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

REPLY TO
ATTENTION OF:

CESAM-PD-EC **03 February 2012**
PUBLIC NOTICE NO. FP12-TC01-10

JOINT 15-DAY PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DREDGING OF THE EASTERN END OF THE THEODORE SHIP CHANNEL

THEODORE SHIP CHANNEL NAVIGATION PROJECT
MOBILE COUNTY, ALABAMA

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District proposes to conduct essential dredging and open-water placement operations to re-establish safe navigation and restore the eastern end of the Theodore Ship Channel to the federally authorized dimensions. The Corps strongly recommends this action due to the current degraded condition and repair activities of the containment dikes at Gaillard Island. The eastern end of the channel is in desperate need of maintenance dredging, which cannot wait until Gaillard Island repairs are completed. Providing temporary open-water disposal capability utilizing thin-layer disposal methods within previously used placement sites will alleviate reduced shipping capacity in that reach of channel.

This public notice is issued in accordance with rules and regulations published in the Federal Register on 26 April 1988. These laws are applied 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 ocean waters and other associated disposal sites. The recipient of this notice is requested specifically to review the proposed action as it may impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Review of any other potential impacts is also requested.

WATERWAY AND LOCATION: Mobile Harbor and the Gulf of Mexico, Mobile County, Alabama.

DESCRIPTION OF THE AUTHORIZED THEODORE CHANNEL: The authorized project as illustrated in Figure 1 provides for a channel 40 feet deep and 400 feet wide, branching from the main ship channel in Mobile Bay at a point about 2.8 miles north of Mobile Bay Light and extending northwesterly about 5.3 miles to the shore of Mobile Bay, including an anchorage basin near the shoreline 300 feet wide and 1,200 feet long on the south side of the channel,

thence via a land cut 40 feet deep, 300 feet wide, and about 1.9 miles long, to and including, a trapezoidal turning basin 40 feet deep and approximately 42 acres in an area within the Theodore Industrial Park, and a barge channel 12 feet deep by 100 feet wide extending 6,500 feet and terminating in a 300 by 300-foot turning basin. Plane of reference is mean low water.

The existing project was authorized by the Senate Public Works Committee on 16 July 1970 and the House Public Works Committee on 15 December 1970 under provision of Section 201 of the 1965 Flood Control Act, and modified by Section 112 of the Water Resources Development Act of 1976.

DESCRIPTION OF PROPOSED ACTION: The Corps has the responsibility for maintenance of the federally authorized Theodore Ship Channel. A one-time essential dredging and disposal effort is being proposed for the extreme eastern end of the Theodore Ship Channel to re-establish safe navigation and restore that reach of channel to its federally authorized dimensions. The effort will involve the removal of approximately 1 million cubic yards of material beginning where the Theodore Channel intersects the Mobile Bay Channel extending to Station 80+00 to the west about 8,000 feet as illustrated in Figure 2. The resultant dredged material will be placed in previously used disposal areas shown as disposal areas 11 and 13 in Figure 2. These areas were historically utilized, prior to 1990, for the maintenance of the Mobile Bay Channel. Placement of materials within these sites will utilize thin-layer disposal techniques placed as thinly as possible with an average thickness of about 6 inches but not to exceed 12 inches. The dredging will be performed using a 30-inch hydraulic pipeline cutterhead dredge outfitted with a specialized thin-layer dispersal barge. The dredge is scheduled to begin in April of this year with an approximate duration of 20 days, pending favorable weather, using a combination of floating and submerged pipelines to transport the dredged material to the open-water sites. Both the dredging and placement operations will be monitored hourly/daily using hydrographic surveys and on-site Government Quality Assurance Inspectors. This action is critical to provide safe navigation by returning that reach of channel to its authorized dimensions and restoring full shipping capacity.

Normally, material dredged from the Theodore Ship Channel is placed on Gaillard Island. A previously permitted emergency action in 2006 (FP05-MH12-10/COEP-05-02/Mobile County) to pump Theodore Channel material into disposal areas 11 and 13 via thin layer was a result of Hurricane Katrina's destruction of the Gaillard Island containment dikes. The Corps rebuilt Gaillard Island in 2006 and 2007 to its pre-Katrina elevation of +18 feet using the remaining semi-dried dredged material from within the site. Gaillard Island has been used on some occasions since 2007 without any additional maintenance work to the reconstructed containment dikes. However, the dikes are now in need of repair for continued future use. The project non-Federal sponsor, Alabama State Port Authority (ASPA), provided funds for required repair work in 2011 to restore needed future capacity to compensate for dike erosion/consolidation from post-Katrina construction materials. However, this level of funding was not enough to complete all of the repair work needed for the entire containment dikes. The sponsor has committed to provide additional funds in 2012 to complete the work that was started in 2011. Pumping material into Gaillard Island prior to the completion of the planned 2012 repair work will

saturate the material needed to raise the dike, which would delay the completion of the final dike maintenance for 2 years or more.

Currently, the conditions within this reach of the Theodore Ship Channel are such that immediate maintenance dredging is required. Gaillard Island serves as a nesting area for brown pelicans, laughing gulls, and various species of terns including the threatened least tern. Birds begin staging on the island during February and March with nesting occurring mid-April for the pelicans and sea gulls followed by the terns around mid-May. Although typical Gaillard Island use activities always include coordination for nesting birds, along with the repair circumstances discussed above, not utilizing Gaillard Island as a placement area for this particular dredging action would allow nesting activities to occur completely undisturbed.

For this critical action, the Corps is proposing dredging the highest priority eastern end of the Theodore Channel based on the requests of the ASPA and its users, which includes the portion of the channel directly below Gaillard Island as shown in Figure 2. As addressed in the previous 2005/2006 action, there are no bottom communities, such as sea-grasses or oyster beds known to exist within the proposed disposal areas.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, state water quality certification is requested from Alabama Department of Environmental Management (ADEM) to cover the activities associated with the dredging operations and dredged material disposal. A decision relative to water quality certification will be made by ADEM 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 Alabama Coastal Management Program to the maximum extent practicable. Upon completion of the required comment period, a decision relative to coastal zone consistency will be made by ADEM.

COASTAL BARRIER RESOURCES ACT (CBRA) CONSIDERATIONS: The CBRA includes identified coastal barriers along the Atlantic and Gulf coasts of the United States and adjacent wetlands, marshes, estuaries, inlets and nearshore waters. CBRA prohibits the expenditure of Federal funds in areas identified in the Act as undeveloped coastal barriers if these expenditures would further develop the area. The activities associated with this dredging and disposal action are being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service (FWS) under CBRA.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:
In accordance with the requirements of the NEPA, an Environmental Impact Statement (EIS) was filed with the President's Council on Environmental Quality on 09 December 1974. An Environmental Assessment (EA) and Findings of No Significant Impacts (FONSI) were prepared for the emergency action conducted in 2005/2006 (FP05-MH12-10/COEP-05-02/Mobile County) pertaining to the emergency use of in-bay thin-layer disposal areas resulting from Hurricane Katrina, which includes open-water disposal areas 11 and 13. It is anticipated that the

affects of the thin-layer disposal proposed for this action will not exceed those addressed in the previously prepared EA. A copy of the EA and FONSI are available for review in the U.S. Army Corps of Engineers, Mobile District Office, Planning and Environmental Division or at the following website: www.sam.usace.army.mil/Pd1.htm.

CLEAN WATER ACT DETERMINATIONS: An evaluation of water quality impacts associated with the proposed action was prepared in accordance with guidelines promulgated by the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act in 2005/2006. Impacts will likely be temporary increases in turbidity and suspended solids concentrations near the construction areas, short-term elimination of benthic organisms, and localized short-term degradation of esthetics near the construction area. Recent sediment quality investigations performed in the channel show the material to be substantially free of contaminants of concern. A copy of the Section 404(b)1 Evaluation Report is available for review in the U.S. Army Corps of Engineers, Mobile District Office, Planning and Environmental Division or at the following website: www.sam.usace.army.mil/Pd1.htm

ENDANGERED/THREATENED SPECIES: The proposed action 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. Some species listed by the FWS and NMFS as endangered or threatened are occasional visitors to the vicinity of the project area. Based on our determination, no endangered or threatened species or their critical habitats will be adversely impacted by the proposed action. Previous coordination with the FWS, and the NMFS has established that no endangered or threatened species or their critical habitats will be adversely impacted by placing material in these sites using the thin-layer techniques. However, consultation with FWS and NMFS will be conducted for this action in accordance with the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act 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 NMFS has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, sea-grass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column. The habitat in the project area, which is located within Mobile Bay, consists of estuarine waters, mud, and sand substrates. The NMFS has management plans for brown shrimp (*Penaeus aztecus*), red drum (*Sciaenops oellatus*), white shrimp (*P. setiferus*), and Spanish mackerel (*S. maculatus*) within the project area. To the extent practicable, this project will not adversely affect EFH. Approximately 1,200 acres of bay bottoms within the disposal areas will be temporarily disturbed through the thin-layered placement of dredged material. The use of the thin-layer disposal technique seeks to minimize these impacts. Placement of material in lift thicknesses of less than 1-foot, typical average is 6 inches, will allow the more motile benthic organisms to migrate upward through the dredged material. Studies of thin-layer disposal have shown that recovery of the benthic community is relatively rapid, especially if the dredged

material is similar to sediments within the placement sites. Based on this information, the time that it would take to complete the dredging and disposal, and the size of the proposed placement areas in relation to the total available acreage of similar habitat within Mobile Bay, the Corps does not anticipate that the proposed action would result in long-term adverse effects to essential fish habitat. Previous coordination with the NMFS has established that EFH would not be adversely impacted by placing material in these sites using the thin-layer techniques. However, consultation with NMFS will be conducted for this action in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

CULTURAL RESOURCES CONSIDERATION: Previous historic resources investigations have been conducted and consulted on for Mobile Harbor. No historic properties have been identified within the area of potential effect of either the dredging or disposal areas. Therefore, the Corps determined the operations would have no effect on historic properties. The disposal action conducted in 2005/2006 (FP05-MH12-10/COEP-05-02/Mobile County) pertaining to the emergency use of in-bay thin-layer disposal areas resulting from Hurricane Katrina also included open-water disposal areas 11 and 13. A letter dated 30 September 2005 responding to the public notice for that action was received from the Alabama State Historic Preservation Officer concurring that the project activities would have no effect on any known cultural resources listed on or eligible for the National Register of Historic Places. Finally, standard "discovery" procedures will be followed should any items of historical/archeological interest be found in the project area in accordance with the National Historic Preservation Act of 1966 (as amended) and its' implementing regulations at 36CFR800. This includes ceasing dredging operations within 100 feet of the discovery and notification of proper authorities.

EVALUATION: The decision whether to proceed with the proposed action would 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, flood plain 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
Bon Secour National Wildlife Refuge, Fish and Wildlife Service
Regional Director, National Park Service
U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, Panama City,
Florida
U.S. Department of Commerce, National Marine Fisheries Service, Protected Species Division, St. Petersburg, Florida
Commander, Eighth Coast Guard District
Alabama State Historic Preservation Officer
Alabama Department of Environmental Management
Alabama Department of Conservation and Natural Resources
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service

Other Federal, State, and local organizations, affiliated Indian Tribe interests, and 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 the 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 15 days of the date of this public notice. A request for a hearing must clearly set forth the interest that may be affected and the manner in which the interest may be affected. You are requested to communicate the information contained in this notice to any other parties who may have an interest in the proposed activities. Correspondence concerning the public notice should refer to Public Notice No. FP12-TC01-10 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. Larry Parson at (251) 690-3139.

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

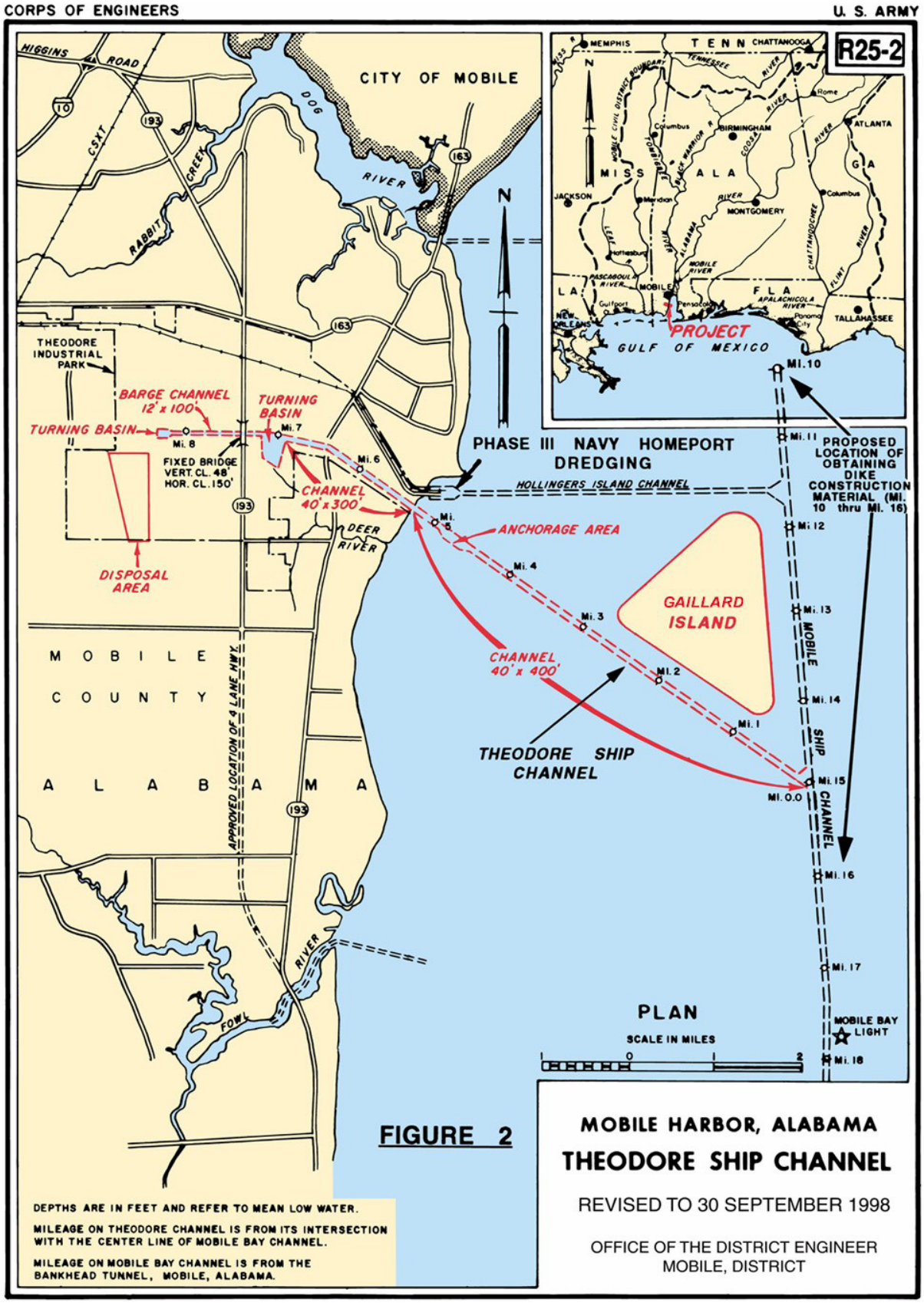

Figure 1. Theodore Channel Project Map

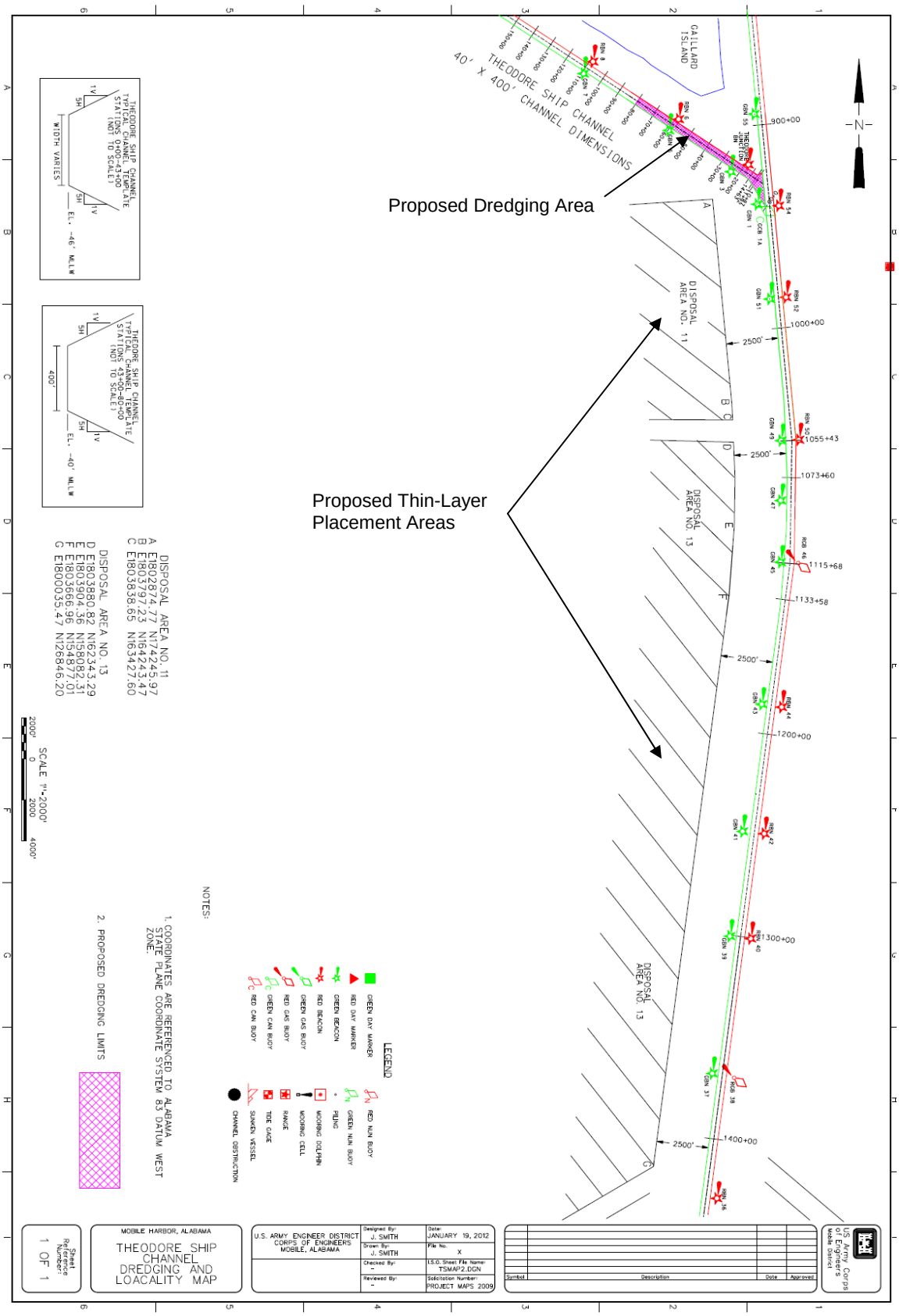

Figure 2. Proposed dredging and thin-layer placement areas