



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 3 1 1994

OFFICE OF
WATER

Honorable John H. Zirschky
Acting Assistant Secretary (Civil Works)
Department of Army
Washington, DC 20310-0130

Dear Dr. Zirschky:

In my letter of October 3, 1994, the Environmental Protection Agency (EPA) elevated for your review a decision by the Corps of Engineers Mobile District to authorize discharges in wetlands and other waters of the United States associated with a proposed casino complex in the City of D'Iberville, Mississippi. My letter focused on the urgent need to address cumulative adverse environmental impacts associated with anticipated casino development by proposing to initiate a comprehensive planning process to evaluate and identify potential future casino sites in a manner that more effectively considers the importance of Mississippi's valuable aquatic resources. Since my letter, EPA and Corps representatives met with key interests involved in this issue, including representatives of the permit applicant, D'Iberville Landing Casino/Spectrum Gaming (Spectrum), and these discussions have resulted in the identification of actions that effectively respond to the concerns raised in the EPA elevation. On that basis, EPA is hereby withdrawing our request under Part IV of the 1992 EPA/Army Section 404(q) Memorandum of Agreement for your review of the Spectrum permit.

EPA Region IV Administrator John Hankinson has met with Colonel Robert H. Griffith, Mobile District Engineer, and staff from the Corps South Atlantic (SAD) and Lower Mississippi Valley Divisions (LMVD), and have agreed to take the following actions to resolve the outstanding issues involved in this elevation:

- 1) EPA Region IV and the Corps (including districts in both SAD and LMVD) will initiate immediately a comprehensive planning process that involves stakeholders in Mississippi as well as the public, to evaluate the siting of future casino projects in Mississippi in a manner that minimizes adverse impacts to the State's aquatic resources. The principal objectives of this process are to provide additional predictability to permit applicants, ensure consistency with the goals of the Clean Water Act to avoid adverse impacts to waters of the United States, including wetlands, through the evaluation of practicable alternatives, and to reduce delays and controversy associated with the review of individual permits.

2) Include as part of the compensatory mitigation provisions of the Section 404 permit to be issued for the Spectrum casino the additional mitigation offered by the applicants to further minimize potential impacts associated with the project. This mitigation includes providing \$15,000 to support U.S. Fish and Wildlife Service wetlands enhancement/conservation efforts in areas such as the Grand Bay Bayou Preserve, redirecting casino lighting to reduce lighting related impacts to wildlife in the area, and providing additional vegetation buffers to minimize potential water quality effects on the adjacent tidal marsh.

I appreciate the involvement of your office to resolve this elevation. I know you share the perspective that it is effective interagency coordination which provides the best opportunity to implement the Section 404 regulatory program in a manner that increases certainty and predictability while reducing delays, and improves our ability to protect the Nation's valuable aquatic resources.

Sincerely,

A handwritten signature in black ink that reads "Bob Perciasepe". The signature is written in a cursive, slightly slanted style.

Robert Perciasepe
Assistant Administrator

cc: John Hankinson
EPA Region IV