

RECORD OF DECISION

BAYOU CASOTTE HARBOR CHANNEL IMPROVEMENT PROJECT PASCAGOULA HARBOR, JACKSON COUNTY, MISSISSIPPI

The Final Feasibility Report and Environmental Impact Statement (FR/EIS) dated March 2020, for the Bayou Casotte Harbor Channel Improvements Project addresses the federal interest in assuming maintenance of improvements proposed by the Jackson County Port Authority (JCPA), non-federal sponsor (NFS) for the Port of Pascagoula, Mississippi, under Section 204(f) of the Water Resources Development Act (WRDA) of 1986, as amended by (33 United States Code (U.S.C.) 2232(f)) in the Pascagoula Harbor, Jackson County, Mississippi. The final recommendation is contained in the Final FR/EIS. Based on these reports, the reviews by other federal, state, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan to be technically feasible, environmentally preferable and economically sound, in accordance with environmental statutes, and the public interest.

The Final FR/EIS, incorporated herein by reference, evaluated various alternatives that would improve channel accessibility and increase the efficiency of vessel operations in the study area. The recommended plan is Alternative 11, the Locally-Preferred Plan, and includes:

- 100-foot westward widening improvements of the Lower Pascagoula Channel and Bayou Casotte Channel with bend easing into Horn Island Pass for an approximate total length of 39,000 feet. Placement of new work dredged material within the Pascagoula Ocean Dredged Material Disposal Site (ODMDS) and beneficially at the Littoral Zone Placement Area by the NFS. Future operations & maintenance (O&M) of that improved navigation channel with placement within existing open-water sites, Littoral Zone Placement Area, Pascagoula ODMDS, and other possible beneficial use site(s) should it become available.

In addition to a “no action” plan, 18 alternatives were evaluated. The alternatives included structural and non-structural alternatives. Non-structural alternatives included alternate vessel speeds, navigation aids, tug assist and Harbor Control System. Structural alternatives included the No Action Plan, Alternative A, and eighteen structural alternatives, Alternatives 1 through 18. Each of the eighteen alternatives included incremental widening of both the Lower Pascagoula and Bayou Casotte Channels (i.e., by 50 feet, 100 feet and 150 feet). Alternatives 1-3 and 10-12 addressed channel widening on the west side of the channel, with the latter three alternatives including easing at the transition between the Horn Island Pass and the Lower Pascagoula Channel. Alternatives 4-6 and 13-15 included channel widening on the east side of the existing channel segments and bend easing for Alternatives 13-15. Lastly, Alternatives 7-9 and 16-18 included incremental widening on both sides of the channel and bend easing for Alternatives 16-18. Improved channel lengths are parallel to the centerline of the channel and vary from 6.01 miles to 7.22 miles in length.

The Locally Preferred Plan, Alternative 11 (100-foot widening on west side of channel with bend easing), was identified as the environmentally preferable alternative.²

¹ 40 CFR 1505.2(b) requires a summary of the alternatives considered.

² 40 CFR 1505.2(b) requires identification of which alternative is the environmentally preferable alternative.

SUMMARY OF POTENTIAL EFFECTS:

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of Recommend Plan

	Significant adverse effect*	Insignificant effects due To mitigation**	Insignificant Effects	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the FR/EIS will be implemented to minimize impacts.³ The U.S. Army Corps of Engineers (Corps), Mobile District would adhere to water quality standards issued by the State of Mississippi, Department of Environmental Quality (MDEQ), Office of Pollution Control (OPC), to minimize impacts to water quality for O&M of the improved channel. For placement sites within waters of the U.S., dredged material is distributed throughout the site to minimize impacts to the benthos. For O&M placement at the Pascagoula Ocean Dredged Material Disposal Site (ODMDS), the Corps, Mobile District would adhere to the conditions identified in the U.S. Environmental Protection Agency’s (EPA) Section 103 concurrence and Pascagoula Site Management and Monitoring Plan (SMMP) pursuant to the Marine Protection, Research and Sanctuaries Act. Should a hopper dredge be utilized, the Corps, Mobile District would adhere to reasonable and prudent measures as identified in the Gulf of Mexico Hopper Dredging Regional Biological Opinion (GRBO), issued November 19, 2003, amended June 24, 2005, and January 9, 2007. Other reasonable and prudent measures that have been identified during the

³ 40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted. Endangered Species Act Section 7 consultation will also be implemented to minimize impacts.

Dredging will be conducted in the most efficient manner to reduce dredging times and

impacts to sensitive environmental resources. Reasonable and prudent measures include: Use of relocation trawlers under specific conditions to minimize turtle interactions, NOAA Fisheries-approved observers monitoring the hopper dredged material, screening, and dragheads, screening of 100 percent of dredged material with 4-inch by 4-inch screen, dredging pumps disengaged by the operator when the dragheads are not on the bottom, and use of sea turtle deflecting dragheads on all hopper dredges in all Gulf of Mexico channels.

To mitigate anticipated impacts to cultural resources that are eligible for listing in the National Register of Historic Places (NRHP) within the area of potential effect (22JA516), the Corps, Mobile District has entered into a Memorandum of Agreement (MOA) with the Mississippi Department of Archives & History (MDAH), and the Choctaw Nation of Oklahoma. The MOA includes a work plan for the archaeological Phase III data recovery of 22JA516. The work plan contains the following: environmental and site-specific cultural overviews, an overview of completed cultural resources work at the site, a research design, Phase III archaeological methods, laboratory and specialized analysis methods, methods for curating materials, public interpretation/education, plan for the treatment of human remains, and an inadvertent discovery plan. Within this plan, the Phase III archaeological methods include a walkover survey/condition assessment, clearing of the work area, limited exploratory excavation, mechanized removal of the upper disturbed sediments, placement of excavation blocks, hand excavation, feature excavation, dewatering of the site, field documentation, collection of samples suited for special analysis, off-site water screening, and soil stripping. Following the investigation, specialized analysis and laboratory processing of collected materials will be undertaken. Unless otherwise specified, all material will be curated at the Charlotte Capers Archives and History.

COMPENSATORY MITIGATION:

COMPENSATORY MITIGATION NOT REQUIRED

No compensatory mitigation is required as part of the recommended plan.

PUBLIC REVIEW

Public review of the draft FR/EIS was completed on April 30, 2014. All comments submitted during the public comment period were responded to in the Final FR/EIS. A 30-day waiting period and state and agency review of the Final FR/EIS was completed on March 6, 2020.⁴

OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

ENDANGERED SPECIES ACT

FORMAL CONSULTATION:

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the National Marine Fisheries Service issued a biological opinion, dated November 4, 2015, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: Northwest Atlantic (NWA) loggerhead distinct population segment, Kemp's Ridley sea turtles, green sea turtles, hawksbill sea turtles,

⁴ 40 CFR 1506.10(b) requires the EIS to be publicly available/30-day waiting period prior to the ROD being signed.

leatherback sea turtles, Gulf Sturgeon and Gulf sturgeon critical habitat and NWA loggerhead sea turtle critical habitat. All terms and conditions, conservation measures, and reasonable and prudent measures resulting from these consultations will be implemented in order to minimize take

of endangered species and avoid jeopardizing the species.

NATIONAL HISTORIC PRESERVATION ACT

HISTORIC PROPERTIES ADVERSELY AFFECTED:

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties may be adversely affected by the recommended plan. The Corps and the MDAH, and Choctaw Nation of Oklahoma entered into a MOA, dated February 21, 2017. All terms and conditions resulting from the agreement shall be implemented by the non-federal sponsor (overseen by the Corps) in order to minimize adverse impacts to historic properties.⁵

CLEAN WATER ACT SECTION 404(b)(1) COMPLIANCE

Pursuant to the Clean Water Act of 1972, as amended, all discharges of dredged or fill material associated with the Corps's future O&M activities have been found to be compliant with the section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix H of the EIS.

CLEAN WATER ACT SECTION 401 COMPLIANCE:

401 WQC OBTAINED:

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the MDEQ. All conditions of the water quality certification shall be implemented in order to minimize adverse impacts to water quality.

COASTAL ZONE MANAGEMENT ACT

CZMA CONSISTENCY ISSUED:

A determination of consistency with the Mississippi Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the Mississippi Department of Marine Resources. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

OTHER SIGNIFICANT ENVIRONMENTAL COMPLIANCE:

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

⁵ Required by 36 CFR 800.6(c)(3) meeting the terms and conditions of the MOA.

FINDING

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives.⁶ Based on the review of these evaluations, I find that benefits of the recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.⁷



18 August 2020

Date

R.D. James
Assistant Secretary of the Army
(Civil Works)

⁶ 40 CFR 1505.2(B) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision.

⁷ 40 CFR 1505.2 requires clearly stating the NEPA decision.