

U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT

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MOBILE HARBOR IMPROVEMENT
OPEN HOUSE

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Transcript of comments by the general public during the Mobile Harbor Improvement Open House, held at the Mobile Convention Center, 1 South Water Street, Mobile, Alabama, on February 22, 2018, commencing at approximately 6:00 p.m.

1 P R O C E E D I N G S

2 MODERATOR: As promised, I will go over
3 the ground rules for the question-and-answer
4 period. Our intent is to engage a professional
5 and courteous dialogue, to ensure that everyone
6 who wishes to speak or has a question has an
7 opportunity do so.

8 Please limit your questions and comments
9 to three minutes. That should give each person
10 ample time for an initial question and a
11 follow-up question.

12 We're here to discuss the Mobile Harbor
13 GRR Study. Please stay focused on this topic.
14 If you have other questions that do not pertain
15 to the harbor study, you may ask for the Corps
16 representative at the end of the evening. He
17 or she will try to refer you to the proper
18 person at the district.

19 Please raise your hand if you have a
20 question or comment. I will call on you, and
21 our representatives -- where are our
22 representatives? See this young lady back here
23 with her hands up? We will bring the

1 microphone to you.

2 If you wish, you're welcome to introduce
3 yourself and state the organization or group
4 you represent. Please use the microphone, as
5 we're documenting this for the record. And
6 please be respectful of the time when other
7 people are speaking.

8 If we do not have a lot of requests to
9 speak, those who have already asked a question
10 or made a comment may come back to ask more
11 questions. As mentioned earlier, we do have
12 a hard stop at 8:00 p.m.

13 So, having said that, our first question.
14 I see a gentleman in the back behind the young
15 lady with the microphone.

16 And who would like to have the second
17 question?

18 Okay. The gentleman in the back here.

19 AN AUDIENCE MEMBER: Steve Gordon.

20 My question is -- just so I will recap my
21 understanding -- the sediment movement out
22 there in channel by Sand Island, it's not going
23 to impact Dauphin Island? It's not going to

1 migrate far enough west to impact Dauphin
2 Island; is that correct? Is that the way your
3 analysis shows?

4 MR. MCDONALD: The analysis shows that by
5 deepening the channel, it's essentially not
6 changing the way sediment transports out there.
7 But what we are seeing is that we recognize
8 that we don't have the capacity to continue to
9 place material in the SIBUA in the future. So
10 we're going to have to modify where we place
11 that material, moving it up on the shoal and
12 closer toward the island to continue to ensure
13 that we have capacity in the future.

14 AN AUDIENCE MEMBER: So it's not going to
15 impact Dauphin Island? The deepening and
16 widening of the channel in that study, it's not
17 going to impact Dauphin Island?

18 MR. MCDONALD: That's correct.

19 COL. DeLAPP: That's accurate. We just
20 want to make sure that we have the capacity for
21 future dredge material, then look to expand
22 that area so that -- and, if possible, put it
23 in a location that is going to be more

1 beneficial to Dauphin Island in the future.

2 Lisa, who is next?

3 MODERATOR: This gentleman right here.

4 AN AUDIENCE MEMBER: I feel like I'm being
5 interviewed. My name is Chris Nelson. I'm
6 with Bon Secour Fisheries over in Baldwin
7 County. My family has been in the oyster
8 business for four generations, on the Nelson
9 side at least; and on the Steiner side, I don't
10 really want to venture a guess, but at least
11 four generations.

12 So my primary interest in the widening and
13 the deepening project and, quite frankly, all
14 of the effects of all of the widening and
15 deepening projects even prior to this one, are
16 the cumulative effects and the potential
17 effects of this project on the oyster resource.

18 Now, as I understand, or as I listened to
19 the presentation, apparently there was the --
20 most of the analysis was done on the effect on
21 oyster larval transport; is that correct?

22 COL. DeLAPP: I'll turn it over to
23 Dr. Berkowitz to chime in.

1 MR. BERKOWITZ: Is this on? Yes.

2 So we looked at changes in the transport
3 of the spat, as well as changes in water
4 quality, focusing on mostly salinity and
5 dissolved oxygen to make sure that we didn't
6 surpass any of the thresholds to harm oysters
7 in the post project condition.

8 AN AUDIENCE MEMBER: And I don't have
9 access to any of your data. But just based on
10 the results that you're stating here, I think,
11 in a lot of people's minds, at least in the
12 industry, the larval transport issue was not
13 the major concern. It was more of the salinity
14 regime change. And we're aware of changes to
15 salinity regimes and other estuaries similar to
16 Mobile Bay as a result of similar projects. So
17 that's why we were -- I was focused on that. I
18 will speak for myself.

19 And so your comments or your results are
20 that it stays within oyster tolerance ranges.
21 And, you know, just as a comment, oysters are
22 an estuarine species that tolerate a wide range
23 of salinity as adults.

1 So I'm curious about your analysis of the
2 post-larval stages of the animal and how those
3 will survive throughout -- as the animals
4 become sexually mature on the reefs and how
5 these salinity -- the change to the salinity
6 regime will be -- will affect those, the
7 survivability.

8 And then, furthermore, the productivity of
9 an oyster reef is pretty well-known to be
10 affected by a higher salinity; so I'm just --
11 can you tell us what the change in the salinity
12 regime was?

13 Because oysters -- I guess, to sum it up,
14 oysters can tolerate extremely high salinities
15 as adults. But they don't -- they aren't very
16 productive at that. And so the interest of the
17 oyster community is, can we -- what can we
18 expect in terms of the productivity of the bay
19 as it can produce oysters for harvest?

20 MR. BERKOWITZ: I appreciate that. In
21 terms of, you know, what the changes in
22 salinity are going to be, it varies widely
23 because the reefs are spread in different parts

1 of the bay. And, obviously, changes in
2 salinity are going to -- you know, we have more
3 potential for that closer to the channel
4 itself. So that's a much tougher question.
5 And, you know, I'll be happy to follow-up with
6 the specifics there.

7 But in terms of the productivity, we not
8 only evaluate just whether the oyster is going
9 to be alive or dead. We know, as you know,
10 where they are most productive. And so we
11 don't anticipate any changes in productivity
12 based on this project of our analysis at this
13 time.

14 AN AUDIENCE MEMBER: One last thing. And
15 forgive me for taking so much time. But the
16 ship wake analysis, I'm also aware that the
17 increased ship wakes in the Galveston Bay, for
18 instance, have had negative effects on their
19 oyster reefs there; and so I would encourage
20 you to look at erosional effects of the ship
21 wakes on both the -- any of the construction
22 reefs as well as the natural reefs.

23 MR. BERKOWITZ: Thank you.

1 MODERATOR: The gentleman with the yellow
2 shirt in the back center here had his hand up,
3 and then the young man over here with the light
4 blue shirt.

5 AN AUDIENCE MEMBER: My name is Billy
6 Richardson. I'm a resident of Dauphin Island.
7 Corps regulations require the General
8 Re-evaluation Report, GRR, to analyze change to
9 conditions that have occurred in study area
10 since the previous report was prepared.

11 Dauphin Island has experienced significant
12 erosion during the 38 years since the Mobile
13 District's original 1980 survey report
14 recommended Mobile Harbor be deepened and
15 widened.

16 During that same 38-year period, the Corps
17 has dredged upward of 30 million cubic yards of
18 beach-quality sands from the outer arc channel,
19 placing at least half of that volume in the
20 deeper gulf waters where it has been
21 permanently lost from the natural near-shore
22 littoral drift system.

23 will the Mobile Harbor General

1 Re-evaluation Report address the effects of
2 that cumulative historic waste and precious
3 beach-quality sand and the erosion of Dauphin
4 Island that has occurred since the 1980 report
5 was prepared as a changed condition in the
6 study area? If not, why not?

7 COL. DeLAPP: So the analysis that is
8 being done in the study is looking at the
9 condition since the last -- I think you led off
10 your remarks with "since 1989"; is that
11 correct?

12 David, do you want to chime in?

13 MR. DAVID NEWELL: The question he is
14 asking is are we going to consider -- the
15 question Mr. Richardson is asking is are we
16 going to consider the sand that was taken away
17 since the 1980 -- let me collect my thoughts
18 here for a second.

19 So in 1999, we began to use the State of
20 Alabama Use Area. So in 1986, authorization
21 was required to be -- for material to be taken
22 offshore and deposited in OBMDs. Due to the
23 1999 use of SIBUA, that was sand that was lost

1 and -- in fact, if this study is going to
2 consider that sand loss and effect of that loss
3 on Dauphin Island? And the answer is it will
4 not.

5 The study, what it does -- what it will do
6 is look at the existing conditions of the
7 harbor, the width and depth currently, and we
8 will assess from that existing conditions
9 moving forward from today.

10 MODERATOR: Right here.

11 AN AUDIENCE MEMBER: Jay Tishler, Mobile
12 BayKeeper. I want to start off by thanking you
13 your board for hosting this meeting and town
14 hall format and for taking the time to hear our
15 comments and questions.

16 Just kind of as a natural segue from the
17 last gentleman's question, will the Corps -- I
18 know they're on different time lines, the
19 Alabama Barrier Island Assessment and the
20 General Re-evaluation Report. It looks like,
21 from what I saw, y'all will be utilizing some
22 of those preliminary results in the General
23 Re-evaluation Report?

1 MR. MCDONALD: Yes. So the model that
2 we're using to evaluate the possible changes of
3 the shoal is the model that was developed for
4 the Alabama Barrier Island Assessment. So all
5 of the data collection that went into that and
6 all of that model of development, we have
7 leveraged that and funded the USGS with
8 additional funds to do the analysis for this
9 study.

10 AN AUDIENCE MEMBER: And so I have heard a
11 lot about regime changes, hydrologic changes,
12 salinity changes -- things that will happen as
13 a result of the project. I think a lot of our
14 concerns out there also have to do with the
15 project execution itself. And so a couple of
16 things that we're looking at closely and
17 potentially concerned about are, like,
18 suspended sediments that result from an
19 increased dredging and the effects they can
20 have on submerged aquatic vegetation, sea grass
21 beds.

22 We know, just looking at studies, that a
23 lot of sea grass beds were lost after dredging.

1 And, you know, we have seen what happens in
2 relation to oysters, well-intentioned projects
3 that are going on right now that have had some
4 major issues due to resulting turbidity.

5 And of course, I think a lot of people
6 understand that ports and harbors are seats for
7 contaminants, everything from heavy metals to
8 bacteria. And we have seen studies that show
9 issues from all of those and show issues to
10 metal accumulations in oysters and aquatic
11 life.

12 So I'm just curious what all the Corps is
13 doing to understand the potential impacts from
14 suspended sediment and from contaminants that
15 may be present as sediment.

16 I know, in one of the latest updates, a
17 quote said basically sediment testing had been
18 performed on the area and limited data is
19 available about contamination specifically.

20 So that's a little bit longwinded. But
21 what all have you done since then?

22 MR. MCDONALD: You're asking about effects
23 of the actual construction process on the

1 resources?

2 AN AUDIENCE MEMBER: Yes.

3 MR. MCDONALD: Larry, do you want to take
4 that one?

5 LARRY PARSON: Your first question with
6 the turbidity -- the water quality modeling
7 that we're doing is going to look at the
8 changes in the turbidity, okay, from the
9 placement of the sediment. So we will have an
10 understanding for how the turbidity will change
11 from the project.

12 And the Mobile Bay is a turbid body of
13 water; so on a windy day, the water really
14 turns to chocolate milk. So we don't really
15 think that we're going to see much changes with
16 the turbidity from the project.

17 Okay. For the contaminants, we will be
18 testing the new material. And we will test it
19 to the standards that is required by the EPA,
20 okay, to make sure that the material is --
21 meets the ocean's federal criteria. Okay?

22 Now, we won't be doing that right away.
23 We will actually be doing that in what we call

1 the PED phase of the project.

2 COL. DeLAPP: Which is the Planning,
3 Engineering, and Design phase.

4 LARRY PARSON: Yes. Thank you.

5 So we will be testing the material before
6 any grain of sand will be removed from the
7 project.

8 AN AUDIENCE MEMBER: Is that before the
9 dredging?

10 LARRY PARSON: No. That will be once the
11 SDIS is final.

12 COL. DeLAPP: So it won't be until after
13 20 -- whatever date in 2019. So once that work
14 is final and then we're given funds and
15 authorized to move to PED -- Planning,
16 Engineering, Design -- then at that point, we
17 have will have the resources to do that
18 analysis you're talking about.

19 Yours is really kind of the next big
20 phase, which is off the chart of the timeline
21 of the study. Because we'd have to be told we
22 can go to the next phase, and, at that point,
23 then we will start to do that and look at the

1 aspects of the construction impacts, if that
2 makes sense.

3 LARRY PARSON: The testing that we do will
4 be very comprehensive. It will look at the
5 heavy metals. It will look at the tissue
6 toxicity and the whole suite that is required
7 by the EPA.

8 MODERATOR: Over here. This gentleman
9 over here, please.

10 AN AUDIENCE MEMBER: My name is Clay
11 Sutherland, and I'm a retired physicist. So I
12 don't have to worry about my boss being here to
13 tell me to be quiet.

14 Back in 1976, I think -- '75 or '76 -- I
15 was a college student here in town, biology
16 student. And I got to speak about what I felt
17 was the problem with the design and the
18 operation of the Tennessee-Tombigbee Waterway.

19 First of all, Mr. Lyons, you have done a
20 great job. We love you here in Mobile. We
21 really do. But if we were in a perfect
22 world -- you know, you can't have 100 percent
23 of anything anymore.

1 I stood up and I told the crowd that I had
2 concern with heavy metal transport from the
3 residual pesticides and heavy metals that had
4 been accumulated ever since the fire ants had
5 been introduced in Mobile and worked their way
6 up the river system here.

7 The workers that work in cotton
8 plantations were being eaten alive by the fire
9 ants. So the operation owners gave them bags
10 of arsenic and said, "Here, spread this around,
11 and this will kill the fire ants." Okay. So
12 they're out there with elemental arsenic, just
13 throwing that around. They did that for a
14 while, and then DDT came out, and it was
15 better. "So let's just spray them with DDT,
16 and that will kill the fire ants."

17 Well, all of this stuff over the years
18 washed into the river system and fell down into
19 the gray clay area of the river system. And it
20 was chelated by the red clays. And it stayed
21 there for 100 years, 110 years, all nice and
22 happy, sitting in a pH of about -- what? --
23 4, maybe 5, up above the Delta? It's acidic.

1 And if you dredge this material up and put
2 it in an area where the pH is more alkaline,
3 say 7.4, which would be seawater out in the
4 gulf, I think -- and I may not be 100 percent
5 accurate, but it may release the heavy metals
6 and cause a potential arsenic zone or mercury
7 or whatever -- or, you know, there's no telling
8 what is happening.

9 The science, as you mentioned, Colonel,
10 has gotten so good in the past few years that
11 we can see this stuff now and we can computer
12 analyze anything we want. But back in the
13 '70s -- you know, back last century, it was
14 fine, eat it, eat the arsenic. And then, you
15 know, back in the '70s, it was like, "Uh-ho,
16 this stuff is bad."

17 Then we gave limits based on risk. You
18 know, this much is okay but this much will kill
19 you. And that risk factor has been going down
20 every few years, you know.

21 I'm going to hurry. Okay. But my
22 observation was that we have done a good job
23 with what we have. We need to do a good job

1 now with what we have available now, especially
2 with some of the political climate being
3 science is flawed.

4 And I had to throw that in. Thank you.

5 COL. DeLAPP: Thank you very much. And
6 hopefully, as you have pointed out, that, you
7 know, we're demonstrating that we want to take
8 the most analysis as possible. And as it was
9 discussed earlier, if we find challenges with
10 the material, that we'll make sure that it's
11 properly managed.

12 Lisa?

13 MODERATOR: The gentleman in the green
14 shirt and then --

15 AN AUDIENCE MEMBER: I'm Joe Womack from
16 the Africatown community, born and raised
17 there.

18 When we met in Africatown, we were told
19 that this project would increase the tonnage
20 around the state docks, and the state docks
21 would be able to make more money because they
22 make money by moving tonnage throughout the
23 state docks.

1 And to do that, that means more truck
2 traffic. And a lot of that truck traffic is
3 going to come right through Africatown, which
4 means noise -- more noise and more diesel in
5 the air.

6 Now, growing up underneath the smoke
7 stacks in that sky for years, the community
8 there is concerned about any type of
9 environmental impact.

10 What do you plan to do to monitor that? I
11 didn't hear anything over here about monitoring
12 air and water and soil and none of that stuff.

13 MR. LYONS: Joe, I think, as I recall,
14 when we met up in Africatown, the truck traffic
15 patterns that are associated with the container
16 terminal don't really -- they bypass
17 Africatown. They are going to go up by
18 Interstate 65, out Interstate 10, east and
19 west.

20 AN AUDIENCE MEMBER: Sometimes.

21 MR. LYONS: Then we built a railing and
22 boat facility so that we could now take
23 containers and move them out of Mobile on

1 railcars, which will go up or completely away.
2 And that's been part of our plan for the
3 container terminal all along was to build a
4 rail and mobile so we could put as much on rail
5 as possible.

6 AN AUDIENCE MEMBER: Getting to my overall
7 question, are there plans to put any monitoring
8 system up in the Africatown community? Air
9 monitoring? Noise monitoring?

10 MR. DAVID NEWELL: This is David. We met
11 there in Africatown with you. And what the
12 study will include is an environmental impact
13 statement which will look at the air, noise,
14 traffic, and things like that on the nearby
15 communities to the port.

16 And we're still in the process of that,
17 and we don't have the results of that. That
18 was one of the items I, along with Justin,
19 pointed out with the ship wake that we didn't
20 present tonight. But we know it's an issue and
21 a concern to the community. But that will be
22 addressed in the environmental impact
23 statement. We just don't have the data back

1 yet tonight to tell you the results of that.

2 AN AUDIENCE MEMBER: My other question
3 is -- help me out a little bit -- you said that
4 you're going to deepen the channel down to 50,
5 51 feet for three miles. That's from where to
6 where?

7 COL. DeLAPP: Sorry. So overall looking
8 between 48 and 50 somewhere. So it's within
9 that two-foot range. That's for the length.
10 And then a three-mile stretch where we're going
11 to actually widen it out another 100 feet. So
12 it's about 400 foot wide currently. That three
13 mile stretch will be 500 feet wide.

14 AN AUDIENCE MEMBER: where will you start
15 deepening at? From the mouth of the river?
16 The mouth of the channel?

17 COL. DeLAPP: Yeah.

18 AN AUDIENCE MEMBER: To where?

19 MR. DAVID NEWELL: South of the tunnel.
20 It will begin deepening south of the tunnel
21 about a mile-and-a-half south of the tunnel and
22 down through to the bar channel.

23 AN AUDIENCE MEMBER: Okay. So it won't

1 come past the tunnels?

2 MR. DAVID NEWELL: Correct. They actually
3 limit the depth to 40 foot at that location.

4 MODERATOR: The gentleman right here and
5 then Ms. Callaway next.

6 AN AUDIENCE MEMBER: My name is Ralph
7 Atkins. I'm the owner of Southern Fish and
8 Oyster Company. And Southern Fish has been
9 about five blocks down the street here. We've
10 been there for 80 -- 83 years. I've been there
11 52 of them.

12 Now, then, I have watched the last three
13 years, the dredging that has already been done
14 maintained and getting ready -- I call it walk
15 and bait, because they're going to fix it so
16 the big ships can come up here and bring all of
17 the stuff in here for the warehouse.

18 Now, I have watched. You have killed the
19 entire oyster population of Mobile Bay. You
20 have done it in the last three years. There
21 have been over a billion oysters that's been
22 killed up here. And I call it the northern
23 reef. It's above Gilliard Island and also some

1 other reefs, because that's where all of the
2 spat comes from.

3 To show you that it's done, the State of
4 Alabama this year produced 127 sacks -- not
5 even bushels -- I know one of the oystermen was
6 out. He stayed out three hours, and he and his
7 son caught 30 oysters. There are no oysters in
8 Alabama right now. There are none.

9 All that dredge fill that you've been
10 doing -- have done for at least three years --
11 has covered up everything in this bay. That
12 40-foot-deep hole off Brookley Field is filled
13 to the top. And there was riffraff down in
14 that hole that was fish habitat. It's been
15 covered up.

16 I talked to the Corps of Engineers guy,
17 and he said, "Oh, they told us there was no
18 oxygen there." Not with 40-foot muck. And
19 that's everywhere. Gilliard Island is touched
20 down there.

21 And that's true. There's 40,000 pelicans
22 up there. What do you think happens when
23 40,000 pelicans eat a pound of fish a piece?

1 Gilliard is knee-deep. 10,000 pounds a week.
2 It goes right into our bay.

3 You've already had two major fish kills
4 that I know of. And I have people out there
5 that are fishing somewhere -- somebody is
6 fishing for me 24/7, catching fish out of
7 Mobile Bay. And we're having a harder and
8 harder time of it.

9 The oysters are gone now. I'm telling you
10 the oysters are gone. And you're talking 10
11 years. If we stopped today and turned it
12 around, it would take 10 years to get the pH
13 factor back in the bay to produce oysters,
14 local oysters.

15 This stuff -- hey, this is a major
16 problem. You're never going to get your pH
17 factor right. The shrimp dropped off this
18 year. They were going out there in the big
19 boats that know what they're doing, that worked
20 for me for years, they would go out there and
21 catch 50-pound shrimp. It ain't there no more,
22 you know. It's killed them.

23 Now, I happened to inadvertently find

1 out -- I was talking to Bradley Byrne. I
2 called his office one day. And he wasn't -- I
3 didn't expect to get him. But one of his
4 associates and I were talking. And he said,
5 "Well, you are aware that Bradley Byrne just
6 got a \$2 million project to get the Corps of
7 Engineers to put shell out."

8 I never could find him to ask him did they
9 ever get the \$2 million to put shell out and
10 make an oyster reef.

11 Did we?

12 COL. DeLAPP: I'll have to find out and
13 get an answer to you on that. I don't have an
14 answer on that one.

15 AN AUDIENCE MEMBER: That's empty shell.
16 You've got to have live oysters to make the
17 babies. They couldn't find enough oysters live
18 on Dauphin Island. They couldn't even begin to
19 find anything. It's not there.

20 There's one little place that is well to
21 the west that was a guy that I have known since
22 I was 13 years old. He sat out there and he
23 had a lease. And they killed that when Nature

1 Conservancy came out and bought all of that
2 land west of Bayou La Batre, that the state
3 came and in and bought. That's going to be
4 real interesting when I find out that.

5 MODERATOR: Thank you, sir.

6 AN AUDIENCE MEMBER: I ain't through. I
7 ain't through.

8 MODERATOR: Sir, if we could, we will come
9 back to you. But there's other folks that want
10 to speak as well.

11 Ms. Callaway and Mr. Graves.

12 AN AUDIENCE MEMBER: I'm Casi Callaway,
13 Director of the Mobile BayKeeper. And I also
14 want to do a huge shout out and thank you for
15 hosting the meeting in this format where we can
16 not only all hear the same message but ask
17 questions and then you can hear what we're all
18 asking. So thank you again for doing it.

19 I think a lot of the questions -- that I
20 might have more questions than I was prepared
21 for, because I'm a little bit
22 shocked/thrilled/worried that there's zero
23 impacts from deepening and widening the ship

1 channel.

2 [Applause]

3 And I don't think that -- I think we all
4 understand that this is the next step in our
5 community and the next thing that we need to
6 do. But finding zero impact to anything of the
7 five major things that we're concerned about is
8 a little worrisome.

9 I mean, if you had said, "We're going to
10 have this much impact" or "we're going to have
11 to mitigate this much," I would have been,
12 like, "Okay, good. Let's talk about
13 mitigation."

14 But zero impact is a little bit
15 concerning. And I'm thrilled that we have such
16 great science and such great models that --
17 could you run some of those models on my own
18 personal bank account?

19 Sorry. But I am a little bit nervous
20 about looking at what those models find with
21 zero impact.

22 The other thing I'm hearing, too, is --
23 and I think some of the questions that have

1 been asked are what about some different
2 dredging issues and erosion issues and
3 different oyster issues and especially
4 turbidity that this person mentioned. And
5 we're not done with that study yet. We're not
6 done with that study yet.

7 So I think that we expected for y'all to
8 be more finished with the study before you were
9 going to put out the next draft SEIS.

10 [Applause]

11 I understand you putting out an opinion
12 of how deep and how wide. That we get. I
13 think we all understand. And we also
14 understand that we do not want to do a 10-year
15 study. We're not that organization. We're not
16 that community; so we're not trying to tell you
17 to slow down.

18 But we do want to understand that, before
19 you make a final decision, that you have
20 studied everything you're supposed to study.
21 So those are some of my points.

22 I also want to thank you, Justin, for
23 doing what you needed to do with this community

1 and really spending some time talking about
2 Dauphin Island and the impact and the movement
3 of sediment in the studies. But you didn't
4 talk about the bay. And we also have a lot of
5 fishermen in the community and a lot of
6 fishermen that are members of Mobile BayKeepers
7 and a lot people that talk to us about, "what
8 is thin layer disposal?" "why did you choose
9 that area?"

10 Yes, we know that in the '40s we dug
11 that up. But it was the '40s. So zip
12 back -- what are you covering up each year that
13 you do that? So what is that going to look
14 like? How deep will that be? How shallow will
15 the water become?

16 So there are a bunch of questions that we
17 wish you had been able to talk to -- some of
18 that you speak about. And if you will let me
19 ask one more question, I would like you to
20 answer that.

21 MR. MCDONALD: So I apologize. There's a
22 lot to cover, and I knew there was going to be
23 a lot of questions.

1 So, yes, we did an extensive modeling
2 effort to look at southern transport. And I
3 did gloss over that in the presentation to try
4 to get to the point that we don't expect to see
5 significant changes.

6 The part that I did say that was still out
7 there is that the modeling of where that
8 material would move. We have actually ran that
9 model. We are post-processing it now. I wish
10 I had that information to share.

11 But basically we're looking at putting up
12 7 million cubic yards of material on six sites
13 within that relic shell mine area. The
14 placement thickness will be no more than three
15 feet thick over that area.

16 The new arc material is not like the
17 maintenance material. The maintenance material
18 is very fluid. We do the thin layer disposal
19 you're talking about in much smaller lifts so
20 we can have recovery percentage.

21 This new arc material is predominantly
22 clay. And you just cannot physically dredge it
23 and place it in the smaller -- it just stacks

1 up on you too thick.

2 So we have thought a lot about that and
3 talked to a lot of resource agencies about
4 that. So we have identified a maximum
5 thickness of three feet. And the quantity that
6 would go in this individual area that are in
7 that larger graph showed this computer based
8 off of a foot and a half thickness over the
9 entire area. So that's how we came up with the
10 quantity. So you're likely to see areas high
11 and low with no more than three feet thickness.

12 Again, I wish I had those results to show
13 you. If we see transport out of that site and
14 the deposition somewhere else on a sensitive
15 habitat, we will obviously have to look into
16 that further.

17 The other option would be, if it's too
18 impactful, we haul the material onshore and
19 find another place. So we are very aware of
20 that and are looking into it. But I don't have
21 any results to share with you tonight.

22 AN AUDIENCE MEMBER: Thank you. And thank
23 you because that's -- I think, when I hear

1 "thin-layer disposal," which is generally the
2 term y'all have used, and "three feet" in the
3 same sentence, I'm no longer comfortable with
4 that.

5 MR. MCDONALD: The term of "thin-layer
6 disposal" is our maintenance dredging disposal.
7 This has not been their disposal. This is
8 disposing that new work material that cannot be
9 constructed in a thin layer methodology. But
10 we have limited the thickness of disposal data
11 no more than three feet.

12 AN AUDIENCE MEMBER: And you're looking at
13 that across the whole bay. So if an area is
14 eight feet deep and it goes three feet or an
15 area four feet deep, it's not going to go --

16 MR. MCDONALD: Just looking at the areas
17 we're proposing to place it. There are six
18 specific areas in the larger shaded area I
19 showed you. Those depths range from -- Larry
20 help me -- some 15 feet up to maybe 12 feet.
21 So it would be raking the bottom elevation of
22 15 to 12.

23 AN AUDIENCE MEMBER: But not eight to five

1 or any of that kind of --

2 MR. MCDONALD: That was the intent of
3 identifying those areas where there are deeper
4 areas. If you go out and survey, you won't see
5 it. But if you go out there and probed them,
6 the probe just keeps going.

7 MODERATOR: Move on to another question.

8 AN AUDIENCE MEMBER: I'm Stan Graves. And
9 I'm kind of representing the west end property
10 owners of Dauphin Island.

11 Over the past -- and I'm going to read
12 this so I can get through it in three minutes
13 to make sure that we should have time.

14 I have participated in meetings with y'all
15 over the past two years. And I appreciate
16 that, and I hope that we can have a couple
17 more. Because I think there's an opportunity
18 for us to discuss some issues that are going on
19 and we're talking about tonight.

20 But I have heard the same statement in all
21 of those meetings and public hearings -- and
22 David said it again tonight. And that is that
23 the Mobile role only studied the effects of

1 deepening and widening of the Mobile channel on
2 Dauphin Island as it exists today and will not
3 evaluate the changed conditions that have
4 occurred in the history.

5 I've owned property there, and I watched
6 that west end recede over 100-some feet and
7 lose four-and-a-half feet of elevation in 14
8 years, a little bit less than eight feet a
9 year. And the average, from what I have heard
10 and some history, is actually 10 years ago; so
11 it's still receding.

12 So if we evaluate based upon existing
13 conditions, property that is under water today
14 will remain under water. Property that is
15 sitting on people's shoreline, right up to
16 their pylons will exist today and tomorrow, as
17 David states.

18 I want to carry us back to the fairness
19 hearing and the statement that Dr. Susan Rees
20 said when she testified at that hearing, under
21 oath, and on behalf of the Corps as their
22 expert witness. This was September 15, 2009.

23 To settle the Dauphin Island Property

1 Owners Association lawsuit -- that was the
2 purpose of that hearing. During her sworn
3 testimony, Dr. Rees stated that "A supplement
4 to the original environmental impact statement
5 would have to be conducted if there was any
6 expansion to the ship channel."

7 She said, "A general re-evaluation report
8 would have to consider whether conditions in
9 the study area had changed since the 1980s
10 survey report was completed," and that's going
11 back, which has been mentioned earlier. She
12 also stated that "The GRR would definitely
13 examine the impacts of expanding the channel to
14 the coastal processes of Dauphin Island."

15 My question is -- and there's a second
16 part to it -- since Dauphin Island shoreline
17 has continued to erode over the years after the
18 1980 survey report was completed, was
19 Dr. Rees's testimony at the 2009 fairness
20 hearing factually correct that a GRR/EIS is
21 required to address changed conditions, or did
22 she incorrectly state that?

23 And in fact, her statement was not true,

1 that the -- that the Corps is required to
2 address the changed conditions. If Dr. Rees's
3 testimony was correct, why is the GRR/EIS study
4 ignoring the increased erosion of Dauphin
5 Island shorelines that have occurred since that
6 period of time?

7 Secondly, NEPA guidelines are involved and
8 are in play, and it requires that the Corps
9 document the impact of the maintenance dredging
10 to ensure that environmental issues are
11 considered and to also provide Congress as
12 receiving recommendations with a sound basis
13 for evaluating the environmental aspects of the
14 Mobile Harbor.

15 In fact, the 11th Circuit summarized the
16 duty to supplement an EIS as follows: "If,
17 after the original EIS is prepared, the agency
18 makes substantial changes in the proposed
19 action that are relevant to environmental
20 concerns, or, if there are significant new
21 circumstances or information relevant to an
22 environmental concern bearing on that proposed
23 action as its impact, will the Mobile Harbor

1 follow the NEPA guidelines and address the
2 changed conditions and prepare supplemental EIS
3 back to 1980?

4 So those are the two questions. And I
5 will be happy to leave this for you so that you
6 can answer it.

7 COL. DeLAPP: That would be appreciated.
8 I mean, that's a lot. I was trying to take a
9 couple of notes.

10 But if you don't mind, I will probably
11 follow up with you and answer specifically on
12 that. I need to go back and look and see, you
13 know, what her testimony was and what -- and
14 the like.

15 And I can't give you a definitive answer
16 on both of those right now. Generally
17 speaking, I think what David said is we're
18 going kind of under the current conditions.
19 Obviously, we can't undo time. I can't go back
20 in time. So it's generally from the conditions
21 today --

22 AN AUDIENCE MEMBER: The conditions --

23 COL. DeLAPP: The conditions today and

1 going forward and looking on the future and
2 what we do in the future.

3 But, please, yeah, if you would, please.

4 MODERATOR: The gentleman in the striped
5 shirt and then the gentleman behind him with
6 the gray hat.

7 AN AUDIENCE MEMBER: My name is John Reed.
8 I have been a property owner on Dauphin Island
9 for 30 years, and my wife's family there for 50
10 years. I first addressed the Corps on this
11 subject 25 years ago.

12 My question is whether I understand things
13 correctly today.

14 As I understand it, relating to the bar
15 channel, there's an acknowledgment that greater
16 sand material will be dredged from the bar
17 channel, and that that poses the problem for
18 the Corps of where to put it. And as a result,
19 the Corps has made the decision that it will
20 place it a little bit further westward towards
21 Sand and Pelican Islands.

22 I do not hear a statement of the amount of
23 sand material that will be involved in the

1 maintenance dredging, how substantial that is.
2 I do not hear an environmental judgment as to
3 whether that has a deleterious effect on the
4 island. This does not surprise me, since the
5 Corps has never made that judgment in the past
6 and it has been pointed out and has ignored it.

7 But since we are -- you are limiting
8 yourself to the new changes, it seems to me you
9 need to make an analysis of whether that
10 quantity has an adverse effect or not.

11 I hear there's no effect on oysters, no
12 effect on vegetation. I hear that there is a
13 change in the amount of sand. But I don't hear
14 the obvious conclusion or judgment that needs
15 to be made as to whether that sand has an
16 effect upon the island. And I think that's
17 what we need to hear.

18 And I do not hear that the choice to put
19 it where you put it is the best choice for the
20 island or just the most convenient choice for
21 the Corps; so . . .

22 [Applause]

23 In 1978, the Corps acknowledged the

1 obvious, that if you take sand out of the sand
2 river that it adversely affects downstream, as
3 everybody who lives on a river knows about
4 water is true of sand.

5 The Corps has never taken responsibility
6 for the consequences of that. And that's -- so
7 be it. But you're changing things now. And I
8 do not hear any of the scientists hear say that
9 they have made an informed judgment that the
10 additional quantity of beach quality sand that
11 belongs in that sand river that is going to be
12 taken out and put somewhere around the edges
13 has an adverse effect or not.

14 Do I understand the situation correctly?

15 MR. McDONALD: Let me try to clarify a
16 little bit. I think I understand your point.
17 It's that we are going to have an increase in
18 quantity.

19 AN AUDIENCE MEMBER: How much?

20 MR. McDONALD: So we're looking at
21 possibly 5 to 15 percent increase.

22 So we dredge -- over the last 20 years,
23 our annual dredging from that area is about

1 half -- about 500,000 cubic yards a year. So
2 we're looking at an increase of 5 to 15 percent
3 on that.

4 So that increase of material, maintenance
5 material needs from widening and deepening the
6 channel, we had to consider are we going to
7 have capacity for that?

8 So as part of that analysis you're talking
9 about, the detailed analysis that we need to do
10 to understand it, that's what we have done and
11 we see. That area that we have been placing
12 material for the last 20 years is moving out of
13 there at a rate less than what we're putting it
14 in.

15 So how that shoal naturally develops --
16 you have sand that migrates, some bypasses,
17 some ends up on our channel, and we dispose of
18 it on the other side of the channel.

19 If that natural process is a long-term
20 process, and it would take time for that shoal
21 to build naturally up to an elevation and then
22 transport other more efficiently.

23 And so by us taking that material and

1 where I showed you that revised area that is
2 following the sediment transport pathway,
3 that's not a model sediment transport pathway.
4 That is purely observed from a difference in
5 bathymetric surveys.

6 So putting it up further on the shoal, not
7 just further west in deep water but further
8 north up on the shoal in shallow waters, is a
9 benefit to Dauphin Island. It's accelerating
10 the sand moving through the system more quickly
11 than it would have accelerated naturally.

12 AN AUDIENCE MEMBER: So you have made,
13 then, a scientific, environmental finding that
14 the disruption of the process has a negative
15 effect. And is this intended to be a benefit
16 to Dauphin Island, or is it a matter for the
17 Corps' convenience?

18 MR. McDONALD: Sure. It's a benefit to
19 Dauphin Island, and it's a way for us to
20 continue to maintain that channel in a
21 cost-effective manner that is also a benefit to
22 you guys.

23 AN AUDIENCE MEMBER: Is that -- well,

1 unless you -- you know, obviously, it can be
2 placed further north. It can be placed further
3 west. So have you made the judgment that your
4 choice balances out an adverse effect from your
5 dredging process, or have you not yet conceded
6 that there is an adverse effect?

7 COL. DeLAPP: It's more of a capacity
8 issue going forward.

9 AN AUDIENCE MEMBER: So it's just about
10 the Corps's convenience?

11 MR. MCDONALD: This is subject of
12 litigation --

13 AN AUDIENCE MEMBER: No, we're not
14 litigating now. We're making a decision going
15 forward.

16 MR. MCDONALD: So let me finish saying
17 what I'm going to say. There was an
18 independent study done as part of that
19 litigation that looked at this comprehensively,
20 going back historically. And the conclusions
21 of that study was there's minimal -- no
22 measurable affect on the erosion of Dauphin
23 Island due to our navigation dredges. Okay?

1 We take that in consideration. And
2 there's been a study -- I encourage everyone in
3 this room to go read the USGS implication that
4 came out in November of last year that looks at
5 the exact same thing over the last 30 years.
6 You will see similar comments from that study.

7 So on top of that, we have done our own
8 independent analysis. And we're trying to do a
9 better thing out there than what we're doing
10 now.

11 So from what we're proposing, from our
12 perspective, working within the parameters that
13 we have to work in, the least cause of
14 engineering support and environmentally
15 acceptable disposal method -- we can't just put
16 it on the beach at Dauphin Island. We don't
17 have the authority to do that, and it exceeds
18 the federal standard policy. We feel like we
19 have developed a revised dredge disposal
20 location that is more beneficial for Dauphin
21 Island than the current one.

22 AN AUDIENCE MEMBER: And the least cost
23 environmentally acceptable. I understand

1 "least cost." It's always been there. The
2 Sand Island Beneficial Use has always said we
3 will put it there as long as we can afford it.

4 But the "environmentally acceptable"
5 requires an environmental judgment not on what
6 went on just in the past and was decided then
7 but what is going to occur in the future. And
8 it doesn't seem to me that there's been a real
9 studied environmental impact of that change.
10 It got elided over in your presentation on
11 quantity and so forth.

12 MODERATOR: Sir, we have several other
13 people that would like to ask questions.

14 COL. DeLAPP: I really appreciate the
15 comment and question and really the assistance
16 in challenging us to make sure that we do
17 exactly what you're looking for.

18 I will tell you that what he is describing
19 is not going to be the least cost. We want to
20 make sure that we do the best thing for the
21 beneficial use of that material in an
22 environmentally sound manner. So that's what I
23 have committed to do the residents of Dauphin

1 Island, to the mayor, and to all of us
2 concerned is that we will continue to do that.
3 And they're charged with that. So rest assured
4 what we -- what he talked about tonight is not
5 necessarily going to be the least cost, but
6 it's the best use of that material going
7 forward.

8 AN AUDIENCE MEMBER: Thank you very much.

9 MODERATOR: The gentleman in the gray hat,
10 and the gentleman in the blue shirt here in the
11 middle, and Mr. Coffee, and then we will get
12 the young ladies here in the middle.

13 AN AUDIENCE MEMBER: My name is Rich
14 Colebrook. Actually I had originally intended
15 to ask about the GRR's findings on the
16 Beneficial Use Area, and were we going to
17 acknowledge that it, in fact, wasn't really
18 benefiting anyone.

19 I'm delighted and reassured that you guys
20 have done that job for me and said, gee, the
21 sand is accumulating there; so, clearly, it's
22 not migrating back to the island. So I am
23 encouraged and enthusiastic about hearing you

1 talk about putting the sand further north in an
2 area that will benefit the island more.

3 I'm a little concerned about the fact that
4 we are reviewing this as an "everything is fine
5 now and we're not going to make it's worse"
6 situation. Because that's kind of like talking
7 to a patient with one broken leg and reassuring
8 them we aren't going to break the other one.

9 The concern that I have is we have
10 interrupted the natural flow of sand, and
11 re-establishing that is important. So
12 shallower water, closer to the island, further
13 north -- great idea. We really need that to be
14 in the GRR. But that's a little more
15 expensive; right? So who is going to pay for
16 that? I think that is a good question. And
17 here is my thoughts on that.

18 Right now, we have a plan in place to
19 double the throughput of the Alabama Port
20 Authority. And that's going to increase --
21 again double -- in the next 10 years. So with
22 all of the additional commerce and money
23 involved, we should spend a little bit of it on

1 putting a system in place that will maintain
2 and hopefully be able to recover some of the
3 damage that we have seen so far.

4 Thanks.

5 [Applause]

6 AN AUDIENCE MEMBER: I'm Mike Acrumpa
7 (phonetic). I'm a property owner on Dauphin
8 Island, and I'm an engineer as well.

9 First, let me say the widening of the
10 shipping channel is -- we are not against it.
11 We understand the economic benefits to it and
12 that it's worthwhile doing. But we have to
13 address the consequences. And I am concerned
14 specifically about your modeling. If your
15 modeling of sediment migration shows that there
16 is minimal effect of the dredging on the
17 sediment movement, then your model is flawed.

18 [Applause]

19 Because the fact is, in the last 10
20 years, we have lost 200 feet of beach. And
21 your model ought to be able to explain that
22 effect. If you cannot explain the history,
23 then you cannot predict the future. You need

1 to address that.

2 And further, you mentioned the Burns
3 report, and you said it was an independent
4 study. Bullshit. It wasn't. It was
5 contracted by the Corps. You hired a
6 contractor that told you what you wanted to
7 hear. If you really want it independent, then
8 it has to be peer reviewed.

9 MR. MCDONALD: It was peer reviewed, sir.

10 AN AUDIENCE MEMBER: By whom?

11 MR. MCDONALD: By Dr. Bob Dean and two
12 others. The representatives from -- the
13 property owners representatives had a
14 designated person as an independent technical
15 reviewer, as did the state, as did the Corps.
16 And those three folks selected the contractor.
17 There have been numerous contracts and they
18 selected them.

19 So let me go back to your first point,
20 just for a point in clarity. Our model is not
21 saying that there's not a change in sediment
22 transport. What our model is saying, between
23 existing condition and the future condition,

1 there's no change.

2 Absolutely material is moving around out
3 there. We absolutely predicted that. That's
4 how we calibrated and validated the model, as
5 you probably well know. So we absolutely use
6 those observations to determine if our model is
7 predicting reality based off of observed
8 information. Then once we feel confident that
9 the model is predicting what is happening now,
10 then we can make a prediction in the future.

11 So point of clarity, our model is
12 predicting sediment transport. But when you
13 say this is what is what is going to happen
14 without the project versus this is what is
15 going to happen with the project and you
16 subtract the two, there's very little
17 difference on the effect of sediment transport
18 on that tidal shoal, other than in the channel.

19 MODERATOR: Mr. Coffee is next. And then
20 the lady in the center here with the black and
21 white scarf and then the young lady.

22 AN AUDIENCE MEMBER: Okay. This
23 question -- I'm raising it based on just in the

1 statement you made a while ago about the
2 federal standard. For most of the people here
3 that don't know what that means, would you
4 define that for everybody?

5 MR. MCDONALD: Sure. I will do my best.
6 So when the Corps dredges the channels, we have
7 to develop what is called the federal standard.
8 And it's the least-cost, environmentally
9 acceptable location that is also supported by
10 an engineering determination basically. So
11 it's not just least cost. It's not just
12 environmentally acceptable. But it also has to
13 make sense where you're putting it. And it has
14 to be doing, you know, some -- it has to be
15 serving some benefit that is not a detriment to
16 the system per se.

17 So when I talk about these costs, it's got
18 some engineering input in it. It's got some
19 environmental input in it, and it's obviously a
20 cost consideration.

21 AN AUDIENCE MEMBER: That leads me to the
22 comment that I have here. I am glad to see the
23 Corps acknowledging that the Sand Island

1 Beneficial Use Area is not beneficial. Okay?
2 Let me finish that. And I will answer you.
3 Okay.

4 Because, you know, we have been saying
5 this for, you know, a couple of years. And a
6 lot of people have been saying it longer.
7 Because in going back to 2008, I can just -- 10
8 years of use -- The sand accumulations have
9 increased so much that a topper bridge can no
10 longer work effectively if you had to extend
11 the area southward, which was the wrong
12 direction. It was great to see the future
13 proposal to go northwest, which I think would
14 be beneficial.

15 But one thing that was not clear from the
16 presentation was what water depth you will be
17 placing that sand in. Because, as you know,
18 anything deeper than 20, 25 feet, the ability
19 of the surface of the coastal waters' wave
20 action to pick that sand up and actually carry
21 it to the island decreases.

22 Now, what I'm leading up to is the federal
23 standard. In 1997, after the Water Resource

1 Development Act of 1996 passed -- that included
2 Section 302 -- Mobile District received a
3 directive from Corps higher authority telling
4 the district to reevaluate the maintenance plan
5 for Mobile Harbor, coordinating with all
6 stakeholders, to see if the plan needed to be
7 changed. Because that section of law says that
8 the Corps could change the disposal practices
9 for Mobile Harbor and no longer carry the
10 dredge material offshore if you could find a
11 more beneficial use or you can use it for an
12 environmental restoration.

13 A real important thing in that letter that
14 came from headquarters was it told the Corps
15 that it could adjust the federal standard.
16 It's been -- that was in 1997. I'm not
17 familiar -- and I don't think any of the other
18 public in the room here or anywhere else
19 probably is familiar with what the Corps did --
20 the Mobile District -- to comply with that
21 directive from Corps higher authority. What
22 study was done?

23 And the reason I'm bringing that up now,

1 this GRR has the ability to comply with section
2 302 because it's actually authority for the
3 Mobile Harbor project. It's not like you need
4 a new authority. You already have it. It's a
5 discretionary authority the Corps of Engineers
6 has. Congress has already given it to you.
7 All you have to do is exercise it.

8 And we have had several meetings over the
9 last two years, and we have been pushing the
10 district to consider at least an alternative so
11 we can see what those differential costs are.
12 But to date, the district has been resistant to
13 considering a section 302 alternative so that
14 we will know what the incremental costs would
15 be of disposing of the sand in a more
16 acceptable location.

17 And from an environmental standpoint, that
18 sand has a greater chance of being
19 reincorporated into the littoral drift system,
20 as opposed to current maintenance practices, or
21 what would happen in the future with what you
22 showed today, which was great. And I liked
23 seeing it.

1 But I think, whatever you do, you've got
2 to remove of the beneficial use of that term.
3 Because it's becoming -- I hate to say
4 "ridiculous," because the old results are not
5 proving it.

6 [Applause]

7 MR. MCDONALD: Let me clarify. What I
8 think you and I can both agree that what I have
9 shown is a good thing.

10 AN AUDIENCE MEMBER: I agree. I said that
11 right off the bat.

12 MR. MCDONALD: Maybe I wasn't clear enough
13 on anything I said tonight; so let me try this
14 again.

15 I did not say the material is not moving
16 out of Sand Island Beneficial Use Area. It's
17 absolutely moving out of Sand Island Beneficial
18 Use Area. It's absolutely moving toward
19 Dauphin Island. We have quantified it. It's
20 moving at about half the rate we're putting it
21 in over the last 20 years. Okay? So to be
22 clear, it is in the active system.

23 AN AUDIENCE MEMBER: well, half is enough

1 to cause and contribute to erosion. That's the
2 point.

3 MR. McDONALD: I hear you. So I'm making
4 an acknowledgment that it's not moving out at
5 the rate we're putting it in. Okay?

6 So that discussion on the federal standard
7 and how that applies by our proposal to move it
8 up into the west and to the north is going to
9 drive the cost of dredging up.

10 So that federal standard -- our
11 determination of what is the federal standard
12 is going to change because of that and the
13 depths that you asked about. So really the
14 material is not moving out past deep depth
15 27 feet. We can see that.

16 So it's has to be 27 feet and inside to
17 place for material to move. So from the
18 20-foot to the 27-foot contour, we're working
19 out how big that site needs to be based off of
20 parameters and what we see, based off of the
21 bathymetric change and where sediment moves. I
22 don't have the answer for you yet. But I can
23 tell you those are the boundaries that we are

1 looking at. We don't want it to be an even
2 depth of 27 feet of water.

3 AN AUDIENCE MEMBER: Well, it's not going
4 to be very efficient based on other engineering
5 studies around the country.

6 MR. MCDONALD: I hear you. We recognize
7 that. So we're trying to juggle all of that
8 right now and what is the added cost. We know
9 where we need to be and how we're going to get
10 there.

11 COL. DeLAPP: To put a bow on that -- and
12 we're going to get to the next question here --
13 is hopefully we have been able to portray
14 tonight that we -- I think we're going to move
15 forward with a much, you know, better solution,
16 and we will continue this dialogue to make
17 sure.

18 AN AUDIENCE MEMBER: In section 302 --

19 MODERATOR: Ladies and gentlemen, we have
20 permission to go a few minutes over. A lot of
21 folks still have questions. We want to give
22 them an opportunity.

23 Ma'am?

1 AN AUDIENCE MEMBER: Thank you all. My
2 name is Lucy Cope. I'm a property owner at
3 Dauphin Island on the gulf side. I'm going to
4 have to read this because it's long.

5 "The 1935 River and Harbors Act in Corps
6 Guidance, Section 5, required that every report
7 submitted to Congress recommending an inlet be
8 approved shall contain information concerning
9 the configuration of the shoreline and the
10 probable effect thereon that may be expected to
11 result from the improvement, having particular
12 reference to erosion and accretion for a
13 distance of not less than 10 miles on either
14 side of the inland."

15 The Mobile District's 1980 survey report
16 failed to comply with that statutorily mandated
17 requirement. As a result, when Congress
18 decided to authorize deepening and widening of
19 Mobile Harbor and the Water Resources
20 Development Act of 1986, it did not have the
21 benefit of that required information relating
22 to the Mobile pass inlet and Dauphin Island
23 shoreline.

1 How do you plan to correct the failure of
2 the 1980 survey report to comply with section
3 5? And will the GRR point that out to the
4 public, the Corps Higher Authority, and
5 congress that the 1980 report was illegally
6 deficient in that regard?

7 MR. DAVID NEWELL: This study will look
8 10 miles. The study will look at 10 miles of
9 each direction from the channel.

10 COL. DeLAPP: To answer your question,
11 though, I guess we're not going back and trying
12 to correct 1980. What we're doing is making
13 sure this study --

14 AN AUDIENCE MEMBER: That it complies?

15 COL. DeLAPP: That's right.

16 AN AUDIENCE MEMBER: Thank you.

17 MODERATOR: The young lady right here.

18 AN AUDIENCE MEMBER: Okay. I have a
19 little question. I'm a little concerned,
20 Mr. McDonald, where you mentioned Dr. Burns.
21 Let me tell you why.

22 Pascagoula, Mississippi, and Dauphin
23 Island have a lot in common. You're familiar

1 with Dr. Robert Martin. He is with the U.S.
2 Geological Service. He did a survey in
3 2007-2008 that ensured human intervention -- in
4 other words dredging -- caused the erosion of
5 the Mississippi-Alabama barrier island. I'm
6 sure you're aware of this. "The Corps of
7 Engineers was eroding sand," blah, blah, blah,
8 blah, blah.

9 Based on Dr. Robert Martin's studies,
10 under the help of the legislature from
11 Mississippi, Senator Trent Lott, the District
12 Court of the Corps used Dr. Martin's studies as
13 justification for the Corps to receive over
14 half a billion -- with a "B" -- dollars of
15 federal money for the Mississippi coastal
16 barrier, which is not really -- I'm getting to
17 a point here. Only after Dr. Martin's study
18 that showed human intervention did we get that
19 money.

20 However, at the federal lawsuit with the
21 Corps of Engineers, they did not hire
22 Dr. Martin. They hired and paid Dr. Burn.
23 Dr. Burn's study testified on behalf of the

1 Corps and answered on behalf of the Corps.
2 where I come from, when you pay the piper,
3 you're call the chew; right? So Dr. Scott
4 Douglas and some others -- Dr. Burn's studies
5 are contrary, as I'm sure you know, to the
6 report by Scott Douglas and other scientists.

7 Now, why did the Corps -- this is my
8 question -- and I have another one -- why did
9 the Corps not take Dr. Robert Martin's study,
10 which they produced from Mississippi and
11 dismissed it at the federal lawsuit to get
12 Dr. Burn for Alabama?

13 Now let me go on with this. I have a
14 little list here -- it's not very accurate --
15 from Martin & Associates about how much money
16 the Port Authority brings in via the ship
17 channel. The indirect tax impact -- and this
18 is 2006. I can't get any better figures -- is
19 \$263 million.

20 Let me fast forward. Perhaps, Mr. Lyons,
21 you can give me some better figures?

22 In 2011, the Port Authority brought in
23 \$121 million in revenue. In 2012, they brought

1 in \$144 million. 2014, \$163-. I don't have
2 the figures for 2017. But based on these
3 figures I have from Martin & Associates, it's
4 about \$20 million a year that you are getting
5 each year.

6 So if we take these figures, 2017, the
7 Port Authority was \$223 million. With the
8 widening of this channel, obviously, you're
9 going to make a lot of money, which, by the
10 way, is a very thing. It's not a negative
11 thing.

12 However, when I see this kind of money and
13 you're going to be getting a huge, bloody big
14 shift -- coming up -- you said earlier that you
15 estimated the 100 percent increase in revenue.
16 That's a lot of money.

17 So my question is -- I'm going to change
18 the name of Dauphin Island, and I'm going to
19 change it to "Cinderella Island." Because you
20 all know the story of Cinderella. She has a
21 ugly sister and a very bad stepmother. So
22 we're looking for a prince. And perhaps maybe
23 we're hitting on the wrong people. Perhaps

1 maybe the Port Authority can put up a little
2 money to put the sand in the right place.

3 Because I went to a meeting last year on
4 Dauphin Island, with yourself. And the young
5 lady actually said to us that they couldn't put
6 the sand in a beneficial place. Because where
7 they were dumping it at the present, it was \$7
8 a cubic yard. To put it in the right area was
9 going to cost \$13 a cubic yard.

10 That's a difference of -- what? -- of \$6?

11 Well, I'll be damned if all of this money
12 is coming in through the channel and Dauphin
13 Island has been washed away, somebody can come
14 up with \$6 a square yard.

15 Thank you.

16 MR. LYONS: Let me clarify a little bit
17 about our finances. We're a self-sustaining
18 agency. We do not get appropriations from the
19 State of Alabama.

20 AN AUDIENCE MEMBER: Understood.

21 MR. LYONS: Our activities do generate
22 about \$550 million a year in tax benefits.
23 This is basically taxes that are paid by

1 employees, taxes that are paid by employees of
2 companies that use our facilities. That's what
3 the Martin study indicates.

4 we have 500 employees that we pay. The
5 state doesn't pay it. We pay their insurance.
6 We pay their holiday pays, their benefits, all
7 of those accessible charges. We also pay to
8 maintain facilities. We are maintaining
9 facilities now.

10 I have got one here that is going to need
11 a rebuild. It was built 90 years ago. We're
12 going to have to go in and rebuild it at a cost
13 of \$10 million.

14 We spend every nickel that we generate
15 every year. We spend it on facilities so that
16 we continue our mission and pay it on a current
17 operating cost -- fuel, insurance. We have the
18 same cost of any business of our size.

19 The years that you mentioned, the one year
20 that we hit \$160 million, that was when
21 everything went right that could go right.
22 We're down to about 125- now, which is what we
23 have done for the last year and what we're

1 doing this year.

2 But we budget and pay for our current
3 expenses, and we pay capital expenses to
4 improve and maintain our facilities.

5 So essentially we add up all today what we
6 do from the operating basis, what we end up
7 with at the end of the day, and the remainder
8 of it goes straight back into our facilities;
9 so there's not a lot of money just sitting
10 around.

11 AN AUDIENCE MEMBER: I really do
12 understand what you're saying. And I'm not
13 picking on you. Because everybody from this
14 area would like to have economic success.
15 However, I'm also a business woman on Dauphin
16 Island. And the impact of Dauphin Island
17 affects me. So, believe me, I do understand
18 there are costs involved.

19 But when I see the little island and
20 everybody else seems to be doing fine and the
21 little island economically is not, that really
22 is a very hard pill to swallow. But I do
23 understand your position.

1 MR. LYONS: Well, I have a place at
2 Dauphin Island. I'm there almost every
3 weekend, and I'm planning to move down there
4 full time within a year.

5 MR. McDONALD: One second. There's been a
6 lot of criticism of Mark Burns and a lot of the
7 work that he did. And I'm not here to talk bad
8 about any scientist or engineer and no means
9 would do that. But I encourage you, if you
10 haven't read Mark Burns' report, I encourage
11 you to do so. It went through extensive
12 technical review. So the premise he was a
13 hired gun and there was no other input into
14 that is just quite frankly false and so --

15 Let me finish.

16 AN AUDIENCE MEMBER: Wait a minute. Your
17 statement I'm seeing -- but then if the Corps
18 was so channeled with Dr. Martin, because Dr.
19 Martin -- the Corps used him to get half a
20 billion dollars from Mississippi, why did you
21 all of a sudden think he wasn't good enough for
22 the Corps lawsuit? And why did they go higher
23 and higher and pay Dr. Burn, rather than using

1 Dr. Martin, who had been instrumental with the
2 Corps getting enough money?

3 MODERATOR: Are we at a point we can agree
4 to disagree?

5 Okay. We're after 8 o'clock. We have
6 about four more people that have questions.

7 This gentleman and then over here.

8 AN AUDIENCE MEMBER: First of all, thank
9 you very much for the detailed analysis this
10 evening. I would like to go back to this
11 specific wording that was used when you had the
12 slide up, and we were all looking at the
13 adjusted sand location area.

14 My name is Tim Maun. I live on Dauphin
15 Island, work on Dauphin Island, and raise my
16 family on Dauphin Island.

17 In light of the wording that was used, you
18 kept using "recommendation": "It is our
19 recommendation."

20 In light of the information tonight, what
21 assurances do the families of Dauphin Island
22 have that the recommendation to move the
23 location of the maintenance materials to this

1 more Beneficial Use Area, that may actually
2 benefit from the channel, that that
3 recommendation will be followed?

4 COL. DeLAPP: I can answer that one.

5 So ultimately, I will sign this report
6 when we're done. And I will set it up through
7 our headquarters in Atlanta. And then it goes
8 to Washington. So I make a recommendation and
9 sign it and say this is what we think we ought
10 to do based on all of the information. And, of
11 course, it will get approved at that level.

12 With that approval, we will go on to the
13 next phase, if they decide to move that and
14 say, "Okay, you can go forward and do it," and
15 go into planning and engineering design.

16 AN AUDIENCE MEMBER: This is my follow-up
17 question, which is very simple: what can we do
18 to ensure that that happens?

19 COL. DeLAPP: Well, I will tell you that,
20 based on what you saw tonight, I'm going to
21 make the recommendation based on what they're
22 providing here. That has been my guidance.
23 It's been my commitment to the folks and the

1 residents of Dauphin Island, the mayor, that we
2 will do everything we can to make sure that
3 we're doing the best --

4 AN AUDIENCE MEMBER: So what is the next
5 link in the chain? I mean, if we're going to
6 write letters to somebody, who do we write them
7 to?

8 COL. DeLAPP: I don't know that you -- I
9 mean, I suppose you could write letters to your
10 delegation, if you want to write initial
11 letters to support that. But I think the
12 message is very well received, at least since I
13 have been here. And I don't know that there's
14 additional support needed. But you're welcome
15 to do that.

16 I would always encourage that. That's why
17 you have representatives, to use them as a
18 channel to get your voice heard in Washington.
19 Ultimately Congress will be the ones to
20 authorize and approve and fund anything going
21 forward.

22 MODERATOR: The young man in the gray
23 blazer. And then the very back row here, the

1 blue shirt, and then we will have to cut it
2 off.

3 We have to get out of the room. I'm
4 sorry.

5 COL. DeLAPP: Go ahead.

6 AN AUDIENCE MEMBER: Hi. I'm Laura
7 Jackson from Mobile BayKeepers. Thank you for
8 taking the time to listen to our comments. We
9 appreciate that.

10 So we talked a lot about saltwater
11 intrusion. And I would love to talk later on
12 about that, more specifics, just based on
13 research, looking at Savannah Harbor. You
14 know, they had unavoidable impact to their
15 shortnose sturgeon. And I know that we have
16 gulf sturgeon here. And I just imagine there
17 may be something there. So I just want to see
18 that we're really thoroughly looking at that
19 more in depth.

20 But other things that actually weren't
21 brought up tonight that I would like to just
22 hear more about in depth -- you know, what are
23 the rules and the current standards controlling

1 ballast water in our bay?

2 And how are we really evaluating the
3 potential for invasive species to come in?

4 I know that's a lot more ships and at a
5 lot more to control. Are we going to take any
6 initiatives? And are we really evaluating
7 that?

8 And I have one more question after that is
9 answered.

10 MR. BERKOWITZ: The environmental
11 assessment that is being conducted as part of
12 the GRR only looks at impacts to changes from
13 the dredging. That would not include things
14 like ballast water management.

15 And there may be others here along the
16 panel that have something to say about how the
17 Mobile district manages their ballast water.
18 But those lands are not specifically
19 highlighted for inclusion in the study.

20 MR. LYONS: There are international
21 protocols that regulate ballast for discharge.
22 And basically, as far as I know, no ships
23 discharge ballast water. They discharge -- not

1 in the bay. Not in the river. Not here.

2 AN AUDIENCE MEMBER: And then also we had
3 five main things up there, and I didn't see
4 mammals. I'm sure you're evaluating, you know,
5 the way we view the west Indian manatee, which
6 frequent in the area and potential impacts. I
7 was going to say ship strikes, but since we're
8 not evaluating those environmental impacts,
9 more about the dredging activities.

10 COL. DeLAPP: Do we have a couple more?

11 MODERATOR: The young man in the white and
12 blue shirt, who has been very patient.

13 AN AUDIENCE MEMBER: I will make it quick
14 because I'm a Baptist, and I know we all have
15 to get to the buffet.

16 My question, I guess, more directed to
17 Mr. Lyons. And I know this depends on the
18 facilitates of the docks. But with the
19 widening of the deepening of the ship channel,
20 if and when it's completed, can you give me a
21 best guesstimate and percentage-wise what we
22 could expect in expanded tonnage with these
23 bigger ships and, you know, the ship channel

1 being able to handle a bigger number of ships?

2 That's my question.

3 MR. DAVID NEWELL: well, some of the
4 benefits have to do with the waiting the ships
5 have to do. with the current channel
6 configuration, we have ships that have to wait
7 on each other.

8 We go with the larger ships, we go to
9 one-way traffic that is widely -- the widener,
10 the three-mile widener, and the bend easy down
11 at the mouth -- down on the lower end of the
12 bay channel. That is going to help a lot,
13 because we can then pass two ships. We can't
14 do it in the 400 foot when we have the big ones
15 coming in.

16 As far as our volumes go, the biggest
17 impact is going to be on the container
18 terminal. And the biggest benefit is going to
19 be in reduced cost.

20 Yes, there will be increased volume. We
21 have been increasing substantially in volume.
22 Our container facility is a leased facility; so
23 it's not going to have a whole lot of impact on

1 us in our finances.

2 You know, there will be some incremental.
3 But our lease is largely based on a fixed lease
4 payment plus a minimal annual guarantee. And
5 that is a leased facility.

6 As far as our code business, the deeper
7 ships -- but no more tonnage. So the shippers
8 will benefit by lower cost, and they can put
9 more tons on the same ship. And the same thing
10 with the containers; they can put more
11 containers. And maybe, in some cases, it may
12 even be less ships because we get more
13 containers on the less ships.

14 So as we grow, we will have less ship
15 transits potentially but more containers moving
16 because the ships are so much larger.

17 But as far as the impact on us and our
18 finances, I think it's going to be minimal. It
19 accrues to the people that pay the bills for
20 the shipping.

21 MODERATOR: The gentleman in the back row
22 has the dubious distinction of getting the last
23 question.

1 AN AUDIENCE MEMBER: Col. DeLapp, thank
2 you for hosting this.

3 In February 11th, 2016, Mobile
4 Environmental Justice Action Coalition, which
5 I'm the president. My name is I'm Ramsey
6 Sprague. We wrote a letter to the Corps
7 requesting adherence to the Environmental
8 Justice Executive Order given by President
9 Clinton in the '90s and received great feedback
10 about that and were assured that we would have
11 a series of environmental justice focus groups.

12 We have one in Africatown of which, when
13 Joe womack was president and he raised a lot
14 concerns about air quality, about traffic -- I
15 understand that we're not going to do any
16 actually monitoring of air quality but are
17 expecting some outcomes of some baseline
18 studies that are doing modeling.

19 When can we expect the modeling studies
20 done? And are we going to have any more
21 environmental justice focus groups?

22 We talked about one from the Orange Grove
23 community and the other one from down the bay.

1 And the bulk of the impact will be in down the
2 bay. So we are really looking forward to
3 seeing those communities there having their
4 voices heard about the impact and about the
5 traffic to and from the increased commodities.

6 And just to correct Mr. Lyons, of course,
7 container traffic is limited going through the
8 Africatown community. But there is quite a lot
9 of petro chemical traffic coming down from the
10 port of Chickasaw delivering to the container
11 bulk terminals, above-ground storage tanks, on
12 the northern end of the river and on the
13 eastern side of the bank.

14 So there's a lot of things we're talking
15 about with the traffic.

16 COL. DeLAPP: So thank you very much.

17 Appreciate it. And thank you for what you
18 guys do as well.

19 I'm glad we are able to do the one
20 partnering session. We will encourage -- and I
21 will make sure our staff does these other ones
22 you recommend. So please make sure, if you
23 haven't given us the groups and would you like

1 to do that, we will make sure that we do that.

2 Justin, you guys -- David, do you have
3 anything about the monitoring and -- I'm sure
4 we will have the analysis done of the current
5 but the continued monitoring. I'm not sure.

6 MR. DAVID NEWELL: Right. You and I, we
7 spoke at the Africatown community group. And
8 like the Colonel said, we plan on having
9 several more focus group meetings. Those
10 aren't over.

11 I understand that, as this information
12 gets out to people, people want to talk to us,
13 and we understand that. And that is important
14 to us.

15 One of the things that Casi said was,
16 "Hey, we have these other concerns." And
17 that's really what we want to get out of those
18 sort of things is the concerns that we're not
19 considering.

20 None of us want to be -- to look back and
21 think, oh, this impact we didn't consider. So
22 we do want to make sure that we consider those
23 things.

1 We will have other focus groups meetings,
2 and we do have them lined up with the Down the
3 Bay groups and the other communities around and
4 downtown here.

5 And then your question -- so in regards to
6 the air noise, that will all be a part of the
7 SEIS. And actually, the lady standing right
8 next to you is helping us with that. And I
9 think that we will have -- again, we will have
10 that draft SEIS in June. And we will have some
11 of that information then. From that
12 information, we will know if we need to do
13 additional efforts in regards to that.

14 MODERATOR: Thank you all for attending
15 tonight and for being such a considerate
16 audience.

17 We have gone 15 minutes over and we know
18 we didn't get to everybody's questions.

19 There is a handout on the table that has
20 all of our contact information, email address,
21 if you have comments or questions, the web site
22 address.

23 Mr. Graves, the slides will be posted --

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Mr. Graves?
The slides will be posted on the website.
Thank you.
(MEETING ADJOURNED AT APPROXIMATELY
8:17 PM.)

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C E R T I F I C A T E

I do hereby certify that the above and foregoing proceedings of proceedings in the matter aforementioned was taken down by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision, and that the foregoing represents a true and correct transcript of the proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

Signed this 5th day of March 2018.

Alan Peacock

L. ALAN PEACOCK, FAPR, CCR, RDR, CRC
NCRA REALTIME SYSTEMS ADMINISTRATOR