



REPLY TO  
ATTENTION OF

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

CESAM-PD-EC  
PUBLIC NOTICE NO. FP11-FC09-14

August 1, 2011

**JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
AND  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FOR  
PROPOSED MAINTENANCE AND DISPOSAL OF DREDGED MATERIAL  
FOR FLY CREEK NAVIGATION PROJECT  
BALDWIN COUNTY, ALABAMA**

**A FEDERALLY-AUTHORIZED NAVIGATION PROJECT**

**\*\*\*30 DAY PUBLIC NOTICE\*\*\***

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 Fly Creek Navigation Project, Baldwin County, Alabama. Material will be placed in the open-water placement area utilizing the thin layer placement technique. 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:** Fly Creek Navigation Channel, Baldwin County, Alabama (see Figure 1).

**DESCRIPTION OF THE AUTHORIZED PROJECT:** The existing project under the auspices of the USACE provides for a channel 6 feet deep, 80 feet wide and 1,650 feet long from the 6-foot depth contour in Mobile Bay to a turning basin 6 feet deep, 100 feet wide and 350 feet long located at Fly Creek. Plane of reference is mean low water (MLW). The existing project was authorized by the 1966 Rivers and Harbors Act, (House Document 481, 98<sup>th</sup> Congress, 2<sup>nd</sup> Session), as amended and prior Acts. The Fly Creek navigation project had been previously coordinated by Public Notice **FP06-FC08-10**, dated July 19, 2006 for maintenance dredging and placement activities. Water Quality Certification (WQC) was received from the Alabama Department of Environmental Management (ADEM) on October 3, 2006 and extends through

August 1, 2011

October 3, 2011. However, this public notice (FP11-FC09-14) dated July 29, 2011 hereby addresses the renewal of the WQC for maintenance dredging and placement activities for the Fly Creek navigation project.

**DESCRIPTION OF THE PROPOSED ACTION:** The proposed action will provide for maintenance dredging of the existing Fly Creek Project, including the widened channel of 40 feet on each side of the channel between station 8+00 and station 15+00 for an extended maintenance period. Maintenance dredging will consist of dredging to the project depth of -6 feet MLW, plus two (2) feet of advance maintenance, and two (2) feet of allowable overdepth. 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 three (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. The dredging cycle is expected to occur once every three years with approximately 35,000 cubic yards of dredged material removed during each event. This material will consist of various combinations of sands, silts, and clays. Material dredged from the channel will be properly placed in a previously used open-water placement area utilizing the thin-layer placement technique (see Figure 2).

**OPEN-WATER DISPOSAL SITE:** The designated open-water placement area is located west of the proposed project site, south of the channel in Mobile Bay. Removed sediment will be disposed of using the thin layer technique.

**WATER QUALITY CERTIFICATION:** Pursuant to the Clean Water Act, state water quality certification is required for the proposed operation and maintenance action described above. Water quality certification for a five-year period will be requested from the 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 Fly Creek Navigation Project, Baldwin County, Alabama, was completed on December 9, 1974. 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 Fly Creek navigation channel were prepared in October 2006. During the dredging recertification process in October 2006, a FONSI, EA, and Section 404(b)(1) Evaluation Report were all completed for this project. The proposed maintenance and disposal of dredged material plan for the Fly Creek Navigation Project has not changed since the last 2006 EA and Public Notice; therefore, the October 2006 FONSI and EA will serve as valid documentation that adequately addresses potential impacts associated with the continued operations and maintenance of the Fly Creek Navigation Project. These documents are on file and available for review at the USACE, Mobile District Office and webpage: <http://www.sam.usace.army.mil/pd/Pd1.htm>.

**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 of 2006 is on file in the USACE, Mobile District office and is available for review at webpage: <http://www.sam.usace.army.mil/pd/Pd1.htm>. 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 Fly Creek is being coordinated with the U.S. Department of Interior, Fish and Wildlife Service through this public notice. Based on review of endangered and threatened species that could occur within the Fly Creek project area, the USACE, Mobile District had determined that the proposed action would not adversely impact any listed species or their critical habitat. The USACE, Mobile District would also use standard manatee protection conditions during all dredging operations.

**CULTURAL 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 Fly Creek 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 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. The maintenance dredging and placement of the dredged material will not significantly affect coastal habitat identified as Essential Fish Habitat (EFH) in the Fly Creek 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. Initial coordination of

**August 1, 2011**

EFH in the Fly Creek navigation project area will be based on this public notice. The USACE, Mobile District has determined a no impact to EFH as a result of this dredging project. The Gulf of Mexico Fishery Management Plans (1999) identifies EFH in the project area to be inter-tidal wetlands, submerged aquatic vegetation, non-vegetated bottoms, shell reefs, and the estuarine water column. For those species utilizing Mobile Bay, submerged seagrasses are an essential habitat. Since the habitat is known to exist in this area of Mobile Bay, a submerged aquatic vegetation mapping survey was performed in 2008-2009 by Barry A. Vittor & Associates, Inc. to determine species and extent of occurrence in the proposed project area. Results indicate that no seagrass habitat is present in the project area.

**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 proposed action is in compliance with the Clean Air Act, as amended. 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, aesthetics, 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 disposal sites associated with this Federal project are 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,

**CESAM-PD-EC  
PUBLIC NOTICE NO. FP11-FC09-14**

**August 1, 2011**

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 that the information contained in this notice is 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. FP11-FC09-14 and should be directed to the Commander, U.S. Army Engineer, Mobile District, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Ms. Lekesha Reynolds at (251) 690-3260, or at email address [lekesha.w.reynolds@usace.army.mil](mailto:lekesha.w.reynolds@usace.army.mil).



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

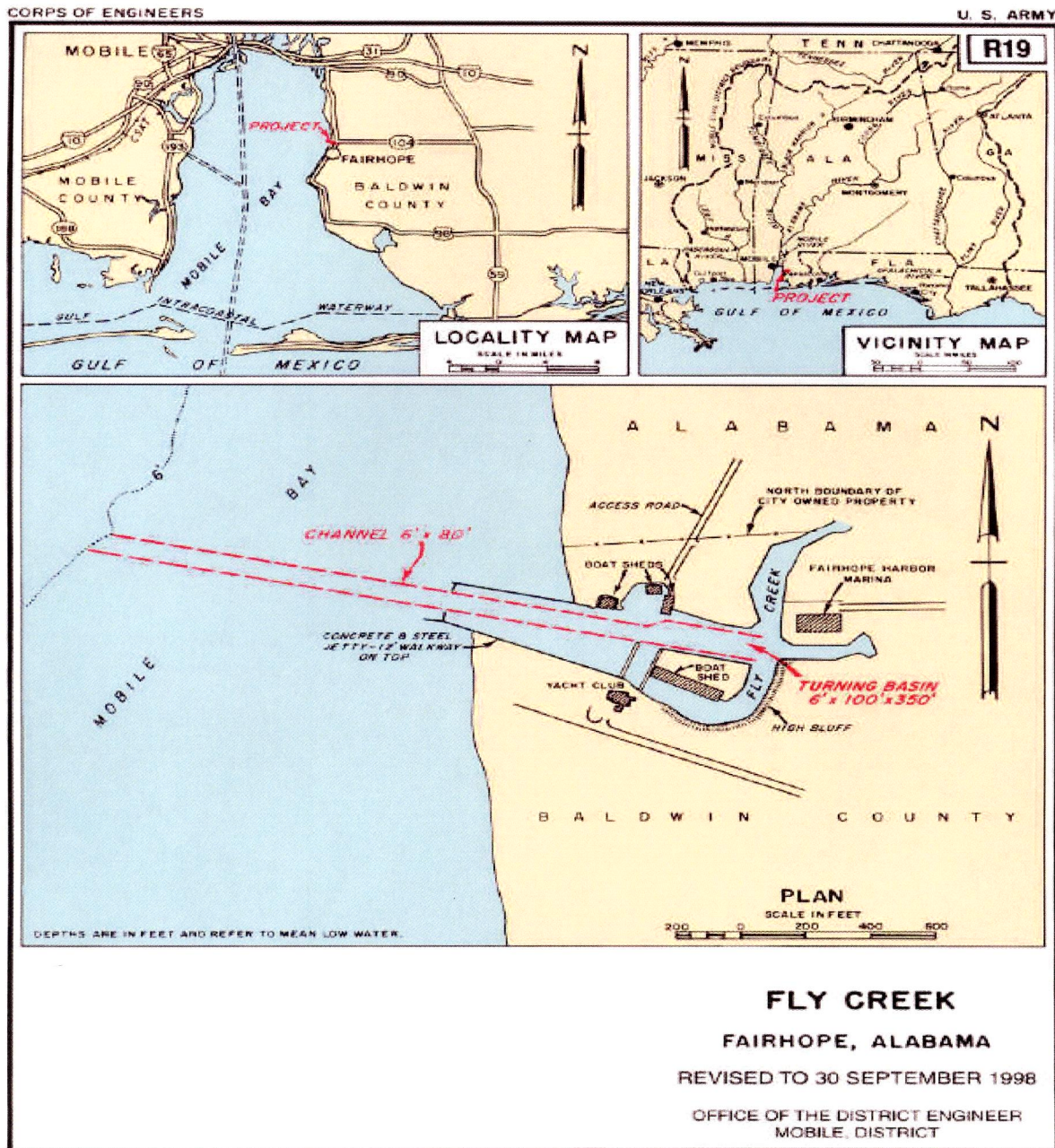
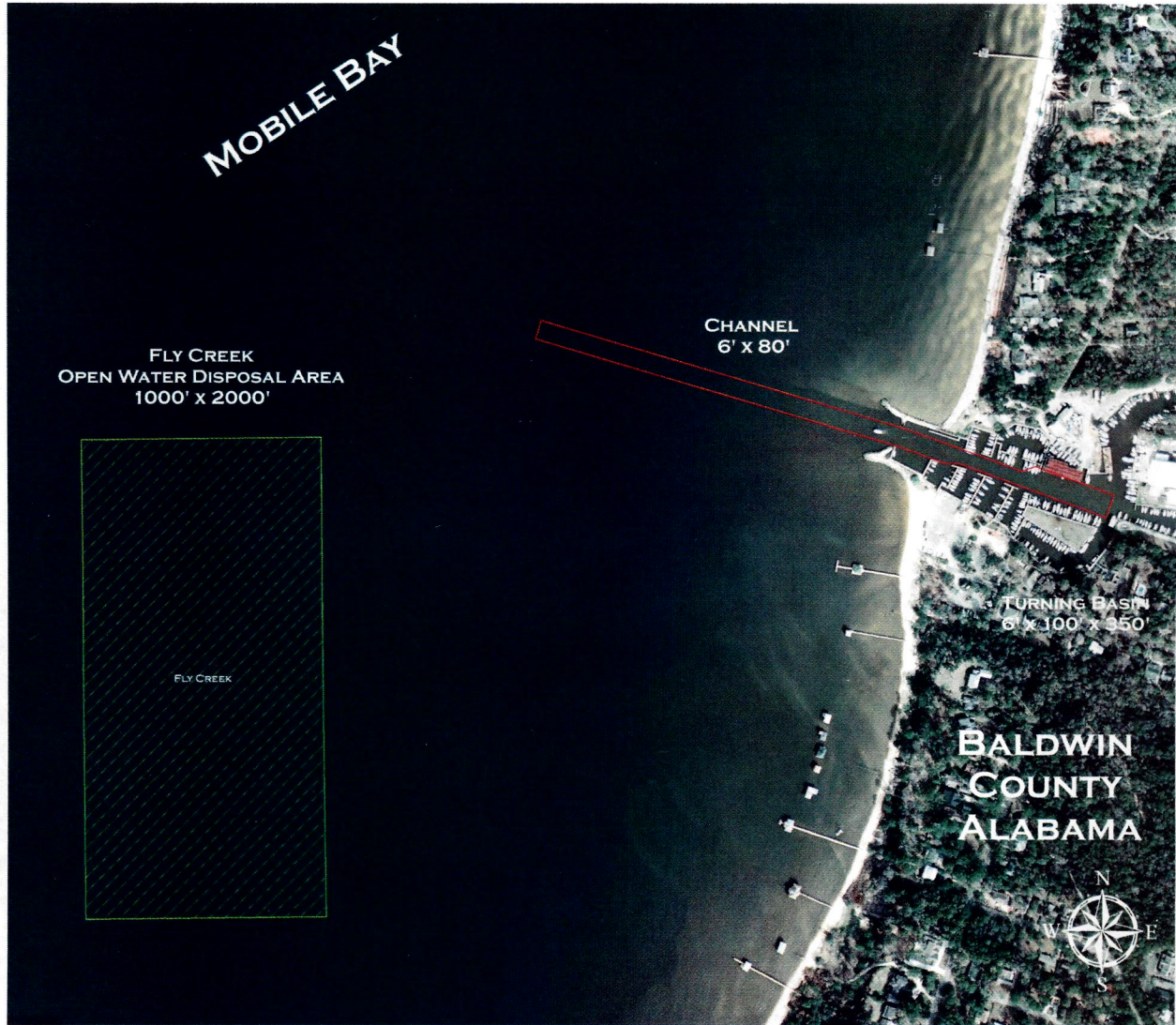


Figure 1: Project Map of Fly Creek Navigation Channel



**Figure 2:** Open Water Disposal Site South of Fly Creek Navigation Project