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

REPLY TO
ATTENTION OF:

PUBLIC NOTICE NO. FP13-IW01-14
CESAM-PD-EC

February 15, 2013

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES AND MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES GULF INTRACOASTAL WATERWAY NAVIGATION PROJECT JACKSON, HARRISON AND HANCOCK COUNTIES, MISSISSIPPI

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District, proposes to conduct maintenance dredging and placement activities in the Gulf Intracoastal Waterway (GIWW), Mississippi.

This Public Notice is issued in accordance with the rules and regulations in the Federal Register on April 26, 1988. These regulations provide for the review of the dredging programs for federally authorized projects. These laws are applicable whenever dredged or fill material may enter navigable waters. The recipient of this notice is requested specifically to review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. We also request comments on any other potential impacts.

WATERWAY AND LOCATION: GIWW within the State of Mississippi.

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The existing project under the auspices of the USACE, Mobile District provides for a waterway 12 feet deep, 125 feet wide at mean lower low water (MLLW) from Apalachee Bay, Florida to Mobile Bay, Alabama and a channel 12 feet deep and 150 feet wide from Mobile Bay, Alabama to the Rigolets, Louisiana (Lake Borgne Light No. 29), and for a tributary channel (the Gulf County Canal), 12 feet deep, 125 feet wide, and about 6 miles long connecting the waterway at White City, Florida with St. Joseph Bay. The waterway between the 12-foot contours in Apalachee Bay and Lake Borgne Light No. 29 at the Rigolets is 379 miles long (**Figure 1**). The existing project was

authorized by the 1966 Rivers and Harbors Act, (House Document 481, 89th Congress, 2nd Session) as amended and prior acts.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action for the Mississippi portion of the GIWW would be maintenance dredging and disposal activities as previously certified. Approximately 3,000,000 cubic yards (CY) of sandy silt are proposed for removal by hydraulic pipeline dredge on an infrequent basis over a ten-year period.

The proposed action would involve maintenance dredging of the Mississippi portion of the GIWW, which is 65 miles in length, 150 feet in width, and with a depth of –12 feet MLLW, plus an additional -2 feet of advanced maintenance plus -2 feet of overdepth dredging. Maintenance dredging of soft-dredged material with hopper, mechanical, and/or hydraulic cutterhead dredges tends to disturb the bottom sediments several feet deeper than the target depth due to the inaccuracies of the dredging process. An additional -3 feet of sediment below the -2-foot paid allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed (Tavolaro *et al.*, 2007).

Maintenance dredging intervals typically occur once every three (3) to five (5) years. For the current proposed action, the material would be removed by hydraulic pipeline dredge and placed in previously used and authorized open-water disposal areas (65A, 65B, 65C) using a thin layer technique when practicable (**Figure 2**).

In emergency conditions, a barge-mounted dragline or snagboat may be used to remove rapidly formed or unexpected shoals or other hazards to navigation. This material would be placed to the side of the channel to allow immediate passage of vessels until a hydraulic pipeline dredge can be dispatched to restore project dimensions. Emergency disposal needs are infrequent and usually the result of specific incidents, such as storm events or barge groundings. Past experience has shown, however, that only a few areas are likely to require such emergency action but such action may be required at any location along the waterway. In the event of emergency, all necessary Federal and state agencies would be notified before the commencement of work.

WATER QUALITY CERTIFICATION: Water quality certification will be requested from the State of Mississippi, Department of Environmental Quality, Office of Pollution Control for a five (5) year period. Upon completion of the required comment period, a decision relative to certification will be made.

COASTAL ZONE CONSISTENCY: Pursuant to the requirements of the Coastal Zone Management Act (CZMA), consistency will be requested from the State of Mississippi, Department of Marine Resources (DMR). Our review of the CZMA finds that the continued maintenance of the project remains consistent with the program to the maximum extent practicable. A determination relative to coastal zone consistency will be made by DMR after completion of the required comment period.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land use plans. Use of waters within the open-water disposal sites; including fishing, shrimping, recreational boating, and the commercial transporting of fuels would be impacted during the actual maintenance activities; however, this action would be temporary and the aforementioned activities would resume to normal upon completion.

NATIONAL ENVIRONMENTAL POLICY ACT CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act (NEPA) an Environmental Impact Statement (EIS) for the entire GIWW navigation project from the Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida, was filed with the President's Council on Environmental Quality (CEQ) on December 17, 1976. An Environmental Assessment (EA) was prepared. This document is on file at the Mobile District Office of the USACE and also on the web at http://www.sam.usace.army.mil/Missions/PlanningEnvironmental. Appropriate revisions will be made if information is received during the coordination process that would dictate the need to update the existing EA.

SECTION 404(b)(1) EVALUATION REPORT: An evaluation of water quality impacts associated with the proposed action was prepared in accordance with guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act (CWA). The report is available for review in the Mobile District Office and on the web at http://www.sam.usace.army.mil/Missions/PlanningEnvironmental. Appropriate revisions will be made if information is received during the coordination process that would dictate the need to update the existing 404(b)(1) Evaluation Report.

THREATENED AND ENDANGERED SPECIES: The proposed action has previously been coordinated with the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) Fisheries and the U.S. Department of Interior, Fish and Wildlife Service (USFWS). NOAA Fisheries has been consulted with by Biological Assessment (BA) March 22, 2007 and concurred with our determination, by letter dated October 23, 2007, that the proposed action is not likely to adversely affect threatened and endangered species or their critical habitat. The USFWS has been consulted with by letter dated April 19, 2007 and on May 30, 2007 they deferred consultation of Gulf Sturgeon to NOAA Fisheries. Based on our review of the listings of threatened and endangered species that could occur within the project area, the continued maintenance of the GIWW in the State of Mississippi may affect but is not likely to adversely affect any listed species or their critical habitat. The USACE, Mobile District will coordinate with these agencies to obtain their concurrence with our determinations regarding threatened and endangered species.

ESSENTIAL FISH HABITATS: Essential Fish Habitat (EFH) is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. The National Marine Fisheries Service (NMFS) has identified EFH for the Gulf of Mexico in its

Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column. To the extent practicable, this project will not adversely affect EFH. Due to the short duration of the proposed activity, no managed species or their habitat will be significantly impacted and benthic communities in the project area will re-colonize within a few months. NMFS will be consulted regarding the status of EFH compliance via a letter from this office.

CULTURAL RESOURCES CONSIDERATION: In compliance with the National Historic Preservation Act (NHPA), coordination with the Mississippi State Historic Preservation Officer (SHPO) has been conducted. No cultural resources are known to occur in the open-water disposal or channel areas. No sites listed on the *National Register of Historic Places* (Register) are located within the project area.

The GIWW was authorized by Congress and completed more than 50 years ago. The existing channel and open-water disposal areas were constructed and operated prior to the enactment of the NHPA, which was signed into law in 1966. In 1979, the Corps, Mobile District analyzed and considered the effect that continued use and maintenance of the waterway may have on historic properties as per regulations within 36 Code of Federal Regulation (CFR) 800, in order to ensure compliance with NHPA. No cultural resources were found within the open-water disposal or channel areas. No sites listed on the Register were located within the project area. As the lead Federal agency, the USACE, Mobile District determined that the continued operation and maintenance activities would have no effect on historic properties. The effects determination was forwarded to the SHPO for review.

The present project includes no new action as defined by the NHPA. The USACE, Mobile District has determined that maintenance and dredging operations within existing channel and utilizing existing disposal areas has no potential to cause affects to historic properties as per CFR 800.0(1). The proposed recertification plan and subsequent effects determination will be forwarded to the SHPO's for review and comment.

PROTECTION OF CHILDREN: On April 21, 1997, the President issued Executive Order (EO) 13045, *Protection of Children from Environmental Health and Safety Risks.* This EO requires Federal agencies, to the extent permitted by law, and consistent with the agency's mission, to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risk to children that result from environmental projects. The maintenance of the proposed action, and subsequent disposal of dredged material in open-water sites, do not constitute a disproportionate risk to children.

ENVIRONMENTAL JUSTICE: EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* was issued on February 11, 1994. The order requires that Federal agencies conduct programs, policies, and activities that substantially affect human

health or the environment so that there is no disproportionately high and adverse human health or environmental effects on minority and low income populations. This project is not designed to create a benefit for any group or individual, but rather benefits on a region-wide basis. There are no indications that the proposed maintenance dredging would be contrary to the goals of EO 12898, or would create disproportionate, adverse human health or environmental impacts on minority or low income populations of the surrounding communities.

CLEAN AIR ACT: The National Ambient Air Quality Standards (NAAQS), established by EPA, set maximum allowable concentration limits for six criteria air pollutants to protect the public health, safety, and welfare as a result of the Federal Clean Air Act of 1970 (CAA). Areas in which air pollution levels persistently exceed the NAAQS may be designated as "non-attainment." States in which a non-attainment area is located must develop and implement a State Implementation Plan (SIP) containing policies and regulations that will bring about attainment of the NAAQS. Air quality in the vicinity of the proposed action would not be significantly affected by the proposed action. The equipment and machinery would generate some air pollution during construction activities, such as increased particulate levels from the burning fossil fuels. However, these impacts would be minor and temporary in nature. The proposed action is in compliance with the CAA, as amended. The project area is in attainment with the NAAQS parameters and the proposed action would not affect the attainment status of the project area or the region. A SIP conformity determination (42 United States Code 7506(c)) is not required since the project area is in attainment for all critical pollutants.

EVALUATION: The decision whether to proceed with the proposed action will be based on evaluation of the probable impact including cumulative impacts of the proposed action on overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from this proposal must be balanced against its reasonably foreseeable determinants. All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Among these are conservation, economics, esthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people. The proposed action will proceed unless it is found to be contrary to the overall public interest.

COORDINATION: Among the agencies receiving copies of this public notice are:

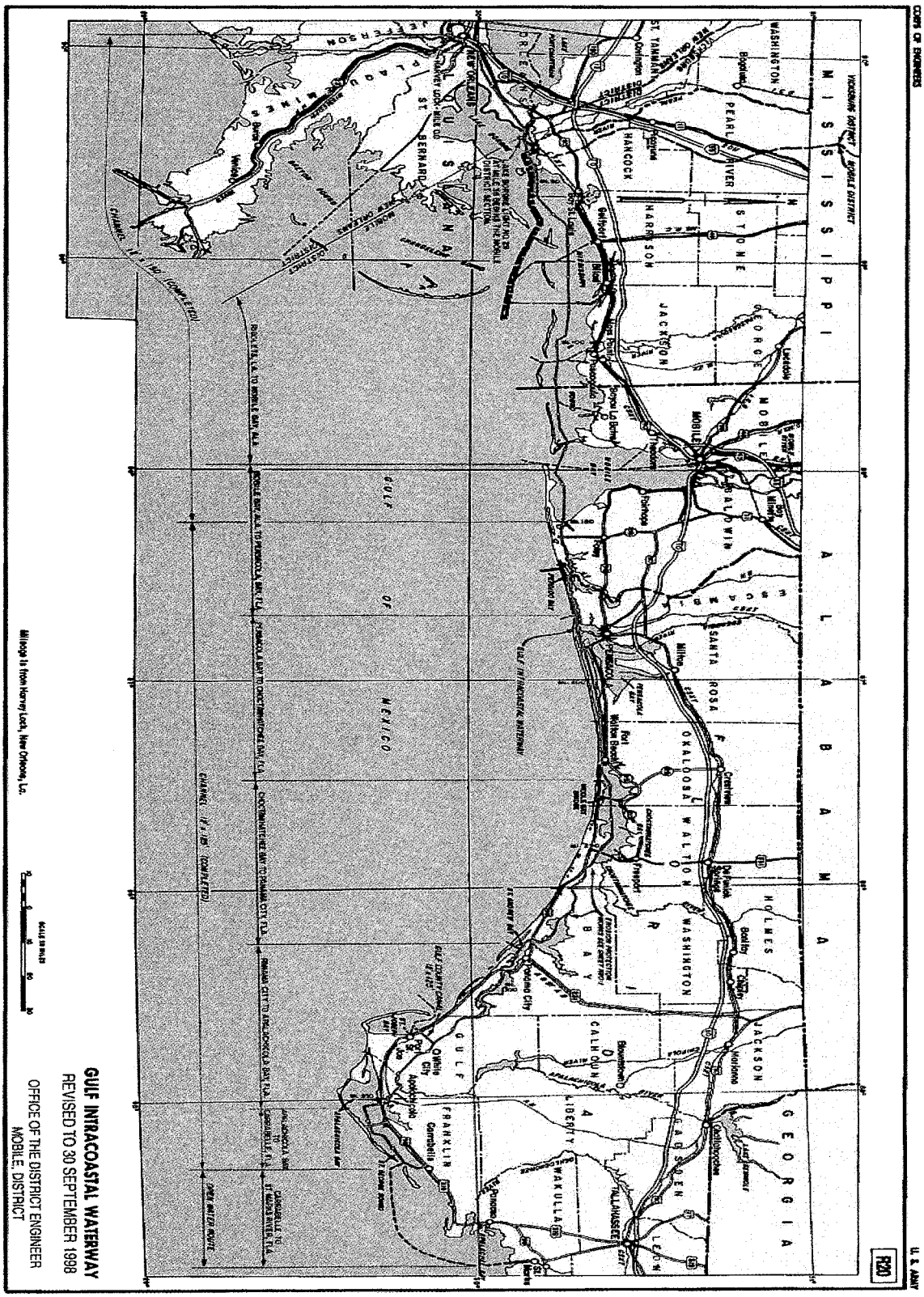
U.S. Fish and Wildlife Service, Jackson Field Office
National Marine Fisheries Service
Gulf of Mexico Fishery Management Council
National Park Service
United States Coast Guard, District 8
U.S. Environmental Protection Agency, Region 4
Affiliated Indian Tribal Interests

Mississippi Department of Environmental Quality
Mississippi Department of Marine Resources
Mississippi State Historic Preservation Officer
Mississippi Department of Wildlife, Fisheries and Parks
Mississippi Secretary of State Office

Other Federal, State, and local organizations, and United States Senators and Representatives of Mississippi are being sent copies of this notice and are invited to participate in coordinating this proposed action. You are requested to communicate the information contained in this notice to any person who may have interest in the proposed action.

CORRESPONDENCE: Any person who has an interest that may be affected by this proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Engineer within 30 days of the date on this public notice. A request for a hearing must clearly set forth the interest, which may be affected, and the manner in which the interest may be affected. Correspondence concerning the public notice should refer to Public Notice Number FP13-IW01-14 and should be directed to the Commander, U.S. Army Corps of Engineers, Mobile District, P.O. Box 2288, Mobile, Alabama 36628-0001. For more information, contact Mr. Matthew J. Lang, at (251) 694-3837, email address: matthew.j.lang@sam.usace.army.mil.

Curtis M. Flakes
Mobile District
U.S. Army Corps of Engineers


GULF INTRACOASTAL WATERWAY
REVISED TO 30 SEPTEMBER 1998
OFFICE OF THE DISTRICT ENGINEER
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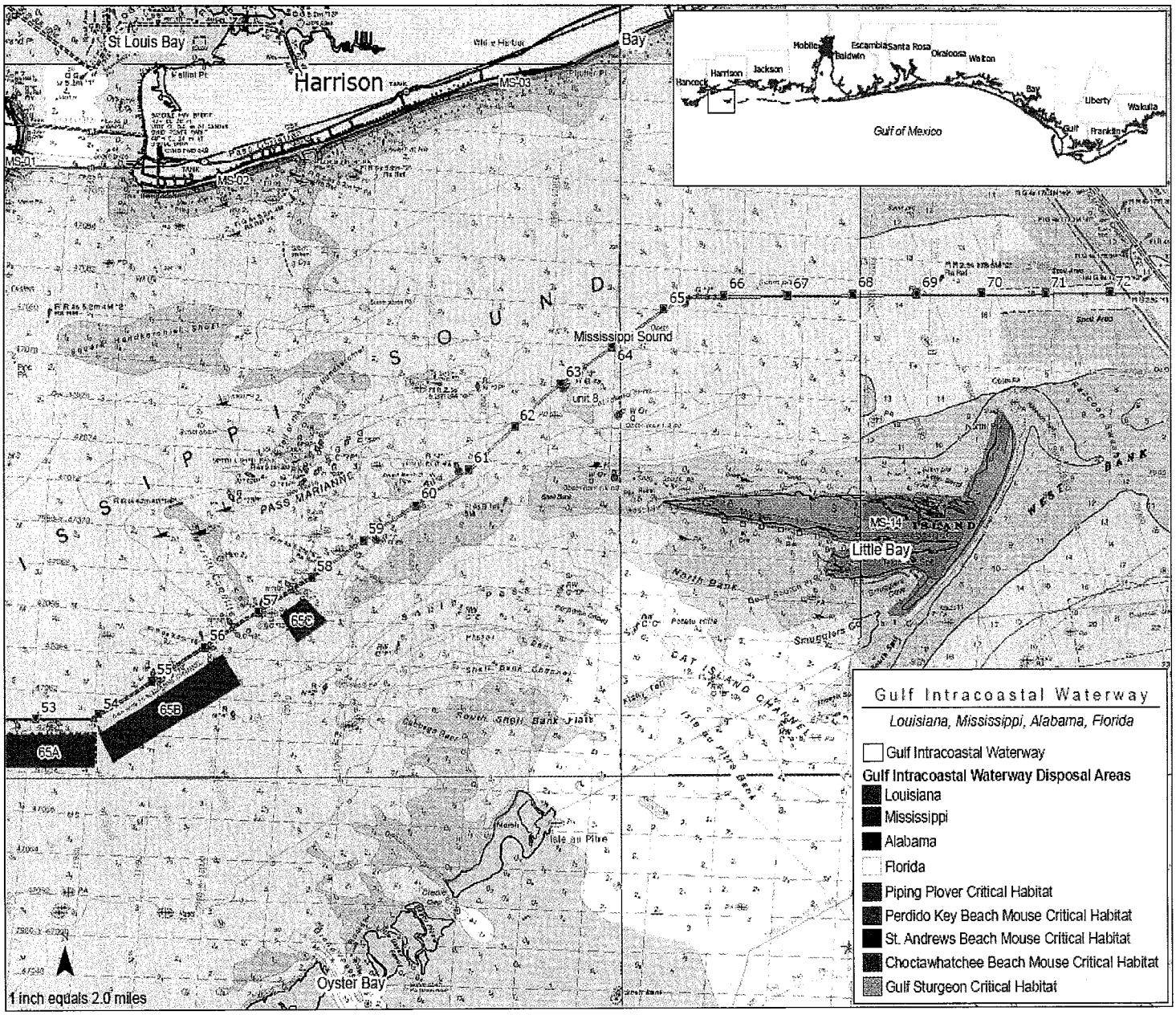

Figure 2: Open Water Disposal Areas 65 A-C