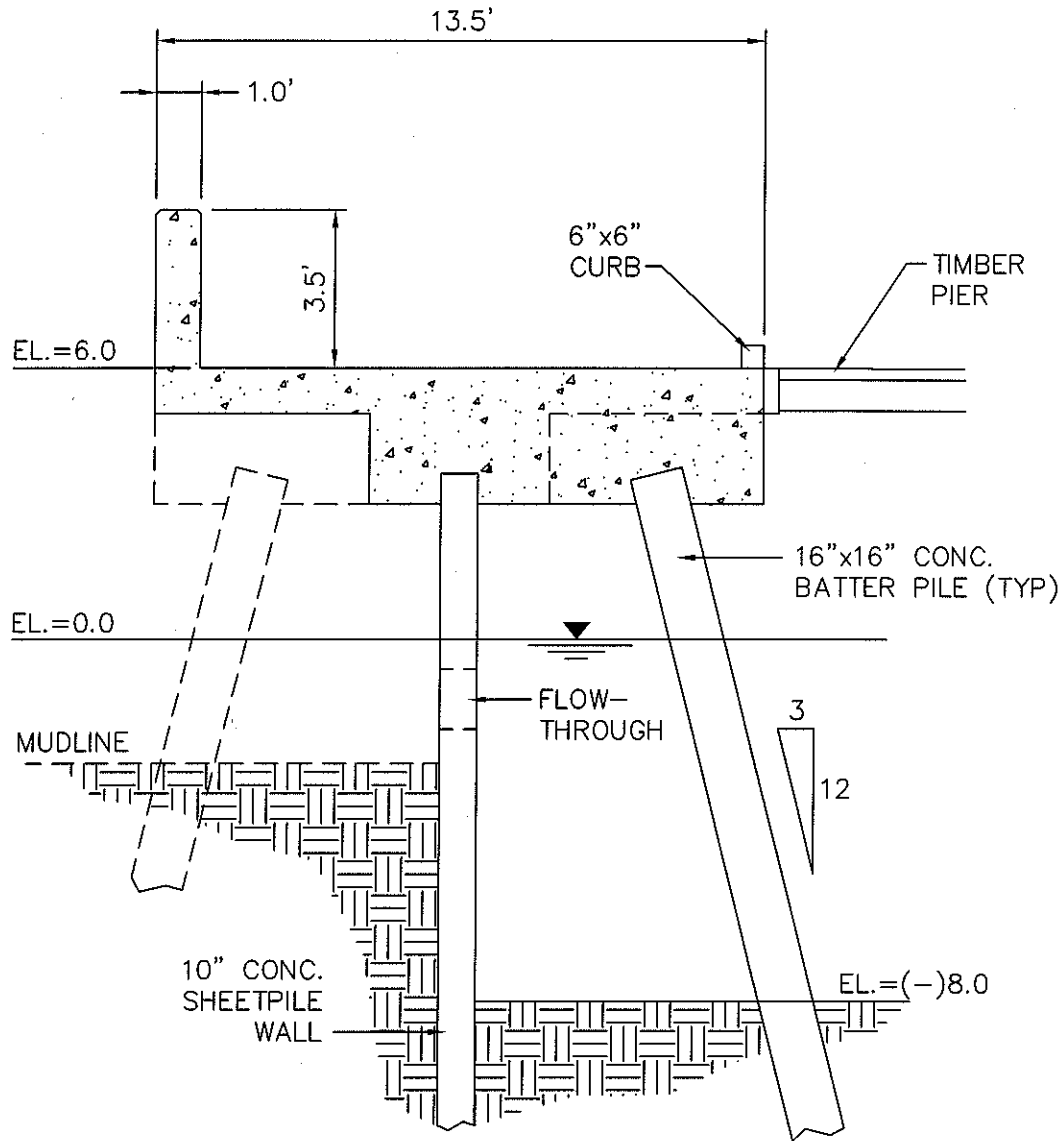
HARBOR & PIER SECTION (A)

SCALE: 1/8" = 1'-0"

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BAY ST. LOUIS
MUNICIPAL PIER & HARBOR



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

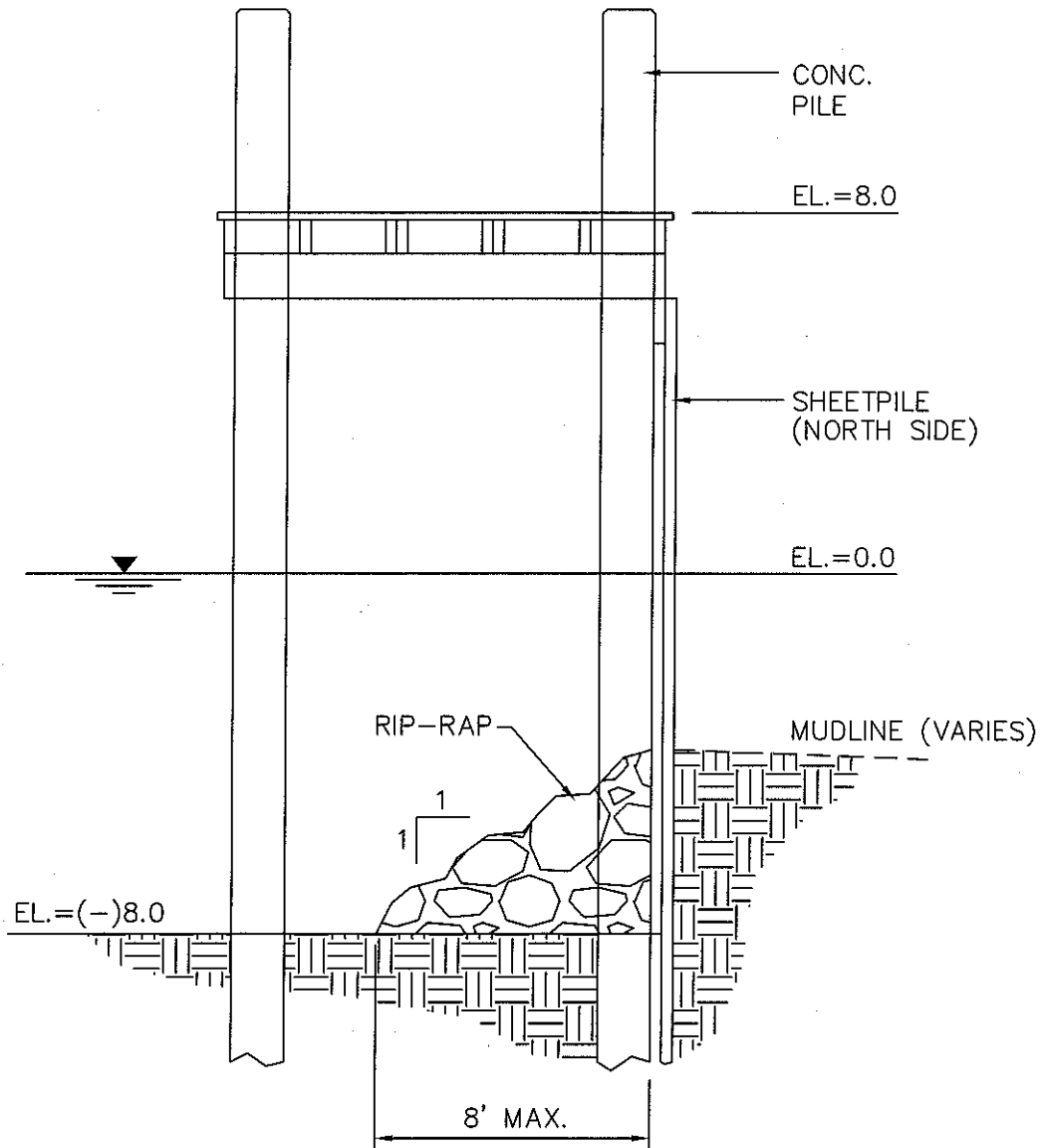
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SECTION AT RUHTERFORD PIER ©
SCALE: 1/4"=1'-0"

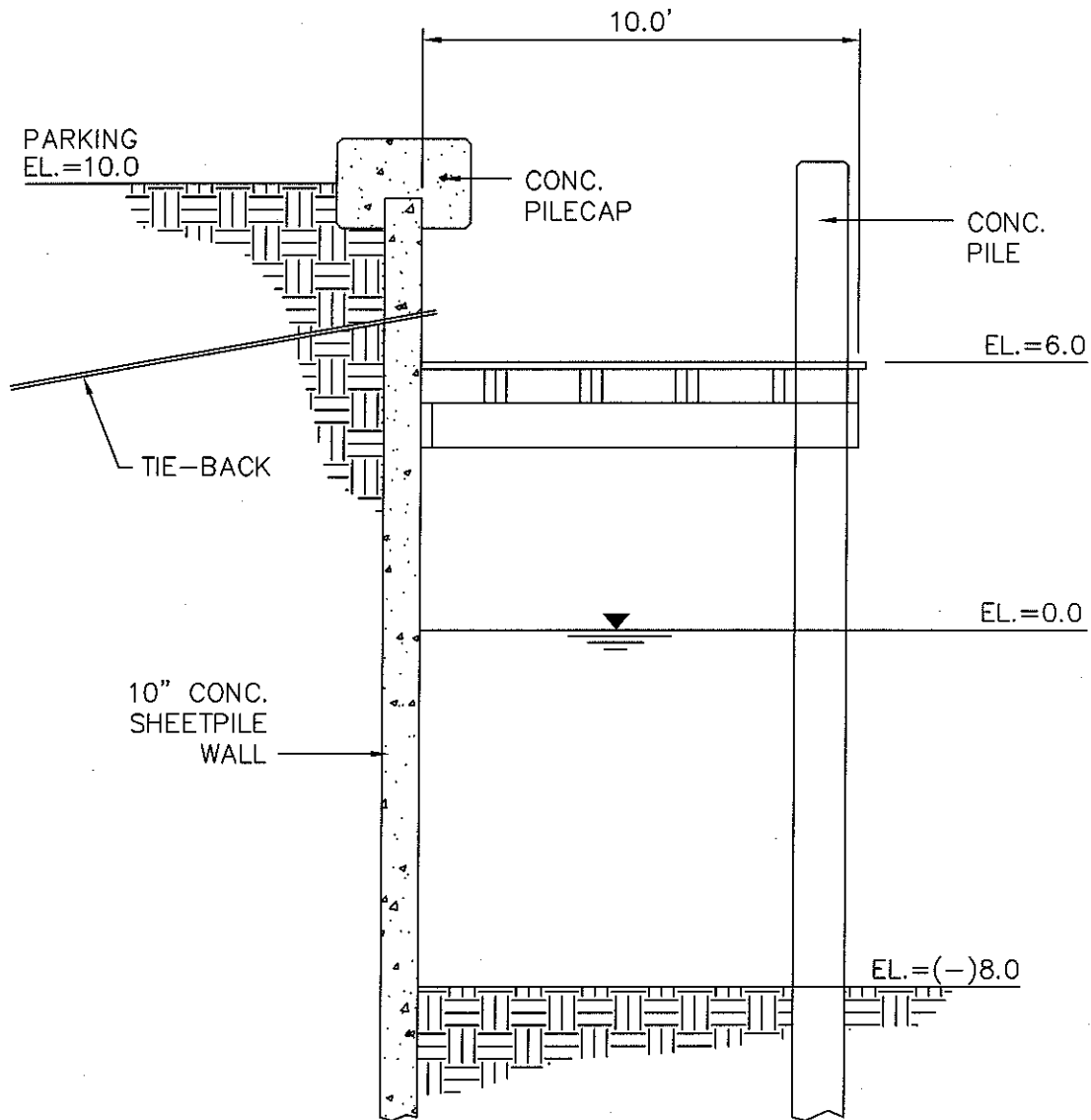
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SECTION AT BULKHEAD/PIER (D)
SCALE:

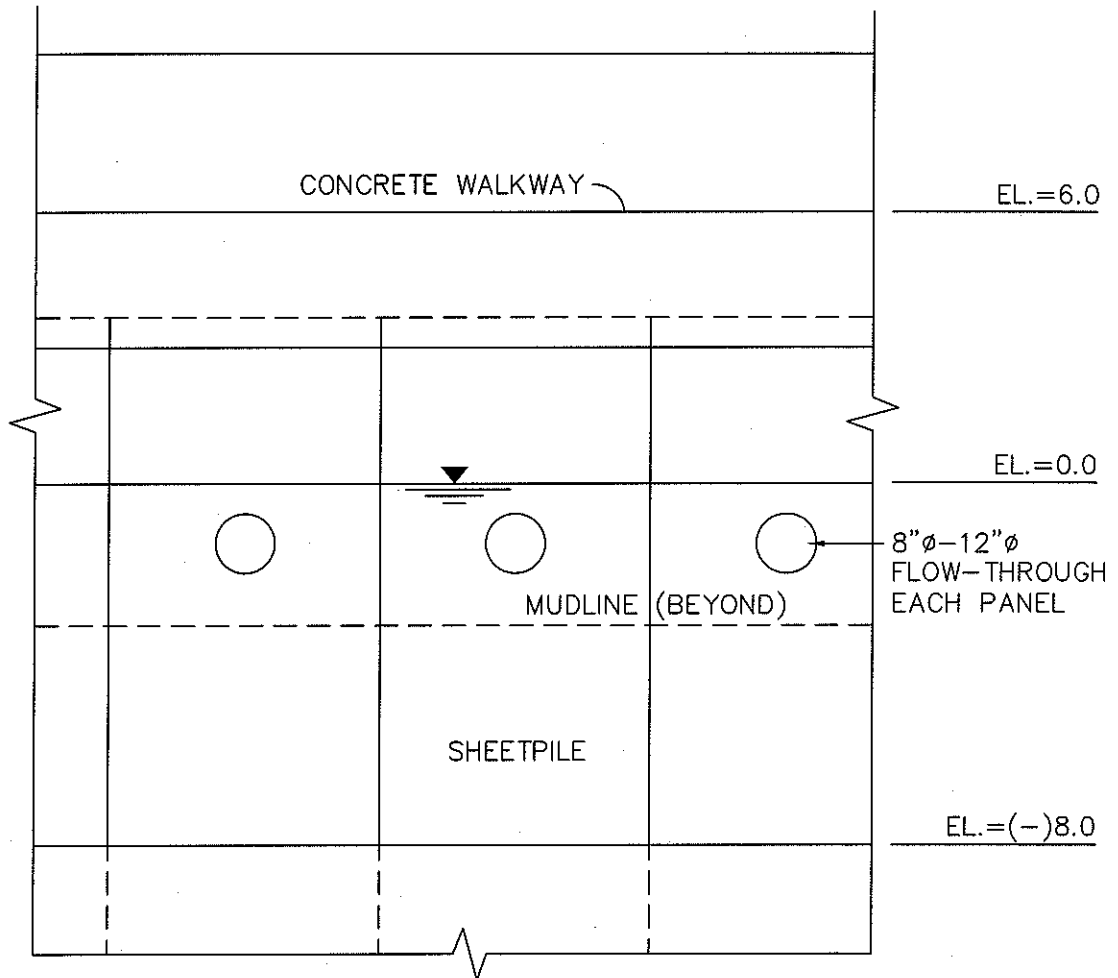
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CITY OF BAY ST. LOUIS MARINA

BAY ST. LOUIS
MUNICIPAL PIER & HARBOR



ELEVATION AT ACCESS PIER (LOOKING SOUTH)

SCALE: 1/4"=1'-0"

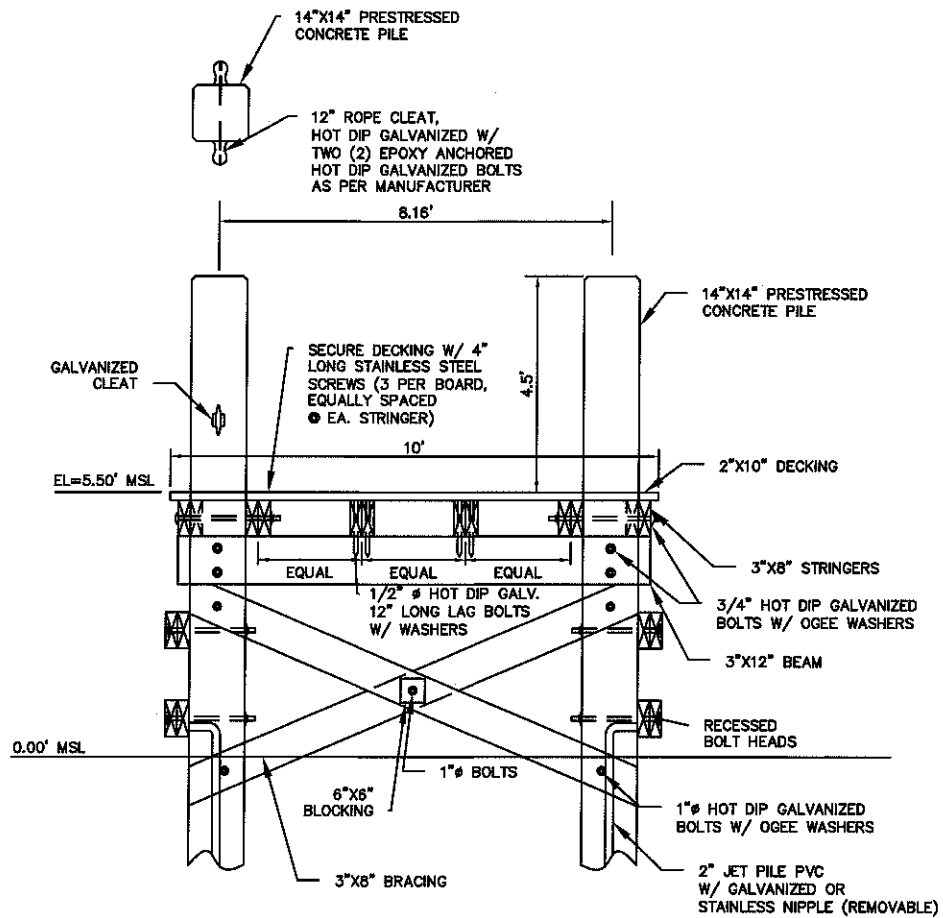
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CITY OF BAY ST. LOUIS MARINA

BAY ST. LOUIS MUNICIPAL PIER & HARBOR



TIMBER PIER SECTION

SCALE: 1/4"=1'-0"

(F)

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