



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-EP01-09

January 18, 2019

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSED NEW PLACEMENT AREA FOR DREDGED MATERIAL
EAST PASS FEDERAL NAVIGATION CHANNEL PROJECT
OKALOOSA COUNTY, FLORIDA

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes a new placement area for dredged material for the East Pass Federal Navigation Channel Project at Destin, Okaloosa County, Florida. The additional placement area to the east of the channel complies with the updated Inlet Management Plan for East Pass.

This public notice is issued in accordance with rules and regulations published in the Federal Register on April 26, 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 impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. We also request comments on any other potential impacts.

WATERWAYS AND LOCATION: Choctawhatchee Bay, East Pass, and Old Pass Lagoon, Okaloosa County, Florida and Gulf of Mexico (Figure 1).

DESCRIPTION OF THE AUTHORIZED PROJECT: The existing project was authorized by the Rivers and Harbors Act of 1965 (Public Law (P.L.) 89-298, 89th Congress), as amended by P.L. 96-367 dated October 1, 1980 and prior Act(s). A 12-foot by 180-foot channel from the Gulf of Mexico into Choctawhatchee Bay, and a 6-foot by 100-foot channel 3,800 feet long from East Pass channel into Old Pass Lagoon. The project consists also of two converging jetties spaced 1,000 feet apart at the seaward end.

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DESCRIPTION OF THE EXISTING PROJECT: The authorized project is to periodically conduct operations & maintenance (O&M) dredging of the federally-authorized East Pass Navigation Channel with placement of dredged material at sites specifically identified, and to rehabilitate the east and west jetties. The federally-authorized channel extends from the Gulf of Mexico into Choctawhatchee Bay, and is referred to as the "Main Channel", which terminates 5,100 linear feet north of the Highway 98 Bridge, and extends 3,800 linear feet into the Old Pass Lagoon (Old Pass Lagoon Channel). Material dredged from the Old Pass Lagoon and the Main Channel north of Highway 98 Bridge may be placed on the sand spit located at the northern end of Norriego Point. The material dredged from reaches of the Main Channel, located south of the bridge, will be primarily bypassed to the Gulf-front beaches on the western side of East Pass, and within the swash zone(s). Some of this material may also be placed (as needed) on the east and west jetty sand dikes.

The authorized dredge widths and depths, referenced to Mean Lower Low Water (MLLW), are as follows:

- 180 feet wide by -22 feet deep, for the reach of the Main Channel extending from the Gulf of Mexico, northward to the outer reaches of the jetties (Station 0+00 to Station 38+99);
- 180 feet wide by -16 feet deep, for the reach of the Main Channel extending from the outer reaches of the jetties, northward through Choctawhatchee Bay, from Station 38+99 to Station 146+00;
- 175 feet wide by -14 feet deep, for the western portion of the Old Pass Lagoon Channel, from the edge of the Main Channel to Station 13+00; and
- 100 feet wide by -8 feet deep, for the eastern portion of the Old Pass Lagoon Channel, from Station 13+00 to Station 41+25.

In addition to dredging the Main Channels, as described above, the following authorized channel wideners are as follows:

- Northward to the outer reaches of the jetties, within the Main Channel (between Stations 48+79 and 65+38), and dredged to -16 feet deep with variable widths;
- North of the Highway 98 bridge, between Stations 120+00 and 126+56, and dredged to -16 feet deep with variable widths; and
- The western portion of the Old Pass Lagoon Channel, between Stations 06+00 and 12+00, dredged to approximately 200 feet wide by -14 feet deep.

The authorized project also includes rehabilitation of both jetties at the mouth of East Pass. Barge access channels (also known as flotation channels), measuring 8 feet deep by 100 feet wide, will be dredged on the interior side of each jetty to facilitate rehabilitation. Material dredged from the western barge access channel will be placed in the water west of the jetty and in an upland area located on the exterior side of the west jetty. Material dredged from the eastern barge access channel will be placed in the water around the east jetty spur groin, which is located on the interior side of the

jetty, and in the upland area located on the exterior side of the east jetty only to facilitate jetty rehabilitation. The existing stone will be reconfigured, and new stone will be added on both jetties as necessary to restore the original design specifications: crest elevation of +6 feet MLLW, crest width between 10 and 15 feet, side slopes of 1 (vertical) to 2 (horizontal), east jetty length of approximately 1,100 feet, with a 450-foot interior spur groin at its northern end, and west jetty length of approximately 3,000 feet.

DESCRIPTION OF PROPOSED ACTION: The Proposed Action consists of adding a placement area to the east of the mouth of East Pass. Material would be removed using a hydraulic pipeline cutterhead dredge during maintenance of the East Pass Federal Navigation Channel and could be deposited within this placement area (see Figure(s) 1 & 2). This action allows for the natural attenuation of sand transport within East Pass, which is consistent with established regional sediment management principles and goals. The addition of a new placement area also allows the USACE, Mobile District to be in compliance with changes to Florida Statute 161.142 and the updated Inlet Management Plan for East Pass. These address the altered natural drift of sand influenced by the inlet and jetties. This statute promotes reasonable efforts to ensure that beach quality sand from inlets are placed on or nearshore to the nearest adjacent eroding beach, as determined by Florida Department of Environmental Protection (DEP).

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, State Water Quality Certification has been received for the Proposed Action from Florida DEP, which expires October 28, 2019. A request for a modification to extend the certification another 5 years is currently under review by Florida DEP. All State water quality standards would continue to be met.

COASTAL ZONE CONSISTENCY: The USACE, Mobile District determined that the Proposed Action is consistent with the Florida Coastal Management Program to the maximum extent practicable. Consistency for the Proposed Action was received from the Florida DEP, which expires October 28, 2019. A request for a modification to extend the permit another 5 years is currently under review by Florida DEP.

USE BY OTHERS: The Proposed Action would not create any significant impacts on land use plan, within the adjacent areas.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirements of the NEPA, impacts associated with the Proposed Action have been considered in an Environmental Assessment (EA). 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. A copy of the EA is available upon request. The EA

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will be updated should comments be provided that necessitate inclusion. Upon finalization of the EA, a Finding of No Significant Impacts (FONSI) will be prepared.

SECTION 404 (b) (1) EVALUATION REPORT: A Section 404(b)(1) evaluation has been prepared to evaluate impacts associated with the Proposed Action in accordance with guidelines promulgated by the Environmental Protection Agency 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 within the project area. It also includes short-term loss of benthic organisms and localized short-term degradation of aesthetics near the placement area. A 404(b)(1) Evaluation Report has been prepared and is available upon request.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the Proposed Action is being coordinated with the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS). The USACE, Mobile District last coordinated with the USFWS for East Pass continued O&M efforts in April 2009 via a Biological Assessment. The USFWS provided a Biological Opinion which evaluated the effects to nesting sea turtles, non-breeding Piping plovers, West Indian manatees and associated Critical Habitat. The project area is not located within designated Piping plover Critical Habitat. USFWS previously concurred with USACE, Mobile's determination that the project may adversely affect nesting sea turtles and Piping plovers, not likely to adversely affect West Indian manatees, and not adversely modify designated Piping plover Critical Habitat. The USACE, Mobile District has determined that the proposed project may affect but is not likely to adversely affect and/or not likely to adversely affect these species and to designated critical habitat and is in consultation with USFWS. The USACE, Mobile District would use Standard Protection Conditions during construction.

The proposed project is located within Gulf sturgeon designated Critical Habitat (see Figure 1). The USACE, Mobile District last coordinated with the NMFS-Protected Resource Division (PRD) for East Pass continued O&M efforts in May 2009. NMFS concluded that the Proposed Action is not likely to destroy or adversely modify designated Gulf sturgeon Critical Habitat. For this Proposed Action, the USACE, Mobile District determined the proposed project would not result in the likelihood of destruction or adverse modification of Gulf sturgeon Critical Habitat. In addition to the Gulf sturgeon, the surrounding area is known to be utilized by West Indian manatees and various species of listed threatened and endangered sea turtles, fish and whales. The USACE, Mobile District has determined that the proposed project may affect but is not likely to adversely affect and/or not likely to adversely affect these species and is in consultation with NMFS.

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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 seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. The NMFS, Habitat Conservation Division (HCD) has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column. The habitat in the project area, which is located just outside the mouth of Choctawhatchee Bay, consists of Gulf of Mexico waters and sandy substrate consistent with sediment along the northern Gulf of Mexico. The NMFS, HCD has management plans for brown shrimp (*Penaeus aztecus*), white shrimp (*P. setiferus*), red drum (*Sciaenops ocellatus*), and Spanish mackerel (*Scomberomorus maculatus*) within the project area. The proposed activities would not adversely impact intertidal wetlands nor vegetated waterbottoms. Impacts associated with the dredging and placement activities would be temporal in nature.

The proposed activities would temporarily affect coastal habitat identified as EFH in the project area. Based on the extent of this habitat in the general vicinity of the project and the short-term nature of the impact, the overall impact to fisheries resources is considered negligible.

CULTURAL RESOURCES CONSIDERATION: Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended and regulation 36 Code of Federal Regulation (CFR) Part 800 requires the 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 and to consult with other agencies and Tribal Nations to avoid, minimize or mitigate adverse effects upon those resources. This project was reviewed by the USACE, Mobile District archeological staff. The Florida Master Site File was consulted on December 07, 2018 and no known properties listed in or determined eligible for the National Register are known to exist in the vicinity of the Proposed Action. As a result of this review, it was determined that the new placement area has a low potential setting for historic resources. For this reason, a cultural resources survey of the project does not appear to be warranted. Additionally, prior coordination was conducted with the Florida State Historic Preservation Officer (SHPO) for an identical proposed action by the City of Destin. In a letter sent to USACE, Jacksonville District dated June 18, 2015, the Florida SHPO indicated that it is unlikely that historic properties will be affected by the inclusion of the new placement area. Therefore, it is unlikely that any historic properties exist in the project area or would be affected. Additionally, in compliance with the NHPA and other authorities, the Proposed Action is being coordinated with the Florida SHPO and appropriate Tribal Nations.

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The records search and consultation with SHPO and appropriate Tribal Nations constitutes the full extent of cultural resources investigations unless comment(s) to the Public Notice are received. Comments should document that significant sites or properties exist which may be affected by this work, or that adequate potential exists for the location of significant sites or properties within the project area.

EVALUATION: The decision whether to proceed with the Proposed Action would 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 public notice. All factors that may be relevant to the Proposed Action would be considered. Among these include such factors as: conservation, economics, and aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards flood plain values, land use, navigation, shoreline erosion and accretion recreation, water supply and conservation, water quality, 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. Inasmuch as the proposed work would involve the discharge of materials into navigable waters, specification of the proposed placement sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the Environmental Protection Agency in conjunction with the Secretary of the Army. If these guidelines alone prohibit the specification of any proposed placement 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, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, NOAA Fisheries, Protected Species Branch, St. Petersburg, Florida
Commander, Eighth Coast Guard District
Florida State Historic Preservation Officer
Florida Department of Environmental Protection
Florida Fish and Wildlife Commission
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service

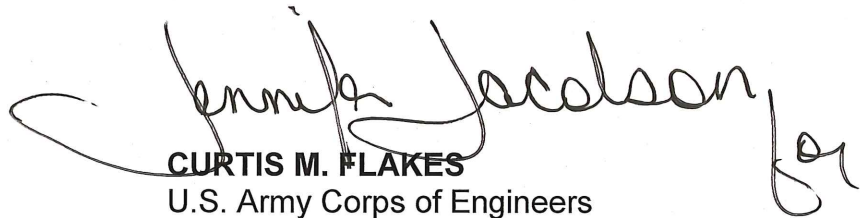
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Other Federal, state, and local organizations, affiliated Indian Tribe interests, and U.S. Senators and Representatives of the State of Florida are being sent copies of the notice and are being asked to participate in coordinating this proposed work.

CORRESPONDENCE: Any person who has an interest that may be affected by the proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Engineer within 30 days of the date of this public notice. A request for a hearing must clearly set forth the interest that may be affected and the manner in which the interest may be affected.

Correspondence concerning the public notice should refer to Public Notice No. **FP19-EP01-09** and should be directed to the Commander, U.S. Army Corps of Engineer Mobile District, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Ms. Caree Kovacevich at (251) 690-3026.


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

