



REPLY TO
ATTENTION OF:

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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2007-02055-MJF

April 21, 2020

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL (MDEQ)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR-200283

PROPOSED IMPACTS TO OTHER WATERS FOR MAINTENANCE DREDGING AND
DISPOSAL, DAVIS BAYOU NAVIGATIONAL CHANNEL OCEAN SPRINGS, JACKSON
COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: **Jackson County Board of Supervisors**
Attention: Mr. Chase Glisson
Post Office Box 998
Pascagoula, Mississippi 39568-0998
Chase_glisson@co.jackson.ms.us

AGENT: **Compton Engineering**
Attention: Ms. Lisa Morrison
156 Nixon Street
Biloxi, Mississippi 39530
lmorrison@comptonengineering.com

WATERWAY AND LOCATION: Upper Davis Bayou Primary, Upper Davis Bayou Secondary, Heron Bayou, Vaughn Bayou, City of Ocean Springs, Jackson County, Mississippi. Section 34, Township 7 South, Range 8 West, Latitude 30.391258° North Longitude -88.767839° West. This area is depicted on the MS-Ocean Springs Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 03170009.

PROPOSED WORK: The applicant proposes to perform maintenance dredging of approximately 123,000 total linear feet to remove approximately 23,664 cubic yards of sediment from Upper Davis Primary and Secondary Bayous, ten side bayous, a portion of Heron Bayou and a portion of Vaughn Bayou. A 3:1 slope would be maintained along

the channel sides. A buffer zone with a minimum width of 10-feet would remain between any dredging activities and the marsh wetlands along the sides of the channels. The project parameters of the proposed alignments are as follows:

| Location | Width (incl slopes) | Proposed Depth | Quantity (CY) |
|-------------------------|---------------------|----------------|---------------|
| Upper Davis (Primary) | 50' maximum | -7.0' | 21,322 |
| Upper Davis (Secondary) | 50' maximum | -7.0' | 1,687 |
| Upper Davis Side Bayous | 20' maximum | -5.0' | 450 |
| Heron Bayou | 20' maximum | -4.0' | 125 |
| Vaughn Bayou | 20' maximum | -5.0' | 80 |

The applicant provided a Submerged Aquatic Vegetation (SAV) and Shell Fish Survey for the proposed dredge alignment which was performed on September 12, 2019. The report provided states there were no SAV or live shell fish found. No SAV or shell fish were located within the proposed dredge alignment.

Dredging would be performed via mechanical equipment and barged to an approved disposal site. The material may be disposed of at the Harrison County Development Commission Disposal Area C-1 located in the Industrial Seaway, MacLand Disposal Center located on Highway 63 in Moss Point, or at an approved upland Class I or Class II Rubbish Disposal Site or other site deemed acceptable to receive such dredge spoils.

HISTORY: A Department of the Army (DA) permit was issued for dredging of 48,000 cubic yards of material along 8,600 linear feet of Davis Bayou under this same permit number dated December 20, 2007. This permit expired December 20, 2012. A second DA permit was issued for dredging of 13,284 cubic yards of material along 10,889 linear feet from side channels to Davis Bayou dated February 6, 2008. This permit expired February 6, 2013. A third DA permit was issued for dredging of 96,835 cubic yards of material along 8,600 linear feet of Davis Bayou dated December 20, 2013. This permit expired December 20, 2018.

EXISTING CONDITIONS: The proposed project is located in the open waters of Davis Bayou. Davis Bayou is a tidally influenced tributary to Biloxi Bay, in Jackson County, Mississippi. Biloxi Bay flows into the Mississippi Sound. The proposed project is located at an existing single family residential area located in Gulf Park Estates Subdivision. The majority of the bayou has adjacent single family properties with no marsh vegetation along the west side in the upper reaches and along the east side in the lower reaches. The opposite sides typically consist of tidal marsh.

PROJECT PURPOSE: The applicant stated that the project purpose is “to allow for safe boating and provide continued access within the channels for residences located along the channels as well as for safe access for boaters and fishermen”. The basic project purpose of the proposed project is the maintenance dredging for a Davis Bayou and connecting bayous. Additional review will be performed by the USACE and cooperating agencies.

ALTERNATIVES: The dredging portion of the project as proposed is site specific. No off-site alternatives were provided for this project.

AVOIDANCE & MINIMIZATION: The proposed dredging would comply with the state permitting (DMR-200283) requirements of no dredging within 10 feet of marsh grass and identified subaquatic vegetation. In addition, the requested work would not impact the shoreline marshes or other wetland habitats. The applicant states that minimization of would be carried out by use of best management practices during construction to protect all waters downstream and down gradient of work areas. Turbidity curtains may be utilized if needed. The USACE has not verified the accuracy or adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: Wetlands would not be impacted by this project; therefore, no mitigation is proposed. Further mitigation may be required, if applicable. The U.S. Army Corps of Engineers (USACE) has not verified the adequacy of this mitigation proposal at this time.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Mississippi Department of Environmental Quality and the Mississippi Department of Marine Resources.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers 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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered

species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of proposed dredging. The proposed project alignment has previously been impacted by dredging to maintain use of the navigation channel. Based on the above information, the Corps has determined the proposed project will have **no potential to cause effects** on historic properties. However, we are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may be affected by the work. This action constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the project area. The Mississippi Department of Archives and History (MDAH) responded to the 2013 permit notice by letter dated December 20, 2007 stating their concurrence that no known cultural resources will be affected by the proposed project. (MDAH Project Log #11-098-07).

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and the National Marine Fisheries Service list of Mississippi's Threatened and Endangered Species indicated the following species may be present within the affected watershed: the West Indian Manatee (*Trichechus manatus*) (Endangered) the Mississippi Sandhill Crane (*Grus canadensis pulla*) (Endangered), the Wood Stork (*Mycteria Americana*) (Threatened), the Piping Plover (*Charadrius melodus*) (Threatened), the Red Knot (*Calidris canutus rufa*) (Threatened), the Gopher tortoise (*Gopherus polyphemus*) (Threatened), the Mississippi Gopher Frog (*Rana sevosia*) (Endangered), the Alabama Red-bellied Turtle (*Pseudemys alabamensis*) (Endangered), the Loggerhead Sea Turtle (*Caretta Caretta*) (Endangered), and the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) (Threatened). No listed critical habitat is located on or near the project site. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants for the 12-HUC watershed suggest that the proposed activity **may affect but is not likely to adversely affect** the West Indian Manatee provided the Standard Manatee Conditions for In-Water Activities be included as permit

conditions. In addition the proposed activity should have **no effect** on the remainder of the listed endangered or threatened species or critical habitat. This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for information on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action **would not adversely impact EFH** or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

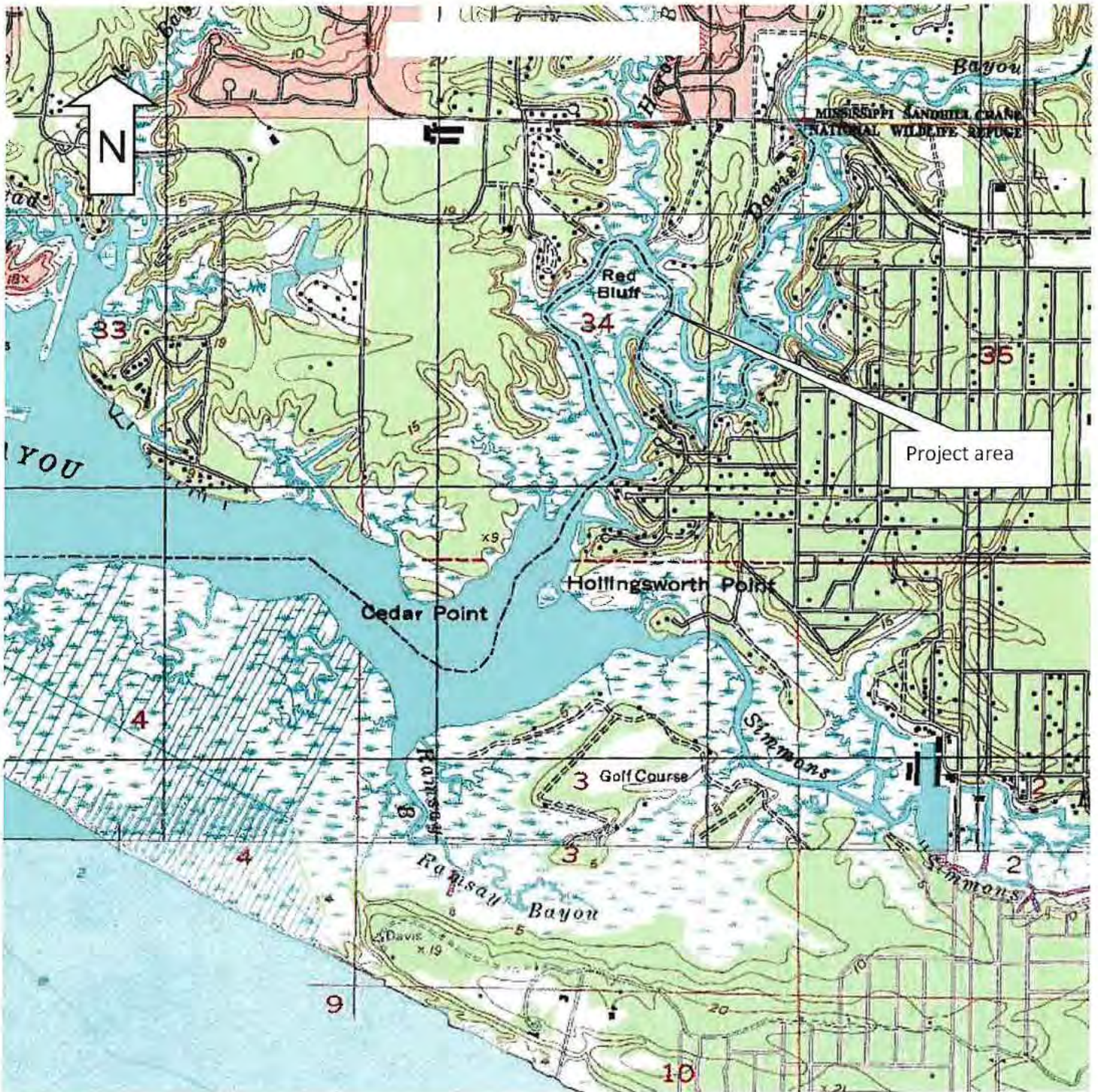
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-02055-MJF** and should be directed to the District Engineer, USACE, Mobile District, USACE Biloxi Field Office, Attention: **Ms. Maryellen Farmer**, 1141 Bayview Avenue, Suite 120, Biloxi, Mississippi 39530, Maryellen.J.Farmer@usace.army.mil with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, **Attention: Ms. Florance Bass, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 FBass@mdeq.ms.gov and the Mississippi Department of Marine Resources, **Attention: Mr. Matthew Murphy**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530. matthew.murphy@dmr.ms.gov 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, Maryellen J. Farmer (maryellen.j.farmer@usace.army.mil), phone (228)523-4116. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our website at: www.sam.usace.army.mil 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



COMPTON ENGINEERING, INC.
 Engineering, Surveying, and Environmental Services
 156 Nixon Street
 Biloxi, Mississippi 39530
 Phone: (228) 432-2133 Fax: (228) 432-8149
 E-mail: compton@comptonengineering.com

Site: Hurricane Nate Dredging Project
 Davis Bayou, Herron Bayou, Vaughn Bayou
 Ocean Springs, Jackson County, MS

Figure Title: **Topographic Map** (Map Source: USGS, 2012)

Appendix ID:
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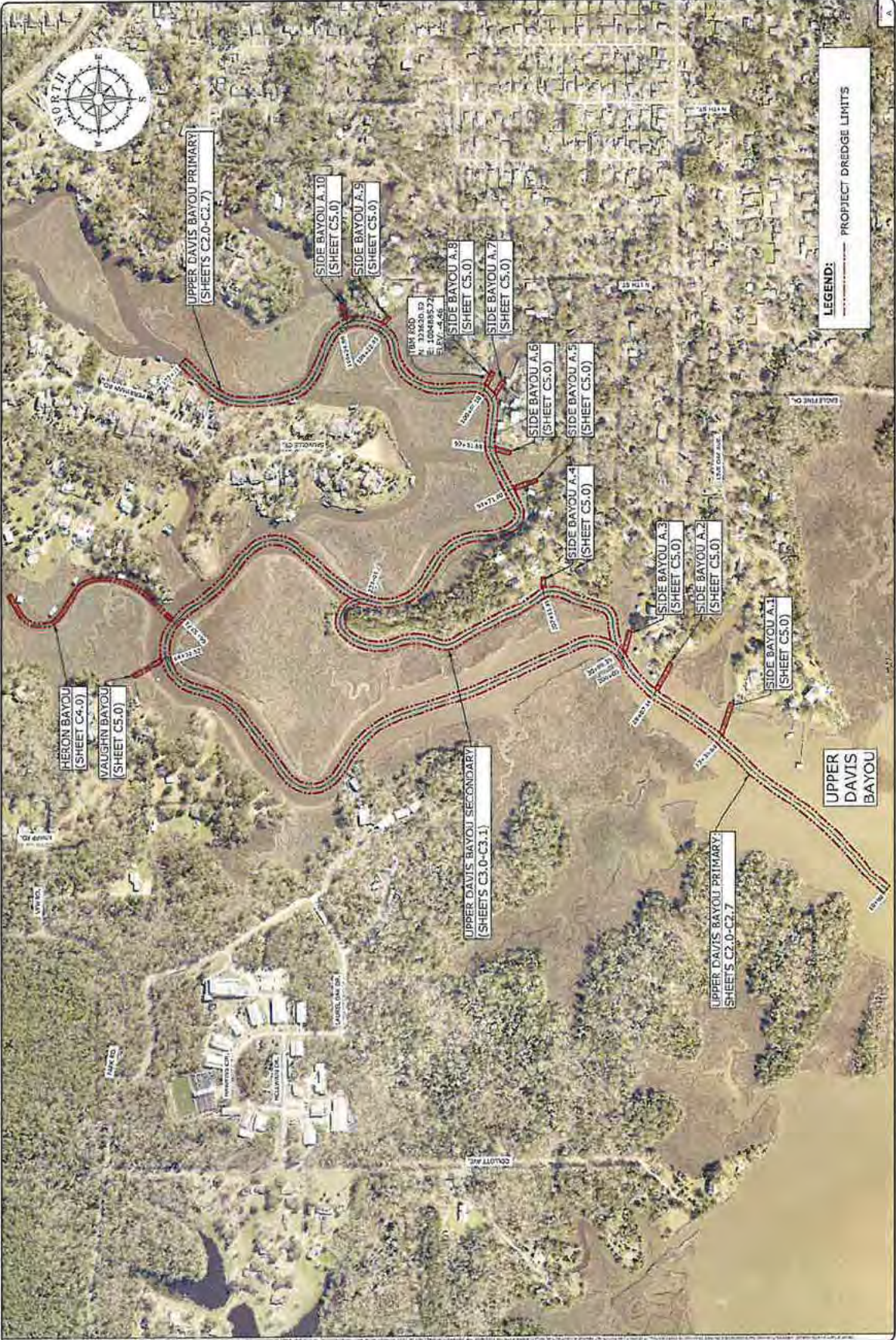
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 HURRICANE NATE DREDGING
 AERIAL OF GROUP 1 DREDGE SITE

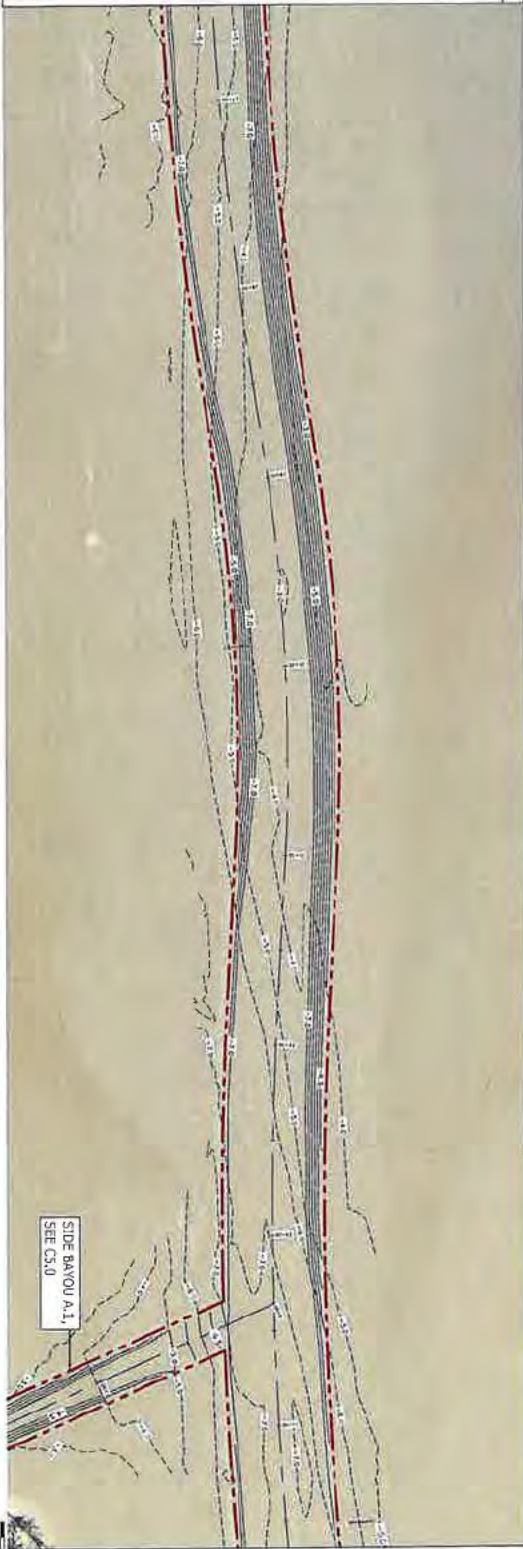
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REPORT BOUNDARY SHEET

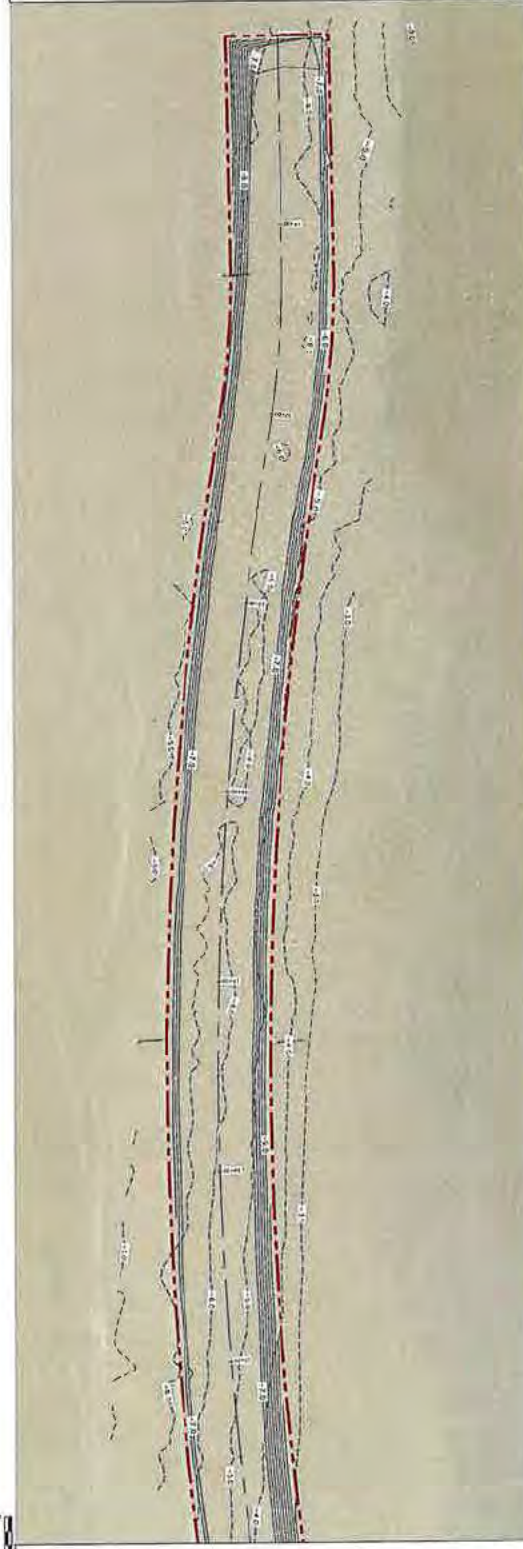
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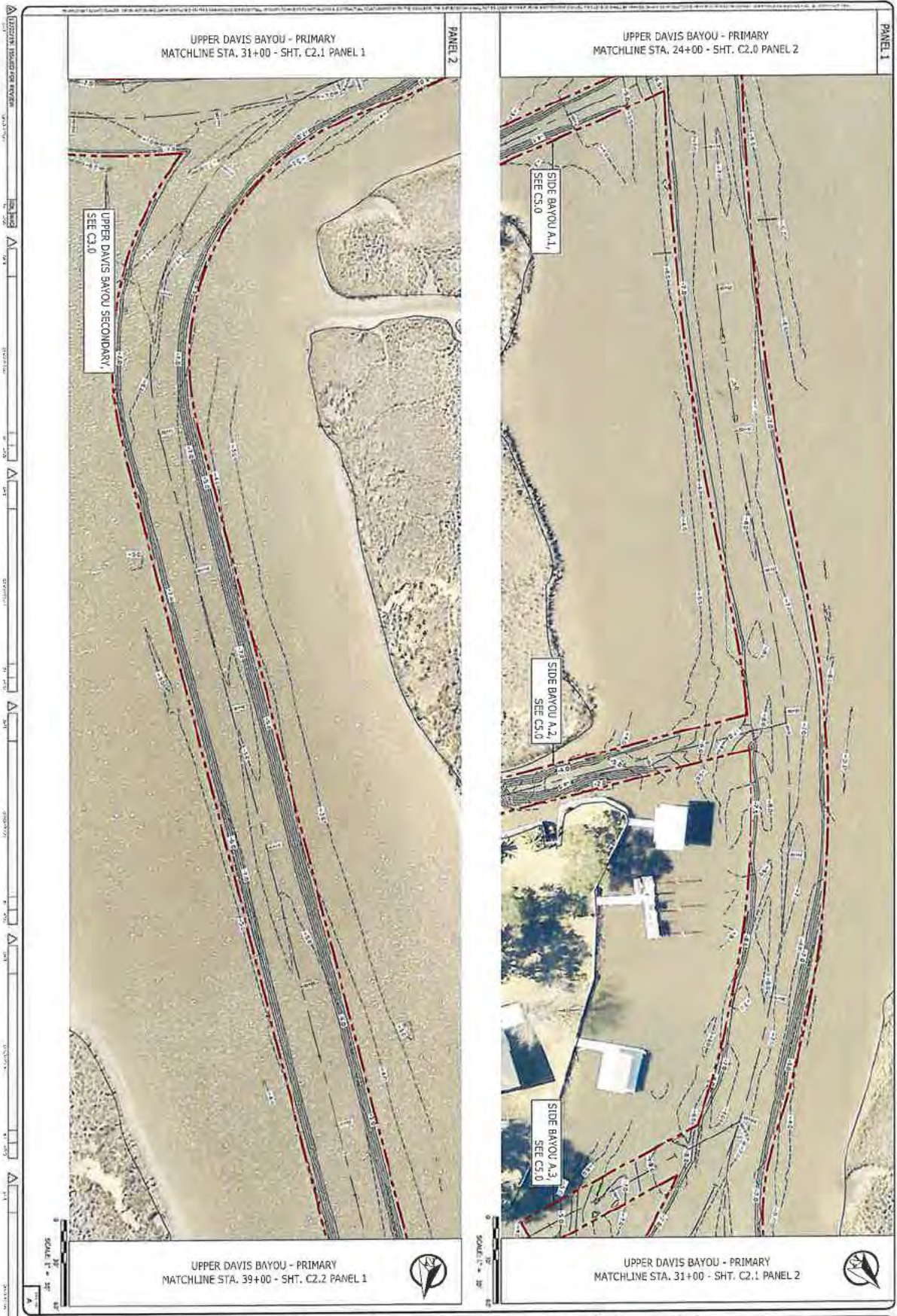
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UPPER DAVIS BAYOU SECONDARY,
SEE C3.0

SIDE BAYOU A.1,
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PANEL 2

PANEL 1

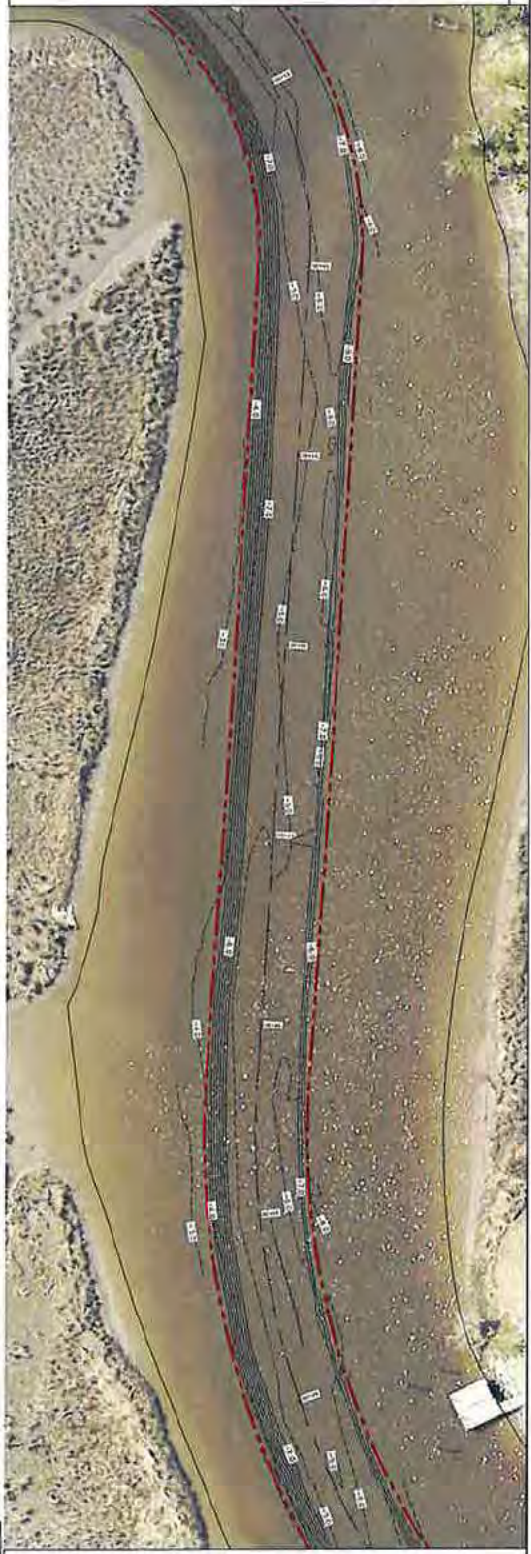
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UPPER DAVIS BAYOU SECONDARY
 SEE C3.1

UPPER DAVIS BAYOU - PRIMARY
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UPPER DAVIS BAYOU PRIMARY STA: 67+00 - 81+00



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AUGUST 2018

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MATCHLINE STA. 101+00 - SHT. C2.6 PANEL 1



UPPER DAVIS BAYOU - PRIMARY
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UPPER DAVIS BAYOU PRIMARY STA: 95+00 - 109+00



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SECTION A-A
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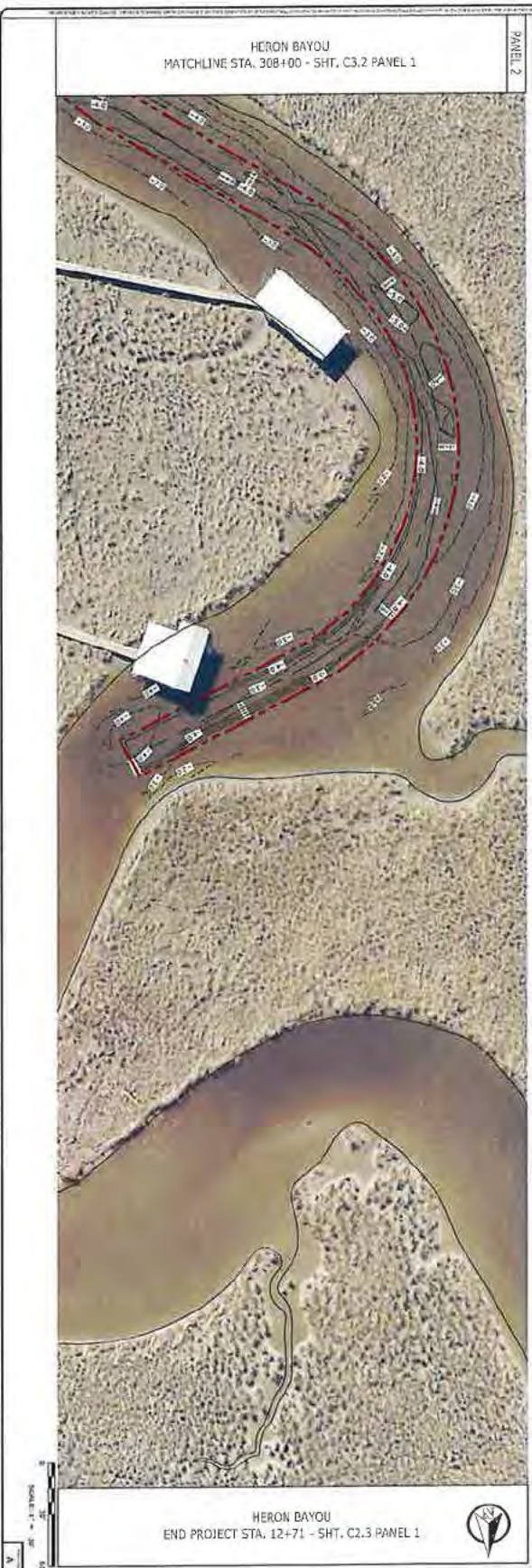
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 HERON BAYOU STA. 0+00 - 12+71



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UPPER DAVIS SIDE BAYOU A.1
MATCHLINE STA. 00+00 - STA. 2+29 - SHT. C2.0



UPPER DAVIS SIDE BAYOU A.4
MATCHLINE STA. 00+00 - STA. 00+96 - SHT. C3.0



UPPER DAVIS SIDE BAYOU A.7
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UPPER DAVIS SIDE BAYOU A.10
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UPPER DAVIS SIDE BAYOU A.2
MATCHLINE STA. 00+00 - STA. 2+09 - SHT. C2.1



UPPER DAVIS SIDE BAYOU A.5
MATCHLINE STA. 00+00 - STA. 1+74 - SHT. C2.5



UPPER DAVIS SIDE BAYOU A.8
MATCHLINE STA. 00+00 - STA. 1+21 - SHT. C2.6



VAUGHN BAYOU
MATCHLINE STA. 00+00 - STA. 2+17 - SHT. C2.7



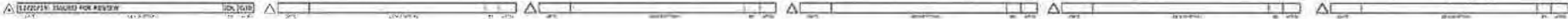
UPPER DAVIS SIDE BAYOU A.3
MATCHLINE STA. 00+00 - STA. 1+67 - SHT. C2.1



UPPER DAVIS SIDE BAYOU A.6
MATCHLINE STA. 00+00 - STA. 1+25 - SHT. C2.5 & C2.6



UPPER DAVIS SIDE BAYOU A.9
MATCHLINE STA. 00+00 - STA. 0+74 - SHT. C2.6 & C2.7



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HURRICANE WATE DREDGING
UPPER DAVIS SIDE BAYOUS AND VAUGHN BAYOU

| | |
|----------|----------|
| SCALE: | 1" = 30' |
| JOB NO.: | 21P-031 |
| DATE: | |
| DATE: | |
| DATE: | |
| DATE: | |
| DATE: | |

C5.0