



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. FP07-BB01-02

06 Jun 2007

JOINT PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
CONTINUED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES
FOR THE BAYOU LA BATRE 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 continue maintenance dredging and placement of maintenance material from the federally authorized channel at Bayou La Batre, Mobile County, Alabama.

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 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: Bayou La Batre, Mobile County, Alabama, and Mississippi Sound.

AUTHORIZED PROJECT DESCRIPTION: The original project was authorized by the 1965 River and Harbor Act (House Document 327, 88th Congress, 2nd Session). Project improvements were authorized by the Water Resources Development Act (WRDA) of 1990 (P.L. 101-640), dated 28 November 1990 and prior acts (Figure 1). The improved project provided for an 18-foot deep by 120-foot wide channel from Pascagoula Ship Channel east along the Gulf Intracoastal Waterway (GIWW) and north of the mouth of Bayou La Batre; an 18-foot deep by 100-foot wide channel up Bayou La Batre through and including the turning basin with a transition to a 14-foot deep by 75-foot wide channel to a point 1,500 feet above the Highway 188 bridge; and a 14-foot deep by 50-foot wide side channel up the Snake Bayou for 500 feet and

then a 12-foot deep by 50-foot wide channel for an additional 850 feet. The total channel length is about 23 miles.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action consists of the continued maintenance dredging and placement of maintenance material from the Bayou La Batre Navigation Channel. Project maintenance and placement activities would take place approximately every 3-4 years. The proposed action would be performed by cutter head/hydraulic pipeline dredge and/or bucket dredge with a tolerance of up to 2 feet advanced maintenance and up to 2 feet of over-depth dredging. With respect to disposal of the dredged material, this maintenance-dredging project would use previously used open-water sites 11, 12, and 13 as well as a previously used approximately 70-acre upland disposal site ("Charlie") (Figure 3). Improvements to the Bayou La Batre Navigation Project resulted in the designation of three open-water sites 1, 2, and 3 in Mississippi Sound (Figure 2), located in the vicinity of the GIWW, in water depths greater than 12 feet and an approximately 107-acre upland disposal site ("Delta") (Figure 3). The use of the three previously used open-water sites 11, 12, and 13 in conjunction with the open-water disposal sites 1, 2, and 3 is required to accommodate the maintenance material. The approximately 2.25 million cubic yards of maintenance material from the mouth of the Bayou La Batre Channel south to GIWW, about 7.69 miles, and west along to the Pascagoula Ship Channel, about 12.39 miles, would be placed in these open-water disposal sites 1, 2, 3, 11, 12, and 13 during each dredge and disposal event. These previously used open-water disposal sites would be surveyed before and after maintenance material placement to insure that the maintenance material does not interfere with navigation. Minimum depth in the GIWW disposal sites 1, 2, and 3 is -12 feet mean low water (MLW); minimal depth in the Mississippi Sound disposal sites 11, 12, and 13 is -4 feet MLW. Approximately 430,000 cubic yards of maintenance material dredged from within the Bayou La Batre Channel and its tributary, Snake Bayou, would be placed in the previously used upland site "Delta." The previously used upland disposal site "Charlie" would be used at the end of the project lifespan of the previously used site "Delta." An overlap zone is required for the channel area located approximately 1,000 feet on either side of the point of intersection to allow for inaccuracies associated with dredging methodology and processes. The material removed from this approximate 2,000-foot long portion of the channel would be placed either in the upland disposal area or the open-water disposal site, based upon where shoaling occurs.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act of 1977, 33 U.S.C. 1251 et seq., state water quality certification under Section 401 of the Clean Water Act is required for the proposed action and will be obtained prior to disposal of maintenance material in waters of the United States. Water quality certification has been requested from the Alabama Department of Environmental Management (ADEM) for a 5 year

period. 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. Concurrence with this determination has been requested from ADEM. A decision relative to coastal zone consistency certification will be made by ADEM upon completion of the required comment period for this public notice.

USE BY OTHERS: Use of the waters in the vicinity of the project area may include fishing and recreational boating and is not expected to cause any significant land use changes in the area.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the NEPA, the proposed action is addressed in the Final Environmental Impact Statement (FEIS) for the construction, operation and maintenance of the Bayou La Batre Navigation Channel and was filed November 1988 with the Environmental Protection Agency (EPA). An Environmental Assessment was prepared and completed in July 2002. Information received during the coordination of this public notice will be used to determine if new documentation is required and if a finding of no significant impact is appropriate.

SECTION 404 (B)(1) EVALUATION REPORT: An evaluation of water quality impacts associated with the proposed action has been prepared, dated July 2002, in accordance with guidelines promulgated by the EPA under Section 404 (b)(1) of the Clean Water Act. Appropriate revisions would be incorporated into the Section 404(b)(1) Evaluation if information were received during the coordination process that would indicate the need to amend the report.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed action has been coordinated with the U.S. Department of Commerce, National Marine Fisheries Service (NMFS) 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 Bayou La Batre Project area, the Corps, Mobile District has determined that the proposed action would not adversely impact any listed species. Additionally, a small portion of the Bayou La Batre Project main channel and disposal areas are located within Unit 8 of Gulf sturgeon critical habitat. Further consultation with NMFS regarding potential impacts to Gulf sturgeon critical habitat is ongoing.

CULTURAL RESOURCES CONSIDERATION: The National Register of Historic Places has been consulted and no properties listed in, being nominated to or determined eligible for the National Register are located in the vicinity of the proposed work. Mobile District archaeologist surveyed the upland disposal site "Delta" associated with the project in 1988 in connection with the proposed project improvements. No archaeological sites or historical structures were identified. The Alabama State Historic Preservation Officer (SHPO) agreed with the negative findings. Documentary research was conducted in 1983 and 1986 to assess potential for submerged properties along the improved channel and disposal sites and revealed little potential for shipwrecks or other submerged properties.

ESSENTIAL FISH HABITAT ASSESSMENT: 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. 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 essential fish habitat (EFH) in the Bayou La Batre Navigation 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. Initial coordination of EFH in the Bayou La Batre Navigation Project area will be based on this public notice. The Corps, Mobile District has determined a no impact to EFH as a result of this dredging project. The Gulf of Mexico Fishery Management Plans (1999) identifies EFH in the project area to be inter-tidal 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.

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 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 provided copies of this notice and are invited to participate in coordinating this proposed work. The Corps, Mobile District requests that the information contained in this notice is 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

CESAM-PD-EC
PUBLIC NOTICE NO. FP07-BB01-02

06 Jun 2007

Public Notice No. FP07-BB01-02 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: CESAM-PD-EC. For additional information please contact Ms. Linda Brown at (251) 694-3786, email address linda.t.brown@sam.usace.army.mil.



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

CORPS OF ENGINEERS

U. S. ARMY

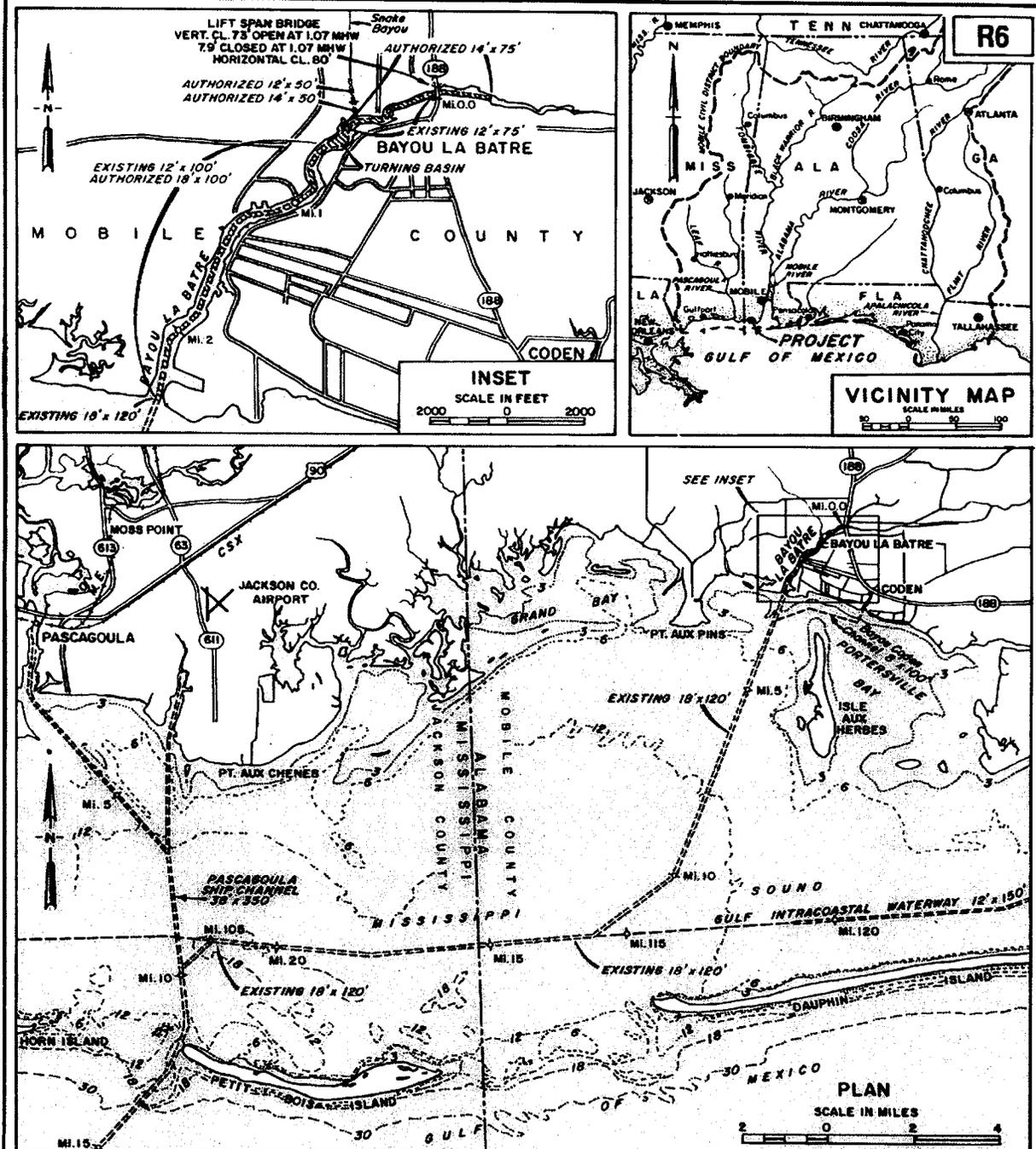


Figure 1: Project Map

**BAYOU LA BATRE
 ALABAMA**

REVISED TO 30 SEPTEMBER 1998

OFFICE OF THE DISTRICT ENGINEER
 MOBILE, DISTRICT

DEPTHS ARE IN FEET AND REFER TO MEAN LOW WATER.
 MILEAGE ON BAYOU LA BATRE CHANNEL IS FROM ALABAMA
 HIGHWAY 188 BRIDGE, BAYOU LA BATRE, ALABAMA.
 MILEAGE ON GULF INTRACOASTAL WATERWAY IS FROM
 HARVEY LOCK, NEW ORLEANS, LOUISIANA.
 MILEAGE ON PASCAGOULA HARBOR CHANNEL IS FROM
 CSX RAILROAD BRIDGE, PASCAGOULA, MISSISSIPPI.

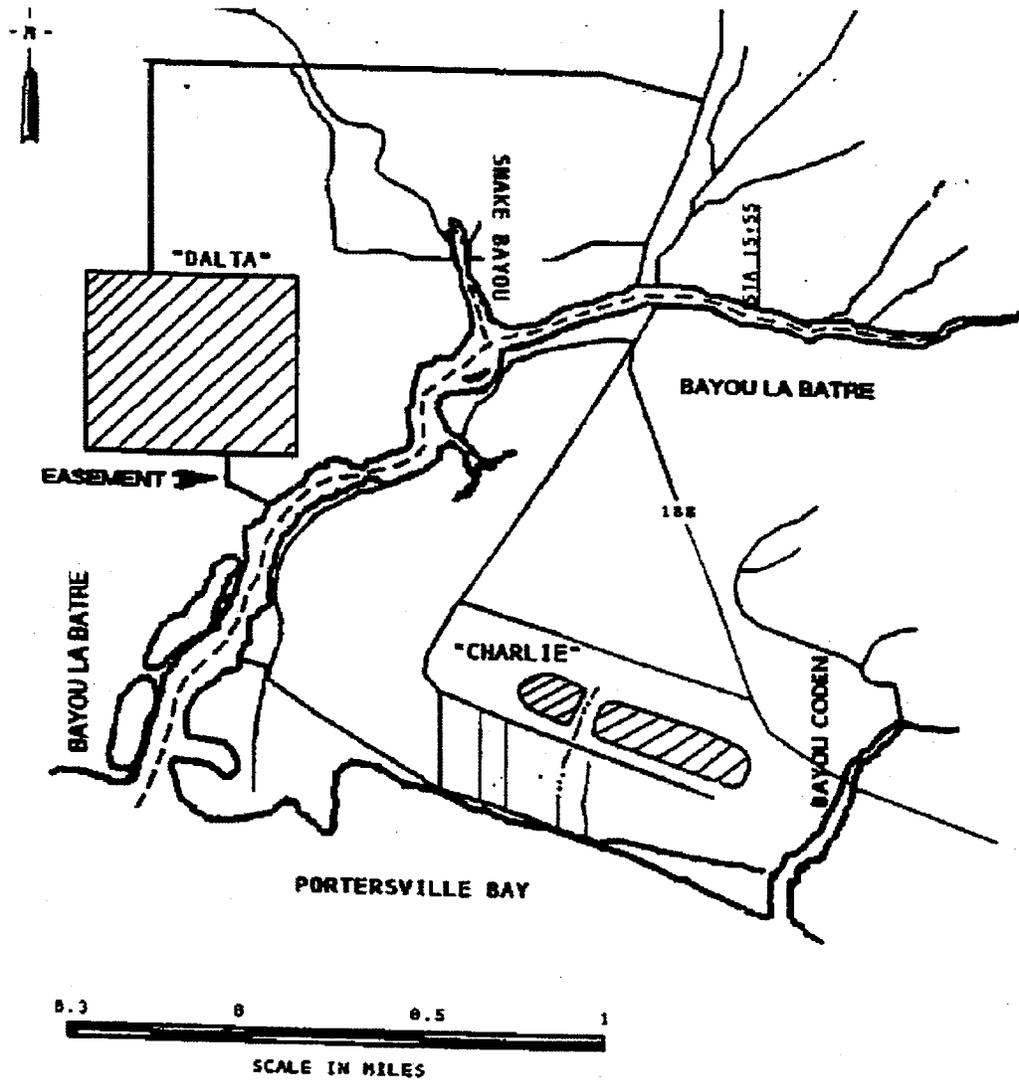


Figure 3: Bayou La Batre Navigation Project
Upland Disposal Sites