



REPLY TO
ATTENTION OF:

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

Regulatory Division
Coastal Branch

June 5, 2009

**JOINT PUBLIC NOTICE SAM-2008-1421-JWS
U.S. ARMY CORPS OF ENGINEERS**

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**Construction of an Incised Commercial Boat Slip and
Associated Dredging for Navigational Access
Biloxi, 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 Rivers and Harbors Act 1899 (33 USC 403). Please communicate this information to interested parties.

APPLICANT: RAS Family Partners, LP
Post Office Box 16749
Hattiesburg, Mississippi 39404

AGENT: Terry Moran
249 Beauvoir Road
Biloxi, Mississippi 39531

LOCATION OF WORK: 5th Street, Biloxi, Harrison County, Mississippi (Section 34, Township 7 South, Range 9 West / Latitude: 30.4014° N, Longitude: -88. 8588° W).

WATERWAY: Biloxi Bay

PROJECT PURPOSE: The basic project purpose is for construction of an incised commercial-use boat slip to provide for "functional and operational commercial loading and off-loading of raw materials such as limestone, steel, gravel, sand bulk materials and pre-stressed concrete bridge components". The adjacent upland development is proposed for warehousing and open storage area use.

CESAM-RD-C

Public Notice Number SAM-2008-1421-JWS

PROPOSED WORK: The applicant proposes to remove approximately 28,000 cubic yards of material during construction from the excavation of an existing upland area to create the indented boat slip and water bottom dredging to access the navigational channel. The indented boat slip will be 390 feet in length, 130 feet wide and will be dredged to a depth of 7 feet below Mean Low Water (MLW). An area 500 feet in length and 150 feet in width shall be dredged from a depth of 6 to 9 feet below MLW to a depth of 8 to 10 feet below MLW. A bulkhead, 500 feet in length and located 10 feet above Mean High Tide (MHT), will be installed landward of the slip. A service ramp, approximately 60 feet in length and 40 feet in width, with two adjacent and attached piers, one approximately 100 feet in length, 5 feet in width and 6 feet above MHT, and a second pier, approximately 100 feet in length, 30 feet in width and 6 feet above MHT are proposed to assist in loading and mooring of vessels. Two additional piers, approximately 94 feet in length, 40 feet in width and 6 feet above MHT, are proposed to the north and south walls of the slip.

AVOIDANCE & MINIMIZATION: The applicant has stated that minimization of impacts to Waters of the United States will be accomplished by completing excavation of the boat slip prior to removal of the existing bulkhead to avoid disturbance to the adjacent waters. Further minimization would be possible by hydraulically excavating to the minimum draft depths required for boat loading and unloading operations.

MITIGATION: The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: "The project in and of itself by converting the upland land area into an indented boat slip is creating additional water bottom area that will become the jurisdiction of the United States, and therefore this project should not be required to provide compensatory mitigation."

WATER QUALITY: 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 by the Mississippi Department of Environmental Quality (MDEQ).

COASTAL ZONE MANAGEMENT: The applicant has certified 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 was made by the Mississippi Department of Marine Resources (MDMR) on March 24, 2009.

HISTORIC PROPERTIES: 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. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist

CESAM-RD-C

Public Notice Number SAM-2008-1421-JWS

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. 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.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that listed endangered and threatened species or their critical habitat may occur within the project area. These species include the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Piping Plover (*Charadrius melodus*), Green sea turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Leatherback turtle (*Dermochelys comacea*), and the West Indian manatee (*Trichechus manatus*). A preliminary determination has been made that these activities may affect but not adversely affect, listed or endangered species or their critical habitat. Notification to the United States Fish and Wildlife Service will be furnished via this Public Notice.

This notice initiates the Essential Fish Habitat (EFH) and Threatened and Endangered Species/Critical Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Biloxi Bay is considered EFH for red drum, shrimp, Spanish mackerel and other marine life. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries due to the conversion of an upland area to jurisdictional water bottoms.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

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.

CESAM-RD-C

Public Notice Number SAM-2008-1421-JWS

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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2008-1421-JWS and should be directed to:

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

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.

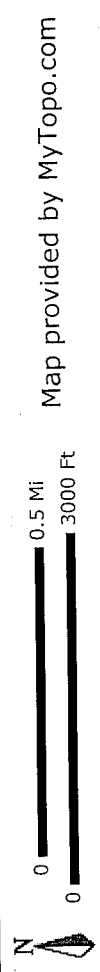
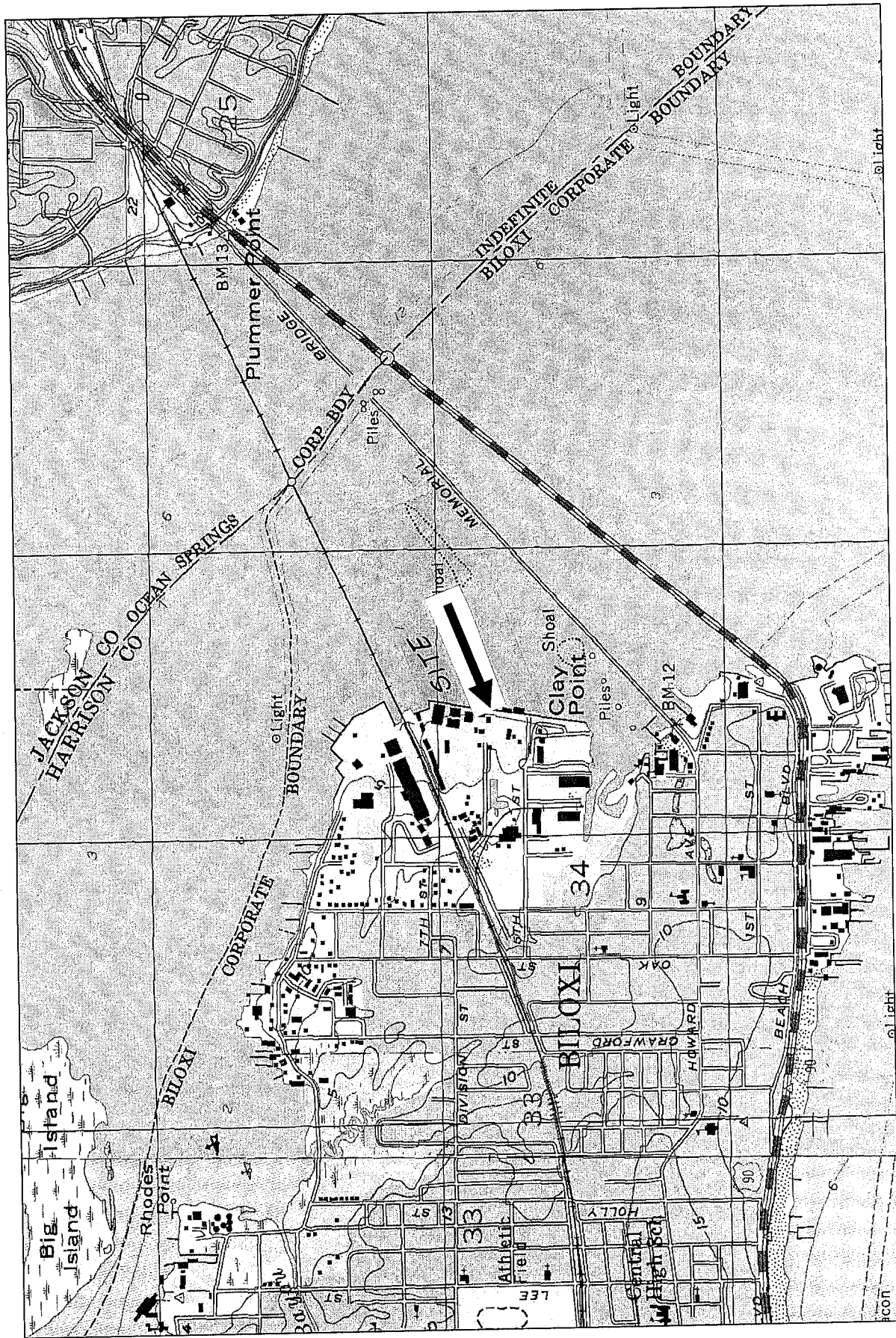
If you have any questions concerning this publication, you may contact this office, Sandy P. Gibson, telephone number (251) 694-3772, E-mail Sandy.P.Gibson@usace.army.mil. Please refer to the above Public Notice number.

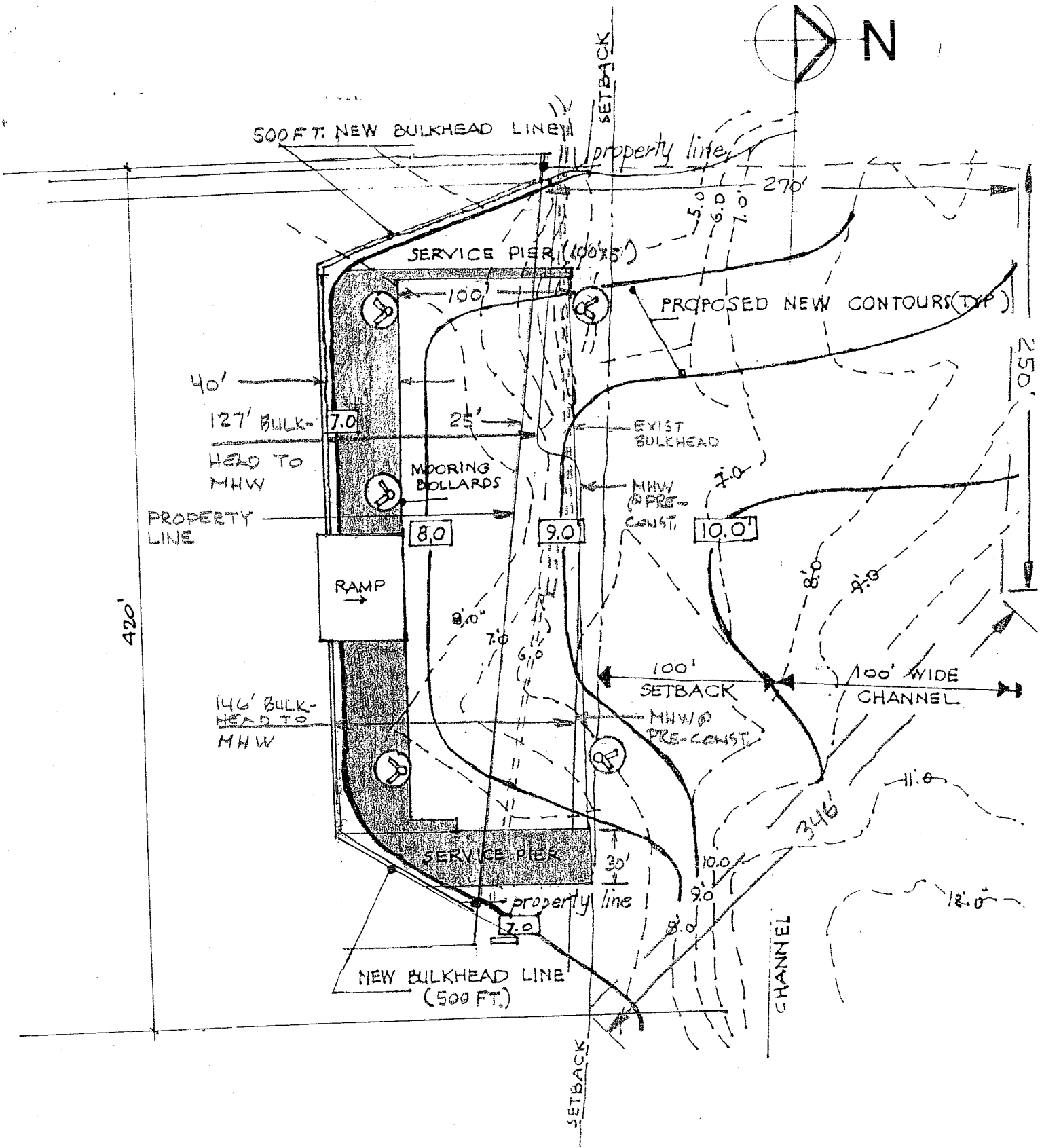
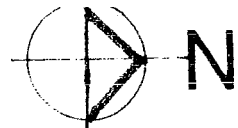
CESAM-RD-C
Public Notice Number SAM-2008-1421-JWS

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 (4-pages)





ME MORAN ENGINEERING, PLLC
 ENGINEERS, PLANNERS & SURVEYORS

NEW DOCK &
 SERVICE PIERS
 PLAN VIEW



CROSS-SECTIONAL VIEW DRAWINGS

1. Show the mean high waterline elevations in relation to the proposed dock, dredging, and bulkhead.

PLEASE VIEW DIAGRAMATIC SKETCH BELOW:

