

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2016-098 (RC)**

**NOTICE DATE:**  
**April 7, 2016**

Attn: Postmaster,  
Please Post Until  **EXPIRATION DATE:**  
**May 9, 2016**

**Joint Public Notice**  
**U.S. Army Corps of Engineers**  
**and**  
**Commonwealth of Kentucky**

**Authorization:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 10 of the River and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**APPLICANT:**

Mr. Greg Curlin  
Hickman-Fulton County Riverport Authority  
P. O. Box 6, 625 Catlett Street  
Hickman, Kentucky 42050  
Telephone (270) 236-2563

**PURPOSE:** To continue maintenance dredging to allow better barge access within Hickman Harbor by the removal of approximately 15,000 cubic yards of silt and sediment as needed for the life of the permit.

**LOCATION:** The project is located in Hickman Elvis Stahr Harbor, Fulton County, Kentucky, at approximate latitude 36.57185 and longitude -89.21171 on the Hickman County 7.5 minute quadrangle map.

**DESCRIPTION OF WORK:** The proposed project entails maintenance dredging in Hickman Elvis Stahr Harbor, Kentucky. Approximately 15,000 cubic yards of silt and accumulated sediment will be removed by hydraulic dredge from an area approximately 30 feet wide by 300 feet long. Dredged material will be piped to and discharged into the existing upland disposal site (shown on attachment 1). In addition to the upland disposal site, the applicant proposes to discharge to open water when the containment area becomes full. If a permit is issued, maintenance dredging could be repeated as necessary for the life of the permit.

The discharge of return water into the Mississippi River (administratively defined as a discharge of material by CFR323.2(d) and therefore regulated under Section 404 of the Clean Water Act) meets the requirements of Nationwide Permit 16 (Return Water From Upland Contained Disposal Areas), pursuant to Federal Register, Volume 77, Number 34, dated February 12, 2012.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Department of Environmental Protection, Division of Water that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all state laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

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

U.S. Coast Guard, Memphis, TN  
Environmental Protection Agency, Atlanta GA  
U.S. Fish and Wildlife Service, Frankfort, KY  
National Park Service, Albuquerque, NM

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

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. However, 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 deep water areas of the Mississippi River; however, little is known about the species' ecological and habitat requirements in the lower Mississippi River, as a result we do not anticipate them to be in a slack water harbor. There have been a few reports of the species within the Memphis District. Any comments USFWS may have regarding these species or other 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:** The Memphis District is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800. 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.

**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 get 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 not a Corps project. We are 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 OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District and the Kentucky Division of Water. 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

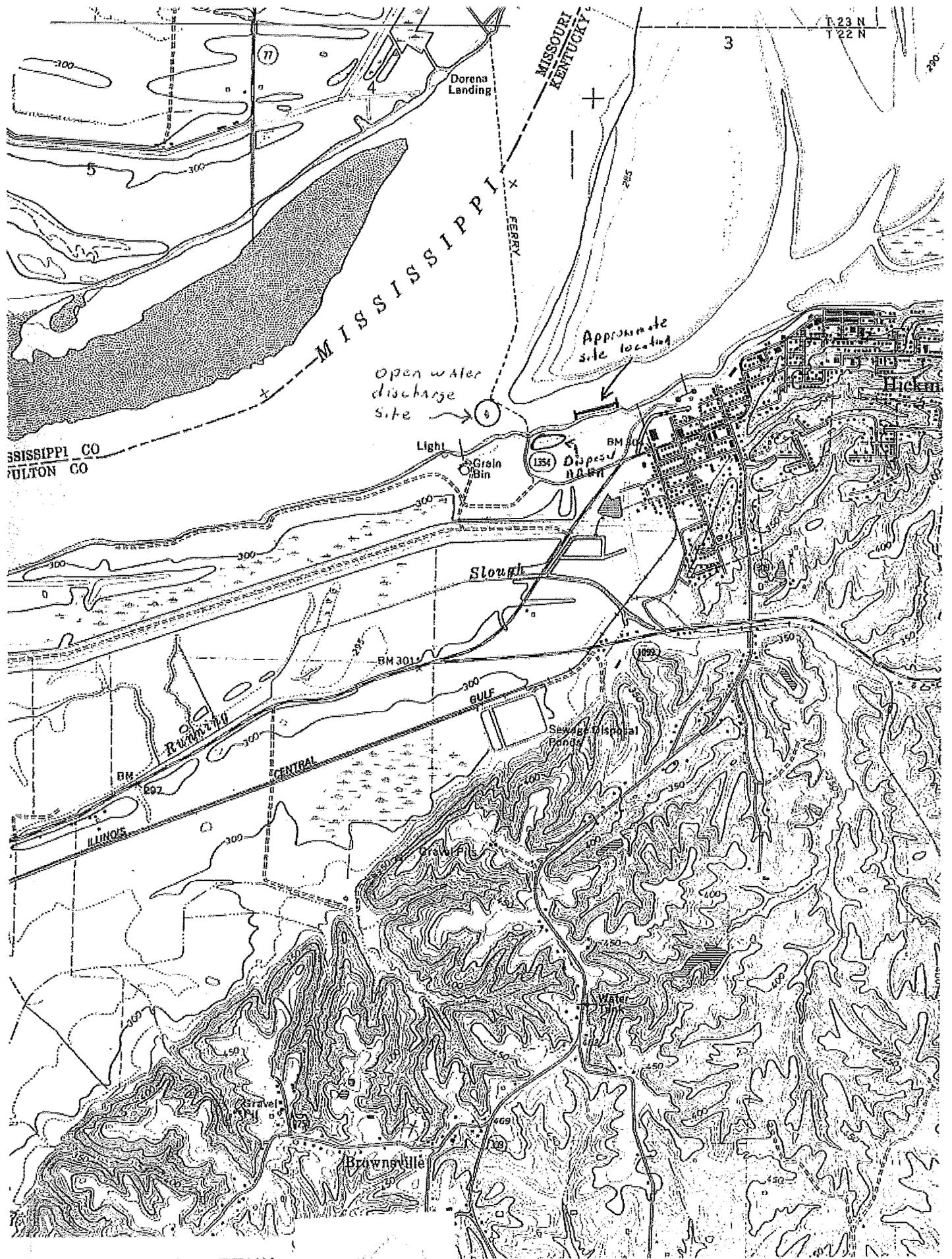
Ms. Joyce Fry  
Commonwealth of Kentucky  
Department For Environmental Protection  
Division of Water  
200 Fair Oaks Lane, 4<sup>th</sup> Floor  
Frankfort, Kentucky 40801  
(502) 564-3410

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 W. Williams  
Chief  
Regulatory Branch

Attachments



HICKMAN, KY.—MO.—TENN.

SW 1/4 HICKMAN 15' QUADRANGLE  
N3630—W8907.5/7.5

KENTUCKY  
QUADRANGLE LOCATION