



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-EP01-02

15 February 2008

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSED DREDGING AND PLACEMENT OF DREDGED MATERIAL FROM THE
EAST PASS NAVIGATION PROJECT
OKALOOSA COUNTY, FLORIDA**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers, Mobile District, proposes to dredge the East Pass Navigation Project and place dredged material into previously authorized disposal areas at Destin, Okaloosa County, Florida.

This public notice is issued in accordance with rules and regulations published in the Federal Register on 26 April 1988 (Federal Register/Vol. 53). 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 and other associated disposal sites. 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.

WATERWAYS AND LOCATION: Choctawhatchee Bay, East Pass, and Old Pass Lagoon, Okaloosa County, Florida and Gulf of Mexico (Figure 1).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The authorized project consists of two converging jetties spaced 1,000 feet apart at the seaward end, a 12-foot by 180-foot channel from Choctawhatchee Bay (north of U.S. Highway 98 bridge) to the Gulf of Mexico (south of the jetties) and a 6-foot by 100-foot channel, 3,800 feet in length exists between the East Pass into Old Pass Lagoon. Existing project was authorized by 1965 River and Harbor Act (P.L. 89-298, 89th Cong.) as amended by Public Law 96-367 dated October 1, 1980 and prior Acts. Plane of reference is mean low water (MLW). The east jetty is approximately 1,100 feet long and with a 450-foot spur groin at its northern end. The spur is situated 90° in relation to the east jetty and extends toward the East Pass channel. The west jetty is approximately 3,000 feet long and does not have a spur groin.

DESCRIPTION OF PROPOSED ACTION: The proposed action consists of continued maintenance dredging of the East Pass and the Old Pass lagoon Channels at Destin, Florida (Figure 1) by means of hydraulic pipeline and/or land-based or barge-mounted dragline dredge. The channels would be dredged as: 1) the 2,000-foot long section of East Pass Channel extending into the Gulf of Mexico from the outer bar south of the jetties would be dredged to a depth of -20 feet MLW plus two (2) feet allowable overdepth; 2) the East Pass Channel from the Gulf of Mexico to the U.S. 98 bridge, approximately 4,000 – 5,000 feet in length, 180 feet in width, would be dredged to a depth of -14 feet MLW plus two (2) feet allowable overdepth; 3) the 3,500-foot long East Pass channel north of the U.S. Highway 98 bridge, would be dredged to a depth of -14 feet MLLW plus two (2) feet allowable overdepth to the terminus of the project in Chotawhatchee Bay; 4) the Old Pass Lagoon would be dredged to a depth of -12 feet MLW plus two (2) feet allowable overdepth from a section of the channel extending from the mouth of the lagoon to a point 1,300 feet southwest with a width of 175 feet; and 5) the remaining 2,800 feet of the Old Pass Lagoon Channel would be dredged to -6 feet MLLW plus two (2) feet allowable overdepth with a width of 100 feet.

Estimated annual dredged material quantities:

- 1) Approximately 50,000 cubic yards of dredged material from the Old Pass Lagoon Channel.
- 2) Approximately 300,000 cubic yards of dredged material from the East Pass Channel south of the U.S. Highway 98 bridge.
- 3) Approximately 50,000 cubic yards of dredged material from the East Pass Channel above the U.S. Highway 98 bridge.

Dredge material disposal sites:

- 1) Dredged material from the East Pass channel below U.S. Highway 98 would normally be placed in a 200-acre nearshore disposal area located to the west of the west jetty or in an existing authorized beach and nearshore disposal site beginning just west of the East Pass west jetty extending 9,000 feet to the west between the 6-foot contour or vegetation line, whichever is lower, and the -14-foot contour. The accepted Inlet Management Plan (IMP) recommends placing material within existing disposal area beginning 2,200 feet west of the west jetty as illustrated in the enclosure drawing. Placement in this manner reduces the amount of material returning to the navigation channel thus allowing more sand to remain in the littoral system.
- 2) Dredged material from Old Pass Lagoon Channel would be placed on Norriego Point. Approximately 35% of the material is placed below mean high water along the peninsula's shoreline and the remaining material is placed on the peninsula above mean high water. After a significant storm event dredge material from the East Pass channel below U.S. Highway 98 may be used to restore Norriego Point, which serves as the breakwater between Destin Harbor and the East Pass channel.

- 3) Dredged material from the East Pass channel below U.S. Highway 98 and Old Lagoon Channel would also be used to periodically fill scour holes occurring near the spur groin at the north end of the east jetty if needed.
- 4) Dredged material from the East Pass Channel below U.S. Highway 98 could be placed on east and west sand dikes to restore and maintain the integrity and stability of the jetties as necessary.
- 5) Dredged material from above U.S. Highway 98 bridge would be placed on Norriego Point. Excess dredged material, if any, may be placed along the inlet shoreline of Norriego Point waterward of the condominium developments.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, State Water Quality Certification is required for the proposed action as described above. Water Quality Certification was issued by the Florida Department of Environmental Protection (DEP) with an expiration date of July 14, 2007 and has been extended to July 14, 2008. A request for State Water Quality Certification is currently under review by DEP. All State water quality standards would continue to be met.

COASTAL ZONE CONSISTENCY: The Mobile District determined that the proposed action is consistent with the Florida Coastal Management Program to the maximum extent practicable. Consistency for the proposed action was received from the Florida DEP with an expiration date of July 14, 2007 and has been extended to July 14, 2008. A request for consistency determination is currently under review by DEP.

USE BY OTHERS: The proposed action would not create any significant impacts on land use plan, within the adjacent areas.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act, an Environmental Impact Statement (EIS) was filed with the President's Council on Environmental Quality in March, 1976. The EIS was coordinated with appropriate Federal, State, and local agencies and the interested public. Subsequent environmental assessments have been prepared to address potential impacts associated with minor modifications to the dredged material management plan. New or additional information on the impacts of the proposed action received during the coordination of this public notice would be included as appropriate, in a revised Environmental Assessment and a determination made on the Finding of No Significant Impact. The impacts identified in this public notice indicate that a supplement to the existing EIS is not required to address the proposed action.

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 guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404 (b) (1) of the Clean Water Act.

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), and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). The proposed project is located within Gulf sturgeon designated critical habitat. Based on the Mobile District's assessment, the proposed project would not result in the likelihood of destruction or adverse modification of Gulf sturgeon critical habitat. In addition to the Gulf sturgeon, the surrounding area is known to be utilized by various shorebirds, supports the Florida manatee, and various species of listed threatened and endangered sea turtles. The Mobile District has determined that the proposed project is not likely to adversely affect these species and is in consultation with FWS and NMFS. The Mobile District would use Standard Manatee Protection Conditions during construction and conduct surveys for shorebirds should work extend into February and April.

Excavation would be conducted using hydraulic cutterhead pipeline dredging equipment. Existing Biological Opinions (BO) on hopper dredging in the U.S. South Atlantic and Gulf of Mexico waters (most recently, 09 January 2007, Gulf regional biological opinion (GRBO) to the Corps' four Gulf of Mexico Districts) have established that non-hopper type dredging methods have discountable effects on, or are not likely to adversely affect, currently listed sea turtles or Gulf sturgeon (I/SER/2006/02953; I/SER/2006/01096).

ESSENTIAL FISH HABITAT: Congress defines Essential Fish Habitat (EFH) as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity," the designation and conservation of EFH seeks 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. In addition, marine areas, such as the water column, vegetated and non-vegetated bottoms, artificial and coral reefs, geologic features and continental shelf features have also been identified. The habitat in the project area, which is located within the Gulf of Mexico, consists of estuarine waters and unvegetated bottoms with sand substrates. Of the species managed by the Gulf Coast Fishery Management, the following would be expected to utilize the project area: brown shrimp (*Penaeus aztecus*), pink shrimp (*P. duorarum*), white shrimp (*P. setiferus*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*S. maculatus*), gray snapper (*Lutjanus griseus*), lane snapper (*L. synagris*), gag grouper (*Mycteroperca microlepis*), and red drum (*Sciaenops ocellatus*).

The project as proposed would impact epibenthic crustaceans and infaunal polychaetes within the dredged channel limits and beachfront disposal areas. These impacts are primarily short-term in nature and consist of a temporary loss of benthic invertebrates. Non-motile benthic fauna within the area may be destroyed by the proposed work, but should repopulate within several months after completion. Some of the motile benthic and pelagic fauna, such as crabs, shrimp, and fishes, are able to avoid the disturbed area and should return shortly after the activity is

completed. Larval and juvenile stages of these forms may not be able to avoid the activity due to limited mobility. No significant direct or indirect impacts to managed species are anticipated.

CULTURAL RESOURCES CONSIDERATION: The National Registry of Historic Places was consulted and no known properties listed in or determined eligible for the National Register are known to exist in the vicinity of the proposed action. The project was reviewed by the Mobile District historic resources staff. As a result of this review, it was determined that the area covered by the water quality certification has a low potential setting for historic resources. For this reason, historic resources investigations of the project are do not appear to be warranted. This review constitutes the full extent of historic resources investigations unless comment to the Public Notice is received. Comments should document that significant sites or properties exist which may be affected by this work, or that adequate potential exists for the location of significant sites or properties within the project area. In compliance with the National Historic Preservation Act and other authorities, the proposed action has been coordinated with the Florida State Historic Preservation Officer (SHPO).

EVALUATION: The decision whether to proceed with the proposed action will be made by the Mobile District, based on an evaluation of the overall public interest. That decision will 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 will occur will be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal will 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 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:

Region 4, U.S. Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, NOAA Fisheries, Protected Species Branch, St. Petersburg,
Florida
Commander, Eighth Coast Guard District
Florida State Historic Preservation Officer
Florida Department of Environmental Protection
Florida Fish and Wildlife Commission
Gulf of Mexico Fishery Management Council

U.S. Department of Agriculture, Natural Resources Conservation Service

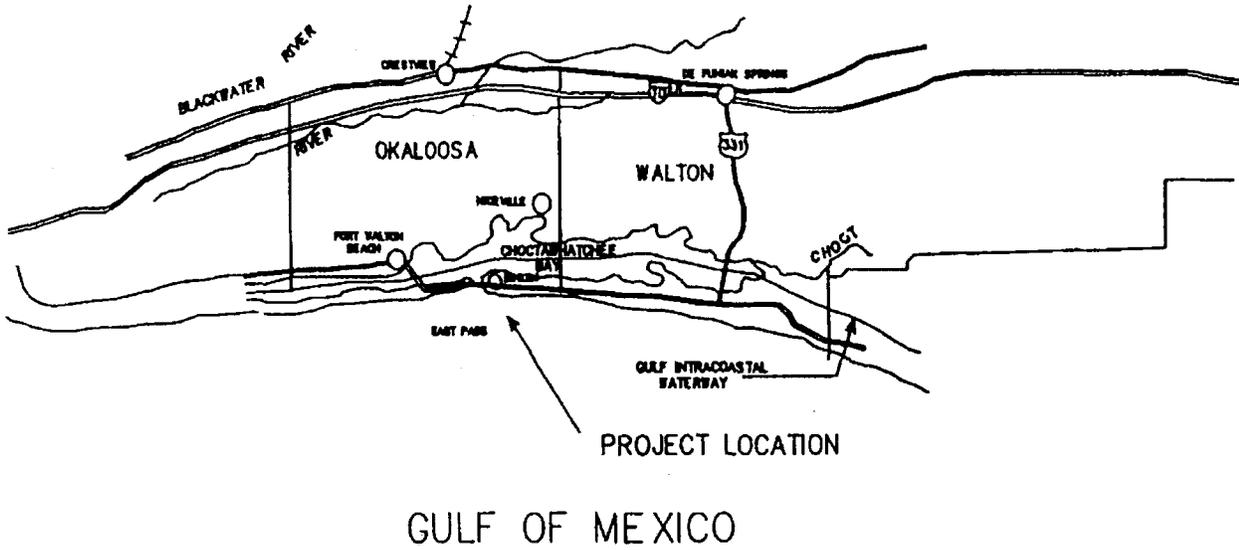
Other federal, state, and local organizations, affiliated Indian Tribe interests, and U.S. Senators and Representatives of the State of Florida are being sent copies of the notice and are being asked to participate in coordinating this proposed work.

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. FP08-EP01-02 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.

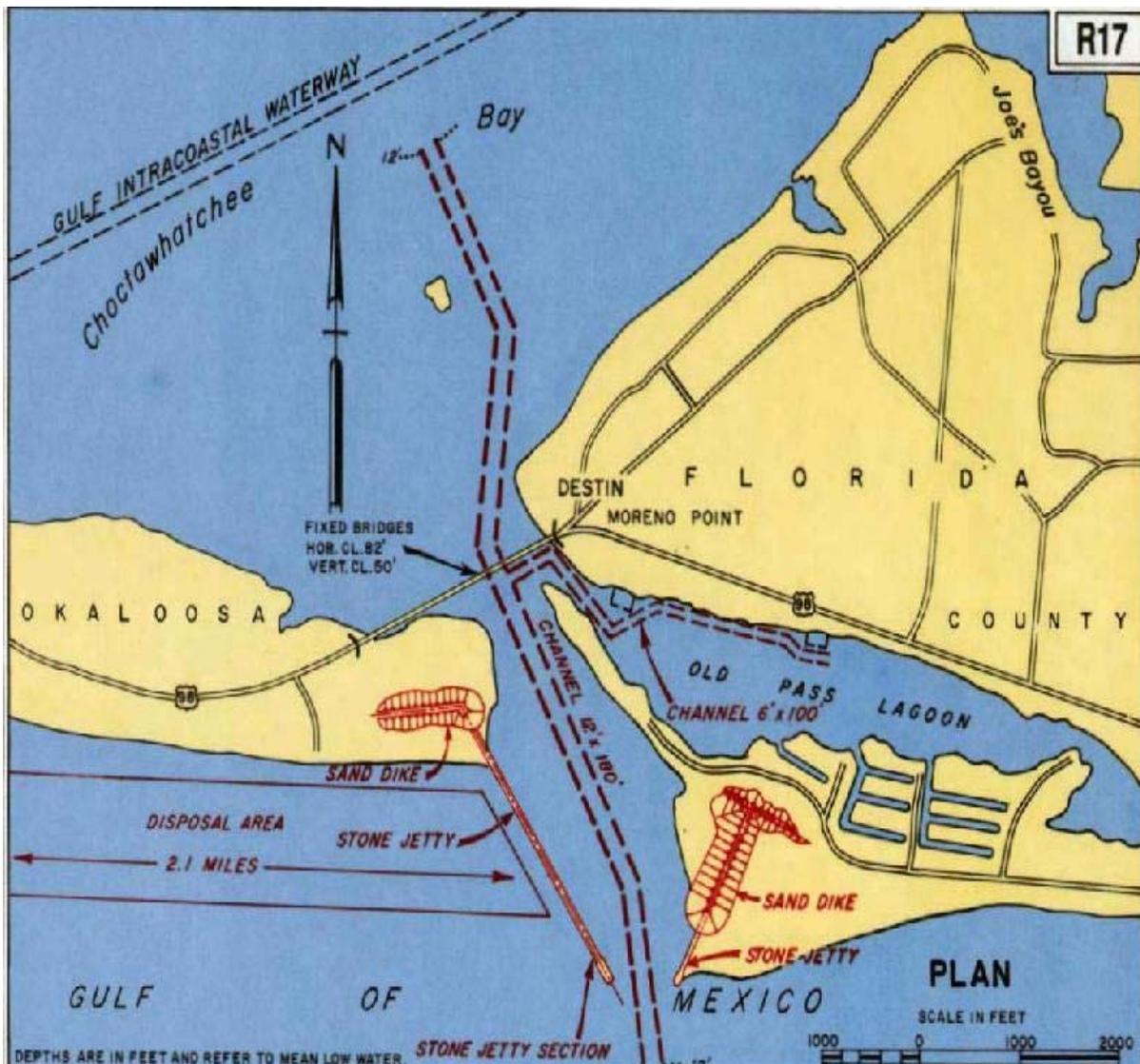


CURTIS M. FLAKES
Mobile District
U.S. Army Corps of Engineers

DESTIN, FLORIDA VICINITY



General location of the East Pass Federal Project near Destin, Florida



East Pass project map and features.

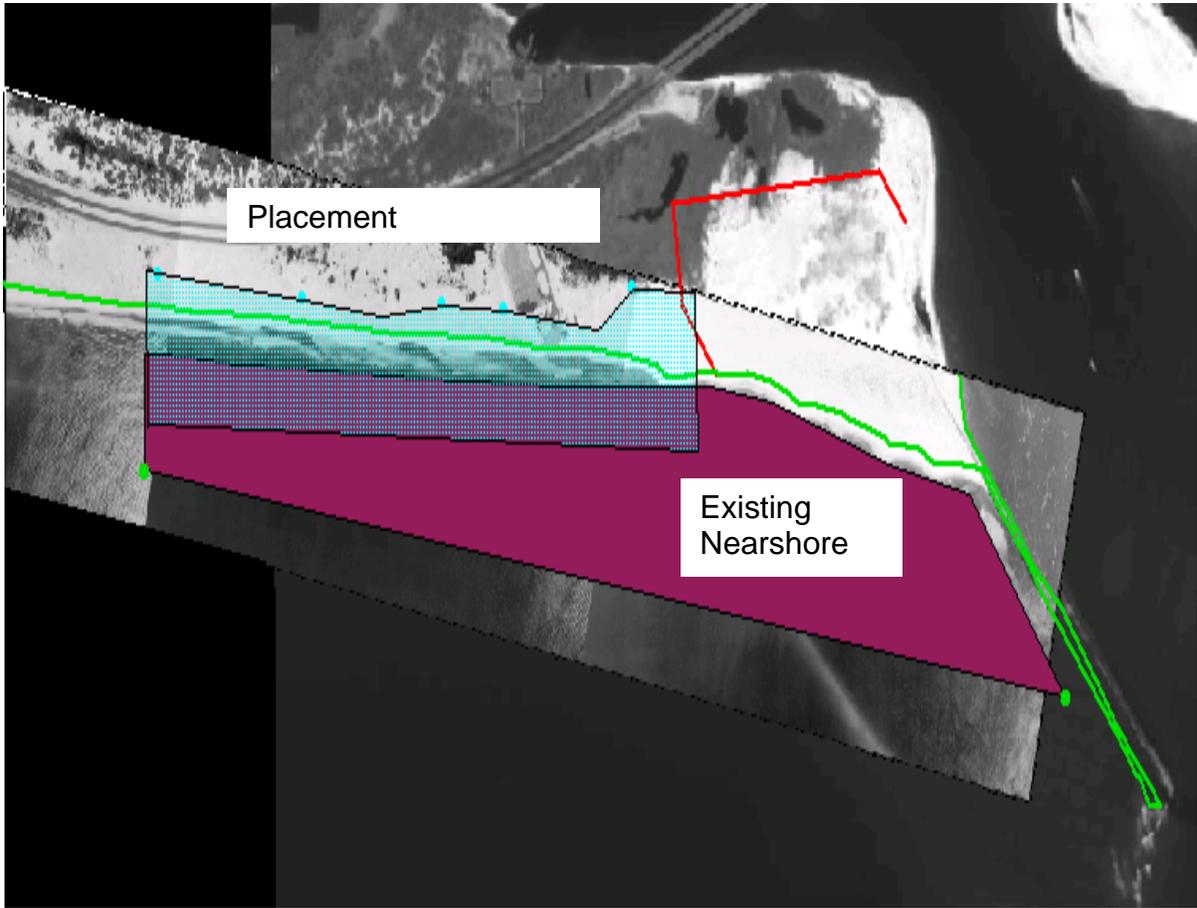


Figure 5. Location of the existing nearshore disposal site and the disposal area recommended by the IMP. The solid line along the shoreline represents the MHW line.