



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
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CESAM-RD-A
Regulatory Division

October 21, 2016

SPECIAL PUBLIC NOTICE
OF THE
REGIONAL GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES
WITHIN THE STATE OF ALABAMA,
LOCATED WITHIN THE REGULATORY BOUNDARIES OF THE
MOBILE DISTRICT, U.S. ARMY CORPS OF ENGINEERS

2016 ALABAMA GENERAL PERMITS:

SAM-2016-00232-SBC; ALGP-01 – EXCAVATED BOAT SLIPS
SAM-2016-00234-SBC; ALGP-02 – MAINTENANCE DREDGING
SAM-2016-00235-SBC; ALGP-03 – NEW WORK CHANNEL DREDGING
SAM-2016-00236-SBC; ALGP-04 – DEBRIS REMOVAL
SAM-2016-00237-SBC; ALGP-05 – PIERS, PILE-SUPPORTED STRUCTURES, AND DOLPHINS
SAM-2016-00239-SBC; ALGP-07 – BOAT RAMPS AND MARINE WAYS
SAM-2016-00240-SBC; ALGP-10 – LIVING SHORELINES
SAM-2016-00241-SBC; ALGP-11 – SHORELINE AND BANK STABILIZATION AND PROTECTION
SAM-2016-00243-SBC; ALGP-13 – FILLING OF PREVIOUSLY DREDGED AREAS
SAM-2016-00244-SBC; ALGP-24 – PIERS, DECKS AND PILE-SUPPORTED STRUCTURES
LOCATED IN WEEKS BAY

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the U.S. Army Corps of Engineers (USACE), Mobile District (hereinafter, Mobile District) will authorize activities via the above-listed regional general permits for minor structures and activities in waters of the United States, located within the regulatory boundaries of the Mobile District, U.S. Army Corps of Engineers. These ten regional general permits collectively make up the 2016 Alabama General Permit Program (hereinafter, ALGP-2016). These permits supersede the previous Alabama General Permits, which expired on October 1, 2016. The permits of the ALGP-2016 are authorized from October 1, 2016 to October 1, 2021. These regional general permits may be suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors.

General permits reduce the burden of the Department of the Army's regulatory program on the regulated public and ensure timely issuance of permits while effectively administering the laws and regulations that establish and govern the program. The ALGP-2016 has been authorized in an effort to eliminate unnecessary duplication of efforts between agencies and to streamline the permitting process for routine projects resulting in only minimal impacts. The activities authorized under ALGP-2016 include minor structures and activities that have minimal individual and cumulative adverse effects on the aquatic environment.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The Alabama Department of Environmental Management (ADEM) has issued a conditioned Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act (CWA), and the conditions from that WQC have been incorporated into each of the permits within the ALGP-2016. The ADEM has determined that the proposed activities, if conducted in accordance with their WQC conditions as well all other terms and conditions of the ALGP-2016, will comply with the requirements of CWA Section 401(a)(1).

ADEM has also issued a conditioned Alabama Coastal Zone Management (CZM) Program consistency determination in accordance with ADEM Administrative Code Division 335-8, and the conditions from that consistency determination have been incorporated into each of the permits of the ALGP-2016. ADEM has determined that the proposed activities, if conducted in accordance with their CZM Program conditions as well all other terms and conditions of the ALGP-2016, will comply with the requirements of ADEM Administrative Code Division 335-8.

HISTORIC PROPERTIES/CULTURAL RESOURCES: The Mobile District has determined that issuance of the permits included in the 2016 Alabama General Permit Program will have no potential to cause effects to cultural, historical, or tribal resources or properties listed in or eligible for the National Register of Historic Places (NRHP), provided that the following review procedures are followed: The Mobile District will review each Pre-Construction Notification (PCN) and make a determination of the potential effects of the proposed project on any type of cultural resources listed, or potentially eligible for listing, in the NRHP. The NRHP will be reviewed for all projects covered under the ALGP-2016. The NRHP and the Alabama Archeological Site Files will be reviewed for all proposed projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. If the Mobile District determines that the project will have any potential to cause effects to a cultural resource (i.e. determinations of “no effect,” “no adverse effect,” or “adverse effect”), the determination will be coordinated with the SHPO pursuant to requirements under Section 106 of the National Historic Preservation Act (NHPA) and 33 CFR part 325, Appendix C.

If the Mobile District determines that the project may affect historic properties to which any federally recognized Indian Tribe attaches religious and cultural significance, then (in addition to the SHPO) the Mobile District will also contact the appropriate Indian Tribe(s) in a manner suitable to initiate government-to-government consultation. The Mobile District is responsible for making the effects determination for each project, and after written notification of the determination is made to the SHPO, the Mobile District will provide the SHPO thirty (30) days to respond. In the cases of projects for which the Mobile District has made a determination that a project may affect historic tribal properties, the Mobile District will, after initiating government to government consultation, also provide the consulting Indian Tribe thirty (30) days to respond. Verifications cannot be issued until all required consultation pursuant to Section 106 of the NHPA and 33 CFR part 325, Appendix C is complete. Reference General Conditions GC-8 and GC-9 of the ALGP-2016, which pertain to cultural resource issues. Copies of this notice have been sent to the Office of the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services.

ENDANGERED SPECIES: No activity shall be authorized by the ALGP-2016 that is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, as identified

under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. The Mobile District will review each individual PCN and make a determination of the potential effect of the proposed project on threatened or endangered species, or critical habitat. No activity which "may affect" a listed species or critical habitat will be verified for coverage under these regional general permits unless consultation pursuant to Section 7 of the ESA has been completed for the project. Reference General Condition GC-7 for the ALGP-2016. Copies of this notice have been sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

ADDITIONAL INFORMATION: The prospective permittee is required to submit a PCN for their project. It is recommended to submit the PCN as early as possible, and if possible, at least 60 days prior to the planned start of their proposed project. Reviews of projects that have potential to affect cultural resources or threatened and endangered species may take longer than 60 days to complete. The PCN must include a completed **Joint Application and Notification, U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management** form. This form (commonly referred to as the Alabama Joint Application Form) can be accessed at the Mobile District, Regulatory Division's website at: www.sam.usace.army.mil/Missions/Regulatory.aspx or www.adem.alabama.gov/DeptForms/Form166.pdf.

The following information is required for a complete PCN and verification of coverage under the Alabama General Permits (unless noted as optional): An Alabama Joint Application form with all applicable portions completed, and signed by the applicant; applicant name, address, telephone number, and email address (if available); if an agent is used, all agent contact information and applicant's original signature authorizing the agent; exact location information for proposed project, including street address, latitude and longitude, and parcel number of the property; full project description, including all proposed dimensions of structures and/or activity; statement of purpose and need for project; vicinity map; overall plan view drawing of entire property and proposed project; cross-section or profile view drawing of proposed structure, or areas of dredge/fill, and names and addresses of adjoining property owners.

A copy of the ALGP-2016 can be accessed at our website at: www.sam.usace.army.mil/Portals/46/docs/regulatory/docs/AL_GPs_2016_SZ.pdf?ver=2016-10-05-112824-673, or at your request, a paper copy will be provided to you. For additional information about our Regulatory Program, please visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx.

Mobile District
U.S. Army Corps of Engineers