



July 31, 2024

Mr. Strickland, Mr. Kistler, and members of the Mobile Baykeeper Board of Directors,

The Alabama Port Authority and its undersigned supporters strongly advise Mobile Baykeeper to formally withdraw its intent to file a lawsuit against the U.S. Army Corps of Engineers. This action is a direct threat to the State's largest economic driver, the Port, risking the prosperity of Alabamians in each of our State's 67 counties.

Until this point, the Port, in good faith and in partnership with USACE, has engaged Baykeeper in what we believed were productive, collaborative conversations about shared environmental priorities, including the beneficial use of dredge material. For over a decade, the Port and USACE have been constructively working with numerous local, state, and federal agencies, along with the Mobile Bay National Estuary Program, to diligently plan for regional sediment management. All eligible material from the channel project is currently being deployed for beneficial uses throughout the community, such as shoreline restoration at Dauphin Island, wetlands restoration at Deer River and the Dauphin Island Causeway, and restoring the Relic Shell area of Mobile Bay. Unfortunately, Baykeeper, in partnership with an out-of-state activist organization, has defaulted to a combative approach and now threatens to halt a project that has been thoroughly vetted and will bring both environmental and economic benefits to Mobile Bay and our region.

Additionally, Mobile Baykeeper's unsubstantiated allegations regarding USACE's dredge material management come as the project is nearing completion - years after thorough federal and state environmental reviews have concluded. In addition to these environmental reviews, this project also incorporated community feedback from a variety of stakeholders ranging from environmental groups to recreational and commercial fishermen. This feedback directly informed the Port's decisions on how best to use this dredge material for the benefit of all who love Mobile Bay.

Although we appreciate Mobile Baykeeper's recent public profession of the organization's support for the harbor project and the economic prosperity it will bring, direct legal action - as described by Baykeeper - threatens to bring this to a halt. Quite simply, Mobile Baykeeper cannot claim to be for this project while also taking direct action to stop it.

With the generational impact and importance of this project in mind, and along with our fellow signatories, the Alabama Port Authority implores you, leaders of Mobile Baykeeper, to rescind the organization's threat of legal action against the Port's Harbor Modernization Project and come to the table in a collaborative manner to achieve our shared goals of protecting our bay and our way of life.

Sincerely,

  
JOHN C. DRISCOLL  
Director & CEO



# ALABAMA PORT AUTHORITY

## Harbor Deepening & Widening Fact Sheet

### Public Involvement and Project Approvals

- The USACE's determination on how to proceed with the channel project (the General Reevaluation Report, or GRR) was a public process that concluded over five years ago in May 2019.
- Click [here](#) for the final GRR. On page 335 of the PDF, you will find information detailing the public engagement process in which Baykeeper was involved.
- Through the GRR process, it was determined that this project had no adverse impacts.
- This process included federal approval under the 20 applicable environmental and endangered species protection laws, thorough reviews by all federal and state regulatory agencies, and wide-ranging local input from Baykeeper and other environmental advocates.
- Cooperating agencies included the Alabama Port Authority, the Alabama Department of Environmental Management, Alabama Department of Conservation and Natural Resources, U.S. Fish and Wildlife Services, National Marine Fisheries Service, Environmental Protection Agency, U.S. Coast Guard, and the Mobile Bay National Estuary Program.

### Mitigation and Beneficial Use

- By law, USACE cannot implement mitigation projects without a finding of adverse impact on the environment from the project.
- While mitigation is not required for the channel project, the Port has committed 100% of eligible material to beneficial use projects in and around Mobile Bay.
- This commitment has resulted in the beneficial use of dredge material in several projects, including Lightning Point, Deer River, Fowl River, the Dauphin Island Causeway, and the Relic Shell project.
- Nationwide, USACE is committed to using 70% of all project material for beneficial use.
- Thin layer placement, which has been strongly criticized by Baykeeper, is a proven method for protecting ecosystems nationwide.
- Beneficial use projects such as thin layer placement within Mobile Bay are thought to contribute to the much-needed conservation of various ecological resources that exist in the Mobile Bay system.

### Thin Layer Placement

- Hauling material from the Mobile Bay channel to the Ocean Dredge Material Disposal Site (ODMDS) by hopper dredge permanently removes sediment from the natural system. Removal of sediment from Mobile Bay may not be the most environmentally sound method of disposing of the dredged sediment and may have long-term negative effects.
- Providing the thin layer placement option adds an environmentally acceptable alternative for managing dredged material from the Mobile Bay navigation channel. This option allows sufficient time for benthic recovery and permits the bottom elevations to return to that of the adjacent bottom as the placed sediment is remobilized into Mobile Bay's natural sediment system.

### Economic Impact

- The channel deepening and widening project was funded by a mix of federal appropriations and state funding from the Rebuild Alabama Act.
- The project is on time and on budget, and is slated to be completed by spring 2025.
- The Port's \$98B+ statewide economic impact can only grow with the completion of the channel project.
- The State and Federal investment in this project has already spurred billions of dollars of private investments statewide.