



REPLY TO
ATTENTION OF:

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

April 16, 2010

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE SAM-2009-01768-DMY
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 RESTORATION AND REVITALIZATION OF THE
PORT 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 Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act. Please communicate this information to interested parties.

APPLICANT: Mississippi State Port Authority
Attention: Mr. Joe Conn
Post Office Box 40
Gulfport, Mississippi 39502

AGENT: Volkert, Inc.
Attention: Mr. Henry Malec
Post Office Box 7434
Mobile, Alabama 36670

WATERWAY: Mississippi Sound, Port of Gulfport, Section 9, Township 8 South, Range 11 West, Harrison County, Mississippi (Latitude 30.3557 North, Longitude -89.0977 West).

WORK: The applicant, Mississippi State Port Authority (MSPA) proposes impacts to approximately 700 acres of open water bottom in Mississippi Sound associated with the Port of Gulfport Restoration and Revitalization Program. Construction would consist of the filling of open water bottom, dredging operations, construction of a new turning basin and other items. The purpose of the proposal is for the restoration and revitalization of the existing port facility associated with a Community Development Block Grant through the U.S. Department of Housing and Urban Development in the amount not to exceed \$570 million. This grant money would be made available from the Mississippi Development Authority (MDA) to the MSPA, the State agency responsible for the infrastructure, management and operation of the Port, through a sub-recipient agreement. As the recipient of this funding, MSPA and its tenants would restore the Port of Gulfport from severe damage sustained by Hurricane Katrina, with the applicant's long-

term intent to develop a world class maritime facility. Construction of the improved port facilities would support the creation of new jobs for low to moderate income workers. The proposed project would consider the existing MSPA port facilities in the proposed project. It would also include the 84-acre fill area that was originally authorized under Department of the Army permit MS96-02828-U. Sixty acres of the 84-acre fill area is currently under construction and should be completed by November 2010. The expected start date for filling the remaining authorized 24 acres is November 2010.

The proposed project would require construction of wharves/piers, bulkheads and breakwater structures for the restoration and revitalization of the Port. Approximately 12,660 linear feet of marginal wharf (pier structure) would be constructed around the proposed Turning Basin and along the eastern edge of the west fill area. The wharf/pier is proposed to be constructed of a steel sheet pile wall along the breasting line (front face of the wharf) and filled behind with soil with an asphalt paved surface. The wharf would be approximately 130 feet wide and constructed at elevation +9.5 feet North American Vertical Datum (NAVD 1988). Directly behind the 130-foot-wide wharf, a retaining wall structure would be constructed to allow the backland areas to be constructed at approximately elevation +25 feet NAVD 88.

Approximately 7,590 linear feet of riprap breakwater would be constructed along the east side of the ship channel to provide wave protection for the proposed project. The breakwater would vary from 98 to 102 feet wide at its base with a top width of 10 feet and a top elevation of +10 feet NAVD 88. Hydrodynamic models and possibly ship models would be used to determine the need for and the final dimensions of the breakwater, if required.

The proposed project would require the filling of approximately 700 acres of open water bottoms for the restoration and revitalization of the facility. Approximately 38,400,000 cubic yards (CY) of predominately sandy fill material would be required. The fill material would come from commercial borrow pits and/or through the use of dredged material from channel dredging projects, excess excavated material from road construction projects and other approved sources.

Armor protection would be provided on the exposed faces of the proposed fill that are not protected by a bulkhead. Breakwater construction would require placing approximately 224,000 CY of riprap on approximately 17.4 acres of open water bottoms.

According to the applicant, the project as proposed would require modification of the existing Federally authorized Gulfport Harbor Navigation project, specifically the Turning Basin. The proposed project would require dredging for a portion of the new turning basin, for access to the new berths and the North Harbor Cut (navigation/circulation/water quality/fish passage channel). Dredging for the portion of the new Turning Basin located outside the authorized Federal project would require dredging approximately 160,000 CY. The dredged material structurally suitable would be used for fill on the project site. Any material not structurally suitable would be evaluated for potential beneficial use. Material not suitable for beneficial use would be disposed of in an approved ocean dredged material disposal site (ODMDS). Material suitable for beneficial use would be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.

Dredging for access to the new berths would require dredging approximately 16,200,000 CY. Dredged material structurally suitable would be used for fill on the project site. Any material not structurally suitable would be evaluated for potential beneficial use. Material not suitable for beneficial use would be disposed of in an approved ODMDS. Material suitable for beneficial use would be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.

Dredging for access to the North Harbor Cut would require excavation and dredging approximately 1,900,000 CY. Most of the material is structurally suitable and would be used for fill on the project site. Any material not structurally suitable would be evaluated for potential beneficial use. Material not suitable for beneficial use would be disposed of in an approved ODMDS. Material suitable for beneficial use would be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.

The existing Commercial Small Craft Channel and Harbor located on the west side of the proposed project would be abandoned. Based on permitting challenges to rebuild the destroyed harbor facilities, the lack of public funds and the uncertainty for the economic justification for the harbor, the Port has decided to not rebuild the small craft harbor. In addition, if the proposed project is authorized, the Commercial Small Craft Channel and Harbor may have to be demolished. If the channel and harbor are abandoned, Congressional authorization would be required.

At this time, the applicant has stated there are no specific secondary or future development projects the proposed project is designed to support. However, it was stated by the applicant development of this facility may generate secondary development such as warehouses and value added distribution centers. Deepening and widening of the Gulfport Harbor Federal Navigation Channel is not required to support the project as proposed at this time but would likely be required before any future long-term development of the proposed facility.

The Mississippi Department of Transportation I-10 Connector Road between I-10 and the Port is planned to support the existing facilities. Alternative routes may be considered by the applicant for the extreme southern end of the Connector Road to establish a better tie in to the Port. The MSPA will also evaluate potential improvements to the rail lines between the port and I-10.

EXISTING CONDITIONS: The proposed construction for the restoration and revitalization is located in the Port of Gulfport. The project area is located in a highly industrialized and commercialized area of Gulfport. The project area includes marine facilities for fishing vessels, recreational vessels, a U.S. Coast Guard station and ocean-going freighters.

The Port of Gulfport is located on the north shore of Mississippi Sound. Mississippi Sound is a shallow estuary approximately 80 miles long by 9 miles wide which is separated from the Gulf of Mexico by a chain of barrier islands. Mississippi Sound has an average water depth of 10 feet, with over 99 percent of Mississippi Sound is less than 20 feet deep. The Port includes an East Terminal, Central Support Area, West Terminal and a Commercial Small Craft Harbor. The harbor basin is divided into the inner harbor (water depth of -32 feet) and the outer harbor (water depth -36 feet). One casino operates within the Port. Access to the Port is provided by a

Federally-maintained ship channel (water depth -36 feet) and a small craft channel (water depth - 8 feet). Located to the east of the Port is a recreational small craft harbor, yacht club, city park and a U.S. Coast Guard Station. A public beach is located to the west of the Port. The northern boundary of the Port is Highway 90.

PROJECT PURPOSE: The applicant stated the following for their project purpose and need: “The purpose of the proposed project is to restore the Port of Gulfport from severe damage sustained from Hurricane Katrina and to protect it from future damage while restoring the MSPA into a world class maritime facility. The enhancements to the Port would ensure it would be a large sustainable economic engine for the State of Mississippi. The proposed project will facilitate the revitalization of the existing port facility and related public infrastructure and facilities, minimize future storm damage by elevating the Port to +25’, provide for the long-term recovery of the operating capacity of the port and make jobs available to low-to-moderate-income workers. As a result of Hurricane Katrina, approximately \$5 billion in Federal aid was appropriated to the State of Mississippi to assist in recovery and rebuilding efforts. The MSPA was designated as a key element in these efforts and funds have been obligated to establish a sustainable port facility capable of repositioning itself in the maritime marketplace. The restoration of the Port is crucial to the economy and long-term recovery of the State of Mississippi and the Gulf Coast region in particular. The MSPA is responsible for the daily operations and infrastructure of the Port. Loss in operating capacity as a result of Hurricane Katrina has directly impacted the number of job opportunities at the Port. In 2005, before Hurricane Katrina, there were 3,200 direct, induced and indirect maritime jobs associated with the Port. Currently, there are 2,000. The Port of Gulfport Restoration Program provides funding to the MSPA to facilitate the restoration of public infrastructure and publicly-owned facilities destroyed by Hurricane Katrina, to minimize future damage to the Port and to provide for the long-term recovery and revitalization of the operating capacity of the Port.”

The Corps initially determined the basic project purpose is for the construction and revitalization of an existing port facility and would be considered a water dependent activity.

ALTERNATIVES: The agent representing the applicant stated alternatives to the proposed action will be considered. Additional evaluation of alternatives regarding the project as proposed would be evaluated throughout the review process by the Corps and cooperating agencies.

MITIGATION: The applicant stated the following for a compensatory mitigation concept: “A detailed mitigation plan will be developed during the permit and NEPA review process. The conceptual plan for development of the detailed mitigation plan includes using the Mississippi Coastal Improvements Program (MsCIP) and Mississippi Department of Marine Resources (DMR) Coastal Impact Assistance Program (CIAP) as resources. Coastal restoration projects evaluated under these programs, which were not chosen for implementation, will be considered for inclusion in the detailed mitigation plan for the proposed project. Other options include the possibility of enhancing coastal marshes located in the Hancock County Marshes Coastal Preserve, part of the State’s coastal preserve program, subsidizing the creation of near shore reefs, deployment of derelict vessels within the fish havens, clutch plants for existing oyster reefs, management of coastal preserves, acquisitions of new properties to be included in the coastal preserve program and testing dredged material for potential beneficial use. Other potential mitigation options recommended by the resource agencies and the public will also be considered

for inclusion in the detailed plan. Finally, the MSPA's Environmental Consultant may recommend additional potential mitigation sites. A draft Conceptual Mitigation Plan will be developed and coordinated with the resource agencies for review and comment. The level of mitigation will likely be based on best professional judgment since there is currently no accepted methodology for evaluating water column and water bottom impacts".

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 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 applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated.

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.

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 (NRHP) will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. Copies of this notice are being sent to the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, Division of Archeological Services for further consultation and comments. Previous investigations for the facility have determined that no properties are listed in or eligible for listing in the NRHP. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of development for the overall project footprint. **The Corps will consult with in-house expertise and if needed the SHPO to make a final determination based upon this review 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.**

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity **will require additional evaluation** on the species, Gulf Sturgeon. Further evaluation will be performed to determine the potential impact to critical habitat and/or additional species. The National Marine Fisheries Service (NMFS) requires the evaluation of impacts to Essential Fish Habitat (EFH) of estuarine species. This notice initiates the EFH **informal consultation notification** of the Magnuson-Stevens Fishery Conservation and Management Act. Further coordination with the NMFS and the U.S. Fish and Wildlife Service (FWS) will be performed on the proposed project. **Formal consultation with both the NMFS and the FWS may be required as additional information is gathered and coordination is performed.**

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2009-01768-DMY** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Mr. Damon M. Young, P.G., 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: Ms. Jennifer Whittmann, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **30 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, **Mr. Damon M. Young, P.G.** (damon.m.young@usace.army.mil), phone **(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 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.

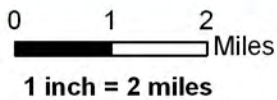
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



02-25-2010

VOLKERT



Note: This map is for presentation use only and not to be used for construction purposes.

PORT OF GULFPORT RESTORATION PROGRAM **Figure 1**
Project Vicinity Map



As Built Channel

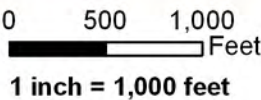
30 Acres
30 Acres
24 Acres

Legend

-  84 - Acre Permitted Fill Area (MS96 - 02828 - U)
-  Permitted Dredging Areas (SAM - 2009 - 0433 - JBM)
-  Gulfport Harbor Federal Channel & Turning Basin
-  Yacht Club Channel

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PORT OF GULFPORT RESTORATION PROGRAM

Figure 2 Existing Port

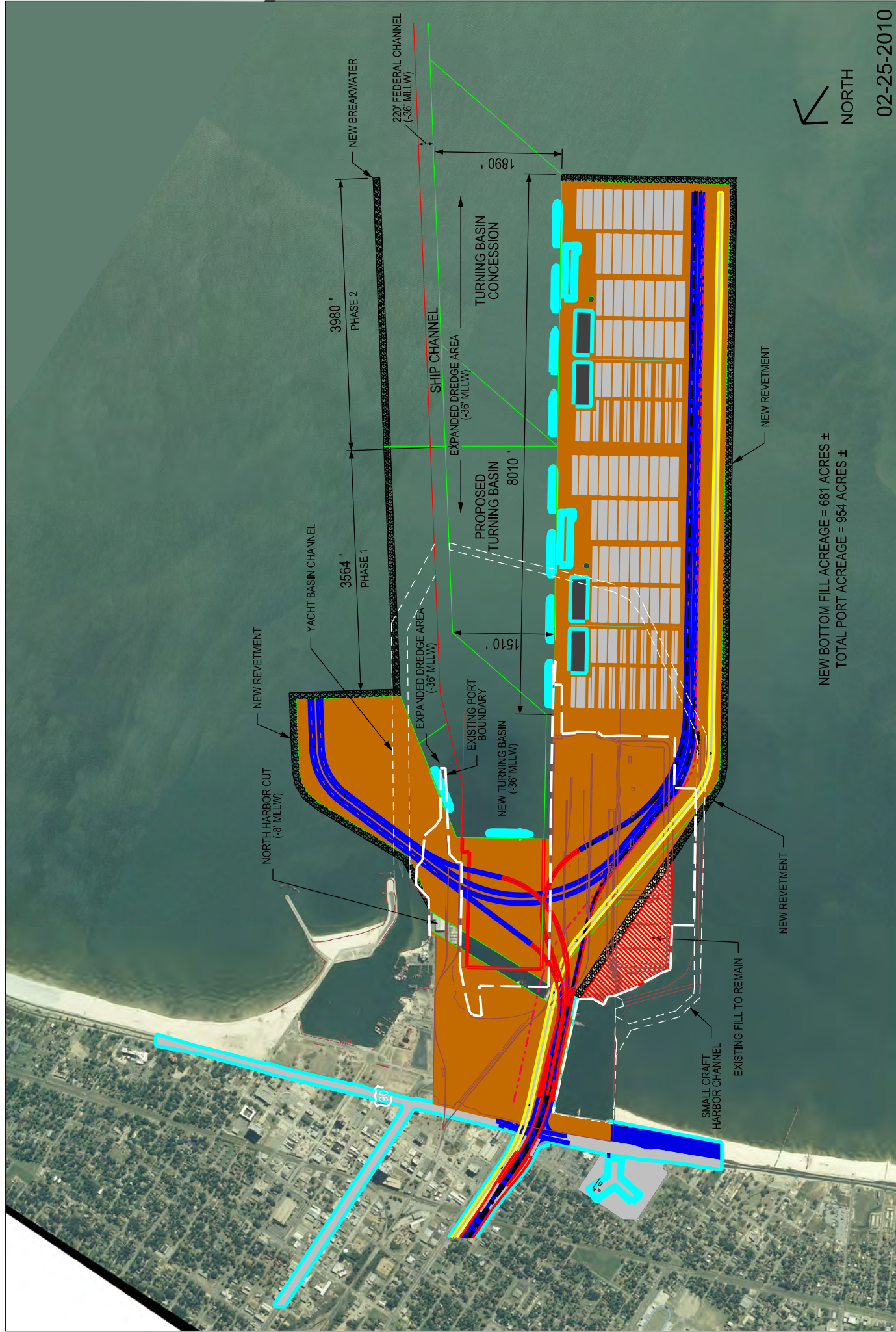


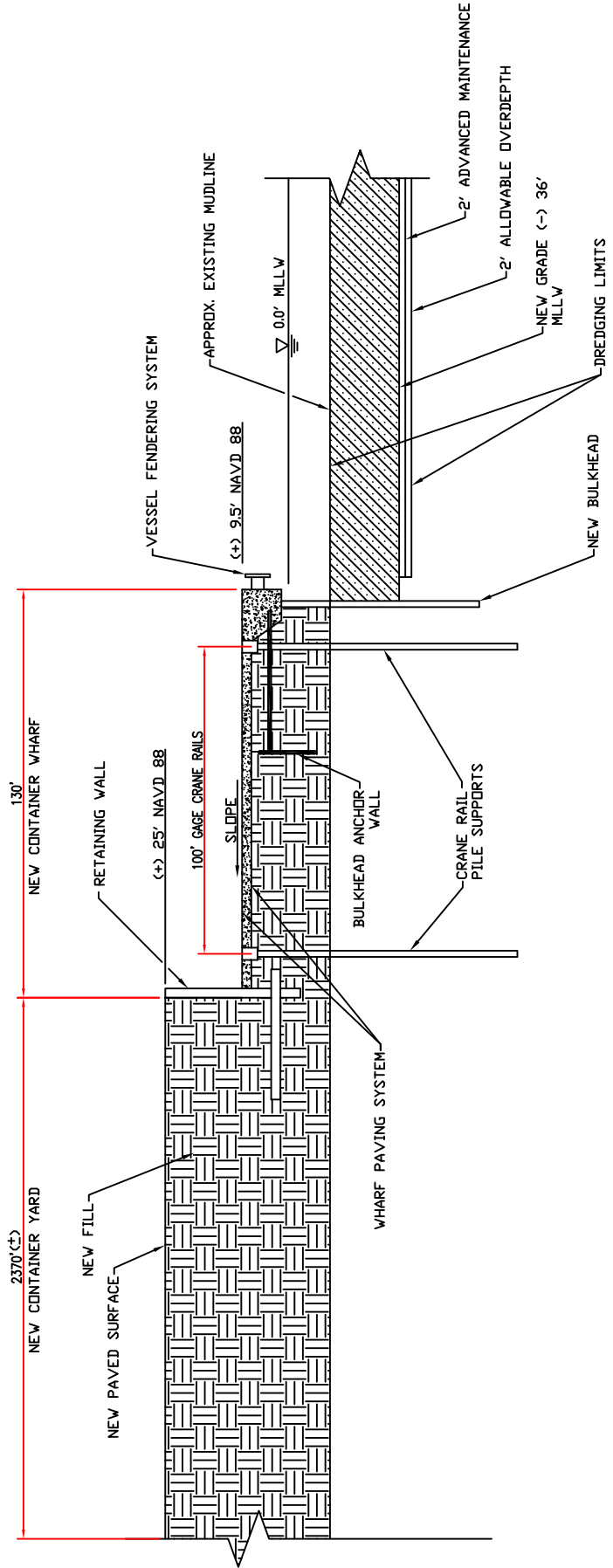
FIGURE 3
PROPOSED PLAN

NOTE:
SCALE = 1" = 1800'

PORT OF GULFPORT
RESTORATION
PROGRAM



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02-25-2010

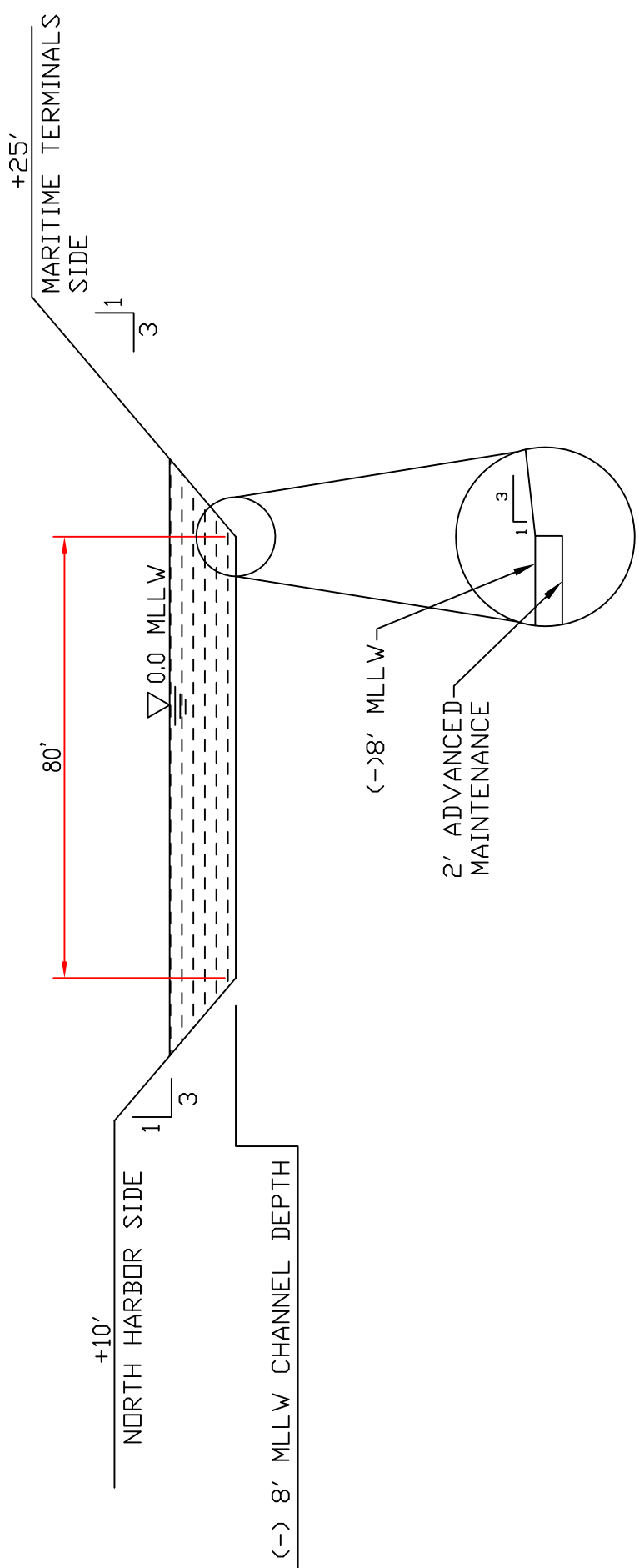
FIGURE 4
TYPICAL WHARF AND
FILL CROSS SECTION

PORT OF GULFPORT
RESTORATION
PROGRAM



SCALE:
1" = 50'

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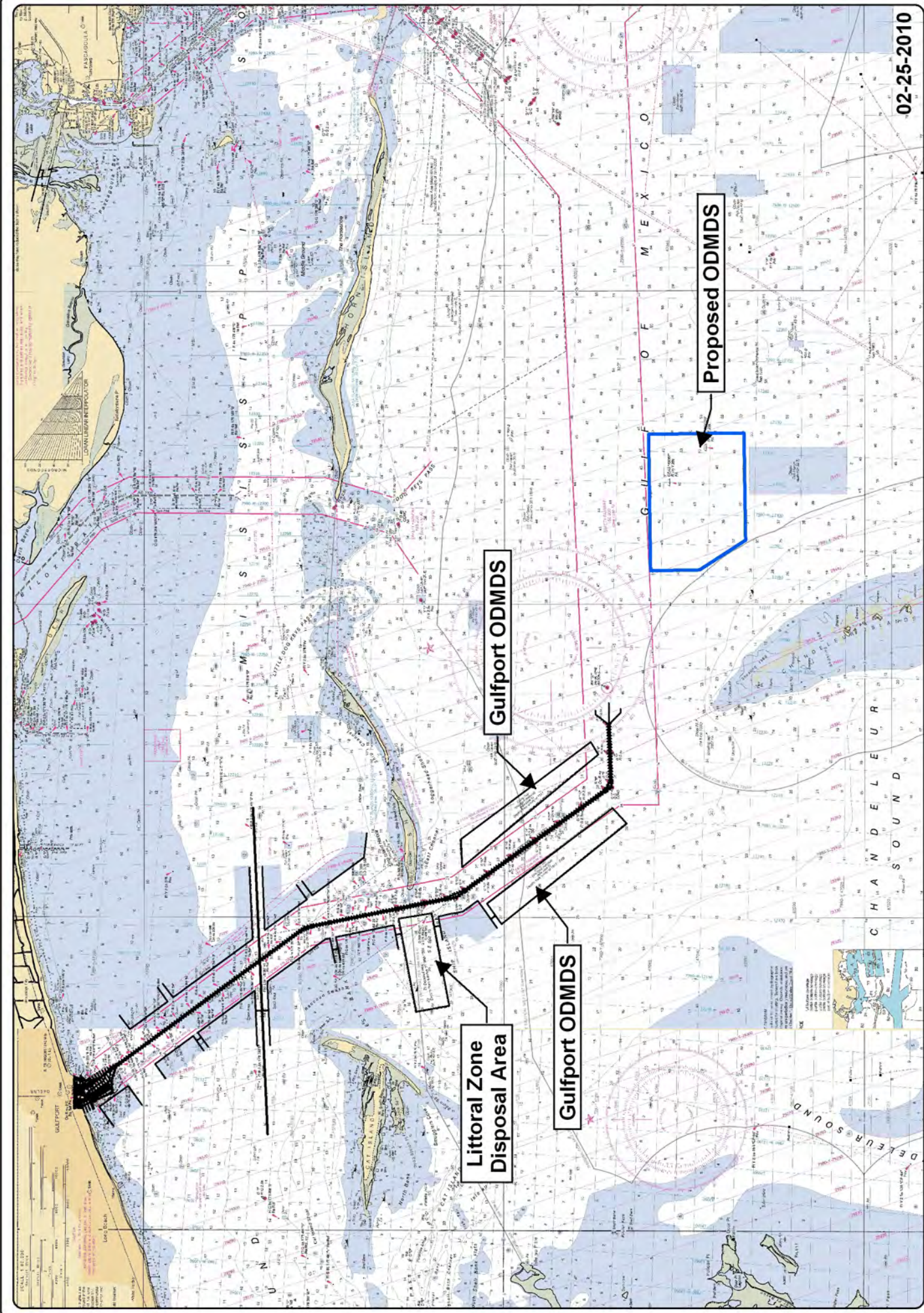
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SCALE:
1" = 30'



PORT OF GULFPORT
RESTORATION
PROGRAM

FIGURE 5
NORTH HARBOR CUT
TYPICAL CHANNEL
CROSS SECTION



02-25-2010

Note: This map is for presentation use only and not to be used for construction purposes.



0 2 4 Miles
1 inch = 4 miles

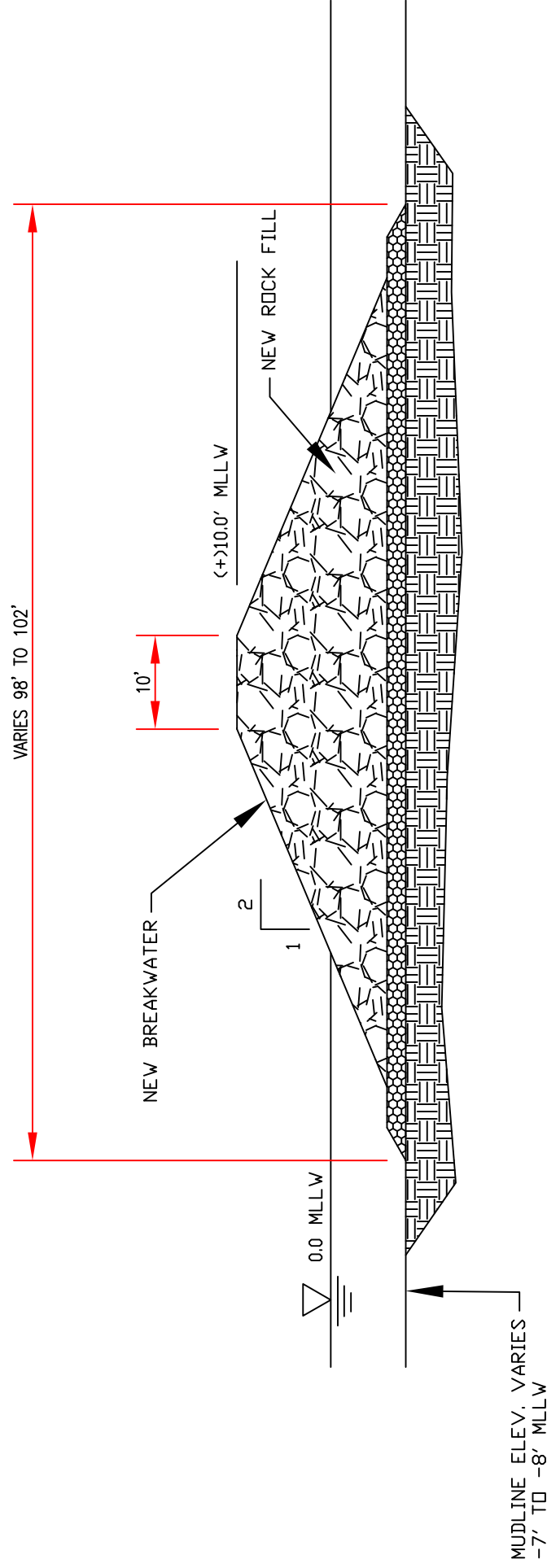
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Figure 6
Ocean Dredge Material Disposal Sites
and Littoral Zone Disposal Area

PORT OF GULFPORT
RESTORATION PROGRAM

NOTE:

APPROXIMATELY 7,590 LF OF NEW
BREAKWATER REQUIRED.



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SCALE:
1" = 20'



PORT OF GULFPORT
RESTORATION
PROGRAM

FIGURE 7
TYPICAL BREAKWATER
SECTION