



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2017-047 (RC)

NOTICE DATE:
February 24, 2017

Attn: Postmaster,
Please Post Until **EXPIRATION DATE:**
⇒ **March 27, 2017**

Joint Public Notice
U.S. Army Corps of Engineers
and
State of Arkansas

The Memphis District Corps of Engineers, hereby gives notice pursuant to Section 10 of the River and Harbors Act of 1899 and Sections 401 and 404 of the Clean Water Act (CWA) 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: Tim C. Fudge, Chief
Operations Division
Memphis District, Corps of Engineers
167 N. Main Street, RM B-202
Memphis, TN 38103-1894
Telephone (901) 544-0735

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. Harbor dredging is authorized under Section 107 of the Rivers and harbors Act of 1960, as amended.

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

LOCATION: At various locations on the Mississippi River, between River Miles 810.0 and 603.0 AHP, as shown on the attached location maps. Sheet 1, Maintenance dredging is also performed in Helena Harbor, Phillips County Harbor, and Osceola Harbor, see Harbor Map Sheets 2 - 4.

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. Harbor dredging is normally performed by a cutterhead hydraulic dredge operated by a contractor for the district under a contract.

MISSISSIPPI RIVER CHANNEL MAINTENANCE: 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 the discharge area through a pipeline supported by pontoons.

The dustpan dredge moves approximately 10 million cubic yards of sandy material annually from the navigation channel.

Specific dredging locations by name and river mile are on file and available upon request. 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. Contaminant levels have been consistently within acceptable limits.

HARBOR DREDGING: Approximately 435,000 cubic yards of sediment is removed by cutterhead dredges from the three harbors annually. Disposal of the Harbor sediments is deposited into deep water of the Mississippi River downstream from the mouth of the harbors, as noted on the Disposal Site Map Sheet 2 - 4. In addition, upland disposal sites are also available

for Osceola Harbor and Phillips County Harbors (Helena Harbor), sites A and B, as noted. (Phillips County upland disposal site "B" is proposed, pending permit authorization).

The purpose of this public notice is to renew water quality certification by the State of Arkansas, to advise all interested parties of the proposed activity and to solicit comments and information necessary to evaluate the probable impact. This notice is being circulated to the following federal, state, and local environmental agencies:

Environmental Protection Agency, Dallas, TX
U.S. Fish and Wildlife Service, Conway, AR
National Park Service, Albuquerque, NM

AVOIDANCE/MINIMIZATION: The activity will have very minimal impact on Waters of the United States. The Corps of Engineers will only dredge the minimal amount required to maintain the authorized channel.

MITIGATION: No mitigation is proposed with this activity.

ENDANGERED AND THREATENED SPECIES: This notice is being coordinated with the USFWS. The Memphis District is aware of interior least tern (*Sternula antillarum*) 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. We have agreed to refrain from navigational dredging during the pallid sturgeon *Scaphirhynchus albus*, spawning season which occurs from April 1 to June 30, unless extreme low water conditions occur during this period. We will consult with USFWS on those occasions. There will be no impact to the least tern or the pallid sturgeon resulting from the dredging activities. Any comments USFWS may have regarding this species or 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 33 CFR Part 325 Appendix C. The Memphis District will evaluate information provided by the State Historic Preservation Officer, federally recognized tribes and the public in response to this public notice and we may conduct or require a survey of the project area.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA): An Environmental Impact Statement (EIS) for the Mississippi Rivers and Tributaries Project was prepared pursuant to NEPA. A supplemental Environmental Assessment (EA) will be prepared at the conclusion of the comment period to update the record.

WATER QUALITY CERTIFICATION - By copy of this public notice, the Memphis District is requesting water quality certification for maintenance dredging for the Harbors and Mississippi River from the Arkansas Department of Environmental Quality (ADEQ), 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. Comments should be sent to the Memphis District at the address shown on the first page of the notice as well as ADEQ attention Lazendra Hairston, State Permits Branch Water Division, Arkansas Department of Environmental Quality, 5301 North Shore Drive, Little Rock, Arkansas 72118-5317. 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 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.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District and to the State of Arkansas, Department of Environmental Quality. Comments must be received by the expiration date listed on page one of this notice and may be sent via mail or e-mail to the following:

U.S. Army Corps of Engineers – Memphis District
 ATTN: Randy Clark
 167 N. Main Street, Room B-202
 Memphis, Tennessee 38103-1894
 E-mail: james.r.clark@usace.army.mil
 Phone: (901) 544-0735
 Fax: (901) 544-0211

State of Arkansas
 Department of Environmental Quality
 Office of Pollution Control
 5301 Northshore Drive
 North Little Rock, Arkansas 72118
 Phone (501) 682-0946
 ATTN: Lazendra Hairston

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



