



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
PUBLIC NOTICE NO. SAM-2010-01062-TMZ

SEPTEMBER 2, 2010

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**OFFSHORE BREAKWATER CONSTRUCTION (WAVELAND KEY)
MISSISSIPPI SOUND; EAST OF PASS CHRISTIAN HARBOR
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:

Mississippi Department of Marine Resources
1141 Bayview Avenue
Biloxi, Mississippi 39571

AGENT:

PAC Services, LLC
11040 Pin Oak Drive
Biloxi, Mississippi 39532

LOCATION OF WORK: The project is located in Mississippi Sound east of Pass Christian Harbor, approximately 4 miles east of the mouth of Bay St. Louis Bay, Harrison County, Mississippi (latitude 30-18.622, longitude 89-13.623).

WORK DESCRIPTION: The applicant proposes to construct an offshore breakwater ("Waveland Key") in Mississippi Sound, east of Pass Christian Harbor, for the purpose of creating fishing reef habitat for anglers and to provide shelter for small boats during storms. The proposed trapezoid structure will be 24 feet wide at the base, 12 feet high, and 4 feet wide across the top; the approximate length will be 1985 feet. Mean low water depth at the proposed construction site is -7 to -8 feet; the bottom is comprised of muddy sand. Material to be used for the proposed breakwater is clean, non-toxic concrete rubble. The concrete rubble will be lowered by cable one piece at a time to minimize bottom disturbance. It is expected that the structure will diversify habitat in the area, and therefore increase species diversity and richness. Construction of the breakwater will occur during the early fall and into the winter.

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 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, or their critical habitat. Specifically, the Leatherback sea turtle (*Dermochelys coriacea*), Hawksbill sea turtle (*Eremachelys imbricata*), Kemp's Ridley turtle (*Lepidochelys kempii*), Green sea turtle (*Chelonia mydas*), Loggerhead sea turtle (*Caretta caretta*), Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), blue whale, finback whale, humpback whale, sei whale, and sperm whale.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 1 acre of substrates (muddy sand bottom) utilized by various life stages of red drum, Spanish mackerel, and shrimp. Our initial determination is that the proposed action will not 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 and/or U.S. Department of Fish and Wildlife Service.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2010-01062-TMZ and should be directed to:

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

With a Copy to:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 2261
Jackson, Mississippi 39225

And to:

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

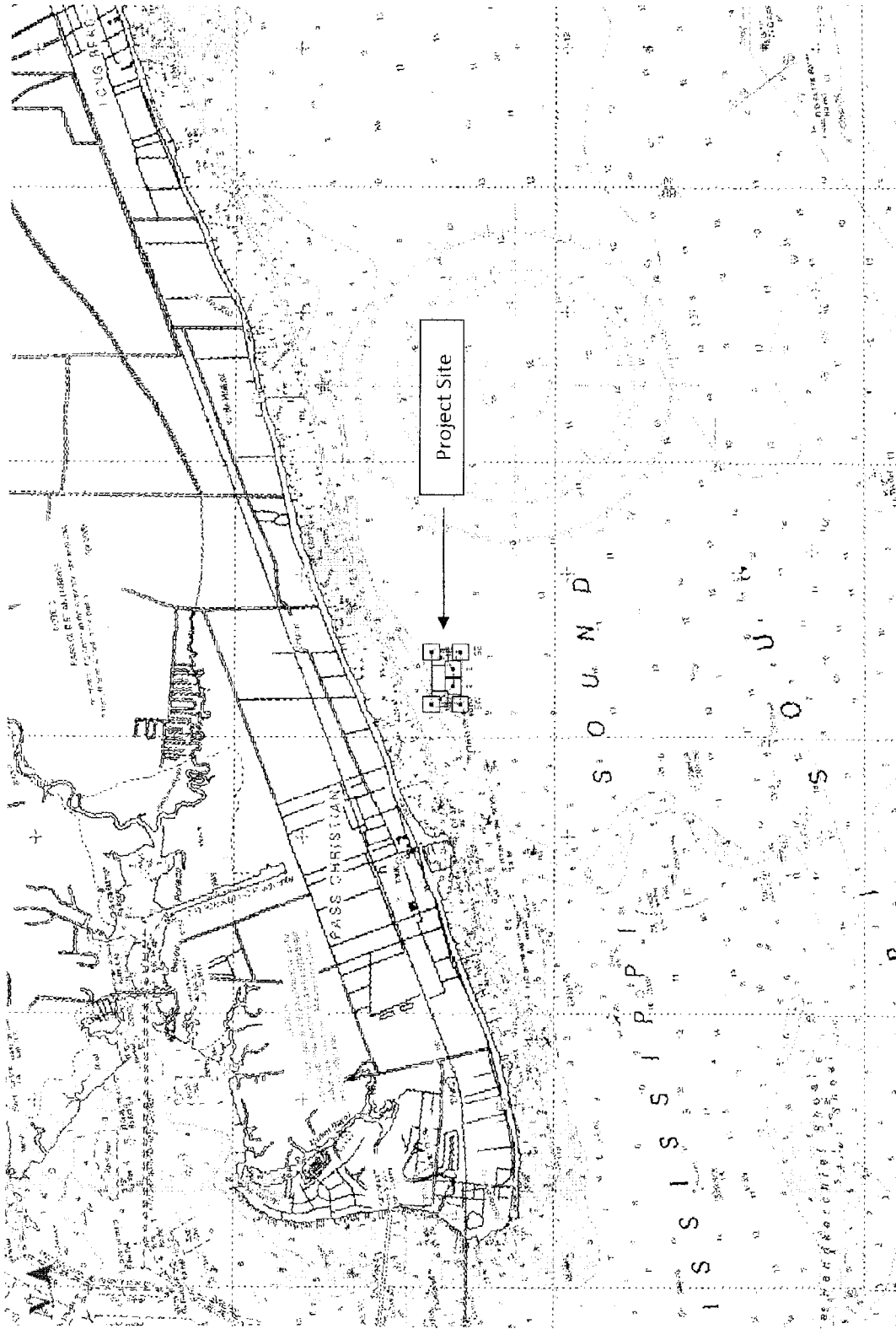
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at tad.m.zebryk@usace.army.mil or telephone number **(251) 690-2658**. Please refer to the above Public Notice number.

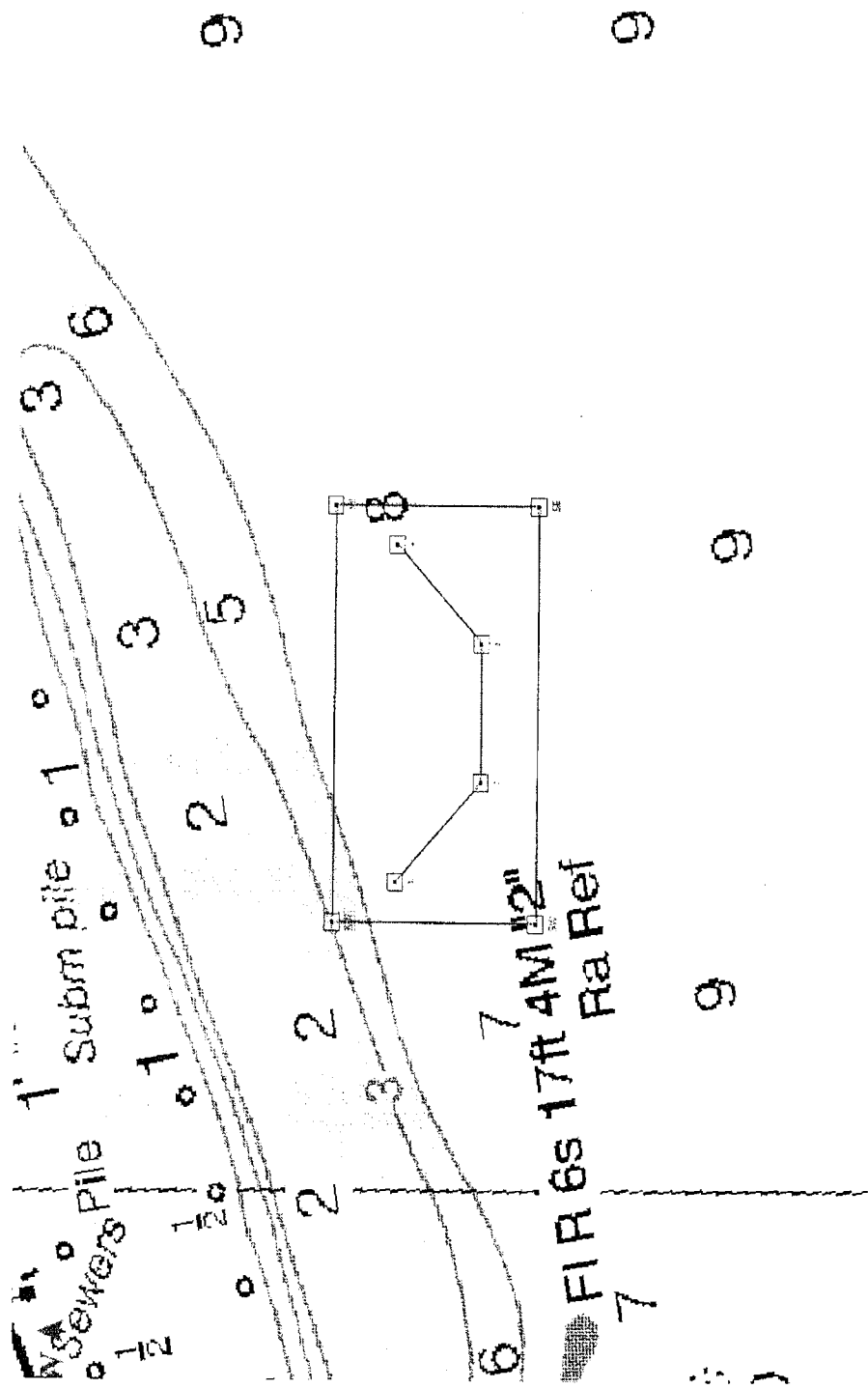
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer



Project Site – Proposed Key off of Pass Christian



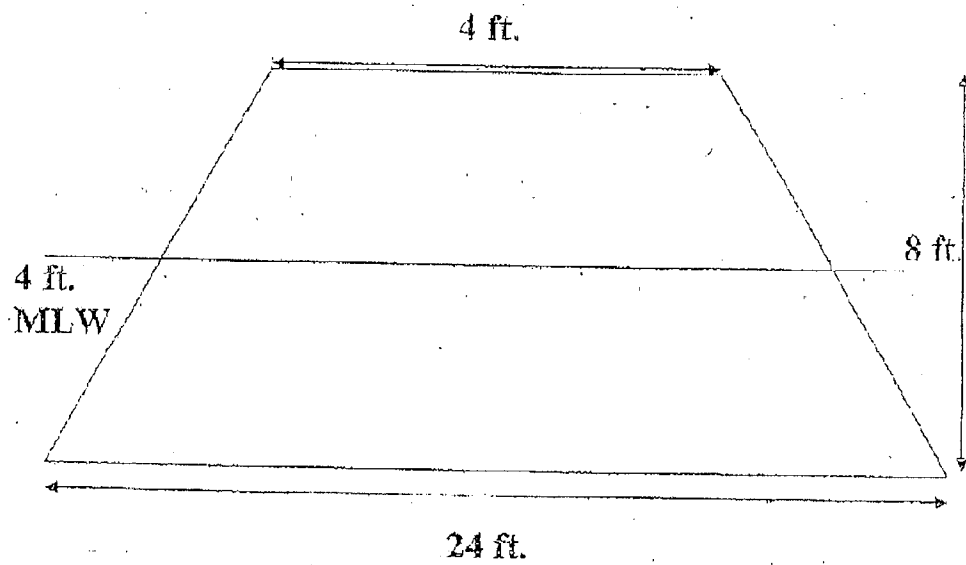
Corner Coordinates of Proposed Permitted Site.

NW - 30 18.754/89 13.749 SW - 30 18.574/89 13.750 NE - 30 18.754/89 13.372 SE - 30 18.573/89 13.373

Proposed Key Coordinates.

Mark 1: 30 18.699/89 13.712 Mark 2: 30 18.622/89 13.623 Mark 3: 30 18.622/89 13.497 Mark 4: 30 18.699/89 13.407

**CROSS SECTION OF PROPOSED KEY OR
BREAKWATER STRUCTURE.**



**The side slopes are 1 vertical on 1.25
horizontal.**