



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-2024-00535-KPJ

December 3, 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
DMR24-000250**

**PROPOSED 850-FT BULKHEAD, 0.25-ACRE FILL OF WATER BOTTOMS BEHIND
BULKHEAD, AND DREDGING OF MATERIAL FOR CONSTRUCTION OF A
WATERFRONT MULTIFAMILY RESIDENTIAL DEVELOPMENT, GULFPORT,
HARRISON 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), Section 404 of the Clean Water Act (33 USC 1344), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Please communicate this information to interested parties.

APPLICANT: 9P Holding, LLC
8927 Lorraine Road, Suite 204-A
Gulfport, Mississippi 39503

LOCATION: Bernard Bayou; Sundown Circle (Parcel ID 1010D-01-007.001); within Section 30, Township 7 South, Range 10 West; Latitude 30.407361, Longitude -89.028695; Gulfport; Harrison County; Mississippi.

PROPOSED WORK: The applicant proposes to complete the following work associated with the construction of a waterfront multifamily residential development. The applicant proposes to construct a bulkhead measuring approximately 850 linear feet and fill approximately 0.25 acre (1,187 square yards) of water bottoms (privately owned) in *Bayou Bernard* and an adjoining 2.2 acre lake. Approximately 395 linear feet of the southernmost extent of bulkhead in *Bayou Bernard* would be waterward (maximum extension 27.5-feet from shoreline) at Mean High Water (MHW). Existing riprap and approximately 1,671 cubic yards of commercially sourced, reclaimed concrete and limestone; followed by approximately 1,990 cubic yards of limestone, permeable sandy soils, and fabric filter cloth; and topped by approximately 1,592 cubic yards of sandy soil and topsoil is proposed for the fill area measuring approximately 0.25 acre. In addition, the applicant proposes to dredge the existing inlet between *Bayou Bernard* and the lake from a current depth of approximately -5.0 feet to a depth of -7.0 feet. Approximately 122 cubic yards of dredge material would be removed from the inlet. All proposed buildings near the bulkhead would be supported by 12-inch x 12-inch pilings. The three

buildings along the western perimeter of the site would be approximately 8 feet landward of the bulkhead. The two-story units along the southern border of the site would be constructed in the uplands landward of the bulkhead and backfilled area. The total project site is approximately 4 acres in size of which approximately 0.9 acres have been identified as wetlands. No impacts are proposed to wetlands.

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 the entire undertaking in waters of the United States, which includes the proposed bulkhead, footprint of the proposed fill areas, and immediate portions of the adjacent property that would be utilized for construction access and equipment and materials staging. 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 may occur within the project area: *Alabama Red-bellied Turtle (E)*, *Eastern Black Rail (Laterallus jamaicensis) (T)*, *Gopher Tortoise (Gopherus polyphemus) (T)*, *Hawksbill Sea Turtle (Eretmochelys imbricata) (E)*, *Kemp's Ridley Sea Turtle (Lepidochelys kempii) (E)*, *Leatherback Sea Turtle (Dermochelys coriacea) (E)*, *Louisiana Quillwort (E)*, *Piping Plover (Charadrius melodus) (T)*, *Rufa Red Knot (Calidris canutus rufa) (T)*, *West Indian Manatee (T)*, 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 0.25 acre of estuarine substrate. Our initial determination is that the proposed action would not have a substantial adverse effect on EFH or Federally managed fisheries. 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-2024-00535-KPJ** and should be directed to the District Engineer, Mobile District, Regulatory Division, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Karen P. Jordan, or submitted electronically at karen.p.jordan@usace.army.mil, Phone (251) 395-5762. 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.

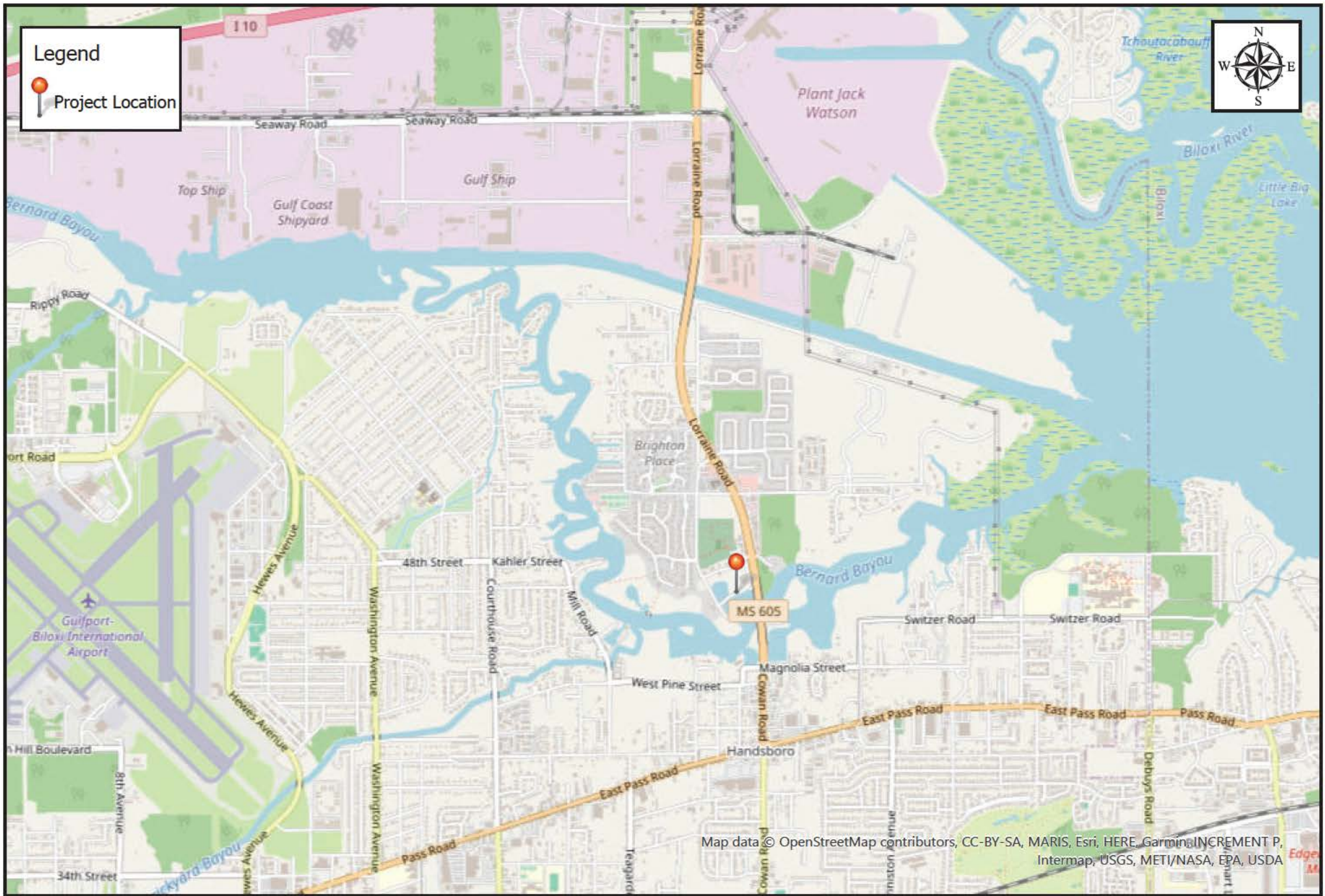
All comments should be received no later than 30 days from the date of this Public Notice.

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

Legend
Project Location



Map data © OpenStreetMap contributors, CC-BY-SA, MARIS, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



SAM-2024-00535-KPJ
Vicinity of Project Site
Gulfport, Harrison County, Mississippi

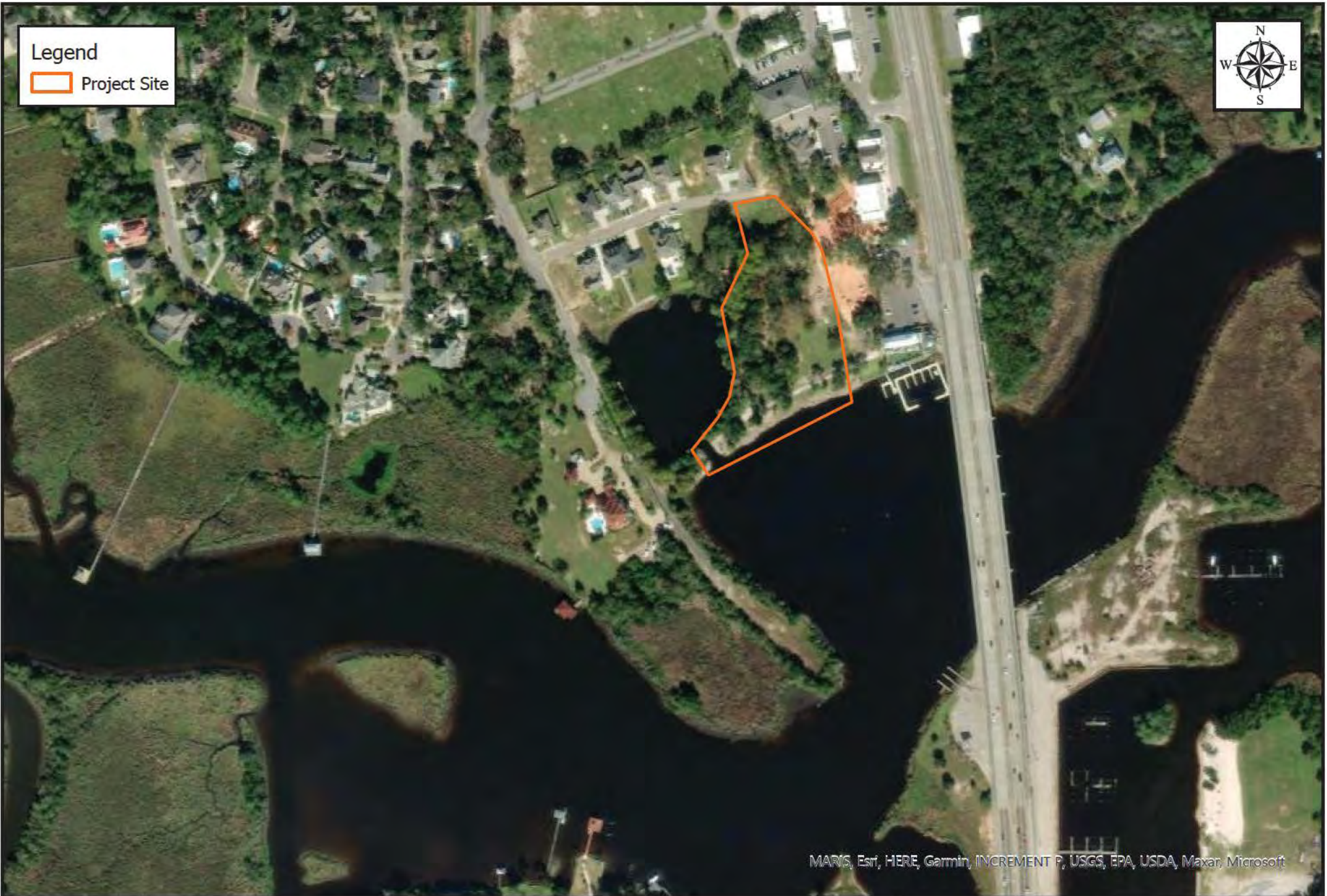


Project Site: 30.407361°N, 89.0286957°W

Map Created by: Karen P. Jordan
Date: 11/14/2024
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Legend

 Project Site

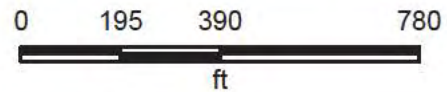


MARIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Maxar, Microsoft



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SAM-2024-00535-KPJ
Aerial View of Project Site



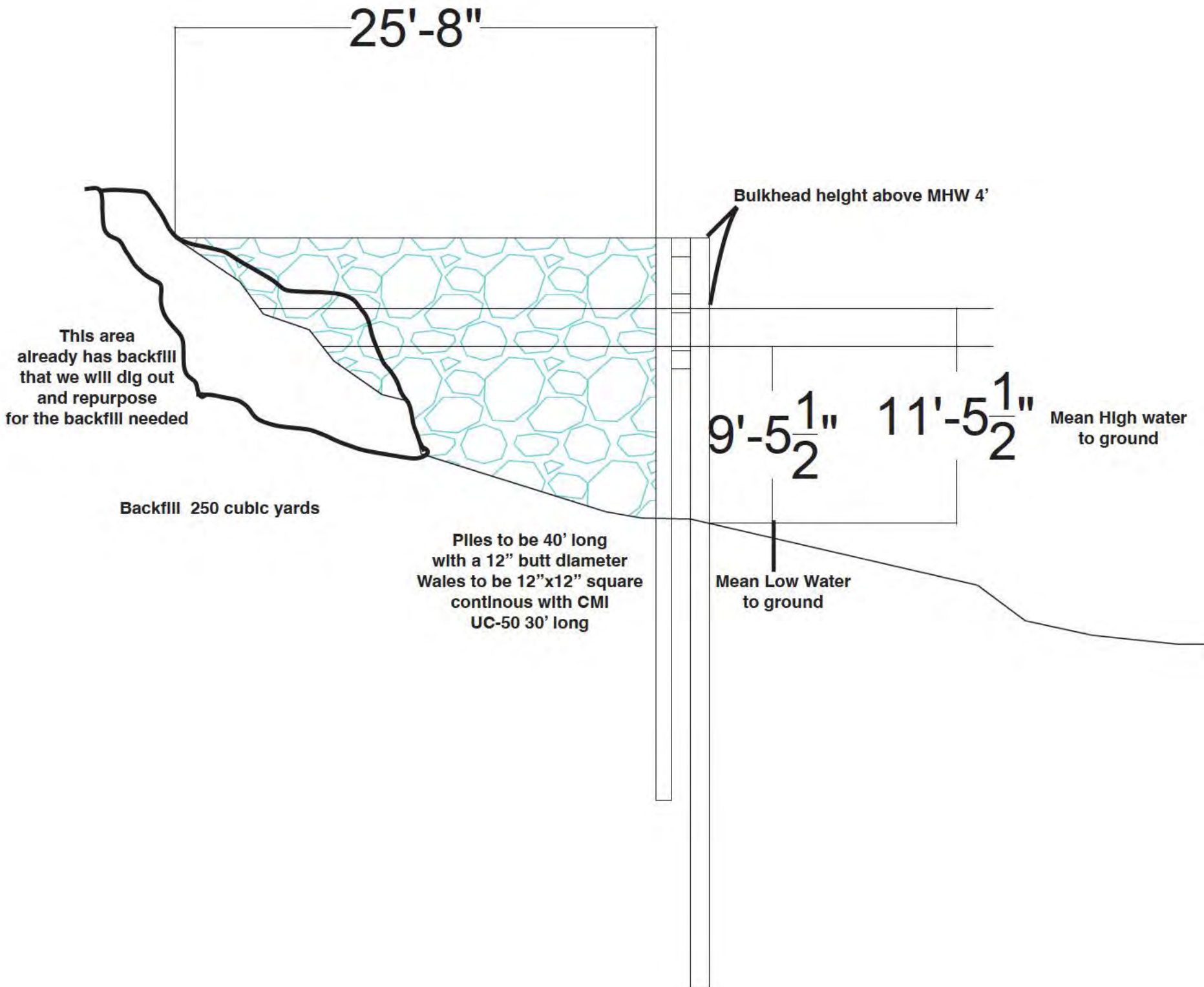
Map Created by: Karen P. Jordan

Date: 11/18/2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Sam-2024-00535-KPJ
request for bulkhead drawings





BRIDGEWATER BAY

PLANNED BUILDING GROUP

GULFPORT, MISSISSIPPI



TME
 TERRY MORAN, P.E., P.L.S.
 P.O. Box 4975
 Meridian, MS 39325
 Tel: (201) 894-4733
 Fax: (201) 894-4734
 TERRY MORAN
 ENGINEERING & SURVEYING

PRELIMINARY
 In Accordance With

HEINRICH & ASSOCIATES
 RESIDENTIAL & COMMERCIAL DESIGN
 1405 2nd Avenue, Suite 100, Gulfport, MS 39501
 Tel: (767) 266-8888

Sheet Title
 PLANNED BUILDING GROUP
 CONCEPTUAL SITE PLAN
 Project Title
 BRIDGEWATER BAY PLANNED BUILDING GROUP
 GULFPORT, MISSISSIPPI

Date: 06-2-2021
 Drawn by: JMBL
 Check by: JMBL
 ECL

Sheet No.
CI
 Project No.
 22-117

NOTE:
 NO ON SITE SUPERVISION OR INSPECTIONS ARE PROVIDED WITH THE USE OF THESE PLANS BY THE DESIGNER. BUILDER/CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, CONDITIONS, AND SIZES OF COMPONENTS ALONG WITH SITE CONDITIONS BEFORE STARTING CONSTRUCTION. BUILDER/CONTRACTOR SHALL SEE THAT CONSTRUCTION IS IN CONFORMANCE WITH THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND WITH THE COUNTY/CITY BUILDING DEPARTMENT. THE USE OF THESE PLANS FOR CONSTRUCTION SHALL BE EVIDENCE THAT THE REQUIREMENTS STATED ARE ACCEPTED BY THE BUILDER/CONTRACTOR.
 BEFORE UNDERTAKING EACH PART OF THE WORK, THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE PLANS & SPECIFICATIONS AND CHECK AND VERIFY EXISTING FEATURES SHOWN THEREON AND ALL APPLICABLE FIELD MEASUREMENTS. IF ANY CONFLICTS, ERRORS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED EITHER ON THE CONSTRUCTION DOCUMENTS OR IN THE FIELD, THE CONTRACTOR SHALL PROMPTLY REPORT IN WRITING TO THE ENGINEER OR HIS REPRESENTATIVE BEFORE PROCEEDING WITH ANY WORK AFFECTED THEREBY.