



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. FP16-FC01-14

December 16, 2016

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

BALDWIN COUNTY, ALABAMA

A FEDERALLY-AUTHORIZED NAVIGATION PROJECT

Interested persons are hereby notified that the U.S. Army Corps of Engineers (USACE), Mobile District, proposes continued maintenance dredging and placement of dredged material from the federally authorized Fly Creek Navigation Project, Baldwin County, Alabama. Material will be placed in the open-water placement area utilizing thin layer placement techniques. This public notice is issued in accordance with rules and regulations published in the Federal Register on April 26, 1998. These regulations provide for the review of 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 lower low water (MLLW). 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 via Public Notice **FP11-FC09-14**, dated August 1, 2011 for maintenance dredging and dredged material placement activities. Water Quality Certification (WQC) and Coastal Zone Consistency (CZC) were received from the Alabama Department of Environmental Management (ADEM) dated December 7, 2011. However, this current Public Notice (**FP16-FC01-14**) hereby addresses renewal of the WQC and CZC for maintenance dredging and placement activities for the Fly Creek Navigation Project.

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DESCRIPTION OF THE PROPOSED ACTION: The proposed action will provide for maintenance dredging of the existing Fly Creek Navigation Channel, including the widened channel of 40 feet on each side of the channel between Station 85+00 and 15+00 for an extended maintenance period. Maintenance would consist of dredging to the authorized project depth of -6 feet MLLW, plus two feet of advanced maintenance, and two 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 -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 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 approved open-water placement area utilizing the thin-layer placement technique (Figure 2).

OPEN-WATER PLACEMENT SITE: The designated open-water placement site (Figure 2) is located west of the proposed project area and south of the channel in Mobile Bay. This open-water placement site utilizes thin-layer placement techniques.

WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act (CWA), state WQC is required for the proposed operation and maintenance (O&M) actions described above. WQC for a period of five years will be requested from ADEM, Coastal Programs. A decision relative to WQC will be made by ADEM upon completion of the required comment period for this public notice.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Consistency Management Act (CZMA), the proposed action is consistent with the Alabama Coastal Program to the maximum extent practicable. Concurrence with this determination will be requested from ADEM and a decision relative to CZC will be made by ADEM.

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 interested public. An Environmental Assessment (EA), Section 404(b)(1) Evaluation, and Finding of No Significant Impact (FONSI) to address maintenance dredging and placement activities of the Fly Creek Navigation Project were prepared in October 2006. The proposed maintenance and placement activities for the Fly Creek Navigation Project has not changed since the last 2006 NEPA and Public Notice coordination; therefore, the October 2006 NEPA coordination will serve as valid documentation that adequately address potential impacts of continued O&M dredging and placement activities associated with 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>.

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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 and is available for review at webpage: <http://www.sam.usace.army.mil/pd/Pd1.htm>.

ENDANGERED AND THREATENED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA), the proposed Federal action at Fly Creek is being coordinated with the U.S. Fish and Wildlife Service (USFWS) 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 has determined the proposed action would not adversely impact any listed species. The USACE, Mobile District would implement standard manatee conditions for protection of manatee in the proposed project area.

CULTURAL RESOURCES COORDINATION: The National Register of Historic Places (Register) has been reviewed and no properties listed on, being nominated to, or determined eligible for the Register are located within 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, thus a No Effect determination has been made by the Mobile District Archaeologist. Copies of this notice are being sent to the Alabama State Historic Preservation Office (SHPO) and the U.S. Department of Interior, National Park Service, Atlanta, Georgia for comment.

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, coral reef, and coastal migratory pelagic fishes. The proposed action would 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, and small overall size, of the project the overall impact to fisheries resources is considered negligible. Initial coordination of 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.

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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 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 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 act. All factors that may be relevant to the proposal would be considered. 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 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 placement site, the potential impairment of the maintenance of navigation, or any economic impacts on navigation and anchorage that would result from the failure to use the 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, 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.

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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. **FP16-FC01-14** 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 Mr. Matthew J. Lang at (251) 694-3837, or at email address matthew.j.lang@usace.army.mil.



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

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CORPS OF ENGINEERS

U. S. ARMY

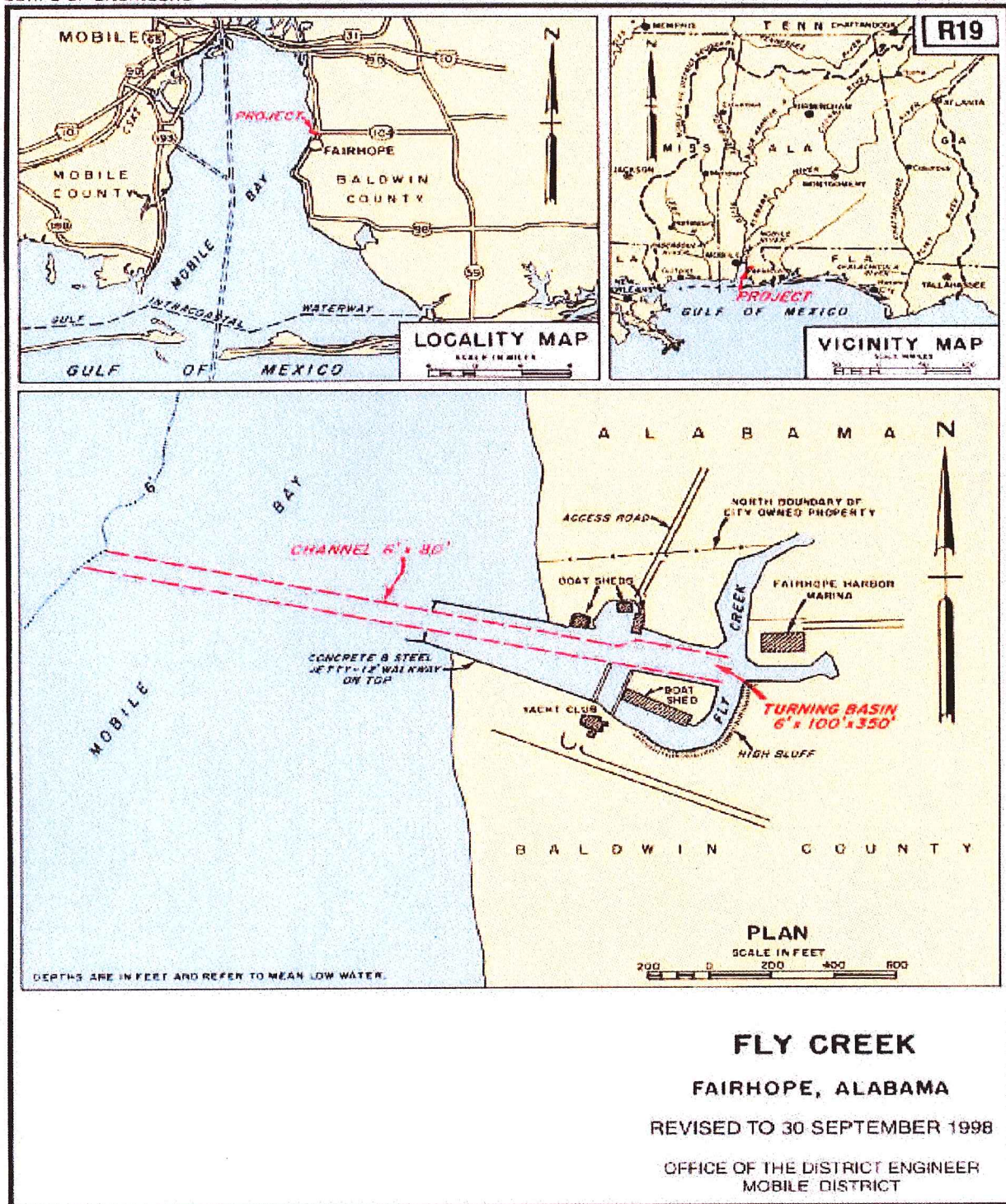


Figure 1: Map of Fly Creek Navigation Project, Baldwin County, Alabama



Figure 2: Open-water Placement Site West of Fly Creek Navigation Project