



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

16 February 2024

**CESAM-PD-EC**  
**PUBLIC NOTICE NO. FP24-CB01-11**

**JOINT PUBLIC NOTICE**

**U.S. ARMY CORPS OF ENGINEERS**  
**AND**  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY,**  
**OFFICE OF POLLUTION CONTROL**

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**FOR**  
**CONTINUED MAINTENANCE DREDGING OF**  
**CADET BAYOU NAVIGATION PROJECT**  
**HANCOCK COUNTY, MISSISSIPPI**

**A FEDERALLY AUTHORIZED NAVIGATION PROJECT**

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to continue maintenance dredging of the federally authorized Cadet Bayou navigation project, Hancock County, Mississippi.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 1988. These regulations provide for the review of the dredging programs for federally authorized projects. These laws are applicable whenever dredged or fill material may enter navigable waters. The recipient of this notice is requested specifically to review the proposed action as it may have impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Comments on any other potential impacts are also requested.

**WATERWAY AND LOCATION:** Cadet Bayou, Mississippi Sound, Hancock County, Mississippi (Figure 1).

**DESCRIPTION OF THE AUTHORIZED PROJECT:** The Cadet Bayou navigation project was federally authorized 20 March 1969 by the Chief of Engineers under the authority of Section 107, Rivers and Harbor Act of 1960. The federally authorized project provides for an 8-foot-deep by 100-foot-wide entrance channel extending from the 8-foot depth contour in Mississippi Sound for approximately 7,800 feet to the mouth of the bayou, thence an 8-foot deep by 80-foot-wide channel for approximately 700 feet into a trapezoidal turning basin 8-foot deep, 100-foot-long, and 130-foot-wide including the channel width. The plane of reference is mean lower low water (MLLW).

**DESCRIPTION OF THE PROPOSED ACTION:** The authorized project provides for the continued maintenance dredging and placement of material from the Cadet Bayou's Mississippi Sound portion. No other channel portion of the authorized project would be maintenance dredged until additional chemical, physical and biological testing is conducted to determine dredged material suitability and respective disposal sites. The project provides for an 8-foot deep by 100-foot-wide entrance channel extending from the 8-foot depth contour in Mississippi Sound for approximately 7,800 feet to the mouth of the bayou. The channel would be maintained via hydraulic pipeline dredge. The proposed dredging action would be performed with a tolerance of up to 2 feet advanced maintenance and 2 feet of allowable over-depth dredging. An additional 3 feet of sediment below the 2-foot allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed.

Approximately 175,000 cubic yards of material would be removed from the channel each dredging cycle with average cycles occurring every 5 to 6 years. However, the actual time between dredging cycles and uses of the placement area may vary due to the variable rates of shoaling and availability of funding. The material would be disposed of in a previously authorized and utilized 250-acre open-water disposal site (Figure 2) and/or beneficial use site (Figure 3). Placement of dredged material at the open-water site is conducted via thin-layer dispersal, as much as practicable. Water depths in the site would not be allowed to become less than -4 feet MLLW. Dredging and placement of materials could occur at any time of the year. In addition, a beneficial use area established along the western shore of the bayou can also be used as a dredged material placement area.

**BAYOU CADDY ECOSYSTEM RESTORATION SITE:** The 2010 beneficial use area was established along the western shore of the bayou as one of the fifteen Mississippi Coastal Improvements Program (MsCIP) Interim Phase projects for purposes of restoring the eroded shoreline, serving as a placement area for beneficial use of dredged material, and promoting emergent tidal marsh propagation (Figure 3). This beneficial use project was authorized as part of the MsCIP Interim Phase, which includes restoration of marshlands damaged by the hurricanes of 2005. The site is approximately 18 acres in size and has the capacity to contain approximately 140,000 cubic yards of dredged material. The site was damaged due to the consequences of Tropical Storm Lee that made landfall on 5 September 2011. Large waves and high tides damaged the existing geotube containment structure by displacing the sandy material within the geotubes. This sand displacement caused an uneven elevation on the perimeter of the containment structure which greatly reduced its capability to contain dredged material and function properly as a beneficial use site. The damaged geotubes were repaired in November 2013.

In 2014, the Mobile District evaluated a potential shoreline protection system for the Bayou Caddy restoration site. A combination of a breakwater and living shoreline was determined to be the best way forward. Final design of the project was completed in October 2014. Construction of the breakwater and living shoreline stabilization / protection system project began near the end of November 2016.

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On 7 October 2017, Hurricane Nate made landfall as a Category 1 storm, first striking the mouth of the Mississippi River then making second landfall near Biloxi, Mississippi. An inspection of the project site on 24 October 2017, revealed that the waves had overtopped the geotubes. In addition, a few of the wave attenuation devices (WADs) showed minor displacement.

On 21 December 2020, the Mobile District inspected the shoreline protection system after Hurricanes Zeta, Delta, and Sally. All storms made landfall as a Category 2 with sustained winds of 85, 100, and 105 mph, respectively. An inspection of the project site revealed that several of the WADs showed minor displacement as they leaned forward slightly due to high winds. However, the rock breakwater and geotubes did not experience any apparent damage or displacement.

The site remains fully functional and has the capacity for additional placement of dredged material.

**WATER QUALITY CERTIFICATION:** Pursuant to the Clean Water Act, state water quality certification is required for this proposed action. Water quality certification for a ten-year period will be requested from the Mississippi Department of Environmental Quality, Office of Pollution Control (MDEQ-OPC). A decision relative to water quality certification will be made by MDEQ-OPC upon completion of the required comment period for this public notice. A Section 404(b)(1) evaluation report was prepared and finalized with the EA. All State water quality standards will be met.

**COASTAL ZONE CONSISTENCY:** Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Mississippi Coastal Management Program to the maximum extent practicable. A ten-year concurrence with this determination will be requested from the Mississippi Department of Marine Resources (MDMR). A decision relative to coastal zone consistency will be made by the MDMR upon completion of the required comment period.

**USE BY OTHERS:** The proposed action is not expected to create significant impacts on land and water use plans in the vicinity. Use of the waters in the vicinity of the project area includes commercial and recreational boating which may be temporarily impacted during the actual maintenance activities.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:** In accordance with the requirements of the NEPA, the Final Environmental Impact Statement (FEIS) for the Cadet Bayou navigation project, Hancock County, Mississippi, was completed in 1979. The FEIS was coordinated with all applicable Federal, state, and local agencies and the interested public. In June 2006, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the MsCIP Near Term Improvements for Hancock, Harrison, and Jackson Counties, Mississippi was approved. These documents included the Bayou Caddy ecosystem restoration project and were also coordinated with all applicable Federal, state, and local agencies and the interested public. During the dredging recertification process in February 2010, a

FONSI, EA and Section 404(b)(1) Evaluation Report were also completed for this project. As a result of this continued operations and maintenance project being proposed in the Public Notice (No. FP24-CB01-11), the February 2010 FONSI and EA and will serve as valid documentation that adequately addresses potential impacts associated with the continued operations and maintenance of the Cadet Bayou navigation project. These documents are on file and available for review at USACE, Mobile District at the web address:

<http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx>. Based on comments to this public notice, the District Commander will determine the need to incorporate those comments and update the NEPA documents.

**SECTION 404 (B) (1) EVALUATION REPORT:** Water quality impacts associated with the proposed action have been identified in an evaluation report prepared in accordance with Public Law 92-500, Section 404 (b)(1) Guidelines promulgated by the U.S. Environmental Protection Agency (EPA) under the Clean Water Act. These impacts are referenced in the June 2006 MsCIP Near Term Improvements report. In addition, the February 2010 Section 404 (b)(1) Evaluation Report for this project is on file in USACE, Mobile District office and is available for review at the web address: <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx>. Should comments be received that warrant consideration, the Section 404(b)(1) report will be updated.

**ENDANGERED/THREATENED SPECIES:** In compliance with Section 7 of the Endangered Species Act (ESA), the proposed Federal action at Cadet Bayou was coordinated with the U.S. Department of Interior, Fish and Wildlife Service (USFWS), and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) Fisheries.

Based on review of endangered and threatened species that could occur within the Cadet Bayou project area, USACE, Mobile District had determined that the proposed action may affect but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*), Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*) and Piping Plover (*Charadrius melodus*).

Manatees could be in the project area; however, there is not a potential for adverse impacts to occur. These species will likely avoid the immediate project vicinity during dredging or placement operations due to noise from vessels and machinery. However, in the likelihood that a manatee was located in the vicinity of the project site, the "Standard Manatee Construction Conditions" would be implemented throughout the duration of the project.

The eastern black rail is a marsh bird that is typically 10-15 centimeters (cm) in length with a wingspan of 22-28 cm and weigh an average of 35 grams. Eastern black rails forage on a variety of small (<1 cm) aquatic and terrestrial invertebrates, especially insects, and seeds. Its habitat can be tidally or non-tidally influenced, and range in salinity from salt to brackish to fresh. Between 2010 and 2017, no credible records are

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known for Tennessee, Alabama or Mississippi, and only a small number from Louisiana and Georgia. Eastern Black Rail could be in the project area; however, they will likely avoid the immediate project vicinity during dredging or placement due to noise from vessels and machinery.

Piping plovers generally favor open sand, gravel, or cobble beaches for breeding. Breeding sites are generally found on islands, lake shores, coastal shorelines, and river margins. Piping plovers could be in the project area; however, they will likely avoid the immediate project vicinity during dredging or placement due to noise from vessels and machinery. No adverse impacts to migratory shorebirds are anticipated with the implementation of the project.

Cadet Bayou is a highly industrialized channel that does not lead to any Gulf sturgeon spawning sites. Gulf sturgeon typically do not utilize industrialized channels during their migration; therefore, it is unlikely Gulf sturgeon would occur in the Cadet Bayou vicinity. The motile species would be able to avoid the dredging and disposal operations. Furthermore, Cadet Bayou is typically hydraulically maintenance dredged every five to six years. Critical habitat for Gulf sturgeon within the project vicinity is identified as Unit 8. Gulf sturgeon could possibly feed upon the benthic community within Mississippi Sound's sediment. Historically, this channel has been maintenance dredged and its material has been placed at the open-water disposal site. Past studies (i.e., Gulfport Harbor Thin-Layer) have shown non-motile species recovery occurs within a few months while mobile species move away from the operations. Although, USACE anticipates dredging operations would temporarily disrupt the aquatic community, the non-motile benthic fauna within the area should repopulate within several months.

Gulf sturgeon and sea turtles are not known to be adversely affected by hydraulic pipeline dredges according to the guidance provided in the November 2003 Gulf Regional Biological Opinion (GRBO), as amended and modified on 24 June 2005, and 9 January 2007. These species are highly mobile and will likely avoid the area due to project activity and noise. Normal behavior patterns of Gulf sturgeon and sea turtles are not likely to be significantly disrupted by project activities. In keeping with the guidance of the NMFS 2003 GRBO (as amended 2005, 2007), it not expected that the project will have an adverse effect on Gulf sturgeon, sea turtles, or Gulf sturgeon critical habitat. USACE, Mobile District determined that the project is not likely to adversely affect any listed endangered and/or threatened species or their associated critical habitat. Coordination was sent to the USFWS on 16 August 2023, and a concurrence was received via email dated 18 January 2024 (Enclosure 2). USFWS also concurs with the determination of "no effect" for all other species located in Hancock County, Mississippi.

**CULTURAL RESOURCES CONSIDERATION:** A cultural resources survey of the project area was conducted by USACE, Mobile District (1979) and no cultural resources were identified. The Mobile District determined no historic properties affected and the Mississippi State Historic Preservation Officer (MS SHPO) concurred in 1980. Recent consultation with federally recognized tribes and the Mississippi SHPO in September 2009 resulted in the same determination of no historic properties affected by the Mobile

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District and MS SHPO concurrence with that determination (MDAH Project Log#9-041-09). The project's area of potential effect (APE) for the maintenance dredging is identical to previous channel operations and maintenance and placement activities and no further consultation is necessary at this point.

**ESSENTIAL FISH HABITAT (EFH) ASSESSMENT:** EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.” The Gulf of Mexico Fishery Management Council, in accordance with the MSFCMA (PL 94-265), has developed management plans for the following fisheries: shrimp, red drum, reef fish, stone crab, spiny lobster, coral and coral reef and coastal migratory pelagic. Of these plans, only those pertaining to shrimp and red drum are applicable to the proposed actions. The maintenance dredging and placement of the dredged material will not significantly affect these species. Past studies (i.e. Gulfport Harbor Thin-Layer) have shown that for non-motile species recovery occurs within a few months. Although USACE anticipates dredging operations would temporarily disrupt the aquatic community, the non-motile benthic fauna within the area should repopulate within several months after completion of the dredging, open-water, and beneficial use placement activities. Motile benthic and pelagic fauna, such as crab, shrimp, and fish, are able to avoid the disturbed area and should return shortly after the activity is completed. Studies evaluating the impacts of open-water placement disposal on benthic communities and fisheries resources suggest water quality is temporarily affected by disposal operations (USACE 1999). The Gulf of Mexico Fishery Management Plans (2010) identifies EFH in the project area to be intertidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and estuarine water column. Habitat Areas of Particular Concern have not been identified for the project area. USACE does not anticipate any adverse impacts to occur to EFH as a result of this re-certification of the Cadet Bayou navigation project. Coordination with the National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) for EFH in the Cadet Bayou navigation project area is being initiated through this public notice and official letter.

**CLEAN AIR ACT:** The Clean Air Act of 1970, as amended in 1990, mandated that the EPA establish ambient standards for certain pollutants, regarding all identifiable effects a pollutant may have on the public health and welfare. The EPA subsequently developed the National Ambient Air Quality Standards (NAAQS) identifying levels of air quality for six criteria pollutants, which it assessed to be necessary to protect public health and welfare. Air quality in the vicinity of the proposed action would not be significantly affected by the proposed action. The equipment and machinery would generate some air pollution during construction activities, such as increased particulate levels from the burning of fossil fuels. However, these impacts would be minor and temporary in nature. The project area is in attainment with the NAAQS parameters. The proposed action would not affect the attainment status of the project area or the region. A State Implementation Plan conformity determination (42 United States Code 7506(c)) is not required since the project area is in attainment for all critical pollutants.

**EVALUATION**: The decision whether to proceed with the proposed action will be based on an evaluation of the overall public interest. That decision would reflect the national concerns for both protection and utilization of important resources. The benefits that may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. The decision whether to proceed and the conditions under which the activity would occur would be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal would be considered. Among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the public. The proposed action would proceed unless it is found to be contrary to the overall public interest. In as much as the proposed work would involve the discharge of materials into navigable waters, specification of the proposed disposal sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the EPA in conjunction with the Secretary of the Army. If these guidelines alone prohibit the specification of any proposed disposal site, any potential impairment of the maintenance of navigation, including any economic impacts on navigation and anchorage that would result from the failure to use this site would also be considered.

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

Region 4, U.S. Environmental Protection Agency  
U.S. Department of the Interior, Fish and Wildlife Service,  
Jackson, Mississippi  
Regional Director, National Park Service  
U.S. Department of Commerce, National Marine Fisheries  
Service, Panama City, Florida  
U.S. Department of Commerce, National Marine Fisheries  
Service, St. Petersburg, Florida  
Commander, Eighth Coast Guard District  
Mississippi Department of Environmental Quality, Office of Pollution Control  
Mississippi Department of Marine Resources  
Mississippi State Historic Preservation Officer  
Gulf of Mexico Fishery Management Council  
U.S. Department of Agriculture, Natural Resources Conservation Service  
Federally Recognized Tribal Nations with Interests in the Project Area

Other Federal, state and local organizations, U.S. Senators and Representatives of the State of Mississippi are being sent copies of this notice and are invited to participate in coordinating the proposed action. USACE, Mobile District requests the information contained in this notice be communicated to any other parties who may have an interest in the proposed action.

**CORRESPONDENCE**: Any person who has an interest that may be affected by this proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Commander within 30 days of the date on this public notice. A request for a hearing must clearly set forth the interest, which may be affected, and the manner in which the interest may be affected. Correspondence concerning this public notice should refer to Public Notice No. FP24-CB01-11 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: CESAM-PD-EC. For additional information please contact Ms. Valerie V. Powe at (251) 690-3142, or at email address [valerie.v.powe@usace.army.mil](mailto:valerie.v.powe@usace.army.mil).

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Jeremy M. LaDart  
Chief, Planning and Environmental  
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Enclosures

CORPS OF ENGINEERS

U. S. ARMY

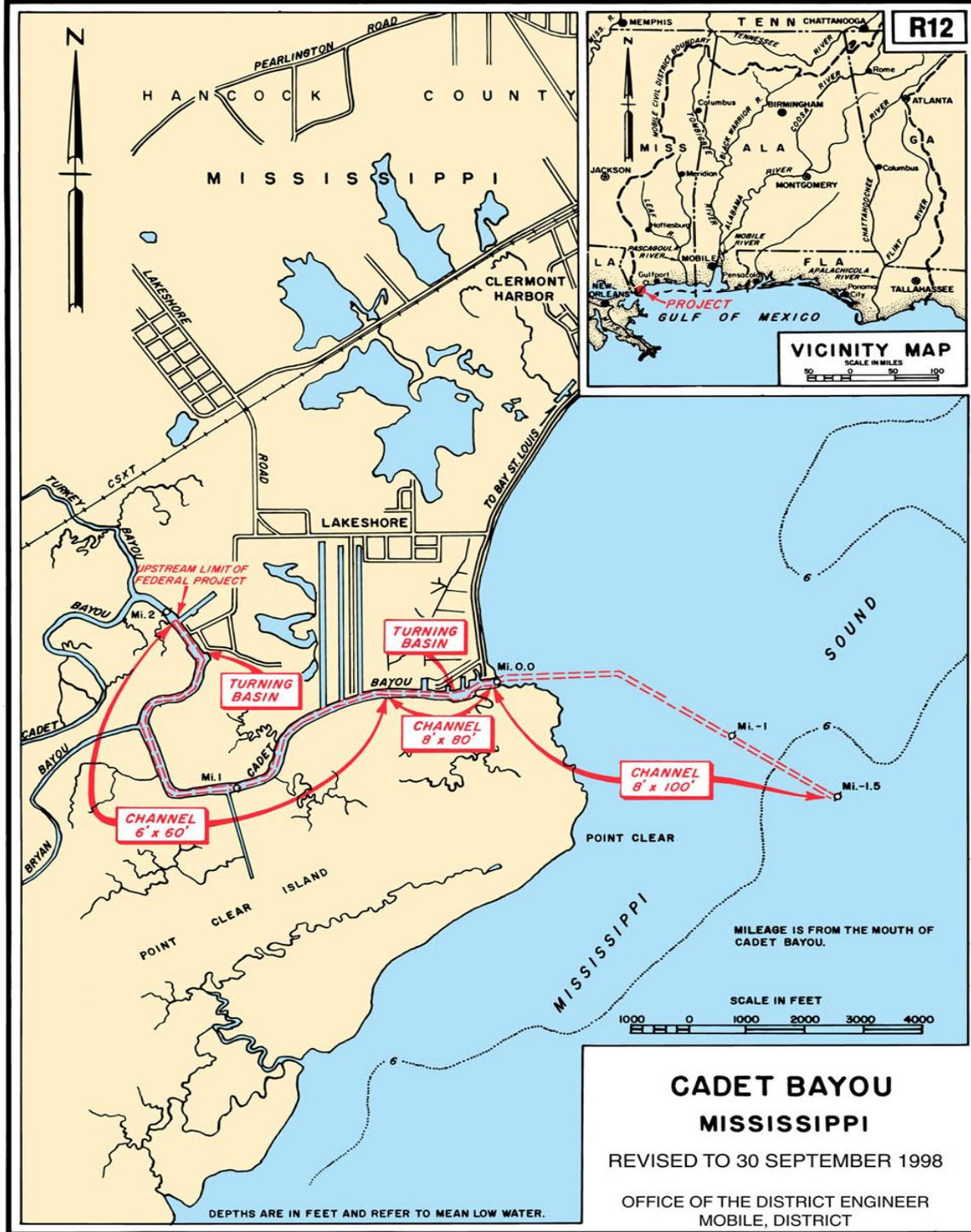


Figure 1: Cadet Bayou Vicinity Map



Figure 2: Bayou Caddy Open-Water Disposal Area (8)



**Figure 3:** Bayou Caddy Ecosystem Restoration Beneficial Use Site Location