



# Public Notice



## US Army Corps of Engineers

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)

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APPLICATION NO.:	RHW-MVK-2013-1035
EVALUATOR:	Ms.Ramona Warren
PHONE NO.:	(601) 631-5441
FAX NO.:	(601) 631-5459
E-MAIL:	Ramona.H.Warren@usace.army.mil
DATE:	February 28, 2014
EXPIRATION DATE:	March 21, 2014

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Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the appropriate State Agency listed below. Comments must reach these offices by the expiration date cited above.

In Arkansas, water quality comments should be directed to the Arkansas Department of Environmental Quality at 5301 Northshore Drive, North Little Rock, Arkansas 72218-5317.

A water quality certification is required in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A (93) and provisions of Section 401 of the Clean Water Act (P.L. 95 217). In Louisiana, water quality comments should be directed to the Louisiana Department of Environmental Quality, Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313. Louisiana Department of Environmental Quality has additional information on file in their office in Baton Rouge which may be inspected at any time between 8:00 a. m. and 4:30 p.m. weekdays. Copies may be obtained from the Louisiana Department of Environmental Quality upon payment of cost of printing.

In Mississippi, water quality comments should be directed to the Mississippi

Department of Environmental Quality, Office of Environmental Services, Post Office Box 10385, Jackson, Mississippi 39289-0385

**Law Requiring a Permit:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), which applies to structures or work in navigable waters of the United States, and Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

**Name of Applicant:**

Patrick D. Peay  
Mississippi Limestone Corp  
Post Office Box 252  
Friars Point, Mississippi 38631

**Location of Work:** Various locations on the Mississippi River between miles 652-445 Above Head of Passes (AHP).

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to dredge sand and gravel from the Mississippi River at various locations for commercial purposes. The sand and gravel would be dredged seasonally using a dust pan hydraulic dredge. The extracted material would be screened and the waste redeposited into the Mississippi River. The sand and gravel would be barged to existing stockpiles at Friars Point, MS (river mile 652), and the Corps mat casting fields in Delta, Louisiana or Richardson Landing, Tennessee for sand only.

If authorized, the Corps would require the following special conditions:

1. A dredging plan shall be submitted to the Corps and the U.S. Fish and Wildlife Services (AR, LA, & MS), which includes locations (GPS coordinates), dredging dates, type of material to be dredged, duration, and the amount of material to be dredged in cubic yards. The plan shall be submitted two weeks prior to beginning the dredging operation.
2. If site surveys reveal interior least tern breeding activity within one-half mile of a proposed dredging location, the permittee shall not dredge between 15 May and 1 August unless otherwise approved by the Corps of Engineers in consultation with appropriate State and Federal agencies.
3. No dredging operations shall take place closer than 200 feet from the shoreline of sandbars which have an active interior least tern nesting colony.
4. The permittee shall instruct dredge crews that under no

circumstances (other than emergencies) are they permitted on an interior least tern nesting island between May 15 and August 1 or until the young have fledged.

5. If, in the process of conducting work, the permittee discovers a previously unidentified interior least tern colony at an island in the vicinity covered by this permit, the restrictions listed above shall apply to that island as well.

6. The permittee shall be prohibited from gravel dredging during the pallid sturgeon spawning season which is March 1 through June 30 of each year.

7. The permittee would be prohibited from gravel dredging any time of the year within 500 feet upstream and 500 feet downstream of a tributary confluence with the Mississippi River. At the Arkansas River and Yazoo River confluences with the Mississippi River, no dredging shall take place any time of the year within 0.5 mile upstream and 0.5 mile downstream of these confluences.

8. The permittee would be prohibited from dredging within 1,000 feet of a revetted bank.

9. The permittee would be prohibited from dredging within 1,000 feet of the lower or upper end of a revetment.

10. The permittee would be prohibited from dredging within 500 feet of the riverside edge of a dike.

11. The permittee would be prohibited from dredging between dikes within a dike field.

12. All dredging operations, including anchor systems, shall be conducted outside the buoyed navigation channel so as to maintain an unobstructed fairway for commercial barge traffic.

13. If damage to a revetment occurs as a result of work conducted in accordance with this permit, the permittee shall be required to make necessary repairs at his own expense. These repairs must meet specifications designated by the District Engineer.

14. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places would be allowed by this permit. Additional material would not be taken from a known historical or archaeological site such as an Indian Mound. If the permittee, while performing the work authorized herein, encounters a previously unidentified archaeological, historical, or other cultural resource within the area subject to Department of the Army jurisdiction, they shall immediately notify the District Engineer.

The District Engineer, in consultation with the appropriate State Historic Preservation Officer and Federally recognized Tribe, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

15. The permittee shall provide post dredging reports to the Corps of Engineers providing the following information by May 31 of each year:

- a. Total quantity of each particle size/grade mined at each site location.
- b. Dates dredged.
- c. GPS location of dredged corners and corresponding gage readings at the nearest gauge.
- d. Size of and number of dredges used.
- e. Type of dredge used.
- f. Range of water depth dredged.

Dredging and the associated discharges of material in the Mississippi River, a navigable waterway of the United States, require a Department of the Army permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties. Currently this office is coordinating with the State Historic Preservation Officer, Federally recognized Tribes, and other interested parties regarding potential effects to historic properties that could result from the proposed activity.

**Endangered Species:** Our initial finding is that the proposed work would not likely adversely affect any endangered species or their critical habitats. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

**Flood Plain:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

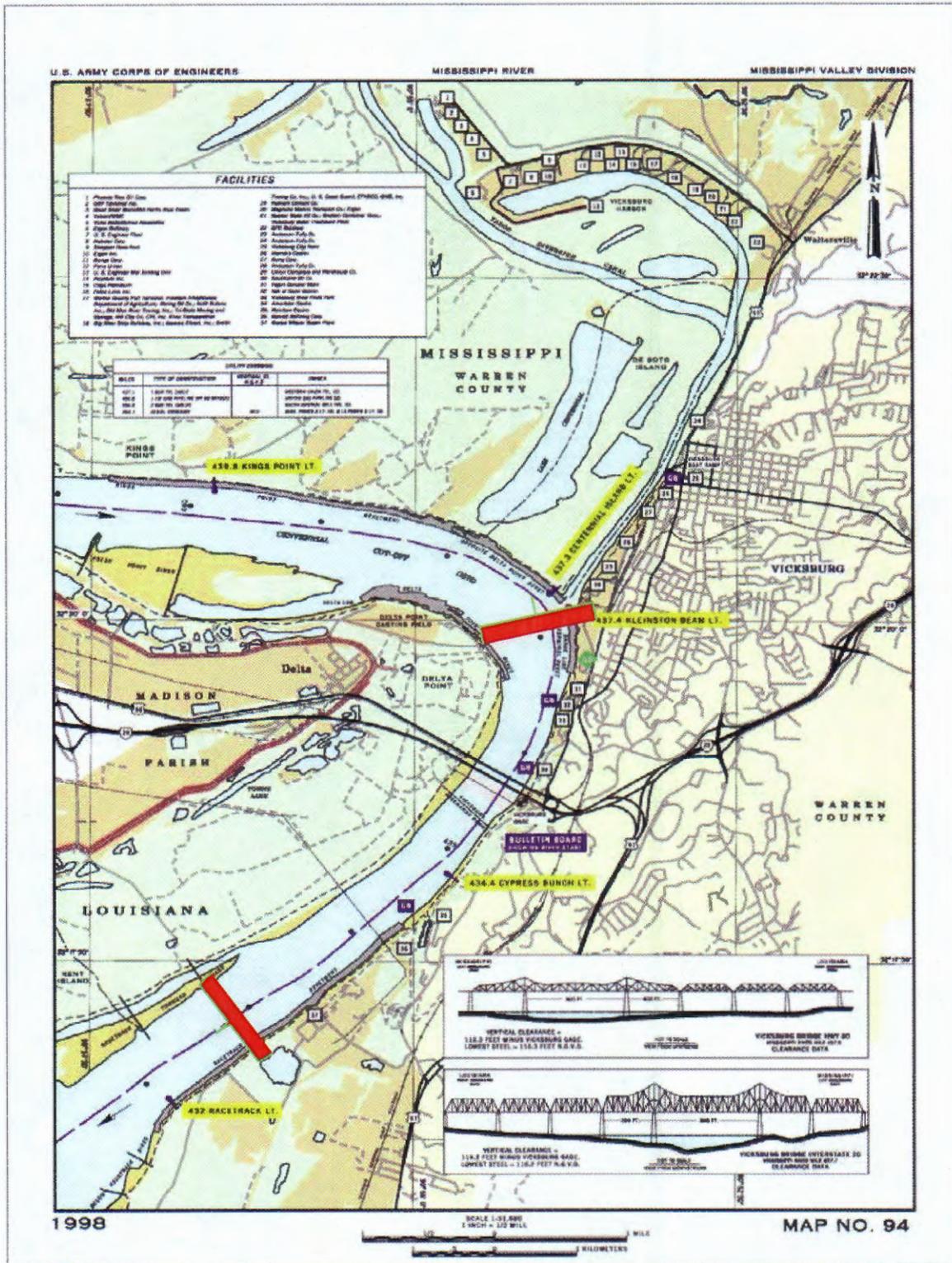
**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page:

**<http://www.mvk.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>**



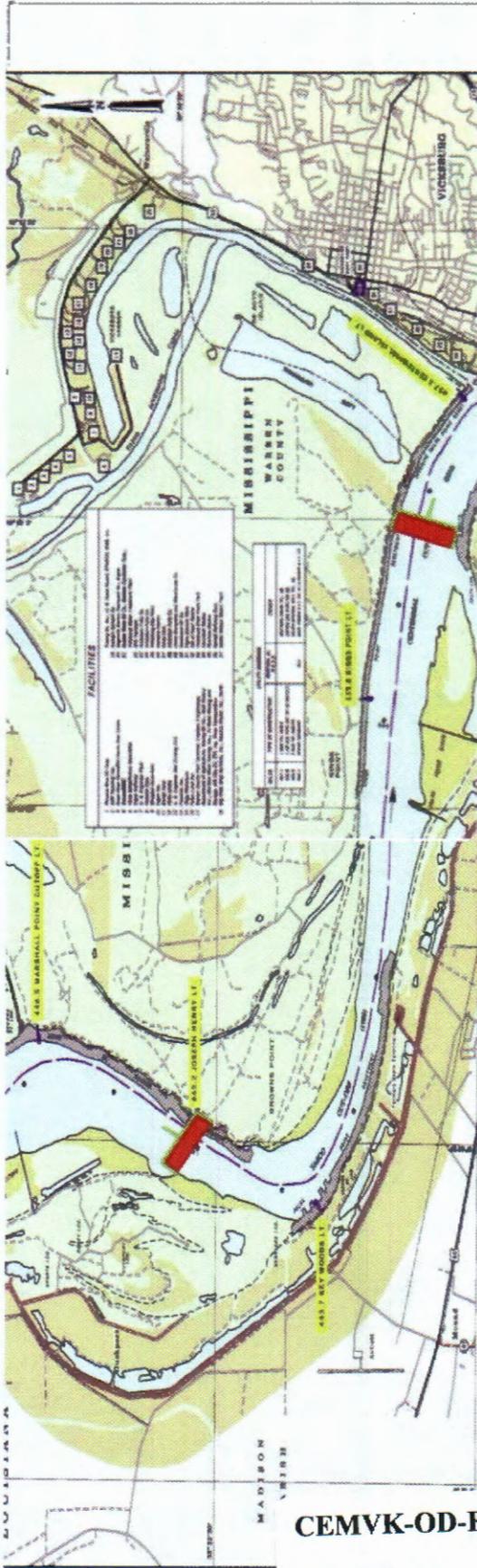
**Anne S. Woerner  
Chief, Evaluation Section  
Regulatory Branch**

# Dredge from Mile 433-thru- Mile437



CEMVK-OD-FE RHW-MVK-2013-1035  
 MR. PATRICK D. PEAY  
 MISSISSIPPI LIMESTONE CORPORATION

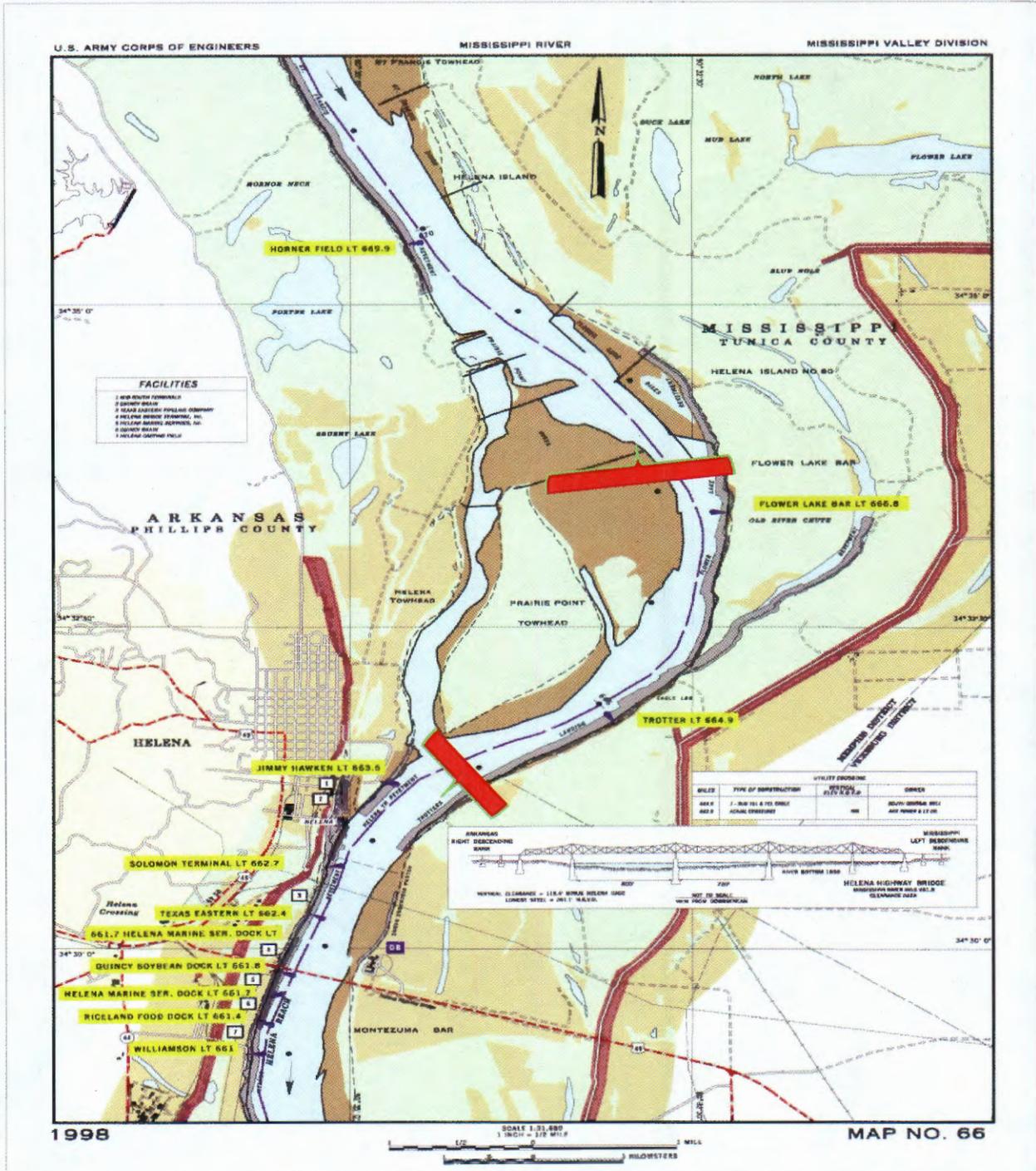
# Dredge from Mile 438-thru- Mile 445



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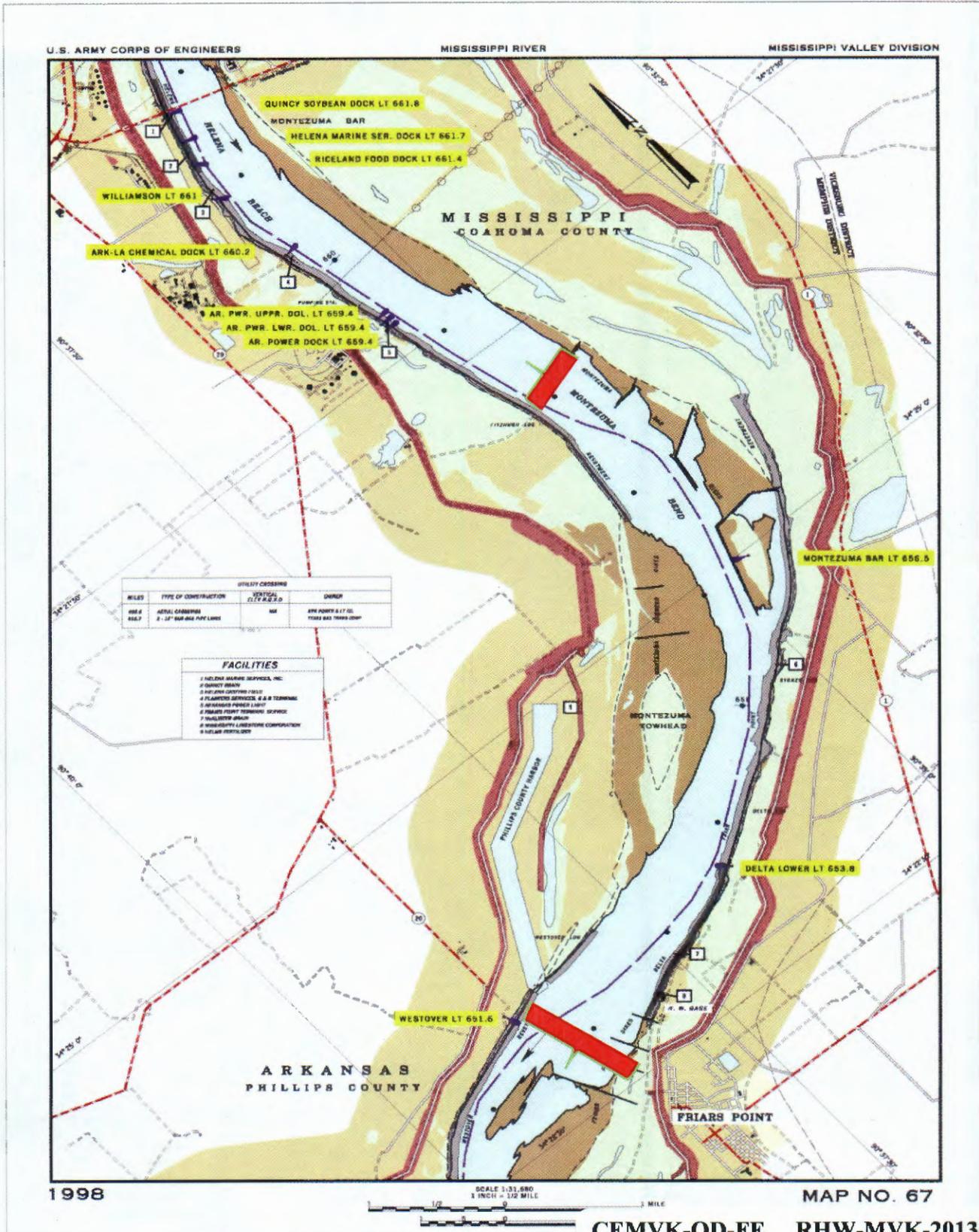
MR. PATRICK D. PEAY  
MISSISSIPPI LIMESTONE CORPORATION

# Dredge from Mile 664-thru- Mile 667



**MR. PATRICK D. PEAY**  
**MISSISSIPPI LIMESTONE CORPORATION**  
**POST OFFICE BOX 252**  
**FRIARS POINT, MISSISSIPPI 38631**

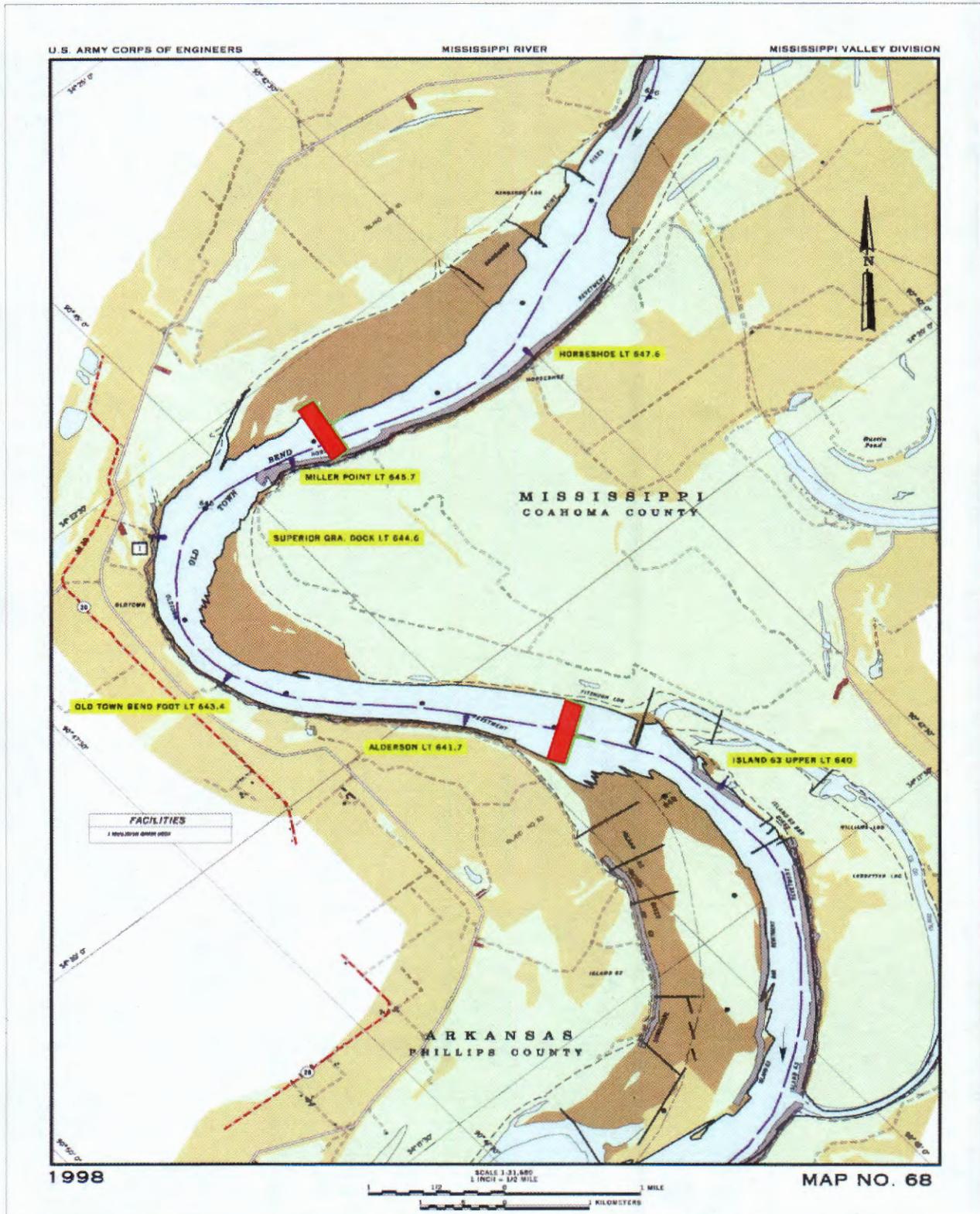
# Dredge from Mile 652-thru Mile 658



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# Dredge from Mile 641-thru- Mile 646



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