



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. FP11-BH01-05

August 5, 2011

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY,
OFFICE OF POLLUTION CONTROL
AND
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
FOR
BENEFICIAL USE OF DREDGED MATERIAL ON DEER ISLAND,
MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES**

BILOXI HARBOR NAVIGATION PROJECT

A FEDERALLY AUTHORIZED PROJECT

15 DAY REVIEW

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District proposes to beneficially use dredged material from the Biloxi Harbor federally authorized navigation project and place the material adjacent to Deer Island, Harrison County, Mississippi.

This Public Notice is issued in accordance with the rules and regulations published in the Federal Register on April 26, 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 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: Biloxi Harbor, Harrison County, Mississippi.

DESCRIPTION OF THE AUTHORIZED PROJECT: The existing Biloxi Harbor, Mississippi navigation project (**Figure 1**) consists of the following channel segments:

Lower Harbor:

The 10-mile East Access Channel extends northward from the Gulf Intracoastal Waterway (GIWW) east of Deer Island to the railroad bridge just north of Highway 90 crossing to the mouth of the back bay of Biloxi. The channel dimensions are 12 feet deep by 150 feet wide.

The West Access Channel is a total of 7 miles long, consisting of the 4-mile West Approach Channel west of Deer Island, which measures 10 feet deep by 150 feet wide, and the 3-mile Biloxi Lateral Channel north of Deer Island, which measures 12 feet deep by 150 feet wide and joining the East Access Channel at mile 2.5.

Upper Harbor:

The Main Back Channel extends from the railroad bridge just north of U.S. Highway 90 through the Back Bay of Biloxi to the D'Iberville Bridge (I-110), a distance of approximately 4-miles. The channel dimensions are 12 feet deep by 150 feet wide.

The Ott Bayou Channel at 12 feet deep by 150 feet wide extends from the junction of the main Back Bay Channel for a distance of 1.2-miles and terminates at a 12-foot deep by 600-foot wide turning basin located opposite of Ott Bayou.

The East Harrison County Canal at 12 feet deep by 150 feet wide extends a distance of approximately 2,100 foot long channel from the main Back Bay Channel and terminates at a turning basin fronting the northeast shore of the City of Biloxi.

Back Bay Portion:

The Back Bay Channel (remainder) at 12 feet deep by 150 feet wide extends from the D'Iberville Bridge (I-110) to the junction of Bernard Bayou and the Industrial Seaway.

The Industrial Seaway is five miles long and includes turning basins in Gulfport Lake and at the western terminus of the channel. The dimensions of the channel vary from 12 feet deep by 150 feet wide from the Back Bay channel to the turning basin in Gulfport Lake and 12 feet deep by 100 feet wide from that point to the western terminus.

The restoration of Deer Island was authorized under Section 528 of the Water Resources Development Act (WRDA) of 2000.

DESCRIPTION OF THE PROPOSED ACTION: The federally authorized Biloxi Harbor navigation project was most recently certified in 2007 with Public Notice FP07-BH01-14. Due to the recent reconstruction of the southern Deer Island shoreline in 2011 under Section 528 of the Water Resources Development Act of 2000, there is a unique opportunity to beneficially use dredged material on the island which will create some inter-tidal marsh and enhance the local coastal ecosystem. The purpose of this public notice is to include a beneficial use placement site adjacent to Deer Island to accommodate channel maintenance material from the Biloxi Harbor Federal navigation project. The Corps, Mobile District proposes to beneficially use a portion of

the dredged material from the Lower Harbor section of the Federal navigation channel. Up to 1,000,000 cubic yards (cys) of maintenance material dredged from the East Access Channel could be placed in the beneficial use site located adjacent to Deer Island (**Figures 2, 3 & 4**). This site adjacent to Deer Island will likely be beneficially used multiple times over an extended period of time due to dredged material consolidation. Any additional dredged material from the East Access Channel would be placed in the designated open water disposal areas (**Figure 5**). If additional funding is available, several hundred thousand cys of dredged material from the West Approach and Lateral Channels (**Figure 5**) may also be dredged and beneficially used or placed within designated open-water disposal sites.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action described above. Water quality certification will be requested from the Mississippi Department of Environmental Quality, Office of Pollution Control (MDEQ-OPC). Upon completion of the required 15-day comment period, a decision relative to water quality certification will be made by MDEQ-OPC.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Mississippi Coastal Program to the maximum extent practicable. Concurrence with this determination will be requested from the Mississippi Department of Marine Resources (MDMR). Upon completion of the required 15-day comment period, a decision relative to coastal zone consistency will be made by MDMR.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land and water use plans in the vicinity. Use of the waters in the vicinity of the project area includes fishing and recreational boating.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of NEPA, an Environmental Impact Statement (EIS) for the entire Biloxi Harbor Navigation Project was filed with the President's Council on Environmental Quality on May 30, 1974. The EIS was coordinated with all applicable Federal, state and local agencies and the interested public. Previous Environmental Assessments (EAs) have been prepared to address potential impacts associated with modifications to the maintenance dredging and placement plan for the Biloxi Harbor navigation project. A Finding of No Significant Impact (FONSI), EA, and Section 404(b)(1) Evaluation were prepared to address impacts resulting from dredging and placement activities for the entire Biloxi Harbor Federal Navigation Project and the Deer Island Section 204 Ecosystem Restoration Project in 2002. The Biloxi Harbor navigation project was re-certified in 2007 and is currently certified until August 2012. These documents are on file and are available for review at the USACE, Mobile District Office.

SECTION 404 (B)(1) EVALUATION REPORT: Water quality impacts associated with the proposed action have been identified in an evaluation report prepared 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. The Draft Section 404 (b)(1) Evaluation is on the district's website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review. The report concludes that

only minor and short-term turbidity impacts would result from the implementation of the proposed action.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed Federal action at the Biloxi Harbor is being coordinated with the U.S. Fish and Wildlife Service (USFWS) and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS) Protected Resource Division to determine if the following threatened and endangered species: Gulf sturgeon; West Indian manatee, piping plover; and the loggerhead, green and Kemp's ridley sea turtles may be affected by the proposed project.

Critical habitat for the Gulf sturgeon within the project vicinity is identified as Unit 8 consisting of the Mississippi Sound. The primary constituent elements essential for the conservation of the Gulf sturgeon are those habitat components that support foraging, riverine spawning sites, normal flow regime, water quality, sediment quality, and safe unobstructed migratory pathways. The Mississippi Sound system provides feeding, water quality, sediment quality, and migration habitat for Gulf sturgeon. Gulf sturgeon have been identified between the barriers islands' passes potentially feeding. The project is maintained via a hydraulic pipeline dredge. Gulf sturgeon are not adversely impacted by hydraulic dredges according to past coordination with the NMFS. Furthermore, the dredges and other heavy equipment would also not adversely impact the sturgeon because we anticipate that they would temporarily avoid the project area due to the elevated noise level. Based on review of endangered and threatened species that could occur within the Biloxi Harbor navigation project area, the Corps, Mobile District has determined that the proposed action would not adversely impact any listed species or their critical habitat. Concurrences from these agencies are anticipated.

CULTURAL RESOURCES CONSIDERATION: The National Register of Historic Places has been consulted during past certification efforts and no properties listed on, being nominated to or determined eligible for the National Register are located in the project vicinity. There are no reported historic shipwrecks in the vicinity of the Biloxi Harbor navigation project. No impacts to cultural resources are anticipated. Based on the history of the project, agency concurrence with our no effect determination is anticipated. Copies of this notice are being sent to the Mississippi State Historic Preservation Officer and the U.S. Department of Interior, National Park Service, Atlanta, Georgia.

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 Biloxi Harbor 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. The Corps, Mobile District has determined there would be 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 intertidal 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. 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, which 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, Jackson, Mississippi
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
Mississippi State Historic Preservation Officer
Mississippi Department of Environmental Quality, Office of Pollution Control
Mississippi Department of Marine Resources
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 Mississippi are being e-mailed 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 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 15 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 Public Notice No. FP11-BH01-05 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. If you require additional information, please contact Mr. Michael F. Malsom at (251) 690-2023, or by email at michael.f.malsom@usace.army.mil.



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

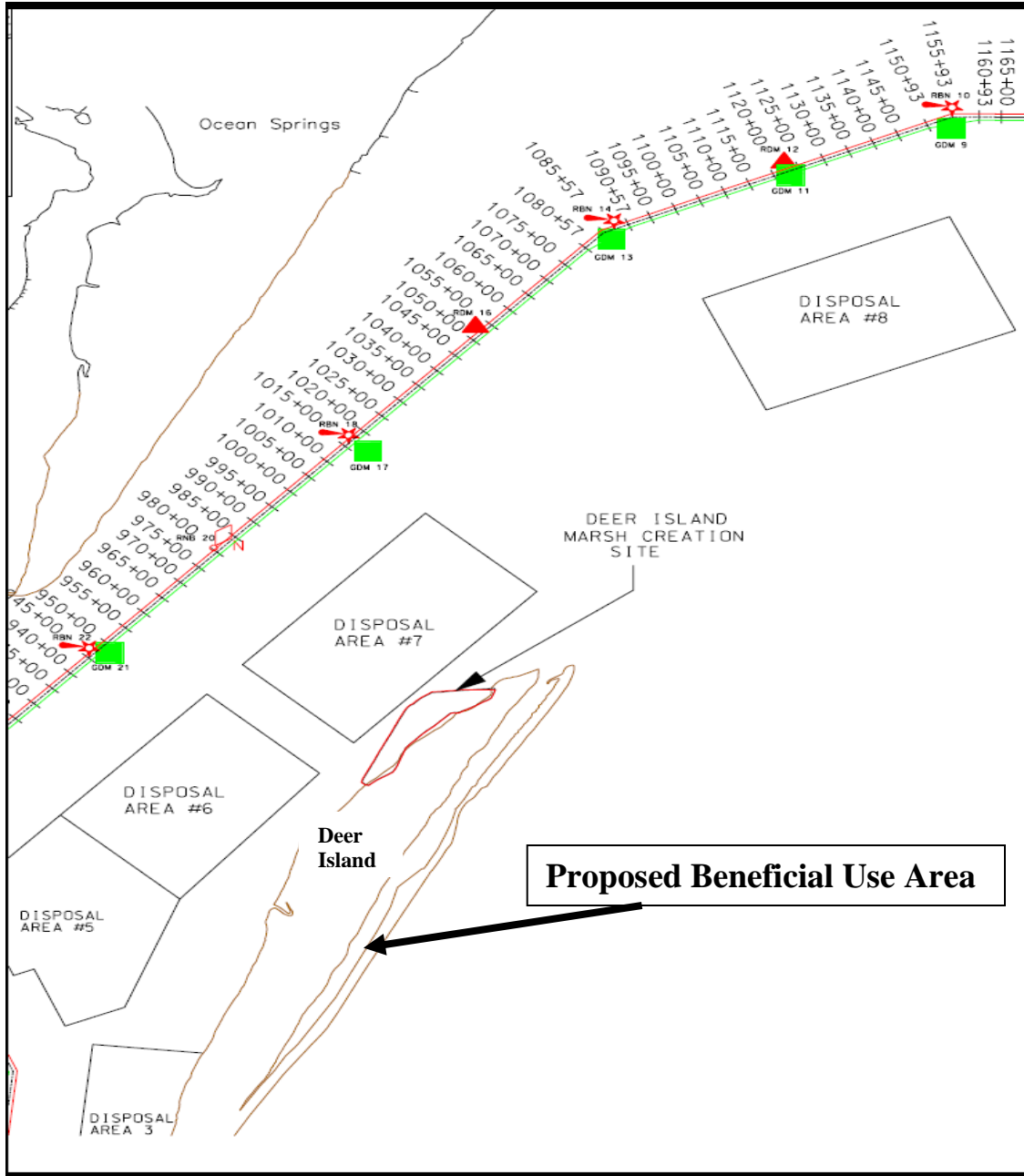


Figure 2. Map of Deer Island's Proposed Beneficial Use Area

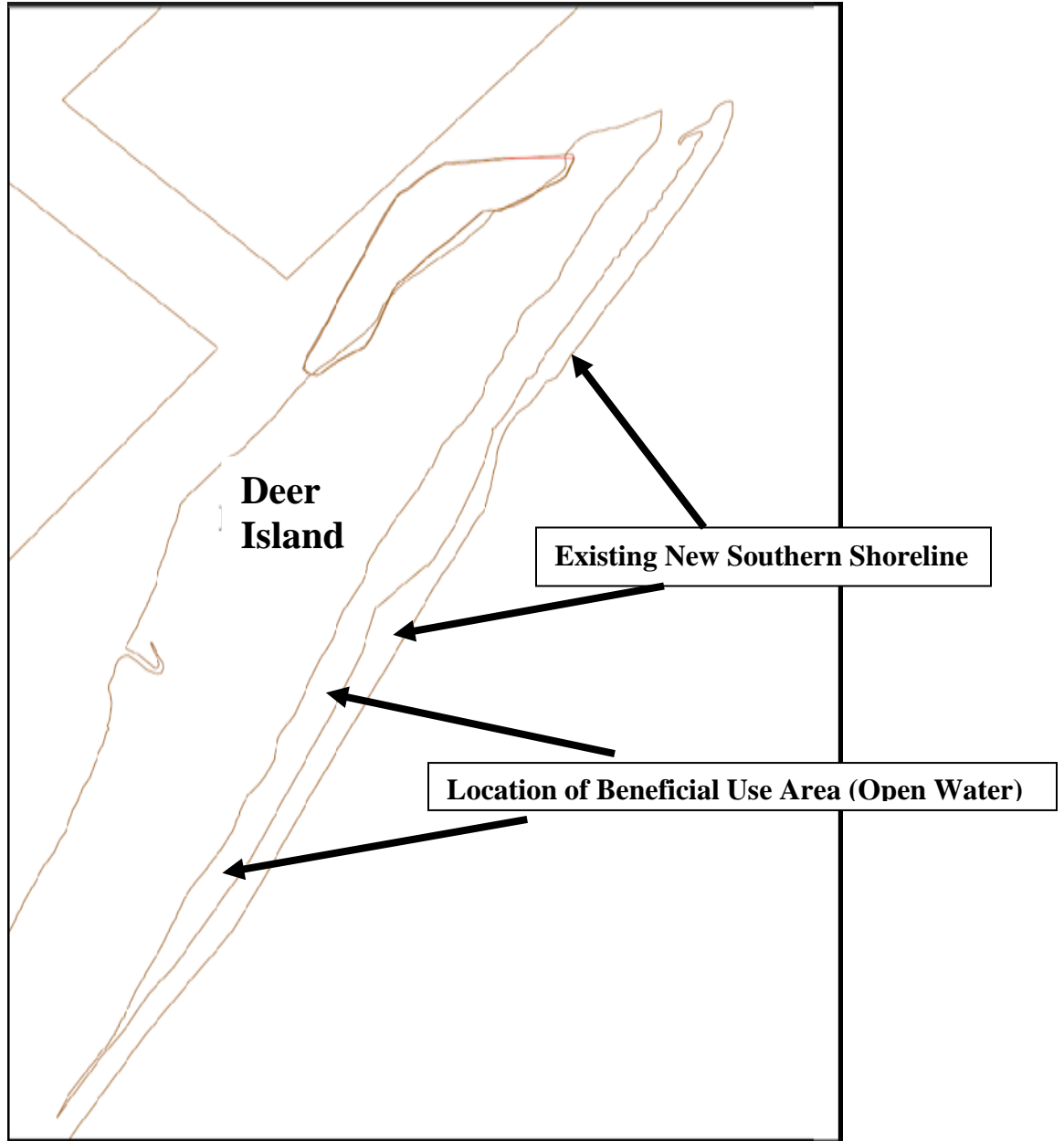


Figure 3. Enlarged Map of Proposed Deer Island Beneficial Use Area



Figure 4. Aerial View of Proposed Beneficial Use Area

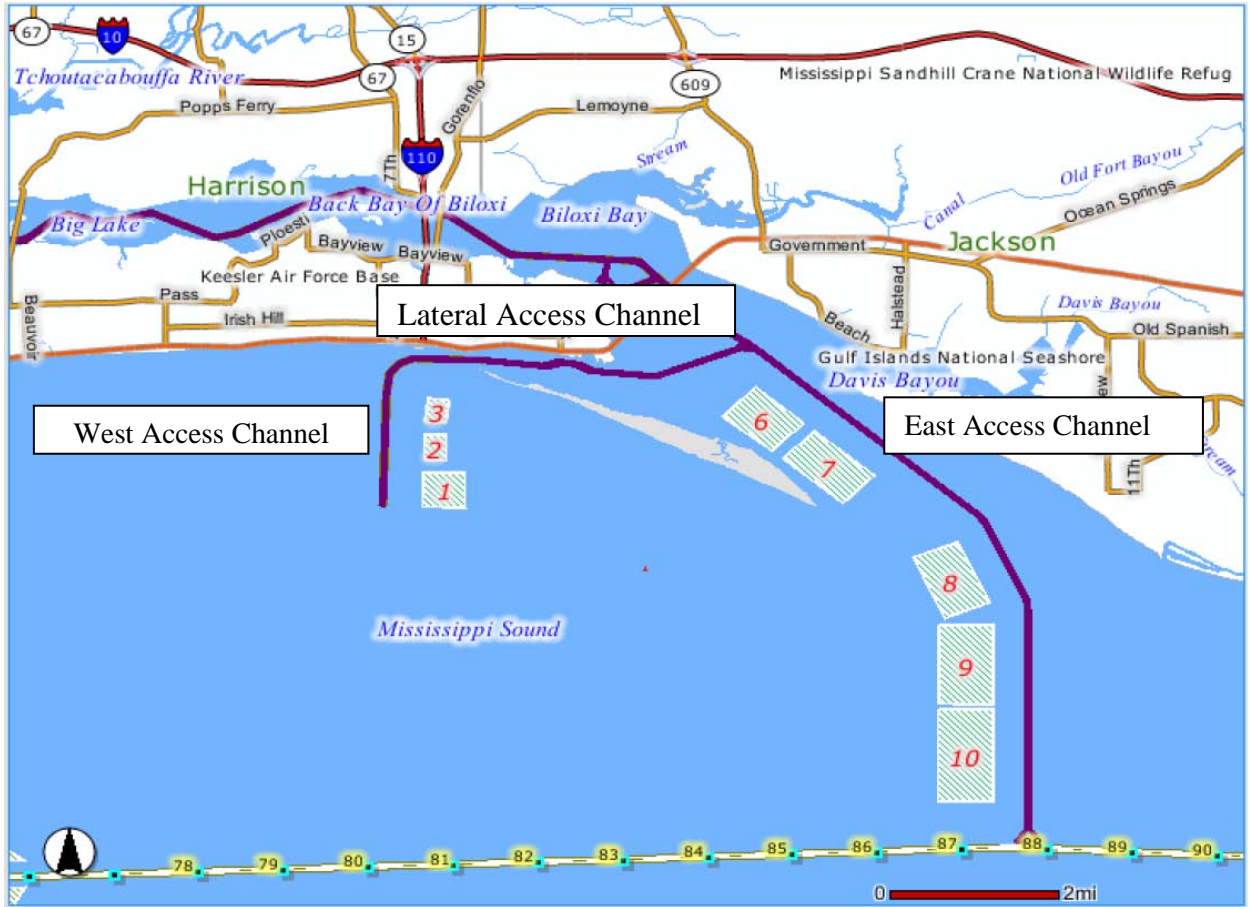


Figure 5. Map of Access Channels and Open Water Disposal Areas