



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

REPLY TO
ATTENTION OF:

CESAM-PD-EC
PUBLIC NOTICE NO. FP15-CB06-05

9 October 2015

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY,
OFFICE OF POLLUTION CONTROL
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
BAYOU CADDY ECOSYSTEM (SHORELINE STABILIZATION)
HANCOCK COUNTY, MISSISSIPPI
A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to construct a rock breakwater and living shoreline in the vicinity of the federally authorized Cadet Bayou navigation project and Bayou Caddy ecosystem restoration area, Hancock County, Mississippi.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 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 have impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Comments on any other potential impacts are also requested. This public notice amends public notice FP15-CB05-05 issued on 13 February 2015 due to a design change which increased the scope of work.

WATERWAY AND LOCATION: Cadet Bayou, Mississippi Sound, Hancock County, Mississippi (Figures 1 and 2).

DESCRIPTION OF THE AUTHORIZED PROJECT: The proposed project is authorized by the Department of Defense Appropriations Act, 2006 (P.L. 1090148) dated 30 December 2005. The Mississippi Coastal Improvements Program (MsCIP) Near Term

Improvements Environmental Assessment (EA) dated June 2006 identified Bayou Caddy as one of fifteen projects in coastal Mississippi that would benefit the overall coastal environment. The Cadet Bayou navigation project was federally authorized 20 March 1969 by the Chief of Engineers under the authority of Section 107, Rivers and Harbor Act of 1960. The federally authorized project provides for a 6 to 8-foot deep by 60 to 100-foot wide channel for a total length of approximately 16,000 feet. The plane of reference is mean lower low water (MLLW).

DESCRIPTION OF THE PROPOSED ACTION: The USACE, Mobile District, proposes to construct a 1,000-foot long by 25-foot wide rock breakwater, a 1,700-foot long segmented living shoreline, and a 3,500-foot long by 75-foot wide temporary access channel to provide additional shoreline protection to the Bayou Caddy marsh restoration/dredged material beneficial use site (Figures 3 and 4). This action is related to the consequences of tropical storm Lee that made landfall on 5 September 2011, with additional damage resulting from Hurricane Isaac in 2012. Large waves and high tides damaged the existing geotube containment structure by displacing the sandy material within the geotubes. This sand displacement caused an uneven elevation on the perimeter of the containment structure, which greatly reduced its capability to contain dredged material and function properly as a beneficial use site. The damaged geotubes were repaired in November 2013 by USACE. The intent of this project is to protect the site from further storm damage, extend the life of the newly constructed geotubes, provide an additional level of protection to the established wetlands after the geotubes have degraded, and enhance the habitat for oysters, fish and other marine organisms. There is also great need for a dredged material beneficial use site in Hancock County, which currently lacks an easily accessible site for locals. This site has the potential to fill that role and serve as a future tidal marsh creation project.

BAYOU CADDY ECOSYSTEM RESTORATION SITE: The Bayou Caddy ecosystem restoration site was constructed in 2010 with the placement of geotubes and dredged material. It is located along the western shoreline of Bayou Caddy and 22 acres in size. Phase I of the project consisted of a 4-acre portion of the overall beneficial use site that was constructed from sandy type materials obtained within the site to allow marsh plantings to occur. The site was planted with *Spartina alterniflora* (saltmarsh cordgrass), *Juncus roemerianus* (black needlerush) and *Spartina patens* (saltmeadow cordgrass). This site is fully functional with significant natural plant growth. The 18-acre Phase II site was filled with approximately 50,000 cubic yards (cys) of dredged material from the navigation channel in 2010. Since then, the material contained in this site has consolidated and the site consists primarily of open water. The site currently has the capacity to beneficially use approximately 140,000 cys of additional dredged material.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for this proposed action. Water quality certification for a 10-year period will be requested from the Mississippi Department of Environmental Quality, Office of Pollution Control (MDEQ-OPC). A decision relative to water quality certification will be made by MDEQ-OPC upon completion of the required comment period for this public notice.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Mississippi Coastal Management Program to the maximum extent practicable. A 10-year concurrence with this determination will be requested from the Mississippi Department of Marine Resources (MDMR). A decision relative to coastal zone consistency will be made by the MDMR upon completion of the required comment period.

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, shrimping, and recreational boating.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the NEPA, the Final Environmental Impact Statement (FEIS) for the Cadet Bayou navigation project, Hancock County, Mississippi, was completed in 1979. The FEIS was coordinated with all applicable Federal, state, and local agencies and the interested public. The Bayou Caddy restoration project was one of fifteen priority projects listed in the MsCIP 2006 EA. During the dredging recertification process in February 2010, a Finding of No Significant Impact (FONSI), EA and Section 404(b)(1) Evaluation Report were also completed for this project. A new EA was written to address the potential environmental impacts of the proposed breakwater and living shoreline. These documents are on file and available for review at the USACE, Mobile District at the web address: <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx>. Based on comments to this public notice, the District Commander will determine the need to incorporate those comments and update the NEPA documents.

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 U. S. Environmental Protection Agency under the Clean Water Act. The draft February 2015 Section 404 (b)(1) Evaluation Report is on file in the USACE, Mobile District office and is available for review at the web address: <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx>. Should comments be received that warrant consideration, the Section 404(b)(1) report will be updated.

ENDANGERED/THREATENED SPECIES: In compliance with Section 7 of the Endangered Species Act, the proposed restoration project at Bayou Caddy is being coordinated with the U.S. Department of Interior, Fish and Wildlife Service, and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) Protected Resource Division (PRD). Based on review of endangered and threatened species that could occur within the project area, the USACE, Mobile District determined that the proposed action would not likely adversely impact any listed species. Additionally, this project is located within the Gulf sturgeon critical habitat Unit 8. The Bayou Caddy ecosystem restoration site is located near a highly industrialized channel that does not lead to any Gulf sturgeon spawning sites. Gulf sturgeon typically do not utilize industrialized channels during their migration; therefore, it is unlikely Gulf sturgeon

would occur in the vicinity of the project. In addition, the sturgeon is a motile species and would be able to avoid the construction operations. Based on review of endangered and threatened species that could occur within the project area, the USACE has determined that the proposed action would not adversely impact any listed species or their critical habitat.

Note: A 10-year concurrence of not likely to be adversely affected has already been issued by the NOAA National Marine Fisheries Service (NMFS) St. Petersburg, Florida office for sea turtles and Gulf sturgeon for the Bayou Caddy ecosystem restoration site. This letter is dated 27 February 2009 and signed by the Regional Administrator.

Based on review of endangered and threatened species that could occur within the Bayou Caddy project area, the USACE, Mobile District had determined that the proposed action may affect but is not likely to adversely affect any listed species or their critical habitat. The USACE, Mobile District would also use standard manatee protection conditions during all construction operations.

CULTURAL RESOURCES CONSIDERATION: The National Register for Historic Places has been consulted during past re-certification efforts for dredging projects and no properties listed on, being nominated to or determined eligible for the National Register are located in the project vicinity. A cultural resources survey of the project area was conducted by the USACE, Mobile District archeologist in December of 1979 and no eligible cultural resources were located. As a result of these investigations, our office recommended that this project would have no effect on cultural properties, and that no further work at Cadet Bayou is warranted. This recommendation was confirmed with the Mississippi Department of Archives and History in January of 1980. No sites listed on the National Register of Historic Places were located within the project area. As the lead Federal agency, the USACE, Mobile District Archaeologist assessed this new project on 20 October 2014 and determined that the proposed construction activities would have no effect on historic properties. Copies of this notice are being sent to the Mississippi State Historic Preservation Officer, the U.S. Department of Interior, National Park Service, Atlanta, Georgia, and relevant federally-recognized American Indian tribes.

ESSENTIAL FISH HABITAT (EFH) ASSESSMENT: EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as “those waters and substrate necessary to fish spawning, breeding, feeding, or growth to maturity.” The Gulf of Mexico Fishery Management Council, in accordance with the MSFCMA (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. Of these plans, only those pertaining to shrimp and red drum are applicable to the proposed actions. Although the USACE anticipates construction operations would temporarily disrupt the aquatic community, the non-motile benthic fauna within the area should repopulate within several months after completion of the breakwater placement activities. Motile benthic and pelagic fauna, such as crab, shrimp, and fish, are able to avoid the disturbed area and should return shortly after the activity is completed. The Gulf of Mexico Fishery Management Plans identifies EFH in the project area to be intertidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and

estuarine water column. Habitat Areas of Particular Concern have not been identified for the project area. The USACE does not anticipate any adverse impacts to occur to EFH as a result of this construction project. Coordination for EFH in the project area is ongoing and was initiated through the first public notice and official letter.

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 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 public. The proposed action would proceed unless it is found to be contrary to the overall public interest. In as much 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 U.S. Environmental Protection Agency 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.

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, Jackson, Mississippi
Regional Director, National Park Service
U.S. Department of Commerce, National Marine Fisheries
Service, Baton Rouge, Louisiana
U.S. Department of Commerce, National Marine Fisheries
Service, St. Petersburg, Florida

Commander, Eighth Coast Guard District
Mississippi Department of Environmental Quality, Office of Pollution Control
Mississippi Department of Marine Resources
Mississippi State Historic Preservation Officer
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 Mississippi are being sent copies of this notice and are invited to participate in coordinating the proposed action. The USACE, Mobile District requests 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. FP15-CB06-05 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Mr. Michael F. Malsom at (251) 690-2023, or at email address michael.f.malsom@usace.army.mil.

Encls



CURTIS M. FLAKES
Chief, Planning and Environmental
Division

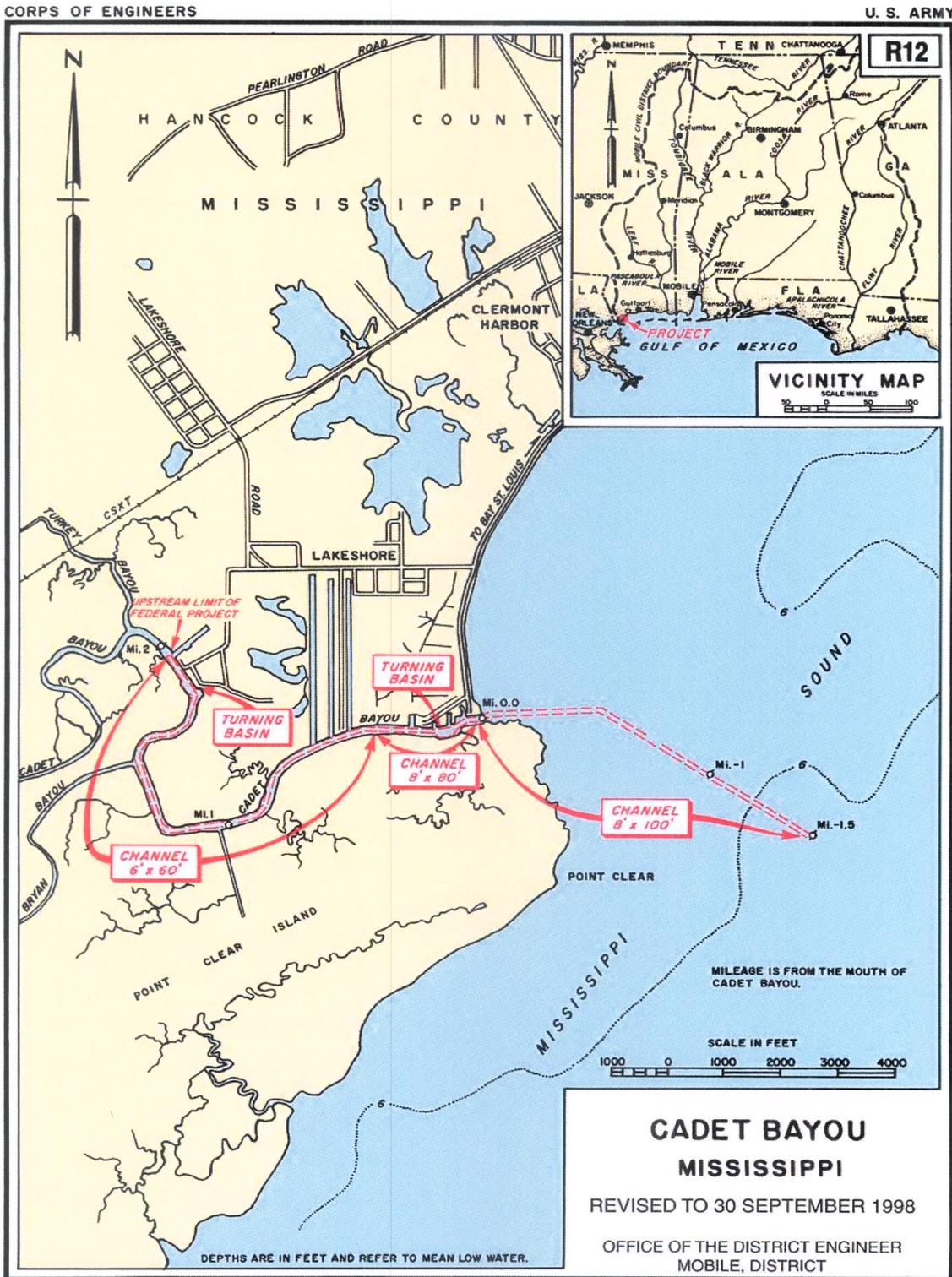


Figure 1: Cadet Bayou Federally Authorized Project



Figure 2: Bayou Caddy Ecosystem Restoration Site



Aero
Photo
727.520.8181
www.aerophoto.com

Bayou Caddy

Image # 101102 6176
Date 11.02.10

Figure 3: Aerial View of the Bayou Caddy Ecosystem Restoration Site

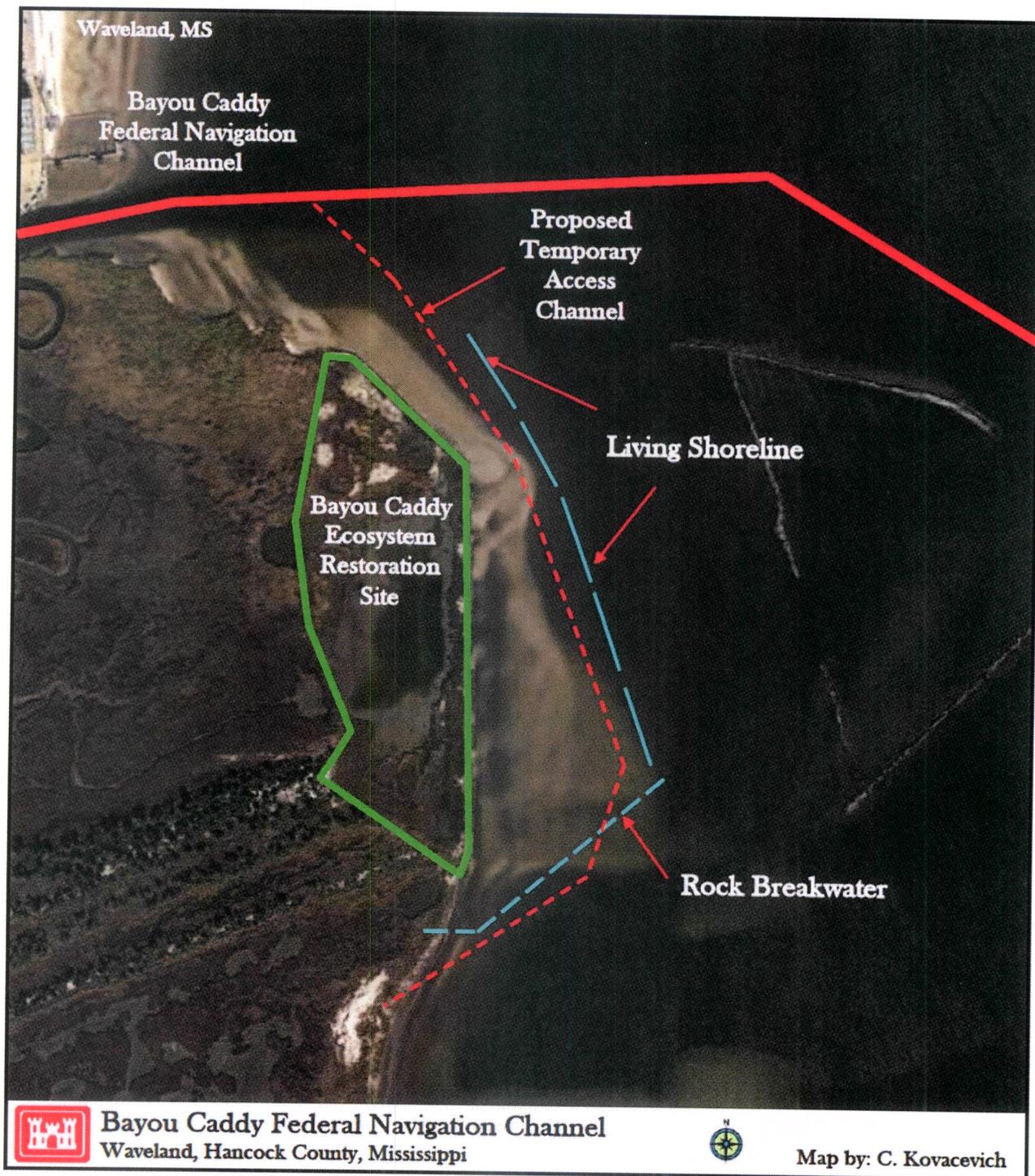


Figure 4: Proposed Site Plan for Bayou Caddy Shoreline Restoration Project

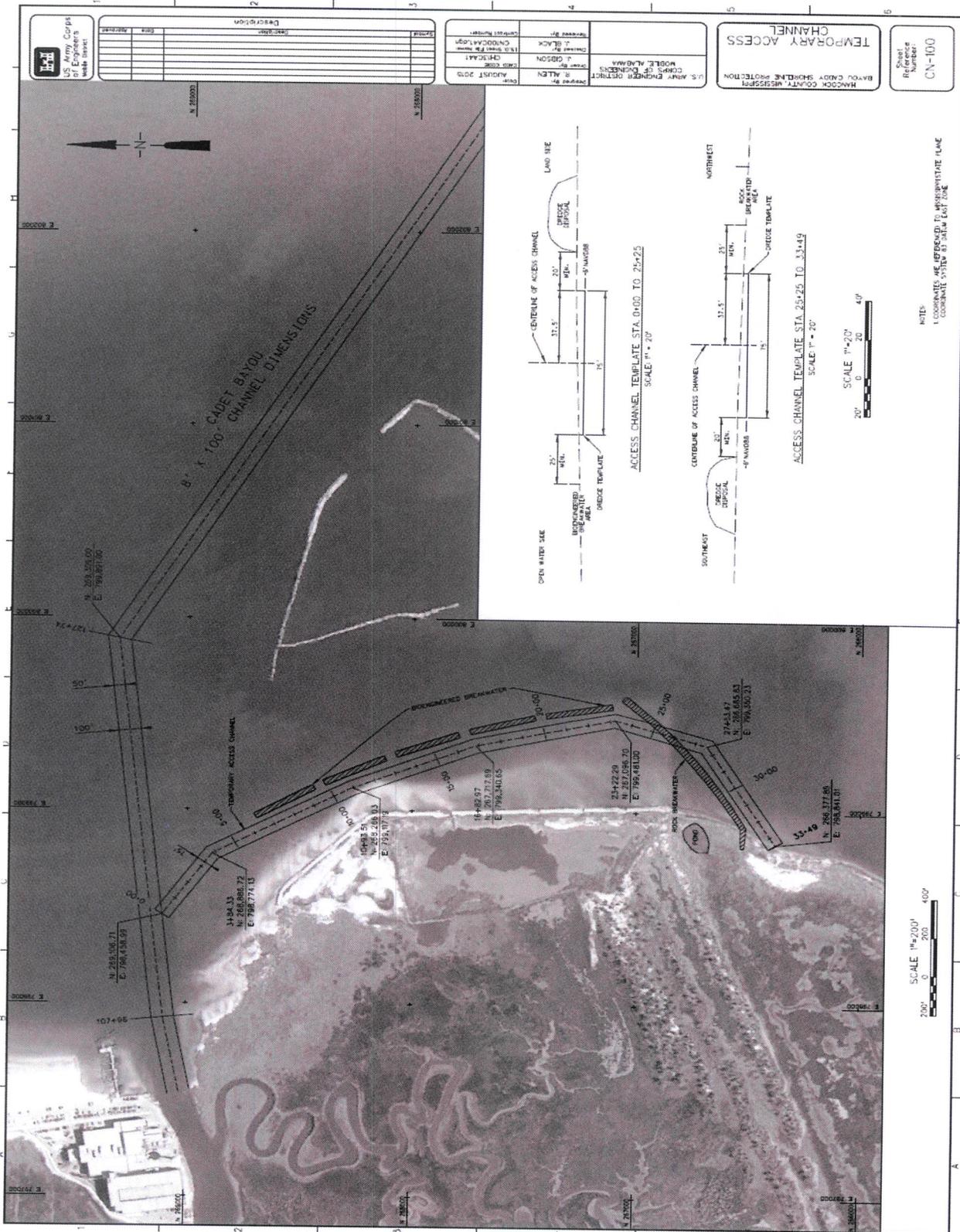


Figure 5b: Bayou Caddy Shoreline Restoration Temporary Access Channel

