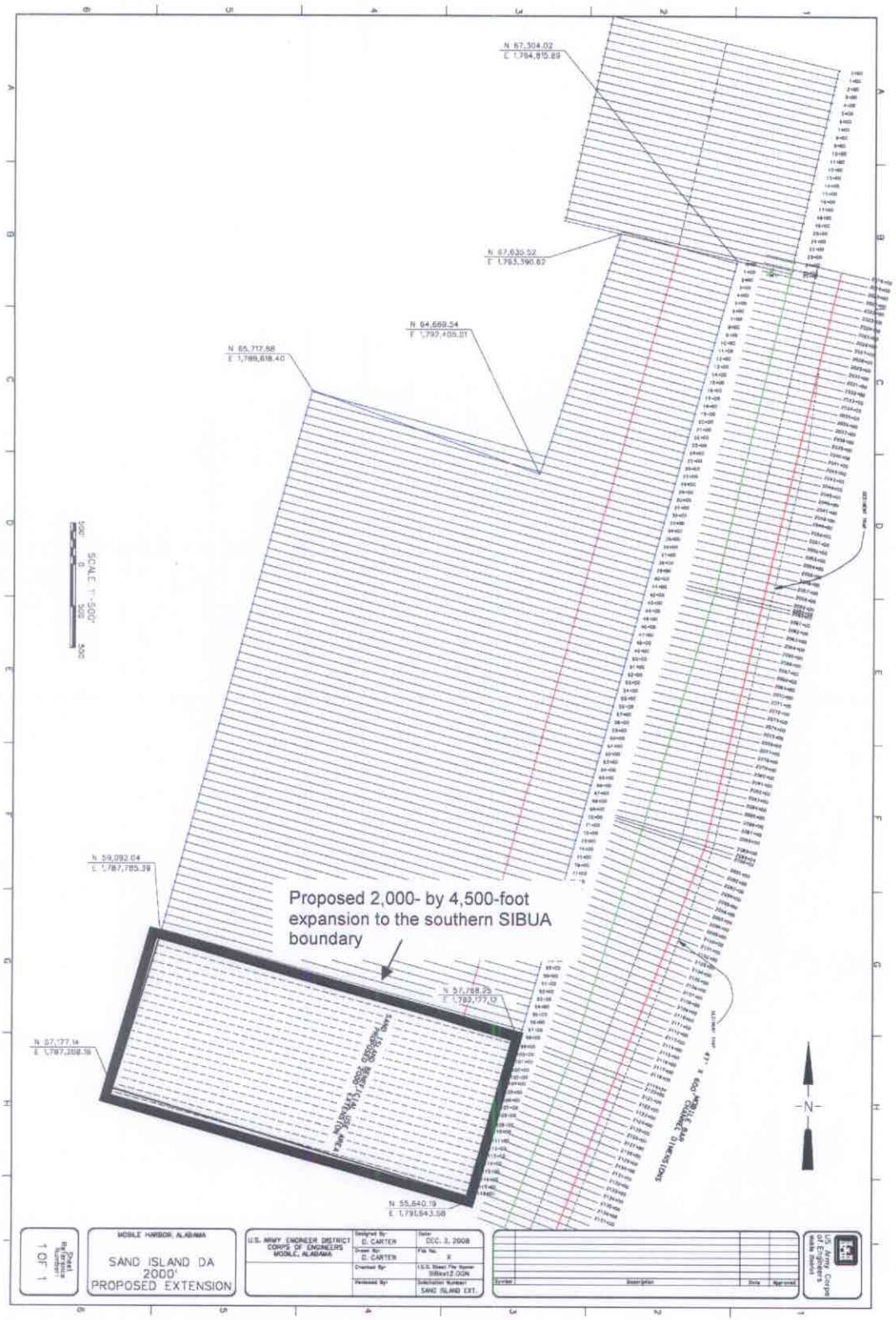

Figure 4. Proposed expansion area for the SIBUA

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. FP08-MH14-05 **5 December 2008**

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

MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES
MOBILE HARBOR NAVIGATION PROJECT
MOBILE COUNTY, ALABAMA

EXPANSION OF THE SAND ISLAND BENEFICIAL USE AREA

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District, proposes to expand the Sand Island Beneficial Use Area (SIBUA) disposal site by extending the southern end of the disposal area approximately 2,000 feet southward. Placement of sandy material in this area will provide sufficient depths for access of the dredge equipment while continuing to place material from the bar channel in a manner that returns this material to the local littoral system.

This public notice is issued in accordance with 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: Mobile Bar Channel and the Gulf of Mexico, Mobile County, Alabama.

DESCRIPTION OF THE ENTIRE EXISTING PROJECT: The existing Mobile Harbor, Alabama navigation project **(Figure 1)** consists of the following:

(a) a 47-foot by 600-foot channel about 1.5 miles long across Mobile Bar;
(b) a 45-foot by 400-foot channel in Mobile Bay to mouth of Mobile River;
(c) a 40-foot channel in Mobile River to highway bridge, varying from 500 to 775 feet wide;

(d) a 25-foot channel from highway bridge to and up Chickasaw Creek to a point 400 feet south of mouth of Shell Bayou, widths being 500 feet in Mobile River and 250 feet in Chickasaw Creek;

(e) a turning basin 40 feet deep, 2,500 feet long, and 800 to 1,000 feet wide, opposite Alabama State Docks;

(f) a turning basin 40 feet deep, 1,000 feet wide, and 1,600 feet long opposite Magazine Point;

(g) a 27-foot by 150-foot channel from Mobile Bay Channel along Arlington Pier to a turning basin 800 feet long and 600 feet wide opposite Brookley Complex ocean terminal, and continuing thence to a turning basin 250 feet wide and 800 feet long in Garrows Bend, thence a 22-foot by 150-foot channel to the causeway linking McDuffie Island to the mainland;

(h) a channel serving the Theodore Industrial Park 40 feet deep and 400 feet wide from the main ship channel in Mobile Bay and extending northwesterly for about 5.3 miles to the shore of Mobile Bay, including an anchorage basin near the shoreline, thence a land cut 40 feet deep, 300 feet wide and 1.9 miles long to and including a 42 acre trapezoid turning basin 40 feet deep, and a barge channel 12- by 100 feet, extending 6500 feet and terminating in a 300-by 300-foot turning basin; and

(i) maintenance of Three Mile Creek by snagging, from its intersection with Industrial Canal to Mobile River. The project provides also for an anchorage area 32 feet deep, 100 feet wide, and 2,000 feet long opposite site formerly occupied by the U.S. Quarantine Station at McDuffie (Sand) Island.

Prior to widening the Mobile Bay Channel as authorized in 1954, the Quarantine Station anchorage area was maintained to a project width of 200 feet. Construction by local interests of a solid-fill causeway across Garrows Bend Channel between McDuffie Island and the mainland is also provided for under existing project. Total length of the bay and river channels is about 41.7 miles. Plane of reference is mean lower low water. Further authorization in 1986 provides for future development to deepen and widen entrance channel over the bar to 57 feet by 700 feet about 7.4 miles long, deepen and widen bay channel to 55 feet by 550 feet about 27.0 miles long, deepen and widen an additional 3.6 miles of bay channel to 55 feet by 650 feet and provide 55-foot deep anchorage area and turning basin in vicinity of Little Sand Island. Although the authorized project is for the construction of a 55-foot by 550-foot channel, Phase I construction completed in 1990 consisted of deepening the entrance channel from 42 feet to 47 feet for a distance of 6.1 miles from the Gulf of Mexico to Mobile Bay; and deepening the bay channel from 40 feet to 45 feet from the mouth of the bay north for a distance of 31.2 miles to the McDuffie Coal Terminal.

The existing project was authorized by Section 201 of the Water Resources Development Act of 1986 (Public Law 99-662, November 17, 1986, and previous acts).

Controlling Depth: Maintained to authorized depths: As of 1 June 1990: outer Bar Channel, 47.0 feet; Bay Channel, 45.0 feet; Chickasaw Creek Channel, 25.0 feet; Arlington Channel, 27.0 feet; Turning Basin to Highway Bridge, 40.0 feet.

DESCRIPTION OF PROPOSED ACTION: The Corps conducts maintenance dredging and disposal activities in the Mobile Bar Channel on a one to two year cycle. The primary disposal area for the material removed from the bar channel includes an area known as the SIBUA as illustrated in **Figure 2**. The beneficial use area is located west of the navigation channel and is intended to keep valuable sand removed from the bar channel in the local littoral system. In September 2004, a modification of the SIBUA was issued to expand the disposal site to include the area around the Sand Island Lighthouse **(Figure 3),** which is a valuable cultural resource listed on the National Register of Historic Places. This action was coordinated with and approved by the Alabama State Historic Preservation Officer. Placement of sandy material around the lighthouse's rubble foundation is intended to provide protection to the historic structure.

In order to continue beneficial use practices and to accommodate the dredges used for placing the material within the SIBUA, the Corps is requesting further expansion of the SIBUA due to the site depths changing. The proposed expansion consists of extending the 4,500-foot wide southern boundary approximately 2,000 feet to the south as illustrated in **Figure 4**. This expanded area will provide sufficient depths for access of the dredge equipment while continuing to place material from the bar channel in a manner that returns this material to the local littoral system.

The sandy sediments placed in the SIBUA have been deemed compatible with sediments in the SIBUA from a biological and physical standpoint according to guidelines established by the Corps and the U.S. Environmental Protection Agency. Placement activities are typically accomplished using hopper dredges; however, hopper barges or hydraulic pipeline dredges may be used as necessary. The quality of the sediment being placed in the SIBUA ranges from sand to silty sandy material.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, a modification to the existing state water quality certification is requested from the Alabama Department of Environmental Management (ADEM) to cover the activities associated with the proposed placement of suitable dredged material from the bar channel in the SIBUA. A decision relative to water quality certification will be made by ADEM upon completion of the required 15-day 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 15-day 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 in the vicinity of the project. Use of the waters in the vicinity of the project area includes commercial shipping, fishing and recreational boating.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the NEPA, impacts associated with navigation improvements for the Mobile Harbor navigation project were addressed in an Environmental Impact Statement (EIS) dated October 1980. In addition, a Supplemental EIS dated December 13, 1985, was prepared to address impacts associated with the offshore placement (Gulf Disposal Area) of dredged material from construction of navigation improvements and channel maintenance activities, and for the designation of an offshore placement sites(s). The Record of Decision implementing the harbor improvements was signed January 8, 1987. The EIS and Supplemental EIS were coordinated with all applicable Federal, State and local agencies and interested public. A final environmental assessment (EA) was prepared to address impacts associated with the placement activities in the beneficial use area dated March 1997, and a Finding of No Significant Impact (FONSI) signed on March 1997. A Supplemental EA is currently being prepared and comments received from this Public Notice will be incorporated into the final document.

SECTION 404 (B)(1) EVALUATION REPORT: Water quality impacts associated with the proposed action have been identified in an evaluation report prepared in the original SIBUA designation under Public Notice Number FP97-MH08-02 and in accordance with Public Law 92-500, Section 404(b)(1) Guidelines promulgated by the U.S. Environmental Protection Agency under the Clean Water Act. Impacts discussed in the section 404(b)(1) evaluation report identified temporary increases in turbidity and suspended solids concentrations near the disposal area, short-term elimination of benthic organisms, and localized short-term degradation of esthetics near the disposal area. Recent sediment quality investigations performed in the channel show the material to be substantially free of contaminants of concern and suitable for open-water disposal following the guidelines of the Inland Testing Manual. A Section 404(b)(1) Evaluation Report is currently being prepared and comments received from this Public Notice will be incorporated into the final document.

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) by this public notice. Some species listed by the FWS and NMFS as endangered or threatened are occasional visitors to the vicinity of the project area. Impacts to Gulf sturgeon have been evaluated by NMFS in the Regional Biological Opinion for Hopper Dredging in the Gulf of Mexico. Based on our determination, no endangered or threatened species or their critical habitats will be adversely impacted by the proposed expansion of the SIBUA and placement of sediment in this area.

ESSENTIAL FISH HABITAT: Essential Fish Habitat (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 seek 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, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column. The habitat in the project area, which is located just outside the mouth of Mobile Bay, consists of Gulf of Mexico waters and sandy substrate consistent with sediment along the northern Gulf of Mexico. 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. Based on 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 the Gulf of Mexico, we do not anticipate that the proposed action would result in long-term adverse effects to EFH.

CULTURAL RESOURCES CONSIDERATION: In September 2004, a modification of the SIBUA was issued to expand the disposal site to include the area around the Sand Island Lighthouse, which is a valuable cultural resource listed on the National Register of Historic Places. This action was coordinated with and approved by the Alabama State Historic Preservation Officer (SHPO). Placement of sandy material around the light house's rubble foundation is intended to provide protection to the historic structure. Similarly, continued placement of sandy material within the existing SIBUA and the proposed expanded area would supply a continued source of sand to the local system and provide protection to the historic resource. A letter is being sent to Alabama SHPO for their concurrence with our determination.

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 proposed action 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, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Protected Species Branch, 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. FP08-MH14-05 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 or Mr. Michael Malsom at 251-690-2023.

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

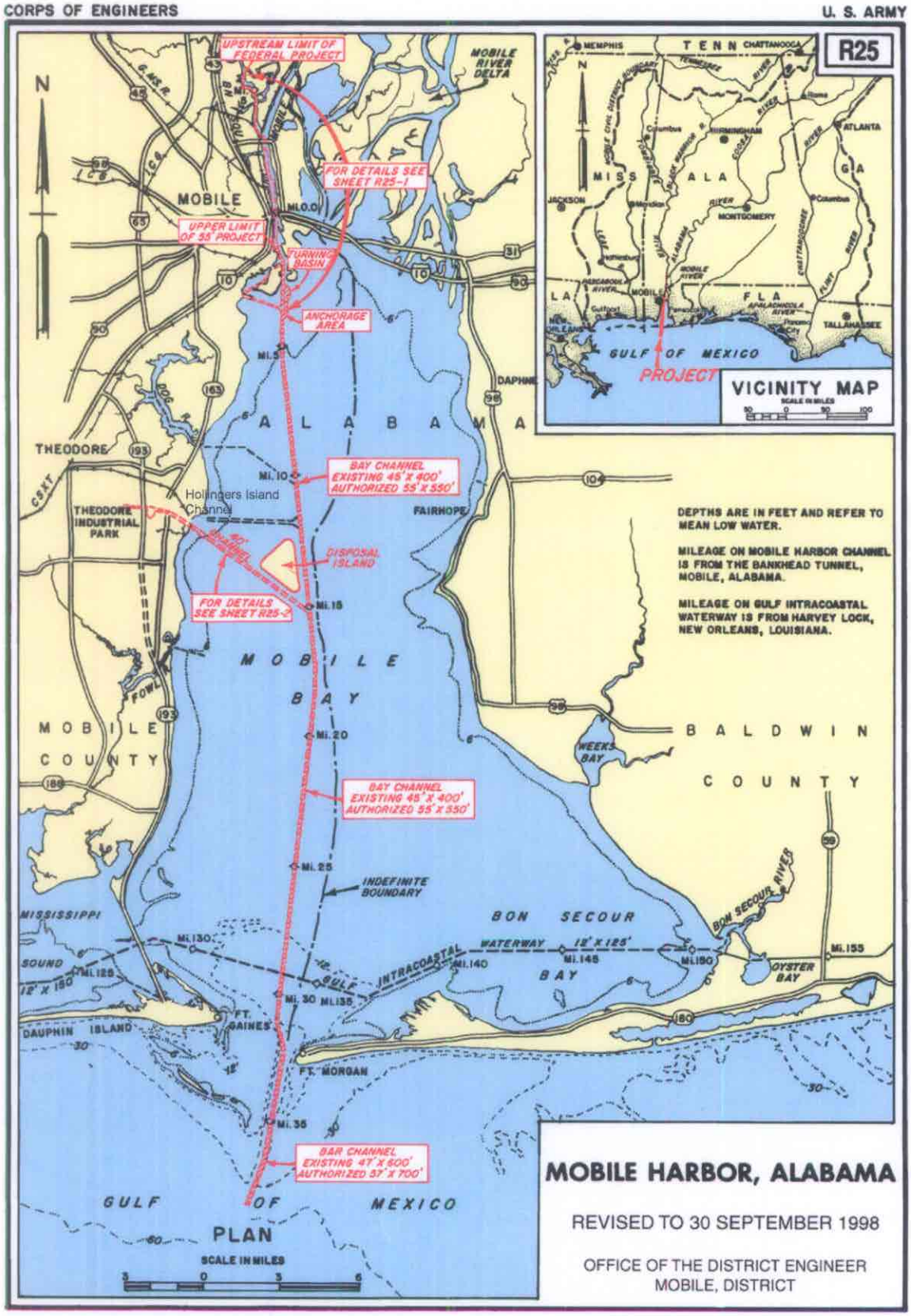

Figure 1. Mobile Harbor Federally Authorized Navigation Project.

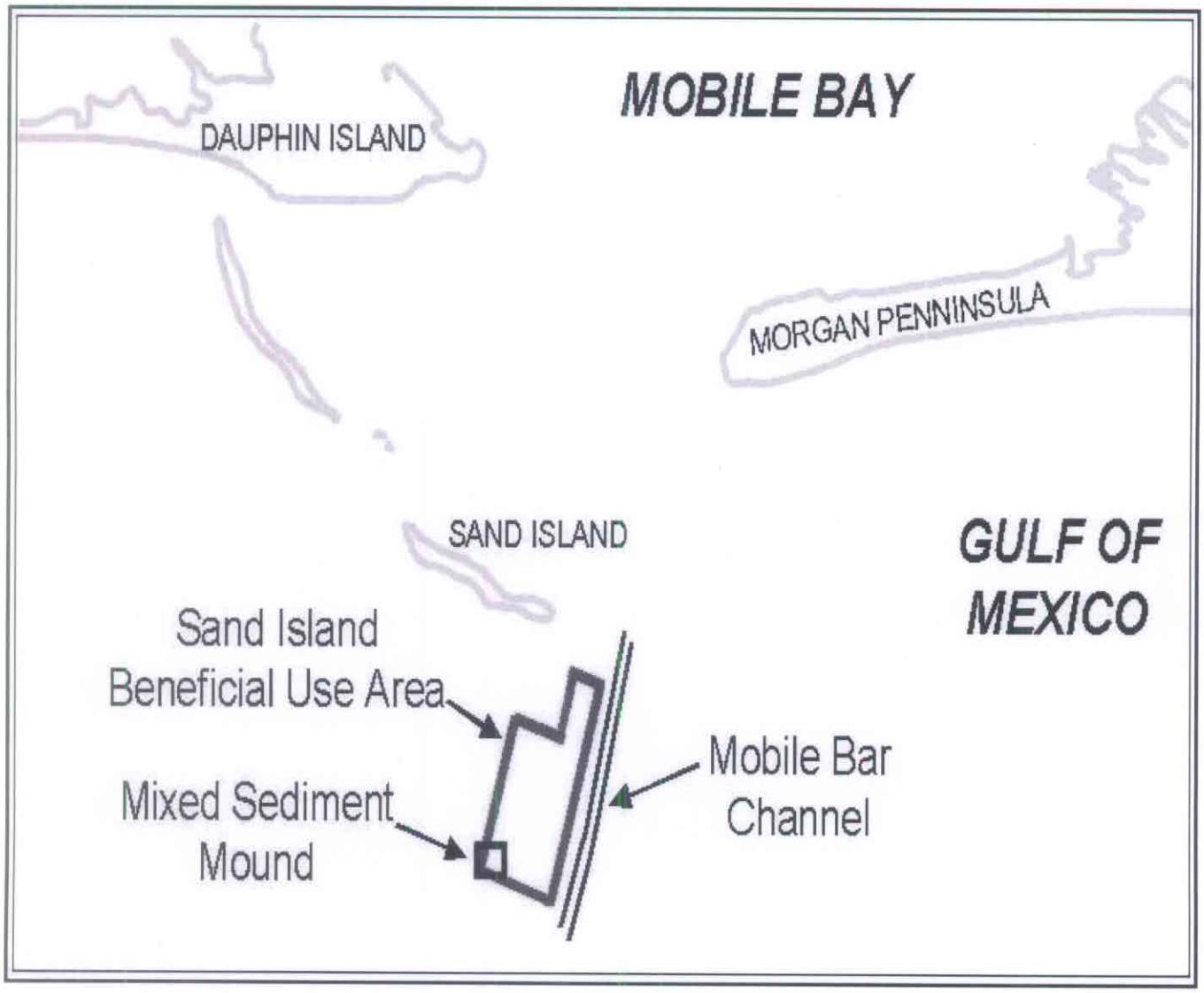

Figure 2. Location of the Mobile Bar Channel and Sand Island Beneficial Use Area (SIBUA)

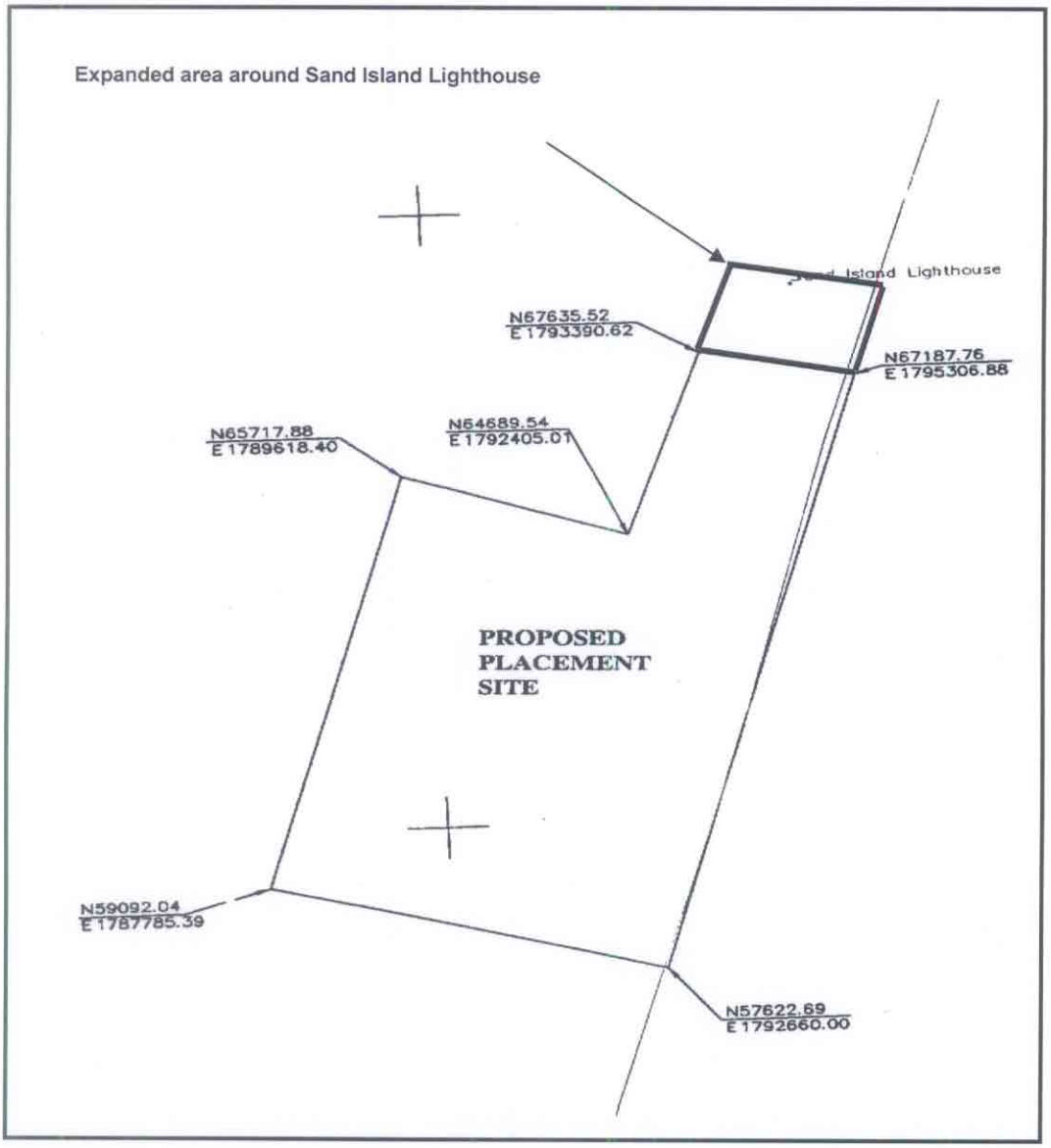

Figure 3. Previous expansion of SIBUA to include the area around Sand Island Lighthouse