



**US Army Corps
of Engineers
Memphis District**

File No. MVM-2013-123

Public Notice

REPLY TO ATTN: Randy Clark
U.S. Army Corps of Engineers
167 N Main Street, RM B202
Memphis, TN 38103-1894
Telephone (901) 544-0735
FAX (901) 544-0211
Email James.R.Clark@mvm02.usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2013-123 (RC)
DATE:
March 26, 2013
EXPIRATION DATE:
April 25, 2013

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS
and
COMMONWEALTH OF KENTUCKY

The Memphis District Corps of Engineers, hereby gives notice pursuant to Sections 401/404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 and 33 CFR 337 published in the Federal Register April 26, 1988, of the U.S. Government's proposed deposition of dredged material in connection with maintenance dredging.

APPLICANT: Memphis District Corps of Engineers
Operations Division
167 N. Main Street, RM B202
Memphis, TN 38103-1894
Telephone (901) 544-3471
Fax: (901) 544-0211

AUTHORIZATION: Mississippi River Channel Maintenance Dredging project is authorized under the Flood Control Act of May 15, 1928 and amendments June 15, 1936, June 28, 1938, August 18, 1944, and December 22, 1994. The project provides for a suitably aligned navigation channel 12 feet deep and 300 feet wide. Present funding limits the project to a channel 9 feet deep and 300 feet wide.

LOCATION: At various locations on the Mississippi River, between River Miles 886 and 930 Above the Head of Passes (AHP) and within Hickman Harbor at approximate River Mile 921.5 AHP as shown on the attached Location Map.

PURPOSE: To maintain the authorized navigation channel within the Mississippi River.

DESCRIPTION OF WORK: Dredging is conducted on an as-needed basis to maintain the minimum project channel dimensions at any river stage. Mississippi River channel maintenance dredging is done by use of dustpan hydraulic dredges. The dustpan dredge operates by making a series of relatively narrow, adjacent parallel cuts, discharging the material overboard in the same pattern as the dredge cuts and at a distance of approximately 800 feet perpendicular to the direction of the cuts. The material may be discharged to either side of the dredge cut and is transported from the cut area to discharge area through a pipeline supported by pontoons. Harbor dredging is normally performed by a cutterhead hydraulic dredge operated by a contractor for the District under a rental contract.

The dustpan dredges deposit approximately 4.0 million cubic yards of material annually. Table I lists location by name and river mile and approximate annual quantities of material dredged in recent years. Due to the amount of bedload movement and the continual migration of sand bars, it is not possible to predict exact locations where dredging and associated discharge will be required. The anticipated discharge areas have been previously covered by earlier water quality certifications.

Table I. Current Dredging Sites Between Mississippi River Miles 886 and 930 AHP

CROSSING NAME	RIVER MILE	QUANTITY DREDGED MILLION CUBIC YARDS
Wolf Island	930	0.8
Beckwith Bend	923	1.0
French Point	915	0.8
Island 8 Lower	912	0.6
New Madrid	887	0.9

Water Quality Certification: The purpose of this public notice is to renew water quality certification for the navigational dredging project within the Commonwealth of Kentucky, to advise all interested parties of the proposed renewal and to solicit comments and information necessary to evaluate the probable water quality concerns. A determination concerning deposition of material will not be made, nor will deposition commence, until water quality certification or waiver of the right to certify is obtained.

This notice is being circulated to the following Federal, state and local environmental agencies:

- Environmental Protection Agency, Atlanta, GA
- U.S. Fish and Wildlife Service, Cookeville, TN
- National Park Service, Albuquerque, NM
- Kentucky Department of Fish and Wildlife Resources, Frankfort, KY

THREATENED AND ENDANGERED SPECIES - This notice is being coordinated with the USFWS. The Memphis District is aware of interior least tern nesting sites and avoids dredging in the vicinity of these sites during the nesting season. The pallid sturgeon, *Scaphirhynchus albus*, is known to utilize the Mississippi River; however, little is known about the species' ecological and habitat requirements in the lower Mississippi River. However, populations have been documented throughout the entire lower Mississippi River. The Memphis District is continuing studies to gather information about habitat requirements, the impact of sand and gravel dredging and the presence of the pallid sturgeon within the District. We have agreed to refrain from navigational dredging from April 1 to June 30, unless extreme low water conditions occur during the spawning season. We will consult with USFWS on those occasions. Any comments USFWS may have regarding other endangered or threatened wildlife or plants or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES - The Memphis District is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800 and coordination with Indian Tribes.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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, 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 people.

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Applicant: Memphis District CE

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Federally recognized Tribes; and other interested parties on behalf of the Division of Water (DOW) in order to assist DOW in evaluating the impacts on the proposed activity on water quality of the Commonwealth. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. 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 used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

By copy of this public notice, the Memphis District is requesting water quality certification from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water, in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period a determination relative to water quality certification will be made. A determination concerning deposition of material will not be made, nor will deposition commence, until water quality certification or waiver of the right to certify is obtained.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is a Corps project, however, our office is not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS: To request additional information or provide comments on this notice, please contact Mr. Randy Clark using the information below:

U.S. Army Engineer District - Memphis
ATTN: Randy Clark
167 N. Main Street, Room B-202
Memphis, TN 38103-1894

E-mail: james.r.clark@usace.army.mil
phone: (901) 544-0735
fax: (901) 544-0211

Comments may be sent via mail or E-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be forwarded to reach this office by April 25, 2013.

For Final Individual Permits actions in the Memphis District, go to the following link:

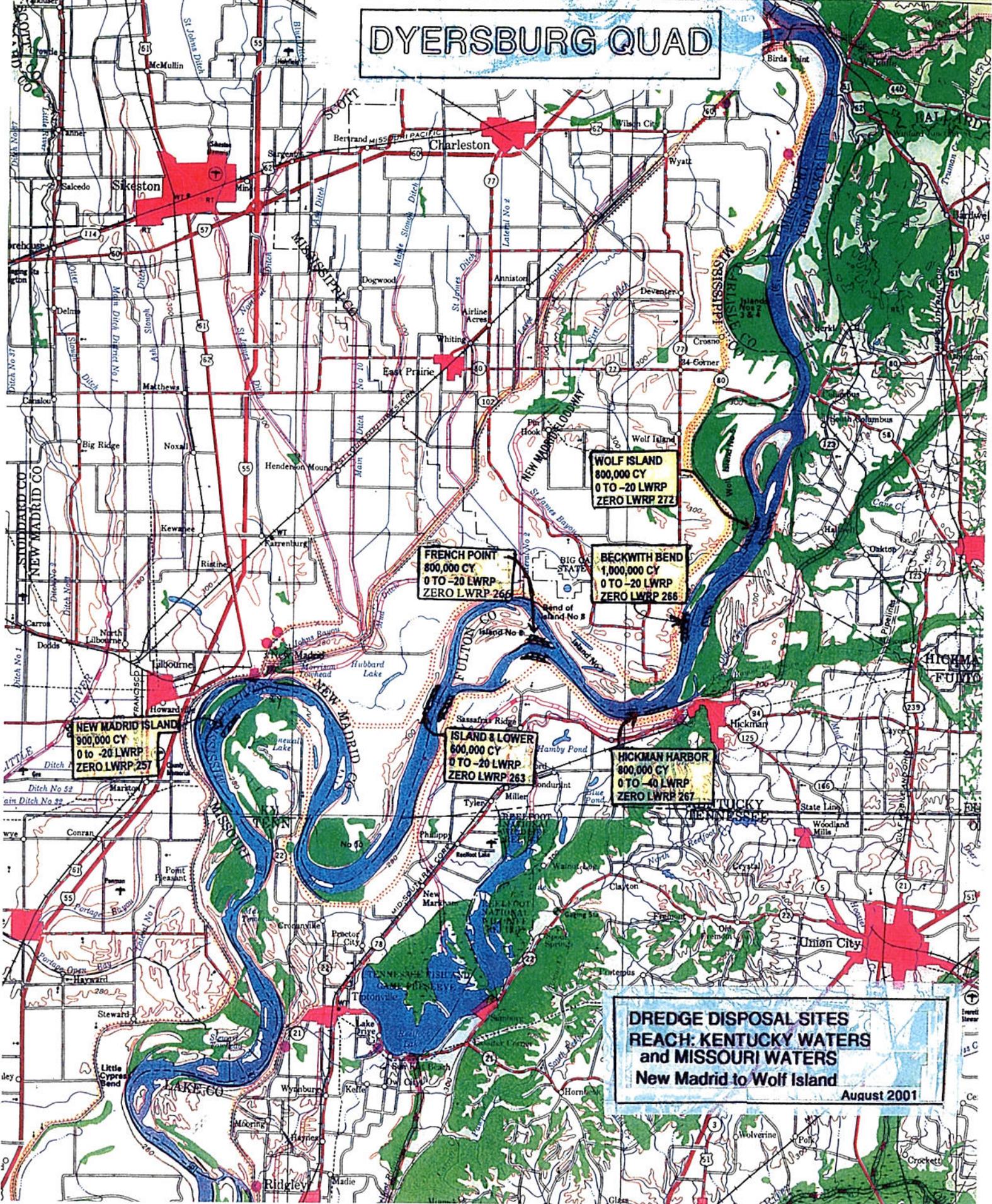
<http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the "**Pending IP**" tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.



Gregg Williams
Chief
Regulatory Branch

Attachments

DYERSBURG QUAD



FRENCH POINT
800,000 CY
0 TO -20 LWRP
ZERO LWRP 266

WOLF ISLAND
800,000 CY
0 TO -20 LWRP
ZERO LWRP 272

BECKWITH BEND
1,000,000 CY
0 TO -20 LWRP
ZERO LWRP 266

NEW MADRID ISLAND
900,000 CY
0 TO -20 LWRP
ZERO LWRP 257

ISLAND & LOWER
600,000 CY
0 TO -20 LWRP
ZERO LWRP 283

HICKMAN HARBOR
800,000 CY
0 TO -40 LWRP
ZERO LWRP 267

**DREDGE DISPOSAL SITES
REACH: KENTUCKY WATERS
and MISSOURI WATERS
New Madrid to Wolf Island**
August 2001