



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. FP11-IW03-01

13 December 2011

PUBLIC NOTICE

**U. S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT**

**GULF INTRACOASTAL WATERWAY
CONTINUED OPERATIONS AND MAINTENANCE
ESCAMBIA, SANTA ROSA, BAY, GULF AND FRANKLIN COUNTIES, FLORIDA**

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 placement activities associated with the federally authorized Gulf Intracoastal Waterway (GIWW) navigation project, Escambia, Santa Rosa, Bay, Gulf and Franklin Counties, Florida. Dredged material would be placed in previously approved open-water, estuarine shoreline, and upland dredged material disposal areas.

This Public Notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 1988. These laws are considered whenever dredged or fill materials may enter navigable waters. We request that the recipient of this notice review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Comments on any other potential impacts are also requested.

WATERWAY AND LOCATION: Santa Rosa Sound, Choctawhatchee Bay, West Bay, East Bay, Apalachicola Bay, Gulf County Canal, Escambia, Santa Rosa, Bay, Gulf and Franklin Counties.

DESCRIPTION OF ENTIRE AUTHORIZED PROJECT: The GIWW is a Federal shallow-draft navigation project which extends approximately 1,115 miles along the Gulf of Mexico coast from northern Florida to the southern tip of Texas. The USACE, Mobile District has jurisdiction over that portion of the GIWW from Rigolets, Louisiana (Lake Borgne light number 29) to Apalachee Bay, Florida, a total of approximately 380 miles. The project also includes a tributary channel, the Gulf County Canal that is about 6 miles long connecting the GIWW at White City, Florida with St. Joseph Bay, Florida. While the entire USACE, Mobile District portion has been authorized, the segment from Carrabelle, Florida to Apalachee Bay, Florida has not been constructed. The GIWW traverses approximately 217 miles through the USACE,

Mobile District in the State of Florida. The continued operations and maintenance activities within the State of Florida is the focus of this public notice.

PROPOSED ACTION: The proposed action is the periodic maintenance dredging of that portion of the federally authorized GIWW navigation channel from the Alabama/Florida state line to Carrabelle, Florida (Figure 1). Maintenance of the project consists of the removal of approximately 1.2 million cubic yards of silts, clays, and poorly graded sand each year on an as needed basis to maintain an elevation of -16 feet mean lower low water (MLLW) (this depth includes 2 feet of advanced maintenance and 2 feet of allowable overdepth dredging). Maintenance of a flotation access channel to disposal area 2.1 is also authorized up to 300 feet in length, 100 feet wide and to a depth of -2 MLLW. Dredging would typically be by a hydraulic pipeline dredge except during emergencies. The sediment from maintenance work would be placed in approved diked upland, open water, and/or estuarine shoreline placement sites [See Environmental Assessment (EA) on the web at address <http://www.usace.army.mil/pd/Pd1.htm>, Figures 2-22].

A barge-mounted dragline or snagboat may be utilized under emergency situations to remove rapidly formed, unexpected shoals or other hazards to navigation. This material would be placed on the side slopes of the channel to allow for immediate passage of vessels until a hydraulic pipeline dredge could be mobilized at the shoaled areas. Channel side slopes would be restored to original project dimensions when practicable. Emergency dredging activities are infrequent and usually are the result of specific incidents, such as storm events or barge groundings. Historical data indicates that only a few channel segments would require such action. However emergency dredging may be required at any location along the waterway.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action. Water quality certification for the proposed activities associated with the GIWW navigation project has been requested from the Florida Department of Environmental Protection (FDEP) for a ten-year period. A decision relative to water quality certification will be determined by FDEP upon completion of the Notice of Intent comment period.

COASTAL ZONE CONSISTENCY: Pursuant to the requirements of the Coastal Zone Management Act, concurrence with the USACE, Mobile District's determination of coastal zone consistency has been requested for a ten-year period from the FDEP. The USACE, Mobile District has determined that the proposed action is consistent with the Florida Coastal Program to the maximum extent practicable. A decision relative to concurrence with coastal zone consistency will be determined by FDEP upon completion of the Notice of Intent comment period.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: An Environmental Impact Statement (EIS) was prepared in 1976 for maintenance dredging activities for the portion of the waterway within the USACE, Mobile District's jurisdiction. This portion starts from Lake Borgne (GIWW Mile 36.3) and ends at its intersection with Carabelle Harbor Channel (GIWW Mile 376.3), including the Gulf County Canal. The EIS entitled, *Environmental Statement for Maintenance Dredging of the Gulf Intracoastal Waterway from Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida, USACE, Mobile District*, was prepared to address the impacts associated with the maintenance dredging of the GIWW. In 1984, an EA entitled, *Environmental Assessment for Modifications to the Maintenance Plan as Presented in the Final Environmental Statement Maintenance Dredging of the Gulf Intracoastal Waterway from Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida*, was prepared to address changes to the existing maintenance plan presented in the 1976 EIS. The 1984 EA resulted in a Finding of No Significant Impact (FONSI), which was signed on 7 February 1984. Since completion of this NEPA documentation, several changes in the environmental setting and laws and regulations have resulted, such as the listing of Essential Fish Habitat (EFH) and the threatened Gulf sturgeon and its designated critical habitat, delisting of the bald eagle to protection under the Bald and Golden Eagle Protection Act, and implementation of Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 13045 - Protection of Children from Environmental Health Risks and Safety Risks. The Draft EA is available for review upon request and a copy is located on the web at address <http://www.usace.army.mil/pd/Pd1.htm>. Based on comments to this public notice, the District Engineer will determine the need to incorporate those comments and update the NEPA documents.

SECTION 404(b)(1) EVALUATION: A Draft Section 404(b)(1) Evaluation Report has been prepared in accordance with guidelines promulgated by the U.S. Environmental Protection Agency (USEPA) under Section 404(b)(1) of the Clean Water Act to address the impacts associated with the continued operations and maintenance activities. The Draft Section 404(b)(1) Evaluation Report is available for review upon request and is also on the web at address <http://www.usace.army.mil/pd/Pd1.htm>. Based on comments to this public notice, the District Engineer will determine the need to incorporate those comments and update the NEPA documents.

ENDANGERED AND THREATENED SPECIES: In compliance with 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), Protected Resources Division (PRD) and the U.S. Department of the Interior, Fish and Wildlife Service (USFWS).

The following threatened and endangered species under the jurisdiction of NMFS, PRD and/or the USFWS may occur in or near the action area: fishes - Gulf sturgeon and smalltooth sawfish; mammals - blue, humpback, sei, sperm, and finback whales, West Indian manatee, and Choctawhatchee, St. Andrews and Perdido Key beach mice and their critical habitat; birds – piping plover, red-cockaded woodpecker, and wood stork; amphibian and reptiles – Eastern

Indigo snake, flatwoods salamander, gopher tortoise, and loggerhead, green, leatherback, Kemp's Ridley, and hawksbill sea turtles. In addition, the bald eagle is protected under the Bald and Golden Eagle Protection Act and Gulf sturgeon critical habitat units are designated as 6, 9, 10, 12, and 13. Unit 6 encompasses 174 river miles within the main stem of the Apalachicola and Brother Rivers and the Apalachicola distributaries of the East River, Little St. Marks River, and St. Marks River. Unit 9 encompasses 94,080 acres within Pensacola Bay, Big Lagoon, Escambia Bay, East Bay, Blackwater Bay, Bayou Grande, Mackey Bay, Saultsmar Cove, Bass Hole Cove, and Catfish Basin. Unit 10 encompasses 24,960 acres of the Santa Rosa Sound. Unit 12 encompasses 79,360 acres in the main body of Choctawhatchee Bay, Hogtown Bayou, Jolly Bay, Bunker Cove, and Grassy Cove. Unit 13 encompasses a total of 168,773 acres within the main body of Apalachicola Bay and the adjacent sounds, bays and nearshore waters of the Gulf of Mexico.

The USACE, Mobile District is committed to implementing the following conservation measures to minimize impacts to listed species. Dredging would be conducted utilizing hydraulic or mechanical methods. The USACE, Mobile District would continue to adhere to the dredging windows for Gulf sturgeon migration for the Apalachicola River portion of the channel. In addition, thin layer disposal would be utilized for open water disposal when practicable. During the bald eagle nesting season (1 October through 15 March) disposal areas would be inspected for the presence of the species prior to each dredging event. Should an active nest tree be observed within 660 feet of the activity, the USACE, Mobile District would re-initiate consultation with the USFWS. The USACE, Mobile District would survey upland disposal areas with suitable Eastern Indigo snake habitat prior to disposal operations. Should gopher tortoise burrows (i.e. suitable habitat) be located, a thorough survey for the snake species would be conducted prior to construction. The USACE, Mobile District shall implement Standard Manatee Protection conditions to reduce potential impacts to the species. The NMFS, PRD and USFWS provided their concurrence on October 23 and 4, 2007, respectively.

ESSENTIAL FISH HABITAT: EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as "those waters and substrate necessary to fish spawning, breeding, feeding, or growth to maturity." The Gulf of Mexico Fishery Management Council in accordance with the MSFCMA (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. 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. Major fisheries landed along the Gulf Coast include menhaden (*Brevoortia patronus*), mullet (*Mugil cephalus*), croaker (*Micropogonias undulatus* and *Leiostomus xanthurus*), shrimp (*Penaeus aztecus*, *P. setiferus*, and *P. duorarum*), blue crab (*Callinectes sapidus*), and oyster (*Crassostrea virginica*). Studies on impacts of open-water disposal on benthic communities and fisheries resources have been undertaken nationwide for many years. Studies on fisheries resources for adult, pre-adult, and juvenile forms indicate that most species are able to avoid the area of dredging and disposal or are unaffected. The proposed action will not significantly affect coastal habitat identified as EFH in the project area due to the fact that impacts will be temporary in nature. Species identified to be present within

the project area are motile and will likely exit the area upon initiation of dredging operations. The exception is non-motile benthic invertebrates that will be impacted by the project. As previously mentioned, impacts to these species will be negligible as they will re-colonize the area within a few months. Based on the minor nature of the project in relation to impacts to fisheries resources the overall impact is considered negligible. Compliance with EFH procedures is being conducted through publication of this public notice.

CULTURAL AND HISTORIC RESOURCES CONSIDERATIONS: In compliance with the National Historic Preservation Act (NHPA) and other authorities, previous consultation indicates that the National Register of Historic Places has been consulted and there are no properties listed on or eligible for inclusion on the National Register that will be affected by the proposed action. The proposed action would be limited to maintenance dredging of existing channels and placement in previously utilized placement areas. The GIWW was authorized by Congress and completed more than 50 years ago. The existing channel and upland disposal sites were constructed and operated prior to the enactment of the NHPA, which was signed into law in 1966. As stated, the USACE, Mobile District has previously considered the effect that continued use and maintenance of the waterway may have on historic properties as per regulations at 36 Code of Federal Regulation 800 and has consulted with the Florida State Historic Preservation Officer (SHPO) in 1990. A “no effect” on historic properties was concurred on by SHPO in 1990. Copies of this notice are being forwarded to the Florida State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Atlanta, Georgia.

FARMLAND PROTECTION POLICY ACT (FPPA) CONSIDERATIONS: The proposed action does not involve the placement of dredged material in any additional upland placement areas. Therefore provisions of the FPPA are not applicable.

USE BY OTHERS: Portions of the proposed project area are located within minimally developed areas. The proposed action for the GIWW navigation project is not expected to cause any significant land use changes in the adjacent areas. Use of waters in the vicinity of the disposal sites includes fishing and recreational boating.

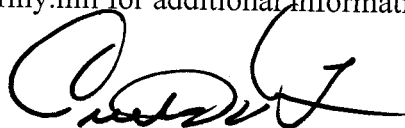
EVALUATION: The decision whether to proceed with the proposed action will be based on evaluating the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are general environmental concerns, wetlands, historic properties, fish and wildlife values, navigation, recreation, water quality, and in general the needs and welfare of the people. The proposed action will proceed unless it is found to be contrary to the overall public interest.

COORDINATION: Agencies receiving copies of this public notice include but is not limited to:

U.S. Environmental Protection Agency, Region 4
U.S. Department of the Interior, Fish and Wildlife Service,
Panama City, Florida Field Office
U.S. Department of the Interior, National Park Service
U.S. Department of Commerce, National Oceanic and Atmospheric
Administration, National Marine Fisheries Service, Habitat Conservation
Division Panama City, Florida
U.S. Department of Commerce, National Oceanic and Atmospheric
Administration, National Marine Fisheries Service, Protected Species
Management Branch, St. Petersburg, Florida
State of Florida, Department of Environmental Protection
State of Florida, Fish and Wildlife Commission
State of Florida, State Historic Preservation Officer
Gulf of Mexico Fishery Management Council
Commander, Eighth Coast Guard District
U.S. Department of Agriculture, Natural Resources Conservation Service
Native American Tribal Interests

Other Federal, State and local organizations, United States Senators and Representatives of Florida are being sent copies of this notice and are requested to participate in coordinating review of this proposed action. The Corps, Mobile District requests that parties communicate information included in this public notice to others that may have an interest in the proposed action.

CORRESPONDENCE: Any party that has an interest that may be affected by this proposed activity may request a public hearing. Any comments or request for hearing must clearly set forth the interests that may be affected and the manner in which the interest may be affected. Correspondence concerning this public notice should be received within 30 days of this publication. Correspondence should reference Public Notice No. FP11-IW03-01 and should be addressed to the District Engineer, U.S. Army Corps of Engineer Mobile District, Mobile, P.O. Box 2288, Mobile, Alabama 36628-0001, Attention CESAM-PD-EC. Ms. Lekesha Reynolds, Planning and Environmental Division, Coastal Environment Team may be contacted at 251/690-3260 or Lekesha.W.Reynolds@usace.army.mil for additional information.



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

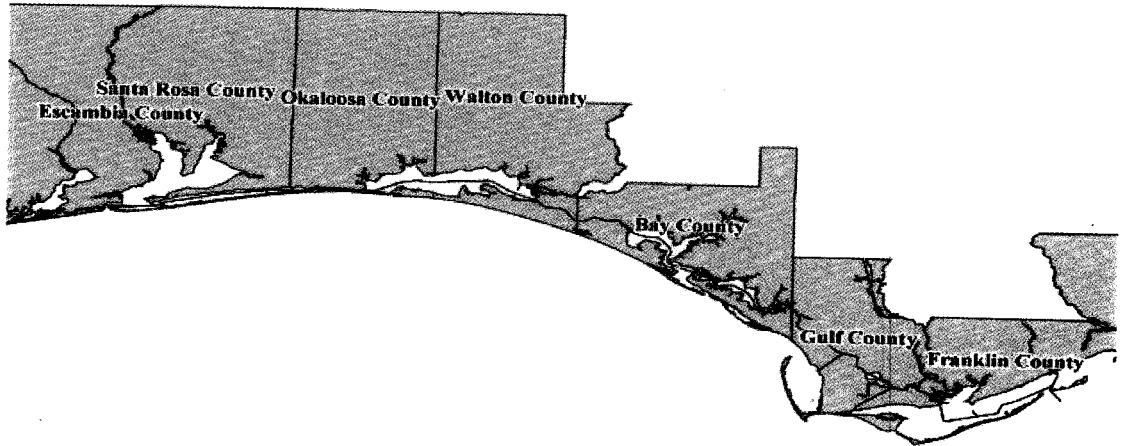


Figure 1. GIWW Project Area
Public Notice
FP11-IW03-01