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-DR05-05 **4 November 2013**
CESAM-PD-EC

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
DOG RIVER NAVIGATION PROJECT
PROPOSED MAINTENANCE AND DISPOSAL OF DREDGED MATERIAL
MOBILE COUNTY, ALABAMA

A FEDERALLY AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District proposes to continue maintenance dredging of the federally authorized Dog River navigation project, Mobile County, Alabama.

This public notice is issued in accordance with the rules and regulations published in the Federal Register on 26 April 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. Comments on any other potential impacts are also requested.

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

DESCRIPTION OF THE AUTHORIZED PROJECT: The Dog River navigation project was federally authorized by the 1960 Rivers and Harbors Act, (House Document 481, 89th Congress, 2nd Session), as amended and prior Acts. The project provides for a channel 7 feet deep and 100 feet wide extending from the Alabama Highway 163 Bridge (Dauphin Island Parkway Bridge) eastward for approximately 10,000 feet and then

turning southeastward for approximately 12,000 feet where it intersects with the Mobile Ship channel **(Figure 1)**.

DESCRIPTION OF THE PROPOSED ACTION: The proposed action consists of the continued maintenance dredging and placement of maintenance material from the Dog River navigation channel. The project is divided into two portions, a river portion and a bay portion. Dredging of the river portion requires upland disposal of approximately 30,000 cubic yards of dredged material by hydraulic pipeline dredge each maintenance cycle. Maintenance of the bay portion requires the dredging of approximately 20,000 cubic yards of dredged material by hydraulic pipeline dredge each maintenance cycle. An overlap zone is required for the channel area located 1,000 feet on either side of the point of intersection to allow for inaccuracies associated with dredging methodology and processes. The material removed from this 2,000-foot long portion of the channel would be placed either in the upland disposal area or the open-water placement site, based upon where shoaling occurs. The proposed dredging action would be performed with a tolerance of up to two (2) feet of advanced maintenance and 2 feet of over-depth dredging for a total depth of – 11 feet. Maintenance dredging of soft-dredged material with a hydraulic cutterhead dredge 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.

Maintenance dredging of any portion of the Dog River channel would be performed on an as needed basis with an overall average dredging cycle occurring approximately every five years. However, the actual time between dredging cycles and uses of either placement area may vary due to the variable rates of shoaling and availability of funding. Dredging and placement of materials could occur at any time of the year.

UPLAND DISPOSAL SITE: The diked upland disposal site provided by the City of Mobile for the Dog River navigation project is approximately 10 acres in size and is located about 4,000 feet northeast of the Dog River Bridge. This disposal site is located west of the sewage treatment plant, south of Alba Road, and east of Dauphin Island Parkway (Highway 163 in south Mobile County, Alabama) **(Figure 2)**. The site is diked and drains to the southwest flowing back into the Dog River.

OPEN-WATER PLACEMENT SITE: The open-water site proposed for use is the previously certified open-water area located in Mobile Bay just south of the Dog River navigation channel. The limits of the placement site encompasses approximately 50 acres **(Figure 3)**, however due to the nature of the placement 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. Placement of dredged material at the open-water site is conducted via thin-layer dispersal.

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 five-year period will be requested from

the Alabama Department of Environmental Management (ADEM), Coastal Programs. A decision relative to water quality certification will be made by ADEM upon completion of the required comment period for this public notice.

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. 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: In accordance with the requirements of the NEPA, the Final Environmental Impact Statement (EIS) for the Dog and Fowl River navigation project, Mobile County, Alabama, was completed on September 15, 1971. The EIS was coordinated with all applicable Federal, state, and local agencies and the interested public. An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to address the maintenance dredging of the Dog River navigation channel were prepared on May 7, 1985. A subsequent EA and FONSI were prepared to address potential impacts associated with modifications to the dredged material management plan for the Dog and Fowl River navigation project on August 1994. An EA and FONSI were prepared for the Dog River Pilot Project on August 2001. During the dredging recertification process in 2004 and 2009, a FONSI, EA and Section 404(b)(1) Evaluation Report were also completed for this project. As a result of this continued operations and maintenance project being proposed in the Public Notice (No. FP13-DR05-05), the January 2010 FONSI and EA will serve as valid documentation that adequately addresses potential impacts associated with the continued operations and maintenance of the Dog River navigation project. These documents are on file and available for review at the USACE, Mobile District at the web address: http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx. Based on comments to this public notice, the District Commander will determine the need to incorporate those comments and update the NEPA documents.

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 January 2010 Section 404 (b)(1) Evaluation Report is on file in the USACE, Mobile District office and is available for review at the web address: http://www.sam.usace.army.mil/Missions/PlanningEnvironmental/EnvironmentalAssessments.aspx. Should comments be received that warrant consideration, the Section 404(b)(1) report will be updated.

ENDANGERED/THREATENED SPECIES: In compliance with Section 7 of the Endangered Species Act, the proposed Federal action at Dog River will be coordinated with the U.S. Department of Interior, Fish and Wildlife Service (USFWS) through this public notice. Based on review of endangered and threatened species that could occur within the Dog River project area, the USACE, Mobile District had determined that the proposed action may affect but is not likely to adversely affect any listed species or their critical habitat. The USACE, Mobile District would also use standard manatee protection conditions during all dredging operations.

CULTURAL AND HISTORIC RESOURCES CONSIDERATION: The National Register for Historic Places has been reviewed during past re-certification efforts and no properties listed on, being nominated to or determined eligible for the National Register are located in the project vicinity. There are no reported historic shipwrecks in the vicinity of the Dog River navigation project. No impacts to cultural resources are anticipated. Based on the history of the project and relatively recent maintenance dredging, agency concurrence with our no effect determination is anticipated. Copies of this notice are being sent to the Alabama State Historic Preservation Officer (SHPO) and the U. S. Department of Interior, National Park Service, Atlanta, Georgia.

ESSENTIAL FISH HABITAT (EFH) ASSESSMENT: EFH is defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) as "those waters and substrate necessary to fish 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: shrimp, red drum, reef fish, stone crab, spiny lobster, coral and coral reef and coastal migratory pelagic. The maintenance dredging and placement of the dredged material will not significantly affect coastal habitat identified as EFH in the Dog 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 USACE, Mobile District has determined no impact would occur to EFH as a result of this dredging project. The Gulf of Mexico Fishery Management Plans (2012) identifies EFH in the project area to be inter-tidal 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. Coordination for EFH in the Dog River navigation project area is being initiated through this public notice and official letter.

CLEAN AIR ACT: Air quality in the vicinity of the proposed action would not be significantly affected. The equipment and machinery would generate some 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. 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 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, floodplain 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 placement sites associated with this Federal project is being made through the application of guidelines promulgated by the Administrator of the U.S. 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 Department of Conservation and Natural Resources
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

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. The USACE, Mobile District request 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 Commander 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-DR05-05 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Mr. Michael F. Malsom, Planning and Environmental Division, Coastal Environment Team at (251) 690-2023, or at email address michael.f.malsom@usace.army.mil.

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

Enclosures

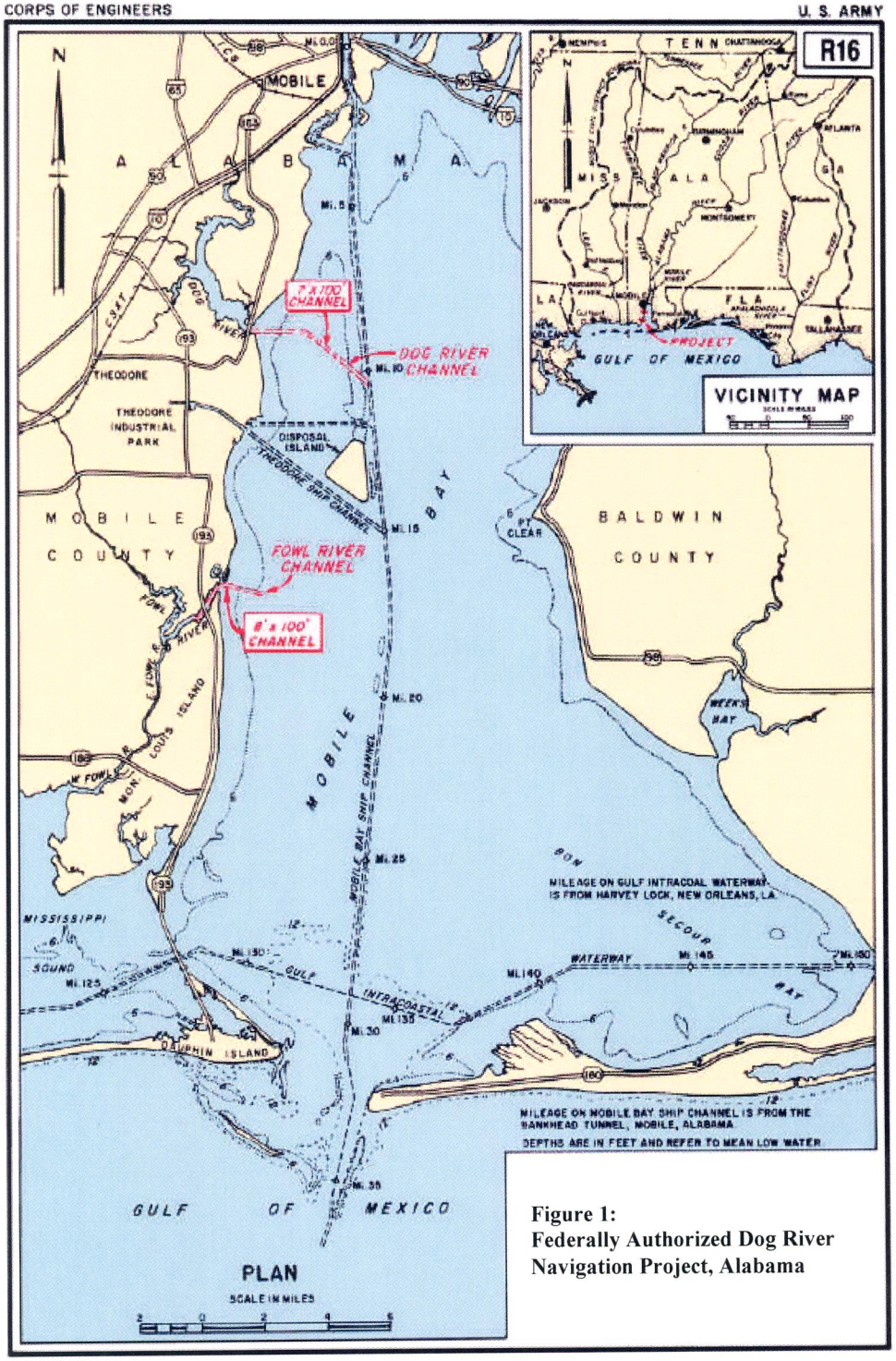

Figure 1:
Federally Authorized Dog River Navigation Project, Alabama

Figure 1: Vicinity Map of the Dog River Navigation Project

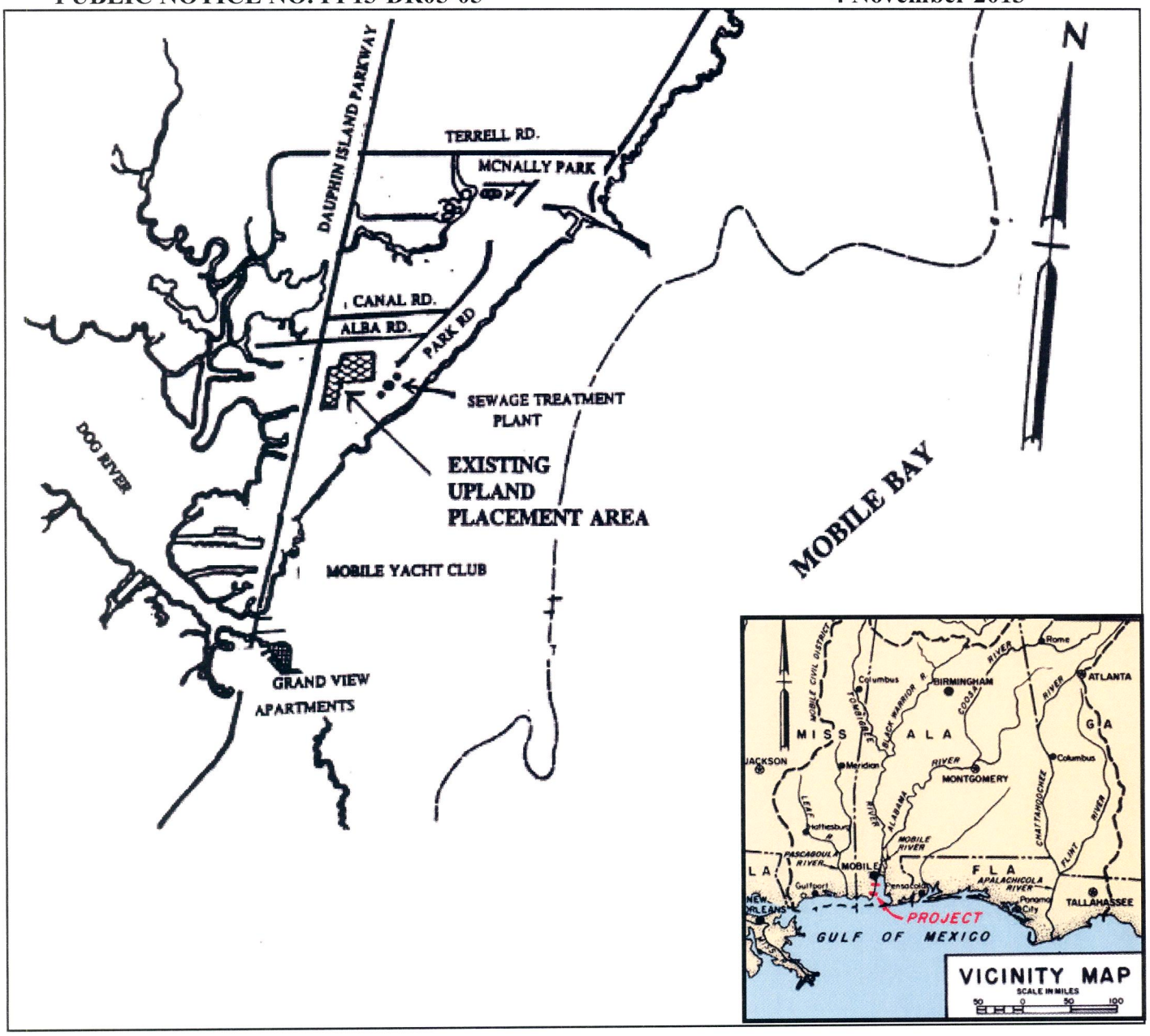

Figure 2: Upland Disposal Area for Dog River Navigation Project

Figure 3: Open-Water Disposal Areas for the Dog River Navigation