

U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
RECORD OF DECISION AND ANALYSIS UNDER SECTION 404(b)(1) GUIDELINES

Mississippi State Port Authority Permit Application

Applicant: Mississippi Port Authority

Date: November 21, 2017

Permit Application/Action ID: SAM-2009-01768-DMY

Waterway: Mississippi Sound/Gulfport Turning Basin within Mississippi Sound

SUMMARY

This document constitutes the U.S. Army Corps of Engineers (USACE), Mobile District, Record of Decision (ROD) and analysis under the Section 404(b)(1) Guidelines for the application by **Mississippi State Port Authority (MSPA or Applicant)**, for a Department of Army (DA) permit for expansion of the Port of Gulfport (Port) via modifications to the West Pier, East Pier, North Harbor, and Turning Basin, and construction of a breakwater on the eastern side of the Gulfport Harbor Federal Navigation Channel (FNC). This proposed action is referred to as the Port of Gulfport Expansion Project (PGEP or Project). The USACE was identified as the Lead Federal Agency responsible for the proposal and prepared an Environmental Impact Statement (EIS) to assess the environmental impacts associated with the proposed Project. Activities subject to USACE jurisdiction include filling estuarine mud and sand bottom areas in Mississippi Sound, dredging in navigable waters to expand the Gulfport Turning Basin (located outside the federally authorized project), and placement of dredged material to fill “waters of the U.S.” The Mississippi Development Authority (MDA), the National Marine Fisheries Service (NMFS), and the U.S. Environmental Protection Agency (EPA) were formal cooperating agencies with the USACE in the preparation of the EIS.

In compliance with the National Environmental Policy Act (NEPA), as amended (42 U.S. Code [USC] 4321 et seq.), 33 *Code of Federal Regulations* (CFR) Part 325, and based upon the analysis completed under CFR 40 Part 230 Section 404(b)(1) guidelines, this ROD identifies the USACE’s decision related to the proposed Project. This ROD is based on the analysis of the

direct, indirect, and cumulative impacts of the PGEP. This ROD documents the decision regarding discharges of dredge and fill material into “waters of the U.S.” associated with the proposed Project, pursuant to Section 404 of the Clean Water Act (CWA) (33 USC 1344) and work in and over navigable waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended (33 USC 1413) impacting a total of approximately 282 acres of Mississippi Sound estuarine mud and sand bottom. Having considered the site selection criteria, the minimization of unavoidable impacts, and the findings outlined in the Final EIS, the USACE determined that the Applicant’s proposed Project is the least environmentally damaging practicable alternative (LEDPA) that meets the overall project purpose and need.

1.0 INTRODUCTION

The USACE evaluated the Port’s application for a DA permit under Section 404 of the CWA, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the MPRSA of 1972. The USACE has prepared the EIS to assess the potential environmental impacts associated with the proposed Project. Under the proposed Project, approximately 282 acres of estuarine mud and sand bottom in the Mississippi Sound would be dredged and/or filled for the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, and construction of a breakwater. Included in the evaluation is the placement of new work and maintenance dredged material.

The Port is located south of the city of Gulfport in Harrison County, Mississippi, within city limits and is approximately 7 miles south of Interstate (I)-10, approximately 80 miles west of Mobile, Alabama, and 80 miles east of New Orleans, Louisiana. The Port encompasses approximately 369 acres and is located on the north shore of the Mississippi Sound within 5 miles of the Gulf Intracoastal Waterway and 10 miles from the Gulf of Mexico (Gulf) and Gulf Island National Seashore.

Additional information related to the Project is presented in the EIS and is sufficient in scope to address federal, state, and local requirements with respect to the proposed Project activities and permit approvals, and to address requirements of NEPA.

2.0 SCOPE OF ANALYSIS

The EIS was developed in accordance with NEPA and implementing regulations issued by the Council on Environmental Quality (40 CFR Parts 1500–1508); and USACE’s implementing regulations under 33 CFR Part 325, Appendix B. The purpose of the EIS is to inform decision makers and the public of the likely environmental consequences of the proposed action and alternatives.

The EIS identified, documented, and evaluated potential effects of the PGEP and reasonable alternatives on the natural and human environment. An interdisciplinary team of scientists, planners, economists, engineers, archaeologists, and historians analyzed the proposed action and alternatives with respect to existing conditions in the study area and identified relevant beneficial and adverse effects associated with the action. The EIS is intended to be sufficient in scope to address federal, state, and local requirements with respect to the proposed activities and permit approvals.

For the purpose of the EIS, it is assumed that the Restoration Project has been completed. The Restoration Project, also referred to as the 84-acre Project, consists of restoring 60 acres destroyed by Hurricane Katrina and filling 24 acres on the west side of the West Pier, thereby completing the 84-acre Restoration Project, as originally permitted in 1998. The proposed PGEP features would be added to the post-Restoration Project footprint, with a few exceptions as discussed in the EIS.

As cooperating agencies for the EIS, MDA, NMFS, and EPA participated in the preparation of the EIS. A cooperating agency has jurisdiction by law or special expertise with respect to environmental impacts involved with the proposal, and is involved in the NEPA analysis. Additional agency (and public) coordination is discussed in Section 12 of the EIS.

3.0 PROPOSED PROJECT DESCRIPTION

The proposed Project evaluated in the EIS is to expand the facilities at the Port to provide appropriate infrastructure for handling 1.7 million Twenty-foot Equivalent Units (TEU) annually by 2060 and includes the main features shown in Table 1.

Table 1
Proposed Project Impacts

Proposed Project Features	Impact
Expansion of the West Pier	155 acres
Expansion of the East Pier	15 acres
Fill in the North Harbor	9 acres
Expansion of the federally authorized Gulfport Turning Basin (at 36-foot depth)	85 acres
Construction of an eastern breakwater	18 acres
Placement of dredged material	7.68 mcy (new work dredged material) 486,000 cy to 1.3 mcy/year (maintenance dredged material)
Site configuration and automation	Not applicable

cy – cubic yards

mcy – million cubic yards

Such an effort involves the dredging and filling of estuarine mud and sand bottom in the Mississippi Sound; construction of wharfs, bulkheads, terminal facilities, container storage areas, and intermodal container transfer facilities; placement of new-work and maintenance dredged material; and construction of a breakwater.

The proposed action assumes that the Restoration Project has been completed. The Restoration Project consists of restoring 60 acres destroyed by Hurricane Katrina and filling 24 acres on the west side of the West Pier, thereby completing the 84-acre Restoration Project, as originally permitted in 1998. The Restoration Project will raise the elevation of the Port to up to +14 feet above mean sea level and reduce the potential impacts associated with storm events.

4.0 ADMINISTRATIVE HISTORY AND EIS PROCESS

The USACE evaluated the Port's application for a DA permit under Section 404 of the CWA, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the MPRSA of 1972.

Based on the DA permit application submitted by MSPA, USACE determined that the permitting action for the proposed Port expansion activities (i.e., dredge and fill) constitutes a federal action. The proposed federal action is the issuance of a permit to dredge or fill in or affecting navigable waters of the U.S. The action requires compliance with Section 404 of the CWA for the

discharge of dredged or fill material into waters of the U.S., including a Section 404(b)(1) analysis to help ensure compliance. The EIS was prepared in support of the regulatory process for the specific permit application and proposed Project. In accordance with NEPA, this EIS has been prepared to analyze and disclose the potential impacts of the PGEP and reasonable alternatives on the natural and human environment.

MSPA initially submitted a permit application on March 9, 2010, for Port expansion activities. A public notice was issued on April 16, 2010. The project proposed in the permit application was revised in early 2011 to reduce the overall potential fill required for implementation. Based on the DA permit application submitted by MSPA, USACE determined that the permitting action for the proposed Port expansion activities (i.e., dredge and fill) constitutes a federal action with potentially significant effects and/or substantial public interest. USACE published a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* and provided notice to the public on March 11, 2011. On March 31, 2011, a public scoping meeting was held at the University of Southern Mississippi, Fleming Education Center Auditorium, in Long Beach, Mississippi. The purpose of the meeting was to introduce the proposed Project to the public, explain the NEPA process, and solicit public comment regarding the Project. An interagency workshop also took place prior to the public scoping meeting. Agency representatives were given an opportunity to express their concerns and inform the USACE and MSPA of items that would need to be covered in the EIS and points of contact.

Comments raised during the scoping period for the EIS indicated some confusion regarding the scope of the Project. As a result, it was determined that a public workshop was needed. On August 9, 2012, a public workshop was conducted at the Westside Community Center in Gulfport, Mississippi. The workshop allowed an opportunity to provide an overview of the Project, including its scope, the alternatives under consideration, additional studies that had been or were being conducted, and the Project progress to date. Formal public comments were not taken as part of this workshop.

In April 2013, MSPA submitted another revised permit application to USACE. Revisions to the permit application included modification to the FNC and Turning Basin. USACE determined this was a significant change to the originally proposed expansion project and issued an NOI to

conduct additional public scoping for the project on May 9, 2013. On May 21, 2013, a public scoping meeting was held at the Courtyard Marriot Gulfport Beachfront Hotel, in Gulfport, Mississippi. The purpose of the meeting was to inform and educate the public of changes to the proposed Project and solicit public comment regarding the Project. Prior to the 2013 scoping meeting another interagency workshop was held. The intent of the workshop was to ensure agency representatives understood the proposed changes to the PGEP (addition of modification to the FNC) and to solicit input regarding concerns or issues specifically related to those changes.

As of February 2015, MSPA determined that widening and deepening of the FNC is no longer a requirement of known incoming tenants. Furthermore, MSPA does not intend to expand or maintain an expanded FNC without first receiving funding and prior federal approval through the Water Resources Development Act 204(f) process. Therefore, the purpose and need of the project changed, and no modification to the FNC is proposed as part of the expansion project. Modification to the FNC is discussed in the EIS as part of cumulative impacts and reasonably foreseeable future actions.

The EIS evaluated potential impacts on the human environment from expansion of the Port via modifications to the West Pier, East Pier, North Harbor, and Turning Basin, and includes construction of a breakwater on the eastern side of the FNC. The Draft EIS was published via a Notice of Availability (NOA) and made available for public comment on October 30, 2015. A public hearing and agency workshop were held December 8, 2015, to solicit comments and information from the public on the Draft EIS. An open-house public meeting was conducted prior to the public hearing, which included a presentation and served as an opportunity for discussion with the Applicant, USACE, and consultants on the Project. The EIS reflects public comments made on the Draft EIS during the 45-day NEPA-required public review period that ended on December 14, 2015.

To address the complex issues associated with the proposed Project, the USACE invited the following federal and state agencies and Native American tribal entities to provide technical advice during preparation of the EIS:

- Mississippi Department of Environmental Quality (MDEQ)
- Mississippi Department of Marine Resources (MDMR)
- Mississippi Department of Wildlife Fisheries and Parks (MDWFP)
- Mississippi Department of Archives and History (MDAH)
- Mississippi Development Authority (MDA) (Cooperating Agency)
- National Marine Fisheries Service (NMFS) (Cooperating agency)
- United States Coast Guard (USCG)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (EPA) (Cooperating Agency)
- U.S. Department of Agriculture (USDA) Forest Service
- Federal Highway Administration (FHA)
- The Chickasaw Nation
- Tunica-Biloxi Tribe of Louisiana
- Quapaw Tribe of Oklahoma
- Miccosukee Tribe of Indians of Florida
- Absentee-Shawnee Tribe of Oklahoma
- Alabama-Coushatta Tribe of Texas
- United Southern and Eastern Tribes
- Seminole Tribe of Florida
- Chitimacha Tribe of Louisiana
- Mississippi Band of Choctaw Indians
- Muscogee (Creek) Nation
- Seminole Nation of Oklahoma
- Eastern Band of the Cherokee Nation
- Kialegee Tribal Town of the Creek Nation of Oklahoma
- Jena Band of Choctaw Indians
- Choctaw Nation of Oklahoma
- Catawba Indian Nation
- Poarch Band of Creek Indians
- Thlopthlocco Tribal Town
- Coushatta Tribe of Louisiana
- Cherokee Nation of Oklahoma

- Shawnee Tribe
- Santee Sioux Nation
- Eastern Shawnee Tribe of Oklahoma
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Alabama-Quassarte Tribal Town of the Creek Nation of Oklahoma

The availability of the Final EIS for the project (SAM-2009-1768-DMY) was advertised by a 30-day NOA dated June 6, 2017, and in the *Federal Register* on June 9, 2017. Responses and agency coordination resulting from this notice are summarized in Section 12 of this ROD.

5.0 PROJECT PURPOSE AND NEED

The purpose for the project as required by NEPA and provided by the Applicant, is to contribute to the long-term economic development of the State of Mississippi and the Gulf Coast region by expanding the Port footprint and facilities to increase the TEU throughput, provide additional employment opportunities, and increase the economic benefits produced by the Port. An expanded footprint would allow the Port to increase container throughput and add direct, indirect, and induced jobs within the region by attracting new tenants and allowing existing tenants to expand and grow.

In addition to the NEPA-required purpose and need discussed above, the 404(b)(1) guidelines require that the USACE define the “basic project purpose” and the “overall project purpose” to evaluate appropriate alternatives. The basic purpose is the most simple or irreducible objective of the project and is used to determine whether the Applicant’s project is “water dependent” (40 CFR 230.10(a)(3)). The water dependency test contained in the 404(b)(1) guidelines creates a presumption that activities that do not require access to, proximity to, or siting within special aquatic sites to fulfill their basic project purpose are not water dependent. Therefore, the 404(b)(1) guidelines state that practicable alternatives to non-water dependent activities are presumed to exist, are less damaging, and are environmentally preferable to alternatives that involve discharges into special aquatic sites (e.g., wetlands) (40 CFR 230.10(a)(3)). The basic purpose of this project would be to expand the Port and is considered a water-dependent activity.

The USACE must also define the overall project purpose. The overall project purpose establishes the scope of the alternatives analysis and is used for evaluating practicable alternatives under the 404(b)(1) guidelines. In accordance with the 404(b)(1) guidelines, the overall project purpose must be specific enough to define the Applicant's needs, but not so narrow and restrictive as to preclude a proper evaluation of alternatives. In this regard, defining the overall project purpose for review and approval of USACE permits is the sole responsibility of USACE. While generally focusing on the Applicant's purpose and need statement, USACE will, in all cases, exercise independent judgment in defining the purpose and need for the project from both the Applicant's and the public's perspectives (33 CFR Part 325; 53 Fed. Reg. 3120). USACE has determined the overall project purpose is to increase throughput capabilities at the Port beyond 1.0 million TEUs annually and stimulate the local, regional, and state economies by providing expansion opportunities for existing tenants and to attract new tenants or concessionaires that would construct a semi-automated container terminal, thereby creating direct, indirect, and induced jobs.

6.0 ALTERNATIVES (33 CFR 320.4(b)(4) AND 40 CFR 230.10)

The alternatives analysis included an evaluation of reasonable and practicable alternatives, including the No-Action Alternative. Some alternatives were discussed and eliminated from further analysis; other alternatives are considered in detail in the EIS. While alternate sites would be considered alternatives for some projects that address a national or statewide need, the present permit application is for the Port of Gulfport only. The purpose and need for the Project are centered on providing a port facility that is capable of increasing throughput capabilities beyond 1.0 million TEUs and stimulate local, regional, and state economies through the creation of direct, indirect, and induced jobs. Based on existing tenant operations and lease agreements at the Port, the ability to increase TEUs is water-dependent, requiring additional linear wharf space. As a result, an off-site, non-water alternative is not feasible. Therefore, the types of alternatives addressed were expansion and configuration alternatives that included quantification of economic benefits.

In consideration of the purpose and need for the Proposed Project, screening criteria were developed to evaluate potential alternatives. Criteria were used to eliminate alternatives and

define differences between similar alternatives. Alternatives that were not eliminated initially were analyzed further in the EIS. Two different levels of screening were used: Tier I and Tier II. Tier I criteria looked to optimize the projected TEU throughput of the proposed Project with the time and money to complete it. Criteria included projected TEU throughput, estimated cost, and schedule. Each of four preliminary alternatives was evaluated using the Tier I screening criteria in an attempt to optimize the cost and schedule per TEU throughput capacity (Table 2). Only one of the four preliminary alternatives would allow the Port to meet the future container projections to satisfy the purpose and need of the proposed Project and result in the expedited realization of economic benefits to Gulfport and its surrounding communities. As a result, Tier I screening criteria narrowed the analysis to Preliminary Alternative 1 for further consideration. Alternative 1 was refined and presented to the USACE as the Permit Application Alternative in the Port's joint DA Permit Application, submitted in March 2010. Based on comments to reduce the size of the impact area received from the public and state and federal agencies following notice of the Permit Application (April 2010), an alternative to the Permit Application Alternative was developed. Evaluation of alternatives using Tier I screening criteria therefore resulted in two alternatives (Alternative 1 and Alternative 1B) that were carried forward for subsequent evaluation using Tier II screening criteria.

Table 2
Preliminary Alternatives and Tier I Screening Criteria

	Maximum Projected TEU Throughput	Relative Cost to Construct	Schedule (years to construct)	Carried Forward for Further Evaluation? (Yes/No)
Preliminary Alternative 1	4 million	Moderate to High	10	Yes
Preliminary Alternative 2	1 million	Moderate to High	7	No
Preliminary Alternative 3	1 million	High	8	No
Preliminary Alternative 4	4 million	Moderate	16	No

Tier II screening criteria were used to further develop the alternatives analysis through consideration of:

- Meets purpose and need (projected TEU throughput, additional employment opportunities, economic benefits)
- Environmental impact (acreages of dredge and fill)

As a critical component of the purpose and need statement, projected TEU throughput was again a principal criterion for evaluating the alternatives carried forward from the Tier I analysis. In addition, in an effort to work towards the alternative with the least environmental impacts and address comments received from the public and state and federal agencies following notice of the 2010 Permit Application, the acreages of dredge and fill of estuarine mud and sand bottom associated with each expansion alternative were also considered. Although Alternative 1 does meet the purpose and need, it has potential impacts much greater than those anticipated for Alternative 1B. As seen in Table 3, while both alternatives meet the purpose and need of the project, Alternative 1 has potential impacts much greater than those anticipated for Alternative 1B. As a result, Alternative 1 was dropped from further consideration and Alternative 1B was carried forward for further evaluation as the preferred alternative.

Table 3
Comparison of Potential Alternatives Using Tier II Screening Criteria

Alternative	Tier II Screening Criteria							Carried Forward for Further Evaluation? (Yes/No)
	Meets Purpose and Need				Environmental Impact			
	Estimated TEU Throughput	Economic Benefits	Increased Throughput	Consistent with Market Forecast	Acreage Fill	Acreage Dredged	Dredged Material Volume (mcy)	
Alternative 1	4.0 million	Yes	Yes	Over Demand	678	160	27.7	No
Alternative 1B	2.0 million	Yes	Yes	Yes	196.5	85	7.68	Yes

cy – cubic yards
mcy – million cubic yards

Alternative 1B was further developed over the next 2 years, including consideration of different levels of efficiencies and automation. As a result of the alternatives development, screening, and

further refinement, two alternatives were carried forward for evaluation in the EIS: the No-Action Alternative and the Proposed Project Alternative.

6.1 AVOIDANCE (NO-ACTION ALTERNATIVE)

The No-Action Alternative provides a means to evaluate the environmental impacts that would occur if no construction requiring a USACE permit is performed; work that does not require a USACE permit may be implemented. While the PGEP would not occur under the No-Action Alternative, it is assumed that previously permitted actions at the Port and in the vicinity of the Port (e.g., Restoration Project) would continue and were assumed as complete during the environmental consequences evaluation. The Restoration Project (which is under construction and will be completed in 2017) is reflected as complete in the No-Action Alternative.

Following completion of the Restoration Project, the Port facilities would include a footprint of approximately 264 acres and the current federally authorized FNC and turning basin.

Immediately following completion of the Restoration Project, an annual throughput of between 250,000 and 400,000 TEUs is anticipated due to tenant configuration and cargo handling practices. It is expected that over time, improved economic conditions, improvements in Port efficiencies, changes in tenant configuration and automation, and other unforeseeable changes in Port practices or economic conditions would allow the Port to achieve an annual throughput up to 1.0 million TEUs by 2060.

No new dredged material would be generated and no material would be available for beneficial use. Dredged material from continued maintenance would still be available.

6.2 MINIMIZATION (ALTERNATIVES CARRIED THROUGH EIS FOR FURTHER EVALUATION)

The project was fully coordinated with state and federal resource agencies, and their comments have been incorporated into the development of the Project to the maximum extent practicable. Measures to minimize the impacts in the site layout design alternatives that were considered:

- Reduced size of the impact area by decreasing the West Pier expansion footprint from 486 acres to 160 acres and the East Pier expansion footprint from 96 acres to 15 acres.
- Redesigned the intermodal infrastructure on the West Pier to avoid modification to the post-Restoration footprint.

6.3 PROJECT AS PROPOSED (PROPOSED PROJECT ALTERNATIVE)

The Applicant’s Proposed Project Alternative is to expand the Port facility to include the following main features:

- Expansion of the West Pier
- Expansion of the East Pier
- Fill in the North Harbor
- Expansion of the federally authorized Gulfport Turning Basin (at 36-foot depth)
- Construction of an eastern breakwater
- Placement of dredged material
- Site configuration and automation

The Proposed Project Alternative assumes that the Restoration Project has been completed. The proposed PGEP features would be added to the post-Restoration Project footprint, with a few exceptions (Table 4).

Table 4
Port Footprint Following Proposed Port of Gulfport Expansion Project,
Including the Turning Basin (approximate acres)

Feature	Post-Restoration Footprint	Proposed Expansion Footprint	Total Footprint
West Pier	171	155	326
East Pier	30	14.5	44.5
North Harbor	63	9	72
Turning Basin	105	85	190
Breakwater	N/A	18	18
Total Footprint	369	281.5	650.5

The new work dredging associated with the construction of the proposed West Pier and East Pier expansions, North Harbor and West Pier berthing areas, and the Turning Basin Expansion is estimated to require removal of approximately 7.68 million cubic yards (mcy) of dredged material, including 560,000 cubic yards (cy) of dredged material (debris from East Pier) that would be designated for upland disposal (Table 5). Following construction of the Turning Basin Expansion, the MSPA would be responsible for maintenance dredging of the portion of the new turning basin that is not part of the federally authorized project, as well as the berthing areas associated with the expanded East Pier, North Harbor, and West Pier. Maintenance dredging associated with these areas is anticipated to require removal of approximately 486,000 cubic yards (cy) to 1.3 mcy every year (see Table 5).

Table 5
Estimated Dredged Material Quantities (Proposed Project Alternative)

Feature	West Pier Expansion	East Pier and East Pier Berthing Areas	North Harbor and West Pier Berthing Areas	Turning Basin Expansion	Totals
New Work	2.4 mcy		913,000 cy	3.8 mcy	7.11 mcy
New Work (upland disposal)		560,000 cy			560,000 cy
Maintenance	N/A	63,000–172,000 cy/year	212,000–581,000 cy/year	211,000–586,000 cy/year	486,000 cy–1.3 mcy/year

cy – cubic yards

mcy – million cubic yards

New work dredged material structurally suitable would be used for fill at the Project site. Any material not structurally suitable would be evaluated for potential beneficial use and possible placement at a designated or candidate Beneficial Use (BU) site. The MDMR submitted a permit application to the USACE and Louisiana Department of Natural Resources (LDNR) in February 2016 to permit the Biloxi Marsh Complex (BMC) in Louisiana for beneficial use of dredged material. The goal of this designation is to provide a new BU site on the western side of the state

to accommodate material generated from private and public dredging projects to meet the requirements of Mississippi's beneficial use law.

If permitted, the BMC is the preferred placement alternative for the new work dredged material for the proposed Project. If a suitable BU site is identified in Mississippi, appropriate coordination with MDMR and MDEQ for placement of dredged material at the approved and permitted location would occur at that time. If the BMC is not permitted prior to dredging, and no other suitable BU sites are available, the Pascagoula Ocean Dredged Material Disposal Site (ODMDS) would be used for disposal of suitable dredged material. All dredged material not suitable for beneficial use would also be placed in the Pascagoula ODMDS. If placement of the dredged material in the ODMDS is not feasible, the material would be placed in an approved upland disposal site(s). Currently, the Harrison County Development Commission dredged material disposal site on the Industrial Seaway has capacity for up to 750,000 cy. This site would be suitable for the East Pier Expansion dredged material. Additionally, an upland disposal site located 30 miles north of the Port in Stone County has been identified as a potential upland disposal site for the remaining 7.11 mcy of dredged material; the name of the site and specific location have been withheld at the owner's request. Considering that it would require approximately 14 years to dredge, transport, and offload the material to the upland disposal site, and would cost over \$200 million, use of an upland disposal site for the 7.11 mcy of dredged material is not a viable placement alternative. However, this upland site may still be utilized for the portion of disposal material that could not feasibly be placed in an ODMDS or BU site. The Port would be responsible for maintenance dredging of those areas outside of the Federal Project. Maintenance dredged material would be disposed of using thin-layer placement.

The PGEP would further develop the Port into a semi-automated container terminal. The Port has added three rail-mounted gantry (RMG) cranes to Port operations. The road and rail access constructed for the Restoration Project would be extended south on the western side of the West Pier along the expansion footprint. The gantry crane rail would be extended south on the eastern side of the West Pier along the expansion footprint. New infrastructure would include a new wharf, backlands, gates, and an additional warehouse. The new terminal would increase throughput by reducing handling times, allowing ships to come into the Port to unload, reload, and depart in a day or less. The operation of the West Pier and the Turning Basin Expansion

areas would include shared facilities, berths, backlands, and utilization of RMG cranes. With this layout, throughput capacity is projected to reach up to 1.7 million TEUs annually by 2060.

6.4 CONCLUSIONS OF ALTERNATIVES ANALYSIS

Under the No-Action Alternative, the total footprint of the Port would be 369 acres with an estimated throughput of 1 million TEUs annually by 2060. Under the Proposed Project Alternative, the total footprint of the Port would increase in size by 281.5 acres (including 196.5 acres filled and 85 acres dredged) with an estimated throughput upon completion of construction of up to 1.7 million TEUs annually by 2060. As a result, the Proposed Project Alternative would have a larger physical and economic impact than the No-Action Alternative. Construction of the PGEP would result in the loss of 196.5 acres of estuarine mud and sand bottom habitat and permanent conversion of 85 acres to deeper habitat. Approximately 7.68 mcy of material would need to be dredged, including 560,000 cy of debris from the East Pier Expansion that would be designated for upland disposal. Beneficial use of dredged material in the BMC under the Proposed Project Alternative would meet the requirements of Mississippi's beneficial use law as well as replenish sediments, provide storm protection, reduce erosion rates, and abate subsidence along the shorelines of the Mississippi and Louisiana coasts. While maintenance dredging would require removal of 200,000 cy of material every 10 years under the No-Action Alternative, between 486,000 cy and 1.3 mcy of material would need to be removed annually under the Proposed Project Alternative. In addition, the number of vessel trips associated with the PGEP would increase by 3.2 daily trips over the No-Action Alternative. As a result of increased dredging and placement of material, increased volume of stormwater runoff, and the increased risk of spills due to additional vessel trips, the Proposed Project Alternative would have a larger impact on turbidity and water quality than the No-Action Alternative. For example, impacts anticipated to occur under the Proposed Project Alternative include temporary measurable increases in turbidity which would occur whenever sediment is being removed and placed during construction and maintenance dredging activities. These increases would not extend far beyond the area where sediment is being disturbed and would last only days after dredging activity is completed. There is also the potential for low dissolved oxygen (DO) episodes associated with construction and maintenance dredging that would be expected to return to pre-dredge conditions within a few hours. Other temporary impacts to water quality may result

from the increased vessel trips into the Port which may raise the risk of spills; however, expansion of the Turning Basin may lower the probability of spills. While the probabilities of the risk of spills are not quantified, risk would not be expected to be high based on the low frequency of incidents in the past, the nature of the containerized materials shipped into and out of the Port, and increased state and federal focus on spill prevention and response over the past 20 years. Permanent changes to water quality as a result of the construction and operation of the Proposed Project Alternative would include low DO in bottom habitats with increased depths. However, as these impacts would be limited to deeper water depths, water quality standards would not be violated.

With regards to benefits to the economy, the increased throughput associated with the Proposed Project Alternative, would create direct Port-related jobs and boost the local economy. It is expected that approximately 3,331 more Port-related, full-time equivalent jobs would be created by the Proposed Project Alternative compared with the No-Action Alternative. In addition, there would be short-term economic growth and employment during construction of the PGEP.

In general, the Proposed Project Alternative would realize all of the direct impacts associated with the Port expansion footprint, but would provide the benefits that meet the purpose and need of the Port.

6.5 DETERMINATION OF THE LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE

The Final EIS and range of alternatives considered by the Port and USACE were based upon the overall purpose and need. Having considered the site selection criteria, the minimization of unavoidable impacts and the findings outlined in the Final EIS, the USACE determined the Applicant's Proposed Project Alternative is the LEDPA that meets the 404(b)(1) purpose and need.

7.0 ENVIRONMENTAL CONSEQUENCES

In making its decision, the USACE considered the environmental impact of the Proposed Project Alternative and the No-Action Alternative on potentially affected environmental resource areas.

These included land use/recreation/aesthetics; community infrastructure and municipal services; socioeconomic resources; roadway and rail traffic; air quality; noise; physiography, topography, and bathymetry; coastal geologic processes; energy and mineral resources; soils (prime and other important farmland); groundwater and surface water hydrology; hazardous material; water and sediment quality; commercial and recreational navigation; ecological setting; wetlands and submerged aquatic vegetation; terrestrial wildlife; aquatic ecology; threatened and endangered species; and cultural resources. The Final EIS also considered the impacts from this Project combined with those from other past, present, and reasonably foreseeable future actions (i.e., cumulative impacts).

The USACE concurs with the findings of the Final EIS. Agency coordination was performed by the USACE with the EPA, NMFS, USFWS, MDEQ, MDMR, MDAH, USCG, and MDA in accordance with 33 CFR Part 320–332. A summary of this coordination can be found in Section 12.

8.0 ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PREFERRED ALTERNATIVE

8.1 SUMMARY

Many adverse impacts of the proposed Project are temporary and minor and are associated with Port construction. These include temporary, minor impacts to air quality, noise, water quality and threatened and endangered species (from underwater noise levels, increased turbidity and reduced DO associated with construction activities). Long-term noise impacts resulting from increases in train-generated noise along the Kansas City Southern (KCS) rail line would result in the Hattiesburg and Gulfport areas. Permanent impacts under the proposed Project include an increase in air contaminant emissions due to increased truck, rail, employee vehicle, and ship traffic and related Port operations from growth of existing business and new business at the Port. Long-term adverse impacts to localized air quality from the operation of the Proposed Project Alternative would be below the National Ambient Air Quality Standards (NAAQS). Additional permanent impacts include the loss of 196.5 acres of open-water habitat, which would be removed with the expansion of the West and East Piers, creation of breakwaters, and North Harbor fill, and permanent conversion of 85 acres to deeper habitat, thus reducing the amount of

food and habitat available to some aquatic communities. Benefits of the proposed Project include placement of dredged material appropriate for beneficial use in the BMC (if approved and authorized for use), which would provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and offset impacts to essential fish habitat (EFH), and greater overall benefits on the labor force, and employment.

As a cooperating agency on the EIS, the NMFS developed a Biological Opinion (BO) for potential impacts to five species of sea turtles, the Gulf sturgeon and Gulf sturgeon critical habitat, and five species of whales and consulted with the USACE with respect to potential impacts to EFH in the Project area. The BO determined that the action, as proposed, would have no effect on the hawksbill sea turtle and may affect, but is not likely to adversely affect, the five whale species, but is likely to adversely affect Kemp's ridley, loggerhead, leatherback, and green sea turtles, and Gulf sturgeon and may affect designated Gulf sturgeon critical habitat. NMFS also concluded that the proposed action is not likely to jeopardize the continued existence of the North Atlantic green sea turtle Distinct Population Segment (DPS), South Atlantic green sea turtle DPS, leatherback sea turtle, Northwest Atlantic loggerhead sea turtle DPS, Kemp's ridley sea turtle, or Gulf sturgeon.

The USACE requested a State Historic Preservation Office review of archaeological and historical resources and concurrence prior to operations and coordinated a "no effect" determination.

Table 6 is a summary of the potential short-term and long-term effects of the proposed Project and alternatives evaluated on the physical, chemical, and biological components of the aquatic environment. Additional information regarding the affected environment and environmental consequences of the alternatives can be found in Section 3.0 and Section 4.0, respectively, of the Final EIS.

**Table 6
Summary of Impacts by Alternative**

Evaluation Criteria	No-Action Alternative	Proposed Project Alternative
Construction Dredging Volumes	None.	7.68 mcy, including 560,000 cy designated for upland disposal.
Maintenance Dredging Volumes (30-year period)	200,000 cy 10-year period for berths along the north and south harbor, the Commercial Small Craft Harbor, and the entrance channel.	486,000–1.3 mcy/year.
Project Expansion Footprint	None.	<ul style="list-style-type: none"> • West Pier – 155 acres • East Pier – 14.5 acres • North Harbor – 9 acres • Turning Basin – 85 acres • Breakwater – 18 acres
Land Use/Recreation/ Aesthetics	Increase proportionally to population trends. Beneficial impacts from implementation of landscaping project and water tower move and upgrade.	Increase in housing, services, industrial land uses, truck and rail traffic, development of industries; minimal impacts to recreation; moderate impact on aesthetics.
Community Infrastructure and Municipal Services	Increase proportionally to population trends. No impact to aviation as no structures on the Port facility would exceed 184 feet in height.	No major short- or long-term impacts on utility service levels; minor temporary impacts, or no impacts to public safety and health services; no impact on schools and libraries; no impact to aviation.
Socioeconomics	Increase in economic growth proportionally to historic trends and market demand. Expect 4,758 full-time equivalent jobs (FTE) by 2060. No disproportionate impacts to Environmental Justice (EJ) communities.	Increase in economic growth and employment short-term during construction and long-term during the operational phase of the Port expansion; would expect 8,089 FTEs (3,331 more FTEs than the No-Action Alternative, of which 875 would be Port jobs). No disproportionate impacts to EJ communities.
Roadway and Rail Traffic	Level of Service (LOS) worse than D at five segments by 2060 primarily caused by background traffic growth. Rail crossing delays would decrease by 37 seconds to or from the Port to the Gulfport Rail Yard with up to 28 train trips per day; crossing delays may decrease by 67 to 146 seconds per crossing north of the Gulfport Rail Yard with nearly 18 train trips per day by 2060.	LOS worse than D at seven segments by 2060. Rail crossing delays would fall within same thresholds as the No-Action Alternative with up to 47 train trips per day between (to or from) the Port and the Gulfport Rail Yard and nearly 29 train trips per day north of the Gulfport Rail Yard by 2060.
Air Quality	Small increase in air contaminant emissions impacts in immediate vicinity of Project area, primarily due to increased truck, railroad, and container ship traffic; diminishing emissions dispersed over Harrison County. Criteria pollutant concentrations resulting from the operation of the No-Action Alternative would not exceed the applicable National Ambient Air Quality Standards (NAAQS).	Temporary air contaminant emissions associated with construction. Permanent increase in air contaminant emissions due to increased truck, rail, employee vehicle, and ship traffic and related Port operations from growth of existing business and new business at the Port. Long-term adverse impacts to localized air quality from the operation of the Proposed Project Alternative would be below the NAAQS.
Noise	Increase associated with increased throughput and increased rail and truck traffic expected to occur over time.	Short-term increases during construction; long-term increases with Port operations (about 2 dBA) and increased truck and rail traffic.

Table 6, cont'd

Evaluation Criteria	No-Action Alternative	Proposed Project Alternative
Physiography, Topography, and Bathymetry	Minor alterations due to maintenance dredging.	Local changes during construction would have negligible impact; impact to approximately 282 acres of Mississippi Sound bay bottom; beneficial use of dredged material at the Biloxi Marsh Complex (BMC) (if approved and authorized for use) would replenish sediments, provide shoreline protection, and reduce erosion rates.
Coastal Geologic Processes	Continued periodic disturbance during maintenance dredging including sediment redistribution, short-term sediment suspension, and minimal change in bathymetry.	Short-term increase in sediment rework and suspension; placement of dredged material at the BMC would potentially reduce erosion rates along Mississippi Sound shoreline and abate subsidence in the BMC; potential impact on sediment net transport direction; beneficial impact of breakwater including shoreline protection from erosion and storm events; potential minor impact of breakwater on hydrodynamics.
Energy and Mineral Resources	No change.	No impact to energy production; no substantial impacts to mineral resources beyond normal construction operations; shoreline protection components would have a long-term positive effect on the availability of gravel, due to decreased shoreline erosion from construction of the breakwater.
Soils	No change.	No impact.
Groundwater and Surface Water Hydrology	No change.	No impacts during construction and operation activities; possible impacts to shallow groundwater exist from the potential release of petroleum products during construction and hazardous material spills from shipping.
Hazardous Material	Limited potential to encounter hazardous material during maintenance dredging; due to physical constraints of the channel, there is an increased risk of contamination from a spill during lightening or offloading cargo.	Low probability for encountering hazardous materials or waste during construction; limited potential exists to encounter hazardous material during construction and dredging; operational impacts include increased risk of hazardous materials spill.
Water and Sediment Quality	No change; localized, temporary turbidity increases; temporary lower dissolved oxygen (DO) concentrations during maintenance dredging.	Localized change in sediment transport; placement of dredged material is not expected to measurably affect water exchange or inflow; temporary turbidity increases; low DO during dredging; increased volume of stormwater runoff might increase turbidity lower levels of oxygen; increased vessel trips may raise the risk of spills.

Table 6, cont'd

Evaluation Criteria	No-Action Alternative	Proposed Project Alternative
Commercial and Recreational Navigation	No impacts to existing Gulfport Harbor Federal Navigation Channel (FNC) Aids to Navigation (ATON) or the Commercial Small Craft Channel and Harbor; vessel traffic up to 4.6 daily trips in 2060; recreational boaters using the Gulfport Yacht Club and Gulfport Small Craft Harbor may encounter delays while yielding to larger ships transiting the FNC.	No impacts to existing FNC, ATON or the Commercial Small Craft Harbor; Commercial Small Craft Channel would require realignment and relocation of six buoys and three beacons; vessel traffic up to 7.8 daily trips in 2060; recreational boaters using the Gulfport Yacht Club and Gulfport Small Craft Harbor may encounter delays while yielding to larger ships transiting the FNC.
Ecological Setting	No change; impacts to terrestrial vegetation communities with residential and commercial growth and development.	No change; impacts to terrestrial vegetation communities with residential and commercial growth and development.
Wetlands and Submerged Aquatic Vegetation	No change; minor impacts with continued regional growth and development.	No impacts are expected; no submerged aquatic vegetation (SAV) occurs within 5 miles of the proposed Project area.
Terrestrial Wildlife	No change.	No impacts due to urbanization and industrialization of the project area; temporary impacts due to noise and construction activity associated with placement of dredged material; potential long-term beneficial effects of placement of dredged material include increased habitat for foraging, burrowing, resting, roosting, breeding, and nesting.
Aquatic Ecology	Short-term turbidity increases; burial of benthic organisms.	Loss of 196.5 acres of open-water habitat and permanent conversion of 85 acres to deeper habitat; temporary turbidity increases during project construction, dredging within the project area, and dredged material placement; removal of benthic community; burial of benthic organisms at placement areas; slight increase in the probability of a petroleum spill with increase in vessel traffic; positive benefit if dredged material to be used beneficially within the BMC.
Threatened and Endangered Species	No change; maintenance dredging activities would continue in Gulf sturgeon critical habitat and may negatively impact Gulf sturgeon and sea turtles, if present; short-term increase in turbidity and reduced DO conditions; slight increase in spills and ship strikes due to increased vessel traffic.	Temporary impacts from construction and maintenance dredging in Gulf sturgeon critical habitat; impacts due to underwater noise from pile installation, dredging and boat traffic; increased vessel strikes to mammals due to increased vessel traffic; short term increases in turbidity and reduced DO conditions; sea turtles most likely to be affected negatively by dredging activities; increase in vessel traffic slightly increases probability of a petroleum spill; possibility of entrainment mortality of Gulf sturgeon by dredging equipment.
Cultural Resources	No change.	No recorded sites listed in the National Register of Historic Places (NRHP); probability for unrecorded site is low; no impacts to terrestrial or submerged sites during construction.

Table 6, cont'd

Acronyms and abbreviations:

ATON	—	U.S. Coast Guard Aids to Navigation
BMC	—	Biloxi Marsh Complex
cy	—	cubic yards
dB	—	A-weighted decibel (sound level)
DO	—	dissolved oxygen
EJ	—	Environmental Justice
FNC	—	Gulfport Harbor Federal Navigation Channel
FTE	—	full-time equivalent job
LOS	—	Level of Service
MCY	—	million cubic yards
NAAQS	—	National Ambient Air Quality Standards
NRHP	—	National Register of Historic Places
SAV	—	Submerged Aquatic Vegetation

8.2 MITIGATION AND MONITORING

8.2.1 General Discussion

The USACE's ROD incorporates measures to avoid and minimize adverse environmental impacts during the design, construction, and operation of the Project. The USACE required that the participant comply with all applicable federal, state, and local environmental laws, orders, and regulations. Coastal Zone Management Act (CZMA) requirements are also included as special conditions of the permit.

The Final EIS addressed issues involving land use/recreation/aesthetics; community infrastructure and municipal services; socioeconomic resources; roadway and rail traffic; air quality; noise; physiography, topography, and bathymetry; coastal geologic processes; energy and mineral resources; soils (prime and other important farmland); groundwater and surface water hydrology; hazardous material; water and sediment quality; commercial and recreational navigation; ecological setting; wetlands and submerged aquatic vegetation; terrestrial wildlife; aquatic ecology; threatened and endangered species; cultural resources; and mitigation.

8.2.2 Unavoidable Impacts

Potential impacts associated with the proposed Project were avoided and minimized through project planning and coordination with state and federal agencies. As detailed in Section 2.4, Evaluation Using Tier I Screening Criteria of the EIS, based on comments to reduce the size of the impact area received from the public and state and federal agencies following notice of the Permit Application (April 2010), an alternative to Alternative 1, the Permit Application Alternative, was developed. Under the new alternative, Alternative 1B, the West Pier would be expanded by approximately 160 acres (reduced from 486 acres in the Permit Application Alternative) and the East Pier by approximately 15 acres (reduced from approximately 96 acres in the Permit Application Alternative). Unlike the preliminary alternatives (including the Permit Application Alternative), in which improvements to road and rail infrastructure were planned on the post-Restoration Project footprint (thereby pushing the new tenant space to the south onto the newly expanded West Pier footprint), under Alternative 1B, the intermodal infrastructure on the West Pier was redesigned to avoid modification to the post-Restoration footprint. As a result,

under Alternative 1B, the expansion footprint would be dedicated to providing additional space for concessions, increasing the capacity for throughput to up to approximately 2 million TEUs per year, thereby satisfying future container projections stated in the purpose and need for the Proposed Project. For these reasons, Alternative 1 was dropped from further consideration and Alternative 1B was carried forward for further evaluation in the EIS. The No-Action Alternative would avoid new dredging and filling impacts, but would not meet the Project objectives.

Unavoidable impacts to approximately 282 acres of Mississippi Sound estuarine mud and sand bottom as a result of dredging or filling are anticipated. Therefore, the remainder of this discussion focuses on physical elements of new-work dredging and fill, maintenance dredging, and dredged material disposal at various approved sites. Potential long-term effects of the dredging include the loss of 196.5 acres of open-water habitat, which would be removed with the expansion of the West and East Piers, creation of breakwaters, and North Harbor fill, and permanent conversion of 85 acres to deeper habitat, thus reducing the amount of food and habitat available to some aquatic communities. Since the proposed dredging activities would occur within close proximity of existing navigational channels, it is likely the channel currents would facilitate the recolonization of impacted benthic organisms in the marine environment of the Mississippi Sound. Therefore, permanent habitat impacts as a result of the proposed PGEP dredging activities are expected to be minimal. The Port would be responsible for maintenance dredging of those areas outside of federal jurisdiction. Maintenance dredging associated with the PGEP is anticipated to require removal of approximately 486,000 cy to 1.3 mcy every year. Under the No-Action Alternative, construction activities involving dredge and fill would not proceed without a permit from the USACE; however, maintenance dredging would require removal of 200,000 cy of material every 10 years. Maintenance-dredged material under both the Proposed Project and No-Action Alternatives would be disposed of using thin-layer placement.

The Proposed Project Alternative would result in the loss of 196.5 acres of open-water habitat and permanent conversion of 85 acres to deeper habitat. This would result in an adverse impact to EFH, and living marine resources that the shallow-water habitat supports, including prey items of recreational and commercial fisheries, and the threatened Gulf sturgeon. This amount would be considered minimal (0.04 percent) given the overall amount of habitat present, combined with the absence of Habitat Areas of Particular Concern and EPA Special Aquatic Sites in the Project

area. The Proposed Project Alternative would include up to 7.11 mcy of material suitable for beneficial use at the designated BMC. The BMC BU site would function to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH. This habitat would have the potential to be more productive than the open-water habitat that would be lost as a result of the Proposed Project Alternative. As such, the aquatic community in Mississippi Sound may benefit from the higher productivity of the marsh, which would create an overall positive benefit to the bay system throughout the life of the 50-year Project.

Potential short-term effects of the proposed Project include increased air contaminant emissions and noise during construction, increased turbidity and decreased DO levels, and impacts to threatened and endangered species (from underwater noise levels, increased turbidity and reduced DO associated with construction activities). Long-term noise impacts resulting from increases in train-generated noise along the KCS rail line would result in the Hattiesburg and Gulfport areas. An increase in throughput and ancillary operations would result in a permanent increase in air contaminant emissions due to increased truck, rail, employee vehicle, and ship traffic and related Port operations from growth of existing business and new business at the Port. Long-term adverse impacts to localized air quality from the operation of the Proposed Project Alternative would be below the NAAQS.

8.2.3 Proposed Mitigation Measures and Permit Conditions

Mitigation measures for the impacts described above include avoidance and minimization (outlined below). Impacts to state resources were coordinated directly between MDMR and the Applicant. On October 17, 2017, MDMR issued a Certificate of Exclusion for Coastal Zone Management Consistency (DMR-080020) and determined that the proposed action is consistent with the Mississippi Coastal Program, provided that MSPA complies with the noted conditions. As mitigation for impacts to state-owned waterbottoms, the MSPA shall complete the Final Mitigation Plan for the PGEP dated May 2017. As part of the Final Mitigation Plan, MSPA would purchase approximately 179.83 acres and transfer approximately 148 acres for a total of 327.83 acres added to MDMR's Coastal Preserves Program for long-term conservation. In addition, MSPA would conduct site improvements prior to property transfer, prepare permit and

conceptual design documents for a BU site, and provide funds to plant and monitor the restoration site. Other potential minimization and avoidance measures that have been considered are discussed in the Final EIS.

- Efficient scheduling to minimize the duration of disturbance.
- Best management practices (BMP) for turbidity control shall be implemented and maintained at all times during project construction and dredging activities to minimize the discharge of turbid waters into waters of the State. BMPs would include the use of turbidity curtains and mixing zones along with turbidity monitoring.
- BMPs to be used to reduce water quality impacts for the placement of dredged material at the BU site will be defined in the permit to be issued by LDNR and USACE New Orleans District. MSPA will not be developing these BMPs. The contractor would be required to meet the water quality standards set forth in the permit and included within construction project specifications.
- Nonstructural operational and maintenance procedures will be used to prevent or reduce environmental impacts and even reduce the need for more costly structural controls such as turbidity curtains or screens. Nonstructural operations would consist of real-time global position system integrated dredge controls, hopper barge without overflow, use of vessel ingress and egress corridors, establishing buffer zones to allow a minimum distance between construction activities and marine resources, construction windows (i.e., certain times of year during which dredging may be limited due to the presence of threatened or endangered species or other sensitive marine life), and instituting adaptive management to allow for flexibility to change construction operations in response to particular events.
- Water quality impacts from dredging operations during the removal and placement of dredged material would be minimized by taking affirmative steps through controls on hopper, hydraulic and mechanical dredges, and barges. Additionally, a standard clause/requirement would be included in the dredging contract indicating that the contractor must remove misplaced materials at their own cost.
- Any monitoring that is conducted for the purposes of comparison with Water Quality Standards shall be compliant with methods as outlined in the Mississippi Wastewater Regulations including an approved Quality Assurance Project Plan.

- Should a BU site become available and be considered for use prior to the placement of dredged material for beneficial use, the material must be evaluated as outlined in the protocols established through the Beneficial Use of Dredged Material Program created by Mississippi Code 49-27-61. Use of a BMC BU site would provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH.
- If warranted, the Applicant will conduct an analysis of dredged sediments on the East Pier expansion area for the presence of contaminants based on the Debris Removal Plan prepared for MDEQ. If present, contaminated sediments will be mitigated via measures determined through coordination with EPA and MDEQ.
- Turbidity outside the limits of a 750-foot mixing zone around the placement areas/discharge location shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
- The Applicant will comply with Reasonable and Prudent Measures (RPM) and Terms and Conditions (T&C) (as specified in Sections 11.3 and 11.4 of the BO, respectively) in accordance with the NMFS BO for Gulf sturgeon and sea turtles to avoid and minimize impacts to those species.
- The Applicant will comply with the *Guidelines for Activities in Proximity to Manatees and Their Habitat*, provided by the USFWS, to minimize potential impacts to the species during dredging and construction activities.
- BMPs that meet local, state, and federal requirements will be developed and implemented as part of the Spill Response Plan for the Project to address potential spills.
- Underwater noise impacts on threatened and endangered species from the installation of pilings would be mitigated using bubble curtains, resonators, or other sound-cancelling options.
- The Applicant is committed to using methods to minimize greenhouse gas (GHG) emissions during dredging operations by contracting with dredging companies with energy efficient equipment, schedule/operation planning to minimize fuel use, repowering/refitting with cleaner diesel engines, and/or selecting newer dredges with more-efficient engines.
- Land-side mitigation options to minimize GHG emissions during construction and operation would include use of biodiesel fuel, conversion to compressed natural gas or

liquefied petroleum gas, repowering/refitting with cleaner, more fuel efficient, diesel engines, use of propane-generated fork-lifts for stevedores, use of electric reefer plugs, use of newer vehicles with more fuel efficient engines, provision of electric power to tugs and pilots, installation of automated gates that are fully electronic within 5 years, and enforcement of idling requirements for truckers while in port.

- Freight traffic mitigation options to minimize GHG emissions would include repowering/refitting with cleaner, more fuel efficient, diesel engines, use of hybrid rail engines and other vehicles, as available, and use of newer vehicles with more fuel-efficient engines, if possible.
- Container ship mitigation options to minimize GHG emissions would include use of container ships with more efficient engines and propulsion systems and use of container ships with engine and propulsion systems and design features that follow the International Maritime Organization guidance for improvements in energy efficiency.
- EPA concurrence under Section 103 of the MPRSA was obtained on October 31, 2017.
- Continuation of the MSPA's "Pathways to the Port" job-training program to benefit the community and provide the Port with a capable, qualified, and competitive workforce in the future.
- As mitigation for the effects of vibration due to increased rail traffic, regular maintenance could be used, which may include regularly scheduled rail grinding, wheel truing programs, use of wheel-flat detectors, and general reconditioning programs.

Since no previously recorded cultural resource sites listed in the National Register of Historic Places (NRHP) are located within the Port facility portion of the Project area and the probability for unrecorded cultural resources within this portion of the Project area would be considered low, the USACE determined that the Project would have no adverse effect on cultural resources within the Project area that are potentially eligible for inclusion in the NRHP. Should any unexpected discoveries occur during Project construction and operation, as well as maintenance activities, work should cease immediately in the vicinity of the resource, the discovery reported to the USACE Mobile District Archaeologist/Tribal Liaison, and action taken as directed.

8.2.4 Summary

When considering the required adherence to the permit conditions, the requirements on behalf of the EPA, NMFS, MDMR and MDEQ, the short-term adverse effects of the proposed Project should be minimized and should not result in long-term adverse effects. Future DA permit applications associated with the PGEP would be subject to additional review by the USACE. This review would consist of avoidance, minimization, and compensation for unavoidable impacts. These future DA permit applications would also be subject to review by the MDEQ when considering water quality measures.

9.0 FEDERAL, STATE, AND OTHER AUTHORIZATIONS OBTAINED, REQUIRED, OR PENDING

a. In accordance with State Water Quality Certification: The MDEQ issued the Section 401 Water Quality Certification (WQC) (WQC Number WQC2010023) on October 5, 2017.

b. Other Authorizations: In accordance with 33 CFR Part 325.2, paragraphs 1 through 5, the USACE identified a need for the MDEQ Section 401 WQC evaluation. A Certificate of Exclusion was issued by MDMR for Coastal Zone Management Consistency on October 17, 2017. As a condition of the permit, EPA concurrence under Section 103 of the MPRSA was obtained on October 31, 2017. NMFS has prepared a BO for five species of whales, five species of sea turtles, the Gulf sturgeon and Gulf sturgeon critical habitat. The MDMR submitted a permit application to the USACE and LDNR in February 2016 to permit the BMC in Louisiana for beneficial use of dredged material. See Section 10 of this ROD for additional information. All other authorizations were either obtained by the USACE as the lead federal agency or by the Port through proper coordination with other local, state or federal agencies. Issuance of a DA permit does not obviate the need from other necessary federal, state, or local requirements.

10.0 GENERAL POLICIES FOR EVALUATING PERMIT APPLICATIONS (33 CFR 320.4 ([A-R]))

a. Public Interest Review: Regulations require that the USACE make an independent review of the public need for a project from the perspective of the overall public interest. This

independent review is relevant to the USACE permit decision. The USACE will question the public need for a project if the proposed project appears to be unduly speculative. In the public interest review, the USACE has the responsibility to balance public interest need or benefits against public interest detriments. The decision of whether to authorize a proposed project and the conditions under which it will be allowed are determined by the outcome of this general balancing process, primarily as it relates to navigation. The EIS provides the basis of the public interest review process undertaken by the USACE.

b. Effect on Wetlands: There are no anticipated direct impacts to wetlands and submerged aquatic vegetation (SAV). Dredged material suitable for beneficial use (approximately 7.11 mcy) will be placed in the BMC in Louisiana. The Port will implement USACE and LDNR permit conditions. The MDEQ issued Section 401 WQC for the Project on October 5, 2017 (WQC2010023).

c. Fish and Wildlife Concerns: Impacts to aquatic communities as a result of increased turbidity during dredging will be limited to the immediate area of dredging and placement and limited to the duration of the plume at a given site, and may include temporarily and localized impacts to primary production levels, finfish foraging and distribution patterns, and filter feeder filtering rates. There may also be temporary burial of benthic organisms in placement sites. No long-term effects on benthic organisms are expected due to motility, rapid recovery of benthic communities following temporary, short-term impacts in the immediate vicinity of the area dredged. No long-term turbidity impacts on artificial reefs are anticipated.

Short-term turbidity increases during construction and placement of dredge material may temporarily impact fisheries species (including recreational and commercial species) and associated prey. Temporary disruption of fish and wildlife during dredging is anticipated but no long-term impacts are expected. Temporary reduction in quality of EFH and displacement of individual species is expected; no contamination issues or significant impacts to federally managed species. No contamination issues are anticipated from beneficial use of sediments.

Temporary impacts include underwater noise caused by pile driving, dredging and placement activities during construction and maintenance dredging; impingement from dredging activities;

changes to water quality such as elevated turbidity levels and potential release of contaminants in sediments; and changes to predator/prey dynamics for benthic feeders (disruption of foraging habitat); risk of collision with vessels; and potential release of hazardous or toxic materials during operation. New work and maintenance dredging activities have the potential to negatively impact all five federally listed sea turtle species, should they be present in the Project area during the time of construction and dredging. Adverse effects could occur from impingement, temporary physical and behavioral impacts from noise, increased turbidity and re-suspended sediment, and loss of benthic food resources during dredging and placement activities. Potential entrainment of listed sea turtle species and Gulf sturgeon during dredging activities is the most significant potential impact associated with the Proposed Project Alternative. Avoidance, minimization, and other conservation measures formalized by NMFS in the Gulf Regional Biological Opinion (NMFS, 2003, 2005, 2007) and adopted for the PGEP would greatly reduce the likelihood of adverse effects to these sea turtle species and the Gulf sturgeon.

Permanent impacts include the loss of 196.5 acres of estuarine mud and sand bottom habitat and permanent conversion of 85 acres to deeper habitat, thus reducing the amount of food and habitat available to some aquatic communities. However, the area involved would be a small fraction (0.04 percent) of the total available habitat within the entire system. The acreage of Gulf sturgeon critical habitat would be relatively small (0.06 percent) compared with the overall size of Gulf sturgeon critical habitat in the Mississippi Sound. The NMFS developed a BO to determine whether a negative impact would occur from the Proposed Project Alternative. The BO determined that the action, as proposed, would have no effect on the hawksbill sea turtle and may affect, but is not likely to adversely affect, the five whale species, but is likely to adversely affect Kemp's ridley, loggerhead, leatherback, and green sea turtles, and Gulf sturgeon and may affect designated Gulf sturgeon critical habitat. NMFS also concluded that the proposed action is not likely to jeopardize the continued existence of the North Atlantic green sea turtle DPS, South Atlantic green sea turtle DPS, leatherback sea turtle, Northwest Atlantic loggerhead sea turtle DPS, Kemp's ridley sea turtle, or Gulf sturgeon. Additionally, NMFS concluded that the action, as proposed, is not likely to destroy or adversely modify designated Gulf sturgeon critical habitat.

d. Water Quality: Impacts anticipated to occur under the proposed Project include temporary measurable increases in turbidity which would occur whenever sediment is being removed and placed during construction and maintenance dredging activities. These increases would not extend far beyond the area where sediment is being disturbed and would last only days after dredging activity is completed. There is also the potential for low DO episodes associated with construction and maintenance dredging that would be expected to return to pre-dredge conditions within a few hours. Other temporary impacts to water quality may result from the increased vessel trips into the Port, which may raise the risk of spills; however, expansion of the Turning Basin may lower the probability of spills. While the probabilities of the risk of spills are not quantified, risk would not be expected to be high based on the low frequency of incidents in the past, the nature of the containerized materials shipped into and out of the Port, and increased state and federal focus on spill prevention and response over the past 20 years. Permanent changes to water quality as a result of the construction and operation of the proposed Project would include low DO in bottom habitats with increased depths. However, as these impacts would be limited to deeper water depths, water quality standards would not be violated.

The MDEQ issued 401 WQC indicating that the proposed work, in conjunction with the implementation of the required special conditions, will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972. The certification is considered conclusive in the USACE's evaluation regarding water quality aspects (33 CFR Part 320.4(d)). Implementation of the conditions associated with the MDEQ certification would offset any Section 401 water quality impacts.

e. Historic, Cultural, Scenic, and Recreational Values: There are no anticipated impacts to cultural and archaeological resources that will require mitigation actions. Should any unexpected discoveries occur during Project construction and operation, as well as maintenance activities, work will cease immediately in the vicinity of the resource, the discovery reported to the USACE Mobile District Archaeologist/Tribal Liaison, and action taken as directed.

f. Effects of Limits of the Territorial Sea: There will be no effect on the limits of the territorial sea.

g. Consideration of Property Ownership/Shoreline Erosion and Accretion: The proposed PGEP does not extend to shore. Currently, estimated shoreline erosion rates in the Gulfport area range from -2.3 to -3.3 feet per year, representing a major concern to the Port. Storm surges take an additional large amount of sediments from the system increasing the rates of erosion. No change from current trend of shoreline erosion, sea level rise, and upland development is expected. The DA permit does not convey any property rights, or any exclusive privileges, and does not authorize any injury to property or obviate the requirements to obtain other local, state, or federal authorization required by law. Neither of the alternatives evaluated would affect climate changes or sea level rise.

The proposed Project would not result in significant changes in wave heights or breaking wave angles along the adjacent beaches. The installation of the breakwater would for the most part create a positive impact in the area; shoreline protection measures associated with shoreline erosion and storm event protection would be enhanced. The construction of a breakwater and expansion of the West Pier would likely have only a minor impact on the general system's hydrodynamics.

The beneficial use of dredged material at the BMC as a result of the proposed Project would function to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH. Enhanced protection of shorelines along Hancock County and Louisiana would result in reduced erosion rates from storms in those areas.

h. Activities Affecting Coastal Zones: The Port received a Certificate of Exclusion from MDMR under the Mississippi Coastal Program on October 17, 2017 (DMR-080020).

i. Activities in Marine Sanctuaries: Concurrence from the EPA under Section 103 of the MPRSA was obtained on October 31, 2017.

j. Other Federal, State, or Local Requirements: Issuance of a DA permit does not obviate the permittee from other necessary federal, state, or local requirements.

k. Safety of Impoundment Structures: There are no impoundment structures nor will there be a need for impoundment structures as a result of the proposed Project.

l. Floodplain Management: Impacts to floodplains are not anticipated as a result of the project.

m. Water Supply and Conservation: No water supply wells occur within the project footprint, and no impacts to water supplies or conservation are expected.

n. Energy Conservation and Development: The purpose of PGEP is not to help conserve or develop energy sources and no impacts are expected.

o. Navigation: The Proposed Project Alternative will not impact existing federal channel aids to navigation or the Commercial Small Craft Harbor; however, the Commercial Small Craft Channel would be realigned and six buoys and three beacons would be relocated.

The Proposed Project Alternative would increase throughput to up to 1.7 million TEUs annually by 2060, yielding 2,833 container vessel trips per year, or 7.8 trips per day. Some delays could be encountered by recreational boaters using the Gulfport Yacht Club and Gulfport Small Craft Harbor or the Commercial Small Craft Harbor immediately adjacent to the Port while yielding to larger ships transiting the FNC. However, these delays are not expected to be excessive, given the number of ships expected to call at the Port in a given day.

p. Environmental Benefits: The project will provide approximately 7.11 mcy of material for beneficial use to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH. The breakwater would also provide shoreline protection from erosion and storm events.

q. Economics: According to 33 CFR 320.4(q), when private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is supported by the needs of the local community.

r. Mitigation: No mitigation required. There will be no loss of functions and values in special aquatic resources.

11.0 CUMULATIVE AND SECONDARY IMPACTS

Cumulative impacts due to past, current, and reasonably foreseeable future projects (1–8 years), in combination with the proposed Project, are not anticipated to have substantial adverse impacts to most environmental resources within the study area. Section 5 of the Final EIS provides a more-detailed discussion on cumulative impacts. The majority of environmental impacts associated with the projects described in Sections 5.2 and 5.3 of the Final EIS will be temporary, and in some cases, result in beneficial impacts to the region.

One of the long-term cumulative impacts associated with the evaluated projects will be increased economic opportunity in terms of the number of jobs created and stimulus to the local economy. The Proposed Project Alternative, however, will likely contribute adverse impacts to air quality, traffic, noise, and threatened and endangered species, and could contribute to Environmental Justice issues, that in combination with other past, present, and reasonably foreseeable future actions could have an incrementally greater cumulative effect on these resources when compared to the effect of the individual action. It is anticipated that the Proposed Project Alternative, in combination with other evaluated projects, will not have substantial cumulative adverse effects on environmental resources.

Existing governmental regulations will address the issues that influence local and ecosystem-level conditions. Natural resources in the area are provided protection through coordination with stakeholder groups, local organizations, and state and federal regulatory agencies implementing regulations such as the CWA, Endangered Species Act (ESA) (16 USC 1536), NEPA, CZMA, and Clean Air Act (CAA) (Section 11 of the Final EIS). This collaboration and regulation of impacted resources should avoid and minimize impacts that could contribute negative cumulative impacts in the region.

12.0 PUBLIC NOTICE COMMENTS, RESPONSES, AND USACE ANALYSIS OF COMMENTS AND RESPONSES

The availability of the Final EIS for the project (SAM-2009-1768-DMY) was advertised by a 30-day NOA in the *Federal Register* dated June 9, 2017. Agency responses and coordination resulting from this notice are summarized below. All comments received on the Final EIS are summarized in Attachment A, Comments and Responses on the Final EIS.

In a letter dated October 5, 2017, the Office of Pollution Control certifies that the project will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the conditions listed in the certification and with Section 8.2 of this ROD.

On October 9, 2015, USACE initiated formal consultation with NMFS for effects to the Gulf sturgeon and its critical habitat, Kemp's ridley sea turtle, loggerhead sea turtle, green sea turtle, leatherback sea turtle, and hawksbill sea turtle. NMFS provided the Draft BO for comments on August 7, 2017. USACE raised the following concerns in response to the document:

- USACE requested that the PGEP BO not be "batched" with the BMC BO.
- USACE requested that the phrase "USACE or the Applicant" be added for all RPMs and T&Cs since the Applicant will ultimately be responsible for implementing the BO. USACE requested that T&Cs 7, 8, 13 (d, f, g, h, I, j, and k), and 15 be removed from the BO as they are outside the USACE's regulatory authority.

NMFS issued the final BO on October 3, 2017, and found the Project would have no effect on the hawksbill sea turtle and may affect, but is not likely to adversely affect the five whale species, but is likely to adversely affect Kemp's ridley, loggerhead, leatherback, and green sea turtles, and Gulf sturgeon and may affect designated Gulf sturgeon critical habitat.

The BO will be incorporated into the permit via the following special condition: "This permit does not authorize the permittee to take an endangered species, in particular, blue, fin, humpback, sei, and sperm whales; hawksbill, Kemp's ridley, leatherback, green, and loggerhead

sea turtles; and Gulf sturgeon. In order to legally take a listed species, the permittee must have separate authorization under the ESA (Section 10 permit or a BO under the ESA Section 7, with “incidental take” provisions with which the permittee must comply). The enclosed NMFS BO contains mandatory T&Cs to implement the RPMs that are associated with the “incidental take” that is also specified in the BO. The authorization under this USACE permit is conditional upon compliance with all the mandatory T&Cs associated with incidental take of the enclosed BO, with T&Cs incorporated by reference in this permit. Failure to comply with the T&Cs associated with incidental take of the BO, where a take of the listed species occurs, shall constitute an unauthorized take and also constitute non-compliance with the USACE permit. However, the NMFS is the appropriate authority to determine compliance with the T&Cs of its BO and with the ESA. For further clarification on this point, the permittee should contact the NMFS.”

NMFS also consulted with the USACE with respect to potential impacts to EFH in the Project area. Per a letter dated June 3, 2010, the NMFS Habitat Conservation Division (HCD) took the position that the Project, as proposed, will have substantial and unacceptable impacts on an aquatic resource of national importance and has chosen to refer this Project through the procedures for “Elevation of the Individual Permit Decisions” outlined in the 1992 Memorandum of Agreement (MOA) between the Department of Commerce (DOC) and the DA. NMFS recommended DA authorization not be granted for the Project as proposed and an EIS be prepared for the Project. The USACE concurred with the NMFS recommendation to prepare an EIS and to provide detailed information. An NOI to prepare an EIS was published on March 11, 2011. NMFS was invited and participated as a cooperating agency on this EIS. An EFH assessment was prepared with the involvement of NMFS and is included in the Final EIS for this project. The NMFS, in a letter dated November 21, 2017, indicated their concerns related to impacts to EFH and associated marine fishery resources have been adequately addressed.

The EPA, in a letter dated July 10, 2017, provided comments regarding their review process under Section 309 of the CAA and Section 102(2)(C) of NEPA. The EPA acknowledged the USACE’s efforts to address their comments on the Draft EIS related to air quality and the community, sediment quality and disposal of dredged material. In consultation with the EPA, the USACE completed air dispersion modeling following the Draft EIS and evaluated resulting air pollutant concentrations from truck and train activity along U.S. Highway 49. The modeling

results indicate that no significant air quality impacts would occur as a result of the proposed Project nor would NAAQS be exceeded. The EPA also coordinated extensively with the USACE and the Port of Gulfport to address concerns related to the disposal of dredged material associated with the PGEP under Section 103 of the MPRSA. Concurrence from the EPA under Section 103 was received on October 31, 2017. EPA's remaining comments and recommendations are summarized in Attachment A.

13.0 PUBLIC HEARING REQUEST

Federal Guidelines at 33 CFR 327.4 state that a public hearing will be held whenever the hearing will assist in making a decision on the referenced application. A public hearing and agency workshop was held December 8, 2015, to solicit comments and information from the public on the Draft EIS. An open-house was conducted prior to the formal public hearing, which served as an opportunity for discussion with the USACE and consultants on the Project. During the open-house session, the public had the opportunity to view a short video and display stations which included information on the NEPA process, the Draft EIS, and background of the proposed Project, including projects in the Port's vicinity. The opportunity for language interpreters was offered by the USACE for the open house and public hearing.

14.0 CONSIDERATION OF SPECIAL ACTS OR EXECUTIVE ORDERS (EO) NOT ALREADY ADDRESSED

a. Environment:

1. Section 176(c) of the Clean Air Act General Conformity Rule Review: Harrison County is currently designated as unclassifiable or in attainment with the NAAQS for all regulated pollutants. Therefore, the proposed Project area will not be subject to the General Conformity Rules as they are applicable only to projects located in nonattainment areas, and a General Conformity Determination is not required.

2. EO 11990 – Protection of Wetlands (1977): The purpose of this EO is to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of the wetlands and to avoid direct or indirect support of new construction in

wetlands wherever there is a practicable alternative. Direct impacts to wetlands and SAV are not expected. Dredged material suitable for beneficial use (approximately 7.11 mcy) will be placed in the BMC in Louisiana.

3. EO 13158 – Marine Protected Areas (2000): Concurrence from the EPA under Section 103 of the MPRSA was obtained on October 31, 2017.

4. EO 12898 – Environmental Justice: This EO directs each federal agency to “. . . make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.” A review of the Project regarding impacts on the environment or human health conditions of the region and disproportionate adverse impacts on minority or low-income populations can be found in Sections 4.3 (Socioeconomics Resources) of the Final EIS.

5. EO 13045 – Protection of Children: This EO requires that “consistent with the agency’s mission, each federal agency: (1) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (2) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO defines “environmental health risks and safety risks” to mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to). The Project as currently proposed would not cause any environmental health risks or safety risks that would disproportionately affect children and is therefore in compliance with the EO.

6. EO 11988 – Floodplain Management: In accordance with the EO and 33 CFR 320.4(l) floodplains pose significant natural values and carry out numerous functions important to the public interest. These include water resource values, living resource values, cultural resources values and cultivated resource values. In accordance with EO 11988, the USACE should avoid authorizing floodplain development whenever practicable alternatives exist outside

the floodplain. If there are no such practicable alternatives, the USACE shall consider, as a means of mitigation, alternatives within the floodplain which will lessen any significant adverse impact to the floodplain. There will be no impacts to floodplains as described above in Section 10 (I).

7. EO 13112 – Invasive Species: This EO requires federal agencies to “prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.” An increase in vessel traffic would be expected under the Proposed Project Alternative, which could increase the potential for invasive species in the Project area. However, the USCG mandatory ballast water management protocols (33 CFR 151 subparts C and D) would remain in place for all vessels, foreign and domestic, equipped with ballast water tanks that operate within U.S. waters.

b. Other:

1. EO 13175 – Consultation and Coordination with the Tribal Indian Governments: The purpose of this EO is to coordinate new construction with Indian Tribal Governments. This proposed work has been coordinated with Tribal Officials by the USACE. Should any unexpected discoveries occur during Project construction and operation, as well as maintenance activities, work should cease immediately in the vicinity of the resource, the discovery reported to the USACE Mobile District Archaeologist/Tribal Liaison, and action taken as directed.

2. EOs 13212 and 13302 – Actions to Expedite Energy-Related Projects: The purpose of EO 13212 is to take additional steps to expedite the increased supply and availability of energy to the U.S. through the review of permits or other actions to accelerate the completion of energy-related projects. EO 13302 amends EO 13212 to include “projects that will strengthen pipeline safety.” The proposed Project is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

15.0 EVALUATION OF THE PROJECT UNDER THE 404(b)(1) GUIDELINES

15.1 PROJECT DESCRIPTION

a. Location: See Section 1 of this ROD.

b. General Description: On March 11, 2011, USACE Mobile District filed an NOI in accordance with the NEPA process to develop an EIS for the PGEP. The PGEP, as described in the NOI (SAM-2009-1768-DMY, public notice issued April 16, 2010), has been altered from its initial scope. The modified Project scope entails filling a smaller footprint, which decreases the overall amount of fill necessary for expansion, and will no longer impact the existing Anchorage Basin or FNC.

The Proposed Project Alternative is to expand the facilities at the Port to provide appropriate infrastructure for handling up to 1.7 million TEUs annually by 2060. This effort involves the dredging and filling of estuarine mud and sand bottom in Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, placement of new-work and maintenance dredged material, and construction of a breakwater. The proposed expanded Port facility would be elevated to up to +25 feet above mean sea level to provide protection against future tropical storm surge events.

The Proposed Project Alternative will require removal and placement of approximately 7.68 mcY of sediment for the expansion of the piers and the creation of the Turning Basin.

This Section 404(b)(1) evaluation addresses discharges of dredged or fill material into waters of the U.S. as proposed by the Applicant's Proposed Project Alternative. The Applicant's Proposed Project Alternative evaluated in the EIS includes the following primary actions:

1. Dredging and impacts to approximately 282 acres of estuarine mud and sand bottom in Mississippi Sound for the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, expanded turning basin, and construction of a breakwater of approximately 4,000 linear feet (approximately 18 acres of fill);

2. Proposed deepening of the federally authorized Gulfport Turning Basin and proposed basin expansion to match the depth of the Sound Channel; and
3. Dredged material disposal.

The recommended placement alternative for the dredged material from the West and East Pier Expansion, North Harbor and West Pier berthing areas, and the Turning Basin expansion is a permitted BU site such as the BMC, other suitable BU sites if available, or the Pascagoula ODMDS. The new work dredging associated with the construction of the above Port features as part of the proposed Project is estimated to require removal of approximately 7.68 mcy of dredged material, including 560,000 cy of dredged material (debris from East Pier) that would be disposed of in the permitted upland Harrison County Development Commission disposal site on Industrial Seaway in Gulfport (Anchor QEA LLC, 2017, Appendix F of the EIS). New work dredged material would be placed on a barge (without dewatering) and transported to the disposal site; material designated for upland disposal would be transported by barge, unloaded and placed into disposal cells where it would dewater, with no additional hauling or trucking required (see MSPA letter dated August 17, 2016, Appendix E-1 of the EIS). Following construction of the Turning Basin Expansion, the MSPA would be responsible for maintenance dredging of the portion of the new Turning Basin that is not part of the federally authorized project, as well as the berthing areas associated with the expanded East Pier, North Harbor, and West Pier. Maintenance dredging associated with these areas is anticipated to require removal of approximately 486,000 cy to 1.3 mcy every year. A Dredged Material Management Plan (DMMP) was prepared to evaluate potential placement options for the new work and maintenance dredged material associated with the Proposed Project Alternative (Anchor QEA LLC, 2017, Appendix F of the EIS). Estimated dredged material quantities are shown in Table 5. Estimated dredge quantities assume maintenance for a 30-year period. At this time, it is expected that new work dredging would occur using a mechanical/hopper dredge and maintenance dredging would occur using a hydraulic/cutterhead or mechanical/hopper dredges, as necessary.

The DMMP evaluated multiple placement alternatives for new work and maintenance dredged material.

Sites considered for placement of dredged material include:

- Use as fill for the West Pier Expansion
- Twelve designated BU sites
- Thin-layer placement
- Candidate BU sites
- Placement in an approved ODMDS
- Placement in an approved and permitted upland disposal site(s)

All sites were evaluated based on feasibility, potential environmental impacts, cost, and suitability of material. Potential BU sites were evaluated based on capacity and distance to the dredge site, taking into consideration habitat value, stability, and sediment transport.

Recommendations were made for each option (Anchor QEA LLC, 2017; see Appendix F of the EIS). Considering additional information is needed to finalize the recommendations of dredged material placement alternatives, the following summarizes the various placement options.

New work dredged material structurally suitable would be used for fill at the Project site. Any material not structurally suitable would be evaluated for potential beneficial use and possible placement at a designated or candidate BU site. The MDMR submitted a permit application to the USACE and LDNR in February 2016 to permit the BMC in Louisiana for beneficial use of dredged material. The goal of this designation is to provide a new BU site on the western side of the state to accommodate material generated from private and public dredging projects to meet the requirements of Mississippi's beneficial use law.

During the DMMP evaluation, the Port began discussions with the MDMR/USACE Beneficial Use Group (BUG) on using the BMC as a placement area for suitable dredged material from the Port. For the proposed PGEP, the BUG was in favor of a BU site instead of an ODMDS. As such, the BMC is the preferred placement alternative for the dredged material for the proposed Project (Anchor QEA LLC, 2017, Appendix F of the EIS). If a suitable BU site is identified, appropriate coordination with MDMR for placement of dredged material at the approved and permitted location would occur at that time. The BMC BU site would function to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the

Mississippi and Louisiana coasts, and to offset impacts to EFH. If the BMC is not permitted prior to dredging, and no other suitable BU sites are available, the Pascagoula ODMDS would be used for disposal of new work dredged material. Appendix G of the EIS provides results from sediment sampling and testing conducted by MSPA for all sediment that would be dredged according to requirements of Section 103 of the MPRSA. This comprehensive sampling process satisfies the requirements of the EPA, MDMR, and MDEQ, for the placement of dredged material in either an ODMDS or BU site as well as USACE New Orleans District and LDNR for placement in the BMC. New work dredged material not suitable for beneficial use would also be placed in the Pascagoula ODMDS. If placement of the dredged material in the ODMDS is not feasible, the material would be placed in an approved and permitted upland disposal site(s). Currently, the Harrison County Development Commission dredged material disposal site on the Industrial Seaway has capacity for up to 750,000 cy. The material would be transported by barge and offloaded to the disposal site as described in the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS). Because dewatering of the material occurs in the disposal site, dewatering of the dredged material before transporting or offloading is unnecessary. This site would be suitable for the East Pier Expansion dredged material. An upland disposal site located 30 miles north of the Port in Stone County has been identified as a potential placement site for the remaining 7.11 mcy of dredged material; the name of the site and specific location have been withheld at the owner's request. For this option, the material would be mechanically dredged, dewatered, placed into trucks, and hauled to the disposal site for offloading. Considering that it would require approximately 14 years to dredge, transport, and offload the material to the upland disposal site, and would cost over \$200 million, use of an upland disposal site for the 7.11 mcy of dredged material is not a viable placement alternative (Anchor QEA LLC, 2017, Appendix F of the EIS). However, this upland site may still be utilized for the portion of disposal material that could not feasibly be placed in an ODMDS or BU site. The Port would be responsible for maintenance dredging of those areas outside of federal jurisdiction. Maintenance dredged material would be disposed of using thin-layer placement, as discussed in the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS). As with the use of a BU site, the use of thin-layer placement sites for the proposed Project would be handled under a separate and independent permitting process.

c. Purpose: The purpose of the proposed Applicant's Proposed Project Alternative is to increase throughput capabilities at the Port beyond 1.0 million TEUs annually and stimulate the local, regional, and state economy by creating direct, indirect, and induced jobs. An expanded footprint would allow the Port to increase container throughput to 1.7 million TEUs per year by 2060. The screening process used to identify practicable alternatives is described in Sections 2.3 through 2.6 of the EIS. The USACE sought additional avoidance and minimization measures through the regulatory review process in cooperation with NMFS, MDMR, and MDEQ. Alternatives that avoided water dependency were considered but determined not to meet the Applicant's purpose and need (see Section 1.5 of the EIS).

d. General Description of Dredged or Fill Material:

(1) General Characteristics of Material: Almost all information within this 404(b)(1) evaluation is from the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS) and EIS, unless otherwise cited. Seven borings from the historical boring logs and sediment test results from the USACE channel deepening (USACE, 1992) and widening contract documents (USACE, 2009) were selected for evaluation based on their location to the proposed Turning Basin Expansion. The borings were classified using the Unified Soil Classification System (USCS), which describes the soil's grain size and texture. The majority of the sample material is classified as fine-grained medium to high plasticity organic silt and clay. Other materials that were identified include silty and clayey sands and inorganic silts and clays (Anchor QEA LLC, 2017, Appendix F of the EIS).

The USACE (2011) dredging history classifies the Anchorage Basin maintenance materials as soft to very soft silts and clays. For the 2011 FNC widening, the USACE performed acoustic density profiles and profiles along the Sound Channel bottom, which indicated the presence of fluid mud, as reported previously in available literature (McAnally et al., 2007). The Anchorage Basin was not part of the FNC widening project, thus the profiles do not extend into this area; however, it is reasonable to assume that fluid mud is also present in the Basin. Detailed information regarding sediment quality and quantity is described in the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS).

(2) Quantity of Material: The Applicant's Proposed Project Alternative will require removal and placement of approximately 7.68 mcy of sediment for the expansion of the piers, berthing areas, and Turning Basin.

e. Description of the Proposed Discharge:

(1) Location: New work dredged material structurally suitable would be used for fill at the Project site. The preferred placement alternative for the dredged material from the West and East Pier Expansion, North Harbor and West Pier berthing areas, and Turning Basin expansion that is not structurally suitable for fill at the Project site is a permitted BU site. During the DMMP evaluation, the Port began discussions with the MDMR/USACE BUG on using the BMC (Figure 8-1 of the DMMP) as a placement area for the dredged material from the Port (Anchor QEA LLC, 2017, Appendix F of the EIS). MDMR submitted a permit application to the USACE New Orleans District and LDNR in February 2016 to permit the BMC in Louisiana with adequate capacity for beneficial use of dredged material. Maintenance dredged material would be disposed of as discussed in the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS). As with the use of a BU site, the use of thin-layer placement sites for the proposed Project would be handled under a separate and independent permitting process.

(2) Size: The BMC is the recommended BU site for the Applicant's Proposed Project Alternative. Survey data are necessary to establish the actual capacity of the site and proposed placement (i.e., discharge) locations. The BMC is a complex that encompasses approximately 30,290 acres and includes islands, bays, and open-water lakes, specifically False Mouth Bay, Bay Boudreau, Drum Bay, and Shell Island Lake (Anchor QEA LLC, 2017; CH2M HILL 2011; T. Baker Smith, 2006). For practical purposes, the site currently is considered to have an unlimited capacity, which will need to be verified prior to BU site selection. Surveys of current and planned upland areas are also needed to determine the indigenous vegetation coverage and proposed application methods (Anchor QEA LLC, 2017, Appendix F of the EIS).

(3) Type of Site and Habitat: The proposed BMC site would function to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH. Direct habitat affected by placement is estuarine mud and sand bottoms.

(4) Time and Duration of Discharge: It is anticipated that construction of the proposed Port expansion would not occur until the market demand at Gulfport supports additional growth (expected in approximately 2017). Although the precise timing of a construction start date is unknown, MSPA assumes construction would be initiated to alleviate market demands beginning in the expected year 2018. Maintenance events and discharges would occur for the life of the Project.

f. Description of Disposal Method: Dredging activities for the Applicant's Proposed Project Alternative would be performed via one or a combination of three options: hopper, mechanical, or hydraulic cutterhead dredge. The dredge type would depend on the disposal location and required placement activity.

15.2 FACTUAL DETERMINATIONS

a. Physical Substrate Determinations:

(1) Substrate Elevation and Slope: Site details of the BMC BU site are still to be determined; however, the long-range goal of the BU site is to create mounds to encourage habitat development, intertidal circulation, and habitat diversity (Anchor QEA LLC, 2017, Appendix F of the EIS). Initial elevation at the BMC BU site would be +3 feet, decreasing to between +0.5 and +1.5 feet after settlement.

(2) Sediment Type: Sediments studied for the West Pier Expansion indicate a composition of low plasticity silts. Turning Basin sediment studies indicate mostly clays, and studies for channel sediments indicate mostly sands (Section 5 of the DMMP provides details of these sediment analyses).

(3) Dredged/Fill Material Movement: Although site details of the BMC BU are still to be determined, the long-range goal of the BU site is to create mounds to encourage

habitat development, intertidal circulation, and habitat diversity (Anchor QEA LLC, 2017, Appendix F of the EIS). Initial elevation at the BMC BU site would be +3 feet, decreasing to between +0.5 and +1.5 feet after settlement. Any materials lost overtime due to general erosion or storm events are anticipated to remain within the system, since the location is not within the littoral drift.

(4) Physical Effects on Benthos: Some benthic fauna would be adversely affected by placement of materials. Benthic faunal recolonization of areas impacted by dredging and dredged material disposal can occur through vertical migration of buried organisms through the dredged material, immigration of post-larval organisms from the surrounding area, larval recruitment from the water column, and/or sediments slumping from the side of the dredged area (Bolam and Rees, 2003; Newell et al., 1998).

(5) Other Effects: None identified.

(6) Proposed Avoidance and Minimization Measures: This Project was fully coordinated with state and federal resource agencies, and their comments have been incorporated into the development of the Project and EIS to the maximum extent practicable. During construction, proper BMPs would be implemented to minimize impacts on the biological and physical environment. The Applicant's Proposed Project Alternative would not result in loss of wetlands and would prefer to employ BU sites.

b. Water Circulation, Fluctuation, and Salinity Determinations:

(1) Water: Minimal effects are expected from the Applicant's Proposed Project Alternative on water exchange and inflows and salinity. There will be no changes to the amount of freshwater inflows in the Project area. Overall, no significant adverse impacts on hydrodynamics are expected due to the primary influences of tides, winds, and salinity from the Gulf in the study area.

(a) Salinity: Freshwater inflows and salinity levels would not be altered by the Applicant's Proposed Project Alternative. The area of water exchange with the near-shore Gulf would increase insubstantially compared to the total area of exchange

within the study area. The multiple, wide passes where water moves between the Mississippi Sound and the Gulf are substantially greater in area than the area of exchange created by deepening considered for the Port. Consequently, minimal to no measurable effect would occur as a result of the Proposed Project Alternative on salinity within the study area, Gulf, or Mississippi Sound.

(b) Water Chemistry: Measurable impacts from chemical contaminants, such as heavy metals, synthetic organic compounds, cyanide, and nutrients are not expected to occur. This conclusion is based on monitoring and laboratory bioassays conducted since 2000. Chemicals of potential concern are present in water and sediment, and different analytical tests evaluated the likelihood contaminants would impact water or sediment quality. Results of these analyses (see bullets below) indicate that no extensive or severe chemical contamination occurs in the harbor. The harbor is the portion of the Project surrounded by industry and may have been most susceptible to chemical contamination from adjacent industries, berthed vessels, loading and unloading operations, and stormwater runoff from industrial areas. Similarity between sediment composition in the harbor, FNC, ODMDS, and placement sites, which are considered minimally impacted in the Sound, combined with the general lack of contaminants of concern, indicate that sediment quality impacts resulting from placement of dredged materials using any of the placement options considered are not likely to occur (Anchor QEA LLC, 2017, Appendix F of the EIS).

Thompson Engineering Inc. (2015) recently completed testing of potential dredged material associated with the Port of Gulfport Spool Base located adjacent to the existing Port of Gulfport East Pier, in accordance with the Sampling and Analysis Plan (SAP) approved on February 27, 2015, by the MDMR. Sediment analytical results from the recent testing did not identify any detectable concentrations of volatiles or pesticides in the two sediment core borings but found one constituent (acenaphthene) above the Screening Quick Reference Tables threshold effects level (TEL) and probable effects level (PEL) screening levels; however, the reported concentration was below the MDEQ Tier 1 Target Remediation Goals (TRG). Several dioxins and furans were detected in both sediment samples but were also below the

MDEQ Tier 1 TRGs. The arsenic concentrations reported in both sediment samples exceeded the MDEQ Tier 1 TRGs and the TEL but were both below the PEL. All other detectable concentrations of constituents were either below the TEL, PEL, and MDEQ Tier 1 TRGs or below the MDEQ Tier 1 TRGs and between the TEL and PEL screening levels. As stated above, placement of the proposed dredged material from the East Pier as part of the proposed Project would meet all applicable regulations and be disposed of in the permitted upland Harrison County Development Commission disposal site on Industrial Seaway in Gulfport (Anchor QEA LLC, 2017, Appendix F of the EIS).

Elutriate testing (Anchor QEA LLC, 2013) found ammonia and several total and dissolved metals, including arsenic, chromium (total), copper, lead, nickel, selenium, and zinc that were above the minimum reporting limits (MRL) in one or more samples. Cadmium, chromium VI, mercury, and silver were not detected above the MRL in any elutriate sample. In all samples, cyanide, organometallic compounds, semivolatile organics, and pesticides were not detected in any of the elutriate samples. Dissolved copper in the GP-DU5-Comp elutriate sample exceeded the EPA and Mississippi State Water Quality Criteria by a factor of 2.3.

For the water quality samples, all analytes were below EPA and Mississippi State Water Quality Criteria (Anchor QEA LLC, 2017, Appendix F of the EIS). Ammonia, cyanide, and pesticides were not detected in the samples. Only total arsenic and total selenium were detected at concentrations greater than the MRL. Dissolved arsenic and selenium were also detected in the samples. Total chromium (III and IV), dissolved lead, and pentachlorophenol were estimated at concentrations below the MRL. All other total and dissolved metals were not detected (Anchor QEA LLC, 2013).

Spills could result in detrimental effects to water chemistry. Increased transit of vessels along the FNC may increase the risk of spills. The probability of increased contamination cannot be quantified but would be expected to be low based on the low frequency of incidents in the past (Anchor QEA LLC, 2017, Appendix F of the EIS)

and increased State and federal focus on spill prevention and response over the past 20 years.

(c) Clarity: There may be some temporary and localized increases in turbidity during excavation and placement. Effects on water clarity are expected to be temporary and would generally be limited to periods of dredging and placement activities. Water clarity would be expected to return to background levels shortly after operations are completed. It is important to note that periodic turbidity naturally occurs in Mississippi Sound, and there are no resources (e.g., sea grass) within the Project footprint which are particularly sensitive to short-term reductions in water clarity. BMPs would be implemented to help control turbidity within the immediate dredging area.

(d) Color: Water immediately surrounding some construction areas (i.e., where dredging or fill placement would occur) may become discolored temporarily due to disturbance of the sediment. BMPs would be implemented to reduce and control turbidity during construction and material placement.

(e) Odor: Portions of the material may be anoxic, and temporary and localized sulfidic odors could occur during operations.

(f) Taste: No detectable impact to the environment is expected. There are no drinking water intakes in the Project area, since it is a marine environment.

(g) Dissolved Gas Levels: DO has been measured near 0 milligrams per liter (mg/L) below water depths of 30 feet in the harbor (USACE, 2006) and in the middle and bottom of the water column in deepened parts of the Turning Basin. Dredging may cause some mixing of bottom water with low oxygen and oxygenated water higher in the water column, resulting in lowered oxygen concentrations higher in the water column. Additionally, disturbed sediment with oxygen-demanding materials may increase oxygen demand in bottom waters and at the placement areas. Possible episodes of lowered oxygen concentrations would be localized and temporary and expected to return to pre-dredging conditions within a day after dredging and

placement activities ceased. For other potential dissolved gases, the Project would not create conditions that would cause an increase in levels (e.g., increased solar gain, increased aeration, or additional nutrient loading).

(h) Nutrients: Project implementation would not create conditions that would increase nutrient loading and no detectable negative impact is expected.

(i) Eutrophication: Project implementation would not create conditions that would increase nutrient loading and eutrophication is not expected.

(j) Others as Appropriate: None known.

(2) Current Patterns and Circulation: Circulation patterns in the Project area are driven by astronomical tides, winds, and to a lesser degree, freshwater discharge. Mississippi Sound has substantial openings in the barrier island system. The estimated footprint of the Port would be 650.5 acres, which approximately 0.05 percent of Mississippi Sound's area; thus, the Applicant's Proposed Project Alternative would not measurably alter current patterns and circulation.

(a) Current Patterns and Flow: Maintenance dredging frequency may not increase; however, the maintenance dredged material volume may increase (Anchor QEA LLC, 2017, Appendix F of the EIS). All dredge placement sites were evaluated based on feasibility, potential environmental impacts, cost, and suitability of material. Potential BU sites were evaluated based on capacity and distance to the dredge site, taking into consideration habitat value, stability, and sediment transport.

(b) Velocity: Velocities are not expected to increase to any measurable degree.

(c) Stratification: Adverse impacts to stratification are not anticipated, since the Applicant's Proposed Project Alternative would not be expected to measurably alter circulation patterns.

(d) Hydrologic Regime: Adverse impacts to hydrologic regime are not anticipated, since the Applicant's Proposed Project Alternative would not be expected to

measurably alter circulation patterns. There will be no modifications or diversions of freshwater inflow; therefore, freshwater inflows would not be affected by the Applicant's Proposed Project Alternative.

(3) Normal Water Level Fluctuations: The average water surface elevation through the study area would be unaffected by the Applicant's Proposed Project Alternative, and no significant increase in tidal amplitude would be expected.

(4) Salinity Gradients: Freshwater inflows and salinity gradients would not be altered by the Proposed Project Alternative. The area of water exchange with the near-shore Gulf would not increase substantially compared to the total area of exchange within the study area. The multiple, wide passes where water moves between Mississippi Sound and the Gulf are substantially greater in area than the area of exchange created by deepening considered for the Port. Consequently, minimal to no measurable effect would occur as a result of the Proposed Project Alternatives on salinity gradients within the study area, Gulf, or Mississippi Sound.

(5) Proposed Avoidance and Minimization Measures: In addition to the refinement of the action alternatives and planning and coordination with state and federal agencies, fill will be placed to avoid impacts to various resources, such as threatened and endangered species habitat and cultural resources. Also, BMPs will be implemented during construction activities to further minimize the potential of adverse effects on these resources.

c. Suspended Particulate/Turbidity Determination:

(1) Expected Changes in Suspended Particulates and Turbidity Levels in Vicinity of Disposal Site: An increase in suspended particulates and concomitant turbidity levels may occur during placement operations. These are temporary and localized events, and appropriate BMPs would be implemented. The BU site would likely incorporate containment efforts depending on the proposed placement method. BMPs would be used during any placement operations to further minimize any potential adverse effects.

(2) Effects on Chemical and Physical Properties of the Water Column:

(a) Light Penetration: Turbidity levels will be temporarily increased during placement operations. These are temporary and localized events, and appropriate BMPs would be implemented.

(b) Dissolved Oxygen: Recent water column monitoring showed bottom water DO can be low, approaching 0 mg/L, particularly in the Turning Basin (Appendix L of the EIS; EPA, 1999, 2013, Orlando et al., 1993; USACE, 2006). DO in the middle and bottom of the water column in deepened parts of the Turning Basin would be measurably lower and most of the time would remain lower than adjacent shallower waters in the study area and Mississippi and Chandeleur sounds. Low DO conditions may exclude some types of nekton and benthic macroinvertebrates, which require oxygen levels above 4 mg/L. Since the increased area with low DO would be very small, it should not measurably affect ecological health in the study area, Gulf, or Mississippi Sound. Dredging may cause some mixing of anoxic bottom water with aerated surface water, possibly resulting in hypoxic surface conditions. Additionally, disturbed sediment with oxygen-demanding materials may increase oxygen demand in bottom water and at the placement areas. However, these possible hypoxic episodes would be localized and temporary and expected to return to pre-dredge conditions within a day after dredging and placement activities ceased.

(c) Toxic Metals and Organics: Measurable impacts from chemical contaminants like heavy metals, synthetic organic compounds, cyanide, and nutrients are not expected to occur. This conclusion is based on monitoring and laboratory bioassays conducted since 2000. The following are the primary conclusions drawn from the various analyses:

- Chemicals in water samples from Gulfport Harbor in November and December 2012 were below EPA and Mississippi State Water Quality Criteria (Anchor QEA LLC, 2017, Appendix F of the EIS; Appendix L of the EIS).
- Dissolved copper was the only chemical in elutriate samples collected from Gulfport Harbor in November and December 2012 that exceeded EPA and

Mississippi State Water Quality Criteria (Anchor QEA LLC, 2017, Appendix F of the EIS). Samples were collected for metals from different locations throughout the study area and all were below Mississippi Water Quality Criteria (see Appendix L of the EIS). Earlier elutriate monitoring showed levels of ammonia, dieldrin, and endrin high enough to exceed Mississippi Water Quality criteria with levels of metals, PCBs, and other pesticides below criteria or detectable levels (USACE, 2006).

- Solid phase and suspended particulate phase toxicity bioassays indicated Turning Basin sediments were not acutely toxic (Anchor QEA LLC, 2017, Appendix F of the EIS). EPA (2013) and USACE (2006) evaluated sediment toxicity and found sediments from the FNC were not acutely toxic.
- Turning Basin sediment contaminants of concern did not bioaccumulate in concentrations statistically greater than U.S. Food and Drug Administration's action levels (Anchor QEA LLC, 2017, Appendix F of the EIS).
- A review of EPA Superfund sites indicated that no Superfund sites are located adjacent to the harbor (Anchor QEA LLC, 2017, Appendix F of the EIS).
- Review of the USCG's National Response Center website of potential hazardous material releases from 2001 to 2010 revealed no reports of contamination resulting from loss of cargo (Anchor QEA LLC, 2017, Appendix F of the EIS).
- Thompson Engineering Inc. (2015) recently completed testing of potential dredged material associated with the Port of Gulfport Spool Base located adjacent to the existing Port of Gulfport East Pier, in accordance with the SAP approved on February 27, 2015, by the MDMR. Sediment analytical results from the recent testing did not identify any detectable concentrations of volatiles or pesticides in the two sediment core borings, but found one constituent (acenaphthene) above the Screening Quick Reference Tables TEL and PEL screening levels; however, the reported concentration was below the MDEQ Tier 1 TRGs. Several dioxins and furans were detected in both sediment samples but were also below the MDEQ Tier 1 TRGs. The arsenic concentrations reported in both sediment samples exceeded the MDEQ Tier 1 TRGs and the TEL but were both below the PEL. All other detectable concentrations of constituents were either below the TEL, PEL, and MDEQ Tier 1 TRGs or below the MDEQ Tier 1 TRGs and between the TEL and PEL screening levels. As stated above, placement of the

proposed dredged material from the East Pier as part of the proposed Project would meet all applicable regulations and be disposed of in the permitted upland Harrison County Development Commission disposal site on Industrial Seaway in Gulfport (Anchor QEA LLC, 2017, Appendix F of the EIS).

(d) Pathogens: None expected or found.

(e) Aesthetics: The project has been designed and selected in coordination with resource agencies to avoid detrimental environmental impacts and reduce or eliminate impacts on the aesthetic value of the area. The BMC BU site would contribute to barrier island development and protection, which should preserve and increase area aesthetics.

(f) Others as Appropriate: None known.

(3) Effects on Biota: Dredging and disposal activities as part of the Proposed Project Alternative would have immediate impacts to immobile benthic organisms at those locations. Furthermore, water-column turbidity, in close proximity to these activities, may temporarily impair the ability of organisms to filter feed or sight feed and block photosynthesis. However, these disturbances would be short term, typically lasting less than a day or within the timeframe of the tidal cycle.

(4) Proposed Avoidance and Minimization Measures: In addition to the refinement of the action alternative and planning and coordination with state and federal agencies, fill placement areas will be located to avoid impacts to various resources, such as threatened and endangered species habitat, cultural resources, or seagrasses. Placement areas will be developed in coordination with State and federal natural resource agencies. Also, BMPs will be implemented during construction activities to further minimize the potential of adverse effects on these resources.

d. Contaminant Determinations: Measurable impacts from chemical contaminants like heavy metals, synthetic organic compounds, cyanide, and nutrients are not expected to occur. All constituent concentrations were below their respective effects range median (ERM) values at the 10 Dredge Unit (DU) stations and reference locations evaluated as part of the Turning Basin

sampling program. All metals were detected in the composite samples at concentrations similar to or less than the concentrations reported at the reference site. Five DUs exceeded the effects range low (ERL) for arsenic. Polycyclic aromatic hydrocarbons (PAH), pesticides, dioxin and furan congeners, and semivolatile organic compounds (SVOC) were either not detected at a level of concern or not detected at all in the samples from the Gulfport Turning Basin and reference locations. Chemical analyses showed Gulfport sediments and reference sediments were similar and generally lacking in contaminants of concern. Similarly, all DUs and the reference site for the West Pier Terminal and Berthing areas were below ERM values. All metals were detected at concentrations similar to the concentrations reported at the reference site. Seven of the DUs exceeded the ERL for arsenic. Butlytins, PAHs, pentachlorophenol, and dioxin and furan congeners were either not detected or detected at very low concentrations in the sediment sample. Detected concentrations for all these chemicals were similar to concentrations in the reference site and none were detected at concentrations greater than the ERL. DUs 1 and 4 slightly exceeded the ERL for Total PCB congeners; DU 2 slightly exceeded the ERL for dieldrin. Details of contaminant determinations are in the DMMP (Anchor QEA LLC, 2017, Appendix F of the EIS).

No detectable concentrations of volatile organics or pesticides were identified in the samples collected from the immediate vicinity south of the East Pier in May 2015 as part of the proposed (unrelated) Port of Gulfport Spool Base project. Multiple semivolatile organics, polychlorinated biphenyls, dioxins and furans, and metals were detected in the samples. The sediment analyses found only one constituent (acenaphthene – an SVOC) at concentrations greater than federal TELs and PELs; however, the concentrations were less than the MDEQ TRGs. Specific dioxins and furans had concentrations that exceeded their MDEQ TRGs for unrestricted soil but were less than their TRGs for restricted soil. Total concentrations for dioxins and furans were less than the MDEQ Level I TRGs. The arsenic concentrations in both sediment samples exceeded the MDEQ TRGs and the TEL, but were less than the PEL. All other detectable constituent concentrations were either less than their TELs, PELs, and MDEQ TRGs or were less than the MDEQ TRGs and between their TELs and PELs. The effects of the ten-day sediment toxicity test identified no significant mortality in the organisms tested.

e. Aquatic Ecosystem and Organism Determinations:

(1) Effects on Plankton: Construction and placement operations are expected to have temporary, localized impacts on plankton from potential increased turbidity levels.

(2) Effects on Benthos: Some benthic fauna would be adversely affected by placement of materials. Benthic faunal recolonization of areas impacted by dredging and dredged material disposal can occur by organisms migrating vertically through the dredged material, immigration of post-larval organisms from the surrounding area, larval recruitment from the water column, and/or sediments slumping from the side of the dredged area (Bolam and Rees, 2003; Newell et al., 1998).

(3) Effects on Nekton: Construction and placement operations are expected to have temporary, localized impacts on nekton from potential increased turbidity.

(4) Effects on Aquatic Food Web: Turbidity from total suspended solids (TSS) can interfere with light penetration and reduce phytoplankton and macrophyte photosynthesis (Wilber and Clarke, 2001); although, little if any macrophytes occur in the Project area. Reduced light penetration due to turbidity may have a short-term impact on zooplankton populations, since they graze on microalgae. Such reductions in primary productivity would be localized, confined to the immediate area of the dredging and placement operations, and would be limited to the duration of the plume at a given site. Conversely, the decrease in primary production, presumably from decreased available light, can be offset by an increase in nutrient content which are released into the water column during dredged material placement activities (Morton, 1977; Newell et al., 1998). These nutrients may act to enhance the area surrounding the dredging activities, thus increasing productivity. Although, as previously mentioned, the increase in available nutrients will likely be minimal, and significant eutrophication would not be expected. Appropriate BMPs would be implemented to minimize or avoid detrimental effects to aquatic trophic dynamics.

(5) Effects on Special Aquatic Sites: No direct impacts to Special Aquatic Sites are anticipated as a result of the Proposed Project Alternative. Seagrass beds, the only special

aquatic sites near the Project footprint, occur approximately 5 miles from the Project area, along the interior margin of the Mississippi Sound.

f. Proposed Disposal Site Determinations:

(1) Mixing Zone Determination: The placement of dredge material in the coastal areas of Mississippi would be managed by Mississippi's requirement that turbidity not exceed 50 Nephelometric Turbidity Units above background outside a 750-foot mixing zone around dredged material placement areas in coastal areas of Mississippi (Anchor QEA LLC, 2017, Appendix F of the EIS).

(2) Determination of Compliance with Applicable Water Quality Standards: MDEQ has been part of Project coordination, and a Joint Application and Notification for water quality standards review has been submitted. The MDEQ issued the Section 401 WQC (WQC2010023) on October 5, 2017.

(3) Potential Effects on Human Use Characteristics:

(a) Municipal and Private Water Supply: No apparent private, public, or industrial water wells registered with the State of Mississippi would be destroyed and/or affected by the Applicant's Proposed Project Alternative based on their proximal distances and completed depths below surface grade. Furthermore, the Project is entirely within the marine/estuarine environment and does not include freshwater resources.

(b) Recreational and Commercial Fisheries: During dredging and placement, some localized areas may be temporarily excluded from recreational and commercial fish/shellfish harvest, and the dredging activities may temporarily impact reproduction and recruitment of certain species. However, these impacts would be limited in space and time and are not expected to have long-term impacts to the value of these resources.

Dredging and fill activities for the Proposed Project Alternative would have a temporary impact on recreational and commercial boaters moving along the coastline.

Boaters would be required to travel further out into the Gulf to circumvent Port structures, and it would therefore take more time than currently to navigate around the Port. However, these impacts would be temporary and short term.

There would be negligible, if any long-term impact with respect to water quality, and there should be no long-term impacts to fisheries once the Project is complete.

(c) Water-related Recreation: Boating and recreational/commercial fishing are important uses in the study area. As discussed above, there should be no long-term impacts associated with the Project. However, short-term impacts may be associated with localized increases in turbidity, causing boaters to avoid the area. In addition, some of the areas will be excluded from boaters due to dredging and placement activities. Impacts to recreational boating would be nominal.

(d) Aesthetics: The Applicant's Proposed Project Alternative is designed to minimize any adverse impacts to the environment and includes beneficial use of dredged material for shoreline nourishment, as protection from shoreline erosion, and to offset impacts to EFH. The Applicant's Proposed Project Alternative is consistent with current aesthetics in the Project and study area.

(e) Parks, National and Historic Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves: No national parks, historic monuments, national seashores, etc. occur within the Project area. Barrier islands associated with Gulf Islands National Seashore, including East Ship Island, West Ship Island, and Cat Island, are at a sufficient distance from Gulfport that recreational access to them and Fort Massachusetts would not be impacted by the expansion of the Port.

g. Determination of Cumulative Effects on the Aquatic Ecosystem: Cumulative impacts due to past, current, and reasonably foreseeable future projects (1–8 years) in concert with the Applicant's Proposed Project Alternative are not anticipated to have significant adverse impacts to most environmental resources within the Project area. The majority of environmental impacts

associated with the other projects will be temporary and would comply with various state and federal environmental regulations.

Projects included in the cumulative impact analysis that involve dredging may result in temporary impacts such as increased turbidity, air emissions and long-term impacts to the harbor bottom.

Fill actions of some of the evaluated projects would have cumulative adverse impact on estuarine mud and sand bottom habitat and wetlands. Dredging associated with some evaluated projects would cumulatively result in conversion to deeper habitats, and dredging and placement of material would result in temporary and localized turbidity increases, removal of benthic communities, and burial of benthic organisms at placement areas. Most adverse impacts would be offset by mitigation and should not have a net cumulative adverse effect. Existing alterations to sediment transport patterns would be continued by several evaluated projects; however, negative effects would be offset to some unknown degree from beneficial use of dredged material and benefits realized from the Coastal Impact Assistance Program and Mississippi Coastal Improvement Program projects.

A cumulative increase in vessel traffic in the Project area would increase the risk of pollution, which increases the potential risk to the aquatic ecosystem. The proposed PGEP, and several other evaluated projects, would result in stabilization, protection, and beneficial use actions that would have a cumulative beneficial effect on aquatic ecosystems.

Regarding federally listed species, cumulative impacts of this Project and other evaluated projects would include displacement of piping plover, listed sea turtles, West Indian manatee, and Gulf sturgeon during construction, dredging, and placement activities, as well as degradation of habitat quality. As previously mentioned, the increased risk of spill and pollution could also translate to increased likelihood of impacts to federally listed species. This and several other evaluated projects could result in the increased cumulative risk of mortality or injury to listed sea turtles and Gulf sturgeon from impingement or entrainment during dredging activities; however, it is assumed avoidance, minimization, and mitigation measures would be in place to prevent jeopardizing future existence of these listed species. Several projects involving restoration,

stabilization, protection, and beneficial use actions would have cumulative beneficial effects on threatened and endangered species.

Existing governmental regulations will address the Project impacts that could threaten the health and sustainability of the region, which can influence local and ecosystem-level conditions. Natural resources in the area are provided protection through coordination with stakeholder groups, local organizations, and state and federal regulatory agencies implementing regulations such as the CWA, National Marine Fisheries Act, Coastal Zone Protection Act, ESA, and the CAA. This collaboration concerning regulation of impacted resources should prevent or minimize potential negative impacts to these resources.

h. Determination of Secondary Effects on the Aquatic Ecosystem: The expansion of the Port would increase the industrial land uses of the greater Gulfport metropolitan area and would contribute to ongoing residential and commercial growth and development, which may indirectly lead to impacts to terrestrial vegetation communities. Continued moderate economic growth in the study area, which is anticipated with or without the Proposed Project Alternative, would perpetuate ongoing residential and commercial growth and development, having potential cumulative adverse impacts to some natural resources within the study area.

Some secondary effects on the aquatic ecosystem are expected to be beneficial due to contribution of sediments to provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and to offset impacts to EFH.

16.0 SPECIAL CONDITIONS

1a. Special condition(s): The permittee shall comply with all conditions of the Coastal Zone Consistency Determination issued by MDMR (DMR-080020) dated October 17, 2017.

1b. Rationale: To ensure minimal impacts to the environment.

2a. Special condition(s): The permittee shall comply with all conditions of MDEQ's 401 WQC (WQC2010023) dated October 5, 2017.

2b. Rationale: To ensure minimal impacts to the environment.

3a. Special condition(s):

Should artifacts or archaeological features be encountered during project activities, all heavy equipment operations within a 35-foot buffer surrounding the potentially significant artifact(s), or the observation site, shall cease and the USACE and the MDAH State Historic Preservation Officer shall be consulted immediately.

U.S. Army Corps of Engineers, Mobile District
Attention: Regulatory Division
P.O. Box 2288
Mobile, Alabama 36628-0001
Tel: 251.690.2658

Mississippi Department of Archives and History
P.O. Box 571
Jackson, Mississippi 39205
Tel: 601.576.6850

3b. Rationale: To ensure compliance with Section 106.

4a. Special condition(s): The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4b. Rationale: To ensure safe navigation.

5a. Special condition(s): In order for the Coast Guard to give notice to the maritime community; the permitted owners, contractors, or responsible party(s) shall contact Coast Guard Sector Mobile Waterways Management Branch, 1500 15th Street, Mobile, AL 36615 at (251)

441-5166, 60 days prior to performing the proposed action. The owners, contractors, or responsible party(s) must also install and maintain, at the permit owners, contractors, or responsible party(s) expense, and safety lights, signs and signals required by the U.S. Coast Guard, through regulations or otherwise, on the permitted owners, contractors, or responsible party(s) fixed structures. To receive a USCG Private Aids to Navigation marking determination, at no later than 30 days prior to the installation of any fixed structures in navigable waters, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St., Suite 1230, New Orleans, LA 70130, (504) 671-2328 or via email to D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>.

5b. Rationale: To ensure safe navigation.

6a. Special condition(s): If any evidence of the presence of Endangered/Threatened species is found during construction, activities in the immediate vicinity must cease and the permittee shall notify the USACE and the USFWS immediately.

6b. Rationale: To ensure any onsite species remain protected.

7a. Special condition(s): This permit does not authorize the permittee to take an endangered species, in particular, the blue, fin, Bryde's, sei, and sperm whales; hawksbill, Kemp's ridley, leatherback, green, and loggerhead sea turtles; and Gulf sturgeon. In order to legally take a listed species, the permittee must have separate authorization under the ESA (Section 10 permit or a BO under the ESA Section 7, with "incidental take" provisions with which the permittee must comply). The enclosed NMFS BO contains mandatory T&Cs to implement the RPMs that are associated with the "incidental take" that is also specified in the BO. The authorization under this USACE permit is conditional upon compliance with all the mandatory T&Cs associated with incidental take of the enclosed BO, with T&Cs incorporated by reference in this permit. Failure to comply with the T&Cs associated with incidental take of the BO, where a take of the listed species occurs, shall constitute an unauthorized take and also constitute non-compliance with the USACE permit. However, the NMFS is the appropriate authority to determine compliance with

the T&Cs of its BO and with the ESA. For further clarification on this point, the permittee should contact the NMFS.

7b. Rationale: To ensure any onsite species remain protected.

8a. Special condition(s): Prior to and during the placement of material in the Pascagoula ODMDS site, the permittee shall ensure it maintains authorized volumes and load restrictions as outlined in the October 31, 2017, concurrence letter from the EPA for all impacts related to Section 103 of the MPRSA.

8b. Rationale: Ensure compliance with Section 103 of MPRSA.

9a. Special condition(s): Prior to placement of material in the Pascagoula ODMDS site, the permittee shall notify the Mobile District, Planning Division to coordinate the placement location of sediments in the Pascagoula ODMDS site. Planning Division may be reached by mail at 109 St. Joseph Street, Mobile, Alabama 36602, or by telephone at 251.690.2724.

9b. Rationale: Ensure safe disposal of dredge materials.

10a. Special condition(s): Prior to the placement of material in the BMC, the permittee shall obtain a concurrence letter from the MDMR authorizing the placement of beneficial use material in the BMC. Upon obtaining this concurrence, the permittee shall furnish a copy of it to the USACE.

10b. Rationale: Ensure safe disposal of dredge materials.

11a. Special condition(s): Best management practices shall be implemented to minimize erosion, siltation and damage to waters of the United States. Appropriate erosion and siltation control measures must be used and maintained in effective operating condition during construction. All temporary erosion control features shall remain in place until permanent stabilization measures have been completed and have become fully effective. The permittee shall be responsible for the removal of any excess sediment deposits that occur in waters of the United States as a result of the construction activities.

11b. Rationale: Ensure minimal impacts to waters of the United States.

12a. Special condition(s): Only clean, suitable material free of waste, metals, organic trash, unsightly debris, etc., may be used as fill. Material discharged must be free from toxic pollutants in accordance with state and federal regulations.

12b. Rationale: Ensure minimal impacts to waters of the United States.

13a. Special condition(s): It is the permittee's responsibility to ensure that the contractors working on this project are aware of all general and special permit conditions associated with this permit verification.

13b. Rationale: Ensure minimal impacts to waters of the United States.

14a. Special conditions(s): The project must be constructed in accordance with the description and plans presented.

14b. Rationale: Ensure compliance with project plans and description.

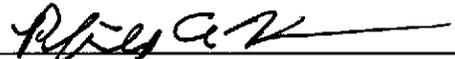
17.0 PUBLIC INTEREST DETERMINATION (33 CFR 320.4)

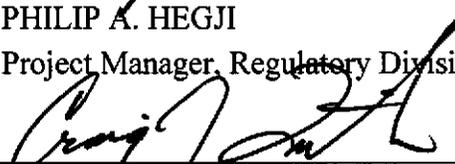
Issuance of a DA permit, with the special conditions listed above, is not contrary to the public interest.

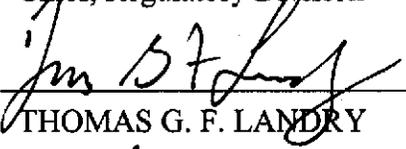
Pursuant to 33 CFR Part 325, I have reviewed and evaluated in light of the overall public interest the documents and factors concerning this permit application, as well as the stated views of other interested agencies and the concerned public. In doing so, I have considered the possible consequences of this work in accordance with 33 CFR Parts 320 to 331 and Part 230, and in particular, those public interest factors set forth in 33 CFR 320.4. I find that the full range of practicable alternatives was identified and adequately addressed in the Draft EIS, Final EIS, through the regulatory review process and that issuance of a DA Section 404 permit, as prescribed in regulations published in 33 CFR Parts 320 to 331 with the scope of work as described in this document, is based on a thorough analysis and evaluation of the factors described above. Based upon a review of the full range of practicable alternatives, I have determined the applicant's preferred alternative to be the least environmentally damaging practicable alternative that will achieve the purposes for which the work is being performed. This

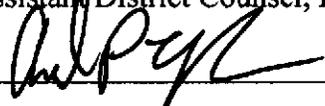
determination considers cost, existing technology, and logistics, in addition to the consideration of impacts to aquatic resources and other public interest factors. I have determined that all administrative requirements have been met and that issuance of a permit for this project with the inclusion of the special condition identified above, is consistent with national policy, statutes, and administrative directives, and is not contrary to the public interest.

SIGNATURE PAGE FOR DEPARTMENT OF THE ARMY RECORD OF DECISION
FOR MISSISSIPPI STATE PORT AUTHORITY PERMIT APPLICATION NUMBER
SAM-2009-1768-DMY.

PREPARED BY:  11/27/2017
PHILIP A. HEGJI
Project Manager, Regulatory Division
DATE

REVIEWED BY:  11/27/17
CRAIG J. LITTEKEN, PMP
Chief, Regulatory Division
DATE

CONCUR:  11/27/17
THOMAS G. F. LANDRY
Assistant District Counsel, Regulatory Division
DATE

APPROVED BY: 
ANDREW P. YODER
Lieutenant Colonel, U.S. Army
District Commander

DATE: 11/29/17

18.0 REFERENCES

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Attachment A

**Comments and Responses on the
Final Environmental Impact Statement
for the Port of Gulfport Expansion Project**

Comments and Responses on the Final Environmental Impact Statement (FEIS) for the Port of Gulfport Expansion Project (PGEF)

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
1	E-mail June 14, 2017	<p><u>Comment summary:</u> Commenter states that the economic projections of the Draft Environmental Impact Statement (DEIS) are flawed and outdated and suggests comparing the 2011–2016 projections to the actual Twenty-foot Equivalent Unit (TEU) counts for 2011–2016. Commenter states the DEIS does not appear to be the work of the U.S. Army Corps of Engineers (USACE), Mobile District, but looks more like the work of Dr. John Martin and CH2M Hill presented in the unfortunate Southport Project. Commenter states that the CH2M Hill's economic projections in North Carolina were thoroughly debunked by Dr. Jefferson Davis of the Citadel. Commenter attached an e-mail from August 6, 2015, along with additional attachments. Included in the attachment is a partial critique of the work of the North Carolina International Terminal (NCIT) proposal by Dr. Davis. His main point is that not everyone in the South Atlantic is going to get 1,000,000 new containers. The same holds true in the U.S. Coast Guard (USCG) region where Gulfport will continue to lose ground to Houston, New Orleans, and Mobile. Commenter states that only a couple of the economic impact studies and cost-benefit analyses they have seen are any good. Commenter states that the ones they have read authored by Dr. Martin are not good (including Tampa's, Gulfport's, JaxPort's, Southport's, and Freeport's). Commenter states that the Gulfport DEIS is no better than Dr. Martin's other work. Attachment included.</p>	Dan Norfleet	As explained in comments on the DEIS, USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.	Summary of South Atlantic Container: CH2M Hill 2008 NCIT Pro Forma.pdf
2	E-mail June 17, 2017	<p><u>Comment summary:</u> Commenter states the latest publicly available North American Free Trade Agreement (NAFTA) Port Rankings indicate that the Port of Mobile increased its TEU volume by 16% between 2015 and 2016 to a total of 272,734 TEUs; the Port of Mobile moved up 3 places in port rankings. These same rankings indicate that the Port of Gulfport increased its TEU volume by 14% to 165,000 TEUs while maintaining its ranking. The Port of Mobile, however, achieved its results by adding more Asian and European services and servicing larger vessels. The Port of Gulfport's increases were almost solely as a result of Chiquita's decision to return to Gulfport from New Orleans. Moreover, not only did the Port of Gulfport fail to service a single Post-Panamax Vessel or to secure either an Asian of European service, but it has lost TEU volume over the last 6 years, thereby establishing the inaccuracy and unreliability of Parsons Brinkerhoff's TEU projections. Attachment included.</p>	Dan Norfleet	As explained in comments on the DEIS, USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.	NAFTA Region Container Traffic Port.pdf
3	E-mail June 17, 2017	<p><u>Comment summary:</u> Commenter states the baseline projection for Gulfport's container volume assumed an average annual growth rate of 3.3% through 2040, largely based on increasing imports from Central America (i.e., growth in banana and apparel imports based on increased consumption of consumer goods in the U.S.). For evaluation purposes, the baseline projection assumed the Restoration Project was completed. Under these assumptions, it was projected that TEU volumes would total 600,000 in 2040, growing to approximately 1.0 million in 2060. The low-growth projection of container volumes also assumed completion of the Restoration Project and was based on a relatively low growth rate of 2.8% in existing markets through 2040. TEU volumes would total less than 500,000 in 2040, increasing to 900,000 in 2060. An optimistic view of growth in container volumes was based on a growth rate of 5.3% through 2040 and not on capturing U.S. imports from Northeast Asia or Europe, but rather on a doubling in Gulfport's share of imports from the Caribbean, Central America, and South America. Such share increases would require successful competition with other Central Gulf ports: in part based on improved capabilities for reaching inland markets by rail. TEU volumes would total less than 1.0 million in 2040 and 1.7 million in 2060.</p>	Dan Norfleet	As explained in comments on the DEIS, USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
4	Letter via e-mail dated June 22, 2017, USACE's Consideration of the Application for State Port at Gulfport Project Public Notice No. SAM-2009-011768-DMY	Comment summary: Stroock & Stroock & Lavan (on behalf of the Steps Coalition (Steps) and the Port Campaign Coalition [PCC]) requests an extension to the comment period on the FEIS for 45 days beyond the June 7, 2017, deadline through August 24, 2017. Reasons for request include: the permit application was filed over 7 years ago (what is the rush), allow time for adequate review, there was no news for 18 months and now a 30-day review, it was over the July 4 holiday and many are on vacation during the summer.	Gail Suchman, Stroock & Stroock & Lavan LLP on behalf of Steps and the PCC	As per letter dated June 28, 2017, from Craig Litteken (USACE Chief, Regulatory Division) to Gail Suchman, Ms. Suchman's letter has been placed in the public record and her request for the comment period to be extended an additional 45 days in order to provide adequate time to comment on the FEIS has been considered. It was decided that the USACE will not extend the comment period beyond the advertised July 10, 2017, expiration date. Per the U.S. Environmental Protection Agency's (EPA's) "Environmental Impact Statements; Notice of Availability" in 82 FR 26791, which is the official Notice of Availability for the FEIS, the document was being disseminated for a 30-day review period not a comment period. The USACE acknowledges that 40 CFR 1503.1(b) also states "In any case other agencies or persons may make comments before the final decision unless a different time is provided under § 1506.10." The review was set at 30 days in accordance with 40 CFR 1506.10(a)(2). 40 CFR 1506.10(d) states that "Failure to file timely comments shall not be a sufficient reason for extending a period." At this time, the USACE did not find that an extension of the review period was warranted.	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
5	Letter via e-mail dated June 28, 2017	<p>Comment summary: The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) reviewed the FEIS and Department of the Army (DA) Permit. NMFS previously provided comments on the DEIS, including Essential Fish Habitat (EFH) conservation recommendations in accordance with NMFS findings pertaining to the fulfillment of coordination requirements under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). NMFS also provided comments to the USACE on the Preliminary Final EIS for the project on November 9, 2016. While some of their prior comments were addressed in the FEIS, there remain two major deficiencies in the FEIS.</p> <p>First: Lack of a detailed beneficial use plan for the placement of up to 7.9 million cubic yards of sediment into an area identified as the Biloxi Marsh in the FEIS. While NMFS fully supports the use of dredged material to create marsh elevations in the recommended site, the FEIS does not provide sufficient details regarding such placement to allow a determination of potential beneficial or adverse impacts. Because such placement is a recommended component of the project, the NMFS believes the FEIS should provide specific details pertaining to the location of the sediment placement area(s), the potential method of sediment containment, final marsh elevation range the project is trying to achieve, as well as a commitment for the development of an adaptive management plan to address potential problems should they occur during sediment placement.</p> <p>Second: Lack of a mitigation plan designed to offset impacts to approximately 200 acres of water bottoms thoroughly categorized as EFH in the FEIS. Since project inception, NMFS has consistently and repeatedly indicated all impacts to EFH should be offset through the implementation of a mitigation plan. The final EIS includes no plan specifically designed to ensure impacts to EFH are compensated. While sediment placement in the Biloxi Marsh is a recommended project component and could fully offset impacts to EFH, lacking: (1) a detailed description of such beneficial use placement, (2) a commitment to place dredged material into the Biloxi Marsh site, and (3) necessary components of a mitigation plan such as success criteria and a monitoring and adaptive management plan, the NMFS is concerned adverse impacts to EFH would not be offset.</p> <p>Conclusion: In view of the above, the NMFS recommends the Record of Decision for this project not be signed until the deficiencies identified above are rectified. As outlined in the Findings between NMFS and the Mobile District, the EFH consultation should not be considered completed until a detailed response has been provided to our EFH conservation recommendations on this project. Such a response should describe how EFH conservation recommendations were addressed. If NMFS conservation recommendations are not to be incorporated into the project, the MSFCMA also requires the Mobile District to provide a detailed explanation of why. NMFS notes that the Mobile District is required to provide the response to the EFH conservation recommendations at least 10 days prior to the signing of the Record of Decision. NMFS notes that continued coordination on this project should be directed to Richard Hartman (richard.hartman@noaa.gov, or (225) 389-0508, extension 203.</p>	<p>Virginia Fay, Assistant Regional Administrator, Habitat Conservation Division, NOAA, NMFS</p>	<p>Beneficial Use Plan The Mississippi Department of Marine Resources (MDMR) is the applicant for the Biloxi Marsh Complex (BMC) beneficial use permit application submitted to the Louisiana Department of Natural Resources (LDNR) and USACE New Orleans District (MVN) for use of the BMC for beneficial use of dredged material. Details regarding the location and placement of dredged material at this site and engineering design of the site will be addressed in the permitting process for the BMC.</p> <p>Mitigation Plan As defined in the Clean Water Act (CWA) Section 404, the USACE conducts mitigation for impacts to Special Aquatic Sites (SAS). As no SAS are being impacted by the PGEPP, a Mitigation Plan is not appropriate. As noted above, details regarding the location and placement of dredged material at the BMC and the engineering design of this site will be addressed in the permitting process for the BMC.</p> <p>Conclusion The USACE adhered to the procedures as outlined in the 1992 Memorandum of Agreement (MOA) between Department of Commerce and Department of Army with regards to elevation procedures as described in CWA Section 404(q).</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
6	Letter dated July 6, 2017	<p>Comment summary: The Mississippi Coalition for Vietnamese-American Fisher Folks & Families (MSCVAFF) has comments and concerns on the project. States the Gulf Coast has underserved, minority, Limited English Proficiency (LEP) populations and Vietnamese-American fisher folks settled in the Gulf States to continue their livelihood and did not have an opportunity to gain a higher education. Many lack access to computers; lack knowledge, access to and/or unfamiliarity of governmental services and programs. Specifically, in Mississippi, 80% of the approximately 6,000 Vietnamese-American residents are tied to commercial fishing as boat owners, captains, deckhands, seafood processing plant workers, and small businesses, who are critically dependent on a healthy ecosystem, habitats, and fisheries for their longstanding livelihoods, traditions, and way of life. MSCVAFF notes that Title VI of the Civil Rights Act and Executive Order 13166 requires that populations who are LEP should have meaningful access to federally conducted and federally funded programs and activities. They have concerns that through the years there were postponed announcements & public meetings; inadequate outreach and dissemination of relevant information to all stakeholders; lack of and/or tardy translated materials; lack of culturally competent interpreters for LEP populations; abbreviated comment periods particularly for lengthy, technical documents; and the lack of opportunities/access to comment on federal agency responses.</p> <p>MSCVAFF is concerned over environmental impacts to essential shrimp habitat and serious livelihood economic impacts. They object to the Dredged Material Management Plan (DMMP) and consider it unacceptable to dump dredged material into the Mississippi Sound, including the Pascagoula Ocean Dredged Material Dump Site (ODMDS), thin-layer placement areas adjacent to the Gulfport Ship Channel, and any other proposed ODMDS sites within or adjacent to the Mississippi Sound. The productive fishery habitat and other marine resources that will be adversely threatened by the proposed and it will have a negative economic impact on lives of commercial fishermen.</p> <p>Past dumping of dredged sediments at multiple ODMDSs had a devastating impact on productive shrimp habitat throughout the Mississippi Sound. It is vital for shrimp fisheries to have suitable undisturbed sediment habitat on ocean bottoms to continue healthy life cycles. They also have concerns regarding the placement of dredged material at the BMC as a highly productive area for shrimp, oysters, crabs, and fin fish. To properly minimize adverse impacts to essential fisheries habitats, it is vitally important that a robust scientific monitoring plan is developed and implemented before and during the proposed project. Additionally, the local fishing community expresses serious concerns over their ability to access historical fishing sites within the BMC while work is ongoing in relation to the Port of Gulfport Restoration Project. Congress recently authorized Mississippi's territorial waters out to 9 nautical miles for reef fish management purposes. The Pascagoula ODMDS and surrounding areas to the south are highly productive sites for red snapper and other reef fish that is now under the State of Mississippi's jurisdiction and have great economic importance.</p> <p>They request the USACE to thoroughly consider, review, and incorporate the adverse impacts to marine fisheries that are likely to be greatly impacted by the Port of Gulfport Expansion/Restoration Project and feel it is unacceptable that a detailed compensatory mitigation plan has not been developed, in case the Port of Gulfport Restoration Project should move to place dredge sediment at the Pascagoula ODMDS or should an incidental discharge occur at the Biloxi marsh. It is critically vital to include and provide a detailed compensatory mitigation plan to fishing communities whose livelihoods, tradition, and way of life, have already been greatly impacted by both natural and man-made disasters, such as Hurricane Katrina and the Deepwater Horizon, and BP Oil Spill. Further, these serious adverse impacts are further worsened by freshwater diversion projects implemented by the USACE.</p> <p>In general, the commercial fishing community is supportive of the Port of Gulfport; however, it is critically important that there is a thorough understanding of the potential for damages to vital marine habitat that thousands of commercial fishermen and fishing businesses rely on in the Mississippi Sound and Louisiana Marsh. The great economic impact to commercial fisheries in the region has been vastly underestimated throughout the FEIS and it is critically important that it is thoroughly reevaluated.</p>	MSCVAFF and 67 individuals	<p>Each public notice issued by the USACE offered translation services/language interpreters to be provided at all public hearings and meetings, upon request. No requests were received by the USACE.</p> <p>The DMMP (Appendix F in the FEIS) evaluated multiple placement alternatives for new work and maintenance dredged material. Placement of dredged material is only allowed in permitted and approved sites. The BMC is the preferred placement alternative for the new work dredged material from the proposed Project. Construction methods, placement of dredged material, and impacts associated with the use of this site for disposal of dredged material would be addressed in the permitting process for the BMC. The permit application is available on LDNR's website and provides information on the BMC site. USACE MVN received a letter from EPA dated June 30, 2017, stating that "EPA Region 6 has determined that the constituents of concern within the project area/borrow site are within acceptable levels and indicated concentrations similar to or within a reasonable range of concentrations found in the vicinity of the Biloxi Marsh Complex. Our concerns regarding potential adverse impacts to wetlands and other aquatic resources in the Biloxi Marsh Complex have been addressed, pursuant to Part IV.3(a) of the 1992 MOA between the EPA and the Department of Army regarding CWA Section 404(q)." In this letter, EPA further stated that they are amendable to the use of the permit conditions proposed by the USACE.</p> <p>The Pascagoula ODMDS is an EPA-approved ODMDS. If material meets the Section 103 criteria for ocean disposal, the EPA will work with the USACE and Port to develop a disposal plan and permit conditions to ensure compliance with the Site Management and Monitoring Plan (SMMP). Concerns regarding impacts to the habitat within the ODMDS site should be addressed to the EPA.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
6 (cont'd)	Letter dated July 6, 2017	Comment 6, cont'd	Thao Vu, Director, MSCVAFF, and 66 individuals	Maintenance material would be disposed of using thin-layer placement under permits currently held by the Port. Disposal of all materials would follow the methods and requirements described in the respective permits.	
7	E-mail July 6, 2017	Comment summary: The Port of Gulfport's FY 2017 ended on June 30, 2017; therefore, the TEU volumes for 2017 are now available from Mr. Wypyski. Commenter suspects that the TEU volumes are well below that projected by the Mississippi Development Authority (MDA) and the Mississippi State Port Authority (MSPA). Mobile and New Orleans have significantly widened their leads over Gulfport in not only TEU volume, but in overall tonnage as well. The Port of Gulfport consultant Dr. John Martin advised the MDA and the MSPA as far back as 2011 that CH2M Hill's annual TEU projections were unfounded. Unfortunately for the U.S. taxpayers and the victims of Katrina, the MSPA apparently buried Dr. Martin's e-mails and hid them from the U.S. Department of Housing and Urban Development (HUD), the USACE, the Press, and the Mississippi State Legislature. Just ask Dr. Martin for copies of the e-mails he sent to the MDA and the MSPA before he withdrew from the Port of Gulfport Restoration Project (PGRP) and the PGEPP. And ask Mr. Wypyski for the Port of Gulfport's FY 2017 TEU and tonnage figures.	Dan Norfleet	As explained in comments on the DEIS, USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.	
8	Letter via e-mail dated July 7, 2017, Final EIS for Port of Gulfport Expansion Plan	Comment summary: The commenter realizes the USACE did not have anything to do with the funding of the project – the approximately half a billion taken from monies the U.S. Congress allocated to HUD for states impacted by Katrina to rebuild housing. The most sensible thing to do would be to keep what was left of the Port shallow, bring back shrimp boats, make what was left of the "port" infrastructure a place for shops and parks – like Hoboken, New Jersey, or Fisherman's Wharf in San Francisco. A natural deep water port is thirty miles down the road. A ridiculous amount has been squandered for cranes that are not used for vessels they were designed to service. There is no potential for a rail line: the connector highway has been disputed from the beginning. This project is similar to Barbour's Kemper coal plant and the same fate awaits it. The USACE contends there will be no adverse environmental impacts as compared to the No-Action Alternative and there will be minimal noise and air quality impact from increased rail and freight traffic on the nearby schools and residences (mostly black or low income). Since no increased rail or connector roads are planned, that would be impossible if your incredible TEU projections were met. There will be no delays from the increased traffic, and no problems for piping plover or sturgeon. TEU projections are inconceivable since volume has declined from 2010. The funds will only create construction jobs and there will be few new jobs and they will be union ones, not for the low-income neighborhood. This money could be better spent. The trend of bigger and deeper ports should be where ports are naturally deep and can be dredged to 45 feet. Dredging was hastily removed from the proposal and the whole buildout without roads, rail and dredging was dumb then, and it's dumb now.	Julia O'Neal	As explained in comments on the DEIS and as provided by the Port of Gulfport: "The Port of Gulfport's strategic location on the Gulf of Mexico provides tenants with close proximity to the major east/west corridor of interstate 10, a short 18-mile ship channel, and direct on-dock rail service provided by Kansas City Southern Railway (KCS). The Port continues to look for opportunities to further diversify its tenant base and due to a common practice within economic development efforts; the ability to attract new tenants and the information regarding the potential tenants is considered proprietary information. Construction of the PGEPP is not funded by HUD.	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
8 (cont'd)	Letter via e-mail dated July 7, 2017, Final EIS for Port of Gulfport Expansion Plan	Comment 8, cont'd	Julia O'Neal	<p>Many adverse impacts of the proposed Project are temporary and minor and are associated with Port construction. These include temporary, minor impacts to air quality, noise, water quality and threatened and endangered species (from underwater noise levels, increased turbidity and reduced dissolved oxygen associated with construction activities). Long-term noise impacts resulting from increases in train-generated noise along the KCS rail line would result in the Hattiesburg and Gulfport areas. Permanent impacts under the proposed Project include an increase in air contaminant emissions due to increased truck, rail, employee vehicle, and ship traffic and related Port operations from growth of existing business and new business at the Port. Long-term adverse impacts to localized air quality from the operation of the Proposed Project Alternative would be below the National Ambient Air Quality Standards (NAAQS). Additional permanent impacts include the loss of 196.5 acres of open-water habitat, and permanent conversion of 85 acres to deeper habitat, thus reducing the amount of food and habitat available to some aquatic communities. Benefits of the proposed Project include placement of dredged material appropriate for beneficial use in the BMC (if approved and authorized for use), which would provide needed particulate material for shoreline nourishment, as protection from shoreline erosion on the Mississippi and Louisiana coasts, and offset impacts to EFH, and greater overall benefits on the labor force, and employment. As explained in comments on the DEIS, USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
9	Letter via e-mail dated July 7, 2017, Public Notice Number SAM-2009-01768-DMY (FEIS for Proposed Port of Gulfport Expansion/Restoration Project)	<p>Comment summary: The Mississippi Commercial Fisheries, United, Inc. (MSCFU), a representative of commercial fishing interests throughout Mississippi territorial waterways, the Gulf of Mexico, and surrounding state territorial waters, objects to the proposed project's components within the DMMP in the FEIS. Specifically, the dumping of dredged material into the Mississippi Sound or adjacent waterways. The proposed project has direct impacts to over 282 acres of productive fishery habitat in the Mississippi Sound and Louisiana Marsh and threatens essential fish habitat and other (shrimp) living marine resources of national economic importance. Commercial fishermen are highly dependent on the marine habitats that will be impacted by the project.</p> <p>MSCFU is very concerned over placement of dredged material within BMC as it is a highly productive area for shrimp, oysters, crabs, and fin fish. There is a reasonable amount of risk to oysters if sediments are not completely contained at the dump site. Recommend robust monitoring during and after project completion to ensure damage to valuable natural resource habitat is mitigated. The fishing community is concerned over ability of fishermen to access historical fishing sites within BMC while work related to the project is going on.</p> <p>Dumping of dredged material has had a devastating impact on productive shrimp habitat in Mississippi Sound over past decades. Impacts to sediment and alteration of habitat has impacted the waters and destroyed lucrative shrimping habitats. Congress recently authorized Mississippi's territorial waters out to 9 nautical miles for fish reef management purposes. The Pascagoula ODMDS and surrounding areas to the south are highly productive sites for red snapper and other valuable reef fish that now fall within the State of Mississippi's jurisdiction and are of extreme economic importance. Degradation of benthic habitats in this area has potential to negatively impact area at multi-trophic levels creating a cascading effect that could have lasting implications.</p> <p>The commercial fishing community is generally supportive of the port expansion; however, the USACE needs to consider economic impacts to commercial fisheries in the impacted region as they are underestimated in the EIS and need to be reevaluated. The Port of Gulfport has done an outstanding job to mitigate the potential for marine habitat degradation but has no plan for compensatory mitigation should the project move to place dredged sediments at the Pascagoula ODMDS, through thin-layer displacement, or should incidental discharge occur within the Biloxi Marsh Complex. A detailed mitigation plan would help ease the concerns of fishing communities whom are already striving to recover from previous natural and man-made disasters such as Hurricane Katrina, BP Oil Spill, and fresh water diversions by the USACE.</p>	<p>Ryan Bradley, Director, MSCFU</p>	<p>The DMMP (Appendix F in the FEIS) evaluated multiple placement alternatives for new work and maintenance dredged material. Placement of dredged material is only allowed in permitted and approved sites. The BMC is the preferred placement alternative for the new work dredged material from the proposed project. Construction methods, placement of dredged material, and impacts associated with the use of this site for disposal of dredged material would be addressed in the permitting process for the BMC. The permit application is available on LDNR's website and provides information on the BMC site. USACE MVN received a letter from EPA dated June 30, 2017, stating that "EPA Region 6 has determined that the constituents of concern within the project area/borrow site are within acceptable levels and indicated concentrations similar to or within a reasonable range of concentrations found in the vicinity of the Biloxi Marsh Complex. Our concerns regarding potential adverse impacts to wetlands and other aquatic resources in the Biloxi Marsh Complex have been addressed, pursuant to Part IV.3(a) of the 1992 MOA between the EPA and the Department of Army regarding CWA Section 404(d)." In this letter, EPA further stated that they are amendable to the use of the permit conditions proposed by the USACE.</p> <p>The Pascagoula ODMDS is an EPA-approved ODMDS. If material meets the Section 103 criteria for ocean disposal, the EPA will work with the USACE and Port to develop a disposal plan and permit conditions to ensure compliance with the SMMP. Concerns regarding impacts to the habitat within the ODMDS site should be addressed to the EPA. Maintenance material would be disposed of using thin-layer placement under permits currently held by the Port. Disposal of all materials would follow the methods and requirements described in the respective permits.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEF), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
10	Letter dated July 10, 2017, attached to e-mail July 11, 2017	<p>Comment summary: The EPA, Region 4 has reviewed the FEIS. As a cooperating agency on the project the EPA has participated and provided preliminary comments on the FEIS. This letter provides EPA's remaining comments including specific technical review comments. The EPA acknowledges the USACE efforts to address EPA's comments on the DEIS, including their primary concerns related to air quality and the community, sediment quality, and disposal of dredged material. The EPA consulted with the USACE on air dispersion modeling which evaluated the resulting air pollutant concentrations from truck and train activity along U.S. Highway 49. Modeling results indicate that no significant air quality impacts would result from the project and the NAAQS would not be exceeded. The EPA has also coordinated with the USACE and the Port of Gulfport to address concerns related to the disposal of dredge material associated with the port expansion under Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA). The EPA reviewed the draft sediment testing reports on the Turning Basin and West Pier expansion portions of the project and provided comments on the reports to USACE and the Port of Gulfport on June 20, 2017. Revisions to the sediment testing reports and preparation of a draft MPRSA Section 103 document are currently underway and final decisions regarding the suitability of the dredged material for ocean disposal are expected to be complete in the coming months. The EPA encourages the USACE and the Port of Gulfport to continue to work to further avoid and minimize impacts from sediment placement and to address the remaining EPA comments and recommendations through Section 103 of the MPRSA and Section 404 of the CWA. The EPA also recommends the Port continue to engage the community and stakeholders on port-related activities and concerns they may have. EPA requests a copy of the Record of Decision (ROD) for the project.</p> <p>Technical comments and recommendations: The EPA has concerns related to potential contaminants in dredge sediment that may be dissimilar to those found in beneficial use (BU) sites. While EPA supports the reuse of dredged material for a beneficial purpose, it is recommended that caution be exercised regarding the assumption that any material suitable for ocean disposal would be suitable for beneficial use as the requirements for placement are different for different types of sites. Placement alternatives require different permits (Under Section 404 material needs to be compatible to be placed together).</p> <p>The EPA will need to review proposals for BU of any dredging material coming from units where restrictive loading volumes would be required for ocean disposal to ensure that concerns regarding decreased water quality, short-term toxicity, and developmental effects in organisms in the water column during sediment placement are appropriately addressed. To avoid impacts to surrounding habitat the EPA recommends using sediment curtains where possible. Sediment curtain prioritization should be given to those units with restrictive loading volumes and other units having higher contaminant loads.</p> <p>If the material is determined to meet the MPRSA Section 103 criteria, one potential option for disposal is the Pascagoula ODMDS. The site is expected to have capacity when placed in compliance with the conditions of the SMMP, including depth restrictions. If material meets the Section 103 criteria for ocean disposal, the EPA will work with the USACE and Port to develop a disposal plan and permit conditions to ensure compliance with the SMMP.</p>	<p>Alan Farmer, Director of Resource Conservation and Restoration, EPA</p>	<p>The BMC is identified in the DMMP (Appendix F of the FEIS) and the FEIS as the preferred option for disposal of dredged material. Impacts from use of the BMC as a BU site for disposal of dredged material are being addressed in the permitting process for the BMC. The permit application is available on LDNR's website and provides information on the BMC site. USACE MVN received a letter from EPA dated June 30, 2017, stating that "EPA Region 6 has determined that the constituents of concern within the project area/borrow site are within acceptable levels and indicated concentrations similar to or within a reasonable range of concentrations found in the vicinity of the Biloxi Marsh Complex. Our concerns regarding potential adverse impacts to wetlands and other aquatic resources in the Biloxi Marsh Complex have been addressed, pursuant to Part IV.3(a) of the 1992 MOA between the EPA and the Department of Army regarding CWA Section 404(d)." In this letter, EPA further stated that they are amendable to the use of the permit conditions proposed by the USACE. If the BMC is not permitted prior to dredging, and no other suitable BU sites are available, the USACE and Port will work with the EPA to ensure compliance with the use of the Pascagoula ODMDS for disposal of new work dredged material, if the material is determined to be in compliance with Section 103 of the MPRSA.</p>	
11	E-mail July 10, 2017	<p>Comment summary: Commenter states the size of ships used on the Asia to East Coast North America via Panama Trade (the most common trade using the canal) has been spectacular, rising by nearly 60% since May 2016, from 4,900 TEU to around 7,800 TEU as of June 2017. The average sized (Neo Panamax (NPX)) container ship now transiting the expanded Panama Canal is too large to get within 20 miles of the Port of Gulfport. This begs the question of why anyone thinks that expanding and raising the West Pier at a cost of \$95.4 million will lead to increased container throughput at the Port of Gulfport. Commenter suggested that more info could be found at: www.porttechnology.org/industry_sectors/panama_canal_boosts_ship_sizes.</p>	<p>Dan Norfleet</p>	<p>As explained in comments on the DEIS, the USACE has evaluated the parameters used in the economic study and market analysis (see Appendix C of the FEIS) and has determined that they are still suitable for the EIS.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEF), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
12	E-mail July 10, 2017	<p>Comment summary: Mississippi Department of Transportation (MDOT) noted that this e-mail is to follow up on a conversation earlier in the day between USACE and MDOT. MDOT reviewed the FEIS and feels it provides a fair assessment of the cumulative effects for the SR 601 Connector from US 90 to I-10, which is referred to as MDOT's I-310 in the FEIS. However, there are several references throughout the FEIS where it is stated that "MDOT's Project has been vacated". MDOT has concerns with this statement as the Judge's ruling actually vacated the USACE 404 Permit for MDOT's Project and not the project itself. At this time, the Federal Highway Administration (FHWA) has not withdrawn their Finding of No Significant Impact (FONSI) or any re-evaluations of the FONSI. Also, referring to the facility as MDOT's I-310 is a concern as there has not been any formal federal designation of this proposed facility as an Interstate. Therefore, MDOT would greatly appreciate USACE's consideration to modify these references prior to the issuance of the ROD.</p>	<p>Kim Thurman, Environmental Division Administrator, MDOT</p>	<p>The USACE acknowledges and agrees with the recommended changes.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPE), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
13	Letter via e-mail dated July 10, 2017	<p>Comment summary: Letter on behalf of Steps and the PCC to comment on the FEIS from Law office of Stroock & Stroock & Lavan LLP, Mississippi Center for Justice, and the Lawyers Committee for Civil Rights Under Law. Steps is a coalition of non-profit organizations in the Mississippi Gulf Coast region unified in the effort to rebuild the Gulf Coast post-Katrina. Steps and the PCC recently requested an extension to submit comments which was denied by the USACE. Steps and PCC submit their comments but do not waive their rights to challenge the FEIS for violation of the Administrative Procedures Act (APA) or other relevant federal statutes. The 546-page document and 16 appendices took over 7 years to complete yet only gave 30 days to review. They also requested an extension during the DEIS review that was denied. The FEIS contains significant new information [Community Impact Assessment (CIA) and new Air Quality modeling] that is being made available to the public for the first time. This letter on the FEIS incorporates comments submitted on the DEIS in December 2015 (included in appendix). The following is a list of concerns.</p> <p>Air and Noise Pollution: <i>The FEIS is flawed because the DEIS was issued without an air quality study or rail traffic noise analysis.</i> The DEIS was released before crucial air and noise studies had been completed. Releasing the FEIS without first publishing a significantly finalized DEIS and deprives stakeholders of meaningful opportunity to comment and violates the APA.</p> <p>In their comment letter on the DEIS, they raised a basic concern about USACE's unfinished air quality analysis, along with several stakeholders, during a 2013 workshop. The EPA agreed that additional, more localized air quality analysis was needed. This was of particular concern due to environmental justice (EJ) communities. The USACE's justification for the absence of this analysis in the DEIS is unsatisfactory. Additionally, because both the air and noise studies were incomplete, USACE did not provide relevant mitigation recommendations in the DEIS – again depriving stakeholders of the opportunity to evaluate and comment on the plan.</p> <p>The short comment period deprives stakeholders Adequate Time to Analyze the Air and Noise Pollution Parts of the FEIS. In this context, denial of an extension of time to examine the air and noise studies in the FEIS is especially arbitrary and capricious. The short period of time makes adequate review by the public and environmental professionals virtually impossible. Attachment includes letter from Lyle Chinkin with Sonoma Technology, Inc. (air quality professional) stating that 30 days is not enough time to review new material and 90–120 days is more reasonable.</p> <p>In the case of noise pollution, the noise study was inherently incomplete without a localized analysis of rail traffic. The relevant studies, data, and technical memoranda created appear to be nearly identical across the DEIS and the FEIS. However, the analysis in the FEIS includes a new section dedicated solely to rail traffic noise impacts and provides only a cursory analysis on impacts on different zoning areas. The public requires a longer comment period to conduct a more thorough analysis of the results and to determine independently whether the evidence supports the conclusions reached by the USACE.</p> <p>Based on a Limited Substantive Review, the Air Quality Analysis of the FEIS is Incomplete and Inadequate. Dr. Phyllis Fox, Ph.D., P.P., an environmental engineer with over 40 years of experience, reviewed the air quality analysis in Appendix P of the FEIS and found it incomplete and inadequate. The report is included as an appendix. In summary Dr. Fox had the following issues: There was no air quality analysis in DEIS; the emission levels in the DEIS were lowered without explanation; no modeling of ozone levels, even where the 2014–2015 levels were close to exceeding NAAQS; assumptions lack modeling data and background; and no health risk assessment was performed. Particular concern should have been given to increased rail and truck traffic, impacts on EJ communities, and local level of fine particulate matter. In conclusion, compliance with NAAQS is not sufficient to determine that there are no significant impacts to air quality under the National Environmental Policy Act (NEPA) and this decision has been upheld in court in prior cases.</p> <p>Compliance with NAAQS is not sufficient to determine that there are no impacts to air quality under NEPA. The courts have agreed that mere compliance with NAAQS is not sufficient to conclude that there are no impacts to air quality under NEPA. Rather, the inquiry is “whether the increased emissions will have a significant effect on the environment” and public health. Other cases have also held that compliance with air quality regulations outside of NEPA is not relevant to compliance with NEPA itself. Most compelling is the USACE's dismissal of any potential localized impact on environmental justice communities from particulate matter of 2.5 micrometers or less (PM_{2.5}), fine particulate matter. The USACE has not satisfied NEPA's requirements when it merely notes that the Port project will comply with NAAQS.</p>	<p>Gail Suchman, Stroock & Stroock & Lavan LLP on behalf of Steps and the PCC</p>	<p>Air: The air quality analysis has been an evolution based on EPA and stakeholder comments received over the course of the project, including two scoping meetings, a public workshop, three interagency workshops, and a public hearing. Regular input from EPA, as a Cooperating Agency and Federal Agency with statutory jurisdiction over this resource, was used in the development of the DEIS. The information presented in the DEIS addressed air contaminant emissions associated with construction of the Project including those from dredge and support equipment, nonroad construction equipment, on-road and employee vehicles, and maintenance dredging. Additionally, emissions from the increased freight, rail and employee and supplier traffic associated with operation of the Project were also evaluated. Comments received on the DEIS resulted in additional air quality analysis being conducted. This analysis and modeling approach were conducted in close cooperation with EPA through an iterative process and included air dispersion modeling to estimate and evaluate the resulting concentrations from Project train and truck activity along US 49. Modeling results reviewed by EPA indicate that no significant air quality impacts would result from the project and the NAAQS would not be exceeded. The NAAQS primary standards provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly. As there is no significant impact to air quality anticipated as a result of the proposed Project, there would therefore be no impact to EJ or non-EJ communities. As a result, mitigation was not necessary; however, potential measures to reduce impacts were presented. There were no substantially different conclusions regarding air quality impacts as a result of this analysis. The revised analysis along with response to additional comments have been provided by EPA regarding impacts to air quality.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEIP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
13 (cont'd)	Letter via e-mail dated July 10, 2017	<p>Cumulative Impact Analysis: The cumulative impact analysis in the FEIS is inadequate. Many of the past, present and future projects discussed in the FEIS only have an incidental relationship or are not close to the project area. More adequate discussion should have been included for the Ward Investments and the 33rd Street Property projects. Both projects are foreseeable and the combination of these projects with eventual creation of a new I-310 interchange in the vicinity of Canal Road will have a cumulative impact on the urban human environment.</p> <p>The statement in the FEIS indicated that the Ward project is not related to or connected with the PGEIP is incorrect and this omission must be corrected. The impacts of the Ward-Gulfport development are directly relevant to the cumulative impacts analysis of the Port expansion and need much more in-depth examination regarding future effects on the human environment, particularly in EJ communities.</p> <p>Analysis of Alternatives: The FEIS must lay out the data and rationale used by the USACE to make its decision. Regulations require that the discussion of alternatives must contain sufficient data to indicate the agency decision was not arbitrary and capricious. The FEIS discussion of alternatives does not meet this standard, lacks specific details and dismisses preliminary alternatives without deep analysis. It restricts its formal analysis to the final proposed project and the no-build.</p> <p>Environmental Justice (EJ) and Local Impacts: Executive Order 12898 and NEPA require projects to consider the environmental and health impacts on low-income and minority communities and determine if disproportionately high and adverse impacts would occur to these vulnerable populations and engage them and seek input from them.</p> <p>The FEIS reflects the USACE's Failure to Seek and Respond to Feedback from EJ Communities. The USACE failed to engage adequately with the community throughout the entire process. EPA expressed concern several times early on in the process about the community engagement with EJ communities. From the DEIS through to the FEIS, there was an inadequacy of the USACE's community engagement. Residents have stated they did not know about the public meetings and there are deficiencies in the project's community engagement strategy. The USACE took no corrective action to ensure that the affected communities have had an opportunity to meaningfully participate in the process. Even though 40 CFR 1503.1(a)(4) requires further community outreach after a DEIS, there is no evidence in the FEIS that the USACE held any further public hearings or made any effort to spread awareness of the project or partner with the community. Additional outreach should have been conducted. In the DEIS EJ assessment only six interviews (in 1 day) were conducted. If there was additional outreach it was not reflected in the FEIS.</p> <p>The FEIS Fails to Conduct a Comprehensive Localized Analysis. In its CIA, the USACE did not clearly identify EJ communities and consider the implications of the project on them. The analysis looked at the larger area of the City of Gulfport and not a local affected area and was patchy and obscure and did not meet legal requirements. The discrepancy between the different approaches to EJ analysis in the air, traffic, and noise studies suggests that the USACE did not have a comprehensive strategy for evaluating EJ impacts. There is a specific example of this with the lack of diligence in considering disproportionate adverse EJ impacts in the traffic analysis. The EJ analysis also neglects distinct cultural practices, significant racial and social context, and omitted the history of Turkey Creek (community of freed slaves). The FEIS fails to present a comparison of environmental impacts of the potential alternatives, defining the issues and providing a basis for decision-making. The FEIS must be revised to include an analysis of how diesel emissions and other impacts (and associated health risks) will increase in EJ communities near the Port's primary transportation corridors (roadways, rail yards and rail lines), and consider mitigation measures to prevent and reduce exposure to such emissions.</p> <p>Conclusion: Steps and the PCC request that the USACE withdraw its FEIS and issue a revised DEIS, which adequately identifies and evaluates all significant impacts associated with the Port expansion project, particularly those cumulative impacts on EJ communities, and provide sufficient time for the public to thoroughly review such revised DEIS. Anything less will be a violation of NEPA requirements and the APA.</p>	<p>Gail Suchman, Stroock & Stroock & Lavan LLP on behalf Steps and the PCC</p>	<p>Noiser: Between the DEIS and publication of the FEIS, changes regarding the operational hours for the rail portion of the PGEIP were made. As the results presented in the DEIS already reported the worst-case scenario results for operational hours, no additional modelling was deemed necessary for the FEIS; however, text was updated in the FEIS to explain that a small reduction in impacts would be expected. Additionally, clarification was made in the FEIS between terms used in the analysis (i.e., "number of trains" versus "train trips") with no resulting change in anticipated impacts. Comment Period: As per letter dated June 28, 2017, from Craig Litteken (USACE Chief, Regulatory Division) to Gail Suchman (Stroock & Stroock & Lavan LLP on behalf of Steps and the PCC), Ms. Suchman's letter has been placed in the public record and her request for the comment period to be extended an additional 45 days in order to provide adequate time to comment on the FEIS has been considered. It was decided that the USACE will not extend the comment period beyond the advertised July 10, 2017, expiration date. Per the EPA's "Environmental Impact Statements; Notice of Availability" in 82 FR 26791, which is the official Notice of Availability for the FEIS, the document was being disseminated for a 30-day review period not a comment period. The USACE acknowledges that 40 CFR 1503.1(b) also states "In any case other agencies or persons may make comments before the final decision unless a different time is provided under § 1506.10." The review was set at 30 days in accordance with 40 CFR 1506.10(a)(2). 40 CFR 1506.10(d) states that "Failure to file timely comments shall not be a sufficient reason for extending a period." At this time, the USACE did not find that an extension of the review period was warranted.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEF), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
13 (cont'd)	Letter via e-mail dated July 10, 2017	Comment 13, cont'd	Gail Suchman, Stroock & Stroock & Lavan LLP on behalf of Steps and the PCC	<p>Cumulative Impacts: The Ward Project is not related to the PGEF. The Ward Investments project is included in the Cumulative Impacts analysis, including the resource-specific results tables. As indicated in Section 5.2.3 of the Final EIS, the MSPA 33rd Street Property was excluded from resource-specific results tables since the Port has decided not to follow through with any of the proposed projects for the site. Additionally, as per comment number 12, the "Judge's ruling actually vacated the USACE 404 Permit for MDOT's Project."</p> <p>Analysis of Alternatives: The proposed Project is a water-dependent activity. The Applicant proposed alternatives beyond the Proposed Project and No-Action Alternatives. Those alternatives were reviewed in the EIS and determined to be not feasible and/or not practicable. Please see the Alternatives Analysis in Section 2.0 of the FEIS. Thereafter, "EIS Level" analysis was done only on the Proposed and No-Action Alternatives.</p> <p>Environmental Justice and Local Impacts: Announcements for public meetings were provided in community newspapers. USACE also notified the public of public-engagement activities via e-mail blasts as well as on the USACE website and on a project-specific public website. USACE adhered to requirements under 40 CFR 1503.1(a) and 1506.6. As noted in Section 12.1 of the FEIS, an open-house, followed by a formal public hearing for the DEIS was conducted on December 8, 2015. As noted in Attachment A of the CIA (Appendix H of the FEIS), USACE attempted to contact 43 entities for interviews; 13 of which declined the invitation or cancelled the interview and 18 of which were unresponsive. Contact information for the remaining entities listed but not interviewed was inaccurate or inactive.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
13 (cont'd)	Letter via e-mail dated July 10, 2017	Comment 13, cont'd	Gail Suchman, Stroock & Stroock & Lavan LLP on behalf of Steps and the PCC	<p>Localized Analysis: The scope of the EIS included a project-specific designed "Expanded Environmental Justice" (EEJ) assessment developed in conjunction with EPA. The EEJ assessment is an analysis tool that goes beyond the traditional Environment Justice Assessment and provides a greater depth of analysis. The EEJ uses data that is collected for the traditional Environment Justice Assessment and augments the assessment by developing a community profile with input from the community. The EEJ assessment increases the level of public participation by actively involving community stakeholders in the creation of the community profile. The EEJ assessment was requested by the EPA and the EPA provided comments and approved the final scope of the EEJ. Extensive public outreach (with guidance from EPA Region 4) was conducted to support an impact assessment of the proposed Project on the community, which culminated in the preparation of an expanded EJ assessment (a CIA), which is included as Appendix H of the FEIS.</p> <p>Conclusion: As discussed in detail in the comment responses above, changes were made between the DEIS and FEIS as warranted from comments received on the DEIS. The changes made to the pertinent resources for EJ communities in the FEIS were consistent with the overall results in the DEIS. As there were no substantive changes in the findings presented in the DEIS, a revised DEIS is not warranted. The intent of comments received on the DEIS are to further inform the FEIS and the permit decision by the USACE; this process was followed as intended.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEPP), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
14	Letter dated July 10, 2017	<p>Comment summary: Commenter is a retired shrimp fisherman (74 years) and resident of Pass Christian and is concerned about the project impacts; specifically, the placement of the "spoil" south of Horn Island and impacts in that location to the spawning of white shrimp. Past placement back in the 1990s of the "spoil" for Gulfport Harbor off Ship Island impacted prime shrimp grounds. Concerned that the state of Mississippi will suffer and impacts will result to white shrimp crop. Commenter would like the USACE to give the location of the "spoil" are more consideration.</p>	Ernest "Jimmy" Bradley	<p>The DMMP (Appendix F in the FEIS) evaluated multiple placement alternatives for new work and maintenance dredged material. Placement of dredged material is only allowed in permitted and approved sites. The BMC is the preferred placement alternative for the new work dredged material from the proposed Project. Construction methods, placement of dredged material, and impacts associated with the use of this site for disposal of dredged material would be addressed in the permitting process for the BMC. The permit application is available on LDNR's website and provides information on the BMC site. USACE MVN received a letter from EPA dated June 30, 2017, stating that "EPA Region 6 has determined that the constituents of concern within the project area/borrow site are within acceptable levels and indicated concentrations similar to or within a reasonable range of concentrations found in the vicinity of the Biloxi Marsh Complex. Our concerns regarding potential adverse impacts to wetlands and other aquatic resources in the Biloxi Marsh Complex have been addressed, pursuant to Part IV.3(a) of the 1992 MOA between the EPA and the Department of Army regarding CWA Section 404(q)." In this letter, EPA further stated that they are amenable to the use of the permit conditions proposed by the USACE. The Pascagoula ODMDS is an EPA-approved ODMDS. If material meets the Section 103 criteria for ocean disposal, the EPA will work with the USACE and Port to develop a disposal plan and permit conditions to ensure compliance with the SMMP. Concerns regarding impacts to the habitat within the ODMDS site should be addressed to the EPA. Maintenance material would be disposed of using thin-layer placement under permits currently held by the Port. Disposal of all materials would follow the methods and requirements described in the respective permits.</p>	

Comments and Responses on the FEIS for the Port of Gulfport Expansion Project (PGEF), cont'd

Item No.	Comment Delivery	Comment	Commenter	Response	Attachment
15	E-mail July 13, 2017	<p>Comment summary: The Port of Gulfport Expansion Project lies within a portion of the Choctaw homeland. Aboriginal archaeological materials located in or around the project area may potentially be culturally affiliated with the Choctaw Nation of Oklahoma. The Choctaw Nation Historic Preservation Department is not aware of any Choctaw Historic sites within the immediate project area. The Choctaw Nation would concur with a finding of "No Historic Properties Affected" for this undertaking. In the unexpected event that human remains or intact archaeological deposits are encountered, please contact our office as quickly as possible.</p>	<p>Ian Thompson, Tribal Historic Preservation Officer, Choctaw Nation of Oklahoma</p>	<p>Thank you for your comment. No response required.</p>	