



REPLY TO
ATTENTION OF

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

CESAM-PD-EC
PUBLIC NOTICE NO. FP08-MS01-02

24 October 2008

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT,
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

**A 15-DAY SUPPLEMENTAL PUBLIC NOTICE
MISSISSIPPI COASTAL IMPROVEMENTS PROGRAM
LONG BEACH CANALS INTERIM PROJECT
HARRISON COUNTY, MISSISSIPPI**

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District is proposing to remove sediment and woody debris from the natural stream reach of the extreme southern portion of the Long Beach Canals. The Long Beach Canal Flood Damage Reduction Project was authorized by *Supplemental Appropriations Bill - Public Law 110-28, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007* as part of the Mississippi Coastal Improvements Program (MsCIP) for Hancock, Harrison, and Jackson Counties, Mississippi. The current project consists of removing sediment, woody debris, clearing and snagging from Long Beach Canals 2 and 3 from a point approximately one mile north of 28th Street extending southwest to approximately one mile downstream of Menge Avenue, totaling approximately 6.4 miles, as shown on Figure 1. During development of the interim project plans, detailed engineering and analysis revealed the existing project could induce flooding downstream of the project limit. Project engineers determined additional improvements downstream of the original project within the natural stream section of Long Beach Canal 2 to the mouth of Bayou Portage were warranted to reduce flooding associated with the original project.

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. The recipient of this notice is requested specifically to review the proposed action as it may impact 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.

PROJECT AUTHORITY: This project would be constructed under the authority of Public Law 110-28, *Supplemental Appropriations Bill - Public Law 110-28, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007*, as part of the MsCIP for Hancock, Harrison, and Jackson Counties, Mississippi.

WATERWAY AND LOCATION: Long Beach Canals extending from a point approximately one mile south of Menge Avenue to the mouth of Bayou Portage, Long Beach, Harrison County, Mississippi.

PROPOSED ACTION: The proposed action consists of removing sediment and woody debris from the natural stream portion of Long Beach Canal 2 from the terminus of the original MsCIP Interim project to the mouth of Bayou Portage, approximately 2.6 miles, as shown in Figure 2. The purpose of the additional project segment is to provide improvements in floodwater conveyance and circulation for improved drainage, water quality and fish habitat. Currently, sedimentation and woody debris in the channel prohibits the system from functioning at its full capacity; therefore, if this portion of the canal is not restored, the benefits provided by improvements from the original MsCIP Long Beach Canal Interim Project will be reduced due to the lack of adequate downstream channel capacity and increased flooding immediately downstream of Menge Avenue.

Approximately 12,500 cubic yards of sediment and woody debris will be removed and disposed of in an offsite approved upland disposal area to be obtained by the contractor. All work will be performed within the limits of the existing natural stream channel consisting of varying widths from 20 to 30 feet wide and varying depths from 1 to 2 feet deep depending upon existing conditions. Due to the work area constraints of the confined channel, it would be necessary in some places to relocate material within the channel to create a smooth bottom. Mechanical dredging will be accomplished by using a trackhoe mounted on a small shallow draft barge. A separate small shallow draft barge will be used to stockpile material removed from the channel. Small push boats will be used to transport barges to and from an offload site and dump trucks will haul sediment and woody debris to the approved upland disposal site. Some debris may require cutting and sawing before placed into the dump trucks.

The proposed action will not result in induced flooding but in fact, will improve downstream channel capacity and functionality of Long Beach Canals. This additional portion of the project is critical in the success of the overall drainage project as it is needed to restore the capacity of the channel and improve the drainage of the overall system.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed activities. The Mississippi Department of Environmental Quality, Office of Pollution Control (OPC) is charged with the issuance of water

quality certification for permits which may result in any discharge into waters of the United States. OPC will make a decision relative to water quality for the proposed action upon completion of the required comment period.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, State of Mississippi, Department of Marine Resources (DMR) has the regulatory authority in the coastal zone of Mississippi pursuant to the Coastal Wetlands Protection Law (Section 49-27-1 through 69), enabling legislation in Section 57-15-6 for the Mississippi Coastal Program and the guidelines of the Mississippi Coastal Program. The Corps, Mobile District has determined the proposed action is consistent with the Coastal Zone Management Act to the maximum extent practicable. DMR will make a decision relative to coastal zone consistency for the proposed action upon completion of the required comment period.

USE BY OTHERS: The proposed action is not expected to cause significant land use changes in the adjacent areas.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:

In accordance with the requirements of the NEPA, a Draft Environmental Assessment (EA) addressing the proposed action has been prepared. A copy of this document is on file in the Corps, Mobile District and available for review upon request and also on the web at address <http://www.sam.usace.army.mil/>. 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 REPORT: Water quality impacts associated with the proposed action have been addressed in an evaluation report prepared in accordance with the guidelines promulgated by the U.S. Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act. Minor increases in turbidity may be experienced in the immediate vicinity of the project during the course of construction. This increase would be temporary and would return to pre-project conditions shortly after completion of construction. The Draft Section 404 (b)(1) Evaluation Report, dated October 2008, is on file in the Corps, Mobile District and available for review upon request and also on the web at address <http://www.sam.usace.army.mil/>. The report concludes that only minor and short-term turbidity impacts would result from the implementation of the proposed action. Based on comments to this public notice, the District Engineer will determine the need to incorporate those comments and update the Section 404(b)(1) Evaluation Report.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed action is being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service (USFWS) regarding potential impacts to endangered or threatened species and their critical habitat under their purview. Our preliminary review of this action

indicates that there would be no adverse effect on any listed endangered and/or threatened species or their critical habitat. The Corps, Mobile District anticipates the USFWS to concur with our determination.

ESSENTIAL FISH HABITAT (EFH): 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 in the vicinity of the proposed action: shrimp, red drum, and coastal migratory pelagic. 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. The proposed activities would not adversely impact intertidal wetlands and non-vegetated bottoms. Impacts would be temporal in nature associated with the construction of the Long Beach Canal Drainage Improvements project. The improvements to this area would in fact enhance EFH by promoting tidal circulation and flushing of the area. The proposed activities would not significantly affect coastal habitat identified as EFH in the project area. Based on the extent of this habitat in the general vicinity of the project and the temporal nature of the impact, the overall impact to fisheries resources is considered negligible.

CULTURAL RESOURCES CONSIDERATION: In accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 Code of Federal Regulations (CFR) 800, the Corps must consider the potential effects of this project on *historic properties* (cultural resource sites potentially eligible for or listed on the National Register of Historic Places). In addition, the Corps must afford the State Historic Preservation Officer (SHPO) and interested parties including but not limited to Native American Tribes (Tribes), the opportunity to comment on its determination of effects to *historic properties*. In order to assess the effects of the project, the Corps will conduct a records and literature search of the statewide survey and site files at the Mississippi Department of Archives and History, as well as other data as available, in order to identify existing resources. The search will include all areas of potential effect (APE) of the proposed project including the canal area, access roads, staging areas, and disposal areas. Previously identified *historic properties* will be avoided by the project. In addition, should areas of high archaeological potential be located within the project APE, intensive archaeological survey will be conducted. In areas of low potential, to include the existing channelized creek and physically altered landscapes (crowned roads, land leveled areas, existing disposal areas), no intensive survey is proposed.

The results of the background research and any intensive survey will be coordinated with the SHPO, Tribes, and interested parties. Should *historic properties* be identified, avoidance will be the preferred resolution of effect method. Based on the proposed studies and *historic property* avoidance, the Corps has determined that the action should have no effect on historic properties

in accordance with 36 CFR 800.4(d)(1). Therefore, the project is expected to have no significant impact to cultural resources.

Should unavoidable *historic properties* be found within the project APE, or previously undiscovered sites be located, or consultation with the SHPO or Tribe reveal unknown resources or Traditional Cultural Properties, further consultation and evaluation may become necessary. Should potential adverse effects be found, a Memorandum of Agreement may be necessary in order to resolve those effects to *historic properties*. In addition, the Advisory Council on Historic Preservation shall be notified and invited to participate as per 36 CFR 800.6(a)(1).

PROTECTION OF CHILDREN: On 21 April 1997, the President issued Executive Order (EO) 13045, *Protection of Children from Environmental Health and Safety Risks*. This EO requires Federal agencies, to the extent permitted by law and appropriate, and consistent with the agency's mission, to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risk to children that result from environmental health risks or safety risks. The drainage improvement project does not constitute a disproportionate risk to children.

ENVIRONMENTAL JUSTICE: EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, was issued on 11 February 1994. The order requires that Federal agencies conduct programs, policies, and activities that substantially affect human health or the environment so that there are no disproportionately high and adverse human health or environmental effects on minority and low income populations. This project is not designed to create a benefit for any group or individual, but rather benefits on a region-wide basis. There are no indications that the recommended plan would be contrary to the goals of EO 12898, or would create disproportionate, adverse human health or environmental impacts on minority or low income populations of the surrounding communities.

EVALUATION: The decision whether to proceed with the proposed action will be based on an evaluation of the probable impact including cumulative impacts of the proposed action on overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, would be considered including the cumulative effects thereof. 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

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Property ownership, and in general, the needs and welfare of the public. The proposed action will proceed unless it is found to be contrary to the overall public interest.

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

U.S. Environmental Protection Agency, Region 4
U.S. Department of the Interior, Fish and Wildlife Service
U.S. Department of Commerce, National Marine Fisheries Service
Gulf of Mexico Fishery Management Council
Regional Director, National Park Service
Commander, Eighth Coast Guard District
Mississippi Department of Environmental Quality
Mississippi Department of Marine Resources
Mississippi State Historic Preservation Officer

Other Federal, state, and local organizations, Native American Tribes, and United States Senators and Representatives of Mississippi are being sent copies of this notice and are invited to participate in coordinating this proposed action. You are requested to communicate the information contained in this notice to any person who may have interest in the proposed action.

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. FP08-MS01-02 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 Ms. Linda Brown at (251) 694-3786.



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

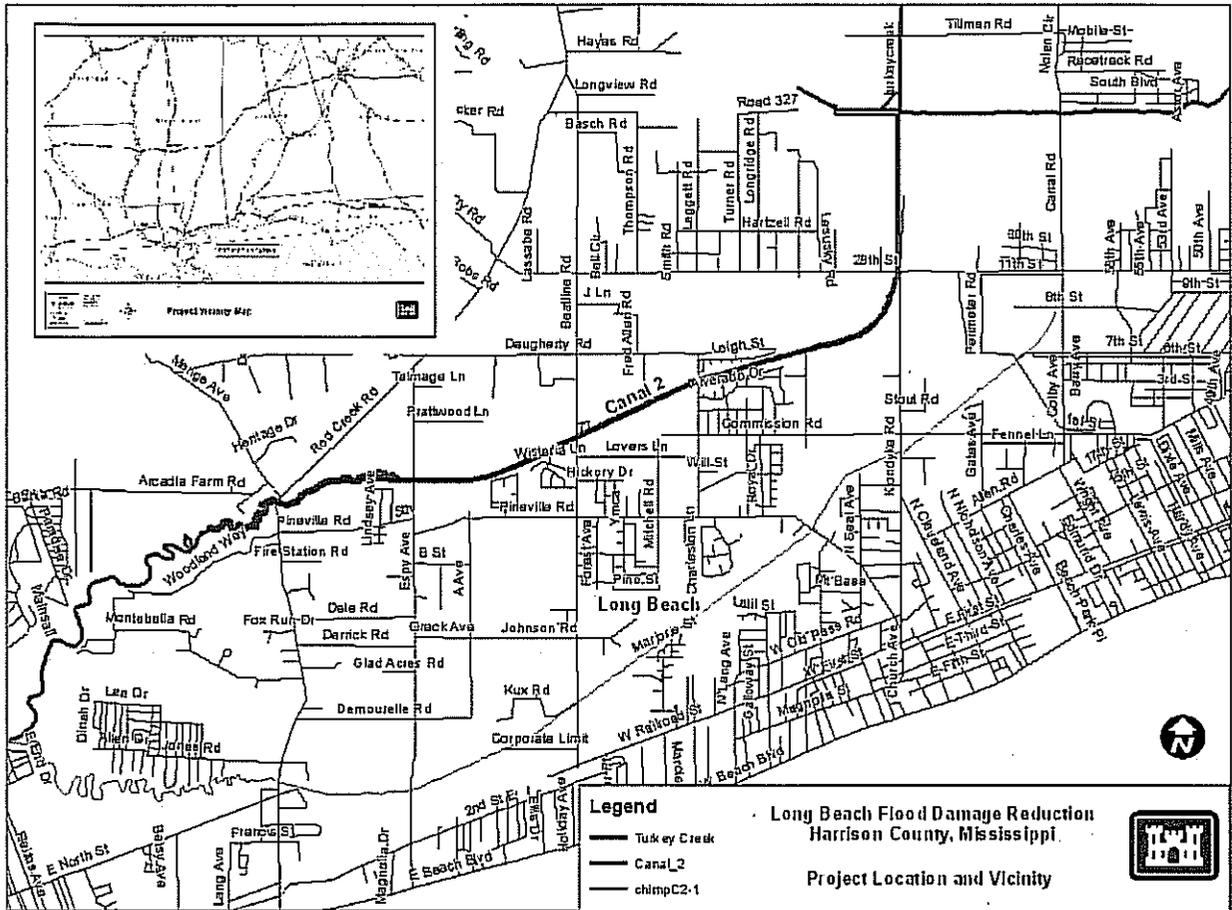


Figure 1: Vicinity Map of Long Beach Canals Project Area

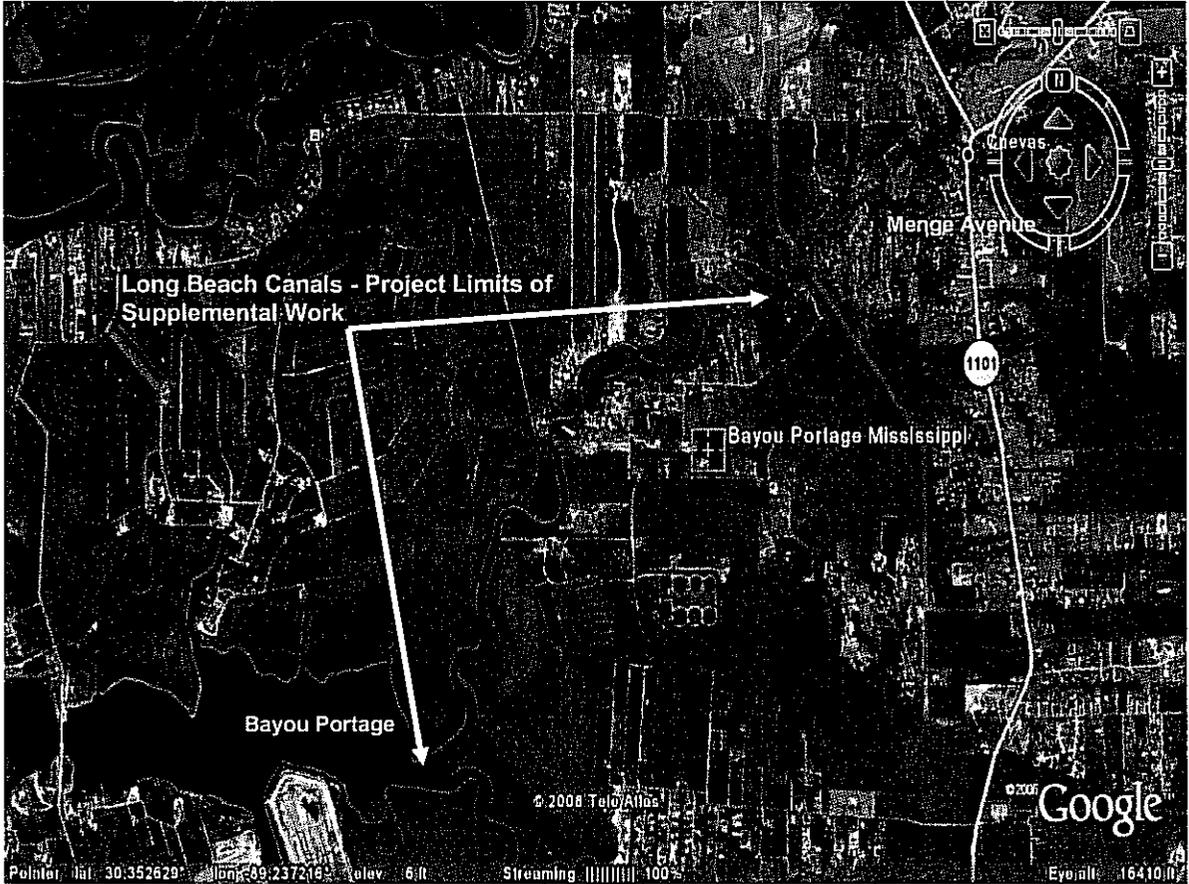


Figure 2. Additional Natural Stream Portion – Bayou Portage to Menge Avenue