

## **Appendix A**

### **Permit Applications, Notice of Availability, and Notice of Intent**



## **Appendix A1**

**Permit Application, March 9, 2010**



# JOINT APPLICATION AND NOTIFICATION

**U.S. ARMY CORPS OF ENGINEERS  
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL**

This form is to be used for proposed activities in waters of the United States in Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

**1. Date**  
03 09 2010  
month day year  
**RECEIVED**

**2. Applicant name, mailing address, phone number and email address:**  
Mississippi State Port Authority  
P.O. Box 40  
Gulfport, Mississippi 39502  
(228) 865-4300  
jconn@shipmspa.com  
Attn: Joe Conn

**Agent name, mailing address, phone number and email address:**  
Volkert, Inc.  
P.O. Box 7434  
Mobile, Alabama 36670  
(251) 342-1070  
hmalec@volkert.com  
Attn: Henry Malec

**3. Official use only**  
COE MAR 27 2010  
DMR \_\_\_\_\_  
DEQ Per [signature]  
A95 \_\_\_\_\_  
DATE RECEIVED \_\_\_\_\_

**4. Project location**  
Street Address 30th Avenue at U.S 90 City/Community Gulfport  
Name of Waterway Mississippi Sound Latitude 30° 21' 40.28" N Longitude (if known) 89° 05' 49.99" W  
Geographic location: Section 9 Township 8 S Range 11 W County Harrison

**5. Project description** 30.3557 / -89.0977  
New work  Maintenance work

**Dredging**

<input checked="" type="checkbox"/> Channel	length <u>See Attached</u>	width <u>See Attached</u>	existing depth <u>See Attached</u>	proposed depth <u>See Attached</u>
<input type="checkbox"/> Canal	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Boat Slip	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Marina	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Other-Mooring Basin	length _____	width _____	existing depth _____	proposed depth _____

Cubic yards of material to be removed 18,280,000 Type of material sand/silt/clay  
Location of spoil disposal area Within fill area, Littoral Zone Disposal Area Southeast of Cat Island, Gulfport ODMSs (See attached)  
Dimensions of spoil area See attached. Method of excavation Mechanical and/or Hydraulic Dredge  
How will excavated material be contained? Earth containment dike

**Construction of structures**

<input checked="" type="checkbox"/> Bulkhead	Total length <u>13,730'</u>	Height above water <u>9.5'</u>
<input checked="" type="checkbox"/> Pier	length <u>12,660'</u>	width <u>130'</u> height <u>9.5'</u>
<input type="checkbox"/> Boat Ramp	length _____	width _____ slope _____
<input type="checkbox"/> Boat House	length _____	width _____ height _____

Structures on designed sites for water dependent industry (Coastal area only). Explain in item 11 or include as attachment.  
 Other (explain) 12,660' of retaining wall to +25', 22,160 feet of shoreline revetment and 7,590 linear feet of breakwater

**Filling**

Dimensions of fill area 701 acres of water bottoms  
Cubic yards of fill 39,500,000 Type of fill sand, silts and clays

**Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Additional information relating to the proposed activity**

Does project area contain any marsh vegetation? Yes  No

(If yes, explain) \_\_\_\_\_

Is any portion of the activity for which authorization is sought now complete? Yes  No

(If yes, explain) See attached.

Month and year activity took place On-going

If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. NA

Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein?

Yes  No  (If yes, explain) \_\_\_\_\_

**7. Project schedule**

Proposed start date 12/31/12 Proposed completion date 12/31/19

Expected completion date (or development timetable) for any projects dependent on the activity described herein. \_\_\_\_\_

**8. Estimated cost of the project** \$570 Million

**9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support.** See attached.

Intended use: Private  Commercial  Public  Other (Explain) \_\_\_\_\_

**10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity.**

**Also describe the extent of public use of the proposed project.**

See attached.

**11. Narrative Project Description:**

See attached.

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12. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

1. See attached.

2.

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13. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Application Date</u>	<u>Approval Date</u>
Dept. of Environmental Quality	Water Quality Certification	March 9, 2010	
Dept. of Marine Resources	Coastal Zone Consistency	March 9, 2010	
Army Corps of Engineers	Section 10 and 404	March 9, 2010	
City/County _____			
Other _____			

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**14. Certification and signatures**

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

**Mississippi Coastal Program (Coastal area only)**

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the program.

  
\_\_\_\_\_  
Signature of Applicant or Agent

  
\_\_\_\_\_  
Date

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**15. Fees**

Payable to MS Dept. of Marine Resources  
\$50.00 Single-family residential application fee  
\$500.00 Commercial application fee  
Public notice fee may be required

Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson Counties.

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**16. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 15 to:**

Department of Marine Resources  
Bureau of Wetlands Permitting  
1141 Bayview Avenue  
Biloxi, MS 39530  
(228) 374-5000

**If project IS NOT in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:**

District Engineer  
Mobile District  
Attn: CESAM-RD  
P.O. Box 2288  
Mobile, AL 36628-0001

District Engineer  
Vicksburg District  
Regulatory Branch  
Attn: CEMVK-OD-F  
4155 Clay Street  
Vicksburg, MS 39183-3435

Director  
Mississippi Dept. of Environmental Quality  
Office of Pollution Control  
P.O. Box 10385  
Jackson, MS 39289

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**17. In addition to the completed application form, the following attachments are required:*****Attachment "A" Drawings***

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

***Attachment "B" Authorized Agent***

If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

***Attachment "C" Environmental Assessment (Coastal Area Only)***

Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the life dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental offsite effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

***Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)***

If the applicant is requesting a variance to the guidelines in Section 2, Part III or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.

## ATTACHMENT - ADDITIONAL INFORMATION

### 5. Additional information relating to the dredging

Channels	Length	Width	Existing Depth	Proposed Depth
Turning Basin	1,300'	0' to 390'	-7'	-36'
Berthing Area	8,010'	1,510' to 1,890'	-7' to -36'	-36'
North Harbor Cut	2,850'	80'	-32' to +10'	-8'

### 6. Additional information relating to the proposed activity

The proposed project will incorporate the existing Mississippi State Port Authority (MSPA, the Port) facilities into the proposed project. It will also include the 84-acre fill area that was originally authorized under Department of the Army Permit MS96-02828-U. Sixty (60) acres of the 84-acre fill area are currently under construction and should be completed November 2010. Filling of the remaining 24 acres will start after the permit conditions and other environmental requirements have been satisfied. The expected start date for filling the remaining 24 acres is November 2010. The proposed project would require modification of the existing federally authorized Gulfport Harbor Navigation project, specifically the Turning Basin.

Sediment transport, current and water quality studies will be conducted during the permitting process to evaluate impacts of the proposed project. The need for additional water quality and fish passage channels will be considered during design of the project.

The need for biological, hydrologic and water quality monitoring will be determined during the design and permitting process.

Potential impacts of invasive species and encrusting organisms will be evaluated during the permitting and environmental evaluation process.

Potential impacts to Department of Marine Resources' low-profile reefs and potential effects to recreational fishing will be evaluated during the permitting process and appropriate mitigation considered.

The height of the bridge over the proposed North Harbor Cut will be determined as project design advances during the permitting process.

The MSPA understands the proposed project will require variances from the Mississippi Coastal Program and MSPA will address these issues during the permitting process once a better understanding of the potential impacts is understood.

#### Alternatives and on-site Avoidance:

As part of the National Environmental Policy Act (NEPA) process MSPA will conduct an alternative analysis to evaluate alternatives that could minimize the potential impacts to the natural environment while meeting the needs of MSPA to restore and revitalize the port. MSPA will conduct an alternative analysis that will include a broad range of alternatives that would be narrowed down to the top two or three feasible alternatives that would be evaluated in the NEPA document, in addition to the No Action alternative. As part of the alternatives analysis, MSPA will study the potential to use existing port uplands as part of an alternative to evaluate alternatives that would result in fewer acres of filled water bottoms.

#### Section 106:

Cultural resources in the project area were evaluated during preparation of an Environmental Impact Statement for widening the Gulfport Harbor Federal Navigation Channel (USACE 2008 and 2009). The following sources were consulted to locate records of previously identified historic and archaeological resources within the project area: USACE, National Park Service (NPS), National Register of Historic Places (NRHP), Mississippi State Historic Preservation Officer (SHPO), and the Automated Wreck and Obstruction Information System (AWOIS) database. In addition, the U.S. Coast Guard conducted an underwater remote sensing survey of Mississippi Sound within four miles of the shoreline in preparation for debris removal after Hurricane Katrina (Boudreaux and Pearson 2008). There are no known shipwrecks or archaeological sites in the area of direct project impact based on the research completed to date. The NRHP was consulted to determine if any NRHP properties are located on or near the proposed project. There are no NRHP properties on the project site. Two buildings and a historic district are located near the project site in downtown Gulfport. The Hewes Building is located at 2505 14<sup>th</sup> Street and the U.S. Post Office and Customhouse is located at 2421 13<sup>th</sup> Street. The Harbor Square Historic District is roughly bounded by the CSX railroad, 23<sup>rd</sup> Avenue, 13<sup>th</sup> Street, and 27<sup>th</sup> Avenue. Section 106 consultation will be initiated with SHPO and federally recognized Native American tribes to determine if there are any properties currently listed or potentially eligible for listing on the NRHP that would be impacted by the project.

#### Endangered and Threatened Species:

To determine whether suitable habitat for protected plant and animal species is present on the project site, lists of federal threatened and endangered species and state-listed endangered species compiled by the U.S. Fish and Wildlife Services (FWS) website (FWS 2008) and the Mississippi Museum of Natural Science on-line resources (MMNS 2003) were consulted. Additional information regarding habitat requirements and species range was acquired from the NatureServe on-line database (NatureServe 2009). There are a number of endangered and

threatened species which occur within the Gulfport area and the Mississippi Sound is listed as critical habitat for the Gulf sturgeon. The project will not affect most of the listed species, but potential impacts to listed species and critical habitat will be evaluated and coordinated with the FWS and National Marine Fisheries Service.

**9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support.**

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 will ensure that it will be a large sustainable economic engine for the State of Mississippi. The proposed project will facilitate the revitalization of the Port 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.

There are no specific secondary or future development projects that the proposed project is designed to support. However, development of a world class maritime facility would be expected to 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 proposed project but would likely be required before any future long-term development of the Port.

The MDOT I-10 Connector Road between I-10 and the Port is planned to support the existing facilities on the Port. Alternative routes are being considered for the extreme southern end of the Connector Road to establish a better tie in to the Port. These alternative connections for the I-10 Connector Road to the Port will be addressed during the permitting and environmental evaluation process.

The MSPA will evaluate potential improvements to the rail lines between the Port and I-10. These improvements will be addressed during the MSPA PGRP permitting and environmental evaluation process.

**10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project.**

The proposed project will provide local, state and national economic benefits as well as providing jobs for low-to-moderate-income individuals.

The proposed North Harbor Cut will provide the public with small craft access up and down the near shore coast of the Mississippi Sound without having to navigate south and around the Port, crossing the navigation channel. Access to the Yacht Basin on the northeast side of the proposed project will be maintained.

## **11. Narrative Project Description:**

### **11.1 Background**

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the U.S. history. The Port's electrical power supply, roads, water, sewer, rail, small craft harbor fender systems, navigation aids, and lighting and security systems were all destroyed or damaged beyond repair by the storm.

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. Furthermore, manufacturing companies located throughout the State depend on the products imported through this port.

The MSPA is responsible for the daily operations and infrastructure of the Port. As an Enterprise Agency of the State of Mississippi, the MSPA receives no annual general fund appropriation from the state, but instead operates as a private business. Its income is derived from port usage, service fees, lease agreements, and other tenant related fees.

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 (PGRP) 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 total amount obligated by the U.S. Department of Housing and Urban Development (HUD) for the PGRP, including administrative costs, is an amount not to exceed \$570 million. This grant money will 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, the MSPA and its tenants will restore port facilities. The improved port facilities will support the creation of new jobs for low-to-moderate-income workers. MSPA's tenants will be required to sign a contract/Memorandum of Agreement (MOA) with the MSPA to identify the number of jobs created or retained for low-to-moderate-income persons. These efforts will provide relief and long-term recovery to the disaster area and are consistent with the Community Block Grant (CDBG) Program's primary purpose.

## **11.2 Dredging**

The proposed project will 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 will require dredging approximately 160,000 CY. The dredged material that is structurally suitable will be used for fill on the project site. Any material that is not structurally suitable will be evaluated for potential beneficial use. Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Material that is suitable for beneficial use will be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.

Dredging for access to the new berths will require dredging approximately 16,200,000 CY. Dredged material that is structurally suitable will be used for fill on the project site. Any material that is not structurally suitable will be evaluated for potential beneficial use. Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Material that is suitable for beneficial use will 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 will require excavation and dredging approximately 1,900,000 CY. Most of the material is structurally suitable and will be used for fill on the project site. Any material that is not structurally suitable will be evaluated for potential beneficial use. Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Material that is suitable for beneficial use will 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 will be abandoned. Based on permitting challenges to rebuild the destroyed harbor facilities, the lack of public funds, the uncertainty for the economic justification for the harbor, and lack of a legal obligation to rebuild the commercial small craft harbor, the Port has decided to not rebuild the small craft harbor. In addition, if the proposed project is permitted,

the Commercial Small Craft Channel and Harbor may have to be demolished. If the channel and harbor are abandoned, Congressional authorization will be required.

### **11.3 Construction of Structures**

The proposed project will require construction of wharves/pier, bulkheads and breakwater structures for the restoration and revitalization of the Port. Approximately 12,660 linear feet of marginal wharf (pier structure) will 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 will be approximately 130 feet wide and constructed at elevation +9.5 feet North American Vertical Datum (NAVD 1988). Directly behind the 130 feet wide wharf, a retaining wall structure will be constructed to allow the backland areas to be constructed at approximately elevation +25 feet NAVD 88.

Approximately 7,590 linear feet of rip-rap breakwater will be constructed along the east side of the ship channel to provide wave protection for the proposed project. The breakwater will 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 will be used to determine the need for and the final dimensions of the breakwater, if it is required.

### **11.4. Filling**

The proposed project will require filling approximately 681 acres of water bottoms for the restoration and revitalization of the Port. Approximately 38,400,000 CY of predominately sandy fill material will be required. The fill material will 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 will be provided on the exposed faces of the proposed fill that are not protected by a bulkhead.

Breakwater construction will require placing approximately 224,000 cubic yards of rip-rap on approximately 17.4 acres of water bottoms.

### **11.5 Mitigation Plan**

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.

**12. Provide names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment “A”.**

- |   |   |
|---|---|
| 1. City of Gulfport<br>Post Office Box 1780<br>Gulfport, MS 39502   | 2. Gulfside Casino Partnership - Lessee<br>3300 W. Beach Blvd<br>Gulfport, MS 39501                 |
| 3. Barber Southern, LLC<br>116 Brighton Close<br>Nashville, TN 37205  | 4. Boat Fresh Seafood/Mike Sevel – Lessee<br>17061 Landon Road<br>Gulfport, MS 39503                |
| 5. Roberta V. Brady – Lessee<br>3908 28 <sup>th</sup> Street<br>Gulfport, MS 39501                                    | 6. Duratex North America, Inc. – Lessee<br>1208 Eastchester Drive, Suite 202<br>Highpoint, NC 27265 |
| 7. E N Bisso, LLC<br>3939 N Causeway Blvd, Suite 401<br>Metairie, LA 70002  | 8. Gulfport Harbor Fuel and Bait – Lessee<br>940 Pass Road<br>Gulfport, MS 39501                    |
| 9. Gulfport Purchasing, Inc. – Lessee<br>Post Office Box 55<br>Gulfport, MS 39502                                     | 10. Gulfport Yacht Racing Associates – Lessee<br>Post Office Box 34<br>Gulfport, MS 39502           |
| 11. Carl Lizana – Lessee<br>334 E. Beach Blvd<br>Gulfport, MS 35907   | 12. Marine Life, Inc.<br>Post Office Box 4078<br>Gulfport, MS 39502                                 |
| 13. Mississippi Coast Marine, Inc. – C/O George P. Hopkins, Inc.<br>520 34 <sup>th</sup> Street<br>Gulfport, MS 39507 | 14. MS Cellular South, Inc. – Lessee<br>1018 Highland Colony Parkway<br>Ridgeland, MS 39157         |
| 15. P and O Ports GPT, Inc.<br>Post Office Box 4241<br>Gulfport, MS 39502   | 16. Peter M. Skrmetta – Lessee<br>Post Office Box 1467<br>Gulfport, MS 39502                        |

17. Standard Fruit and Steamship Co./Dole – Dole Fruit – Bob Finley  
Post Office Box 1689  
Gulfport, MS 39502
18. United Brands, Inc./Chiquita – Lessee  
Post Office Box 1017  
Gulfport, MS 39502
19. US Coast Guard  
Post Office Box 1056  
Gulfport, MS 39502
20. Mississippi Secretary of State  
Public Lands Attorney  
Post office Box 97  
Gulfport, MS 39502
21. Mississippi Power Company  
30<sup>th</sup> Avenue  
Gulfport, MS 39502

**13. List of approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities in this application. Note that the signature in item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.**

**Other:** The following approvals are not required at this time but will likely be required before or shortly after a permit is issued:

HUD – Approval for Release of Funds

NMFS – Incidental Take Permit for the Gulf Sturgeon

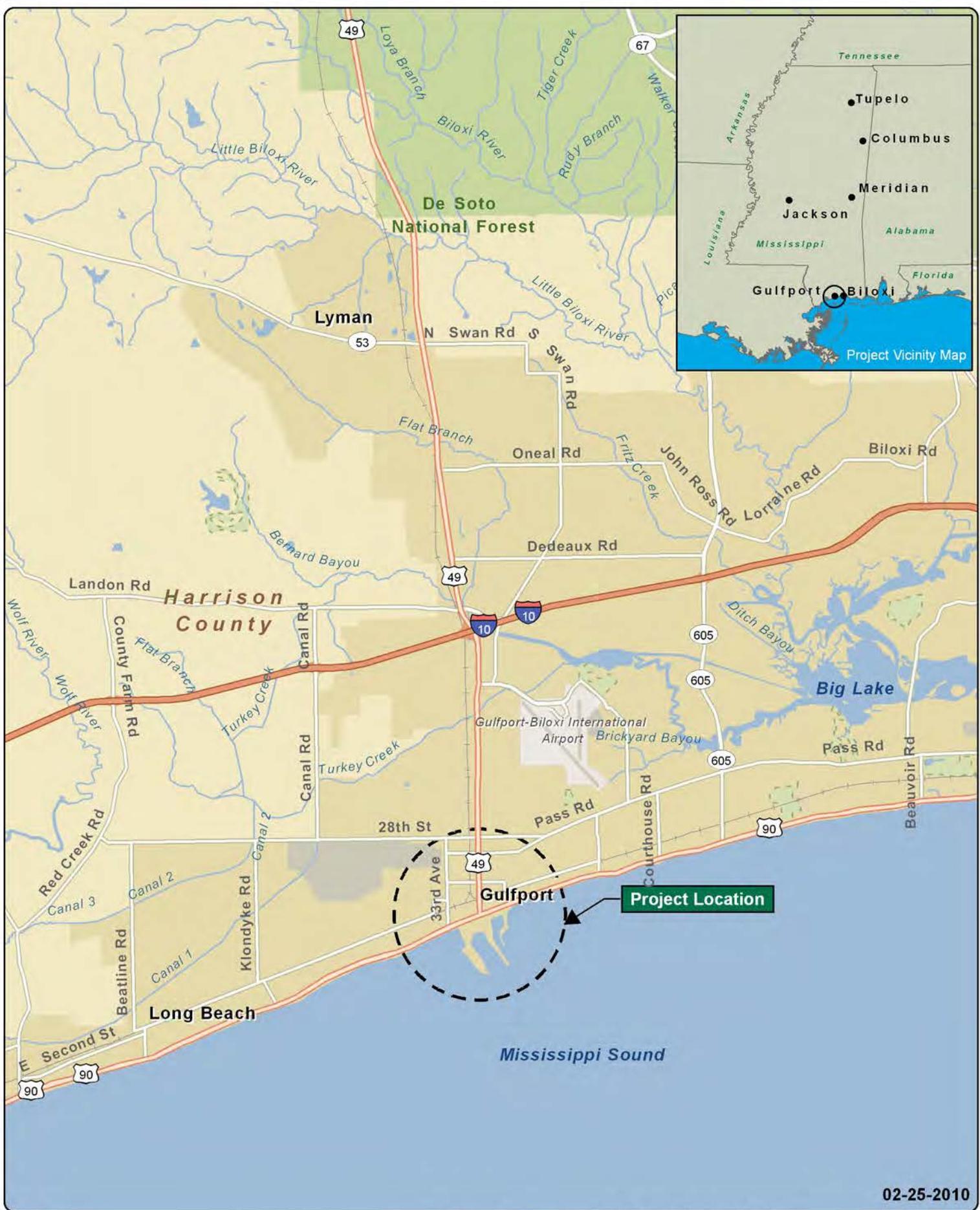
MS Secretary of State – Approval for use of State Lands/Water Bottoms

USACE – Section 404(b)(1) Evaluation



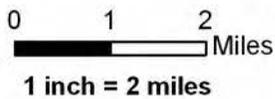
## Attachment "A" Drawings





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

24 Acres  
30 Acres  
30 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

02-25-2010

**VOLKERT**

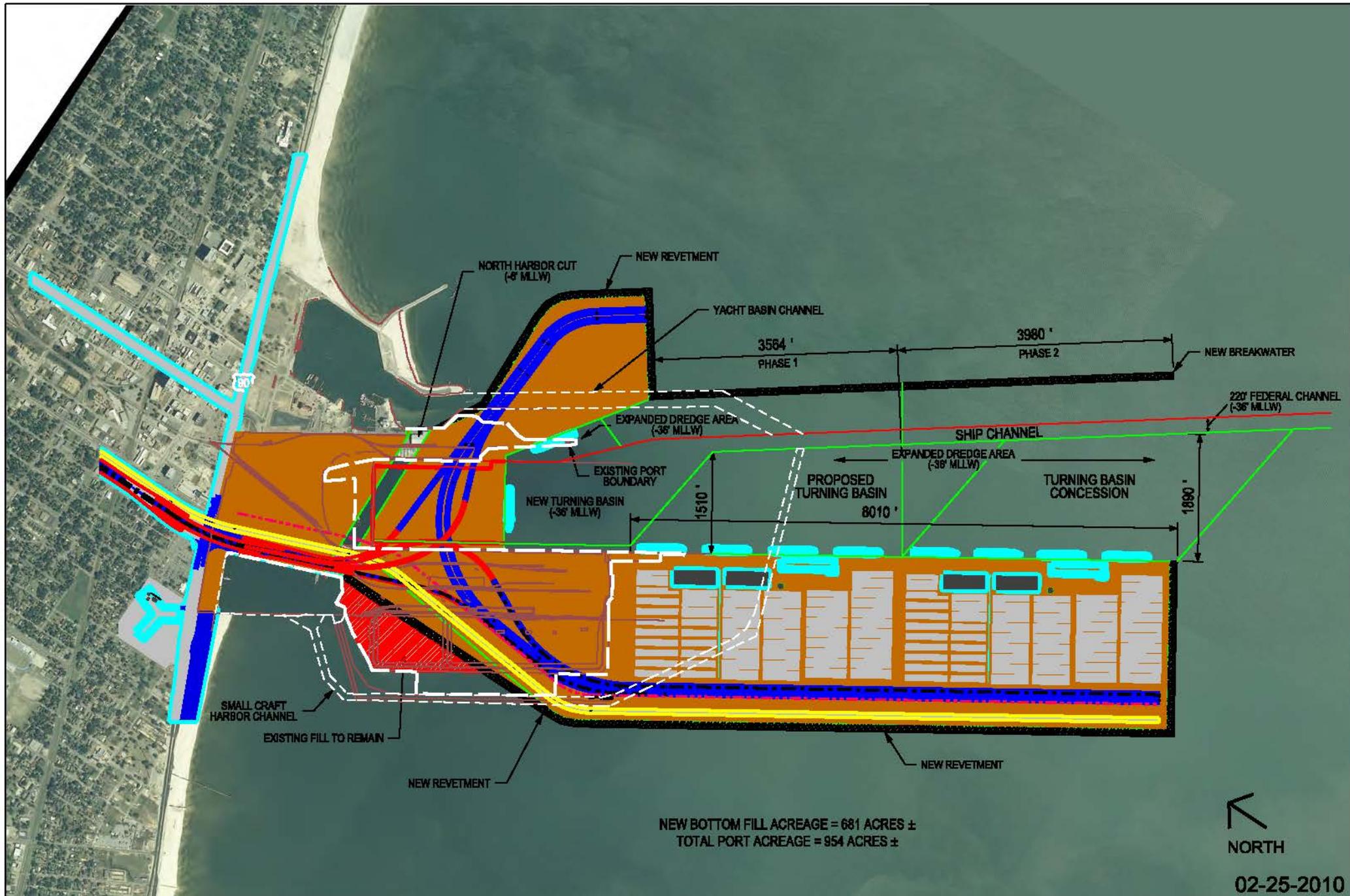
0 500 1,000 Feet  
1 inch = 1,000 feet



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

**PORT OF GULFPORT RESTORATION PROGRAM**

**Figure 2 Existing Port**



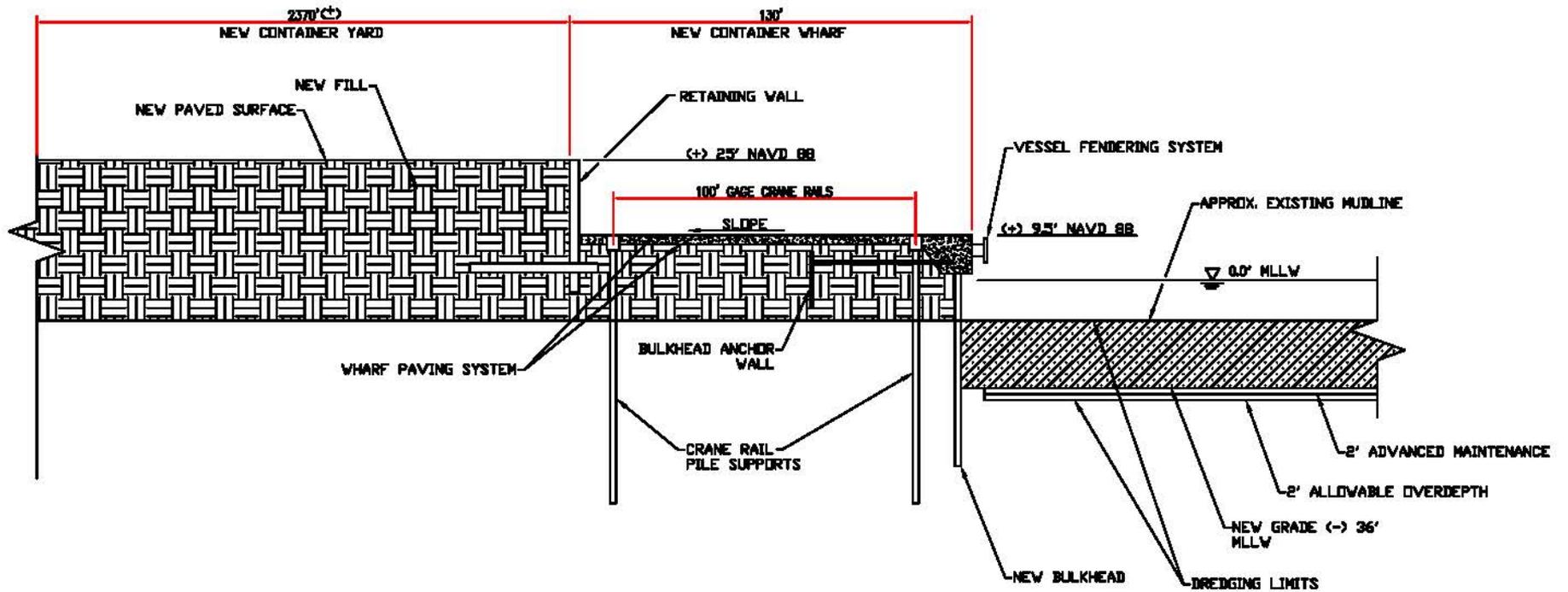
**VOLKERT**



**PORT OF GULFPORT  
RESTORATION  
PROGRAM**

NOTE:  
SCALE = 1" = 1800'

**FIGURE 3  
PROPOSED PLAN**



02-25-2010

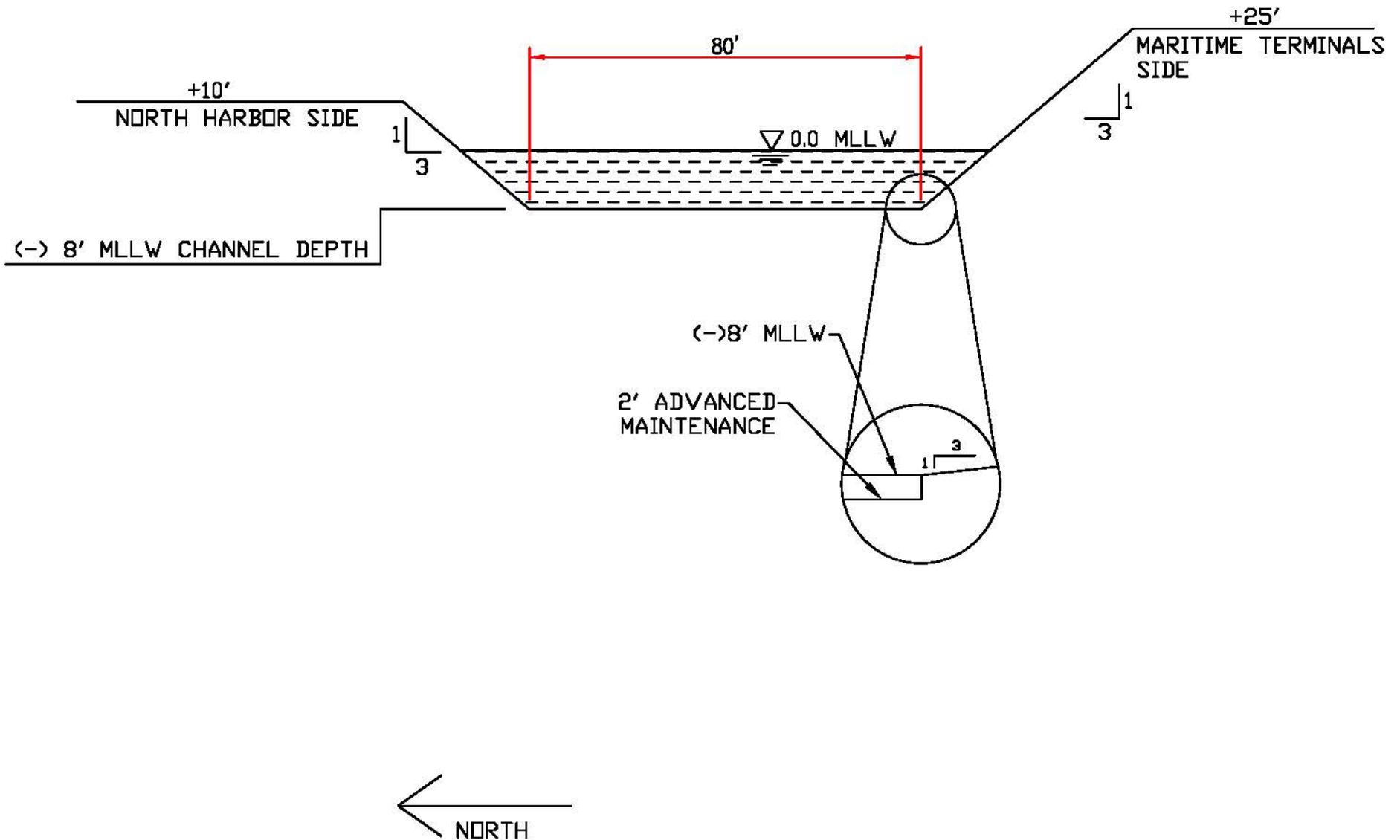
**VOLKERT**

SCALE:  
1" = 50'



PORT OF GULFPORT  
RESTORATION  
PROGRAM

FIGURE 4  
TYPICAL WHARF AND  
FILL CROSS SECTION



02-25-2010

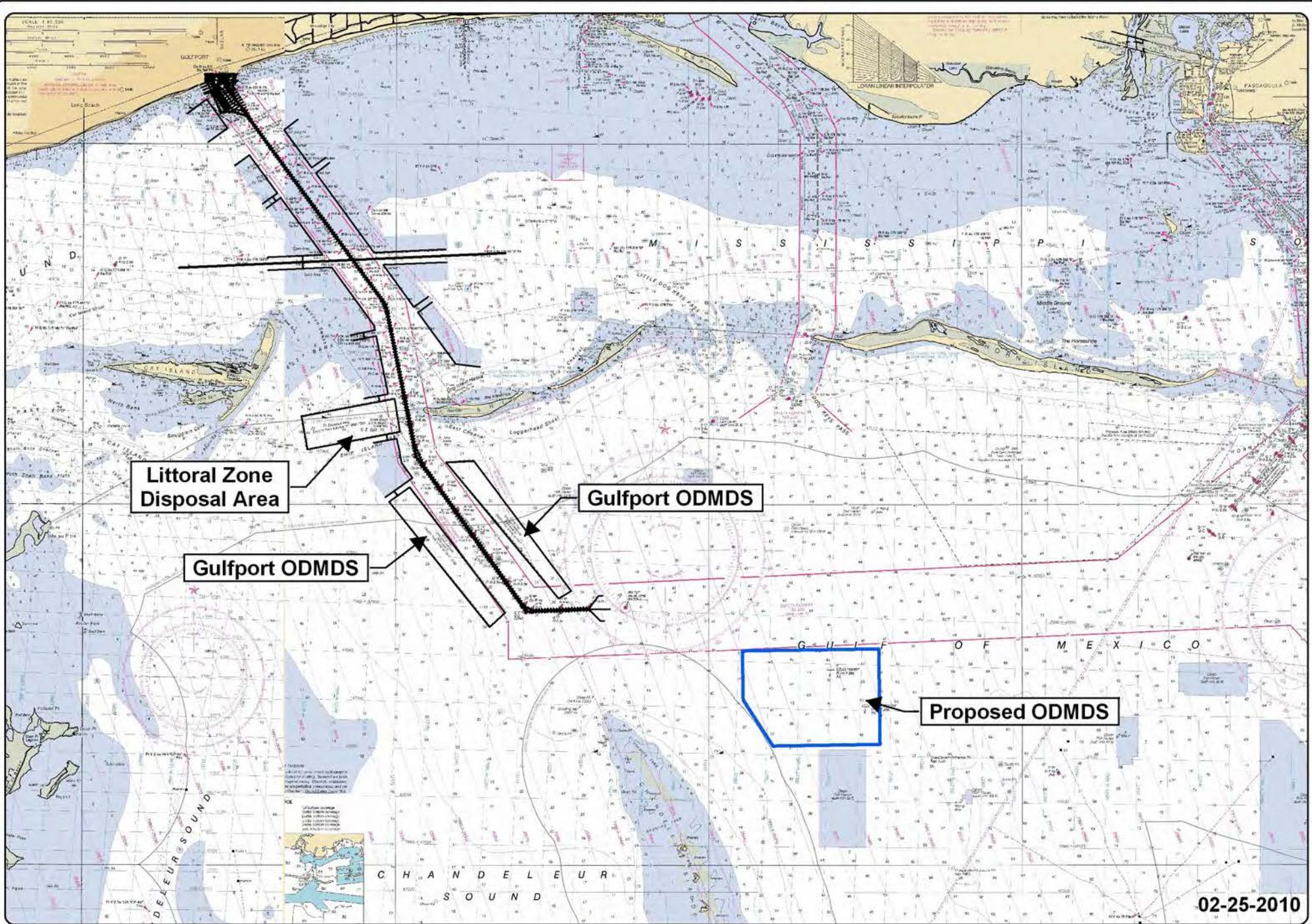
**VOLKERT**

SCALE:  
1" = 30'



PORT OF GULFPORT  
RESTORATION  
PROGRAM

FIGURE 5  
NORTH HARBOR CUT  
TYPICAL CHANNEL  
CROSS SECTION



02-25-2010

**VOLKERT**

0 2 4 Miles  
1 inch = 4 miles



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

**PORT OF GULFPORT RESTORATION PROGRAM**

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





Attachment "B" Authorized Agent





# MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

## Agent Authorization

I authorize the person(s) and/or company listed below to act as my agent regarding the proposed project as described in the Joint Application and Notification at the location listed below:

\_\_\_\_\_  
(name of agent)

\_\_\_\_\_  
(location of project)

\_\_\_\_\_  
(address)

\_\_\_\_\_

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_

\_\_\_\_\_  
(agent phone number)

\_\_\_\_\_  
(print your name)

\_\_\_\_\_  
(your signature)

\_\_\_\_\_  
(date)

Do you want the permit mailed to the agent? \_\_\_\_ Yes \_\_\_\_ No



**Appendix A2**

**Public Notice, April 16, 2010**





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.**

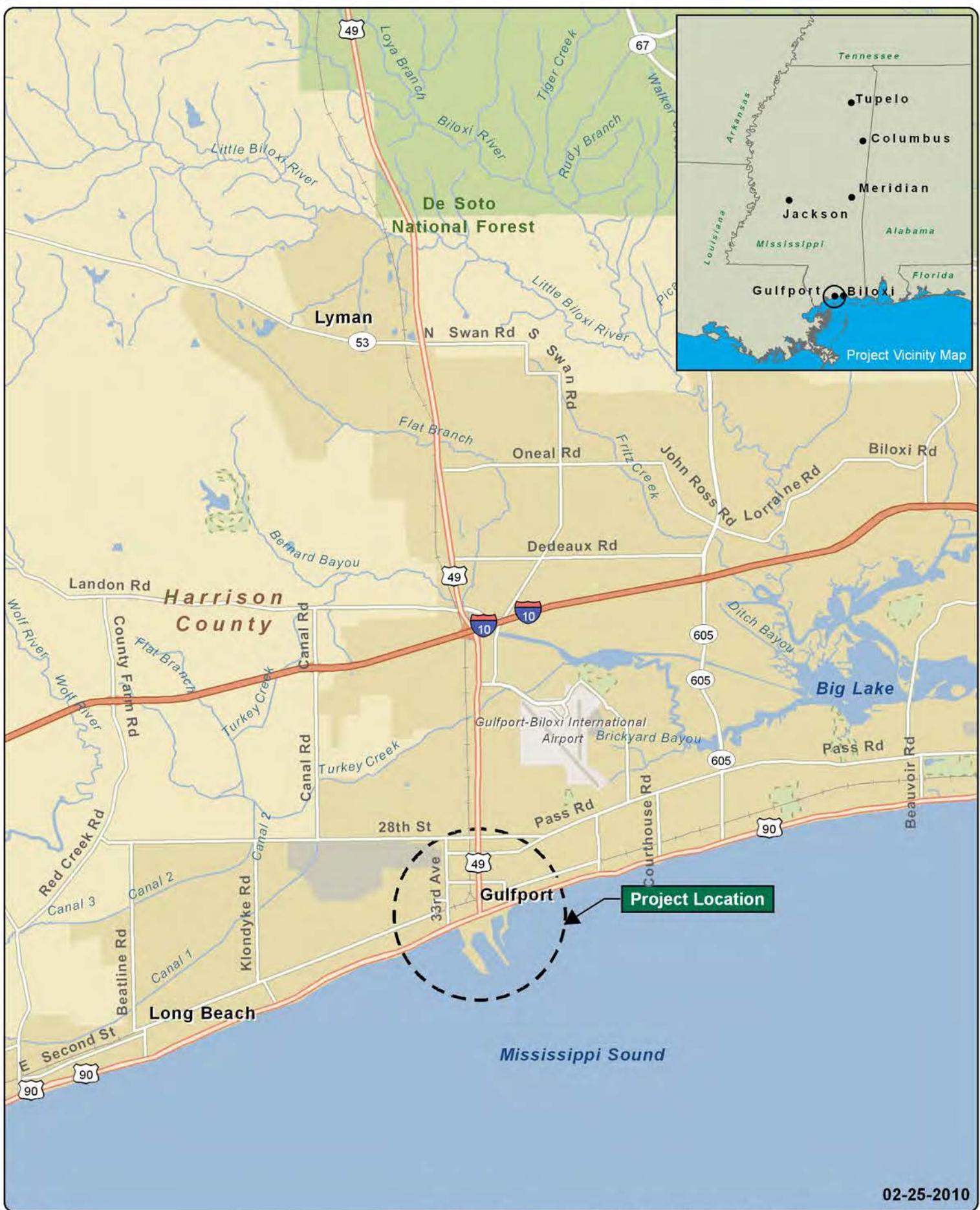
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2009-01768-DMY** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Mr. Damon M. Young, P.G., Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Coastal Branch, 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](http://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.

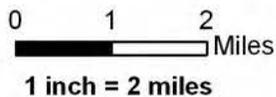
MOBILE DISTRICT  
U.S. Army Corps of Engineers

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

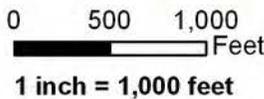
24 Acres  
30 Acres  
30 Acres

**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

02-25-2010

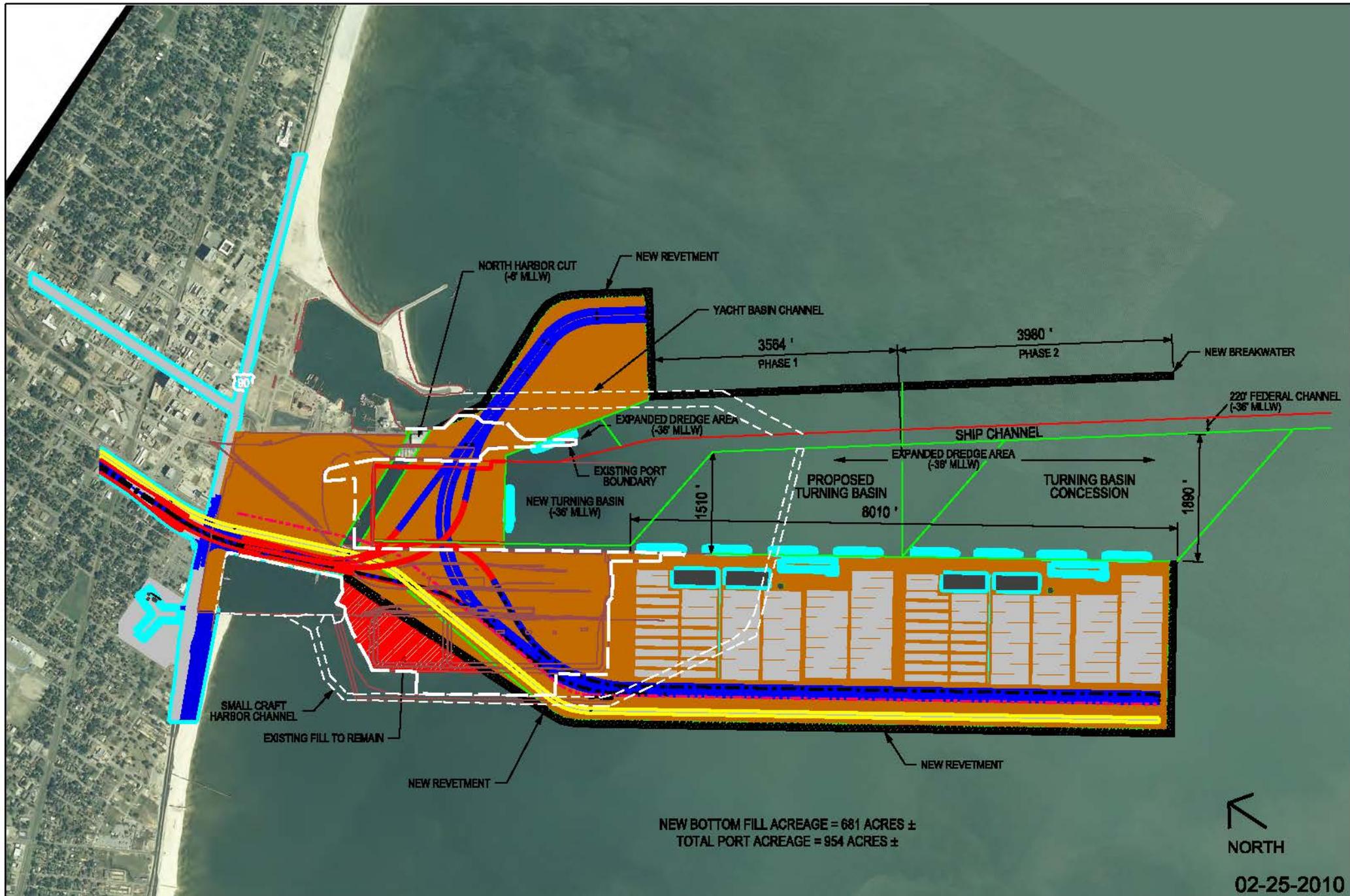
**VOLKERT**



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

**PORT OF GULFPORT RESTORATION PROGRAM**

**Figure 2 Existing Port**



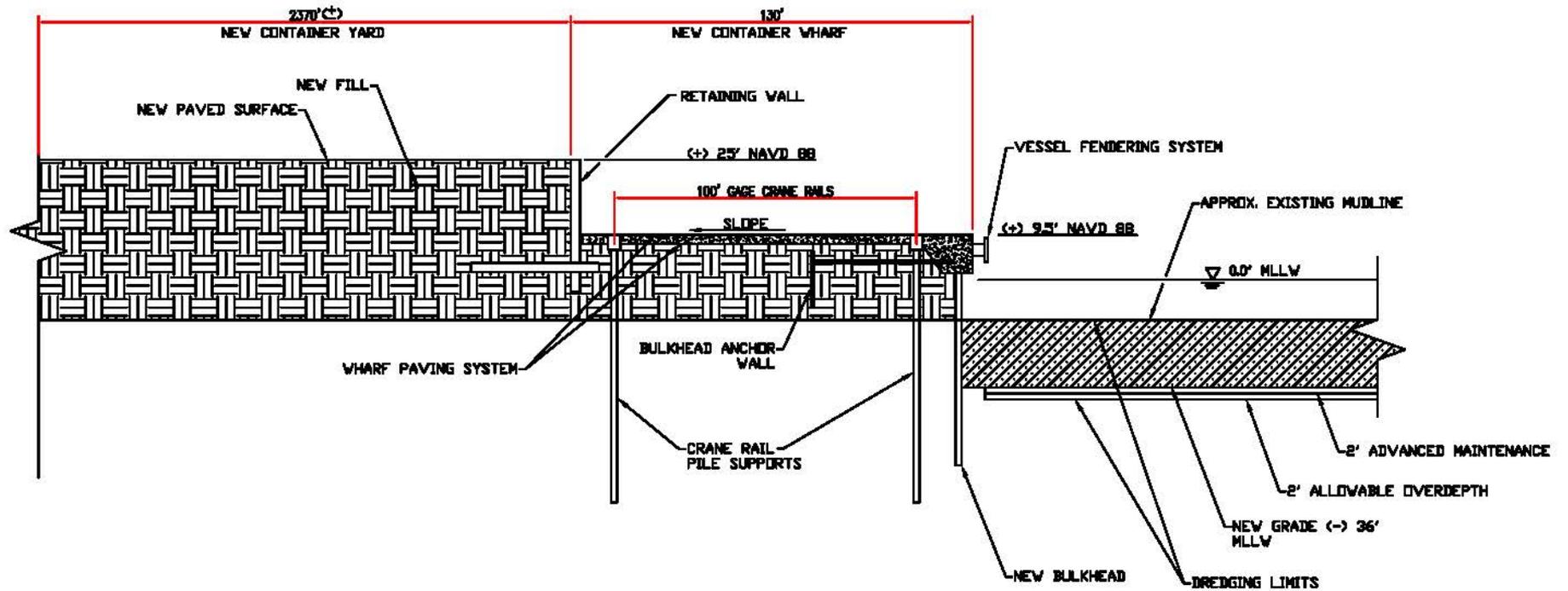
**VOLKERT**



**PORT OF GULFPORT  
RESTORATION  
PROGRAM**

NOTE:  
SCALE = 1" = 1800'

**FIGURE 3  
PROPOSED PLAN**



02-25-2010

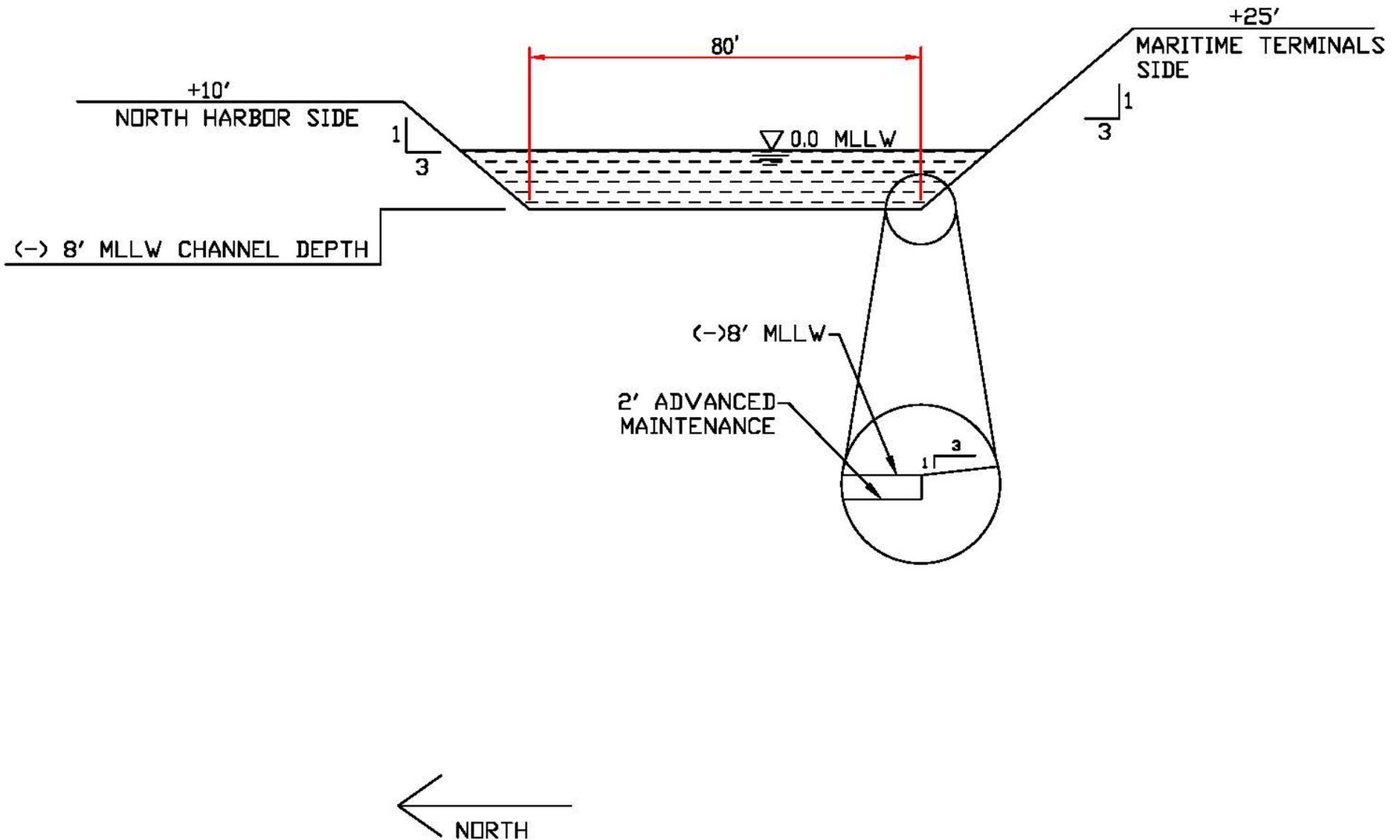
**VOLKERT**

SCALE:  
1" = 50'



PORT OF GULFPORT  
RESTORATION  
PROGRAM

FIGURE 4  
TYPICAL WHARF AND  
FILL CROSS SECTION



02-25-2010

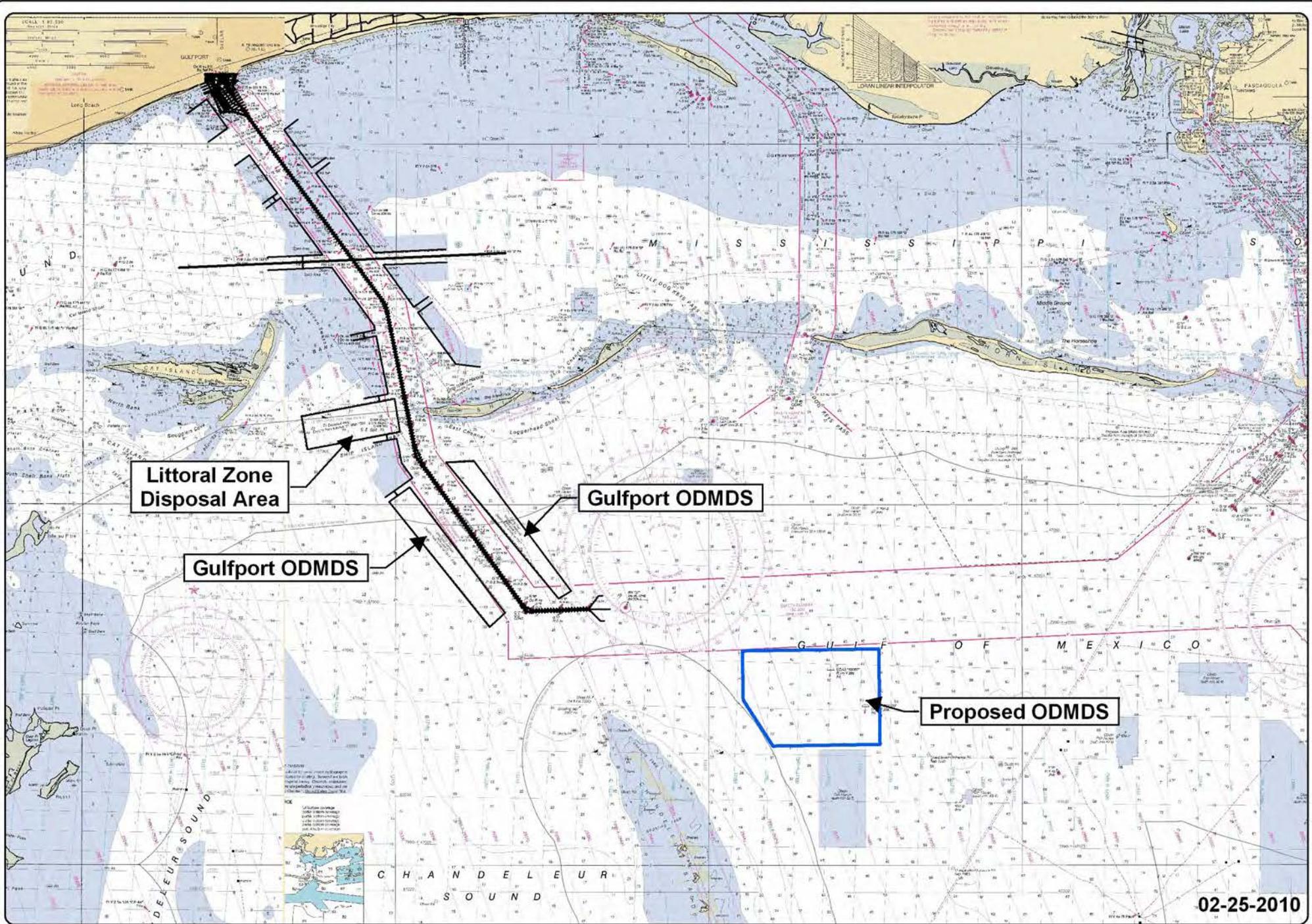
**VOLKERT**

SCALE:  
1" = 30'



PORT OF GULFPORT  
RESTORATION  
PROGRAM

FIGURE 5  
NORTH HARBOR CUT  
TYPICAL CHANNEL  
CROSS SECTION



**VOLKERT**

0 2 4 Miles  
1 inch = 4 miles



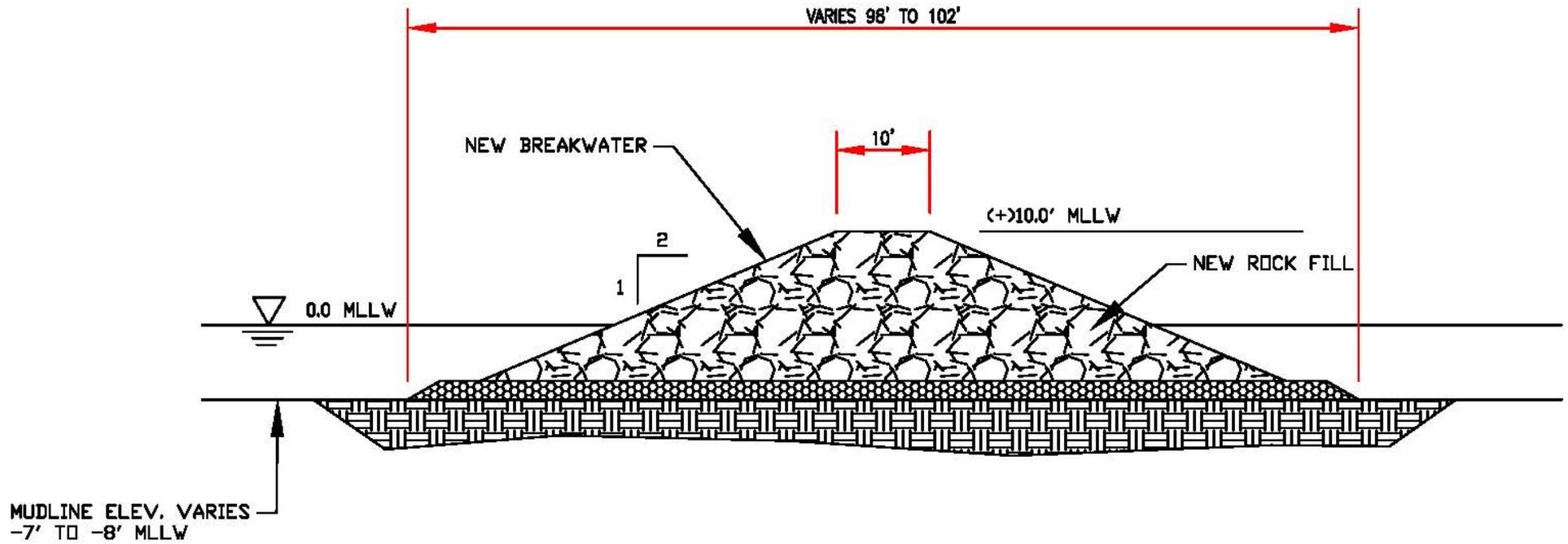
Note: This map is for presentation use only and not to be used for construction purposes.

**PORT OF GULFPORT RESTORATION PROGRAM**

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

NOTE:

APPROXIMATELY 7,590 LF OF NEW  
BREAKWATER REQUIRED.



02-25-2010

**VOLKERT**

SCALE:  
1" = 20'



PORT OF GULFPORT  
RESTORATION  
PROGRAM

FIGURE 7  
TYPICAL BREAKWATER  
SECTION



**Appendix A3**

***Federal Register* Notice of Intent  
March 11, 2011**



services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

#### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

#### End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

#### Services

*Service Type/Location:* Base Supply Center, Rock Island Arsenal, 3154 Rodman Avenue, Rock Island, IL.

*NPA:* Association for Retarded Citizens of Rock Island County, Rock Island, IL.

*Contracting Activity:* DEPT OF THE ARMY, SR W0K8 USA ROCK ISL ARSENAL, ROCK ISLAND, IL.

*Service Type/Location:* Base Operations Support, Mark Center Campus, Alexandria, VA.

*NPA:* Service Source Inc., Alexandria, VA (prime); CW Resources Inc., New Britain, CT (subcontractor); Able Forces, Front Royal, VA (subcontractor).

*Contracting Activity:* Department of Defense, Acquisition Directorate, Washington Headquarters Service, Washington, DC.

*Service Type/Location:* Central Issue Facility Service, Fort Hood, TX.

*NPA:* Skookum Educational Programs, Bremerton, WA.

*Contracting Activity:* Department of the Army, Mission & Installation Contracting Command Center, Fort Sam Houston, TX.

*Service Type/Location:* Mail Management Support Service, Philadelphia Naval Business Center, Official Mail Center Carderock, Philadelphia, PA.

*NPA:* NewView Oklahoma, Inc., Oklahoma City, OK (prime); ServiceSource, Inc., Alexandria, VA (subcontractor); Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering

Station, Official Mail Center Carderock, West Bethesda, MD.

*NPA:* NewView Oklahoma, Inc., Oklahoma City, OK.

*Contracting Activity:* Department of the Navy, Commander, Fleet and Industrial Supply Center, San Diego, CA.

#### Deletion

#### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

#### End of Certification

The following service is proposed for deletion from the Procurement List:

#### Service

*Service Type/Location:* Recycling Service, Veterans Affairs Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS.

*NPA:* Goodwill Industries of Mississippi, Inc., Ridgeland, MS.

*Contracting Activity:* Department of Veterans Affairs, NAC, Hines, IL.

#### Patricia Briscoe,

*Deputy Director, Business Operations.*

[FR Doc. 2011–5616 Filed 3–10–11; 8:45 am]

**BILLING CODE 6353–01–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, March 16, 2011; 10 a.m.–11 a.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

#### MATTER TO BE CONSIDERED:

##### *Compliance Status Report*

The Commission staff will brief the Commission on the status of compliance matters. For a recorded message containing the latest agenda information, call (301) 504–7948.

#### CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product

Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 8, 2011.

**Todd A Stevenson,**

*Secretary.*

[FR Doc. 2011–5777 Filed 3–9–11; 4:15 pm]

**BILLING CODE 6355–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare an Environmental Impact Statement for the Port of Gulfport Expansion Project, Harrison County, MS (Department of the Army Permit Number SAM–2009–1768–DMY)

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). As part of the NEPA process, the Mississippi Development Authority (MDA) will be a cooperating agency in the preparation of the EIS. The National Marine Fisheries Service (NMFS) has expressed interest in acting as a cooperating agency in the preparation of the EIS.

The proposed project as described in the application filed on March 17, 2010, proposed filling approximately 700 acres of open-water benthic habitat. Since submittal of the application, the proposed project footprint has been modified by the MSPA to reduce the overall potential fill required for implementation and to not include any impacts to the Gulfport Harbor Federal Navigation Channel or Turning Basin. The currently proposed project involves filling of up to 400 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events.

The EIS will evaluate the potential impacts of the proposed project, connected actions, and alternatives. The

EIS will also assist the USACE in deciding whether to issue a Department of the Army permit.

The purpose of this Notice of Intent (NOI) is to inform and educate the public of the proposed project; invite public participation in the EIS process; announce the plans for a public scoping meeting; solicit public comments for consideration in establishing the scope and content of the EIS; and provide notice of potential impacts to open-water benthic habitats.

**DATES:** A scoping meeting will be held on March 31, 2011. Comments will be accepted in written format at the scoping meeting or via mail/e-mail until April 11, 2011, to ensure consideration. Late comments will be considered to the extent practicable.

**ADDRESSES:** The scoping meeting will be held at the Fleming Education Center Auditorium at the University of Southern Mississippi's Gulf Park Campus, 730 East Beach Boulevard, Long Beach, Mississippi. Written comments regarding the proposed EIS scope should be addressed to Mr. Damon M. Young, P.G. USACE, Mobile District, Post Office Box 2288, Mobile, Alabama 36628. Individuals who would like to electronically provide comments should contact Mr. Young by electronic mail: [port.gulfporteis@usace.army.mil](mailto:port.gulfporteis@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** For information about this project, to be included on the mailing list for future updates and meeting announcements, or to receive a copy of the DRAFT EIS when it is issued, contact Damon M. Young, P.G., at the USACE at (251) 690-2658 or the address provided above. Mr. Ewing Milam, at the MDA can also be contacted for additional information at P.O. Box 849, Jackson, Mississippi, 39205-0849, telephone 601.359.2157 or by electronic mail at [emilam@mississippi.org](mailto:emilam@mississippi.org).

**SUPPLEMENTARY INFORMATION:**

1. *Background:* The Gulfport Harbor Navigation Project was adopted by the River and Harbors Act approved on July 3, 1930 (House Document Number 692, 69th Congress, 2nd session) and the River and Harbors Act approved on June 30, 1948 (House Document Number 112, 81st Congress, 1st session). Construction of the existing Gulfport Harbor commenced in 1932 and was completed in 1950. Authorization to conduct improvements to the existing harbor was issued in the Fiscal Year 1985 Supplemental Appropriations Act (Public Law 99-88). The Water Resources Development Acts (WRDAs) 1986 and 1988 further modified the previous authorization to cover widening and deepening and thin-layer

disposal, respectively. The authorized deepening was completed in 1993. Currently, there is an ongoing Federal action to widen the channel to the Federally authorized dimensions of 300 feet in the Mississippi Sound Channel and 400 feet in the Bar Channel. A Department of the Army Permit MS96-02828-U was issued in 1998 authorizing an 84-acre expansion to fill the West Pier to construct new tenant terminals and infrastructure. Phases I and II are currently under construction. Phase III is expected to begin in late 2011.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. The electrical power supply, roads, water, sewer, rail, small craft harbor fendering systems, navigational aids, and lighting and security systems were all destroyed or damaged beyond repair. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant rehabilitation.

2. *Location:* The proposed Port of Gulfport Expansion Project is located in the City of Gulfport, Harrison County, Mississippi. The proposed project is approximately 80 miles west of Mobile, Alabama, and 80 miles east of New Orleans, Louisiana. The Port encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway (GIWW) and approximately 7 miles south of Interstate Highway 10.

3. *Work:* The proposed project involves filling of up to 400 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, construction of a breakwater of approximately 4,000 linear feet, and may include additional improvements identified at the public scoping meeting. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. A Department of the Army permit is required for the proposed project, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1251), Section 10 of the River and Harbors Act (33 U.S.C. 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401-1445, 16 U.S.C. 1431 *et seq.*, also 33 U.S.C. 1271).

An Environmental Impact Statement (EIS) will be prepared pursuant to the

National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality NEPA regulations (40 CFR parts 1500-1508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA).

4. *Need:* According to the MSPA, this project will enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations. This project is needed to expand the Port's current footprint, which will include the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure. Specific alternatives will be developed as part of the EIS process and feedback provided during project scoping.

5. *Affected Environment:* Environmental characteristics that may be affected by the proposed project include geological, chemical, biological, physical, socioeconomic, and commercial and recreational activities. Offshore, the navigation channel extends 20 miles south into the Gulf of Mexico, passing close to the western end of Ship Island. On-shore, the regional environment is characterized as Coastal Lowlands, and the shore area, where not developed, consists typically of gently undulating swampy plains. The beach area is man-made and bordered by constructed seawalls. The existing Port, as part of the man-made environment of Gulfport, is constructed on fill material. The Gulfport area is well developed. Beyond the seawalls are extensive commercial and residential developments. The near-shore area is known for its valuable resources as a productive fishery and is also utilized extensively for commercial and recreational shipping and boating.

6. *Applicable Environmental Laws and Policies:* The proposed project could result in both beneficial and negative environmental impacts. These impacts will be evaluated in the EIS in accordance with applicable environmental laws and policies, which include NEPA; WRDA; Endangered Species Act (ESA); Clean Water Act; Clean Air Act; U.S. Fish and Wildlife Coordination Act; National Historic Preservation Act; Coastal Barrier Resources Act; Magnuson-Stevens Fishery Conservation and Management Act; Coastal Zone Management Act; Marine, Protection, Research, and Sanctuaries Act; Rivers and Harbors

Act; National Marine Sanctuaries Act; Fishery Conservation Act; Marine Mammal Protection Act; Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations; Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risk (among other Executive Orders); and Ports and Waterways Safety Act.

7. *Preliminary Identification of Environmental Issues:* The following list of nine environmental issues has been tentatively identified for analysis in the EIS. This list, which was developed during preliminary internal scoping, has been included with the permit application filed for the proposed project. This list (and information from similar projects) is neither intended to be all inclusive nor a predetermined set of potential impacts, but is presented to facilitate public comment on the planned scope of the EIS. Additions to or deletions may occur as a result of the public scoping process. Preliminary identified environmental issues include but are not limited to the loss of aquatic resource (impact to potential submerged and shoreline aquatic habitat); water quality, coastal zone consistency, hydrodynamic modeling, threatened and endangered species (including critical habitat and essential fish and shellfish habitat), air quality, alternatives, secondary and cumulative impacts, socioeconomics, and mitigation.

8. *Scoping meeting:* To ensure that all of the issues related to this proposed project are addressed, the USACE will conduct a public scoping meeting in which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS. The scoping meeting will be held at the Fleming Education Center Auditorium at the University of Southern Mississippi's Gulf Park Campus, 730 East Beach Boulevard, Long Beach, Mississippi, on March 31, 2011. The scoping meeting will begin with an informal open house from 5:30 p.m. to 6:30 p.m. followed by a formal presentation of the proposed action and a description of the NEPA process. Comments will be accepted following the formal presentation until 8 p.m. Displays and other forms of information about the proposed action will be available, and the USACE, the MSPA and the MDA personnel will be present at the informal session to discuss the proposed project and the EIS Process. The USACE invites comments on the proposed scope and content of the EIS

from all interested parties. Verbal transcribers will be available at the scoping meeting to accept verbal comments following the formal presentation until 8:00 p.m. A time limit will be imposed on verbal comments.

9. *DRAFT EIS:* It is anticipated that a DRAFT EIS will be made available for public review in late calendar year 2011 or early 2012.

Dated: February 24, 2011.

**Craig J. Litteken,**  
Chief, Regulatory Division.

[FR Doc. 2011-5672 Filed 3-10-11; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF EDUCATION

### **Credit Enhancement for Charter School Facilities Program; Office of Innovation and Improvement; Overview Information; Credit Enhancement for Charter School Facilities Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.354A.

*Dates:*

*Applications Available:* March 11, 2011.

*Date of Pre-Application Meeting:* April 4, 2011 at 9:00 a.m., Washington, DC time.

*Deadline for Transmittal of Applications:* May 10, 2011.

*Deadline for Intergovernmental Review:* July 9, 2011.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* This program provides grants to eligible entities to permit them to enhance the credit of charter schools so that the charter schools can access private-sector and other non-Federal capital in order to acquire, construct, and renovate facilities at a reasonable cost. Grants awarded under this program will be of sufficient size, scope, and quality to enable the grantees to implement effective strategies for reaching this objective.

*Priorities:* This competition includes one competitive preference priority and one invitational priority that are explained in the following paragraphs. In accordance with 34 CFR 75.105(b)(2)(ii), the competitive preference priority is from the regulations for this program (34 CFR 225.12).

*Competitive Preference Priority:* For FY 2011 and any subsequent year in which we make awards from the list of

unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application, depending on how well the application meets this priority.

This priority is:

The capacity of charter schools to offer public school choice in those communities with the greatest need for school choice based on—

(1) The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA);

(2) The extent to which the applicant would target services to geographic areas in which a large proportion of students perform below proficient on State academic assessments; and

(3) The extent to which the applicant would target services to communities with large proportions of students from low-income families.

*Invitational Priority:* For FY 2011 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose a grant project that uses competitive market forces to obtain the best rates and terms on financing for charter schools in order for the charter schools to acquire, construct, and renovate facilities while using the least amount of grant funds.

*Program Authority:* 20 U.S.C. 7223-7223j.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 225.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

##### **II. Award Information**

*Type of Award:* Discretionary grants.  
*Estimated Available Funds:* The Administration's budget request for FY 2011 does not include funds for this



**Appendix A4**

**Permit Application Modification**

**April 8, 2013**





## MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT

JOHN K. RESTER  
Commissioner  
ROBERT J. KNESAL  
Commissioner  
JAMES C. SIMPSON, JR.  
Commissioner

JACK NORRIS  
Commissioner  
E.J. ROBERTS  
Commissioner  
MATTHEW S. WYPYSKI  
Interim Director & CEO  
[www.shipmspa.com](http://www.shipmspa.com)

April 8, 2013

Mr. Damon M. Young, Regulatory Division  
U.S. Army Corps of Engineers  
Mobile District  
Post Office Box 2288  
Mobile, Alabama 36628-0001

RE: Department of the Army Permit Application SAM-2009-1768-DMY

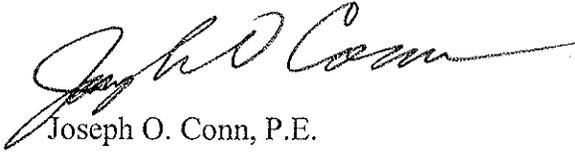
Dear Mr. Young:

The Mississippi State Port Authority (MSPA) has discussed internally the option of adding the Federal Navigation Channel (FNC) to the Third Party Environmental Impact Statement (EIS) currently being prepared to meet the long-term throughput goals of the Port. The goal of MSPA is to build a maximum efficiency port facility capable of handling a container traffic volume of two million twenty-foot equivalent units (TEUs) per year. This could be accomplished with the current EIS alternative for maximum efficiency and a deeper FNC; as such there is a need to revise the original permit application to include a deeper FNC.

Supporting details for the update to the permit application are contained in the attached revised permit application form and addendum information. The proposed maximum efficiency project will contribute substantially to achieving a robust facility that is capable of increasing throughput consistent with goals of MSPA to stimulate economic growth and produce additional employment opportunities.

If you have any questions regarding this request or if you need more information please contact me at 228-865-4300. Thank you for your assistance with this extremely important project for the State of Mississippi.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph O. Conn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph O. Conn, P.E.  
Director, Port Restoration

Cc: Bureau of Wetlands Permitting, Department of Marine Resources  
Director, Mississippi Department of Environmental Quality  
Ewing Milam, Mississippi Development Authority  
N. D. "Skeeter" McClure, Volkert, Inc.  
Elizabeth Calvit, CH2M HILL

Attachments

# JOINT APPLICATION AND NOTIFICATION

**U.S. ARMY CORPS OF ENGINEERS  
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL**

This form is to be used for proposed activities in waters of the United States in Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

**1. Date** 04 05 2013

~~03 09 2010~~  
month day year

<p><b>2. Applicant name, mailing address, phone number and email address:</b> Mississippi State Port Authority P.O. Box 40 Gulfport, Mississippi 39502 (228) 865-4300 jconn@shipmspa.com Attn: Joe Conn</p>	<p><b>Agent name, mailing address, phone number and email address:</b> <del>Volkert, Inc.</del> same as applicant <del>P.O. Box 7434</del> <del>Mobile, Alabama 36670</del> <del>(251) 342-1070</del> <del>hmalec@volkert.com</del></p>	<p><b>3. Official use only</b> COE _____ DMR _____ DEQ _____ A95 _____ DATE RECEIVED _____</p>
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**4. Project location** 30th Avenue at U.S 90 City/Community Gulfport  
Street Address \_\_\_\_\_ City/Community \_\_\_\_\_  
Name of Waterway Mississippi Sound Latitude 30° 21' 40.28" N Longitude (if known) 89° 05' 49.99" W  
Geographic location: Section 9 Township 8 S Range 11 W County Harrison

**5. Project description**

New work  Maintenance work

**Dredging**

<input checked="" type="checkbox"/> Channel	length <u>See Attached</u>	width <u>See Attached</u>	existing depth <u>See Attached</u>	proposed depth <u>See Attached</u>
<input type="checkbox"/> Canal	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Boat Slip	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Marina	length _____	width _____	existing depth _____	proposed depth _____
<input type="checkbox"/> Other-Mooring Basin	length _____	width _____	existing depth _____	proposed depth _____

Cubic yards of material to be removed ~~18,280,000~~ 44,755,000 Type of material sand/silt/clay  
Location of spoil disposal area Within fill area, Littoral Zone Disposal Area Southeast of Cat Island, Gulfport ODMSDs (See attached)  
Dimensions of spoil area See attached. Method of excavation Mechanical and/or Hydraulic Dredge  
How will excavated material be contained? Earth containment dike

**Construction of structures**

<input checked="" type="checkbox"/> Bulkhead	Total length <del>13,730'</del> <u>3,500'</u>	Height above water <u>9.5'</u>
<input checked="" type="checkbox"/> Pier	length <del>12,660'</del> <u>3,500'</u>	width <u>130'</u> height <u>9.5'</u>
<input type="checkbox"/> Boat Ramp	length _____	width _____ slope _____
<input type="checkbox"/> Boat House	length _____	width _____ height _____

Structures on designed sites for water dependent industry (Coastal area only). Explain in item 11 or include as attachment. 12,660' 3,500' of retaining wall to +25', 22,160 5,500' feet of shoreline revetment and 7,590 4,000' linear feet of  
 Other (explain) breakwater

**Filling**  
Dimensions of fill area ~~701~~ 200 acres of water bottoms  
Cubic yards of fill ~~39,500,000~~ 13,200,000 Type of fill sand, silts and clays

**Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Additional information relating to the proposed activity**

Does project area contain any marsh vegetation? Yes  No

(If yes, explain) \_\_\_\_\_

Is any portion of the activity for which authorization is sought now complete? Yes  No

(If yes, explain) See attached.

Month and year activity took place On-going

If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. NA

Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein?

Yes  No  (If yes, explain) \_\_\_\_\_

**7. Project schedule**

Proposed start date ~~12/31/12~~ 1/1/2016 Proposed completion date 12/31/19

Expected completion date (or development timetable) for any projects dependent on the activity described herein. \_\_\_\_\_

**8. Estimated cost of the project** ~~\$570 Million~~ \$700 Million

**9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support.** See attached.

Intended use: Private  Commercial  Public  Other (Explain) \_\_\_\_\_

**10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity.**

**Also describe the extent of public use of the proposed project.**

See attached.

**11. Narrative Project Description:**

See attached.

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12. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

1. See attached.

2.

---

13. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Application Date</u>	<u>Approval Date</u>
Dept. of Environmental Quality	Water Quality Certification	March 9, 2010	
Dept. of Marine Resources	Coastal Zone Consistency	March 9, 2010	
Army Corps of Engineers	Section 10 and 404	March 9, 2010	
City/County_____			
Other_____			

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**14. Certification and signatures**

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

**Mississippi Coastal Program (Coastal area only)**

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the program.

  
\_\_\_\_\_  
Signature of Applicant or Agent

  
\_\_\_\_\_  
Date

---

**15. Fees**

Payable to MS Dept. of Marine Resources  
\$50.00 Single-family residential application fee  
\$500.00 Commercial application fee  
Public notice fee may be required

Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson Counties.

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**16. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 15 to:**

Department of Marine Resources  
Bureau of Wetlands Permitting  
1141 Bayview Avenue  
Biloxi, MS 39530  
(228) 374-5000

**If project IS NOT in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:**

District Engineer  
Mobile District  
Attn: CESAM-RD  
P.O. Box 2288  
Mobile, AL 36628-0001

District Engineer  
Vicksburg District  
Regulatory Branch  
Attn: CEMVK-OD-F  
4155 Clay Street  
Vicksburg, MS 39183-3435

Director  
Mississippi Dept. of Environmental Quality  
Office of Pollution Control  
P.O. Box 10385  
Jackson, MS 39289

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**17. In addition to the completed application form, the following attachments are required:*****Attachment "A" Drawings***

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

***Attachment "B" Authorized Agent***

If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

***Attachment "C" Environmental Assessment (Coastal Area Only)***

Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the life dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental offsite effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

***Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)***

If the applicant is requesting a variance to the guidelines in Section 2, Part III or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.

## Addendum to:

### Department of the Army Permit Application SAM-2009-1768-DMY

#### Introduction

This addendum revises information contained in the original Gulfport Expansion permit application filed with the U.S. Army Corps of Engineer (USACE), Mobile District on March 17, 2010. Ongoing planning for port development, efforts supporting the permitting process and the preparation of an Environmental Impact Statement have led to changes in the original conceptual plan for Port expansion and identified a need in the future to deepen the Federal Navigation Channel (FNC).

The goal of the Mississippi State Port Authority (MSPA) is to build a maximum efficiency port facility capable of handling a container traffic volume of 2 million TEUs per year. This could be accomplished within a reasonable time frame with the proposed expansion area features and a deeper FNC. As such there is a need to revise the original permit application to include the proposed maximum efficiency expansion project. Details of the maximum efficiency conceptual plan and cross sections of the deeper FNC are shown in the revised Attachment A Drawings.

The permit application and Sections 5, 6, 9, 10, 11.2, 11.3, and 11.4 of Attachment - Additional Information in the original permit application have been revised as appropriate. Revisions to sections are noted as follows: deleted items are shown as strikethrough and additions are shown as highlighted text. Other portions of the original permit application information remain unchanged and are therefore not included in this addendum.

Revisions to original permit application "Attachment A" drawings include the following:

Figure 3	Proposed Plan	New Figure
Figure 4	Typical Wharf and Fill Cross Section	Revised new Grade line
Figure 5	North Harbor Cut Typical Cross Section	Deleted and Replaced with Channel Typical Section
Figure 6	ODMDS and Littoral Zone Disposal Areas	Revised to add Pascagoula ODMDS
Figure 7	Typical Breakwater Section	Revised length of Breakwater
Figure 8	Potential Beneficial Use Sites	New Figure

**ATTACHMENT – ADDITIONAL INFORMATION (REVISED April 2013)**

**5. Additional information relating to the dredging**

<b>Channels</b>	<b>Length</b>	<b>Width</b>	<b>Existing Depth</b>	<b>Proposed Depth</b>
Turning Basin	1,300'	0' to 390'	-7'	-36'
Berthing Area	8,010'	1,510' to 1,890'	-7' to -36'	-36'
North Harbor Cut	2,850'	80'	-32' to +10'	-8'

<b>Channels</b>	<b>Length</b>	<b>Width</b>	<b>Existing Depth</b>	<b>Proposed Navigation Depth</b>
Existing Turning Basin	2640'	1120'	-32' to -36'	-47'
Turning Basin Expansion	3200'	1500'	-7'	-47'
Berthing Area	3600'	130'	-7' to -36'	-47'
Sound Channel	12 miles	300'	-36'	-47'
Entrance Channel	8 miles	400'	-38'	-49'

Note: Modification to the existing FNC includes deepening and possibly widening the channel. The need to widen the channel will be based on the results of ship simulations. Two feet of advanced maintenance and two feet of allowable over depth will be added to the navigation depths as standard requirements. Also, the proposed North Harbor Cut is no longer a project feature.

**6. Additional information relating to the proposed activity**

The proposed project will incorporate the existing MSPA facilities into the proposed expansion project. It will also include the 84-acre fill area authorized under Department of the Army Permit MS96-02828-U. The entire 84 acre fill is currently under construction as part of the Port of Gulfport Restoration Program. Sixty (60) acres of the 84-acre fill area are currently under construction and should be completed November 2010. Filling of the remaining 24 acres will start after the permit conditions and other environmental requirements have been satisfied. The expected start date for filling the remaining 24 acres is November 2010. The proposed expansion project would require modification of the existing federally authorized Gulfport Harbor Navigation project, specifically the Turning Basin.

Sediment transport, current and water quality studies will be conducted during the permitting process to evaluate impacts of the proposed project. The need for additional water quality and fish passage channels will be considered during design of the project. The North Harbor Cut is no longer a project feature.

The height of the bridge over the proposed North Harbor Cut will be determined as project design advances during the permitting process.

**9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support.**

~~Deepening and widening of the Gulfport Harbor Federal Navigation Channel is not required to support the proposed project but would likely be required before any future long-term development of the Port.~~

The proposed project will include modifications to the authorized FNC and other navigation features necessary for efficient port operations. These modifications will include the navigation channel from the Gulf to the port facilities to support a navigable channel depth of 47 feet in the Mississippi Sound and 49 feet in the Bar Channel plus advance maintenance and allowable over depth requirements. Modification to navigation features adjacent to the port facilities include deepening the existing Federal turning basin area and port berthing areas, a turning basin expansion, and new berthing areas. The depth of these features will be appropriate to the deeper navigation channel. Widening the channel may be requested based on results of planned ship simulations. Final Channel design and associated environmental impacts will be addressed during the permitting and Environmental Impact Statement process.

**10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project.**

The proposed project will provide local, state and national economic benefits as well as providing jobs for low-to-moderate-income individuals. ~~The proposed North Harbor Cut will provide the public with small craft access up and down the near shore coast of the Mississippi Sound without having to navigate south and around the Port, crossing the navigation channel.~~ The North harbor Cut is no longer a part of the Conceptual Plan. Access to the Yacht Basin on the northeast side of the proposed project will be maintained.

**11. Narrative Project Description**

**11.2 Dredging**

The proposed project would require dredging to deepen and possibly widen the Federal navigation project including the Gulf Entrance and Bar Channels, the Mississippi Sound Channel. The existing Turning Basin would be deepened. Estimated volumes would be calculated based on the results of ship simulations. ~~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 will also be required for the Turning Basin Expansion and West Pier Expansion Berths. Estimated dredging quantities for all of these features are shown in the following table.

**DREDGING QUANTITIES**

Dredging location	Estimated Dredging Volume (CY)
Federal Channel	33,000,000
Federal Turning Basin	2,200,000
West Pier Expansion Berths	900,000
Turning Basin Expansion	5,800,000
Total Volume	41,900,000

Dredging activities also include the potential removal and disposal of soft sediments from the proposed West Pier and East Pier Terminal Expansion footprints for geotechnical stability. It is currently estimated that the West Pier Terminal Expansion will require removal of 2.3 million cubic yards (CY) of material and the East Pier Terminal Expansion will require removal of 555,000 CY of material. Final determination of these dredging quantities will be based upon additional geotechnical data analysis during the permitting and design process.

Maintenance dredging would be required for the proposed Turning Basin Expansion and new berthing areas. Estimated maintenance dredging volumes would vary from 245,000 to 535,000 CY per year for the Turning Basin and 50,000 to 505,000 CY per year for berthing areas. The range for both the dredging frequency and yearly volumes would be affected by seasonal, subtropical, and tropical storm events that could significantly impact these areas. It is assumed that regular maintenance of the FNC would be carried out by USACE.

~~Dredging for the portion of the new Turning Basin located outside the authorized Federal project will require dredging approximately 160,000 CY. The~~ Dredged material that is structurally suitable and meets project needs will be used for fill on the project site. Other ~~any~~ material ~~that is not structurally suitable~~ would be evaluated for potential beneficial use. Possible beneficial use sites include the Littoral Zone Disposal area southeast of Cat Island (Attachment A figure 6) for suitable sandy material and State of Mississippi potential beneficial use sites for other types of material (Attachment A Figure 8). Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Possible ODMDS sites include the Gulfport (West) ODMDS and the Pascagoula ODMDS as shown in Attachment A figure 6. Also, thin-layer disposal areas adjacent to the channel in the Mississippi Sound (Attachment A Figure 6) are viable options for future maintenance dredging requirements. ~~Material that is suitable for beneficial use will be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.~~

~~Dredging for access to the new berths will require dredging approximately 16,200,000 CY. Dredged material that is structurally suitable will be used for fill on the project site. Any material that is not structurally suitable will be evaluated for potential beneficial use. Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Material that is suitable for beneficial use will 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 will require excavation and dredging approximately 1,900,000 CY. Most of the material is structurally suitable and will be used for fill on the project site. Any material that is not structurally suitable will be evaluated for potential beneficial use. Material that is not suitable for beneficial use will be disposed of in an approved ODMDS. Material that is suitable for beneficial use will be placed in the Littoral Zone Disposal Area southeast of Cat Island or in another approved area.~~

### 11.3 Construction of Structures

The proposed project would require construction of wharves/pier, bulkheads and breakwater structures. Approximately 3,500 ~~12,660~~ linear feet of marginal wharf (pier structure) will 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 will be approximately 130 feet wide and constructed at elevation +9.5 feet North American Vertical Datum (NAVD 1988). Directly behind the 130 feet wide wharf, a retaining wall structure will be constructed to allow the backland areas to be constructed at approximately elevation +25 feet NAVD 88 (Attachment A Figure 4).

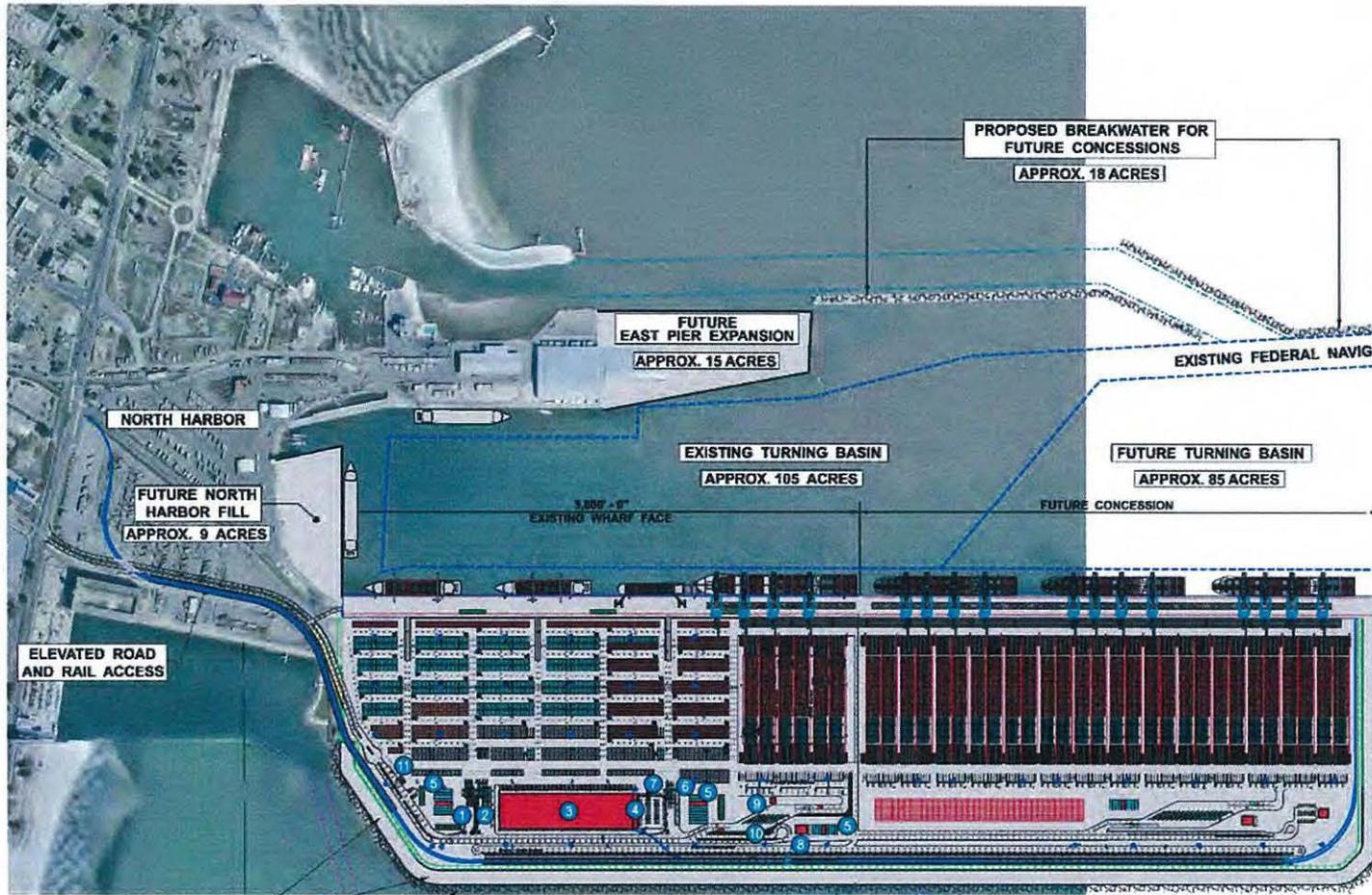
Approximately ~~7,590~~ 4,000 linear feet of rip-rap breakwater will be constructed along the east side of the ship channel to provide wave protection for the proposed project. The breakwater will vary from 98 to 102 feet wide at its base with a top width of 10 feet and a top elevation of +10 feet NAVD 88 (Attachment A Figure 7). Hydrodynamic models and ship simulations will be used to determine the need for and the final dimensions of the breakwater, if it is required.

### 11.4. Filling

The proposed Port Expansion Project will require filling approximately ~~681~~ 200 acres of water bottoms. This includes approximately 160 acres for the West Pier Terminal Expansion, 15 acres for the East Pier Terminal Expansion, 9 acres for the North Harbor Fill Area, and 18 acres for the Eastern Breakwater. ~~for the restoration and revitalization of the Port.~~ Approximately 13,200,000 ~~38,400,000~~ CY of predominately sandy fill material will be required. The fill material will 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 will be provided on the exposed faces of the proposed fill that are not protected by a bulkhead.

Breakwater construction will require placing approximately 250,000 ~~CY224,000~~ of rip-rap on approximately ~~17.4~~ 18 acres of water bottoms.



- DESCRIPTION**
- 1 EXIST. TENANT GATE (4 LANES)
  - 2 EXIST. TENANT GATE (6 LANES)
  - 3 TRANSIT SHED
  - 4 OFFICE BUILDING (TWO STORY)
  - 5 MAINTENANCE FACILITY
  - 6 EXIST. TENANT GATE (4 LANES)
  - 7 EMPLOYEE PARKING (106 SLOTS)
  - 8 RTG SHOP
  - 9 GATE BUILDING
  - 10 INCLINED GATE (10 LANES) - NEW TENANT
  - 11 MAIN SUBSTATION

- LEGEND**
- BUILDING
  - CANOPY
  - SUBSTATION
  - TRAILER
  - GUARD BOOTH
  - ELEVATED RAIL
  - RAIL
  - ROADWAY
  - ELEVATED ROADWAY
  - SMALL CRAFT CHANNEL
  - EXISTING BASIN AND CHANNEL
  - EXISTING COMMERCIAL SMALL CRAFT CHANNEL
  - SLOPE

**ALTERNATIVE 2 - MAXIMUM EFFICIENCY**

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">REVISION TO LAYOUT</td> <td style="width: 50%; text-align: center;">CK</td> <td style="width: 50%; text-align: center;">LEO</td> <td style="width: 50%; text-align: center;">BY</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> </tr> <tr> <td style="width: 50%; text-align: center;">REVISION</td> <td style="width: 50%; text-align: center;">G. KIM</td> <td style="width: 50%; text-align: center;">J. HELLSTROM</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> </tr> <tr> <td style="width: 50%; text-align: center;">NO. DATE</td> <td style="width: 50%; text-align: center;">1 2/22/11</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> <td style="width: 50%; text-align: center;">G. KIM</td> <td style="width: 50%; text-align: center;">J. HELLSTROM</td> </tr> <tr> <td style="width: 50%; text-align: center;">USOR</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> <td style="width: 50%; text-align: center;">G. KIM</td> <td style="width: 50%; text-align: center;">J. HELLSTROM</td> <td style="width: 50%; text-align: center;">M. LAZIC</td> </tr> </table>	REVISION TO LAYOUT	CK	LEO	BY	M. LAZIC	REVISION	G. KIM	J. HELLSTROM	M. LAZIC	M. LAZIC	NO. DATE	1 2/22/11	M. LAZIC	G. KIM	J. HELLSTROM	USOR	M. LAZIC	G. KIM	J. HELLSTROM	M. LAZIC	<p style="text-align: center;"><b>PORT REDEVELOPMENT PLAN</b> <b>SITE PLAN - ALTERNATIVE 2 -</b> <b>MAXIMUM EFFICIENCY</b></p> <p style="font-size: small;">VERIFY SCALE DATE: FEBRUARY 2011 PROJ: 401731 DWG: 1 SHEET: 1</p>
REVISION TO LAYOUT	CK	LEO	BY	M. LAZIC																	
REVISION	G. KIM	J. HELLSTROM	M. LAZIC	M. LAZIC																	
NO. DATE	1 2/22/11	M. LAZIC	G. KIM	J. HELLSTROM																	
USOR	M. LAZIC	G. KIM	J. HELLSTROM	M. LAZIC																	

FILENAME: Alternative2-Full.dwg PLOT DATE: 4/16/2012 PLOT TIME: 3:59:34 PM

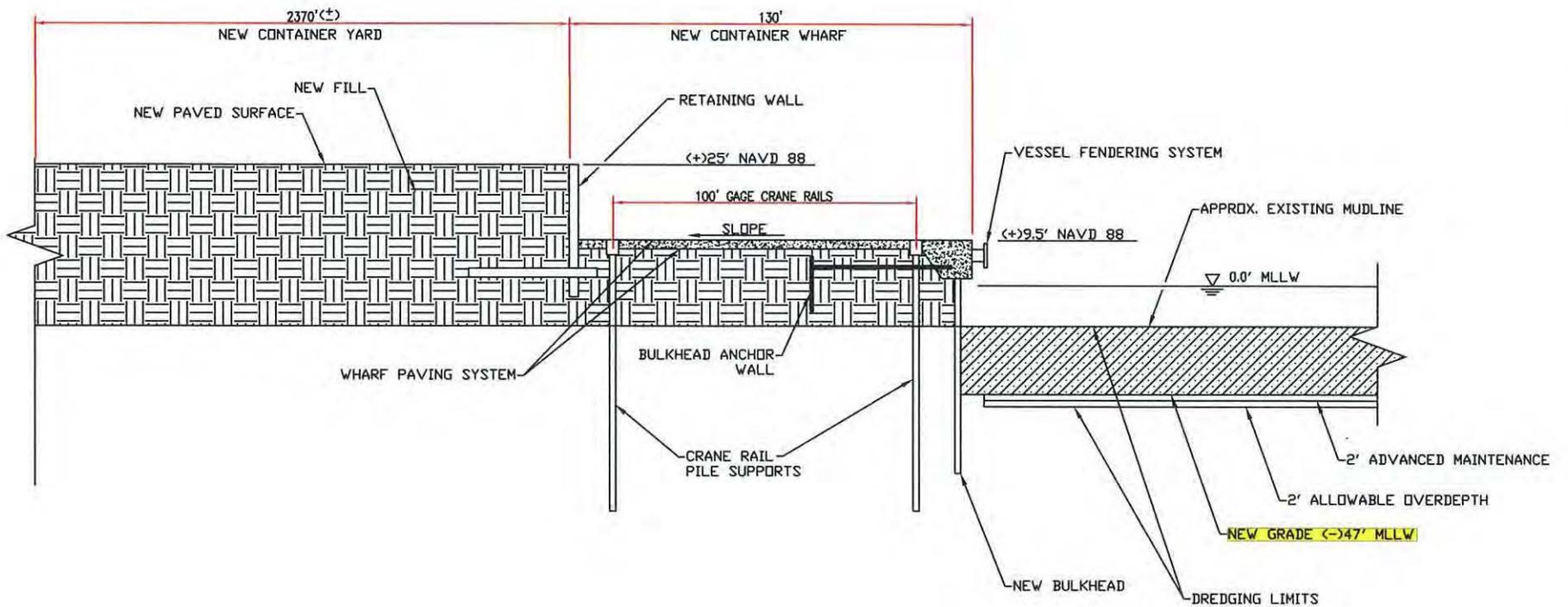


NOT TO SCALE



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

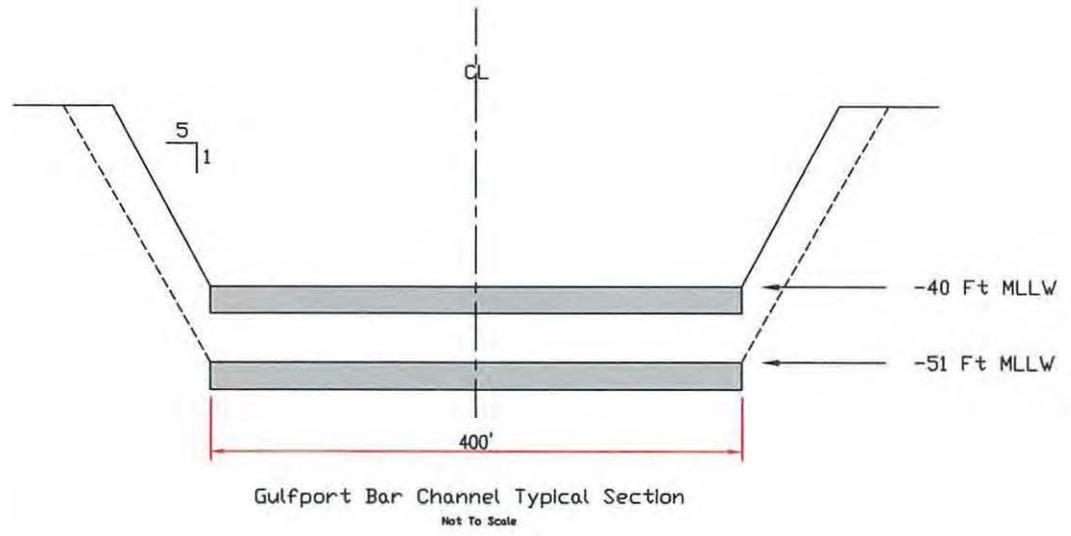
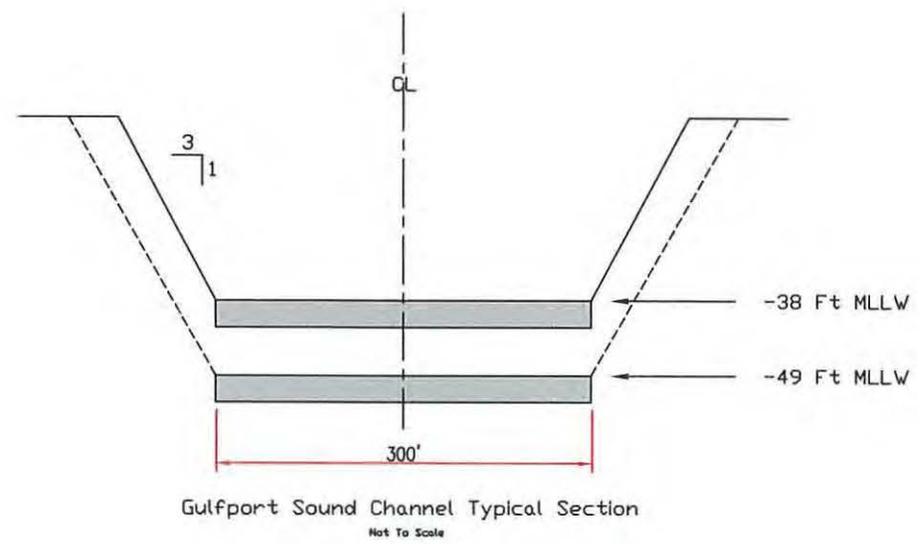
**Figure 3**  
**Proposed Plan**



02-05-2013

**LEGEND**

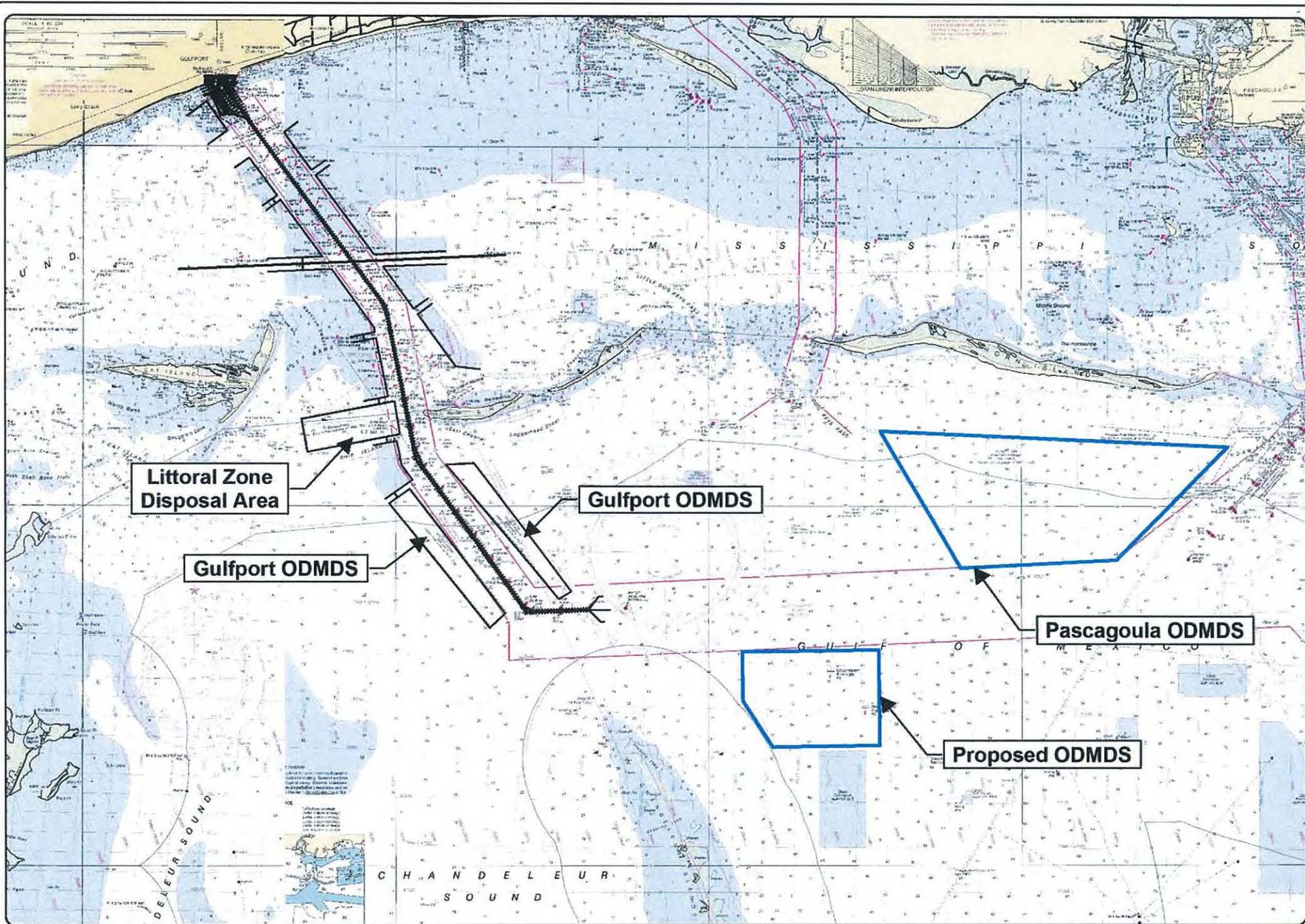
-  2 Ft Allowable Overdepth
-  Existing Required Dredging Prism
-  Proposed Dredging Prism



**NOTE:**

1. Required dredging depth equals the project depth plus two feet of advance maintenance.
2. Channel widths vary from 300 feet in the Gulfport Sound Channel to 400 feet in the Gulfport Bar channel.

02-05-2013



**VOLKERT**

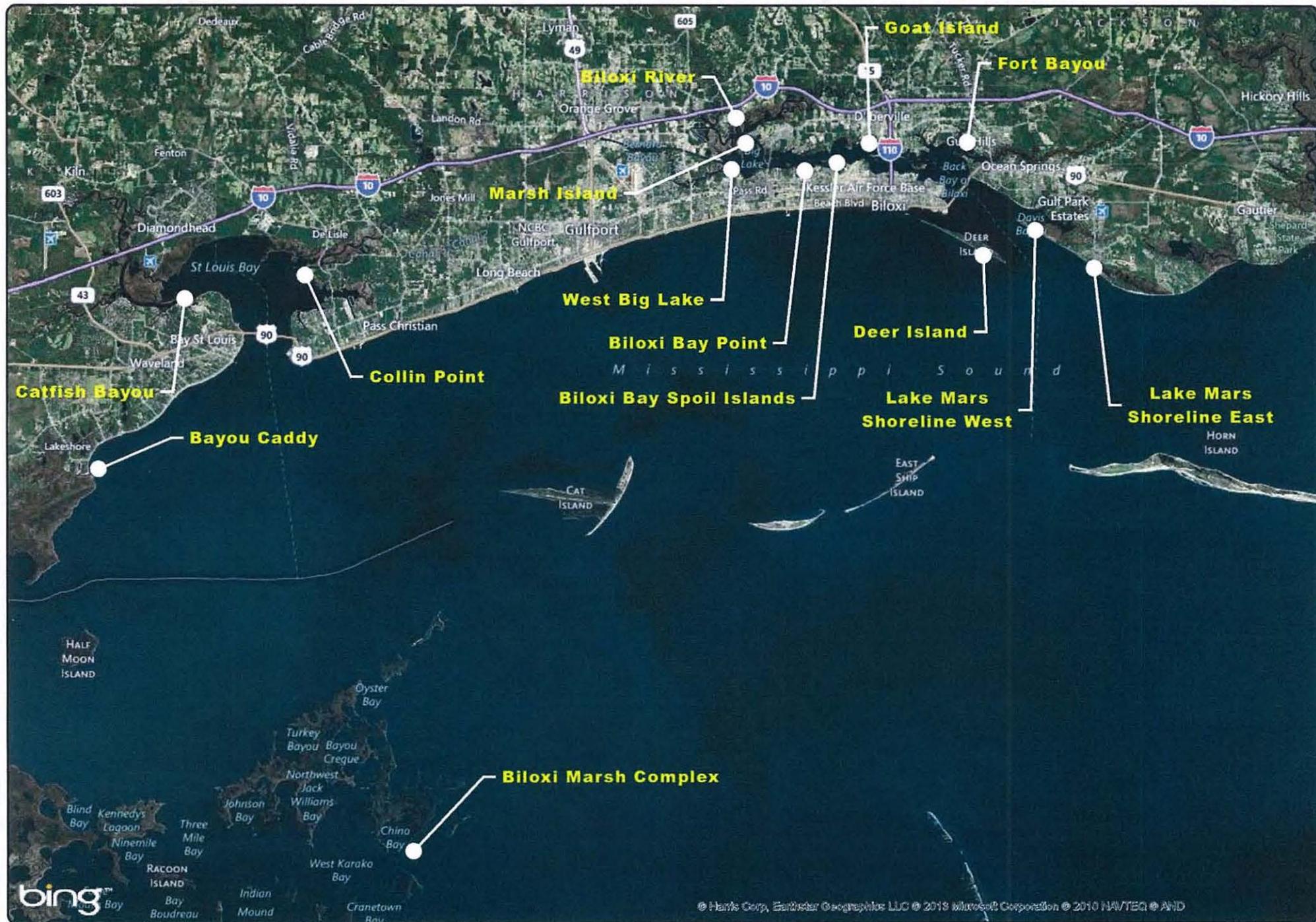
0 2 4 Miles  
1 inch = 4 miles



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

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





**VOLKERT**

0 2.5 5 Miles  
1 inch = 5 miles



© Harris Corp, Earthstar Geographics LLC © 2013 Microsoft Corporation © 2010 NAVTEQ © AND

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

**NEW FIGURE**

**Figure 8**  
**Potential Beneficial Use Sites**

**Appendix A5**

***Federal Register* Notice of Project Modification  
and Additional Public Scoping, May 9, 2013**



Dated: May 3, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

**DELETION:**

**F036 AFPC N**

**SYSTEM NAME:**

Air Force Personnel Test 851, Test Answer Sheets (January 22, 2009, 74 FR 4012).

**REASON:**

This is a duplicate system of records; active records are covered under SORN F036 AFPC K, Enlisted Promotion Testing Record (March 21, 2013, 78 FR 17386). Therefore, SORN F036 AFPC N, Air Force Personnel Test 851, Test Answer Sheets, can be deleted.

[FR Doc. 2013-10983 Filed 5-8-13; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**Modification of Permit Application and Intent for Additional Public Scoping for an Environmental Impact Statement for the Port of Gulfport Expansion Project, Harrison County, Mississippi (Department of the Army Permit Number SAM-2009-1768-DMY)**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Mobile District (USACE) announces a modification to a project proposed by the Mississippi State Port Authority (MSPA) for which an Environmental Impact Statement (EIS) is being prepared. The Mississippi Development Authority (MDA) and the National Marine Fisheries Service (NMFS) are cooperating agencies in the preparation of the EIS. The proposed port expansion project involves impacting up to 200 acres of open-water bottom in the Mississippi Sound from the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The recently received permit application modification proposes additional dredging and dredged material placement to modify the Gulfport Harbor Federal Navigation Channel (FNC) for a length of approximately 20 miles from the current federally

authorized dimensions. The federally authorized turning basin would also be modified, as would the proposed turning basin expansion. The proposed project will include modifications to the authorized FNC and other navigation features to support a navigable channel depth of up to 47 feet in the Mississippi Sound and 49 feet in the Bar Channel plus advance maintenance and allowable over depth requirements. Modification to navigation features adjacent to the port facilities include deepening the existing Federal turning basin area and port berthing areas, a turning basin expansion, and new berthing areas. Widening the channel may be requested based on results of planned ship simulations. Final channel design and associated environmental impacts will be addressed during the permitting and EIS process. The EIS will evaluate the effects of construction and long term effects of the proposed expansion and channel modification, including placement of new work and maintenance dredged material in beneficial use sites or other placement areas, such as open water and ocean dredged material disposal sites.

Alternatives to the proposed action will be evaluated in the EIS, which will assist the USACE in deciding whether to issue a Department of the Army permit.

The purpose of this Notice of Intent is to inform and educate the public of changes to the proposed project; invite public participation in the EIS process; announce the plans for an additional public scoping meeting; solicit public comments for consideration in establishing the scope and content of the EIS; and provide notice of potential impacts to open-water benthic and other habitats potentially impacted by the project.

**DATES:** A scoping meeting will be held on May 21, 2013. Comments will be accepted in written format at the scoping meeting or via mail/email until June 17, 2013. To ensure consideration, comments should be post-marked by this date. Late comments will be considered to the extent practicable.

**ADDRESSES:** The scoping meeting will be held at the Courtyard Marriott Gulfport Beachfront Hotel, 1600 East Beach Boulevard, Gulfport, MS. Written comments regarding the proposed EIS scope or permit application modifications should be addressed to Mr. Damon M. Young, P.G. USACE, Mobile District, Post Office Box 2288, Mobile, Alabama 36628. Individuals who would like to electronically provide comments should contact Mr. Young by electronic mail: [port.gulfporteis@usace.army.mil](mailto:port.gulfporteis@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** For information about this project, to be included on the mailing list for future updates and meeting announcements, or to receive a copy of the DRAFT EIS when it is issued, contact Damon M. Young, P.G., at the USACE at (251) 694-3781 or the address provided above. Mr. Ewing Milam, at the MDA can also be contacted for additional information at P.O. Box 849, Jackson, Mississippi 39205-0849, telephone (601)-359-2157 or by electronic mail at [emilam@mississippi.org](mailto:emilam@mississippi.org).

**SUPPLEMENTARY INFORMATION:**

1. *Background:* The Gulfport Harbor Navigation Project was adopted by the Rivers and Harbors Act approved on July 3, 1930 (House Document Number 692, 69th Congress, 2nd session) and the Rivers and Harbors Act approved on June 30, 1948 (House Document Number 112, 81st Congress, 1st session). Construction of the existing Gulfport Harbor commenced in 1932 and was completed in 1950. The FNC is approximately 20 miles in length, including 11 miles of channel in the Mississippi Sound (Sound Channel), 2 miles of Bar Channel, and 7 miles of channel in the Gulf of Mexico (Gulf Channel). Authorization to conduct improvements to the harbor was issued in the Fiscal Year 1985 Supplemental Appropriations Act (Pub. L. 99-88). The Water Resources Development Acts (WRDAs) 1986 and 1988 further modified the previous authorization to cover widening and deepening and thin-layer disposal, respectively. The authorized deepening was completed in 1993. In 2012 the channel was widened to the federally authorized dimensions. The navigation channel is currently federally authorized at 36 feet deep and 300 feet wide in the Sound Channel and 38 feet deep and 400 feet wide in the Bar and Gulf Channels. The Port's North Harbor (Inner Harbor) is authorized at a depth of 32 feet and the South Harbor (Outer Harbor) and Gulfport Turning Basin are authorized at a depth of 36 feet. A Department of the Army Permit MS96-02828-U was issued in 1998 authorizing an 84-acre expansion to fill the West Pier to construct new tenant terminals and infrastructure. Phases I and II of that project are complete and Phase III is currently under construction.

2. *Location:* The proposed Port of Gulfport Expansion Project is located in the City of Gulfport, Harrison County, Mississippi. The proposed project is approximately 80 miles west of Mobile, Alabama, and 80 miles east of New Orleans, Louisiana. The Port encompasses approximately 184 acres

and is located within 5 miles of the Gulf Intracoastal Waterway (GIWW) and approximately 7 miles south of Interstate Highway 10. The FNC runs from the Port, between Cat and West Ship islands (in Ship Island Pass) into the Gulf of Mexico and is approximately 20 miles long.

3. *Work:* The proposed project involves filling of up to 200 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, expansion of the existing turning basin, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The permit application modification for the proposed project includes deepening and possible widening of the existing FNC from the federally authorized dimensions. The federally authorized turning basin would also be modified, as would the proposed adjacent turning basin expansion. A Department of the Army permit is required for the proposed project, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1251), Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401–1445, 16 U.S.C. 1431 et seq., also 33 U.S.C. 1271).

An EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500–1508) to assess the potential environmental impacts associated with the construction, operation, and maintenance of the proposed project as submitted and modified by the MSPA.

4. *Need:* According to the MSPA, this project will contribute to the long-term economic development of Mississippi and the Gulf Coast region by expanding the Port footprint and facilities to increase cargo throughput, provide additional employment opportunities, and to increase the economic benefits produced by the Port. This project is needed to expand the Port's current footprint, thus providing an opportunity to increase the Port's capacity for moving cargo and growing. Specific alternatives are being developed as part of the EIS process and feedback provided during the additional scoping meeting will be taken into consideration.

5. *Affected Environment:* Environmental characteristics that may be affected by the proposed project include geological, chemical, biological, physical, socioeconomic, and commercial and recreational activities. Offshore, the navigation channel extends 20 miles south into the Gulf of Mexico, passing close to the western end of Ship Island. On-shore, the regional environment is characterized as Coastal Lowlands, and the shore area, where not developed, consists typically of gently undulating swampy plains. The beach area is man-made and bordered by constructed seawalls. The existing Port, as part of the man-made environment of Gulfport, is constructed on fill material. The Gulfport area is well developed. Beyond the seawalls are extensive commercial and residential developments. The nearshore and offshore area is known for its valuable resources as a productive fishery and is also utilized extensively for commercial and recreational shipping and boating.

6. *Applicable Environmental Laws and Policies:* The proposed project could result in both beneficial and negative environmental impacts. These impacts will be evaluated in the EIS in accordance with applicable environmental laws and policies, which include NEPA; WRDA; Endangered Species Act; Clean Water Act; Clean Air Act; U.S. Fish and Wildlife Coordination Act; National Historic Preservation Act; Coastal Barrier Resources Act; Magnuson–Stevens Fishery Conservation and Management Act; Coastal Zone Management Act; Marine, Protection, Research, and Sanctuaries Act; Rivers and Harbors Act; National Marine Sanctuaries Act; Fishery Conservation Act; Marine Mammal Protection Act; Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations; Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risk (among other Executive Orders); and Ports and Waterways Safety Act.

7. *Preliminary Identification of Environmental Issues:* The following list of environmental issues has been tentatively identified for analysis in the EIS. This list was developed during preliminary internal scoping, through previous public scoping efforts, and from information from similar projects, and is neither intended to be all inclusive nor a predetermined set of potential impacts. It is presented to facilitate public comment on the planned scope of the EIS. Additions to or deletions may occur as a result of the public scoping process. Preliminary identified environmental issues include

but are not limited to the loss of aquatic resources (impact to potential submerged and shoreline aquatic habitat); water quality; salinity and flows; sediment transport and currents; threatened and endangered species (including critical habitat and essential fish and shellfish habitat); air quality; traffic; socioeconomics; and impacts to low income and minority populations. The evaluation will consider alternatives, secondary and cumulative impacts, and mitigation.

8. *Scoping meeting:* A public scoping meeting was held in spring of 2011 in Gulfport, Mississippi to solicit comments from the public and agencies in regards to the original permit application and proposed project. To ensure that all of the issues related to this proposed project and permit action modification are addressed, the USACE will conduct an additional public scoping meeting in which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS, given the proposed project changes. The scoping meeting will be held at the Courtyard Marriott Gulfport Beachfront Hotel, 1600 East Beach Boulevard, Gulfport, MS, on May 21, 2013. The scoping meeting will begin with an informal open house from 5:30 p.m. to 6:30 p.m. followed by a formal presentation of the proposed permit action and modifications. Comments will be accepted following the formal presentation until 8:00 p.m. Displays and other forms of information about the proposed action and modifications will be available, and the USACE, the MSPA and the MDA personnel will be present at the informal session to discuss the proposed project and modifications and the EIS Process. The USACE invites comments on the proposed scope and content of the EIS from all interested parties. Verbal or written comments will be taken at the scoping meeting following the formal presentation until 8:00 p.m. A time limit will be imposed on verbal comments, as necessary. If hearing impaired or language translation services are needed, please contact Damon M. Young, P.G., at the USACE at (251) 694–3781, at [port.gulfporteis@usace.army.mil](mailto:port.gulfporteis@usace.army.mil), or at the street address provided above.

9. *Draft EIS:* It is anticipated that a Draft EIS will be made available for public review in early calendar year 2014. A public hearing will be held during the public comment period for the Draft EIS.

Approved By:  
**Craig J. Litteken**,  
 Chief, Regulatory Division.  
 [FR Doc. 2013-11038 Filed 5-8-13; 8:45 am]  
 BILLING CODE 3720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2013-0013]

#### Privacy Act of 1974; System of Records

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice to delete a System of Records.

**SUMMARY:** The Department of the Navy is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective on June 10, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before June 10, 2013.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

\* *Federal Rulemaking Portal:* <http://www.regulations.gov>.

Follow the instructions for submitting comments.

\* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350-3100.

*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Patterson, HEAD, FOIA/Privacy Act Policy Branch, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350-2000, or by phone at (202) 685-6545.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed deletion is not within the purview of subsection (r) of

the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 2, 2013.

**Aaron Siegel**,  
 Alternate OSD Federal Register Liaison  
 Officer, Department of Defense.

#### DELETION:

##### N05100-3

Safety Equipment Needs, Issues, Authorizations (May 9, 2003, 68 FR 24959).

#### REASON:

Records are covered under NM05100-5, Enterprise Safety Applications Management Systems (ESAMS) (March 25, 2011, 76 FR 16739); therefore, N05100-3, Safety Equipment Needs, Issues, Authorizations can be deleted.

[FR Doc. 2013-10984 Filed 5-8-13; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF EDUCATION

### Applications for New Awards; National Institute on Disability and Rehabilitation Research—Traumatic Brain Injury Model Systems Centers Collaborative Research Project

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

#### Overview Information

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—Traumatic Brain Injury Model Systems Centers Collaborative Research Projects; Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-7.

#### DATES:

*Applications Available:* May 9, 2013.  
*Date of Pre-Application Meeting:* May 30, 2013.

*Deadline for Transmittal of Applications:* July 8, 2013.

#### Full Text of Announcement

##### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including

international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

#### *Disability and Rehabilitation Research Projects (DRRPs)*

The purpose of NIDRR's DRRPs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, utilization, dissemination, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b). Additional information on the DRRP program can be found at: [www.ed.gov/rschstat/research/pubs/res-program.html#DRRP](http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP).

*Priorities:* This notice contains two absolute priorities for this competition. Priority 1, the *DRRP Priority for the Traumatic Brain Injury Model Systems Centers Collaborative Research Projects* is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**. Priority 2, the *General DRRP Requirements* priority, which applies to DRRP competitions, is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

*Absolute Priorities:* For FY 2013 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under



## **Appendix A6**

**Letter from U.S. Army Corps of Engineers to  
Mississippi State Port Authority, February 2, 2015**





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, AL 36628-0001

February 2, 2015

South Mississippi Branch  
Regulatory Division

**SUBJECT:** Department of the Army Permit Application Number SAM-2009-01768-DMY, Mississippi State Port Authority

Mississippi State Port Authority  
Attention: Mr. Jonathan Daniels  
2510 14<sup>th</sup> Street, Suite 880  
Gulfport, Mississippi 39501

Dear Mr. Daniels:

In an effort to maintain timely progress on the Environmental Impact Statement (EIS) for the Mississippi State Port Authority's (MSPA) Port of Gulfport Expansion Project (PGEP), we would like to share the Corps' understanding of the status of the currently proposed project. By letter dated April 8, 2013, the MSPA requested that PGEP be modified to include widening and deepening of the existing Federal Navigation Channel (FNC). However, it is our understanding this is no longer the MSPA's proposed project. Based on meetings held with the MSPA and authorized representatives over the timeframe of August 5, 2014, through the present date, it is our understanding that widening and deepening the FNC is no longer a requirement of known incoming tenants. Moreover, on November 11, 2014, MSPA stated that they had no intention to expand the FNC or maintain an expanded FNC without first receiving proper prior Federal approval and funding. Therefore, the purpose and need of the project has changed, and no modification to the FNC is proposed as part of the PGEP. It is our understanding that if future needs arise, modification to the FNC may be pursued as a single and complete project. The currently proposed action at the Port consists of the following: filling approximately 202 acres (ac) (160 ac at the end of the west pier; 9 ac in the north harbor, 15 ac at the end of the east pier and 18 ac east of the FNC for the creation of breakwaters); removal of 3.7 million cubic yards (mcy) of material by dredging for the placement of 202 ac of proposed fill on more suitable foundation; and dredging of another 3.7 mcy of material south of the existing turning basin to expand the capacity of the turning basin. Discussions in the EIS regarding modifications to the FNC will be limited to cumulative impacts and reasonably foreseeable future actions.

Based on a letter dated January 7, 2015, from the Mississippi Department of Marine Resources (MDMR), we are satisfied that MDMR has demonstrated that the Biloxi Marsh Complex (BMC) is a single and complete project with independent utility which

could potentially be utilized for sediment disposal should it receive approvals from the State of Louisiana and USACE, New Orleans District. It is our understanding that BMC is your preferred option for sediment disposal, and the Pascagoula Ocean Dredged Material Disposal Site (ODMDS) is your secondary option for disposal. Please understand the Dredged Material Management Plan (DMMP) will need to be updated so it may be submitted to the Environmental Protection Agency (EPA) in order to utilize the ODMDS site under Section 103 of the Marine Protection, Research, and Sanctuaries Act, and that both BMC and Pascagoula ODMDS must be fully evaluated in the Final EIS.

It is our understanding based on meetings held with MSPA and its authorized representatives over the timeframe of May 11, 2012, through the present date that the National Marine Fisheries Service (NMFS) may require compensation for impacts to Essential Fish Habitat (EFH) for fill, and the MSPA is proposing the creation of approximately 200 ac of marsh in BMC to meet the NMFS requirement. Please provide documentation from MDMR that MSPA has been given permission to create 200 ac of marsh in the proposed BMC disposal area.

Over the timeframe of October 16, 2014, through the present date, we have requested a technical memorandum from the MSPA detailing the PGEP sediment and structures modeling analysis. A draft memorandum was received from MSPA on December 16, 2014, and we provided comments on December 19, 2014. Please provide the revised technical memorandum addressing our comments.

It is our understanding based on meetings held with the MSPA, authorized representatives and incoming tenants over the timeframe of August 5, 2014, through the present date that the south end of the east pier may be modified to fit the needs of a new tenant. In order for us to fully evaluate the impacts of the PGEP and to fully disclose the project to the public; please provide updated drawings, figures and quantities which accurately depict the proposed configuration of the east pier.

In summary, please provide us with documentation from MDMR that MSPA has been given permission to create 200 ac of marsh in the proposed BMC disposal area, a revised technical memorandum, a written description of all proposed work which will include an updated set of plans and drawings that accurately depicts all proposed work at your facility. Without these items we will be unable to produce a DEIS for comments and review.

A copy of this letter is being provided to the following recipients: Mississippi State Port Authority, Attention: Mr. Nick Foto, Jr., 2510 14<sup>th</sup> Street, Suite 1450, Gulfport, Mississippi 39501, and CH2M Hill, Attention: Ms. Elizabeth Calvit, at 2410 14<sup>th</sup> Street, Suite 1100, Gulfport, Mississippi 39501.

If our understanding of any the above stated matters is incorrect, or if you wish to clarify any statements in this letter, please respond in writing by *14 days from the letterhead date*. A timely response is necessary in order to maintain timely progress on the project. We look forward to continuing to work together in order to address the needs and requirements of this project. Should you wish to discuss this letter or have any questions, please do not hesitate to contact me at (251) 690-2658 or by email at [craig.j.litteken@usace.army.mil](mailto:craig.j.litteken@usace.army.mil).

Sincerely,

  
Craig J. Litteken, PMP  
Chief, Regulatory Division



**Appendix A7**

***Federal Register* Notice of Availability  
October 30, 2015**

Jersey Central Power & Light,  
Metropolitan Edison Company.

*Description:* § 205(d) Rate Filing;  
Penelec, et al. submit SA Nos. 4221,  
4222, 4223 with Reverse Power Flow  
Agreement to be effective 12/22/2015.

*Filed Date:* 10/23/15.

*Accession Number:* 20151023-5176.

*Comments Due:* 5 p.m. ET 11/13/15.

*Docket Numbers:* ER16-141-000.

*Applicants:* Conetoe II Solar, LLC.

*Description:* Baseline eTariff Filing;  
MBR Tariff and Application to be  
effective 10/26/2015.

*Filed Date:* 10/23/15.

*Accession Number:* 20151023-5326.

*Comments Due:* 5 p.m. ET 11/13/15.

The filings are accessible in the  
Commission's eLibrary system by  
clicking on the links or querying the  
docket number.

Any person desiring to intervene or  
protest in any of the above proceedings  
must file in accordance with Rules 211  
and 214 of the Commission's  
Regulations (18 CFR 385.211 and  
385.214) on or before 5:00 p.m. Eastern  
time on the specified comment date.  
Protests may be considered, but  
intervention is necessary to become a  
party to the proceeding.

eFiling is encouraged. More detailed  
information relating to filing  
requirements, interventions, protests,  
service, and qualifying facilities filings  
can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For  
other information, call (866) 208-3676  
(toll free). For TTY, call (202) 502-8659.

Dated: October 23, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-27671 Filed 10-29-15; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9023-7]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal  
Activities, General Information (202)  
564-7146 or <http://www2.epa.gov/nepa>.  
Weekly receipt of Environmental Impact  
Statements

Filed 10/19/2015 Through 10/23/2015  
Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act  
requires that EPA make public its  
comments on EISs issued by other  
Federal agencies. EPA's comment letters  
on EISs are available at: <http://>

[cdxnodengn.epa.gov/cdx-nepa-public/  
action/eis/search](http://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search).

*EIS No. 20150295, Draft, NPS, REG,*  
Revision of 9B Regulations Governing  
Non-Federal Oil and Gas Activities,  
*Comment Period Ends:* 12/28/2015,  
*Contact:* Michael B. Edwards 303-  
969-2694.

*EIS No. 20150296, Final, FEMA, OR,*  
Southern Flow Corridor Project,  
*Review Period Ends:* 11/30/2015,  
*Contact:* Mark Eberlein 425-487-  
4735.

*EIS No. 20150297, Final, USA, HI,*  
Schofield Generating Station Project  
U.S. Army Garrison-Hawaii, *Review  
Period Ends:* 11/30/2015, *Contact:*  
Lisa Graham 808-656-3075.

*EIS No. 20150298, Draft, USACE, MS,*  
Proposed Port of Gulfport Expansion  
Project, *Comment Period Ends:*  
12/14/2015, *Contact:* Philip Hegji  
251-690-3222.

*EIS No. 20150299, Final, NRC, WI,*  
Construction Permit for the SHINE  
Medical Radioisotope Production  
Facility, Final Report, NUREG-2183,  
*Review Period Ends:* 11/30/2015,  
*Contact:* Michelle Moser 301-415-  
6509.

*EIS No. 20150300, Draft, USACE, GA,*  
Glades Reservoir Water Supply  
Project, *Comment Period Ends:*  
12/29/2015, *Contact:* Richard W.  
Morgan 912-652-5139.

*EIS No. 20150301, Draft, USFWS, CA,*  
Delta Research Station Project:  
Estuarine Research Station and Fish  
Technology Center, *Comment Period  
Ends:* 12/14/2015, *Contact:* Barbara  
Beggs 916-930-5637.

*EIS No. 20150302, Draft, NPS, WY,*  
Moose-Wilson Corridor Draft  
Comprehensive Management Plan,  
*Comment Period Ends:* 12/29/2015,  
*Contact:* Chris Church 303-969-2276.

*EIS No. 20150303, Final, AFS, BLM, NV,*  
Greater Sage Grouse Bi-State Distinct  
Population Segment Forest Plan  
Amendment, *Review Period Ends:*  
11/30/2015, *Contact:* James Winfrey  
775-355-5308.

Dated: October 27, 2015.

**Karin Leff,**

*Acting Director, NEPA Compliance Division,  
Office of Federal Activities.*

[FR Doc. 2015-27732 Filed 10-29-15; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2012-0103; FRL-9936-39-  
OEI]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Diesel Emissions Reduction Act (DERA) Rebate Program (Renewal)

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection  
Agency has submitted an information  
collection request (ICR), "Diesel  
Emissions Reduction Act (DERA) Rebate  
Program" (EPA ICR No. 2461.02, OMB  
Control No. 2060-0686) to the Office of  
Management and Budget (OMB) for  
review and approval in accordance with  
the Paperwork Reduction Act (44 U.S.C.  
3501 *et seq.*). This is a proposed  
extension of the ICR, which is currently  
approved through October 31, 2015.  
Public comments were previously  
requested via the **Federal Register** on  
August 25, 2015 during a 60-day  
comment period. This notice allows for  
an additional 30 days for public  
comments. A fuller description of the  
ICR is given below, including its  
estimated burden and cost to the public.  
An Agency may not conduct or sponsor  
and a person is not required to respond  
to a collection of information unless it  
displays a currently valid OMB control  
number.

**DATES:** Additional comments may be  
submitted on or before November 30,  
2015.

**ADDRESSES:** Submit your comments,  
referencing Docket ID Number EPA-  
HQ-OAR-2012-0103, to (1) EPA online  
using [www.regulations.gov](http://www.regulations.gov) (our  
preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA  
Docket Center, Environmental  
Protection Agency, Mail Code 28221T,  
1200 Pennsylvania Ave. NW.,  
Washington, DC 20460, and (2) OMB via  
email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).  
Address comments to OMB Desk Officer  
for EPA.

EPA's policy is that all comments  
received will be included in the public  
docket without change including any  
personal information provided, unless  
the comment includes profanity, threats,  
information claimed to be Confidential  
Business Information (CBI) or other  
information whose disclosure is  
restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**  
Tyler Cooley, Office of Transportation  
and Air Quality, (Mail Code: 6406A),