



REPLY TO
ATTENTION OF:

CESAM-RD-M

PUBLIC NOTICE NO. SAM-2019-00206-APS (DMR-060630)

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

September 16, 2019

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**REQUEST FOR AUTHORIZATION TO PLACE FILL IN WETLANDS AND
WATERS OF THE U.S. FOR THE EXPANSION OF A COMMERCIAL
DEVELOPMENT AND THE RELOCATION OF A ROADWAY,
HANCOCK 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 of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Silver Slipper Casino Venture, LLC
Attention: Mr. John Ferrucci
Email: j.ferrucci@silverslipper-ms.com
5000 South Beach Boulevard
Bay St. Louis, Mississippi 39520

AGENT: Anchor QEA, LLC
Attention: Ms. Renee Robertson
Email: rrobertson@anchorqea.com
9797 Timber Circle, Suite B
Daphne, Alabama 36527

LOCATION: The proposed activities are located adjacent to the existing Silver Slipper Casino at 5000 South Beach Boulevard, Bay St. Louis. The Silver Slipper Casino is sited at the convergence of Bayou Caddy and the Mississippi Sound in Sections 7, 8, 13, 17, 20, 24, 29, 30, 32, and 33, Township 9 South, Ranges 14 and 15 West in Bay St. Louis, Hancock County, Mississippi. The approximate coordinates for the project area are latitude 30.239623° North and longitude 89.426167° West.

PROJECT PURPOSE: The applicant has stated that the purpose of the project is to construct a hotel, venue space, and additional parking to meet customer demand, stay

competitive, create jobs, and increase revenue for the county and state. Additionally, the purpose of the project is to address the public safety concerns that have arisen as a result of the current route of Shipyard Road.

PROPOSED WORK: The applicant proposes to expand the casino's hotel accommodations, add venue space, construct additional parking facilities, and relocate a portion of Shipyard Road.

Hotel Expansion and Venue Space Construction: The applicant proposes to construct a 280-foot-long by 80-foot-wide, pile-supported structure to provide 250 additional hotel rooms and several meeting and venue spaces for patrons. The new 6-story building would be positioned over the waters of the Mississippi Sound. An access pier with multiple boat slips and mooring structures currently exists in the location of the proposed expansion. The footprint of the existing structures is approximately 275 feet long by 80 feet wide, approximately the same dimensions as the proposed elevated structure.

Parking Area Expansion: To accommodate the anticipated increase in visitors, the applicant has proposed to expand the facility's parking area by constructing an additional 461 parking spaces. The proposed location of the parking area expansion is along the north side of Shipyard Road.

Road Relocation: Shipyard Road provides access to the commercial development that is proposed to undergo expansion and to a commercial fisheries business west of the development. The current route of the roadway parallels the north side of the development curving around the entrance to the casino. The curvature of the roadway around this building limits visibility for approaching drivers along Shipyard Road. Not only do patrons of the casino use this route to reach the facility, but commercial trucks also use this route for ingress and egress to the neighboring fisheries business. The limited visibility in this location presents a safety risk for pedestrians crossing the road as well as for vehicles entering and exiting the casino's parking garage. The applicant has proposed to relocate a 1,375 linear foot section of Shipyard Road, currently situated adjacent to the casino's entrance, to the northern perimeter of the parking area expansion. Relocating the roadway to the north side of the new parking area would eliminate the issue of limited visibility associated with the curvature of the road around the casino's entrance. The relocated roadway would be 1,260 feet in length and would provide a visually unobstructed route for the much larger commercial trucks to use when accessing the neighboring commercial fisheries business.

To accomplish the proposed commercial expansion and road relocation activities, the applicant has proposed to place approximately 50,000 cubic yards of fill material into 6.0 acres of emergent, intertidal wetland habitat and to shade 0.52 acre of open waters. Included within the 6.0 acres of emergent wetland impact would be 0.2 acre of other waters of the U.S. Specifically, the other waters of the U.S. are trenches that were excavated in the late 1960s for mosquito-control purposes.

AVOIDANCE AND MINIMIZATION: The applicant has presented a total of 13 alternatives for the proposed project. With the exception of the preferred alternatives, each of the remaining alternatives were eliminated from consideration based upon factors such as potential impacts to wetlands and waters of the U.S.; other potential environmental consequences; parcel size; property ownership or availability to purchase; site access; public safety; structural integrity; construction and mitigation costs; zoning; aesthetics; impacts to federally funded projects; fulfillment of the project's purpose, etc. Appropriate and effective Best Management Practices (BMPs) would be employed to control erosion and off-site sedimentation thus avoiding the inadvertent fill of wetlands or waters of the U.S. outside of the project area. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified or denied the adequacy of the applicant's avoidance and minimization efforts.

MITIGATION: To compensate for the anticipated impacts to wetlands and other waters of the U.S., the applicant proposes to develop a mitigation plan based upon anticipated coordination with the U.S. Army Corps of Engineers (USACE) and the Mississippi Department of Marine Resources (MDMR). When evaluating potential mitigation costs, the applicant assumed a 3:1 mitigation ratio. The U.S. Army Corps of Engineers, Mobile District, has not yet verified or denied the adequacy of the applicant's mitigation proposal.

WATER QUALITY CERTIFICATION AND COASTAL ZONE CONSISTENCY: The applicant will apply for State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act. The applicant has already applied for Coastal Zone Consistency (CZ) 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 Department of Environmental Quality (MDEQ), Office of Pollution Control, and the Mississippi Department of Marine Resources (MDMR).

HISTORIC PROPERTIES/CULTURAL RESOURCES: 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 cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire 6.5-acre parking area expansion and road relocation areas. Included within the permit area are the locations of the pilings for the hotel expansion/venue construction portion of the project. The applicant's agent reviewed the Mississippi Department of Archives and History (MDAH) Historic Resources Inventory Map for any known historic resources near the preferred alternative locations. According to the agent, there are no known historic resources in the project area. A review of the same resource by the USACE project manager also revealed that there are not any known historic resources within a two mile radius of the permit area. Additionally, the National Park Service (NPS) maintained National Register of Historic Places (NRHP) Google Earth layer has been consulted and no NRHP listed properties are reflected in or near the permit area. The USACE has made a preliminary determination that the proposed activities will have no effect on cultural and historic resources within the permit area. However, we are

seeking comment from the MDAH, State Historic Preservation Officer; federally-recognized American Indian tribes; local historical societies; museums; universities; the NPS, Archeological Services Division 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 permit area.

THREATENED AND ENDANGERED SPECIES: In accordance with Section 7 of the Endangered Species Act (ESA), the USACE is evaluating the proposed activities for potential effects to federally-listed or proposed-to-be-listed threatened or endangered species and federally-designated critical habitat. According to the 2019 the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) South Mississippi Standard Local Operating Procedures for Endangered Species (SLOPES), species with the potential to exist in the ESA action area are: West Indian manatee (*Trichechus manatus*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta caretta*), and gulf sturgeon (*Acipenser oxyrinchus desotoi*). The ESA action area is also federally-designated critical habitat for the piping plover (*Charadrius melodus*), loggerhead sea turtle (*Caretta caretta*), and gulf sturgeon (*Acipenser oxyrinchus desotoi*). This notice serves as request to the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for information as to whether any federally-listed or proposed-to-be-listed threatened or endangered species or federally-designated critical habitat may be adversely affected by the proposed activity. The USACE has not yet made a determination of effects that the proposed work would have on federally-listed or proposed-to-be-listed threatened or endangered species or federally-designated critical habitat.

ESSENTIAL FISH HABITAT: In accordance with the Magnuson Stevens Fishery Conservation and Management Act, the USACE is evaluating the proposed activities for potential effects to Essential Fish Habitat (EFH) which also includes Habitat Areas of Particular Concern (HAPC) and EFH Areas Protected from Fishing. A review of the National Marine Fisheries Service (NMFS) EFH Mapper Tool reflects that there is not any HAPCs or EFH Areas Protected from Fishing in or near the project area. Preliminary comments from NMFS indicate that the area is EFH for white and brown shrimp and red drum. The USACE is seeking further comment from the National Marine Fisheries Service, local fisheries counsels; museums; universities; and the general public that adequately documents the potential for adverse impacts to EFH that may be induced by the proposed work. The USACE has not yet made a determination of effects that the proposed work would have on essential fish habitat.

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 (USACE) 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 impacts, 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 U.S. Army Corps of Engineers (USACE) 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 USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

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

The Department of Interior (DOI) is the lead Federal agency for this project responsible for ensuring compliance with the National Historic Preservation Act.

DOI is the lead Federal agency for this project responsible for ensuring compliance with the Endangered Species Act.

The National Oceanic and Atmospheric Administration (NOAA) Restoration Center is the lead Federal agency for this project responsible for ensuring compliance with the Magnuson Stevens Fishery Conservation and Management Act.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM- 2019-00206-APS**, and should be directed to USACE, Mobile District, Regulatory Division, Attention: Mrs. Amiee P. Smith, Post Office Box 2288, Mobile, Alabama 36628-0001; with a copy to the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control, Environmental Permitting Division, Attention: Ms. Florance Bass, Post Office Box 2261, Jackson, Mississippi 39225; and the Mississippi Department of Marine Resources (MDMR), Wetland Permitting Division, Attention: Ms. Willa Brantley, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager, at (228) 523-4024 or email at Amiee.P.Smith@usace.army.mil. Please refer to Public Notice number SAM-2019-00206-APS when submitting comments.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



<p>Figure 1</p> <p>BASE MAP: ESRI USA Topo Maps SOURCE: USGS, NGS, i-cubed DATE: May 24, 2019</p> <p>NORTH</p> <p>0 0.5 1 2 Miles</p>	<p>SITE LOCATION MAP</p> <p>EL LARSON ENVIRONMENTAL, LLC</p>	<p>Silver Slipper Casino Expansion Project SAM-2019-00206-APS</p> <p>LOCATION: Sections 7, 8, 13, 17, 20, 24, 29, 30, 32, & 33; T-9-S, R-14 & 15-W COUNTY: Hancock, MS</p>
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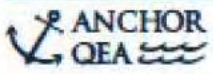


SOURCE: Esri et al.
HORIZONTAL DATUM: Mississippi State Plane East,
North American Datum of 1983 (NAD83), U.S. Survey Feet

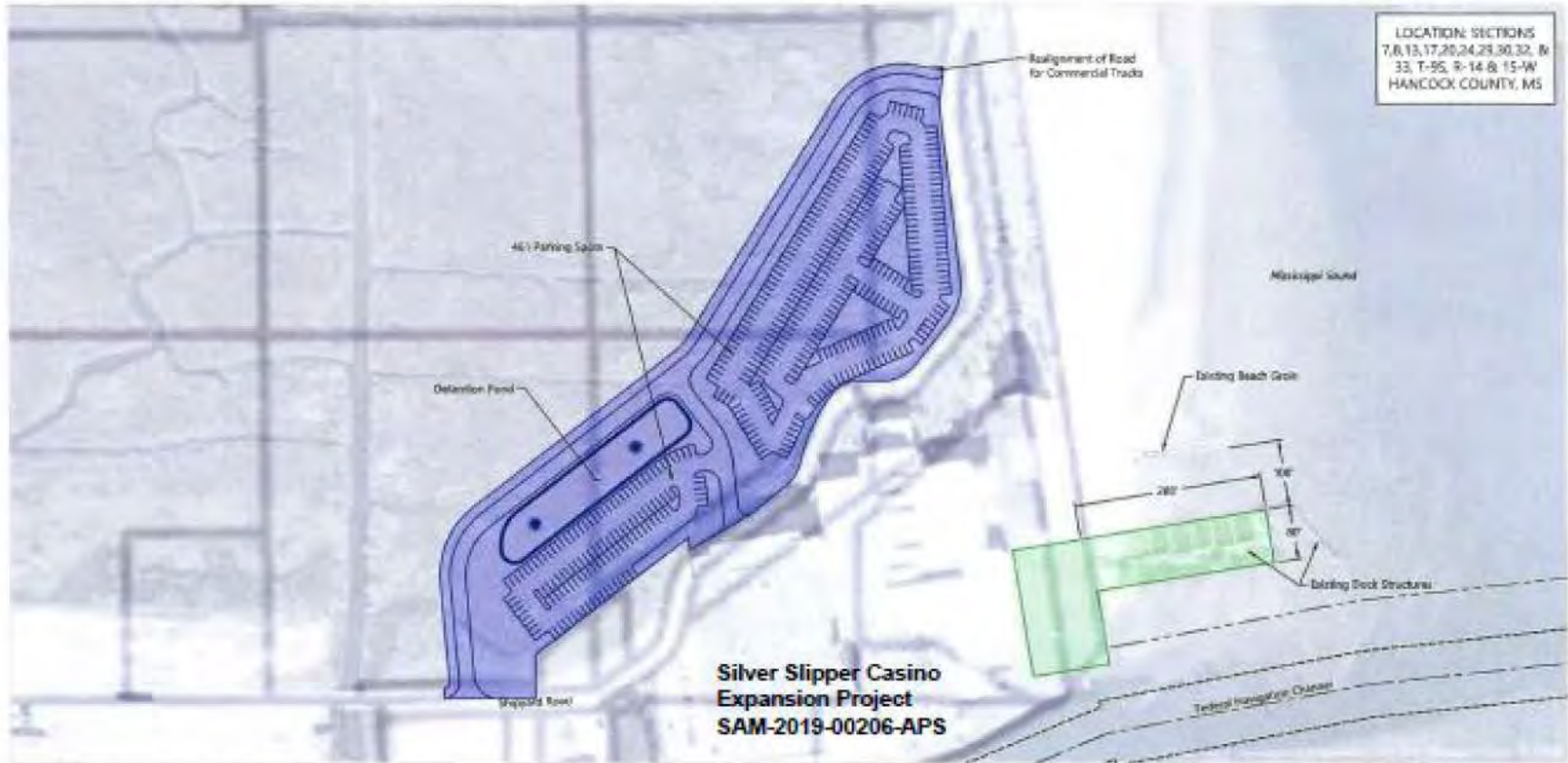
**Silver Slipper Casino
Expansion Project
SAM-2019-00206-APS**



Published Date: 2019/06/05 9:56 AM | User: dndmcr
Repository: C:\Project\1566 Full House Resorts, Inc.\Silver Slipper Casino Expansion\1566-00-002 (Vicinity Map) .dwg Figure 1 (Permit)



**Figure 1
Vicinity Map**
Hotel Expansion Permit
Silver Slipper Casino Expansion



LOCATION: SECTIONS
7, 8, 13, 17, 20, 24, 29, 30, 32, &
33, T-9S, R-14 & 15-W
HANCOCK COUNTY, MS

**Silver Slipper Casino
Expansion Project
SAM-2019-00206-APS**

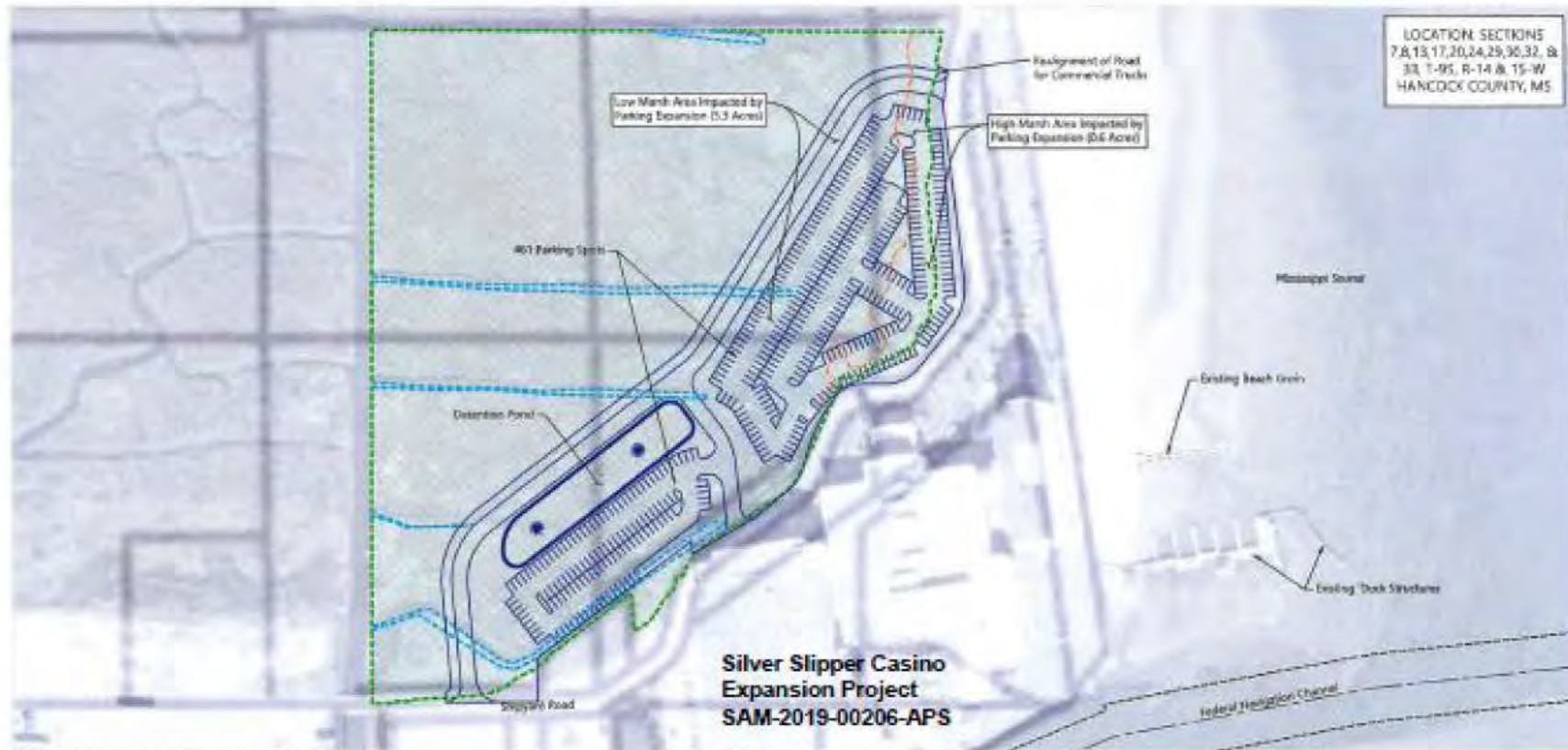
SOURCE: ©2018 Microsoft Corporation ©2018 DigitalGlobe ©CHS (2018) Distribution. Aerial DG Parcel data from Mississippi Automated Resource Information System (MARIS).
HORIZONTAL DATUM: Mississippi State Plane East, North American Datum of 1984 (NAD83), U.S. Survey Feet

NOTE: Proposed parking lot is conceptual, actual design may vary from conceptual design but will be located within the permitted footprint.

- LEGEND:
- Property Line
 - Hotel Expansion - 4 Stories
 - Parking Expansion (63) Acre
 - ▬▬▬▬ Federal Navigation Channel
 - - - - TV Network from Tie-in Federal Navigation Channel



Figure 2
Hotel Expansion
Hotel Expansion Permit
Silver Slipper Casino Expansion

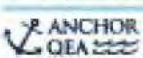


**Silver Slipper Casino
Expansion Project
SAM-2019-00206-APS**

SOURCE: ©2010 Microsoft Corporation ©2018 DigitalGlobe ©CH2M (2018) Distribution Airbus DS. Partial data from Mississippi Automated Resource Information System (MARIS)
HORIZONTAL DATUM: Mississippi State Plane East, North American Datum of 1983 (NAD83), U.S. Survey Feet.

NOTE: Proposed parking lot is conceptual, actual design may vary from conceptual design but will be located within the permitted footprint.

- LEGEND:**
- Property Line
 - Wetland Area (14.5 Acres)
 - Boundary Between High and Low Marsh Areas
 - Other Waters (0.2 Acres within Boundary of Proposed Parking Expansion)
 - Parking Expansion (5.3 Acres Upland; 0.6 Acres Wetland; 4.5 Acres Total)
 - Federal Navigation Channel



**Figure 3
Wetland Areas**
Hotel Expansion Term
Silver Slipper Casino Expansion