



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

REPLY TO  
ATTENTION OF:

PUBLIC NOTICE NO. FP14-BC01-14  
CESAM-PD-EC

16 October 2014

## JOINT PUBLIC NOTICE

### U.S. ARMY CORPS OF ENGINEERS AND ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT FOR PROPOSED MAINTENANCE AND DISPOSAL OF DREDGED MATERIAL FOR THE BAYOU CODEN 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 disposal activities associated with the federally authorized Bayou Coden navigation project, Mobile County, Alabama.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 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 Coden, Mobile County, Alabama.

**DESCRIPTION OF THE AUTHORIZED PROJECT:** The existing project at Bayou Coden was authorized on 2 June 1969, under the authority of Section 107, River and Harbor Act of 1960 and the River and Harbor Act of 2 March 1945 (H. Doc. 824, 77<sup>th</sup> Cong., 2<sup>nd</sup> sess.). The project provides for a channel 8 feet deep and 60 feet wide extending from La Belle Avenue Bridge south about 3,000 feet through the bayou to Portersville Bay, thence 8 feet deep by 100 feet wide extending about 2.3 miles westward across Portersville Bay to connect with the Bayou La Batre channel, and a

turning basin 8 feet deep by 60 feet wide by 100 feet long on the west side of the bayou channel about 500 feet south of La Belle Avenue Bridge. Vertical plane of reference is mean low water (MLW) (**Figure 1**).

**DESCRIPTION OF THE PROPOSED ACTION:** The proposed action is continued operation and maintenance (O&M) dredging and placement activities associated with the authorized Federal navigation project at Bayou Coden, which is located in Mobile County, Alabama. The project provides for a channel 8 feet deep and 60 feet wide extending from La Belle Avenue Bridge south about 3,000 feet through the bayou to Portersville Bay, thence 8 feet deep by 100 feet wide extending about 2.3 miles westward across Portersville Bay to connect with the Bayou La Batre channel, and a turning basin 8 feet deep by 60 feet wide by 100 feet long on the west side of the Bayou Coden channel about 500 feet south of the La Belle Avenue bridge. Dredging would involve the excavation of approximately 305,000 cubic yards of silts and sands over a five (5) year period. The proposed dredging action would be performed with a tolerance of up to 2 feet of advanced maintenance plus 2 feet of overdepth dredging. Maintenance dredging of soft-dredged material with hopper, mechanical, and/or hydraulic pipeline 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 overdepth dredging cut may be disturbed in the process with minor amounts of material being removed (Tavolaro *et al.*, 2007). The primary method of dredging will be via a hydraulic pipeline dredge. The previously approved placement sites for this project are: a) a 70-acre upland site (Charlie) divided into a 55-acre and 15-acre cell; and b) five open-water sites 8, 9, 11, 12, and 13 located west of the Bayou La Batre channel in the Mississippi Sound (**Figure 2**). The open-water disposal sites adjacent to the Bayou La Batre channel (8, 9, 11, 12, and 13) would be surveyed before and after maintenance material placement to ensure the -4-foot depth requirements over the disposal sites are maintained to not interfere with navigation. The materials dredged from the 60-foot wide bayou section would be placed in the upland site "Charlie." The material excavated from the Mississippi Sound portion of the channel would be placed in any of the five open-water placement sites described above or in upland site "Charlie". The specific placement site(s) used would be contingent upon which section of the Bayou Coden project requires dredging, except for the bayou portion of the channel, which involves the use of the upland site. An overlap zone is required for the channel area located approximately 400 feet on the bayou side (**Figure 3**), or landward side, of the point of intersection due to the dredging equipment used. Varying sized pipeline dredges could be used for this maintenance dredging operation. Use of large pipeline dredges within this 400-foot overlap zone would accommodate use of open-water disposal areas while smaller pipelines would use the upland disposal area "Charlie".

**WATER QUALITY CERTIFICATION:** Pursuant to the CWA, state water quality certification is required for the proposed O&M action described above. Water quality certification for a ten (10) 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 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:** 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 Coden navigation project was filed with the President's Council on Environmental Quality on 17 March 1971. The EIS was coordinated with all applicable Federal, state and local agencies and the interested public. A final Environmental Assessment (EA), March 2010, was prepared to address the potential impacts associated with maintenance dredging and associated disposal activities of the federally authorized Bayou Coden 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 U. S. Environmental Protection Agency (EPA) under the CWA. The Section 404 (b)(1) Evaluation Report is on file in the USACE, Mobile District office and 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 Coden 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 potentially present in the project vicinity: wood stork (*Mycteria americana*), piping plover (*Charadrius melodus*), 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*). The delisted bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. Additionally, two candidate species, the red knot (*Calidris canutus rufa*) and black pine snake (*Pituophis melanoleucus lodgini*) may also be found in the vicinity of the proposed action.

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 or destroy or adversely modify designated critical habitat. 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 July 13, 2004 (AHC 04-0988). The National Register of Historic Places has been consulted and no properties listed on, being nominated to or that having been determined eligible for the National Register are located in the vicinity of the proposed work. USACE District archaeologists have reviewed the proposed project and determined that this project is unlikely to impact cultural resources and needs no additional survey. Given the relatively recent past maintenance dredging (2009) of the project, the potential for submerged cultural resources is low.

**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 maintenance dredging and placement of dredged material in open-water disposal areas will not significantly affect coastal habitat identified as EFH in the federally authorized Bayou Coden navigation project area. Based on the extent of this habitat in the general vicinity of the project and the small size of the project, the overall impact to fisheries resources is considered negligible. The USACE, Mobile District has determined there to 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). The Gulf of Mexico Fishery Management Plan (2012) identify 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.

**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. 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.

**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  
Regional Director, National Park Service  
U.S. Department of Commerce, National Marine Fisheries Service, Galveston,  
Texas  
U.S. Department of Commerce, National Marine Fisheries Service, 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

16 October 2014

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. FP14-BC01-14 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. Matthew J. Lang at (251) 694-3837, or at email address [matthew.j.lang@usace.army.mil](mailto:matthew.j.lang@usace.army.mil).

Encls



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

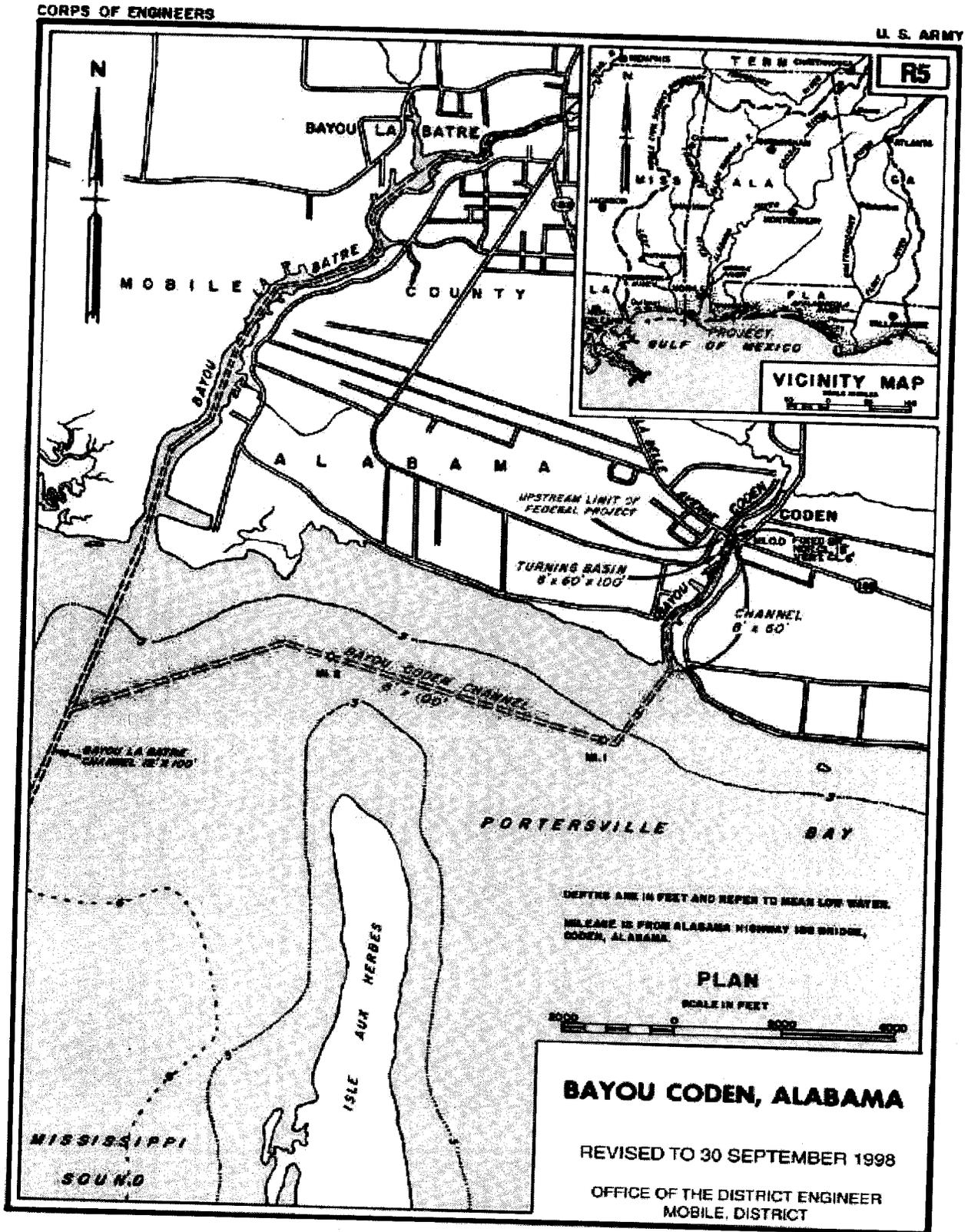


Figure 1: Bayou Coden, Alabama Project Location Map

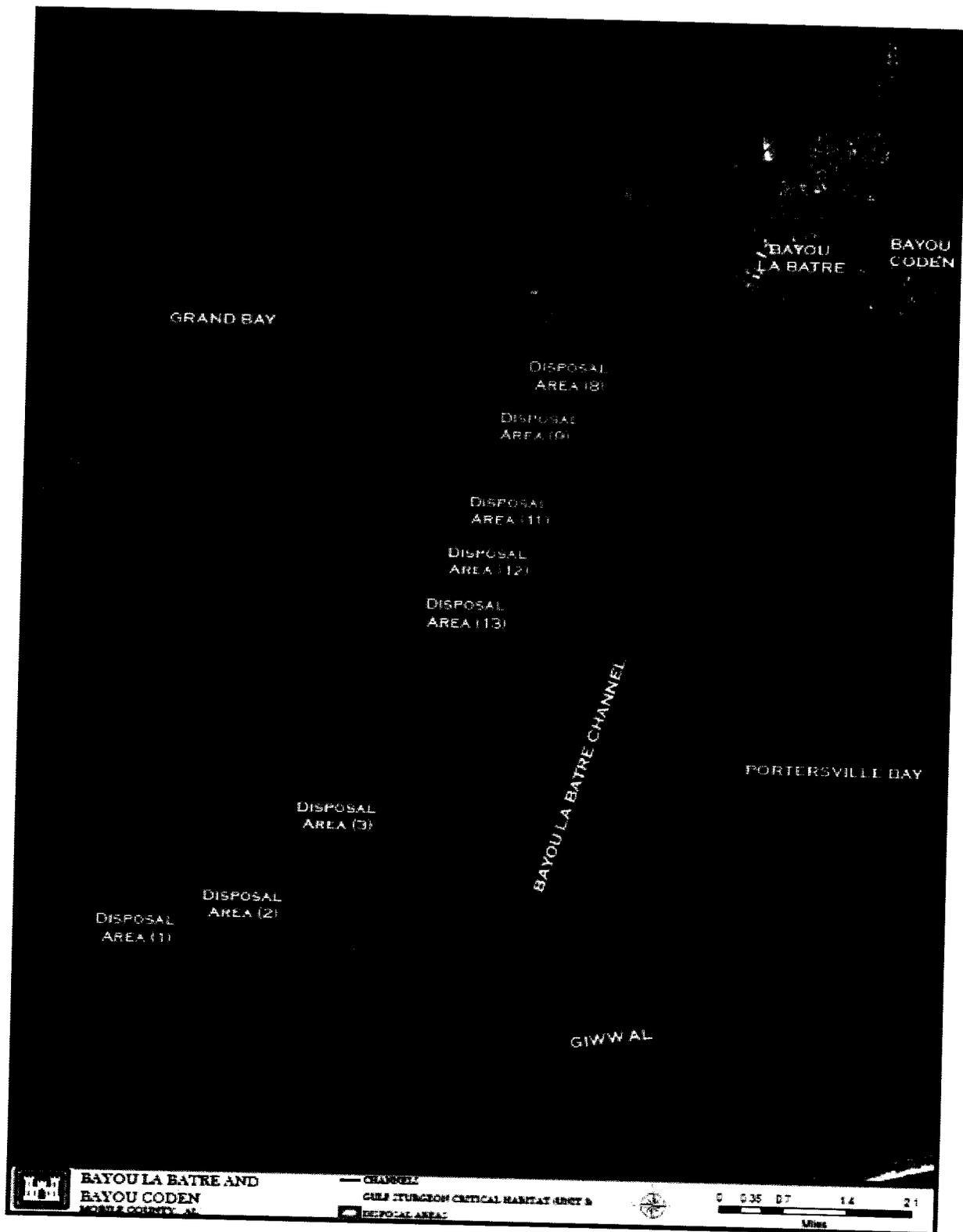


Figure 2: Open water disposal areas 8, 9, 11, 12, and 13

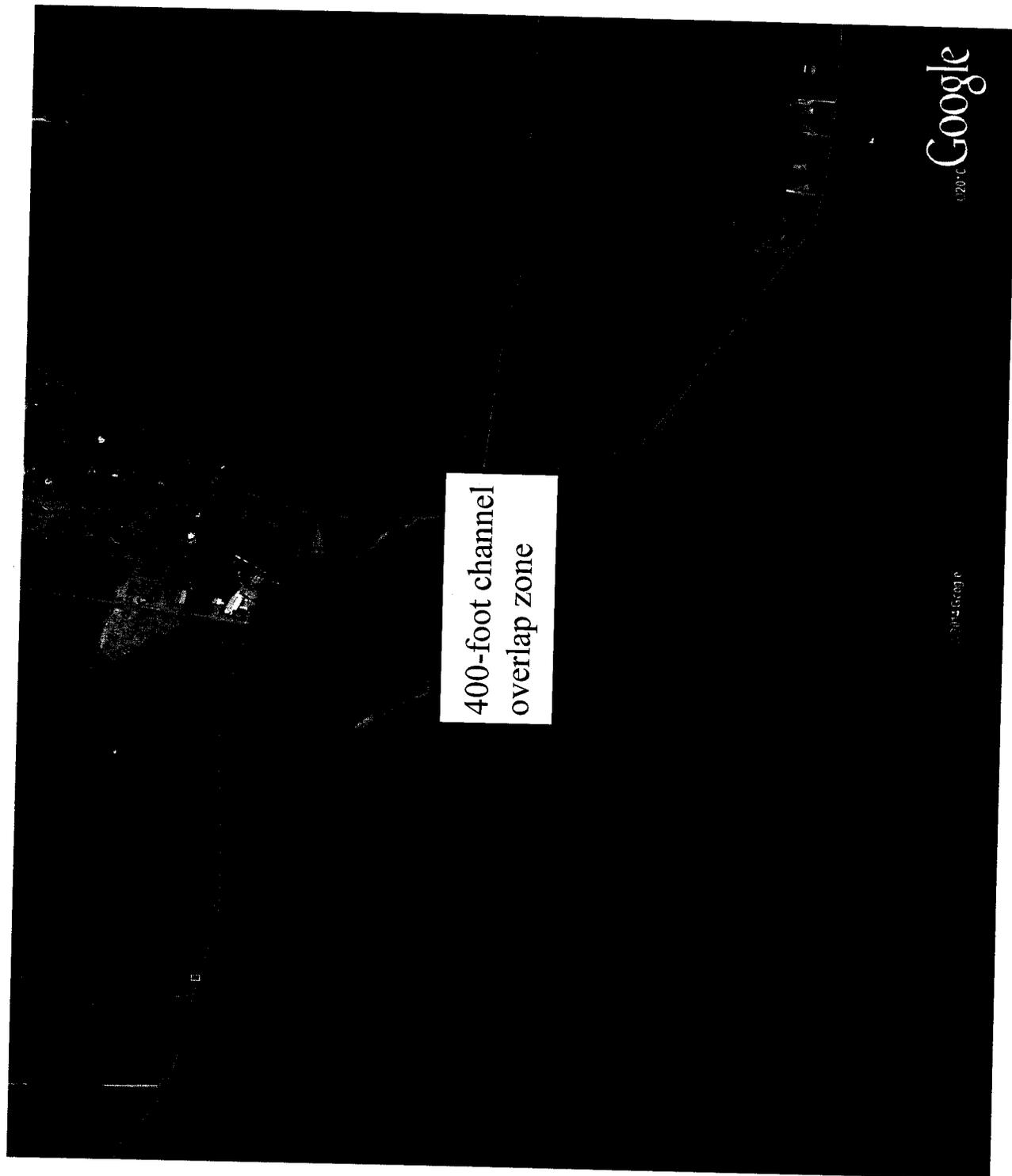


Figure 3: 400-foot channel overlap zone