



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2015-00954-LET

September 1, 2015

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

**REQUEST FOR AUTHORIZATION TO MAINTENANCE DREDGE AN EXISTING
MAN-MADE CANAL AND BOAT BASIN AND DISCHARGE FILL TO CULVERT A
TIDAL FLUSHING DITCH, WOLF CREEK, ELBERTA, BALDWIN COUNTY,
ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: **Ralph and Shari Stagner**
Post Office Box 280
Elberta, Alabama 36530

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

WATERWAY/LOCATION: **Wolf Creek, 9494 Wilson Road, Section 12, Township 8 South, Range 4 East, Elberta, Baldwin County, Alabama; Latitude 30.362066743 North and Longitude -87.617122028 West.**

PROJECT PURPOSE: **The project purpose is to remove siltation to restore navigational access within an existing private man-made canal and boat basin and to install a pipe within the existing boat basin flushing ditch to improve tidal flushing by eliminating bank sloughing and reducing maintenance requirements. Installing the pipe will also allow the applicant to consolidate the yard, which is currently fragmented by the open flushing ditch.**

PROPOSED WORK: **The applicant proposes the mechanical maintenance dredging of an existing 40-foot wide by 348-foot long "L"-shaped private man-made canal and boat basin. The mechanical dredging would be conducted using a long reach track hoe staged from the surrounding upland property. Approximately 892 cubic yards of silty sand would be dredged to achieve a depth**

of -6 feet mean low water (MLW). The dredged material would be discharged and spread across a 150-foot by 170-foot area of the existing upland yard and a portion of an existing tidal flushing ditch that is proposed to be piped. In order to conduct the dredging as proposed, an existing 2-slip covered boat shelter within the basin would be removed and re-constructed to match existing dimensions and configuration, which consists of a 40-foot wide by 30-foot long covered, open-sided boat shelter with boat hoists, a 30-foot long by approximately 3-foot wide finger pier, a 30-foot long by approximately 4-foot wide center finger pier, and an approximately 20-foot long by 3-foot wide finger pier. Also, a new un-roofed boat slip would be constructed in the northwest corner of the canal and boat basin. The new slip would be 20 feet wide by 50 feet long and would consist of two 3-foot wide by 50-foot long finger piers and a 10-foot by 26-foot deck at the north end of the slip. The applicant also proposes to install an approximately 191-foot long, 36-inch diameter concrete pipe within an existing tidal flushing ditch between the boat basin and Wolf Creek to facilitate tidal flushing, eliminate bank erosion issues, and reduce the ditch maintenance requirements. A portion of the dredged material from maintenance dredging of the canal and boat basin would be spread over the pipe as fill and grassed to connect the portions of the upland yard that are currently separated by the open flushing ditch. Previous DA permits issued for construction of the existing canal and boat basin, bulkheads, boat shelter, and walkway structures at this site include AL89-01573-H, AL91-01700-H, and ALG99-04602-S.

AVOIDANCE AND MINIMIZATION: There are no alternatives to achieve the project purpose of restoring navigability within the canal and boat basin. No alternatives to piping of the flushing ditch have been considered.

MITIGATION: There are no jurisdictional wetlands within the permit area and the waterbottoms to be impacted are all within man-made waters features; therefore no plan for providing compensatory mitigation has been proffered for the proposed impacts.

WATER QUALITY/COASTAL ZONE MANAGEMENT: The applicant has applied for 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 certification in accordance with the Alabama Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to water quality certification and CZM consistency will be made by the Alabama Department of Environmental Management (ADEM).

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. In accordance with Appendix C of 33 CFR 325, the USACE has determined that the permit area consists of the entire undertaking in waters of the United States, which includes the footprint of the canal, boat basin, and tidal flushing channel and the footprint of the directly associated dredged material disposal area in uplands. 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. We are seeking comment from the State Historic Preservation Officer regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. 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 a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service and Division of Archeological Services.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project includes man-made estuarine substrate and water column utilized by various life stages of various marine species. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the permit area: Wood Stork, Eastern Indigo Snake, and Gopher Tortoise. Additionally, there is no designated critical habitat within the permit area. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice. Further coordination with the USFWS will be performed as determined to be appropriate.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the USACE can be based. The USACE 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 this proposed activity. Any comments received will be considered by the USACE 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. 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.

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

Correspondence concerning this notice should refer to Public Notice Number **SAM-2015-00954-LET** and should be directed to USACE, Mobile District, Regulatory Division, Attention: Ms. Leslie E. Turney, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the ADEM, Field Office Mobile – Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

All 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 at (251) 694-3873 or e-mail at leslie.e.turney@usace.army.mil. Please refer to the above Public Notice Number **SAM-2015-00954-LET**.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

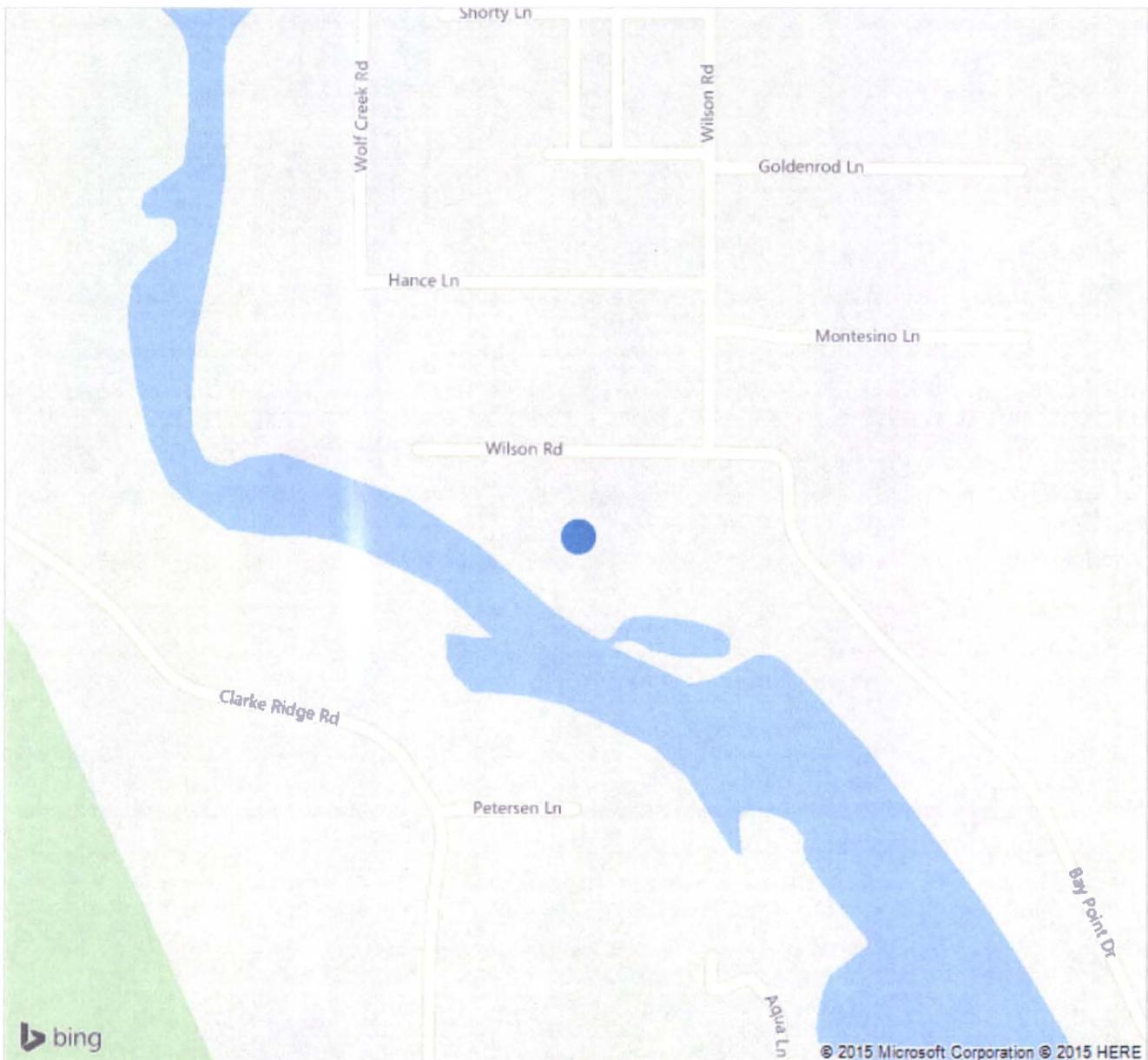
Enclosures



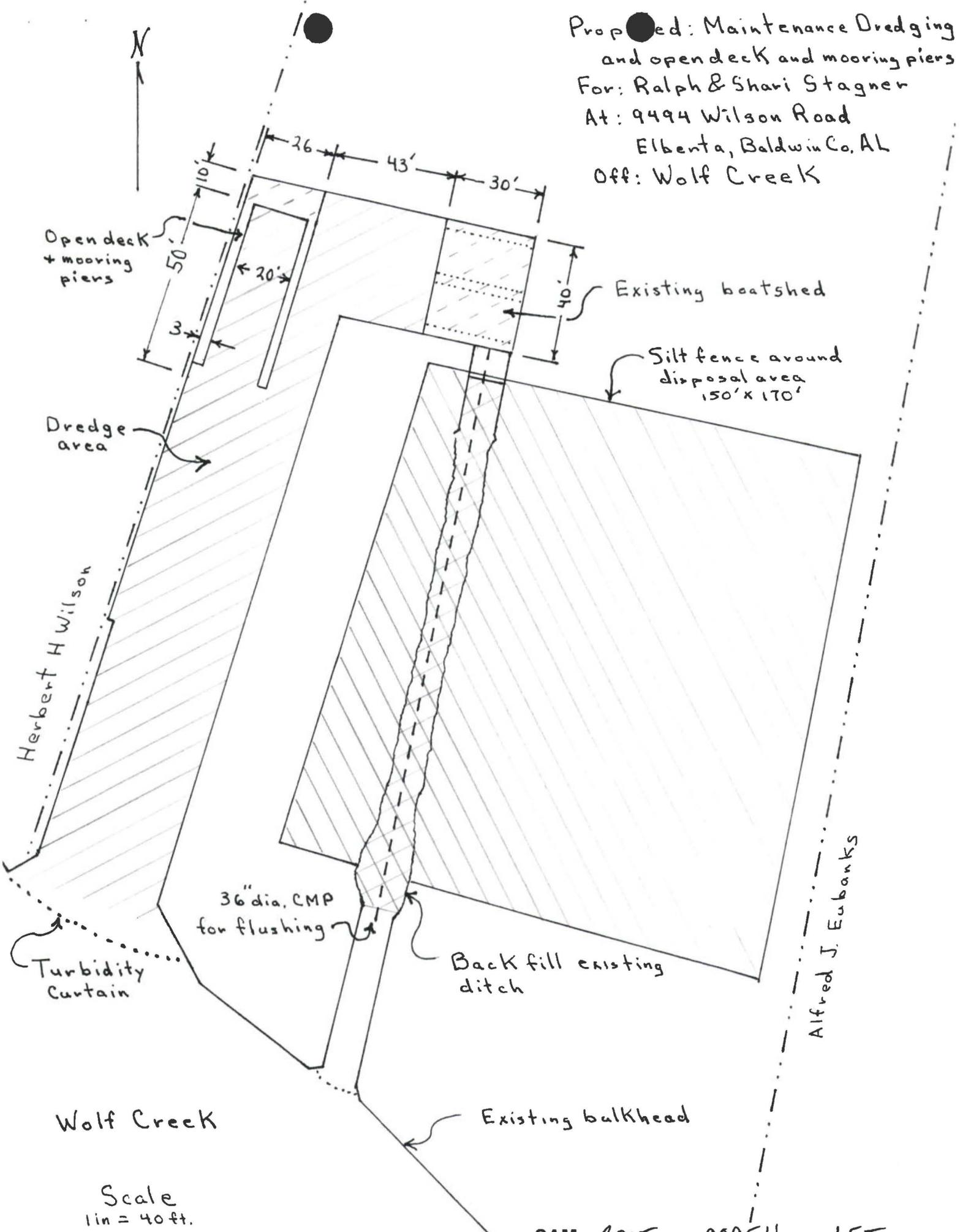
9494 Wilson Rd, Elberta, AL 36530

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On the go? Use m.bing.com to find maps, directions, businesses, and more

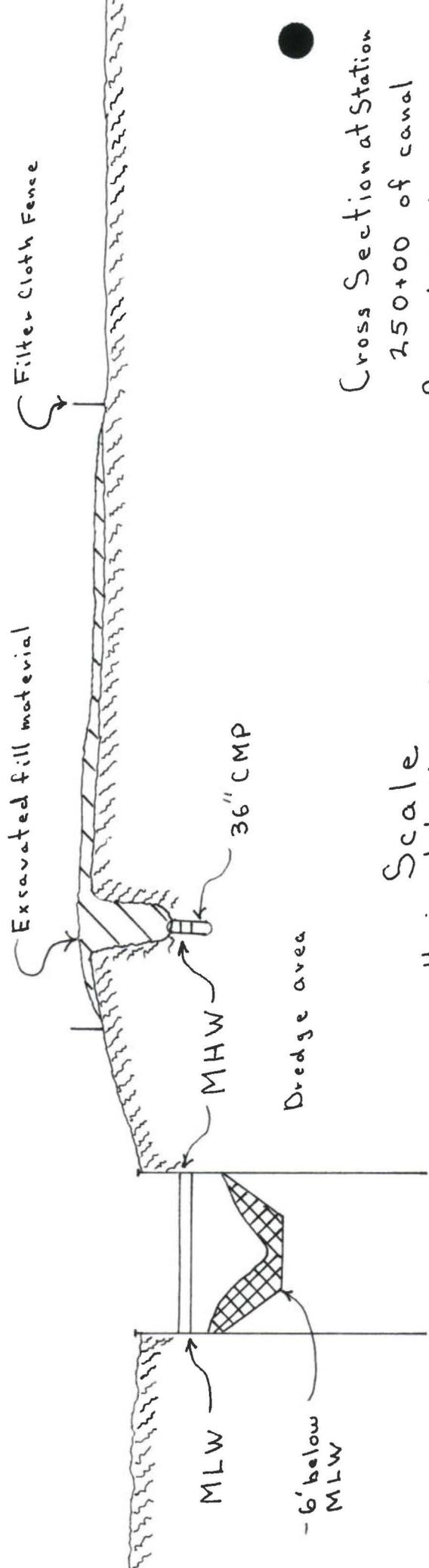


Proposed: Maintenance Dredging
 and open deck and mooring piers
 For: Ralph & Shari Stagner
 At: 9494 Wilson Road
 Elberta, Baldwin Co. AL
 Off: Wolf Creek



Scale
 1 in = 40 ft.

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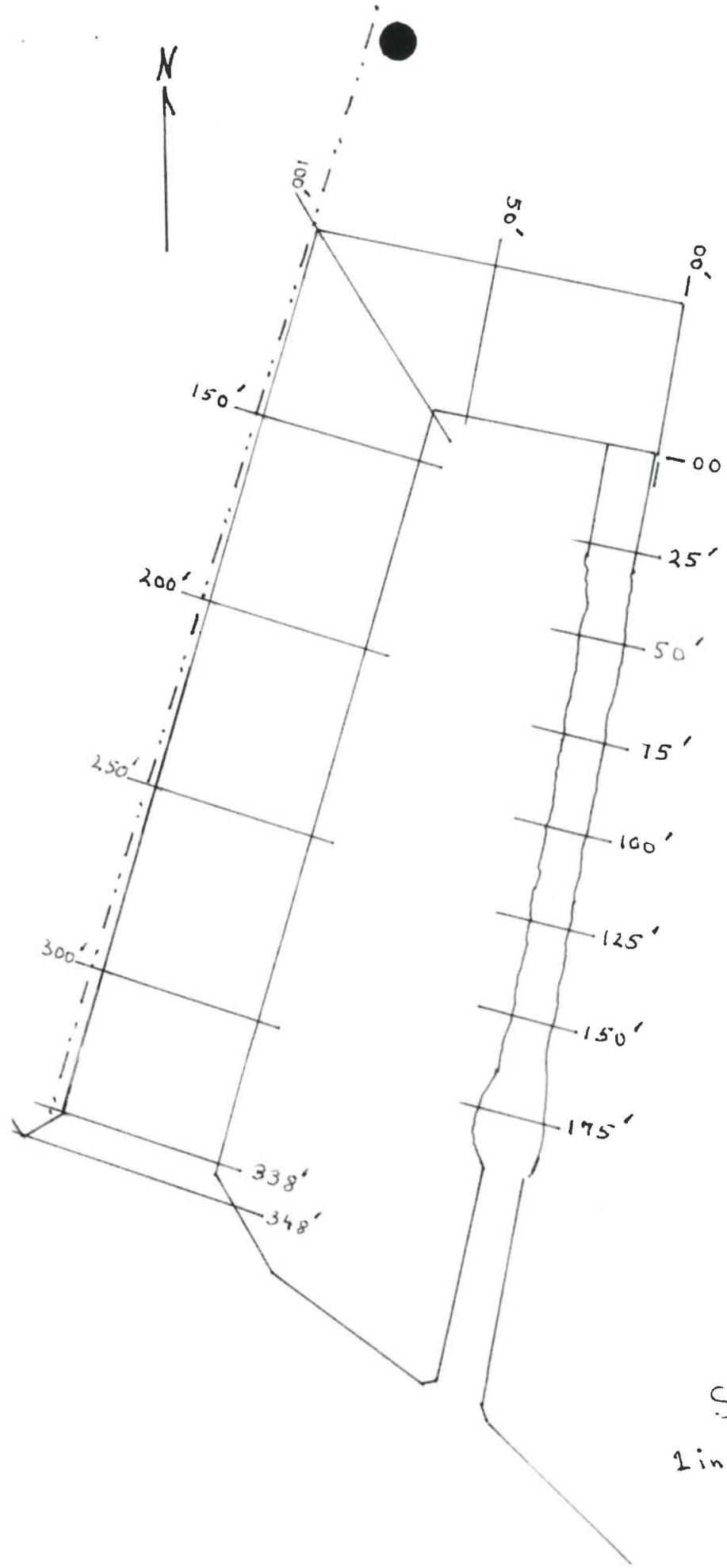


Cross Section at Station
 250+00 of canal
 Proposed: Maintenance dredge
 and fill areas
 By: Ralph & Shavi Stagner
 At: 9494 Wilson Road
 Elberta, Baldwin Co., AL
 Off: Wolf Creek

Scale
 Horizontal 1 in. = 40 ft.
 Vertical 1 in. = 10 ft.

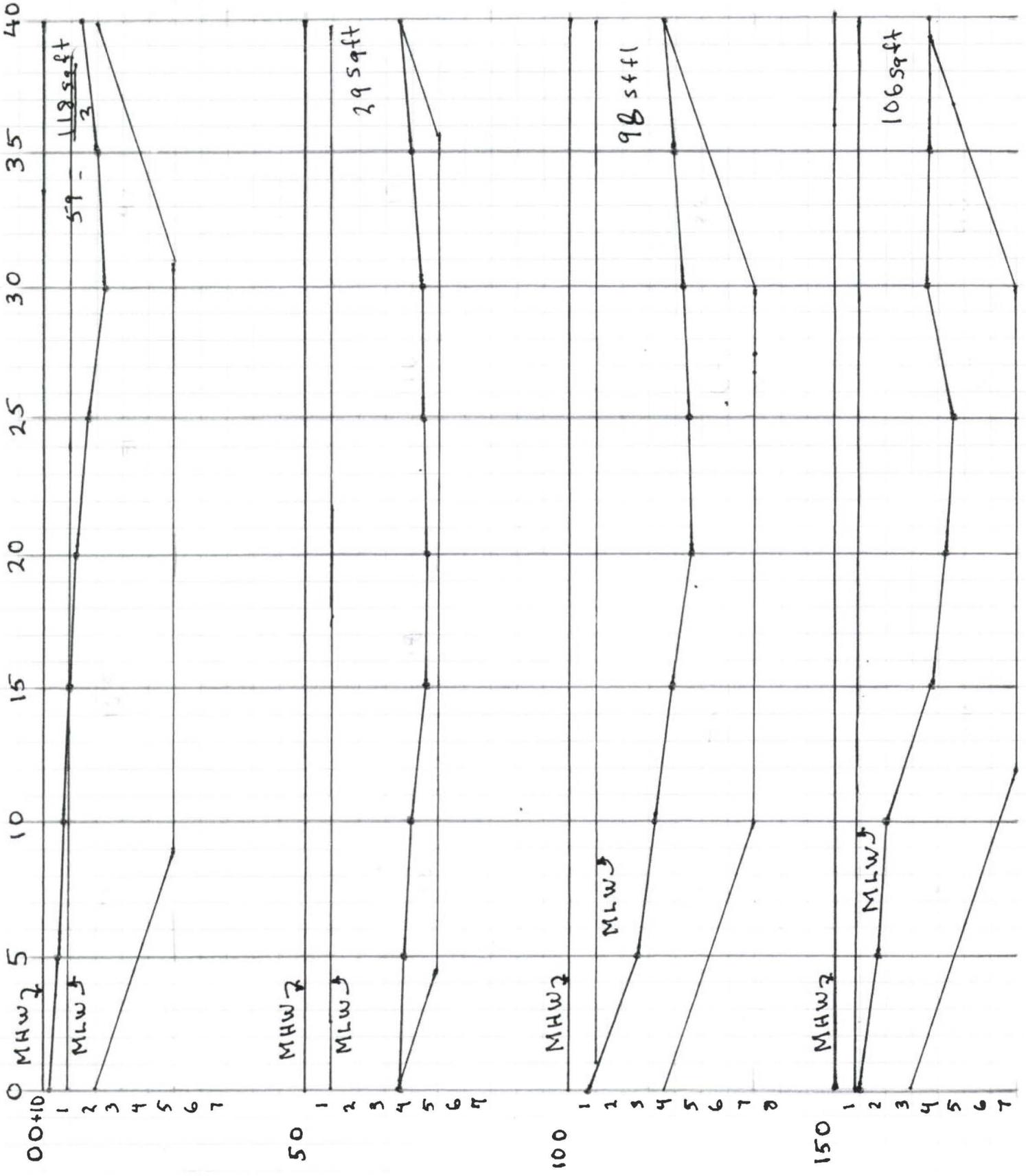
Proposed: Dredge Area
and Ditch fill Cross Section
Locations

For: Ralph + Shari Stagner
At: 9444 Wilson Road
Off: Wolf Creek



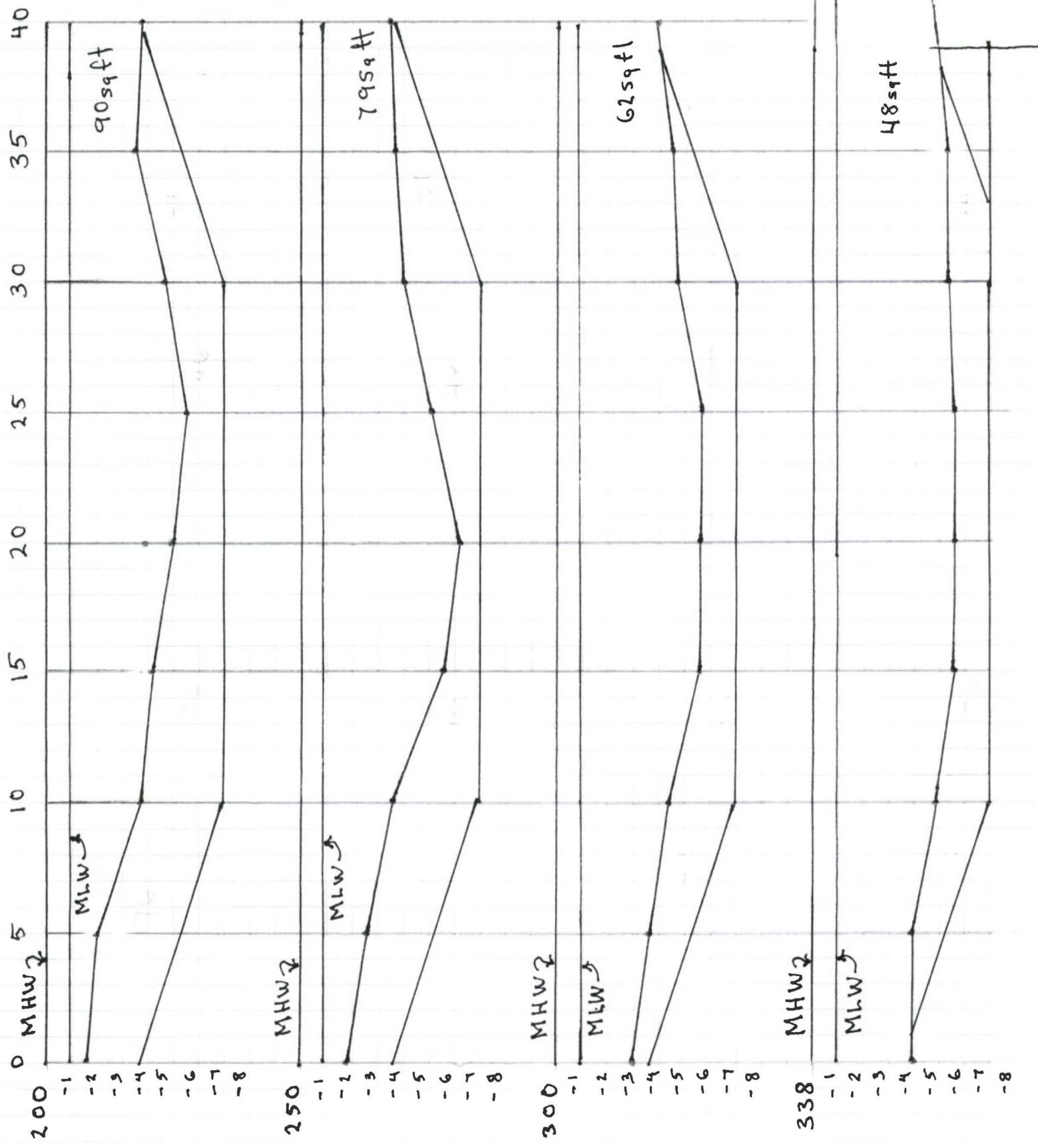
Scale
1 inch = 40 feet

Cross
Sections
Stagner
Canal



Cross
Sections
Stagner
Canal

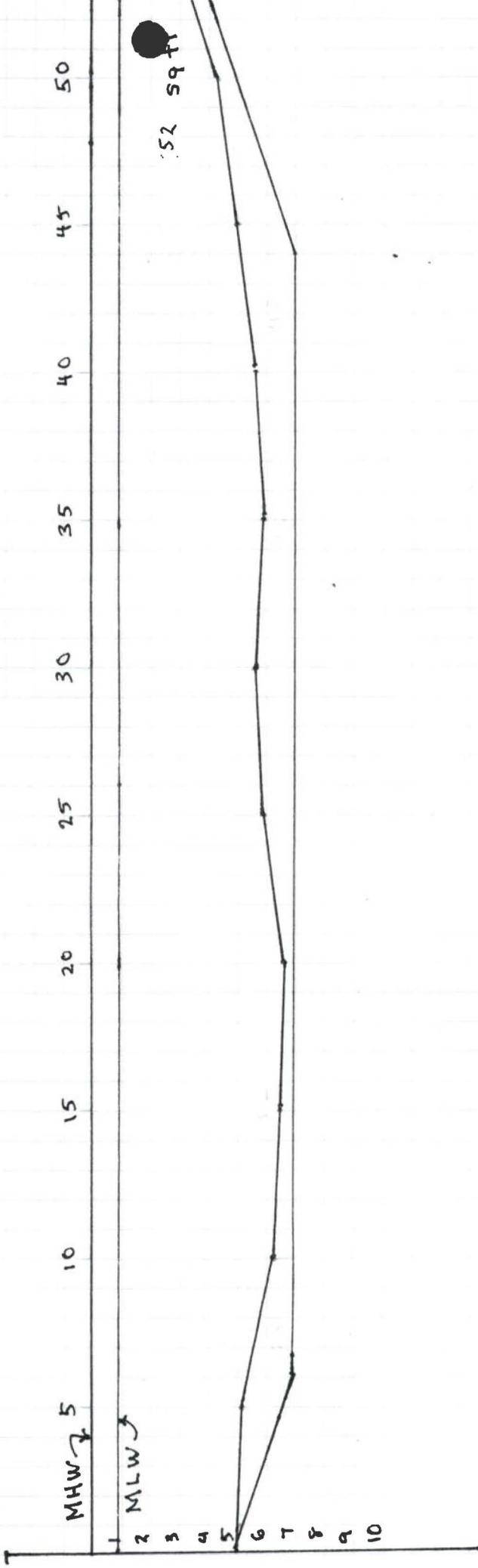
45' ↓



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Cross Sections Stagner Canal

348' end of Bulkhead on canal



10 ft off bulkhead on Wolf Creek

