



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

CESAM-PD-EC
PUBLIC NOTICE NO. FP18-FR01-13

March 16, 2018

JOINT PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
CONTINUED MAINTENANCE DREDGING FOR THE FOWL RIVER NAVIGATION
PROJECT
MOBILE COUNTY, ALABAMA**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to continue maintenance dredging of the Fowl River Navigation Project, Mobile County, Alabama, a federally authorized navigation channel. Requests for water quality certification and coastal zone consistency are proposed for all previously certified portions of the Fowl River Navigation Project.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on April 26, 1988. These laws are applied whenever dredged or fill material may enter waters of the United States, or for the transportation of dredged material during placement into ocean 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. Review of any other potential impacts is also requested.

WATERWAY AND LOCATION: Fowl River, Mobile Bay, Mobile County, Alabama

DESCRIPTION OF THE AUTHORIZED PROJECT: The Fowl River Navigation Project was federally authorized by Congress on May 16, 1969 under Section 107 of the Rivers and Harbors Act of 1960. The existing project provides for an 8-foot deep by 100-foot wide channel from the Mobile Bay into, and up Fowl River to deep water about 6,700 feet above its mouth. The total length of the channel is about 2.6 miles (**Figure 1**).

DESCRIPTION OF THE PROPOSED ACTION: The proposed action consists of continued maintenance dredging of the entire federally authorized Fowl River Navigation Project using either a mechanical or hydraulic cutterhead dredge. The authorized and existing project dimensions are referenced above. In addition to the above described dimensions, an additional 2 feet of advanced maintenance and 2 feet of overdepth dredging are included for dredging inconsistencies. Up to an additional 3 feet of sediment could be disturbed in the dredging process resulting in minor amounts of material being removed. The project is divided into two portions, a river portion and a bay portion. Every dredging cycle, which is every two to three years, approximately 50,000 to 100,000 cubic yards (cys) (250,000 to 500,000 cys every 10 years) of material are removed from the river portion, and approximately 75,000 to 150,000 cys (375,000 to 750,000 cys every 10 years) are removed from the bay portion. A 2,800 foot portion of the bay channel near the mouth of Fowl River requires -6 feet of advance maintenance below the authorized project depth of -8 feet in order to minimize dredging frequency. Shoaling rates and maintenance dredging quantities for the bay channel are not significantly changed as a result of this advance maintenance. Dredged material taken from the river portion is placed in an upland disposal area, while an open-water site is used for dredged material from the bay portion. The upland disposal area is an approximately 50 acre site provided by the local sponsor. This site is located to the east of and adjacent to Pioneer Road, to the west of and adjacent to Dauphin Island Parkway, and just to the south of River Road in south Mobile County, Alabama (**Figure 1**). The open-water site proposed for use is the previously certified open-water area located in Mobile Bay just south of the Fowl River channel. The limits of the disposal site encompasses approximately 240 acres (**Figure 1**).

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed operations and maintenance action described above. Water quality certification for a 10-year period will be requested from the Alabama Department of Environmental Management, Coastal Programs (ADEM). Upon completion of the required 30-day comment period, a decision relative to water quality certification will be made by ADEM.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Alabama Coastal Program to the maximum extent practicable. A concurrence with this determination will be requested from ADEM. Upon completion of the required 30-day comment period, a decision relative to coastal zone consistency will be made by ADEM.

USE BY OTHERS: The proposed action is not expected to create significant impacts on land and water use plans in the vicinity. Use of the waters in the vicinity of the project area includes fishing and recreational boating.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: The most recent Environmental Assessment (EA) was prepared in May 2013 to address the potential impacts associated with the continued dredging of the Fowl River Navigation Project and the subsequent disposal of that dredged material. The NEPA of 1969 and Title 40 of the Code of Federal Regulations, Parts 1500-1508 (40 CFR 1500-1508) require Federal agencies to consider the potential environmental consequences of the proposed action and alternatives. Executive Order (EO) 11514, Protection and Enhancement of Environmental Quality (amended by EO 11991), provides policy directing the Federal government to take leadership in protecting and enhancing the environment. This document is on file and available for review online at <http://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>. Should comments be received that warrant consideration, the EA will be updated to account for those new findings.

SECTION 404(B)(1) EVALUATION REPORT: Water quality impacts associated with the proposed action have been identified in an evaluation report prepared in accordance with Public Law 92-500, Section 404(b)(1) Guidelines promulgated by the U.S. Environmental Protection Agency under the Clean Water Act. The Section 404(b)(1) Evaluation Report is available for review online at <http://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>. The report concludes that only minor and short-term turbidity impacts would result from the implementation of the proposed action.

ENDANGERED/THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act, the proposed Federal action at the Fowl River Navigation Project is being coordinated with the U.S. Fish and Wildlife Service (USFWS). The USFWS lists the following species as either threatened or endangered that may occur within the project area: the West Indian manatee, Wood stork, Alabama red-bellied turtle, Black pine snake, Eastern indigo snake, Gopher tortoise, Kemp's Ridley sea turtle, loggerhead sea turtle, and the Gulf sturgeon. No critical habitat is designated for any of these species within the project area.

Previous coordination in 2013 with the USFWS indicates that dredging and placement operations associated with the Fowl River Navigation Project are not likely to adversely affect federally listed species. Most of the federally listed species for Mobile County are not likely to be affected because these species are not likely to be found in or near the project area. Sea turtles and Gulf sturgeon may be in the project area, but are not likely to be adversely affected because they are motile and likely to avoid the project area during operations. Dredged material will be removed by a hydraulic cutterhead dredge. Per the National Marine Fisheries Service 2003 Gulf Regional Biological Opinion, impacts have been discounted and determined to not likely to adversely affect sea turtles and Gulf sturgeon by using a cutterhead dredge.

Gopher tortoises, Black pine snakes, and the Eastern indigo snakes may be found in the area surrounding the upland placement area. Precautionary measures as agreed with the USFWS would be taken to avoid impacts.

Florida manatees are known to seasonally occur near the project area and could be impacted directly or indirectly by construction activities. The USACE, Mobile District has agreed to implement "Standard Manatee Construction Conditions" throughout the duration of the project. The project conditions have not changed since the last consultation.

CULTURAL RESOURCES CONSIDERATION: In compliance with the National Historic Preservation Act and other authorities, the proposed undertaking will be coordinated with the Alabama State Historic Preservation Officer (SHPO) and interested Federally Recognized Tribes. Coordination with the Alabama SHPO for the maintenance dredging and upland placement area of the Fowl River was completed in November 1984 and more recently in 2008 and 2013. The National Register of Historic Places (NRHP) has been consulted and no properties listed on, being nominated to or determined for the NRHP are located in the project vicinity. There are no reported historic shipwrecks in the vicinity of the Fowl River project. The proposed undertaking as described in this public notice would be limited to maintenance dredging of existing channels and placement in previously utilized disposal areas. As the lead Federal agency the USACE, Mobile District determined that the continued operation and maintenance activities would have no effect on historic properties.

ESSENTIAL FISH HABITAT ASSESSMENT (EFH): The proposed action involves EFH that could be affected by the proposed action. EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The Gulf of Mexico Fishery Management council, in accordance with the MSFCMA (PL 94-265), has developed management plans for the following fisheries in the vicinity of the proposed action: coastal migratory pelagic, red drum, and shrimp. The Gulf of Mexico Fishery Management Plans (2010) identifies EFH in the project area to be intertidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and the estuarine water column.

It is reasonable to anticipate some minor impacts to non-motile and motile invertebrate species from the operations including turbidity; however, past studies associated with Mobile Harbor have routinely shown benthos recovery within a few months. Best management practices have been taken to reduce and avoid potential impacts to EFH. For open-water placement, dredged material is distributed throughout the site using thin layer disposal practices to minimize impacts to EFH. Those open-water areas would likely have motile benthic and pelagic fauna, such as crab, shrimp, and/or fish, which would be able to avoid the disturbed area and return shortly after the activity is completed. Best management practices also include reducing the amount of material

March 16, 2018

dredged within the Fowl River Navigation Project to the minimal amount required to achieve the project objectives. No long-term impacts to managed species are anticipated. This Public Notice is being forwarded to the National Marine Fisheries Service, Habitat Conservation Division, for review and comment.

CLEAN AIR ACT: The proposed action is in compliance with the Clean Air Act, as amended. 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 minor, short-term air pollution during construction activities, such as increased particulate levels from the burning of fossil fuels. However, these impacts would be minor and temporary in nature. In addition, the project area is in attainment with the National Ambient Air Quality Standards parameters. The proposed action would not affect the attainment status of the project area or the region. A State Implementation Plan 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 evaluating the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be reasonably expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. All factors which may be relevant to the proposal will be considered including the following; conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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. Environmental Protection Agency, Region 4
U.S. Department of the Interior, Fish and Wildlife Service
National Park Service
National Marine Fisheries, Habitat Conservation Division
National Marine Fisheries, Protected Resources Division
Commander, Eighth Coast Guard District
Alabama Department of Conservation and Natural Resources, Game and Fish Division
Alabama Department of Conservation and Natural Resources, Marine Resources Division
Alabama State Historic Preservation Officer
Gulf of Mexico Fishery Management Council
Alabama Department of Environmental Management

March 16, 2018

Other Federal, state, and local organizations, U.S. Senators and Representatives of the State of Alabama are provided copies of this notice and are invited to participate in coordinating the proposed action. It is requested that the information contained in this notice be communicated to any other parties who may have an 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 this Public Notice should refer to Public Notice No. FP18-FR01-13 and should be directed to the Commander, U.S. Army Corps of Engineers, Mobile District, ATTN: CESAM-PD-EC, Post Office Box 2288, Mobile, Alabama 36628-0001. For additional information please contact Ms. Angelia Lewis at (251) 694-4105, or by email at angelia.v.lewis@usace.army.mil.



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

Enclosure

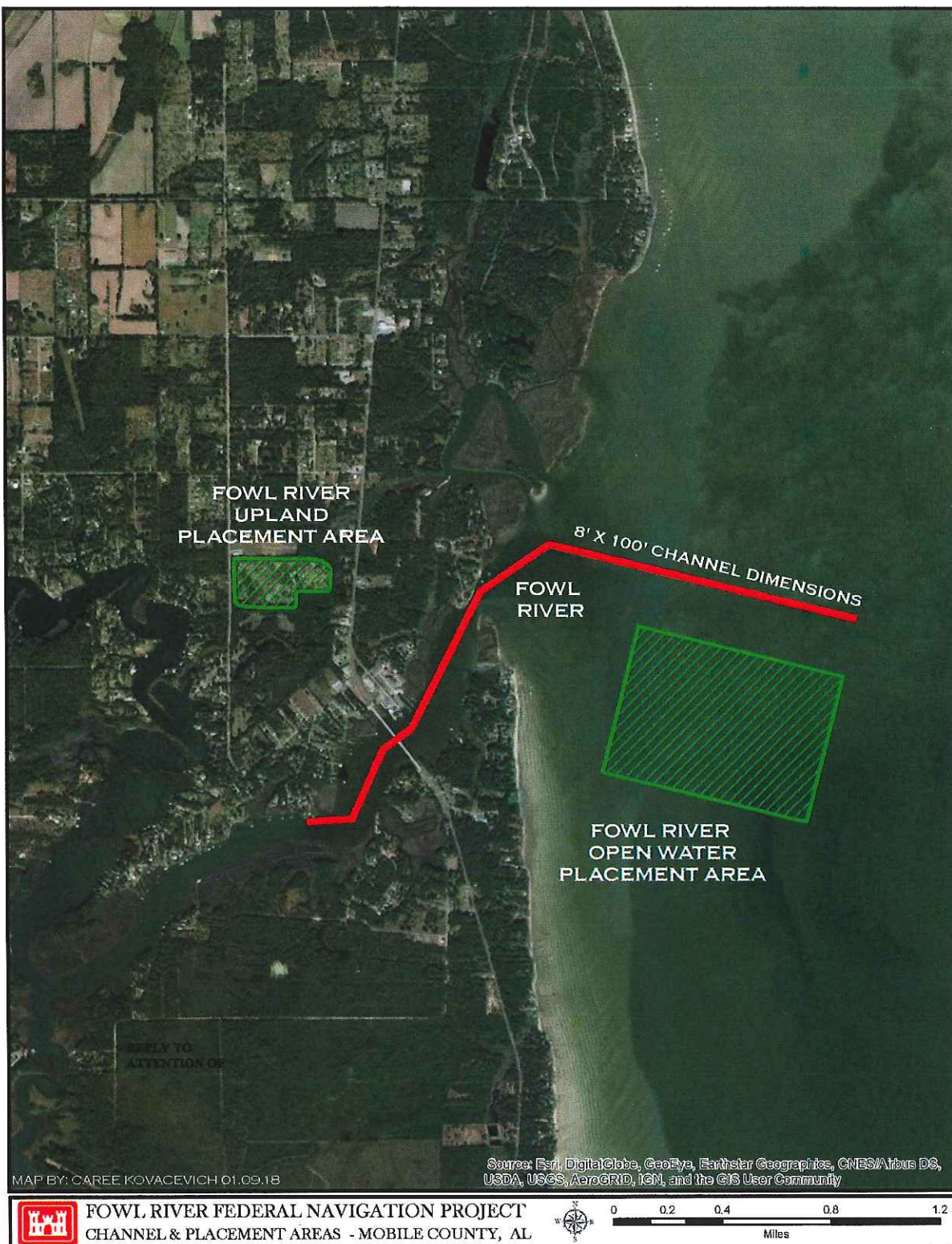


Figure 1. Fowl River Federal Navigation Project