From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: Mobile Harbor GRR IPR#3 - Final Meeting Minutes
Date:	Tuesday, January 2, 2018 4:40:00 PM

Final Minutes-Mobile Harbor GRR IPR 28 November.docx

(b) (6)

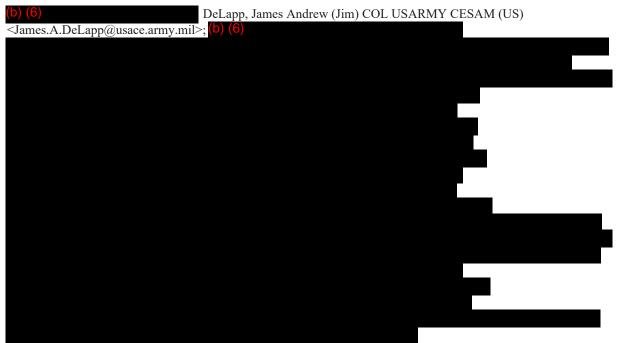
Attachments:

In accordance with discussion at the November IPR, we're planning on a vertical team meeting on the tentatively selected project width and depth at the end of this month. The purpose of the meeting will be to keep the vertical team apprised of study progress.

Does January 25 at 0900hrs work for you guys?

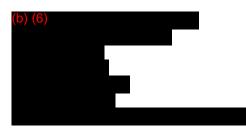




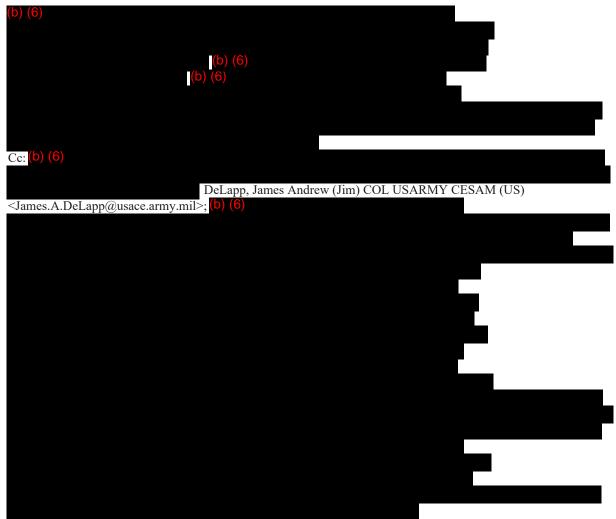


Subject: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

All: Attached are the final minutes for the Mobile Harbor GRR IPR#3. Will coordinate with vertical team leads soon to set the January date for review of the proposed width and length of the widener.

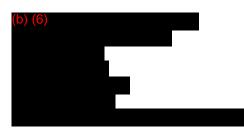




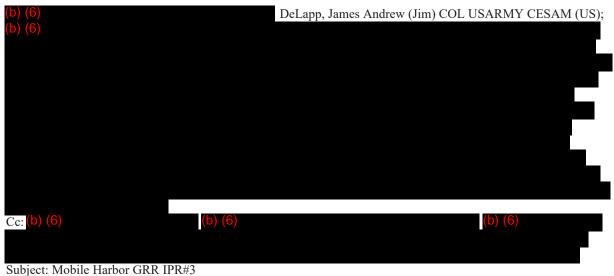


Subject: Mobile Harbor GRR IPR#3 - Draft Meeting Minutes

All: Attached are the DRAFT Meeting Minutes from the Mobile Harbor GRR IPR#3 held November 28. Please provide comments back to me by COB Wednesday, December 13, 2017.



-----Original Appointment-----From: (b) (6) Sent: Monday, October 16, 2017 1:40 PM To: (b) (6)



When: Tuesday, November 28, 2017 1:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: Mobile District Employees, Exec Conference Room

All: Due to a schedule conflict, Mobile Harbor IPR #3 time and date have been revised to Tuesday, November 28 at 1430hrs ET (1330hrs CT).

All,

Please plan on attending an In-Progress Review Meeting for the Mobile Harbor GRR, Thursday, November 30 at 1000hrs ET (0900hrs CT).

Webinar Information is as follows: Web Meeting Address: USA Toll-Free: Access Code: Security Code:





MEETING MINUTES (In-Progress Review #3)

Date of Meeting:	November 28, 2017	Location:	Mobile, Alabama
Minutes Prepared By:	Mobile District PDT	Time:	1:30 PM –2:30 PM CT

1. Purpose of the In Progress Review #2 Meeting

The U.S. Army Corps of Engineers (USACE), Mobile District Project Delivery Team (PDT), USACE South Atlantic Division (SAD), USACE Headquarters (HQ), Senator Shelby's Staff, the non-Federal sponsor - Alabama State Port Authority (ASPA), and the Deep Draft Navigation Planning Center of Expertise (DDNPCX) participated in a third In-Progress Review (IPR) Meeting to keep the vertical team apprised of progress on the Mobile Harbor GRR and ensure vertical concurrence with the study direction. The meeting was conducted via teleconference and webinar from the USACE, Mobile District, 109 Saint Joseph Street, Mobile, Alabama on November 28, 2017.

2. Attendance at Meeting

Name	Agency/Title	E-mail	Phone
See Attachment 1.			

3. Meeting Agenda

Purpose: To keep the vertical team apprised of progress on the Mobile Harbor GRR and ensure concurrence with study's continued direction.

Objectives: Provide an update on the overall status of the project with an emphasis on habitat impacts.

- ✓ Study is on schedule and budget.
- ✓ *Hydrodynamic, water quality, and estuarine sediment transport models complete.*
- ✓ Currently assessing habitat impacts.

1:30 – 1:35 (CT) Opening Remarks & Introductions

- 1:35 2:20 Formal Presentation
 - Bottom Line Up Front
 - Major Activities Since April IPR
 - GRR Schedule (48 Months)
 - Focused Alternatives
 - Dredge Material Placement and Public Concerns
 - Preliminary Project Cost Estimate
 - Preliminary Net Benefits and BCR
 - Aquatic Resources Assessment (Wetlands, SAV, Oysters, Benthic Invertebrates, and Fish)
 - Federal Funding
 - Study Summary
 - What's Next



Mobile District Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

3. Meeting Agenda

2:20 – 2:30 Closing Remarks

4. Meeting Summary

The primary purpose of this in-progress review was to update the Vertical Team on recent progress with the study with a special emphasis on the environmental impacts assessments presently underway.

SAM first presented the major activities completed since the last IPR, reviewed the schedule, and presented the focused alternatives currently under consideration. Current measures include a 48 to 50 foot deepening, a 50 to 100 foot widener up to 5 miles in length, an expansion of the turning basin, and bend easing in the bar channel.

Proposed dredge material placement and public concerns were presented. Placement in the relic oyster shell mined area represents a least-cost alternative and would also be considered beneficial for a limited amount of material. Although existing borings do not indicate "beach quality" new work material within the bar channel, suitable material that is excavated in sufficient quantity will be placed in SIBUA or another beneficial use location such as along the Sand Island/Pelican Island Complex. The majority of the new work material will go to the ODMDS. SAM is working w/ EPA to designate the expanded area of the ODMDS. SAD reminded everyone that adequate dredge material placement was a concern with the Jacksonville navigation project and noted that it may present issues to obtaining final report approval if a sufficiently sized and permitted placement site is not part of the study.

Preliminary costs, benefits, and BCR's were presented. Costs for the focused alternatives range from \$268M to \$450M. The depth that maximizes net benefits is 51'. SAM is currently updating the economic benefits for the widener based on updated passing rules developed from ship simulation and discussions with the Pilots. Through normal procedures, features such as wideners are justified incrementally as stand-alone segments. Wideners are hard to justify (BCR above 1.0) due to high cost of dredging/disposal, and small increases in benefits associated with widening. All parties agreed to a follow-on meeting in January to discuss the updated economics for the widener and the way ahead.

ERDC ((b) (6)) presented the aquatic resource impact investigation. For the habitat impact assessment, the project team has analyzed the hydrodynamic, sediment transport, and water quality changes that would result from modifying the existing channel to a 50-ft depth project with a 100' widener for a length of 5 miles. Impacts associated with this channel modification represent the maximum reasonably likely channel modifications that would be recommended with the study. Along with the impacts associated with sediment transport and ship wake, the study is evaluating five environmental indicators (wetlands, submerged aquatic vegetation, benthic invertebrates, oysters, and fish) using hydrodynamic and water quality changes (salinity and other parameters) as proxies for potential impacts.



of Engineers. Mobile District

The environmental impact analysis is not yet complete and has not been presented to resource agencies and the public. However, preliminary analysis indicates that habitat impacts due to salinity changes appear to be minimal. A follow-on IPR will be held with the vertical team after the results are complete to ensure an in-depth understanding of impacts and mitigation prior to the TSP milestone meeting. Division $\binom{(b)}{(6)}$) reminded all parties involved that the environmental impacts have been a controversial issue with the Jacksonville Harbor deepening study. The project team and NFS are aware of the need to continue communications with the agencies and the public and acknowledge the risk of challenges to the analysis and decisions about mitigation.

Finally, Funding for the completion of the Mobile Harbor GRR remains a concern but the OMB and OASA(CW) has provided support for the authority to continue with this study until FY 2018 funding is provided. SAM has funds to currently carry this study through Jan 2018. OMB approved a specific exemption of the "Lesser Than Rule" for this project during a Continuing Resolution (CR) period as we are in now. SAD has sourced funds to carry this study through March 2018, which should get us to a point in time to receive FY 2018 Work Plan funds IF Congress and the Administration decide to provide those additional funds to the Corps of Engineers in FY 2018 Appropriations Act. The Mobile Harbor GRR was not in the President's Budget for FY 2018. Consequently, Senator Shelby engaged both OMB and the ASA(CW) regarding this issue and there is a plan to fund this study for completion subject to Congress and the Administration passing a FY 2018 Budget and additional funding pots.

5. Meeting Notes, Decisions, Issues

A. Slide Summary

The PDT presented the attached PowerPoint presentation to the Vertical Team outlining the major activities completed since the October IPR (engineering, economic, environmental, and other), the planning approach to identify the project width and depth for further evaluation, further screened focused alternatives, and USACE's decisional table that is used to identify the plan that reasonably maximizes net benefits.

- Slide 2 provided the Purpose and the Bottom Line Up Front.
 - Study on budget and schedule
 - Majority of engineering modeling complete
 - o Currently assessing habit impacts
- Slide 3 provided the Major Activities Since April IPR.
 - Completed existing, future without project, and future with project hydrodynamic, estuarine sediment transport, & WQ modeling
 - Completed ship simulation study
 - o Developed preliminary estimates for all deepening and widening alternatives
 - Developed fleet and commodity forecasts and completed preliminary Harborsym model runs
 - o Developed preliminary net benefits for channel modifications
 - o Completed final benthic and fish field sampling
 - Selected beneficial use/placement alternatives



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

- Held public open house meeting as well as group meeting with seafood and minority/low income communities
- Slide 4 provided the GRR Schedule (48 Months).
- Slide 5 provided the Focused Alternatives.
 - o Depth 48-50 foot
 - Widener 50 to 100 foot for 5 miles
 - o Bend easing
 - Turning basin modification
- Slides 6 provided the Dredge Material Placement and Public Concerns
 - Formerly mined relic oyster shell area
 - Sand Island Beneficial Use Area (SIBUA)
 - Pelican/Sand Island Complex
 - Offshore Dredge Material Disposal Site (ODMDS)
- Slides 7 and 8 provided the Preliminary Project Cost Estimate, Net Benefits, and BCR
 - USACE decisional tables utilized to justify project width and depth. This is not a budgetary tool.
 - Widening benefits to be updated based on revised passing rules for HarborSym
- Slide 9 provided Aquatic Resources Assessment (Overview)
 - Model outputs compare water quality using existing and post-project conditions
 - Use model outputs to compare water quality for comparison of existing conditions to post-project conditions
- Slide 10 provided Aquatic Resources Assessment (Wetlands)
 - 800 ground truth sites have been visited
 - No impacts to wetlands expected within this portion of the bay
 - Slides 11 and 12 provided Aquatic Resources Assessment (SAV)
 - Initial assessment ongoing:
 - During high salinity period, mean salinity remains low, with short duration (<24 hr) spikes >8.5 ppt
 - Two types of SAV bed have wide salinity tolerance ranges, no impact
 - One type of SAV may be impacted by long duration high salinity, but only short duration observed to date
- Slide 13 provided Aquatic Resources Assessment (Oysters)
 - Integrated hydrodynamic Water Velocity model with Water Quality model and Oyster behavior
 - Currently running 17 particle simulations
 - Ongoing activities include:
 - % Mortality for water quality (TDS, DO, TEMP)
 - Determining larval particles flushed out of Bay
- Slide 14 provided Aquatic Resources Assessment (Benthic Invertebrates)
 - Sampling and baseline data analysis of location and time complete
 - Overall Mobile Bay benthic invertebrate densities are low compared to other estuaries in the northern Gulf of Mexico



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

- Estuarine and freshwater habitats are dominated by polychaetes and insects, respectively
- Within the transitional zone, benthic communities are similar across a wide range of salinities
- Initial impact assessment underway and indicate that benthic invertebrate communities change with freshwater input into system throughout the year.
- Slide 15 Aquatic Resources Assessment (Fish)
 - No impacts expected for freshwater and transitional euryhaline fish species (based on salinity tolerances)
 - Evaluation of salinity changes with project on resident euryhaline and stenohaline species are being finalized
- Slide 16 Aquatic Resources Assessment (Summary) Discussion:
 - o Baseline resources identified
 - Initial model runs complete
 - Additional model runs ongoing, including project + sea-level rise predictions
 - Potential impact analysis ongoing
 - To date, minimal potential impacts observed (preliminary)
- Slide 17 provided the Federal Funding
 - FY18 appropriation is \$32k. Received FY18 Obligation authority in the amount of \$650k
 - Received sponsor match for FY18 capability
- Slide 18 provided the Study Summary
 - Completed bulk of engineering/environmental modeling
 - Continuing to assess the environmental impacts
 - Depth is 48-50 foot with 50 to 100 foot widener for 5 miles, with bend easing and turning basing modifications.
- Slide 19 provided the next steps on the project
 - Finalize proposed project dimensions (Jan 2018)
 - Establish impacts/mitigation needs (Feb 2018)
 - Hold TSP Meeting (Mar 2018)

B. Vertical Team (SAD/HQ) Comments and Questions

SAD and HQ vertical team provided the following comments and suggestions:

- Slide 1 Welcome and opening remarks Discussion:
 - (b) (6) asked that SAM provide record minutes of the meeting
- Slide 2 Bottom Line Up Front Discussion:
- Slide 3 Major Activities Since April IPR Discussion:
- Slide 4 GRR Schedule (48 Months) Discussion:
- Slide 5 Focused Alternatives Discussion:
- Slide 6 Dredge Material Placement and Public Concerns Discussion:
 - (b) (6) asked if sufficient disposal capacity for material placement. (b) (6) responded that we are moving forward with the permit for the ODMDS. We expect to have a permitted site prior to completion of the study.



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

- (b) (6) stated that material placement was a critical concern for the Jacksonville Harbor project and stated that lack of available permitted capacity for placement of the new work material could potentially delay project approval.
- Slide 7 Preliminary Project Cost Estimate Discussion:
 - (b) (6) asked if bend easing and turning basin are safety requirements.
 (b) (6) responded yes, that the bend easing and turning basin modifications were necessary for safety.
- Slide 8 Preliminary Net Benefits and BCR Discussion:
 - (b) (6) asked if SAM intended to proceed with an LPP. (b) (6) responded that SAM plans to initiate a follow-on meeting in January to discuss the way-ahead based on revised economic benefits for the widener. (b) (6) asked that the team keep in mind that the vertical team and ASA(CW) will need to know prior to TSP if the project will pursue an LPP. It does not have to be an official memo, however it must be socialized.
- Slide 9 Aquatic Resources Assessment (Overview) Discussion:
- Slide 10 Aquatic Resources Assessment (Wetlands) Discussion:
- Slides 11 and 12 Aquatic Resources Assessment (SAV) Discussion:
 - (b) (6) asked how the resource tolerances were established and validated.
 (b) (6) responded that most water quality tolerances for the resources are well established within literature.
 (b) (6) followed that field data collection instruments and sampling was used to verify the modelling results.
- Slide 13 Aquatic Resources Assessment (Oysters) Discussion:
- Slide 14 Aquatic Resources Assessment (Benthic Invertebrates) Discussion:
- Slide 15 Aquatic Resources Assessment (Fish) Discussion:
- Slide 16 Aquatic Resources Assessment (Summary) Discussion:
 - (b) (6) stated that the normal process includes review and approval of models used and asked where SAM is in this process. (b) (6) stated that Hydrodynamic modeling and sediment transport and water quality models have already been certified. Currently using some analysis for the water quality resources to understand how salinity changes affect species. SAM and ERDC are coordinating with Ecosystem PCX in technical team meetings. Once habitat impacts are understood the team will coordinate with PCX on the way ahead. If mitigation is minimal, then PCX coordination will be nominal or not required. However if there are large mitigation requirements, the PCX will be involved with mitigation to assist in establishing the standards and other requirements to address impacts.
 - (b) (6) stated that Division would like a follow-on meeting prior to the TSP to discuss habitat impacts and proposed mitigation (if required). A lesson learned from Jacksonville Harbor was a lack of vertical communication in regards to the mitigation needs of the project.
 - (b) (6) asked what type of monitoring will be done to validate salinity changes to the aquatic environment. SAM noted that The WRDA 07 requirement for monitoring only applies to ecosystem restoration projects. There's no requirement for navigation



projects unless we think it's warranted or required by agencies. SAD noted that a monitoring plan both during and post-construction may be required based on lessons learned from Jacksonville Harbor. SAD noted we may need to develop and vet through vertical team. (b) (6) stated that the Mississippi Comprehensive Barrier Island monitoring plan has different target species, however it can be used to quickly develop a monitoring plan and cost if needed.

- (b) (6) asked that SAM explain analytical approach to relative sea level rise over 50-or 100-years.
 (b) (6) noted that Engineering is running the moderate curve and that the team is running the model with and without future sea level rise. Environmental will compare with project as well as project with sea level rise to determine distinction between two expected scenarios.
- Slide 17 Federal Funding Discussion:
 - (b) (6) asked if the schedule could be impacted should federal funding have a gap. (b) stated that it would. Use of the \$650,000 obligation authority would extend the project to January but not further.
 - (b) (6) stated that the OMB waiver allows up to \$940,000 for reprogramming.
 FY18 appropriations bill is expected to fund study without a delay in schedule.
- Slide 18 Study Summary Discussion:
 - (b) (6) stated determination of environmental impacts and mitigation needs are critical because the results could lead to different outcomes within the approval process. It is important to have agency and public involvement regarding mitigation. A lesson learned from the Jacksonville Harbor Project is that there was disjointed understanding of impacts between the Corps, other agencies, and the community.
 - (b) (6) , ASPA, stated that SAM will hold a meeting on December 13, 2017 with local Environmental NGO's, however, preliminary impacts, if known, will not be presented until after we have coordinated with the cooperating agencies. The team does expect to hold a follow-on meeting with the NGO's after we have coordinated with the cooperating agencies.
 - (b) (6) asked the likelihood that Ship wake analysis in the bay channel and sediment transport analysis near Dauphin Island will affect outcome. (b) (6) stated that the engineering analysis is still underway and that these are study risks.
 - (b) (6) noted that the benefits for the depth increased to 51 foot and asked if the local sponsor had limited the depth to 50'?
 (b) (6) stated that Yes, the port does not expect to go deeper than 50'.
- Slide 19 What's Next Discussion:
 - (b) (6) referenced Planning Bulletin 2017-01 Guidance from January 2017 that requires release of the draft report be accomplished within 60-days of TSP meeting. SAM agreed to shift dates as required to meet the requirements of the Planning Bulletin.
 - (b) (6) asked if a 50' widening will pass a Panamax and Post-Panamax vessel?
 (b) (6) stated that No, it cannot without draft restrictions.



- (b) (6) asked if there is an expectation that additional authorization is needed?
 (b) (6) and (b) (6) stated that they have no expectation that the study will exceed the existing authorization.
- (b) (6) stated that there is a transition of team members occurring now at HQs.
 (b) (c) stated that we expect a new Planning Chief at HQs in March 2018; (b) (c) is (c) acting.

C. Conclusions

- Project is on budget and schedule, however it is currently not in the FY18 President's Budget. Team will continue to monitor budget process.
- SAM will confirm ODMDS Capacity and permit status. Will likely need placement resolved prior to study approval.
- SAM will present updated economics for widener in January.
- SAM will present habitat impacts and proposed mitigation to vertical team after coordination with agencies but prior to TSP.
- The environmental impact analysis is not yet complete and has not been presented to resource agencies and the public. However, preliminary analysis indicates that habitat impacts due to salinity changes appear to be minimal. Impacts resulting from changes to the sediment transport process, ship wake, and other water quality constituents remain a study risk.

6. Action Items		
Action	Assigned to	Due Date
Distribute draft IPR minutes	(b) (6) CM)	07-Dec-2017
Obtain revisions from IPR attendees / distribute final minutes	(b) (6) CM)	18-Dec-2017
Update Decision Log	(b) (6) CM) (PD-FP, PM-	19-Dec-2017
Hold vertical team meeting to confirm project width	(b) (6) CM) (PD-FP, PM-	TBD (Jan)
Hold vertical team meeting to confirm habitat impacts and mitigation needs	(b) (6) CM) (PD-FP, PM-	TBD (Feb)

7. Next Vertical Team Meeting – TSP Milestone						
Date:	28-Mar-2018 Time: 1300hrs ET Location: webinar/conf call					
Agenda: Presentation of the Tentatively Selected Plan for Concurrence and Approval						



Mobile District

Attachment 1: Attendance Roster *attended meeting via conference call

Name	Organization	Email Address
(b) (6) *		
(b) (6) *	SEN Shelby Staff - Legislative Dir.	
(b) (6) *	SEN Shelby Staff	
	– Legislative Ass.	
(b) (6)	Senate	
	Appropriations	
(b) (6)	ASPA	(b) (6)
(b) (6)	ASPA	(b) (6)
*	CEPOH Climate	(b) (6)
	Change	
(b) (6) *	CECW-PC	(b) (6)
(b) (6) *	CESWD-RBT	(b) (6)
(b) (6)	OWPR (CECW-PC)	(b) (6)
(b) (6) *	OWPR (CECW-	(b) (6)
	PC/LRD)	
(b) (6)	SAD RIT	(b) (6)
(b) (6) *	CESAD-PD,	(b) (6)
	Director of	
	Programs	
(b) (6) *	CESAD-PDP	(b) (6)
(b) (6) *	CECC-SAD	(b) (6)
(b) (6) *	CESAD-PDP	(b) (6)
(b) (6) *	CESAD-PDR	(b) (6)
(b) (6) *	CESAD-PDP	(b) (6)
(b) (6) *	CESAD-RBT	(b) (6)
(b) (6) *	CESAD-RBT	(b) (6)
(b) (6) *	CESAD-PDC	(b) (6)



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

	_	
(b) (6) *	CEERD-EEW	(b) (6)
(b) (6)	CESAM-DS	(b) (6)
(b) (6)	CESAM-PD	(b) (6)
(b) (6)	CESAM-OC	(b) (6)
(b) (6)	CESAM-PD-F	(b) (6)
(b) (6)	CESAM-PM-C	(b) (6)
(b) (6) *	CESAM-PD-EC	(b) (6)
(b) (6)	CESAM-PM-CM	(b) (6)
(b) (6)	CESAM-PD-FP	
(b) (6)	CESAM-EN-H	(b) (6)
(b) (6) *	CESAM-EN-HH	(b) (6)
(b) (6)	CESAM-PD-FE	(b) (6)
(b) (6)	CESAM-PD-EC	(b) (6)
(b) (6)	CESAM-PD-EC	(b) (6)
(b) (6)	CESAM-EN-TS	(b) (6)
(b) (6)	CESAM-PD-EC	(b) (6)
(b) (6)	CESAM-PM-CP	(b) (6)
(b) (6)	CESAM-OP-TN	(b) (6)
(b) (6)	CESAM-DX	(b) (6)
(b) (6)	CESAM-PD-EI	(b) (6)
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No comment.



Subject: Draft Minutes from Today's Mobile Harbor GRR Technical Team Meeting

All,

The draft minutes from today's meeting are attached for your review. Please let me know if any changes are needed by noon tomorrow.

Environmental team - If you haven't already done so, please send us an update of where you are with your analyses.



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	RE: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

(b) : 24 January at 1000hrs CT works for SAM and SAD. Will send formal invite if HQ is available. Again, we expect this to be a somewhat informal meeting finalizing the economically justified width and depth that we will move forward with on the project.

(b) (6)		

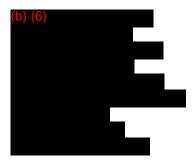
Date:

Original Message	
From:(b) (6)	
Sent: Wednesday, January 03, 2018 11:51 AM	
To: (b) (6)	
Cc: (b) (6)	

Subject: RE: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

Wednesday, January 3, 2018 12:55:00 PM

Hi (b) , I'm not at HQ any more but for SAD the 25th does not look available. 10AM EST/9AM CST January 24th appears available. (b) (6) should be back in the office next week.



-----Original Message-----From: (b) (6) Sent: Tuesday, January 2, 2018 11:19 PM To: (b) (6) Cc: (b) (6)

Subject: Re: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

Sorry, 1000hrs ET!

Sent from my BlackBerry 10 smartphone.



Subject: FW: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

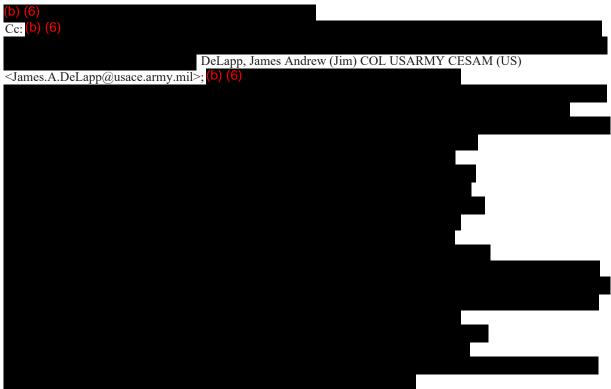
(b) (6)

In accordance with discussion at the November IPR, we're planning on a vertical team meeting on the tentatively selected project width and depth at the end of this month. The purpose of the meeting will be to keep the vertical team apprised of study progress.

Does January 25 at 0900hrs work for you guys?



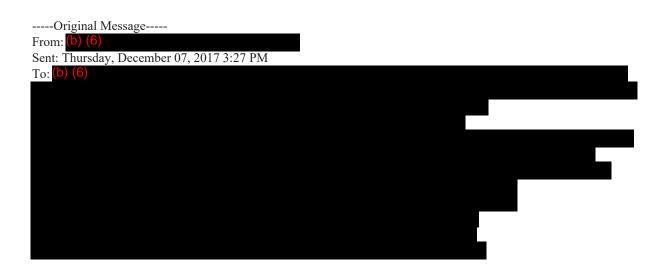
----Original Message-----From: (*) (6) Sent: Monday, December 18, 2017 2:33 PM To: (b) (6) (b) (6) (b) (6)



Subject: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

All: Attached are the final minutes for the Mobile Harbor GRR IPR#3. Will coordinate with vertical team leads soon to set the January date for review of the proposed width and length of the widener.





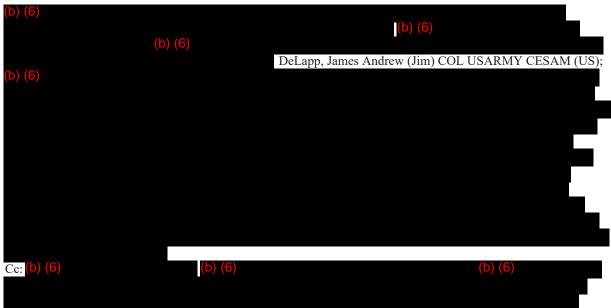


Subject: Mobile Harbor GRR IPR#3 - Draft Meeting Minutes

All: Attached are the DRAFT Meeting Minutes from the Mobile Harbor GRR IPR#3 held November 28. Please provide comments back to me by COB Wednesday, December 13, 2017.



-----Original Appointment-----From: (b) (6) Sent: Monday, October 16, 2017 1:40 PM To: (b) (6)



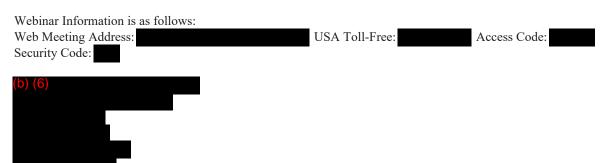
Subject: Mobile Harbor GRR IPR#3

When: Tuesday, November 28, 2017 1:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: Mobile District Employees, Exec Conference Room

All: Due to a schedule conflict, Mobile Harbor IPR #3 time and date have been revised to Tuesday, November 28 at 1430hrs ET (1330hrs CT).

All,

Please plan on attending an In-Progress Review Meeting for the Mobile Harbor GRR, Thursday, November 30 at 1000hrs ET (0900hrs CT).



From: To:	(b) (6) (b) (6)		I(b) (6)	I(b) (6)
Cc:	(b) (6)	(b) (6)	(b) (6)	
Subject: Date:	Upcoming Dates - Mobile Harbor GRR Wednesday, January 3, 2018 3:13:00 PM			

All,

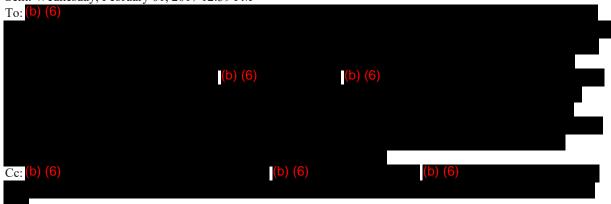
For discussion at tomorrow's meeting, following are key upcoming dates for the Mobile Harbor GRR:

- 18 Jan 2018 Focus Group Meeting, Recreational Fisherman
- 25 Jan 2018 Vertical Team Meeting on project width/depth
- 30 Jan 2018 Agency Meeting to discuss environmental impacts, discuss mitigation (tentative date)
- 15 Feb 2018 Focus Group Meeting, Down the Bay and other EJ (tentative date)
- 20 Feb 2018 General Public Meeting, Weeks Bay Reserve Conference Center
- 27 Feb 2018 Agency Meeting to finalize mitigation (tentative date)
- 06 Mar 2018 Vertical Team Meeting to discuss mitigation (tentative date)
- 14 Mar 2018 TSP Read-ahead documents due (Report Summary, Project Study Issue Checklist, Slides)
- 28 Mar 2018 TSP Milestone Meeting
- 15 May 2018 DQC Review of Draft Report
- 12 Jun 2018 Release Draft SEIS
- 26 Jun 2017 DRAFT SEIS Public Meeting



-----Original Appointment-----

From: (b) (6) Sent: Wednesday, February 01, 2017 12:39 PM



Subject: Mobile Harbor GRR Bi-weekly Meeting

When: Thursday, January 04, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

Due to a schedule conflict, we are moving tomorrow's Mobile Harbor Bi-weekly to Thursday at 1400hrs in the MsCIP Conference Room.



For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met.



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: Mobile Harbor GRR Environmental Focus Group Meeting
Date:	Thursday, January 4, 2018 10:31:00 AM
Attachments:	Draft Minutes-Mobile Harbor GRR Focus Group 13 December-Lp.pdf

(b) : We probably need to send out a final of these minutes. Make sure you incorporate the latest decisions on the oyster mined area (depth of lift, average depth of bay that (b) (6) provided, etc.). Otherwise, I'm not aware of any other changes.



Original Message		
From: (b) (6)		
Sent: Wednesday, December 20, 2017 1:28 PM	-	
To: (b) (6)		
Cc: (b) (6)		

Subject: Mobile Harbor GRR Environmental Focus Group Meeting

Thank you for taking the time to participate in the Mobile Harbor GRR Environmental Focus Group meeting on December 13. Your concerns and comments are valuable in helping us conduct a successful study. Attached are the draft minutes from the meeting including the list of attendees and slides presented during the meeting. We ask that you review the minutes and provide any other comments we may have missed. We realize everyone is busy leading into the holidays, but it would be helpful if you could provide your comments by December 31. Thanks again for your participation in this process!

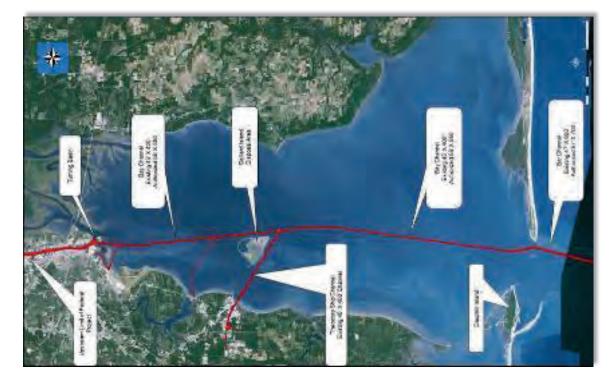
Happy Holidays!



MOBILE HARBOR GRR

With Integrated Supplemental Environmental Impact Statement

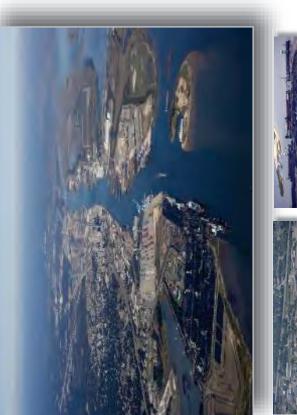
Environmental Focus Group December 13, 2017







- Project authorized in the Water Resources Development Act of 1986 in accordance with the 1981 Chief's Report.
- Full-Service Seaport -- 10th Largest in the United States -Balanced Trade (Strong Export Market)
- 58M tons handled port-wide. ASPA terminals represent
 25 29M tons annually
- Port of Mobile has sustained growth in steel, petroleum and containerized cargoes
- Record 2016 19[%] growth in containerized cargo automotive, aviation, forest products, chemicals, poultry
- ✓ Now ranked No. 2 steel port in the United States
- 10 New Ocean Carriers Added Service into Mobile in 2016-2017
- The Port of Mobile Drives the Regional Economy
- Alabama State Port Authority terminals alone generate 124,328 jobs and \$19.4B in total economic value
- Private Petroleum / Petroleum Products terminals alone generate 5,220 jobs and \$687M in economic value
- Modernizing Mobile Harbor is Necessary Because
- ✓ 2/3's of the Port of Mobile's vessel traffic is restricted or delayed.
- Larger Ships Now Transit North American Trade Lanes
- Channel Deficiencies and Vessel Transit Inefficiencies Directly Impact Shipper Costs and Competitiveness
- Mobile's Port-side Infrastructure Investments have met Shipper Needs (\$500+ Million Invested) - Channel Investment Necessary to Leverage Non-federal Sponsor investment and Regional Growth









Mobile Bay and Watershed

The Mobile Bay Watershed is the 6th largest river basin in the United States with five rivers forming the 2nd largest delta in the US, and the 4th largest watershed based on drainage area (Mobile, Tensaw, Blakeley, Spanish, and Apalachee). Environmentally and economically important because of the exceptional biological diversity and productivity which provides habitat for various invertebrates, fishes, waterfowl, migrant birds, as well as, other game and non-game species.

- extensive seagrasses, 200+ species of fish, major shellfish communities, and 300+ species of birds and Mobile Delta is one of the most diverse ecosystems in the US with 3 types of wetland habitats, reptiles. The Delta is one of the most important and valuable natural resources in the US.
- source of revenue for the state contributing approximately \$461M in revenue annually and 10,000 jobs. The most common commercial species obtained from Alabama waters are shrimp, blue crabs, oysters, Alabama Seafood Industry Economic Impact. Commercial species harvests provide a valuable and numerous species of fish.
- Coastal tourism and recreation provide local

economic benefits including boating, fishing, swimming, and sight seeing. Saltwater species provide the vast majority of fish caught recreationally in the Mobile Bay system.

 Cultural Resources. The Mobile area is rich in both prehistoric and historic cultural resources.





ALTERNATIVES

47 to 55 feet	urning Basin
Deepening:	Including Tu
А	

Initia

- **Bend Easing** Д
- Widener: 100 and 150 feet 5, 10,15 miles in length А
- Deepening: 50 feet Д A Proposed for Assessment Impact
- Including Turning Basin
 - **Bend Easing**
- Widener: 100 feet 5 miles in length A









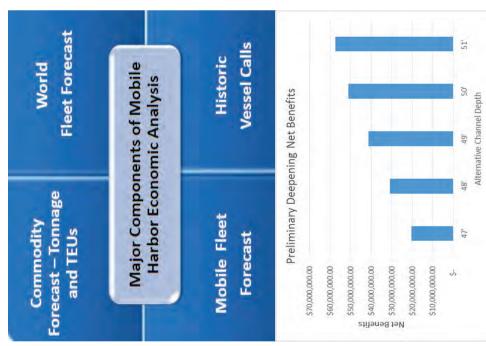








ECONOMIC CONSIDERATIONS



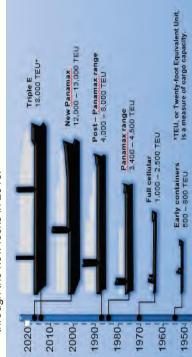
Concepts behind Mobile Harbor Economic Analysis:

- With and without the project, the same volume of cargo is assumed to move through Mobile.
- Growth is assumed only to the capacity of the facilities
- Deeper channels allow shippers to load more efficiently
- Channel widening reduces delay/waiting time to gain efficiencies
- The project benefits are reduction in transportation costs for goods (imports/exports) shipped through the Mobile Harbor with deepening/widening



Evolution of container ships

Post-Panamax ships make up 16 percent of the world's container fleet today, but carry 45 percent of the cargo. New Panamax ships will be the largest that can pass through the new locks in 2016.



NUMERICAL MODELING - ERDC

Hydrodynamic Modeling

- Simulates offshore conditions for the nearshore hydrodynamic and sediment transport modules
- Provides wave fields to the nearshore hydrodynamic and sediment transport modules
- Provide water levels and current velocities to the water quality, estuarine sediment transport and habitat assessment modules

Water Quality Modeling

- Assess potential changes in water quality including flushing, salinity, dissolved oxygen, temperature, total suspended solids, nutrients and chlorophyll as a result of channel modifications.
- Provide water quality constituents (i.e salinity, temperature, dissolved oxygen, total suspended solids, etc.) for habitat assessments.

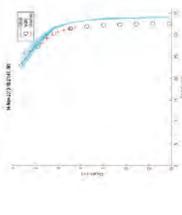
Sediment Transport Modeling

- K Estuarine sediment transport to assess relative changes in sedimentation rates as a result of channel improvements
- Coastal nearshore sediment transport to quantify changes in sediment pathways and morphological response of the adjacent nearshore environment.

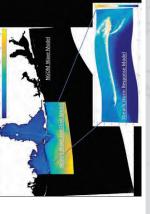
Ship Wake Modeling

- Quantify relative changes in ship wake energy from proposed channel modifications.
- \checkmark Simulated for a select number of representative vessels and speeds.









AQUATIC RESOURCES ASSESSMENTS ň

- Wetlands
- Field verification of existing data
- Mapping for vegetation distributions
- Salinity tolerances for observed species established
- ✓ Comparing tolerances with WQ model outputs
- Submerged Aquatic Vegetation (SAV)
- Field verifications of existing data sets
- Mapping of species distributions
- Salinity tolerances established for observed species
- Comparing tolerances with WQ model outputs
- Oysters
- Oyster reef distributions information from MRD
- Numerical modeling to determine oyster larvae distribution mortality, and flushing
- WQ model to determine potential impacts to larvae and existing reefs
- **Benthic Communities**
- Spring & summer sampling of bay, transitional, & riverine
- Sediment grain size and TOC
- Statistical analysis and interpretation in progress
- WQ model to determine effects on benthic communities
- Fish
- Spring & summer field sampling
- MRD coordination on approach for data collection and analysis
- $\checkmark\,$ Determining relationships between salinity and fish populations
- WQ model to determine effects to fish populations and correlation with benthics

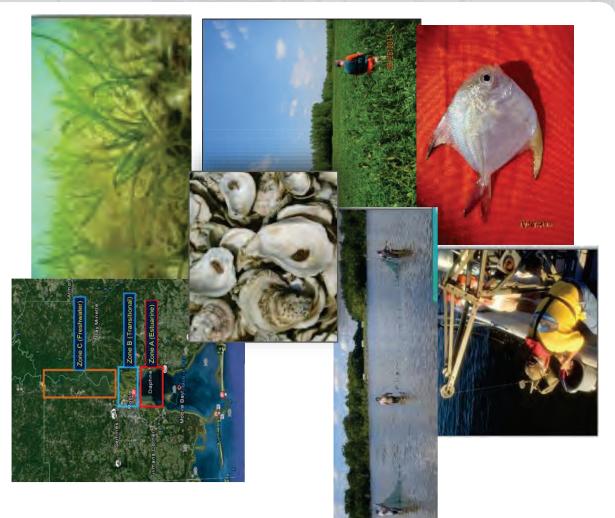






OTHER ENVIRONMENTAL CONSIDERATIONS

- Threatened and Endangered Species
- Critical Habitats
- Essential Fish Habitat
- Cultural Resources
- Air Emissions
- Noise Pollution
- Environmental Justice
- Cumulative Impacts



Supporting Data Collection Efforts

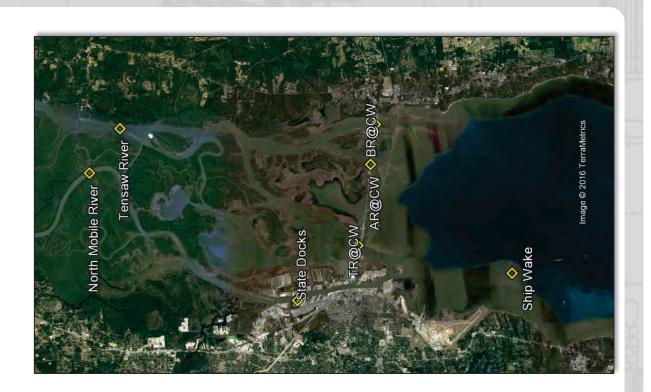
Acoustic Doppler Current Profile (ADCP) measurements and depth measurements at discrete locations along the rivers

Vertical profiles of temperature, turbidity, & conductivity at discrete locations

Suspended Sediment Samples at discrete locations

Model verification





10



MOBILE HARBOR PROJECT



Submit Your Comments

considered during the study. Submit your comments in Your input will assure that all concerns have been any of the following ways:



Email: MobileHarborGRR@usace.army.mil



U.S. Army Corps of Engineers

ATTN: PD-F

P.O. Box 2288

Mobile, AL 36628

eta anti-

documents on the project website : Biweekly updates and project

Stay Informed

www.sam.usace.army.mil/Missio

ment/Civil-Projects/Mobile-Harbo ns/Program-and-Project-Manage r-GRR/



project website to receive a copy of the quarterly bulletin. Sign up for the Listserve on the

Follow us on...

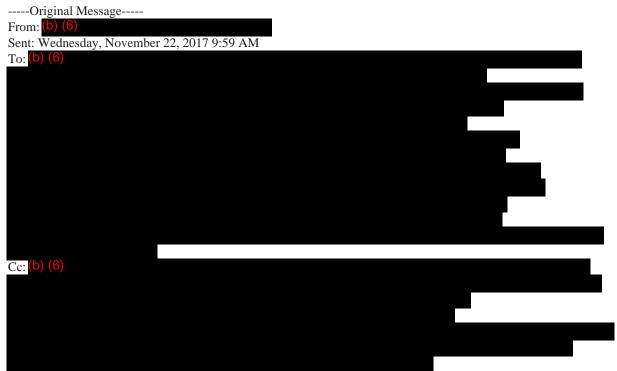


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Subject: Mobile Harbor GRR Environmental Focus Group Meeting

The U.S. Army Corps of Engineers (USACE), Mobile District is requesting your participation in an environmental focus group meeting for the Mobile Harbor General Reevaluation Report regarding the potential deepening and widening of the Mobile Harbor navigation channel. The meeting will be held at the Mobile District Office, 109 St. Joseph Street, Mobile, Alabama 36602, on Wednesday, December 13th at 3:00 PM. The meeting will provide the opportunity for those involved in environmental activities associated with Mobile Bay and its connected watersheds to hear about the environmental evaluations being conducted as part of the study and to provide your comments and concerns related to potential impacts of the project. Members of the project team will be on hand to discuss and answer questions related to the proposed project. This meeting provides the opportunity for organizations such as yours to share comments and concerns that will be considered in the preparation of the Supplemental Environmental Impact Statement. Due to a limited capacity of the meeting room, we are asking that only one representative from your organization be in attendance. Please respond to let us know if your organization will be represented. For more information, on the proposed Mobile Harbor Federal Navigation Channel project, visit http://www.sam.usace.army.mil/.

Thank you and looking forward to meeting with you.



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	TSP and DRAFT SEIS Release Schedule - Mobile Harbor GRR
Date:	Thursday, January 4, 2018 11:40:00 AM

Final Minutes-Mobile Harbor GRR IPR 28 November.docx

(b) (6)

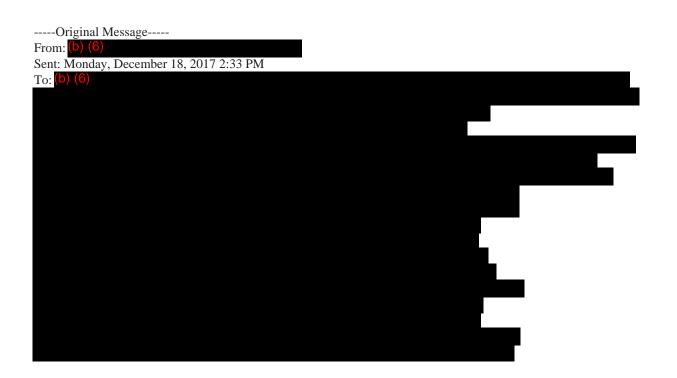
Attachments:

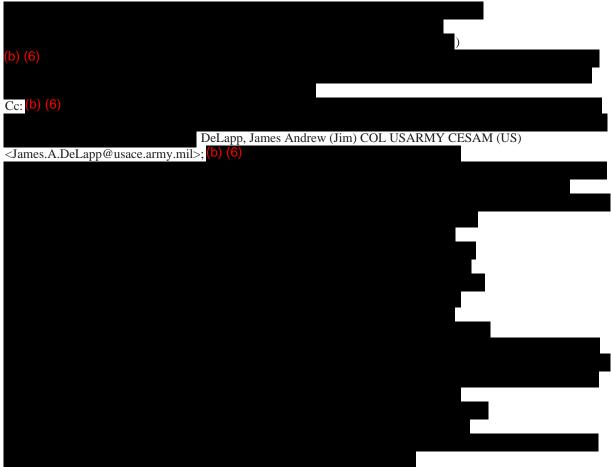
At the last In-progress review meeting, (b) (6) referenced Planning Bulletin 2017-01 Guidance from January 2017 that requires release of the draft report be accomplished within 60-days of the TSP meeting (bulletin attached). SAM agreed to shift dates as required to meet the requirements of the Planning Bulletin. After further coordination with the team, we feel that we can accelerate the release of the draft report from June 19 to June 12, but, we cannot reasonably accelerate release of the final report to late May as would be required to meet the 60 day requirement. Paragraph 6.h of the referenced planning bulletin does state that if the report is released after 60 days that the DPM. Chief of Planning, and MSC Chief can meet by phone with the HQ Chief of Planning to revalidate the TSP and schedule and secure approval to release.

As you are aware, our schedule was fully vetted and approved prior to the 60 day requirement provided in Planning Bulletin 2017-01. Please let me know if a follow-on call to revalidate the TSP is an acceptable path forward.

(b) (6)		

PB2017 01.pdf

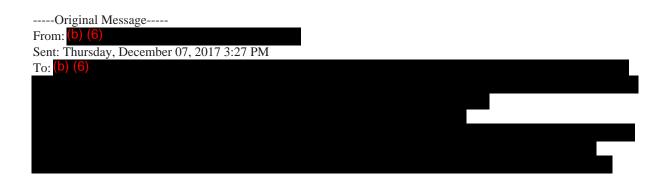


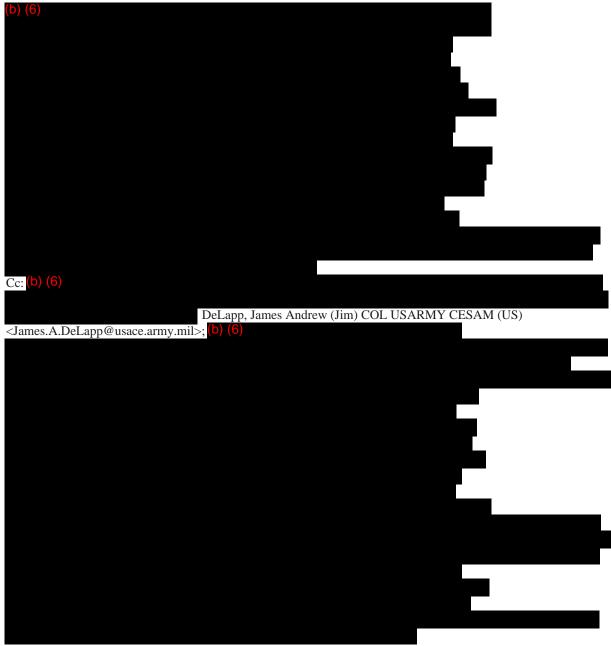


Subject: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

All: Attached are the final minutes for the Mobile Harbor GRR IPR#3. Will coordinate with vertical team leads soon to set the January date for review of the proposed width and length of the widener.





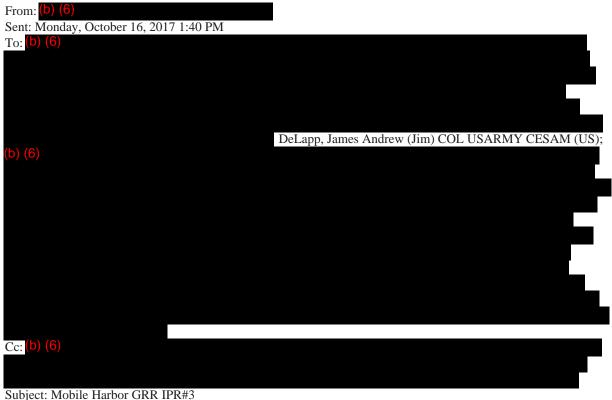


Subject: Mobile Harbor GRR IPR#3 - Draft Meeting Minutes

All: Attached are the DRAFT Meeting Minutes from the Mobile Harbor GRR IPR#3 held November 28. Please provide comments back to me by COB Wednesday, December 13, 2017.



-----Original Appointment-----



When: Tuesday, November 28, 2017 1:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: Mobile District Employees, Exec Conference Room

All: Due to a schedule conflict, Mobile Harbor IPR #3 time and date have been revised to Tuesday, November 28 at 1430hrs ET (1330hrs CT).

All,

Please plan on attending an In-Progress Review Meeting for the Mobile Harbor GRR, Thursday, November 30 at 1000hrs ET (0900hrs CT).

Webinar Information is as follows: Web Meeting Address: USA Toll-Free: Access Code: Security Code: (b) (6)



MEETING MINUTES (In-Progress Review #3)

Date of Meeting:	November 28, 2017	Location:	Mobile, Alabama
Minutes Prepared By:	Mobile District PDT	Time:	1:30 PM –2:30 PM CT

1. Purpose of the In Progress Review #2 Meeting

The U.S. Army Corps of Engineers (USACE), Mobile District Project Delivery Team (PDT), USACE South Atlantic Division (SAD), USACE Headquarters (HQ), Senator Shelby's Staff, the non-Federal sponsor - Alabama State Port Authority (ASPA), and the Deep Draft Navigation Planning Center of Expertise (DDNPCX) participated in a third In-Progress Review (IPR) Meeting to keep the vertical team apprised of progress on the Mobile Harbor GRR and ensure vertical concurrence with the study direction. The meeting was conducted via teleconference and webinar from the USACE, Mobile District, 109 Saint Joseph Street, Mobile, Alabama on November 28, 2017.

2. Attendance at Meeting

Name	Agency/Title	E-mail	Phone
See Attachment 1.			

3. Meeting Agenda

Purpose: To keep the vertical team apprised of progress on the Mobile Harbor GRR and ensure concurrence with study's continued direction.

Objectives: Provide an update on the overall status of the project with an emphasis on habitat impacts.

- ✓ Study is on schedule and budget.
- ✓ *Hydrodynamic, water quality, and estuarine sediment transport models complete.*
- ✓ Currently assessing habitat impacts.

1:30 – 1:35 (CT) Opening Remarks & Introductions

- 1:35 2:20 Formal Presentation
 - Bottom Line Up Front
 - Major Activities Since April IPR
 - GRR Schedule (48 Months)
 - Focused Alternatives
 - Dredge Material Placement and Public Concerns
 - Preliminary Project Cost Estimate
 - Preliminary Net Benefits and BCR
 - Aquatic Resources Assessment (Wetlands, SAV, Oysters, Benthic Invertebrates, and Fish)
 - Federal Funding
 - Study Summary
 - What's Next



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

3. Meeting Agenda

2:20 – 2:30 Closing Remarks

4. Meeting Summary

The primary purpose of this in-progress review was to update the Vertical Team on recent progress with the study with a special emphasis on the environmental impacts assessments presently underway.

SAM first presented the major activities completed since the last IPR, reviewed the schedule, and presented the focused alternatives currently under consideration. Current measures include a 48 to 50 foot deepening, a 50 to 100 foot widener up to 5 miles in length, an expansion of the turning basin, and bend easing in the bar channel.

Proposed dredge material placement and public concerns were presented. Placement in the relic oyster shell mined area represents a least-cost alternative and would also be considered beneficial for a limited amount of material. Although existing borings do not indicate "beach quality" new work material within the bar channel, suitable material that is excavated in sufficient quantity will be placed in SIBUA or another beneficial use location such as along the Sand Island/Pelican Island Complex. The majority of the new work material will go to the ODMDS. SAM is working w/ EPA to designate the expanded area of the ODMDS. SAD reminded everyone that adequate dredge material placement was a concern with the Jacksonville navigation project and noted that it may present issues to obtaining final report approval if a sufficiently sized and permitted placement site is not part of the study.

Preliminary costs, benefits, and BCR's were presented. Costs for the focused alternatives range from \$268M to \$450M. The depth that maximizes net benefits is 51'. SAM is currently updating the economic benefits for the widener based on updated passing rules developed from ship simulation and discussions with the Pilots. Through normal procedures, features such as wideners are justified incrementally as stand-alone segments. Wideners are hard to justify (BCR above 1.0) due to high cost of dredging/disposal, and small increases in benefits associated with widening. All parties agreed to a follow-on meeting in January to discuss the updated economics for the widener and the way ahead.

ERDC (b) (6) presented the aquatic resource impact investigation. For the habitat impact assessment, the project team has analyzed the hydrodynamic, sediment transport, and water quality changes that would result from modifying the existing channel to a 50-ft depth project with a 100' widener for a length of 5 miles. Impacts associated with this channel modification represent the maximum reasonably likely channel modifications that would be recommended with the study. Along with the impacts associated with sediment transport and ship wake, the study is evaluating five environmental indicators (wetlands, submerged aquatic vegetation, benthic invertebrates, oysters, and fish) using hydrodynamic and water quality changes (salinity and other parameters) as proxies for potential impacts.



The environmental impact analysis is not yet complete and has not been presented to resource agencies and the public. However, preliminary analysis indicates that habitat impacts due to salinity changes appear to be minimal. A follow-on IPR will be held with the vertical team after the results are complete to ensure an in-depth understanding of impacts and mitigation prior to the TSP milestone meeting. Division $\binom{(b)}{(6)}$ reminded all parties involved that the environmental impacts have been a controversial issue with the Jacksonville Harbor deepening study. The project team and NFS are aware of the need to continue communications with the agencies and the public and acknowledge the risk of challenges to the analysis and decisions about mitigation.

Finally, Funding for the completion of the Mobile Harbor GRR remains a concern but the OMB and OASA(CW) has provided support for the authority to continue with this study until FY 2018 funding is provided. SAM has funds to currently carry this study through Jan 2018. OMB approved a specific exemption of the "Lesser Than Rule" for this project during a Continuing Resolution (CR) period as we are in now. SAD has sourced funds to carry this study through March 2018, which should get us to a point in time to receive FY 2018 Work Plan funds IF Congress and the Administration decide to provide those additional funds to the Corps of Engineers in FY 2018 Appropriations Act. The Mobile Harbor GRR was not in the President's Budget for FY 2018. Consequently, Senator Shelby engaged both OMB and the ASA(CW) regarding this issue and there is a plan to fund this study for completion subject to Congress and the Administration passing a FY 2018 Budget and additional funding pots.

5. Meeting Notes, Decisions, Issues

A. Slide Summary

The PDT presented the attached PowerPoint presentation to the Vertical Team outlining the major activities completed since the October IPR (engineering, economic, environmental, and other), the planning approach to identify the project width and depth for further evaluation, further screened focused alternatives, and USACE's decisional table that is used to identify the plan that reasonably maximizes net benefits.

- Slide 2 provided the Purpose and the Bottom Line Up Front.
 - o Study on budget and schedule
 - Majority of engineering modeling complete
 - o Currently assessing habit impacts
- Slide 3 provided the Major Activities Since April IPR.
 - Completed existing, future without project, and future with project hydrodynamic, estuarine sediment transport, & WQ modeling
 - Completed ship simulation study
 - o Developed preliminary estimates for all deepening and widening alternatives
 - Developed fleet and commodity forecasts and completed preliminary Harborsym model runs
 - o Developed preliminary net benefits for channel modifications
 - o Completed final benthic and fish field sampling
 - Selected beneficial use/placement alternatives



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

- Held public open house meeting as well as group meeting with seafood and minority/low income communities
- Slide 4 provided the GRR Schedule (48 Months).
- Slide 5 provided the Focused Alternatives.
 - o Depth 48-50 foot
 - Widener 50 to 100 foot for 5 miles
 - o Bend easing
 - Turning basin modification
- Slides 6 provided the Dredge Material Placement and Public Concerns
 - Formerly mined relic oyster shell area
 - Sand Island Beneficial Use Area (SIBUA)
 - o Pelican/Sand Island Complex
 - Offshore Dredge Material Disposal Site (ODMDS)
- Slides 7 and 8 provided the Preliminary Project Cost Estimate, Net Benefits, and BCR
 - USACE decisional tables utilized to justify project width and depth. This is not a budgetary tool.
 - o Widening benefits to be updated based on revised passing rules for HarborSym
- Slide 9 provided Aquatic Resources Assessment (Overview)
 - Model outputs compare water quality using existing and post-project conditions
 - Use model outputs to compare water quality for comparison of existing conditions to post-project conditions
- Slide 10 provided Aquatic Resources Assessment (Wetlands)
 - 800 ground truth sites have been visited
 - No impacts to wetlands expected within this portion of the bay
 - Slides 11 and 12 provided Aquatic Resources Assessment (SAV)
 - Initial assessment ongoing:
 - During high salinity period, mean salinity remains low, with short duration (<24 hr) spikes >8.5 ppt
 - Two types of SAV bed have wide salinity tolerance ranges, no impact
 - One type of SAV may be impacted by long duration high salinity, but only short duration observed to date
- Slide 13 provided Aquatic Resources Assessment (Oysters)
 - Integrated hydrodynamic Water Velocity model with Water Quality model and Oyster behavior
 - Currently running 17 particle simulations
 - Ongoing activities include:
 - % Mortality for water quality (TDS, DO, TEMP)
 - Determining larval particles flushed out of Bay
- Slide 14 provided Aquatic Resources Assessment (Benthic Invertebrates)
 - Sampling and baseline data analysis of location and time complete
 - Overall Mobile Bay benthic invertebrate densities are low compared to other estuaries in the northern Gulf of Mexico



Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

- Estuarine and freshwater habitats are dominated by polychaetes and insects, respectively
- Within the transitional zone, benthic communities are similar across a wide range of salinities
- Initial impact assessment underway and indicate that benthic invertebrate communities change with freshwater input into system throughout the year.
- Slide 15 Aquatic Resources Assessment (Fish)
 - No impacts expected for freshwater and transitional euryhaline fish species (based on salinity tolerances)
 - Evaluation of salinity changes with project on resident euryhaline and stenohaline species are being finalized
- Slide 16 Aquatic Resources Assessment (Summary) Discussion:
 - o Baseline resources identified
 - Initial model runs complete
 - Additional model runs ongoing, including project + sea-level rise predictions
 - Potential impact analysis ongoing
 - To date, minimal potential impacts observed (preliminary)
- Slide 17 provided the Federal Funding
 - FY18 appropriation is \$32k. Received FY18 Obligation authority in the amount of \$650k
 - Received sponsor match for FY18 capability
- Slide 18 provided the Study Summary
 - Completed bulk of engineering/environmental modeling
 - Continuing to assess the environmental impacts
 - Depth is 48-50 foot with 50 to 100 foot widener for 5 miles, with bend easing and turning basing modifications.
- Slide 19 provided the next steps on the project
 - Finalize proposed project dimensions (Jan 2018)
 - Establish impacts/mitigation needs (Feb 2018)
 - Hold TSP Meeting (Mar 2018)

B. Vertical Team (SAD/HQ) Comments and Questions

SAD and HQ vertical team provided the following comments and suggestions:

- Slide 1 Welcome and opening remarks Discussion:
 - o (b) (6) asked that SAM provide record minutes of the meeting
- Slide 2 Bottom Line Up Front Discussion:
- Slide 3 Major Activities Since April IPR Discussion:
- Slide 4 GRR Schedule (48 Months) Discussion:
- Slide 5 Focused Alternatives Discussion:
- Slide 6 Dredge Material Placement and Public Concerns Discussion:
 - (b) (6) asked if sufficient disposal capacity for material placement. (b) (6) responded that we are moving forward with the permit for the ODMDS. We expect to have a permitted site prior to completion of the study.



- (b) (6) stated that material placement was a critical concern for the Jacksonville Harbor project and stated that lack of available permitted capacity for placement of the new work material could potentially delay project approval.
- Slide 7 Preliminary Project Cost Estimate Discussion:
 - (b) (6) asked if bend easing and turning basin are safety requirements.
 (b) responded yes, that the bend easing and turning basin modifications were necessary for safety.
- Slide 8 Preliminary Net Benefits and BCR Discussion:
 - (b) (6) asked if SAM intended to proceed with an LPP. (b) (6) responded that SAM plans to initiate a follow-on meeting in January to discuss the way-ahead based on revised economic benefits for the widener. (b) (6) asked that the team keep in mind that the vertical team and ASA(CW) will need to know prior to TSP if the project will pursue an LPP. It does not have to be an official memo, however it must be socialized.
- Slide 9 Aquatic Resources Assessment (Overview) Discussion:
- Slide 10 Aquatic Resources Assessment (Wetlands) Discussion:
- Slides 11 and 12 Aquatic Resources Assessment (SAV) Discussion:
 - (b) (6) asked how the resource tolerances were established and validated.
 (b) (6) responded that most water quality tolerances for the resources are well established within literature.
 (b) (6) followed that field data collection instruments and sampling was used to verify the modelling results.
- Slide 13 Aquatic Resources Assessment (Oysters) Discussion:
- Slide 14 Aquatic Resources Assessment (Benthic Invertebrates) Discussion:
- Slide 15 Aquatic Resources Assessment (Fish) Discussion:
- Slide 16 Aquatic Resources Assessment (Summary) Discussion:
 - (b) (6) stated that the normal process includes review and approval of models used and asked where SAM is in this process. (b) (6) stated that Hydrodynamic modeling and sediment transport and water quality models have already been certified. Currently using some analysis for the water quality resources to understand how salinity changes affect species. SAM and ERDC are coordinating with Ecosystem PCX in technical team meetings. Once habitat impacts are understood the team will coordinate with PCX on the way ahead. If mitigation is minimal, then PCX coordination will be nominal or not required. However if there are large mitigation requirements, the PCX will be involved with mitigation to assist in establishing the standards and other requirements to address impacts.
 - (b) (6) stated that Division would like a follow-on meeting prior to the TSP to discuss habitat impacts and proposed mitigation (if required). A lesson learned from Jacksonville Harbor was a lack of vertical communication in regards to the mitigation needs of the project.
 - (b) (6) asked what type of monitoring will be done to validate salinity changes to the aquatic environment. SAM noted that The WRDA 07 requirement for monitoring only applies to ecosystem restoration projects. There's no requirement for navigation



projects unless we think it's warranted or required by agencies. SAD noted that a monitoring plan both during and post-construction may be required based on lessons learned from Jacksonville Harbor. SAD noted we may need to develop and vet through vertical team. (b) (6) stated that the Mississippi Comprehensive Barrier Island monitoring plan has different target species, however it can be used to quickly develop a monitoring plan and cost if needed.

- (b) (6) asked that SAM explain analytical approach to relative sea level rise over 50-or 100-years. (b) (6) noted that Engineering is running the moderate curve and that the team is running the model with and without future sea level rise. Environmental will compare with project as well as project with sea level rise to determine distinction between two expected scenarios.
- Slide 17 Federal Funding Discussion:
 - (b) (6) asked if the schedule could be impacted should federal funding have a gap. (b) stated that it would. Use of the \$650,000 obligation authority would extend the project to January but not further.
 - (b) (6) stated that the OMB waiver allows up to \$940,000 for reprogramming.
 FY18 appropriations bill is expected to fund study without a delay in schedule.
- Slide 18 Study Summary Discussion:
 - (b) (6) stated determination of environmental impacts and mitigation needs are critical because the results could lead to different outcomes within the approval process. It is important to have agency and public involvement regarding mitigation. A lesson learned from the Jacksonville Harbor Project is that there was disjointed understanding of impacts between the Corps, other agencies, and the community.
 - (b) (6) , ASPA, stated that SAM will hold a meeting on December 13, 2017 with local Environmental NGO's, however, preliminary impacts, if known, will not be presented until after we have coordinated with the cooperating agencies. The team does expect to hold a follow-on meeting with the NGO's after we have coordinated with the cooperating agencies.
 - (b) (6) asked the likelihood that Ship wake analysis in the bay channel and sediment transport analysis near Dauphin Island will affect outcome. (b) (6) stated that the engineering analysis is still underway and that these are study risks.
 - (b) (6) noted that the benefits for the depth increased to 51 foot and asked if the local sponsor had limited the depth to 50'?
 (b) (6) stated that Yes, the port does not expect to go deeper than 50'.
- Slide 19 What's Next Discussion:
 - (b) (6) referenced Planning Bulletin 2017-01 Guidance from January 2017 that requires release of the draft report be accomplished within 60-days of TSP meeting. SAM agreed to shift dates as required to meet the requirements of the Planning Bulletin.
 - (b) (6) asked if a 50' widening will pass a Panamax and Post-Panamax vessel?
 (b) (6) stated that No, it cannot without draft restrictions.



- (b) (6) asked if there is an expectation that additional authorization is needed?
 (b) (6) and (b) (6) stated that they have no expectation that the study will exceed the existing authorization.
- (b) (6) stated that there is a transition of team members occurring now at HQs.
 (b) (c) stated that we expect a new Planning Chief at HQs in March 2018; (b) (c) is (c) acting.

C. Conclusions

- Project is on budget and schedule, however it is currently not in the FY18 President's Budget. Team will continue to monitor budget process.
- SAM will confirm ODMDS Capacity and permit status. Will likely need placement resolved prior to study approval.
- SAM will present updated economics for widener in January.
- SAM will present habitat impacts and proposed mitigation to vertical team after coordination with agencies but prior to TSP.
- The environmental impact analysis is not yet complete and has not been presented to resource agencies and the public. However, preliminary analysis indicates that habitat impacts due to salinity changes appear to be minimal. Impacts resulting from changes to the sediment transport process, ship wake, and other water quality constituents remain a study risk.

6. Action Items		
Action	Assigned to	Due Date
Distribute draft IPR minutes	(b) (6) CM) (PD-FP, PM-	07-Dec-2017
Obtain revisions from IPR attendees / distribute final minutes	(b) (6) CM) (PD-FP, PM-	18-Dec-2017
Update Decision Log	(b) (6) CM)	19-Dec-2017
Hold vertical team meeting to confirm project width	(b) (6) CM) (PD-FP, PM-	TBD (Jan)
Hold vertical team meeting to confirm habitat impacts and mitigation needs	(b) (6) CM) (PD-FP, PM-	TBD (Feb)

7. Next V	Vertical Team Meeting – TSP Milestone			
Date:	28-Mar-2018 Time: 1300hrs ET Location: webinar/conf call			
Agenda:	Presentation of the Tentatively Selected Plan for Concurrence and Approval			



Attachment 1: Attendance Roster *attended meeting via conference call

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Mobile Harbor, Alabama General Reevaluation Report (Prepared 11-29-17)

		
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PLANNING BULLETIN

No. PB 2017-01

US Army Corps of Engineers

Issuing Office: CECW-P

Issued: 10 January 2017

Subject: Feasibility Study Milestones

Applicability: Guidance. This bulletin supersedes PB 2013-03: SMART Planning Milestones, which is hereby rescinded. This bulletin expands upon PB 2012-02: Planning SMART Guide, which defines the feasibility process milestones. This bulletin supersedes specific sections of ER 1105-2-100 (Planning Guidance Notebook) that reference feasibility study milestones, including: Appendix G exhibits G-3, G-4, G-5, Appendix H section H-4 (discussion of Feasibility Scoping Meeting and Alterative Formulation Briefing), and Appendix H exhibits H-3 and H-4.

1. Purpose. The purpose of this planning bulletin is to clarify the decisions and processes associated with feasibility study milestones. The U.S. Army Corps of Engineers (USACE) feasibility study process is a progression of planning decisions from study scoping through the final recommendation of the Chief of Engineers for a specific water resources project. During the course of a feasibility study, five milestones mark the confirmation and endorsement of decisions made by the project delivery team (PDT) (e.g., developing an array of alternatives based on a defined water resources problem) *and* the PDT's proposed path forward. The feasibility study milestones are not simply the accomplishment of a series of tasks or the development of specific products. This planning bulletin does not add new plan formulation or evaluation requirements to those already in policy and guidance.

2. Applicability. This guidance applies to all feasibility studies where the USACE planning decision document could lead to a recommendation for project authorization, including general re-evaluation studies. Studies and decision documents under the Continuing Authorities Program will follow the processes outlined in ER 1105-2-100, Appendix F. Watershed studies and reports will follow the processes outlined in Planning Bulletin 2016-03: Watershed Studies.

3. Milestones/Decision. The five feasibility study milestones representing key planning decisions are the following: Alternatives milestone; Tentatively Selected Plan (TSP) milestone; Agency Decision milestone; Civil Works Review Board milestone; Chief's Report milestone. The decision-makers and lead presenters for these milestones are shown in Table 1.

4. Read Ahead Materials. The required read ahead materials for the Alternatives, TSP, and Agency Decision milestones are the report summary, the project study issue checklist, and the final presentation slides. The read ahead materials for the Civil Works Review Board are identified in paragraph 8d, below.

	Decision-Maker(s)	
Primary Decision	Lead Presenter	
Alternatives Milesto	ne	
The PDT has a clear and logical formulation and evaluation rationale that indicates the PDT is making risk-informed	Chief of the Office of Water Project Review (OWPR)	
decisions and has a clear direction on next steps to complete the study.	Lead Presenter: District Planning Chief	
TSP Milestone		
The District is prepared to release the draft report and draft NEPA documentation for concurrent public, technical, legal	Chief, HQUSACE Planning and Policy Division	
and policy review and IEPR (if applicable).	Lead Presenter: District Planning Chief	
Agency Decision Miles	tone	
Corporate endorsement of the recommended plan and proposed way forward to complete feasibility-level design	Chief, HQUSACE Planning and Policy Division	
and the feasibility study report package.	Lead Presenter: District Commander	
Civil Works Review Board	Milestone	
Corporate checkpoint that the draft Chief's Report, with accompanying final report and NEPA documentation, are	Deputy Commanding General-Civil and Emergency Operations (DCG-CEO)	
ready for State and Agency Review and final NEPA review.	Lead Presenter: District Commander	
Chief's Report Milest	one	
The Chief of Engineers' recommendation to Congress.	Chief of Engineers	
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THENE IS THE STORE IS CONTON IN THE LOCKER & TOOCHER DO	Table 1: Milestone Decisions	, Decision-Makers and Lead Presenters
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5. Alternatives Milestone. The Alternatives Milestone meeting marks the decision maker's agreement on a clear and logical formulation and evaluation rationale that indicates the PDT is making appropriate risk-informed decisions and has a clear direction on next steps to complete the study. Teleconference and web meeting are the preferred methods for conducting the Alternatives Milestone meeting. An in-person meeting can be held by exception, with the approval of the decision-maker.

a. Readiness for the Alternatives Milestone. The PDT has completed initial scoping, formulated alternatives, and completed an initial screening and preliminary evaluation to develop a focused array of distinctly different strategies for achieving the water resources objectives in the study area. The PDT has also engaged the vertical team and completed District Quality Control (DQC) review of milestone read aheads. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, determines the readiness for conducting the Alternatives Milestone meeting. In a 3-year study, the Alternatives Milestone meeting would be expected within the first 3-6 months of the study.

b. Decision-Maker. The decision-maker for the Alternatives Milestone meeting is the Chief of OWPR.

c. Decision at the Alternatives Milestone meeting. The decision-maker at the Alternatives Milestone will assess the screening and preliminary evaluation process that has been completed, as well as the criteria and process that will be used for evaluation and comparison of the focused array of alternatives. At the conclusion of the Alternatives Milestone meeting, the decision-maker will determine whether the PDT is ready to move forward in evaluating and comparing the representative array of alternatives to identify the TSP.

d. Read Aheads. A Report Summary, incorporating an explicit discussion of risk drivers and consequences; the Project Study Issue Checklist; and the final District presentation slides will be provided no later than one week prior to the milestone date. Read ahead material is informational for the decision-maker. Read ahead materials are not reviewed for comment and response.

e. To support the decision, the District Planning Chief will describe the scoping process to ensure significant decision making factors are addressed, unnecessary analyses are avoided, risks are identified, and meaningful and efficient analysis and selection of alternative plans can occur. The discussion will also address how input was sought, feedback from knowledgeable resources was factored into the scoping process, and how other applicable topics unique to a particular study's scoping and decision-making process impact future proposed actions. The presentation and discussion will discuss the following assertions:

- The understanding of future without project conditions.
- The formulation of a representative array of distinctly different solutions, and how that array will be evaluated to identify the TSP before the next milestone. If there is a likely Locally Preferred Plan, that should be identified and discussed.
- The Federal interest in the problem.
- Status of environmental compliance activities.
- Study scope, schedule and funding stream.
- Likelihood the study will be compliant with the "3x3x3 rule", as described in the Implementation Guidance for Section 1001 of the Water Resources Reform and Development Act (WRRDA) 2014 - Vertical Integration and Acceleration of Studies or the 8 February 2012 guidance memo, U.S. Army Corps of Engineers Civil Works Feasibility Study Program Execution and Delivery. If the study is unlikely to be compliant with the 3x3x3 rule, the PDT's next steps for the exemption process will be discussed.

f. Invited Milestone meeting participants include: Chief of OWPR (decision-maker); District Planning Chief (lead presenter); District Lead Planner and appropriate District staff; MSC Planning and Policy Chief and appropriate MSC planning staff; Agency Technical Review (ATR) Team Lead; Independent External Peer Review (IEPR) manager (if applicable); Planning Center(s) of Expertise (PCX) representative(s); Deputy, Planning Community of Practice (PCoP): the Regional Integration Team (RIT) Deputy and Planner; the HQUSACE Review Manager and members of the HQUSACE review team; and non-Federal sponsor representatives. Other Federal Agencies and Tribal Nations may be invited to the meeting.

g. Meeting Documentation. The decisions reached and any required follow-up actions must be documented at the Alternatives Milestone meeting and acknowledged by the decision-maker and the MSC and District Planning Chiefs before adjourning the meeting. Significant decisions made will be documented by the PDT in a Memorandum for the Record (MFR) and Decision Log, clearly listing the agreed upon array of alternatives and the study's scope, schedule and funding stream.

h. Post-Meeting Activities. If the decision-maker supports moving ahead with the study, the PDT will continue efforts to identify the TSP, including, but not limited to the following: conducting further analyses of the Future Without Project Condition to enable appropriate comparison with alternatives; evaluating and comparing the focused array of alternatives; selection of a TSP; identification of a Locally Preferred Plan (LPP), if applicable; continue environmental and cultural compliance documentation and activities (National Environmental Protection Act (NEPA), Fish and Wildlife Coordination Act (FWCA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), etc.); and development of the draft feasibility report in preparation for concurrent review.

6. TSP Milestone. The TSP Milestone meeting marks the PDT's selection of, and the decisionmaker's endorsement of, a TSP (and LPP, if applicable); and that the PDT is prepared to release the draft report and draft NEPA documentation for concurrent public, technical, legal and policy review and IEPR (if applicable). Teleconference and web meeting are the preferred methods for conducting the TSP Milestone meeting. An in-person meeting can be held by exception, with the approval of the decision-maker.

a. Readiness for the TSP Milestone. The PDT has completed the evaluation and comparison of a focused array of distinctly different strategies for achieving the water resources objectives in the study area; identified a TSP and possibly a LPP to carry forward; prepared a proposed way forward to develop sufficient cost and design information for the final feasibility-level analysis and feasibility report. The PDT has also engaged the vertical team and completed DQC review of milestone read aheads. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, determines the readiness for conducting the TSP Milestone meeting. In a 3-year study, the TSP Milestone would be expected within the first 12-18 months of the study. Because the PDT is writing the feasibility study report as it goes, it is expected that a draft feasibility study report and draft NEPA documentation will be largely complete by the milestone meeting and concurrent review will be initiated within 30 days, and no more than 60 days, following the TSP Milestone.

b. Decision-Maker. The decision-maker for the TSP Milestone meeting is the HQUSACE Chief of the Planning and Policy Division.

c. Decision at the TSP Milestone meeting. At the TSP Milestone meeting, the decisionmaker either: supports the selection of the TSP (and LPP, if applicable), the proposed way forward, and the release of the draft report and draft NEPA documentation for concurrent public, technical, legal and policy review and IEPR (if applicable); requests additional information required to support a decision; or terminates the study. If the decision-maker requires additional work before a decision regarding the release of the draft report, the release will follow confirmation of the adequacy of the work using agreed-upon quality control/quality assurance practices and approval of release by the decision-maker. d. Read Aheads. A Report Summary, incorporating an explicit discussion of risk drivers and consequences, the Project Study Issue Checklist; and the final District presentation slides will be provided no later than two weeks prior to the milestone date. Read ahead material is informational for the decision-maker and is expected to have been coordinated within the vertical team prior to submission. Read ahead materials are not reviewed for comment and response.

e. To support the decision, the District Planning Chief will demonstrate that the alternative formulation, evaluation, and comparison conducted by the PDT supports the identification of the TSP. At this stage, there is typically not enough detailed information to conclude that the TSP will ultimately be the National Economic Development (NED) Plan or National Ecosystem Restoration (NER) Plan, and it is unknown if the sponsor's preferred plan is the NED or NER Plan or an LPP. Therefore, it is premature for USACE to request that the Assistant Secretary of the Army (Civil Works) (ASA(CW)) waive the requirement for USACE to recommend the NED or NER Plan. PDTs should notify the vertical team of a likely LPP prior to the TSP milestone, present the likely LPP at the TSP milestone, and ensure NEPA compliance documentation in the draft report is broad enough to address the impacts of any potential LPPs. HQUSACE will alert the Office of the ASA(CW) of the potential for an LPP.

f. Invited Milestone meeting participants include: HQUSACE Chief of Planning and Policy Division (decision-maker); District Planning Chief (lead presenter); District Lead Planner and appropriate District staff; MSC Planning and Policy Chief and appropriate MSC planning staff; ATR Team Lead; IEPR manager (if applicable); PCX representative(s); Chief, OWPR; Deputy, PCoP; the Regional Integration Team (RIT) Deputy and Planner; the HQUSACE Review Manager and members of the HQUSACE review team; and non-Federal sponsor representatives. Other Federal Agencies and Tribal Nations may be invited to the meeting.

g. Meeting Documentation. The decisions reached and any required follow-up actions must be documented at the TSP Milestone meeting and acknowledged by the decision-maker and the MSC and District Planning Chiefs before adjourning the meeting. Significant decisions made will be documented by the PDT in a MFR and Decision Log, clearly listing specific actions/ conditions required before the draft feasibility study report is released for concurrent review.

h. Release of Draft Report. If the decision-maker supports moving ahead with the study, the PDT will finalize the draft report and draft NEPA documentation and prepare to release for concurrent public, technical, legal and policy review and IEPR (if applicable). Release of the draft report is contingent on confirmation of the adequacy of the work following agreed-upon quality control/quality assurance practices. The draft report must be released within 60 days of approval. After 60 days, the district DPM and/or the District Commander, the district Chief of Planning, and the MSC Chief of Planning and Policy must meet via phone with the HQUACE Chief of Planning and Policy Division to revalidate the TSP, the schedule, and secure reapproval of the release of the draft report.

i. Post-Meeting Activities. The PDT will finalize the draft report and draft NEPA documentation and prepare to release for concurrent public, technical, legal and policy review and IEPR (if applicable). If the District Commander, in accordance with part 19.a. of ER 200-2-2; Procedures for Implementing NEPA and Section 2045 of the Water Resources Development Act of 2007, as amended, extends the public review period for the draft report and NEPA

documentation beyond the initial 45-day period, the district shall notify the HQ Chief of Planning and Policy of the change in schedule in writing through their RIT prior to the end of the original review period. After concurrent review, the PDT will prepare a Review Summary that highlights significant comments and potential risks associated with agency endorsement of the TSP in preparation for the Agency Decision Milestone meeting. If significant changes to the TSP presented in the draft report are likely after concurrent review, the PDT may be required to address the comments and repeat the concurrent review process prior to the Agency Decision Milestone.

7. Agency Decision Milestone. The Agency Decision Milestone meeting marks the corporate endorsement of the recommended plan and proposed way forward to complete feasibility-level design and the feasibility study report package. Teleconference and web meeting are the preferred methods for conducting the Agency Decision Milestone meeting. An in-person meeting can be held by exception, with the approval of the decision-maker.

a. Readiness for the Agency Decision Milestone. The Agency Decision Milestone occurs after completion of the concurrent public, technical, legal, and policy review of the integrated draft report and NEPA document. In the event that the study requires IEPR, the milestone will be scheduled to follow receipt of the IEPR panel's findings, which could be up to 60 days after the public comment period, or longer if an extension is approved by the Chief of Engineers. The PDT will work to address outstanding issues (technical, policy, or legal) raised during the concurrent review that can be addressed without additional technical analysis or design; issues requiring additional technical analysis or design will be discussed at the Agency Decision Milestone meeting but addressed after the Milestone meeting. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, confirms the readiness for the Agency Decision Milestone meeting, including that the analyses in the draft report and the recommendations as a result of the concurrent reviews are expected to be compliant with policy and that there is a capable non-Federal sponsor(s) ready to support project implementation. In a 3-year study, the Agency Decision Milestone would be expected within the first 18-24 months of the study.

b. Decision-Maker. The decision-maker for the Agency Decision Milestone meeting is the HQUSACE Chief of Planning and Policy, who will chair a HQUSACE Senior Executives Panel. Senior Executives invited to participate on the panel include: the HQUSACE Chief of Engineering and Construction Division; the HQUSACE Chief of Real Estate Division; the HQUSACE Chief of Operations and Regulatory Division; and the HQUSACE Director of Contingency Operations. A quorum is not required at the meeting and the chair can solicit feedback from Senior Executives in advance of the meeting if they are not available to attend.

c. Decision at the Agency Decision Milestone meeting. At the Agency Decision Milestone meeting, the Panel affirms the recommended plan and proposed way forward to acknowledge study and project risk that will be used in development of feasibility-level cost and design for inclusion in the final feasibility report. If the recommended plan and path forward is not endorsed, the Panel will identify required actions of the PDT and the study will not proceed into the feasibility-level analysis phase until the Panel endorses the recommended plan.

d. Read Aheads. A Report Summary, incorporating an explicit discussion of risk drivers and consequences, the Project Study Issue Checklist; and the final District presentation slides will be provided no later than two weeks prior to the milestone date. Read ahead material is informational for the decision-maker and the panel and is expected to have been coordinated within the vertical team prior to submission. Read ahead materials are not reviewed for comment and response.

e. To support the decision, the District Planning Chief will identify the recommended plan. The presentation and discussion will focus on the recommended plan; the objective evaluation of the significant public, technical, legal and policy comments; the PDT's plan to address or resolve comments; and the path forward to develop sufficient cost and design information on the recommended plan (and LPP, if applicable) for the final feasibility study report. The presentation and discussion will consider high or significant risks and management of those risks related to both the conduct of the study and the recommended plan.

f. Invited Milestone meeting participants include: HQUSACE Chief of Planning and Policy (decision-maker); the Senior Leaders Panel (HQUSACE Chief of Engineering and Construction Division; HQUSACE Chief of Real Estate Division; the HQUSACE Chief of Operations and Regulatory Division; and the HQUSACE Director of Contingency Operations); District Commander (lead presenter); District Planning Chief; District Lead Planner and appropriate District staff; MSC Director of Programs; MSC Planning and Policy Chief and appropriate MSC planning staff; ATR Team Lead; IEPR manager (if applicable); PCX representative(s); Chief, OWPR; Deputy, PCoP; the RIT Deputy and Planner; the HQUSACE Review Manager and members of the HQUSACE review team; and non-Federal sponsor representatives. Other Federal Agencies and Tribal Nations may be invited to the meeting.

g. Meeting Documentation. The decisions reached and any required follow-up actions must be documented at the Agency Decision Milestone meeting and acknowledged by the HQUSACE Chief of the Planning and Policy Division (decision-maker) and the MSC and District Planning Chiefs before adjourning the meeting. Significant decisions made will be documented by the PDT in a MFR and Decision Log, including specific actions to address significant comments received during the review of the draft report; and specific elements of analysis to develop sufficient cost and design detail for the final feasibility study report.

h. Post-Meeting Activities. If the Panel supports moving ahead with the study, the PDT will develop sufficient cost and design information on the recommended plan (and LPP) for the final feasibility study report and continue environmental and cultural compliance documentation and activities (NEPA, FWCA, ESA, NHPA, etc.). If there are significant changes to the TSP presented in the draft report after concurrent review, the public review may need to be repeated.

8. Civil Works Review Board (CWRB) Milestone. The CWRB briefing is the corporate checkpoint for determining that the proposed Report of the Chief of Engineers and the accompanying final decision and NEPA documents are ready to release for State and Agency (S&A) Review as required by the Flood Control Act of 1944, as amended (33 U.S.C. 701-1). The MSC and District Commanders will present the final results and recommendations for all Civil Works feasibility and post authorization reports that recommend new or additional Congressional authorization to the CWRB in HQUSACE.

a. Readiness for the Civil Works Review Board Milestone. Once a complete MSC Final Report Submittal Package is logged for HQUSACE review, a tentative CWRB date will be identified within 60 days of the log-in date. The HQUSACE team will complete its assessment and resolution of any identified issues within 42 days of the log-in date, unless exempted by the Director of Civil Works (DCW) due to excessive work load. If issues are not resolved by the completion of the assessment, the report will be returned to the MSC for additional work and revision. The CWRB date and time will only be confirmed after the HQUSACE policy assessment is complete and the CWRB Panel, including either the Deputy Commanding General-Civil and Emergency Operations (DCG-CEO) or DCW, have been pre-briefed and concur with finalizing the schedule for the CWRB. In all cases, the HQUSACE team will brief the DCG-CEO and DCW within 50 days of the log-in date. CWRB dates will normally be scheduled and executed no more than 60 days following log-in of the complete MSC Final Report Submittal Package. In a 3-year study, the CWRB meeting would be expected within the last 3-4 months of the study.

b. Decision-Maker(s). The decision-maker is the DCG-CEO, who will chair the CWRB. The CWRB quorum consists of five (5) members from HQUSACE and the MSCs. All members are required to participate in person unless approval is received from the DCG-CEO. The panel must include at least three (3) HQUSACE representatives: the DCG-CEO who will Chair the Board; the Chief of the Planning and Policy Division; and either the Chief of the Engineering and Construction Division or a Senior Executive representing another community of practice. The DCW may participate as an additional member or as the Chair of the CWRB in the absence of the DCG-CEO. The panel will also include two (2) MSC Commanders not presenting to the CWRB. The Office of the Chief Counsel will serve in an advisory role.

c. Decision at the CWRB Milestone meeting. At the CWRB Milestone meeting, the DCG-CEO approves the release of the proposed Report of the Chief of Engineers and the accompanying final decision and NEPA documents for S&A and final NEPA reviews. The DC-CEO also accepts that the identified study and project risk at the Agency Decision Milestone meeting has been satisfactorily addressed, and acknowledges the project risk and uncertainty being carried forward into Pre-construction Engineering & Design (PED). In those situations where the CWRB provides a contingent approval and identifies additional work or clarifications that are needed prior to releasing the report for the S&A review, the District will address the concerns and make any necessary changes to the report and submittal materials. The S&A review will not be initiated until the Chief, OWPR concurs that the Board's requirements have been met. Subject to the significance of the panel's concerns, the Chair has the prerogative to require a subsequent CWRB briefing, virtual or in-person, prior to the proposed Report of the Chief of Engineers being released.

d. Read Aheads. Using the final report package (ER 1105-2-100, Exhibit H-7), the RIT will prepare and provide a read-ahead package for the CWRB members two weeks prior to the CWRB meeting. The read-ahead package will include the following materials:

- Fact sheet (prepared by OWPR for CWRB members only)
- Cover page
- Table of contents

- CWRB agenda (with names)
- List of expected attendees
- Project map
- Sponsor letter of support
- Report summary
- Proposed Chief of Engineers Report
- ATR certification
- IEPR Summary Report, plus, summary of proposed draft USACE responses
- District Counsel legal certification

e. To support the decision, the District presentation and discussion will focus on the results of the water resources development study and the recommendations contained in decision documents for projects that require congressional authorization; significant or high risk review comments made on the final report; significant changes to the proposed project since the Agency Decision Milestone; the path forward as the recommended project moves forward into PED including outstanding risk; and lessons learned. It will build on the information and risks presented at the Agency Decision Milestone and illustrate how the District followed through on the approved path forward. This presentation is expected to be complementary, but not redundant to the information provided at Agency Decision Milestone meeting.

f. Milestone meeting participants include: the Civil Works Review Board Panel; the District Commander (lead presenter) with support from the District Planning Chief, the project manager, and/or the Deputy District Engineer for Project Management; the MSC Commander (quality assurance brief) with support from the MSC Planning and Policy Chief and/or the MSC Director of Programs; the HQUSACE Review Manager (policy and independent reviews); the Chief, OWPR; and a representative from the HQUSACE Chief Counsel's office. All panel members and presenters are expected to participate in person unless approved by the DCG-CEO. Office of the ASA(CW) and Office of Management and Budget (OMB) representatives will be invited to attend in person. Attendance by non-federal sponsor and/or Tribal Nation representatives and other federal agencies may be in-person or virtual at their discretion. Other supporting staff and interested observers, with virtual attendance expected, include the District Lead Planner and other members of the PDT; members of the MSC quality assurance team; the ATR Team Lead and members of the ATR team; PCX representative(s); relevant USACE Communities of Practice; and the IEPR manager (if applicable).

g. Meeting Documentation. The RIT in cooperation with the District PDT will be responsible for documenting the discussion during the CWRB meeting. A draft MFR of the meeting is expected to be distributed to the HQUSACE policy review team and the MSC for comment no later than one (1) week following the CWRB action and finalized by the RIT and provided to meeting attendees no later than two (2) weeks following the CWRB meeting.

h. Post-Meeting Activities. Consult ER 1105-2-100 Appendix H for actions that occur after the CWRB which lead to authorization of the project by Congress. Required activities include: S&A Review; final NEPA review if applicable; final assessment and documentation of review findings by the HQUSACE review team; revision of the Project Summary after completion of S&A review; and finalizing the Chief of Engineer's Report.

9. Chief's Report Milestone. The Chief's Report milestone is marked by the signature of the Chief of Engineer's Report. HQUSACE is responsible for the Chief's Report content and schedule. The S&A and final NEPA reviews are concurrent with HQUSACE's final policy compliance review. The Chief, OWPR will certify policy compliance after completion of the S&A and final NEPA reviews and OWPR will finalize the Chief's Report for the Chief's signature and the Record of Decision for signature by the ASA(CW). After the policy compliance certification has been completed, the Regional Integration Team (RIT) will process the Chief's Report for signature and will schedule briefings for the HQUSACE Chief of Planning and Policy, the DCW, the DCG-CEO, and/or the Chief of Engineers, as needed.

10. This Planning Bulletin will be incorporated in the next update of Appendices G and H of ER 1105-2-100, the Planning Guidance Notebook, and rescinded at that point.

11. Point of contact for feasibility study milestones is Ms. Susan B. Hughes, 202-761-4121.

THEODORE A. BROWN, P.E. Chief, Planning and Policy Division Directorate of Civil Works

10

From: (b) (6)
To: (b) (6)
Subject: FW: TSP and DRAFT SEIS Release Schedule - Mobile Harbor GRR
Date: Monday, January 8, 2018 9:17:00 AM

FYI...

Original Message From: (b) (6) Sent: Friday, January 05, 2018 10:28 AM To: (b) (6)
Cc (b) (6) Subject: RE: TSP and DRAFT SEIS Release Schedule - Mobile Harbor GRR
(b) (6)
Discussed this with (b) (6) and given the minor nature of the slippage, we do not believe that getting approval should be an issue. (b) believes that we should be able to handle through an email. Today is (b) last day at SAD until 2 Feb so we will have to work thru (b) (6) who is filling in while (b) is in training.
(b)
Original Message From: (b) (6) Sent: Thursday, January 04, 2018 2:49 PM To: (b) (6)
Cc (b) (6) Subject: RE: TSP and DRAFT SEIS Release Schedule - Mobile Harbor GRR
Thanks (b) I tend to agree but want to discuss with (b) next week once he returns from leave.
(b) (6)
Original Message From: (b) (6) Sent: Thursday, January 04, 2018 11:42 AM To: (b) (6) Cc (b) (6)
Subject: TSP and DRAFT SEIS Release Schedule - Mobile Harbor GRR

(b) (6) At the last In-progress review meeting, (b) (6) referenced Planning Bulletin 2017-01 Guidance from January

2017 that requires release of the draft report be accomplished within 60-days of the TSP meeting (bulletin attached). SAM agreed to shift dates as required to meet the requirements of the Planning Bulletin. After further coordination with the team, we feel that we can accelerate the release of the draft report from June 19 to June 12, but, we cannot reasonably accelerate release of the final report to late May as would be required to meet the 60 day requirement. Paragraph 6.h of the referenced planning bulletin does state that if the report is released after 60 days that the DPM. Chief of Planning, and MSC Chief can meet by phone with the HQ Chief of Planning to revalidate the TSP and schedule and secure approval to release.

As you are aware, our schedule was fully vetted and approved prior to the 60 day requirement provided in Planning Bulletin 2017-01. Please let me know if a follow-on call to revalidate the TSP is an acceptable path forward.



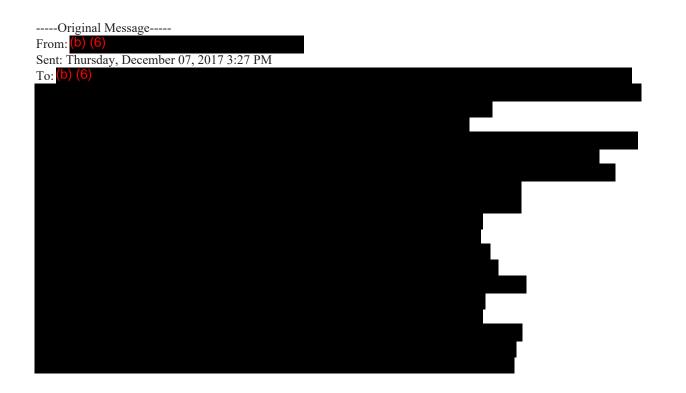


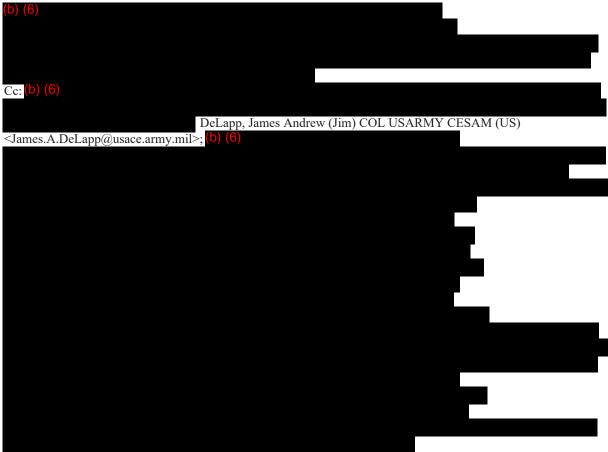


Subject: Mobile Harbor GRR IPR#3 - Final Meeting Minutes

All: Attached are the final minutes for the Mobile Harbor GRR IPR#3. Will coordinate with vertical team leads soon to set the January date for review of the proposed width and length of the widener.



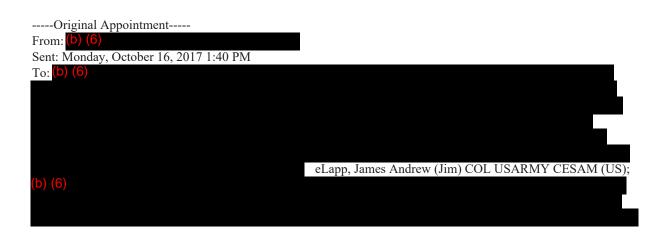




Subject: Mobile Harbor GRR IPR#3 - Draft Meeting Minutes

All: Attached are the DRAFT Meeting Minutes from the Mobile Harbor GRR IPR#3 held November 28. Please provide comments back to me by COB Wednesday, December 13, 2017.







Subject: Mobile Harbor GRR IPR#3 When: Tuesday, November 28, 2017 1:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: Mobile District Employees, Exec Conference Room

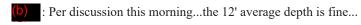
All: Due to a schedule conflict, Mobile Harbor IPR #3 time and date have been revised to Tuesday, November 28 at 1430hrs ET (1330hrs CT).

All,

Please plan on attending an In-Progress Review Meeting for the Mobile Harbor GRR, Thursday, November 30 at 1000hrs ET (0900hrs CT).

Webinar Information is as follows:	
Web Meeting Address:	
USA Toll-Free:	
Access Code:	
Security Code:	
(b) (6)	

From:	(b) (6)
То:	(b) (6) (b) (6)
Subject:	RE: Mobile Harbor GRR Environmental Focus Group Meeting
Date:	Monday, January 8, 2018 9:21:00 AM



-----Original Message-----From: (b) (6) Sent: Friday, January 05, 2018 1:50 PM To: (b) (6)

Subject: RE: Mobile Harbor GRR Environmental Focus Group Meeting

I revised the language in the minutes discussing the placement thickness in the oyster area. How does this look?

During the meeting the USACE indicated that placement of material in this site would not exceed a 2-foot thickness. The current bottom elevation in this area averages about 12 feet and the proposed final elevation of material in this site would be no more than 2' above the current elevations. (b) (6) project engineer, explained that we're currently studying the transport of material after concerns of drift and movement of material were expressed. A few weeks after the meeting the USACE reassessed the placement thickness and determined that a more achievable placement would be a 2 to 3-foot thickness not to exceed 3 feet. This determination considered the physical nature of the new work material and the technological limitations of the equipment that would be used.

(b) (6)	

-----Original Message-----



(b) : We probably need to send out a final of these minutes. Make sure you incorporate the latest decisions on the oyster mined area (depth of lift, average depth of bay that (b) (6) provided, etc.). Otherwise, I'm not aware of any other changes.



O1	rigir	nal I	Message	-	
From:	(b)	(6)			

Sent: Wednesday, December 20, 2017 1:28 PM

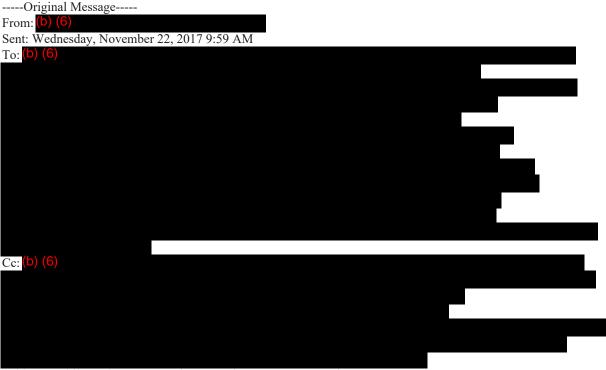


Subject: Mobile Harbor GRR Environmental Focus Group Meeting

Thank you for taking the time to participate in the Mobile Harbor GRR Environmental Focus Group meeting on December 13. Your concerns and comments are valuable in helping us conduct a successful study. Attached are the draft minutes from the meeting including the list of attendees and slides presented during the meeting. We ask that you review the minutes and provide any other comments we may have missed. We realize everyone is busy leading into the holidays, but it would be helpful if you could provide your comments by December 31. Thanks again for your participation in this process!

Happy Holidays!





Subject: Mobile Harbor GRR Environmental Focus Group Meeting

The U.S. Army Corps of Engineers (USACE), Mobile District is requesting your participation in an environmental focus group meeting for the Mobile Harbor General Reevaluation Report regarding the potential deepening and widening of the Mobile Harbor navigation channel. The meeting will be held at the Mobile District Office, 109 St. Joseph Street, Mobile, Alabama 36602, on Wednesday, December 13th at 3:00 PM. The meeting will provide the opportunity for those involved in environmental activities associated with Mobile Bay and its connected watersheds to hear about the environmental evaluations being conducted as part of the study and to provide your comments and concerns related to potential impacts of the project. Members of the project team will be on hand to discuss and answer questions related to the proposed project. This meeting provides the opportunity for organizations such as yours to share comments and concerns that will be considered in the preparation of the Supplemental Environmental Impact Statement. Due to a limited capacity of the meeting room, we are asking that only one representative from your organization be in attendance. Please respond to let us know if your organization will be represented. For more information, on the proposed Mobile Harbor Federal Navigation Channel project, visit http://www.sam.usace.army.mil/.

Thank you and looking forward to meeting with you.



From:	(b) (6)
To:	(b) (6)
Subject:	RE: BCR for Mobile Harbor?
Date:	Monday, January 8, 2018 10:10:00 AM

Hey (b) (6), I'm not sure when it is "finalized" We anticipate an approved report in November 2019.



Original Message	
From: (b) (6)	
Sent: Friday, January 05, 2018 1:35 PM	
To: (b) (6)	

Subject: BCR for Mobile Harbor?

When do we finalize the BCR for Mobile Harbor? In 2 years? Just checking b/c of budget data request.

Thanks!



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: Community Group Meeting Invitation
Date:	Monday, January 8, 2018 12:43:00 PM
Attachments:	February15 EJ.docx

(b)

: Can't remember who we said was going to sign... who was it again?

-----Original Message-----From: (b) (6) Sent: Monday, January 08, 2018 10:20 AM To: (b) (6) Subject: [EXTERNAL] FW: Community Group Meeting Invitation

Here is an initial cut without letter head, etc.

Please provide the missing information (i.e., Letterhead, verify time and date, and agreement on location) and provide list of invitees and we will get these completed

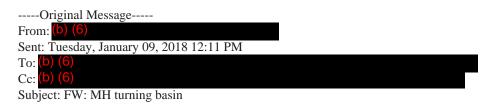


(b) (5)

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	RE: MH turning basin
Date:	Tuesday, January 9, 2018 12:22:00 PM
Attachments:	HD 99-241.pdf

I know my name's not (b), but I happened to have the answer readily available...WRDA 86 authorized the language in the chief's report (pg 41 of the attached document) for a 55-foot deep anchorage area and turning basin in the vicinity of Little Sand Island.

Is that what you needed?



(b), what is the authorization for the turning basin?

99-906

Y 1.1/7:99-240

United States. General Accounting Office.

Review of rescission : communication from the Comptroller General of the United States transmitting a report on the status of budget authority that was proposed for rescission by the President in his sixth special message for fiscal year 1986 dated April 25, 1986, pursuant to 2 U.S.C. 685. - Washington : U.S. G.P.O., 1986.

2 p.; 24 cm. - (House document / 99th Congress, 2d session 99-240) "Referred to the Committee on Appropriations." Distributed to some depository libraries in microfiche. Shipping list no.: 86-626-P. Serial Set No.: 13694 "July 14, 1986." Item 996-A, 996-B (microfiche)

1. Budget - United States. 2. Executive impoundment of appropriated funds - United States. 3. United States. Dept. of Defense - Appropriations and expenditures. I. United States. Congress. House. Committee on Appropriations. II. Title. III. Series: House document (United States. Congress. House) ; 99-240. OCLC 14072609

99-907

Y 1.1/7:99-241

United States. Office of the Assistant Secretary of the Army (Civil Works)

Mobile Harbor, Alabama : communication from the Assistant Secretary of the Army (Civil Works) transmitting a report of the Chief of Engineers, Department of the Army, on Mobile Harbor, Alabama, together with other pertinent reports : the report has been prepared in response to a resolution adopted June 24, 1965, by the Committee on Public Works, House of Representatives. - Washington : U.S. G.P.O., 1986.

xxxix, 360 p. : ill., forms, maps ; 24 cm. - (House document / 99th Congress, 2d session ; 99-241) "Referred to the Com-mittee on Public Works and Transportation." Distributed to some depository libraries in microfiche. Shipping list no.: 86-730-P. Serial Set No.: 13694 "July 14, 1986." Bibliography: p. 252-256. Item 996-A, 996-B (microfiche)

1. Mobile (Ala.) - Harbor - Finance. 2. Channels (Hydraulic engineering) - Alabama - Mobile. I. United States. Congress. House. Committee on Public Works and Transportation. II. Title. III. Series: House document (United States. Congress. House) ; 99-241. OCLC 14223571

99-908

Y 1.1/7:99-242

Soviet Union

[Treaties, etc. United States, 1976 Nov. 26. Protocols, etc. 1982 Apr. 22-1986 June 16] Extension of the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics : message from the President of the United States transmitting an exchange of notes extending the governing international fishery agreement between the government of the United States and the government of the Union of Soviet Socialist Republics, pursuant to 16 U.S.C. 1823(a). - Washington : U.S. G.P.O., 1986.

23 p. ; 24 cm. — (House document / 99th Congress, 2d session ; 99-242) "Referred to the Committee on Merchant Marine and Fisheries." Distributed to some depository libraries in microfiche. Shipping list no.: 86-622-P. Serial Set No.: 13694 "July 14, 1986." Item 996-A, 996-B (microfiche)

1. Fishery management, International-United States. 2. Fishery management, International — Soviet Union. 3. Fishery law and legislation — United States. 4. Fishery law and legislation-Soviet Union. I. United States. President (1981- : Reagan) II. United States. Congress. House. Committee on Merchant Marine and Fisheries. III. United States. Treaties, etc. Soviet Union, 1976 Nov. 26. Protocols, etc., 1982 Apr. 22-1986 June 17. IV. Title. V. Series: House document (United States. Congress. House) ; 99-242. OCLC 14077081

99-909

Y 1.1/7:99-243

United States. General Accounting Office.

Review of deferral : communication from the Comptroller General of the United States transmitting a review of the deferral of budget authority affecting the Farmers Home Administration submitted by the President in his fourth special message on March 12, 1986, pursuant to 2 U.S.C. 685. — Washington : U.S. G.P.O., 1986.

3 p. ; 24 cm. - (House document / 99th Congress, 2d session 99-243) "Referred to the Committee on Appropriations." Distributed to some depository libraries in microfiche. Shipping list no.: 86-626-P. Serial Set No.: 13694 "July 14, 1986." Includes bibliographical references. Item 996-A, 996-B (microfiche)

1. Budget - United States. 2. Executive impoundment of appropriated funds-United States. 3. United States. Farmers Home Administration - Appropriations and expenditures. I. United States. Congress. House. Committee on Appropriations. II. Title. III. Series: House document (United States. Congress. House) ; 99-243. OCLC 14072602

99-910

¥ 1.1/7:99-244

Cumulative report on rescissions and deferrals (1986)

Cumulative report on rescissions and deferrals : communication from the Director, Office of Management and Budget, transmitting a report giving the status as of ... of ... pursuant to 2 U.S.C. 685(e). Washington : U.S. G.P.O.,

v. ; 24 cm. (House document / 99th Congress, 2d session ; 99-244)

Monthly Shipping list no.: 86-626-P. Serial Set No.: 13694 July 1986. Description based on: Apr. 1, 1986. Vols. for (Apr. 1, 1986-) distributed to some depository libraries in microfiche. Item 996-A, 996-B (microfiche) Continues: Cumulative report on rescissions and deferrals of budget authority for ...

1. Executive impoundment of appropriated funds - United States - Statistics - Periodicals. 2. United States - Appropriations and expenditures - Statistics - Periodicals. I. United States. Office of Management and Budget. II. Series: House document (United States. Congress. House) ; 99-244. OCLC 13501553

99-911

¥ 1.1/7:99-245

Veterans of World War I of the U.S.A. Proceedings of the ... National Convention of the Veterans of World War I of the United States, Inc. Washington : U.S. G.P.O.,

v. : ports. ; 24 cm. (House document / 99th Congress, 2d session; 99-245)

Annual Cover title: Proceedings of the ... annual National Convention of the Veterans of World War I of the United States, Inc. 1981- Spine title: National Convention of the Veterans of World War I 1981-198 Shipping list no.: 86-756-P. 33rd, Milwaukee, Wis., Aug. 25-29, 1985. Description based on: 28th (1980). Vols. for (1981-) distributed to some depository libraries in microfiche. Serial Set No.: 13694 @Item 996-A, 996-B (microfiche)

1. Veterans of World War I of the U.S.A. - Periodicals. I. Title. II. Series: House document (United States. Congress. House) ; 99-245. OCLC 02870880

99-912

¥ 1.1/7:99-246

United States. President (1981- : Reagan)

Proposed fiscal year 1986 supplemental budget for the District of Columbia : communication from the President of the

Page 119

Digitized by Google

From:	(b) (6)
То:	(b) (6)
Subject:	RE: Mobile Harbor Issue Paper SUSPENSE: Noon tomorrow
Date:	Tuesday, January 9, 2018 1:11:00 PM

Yes. I need your help : (

-----Original Message-----

8 8
From: (b) (6)
Sent: Tuesday, January 09, 2018 12:58 PM
To: (b) (6)
Subject: FW: Mobile Harbor Issue Paper SUSPENSE: Noon tomorrow
Importance: High

Are you working on this update? Do you need my help / input?



-----Original Message-----

From: (b) (6)		
Sent: Tuesday, January 09, 2018 10:32 AM	-	
To: (b) (6)		
Cc: (b) (6)		

Subject: FW: Mobile Harbor Issue Paper SUSPENSE: Noon tomorrow Importance: High

(b)

Please work with (b) to get this done.

Thanks,



-----Original Message-----

From: (D) (O)	
Sent: Tuesday, January 09, 2018 10:24 AM	
To: (b) (6)	
Cc: (b) (6)	

Subject: Mobile Harbor Issue Paper SUSPENSE: Noon tomorrow Importance: High

Hi D - We need to update the Issue Paper for Mobile Harbor. The last one updated was in Nov 16 and is attached. We need this for Authorization Hearings on Jan 18th and 19th. We need this back by noon tomorrow.

We know that Members have been interested in moving directly into PED then Construction once the DE

Transmittal is signed which was how we used to do it. We need to ask and answer a question that reiterates the WRDA 14 policy that we need "Secretary" approval now to move into PED as well as needing a Construction new start to begin Construction (even if the project does not need Congressional authorization for the plan (assuming we don't).

I think we also need to include a question on whether we can accept contributed funds for PED and Construction.

We need to keep the info on Dauphin Island on the sheet since we know that folks are still calling.

Can you please acknowledge receipt and suspense? I know folks have been out.....





From: To: Cc: Subject: Date: Attachments:	 (b) (6) (b) (6) (c) (
Attachments.	USACE-DOI MOA Signed Feb 2016.pdf
	Appendix A Interagency Agreement ESG JWL JM.docx Appendix B Cost Estimate.docx
	Signed Transmittal Memo.pdf
	ENG FORM 4914-R.pdf

(b)

Below is what we sent through the Engineering Chain for the Interagency Agreement on Mobile Harbor...



Original Message		
From: (b) (6)		
Sent: Wednesday, September 27, 2017 3:36 PM	-	
To:(b) (6)		
Cc: (b) (6)		

Subject: FW: Interagency Agreement for Sediment Transport Modeling

(b),

Per our discussion a few minutes ago, the D&F for an Interagency Agreement between the USACE and USGS to support the modeling effort on the Mobile Harbor GRR is attached (along with the ENG Form 4914 and supporting documents) for SAD review and approval. Once the D&F is signed, (b) will sign the ENG 4914 and we'll send it to the USGS for their signature.

Please feel free to call or email me or (b) (6) if you have any questions.



-----Original Message-----From: (b) (6) Sent: Wednesday, September 27, 2017 3:27 PM To: (b) (6) Subject: FW: Interagency Agreement for Sediment Transport Modeling

(b)

The attached documents need to be sent from you to (b) (6) (formally). Once Mr. (b) signs the D&F, (b) will sign the ENG 4914.



-----Original Message-----

From: (b) (6)

Sent: Monday, September 25, 2017 2:05 PM

To: (b) (6)

Subject: Interagency Agreement

MEMORANDUM FOR RECORD

SUBJECT: Economy Act Determination and Findings for the Support Agreement between USACE, Mobile District and the USGS, relating to conducting sediment transport and morphological modeling for the Mobile Harbor General Reevaluation Report (GRR)

1. I have reviewed the work requirements outlined in Appendix A that USACE proposes to place with the U.S. Geological Survey (USGS), St. Petersburg Coastal and Marine Science Center, as an interagency order under the Economy Act. I hereby determine that it is in the Government's best interest to use an interagency acquisition to obtain support from USGS and that the services cannot be obtained as conveniently or economically by contracting directly with a private source. My review resulted in the following findings:

a. The proposed acquisition is authorized under the authority of the Economy Act.

b. The Army is legally authorized to acquire the services.

c. Adequate funds in the amount of \$83,592.70 are available from the Mobile Harbor GRR Project budget for conducting sediment transport and morphological modeling for the Mobile Harbor General Reevaluation Report (GRR).

d. The action does not conflict with any other agency's authority or responsibility. Specifically, a review of Part 8 of the FAR, Part 208 of the DFARS, or other part as applicable, reveals that the responsibility for acquiring this supply or service has not been assigned to an agency other than the one proposed.

e. The services cannot be provided at the time required and more economically by contractors under an Army contract. The USGS has already developed the sediment transport model in support of the Alabama Barrier Island Restoration Assessment. This agreement will leverage the previously developed model ultimately resulting in cost and schedule efficiencies for the Mobile Harbor GRR.

f. The USGS, St. Petersburg Coastal and Marine Science Center, has expertise and previous experience in sediment transport modeling at the inlet of Mobile Bay including the Pelican Island Complex. Due to their previous experience and development of those existing models the USGS is more capable of this work than any other entity within the DoD.

g. The servicing agency regularly performs the type of work required, will accept the order, and can satisfy the requirement.

CESAD-PD

SUBJECT: Economy Act Determination and Findings for the Support Agreement between USACE, Mobile District and the USGS, relating to conducting sediment transport and morphological modeling for the Mobile Harbor General Reevaluation Report (GRR)

h. USGS will utilize in-house resources to accomplish the work. The services are clearly within the scope of activities of USGS, St. Petersburg Coastal and Marine Science Center.

i. The total cost to USACE for the services is estimated at \$83,592.70 and is fair and reasonable. The cost estimate is based on expenses that USGS has estimated will be incurred for the performance of the work.

j. All approvals and authorizations required by Army and/or DoD policies for acquiring the supplies or services have been obtained, and all approvals will be obtained for the construction post-construction services.

k. The requirement is a bona-fide need of USACE.

2. Given the above findings, I hereby determine that it is in the best interest of the Government to place an order for the work outlined in Appendix A with the USGS, St. Petersburg Coastal and Marine Science Center, under the authority of the Economy Act. A copy of this determination shall be placed in the official file of the order for services.

ALVIN B. LEE Director of Programs

MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR AND THE U.S. ARMY CORPS OF ENGINEERS

Article I - Purpose and Authority.

This Memorandum of Agreement (MOA) is entered into by and between the U.S. Army Corps of Engineers (USACE), and the U.S. Department of the Interior (DOI) (collectively the Parties) for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the provision of goods and services related to planning, design, environmental support, and construction assistance. This MOA is entered into pursuant to the Economy Act (31 U.S.C. § 1535).

Article II - Scope.

Goods and services that USACE may provide under this MOA include: planning; design; construction; flood risk management; environmental restoration; research and development; emergency management; hazardous or toxic materials removal; engineering or technical assistance; and such other related goods or services as may be agreed upon in the future.

Goods and services that DOI may provide under this MOA include investigations in earth sciences, biological and environmental sciences, remote sensing and geospatial data applications, environmental restoration and management, water supply management, dam safety, hydropower, engineering, construction, fish and wildlife resource management, recreation, research, information and management systems, mitigation, preservation, and interpretation of historical, cultural, and natural resources, recreation and park planning and management, training and professional development, emergency management, and such other related goods or services as may be agreed upon in the future.

Nothing in this MOA shall be construed to require either party to provide any goods or services to the other party, except as may be set forth in Support Agreements (SAs). SAs also commonly known as Reimbursable Support Agreements (RSAs), Interagency Agreements, and Economy Act Agreements.

For the USACE, all USACE entities, including USACE headquarters, districts, centers, laboratories, divisions, and directorates, are authorized to provide assistance under this MOA.

Article III - Points of Contact.

To provide for consistent and effective communication between the Parties, each Party shall appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on SAs.

For the U.S. Army Corps of Engineers

Assistant Director of Civil Works and Senior Water Resources Policy Advisor CECW-ZB, Directorate of Civil Works Phone: 202-761-0415

For the U.S. Department of the Interior

Team Leader, Environmental Management Integration Team Office of Environmental Policy and Compliance Phone: 202-208-3901

Article IV - Support Agreements.

In response to requests from the one party (the Ordering Agency) for the other Party's (the Servicing Agency) assistance under this MOA, the Parties shall conclude mutually agreed upon written SAs. Goods or services shall be provided under this MOA only after an appropriate SA has been signed by an authorized representative of each Party. SAs will be executed on either a DD Form 1144 or on any form acceptable to both Parties that contains the same substantive information as a DD Form 1144. By executing an SA, both Parties certify that the following Economy Act requirements have been met:

(1) The Ordering Agency has determined that funds are available;

(2) The Ordering Agency has determined that the order is in the best interest of the United States Government;

(3) The Servicing Agency has determined that it is able to provide or get by contract the ordered goods or services; and

(4) The Ordering Agency has determined that the ordered goods or services cannot be provided by contract as conveniently or economically by a commercial enterprise.

By executing an SA, both Parties also certify that any required written Economy Act Determinations and Findings (D&F) have been completed. Upon signature by each Party's authorized representative, an SA shall constitute a valid Economy Act order. SAs must include:

(1) A detailed scope of work statement;

(2) Schedules;

(3) Funding arrangements, including whether payment shall be in advance or by reimbursement;

(4) The amount of funds required and available to accomplish the scope of work as stated above; and

(5) The Ordering Agency's fund citation and the date upon which the cited funds expire for obligation purposes.

(6) As appropriate, SAs may identify:

(a) Individual project managers;

(b) Types of contracts to be used;

(c) Types and frequency of reports;

(d) Procedures for amending or modifying the SA; and

(e) May include such other information as may be necessary or appropriate to describe clearly the obligations of the Parties with respect to the requested goods and services, including responsibility for government-furnished equipment, contract administration, records maintenance and retention, rights to data, software, and intellectual property, and contract audits.

In the event of a conflict between this MOA and an SA, this MOA shall control.

Article V - Responsibilities of the Parties.

a. Responsibilities of the Servicing Agency.

(1) The Servicing Agency shall provide the Ordering Agency with goods or services in accordance with the purpose, terms, and conditions of this MOA and with specific requirements set forth in SAs and implementing arrangements.

(2) The Servicing Agency shall identify and authorize the Servicing Agency representatives to sign the SAs.

(3) The Servicing Agency shall use its best efforts to provide goods or services either by contract or by in-house effort.

(4) The Servicing Agency shall provide detailed periodic progress, financial and other reports to the Ordering Agency as agreed to in the SA. Financial reports shall include information on all funds received, obligated, and expended, and on forecast obligations and expenditures.

(5) The Servicing Agency shall inform the Ordering Agency of all contracts entered into under each SA.

b. Responsibilities of the Ordering Agency.

(1) The Ordering Agency shall certify, prior to the execution of each SA under this MOA, that the SA complies with the requirements of the Economy Act, and that any required written Economy Act D&F has been completed.

(2) The Ordering Agency shall pay all costs associated with the Servicing Agency's provisions of goods or services under this MOA and shall certify, at the time of signature of a SA, the availability of funds necessary to accomplish that SA.

(3) The Ordering Agency shall ensure that only authorized Ordering Agency contracting officers sign SAs.

(4) The Ordering Agency shall develop draft SAs to include scope of work statements.

(5) The Ordering Agency shall obtain for the Servicing Agency all necessary real estate interests and access to all work sites and support facilities, and shall perform all coordination with and obtain any permits from state and local agencies, as necessary during the execution of each SA.

Article VI - Funding.

This MOA does not create any obligation of funds between the Parties nor is it intended to commit either Party in advance or excess of appropriations. Any obligation of funds in support of this MOA will be accomplished by executing an SA in accordance with Article IV.

The Ordering Agency shall pay all costs associated with the Servicing Agency's provision of goods or services under this MOA. The Servicing Agency shall bill the Ordering Agency monthly for costs incurred using Standard Form 1080, Voucher for Transfers between Appropriations and/or Funds. The Ordering Agency will use the Intra-Governmental Payment and Collection System (IPAC) to automatically reimburse the Servicing Agency. Upon request by the Servicing Agency, the Ordering Agency shall provide funds in advance of any obligation. Bills rendered will not be subject to audit in advance of payment.

If the Servicing Agency forecasts its actual costs under a SA to exceed the amount of funds available under that SA, it shall promptly notify the Ordering Agency of the amount of additional funds necessary to complete the work under that SA. The Ordering Agency shall either provide the additional funds to the Servicing Agency, require that the scope of work be limited to that which can be paid for by the then-available funds, or direct termination of the work under that SA.

Within 90 days of completing the work under a SA, the Servicing Agency shall conduct an accounting to determine the actual costs of the work. Within 30 days of completion of this accounting, the Servicing Agency shall return to the Ordering Agency any funds advanced in excess of the actual costs as then known, or the Ordering Agency shall provide any additional funds necessary to cover the actual costs as then known. Such an accounting shall in no way limit the Ordering Agency's duty in accordance with Article X to pay for any costs, such as contract claims or other liability, which may become known after the final accounting.

Article VII - Applicable Laws.

This MOA and all documents and actions pursuant to it shall be governed by the applicable statutes, regulations, directives, and procedures of the United States. Unless otherwise required

by law, all contract work undertaken by the Servicing Agency shall be governed by the Servicing Agency policies and procedures.

Article VIII - Contract Claims and Disputes.

All contractor claims and disputes arising under or relating to contracts awarded by the Servicing Agency shall be resolved in accordance with federal law and the terms of the individual contract. The Servicing Agency shall have dispute resolution authority for these claims. Any contracting officer's final decision may be appealed by the contractor pursuant to the Contract Disputes Act of 1978 (41 U.S.C. § 7101). The Armed Services Board of Contract Appeals (ASBCA) is designated as the appropriate board of contract appeals for USACE contracts executed pursuant to this MOA. The Civilian Board of Contract Appeals (CBCA) is designated as the appropriate board of contracts executed pursuant to this MOA. In lieu of appealing to the ASBCA or CBCA, the contractor may bring an action directly to the United States Court of Federal Claims.

The Servicing Agency shall be responsible for handling all disputes arising under or relating to the contracts, including litigation involving disputes and appeals, and for coordinating with the Department of Justice as appropriate. The Servicing Agency shall notify the Ordering Agency of any such litigation and afford the Ordering Agency an opportunity to review and comment on the litigation proceedings and any resulting settlement negotiations.

Article IX - Dispute Resolution.

The Parties agree that, in the event of a dispute between the Parties, the Ordering Agency and the Servicing Agency shall use their best efforts to resolve that dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the Parties. In the event such measures fail to resolve the dispute, the Parties shall elevate the issue through their respective chains of command.

Article X - Responsibilities for Costs.

If liability of any kind is imposed on the United States relating to the Servicing Agency's provision of goods or services under this MOA, the Servicing Agency will accept accountability for its actions, but the Ordering Agency shall remain responsible as the program proponent for providing such funds as are necessary to discharge the liability, and all related costs. This obligation extends to all funds legally available to discharge this liability, including funds that may be made legally available through transfer, reprogramming or other means. Should the Ordering Agency have insufficient funds legally available, including funds that may be made legally available through transfer, reprogramming or other means. Should the Ordering Agency remains responsible for seeking additional funds. Nothing in this MOA shall be construed to imply that Congress will, at a later date, appropriate funds sufficient to meet the deficiencies.

Notwithstanding the above, this MOA does not confer any liability upon the Ordering Agency for claims payable by the Servicing Agency under the Federal Torts Claims Act. Provided further that nothing in this MOA is intended or will be construed to create any rights or remedies for any third party and no third party is intended to be a beneficiary of this MOA.

Article XI - Public Information.

Justification and explanation of the Ordering Agency's programs before Congress and other agencies, departments, and offices of the Federal Executive Branch shall be the responsibility of the Ordering Agency. The Servicing Agency may provide, upon request, any assistance necessary to support the Ordering Agency's explanation of the Ordering Agency's programs conducted under this MOA. In general, the Ordering Agency is responsible for all public information. The Servicing Agency may make public announcements and respond to all inquiries relating to the ordinary procurement and contract award and administration process. The Ordering Agency or the Servicing Agency shall make its best efforts to give the other Party advance notice before making any public statement regarding work contemplated, undertaken, or completed pursuant to SAs under this MOA.

Article XII - Miscellaneous.

a. Other Relationships or Obligations: This MOA shall not affect any pre-existing or independent relationships or obligations between the Ordering Agency and the Servicing Agency nor prevent either Party from entering into other relationships.

b. Survival: The provisions of this MOA which require performance after the expiration or termination of this MOA shall remain in force notwithstanding the expiration or termination of this MOA.

c. Severability: If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

d. Transferability: This MOA is not transferable except with the written consent of the Parties.

Article XIII - Required Reviews.

The Parties will review this MOA annually on or around the anniversary of its effective date for financial impacts and triennially in its entirety.

Article XIV - Amendment, Modification and Termination.

This MOA may be modified or amended only by the written and mutual agreement of the Parties. Either Party may unilaterally terminate this MOA by providing at least 180 days written notice to the other Party. In the event of termination, the Ordering Agency shall continue to be responsible for all costs incurred by the Servicing Agency under any SA entered under this MOA and for the costs of closing out or transferring any on-going contracts.

Article XV - Effective Date and Expiration.

Unless otherwise modified or extended per Article XIV hereof, this MOA takes effect beginning on the day after the last Party signs and expires five years after the day the last Party signs.

AGREED:

For the U.S. Army Corps of Engineers

Steven L. Stockton, P.E. Director of Civil Works

For the U.S. Department of the Interior

Mary Josle Blanchard Acting Director, Office of Environmental Policy and Compliance

Date: 11 FEB 2016

Date: JeMully 16, 2016

Appendix A Scope of Work and Supporting Data for Interagency Agreement

Scope of Work:

The U.S. Army Corps of Engineers (USACE), Mobile District, has requested the support of the U.S. Geologic Survey (USGS) in conducting numerical modeling of waves, currents, and sediment transport for the Mobile Harbor General Reevaluation Report (GRR). The requested duties include the following:

- 1. Task 1: Sediment Transport and Morphological Modeling Using Delft3D
 - The USGS will use the Delft3D model being developed for the ongoing National Fish and Wildlife Foundation (NFWF) Alabama Barrier Island Restoration Assessment to provide a characterization of the sediment transport at locations near the inlet of Mobile Bay and closer to Pelican Island to infer potential impacts to sediment delivery towards Dauphin Island, Alabama. The results of this effort will be used to evaluate possible effects of widening and/or depending the Mobile Harbor Navigation Channel on the ebb tidal shoal and adjacent coastal areas. The model domain will expand far enough to infer probable effects on shoreline changes due to proposed channel modifications (i.e., deepening and/or widening), with the minimum extents being 10 miles east and west of the channel. The USGS will calibrate and validate the model using data collected for the NFWF study. Once validated, the model will be run using two base simulations. This will include a 2010 wind/wave climatology and a 10-year longer term climatology, as determined collaboratively by the U.S. Army Corps of Engineers (USACE) Mobile District staff and the USGS.
 - Delft3D model simulations will be conducted for three scenarios as described below.
 - Scenario 1 Existing Condition: These simulations represent the current/existing bathymetric conditions of the coastal nearshore areas, ebb tidal shoal, dredge material placement areas and navigation channel. The exact dimensions and configuration of the navigation channel will be provided to the USGS by the USACE team.
 - Scenario 2 Future Without-project Condition: These simulations represent future conditions accounting for sea level rise, with no modifications to the navigation channel. The initial bathymetric conditions in the model will be the same as those used in Scenario 1. The sea level rise conditions to be used for the simulations will be provided to the USGS by the USACE team.

- Scenario 3 Future With-project Condition: These simulations represent future conditions accounting for sea level rise with dredge material placement and modified dimensions and configuration of the navigation channel. The sea level rise conditions used in the model will be the same as those used in Scenario 2 and the modified channel dimensions and configuration will be provided to the USGS by the USACE team.
- The USGS will prepare a report documenting the results of the model simulations as well as clearly reference the Delft3D model development, calibration, and validation being conducted as part of the NFWF Alabama Barrier Island Restoration Assessment. In addition, the USGS will provide difference maps of the simulations compared to each other along with the raw model input and output data to USACE.
- The USGS will participate in a one-hour bi-weekly call with the USACE team to provide an update on the status of the modeling throughout the duration of the effort.

Schedule:

USGS support for Task 1 will begin immediately after receipt of funding. Preliminary results of the three model scenarios will be provided to USACE by November 15, 2017 and the report documenting the effort will be completed by January 15, 2018.

Funding Arrangements:

MIPR from Ordering Agency for full amount to be billed monthly by Servicing Agency.

Funds Required and Available:

Funds in the amount of \$83,592.70 are required and available.

Ordering Agency's Appropriation Symbol and Expiration Date:

96 NA X 3125 33E (321379) – Funds available until expended.

Project Managers:

For the Ordering Agency:

(b) (6)	CESAM-PM, (b) (6)
(b) (6)	CESAM-EN-H, (b) (6)
(b) (6)	CESAM-EN-HH, (b) (6)

For the Servicing Agency:

(b) (6)	USGS Research Oceanographer, ^(b) (6)
(b) (6)	, USGS Research Oceanographer, (b) (6)

<u>Contracts to be Used:</u> Limited use of USGS onsite contractors may be utilized to perform some supporting tasks to complete this work.

Deliverables & Reports (Type and Frequency):

Task 1 – The USGS will prepare a report documenting the results of the Delft3D model development, calibration, validation, and results of the three model simulations. In addition, the USGS will provide difference maps of the three simulations compared to each other along with the raw model input and output data to USACE.

<u>Responsibilities for Government Furnished Equipment, Contract Administration,</u> <u>Records Maintenance, Rights to Data, Software, Intellectual Property, and Contract</u> <u>Audits:</u>

All equipment, contract administration, records maintenance, rights to data, software, intellectual property, and contract audits are the responsibility of the Servicing Agency (USGS).

Procedures for Modifying the IA:

Modifications to this IA will be mutually agreed upon by both agencies in writing.

Other Information Needed to Describe the Obligations of the Parties: None.

Ordering Agency's Order Number and DUNS (or DODAAC) Numbers for the Ordering Agency's Location:

DODAAC number for the USACE Mobile District is W91278.

<u>Servicing Agency's Cite Location DUNS Number and Appropriation Symbol or</u> <u>Funds Citation for Collection:</u>

USGS St. Petersburg Coastal and Marine Science Center: DUNS Number 137784133; USGS Accounting/Treasury Code 1430804; Tax ID 53-0196958; DO Symbol X0131; Dept ID 1408.

Public Distribution:

The information obtained and tools developed under this agreement may be distributed, to the extent permissible by Article XI(c) of the MOA between the USACE and USGS, to the scientific community through reports, scientific publications, student theses or dissertations, and/or through presentations to appropriate scientific forums.

Appendix B Cost Data for Interagency Agreement

Budget:

The estimated cost for the proposed work is based on level of effort (staff hours) and travel to accomplish the tasks as outlined in Appendix A.

<u>Task 1</u>

Salary: \$80,592.70 (approximately 4 months of cumulative support among assigned staff). This includes the technical support to develop, calibrate, validate, and simulate the Delft3D model as outlined in Appendix A.

Travel: \$3,000 (based on \$360/two-day trip out of New Orleans and \$405 out of Baton Rouge. Includes hotel, per diem, parking and mileage.)

Total: \$83,592.70



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

CESAM-PD

265ept2017

MEMORANDUM FOR Commander, U.S. Army Engineer Division, South Atlantic (CESAD-RBT/Mr. Chris Smith), 60 Forsyth Street, SW, Room 10M15, Atlanta, Georgia 30303-8801

SUBJECT: Request for Approval of Amendment to Interagency Support Agreement with the USGS

1. <u>ACTION</u>. An amendment is required to the current Interagency Support Agreement between USACE, Mobile District, and the USGS, to facilitate sediment transport and morphological modeling for the Mobile Harbor General Reevaluation Report (GRR). An amended Form 4914-R, Interagency Support Agreement has been prepared by Mobile District to support this mission. A new Economy Act Determination has been prepared.

2. <u>Recommendation</u>. It is recommended that the Director of Programs, South Atlantic Division sign the enclosed Economy Act Determination and Findings.

APPROVED_____ SEE ME____ OTHER____

3. BACKGROUND AND DISCUSSION.

a. The services cannot be provided more economically by contractors under an Army Contract. The USGS has already developed the sediment transport model in support of the Alabama Barrier Island Restoration Assessment. This agreement will leverage the previously developed model ultimately resulting in cost and schedule efficiencies for the Mobile Harbor GRR.

b. The USGS, St. Petersburg Coastal and Marine Science Center, has expertise and previous experience in sediment transport modeling at the inlet of Mobile Bay including the Pelican Island Complex. Due to their previous experience and development of those existing models the USGS is more capable of this work than any other entity within the DoD.

4. <u>IMPACTS</u>. Failure to approve the required documentation will delay the final report of the sediment transport and morphological modeling scheduled for completion in January 2018.

COL, EN Commanding

5. Mobile District POC is David Newell, 251-690-2328.

Encls

U.S. ARMY CORPS OF ENGINEERS INTERAGENCY/SUPPORT AGREEMENT (ER 1140-1-211)			1. AGREEMENT NO. 2. INITIAL AGREEMENT AMENDMENT NO.	
3. PROJECT TITLE Mobile Harbor General Reevaluation Report (GRR)			4. EFFECTIVE DATE	
			2017-09-29 5. COMPLETION DATE 2019-12-31	
US Army Corps of Engineers, Mobile District USGS (PO Box 2288 600 4th		USGS (Attn: 600 4th Stree	AND ADDRESS OF OTHER AGENCY (Attn: Kenneth Rice)	
8. SCOPE OF WORK (Additional pages m	nay be used as needed)	1		
Island Restoration Assessment to pro Alabama regions of the Morgan Penin evaluate possible effects of widening coastal areas.	nsula, Mobile Pass ebb tida	al shoal, and Dau	phin Island. The results of t	his effort will be used to
	۵ ا			
a. All rates expressing the unit cost of s change for uncontrollable reasons, su notified immediately of such rate changes.	ervices provided in this agreer uch as legislation, DoD directiv nges that must be passed thro	ves, and commercia ough to the support	al utility rate increases. The rece receivers.	eiver will be
change for uncontrollable reasons, su	ervices provided in this agreer uch as legislation, DoD directiv nges that must be passed thro any time by mutual consent of	ves, and commercia bugh to the support f the parties concer	al utility rate increases. The reco receivers. ned. This agreement may also I	eiver will be
 a. All rates expressing the unit cost of s change for uncontrollable reasons, su notified immediately of such rate chan b. This agreement may be cancelled at 	ervices provided in this agreer uch as legislation, DoD direction nges that must be passed thro any time by mutual consent of at least 180 days written notic	ves, and commercia bugh to the support f the parties concer a to the other party	al utility rate increases. The rece receivers, ned. This agreement may also l r.	eiver will be
 a. All rates expressing the unit cost of sichange for uncontrollable reasons, su notified immediately of such rate charbon b. This agreement may be cancelled at cancelled by either party upon giving 	ervices provided in this agreer uch as legislation, DoD direction nges that must be passed thro any time by mutual consent of at least 180 days written notic	ves, and commercia ough to the support of the parties concer at to the other party ain in force only wi	al utility rate increases. The rece receivers, ned. This agreement may also l r.	eiver will be
 a. All rates expressing the unit cost of sichange for uncontrollable reasons, sit notified immediately of such rate charbs. This agreement may be cancelled at cancelled by either party upon giving c. In case of mobilization or other emerged 	ervices provided in this agreer uch as legislation, DoD directiv nges that must be passed thro any time by mutual consent of at least 180 days written notic gency, this agreement will rem	ves, and commercia ough to the support of the parties concer at to the other party ain in force only wi	al utility rate increases. The reco receivers. ned. This agreement may also l r. thin supplier's capabilities.	eiver will be

12. REPORTS (Requirements and Fr	equency		
		efined in the scope of work attached as Ap	pendix A.
13.		FUNDS	
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	eakdown may be attached as necessary)	
SOURCE	PREVIOUS AMOUNT	AMOUNT THIS ACTION	AMENDED TOTAL
a. USACE AMOUNT	-	\$83,592.70	\$83,592.70
b. OTHER AGENCY AMOUNT			
c. TOTAL PROJECT COST		\$83,592.70	\$83,592.70
14. FUNDING			
Funds will be provided by:			
a. Transfer Appropriation	IDE AREA MINU ENANGING	Transfer Authorization	
a. I ransfer Appropriation	(SF 1151, Now-Expenditure	Transfer Authonzation)	
X Reimbursabl	le Order (31 USC 1535 - Eco	nomy Act)	
		101117-100	
Other (describe)			
_			
b. Appropriation:			
15. BILLING			-
a. Request for payment will be made	de by:	SF 1080 SF 1081	X Other (describe)
Payment will be made by MIP			
1		Upon work completion Other (de	coribo)
b. Frequency	Monthly Quarterly		scribe)
		ation (describe necessary documentation):	
96 NA X 2017 3121 000 0000	(444633)		
d. Submit to:			
F&A Office, US Army Corps	of Engineers, PO Box 228	88, Mobile, AL 36628	
16. AUTHORITY			
Memorandum of Agreement betwe	en USACE and UUSGS.	signed February 2016	
17.		APPROVALS	
a. NAME AND TITLE OF AUTHORIZIN	G OFFICIAL FOR USACE	SIGNATURE	DATE
b. NAME AND TITLE OF AUTHORIZIN			DATE
OTHER AGENCY	S OFFICIAL FUR	SIGNATURE	DATE
Pewarse of ENG Form 4914-P)			(Proponent: CECW/R

From:	(b) (6)
To:	(b) (6)
Subject:	FW: RE: Complaint from (b) (6) -Mobile
Date:	Tuesday, January 9, 2018 2:36:00 PM

FYI

(6)

Original Message
From: (b) (6)
Sent: Tuesday, January 09, 2018 2:33 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: RE: Complaint from (b) (6) -Mobile
Just received this email from EPA.
Original Message
From: (b) (6)
Sent: Tuesday, January 9, 2018 2:28 PM
To: (b) (6)
Subject: [EXTERNAL] RE: Complaint from (b) (6) -Mobile
Hi(b),

EPA was copied on a letter mailed to the Corps on December 26, 2017, regarding the planned EIS and some concerns regarding a type of information that will be evaluated in the EIS. (b) (6) is concerned about the full examination and disclosure of changed conditions in the shoreline of Dauphin Islands since 1980's Mobile Harbor Survey Report and/or potential impacts associated with enlarging or deepening the channel. Will this be discussed in the cumulative impacts or other section of the document. In addition, it was my understanding that the studies are being conducted regarding potential beneficial use or disposal options for the sand. (b) (6) is concerned about how the ABIRA Report will be used for decision-making associated with the Draft GRR and SEIS given the difference in the schedules. Please share any responses you may have regarding these questions or the Dec 26th letter so that we can provide timely feedback to (b) (6).

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: Upcoming Dates - Mobile Harbor GRR
Date:	Tuesday, January 9, 2018 4:21:00 PM

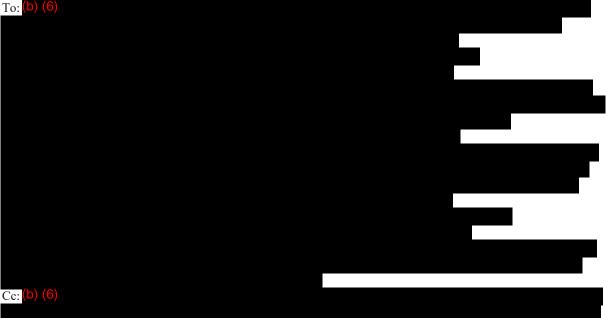
b)

- We are going to have a busy first half of the year...Latest upcoming dates that we are tracking are as follows:
- 18 Jan 2018 Focus Group Meeting, Recreational Fisherman
- 24 Jan 2018 Vertical Team Meeting on project width/depth
- 30 Jan 2018 General Public Meeting Rehearsal
- 06 Feb 2018 General Public Meeting Rehearsal
- 14 Feb 2018 General Public Meeting Rehearsal
- 15 Feb 2018 Agency Meeting to discuss environmental impacts, discuss mitigation (tentative date)
- 15 Feb 2018 Focus Group Meeting, Down the Bay and other EJ (tentative date)
- 22 Feb 2018 General Public Meeting, Location TBD
- 27 Feb 2018 Follow-on meeting with Environmental Agencies (tentative date)
- 06 Mar 2018 Vertical Team Meeting to discuss mitigation (tentative date)
- 14 Mar 2018 TSP Read-ahead documents due (Report Summary, Project Study Issue Checklist, Slides)
- 28 Mar 2018 TSP Milestone Meeting
- 15 May 2018 DQC Review of Draft Report
- 12 Jun 2018 Release Draft SEIS
- 26 Jun 2017 DRAFT SEIS Public Meeting



-----Original Message-----

From: (b) (6) Sent: Wednesday, January 03, 2018 3:14 PM



(b) (6)

Subject: Upcoming Dates - Mobile Harbor GRR

All,

- For discussion at tomorrow's meeting, following are key upcoming dates for the Mobile Harbor GRR:
- 18 Jan 2018 Focus Group Meeting, Recreational Fisherman
- 25 Jan 2018 Vertical Team Meeting on project width/depth
- 30 Jan 2018 Agency Meeting to discuss environmental impacts, discuss mitigation (tentative date)
- 15 Feb 2018 Focus Group Meeting, Down the Bay and other EJ (tentative date)
- 20 Feb 2018 General Public Meeting, Weeks Bay Reserve Conference Center
- 27 Feb 2018 Agency Meeting to finalize mitigation (tentative date)
- 06 Mar 2018 Vertical Team Meeting to discuss mitigation (tentative date)
- 14 Mar 2018 TSP Read-ahead documents due (Report Summary, Project Study Issue Checklist, Slides)
- 28 Mar 2018 TSP Milestone Meeting
- 15 May 2018 DQC Review of Draft Report
- 12 Jun 2018 Release Draft SEIS
- 26 Jun 2017 DRAFT SEIS Public Meeting



-----Original Appointment-----From: (b) (6) Sent: Wednesday, February 01, 2017 12:39 PM



Subject: Mobile Harbor GRR Bi-weekly Meeting When: Thursday, January 04, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

Due to a schedule conflict, we are moving tomorrow's Mobile Harbor Bi-weekly to Thursday at 1400hrs in the MsCIP Conference Room.



(b) (6)	

For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met.



From:	(b) (6)
То:	(b) (6)
Subject:	RE: MH turning basin
Date:	Tuesday, January 9, 2018 4:46:00 PM

I could not locate that document on overdepth anywhere! Will try again in the morning...



-----Original Message-----From: (b) (6) Sent: Tuesday, January 09, 2018 2:28 PM To: (b) (6)

Subject: RE: MH turning basin

Thanks for confirmation.

Original Message	
From: (b) (6)	
Sent: Tuesday, January 09, 2018 2:18 PM	
To: (b) (6)	

Subject: RE: MH turning basin

The environmental documents specifies 4 feet of advance maintenance and an additional 2 feet for allowable overdepth for the turning basin.



Subject: RE: MH turning basin

Actually I need to know the authorized advanced maintenance and allowable overdepth.maybe it's in a permit and not authorization?

-----Original Message-----From: (b) Sent: Tuesday, January 09, 2018 12:36 PM To: (b) (6)

Subject: RE: MH turning basin

(b) (6) correct. Specific verbiage that is contained in our in-progress draft report reads:

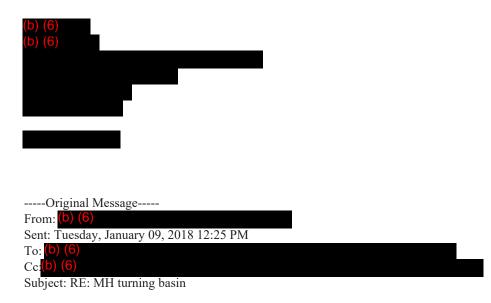
1.1.1 Study Authority

The navigation channel dredging in Mobile Bay and Mobile River began in 1826 with enactment of the River and Harbor Act of 1826. During the period 1826 to 1857, a channel 10 feet deep was dredged through the shoals in Mobile Bay up to the city of Mobile. Subsequently, further modifications to the channel were authorized and the original Federal project was enlarged by the addition of the Arlington, Garrows Bend, and Hollingers Island channels within the bay, and a channel into Chickasaw Creek from the Mobile River. Section 104 of the River and Harbor Act of 1954 authorized a 40-foot depth channel with a 400-foot width in Mobile Bay to the mouth of the Mobile River and a 40-foot depth in the Mobile River to the Cochran Bridge with the width varying from 400 to 775 feet. The Senate Public Works Committee on 16 July 1970 and the House Public Works Committee on 15 December 1970, under the provisions of Section 201 of the 1965 Flood Control Act, authorized a 40- foot by 400foot channel, branching from the main ship channel and extending through a land cut to the Theodore Industrial Park. The Theodore Ship Channel was reauthorized in the Water Resources Development Act of 1976. Further improvements to the existing federal project were initially authorized in the 1985 Energy and Water Resources Appropriation Act (PL 99-88, Ninety-ninth Congress, First Session). The improvements were reauthorized in Section 201 of the Water Resources Development Act of 1986 (PL 99 - 662, Ninety-ninth Congress, Second Session), which was approved 17 November 1986, and subsequently amended by Section 302 of the Water Resources Development Act of 1996, to read:

(a) AUTHORIZATION OF CONSTRUCTION - The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of \$451,000,000, with an estimated first Federal cost of \$255,000,000 and an estimated first non-Federal cost of \$196,000,000. In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.

The report referenced by this authorization recommended the following improvements to the Federal project: deepening and widening the gulf entrance channel to 57 by 700 feet; deepening and widening the main ship channel to 55 by 550 feet in Mobile Bay, except for the upper 3.6 miles which require a width of 650 feet; deepening the Mobile River channel to 55 feet to a point about 1 mile below the Interstate 10 highway tunnels; and, constructing turning and anchorage basins near the upper end of the main ship channel.



I know my name's not **()**, but I happened to have the answer readily available...WRDA 86 authorized the language

in the chief's report (pg 41 of the attached document) for a 55-foot deep anchorage area and turning basin in the vicinity of Little Sand Island.

Is that what you needed?

-----Original Message-----From (b) (6) Sent: Tuesday, January 09, 2018 12:11 PM To: (b) (6) Cc: (b) (6) Subject: FW: MH turning basin

(b), what is the authorization for the turning basin?

From:	(b) (6)
То:	(\mathbf{b}) (6)
Cc:	(b) (6)
Subject:	Mobile Harbor Public Meetings
Date:	Wednesday, January 10, 2018 8:58:00 AM

These are my public meetings held to date ...

Aug 09, 2016 - Team Meeting with Dauphin Island Inter-	erests, Mobile District	
Feb 10, 2017 – Col. DeLapp Meeting with	, Audubon Society, Mobile Distric	:t
Mar 01, 2017 – Col. DeLapp Meeting with	, Mobile Baykeepers, Mobile District	
Apr 20, 2017 - Attended Propeller Club Meeting, Battle	e House Conference Room (Port Presente	ed)
May 11, 2017 – Meeting at Dauphin Island between Co	ol. And Mayor and various other	
May 18, 2017 – Attended Partners for Environmental P	rogress Meeting (Port Presented Slides)	
Jun 14, 2017 - Col DeLapp presentation at Coastal Bus	iness and Environmental Issues, D.I.	_
Jul 12, 2017 – Met with (b) (6)	(Crabbers) and (b) (6)	(Fishmongers),
Bayou La Batre		-
Jul 19, 2017 - Sierra Club, NEPA compliance Concerna	s for the SEIS, Mobile District	
Dec 08, 2017 – Eastern Shore Seafood Interests.		
Dec 13, 2017 – Local Environmental NGO's.		



From:	(b) (6)
То:	(b) (6)
Subject:	RE: MH turning basin
Date:	Wednesday, January 10, 2018 9:00:00 AM
Attachments:	Meeting Minutes - Underkeel Clearance Mobile Harbor GRR.msg

I know...but there was another document that I thought might be relevant to the discussion but could not remember what it was. This morning at 1:32am I remembered that it was the underkeel discussion that I was thinking about (which might not be relevant at all).

Original Message
From: (b) (6)
Sent: Wednesday, January 10, 2018 8:27 AM
To: (b) (6)
Subject: RE: MH turning basin
(b) confirmed it on the environmental documents.
Original Message
From: (b) (6)
Sent: Tuesday, January 09, 2018 4:47 PM
To: (b) (6)
Subject: RE: MH turning basin

I could not locate that document on overdepth anywhere! Will try again in the morning...



Original Message	
From: (b) (6)	
Sent: Tuesday, January 09, 2018 2:28 PM	
To (b) (6)	
Subject: RE: MH turning basin	
Thanks for confirmation.	
Original Message	
From: (b) (6)	
Sent: Tuesday, January 09, 2018 2:18 PM	
To: (b) (6)	

Subject: RE: MH turning basin

The environmental documents specifies 4 feet of advance maintenance and an additional 2 feet for allowable

overdepth for the turning basin.



Actually I need to know the authorized advanced maintenance and allowable overdepth.maybe it's in a permit and not authorization?

Original Message	
From: (b) (6)	
Sent: Tuesday, January 09, 2018 12:36 PM	-
To: (b) (6)	

Subject: RE: MH turning basin

(6) correct. Specific verbiage that is contained in our in-progress draft report reads:

1.1.1 Study Authority

The navigation channel dredging in Mobile Bay and Mobile River began in 1826 with enactment of the River and Harbor Act of 1826. During the period 1826 to 1857, a channel 10 feet deep was dredged through the shoals in Mobile Bay up to the city of Mobile. Subsequently, further modifications to the channel were authorized and the original Federal project was enlarged by the addition of the Arlington, Garrows Bend, and Hollingers Island channels within the bay, and a channel into Chickasaw Creek from the Mobile River. Section 104 of the River and Harbor Act of 1954 authorized a 40-foot depth channel with a 400-foot width in Mobile Bay to the mouth of the Mobile River and a 40-foot depth in the Mobile River to the Cochran Bridge with the width varying from 400 to 775 feet. The Senate Public Works Committee on 16 July 1970 and the House Public Works Committee on 15 December 1970, under the provisions of Section 201 of the 1965 Flood Control Act, authorized a 40- foot by 400foot channel, branching from the main ship channel and extending through a land cut to the Theodore Industrial Park. The Theodore Ship Channel was reauthorized in the Water Resources Development Act of 1976. Further improvements to the existing federal project were initially authorized in the 1985 Energy and Water Resources Appropriation Act (PL 99-88, Ninety-ninth Congress, First Session). The improvements were reauthorized in Section 201 of the Water Resources Development Act of 1986 (PL 99 - 662, Ninety-ninth Congress, Second Session), which was approved 17 November 1986, and subsequently amended by Section 302 of the Water Resources Development Act of 1996, to read:

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The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of \$451,000,000, with an estimated first Federal cost of \$255,000,000 and an estimated first non-Federal cost of \$196,000,000. In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.

The report referenced by this authorization recommended the following improvements to the Federal project: deepening and widening the gulf entrance channel to 57 by 700 feet; deepening and widening the main ship channel to 55 by 550 feet in Mobile Bay, except for the upper 3.6 miles which require a width of 650 feet; deepening the Mobile River channel to 55 feet to a point about 1 mile below the Interstate 10 highway tunnels; and, constructing turning and anchorage basins near the upper end of the main ship channel.

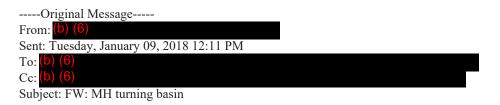


-----Original Message-----

From: (b) (6) Sent: Tuesday, January 09, 2018 12:25 PM To: (b) (6) Cc: (b) (6) Subject: RE: MH turning basin

I know my name's not (b) but I happened to have the answer readily available...WRDA 86 authorized the language in the chief's report (pg 41 of the attached document) for a 55-foot deep anchorage area and turning basin in the vicinity of Little Sand Island.

Is that what you needed?



(b), what is the authorization for the turning basin?

From:	(b) (6)
То:	(b) (6)
Cc:	(b) (6)
Subject:	FY 18_Sen Shelby_Project Issue_Mobile Harbor.doc
Date:	Wednesday, January 10, 2018 10:36:00 AM
Attachments:	FY 18 Sen Shelby Project Issue Mobile Harbor.doc

(b) (6): This is supposed to go back to (b) by 1100hours today. Please do a final proof and send to her. I only changed the date and added Doug Jones. Everything else looked good.



MEMBER PROJECT ISSUE PAPER

<u>CONGRESSIONAL INTERESTS</u>: **SEN Doug Jones (D-AL),** SEN Richard Shelby (R-AL), and REP Bradley Byrne (R-AL-1)

PROJECT (ACCOUNT): Mobile Harbor Deepening and Widening, AL (Investigations - Navigation)

PROJECT ISSUE: Scope, cost and schedule of the General Reevaluation Report (GRR)

<u>KEY MESSAGE(S)</u>: Future of Planning and Construction Programs in a Constrained Funding Environment

QUESTIONS AND ANSWERS:

- 1) What is the status of the Mobile Harbor Deepening and Widening GRR?
 - The Corps is preparing a GRR to address the economic, engineering, and environmental requirements to determine potential widening and deepening within the authorized limits of the Mobile Harbor Project. Currently, the alternatives are being screened to identify the depth and width to be carried forward as the Tentatively Selected Plan. The GRR is scheduled for HQUSACE approval November 2019.
- 2) Is there local opposition to the project?
 - There is a small group whose primary issue is to require placement of sand dredged material directly on or close to Dauphin Island. They believe harbor dredging is the primary cause of erosion to the island. Previous Corps studies of the area have indicated minor impacts to the island.
- 3) Why can't this study be completed as an Limited Re-evaluation Report (LRR) rather than a General Re-evaluation Report (GRR)?
 - The Alabama State Port Authority initially requested the Corps investigate widening the Mobile Harbor channel, which was being conducted as an LRR. They then modified their request to investigate the modification of the channel to its fully authorized depth and width. A GRR is required to fully evaluate the environmental and economic impacts of this modification.
- 4) Why is the study taking 48 months to complete?
 - The Mobile Harbor 38-mile channel impacts an extremely large and environmentally complex area. Furthermore due to lack of available data an extensive data collection and modeling effort is required. In particular, hydrodynamic, water quality and sediment transfer modeling is being performed which is necessary to address the concerns about impacts on the environment voiced by State and Federal resource agencies during the charrette. A 3x3x3 exemption waiver was granted in October 2015.

5) Given that the language in Section 110 of the Consolidated and Further Continuing Appropriations Act, 2015 provides that the investigation be cost shared at the same percentage as in the design agreement (75%/25%) executed on August 14, 2012, how do you intend to budget for the project?

 The study is being budgeted for in accordance with the generally applicable cost-sharing policy for Corps feasibility studies of 50/50. In FY2015, FY2016, and FY2017 funds were appropriated and executed in accordance with Section 110 of the FY2015 Appropriations Act at a cost share of 75/25.

6) Why wasn't the Mobile Harbor GRR included in the FY18 Budget?

• The Mobile Harbor GRR was not included in the FY18 Budget since the study reached 50% Federal funding with its FY17 allocation. The FY17 allocation of \$1,742,231 funded the Federal share of the GRR to 50 percent of the total study cost which is typical for studies of this type, per the cost sharing policy of WRDA 1986 as amended. FY 18 allocation (reprogramming) is \$32,268. Remaining Federal funds under the 75/25 cost sharing agreement will compete along with other national civil works priorities in future budgets and work plans.

MEMBER PROJECT ISSUE PAPER

ASA(CW) and/or CG COMMITMENT(S) MADE TO STAKEHOLDERS: N/A

ADMINISTRATION POSITION: The Administration supports this GRR.

FY18 FUNDING DATA HIGHLIGHTS

FY17 Allocation FY18 Budget Balance to Complete after FY18 Benefit to Cost Ratio (at 7%) \$1,742,231 0 2,046,876 TBD

From: To: Subject:	 (b) (6) (b) (6) FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance
Date:	Wednesday, January 10, 2018 1:16:00 PM
Attachments:	WRDA 16 Section 1122 (a)-(h) Implementation Guidance 3 January 18.docx.pdf

Hey **(b) (6)**,

Do you know anything about this?



-----Original Message-----From: (b) (6) Sent: Wednesday, January 10, 2018 10:37 AM To: (b) (6)

Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

(b) and (b), Did you see this? Could Mobile Harbor be a candidate? Thanks,

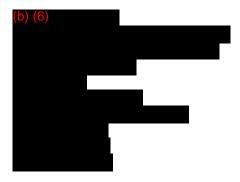
-----Original Message-----From: (b) (6) Sent: Wednesday, January 10, 2018 9:16 AM

Senter in concession, canada		
To: (b) (6)		



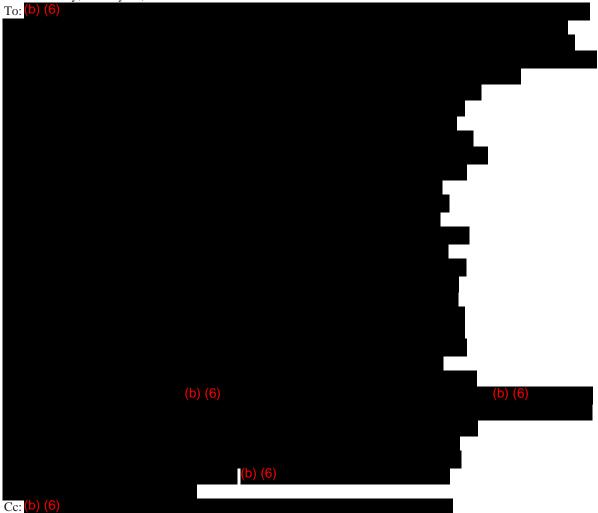
Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Some beneficial use guidance. Still waiting on implementation guidance on CAP.



-----Original Message-----From: (b) (6)

Sent: Tuesday, January 09, 2018 3:39 PM



Subject: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

WRDA2016 Section 1122 was a significant topic during today's HQ Ops chief call. Some of my notes:

Getting the Federal Notice out for the nominations is a priority for HQ. The notice will include directions on how to nominate. Notice is anticipated in February.

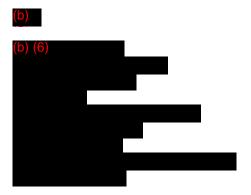
HQ is discussing how this notice is going to get out regionally and within Districts - how to point our sponsors to it when they aren't used to watching for these notices and responding to them.

It is not for the Corps to come up with the pilot nominations. This is for non-fed sponsors and other sources to do. HQ will work with whatever they get as responses to the Federal Register notice.

The statement that shows up in Paragraph 8 of the attached PDF is a change from past O&M guidance, "Section 1122(e)(2) provides that the incremental costs above the Federal Standard for transporting and depositing such dredged material will be borne entirely by the federal government." This is a big change, but will only be applicable to the RSM Pilots not across the board for O&M and federal projects. Secretary may not charge Non-federal sponsor extra cost for transport and deposit. The ASA and committees intent is for the Corps to depart from business as usual for transport, so HQ will have to come up with a work plan or budget work packages to address this extra cost. Corps would only pay for extra transport and deposit cost not additional costs.

There will be webinars to explain the nomination process.

If you have questions send them in and we can forward through the Ops chain to HQ. The Q&As will be posted on the website.





DEPARTMENT OF THE ARMY OFFICE OF THE ASSISTANT SECRETARY CIVIL WORKS 108 ARMY PENTAGON WASHINGTON, DC 20310-0108

JAN -3 2018

MEMORANDUM FOR THE COMMANDING GENERAL OF THE U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 1122(a)–(h) of the Water Resources Development Act (WRDA) of 2016, Beneficial Use of Dredged Material

1. Section 1122 of WRDA 2016 (a-h) directs the Secretary to establish a pilot program consisting of 10 projects for the beneficial use of dredged material for certain specified purposes. It provides for the establishment of regional beneficial use teams to identify and assist in implementation of projects under the pilot program. It includes reporting requirements and provides that the pilot program shall terminate after completion of the 10 pilot projects. Separate guidance will be provided for Section 1122(i), which further amends Section 204 of WRDA 1992 (33 U.S.C. 2326) dealing with the Continuing Authorities Program (CAP) for beneficial use of dredged material, and for Section 1122(j), which further amends Section 156 of WRDA 1976 (42 U.S.C. 1962d-5f). Section 1122(a) through (h) of WRDA 2016 is enclosed. (Enclosure 1)

2. The beneficial use of dredged material pilot program identification and selection process will be initiated using existing funds. Major Subordinate Commands (MSC) and Headquarters staff will use Expenses funding for Pilot Project identification. Regional Sediment Management expertise and limited funds will be made available to districts to assist MSC and Headquarters U.S. Army Corps of Engineers (HQUSACE) in identifying pilot projects.

3. HQUSACE has established a website for WRDA 2016 Implementation Guidance, which will include general information about Section 1122, the criteria as per Section 1122(b)(3) and further described in Enclosure 3 for pilot projects, an email link to submit comments and questions, and instructions on preparing and submitting a pilot proposal with a link to the pdf proposal form (Enclosure 2). The website is located at: http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRDA2016. HQUSACE will publish a notice in the Federal Register with instructions for submitting project proposals. The notice will request that all proposals be submitted within 30 days of the notice's publication date.

a. A proposal must be submitted to HQUSACE via email or regular mail using the proposal form (Enclosure 2). All submittals by regular mail must be postmarked no later than the last day of the 30 day project proposal submittal period.

b. All information provided in the proposal is public information. Therefore, information that is confidential business information, information that should not be disclosed because of statutory restrictions, or other information that a non-federal interest would not want to appear publicly should not be included in the submittal.

4. Proposals will be provided to the MSCs for developing the list of eligible pilot project(s), as outlined in Paragraph 5 below. Each MSC shall establish a Regional Team (RT) to review proposals, and develop a list of eligible projects for further consideration by HQUSACE. The enclosed Pilot Project Checklist is provided to assist in selecting eligible projects for submittal. The relevant MSC commander will head each RT and include representatives, as appropriate, from each MSC and district, including participation from the National Regional Sediment Management (RSM) team, other federal agencies, and state and local governmental agencies. Each MSC will ensure, to the extent practicable, consultation with relevant state agencies for all potential eligible projects. For each eligible project, the MSCs will utilize available data and analytical tools to conduct a preliminary analysis of the federal interest and the rough order of magnitude costs, environmental impacts, and monetary and non-monetary economic, environmental, and social benefits (Enclosure 3). The RTs will also complete a pilot project fact sheet for each eligible project using the attached fact sheet template (Enclosure 4). Each MSC commander will submit their list of eligible projects and the Pilot Project Proposal Checklist and a Pilot Project Fact Sheet to HQUSACE, Attention: CECW-CO. HQUSACE will convene a pilot project evaluation board consisting of Business Line Managers and technical experts as appropriate. The board will recommend no more than 10 pilot projects based on the environmental, economic and social benefits, including monetary and nonmonetary benefits, and diversity of project types and geographical project locations in accordance with Section 1122(b)(3) and information and analyses provided by the MSCs.

5. There is no limit on how many eligible projects a MSC can evaluate, however, each MSC will strive to identify at least 3 eligible projects that, to the extent practicable, are located in different geographic areas of responsibility and serve different purposes, as identified in Section 1122(a) and listed below:

- a. Reducing storm damage to property and infrastructure;
- b. Promoting public safety;
- c. Protecting, restoring, and creating aquatic ecosystem habitats;
- d. Stabilizing stream systems and enhancing shorelines;
- e. Promoting recreation;
- f. Supporting risk management adaptation strategies; and

g. Reducing the costs of dredging and dredged material placement, such as projects that use dredged material for:

1. Construction or fill material;

2. Civic improvement objectives; and

3. Other innovative uses and placement alternatives that produce public economic or environmental benefits.

To be considered eligible for implementation as part of the pilot program, a project must use dredged material from a federal or non-federal navigation channel for one of the purposes specified above. The project must also have a willing and capable non-Federal sponsor if one is required to provide a share of project costs and/or lands, easements, rights-of-way, and relocations. The MSCs shall provide a description of any proposed projects determined to be ineligible, to include the reasons why the project was determined to be ineligible, when submitting the list of eligible projects for further consideration by HQUSACE. Special attention will be given by the MSCs to identifying projects that would serve purposes outside the scope of, or underrepresented in, the Section 204 Continuing Authorities Program (CAP) or that would demonstrate the feasibility and benefits of innovative uses of dredged material.

6. If more than 10 eligible projects are identified cumulatively by the MSCs, HQUSACE will prepare a programmatic NEPA document detailing the evaluation of the projects proposed, to include a recommendation of 10 projects. The programmatic NEPA document, if required, will be prepared at the headquarters level and will document the evaluation and selection process used to determine what 10 projects to recommend for inclusion in the pilot program. The programmatic NEPA document should address the broad environmental consequences of each proposed project with sufficient detail to foster informed decision-making but recognizing that selection for the pilot program is not a decision to implement specific actions and that site-specific tiered NEPA compliance will be done before a project is implemented. If a programmatic NEPA document is prepared and finds that the selection of ten projects for inclusion in the pilot program would not have a significant impact on the environment, then the draft environmental documentation does not need to be circulated for public comment pursuant to paragraph 11 of ER 200-2-2. In such a case, the Assistant Secretary of the Army for Civil Works (ASA(CW)) will make the final FONSI available to the public upon making a decision.

7. The Director of Civil Works will submit the recommended projects along with supporting documentation, to include the programmatic environmental compliance documentation, and the Administrative Record for the projects that were proposed and screened out by the MSC's and the HQ to the ASA(CW) for a decision. The submittal will take into account the following: diversity of purpose and geographic location, estimated project costs, and impacts and benefits of each project. Per Section 1122(d), to the extent practicable, the pilot program will be carried out to maximize the beneficial placement of dredged material from both federal and non-federal navigation channels;

incorporate two or more federal navigation, flood control, storm damage reduction, or environmental restoration projects; maximize savings and efficiencies for mobilization and demobilization of dredges and related equipment, including through the use of such. efficiencies in contracting and environmental compliance as can be implemented under existing laws and regulations; foster federal, state, and local collaboration; implement best practices to maximize the beneficial use of dredged sand and other sediments; and ensure that the use of dredged material is consistent with all applicable environmental laws.

8. In general, Section 1122 provides that projects under the pilot program will be cost shared in accordance with the cost sharing requirements for projects carried out under the Section 204 CAP. However, for projects under the pilot program that utilize dredged material from federal navigation projects, Section 1122(e)(2) provides that the incremental costs above the Federal Standard for transporting and depositing such dredged material will be borne entirely by the federal government. If such pilot projects involve additional activities other than transportation and placement of dredged material, such as wetland plantings or mechanical shaping of dunes and beach berms, those costs shall be shared in accordance with the cost sharing requirements of Section 204. If additional material is dredged from a federal navigation project solely for purposes of a pilot project, the costs associated with the additional dredging will be cost-shared with the non-federal sponsor of the pilot project in accordance with Section 204. If a pilot project relies on dredged material from a non-federal navigation project, the dredging and transportation costs will be 100 percent non-federal; all other costs associated with the pilot project will be cost-shared in accordance with Section 204.

9. Pilot Project Implementation.

a. For each selected pilot project, HQUSACE will provide guidance in consultation with the ASA(CW) on the appropriate source of funding for further planning and implementation. Subject to the availability of appropriate funding, analyses of the ten projects selected for the pilot program will be undertaken in accordance with the cost sharing guidance in the preceding paragraph and result in a decision document reflecting compliance with NEPA and other applicable environmental laws that is appropriately scaled to the size and complexity of the proposed project, assessing the factors identified in paragraph 5 above and the attached checklist. The minimum decision document and supporting documentation requirements are as follows:

1. Clear description of the recommended plan;

2. Demonstration of the project justification based on standard Corps project justification criteria for the particular project purpose, in accordance with the general guidance applicable to the project purpose(s);

3. Documentation of compliance with appropriate federal, State, and local environmental and regulatory requirements such as NEPA, and other applicable

environmental laws, normally included in a feasibility study specifically authorized by the Congress;

4. Documentation of compliance with policies applicable to Section 204 of the Continuing Authorities Program.

5. Completed Real Estate Plan consistent with the requirements of Chapter 12, ER 405-1-12;

6. The non-federal sponsor financial analysis and financing plan at a level of detail appropriate to the scale of the project.

7. District Real Estate certification that the non-federal sponsor has the capability to acquire and provide the required real estate interests;

8. Detailed description of the non-federal sponsor's local cooperation requirements;

9. Identification of the anticipated operation, maintenance, repair, replacement, and rehabilitation activities, including estimated costs;

10. District Counsel statement of legal sufficiency for the decision documentation and compliance with NEPA and other applicable environmental laws.

11. Approval of the report and the environmental compliance decision documents are delegated to the MSC commander.

b. HQUSACE will post on the Civil Works Agreements website the template for the agreements for implementation of a pilot project under Section 1122. The website link is http://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/. The MSC commander is delegated authority to approve use of the agreement, including non-substantive deviations to the template agreement. Division counsel concurrence that the agreement does not deviate from the template, or includes acceptable non-substantive deviations, and that the agreement is appropriate for use for the particular project, is required prior to approval. Authority to execute an agreement may be delegated to the district commander after its approval by the MSC commander.

c. The decision document and environmental compliance documents must be approved, and any required Memorandum of Agreement must be executed prior to implementing the pilot project.

10. By 15 October 2018 and annually thereafter, the Director of Civil Works will submit a report prepared by CECW-CO consistent with the requirements under Section 1122(f) to the ASA(CW) for review, approval, and submittal to Congress.

11. Questions regarding this implementation guidance may be directed to Gib Owen, at <u>gib.a.owen.civ@mail.mil</u> or 703-695-4641. Technical questions can be directed to the HQUSACE Navigation Branch Chief, Operations and Regulatory Division.

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Encls

RYAN A. FISHER Acting Assistant Secretary of the Army (Civil Works)

SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies; and

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of-

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS .----

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION .--

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section. (d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations:

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—

(1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) ADDITIONAL COSTS — Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term "Federal standard" in section 335.7 of title 33, Code of Federal Regulations.

Beneficial Use of Dredged Material Section 1122 of the Water Resources Development Act of 2016 Pilot Project Proposal Form

1. Name and location of the proposed project.

2. Purpose of the proposed project (see paragraph 5 of the Implementation Guidance).

3. Description of the proposed project, including more detail on how material will be used beneficially to meet project purposes identified in 2 above

4. The name of all non-federal interests planning to act as the sponsor, including any non-federal interest that has contributed to or is expected to contribute toward the non-federal share of the proposed beneficial use project.

5. List the authorized U.S Army Corps of Engineers (Corps) water resources development project(s) that the proposed beneficial use project is associated with.

6. Provide an estimate, to the extent practicable, of the total beneficial use project cost, and the federal and non-federal share of those costs.

7. Describe, to the extent practicable, an estimate of the anticipated monetary and non-monetary benefits of the proposed beneficial use project with regard to the environmental, economic, and social benefits of the project.

8. Describe if local support exists for the proposal.

9. Statement of the non-federal interest's financial ability to provide a share of the project costs.

Beneficial Use of Dredged Material Section 1122 of the Water Resources Development Act of 2016 Pilot Project Proposal Checklist

Project Name and Location:

USACE MSC (Division) and MSC POC:

USACE District and POC:

Congressional Representative(s) and District(s):

Beneficial Use Project Purpose(s) (from Paragraph 5 of the Implementation Guidance):

Project Description: [Please provide a brief 1-paragraph narrative that describes the project]

Per WRDA 2016 Sec 1122(b)(3), projects will be selected on the basis of environmental, and Social benefits, both non-monetary and monetary, and selections will be of diverse project purpose as well as geographic distribution.

For all categories of benefit, provide the greatest level of detail available.

Environmental

If applicable, describe the ecological, cultural, and aesthetic resources and benefits of the project, including the approximate size and type of habitat (and scarcity) to be created with the beneficial project (50 words or less).

Describe the extent to which the habitat created will restore hydrologic character and geomorphic processes in the system and be self-sustaining (Positive/Neutral/Negative + 50 words or less).

Describe impacts or benefits to Federally listed threatened and endangered species, and historic or culturally significant resources. (Positive/Neutral/Negative + 50 words or less).

Describe any known or potential contaminated sediments or Hazardous, Toxic, or Radioactive Waste concerns at or adjacent to the project area and the beneficial use placement area.

Does this project contribute to a local, state, or Federal restoration plan or strategy? If so, state the name and describe the contribution.

Economics:

If a cost effectiveness and incremental cost analysis has been completed on the proposed project, please describe/insert results, or indicators used.

National economic benefit:

Flood or coastal storm damage reduced (If economic analysis is not complete describe intended benefit using indicator values, such as # structures inundated)

Regional economic impact: Describe changes in labor distribution, income, and employment within the region as a result of the project, if the information is available:

Social:

Describe the benefit to public health and safety and other non-monetary benefits that are relevant to the proposed project but not described in the other categories above (i.e. community impacts, life safety, displacement, etc.)

If your proposed project contains additional Environmental, Social, or Economic benefits that are not described above you may include an attachment with a brief description of those benefits (not to exceed 200 words) for each of the categories.

Project costs:

Please provide the Estimated Cost, Total Project Cost, and Project First Cost and the basis for how those costs were developed. Indicate the cost for necessary studies and environmental compliance, mitigation, LERRDs, OMRR&R, and contingency. For coastal storm damage reduction, indicate the total nourishment cost. Report the price level with all costs provided. If the costs are unknown, estimate the magnitude of the project cost and indicate the uncertainty in the estimate:

Section 1122(d) also requires the Secretary to consider other factors when carrying out the pilot program. Please address these factors in the following questions:

1. To what extent does the project maximize the beneficial placement of dredged material from Federal and non-Federal navigation channels?

1a. List Federal and non-Federal Channels:

Channel	Fed or non-Fed

1b. Total volume to be removed (in cy):

1c. Total volume to be beneficially used(in cy):

1d. Will the removal and/or placement be a repeated action?

1e. If yes, what is the recurrence interval in years and total duration? (Annual, biannual, 7 years, etc.

1f. Approximate volume to be beneficially used per event _____ cy

2. Will the project incorporate 2 or more Federal Navigation, Flood Risk Management, or Aquatic Ecosystem Restoration projects or combination of these? Yes I No I If Yes, answer 2a:

2a. List Federal Navigation, FRM, AER projects:

3. Does the project coordinate the mobilization of dredges and related equipment, and or other efficiencies in contracting and environmental permitting?

Briefly describe the efficiency:

3a. If Yes, quantify approximate savings in terms of mobilizations avoided, design costs avoided, contracting costs avoided, etc. Quantify Federal and non-Federal savings separately. Attach worksheet documenting savings.

Federal Savings_____ Non Federal Savings_____

4. Does the project foster Federal, State, and local collaboration?

If Yes, answer 4a:

4a. List Federal, State, and local collaborators:

4b. Attach letters of support including letters of intent to act as cost share sponsor where applicable for beneficial use costs in excess of the Federal standard. This is only applicable if the pilot project is not associated with construction or maintenance dredging of a Federal

Yes No

navigation channel. For pilot projects associated with construction or maintenance dredging of a Federal navigation channel, a letter of intent may be required if the project requires the provision of LERRs.

5. Will the project implement and document best practices (e.g., leveraging of authorities and funding sources), value engineering, innovation, industry collaboration, and lessons learned applied as well as commitment to external review during design phase?

Yes 🗌 No 🗌

5a. Please include any documentation describing planned leveraging of authorities and funding sources.

5b. Please submit a draft schedule for implementation including funding requirements.

5c. Describe how the project is innovative and will help inform future beneficial use projects.

5d. How could the project leverage existing or new research and development to inform future project design or to evaluate project performance?

6. Will the District establish a monitoring plan designed to collect data that documents expected benefits and commit to developing two Technical Notes focusing on: (1) project design and construction and (2) benefits and post construction performance (not to exceed 10 pages each) to be published by the RSM program to ensure Corps-wide and national dissemination of information, best practices, and lessons learned?

	1.0.0	Constant of
Yes	No	
100		

7. Any known or potential reasons the use of the dredged material would be inconsistent with all applicable environmental laws?

Yes 🗌 No 🗌

8. Does the project comply with policies applicable to Section 204 of the Continuing Authorities Program?

Yes 🗌 No 🗌

District Concurrences:

Doputy District Engineer	anna addreadan	Date:
Deputy District Engineer		
Chief. Operations		Date:

List of attachments:

Date xxx Division xxx District

SECTION 1122 MSC PROJECT FACT SHEET

- 1. Name of Pilot Project
- 2. Associated Federal Project
 - Project Name
 - P2 Project Number
 - xxx is in the x Congressional Districts of State.
- 3. Authority cite authority of associated Federal project
- 4. Location-Include map(s) and describe location

5. Beneficial Use Project Purpose: Reference 3a of Implementation Guidance: (Reducing storm damage to property and infrastructure; Promoting public safety; Protecting, restoring, and creating aquatic ecosystem habitats; Stabilizing stream systems and enhancing shorelines; Promoting recreation; Supporting risk management adaptation strategies; and Reducing the costs of dredging and dredged material placement.)

6. Problems Opportunities and Constraints- Describe problem to be solved or opportunities that may be realized through beneficial use

a. Objectives to Solve Problems or Realize Opportunities:

- .
 - j.
- .

7. Beneficial Use Measures That Are Proposed – (*please describe if and how these measures are innovative*)(Figures should be used as needed)

8. Views of Federal, State, and Regional Agencies – (provide letters, emails, Memoranda for Record of meetings, Memo of Phone Conversation, or other documentation indicating that agencies have been contacted and, if available, responses received)

9. Significant Effects of the Proposed Beneficial Use – (*both positive and negative, monetary and non-monetary*)

- Economic
- Social
- Environmental
- 10. Rough Order Magnitude (ROM) costs:

a. Study Costs -

b. Project Costs – Include estimated cost of authorized project within the Federal standard plus additional ROM cost (if any) of proposed beneficial use

11. Supplemental Information

- a. Real Estate Summary concise summary description of requirements and potential issues
- b. Estimated Monitoring Period and Monitoring and O&M costs (*If not applicable, include explanation. Monitoring period should be no more than 5 years.*)
- c. Existing environmental compliance documentation
- d. Project Specific Legislation and/or Report Language (if applicable) -

12. Recommendations

From:	(b) (6)
To:	(b) (6)
Subject:	FW: AWFTG - Channel Widening Information
Date:	Wednesday, January 10, 2018 3:57:00 PM
Attachments:	GRR maps.pptx

FYI for next week's meeting with the recreational fisherman...

Original Message
From: (b) (6)
Sent: Wednesday, January 10, 2018 3:49 PM
To:(b) (6)
Cc: (b) (6)
Subject: [EXTERNAL] FW: AWFTG - Channel Widening Information

(b) This is the AWF email I spoke with you about. Please feel free to share with the team, as it gives us in advance of their meeting next week a good feel of their issues.(b)

(b) (6)

From: Tim [mailto:timg@alabamawildlife.org] Sent: Tuesday, January 09, 2018 7:46 AM To: marl4@cummingsassoc.com; 'Blakeley Ellis' <blakeley@ccaalabama.org> Cc: Judith Adams <JAdams@asdd.com> Subject: AWFTG - Channel Widening Information

Marl and Blakely – attached is a link and map to information on the Mobile Ship Channel widening project that Judith Adams with the Port was kind enough to provide. Looking forward to the meeting next week. As you can see, there is a significant study process leading up to such a project, including the Port putting forth their best effort to engage various user groups to discuss their questions, concerns, and positive opportunities for bay improvements in conjunction with such a project. The folks at the Port were kind enough to reach out to AWF about identifying some sporting conservation groups to meet with and gain their thoughts and perspectives. I recommended MCWCA and CCA as two sporting conservation groups like AWF that would be good to include. In my initial conversation with them, we discussed items such as:

* Dredge disposal – how can it be handled to avoid damaging productive bottom; what opportunities are there to create new beneficial habitat using dredge material (i.e., additional islands or island expansion like Gaillard Island that would provide coastal bird benefits; any opportunity for engineered marsh/emergent grass bed development, etc.)

* Siltation/turbidity during the dredging process – how to minimize

* Any opportunity to develop some deeper holes similar to the Theodore Ship Channel areas that folks like to fish in the colder months (this may be problematic due to hypoxic conditions). In the reverse, if there are any areas with known chronic hypoxic conditions, is their opportunity to utilize dredge material to "fill-in" (my term) those areas and eliminate that set of conditions

* Salt Water intrusion effects and impact/lack of impact – this is a key item that has already been identified for study earlier in the process. If I recall correctly, the COE will have some information on this topic in late 2018 – again, if I remember correctly

* Dredge material for beach replenishment – it appears that most of the material will not be suitable for direct beachfront placement but would be more appropriate for off-shore disposal (I believe there are areas already designated for this and have been used in the past) in a manner that it will allow it to enter the natural system appropriately.

Ultimately, they are looking for people like us to help think it through so that challenges/opportunities can be identified as early as possible, considered in the preliminary studies/fact finding, and the best plan possible identified and executed for such a project.

I have copied Judith Adams on this email so that she can add to or take away from anything I have mentioned here. You guys will likely have additional and valuable thoughts and ideas to share. Hope you find this information helpful and don't hesitate to reach out to me or to Judith in advance of the meeting next week if you have questions.

Link below and map attached. My best, Tim G.

Blockedhttp://www.sam.usace.army.mil/Missions/Program-and-Project-Management/Civil-Projects/Mobile-Harbor-GRR/

Tim L. Gothard

AWF Executive Director

(b) (6)

(b) (6)

Web: Blockedwww.alabamawildlife.org <Blockedhttp://www.alabamawildlife.org>

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From:	(b) (6)
То:	(\mathbf{b}) (6)
Cc:	(b) (6)
Subject:	FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation
	Guidance
Date:	Thursday, January 11, 2018 7:57:00 AM
Attachments:	WRDA 16 Section 1122 (a)-(h) Implementation Guidance 3 January 18.docx.pdf

Per discussion...



Original Message	
From: (b) (6)	
Sent: Wednesday, January 10, 2018 3:20 PM	
To: (b) (6)	l
Cc: (b) (6)	
Subject: FW: RE: WRDA 16, Section 1122(a)-(b) - Beneficial Use of Dredged Material Pilot Project	

Implementation Guidance (a)[.]

Not sure if you guys have seen this...



-----Original Message-----

From: (b) (6) Sent: Wednesday, January 10, 2018 1:17 PM

To: (b) (6) Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Hey (b) (6), Do you know anything about this?





-----Original Message-----From: (b) (6)

Sent: Wednesday, January 10, 2018 10:37 AM To: (b) (6)

Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

(b) and (b) , Did you see this? Could Mobile Harbor be a candidate? Thanks, (b) (6)

-----Original Message-----

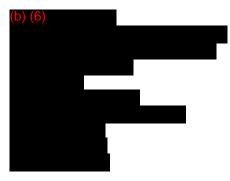
From: (b) (6)

Sent: Wednesday, January 10, 2018 9:16 AM To: (b) (6)



Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Some beneficial use guidance. Still waiting on implementation guidance on CAP.



-----Original Message-----From: (b) (6) Sent: Tuesday, January 09, 2018 3:39 PM To: (b) (6)



Subject: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

WRDA2016 Section 1122 was a significant topic during today's HQ Ops chief call. Some of my notes:

Getting the Federal Notice out for the nominations is a priority for HQ. The notice will include directions on how to nominate. Notice is anticipated in February.

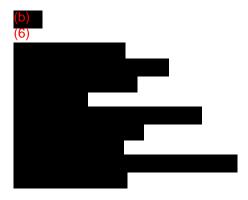
HQ is discussing how this notice is going to get out regionally and within Districts - how to point our sponsors to it when they aren't used to watching for these notices and responding to them.

It is not for the Corps to come up with the pilot nominations. This is for non-fed sponsors and other sources to do. HQ will work with whatever they get as responses to the Federal Register notice.

The statement that shows up in Paragraph 8 of the attached PDF is a change from past O&M guidance, "Section 1122(e)(2) provides that the incremental costs above the Federal Standard for transporting and depositing such dredged material will be borne entirely by the federal government." This is a big change, but will only be applicable to the RSM Pilots not across the board for O&M and federal projects. Secretary may not charge Non-federal sponsor extra cost for transport and deposit. The ASA and committees intent is for the Corps to depart from business as usual for transport, so HQ will have to come up with a work plan or budget work packages to address this extra cost. Corps would only pay for extra transport and deposit cost not additional costs.

There will be webinars to explain the nomination process.

If you have questions send them in and we can forward through the Ops chain to HQ. The Q&As will be posted on the website.





DEPARTMENT OF THE ARMY OFFICE OF THE ASSISTANT SECRETARY CIVIL WORKS 108 ARMY PENTAGON WASHINGTON, DC 20310-0108

JAN -3 2018

MEMORANDUM FOR THE COMMANDING GENERAL OF THE U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 1122(a)–(h) of the Water Resources Development Act (WRDA) of 2016, Beneficial Use of Dredged Material

1. Section 1122 of WRDA 2016 (a-h) directs the Secretary to establish a pilot program consisting of 10 projects for the beneficial use of dredged material for certain specified purposes. It provides for the establishment of regional beneficial use teams to identify and assist in implementation of projects under the pilot program. It includes reporting requirements and provides that the pilot program shall terminate after completion of the 10 pilot projects. Separate guidance will be provided for Section 1122(i), which further amends Section 204 of WRDA 1992 (33 U.S.C. 2326) dealing with the Continuing Authorities Program (CAP) for beneficial use of dredged material, and for Section 1122(j), which further amends Section 156 of WRDA 1976 (42 U.S.C. 1962d-5f). Section 1122(a) through (h) of WRDA 2016 is enclosed. (Enclosure 1)

2. The beneficial use of dredged material pilot program identification and selection process will be initiated using existing funds. Major Subordinate Commands (MSC) and Headquarters staff will use Expenses funding for Pilot Project identification. Regional Sediment Management expertise and limited funds will be made available to districts to assist MSC and Headquarters U.S. Army Corps of Engineers (HQUSACE) in identifying pilot projects.

3. HQUSACE has established a website for WRDA 2016 Implementation Guidance, which will include general information about Section 1122, the criteria as per Section 1122(b)(3) and further described in Enclosure 3 for pilot projects, an email link to submit comments and questions, and instructions on preparing and submitting a pilot proposal with a link to the pdf proposal form (Enclosure 2). The website is located at: http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRDA2016. HQUSACE will publish a notice in the Federal Register with instructions for submitting project proposals. The notice will request that all proposals be submitted within 30 days of the notice's publication date.

a. A proposal must be submitted to HQUSACE via email or regular mail using the proposal form (Enclosure 2). All submittals by regular mail must be postmarked no later than the last day of the 30 day project proposal submittal period.

b. All information provided in the proposal is public information. Therefore, information that is confidential business information, information that should not be disclosed because of statutory restrictions, or other information that a non-federal interest would not want to appear publicly should not be included in the submittal.

4. Proposals will be provided to the MSCs for developing the list of eligible pilot project(s), as outlined in Paragraph 5 below. Each MSC shall establish a Regional Team (RT) to review proposals, and develop a list of eligible projects for further consideration by HQUSACE. The enclosed Pilot Project Checklist is provided to assist in selecting eligible projects for submittal. The relevant MSC commander will head each RT and include representatives, as appropriate, from each MSC and district, including participation from the National Regional Sediment Management (RSM) team, other federal agencies, and state and local governmental agencies. Each MSC will ensure, to the extent practicable, consultation with relevant state agencies for all potential eligible projects. For each eligible project, the MSCs will utilize available data and analytical tools to conduct a preliminary analysis of the federal interest and the rough order of magnitude costs, environmental impacts, and monetary and non-monetary economic, environmental, and social benefits (Enclosure 3). The RTs will also complete a pilot project fact sheet for each eligible project using the attached fact sheet template (Enclosure 4). Each MSC commander will submit their list of eligible projects and the Pilot Project Proposal Checklist and a Pilot Project Fact Sheet to HQUSACE, Attention: CECW-CO. HQUSACE will convene a pilot project evaluation board consisting of Business Line Managers and technical experts as appropriate. The board will recommend no more than 10 pilot projects based on the environmental, economic and social benefits, including monetary and nonmonetary benefits, and diversity of project types and geographical project locations in accordance with Section 1122(b)(3) and information and analyses provided by the MSCs.

5. There is no limit on how many eligible projects a MSC can evaluate, however, each MSC will strive to identify at least 3 eligible projects that, to the extent practicable, are located in different geographic areas of responsibility and serve different purposes, as identified in Section 1122(a) and listed below:

- a. Reducing storm damage to property and infrastructure;
- b. Promoting public safety;
- c. Protecting, restoring, and creating aquatic ecosystem habitats;
- d. Stabilizing stream systems and enhancing shorelines;
- e. Promoting recreation;
- f. Supporting risk management adaptation strategies; and

g. Reducing the costs of dredging and dredged material placement, such as projects that use dredged material for:

1. Construction or fill material;

2. Civic improvement objectives; and

3. Other innovative uses and placement alternatives that produce public economic or environmental benefits.

To be considered eligible for implementation as part of the pilot program, a project must use dredged material from a federal or non-federal navigation channel for one of the purposes specified above. The project must also have a willing and capable non-Federal sponsor if one is required to provide a share of project costs and/or lands, easements, rights-of-way, and relocations. The MSCs shall provide a description of any proposed projects determined to be ineligible, to include the reasons why the project was determined to be ineligible, when submitting the list of eligible projects for further consideration by HQUSACE. Special attention will be given by the MSCs to identifying projects that would serve purposes outside the scope of, or underrepresented in, the Section 204 Continuing Authorities Program (CAP) or that would demonstrate the feasibility and benefits of innovative uses of dredged material.

6. If more than 10 eligible projects are identified cumulatively by the MSCs, HQUSACE will prepare a programmatic NEPA document detailing the evaluation of the projects proposed, to include a recommendation of 10 projects. The programmatic NEPA document, if required, will be prepared at the headquarters level and will document the evaluation and selection process used to determine what 10 projects to recommend for inclusion in the pilot program. The programmatic NEPA document should address the broad environmental consequences of each proposed project with sufficient detail to foster informed decision-making but recognizing that selection for the pilot program is not a decision to implement specific actions and that site-specific tiered NEPA compliance will be done before a project is implemented. If a programmatic NEPA document is prepared and finds that the selection of ten projects for inclusion in the pilot program would not have a significant impact on the environment, then the draft environmental documentation does not need to be circulated for public comment pursuant to paragraph 11 of ER 200-2-2. In such a case, the Assistant Secretary of the Army for Civil Works (ASA(CW)) will make the final FONSI available to the public upon making a decision.

7. The Director of Civil Works will submit the recommended projects along with supporting documentation, to include the programmatic environmental compliance documentation, and the Administrative Record for the projects that were proposed and screened out by the MSC's and the HQ to the ASA(CW) for a decision. The submittal will take into account the following: diversity of purpose and geographic location, estimated project costs, and impacts and benefits of each project. Per Section 1122(d), to the extent practicable, the pilot program will be carried out to maximize the beneficial placement of dredged material from both federal and non-federal navigation channels;

incorporate two or more federal navigation, flood control, storm damage reduction, or environmental restoration projects; maximize savings and efficiencies for mobilization and demobilization of dredges and related equipment, including through the use of such. efficiencies in contracting and environmental compliance as can be implemented under existing laws and regulations; foster federal, state, and local collaboration; implement best practices to maximize the beneficial use of dredged sand and other sediments; and ensure that the use of dredged material is consistent with all applicable environmental laws.

8. In general, Section 1122 provides that projects under the pilot program will be cost shared in accordance with the cost sharing requirements for projects carried out under the Section 204 CAP. However, for projects under the pilot program that utilize dredged material from federal navigation projects, Section 1122(e)(2) provides that the incremental costs above the Federal Standard for transporting and depositing such dredged material will be borne entirely by the federal government. If such pilot projects involve additional activities other than transportation and placement of dredged material, such as wetland plantings or mechanical shaping of dunes and beach berms, those costs shall be shared in accordance with the cost sharing requirements of Section 204. If additional material is dredged from a federal navigation project solely for purposes of a pilot project, the costs associated with the additional dredging will be cost-shared with the non-federal sponsor of the pilot project in accordance with Section 204. If a pilot project relies on dredged material from a non-federal navigation project, the dredging and transportation costs will be 100 percent non-federal; all other costs associated with the pilot project will be cost-shared in accordance with Section 204.

9. Pilot Project Implementation.

a. For each selected pilot project, HQUSACE will provide guidance in consultation with the ASA(CW) on the appropriate source of funding for further planning and implementation. Subject to the availability of appropriate funding, analyses of the ten projects selected for the pilot program will be undertaken in accordance with the cost sharing guidance in the preceding paragraph and result in a decision document reflecting compliance with NEPA and other applicable environmental laws that is appropriately scaled to the size and complexity of the proposed project, assessing the factors identified in paragraph 5 above and the attached checklist. The minimum decision document and supporting documentation requirements are as follows:

1. Clear description of the recommended plan;

2. Demonstration of the project justification based on standard Corps project justification criteria for the particular project purpose, in accordance with the general guidance applicable to the project purpose(s);

3. Documentation of compliance with appropriate federal, State, and local environmental and regulatory requirements such as NEPA, and other applicable

environmental laws, normally included in a feasibility study specifically authorized by the Congress;

4. Documentation of compliance with policies applicable to Section 204 of the Continuing Authorities Program.

5. Completed Real Estate Plan consistent with the requirements of Chapter 12, ER 405-1-12;

6. The non-federal sponsor financial analysis and financing plan at a level of detail appropriate to the scale of the project.

7. District Real Estate certification that the non-federal sponsor has the capability to acquire and provide the required real estate interests;

8. Detailed description of the non-federal sponsor's local cooperation requirements;

9. Identification of the anticipated operation, maintenance, repair, replacement, and rehabilitation activities, including estimated costs;

10. District Counsel statement of legal sufficiency for the decision documentation and compliance with NEPA and other applicable environmental laws.

11. Approval of the report and the environmental compliance decision documents are delegated to the MSC commander.

b. HQUSACE will post on the Civil Works Agreements website the template for the agreements for implementation of a pilot project under Section 1122. The website link is http://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/. The MSC commander is delegated authority to approve use of the agreement, including non-substantive deviations to the template agreement. Division counsel concurrence that the agreement does not deviate from the template, or includes acceptable non-substantive deviations, and that the agreement is appropriate for use for the particular project, is required prior to approval. Authority to execute an agreement may be delegated to the district commander after its approval by the MSC commander.

c. The decision document and environmental compliance documents must be approved, and any required Memorandum of Agreement must be executed prior to implementing the pilot project.

10. By 15 October 2018 and annually thereafter, the Director of Civil Works will submit a report prepared by CECW-CO consistent with the requirements under Section 1122(f) to the ASA(CW) for review, approval, and submittal to Congress.

11. Questions regarding this implementation guidance may be directed to Gib Owen, at <u>gib.a.owen.civ@mail.mil</u> or 703-695-4641. Technical questions can be directed to the HQUSACE Navigation Branch Chief, Operations and Regulatory Division.

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RYAN A. FISHER Acting Assistant Secretary of the Army (Civil Works)

SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies; and

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of-

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS .----

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION .--

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section. (d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations:

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—

(1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) ADDITIONAL COSTS — Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term "Federal standard" in section 335.7 of title 33, Code of Federal Regulations.

Beneficial Use of Dredged Material Section 1122 of the Water Resources Development Act of 2016 Pilot Project Proposal Form

1. Name and location of the proposed project.

2. Purpose of the proposed project (see paragraph 5 of the Implementation Guidance).

3. Description of the proposed project, including more detail on how material will be used beneficially to meet project purposes identified in 2 above

4. The name of all non-federal interests planning to act as the sponsor, including any non-federal interest that has contributed to or is expected to contribute toward the non-federal share of the proposed beneficial use project.

5. List the authorized U.S Army Corps of Engineers (Corps) water resources development project(s) that the proposed beneficial use project is associated with.

6. Provide an estimate, to the extent practicable, of the total beneficial use project cost, and the federal and non-federal share of those costs.

7. Describe, to the extent practicable, an estimate of the anticipated monetary and non-monetary benefits of the proposed beneficial use project with regard to the environmental, economic, and social benefits of the project.

8. Describe if local support exists for the proposal.

9. Statement of the non-federal interest's financial ability to provide a share of the project costs.

Beneficial Use of Dredged Material Section 1122 of the Water Resources Development Act of 2016 Pilot Project Proposal Checklist

Project Name and Location:

USACE MSC (Division) and MSC POC:

USACE District and POC:

Congressional Representative(s) and District(s):

Beneficial Use Project Purpose(s) (from Paragraph 5 of the Implementation Guidance):

Project Description: [Please provide a brief 1-paragraph narrative that describes the project]

Per WRDA 2016 Sec 1122(b)(3), projects will be selected on the basis of environmental, and Social benefits, both non-monetary and monetary, and selections will be of diverse project purpose as well as geographic distribution.

For all categories of benefit, provide the greatest level of detail available.

Environmental

If applicable, describe the ecological, cultural, and aesthetic resources and benefits of the project, including the approximate size and type of habitat (and scarcity) to be created with the beneficial project (50 words or less).

Describe the extent to which the habitat created will restore hydrologic character and geomorphic processes in the system and be self-sustaining (Positive/Neutral/Negative + 50 words or less).

Describe impacts or benefits to Federally listed threatened and endangered species, and historic or culturally significant resources. (Positive/Neutral/Negative + 50 words or less).

Describe any known or potential contaminated sediments or Hazardous, Toxic, or Radioactive Waste concerns at or adjacent to the project area and the beneficial use placement area.

Does this project contribute to a local, state, or Federal restoration plan or strategy? If so, state the name and describe the contribution.

Economics:

If a cost effectiveness and incremental cost analysis has been completed on the proposed project, please describe/insert results, or indicators used.

National economic benefit:

Flood or coastal storm damage reduced (If economic analysis is not complete describe intended benefit using indicator values, such as # structures inundated)

Regional economic impact: Describe changes in labor distribution, income, and employment within the region as a result of the project, if the information is available:

Social:

Describe the benefit to public health and safety and other non-monetary benefits that are relevant to the proposed project but not described in the other categories above (i.e. community impacts, life safety, displacement, etc.)

If your proposed project contains additional Environmental, Social, or Economic benefits that are not described above you may include an attachment with a brief description of those benefits (not to exceed 200 words) for each of the categories.

Project costs:

Please provide the Estimated Cost, Total Project Cost, and Project First Cost and the basis for how those costs were developed. Indicate the cost for necessary studies and environmental compliance, mitigation, LERRDs, OMRR&R, and contingency. For coastal storm damage reduction, indicate the total nourishment cost. Report the price level with all costs provided. If the costs are unknown, estimate the magnitude of the project cost and indicate the uncertainty in the estimate:

Section 1122(d) also requires the Secretary to consider other factors when carrying out the pilot program. Please address these factors in the following questions:

1. To what extent does the project maximize the beneficial placement of dredged material from Federal and non-Federal navigation channels?

1a. List Federal and non-Federal Channels:

Channel	Fed or non-Fed	

1b. Total volume to be removed (in cy):

1c. Total volume to be beneficially used(in cy):

1d. Will the removal and/or placement be a repeated action?

1e. If yes, what is the recurrence interval in years and total duration? (Annual, biannual, 7 years, etc.

1f. Approximate volume to be beneficially used per event _____ cy

2. Will the project incorporate 2 or more Federal Navigation, Flood Risk Management, or Aquatic Ecosystem Restoration projects or combination of these? Yes I No I If Yes, answer 2a:

2a. List Federal Navigation, FRM, AER projects:

3. Does the project coordinate the mobilization of dredges and related equipment, and or other efficiencies in contracting and environmental permitting?

Briefly describe the efficiency:

3a. If Yes, quantify approximate savings in terms of mobilizations avoided, design costs avoided, contracting costs avoided, etc. Quantify Federal and non-Federal savings separately. Attach worksheet documenting savings.

Federal Savings_____ Non Federal Savings_____

4. Does the project foster Federal, State, and local collaboration?

If Yes, answer 4a:

4a. List Federal, State, and local collaborators:

4b. Attach letters of support including letters of intent to act as cost share sponsor where applicable for beneficial use costs in excess of the Federal standard. This is only applicable if the pilot project is not associated with construction or maintenance dredging of a Federal

Yes No

navigation channel. For pilot projects associated with construction or maintenance dredging of a Federal navigation channel, a letter of intent may be required if the project requires the provision of LERRs.

5. Will the project implement and document best practices (e.g., leveraging of authorities and funding sources), value engineering, innovation, industry collaboration, and lessons learned applied as well as commitment to external review during design phase?

Yes 🗌 No 🗌

5a. Please include any documentation describing planned leveraging of authorities and funding sources.

5b. Please submit a draft schedule for implementation including funding requirements.

5c. Describe how the project is innovative and will help inform future beneficial use projects.

5d. How could the project leverage existing or new research and development to inform future project design or to evaluate project performance?

6. Will the District establish a monitoring plan designed to collect data that documents expected benefits and commit to developing two Technical Notes focusing on: (1) project design and construction and (2) benefits and post construction performance (not to exceed 10 pages each) to be published by the RSM program to ensure Corps-wide and national dissemination of information, best practices, and lessons learned?

	1.0.0	Constant of
Yes	No	
100		

7. Any known or potential reasons the use of the dredged material would be inconsistent with all applicable environmental laws?

Yes 🗌 No 🗌

8. Does the project comply with policies applicable to Section 204 of the Continuing Authorities Program?

Yes 🗌 No 🗌

District Concurrences:

Doputy District Engineer	anna addreadan	Date:
Deputy District Engineer		
Chief. Operations		Date:

List of attachments:

Date xxx Division xxx District

SECTION 1122 MSC PROJECT FACT SHEET

- 1. Name of Pilot Project
- 2. Associated Federal Project
 - Project Name
 - P2 Project Number
 - xxx is in the x Congressional Districts of State.
- 3. Authority cite authority of associated Federal project
- 4. Location-Include map(s) and describe location

5. Beneficial Use Project Purpose: Reference 3a of Implementation Guidance: (Reducing storm damage to property and infrastructure; Promoting public safety; Protecting, restoring, and creating aquatic ecosystem habitats; Stabilizing stream systems and enhancing shorelines; Promoting recreation; Supporting risk management adaptation strategies; and Reducing the costs of dredging and dredged material placement.)

6. Problems Opportunities and Constraints- Describe problem to be solved or opportunities that may be realized through beneficial use

a. Objectives to Solve Problems or Realize Opportunities:

- .
 - j.
- .

7. Beneficial Use Measures That Are Proposed – (*please describe if and how these measures are innovative*)(Figures should be used as needed)

8. Views of Federal, State, and Regional Agencies – (provide letters, emails, Memoranda for Record of meetings, Memo of Phone Conversation, or other documentation indicating that agencies have been contacted and, if available, responses received)

9. Significant Effects of the Proposed Beneficial Use – (*both positive and negative, monetary and non-monetary*)

- Economic
- Social
- Environmental
- 10. Rough Order Magnitude (ROM) costs:

a. Study Costs -

b. Project Costs – Include estimated cost of authorized project within the Federal standard plus additional ROM cost (if any) of proposed beneficial use

11. Supplemental Information

- a. Real Estate Summary concise summary description of requirements and potential issues
- b. Estimated Monitoring Period and Monitoring and O&M costs (*If not applicable, include explanation. Monitoring period should be no more than 5 years.*)
- c. Existing environmental compliance documentation
- d. Project Specific Legislation and/or Report Language (if applicable) -

12. Recommendations

From:(b) (6)To:(b) (6)Subject:FW: Federal StandardDate:Thursday, January 11, 2018 8:23:00 AMAttachments:15Oct-FederalStandardClarification.pdf

FYI...



Subject: Federal Standard

Nav Team

I ran across the attached and though it best that I send this out again. I suspect most of you have not read the attached and considering some recent discussions and ongoing efforts at Mobile (O&M and GRR) and Pensacola O&M, it is worth your time to read. I often tend to be the bad guy in meetings when it comes to defending our actions related to dredging within the Fed. Standard and this document in large part backs my opposition to more liberal disposal alternatives, i.e. sand on the beach or in shallow water (shallower than an hopper dredge can bottom dump). Expect we need to be very careful in our dealings with Dauphin Island that we don't commit to anything that we legally cannot do. Further, and way down in the back of the attached there is some strong language regarding cultural investigations. Particularly that we should not be doing 106 investigations in channels or d/a's and also, brings back to ground the fact that we are obligated to protect resources that are eligible for the National Register, NOT historic or cultural artifacts/resources.

Please forward to others who may work in these areas.

(b) (6)



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS 441 G STREET, NW WASHINGTON, DC 20314-1000

REPLY TO ATTENTION OF

CECW-CO

OCT 2 1 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Federal Standard Clarification Regarding Federal Dredging Mission and Interactions with Non-Federal Agencies

1. Purpose: This guidance clarifies proper interpretation and implementation of the U.S. Army Corps of Engineers (USACE) regulations 33 CFR Parts 335 through 338, and particularly those parts of the regulations relating to the federal standard, as those regulations relate to federal maintenance dredging for federal navigation channels.

2. Background: From time to time various state governments (e.g., sometimes acting through regional water quality control boards) include conditions in Clean Water Act (CWA) Section 401 Water Quality Certifications (WQC) that would require USACE to conduct maintenance dredging operations and/or placement of the resulting dredged material in ways departing from, and substantially more costly than, what would be required by the federal standard. In addition, at times those states indicate their belief that USACE, rather than the state, must pay all of the incremental costs caused by those departures from the federal standard that the state is seeking.

a. The situation, where a state attempts to use its authority under the CWA Section 401 or under the Coastal Zone Management Act (CZMA) to require USACE to perform its dredging operations in ways that depart from the federal standard, is familiar to most USACE officials nationwide who have been involved with USACE maintenance dredging activities over the years. For example, a common situation encountered by USACE involves requests from various states to USACE to place sand generated by federal maintenance dredging on state beaches at 100 percent federal expense. USACE can sometimes accommodate these requests for beach nourishment, but not at 100 percent federal cost. Rather, non-federal interests must pay all costs in excess of the federal standard placement alternative, which often is open water placement. Even in limited cases where the beach placement might be cost shared under certain statutory authorities available to USACE, the non-federal entity must still agree to pay its share of the entire incremental cost above the federal base plan.

b. Other states have tried to insist that all dredged material generated by federal maintenance dredging be used for the creation of wetlands at 100 percent federal expense, without the statutorily required non-federal cost sharing for that beneficial use of dredged material. In some situations, states propose WQC or CZMA conditions, controls or other requirements unrelated to those statutorily allowed under the CWA or CZMA, and that would change not only the locations of placement of dredged material

SUBJECT: Federal Standard Clarification Regarding Federal Dredging Mission and Interactions with Non-Federal Agencies

generated by federal maintenance dredging, but also how USACE conducts the dredging operations. Other excessive requirements are manifest through a state's insistence on testing, data or exorbitant amounts of information prior to completion of the review process, thus delaying the dredging project beyond the time for completion within the boundaries of the fiscal year appropriations process. On other occasions a state has proposed inclusion of WQC requirements from another state agency or even on behalf of another federal agency, completely outside the bounds of a state's authority under the CWA or CZMA.

 USACE Policy: USACE long-standing policy regarding such matters was first established by DAEN-CWO-M Memorandum for Division Engineers, subject: Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217) (Enclosure 1). That document is a guidance memo that was issued from the Director of Civil Works dated 25 July 1978. The guidance of that memo was then incorporated into USACE regulations promulgated in 1988 after notice and comment rulemaking, and now contained in 33 CFR Parts 335 through 338. (Enclosure 2).

a. The 1978 guidance and USACE current regulations are predicated on the essential principle that federal funds available for maintenance of federal navigation channels nationwide are limited, and thus must be allocated and spent responsibly and carefully. To that end, USACE establishes the federal standard (in the manner prescribed by USACE regulations; see, e.g., 33 CFR 335.7) that will govern every federal maintenance dredging project. A state's desired dredging methods, placement locations, or other requirements that exceed the federal standard can usually be accommodated to "the maximum extent practicable," so long as the state or non-federal standard and the cost of implementing the state's requirements.

b. If USACE and a state cannot reach agreement regarding how federal maintenance dredging will take place, and if that state asserts its authority under the federal CZMA or CWA Section 401 or Subsection 404(t) to try to impose additional conditions that are inconsistent with the federal standard and that would have to be satisfied at federal expense, then USACE has a number of options available.

c. As a matter of legal authority, the Secretary of the Army (SA) could assert the Army's statutory authority to override the state's interference with navigation, by making use of CWA Subsection 511(a)(2) and/or 404(t). See 33 CFR 337.8(b)(5) (Enclosure 2). However, as a matter of USACE policy, the most likely circumstances in which USACE would recommend to the SA that the SA's override authority should be used would be if the state's action would interfere with navigation essential for the national defense of the United States, or if the state's action would interfere with navigation for

SUBJECT: Federal Standard Clarification Regarding Federal Dredging Mission and Interactions with Non-Federal Agencies

some other state, or would jeopardize to an unacceptable degree interstate or international commerce.

d. If the state's action would not interfere with national defense or with the navigation interests of any other state, then, as a matter of policy, USACE would ordinarily defer dredging until the state alters its position or agrees to fund the difference between the cost of the state's wishes and the cost of implementing the federal standard. While 33 CFR 337.8(b)(5) (Enclosure 2) also allows USACE to consider seeking Congressional appropriations to address state conditions exceeding the federal standard, this option has not been utilized, because the timing of the appropriations process is not always conducive to performing the work and sufficient funds are generally not available to cover USACE authorized dredging needs under the federal standard for all the navigation projects for which we are responsible for maintaining.

4. Guidance.

a. USACE regulations at 33 CFR 337.2(b)(2) (Enclosure 2) focus primarily on alternatives for the placement of dredged material, while not explicitly acknowledging the potential for other disagreements, such as disagreements regarding methods for conducting the dredging itself. However, such disagreements were contemplated in issuance of USACE dredging regulation, as reflected by (but not limited to) the regulation's discussion of potential disagreements between USACE and a state regarding compliance with the CZMA. The regulation in no way reflects any intent by USACE to take a fundamentally different approach regarding potential disagreements with states over dredging plans depending upon whether the disagreements arise under the CZMA or the CWA. In short, these disagreements can arise, and can be resolved under the regulation, regarding the method of dredging, the method or location of placement of the resulting dredged material, or both, as well as any other aspect of USACE dredging and dredged material placement plan. Nevertheless, under the statutory mandate of the CZMA, USACE tries to make its dredging projects consistent with the "enforceable policies" of a federally-approved state coastal zone plan "to the maximum extent practicable," as required by the CZMA statute 16 USC 1456(c)(1)(A).

b. The 25 July 1978 memorandum from the Director of Civil Works in paragraphs 7 and 8 explains deferral of dredging as an option when state requirements exceed federal requirements. The language of that memo was codified in the dredging regulation at 33 CFR 337.2.

c. Section 337.2(b)(3) (Enclosure 2) provides that dredging "...may be deferred" if the CWA Section 401 state water quality certification (WQC) is denied. In the event of

SUBJECT: Federal Standard Clarification Regarding Federal Dredging Mission and Interactions with Non-Federal Agencies

such a denial, USACE effectively implements Section 337.2(b)(3) to reflect the fact that deferral of the dredging project is usually the only option that is available to USACE, as a practical matter, at least in the short run. This is because, absent a CWA Section 401 WQC (or waiver from the state, as allowed by CWA Section 401(a)(1)), USACE lacks a mandated legal prerequisite in order for USACE to place dredged material generated by a USACE dredging project in open waters regulated by the state.

d. Section 337.2(b)(3) provides that if the state denies the WQC, the project dredging "may be deferred," and in such a case, "a report ... will be forwarded ..." to HQUSACE. For purposes of USACE regulation, USACE effectively takes a WQC that includes conditions in excess of the federal standard as the equivalent of a denial of the WQC. When the state issues a WQC that the district engineer (DE) determines to be excessive of the federal standard, the DE should attempt to persuade the state either to accept the federal standard position or to pay for the excessive requirements. If the state does not accept either of those alternatives, the DE in most circumstances should defer dredging and determine if a report under 33 CFR 337.8 is needed. Routine deferral of maintenance dredging that does not involve significant adverse effects on national defense or international or interstate commerce usually does not rise to the threshold of a report unless the DE determines that further guidance from HQUSACE is needed.

e. Section 337.8 addresses "reports to higher echelons" and contemplates that such reports "may be necessary." This provision recognizes that there are a variety of potential reasons why a report to HQUSACE might be warranted, including reasons other than the WQC denial circumstance that is more directly anticipated in Section 337.2. It is important to note that Section 337.8 does not require such reports. The USACE regulations state that reports may be necessary "[w]hen the state denies or unreasonably delays a water quality certification or issues the certification with conditions or controls not related to maintenance or enforcement of state water quality standards or significantly exceeding the federal standard." As reflected in its language, including Section 337.8, the dredging regulation was written to authorize USACE Commanders in the field to make decisions about deferral of dredging because of disagreements with state governments. Annually, many USACE dredging projects are deferred as a routine course of fulfilling our navigation and budgetary responsibilities. Given the fact that Congress does not appropriate sufficient funds to allow USACE to perform maintenance dredging for every authorized navigation project, USACE often defers maintenance dredging for low commercial use projects where deferral of dredging would have local or regional impacts. Those deferrals are consistent with budget authority originating with the President's budget and the limitations imposed by appropriations provided by the Congress. USACE also defers less critical dredging on high and moderate commercial use projects, as well as for projects where the state has

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not approved the USACE federal standard by using the state's authority under CWA Section 401 and/or the CZMA. At least in part, Section 337.8 is intended to address those projects where the state attempts to impose, but not pay for, requirements in excess of the federal standard. HQUSACE and the relevant USACE division office should be made aware of these situations.

f. Section 337.8(b) outlines what should be in a report and seeks information "which will aid in determining whether to further defer the dredging and seek congressional appropriations for the added expense ... " This provision contemplates that there might be a few extreme circumstances where USACE will consider whether to approach Congress about additional funding to dredge with state conditions in excess of the federal standard. One such circumstance might be a case where a project involves national security or interstate navigation issues, and for which USACE might consider, at least initially, the seeking of special approval and funding for such excess costs rather than exercising the SA's override authority under Section 511(a)(2) or 404(t). Section 337.8(b) was never intended to come into play in more common situations, where there is no compelling basis for a state's requested changes to USACE federal standard dredging plan, other than that state's own local preference for those changes. It also is worth noting that USACE navigation budget has generally remained flat over the past 40 years. Increases in appropriations cover some of the costs of inflation and maintenance that has been deferred due to budgetary constraints. As a general rule, Operation and Maintenance (O&M) budget packages submitted by a USACE district or division that include requests for additional funds for state requirements that exceed the federal standard are not considered or funded during the budget deliberation process. In other words, even if special congressional approval were granted to allow USACE to ignore the federal standard regulation and spend funds on such excess costs, the use of funds for this purpose would still have to come at the expense of other federal navigation projects because the Congress typically does not increase the total USACE Civil Works appropriations specifically to fund state requirements in excess of the federal standard. The result would be that other dredging projects necessary for national defense or interstate or international navigation and commerce would suffer from lack of needed maintenance dredging, if scarce appropriated funds are diverted to pay for state demands that exceed the federal standard. That is why USACE dredging regulations prescribe deferral of dredging as USACE appropriate response for most circumstances where a state tries to use its authority under the CZMA or the CWA to insist that USACE fund requirements that the state wishes to impose in excess of the federal standard.

5. Compliance with the federal standard is mandatory for all USACE dredging projects unless prior coordination with Major Subordinate Commands and HQUSACE has been completed to obtain an exception to that requirement.

SUBJECT: Federal Standard Clarification Regarding Federal Dredging Mission and Interactions with Non-Federal Agencies

6. Point of contact for this guidance is Mr. Joe Wilson, Senior Navigation Environmental Program Manager, at (202) 761-7697 or <u>Joseph.R.Wilson@usace.army.mil</u>. Legal questions relating to this subject should be directed to Mr. Lance D. Wood, Office of the Chief Counsel, at (202) 761-8556 or <u>lance.d.wood@usace.army.mil</u>.

Encls

STEVEN L. STOCKTON, Director of Civil Works

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DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF ENGINEERS WASHINGTON, D.C. 20314

Enclosure 1

2 5 JUL 1973

REPLY TO

DAEN-GWO-M

SUBJECT: Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

SEE DISTRIBUTION

1. The purpose of this letter is to provide guidance for complying with provisions of the Clean Water Act of 1977 (PL 95-217) that relate to maintenance dredging activities of the U. S. Army Corps of Engineers.

2. The 1977 Act has included a new subsection (t) in Section 404 of the Federal Water Pollution Control Act. This new section 404(t) authorizes any State to regulate, in accordance with its laws, the discharge of dredged material in any portion of the navigable waters within the jurisdiction of the State that results from maintenance dredging involving Corps of Engineers navigation projects. District Engineers should communicate with States that have statutory procedural or substantive requirements concerning the discharge of dredged material to determine what will be necessary for the Corps of Engineers to comply with such requirements as they apply to maintenance dredging involving Corps of Engineers navigation projects. States should be urged to work toward a reasonable phase-in program that recognizes the immediate needs of navigation, the limitations of FY 1978 and FY 1979 funds, and the desirability of tight scheduling to achieve the most economical use of dredging equipment and funding. States should be made aware of the inherent delay of obtaining additional Federal funds necessary for compliance with State requirements.

3. Prior to commencing maintenance dredging, District Engineers shall obtain State water quality certification, unless the State elects to wrive its right to certify. Such certification is required by Section 401(a) of the Federal Water Pollution Control Act, as a part of a Section 404 evaluation still prescribed by 33 CFR 209.145. The State water quality certification is used by the State to indicate compliance with its water quality standards which must be as stringent as those prescribed by EPA's "red book" (Quality Criteria for Water). In addition, District Engineers shall obtain a State permit for the disposal of maintenance dredged material required by Section 404(t), unless such requirement is specifically waived in accordance with the provisions of Section 404(t) after the submission of a report in accordance with paragraph 8 of this letter. DAEN-CWO-M

SUBJECT: Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

4. The excavation phase of dredging is not subject to State authority unless a discharge of dredged material, such as re-entry into the water, occurs during the operation itself. Nonetheless, District Engineers should cooperate with any State that desires special controls on the excavation phase of Corps of Engineers maintenance dredging activities. Expenses for employing such additional special controls should, however, be assumed by the State if not required by application of the EPA guidelines prescribed in 40 CFR 230.

5. District Engineers should develop a dredged material disposal plan that meets the requirements of Section 404(b) Guidelines, Star dandy 1 material persit conditions and State water quality certification. When a State requires on-land disposal, but a Section 404(b) determination, through application of the EPA guidelines prescribed in 40 CFR 230 using the EPA "red book" (Quality Criteria for Water) does not require on-land disposal, District Engineers should proceed as follows. In those cases where the project authorization requires a local sponsor to provide suitable disposal areas, the local sponsor should be advised of the need for disposal areas; disposal areas must be made available by a sponsor before credging proceeds. In other cases where there are no local sponsor requirements to provide disposal areas the State or a prospective local sponsor should be advised that unless the State or the sponsor provides suitable disposal areas, including necessary containment, the added Federal cost of providing these disposal areas will affect the priority of performing dredging on that project. In either case, States should be made aware that additional costs to meet State standards may cause the project to become economically unjustified in accordance with paragraph 7 below. State or local provision of disposal areas to improve the priority of the project would be in line with one of the President's new water policy initiatives announced 6 June 1978 to encourage greater non-Federal financial participation in water resources projects. A suitable disposal area is defined as one of adequate capacity within a reasonable distance of excavation capable of being utilized without adversely affecting the environment of the surrounding waterway. The Corps of Engineers will assume the increased dredged material handling costs associated with placing the material in the furnished sites. The Corps of Engineers will continue with the disposal programs authorized prior to enactment of the 'subject legislation (such as the diked disposal program authorized by FL 91-611) by placing only material classified under Federal standards as being appropriate for containment in such disposal facilitics.

6. Maximum beneficial use of dredged material, such as use for beach nourishment, should be realized where possible, consistent with existing policy. However, if States impose beneficial dredged material uses as permit conditions, any additional expense associated with such provisions will be the responsibility of local interests. DAEN-CWO-M

SUBJECT: Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

7. District Engineers should evaluate funding requirements to provide for the increased cost of meeting State requirements relating to dredged material disposal, in accordance with existing policy as stated in Chapter 4, paragraph 4 of ER 11-2-101. Funds should be requested so that each waterway and harbor project will be adequately maintained consistent with the reasonable needs of existing commerce and traffic as long as the project remains economically justified. Increased costs to meet State requirements, including cost for such items as additional monitoring, sampling, and handling shall be added to project maintenance costs to determine if the total cost for performing maintenance remains economically justified. For the purpose of determinity economic justification, costs will be compared with current traffic use, tonnage, drafts or other available indicators of project need. A determination not to request maintenance funds for a project because the expense exceeds the anticipated economic benefits of continued use of the improvement is consistent with the duty imposed on the Corps of Engineers to apply money appropriated for improvements of rivers and harbors as may be most economical and advantageous to the Federal Government and to discontinue appropriations for any river and harbor work which is deemed unworthy of further improvement (ref: Section 3 of the Act of August 11, 1888 (25 Stat. 423), as amended, (33 U.S.C. 622) and Section 7 of the Act of March 3, 1899 (30 Stat. 1150; 33 U.S.C. 549)). This responsibility is reinforced in Report No. 450, 83rd Congress, 1st Session on the Civil Functions, Department of the Army, Appropriations Bill, Fiscal Year 1954 as follows: "While the Federal Government may have an obligation to maintain navigable waterways, it has no such obligation to maintain those whose use is no longer economical."

8. No maintenance dredging will be performed unless disposal activities are in full compliance with State requirements. If District Engineers are unable to reach agreement with the States, or a State refuses to issue a water quality certificate, or disposal areas will not be provided in accordance with paragraph 5, project dredging will be deferred and a report of facts shall be forwarded to HQDA (DAEN-CWO-M) WASH DC 20314. The report should include justification showing the economic need for dredging, the impact on States outside the permitting jurisdiction if the project is not dredged, a description and estimated cost of State requirements which are additional to Section 404(b) guidelines and/or EPA water quality criteria and the relative urgency of dredging based on threat to national security, life or property. The report should also contain any other facts which will aid in determining whether to further defer the dredging, the priority of the project compared to other national

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requirements, and the need to obtain a waiver of State requirements pursuant to Section 404(t) and Section 511(a) of the Federal Water Pollution Control Act.

4

FOR THE CHIEF OF ENGINEERS:

I. MCGINNIS CHARLES

Major General, USA Director of Civil Works

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* H

THE FEDERAL STANDARD

ENCLOSURE 2

AUTHORITY: 33 U.S.C. 1344; 33 U.S.C. 1413.

SOURCE: 53 FR 14911, Apr. 26, 1988, unless otherwise noted.

33 CFR Part 335 - OPERATION AND MAINTENANCE OF ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS INVOLVING THE DISCHARGE OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. OR OCEAN WATERS

§ 335.1 Purpose.

This regulation prescribes the practices and procedures to be followed by the Corps of Engineers to ensure compliance with the specific statutes governing Army Civil Works operations and maintenance projects involving the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposal into ocean waters. These practices and procedures should be employed throughout the decision/management process concerning methodologies and alternatives to be used to ensure prudent operation and maintenance activities.

§ 335.2 Authority.

Under authority delegated from the Secretary of the Army and in accordance with section 404 of the Clean Water Act of 1977 (CWA) and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, hereinafter referred to as the Ocean Dumping Act (ODA), the Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States and the transportation of dredged material for the purpose of disposal into ocean waters. Section 404 of the CWA requires public notice with opportunity for public hearing for discharges of dredged or fill material into waters of the U.S. and that discharge sites can be specified through the application of guidelines developed by the Administrator of the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. Section 103 of the ODA requires public notice with opportunity for public hearing for the transportation for disposal of dredged material for disposal in ocean waters. Ocean disposal of dredged material must be evaluated using the criteria developed by the Administrator of EPA in consultation with the Secretary of the Army. Section 103(e) of the ODA provides that the Secretary of the Army may, in lieu of permit procedures, issue regulations for Federal projects involving the transportation of dredged material for ocean disposal which require the application of the same criteria, procedures, and requirements which apply to the issuance of permits. Similarly, the Corps does not issue itself a CWA permit to authorize Corps discharges of dredged material or fill material into U.S. waters, but does apply the 404(b)(1) guidelines and other substantive requirements of the CWA and other environmental laws.

§ 335.3 Applicability.

This regulation (33 CFR parts 335 through 338) is applicable to the Corps of Engineers when undertaking operation and maintenance activities at Army Civil Works projects.

§ 335.4 Policy.

The Corps of Engineers undertakes operations and maintenance activities where appropriate and environmentally acceptable. All practicable and reasonable alternatives are fully considered on an equal basis. This includes the discharge of dredged or fill material into waters of the U.S. or ocean waters in the least costly manner, at the least costly and most practicable location, and consistent with engineering and environmental requirements.

§ 335.5 Applicable laws.

(a) The Clean Water Act (33 U.S.C. 1251 *et seq.*) (also known as the Federal Water Pollution Control Act Amendments of 1972, 1977, and 1987).

(b) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401*et seq.*) (commonly referred to as the Ocean Dumping Act (ODA)).

§ 335.6 Related laws and Executive Orders.

(a) The National Historic Preservation Act of 1966 (16 U.S.C. 470aet seq.), as amended.

(b) The Reservoir Salvage Act of 1960 (16 U.S.C. 469), as amended.

(c) The Endangered Species Act (16 U.S.C. 1531 et seq.), as amended.

(d) The Estuary Protection Act (16 U.S.C. 1221).

(e) The Fish and Wildlife Coordination Act (16 U.S.C. 661et seq.), as amended.

(f) The National Environmental Policy Act (42 U.S.C. 4341et seq.), as amended.

(g) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) as amended.

(h)Section 307(c) of the Coastal Zone Management Act of 1976 (16 U.S.C. 1456 (c)), as amended. (i) The Water Resources Development Act of 1976 (Pub. L. 94-587).

(j) Executive Order 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1971, (36 FR 8921, May 15, 1971).

(k) Executive Order 11988, *Floodplain Management*, May 24, 1977, (42 FR 26951, May 25, 1977).
(l) Executive Order 11990, *Protection of Wetlands*, May 24, 1977, (42 FR 26961, May 25, 1977).
(m) Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982, (47 FR 3959, July 16, 1982).

(n) Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979.

§ 335.7 Definitions.

The definitions of 33 CFR parts 323, 324, 327, and 329 are hereby incorporated. The following terms are defined or interpreted from parts 320 through 330 for purposes of 33 CFR parts 335 through 338.

Beach nourishment means the discharge of dredged or fill material for the purpose of replenishing an eroded beach or placing sediments in the littoral transport process.

Emergency means a situation which would result in an unacceptable hazard to life or navigation, a significant loss of property, or an immediate and unforeseen significant economic hardship if corrective action is not taken within a time period less than the normal time needed under standard procedures.

Federal standard means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.

Navigable waters of the U.S. means those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, have been used in the past, or may be susceptible to use with or without reasonable improvement to transport interstate or foreign commerce. A more complete definition is provided in 33 CFR part 329. For the purpose of this regulation, the term also includes the confines of Federal navigation approach channels extending into ocean waters beyond the territorial sea which are used for interstate or foreign commerce.

Practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Statement of Findings (SOF) means a comprehensive summary compliance document signed by the district engineer after completion of appropriate environmental documentation and public involvement.

Territorial sea means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, extending seaward a distance of three miles as described in the convention on the territorial sea and contiguous zone, 15 U.S.T. 1606.

33 CFR Part 336 - FACTORS TO BE CONSIDERED IN THE EVALUATION OF ARMY CORPS OF ENGINEERS DREDGING PROJECTS INVOLVING THE DISCHARGE OF DREDGED MATERIAL INTO WATERS OF THE U.S. AND OCEAN WATERS

§ 336.0 General.

Since the jurisdiction of the CWA extends to all waters of the U.S., including the territorial sea, and the jurisdiction of the ODA extends over ocean waters including the territorial sea, the following rules are established to assure appropriate regulation of discharges of dredged or fill material into waters of the U.S. and ocean waters.

(a) The disposal into ocean waters, including the territorial sea, of dredged material excavated or dredged from navigable waters of the U.S. will be evaluated by the Corps in accordance with the ODA.

(b) In those cases where the district engineer determines that the discharge of dredged material into the territorial sea would be for the primary purpose of fill, such as the use of dredged material for beach nourishment, island creation, or construction of underwater berms, the discharge will be evaluated under section 404 of the CWA.

(c) For those cases where the district engineer determines that the materials proposed for discharge in the territorial sea would not be adequately evaluated under the section 404(b)(1) guidelines of the CWA, he may evaluate that material under the ODA.

§ 336.1 Discharges of dredged or fill material into waters of the U.S.

(a) Applicable laws. Section 404 of the CWA governs the discharge of dredged or fill material into waters of the U.S. Although the Corps does not process and issue permits for its own activities, the Corps authorizes its own discharges of dredged or fill material by applying all applicable substantive legal requirements, including public notice, opportunity for public hearing, and application of the section 404(b)(1) guidelines.

(1) The CWA requires the Corps to seek state water quality certification for discharges of dredged or fill material into waters of the U.S.

(2)Section 307 of the Coastal Zone Management Act (CZMA) requires that certain activities that a Federal agency conducts or supports be consistent with the Federally-approved state management plan to the maximum extent practicable.

(b)*Procedures.* If changes in a previously approved disposal plan for a Corps navigation project warrant re-evaluation under the CWA, the following procedures should be followed by district enginers prior to discharging dredged material into waters of the U.S. except where emergency action as described in § 337.7 of this chapter is required.

(1) A public notice providing opportunity for a public hearing should be issued at the earliest practicable time. The public notification procedures of § 337.1 of this chapter should be followed.
 (2) The public hearing procedures of 33 CFR part 327 should be followed.

(3) As soon as practicable, the district engineer will request from the state a 401 water quality certification and, if applicable, provide a coastal zone consistency determination for the Corps activity using the procedures of § 336.1(b) (8) and (9), respectively, of this part.

(4) Discharges of dredged material will be evaluated using the guidelines authorized under section 404(b)(1) of the CWA, or using the ODA regulations, where appropriate. If the guidelines alone would prohibit the designation of a proposed discharge site, the economic impact on navigation and anchorage of the failure to use the proposed discharge site will also be considered in evaluating whether the proposed discharge is to be authorized under CWA section 404(b)(2).

(5) The EPA Administrator can prohibit or restrict the use of any defined area as a discharge site under 404(c) whenever he determines, after notice and opportunity for public hearing and after consultation with the Secretary of the Army, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreation areas. Upon notification of the prohibition of a discharge site by the Administrator the district engineer will complete the administrative processing of the proposed project up to the point of signing the Statement of Findings (SOF) or Record of Decision (ROD). The unsigned SOF or ROD along with a report described in § 337.8 of this chapter will be forwarded through the appropriate Division office to the Dredging Division, Office of the Chief of Engineers. (6) In accordance with the National Environmental Policy Act (NEPA), and the regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), an Environmental Impact Statement (EIS) or Environmental Assessment (EA) will be prepared for all Corps of Engineers projects involving the discharge of dredged or fill material, unless such projects are included within a categorical exclusion found at 33 CFR part 230 or addressed within an existing EA or EIS. If a proposed maintenance activity will result in a deviation in the operation and maintenance plan as described in the EA or EIS, the district engineer will determine the need to prepare a new EA, EIS, or supplement. If a new EA, EIS, or supplement is required, the procedures of 33 CFR part 230 will be followed.

(7) If it can be anticipated that related work by other Federal or non-Federal interests will occur in the same area as Corps projects, the district engineer should use all reasonable means to include it in the planning, processing, and review of Corps projects. Related work normally includes, but is not necessarily limited to, maintenance dredging of approach channels and berthing areas connected to Federal navigation channels. The district engineer should coordinate the related work with interested Federal, state, regional, and local agencies and the general public at the same time he does so for the Corps project. The district engineer should ensure that related work meets all substantive and procedural requirements of 33 CFR parts 320 through 330. Documents covering Corps maintenance activities normally should also include an appropriate discussion of ancillary maintenance work. District engineers should assist local interests to obtain from the state any necessary section 401 water quality certification and, if required, the section 307 coastal zone consistency concurrence. The absence of such certification or concurrence by the state or the denial of a Corps permit for related work shall not be cause for delay of the Federal project. Local sponsors will be responsible for funding any related work. If permitting of the related work complies with all legal requirements and is not contrary to the public interest, section 10, 404, and 103 permits normally will be issued by the district engineer in a separate SOF or ROD. Authorization by nationwide or regional general permit may be appropriate. If the related work does not receive a necessary state water quality certification and/or CZMA consistency concurrence, or are determined to be contrary to the public interest the district engineer should re-examine the project viability to ensure that continued maintenance is warranted.

(8) State water quality certification: Section 401 of the CWA requires the Corps to seek state water quality certification for dredged material disposal into waters of the U.S. The state certification request must be processed to a conclusion by the state within a reasonable period of time. Otherwise, the certification requirements of section 401 are deemed waived. The district engineer will request water quality certification from the state at the earliest practicable time using the following procedures:

(i) In addition to the Corps section 404 public notice, information and data demonstrating compliance with state water quality standards will be provided to the state water quality certifying agency along with the request for water quality certification. The information and data may be included within the 404(b)(1) evaluation. The district engineer will request water quality certification to be consistent with

the maintenance dredging schedule for the project. Submission of the public notice, including information and data demonstrating compliance with the state water quality standards, will constitute a valid water quality certification request pursuant to section 401 of the CWA.

(ii) If the proposed disposal activity may violate state water quality standards, after consideration of disposal site dilution and dispersion, the district engineer will work with the state to acquire data to satisfy compliance with the state water quality standards. The district engineer will use the technical manual "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls" or its appropriate updated version as a guide for developing the appropriate tests to be conducted on such dredged material.

(iii) If the state does not take final action on a request for water quality certification within two months from the date of the initial request, the district engineer will notify the state of his intention to presume a waiver as provided by section 401 of the CWA. If the state agency, within the two-month period, requests an extension of time, the district engineer may approve one 30-day extension unless, in his opinion, the magnitude and complexity of the information contained in the request warrants a longer or additional extension period. The total period of time in which the state must act should not exceed six months from the date of the initial request. Waiver of water quality certification can be conclusively presumed after six months from the date of the initial request.

(iv) The procedures of § 337.2 will be followed if the district engineer determines that the state data acquisition requirements exceed those necessary in establishment of the Federal standard.

(9) State coastal zone consistency: Section 307 of the CZMA requires that activities subject to the CZMA which a Federal agency conducts or supports be consistent with the Federally approved state management program to the maximum extent practicable. The state is provided a reasonable period of time as defined in § 336.1(b)(9)(iv) to take final action on Federal consistency determinations; otherwise state concurrence can be presumed. The district engineer will provide the state a consistency determination at the earliest practicable time using the following procedures:

(i) The Corps section 404 public notice and any additional information that the district engineer determines to be appropriate will be provided the state coastal zone management agency along with the consistency determination. The consistency determination will consider the maintenance dredging schedule for the project. Submission of the public notice and, as appropriate, any additional information as determined by the district engineer will constitute a valid coastal zone consistency determination pursuant to section 307 of the CZMA.

(ii) If the district engineer decides that a consistency determination is not required for a Corps activity, he may provide the state agency a written determination that the CZMA does not apply.(iii) The district engineer may provide the state agency a general consistency determination for routine or repetitive activities.

(iv) If the state fails to provide a response within 45 days from receipt of the initial consistency determination, the district engineer will presume state agency concurrence. If the state agency, within the 45-day period, requests an extension of time, the district engineer will approve one 15-day extension unless, in his opinion, the magnitude and complexity of the information contained in the consistency determination warrants a longer or additional extension period. The longer or additional extension period shall not exceed six months from the date of the initial consistency determination.
(v) If the district engineer determines that the state recommendations to achieve consistency to the maximum degree practicable exceed either his authority or funding for a proposed dredging or disposal activity, he will so notify the state coastal zone management agency indicating that the Corps has complied to the maximum extent practicable with the state's coastal zone management program. If the district engineer determines that state recommendations to achieve consistency to the maximum degree practicable do not exceed his authority or funding but, nonetheless, are excessive, he will follow the procedures of § 337.2.

(c) Evaluation factors. The following factors will be used, as appropriate, to evaluate the discharge of dredged material into waters of the U.S. Other relevant factors may also be evaluated, as needed. (1) Navigation and Federal standard. The maintenance of a reliable Federal navigation system is essential to the economic well-being and national defense of the country. The district engineer will give full consideration to the impact of the failure to maintain navigation channels on the national

and, as appropriate, regional economy. It is the Corps' policy to regulate the discharge of dredged material from its projects to assure that dredged material disposal occurs in the least costly, environmentally acceptable manner, consistent with engineering requirements established for the project. The environmental assessment or environmental impact statement, in conjunction with the section 404(b)(1) guidelines and public notice coordination process, can be used as a guide in formulating environmentally acceptable alternatives. The least costly alternative, consistent with sound engineering practices and selected through the 404(b)(1) guidelines or ocean disposal criteria, will be designated the Federal standard for the proposed project.

(2) Water quality. The 404(b)(1) guidelines at 40 CFR part 230 and ocean dumping criteria at 40 CFR part 220 implement the environmental protection provisions of the CWA and ODA, respectively. These guidelines and criteria provide general regulatory guidance and objectives, but not a specific technical framework for evaluating or managing contaminated sediment that must be dredged. Through the section 404(b)(1) evaluation process (or ocean disposal criteria for the territorial sea), the district engineer will evaluate the water quality impacts of the proposed project. The evaluation will include consideration of state water quality standards. If the district engineer determines the dredged material to be contaminated, he will follow the guidance provided in the most current published version of the technical manual for contaminant testing and controls. This manual is currently cited as: Francingues, N.R., Jr., et al. 1985. "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls," Miscellaneous Paper D-85-1, U.S. Army Waterways Experiment Station, Vicksburg, Mississippi. The procedures of § 336.1(b)(8) will be followed for state water quality certification requests.

(3)Coastal zone consistency. As appropriate, the district engineer will determine whether the proposed project is consistent with the state coastal zone management program to the maximum extent practicable. The procedures of § 336.1(b)(9) will be followed for coastal zone consistency determinations.

(4) Wetlands. Most wetland areas constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest. The district engineer will, therefore, follow the guidance in 33 CFR 320.4(b) and EO 11990, dated May 24, 1977, when evaluating Corps operations and maintenance activities in wetlands. (5) Endangered species. All Corps operations and maintenance activities will be reviewed for the potential impact on threatened or endangered species, pursuant to the Endangered Species Act of 1973. If the district engineer determines that the proposed activity will not affect listed species or their critical habitat, a statement to this effect should be included in the public notice. If the proposed activity may affect listed species or their critical habitat, appropriate discussions will be initiated with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, and a statement to this effect should be included in the public notice. If the public notice is the public notice. (See 50 CFR part 402).

(6)*Historic resources.* Archeological, historical, or architectural resource surveys may be required to locate and identify previously unrecorded historic properties in navigation channels and at dredged or fill material disposal sites. If properties that may be historic are known or found to exist within the navigation channel or proposed disposal area, field testing and analysis may sometimes be necessary in order to evaluate the properties against the criteria of the National Register of Historic Places. Such testing should be limited to the amount and kind needed to determine eligibility for the National Register; more detailed and extensive work on a property may be prescribed later, as the outcome of review under section 106 of the National Historic Preservation Act. Historic properties are not normally found in previously constructed navigation channels or previously used disposal areas. Therefore, surveys to identify historic properties should not be conducted for maintenance dredging and disposal activities proposed within the boundaries of previously constructed navigation channels or previously used disposal areas unless there is good reason to believe that historic properties exist there.

(i) The district engineer will establish whether historic properties located in navigation channels or at disposal sites are eligible for inclusion in the National Register of Historic Places in accordance with applicable regulations of the Advisory Council on Historic Preservation and the Department of the Interior.

(ii) The district engineer will take into account the effects of any proposed actions on properties included in or eligible for inclusion in the National Register of Historic Places, and will request the comments of the Advisory Council on Historic Preservation, in accordance with applicable regulations of the Advisory Council on Historic Preservation.

(7) Scenic and recreational values.

(i) Maintenance dredging and disposal activities may involve areas which possess recognized scenic, recreational, or similar values. Full evaluation requires that due consideration be given to the effect which dredging and disposal of the dredged or fill material may have on the enhancement, preservation, or development of such values. Recognition of these values is often reflected by state, regional, or local land use classification or by similar Federal controls or policies. Operations and maintenance activities should, insofar as possible, be consistent with and avoid adverse effects on the values or purposes for which such resources have been recognized or set aside, and for which those classifications, controls, or policies were established. Special consideration must be given to rivers named in section 3 of the Wild and Scenic Rivers Act and those proposed for inclusion as provided by section 4 and 5 of the Act, or by later legislation.

(ii) Any other areas named in Acts of Congress or Presidential Proclamations, such as National Rivers, National Wilderness Areas, National Seashores, National Parks, and National Monuments, should be given full consideration when evaluating Corps operations and maintenance activities. (8)*Fish and wildlife.*

(i) In those cases where the Fish and Wildlife Coordination Act (FWCA) applies, district engineers will consult, through the public notification process, with the Regional Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and the head of the agency responsible for fish and wildlife for the state in which the work is to be performed, with a view to the conservation of fish and wildlife resources by considering ways to prevent their direct and indirect loss and damage due to the proposed operation and maintenance activity. The district engineer will give full consideration to these views on fish and wildlife conservation in evaluating the activity. The proposed operations may be modified in order to lessen the damage to such resources. The district engineer should include such justifiable means and measures for fish and wildlife resources that are found to be appropriate. Corps funding of Fish and Wildlife Service and the Corps is not applicable for Corps operation and maintenance projects.

(ii) District engineers should consider ways of reducing unavoidable adverse environmental impacts of dredging and disposal activities. The determination as to the extent of implementation of such measures will be done by the district engineer after weighing the benefits and detriments of the maintenance work and considering applicable environmental laws, regulations, and other relevant factors.

(9)Marine sanctuaries. Operations and maintenance activities involving the discharge of dredged or fill material in a marine sanctuary established by the Secretary of Commerce under authority of section 302 of the ODA should be evaluated for the impact on the marine sanctuary. In such a case, certification should be obtained from the Secretary of Commerce that the proposed project is consistent with the purposes of Title III of the ODA and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary.

(10) Other state requirements. District engineers will make all reasonable efforts to comply with state water quality standards and Federally approved coastal zone programs using the procedures of \$ 336.1(b) (8), (9), and 337.2. District engineers should not seek state permits or licenses unless authorized to do so by a clear, explicit, and unambiguous Congressional waiver of Federal sovereign immunity, giving the state authority to impose that requirement on Federal activities (e.g., CWA sections 401 and 404(t), and CZMA section 307 (c)(1) and (c)(2)).

(11)Additional factors. In addition to the factors described in paragraphs (c)(1) through (9) of this section, the following factors should also be considered.

(i) The evaluation of Corps operations and maintenance activities involving the discharge of dredged or fill material into waters of the U.S. is a continuing process and should proceed concurrently with the processing of state water quality certification and, if required, the provision of a coastal zone

consistency determination to the state. If a local agency having jurisdiction over or concern with the particular activity comments on the project through the public notice coordination, due consideration should be given to those official views as a reflection of local factors.

(ii) Where officially adopted state, regional, or local land use classifications, determinations, or policies are applicable, they normally will be presumed to reflect local views and will be considered in addition to other national factors.

§ 336.2 Transportation of dredged material for the purpose of disposal into ocean waters. (a)*Applicable law*.Section 103(a) of the ODA provides that the Corps of Engineers may issue permits, after notice and opportunity for public hearing, for the transportation of dredged material for disposal into ocean waters.

(b) *Procedures.* The following procedures will be followed by district engineers for dredged material disposal into ocean waters except where emergency action as described in § 337.7 of this chapter is required.

(1) In accordance with the provisions of section 103 of the ODA, the district engineer should issue a public notice giving opportunity for public hearing, following the procedures described in § 337.1 of this chapter for Corps operation and maintenance activities involving disposal of dredged material in ocean waters, as well as dredged material transported through the territorial sea for ocean disposal. (2) The public hearing procedures of 33 CFR part 327 should be followed.

(c) *State permits and licenses.* The terms and legislative history of the ODA leave some doubt regarding whether a state has legal authority to exert control over ocean dumping activities of the Corps in the territorial sea covered under the Act (see section 106(d)). Notwithstanding this legal question, the Corps will voluntarily as a matter of comity apply for state section 401 water quality certification and determine consistency with a Federally-approved coastal zone management plan for Corps ocean disposal of dredged material within the three-mile extent of the territorial sea. Moreover, the Corps will attempt to comply with any reasonable requirement imposed by a state in the course of the 401 certification process or the CZMA consistency determination process. Nevertheless, the Corps reserves its legal rights regarding any case where a state unreasonably denies or conditions a 401 water quality certification for proposed Corps ocean disposal of dredged material within the limits of the territorial sea, or asserts that such disposal would not be consistent with an approved state CZMA plan. If such a circumstance arises, the district engineer shall so notify the division engineer who then decides on consultation with CECW-D, CECW-Z, and CECC-E for purposes of determining the Corps of Engineers' appropriate response and course of action. (d)*Evaluation factors.*

(1) In addition to the appropriate evaluation factors of § 336.1(c), activities involving the transportation of dredged material for the purpose of disposal in ocean waters will be evaluated by the Corps to determine whether the proposed disposal will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems or economic potentialities. In making this evaluation, the district engineer, in addition to considering the criteria developed by EPA on the effects of the dumping, will also consider navigation, economic and industrial development, and foreign and domestic commerce, as well as the availability of alternatives to ocean disposal, in determining the need for ocean disposal of dredged material. Where ocean disposal is determined to be appropriate, the district engineer will, to the extent feasible, specify disposal sites which have been designated by the Administrator pursuant to section 102(c) of the ODA.

(2) As provided by the EPA regulations at 40 CFR 225.2(b-e) for implementing the procedures of section 102 of the ODA, the regional administrator of EPA may make an independent evaluation of dredged material disposal activities regulated under section 103 of the ODA related to the effects of dumping. The EPA regulations provide that the regional administrator make said evaluation within 15 days after receipt of all requested information. The regional administrator may request from the district engineer an additional 15-day period for a total of to 30 days. The EPA regulations provide that the regional administrator with the environmental

impact criteria or with any restriction relating to critical areas on the use of an EPA recommended disposal site designated pursuant to section 102(c) of the ODA. In cases where the regional administrator has notified the district engineer in writing that the proposed disposal will not comply with the criteria related to the effects of dumping or related to critical area restriction, no dredged material disposal may occur unless and until the provisions of 40 CFR 225.3 are followed and the Administrator grants a waiver of the criteria pursuant to section 103(d) of the ODA.

(3) If the regional administrator advises the district engineer that the proposed disposal will comply with the criteria, the district engineer will complete the administrative record and sign the SOF. (4) In situations where an EPA-designated site is not feasible for use or where no site has been designated by the EPA, the district engineer, in accordance with the ODA and in consultation with EPA, may select a site pursuant to section 103. Appropriate NEPA documentation should be used to support site selections. District engineers should address site selection factors in the NEPA document. District engineers will consider the criteria of 40 CFR parts 227 and 228 when selecting ocean disposal sites, as well as other technical and economic considerations. Emphasis will be placed on evaluation to determine the need for ocean disposal and other available alternatives. Each alternative should be fully considered on an equal basis, including the no dredging option.

(5) If the regional administrator advises the district engineer that a proposed ocean disposal site or activity will not comply with the criteria, the district engineer should proceed as follows.

(i) The district engineer should determine whether there is an economically feasible alternative method or site available other than the proposed ocean disposal site. If there are other feasible alternative methods or sites available, the district engineer will evaluate the engineering and economic feasibility and environmental acceptability of the alternative sites.

(ii) If the district engineer makes a determination that there is no economically feasible alternative method or site available, he will so advise the regional administrator of his intent to proceed with the proposed action setting forth his reasons for such determination.

(iii) If the regional administrator advises, within 15 days of the notice of the intent to issue, that he will commence procedures specified by section 103(c) of the ODA to prohibit use of a proposed disposal site, the case will be forwarded through the respective Division office and CECW-D to the Secretary of the Army or his designee for further coordination with the Administrator of EPA and final resolution. The report forwarding the case should be in the format described in § 337.8 of this chapter.

(iv) The Secretary of the Army or his designee will evaluate the proposed project and make a final determination on the proposed disposal. If the decision of the Secretary of the Army or his designee is that ocean disposal at the proposed site is required because of the unavailability of economically feasible alternatives, he will seek a waiver from the Administrator, EPA, of the criteria or of the critical site designation in accordance with section 103(d) of the ODA.

33 CFR Part 337 - PRACTICE AND PROCEDURE

§ 337.0 Purpose.

The practices and procedures part of this regulation apply to all Corps operations and maintenance activities involving the discharge of dredged or fill material in waters of the U.S. and ocean waters and related activities of local interests accomplished to ensure continued functions of constructed Corps projects.

§ 337.1 Public notice.

Presently, public notification of proposed discharges of dredged or fill material is required by the provisions of section 103 of the ODA and sections 401 and 404 of the CWA. District engineers are encouraged to develop procedures to avoid unnecessary duplication of state agency procedures. Joint public notification procedures should be a primary factor in the development of Memoranda of Agreement with the states as described in § 337.4.

(a) With the possible exception of emergency actions as discussed in § 337.7, the district engineer should issue a public notice for projects involving the discharge of dredged or fill material into waters of the U.S. or ocean waters unless the project is authorized by a general permit. Public notices for Corps operation and maintenance activities are normally issued for an indefinite period of time and are not reissued unless changes in the disposal plan warrant re-evaluation under section 404 of the CWA or section 103 of the ODA. The public notice is the primary method of advising all interested parties of Federal projects and of soliciting comments and information necessary to evaluate the probable impact of the discharge of dredged or fill material into waters of the U.S. or ocean waters. The notice should, therefore, include sufficient information to provide a clear understanding of the nature of the activity and related activities of local interests in order to generate meaningful comments. A single public notice may be used for more than one project in appropriate cases. The notice normally should include the following items:

(1) The name and location of the project and proposed disposal site.

(2) A general description of the project and a description of the estimated type, composition, and quantity of materials to be discharged, the proposed time schedule for the dredging activity, and the types of equipment and methods of dredging and conveyance proposed to be used.

(3) A sketch showing the location of the project, including depth of water in the area and all proposed discharge sites.

(4) The nature, estimated amount, and frequency of known and anticipated related dredging and discharge to be conducted by others.

(5) A list of Federal, state, and local environmental agencies with whom the activity is being coordinated.

(6) A statement concerning a preliminary determination of the need for and/or availability of an environmental impact statement.

(7) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any.

(8) A reasonable period of time, normally thirty days but not less than fifteen days from date of mailing except in emergency situations where the procedures of § 337.7 will be followed, within which interested parties may express their views concerning the proposed project.

(9) If the proposed Federal project would occur in the territorial seas or ocean waters, a description of the project's relationship to the baseline from which the territorial sea is measured.

(10) A statement on the status of state water quality certification under section 401 of the CWA.

(11) For activities requiring a determination of consistency with an approved state coastal zone management plan, the following information will be included in the notice:

(i) A statement on whether or not the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the state management program.

(ii) Sufficient information to support the consistency determination to include associated facilities and their coastal zone effect.

(iii) Data and supporting information commensurate with the expected effects of the activity on the coastal zone.

(12) A statement on historic resources, state of present knowledge, likelihood of damage or other adverse effect on such resources, etc.

(13) A statement on endangered species.

(14) A statement on evaluation factors to be considered, adapted from that presented at 33 CFR 325.3(b).

(15) The name, address, and telephone number of the Corps employee from whom additional information concerning the project may be obtained.

(16) The signature of the district engineer or his designee on all maintenance dredged material disposal public notices.

(17) For activities regulated under section 103 of the ODA, the following additional information should be integrated into the public notice:

(i) A statement on the designation status of the disposal site.

(ii) If the proposed disposal site is not a designated site, a description of the characteristics of the proposed disposal site and an explanation as to why no previously designated disposal site is feasible.

(iii) A brief description of known dredged material discharges at the proposed disposal site. (iv) Existence and documented effects of other authorized disposals that have been made at the disposal area.

(v) An estimated length of time during which disposal would continue at the proposed site.(vi) Information on the characteristics and composition of the dredged material, and the following paragraph:

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the proposed disposal will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA pursuant to section 102(a) of the ODA, will be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

(b) The following statement should be included in the public notices:

Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to the district engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

(c) Public notices should be distributed as described in 33 CFR 325.3(c). In addition, public notices should be sent to CECW-D, Office of the Chief of Engineers, Washington, DC 20314, if the project involves the discharge of dredged material in waters of the U.S. or ocean waters. District engineers should also develop, as appropriate, regional mailing lists for Corps maintenance dredging and disposal activities to the extent that property owners adjacent to the navigation channel and disposal area are notified of the proposed activity. In order to effect compliance with Executive Order 12372, district engineers should provide copies of public notices to concerned state and local elected officials.

(d) The district engineer should consider all comments received in response to the public notice in his subsequent actions. All comments expressing objections to or raising questions about the project should be acknowledged. Comments received as form letters or petitions, however, may be acknowledged as a group to the person or organization responsible for the form letter or petition. If comments are received which relate to matters within the special expertise of another agency, the district engineer may seek the advice of that agency. The receipt of comments as a result of the public notice normally should not extend beyond the stated comment period; however, at his discretion, the district engineer may provide an extension.

(e) Notices sent to several agencies within the same state may result in conflicting comments from those agencies. Many states have designated a state agency or individual to provide a single and coordinated state position regarding Federal activities. Where a state has not so designated a single source, the district engineer, as appropriate, may seek from the Governor an expression of his views and desires concerning the proposed and subsequent similar projects.

(f) All comments received from the public notice coordination should be considered in the public interest review process. Comments received from Federal or state agencies which are within the area of expertise of another agency will be communicated with that other agency if the district engineer needs the information to make a final determination on the proposed project.

§ 337.2 State requirements.

The procedures of this section should be followed in implementing state requirements.

(a) District engineers should cooperate to the maximum extent practicable with state agencies to prevent violation of Federally approved state water quality standards and to achieve consistency to the maximum degree practicable with an approved coastal zone management program.
(b) If the state agency imposes conditions or requirements which exceed those needed to meet the Federal standard, the district engineer should determine and consider the state's rationale and provide to the state information addressing why the alternative which represents the Federal standard is environmentally acceptable. The district engineer will accommodate the state's concerns to the extent practicable. However, if a state agency attempts to impose conditions or controls which, in the district engineers opinion, cannot reasonably be accommodated, the following procedures will be followed.

(1) In situations where an agency requires monitoring or testing, the district engineer will strive to reach an agreement with the agency on a data acquisition program. The district engineer will use the technical manual "Management Strategy for Disposal of Dredged Material: Contaminant Testing and Controls" or its appropriate updated version as a guide for developing the appropriate tests to be conducted. If the agency insists on requirements which, in the opinion of the district engineer, exceed those required in establishment of the Federal standard, the agency will be asked to fund the difference in cost. If the agency agrees to fund the difference in cost, the district engineer will comply with the request. If the agency does not fund the additional cost, the district engineer will follow the guidance in paragraph (b) (3) of this section.

(2) When an agency requires special conditions or implementation of an alternative which the Federal standard does not, district engineers will proceed as follows: In those cases where the project authorization requires a local sponsor to provide suitable disposal areas, disposal areas must be made available by a sponsor before dredging proceeds. In other cases where there are no local sponsor requirements to provide disposal areas, the state or the prospective local sponsor will be advised that, unless the state or the sponsor provides suitable disposal areas, the added Federal cost of providing these disposal areas will affect the priority of performing dredging on that project. In either case, states will be made aware that additional costs to meet state standards or the requirements of the coastal zone management program which exceed those necessary in establishment of the Federal standard may cause the project to become economically unjustified.
(3) If the state denies or notifies the district engineer of its intent to deny water quality certification or does not concur regarding coastal zone consistency, the project dredging may be deferred. A report pursuant to § 337.8 of this section will be forwarded to CECW-D, Office of the Chief of Engineers, Washington, DC 20314-1000 for resolution.

§ 337.3 Transfer of the section 404 program to the states.

Section 404(g-1) of the CWA allows the Administrator of the EPA to transfer to qualified states administration of the section 404 permit program for discharges into certain waters of the U.S. Once a state's 404 program is approved, the district engineer will follow state procedures developed in accordance with section 404(g-1) of the CWA for all on-going Corps projects involving the discharge of fill material in transferred waters to the state agency responsible for administering the program. Corps projects involving the discharge of dredged or fill material in waters not transferred to the state will be processed in accordance with this regulation.

§ 337.4 Memoranda of Agreement (MOA).

The establishment of joint notification procedures for Corps projects involving disposal of dredged or fill material should be actively pursued through the development of MOAs with the state. The MOAs may be used to define responsibilities between the state and the Corps district involved. The primary purpose of MOAs will be to avoid or eliminate administrative duplication, when such duplication does not contribute to the overall decision-making process. MOAs for purposes of this regulation will not be used to implement provisions not related to the maintenance or enforcement of Federally-

approved state water quality standards or coastal zone management programs. District engineers are authorized and encouraged to develop MOAs with states and other Federal agencies for Corps projects involving the discharge of dredged or fill material. Copies of all MOAs will be forwarded to CECW-D, Office of the Chief of Engineers, Washington, DC 20314-1000 for approval.

§ 337.5 General authorizations.

Under the provisions of sections 404(e) of the CWA and 104(c) of the ODA certain categories of activities may be authorized on a regional, statewide, or nationwide basis. General authorizations can be a useful mechanism for implementation of the procedural provisions of the CWA, CZMA, and ODA while avoiding unnecessary duplication and paperwork. Through the general authorization process, compliance with all environmental laws and regulations including coastal zone consistency, if applicable, and water quality certification can be accomplished in a single process for a category of activities. Since the emphasis of particular environmental issues for most Corps projects is more regional than nationwide, district engineers are encouraged to develop general authorizations for routine Civil Works activities involving the discharge of dredged or fill material to address the specific requirements of a particular geographic region. When evaluating general categories of activities, the district engineer should follow the same procedure as outlined for individual Federal activities including the water quality certification and/or coastal zone consistency requirements of part 336 of this chapter. General authorizations should include related activities of local interests. Additionally, district engineers should use existing general permits authorized on a statewide or regional basis and the nationwide permits at 33 CFR part 330 for Federal projects involving the disposal of dredged material. The development of new statewide or regional general authorizations for Federal activities should be in accordance with the requirements of §§ 336.1 and 336.2 of this chapter. General permits for related activities of local interests should be developed using the procedures of 33 CFR parts 320 through 330.

§ 337.6 Statement of Findings (SOF).

Upon completion of the evaluation process including required coordination, receipt or waiver of required state certifications, and completion of the appropriate environmental documents, an SOF will be prepared. In cases involving an EIS, a ROD will be prepared in accordance with 33 CFR part 230 and should be used in lieu of the SOF, providing the substantive parts of this section are included in the ROD. The SOF need not duplicate information contained in supporting environmental documents but rather may incorporate it by reference. The SOF should include a comprehensive summary and record of compliance and should be prepared in the following format except that the procedures of 33 CFR 325.2 should be followed for related activities of local interests.

(a) The SOF should identify the name of the preparer, date (which may not necessarily correspond to the date signed), and name of waterway.

(b) The proposed action for which the findings are made should be described.

(c) A coordination section should be provided. The coordination section should reference the public notice number and date. The letters of comment and appropriate responses should be summarized. Any coordination undertaken by local or state agencies should also be discussed.

(d) An environmental effects and impacts section should be used to document compliance with the applicable environmental laws. This section should include the views and/or conditions of the state concerning water quality certification and, if required, the results of the coastal zone consistency process.

(e) A determinations section should reference the results of the EA and/or EIS and any conditions necessary to meet the state's water quality standards or coastal zone management program. Appropriate conditions or modifications should be included in the project specifications. This section should also contain a subsection on consideration of alternatives and cumulative impacts.

(f) A section on the district engineer's findings and conclusions concerning the proposed project should be included.

(g) The SOF should be dated and signed by the district engineer or his designee except in those cases requiring referral to higher authority.

(h) In accordance with the provisions of section 104(g) of the ODA, the district engineer will forward a copy of the SOF to the District Commander, U.S. Coast Guard, if the activity involves the ocean disposal of dredged material.

(i) The Findings of No Significant Impact or ROD, as appropriate, required by 33 CFR part 230 may be incorporated into the SOF, as appropriate.

§ 337.7 Emergency actions.

After obtaining approval from the division engineer, the district engineer will respond to emergency situations on an expedited basis, complying with the procedures of this regulation to the maximum degree practicable. The district engineer will issue a public notice describing the emergency in accordance with § 337.1, if such a notice is practicable in view of the emergency situation; such a public notice should be forwarded to all appropriate Federal and state agencies. The district engineer should prepare a section 404(b)(1) evaluation report and, as necessary, an environmental assessment, if this is practicable in view of the emergency situation. If comments are received from the public notice which, in the judgment of the district engineer, reveal the necessity of modifying the emergency operation, the district engineer should take appropriate measures to modify the emergency operation to reduce, avoid, or minimize adverse environmental impacts. If the district engineer, after receiving comments from the public notice, determines that the emergency action would constitute a major Federal action significantly affecting the quality of the human environment, he should, after consultation with the division engineer, coordinate with the Council on Environmental Quality about alternative arrangements for compliance with the NEPA in accordance with 40 CFR 1506.11 to the extent that it is practicable in view of the emergency situation. District engineers should consult with the appropriate state officials to seek water quality certification or waiver of certification, and should certify that the Federal action is consistent to the maximum extent practicable with an approved coastal zone management plan for emergency activities, to the extent that is practicable in view of the emergency.

§ 337.8 Reports to higher echelons.

(a)Certain activities involving the discharge of dredged or fill material require action by the division engineer or Chief of Engineers. Such reports should be prepared in the format described in paragraph (b) of this section. Reports may be necessary in the following situations:

(1) When there is substantial doubt as to the authority, law, regulations, or policies applicable to the Federal project;

(2) When higher authority requests the case be forwarded for decision;

(3) When the state does not concur in a coastal zone consistency determination or attempts to concur with conditions or controls;

(4) When the state denies or unreasonably delays a water quality certification or issues the certification with conditions or controls not related to maintenance or enforcement of state water quality standards or significantly exceeding the Federal standard;

(5) When the regional administrator has advised the district engineer, pursuant to section 404(c) of the CWA, of his intent to prohibit or restrict the use of a specified discharge site; or notifies the district engineer that the discharge of dredged material in ocean waters or territorial seas will not comply with the criteria and restrictions on the use of the site established under the ODA; and the district engineer determines that the proposed disposal cannot be reasonably modified to alleviate the regional administrator's objections; and

(6) When the state fails to grant water quality certification or a waiver of certification or concurrence or waiver of coastal zone consistency for emergency actions.

(b)*Reports.* The report of the district engineer on a project requiring action by higher authority should be in letter form and contain the following information:

(1) Justification showing the economic need for dredging.

(2) The impact on states outside the project area if the project is not dredged.

(3) The estimated cost of agency requirements which exceed those necessary in establishment of the Federal standard.

(4) The relative urgency of dredging based on threat to national security, life or property.

(5) Any other facts which will aid in determining whether to further defer the dredging and seek Congressional appropriations for the added expense or the need to exercise the authority of the Secretary of the Army to maintain navigation as provided by sections 511(a) and 404(t) of the CWA if the disagreement concerns water guality certification or other state permits.

(6) If the disagreement concerns coastal zone consistency, the district engineer will follow the reporting requirement of this section and 336.1(b)(9) of this chapter.

§ 337.9Identification and use of disposal areas.

(a) District engineers should identify and develop dredged material disposal management strategies that satisfy the long-term (greater than 10 years) needs for Corps projects. Full consideration should be given to all practicable alternatives including upland, open water, beach nourishment, within banks disposal, ocean disposal, etc. Within existing policy, district engineers should also explore beneficial uses of dredged material, such as marsh establishment and dewatering techniques, in order to extend the useful life of existing disposal areas. Requests for water quality certification and/or coastal zone consistency concurrence for projects with identified long-term disposal sites should include the length of time for which the certification and/or consistency concurrence is sought. The section 404(b)(1) evaluation and environmental assessment or environmental impact statement should also address long-term maintenance dredging and disposal. District engineers should use the guidance at 40 CFR 230.80 to shorten environmental compliance processing time. The Corps of Engineers will be responsible for accomplishing or assuring environmental compliance requirements for all disposal areas. This does not preclude the adoption of other agencies NEPA documents in accordance with 40 CFR parts 1500 through 1508.

(b) The identification of disposal sites should include consideration of dredged material disposal needs by project beneficiaries. District engineers are encouraged to require local interests, where the project has a local sponsor, to designate long-term disposal areas.

§ 337.10 Supervision of Federal projects.

District engineers should assure that dredged or fill material disposal activities are conducted in conformance with current plans and description of the project as expressed in the SOF or ROD. Conditions and/or limitations required by a state (e.g., water quality certification), as identified through the coordination process, should be included in the project specifications. Contracting officers should assure that contractors are aware of their responsibilities for compliance with the terms and conditions of state certifications and other conditions expressed in the SOF or ROD.

33 CFR Part 338 - OTHER CORPS ACTIVITIES INVOLVING THE DISCHARGE OF DREDGED MATERIAL OR FILL INTO WATERS OF THE U.S.

§ 338.1 Purpose.

(a) The procedures of this part, in addition to the provisions of 33 CFR parts 335 through 337, should be followed when undertaking Corps operations and maintenance activities involving the discharge of fill material into waters of the U.S., except that the procedures of part 336 of this chapter will be used in those cases where the discharge of fill material is also the discharge of dredged material, *i.e.*, beach nourishment, within banks disposal for erosion control, etc.

(b) After construction of Corps Civil Works water resource projects, certain operations and maintenance activities involving the discharge of fill material require evaluation under the CWA. These activities generally include lakeshore management, installation of boat ramps, erosion protection along the banks of navigation channels, jetty maintenance, remedial erosion control, etc. While these activities are normally addressed in the existing environmental impact statement for the project, new technology or unexpected events such as storms or high waters may require maintenance or remedial work not fully addressed in existing environmental documents or state permits. In determining compliance with the applicable environmental laws and regulations the

district engineer should use the CWA exemptions at 404(f) and NEPA categorical exclusions to the maximum extent practicable. If the district engineer decides that the changes have not been adequately addressed in existing environmental documentation, the procedures of this part should be followed.

[53 FR 14920, Apr. 26, 1988]

§ 338.2 Activities involving the discharge of dredged or fill material into waters of the U.S. **(a)** Generally, fill activities conducted by the Corps for operations and maintenance of existing Civil Works water resource and navigation projects are routine and have little, if any, potential for significant degradation of the environment. District engineers are encouraged to develop general authorizations in accordance with section 404 of the CWA and 104 of the ODA following the procedures of § 337.5 of this chapter for categories of such routine activities. The general authorization should satisfy all compliance requirements including water quality certifications and, if applicable, coastal zone consistency determinations. For activities which are not conducive to the development of general authorizations or are more appropriately evaluated on an individual basis, the following procedures should be followed.

(b) A public notice should be issued using the procedures § 337.1 of this chapter.

(c) Water quality certifications should be requested and, if applicable, coastal zone consistency determinations should be provided using the procedures of § 336.1(b) (8) and (9) of this chapter. (d) The discharge site should be specified through the application of the section 404(b)(1) guidelines.

(e) The procedures of 40 CFR part 230 should be used to determine the NEPA compliance requirements.

(f) The factors of § 336.1(c) of this chapter should be followed when evaluating fill activities.
(g) Upon completion of all required coordination and after receipt of the necessary state certifications, the district engineer should prepare an SOF in accordance with § 337.6.
[53 FR 14920, Apr. 26, 1988]

From:	(b) (6)
To:	(b) (6)
Subject:	RE: Federal Standard
Date:	Thursday, January 11, 2018 9:35:00 AM

(b) (6)

I read all of the attached document (as well as 33 CFR and the Section 404b) and cannot find anything specific as to the Federal Standard. (b) mentions in (b) e-mail that we should be careful not to commit to anything that we legally cannot do, but I cannot locate any specifics on this. Am I overlooking it somewhere?

Below is language that I felt was relevant to the discussion that I pulled from the documentation...

33 CFR 335.7

Beach nourishment means the discharge of dredged or fill material for the purpose of replenishing an eroded beach or placing sediments in the littoral transport process.

Federal standard means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.

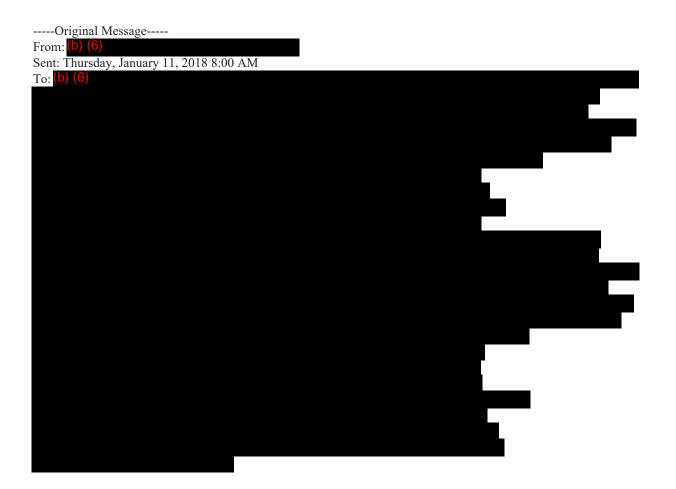
25 JUL 1978 Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

5. District Engineers should develop a dredged material disposal plan that meets the requirements of Section 404(b) Guidelines, dredged material permit conditions and State water quality certification, When a State requires on-land disposal, but a Section 404(b) determination, through application of the EPA guidelines prescribed in 40 CFR 230 using the EPA "red book" (Quality Criteria for Water) does not require on-land disposal, District Engineers should proceed as follows. In those cases. where the project authorization requires a local sponsor to provide suitable disposal areas, the local sponsor should be advised of the need for disposal areas; disposal areas must be made available by a sponsor before dredging proceeds. In other cases where there are no local sponsor requirements to provide disposal areas the State or a prospective local sponsor should be advised that unless the State or the sponsor provides suitable disposal areas, including necessary containment, the added Federal cost of providing these disposal areas will affect the priority of performing dredging on that project. In either case, States should be made aware that additional costs to meet State standards may cause the project to become economically unjustified in accordance with paragraph 7 below. State or local provision of disposal areas to improve the priority of the project should be in line with one of the President's new water policy initiatives announced 6 June 1978 to encourage greater non-Federal financial participation in water resources projects. A suitable disposal area is defined as one of adequate capacity within a reasonable distance of excavation capable of being utilized without adversely affecting the environment of the surrounding waterway. The Corps[,] of Engineers will assume the increased dredged material handling costs associated with placing the material in the furnished sites. The Corps of Engineers. will continue with the disposal programs authorized prior to enactment of the subject legislation (such as the diked disposal program authorized by FL 91-611) by placing only material classified under Federal standards as being appropriate for containment in such disposal Facilities.

6. Maximum beneficial use of dredged material, such as for beach nourishment, should be realized where possible, consistent with existing policy. However, if States impose beneficial dredged material uses as permit conditions, any additional expense associated with such provisions will be the responsibility of local interests.



-----Original Message-----From: (b) (6) Sent: Thursday, January 11, 2018 8:06 AM To: (b) (6) Subject: FW: Federal Standard





Subject: Federal Standard

Nav Team

I ran across the attached and though it best that I send this out again. I suspect most of you have not read the attached and considering some recent discussions and ongoing efforts at Mobile (O&M and GRR) and Pensacola O&M, it is worth your time to read. I often tend to be the bad guy in meetings when it comes to defending our actions related to dredging within the Fed. Standard and this document in large part backs my opposition to more liberal disposal alternatives, i.e. sand on the beach or in shallow water (shallower than an hopper dredge can bottom dump). Expect we need to be very careful in our dealings with Dauphin Island that we don't commit to anything that we legally cannot do. Further, and way down in the back of the attached there is some strong language regarding cultural investigations. Particularly that we should not be doing 106 investigations in channels or d/a's and also, brings back to ground the fact that we are obligated to protect resources that are eligible for the National Register, NOT historic or cultural artifacts/resources.

Please forward to others who may work in these areas.



From:	(b) (6)
То:	(b) (6)
Cc:	(b) (6)
Subject:	PMC_17 Jan_INITIAL.pptx
Date:	Thursday, January 11, 2018 10:29:00 AM
Attachments:	PMC 17 Jan INITIAL.pptx

(b) (6) : PRB updates attached...



ALABAMA, CONTINUED

INVESTIGATIONS:

MOBILE HARBOR GRR

- Project Manager: David Newell 251-690-3238
- Sponsor: Alabama State Port Authority
- Total Study Cost: \$7,800,000 (Cost shared 75-25)
 - > FY16 \$2,088,000
 - ➢ FY17 \$1,688,742
 - > FY18 Not in Pbud
 - **FY19 \$2,129,508** capability
- Description:

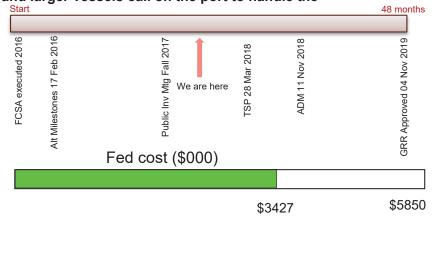


The report will examine the costs and benefits as well as the environmental impacts of modifying the dimensions of the existing Federal project within its authorized limits. The purpose of the study will be to determine improvements for safety and efficiency of harbor users. Vessels are experiencing delays leaving and arriving at port facilities and inefficiencies have increased as the volume of cargo has grown and larger vessels call on the port to handle the increased cargo.

- Milestones
 - > Held IPR #3 28 Nov 2017.
 - > TSP Scheduled for 28 March 2018
- Status:

The hydrodynamic, water quality, and estuarine sediment transport modeling has been completed and the environmental team is now using those results to assess habitat impacts of deepening the channel to 50' and widening it to 500' for a 5-mile segment. The economic benefits modeling has been updated to include benefits derived from the Wal-Mart Distribution Center. Economic benefit analysis for final width and depth scheduled for 25 January.

- Next Phase:
 - > PED, 2nd quarter FY20 start, 1yr duration
 - > Construction, FY21 start, 3 year duration







MOBILE HARBOR NEXT STEPS TO TSP MILESTONE

The following events are required to advance from the Alternatives Milestone to the Tentatively Selected Plan Milestone:

Event	Start	End
Further develop Existing and Future Without conditions	01/04/16	10/31/17
Conduct analyses for environmental assessment	01/04/16	12/28/17
Conduct In-Progress Review Meeting	10/20/16	10/20/16
Analyze and compare future with and without condition	01/17/17	03/17/17
Confirm channel widths and depths for design vessel	03/03/17	01/29/18
Coordinate mitigation evaluation	10/04/17	02/15/18
Final screening of alternatives	01/04/18	01/29/18
Prepare draft report with TSP	01/30/18	05/09/18
Determine remaining tasks to attain Agency Decision Milestone (ADM)	03/02/18	03/27/18
Conduct TSP meeting and receive approval from the USACE vertical team on the TSP recommendation and proposed path forward	03/26/18	03/27/18





2

From:	(b) (6)
То:	(b) (6)
Subject:	SAM Outstanding Issues 3Jan18.pptx
Date:	Thursday, January 11, 2018 10:36:00 AM
Attachments:	SAM Outstanding Issues 3Jan18.pptx

Mobile Harbor Updates attached ...

MOBILE DISTRICT Outstanding Project Issues

Proctor Creek Feasibility Study

- Completed ATR and HQ/MSC reviews 18 Oct 17
- Expect to convert project to CAP Sec 206 after report approval; will request FY18 CAP funds
- Public meetings held 21 Sep 17

Mobile Harbor GRR

- FY17 (+ FY18 REP) Federal funding \$1,774,500; not in FY18 Pbud leaving shortfall of \$2,046,876
- Held Focus Group Meeting (Environmental NGOs) 13 Dec 18
- Economically justified channel dimensions due 24 January 2018
- TSP 28 Mar 18





From: To: Subject:	(b) (6) (b) (6) RE: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance
Date:	Thursday, January 11, 2018 10:42:00 AM

Thanks.(b) . We'll keep track on how this progresses...



Subject: RE: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Was aware of the section and that guidance was coming, but had not seen this as yet. I think the dredge material from the outer bar to Dauphin Island would be worth a look for this, but I have a couple of questions: Since the incremental costs above the Federal Standard would be 100% Federal and it appears it could come out of federal O&M funding for Mobile Harbor maintenance, what would be the impact to the Mobile Harbor Project on over-all maintenance (and would the NFS support us doing it)? Also, the language says that the pilot program would terminate after "completion" of the ten projects and Dauphin Island placement would be an ongoing O&M process, would it qualify under this program? A one and done" project would not be well received by some of the folks on Dauphin Island.

Just a couple of questions to consider. It's worth evaluating though.



Original Message	
From: (b) (6)	
Sent: Wednesday, January 10, 2018 3:20 PM	
To: (b) (6)	
Cc: (b) (6)	
Subject: FW: RE: WRDA 16 Section 1122(a)-(b) - Beneficial Use of Dredged Material Pilot Project	

Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Not sure if you guys have seen this...

(b) (6)



-----Original Message-----

From: (b) (6)

Sent: Wednesday, January 10, 2018 1:17 PM

To: (b) (6)

Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Hey (b) (6),

Do you know anything about this?



-----Original Message-----

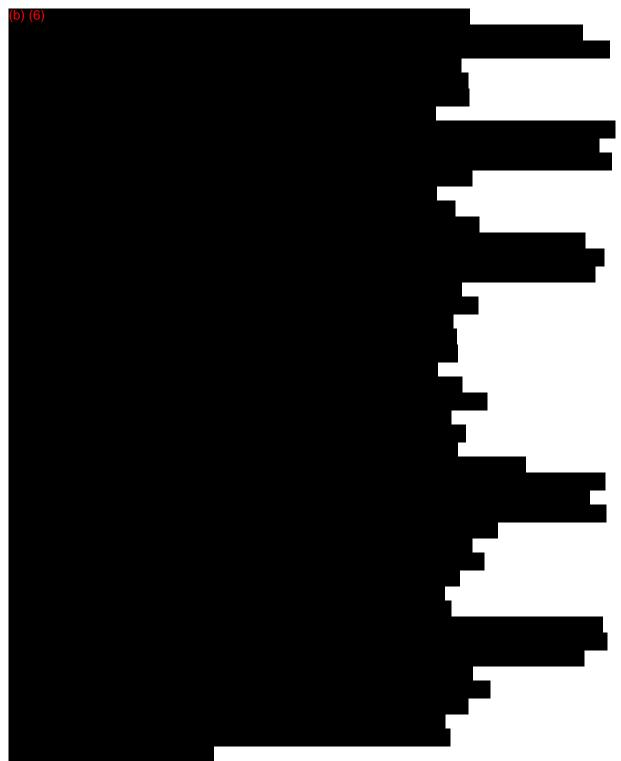
From: (b) (6) Sent: Wednesday, January 10, 2018 10:37 AM To: (b) (6)

Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

(b) and (b)

Did you see this? Could Mobile Harbor be a candidate? Thanks, (D) (6)

Original Message	
From: (b) (6)	
Sent: Wednesday, January 10, 2018 9:16 AM	
To: (b) (6)	



Subject: FW: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

Some beneficial use guidance. Still waiting on implementation guidance on CAP.





-----Original Message-----From: (b) (6) Sent: Tuesday, January 09, 2018 3:39 PM To:(b) (6) Cc: (b) (6)

Subject: RE: WRDA 16, Section 1122(a)-(h) - Beneficial Use of Dredged Material Pilot Project Implementation Guidance

WRDA2016 Section 1122 was a significant topic during today's HQ Ops chief call. Some of my notes:

Getting the Federal Notice out for the nominations is a priority for HQ. The notice will include directions on how to nominate. Notice is anticipated in February.

HQ is discussing how this notice is going to get out regionally and within Districts - how to point our sponsors to it when they aren't used to watching for these notices and responding to them.

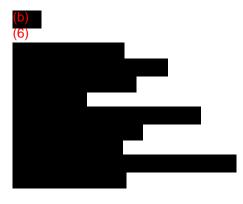
It is not for the Corps to come up with the pilot nominations. This is for non-fed sponsors and other sources to do. HQ will work with whatever they get as responses to the Federal Register notice.

The statement that shows up in Paragraph 8 of the attached PDF is a change from past O&M guidance, "Section

1122(e)(2) provides that the incremental costs above the Federal Standard for transporting and depositing such dredged material will be borne entirely by the federal government." This is a big change, but will only be applicable to the RSM Pilots not across the board for O&M and federal projects. Secretary may not charge Non-federal sponsor extra cost for transport and deposit. The ASA and committees intent is for the Corps to depart from business as usual for transport, so HQ will have to come up with a work plan or budget work packages to address this extra cost. Corps would only pay for extra transport and deposit cost not additional costs.

There will be webinars to explain the nomination process.

If you have questions send them in and we can forward through the Ops chain to HQ. The Q&As will be posted on the website.



From: To:	(b) (6) (b) (6)
Subject:	RE: AWFTG - Channel Widening Information
Date:	Thursday, January 11, 2018 10:53:00 AM
Attachments:	focus group 08 Dec 017 DRAFT pptx

Unless told otherwise, I plan to present the attached (same as the Baldwin County Seafood).

Original Message
From: (b) (6)
Sent: Thursday, January 11, 2018 8:20 AM
To: (b) (6)
Subject: RE: AWFTG - Channel Widening Information
I think that would be wise.
Original Message

From: (b) (6))
Sent: Thursday, January 11, 2018 7:05 AM	
To: (b) (6)	

Subject: RE: AWFTG - Channel Widening Information

Should we also include the map showing the oyster mining disposal area?

Original Message	
From: (b) (6)	
Sent: Wednesday, January 10, 2018 3:57 PM	
To (b) (6)	

Subject: FW: AWFTG - Channel Widening Information

FYI for next week's meeting with the recreational fisherman...

Original Message
From: (b) (6)
Sent: Wednesday, January 10, 2018 3:49 PM
To: (b) (6)
Cc: (b) (6)
Subject: [EXTERNAL] FW: AWFTG - Channel Widening Information

(b) This is the AWF email I spoke with you about. Please feel free to share with the team, as it gives us in advance of their meeting next week a good feel of their issues. (b)

(h	(6)	
(P)	, (0)	



From: Tim [mailto:timg@alabamawildlife.org] Sent: Tuesday, January 09, 2018 7:46 AM To: marl4@cummingsassoc.com; 'Blakeley Ellis' <blakeley@ccaalabama.org> Cc: Judith Adams <JAdams@asdd.com> Subject: AWFTG - Channel Widening Information

Marl and Blakely – attached is a link and map to information on the Mobile Ship Channel widening project that Judith Adams with the Port was kind enough to provide. Looking forward to the meeting next week. As you can see, there is a significant study process leading up to such a project, including the Port putting forth their best effort to engage various user groups to discuss their questions, concerns, and positive opportunities for bay improvements in conjunction with such a project. The folks at the Port were kind enough to reach out to AWF about identifying some sporting conservation groups to meet with and gain their thoughts and perspectives. I recommended MCWCA and CCA as two sporting conservation groups like AWF that would be good to include. In my initial conversation with them, we discussed items such as:

* Dredge disposal – how can it be handled to avoid damaging productive bottom; what opportunities are there to create new beneficial habitat using dredge material (i.e., additional islands or island expansion like Gaillard Island that would provide coastal bird benefits; any opportunity for engineered marsh/emergent grass bed development, etc.)

* Siltation/turbidity during the dredging process – how to minimize

* Any opportunity to develop some deeper holes similar to the Theodore Ship Channel areas that folks like to fish in the colder months (this may be problematic due to hypoxic conditions). In the reverse, if there are any areas with known chronic hypoxic conditions, is their opportunity to utilize dredge material to "fill-in" (my term) those areas and eliminate that set of conditions

* Salt Water intrusion effects and impact/lack of impact – this is a key item that has already been identified for study earlier in the process. If I recall correctly, the COE will have some information on this topic in late 2018 – again, if I remember correctly

* Dredge material for beach replenishment – it appears that most of the material will not be suitable for direct beachfront placement but would be more appropriate for off-shore disposal (I believe there are areas already designated for this and have been used in the past) in a manner that it will allow it to enter the natural system appropriately.

Ultimately, they are looking for people like us to help think it through so that challenges/opportunities can be identified as early as possible, considered in the preliminary studies/fact finding, and the best plan possible identified and executed for such a project.

I have copied Judith Adams on this email so that she can add to or take away from anything I have mentioned here.

You guys will likely have additional and valuable thoughts and ideas to share. Hope you find this information helpful and don't hesitate to reach out to me or to Judith in advance of the meeting next week if you have questions.

Link below and map attached. My best, Tim G.

Blockedhttp://www.sam.usace.army.mil/Missions/Program-and-Project-Management/Civil-Projects/Mobile-Harbor-GRR/

Tim L. Gothard

AWF Executive Director

(b) (6)		
(b) (6)		

Web: Blockedwww.alabamawildlife.org <Blockedhttp://www.alabamawildlife.org>

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- Project authorized in the Water Resources Development Act of 1986 in accordance with the 1981 Chief's Report.
- Full-Service Seaport -- 10th Largest in the United States -Balanced Trade (Strong Export Market)
 - ✓ 58M tons handled port-wide. ASPA terminals represent
 25 29M tons annually
- Port of Mobile has sustained growth in steel, petroleum and containerized cargoes
 - ✓ Record 2016 19[%] growth in containerized cargo automotive, aviation, forest products, chemicals, poultry
 - ✓ Now ranked No. 2 steel port in the United States
 - ✓ 10 New Ocean Carriers Added Service into Mobile in 2016-2017
- The Port of Mobile Drives the Regional Economy
 - ✓ Alabama State Port Authority terminals alone generate 124,328 jobs and \$19.4B in total economic value
 - ✓ Private Petroleum / Petroleum Products terminals alone generate 5,220 jobs and \$687M in economic value
- Modernizing Mobile Harbor is Necessary Because
 - ✓ 2/3's of the Port of Mobile's vessel traffic is restricted or delayed.
 - ✓ Larger Ships Now Transit North American Trade Lanes
 - ✓ Channel Deficiencies and Vessel Transit Inefficiencies Directly Impact Shipper Costs and Competitiveness
 - ✓ Mobile's Port-side Infrastructure Investments have met Shipper Needs (\$500+ Million Invested) - Channel Investment Necessary to Leverage Non-federal Sponsor investment and Regional Growth







Mobile Bay and Watershed

- The Mobile Bay Watershed is the 6th largest river basin in the United States with five rivers forming the 2nd largest delta in the US, and the 4th largest watershed based on drainage area (Mobile, Tensaw, Blakeley, Spanish, and Apalachee). Environmentally and economically important because of the exceptional biological diversity and productivity which provides habitat for various invertebrates, fishes, waterfowl, migrant birds, as well as, other game and non-game species.
- Mobile Delta is one of the most diverse ecosystems in the US with 3 types of wetland habitats, extensive seagrasses, 200+ species of fish, major shellfish communities, and 300+ species of birds and reptiles. The Delta is one of the most important and valuable natural resources in the US.
- Alabama Seafood Industry Economic Impact. Commercial species harvests provide a valuable source of revenue for the state contributing approximately \$461M in revenue annually and 10,000 jobs. The most common commercial species obtained from Alabama waters are shrimp, blue crabs, oysters, and numerous species of fish.
- Coastal tourism and recreation provide local economic benefits including boating, fishing, swimming, and sight seeing. Saltwater species provide the vast majority of fish caught recreationally in the Mobile Bay system.
- *Cultural Resources.* The Mobile area is rich in both prehistoric and historic cultural resources.





MOBILE HARBOR PROJECT ALTERNATIVES



3

Initial

- Deepening: 47 to 55 feet Including Turning Basin
- Bend Easing
- Widener: 100 and 150 feet5, 10,15 miles in length

Proposed for Impact Assessment

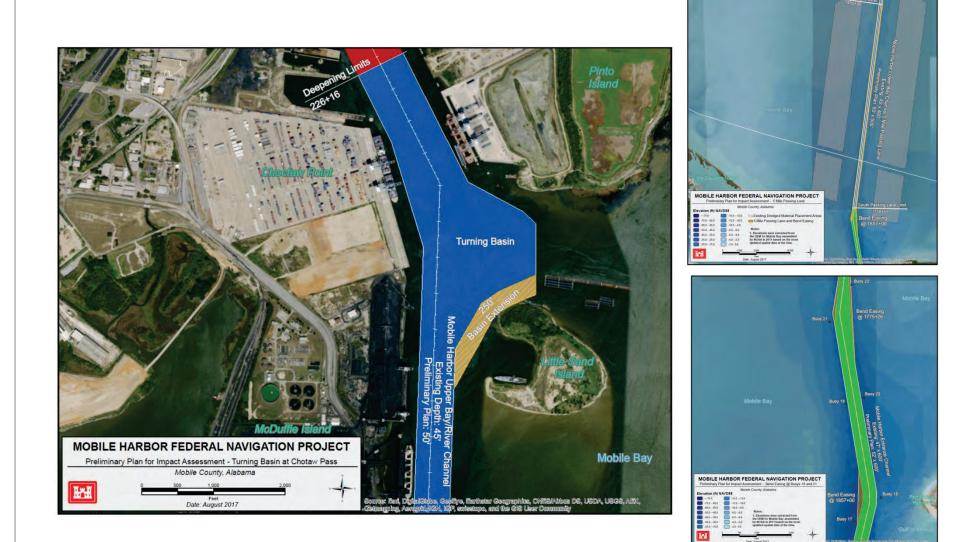
- Deepening: 50 feet Including Turning Basin
- Bend Easing
- Widener: 100 feet5 miles in length









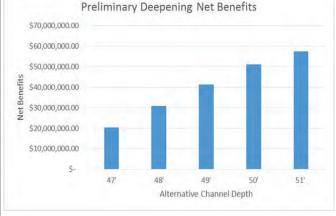






ECONOMIC CONSIDERATIONS





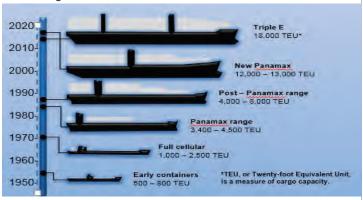
Concepts behind Mobile Harbor Economic Analysis:

- With and without the project, the same volume of cargo is assumed to move through Mobile.
- Growth is assumed only to the capacity of the facilities
- Deeper channels allow shippers to load more efficiently
- Channel widening reduces delay/waiting time to gain efficiencies
- The project benefits are reduction in transportation costs for goods (imports/exports) shipped through the Mobile Harbor with deepening/widening



Evolution of container ships

Post-Panamax ships make up 16 percent of the world's container fleet today, but carry 45 percent of the cargo. New Panamax ships will be the largest that can pass through the new locks in 2016.







ENVIRONMENTAL CONSIDERATIONS

FISHERIES ASSESSMENT

Understand relationships between salinity and fish populations to predict potential impacts. Conducted spring/summer fish sampling.

OYSTER MODELING

Map existing oyster reefs and determine larvae distribution patterns throughout the Bay. Evaluate potential impacts to oysters based on the predictive water quality and hydrodynamic models.

SUBMERGED AQUATIC-VEGETATION (SAV) ASSESSMENT AND MAPPING

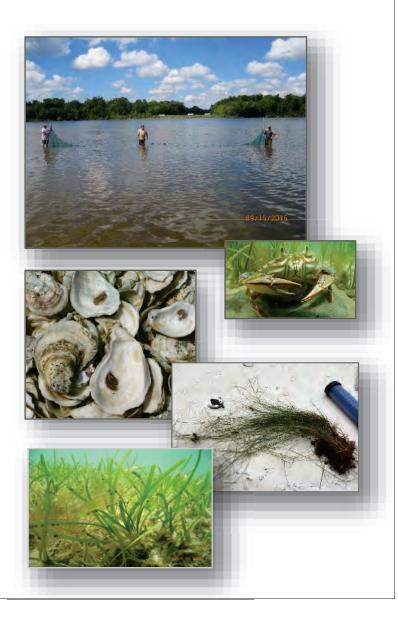
Identify and map distribution of existing sea grasses to establish baseline used in determining potential impacts based on water quality model results.

WETLAND ASSESSMENT AND MAPPING

Identify and map the distribution of existing wetland communities to understand potential impacts based on water quality model results

BENTHIC COMMUNITY ASSESSMENT

Establish baseline conditions to analyze impacts to benthos from waterquality and saltwater intrusion based on information obtained through water-quality modeling







ENVIRONMENTAL CONSIDERATIONS

CLASSIFY SUBSURFACE CONDITIONS

Compile and evaluate all existing subsurface data for the navigation channel sediments. Collect additional subsurface samples/borings to determine sediment composition and potential contamination.

SHIP WAKE ANALYSIS

Estimate increases in waves and associated effects due to future ship traffic.

SEDIMENT TRANSPORT MODELING

Collect baseline data and develop hydrodynamic and sediment transport models to characterize the physical conditions and sediment transport processes of the study area.

ENVIRONMENTAL JUSTICE ISSUES

Evaluate the impacts to human and social environments. This will also include impacts from air quality and noise pollution.

CULTURAL RESOURCES

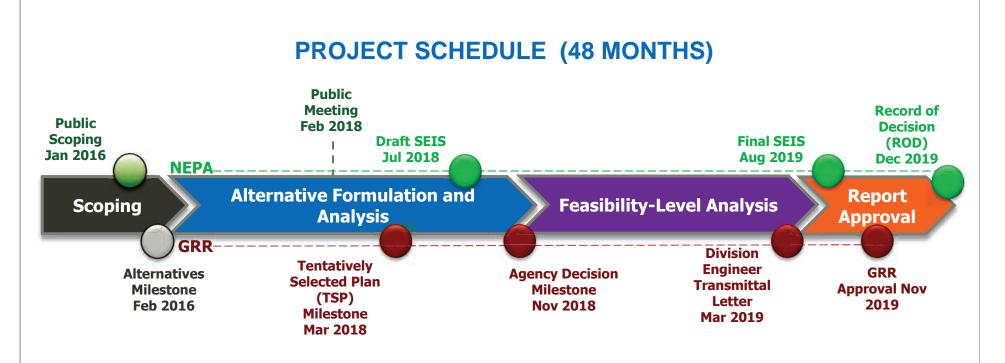
Evaluate potential impacts to Historic Properties in compliance with the National Historic Preservation Act.















Submit Your Comments

Your input will assure that all concerns have been considered during the study. Submit your comments in any of the following ways:



Email: MobileHarborGRR@usace.army.mil



Postal Mail:

U.S. Army Corps of Engineers

ATTN: PD-F

P.O. Box 2288

Mobile, AL 36628

Stay Informed

Biweekly updates and project documents on the project website : <u>www.sam.usace.army.mil/Missio</u> <u>ns/Program-and-Project-Manage</u> <u>ment/Civil-Projects/Mobile-Harb</u> <u>or-GRR/</u>



Sign up for the Listserve on the project website to receive a copy of the quarterly bulletin.

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From:	(b) (6)
То:	(b) (6)
Subject:	FW: Mobile Harbor GRR widening O&M update
Date:	Friday, January 12, 2018 8:20:00 AM

FYI...

From: (b) (6)		
Sent: Friday, January 12, 2018 8:17 AM		
To: (b) (6)		
Cc: (b) (6)		
Subject: Mobile Harbor GRR widening O&M upd	ate	

View in html:

(b)

There was a slight reduction in the O&M incremental quantity. I think partly due to accurate accounting of the shift in stationing, but (b) (6) can confirm. I would like to wait for OP comments regarding the quantities which (b) (6) requested before proceeding with the updated O&M. The previous O&M is \$249,600 with 34K cy. The updated qty was reduced to 32.6K cy which would have given us about a \$10K savings; however I increased the unit price based on average escalation to 2018 price level. I'm sending this to give you a heads up that currently we're looking at only an annual savings of about \$2K.

Widening @500'

Total annual increase per Shoaling History (cy)

2018 COST

Construction Management

TOTAL Estimated 2018 Annual O&M Increase

32600

\$ 239,400.00

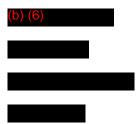
\$ 8,300.00

\$247,700

Meanwhile I've requested the actual 2017 costs from OP for a more accurate 2018 price. I can always look at construction costs, but I want to wait before saying these are the final preliminary widening O&M costs until we get feedback/input/concurrence from OP.

(copied (b) (6) and (b) for awareness)

Respectfully,



From:	(b) (6)	
То:	(b) (6)	
Subject:	Col. DeLapp QA"s	
Date:	Friday, January 12, 2018 10:25:00 AM	

(b),

Can you provide a response to the following two questions:

1.) What are the benefits to widening and/or deepening Mobile Harbor? We roughly drafted... benefits are measured by the efficiencies gained. Deepening benefits are accrued by vessels being able to load more cargo, therefore, reducing the number of trips a vessel needs to make. Widening efficiencies are gained by reducing vessel delays.

2.) What are the potential financial impacts of improving the harbor?



From:	(b) (6)
То:	(b) (6)
Subject:	Bi-Weekly Update Mobile Harbor GRR
Date:	Friday, January 12, 2018 10:47:00 AM

(b) : Need to do a bi-weekly update.



From:	(b) (6)
To:	(b) (6)
Subject:	RE: Col. DeLapp QA"s
Date:	Friday, January 12, 2018 10:53:00 AM

I'll talk to (b) about doing number 2...

Original Message	
From:(b) (6)	
Sent: Friday, January 12, 2018 10:25 AM	
To:(b) (6)	
Subject: Col. DeLapp QA's	

(b) ,

Can you provide a response to the following two questions:

1.) What are the benefits to widening and/or deepening Mobile Harbor? We roughly drafted... benefits are measured by the efficiencies gained. Deepening benefits are accrued by vessels being able to load more cargo, therefore, reducing the number of trips a vessel needs to make. Widening efficiencies are gained by reducing vessel delays.

2.) What are the potential financial impacts of improving the harbor?



From:	(b) (6)
To:	(b) (6)
Subject:	FW: Federal Standard
Date:	Friday, January 12, 2018 12:59:00 PM

I may be getting this all out of context and I may be getting out of my lane, but, while doing a little background research on (b) (6) comments from our last meeting I came across the following language in the Engineering Manual

EM 1110-2-5025 Dredging and Dredged Material Management

2.5.1.2 In December 1994 the Working Group delivered to the Secretary of Transportation, a report entitled "The Dredging Process in the United States: An Action Plan for Improvement," (U.S. Department of Transportation 1994) (the "Report"), which contained recommendations and a proposed National Dredging Policy. The President endorsed the National Dredging Policy on June 22, 1995, and directed the Federal agencies to implement the Report's recommendations. The following findings and principles from the U.S. Department of Transportation (1994) were adopted by the President as the National Dredging Policy.

The principles are as follows

Dredged material is a resource, and environmentally sound beneficial use of dredged material for such projects as wetland creation, beach nourishment, and development projects must be encouraged.

2.6.2 ... The USACE will include in all dredged material management studies an assessment of potential beneficial uses for environmental purposes, including fish and wildlife habitat creation and restoration and/or hurricane and storm damage reduction. Exceptions to this principle arise when emerging material management problems and solutions represent changes of such significance that a policy-level commitment is required. Examples are changes in dredged material management practices requiring substantial capital investment or large increases in annual maintenance expenditures.

Original Message	
From: (b) (6)	
Sent: Thursday, January 11, 2018 9:36 AM	
To: (b) (6)	
Subject: RE: Federal Standard	

(b) (6)

I read all of the attached document (as well as 33 CFR and the Section 404b) and cannot find anything specific as to the Federal Standard. (b) mentions in (b) e-mail that we should be careful not to commit to anything that we legally cannot do, but I cannot locate any specifics on this. Am I overlooking it somewhere?

Below is language that I felt was relevant to the discussion that I pulled from the documentation...

33 CFR 335.7

Beach nourishment means the discharge of dredged or fill material for the purpose of replenishing an eroded beach or placing sediments in the littoral transport process.

Federal standard means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.

25 JUL 1978 Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

5. District Engineers should develop a dredged material disposal plan that meets the requirements of Section 404(b) Guidelines, dredged material permit conditions and State water quality certification, When a State requires on-land disposal, but a Section 404(b) determination, through application of the EPA guidelines prescribed in 40 CFR 230 using the EPA "red book" (Quality Criteria for Water) does not require on-land disposal, District Engineers should proceed as follows. In those cases. where the project authorization requires a local sponsor to provide suitable disposal areas, the local sponsor should be advised of the need for disposal areas; disposal areas must be made available by a sponsor before dredging proceeds. In other cases where there are no local sponsor requirements to provide disposal areas the State or a prospective local sponsor should be advised that unless the State or the sponsor provides suitable disposal areas, including necessary containment, the added Federal cost of providing these disposal areas will affect the priority of performing dredging on that project. In either case, States should be made aware that additional costs to meet State standards may cause the project to become economically unjustified in accordance with paragraph 7 below. State or local provision of disposal areas to improve the priority of the project should be in line with one of the President's new water policy initiatives announced 6 June 1978 to encourage greater non-Federal financial participation in water resources projects. A suitable disposal area is defined as one of adequate capacity within a reasonable distance of excavation capable of being utilized without adversely affecting the environment of the surrounding waterway. The Corps[.] of Engineers will assume the increased dredged material handling costs associated with placing the material in the furnished sites. The Corps of Engineers. will continue with the disposal programs authorized prior to enactment of the subject legislation (such as the diked disposal program authorized by FL 91-611) by placing only material classified under Federal standards as being appropriate for containment in such disposal Facilities.

6. Maximum beneficial use of dredged material, such as for beach nourishment, should be realized where possible, consistent with existing policy. However, if States impose beneficial dredged material uses as permit conditions, any additional expense associated with such provisions will be the responsibility of local interests.



-----Original Message-----From: (b) (6) Sent: Thursday, January 11, 2018 8:06 AM To: (b) (6)

Subject: FW: Federal Standard



Subject: Federal Standard

Nav Team

I ran across the attached and though it best that I send this out again. I suspect most of you have not read the attached and considering some recent discussions and ongoing efforts at Mobile (O&M and GRR) and Pensacola O&M, it is worth your time to read. I often tend to be the bad guy in meetings when it comes to defending our actions related to dredging within the Fed. Standard and this document in large part backs my opposition to more liberal disposal alternatives, i.e. sand on the beach or in shallow water (shallower than an hopper dredge can bottom dump). Expect we need to be very careful in our dealings with Dauphin Island that we don't commit to anything that we legally cannot do. Further, and way down in the back of the attached there is some strong language regarding cultural investigations. Particularly that we should not be doing 106 investigations in channels or d/a's and also, brings back to ground the fact that we are obligated to protect resources that are eligible for the National Register, NOT historic or cultural artifacts/resources.

Please forward to others who may work in these areas.



From: To:	(b) (6) (b) (6)
Subject:	RE: Qs and As for review
Date:	Tuesday, January 16, 2018 7:50:00 AM
Attachments:	Mobile Harbor GRR CommPlan 03.08.17 v1.docx

(b) : Attached is the first draft of the Q and A. We'll add additional questions and responses by Friday this week.



-----Original Message-----From: (b) (6) Sent: Tuesday, January 09, 2018 11:41 AM To: (b) (6)

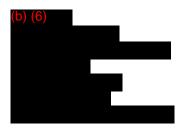
Subject: Qs and As for review

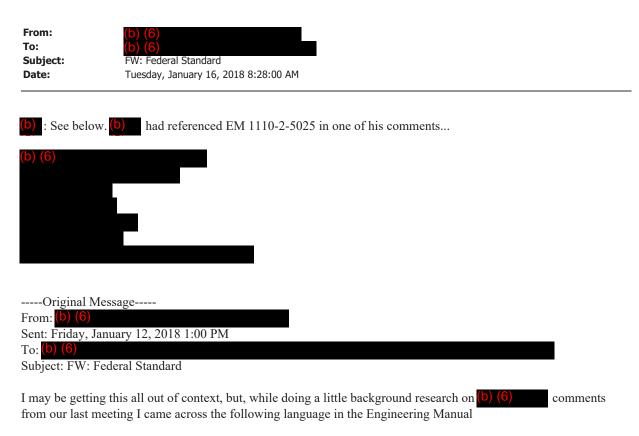
All,

Attached is the draft communications plan for the Mobile Harbor GRR. With the public meeting coming up, I need your assistance in updating key messages, talking points and the questions and answers which we will use to prep COL DeLapp for the Feb. 22nd public meeting. Please review, edit, answer the questions and add in any questions and/or answers you anticipate we may get during the meeting. If possible, please return to me by COB Friday.

Thanks so much!

(b)





EM 1110-2-5025 Dredging and Dredged Material Management

2.5.1.2 In December 1994 the Working Group delivered to the Secretary of Transportation, a report entitled "The Dredging Process in the United States: An Action Plan for Improvement," (U.S. Department of Transportation 1994) (the "Report"), which contained recommendations and a proposed National Dredging Policy. The President endorsed the National Dredging Policy on June 22, 1995, and directed the Federal agencies to implement the Report's recommendations. The following findings and principles from the U.S. Department of Transportation (1994) were adopted by the President as the National Dredging Policy.

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-----Original Message-----From: (b) (6) Sent: Thursday, January 11, 2018 9:36 AM To: (b) (6) Subject: RE: Federal Standard

(b) (6)

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25 JUL 1978 Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

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-----Original Message-----From:(b) (6)

Sent: Thursday, January 11, 2018 8:06 AM To: (b) (6) Subject: FW: Federal Standard



Subject: Federal Standard

Nav Team

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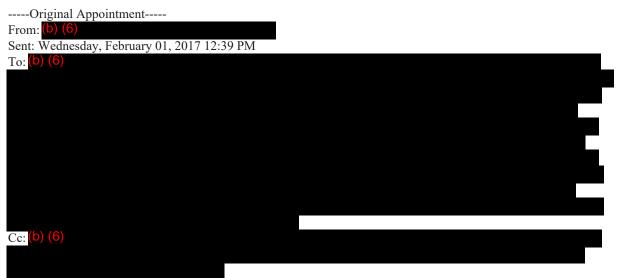
Please forward to others who may work in these areas.



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	Mobile Harbor GRR Q&A for Public Meeting
Date:	Tuesday, January 16, 2018 2:09:00 PM
Attachments:	Mobile Harbor GRR CommPlan 03.08.17 v2.docx

Preparatory questions for the February 22 Public Meeting are attached. I'll be working with the appropriate disciplines to develop responses to questions 22-33. Please let me know if you are aware of additional questions that we should be prepared to answer.





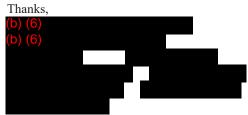
Subject: Mobile Harbor GRR Bi-weekly Meeting

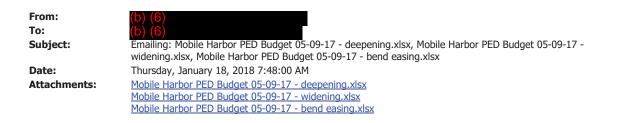
When: Wednesday, January 17, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met.





Your message is ready to be sent with the following file or link attachments:

Mobile Harbor PED Budget 05-09-17 - deepening.xlsx Mobile Harbor PED Budget 05-09-17 - widening.xlsx Mobile Harbor PED Budget 05-09-17 - bend easing.xlsx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Mobile Harbor Deepening Project Location Florida Programmed Amount (PA) \$75,000,000 \$2,666,045 Budget Request Tot Budget Percent of PA 3.55%

COE Costs	Labor \$	FED PED	Non-FED PED
Geotechnical Investigation	\$700,000.00	\$525,000.00	\$175,000.00
Sediment Testing/Other Environmental Sampling	\$1,050,000.00	\$787,500.00	\$262,500.00
Engineering H&H(K5L0ED0)	\$112,000.00	\$84,000.00	\$28,000.00
Engineering Geotechnical (K5L0DF0)	\$36,000.00	\$27,000.00	\$9,000.00
Engineering Cost Estimating (K5L0F00)	\$24,000.00	\$18,000.00	\$6,000.00
Engineering Support (K5L0AM0)	\$10,000.00	\$7,500.00	\$2,500.00
Planning Environmental (K5K0BA0)	\$82,000.00	\$61,500.00	\$20,500.00
Planning Formulation (K5K0AB0)	\$8,200.00	\$6,150.00	\$2,050.00
DQC	\$41,000.00	\$30,750.00	\$10,250.00
ATR	\$49,000.00	\$36,750.00	\$12,250.00
IEPR (TYPE II)	\$0.00	\$0.00	\$0.00
Value Engineering	\$25,000.00	\$18,750.00	\$6,250.00
Survey and OP Support	\$25,000.00	\$18,750.00	\$6,250.00
Data Collection/Modeling	\$0.00	\$0.00	\$0.00
Real Estate (K5N0000)	\$32,000.00	\$24,000.00	\$8,000.00
Office of Counsel (K5E0000)	\$0.00	\$0.00	\$0.00
Permits	\$0.00	\$0.00	\$0.00
CADD Fee	\$9,100.00	\$6,825.00	\$2,275.00
PM-CM Labor (K5H0A02)	\$51,000.00	\$38,250.00	\$12,750.00
PM-C Labor (K5H0A01)	\$15,000.00	\$11,250.00	\$3,750.00
P2 Scheduler Support	\$10,000.00	\$7,500.00	\$2,500.00
BCOE Operations Div (K5R0000)	\$15,000.00	\$11,250.00	\$3,750.00
Contracting	\$15,000.00	\$11,250.00	\$3,750.00
Travel/Per-diem	\$0.00	\$0.00	\$0.00
Fed Ex./Reproduction	\$4,500.00	\$3,375.00	\$1,125.00
Repro Advertisment	\$4,500.00	\$3,375.00	\$1,125.00
Repro for Amendment	\$0.00	\$0.00	\$0.00
Multiple Contracts/Contingency	\$0.00	\$0.00	\$0.00
COE budget required	\$2,318,300.00	\$1,738,725.00	\$579,575.00
In-Kind Services Costs			
Not Applicable			

	Labor \$	labor plus contingency	FED PED	Non-FED PED
Engineering	\$306,100.00	\$352,015.00	\$264,011.25	\$88,003.75
Engineering contract	\$700,000.00	\$805,000.00	\$603,750.00	\$201,250.00
Planning	\$90,200.00	\$103,730.00	\$77,797.50	\$25,932.50
Planning Contract	\$1,050,000.00	\$1,207,500.00	\$905,625.00	\$301,875.00
Operations	\$40,000.00	\$46,000.00	\$34,500.00	\$11,500.00
PM	\$85,000.00	\$97,750.00	\$73,312.50	\$24,437.50
СТ	\$15,000.00	\$17,250.00	\$12,937.50	\$4,312.50
Real Estate	\$32,000.00	\$36,800.00	\$27,600.00	\$9,200.00
Total	\$2,318,300.00	\$2,666,045.00	\$1,999,533.75	\$666,511.25

Not Applicable

In-Kind Total	\$0.00
Contingency (15%)	\$347,745.00
Total budget	\$2,666,045.00
Sponsor Funded (25%)	\$666,511.25
Government Funded (75%)	\$1,999,533.75

Date: 8-May-17

7
7

Project	Mobile Harbor Widening	
Location	Florida	
Programmed Amount (PA)	\$285,800,000	
Budget Request	\$729,905	
Tot Budget Percent of PA	0.26%	

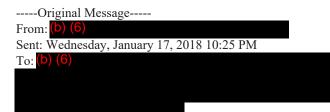
COE Costs	Labor \$	FED PED	Non-FED PED
Geotechnical Investigation	\$250,000.00	\$187,500.00	\$62,500.00
Sediment Testing		\$0.00	\$0.00
Engineering H&H(K5L0ED0)	\$65,000.00	\$48,750.00	\$16,250.00
Engineering Geotechnical (K5L0DF0)	\$24,000.00	\$18,000.00	\$6,000.00
Engineering Cost Estimating (K5L0F00)	\$20,000.00	\$15,000.00	\$5,000.00
Engineering Support (K5L0AM0)	\$4,000.00	\$3,000.00	\$1,000.00
Planning Environmental (K5K0BA0)	\$32,000.00	\$24,000.00	\$8,000.00
Planning Formulation (K5K0AB0)	\$8,200.00	\$6,150.00	\$2,050.00
DQC	\$29,000.00	\$21,750.00	\$7,250.00
ATR	\$36,000.00	\$27,000.00	\$9,000.00
IEPR (TYPE II)	\$0.00	\$0.00	\$0.00
Value Engineering	\$25,000.00	\$18,750.00	\$6,250.00
Survey and OP Support	\$25,000.00	\$18,750.00	\$6,250.00
Data Collection/Modeling	\$0.00	\$0.00	\$0.00
Real Estate (K5N0000)	\$16,000.00	\$12,000.00	\$4,000.00
Office of Counsel (K5E0000)	\$0.00	\$0.00	\$0.00
Permits	\$0.00	\$0.00	\$0.00
CADD Fee	\$2,500.00	\$1,875.00	\$625.00
PM-CM Labor (K5H0A02)	\$48,000.00	\$36,000.00	\$12,000.00
PM-C Labor (K5H0A01)	\$15,000.00	\$11,250.00	\$3,750.00
P2 Scheduler Support	\$5,000.00	\$3,750.00	\$1,250.00
BCOE Operations Div (K5R0000)	\$10,000.00	\$7,500.00	\$2,500.00
Contracting	\$15,000.00	\$11,250.00	\$3,750.00
Travel/Per-diem	\$0.00	\$0.00	\$0.00
Fed Ex./Reproduction	\$2,500.00	\$1,875.00	\$625.00
Repro Advertisment	\$2,500.00	\$1,875.00	\$625.00
Repro for Amendment	\$0.00	\$0.00	\$0.00
Multiple Contracts/Contingency	\$0.00	\$0.00	\$0.00
COE budget required	\$634,700.00	\$476,025.00	\$158,675.00
In-Kind Services Costs			
Not Applicable			
In-Kind Total	\$0.00		
Contingency (15%)	\$95,205.00		
Total budget	\$729,905.00		
Sponsor Funded (25%)	\$182,476.25		
Government Funded (75%)	\$547,428.75		

Non-FED PED

Project Location	Mobile Harbor Bend Easing Florida	
Programmed Amount (PA) Budget Request Tot Burdrat Percent of PA	\$285,800,000 \$594,205 0.21%	
COE Costs	Labor \$	FED PED
Geotechnical Investigation	\$175,000.00	\$131,250.00
Sediment Testing		\$0.00
Engineering H&H(K5L0ED0)	\$48,000.00	\$36,000.00
Engineering Geotechnical (K5L0DF0)	\$20,000.00	\$15,000.00
Engineering Cost Estimating (K5L0F00)	\$16,000.00	\$12,000.00
Engineering Support (K5L0AM0)	\$4,000.00	\$3,000.00
Planning Environmental (K5K0BA0)	\$26,000.00	\$19,500.00
Planning Formulation (K5K0AB0)	\$8,200.00	\$6,150.00
DQC	\$29,000.00	\$21,750.00
	\$36,UUU.UU \$2 20	\$27,000.00 000
IEPR (TYPE II)	\$0.00 \$01 000	\$0.00 \$
Value Engineering	\$25,000.00	\$18,750.00
Survey and OP Support	\$25,000.00	\$18,750.00 20
Data Collection/Modeling	20.00	0.00\$
Real Estate (K5N0000)	\$16,000.00 \$	\$12,000.00
Office of Counsel (K5E0000)	\$0.00	\$0.00
Permits	\$0.00	\$0.00
CADD Fee	\$2,500.00	\$1,875.00
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Travel/Per-diem	\$0.00	\$0.00
Fed Ex./Reproduction	\$2,500.00	\$1,875.00
Repro Advertisment	\$2,500.00	\$1,875.00
Repro for Amendment	\$0.00	\$0.00
Multiple Contracts/Contingency	\$0.00	\$0.00
COE budget required	\$516,700.00	\$387,525.00
In-Kind Services Costs		
Not Applicable		
Tn-Kind Total	000\$	
	¢377 505 00	
Commigancy (12.20) Total budget	\$594,205.00 \$594,205.00	
	¢110 EE1 OE	
Sponsor Funded (25%) Government Funded (75%)	\$ 146,00 1.20 \$445.653.75	
))))()	

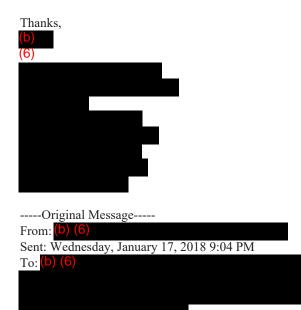
\$43,750.00 \$5,000.00 \$5,000.00 \$4,000.00 \$2,050.00 \$5,500.00 \$5,250.00 \$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,250.00\$\$6,25

From:	(b) (6)
То:	(b) (6)
Subject:	FW: HOT, phone call with SEN shelby
Date:	Thursday, January 18, 2018 7:48:00 AM



Subject: RE: HOT, phone call with SEN shelby

Since we just communicated this cost to SEN Shelby's office today, please provide an explanation of the nature of the additional costs.



Subject: Re: HOT, phone call with SEN shelby

I had previously provided \$2.0M total cost to (b), but, since that time we realized additional cost. Please use \$2.5M as the total cost (Fed plus non-fed) place holder.

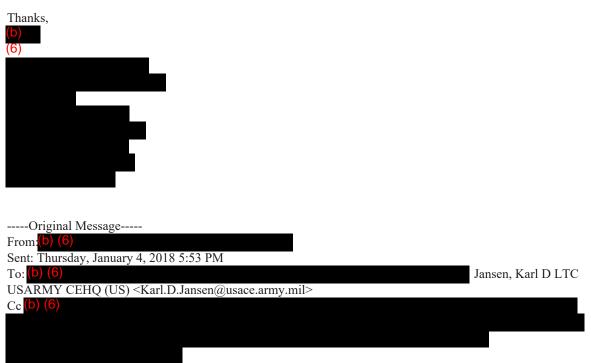
Sent from my BlackBerry 10 smartphone. From: (b) (6) Sent: Wednesday, January 17, 2018 5:48 PM To: (b) (6) Subject: RE: HOT, phone call with SEN shelby

(b) (6) Think it's total cost but let me confirm with (b) (b)

From:(b) (6)	
Date: January 17, 2018 at 5:40:49 PM CST	
To: (b) (6)	

Subject: RE: HOT, phone call with SEN shelby

Is the PED cost of \$2M identified below the total cost or the Federal cost?



Subject: RE: HOT, phone call with SEN shelby

(b) - study continues to progress well. We had our last IPR, which included (b) and (b) (6) from SEN Shelby's staff and (b) (6) from the Senate Approps committee, on 28 Nov during which we updated the team on the latest economics and results of preliminary environmental impact analyses. At present, economics looks like it'll support deepening the channel to 48-50' (it's currently 45') and widening the channel by 100' for three miles at a cost of +/- \$400M -- lots to figure out with regard to possible mitigation that might be required that could impact costs (\$400M figure includes 25% contingency). So far we have not identified any environmental showstoppers though some of our analyses are not complete (shoreline impacts, sediment transport, etc).

ASA/HQ/SAD helped us over the past few months with our FY18 funding shortfall (not in the FY18 PB) to keep the study on track. So far they've provided us with \$650K in obligation authority and believe they have another \$300k left in authority then can "loan" us until we get an FY18 appropriation. We expect we'll receive funding with the FY18 workplan that will provide sufficient funding to complete the study.

Believe SEN Shelby's interest is doing whatever he can to advance the study seamlessly. We're scheduled for GRR approval in Nov '19; they'll want us to move immediately into PED (geotech, sediment testing, final design and permits, perhaps another ship-sim run) and then into construction. We've told them we expect PED to take 1 year, +/- \$2M and that construction will probably take 4 years. Won't be surprised if the Senator's office doesn't try to "pre-fund" PED and even part of construction. We've also explained we'll need a Construction new start from OMB/ASA(CW) as part of our budget guidance.

The next few months will be busy for us as we reach the TSP milestone in March and then release our draft SEIS in June before COL DeLapp's departure (provides a lot of continuity). Know the Chief and SEN Shelby continue to receive occasional correspondence from folks on Dauphin Island. We've made a concerted effort to address their concerns -- will hold our next public meeting in late Feb. Have included our latest upcoming events below FYI.

- 18 Jan 2018 Focus Group Meeting, Recreational Fisherman
- 25 Jan 2018 Vertical Team Meeting on project width/depth
- 30 Jan 2018 Agency Meeting to discuss environmental impacts, discuss mitigation (tentative date)
- 15 Feb 2018 Focus Group Meeting, Down the Bay and other EJ (tentative date)
- 20 Feb 2018 General Public Meeting, Weeks Bay Reserve Conference Center
- 27 Feb 2018 Agency Meeting to finalize mitigation (tentative date)
- 06 Mar 2018 Vertical Team Meeting to discuss mitigation (tentative date)
- 14 Mar 2018 TSP Read-ahead documents due (Report Summary, Project Study Issue Checklist, Slides)
- 28 Mar 2018 TSP Milestone Meeting
- 15 May 2018 DQC Review of Draft Report
- 12 Jun 2018 Release Draft SEIS
- 26 Jun 2017 DRAFT SEIS Public Meeting

Feel free to call if you need more. Happy New Year.

(b)			
(b) (6)			
Original Message			
From: (b) (6)			
Sent: Thursday, January 04	4, 2018 4:01 PM	-	
	SARMY CEHQ (US) <ka< th=""><td>arl.D.Jansen@usace.army.mil></td><td></td></ka<>	arl.D.Jansen@usace.army.mil>	
Cc: (b) (6)			

Subject: HOT, phone call with SEN shelby

(b), SEN Shelby would like to speak to the Chief tomorrow - they mentioned between 1100 and 1200. Subject is WRDA and Port of Mobile. The Senator would like to emphasize the importance of the project and then will ask that his staff and LTG Semonite's staff sit down and discuss status and options for the ongoing GRR. Does this time work?

, could we get an update on where we are on the study quickly? Thx (b)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	RE: DI Lawsuit
Date:	Thursday, January 18, 2018 10:58:00 AM
Attachments:	DIPOA Litigation Summary (003).docx

(b) : I've been using the attached document that Joe prepared (see bottom of page 4). Please do not distribute.



Original Message	
From: (b) (6)	
Sent: Thursday, January 18, 2018 10:18 AM	
To: (b) (6)	
Cc: (b) (6)	
Subject: DI Lawsuit	

- can you send me the part of the lawsuit ya'll are reading that applies to our conversation today?

Thanks,

<mark>(b)</mark> (6)



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	focus group 18 Jan 2018.pptx
Date:	Thursday, January 18, 2018 11:12:00 AM
Attachments:	focus group 18 Jan 2018.pptx

(b) : As discussed, please use the attached slides for this afternoon's 3:30 focus group meeting.







- Project authorized in the Water Resources Development Act of 1986 in accordance with the 1981 Chief's Report.
- Full-Service Seaport -- 10th Largest in the United States -Balanced Trade (Strong Export Market)
 - ✓ 58M tons handled port-wide. ASPA terminals represent
 25 29M tons annually
- Port of Mobile has sustained growth in steel, petroleum and containerized cargoes
 - ✓ Record 2016 19[%] growth in containerized cargo automotive, aviation, forest products, chemicals, poultry
 - ✓ Now ranked No. 2 steel port in the United States
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 - ✓ Alabama State Port Authority terminals alone generate 124,328 jobs and \$19.4B in total economic value
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- Modernizing Mobile Harbor is Necessary Because
 - ✓ 2/3's of the Port of Mobile's vessel traffic is restricted or delayed.
 - ✓ Larger Ships Now Transit North American Trade Lanes
 - ✓ Channel Deficiencies and Vessel Transit Inefficiencies Directly Impact Shipper Costs and Competitiveness
 - ✓ Mobile's Port-side Infrastructure Investments have met Shipper Needs (\$500+ Million Invested) - Channel Investment Necessary to Leverage Non-federal Sponsor investment and Regional Growth







Mobile Bay and Watershed

- The Mobile Bay Watershed is the 6th largest river basin in the United States with five rivers forming the 2nd largest delta in the US, and the 4th largest watershed based on drainage area (Mobile, Tensaw, Blakeley, Spanish, and Apalachee). Environmentally and economically important because of the exceptional biological diversity and productivity which provides habitat for various invertebrates, fishes, waterfowl, migrant birds, as well as, other game and non-game species.
- Mobile Delta is one of the most diverse ecosystems in the US with 3 types of wetland habitats, extensive seagrasses, 200+ species of fish, major shellfish communities, and 300+ species of birds and reptiles. The Delta is one of the most important and valuable natural resources in the US.
- Alabama Seafood Industry Economic Impact. Commercial species harvests provide a valuable source of revenue for the state contributing approximately \$461M in revenue annually and 10,000 jobs. The most common commercial species obtained from Alabama waters are shrimp, blue crabs, oysters, and numerous species of fish.
- Coastal tourism and recreation provide local economic benefits including boating, fishing, swimming, and sight seeing. Saltwater species provide the vast majority of fish caught recreationally in the Mobile Bay system.
- *Cultural Resources.* The Mobile area is rich in both prehistoric and historic cultural resources.





MOBILE HARBOR PROJECT ALTERNATIVES



3

Initial

- Deepening: 47 to 55 feet Including Turning Basin
- Bend Easing
- Widener: 100 and 150 feet5, 10,15 miles in length

Proposed for Impact Assessment

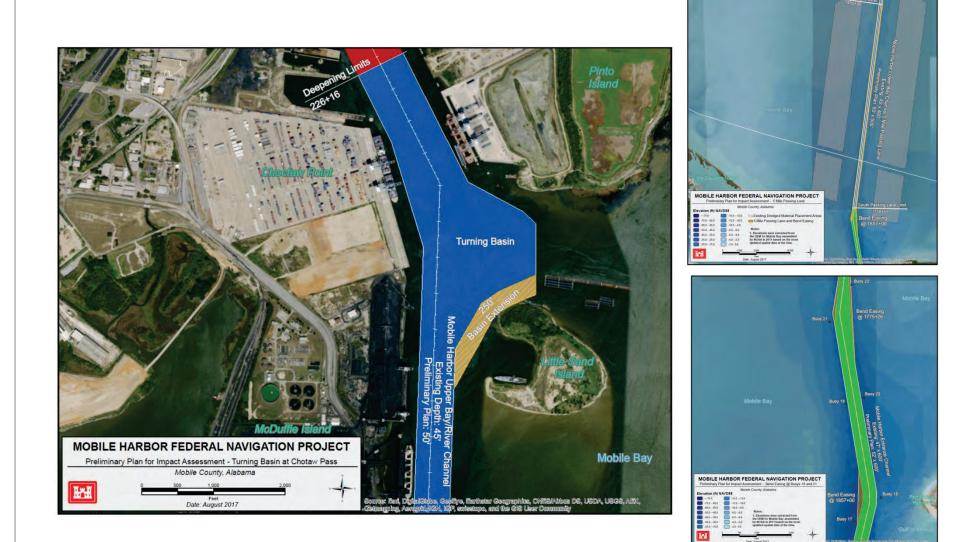
- Deepening: 50 feet Including Turning Basin
- Bend Easing
- Widener: 100 feet5 miles in length









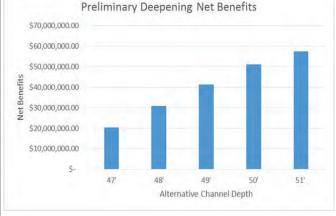






ECONOMIC CONSIDERATIONS





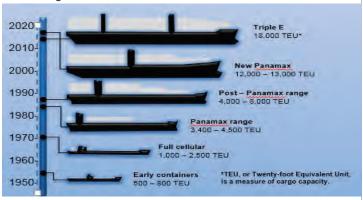
Concepts behind Mobile Harbor Economic Analysis:

- With and without the project, the same volume of cargo is assumed to move through Mobile.
- Growth is assumed only to the capacity of the facilities
- Deeper channels allow shippers to load more efficiently
- Channel widening reduces delay/waiting time to gain efficiencies
- The project benefits are reduction in transportation costs for goods (imports/exports) shipped through the Mobile Harbor with deepening/widening



Evolution of container ships

Post-Panamax ships make up 16 percent of the world's container fleet today, but carry 45 percent of the cargo. New Panamax ships will be the largest that can pass through the new locks in 2016.







ENVIRONMENTAL CONSIDERATIONS

FISHERIES ASSESSMENT

Understand relationships between salinity and fish populations to predict potential impacts. Conducted spring/summer fish sampling.

OYSTER MODELING

Map existing oyster reefs and determine larvae distribution patterns throughout the Bay. Evaluate potential impacts to oysters based on the predictive water quality and hydrodynamic models.

SUBMERGED AQUATIC-VEGETATION (SAV) ASSESSMENT AND MAPPING

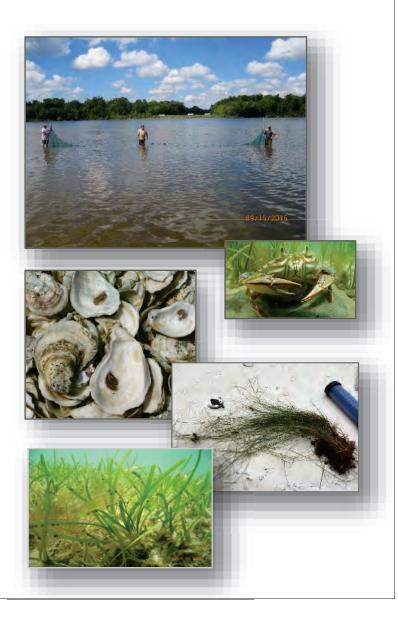
Identify and map distribution of existing sea grasses to establish baseline used in determining potential impacts based on water quality model results.

WETLAND ASSESSMENT AND MAPPING

Identify and map the distribution of existing wetland communities to understand potential impacts based on water quality model results

BENTHIC COMMUNITY ASSESSMENT

Establish baseline conditions to analyze impacts to benthos from waterquality and saltwater intrusion based on information obtained through water-quality modeling







ENVIRONMENTAL CONSIDERATIONS

CLASSIFY SUBSURFACE CONDITIONS

Compile and evaluate all existing subsurface data for the navigation channel sediments. Collect additional subsurface samples/borings to determine sediment composition and potential contamination.

SHIP WAKE ANALYSIS

Estimate increases in waves and associated effects due to future ship traffic.

SEDIMENT TRANSPORT MODELING

Collect baseline data and develop hydrodynamic and sediment transport models to characterize the physical conditions and sediment transport processes of the study area.

ENVIRONMENTAL JUSTICE ISSUES

Evaluate the impacts to human and social environments. This will also include impacts from air quality and noise pollution.

CULTURAL RESOURCES

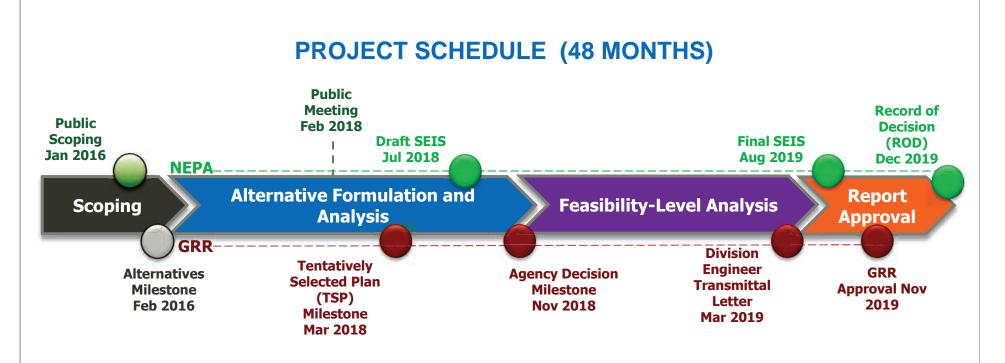
Evaluate potential impacts to Historic Properties in compliance with the National Historic Preservation Act.















Submit Your Comments

Your input will assure that all concerns have been considered during the study. Submit your comments in any of the following ways:



Email: MobileHarborGRR@usace.army.mil



Postal Mail:

U.S. Army Corps of Engineers

ATTN: PD-F

P.O. Box 2288

Mobile, AL 36628

Stay Informed

Biweekly updates and project documents on the project website : <u>www.sam.usace.army.mil/Missio</u> <u>ns/Program-and-Project-Manage</u> <u>ment/Civil-Projects/Mobile-Harb</u> <u>or-GRR/</u>



Sign up for the Listserve on the project website to receive a copy of the quarterly bulletin.

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Instagram.com/USACEMobile

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: Mobile Harbor
Date:	Thursday, January 18, 2018 1:10:00 PM

I think that is okay, BUT, it looks like 49' with 3 mile 100' widener is very marginal and we could have to fall back to a 48' channel with 3 mile widener or even, possibly, lose the widener. We should know in the next two days.
(b) waiting on (b) (6) for the O&M quantities for the widener. (b) (6)
(b) done with (b) part just waiting on the costs.

-----Original Message-----From: (b) (6) Sent: Thursday, January 18, 2018 12:46 PM To: (b) (6) Cc: (b) (6) Subject: Mobile Harbor

- sound ok for the sitrep....not going to go into too much specifics about yesterday? Thanks.

Mobile Harbor GRR - The GRR study continues to progress with the next major milestone being the TSP milestone on 28 March. At present, economics supports deepening the channel to 49' and widening the channel by 100' for a three mile segment. Similarly, we have not determined any major adverse impacts of deepening/widening though some members are still concerned about dredging practices and material placement. On 17 Jan several members from HQ, SAD, and SAM staff (b) (6) briefed SEN Shelby's staff on the process to move the study phase to PED. SEN Shelby's staff was very appreciative of the information provided and indicated a willingness to work with the Corps on topics that might be included in the next WRDA to facilitate USACE execution.



From:	(b) (6)
To:	(b) (6)
Cc:	(D) (6)
Subject:	Mobile Harbor PED Budget 01-18-18.xlsx
Date:	Thursday, January 18, 2018 3:06:00 PM
Attachments:	Mobile Harbor PED Budget 01-18-18.xlsx

(b) : Attached is the estimated PED Budget for Mobile Harbor. The total cost is about \$2.5M. The previous estimate of \$2.0M did not include the required modifications to the turning basin and additional sediment testing.

This estimate is based on a 49' deep channel and 3 mile 100' widener. The PED estimate does not include additional cultural resource investigations as the need is not expected at this time. About \$325,000 is included in contingency.



Project Location	Mobile Harbor Deepening Florida		Date:	8-May-1
Programmed Amount (PA) Budget Request Tot Budget Percent of PA	\$75,000,000 \$2,186,495 2.92%			
COE Costs	Labor \$	FED PED	Non-FED PED	
Geotechnical Investigation	\$700,000.00	\$525,000.00	\$175,000.00	
Sediment Testing/Other Environmental Sampling	\$600,000.00	\$450,000.00	\$150,000.00	
Engineering H&H(K5L0ED0)	\$112,000.00	\$84,000.00	\$28,000.00	
Engineering Geotechnical (K5L0DF0)	\$36,000.00	\$27,000.00	\$9,000.00	
Engineering Cost Estimating (K5L0F00)	\$24,000.00	\$18,000.00	\$6,000.00	
Engineering Support (K5L0AM0)	\$10,000.00	\$7,500.00	\$2,500.00	
Planning Environmental (K5K0BA0)	\$82,000.00	\$61,500.00	\$20,500.00	
Planning Formulation (K5K0AB0)	\$8,200.00	\$6,150.00	\$2,050.00	
DQC	\$41,000.00	\$30,750.00	\$10,250.00	
ATR	\$49,000.00	\$36,750.00	\$12,2	
IEPR (TYPE II)	\$0.00	\$0.00		
Value Engineering	\$25,000.00	\$18,750.00	\$6,250.00	
Survey and OP Support	\$25,000.00	\$18,750.00	\$6,250.00	
Data Collection/Modeling	\$0.00	\$0.00	\$0.00	
Real Estate (K5N0000)	\$32,000.00	\$24,000.00	\$8,0	
Office of Counsel (K5E0000)	\$0.00	\$0.00		
Permits	\$0.00	\$0.00		
CADD Fee	\$9,100.00	\$6,825.00	\$2,275.00	
PM-CM Labor (K5H0A02)	\$51,000.00	\$38,250.00	\$12,750.00	
PM-C Labor (K5H0A01)	\$15,000.00	\$11,250.00	\$3,750.00	
P2 Scheduler Support	\$10,000.00	\$7,500.00	\$2,500.00	
BCOE Operations Div (K5R0000)	\$15,000.00	\$11,250.00	\$3,750.00	
Contracting	\$48,000.00	\$36,000.00	\$12,(
Travel/Per-diem	\$0.00	\$0.00		
Fed Ex./Reproduction	\$4,500.00	\$3,375.00	\$1,125.00	
Repro Advertisment	\$4,500.00	\$3,375.00	\$1,1	
Repro for Amendment	\$0.00	\$0.00		
Multiple Contracts/Contingency	\$0.00	\$0.00		
COE budget required	\$1,901,300.00	\$1,425,975.00	\$475,325.00	
In-Kind Services Costs Not Applicable				
In-Kind Total Contingency (15%)	\$0.00 \$285,195.00			
lotal budget	94, 100,433.00			

\$546,623.75 \$1,639,871.25

Sponsor Funded (25%) Government Funded (75%)

Date:

8-May-17

	Labor \$	labor plus contingency FED PED	FED PED	Non-FED PED
Engineering	\$306,100.00	\$352,015.00	\$264,011.25	\$88,003.75
Engineering contract	\$700,000.00	\$805,000.00	\$603,750.00	\$201,250.00
Planning	\$90,200.00	\$103,730.00	\$77,797.50	\$25,932.50
Planning Contract	\$600,000.00	\$690,000.00	\$517,500.00	\$172,500.00
Operations	\$40,000.00	\$46,000.00	\$34,500.00	\$11,500.00
PM	\$85,000.00	\$97,750.00	\$73,312.50	\$24,437.50
CT	\$48,000.00	\$55,200.00	\$41,400.00	\$13,800.00
Real Estate	\$32,000.00	\$36,800.00	\$27,600.00	\$9,200.00
Total	\$1,901,300.00	\$2,186,495.00	\$1,639,871.25	\$546,623.75

From:	(b) (6)
То:	(b) (6)
Subject:	Meeting with (b) (6) Tomorrow?
Date:	Thursday, January 18, 2018 5:10:30 PM

(b)

(b) wants to meet with you and Colonel tomorrow in regards to the Feb 22 Public Meeting. Anytime except11-12 or 2-2:30. Are either of you available?

Sent from my BlackBerry 10 smartphone.



(b) - below is (b) (6) explanation for the difference between the \$2.0M figure and the \$2.5M. Since I cited the \$2M figure yesterday, I called (b) from Sen Shelby's office to let him know about the revised number...wasn't concerned, appreciated the clarification.

Thanks for the help pulling yesterday together. Let us know if you need anything else.

(b) (6)		

-----Original Message-----

From: (b) (6)			
Sent: Thursday, J	anuary 18, 2018 3:07 PM	-	
To: (b) (6)			
Cc: (b) (6)			

Subject: Mobile Harbor PED Budget 01-18-18.xlsx

(b) : Attached is the estimated PED Budget for Mobile Harbor. The total cost is about \$2.5M. The previous estimate of \$2.0M did not include the required modifications to the turning basin and additional sediment testing.

This estimate is based on a 49' deep channel and 3 mile 100' widener. The PED estimate does not include additional cultural resource investigations as the need is not expected at this time. About \$325,000 is included in contingency.



From:	(b) (6)
То:	(b) (6)
Subject:	FW: Mobile Harbor GRR Q&A for Public Meeting
Date:	Friday, January 19, 2018 2:03:00 PM
Attachments:	Mobile Harbor GRR CommPlan 03.08.17 v2.docx

(b) : Per discussion. This is the first draft of questions in preparation for the Feb 22 Meeting. Working to get responses to all of them.





Subject: Mobile Harbor GRR Q&A for Public Meeting

Preparatory questions for the February 22 Public Meeting are attached. I'll be working with the appropriate disciplines to develop responses to questions 22-33. Please let me know if you are aware of additional questions that we should be prepared to answer.



Original Appointment	
From: (b) (6)	
Sent: Wednesday, February 01, 2017 12:39 PM	
To: (b) (6)	
Cc: (b) (6)	

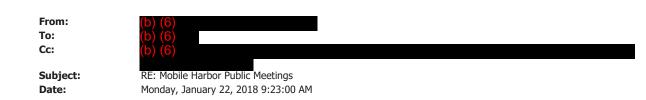
Subject: Mobile Harbor GRR Bi-weekly Meeting When: Wednesday, January 17, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met.





Sorry: Last list sent was not as thorough as this one...

b) (6)

Aug 09, 2016 – Team Meeting with Dauphin Island Interests, Mobile District Feb 10, 2017 – Col. DeLapp Meeting with (b) (6) , Mobile Baykeepers, Mobile District Mar 01, 2017 – Col. DeLapp Meeting with (b) (6) , Mobile Baykeepers, Mobile District Mar 16, 2017 – General Public Meeting Apr 11 2017 In-Progress Review Apr 20, 2017 – Attended Propeller Club Meeting, Battle House Conference Room (Port Presented) May 11, 2017 – Meeting at Dauphin Island between Col. And Mayor and various other May 18, 2017 – Attended Partners for Environmental Progress Meeting (Port Presented Slides) Jun 14, 2017 – Col DeLapp presentation at Coastal Business and Environmental Issues, D.I. Jul 12, 2017 – Met with (b) (6) (Crabbers) and (b) (6) (Fishmongers), Bayou La Batre Jul 19, 2017 – Sierra Club, NEPA compliance Concerns for the SEIS, Mobile District Aug 17-18, 2017 – Focus Group Meeting, South Mobile County Fishing Interests Sep 14, 2017 – General Public Meeting Sep 28, 2017 – Focus Group Meeting, Africatown Nov 28, 2017 – In-Progress Review Dec 08, 2017 – Focus Group Meeting, Eastern Shore Seafood Interests. Dec 12, 2017 – Meeting with (b) (6) Dec 13, 2017 – Focus Group Meeting, Recreational Sportsmen Interests Feb 22, 2018 – General Public Meeting, downtown Mobile
Original Message From: (b) (6) Sent: Wednesday, January 10, 2018 8:59 AM To:(b) (6) Cc (b) (6) Subject: Mobile Harbor Public Meetings
These are my public meetings held to date
Aug 09, 2016 – Team Meeting with Dauphin Island Interests, Mobile District Feb 10, 2017 – Col. DeLapp Meeting with (b) (6) (a) (b) (b) (b) (b) (c) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c

(b) (6)	
(b) (6)	

From:
To:
Subject:
Date:
Attachments:

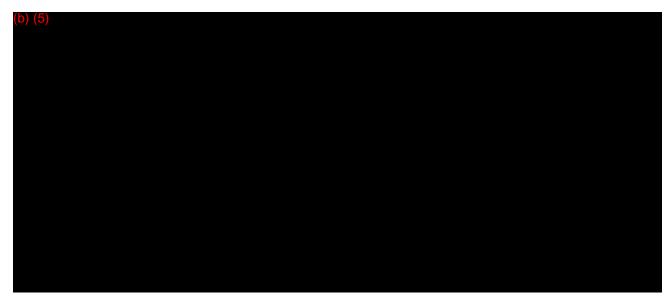


Commanders_comments 01.21.18.docx Monday, January 22, 2018 9:29:00 AM Commanders comments 01.21.18.docx

From:	(b) (6)
To:	(b) (6)
Subject:	DRAFT Minutes - focus group 18 Jan 2018.pptx
Date:	Tuesday, January 23, 2018 8:14:00 AM
Attachments:	focus group 18 Jan 2018.pptx

All: Following are my draft minutes for the Recreational Sportsman Focus Group Meeting:

Mobile Harbor GRR Focus Group Meeting Location: ASPA office





-----Original Message-----From: (b) (6) Sent: Thursday, January 18, 2018 2:11 PM To: (b) (6) Cc: (b) (6) Serbia da (EXTERNAL) DEs forme server 18 Leg 2018 entry

Subject: [EXTERNAL] RE: focus group 18 Jan 2018.pptx

(b) : I looked at the presentation and I had to update some numbers on the first slide. We now have 2017

economic impact numbers, the CY17 container volume (20%) growth and I needed to amend the carrier numbers. One of the services noted temporarily dropped Mobile from the rotation. They could return, but as written, 10 container carriers adding service is now not factual. Take a look. Many thanks, (b)



-----Original Message-----From:(b) (6) Sent: Thursday, January 18, 2018 11:15 AM To: Cc: Subject: focus group 18 Jan 2018.pptx



(b) : As discussed, please use the attached slides for this afternoon's 3:30 focus group meeting.







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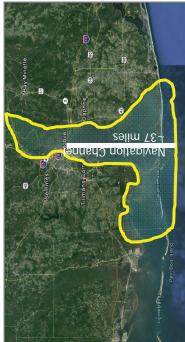


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- and sight seeing. Saltwater species provide the vast majority economic benefits including boating, fishing, swimming, of fish caught recreationally in the Mobile Bay system. Coastal tourism and recreation provide local
- Cultural Resources. The Mobile area is rich in both prehistoric and historic cultural resources.







GEORGIA

MOBILE HARBOR PROJECT ALTERNATIVES	Mobile Harbor Upper Bay Chan Existing: 45° x 400° Preliminary Plan: 50' x 400		Mobile B Prelime 5 Mile		Aarbor Lower Bay Channel Existing: 45' x 400 hary Plan: 50' x 400' with Passing Lane 50' x 500' Pred Vinary Plan: 52 Under the second s	
	Deepening: 47 to 55 feet Including Turning Basin Bend Easing	Widener: 100 and 150 feet 5, 10,15 miles in length	Deepening: 50 feet Including Turning Basin Bend Easing	Widener: 100 feet 5 miles in length		
US Army Corps of Engineers。	Initial v		Proposed for V Impact	A		

SIArbus DS, and the GIS

end, IGN, IGP, swi

nce Channel 600' 2'x 600'





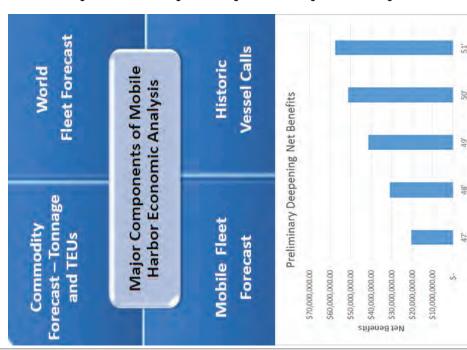
US Army Corps of Engineers

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ECONOMIC CONSIDERATIONS



Concepts behind Mobile Harbor Economic Analysis:

 With and without the project, the same volume of cargo is assumed to move through Mobile.

- Growth is assumed only to the capacity of the facilities
- Deeper channels allow shippers to load more efficiently

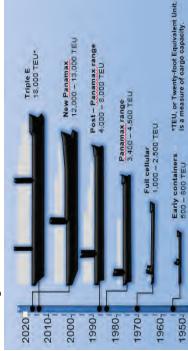
 Channel widening reduces delay/waiting time to gain efficiencies The project benefits are reduction in transportation costs for goods (imports/exports) shipped through the Mobile Harbor with deepening/widening

Alternative Channel Depth



Evolution of container ships

Post-Panamax ships make up 16 percent of the world's container fleet today, but carry 45 percent of the cargo. New Panamax ships will be the largest that can pass through the new locks in 2016.







ENVIRONMENTAL CONSIDERATIONS

FISHERIES ASSESSMENT

Understand relationships between salinity and fish populations to predict potential impacts. Conducted spring/summer fish sampling.

OYSTER MODELING

Map existing oyster reefs and determine larvae distribution patterns throughout the Bay. Evaluate potential impacts to oysters based on the predictive water quality and hydrodynamic models.

SUBMERGED AQUATIC-VEGETATION (SAV) ASSESSMENT AND MAPPING

Identify and map distribution of existing sea grasses to establish baseline used in determining potential impacts based on water quality model results.

WETLAND ASSESSMENT AND MAPPING

Identify and map the distribution of existing wetland communities to understand potential impacts based on water quality model results

BENTHIC COMMUNITY ASSESSMENT

Establish baseline conditions to analyze impacts to benthos from waterquality and saltwater intrusion based on information obtained through water-quality modeling







ENVIRONMENTAL CONSIDERATIONS

CLASSIFY SUBSURFACE CONDITIONS

Compile and evaluate all existing subsurface data for the navigation channel sediments. Collect additional subsurface samples/borings to determine sediment composition and potential contamination.

SHIP WAKE ANALYSIS

Estimate increases in waves and associated effects due to future ship traffic.

SEDIMENT TRANSPORT MODELING

Collect baseline data and develop hydrodynamic and sediment transport models to characterize the physical conditions and sediment transport processes of the study area.

ENVIRONMENTAL JUSTICE ISSUES

Evaluate the impacts to human and social environments. This will also include impacts from air quality and noise pollution.

CULTURAL RESOURCES

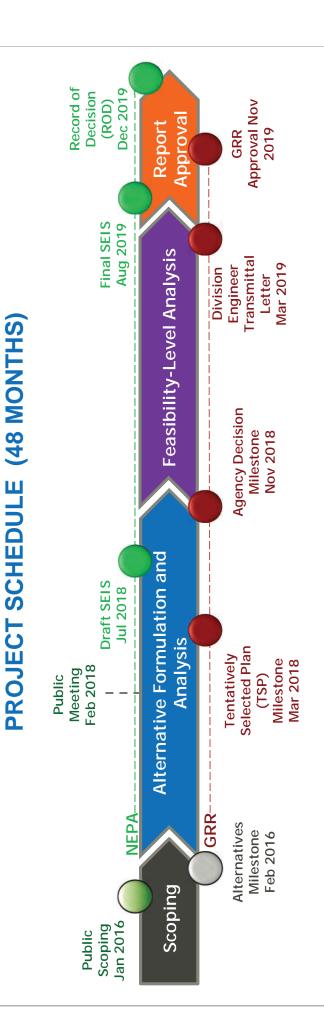
Evaluate potential impacts to Historic Properties in compliance with the National Historic Preservation Act.















Submit Your Comments

Your input will assure that all concerns have been considered during the study. Submit your comments in any of the following ways:



Email: MobileHarborGRR@usace.army.mil



Postal Mail:

U.S. Army Corps of Engineers

ATTN: PD-F

P.O. Box 2288

Mobile, AL 36628



Stay Informed

Biweekly updates and project documents on the project website : <u>www.sam.usace.army.mil/Missio</u>

ns/Program-and-Project-Manage ment/Civil-Projects/Mobile-Harb



or-GRR/

Sign up for the Listserve on the project website to receive a copy of the quarterly bulletin.

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From:	(b) (6)
To:	(b) (6)
Subject:	Need Maps
Date:	Tuesday, January 23, 2018 8:28:00 AM

(b) (6), Can you send me that map you had showing the costs of placement in the different areas near Dauphin Island? Also, who is the best person to get a detailed map of the SIBUA?



From:	(b) (6)
To:	(b) (6)
Subject:	Dredging Discussion.pptx
Date:	Tuesday, January 23, 2018 1:01:00 PM
Attachments:	Dredging Discussion.pptx

MOBILE HARBOR GRR

With Integrated Supplemental Environmental Impact Statement

Material Placement Discussion Prepared by David Newell, P.E. 23 January 2018

U.S.ARN

- 10 C

US Army Corps of Engineers

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

33 CFR 335.7

Beach nourishment means the discharge of dredged or fill material for the purpose of replenishing an eroded beach or placing sediments in the littoral transport process.

Federal standard means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.





25 JUL 1978 Maintenance Dredging Provisions of the Clean Water Act of 1977 (P.L. 95-217)

Maximum beneficial use of dredged material, such as for beach nourishment, should be realized where possible, consistent with existing policy. However, if States impose beneficial dredged material uses as permit conditions, any additional expense associated with such provisions will be the responsibility of local interests.

EM 1110-2-5025 Dredging and Dredged Material Management

Dredged material is a resource, and environmentally sound beneficial use of dredged material for such projects as wetland creation, beach nourishment, and development projects must be encouraged.



ER 1105-2-100, Appendix E Special Consideration guidance

E-14. Special Considerations.

g. Beneficial Use of Dredged Material. Construction and maintenance dredging of Federal navigation projects shall normally be accomplished in the least costly manner possible (ER 1130-2-520). Section 204 of the WRDA of 1992 established programmatic authority which allows the Corps to carry out ecosystem restoration projects in connection with dredging for construction, operation or maintenance of authorized navigation projects.

(2) Decision-Making Criteria. The decision making criteria is whether the incremental cost is reasonable in relation to the environmental benefits achieved. Where the incremental Federal costs is 25 percent of the total project cost or \$300,000, whichever is less, the incremental costs are judged to be "reasonable" in relation to the environmental benefits without the need for detailed analysis.





ER 1105-2-100, Appendix E Special Consideration guidance (Cont.)

E-14. Special Considerations.

h. Placement of Dredged Material on Beaches for Hurricane and Storm Damage Reduction. When placement of dredged material (beach quality sand) on a beach is the least costly acceptable means for disposal, then such placement is considered integral to the project and cost shared accordingly. In cases were placement of dredged material on a beach is more costly than the least costly alternative, the Corps may participate in the additional placement costs when: (1) requested by the state; (2) the Secretary of the Army considers it in the public interest; and (3) the added cost of disposal is justified by hurricane and storm damage benefits (see Section IV of this appendix). When all local cooperation requirements are met the Corps may cost share the additional costs 50 percent (Section 933, WRDA 1986, as amended). In cases where the additional costs for placement of the dredged material is not justified, the Corps may still perform the work if the State requests it, and the state or other sponsor contributes 100 percent of the added cost.





ER 1105-2-100, DMMP guidance in Section E-15 of Appendix E

E-15. Dredged Material Management Plans. All Federally maintained navigation projects must demonstrate that there is sufficient dredged material disposal capacity for a minimum of 20 years. A preliminary assessment is required for all Federal navigation projects to document the continued viability of the project and the availability of dredged material disposal capacity sufficient to accommodate 20 years of maintenance dredging. If the preliminary assessment determines that there is not sufficient capacity to accommodate maintenance dredging for the next 20 years, then a dredged material management study must be performed.

a. Policy.

(1) (c) ...It is the policy of the Corps that all dredged material management studies include an assessment of potential beneficial uses for environmental purposes including fish and wildlife habitat creation, ecosystem restoration and enhancement and/or hurricane and storm damage reduction. Districts and MSCs will make every effort to ensure that sponsors and other interests understand the valuable contributions that beneficial uses can make to management plans and will maximize use of regional forums to share experiences of opportunities for beneficial uses.





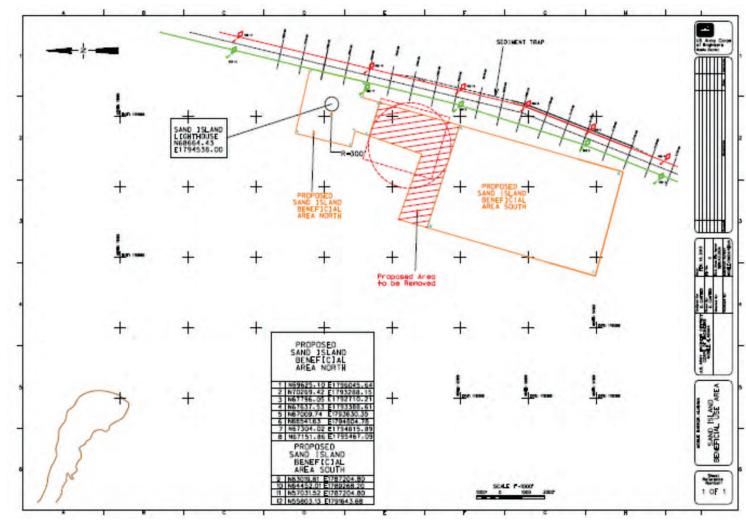
Term of Settlement Agreement from the 2000 DIPOA Lawsuit:

The Corps would continue to conduct its maintenance dredging practices to deposit material dredged from the Bar Channel in the SIBUA and/or the Feeder Berm Disposal Area ("the alternate disposal areas"), *subject to* (i) channel shoaling that materially adversely affects or could reasonably be expected to materially adversely affect shipping traffic before the routine, scheduled dredging cycle occurs; (ii) the absence of competitive bid proposals from operators owning equipment capable of disposing material in the alternate disposal areas (i.e., where disposal in these alternate disposal areas would thus violate the "least costly" restriction imposed by applicable laws); (iii) currently unforeseen negative consequences from repeated use of these alternate disposal areas are discovered; (iv) a change in the law, certifications, authorizations, or regulations that prohibits the deposit of such material in these two disposal areas; or (v) identification and authorization by the Corps of a more beneficial area for Dauphin Island.











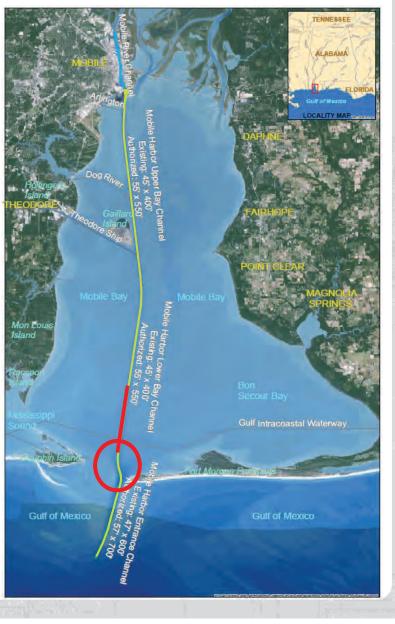
US Army Gorpa of Engineers *

MOBILE HARBOR GRR FOCUSED ALTERNATIVES

Measures under consideration:

- □ Deepening: 48 to 50 feet^{*}
- □ Widener: 5 miles long, 50 or 100 ft wide^{*}
- **u** Turning Basin Modification
- Bend Easing
- Per the June teleconference, vertical team agreed that study would conduct impact analysis of 50 foot depth and 100 foot widener for a distance of 5 miles





MOBILE HARBOR GRR Dredge Material Placement and Public Concerns

- **Tentatively Proposed Placement:**
- Formerly mined relic shell area
- Sand Island Beneficial Use Area (SIBUA)
- Pelican/Sand Island Complex

Public Concerns:

- Beneficial use of dredge material
- **□** Fate of thin layer placement sediments
- Erosion impacts of channel on Dauphin Island
- □ Ship wake impacts to shoreline
- Habitat and environmental impacts
- **Cultural resource impacts**







From:	(b) (6)
To:	(b) (6) (b) (6)
Subject:	Re: [EXTERNAL] Corps" devious statements about Dauphin Island, Dec. 12, 2017
Date:	Tuesday, January 23, 2018 6:08:10 PM

Thank you, (b) (6)

Sent from my BlackBerry 10 smartphone. From: (b) (6) Sent: Tuesday, January 23, 2018 5:48 PM To (b) (6) Subject: Fw: [EXTERNAL] Corps' devious statements about Dauphin Island, Dec. 12, 2017

Fysa...just received the below email

Sent from my BlackBerry 10 smartphone. From: (b) (6) Sent: Tuesday, January 23, 2018 5:45 PM To: (b) (6) Subject: [EXTERNAL] Corps' devious statements about Dauphin Island, Dec. 12, 2017 Important! Please send email at the end.

The December 12, 2017, Corps meeting with (b) (6) , (b) (6) , myself and nine Corps employees about the GRR/Mobile Harbor expansion study.

Dear Property owner,

Justification Rationalization: a defense mechanism whereby the Corps attempted to hide their true motivation by providing self-justifying explanation for their irrational behavior and actions.

All of us have long realized that we are dealing with a totally defective and incompetent Corps of Engineers that has not been held accountable for any of their actions for the last 38 years regarding Mobile Harbor/Channels project, but now we are finding out the level they will go, without any qualms about causing harm to the people of Dauphin Island.

The following Corps employees' statements illustrates that they have no bounds for improperly shielding their actions from the public, impeding oversight omission to Congress, and covering up their malfeasance towards Dauphin Island.

1. A Corps employee at the meeting proclaimed it was irrelevant that Dauphin Island's erosion impacts were left out in the 1980 Environmental Impact Statement (EIS) for the Mobile Harbor, because 6 years later the 1986 Water Act required that all dredged material be put offshore.

This is a completely illogical argument by the Corps' employee who used it to justify the Mobile District not following Federal Laws. By stating that the impacts were irrelevant, is just another way for the Corps' employee to make another false statement about Dauphin Island's erosion, to the group interested in saving the Island.

The Corps employee forgot to mention the Water Resources Development Act of 1986 states the following:

SEC. 101. HARBORS (a) Construction

(c) Erosion or Shoaling Attributable to Federal Navigation Works.--Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

Did the employee forget that:

1. the Corps did a study in 1978 on Dauphin Island's erosion that documented the fact it was the Corps maintenance dredging causing the erosion impacts to the Island and the study documents a positive National Economic Development benefits resulting from the placement of the dredged sand in a nearshore berm in front of the Island?

2. the US Corps of Engineers has been suppressing all knowledge of erosion impacts to Dauphin Island since 1978 and they have done nothing to protect the Island?

3. to provide the information that the Corps' 1978 Dauphin Island erosion study was being done at the same time as all of the other studies were being performed for the 1980 EIS/Mobile Harbor expansion for the 1986 Water Act?

4. the Corps concealed and left out the 1978 study's erosion impacts to Dauphin Island, in the 1980 Environmental Impact Statement (EIS), including the 1935 law that required the study of 10 miles on both sides of an inlet for erosion to the adjacent shoreline?

5. the Corps suppressed the erosion impacts in the 1980 EIS/Mobile Harbor study from Congress, even though Federal Laws requires the Corps to submit all reports to Congress concerning impacts to the adjacent shoreline?

6. in 1987 the Corps dumped the dredge sand into a feeder berm closer to the Island, one time only? Where did the Corps get authorization to put the dredged sand into the feeder berm, if the 1986 law required the dredged sand to be put offshore?

The Corps' employee ridiculous argument did not provide a reasonable basis for decision-making and does not justify the fact that the Corps did not followed Federal laws concerning the maintenance dredging that caused the erosion impacts to the Island for the last 38 years.

The Corps' employee statement reinforces the fact that the Corps will go to any lengths to cover-up their past destruction of Dauphin Island's shoreline.

The US Corps of Engineers has failed to follow the 1969 National Environmental Policy Act and other Federal Laws since 1935 that pertain to erosion to the adjacent shorelines caused by the Corps' dredging of a Federally Authorized project and the mitigation of the erosion. The 1935 Law required the Corps to study the erosion impacts of maintenance dredging on both sides of Mobile Harbor for 10 miles.

2. The Mobile District's attorney stated that the 2016 GRR/Mobile Harbor study would not acknowledge or inform Congress and the public in the SEIS/GRR that the Corps' 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act.

Now once again, we find that the Corps refuses inform Congress and the public of their intentional concealment of crucial facts, even thought the 1935 law requires all reports to Congress include the erosion impact information.

This means the Corps' employee is admitting that the Corps has not follow Federal Laws and consequently, the 1980 EIS/Mobile Harbor Survey report was flawed and the Corps suppressed this significant information from Congress before the Mobile Harbor was included in the Water Resources Development Act of 1986.

The 1935 Law was the first Federal Law about shoreline erosion caused by the Corps dredging of Federally Authorized Channels. Congress recognized in 1935 that the Corps dredging was causing erosion to the adjacent shorelines around the Country.

1935 Rivers and Harbors Act (1930)—Authorizes USACE to conduct shore erosion control studies.

Section 5 of Public Law 409, 74th Congress, approved August 30, 1935,

Section 5 of this law required that all reports dealing with improvements at a river mouth or inlet contain "information concerning the configuration of the shoreline and the probable effect thereon" that might result if the improvements under consideration were built. Particular reference was to be given to erosion and accretion "for a distance of not less than ten miles on either side of the said entrance." Because of its concern with erosion problemsassociated with the Corps of Engineers' harbor activities, 33 U.S. Code § 546a - Information as to configuration of shoreline

33 U.S. Code § 546a - Information as to configuration of shore line

Every report submitted to Congress in pursuance of any provision of law for preliminary examination and survey looking to the improvement of the entrance at the mouth of any river or at any inlet, in addition to other information which the Congress has directed shall be given, shall contain information concerning the configuration of the shore line and the probable effect thereon that may be expected to result from the improvement having particular reference to erosion and/or accretion for a distance of not less than ten miles on either side of the said entrance. (Aug. 30, 1935, ch. 831, § 5, 49 Stat. 1048.)

The Attorney's statement means that as a result of not telling Congress about the past impacts to the Island, the Corps can ignore that the erosion impacts ever existed.

How can the legal department of the US Corps of Engineers ever justify the suppression of evidence to Congress of the Corps past bad actions, which has resulted in the destruction of Dauphin Island's shoreline?

3. The Corps staff acknowledged the Sand Island Beneficial Use Area (SIBUA) disposal site is not monitored and that the Corps does not know where any sand leaving the site actually goes.

For the past 19 years, the Corps employees have stated that the 15 million cubic yards of sand dredged from the Mobile Entrance channel and dumped in SIBUA was reaching Dauphin Island's shoreline. I believe the Corps intentionally misrepresented the facts to conceal the cause of the erosion to Dauphin Island.

As part of the 2009 Corps lawsuit settlement agreement, the property owners were led to believe in 2006 that the sand put into "Sand Island Beneficial Use Area" SIBUA would be transported to the shoreline of Dauphin Island. This was one of the primary reasons that led the property owners to settle the lawsuit, because they were assured that placing the sand in SIBUA and another closer site would stop the erosion on the island and a key reason that led the Federal Judge to issue the final order for the addendum to the settlement agreement.

"Upon certain conditions, the Corps agreed to modify its dredging disposal practices. Instead of disposing of the dredged material from the Channel into the historically designated locations in the Gulf of Mexico south of Dauphin Island, the Corps agreed to dispose of the material in two areas nearer the shores of Dauphin Island."

Did Susan Rees lie and as the Corps' expert, testified at the lawsuit Settlement Hearing in 2009 that SIBUA explicitly transported sand to Dauphin Island? After all, she was Project Manager, National Underwater Berm Demonstration Project and she has served as the program manager for the Northern Gulf of Mexico Regional Sediment Management Program and on a number of Headquarters related initiatives concerning the evaluation and management of dredged material. Excerpts from Dr. Rees testimony:

DOJ Q. Now, did there come a time, Dr. Rees, when the Corps was considering using a site, a deposit site in order to see if sand could -- sand dredged from the channel, could be deposited in the littoral system and assist Dauphin Island?

Rees: As part of a national initiative of the Corps on the beneficial use of dredge material, we investigated a site in the late '80s called the feeder berm site,We also did a number of other measurements to determine whether the sand actually moved from that location back into the littoral drift at Dauphin Island.....

Rees: It basically showed that the sand was incorporated into the littoral drift system and ultimately would get to Dauphin Island.....

Rees A. The first time we used Sand Island Beneficial Use Site was in 1999.

DOJ Q. That was in the same general area of the feeder berm site and was intended to accomplish the same purpose, correct?

Rees A. Yes. It is still on the ebb-tidal delta in shallow water.

DOJ Q. Transporting sand to Dauphin Island?

Rees A. To the west, yes.....

Q. Are you currently working on any additional expansion of these beneficial use sites for the existence of Dauphin Island?

A. Yes.

Why did Susan Rees testify that the sand from SIBUA was transporting sand to Dauphin Island, when now we know that was not true?

Other statements from Corps' employees about the sand in SIBUA getting to Dauphin Island.

"Pat Robbins, a spokesman for the Army Corps of Engineers district office in Mobile, said the agency does in fact place dredged sand in a "beneficial use area" south and east of Dauphin Island, where it can migrate through currents to sand-starved beaches. But the Army Corps has no formal monitoring program to ensure that the sand is reaching its intended targets". Asked whether Dauphin Island was being aided by the Army Corps' dredge operation, Robbins said, "Parts of it are, parts of it aren't."

Letter from District Colonel Jorns to Congressman Bonner 1/25/2010

"Both the SIBUA and the Feeder Berm Sites are considered beneficial use sites in that placement of dredged

material in these sites keeps the sandy material in the natural littoral drift system, which is beneficial to Dauphin Island."

Have the Corps' employees intentionally made false statements to deceive the other Federal agencies, the State of Alabama, the scientific community, environmentalist, the Press and the property owners that the sand in SIBUA was transported to the shoreline of Dauphin Island?

I believe, the Corps' cover-up of past investigations and calculations of the dredged sand getting to Dauphin Island are so defective and unsound that the studies cannot provide a reliable basis for the Corps to continue with any sediment studies.

The Corps needs to bring in experts who have no connection to the Corps, to the local project sponsor, or to the Mobile Harbor project to ensure the accuracy of all of the sediment studies.

4. In the Dec. 12th meetings, (b) (6) stated that the Corps could consider mitigation, without explaining that under Federal law the Corps has a responsibility to consider mitigation of any erosion to an adjacent shoreline caused by a major federal action subject to Federal control and responsibility.

The Federal Law definition of Mitigation:

§ 1508. 20 Mitigation.

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

How can the Corps now be trusted, to mitigate for environmental and erosion impacts to the Island, when the Corps has not required any mitigation for the last 38 years and they have not accounted for any environmental or erosion consequences to Dauphin Island due to their maintenance dredging?

The Corps meetings with the public about the Mobile Harbor and Dauphin Island:

As a Federal agency, the Corps has special expertise, over the Mobile Harbor and Channels, as such; they cannot remain silent when they know their actions attributed to their maintenance dredging on a Federal project will destroy

citizen's property. The Corps' employees have a duty to speak and not to remain silent, when giving the public information about the massive expansion to the Mobile Harbor Entrance Channel. The Federal employees are being paid with taxpayer money, to attend the public meetings and they have a duty to provide all information relating to the erosion impacts to Dauphin Island. The Corps' employees cannot conceal information from the public just because a question was not asked.

The Corps' employees swore an oath to the Constitution of the United States, including the statement "without any mental reservation or purpose of evasion".

The people of Dauphin Island have only one source to get the information they need for the massive expansion to the Mobile Entrance Channel, and that source is the US Corps of Engineers. The Corps cannot evade their obligation by staying silent in such matters.

Who is the Corps secret authority that is making the decisions to suppress evidence to the public and Congress, thereby covering up the Corps past destruction of Dauphin Island. Who is the Corps' secret authority that is restricting the investigations of all past sand/land losses and erosion impacts to the Island in the 2016 SEIS/GRR Mobile Harbor study? How can the Corps justify this when the Corps left out all erosion impacts in the original 1980 EIS?

Can the Corps employees be found liable for the deliberate failure to carry out their duties when they demonstrates a conscious disregard to follow Federal Laws and a disregard for the interests of those who will be affected by the misconduct in question?

The buck stops with the Mobile District Colonel James DeLapp.

The Colonel should ensuring strict compliance with the environmental protection laws; use correct calculations of past sand/land-loss to prevented flood damages and enforce requirements for mitigating the erosion impacts to Dauphin Island's shoreline.

The Colonel needs to find out who intervened in the 2016 GRR/Mobile Harbor study and ordered crucial information be suppressed from Congress, thereby producing a deceptive economic result for the Mobile Harbor expansion. Who is telling the attorney not to inform the public and Congress that the 1980 EIS/Mobile Harbor report was flawed.

The Colonel needs to correct the Corps' past bad acts to Dauphin Island and not to promote Self, Over Service.

With warmest regards,

Very Important!!!! For each of you send the following email to (b) (6) and the other Corps of Engineers employees requiring them to disclose information about Dauphin Island's erosion. Their emails addresses are listed below.

Dear (b) (6) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

As employees of the US Corps of Engineers, who have taken an oath to the Constitution and to follow the Federal Laws and by each of you having special expertise, I am asking you to disclose all information and not conceal, omit or state any half-truth to me about the erosion to Dauphin Island, concerning:

• All information that the Corps has failed to inform Congress and the public about the erosion on the Island including the 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act by not studying the erosion impacts to Dauphin Island and the Mobile Entrance Channel for 10 miles on each side?

• An accurate accounting of the sand in SIBUA and exactly where the sand leaving that site goes?

 \cdot The massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study and the future effects to Dauphin Island's shoreline.

 \cdot The Corps' Mobile Harbor project contributing to the degradation of the environment and erosion to the shoreline of Dauphin Island.

• All past and future environmental and erosional impacts on Dauphin Island's shoreline from the dredging of the Mobile Harbor Entrance Channel project, including any significant adverse impacts on fish, turtles and wildlife resources on the Island.

• All information about the Corps dredging the Mobile Harbor Entrance Channel/Outer Bar Channel as the cause to the erosion to the shoreline of Dauphin Island, which has been stated in the Corps' own documentation, other agencies documentation and other coastal engineers studies that was not included in the Corps' 2008 study and the updated 2010 study.

• All information about the US Geological Survey's Robert Morton's 2007 and 2008 studies for the Corps' MsCIP study, which state "Historical land-loss trends and engineering records show that progressive increases in land-loss rate correlate with nearly simultaneous deepening of channels dredged across the outer bars" and correlated the land-loss on the Island between 1958 to 2006 and concluded that the Corps maintenance dredging was causing the erosion on Dauphin Island.

• All Corps' and Port Authority responsibilities to mitigate the erosion to the Island caused by the dredging of the Federally Authorized Mobile Harbor Deep-draft Entrance Channel.

• All Federal Laws and Corps' manuals for the Corps to mitigate the erosion impacts to the Island, resulting from Federal Navigation operation and maintenance activities, subject to Federal control and responsibility, on a adjacent shoreline and the interruption of sediment transport to the shoreline.

• The Corps ensuring that the future deepening and widening of the Mobile Harbor Entrance Channel does not block the littoral drift, and cause severe downdrift erosion? The Corps mitigating the erosion to the Island by the Corps placing the sand directly on the shoreline and in the future in a nearshore berm in shallow water in front of the whole Island every time the Corps dredges, as the Corps does in other parts of the Country?

I am asking each of you speak and not to stay silent and to provide your expertise for questions I have not asked, because of my lack of knowledge of the Corps' process or the terms the Corps uses for Federal Project.

Just because a questions was not asked, it does not alleviate the Corps from providing all other truthful information about the Corps' dredging of the Entrance Channel and its past and future erosion effects on Dauphin Island.

Sincerely,

Name

Email address

(b) (6)	

P.S. Some of the Federal Laws and Corps manuals that specifically apply to mitigation that the Corps is failing to tell you.

33 U.S. Code § 2211 - Harbors

(b) Operation and maintenance

(c) Erosion or shoaling attributable to Federal navigation works: Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

33 U.S. Code § 2241 - Definitions

For purposes of this subchapter—

(1) Deep-draft harbor

The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) Eligible operations and maintenance

(A) Except as provided in subparagraph (B), the term "eligible operations and maintenance" means all Federal operations, maintenance, repair, and rehabilitation, including

(iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities;

1987 Corps Environmental Engineering for Deep-Draft Navigation Projects Manual No. 1110-2-1202

Chapter 6 Mitigation Decision Analysis

6-1. Policy...Damage from Federal navigation work along the shorelines of the United States must be prevented or mitigated

6-3. Justification for Mitigation.

a. ...Endangered and threatened species and critical habitats will be given special consideration, with specific requirements for these resources covered in the Endangered Species Act of 1973

b. Impacts resulting from dredged material disposal and hydraulic changes are largely on bay bottoms, shorelines, wetlands, vegetated shallows, and riparian zones.

1990 Beach and Nearshore Placement of Material Dredged from Federally Authorized

Navigation Projects U.S. Army Engineer Institute for Water Resources Water Resources Support Center

"The latter is comprised of authorities given by the Congress to the Secretary of the Army, acting through the Chief of Engineers, to investigate and construct certain types of small projects. Accordingly, there are a number of authorities which provide a broad base of alternatives to beneficially use dredged material for the nourishment of beaches when placement of the materials does not constitute the least costly and approved dredged material disposal, or the material is not placed under the authority of Section 145, WRDA 1976 as amended. These alternative authorities and possibilities are enumerated below."

"New or modified navigation projects in which the dredged material placement could, if warranted, be separable feature intended to prevent or mitigate expected project-induced erosion effects."

"If an existing Federal navigation project is identified as the causal factor of a quantifiable degree of erosion and attendant damage along an adjacent shore, placement of dredged material could be used as a corrective measure under authority of Section 111, RHA 1968, as amended by Section 940, WRDA 1986."

With respect to the execution of legislative authority provided by Section 933, WRDA 1986, ER 1165- 2-130 contains the following guidance. It is Corps policy to accomplish construction and maintenance dredging in the least costly and most environmentally sound manner possible (ER 1130-2-307).

If placement of dredged material on a beach or beaches is determined by the Corps to be the least costly acceptable means for disposal of the material, then such placement should be considered integral to accomplishment of the project work and not subject to any special non-Federal cost sharing requirements

Most of the navigation projects using dredged material for beach nourishment are located in the Jacksonville, Mobile, Los Angeles and Detroit Districts.

* Most uses of dredged material for beach nourishment do not involve financial participation by entities other than the Corps.

1993 Review of Geologic Data Sources for Coastal Sediment Budgets by Edward Meisburger USACE Coastal Engineering Research Center Blockedhttp://www.dtic.mil/dtic/tr/fulltext/u2/a262158.pdf

Where tidal inlets interrupt the free flow of alongshore drift, they reduce or virtually eliminate the supply of sediment to down-current beaches, causing sand starvation and often serious erosion problems.

Thus, the creation of an inlet by man or nature can seriously affect the sediment budget of downdrift locales. Inlets by fixed or mobile sand bypassing plants that are capable of pumping littoral drift across the inlet where it can reach the downdrift shore.

Although a certain portion of the drift can naturally bypass the inlet by means of the ebb tidal shoals, this is usually a slow process and often accounts for only a modest portion of the total drift.

1995 Corps Engineering and Design EM 1110-2-1810, USACE, 31 January 1995

COASTAL GEOLOGY

(4) Interruption of sediment transport at engineered inlets.

(a) At most sites, the designers of a project must ensure that the structures do not block the littoral drift; otherwise, severe downdrift erosion can occur. ...Net longshore sand transport occurs across the bridge. If the bar is not sufficiently broad and shallow, sediment is deposited until an effective sand bridge is reestablished. Unfortunately, this concept suggests that maintenance of a permanent channel deep enough for safe navigation is usually inconsistent with sediment transport around the entrance by natural processes. Sand bypassing using pumps or dredges can mitigate many of the negative effects of inlet jetties and navigation channels (EM 1110-2-1616) Knowles 1988)

(c) Most engineering activities at inlets have some effect on the distribution of sediment. Sand bypassing using pumps or dredges can mitigate many of the negative effects of inlet jetties and navigation channels (EM 1110-2-1616)Knowles 1988)

1996 Shoreline Protection and Beach Erosion Control Study Final Report: An Analysis of the U.S. Army Corps of Engineers Shore Protection Program

"In 1976, PL 94-587 authorized the placement of sand from dredging of navigational projects on adjacent beaches if requested by the interested state government and in the public interest, with the increased cost paid for by the non-

Federal interests."

"The Corps complies with all environmental laws and Executive Orders. The Corps carefully considers and seeks to balance the environmental and development needs of the Nation in full compliance with the National Environmental Policy Act of 1969 (NEPA) and other authorities provided by Congress and the Executive Branch. ...".

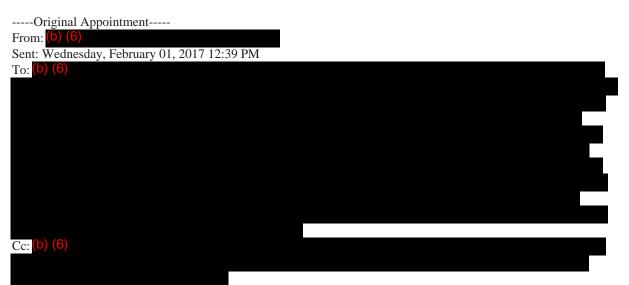
"Those significant adverse impacts that cannot be avoided are mitigated as required by Subsection 906(d) of the WRDA'86".

"This subsection requires the Secretary of the Army to include in reports submitted to Congress for authorization of construction, a specific plan to mitigate fish and wildlife losses or a determination that the project will not have a significant adverse impact on fish and wildlife resources."

From: To:	(b) (6) (b) (6)
Cc:	(b) (6)
Subject:	Latest Mobile Harbor Public Comments
Date:	Thursday, January 25, 2018 9:13:00 AM
Attachments:	Corps" devious statements about Dauphin Island Dec. 12 2017.msg EXTERNAL Corps" devious statements about Dauphin Island Dec. 12 2017.msg EXTERNAL DAUPHIN ISLAND AL.msg EXTERNAL GRRMobile Harbor Expansion Study.msg EXTERNAL Please read!.msg EXTERNAL Scheduling Corps Interview for Dauphin Island erosion documentary.msg EXTERNAL Dauphin Island.msg

All: Latest volley of public e-mails in regards to Mobile Harbor/Dauphin Island are attached.





Subject: Mobile Harbor GRR Bi-weekly Meeting When: Wednesday, January 31, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met.



From:	(b) (6)
To:	(b) (6)
Subject:	Corps" devious statements about Dauphin Island, Dec. 12, 2017
Date:	Wednesday, January 24, 2018 9:55:00 AM

Just FYI...Latest letter to Dauphin Island Residents forwarded below.



Sent from my BlackBerry 10 smartphone. From: (b) (6) Sent: Tuesday, January 23, 2018 5:45 PM

To: (b) (6)

Subject: [EXTERNAL] Corps' devious statements about Dauphin Island, Dec. 12, 2017

Important! Please send email at the end.

The December 12, 2017, Corps meeting with , myself and nine Corps employees about the D) (6) GRR/Mobile Harbor expansion study.

Dear Property owner,

Justification Rationalization: a defense mechanism whereby the Corps attempted to hide their true motivation by providing self-justifying explanation for their irrational behavior and actions.

All of us have long realized that we are dealing with a totally defective and incompetent Corps of Engineers that has not been held accountable for any of their actions for the last 38 years regarding Mobile Harbor/Channels project, but now we are finding out the level they will go, without any qualms about causing harm to the people of Dauphin Island.

The following Corps employees' statements illustrates that they have no bounds for improperly shielding their actions from the public, impeding oversight omission to Congress, and covering up their malfeasance towards Dauphin Island.

1. A Corps employee at the meeting proclaimed it was irrelevant that Dauphin Island's erosion impacts were left out in the 1980 Environmental Impact Statement (EIS) for the Mobile Harbor, because 6 years later the 1986 Water Act required that all dredged material be put offshore.

This is a completely illogical argument by the Corps' employee who used it to justify the Mobile District not following Federal Laws. By stating that the impacts were irrelevant, is just another way for the Corps' employee to make another false statement about Dauphin Island's erosion, to the group interested in saving the Island.

The Corps employee forgot to mention the Water Resources Development Act of 1986 states the following:

SEC. 101. HARBORS (a) Construction

(c) Erosion or Shoaling Attributable to Federal Navigation Works.--Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

Did the employee forget that:

1. the Corps did a study in 1978 on Dauphin Island's erosion that documented the fact it was the Corps maintenance dredging causing the erosion impacts to the Island and the study documents a positive National Economic Development benefits resulting from the placement of the dredged sand in a nearshore berm in front of the Island?

2. the US Corps of Engineers has been suppressing all knowledge of erosion impacts to Dauphin Island since 1978 and they have done nothing to protect the Island?

3. to provide the information that the Corps' 1978 Dauphin Island erosion study was being done at the same time as all of the other studies were being performed for the 1980 EIS/Mobile Harbor expansion for the 1986 Water Act?

4. the Corps concealed and left out the 1978 study's erosion impacts to Dauphin Island, in the 1980 Environmental Impact Statement (EIS), including the 1935 law that required the study of 10 miles on both sides of an inlet for erosion to the adjacent shoreline?

5. the Corps suppressed the erosion impacts in the 1980 EIS/Mobile Harbor study from Congress, even though Federal Laws requires the Corps to submit all reports to Congress concerning impacts to the adjacent shoreline?

6. in 1987 the Corps dumped the dredge sand into a feeder berm closer to the Island, one time only? Where did the Corps get authorization to put the dredged sand into the feeder berm, if the 1986 law required the dredged sand to be put offshore?

The Corps' employee ridiculous argument did not provide a reasonable basis for decision-making and does not justify the fact that the Corps did not followed Federal laws concerning the maintenance dredging that caused the erosion impacts to the Island for the last 38 years.

The Corps' employee statement reinforces the fact that the Corps will go to any lengths to cover-up their past destruction of Dauphin Island's shoreline.

The US Corps of Engineers has failed to follow the 1969 National Environmental Policy Act and other Federal Laws since 1935 that pertain to erosion to the adjacent shorelines caused by the Corps' dredging of a Federally Authorized project and the mitigation of the erosion. The 1935 Law required the Corps to study the erosion impacts of maintenance dredging on both sides of Mobile Harbor for 10 miles.

2. The Mobile District's attorney stated that the 2016 GRR/Mobile Harbor study would not acknowledge or inform Congress and the public in the SEIS/GRR that the Corps' 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act.

Now once again, we find that the Corps refuses inform Congress and the public of their intentional concealment of crucial facts, even thought the 1935 law requires all reports to Congress include the erosion impact information.

This means the Corps' employee is admitting that the Corps has not follow Federal Laws and consequently, the 1980 EIS/Mobile Harbor Survey report was flawed and the Corps suppressed this significant information from Congress before the Mobile Harbor was included in the Water Resources Development Act of 1986.

The 1935 Law was the first Federal Law about shoreline erosion caused by the Corps dredging of Federally Authorized Channels. Congress recognized in 1935 that the Corps dredging was causing erosion to the adjacent shorelines around the Country.

1935 Rivers and Harbors Act (1930)—Authorizes USACE to conduct shore erosion control studies.

Section 5 of Public Law 409, 74th Congress, approved August 30, 1935,

Section 5 of this law required that all reports dealing with improvements at a river mouth or inlet contain "information concerning the configuration of the shoreline and the probable effect thereon" that might result if the improvements under consideration were built. Particular reference was to be given to erosion and accretion "for a distance of not less than ten miles on either side of the said entrance." Because of its concern with erosion problemsassociated with the Corps of Engineers' harbor activities, 33 U.S. Code § 546a - Information as to configuration of shoreline

33 U.S. Code § 546a - Information as to configuration of shore line

Every report submitted to Congress in pursuance of any provision of law for preliminary examination and survey looking to the improvement of the entrance at the mouth of any river or at any inlet, in addition to other information which the Congress has directed shall be given, shall contain information concerning the configuration of the shore line and the probable effect thereon that may be expected to result from the improvement having particular reference to erosion and/or accretion for a distance of not less than ten miles on either side of the said entrance. (Aug. 30, 1935, ch. 831, § 5, 49 Stat. 1048.)

The Attorney's statement means that as a result of not telling Congress about the past impacts to the Island, the Corps can ignore that the erosion impacts ever existed.

How can the legal department of the US Corps of Engineers ever justify the suppression of evidence to Congress of the Corps past bad actions, which has resulted in the destruction of Dauphin Island's shoreline?

3. The Corps staff acknowledged the Sand Island Beneficial Use Area (SIBUA) disposal site is not monitored and that the Corps does not know where any sand leaving the site actually goes.

For the past 19 years, the Corps employees have stated that the 15 million cubic yards of sand dredged from the Mobile Entrance channel and dumped in SIBUA was reaching Dauphin Island's shoreline. I believe the Corps intentionally misrepresented the facts to conceal the cause of the erosion to Dauphin Island.

As part of the 2009 Corps lawsuit settlement agreement, the property owners were led to believe in 2006 that the sand put into "Sand Island Beneficial Use Area" SIBUA would be transported to the shoreline of Dauphin Island. This was one of the primary reasons that led the property owners to settle the lawsuit, because they were assured that placing the sand in SIBUA and another closer site would stop the erosion on the island and a key reason that led the Federal Judge to issue the final order for the addendum to the settlement agreement.

"Upon certain conditions, the Corps agreed to modify its dredging disposal practices. Instead of disposing of the dredged material from the Channel into the historically designated locations in the Gulf of Mexico south of Dauphin Island, the Corps agreed to dispose of the material in two areas nearer the shores of Dauphin Island."

Did Susan Rees lie and as the Corps' expert, testified at the lawsuit Settlement Hearing in 2009 that SIBUA explicitly transported sand to Dauphin Island? After all, she was Project Manager, National Underwater Berm Demonstration Project and she has served as the program manager for the Northern Gulf of Mexico Regional Sediment Management Program and on a number of Headquarters related initiatives concerning the evaluation and management of dredged material. Excerpts from Dr. Rees testimony:

DOJ Q. Now, did there come a time, Dr. Rees, when the Corps was considering using a site, a deposit site in order to see if sand could -- sand dredged from the channel, could be deposited in the littoral system and assist Dauphin Island?

Rees: As part of a national initiative of the Corps on the beneficial use of dredge material, we investigated a site in the late '80s called the feeder berm site,We also did a number of other measurements to determine whether the sand actually moved from that location back into the littoral drift at Dauphin Island.....

Rees: It basically showed that the sand was incorporated into the littoral drift system and ultimately would get to Dauphin Island.....

Rees A. The first time we used Sand Island Beneficial Use Site was in 1999.

DOJ Q. That was in the same general area of the feeder berm site and was intended to accomplish the same purpose, correct?

Rees A. Yes. It is still on the ebb-tidal delta in shallow water.

DOJ Q. Transporting sand to Dauphin Island?

Rees A. To the west, yes.....

Q. Are you currently working on any additional expansion of these beneficial use sites for the existence of Dauphin Island?

A. Yes.

Why did Susan Rees testify that the sand from SIBUA was transporting sand to Dauphin Island, when now we know that was not true?

Other statements from Corps' employees about the sand in SIBUA getting to Dauphin Island.

"Pat Robbins, a spokesman for the Army Corps of Engineers district office in Mobile, said the agency does in fact place dredged sand in a "beneficial use area" south and east of Dauphin Island, where it can migrate through currents to sand-starved beaches. But the Army Corps has no formal monitoring program to ensure that the sand is reaching its intended targets". Asked whether Dauphin Island was being aided by the Army Corps' dredge operation, Robbins said, "Parts of it are, parts of it aren't."

Letter from District Colonel Jorns to Congressman Bonner 1/25/2010

"Both the SIBUA and the Feeder Berm Sites are considered beneficial use sites in that placement of dredged material in these sites keeps the sandy material in the natural littoral drift system, which is beneficial to Dauphin Island."

Have the Corps' employees intentionally made false statements to deceive the other Federal agencies, the State of Alabama, the scientific community, environmentalist, the Press and the property owners that the sand in SIBUA was transported to the shoreline of Dauphin Island?

I believe, the Corps' cover-up of past investigations and calculations of the dredged sand getting to Dauphin Island are so defective and unsound that the studies cannot provide a reliable basis for the Corps to continue with any sediment studies.

The Corps needs to bring in experts who have no connection to the Corps, to the local project sponsor, or to the Mobile Harbor project to ensure the accuracy of all of the sediment studies.

4. In the Dec. 12th meetings, (b) (6) stated that the Corps could consider mitigation, without explaining that under Federal law the Corps has a responsibility to consider mitigation of any erosion to an adjacent shoreline caused by a major federal action subject to Federal control and responsibility.

The Federal Law definition of Mitigation:

- § 1508. 20 Mitigation.
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

How can the Corps now be trusted, to mitigate for environmental and erosion impacts to the Island, when the Corps has not required any mitigation for the last 38 years and they have not accounted for any environmental or erosion consequences to Dauphin Island due to their maintenance dredging?

The Corps meetings with the public about the Mobile Harbor and Dauphin Island:

As a Federal agency, the Corps has special expertise, over the Mobile Harbor and Channels, as such; they cannot remain silent when they know their actions attributed to their maintenance dredging on a Federal project will destroy citizen's property. The Corps' employees have a duty to speak and not to remain silent, when giving the public information about the massive expansion to the Mobile Harbor Entrance Channel. The Federal employees are being paid with taxpayer money, to attend the public meetings and they have a duty to provide all information relating to the erosion impacts to Dauphin Island. The Corps' employees cannot conceal information from the public just because a question was not asked.

The Corps' employees swore an oath to the Constitution of the United States, including the statement "without any mental reservation or purpose of evasion".

The people of Dauphin Island have only one source to get the information they need for the massive expansion to the Mobile Entrance Channel, and that source is the US Corps of Engineers. The Corps cannot evade their obligation by staying silent in such matters.

Who is the Corps secret authority that is making the decisions to suppress evidence to the public and Congress, thereby covering up the Corps past destruction of Dauphin Island. Who is the Corps' secret authority that is restricting the investigations of all past sand/land losses and erosion impacts to the Island in the 2016 SEIS/GRR Mobile Harbor study? How can the Corps justify this when the Corps left out all erosion impacts in the original 1980 EIS?

Can the Corps employees be found liable for the deliberate failure to carry out their duties when they demonstrates a conscious disregard to follow Federal Laws and a disregard for the interests of those who will be affected by the misconduct in question?

The buck stops with the Mobile District Colonel James DeLapp.

The Colonel should ensuring strict compliance with the environmental protection laws; use correct calculations of past sand/land-loss to prevented flood damages and enforce requirements for mitigating the erosion impacts to Dauphin Island's shoreline.

The Colonel needs to find out who intervened in the 2016 GRR/Mobile Harbor study and ordered crucial information be suppressed from Congress, thereby producing a deceptive economic result for the Mobile Harbor expansion. Who is telling the attorney not to inform the public and Congress that the 1980 EIS/Mobile Harbor report was flawed.

The Colonel needs to correct the Corps' past bad acts to Dauphin Island and not to promote Self, Over Service.

With warmest regards,

(b) (6)

Very Important!!!! For each of you send the following email to (b) (6) and the other Corps of Engineers employees requiring them to disclose information about Dauphin Island's erosion. Their emails addresses are listed

below.

Dear Mr. (b) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

As employees of the US Corps of Engineers, who have taken an oath to the Constitution and to follow the Federal Laws and by each of you having special expertise, I am asking you to disclose all information and not conceal, omit or state any half-truth to me about the erosion to Dauphin Island, concerning:

• All information that the Corps has failed to inform Congress and the public about the erosion on the Island including the 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act by not studying the erosion impacts to Dauphin Island and the Mobile Entrance Channel for 10 miles on each side?

• An accurate accounting of the sand in SIBUA and exactly where the sand leaving that site goes?

• The massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study and the future effects to Dauphin Island's shoreline.

• The Corps' Mobile Harbor project contributing to the degradation of the environment and erosion to the shoreline of Dauphin Island.

• All past and future environmental and erosional impacts on Dauphin Island's shoreline from the dredging of the Mobile Harbor Entrance Channel project, including any significant adverse impacts on fish, turtles and wildlife resources on the Island.

• All information about the Corps dredging the Mobile Harbor Entrance Channel/Outer Bar Channel as the cause to the erosion to the shoreline of Dauphin Island, which has been stated in the Corps' own documentation, other agencies documentation and other coastal engineers studies that was not included in the Corps' 2008 study and the updated 2010 study.

• All information about the US Geological Survey's Robert Morton's 2007 and 2008 studies for the Corps' MsCIP study, which state "Historical land-loss trends and engineering records show that progressive increases in land-loss rate correlate with nearly simultaneous deepening of channels dredged across the outer bars" and correlated the land-loss on the Island between 1958 to 2006 and concluded that the Corps maintenance dredging was causing the erosion on Dauphin Island.

• All Corps' and Port Authority responsibilities to mitigate the erosion to the Island caused by the dredging of the Federally Authorized Mobile Harbor Deep-draft Entrance Channel.

• All Federal Laws and Corps' manuals for the Corps to mitigate the erosion impacts to the Island, resulting from Federal Navigation operation and maintenance activities, subject to Federal control and responsibility, on a adjacent shoreline and the interruption of sediment transport to the shoreline.

• The Corps ensuring that the future deepening and widening of the Mobile Harbor Entrance Channel does not block the littoral drift, and cause severe downdrift erosion? The Corps mitigating the erosion to the Island by the Corps placing the sand directly on the shoreline and in the future in a nearshore berm in shallow water in front of the whole Island every time the Corps dredges, as the Corps does in other parts of the Country?

I am asking each of you speak and not to stay silent and to provide your expertise for questions I have not asked, because of my lack of knowledge of the Corps' process or the terms the Corps uses for Federal Project.

Just because a questions was not asked, it does not alleviate the Corps from providing all other truthful information about the Corps' dredging of the Entrance Channel and its past and future erosion effects on Dauphin Island.

Sincerely,

Name

Email address

(b) (6)	

33 U.S. Code § 2211 - Harbors

(b) Operation and maintenance

(c) Erosion or shoaling attributable to Federal navigation works: Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

33 U.S. Code § 2241 - Definitions

For purposes of this subchapter—

(1) Deep-draft harbor

The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) Eligible operations and maintenance

(A) Except as provided in subparagraph (B), the term "eligible operations and maintenance" means all Federal operations, maintenance, repair, and rehabilitation, including

(iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities;

1987 Corps Environmental Engineering for Deep-Draft Navigation Projects Manual No. 1110-2-1202

Chapter 6 Mitigation Decision Analysis

6-1. Policy...Damage from Federal navigation work along the shorelines of the United States must be prevented or mitigated

6-3. Justification for Mitigation.

a. ...Endangered and threatened species and critical habitats will be given special consideration, with specific requirements for these resources covered in the Endangered Species Act of 1973

b. Impacts resulting from dredged material disposal and hydraulic changes are largely on bay bottoms, shorelines, wetlands, vegetated shallows, and riparian zones.

1990 Beach and Nearshore Placement of Material Dredged from Federally Authorized

Navigation Projects U.S. Army Engineer Institute for Water Resources Water Resources Support Center

"The latter is comprised of authorities given by the Congress to the Secretary of the Army, acting through the Chief of Engineers, to investigate and construct certain types of small projects. Accordingly, there are a number of authorities which provide a broad base of alternatives to beneficially use dredged material for the nourishment of beaches when placement of the materials does not constitute the least costly and approved dredged material disposal, or the material is not placed under the authority of Section 145, WRDA 1976 as amended. These alternative authorities and possibilities are enumerated below."

"New or modified navigation projects in which the dredged material placement could, if warranted, be separable feature intended to prevent or mitigate expected project-induced erosion effects."

"If an existing Federal navigation project is identified as the causal factor of a quantifiable degree of erosion and attendant damage along an adjacent shore, placement of dredged material could be used as a corrective measure under authority of Section 111, RHA 1968, as amended by Section 940, WRDA 1986."

With respect to the execution of legislative authority provided by Section 933, WRDA 1986, ER 1165- 2-130 contains the following guidance. It is Corps policy to accomplish construction and maintenance dredging in the least costly and most environmentally sound manner possible (ER 1130-2-307).

If placement of dredged material on a beach or beaches is determined by the Corps to be the least costly acceptable means for disposal of the material, then such placement should be considered integral to accomplishment of the project work and not subject to any special non-Federal cost sharing requirements

Most of the navigation projects using dredged material for beach nourishment are located in the Jacksonville, Mobile, Los Angeles and Detroit Districts.

* Most uses of dredged material for beach nourishment do not involve financial participation by entities other than the Corps.

1993 Review of Geologic Data Sources for Coastal Sediment Budgets by Edward Meisburger USACE Coastal Engineering Research Center Blockedhttp://www.dtic.mil/dtic/tr/fulltext/u2/a262158.pdf

Where tidal inlets interrupt the free flow of alongshore drift, they reduce or virtually eliminate the supply of sediment to down-current beaches, causing sand starvation and often serious erosion problems.

Thus, the creation of an inlet by man or nature can seriously affect the sediment budget of downdrift locales. Inlets by fixed or mobile sand bypassing plants that are capable of pumping littoral drift across the inlet where it can reach the downdrift shore.

Although a certain portion of the drift can naturally bypass the inlet by means of the ebb tidal shoals, this is usually a slow process and often accounts for only a modest portion of the total drift.

1995 Corps Engineering and Design EM 1110-2-1810, USACE, 31 January 1995

COASTAL GEOLOGY

(4) Interruption of sediment transport at engineered inlets.

(a) At most sites, the designers of a project must ensure that the structures do not block the littoral drift; otherwise, severe downdrift erosion can occur. ...Net longshore sand transport occurs across the bridge. If the bar is not sufficiently broad and shallow, sediment is deposited until an effective sand bridge is reestablished. Unfortunately, this concept suggests that maintenance of a permanent channel deep enough for safe navigation is usually inconsistent with sediment transport around the entrance by natural processes. Sand bypassing using pumps or dredges can mitigate many of the negative effects of inlet jetties and navigation channels (EM 1110-2-1616) Knowles 1988)

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"The Corps complies with all environmental laws and Executive Orders. The Corps carefully considers and seeks to balance the environmental and development needs of the Nation in full compliance with the National Environmental Policy Act of 1969 (NEPA) and other authorities provided by Congress and the Executive Branch. ...".

"Those significant adverse impacts that cannot be avoided are mitigated as required by Subsection 906(d) of the WRDA'86".

"This subsection requires the Secretary of the Army to include in reports submitted to Congress for authorization of construction, a specific plan to mitigate fish and wildlife losses or a determination that the project will not have a significant adverse impact on fish and wildlife resources."

From: To:	Mills and McKinnon Contractors, Inc. (b) (6) (b) (b)
Subject:	[EXTERNAL] Corps" devious statements about Dauphin Island, Dec. 12, 2017
Date:	Thursday, January 25, 2018 6:06:22 AM

The Attorney's statement means that as a result of not telling Congress about the past impacts to the Island, the Corps can ignore that the erosion impacts ever existed.

Dear Mr. (b) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

As employees of the US Corps of Engineers, who have taken an oath to the Constitution and to follow the Federal Laws and by each of you having special expertise, I am asking you to disclose all information and not conceal, omit or state any half-truth to me about the erosion to Dauphin Island, concerning:

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• The massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study and the future effects to Dauphin Island's shoreline.

• The Corps' Mobile Harbor project contributing to the degradation of the environment and erosion to the shoreline of Dauphin Island.

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• All information about the Corps dredging the Mobile Harbor Entrance Channel/Outer Bar Channel as the cause to the erosion to the shoreline of Dauphin Island, which has been stated in the Corps' own documentation, other

agencies documentation and other coastal engineers studies that was not included in the Corps' 2008 study and the updated 2010 study.

• All information about the US Geological Survey's Robert Morton's 2007 and 2008 studies for the Corps' MsCIP study, which state "Historical land-loss trends and engineering records show that progressive increases in land-loss rate correlate with nearly simultaneous deepening of channels dredged across the outer bars" and correlated the land-loss on the Island between 1958 to 2006 and concluded that the Corps maintenance dredging was causing the erosion on Dauphin Island.

• All Corps' and Port Authority responsibilities to mitigate the erosion to the Island caused by the dredging of the Federally Authorized Mobile Harbor Deep-draft Entrance Channel.

• All Federal Laws and Corps' manuals for the Corps to mitigate the erosion impacts to the Island, resulting from Federal Navigation operation and maintenance activities, subject to Federal control and responsibility, on a adjacent shoreline and the interruption of sediment transport to the shoreline.

• The Corps ensuring that the future deepening and widening of the Mobile Harbor Entrance Channel does not block the littoral drift, and cause severe downdrift erosion? The Corps mitigating the erosion to the Island by the Corps placing the sand directly on the shoreline and in the future in a nearshore berm in shallow water in front of the whole Island every time the Corps dredges, as the Corps does in other parts of the Country?

I am asking each of you speak and not to stay silent and to provide your expertise for questions I have not asked, because of my lack of knowledge of the Corps' process or the terms the Corps uses for Federal Project.

Just because a questions was not asked, it does not alleviate the Corps from providing all other truthful information about the Corps' dredging of the Entrance Channel and its past and future erosion effects on Dauphin Island.

Sincerely,

Name

(b) (6)

Mills and McKinnon Contractors, Inc. (b) (6)

P.S. Some of the Federal Laws and Corps manuals that specifically apply to mitigation that the Corps is failing to tell you.

33 U.S. Code § 2211 - Harbors

(b) Operation and maintenance

Remainder Duplicative/Not Reproduced

From:	(b) (6)
To:	(b) (6)
Subject:	[EXTERNAL] DAUPHIN ISLAND, AL
Date:	Thursday, January 25, 2018 8:00:23 AM

January 25, 2018

Dear Mr. (b) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

As employees of the US Corps of Engineers, who have taken an oath to the Constitution and to follow the Federal Laws and by each of you having special expertise, I am asking you to disclose all information and not conceal, omit or state any half-truth to me about the erosion to Dauphin Island, concerning:

* All information that the Corps has failed to inform Congress and the public about the erosion on the Island including the 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act by not studying the erosion impacts to Dauphin Island and the Mobile Entrance Channel for 10 miles on each side?

* An accurate accounting of the sand in SIBUA and exactly where the sand leaving that site goes?

* The massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study and the future effects to Dauphin Island's shoreline.

* The Corps' Mobile Harbor project contributing to the degradation of the environment and erosion to the shoreline of Dauphin Island.

* All past and future environmental and erosional impacts on Dauphin Island's shoreline from the dredging of the Mobile Harbor Entrance Channel project, including any significant adverse impacts on fish, turtles and wildlife resources on the Island.

* All information about the Corps dredging the Mobile Harbor Entrance Channel/Outer Bar Channel as the cause to the erosion to the shoreline of Dauphin Island, which has been stated in the Corps' own documentation, other agencies documentation and other coastal engineers studies that was not included in the Corps' 2008 study and the updated 2010 study.

* All information about the US Geological Survey's Robert Morton's 2007 and 2008 studies for the Corps' MsCIP study, which state "Historical land-loss trends and engineering records show that progressive increases in land-loss rate correlate with nearly simultaneous deepening of channels dredged across the outer bars" and correlated the land-loss on the Island between 1958 to 2006 and concluded that the Corps maintenance dredging was causing the erosion on Dauphin Island.

* All Corps' and Port Authority responsibilities to mitigate the erosion to the Island caused by the dredging of the Federally Authorized Mobile Harbor Deep-draft Entrance Channel.

* All Federal Laws and Corps' manuals for the Corps to mitigate the erosion impacts to the Island, resulting from Federal Navigation operation and maintenance activities, subject to Federal control and responsibility, on a adjacent shoreline and the interruption of sediment transport to the shoreline.

* The Corps ensuring that the future deepening and widening of the Mobile Harbor Entrance Channel does not block the littoral drift, and cause severe downdrift erosion? The Corps mitigating the erosion to the Island by the Corps placing the sand directly on the shoreline and in the future in a nearshore berm in shallow water in front of the whole Island every time the Corps dredges, as the Corps does in other parts of the Country?

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Just because a questions was not asked, it does not alleviate the Corps from providing all other truthful information about the Corps' dredging of the Entrance Channel and its past and future erosion effects on Dauphin Island.

Respectfully yours,



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	[EXTERNAL] GRR/Mobile Harbor Expansion Study
Date:	Wednesday, January 24, 2018 10:22:20 AM
Attachments:	PDF-4830 COE DI.pdf

Mr. (b)

I have received and read the attached email from (b) (6) describing her December 12, 2017, Corps meeting with (b) (6) (b) (6) and Corp Employees concerning a GRR/Mobile Harbor expansion study.

Please be advised that I am a Dauphin Island Property Owner and it appears that she has some valid concerns.

I recall reading (in the past) a study by Dr. Scott Douglas that established a direct link between Mobile Bay dredging/dumping, policies/procedures and Dauphin Island Beach Erosion. Also be advised that I have worked with Dr. Douglas in the past on a Project in Orange Beach and find him exremely credible.

Accordingly, I support (b) (6) positions relative to beach erosion and request that these positions be given rheir due and proper consideration.

Very Respectively,

(b) (6)

--

This correspondence, attachments, and information ("CORRESPONDENCE") is covered by the Electronic Communication Privacy Act, U.S.C. 18 Sections 2510-2521. Ownership of this CORRESPONDENCE is retained exclusively by (b) (6) as sender and author ("OWNER"). This CORRESPONDENCE is confidential and may be privileged, It is for the eyes and temporary confidential use of the intended addressees and the intended recipients ("INTENDED RECIPIENT") only. The sharing, retention, disclosure, forwarding, dissemination, distribution and/or copying of this CORRESPONDENCE in any form or fashion without prior and written permission from OWNER is strictly prohibited and shall immediately render the CORRESPONDENCE moot and/or void and/or invalidate it until OWNER at sole discretion of OWNER reverses same in writing. If you are not the INTENDED RECIPIENT or have any reason to suspect that you may not be, you are prohibited from reading or using this CORRESPONDENCE in any form or fashion. Corps' devious statements about Dauphin Island, Dec. 12, 2017 1 message () (c) Tue, Jan 23, 2018 at 5:48 PM To: (b) (c) Ec: (b) (c) Important! Please send email at the end.

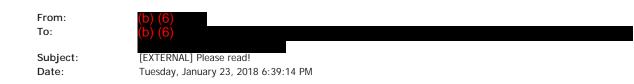
Gmail - Corps' devious statements about Dauphin Island, Dec. 12, 2017

(b) (6) myself and nine Corps employees about the GRR/Mobile Harbor expansion study.

Dear Property owner,

1/24/2018

Justification Rationalization: a defense mechanism whereby the Corps attempted to hide their true motivation by providing self-justifying explanation for their irrational behavior and actions.



Dear Mr. (b) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

As employees of the US Corps of Engineers, who have taken an oath to the Constitution and to follow the Federal Laws and by each of you having special expertise, I am asking you to disclose all information and not conceal, omit or state any half-truth to me about the erosion to Dauphin Island, concerning:

• All information that the Corps has failed to inform Congress and the public about the erosion on the Island including the 1980 EIS/Mobile Harbor Survey Report failed to comply with the 1935 Rivers and Harbors Act by not studying the erosion impacts to Dauphin Island and the Mobile Entrance Channel for 10 miles on each side?

• An accurate accounting of the sand in SIBUA and exactly where the sand leaving that site goes?

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Just because a questions was not asked, it does not alleviate the Corps from providing all other truthful information about the Corps' dredging of the Entrance Channel and its past and future erosion effects on Dauphin Island. Sincerely,



From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	[EXTERNAL] Scheduling Corps Interview for Dauphin Island erosion documentary
Date:	Wednesday, January 24, 2018 12:34:16 PM

(**b**) (6) :

This is to follow-up below message concerning their 3-4 Feb weekend visit to Mobile to collect additional video and conduct further interviews for the Dauphin Island erosion documentary. In particular, please see the yellow highlighted portion of his message concerning his interest in interviewing someone from the Corps for inclusion in the documentary.

I think that is an excellent idea. Such an interview would add balance and objectivity to discussions of the erosion issue and should help the documentary to be better received by the viewing public. A Corps interview would also add a differing perspective to the erosion problem as addressed by coastal engineer Dr. Scott Douglass. I see the Corps' participation as a necessity.

However, I am not the best person to contact the Corps because they legitimately view me as their No. 1 antagonist and I do not think they would accept an invitation from me to be interviewed. For that reason, I think it would be better if you, as the State Chair of the Alabama Chapter, were the one to contact the Corps. Regarding who in the Corps should be interviewed, I think the following individuals (in descending order of importance, position, credibility, and knowledge) would make the preferred interview candidates: COL. James A. DeLapp (Mobile District Commander) (b) (6) or james.a.delapp@usace.army.mil); (b) (6) (Deputy for Program and Project Management) (b) (6) (Chief of Public Affairs) (b) Project Manager) (b) (6) (Chief of Public Affairs) (b)). Of these four individuals, I think (b) (who I personally like) would

make the worst person to interview because her primary goal is to make the Mobile District and Corps look good and she knows the least about the issues. Of the four, I think COL DeLapp is the one you should aim at getting for the interview. However, I think you may be required to go through (b) (6) to get an interview with Delapp or (b) (6) and (b) (6) because of her position as the Public Affairs Chief.

In any event, you need to contact the Corps immediately to arrange the interview and a time since you will want to conduct the interview during a weekend when the Corps staff normally is not at work. To do this, I would not send emails, but call the numbers I listed above due to the short time available to schedule the interview.

Let me know if you run into any problems and I'll try to help. If the Corps refuses to be interviewed, we may have to appeal to Congressman Bradley Byrne to intervene on our behalf, or (less desirable) state in the documentary that the Corps declined an invitation to be interviewed.

Please call if you have any questions.



-----Original Message-----From:(b) (6) To: (b) (6) Cc: (b) (6)

(b) (6)

Sent: Tue, Jan 23, 2018 1:32 pm Subject: Re: Happy New Year

Hey (b) !

Sorry for not getting back to you sooner! We are all very excited to see you both again, and we hope you had a wonderful time in the Amazon! Below are some notes on what we need and whom we feel need to be contacted. We are counting on this being our last big filming trip, with the exception of one more in April when migrating birds come though the island and hopefully more beachgoers(if the beach is restored by then).

We will be leaving after work on Friday evening February 2nd with the hope of landing at your door by 10 or 10:30p; I know that's kinda late. Our goal will be to make the most of our two full days of shooting and to return Sunday evening to Birmingham.

Let's get with (b) for an Interview, we would like 1.5-2 hours to have time to set up and talk with her

Let's go with setting up a time with (b) if we can. We would like a few hours to talk with him and have time to fly the drone. Let's say at least 3 hours with him. Just after dawn and just before dusk would be best.

We would also like to meet with (b) (6) again for a better more prepared interview and to discuss some other things. If we can have 3 hours set aside with him as well, that would be fantastic.

That's a very good call about contacting Gulf Islands National Seashore for that information and some other missing information. We can plan on1-1.5 hours with this individual plus travel time

We are also interested in getting with someone from the Corps to talk to about the formal plans and timeline, This information might be in the meeting that was filmed, but a formal interview might help. (we can discuss options before we make any contacts if you'd like.) This would be 1-1.5 hours.

And, Finally, I think a beach front Property Owner, would be good to talk to, I don't think it should be (b), but someone..

I would love if (b) (6) and (b) would chime in with any additional thoughts.

Thanks!

(b)

On Tue, Jan 23, 2018 at 9:10 AM (b) (6)

wrote:



This is just a note to let you know that (b) (6) and I are looking forward to you staying with us the first weekend of Feb when you come down to work on the documentary again.

Do you want to schedule an interview with (b) (6) . Also, if you want to use (b) (6) commercial drone we need to make sure he is not working that weekend in his copacity as a commercial airline

pilot. (b) (5) email address is if you want to contact him directly: (b) (6) (b) (6)

I'm also going to contact the Gulf Islands National Seashore office in Ocean Springs, MS to see if the manager would be willing to be interviewed about the general importance of barrier islands and the efforts underway in Mississippi to restore the barrier islands west of Dauphin Island.



From:	(b) (6)
To:	(b) (6)
Subject:	[EXTERNAL] Dauphin Island
Date:	Wednesday, January 24, 2018 12:48:53 PM

Dear Mr. (b) and other Corps' employees:

Since you and the eight other Mobile District employees, who attended the Corps' Dec. 12, 2017 meeting were considered to have special expertise for the Mobile Harbor Channels, the maintenance dredging and its effects on Dauphin Island. As such, each of you have a duty to speak and not to remain silent and to disclose to the public and property owners on the Island, all information of the past erosion impacts caused by Mobile Harbor and Channels and all future erosion impacts to Dauphin Island from the massive expansion to the Mobile Harbor Entrance Channel/Outer Bar Channel for the SEIS/GRR/Mobile Harbor study.

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Sincerely,



From:	(b) (6)
To:	(b) (6)
Subject:	Mobile Harbor Width/Depth
Date:	Thursday, January 25, 2018 9:20:00 AM

Hey, Have you spoke to (b)? (b) might have us close on a positive BCR for 49' deep channel. If so, we can proceed with letting vertical team know our TSP width and depth.



From:	(b) (6)
To:	(b) (6)
Subject:	RE: Latest Mobile Harbor Public Comments
Date:	Thursday, January 25, 2018 9:22:00 AM

Your guess is as good as mine. I think he said it is a Sierra Club funded thing.

 ----Original Message----

 From: [D] (G)

 Subject: RE: Latest Mobile Harbor Public Comments

 What documentary is being filmed?

 -----Original Message----

 From: [D] (G)

 Sent: Thursday, January 25, 2018 9:15 AM

 To: [D] (G)

 Cc: [D] (G)

Subject: Latest Mobile Harbor Public Comments

All: Latest volley of public e-mails in regards to Mobile Harbor/Dauphin Island are attached.



-----Original Appointment-----From: (b) (6) Sent: Wednesday, February 01, 2017 12:39 PM To: (b) (6) Cc: (b) (6)

Subject: Mobile Harbor GRR Bi-weekly Meeting When: Wednesday, January 31, 2018 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada). Where: MsCIP Conference Room

For those not in the district office, call-in Information is as follows:

USA Toll-Free: Access Code: Security Code:

All: The Mobile Harbor GRR bi-weekly meeting has been moved to Wednesdays at 2pm, beginning February 01, 2017. Please update your calendar accordingly. The purpose of the meeting remains to provide a brief update on the project, ensure all work is being performed, and ensure that the schedule is met. Thanks,



From:	(b) (6)
To:	Blakeley Ellis
Subject:	RE: Port Authority Project
Date:	Thursday, January 25, 2018 2:57:00 PM
Attachments:	focus group 18 Jan 2018.pptx

Blakeley: Very nice to meet you as well. Attached are the slides that we presented which includes the map. We are still working on the more refined areas. Let me see if I have something we can send as a "very preliminary subject to change" map.



-----Original Message-----From: Blakeley Ellis [<u>mailto:blakeley@ccaalabama.org</u>] Sent: Thursday, January 25, 2018 2:46 PM To: (b) (6) Subject: [EXTERNAL] Port Authority Project

(b),

Nice to meet you last week at the meeting in Mobile. Would you mind sharing that map with the proposed fill location in Mobile Bay? Also, any more info y'all have on the depth of the really deep holes or the locations of those would be helpful.

Thank You!

Blakeley Ellis

CCA Alabama - Executive Director

251-478-3474



MOBILE HARBOR PROJECT



- Project authorized in the Water Resources Development Act of 1986 in accordance with the 1981 Chief's Report.
- Full-Service Seaport -- 10th Largest in the United States -Balanced Trade (Strong Export Market)
 - ✓ 58M tons handled port-wide. ASPA terminals represent
 25 29M tons annually
- Port of Mobile has sustained growth in steel, petroleum and containerized cargoes
 - ✓ Record 2017 20[%] growth in containerized cargo automotive, aviation, forest products, chemicals, poultry
 - ✓ Now ranked No. 2 steel port in the United States
 - ✓ Ocean Carriers Added Service into Mobile in 2016-2017
- The Port of Mobile Drives the Regional Economy
 - ✓ Alabama State Port Authority terminals alone generate 134,608 jobs and \$22.4B in total economic value
 - ✓ Private Petroleum / Petroleum Products terminals alone generate 5,220 jobs and \$687M in economic value
- Modernizing Mobile Harbor is Necessary Because
 - ✓ 2/3's of the Port of Mobile's vessel traffic is restricted or delayed.
 - ✓ Larger Ships Now Transit North American Trade Lanes
 - ✓ Channel Deficiencies and Vessel Transit Inefficiencies Directly Impact Shipper Costs and Competitiveness
 - ✓ Mobile's Port-side Infrastructure Investments have met Shipper Needs (\$500+ Million Invested) - Channel Investment Necessary to Leverage Non-federal Sponsor investment and Regional Growth





MOBILE HARBOR PROJECT



Mobile Bay and Watershed

- The Mobile Bay Watershed is the 6th largest river basin in the United States with five rivers forming the 2nd largest delta in the US, and the 4th largest watershed based on drainage area (Mobile, Tensaw, Blakeley, Spanish, and Apalachee). Environmentally and economically important because of the exceptional biological diversity and productivity which provides habitat for various invertebrates, fishes, waterfowl, migrant birds, as well as, other game and non-game species.
- Mobile Delta is one of the most diverse ecosystems in the US with 3 types of wetland habitats, extensive seagrasses, 200+ species of fish, major shellfish communities, and 300+ species of birds and reptiles. The Delta is one of the most important and valuable natural resources in the US.
- Alabama Seafood Industry Economic Impact. Commercial species harvests provide a valuable source of revenue for the state contributing approximately \$461M in revenue annually and 10,000 jobs. The most common commercial species obtained from Alabama waters are shrimp, blue crabs, oysters, and numerous species of fish.
- Coastal tourism and recreation provide local economic benefits including boating, fishing, swimming, and sight seeing. Saltwater species provide the vast majority of fish caught recreationally in the Mobile Bay system.
- *Cultural Resources.* The Mobile area is rich in both prehistoric and historic cultural resources.





MOBILE HARBOR PROJECT ALTERNATIVES



3

Initial

- Deepening: 47 to 55 feet Including Turning Basin
- Bend Easing
- Widener: 100 and 150 feet5, 10,15 miles in length

Proposed for Impact Assessment

- Deepening: 50 feet Including Turning Basin
- > Bend Easing
- Widener: 100 feet5 miles in length

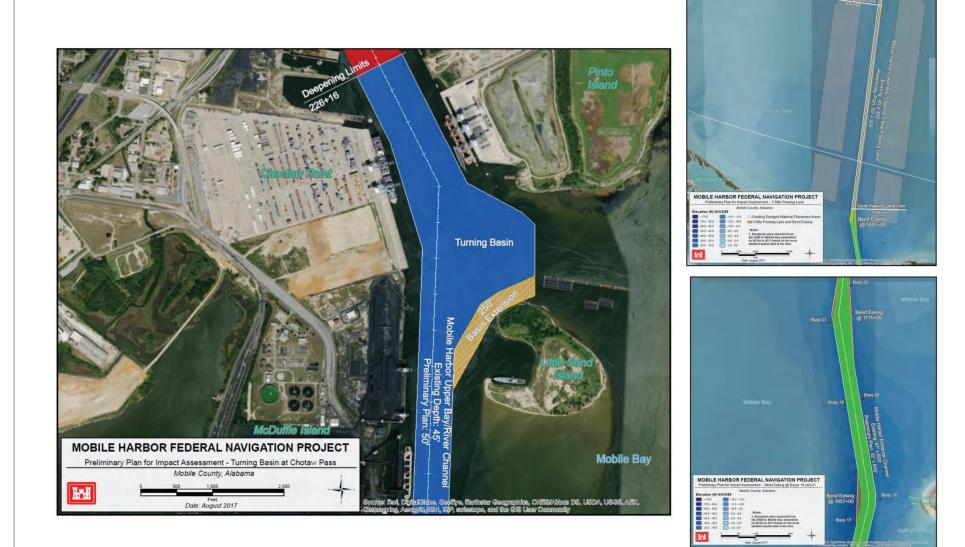






MOBILE HARBOR PROJECT



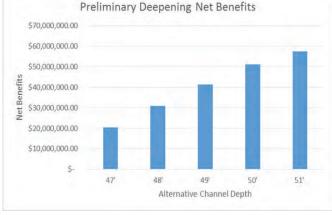






ECONOMIC CONSIDERATIONS





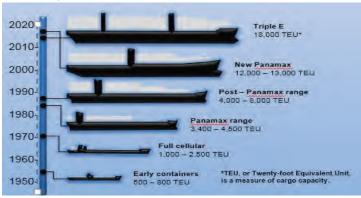
Concepts behind Mobile Harbor Economic Analysis:

- With and without the project, the same volume of cargo is assumed to move through Mobile.
- Growth is assumed only to the capacity of the facilities
- Deeper channels allow shippers to load more efficiently
- Channel widening reduces delay/waiting time to gain efficiencies
- The project benefits are reduction in transportation costs for goods (imports/exports) shipped through the Mobile Harbor with deepening/widening



Evolution of container ships

Post-Panamax ships make up 16 percent of the world's container fleet today, but carry 45 percent of the cargo. New Panamax ships will be the largest that can pass through the new locks in 2016.







ENVIRONMENTAL CONSIDERATIONS

FISHERIES ASSESSMENT

Understand relationships between salinity and fish populations to predict potential impacts. Conducted spring/summer fish sampling.

OYSTER MODELING

Map existing oyster reefs and determine larvae distribution patterns throughout the Bay. Evaluate potential impacts to oysters based on the predictive water quality and hydrodynamic models.

SUBMERGED AQUATIC-VEGETATION (SAV) ASSESSMENT AND MAPPING

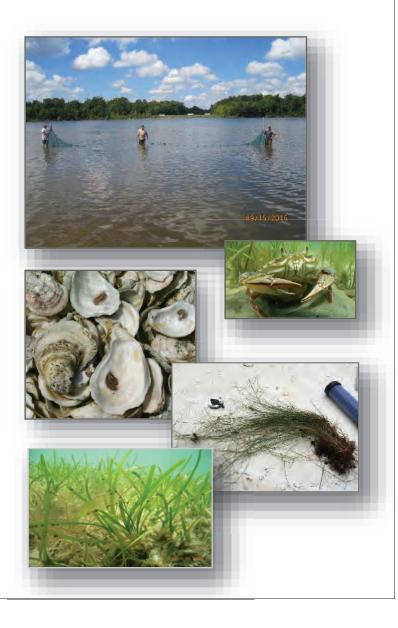
Identify and map distribution of existing sea grasses to establish baseline used in determining potential impacts based on water quality model results.

WETLAND ASSESSMENT AND MAPPING

Identify and map the distribution of existing wetland communities to understand potential impacts based on water quality model results

BENTHIC COMMUNITY ASSESSMENT

Establish baseline conditions to analyze impacts to benthos from waterquality and saltwater intrusion based on information obtained through water-quality modeling







ENVIRONMENTAL CONSIDERATIONS

CLASSIFY SUBSURFACE CONDITIONS

Compile and evaluate all existing subsurface data for the navigation channel sediments. Collect additional subsurface samples/borings to determine sediment composition and potential contamination.

SHIP WAKE ANALYSIS

Estimate increases in waves and associated effects due to future ship traffic.

SEDIMENT TRANSPORT MODELING

Collect baseline data and develop hydrodynamic and sediment transport models to characterize the physical conditions and sediment transport processes of the study area.

ENVIRONMENTAL JUSTICE ISSUES

Evaluate the impacts to human and social environments. This will also include impacts from air quality and noise pollution.

CULTURAL RESOURCES

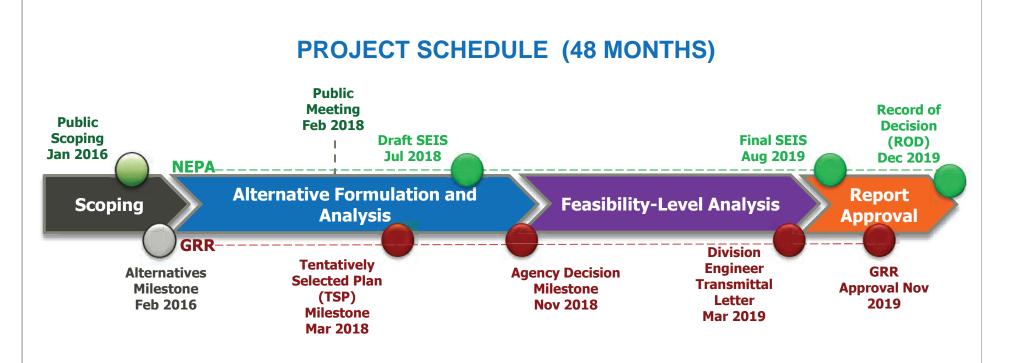
Evaluate potential impacts to Historic Properties in compliance with the National Historic Preservation Act.















Submit Your Comments

Your input will assure that all concerns have been considered during the study. Submit your comments in any of the following ways:



Email: MobileHarborGRR@usace.army.mil



Postal Mail:

U.S. Army Corps of Engineers

ATTN: PD-F

P.O. Box 2288

Mobile, AL 36628

Stay Informed

Biweekly updates and project documents on the project website : <u>www.sam.usace.army.mil/Missio</u> <u>ns/Program-and-Project-Manage</u> <u>ment/Civil-Projects/Mobile-Harb</u> <u>or-GRR/</u>



Sign up for the Listserve on the project website to receive a copy of the quarterly bulletin.

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From:	(b) (6)
To:	Blakeley Ellis
Subject:	RE: Port Authority Project
Date:	Thursday, January 25, 2018 3:54:00 PM
Attachments:	BENUSE.PDF
Subject: Date:	RE: Port Authority Project Thursday, January 25, 2018 3:54:00 PM

Blakeley: That attached map shows more refined but very preliminary assessment of potential sites within the relic shell mined area. It is not intended that Area A will be used.



-----Original Message-----From: (b) (6) Sent: Thursday, January 25, 2018 2:57 PM To: 'Blakeley Ellis' <blakeley@ccaalabama.org> Subject: RE: Port Authority Project

Blakeley: Very nice to meet you as well. Attached are the slides that we presented which includes the map. We are still working on the more refined areas. Let me see if I have something we can send as a "very preliminary subject to change" map.



-----Original Message-----From: Blakeley Ellis [<u>mailto:blakeley@ccaalabama.org</u>] Sent: Thursday, January 25, 2018 2:46 PM To: (b) (6) Subject: [EXTERNAL] Port Authority Project



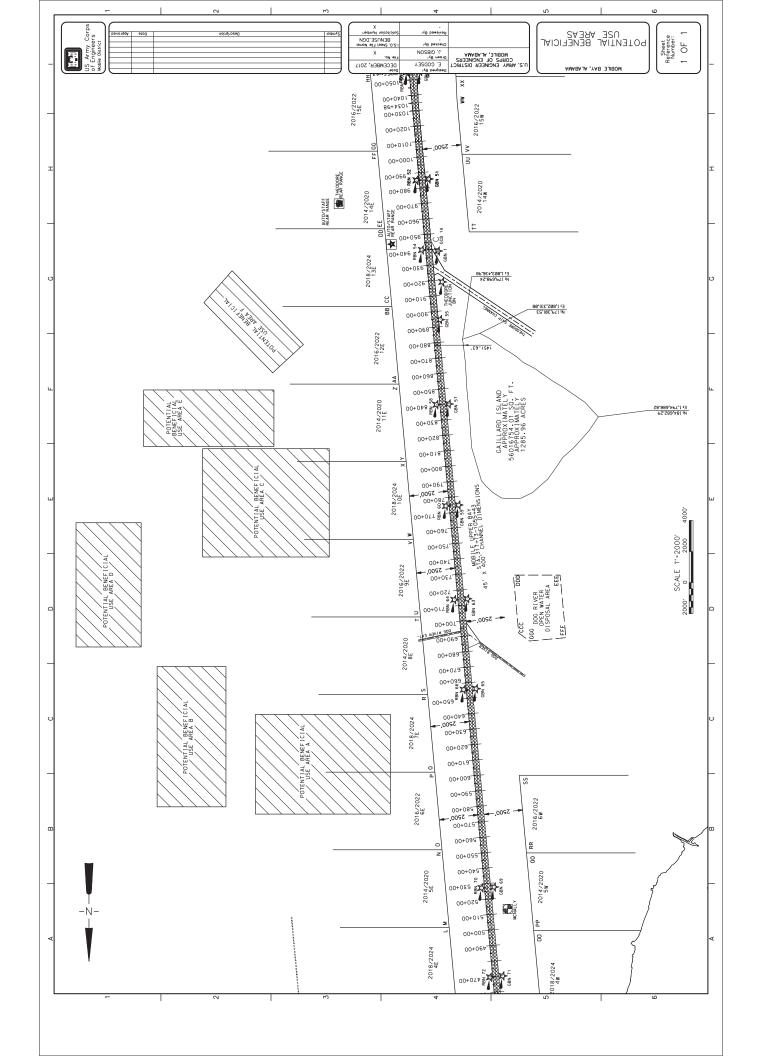
Nice to meet you last week at the meeting in Mobile. Would you mind sharing that map with the proposed fill location in Mobile Bay? Also, any more info y'all have on the depth of the really deep holes or the locations of those would be helpful.

Thank You!

Blakeley Ellis

CCA Alabama - Executive Director

251-478-3474



From:	(b) (6)
То:	(b) (6)
Subject:	Fw: [Non-DoD Source] FW: Slides - condensed
Date:	Friday, January 26, 2018 8:33:22 AM
Attachments:	image001.png February 2018 Public Meeting Slides.pdf

Sent from my BlackBerry 10 smartphone. From: (b) (6) Sent: Friday, January 26, 2018 8:22 AM To: (b) (6) Subject: [Non-DoD Source] FW: Slides - condensed

Suggestions for posters

From (b) (6) Sent: Friday, January 26, 2018 9:18 AM To: (b) (6) Subject: RE: Slides - condensed

Here are the 5 slides

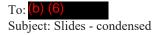
(b) (6)



From: (b) (6) Sent: Thursday, January 25, 2018 4:37 PM To: (b) (6) Subject: RE: Slides - condensed

What about the rest of the slide ... can you send me the complete package of slides marked 2

From: (b) (6) Sent: Thursday, January 25, 2018 11:07 AM



Here are the slides that I condensed



From:	(b) (6)
То:	(b) (6)
Subject:	Emailing: Econ Slide3.pptx
Date:	Friday, January 26, 2018 1:20:00 PM
Attachments:	Econ Slide3.pptx

Hey, <mark>(b)</mark>,

Are the costs on this slide (the top table) still good?



Your message is ready to be sent with the following file or link attachments:

Econ Slide3.pptx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From:	(b) (6)
To:	
Subject:	Mobile Harbor GRR Q&A
Date:	Friday, January 26, 2018 2:59:00 PM

(b) : When you get a moment, please provide responses to the following q&a's...

Q26: The Mobile District has been regularly using the Sand Island Beneficial Use Area (SIBUA) for the last 18 years. Will the GRR investigate "from a quantitative standpoint" if the SIBUA actually contributes substantial quantities of dredged "beach quality" sands to the littoral drift system on the west side of the Mobile Pass ebb-tidal delta?

Q30: How will data from the Alabama Barrier Island Restoration Assessment (ABIRA) be used in the GRR Study? The ABIRA Comprehensive Report is scheduled for completion in March 2019, yet the DRAFT GRR and SEIS for the Mobile Harbor GRR is scheduled to be released in June of 2018.

Q33: In what way does the current GRR rely on the 2008 and 2010 Byrnes Study?



From: To: Subject: Date: Attachments:	(b) (6) (b) (6) FW: [EXTERNAL] MFR for Dec 11, 2017 Meeting Friday, January 26, 2018 3:01:00 PM 2017-12-12 - MFR of Meeting with Corps on Mobile Harbor GRR Study.docx
(b) : Please prov	ide a response to the following question:
	e Mobile District decide this year to pass off management of the Mobile Bay Interagency Working bama State Port Authority?
Attached is (b)	notes on what he understood (b) (6) to say at the small group discussion.
To: (b) (6)	ssage January 11, 2018 12:48 PM XTERNAL] MFR for Dec 11, 2017 Meeting
See (b) MFR	from our Dec Meeting.
(b)	
To: (b) (6) Cc:(b) (6)	ssage cember 22, 2017 12:00 PM RNALI MFR for Dec 11, 2017 Meeting

Subject: [EXTERNAL] MFR for Dec 11, 2017 Meeting

(b):

Attached is the MFR I prepared of our Dec 11, 2017 meeting to address questions on the Mobile Harbor GRR Study and related issues. I wanted to give you and the District staff that participated in the meeting the opportunity to make sure that I correctly captured the Corps' responses to the questions before I distributed the MFR to others.

Since the holidays are upon us, I would appreciate receiving a response by COB on Jan 4, 2018. If I do not hear from you by that date, I will assume the MFR portrays a correct representation of the District staff's position as presently written.

Thanks. I hope you and your family have a Merry Christmas.



Memorandum for Record

December 13, 2017 Subject: December 12, 2017 Meeting with Corps Employees on Mobile Harbor GRR Study

Since the Corps is preparing to identify the Tentatively Selected Plan (TSP) and the issuance of the Draft General Reevaluation Report (GRR) and integrated SEIS for public review, I requested the subject meeting to seek clarification on the questions contained in Attachment 1. Those questions have been asked numerous times in various ways dating back to the Scoping Meeting, with the Corps either not providing answers to some; the answers that were provided not being clear; or the answers provided not meeting the desires of the public. The meeting participants are listed in Attachment 2.

The questions discussed at the meeting are repeated below, with the answers provided by the Corps highlighted in red

- Will the GRR specifically comply with the requirements of Sec 5 of the 1935 Rivers and Harbors Act of 1935 (P.L. 74-409) and Corps regulations and manuals by including an investigation of the effects of channel enlargement on shoreline configurations for a distance of at least 10 miles on both sides of the Mobile Pass Inlet? Yes. If so, what shoreline condition has been selected to represent the "without project" condition against which the effects will be measured? The Corps stated the "without project" condition will represent today's shoreline configuration and any changes forecast to occur 50 years into the future. Even though ER 1105-2-100 requires GRRs to reanalyze a previously completed study "...due to changed conditions and/or assumptions", the Mobile Harbor GRR will not analyze the changes that have occurred to the Dauphin Island Gulf shoreline during the 38 years since the 1980 report was prepared – even though the Corps is well aware of the fact that the 1980 Survey Report failed to comply with Section 5 of the 1935 Rivers and Harbors Act by not investigating the effects of enlarging the channel on Dauphin Island. Finally, will the GRR point out that the 1980 Survey Report did not investigate the effects of channel enlargement on the shorelines for a minimum distance of 10 miles on both sides of the Mobile Pass Inlet? (b) (6) stated the GRR will not acknowledge and inform the public, others, and Congress that the 1980 Survey Report failed to comply with Section 5 of the 1935 Rivers and Harbors Act and was therefore deficient in not conducting a Congressionally mandated and highly relevant investigation. As a result, Congress did not have the benefit of the results of such an investigation prior to deciding to include the recommended Mobile Harbor deepening and widening project for authorization in the Water Resources Development Act of 1986.
- As "encouraged" by EM 1110-2-5025, how does the GRR recognize and consider the fact that the approximately 500,000 cubic yards of "beach quality" sands dredged from the Outer Bar Channel on an average annual basis are a valuable resource and should be "beneficially used" for "beach nourishment"? Will the GRR include consideration of a "beneficial uses" alternative that would place maintenance dredged beach quality sands

from the Outer Bar Channel at a more appropriate location to facilitate their reincorporation into the littoral drift system to assist in the "restoration" of Dauphin Island's eroding Gulf shoreline, to include the surficial reconstitution of the Sand/Pelican Island complex of the Mobile Pass ebb-tidal delta? The Corps stated the GRR will not consider beneficially using beach quality sands dredged during maintenance of the Outer Bar channel, unless engineering investigations indicate the TSP will contribute to shoreline erosion of Dauphin Island in which case "mitigation" will be include in the TSP. The GRR will not evaluate a "beneficial uses" alternative for that channel segment even though the amended authority for the Mobile Harbor project provides the Corps the discretion to consider "...environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration", without tying such an alternative to a "mitigation" need. In reaching that decision, the Corps has ignored numerous and continuous requests from the public, dating back to the January 2016 Scoping Meeting, that the GRR consider such a "beneficial use" alternative. The Corps could give no rational explanation for its decision not to investigate such an alternative that is widely supported by the concerned public.

The Mobile District has been regularly using the Sand Island Beneficial Use Area (SIBUA) for the last 18 years. Will the GRR investigate "from a quantitative standpoint" if the SIBUA actually contributes substantial quantities of dredged "beach quality" sands to the littoral drift system on the west side of the Mobile Pass ebb-tidal delta? Although (b) (6) stated that the SIBUA is surveyed prior to each dredging contract, the Corps staff acknowledged the disposal site is not otherwise monitored and that the Corps does not know where the sands that leave the site actually go. The Corps stated the GRR plans to continue using the SIBUA and is conducting investigations to determine if sands placed in the site are transported to the Mobile Pass ebb-tidal delta and ultimately to Dauphin Island as the Corps has alleged to be the case since the SIBUA was first established over 18 years ago.

Should such investigations reveal that is not the case, does the Mobile District plan to eliminate the "beneficial use" phrase from the present name of that disposal area since by continuing to include it would represent a misnomer? To be determined.

• As required by EM 1110-2-5025, will the GRR include a Dredged Material Management Plan (DMMP) identifying where the Mobile District and the Alabama State Port Authority plan to dispose of maintenance dredged material removed from the Mobile Bay and the Outer Bar Channel segments for at least the next 20 years as required by Corps regulations? No. The Mobile District plans to continue maintaining Mobile Harbor in accordance with the findings of its existing Preliminary Assessment. As I understand the provisions of ER1105-2-100 governing the DMMP study process, this Mobile District position means the existing Preliminary Assessment has determined there is "sufficient existing disposal capacity" to accommodate the maintenance dredging needs of the Mobile Harbor project for the next 20 years, even if the existing maintenance dredging quantities will be increased by deepening and widening the channel as anticipated will be

recommended in the eventual GRR. Carrying that understanding further, if the Preliminary Assessment has determined there is adequate disposal capacity to maintain even an enlarged Mobile Harbor project, it is not clear why the Mobile District and the Alabama State Port Authority are seriously pursuing construction of a 1,200-acre dredged material disposal island a short distance south of the Causeway – that is euphemistically referred to as the "Upper Mobile Bay Emergent Marsh Wetland" – and which will be only addressed in the GRR's SEIS cumulative impact evaluations as a separate and unrelated project to deepening and widening Mobile Harbor.. Will the DMMP include the dredged material options being developed by the Mobile Bay Regional Sediment Management (RSM) Program, to include an evaluation of their environmental impacts? A DMMP will not be prepared for inclusion in the GRR. Lastly, will the DMMP also address "potential beneficial uses" of "beach quality sands" dredged from the Outer Bar Channel? A DMMP will not be prepared for inclusion in the GRR.

- Will the GRR expand the Mobile Bay RSM Program that is presently restricted to addressing the disposal needs of only the Mobile Bay Channel segment to finally address the entire Mobile Harbor project (i.e., including the Outer Bar Channel segment) to be consistent with paragraph 2.8.3 in EM 1110-2-5025? No. In a December 29, 2016 letter to (b) (6) COL DeLapp committed the Corps to "...put forth a recommendation to the group [IWG] that a sediment management strategy for the Outer Bar Channel be considered". (b) (6) State of the Corps has not fulfilled COL DeLapp's commitment that was made a year ago.
- Why did the Mobile District decide this year to pass off management of the Mobile Bay Interagency Working Group to the Alabama State Port Authority? (b) (6) responded that considerations relative to the 1972 Federal Advisory Committee Act was the basis for that decision, as well as the Corps staff being busy on other efforts. I did not receive a response when I asked why compliance with the 1972 Act was not an issue for the Mobile District during the first six years of the IWG's existence, while appearing to have created concerns for the District only after it invited the Sierra Club and the Organized Seafood Association of Alabama to join the IWG in March 2016. In the intervening 21 months since March 2016, the IWG has not met despite the Sierra Club making several requests that a meeting be called.

(b) (6)			

Project Authority

SEC. 201. DEEP-DRAFT HARBOR PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION – The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

MOBILE HARBOR, ALABAMA (as amended by Sec 302 of the WRDA of 1996 (PL 104–303) (110 STAT. 3711))

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of \$451,000,000, with an estimated first Federal cost of \$255,000,000 and an estimated first non-Federal cost of \$196,000,000. In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.

Questions

Will the GRR specifically comply with the requirements of Sec 5 of the 1935 Rivers and Harbors Act of 1935 (P.L. 74–409) and Corps regulations and manuals by including an investigation of the effects of channel enlargement on shoreline configurations for a distance of at least 10 miles on both sides of the Mobile Pass Inlet? If so, what shoreline condition has been selected to represent the "without project" condition against which the effects will be measured? Finally, will the GRR point out that the 1980 Survey Report did not investigate the effects of channel enlargement on the shorelines for a minimum distance of 10 miles on both sides of the Mobile Pass Inlet?

As "encouraged" by EM 1110-2-5025, how does the GRR recognize and consider the fact that the approximately 500,000 cubic yards of "beach quality" sands dredged from the Outer Bar Channel on an average annual basis are a valuable resource and should be "beneficially used" for "beach nourishment"

Will the GRR include consideration of a "beneficial uses" alternative that would place maintenance dredged beach quality sands from the Outer Bar Channel at a more appropriate location to facilitate their re-incorporation into the littoral drift system to assist in the "restoration" of Dauphin Island's eroding Gulf shoreline, to include the surficial reconstitution of the Sand/Pelican Island complex of the Mobile Pass ebb-tidal delta? The Mobile District has been regularly using the Sand Island Beneficial Use Area (SIBUA) for the last 18 years. Will the GRR investigate "from a quantitative standpoint" if the SIBUA actually contributes substantial quantities of dredged "beach quality" sands to the littoral drift system on the west side of the Mobile Pass ebb-tidal delta? Should such investigations reveal that is not the case, does the Mobile District plan to no eliminate the "beneficial use" phrase from the present name of that disposal area since by continuing to include it would represent a misnomer.

In designating the National Economic Development (NED) Plan and the Tentatively Selected Plan (TSP) in the GRR, how will the Mobile District determine the "environmental acceptability" of the dredged material management measures included in those plans?

As required by EM 1110-2-5025, will the GRR include a Dredged Material Management Plan (DMMP) identifying where the Mobile District and the Alabama State Port Authority plan to dispose of maintenance dredged material removed from the Mobile Bay and the Outer Bar Channel segments for at least the next 20 years as required by Corps regulations? Will the DMMP include the dredged material options being developed by the Mobile Bay Regional Sediment Management (RSM) Program, to include an evaluation of their environmental impacts? Lastly, will the DMMP also address "potential beneficial uses" of "beach quality sands" dredged from the Outer Bar Channel?

Will the GRR expand the Mobile Bay RSM Program that is presently restricted to addressing the disposal needs of only the Mobile Bay Channel segment to finally address the entire Mobile Harbor project (i.e., including the Outer Bar Channel segment) to be consistent with paragraph 2.8.3 in EM 1110-2-5025?

Will the GRR incorporate the "Engineering With Nature" concept described in paragraph 2.9 of EM 1110-2-5025 that would be directed at developing and maintaining a deepened and widened Mobile Harbor deep-draft navigation project that is sustainable from economic, social, and environmental perspectives?

Why did the Mobile District decide this year to pass off management of the Mobile Bay Interagency Working Group to the Alabama State Port Authority?

Mobile Harbor Outer Bar Channel Dredging History (1980-2016)

(Source: USACE for the period 1980-2009 and estimated for the period 2010-2016 based on the average annual maintenance quantities reported for the preceding 30 years)

Dredging Date	Gross Quantity Dredged (yd ³)	Disposal Area Used ¹ /
Feb-Dec 1980	1,129,337	Ocean DA
Jan-Mar 1981	610,623	Ocean DA
Dec 1982-Jan 1983	312,408	Ocean DA
Jan-Nov 1984	559,607	Ocean DA
Aug-Oct 1985	1,386,536	Ocean DA
Jan-Feb 1987	656,089	Nearshore Feeder Berm
Feb 1989-May 1990	^{2/} 6,755,352	Ocean DA
Aug-Sep 1992	466,607	Ocean DA
Nov-Dec 1995	621,172	Ocean DA
Aug-Dec 1997	710,996	Ocean DA
Sep-Oct 1998	1,279,780	Ocean DA
Aug-Sep 1999	71,380	Ocean DA
	54,600	SIBUA
May-Sep 1999	<u>3</u> / 3,061,598	SIBUA
Apr-Jul 2000	758,280	Ocean DA
Mar 2002-May 2002	92,820	SIBUA
Jun 2004	230,110	SIBUA
Oct 2004-Nov 2004	1,184,817	SIBUA
Oct 2004-Jan 2005	1,808,765	SIBUA and at Lighthouse
Aug 2005	67,555	SIBUA
Apr-Jun 2006	487,975	SIBUA
Aug 2007	1,083,860	SIBUA
Nov-Dec 2008	585,430	SIBUA
Sept-Nov 2009	942,817	SIBUA
2010-2016 (estimated)	3,523,698	SIBUA
Total Dredged from Outer Bar Channel	<mark>29,442,209</mark>	For 30 years 1980-2016
Total Placed in Ocean DA	14,672,078	For 30 years 1980-2016
Total Placed at Nearshore Feeder Berm	656,089	For 1987 only
Total Placed in SIBUA or at Lighthouse	9,600,347	For 30 years 1980-2016
Average annual maintenance dredging quantity	<mark>503,385</mark>	For 37 years 1980-2016

- ¹ Ocean DA EPA approved open water disposal site in the offshore Gulf of Mexico SIBUA – Sand Island Beneficial Use Area
- $\frac{2}{2}$ New work deepening from 42 to 47 feet
- $\frac{3}{2}$ New work deepening from 47 to 49 feet.
- 4/ Excludes new work deepening in 1989-1990 and 1999

Method used to estimate maintenance dredging quantities 2010-2016 and total dredged 1980-2016:

Step 1: 24,918,514 - (6,755,352 + 3,061,598) = 15,101,564 (O&M dredging only for 1980 through 2009) **Step 2:** 15,101,564 ÷ 30 = 503,385 yd³/year average OM for 30-year period between 1980 and 2009 **Step 3:** 503,385 × 7 = 3,523,695 yd³ estimated as being dredged for 7-year period between 2010 and 2016 **Step 4:** 24,918,514 + 3,523,695 = 29,442,209 yd³ estimated dredged from Outer Bar Channel (1980 to 2016)

(b) (6)	Perember 12,2017 - Mobile DISTRICT CORPS OF ENgineers	
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ATTACHMENT 2

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	FW: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island"s Public Meeting
Date:	Monday, January 29, 2018 9:10:00 AM

See e-mail below requesting date change for the Mobile Harbor Public Meeting. We have reserved the conference rooms and made calendar space for a significant amount of the team members, including ERDC to make the February 22 date.

Please let us know how to respond to (b) (6)	
(b) (6)	
Original Message From: <mark>(b) (6)</mark>	
Sent: Sunday, January 28, 2018 11:28 AM To (b) (6)	
Cc (b) (6)	
Subject: [Non-DoD Source] GRR/EIS Public Me	eeting vs Town of Dauphin Island's Public Meeting

I have just learned that The Town of Dauphin Island has announced, in the Town of Dauphin Island's Town Crier, a Public meeting on February 22, 2018 to update the property owners of Dauphin Island about changes to the Flood Maps that affect Dauphin Island. The "FIRM" reflect a number of changes to the current risk zones and Base Flood Elevations (BFEs). These changes as proposed (the preliminary FIRMs are expected to become effective in mid-2019) can impact insurance premiums, new construction elevation requirements and more. This public meeting is to help Dauphin Island property owners better understand what all this means to them and their property.

It is also important that the Mobile District understand that the Town of Dauphin Island is partnering with Mobile County to present the FIRM update and this particular date was the best fit for Mobile County. Mobile County is also hosting other similar meetings throughout the county. It would be important for the Mobile District to understand that these important updates are taking place and should consider their date accordingly.

Since the Mobile District only recently announced, in its January 16th Biweekly update, that it will hold a Public meeting on February 22nd about the Mobile Harbor Widening and Deepening GRR.EIS, I respectfully request that the Corps of Engineers, Mobile District, select a different date to hold its Public Meeting. The Town of Dauphin Island "FIRMS" public meeting and the Mobile District's GRR/EIS are both extremely important public meetings competing for time of the same public on the same day. The Town of Dauphin island has announced its meeting in a very public newsletter, to its on Island property owners of over 1200 and to its wider distribution that could reach over 3000 member of the Dauphin Island Property Owners Association, while the Mobile District's announcement, as best I can determine, is reaching a limited number of people and only if they have gone to the website and read

the Biweekly update.

I hope the above information is helpful and that due consideration is given for a change in the date for the GRR/EIS update.

I look forward to your reply to this concern and request.

Sincerely,

From:	(b) (6)
To:	(b) (6)
Cc:	(b) (6)
Subject:	RE: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island"s Public Meeting
Date:	Monday, January 29, 2018 1:45:00 PM

Looked into alternate dates of Feb 20 and March 06 and there are major issues with both dates. I intend to call (b) and see if he can re-arrange the other meeting date, or see if we can adjust meeting times to accommodate both meetings on this date.

(b) (6)	

Original Message	
From: (b) (6)	
Sent: Monday, January 29, 2018 10:56 AM	
To: (b) (6)	
Cc: (b) (6)	

Subject: FW: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

(b) - calendar options are very limited. If we don't go on 22 Feb, next option is 6 Mar (COL D and I are out 26 Feb to 2 Mar)...and then he's out again 7-9 Mar. Do we have flexibility with the facility for 6 Mar? Are our key players available on 6 Mar if we have flexibility with the facility?

(D)		
(6)		

-----Original Message-----From: Mobile Harbor GRR Sent: Monday, January 29, 2018 9:11 AM

To: (D) (D)		
Cc: (b) (6)		

Subject: FW: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

See e-mail below requesting date change for the Mobile Harbor Public Meeting. We have reserved the conference rooms and made calendar space for a significant amount of the team members, including ERDC to make the February 22 date.



Subject: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

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It is also important that the Mobile District understand that the Town of Dauphin Island is partnering with Mobile County to present the FIRM update and this particular date was the best fit for Mobile County. Mobile County is also hosting other similar meetings throughout the county. It would be important for the Mobile District to understand that these important updates are taking place and should consider their date accordingly.

Since the Mobile District only recently announced, in its January 16th Biweekly update, that it will hold a Public meeting on February 22nd about the Mobile Harbor Widening and Deepening GRR.EIS, I respectfully request that the Corps of Engineers, Mobile District, select a different date to hold its Public Meeting. The Town of Dauphin Island "FIRMS" public meeting and the Mobile District's GRR/EIS are both extremely important public meetings competing for time of the same public on the same day. The Town of Dauphin island has announced its meeting in a very public newsletter, to its on Island property owners of over 1200 and to its wider distribution that could reach over 3000 member of the Dauphin Island Property Owners Association, while the Mobile District's announcement, as best I can determine, is reaching a limited number of people and only if they have gone to the website and read the Biweekly update.

I hope the above information is helpful and that due consideration is given for a change in the date for the GRR/EIS update.

I look forward to your reply to this concern and request.

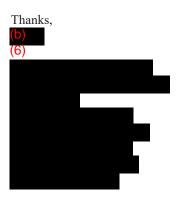
Sincerely,



From: To:	(b) (6) (b) (6)
Subject: Date: Attachments: Importance:	FW: Mobile Harbor Transition Materials for ASA Monday, January 29, 2018 1:51:00 PM <u>05 SAD Mobile Harbor GRR - 29 Jan 18.docx</u> High
(b) (6) Are y	ou okay with proposed changes that (b) made? They look fine to me.
(b) : Do we have	updated numbers from the 2014 data shown on the attached information paper?
(b) (6)	
Original Mess From: (b) (6) Sent: Monday, Jan To: (b) (6) Cc: (b) (6)	age uary 29, 2018 1:25 PM

Subject: Mobile Harbor Transition Materials for ASA Importance: High

(b) (6) - I have been asked to update the Mobile Harbor issue paper for inclusion in a transition notebook for the new ASA (CW). Attached is the last version of the Mobile Harbor information paper with proposed changes shown in track changes. If I could get this back by COB Wednesday, that would be great.



From:	Mobile Harbor GRR
То:	(b) (6)
Cc:	(b) (6) Mobile Harbor GRR
Subject:	RE: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island"s Public Meeting
Date:	Monday, January 29, 2018 2:49:00 PM

We are not able to change the date of our meeting. We can adjust the time. Is it possible that the date of the county meeting be moved or the time adjusted to accommodate both meetings on this date?

(b) (6)		
Original Message From: (b) (6)		
Sent: Sunday, January 28, 2018 11:28 AM		
To: (b) (6)		
Cc (b) (6)		N / 1 ¹¹
		Mobile

Harbor GRR <MobileHarborGRR@usace.army.mil> Subject: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

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the Biweekly update.

I hope the above information is helpful and that due consideration is given for a change in the date for the GRR/EIS update.

I look forward to your reply to this concern and request.

Sincerely,

(b) (6)

From:	(b) (6)
To:	(b) (6)
Subject:	Mobile Harbor GRR Q&A
Date:	Monday, January 29, 2018 2:55:00 PM



(b) : Please provide a response to the following question:

Q28: Will the GRR expand the Mobile Bay RSM Program that is presently restricted to addressing the disposal needs of only the Mobile Bay Channel segment to finally address the entire Mobile Harbor project (i.e., including the Outer Bar Channel segment) to be consistent with paragraph 2.8.3 in EM 1110-2-5025?



From:	(b) (6)
To:	(b) (6)
Subject:	Re: Mobile Harbor Transition Materials for ASA
Date:	Monday, January 29, 2018 3:01:40 PM

Thank you!!!

Sent from my BlackBerry 10 smartphone.

Original Message From: (b) (6) Sent: Monday, January 29, 2018 2:54 PM To: (b) (6)

Subject: RE: Mobile Harbor Transition Materials for ASA

(b)

I've updated to 2016 data.



-----Original Message-----

From (b) (6) Sent: Monday, January 29, 2018 1:52 PM To: (b) (6) Subject: FW: Mobile Harbor Transition Materials for ASA Importance: High (b) (6) : Are you okay with proposed changes that (b) made? They look fine to me.



b) : Do we have updated numbers from the 2014 data shown on the attached information paper?



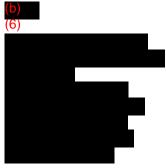
-----Original Message-----From: (b) (6) Sent: Monday, January 29, 2018 1:25 PM To: (b) (6)



Subject: Mobile Harbor Transition Materials for ASA Importance: High

(b) (6) - I have been asked to update the Mobile Harbor issue paper for inclusion in a transition notebook for the new ASA (CW). Attached is the last version of the Mobile Harbor information paper with proposed changes shown in track changes. If I could get this back by COB Wednesday, that would be great.

Thanks,



From:
To:
Subject:
Date

Not a bad idea. Let me see where this goes...

Sent from my BlackBerry 10 smartphone.

Original Message

From: (b) (6) Sent: Monday, January 29, 2018 3:04 PM To: (b) (6)

Subject: RE: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

Where is there meeting? What if we moved the meeting closer to Dauphin Island?



Subject: FW: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

FYI

Original Message	
From: Mobile Harbor GRR	
Sent: Monday, January 29, 2018 2:50 PM	
To: (b) (6)	
Cc (b) (6)	
	Mobile
Harbor GRR <mobileharborgrr@usace.army.mil></mobileharborgrr@usace.army.mil>	

Subject: RE: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

(b) (6)

We are not able to change the date of our meeting. We can adjust the time. Is it possible that the date of the county meeting be moved or the time adjusted to accommodate both meetings on this date?



-----Original Message-----From:(b) (6) Sent: Sunday, January 28, 2018 11:28 AM To: (b) (6)



Harbor GRR <MobileHarborGRR@usace.army.mil> Subject: [Non-DoD Source] GRR/EIS Public Meeting vs Town of Dauphin Island's Public Meeting

I have just learned that The Town of Dauphin Island has announced, in the Town of Dauphin Island's Town Crier, a Public meeting on February 22, 2018 to update the property owners of Dauphin Island about changes to the Flood Maps that affect Dauphin Island. The "FIRM" reflect a number of changes to the current risk zones and Base Flood Elevations (BFEs). These changes as proposed (the preliminary FIRMs are expected to become effective in mid-2019) can impact insurance premiums, new construction elevation requirements and more. This public meeting is to help Dauphin Island property owners better understand what all this means to them and their property.

It is also important that the Mobile District understand that the Town of Dauphin Island is partnering with Mobile County to present the FIRM update and this particular date was the best fit for Mobile County. Mobile County is also hosting other similar meetings throughout the county. It would be important for the Mobile District to understand that these important updates are taking place and should consider their date accordingly.

Since the Mobile District only recently announced, in its January 16th Biweekly update, that it will hold a Public meeting on February 22nd about the Mobile Harbor Widening and Deepening GRR.EIS, I respectfully request that the Corps of Engineers, Mobile District, select a different date to hold its Public Meeting. The Town of Dauphin Island "FIRMS" public meeting and the Mobile District's GRR/EIS are both extremely important public meetings competing for time of the same public on the same day. The Town of Dauphin island has announced its meeting in a very public newsletter, to its on Island property owners of over 1200 and to its wider distribution that could reach over 3000 member of the Dauphin Island Property Owners Association, while the Mobile District's announcement, as best I can determine, is reaching a limited number of people and only if they have gone to the website and read the Biweekly update.

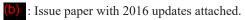
I hope the above information is helpful and that due consideration is given for a change in the date for the GRR/EIS update.

I look forward to your reply to this concern and request.

Sincerely,

(b) (6)

(b) (6)
(b) (6)
(b) (6)
05_SAD_Mobile Harbor GRR - 29 Jan 18 (003).docx
Monday, January 29, 2018 4:10:00 PM
05 SAD Mobile Harbor GRR - 29 Jan 18 (003).docx



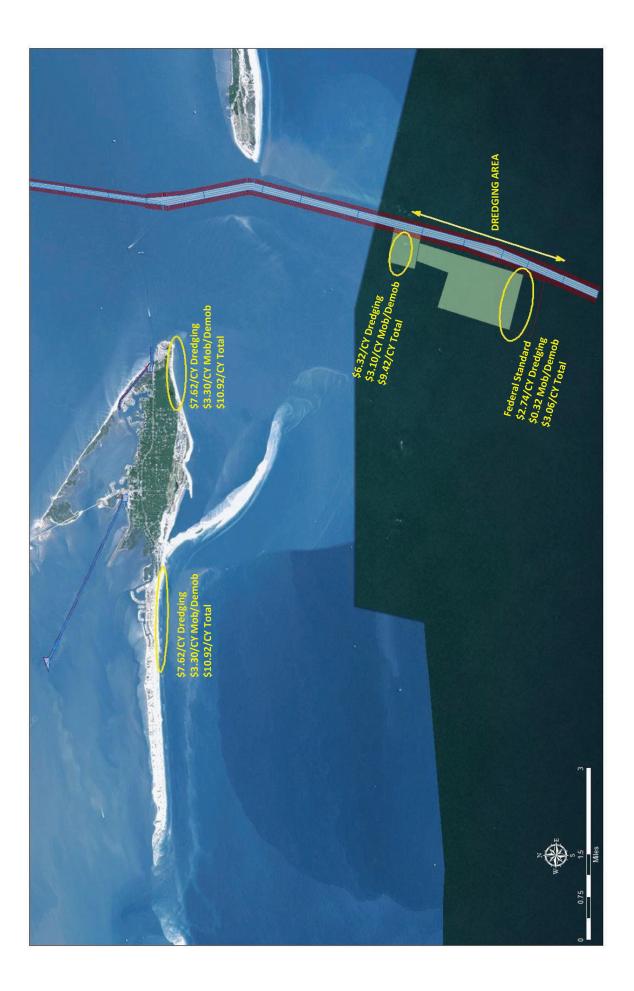


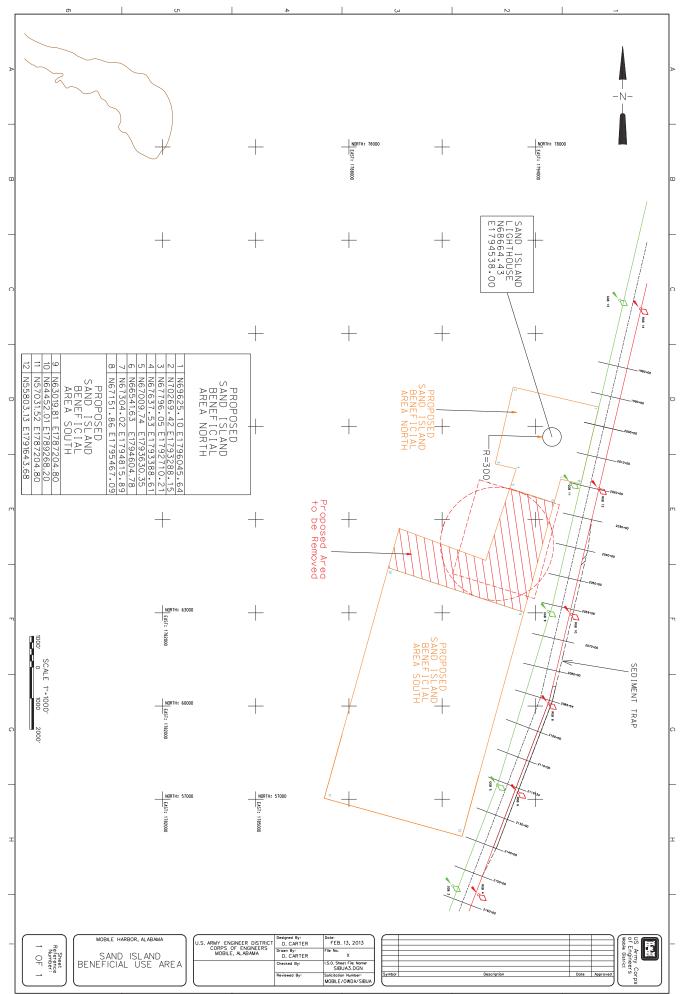
From: To: Subject: Date: Attachments:



FW: Need Maps Tuesday, January 30, 2018 8:57:00 AM Dauphin Island Dredging Costs.pptx SIBUA-NewExclusionZone2015.pdf







From:	(b) (6)
To:	(b) (6)
Subject:	Mobile Harbor GRR - Review Plan 03 February 2016.docx
Date:	Tuesday, January 30, 2018 9:47:00 AM Mobile Harbor GRR - Review Plan 03 February 2016.docx

REVIEW PLAN

Mobile Harbor, Alabama, General Reevaluation Report (GRR)

Mobile District

February 2016

P2: 353199

MSC Approval Date: Last Revision Date:



ogs 3-27 (b)(5)

:00 AM
8.pptx

Original Message	
From: (b) (6)	
Sent: Tuesday, January 30, 2018 9:31 AM	
To: (b) (6)	
Cc: (b) (6)	
Subject: RE: Draft Rehearsal and Slides	

All,

Sorry for the multiple emails, but the oyster flushing data just came in. It is included in the attached. Thanks

(b) (6)		

Original Message	
From:(b) (6)	
Sent: Tuesday, January 30, 2018 10:01 AM	
To (b) (6)	

Subject: RE: Draft Rehearsal and Slides

All,

Please see attached draft slides. These used the provided format so hopefully can be easily integrated with the other topics. Note that slide 13 contains a large amount of data and may be slow to load (we'll work on getting a better format). Also, the oyster flushing model runs are finishing up today, so that data will be incorporated by the end of the week. Our group has enjoyed working on this, good team effort on all fronts. I'll be calling in for the 1300 CT meeting.

Appreciated.

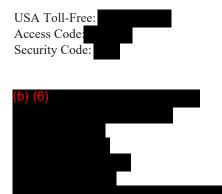


Or	riginal Message	
From:	(b) (6)	



Subject: Draft Rehearsal and Slides

Just a reminder that I will need your slides this morning (preferably by 9am). Don't forget that we have a 1300hrs CT meeting in the executive conference room. Call-in information as follows:



Original Appointment	
From: (b) (6)	
Sent: Thursday, January 25, 2018 3:22 PM	
To (b) (6)	
Cc:(b) (6)	

Subject: Draft Rehearsal Slide Discussion When: Friday, January 26, 2018 9:00 AM-9:30 AM (UTC-06:00) Central Time (US & Canada). Where: Small PM-C Conference Room

I REALLY hate to do this, but, we have our first rehearsal for the February Public Meeting next Tuesday, January 30 at 1pm, so we probably need to get together briefly tomorrow morning at 0900hrs in the small PM-C Conference Room to discuss our respective slides. Attached are the slides from the last IPR that we can use as a starting template.





pgs 3-18 (b)(5)

From:	(b) (6)
То:	(b) (6)
Subject:	FW: Draft Rehearsal and Slides
Date:	Tuesday, January 30, 2018 12:44:00 PM
Attachments:	Draft 1 Public Meeting O&M Slide Feb 2018.pptx

-----Original Message-----

From: (b) (6)

Sent: Tuesday, January 30, 2018 10:58 AM To:(b) (6)

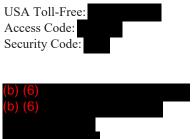
Subject: RE: Draft Rehearsal and Slides

I wrote notes in it if you want to print them out for them to review. I left it very generic and I'm going to let him decide if he wants to discuss expanding SIBUA or not with this slide.

Original Message		
From:(b) (6)		
Sent: Tuesday, January 30, 2018 8:04 AM	-	
To:(b) (6)		

Subject: Draft Rehearsal and Slides

Just a reminder that I will need your slides this morning (preferably by 9am). Don't forget that we have a 1300hrs CT meeting in the executive conference room. Call-in information as follows:

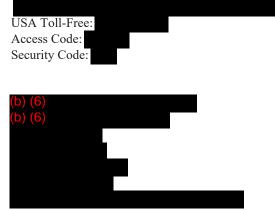




-----Original Appointment-----From: (b) (6) Sent: Thursday, January 25, 2018 3:22 PM To: (b) (6)

Cc:(b) (6) Subject: Draft Rehearsal Slide Discussion When: Friday, January 26, 2018 9:00 AM-9:30 AM (UTC-06:00) Central Time (US & Canada). Where: Small PM-C Conference Room

I REALLY hate to do this, but, we have our first rehearsal for the February Public Meeting next Tuesday, January 30 at 1pm, so we probably need to get together briefly tomorrow morning at 0900hrs in the small PM-C Conference Room to discuss our respective slides. Attached are the slides from the last IPR that we can use as a starting template.



ogs 3-3 (b)(5)

From:	(b) (6)
To:	(b) (6)
Subject:	Re: Starting Point for Public Engagement
Date:	Wednesday, January 31, 2018 10:35:13 AM

Got it. Thanks.

Sent from my BlackBerry 10 smartphone.

Original Message From **(b) (6)** Sent: Wednesday, January 31, 2018 10:26 AM To: (b) (6) Cc: (b) (6)

Subject: Starting Point for Public Engagement

(b) - here's a starting point for the slides for COL DeLapp's presentation. At slide 13, we transition to the Mobile GRR...where we need to add new material, the things we discussed yesterday. Also, some of these slides are dated and the info needs to be updated.

(b) (6)



From: To: Cc: Subject: Date: Attachments:	 (b) (6) (b) (6) (b) (6) FW: URGENT Mobile Harbor - Legal Ad Run Schedule Wednesday, January 31, 2018 1:13:00 PM DRAFT 2 Public Notice Feb22 Public Meeting.docx
<mark>(b) (6)</mark> : I'm oka	by with it. I cc'd (b) to make sure he's okay with it. I believe that (b) is the final word.
(b) (6) (b) (6)	
Original M	essage
From:(b) (6)	ay, January 31, 2018 10:29 AM
To: (b) (6)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Subject: [Non-DoD Source] URGENT Mobile Harbor - Legal Ad Run Schedule

We need approval of the press release copy by 2pm EST today, in order to make the Mobile Press Register deadline.

We sent a draft on Jan 18th, but have not heard anything back. Here is another version redrafted to include a change in the time to 6:00 - 8:00 pm, which is what COL DeLapp put in his note in the newsletter. We have also added a paragraph about free parking.

Below is proposed run schedule for approval, based on the runs we did last time (2 times in Lagniappe, and 3 times in Mobile Press Register). Please note the Optional run date; since the meeting is on Thursday, we can get in Wednesday editions (day before) and Thursday (day of meeting.) The Legal Ad will also be distributed free to online publications: Blockedwww.AL.com <Blockedhttp://www.AL.com> and AlabamaLegals.com.

Proposed Run Schedule:

Mobile Press Register (assuming Deadline of today at 2pm EST is met) Cost: each run is approximately \$90. Total \$270 (3 runs) or \$360 (4 runs)