



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

REPLY TO
ATTENTION OF:

**PUBLIC NOTICE NO. FP17-BB01-09
CESAM-PD-EC**

December 5, 2017

JOINT PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
CONTINUED MAINTENANCE AND PLACEMENT OF DREDGED MATERIAL
FOR THE BAYOU LABATRE NAVIGATION PROJECT
MOBILE COUNTY, ALABAMA**

A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes continued maintenance dredging and placement activities associated with the federally authorized Bayou LaBatre Navigation Project, Mobile County, Alabama.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on April 26, 1988. These laws are considered whenever dredged or fill materials may enter waters of the United States or for the transportation of dredged material for the purpose of placement into navigable waters. The recipient of this notice is requested specifically to review the proposed action as it may have impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act (CWA). Comments on any other potential impacts are also requested.

WATERWAY AND LOCATION: Bayou LaBatre, Mobile County, Alabama.

DESCRIPTION OF THE AUTHORIZED PROJECT: The original project was authorized by the 1965 River and Harbor Act (House Document 327, 88th Congress, 2nd Session). Project improvements were authorized by the Water Resources Development Act (WRDA) of 1990 (P.L. 101-640), dated November 28, 1990 and prior acts. The improved project provides for an 18-foot deep by 120-foot wide channel from Pascagoula Ship Channel east along the Gulf Intracoastal Waterway (GIWW) and north of the mouth of Bayou LaBatre; an 18-foot deep by 100-foot wide channel up Bayou LaBatre through and including the turning basin with a transition to a 14-foot deep by

75-foot wide channel to a point 1,500 feet above the U.S. Highway 188 bridge; and a 14-foot deep by 50-foot wide side channel up the Snake Bayou for 500 feet and then a 12-foot deep by 50-foot wide channel for an additional 850 feet. The total channel length is about 23 miles. (Figure 1).

DESCRIPTION OF THE PROPOSED ACTION: The proposed activities would consist of maintenance dredging the Bayou LaBatre channel to its authorized project dimensions every 3 to 4 years, and placing the dredged material in the open-water and/or upland disposal sites. The proposed action would be performed by cutterhead/hydraulic pipeline dredge with a tolerance of up to two feet advanced maintenance and up to two 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.

With respect to disposal of the dredged material, this maintenance dredging project would use open-water sites 1, 2, 3, 8, 9, 11, 12, and 13 (Figure 1), as well as upland disposal sites "Charlie" (approximately 70-acres) and "Delta" (approximately 107-acres). "Charlie" is located at 30° 23'01.18"N, 88° 14'49.05"W and "Delta" is located at 30° 24'16.22"W, 88° 16'06.31"W. The open-water disposal sites would be surveyed before and after maintenance material placement to ensure the minimum depth requirements over the disposal site are maintained to not interfere with navigation. The minimal depth in the disposal sites 1, 2, and 3 near the GIWW is -12 feet Mean Lower Low Water (MLLW); the minimal depths in the Mississippi Sound disposal sites 8, 9, 11, 12, and 13 are -4 feet MLLW. Approximately 2.25 million cubic yards of maintenance material from the mouth of the Bayou LaBatre channel south to GIWW, about 7.69 miles, and west along to the Pascagoula Ship Channel, about 12.39 miles, would be placed in these open-water disposal sites 1, 2, 3, 8, 9, 11, 12, and 13 during each dredge and disposal event. An overlap zone is required for the channel area located approximately 2,500 feet on either side of the point of intersection to allow for inaccuracies associated with dredging methodology and processes. Approximately 430,000 cubic yards of maintenance material from Bayou LaBatre channel and its tributary, Snake Bayou, would be placed in "Delta" and/or "Charlie" upland disposal sites.

WATER QUALITY CERTIFICATION: Pursuant to the CWA, state water quality certification is required for the proposed operations and maintenance action described above. Water quality certification for a ten year period will be requested from the Alabama Department of Environmental Management (ADEM), Coastal Programs. Upon completion of the required 30-day comment period, a decision relative to water quality certification will be made by ADEM.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act (CZMA), the proposed action is consistent with the Alabama Coastal Program to the maximum extent practicable. Concurrence with this determination for a ten year period will be requested from ADEM. Upon completion of the required 30-day comment period, a decision relative to coastal zone consistency will be made by ADEM.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land and water use plans in the vicinity. Use of the waters in the vicinity of the project area includes fishing and recreational boating.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: The NEPA of 1969 and Title 40 of the Code of Federal Regulations (CFR), Parts 1500-1508 (40 CFR 1500-1508) require Federal agencies to consider the potential environmental consequences of proposed actions and alternatives. Executive Order (EO) 11514, Protection and Enhancement of Environmental Quality (amended by EO 11991), provides policy directing the Federal government to take leadership in protecting and enhancing the environment. In accordance with the requirements of NEPA, an Environmental Impact Statement (EIS) for the entire Bayou LaBatre navigation project was filed with the Environmental Protection Agency (EPA) in November 1988. The EIS was coordinated with all applicable Federal, state and local agencies and the interested public. A final Environmental Assessment (EA), June 2014, was prepared to address the potential impacts associated with maintenance dredging and associated placement activities of the federally authorized Bayou LaBatre navigation project. This EA is on file and available for review in the USACE, Mobile District Office or on our website at address <http://www.sam.usace.army.mil/pd/Pd1.htm>. Should comments be received that warrant consideration, the EA will be updated to account for those new findings.

SECTION 404 (B)(1) EVALUATION REPORT: Water quality impacts associated with the proposed action have been identified in an evaluation report prepared in accordance with Public Law 92-500, Section 404 (b)(1) Guidelines promulgated by the EPA under the CWA. The Section 404 (b)(1) Evaluation Report is located on the district website at <http://www.sam.usace.army.mil/pd/Pd1.htm>. The report concludes that only minor and short-term turbidity impacts would result from the implementation of the proposed action. Should comments be received that warrant consideration, the 404(b)(1) Evaluation will be updated to account for those new findings.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA), the proposed Federal action at the Bayou LaBatre Navigation Project is being coordinated with the U.S. Fish and Wildlife Service (USFWS).

The USFWS lists the following species as either threatened and/or endangered within Mobile County, Alabama and are potentially present in the project vicinity: black pine snake (*Pituophis melanoleucus lodgini*), gopher tortoise (*Gopherus polyphemus*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Alabama red-bellied turtle (*Pseudemys alabamensis*), eastern indigo snake (*Drymarchon corais couperi*), West Indian manatee (*Trichechus manatus*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea

turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), and Kemp's ridley sea turtle (*Lepidochelys kempii*). In addition, the delisted bald eagle (*Haliaeetus leucocephalus*) which may potentially be found in the project area, is protected by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act.

Based on review of the threatened and endangered species that could occur within the project area, the USACE, Mobile District has determined that the proposed action may affect but is not likely to adversely affect any listed species. Additionally, a small portion of the main channel and disposal areas are located within Unit 8 of Gulf sturgeon critical habitat (Figure 2). The USACE, Mobile District has also determined that designated critical habitat for the Gulf sturgeon will not be destroyed or adversely modified. The USACE has agreed to implement "Standard Manatee Construction Conditions" throughout the duration of the project. The project conditions have not changed since the last consultation and the USACE will re-coordinate with the USFWS. A concurrence from the USFWS is anticipated.

CULTURAL RESOURCES CONSIDERATION: In compliance with the National Historic Preservation Act (NHPA), prior coordination with the Alabama State Historic Preservation Officer (SHPO) was completed on August 2, 2012 (AHC 12-1294). The National Register of Historic Places has been consulted and no properties listed on, nominated to, or that have been determined eligible for the National Register are located in the immediate vicinity of the proposed work. Given the relatively recent past maintenance dredging of the project, the potential for submerged cultural resources is low. Documentary research was conducted in 1983 and 1986 to assess potential for submerged properties along the improved channel and disposal sites and revealed little potential for shipwrecks or other submerged properties. In 1988, the Alabama SHPO recommended the new upland disposal site "Delta" be surveyed for cultural resources. The upland disposal site "Charlie" was previously in use. Mobile District archaeologists surveyed the upland disposal site "Delta", and no archaeological sites or historical structures were identified. The Alabama SHPO agreed with the negative findings. Previous research and consultation indicates that no impacts to cultural resources would occur with continued maintenance. USACE District archaeologists have reviewed the proposed project and determined that this project is unlikely to impact cultural resources and needs no additional survey. This determination will be coordinated with the Alabama SHPO and federally recognized tribes. The USACE, Mobile District is seeking any additional information from the public pertaining to cultural resources that could be impacted by this proposal.

ESSENTIAL FISH HABITAT (EFH) ASSESSMENT: The Gulf of Mexico Fishery Management Council, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (PL 94-265), has developed management plans for the following fisheries: shrimp, red drum, reef fish, stone crab, spiny lobster, coral and coral reef and coastal migratory pelagic. The Gulf of Mexico Fishery Management Plan (2012) identifies EFH in the project area to be intertidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and the estuarine water column.

Habitat Areas of Particular Concern have not been identified for the project area. Steps will be taken to reduce and avoid potential impacts to EFH as well as other significant area resources. Thin-layer disposal techniques are utilized whenever feasible, and water quality and coastal zone requirements provided by the Alabama Department of Environmental Management are followed to reduce impacts to EFH. Increased water column turbidity during dredging would be temporary and localized. The spatial extent of elevated turbidity is expected to be within 400 feet of the operation, with turbidity levels returning to ambient conditions within a few hours after completion of the dredging activities. The USACE, Mobile District has determined there will be minimal and temporary impacts to EFH as a result of this dredging project and will coordinate with the National Marine Fisheries Service (NMFS)-Habitat Conservation Division (HCD).

CLEAN AIR ACT: 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 of fossil fuels. However, these impacts would be minor and temporary in nature. The proposed action is in compliance with the Clean Air Act, as amended. The project area is in attainment with the National Ambient Air Quality Standards parameters. The proposed action would not affect the attainment status of the project area or the region. A State Implementation Plan 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 an evaluation of the overall public interest. That decision would reflect the national concerns for both protection and utilization of important resources. The benefits that may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. The decision whether to proceed and the conditions under which the activity would occur would be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal would be considered. Among these are general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shoreline erosion and accretion, recreation, water quality, and in general, the needs and welfare of the public. The proposed action would proceed unless it is found to be contrary to the overall public interest. Inasmuch as the proposed work would involve the discharge of materials into navigable waters, specification of the proposed disposal sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the EPA in conjunction with the Secretary of the Army. If these guidelines alone prohibit the specification of any proposed disposal site, any potential impairment of the maintenance of navigation, including any economic impacts on navigation and anchorage that would result from the failure to use this site would also be considered.

December 5, 2017

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

Region 4, U.S. Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Daphne, Alabama
U.S. Department of Commerce, National Marine Fisheries Service, Habitat
Conservation Division, Baton Rouge, Louisiana
U.S. Department of Commerce, National Marine Fisheries Service, Protected
Resource Division, St. Petersburg, Florida
Commander, Eighth Coast Guard District
Alabama Department of Conservation and Natural Resources
Alabama State Historic Preservation Officer
Alabama Department of Environmental Management
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service
Appropriate federally recognized Indian Tribes

Other Federal, state and local organizations, U.S. Senators and Representatives of the State of Alabama are provided copies of this notice and are invited to participate in coordinating the proposed action. The USACE, Mobile District request the information contained in this notice be communicated to any other parties who may have an 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 this public notice should refer to Public Notice No. FP17-BB01-09 and should be directed to the Commander, U.S. Army Corps of Engineer ATTN: CESAM-PD-EC, Mobile District, Post Office Box 2288, Mobile, Alabama 36628-0001. For additional information please contact Ms. Caree Kovacevich at (251) 690-3026, or at email address caree.a.kovacevich@usace.army.mil.

Encls



CURTIS M. FLAKES
U.S. Army Corps of Engineers
Mobile District

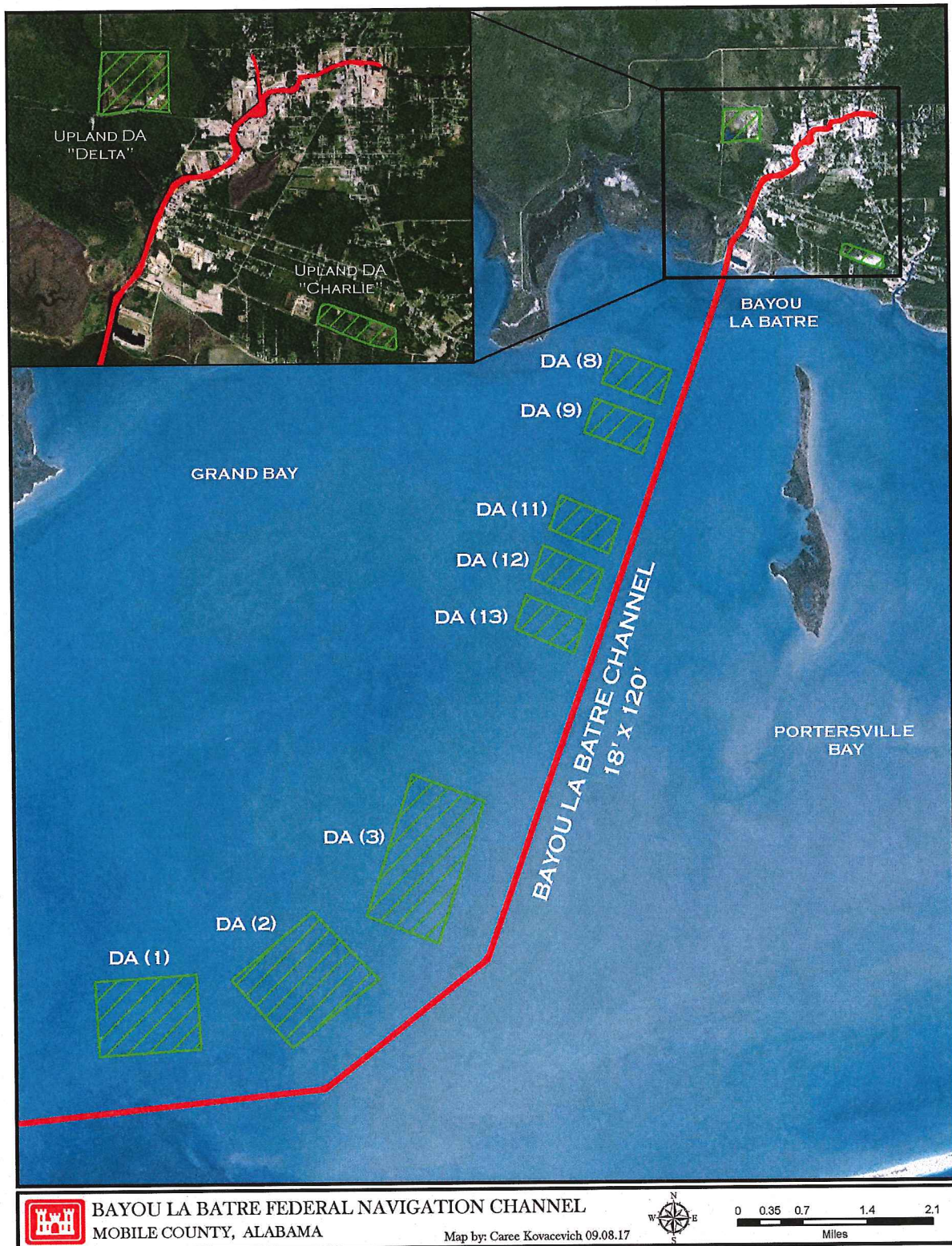


Figure 1

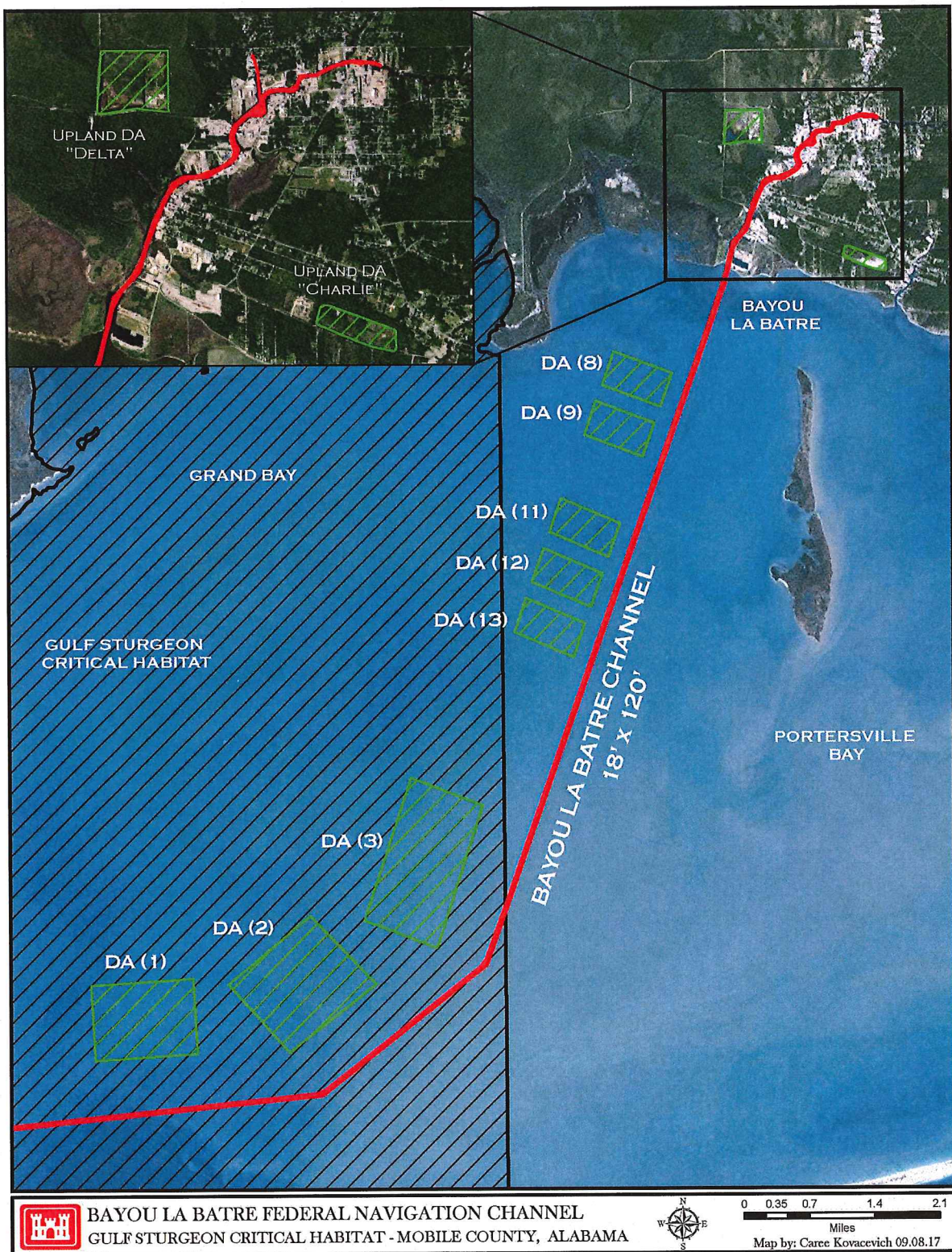


Figure 2