

Appendix C
Agency Coordination

August 7, 2012
N-S Project No. NS.11127.000

Mr. Homer L. Wilkes
State Conservationist
U.S. Department of Agriculture, Natural Resources Conservation Service
100 W. Capitol Street
Suite 1321 Federal Building
Jackson, MS 39269

REFERENCE: HIGHWAY 90 SECTION
RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Wilkes:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments on the proposed project and any available information on resources under your agency's jurisdiction within the project area. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink, appearing to read "Alane C. Young". The signature is fluid and cursive, with the first name "Alane" written in a larger, more prominent script than the last name "Young".

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps

Natural Resources Conservation Service
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269

August 29, 2012

Alane C. Young, RPG
Environmental Science Project Manager
Neel-Schaffer
1607-A 24th Avenue
Gulfport, Mississippi 39501

 **NEEL-SCHAFFER**
Solutions pour vos défis locaux

SEP 04 2012

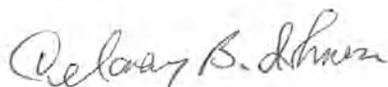
RECEIVED

Dear Ms. Young:

This is in response to your letter dated August 7, 2012 regarding the Highway 90 Section, Restore Biloxi Program in the City of Biloxi in Mississippi.

The proposed project is located in conjunction with a Highway system. No FPPA determination is required.

Sincerely,



Delaney B. Johnson
State Soil Scientist

August 7, 2012
N-S Project No. NS.11127.000

Mr. James D. Giattina, Director
U.S. Environmental Protection Agency, Region 4, Water Protection Division
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

REFERENCE: HIGHWAY 90 SECTION
RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Giattina:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments on the proposed project and any available information on resources under your agency's jurisdiction within the project area. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, prominent "A" and "Y".

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps

August 7, 2012
N-S Project No. NS.11127.000

Mr. Andy McCain
Mississippi Department of Environmental Quality
Office of Pollution Control, Environmental Permits Division
P.O. Box 2261
Jackson, Mississippi 39289-0385

REFERENCE: HIGHWAY 90 SECTION
RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. McCain:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments on the proposed project and any available information on resources under your agency's jurisdiction within the project area. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, prominent "A" and "Y".

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 9, 2012

NEEL-SCHAFFER
SOLUTIONS YOU CAN BUILD UPON
AUG 14 2012
RECEIVED

Alane Young
Neel Schaffer
1607 A 24th Avenue
Gulfport, MS 39501

RE: Highway 90 Restore Biloxi Program.
Harrison County

Dear Ms. Young:

The Mississippi Department of Environmental Quality (MDEQ) has received your "Request for Environmental Assessment Statutory-Regulatory Compliance" determination request for the above referenced project in Harrison County. Enclosed is a copy of MDEQ's CERCLA/Uncontrolled Sites File List that identifies sites within Harrison County that have potential contamination issues related to them. There are, however, many abandoned sites around the State that we are not aware of. An environmental site assessment may be necessary to evaluate potential recognized environmental conditions within the proposed project. If recognized environmental conditions are encountered, please contact me at 601-961-5388.

You can obtain additional information by accessing the following web addresses:

<http://www.epa.gov/enviro> (RCRA report and others)

<http://opc.deq.state.ms.us/default.aspx>

<http://muster.deq.state.ms.us/webreportapplication/ustsearchwf.aspx>

This project may be eligible for environmental site assessment assistance from MDEQ through the Targeted Brownfield Assessment (TBA) Program. (See attachment). Should you desire additional information on the application process for the TBA, please contact me at 601-961-5388.

Sincerely,

Andy McCain

Enclosures

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us

AN EQUAL OPPORTUNITY EMPLOYER

406	Barq's	Biloxi	Harrison	30	23	58	88	53	14
407	Bayou Place Townhomes & Condominiums Project	Biloxi	Harrison	30	24	38	88	57	27
408	Bayside Chrysler-Plymouth-Dodge Automobile Dealership	Biloxi	Harrison	30	26	11	88	54	2
409	Biloxi Lighthouse Fishing Docks	Biloxi	Harrison	30	24	43	88	52	48
410	Biloxi Prestress Property	Biloxi	Harrison						
411	Casino Magic Biloxi	Biloxi	Harrison	30	23	28	88	51	43
412	Corps of Engineers Horn Island	Biloxi	Harrison						
413	Covacevich Yacht & Sail Property	Biloxi	Harrison	30	24	35	88	52	10
414	Disposal System Inc. Clay Point Facility	Biloxi	Harrison	30	24	4	88	51	38
415	Disposal System Inc. Recovery Sys - Lee Street	Biloxi	Harrison	30	24	41	88	52	46
416	Gold Coast Casino Biloxi	Biloxi	Harrison	30	23	30	88	53	34
417	Golden Nugget Casino, Biloxi	Biloxi	Harrison	30	23	30	88	53	34
418	Grand Casino Biloxi	Biloxi	Harrison	30	23	32	88	52	3
419	Keesler AFB	Biloxi	Harrison	30	24	90	88	55	12
420	LaValley Plastics Construction Co.	Biloxi	Harrison	30	24	5	88	52	2
421	Manufactured Gas Plant Site (MPC)	Biloxi	Harrison	30	24	3	88	52	6
422	Mississippi Power Father Ryan Substation	Biloxi	Harrison	30	24	30	88	52	7
423	Munro Terminal (also known as Munroe Petroleum)	Biloxi	Harrison	30	24	42	88	52	34
424	Owen's Scrap Metal	Biloxi	Harrison	30	29	57	88	51	47
425	Popp's Ferry Elementary School	Biloxi	Harrison	30	24	31	88	58	24
426	Recovery Systems (See Disposal Systems Inc.)	Biloxi	Harrison						
427	Treasure Bay Casino	Biloxi	Harrison	30	23	32	88	57	9
428	Water Well Biloxi	Biloxi	Harrison	30	23	60	88	54	12
429	Weems Brothers Seafood	Biloxi	Harrison	30	24	32	88	52	5
430	W & W Techs Biloxi Tertiary Reefs	Biloxi-Wiggins	Harrison						
431	MDOT - KP Sandblasting	Bond	Harrison	30	39	34	89	8	3
432	Lemoyne Boulevard	D'Iberville	Harrison	30	26	9	88	53	9
433	Jake's Autoparts	Gulfport	Harrison	30	24	22	89	8	16
434	Air National Guard Gulfport	Gulfport	Harrison	32	24	35	89	3	44
435	AmeriPride Linen & Apparel Services	Gulfport	Harrison	30	22	3	89	5	51
436	Arizona Chemical	Gulfport	Harrison	30	22	0	89	5	30
437	Avondale Gulfport Marine	Gulfport	Harrison	30	25	35	89	1	47
438	Avondale Industries	Gulfport	Harrison	30	25	44	89	3	46
439	Catfish Shack (BCC REO, L.L.C.)	Gulfport	Harrison	30	22	58	89	2	39
440	Chickadee Park/Recreation Center	Gulfport	Harrison						
441	Chemical Waste Treatment Plant	Gulfport	Harrison	30	25	39	89	5	25

Archived - from CERCLIS
EPD - Enviro. Permits Div.
UST - UST Branch
SWB - Solid Waste Branch

442	Chemfax #1	Gulfport	Harrison	30	25	45	89	5	23
443	Chemfax #2	Gulfport	Harrison	30	25	54	89	4	52
444	Convenient Mini Storage	Gulfport	Harrison	30	22	56	89	2	40
445	Exclusive Cleaners - Del Mar Plaza Shopping Center	Gulfport	Harrison	30	27	31	89	6	8
446	Gulfport Air National Guard	Gulfport	Harrison						
447	Gulfport Fertilizer Site	Gulfport	Harrison	30	23	42	89	6	48
448	Gulfport Small Arms Firing Range	Gulfport	Harrison	30	23	38	89	3	56
449	Gulfport Yacht Club Project	Gulfport	Harrison	30	21	35	89	5	22
450	Halter Marine Central - 14039 Seaway Road	Gulfport	Harrison	30	26	0	89	4	16
451	Halter Marine Gulfport - 13805 Seaway Road	Gulfport	Harrison	30	25	57	89	3	22
452	Handsboro Square Shopping Center/Pump & Save	Gulfport	Harrison	30	23	52	89	1	38
453	Harrison County	Gulfport	Harrison	30	21	26	89	11	4
454	Harrison Experimental Forest	Gulfport	Harrison	30	37	29	89	3	21
455	Hewchem - Chevron	Gulfport	Harrison	30	26	3	89	5	5
456	Highside Chemicals	Gulfport	Harrison	30	25	40	89	1	20
457	Holcomb Paint Factory (Former)	Gulfport	Harrison	30	22	50	89	6	4
458	Kremer Marine	Gulfport	Harrison	30	24	15	89	1	34
459	Lady Luck Casion (See Misco Marine)	Gulfport	Harrison						
460	Master Transmission	Gulfport	Harrison	30	23	41	89	2	28
461	McDermott Inc. Seaway Shipyard	Gulfport	Harrison	30	25	47	89	4	8
462	McDermott Inc. Three Rivers Shipyard	Gulfport	Harrison	30	25	57	89	5	10
463	MDOT - AmeriPride Linens	Gulfport	Harrison	30	22	3	89	5	38
464	MDOT - Barry's U-PULL-IT	Gulfport	Harrison	30	25	30	89	7	53
465	MDOT - Gulfport 2513 30th Avenue	Gulfport	Harrison	30	22	51	89	5	53
466	MDOT - Gulfport Service Center	Gulfport	Harrison	30	22	27	89	5	47
467	MDOT - Joe Schapens Property	Gulfport	Harrison	30	22	38	89	5	47
468	MDOT - Lazana Property/Master Brake Service	Gulfport	Harrison	30	22	6	89	5	46
469	MDOT - US49 and I-10	Gulfport	Harrison	30	25	58	89	5	39
470	Misco Marine-Lady Luck Casino Site	Gulfport	Harrison	30	21	43	89	5	28
471	Navy Construction Battallion Center (NCBC) PCB Spill	Gulfport	Harrison						
472	NCBC Gulfport Off-Base Area of Contamination (Arndt/Bennett Properties)	Gulfport	Harrison	30	23	9	89	8	5
473	Necaise Construction Site	Gulfport	Harrison	30	35	36	89	11	33
474	Pat Peck Nissan	Gulfport	Harrison	30	25	31	89	5	27
475	Plant Waste State Service Corp Further Action	Gulfport	Harrison	30	25	42	89	5	10
476	Plastic And Brownfield Agreement	Gulfport	Harrison	30	25	57	89	5	8

Archived - from CERCLIS
EPD - Enviro. Permits Div.
UST - UST Branch
SWB - Solid Waste Branch

477	Reichhold Chemicals (See Arizona Chem)	Gulfport	Harrison						
478	Sears Facility #7456	Gulfport	Harrison	30	21	52	89	5	43
479	Spoils Area Industrial Seaway Road	Gulfport	Harrison						
480	Steel's Joan Residence	Gulfport	Harrison						
481	Struthers Industries	Gulfport	Harrison	30	23	29	89	4	50
482	Tomlinson Estate	Gulfport	Harrison	30	25	13	89	2	20
483	Treated Materials	Gulfport	Harrison	30	26	4	89	3	48
484	Turan Foley Dealership	Gulfport	Harrison	30	22	11	89	5	15
485	USDA Forest Service Gulfport Research Station	Gulfport	Harrison	30	23	23	89	5	11
486	VA Gulfport Vertans Health Care	Gulfport	Harrison	30	22	39	89	2	55
487	Wilson Estate Site	Gulfport	Harrison	30	26	45	89	6	0
488	Mid South RR Refueling Station - Gulfport	Gulfport	Harrison	30	22	36	89	5	43
489	Safeway Transportation	Lizana	Harrison						
490	Walgreen Store #09545 (Proposed)	Long Beach	Harrison	30	21	3	89	9	10
491	Crown Zellerbach Corp. Site 1	Lyman	Harrison	30	30	52	89	9	1
492	Crown Zellerbach Corp. Site 2	Lyman	Harrison	30	31	36	89	9	51
493	United States Forestry Service Access	McHenry	Harrison						
494	DuPoint EI Nemours Co. Inc.	Pass Christian	Harrison						
495	Camp Hill (FUDS # A04ms20601)		Harrison	30	31	20	88	59	34
496	GSPC- Harrison (00858)		Harrison	30	26	17	88	53	17
497	GSPC- Jack Watson Tap (00859)		Harrison	30	26	56	89	2	7
498	GSPC- Kesler (00860)		Harrison	30	25	16	89	5	11
499	Keesler Small Arms Range (FUDS #A04ms0251)		Harrison						
500	Poorman Flexible Gunnery Range (FUDS #A04ms12501)		Harrison	30	34	22	88	57	37
501	Disposal System Inc. Woolmarket Landfill	Biloxi	Harrison	30	28	54	88	57	31
502	Gulf Coast Mosquito Control	Gulfport	Harrison	30	24	24	89	3	44
503	Masonite Corp. Alpine Division	Gulfport	Harrison	30	25	4	89	5	2
504	Mississippi Power Plant Watson	Gulfport	Harrison	30	26	24	89	1	27
505	Navy Construction Battallion Center (NCBC)	Gulfport	Harrison	30	22	54	89	7	19
506	Tellus Development Diesel Complaint	Pass Christian	Harrison	30	19	16	89	14	33

Note: XNFA - State/Federal No Further Action

BFA - Brownfield Agreement

Archived - from CERCLIS

EPD - Enviro. Permits Div.

UST - UST Branch

SWB - Solid Waste Branch

August 7, 2012
N-S Project No. NS.11127.000

Mr. Don Underwood
Executive Director
Mississippi Soil and Water Conservation Commission
P.O. Box 23005
Jackson, MS 29225-3005

REFERENCE: HIGHWAY 90 SECTION
RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Underwood:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments on the proposed project and any available information on resources under your agency's jurisdiction within the project area. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, looped "Y" at the end.

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps

July 10, 2012
N-S Project No. NS.11127.000

Ms. Willa Brantley
Bureau Director, Wetlands Permitting
Mississippi Department of Marine Resources
Coastal Zone Management
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530

REFERENCE: RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Ms. Brantley:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90 (BEA-1 through BEA-10).

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program (BEA-1 through BEA-10). Therefore, I am writing to request your comments. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink, appearing to read "Alane C. Young". The signature is written in a cursive style with a large, looped "Y" at the end.

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps



**MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES**

August 21, 2012

Alane C. Young, RPG
Environmental Science Project Manager
Neel-Schaffer
1607-A 24th Avenue
Gulfport, MS 39501

RE: DMR-130019; Restore Biloxi Program / City of Biloxi

Dear Ms. Young:

The Department of Marine Resources in cooperation with other state agencies is responsible under the Mississippi Coastal Program (MCP) for managing the coastal resources of Mississippi. Proposed activities in the coastal area are reviewed to insure that the activities are in compliance with the MCP.

The Department has received a request from Neel-Schaffer on behalf of the City of Biloxi to review the proposed repair and replacement of more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations as a part of the Restore Biloxi Program in Biloxi, Harrison County, Mississippi. Please note that construction of transmission lines through wetlands, canals, or bayous is an activity that is regulated by this office as well as the U.S. Army Corps of Engineers. If such wetland impacts are anticipated, an application form should be submitted to this office for review of the proposed project.

We ask that impacts to wetlands be avoided and minimized wherever possible. Crossing of creeks or bayous by directional drilling is preferable to more invasive installation methods as are temporary impacts with wetland restoration following line installation. Routes should be designed to avoid impacts to wetlands where practicable and to minimize impacts where unavoidable. Thank you for the opportunity to comment on your project.

For more information, questions concerning this correspondence, to obtain an application packet, or to schedule a pre-application meeting, contact Ron Cole with the Bureau of Wetlands Permitting at (228) 523-4117 or ronald.cole@dmr.ms.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Willa J. Brantley".

Willa J. Brantley
Bureau Director, Wetlands Permitting

WJB/rlc

July 10, 2012
N-S Project No. NS.11127.000

Mr. Damon M. Young, P.G.
Team Leader, Coastal Mississippi
Regulatory Division
U.S. Army Corps of Engineers
Mobile District
Mobile, Alabama 36628-0001

REFERENCE: RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Young:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90 (BEA-1 through BEA-10).

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program (BEA-1 through BEA-10). Therefore, I am writing to request your comments. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, looped "Y" at the end.

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps



REPLY TO
ATTENTION OF

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

July 18, 2012

Coastal Branch
Regulatory Division

City of Biloxi
c/o Neel-Schaffer
Attention: Ms. Alane C. Young, RPG
1607-A 24th Avenue
Gulfport, Mississippi 39501



JUL 25 2012

RECEIVED

Dear Ms. Young:

We are in receipt of a request for Department of the Army jurisdictional determination at Biloxi, Harrison County, Mississippi. This request has been assigned project file number **SAM-2012-00880-PAH**, which should be referred to in all future correspondences with this office. This project is also identified as the Restore Biloxi Program Project.

I have been assigned as Project Manager for this action and can be reached by telephone at (251) 690-2658, by e-mail at philip.a.hegji@usace.army.mil or by mail to U.S. Army Engineer District, Attention: CESAM-RD-C, Hegji, Post Office Box 2288, Mobile, Alabama 36628-0001. I will let you know if additional information is needed before we can complete your request.

A copy of this letter is being furnished to the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530.

Sincerely,


Philip Hegji
Project Manager
Regulatory Division

Alane Young

From: Alane Young <alane.young@neel-schaffer.com>
Sent: Friday, August 03, 2012 3:43 PM
To: 'Hegji, Philip A SAM'
Cc: 'Craig High'
Subject: RE: SAM-2012-00880/Restore Biloxi (UNCLASSIFIED)
Attachments: Beauvoir Drainage Ditch Pictures.doc

Hi Philip,

Thanks for heading over last week to meet with us and conduct a site visit for this project. I have attached some information to show where the Beauvoir ditch (west of Brady Avenue) is located relative to the northern extent of our project improvements (installation of a 12" water line). As you can see, the southern edge of the ditch is 17.5 feet north of the proposed water main. BMPs will be followed to prevent sediment runoff to the ditch.

Please let me know if you need any additional information -

Thanks!

Alane C. Young, RPG
Environmental Science Project Manager
Neel-Schaffer, Inc.
1607-A 24th Avenue, Gulfport, MS 39501
(228) 865-9610 (P) (228) 865-9612 (F)
(228) 363-2970 (cell)

www.neel-schaffer.com

-----Original Message-----

From: Hegji, Philip A SAM [<mailto:Philip.A.Hegji@usace.army.mil>]
Sent: Tuesday, July 31, 2012 6:50 AM
To: Alane Young
Subject: RE: SAM-2012-00880/Restore Biloxi (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

yes

-----Original Message-----

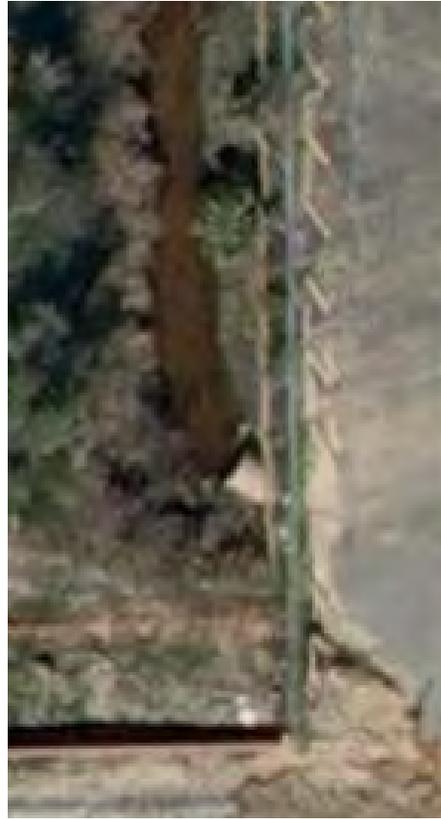
From: Alane Young [<mailto:alane.young@neel-schaffer.com>]
Sent: Monday, July 30, 2012 5:02 PM
To: Hegji, Philip A SAM
Subject: RE: SAM-2012-00880/Restore Biloxi (UNCLASSIFIED)

Hi Philip - we're still on for tomorrow, right?

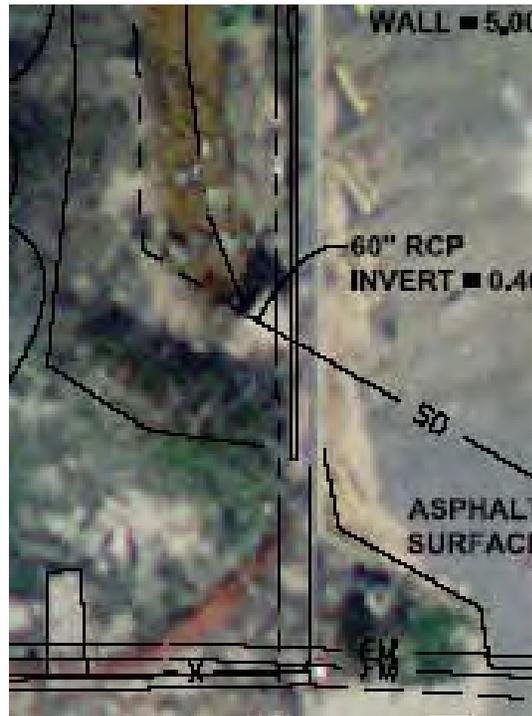


20' MARK NORTH OF FENCE (Photo taken facing west)

BEAUVOIR DRAINAGE DITCH



EXISTING AERIAL VIEW OF DITCH



BEAUVOIR DRAINAGE DITCH



EXISTING AERIAL VIEW (with project plans overlay and new waterline)



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

August 6, 2012

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination Number SAM-2012-00880-PAH, City of Biloxi

City of Biloxi
c/o Neel-Schaffer
Attention: Ms. Alane C. Young, RPG
1607-A 24th Avenue
Gulfport, Mississippi 39501

 NEEL-SCHAFFER
Solutions you can build upon

AUG 14 2012
RECEIVED

Dear Ms. Young:

Reference is made to your request received July 17, 2012, for a Department of the Army (DA) permit to repair a series of utility lines. The project site is located US-90 for approximately 8.5 miles starting at Debuys Road in the west and ending at the Harrison County Line in the east, Biloxi, Harrison County, Mississippi. It has been assigned number SAM-2012-00880-PAH, which should be referred to in all future correspondence with this office.

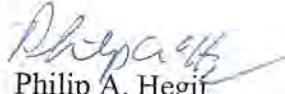
A desk review of the material submitted, revealed a DA permit pursuant to Section 404 of the Clean Water or Section 10 of the Rivers and Harbors Act **will not** be required for your project. Although there is jurisdictional water bodies located on-site, the submitted plans indicate the activities you will undertake are not regulated and will not require a permit from the U.S. Army Corps of Engineers (Corps).

Please be advised this jurisdictional determination reflects current policy regulations and is valid or a period of 5 years from the date of this letter. If after the 5-year period if this jurisdictional determination has not been specifically revalidated by the Corps, it shall automatically expire. Should you disagree with certain terms and/or conditions of this determination, the enclosed Notification of Administrative Appeal Option outlines the steps to take to file your objection.

The statements contained herein do not convey any property rights or any exclusive privileges and do not authorize any injury to property or obviate the requirements to obtain other local State or Federal Assent required by law for the activities discussed above.

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program. If you have any questions or require further information concerning this matter, please contact me at (251) 690-3222. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

Sincerely,


Philip A. Hegji
Project Manager
Coastal Branch
Regulatory Division

Enclosures

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 08/06/12

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile, City of Biloxi, SAM-2012-00880-PAH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MS County/parish/borough: Harrison City: Biloxi
Center coordinates of site (lat/long in degree decimal format): Lat. 30.3920° N, Long. 88.9676° W.
Universal Transverse Mercator:

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Mississippi Sound

Name of watershed or Hydrologic Unit Code (HUC):

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
 Field Determination. Date(s): 07/31/12

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: .02 acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM.

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Mississippi Sound.**

Summarize rationale supporting determination: Part of the Gulf of Mexico.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": flows directly into the Mississippi Sound.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
 Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:** Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: 444 linear feet width (ft). Or, acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

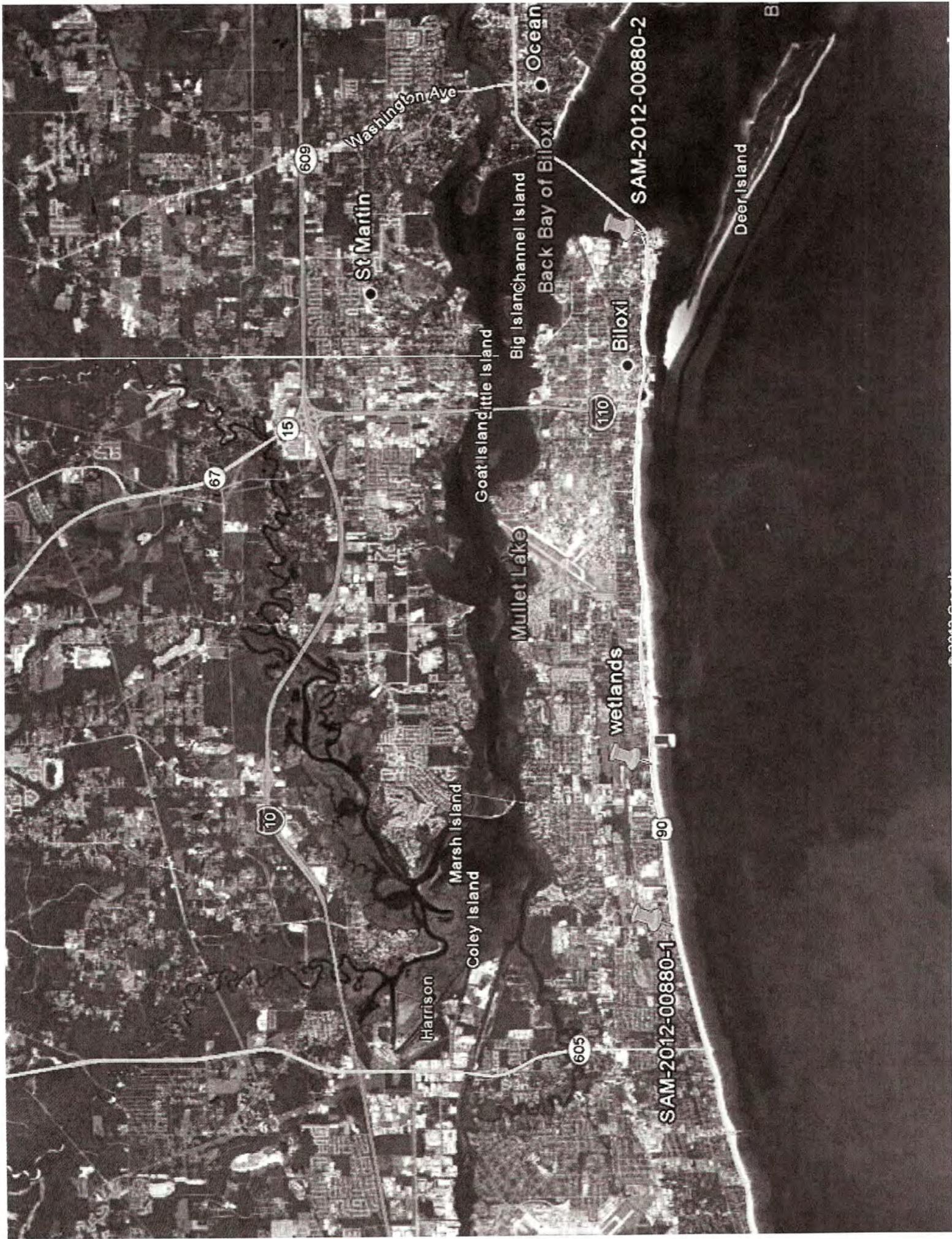
SECTION IV: DATA SOURCES.

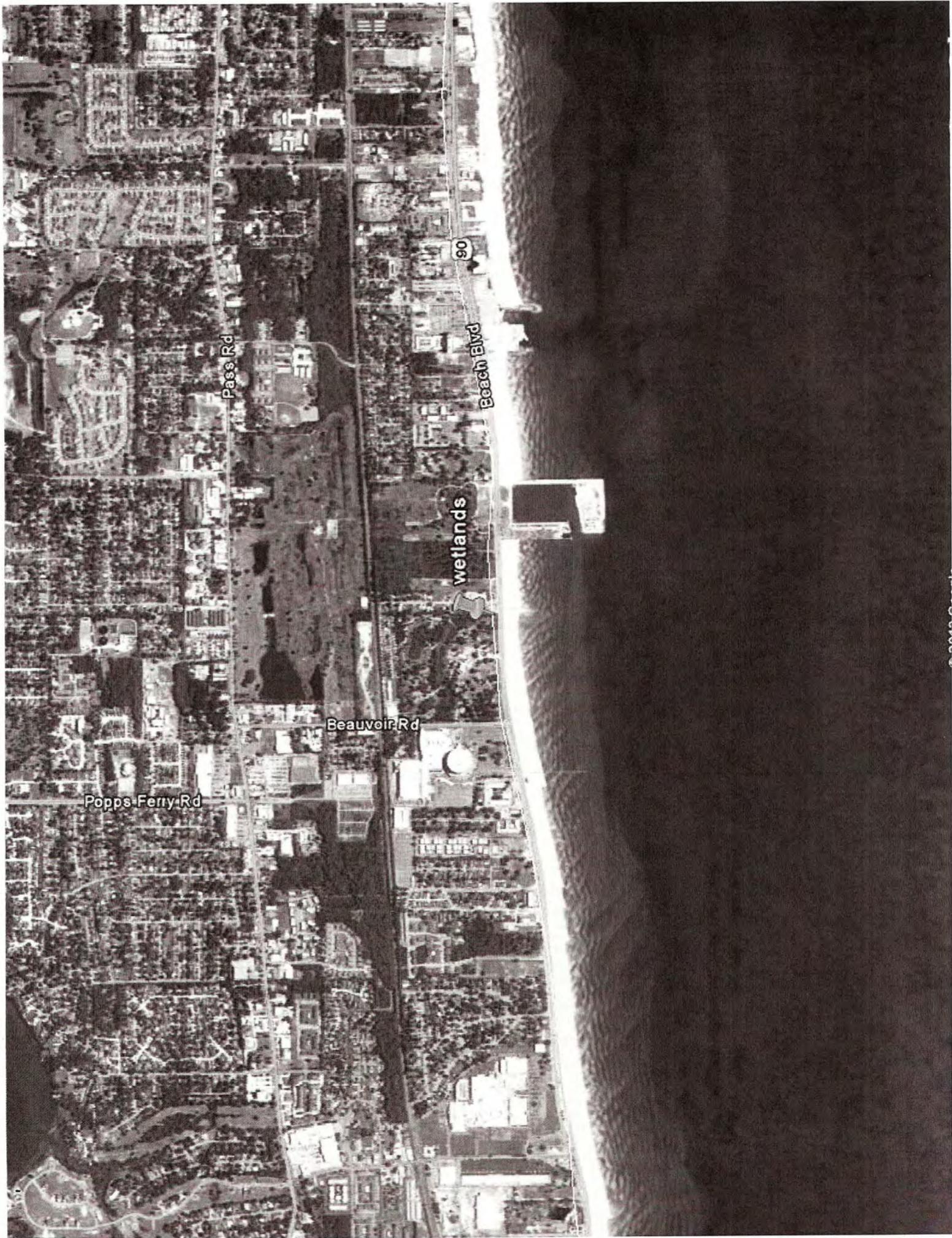
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

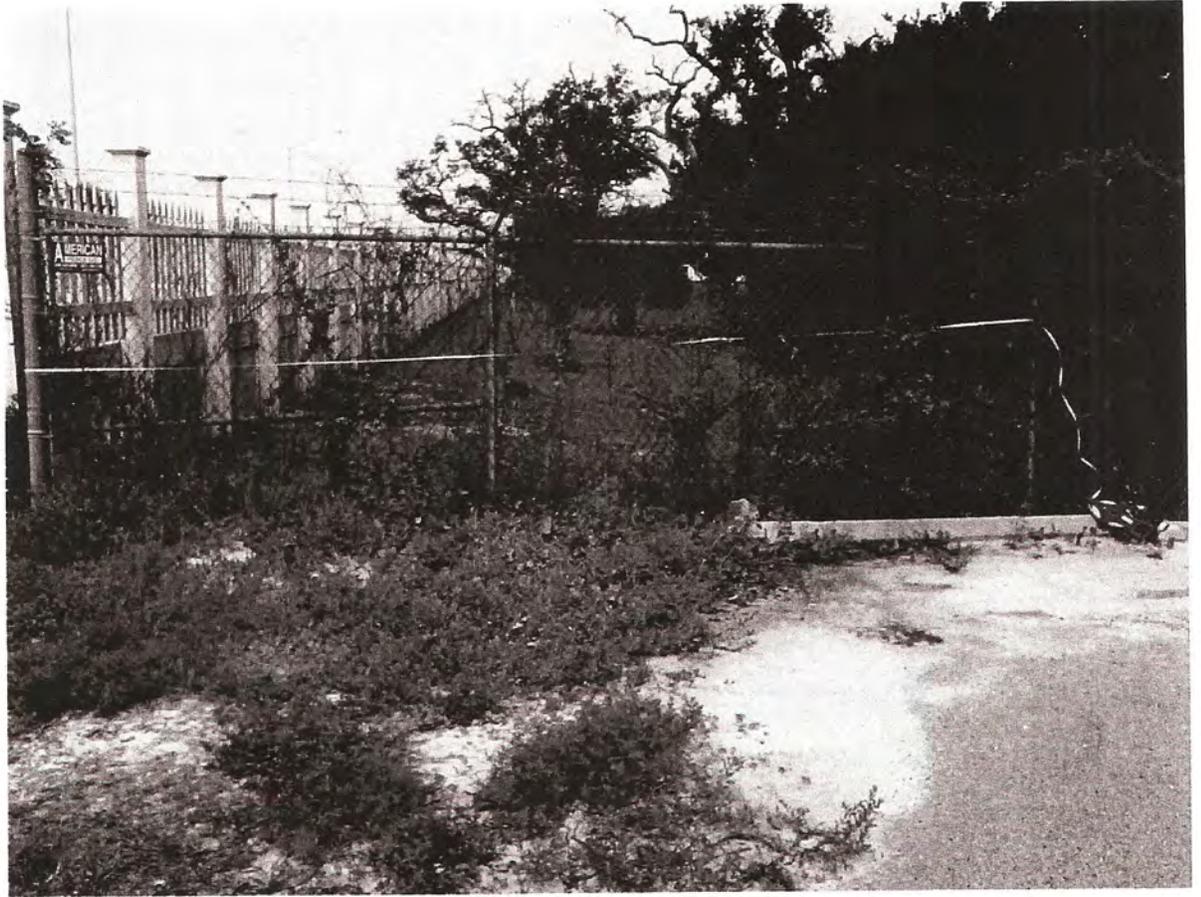
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters" study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):Google Earth accessed 08/06/12.

B. ADDITIONAL COMMENTS TO SUPPORT JD:







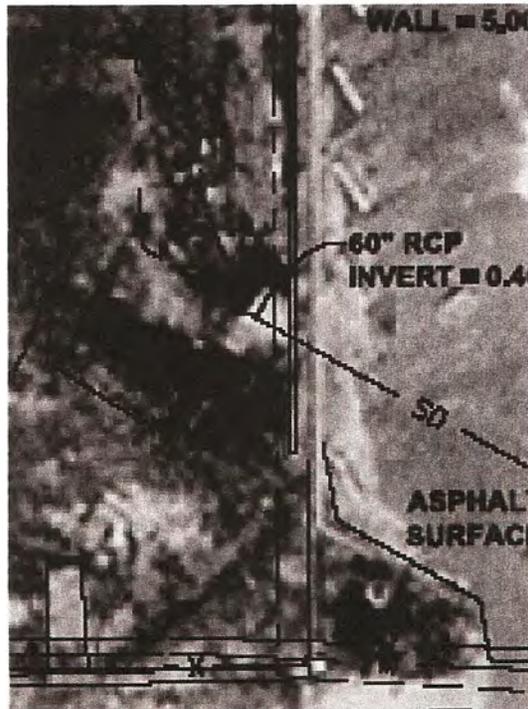


20' MARK NORTH OF FENCE (Photo taken facing west)

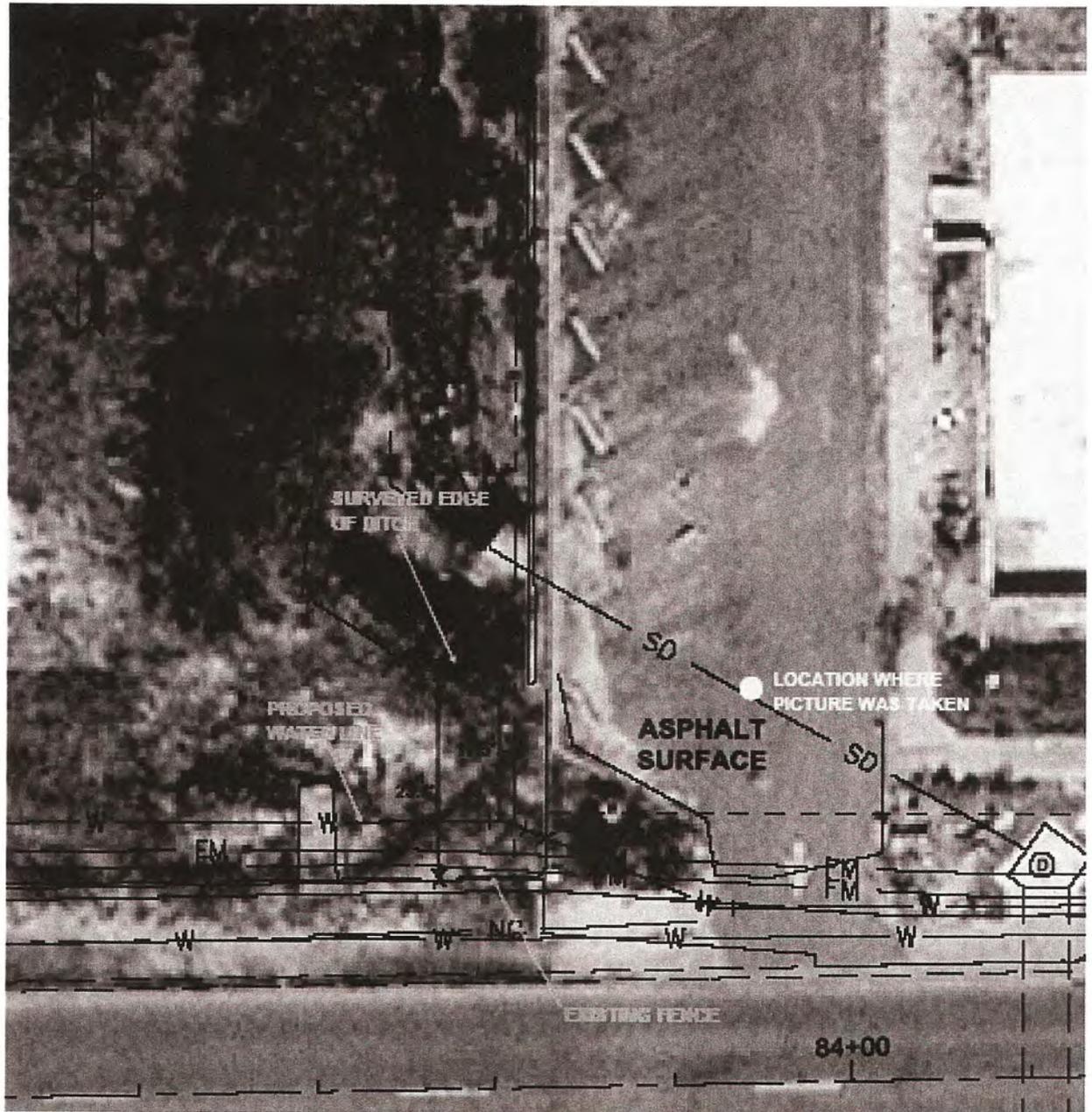
BEAUVOIR DRAINAGE DITCH



EXISTING AERIAL VIEW OF DITCH



BEAUVOIR DRAINAGE DITCH



EXISTING AERIAL VIEW (with project plans overlay and new waterline)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: CITY OF BILOXI	File Number: SAM-2012-00880-PAH	Date: 08/06/2012
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
XX	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**MR. PHILIP A. HEGJI
CESAM-RD-C-M
U.S. ARMY CORPS OF ENGINEERS
POST OFFICE BOX 2288
MOBILE, ALABAMA 36601-2228
(251) 690-3222**

If you only have questions regarding the appeal process you may also contact:

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

August 7, 2012
N-S Project No. NS.11127.000

Ms. Kim Thurman
Mississippi Department of Transportation, Environmental Division
Administration Building
P.O. Box 1850
Jackson, Mississippi 39215-1850

REFERENCE: HIGHWAY 90 SECTION
RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Ms. Thurman:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments on the proposed project and any available information on resources under your agency's jurisdiction within the project area. Attached you will please find maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, prominent "A" and "Y".

Alane C. Young, RPG

Environmental Science Project Manager

Enclosure or Attachment: Site location maps

July 10, 2012
N-S Project No. NS.11127.000

Mr. Paul Necaise
U.S. Fish and Wildlife Service
6578 Dogwood Parkway, Suite A
Jackson, Mississippi 39213

REFERENCE: RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Necaise:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90 (BEA-1 through BEA-10).

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program (BEA-1 through BEA-10). Therefore, I am writing to request your comments. Attached you will please find a map showing the location of the project.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, stylized "A" and "Y".

Alane C. Young, RPG
Environmental Science Project Manager

Enclosure or Attachment: Site location map



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

August 13, 2012

IN REPLY REFER TO:
2012-I-1016

Neel-Schaffer
Attn: Alane Young
1607-A 24th Ave.
Gulfport, MS 39501

Dear Ms. Young

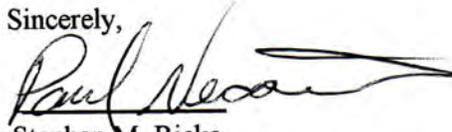
The United States Fish and Wildlife Service (Service) has reviewed the information in your letter dated July 3, 2012, regarding the proposed City of Biloxi's Restore Biloxi Project. The \$355 million dollar FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift station will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

The Service has determined that the projects outlined in your proposal will not adversely impact threatened or endangered species or their habitats as long as the work proposed in the Hwy. 90 right-of-way does not affect the sand beach on the south side of the highway. The project site is located along Highway 90, Biloxi, in Harrison County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on the information provided in your letter, the Service has determined that the proposed project will have "No Effect" on federally listed species or their habitats. No further consultation under the ESA is required with this office unless there are changes in the scope or location of the proposed project.

If you have any questions, please contact Paul Necaise in our office, telephone: (228) 493-6631, or visit our website at <http://www.fws.gov/mississippiES/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Neenan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

for Stephen M. Ricks
Field Supervisor
MS Field Office

June 15, 2012
N-S Project No. NS.11127.001

Mr. Greg Williamson
Mississippi Department of Archives & History
P.O. Box 571
Jackson, Mississippi 39205-0571

REFERENCE: RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Williamson:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90.

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program. Therefore, I am writing to request your comments under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. Attached you will please maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, stylized "Y" at the end.

Alane C. Young, RPG
Environmental Science Project Manager

Enclosure or Attachment: Site location maps



PO Box 571, Jackson, MS 39205-0571
601-576-6850 • Fax 601-576-6975
mdah.state.ms.us
H.T. Holmes, Director

August 8, 2012

Alane C. Young, RPG
Neel-Schaffer
772 Howard Avenue
Biloxi, Mississippi 39530

RE: Proposed rehabilitation of 426,000 linear feet of sanitary sewer, 485,000 feet of water lines, 320,000 feet of storm drains, and 73 lift stations for Restore Biloxi Program (FEMA Funding) MDAH Log #06-139-12, Harrison County

Dear Alane:

We have reviewed your request for a cultural resources assessment, received on June 20, 2012, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that, due to the presence of several archaeological sites in some portions of the project area (sites 22Hr510, 22Hr513, 22Hr529, 22Hr1026, 22Hr1027, 22Hr1042, 22Hr64722Hr999, 22Hr534, 22Hr911, and 22Hr591), that a cultural resources survey should be performed by a qualified cultural resource professional in the project areas east of Azalea Drive. The resulting report reference the project log number above on the title page.

A list of individuals who have represented themselves as being willing and qualified to do archaeological survey work in Mississippi will be furnished upon request. A copy of this letter should be made available to the contracting archaeologist(s).

Sincerely,


Greg Williamson
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer



PO Box 571, Jackson, MS 39205-0571
601-576-6850 • Fax 601-576-6975
mdah.state.ms.us
H.T. Holmes, Director

October 25, 2012

Alane Young
Neel-Schafer
772 Howard Avenue
Biloxi, Mississippi 39530

RE: Cultural Resource Assessment of Existing and New Utility Easements (for rehabilitation of 426,000 linear feet of sewer line, 485,000 feet of water lines, 320,000 feet of storm drain and 73 lift stations – FEMA) MDAH Project Log #10-017-12, (#06-139-120 (Report #12-0566), Harrison County

Dear Alane,

We have reviewed the 2012, cultural resources survey report by Sarah Price, Principal Investigator, received on October 2, 2012, for the above referenced undertaking, pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After review, we concur that sites archaeological 22Hr911 and 22Hr591 are eligible for listing in the National Register of Historic Places and should be avoided, if possible. We concur that sites 22Hr1026 and 22Hr1027 (subsurface remains of historic structures) are potentially eligible for listing in the National Register of Historic Places and should be monitored during construction activities. We concur that sites 22Hr510, 22Hr513, 22Hr1042, 22Hr1160, and 22Hr999 are potentially eligible for listing in the National Register of Historic Places and should have further testing to determine eligibility if avoidance is not possible. If eligible sites cannot be avoided, then mitigation should be considered to resolve any adverse effects to historic properties that result from the project.

There remains the possibility that unrecorded cultural resources may be encountered during the project. Should this occur, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.13.

If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,

Greg Williamson
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer

C: Sarah Price, CEI

Alane Young

From: Craig High <craig.high@neel-schaffer.com>
Sent: Monday, June 18, 2012 4:53 PM
To: KCarleton@choctaw.org
Cc: alane.young@neel-schaffer.com
Subject: FW: Restore Biloxi FEMA Project Areas (Along HWY 90)
Attachments: THPO.doc; 20120618100638.pdf; HWY 90 Topo Map - Biloxi.pdf

Mr. Carleton,

Please find attached a letter describing the City of Biloxi – Restore Biloxi Project funded by FEMA. Also attached is Topographic Map and a set of Ariel Photographs outlining the project area in yellow. The city at this time is not aware of any historic sites that might be impacted by the installation new utility lines. The area noted in yellow would be considered developed land along Hwy 90 and varies in width from 5' to 20' North of current HWY 90 Right-of-way. If you need additional information to proceed with your review please let me know.

Have A Great Day!!

If the city doesn't receive a response within 30 days we will consider this project approved by the Mississippi Band of Choctaw Indians.

M. Craig High

Senior Project Manager

772 Howard Avenue

Biloxi, MS 39530

P. 228-374-1211

F. 228-374-1216

C.601-543-3372

craig.high@neel-schaffer.com

www.neel-schaffer.com

June 15, 2012
N-S Project No. NS.11127.001

Mr. Kenneth H. Carleton
Tribal Historic Preservation Officer/Archaeologist
Mississippi Band of Choctaw Indians
Industrial Road
Choctaw, Mississippi 39350

REFERENCE: RESTORE BILOXI PROGRAM
BILOXI, MISSISSIPPI

Dear Mr. Carleton:

The Restore Biloxi Program is a coordinated effort with the City of Biloxi, the Mississippi Emergency Management Agency (MEMA), and the Federal Emergency Management Agency (FEMA). The \$355 million FEMA-funded program includes design, construction and management services necessary to repair/replace more than 426,000 linear feet of sanitary sewer lines, 485,000 feet of water lines, 320,000 feet of storm drainage and 73 lift stations. The overall design approach focuses on increasing the efficiency of the overall system while reducing the potential for future storm impacts. Approximately 25 of the existing sewer lift stations will be eliminated and the flows consolidated into new gravity sanitary sewers, which are less susceptible to future storm damage.

There are 37 project phases. All projects are currently in the 60% - 100% design completion stage. Construction has commenced on several of the project phases in northern Biloxi.

Because Mississippi Department of Transportation (MDOT) has adhered to their long-standing rule that the City may not construct and/or maintain underground utilities parallel and beneath the travel lanes of Highway 90, it will be necessary to obtain easements parallel to the existing Highway 90 right-of-way to construct the new water main(s), sanitary sewer(s) and storm drain(s). Therefore, as part of this Program, FEMA has agreed to fund the acquisition of easements needed to replace the utilities located along Highway 90 (BEA-1 through BEA-10).

Neel-Schaffer, Inc. has been retained to perform the FEMA Environmental Assessment for the Highway 90 portion of Restore Biloxi Program (BEA-1 through BEA-10). Therefore, I am writing to request your comments under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. Attached you will please maps showing the location of the new utility alignments and proposed easement needs.

Please do not hesitate to contact me at 228-865-9610 should you need any additional information or have any questions. I appreciate your assistance with this matter.

Sincerely,

NEEL-SCHAFFER, INC.

A handwritten signature in black ink that reads "Alane C. Young". The signature is written in a cursive style with a large, stylized "A" and "Y".

Alane C. Young, RPG
Environmental Science Project Manager

Enclosure or Attachment: Site location maps

From: Cori Gavin
To: "Alane Young"
Subject: FW: FedEx Shipment 793751119545 Delivered
Date: Thursday, July 05, 2012 12:27:17 PM

From: trackingupdates@fedex.com [mailto:trackingupdates@fedex.com]
Sent: Thursday, July 05, 2012 11:58 AM
To: cori.gavin@neel-schaffer.com
Subject: FedEx Shipment 793751119545 Delivered

This tracking update has been requested by:

Company Name: Neel Schaffer Inc
Name: Jan Autry
E-mail: cori.gavin@neel-schaffer.com

Our records indicate that the following shipment has been delivered:

Purchase order number: charge to NS 11140
Reference: 00.09900.002
Ship (P/U) date: Jul 3, 2012
Delivery date: Jul 5, 2012 11:53 AM
Sign for by: W.DAVIS
Delivery location: CHOCTAW, MS
Delivered to: Receptionist/Front Desk
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 1.00 lb.
Special handling/Services: Deliver Weekday

Tracking number: [793751119545](https://www.fedex.com/track/793751119545)

Shipper Information
Jan Autry
Neel Schaffer Inc
772 HOWARD AVE
BILOXI
MS
US
39530

Recipient Information
Mr. Kenneth H. Carleton
Mississippi Band of Choctaws
101 INDUSTRIAL RD
CHOCTAW
MS
US
39350

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:57 AM CDT on 07/05/2012.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.