



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMYCORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2022-00495-APS

July 19, 2022

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED WETLAND FILL FOR EXPANSION OF AN EXISTING BOAT YARD,
BAY ST. LOUIS, 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 (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Cure Land Company, LLC
Mike Cure
Post Office Box 3508
Bay St. Louis, Mississippi 39520

WATERWAY AND LOCATION: The project is located at an existing boat yard on Bayou Caddy in Bay St. Louis, Hancock County, Mississippi. Coordinates are latitude 30.243616° North and longitude 89.441844° West.

PROPOSED WORK: The applicant proposes fill 4.98 acres of wetland habitat with 12,400 cubic yards of sandy clay material from a state-certified location to expand an existing boat yard. Of the 4.98 acres, 0.25 acre is scrub-shrub wetland habitat and 4.72 acre is high marsh wetland habitat. This quantity of fill material is required to bring the elevation of the proposed expansion area to that of the existing dry dock yard. The size of the existing boat yard is inadequate to meet the facility's demand for dry-docking large vessels. This facility operates the largest boat lift in Hancock County. A boat lift of this magnitude is required for moving large commercial and private vessels ashore for routine inspections, maintenance, emergency repairs, protection from severe weather, and/or land-based transit. The size of the proposed expansion area is the minimum necessary to provide an adequate turning radius for semi-trucks. These trucks are used to transport large vessels and deliver materials and equipment. Appropriate and effective Best Management Practices would be implemented and maintained during construction. The applicant has proposed to provide compensatory mitigation for impacts to the scrub-shrub wetland habitat

through the purchase wetland credits from an approved wetland mitigation bank. Impacts to high marsh wetland habitat would mitigated through in-kind permittee responsible mitigation.

The applicant has applied for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. A determination relative to CZ consistency will be made by the Mississippi Department of Marine Resources.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, it does not appear that the applicant has submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority).

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 325, the Corps has determined the permit area consists of the entire 4.98-acre project area. A Phase I Cultural Resource Survey has been performed on the proposed permit area. No properties listed in or eligible for the National Register of Historic Places that would be affected by the proposed work have been identified. The Corps has made a preliminary determination that the proposed project would have no effect 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.

A field survey for federally listed threatened or endangered species and federally designated critical habitat has been conducted. No individuals or critical habitat have been identified that would be impacted by the proposed activities. A preliminary review of this application, the results of the submitted field survey, 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 indicate the proposed activity will have no effect on federally listed endangered or threatened species, or their 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2022-00495-APS and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: South Mississippi Branch, 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, 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, **AMIEE P. SMITH (amiee.p.smith@usace.army.mil)**, phone **(228) 627-8641**. 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

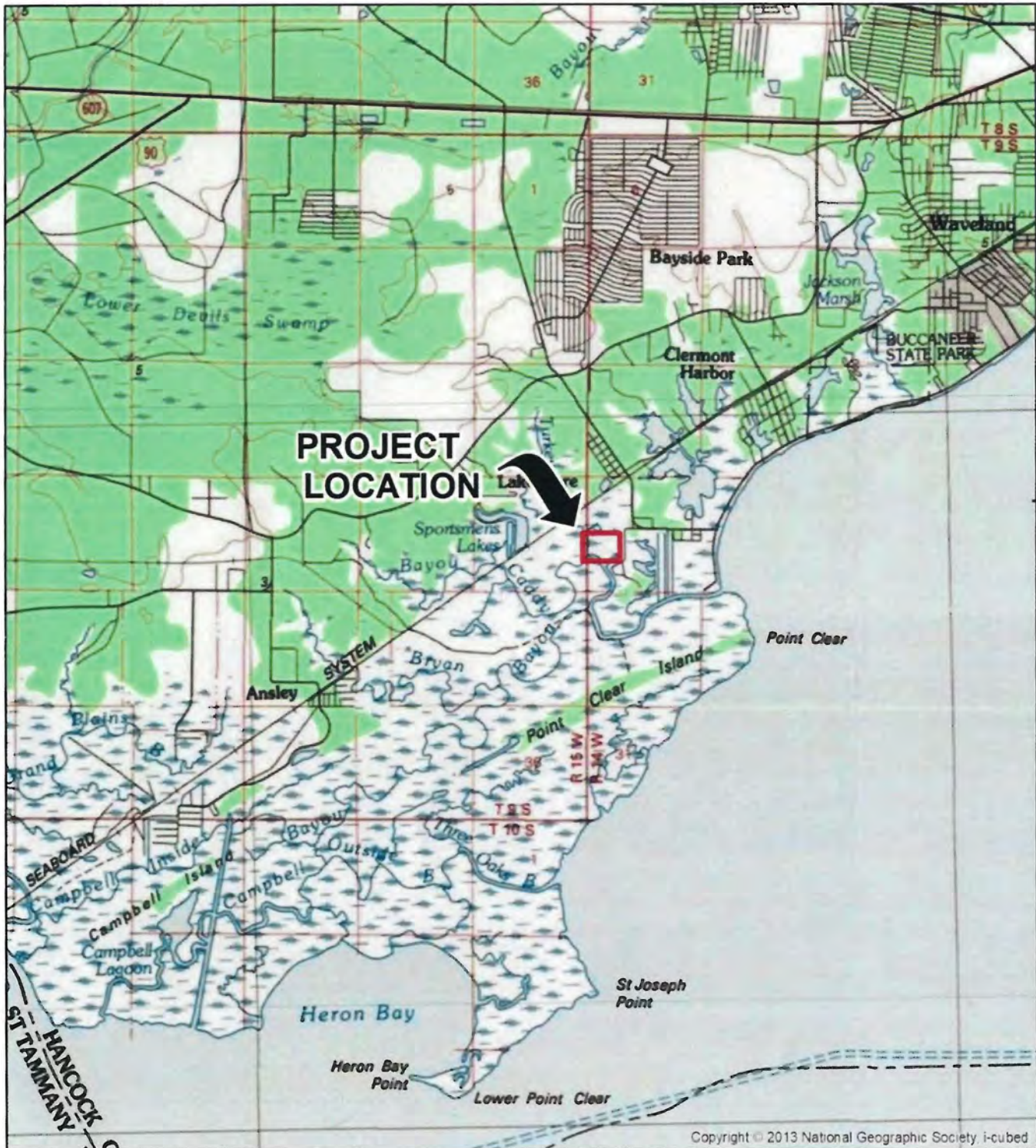
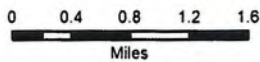


FIGURE 1

Base Map: ESRI USA Topo Maps
 Source: USGS, NGS & i-cubed
 Map Date: September 7, 2021



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**PROJECT LOCATION
 MAP**

**Permit Drawing for +/- 4.98 ac
 Project Area on Bayou Caddy**

Location: Bayou Caddy, MS
 Portion of Section 19;
 Township 9-South; Range 14-West
 County: Hancock County, MS

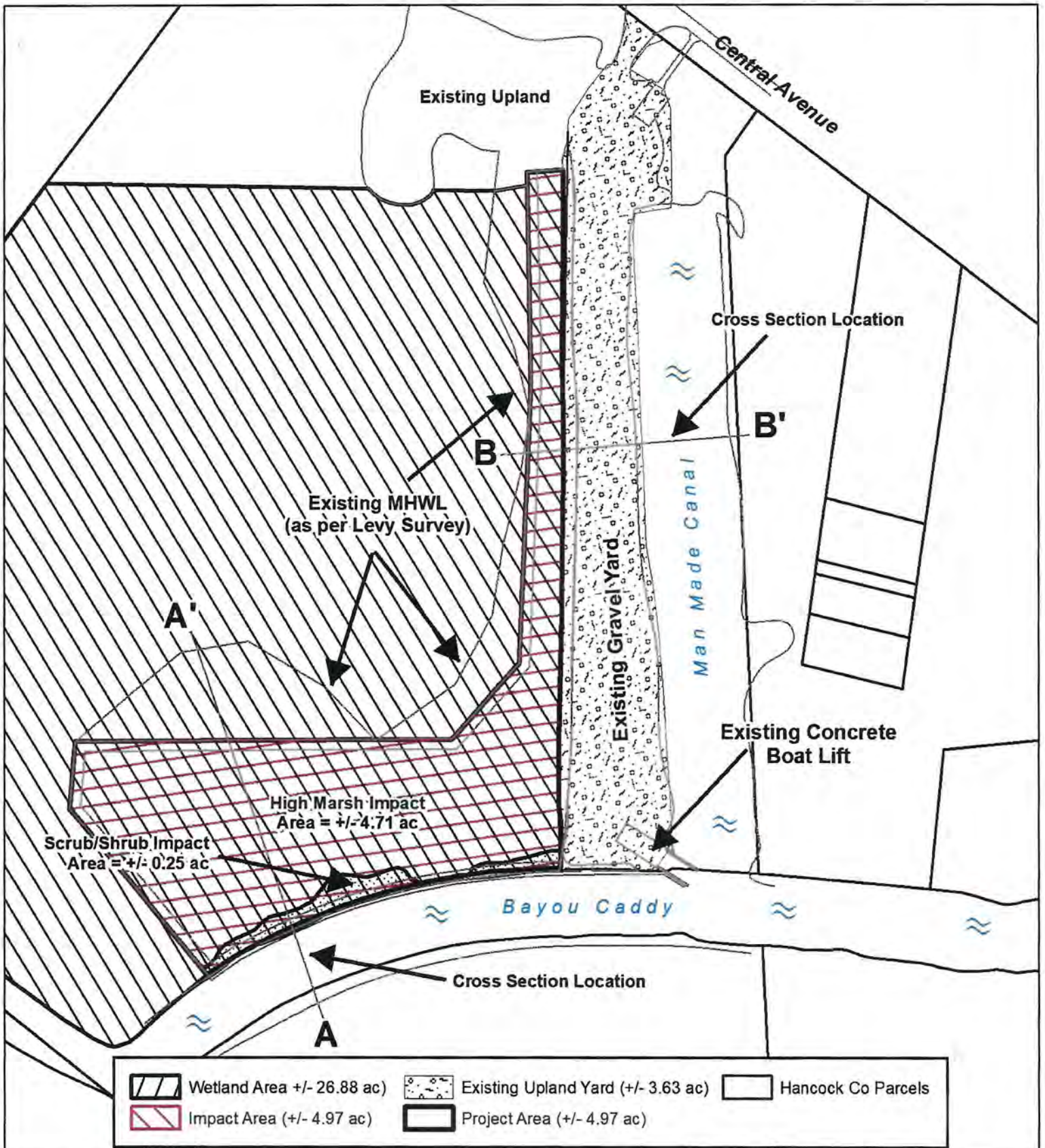
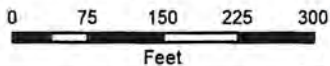


FIGURE 2
 Base Map: Duke Levy HWL Survey & Hancock Co Tax Parcels
 Source: Duke Levy & Assoc, Hancock Co & EAM Field Data
 Map Date: September 7, 2021

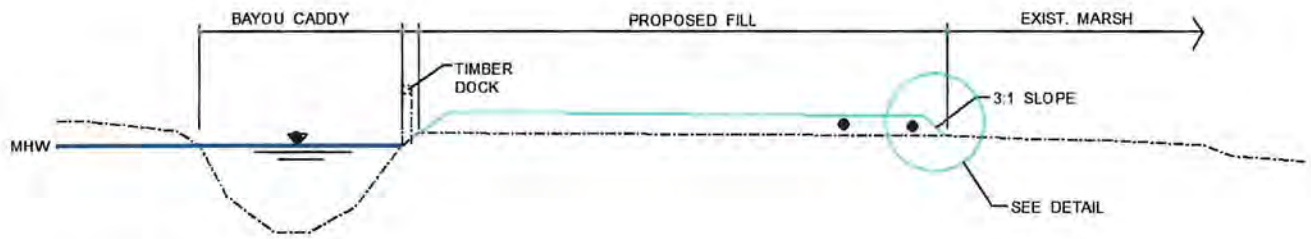


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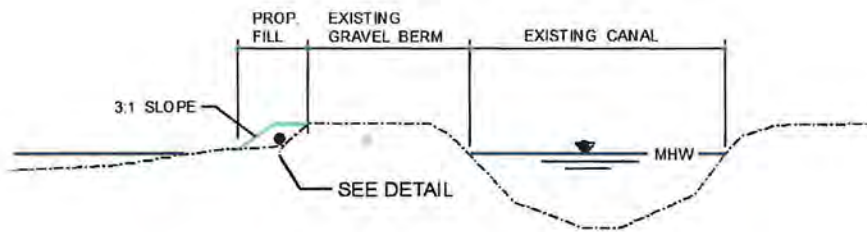
**SITE PLAN AND
 CROSS SECTION MAP**

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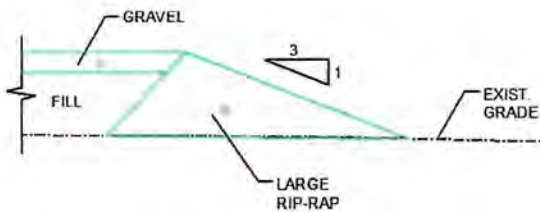
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SECTION A - A'



SECTION B - B'



DETAIL (FOR ALL EXTERNAL 3:1 SLOPES)

FIGURE 3

Base Map: Heinrich & Assoc.
Source: Heinrich & Assoc.
Map Date: September 7, 2021

SCALE: As Provided

TYPICAL CROSS SECTION & SLOPE DETAILS



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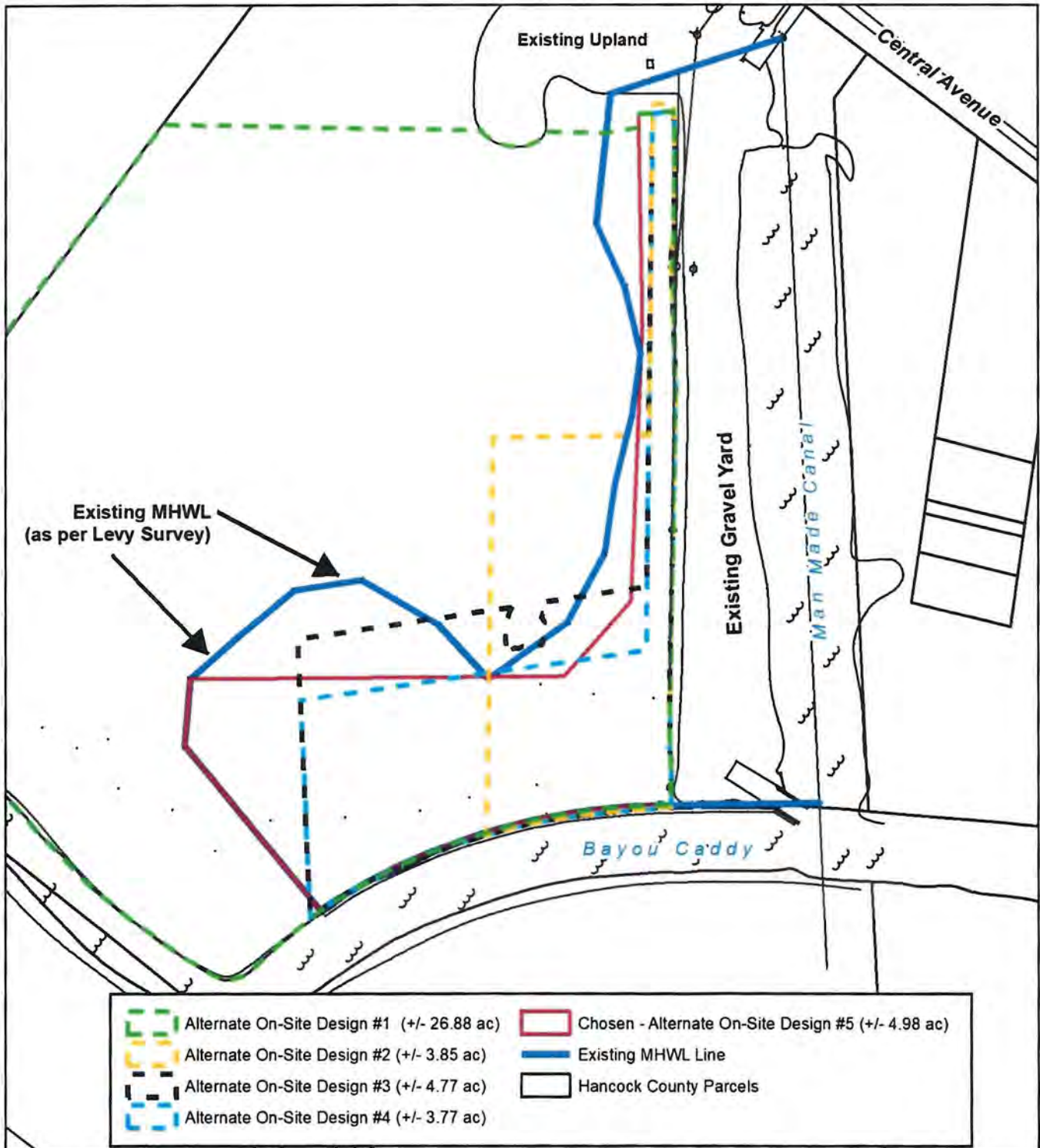
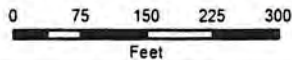


FIGURE 5

Base Map: Duke Levy HWL Survey & Hancock Co Tax Parcels
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Map Date: September 7, 2021



ALTERNATIVE ON-SITE DESIGNS

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