



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

**CESAM-RD-C**  
**PUBLIC NOTICE NO. SAM-2007-1658-TMZ**

FEB 14 2008

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

**PROPOSED FILLING IN BAY LA LAUNCH**

**BAY DRIVE, ORANGE BEACH, 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 USC 1344) and Section 10 of the Rivers and Harbors Act. Please communicate this information to interested parties.

**APPLICANTS:** Mr. Morris C. Place Jr.  
P. O. Box 182  
Orange Beach, Alabama 36561  
(504) 452-4794

Mr. Gloyce Ard  
5144 Bay Drive  
Orange Beach, Alabama 36531  
(251) 981-4481

**WATERWAY:** Bay La Launch; 5133 and 5144 Bay Drive, Orange Beach, Baldwin County, Alabama (Section 33, Township 8 South, Range 5 East; N 30.3026489, W 87.5658943).

**WORK:** The applicants propose to discharge clean sand fill material into approximately 4000 square feet (0.09 acre) of tidal Section 10 waters of the United States (i.e., Bay La Launch) for the purpose of reclaiming land lost to progressive erosion at each of their adjacent, privately-owned properties. Per the attached drawings, hooked timber jetties will be constructed at either end of the project area, and will extend approximately 40 feet into Bay La Launch. An overcharge of clean sand (600 cubic yards) will be discharged into the area between the timber headlands as beach nourishment. It is anticipated by the applicant's consultant that this overcharge of sand will equilibrate eventually to produce a stable arcuate beach between the two headlands. The applicants have agreed to monitor site conditions for an as yet undetermined period of time to evaluate the success or failure of the project; this monitoring may include periodic elevation surveys and photographic documentation of shoreline changes. No tidal wetland or submerged aquatic vegetation occurs at the project site.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public

comment review, a determination relative to WQ certification and CZ consistency will be made by the Alabama Department of Environmental Management.

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 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 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.

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 this proposed activity. Any comments received will be considered by the Corps 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.

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.

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 effect 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 particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species.

**This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 0.10 acre of estuarine substrates utilized by various life stages of red drum, Spanish mackerel, and shrimp. 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 U.S. Department of Fish and Wildlife Service.**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1658-TMZ and should be directed to:

District Engineer  
U.S. Army Engineer District, Mobile  
Post Office Box 2288, Mobile, Alabama 36628-000  
Attention: Regulatory Division

with a copy to the:

Alabama Department of Environmental Management  
4171 Commanders Drive  
Mobile, Alabama 36615

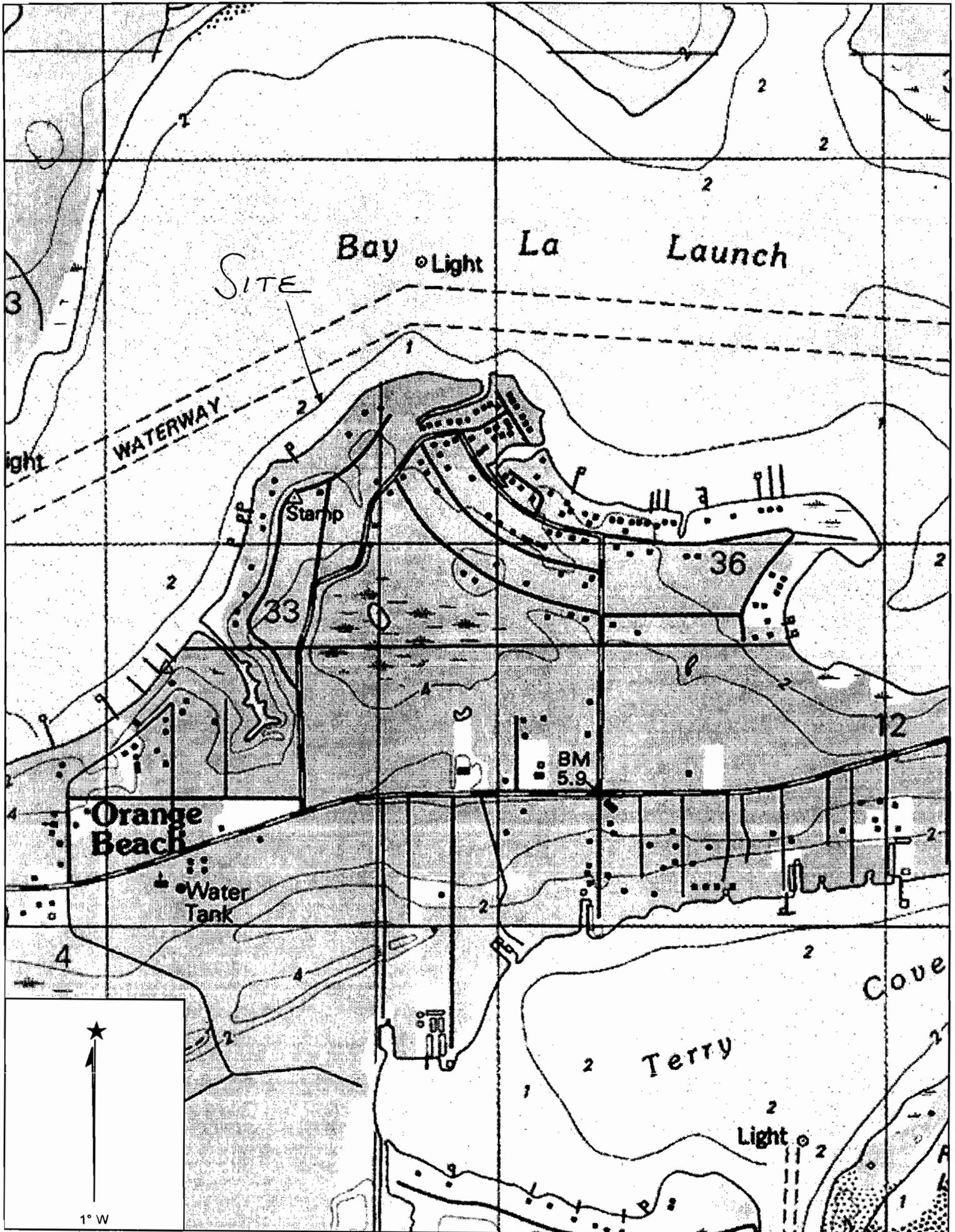
Comments should be received no later than **30 days** from the date of this Public notice.

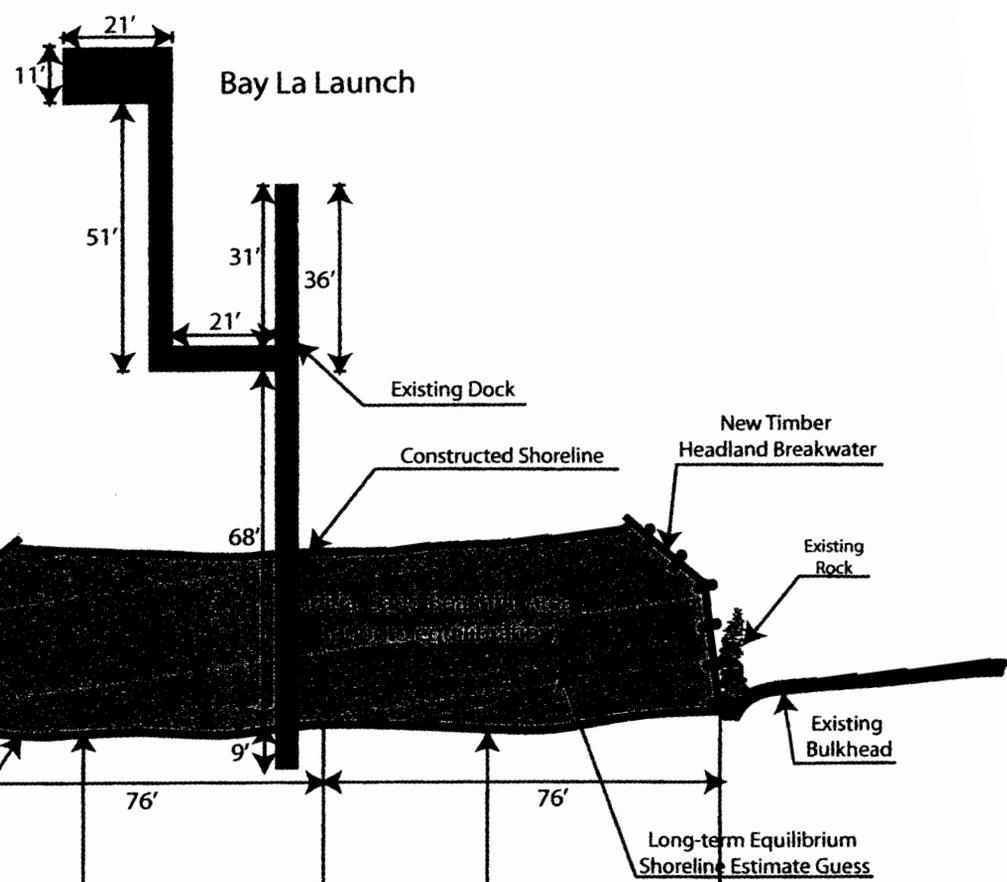
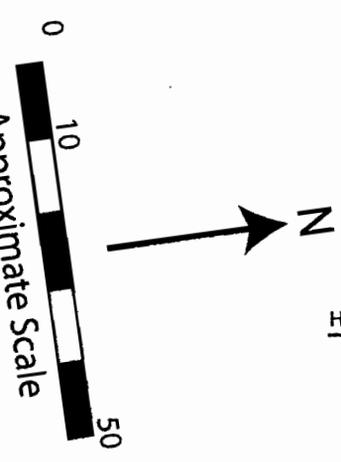
If you have any questions concerning this publication, you may contact the project manager via e-mail at [tad.m.zebryk@usace.army.mil](mailto:tad.m.zebryk@usace.army.mil) or telephone number **(251) 684-2658**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), 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.

Encls

MOBILE DISTRICT  
U.S. Army Corps of Engineer

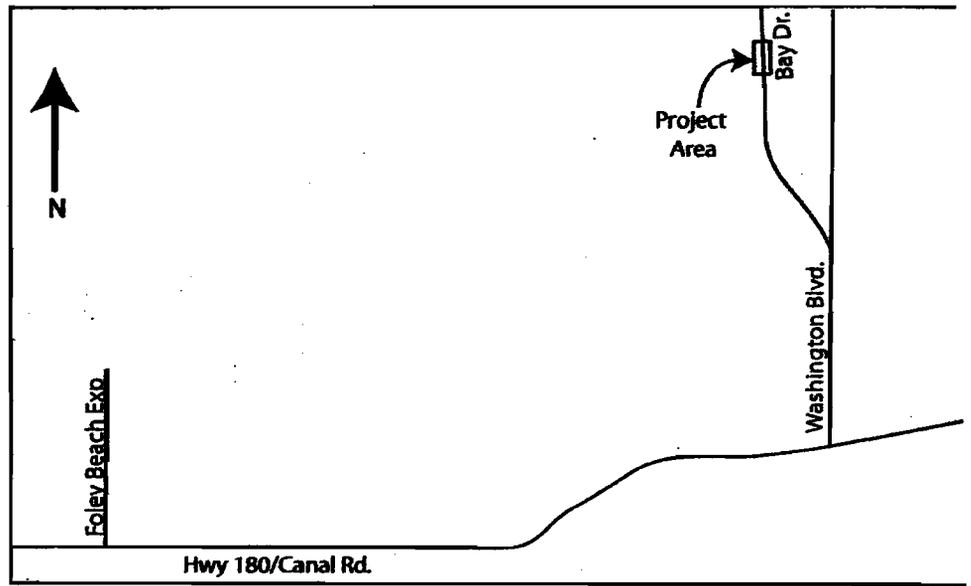




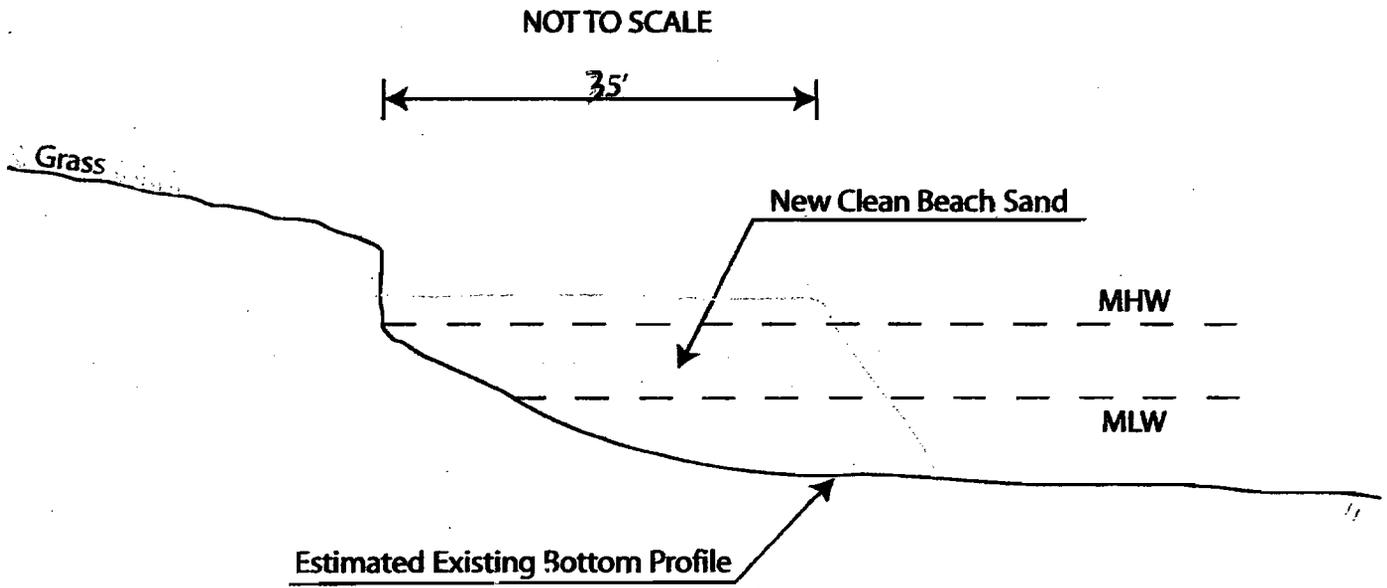
\*All Distances are Estimated

R. Adams 5115 Bay Drive  
 M. Place 5133 Bay Drive  
 G. Ard 5144 Bay Drive  
 S. Collins/E. Dean 5175 Bay Drive

Proceed east on Hwy 180 / Canal Rd. approximately 3.7 miles past the Foley Beach Expressway intersection. Turn left onto Washington Blvd. Turn left onto Bay Drive to either 5133 Bay Drive or 5144 Bay Drive, both on the left.



VICINITY MAP



M. Place 5133 Bay Dr

\*All Distances are Estimated

WaterDepths  
5133 Bay Drive and 5149 Bay Drive  
November 26 2007  
5:00PM (Low tide)

Distance seaward from property line	Inches of water depth
10 Feet	13 inches
20 Feet	15 inches
30 feet	17 inches
40 feet	19 inches
MCP 1/15/08	