



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

CESAM-RD-A

Public Notice Number SAM-2013-00461-LET

May 1, 2013

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
AND  
STATE OF ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**REQUEST TO HYDRAULICALLY DREDGE 342 CUBIC YARDS OF WATERBOTTOM  
SEDIMENT TO CONSTRUCT ACCESS CHANNEL AND PROVIDE DEPTH TO  
ACCOMMODATE A COVERED THREE SLIP BOATHOUSE ON SOLDIER CREEK IN  
BALDWIN COUNTY, ALABAMA.**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403). Please communicate this information to interested parties.

**APPLICANT:** Mark Anderson  
4650 North Kain Avenue  
Tucson, Arizona 85705

**AGENT:** Hosey Environmental, LLC  
Arthur G. Hosey, Jr.  
Post Office Box 464  
Daphne, Alabama 36526

**LOCATION OF WORK:** 30587 Faires Road, Elberta, Alabama. More specifically, the project area is associated with an approximately 15 acre parcel and deeded water access located within Section 6 of Township 8 South, Range 6 East on the Orange Beach, AL 1:24,000 USGS topographic quadrangle at latitude 30.371569315° North and longitude -87.501747038° West in Baldwin County, Alabama.

**WATERWAY:** Soldier Creek and adjacent wetlands. The project is located in the Perdido Bay Alabama watershed (8-digit HUC 03140107).

**PROJECT PURPOSE:** The overall purpose of the project is to dredge a navigation channel and create sufficient water depth to accommodate construction of a private residential boathouse to be associated with an existing private residence.

**PROPOSED WORK:** The applicant proposes to construct a 19-foot by 59-foot covered boathouse containing three 11-foot by 19-foot boat mooring slips and an 11-foot by 19-foot deck on the outboard or waterward end of the boathouse structure. Approximately 188 cubic yards of sand and silt waterbottom sediment would be hydraulically dredged to a depth of -3.5 feet mean low tide (MLT) from the boathouse area to create adequate water depth to accommodate vessel mooring at the boathouse. Approximately 154 cubic yards of sand and silt waterbottom sediment would be hydraulically dredged to a depth of -3.5 feet MLT from a 320-foot long by 16-foot wide access channel between the boathouse and the main channel of Soldier Creek to accommodate vessel navigation from Soldier Creek to the boathouse structure. Current waterbottom depth in the proposed dredge area is irregular and varies from -2.0 feet to -4.5 feet at ordinary high water. The total 342 cubic yards of hydraulically dredged waterbottom material would be contained in a 50-foot by 75-foot diked disposal area in uplands on the applicant's property and return water from inside the disposal cell would be discharged to the uplands through a gated weir outfall. The berm of the upland disposal cell would be approximately 4.5 feet high and would be approximately 20 feet wide at the base and 8 feet wide at the top of berm. The disposal cell has been designed to accommodate approximately 400 cubic yards of material.

A 6-foot wide by 280-foot long piling-supported walkway would be constructed down a deeded access through forested and scrub-shrub wetlands. The walkway would have an octagonal shaped covered gazebo situated above the mean high tide line (MHT) over the forested and scrub-shrub wetlands. A 6-foot wide by 6-foot high by 54-foot long piling-supported pier would be constructed from the MHT line, across approximately 43 linear feet of emergent marsh, to the boathouse.

**AVOIDANCE & MINIMIZATION:** Impacts to wetlands have been minimized through the use of piling-supported structures to provide access from uplands to the proposed boathouse structure and through the use of uplands for the disposal of dredged material.

**MITIGATION:** The applicant has not proposed to provide mitigation for the project as there is no wetland fill associated with the activity as designed.

**WATER QUALITY & CZM:** The applicant has applied for water quality (WQ) certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency in accordance with the State's Coastal Zone Management Program. Upon completion of the required advertising, a determination relative to WQ certification and CZM consistency will be made by the Alabama Department of Environmental Management.

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this project, the potential indirect effects that may occur to historic properties as a result of this undertaking is also being considered. In addition to the State Historic Preservation Officer (SHPO), we are seeking comment from the federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the

permit area. The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which are known to exist and would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Additional notification is being furnished to the State Historic Preservation Officer via this Public Notice.

**ENDANGERED SPECIES:** Based on initial review of information provided in the project application and the U.S. Department of the Interior's list of Endangered and Threatened Wildlife and Plants, species having the potential to utilize the project area include the Florida Manatee, Wood stork, Gulf Sturgeon, and Eastern Indigo Snake. There is no listed critical habitat within the project area. The Corps has preliminarily determined the proposed activities would have "No Effect" on Federally-listed species or designated Critical Habitat. Coordination of the project with the U. S. Department of the Interior, Fish and Wildlife Service is being initiated via this Public Notice.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This project would potentially impact approximately 6,520 square feet of waterbottoms utilized by various life stages of various marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service and/or the U. S. Fish and Wildlife Service.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the proposals will be considered, including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of the proposed activities. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for these proposals. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general

**CESAM-RD-A**  
**Public Notice Number SAM-2013-00461-LET**

**May 1, 2013**

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.

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 public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this Public Notice should refer to **SAM-2013-00461-LET** and should be directed to:

District Commander, U.S. Army Engineer District, Mobile  
Attention: Regulatory Division (RD-SA)  
Post Office Box 2288  
Mobile, Alabama 36628-0001

With a copy furnished to:

Alabama Department of Environmental Management  
Mobile Branch – Coastal Section  
4171 Commanders Drive  
Mobile, Alabama 36615

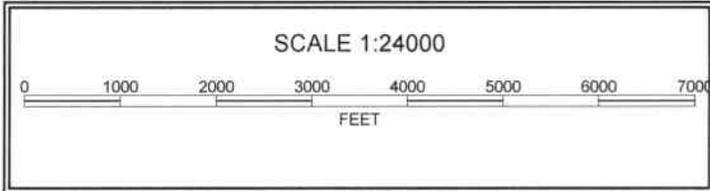
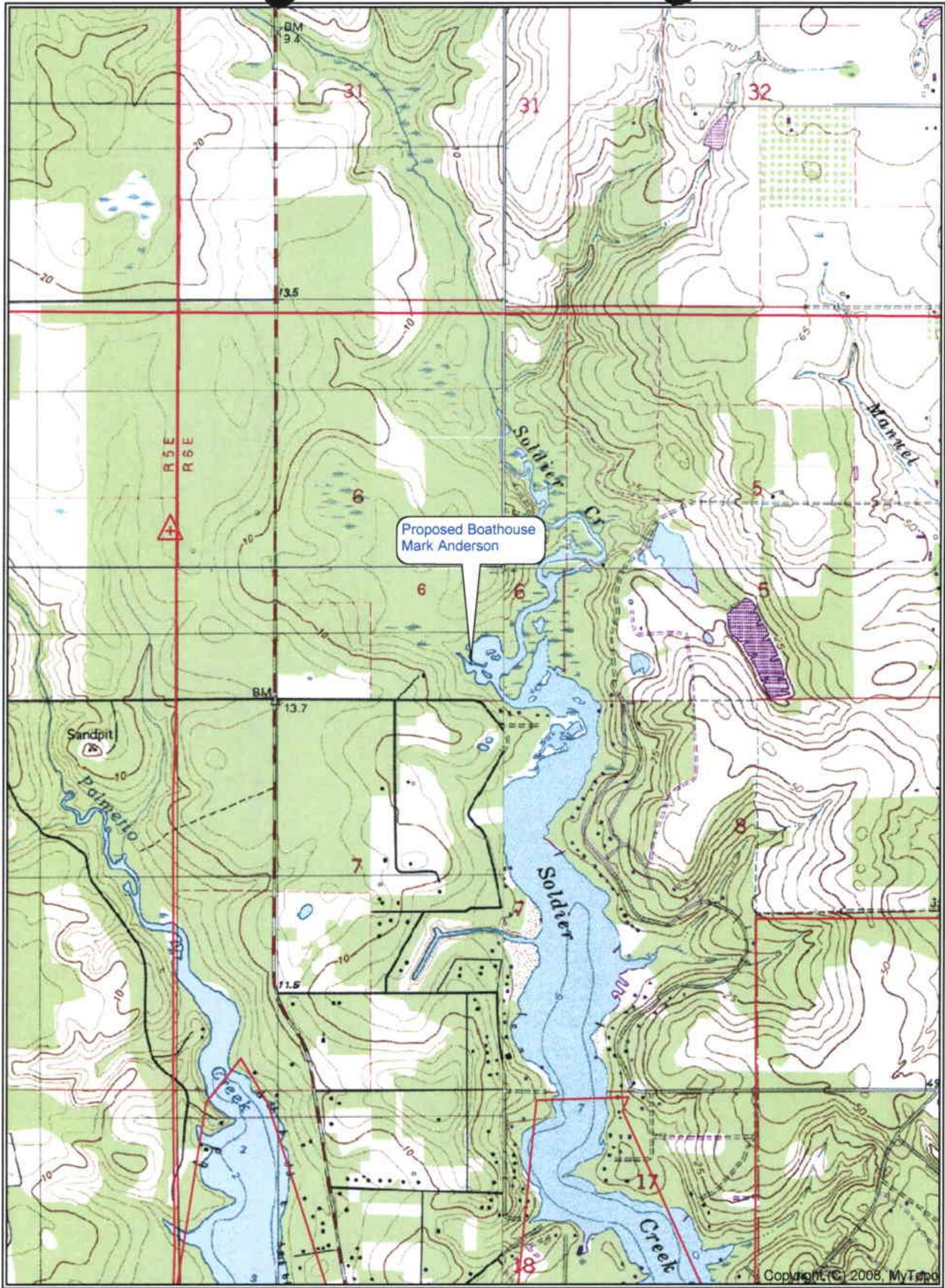
Comments should be received **no later than 30 days** from the date of this Public Notice.

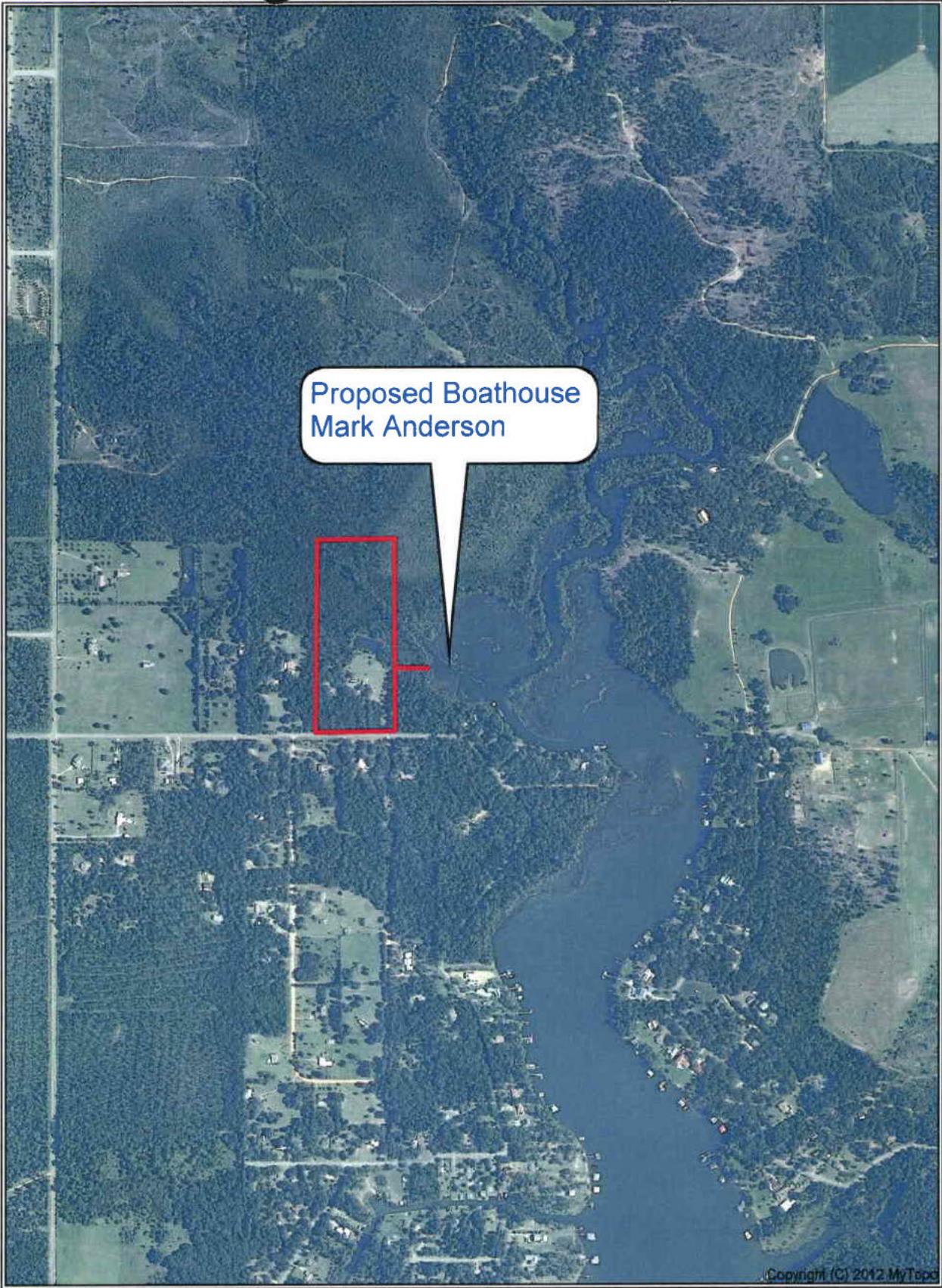
If you have any questions concerning this publication, you may contact the project manager via e-mail at [leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@usace.army.mil) or telephone number **(251) 694-3873**. Please refer to Public Notice Number SAM-2013-00461-LET.

For additional information about our Regulatory Program, please visit our web site at: **[www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx)**, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

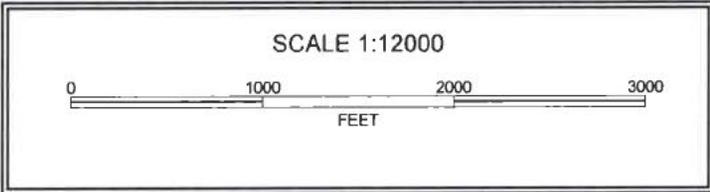
Enclosures

MOBILE DISTRICT  
U.S. Army Corps of Engineers





Proposed Boathouse  
Mark Anderson



# Anderson Property



50' x 75' Spoil Site

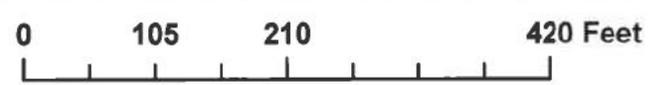
Covered Boathouse

20' Wide Riparian Easement

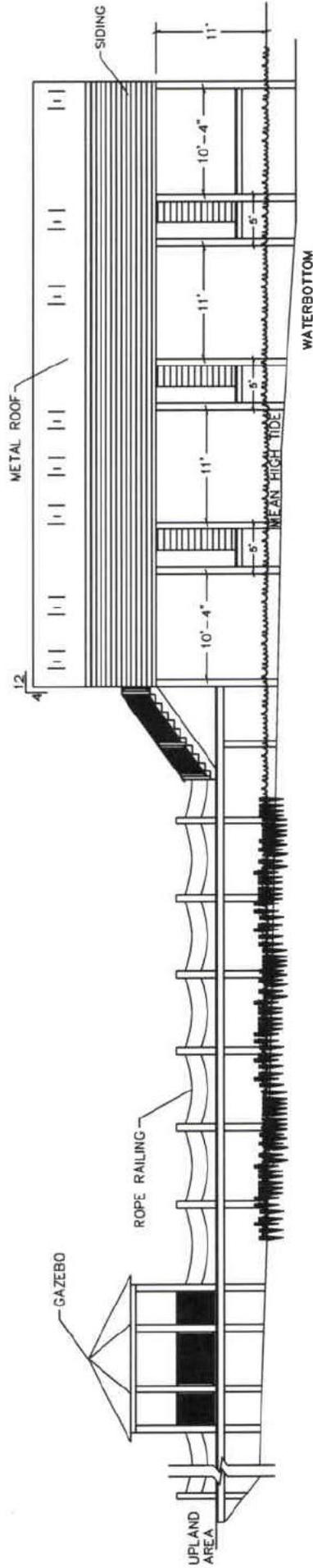
6' Wide Pier

Dredging Limits

Note: Pier and Boathouse extend into water 132' from shoreline (waterway is approximately 530' wide)





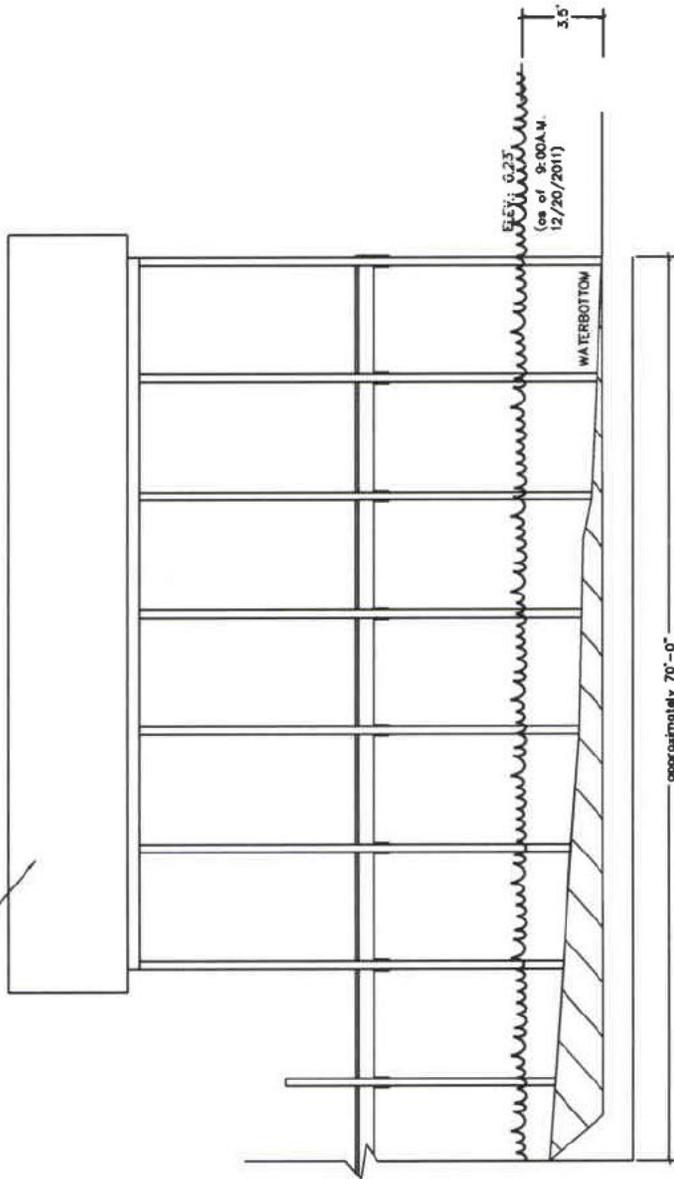


43' MARSH AREA  
PIER IS 6' WIDE AND  
MUST BE ELEVATED  
A MIN. OF 6' OVER  
MARSH AREA



<p>THIS DRAWING AND ALL OTHERS HEREON PREPARED BY MATTHEW W. INGRAM, P.E., LLC FOR SPECIFIC USE IN THIS PROJECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MATTHEW W. INGRAM, P.E., LLC. UNAUTHORIZED USE IS SUBJECT TO LEGAL ACTION AND UNDER STATE AND FEDERAL LAWS.</p>		<p>DATE: _____ DATE: _____</p>		<p>DATE: _____ DATE: _____</p>		<p>DATE: _____ DATE: _____</p>		<p>DATE: _____ DATE: _____</p>		<p>DATE: _____ DATE: _____</p>	
REVISION NO. 1	DESCRIPTION:	DATE:	BY:	REVISION NO. 2	DESCRIPTION:	DATE:	BY:	REVISION NO. 3	DESCRIPTION:	DATE:	BY:
REVISION NO. 1	DESCRIPTION:	DATE:	BY:	REVISION NO. 2	DESCRIPTION:	DATE:	BY:	REVISION NO. 3	DESCRIPTION:	DATE:	BY:
REVISION NO. 1	DESCRIPTION:	DATE:	BY:	REVISION NO. 2	DESCRIPTION:	DATE:	BY:	REVISION NO. 3	DESCRIPTION:	DATE:	BY:
REVISION NO. 1	DESCRIPTION:	DATE:	BY:	REVISION NO. 2	DESCRIPTION:	DATE:	BY:	REVISION NO. 3	DESCRIPTION:	DATE:	BY:
<p>MATTHEW W. INGRAM, P.E., LLC</p> <p>11947 JERICHO DRIVE DAPHNE, AL 36526</p> <p>TELEPHONE: 251-370-0332 EMAIL: mwi@igwi.com</p> <p>SCALE: 1" = 15'</p>				<p>ANDERSON</p> <p>PROFILE SECTION</p>				<p>DATE: 01.15.13 JOB NO. 1 DRAWING NO. 1 REVISION NO. 1</p>			

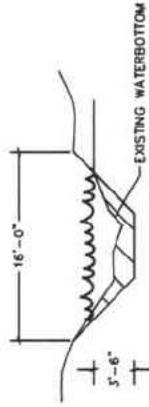
20'x60' BOATHOUSE



approximately 70'-0"

**PIER DREDGE CROSS SECTION**

SCALE:  
1" = 5' HORIZONTAL  
1" = 10' VERTICAL



**CHANNEL DREDGE CROSS SECTION**

SCALE: N.T.S.

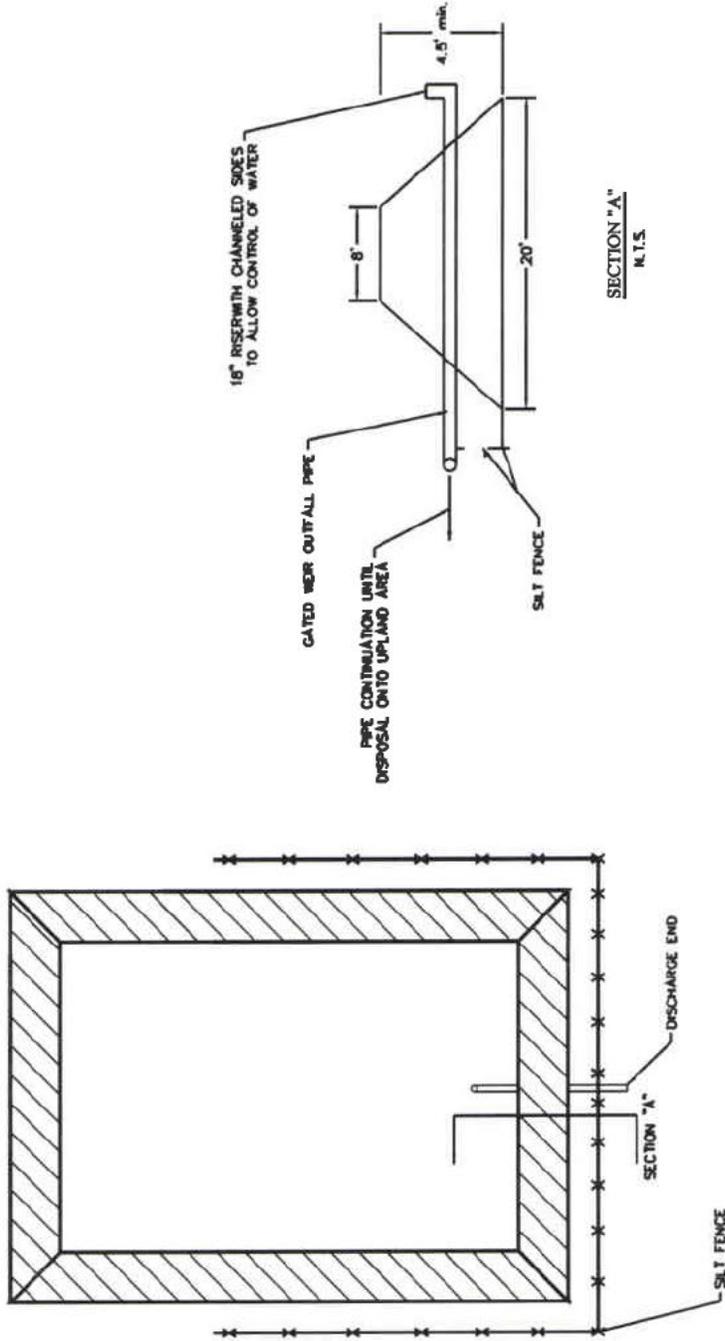


THIS SCALE ONLY FOR DIMENSIONS & SIZE SHOWN.

THIS DRAWING REPRESENTS A DESIGN PROPOSAL BY MATTHEW W. INGRAM, P.E., ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MATTHEW W. INGRAM, P.E., 11947 JERICHO DRIVE, DAPHNE, AL 36526.

REVISION NO. 1 DESCRIPTION:		DATE:	BY:	MATTHEW W. INGRAM, P.E., LLC 11947 JERICHO DRIVE DAPHNE, AL 36526 TELEPHONE: 251-370-0332 EMAIL: mwi@igpfe1.com	ANDERSON PROPERTY DREDGE CROSS SECTION
REVISION NO. 1 DESCRIPTION:		DATE:	BY:		
REVISION NO. 1 DESCRIPTION:		DATE:	BY:	DRAWN BY: MWI CHECKED BY: MWI APPROVED BY: MWI	JOB NO. 1 DRAWING NO. 1 PCS. 1 REVISION NO. 1

**FOR PERMIT PURPOSES ONLY**



**NOTES:**

1. OWNER RESPONSIBLE FOR ALL "BEST MANAGEMENT PRACTICES" DURING DREDGING OPERATIONS AND TO INSURE NO DISCHARGE OTHER THAN RETURN WATER.
2. SPOIL SITE CAPABLE OF HOLDING APPROXIMATELY 400 CUBIC YARDS OF SPOIL. OWNER/CONTRACTOR RESPONSIBLE FOR PERIODIC REMOVAL OF SPOIL SHOULD CAPACITY BE EXCEEDED.

THIS DRAWING REPRESENTS DESIGN PREPARED BY MATTHEW W. INGRAM, P.E., ALL FOR SPECIFIC USE ON THIS PROJECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING. UNAUTHORIZED USE IS SUBJECT TO LEGAL ACTION AND UNDER STATE AND FEDERAL LAWS.

REVISION NO. 1	DESCRIPTION	DATE:	BY:

**MATTHEW W. INGRAM, P.E., LLC**

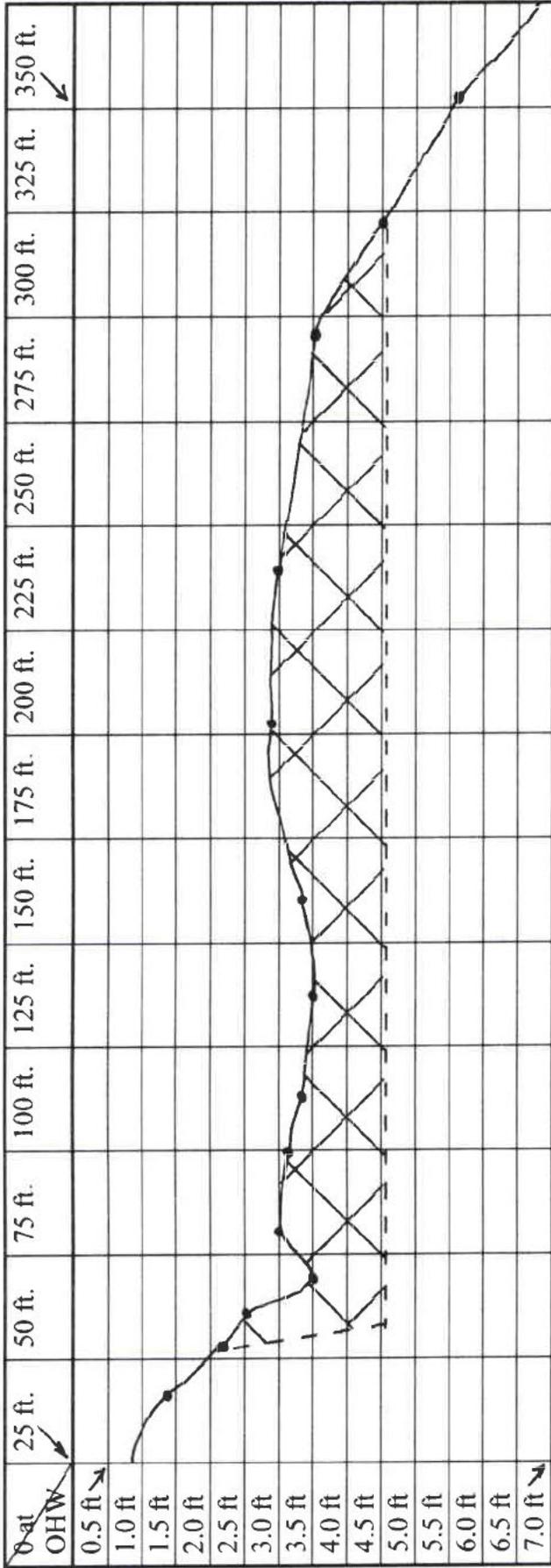
**ANDERSON PROPERTY**

11947 JERICHO DRIVE  
DAPHNE, AL 36526

TELEPHONE: 251-370-0352  
EMAIL: mat@tiffaifire.com

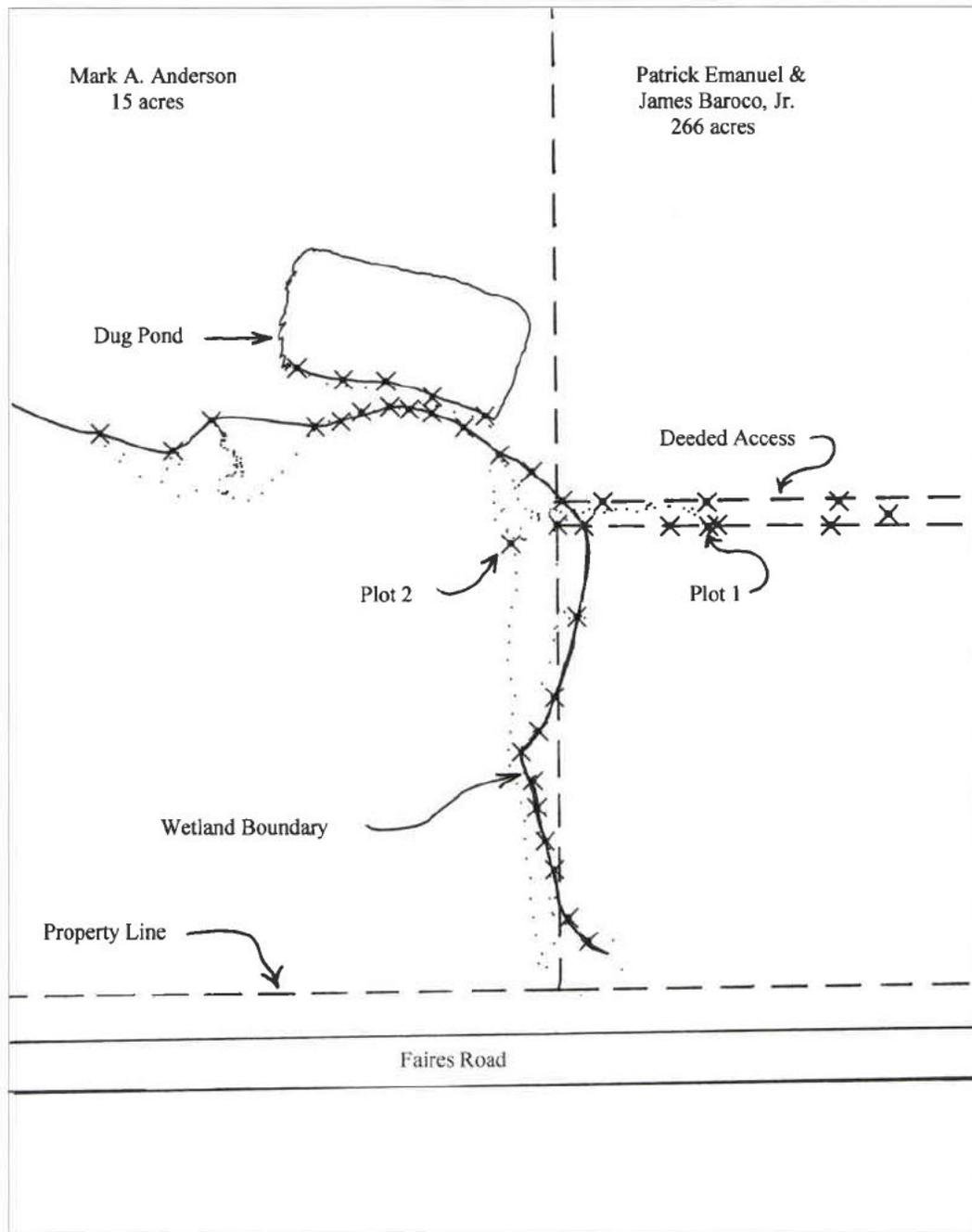
**SPOIL SITE**

SCALE: NOT TO SCALE | DRAWN BY: MJI | CHECKED BY: MJI | APPROVED BY: MJI | DATE: 11.12.12 | JOB NO. 1 | DRAWING NO. 1 | REVISION NO. 1



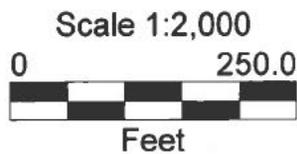
Depth Survey of the riparian area of Soldier Creek in Front of Mark Anderson's decided access.  
 Survey was taken on July 28, 2011 between 11:20 and 11:40 AM during a Mean High Tide

Area to be dredged cross-hatched



## Mark Anderson wetland delineation and deeded access

Lat/Long  
WGS 1984



Multiple Files  
4/4/2013

GPS Pathfinder<sup>®</sup> Office  
**Trimble.**