



REPLY TO
ATTENTION OF:

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

June 19, 2017

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PUBLIC NOTICE NO. SAM-2006-01472-ALF

JOINT PUBLIC NOTICE
U. S. ARMY CORPS OF ENGINEERS
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**REQUEST TO FILL A PREVIOUSLY EXCAVATED BASIN IN BILOXI, HARRISON
COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army 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: Back Bay Investments, LLC
P.O. Box 249
Holding, Louisiana 70744

AGENT: BMI Environmental Services, LLC
Attention: Mr. Larry Lewis
401 Cowan Road, Suite A
Gulfport, Mississippi 39507

LOCATION: A 27.5-acre parcel of property located south of Bayview Avenue near the intersection Bayview Avenue and Crawford Street, Section 34, Township 7 South, Range 9 West, Biloxi, Harrison County, Mississippi (latitude 30.4064° North, longitude 88.8730° West). The project site includes wetland areas that drain to the Biloxi Bay, in the Coastal River Basin drainage (HUC 03170009).

WORK DESCRIPTION: The applicant proposes to fill a previously excavated basin north of Bayview Avenue for the purpose of restoring the property. The 580 foot by 164 foot basin was previously excavated to minus 10 feet for the construction of a casino. Approximately 35,000 cubic yards of clean fill material will be used to fill 2.26 acres of other waters of the United States and 0.06 acres of wetlands. The total project site is approximately 27.5 acres in size. The applicant is proposing to relocate the impacted wetlands to an onsite location to offset wetland impacts.

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 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 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 (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 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.

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 that the permit area consists of the proposed footprint of jurisdictional wetlands in which fill will be placed. The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The U.S. Army Corps of Engineers (USACE) has made a preliminary determination that there is no potential to affect cultural and historic resources within the permit area. 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 preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants and utilization of the Special Effects Determination Key contained in the 2012 SLOPES agreement for the Pascagoula and Coastal Streams Basin of Mississippi indicates the proposed project will have no effect on any threatened, endangered, or proposed species and/or their designated 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-2006-01472-ALF** and should be directed to USACE, Mobile District, Regulatory Division, Attention: Mr. Jeremy R. Overstreet, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Environmental Permitting Division, Attention: Florance Watson, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

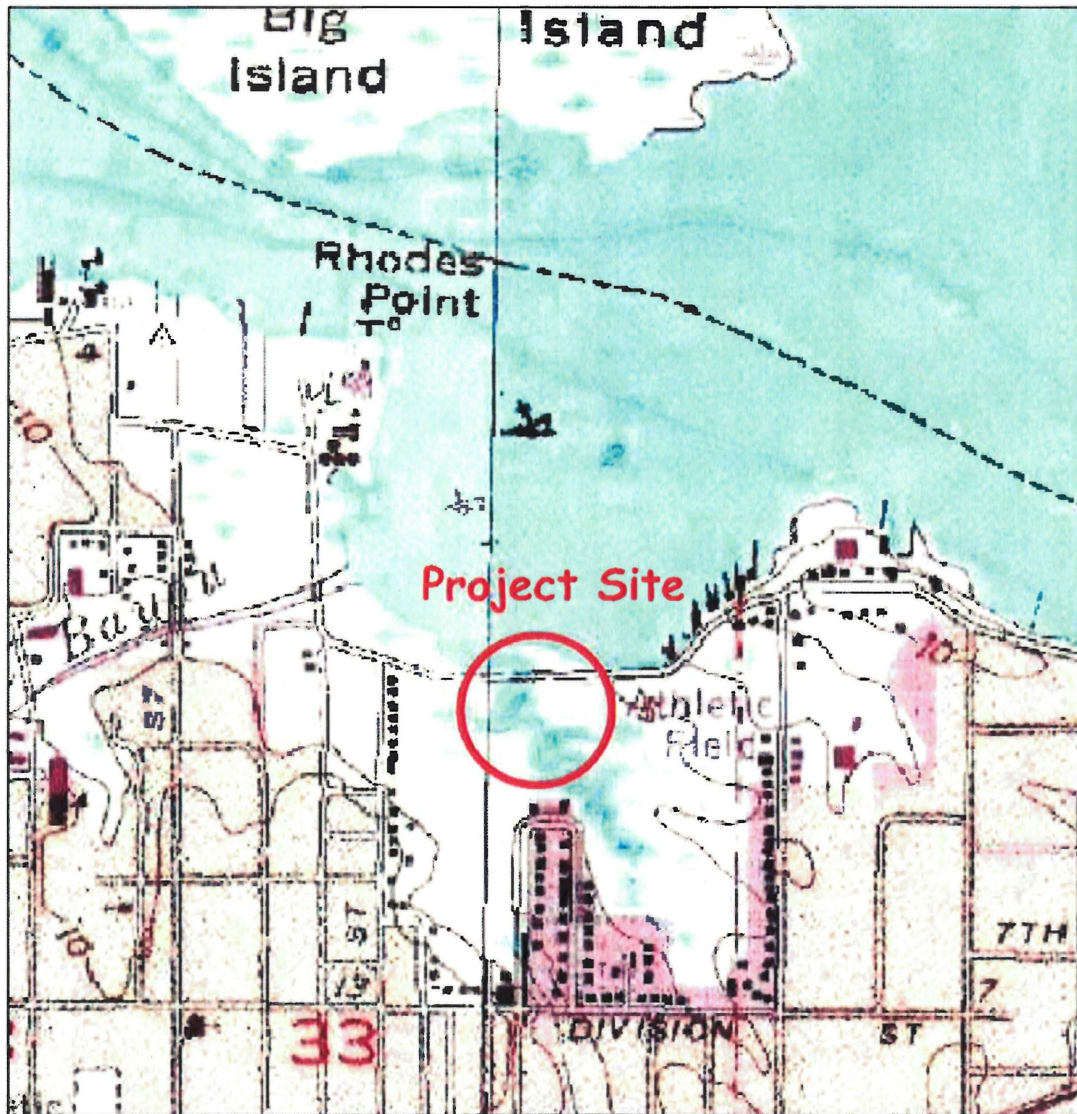
All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager, at (251) 690-3188 or email at jeremy.r.overstreet@usace.army.mil. Please refer to the above Public Notice number.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

Not to Scale

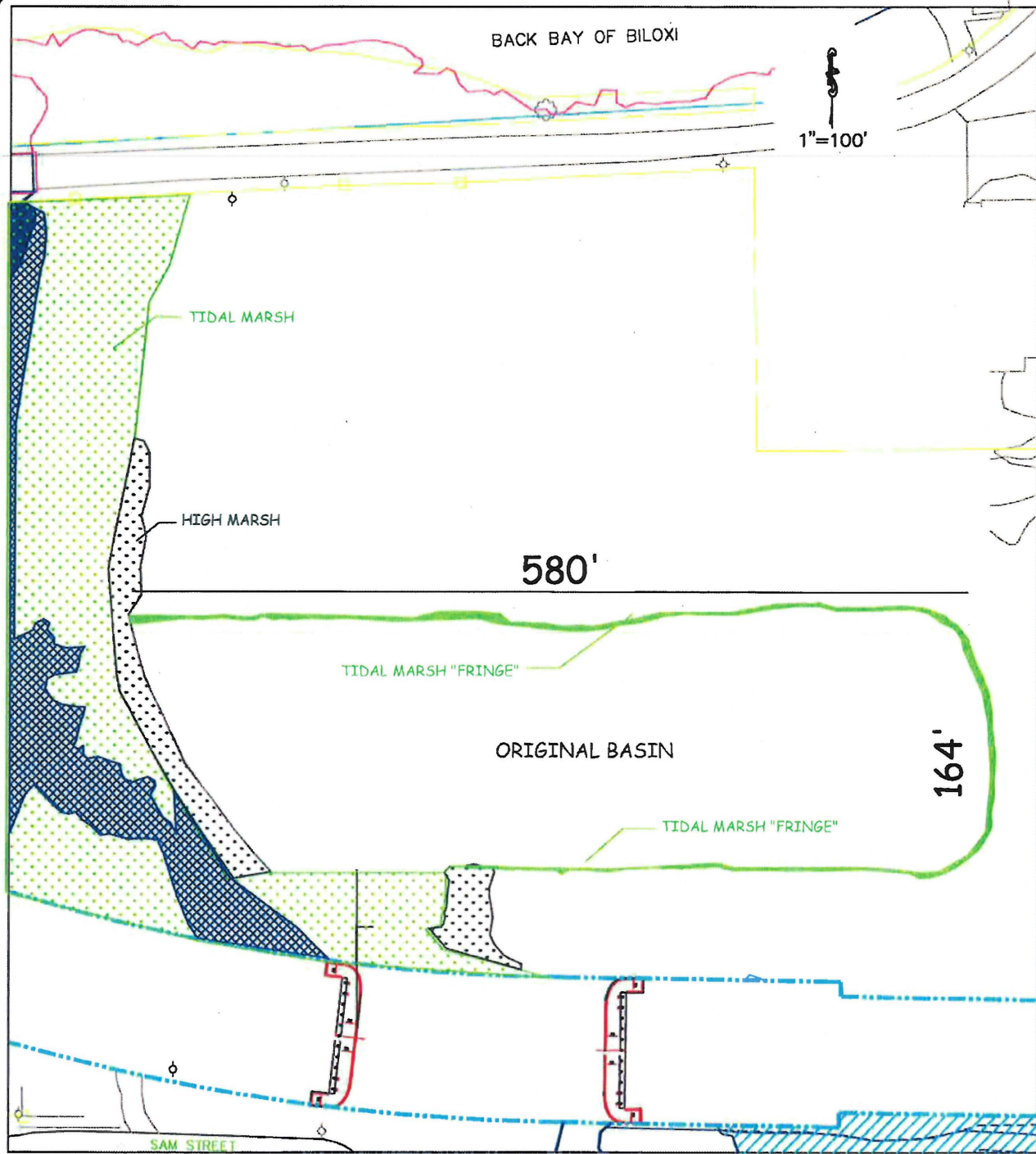


Proposed Basin Fill
Back Bay Investments
Biloxi, MS

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BMI Environmental Services, LLC
Environmental Consultants

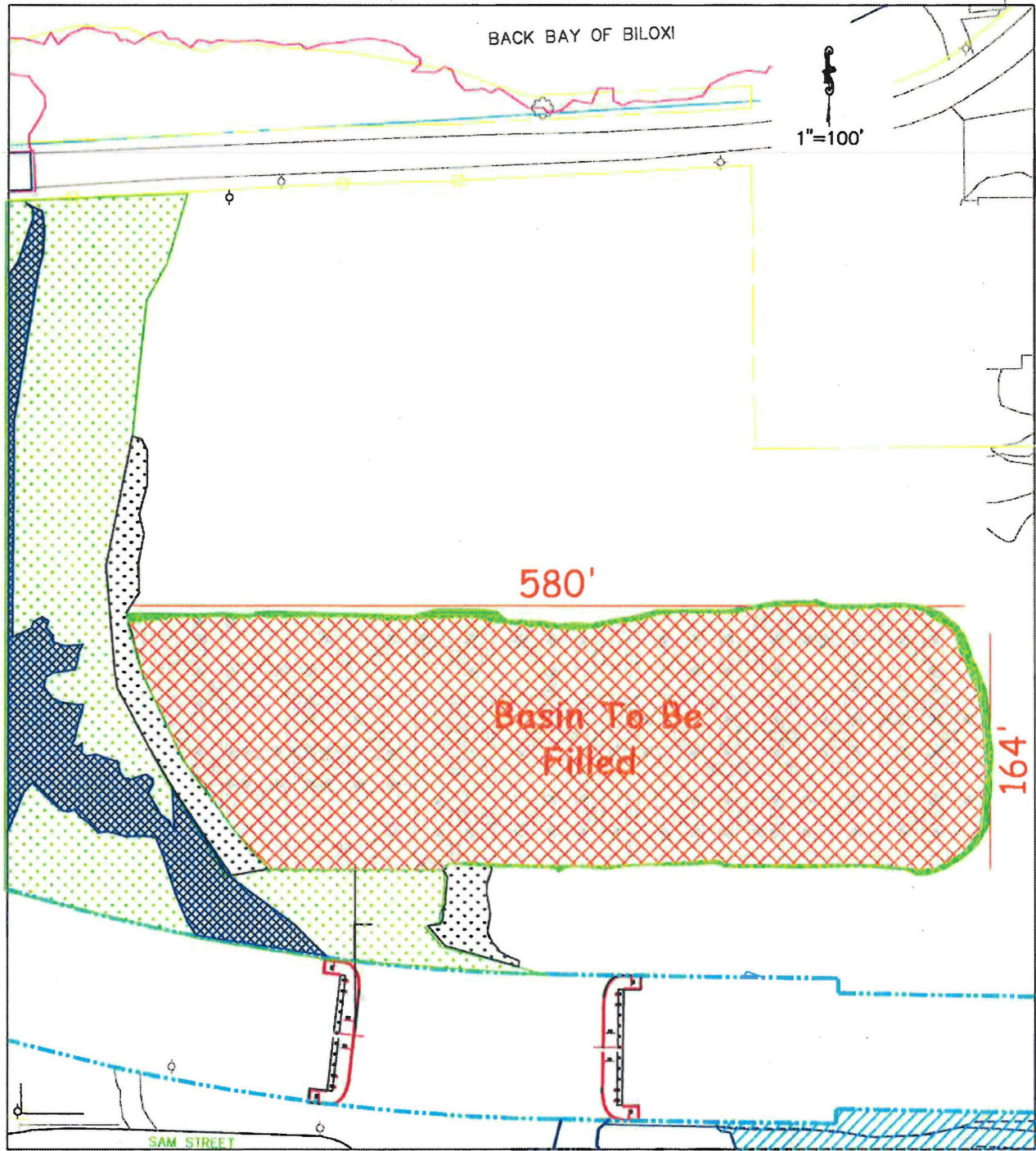


Existing Conditions Map Back Bay Investments Biloxi, MS

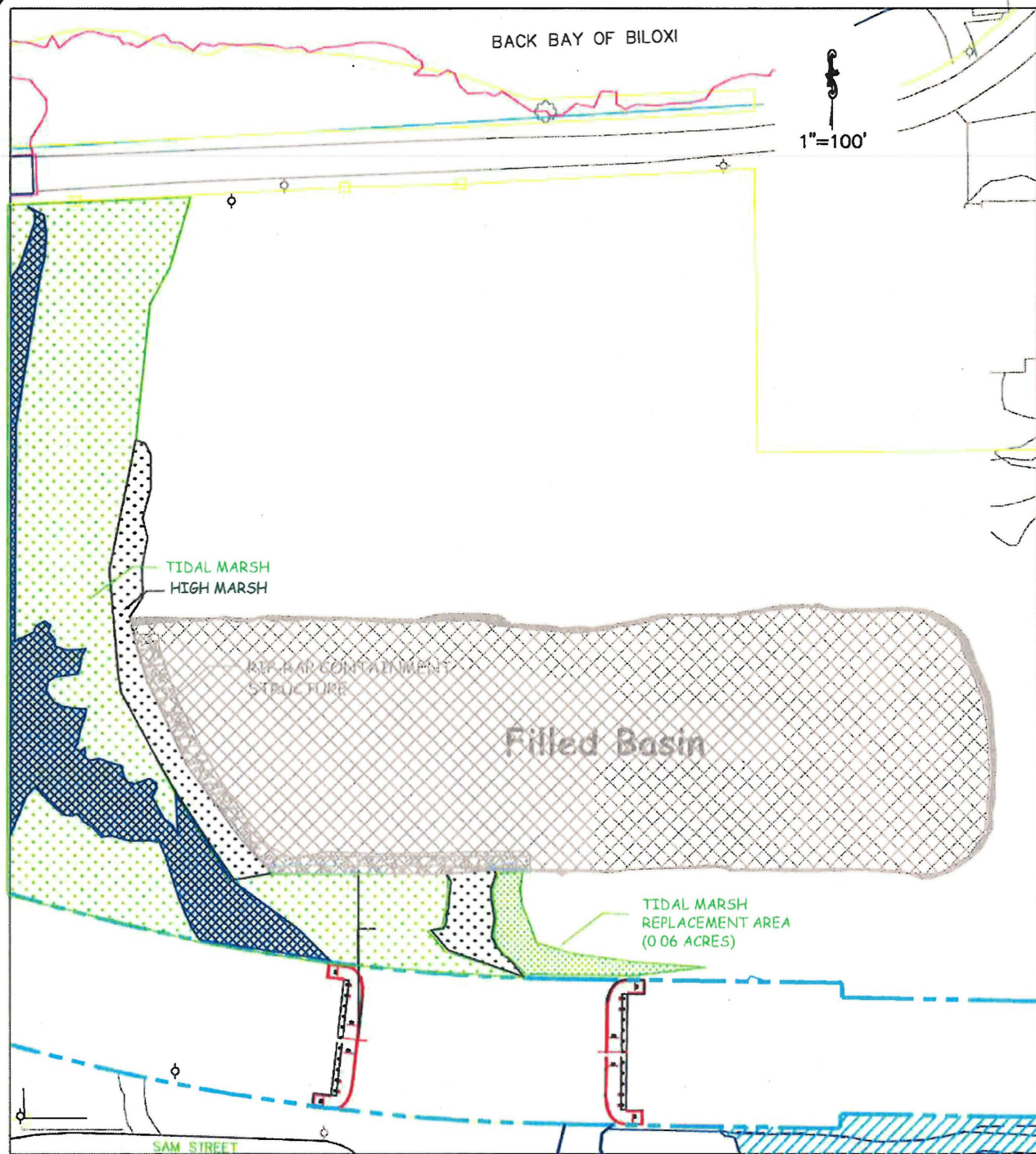
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Proposed Basin Fill
Back Bay Investments
Biloxi, MS



Replacement Area for Basin Fill Back Bay Investments Biloxi, MS

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