



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

REPLY TO
ATTENTION OF:

CESAM-PD-EC
Public Notice No. FP06-FC08-10

July 19, 2006

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FOR
DREDGING AND PLACEMENT ACTIVITIES
FLY CREEK NAVIGATION PROJECT
BALDWIN COUNTY, ALABAMA
A FEDERALLY AUTHORIZED PROJECT**

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

Interested persons are hereby notified that the U.S. Army Corps of Engineers, Mobile District (Corps) proposes to conduct dredging of the Fly Creek Navigation Project and place dredged material in previously approved, open-water placement area. Material will be placed in the open-water placement area utilizing the thin layer placement technique.

We request the recipient of this notice 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 request comments on any other potential impacts.

WATERWAY AND LOCATION: Fly Creek, Baldwin County, Alabama.

DESCRIPTION OF ENTIRE AUTHORIZED PROJECT: The existing project under the auspices of the Corps 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 (**Figure 1**). Plane of reference is mean low water (MLW). The existing project was authorized by the 1966 Rivers and Harbors Act, (House Document 481, 98th Congress, 2nd Session), as amended and prior Acts. The Fly Creek navigation project had been previously coordinated by Public Notices **FP01-06-10** and **FP01-FC07-10**, dated June 20, 2001 and August 22, 2001 respectively, for maintenance dredging and placement activities. Water Quality Certification was received from the Alabama department of Environmental Management (ADEM) on August 1,

2001 and extends through August 1, 2006. However, this public notice (FP06-FC08-10) dated July 19, 2006 hereby addresses the renewal of the WQC for maintenance dredging and placement activities for the Fly Creek navigation project.

DESCRIPTION OF THE PROPOSED PROJECT: The configuration of the Fly Creek navigation project is shown on **Figure 2** and includes maintaining the widened channel between station 8+00 and station 15+00 to provide for an extended maintenance period. The current dredging plan and approvals for two feet of advance maintenance dredging at Fly Creek provides for a three-year dredging cycle. However, sediments moving perpendicular to the channel in the area near the end of the jetties regularly act to obstruct the channel and has developed since the last maintenance cycle. The proposed channel enhancement would act as a sediment trap for material moving laterally into the channel and would extend the length of the dredging cycle from once every two years to approximately once every three year period. An additional 35,000 cubic yards of dredged material of various combinations of sands, silts and clays would be removed from the channel in conjunction with regular maintenance dredging and placement activities. Material dredged during dredging activities would be placed in a previously used open-water placement area (**Figure 3**) utilizing the thin-layer placement technique.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, state water quality certification is required for the proposed action described above. Water quality certification for a five-year period had been requested from 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. Concurrence with this determination has been requested from ADEM. Upon completion of the required comment period, a decision relative to coastal zone consistency will be made by ADEM.

USE BY OTHERS: The proposed action for maintenance dredging of the Fly Creek Navigation Project is not expected to cause any significant land use changes in adjacent areas.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATION: In accordance with the requirements of NEPA, an Environmental Impact Statement (EIS) for the entire Fly Creek Navigation Project was filed with the President's Council on Environmental Quality on December 9, 1974. The EIS was coordinated with all applicable Federal, state and local agencies and the interested public. A draft Environmental Assessment (EA) has been prepared to address potential impacts associated with modifications to the Fly Creek Navigation Project. These documents are on file and available for review in the Corps, Mobile District Office.

SECTION 404(b)(1) EVALUATION REPORT: Water quality impacts associated with the proposed action have been addressed in an evaluation report prepared in

accordance with guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act. A draft Section 404(b)(1) evaluation report has been prepared to address water quality impacts associated with the proposed action at Fly Creek. The draft is on file and available for review in the Mobile District Office. Appropriate revisions will be incorporated into the final Section 404(b)(1) evaluation report if information is received during coordination of this public notice that would dictate the need to amend the report.

ENDANGERED AND THREATENED SPECIES: Endangered and threatened species may utilize habitat within the proposed project area. Therefore the proposed action is being coordinated with the U.S. Department of Commerce, National Marine Fisheries Service (NMFS) and the U.S. Department of the Interior, Fish and Wildlife Service (FWS) by this public notice. Based on our review of endangered and threatened species that could occur within the project area, the proposed channel enhancement activities would not adversely affect any listed species or their critical habitat. West Indian manatees have been known to occur in the proposed project area. A Biological Opinion (BO) dated August 14, 2001 was formulated by the FWS, Daphne Field Office to address endangered and threatened species concerns associated with maintenance dredging and placement activities with the Fly Creek navigation project.

ESSENTIAL FISH HABITAT: The proposed action is not anticipated to adversely impact Essential Fish Habitat (EFH). 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 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. 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 seagrass survey has been performed to determine species and extent of occurrence in the proposed project area. Preliminary results indicate that no significant seagrass habitat is present in the direct project area. Initial coordination of EFH in the Fly Creek Project area will be based on this public notice. A final determination on EFH will be made following the completion of seagrass surveys.

CULTURAL RESOURCES CONSIDERATIONS: In compliance with the National Historical Preservation Act the proposed action is being coordinated with the Alabama State Historical Preservation Officer (AL SHPO) by this public notice. The National Register of Historic Places has been consulted and no properties listed on, being nominated to or that have been determined eligible for the National Register are located in the vicinity of the proposed work. A literature search conducted as part of the Mobile Harbor Deepening Project in 1982 located no records of historic vessel losses in the project vicinity. Given the recent construction of the project (1955), the potential for submerged cultural resources is low. In 1982, the AL SHPO concurred with a beach

nourishment disposal site associated with maintenance dredging of the Fly Creek project. Copies of this notice are being sent to the AL SHPO and the U.S. Department of the Interior, National Park Service, Atlanta, Georgia.

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 interested public. 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. The proposed action will proceed unless it is found to be contrary to overall public interest.

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

Region 4 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
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, United States 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 Mobile District Corps of Engineers request the information contained in this notice be communicated to any other parties who may have an interest in the proposed action.

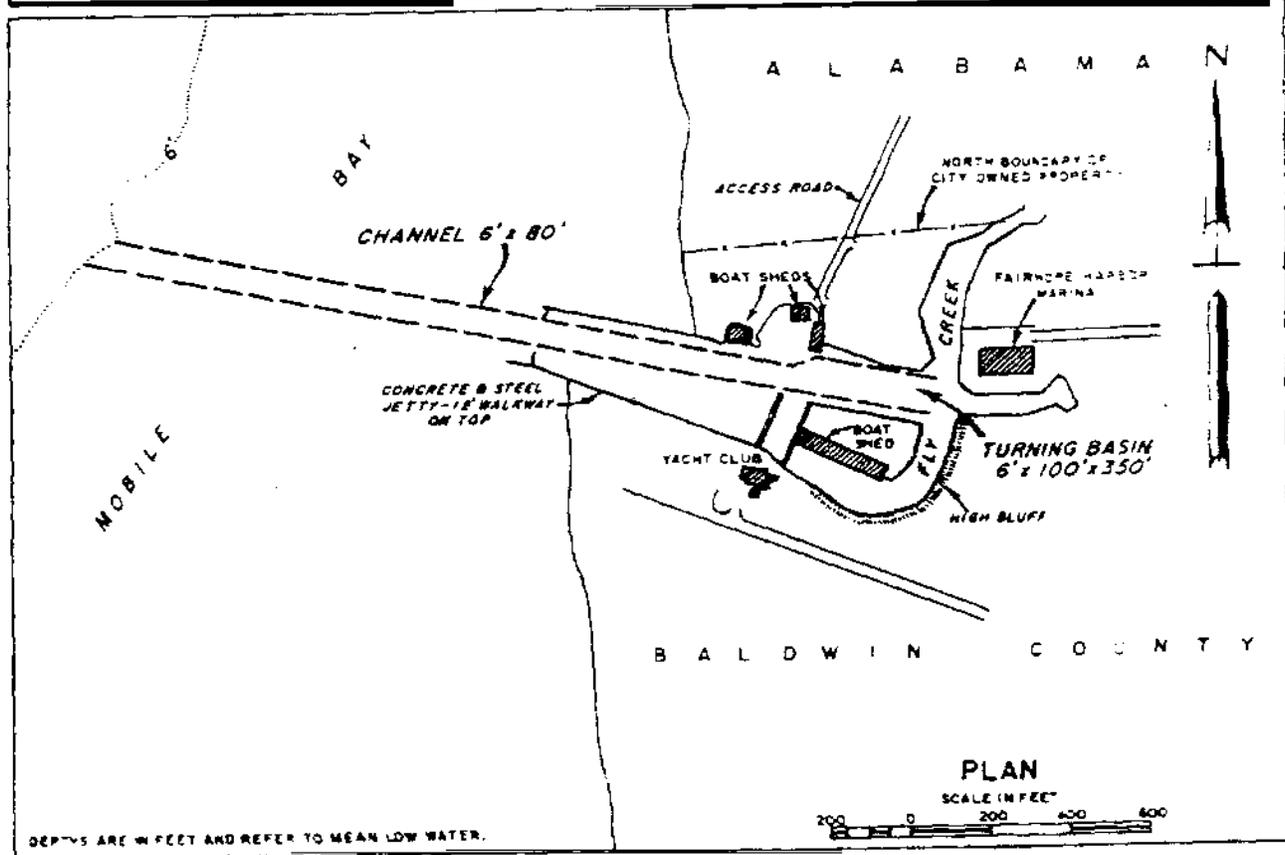
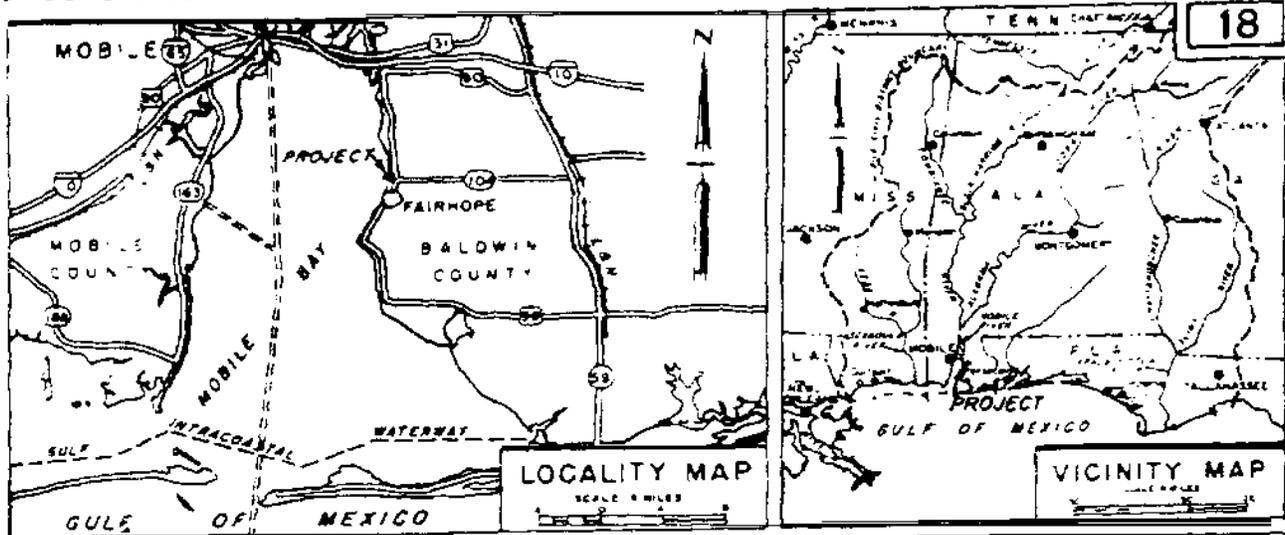
CORRESPONDENCE: Any person who has an interest which may be affected by this proposed activity may request a public hearing. Any comments or request for hearing must clearly set forth the interests, which may be affected, and the manner in which the interest may be affected. Correspondence concerning this Public Notice should refer to **Public Notice No. FP06-FC08-10** and should be directed to U.S. Army Corps of Engineers, Mobile District, Planning and Environmental Division, Coastal Environment

Team. P.O. Box 2288, Mobile, Alabama 36628-0001, Attention: Mr. Larry Parson or at e-mail address Larry.E.Parson@sam.usace.army.mil Correspondence must be received no later than the close of business **August 19, 2006**. Additional information may be obtained by contacting Mr. Parson at telephone number 251-690-3139.



Curtis M. Flakes

Chief, Planning and Environmental Division



**FLY CREEK
NAVIGATION PROJECT**

FAIRHOPE, ALABAMA

Figure 1

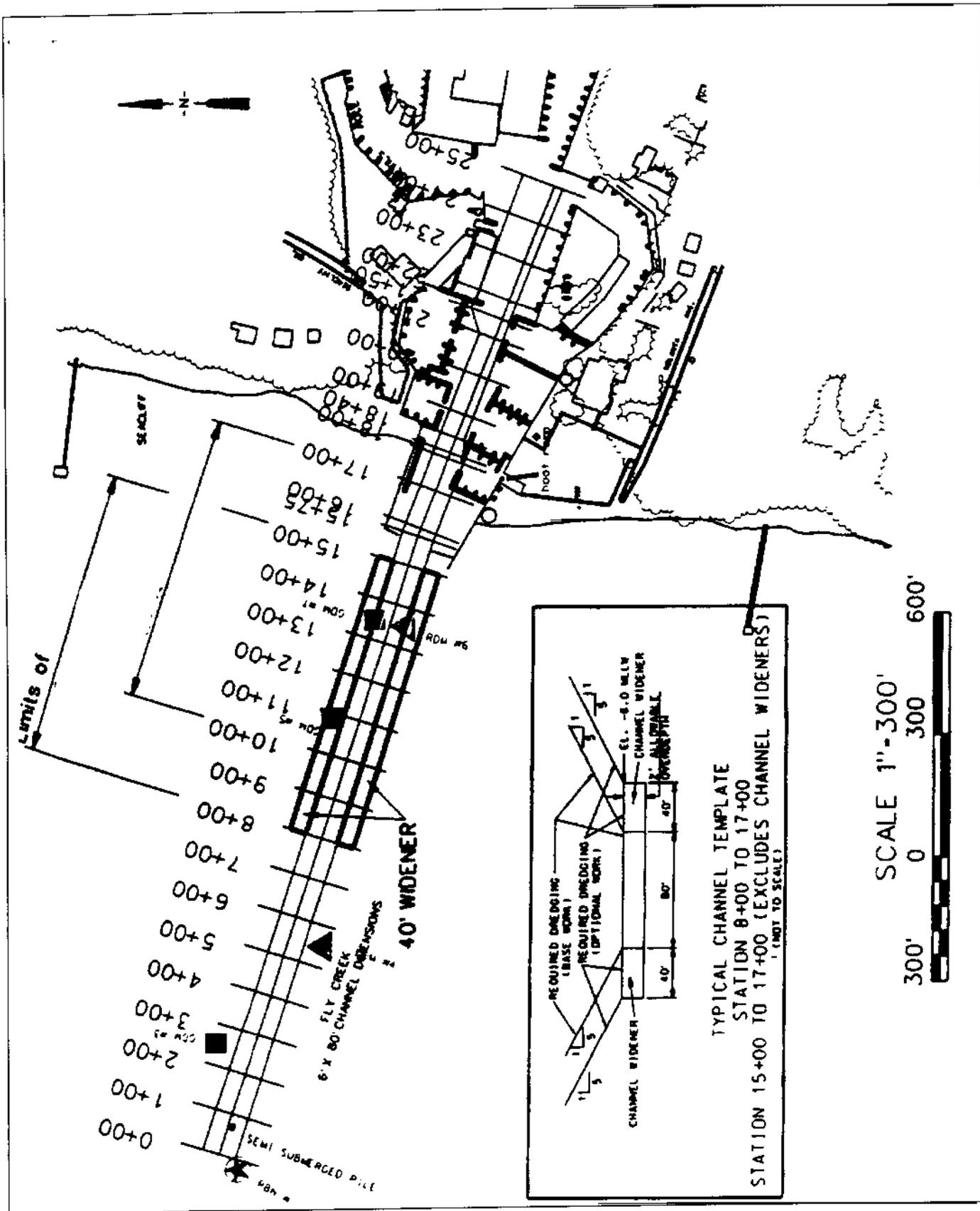


Figure 2. Fly Creek project configuration including widener for advanced maintenance.

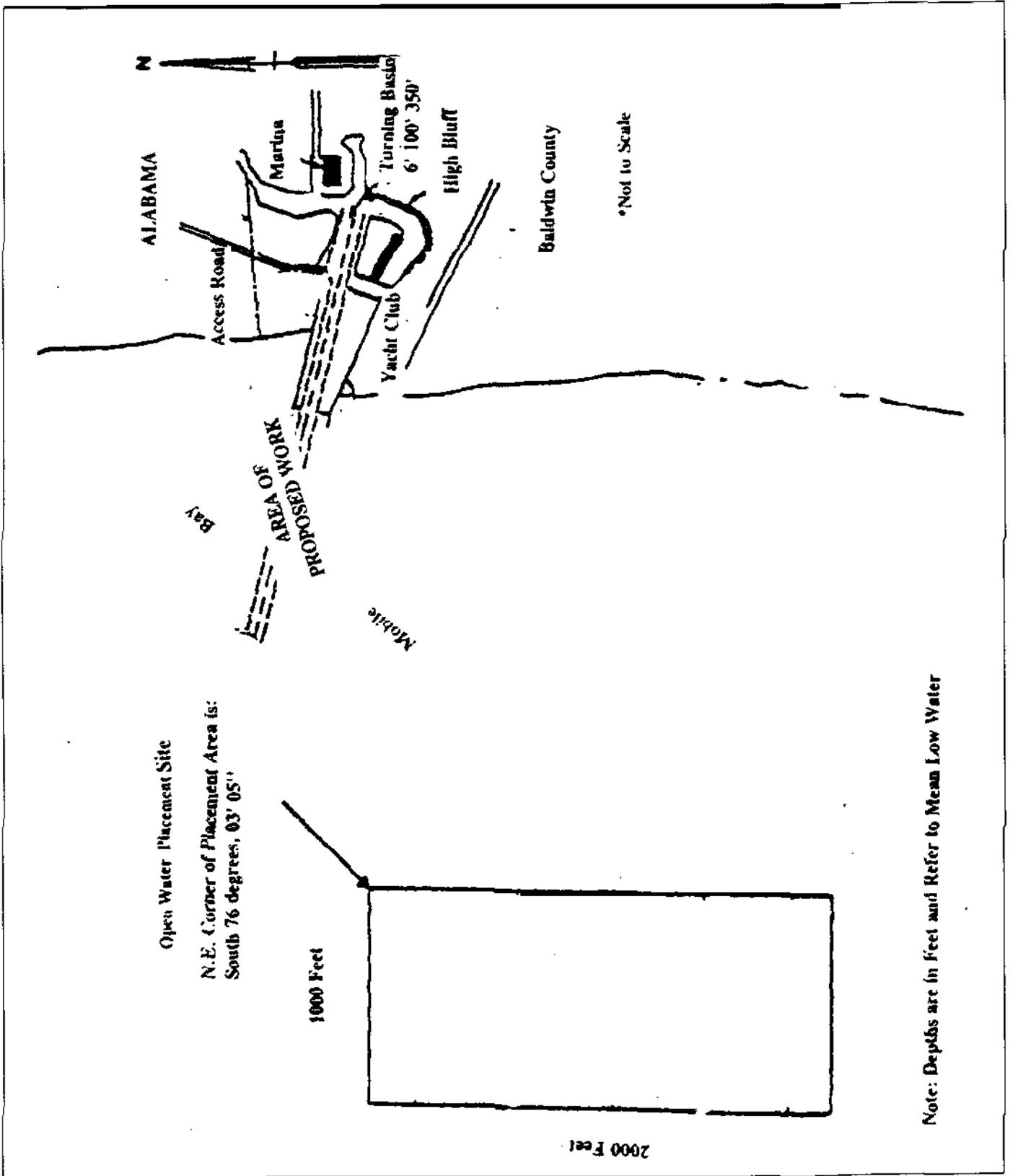


Figure 3. Location of the open water thin-layer disposal area.

DEPARTMENT OF THE ARMY
ARMY ENGINEER DISTRICT, MOBILE
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001
OFFICIAL BUSINESS

