



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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2008-27-TMZ

FEB 14 2008

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

PROPOSED FILLING ON FISH RIVER,

SUMMERDALE, BALDWIN COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an **AFTER-THE-FACT** 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.

CO-APPLICANTS: Mr. Charles A. Brown
14485 County Road 9
Summerdale, Alabama 36580

Mr. Gary Erdman
6753 Creel Road
Theodore, Alabama 36582

WATERWAY: FISH RIVER; Lots 45B and 46B, Harbor Road, Summerdale, Baldwin County, Alabama; Section 7, Township 7 South, Range 3 East; N 30.4431429; W -87.8081446.

UNAUTHORIZED WORK: A 50-foot-long continuous bulkhead with return walls spanning two adjacent lots on the Fish River was constructed without Department of the Army authorization. The work was performed to reclaim property frontage lost to progressive erosion over a period of years. The bulkhead extends as much as 14 feet below the mean high water elevation at the existing bank along this segment of eroded shoreline. The applicants propose to backfill behind the bulkhead with approximately 215 cubic yards of clean fill material. No wetland vegetation 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2008-27-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

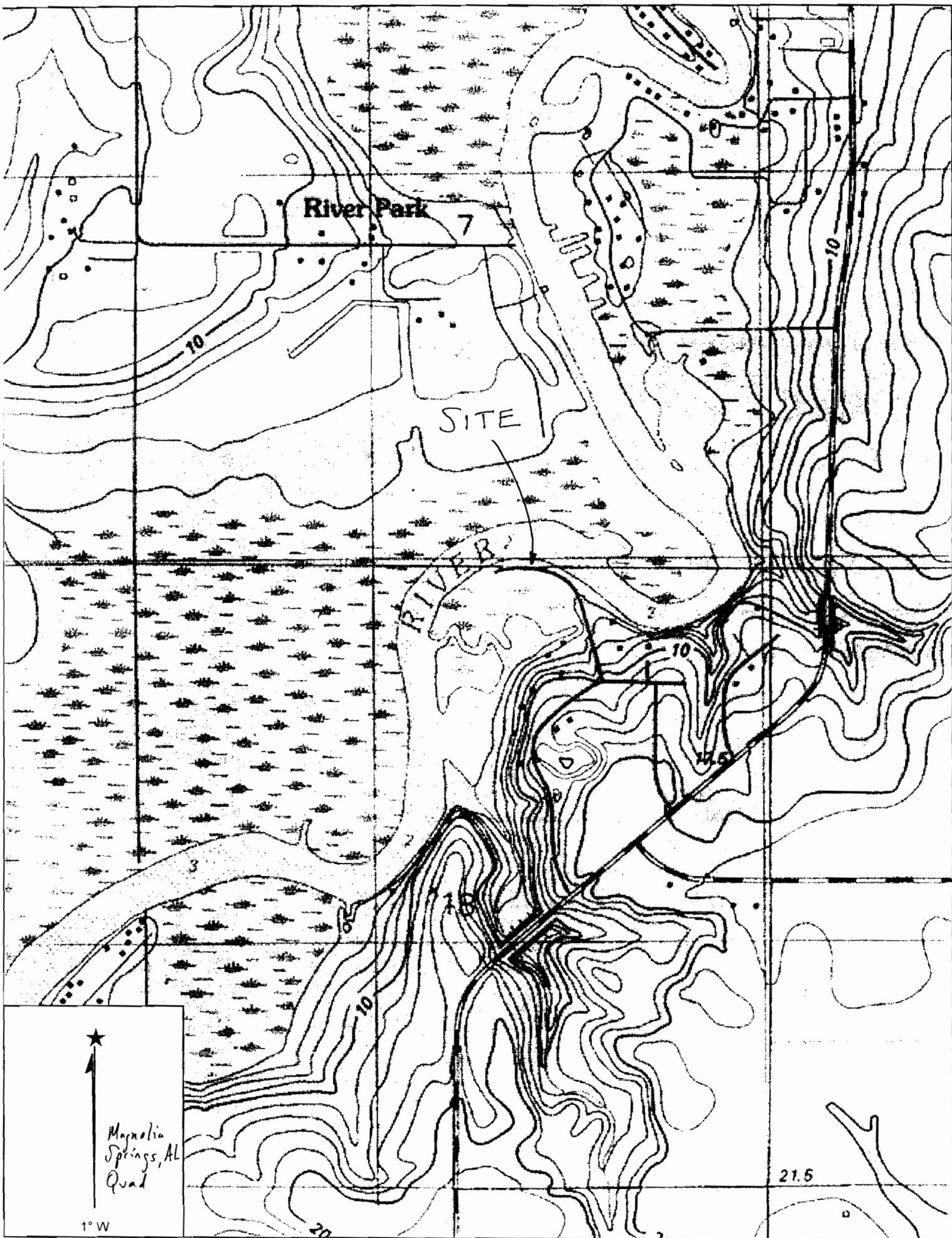
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at tad.m.zebryk@usace.army.mil 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, 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



River Park

SITE

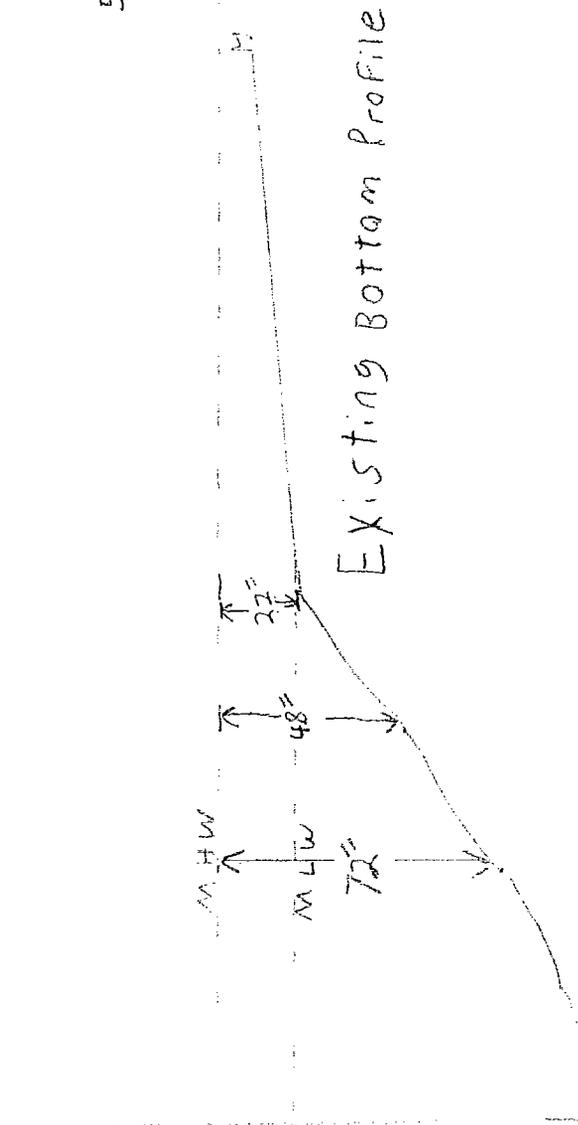
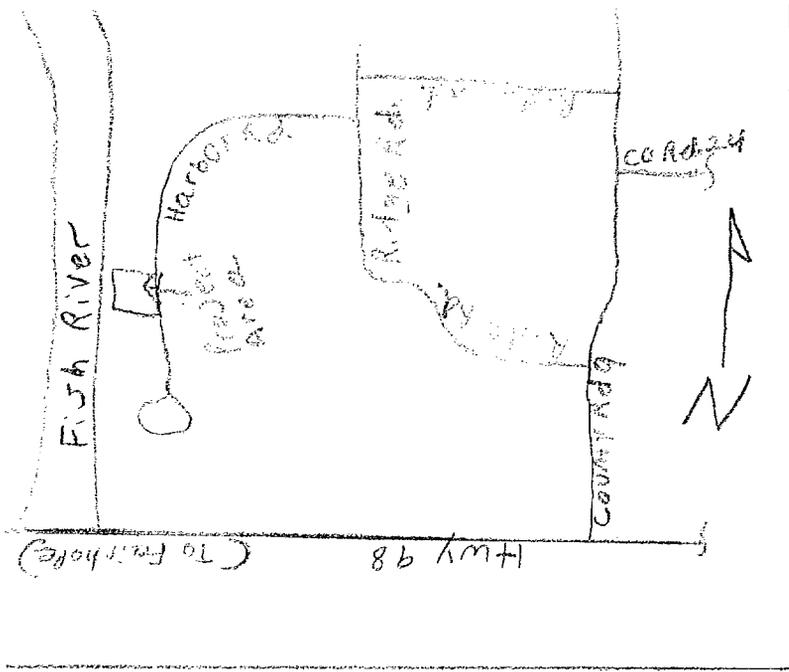
RIVER B.

Magnolia Springs, AL Quad

1° W

21.5

Directions:
 Travel east from Fairhope on hwy 98. Crossover Fish River and turn north onto County Road 9. Travel until Ridge Rd. Turn left onto Ridge Rd. Travel until Harbor Rd. Turn left onto Harbor Rd. Go around curve and the lot is on the right just before the grey dock.

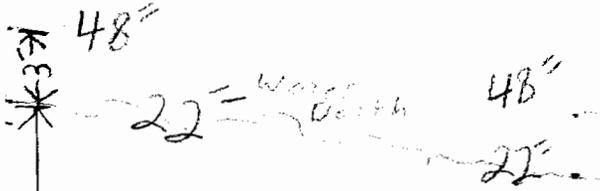


MUCH OF THE EROSION WOULD BE NEARLY IDENTICAL TO NEW BULKHEAD IS NEAR POND LEVEL.

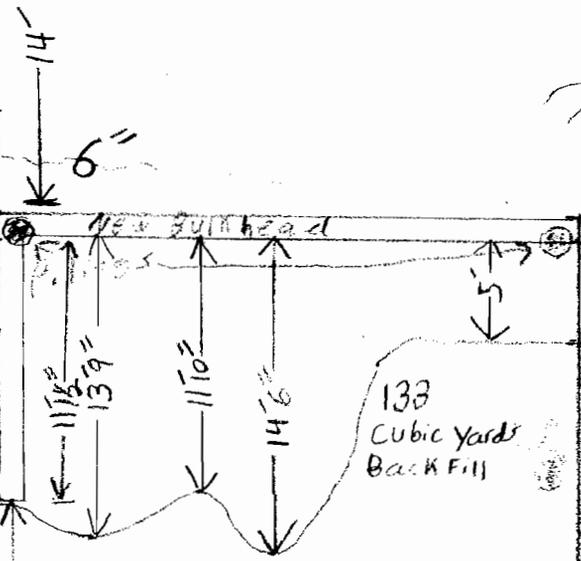
Legend -
 SECTION
 BULKHEAD
 GARY CRIDMAN
 LOT 14, 150 POND

Existing
Pier & walkway

FISH RIVER



EXISTING
Concrete
Bulkhead



133
Cubic Yards
Back Fill

Concrete Bulkhead
is collapsing allowing
construction debris to
fall into river.
New Bulkhead stabilizes
old one.

40 ft

25'

Charles Brown

Paul Harrison

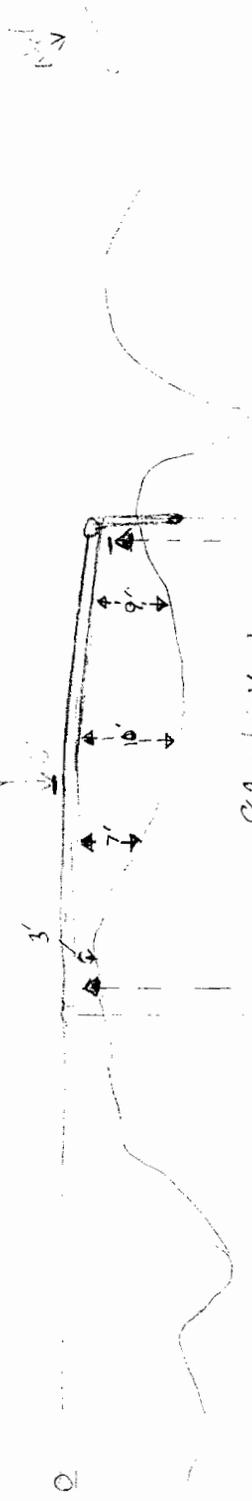
Gary Erdman

HARBOR ROAD

- Legend -
Scale 1/8" = 1'
Bulkhead location
Charles Brown
Let 46 Harrison Rd

Fish River

77 1/2"
21"
12'



82 cubic Yards
Back Fill

58'

60'

Manon McCann

Gary Erdman

Charlie Brown
25'

25'

Lot 46B 25' x 65'

Lot 45B 25' x 65'

Lot 44B 25' x 65'

Harbor Road