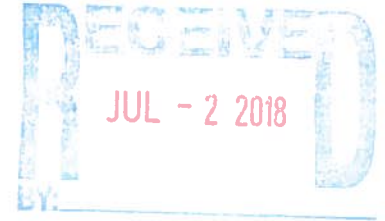




REPLY TO
ATTENTION OF

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

June 18, 2018



Coastal Environment Team
Planning and Environmental Division

Ms. Florance Bass
Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 2261
Jackson, Mississippi 39225-2261

Dear Ms. Bass:

Pursuant to the requirements of the Clean Water Act, the U.S. Army Corps of Engineers (USACE), Mobile District requests water quality certification for continued operations and maintenance (O&M) of the federally authorized Gulf Intracoastal Waterway (GIWW) navigation project, in the State of Mississippi. A detailed description of the proposed action is presented in Public Notice FP18-IW01-14 dated March 21, 2018 (Enclosure 1).

At this time, concurrence has been received from the U.S Fish and Wildlife Service (Enclosure 2), the National Marine Fisheries Service - Habitat Conservation Division (Enclosure 3), and the Mississippi Department of Archives and History (Enclosure 4). The USACE, Mobile District will forward any additional comments received for your consideration in making the final determination for water quality certification.

The USACE, Mobile District does not anticipate water quality issues resulting from the proposed continued O&M activities of the project. Environmental impacts associated with the proposed action would be minor and short-term. No wetlands would be affected by the proposed action. Maintenance of the proposed project is necessary to provide reliable channels for passage of commerce, and shoaling of the channel would severely impact the economy of the state.

If you require additional information please contact Mr. Matthew J. Lang at (251) 694-3837 or by email address matthew.j.lang@usace.army.mil.

Sincerely,

Curtis M. Flakes
Chief, Planning and Environmental
Division

Enclosures

ENCLOSURE 1

Public Notice No. FP18-IW01-14 dated March 21, 2018



REPLY TO
ATTENTION OF

**CESAM-PD-EC
PUBLIC NOTICE NO. FP18-IW01-14**

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

March 21, 2018

JOINT PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS,
MOBILE DISTRICT
AND
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

**PROPOSED MAINTENANCE DREDGING AND PLACEMENT ACTIVITIES
GULF INTRACOASTAL WATERWAY NAVIGATION PROJECT
JACKSON, HARRISON AND HANCOCK COUNTIES, MISSISSIPPI**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District, proposes to conduct maintenance dredging and placement activities in the Gulf Intracoastal Waterway (GIWW), Mississippi.

This Public Notice is issued in accordance with the rules and regulations in the Federal Register on April 26, 1988. These regulations provide for the review of the dredging programs for federally authorized projects. These laws are applicable whenever dredged or fill material may enter navigable waters. The recipient of this notice is requested specifically to review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. We also request comments on any other potential impacts.

WATERWAY AND LOCATION: GIWW within the State of Mississippi.

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The existing project under the auspices of the USACE, Mobile District provides for a waterway 12 feet deep, 125 feet wide at mean lower low water (MLLW) from Apalachee Bay, Florida to Mobile Bay, Alabama and a channel 12 feet deep and 150 feet wide from Mobile Bay, Alabama to the Rigolets, Louisiana (Lake Borgne Light No. 29), and for a tributary channel (the Gulf County Canal), 12 feet deep, 125 feet wide, and about 6 miles long connecting the waterway at White City, Florida with St. Joseph Bay. The waterway between the 12-foot contours in Apalachee Bay and Lake Borgne Light No. 29 at the Rigolets is 379 miles long (Figure 1). The existing project was authorized by the 1966 Rivers and Harbors Act, (House Document 481, 89th Congress, 2nd Session) as amended and prior acts.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action for the Mississippi portion of the GIWW (**Figure 2**) would be maintenance dredging and placement activities as previously certified. Approximately 3,000,000 cubic yards (CY) of sandy silt are proposed for removal by a hydraulic pipeline dredge on an infrequent basis over a ten-year period.

The proposed action would involve maintenance dredging of the Mississippi portion of the GIWW, which is 65 miles in length, 150 feet in width, and with a depth of -12 feet MLLW, plus an additional -2 feet of advanced maintenance, plus -2 feet of overdepth dredging. Maintenance dredging of soft-dredged material with hopper, mechanical, and/or hydraulic cutterhead dredges tends to disturb the bottom sediments several feet deeper than the target depth due to the inaccuracies of the dredging process. An additional -3 feet of sediment below the -2-foot paid allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed (Tavolaro *et al.*, 2007).

Maintenance dredging intervals typically occur once every three to five years, and for the current proposed action, the material would be removed by a hydraulic pipeline dredge and placed in previously used and authorized open-water placement areas (65A, 65B, 65C) using a thin layer technique when practicable (**Figure 3**).

In emergency conditions, a barge-mounted dragline or snagboat may be used to remove rapidly formed or unexpected shoals or other hazards to navigation. This material would be placed to the side of the channel to allow immediate passage of vessels until a hydraulic pipeline dredge can be dispatched to restore project dimensions. Emergency disposal needs are infrequent and usually the result of specific incidents, such as storm events or barge groundings. Past experience has shown, however, that only a few areas are likely to require such emergency action but such action may be required at any location along the waterway. In the event of an emergency, all necessary Federal and state agencies would be notified before the commencement of work.

WATER QUALITY CERTIFICATION: Water quality certification will be requested from the State of Mississippi, Department of Environmental Quality (MSDEQ), Office of Pollution Control for a ten year period. Upon completion of the required comment period, a decision relative to certification will be made.

COASTAL ZONE CONSISTENCY: Pursuant to the requirements of the Coastal Zone Management Act (CZMA), consistency will be requested from the State of Mississippi, Department of Marine Resources (MSDMR). Our review of the CZMA finds that the continued maintenance of the project remains consistent with the program to the maximum extent practicable. A determination relative to coastal zone consistency will be made by MSDMR after completion of the required comment period.

March 21, 2018

USE BY OTHERS: The proposed action is not expected to create significant impacts on land use plans. Use of waters within the open-water disposal sites; including fishing, shrimping, recreational boating, and the commercial transporting of fuels would be impacted during the actual maintenance activities; however, this action would be temporary and the aforementioned activities would resume to normal upon completion.

NATIONAL ENVIRONMENTAL POLICY ACT CONSIDERATIONS: In accordance with the requirements of the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) for the entire GIWW navigation project from the Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida, was filed with the President's Council on Environmental Quality (CEQ) on December 17, 1976. An Environmental Assessment (EA) was prepared and is on file at the USACE, Mobile District office. All relevant NEPA documentation is on the District website at <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental>. Appropriate revisions will be incorporated if information is received during the coordination process that would dictate the need to update NEPA.

SECTION 404(b)(1) EVALUATION REPORT: An evaluation of water quality impacts associated with the proposed action was prepared in accordance with guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act (CWA). The report is on file and available for review in the USACE, Mobile District office. All relevant NEPA documentation is on the District website at <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental>. Appropriate revisions will be incorporated into if information is received during the coordination process that would dictate the need to update.

THREATENED AND ENDANGERED SPECIES: The proposed action has been coordinated with the U.S. Department of Commerce, National Marine Fisheries Service (NMFS), and the U.S. Department of Interior, Fish and Wildlife Service (USFWS). The NMFS and USFWS list the following species as either threatened or endangered that may occur within the project area: the fin whale, sei whale, sperm whale, Green sea turtle, Kemp's ridley sea turtle, Leatherback sea turtle, Loggerhead sea turtle, Gulf sturgeon, and the West Indian manatee. Critical habitat is designated for Gulf sturgeon (Unit 8) within the project area.

NMFS has previously been consulted with via a Biological Assessment (BA) dated March 22, 2007. NMFS concurred with our determination, by letter dated October 23, 2007 and again via letter dated December 30, 2013, that the proposed action is not likely to adversely affect (NLAA) threatened and endangered species. Per the NMFS 2003 Gulf Regional Biological Opinion (amended in 2007 and 2009), impacts are deemed to be negligible and are discountable during use of hydraulic cutterhead dredges, therefore concurring with the USACE determination of NLAA for sea turtles and Gulf sturgeon.

The USFWS also concurred with our NLAA determination of species under their purview by letters dated May 30, 2007 and April 1, 2013. The concurrence received on April 1, 2013 deferred Gulf sturgeon coordination to NMFS. Most of the federally listed species by the USFWS for Jackson, Hancock, and Harrison Counties are not likely to be affected because these species are not likely to be found in or near the project area (Black pinesnake, Dusky gopher frog, Alabama red-bellied turtle, Gopher tortoise, Ringed map turtle, Yellow-blotched map turtle, Inflated heelsplitter mussel, Louisiana quillwort, Red-cockaded woodpecker, Mississippi sandhill crane, Piping plover, Red knot, and Pearl darter). Sea turtles and Gulf sturgeon may be in the project area, but because of their motility are likely to avoid the project area during dredging and placement operations.

Based on our review of the current listings of threatened and endangered species, under both the USFWS and NMFS purview, which could occur in the project area, the continued maintenance of the GIWW in the State of Mississippi would NLAA any federally listed species, or destroy or adversely modify designated critical habitat. The USACE, Mobile District will coordinate with both Federal agencies to ensure these concurrences with our past determinations are still valid.

ESSENTIAL FISH HABITATS: Essential Fish Habitat (EFH) is defined in the Magnuson-Stevens Fishery Conservation and Management Act as “those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity.” The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has identified EFH for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column.

The open-water and estuarine marshes provide habitat for various species of invertebrates and vertebrates. Epibenthic crustaceans and infaunal polychaetes dominate the diets of higher trophic levels, such as flounder, catfish, croaker, porgy, and drum. The fish species composition of the estuarine and offshore area along the northern Gulf of Mexico is of a high diversity due to the variety of environmental conditions, which exist within the area. The major fisheries landed along the Mississippi and Alabama Gulf coast are menhaden (*Brevoortia patronus*), mullet (*Mugil cephalus*), croaker (*Micropogonias undulates* and *Leiostomus xanthurus*), shrimp (*Penaeus aztecus*, *P. setiferus*, and *P. duorarum*), blue crab (*Callinectes sapidus*), and oyster (*Crassostrea virginica*).

Most of the motile benthic and pelagic fauna, such as crab, shrimp, and fish, should be able to avoid the disturbed area and should return shortly after the activity is completed. There are no seagrass beds or oyster reefs located within the immediate dredging and placement areas. No long-term direct impacts to managed species are anticipated. However, it is reasonable to anticipate some non-motile and motile invertebrate species will be physically affected through dredging and placement operations. As the dredge moves quite slowly, adverse impact is not expected to be significant to species

distribution within the GIWW and Mississippi Sound. Due to the short duration of the proposed activity, no managed species or their habitat would be significantly impacted and benthic communities in the project area would likely re-colonize within a few months. Therefore, this project would likely not adversely affect EFH or managed species under the purview of the NMFS.

CULTURAL RESOURCES CONSIDERATION: In compliance with the National Historic Preservation Act (NHPA), coordination with the Mississippi State Historic Preservation Officer (SHPO) has been conducted. No cultural resources are known to occur in the open-water disposal or channel areas. No sites listed on the *National Register of Historic Places* (Register) are located within the project area.

The GIWW was authorized by Congress and completed more than 50 years ago. The existing channel and open-water disposal areas were constructed and operated prior to the enactment of the NHPA, which was signed into law in 1966. In 1979, the USACE, Mobile District analyzed and considered the effect that continued use and maintenance of the waterway may have on historic properties as per regulations within 36 Code of Federal Regulation (CFR) 800, in order to ensure compliance with NHPA. This analysis was conducted as part of the aforementioned EIS. No previously identified cultural resources were located within the open-water placement or channel areas. No sites listed on the Register were located within the project area. As the lead Federal agency, the USACE, Mobile District determined that the continued operation and maintenance activities would have no effect on historic properties.

The present project includes no new action as defined by the NHPA. The USACE, Mobile District has determined that maintenance and dredging operations within existing channels and utilizing existing placement areas has no potential to cause effects to historic properties as per CFR 800.0(1). The proposed recertification plan and subsequent effects determination will be forwarded to the SHPO and interested federally recognized Native American Tribes for review and comment.

CLEAN AIR ACT: Air quality in the vicinity of the proposed action would not be significantly affected by the proposed action. The equipment and machinery would generate some air pollution during construction activities, such as increased particulate levels from the burning fossil fuels. However, these impacts would be minor and temporary in nature. The proposed action is in compliance with the CAA, as amended. The project area is in attainment with the NAAQS parameters and the proposed action would not affect the attainment status of the project area or the region. A SIP conformity determination (42 United States Code 7506(c)) is not required since the project area is in attainment for all critical pollutants.

EVALUATION: The decision whether to proceed with the proposed action will be based on evaluation of the probable impact including cumulative impacts of the proposed action on overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from this proposal must be balanced against its reasonably

March 21, 2018

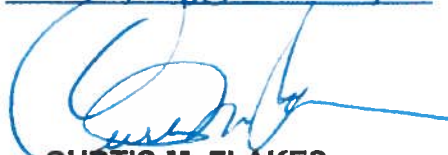
foreseeable determinants. All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Among these are conservation, economics, esthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people. The proposed action will proceed unless it is found to be contrary to the overall public interest.

COORDINATION: Among the agencies receiving copies of this public notice are:

U.S. Fish and Wildlife Service, Jackson Field Office
National Marine Fisheries Service-Habitat Conservation Division
National Marine Fisheries Service-Protected Resources Division
Gulf of Mexico Fishery Management Council
National Park Service
United States Coast Guard, District 8
U.S. Environmental Protection Agency, Region 4
Affiliated Indian Tribal Interests
Mississippi Department of Environmental Quality
Mississippi Department of Marine Resources
Mississippi State Historic Preservation Officer
Mississippi Department of Wildlife, Fisheries and Parks
Mississippi Secretary of State Office

Other Federal, State, and local organizations, and United States Senators and Representatives of Mississippi are being sent copies of this notice and are invited to participate in coordinating this proposed action. You are requested to communicate the information contained in this notice to any person who may have interest in the proposed action.

CORRESPONDENCE: Any person who has an interest that may be affected by this proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Engineer within 30 days of the date on this public notice. A request for a hearing must clearly set forth the interest, which may be affected, and the manner in which the interest may be affected. Correspondence concerning the public notice should refer to Public Notice Number FP18-IW01-14 and should be directed to the Commander, U.S. Army Corps of Engineers, Mobile District, Postal Office Box 2288, Mobile, Alabama 36628-0001. For more information, contact Mr. Matthew J. Lang, email address: matthew.j.lang@usace.army.mil or via phone at (251) 694-3837.



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

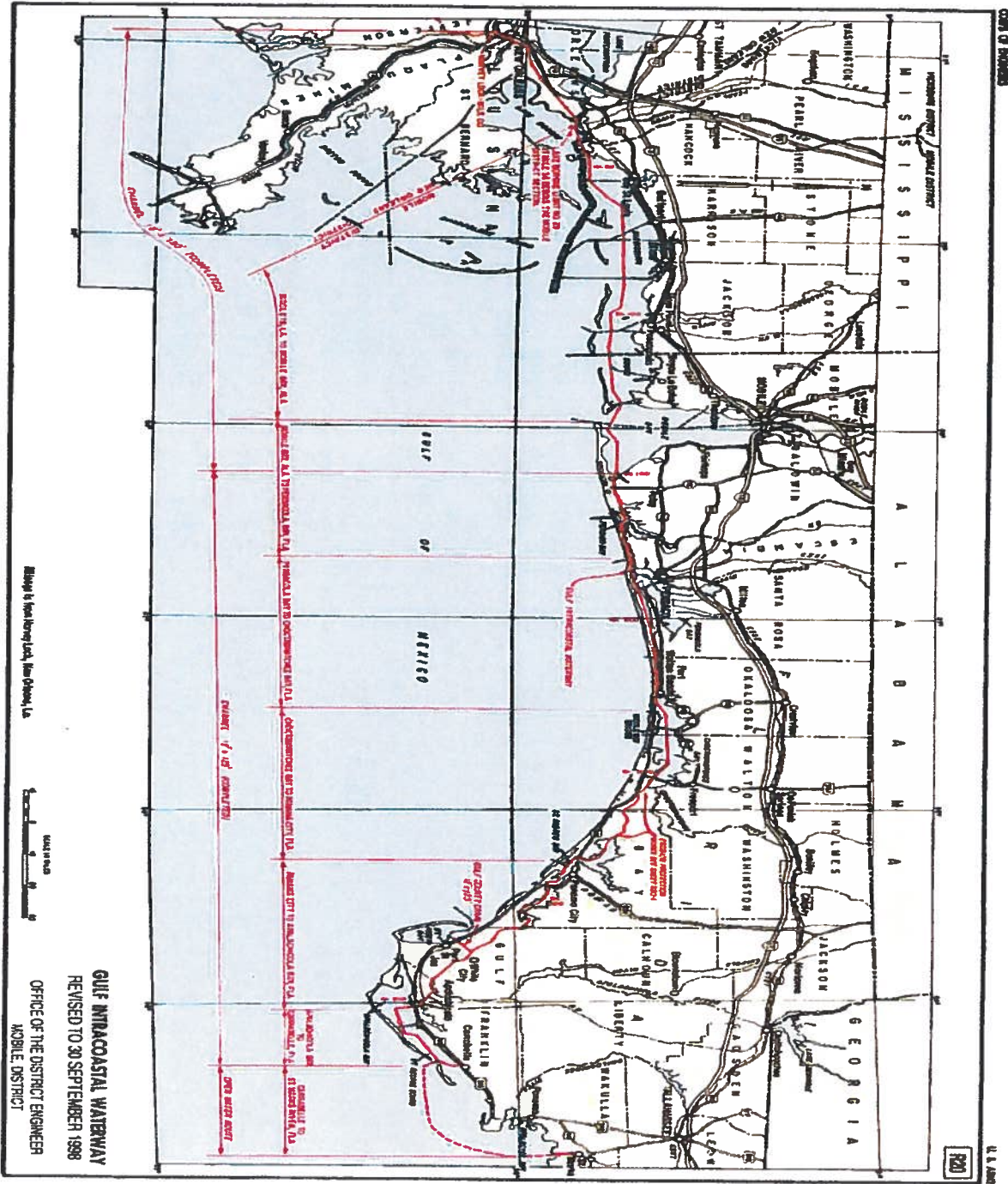


Figure 1: Entire Federal GIWW project Map

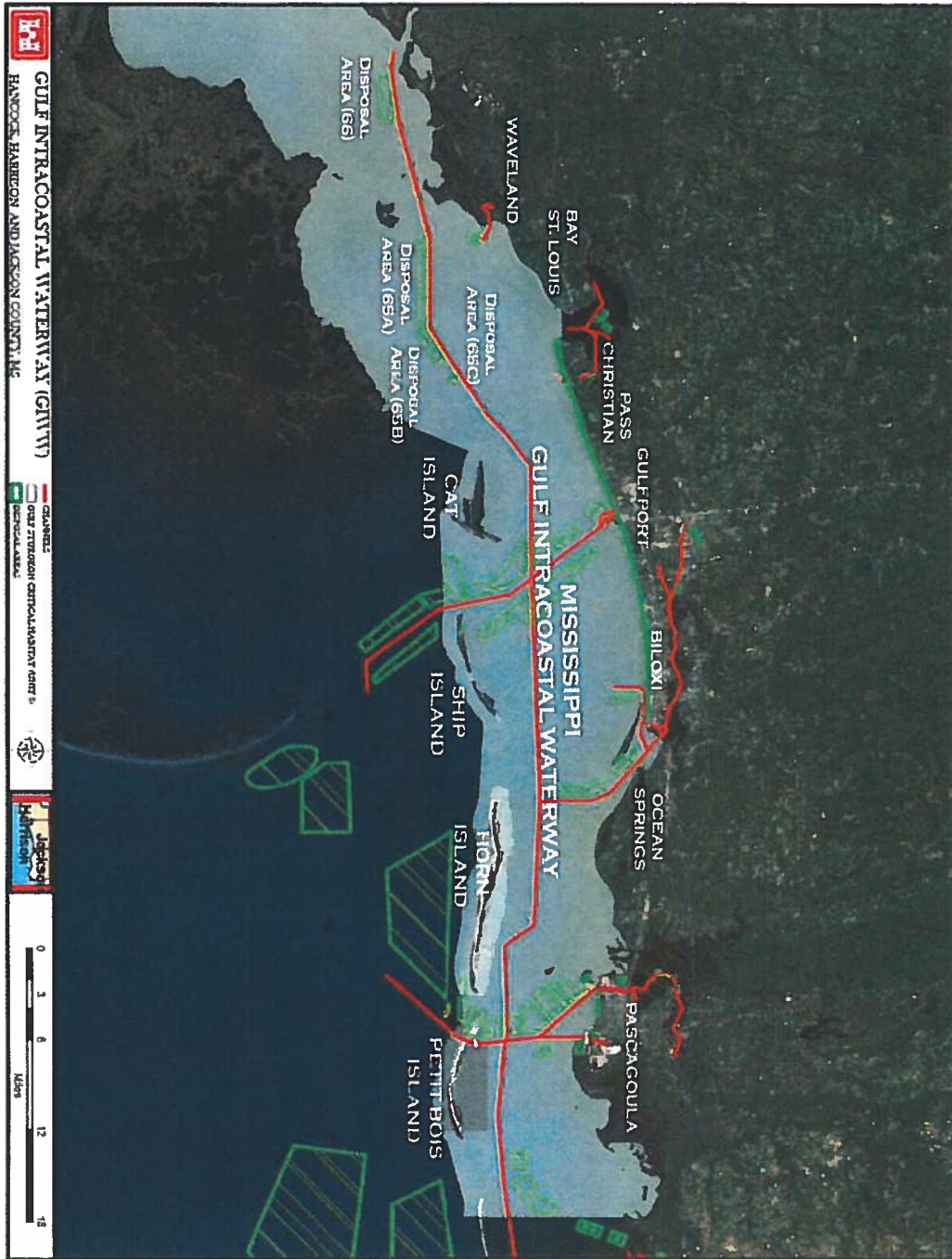


Figure 2: GIWW in the State of Mississippi Project Map



Figure 3: Open-water placement areas associated with the GIWW in Mississippi

ENCLOSURE 2

Letter from U.S Fish and Wildlife Service

From: [David Felder](#)
To: [Reynolds, Lekesha W CIV \(US\)](#); [Lang, Matthew J CIV CESAM CESAD \(US\)](#)
Cc: [Paul Ncaise](#)
Subject: [Non-DoD Source] GIWW operation and maintenance
Date: Tuesday, April 10, 2018 1:12:52 PM

Lekesha and Matthew,

The Fish and Wildlife Service (Service) has reviewed the information in your letter dated March 13, 2018 regarding the proposed operation and maintenance dredging and placement activities for the Gulf Intracoastal Waterway Navigation Project in coastal waters of Mississippi.

We concur with your determination that the proposed dredging activities will have “no effect” on the black pinesnake, dusky gopher frog, Alabama red-bellied turtle, gopher tortoise, ringed map turtle, yellow-blotched map turtle, inflated heelsplitter mussel, Louisiana quillwort, red-cockaded woodpecker, Mississippi sandhill crane, piping plover, red knot, pearl darter, and wood stork and “may affect, but is not likely to adversely affect” the West Indian Manatee.

As you are aware, NOAA Fisheries is the lead for sea turtles and Atlantic Gulf sturgeon consultations in MS coastal waters.

We have no other specific comments or concerns regarding the proposed activities.

Thanks

David

David Felder

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Mississippi Ecological Services Field Office

6578 Dogwood View Parkway

Jackson, MS 39213

Office: (601) 321-1131

Cell: (601) 906-6706

Email: david_felder@fws.gov <mailto:david_felder@fws.gov>

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

ENCLOSURE 3

**Letter from the National Marine Fisheries Service –
Habitat Conservation Division**

From: [Brandon Howard - NOAA Federal](#)
To: [Lang, Matthew J CIV CESAM CESAD \(US\)](#)
Subject: [Non-DoD Source] Re: U.S. Army Corps of Engineers, Mobile District Public Notice
Date: Tuesday, April 17, 2018 8:31:50 AM

Hi Matthew,

The National Marine Fisheries Service (NMFS) recommends the beneficial use of the dredged material. This may be accomplished through the MS Beneficial Use Group.

NMFS Habitat Conservation Division (HCD) has reviewed the public notice listed below. NMFS HCD does not object to the project. Feel free to contact me if further information is needed.

Brandon

On Fri, Apr 6, 2018 at 2:50 PM, Lang, Matthew J CIV CESAM CESAD(US) <Matthew.J.Lang@usace.army.mil> <<mailto:Matthew.J.Lang@usace.army.mil>> > wrote:

The purpose of this message is to notify you of a Federal project Public Notice from the U.S. Army Corps of Engineers, Mobile District.

PUBLIC NOTICE - Proposed Maintenance Dredging and Placement Activities, Gulf Intracoastal Waterway Navigation Project, Jackson, Harrison, and Hancock Counties, Mississippi

To print or download an electronic copy of this Public Notice please

click this link:

Blockedhttp://www.sam.usace.army.mil/Portals/46/docs/planning_environmental/docs/PN/Final%20Public%20Notice%20for%20the%20Gulf%20Intracoastal%20Waterway%20in%20Mississippi.pdf?ver=2018-04-04-141053-330
<Blockedhttp://www.sam.usace.army.mil/Portals/46/docs/planning_environmental/docs/PN/Final%20Public%20Notice%20for%20the%20Gulf%20Intracoastal%20Waterway%20in%20Mississippi.pdf?ver=2018-04-04-141053-330>

You will also be able to find supporting environmental documentation related to the Public Notice such as a draft EA and FONSI on our website. Blocked<http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/PublicNotices.aspx>
<Blocked<http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/PublicNotices.aspx>>

The Mobile District is required by Federal regulations to issue Public Notices to solicit public comments on Federal Civil Works projects. The comment period is typically 15 or 30 days depending on the scope of the project and is referenced in the Public Notice. If you have any comments on this project, please mail or e-mail your comments to the Project Manager referenced in the Public Notice. Do not respond to this e-mail.

The Mobile District maintains an overall mailing list of interested agencies, businesses, organizations, and individuals which we are required to update on a regular basis. If you would like to be removed from this distribution list or know someone who would like to be added to our list, please notify the Project Manager.

-

Brandon Howard
Fishery Biologist
Habitat Conservation Division
NOAA Fisheries Service

Louisiana State University
Military Sciences Bldg, Rm 266
South Stadium Rd
Baton Rouge, LA 70803

Office: 225-389-0508 Xt. 203

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Web Blockedwww.nmfs.noaa.gov <Blocked<http://www.nmfs.noaa.gov/>>
Facebook Blocked<https://www.facebook.com/NOAAFisheries/>

Twitter Blockedwww.twitter.com/noaafisheries <Blocked<http://www.twitter.com/noaafisheries>>
YouTube Blockedwww.youtube.com/usnoaafisheriesgov <Blocked<http://www.youtube.com/usnoaafisheriesgov>>

ENCLOSURE 4

Letter from the Mississippi Department of Archives and History

MISSISSIPPI DEPARTMENT of ARCHIVES AND HISTORY



HISTORIC PRESERVATION DIVISION
P. O. BOX 571
Jackson, MS 39205-0571
Phone 601-576-6940 Fax 601-576-6955
Website: mdah.ms.gov

RDM

May 14, 2018

Ms. Jennifer Winter
Mobile District, Corps of Engineers
Post Office Box 2288
Mobile, Alabama 36628-0001

RE: FP18-IW01-14; Proposed maintenance dredging and placement activities in the Gulf Intracoastal Waterway, (USACE) MDAH Project Log #05-032-18 (04-043-18), Hancock, Harrison and Jackson Counties

Dear Ms. Winter:

We have reviewed the requested maps for a cultural resources assessment, received on May 3, 2018, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that no cultural resources are likely to be affected. Therefore, we have no objection with the proposed undertaking.

Should there be additional work in connection with the project, or any changes in the scope of work, please let us know in order that we may provide you with appropriate comments in compliance with the above referenced regulations.

If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,


Hal Bell
Review and Compliance Officer

FOR: Katie Blount
State Historic Preservation Officer

MAY 16 2018