

## **NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

FEBRUARY 6, 2009

Mississippi Development Authority  
P. O. Box 849  
Jackson, Mississippi 39205  
601-359-3449

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Mississippi Development Authority (MDA). The MDA is providing funding to the Mississippi State Port at Gulfport, which will carry out the project.

### **REQUEST FOR RELEASE OF FUNDS**

On or about March 9, 2009 the MDA will submit a request to the Department of Housing and Urban Development (HUD) for the release of CDBG Disaster Recovery Grant funds under Title 1 of the Housing and Community Development Act of 1974, as amended, to undertake a project known as the 60 Acre Fill Project at the Port of Gulfport for the purpose of completing a 60 acre fill project at the Port of Gulfport that was under construction at the time Hurricane Katrina made landfall on the Mississippi Gulf Coast. Completion of the project which was authorized by the U.S. Army Corps of Engineers (Permit MS96-02828-U) will involve the necessary work to prepare the remainder of the site for filling, place select fill material as shown in plans and specifications, install necessary drainage structures, and grade and surface the fill area in order to complete Phases I and II of the West Pier Container Storage Yard.

The total estimated project cost for the completion of the 60 Acre fill project is \$22,480,285.30. The project will be funded entirely by CDBG funds. The project site is located in the near shore waters of the Mississippi Sound, immediately west of the Port of Gulfport West Pier, in Section 9, Township 8 South, Range 11 West, Harrison County, Mississippi.

### **FINDING OF NO SIGNIFICANT IMPACT**

The MDA has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at MDA located at 239 N. Lamar Street, Jackson, MS 39201, 5<sup>th</sup> Floor and is available for review and may be examined or copied weekdays from 8:00 A.M to 5:00 P.M.

## PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the MDA. All comments received by March 9, 2009 will be considered by the MDA prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

## RELEASE OF FUNDS

The MDA certifies to HUD that Jon Mabry in his capacity as Chief Operating Officer, Disaster Recovery consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the MDA to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the MDA certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the MDA; (b) the MDA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Jessie Handforth Kome, Director of Disaster and Special Issues, 451 7<sup>th</sup> Street S.W., Washington, DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Jon Mabry  
Chief Operating Officer  
Disaster Recovery  
Mississippi Development Authority