



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-IW01-14
CESAM-PD-EC**

November 12, 2014

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
BUREAU OF POLLUTION CONTROL
LOUISIANA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

**PROPOSED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES
GULF INTRACOASTAL WATERWAY NAVIGATION PROJECT
IN THE STATE OF LOUISIANA**

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 Gulf Intracoastal Waterway (GIWW) navigation project, Louisiana.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on April 26, 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: GIWW in Orleans, St. Tammany, and St. Bernard Parishes, Louisiana from Lake Borgne Light No. 29 to the Louisiana-Mississippi state line.

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The existing project under the 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 and 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, 125 feet wide, and approximately 6 miles long connecting the waterway at White City, Florida with St. Joseph Bay, Florida. The waterway between the 12-foot contours in Apalachee Bay and Lake Borgne Light No. 29 at the Rigolets is 379 miles long (**Figure 1**). 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 of the Louisiana portion of the GIWW with a maximum depth of -16 feet MLLW (authorized project depth of -12 feet MLLW, plus 2 feet of advanced maintenance and 2 feet of allowable over-depth 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). Approximately 250,000 cubic yards (cy) of dredged material would be removed by hydraulic pipeline dredge on an as needed basis over a three (3) to five (5) year dredging cycle. The dredged material consists predominantly of silts and sandy clays. The material resulting from routine maintenance dredging would be placed in a previously authorized open-water disposal area 66 using thin-layer disposal techniques (**Figure 2**). This portion of the GIWW in the State of Louisiana has not been dredged since 1969. The system is stable and this effort is to insure environmental certification remains current.

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 adjacent to the channel to allow immediate passage of vessels until a hydraulic pipeline dredge could be dispatched to restore project dimensions. Emergency disposal needs are infrequent and usually the result of specific incidents such as storm events or barge groundings. Past experience has shown, however, that only a few areas are likely to require such emergency actions but could be required anywhere 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 CWA, state water quality certification is required for the proposed operations and maintenance (O&M) action described above. Water quality certification was requested for the recertification of the project in 2009 (WQC 090330-03/AI 163967/CER 20090001, dated November 15, 2009) from the Louisiana Department of Environmental Quality (LDEQ), Bureau of Pollution Control (BPC). LDEQ, BPC informed the USACE, Mobile District that WQC does not expire as long the proposed action remains within the specified project description and authorization. The description of the proposed action has not changed since last recertification so new WQC from LDEQ, BPC will not be requested.

Coastal Zone Consistency: Pursuant to the Coastal Zone Management Act (CZMA), the proposed action is consistent with the Louisiana Coastal Program to the maximum extent practicable. Concurrence with this determination will be requested from the State of Louisiana Department of Natural Resources (LADNR), Coastal Resources Division (CRD). Upon completion of the required 30-day comment period, a decision relative to coastal zone consistency will be made by LADNR-CRD.

USE BY OTHERS: The proposed action is not expected to create significant impacts to land and water use plans in the project vicinity for fishing and recreational boating.

NATIOANL ENVIRONEMNTAL POLICY ACT CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) for the entire GIWW Federal navigation project from Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida was filed with the President's Council on Environmental Quality (CEQ) on December 17, 1976. An Environmental Assessment (EA), dated November 8, 2010, was prepared to address the potential impacts associated with maintenance dredging and associated disposal activities of the federally authorized GIWW navigation project in the State of Louisiana. The November 8, 2010 EA was used for this current recertification due to no aspect of the federally authorized project changing, nor have any new designations been enacted (i.e. Essential Fish Habitat (EFH), Threatened and Endangered Species, Critical Habitat etc.) precipitating the need to update the previously signed NEPA documentation. 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, all NEPA documentation 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, all NEPA documentation will be updated to account for those new findings.

THREATENED AND ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA), the proposed Federal action at the GIWW navigation project in the State of Louisiana is being coordinated with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), Protected Resources Division (PRD).

The USFWS lists the following species as threatened and/or endangered within Orleans, St. Tammany, and St. Bernard Parishes, Louisiana potentially present in the project vicinity: West Indian manatee (*Trichechus manatus*), Gulf sturgeon (*Acipenser*

oxyrinchus desotoi), pallid sturgeon (*Scaphirhynchus albus*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus*), Alabama heelsplitter mussel (*Potamilus inflatus*), Louisiana quillwort (*Isoetes louisianensis*), gopher tortoise (*Gopherus polyphemus*), ringed map turtle (*Graptemys oculifera*), and red-cockaded woodpecker (*Picoides borealis*).

Based on the USACE, Mobile District's review of threatened and endangered species 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 under the purview of the USFWS.

The NMFS, PRD lists the following species as threatened and/or endangered within Orleans, St. Tammany, and St. Bernard Parishes, Louisiana potentially present in the project vicinity: Gulf sturgeon (*Acipenser oxyrinchus desotoi*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), kemp's ridely sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), blue whale (*Balaenoptera musculus*), finback whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter macrocephalus*)

Based on the USACE, Mobile District's review of threatened and endangered species within the project area, the USACE, Mobile District has determined that the proposed action is not likely to adversely affect listed species under the purview of NMFS, PRD. Additionally, all effects to Primary Constituent Elements (PCE's) are determined to be insignificant.

CULTURAL RESOURCES CONSIDERATION: The GIWW was authorized by Congress and completed more than 50 years ago. The existing channel and open-water disposal area (66) was constructed and operated prior to the enactment of the National Historic Preservation Act (NHPA), which was signed in to law in 1966. In 1979, USACE, Mobile District analyzed and considered the effect of continued use and maintenance of the waterway may have on historic properties as per regulations within 36 Code of Federal Regulations (CFR) 800, in order to ensure compliance with NHPA. This analysis was conducted as part of the aforementioned EIS from 1976. No cultural resources were found within the open-water disposal or channel areas. No sites listed on the National Register of Historic Places (Register) were located within the project area. As the lead Federal agency the USACE, Mobile District determined that the continued O&M activities would have no effect on historic properties. The effects determination was forwarded to the SHPO for review.

The present project includes no new action as defined by the NHPA. USACE, Mobile District archaeologist currently determine that maintenance dredging and open-water disposal activities associated with the GIWW in the State of Louisiana has no potential to cause adverse effects to historic properties as per CFR 800.0(1) and needs no additional survey.

ESSENTIAL FISH HABITAT: 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 fishes. Maintenance dredging and placement of material in the open-water disposal area will not significantly affect coastal habitat identified as EFH in the federally authorized GIWW navigation project in the State of Louisiana. 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 proposed project area.

CLEAN AIR ACT: Air quality in the vicinity of the proposed action would not be significantly affected. 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 (CAA), as amended. The project area is in attainment with the National Ambient Air Quality Standard (NAAQS) parameters and would not affect attainment status of the project area or region. A State Implementation Plan (SIP) 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 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

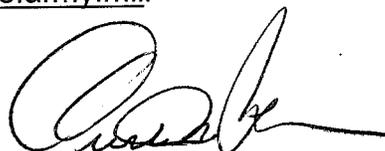
of the maintenance of navigation, including any economic impacts on navigation and anchorage that would result from the failure to use this site would also be considered.

COORDINATION: Among the agencies receiving copies of this public notice are:

U.S. Fish and Wildlife Service, Lafayette Field Office
National Marine Fisheries Service, Protected Resources Division, Baton Rouge, Louisiana
National Marine Fisheries Service, Habitat Conservation Division, Galveston, Texas
Gulf of Mexico Fishery Management Council
Regional Director, National Park Service
Commander, Eighth Coast Guard District
Region 6, U.S. Environmental Protection Agency
Affiliated Indian Tribes
Louisiana Department of Environmental Quality
Louisiana Department of Natural Resources, Coastal Resources Division
Louisiana State Historical Preservation Officer
Louisiana Department of Wildlife, Fisheries and Parks
Louisiana Secretary of State Office
U.S. Department of Agriculture, Natural Resources Conservation Service

Other Federal, state and local organizations, U.S. Senators and Representatives of the State of Louisiana are provided 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. FP14-IW01-14 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.



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

Enclosures

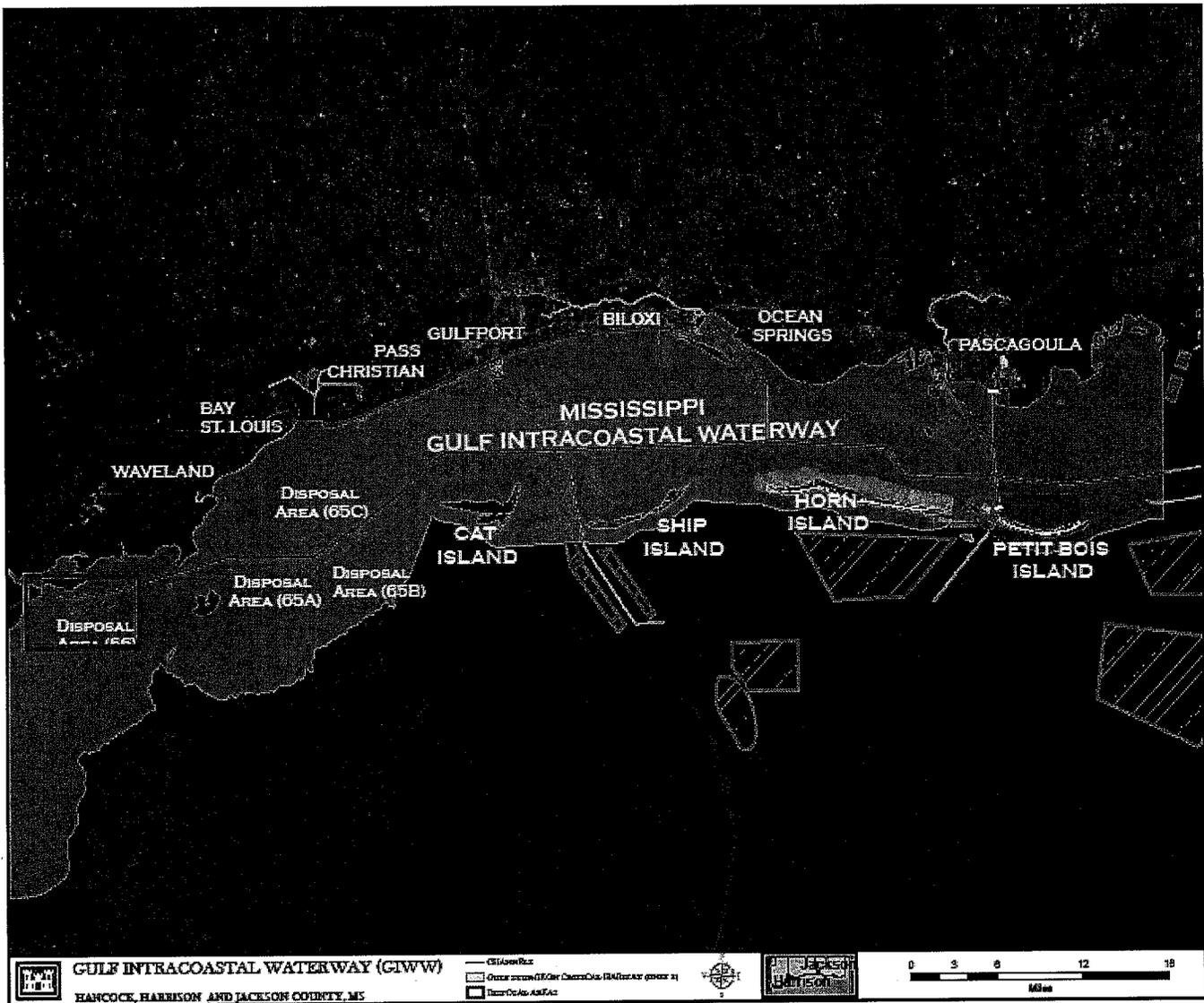


Figure 1: GIWW in the State of Louisiana

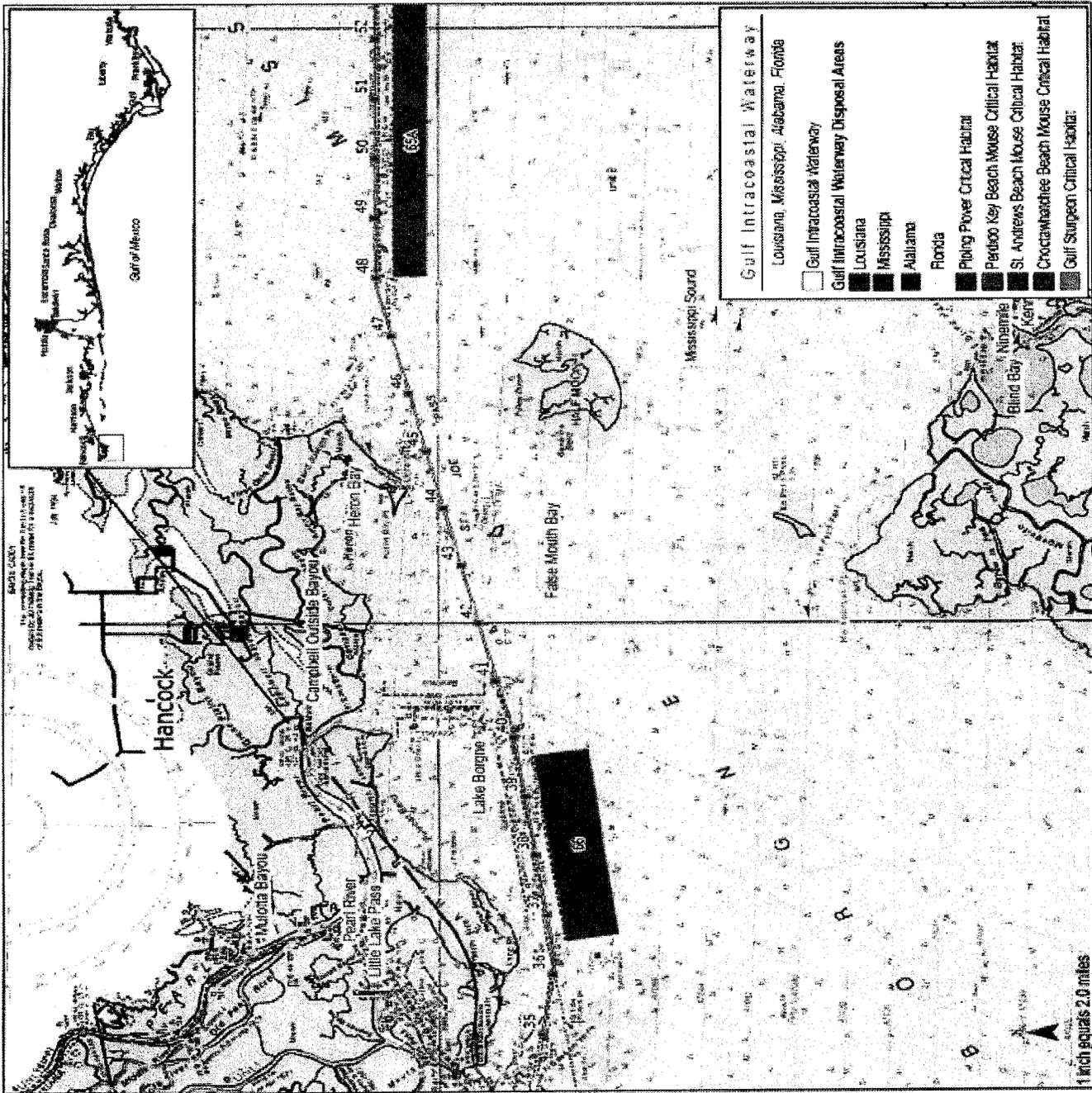


Figure 2: Open-water Disposal Area 66