



**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. FP10-MH15-10**

December 20, 2010

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**SAND ISLAND 406 OIL MITIGATION
MOBILE, ALABAMA
FEDERALLY AUTHORIZED**

RE-ESTABLISHMENT OF SAND ISLAND

Interested persons are hereby notified that the U.S. Army Corps of Engineers (Corps), Mobile District, proposes to place at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico. Under the authority included below, the Corps is proposing the placement of approximately 1 to 2 million cubic yards (cy) of sand for re-establishing Sand Island, beginning at the Sand Island Lighthouse and proceeding to the northwest. The source of sand for this action will be from the Sand Island Beneficial Use Area (SIBUA) and the Mobile Bar Channel. The funding made available for this effort will be additional funding over and above the District's normal maintenance dredging costs for the Mobile Bar Channel.

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, Sand Island, and the Gulf of Mexico, Mobile County, Alabama.

PROJECT AUTHORIZATION: Sec 406 of P.L. 111-212 Supplemental Funds.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading “OPERATION AND MAINTENANCE” of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

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 1**. The beneficial use area is located west of the Federal 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 2**), which is a valuable cultural resource listed on the National Register of Historic Places. Placement of sandy material around the light house’s rubble foundation is beneficial in that it provides protection to the historic structure. In order to continue beneficial use practices, in December 2008 the Corps expanded the SIBUA extending a 4,500-foot wide southern boundary approximately 2,000 to the south, also illustrated in **Figure 2**. This expanded area provides for continued placement of sandy material from the Mobile Bar Channel in a manner that returns this material to the local littoral system.

Under the proposed Sand Island 406 Oil Mitigation action, the Corps is proposing the placement of approximately 1 to 2 million cubic yards (cy) of sand for use towards re-establishment of Sand Island. The initial source of sand will be from portions of the SIBUA with options for future placement from the regular maintenance dredging of sand from the Mobile Bar Channel. Placement will begin at and around the Sand Island Lighthouse proceeding to the northwest as far as the supplemental funding source allows. Funding made available for this effort will be additional funding over and above the District’s normal maintenance dredging costs for the Mobile Bar Channel, which provides options for additional future periodic placement of sand onto the Island.

The proposed action will create an emergent island in a manner that will begin a re-establishment of the original Sand Island. The proposed Sand Island plan view is presented in **Figure 3** with

the resulting cross sections illustrated in **Figure 4**. The intent of this action is to prevent, as much as possible, submerged oil in the Gulf of Mexico from entering into the entrance of Mobile Bay. Doing so will provide protection to the fragile ecosystems and valuable natural resources that are an important and integral part of the Mobile Bay system.

In addition to oil mitigation, this action would provide an excellent opportunity towards accelerating the return of sediment into the local littoral system as well as increasing disposal capacity in the SIBUA consistent with established regional sediment management principles and goals. Also, this action provides an excellent opportunity for the protection of the Sand Island Lighthouse which is a valuable cultural resource. Re-establishing the island to include the lighthouse will provide valuable protection to the historic structure.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, a state water quality certification will be requested from Alabama Department of Environmental Management (ADEM) to cover the activities associated with the proposed removal of material from the SIBUA for placement and construction of the island. A decision relative to water quality certification will be made by ADEM upon completion of the required comment period for this public notice and other coordination with the appropriate agencies.

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 comment period and completed coordination with the appropriate agencies, 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 the Sand Island Oil Mitigation activities a draft Environmental Assessment (EA) has been prepared and is available for review in the Corps, Mobile District Office or online at <http://www.sam.usace.army.mil/pd/Pd1.htm>. Based on the conclusion presented in the draft EA, it is determined that the implementation of the proposed action would not result in long-term adverse impacts and that no significant cumulative impacts would occur. Upon finalization of the draft EA, a Findings of No Significant Impacts (FONSI) will be prepared.

SECTION 404 (B)(1) EVALUATION REPORT: 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, an evaluation of water quality impacts associated with the proposed action was prepared in accordance with guidelines promulgated by the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act. Impacts associated with this action include a temporary increase in turbidity and suspended solids concentrations in and adjacent to the dredging and placement areas, short-term elimination of benthic organisms and localized short-term degradation of esthetics near the disposal area. A draft 404(b)(1) Evaluation Report

has been prepared and is available for review in the Corps, Mobile District Office or online at <http://www.sam.usace.army.mil/pd/Pd1.htm>. Recent sediment quality investigations performed in the channel show the material to be substantially free of contaminants of concern and suitable for placement in the Sand Island site.

ENDANGERED/THREATENED SPECIES: Coordination for the proposed action is being conducted 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). Some species listed by the FWS and NMFS as endangered or threatened are occasional visitors to the vicinity of the project area. Impacts to sea turtles and Gulf sturgeon associated with hopper dredging activities have been evaluated by NMFS in the November 19, 2003 Regional Biological Opinion (RBO) entitled "Dredging of the Gulf of Mexico Navigation Channels and Sand Mining Areas Using Hopper Dredges (Consultation Number F/SER/2000/01287). Based on the determination made by the Corps, Mobile District, no endangered or threatened species or their critical habitats will be adversely impacted by the proposed action.

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 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, 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*), white shrimp (*P. setiferus*), red drum (*Sciaenops ocellatus*), and Spanish mackerel (*Scomberomorus 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, the Corps has determined that the proposed action would result in long-term adverse effects to EFH.

CULTURAL RESOURCES CONSIDERATION: Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended and implementing regulations 36 CFR Part 800 requires consultation with other agencies to avoid or minimize adverse effect on historical, architectural, archaeological, and cultural resource. In order to ensure compliance, cultural resources are being evaluated via a literature review and existing data which focused on archaeological resources (shipwrecks). The information gathered from these sources will be used to characterize and assess the potential effects of the proposed project. A preliminary evaluation revealed that there were several possible ship wrecks in the vicinity of the SIBUA. A secondary benefit from placement of sandy material around the light house's rubble foundation will be providing protection to the historic structure which is a valuable cultural resource listed on the National Register of Historic Places. This action will be coordinated with the Alabama State Historic Preservation Officer.

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 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. FP10-MH15-10 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 Larry Parson at (251) 690-3139.

A handwritten signature in black ink, appearing to read "Curtis M. Flakes for". The signature is written in a cursive, flowing style.

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

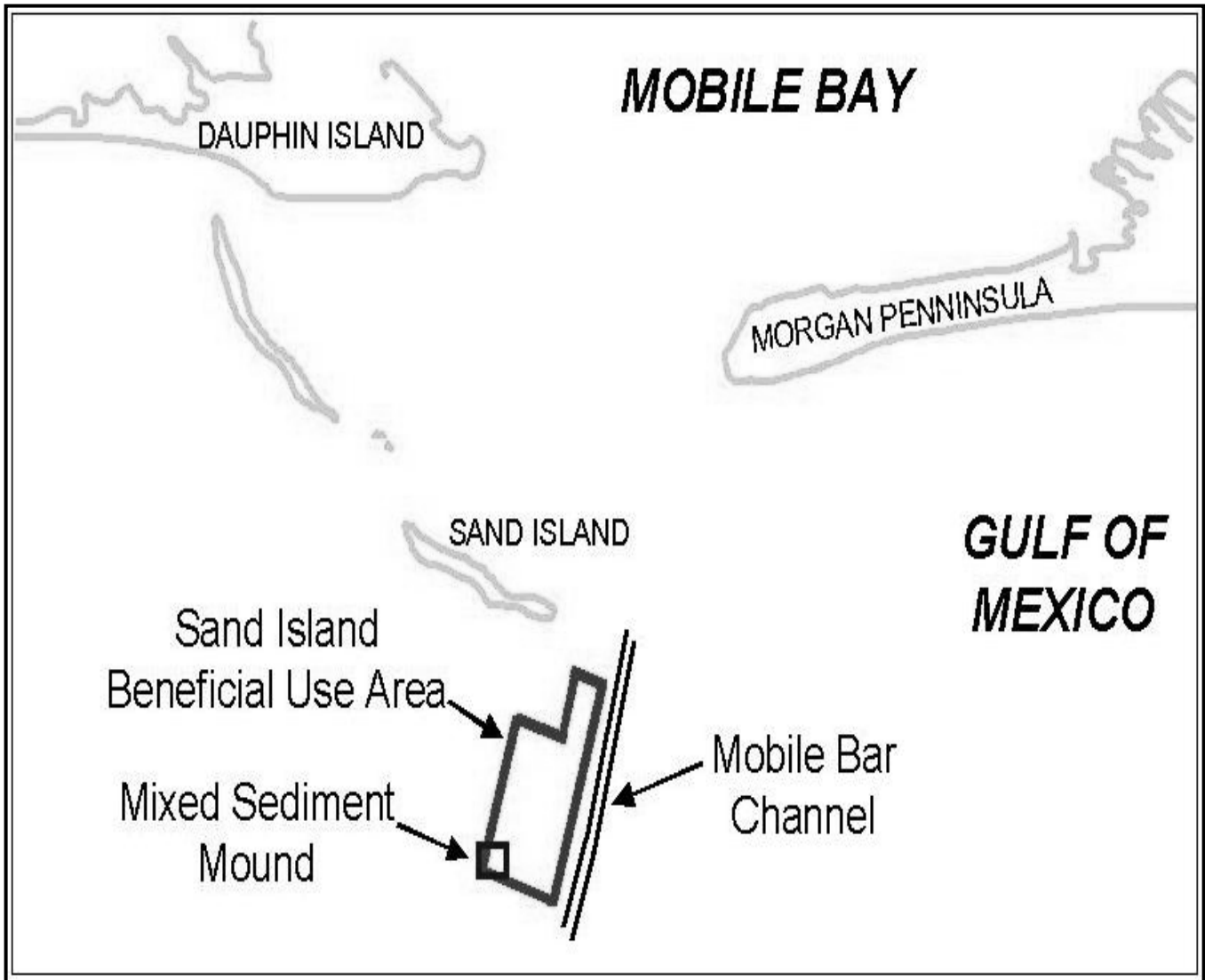


Figure 1. Location of the Mobile Bar Channel and Sand Island Beneficial Use Area (SIBUA)

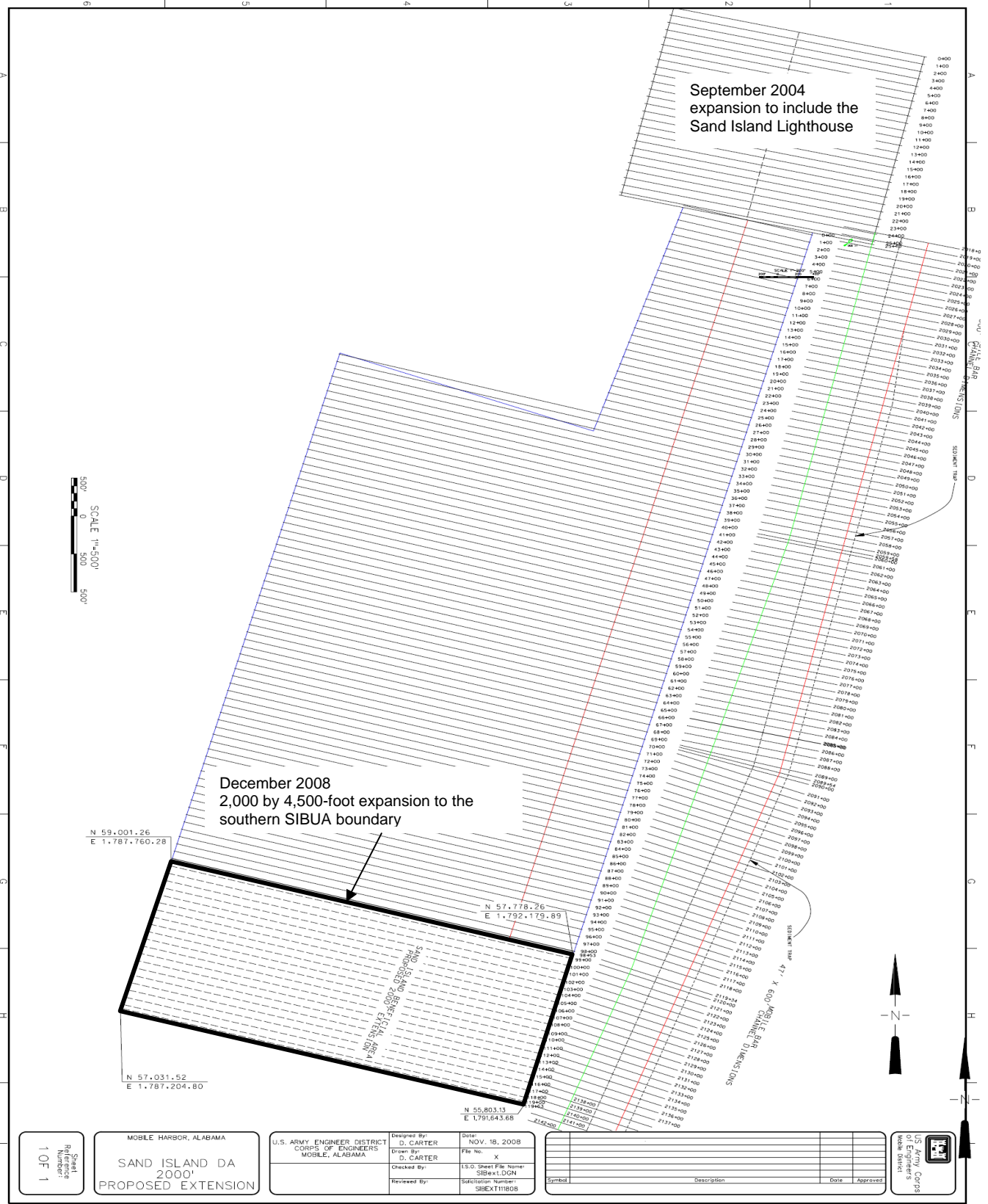


Figure 2. September 2004 and December 2008 SIBUA expansion areas.

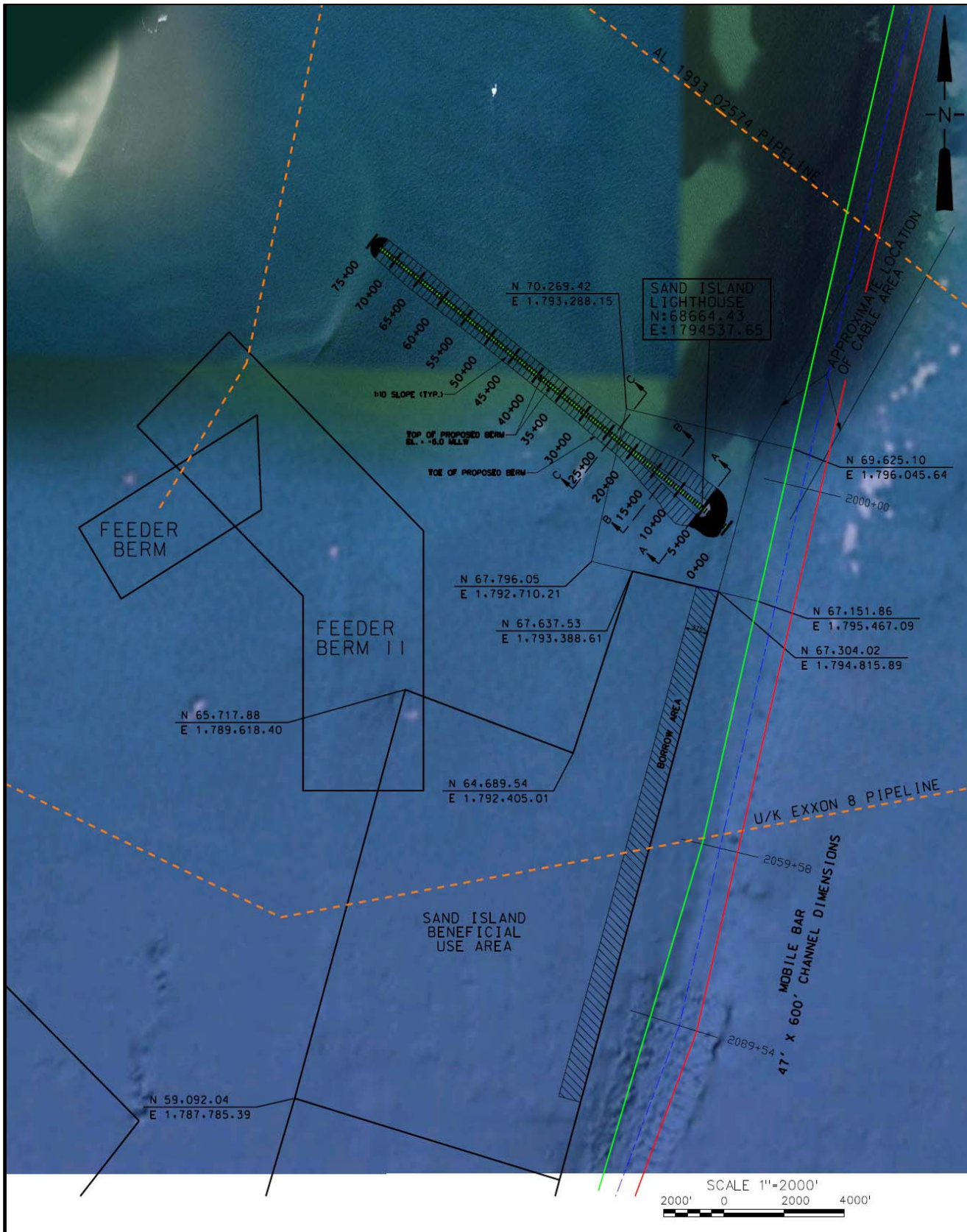


Figure 3. Proposed Sand Island plan view

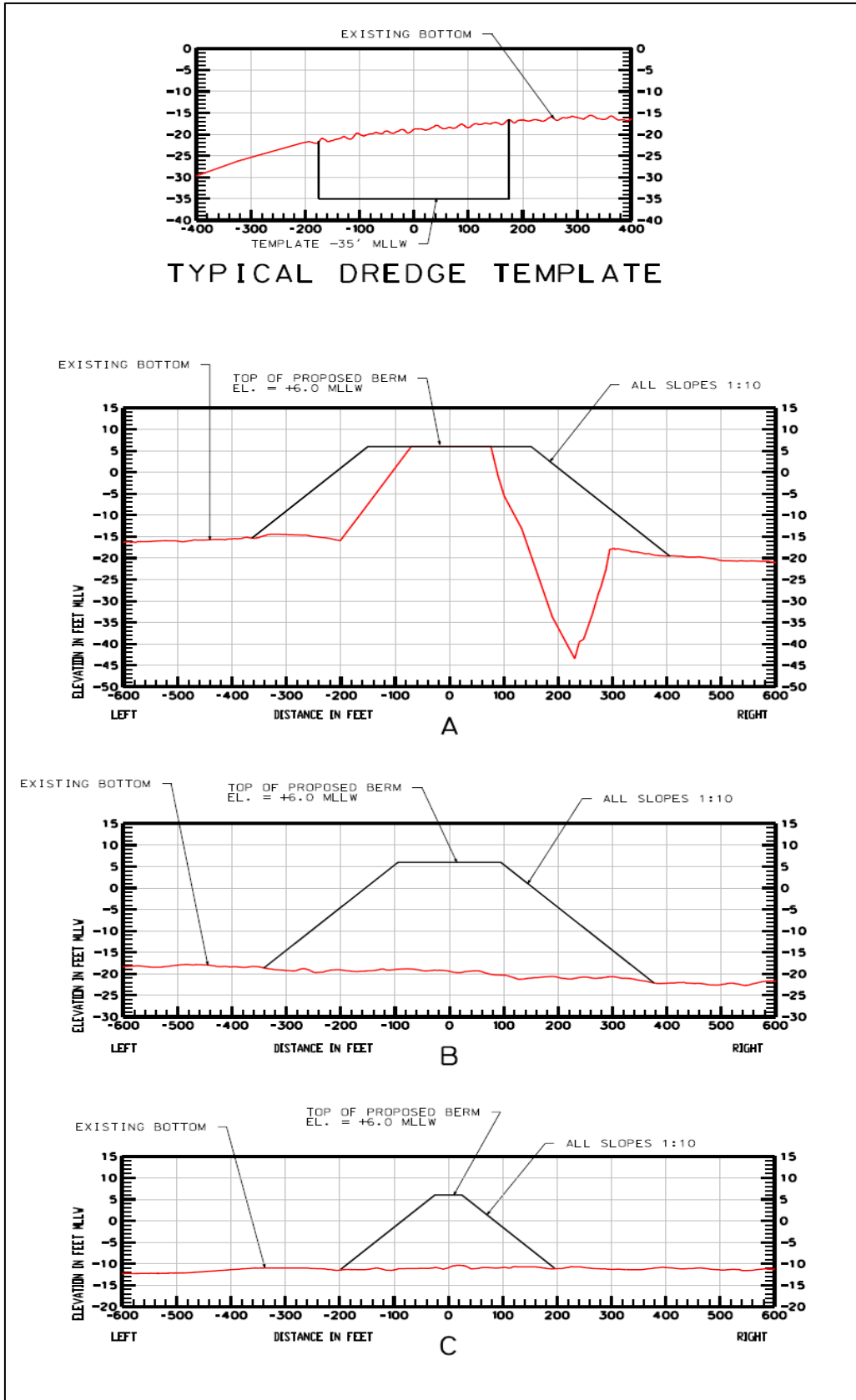


Figure 4. Proposed Sand Island cross sections