

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Comment # 117

February 20, 2016

Dear Ms. Jacobson

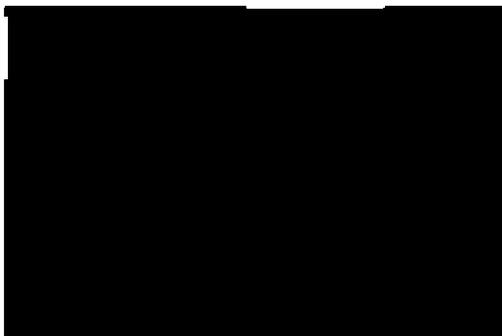
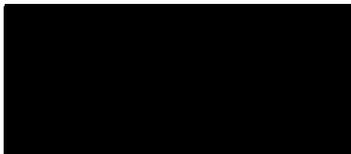
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- Thoroughly address the cumulative historical sand losses to Dauphin Island dating back to at least 1958 that correspond with increasing deepening of the Outer Bar Channel according to U.S. Geological Survey's 2007 report. This analysis is needed to establish the historical and baseline and projected future conditions to describe the No Action Alternative against which the deepening and widening alternatives will be compared. The Corps cannot ignore the losses in millions and millions of littoral drift sands due to its maintenance practices and the erosion of Dauphin Island that occurred over time.
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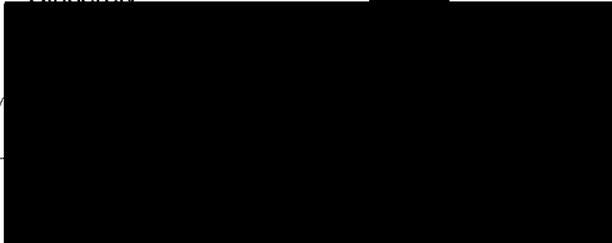
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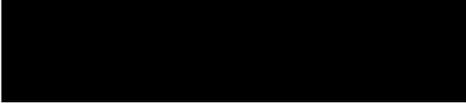
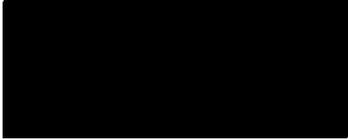
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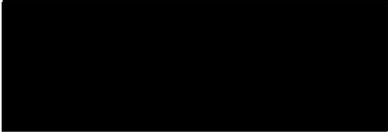
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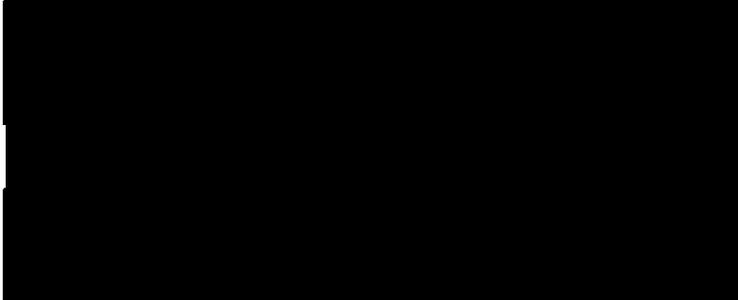
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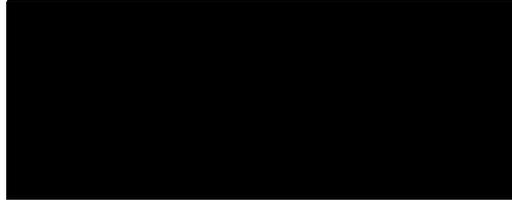
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- Explain why the Corps no longer agrees with the agency position stated in its draft 1978 report on Dauphin Island's beach erosion that concluded maintenance of the Outer Bar Channel is contributing to at least 40% of Dauphin Island's erosion problem. Document why the findings and conclusions of that report are now considered to be invalid? The Corps not only ignores its own 1978 report now, but is of the new position that maintenance dredging of the channel has no impact on the erosion of Dauphin Island. How can the Corps expect the public to believe the results of the impending Study and EIS, when its change in position on the erosion issue appears to have been influenced by its desire to win the 2000-2009 lawsuit with the Dauphin Island Property Owners Association and by the desire keep the non-federal share of the costs borne by the Alabama State Port Authority to maintain the Mobile Harbor project as low as possible?
- The scientific literature is replete with numerous examples where navigation channels dredged through coastal inlets have interrupted the littoral drift of nearshore sands along the beach, causing beaches downdrift of the inlets to erode. This phenomenon is common along the entire US Gulf Coast, the rest of the nation, and around the world. Yet, the Mobile District has maintained this scientific model widely accepted by coastal scientists and engineers does not apply to dredging the Outer Bar Channel through the Mobile Pass Inlet and the erosion of Dauphin Island. The General Evaluation Study and EIS must devote considerable attention to this issue and provide convincing information to support whatever conclusion the Corps develops.
- The Corps has dumped dredged sands in the Sand Island Beneficial Use Area (SIBUA) south of the lighthouse for years with the position being that these sands are moved by currents to Dauphin Island to counter erosion. However, the observed evidence indicates most of the sands are not moved, but accumulate at that location, while Sand Island has almost disappeared and Dauphin Island continues to erode. This leads to the conclusion that the SIBUA is failing to meet its intended purpose. The General Reevaluation Study and EIS should thoroughly evaluate why the SIBUA fails to meet its purpose.
- In lieu of continuing to use the SIBUA, the Corps should adopt the same shallow water (<10 to 15 feet) deposition methods the Mobile District has recently recommended be used to build back Petit Bois Island's eroded Gulf shoreline west of Dauphin Island.

- Establish a Citizen Advisory Committee that will meet at least two to four times a year with the Corps to assess how public concerns are being addressed in the General Reevaluation Study and EIS. The next time the public hears from the Corps should not be when Draft EIS is released for review at the end of the 4-year study.

In conclusion, as a Dauphin Island property owner, I expect the study to be conducted objectively and in a manner that will assure all concerned interests are given equal consideration and not just the views of the Alabama State Port Authority. Thank you for your time and consideration.



Comment # 124



February 8, 2016

Ms. Jennifer Jacobsen
U.S. Army Corps of Engineers
Mobile District Planning and Environmental Division
Coastal Environmental Team
P.O. Box 2288
Mobile, Alabama 36628-0001

And Via Hand Delivery to Ms. Jacobsen at:

109 St. Joseph Street
Mobile, Alabama

RE: Mobile Ship Channel Widening and Deepening/Dauphin Island

Dear Ms. Jacobsen:

I am writing to express my concerns regarding the possible effects of the proposed widening and deepening of the Mobile Ship Channel on Dauphin Island (sometimes hereinafter referred to as “the Island”). My immediate awareness of and interest in this matter arises out of the fact that I own a house and lot on the south (Gulf of Mexico) side of the Island. While I am concerned about my property on the Island, I also own a residence in Mobile and have an office in downtown Mobile, and I am therefore as concerned about the mainland as I am about the Island itself.

As you know, the issue is the continuing erosion of the Dauphin Island coastline. This erosion affects not only those who have property on the Island but also residents of the coastal mainland of southwest Alabama because the Island is a barrier island, the natural function of which is to protect the mainland from high tides and surges caused by storms. This protective effect is proven and beyond debate.¹

¹ The barrier island protective effect of the Island is itself sufficient to debunk the position of those who maintain that efforts to reverse the erosion of the Dauphin Island coastline and replenish that coastline will benefit only those

Further, it is proven science that sand migrates from east to west along the Gulf of Mexico coast of the United States and that sand migrating from the east continuously replaces sand which has migrated to the west. Therefore, if the east to west migration of sand along the Alabama Gulf Coast functions as it should, the coastline should remain roughly the same. I know if no reason that this should not hold true with the Dauphin Island coastline as well.

The adverse effects of the dredging of this ship channels on sand migration is well documented along the coasts of the United States, and the Mobile Ship Channel is no exception. It cannot be mere chance that the dredging of the Mobile Ship Channel has coincided with the drastic erosion of the Dauphin Island coast. The Corps of Engineers recognized this in its draft 1978 report on Dauphin Island's beach erosion which concluded that maintenance of the outer bar channel is responsible for at least 40% of Dauphin Island's erosion problems.² The widening and deepening of the channel can only make the problem worse.

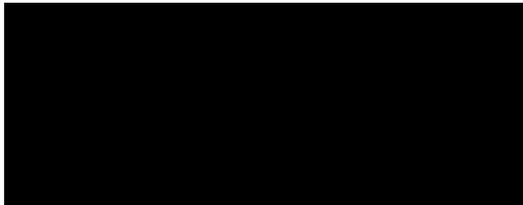
It seems to me that what I have outlined above is more than enough to require that the Corps, in order to be objective, at least include the Dauphin Island erosion situation in any study undertaken in connection with the widening and deepening of the ship channel. This would include environmental impact statements and any studies dealing with the disposal of dredged material. Regarding the latter, much more attention than at present must be paid to where dredged material must be placed in order to put it back into the natural east to west migration pattern. In this regard, it is more than clear that whatever the Corps is now doing with the dredged material is not working. The process considering the dredge disposal issue should be publicized and transparent and should encourage input from the general public and from Dauphin Island residents in particular. The ongoing erosion problem merits at least that much from the Corps.

I want to thank you in advance for your attention to and consideration of this letter.



who own property on the Island. And, while it is beyond the scope of this letter, it bears mentioning that the economies of Mobile and the entire state of Alabama benefit enormously from the commerce resulting from or enhanced by the traffic moving through the ship channel.

² The Corps has changed its position on that issue and now maintains that the dredging of the channel has no effect on the erosion of Dauphin Island. To my knowledge, the Corps has not offered an explanation of that change of position. Considered more broadly, the fact that the Corps takes the position that the Dauphin Island situation does not fit the generally accepted science of the erosive effect of dredging navigational channels through coastal inlets is perplexing.



February 8, 2016

Ms. Jennifer Jacobsen
U.S. Army Corps of Engineers
Mobile District Planning and Environmental Division
Coastal Environmental Team
P.O. Box 2288
Mobile, Alabama 36628-0001

And Via Hand Delivery to Ms. Jacobsen at:

109 St. Joseph Street
Mobile, Alabama

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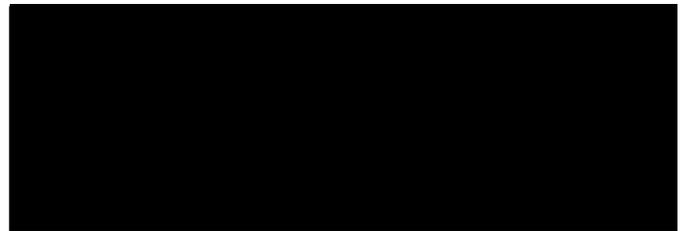
¹ The barrier island protective effect of the Island is itself sufficient to debunk the position of those who maintain that efforts to reverse the erosion of the Dauphin Island coastline and replenish that coastline will benefit only those

Further, it is proven science that sand migrates from east to west along the Gulf of Mexico coast of the United States and that sand migrating from the east continuously replaces sand which has migrated to the west. Therefore, if the east to west migration of sand along the Alabama Gulf Coast functions as it should, the coastline should remain roughly the same. I know if no reason that this should not hold true with the Dauphin Island coastline as well.

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It seems to me that what I have outlined above is more than enough to require that the Corps, in order to be objective, at least include the Dauphin Island erosion situation in any study undertaken in connection with the widening and deepening of the ship channel. This would include environmental impact statements and any studies dealing with the disposal of dredged material. Regarding the latter, much more attention than at present must be paid to where dredged material must be placed in order to put it back into the natural east to west migration pattern. In this regard, it is more than clear that whatever the Corps is now doing with the dredged material is not working. The process considering the dredge disposal issue should be publicized and transparent and should encourage input from the general public and from Dauphin Island residents in particular. The ongoing erosion problem merits at least that much from the Corps.

I want to thank you in advance for your attention to and consideration of this letter.



who own property on the Island. And, while it is beyond the scope of this letter, it bears mentioning that the economies of Mobile and the entire state of Alabama benefit enormously from the commerce resulting from or enhanced by the traffic moving through the ship channel.

² The Corps has changed its position on that issue and now maintains that the dredging of the channel has no effect on the erosion of Dauphin Island. To my knowledge, the Corps has not offered an explanation of that change of position. Considered more broadly, the fact that the Corps takes the position that the Dauphin Island situation does not fit the generally accepted science of the erosive effect of dredging navigational channels through coastal inlets is perplexing.

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Comment # 125

RE: Public Notice: FP15-MH01-10

Dear Ms. Jacobson:

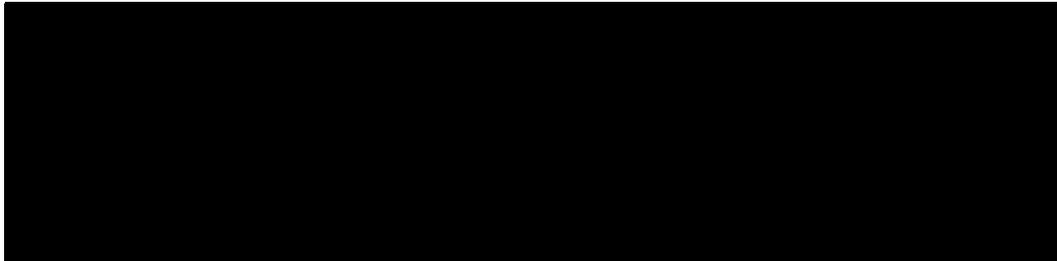
I am sure you receive many versions of a basic form letter requesting a different approach to the sand erosion on Dauphin Island. I'd prefer to give you a personal perspective; however, one that has a direct and severe economic impact on me and my family.

After visiting beaches from Mississippi to Florida, our family settled on Dauphin Island to build an investment property. Why? The beaches are beautiful, crowds minimal, private ownership of our beachfront property to the high tide line, and the overall family atmosphere.

We built our five-bedroom beachfront home this summer and are renting it as much as possible to be able to have it pay for itself. Obviously, beach erosion is a very real concern. We were told there were programs being considered, even possible funding from monies received by Alabama after Katrina.

All we ask is that you be impartial in your decision-making. If the Corps has mistakenly calculated how sand levels will increase on the island, please don't cover the facts. What is of prime importance is how we move forward from here to insure the pristine beach on Dauphin Island is being preserved and not further eroded due to policies that could be modified and updated.

Our investment of a half million dollars is a substantial one for us. This year, there has been an enormous building boom on the island; so the taxable revenue to be gained from the dramatic increase of rental revenues should not be taken lightly. The economic impact of losing our beach would be disastrous, not only for those of us who have significant financial investments, but also to the overall economy because renters will not keep coming if the beach quality erodes!





Comment # 126

US Army Corps of Engineers
Mobile District, Planning and Environmental Division
Coastal Environment Team
RE: Public Notice FP15-MH01-10
PO Box 2288
Mobile, Alabama 36628-0001

Dear Coastal Environment Team,

As property owners on Dauphin Island since the early 1970's we have seen many storms and erosion problems during this time. As owners of a house on the north shore of the west end, we have endured these problems because of our love of the Island. We have seen our beaches come and go but mostly go. The widening and deepening of the ship channel will have a catastrophic effect on beach front property if sand is taken away and not allowed to migrate from east to west. The natural migration is interrupted every time the ship channel is deepened. It would appear that the dumping of the dredge on the west side of the channel close to Dauphin Island would allow those sands to migrate west as nature intends.

In 1935, two years after my birth, Congress approved Section 5 of Public Law 409, which deals with erosion at river mouths and inlets. Any improvements that would cause erosion for distances of not less than 10 miles on either side would create considerable erosion. The law obviously covers Dauphin Island and would seem to be applicable to our erosion problem that dredging causes.

The law is clear. There will be damage when the spoils are deposited far off shore, thereby depriving our Island of natural replenishment which normally falls to the bottom of the channel as it migrates from east to west.

Other factors must also be considered:

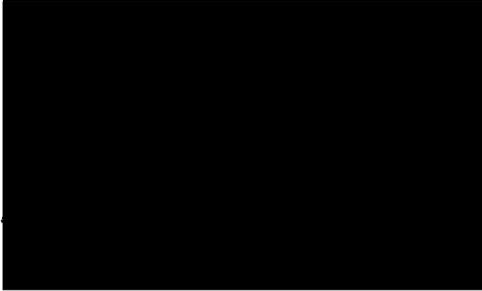
Bird Sanctuaries on the Island with nestings both inland and the uninhabited west end will be reduced due to continued erosion of bird habitats.

Marine life formed in marsh areas on Alabama mainland north of the Island would be exposed should the Island continue to erode.

Destruction of the natural barriers for the Alabama mainland would occur should the Island continue to erode at its present accelerated pace.

We hope you will consider our plea as our only reason for this letter is to protect the property owners and to preserve the natural beauty of Dauphin Island.

We trust that you will consider Public Law 409 as you make your decision. Depositing spoils near the Island would solve most of our erosion problems. We hope you will agree.



US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
RE: Public Notice: FP15-MH01-10
PO Box 2288
Mobile, Alabama 36628-0001

Comment # 127

To Whom It May Concern,

January 26, 2016

I own a home on the south beach of Dauphin Island about 1-1/2 miles from the west end of Bienville Blvd. I lost the original house to Katrina and rebuilt setting the structure back 50 feet due to erosion of the south beach. At present, the water's edge is at the property line which is another 50 feet of shoreline erosion since rebuilding in 2007.

Would you all please consider the impact of this shoreline by placing sand in the areas that will help migration toward the central south shore of Dauphin Island when removal of sand from the ship channel occurs?

Thank You,

A large black rectangular redaction box covering the signature and name of the sender.

January 27, 2016

Comment # 128



US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
RE: Public Notice: FP15-MH01-10
PO Box 2288
Mobile, Alabama 36628-0001

Sir / Madam:

My wife and I own a beachfront home at Dauphin Island. Her parents owned one before us and her grandmother before them. We are not normally politically active but the continuing egregious actions by the Corps have made us so.

Dauphin Island deserves greater consideration from the Corps. It is a fragile and beautiful ecosystem and it is under a tremendous environmental strain that can be directly connected to past, and worse still, present Corps practices. 'Too big to sue' is a poor excuse for what the Corps is doing.

For my part I plan to come out of my shell and lend my stubborn ounces to the fight against the Corps' plan for sand management practices that have and are continuing to cause damage to the island we love so much. Little though it may matter to you, since discussions have failed to produce a rational outcome and plan, we are now committed to actively participate in the opposition to your agency's actions.

Sincerely,



Comment # 129

February 1, 2016

US Army Corps of Engineers

Mobile District, Planning and Environmental Division, Coastal Environment Team

RE: Public Notice: FP-MH01-10

PO Box 2288

Mobile, Alabama 36628-0001

Gentlemen,

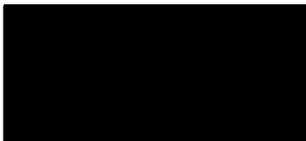
This letter is written to seek your support and attention to the cumulative historical losses of sand to Dauphin Island corresponding to increasing and deepening of the Outer Bar Channel according to U.S. Geological Survey's 2007 report. We urge that you determine why dredged sands placed at the Sand Island Beneficial Use Area are not moved to Dauphin Island to counter the historical erosion.

In the study of Mobile Harbor Channel Widening and Deepening Study, we urge that study objectively assures all interests be given equal consideration, not just those of the Alabama State Port Authority. Compliance with Section 5 of the River and Harbor Act of 1935 is a critical factor, to evaluate shoreline erosion for a distance of not less than ten miles on either side of the inlet channel and the Corps 1980 report and EIS did not comply with that requirement.

Furthermore, we urge that the Corps implement a public involvement program so that the public is kept aware of the Corps' direction not simply with the Corps release of the Draft EIS at the end of the 4-year study.

We appreciate your consideration and anticipate that the Corps will take these and other related matters into its planning process and to keep the public aware of its direction.





January 26, 2016

U. S. Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
P. O. Box 2288
Mobile, AL 36628-0001

Comment # 131

RE: Public Notice: FP15-MH01-10

To Whom It May Concern:

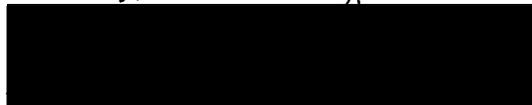
I am writing to you as a citizen of the Mobile Bay community who has several concerns about the proposed deepening and widening of the Mobile ship channel. I would like to encourage you to consider the concerns of all Mobile citizens, not just the wishes of the Mobile Port Authority, who normally has the only input to projects such as these. You could accomplish this with a Citizen Advisory Committee that meets several times a year, as well as keeping the public informed throughout the EIS study period, rather than waiting until publication of the draft EIS.

The Environmental Impact Study should address the following concerns:

- Comply with Section 5 of the River and Harbor Act of 1935 to evaluate shoreline erosion for a distance of at least 10 miles on either side of the inlet channel.
- Deny any additional deepening and widening project that will increase sand loss to Dauphin Island. We need to first understand the cumulative historical sand losses to Dauphin Island dating back to at least 1958 that correspond with increasing deepening of the Outer Bar Channel. I understand that whenever natural sand migration across an inlet channel is interrupted by navigation channel dredging, the adjacent shoreline experiences erosion. If this is the case, why would you do anything to place Dauphin Island at increased risk of erosion?
- Identify new dredged sand disposal sites nearer Dauphin Island. Apply the same shallow water deposition concepts that the Corps recommends be employed to build back Petit Bois Island's eroded shoreline west of Dauphin Island.

Thank you for considering my concerns. Thank you, too, for ensuring that ALL voices are heard and for taking necessary actions to protect our barrier island.

Sincerely,



Comment # 132

GREER, RUSSELL, DENT & LEATHERS, PLLC

ATTORNEYS AT LAW

ATTORNEYS:

MICHAEL D. GREER

FRANK A. RUSSELL

GEORGE E. DENT

JEFFREY D. LEATHERS

JOSEPH A. MURPHY

MAILING ADDRESS:

POST OFFICE BOX 907

TUPELO, MISSISSIPPI 38802

TELEPHONE: (662) 842-5345

FACSIMILE: (662) 842-6870

WEBSITE: www.greerlawfirm.com

STREET ADDRESS:

117 NORTH BROADWAY STREET

TUPELO, MISSISSIPPI 38804

WRITER'S E-MAIL ADDRESS:

mgreer@greerlawfirm.com

January 11, 2016

Mr. Curtis M. Flakes
Department of the Army
Mobile District, Corps of Engineers
P. O. Box 2288
Mobile, AL 36628-0001

Re: CESAM-PD-EC, Public Notice No. FP15-MH01-10

Dear Mr. Flakes:

I own two houses on Dauphin Island, Alabama, located at 303 and 307 Audubon Place in Audubon Subdivision. When I purchased these houses almost ten years ago, there was several feet of beach area in front of each home. Since then, beach erosion has gradually caused me to expend over \$60,000 per house to move them to the very rear of each lot. One of the houses now has no beach area and has become a total loss due to beach erosion.

It is my understanding that many years ago, before I moved to Dauphin Island, the Corps of Engineers would dredge the channel and take the sand and dump it out toward Dauphin Island so that the sand would actually grow the beach in Audubon Subdivision.

On behalf of me and my family, we would kindly request that you consider widening and deepening the ship channel in such a way that the dredged sand could be used to the benefit of restoring the beach on the southeast side of Dauphin Island.

Thank you very much for your consideration.

Sincerely,



Michael D. Greer

MDG/cby



REPLY TO
ATTENTION OF:

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

CESAM-PD-EC
Public Notice No. FP15-MH01-10

December 11, 2015

PUBLIC NOTICE

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

**PUBLIC SCOPING MEETING
PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
TO
EVALUATE IMPROVEMENTS TO THE MOBILE HARBOR FEDERAL NAVIGATION
CHANNEL, MOBILE, ALABAMA**

TO ALL INTERESTED PARTIES:

The U.S. Army Corps of Engineers (USACE), Mobile District is hosting a public scoping meeting January 12, 2016 at the Mobile Alabama Cruise Terminal, 201 S. Water Street, Mobile, Alabama 36602 from 5:00 pm to 8:00 pm. The purpose of the workshop is to receive public input regarding the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS) to address potential impacts associated with improving the Mobile Harbor Federal Navigation Channel in Mobile County, Alabama. The DSEIS will be used as a basis for ensuring compliance with the National Environmental Policy Act (NEPA) and evaluating alternative plans, including the "No Action" plan. The proposed alternatives being identified in the Alternatives Milestone analysis that will be evaluated include widening and deepening of selected areas of the navigation channel within the federally authorized dimensions.

The evaluation will examine the costs and benefits as well as the environmental impacts of modifying the maintained dimensions of the existing Federal project within its federally authorized limits. The purpose of the study will be to determine improvements for safety and efficiency of harbor users. Vessels are experiencing delays leaving and arriving at port facilities and inefficiencies have increased as increased cargo volumes and larger vessels call on the port to handle these increases which have resulted in traffic delays. The Alabama State Port Authority requested the USACE, Mobile District undertake studies to determine the feasibility of deepening and widening the channel to its full federally authorized depths and widths. On October 20, 2014, the Assistant Secretary of the Army approved the direction of General Investigation funds to complete Preconstruction Engineering and Design of channel widening for Mobile Harbor to initiate a General Reevaluation Report, which includes preparation of the DSEIS, to evaluate deepening and widening of the channel to its full federally authorized dimensions.

CORRESPONDENCE: Public comments can be submitted through a variety of methods. Comments may be submitted to the USACE, Mobile District by mail or electronic methods by *January 26, 2016*. In addition, comments (written or oral) may be submitted at the public meeting. Correspondence concerning this notice should refer to Public Notice No. FP15-MH01-10 and should be directed to the District Commander, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Mr. Larry Parson at (251) 690-3139 or by email at larry.e.parson@usace.army.mil.

A handwritten signature in black ink, appearing to read 'Curtis M. Flakes', with a long horizontal line extending to the right.

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

Comment # 133

District Commander
U.S. Army Engineer District Mobile
P.O.Box 2288
Mobile, AL 36628-0001

ATTN: CESAM-PD-EC

January 7, 2016

Subject: Public Notice No. FP15-MH01-10

I am unable to attend the USACE Mobile District public scoping meeting on January 12, 2016. However, I wanted to make known my grave concern regarding the impact of the widening and deepening of the navigation channel.

It is my understanding that to maintain a deeper and wider channel, larger volumes of sands will likely be dredged from the Outer Bar Channel east of Dauphin Island. I feel strongly that depending on where the Corps decides to place the dredged sands that one of two things will happen;

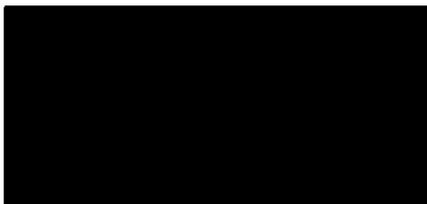
- 1) Further erosion of Dauphin Island will occur
- 2) The erosion of Dauphin Island can be reversed

I understand and fully support progress. However, progress should not be made at the expense of Dauphin Island and the protection it provides. It is my firm belief that any progress achieved should be used to support and even improve the conditions of a very important barrier Island such as Dauphin Island. The location of where the dredged material is placed will have a huge impact on Dauphin Island. That impact can either be positive or negative for Dauphin Island. If a decision is made on how the channel will be widened I would like to know how the Corps will analyze the effects of an enlarged channel and its effect on the erosion Dauphin Island.

It is my firm belief that the dredged material application to the Mobile Harbor Outer Bar Channel would help reverse Dauphin Island's erosion over the long-term. I was shocked to find out that there are existing laws that require the placement of dredged sands onto adjacent eroding shorelines already in force in Alabama's four neighboring Gulf Coast states. Only Alabama does not have such a law.

Thank you for considering my input and I apologize that I could not attend in person.

Sincerely,



Comment # 134



January 8, 2016

District Commander
U.S. Army Engineers
District Mobile
Post Office Box 2288
Mobile, Alabama 36628
ATTN: CESAM-PD-EC

Re: *Public Notice No. FP15-MH01-10*

Gentlemen:

I find myself unable to attend the public meeting scheduled for January 12, 2016. I understand that any comments I may have will be considered, and that I should address them to you.

I have grave concerns regarding the dredging of Mobile Harbor Outer Bar Channel and the effect it will have on Dauphin Island. The erosion of Dauphin Island has been a problem for years. The loss of our shoreline has resulted in homes left standing in water that were once on the beach. Many have been required to relocate. The situation simply cannot be allowed to continue. I am a homeowner on Dauphin Island, so these concerns are particularly troubling to me and others similarly situated, however, the adverse effect of dredging is affecting all south Alabamians, not just those with property on Dauphin Island.

Over the last decade man-made and natural disasters (the Deep Water Horizon Oil Spill, Hurricane Katrina, prolonged closures of oyster reefs, the ongoing erosion of the sands, etc.) have had a disproportionately adverse impact on Dauphin Island.

The eroding beaches of Dauphin Island is a problem not only for those who live on the Island, but also for all Alabama gulf coast residents, including those who live on the mainland. Dauphin Island serves as a barrier, shielding, not only a fragile ecosystem, Heron Bay, salt marsh, seagrass beds, oyster reefs, etc., but also the mainland itself. Without Dauphin Island all others in south Alabama would not fare well in the next hurricane. And there will be a next hurricane.

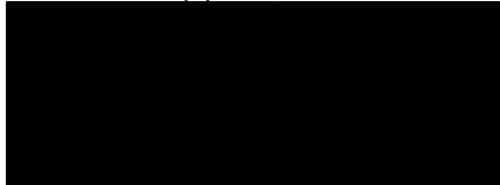
January 8, 2016

Page 2

I have substantial concern that the proposed dredging will have major adverse effects on Dauphin Island and all living on the Alabama gulf coast. If the dredged material were to be placed on Dauphin Island, my fears would be lessened.

Thank you for your consideration.

Sincerely yours,



WCRjr/dp

Comment # 135



January 8, 2016

The District Commander
U.S. Army Engineer District Mobile
P.O. Box 2288
Mobile, AL 36628-0001
ATTN: CESAM-PD-EC

Ref: Public Notice No. FP15-MH01-10

I am writing to express my concerns regarding the potential impact of the proposed widening and deepening of the Mobile Bay ship channel. I understand the issues and need for the project, but I am concerned about how this project may harm, or potentially benefit, Dauphin Island and its residents.

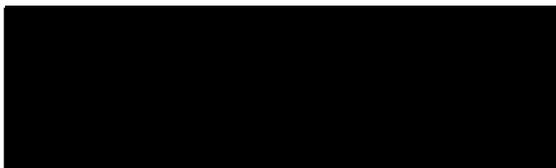
As you are well aware, the island has suffered for decades from sand deprivation attributed to the interruption of the littoral drift of sand from east to west caused by the presence of the ship channel. Numerous academic and engineering studies have cited this as the primary issue and further widening and deepening of the ship channel will logically make this worse.

Additionally, for what I understand are cost reasons, the dredged sand is dumped in a location that precludes it from ever replenishing Dauphin Island.

I, and my fellow residents & homeowners, academics and environmentalists, believe any further dredging/sand removal should be done in such a way that the sand is deposited to a location where it will nourish the island and rebuild its beaches as nature intended.

Dauphin Island's future must be stabilized for many reasons. As a barrier island, it has a critical value in protecting the mainland from the effects of storms and hurricanes. It also supports marine life by separating the gulf from the estuary and reducing the salinity in the Mississippi Sound, necessary to support shrimp, oysters and other flora & fauna valuable as an industry and sportsman's resource. Dauphin Islands' residents will obviously suffer more damage to real property and income if the beaches continue to erode and tourism, a vital source of revenue for the area will decline.

Mobile's port is an important economic driver for Alabama and the South and understandably needs these improvements, but Dauphin Island, the fishing industry, tourism and homeowners are just as important and their needs should be considered too. I urge you to ensure any future dredging of the channel result in a win-win scenario for the Port of Mobile and Dauphin Island.



Comment # 136

January 11, 2016

District Commander
U S Army Engineer District Mobile
P O Box 2288
Mobile, Alabama 36628-0001
ATTN: CESAM-PD-EC

RE: Public Notice No. FP15-MH01-10

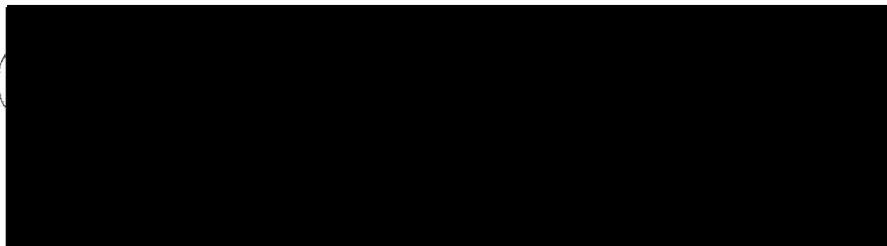
To whom it may concern:

In comment on the proposed deepening and widening of the Mobile ship channel I have the following comments:

1. Dauphin Island has suffered severe erosion for many years. My property near the Audubon Bird Sanctuary on the island has lost over **200 feet** of lot depth in the last twenty years. Storms began to physically impact my home because of its proximity to the ocean after all those years of erosion causing me to have the house move back as far as possible from the encroaching shoreline.
2. It is believed and has been shown through studies that the ship channel has allowed much of this erosion due to disruption of sand migration from the Fort Morgan point across the mouth of Mobile Bay thereby starving Dauphin Island of sand replenishment.
3. A new sand replenishment project is at this time pumping sand to the bird sanctuary shoreline on the east end of the island. It is being done as a one-time project with federal and state funding. This is only a small area of erosion that is being fixed though. Many other property owners on the island are affected as well.

The points above indicate a serious ongoing problem that should be addressed regularly and not in a haphazard 'one emergency project a time' manner. There will always be the necessity of dredging the Mobile ship channel even if it is not enlarged. I propose that with each maintenance dredging or enlargement project a portion of those monies should be set aside for beach nourishment on Dauphin Island.

I am opposed to the enlargement of the Mobile ship channel unless monetary consideration is provided for proper and timely beach nourishment on Dauphin Island.



To: The US Army Corps Of Engineers
From: Holly R and Marc Wood
2428 Bienville Blvd
Date: January 10, 2016
Re: Addressing the Erosion of Dauphin Island

Comment # 137

Dauphin Island has been confronted with an erosion problem for a number of years now. The past dredging of the Mobile Bay Canal has been shown to have continually added to this problem, so why now would the core want to greatly increase the dredging effort and cause even more erosion. In the years I have owned on Dauphin Island, I have not seen this problem addressed. It has progressively worsened with Ivan and Katrina. I have owned property in other beachfront communities with lesser erosion problems, and have seen these shore lines rebuilt numerous times. I do not understand why the Dauphin Island erosion problem has not been addressed. Even now with all the BP funds coming into the state, the money is being diverted from this island, that was greatly effected by the oil spill to other enterprises in the state that were not effected by the spill. It makes me wonder what the Government's agenda is for this area. Our property values are much less than any other beachfront areas along the coast. Alabama has so little beachfront and yet this part of it is not being protected.

I could not sell my property if I wanted to for anything close to what I paid for it. It is worth 1/5 of what I paid for it and now with the increased dredging about to take place, it will only get worse for all the residents and owners of property on the Island. Seems to me before they begin to dredge Dauphin Island, the erosion needs to be considered, and a plan needs to be developed immediately for the now and future rebuilding of its shoreline. With all the dredging that will be taking place, this sand should be routed to Dauphin Island.

I sincerely hope you are listening to all the folks and environmental groups that are expressing their concern and offering solutions to the erosion problem Dauphin Island has been experiencing for some time and since the original dredging of the canal.

Sincerely,

A large black rectangular redaction box covering the signature area.

Comment # 138

District Commander
U.S. Army Engineer District Mobile
P.O.Box 2288
Mobile, AL 36628-0001

ATTN: CESAM-PD-EC

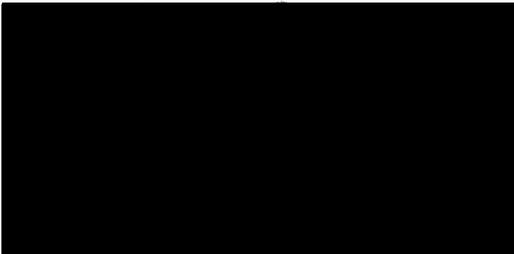
January 7, 2016

Subject: Public Notice No. FP15-MH01-10

I would like to express my concern that the widening and deepening of the navigation channel could have a negative impact on Dauphin Island. I feel that further erosion of Dauphin Island will occur if the sands dredged from the Outer Bar Channel east of Dauphin Island are not placed in an area that will bring the sand back to Dauphin Island's shoreline. I would like to know how the Corps will determine what the effects of an enlarged channel will have on Dauphin Island's shoreline.

Thank you for listening.

Sincerely,



Comment # 139

February 1st, 2016

District Commander
U.S. Army Engineer District Mobile
P.O. Box 2288
Mobile, AL 36628-0001

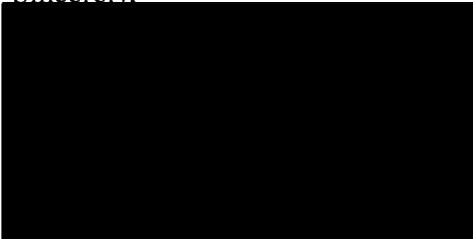
Re: Public Notice FP15-MH01-10

To Whom It May Concern:

As a property owner in Dauphin Island, Alabama, I am very concerned about the rapid loss of our shoreline. The erosion is so severe that homes are dropping into the water and little beach remains for the public to enjoy.

My home resides on the East End of the island in the community of Audubon Place. The rate at which the beach is presently eroding is alarming. The widening of the Mobile ship channel will only exacerbate the problem further. If the channel is further dredged and widened, then it is IMPERATIVE that the sand be placed where it will properly nourish our shoreline and beaches. Not dumped in the middle of the Gulf at the expense of Dauphin Island's coastline.

Sincerely,



Comment # 140

February 11, 2016

Ms. Jennifer Jacobson
U.S. Army Corp of Engineer
Mobile District, Planning and Environmental Division
Coastal Environment Team
P.O. Box 2288
Mobile, AL 36628-0001

Re: Corp Jan 12th, 2016 Public Scoping Meeting

Ms. Jackson:

As a property owner in Dauphin Island, Alabama, I am very concerned about the rapid loss of our shoreline. The erosion is so severe that homes are dropping into the water and little beach remains for the public to enjoy.

My home resides on the East End of the island in the community of Audubon Place. The rate at which the beach is presently eroding is alarming. The widening of the Mobile ship channel will only exacerbate the problem further. If the channel is further dredged and widened, then it is **IMPERATIVE** that the sand be placed where it will properly nourish our shoreline and beaches. Not dumped in the middle of the Gulf at the expense of Dauphin Island's coastline.

Dauphin Island plays a major part in the tourism industry for the State of Alabama, as people come from all over the country to enjoy its beaches, bird sanctuary, and many other historical monuments. The historical relevance of the island is unprecedented. Therefore, the preservation of Dauphin Island, should be of the utmost concern, as it's demise would be a tragedy.

February 1st, 2016

Comment # 141

Ms. Jennifer Jacobson
Mobile District, Planning & Environmental Division
Coastal Environment Team
RE: Public Notice: FP15-MH01-10
PO Box 2288
Mobile, Alabama 36628-0001

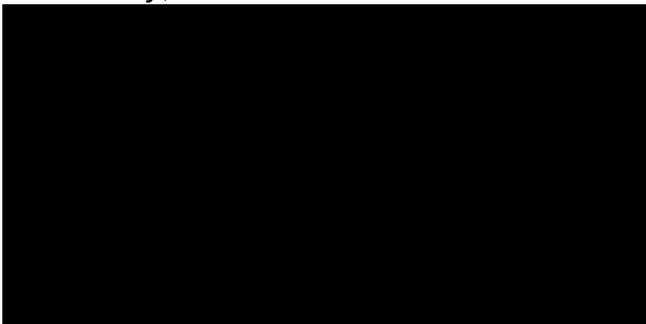
Re: Public Notice FP15-MH01-10

Dear Ms. Jacobson

As a property owner in Dauphin Island, Alabama, I am very concerned about the rapid loss of our shoreline. The erosion is so severe that homes are dropping into the water and little beach remains for the public to enjoy.

My home resides on the East End of the island in the community of Audubon Place. The rate at which the beach is presently eroding is alarming. The widening of the Mobile ship channel will only exacerbate the problem further. If the channel is further dredged and widened, then it is IMPERATIVE that the sand be placed where it will properly nourish our shoreline and beaches. Not dumped in the middle of the Gulf at the expense of Dauphin Island's coastline.

Sincerely,



Comment # 142

[REDACTED]

January 25, 2016

District Commander
U.S. Army Engineer District Mobile
P.O. Box 2288
Mobile, AL 36628-0001

Re: Public Notice FP15-MH01-10

To Whom It May Concern:

As a property owner in Dauphin Island, Alabama, I am very concerned about the rapid loss of our shoreline. The erosion is so severe that homes are dropping into the water and little beach remains for the public to enjoy.

My home resides on the East End of the island in the community of Audubon Place. The rate at which the beach is presently eroding is alarming. The widening of the Mobile ship channel will only exacerbate the problem further. If the channel is further dredged and widened, then it is IMPERATIVE that the sand be placed where it will properly nourish our shoreline and beaches. Not dumped in the middle of the Gulf at the expense of Dauphin Island's coastline.

Dauphin Island plays a major part in the tourism industry for the State of Alabama, as people come from all over the country to enjoy its beaches, bird sanctuary, and many other historical monuments. The historical relevance of the island is unprecedented. Therefore, the preservation of Dauphin Island, should be of the utmost concern, as it's demise would be a tragedy.

Sincerely,

[REDACTED]

FEB 1 2016

Comment # 143

February 27, 2016



Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Dear Ms. Jacobson:

This letter supplements my February 10, 2016 Scoping Comment letter submitted in connection with the Supplemental Environmental Impact Statement (SEIS). The SEIS will update the environmental impacts associated with deepening and widening the Mobile Harbor Ship Channel. The projected impacts were originally addressed in the 1980 EIS^{1/} which accompanied the Mobile District's survey report that recommended the channel be enlarged.

I made the decision to supplement my original letter after considering the Council on Environmental Quality's (CEQ) 2005 "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA)". This letter stresses the very important point that the Study Area's baseline conditions described in the SEIS must consider the historical erosion of Dauphin Island and the cumulative losses of millions of cubic yards of beach quality sands that the 1980 EIS failed to address. The erosion sand losses have continued to occur unabated, and will continue into the future unless action is taken to restore the natural littoral drift volumes of sand to the island. The 1980 EIS ignored Dauphin Island's erosion issue despite the following commitment being made by the Mobile District in 1975:

"The prospect for satisfactorily alleviating erosion problems on Dauphin Island by depositing the sandy material dredged from the Mobile Bay entrance channel upon the Gulf shoreline of the island appears promising and will be pursued [emphasis added]. The viability of depositing future "new work" material dredged from the ship channel within Mobile Bay upon the western shoreline cannot be determined without estuarian [sic] and other environmental impact studies but is considered meritorious of further consideration. Under the above concepts the eroding shorelines would be nourished by the dredged material primarily as disposal areas in support of the maintenance and modification of the Mobile Harbor navigation project. This plan would preserve any accreted land as the property of adjoining land owners and limit local costs resulting from the accreted land, to the amount required for necessary stabilization and a portion of the

^{1/} US Army Corps of Engineers. October 1980. Survey Report on Mobile Harbor (Includes Environmental Impact Statement). Mobile Engineer District, Mobile, Alabama.

cost allocated to land enhancement. Therefore, *the options for nourishment of the eroding shorelines with material dredged from the ship channel would be more appropriately considered under our ongoing study of navigation modifications for Mobile Harbor* [emphasis added] rather than under the study for beach erosion control and hurricane protection.”²

As demonstrated in the Mobile County Commission’s response to the above Mobile District commitment, all parties believed Dauphin Island’s erosion problem would be addressed in the ongoing survey study that culminated in the preparation of the 1980 EIS:

“We also feel your consideration of the deposition of the dredged material from the ship channel along the eroding shorelines is definitely a necessary part of the survey study for modifications of the existing Federal project for Mobile Harbor.”³

It would be a grievous error in the impending SEIS should the Corps attempt to establish the Study Area’s baseline conditions as those that currently define Dauphin Island in 2016. That approach would continue the error made in the 1980 EIS to ignore the island’s erosion problem and the historic sand losses and resulting reduction in the width of its Gulf Shoreline. Such an approach would violate key provisions of the CEQ regulations pointed out below that explain when and why an SEIS is appropriate and should be prepared. This would result in the preparation of a deficient SEIS that fails to comply with the intent of the CEQ regulations.

The SEIS must thoroughly analyze the historical erosion losses that have adversely affected (1) the natural sand budget Dauphin Island should receive from the east, (2) Dauphin Island’s Gulf shoreline, and (3) the diminished topography of Dauphin Island’s West End because of the sustained reduction in the supply of littoral drift sand reaching the island. The Corps was fully aware of the Dauphin Island erosion problem before the 1980 EIS was prepared to disclose the environmental impacts projected to result from deepening and widening the Mobile Harbor ship channel. Further, it would be appropriate if the SEIS considered a period in time earlier than 1980 as the starting point to analyze the erosion of Dauphin Island based upon the following two important documents that addressed earlier timeframes related to the island’s erosion problem:

- The Corps’ 1978⁴ report on the Dauphin Island’s beach erosion problem concluded that maintenance of the Mobile Harbor Outer Bar channel was contributing significantly to the island’s erosion problem after considering dredging data and shoreline erosion losses dating back to **1939**. As pointed out above, the Corps elected to incorporate the

² July 9 and 21, 1975 SAMPD-N letters signed by Mobile District Commander Drake Wilson and sent to Congressman Jack Edwards, the Mobile County Commission, and the City of Mobile.

³ October 1, 1975 letter of reply from Mobile County Commission to the July 21, 1975 Mobile District SAMPD-N letter.

⁴ US Army Corps of Engineers. September 1978. Draft Mobile County, Alabama (Including Dauphin Island) Feasibility Report for Beach Erosion Control and Hurricane Protection. Mobile Engineer District, Mobile, Alabama.

erosion issue into its ongoing study to deepen and widen Mobile Harbor that ultimately resulted in the development of the 1980 EIS that the impending SEIS is to supplement.

- Morton's 2007^{5/} report on historical changes in the Mississippi-Alabama Barrier Island system included the following statements:
 - "...after 1958 [Dauphin] island entered into a net erosional phase that has persisted and most recently accelerated."
 - "... [maintenance dredging] practices conducted around the tidal inlets between the barrier islands permanently removed large volumes of beach quality sand from the littoral drift system that otherwise would have nourished the adjacent barrier islands and mitigated land losses."
 - "...*Sand supply is also the only factor where the historical trend of the factor (progressively increased reduction in sand supply attendant with increased dredging depths) temporally matches the trend of progressively increased land loss [emphasis added].*"

According to §1502.9(c)(1) of the CEQ's NEPA regulations, Federal agencies are required to prepare an SEIS if:

- (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
- (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

Both conditions apply in the case of the impending SEIS. First, the new set of Panama Canal locks, increasing numbers of new Post-Panamax ships calling on U.S. ports, and a change in the mix of commodities anticipated to flow through the Port of Mobile represent a change in the conditions from those considered in the original 1980 EIS. Second, the extensive erosion of Dauphin Island attributed to maintenance of the Mobile Harbor Outer Bar Channel that was first acknowledged in the 1978 Corps report and ignored in the subsequent 1980 EIS has continued through the intervening 38 years to the present. The ongoing erosion continues to significantly affects the Sand-Pelican Island complex, Dauphin Island, and the Mississippi barrier islands to the west. As a result, the Dauphin Island historic and continuing erosion problem actually represents a significant "new" circumstance for the SEIS because the erosion problem was completely and totally ignored in the 1980 EIS. Evidence presented latter in this letter clearly demonstrates the erosion issue is both relevant to and has a direct bearing on the proposal to enlarge the Mobile Harbor ship channel. The impending SEIS finally presents the opportunity for the Corps to correct the major failure of omission of a significant impact associated with the Mobile Harbor navigation project, and hence a critical deficiency of the 1980 EIS.

The CEQ regulations §1501.7(a)(2) state a principal purpose of the Scoping Process is to

^{5/} Morton, R. A. 2007. Historical Changes in the Mississippi-Alabama Barrier Islands and the Roles of Extreme Storms, Sea Level, and Human Activities. Open File Report 2007-1161. U.S. Geological Survey, Coastal and Marine Geology Program. St. Petersburg, Florida.

associated with new work and maintenance at Ship Island Pass be placed southeast of Cat Island ‘so as to maintain the natural littoral drift patterns’.”

In a study of the Alabama-Mississippi barrier island chain, of which Dauphin Island is the lead island based on its geological position in the littoral drift system, Morton (2008) concluded the following:

“...the Mississippi barriers are undergoing rapid systematic land loss and translocation associated with: (1) ***unequal lateral transfer of sand related to greater updrift erosion compared to downdrift deposition*** [emphasis added]; (2) barrier narrowing resulting from simultaneous erosion of shores along the Gulf and Mississippi Sound; and (3) barrier segmentation related to storm breaching. ***Dauphin Island, Alabama, is also losing land for some of the same reasons as it gradually migrates landward*** [emphasis added]. The principal causes of land loss are frequent intense storms, a relative rise in sea level, and a ***sediment-budget deficit*** [emphasis added]. Considering the predicted trends for storms and sea level related to global warming, it is certain that the Mississippi-Alabama (MS-AL) barrier islands will continue to lose land area at a rapid rate unless the trend of at least one causal factor reverses. ***Historical land-loss trends and engineering records show that progressive increases in land-loss rate correlate with nearly simultaneous deepening of channels dredged across the outer bars of the three tidal inlets*** [the Mobile Outer Bar Channel crossing the Mobile Pass Inlet represents one of the three inlet situations] ***maintained for deep-draft shipping. This correlation indicates that channel-maintenance activities along the MS-AL barriers have impacted the sediment budget by disrupting the alongshore sediment transport system and progressively reducing sand supply.*** Direct management of this causal factor can be accomplished by strategically placing dredged sediment where adjacent barrier-island shores will receive it for island nourishment and rebuilding.

Development of the Corps’ plan to restore Mississippi’s barrier islands west of Dauphin Island required close coordination with and sensitivity to the National Park Service’s management goals and objectives for the Gulf Islands National Seashore islands since that agency is the responsible management entity for the much of the islands’ land areas. An early product of that coordination was the NPS Vision Statement for the Management of the Mississippi Barrier Islands (2007)^{8/}. Information from the NPS Vision Statement of particularly relevance to Dauphin Island’s erosion problem and should be considered in the Mobile Harbor SEIS is summarized in the following bullets:

^{7/} Morton, R.A. November 2008. Historical Changes in the Mississippi-Alabama Barrier-Island Chain and the Roles of Extreme Storms, Sea Level, and Human Activities. *Journal of Coastal Research*. 24(6): 1587–1600.

^{8/} National Park Service. June 2007. Vision Statement for the Management of the Mississippi Barrier Islands, Gulf Islands National Seashore. Included in Chapter 2 of the June 2009 Mississippi Coastal Improvements, Hancock, Harrison, and Jackson Counties, Mississippi, Appendix H: Barrier Islands. Mobile District, Mobile Alabama.

- After sea levels stabilized around 5,000 years ago following the last Ice Age event, Dauphin Island became the transmission site for large volumes of littoral sand. Dauphin Island probably played an important role in originally determining the general offshore position of the whole barrier island chain, which extended well into southeastern Louisiana.
- Sand dredged from any of the adjacent navigational/shipping channels should be re-deposited within the littoral system of the barrier islands. Sand should be placed to mimic to the greatest extent possible natural sediment depositional processes, including within the surf zones, or as otherwise prescribed based on analysis of the longshore transport system. Sand placement should supplement the supply to the islands where it has been significantly diminished or eliminated by dredging of shipping channels over the last +100 years. The additional sand supply would assist the island's natural recovery from recent storm events, and partially offset prior disruption to sediment transport and deposition from human-caused intervention (i.e., dredging of deep draft navigation channels).
- The quantity of sand should be assessed that has entered the Mississippi barrier island system through time from Mobile Pass and the Mobile ebb tidal delta, the primary origin of sand supply to the Mississippi's barrier islands. A sediment budget should be developed for the Dauphin Island area that would quantify sediment transport from Mobile Pass and the Mobile Pass ebb tidal delta to Dauphin Island, and from Dauphin Island westward towards Petit Bois Island. A historical sediment budget should be developed from bathymetric change, shoreline position change, and dredging records. A hypothetical present-day sediment budget should also be developed based upon present-day bathymetric data and shoreline positions, incorporating dredging activities in and around Mobile Pass.

The Mobile District recently released the Final SEIS for the Mississippi Barrier Island Restoration Plan (2016)^{2/}. That document states the main goal of the plan is to restore the sediment budget of the island system. That goal reflect the similar need that exists for Dauphin Island to address the island's erosion problem that dates back to the first half of the last century. That need consists of restore the natural sand budget crossing the Mobile Pass Inlet that has been interrupted for decades by maintenance of the Outer Bar Channel. Since Dauphin Island is an integral component of the Alabama-Mississippi barrier island system, the Mobile Harbor SEIS provides the appropriate vehicle to finally address the island's significant erosion issue that has been both ignored and rejected countless times over the years, while almost \$500,000,000 have been appropriated by Congress to address the same island restoration needs in Mississippi. Because of the relevance to Dauphin Island of the **pre-1969 conditions as the target for**

^{2/} U.S. Army Corps of Engineers. January 2016. Appendix C: Hydrodynamic, Wave, and Sediment Transport Modeling. Mississippi Coastal Improvements Program (MsCIP), Comprehensive Barrier Island Restoration, Hancock, Harrison, and Jackson Counties, Mississippi, Final Supplemental Environmental Impact Statement. Modeling Mobile District, Mobile, Alabama.

restoration of the Mississippi barrier islands, the Mississippi restoration goal is presented in the following:

“The main goal of the restoration of the barrier islands in the Mississippi Coastal Improvements Program (MsCIP) is to restore the sediment budget, including littoral zone geologic processes around Ship, Horn, and Petit Bois islands as close to their natural state as possible. The restoration effort seeks to return sediment into the system within the barrier islands to pre-Hurricane Camille [i.e., **pre-1969**] conditions as much as possible given the realities of navigation channel dredging, climate change (sea level rise, increased frequency of storms, etc.) and other anthropogenic activities [i.e., channel dredging]. The scale of the restoration is based on adding approximately the same volume of sand to the system that has been removed over the past decades due to maintenance dredging...Restoring the Mississippi barrier islands to a condition similar to the natural system that functioned before human intervention (generally defined as the pre-Camille conditions) offers the best opportunity to ensure the long-term viability of these islands.”

In conclusion, based upon a consideration of relevant CEQ regulatory guidance, the inexplicable complete failure of the 1980 EIS to address the Dauphin Island erosion problem, and subsequent data that clearly demonstrates maintenance of the Mobile Outer Bar Channel has and is continuing to contribute to the erosion of Dauphin Island; the impending SEIS for the Mobile Harbor deepening and widening study must address the following:

1. Consider the Dauphin Island erosion problem as a “significant new circumstances” relevant to environmental concerns which has direct bearing on the impacts associated with the proposed action. The erosion problem should be termed “new” solely because the 1980 EIS failed to address the problem even though the Corps was well aware of the problem’s existence. Thus, in accordance with the CEQ regulations, the Mobile Harbor SEIS is required to address Dauphin Island’s longstanding erosion problem.
2. Since the 1980 EIS completely ignored the Dauphin Island erosion issue despite the Corps being well aware of the problem at least as early as 1975 that maintenance of the Outer Bar Channel was contributing to the erosion problem, the SEIS is obligated to investigate the historical losses of sand that have occurred dating back to an earlier date in time. The various documents referenced in this letter indicate that it would be appropriate to consider a period extending back to either pre-1969, 1958, or even as early as 1939. Based on the information presented above, should the Corps attempt to base all erosion studies and analyses on the current state and condition of Dauphin Island in 2016, an entirely inadequate NEPA document would be produced. Such a document would be easily susceptible to a legal challenge that the baseline conditions were arbitrarily selected in order to continue to ignore and to avoid having to finally address the very real and longstanding and significant Dauphin Island erosion problem.

3. At least one “mitigation measure” must be developed and evaluated in the SEIS to address the Dauphin Island erosion problem. That measure should consist at a minimum of two equally important components:
- First, a plan to restore the historical sand losses that have reduced the overall width of the Dauphin Island Gulf shoreline and the topography of the island’s West End. The Dauphin Island restoration plan should identify a specified target condition such as the pre-1969 conditions selected for the Mississippi Barrier Restoration Plan.
 - Second, restore the natural littoral drift of beach quality sands crossing Mobile Pass Inlet by modifying the location at which sands dredged from the Outer Bar Channel are deposited to assure they are readily reincorporated into the littoral system to renourish and maintain Dauphin Island’s Gulf shoreline.

Thank you for considering this supplement to my original Scoping Comment letter. I and other members of the concerned public look forward to hearing from the Mobile District as to how the comments received will be addressed in the SEIS.

Sincerely yours,



Cy:
Mr. Chris Militscher, Chief
US Environmental Protection Agency, Region 4
NEPA Program Office
61 Forsyth Street, SW
Atlanta, GA 30303

Comment # 144

February 10, 2016



Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Dear Ms. Jacobson:

I am writing to convey my comments on the issues that should be addressed by the Mobile District in the General Reevaluation Report (GRR) Study and Supplemental Environmental Impact Statement (SEIS) to determine if the Mobile Harbor Ship Channel should be deepened and widened.

I have developed my comments from three basic points of view. First, as a private citizen who has observed firsthand the excessive erosion of Sand and Dauphin Islands since 1973, once owned property on Dauphin Island, and is very familiar with Mobile Bay. Second, as a retired Corps employee whose +31-year career was centered around environmental evaluations of Civil Works projects, plan formulation, and project management. Third, as a consultant now working for another Corps district to prepare a GRR and EIS for a deep draft navigation project authorized in 1965 – a scenario with many similarities to the Mobile Harbor project.

The issues that I believe should be addressed are as follows:

Dauphin Island. I first became actively engaged in the Dauphin Island erosion issue near the end of the 2000-2009 lawsuit initiated by the Dauphin Island Property Owners Association (DIPOA) against the U.S. Government and the State of Alabama. The class action lawsuit alleged the Mobile Harbor project is causing the island to erode. The lawsuit was settled in 2009 with no judgement being rendered on the issue, with the government paying the DIPOA \$1.5 million in exchange for the Class members agreeing to never sue the government again over the erosion issue. Since 2009, I have continued to study information related to Dauphin Island's erosion problem in particular and the effects of shoreline induced erosion by inlet navigation channels in general.

The Corps completed a report on Mobile Bay shoreline and Dauphin Island beach erosion in 1978. That report concluded maintenance of the Mobile Harbor Outer Bar Channel was contributing to the erosion of Dauphin Island and recommended a new site for the placement of dredged sands to counter erosion. However, instead of implementing that recommendation, the

Corps elected to incorporate the erosion issue into its study to deepen and widen the ship channel that was being conducted at the same time. Since no written record is available to explain the basis of that decision, I presume the decision was intended to handle the erosion problem created by channel maintenance and the desire to enlarge the channel in a single comprehensive report. Instead of that happening, the resulting 1980 report and EIS on Mobile Harbor that eventually led to the 1986 authorization to improve the channel (the subject of the present GRR Study) did not address the Dauphin Island erosion problem in any way, shape, or form. In recent years, when present Corps staff have been asked why the 1978 report's recommendations were neither implemented nor the erosion problem addressed in the 1980 report, the answer always given is the 1978 report was not based on science, with no explanation being given as to what the problems with that report are.

Also not explained in the subsequent 1980 report is why an analysis of the shorelines of Fort Morgan Peninsula to the east of Mobile Pass and Sand-Pelican Island and Dauphin Island to the west for a distance of at least 10 miles in both directions **was not** performed as required by Section 5 of the Rivers and Harbors Act of 1935. Such an analysis is required to determine if the recommended channel deepening and widening could cause the shorelines on either side of the Mobile Pass Inlet to accrete or erode.

In the decades that have passed since the 1978 and 1980 reports were completed, the Corps has adopted the consistent position that maintenance of the Outer Bar Channel does not contribute to the erosion of Dauphin Island, and that the island's erosion is due to storm activity and sea level rise. That view remains the publicly stated position of the Corps today, even though the Corps has never produced any scientific evidence to support that position. What I find strange is that in maintaining that position, the Corps continues to ignore the overwhelming body of scientific and engineering information that universally concludes that navigation channels dredged through coastal inlets, like Mobile Pass, interrupt the littoral drift of sand and cause downdrift shorelines to erode, unless proactive actions are taken to place dredged sands at a location to allow them to remain in the littoral drift system.

The Corps did commission a contract study in connection with the above mentioned DIPOA lawsuit. The resulting 2008 report, ignored the Corps' 1978 report and weakly stated that "there is no conclusive evidence that maintenance of the Mobile Harbor ship channel was responsible for causing Dauphin Island's erosion problem". It is important to point that one of the three members of the Independent Technical Review Team (Dr. David Dean, a highly respected coastal engineer from the University of Florida) did not completely agree with the findings in the 2008 report.

Also ignored by the Corps is a 2007 U.S. Geological Survey (USGS) report on the historical sand losses experienced by the Mississippi-Alabama barrier island chain, of which Dauphin Island is a member. The USGS report concluded Dauphin Island has been eroding at an accelerated since 1958 and that maintenance dredging of the inlet channel has resulted in the permanent removal of large volumes of beach quality sand from the littoral drift system. The

USGS also considered the effects of storms and sea level rise. Even then, the 2007 report concluded that increased dredging was the only factor that correlated with the island's erosion. Additional data developed by the USGS's Assessment of Shoreline Change Project show that the West End of Dauphin Island has eroded at a rate of 6 to 12 feet/year. In fact, the erosion has been so severe, that at the extreme western end of the developed portion of the island, two rows of lots are now in the surf.

Even while denying that maintenance of the Outer Bar Channel was causing Dauphin Island and the ebb tidal delta bar and islet complex between Sand Island Lighthouse and Dauphin Island to erode, the Corps could not deny that the barrier island system was experiencing significant land loss. To its credit, to counter the severe erosion, the Corps initially constructed a feeder berm and later designated the Sand Island Beneficial Use Area (SIBUA) in the 1980s in an attempt to reintroduce dredged sands back into the littoral drift system. These efforts were pursued under existing Corps authorities and funding, and utilizing hopper dredges traditionally used to maintain the Outer Bar Channel. Even though sands have been increasingly dumped in the SIBUA since 1987, neither the feeder berm nor the SIBUA have been successful in curtailing erosion, as evidenced by the fact that Dauphin Island has continued to erode and no scientific studies have been produced to demonstrate otherwise.

Yet, despite direct observations of the extent of erosion, the USGS's findings, the views of other coastal scientist and engineers, and the scientific literature on navigation channels in coastal inlets, the Corps has steadfastly denied the Mobile Harbor project has any role in Dauphin Island's erosion. I can only conclude the Corps refuses to acknowledge maintenance of the Outer Bar Channel is contributing to Dauphin Island's erosion problem in order to avoid having to mitigate for the erosion which would increase the federal cost to maintain the project that already exceeds an average of almost \$24 million a year for the period 1999-2008 and could result in the Alabama State Port Authority having to pay more as its non-federal share of the maintenance costs.

Mitigation of Shoreline Erosion. The Public Scoping Meeting notice emphasized that the No Action Alternative will be evaluated in the SEIS. A friend of mine who also attended the meeting related to me that a Corps staff member informed him the No Action Alternative would consider the existing condition of the Dauphin Island shoreline at the initiation of the GRR Study as representing the "baseline" condition for the conduct of any shoreline erosion investigations that may be undertaken. In short, that means the Corps does not intend to consider the extensive sand and shoreline erosion losses that Dauphin Island has encountered in the 38 years since the above discussed 1978 Corps report was completed; or the 36 years since the 1980 Corps was completed recommending Mobile Harbor be improved; or the 30 years since Congress authorized the Mobile Harbor project to be considered in the GRR Study. That does not make sense.

As pointed out above, the 1980 report had two major flaws: (1) It did not fulfill the commitment made in the Corps 1978 report to address the Dauphin Island erosion problem; and (2) It did not

conduct the analysis of the Dauphin Island shoreline required by Section 5 of the 1935 Rives and Harbors Act. These two flaws resulted in the Dauphin Island erosion problem not being analyzed in the 1980 Corps report which in turn prevented Congress from considering the erosion issue when it authorized widening and deepening of Mobile Harbor in the Water Resources Development Act of 1986.

The erosion problem clearly acknowledged by the Corps in its 1978 report did not cease to exist merely because the Corps ignored altogether its existence, either by intent or error, in the subsequent 1980 report. The GRR Study cannot be allowed to continue the major error of omission of Dauphin Island's erosion problem that has resulted in the cumulative losses of millions of cubic yards of littoral drift sands since the 1980 report was completed due to that report's complete failure to address the island's erosion problem. To accept the present highly eroded status of Dauphin Island as the baseline condition for the No Action Alternative would indefensibly penalize property owners who have lost land through no fault of their own, not to mention important natural habitats that have eroded away from Alabama's only barrier island. In summary, the No Action Alternative must clearly state that an unmet mitigation need exists to reverse the erosion of Dauphin Island that has been allowed to occur since 1978 when the Corps first acknowledged that maintenance of the Outer Bar Channel contributed to the erosion of Dauphin Island.

A number of federal laws have direct applicability to the conduct of the GRR Study and SEIS and must be considered to evaluate their potential connection to the mitigation of the significant adverse environmental effects of the Mobile Harbor project. Of those, Section 302 of the Water Resources Development Act of 1996 has particular relevance to the authorized Mobile Harbor project that is to be addressed in the GRR. Section 302 amended the 1986 authority to deepen and widen the Mobile Harbor project by allowing the Corps to "...consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration." Mitigation of Dauphin Island's eroded shoreline would certainly meet both of those goals. Accordingly, the GRR Study must formulate at least one alternative, if not more, to dispose of sands dredged from the Outer Bar Channel (during both new work and subsequent maintenance) to mitigate the island's erosion problem in order to comply with this specific amendment to the Mobile Harbor authority.

Disposal of Dredged Material in Mobile Bay. In 2011, the Corps began a Regional Sediment Management (RSM) initiative in Mobile Bay to pursue in-bay disposal of dredged material removed from the Mobile Harbor to reduce the cost of maintenance by avoiding having to transport the dredged sediments to approved offshore sites. If the ship channel is enlarged, the volume of dredged material will increase and there will be greater interest by the Corps and the Port Authority to dispose of the material at in-bay sites to reduce project maintenance costs.

Unfortunately, in pursuing the RSM initiative over the last five years, the Corps has elected to only work with a closed group of selected agencies and organizations referred to as the

Interagency Working Group. Further, the Corps has made no effort to share the results of the RSM effort with the public, or to seek the views of the public as it attempts to surreptitiously reverse existing dredged material practices that have become institutionalized over the years to avoid adverse impacts within Mobile Bay. Development of an acceptable plan to dispose of future dredged material volumes associated with an enlarged channel should be an important component of the GRR Study. Therefore, the current RSM effort should be integrated into the GRR Study with the goal of developing a Master Plan for the disposal of dredged material in Mobile Bay. Such a plan should be transparently prepared, with the public being provided an opportunity to voice its views and concerns.

Federal Standard Should Include Mitigation for Shoreline Erosion as a Component of the Navigation Purpose. The Corps often falls back upon the “Federal Standard” as the reason why it cannot include a specific measure in a selected plan because of cost considerations alone. As you well know, for a navigation project, the “Federal Standard” is defined as the least costly dredged material disposal alternative consistent with sound engineering practices **and meeting applicable federal environmental requirements.** Corps planning guidance allows a plan, other than the National Economic Development plan, to be selected and recommended if there is an important overriding reason for choosing an alternative that would not maximize net economic benefits. As described above, there is ample supporting evidence to demonstrate that inclusion of shoreline mitigation for Dauphin Island should be included in both the No Action Alternative and any deepening and widening alternative that may be developed by the GRR Study. The formulation of the “Federal Standard” will come down to a matter of will by the Corps and the Port Authority to take the correct action to address the significant Mobile Harbor caused erosion of Dauphin Island as determined by the Corps’ in 1978.

Involve Public in GRR Study. News Release 16-003 on the Mobile District’s website concerning the Scoping Meeting states that “...public input will also be solicited when the Draft SEIS and Draft Report results are available”. Those documents will not be available until near the end of the GRR’s four-year study period. Taken at face value, the news release is reasonably interpreted to mean that the Corps **does not** plan to conduct a public information program over the course of the multi-year GRR Study, and only do the minimum required by agency regulations by only allowing the public to comment on the Draft SEIS and Draft GRR when essentially all plan formulation decisions will have been made. The subsequent review of the Final SEIS and GRR is all too often only a perfunctory exercise. The following significant issues cry for a the GRR effort to include a proactive public involve program: (1) the highly controversial nature of the historic Dauphin Island erosion issue; (2) the fact that the Alabama Barrier Island Restoration Study has been purposefully designed to preclude public input; and (3) the likelihood in-bay disposal of dredged material will be included among the GRR’s recommendations.

Scoping Report. No mention was made in Public Notice No. FP15-MH01-10 (dated December 11, 2015) announcing the Public Scoping Meeting as to whether a Notice of Intent (NOI) to prepare the SEIS had been published in the *Federal Register*. I would appreciate being provided

a hardcopy of the NOI that should have been published in advance of the Scoping Meeting, or the electronic link to retrieve the NOI from the internet.

It is a customary practice for a Corps district to prepare a Scoping Report to inform the public how the input received as a result of the Scoping Meeting will be considered in the conduct of a Corps study and the preparation of the SEIS. The meeting notice made no mention to such a report and I saw no information at the meeting stating a Scoping Report would be prepared. In addition to seeing the views, concerns, opinions, and suggestions of the general public, I am particularly interested in examining the comments the Corps receives from the following federal agencies in response to the published NOI: U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the U.S. Environmental Protection Agency. I am also interested in the comments provided by the following state agencies: Alabama Department of Environmental Management, Marine Resources Division, and the State Lands Division's Coastal Section.

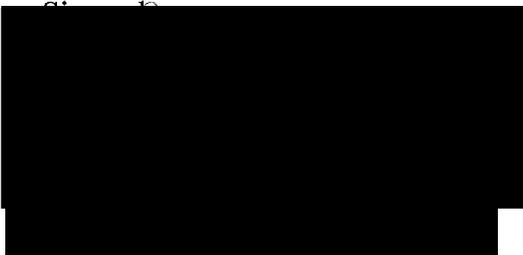
Summary Recommendations:

- The GRR Study must analyze and document the Dauphin Island erosion problem attributable to maintenance of the Outer Bar Channel first acknowledged in the Corps' 1978 report. This analysis must comply with the provision of Section 5 of the Rivers and Harbors Act of 1935. This analysis is required to correct a major omission of the 1980 Corps report that was supposed to have included investigations of the erosion problem according to a July 9, 1975 Corps letter to then Congressman Jack Edwards. The GRR should document the shoreline and sand volume losses that have occurred in the Sand-Pelican and Dauphin Islands complex since the 1978 report was completed. That information should be used to establish the baseline conditions for the "without project" condition for the purpose of developing appropriate mitigation measures to return the island's shoreline to the conditions that existed at least at the time the 1980 Corps report was prepared and later considered by Congress to authorize the enlarged dimensions of Mobile Harbor.
- The GRR Study must formulate at least one alternative, if not more, to dispose of sands dredged from the Outer Bar Channel (removed during both new work and subsequent maintenance) to comply with Section 302 of the Water Resources Development Act of 1996.
- The "Federal Standard" formulated for the GRR Study should include mitigation for shoreline erosion as a component of the navigation purpose and cost-shared accordingly.
- The GRR Study and SEIS must identify a new disposal site to replace the existing Sand Island Beneficial Use Area which is failing to meet its intended purpose. A site closer to the Sand-Pelican and Dauphin Islands complex should be selected in more shallow water (e.g., around 10 to 15 feet deep) to resemble the method of sand placement the Corps has recommended be implemented in its Mississippi Barrier Island Restoration Project.

Since Dauphin Island is a member of the same barrier island chain, it seems only reasonable and consistent to employ the same shoreline restoration and maintenance sand deposition method.

- The GRR Study No Action Alternative should acknowledge the significant historic and ongoing erosion that is affecting Dauphin Island. This should include the recognition that Dauphin Island presently has an unmet mitigation need caused by maintenance of the Outer Bar Channel. Mitigation of even the No Action Alternative is needed to restore the island's eroded shoreline and sand volume losses dating back to the condition identified in the Corps 1978 report when the channel maintenance caused erosion problem was first admitted to by the Corps.
- Development of an acceptable plan to dispose of future dredged material volumes associated with an enlarged channel should be an important component of the GRR Study. Therefore, the current RSM effort should be integrated into the GRR Study with the goal of developing a Master Plan for the disposal of dredged material in Mobile Bay. Such a plan should be transparently prepared, with the public being provided ample opportunity to voice its views and concerns.
- The GRR Study must include a proactive public information and involvement program in the GRR effort to keep the concerned public informed of the progress of the Study. The Corps must recognize that due to the controversy associated with the long-term Dauphin Island erosion issue and concerns over potential increased disposal of dredged material in Mobile Bay, not to inform and/or involve the public over the next four years would be both unwise and unacceptable to the taxpayers who are funding the GRR Study.
- Provide a hardcopy of the *Federal Register* NOI or the electronic link to retrieve the NOI from the internet.
- Please confirm that a Scoping Report will be prepared to document the Scoping Process and state when that document will be available to the public. I assume since I have submitted scoping comments, I will receive a copy.

Thank you for the opportunity to provide input into the Mobile Harbor GRR and EIS effort.



To: Ms. Jennifer Jacobson
Mobile District Planning & Environmental Division
Coastal Environment Team
RE: Public Notice: FP15-MH01-10
P.O. Box 2288
Mobile, AL 36628-0001

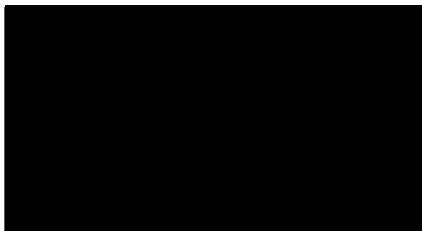
February 20, 2016

Dear Ms. Jacobson

I am addressing this letter to you re: the erosion of Dauphin Island secondary to the further dredging of the ship channel — even deeper and wider. Multiple studies now have confirmed the Corps' involving interest in this erosion. As a physician, of obvious scientific capability, it is just illogical to me that the dredged sand could not be deposited on Dauphin Island — since this same sand would eventually migrate onto Dauphin Island with unimpeded littoral flow.

It is time that the Corps face its responsibility to replace that sand as has been done elsewhere in the US with similar dredging practices. The benefits of replacing this sand are innumerable and have been delineated often — now is the time for real action! The Corps simply must DO THE RIGHT THING!
Thank you for hearing my voice!





February 16, 2016

Comment # 146

Ms. Jennifer Jacobson
Mobile District, Planning & Environmental Division
Coastal Environment Team
RE: Public Notice: FP15-MHO1-10
P. O. Box 2288
Mobile, Alabama 36628-0001

Dear Ms. Jacobson:

As a concerned property owner on the west end of Dauphin Island, I have several comments with regard to the Mobile Harbor Channel Widening and Deepening Study. Of utmost concern to my wife and I is the Corps' present and stated position with regard to the historic sand losses and sand deficits that have occurred on Dauphin Island over the past forty to fifty years. It would be greatly appreciated if the Corps would conduct the Channel Widening and Deepening Study objectively, taking into consideration all interests and not limiting same to the interests of the Alabama State Port Authority.

The increased erosion of Dauphin Island over the past few years makes it imperative that the Supplemental Environmental Impact Statement address the changed environmental conditions within the study area that have occurred since the initial EIS. It is my understanding that the original 1980 EIS that was prepared to analyze the effects of deepening and widening the Mobile Outer Bar Channel did not consider the potential of an enlarged ship channel to affect Dauphin Island's erosion problem in existence at that time. This 1980 study did not consider the relationship of the ship channel to the erosion of Dauphin Island, nor did it take into account how the island's erosion could be further affected by enlarging the ship channel.

The SEIS should identify new dredged sand disposal sites that are closer to Dauphin Island. The same shallow water deposition concepts that the Corps recommends being employed to replenish Petit Bois Island's eroded shoreline just west of Dauphin Island should be implemented at Dauphin Island. The Mobile Harbor Channel Widening and Deepening Study should also fully implement the Corps' national Regional Sediment Management (RSM) planning concepts to make beneficial use of the dredged sands to counter erosion. It is my understanding that in the past, the Mobile District has intentionally excluded Dauphin Island from its RSM planning efforts, while pursuing multiple RSM projects along the coast, including within the confines of Mobile Bay.

It would be extremely beneficial if a Citizen Advisory Committee, similar to the Corps' Mobile Bay Interagency Group, could be established. This Committee could meet from two to four times a year with the Corps to assess how the public concerns are being addressed in the study. A public involvement program could also be implemented so that the next time the public hears from the Corps on this issue is not with the release of the Draft EIS at the end of the four year study.

Thank you for your consideration and assistance in this extremely important issue that is critical to the entire Dauphin Island community. I plan to retire to the island in the very near future and make the Island my full-time residence.

Sincerely:



CADE, CRENSHAW & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
2100 SOUTHBRIDGE PARKWAY – SUITE 460
BIRMINGHAM, ALABAMA 35209

A. CATLIN CADE, IV, CPA, CVA
GILBERT L. CRENSHAW, JR., CPA, CVA
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TOLL FREE 1-800-356-6403

Comment # 147

February 25, 2016

Ms. Jennifer Jacobson
Mobile District, Planning & Environmental Division
Coastal Environmental Team
P. O. Box 2288
Mobile, AL 36628-0001

Re: Public Notice
FP15-MH01-10

This letter is to express my concern that the loss of sand that migrates to the beaches on Dauphin Island due to the Mobile Harbor Channel dredging that has caused significant erosion to the beach there. This issue is not being adequately considered in the upcoming Mobile Harbor Channel widening and deepening that is proposed.

It is logical that the sand that travels from the east to the west that falls in to the Mobile Ship Channel and is subsequently dredged out should be deposited such that the sand can continue its natural migration to the beaches of Dauphin Island. The fact that this has not been done in the past has caused significant erosion of Dauphin Island.

The original 1980 EIS prepared to analyze the effects of deepening and widening the Mobile Outer Bar Channel failed to consider the potential of an enlarged ship channel and its effect on Dauphin Island's erosion problem that existed at that time.

The 1980 EIS was deficient since it failed to consider the relationship of the ship channel to the erosion of Dauphin Island and how the Island's erosion could be further affected by enlarging the channel.

It seems that the erosion of Dauphin Island could be arrested if the sand dredged from the Mobile Harbor Channel was moved to Dauphin Island itself to counter the erosion rather than being dumped in the Gulf of Mexico or on Sand Island.

I request that Section 5 of the River and Harbor Act of 1935 that requires every Corp of Engineers report involving an improvement of an inlet (ie. the Mobile Harbor Outer Bar Channel through Mobile Pass) to evaluate shore line erosion for a distance of not less than 10 miles on either side of the ship channel. I believe a proper study will reveal that it is in the State's best interest, as well as those that benefit from a

"healthy shoreline" at Dauphin Island, to see Dauphin Island's erosion be arrested, the beaches be replenished and a system be established to continuously maintain the beaches from the dredged sands from the Mobile Harbor Channel.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "A. Catlin Cade, IV". The signature is written in a cursive, flowing style.

A. Catlin Cade, IV, CPA, CVA

ACC/kn



Comment # 148

February 26, 2016

To: Coastal Environmental Team
RE: Public Notice : FP 15- MH01-10

I have enjoyed a “family” home on Dauphin Island since 1972 and am now the owner of that particular house. I have watched the island east end beaches erode for many years. I have heard that a new study and SEIS is being made on deepening and widening the Mobile Ship Channel. This study needs to assure that all interests are given equal consideration – not just the interests of the Alabama State Port Authority.

Shoreline erosion within 10 miles on either side of the channel needs to be addressed as well as evaluated.

The 1980 EIS study failed to consider the relationship of the ship channel to the erosion of Dauphin Island and how the Island's erosion could be further affected by enlarging the channel.

Why are dredged sands not being placed closer to Dauphin Island to counter erosion? Perhaps if placed closer to the island (instead of in The Sand Island Beneficial Use Area) the erosion would not be so extreme.

Dauphin Island is one of the great barrier islands of Alabama and a good buffer for Mobile during major storms! Let's not compromise our barrier islands and coastline anymore. We do need to make sure larger ships can get into the port of Mobile, but we also need to make sure we preserve as much of these affected coastlines as possible. We need to consider both the future of the port and shipping as well as the future of the leisure, recreation, and maritime opportunities that our coastal areas bring to the Mobile area way of life .

Sincerely,



Comment # 149



February 15, 2016

Ms. Jennifer Jacobson
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

RE: Public Notice: FP15-MH01-10

Dear Ms. Jacobson

I am a property owner at Sandcastle Condominiums on Dauphin Island. In the last 4 years since I have owned, there has been significant erosion to the beach in front of the complex and extending in both directions. I would estimate there has been well in excess of 50 feet of loss in that time. I understand from talking to others who have owned in Sandcastle much longer, the beach loss has been many times of what I have witnessed. Below are some items that I would request the Corps to take into consideration, prior to conducting any further dredging activities in the Mobile Ship Channel.

1. Comply with Section 5 of the River and Harbor Act of 1935 that requires every Corps report involving an improvement of an inlet (i.e., Mobile Harbor Outer Bar Channel through Mobile Pass) to evaluate shoreline erosion for a distance of not less than ten miles on either side of the inlet channel. The Corps' 1980 report and EIS did not comply with that requirement.
2. Pursuant to 40 CFR 1502.9(c)(1)(ii), the SEIS prepared for this study must address the changed environmental conditions within the study area that have occurred due to the significant erosion of Dauphin Island. The original 1980 EIS prepared to analyze the effects of deepening and widening the Mobile Outer Bar Channel failed to consider at all the potential of an enlarged ship channel to affect the Dauphin Island's erosion problem that existed at that time. The 1980 EIS was deficient since it failed to consider the relationship of the ship channel to the erosion of Dauphin Island and how the island's erosion could be further affected by enlarging the channel. As a result, the SEIS must thoroughly address the cumulative historical sand losses to Dauphin Island dating back to 1958 that correspond with increasing deepening of the Outer Bar Channel according to U.S. Geological Survey's 2007 report. The conclusions of the Corps' 1976 report that concluded SEIS maintenance of the Outer Bar Channel contributes to the erosion of

Page 2

Dauphin Island also cannot be ignored in the New Study and to further deepen and widen the channel.

3. Identify new dredged sand disposal sites nearer Dauphin Island. Apply the same shallow water deposition concepts that the Corps recommends be employed to build back Petit Bois Island's eroded shoreline west of Dauphin Island.

Sincerely yours,



February 18, 2016

Comment # 150

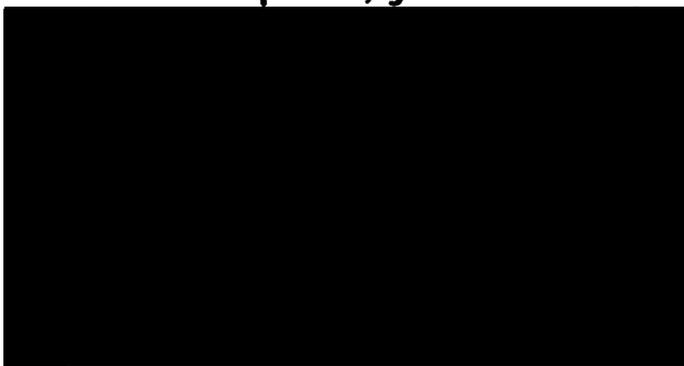
To All this Concerns:

As I am not an engineer, scientist, or other decorated specialist I will explain my concern for the impact on Dauphin Island erosion using the lost art form of common sense.

***Make a small indent in the sand, over time Mother Nature will fill it in utilizing surrounding material.
Now dig a deep and wide trench taking the material far, far away, Mother Nature will fill it back up with the closest material.***

Thus, causing the erosion of Dauphin Island.

If you continue to remove sand without regard for local impact, you will destroy the island.



Comment # 151

February 11, 2016

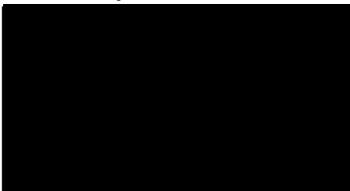
Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning and Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, AL 36628-0001
Re: Mobile Harbor Ship Channel Widening Study

Dear Ms. Jacobson:

I am writing to express concern with the upcoming plans to study and possibly deepen and widen the Mobile ship channel and the potential impacts to the shoreline of Dauphin Island. As a long-time visitor to "DI", I have seen firsthand the dramatic effects of the current practices to maintain the channel. Ten to twenty feet of beach simply disappear every year on many parts of the island. If this pace continues Dauphin Island as it has been known for the last 40 years will cease to exist within a generation. And this is nothing short of a travesty. Thousands of families visit Dauphin Island every year because it is a quaint, slow-paced, and uncrowded alternative to many of the beach communities on the Gulf coast. I visit with my family because the island is the place where we can unplug and spend quality time laughing, connecting, and just being a family. This time spent on the island, and the memories developed, are special for us and the other families that make Dauphin Island their home away from home. I understand the issues around maintaining the channel are complex and there is no simple answer, but put simply Dauphin Island is a rare gem and it is worth saving.

There are a variety of legal and scientific arguments *against* the current dredging practices – from Section 5 of the 1935 River and Harbor Act to the placement of sand in the SIBUA – and there are likely many arguments *for* the current practices. I am not writing to put these in front of you. I am writing as a concerned person who simply wants my children, and their generation, to have a place where they can experience the same peace and joy that I have from the island.

Sincerely,



Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Comment # 152

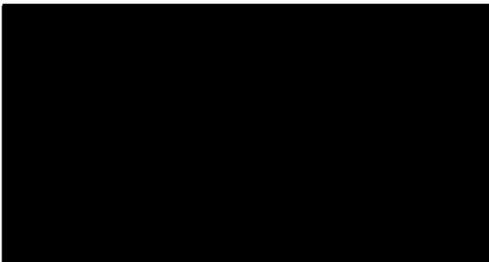
I attended the Public Scoping Meeting concerning the Mobile Harbor General Reevaluation Report. I am distressed to learn that the Corps of Engineers has begun a new study to deepen and widen the Mobile Harbor ship channel. My concern is additional damage to Dauphin Island and the subsequent environmental damage to the Mississippi Sound and the South Mobile County coast.

Dauphin Island is already suffering erosion issues from the lack of the littoral sand drift due to existing Corps practices. The Corps has dumped dredged sands in the Sand Island Beneficial Use Area (SIBUA) south of the lighthouse for years with the position being that these sands are moved by currents to Dauphin Island to counter erosion. However, the observed evidence indicates most of the sands are not moved, but accumulate at that location, while Sand Island has almost disappeared and Dauphin Island continues to erode.

How can the Corps ignore the effects of their current maintenance practices on erosion issues on Dauphin Island? How can the Corps ignore the vast amounts of scientific literature documenting the negative effect to beaches downdrift of dredged navigation channels? What confidence can the public have that the current project will thoroughly and objectively evaluate the effects of widening and deepening the channel when the existing SIBUA fails to meet its purpose? What will assure the public that this current Corps project will establish maintenance practices that mitigate the loss of littoral drift sands? Who will insure that the Corps complies with Section 5 of the River and Harbor Act of 1935 that required an evaluation of shoreline erosion which the Corps' 1980 report and EIS ignored.

Based on the above questions, I believe that the General Reevaluation Report should incorporate the wording of Section 5 of the River and Harbor Act of 1935 so that any reader of the report is aware of the Corps' legal responsibilities in the work of widening and deepening the channel inlet. Additionally, the report should be reviewed by an independent, unbiased scientific entity selected by a Citizen's Advisory Committee whose findings are made available to the public prior to report finalization. This may place an additional economic burden on the Corps and non-federal sponsor. But what is the economic burden and environmental loss that has already been placed on the citizens of Dauphin Island, the citizens of South Mobile County and U.S. taxpayers for the Corps' previous neglect?

Sincerely,





Feb. 5, 2016

Ms. Jennifer Jacobson

US Army Corps of Engineers Mobile District

P.O. Box 2288

Mobile, Al. 36628-0001

Comment # 153

Dear. Ms. Jacobson:

I understand that your agency conducted a Public Scoping Meeting about the General Reevaluation Study and Environmental Impact Statement for widening the Mobile Harbor Ship Channel on January 12, 2016. Unfortunately, I was unable to attend but some of my acquaintances did. I was told, that you had prepared quite a few displays about the project, but contrary to the announcement for the meeting there was very little opportunity for the public to comment, and the meeting was insufficiently publicized. That is disgraceful.

As a scientist, I have collaborated with the Army Corps of Engineers on projects that were funded by the US Department of Energy and found the staff to be competent and fair. With this in mind I expect and request that you give equal consideration to the public interest and not just the views of the Alabama Port Authority.

I am not opposed to widening of the shipping channel but ongoing maintenance dredging of the Outer Bar Channel has clearly aggravated and is contributing to the continued erosion of Dauphin Island because dredging is interrupting and diverting the littoral flow of sand from Fort Morgan to Dauphin Island. It has been estimated that between the years of 1974 and 2000, over twenty million cubic yards of sand were removed and deposited in the deep waters of the open Gulf. That has to stop. In fact, the sand deficit must be addressed in the Environmental Impact Statement that should go back to the original Study. The Corps must prepare a Dredged Material Disposal Master Plan and make it part of the Environmental Impact Study in order to mitigate for the erosion of Dauphin Island.

It is also critical that the resulting General Reevaluation Study report comply with Section 5 of the Rivers and Harbors Act of 1935 that requires every Corps report involving an improvement of an inlet to evaluate shoreline erosion for a distance of not less than 10 miles on either side of the inlet channel. I have information indicating that the 1980 Corps report that resulted in the present Congressional authorization to deepen and widen the Mobil Harbor ship channel failed to satisfy the 1935 federal statute. The General Reevaluation Study must not repeat that failure.

In recent years the Corps has placed dredged sand in the Sand Island Beneficial Use Area on the assumption that this would mitigate the erosion of Sand Island and Dauphin Island. It has not. I see with my own eyes that the gap between the lighthouse and the east end of sand island is steadily growing and the east end of Dauphin Island continues to erode. The General Reevaluation Study must identify a new disposal site in shallow waters closer to Dauphin Island to assure that the majority of the beach quality sands are reincorporated into the littoral drift system instead of being lost to the deeper Gulf waters which has been the case for the last half century. Dauphin Island cannot afford for the cumulative loss of sands to be allowed to continue

I trust that the Corps will be mindful of keeping its reputation as a competent and fair agency intact and act in the common interest.



February 4, 2016

Comment # 154

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Ms. Jacobson,

I am writing to make known my concern regarding the impact of the widening and deepening of the Mobile navigation channel. It is my understanding that to maintain a deeper and wider channel, larger volumes of sands will likely be dredged from the Outer Bar Channel east of Dauphin Island. I respectfully request that when studying the impact of the widening and deepening of the Mobile navigation channel that equal consideration be given to the long term future of all parties concerned and not just the views of the Alabama State Port Authority. In the interest of fairness and transparency any plans for the disposal of dredged material both removed during initial deepening and widening of the ship channel and future maintenance should follow a Master Plan for Mobile Bay and make it part of the Study and Engineering Impact Statement (EIS).

In order to include all of the people that would be affected, the Master Plan should include input and involvement of the public. It is vitally important that this effort be incorporated into the General Reevaluation Study and EIS. The information should be made public in the early planning stages and not at the end of the process when all decisions have essentially been decided.

A big concern to me is that Dauphin Island is going to be excluded from the decisions that will be made regarding the disposal of dredged material both removed during initial deepening and widening of the ship channel and future maintenance. Please include Dauphin Island in the Master Plan. I have watched the sands on and around Dauphin Island move around for many years and it is quite clear to me that the island's erosion is affected by maintenance of the Outer Bar Channel. It is very important that careful attention be given to the beneficial use of dredged sands to counter erosion on Dauphin Island.

I will admit that I am not an expert in this matter, but it seems that there are some requirements in the River and Harbor Act that state that an improvement to an inlet include an evaluation of shoreline erosion. The improvement being proposed to the Mobile Harbor Outer Bar Channel through Mobile Pass seems to meet the ten mile on either side of the inlet channel requirement.

Some of the earliest documented references to Dauphin Island date back to the 13th & 14th centuries. This demonstrates the longevity of Dauphin Island. The house on Dauphin Island that I purchased was built in the 1950s. When I bought it in 2004, the

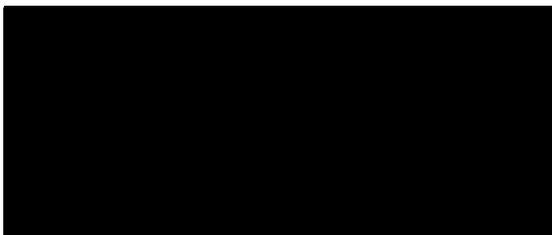
owners described to me how far the sand once extended. They told me that they started noticing the erosion after the deepening of the Outer Bar Channel had begun and that the ongoing maintenance practices had definitely taken a toll. The analysis being requested is needed to establish the historical and baseline island conditions and to project future conditions of any actions taken. Given a fair and impartial study it would be hard to ignore the losses in sand due to the Outer Bar Channel maintenance that have occurred over time.

To further support the need for a fair and impartial study please also consider the 1978 draft report and the position by Corps of Engineers on Dauphin Island's beach erosion. It concluded that maintenance of the Outer Bar Channel is contributing to at least 40% of Dauphin Island's erosion problem. If it is determined now that the 1978 conclusion is not valid it seems fair to explain why the findings and conclusions of that report are no longer valid. The reason I am being so persistent in my request is because there is so much scientific evidence out there with examples of where navigation channels dredged through coastal inlets have stopped the flow of nearshore sands along the beach, thus causing beaches downdrift of the inlets to erode. This appears to be common along the entire US Gulf Coast and many places around the world.

I have personally witnessed the effect of the dumped dredged sands in the Sand Island Beneficial Use Area (SIBUA) south of the lighthouse. The thought was that these sands are moved by currents to Dauphin Island to counter erosion. However, most of the sands do not move. Instead, they accumulate at that location and Sand Island has almost disappeared. In addition, Dauphin Island continues to erode. The General Reevaluation Study and EIS should thoroughly evaluate the dumping practice in the SIBUA. My suggestion would be that the Corps adopt the same shallow water (<10 to 15 feet) deposition methods the Mobile District has recently recommended be used to build back Petit Bois Island's eroded Gulf shoreline west of Dauphin Island.

I understand and fully support progress. However, progress should not be made at the expense of Dauphin Island and the protection it provides. It is my firm belief that any progress achieved should be used to support and even improve the conditions of a very important barrier Island such as Dauphin Island. Please consider establishing a Citizen Advisory Committee that will meet every 3-4 months with the Corps to assess how public concerns are being addressed in the General Reevaluation Study and EIS. Thank you for considering my input.

Sincerely,



Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Comment # 155

Ms. Jacobson:

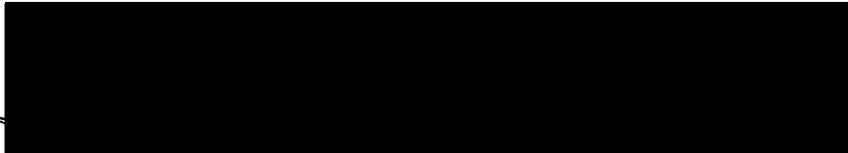
I am writing as a concerned citizen and as a Dauphin Island, Mon Louis Island, and Coden waterfront property owner. I believe that the Army Corps of Engineers' practice of dumping material dredged from the Mobile ship channel too far out in the Gulf of Mexico for it to benefit Dauphin Island has caused substantial erosion of that barrier island and endangers the entire South Mobile County shoreline. As you may be aware, many properties on Dauphin Island that were waterfront homes only a very few years ago are now totally underwater in the Gulf of Mexico. This erosion has occurred during a period of relatively minor storm activity, and must be attributed primarily to the Mobile Bay ship channel and the Corps' dredging/dumping practices.

Given the east to west shoreline currents in this area of the Gulf, it should be obvious that (prior to the digging of the Mobile Bay ship channel) sand flowed naturally along the northern Gulf coast from the east to Dauphin Island and beyond. It should also be obvious that sand coming toward Dauphin Island from the east now drops into the Mobile Bay ship channel and is trapped there. Naturally westward flowing sand would eventually fill the Mobile Bay ship channel, and it would once again flow onto the Dauphin Island shoreline if the Corps' did not regularly dredge the channel to keep it open. The Corps' practice of depositing this dredged material out in deep water instead of closer to Dauphin Island has further interrupted the natural flow of sand and resulted in substantial erosion of the Dauphin Island shoreline.

This off shore dumping practice may save money by avoiding the use of shallow draft barges and/or the pumping of dredged material into shallower water, however it will, no doubt, prove to be much more expensive when the time finally comes to rectify the substantial damage the Corps is causing to the barrier island shoreline in this area of the Gulf.

It is my understanding that the Army Corps now plans to deepen and widen the Mobile Bay ship channel which can only speed up the erosion of Dauphin Island unless the Corps changes its dredging/dumping practice so that future dredged material is deposited in a location which will benefit Dauphin Island. The widening and deepening of the channel could actually begin to offset some of the damage the Corps has already caused to the barrier islands given that a lot of dredged material will now become available.

While the quality of some Mobile Bay dredged material has been questioned, silt already flows out of every river on the northern Gulf coast, and it seems to float away leaving the higher quality sand. A little care may be given to assure that the better material is deposited closest to the shoreline, but at this point, any material is better than no material – just ask the people whose properties are fifty feet out in the Gulf.



Dear Ms. Jacobson, and folks at the U. S. Army Corps of Engineers,

Comment # 156

Dauphin Island is more than just the beloved home of our residents and abundant wildlife, it is also a significant economic engine for South Mobile County and the Gulf Coast. PLEASE take our plight seriously and act accordingly in the best interests of Dauphin Island regarding dredging practices.

First I'd like to thank you for holding the scoping meeting in January. I attended and found it to be a friendly and very informative experience. This was a great step in the direction of being more transparent and involving the public in the planning process. As the owner of a business based on Dauphin Island, I speak with many people each day and unfortunately many of them were not able to attend. I am sending this letter to capture and convey the issues they have shared with me.

The Alabama Port Authority certainly has their priorities with regard to expediency and cost but these are not necessarily in the best interest of all. Please don't forget about the impacts to our island home.

You will receive input calling for a "Dredged Material Disposal Master Plan for Mobile Bay" and I cannot emphasize enough how important this is to continue in the positive direction of public transparency and inclusion in the EIS.

It is my understanding that Dauphin Island is not included in the Regional Sediment Management Strategy for Mobile Bay. Can the Corps please update and include us in the existing RMS?

I am sure you are aware that the River and Harbor Act requires Corps reports involving an improvement to evaluate shoreline erosion for a distance of not less than ten miles on either side of the inlet channel. For whatever reason, the Corps' 1980 report and EIS did not do this so can this be corrected?

There is also uncertainty and disagreement regarding losses of littoral drift sands due to maintenance practices, so analysis is needed to establish the true historical baseline and projected future conditions in order to properly represent the "no action alternative" versus the proposal.

A 1978 draft report on Dauphin Island's beach erosion concluded maintenance of the Outer Bar Channel is contributing something like 40% of Dauphin Island's erosion problem. The reversal of the Corps position on this critical issue can seriously undermine the credibility of the Corps, so please provide a satisfactory explanation in the documentation process.

The Sand Island Beneficial Use Area simply does not seem to be aiding in the movement of sand by currents to Dauphin Island to counter erosion as expected. The General Reevaluation Study and EIS should to address this as well, but more importantly, the Corps really needs to use shallow water deposition. Understandably, this may be less convenient to execute, but it is critical to Dauphin Island.

Finally, I Applaud the efforts by the Corps thus far to keep the public informed and included and I implore you to continue to do so regularly throughout this project. I have heard suggestions of forming "a citizen committee" to facilitate this and it seems like an excellent idea - and a way to delegate some of the communications effort away from Corps resources.

Thank You,



Comment # 157

February 9, 2016

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

RE: Public Notice: FP15-MH01-10

Dear Ms. Jacobson:

Comments about the Mobile Harbor General Reevaluation Meeting 1/12/16

The Corps intentionally left out all environmental impacts to Dauphin Island in the 1980 Environmental Impacts Statement (EIS) for the Mobile Harbor and Channels and the Corps' Mobile District has concealed that fact and the consequences thereof, for the past 37 years.

The Corps cannot proceed with the new SEIS until they do the following:

1. The Corps will first have to go back to all studies completed before the original 1980 EIS and disclose all environmental impacts to Dauphin Island caused by the Corps dredging of the Mobile Ship Channel until time the 1980 EIS was produced, up to the depth of 42 feet.
2. The Corps will have to disclose all environmental impacts caused by their dredging from 1980 to 2016 to Dauphin Island.
3. The Corps will have to identify all future environmental impacts to Dauphin Island, including future dredging of the Mobile Harbor and all channels.

The Corps has already misled the property owners of Dauphin Island and the public by producing the 1980 EIS that contained almost 1000 pages, and where the Corps conveniently left out all impacts to Dauphin Island in the document. The 1980 EIS has to be obtained by a FIOA request.

The Corps has already tried to trick and deceive Dauphin Island in the 2009 lawsuit settlement agreement with the difference between the words, **current and authorized**, to describe the depths of the channel.

Now, we find that the Corps is trying to extend their deceitful tricks to even a greater degree for the new SEIS, by making their terms for the investigation obscure and trying to make the analysis so complicated that the public would not be able to understand the documentation about Dauphin Island in it.

Now, the Corps wants to try to trick us again with the wording in **the Planning Process**, which reveals the Corps only wants to study from the current environmental conditions to compare with the environmental effects of any proposed action and its alternatives. In essence, the Corps only wants to conduct studies on the impact associated with the change from 47 ft. deep X 600 ft. wide to 57 ft. deep X 700 ft. wide. The new SEIS investigation will be restricted to only the impacts between those depths and widths.

Corps Trick 1: The Corps would only investigate the dredging impacts of the Bar Channel from the current depth of 47 feet, up to the depth 57 feet for the erosion on Dauphin Island. This means:

- The Corps wants to hide and ignore all of their previous impacts to Dauphin Island from expansion of the Bar Channel from 42 feet deep to 57 feet deep.
- The Corps would not be investigating the all of their dredging impacts to Dauphin Island between the depths of 42 feet starting 1975, to the depth of 47 feet this year, 2016.

What a sneaky and underhanded trick.

We know and so does the Corps' that the Corps' 1978 Dauphin Island study stated that the Corps was causing the erosion on Dauphin Island from their dredging of the Bar Channel. The Corps is trying to use this new trick to cover up the Corps' erosion on the island from 1978 until now.

By doing the limited investigation, the Corps will cover-up all of their past exploitations of Dauphin Island and this will leave Dauphin Island in its present eroded condition that has a historic sand deficit of over 47 million cubic yards of sand.

This trick shows the Mobile District Corps will go to any extent to cover up their past deception and their need to advance their own agenda at virtually any cost or harm to others.

Corps Trick 2. To cover-up the Corps past corruption, the Corps wants to use their lawsuit study, the **2008 Final Report**, and the "so-called" updates to the study to justify the Corps past deception to Dauphin Island.

- Before proceeding with the SEIS, the Corps needs to disclose all errors and inaccuracies in the **2008 Final Report**, which deems the study useless.

Corps Trick 3: The Corps is now managing **three studies** about Dauphin Island, which will be incorporated into the SEIS for the massive expansion of the Mobile Harbor. With the Corps' past practices of deceiving Dauphin Island, how can they be trusted to do studies without selectively choosing facts to justify their agenda and suppress all other facts about Dauphin Island?

- The Corps will not answer any FOIA request for information about the three studies about Dauphin Island, they will be managing. We know the results of the studies will be included in the SEIS.
- How can the Corps' Mobile District be trusted to go forward with these studies and the SEIS when they have not disclosed all past Corps studies between 2005 to 2016 that **used incorrect and flawed data** as indicated in a Corps' December 2011 memorandum, which stated:

"USACE surveys that were provided for the sediment budget analysis were incorrect".

- **No studies or updated studies that used any incorrect and flawed data** should be incorporated into the SEIS documentation. This includes all of the Corps studies from 2005 to 2015 that were updated because of the incorrect sand sediment surveys and the other corrupted data, all of which, has not been disclosed to the public.

Corps Trick 4: The Corps Mobile District use of the phrase, “Not based on Science”, to discredit all other studies that contradicts the Corps’ agenda is inexcusable. The Corps use of the phrase, “Based on Science,” is an excuse to do new studies that justify their agenda.

- The Corps’ use of the term “Not based on Science” is just another way to discredit all other studies that that contradict their scheme and to lie, deceive, mislead, and manipulate the public for the massive expansion for the Mobile Harbor.
- The Corps’ use of the term that the studies have to be “Based on Science” is the Corps scheme trying to discredit all other studies that verify the Corps is causing the erosion on Dauphin Island. By making this type of disparaging remarks, the State and the Town question all other studies, than the Corps, which gives the Corps the prerogative to choose facts selectively for the massive expansion to the Mobile Harbor, and the Corps suppressing all factual information from other scientist.
- For a the Mobile District Corps to deliberately try to ruin the reputation and good name of some of the most respected scientist in the country because they produce studies that contradicts the Corps practices: threatens democracy and the whole American system.

For the employees in a government agency to try to instigate doubt or suspicion about the validity or accuracy of a study that is contrary to the Corps agenda because the Mobile District is trying to keep from being caught about of their deletion of the impacts to the Island, is an outrageous abuse of power, that should not be tolerated.

- I feel the Mobile District Corps should apologize to the US Geological Survey, the National Park Service and to all others local coastal engineers that the Corps has been trying to degrade over the past 37 years, this also includes the Corps employees who are now degrading their own past engineers like General Drake Wilson, who was in charge of the Mobile District during the time the Corps produced a 1978 study on Dauphin Island, which stated that the Corps’ dredging was causing the erosion on Island.
- This is an insidious act by the Mobile District, which should not be tolerated anymore.

Corps 1-12-16 meeting for the Massive expansion to the Mobile Harbor.

At the Public Scoping Meeting, there was no information about the 1969 NEPA law or how the public could use the Law for public comments.

The National Environmental Policy Act of 1969 (NEPA) established a national policy to protect the environment by requiring Environmental Impact Statements for major federal actions having a significant effect on the environment. The massive expansion to the Mobile Harbor and channels is a major Federal action.

Corps needs to explain the following:

1. How in 2016, can the Corps produce a Supplemental Environmental Impact Statement SEIS for the Mobile Harbor project, when the original 1980 Environment Impacts Statement EIS did not follow the Federal Law?

How can you supplement a corrupted EIS document?

2. Why did the Corps fail to disclose at the Public Scoping meeting that the Corps left out all environmental impacts to Dauphin Island in the original 1980 EIS?

3. Why has the Corps failed to address the environmental impacts to Dauphin Island from the Corps' dredging of Mobile Harbor and Channel, a Federal Navigation project for the last 35 years in the EIS?
4. The Mobile District's Coastal Environment Section of Planning Division duties are to ensure the environmental compliance of all federally authorized projects.
5. Did any of the employees in the Coastal Environment Section, disclose to the Federal Judge during the 2009 lawsuit about the erosion on Dauphin Island that the Corps left out environmental impact to Dauphin Island in the 1980 EIS, and that the Mobile District has not complied with the environmental laws since that time? Did the employees in the Coastal Environment Section fully disclose to all other federal agencies that the Mobile District is not complying with federal laws?

The Corps expert witness testified:

- She is on the Coastal Environment Section of Planning Division which duties of that section are to ensure the environmental compliance of all of the federally authorized projects
- Has years of experience with the National Environmental Policy Act compliance
- The Mobile Harbor Project was one of the projects that she was responsible

Why wasn't the Judge informed that the Corps left out the environmental impacts of the Corps dredging causing erosion on Dauphin Island in the 1980 EIS? If the expert's duties were to ensure the environmental compliance of all federally authorized projects and the person had years of experience with the National Environmental Policy Act, didn't they have an affirmative duty to disclose these facts to the judge?

6. The Corps intentional deletion of any impacts to Dauphin Island in the 1980 EIS shows that the defects in the agency's analysis of Dauphin Island is so perverse that it invalidates all other Corps documentation about the Island's erosion.
 - The Corps concealment of the impacts is so obvious; it questions the Corps reliability to oversee any investigations concerning Dauphin Island.
 - Involves immense lying and corruption within the Mobile District for the passed 37 years.
 - There is a need for the Federal Government and all other agencies involved in the protection of the environment to take away all Corps responsibility over Dauphin Island and any other studies including taking over the Corps handling of the SEIS for the Mobile Harbor.

Since the Corps did not disclose the intentional deletion of the dredging impacts to the island in the 1980 EIS, how can we trust the Corps studies to protect Dauphin Island, 37 years later? How can the Corps, ever again, be trusted and that they won't try to cover up the erosion caused by their dredging of the Mobile Ship Channel in the New SEIS?

Lawsuit Testimony:

How can the Corps even consider deepening and widening the Bar Channel when Corps' expert, Susan Rees and Director Lyons' expert testimony stated that the Corps did not need to expand the Bar Channel for the new Post-Panamax containerships?

Both experts had their own agency documentation starting, at least, in 2008 that 55 feet to 60 feet was the projected depth needed for the Mobile Harbor for the opening of the Panama Canal in 2015. The Port Authority's 2008 documentation shows a timeline for the expansion of the Harbor for deep draft dredging that would start in in 2014 to 2019. Under the Federal Code the term "deep-draft harbor" means a harbor, which is authorized to be constructed **to a depth of more than 45 feet**

Before the Federal Judge, both experts testified the Mobile Harbor did not need to be increased to a depth up to 55 feet for the Post-Panamax ships.

The Federal Judge knew the Corps and the Port, as the expert's witnesses, would not lie under oath. The Federal Judge believed them when they testified that there were no plans to expand the channel to 55ft as shown on document present to the court. Also, the Judge knew that the experts would not failed to disclose their past knowledge of the channel being deepened or not failed to disclose their knowledge about any future plans about the deepening of the Bar Channel.

The Federal Judge delayed the settlement of the case and required extra briefs. The Federal Judge totally relied on the Corps' and the Port's expert witness testimony, in the Judges' final opinion, using the words "extreme unlikelihood".

"The court does recognize that plaintiffs have raised valid concerns regarding the settlement. It is true that the Channel at issue could be dredged to a greater size. The objectors, however, put too much weight in this concern. **Dr. Rees and James Lyons both emphasized the extreme unlikelihood of such a project ever being undertaken.**"

Both expert witnesses testified about a Corps 2008 document presented to the Judge about the 55 feet depth of the Bar Channel that would not be needed for the new Panama Canal, which was not opening until 2015-2016. The Corps' 2008 documentation states that the Ports would have to follow the depth of 60 feet for the Post-Panamax ships. Rees testified she was responsible for the Mobile Harbor Project and she stated that it was not the deepening of the channel that was needed, they just needed the turn basin.

DOJ- "Objectors have also suggested that expansion of the MOBC is necessary to permit larger ships traversing the Panama Canal to use the channel and enter the Port of Mobile. See id. at 107:21-109:2 (C. Graves). Dr. Rees testified, however, **that very large ships already call at the Port of Mobile**, and that the main restriction on those ships' usage is the location of the turning basin, **not the depth of the channel.** (MOBC Mobile Outer Bar Channel)

Based upon Dr. Rees testimony, there is no need for the Corps dredge the Bar channel deeper and the depth of the channel was not needed in the future for the Post-Panamax ships.

In addition, when the DOJ asked Rees if she could "comment on that testimony", "that very large ships were going to be using the channel and that that would require it to be deepened". Rees stated, "whether those ships would actually utilize Mobile or not are business decisions that, you know, private industry makes".

At the lawsuit settlement hearing on 9/15/09, a Corps 2008 document was presented that the Corps was going to deepen and widen the Mobile Harbor including the Bar Channel for the new Panama Canal for the Post-Panamax ships.

DOJ statement to judge: (MOBC Mobile Outer Bar Channel)

- "The testimony of Dr. Susan Rees, who, in her position with the Coastal Environment Section of the Planning Division of the Corps, had responsibility for the Mobile Harbor Project, and Mr. James Lyons, Chief Executive Officer for the Alabaman State Port Authority, establishes that class members' assertions related to future development of the MOBC are inaccurate. Not only is the expansion of the MOBC not imminent, it is not even on the distant horizon."
- "Mr. Lyons testified that there is no way economically that the State could assume these increased costs. Tr. at 160:19-161:12. Nor does the State sees any economic benefit associated with deepening the MOBC, because **the current depth accommodates the maximum ship size needed to be served.** Tr. at 163:6-164:21.
- **"Objectors have also suggested that expansion of the MOBC is necessary to permit larger ships traversing the Panama Canal to use the channel and enter the Port of Mobile. See id. at 107:21-**

109:2 (C. Graves). Dr. Rees testified, however, **that very large ships already call at the Port of Mobile**, and that the main restriction on those ships' usage is the location of the turning basin, **not the depth of the channel**. Tr. at 150:25-151:6.

Costs to increase the Bar Channel:

How is the Corps going to justify the cost to increase the Bar Channel, when Director Lyons testified enlarging just the Bar Channel would cost between \$400 million to \$2.7 Billion dollars, and that amount would bankrupt the Port Authority? If this amount is just for the expansion of the Bar Channel how much more will the Port Authority and the Corps have to pay for all other parts of the Harbor massive expansions?

Port Director Lyons:

- He was told the day of the hearing that an expansion of the Bar Channel to its authorized limits would cost "\$2.7 billion"
- That the amount for the bar channel was \$200 million and "could be well over double that" today.
- He equated the amount for the expansion of the bar channel "a million-and-a-half cubic yards per mile" and stated that the cost to "move two-and-half-million-cubic yards" "is \$75 million".
- the Port could not take on an extra \$100 million in debt to expand the bar channel and also the payment of the 50 percent of the dredging maintenance costs.
"It would bankrupt us. We couldn't do it. I mean, there's no way we could do it."
- "As far as deep draft, we do have a lot of petroleum here, but it's all north of the tunnel, so it'll never be any deeper than 40 feet. But I talked to a couple of my coal customers, I said: Is there anything benefit of bringing anything more than 45 feet, and the answer was no, and that was pretty much the end of it."
- "we ended up taking a position on that based on what we felt like was going to be the maximum ship size to ever come in here and none of those have ever indicated **a need for anything more than 45 feet.**"
- "Yeah, there might be a few ships, but I don't think there would be enough business to justify it. **I don't think I would even ask the Corps or try to even spend any money on trying to study it.**"

Corps 1-12-16 public meeting --the Corps' experts to give the public information:

Only the Corps could turn a \$48,000 dollar meeting, for experts answering questions, to a meeting that experts talk without actually saying anything.

When you try to address an issue with the experts, they either lied or they told you to go to the court reporter to make your comments. I personally feel the Mobile Districts Corps' lying has turned in an art form.

The prime objective of Corps' public meeting was control and the strategy of distraction, consisting of diverting the public attention from the important issues and the hidden alterations in the studies.

The Corps failed to reveal the laws governing the National Environmental Policy Act of 1969(NEPA) at the NEPA/scoping meeting.

The Corps did not inform the public what the NEPA process was and all laws governing the process that the Corps has to follow when doing an Environmental Impacts Statement (EIS).

The Corps failed to reveal the laws that governed the protection of Dauphin Island and the environment impacts from the Corps dredging of the Mobile Outer Bar Channel.

The Corps used biased one-sided documentation, in support of Port deepening and widening of the Bar Channel, instead of identifying all environmental issues and alternatives.

Out of the 13 posters of the Corps presented, only two posters related to the environment.

Of those two posters titled **Environmental Considerations**, the Corps only listed phrases without any background on what the Corps was planning on doing about the options.

For example, the Corps put **Potential Impacts to Dauphin Island** under **Other Consideration**. This makes no sense. The Corps has known since a 1978 Dauphin Island Study that there were real and existing environmental impacts to Dauphin Island from the Corps dredging of the Bar Channel, why wouldn't the Corps disclose that fact at the meeting?

Under the Disposal Options:

Potential Beneficial use opportunities for Shoreline protection/restoration .

- Why didn't the Mobile District disclose that they have not followed all federal laws governing the prevention or mitigation of erosion attributable to Federal Navigation works on adjacent shorelines of Dauphin Island?
- Why didn't the Mobile District disclose that they would not produce evidence under a FOIA request that shows proof that the SIBUA underwater berm transports sand to Dauphin Island?
- Why didn't the Corps acknowledge that it is putting the sand in SIBUA further south and west of Dauphin Island, which will do Dauphin Island no good at all?
- Why did the Mobile District acknowledge that the Corps left Dauphin Island out of the "Regional Sediment Management Plan" in 2000, even though Rees testified in Federal Court in 2009 that the Corps has a National policy for both beneficial use and Regional Sediment Management that stresses that we identify areas that we can keep the sediment into the system as much as possible. Rees was over the Mobile Harbor, the Corps environmental compliance section, and she was over the Regional Sediment Management Plan?

Mobile District has not followed Federal Laws for erosion damages attributable to Federal Navigation works since 1935:

33 U.S. Code § 2211 – Harbors (b) Operation and maintenance

(c) **Erosion or shoaling attributable to Federal navigation works**

Costs of constructing projects or measures **for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works** shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

33 U.S. Code § 2241 – Definitions

For purposes of this subchapter—

(1) **Deep-draft harbor**

The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than 45 feet

(2) Eligible operations and maintenance

(B), the term "eligible operations and maintenance" means all Federal operations, maintenance, repair, and rehabilitation, including

(iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities

Why didn't the Mobile District disclose at the NEPA/scoping meeting the following:

- That the Corps will not answer a FOIA request about the "incremental costs" for the Corps to put sand closer to the western side of Dauphin Island even though there have been Federal Laws since 1992 for the percentage split of the "incremental costs" for beneficial use of dredged material for environmental restoration?
- The 1996 law specially states **Mobile Harbor**, and alternatives disposal of the dredged material for environmental restoration, which the Corps could consider for the sand from Bar Channel for Dauphin Island.
- Either the Mobile District intentionally let Dauphin Island erode away by not following the Federal Laws or the Mobile District does not understand the Federal Laws governing the Mobile Harbor.
- Why won't the Mobile District follow the laws that govern erosion attributable to Federal Navigation works?

Is the past cover-up about Dauphin Island keeping the Mobile District from following any Federal Laws for environment impact to Dauphin Island now?

What is the Mobile District Concealing?

1992 Water Resources Development Act of 1992 (P.L. 102-580), as amended-Beneficial Uses of Dredged Material

Section 204..... Project costs consist of the incremental costs of the beneficial use as compared to the disposal plan that would have otherwise been used. A nonfederal sponsor is responsible for paying 25 percent of these costs, including LERRD.The total federal costs associated with a beneficial use of sediments project shall not exceed \$5 million. This cost limit refers to the incremental cost over the Base Plan. There is authorized to be appropriated not to exceed \$15 million annually to carry out this section. Such sums remain available until expended.

1996 Water Resources Development Act of 1996 (P.L. 104-303),

Sec. 207 which provides for the placement of dredged sediment via methods that are not the least-cost option when the Corps determines incremental costs are reasonable in relation to environmental benefits.
Sec. 302 Mobile Harbor, Alabama. "In disposing of dredged material from such project, the Secretary... may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration."

What is the Mobile District concealing by not disclosing all Federal laws and the Corps manuals and the Corps' compliance to those laws?

Why didn't the Mobile District disclose at the Public Scoping meeting, the actual environmental impacts to Dauphin Island caused by erosion attributable to a Federal navigation works and not following any of the laws stated below:

1935 Section 5 of Public Law 409, 74th Congress, approved August 30, 1935.

Section 5 of this law required that all reports dealing with improvements at a river mouth or inlet contain "information concerning the configuration of the shoreline and the probable effect thereon" that might result if the improvements under consideration were built. *Particular reference was to be given to erosion and accretion "for a distance of not less than ten miles on either side of the said entrance."* Because of its *concern with erosion problems....associated with the Corps of Engineers' harbor activities*, 33 U.S. Code § 546a - Information as to configuration of shoreline

1984 SHORE PROTECTION MANUAL VOLUME I, Coastal Engineering Research Center
 Waterways Experiment Station, Corps of Engineers

Man-induced erosion occurs when human endeavors impact on the natural system. Much of the man-induced erosion is caused by a lack, of understanding and can be successfully alleviated by good coastal zone management. However, in some cases coastal erosion can be due to construction projects that are of economic importance to man. **When the need for such projects is compelling, the coastal engineer must understand the effects that the work will have on the natural system and then strive to greatly reduce or eliminate these effects through designs which work in harmony with nature.**

2. Man - Induced Causes:

b. **Interruption of Material in Transport.** This factor is probably the most important cause of man-induced erosion. Improvement of inlets by both channel dredging and channel control and by harbor structures impounds littoral material ... Often, the material is permanently lost from the down coast beach regime either by the deposition of dredged material outside of the active littoral zone... **This can be mitigated by sand-bypassing systems.** Realignment of the shoreline by the use of such structures as groins also interrupts the transport of littoral material. These structures may not only reduce the rate of a longshore transport but also may reduce littoral material reaching down coast beaches by entrapment.

c. **Reduction of Sediment Supply to the Littoral Zone .** In some areas the transport of sediment to the coast by rivers form the major source of material to the littoral zone. Dams constructed on these rivers not only form sediment traps but also reduce peak flood flows, thereby reducing the sediment supply to the coast which results in coastal erosion.

5. Effect of Inlets on Barrier Beaches:

Inlets may have significant effects on adjacent shores by interrupting the longshore transport and trapping onshore-offshore moving sand.

1985 The Corps designated the Mobile Harbor to become a **Deep-Draft "Superport" in 1985**

1987 **Environmental Engineering for Deep-Draft Navigation** Projects Manual No. 1110-2-1202

Chapter 6 Mitigation Decision Analysis:

6-1. Policy...**Damage from Federal navigation work along the shorelines of the United States must be prevented or mitigated**

6-3. **Justification for Mitigation:**

a. ...**Endangered and threatened species and critical habitats** will be given special consideration, with specific requirements for these resources covered in the Endangered Species Act of 1973

b. **Impacts resulting from dredged material disposal** and hydraulic changes are largely on bay bottoms, shorelines, wetlands, vegetated shallows, and riparian zones.

1990 **Water Resources Development Act of 1990 §2316. Environmental protection mission**

(a) General rule The Secretary **shall include environmental protection as one of the primary missions of the Corps of Engineers** in planning, designing, constructing, operating, and maintaining **water resources projects.**

1995 Engineering and Design EM 1110-2-1810, USACE, 31 January 1995

COASTAL GEOLOGY

(4) **Interruption of sediment transport at engineered inlets.**

(a) At most sites, the designers of a project **must ensure that the structures do not block the littoral drift; otherwise, severe downdrift erosion can occur**

....Unfortunately, this concept suggests that **maintenance of a permanent channel deep enough for safe navigation is usually inconsistent with sediment transport around the entrance by natural processes.**

Sand bypassing using pumps or dredges can mitigate many of the negative effects of inlet jetties and navigation channels (EM 1110-2-1616) Knowles 1988)

1996 Shoreline Protection and Beach Erosion Control Study:

Final Report: **An Analysis of The U.S. Army Corps Of Engineers Shore Protection Program 1996**

<http://www.iwr.usace.army.mil/Portals/70/docs/iwrreports/96-PS-1.pdf>

In 1976, PL 94-587 **authorized the placement of sand from dredging of navigational projects on adjacent beaches if requested by the interested state government** and in the public interest, with the increased cost paid for by the non-Federal interests.

The Corps complies with all environmental laws and Executive Orders. The Corps carefully considers and seeks to balance the environmental and development needs of the Nation in full compliance with the National Environmental Policy Act of 1969 (NEPA) and other authorities provided by Congress and the Executive Branch. Alternative means of meeting competing demands generated by human water resources needs are identified and their environmental values examined fully, along with the economic, engineering and social factors.

1996 Water Resources Development Act- Corps planning document:

<http://planning.usace.army.mil/toolbox/library/PL/WRDA1996.pdf>

Sec. 204. Restoration Of Environmental Quality.

“(C) Restoration Of Environmental Quality .—If the Secretary determines that **construction of a water resources project** by the Secretary or operation of a water resources project constructed by the Secretary has **contributed to the degradation of the quality of the environment**, the Secretary may undertake measures for **restoration of environmental quality** and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.
33 USC 2215

1998 Transmittal of the National Dredging Team Guidance

Close coordination and planning at all governmental levels, and with all aspects of the private sector, are **essential to developing and maintaining the Nation's ports and harbors** in a manner that will increase economic growth and **protect, conserve, and restore coastal resources.**

Dredged material is a resource, and environmentally sound **beneficial use of dredged material** for such projects as wetland creation, **beach nourishment**, and development projects must be encouraged

1998 "USACOE Coastal Engineering Research Committee Meeting on Dauphin Island, recommended the creation of a Regional Sediment Management plan to replace the ad hoc individual site approaches." (Town of Dauphin Island Erosion Task Force Report)

1999 Regional Sediment Management Plan (RSMP) adopted by Mobile Office covering the Coast from St Marks to Miss off shore Islands.

2 miles east of Fort Morgan Pt. to the west end of Dauphin Island

"The demonstration initiatives identified within the Sub-Regions are:

1. **Mobile Bay/Dauphin Island**

1999 The Corps left Dauphin Island out of the Regional Settlement Management:

2000 The State of Alabama gave \$100 million dollars to the Port Authority for the massive expansion of the Mobile Harbor and Channels, without any requirement to protect the adjacent beaches of Dauphin Island.

The \$100 million dollars came from the Gas/oil money from the gas/oil rigs all around Dauphin Island and **pipelines going under Dauphin Island.**

Dauphin Island is literally **being eroding away using the gas/oil money** from pipelines going under the island. The Port Authority has not spent one penny of that money to protect Dauphin Island.

2010 ENVIRONMENTAL COMPLIANCE POLICIES ER 200-2-3 29 Oct 10

Environmental Compliance for Civil Works Operations

d. Environmental compliance requirements are an inherent part of the mission of each business line in Civil Works Operations. **The scope and magnitude of environmental compliance requirements of each mission is a function of the potential environmental impacts of the mission**, and the associated controls defined by applicable laws, regulations, Executive Orders and USACE policies. Therefore, each business line is responsible, in coordination with their supporting Environmental Compliance Coordinator (ECC), to plan, program, budget, and **execute their mission, including its environmental compliance requirements**, in a manner that is fully compliant. Each business line **must control the direct environmental impacts of its mission**,

2010 Corps of Engineers Civil Works Direct Program Development Guidance Fiscal Year 2012

d. Renourishment to restore sand lost to shorelines from Federal navigation operation and maintenance (navigation mitigation): This activity would be carried out pursuant to specific authorizations for shore protection projects that involve navigation mitigation, and pursuant to the Section 111 Continuing Authority Program. Funding for navigation mitigation will be derived from the Harbor Maintenance Trust Fund.

2011 Assessing the Impact of Federal Navigation Projects on Adjacent Beaches

INTRODUCTION:

Section 111 of the 1968 Rivers and Harbors Act, Public Law 90-483, as amended, gives the Federal government the authority to study, plan, and **prevent or mitigate damages to shores caused by navigation projects:**

The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures **for the prevention or mitigation of shore damages attributable to Federal navigation works ..**Since the 1970s, there have been numerous Section 111 **studies that have estimated the erosion caused by navigation channels, jetties, and dredging and placement activities over the lifetime of an individual navigation project.** The goal of a Section 111 study is to evaluate data and conduct analyses such that a determination can be made **for the percentage of damages caused by the Federal navigation project.**

The Corps Mobile District needs to disclose the following information before continuing with the New SEIS:

- The Corps needs to identify all past and future adverse environmental impacts to Dauphin Island that are of sufficient magnitude that the proposed action must not precede as proposed.
- The potential violation of or inconsistency with a national environmental standard that is substantive and/or will occur on a long-term basis to Dauphin Island.
- The severity, duration, or geographical scope of the past deletions of impacts to Dauphin Island associated with the proposed action warrant special attention.
- The environmental impacts resulting from the proposed action are of National importance because of the threat to national environmental resources or to environmental policies.
- The original 1980 EIS does not contain any information of past impacts to Dauphin Island to fully assess future environmental impacts, which should be avoided in order to fully protect the environment.
- Any additional information, data, analyses, or discussion should be fully disclosed about impacts to the Island and they should be documented and included in the final EIS.
- The Corps refusal to identify all past significant environmental impacts to Dauphin Island in the 1980 EIS, therefore all environmental impacts to Dauphin Island should be analyzed in detail to reduce the significant future environmental impacts to the island.

- The Corps needs to identify all information, data, analyses, or discussions about the impacts to Dauphin Island since the 1970's and they should have full public review of those impacts before being included in the SEIS for the Mobile Harbor expansion.
- The Corps needs to identify all past and future impacts to Dauphin Island including ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.
- The Corps must now show evidence that all Corps statements about SIBUA underwater berm beneficial effects of adding sand directly to the beaches including the western side of Dauphin Island.

The Corps should disclose all past mitigation for the erosion of the adjacent beaches of Dauphin Island caused by their dredging of the Outer Bar Channel including:

- Any action or parts of an action taken by the Corps to avoid the impact to Dauphin Island.
- Any action or parts of an action taken by the Corps to minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Any action or parts of an action taken by the Corps to rectify the impact by repairing, rehabilitating, or restoring the affected environment to Dauphin Island.
- Any action or parts of an action taken by the Corps to reducing or eliminating the impact to Dauphin Island over time by preservation and maintenance operations during the life of the action.
- Any action or parts of an action taken by the Corps to compensate Dauphin Island for the impact by replacing or providing substitute resources or environments.
- The degree to which the impacts to Dauphin Island have on the human environment.
- The degree to which the Corps past actions establish a precedent for no actions to protect Dauphin Island from any significant effects caused by the Corps dredging of the Mobile Bar Channel.
- The degree to which the Corps past actions of Dredging of the Bar Channel, adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- Whether the Corps' past actions has violated Federal, State, or local law or requirements imposed for the protection of the environment and protection of erosion to the adjacent beach from a federal project.

By its past actions, the Mobile District shows it has a well-established pattern of suppression and distortion of facts and laws about the environmental impacts to Dauphin Island by high-ranking Corps employees. Their actions have devastating consequences on Dauphin Island for human health, public safety, and community well-being.

- There is strong documentation of efforts to manipulate the scientific findings to prevent any study that might run counter to the Corps agenda.
- There is evidence that the Corps often imposes restrictions on what scientists and the employees can say or write about the dredging impacts on Dauphin Island.

- There is significant evidence that the scope and level of the manipulation, the suppression of evidence, and misrepresentation of the impacts to Dauphin are unprecedented.

This is not just a few incidences but a widespread practice of abuse, ranging from deleting material in reports to undermining the quality and integrity of studies about the environmental impacts to Dauphin Island.

All Corps' employees for the last 37 years that have participate in the cover-up of the deletion of environment impacts to Dauphin Island in the original 1980 EIS and thereafter, should be fired.

All employees that have not complied with the Federal Environmental Laws to protect Dauphin Island should be fired.

All employees that have been involved with producing false studies and making false statements about Dauphin Island should be fired.

All employees that ordered the employees under them to produce studies or reports with false or misleading information in them should be fired.

The Corps Mobile District abuse of power by a Federal agency to destroy Alabama's only barrier island show their complete lack of morals, principles, ethics, and honesty.

I will be sending copies of this letter all other government agencies, so that they can be inform of the Corps Mobile Districts practices.



Comment # 158



The Mobile Bay Audubon Society

Chester McConnell

Vice-President and Conservation Chairman

8803 Pine Run

Spanish Fort, AL 36527

Tel. no. 251-626-7804

wmicmc@bellsouth.net

February 8, 2016

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Dear Ms. Jacobson:

Mobile Bay Audubon Society is writing to express our views concerning the U.S. Army Corps of Engineers plans to deepen and widen the Mobile Harbor Ship Channel. Our views are in response to the Corps' January 12 Public Scoping Meeting. This letter identifies some of the issues that should be address in its General Reevaluation Study and Environmental Impact Statement (EIS) to deepen and widen the Mobile Harbor Ship Channel.

We urge the Corps to assure that the views of all interests are objectively considered.

How does the Corps plan to dispose of dredged material in Mobile Bay? Will the material be spread out in a thin layer near the channel and/or be used to create an island(s)? We contend that the Corps should prepare a Dredged Material Disposal Master Plan for Mobile Bay and make it part of the Study and EIS

We urge the Corps to include Dauphin Island in its "Regional Sediment Management Strategy (RMS)" for Mobile Bay. Audubon believes Dauphin Island's erosion is affected by maintenance of the Outer Bar Channel and major attention should be devoted to evaluate and apply the facts to make beneficial use of dredged sands to counter erosion.

We urge strict compliance with Section 5 of the River and Harbor Act of 1935 that requires every Corps report involving an "improvement" to an inlet (i.e., Mobile Harbor Outer Bar Channel through Mobile Pass) to evaluate shoreline erosion for a distance of not less than ten miles on either side of the inlet channel. The Corps' 1980 report and EIS failed to comply with that law. Please comply with all applicable laws and regulations.

Mobile Bay Audubon believes that a comprehensive EIS on this matter should address the cumulative historical sand losses to Dauphin Island dating back to at least 1958 that correspond with increasing deepening of the Outer Bar Channel according to U.S.

Geological Survey's 2007 report. The historical, baseline and projected future conditions are necessary to describe the EIS No Action Alternative against which the deepening and widening alternatives will be compared. The loss of millions of cubic feet of littoral drift sands due to its maintenance practices and the erosion of Dauphin Island that occurred over time cannot be ignored in any responsible study.

Numerous scientific studies describe examples where navigation channels dredged through coastal inlets have interrupted the littoral drift of nearshore sands along the beach, causing beaches down drift of the inlets to erode. The General Evaluation Study and EIS must devote considerable attention to this issue and provide convincing information to support any conclusion the Corps develops.

We urge the Corps to establish a Citizen Review Committee that will meet every three months with the Corps to evaluate how public concerns are being addressed in the General Reevaluation Study and EIS.

Thank you for considering our views.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Comment # 159

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

RE: Public Notice: FP15-MH01-10

Dear Ms. Jacobson:

I am writing this letter regarding the General Reevaluation Study and Environmental Impact Statement (EIS) to deepen and widen the Mobile Harbor Ship Channel and provide comments that I hope you will consider when you assess the environmental impact of the Mobile Channel widening project.

We all know and support the need to maintain and develop the mobile channel that provides an economic lifeline to the Lower Alabama Region but we MUST also do this while respecting and protecting the vulnerable barrier island, Dauphin Island.

Everyone was supportive and understood the primary importance of Dauphin Island as the front line of protection for Mobile recently highlighted in the fight against the ingress of oil into the mobile channel area in the BP horizon disaster, but now that disaster has passed, so too has the support to protect this vital barrier island

Dauphin Island is Alabama's only barrier island and unlike its neighboring states' barrier island has never received a comprehensive plan for re-nourishment.

It is severely depressing that a country like China is actively building islands whereas the US Corp of Engineers and therefore the US government is actively involved in the demise of Alabama's only barrier island

Don't allow the destruction of this beautiful, geologically important and historic barrier island be a reality for future generations. This is a mistake of historic proportions that cannot be rectified once gone.

The scientific evidence and the ever receding Dauphin Island coastline shows this island is being destroyed with every dredge of sand that is not place back in the acknowledged sand littoral drift cycle.

I passionately implore you to support and enforce all necessary means to get any and all sand dredged from the Mobile Channel to be deposited adjacent to the barrier island from where the sand is currently stolen from.

Everyone is judged on the decisions we make, please don't make the demise of an amazing historic and geographically important Dauphin Island be your legacy.

Eventually with the current dredging practice being implemented by the US Corp of Engineers the island will be GONE, the sea life and the industries that rely on this sea life will be GONE, any protection provided by the Island to the mainland will be GONE.

Surely we all must look at the consequences of dredging without using that dredge sand for re-nourishment not just accept the wishes of the Alabama State Port Authority. We can have both the economic prosperity that widening the Mobile Channel brings and survival of Alabama's only barrier island but this mean ensuring the correct placement of that dredged sand.

Yours sincerely,



Comment # 160

Feb. 8, 2016

Ms Jennifer Jacobson
US Corp of Engineers
Mobile Planning Division
PO Box 2288
Mobile, Al 36628-0001

Re: Proposed widening of Mobile ship channel

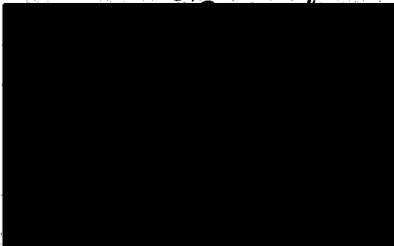
Dear sirs:

As a resident of Dauphin Island with a home on the Gulf, I am writing about my concerns about beach erosion and appeal to the Corps of Engineers for a solution to the problem.

The cost of placing the dredged sand in locations to restore our coastline, I believe, would be less than that of what has, and will be spent, on pumping sand back after storms and the continued losses to erosion.

I recall a very learned scientist state that had Mobile Bay been dredged for the past 100,000 years, as is it is currently done, there would be no Dauphin Island.

Yours truly,

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Comment # 161

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team

Ms. Jacobson,

I am writing in concern of the proposed dredging project in the Mobile Bay and its imminent impacts on the barrier island, Dauphin Island.

As the past has shown, the balance of sand in the barrier islands is extremely delicate and the slightest rearrangements by man or nature can shift the balance with devastating effect. This is especially true for Dauphin Island—being located at the mouth of the Mobile Bay where there is comparatively much more water moving through a tight bottleneck between the Gulf and the bay. Dauphin Island is a very long and skinny island, which increases both the speed and severity of erosion. The dredging of the shipping channel to the east of the island would cause uniform erosion from the north and south sides of the island, pulling sand down the stretch of the island and off into the channel. With minimal foundation beneath the sand already, any further loss of sand would be economically and environmentally devastating.

I have grown up on Dauphin Island and watched the sand move for nearly 30 years. What we are seeing now, even without a dredging project going on, is the worst erosion I have ever witnessed. After hurricanes Ivan and Katrina, there was a mass of wreckage that became buried beneath nearly five feet of new sand from offshore. At first it was actually very pretty. Brand new white sand from offshore had blanketed the island, and once the surface wreckage was cleaned up, we had several years of big white beaches to enjoy. But as the years wore on, the top sand eroded and began to show the trash underneath. Each year now as I watch the island, there is much less sand and much more trash. We are losing top sand by the foot each year and the amount of wreckage buried underneath is more than anyone could possibly attempt to clean up. This year, it became nearly impossible to walk on the west end, due to debris and the lack of sand. A massive dredging project would increase these issues dramatically and leave the island an emaciated sandbar full of trash.

As an employee of the Corp of Engineers, I know I do not need to explain to you the necessity for healthy barrier islands. I am writing you to explain that Dauphin Island is already very unhealthy, and this dredging project would have destructive effects on the already fragile sandbar.

I hope the Corp of Engineers will open their eyes and realize that Dauphin Island is not an expendable sand mine to be exploited for economic gain.

Impresso



Comment # 162

9 Feb 2016



Subject: Proposed Widening and Deeping of the Mobile Ship Channel

Dear Ms Jacobson:

As a retired Corps of Engineers Project Manager and Dauphin Island property owner I am concerned with the erosion of the Island's beaches that has resulted from off shore disposal of dredged sands from the Mobile ship channel. It seems that the proposed widening and deepening of the channel will only accelerate the problem if that sand is not disposed of in a way to re nourish the Dauphin Island shore line.

I am concerned that the interests of the Alabama Port Authority are given priority over other groups in this study and Dauphin Island is being excluded from sediment management studies.

Please assure that all that the proposed ship channel project and dredging will be done in such a way to restore damage that has occurred in the past and that re nourishment will continue.

Sincerely,



February 5, 2016

Comment # 163

Ms. Jennifer Jacobson
US Army Corps of Engineers
Mobile District, Planning & Environmental Division
Coastal Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

Ms. Jacobson,

I am writing to request your assistance. My ask is that when decisions are made regarding the impact study pertaining to the widening and deepening of the Mobile navigation channel that consideration be given to the long term future of all parties concerned. Due to the importance of this endeavor there should be a Master Plan for Mobile Bay incorporated into the Study and also include an Engineering Impact Statement (EIS). Please also consider establishing a Citizen Advisory Committee that will meet several times per year with the Corps to assess how public concerns are being addressed in the General Reevaluation Study and EIS.

The Master Plan should include input and involvement of the public during the entire process and be incorporated into the General Reevaluation Study and EIS. As you can tell, I am deeply concerned that Dauphin Island is going to be excluded from the decisions that will be made regarding this issue.

I did some research and documented references to Dauphin Island can be found way back in the late 1400's and early 1500's. This tells me that Dauphin Island has been naturally sustained for a long time. I have heard stories of how far the sand on the Gulf side of Dauphin Island used to extend in the 1950's. The study I am requesting is needed to confirm the historical and baseline island conditions. From there future conditions can be projected and the best decisions can be made for everyone involved.

When conducting the study please consider other studies and supporting information that is available. For example, the 1978 draft report and the position by Corps of Engineers on Dauphin Island's beach erosion that concluded that maintenance of the Outer Bar Channel contributed to at least 40% of Dauphin Island's erosion problem. There are numerous other examples of where navigation channels dredged through coastal inlets have affected the accumulation of sands along beaches, which resulted in inlets erosion. Please also consider the River and Harbor Act which requires that an improvement to an inlet include an evaluation of shoreline erosion. The improvement being proposed to the Mobile Harbor Outer Bar Channel through Mobile Pass appears to fall under this description.

It's amazing to me to see over the years the changes to Sand Island, the movement and ultimately its disappearance. I attribute this to the effect of the dumped dredged sands in the Sand Island Beneficial Use Area (SIBUA) south of the lighthouse. I understand

that the idea was that these sands would be moved by currents to Dauphin Island to counter erosion. However, that did not occur and it appears that most of the sands do not move and instead just accumulate there. The General Reevaluation Study and EIS should thoroughly evaluate the dumping practice in the SIBUA. I was told that the Mobile District adopted a shallow water, less than 15 feet, sand placement method to build back Petit Bois Island's eroded Gulf shoreline west of Dauphin Island. It would seem to make sense that the same policy be adopted for Dauphin Island.

Thank you for reading my letter.

Sincerely



Comment # 164

Dauphin Island



PROPERTY OWNERS ASSOCIATION

P.O. Box 39
Dauphin Island, AL 36528

251-861-2433
office@dipoa.org

March 31, 2014

Commander Col. Jon Chytka
U.S. Army Corps of Engineers, Mobile District
109 Saint Joseph St.
Mobile, AL 36602-3630

Dear Col. Chytka,

My name is Laura Martin and I am the President of the Board of Directors for the Dauphin Island Property Owners Association (DIPOA). Our Board represents the owners of the approximately 3,000 separate property parcels on the island.

I am writing you to convey the very serious concerns of our organization over the manner in which the Mobile District of the Corps is complying with the National Environmental Policy Act (NEPA) in the preparation of the Limited Re-evaluation Report (LRR) for widening of the Mobile Harbor Ship Channel. Our concerns are associated with the longstanding view held by many interests that maintenance of the Mobile Harbor bar channel is contributing to the significant shoreline erosion problems that have plagued Dauphin Island for the last several decades. To help you understand why we are concerned about the channel widening proposal, you should be aware that our organization filed a lawsuit against the United States and the State of Alabama in 2000 over the Dauphin Island erosion issue. This suit was eventually certified as a Class Action and was settled in 2009.

To explain the specifics of our present concern, on November 25, 2013, Mr. Jimmy Lyons, the Director and Chief Executive Officer of the Alabama State Port Authority (ASPA), arranged a meeting with representatives from various area groups, the Town of Dauphin Island, and the DIPOA Board to inform the attendees of the ASPA's proposal to construct a passing lane in the lower portion of the ship channel where it crosses the Mobile Pass bar. The proposed channel widening would be undertaken as partial implementation of the Mobile Harbor channel improvements work authorized by the Water Resources Development Act (WRDA) of 1986. Dr. Susan Rees, David Newell, and Wynne Fuller of your staff participated in that meeting. At that meeting, we were informed of the Mobile District's plans to prepare an Environmental Assessment (EA) for the LRR to evaluate the impacts of widening the channel.

Subsequent to the November 25, 2013 meeting, we obtained a copy of your South Atlantic Division's (SAD) December 14, 2012 approval of the Review Plan for the "Mobile Harbor Widening, Alabama LRR". Our careful review of the Review Plan revealed a number of Corps conclusions used to justify the "EA approach" to comply with NEPA that are not correct and which erroneously depict the facts as we know them to be, as well as being in direct contradiction to prior Court testimony made by Dr. Rees. Also of major concern to us

is that, based on the date of the SAD letter, the Corps apparently began work on the LRR well over a year before the November 25, 2013 meeting was held, with many of the conclusions contained in the Review Plan being developed before any contact was made with the DIPOA and without any effort being made to either seek the views of our organization on the channel widening proposal or the public in general. That situation is of great concern to the DIPOA and should be to all entities interested in the physical well-being of Dauphin Island. The remainder of this letter elaborates on the specific nature of our concerns and the remedies that we believe are both appropriate and necessary.

The original Environmental Impact Statement (EIS) upon which the WRDA of 1986 authorization for widening and deepening Mobile Harbor was based was prepared in 1978. Over 35 years have passed since that original EIS was prepared. During that period a number of major changes/issues involving the area within the vicinity of the mouth of Mobile Bay were either unknown at the time the 1978 EIS was prepared or have changed significantly since its preparation. For example:

- Erosion of Dauphin Island has greatly intensified, while Sand Island has almost ceased to exist.
- The foundation of the 141-year old Sand Island Lighthouse immediately adjacent to the ship channel is in great danger of being undermined. That structure is listed on the National Register of Historic Places which is one of the criteria for determining “significant” environmental impacts according to the Council on Environmental Quality’s (CEQ) regulations for complying with NEPA.
- The Corps’ 2009 Mississippi Coastal Improvements Study acknowledged that maintenance of the ship channels passing between the barrier islands forming Mississippi Sound contribute to the erosion of those islands. That conclusion is similar to the one contained in the Corps’ 1978 “Mobile County (Including Dauphin Island) Feasibility Report for Beach Erosion Control and Hurricane Protection” which clearly stated the Mobile Harbor ship channel contributes to the erosion of Dauphin Island.
- Various studies performed by the US Geological Survey following hurricanes over the last couple of decades have periodically pointed out that the Mobile Harbor ship channel is contributing to the erosion of Dauphin Island.
- A considerable body of literature has developed over the last few decades, both within the United States and around the world, documenting that navigation channels crossing inlet passes can and do act as the cause of erosion to downdrift shorelines by interrupting the natural sand littoral drift transport system. This is exactly what is happening to Dauphin Island.
- In the late 1990s, the Corps used dredged material to construct an underwater berm as a Demonstration Project to encourage that material to remain within the littoral drift system to benefit Dauphin Island’s shoreline. Various Corps sources touted that effort to be a success. However, the Corps ceased placing dredged material at the underwater berm site for some unknown reason. More recently, the Corps began placing dredged material in the Sand Island Beneficial Use Area located south of the lighthouse. Since much of that sand placed at this location appears to be accumulating within the limits of the originally designated disposal site instead of being incorporated into the littoral drift system and moved by natural processes to the west, the Corps has already expanded the

disposal site southward once to develop additional disposal capacity. Despite those efforts, Sand Island and Dauphin Island have continued to erode. We are unaware of any formal study or data which indicate either of the two disposal approaches have materially returned sand to the littoral drift system upon which Sand Island, Dauphin Island, and the downdrift Mississippi barrier islands depend for their long-term existence.

- A study performed in connection with the above mentioned Class Action lawsuit stated that there was no conclusive evidence that maintenance of the Mobile Harbor ship channel was responsible for causing Dauphin Island's erosion problems. It should be pointed out that one of the report's three authors, a highly respected coastal engineer, did not completely agree with the findings contained in that report.
- The fact that the above mentioned lawsuit was conducted between 2000 and 2009 clearly demonstrates that "controversy" exists over the influence of maintenance of the ship channel on the erosion of Dauphin Island. According to the CEQ's NEPA regulations, "controversy" is one of the factors that indicate the potential impacts of a proposed action could be significant, thus indicating preparation of an EIS is warranted to analyze the impacts.

After considering the above information, on behalf of the DIPOA and our 3,000+ property owners, this is to convey our position that an EA is not the appropriate NEPA document to adequately analyze the potential effects of the proposed Mobile Harbor channel widening proposal. Instead, it is our firm belief that a Supplement to the original 1978 EIS should be prepared to adequately comply with the CEQ's NEPA guidance based on the "significance" of the potential issues, resources, and impacts involved.

Our position is also supported by the testimony given by Dr. Rees at the September 15, 2009 Fairness Hearing which was held in connection with the DIPOA lawsuit. The most cogent portion of Dr. Rees' testimony stating the need for a Supplement to the 1978 EIS is provided in the following ver-batim excerpts from the Court transcript:

Excerpt Testimony of Dr. Susan Ivester Rees: September 15, 2009 Fairness Hearing, Mobile, Alabama; Questioned by Wells D. Burgess, US Department of Justice

Question: Thank you, Dr. Rees. I'm going to ask you now to basically – there's been some suggestion here that the Corps already has the funds to do this and it can just go out and basically start digging. And I need you to take the Court and also the class members here through the process that you believe needs to happen or that you know needs to happen based on your knowledge of the regulations and your experience and your current position before this additional dredging could occur.

Answer: Engineering regulation 1105-2-100, Chapter 4, dictates that for post-authorization projects – and in this case if we were to try to deepen Mobile Harbor that would be considered post-authorization – that we have to do a re-evaluation report utilizing current planning criteria and current policy and regulations.

There are two types of reports that you can do. And basically the period of time that has elapsed since the original report was done and a consideration of whether conditions have changed since that original report was done, those two factors drive the level of reporting that is required. For the case

of Mobile Harbor, we would have to do what is called a general re-evaluation report. That basically brings all of the economics up to current condition. It looks at whether the project is still justified or not.

If you take Mobile Harbor specifically, it was originally authorized based on the coal trade and the use of the McDuffie Coal Terminal. Today, the through-port and the port is vastly different from what it was in the late '80s, so there's different economics obviously, the cost of dredging and the placement of dredge material has changed significantly and the environment has changed. And so we would have to take into consideration all of those aspects in preparing that general re-evaluation report.

And as far as the environmental compliance goes, because of the age of the original EIS we would have to do a supplement to that EIS. [Emphasis added].

Question: And I had asked you before, did I not, obviously you have years of experience with the National Environmental Policy Act compliance, is that correct?

Answer: Yes, I do

Question: You mentioned that an environmental impact statement would be issued if there was any expansion over the current – currently maintained dredging depths and width. Would that environmental impact statement examine the impact on Dauphin Island of any expansion?

Answer: *It would definitely examine the impacts to the coastal processes of the entire region, not just Dauphin Island. [Emphasis added]*

Question: But including Dauphin Island?

Answer: Definitely.

As you can clearly see, our present position on the appropriateness of a Supplement to the 1978 EIS being prepared to address the channel widening proposal is completely consistent with the testimony given by Dr. Rees less than five years ago. As the Corps expert witness who testified at the Fairness Hearing, her testimony was given great weight by the Court in reaching its decision to accept the settlement of the lawsuit. We are aware of no information being provided by the Corps in the intervening period that would negate the important position she testified to in Court based upon her professional and technical experience and expertise. To be completely candid, we are both confused and concerned over the Corps' reversal of position in less than five years on this very important matter in the absence of unqualified supporting data and coordination with the public.

Furthermore, I would like to bring your attention to an inaccurate statement on page 14 of the LRR Review Plan. In response to the evaluation factor contained in Item (5) entitled "Significant public dispute as to size, nature or effects of the project", the following response is provided: "There is no significant public dispute as to the size, nature or effects of the channel widening". We do not understand how the Corps could make such a statement given the historic controversy that has existed over the potential contribution of the ship channel to the erosion of Dauphin Island. Until the ASPA and the Corps met with us on November 25, 2013 we had no knowledge at all of the proposal to widen the channel and we continue to remain unaware of any public involvement efforts conducted by the Corps by which the public's views on the widening proposal

have been sought and provided. As such, the present statement is an outright misrepresentation of the facts as we know them to be and no information is provided to support the Corps position. I think you would agree that it is not possible for the public to challenge or dispute a project proposal if the public is not made aware of the proposal or given a legitimate and honest opportunity to convey its views on the proposal. Since the LRR Review Plan was dated December 14, 2012, we now have to question exactly how far along the Corps is in preparing the LRR and exactly what was the purpose for the ASPA to request the November 25, 2013 meeting with us.

We would also like to address another important concern we have with the LRR Review Plan. We take issue with the narratives provided for a number of the "Factors Affecting the Scope and Level of Review" contained on pages 8 and 9. For example, we object to the following statements:

- (1) "There are no socially challenging aspects to the project." This demonstrates a complete insensitivity to the potential for Dauphin Island property owners to lose land and for the Dauphin Island community to be harmed by continued shoreline erosion.
- (2) "There is no controversy with the project." This proposal ignores completely the past history of controversy associated with the Mobile Harbor project and Dauphin Island's erosion problem that continues today which is best illustrated in the 2000 to 2009 lawsuit.
- (3) "Project risks". The Review Plan fails to acknowledge that risk and uncertainty exists for a widened bar channel to accelerate erosion of the downdrift Dauphin Island shoreline.
- (4) "There would be no significant impacts". This statement is presented as a foregone conclusion and is made without providing corroborating facts or study results. In fact, the contribution of the ship channel maintenance practices to Dauphin Island's erosion problems and the role of the channel project, particularly a widened or deepened channel, in the erosion issue has never been resolved.

To summarize, it is the position of the DIPOA that a Supplement to the 1978 EIS is the appropriate NEPA document that should be prepared in order to adequately analyze the effects of the Mobile Harbor channel widening proposal on the human environment. It is also our position that the Corps should immediately initiate a full and open scoping process as required by the CEQ and Corps regulations to provide the agencies, organizations, and general public the opportunity to express their views on the project proposal and to identify the issues of concern to them so as to appropriately influence the eventual content of the Supplement to the EIS. In our view, if the Corps fails to undertake these actions and maintain its present "EA approach" this will result in the preparation of an inadequate NEPA document that fails to comply with the CEQ and Corps regulations and which could result in potential future challenges. In this connection, I believe it is important that you be aware that although the DIPOA settled the prior suit the problems persist, and the settlement does not preclude any further action arising from the failure of the Corps to comply with NEPA over clearly established procedural issues and/or the failure to include adequate mitigation measures to offset significant adverse impacts associated with a project proposal.

I want you to know that it is not our wish to hinder efforts to improve the Mobile Harbor project so that it continues to maintain its regional competitive edge. After all, many of Dauphin Island's property owners are also residents within the Mobile metropolitan area and understand the importance of the harbor to our local economy. But at the same time, the DIPOA also must represent the interests of our membership, many of which have been and continue to be adversely affected by shoreline erosion. Sufficient information exists to indicate maintenance of the existing Mobile Harbor project is contributing to Dauphin Island's significant

erosion problems. We are aware of no analyses that have been performed to predict what effect widening of the channel would have on erosion of Dauphin Island. To date, no entity on either the State or Federal level has been willing to pursue meaningful solutions to address the island's erosion problem. Now we are faced with a new proposal to widen the ship channel with no evidence being provided that an adequate analysis of the potential effects of that proposal on the significant erosion issue will be performed. We simply cannot accept that situation.

We call on the Corps and the ASPA to begin working with the DIPOA and other interests to assure the Mobile Harbor project can reach its full economic potential as a complete asset for the region without Dauphin Island having to continue to bear the adverse consequences resulting from further harbor improvements. We understand the present widening proposal has an estimated 4 to 1 benefit to cost ratio. Surely, the possibility exists to direct a portion of the excess benefits to include as an official project component appropriate mitigation measures to satisfactorily ameliorate the island's significant erosion problem. The DIPOA is prepared and willing to work with the Corps and the ASPA to that end.

Given the serious nature of this issue and our concerns, we are sending copies of this letter to the ASPA, the Corps SAD office, the Corps Chief of Engineers in Washington, DC, our Congressional delegation, and our local State legislators.

The Board of Directors look forward to receiving a meaningful response from you. Should you wish to arrange an interim meeting with us, please contact me at 251-861-1367 or LM@dauphinisland.us.com and I will coordinate with the entire Board of Directors for any future arrangements.

Sincerely,



Laura Martin
President, Dauphin Island Property Owners Association

Cc: Brigadier General Donald E Jackson, U.S. Army Corps of Engineers, Atlanta, Georgia
Lieutenant General Thomas P. Bostick, U.S. Army Corps of Engineers, Washington, DC
Mr. Jimmy Lyons, Chief Executive Officer of Alabama Port Authority
Senator Richard Shelby
Senator Jeff Sessions
Congressman Bradley Byrne
State Representative David Sessions
State Senator Bill Hightower;
Sandy Stimpson, Mayor, City of Mobile
Jeff Collier, Mayor, Town of Dauphin Island
Brett Dungan, Mayor, City of Bayou La Batre
Heinz Mueller, Chief, NEPA Program Office
Mr. William Cox, Chief, Wetlands, Coastal, and Ocean Branch, EPA
Jerry Carl, Commissioner, Mobile County Commission