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. FP14-CB05-05

13 January 2014

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

FOR
CONTINUED MAINTENANCE DREDGING OF CADET BAYOU NAVIGATION PROJECT 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 continue maintenance dredging of the federally authorized Cadet Bayou navigation project, 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.

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

DESCRIPTION OF THE AUTHORIZED PROJECT: 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 an 8-foot by 100-foot entrance channel extending from the 8-foot depth contour in Mississippi Sound for a distance of about 7,800 feet to the mouth of the

bayou, thence an 8-foot by 80-foot channel for a distance of about 700 feet into a trapezoidal turning basin 8-foot deep, 100-foot long, and 130-foot wide including the channel width (Figure 3). The channel continues as an 8-foot by 80-foot dimension for about 1,200 feet, thence a 6-foot deep, 100-foot long, and 110-foot wide located 900 feet downstream from the upper limits of the channel. The plane of reference is mean lower low water (MLLW).

DESCRIPTION OF THE PROPOSED ACTION: The authorized project provides for the continued maintenance dredging and placement of material from the Cadet Bayou's Mississippi Sound portion. No other channel portion of the authorized project would be maintenance dredged until additional chemical, physical and biological testing is conducted to determine dredged material suitability and respective disposal sites(s). The project provides for an 8-foot deep by 100-foot wide entrance channel extending from the 8-foot depth contour in Mississippi Sound for a distance of about 7,800 feet to the mouth of the bayou. The channel would be maintained via hydraulic pipeline dredge. The proposed dredging action would be performed with a tolerance of up to 2 feet advanced maintenance and 2 feet of allowable over-depth dredging. Maintenance dredging of soft-dredged material with a hydraulic cutterhead dredge 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 allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed.

Approximately 175,000 cubic yards of material would be removed from the channel each dredging cycle with average cycles occurring every 5 to 6 years. However, the actual time between dredging cycles and uses of the placement area may vary due to the variable rates of shoaling and availability of funding. The material would be disposed of in a previously authorized and utilized 250-acre open-water disposal site (Figure 4) and/or beneficial use site (Figure 5). Placement of dredged material at the open-water site is conducted via thin-layer dispersal, as much as practicable. Water depths in the site would not be allowed to become less than -4 feet MLLW. Dredging and placement of materials could occur at any time of the year. In addition, a beneficial use area established along the western shore of the bayou can also be used as a dredged material placement area.

BAYOU CADDY ECOSYSTEM RESTORATION SITE: The 2010 beneficial use area was established along the western shore of the bayou as one of the fifteen Mississippi Coastal Improvements Program (MsCIP) Interim Phase projects for purposes of restoring the eroded shoreline, serving as a placement area for beneficial use of dredged material, and promoting emergent tidal marsh propagation (Figure 5). This beneficial use project was authorized as part of the MsCIP Interim Phase, which includes restoration of marshlands damaged by the hurricanes of 2005. The site is approximately 18 acres in size and has the capacity to contain approximately 140,000 cubic yards of dredged material. The site was damaged due to the consequences of

tropical storm Lee that made landfall on 5 September 2011. 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. The site is now fully functional and has the capacity for additional placement of 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 ten-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 ten-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 commercial 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. In June 2006, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the MsCIP Near Term Improvements for Hancock, Harrison, and Jackson Counties, Mississippi was approved. These documents included the Bayou Caddy ecosystem restoration project and were also coordinated with all applicable Federal, state, and local agencies and the interested public. During the dredging recertification process in February 2010, a FONSI, EA and Section 404(b)(1) Evaluation Report were also completed for this project. As a result of this continued operations and maintenance project being proposed in the Public Notice (No. FP14-CB05-05), the February 2010 FONSI and EA will serve as valid documentation that adequately addresses potential impacts associated with the continued operations and maintenance of the Cadet Bayou navigation project. 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/EnvironmentalAssess

ments.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. These impacts are referenced in the June 2006 MsCIP Near Term Improvements report. In addition, the February 2010 Section 404 (b) (1) Evaluation Report for this project 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 Federal action at Cadet Bayou is being coordinated with the U.S. Department of Interior, Fish and Wildlife Service (USFWS), and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) Fisheries.

Cadet Bayou is 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 Cadet Bayou vicinity. The motile species would be able to avoid the dredging and disposal operations. Furthermore, Cadet Bayou is typically hydraulically maintenance dredged only every five to six years. Gulf sturgeon are not adversely impacted by hydraulic dredges according to the guidance provided in the Regional Biological Opinion entitled "Dredging of the Gulf of Mexico Navigational Channels and Sand Mining ("Borrow") Areas Using Hopper Dredges by USACE Galveston, New Orleans, Mobile, and Jacksonville Districts." Critical habitat for Gulf sturgeon within the project vicinity is identified as Unit 8. Gulf sturgeon could possibly feed upon the benthic community within Mississippi Sound's sediment. Historically, this channel has been maintenance dredged and its material has been placed at the open-water disposal site. Past studies (i.e. Gulfport Harbor Thin-Layer) have shown non-motile species recovery occurs within a few months while mobile species move away from the operations. Although, the USACE anticipates dredging operations would temporarily disrupt the aquatic community, the non-motile benthic fauna within the area should repopulate within several months. Based on review of endangered and threatened species that could occur within the Cadet Bayou 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, FL 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. During the 2010 operations and maintenance dredging recertification, the USFWS also issued a letter stating that the proposed activities are not likely to adversely affect critical habitat, threatened or endangered species.

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

CULTURAL RESOURCES CONSIDERATION: The National Register for Historic Places has been consulted during past re-certification efforts 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 nave 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. Based on the history of the project, our office anticipates the same concurrence. 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 substrates necessary to fish for 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. The maintenance dredging and placement of the dredged material will not significantly affect these species. Past studies (i.e. Gulfport Harbor Thin-Layer) have shown that for non-motile species recovery occurs within a few months. Although the USACE anticipates dredging operations would temporarily disrupt the aquatic community, the non-motile benthic fauna within the area should repopulate within several months after completion of the dredging, open-water and beneficial use 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 competed. Studies evaluating the impacts of open-water placement disposal on benthic communities and fisheries resources suggest water quality is temporarily affectted by disposal operations (USACE 1999). The Gulf of Mexico Fishery Management Plans (2010) 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 re-certification of the Cadet Bayou navigation project. Coordination for EFH in the Cadet Bayou navigation project area is being initiated through this 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, Panama City, Florida
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 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 Commander 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-CB05-05 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.

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

Enclosures

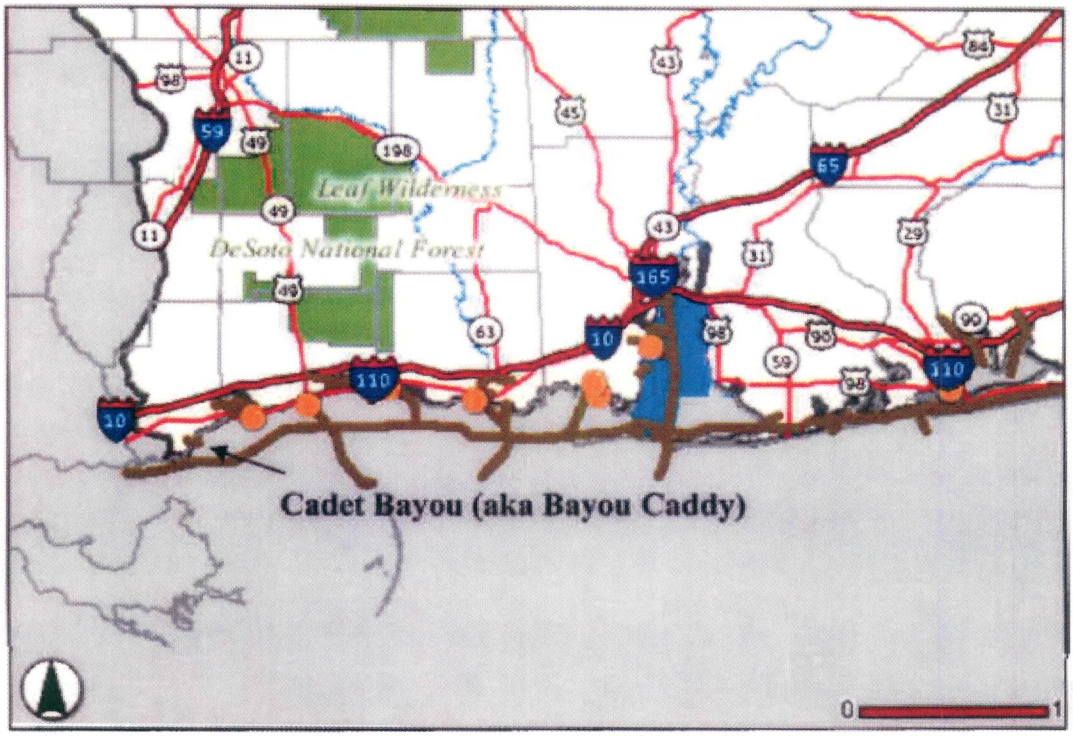

Figure 1: Vicinity Map of Cadet Bayou

Figure 2: Cadet Bayou, Hancock County, Mississippi

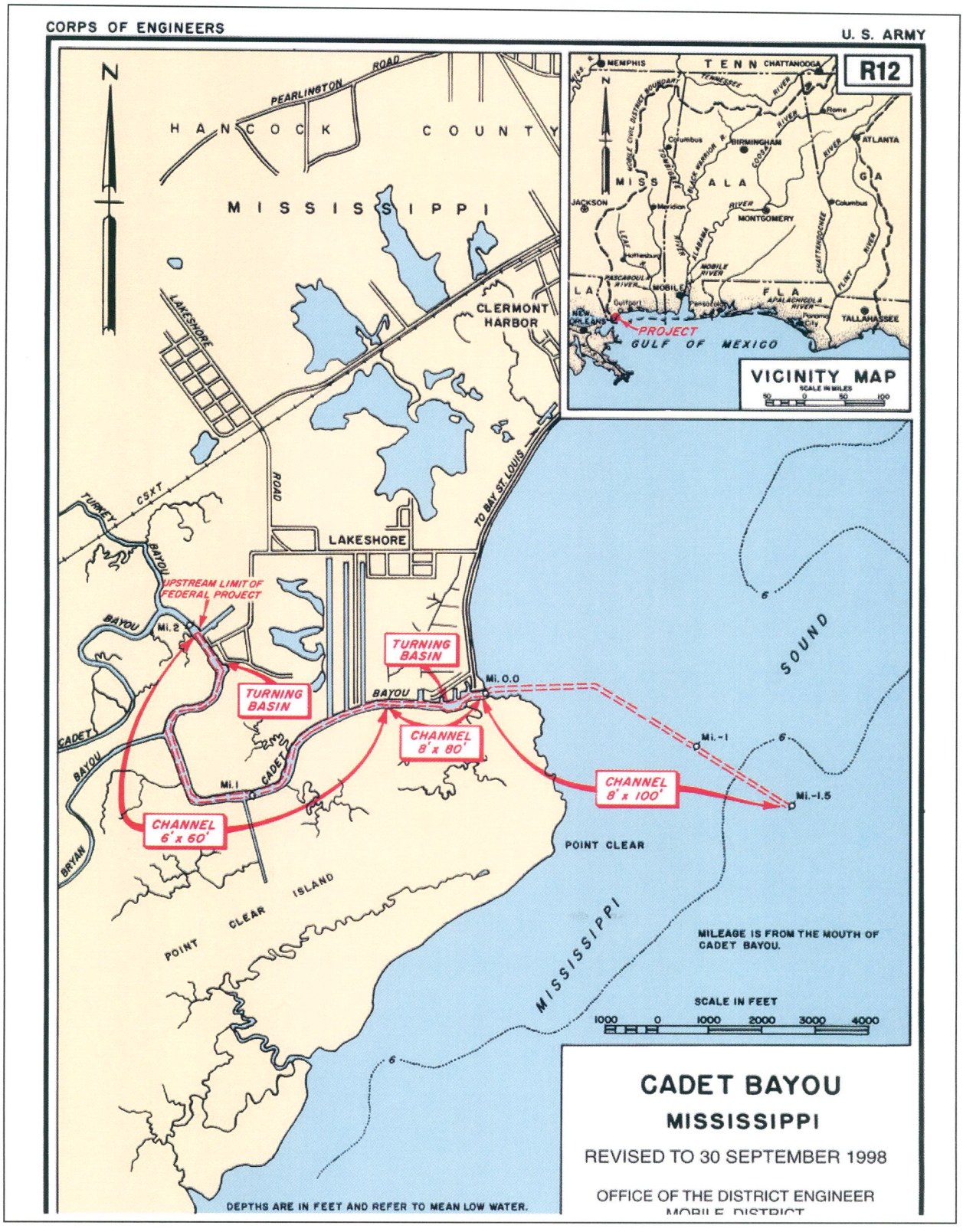

Figure 3: Cadet Bayou Federally Authorized Project

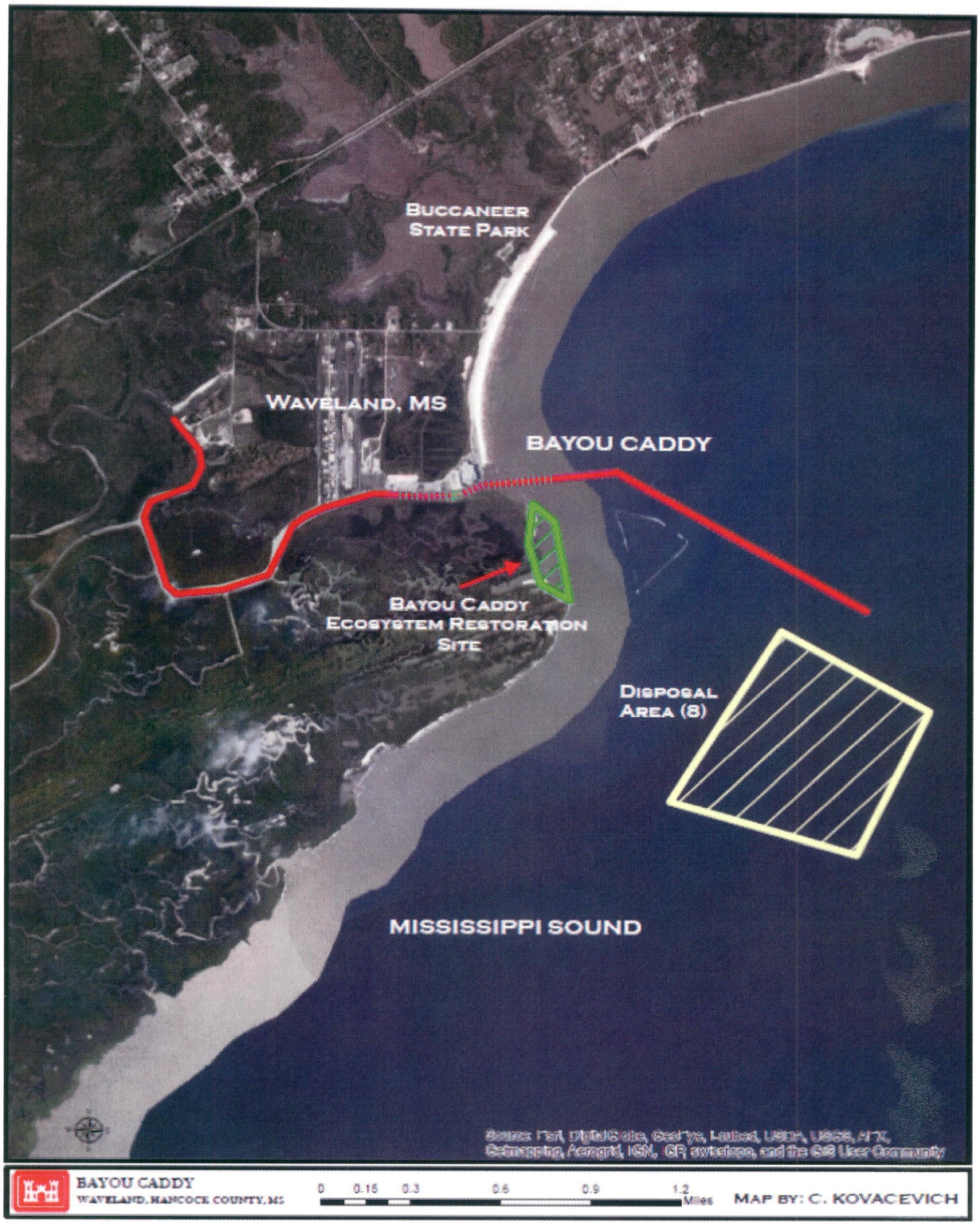

Figure 4: Bayou Caddy Open-Water Disposal Area (8)

Figure 5: Bayou Caddy Ecosystem Restoration Beneficial Use Site Location