



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO. : SAM-2007-1656-GAC

JAN 11 2008

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

**Dredging , Wetland Fill and Placement of Bulkhead and Mooring Structures in
Conjunction with the Development and Construction of a Condominium Complex
and Associated Marina Facility on Bon Secour River, Gulf Shores, 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 River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: Jay Anthony, LLC
C/o Wayne Sturgiss
4650 Wynmeade Park
Marietta, Georgia 30067

Waterway: Bon Secour River, Baldwin County, Alabama

WORK: The applicant proposes to perform dredging, placement of fill in wetlands and placement of fill in open waters of the United States in conjunction with the development and construction of a condominium complex, associated marina, and retail space on the Bon Secour River, Gulf Shores, Baldwin County, Alabama. All activities are proposed to be conducted in accordance with the attached plans and drawings. Submerged Aquatic Vegetation and Cultural Resources surveys have been performed with negative results.

Specifically, the applicant proposes to impact approximately 0.021 acres of low quality, previously impacted and altered wetland area for the construction of roads, 0.068 acre of previously impacted and altered wetlands and 0.25 acre of open waters of the United States for the construction of condominium units. The applicant's plan avoids 95% of all wetlands located on the subject property.

The applicant has proposed mitigation for unavoidable impacts to wetland areas through avoidance of 0.46 acre of undisturbed uplands and enhancement of storm disturbed wetlands through debris removal and re-planting. The upland and wetland areas,

comprising the remaining wetlands on the site, will be placed in a conservation easement. The proposed mitigation ration for impacts is 0.6447 mitigation acres to 0.34 impact acres. The primary function of wetlands proposed for impact is stormwater conveyance.

In addition, the applicant proposes to dredge approximately 30,520 cubic yards of material from 3.78 acres of waterbottom in the Bon Secour River and install approximately 250 linear feet of new bulkhead as part of the new marina facility which is proposed to consist of 3 piers, accommodating 123 boat slips varying from 16 to 30 feet in length. The dredging work is proposed to an average depth of -5.6 feet mean lower water low water (MLLW).

The applicant is proposing one fish cleaning station in accordance with the submitted marina Operations and Maintenance Plan, and no sewage pump out facilities will be constructed. All dredged material will be placed in a diked, upland disposal area and managed in accordance with the Best Management Practices of the Alabama Department of Environmental Management.

The applicant has applied for state certification in accordance with Section 401(a)(1) of the Clean Water Act, and has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to 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 (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 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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which 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. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project will disturb approximately 3.78 acres of substrate utilized by various stages of various marine organisms. Our initial determination is that the proposed action will not have a substantial impact on EFH or federally managed fishes. 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.

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-2007-1656-GAC and should be directed to:

District Commander
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division
with a copy to the:

CESAM-RD-C-A
PUBLIC NOTICE SAM-2007-1656-GAC

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

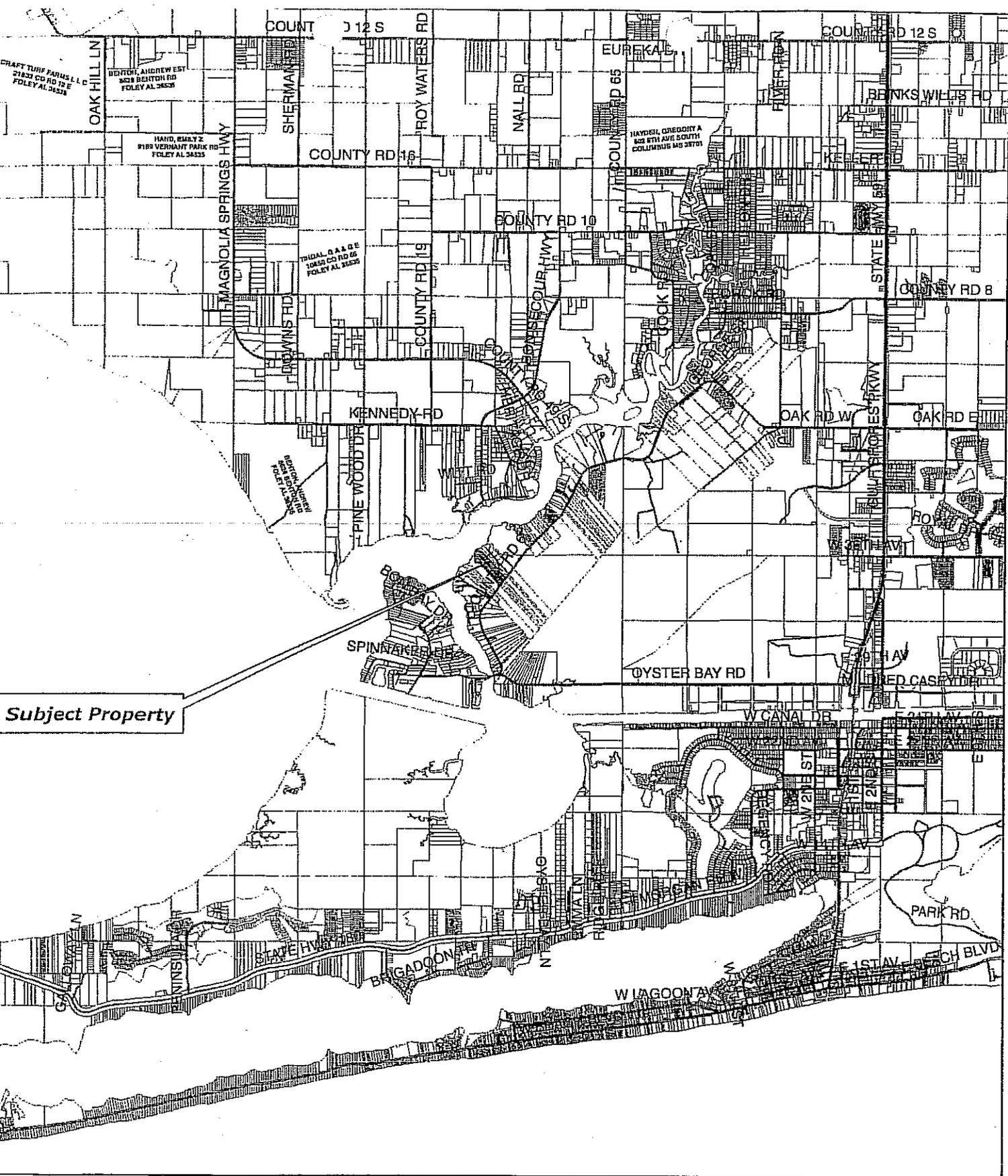
All comments must be sent in time to be received not later than 30 days from the date of this notice.

If you have any questions concerning this publication, you may contact Mr. Glen A. Cunningham at telephone number (251) 694-4077. Please refer to Public Notice Number **SAM-2007-1656-GAC**.

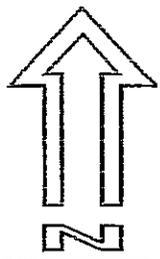
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosure



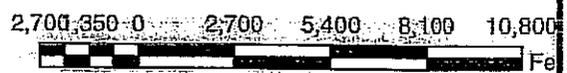
Subject Property



The River Project
Volkert Project No.
517900.12
Vicinity Map

SAM-2007-1656-GAC
 Attachment No. 1 of 8

1 inch equals 5,280 feet



VOLKERT
 ENVIRONMENTAL
 GROUP INC.

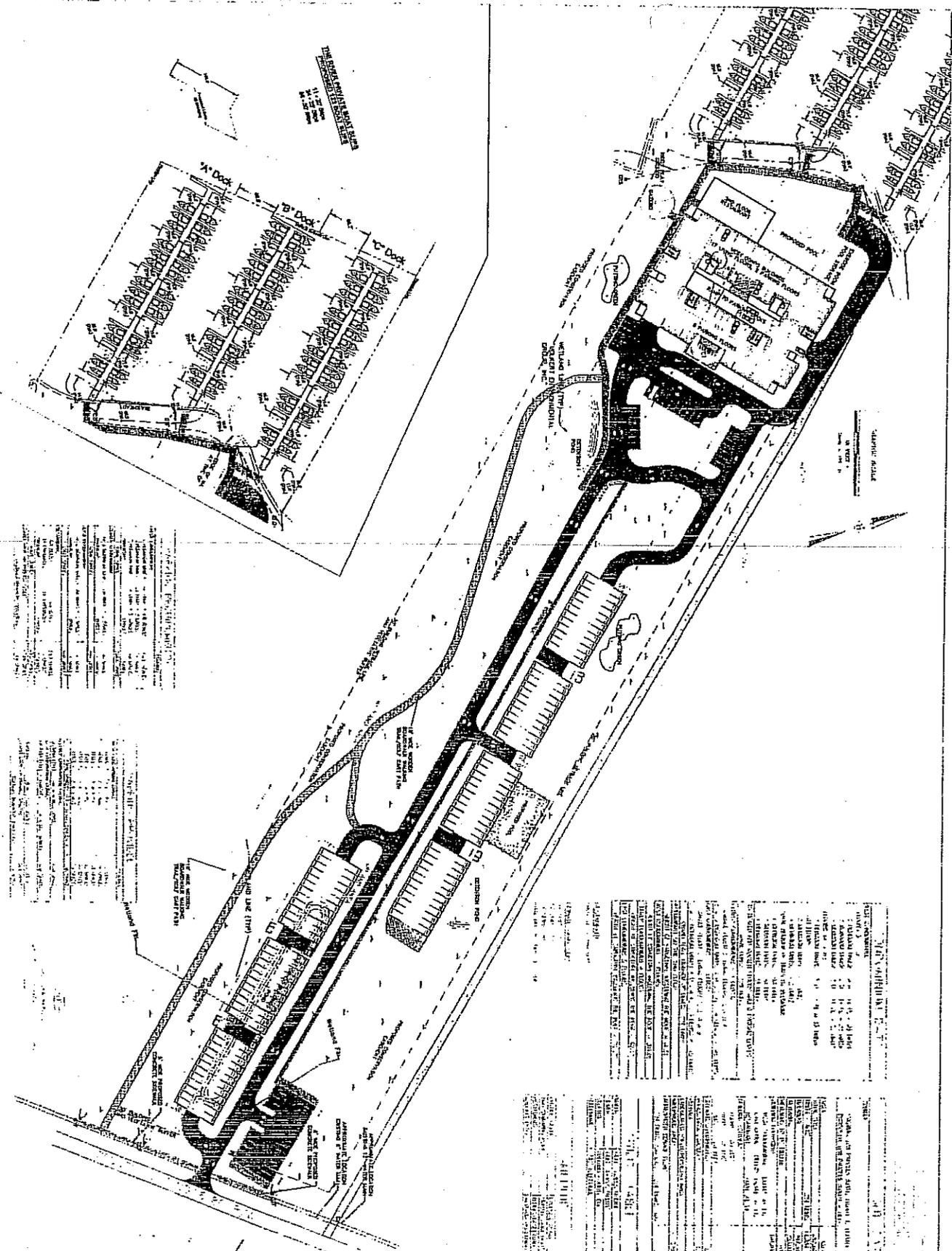


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SAM-2017-1656 - GAC
 Attachment No. 3 of 8

**THE RIVER PRIVATE BOAT SLIPS
PROPOSED 123 BOAT SLIPS**

Scale 1:250

- 11 - 20' Slips
- 24 - 25' Slips
- 88 - 30' Slips

100.0'
Proposed Limits
Of Dredging

30,520 cu.ft. of Dredge
in Section 10 WOUS

404 Wetland Impact
492.75 sq.ft.

404 Wetland Impact
108.27 sq.ft.

404 Wetland Impact
307.4 sq.ft.

404 Wetland Impact
9.16 sq.ft.

404 Waters of the U.S.
Impact Is 10,990.17 sq.ft.

404 Wetland Impact
2,962.19 sq.ft.



Proposed Permit Work Detail



THE RIVER
GULF SHORES, AL
JAY ANTHONY LLC

DESIGNED BY	BES
CHECKED BY	SWR
APPROVED BY	RVH
DATE	20 AUG 07

REVISIONS	
1.	
2.	
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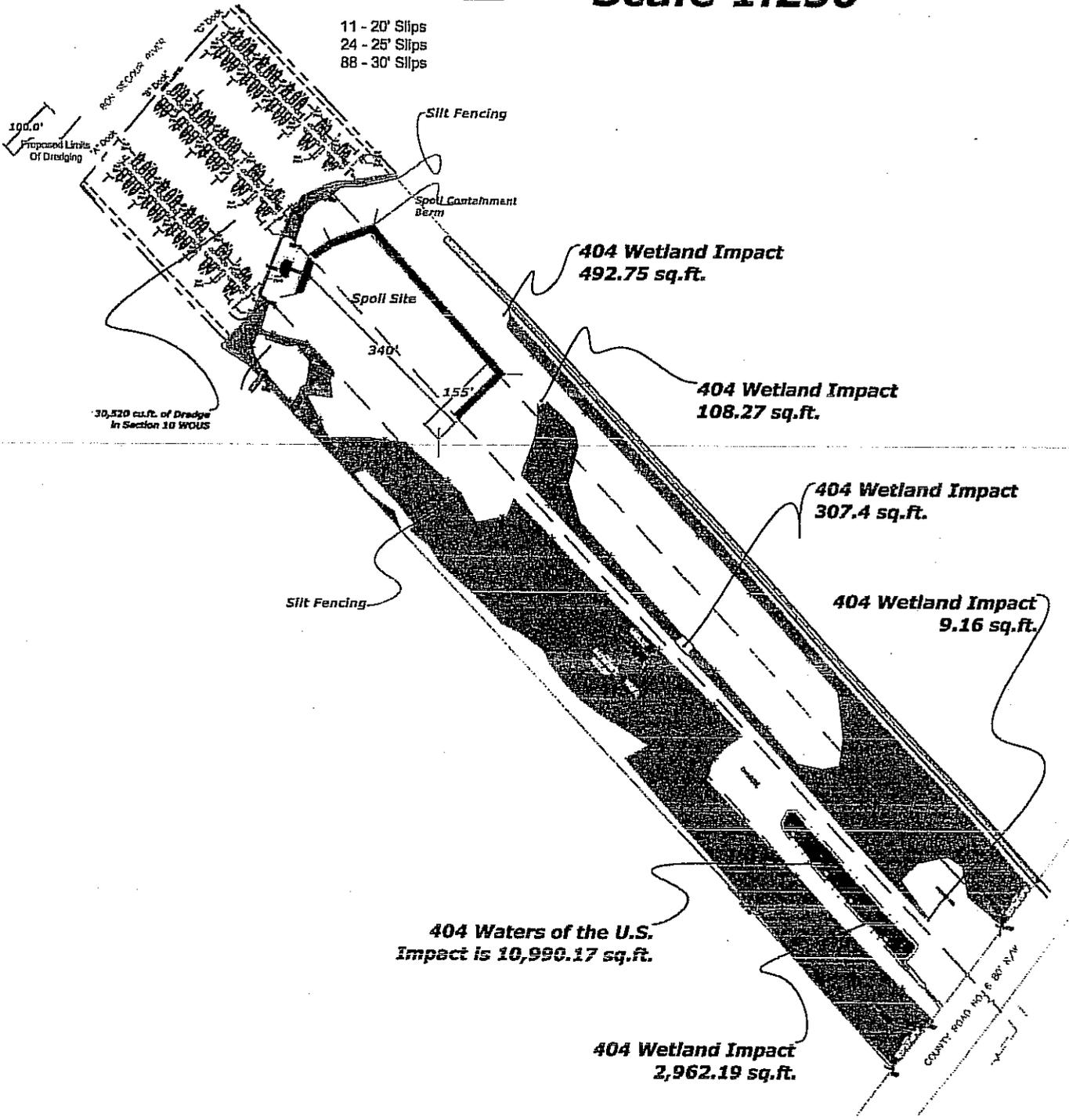
SAM-2007-1656 - GPC

Attachment No. 4 2 8

**THE RIVER PRIVATE BOAT SLIPS
PROPOSED 123 BOAT SLIPS**

Scale 1:250

- 11 - 20' Slips
- 24 - 25' Slips
- 88 - 30' Slips



Spoil Site and Containment Detail



THE RIVER
GULF SHORES, AL
JAY ANTHONY LIC

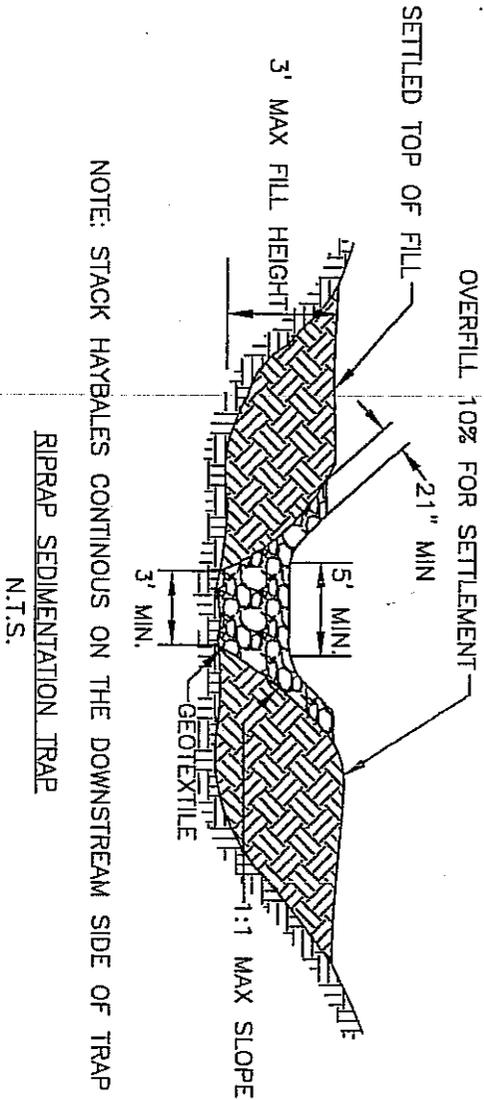
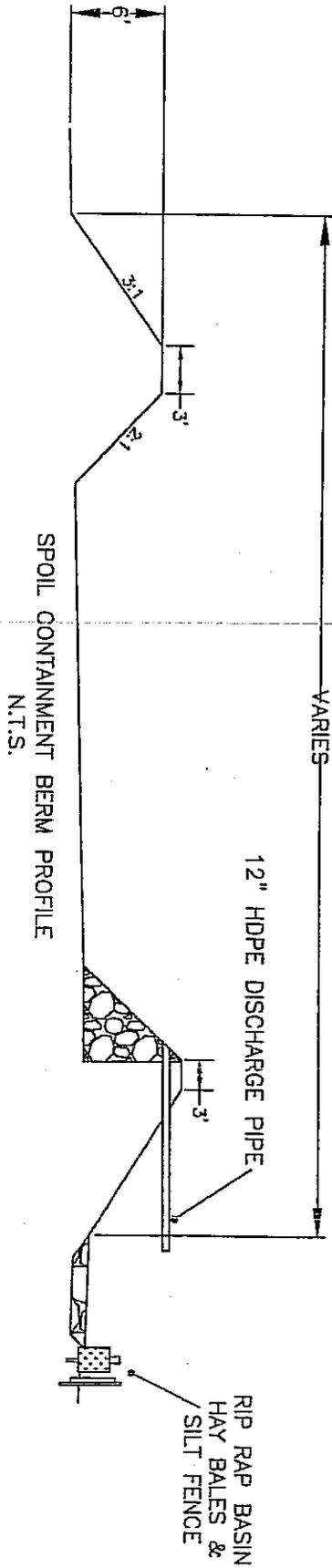
SAM-2007-1656-GA2

Attachment No. 588

DESIGNED	BES
DRAWN	SWR
CHECKED	RVH
DATE	20 AUG 07

REVISION	
1.	
2.	
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01780A.12
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AM-2007-1656-EAC

Attachment No. 6 of 8

DESIGNED BY	APC	CHECKED BY	APC
DRAWN BY	APC	DATE	8/25/07
SCALE	N.T.S.		

The River Marina
DREDGE DETAILS



3

Scale 1:120

Cross Section 3

377'±

Proposed Limits
Of Dredging

Dredge Area

Silt Fencing

**Spoil Containment
Berm**

Cross Section 2 385'

Spoil Site

Cross Section 1

340'

155'

Dredge and Spoil Area Detail

Silt Fencing



THE RIVER
GULF SHORES AL
JAY ANTHONY LLC

NO. 001: BES

DATE:

NO. 001: SWR

1.

NO. 001: RVH

1.

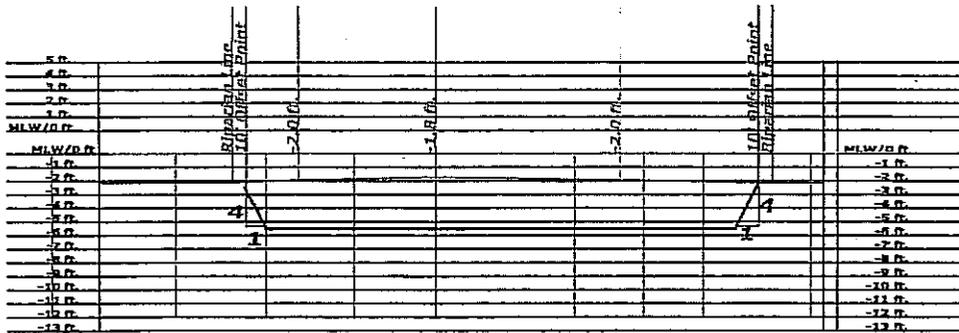
DATE: 20 AUG 07

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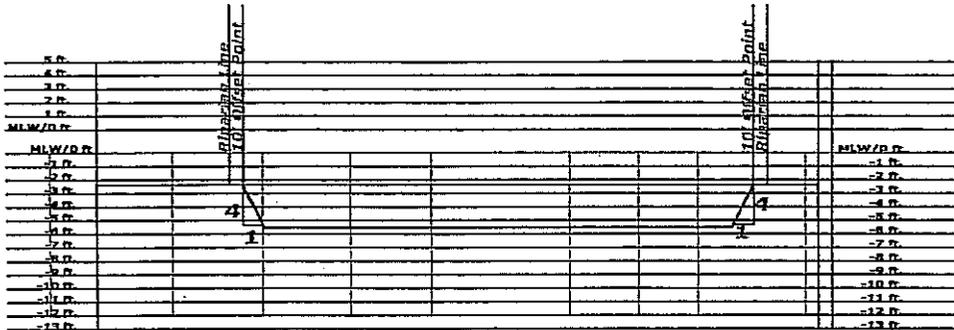
AM-2007-1456 - 5AC
Attachment No. 7 of 8

5/17/08/12
4
5

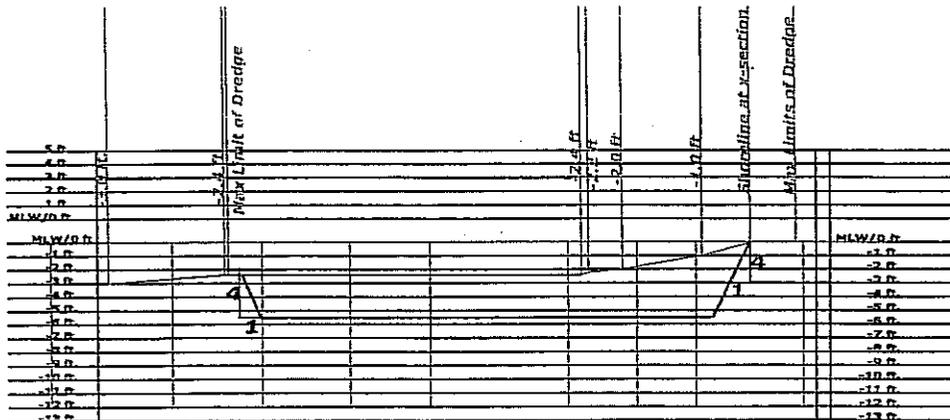
**Proposed Marina Dredge
Cross Section 1 - Typical - Expanded Not to Scale**



**Proposed Marina Dredge
Cross Section 2 - Typical - Expanded Not to Scale**



**Proposed Marina Dredge
Cross Section 3 - Typical - Expanded Not to Scale**



Dredge Cross Section Details



THE RIVER
GULF SHORES, AL
JAY ANTHONY LLC

DESIGNED BY: BES
CHECKED BY: SWR
DATE: 20 AUG 07

PROJECT NO.: 1

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CONSULTING ENGINEERS—FOLEY, ALA

SAM-2007-1656-GAC
Attachment No. 8 of 8