

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2020-344

NOTICE DATE:
February 10, 2021

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
March 12, 2021

Public Notice U.S. Army Corps of Engineers

AUTHORITY: The Memphis District Corps of Engineers, hereby gives notice pursuant to Section 10 of the River and Harbors Act of 1899 and Section 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:

U.S. Army Corps of Engineers – Memphis District
Operations Division
167 N. Main Street, RM B-202
Memphis, TN 38103-1894
Telephone (901) 544-3471

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, and Section 10 of the Rivers and Harbors Act of 1899. The project provides for a suitably aligned navigation channel 12 feet deep and 300 feet wide. Present funding limits the project to a channel of 9 feet deep and 300 feet wide.

PURPOSE: To maintain the authorized navigation channel within the Mississippi River and one authorized harbor within the Commonwealth of Kentucky.

LOCATION: At various locations on the Mississippi River, between River Miles 886 and 953 Above the Head of Passes (AHP) and within Elvis Stahr Harbor at approximate River Mile 921.5 AHP as shown on the attached Location Maps.

DESCRIPTION OF WORK: Re-Issuance of the Corps of Engineers existing maintenance dredging authorization.

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 dredge. 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 contract.

The dustpan dredge deposits 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.

Designation of the proposed disposal sites for dredged and fill material associated with this federal project shall be made through the application of guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), in conjunction with the Secretary of the Army. The Administrator, EPA, has not previously designated the areas as disposal sites. A Section 404(b)(1) evaluation will be prepared at the close of the comment period.

Table I. Current Dredging Sites Between Mississippi River Miles 886 and 953 AHP

CROSSING NAME	RIVER MILE	QUANTITY DREDGED MILLION CUBIC YARDS
Cairo Point	953	0.6
Pritchard Point	947	0.6
Wolf Island	934	0.8
Wolf Island Lower	930	1.0
Beckwith Bend	926	1.0
French Point	915	0.8
Lester	906	0.5
Grooms Tow Head	896	0.5
New Madrid Bend	889	0.9

ELVIS STAHR HARBOR

The proposed work will allow maintenance dredging to occur within the Elvis Stahr Harbor at approximate River Mile 921.5. The work will be accomplished using a cutterhead dredge. Dredged material will be 800,000 cubic yards.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The Memphis District has requested Section 401 Water Quality Certification from the Kentucky Division of Water.

AVOIDANCE, MINIMIZATION & COMPENSATION: The Corps of Engineers will only dredge the minimum amount required to maintain the authorized channel. No mitigation is proposed for this maintenance dredging project.

ENDANGERED SPECIES: This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they have submitted regarding endangered or threatened wildlife or plants or their critical habitat will be considered in our evaluation of the described work.

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.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The Memphis District has submitted a request for Section 401 Water Quality Certification to the Kentucky Division of Water.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use). Participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

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

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. 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
Regulatory Division
ATTN: Benjamin Pitcock
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: benjamin.s.pitcock@usace.army.mil
Phone: (901) 544-3468
Fax: (901) 544-0211

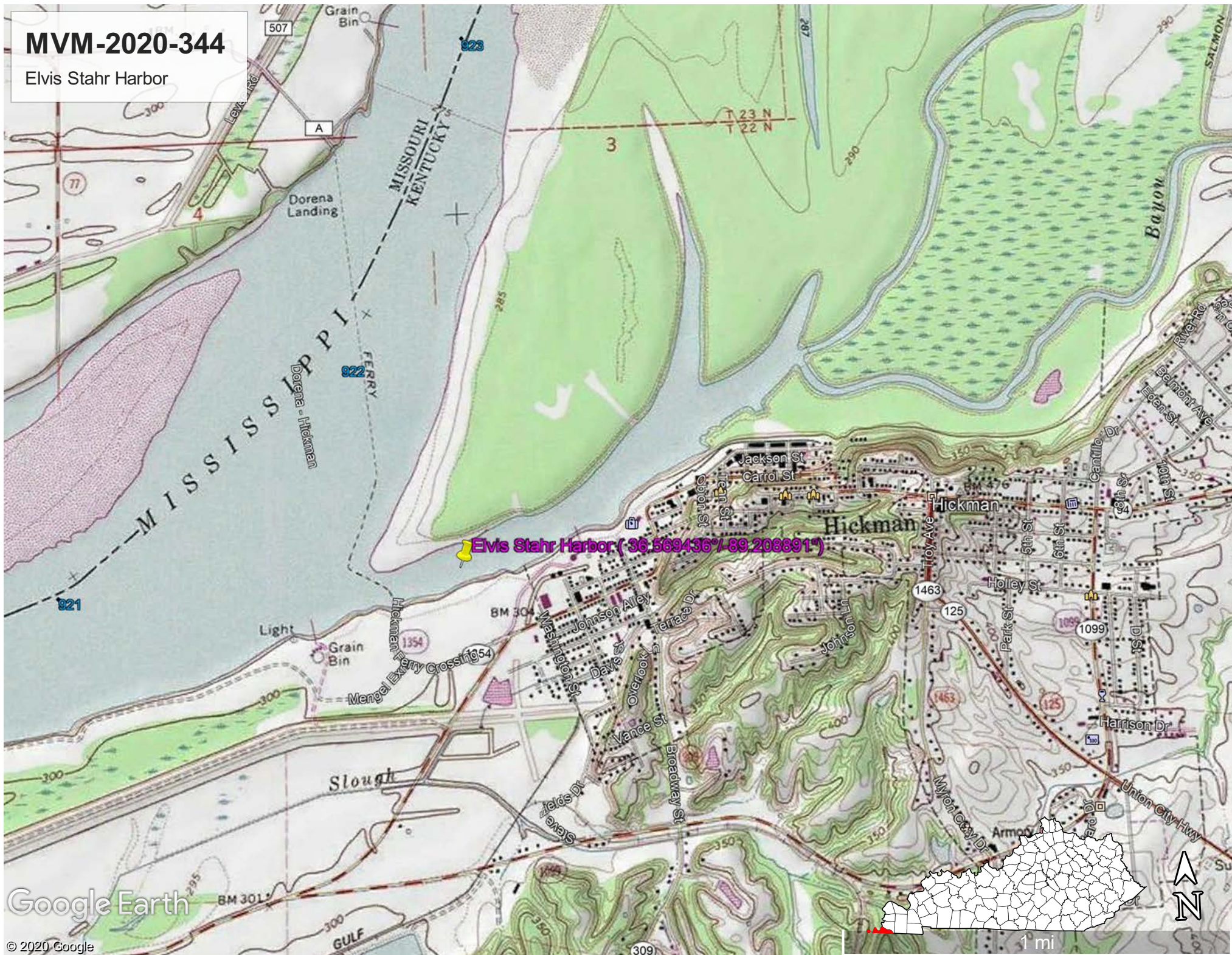
For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending 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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments

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Elvis Stahr Harbor



Google Earth

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Kentucky Maintenance Dredging

- CAIRO POINT RM 953
- PRITCHARD POINT RM 947
- WOLF ISLAND RM 934
- WOLF ISLAND LOWER RM 930
- BECKWITH BEND RM 926
- FRENCH POINT RM 915
- LESTER RM 906
- GROOMS TOW HEAD RM 896
- NEW MADRID BEND RM 889

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