



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

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2022-01160-APS

January 30, 2024

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS (USACE)

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

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
DMR22-000659**

DISCHARGE OF FILL MATERIAL, AND EXCAVATION IN WATERS OF THE UNITED STATES FOR THE CONSTRUCTION OF PRIVATE RECREATIONAL STRUCTURES AND BANK STABILIZATION, 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 of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Southeastern Outdoors, LLC
Attention: Mr. David Dale
3920 Bienville Boulevard
Ocean Springs, Mississippi 39564

WATERWAY AND LOCATION: Unnamed Canal to Mississippi Sound; Lots 151, 152, and 153 on North Belle Fontaine Drive, Ocean Springs, Jackson County, Mississippi; 30.347176, -88.739021.

PROPOSED WORK: The applicant proposes to construct structures and place fill material in waters of the U.S. for private residential use. Specifically, the applicant proposes to place riprap along 250 linear feet of shoreline for bank stabilization purposes. Along the shoreline and landward of the mean high-water line and riprap, a 250-foot-long by 1.5-foot-wide, slightly elevated boardwalk would be constructed. On the west side of the property, a 20-foot-wide boat ramp would be constructed. On the east side, the applicant would excavate approximately 300 cubic yards of earthen material from the existing shoreline landward 10 feet. Along the shoreline, the excavated area would be approximately 112 feet in length. The target depth of the excavation is -8 feet from the current surface elevation. The receiving water depth is reported as 9 to 11 feet. The excavated area would be stabilized by a bulkhead along the landward side. The purpose of the excavation is to serve as a boat slip to

accommodate 4 covered boat houses. The boat houses would be 25 feet long and 16 feet wide. The landward depth of the boat slip would result in the projection of the boat houses into the canal by 6 feet from that of the current shoreline location. The width of the canal is approximately 70 feet. No submerged or emergent aquatic vegetation has been reported within the project area. Impacts to the site have been reduced from that which was initially proposed. The proposed size of each boat house and the width of the boat ramp and boardwalk have been reduced. No mitigation has been proposed because the fill to be placed is associated with bank stabilization activities and/or the area filled or excavated totals less than 0.1 acre.

COASTAL ZONE: 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.

WATER QUALITY: 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, the applicant has not submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority).

HISTORIC PROPERTIES: 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 those areas of the project located in waters of the United States and the area proposed to be excavated. Specifically, the permit area includes the footprint of the proposed fill areas located waterward of the mean high-water line as well as the excavation area. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally-listed species are known or expected to occur within the project area: West Indian Manatee (T), Black Rail (T), Mississippi Sandhill Crane (E), Piping Plover (T), Red Knot (T), Wood Stork (T), Alabama Red-Bellied Turtle (E), Dusky Gopher Frog (E), Gopher Tortoise (T), Loggerhead Sea Turtle (E), and Gulf Sturgeon (T). There is no designated critical habitat within the project action area. At this time,

the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 0.08 acre of estuarine waters and substrate. Our initial determination is that the proposed action would not adversely affect 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.

COMMENTS: 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.

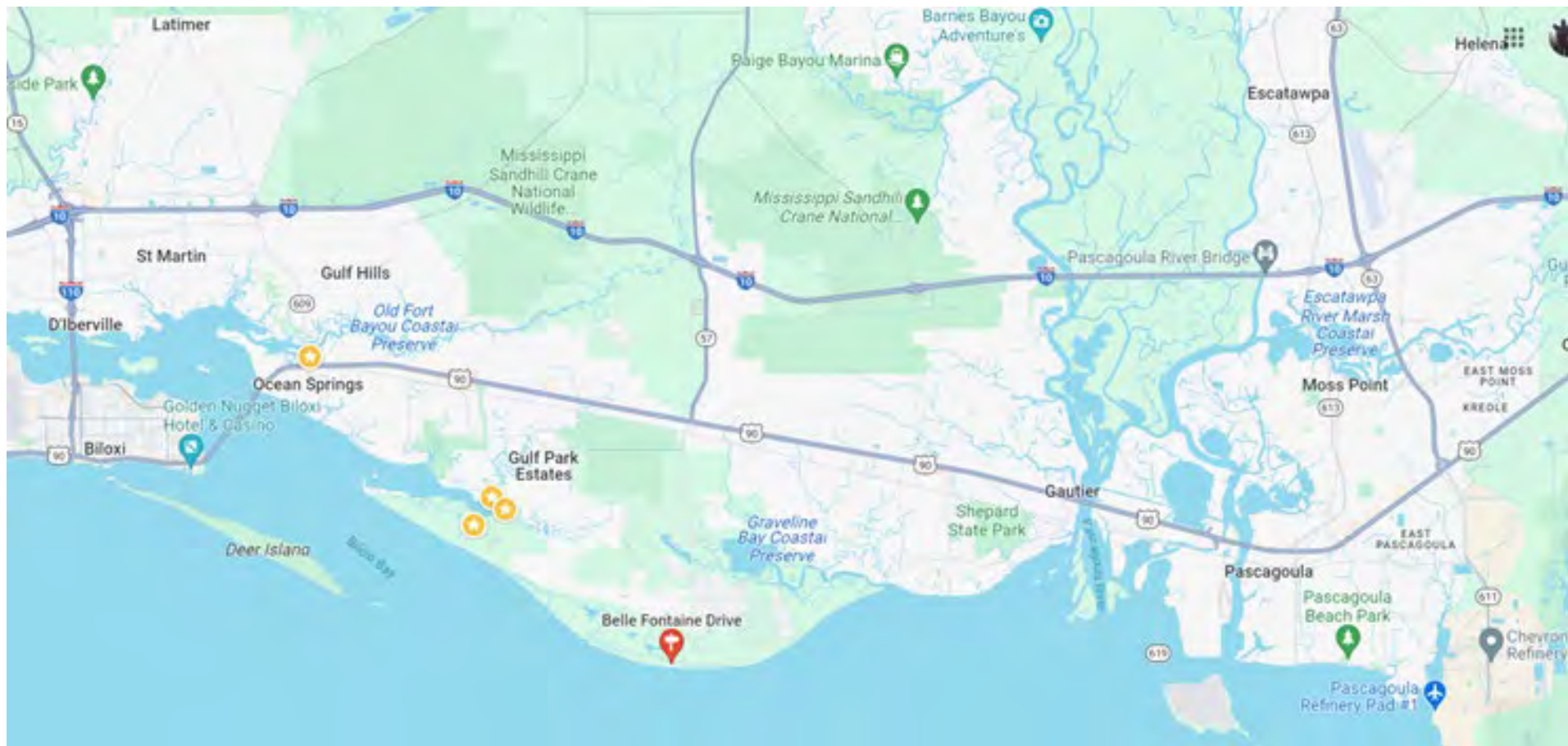
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2022-01160-APS** and should be directed to the District Engineer, Mobile District, Regulatory Division, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Amiee Smith, or submitted electronically at Amiee.P.Smith@usace.army.mil, 228-627-8641. Copies of all comments should be furnished 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.

All comments should be received no later than 30 days from the date of this Public Notice.

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

Attachments





Buffer Distance: 50 feet

Coordinate System: GCS WGS 1984
Upper Left Corner: 88.74175°W 30.349346°N
Lower Right Corner: 88.735977°W 30.345059°N



Service Layer Credits: Reference/World_Transportation: Esri, HERE, Garmin, (c) OpenStreetMap

