



REPLY TO
ATTENTION OF

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

CESAM-PD-EC
PUBLIC NOTICE NO. FP19-GU02-09

October 16, 2019

JOINT PUBLIC NOTICE

**U. S. ARMY CORPS OF ENGINEERS,
MOBILE DISTRICT**

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY,
BUREAU OF POLLUTION CONTROL**

GULFPORT HARBOR FEDERAL NAVIGATION CHANNEL PROJECT

**MISSISSIPPI AND LOUISIANA
TERRITORIAL WATERS
HARRISON COUNTY, MISSISSIPPI AND ST. BERNARD PARISH, LOUISIANA**

A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U. S. Army Corps of Engineers (USACE), Mobile District proposes minor channel improvements (widening the bend easing) and its future maintenance associated with the federally-authorized Gulfport Harbor Navigation Project, Mississippi and Louisiana territorial waters. Dredged material would be placed in the Gulfport West Ocean Dredged Material Disposal Site (ODMDS) or beneficial use placement east of the Chandeleur Islands in St. Bernard Parish, Louisiana, into water depths of approximately 25 feet or greater. USACE, Mobile District previously published a public notice (Public Notice No. **FP19-GU01-09**) on June 5, 2019 notifying the public of proposed channel improvements for the Gulfport Harbor Navigation Project with placement of material only at the Gulfport West ODMDS. Subsequent coordination with state resource agencies led to other dredged material placement options, including beneficial use placement near the Chandeleur Islands. Therefore, this modified public notice is required. Beneficial use placement of dredged material near the Chandeleur Islands was previously evaluated in the August 2009 "Final Supplemental Environmental Impact Statement (FSEIS) for Construction of Authorized Improvements to the Federal Gulfport Harbor Navigation Project in Harrison County, Mississippi."

This Public Notice is issued in accordance with the rules and regulations published in the Federal Register on April 26, 1988. These laws are considered whenever dredged or fill materials may enter navigable waters. We request that the recipient of this

notice review the proposed action as it may impact 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: Gulfport Harbor, Mississippi Sound, Mississippi and Louisiana territorial waters and the Gulf of Mexico.

DESCRIPTION OF ENTIRE AUTHORIZED PROJECT: The project was adopted by the following: the Rivers and Harbors Act, approved July 3, 1930 (H.Doc.692, 69th Cong., 2nd sess.), the Rivers and Harbors Act, approved June 30, 1948 (H.Doc.112, 81st Cong., 1st sess.), the Rivers and Harbors Act, approved July 3, 1958 (S.Doc. 123 84th Cong. 2nd sess.), in the Supplemental Appropriations Act, 1985, P.L. 99-88, approved August 15, 1985, and Section 202 of the Water Resources Development Act of 1986 (P. L. 99-662 dated November 17, 1986). The Water Resource Development Act of 1986 authorized improvements to the project and was amended by the Water Resource Development Act of 1988. Project improvements to authorized depths were completed in 1993. Following Hurricane Katrina, appropriations were received under Public Law 84-99, Flood Control and Coastal Emergencies, to construct Mississippi projects to their authorized dimensions. The authorized and existing project dimensions provide for: (a) a Gulf Entrance Channel 38 feet deep, 400 feet wide, and approximately 8 miles long across Ship Island Bar and; (b) a Sound Channel 36 feet deep, 300 feet wide, and approximately 12 miles long through the Mississippi Sound. It also includes: (a) a stepped anchorage basin at Gulfport Harbor 32-36 feet deep, 1,120 feet wide, and 2,640 feet long, (b) a commercial small-boat harbor, about 26 acres in area, and; (c) a Harbor Entrance Channel, 100 feet wide at a depth of 8 feet. The plane of reference is mean lower low water (MLLW).

PROPOSED ACTION: The Proposed Action involves minor channel improvements consisting of widening the bend easing (with subsequent maintenance dredging), to approximately 1,400 feet in width and 38 feet in depth, at the Gulf Entrance Channel, as part of the federally authorized Gulfport Harbor Navigation Project (see Figure(s) 1 and 2). An additional -2 feet of advanced maintenance plus -2 feet of overdepth dredging will be also be necessary. Maintenance dredging of soft-dredged material with a hopper, mechanical, and/or a hydraulic cutterhead dredge tends to disturb the bottom sediments several feet deeper than the target depth due to the inaccuracies of the dredging process. An additional -3 feet of sediment below the -2-foot paid allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed. The dredged material from construction and subsequent maintenance would be placed in the Gulfport West ODMS or beneficial use placement east of the Chandeleur Islands in St. Bernard Parish, Louisiana, into water depths of approximately 25 feet or greater (see Figure 3). The amount of dredged material to be removed for construction is estimated to be approximately 460,000 cubic yards and is predominantly comprised of silts and clays, classified as 'Fat Clay'. Estimated future maintenance material to be dredged is approximately

240,000 cubic yards annually. This action could be accomplished by a mechanical, hopper and/or hydraulic cutterhead dredge.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action. A Section 401 water quality certification (WQC) has been received from the Mississippi Department of Environmental Quality (MDEQ) for the entire Gulfport Harbor Federal Navigation Channel Project. USACE, Mobile District has received a WQC from the Louisiana Department of Environmental Quality (LDEQ), and is requesting a modification to add beneficial use placement of dredged material near the Chandeleur Islands. A Section 404(b)(1) evaluation report has been prepared and is included in the APPENDIX of the Environmental Assessment (EA). All State water quality standards will be met.

COASTAL ZONE CONSISTENCY: The entire Gulfport Harbor Federal Navigation Project has received a Coastal Zone Consistency (CZC) from the Mississippi Department of Marine Resources (MDMR) and the proposed action will adhere to the conditions of the CZC to the maximum extent practicable. However, the MDMR has stated the proposed action area is outside of the jurisdiction of the MDMR and the authority of the Mississippi Coastal Management Program. USACE, Mobile District has determined that the proposed action is consistent with the Louisiana Coastal Management Program to the maximum extent practicable. A Consistency Determination was received from the Louisiana Department of Natural Resources (LDNR) on September 26, 2019.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land or water use plans in the vicinity. Use of the waters within the dredging and placement areas including fishing, shrimping, and recreational boating and they will be temporarily impacted during the actual proposed activities.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of NEPA, an Environmental Impact Statement (EIS) for the Gulfport Harbor Navigation Project was filed with the U.S. Environmental Protection Agency (EPA) in June 1989. A supplement to the EIS was filed with the EPA in 2009 in conjunction with construction of Gulfport Harbor to its authorized dimensions. The Supplemental EIS was completed and the subsequent Record of Decision was signed on May 15, 2009. These documents were coordinated with all applicable Federal, state and local agencies and the interested public. In accordance with the requirements of NEPA, an EA evaluating impacts associated with the Proposed Action has been prepared and is available at: <https://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>. Based on the conclusion presented in the EA, it is determined that the implementation of the proposed action would not result in long-term adverse impacts and that no significant cumulative impacts would occur. The Final EA will be updated

depending on comments received and need. Upon finalization of the EA, a Finding of No Significant Impact (FONSI) will be prepared.

SECTION 404(b)(1) EVALUATION: A (revised) draft Section 404(b)(1) Evaluation Report has been prepared to evaluate impacts associated with the proposed action in accordance with guidelines promulgated by the EPA under Section 404(b)(1) of the Clean Water Act.

Impacts associated with this action include a temporary increase in turbidity and suspended solids concentrations in and adjacent to the dredging and placement areas, short-term loss of benthic organisms and localized short-term degradation of aesthetics near the placement area. The draft Section 404(b)(1) Evaluation Report is available at: <https://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>.

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT (MPRSA): In accordance with Section 103 of the MPRSA, the proposed transportation of this dredged material for disposal 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 MPRSA, 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. Sediment quality investigations have been conducted and the dredged material has been found to be substantially free of contaminants of concern and suitable for placement in the Gulfport West ODMDS. A Section 103 Evaluation Report has been submitted to the EPA, Region 4, Atlanta, Georgia for concurrence from the EPA for use of the Gulfport West ODMDS for placement of dredged material from the proposed action and subsequent maintenance.

ENDANGERED AND THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, operations and maintenance (O&M), as well as new work dredging and placement of material action(s) at Gulfport Harbor were previously coordinated with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). During past certification efforts for O&M and new work actions, concurrences were received from these agencies. In a 2007 letter, USFWS, Lafayette Office concurred with USACE, Mobile District's determination that placing material beneficially east of the Chandeleur Islands from authorized improvements to the Gulfport Harbor Federal Navigation Project was not likely to adversely affect the listed species. Based on review of endangered and threatened species that could

occur within the project area, USACE, Mobile District has determined that the proposed action *may affect but is not likely to adversely affect* listed species or their critical habitat. The project area is outside of Gulf Sturgeon Critical Habitat. Formal consultation has been requested from NMFS-Protected Resources Division (PRD), and will be in full compliance with the Act.

ESSENTIAL FISH HABITAT (EFH): The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) defines “EFH” as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The Gulf of Mexico Fishery Management Council in accordance with the 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. See the EA for specific species. Studies on impacts of open-water disposal on benthic communities and fisheries resources have been undertaken nationwide for many years. Studies on fisheries resources both adult, pre-adult, and juvenile form indicate that most species are able to avoid the area of dredging and disposal and the recovery time for benthic(s) is short-term. As a result of the project, temporary and localized increases in the turbidity may occur during dredged material placement. The spatial extent of elevated turbidity is expected to be within 400 feet of the operation, with turbidity levels returning to ambient conditions within a few hours after completion of placement activities. The proposed action is not anticipated to adversely alter the present EFH. Compliance with EFH procedures is being initiated through publication of this public notice.

CULTURAL AND HISTORIC RESOURCES CONSIDERATIONS: Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended and implementing regulations 36 Code of Federal Regulation (CFR) Part 800 requires USACE, Mobile District to consider the effects of its undertakings upon historic properties (which includes but is not limited to historical, architectural, archaeological, and cultural resources). This also includes the requirement to consult with other agencies such as the State Historic Preservation Officer (SHPO) and the appropriate Tribal Nations to avoid or minimize or mitigate adverse effects upon those resources. The Federal navigational channel was assessed for likelihood of shipwrecks by Mistovich in 1988, which identified high potential areas in the channel section near Ship Island, which was surveyed for historic properties.

The bend that is the subject of the current undertaking was determined to be a low probability area for historic properties. In 1988, USACE conducted a marine archaeological survey of the entire navigational channel, including the portion adjacent to the proposed widening of the bend easing APE. No anomalies were identified near the current bend easing APE, confirming Mistovich’s assessment. In 2009, USACE widened the entire channel to the previously proposed extent, including the area adjacent to the current bend easing APE. No unanticipated discoveries were located during this effort. The dredge material placement locations have been previously

assessed for potential historic properties, with none found. No historic properties or potential historic properties were identified adjacent to the current project area in any surveys and the area has been determined to be a low probability area for historic properties. Louisiana SHPO previously provided a no effects determination for the channel widening at Gulfport Harbor, with dredged material placement in areas adjacent to the Chandeleur Islands on May 7, 2008. Given the previous efforts and the assessment of the APE as a low probability area for historic properties, USACE, Mobile District has determined that the current undertaking will result in no effects to historic properties. The Louisiana SHPO and appropriate Tribal Nations were consulted regarding USACE's effects to historic properties determination and concurrence has been received. Copies of this notice are being forwarded to the Louisiana SHPO and Federally Recognized Tribes with an interest in the area for comment.

AIR QUALITY: 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. Harrison County and St. Bernard Parish are in attainment with the NAAQS of the Clean Air Act.

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 reasonably expected to accrue from the 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 which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, navigation, recreation, water supply and conservation, water quality, safety and in general the needs and welfare of the people. The proposed action would proceed unless it is found to be contrary to the overall public interest. Inasmuch as the proposed work would involve the discharge of materials into navigable waters, specification of the proposed disposal sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the 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, which would result from the failure to use this site, would also be considered.

COORDINATION: Agencies receiving copies of this public notice include but is not limited to:

U.S. Environmental Protection Agency, Region 4
U.S. Department of the Interior, National Park Service
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Habitat Conservation Division
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Protected Species Division
Louisiana State Historic Preservation Officer
Louisiana Department of Environmental Quality, Bureau of Pollution Control
Louisiana Department of Natural Resources
Gulf of Mexico Fishery Management Council
Commander, Eighth Coast Guard District
U.S. Department of Agriculture, Natural Resources Conservation Service
Federally Recognized Tribes with Interests in the Project Area

Other Federal, State and local organizations, United States Senators and Representatives of Mississippi and Louisiana are being sent copies of this notice and are requested to participate in coordinating review of this proposed action. USACE, Mobile District requests that parties communicate information included in this public notice to others that may have an interest in the proposed action.

CORRESPONDENCE: Any party that has an interest that may be affected by this proposed activity may request a public hearing. Any comments or request for hearing must clearly set forth the interests that may be affected and the manner in which the interest may be affected. Correspondence concerning this public notice should be received within 30 days of this publication. Correspondence should reference Public Notice No. FP19-GU02-09 and should be addressed to the Commander, U.S. Army Corps of Engineers, Mobile District, CESAM-PD-EC, Post Office Box 2288, Mobile, Alabama 36628-0001. For additional information please contact Ms. Caree Kovacevich via email at caree.a.kovacevich@usace.army.mil or via phone at (251) 690-3026.



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

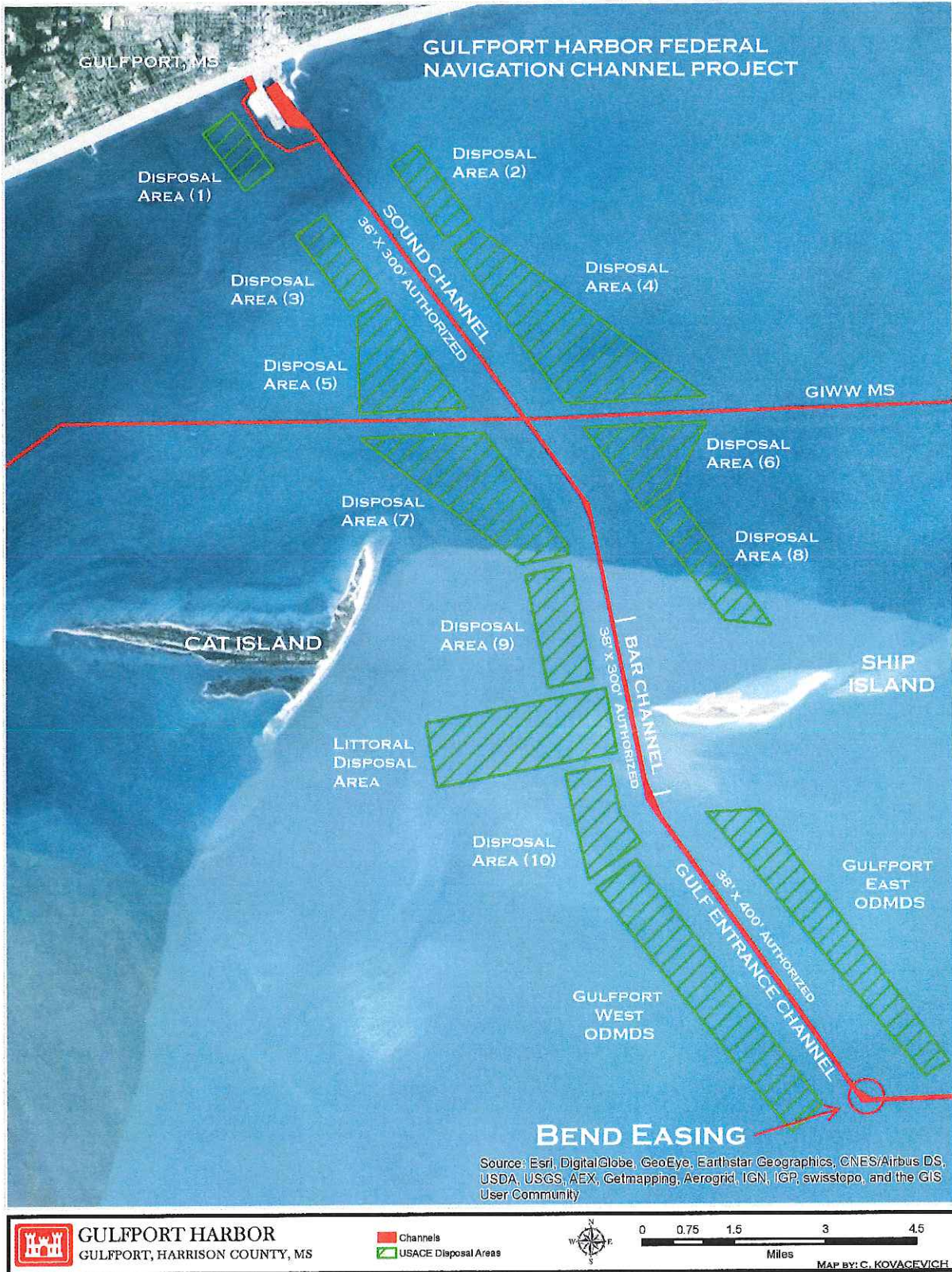


Figure 1: Gulfport Harbor Federal Navigation Channel Project and proposed widening of the bend easing

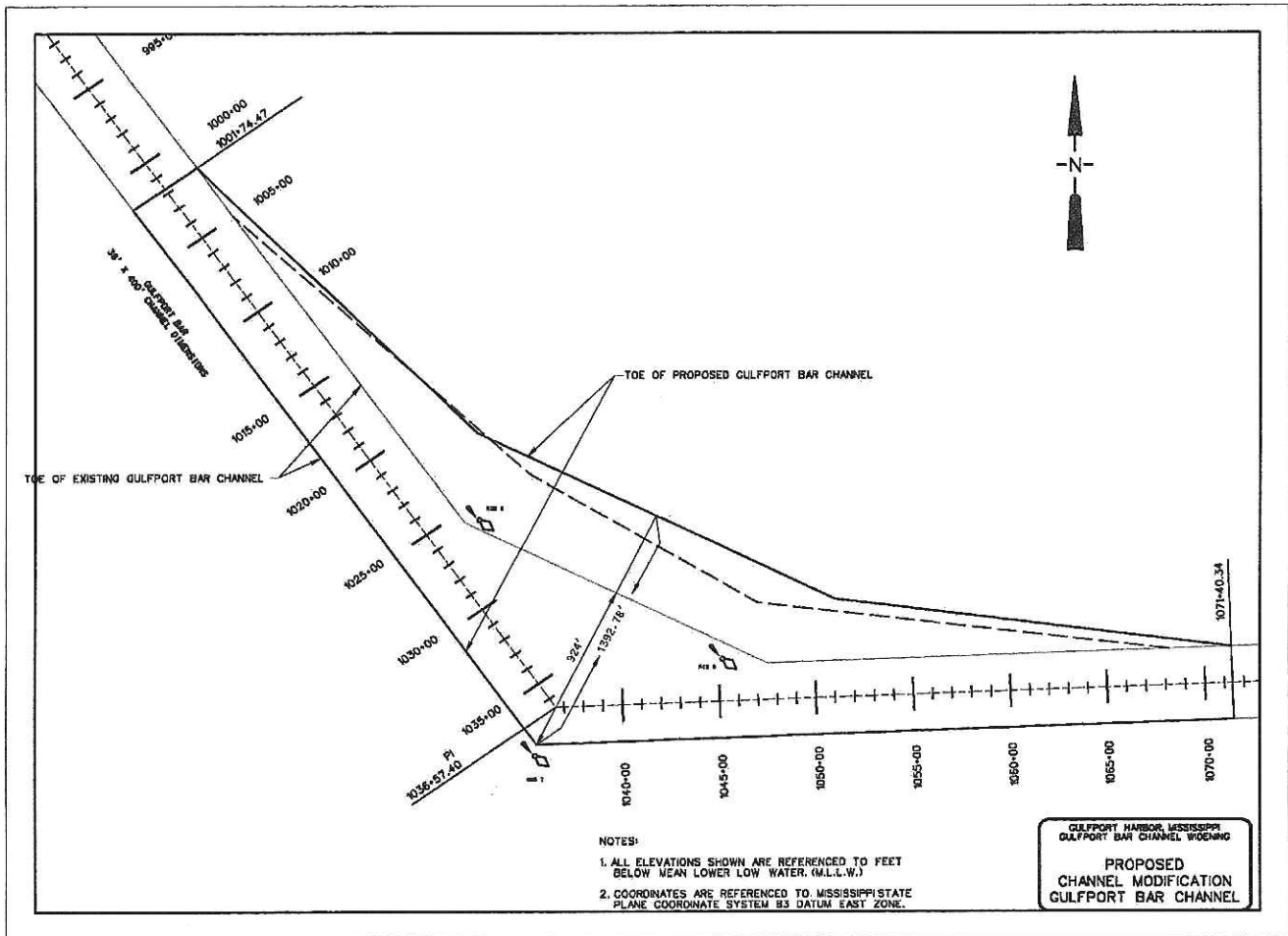


Figure 2: Proposed widening of the bend easing at the Gulf Entrance Channel

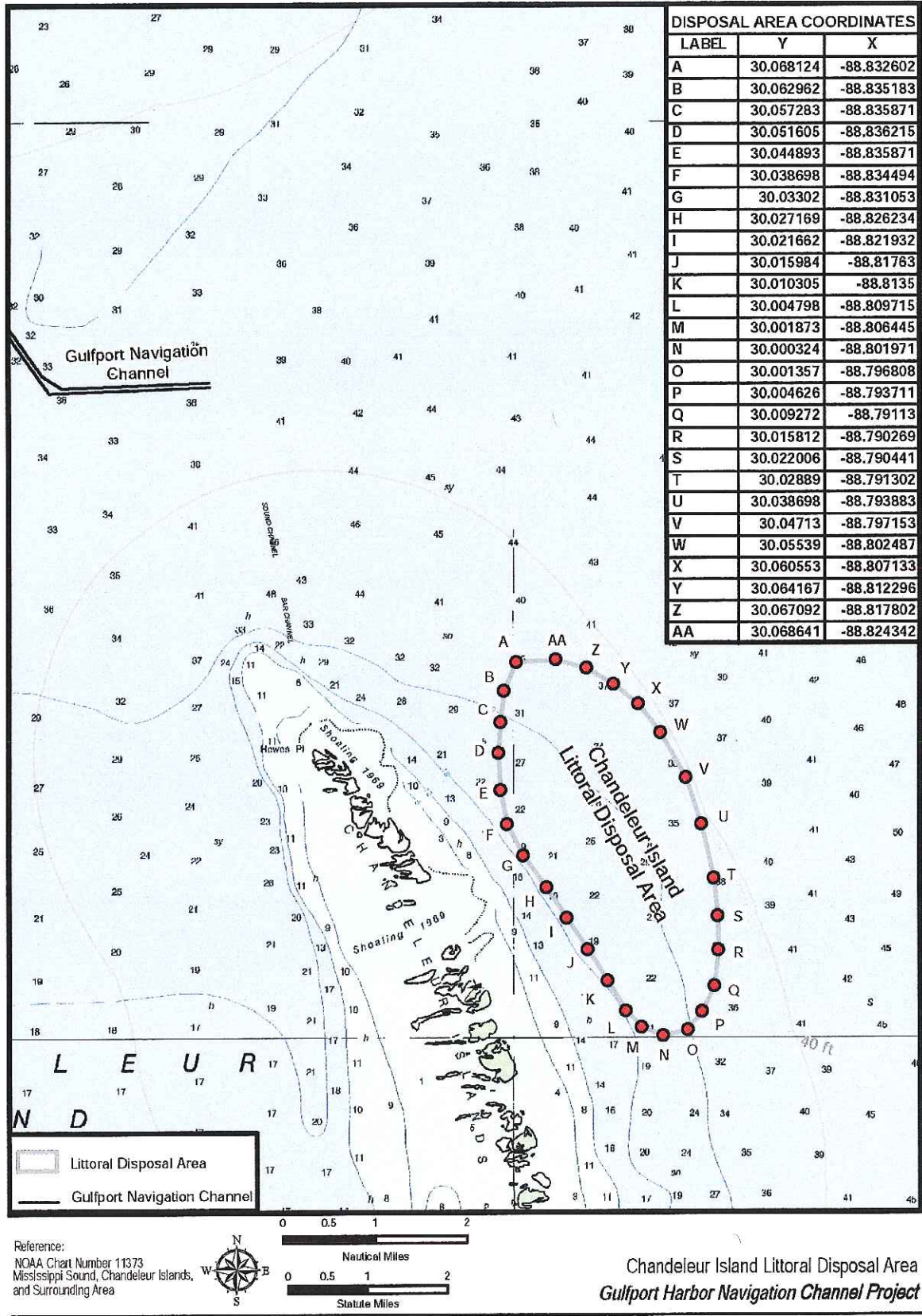


Figure 3: Chandeleur Island Placement Area for beneficial use