



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

CESAM-PD-EC
PUBLIC NOTICE NO. FP23-MH01-12

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED MOBILE HARBOR UPPER BAY CHANNEL WIDENER
MOBILE HARBOR NAVIGATION PROJECT
MOBILE COUNTY, ALABAMA

A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to widen the federally authorized Mobile Harbor Navigational Channel in the Upper Bay segment with placement of dredged material within previously authorized disposal sites in Mobile Bay, Mobile County, Alabama.

This public notice is issued in accordance with rules and regulations published in the Federal Register April 26, 1988. These laws are applied whenever dredged or fill materials may enter waters of the United States. The recipient of this notice is requested specifically to review the proposed action as it may impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act and Coastal Zone Management Act. Review of any other potential impacts is also requested.

WATERWAY AND LOCATION: The Mobile Harbor Upper Bay Channel is located in Mobile Bay, Mobile County, Alabama (Figure 1).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: Improvements to the existing Federal project were most recently reauthorized in Section 201 of the Water Resources Development Act (WRDA) of 1986 (Public Law (PL) 99 – 662, Ninety-ninth Congress, Second Session), which was approved November 17, 1986, and subsequently amended by Section 302 of the WRDA of 1996, to read:

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.

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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 Bar Channel to 57 feet (ft) deep by 700 ft wide, deepening and widening the Bay Channel from the mouth of the bay to south of the Mobile River to 55 ft deep by 550 ft wide, deepening and widening the upper 3.6 miles of the Bay Channel to 55 ft deep by 650 ft wide; providing a 55-foot deep anchorage area and turning basin in vicinity of Little Sand Island; and, deepening the Mobile River Channel to 55 ft deep to a point about 1 mile below Interstate 10 (I-10) and the U.S. Highway 90 tunnels.

DESCRIPTION OF THE PROPOSED ACTION: In May 2019, USACE Mobile District prepared the Mobile Harbor Integrated General Reevaluation Report with Supplemental Environmental Impact Statement (GRR/SEIS) that was approved with a Record of Decision (ROD) signed in September 2019. The Recommended Plan (RP) consisted of a 5-foot deepening of the channel, or a 52-foot Bar Channel, a 50-foot-deep Bay Channel, and a 3-mile long by 100-foot channel widener in the bay with bend easings and turning basin modifications.

Since completion of the Mobile Harbor GRR/SEIS in May 2019, there has been a need to make design changes to Phase 6 of the Mobile Harbor GRR to further improve safety and navigation along the Upper Bay channel. The details of the proposed Phase 6 changes to the 2019 Mobile Harbor GRR/SEIS recommended plan are provided below.

The proposed action consists of widening the existing Upper Bay reach of the Mobile Harbor Federal Navigation Channel by approximately 100 feet via hopper, cutterhead, and/or mechanical dredge. The location of the proposed widening begins between Little Sand Island and the McDuffie Coal Terminals in the Upper Bay Channel reach and ends near the federally authorized Arlington Channel (Figure 2). Specifically, the proposed action is as follows:

Upper Bay Channel Widener: The change in work associated in Phase 6 includes adding a 100-foot widener along a portion of the Upper Bay Channel across from the McDuffie Coal Terminal. The proposed widener will be located on the east side of the channel starting south of the turning basin. The turning basin was previously proposed and authorized in the 2019 Mobile Harbor GRR. The proposed widener extends approximately 3,500 feet south from the turning basin before it begins to taper back to the normal channel width. The tapered area extends approximately 3,400 feet ending just north of the federally authorized Arlington Channel. The widening of this portion of the channel would be consistent with the authorized improvement depths to -50 feet MLLW as described in the 2019 Mobile Harbor GRR/SEIS. The approximate quantity of new work material is approximately 1.4 million cubic yards (mcy).

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Dredged Material Management and Disposal Areas: The estimated dredged quantity of new work material (approximately 1.4 mcy) will be placed in totality or in combination of two beneficial use sites (Deer River, Mobile County Restoration and Dauphin Island Causeway Beneficial Use, Mobile County), Site A of the Relic Shell Mined Area, Sand Island Beneficial Use Area (SIBUA), and/or the Mobile Ocean Dredged Material Disposal Site (ODMDS) (Figure 3). All placement sites have been previously reviewed and authorized as part of the Mobile Harbor GRR/SEIS May 2019. All future Operations and Maintenance (O&M) dredged material may be placed within any of the existing and permitted dredge disposal areas to include USACE upland dredge disposal areas, USACE open water placement areas, SIBUA, and/or ODMDS.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed activities. Water quality certification is being requested from the Alabama Department of Environmental Management (ADEM). ADEM will decide relative to water quality for the proposed action upon completion of the required comment period for this public notice.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, concurrence with USACE, Mobile District's determination of coastal zone consistency to the maximum extent practicable is being requested from ADEM. Our review of the Alabama Coastal Program indicated that the project is consistent to the maximum extent practicable. ADEM will decide relative to coastal zone consistency for the proposed action upon completion of the required comment period of this public notice.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land use plans. Use of waters within the channel including fishing and recreational boating will be temporarily impacted during the actual construction and future O&M activities.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:

In accordance with the requirements of NEPA, all designed improvements to the Mobile Harbor Federal channel were disclosed in the 2019 Mobile Harbor GRR/SES. Impacts associated with the proposed action described above are disclosed in a Supplemental Environmental Assessment (EA). The Draft Finding of No Significant Impact (FONSI) and Supplemental EA is available via USACE, Mobile District website at <https://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>. Documents will be updated should comments be provided that necessitate inclusion. Upon finalization of Supplemental EA, the FONSI will be signed by the District Commander.

SECTION 404(b)(1) EVALUATION REPORT: Environmental concerns involving the proposed placement activities have been evaluated under the Clean Water Act. A Section 404(b)(1) Evaluation Report was prepared and included with the 2019 Mobile Harbor GRR/SEIS to address impacts associated with the improvements to the Federal Navigation channel. Items discussed in the referenced report include temporary increases in turbidity from the dredging of benthic communities. The Section 404(b)(1) evaluation for the proposed action is available via USACE, Mobile District website at the

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above link. Appropriate revisions will be incorporated into Section 404(b)(1) Evaluation Report if information is received during coordination of this public notice that would dictate the need to revise the report.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed action is being coordinated with the U.S. Department of the Interior, U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to threatened or endangered species and their critical habitat under their purview. USFWS federally listed species that may be found within the vicinity of the project area only include West Indian manatee (*Trichechus manatus latirostris*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Loggerhead (*Caretta caretta*) and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

Accordingly, USACE, Mobile District has determined the proposed activity may affect but is not likely to adversely affect any endangered and/or threatened species. No USFWS designated critical habitat is present within the proposed channel widening project area. USACE, Mobile District is coordinating its may affect but not likely to adversely affect determination with USFWS.

ESSENTIAL FISH HABITAT (EFH): EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act as... "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seek to minimize adverse effects on habitat caused by fishing and non-fishing activities. The National Marine Fisheries Service, Habitat Conservation Division (NMFS-HCD) has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. The Gulf of Mexico Fishery Management Plan (2017) identifies EFH to be estuarine emergent wetlands, seagrass beds, vegetated and non-vegetated bottoms, shell reefs, and the estuarine water column. These habitats also include algal flats, mud, sand, shell, and rock substrates. Within the project area, EFH include non-vegetated bottoms and the estuarine water column.

Non-vegetated bottoms and the estuarine water column within the project area provides habitat for various species of fish, both invertebrates and vertebrates. Within the project area, the EFH designated for managed species of Gulf of Mexico include red drum, sharks (5 species), coastal migratory pelagic (3 species), reef fish (43 species), and shrimp (4 species). No habitat areas of particular concern were identified for this area. USACE, Mobile District implements environmental protection measures to reduce and avoid potential impacts to EFH as well as other significant area resources. No adverse impacts to wetlands, oyster reefs, or submerged aquatic vegetation (SAV) from the implementation of the project are anticipated. Most of the motile benthic and pelagic fauna, such as crab, shrimp, and fish, should be able to avoid the disturbed area and should return shortly after the activity is completed. No long-term direct impacts to managed species of finfish or shellfish populations are anticipated. However, it is reasonable to anticipate some non-motile and motile invertebrate species will be physically affected through dredging and placement operations. These species are expected to recover rapidly soon after the operations are complete. No significant long-

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term impacts to this resource are expected as result of this action. Increased water column turbidity during dredging would be temporary and localized. No change is anticipated to occur to the habitat types.

The proposed action will not adversely affect coastal habitat identified as EFH in the project area. No adverse impacts to wetlands, SAVs or shell reefs, which are outside of the project footprint, are anticipated. Overall, Impacts to EFH would be temporary and localized as a result of the dredging and placement activities. In addition, material being utilized for beneficial use purposes of marsh and wetland creation would be beneficial to coastal habitat and resource conservation. USACE, Mobile District is coordinating its EFH determination with NMFS-HCD through this public notice.

CULTURAL RESOURCES CONSIDERATION: In compliance with Section 106 of the National Historic Preservation Act, coordination with the Alabama State Historic Preservation Officer and Federally recognized Tribal Nations has been initiated. USACE, Mobile District conducted a submerged cultural resources survey within the area of potential effect (APE) followed by diver identification of potential targets indicative of historic properties. No historic properties were identified within the APE. USACE, Mobile District has determined no historic properties affected for the proposed channel widener and placement of the material in the previously approved disposal locations. Consultation with the Alabama SHPO and Federally recognized Tribal Nations is ongoing.

CLEAN AIR ACT: 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 machinery related air pollution during dredging activities such as increased particulate levels from the burning fossil fuels. However, these impacts would be minor and temporary in nature. The proposed action complies with the Clean Air Act. The project area is in attainment with the National Ambient Air Quality Standards 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 evaluation of the probable impacts including cumulative effects of the proposed action on overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from this proposal must be balanced against its reasonably foreseeable determinants. All factors, which may be relevant to the proposal, will be considered. Among these are sediments, water quality, air quality, wetlands, submerged aquatic vegetation, oysters, EFH, terrestrial wildlife, shorebirds, threatened and endangered species, cultural resources, aesthetics, land use, recreation, noise, and the welfare of the people. The proposed action will proceed unless it is found to be contrary to the overall public interest.

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

U.S. Environmental Protection Agency, Region 4
U.S. Fish and Wildlife Service, Daphne, Alabama
U.S. Department of Commerce, National Marine Fisheries Service, Protected Resource Division Offices, St. Petersburg, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, Baton Rouge, Louisiana
Alabama Department of Environmental Management, Mobile, Alabama
Alabama Department of Archives and History, State Historical Preservation Officer, Montgomery, Alabama
Alabama Department of Conservation and Natural Resources, Game and Fish Division
Alabama Department of Conservation and Natural Resources, Marine Resources Division
Gulf of Mexico Fishery Management Council Federally Recognized Tribal Nations

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

CORRESPONDENCE: Any person who has an interest that may be affected by this proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District 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 way the interest may be affected. Correspondence concerning the public notice should refer to Public Notice Number FP23-MH01-12 and should be directed to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: CESAM-PD-EC, Post Office Box 2288, Mobile, Alabama 36628-0001. For more information, contact Mr. Donald Mroczko, via phone at (251) 690-3185 or via email at donald.e.mroczko@usace.army.mil.

Encls

JEREMY M. LADART
Chief, Planning and Environmental
Division

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Figure 1: Vicinity Map

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Figure 2: Project Area

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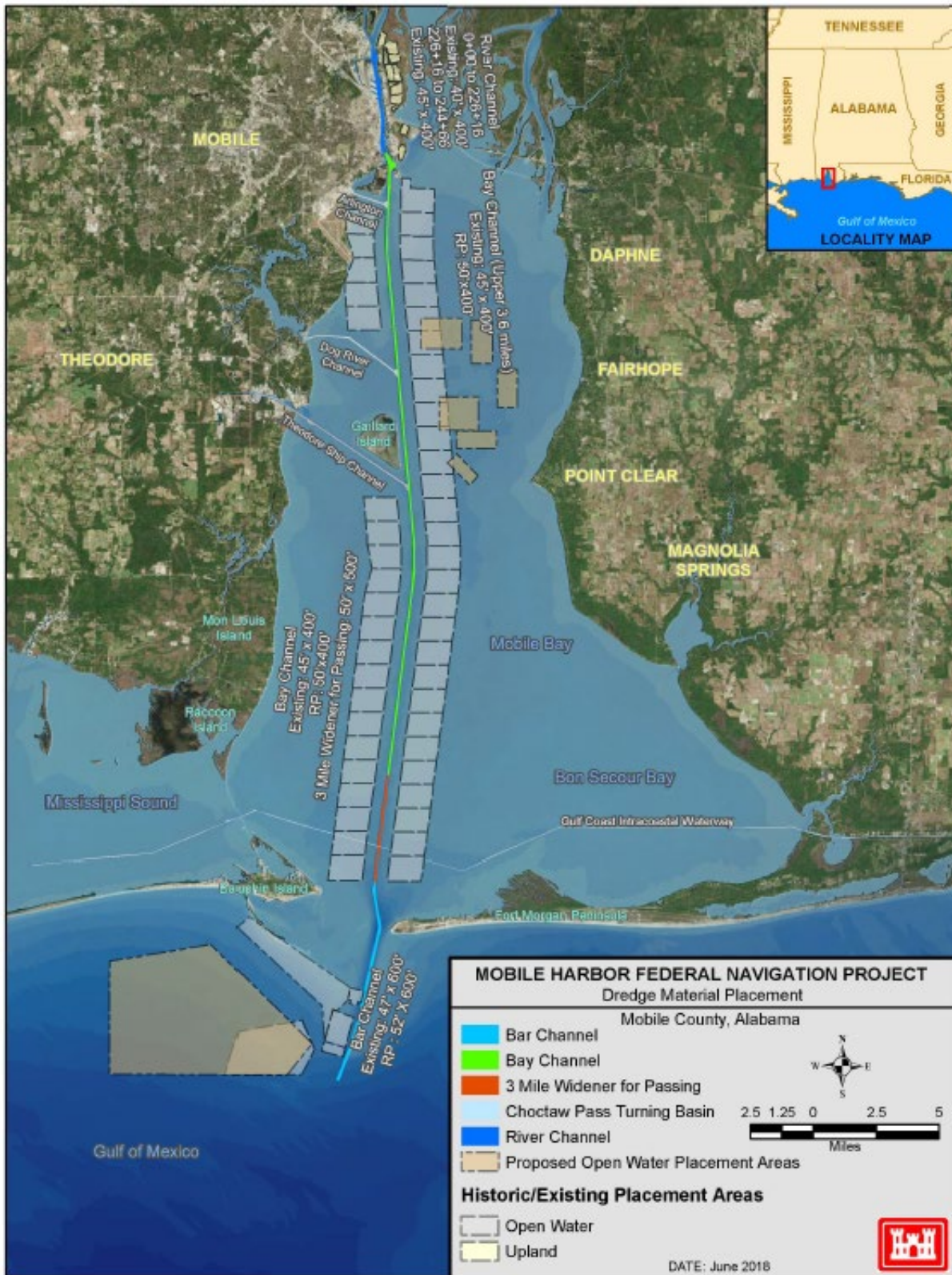


Figure 3: Dredge Material Placement Areas