



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2018-00561-PAH

January 17, 2019

JOINT PUBLIC NOTICE SAM-2018-00561-PAH
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED RESTORATION OF NAVIGATION AND INSTALLATION OF A
BULKHEAD, DEVIL'S ELBOW A TRIBUTARY OF ROTTEN BAYOU, DIAMONDHEAD,
HANCOCK COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899 (33 USC 403). Please communicate this information to interested parties.

APPLICANT: City of Diamondhead
5000 Diamondhead Circle
Diamondhead, Mississippi 39525

AGENT: Mr. James J. Chiniche, P.A. Inc.
421 Highway 90, Suite 4
Bay Saint Louis, Mississippi 39520

LOCATION: In Devil's Elbow, an oxbow adjoining Rotten Bayou, Latitude 30.427491° North, Longitude -89.057140° West, Diamondhead, Hancock County, Mississippi.

WORK: The applicant proposes to restore navigational capacity to Devil's Elbow by dredging 1,200 yds³ of material from the area. The proposed dredging is limited to sediment deposits and should not affect any wetlands outside of the historic channel. Approximately 3,400 ft² of tidal and/or tidally-influenced emergent marsh vegetation currently located within the project area shall be removed and shall be transplanted to an area along the existing marsh located north and west of dredge site. All dredged material shall be utilized to create elevation for planting of the transplant site. A bulkhead 135 feet in length shall be constructed along the northwest boundary and a bulkhead 100 feet in length shall be constructed on the southeast boundary of the dredge path. The bulkhead shall be constructed such that above the mud line 12 inches of every 24 inches of linear length is left open to allow for normal hydrologic regime to be maintained in the wetland area that is being protected. Use of appropriate filter fabric is proposed, provided that it does not interrupt the normal hydrologic regime. An additional option, the bulkhead shall not extend higher than the mudline.

MITIGATION: The applicant proposes to transplant marsh vegetation to adjacent wetlands. The applicant has applied for State Water Quality Certification (WQC) 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 WQC and CZ consistency will be made by the Mississippi Office of Pollution Control 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 (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 use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

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

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of Federal

control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, Federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. The Corps has made a preliminary determination that there is little potential to effect cultural and historic properties within the permit area.

A preliminary endangered species assessment has been conducted to determine the presence of Federally-listed species or critical habitat. The preliminary assessment concluded that the project will not adversely affect listed or proposed species. The project will be coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in accordance with the provisions of the Federal Endangered Species Act, to insure that the proposed activities will not adversely affect any listed or proposed species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 0.18 acre of habitat within Devil's Elbow oxbow utilized by various life stages of various marine species, which includes .08 acre of wetlands that has established on accumulated sediment. Our initial determination is that the proposed action may impact EFH or Federally-managed fisheries, but that the overall impact would be beneficial. 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-2018-00561-PAH**, and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: Mr. Philip Hegji, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530, in time to be received within **30 days** of the date of this public notice. If you have any questions concerning this publication, you may contact the project manager for this application, Mr. Hegji at (251) 690-3222 or Philip.a.hegji@usace.army.mil. 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/Missions/Regulatory.aspx, 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

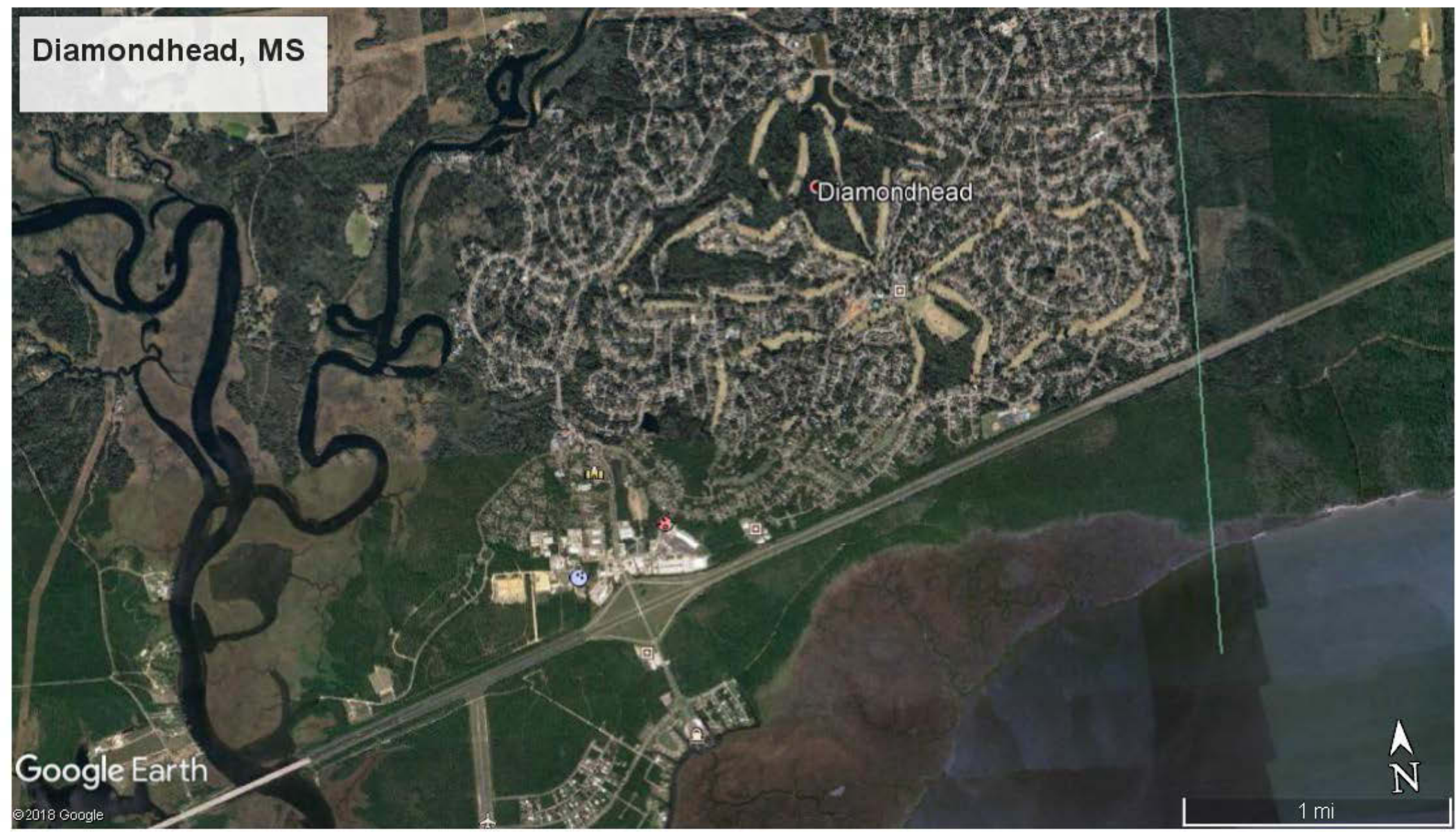
Diamondhead, MS

Diamondhead

Google Earth

©2018 Google

1 mi



Diamondhead, MS

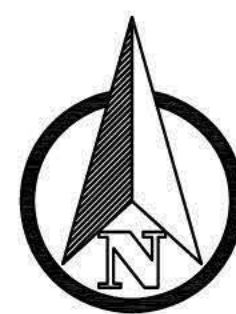


Google Earth

© 2018 Google



600 ft



412 Hwy.90, Suite 4
Bay St. Louis, MS, 39520

Office - (228) 467-6755
Email - jason@jic-eng.com
Website - www.jic-eng.com



PROJECT TITLE

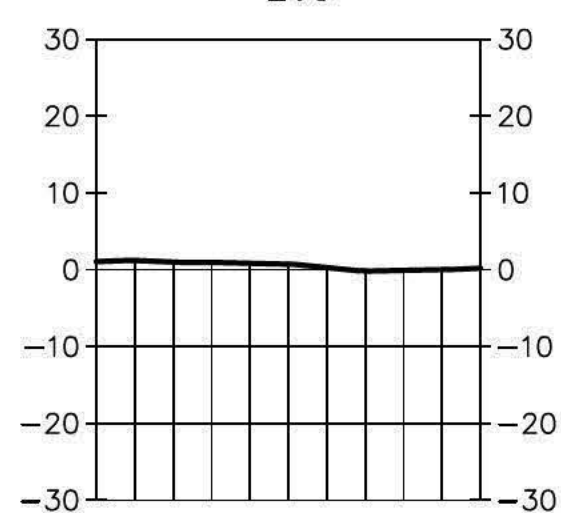
CITY OF DIAMONDHEAD, MS

SHEET TITLE

DEVILS ELBOW IMPROVEMENT CROSS SECTIONS

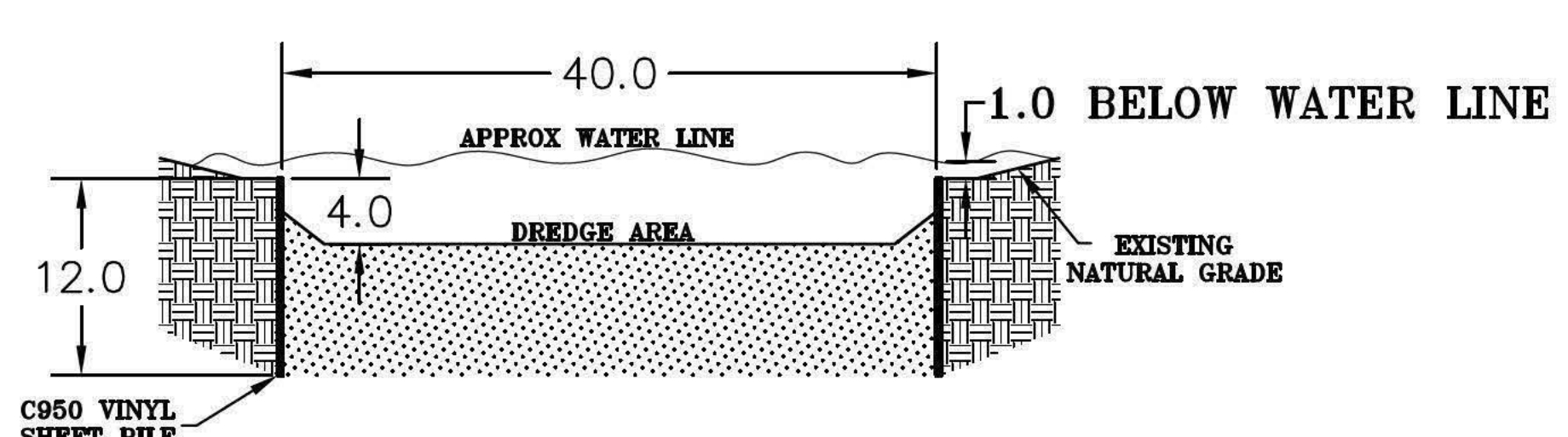
EXISTING SECTION

1:5



PROPOSED CROSS-SECTION

1:10



MARK DATE DESCRIPTION

ISSUE:
PROJECT NO: 16-033
DATE: 1/11/19
DRAWN BY: ARL
CHECKED BY: JPC
SCALE: AS NOTED

SHEET COUNT





1 OF 1

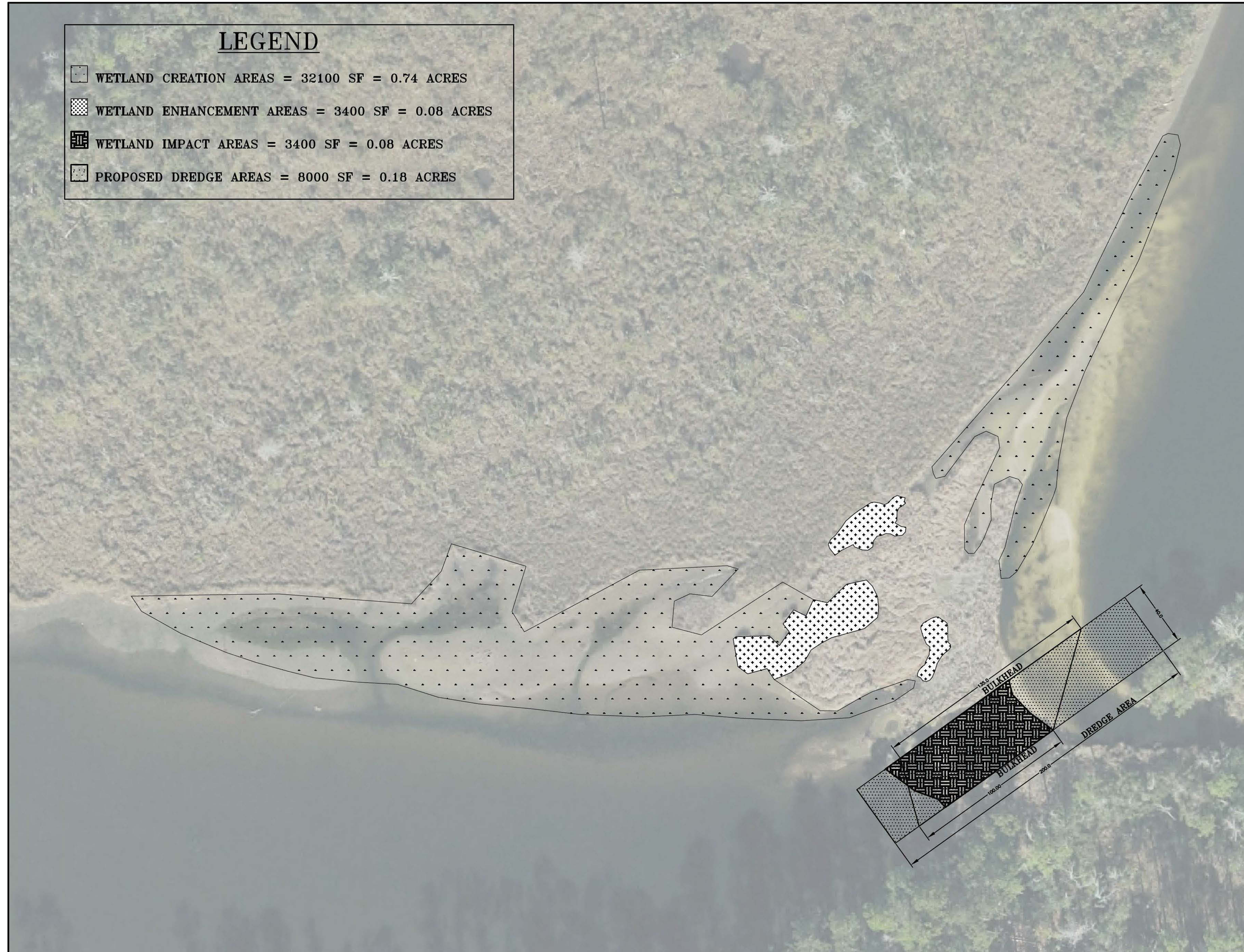
SHEET NUMBER

C-100



LEGEND

	WETLAND CREATION AREAS = 32100 SF = 0.74 ACRES
	WETLAND ENHANCEMENT AREAS = 3400 SF = 0.08 ACRES
	WETLAND IMPACT AREAS = 3400 SF = 0.08 ACRES
	PROPOSED DREDGE AREAS = 8000 SF = 0.18 ACRES




412 Hwy. 90, Suite 4
Bay St. Louis, MS, 39520
 Office - (228) 467-6755
 Email - jason@jjc-eng.com
 Website - www.jjc-eng.com

PROJECT TITLE
CITY OF DIAMONDHEAD, MS

SHEET TITLE
DEVILS ELBOW MITIGATION AREAS

MARK	DATE	DESCRIPTION
ISSUE:		
PROJECT NO:	16-033	
DATE:	1/16/2019	
DRAWN BY:	JPC	
CHECKED BY:	JPC	
SCALE:	1:30	

SHEET COUNT
1 OF 1
 SHEET NUMBER
C-200

C
B
A