



**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-GH01-02**  
**CESAM-PD-EC**

**19 November 2013**

**JOINT PUBLIC NOTICE**

**U.S. ARMY CORPS OF ENGINEERS  
AND  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY,  
OFFICE OF POLLUTION CONTROL  
AND  
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
FOR  
CONTINUED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES  
GULFPORT HARBOR NAVIGATION PROJECT  
HARRISON COUNTY, MISSISSIPPI  
A FEDERALLY AUTHORIZED PROJECT**

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District proposes to continue maintenance dredging of the federally authorized Gulfport Harbor Navigation Project, Harrison County, Mississippi. Material would be placed in the U.S. Environmental Protection Agency (EPA)-designated Ocean Dredged Material Disposal Site (ODMDS), Section 404 open-water sites west of the channel in Mississippi Sound via thin-layer disposal, or in a littoral zone disposal site southeast of Cat Island.

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 an impact 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:** Gulfport Harbor, Mississippi Sound, and the Gulf of Mexico.

**AUTHORIZED PROJECT DESCRIPTION:** The project was adopted by the Rivers and Harbors Act approved 3 July 1930 (H.Doc.692, 69<sup>th</sup> Cong., 2<sup>nd</sup> sess.), the Rivers and Harbors Act approved 30 June 1948 (H.Doc.112, 81<sup>st</sup> Cong., 1<sup>st</sup> sess.), the Rivers and Harbors Act approved 3 July 1958 (S.Doc. 123 84<sup>th</sup> Cong. 2<sup>nd</sup> sess.), in the Supplemental Appropriations Act, 1985, P.L. 99-88 approved 15 August 1985, and Section 202 of the Water Resources Development Act of 1986 (P. L. 99-662 dated 17 November 1986). The Water Resource Development Act of 1986 authorized improvements to the project and was amended by Water Resource Development Act of 1988. The authorized project dimensions provide for (a) an entrance channel 38 feet deep, 400 feet wide, and about 8 miles long across Ship Island Bar, a channel 36 feet deep, 300 feet wide, and about 12 miles long through Mississippi Sound, and a stepped anchorage basin at Gulfport 32-36 feet deep, 1,120 feet wide, and 2,640 feet long, and (b) a commercial small-boat harbor, about 26 acres in area, and an entrance channel, 100 feet wide at a depth of 8 feet. Plane of reference is mean lower low water.

**DESCRIPTION OF THE PROPOSED ACTION:** The Corps, Mobile District proposes to maintenance dredge the federally authorized Gulfport Harbor navigation channel and stepped anchorage basin. The navigation project has recently been constructed to its authorized dimensions as stated above. The dredged material will be placed in the EPA-designated ODMDS, Section 404 open-water sites west of the channel in Mississippi Sound via thin-layer disposal, and/or a littoral zone disposal site southeast of Cat Island. The actual dredge depths of these channels include 2 feet advance maintenance and 2 feet allowable overdepth plus an additional 3 feet due to dredging inaccuracies. Maintenance dredging is required every 12-18 months for the entrance and Mississippi Sound channel segments and for the anchorage basin. The following quantities of dredged material are as follows:

a. Approximately 5 million cubic yards of maintenance material dredged from the anchorage area and Mississippi Sound channel will be placed via thin-layer (i.e. no more than 12 inches in thickness) in open-water disposal sites west of the channel in Mississippi Sound.

b. Approximately 975,000 cubic yards of maintenance material dredged from the Ship Island Pass channel will be placed in the littoral zone site southeast of Cat Island and/or the EPA-designated ODMDS at Gulfport.

c. Approximately 520,000 cubic yards of maintenance material dredged from the entrance channel will be placed in the littoral zone southeast of Cat Island and/or the EPA-designated ODMDS at Gulfport.

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

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

**USE BY OTHERS:** The proposed action is not expected to create significant impacts on land use plans in the vicinity. Use of the waters within the disposal sites including fishing, shrimping, and recreational boating will be temporarily impacted during the actual maintenance activities.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:** In accordance with the requirements of the NEPA, an Environmental Impact Statement (EIS) for the Gulfport Harbor Navigation Project was filed with the EPA in June 1989. A supplement to the EIS was filed with EPA in 2009 in conjunction with construction of Gulfport Harbor to its authorized dimensions. The Supplemental EIS and subsequent Record of Decision, signed 15 May 2009, was coordinated with all applicable Federal, state and local agencies and the interested public. These documents are on file and available for review on the Corps, Mobile District website, [www.sam.usace.army.mil/missions/planningenvironmental.aspx](http://www.sam.usace.army.mil/missions/planningenvironmental.aspx). All NEPA documentation would be updated as necessary should new information become available.

**SECTION 404 (B)(1) EVALUATION REPORT:** Water quality impacts associated with the proposed action have been identified in a Section 404(b)(1) Evaluation Report prepared in accordance with P. L. 92-500, Section 404 (b)(1) Guidelines promulgated by the EPA under the Clean Water Act. The Section 404(b)(1) Evaluation is on file in the Corps, Mobile District and available for review upon request. The impacts discussed in the report include temporary turbidity increases, covering of benthic communities, temporary and insignificant reduction in phytoplankton productivity, and some possible minor releases of chemical constituents.

**ENDANGERED/THREATENED SPECIES:** Pursuant to Section 7 of the Endangered Species Act, the proposed action at Gulfport Harbor has been coordinated with the U.S. Department of Commerce, National Marine Fisheries Service, Protected Resources Division (NMFS-PRD) and the U.S. Department of the Interior, Fish and Wildlife Service (FWS) during past re-certification efforts. In the past, NMFS and FWS have concurred that no species under their purview would be impacted by the proposed action. Additional comments relating to changes in the above status should be addressed in response to this public notice. Based on review of endangered and threatened species that could occur within the Gulfport Harbor project area, the Corps, Mobile District determined that the proposed action would not likely adversely impact any listed species. Additionally, the Gulfport Harbor project is located within the Gulf sturgeon critical habitat limits. The past consultation with NMFS-PRD regarding potential impacts to Gulf sturgeon critical habitat, dated 7 May 2007 in conjunction with the Supplemental

EIS for improvements, and 9 July 2007 in conjunction with continued operations and maintenance activities, determined the project is not likely to adversely affect critical habitat. This determination was based over a ten-year period. Further coordination with FWS is ongoing and through informal consultation we anticipate their concurrence with our no effect determination.

**CULTURAL RESOURCES CONSIDERATION:** The project has been previously studied and surveyed for cultural resources as part of the port and channel expansion in the 1980's, with no historic properties located within the project area of potential effect (APE) (Mistovich 1987; Iron 1989). Past re-certification efforts have been coordinated with the Mississippi State Historic Preservation Officer (SHPO) and other interested parties and no cultural properties designated as listed or eligible for listing on the National Register of Historic Places (NRHP) are known to exist within the area of potential effects for this undertaking. Because this project is identical in scope to past efforts, no impacts to cultural resources are anticipated. Based on the history of the project, agency concurrence with our no effect determination is anticipated. Copies of this notice are being sent to the Mississippi SHPO, any relevant federally-recognized American Indian tribes, and the U.S. Department of Interior, National Park Service, Atlanta, Georgia.

**ESSENTIAL FISH HABITAT (EFH) ASSESSMENT:** The Gulf of Mexico Fishery Management Council in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 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 action. The maintenance dredging and placement of the dredged material will not significantly affect coastal habitat identified as EFH in the Gulfport Harbor project area. The Gulf of Mexico Fishery Management Plans (1999) 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. 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 Corps, Mobile District has determined a no impact to EFH as a result of this dredging project. Coordination of EFH with NFMS, Habitat Conservation Division for the project is initiated by this public notice.

**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 dredging and disposal activities, such as increased particulate levels from the burning of fossil fuels. However, these impacts would be minor and temporary in nature. 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.

**MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT (MPRSA):** Section 103(e) of the MPRSA of 1972 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue regulations for Federal projects, after notice and opportunity for public hearing, for the transportation of dredged material for the purpose of disposal in the ocean where it is determined that the disposal will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. Ocean disposal of dredged material must be evaluated using the criteria developed by the Administrator of EPA in consultation with the Secretary of the Army. The Corps, Mobile District determined in its Section 103 Evaluation that the proposed dredged material from the federally authorized Gulfport Harbor is suitable for ocean disposal. Concurrence from the EPA, Region 4 is anticipated.

**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. EPA  
U.S. Department of the Interior, FWS, 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

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Mississippi State Historic Preservation Officer  
Mississippi Department of Environmental Quality, Office of Pollution Control  
Mississippi Department of Marine Resources  
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 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 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. FP13-GH01-02 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 Linda Barnett at (251) 694-3786, email address [linda.t.barnett@usace.army.mil](mailto:linda.t.barnett@usace.army.mil).



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

Enclosure



