



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. FP06-BH03-03

12 September 2006

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
MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES**

**BILOXI HARBOR NAVIGATION PROJECT
OTT BAYOU CHANNEL**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District proposes to continue maintenance dredging of the federally authorized Biloxi Harbor Navigation Project (Ott Bayou), Harrison County, Mississippi. Material would be placed in the previously designated open-water placement areas (6 and 7).

This Public Notice is issued in accordance with the 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: Biloxi Harbor, Jackson and Harrison Counties, Mississippi.

AUTHORIZED PROJECT DESCRIPTION: The federally authorized Biloxi Harbor, Mississippi Navigation Project consists of the following dimensions (Figure 1):

Lower Harbor:

a. The East Access Channel extends from mile 188.0 on the Gulf Intracoastal Waterway in Mississippi Sound to its junction with the West Access Channel and the Biloxi Back Bay Channel. The channel is approximately 9.2 miles in length. Authorized dimensions are 12-foot deep by 150-foot wide.

b. The West Access Channel which includes the 4.8 mile West Approach which measures 10-foot deep by 150-foot wide, and the easternmost 2.2 mile Biloxi Lateral segment which measures 12-foot deep by 150-foot wide and is approximately 7 miles in length.

c. The 12-foot deep by 150-foot wide channel which extends for approximately 11 miles from the end of the East Access Channel through the Back Bay of Biloxi and Big Lake to the federally authorized Bernard Bayou Channel and to the Harrison County Development Commission Industrial Park Barge Canal.

d. The 12-foot deep by 100-foot wide Bernard Bayou Channel that extends 2.6 miles up Bernard Bayou from the main channel to the Keesler Air Force Terminal.

Upper Harbor:

a. The 12-foot deep by 150-foot wide main Back Bay Channel from the U.S. Highway 90 Bridge to the D-Iberville Bridge area.

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

c. The 12-foot deep by 150-foot wide by 2,100-foot long East Harrison County Industrial Canal Channel which extends from its junction with the main Back Bay Channel in a southerly direction and terminating in a turning basin which fronts the northeast shore of the Biloxi Peninsula.

DESCRIPTION OF THE PROPOSED ACTION: The Corps, Mobile District proposes to maintenance dredge the federally authorized Ott Bayou navigation Channel (Figure 2). The 12-foot deep by 150-foot wide Ott Bayou Channel which extends from the junction with the main Back Bay Channel for a distance of 1.2 miles and terminating at a 12-foot deep by 600-foot turning basin located opposite Ott Bayou. An additional -1-foot of allowable dredging will be added to the 12-foot to give a total of -13-foot mean lower low water (MLLW). Approximately 250,000 cubic yards of dredged material will be removed from the entire federally authorized Ott

Bayou Channel to restore the depths to -13 feet MLLW. This dredged material will be placed in the open-water disposal sites 6 and 7 in Mississippi Sound. Sediment testing showed this dredged material is suitable for open-water disposal.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action described above. Water quality certification for a five-year period has been requested from the Mississippi Department of Environmental Quality, Office of Pollution Control (MDEQ-OPC). The Corps, Mobile District was granted a 15-day review period from the MDEQ-OPC due to the emergency nature of this project. This channel was negatively impacted by Hurricane Katrina. 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 has been requested from the Mississippi Department of Marine Resources (MDMR). The Corps, Mobile District was granted a 15-day review period from the MDMR due to the emergency nature of this project. Upon completion of the required 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 the NEPA, an Environmental Impact Statement (EIS) for the entire Biloxi Harbor Navigation Project was filed with the President's Council on Environmental Quality on 30 May 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. An EA was prepared to address impacts resulting from dredging and placement activities associated with marsh creation in 2001. In addition, a draft EA and Section 404(b) analysis have been prepared associated with this proposed dredging project at Ott Bayou navigation channel. Appropriate revisions will be incorporated into the final EA if information is received during coordination of this public notice that would dictate the need to amend the document. These documents are available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review.

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

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Law 92-500, Section 404 (b)(1) Guidelines promulgated by the U. S. Environmental Protection Agency under the Clean Water Act. The Section 404 (b)(1) evaluation is available on the district website at <http://www.sam.usace.army.mil/pd/Pd1.htm>. 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 action at Ott Bayou has been coordinated with the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). NMFS concurred with the use of open-water disposal sites 6 and 7 to contain material from the Biloxi Harbor Navigation Project. In addition, Ott Bayou Channel is located north of Highway 90; therefore the channel is outside the Gulf sturgeon critical habitat limits. Based on review of endangered and threatened species that could occur within the Ott Bayou project area, the Corps, Mobile District has determined that the proposed action would not adversely impact any listed species or their critical habitat.

CULTURAL RESOURCES CONSIDERATION: The National Register of Historic Places has been consulted during past re-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 - Ott Bayou - 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 (SHPO) 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 (Ott Bayou) 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 a 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 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, 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

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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 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 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. FP06-BH03-03 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 Jenny L. Jacobson at (251) 690-2724, email address jennifer.l.jacobson@sam.usace.army.mil.



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

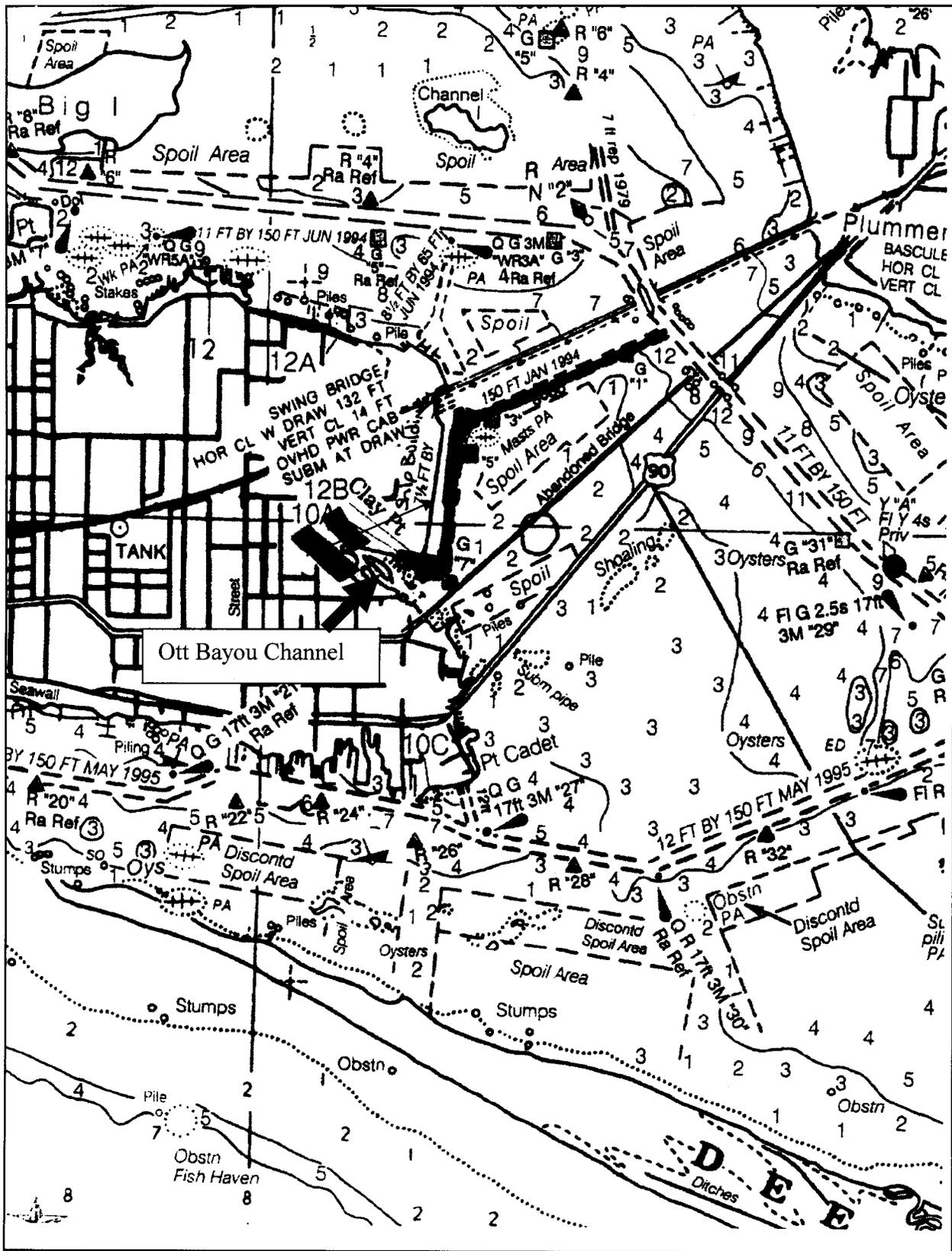


Figure 2