



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

REPLY TO
ATTENTION OF:

PUBLIC NOTICE NO. FP08-IW03-04
CESAM-PD-EC

29 February 2008

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT**

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PROPOSED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES
GULF INTRACOASTAL WATERWAY NAVIGATION PROJECT
MOBILE AND BALDWIN COUNTIES, ALABAMA**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District, proposes to conduct maintenance dredging and placement activities in the Gulf Intracoastal Waterway (GIWW), Alabama.

This Public Notice is issued in accordance with the rules and regulations 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: The GIWW within Alabama extends from the Alabama-Florida state line through Perdido Bay, Mobile Bay and portions of the Mississippi Sound, to the Alabama-Mississippi state line (**Figure 1**).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The existing project under the auspices of the Corps, Mobile District provides for a waterway 12 feet deep, 125 feet wide at mean lower low water (MLLW) from Apalachee Bay, Florida to Mobile Bay, Alabama and a channel 12 feet deep and 150 feet wide from Mobile Bay, Alabama to the Rigolets, Louisiana (Lake Borgne Light No. 29), and for a tributary channel (the Gulf County Canal), 12 feet deep, 125 feet wide, and about 6 miles long connecting the waterway at White City, Florida with St. Joseph Bay. The waterway between the 12-foot contours in Apalachee Bay and Lake Borgne Light No. 29 at the Rigolets is 379 miles long. The existing project was authorized by the 1966

Rivers and Harbors Act, (House Document 481, 89th Congress, 2nd Session) as amended and prior acts.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action would involve maintenance dredging and disposal operations for the GIWW in the State of Alabama. Approximately 300,000 cubic yards (cy) of clays, silts and sands are proposed for removal by hydraulic pipeline dredge along various sections of the channel on an infrequent basis over the next five years. The material would be placed in previously certified and used open water and confined upland disposal sites: 64, 63, 62, 61, 60, 59, 58, 56, 54, 52, and 49 (**Figures 2-4**).

Maintenance dredging and disposal would be performed on an as needed basis. The frequency of channel dredging at any one site and the associated time between uses of a given disposal area range on an average from once every 3 to 25 years.

In emergency conditions a barge mounted dragline or snagboat may be used to remove rapidly formed or unexpected shoals or other hazards to navigation. This material would be placed to the side of the channel to allow for immediate passage of vessels until a hydraulic pipeline dredge could be dispatched to restore project dimensions. Emergency disposal needs are infrequent and usually the result of storm incidents or barge groundings. Past experiences have shown that only a few areas would likely require such emergency action, but such actions maybe required at any location along the waterway. In the event of an emergency, all necessary Federal and State agencies would be notified before commencement of work.

WATER QUALITY CERTIFICATION: Section 401 water quality certification for a five (5) year period is being requested from the State of Alabama, Department of Environmental Management (ADEM). The State of Alabama has granted a 400-foot mixing zone for past maintenance dredging operations. Upon completion of the required comment period, a decision relative to certification will be made.

COASTAL ZONE CONSISTENCY: Pursuant to the requirements of the Coastal Zone Management Act (CZMA), consistency is being requested from ADEM. Our review of the CZMA finds that the continued maintenance of the project remains consistent with the program to the maximum extent practicable. A determination relative to coastal zone consistency will be made by ADEM after completion of the required comment period.

USE BY OTHERS: The proposed action is not expected to create significant impact on land use plans in the vicinity. Use of waters within the open water disposal sites including fishing, shrimping, recreational boating, and the commercial transporting of fuels would be temporarily impacted during the actual operation and maintenance activities.

NATIONAL ENVIRONMENTAL POLICY ACT CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act (NEPA) an Environmental Impact Statement (EIS) for the entire GIWW navigation project from the Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida, was filed with the President's Council on Environmental Quality (CEQ) on December 17, 1976. A current draft environmental assessment (EA) has been prepared in accordance with NEPA, to update the resource description and to evaluate the potential impacts associated with the continued operation and maintenance of the GIWW Federal Navigation Project within the State of Alabama. This document is on file and is available for review in the Mobile District Office and at the following web address <http://www.sam.usace.army.mil/>. Appropriate revisions will be incorporated into the environmental documentation if information is received during the coordination process that warrant the need to amend the existing draft EA.

SECTION 404(b)(1) EVALUATION REPORT: An evaluation of water quality impacts associated with the proposed action has been prepared in accordance with guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act (CWA). The report is on file and is available for review in the Mobile District Office and at web address <http://www.sam.usace.army.mil/>. Appropriate revisions will be incorporated into the Section 404(b)(1) documentation if information is received during the coordination process that warrant the need to amend the existing 404(b)(1) Evaluation Report.

THREATENED AND ENDANGERED SPECIES: Through consultation with the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) the Corps, Mobile District has determined that the following threatened and endangered species: Gulf sturgeon; West Indian manatee; and the loggerhead, green and Kemp's ridley sea turtles may be affected by the continued operations and maintenance of the GIWW within the State of Alabama. The Mobile District assessed the potential impacts of the proposed action on threatened and endangered species and known designated critical habitat areas within the action area in a biological assessment dated March 22, 2007. Based on this assessment the Corps, Mobile District determined that no federally-protected species or designated critical habitat were likely to be adversely affected as a result of the proposed project. A letter requesting concurrence with the District's Not Likely to Adversely Affect (NLAA) and Not Likely to Adversely Modify (NLAM) determination was sent to the NMFS and USFWS on April 19, 2007. The USFWS concurred, by letter dated August 29, 2007 that the proposed project would NLAA Gulf sturgeon provided that: 1) the intake portion of the dredge is kept within the substrate whenever operating and 2) dredging operations are temporarily stopped until the species has left the area, if a Gulf sturgeon is observed during dredging. At this time, the USFWS stated they can not concur with a NLAA on the West Indian manatee given recent data indicating the increasing presence of the species within coastal Alabama and the potential strikes from project equipment. The USFWS; however, stated in their August 29, 2007 that provided the Alabama Standard Manatee Construction Conditions are implemented during dredging

operations, potential impacts to West Indian Manatee would be minimized. NMFS concurred with the Corps, Mobile District's determination on a NLAA threatened and endangered species and NLAM designated critical habitat determination, under their purview by letter dated October 23, 2007.

To reduce the likelihood of take the Corps, Mobile District has agreed to incorporate the following conditions during operations and maintenance dredging of the GIWW with Alabama:

- Dredging will be conducted utilizing hydraulic or mechanical methods reducing the potential for entrainment of gulf sturgeon and sea turtles associated with hopper dredges.
- During active hydraulic dredging operations the cutterhead will be located within the substrate.
- Thin layer disposal will be utilized when practicable.
- If threatened or endangered species are observed during dredging operations, the operation will be temporarily stopped until the species has left the area.
- Alabama Standard Manatee Construction Conditions will be followed during operations.

ESSENTIAL FISH HABITATS: 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 Gulf of Mexico Fishery Management Council (GMFMC) and NMFS have identified EFHs 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 within vicinity of the project consists of estuarine waters; shell, sand, silt and clay substrates; estuarine emergent wetlands; seagrass beds; and oyster and artificial fishing reefs. Within the project area EFH has been designated for managed species of red drum, reef fish, coastal migratory pelagics, shrimp, stone crab, and highly migratory species.

The draft EA describes the proposed action and analyzes the direct and indirect effects on EFHs for the managed fish species, their habitat, and their major food sources. Based on this assessment the Corps, Mobile District found the impacts to fisheries resources associated with the proposed project would not have a long term adverse effect on EFH. The public notice is being forwarded to NMFS for review and comment.

CULTURAL RESOURCES CONSIDERATION: In compliance with the National Historic Preservation Act (NHPA), coordination with the Alabama State Historic Preservation Officer (SHPO) has been conducted. No cultural resources are known to occur in the confined upland disposal, open-water disposal or channel areas. No sites listed on the National Register of Historic Places (Register) are located within the project area.

The GIWW was authorized by Congress and completed more than 50 years ago. The existing channel and disposal areas were constructed and operated prior to the enactment of the NHPA, which was signed in to law in 1966. In 1979, the Corps, Mobile District, analyzed and considered the effect that continued use and maintenance of the waterway may have on historic properties as per regulations within 36 Code of Federal Regulation (CFR) 800, in order to ensure compliance with NHPA. This analysis was conducted as part of the aforementioned EIS from 1976. No cultural resources were found within the upland disposal, open-water disposal or channel areas. No sites listed on the Register were located within the project area. As the lead Federal agency the Corps, Mobile District, determined that the continued operation and maintenance activities would have no effect on historic properties.

The present project includes no new action as defined by the NHPA. The Corps, Mobile District has determined that maintenance dredging operations within existing channels and utilizing existing disposal areas has no potential to cause effects to historic properties as per 32CFR 800.3(a)(1). The public notice is being forwarded to SHPO for review and comment.

PROTECTION OF CHILDREN: On April 21, 1997, the President issued Executive Order (EO) 13045, *Protection of Children from Environmental Health and Safety Risks*. This EO requires Federal agencies, to the extent permitted by law, and consistent with the agency's mission, to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risk to children that result from environmental projects. The maintenance of the proposed action, and subsequent disposal of dredged material in designated open water and upland sites, do not constitute a disproportionate risk to children.

ENVIRONMENTAL JUSTICE: EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* was issued on February 11, 1994. The EO requires that Federal agencies conduct programs, policies, and activities that substantially affect human health or the environment so that there is no disproportionately high and adverse human health or environmental effects on minority and low income populations. This project is not designed to create a benefit for any group or individual, but rather benefits on a region-wide basis. There are no indications that the proposed maintenance dredging and subsequent disposal would be contrary to the goals of EO 12898, or would create disproportionate, adverse human health or environmental impacts on minority or low income populations of the surrounding communities.

CLEAN AIR ACT: The National Ambient Air Quality Standards (NAAQS), established by the EPA, set maximum allowable concentration limits for six criteria air pollutants to protect the public health, safety, and welfare as a result of the Federal Clean Air Act of 1970 (CAA). Areas in which air pollution levels persistently exceed the NAAQS may be designated as "non-attainment." States in which a non-attainment area is located must develop and implement a State Implementation Plan (SIP) containing policies and regulations that will bring about attainment of the NAAQS. 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 fossil fuels. However, these impacts would be minor and temporary in nature. The proposed action is in compliance with the CAA, as amended. The project area is in attainment with the NAAQS parameters and the proposed action would not affect the attainment status of the project area or the region. A SIP 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 evaluation of the probable impact including cumulative impacts of the proposed action on overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from this proposal must be balanced against its reasonably foreseeable determinants. All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. 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 people. 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, Daphne, Alabama
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Protected Resources
Division, 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
Affiliated Indian Tribal Interests

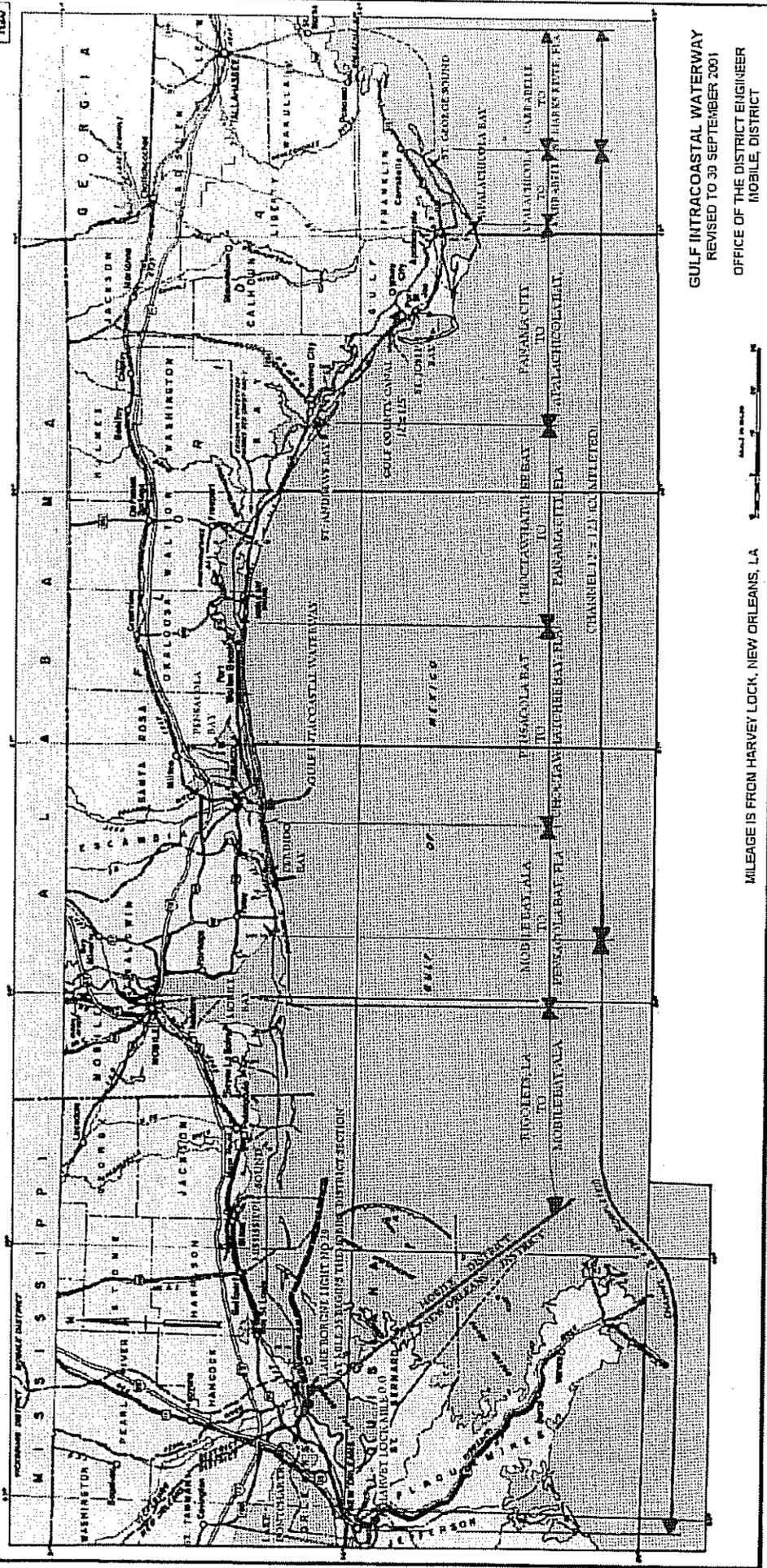
29 February 2008

Other Federal, State, and local organizations, and United States Senators and Representatives of Alabama are being sent copies of this notice and are invited to participate in coordinating this proposed action. You are requested to communicate the information contained in this notice to any person who may have interest in the proposed action.

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 30 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 the public notice should refer to Public Notice Number FP08-IW02-04 and should be directed to the Commander, U.S. Army Corps of Engineers, Mobile District, P.O. Box 2288, Mobile, Alabama 36628-0001. For more information, contact Ms. Elizabeth S. Godsey, at (251) 694-3843, email address: elizabeth.s.godsey@sam.usace.army.mil.



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



GULF INTRACOASTAL WATERWAY
 REVISED TO 30 SEPTEMBER 2001
 OFFICE OF THE DISTRICT ENGINEER
 MOBILE, DISTRICT

Figure 1: Gulf Intracoastal Waterway (Louisiana, Mississippi, Alabama, and Florida) Vicinity Map

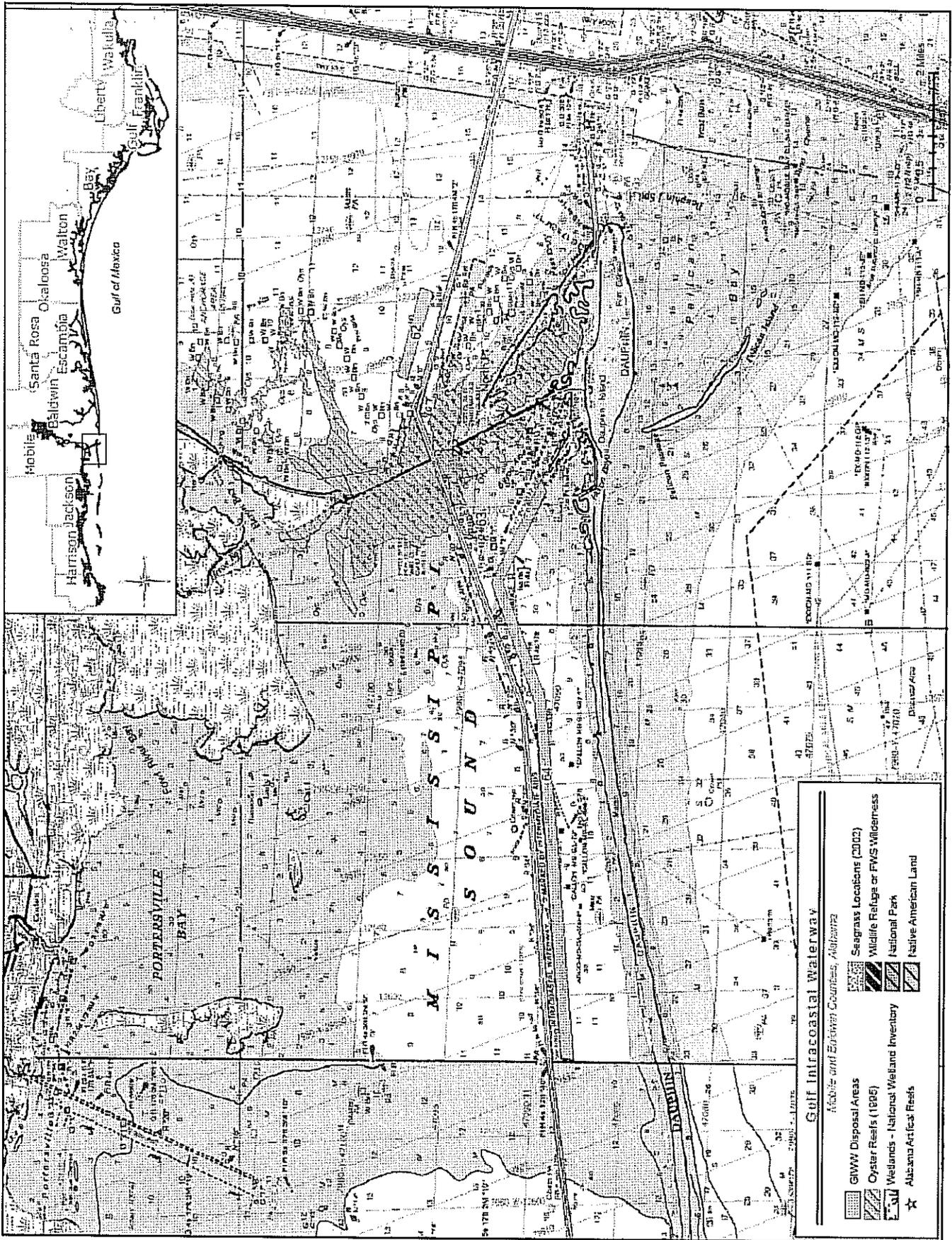


Figure 2: Gulf Intracoastal Waterway, Alabama Open Water Disposal Areas 64, 63 and 62

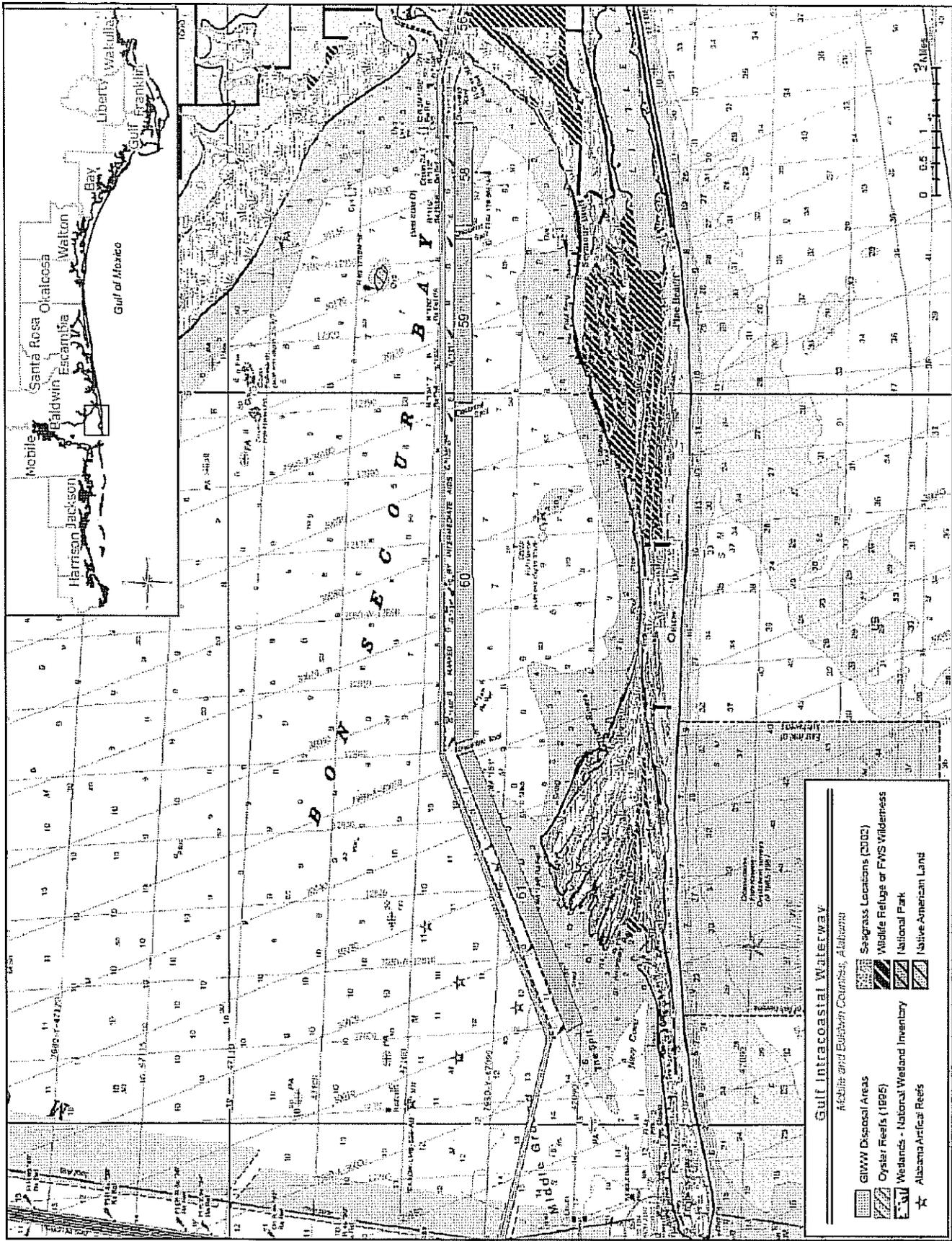


Figure 3: Gulf Intracoastal Waterway, Alabama Open Water Disposal Areas 61,60,59, and 58

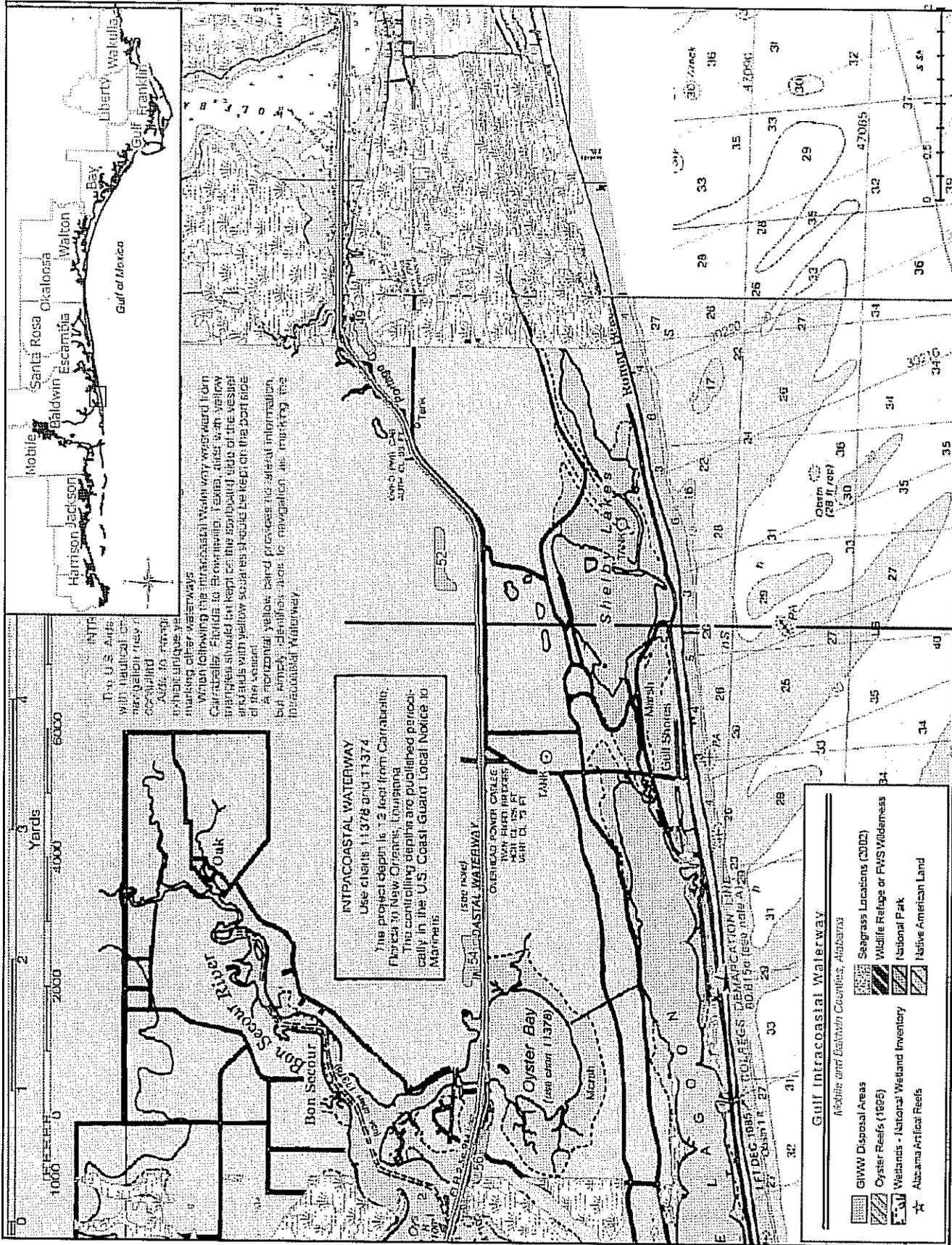


Figure 4: Gulf Intracoastal Waterway, Alabama Confined Upland Disposal Areas 56, 54, 52 and 49