



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-IW02-14
CESAM-PD-EC

26 April 2013

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
CONTINUED MAINTENANCE DREDGING FOR THE
GULF INTRACOASTAL WATERWAY
MOBILE AND BALDWIN COUNTIES, ALABAMA

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to continue maintenance dredging of the Gulf Intracoastal Waterway (GIWW) Navigation Project, Mobile and Baldwin Counties, Alabama, a federally authorized navigation channel.

This Public Notice is issued in accordance with the rules and regulations published 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 have impacts on 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: The GIWW within Alabama extends from the Alabama-Florida state line through Perdido Bay, Mobile Bay and portions of Mississippi Sound, to the Alabama-Mississippi state line (Figure 1).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The GIWW is a Federal shallow-draft navigation project that extends approximately 1,115 miles along the Gulf of Mexico coast from northern Florida to the southern tip of Texas. The waterway connects southern ports with the midwest, the east, and the Great Lakes region. USACE, Mobile District has jurisdiction over that portion of the GIWW from Rigolets, Louisiana to Apalachee Bay, Florida, a total of approximately 380 miles (Figure 1). The existing project, under 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, 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 six 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. 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 would involve maintenance dredging and disposal operations for the GIWW in the State of Alabama providing a channel 12 feet deep and 125 feet wide from the Florida state line to Mobile Bay, and a channel 12 feet deep and 150 feet wide from Mobile Bay to the Mississippi state line. Approximately 300,000 cubic yards of clay, silt and sand are proposed for removal by hydraulic pipeline dredge along various sections of the channel on an infrequent basis over the next five years. The proposed dredging action would be performed with a tolerance of up to two feet of advanced maintenance plus two 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 three feet of sediment below the two-foot paid allowable overdepth dredging cut may be disturbed in the process with minor amounts of material being removed (Tavolaro *et al.*, 2007). The material would be placed in previously certified open-water (64, 63, 62, 61, 60, 59, and 58) (Figure 1) and confined upland disposal sites (56, 54, 52, and 49) (Figures 2-5). Maintenance dredging and disposal would be performed on an as needed basis. The frequency of channel dredging at any one site, and the associated time between uses of any given disposal area, range on an average from once every 3 to 25 years.

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 for immediate passage of vessels until a hydraulic cutterhead dredge could be dispatched to restore project dimensions. Emergency disposal needs are infrequent and usually the result of storm incidents or barge groundings. Past experiences have shown that only a few areas would likely require such emergency action, but such actions may be required at any location along the waterway. In the event of an emergency, all necessary Federal and State agencies would be notified before commencement of work.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for this proposed action. Water quality certification for a period of five years will be requested from the Alabama Department of Environmental Management (ADEM). A decision relative to water quality certification will be made by ADEM upon completion of the required comment period.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Alabama Coastal Management Program to the maximum extent practicable. A decision relative to coastal zone consistency will be made by ADEM upon completion of the required comment period.

USE BY OTHERS: The proposed action is not expected to create significant impact on land use plans in the vicinity. Use of waters within open-water disposal sites including fishing,

shrimping, recreational boating, and commercial transporting of fuels would be temporarily impacted during the actual operation and maintenance activities.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of 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. A current environmental assessment (EA) has been prepared in accordance with NEPA, to update the resource description and to evaluate the potential impacts associated with the continued operation and maintenance of the GIWW Federal Navigation Project within the State of Alabama. This document is on file and is available for review in the Mobile District Office and at the following web address <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental.aspx>. Based on comments to this public notice, the District Engineer will determine the need to prepare a new NEPA document.

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 current Section 404 (b)(1) evaluation report is on file in the Mobile District and available for review upon request and also on the web at address <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental.aspx>. The report concludes that only minor and short-term turbidity impacts would result from the implementation of the proposed action. Based on comments to this public notice, the District Engineer will determine the need to prepare a new NEPA document.

THREATENED AND ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA), the proposed action on the GIWW in the State of Alabama is being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service (FWS), and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). Based on review of endangered and threatened species that could occur within the GIWW project area in the State of Alabama, USACE, Mobile District has determined that the proposed action is not likely to adversely affect any listed species or adversely modify associated critical habitat.

ESSENTIAL FISH HABITAT (EFH) ASSESSMENT: Congress defines EFH 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 Gulf of Mexico Fishery Management Council (GMFMC) 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. Habitats associated with these species include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, and mud, sand, shell, and rock substrates. In addition, marine areas, such as the water column, vegetated and non-vegetated bottoms, artificial and coral reefs, geologic features and

continental shelf features have also been identified. The habitat within the vicinity of the project consists of estuarine waters; shell, sand, silt and clay substrates; estuarine emergent wetlands; seagrass beds; and oyster and artificial fishing reefs. Within the project area EFH has been designated for managed species of red drum, reef fish, coastal migratory pelagic, shrimp, stone crab, and highly migratory species.

The EA describes the proposed action and analyzes the direct and indirect effects on EFHs for the managed fish species, their habitat, and their major food sources. Based on this assessment the USACE, Mobile District found the impacts to fisheries resources associated with the proposed project would not have a long term adverse effect on EFH. The public notice is being forwarded to NMFS for review and comment.

CULTURAL RESOURCES CONSIDERATIONS: The National Register of Historic Places (Register) has been consulted and no properties listed on, being nominated to or determined for the Register are located in the project vicinity. There are no reported historic shipwrecks in the vicinity of the GIWW in the State of Alabama. In 1979, USACE, 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 the National Historic Preservation Act (NHPA). No cultural resources were found within the upland disposal, open-water disposal or channel areas. As the lead Federal agency, USACE, Mobile District determined that continued operation and maintenance activities would have no effect on historic properties.

The present project includes no new action as defined by the NHPA. The USACE, Mobile District has determined that maintenance dredging operations within existing channels and utilizing existing disposal areas have no potential to cause effects to historic properties as per 32CFR800.3(a)(1). The public notice is being forwarded to the SHPO for review and comment.

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 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 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, Daphne, Alabama
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
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 being sent copies of the notice and are being asked to participate in coordinating this proposed work.

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. FP13-IW02-14 and should be directed to the Commander, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Mr. Matthew J. Lang via email matthew.j.lang@usace.army.mil or by telephone number (251) 694-3837.



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

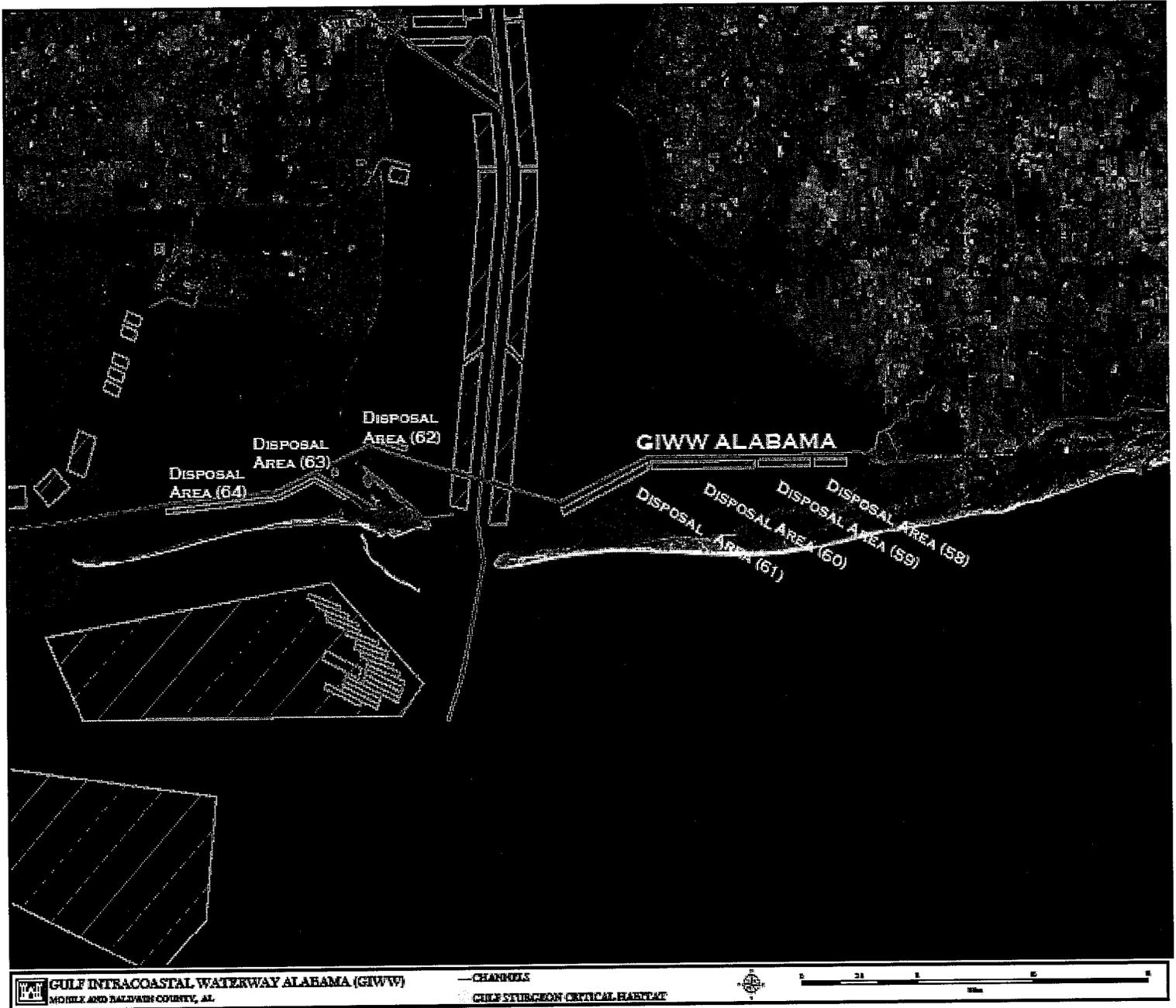


Figure 1: Gulf Intracoastal Waterway Alabama Vicinity Map
(With open-water DA 64, 63, 62, 61, 60, 59, 58)

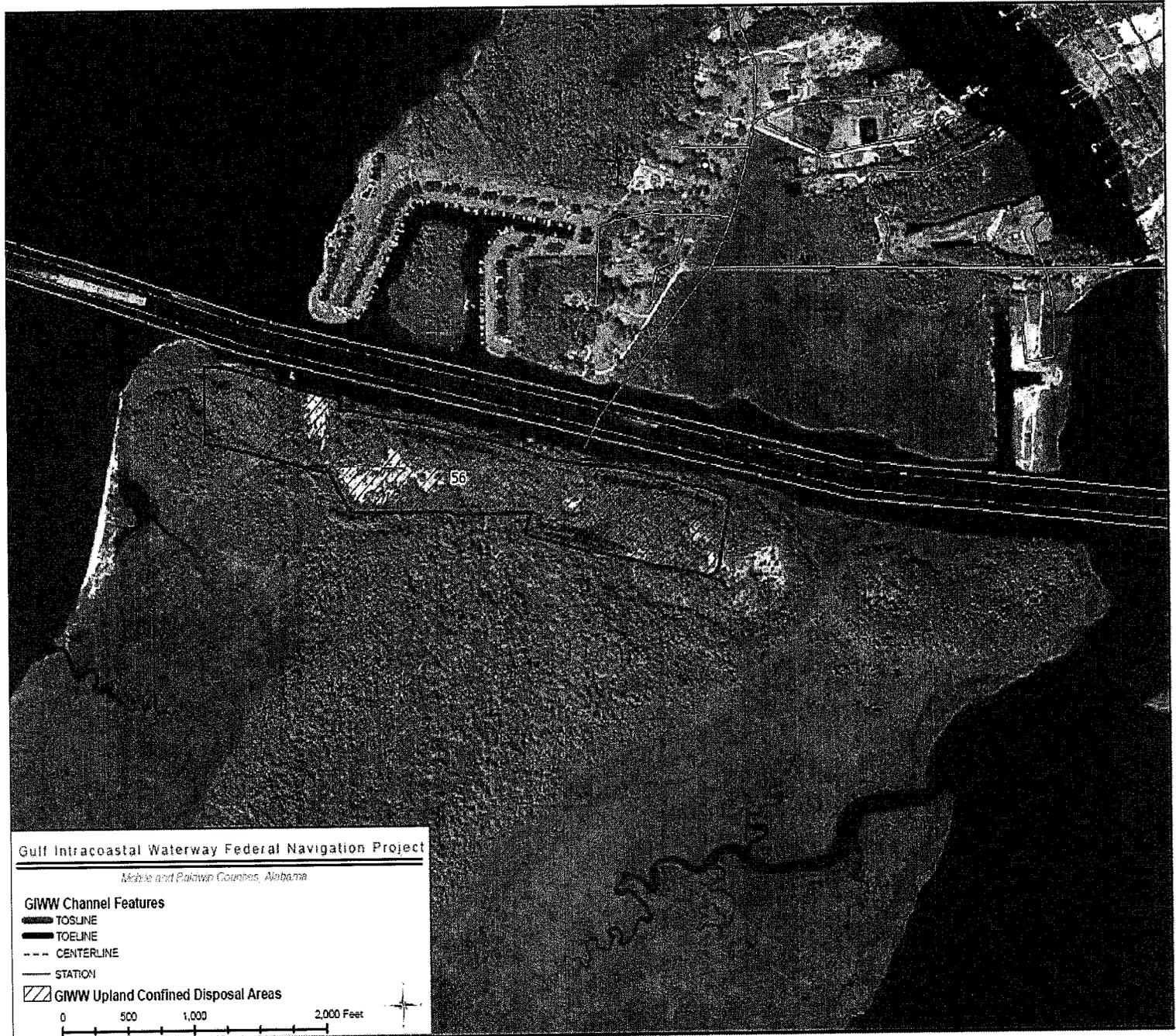


Figure 2: Confined Upland Disposal Area 56



Figure 3: Confined Upland Disposal Area 54

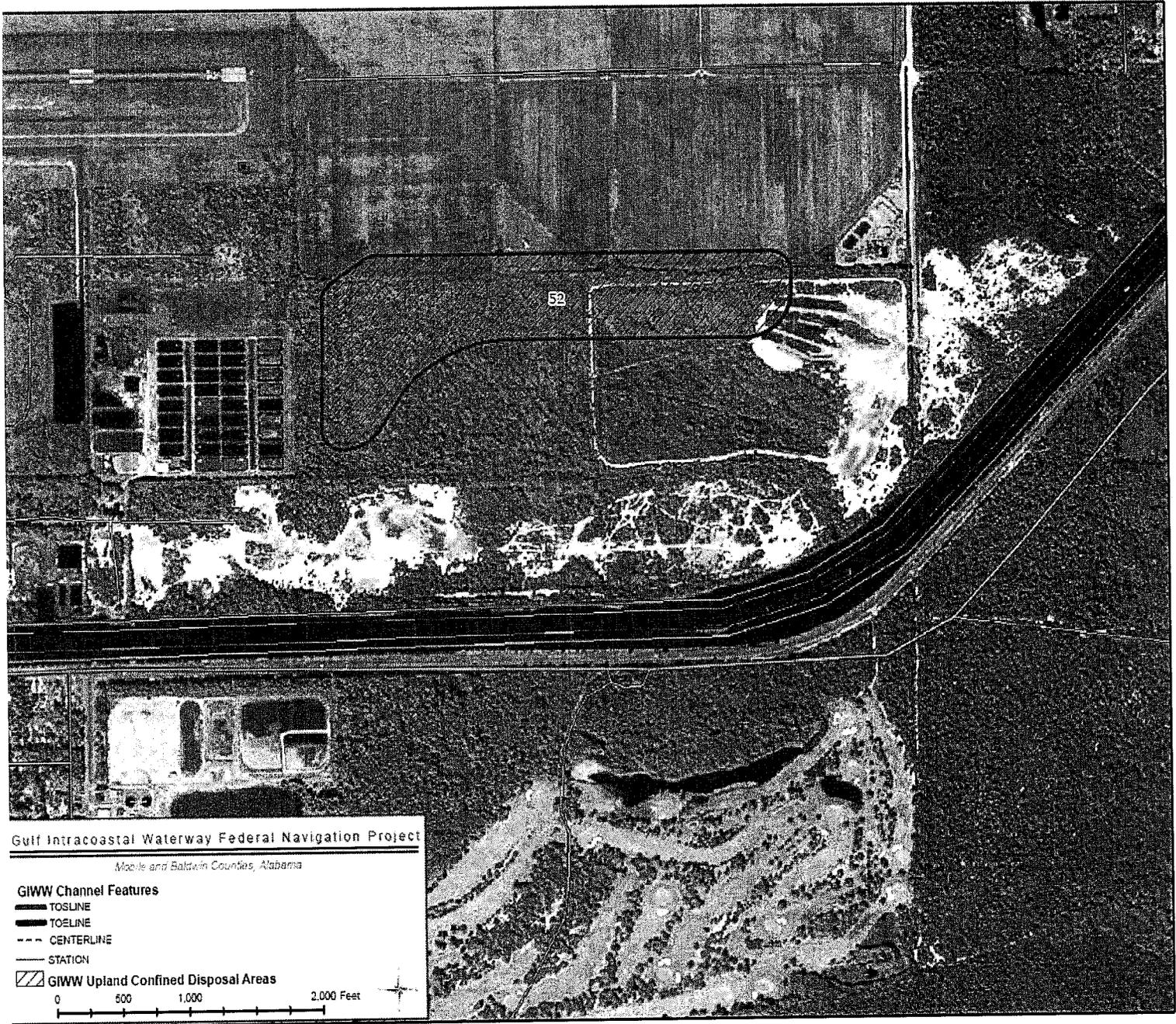


Figure 4: Confined Upland Disposal Area 52