



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

REPLY TO
ATTENTION OF:

PUBLIC NOTICE NO. FP13-FR01-14
CESAM-PD-EC

March 27, 2013

JOINT PUBLIC NOTICE

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

This Public Notice is issued in accordance with the rules and regulations published 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 have impact on 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: Fowl River, Mobile Bay, Mobile County, Alabama.

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: 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. The project is divided into two portions, a river portion and bay portion. Dredging of the river portion requires upland disposal of 50,000 to 100,000 cubic yards of dredged material by hydraulic pipeline each maintenance cycle, typically every two to three years. Maintenance of the bay portion requires the dredging of 75,000 to 150,000 cubic yards of dredged material

by hydraulic pipeline each maintenance cycle. 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. The proposed dredging action would be performed with a tolerance of up to -2 feet overdepth dredging. Maintenance dredging of the entire project would be required every two to three years.

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).

UPLAND DISPOSAL SITE: The area provided by the local sponsor is a diked upland disposal site for the Fowl River Navigation Project and is approximately 50 acres in size. This site is located to the east of and adjacent to Pioneer Road, to the west of and adjacent to Cedar Point Road, and just to the south of Fowl River Road in south Mobile County, Alabama (Figure 2). Specifically, the site is in Range 1 west, Township 7 south, Sections 7 and 9, approximately 200 feet of frontage on Cedar Point Road and approximately 1,000 feet of frontage on Pioneer Road. The site is diked and drains to the southwest into Fowl River.

OPEN-WATER DISPOSAL SITE: 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 2), however due to the nature of the disposal activity (open-water) and natural phenomenon, such as variable currents in the area, wind and wave action, dredged material is typically transported to the south of the defined site.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for this proposed action. Water quality certification for a period of five (5) years is being requested from the Alabama Department of Environmental Management (ADEM). A decision relative to water quality certification will be made by ADEM upon completion of the required comment period.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Alabama Coastal Management Program to the maximum extent practicable. A decision relative to coastal zone consistency will be made by ADEM upon completion of the required comment period.

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: In accordance with the requirements of NEPA, the Final Environmental Impact Statement (FEIS) for the entire project was filed with the Council on Environmental Quality on October 8, 1971. A Draft Environmental Assessment (EA) and Finding of No Significant Impact addressing the proposed work identified in this public notice have been prepared. A copy of these documents is on file in the Mobile District and available for review upon request and also on the web at address <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental.aspx>. Comments received will be reviewed and incorporated into the EA as applicable. If it is determined that the implementation of the proposed action would not result in long-term adverse impacts and that no significant cumulative impacts would occur, then the EA will be finalized and a Findings of No Significant Impacts will be signed.

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 Draft Section 404 (b)(1) evaluation report is on file in the Mobile District and available for review upon request and also on the web at address <http://www.sam.usace.army.mil/Missions/PlanningEnvironmental.aspx>. 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 action at Fowl River is being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service (FWS), and the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). Based on review of endangered and threatened species that could occur within the Fowl River project area, the Mobile District has determined that the proposed action would not adversely impact any listed species or their critical habitat.

CULTURAL RESOURCES CONSIDERATION: The National Register of Historic Places has been consulted and no properties listed on, being nominated to or determined for the National Register are located in the project vicinity. There are no reported historic shipwrecks in the vicinity of Fowl River. In 1986, the Alabama State Historic Preservation Officer (SHPO) concurred with the maintenance dredging and upland disposal for the Fowl River project. Based on the history of the project, agency concurrence with our no effect determination is anticipated.

ESSENTIAL FISH HABITAT ASSESSMENT: The Gulf of Mexico Fishery Management Council in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (PL 94-265) has developed management plans for the following fisheries: shrimp, red drum, reef fish, stone crab, spiny lobster, coral and coral reef and coastal migratory pelagic. Of these plans, only those pertaining to shrimp and red drum are applicable to the proposed action. The maintenance dredging and placement of the dredged material will not significantly affect coastal habitat identified as Essential Fish Habitat (EFH) in the Fowl River Navigation project area. Based on the extent of this habitat in the general vicinity of the project and the small size of the project, the overall impact to fisheries resources is considered negligible. The Gulf of

Mexico Fishery Management Plans (1999) identifies EFH in the project area to be intertidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and the estuarine water column. Habitat Areas of Particular Concern have not been identified for the project area. Initial coordination of EFH for the Fowl River Navigation Project area is ongoing.

EVALUATION: The decision whether to proceed with the proposed action will be based on an evaluation of the overall public interest. That decision would reflect the national concerns for both protection and utilization of important resources. The benefits that may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. The decision whether to proceed, and the conditions under which the activity would occur, would be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal would be considered. Among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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 public. The proposed action would proceed unless it is found to be contrary to the overall public interest. Inasmuch as the proposed work would involve the discharge of materials into navigable waters, specification of the proposed disposal sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the Environmental Protection Agency in conjunction with the Secretary of the Army. If these guidelines alone prohibit the specification of any proposed disposal site, any potential impairment of the maintenance of navigation, including any economic impacts on navigation and anchorage that would result from the failure to use this site would also be considered.

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

Region 4, U.S. Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Daphne, Alabama
Regional Director, National Park Service
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, National Marine Fisheries Service, St. Petersburg, Florida
Commander, Eighth Coast Guard District
Alabama State Historic Preservation Officer
Alabama Department of Environmental Management
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service
Appropriate federally recognized Indian Tribes

Other Federal, State, and local organizations, U.S. Senators and Representatives of the State of Alabama are being sent copies of the notice and are being asked to participate in coordinating this proposed work.

March 27, 2013

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. FP13-FR01-14 and should be directed to the Commander, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Mr. Matthew J Lang by email matthew.j.lang@usace.army.mil or by telephone number (251) 694-3837.



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

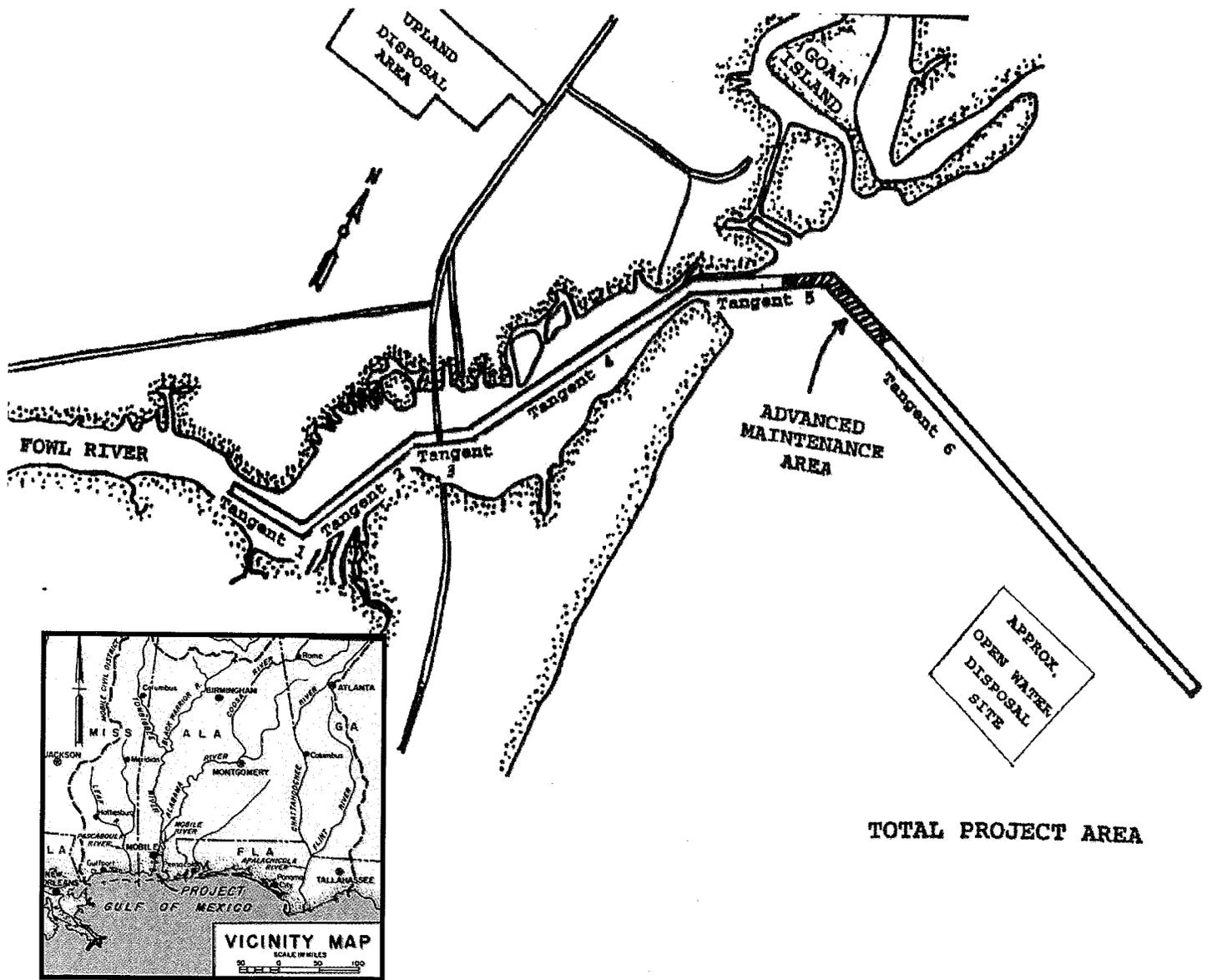


Figure 1: Project Vicinity Map
Figure 2: Disposal Areas