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

REPLY TO
ATTENTION OF:

PUBLIC NOTICE NO. FP11-MH01-06 **9 November 2011**

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT

AND

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES MOBILE HARBOR NAVIGATION PROJECT

MOBILE COUNTY, ALABAMA

A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to conduct maintenance dredging and placement activities associated with the Mobile Harbor navigation project as previously described in Public Notice Numbers FP86-MH06-2, FP91-MH07-4, FP95-MH07-2, FP97-MH08-02, FP97-MH09-02, FP05-MH12-10, FP06-MH13-10 and FP08-MH14-05. Request for water quality certification and coastal zone consistency is proposed for all previously certified portions of the Mobile Harbor navigation project. The USACE, Mobile District proposes to administratively combine previously certified maintenance dredging and placement activities for the Mobile Harbor navigation project as described in the above public notices to better facilitate administration and management of the project.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 1988. 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. 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.

PROJECT AUTHORIZATION: The navigation channel dredging in Mobile Bay and Mobile River began in 1826 with enactment of the River and Harbor Act of 1826. Over subsequent years, the Federal project at Mobile River and Mobile Bay was expanded to include adjoining channels within the bay. Section 104 of the River and Harbor Act of 1954 (House Document 74, 83rd Congress, First Session, as amended, and previous acts) authorized a 40-foot channel. Improvements to the existing Federal project were authorized in the Water Resources Development Act of 1986 (PL 99 – 662, Ninety-ninth Congress, Second Session), which was approved 17 November 1986, and amended by Section 302 of the Water Resources Development Act of 1996.

WATERWAY AND LOCATION: The proposed action is located in Mobile Harbor, Mobile Bay and the Gulf of Mexico, Mobile County, Alabama.

DESCRIPTION OF THE ENTIRE AUTHORIZED AND EXISTING PROJECT:
The authorized Mobile Harbor Navigation Project includes the following:

a. A 57' x 700' channel from the Gulf of Mexico for approximately eight miles to Mobile Bay;

b. A 55' x 550' channel from the mouth of the Mobile Bay for a distance of approximately 29 miles to near the mouth of Mobile River, including a passing lane two (2) miles long and 625' wide at mid-bay;

c. A 55' x 750' x 4,000' anchorage area just south of McDuffie Island;

d. A 55' x 1,500' x 1,500' turning basin opposite McDuffie Island;

e. A 40' deep channel with the width varying from 700', near the Mobile River mouth, to 500', near the Cochrane Bridge (U.S. Highway 98), a distance of approximately four (4) miles;

f. A 40' x 800' – 1,000' x 2,500' turning basin opposite the Alabama State docks between river miles 1.0 to 1.5; and

g. A 40' x 1,000' x 1,600' turning basin just south of the Cochrane Bridge.

The authorized dimensions of all segments of the Mobile Harbor Project have not been constructed. A summary of both the authorized and the existing maintained dimensions are listed in Table 1. The maintained dimensions of the bay channel are 45' by 400' and the outer bar channel is 47' by 600'. Each of these areas is maintained to a depth that is 10' less than the authorized depth. Several additional features of the authorized project have not been constructed at this time. The anchorage areas that would be located south of the mouth of the Mobile River have not been constructed, and the bay channel and the bar channel, have not been widened. The new turning basin opposite McDuffie Island, between Pinto Island and Little Sand Island was constructed in 2010.

Approval for advanced maintenance for the Mobile Harbor navigation project was received from South Atlantic Division in the mid-1990s as per the Navigation Regulations ER1130-2-530, 29 November 1996. As such, the navigation channels have associated advanced maintenance to accomplish dredging in an efficient, cost-effective, and environmentally responsible manner. In addition to the federally-authorized channel dimensions providing for navigation, two sediment basins in the lower Mobile River and three sediment basins in the bay channel, have been previously authorized and approved. These sediment basins are to provide improved channel maintenance efficiency. Each of the basins are several thousand feet long and have depths ranging from four feet to ten feet lower than the existing navigation channel bottom. The basins decrease frequency of dredging to provide a more cost effective and reliable channel. In addition to sediment basins, an advanced widening feature is authorized for the bar channel.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action is the continued operations and maintenance of the Mobile Harbor Navigation Project. However, previously-approved, but recently constructed, components are also being included in this authorization for the first time, such as: the Mobile Harbor Turning Basin, the use of open water disposal sites for emergency disposal, and the entrance to Theodore Ship Channel where it intersects with Mobile Bay Channel.

The Mobile Harbor Project is divided into three general areas: the river channel section, the bay channel section and the bar channel section. The maintenance activities include the placement of dredged material originating from the project into previously-approved disposal areas. The complete description of the proposed action is presented below, and the project features are illustrated in Figure 1.

River Channel Section - The proposed action in this portion of the project involves the continued maintenance dredging and placement of material from the mouth of the Mobile River to the Cochrane Bridge, a distance of about four miles (see Figure 2). The River channel is dredged to a total depth of 40 feet plus two feet of advanced maintenance and two feet of allowable overdepth dredging. The river channel section upper sediment basin would be maintained to its authorized and approved dimensions with eight feet of advanced maintenance and an additional two feet for allowable overdepth. The river channel section lower sediment basin would be maintained to its authorized and approved dimensions with four feet of advanced maintenance and an additional two feet for allowable overdepth. Up to an additional three feet of sediment could be disturbed in the dredging process resulting in minor amounts of material being removed.

Approximately 1.2 million cubic yards of dredged material would be removed from the main channel on an annual basis. This includes sediment collected in the sediment basins that would be periodically removed as necessary to restore their original dimensions and their sediment-trapping ability. Dredged material may be removed from the channels by dragline/clamshell, hydraulic pipeline and/or hopper dredge, and all material would be placed in previously-approved upland disposal areas (i.e., North Blakeley, ALCOA Mud Lakes, South Blakeley and North Pinto; see Figure 2) located in the upper harbor area or the Mobile-North Ocean Dredged

Material Disposal Site (ODMDS). Dredging and material placement activities could occur at any time during the year, and in response to unforeseen shoaling.

Bay Channel Section – The proposed action within the bay channel section consists of the maintenance dredging of the main channel in Mobile Bay, from near the mouth of the bay to the mouth of the Mobile River, a distance of approximately 29 miles, and the tangent channels, *i.e.*, Theodore channel intersection.

The Bay channel is dredged to a total depth of 45 feet plus two feet of advanced maintenance and two feet of allowable overdepth dredging. The Upper and Lower Bay sediment basins would be maintained to their authorized and approved dimensions with five feet of advanced maintenance and an additional two feet for allowable overdepth. This action will also include the entrance to Theodore Ship Channel where it intersects with Mobile Bay Channel for a distance of approximately 4,300' to its authorized and approved dimensions with six feet of advanced maintenance and an additional two feet for allowable overdepth (see Figure 3). The Mobile Harbor Upper Bay turning basin would be maintained to its authorized and approved dimensions with four feet of advanced maintenance and an additional two feet for allowable overdepth. Up to an additional three feet of sediment could be disturbed in the dredging process resulting in minor amounts of material being removed.

The main navigation channel in the bay typically requires the annual removal of about 4.3 million cubic yards of material to maintain the channel dimensions. The maintenance of the navigation channels and sediment basins may be accomplished by a dragline/clamshell, hopper and/or hydraulic pipeline dredge. The primary disposal area for the bay channel is the previously-approved Mobile-North ODMDS. Dredging and material placement activities could occur at any time during the year, and in response to unforeseen shoaling.

Bar Channel Section – The proposed action includes the maintenance dredging of the channel from the Gulf of Mexico to Mobile Bay, a distance of approximately eight miles (see Figure 5). The Bar channel is dredged to a total depth of 47 feet plus two feet of advanced maintenance and two feet of allowable over depth dredging. Up to an additional three feet of sediment could be disturbed in the dredging process resulting in minor amounts of material being removed.

Approximately 300,000 cubic yards of material would be removed from the channel each year (average annual). The material is typically removed by a hopper or hydraulic cutterhead dredge, and placed in the SIBUA as described by Public Notice FP08-MH14-05 and illustrated in Figure 6. The primary disposal area for the bar channel is the SIBUA; however, the Mobile North ODMDS may be utilized if it is not feasible or if the SIBUA is not available at the time of disposal.

Disposal Area Maintenance – Included in the overall maintenance of the Mobile Harbor Project are activities necessary to maintain the longevity of the upland dredge material placement areas. At times, material from upland sites, *i.e.*, Blakeley Island, may be transported to Gaillard Island for dike raising/construction or other purposes. Upland disposal area restoration and material placement activities could occur at any time during the year. Material to be placed in Gaillard

Island would only occur in accordance with the *Migratory Bird Treaty Act* and any associated regulatory agency agreements.

Emergency Disposal Actions- In the event where storm-related emergency dredging activities are required and considered critical to provide safe navigation for returning the channels to their pre-storm dimensions and restoring full shipping capacity, the USACE, Mobile District is proposing the use of the open bay disposal areas (and Galliard Island disposal area). This action, using pre-established historical disposal areas, was implemented during emergency procedures resulting from Hurricane Katrina and described in Public Notice No. FP05-MH12-10 dated 21 September 2005. This emergency option is necessary when there is insufficient hopper dredge capability to meet these increased needs. Under these circumstances pipeline dredging equipment will be used for the bay channel (see Figures 3 and 4 for Upper Bay and Lower Bay Channel Sections) utilizing thin-layer open-water disposal on adjacent bay-bottoms (east and west side). Pipeline dredging operations will extend from the northern limit of the bay channel south to the mouth of Mobile Bay. These areas range in depth from about six to ten feet. Placement of materials within these sites will utilize thin-layer disposal techniques and will be placed as thinly as possible not to exceed 12 inches in thickness. These areas were historically utilized, prior to 1990, for the maintenance of the bay channel (see Figure 7). The use of the open water sites would be coordinated with the applicable agencies as needed prior to usage.

COASTAL BARRIER RESOURCES ACT (CBRA) CONSIDERATIONS: The USACE, Mobile District has determined that the proposed action for maintenance dredging activities associated with the Mobile Harbor Navigation Project would qualify as an exemption under Section 6(a)(2) of CBRA. Coordination is ongoing with the U.S. Fish and Wildlife Service (USFWS) pertaining to this exemption.

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT CONSIDERATIONS: The suitability of the dredged material placement in the Mobile-North ODMDS has been evaluated in accordance with the criteria established under the authority of Section 102(a) of the Marine, Protection, Research and Sanctuaries Act (MPRSA) of 1972 (40 CFR 227 and 228) as amended. A Section 103 Evaluation Report has been prepared and will be coordinated with the U.S. Environmental Protection Agency (EPA), Region 4 for their Section 103 concurrence with our determination.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action. The majority of the Mobile-North ODMDS is located within the territorial waters of the United States and is certified pursuant to the requirements of the *Clean Water Act, Final Rule for Operation and Maintenance of U.S. Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged Material into Waters of the U.S. or Ocean Waters, 33 CFR Part 336.2(c).* Water quality certification will be requested from the Alabama Department of Environmental Management (ADEM) for a five year period. A decision relative to water quality certification will be determined by ADEM after completion of the required comment period for this public notice.

COASTAL ZONE CONSISTENCY: Pursuant to the requirements of the Coastal Zone Management Act (CZMA), concurrence with the USACE, Mobile District's determination of coastal zone consistency will be requested from ADEM. The USACE, Mobile District has determined that the proposed action is consistent with the Alabama Coastal Program to the maximum extent practicable. A decision relative to concurrence with coastal zone consistency will be determined by ADEM upon completion of the required comment period.

USE BY OTHERS: The proposed action for the Mobile Harbor navigation project is not expected to cause any significant land use changes in the adjacent areas. Use of waters within the auspices of the Mobile Harbor navigation project include commercial fishing, shrimping and recreational boating. Placement of dredged material in the Mobile-North ODMDS or SIBUA would be conducted in such a manner as not to impede navigation.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act (NEPA) impacts associated with navigation improvements for the Mobile Harbor navigation project were addressed in an Environmental Impact Statement (EIS) dated October 1980. In addition, a Supplemental EIS dated 13 December 1985, was prepared to address impacts associated with the offshore placement of dredged material from construction of navigation improvements and channel maintenance activities, and for the designation of an offshore placement site(s). The Record of Decision implementing the harbor improvements was signed 8 January 1987. The EIS and Supplemental EIS were coordinated with all applicable Federal, state and local agencies and the interested public. Impacts from the construction of the new Mobile Harbor Turning Basin were addressed in the Final Environmental Assessment (published May 2007), as well as a Public Notice (PN# FP06-MH13-10 published December 2006). A final EA was prepared to address impacts associated with the placement activities in the *Sand Island Beneficial Use Area* (SIBUA), dated March 2007, and a Finding of No Significant Impact (FONSI) signed on March 2007. A draft Environmental Assessment (EA) for this action has been prepared and is available for review in the USACE, Mobile District Office, Planning and Environmental Division or at the following website: www.sam.usace.army.mil/Pd1.htm. Appropriate revisions will be incorporated into the final report if information is received during the coordination process that would indicate the need to revise the draft report.

SECTION 404(b)(1) EVALUTION REPORT: Water quality impacts associated with the proposed action have been addressed in an evaluation report prepared in accordance with guidelines promulgated by the EPA under Section 404(b)(1) of the Clean Water Act. A draft Section 404(b)(1) evaluation report has been prepared to address any potential impacts associated with the proposed action. Appropriate revisions will be incorporated into the final report if information is received during the coordination process that would indicate the need to revise the draft report. The draft Section 404(b)(1) evaluation report is available for review in the USACE, Mobile District Office, Planning and Environmental Division or at the following website: www.sam.usace.army.mil/Pd1.htm.

ENDANGERED SPECIES: Several species listed as endangered or threatened are occasional visitors to the vicinity of the project area. The USACE, Mobile District has determined the proposed action may affect, but not adversely affect, those protected species. In compliance with Section 7 of the Endangered Species Act, the proposed action is being coordinated with the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Copies of this public notice are being forwarded to the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce and the National Marine Fisheries Service.

ESSENTIAL FISH HABITAT: The proposed action involves Essential Fish Habitat (EFH) that could be affected by the proposed action. EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." 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 in the vicinity of the proposed action: shrimp, red drum, and coastal migratory pelagic. 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. The proposed activities would not adversely impact intertidal wetlands and non-vegetated bottoms. Impacts would be temporal in nature associated with the maintenance dredging and placement activities in Mobile Harbor. The proposed activities would not significantly affect coastal habitat identified as EFH in the project area. Based on the extent of this habitat in the general vicinity of the project and the temporal nature of the impact, the overall impact to fisheries resources is considered negligible.

CULTURAL RESOURCES CONSIDERATIONS: In compliance with the National Historic Preservation Act, the proposed action was coordinated with the Alabama State Historic Preservation Officer (ASHPO). A cultural and historic resources investigation has been performed and indicates that there are no properties listed on or eligible for inclusion on the National Register that will be affected by the proposed action. Copies of this notice are being sent to the ASHPO and the Department of Interior, National Park Service, Atlanta, Georgia.

FARMLAND PROTECTION POLICY ACT CONSIDERATIONS: The provisions of the act are not applicable due to the upland disposal areas not being located near or adjacent to areas usable as farmland and thusly, will not be impacted.

EVALUATION: The decision whether to proceed with the proposed action will be based on evaluating the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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.

Inasmuch as the proposed action involves the discharge of materials into navigable waters, re-designation of the proposed placement sites associated with this Federal project is being made under guidelines promulgated by the Administrator of the EPA in conjunction with the Secretary of the Army. If these guidelines alone prohibit designating these proposed placement site(s), any potential impairment of the maintenance of navigation, including any economic impact on navigation and anchorage which results from the failure to use this site will also be considered.

COORDINATION: Among the agencies receiving copies of this public notice are:

Region 4, Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Daphne, Alabama
Regional Director, National Park Service
U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Protected Resources Division, St. Petersburg, Florida
Commander, Eighth Coast Guard District
Alabama Department of Conservation and Natural Resources, Game and Fish Division
Alabama Department of Conservation and Natural Resources, Marine Resources Division
Alabama State Historic Preservation Office
Gulf of Mexico Fishery Management Council

Other Federal, State and local organizations, and the United States Senators and Representatives of Alabama are being sent copies of this notice and are asked to participate in coordinating this proposed action. It is requested that the information contained in this notice be communicated to any other parties who may have an interest in the proposed action.

CORRESPONDANCE: Any person who has an interest which may be affected by this proposed activity may request a public hearing. Any comments or request for a hearing must clearly set forth the interests which may be affected and the manner in which the interest many be affected. Correspondence concerning this Public Notice should refer to Public Notice No. FP11-MH01-06 and should be directed to the District Engineer, U.S. Army Engineer District,

Mobile, Attention: P.O. Box 2288, Mobile, Alabama 36628-0001, CESAM-PD-EC in time to be received prior to 30 days from date of this public notice directed to Mr. Larry Parson at 251.690.3139 or larry.e.parson@usace.army.mil or Ms. Caree Kovacevich at 251.690.3026 or caree.a.kovacevich@usace.army.mil may be contacted for additional information.

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

Table 1. Authorized and Existing Dimensions for Mobile Harbor

Channel	Authorized Dimensions	Existing Dimensions
Outer Bar Channel (a.)	57' x 700'	47' x 600'
Bay Channel (b.)	55' x 550'	45' x 400'
Anchorage Area (c.)	55' x 750' x 4000'	*Not Constructed*
Turning Basin (d.)	55' x 1500' x 1500'	45' x 755' x 1320'
River Channel (e.)	40' x 500'-700'	*As Authorized*
Turning Basin (f.)	40' x 800' – 1000' x 2500'	*As Authorized*
Turning Basin (g.)	40' x 1000' x 1600'	*As Authorized*

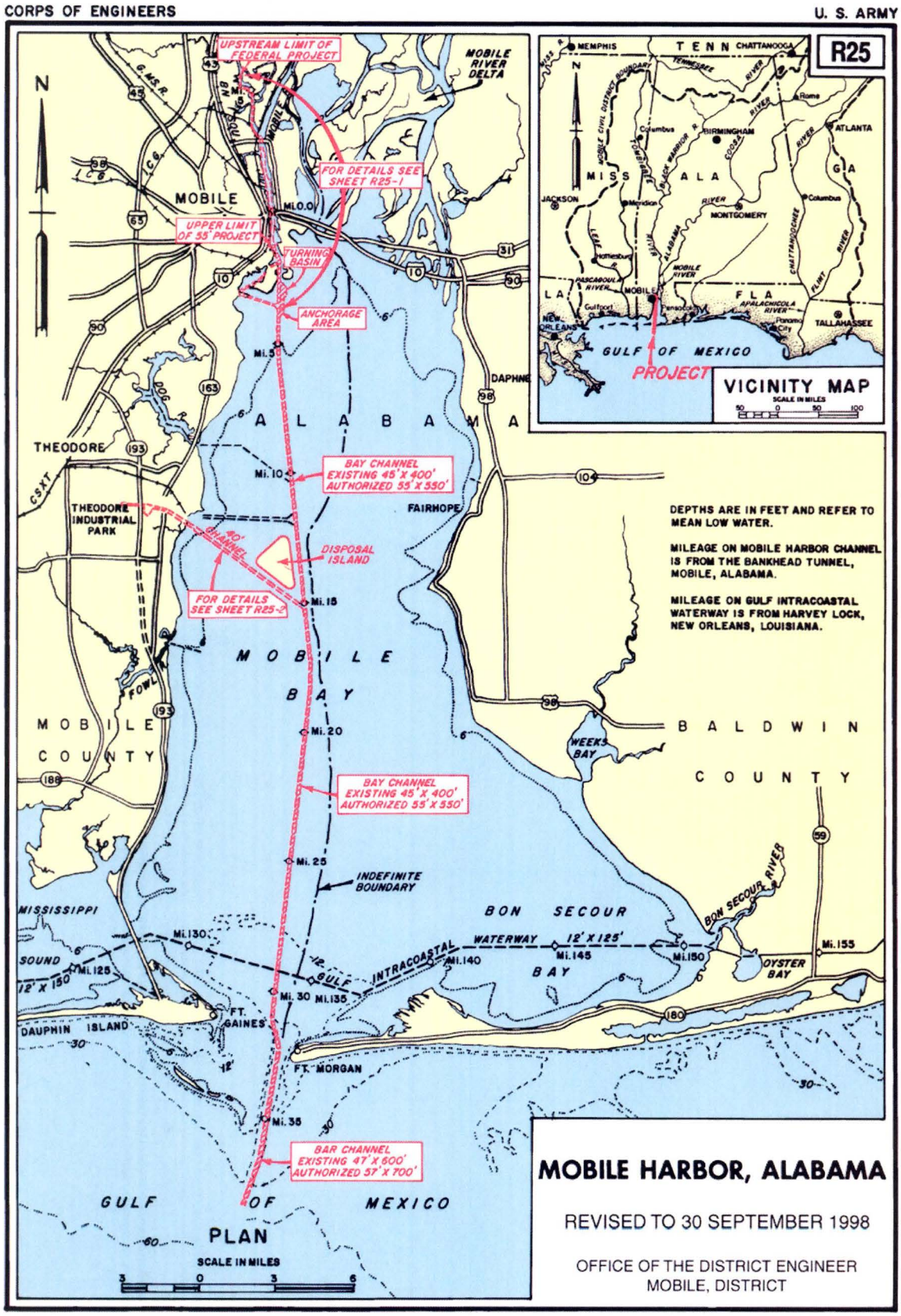


Figure 1. Mobile Harbor Federally Authorized Navigation Project

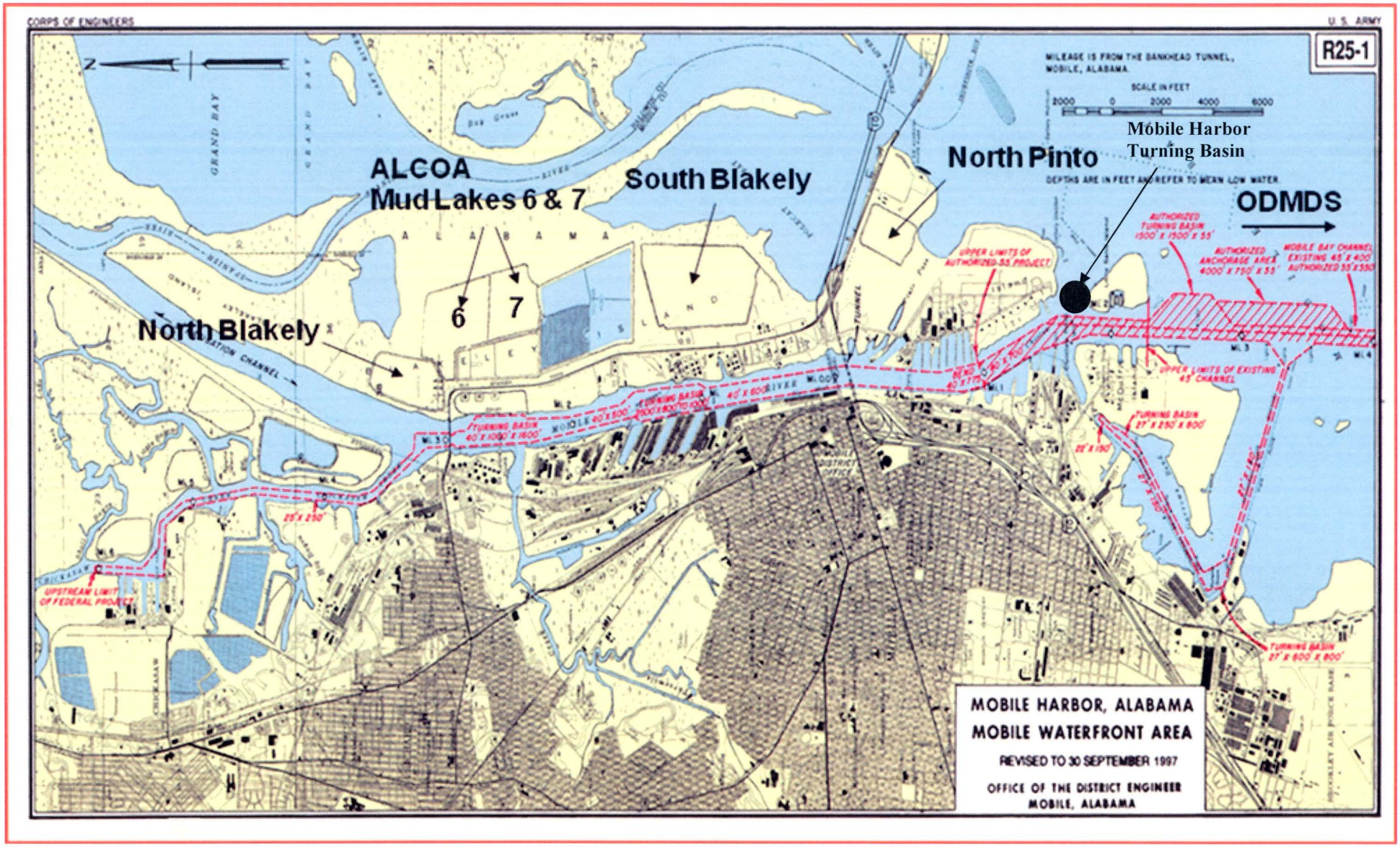
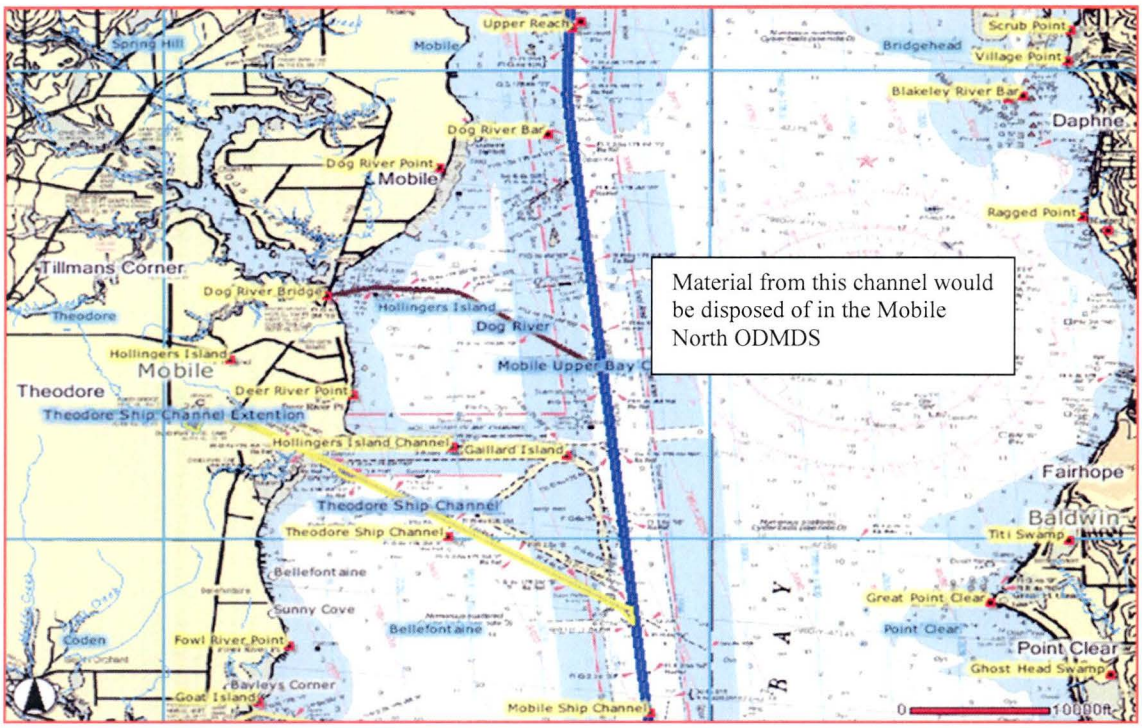
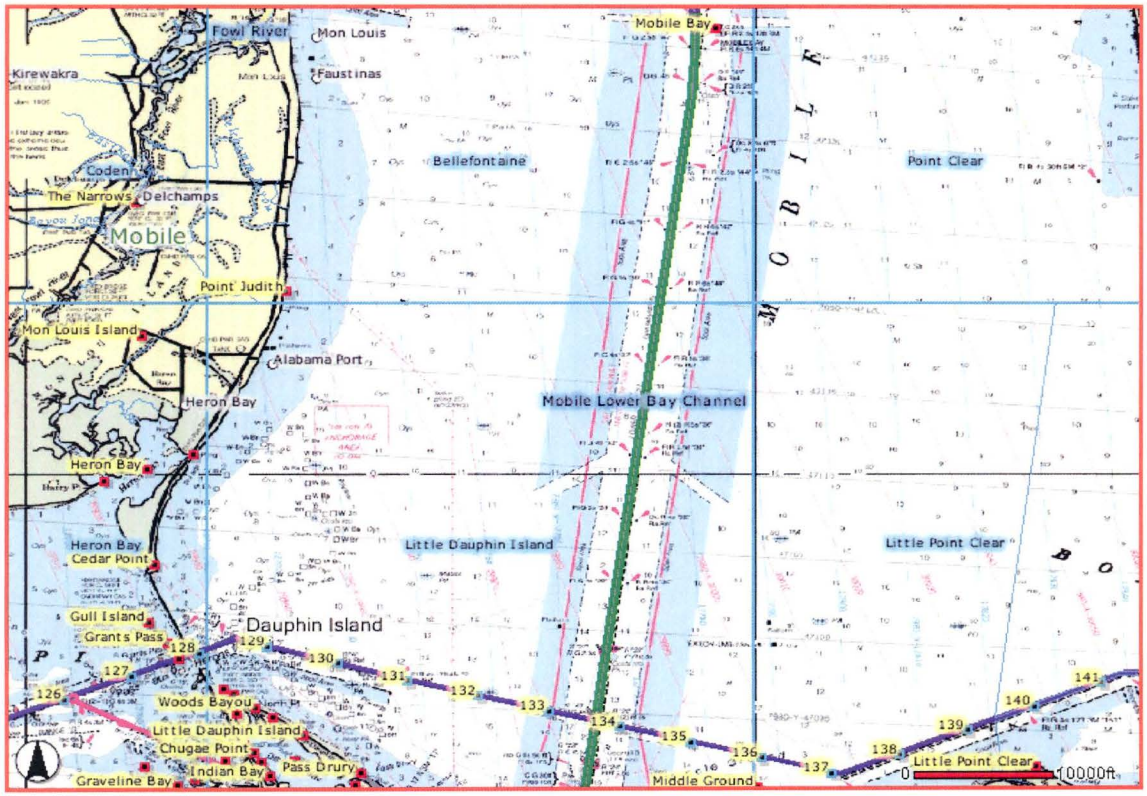


Figure 2. Location of the new Mobile Harbor Turning Basin and upland disposal sites.



Figure(s) 3 (above) and 4 (below) Upper Bay and Lower Bay Channel Sections



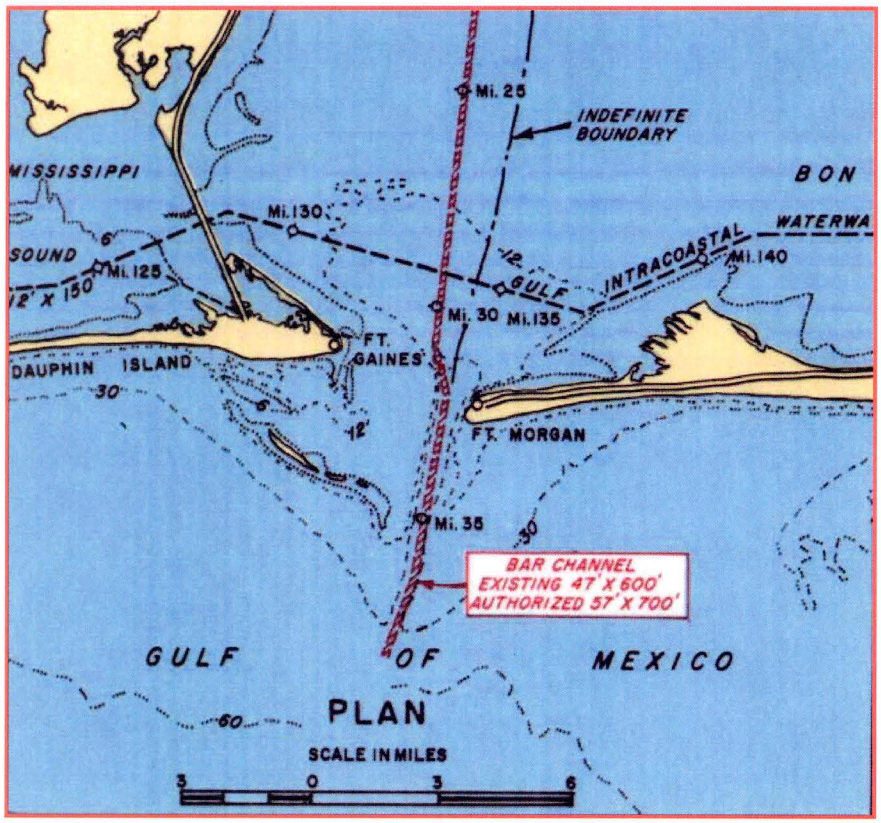


Figure 5- Bar Channel Section

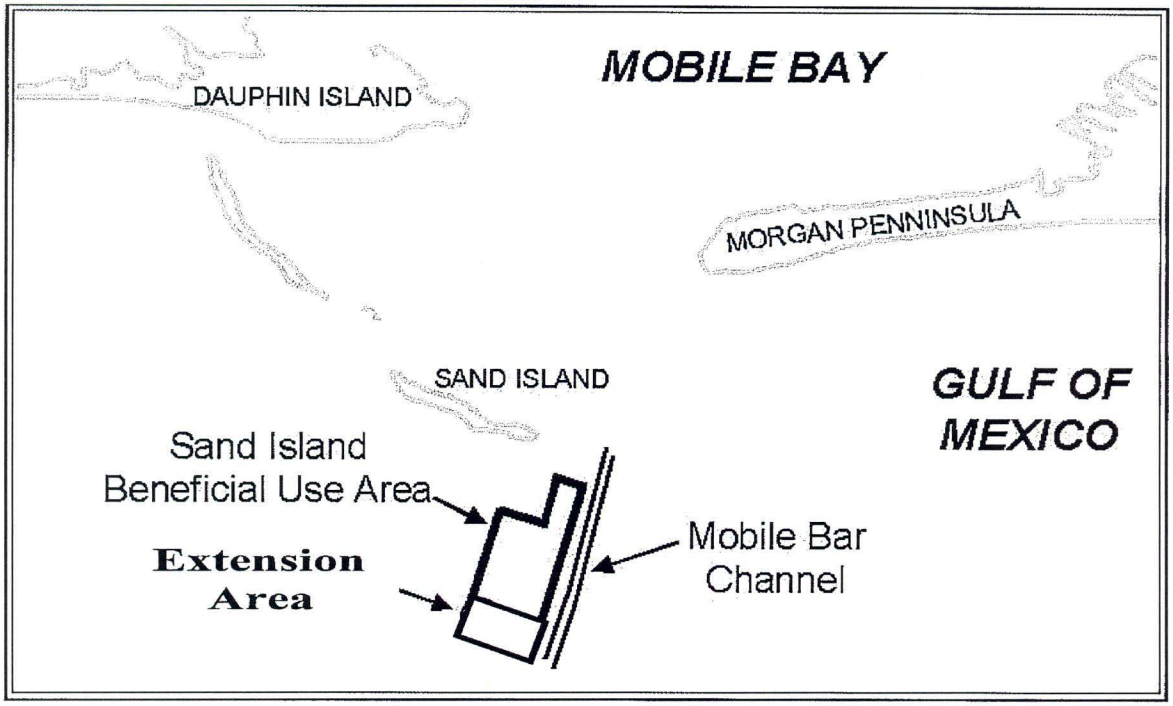


Figure 6. Location of the Sand Island Beneficial Use Area (SIBUA)

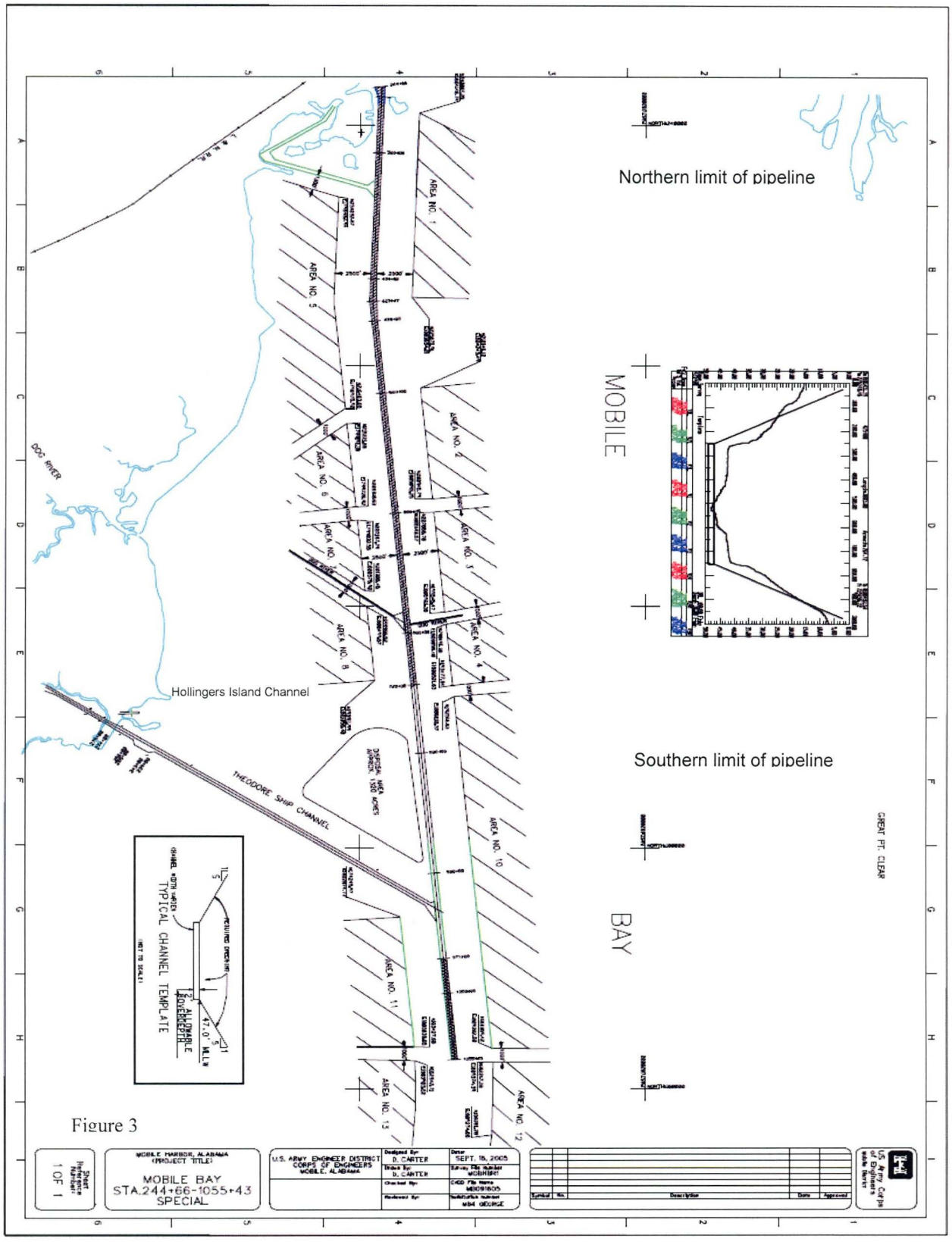
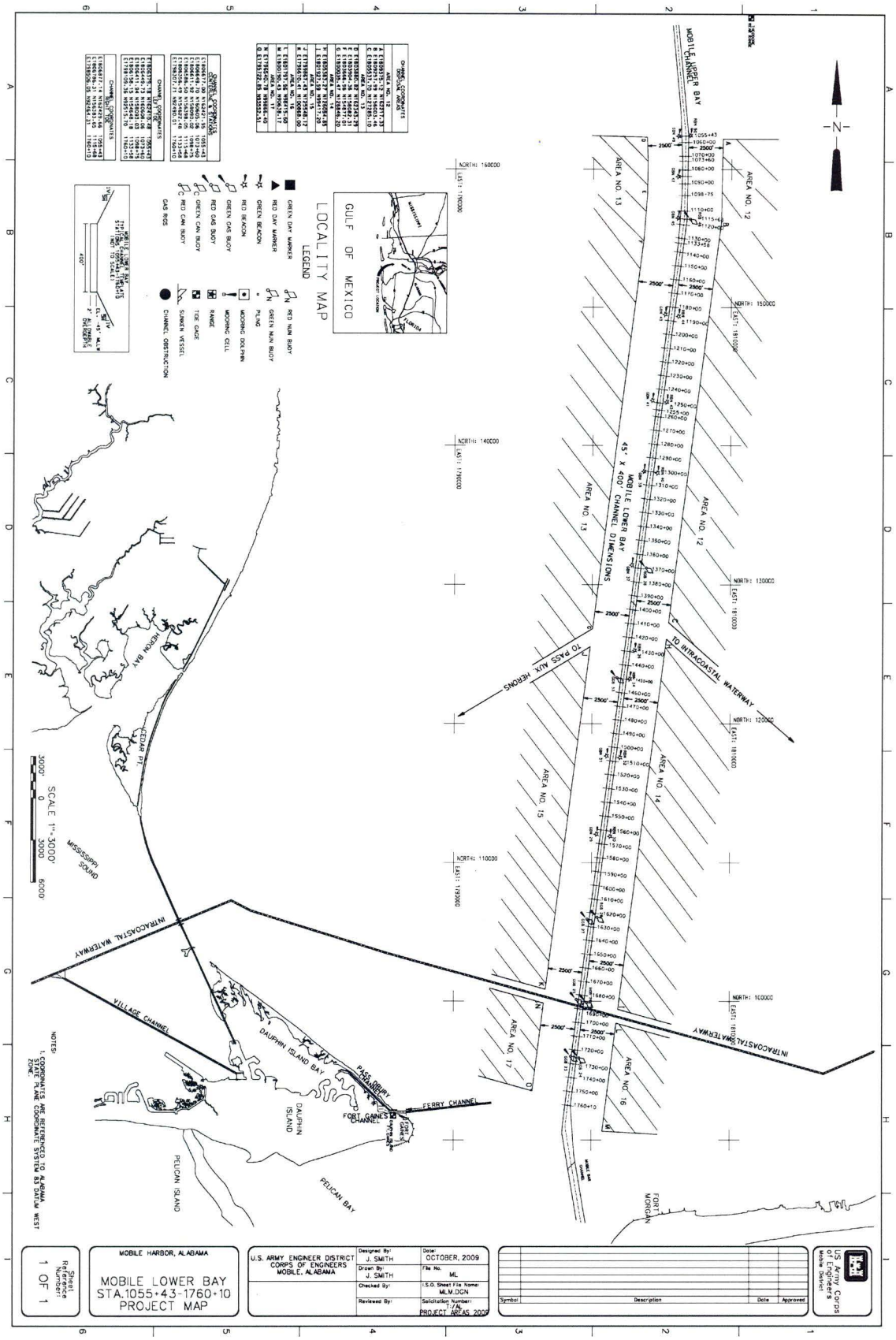

Northern limit of pipeline
MOBILE
Southern limit of pipeline
BAY
Hollingers Island Channel
THEODORE SHIP CHANNEL
DOG RIVER
GREAT FT. CLEAR
AREA NO. 1
AREA NO. 2
AREA NO. 3
AREA NO. 4
AREA NO. 5
AREA NO. 6
AREA NO. 7
AREA NO. 8
AREA NO. 10
AREA NO. 11
AREA NO. 12
AREA NO. 13
TYPICAL CHANNEL TEMPLATE
MOBILE HARBOR, ALABAMA
MOBILE BAY
STA.244+66-1055+43
SPECIAL
1 OF 1
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA
D. CARTER
SEPT. 16, 2005

Figure 3


MOBILE HARBOR, ALABAMA
MOBILE LOWER BAY
STA.1055+43-1760+10
PROJECT MAP
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
MOBILE, ALABAMA
OCTOBER, 2009
Sheet Reference Number:
1 OF 1
LOCALITY MAP
GULF OF MEXICO
LEGEND
MOBILE LOWER BAY
45' X 400' CHANNEL DIMENSIONS
AREA NO. 12
AREA NO. 13
AREA NO. 14
AREA NO. 15
AREA NO. 16
AREA NO. 17
TO PASS AUX HERONS
TO INTRACOASTAL WATERWAY
INTRACOASTAL WATERWAY
VILLAGE CHANNEL
DAUPHIN ISLAND BAY
PASS AUX HERONS
FERRY CHANNEL
FORT GAINES CHANNEL
DAUPHIN ISLAND
PELICAN ISLAND
PELICAN BAY
FORT MORGAN
HERON BAY
CEDAR PT.
MISSISSIPPI SOUND
SCALE 1" = 3000'
NOTES:
US Army Corps of Engineers