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

REPLY TO
ATTENTION OF:

PUBLIC NOTICE NO. FP06-MH13-10 **December 19, 2006**
CESAM-PD-EC

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
MOBILE HARBOR TURNING BASIN
MOBILE COUNY, ALABAMA
A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers, Mobile District, proposes to construct a turning basin in the vicinity of the McDuffie Terminal as part of the Mobile Harbor Federal Navigation Project in Mobile County, Alabama (Figure 1). Material from the dredging of this project will be placed into existing and previously certified disposal sites associated with the Alabama State Port Authority (ASPA) McDuffie Terminal activities. 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 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 Federal Navigation Project, Mobile County, Alabama

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The Mobile Harbor Turning Basin was authorized as a portion of the Mobile Harbor Project in the Supplemental Appropriations Act of 1985 (PL 99-88), which was approved on 15 August 1985. The project was also authorized in the Water Resources Development Act of 1986 (PL 99-662), which was approved on 17 November 1986, and provides for development to deepen and widen the channel over the bar to 57 feet by 700 feet for 7.4 miles; deepen and widen the bay channel to 55 feet by 550 feet for 27 miles; deepen and widen an additional 3.6 miles of bay channel to 55 feet by 650 feet; and provide a 55-foot deep anchorage area and turning basin in the vicinity of Little Sand Island.

PROPOSED ACTION: The proposed action will excavate approximately 3 million cubic yards (cy) of sediment to construct the authorized turning basin in the Mobile River located between

Pinto Island to the north and Little Sand Island to the south. The eastern limit of the turning basin would be approximately 1,350 feet from the centerline of the existing ship channel. The depth of the turning basin would be to elevation -45.0 feet mean lower low water (MLLW) with 4 feet of advance maintenance and an additional 2 feet for allowable overdepth to account for imprecision of the dredge capability for a total depth elevation of -51.0 feet (MLLW). Side slopes at all locations would be approximately 1 vertical to 4 horizontal. The excavation will be performed using either or combination of a hydraulic pipeline dredge, bucket dredge, or hopper dredge. The location and configuration of the proposed turning basin in the Mobile River is illustrated in Figure 2. The dredged material will be disposed of entirely in approved and preexisting disposal areas.

DISPOSAL AREAS: The disposal sites used to accept the dredged material removed during construction of the turning basin will occur at three previously authorized disposal areas. Approximately 1.2 million cy of sandy material will be placed at Garrows Bend on land to be reclaimed associated with the Choctaw Point Terminal Project. The site will involve the construction of approximately 5,100 feet of dike with a finished elevation of approximately 14 ft NGVD. Impacts connected with the use of this site were addressed in the Final Environmental Impact Statement for the Choctaw Point Terminal Project, Mobile, Alabama, 2004. A permit was issued (AL-01-04269-L) for the construction of the proposed facilities in March 2005. The approximate location of the Garrows Bend disposal area is illustrated on the project map in Figure 1. A plan view of the disposal area is shown in Figure 3.

The remaining materials will be disposed in either or both the Sand Island Beneficial Use Area (SIBUA) (Figure 4) and Gaillard Island disposal site (Figure 5). Sediment consisting of predominantly sand will be placed in the SIBUA site for support and preservation of the Sand Island Lighthouse. Every attempt will be made to place approximately 500 thousand cy of material in this area. Materials containing higher fractions of fine grained materials will be placed at the Gaillard Island Site.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, State Water Certification is required for the proposed action. Water quality certification is being requested for a period of five (5) years. Upon completion of the required comment period, a decision relative to water quality certification will be made by Alabama Department of Environmental Management (ADEM).

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.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land and water use plans.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:
The impacts associated with the Mobile Harbor Turning Basin were addressed in the 1985 Supplemental Environmental Impact Statement for Mobile Harbor, Alabama, Channel Improvements. Impacts associated with the use of the Garrows Bend disposal areas were

addressed in the 2004 Final Environmental Impact Statement for Choctaw Point Terminal Project, Mobile, Alabama. A draft Environmental Assessment (EA) has been prepared and available for review in the Corps, Mobile District Office and can also be accessed online at http://www.sam.usace.army.mil/pd/Pd1.htm.

SECTION 404(b)(1) EVALUATION REPORT: A draft 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. Impacts associated with this action include a temporary increase in turbidity and suspended solids concentrations in and adjacent to the dredge and disposal areas, short-term elimination of benthic organisms and localized short-term degradation of esthetics near the disposal area. The draft report is available for review and included in the draft EA under Appendix A.

ENDANGERED/THREATENED SPECIES: In accordance with the Threatened and Endangered Species Act, coordination of listed species for this area was conducted in 1985 in the EIS for Mobile Harbor, Alabama Channel Improvement. Further coordination was also conducted for the adjacent area associated with the Choctaw Point Terminal Project, Mobile, Alabama in a 2004 EIS and considered to be the same environmental conditions. Based on these findings the construction of the turning basin will have no effect to any Federal listed threatened or endangered species. Aquatic species such as the Florida manatee, Gulf sturgeon, and sea turtles would not normally use the project area and would not likely exhibit incidental use of the area during project implementation. Because the area is not a major provider of life history requirements for these species, it has been determined that there will be no effect to these species as a result of the proposed action. Based on the no effect determination, coordination with the U.S. Fish and Wildlife Service will be initiated through this public notice.

ESSENTIAL FISH HABITAT: EFH is defined as those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity and include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include aquatic areas historically used by fish where appropriate. In waters surrounding the proposed project area, such as the mouth of the Mobile River, these EFH include areas such as emergent wetlands, seagrass beds, algae flats, mud, sand, and shell substrates. The Mobile Harbor Turning Basin, EFH including mud/sand substrate and water column are present for species such as red drum, brown shrimp, pink shrimp, and white shrimp. The area may also provide habitat for prey species (e.g. shad, croaker, and spot) that are consumed by larger commercially important species. In addition, the area provides habitat for spotted seatrout, striped mullet, southern flounder, Atlantic croaker, and Gulf menhaden.

Coordination with the NMFS, Protected Species Management Branch, in Panama City, Florida in accordance will be initiated through this Public Notice for the operations involving construction of the turning basin. Based on the findings of the EIS for the Choctaw Point Terminal Project it has been established that salinity levels in the project area are too low to maintain substantial populations of the EFH species listed above. Given the low salinity levels and absence of SAV in the turning basin area, it has been determined that the proposed action would have no affect on EFH under the purview of NMFS.

CULTURAL RESOURCES CONSIDERATION: A marine remote sensing survey utilizing both magnetometer and side-scan sonar data has been conducted over the entire proposed project area. No targets with the potential to be cultural resources were identified during these surveys. As a result of the negative findings, this project will pose no effect to cultural resources within the project area. These findings and recommendations have been coordinated with the Alabama State Historic Preservation Officer who has concurred with the investigation.

CLEAN AIR ACT: Air quality in the vicinity of the proposed action would not be significantly affected with 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 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 criteria pollutants.

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 with this project 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
Field Representative, Fish and Wildlife Service
Regional Director, National Park Service
Regional Director, National Marine Fisheries Service
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
Federal Emergency Management Agency

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 30 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. FP06-MH13-10 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, in time to be received prior to January 19, 2007. For additional information please contact Larry Parson at (251) 690-3139.

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

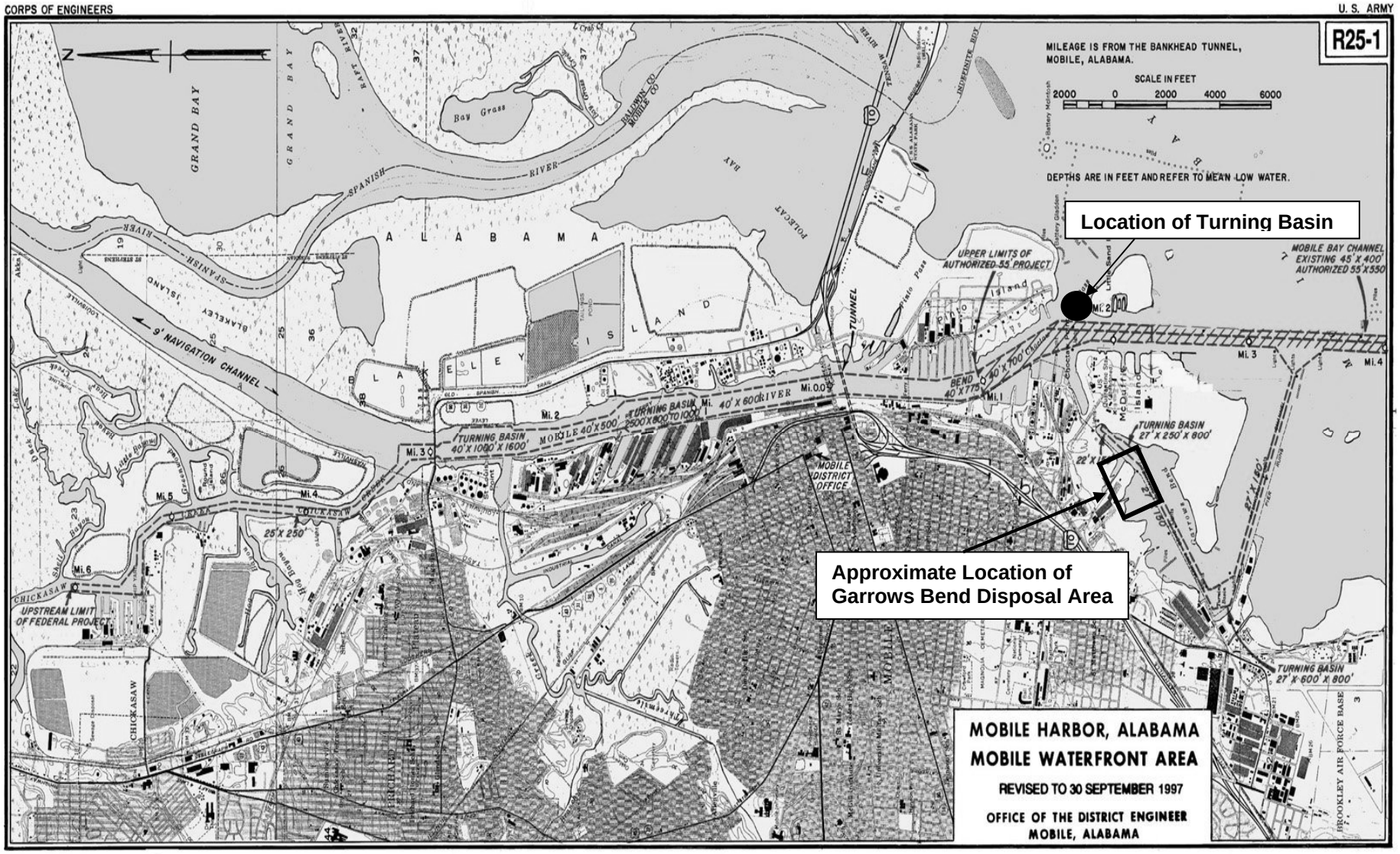

Figure 1. Map of Existing Mobile Harbor Federal Navigation Project Dimensions

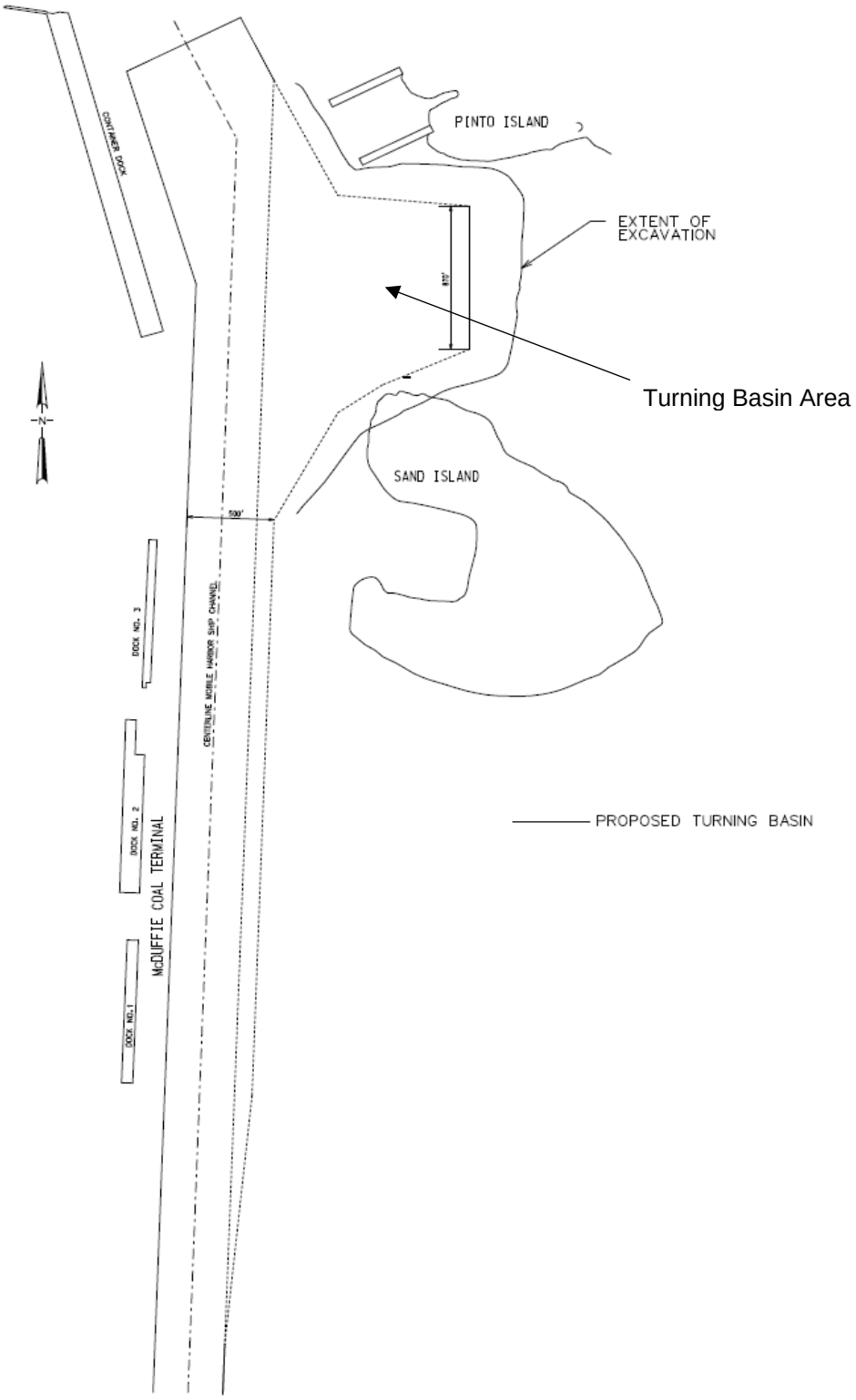

Figure 2. Location and configuration of the proposed turning basin

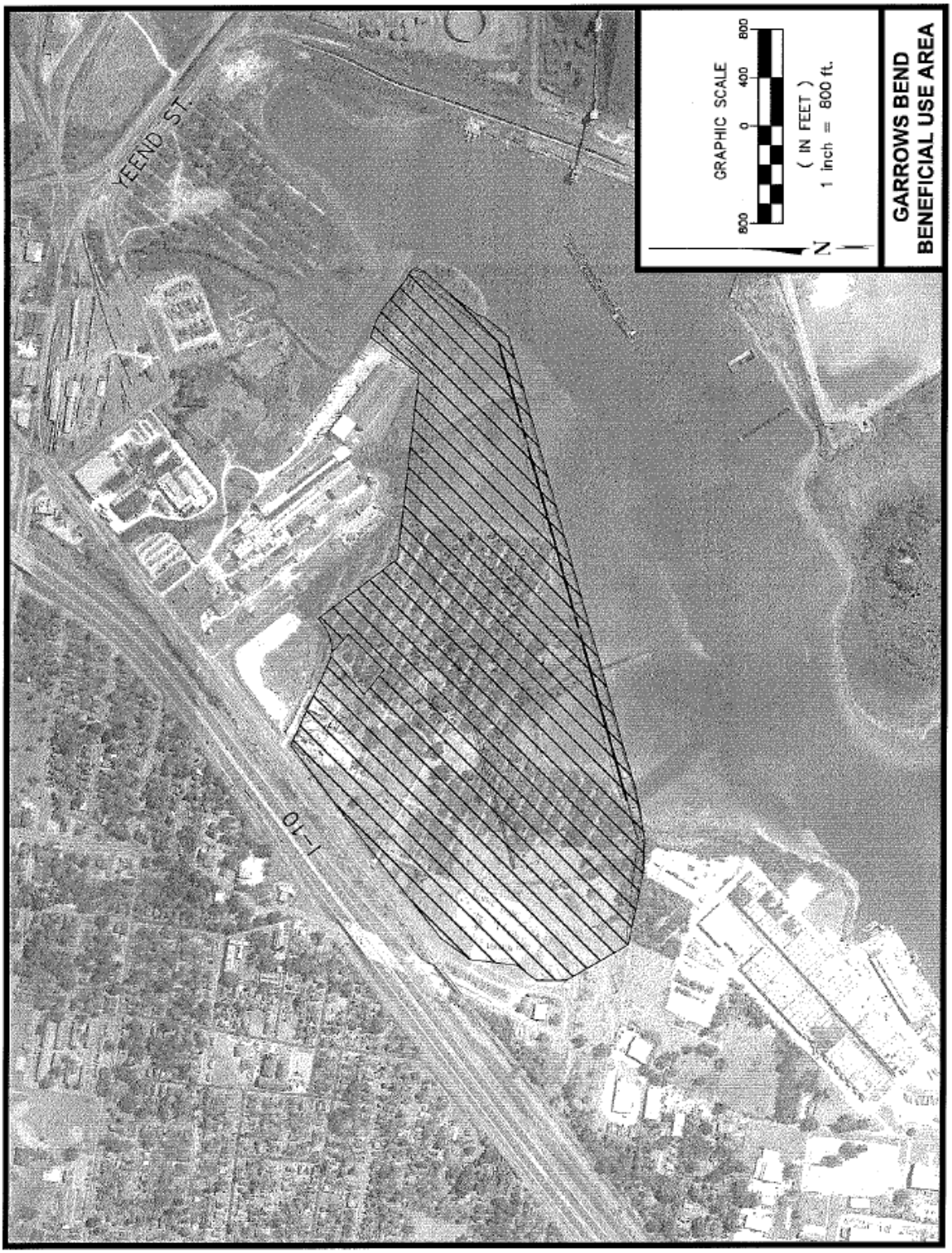

Figure 3. Garrows Bend Disposal area

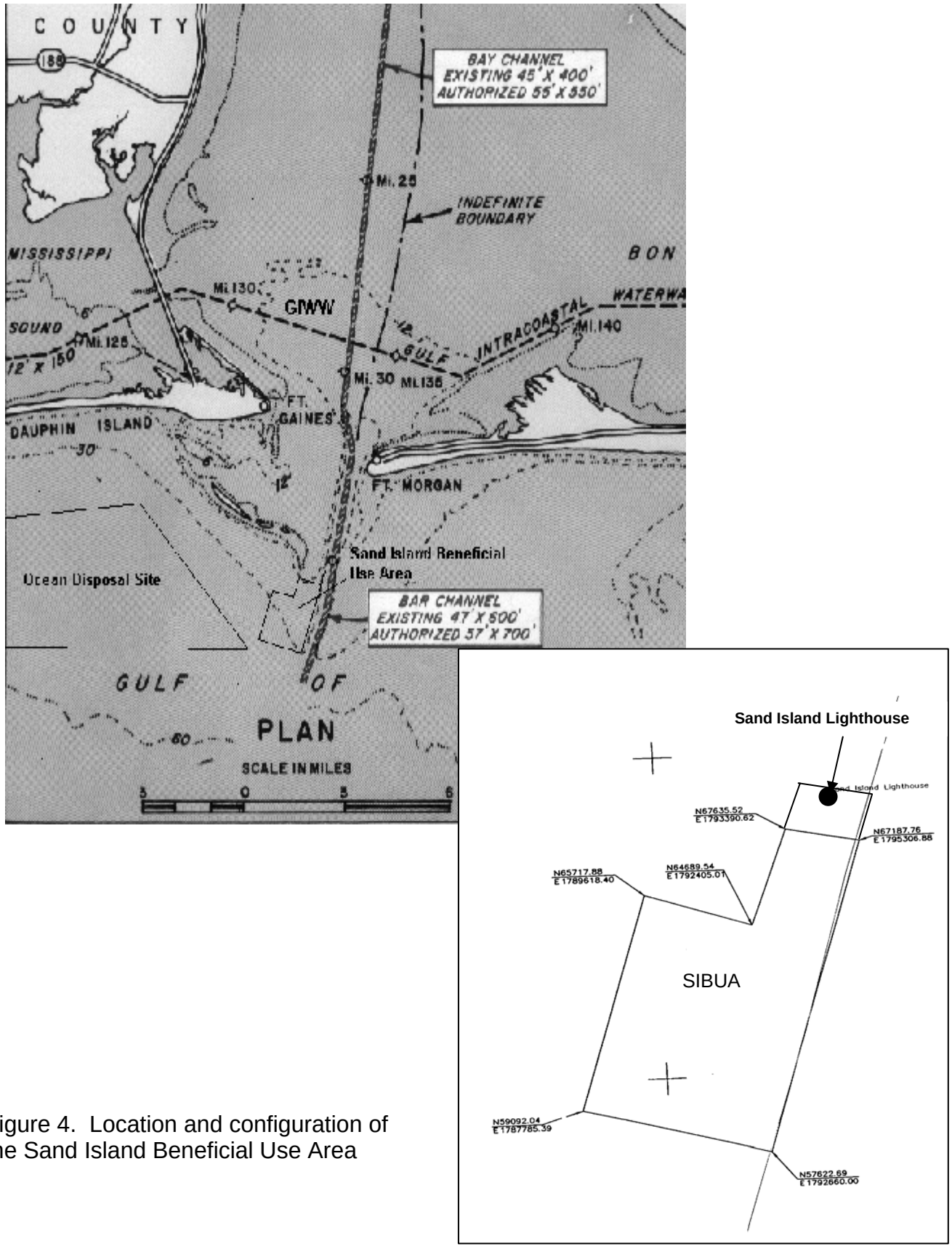

Figure 4. Location and configuration of the Sand Island Beneficial Use Area

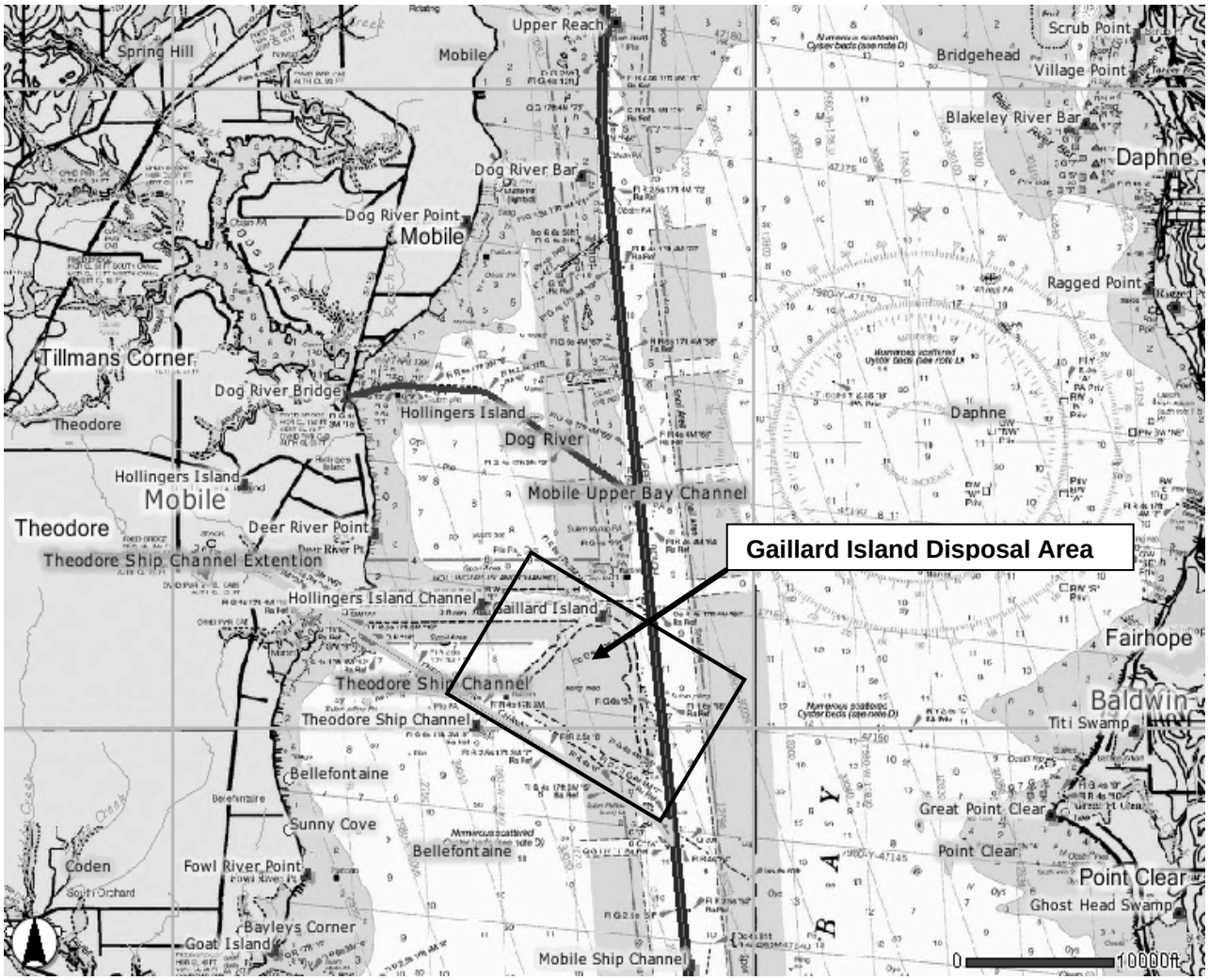

Figure 5. Location of the Gaillard Island disposal area