



REPLY TO
ATTENTION OF:

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

August 23, 2010

Coastal Branch
Regulatory Division

**JOINT PUBLIC NOTICE- SAM-2010-01066-SPG
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**WETLAND FILL FOR THE CONSTRUCTION OF A
COMMERCIAL DEVELOPMENT
CITY OF D'IBERVILLE, HARRISON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: **City of D'Iberville
Mr. Michael Janus
10383 Automall Parkway
D' Iberville, Mississippi 39540**

AGENT: **Barry A. Vittor & Associates, Inc.
Mr. Tim Thibaut
8060 Cottage Hill Road
Mobile, Alabama 36695**

LOCATION OF WORK: **South of Interstate 10 and west of Interstate 110, in the City of D 'Iberville, Harrison County Mississippi (Section 9, Township 7 South, Range 9 West / Latitude: 30.451303° N, Longitude: -88.65682° W).**

WORK DESCRIPTION: **The proposed project is to construct a commercial development, the Ocean Expo, an educational/public attraction aquarium. The components of the Ocean Expo would include: aquariums, an aviary, interactive exhibits, multimedia presentations, a marine education center, an auditorium, and a snorkeling river. The proposed project would result in permanent impacts to 0.58 acre of low-quality jurisdictional wetlands associated with a drainage easement that conveys stormwater north toward the Tchoutacabouffa River. The drainage easement would be re-routed within the project site, and the open ditch will be replaced with twin 48-inch culverts.**

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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. A survey has been completed by that applicant and is currently under review. An initial determination by the Corps has found it is unlikely that any cultural resources would exist at the project site. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services for further consultation and comments. This review constitutes the full extent of cultural resources investigations 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 result in a "no effect" to listed endangered or threatened species, or their critical habitat. The National Marine Fisheries Service (NMFS) requires the evaluation of impacts to Essential Fish Habitat of estuarine species. This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is the proposed activity will result in a "no effect" to 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 NMFS and the USFWS.

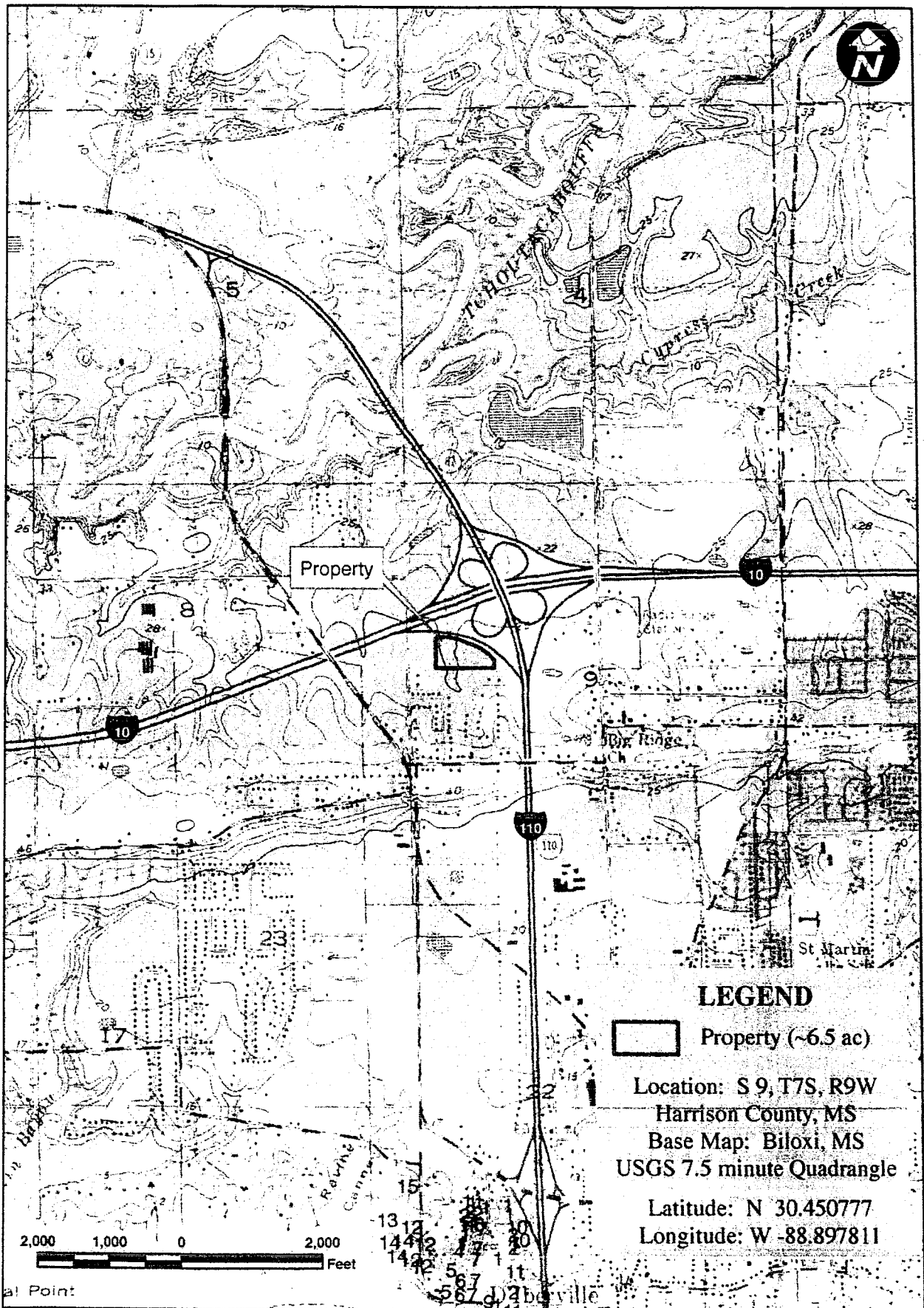
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2010-01066-SPG** and should be directed to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 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, **Ms. Sandy P. Gibson** (sandy.p.gibson@usace.army.mil), phone **(251) 694-3772**. 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



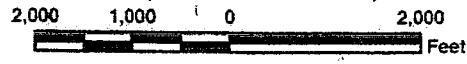
Property

LEGEND

 Property (~6.5 ac)

Location: S 9, T7S, R9W
 Harrison County, MS
 Base Map: Biloxi, MS
 USGS 7.5 minute Quadrangle

Latitude: N 30.450777
 Longitude: W -88.897811



al Point:

13 14 15 16 17 18 19 20
 144 12 17 20
 142 5 6 7 11
 587 d 2 b e v i l l e

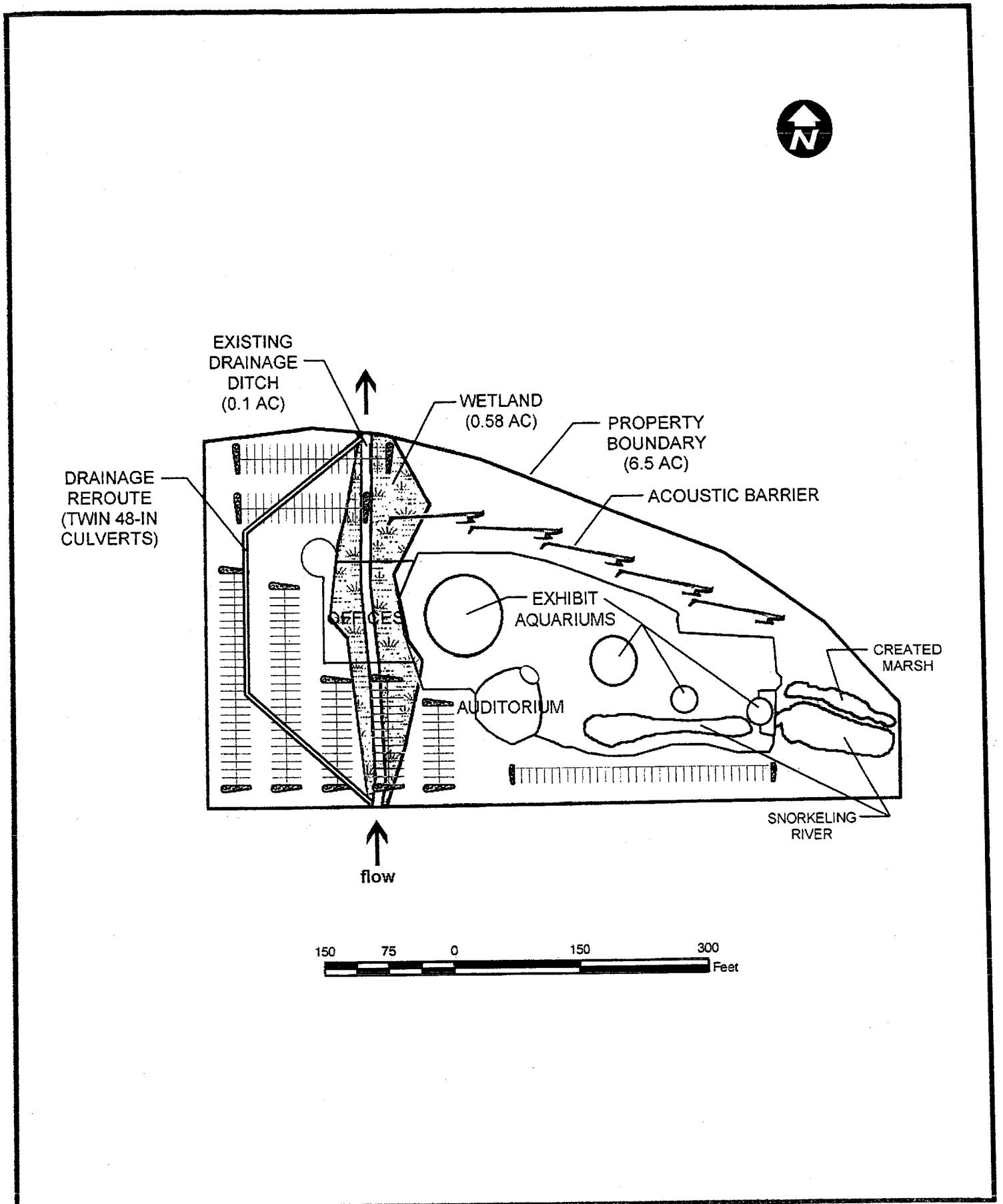


FIGURE 2. Site plan for the Ocean Expo, in D'Iberville, Mississippi.