

MEMORANDUM FOR RECORD

**Meeting with the U.S. Army Corps of Engineers
Aug. 9, 2016**

**Re: The General Reevaluation Report (GRR) Study
on the Widening and Deepening Plans for Mobile Harbor**

1. The subject meeting was requested by members of the public having serious concerns with the manner in which the Corps is conducting the Mobile Harbor GRR Study. **Attachment 1** identifies the public, Corps personnel, and the Alabama State Port Authority (ASPA) representative who participated in the meeting. The meeting objectives and associated issues that provided the structure for the discussions was developed by the public attendees (see **Attachment 2**). This memo summarizes the key discussion points and understandings reached, along with commitments conveyed by the Corps in follow-up emails.

2. The Mobile Harbor Outer Bar Channel is authorized to be deepened 10 additional feet to a total of 57 feet and widened from 600 feet to 750 feet. The Corps staff explained that although the alternatives now under consideration were selected in February 2016, the Corps is still formulating the channel depths to be investigated. Presently, the depths being considered range from 47 feet to 53 feet. Instead of widening the entire channel, only a 15-mile segment of the channel would be widened at this time to allow larger ships to pass to prevent delays.

3. The Corps staff presented an abbreviated version of the Study schedule highlighting internal Corps decision milestones and the only two public involvement opportunities identified to date:

Alternatives Milestone	Feb 2016	Internal Corps
Tentatively Selected Plan (TSP) Milestone	Mar 2018	Internal Corps
Review of Draft SEIS	Jul 2018	Public Involved
Agency Decision Milestone	Nov 2018	Internal Corps
Review of Final SEIS	Aug 2019	Public Involved
GRR approved Milestone	Nov 2019	Internal Corps

We pointed out that the next opportunity for public review would not occur until July 2018 when the Draft SEIS is released for public review. That means that during the intervening two years, the Corps will essentially complete all major investigations and analyses, while no information and no opportunities for public involvement in the Study. We are concerned that by the time the Draft SEIS is provided for review, the “real core” of the Study will have been concluded and it will be extremely difficult for the public to influence the final recommended plan if the significant environmental concerns conveyed in the Public Scoping Report are not adequately investigated or ignored altogether. For example, the validity of this concern is already being verified because the Corps refuses to consider the historic sand losses from the littoral drift system that have occurred due to maintenance of the Outer Bar Channel since the 1980 report was finalized without those losses being considered (see **Attachment 3**). We believe the two-

year period in which all investigations are performed with no public involvement is unacceptable and does not reflect the Corps' claim of a "transparent" Study Process. By soliciting formal and informal public input throughout the Study, critical issues will be identified and addressed more cost-effectively. We contend the public should be involved much periodically during the Study to assure concerns are adequately studied and the results considered by the Corps before the TSP milestone. We also believe, it is in the best interest of the GRR Study to understand and address the public's most significant concerns with the Mobile Harbor project before the TSP is selected.

4. The following summarizes the discussions relative to the ten issues described in Objective 1 in **Attachment 2**. This summary incorporates information contained in the handouts provided at the meeting, as well as references made to a wide variety of other source materials. The stated positions of the Corps and the follow-up actions its representatives agreed to take are identified in *bold italics*.

Issue 1. The "boundary conditions" established in the GRR Study to develop the sand budget must comply with Section 5 of the Rivers and Harbors Act of 1935 which requires that any project "improving" the mouth of an inlet must consider the effect on the shorelines for a distance of at least 10 miles on either side of the inlet. The effect on the shorelines can only be assessed by determining the volume of beach quality sand moving along the Fort Morgan peninsula; how much moves west of the peninsula into the Mobile Pass Inlet; how much is intercepted by the channel and carried to offshore areas by hopper dredging; and how much of the sand actually moves west of the Outer Bar Channel to reach Dauphin Island. Since there is no evidence to indicate the 1980 Corps report complied with Section 5, the GRR Study must correct that deficiency. *The Corps staff said the legal requirements of Section 5 would have to be evaluated before deciding what actions may be taken, if any, to modify the Study methodology. The Corps Staff also pointed out that the 2008 report by Byrne, et al and the results of the ongoing Alabama Barrier Island Assessment would be incorporated into the GRR Study,* to which we responded that the requirements of Section 5 still had to be satisfied. We also pointed out that the 2008 Byrne study had to be updated in 2010 and 2012 to correct errors in the data used to prepare the 2008 report.

Issues 2 and 3. The Corps' 1978 Draft Report entitled "Feasibility Report for Beach Erosion Control and Hurricane Protection, Mobile County (Including Dauphin Island)" found that maintenance of the Outer Bar Channel "...has a significant effect on the shoreline of the western part of Dauphin Island". Over the period from 1966 (after the channel had been deepened to 42 feet and widened to 600 feet), the report calculated that channel maintenance was causing the loss of 264,000 cubic yards/year of sand from the nearshore littoral zone west of the channel. The report further stated the loss of that volume of sand was responsible for Dauphin Island's West End eroding at the rate of about 4.6 feet/year. Further, the 1978 report contained three letters signed in July 1975 by then Mobile District Engineer COL Drake Wilson stating that the Dauphin Island erosion problem would be addressed in the District's separate study of Mobile Harbor that ultimately resulted in the 1980 report, upon which serves as the authority for the GRR Study. However, inexplicably, the 1980 report did not follow through with COL Wilson's written commitment and **COMPLETELY IGNORED** the Dauphin Island's erosion problem. Since then, the Corps has consistently refused to acknowledge the findings and

conclusions in its 1978 report, and has offered no explanation as to why the 1980 report did not address Dauphin Island's erosion problem. We maintain that the GRR Study must recognize the findings of the Corps' 1978 report. If the Corps concludes the 1978 findings are in error, the GRR must present sufficient study conclusions to counter the 1978 report. To simply continue to ignore the 1978 report is not acceptable, and to continue ignoring the erosion of Dauphin Island will not make the problem go away. The GRR Study should correct the deficiencies inherent in the 1980 report.

We also pointed out that less sand is available today for transport within the northern Gulf's nearshore littoral drift system than in the past. More sand is being mined from the numerous river systems draining into the Gulf, as well as being progressively retained by beach restoration projects and/or interrupted by inlet navigation channels and other engineering projects east of the Fort Morgan peninsula. The net result of those actions, although unrelated to the Mobile Harbor project, make each grain of sand subsequently prevented from being transported across the Mobile Pass Inlet to Dauphin Island as a result of maintenance of the Outer Bar Channel a significant cumulative loss, while emphasizing the growing recognition that beach quality sands are a finite resource and a much more valued commodity today than in the past. The Outer Bar Channel maintenance malpractices that have occurred since 1939 have resulted in Dauphin Island experiencing accelerated net erosion since 1958 according to a 2007 U.S. Geological Survey study. Without restoring the amount of beach quality sand in the littoral drift system that has been carried offshore by the Corps' long-term channel maintenance practices, Dauphin Island will continue to erode and may eventually disappear altogether at some point in the future.

The Corps agreed to consider the points we raised.

Issue 4. Based on information provided at the meeting, the Corps has already selected the alternative depths to be investigated in the GRR Study and does not plan to consider any other "Problems and Opportunities" in the Study Area. We expressed our concern with the narrowly focused nature of the GRR Study that is considering **ONLY** the navigation needs of the Mobile Harbor project. By doing so, the Study will not identify as a "problem" environmental issue directly associated with maintenance of the Outer Bar Channel (i.e. erosion of Dauphin Island as pointed out in the Corps' 1978 report). As a direct consequence of not considering that portion of the erosion "problem" directly attributable to channel maintenance practices dating back to at least 1980, the Study will also not consider "opportunities" associated with the disposal of dredged sands to counter the island's erosion. It appears the Study parameters have been intentionally constrained to prevent the historic project-induced erosion of Dauphin Island from being considered at all, which will further the original deficiencies already pointed out with the 1980 report. The GRR Study's very narrow approach is not consistent with Corps' planning guidance and makes no sense from a logic standpoint. In other words, since the GRR Study's Goals and Objectives have been so arbitrarily constrained to only address the navigation purpose, legitimate environmental problems and opportunities associated with the Mobile Harbor project will be prevented from being subjected to appropriate and necessary concurrent investigations. In doing so, the Corps is failing to consider the following explicit language contained in Section 302 of the Water Resources Development Act (WRDA) of 1996 that amended Section 201(a) of the WRDA of 1986 that serves as the authority under which the GRR Study is being conducted:

“In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.”

Further, §220-4-.09(11) of the Alabama Administrative Code states that

“...to the maximum extent feasible, all compatible dredge materials taken from the tidal coastal system shall be placed on beaches or within the nearshore sand system”.

Lastly, the “Design Agreement Between the Department of the Army and Alabama State Port Authority for the Design of the Mobile Harbor Limited Reevaluation Report” that was last modified by “Amendment No. 1 executed on May 2, 2014 contains Article VIII dealing with Federal and State laws. Article VIII requires:

“In the exercise of their respective rights and obligations under this agreement, the Non-Federal Sponsor and the Government shall comply with all applicable Federal and State laws and regulations...”

To date, the Corps has developed no “Planning Objective(s)” to address the “Problems and Opportunities” specifically stated in law and policy guidance to address the longstanding Dauphin Island erosion problem that has been created in part by maintenance of the Outer Bar Channel. The absence of such a Planning Objective(s) substantiates the basis for our concern with the current direction the GRR Study is taking in its early and crucial formative phase. We contend the Corps must return to Step 1 in the six-step planning process set forth in the Water Resource Council’s *Principles and Standards* to identify all problems and opportunities related to the Mobile Harbor project in order to be in full compliance with applicable statutes and with the full spirit and intent of paragraphs 2-2a and 2-2b in Chapter 2 of ER1105-2-100 (Planning Guidance Notebook). **The Corps staff responded that they believe their study authority does not provide them with the discretion to look at non-navigation “Problems and Opportunities”, even if such problems and opportunities may be associated with or could result from maintenance of the channel.** We have a major disagreement on this important point. **The Corps will consider this issue and additional policy guidance will be sought.**

Issue 5. The Corps staff pointed out the GRR Study will not consider the historical effects of maintenance of the Outer Bar Channel on the loss of sand to the littoral drift system and the erosion of Dauphin Island. Instead, it will only address the effects on the Mobile Pass sand budget resulting from further channel deepening and any future influences on the erosion of the island. In these analyses, the GRR Study will use information developed by the Alabama Barrier Island Assessment. We strongly disagreed with this approach because we believe, as pointed out above, the 1980 Corps report is seriously flawed in that it completely ignored the Dauphin Island erosion issue, failed to comply with Section 5 of the Rivers and Harbors Act of 1935, ignored the findings of the 1978 Corps report, and did not honor the

written commitment made by the Mobile District Engineer in 1975 to investigate the Dauphin Island erosion problem in the 1980 report that ultimately recommended Mobile Harbor be deepened and widened. If the GRR Study does not address the historic sand losses that have occurred by maintenance of the Outer Bar Channel interrupting the littoral drift system, then what the Corps and the ASPA are in essence saying is: “Dauphin Island must accept, bear, and continue to endure the adverse consequences and economic hardships of the island’s erosion, while the Port of Mobile and the Theodore Industrial Port continue to profit from the transportation benefits of the channel without having to pay the “full cost of doing business”. Considering information contained in various reports produced by the Corps and the US Geological Survey, maintenance of the Outer Bar Channel has interrupted the littoral transport of sand across the Mobile Pass Inlet dating back to 1939. Based upon those reports, it is possible to select and build a case to support any one of the following years as the baseline from which to address the historic sand losses: 1939, 1958, 1966, 1969, 1978, 1980 and 1986. However, for the GRR Study, 1980 appears to represent the most defensible year to consider. It is our position, that since the 1980 report did not address the effects of channel deepening on the littoral drift system, that report has a significant outstanding technical, scientific, and logic deficiency that must be corrected in the GRR Study by addressing the impacts of the historical sand deficit on Dauphin Island dating back to at least to 1980. During the +36 years since the 1980 report was completed, maintenance of the Outer Bar Channel has continued, further contributing to the erosion of Dauphin Island. For example, the significance of the amount of sand that has been lost from the littoral drift system between 1974 to 2000 is depicted in **Attachment 3** which was prepared from Corps dredging records. Over that period, over 20,000,000 cubic yards of dredged beach quality sand was transported to and dumped in the open Gulf where it was permanently lost from the littoral drift system. The historic sand loss that has occurred since 1980 must be addressed in the GRR Study and appropriate mitigation measures identified to restore the historic and future project losses for both the "Without Project" and the "With Project" conditions. Compliance with the National Environmental Policy Act (NEPA) requires that the impacts of past actions of an existing project being studied for further improvement must be considered if those historic impacts have not been addressed in a previous NEPA document and if those impacts are relevant to the improvements being considered. ***The Corps staff maintained that the study authority does not allow historic sand losses to be considered in the GRR Study, but agreed to consider this issue and seek additional policy guidance.***

Issue 6. Corps planning guidance requires that the GRR describe the existing and future conditions expected to exist in the Study Area if no further deepening of the channel occurs. That scenario, referred to as the “Without Project” condition, serves as the baseline against which to assess the environmental effects of the "No Action Alternative" (i.e. no additional deepening of channel). The effects of the various channel deepening alternatives are in turn determined by comparing the projected future conditions associated with each depth alternative against the “No Action Alternative”. Similar to Issue 5, we maintain that since the 1980 Corps report failed to consider the historic and future erosion of Dauphin Island attributable to maintenance of the Outer Bar Channel, as documented in the 1978 Corps report, both the “Without Project Condition” and the “No Action Alternative” scenarios considered in the 1980 report are in error. Since the 1980 report did not address the erosion of Dauphin Island caused by the channel maintenance program, that report contained erroneous findings, conclusions, and

recommendations. Of equal importance, the erroneous nature of that report resulted in the accompanying EIS also being deficient since it did not address the effects of the channel maintenance program on the erosion of Dauphin Island. This one significant point alone has the potential to be the topic of a future legal challenge based on the National Environmental Policy Act. We are not presently interested in pursuing any legal actions. Instead, we only maintain the GRR Study should remedy the deficiencies in the 1980 report dealing with the “Without Project Condition” and the “No Action Alternative” – two crucial elements of the Corps’ plan formulation process. If conducted objectively, such an analysis should demonstrate that an unmet mitigation need has existed for the actual “Without Project Condition” and the “No Action Alternative” since 1980 to counter the adverse erosion impacts created by existing maintenance of the Outer Bar Channel. The analysis may also show that the effects of channel maintenance could intensify future sand losses if appropriate measures are not included in a project to further enlarge the channel so as to retain the dredged sand within the littoral drift system. Thus, the GRR Study should identify mitigation of the historic sand losses as an integral need of the “No Action Alternative” even if the GRR does not recommend further deepening of the channel. All applicable Federal and State laws dealing with mitigation of project effects should be addressed in the GRR Study. As a final point, the SEIS that will be prepared as an integral component of the GRR must correct this outstanding deficiency of the 1980 EIS. If not, the Corps should expect to receive extensive comments on this issue when the Draft SEIS is released for public review, as well as creating the potential for other actions to be pursued. *The Corps staff maintained that the study authority does not allow mitigation needs for historic sand losses to be considered in the GRR Study, but agreed to consider this issue and seek additional policy guidance.*

Issue 7. For a navigation project, Corps regulations define the “Federal Standard” as the least costly dredged material disposal or placement alternative identified by the Corps that is consistent with sound engineering practices **and meets applicable federal environmental requirements.** Unfortunately, in designating the “Federal Standard” for a project, the Corps typically emphasizes only the first phrase in the above definition, while seeming to ignore the discretionary possibilities allowed by the second phrase in bold. In this regard, the Corps is reminded of the discretionary decision-making authority granted to it by Section 207 (Beneficial Uses of Dredged Material) of the WRDA of 1996 which amended 204 of the WRDA of 1992 with the following language:

(e) Selection of Dredged Material Disposal Method.--In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c)."

The Corps is reminded that the public has just as important a stake in the negative economic costs and adverse environmental effects of the Mobile Harbor project that will not be quantified

by the GRR Study, as does the ASPA in the transportation benefits that will be quantified. Thus, we strongly urge the Corps and the ASPA to keep an “open mind” and to consider all problems, opportunities, and consequences of the alternatives investigated before designating the “Federal Standard” for maintenance of the Outer Bar Channel in the GRR. ***The Corps will consider the points we raised.***

Issue 8. Since 1987, the Corps has increasingly placed dredged sands removed from the Outer Bar Channel in the Sand Island Beneficial Use Area (SIBUA). The stated intent of the SIBUA is for the dredged sands to be reincorporated into the littoral drift system and ultimately transported to Dauphin Island to counter shoreline erosion. However, the Corps has never scientifically verified the SIBUA actually accomplishes its intended purpose, and no monitoring program exists to verify that sand from the SIBUA reaches Dauphin Island. In our view it is doubtful a significant volume of the dredged sands is actually being reincorporated into the littoral drift system since the SIBUA is considerably seaward of the active shallow nearshore zone within which breaking waves and longshore currents cause sand to be transported. This is verified by the fact that Dauphin Island has continued to erode during period the SIBUA has been in use. Further, bathymetric surveys indicate the sand is accumulating within the SIBUA which forced the Corps in 2008 to extend the SIBUA boundary farther southward, and hence farther away from Dauphin Island. As a result, it will become increasingly difficult for the sand to be reincorporated into the littoral drift system. The GRR Study must: (1) designate a more suitable disposal site closer to Dauphin Island; and (2) recommend implementation of disposal measures that include placement of the sand in the nearshore waters of Dauphin Island in a manner similar to that recently recommended by the Corps to restore the eroding Petit Bois Island and Ship Island, Dauphin Island’s sister barrier islands to the west. ***The Corps stated that the Alabama Barrier Island Assessment is analyzing the different pathways for sand to be moved into, within, and out of the Study Area in order to update the existing sand budgets for the Mobile Pass Inlet. The analysis should include an evaluation of the SIBUA. However, the Corps staff also stated that the GRR study authority does not allow the effectiveness of the SIBUA in satisfying its intended purpose to be addressed.*** That position does not make sense since it would appear logic and reason would require that all disposal sites recommended to receive sands dredged from a deepened Outer Bar Channel should be thoroughly analyzed in the GRR to assure that the sites not only accomplish their intended purpose, but also that the associated impacts are acceptable. ***The Corps will consider the points we raised.***

Issue 9. This issue contends that the GRR Study should thoroughly assess and document how maintenance of the existing Outer Bar Channel has, as well as how a deepened channel could, influence the erosion of Mississippi’s barrier islands to the west. In the interest of time, this issue was not discussed in the meeting since it appears that if the GRR Study considers an adequate sand budget for the Mobile Pass Inlet and Dauphin, as a matter of course, the resulting GRR and SEIS should consider the potential effects any identified sand deficit in the coastal littoral drift system may have on not only Dauphin Island, but also its sister barrier islands to the west. As a result of the MsCIP Mississippi Barrier Island Restoration project, the Corps already has developed most of the necessary sand budget information to facilitate such as analysis. ***The Corps will consider this issue.***

Issue 10. The GRR Study should incorporate and address the ongoing work of the Mobile Bay Interagency Working Group (IWG) that was established by the Corps around 2012 to evaluate alternative dredged material disposal strategies, including beneficial use. The work of the IWG is essentially focused on dredged material removed from the Mobile Harbor ship channel and considering future beneficial use disposal strategies within Mobile Bay which also reduce maintenance costs. As such the beneficial use investigations are certainly relevant to the GRR Study in at least two areas: (1) thin layer disposal of maintenance dredged material over the bottoms of Mobile Bay; and (2) future disposal of maintenance material in the 1,200-acre dredged material disposal marsh island the Corps and the ASPA plan to construct in Upper Mobile Bay. To date, all of this work has been conducted in a piecemeal manner instead of being evaluated as a comprehensive program as required by the National Environmental Policy Act. As such, the public has not been afforded an adequate opportunity to be involved at the "front end" of each IWG action and only allowed to comment during the Water Quality Certification Public Notice process at the end where the Corps considers comments in a perfunctory fashion. As a result, the general public is essentially unaware of the Corps and ASPA changing plans for future disposal of maintenance dredged material in Mobile Bay. Since the work of the IWG is critical to the disposal of future dredged material within Mobile Bay, the GRR and its accompanying SEIS must consider the effects of the Corps' existing beneficial use program that is being pursued with the IWG. ***The Corps staff stated that the GRR Study will consider future maintenance dredging and disposal needs associated with a deepened and widened channel and will develop a Dredged Material Management Plan.***

5. The following additional topics were also raised.

a. Any increase, over current levels, in the volume of dredged material disposed within Mobile Bay resulting from widening and deepening the ship channel is of concern. The Dredged Material Management Plan that is to be included as an integral component of the GRR and accompanying SEIS must consider the physical and biological impacts of sediment disposal within the bay. Should the results of that analysis indicate adverse effects could occur to the Bay's ecosystems, it may be necessary to impose specific restrictions on the type of equipment that can be utilized, as well as where, when, and how dredged material can be placed within the bay to protect certain species. A "sediment dosing" study to evaluate the biological effects of the sediment concentrations and deposition patterns on critical life stages of species inhabiting areas adjacent to the dredging sites should also be included, as well as a Sediment Transport Study that measures the release of sediments to the water column during what will out of necessity be prolonged more intensified dredging operations in the Bay, during both initial construction and subsequent maintenance.

b. A recent study has shown that submarine groundwater discharge from aquifers occurs within Mobile Bay, contributing not only freshwater but also to the biogeochemical and other marine budgets of nearshore waters. The GRR Study and associated SEIS must assess the effects of a deeper navigation channel and proposals to dispose of dredged material within Mobile Bay on the aquifers and their existing patterns and volumes of freshwater discharge.

c. The potential for a deepened and widened channel and the resulting passage of larger ships to add to the erosion of Mobile Bay's eastern and western shorelines must be considered in the GRR and SEIS. Should accelerated shoreline erosion be induced within the bay, appropriate shoreline stabilization measures must be made a part of the recommended plan.

6. As described in **Attachment 2**, we entered the meeting with two major objectives. The following summarizes the principle agreements reached with the Corps relative to each objective:

a. **Objective 1: Learn how the Corps plans to address the 10 key issues based on public comments contained in the Public Scoping Report that deal with the erosion of Dauphin Island and its relationship to the Mobile Harbor Outer Bar Channel, including historical sand losses.** See the individual issue discussions in paragraph 4 above. In an email message sent after the meeting, Curtis Flakes said the Mobile District's GRR Project Team met on August 10 to begin developing responses to the key issues. Mr. Flakes stated that we should receive the District's response by August 31, 2016. In the interim, the Corps will post various internal Corps documents on the Mobile Harbor GRR Study website:

<http://www.sam.usace.army.mil/Missions/Program-and-Project-Management/Civil-Projects/Mobile-Harbor-GRR/>

b. **Objective 2: A more aggressive and continuous public involvement program should be implemented as part of the GRR Study.** Pete Taylor stated that in response to the Public Scoping Comments the Corps received and the concerns we had conveyed prior to the meeting, the Mobile District staff had already begun examining the existing Study Schedule to identify additional opportunities to involve the public in the GRR Study. A modified Study Schedule showing those opportunities is to be shared with us in the near future.

"/S/" indicates the following individuals have electronically signed this memo.

/S/ Jeff Collier, Mayor Dauphin Island

/S/ Carol Adams-Davis, Alabama Chapter Sierra Club, Vice-Chair

/S/ Joseph Mahoney, Mobile Bay Group Sierra Club, Chair

/S/ Avery Bates, Organized Seafood Association of Alabama, Inc., Vice-President

/S/ Glen Coffee, South Bay Communities Alliance

/S/ Stan Graves, Dauphin Island West End property owners

/S/ Laura Martin, Dauphin Island Restoration Task Force

/S/ Carol Merkel, Island Watch

ATTACHMENT 1: MEETING ATTENDEES**Meeting with Corps of Engineers on Mobile Harbor Widening and Deepening General Reevaluation Report (GRR) Study****Date:** August 9, 2016**Location:** New Federal Building at 109 St. Joseph Street, Mobile, AL 36602

Name	Represents	E-mail Address
Representatives of Concerned Publics		
Jeff Collier	Mayor Dauphin Island	jcollier@townofdauphinisland.org
Dennis Knizely	Dauphin Island Property Owners Association Board of Directors, Vice President	djknizley@hotmail.com
Carol Adams-Davis	Alabama Chapter Sierra Club, Vice-Chair	mcadamsdavis@earthlink.net
Joseph Mahoney	Mobile Bay Group Sierra Club, Chair	josephmahoney@att.net
Avery Bates	Organized Seafood Association of Alabama, Inc., Vice-President	organized@centurytel.net
Glen Coffee	South Bay Communities Alliance	coffeegl@aol.com
Stan Graves	Dauphin Island West End property owners	sgraves1@bellsouth.net
Laura Martin	Dauphin Island Restoration Task Force	info@dauphinislandrestoration.org
Carol Merkel	Island Watch	scarletyankee@hotmail.com
Corps - Mobile District		
Curtis Flakes	Chief, Planning & Environmental Division	curtis.m.flakes@usace.army.mil
Peter Taylor	Deputy District Engineer for Programs & Project Management	peter.f.taylor@usace.army.mil
Justin McDonald	Planning & Environmental Division	justin.s.mcdonald@usace.army.mil
Jennifer Jacobson	Engineering Division	jennifer.l.jacobson@usace.army.mil
David Newell	Project Management	david.p.newell@usace.army.mil
Corps - South Atlantic Division		
Eric Bush	Chief, Planning and Policy	eric.l.bush@usace.army.mil
David Balmon (sp?)		
Pat O'Donnel (sp)		
Alabama State Port Authority		
Judy Adams	Marketing, Vice President	jadams@asdd.com

ATTACHMENT 2: OBJECTIVES

OBJECTIVES OF AUGUST 9 MEETING WITH CORPS ON MOBILE HARBOR DEEPENING AND WIDENING STUDY

Objective 1: Learn how the Corps plans to address the concerns documented in the Public Scoping Report over the erosion of Dauphin Island and its relationship to the Mobile Harbor Outer Bar Channel, to include historical sand losses.

The Scoping Report only presents copies of public comments. It does not tell the public how the Corps plans to address the comments in the Study.

Why were names and addresses redacted from public comments which is not done in EISs?

The following identifies key issues the concerned public most wants addressed in the Study:

(1) The Study must comply with the requirements of Section 5 of the Rivers and Harbors Act of 1935 which requires every Corps report:

"...looking to the improvement of the entrance at the mouth of any river or at any inlet..." to "...contain information concerning the configuration of the shore line and the probable effect thereon that may be expected to result from the improvement having particular reference to erosion and/or accretion for a distance of not less than ten miles on either side of the said entrance."

The Corps did not address this legal requirement in its 1980 report.

(2) The Study must acknowledge the existence of and address the findings, conclusions, and recommendations contained in the Corps' 1978 Draft Report entitled "Feasibility Report for Beach Erosion Control and Hurricane Protection, Mobile County (Including Dauphin Island)". The Corps acknowledged in the 1978 report, for the first and only time, that maintenance of the Mobile Harbor Outer Bar Channel is unquestionably contributing to the erosion of Dauphin Island. To this date, the Corps has consistently ignored both the existence of and the contents of the 1978 report.

(3) The 1978 report contained July 9, 1975 letters from Mobile District Engineer COL Drake Wilson to Congressman Jack Edwards, the Mobile County Commission, and the City of Mobile stating that the Dauphin Island erosion problem would be addressed in the District's separate study of Mobile Harbor that ultimately resulted in the 1980 report which led to the WRDA of 1986 authorization to deepen and widen the ship channel. However, the 1980 "Survey Report on Mobile Harbor, Alabama" inexplicably ignored the Dauphin Island erosion issue.

(4) Since the January 12, 2016 Public Scoping Meeting, the Corps has forged ahead with conduct of the Study. Regarding Corps planning process terminology, what is the present status of its efforts to (1) identify Problems and Opportunities in the study area, (2) develop Planning Objectives, and (3) identify Alternative Management Measures? When does the Corps plan to provide this information to the public for review and feedback?

(5) During the over 36 years since the Corps' 1980 report was completed, maintenance of the Outer Bar Channel has continued, further contributing to the erosion of Dauphin Island. Between 1974 to 2000 alone, Corps records show that over 20,000,000 cubic yards of dredged beach quality sand was deposited in the open Gulf and permanently lost from the littoral drift system. Since the 1980 report did not address this loss of sand, the new GRR Study must address the impact of the historical sand deficit to Dauphin Island caused by maintenance of the Outer Bar Channel. The Corps' Elizabeth Godsey and Justin McDonald stated at the Scoping Meeting the Study will not address the historic sand losses caused by the Corps maintenance dredging practices of the Outer Bar Channel. How can the Corps justify ignoring this significant sand loss and its effect on the erosion of Dauphin Island as a key feature of the "Without Project" condition? The loss of sand must be addressed and mitigation measures identified to replenish both the historic and future project losses for both "Without" and "With" project conditions, whether the channel is deepened and widened or not.

(6) It is crucial that both the Study's "Without Project" condition and the "No Action Alternative" must include and clearly define the significant historic, ongoing, and future projected erosion of Dauphin Island and acknowledge that an unmet mitigation needs exists, and has existed since at least 1980, that is associated with maintenance of the present Outer Bar Channel and will be intensified in the future should that channel segment be deepened and widened. Mitigation of the sand losses should be an integral component of both the "No Action Alternative" and all "Action Alternatives" considered, including the Tentatively Selected Plan and the Recommended Plan. All applicable federal laws dealing with mitigation of project effects should be addressed. In addition, the Study should assure compliance with Chapter 220-4-.09(1) of the State of Alabama Administrative Code (Placement and Configuration of Piers and Other Improvements on State Submerged Lands) which states: "To the maximum extent feasible, all beach compatible dredge materials taken from the tidal coastal system shall be placed on beaches or within the nearshore sand system".

(7) The Corps has the discretion to select a plan, other than the National Economic Development (NED) plan, if there is an important overriding reason for choosing an alternative that would not maximize net economic benefits. For navigation projects, part of the overall NED plan is the "Federal Standard", or "least cost" plan, for disposal of dredged material. The Water Resources Development Act of 1996 allows for a disposal method that is not the "least-cost" option, provided the incremental costs of an alternative disposal method are reasonable in relation to the environmental benefits, including the benefits to the control of shoreline erosion. The Corps cannot ignore the leeway that it is provided (by both law and regulation) to finally correct the erosion of Dauphin Island attributable to the Outer Bar Channel.

(8) Since 1987, the Corps has increasingly placed dredged sands removed from the Outer Bar Channel in the Sand Island Beneficial Use Area (SIBUA). The stated intent of the SIBUA is for littoral drift processes to transport the sand to the Dauphin Island shoreline to counter erosion. However, the Corps has never scientifically verified the SIBUA accomplishes its intended purpose, and no monitoring program exists to verify sand from the SIBUA is in fact reaching Dauphin Island. And all the while, Dauphin Island has continued to erode. The Study must: (1) designate a more suitable disposal site closer to Dauphin Island; and (2) recommend implementation of disposal measures that include placement of the sand in the nearshore waters of Dauphin Island in a manner similar to that recently recommended by the Corps to restore Petit Bois Island and Ship Island.

(9) The Study should thoroughly assess and document how maintenance of the Outer Bar Channel has also influenced the erosion of the Mississippi barrier islands to the west, an impact alluded to in the Corps' final Mississippi Barrier Island Restoration Project EIS.

(10) The Study must also incorporate and fully address the ongoing work of the Mobile Bay Interagency Working Group (IWG) that was established by the Corps to evaluate alternative dredged material disposal strategies, including beneficial use. The work of the IWG is focused essentially on dredged material removed from the Mobile Harbor ship channel. To date this work has been conducted in a piecemeal manner instead of being evaluated as a comprehensive program as required by the National Environmental Policy Act. As such, the public has not been afforded an adequate opportunity to be involved at the "front end" of each IWG action and only allowed to comment during the Water Quality Certification Public Notice process where the Corps only considers comments in a perfunctory fashion. The work of the IWG dealing with future strategies for disposal of Mobile Harbor dredged material in Mobile Bay is certainly relevant to the enlargement of the ship channel in at least two areas: (1) thin layer disposal of dredged material over the bottoms of Mobile Bay; and (2) future disposal in the 1,200-acre dredged material disposal island the Corps and the Port Authority plans to construct in Upper Mobile Bay.

Objective 2: Convince the Corps that an aggressive and continuous public involvement program should be implemented as part of the Study to: (1) allow the public to be kept regularly informed of the Study's progress and (2) be provided an opportunity to provide meaningful input to influence study decisions.

The Corps' 9-page Public Information Management Strategy (PIMS) represents a "cookie cutter" generic description of a public involvement strategy that could apply to any Corps study. The PIMS contains few specifics about the public involvement activities that will actually be conducted during the Mobile Harbor Study. Instead, vague phrases like "could include" and "may involve" characterize much of the PIMS. The Corps has completely ignored the numerous public scoping comments it received requesting a true and continuous public involvement program be conducted over the entire course of the study. As now written, the next time the Corps plans to contact the public is in the summer 2018 when it releases the Draft EIS for public

review (required by law to do so). By the time the Draft EIS is released, the Corps' plans will be essentially locked in stone and will be difficult to be changed. The PIMS should be revised to specifically identify the public involvement measures that will be implemented and clearly shown on the Corps' "Mobile Harbor GRR Schedule" (latest version seen dated 21 Jan 2015)

The Corps frequently uses the term "transparency" to describe its planning process. However, there is nothing transparent about the manner in which the Mobile Harbor Study is now being managed. Instead, the present study approach is designed to in effect **keep the public completely in the dark over the next two years** as the Corps and the Port Authority make irreversible Study decisions and expend \$7.8 million of Study funds that cannot be retrieved to develop a plan to enlarge the Outer Bar Channel that potentially could continue to negatively impact Dauphin Island. The absence of inclusion of a true public involvement program in the Study causes the concerned public to question if this is an intentional decision to avoid transparency.

The Corps should establish a Citizen Advisory Committee requested in the scoping comments that will meet at least two to four times a year with the Corps and Port Authority to assess how public concerns are being addressed in the Study. This is needed since the concerned public is not only not being informed about study decisions and progress, but also is not provided a voice in the conduct of the study

ATTACHMENT 3: DREDGING HISTORY**Summary of Mobile Harbor Bar Channel Dredging History**

Dredge Date	Gross Quantity Dredged (yd³)	Total Cost (\$)	Cost/Gross (yd³)	Disposal Area Used ^{2/}
Jul-Aug1974	349,260	209,556.00	0.60	Ocean DA
Feb 1975	982,829	599,525.69	0.61	Ocean DA
May-Jun 1976	1,364,113	844,693.00	0.62	Ocean DA
May-Jun 1976	1,272,432	307,907.00	0.24	Ocean DA
Oct 1979	707,142	375,245.36	0.53	Ocean DA
Feb-Mar 1980	190,300	775,755.50	4.08	Ocean DA
Jan-Mar 1981	610,623	488,498.40	0.80	Ocean DA
Dec 1982-Jan 1983	312,408	573,697.83	1.84	Ocean DA
Jan 1984	218,672	570,050.80	2.61	Ocean DA
Oct-Nov 1984	340,935	557,960.00	1.64	Ocean DA
Aug-Oct 1985	1,386,536	2,215,696.24	1.60	Ocean DA
Jan-Feb 1987	656,089	1,279,493.58	1.95	Ocean DA
Feb 1989-May 1990	^{1/} 6,755,352	5,813,101.00	0.86	Ocean DA
Aug-Sep 1992	466,607	900,551.51	1.93	Ocean DA
Sep 1995-Mar 1996	662,244	1,278,130.92	1.93	Ocean DA
Dec 1996-Feb 1997	530,456	1,023,780.08	1.93	Ocean DA
Mar-Oct 1998	443,761	856,458.73	1.93	Ocean DA
Nov 1997-Aug 1998	180,540	348,442.20	1.93	Ocean DA
Oct 1998	836,054	1,613,584.22	1.93	Ocean DA
Oct 1998-Jul 1999	70,980	136,991.40	1.93	Ocean DA
Oct 1998-Jul 1999	54,600	105,378.00	1.93	Ocean DA
May-Sep 1999	^{1/} 3,061,598	3,806,525.84	1.24	SIBUA
Apr-Jul 2000	758,280	1,486,228.80	1.96	Ocean DA
Mar 2002-May 2002	92,820	282,067.51	3.04	SIBUA
Jun 2004	230,110	424,584.40	1.85	SIBUA
Oct 2004-Jan 2005	1,808,765	-	-	SIBUA
Oct 2004-Nov 2004	1,184,817	2,991,147.61	1.00	Lighthouse
Apr 2006-Jun 2006	487,975	848,919.38	1.74	SIBUA

Source: U.S. Army Corps of Engineers

^{1/} Not maintenance material

^{2/} Ocean DA – EPA approved open water disposal site in the offshore Gulf of Mexico

SIBUA – Sand Island Beneficial Use Area