

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT

Modification of the Mobile Ocean Dredged Material Disposal
Site (ODMDS); Mobile, Alabama

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1.0 Statement of Action

On September 19, 2018, the U.S. Environmental Protection Agency, Region 4 Regional Administrator signed the draft Environmental Assessment (DEA) pursuant to the National Environmental Policy Act for the proposed modification of the Mobile Ocean Dredged Material Disposal Site (ODMDS), located offshore of Mobile, Alabama. The DEA proposed to modify the boundaries of the Mobile ODMDS to encompass an area of approximately 23.8 square nautical miles (nmi²) in accordance with Section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972.

On September 24, 2018, the DEA was made available for public review and comment for a 35-day period by notice on the EPA Region 4 website and the website of the Mobile District of the U.S. Army Corps of Engineers (USACE) on September 24 and September 27, respectively. The notice was also issued through email notification to interested parties by the USACE on September 27, 2018. The comment period closed October 29, 2018. The EPA also proposed a draft rule for public review and comment regarding the modification of the ODMDS on June 25, 2019 for a 45-day period. Based on the consideration of comments received, the DEA was reissued for public review and comment for an additional comment period on October 17, 2019 and closed on November 20, 2019. The EPA also provided the DEA to the applicable federal and state agencies for review to ensure consistency with the requirements of the Endangered Species Act (ESA), Essential Fish Habitat pursuant to the Magnuson-Stephens Act (MSA), the Coastal Zone Management Act (CZMA), and Section 106 of the National Historical Preservation Act (NHPA).

Based on the available data and information, the EPA Region 4 is sharing this preliminary Finding of No Significant Impact (FONSI) for the EPA's proposed action to modify the Mobile ODMDS.

2.0 Description of Action

The proposed action is the modification of the Mobile ODMDS from an area of 4.75 nmi² to an area of 23.8 nmi² for the ocean disposal of dredged material pursuant to MPRSA Section 102. The purpose of this action is to provide an adequately sized ODMDS that will: ensure protection of human health and the marine environment; accommodate the disposal of dredged material from proposed maintenance, new work, and private projects near Mobile, Alabama for the next 25 years; and ensure appropriate management and monitoring of the ODMDS is conducted. Only dredged materials that meet the environmental criteria, established in the EPA's implementing regulations for MPRSA set forth at 40 CFR Part 228, can be disposed of at the Mobile ODMDS.

3.0 Alternatives Evaluated in the Draft Environmental Assessment (DEA)

Alternative 1: No action/continued use of the existing Mobile ODMDS.

Under Alternative 1, the use of the existing 4.75 nmi² Section 102 Mobile ODMDS for the disposal of material dredged from the federally authorized Mobile Harbor navigation project and other MRPSA-approved civil, regulatory, and private projects would continue. Implementation of this alternative would not address the need for an adequately sized Section 102 ODMDS to accommodate dredging projects, time limitations for USACE Section 103 site selections, and/or any future private needs for ocean disposal. The Mobile ODMDS as it is currently sized will

only provide disposal capacity for five years or less. This alternative was not considered a viable option.

Alternative 2: Modification of the existing Mobile ODMDS to encompass a portion of the boundary of the previously utilized USACE Section 103 site (approximately 24 nm²).

Modification of the existing Mobile ODMDS to encompass a portion of the boundaries of the larger, previously utilized Section 103 site is the preferred alternative and is considered the most viable option. The current Mobile ODMDS has a limited capacity of approximately five years of continued routine use. Enlarging the existing Mobile ODMDS would sustain the disposal needs for the federally authorized Mobile Harbor navigation project (including proposed deepening and widening) along with providing a disposal option for private interests. This alternative will provide for disposal capacity for the next 25 years, including proposed new work, operation and maintenance (O&M), and private dredging activities, and therefore is the preferred alternative.

Alternative 3: Modification of the existing Mobile ODMDS to encompass the entire previously utilized USACE Section 103 Mobile site (approximately 46 nm²).

Modification of the existing EPA Section 102 Mobile ODMDS to encompass the boundaries of the entire USACE selected Section 103 Mobile site was originally considered as the preferred alternative for this proposed modification. As such, the May 2010 *Final Report: Mobile ODMDS Designation Survey, Mobile, AL* was issued examining this larger site. Although designating the entire USACE selected Section 103 Mobile site as a Section 102 ODMDS would provide more than adequate site capacity, the overly large-sized ODMDS would far exceed the actual projected need for a 25-year project life. A site of such magnitude would also require significantly more resources to monitor and manage. Therefore, this alternative was determined to be unacceptable.

Alternative 4: Use of the previously selected Mobile-South site in place of the EPA Section 102 Mobile site.

This alternative addressed the possible use of the site that was previously selected by the USACE during the mid-1980s pursuant to MPRSA Section 103 (i.e., the Mobile-South site). Primary concerns with use of the Mobile-South site were safety, logistics and additional cost. The sailing path for a hopper or scow from Mobile Harbor to the Mobile-South site would require traversing through two different Safety Fairways, one in a parallel direction and the other at a perpendicular angle to the Federal channel. Due to large vessel passing restrictions in the Mobile Ship Channel, typically there are at least 12 deep draft ships holding position in the Safety Fairway awaiting their turn to enter the Mobile Harbor. Using the Mobile-South site would require constant coordination and logistical planning given the high volume of daily loads, in addition to the added safety concerns when towing scows on long lines in rough seas through numerous anchored deep draft vessels. Additionally, the State of Alabama has identified areas of artificial reef habitat adjacent and possibly inside of this boundary. Therefore, this alternative was determined to be unacceptable.

4.0 Environmental Factors Considered

The primary environmental factors potentially affected by the proposed action include temporary disturbances to the physical and biological environment at the ODMDS. The environmental assessment considered other factors, such as impacts to socioeconomic resources (See Table 1) and cumulative impacts.

5.0 Project Impacts

The proposed site modifications: 1) provide a long-term disposal option for suitable dredged material from new work, O&M, and private dredging projects near Mobile Harbor, Alabama; 2) meet the EPA's general and specific criteria for site selection; 3) comply with all international, federal, state, and local regulations; 4) minimize environmental and socioeconomic impacts by being sufficiently removed from amenities such as beaches, and sand borrow areas; 5) include plans for avoidance of historic cultural resources; and 6) do not adversely modify designated critical habitat for threatened or endangered species.

Table 1. Resources potentially affected by the modification of the Mobile ODMDS.

Potentially Affected Resources	Significant Impacts to the Resource from the Proposed Action
Physical Resources	
Sediment Quality	No
Marine Water Quality	No – temporary disruption
Air Quality	No – temporary disruption
Coastal Barrier Beaches	No
Biological Resources	
Marine Mammals	For federally listed marine mammals under the jurisdiction of the National Marine Fisheries Service (NMFS), the EPA is completing the action subject to ESA Section 7(d), as NMFS expects to complete consultation upon the publication of the Regional Biological Opinion for the Gulf of Mexico (GRBO) in which EPA is participating.
Sea Turtles	The EPA is completing the action subject to ESA Section 7(d), as NMFS expects to complete consultation upon the publication of the Regional Biological Opinion for the GRBO in which EPA is participating.
Listed Fish Species	For federally listed fish under the jurisdiction of the NMFS, the EPA is completing the action subject to ESA Section 7(d), as NMFS expects to complete consultation upon the publication of the Regional Biological Opinion for the GRBO in which EPA is participating.
Essential Fish Habitat	None present
Birds	No
Benthic Communities	No – temporary disruption
Motile Invertebrates	No – temporary disruption
Oyster Reefs	None present
Submerged Aquatic Vegetation	None present
Wetlands	None present
Artificial Reefs	None present
Terrestrial Wildlife	None present
Socioeconomic Resources	
Commercial Fishing	No
Recreational Fishing	No
Human Health	No

Environmental Justice	No
Cultural Resources	No –areas of avoidance will be used if any are identified

6.0 Public Comments

Comments on the DEA and proposed rule were received from six government agencies including the Alabama Department of Conservation and Natural Resources , the Alabama Historical Commission, the Choctaw Nation of Oklahoma, the Marine Chart Division of the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service of the Department of the Interior, and the Office of the Secretary of the U.S. Department of Interior, Bureau of Ocean Energy Management. In addition, the EPA received comments from members of the public including the Mobile Bay Sierra Club and two individuals.

If, after considering public comments for this preliminary FONSI, the EPA Region 4 concludes the proposed project will not have significant environmental impacts, the EPA will issue a final FONSI and final Environmental Assessment (FEA). The EPA will include a summary of all comments received and the EPA's consideration of such comments in the FEA.

7.0 Any Unresolved Issues

The EPA, following coordination with NMFS, is modifying the Mobile ODMDS subject to ESA Section 7(d) and deferring consultation until the upcoming programmatic Regional Biological Opinion is complete. The opinion will consider actions related to the Mobile ODMDS. During this time, the EPA has not made any irreversible or irretrievable commitment of resources with respect to this action which have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives or measures.

8.0 Preliminary Finding

Based on the environmental impact analysis for the proposed modification of the Mobile ODMDS, the EPA is issuing a preliminary finding that the proposed action would have no significant impact on the human environment or on natural resources within the general vicinity of Mobile, Alabama. The EPA will not take administrative action on the proposed modification of the Mobile ODMDS prior to the close of the comment period for this preliminary FONSI.