



REPLY TO  
ATTENTION OF:

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

CESAM-PD-EI  
PUBLIC NOTICE NO. FP10-BT01-13

14 May 2010

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
AND  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED WITHIN-BANKS DISPOSAL AREA  
AT RIVER MILE 329 FOR  
MAINTENANCE DREDGING

BLACK WARRIOR RIVER  
TUSCALOOSA COUNTY, ALABAMA

*A FEDERALLY AUTHORIZED PROJECT*

Interested persons are hereby notified that the United States Army Corps of Engineers (USACE), Mobile District, proposes to create a new within-banks disposal area for the placement of dredged material at river mile 329 on the Black Warrior River portion of the Black Warrior and Tombigbee Waterway project..

This public notice is issued in accordance with rules and regulations published in the Federal Register on 26 April 1988. These regulations provide for the review of dredging programs for Federally authorized projects under the Clean Water Act (33 U.S.C. 1344) whenever dredged or fill materials may enter waters of the United States.

The recipient of this notice is requested specifically to review the proposed action as it may impact on water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. We also are seeking comments on any other potential impact.

**WATERWAY AND LOCATION:** Black Warrior River portion of the Black Warrior-Tombigbee Waterway, Tuscaloosa County, Alabama. (See Figures 1 and 2).

**DESCRIPTION OF ENTIRE AUTHORIZED PROJECT:** The navigation project on the Black Warrior-Tombigbee Waterway (BWT) was authorized by various Rivers and Harbors Acts, 1884-1960. The BWT Waterway provides for a channel 9 feet deep and 200 feet wide extending from the mouth of the Tombigbee River 45 miles above Mobile to the vicinity of Birmingham. The operation and maintenance of the BWT has been addressed in prior environmental documentation such as the Final Supplement to the Final Environmental Impact Statement for the Black Warrior and Tombigbee Rivers, Alabama (Maintenance), April 1987. The Black Warrior River portion of the BWT Waterway flows south from the confluence of the Mulberry and Locust Forks to the Tennessee-Tombigbee Waterway in Demopolis, Alabama. The proposed within-banks disposal site is located at river mile 329, connecting two contiguous existing within-banks disposal areas.

**DESCRIPTION OF THE PROPOSED ACTION:** The proposed project will place sandy dredged material in the new within-banks disposal area. The dredged material would be from the BWT, which has been the subject of prior environmental documentation. This proposed disposal area is approximately 1,400 feet long, 75 feet wide and located on the right descending bank of the Black Warrior River at River Mile 329. Approximately 9,000 cubic yards (CY) of dredge material will be placed in the disposal area every 4 years. The Corps will deposit the dredged material using a hydraulic pipeline or mechanical dredge. The proposed site is located between and contiguous with two previously approved within-banks disposal areas. This action will connect the two previously approved sites. The addition of this within-banks disposal area will also help stabilize the riverbank in this reach of the Black Warrior River, a reach that had a large upland dredged material dike failure (Ophelia Disposal Area) and river bank failure on 30 September and 1 October 2009.

**WATER QUALITY CERTIFICATION:** Pursuant to Section 401 of the Clean Water Act, state water quality certification is required for the proposed activities. A decision on state water quality certification will be made by the Alabama Department of Environmental Management (ADEM) after completion of the comment period for this public notice. The existing BWT has many within-banks and upland diked disposal areas that have current Section 401 Water Quality Certification issued by ADEM on 31 March 2009.

**USE BY OTHERS:** The proposed project may have a temporary negative impact on local fishing or boating activities, but these activities will benefit long-term because the project will aid in maintaining navigation for commercial and recreational boaters.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS:** The proposed within-banks disposal area is addressed in a Draft Environmental Assessment (EA). The EA is available for review at the USACE, Mobile District webpage: <http://www.sam.usace.army.mil/pd/Pd1.htm>. Upon completion of the coordination period set forth in this notice, comments received will be incorporated into the EA. After incorporating the comments, the Corps will decide whether to finalize the EA and prepare a Finding of No

Significant Impact, these documents will be placed on the USACE, Mobile District webpage for future reference.

**SECTION 404(b)(1) EVALUATION REPORT:** Water quality impacts associated with the placement of dredged material into waters of the United States, as a result of the proposed work, have been addressed in a preliminary evaluation report prepared in accordance with guidelines promulgated by the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act. The preliminary determination of this evaluation is that the proposed discharge of dredged material complies with the guidelines. The preliminary evaluation report is available for review at the Mobile District webpage referenced above, and will be finalized upon completion of the coordination of this notice.

**HISTORIC PROPERTY CONSIDERATIONS:** As per requirements outlined in Section 106 of the National Historic Preservation Act of 1966 as amended (NHPA), and its implementing regulations at 36 CFR 800, the Mobile District must consider the effects of the proposed action on historic properties. Historic properties are defined as cultural resources determined to be eligible for inclusion on the National Register of Historic Places (NRHP). A background research of previously recorded cultural resource sites and surveys was made of the project Area of Potential Effect (APE). No cultural resource sites or areas considered to have potential for historic properties have been identified within the project APE. Therefore, the Mobile District has determined no historic properties would be affected by the proposed new within-banks disposal site at mile 329 on the Black Warrior River as per 36 CFR 800.4(d)(1). Results of the effects determination have been sent to the Alabama State Historic Preservation Officer (SHPO) and Native American Indian Tribes.

**ENDANGERED/THREATENED SPECIES:** Preliminary review of the proposed activities and the U.S. Department of Interior, Fish and Wildlife Service's List of Endangered and Threatened Wildlife and Plants, indicates that the following species potentially are located and have habitat in the project:

Red-cockaded woodpecker (*Picoides borealis*)  
Wood stork (*Mycteria Americana*)  
Bald eagle (*Haliaeetus leucocephalus*)  
Flattened musk turtle (*Sternotherus depressus*)  
Southern clubshell mussel (*Pleurobema decisum*)  
Dark pigtoe mussel (*Pleurobema furvum*)  
Ovate clubshell mussel (*Pleurobema perovatum*)  
Alabama moccasinshell mussel (*Medionidus acutissimus*)  
Inflated heelsplitter mussel (*Potamilus inflatus*)  
Fine-lined pocketbook mussel (*Hamiota (=Lampsilis) altilis*)  
Orange-nacre mucket mussel (*Hamiota (=Lampsilis) perovalis*)  
Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*)  
Black Warrior waterdog (*Necturus alabamensis*)

White fringeless orchid (*Platanthera integrilabia*)

This public notice is being coordinated with the U. S. Fish and Wildlife Service and preliminary consultation on the listed species above has determined that the proposed action would not adversely affect federally protected species (personal communication, Patric Harper, U.S. Fish and Wildlife Service, Daphne Field Office, 27 April 2010).

**EVALUATION:** The decision whether to proceed with the proposed action will be based on an evaluation of 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 reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, 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.

Inasmuch as the proposed work would involve the discharge of materials into waters of the United States, designation of the proposed disposal site associated with this Federal project is being made through 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 designation of the proposed disposal site, any potential impairment of the maintenance of navigation, including any economic impact on navigation and anchorage which would result from the failure to use the disposal site, will also be considered.

**COORDINATION:** The Corps of Engineers is soliciting comments from the general public; Federal, State, and local agencies, and officials; American Indian Tribes, and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be used by the Corps of Engineers to determine whether or not to proceed with the proposed action. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity and in preparing an Environmental Assessment and/or an Environmental Impact Statement pursuant to the NEPA compliance.

Among the agencies receiving copies of the Public Notice are:

Region IV, U. S. Environmental Protection Agency  
Field Supervisor, Fish and Wildlife Service  
Regional Director, National Marine Fisheries Service

14 May 2010

Regional Director, National Park Service  
Commander, Eighth Coast Guard District  
Federal Emergency Management Agency  
State Conservationist, Alabama, Natural Resources Conservation Service,  
U. S. Department of Agriculture  
Alabama Department of Environmental Management  
Alabama Department of Conservation and Natural Resources  
Alabama State Historic Preservation Officer  
Alabama Department of Economic and Community Affairs  
Appropriate Federally-Recognized Native American Tribes

We request that you communicate the information contained in this notice to any other parties who may have an interest in the proposed action.

**PUBLIC HEARING:** Any person who may be affected by the discharge of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this public notice. The request must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

**CORRESPONDENCE:** Correspondence concerning this public notice should refer to **Public Notice No. FP10-BT01-13** and should be directed to the Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628, Attention: CESAM-PD-EI (Attn: Matthew Horton) within 15 calendar days from the date of this public notice. Copies of comments should also be forwarded to Alabama Department of Environmental Management, Field Operations Division, P.O. Box 301463, 1400 Coliseum Boulevard, Montgomery, Alabama 36130-1463. Matthew Horton may be contacted at telephone number (251)694-4636 or e-mail address [matthew.w.horton@usace.army.mil](mailto:matthew.w.horton@usace.army.mil) for additional information.



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

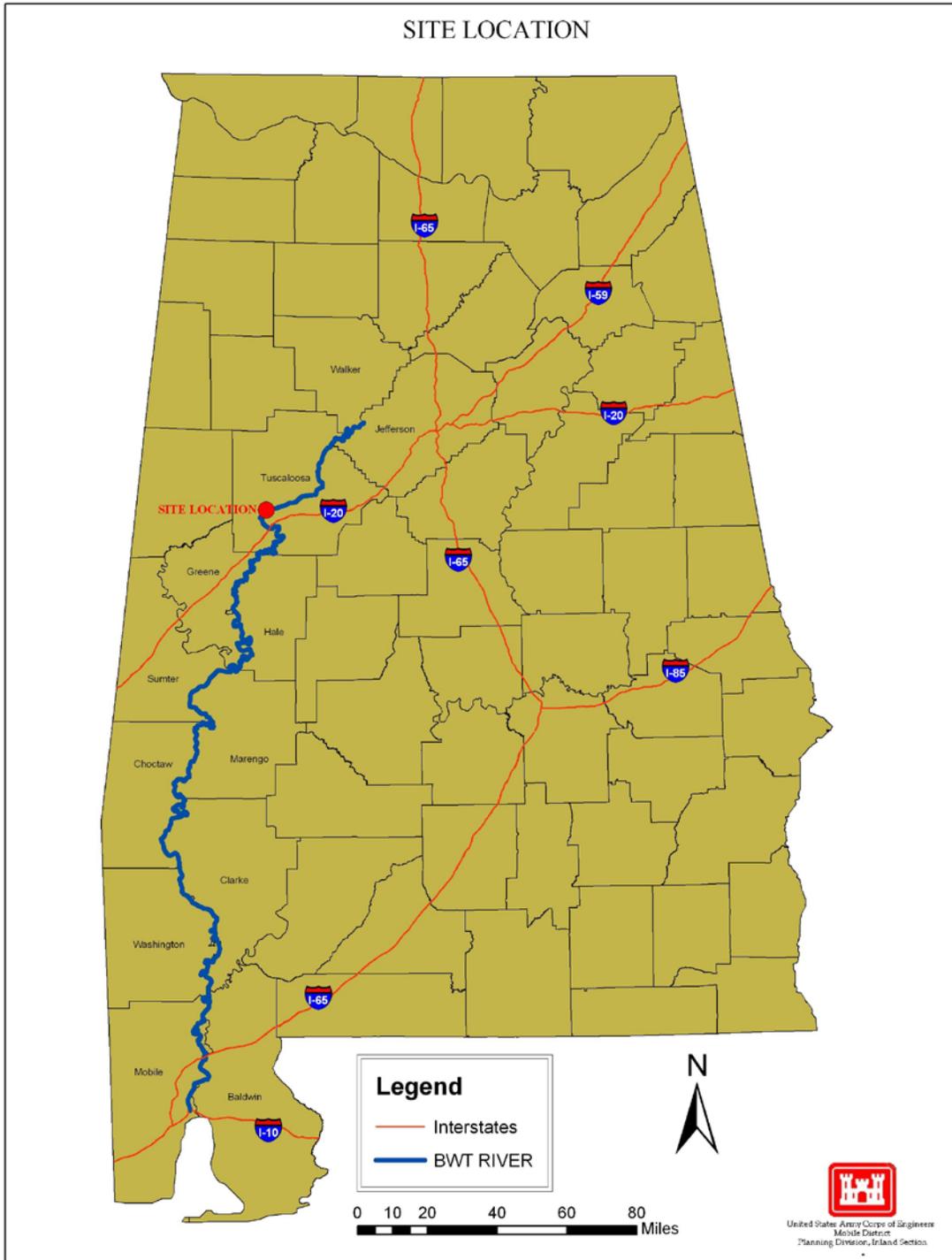


Figure 1: Vicinity Map



### Ophelia Upland Disposal Area

1 inch = 400 feet



Figure 2: Site Map