



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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2007-1734-TMZ

NOV 30 2007

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

PROPOSED DREDGING: LOVVORN PILE-DRIVING
DOG RIVER; MOBILE, MOBILE 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 Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: Lovvorn Pile-Driving
Mr. Chris Lovvorn
5989 Bayou Road
Mobile, Alabama 36605
(Phone 251-331-4941)

WATERWAY: Unnamed canal off Dog River, west of Dauphin Island Parkway, north of the Dog River Bridge, Mobile, Mobile County, Alabama; Section 35, Township 5 South, Range 1 West; N 30.66722; W 88.14889.

WORK: The applicant proposes to dredge 0.41 acre of tidal brackish *Juncus roemerianus* marsh for the purpose of expanding an existing man-made canal to accommodate work boats (barges, etc.) associated with his marine construction business. Additionally, an existing bulkhead will be reconstructed in the same footprint as the original structure, and nine existing pilings will be removed from the canal. The dredging will be performed mechanically with a barge-mounted backhoe. The dredged material will be transported by barge to an upland staging area. Best management practices involving the use of hay bales and silt fences will be employed at the upland containment site. The dredged material will then be transported by truck to an upland commercial landfill. No permanent fill will be discharged as part of this project, and there are no additional structures proposed other than the replacement of the existing bulkhead.

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.

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. **The Mobile District has determined that the proposed action may adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service (NMFS). This Public Notice serves as notification to NMFS concerning this project and hereby solicits their opinion regarding potential impacts to EFH.**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1734-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:

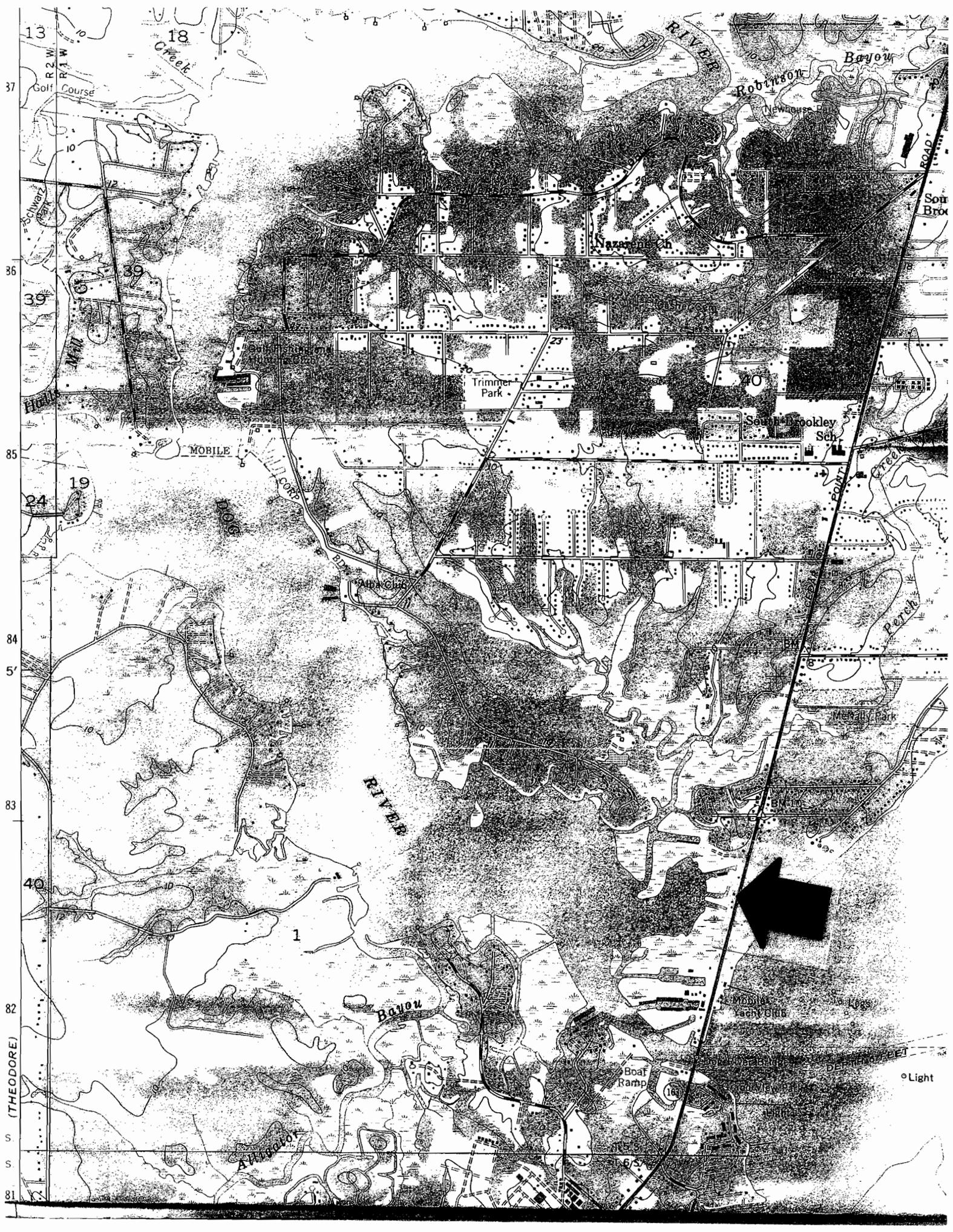
Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

Comments should be received no later than **21 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@sam.usace.army.mil or telephone number **(251) 690-2658**. 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

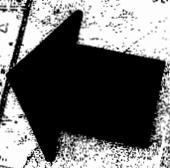
MOBILE DISTRICT
U.S. Army Corps of Engineer



(THEODORE)

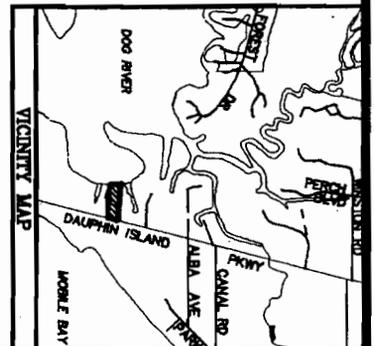
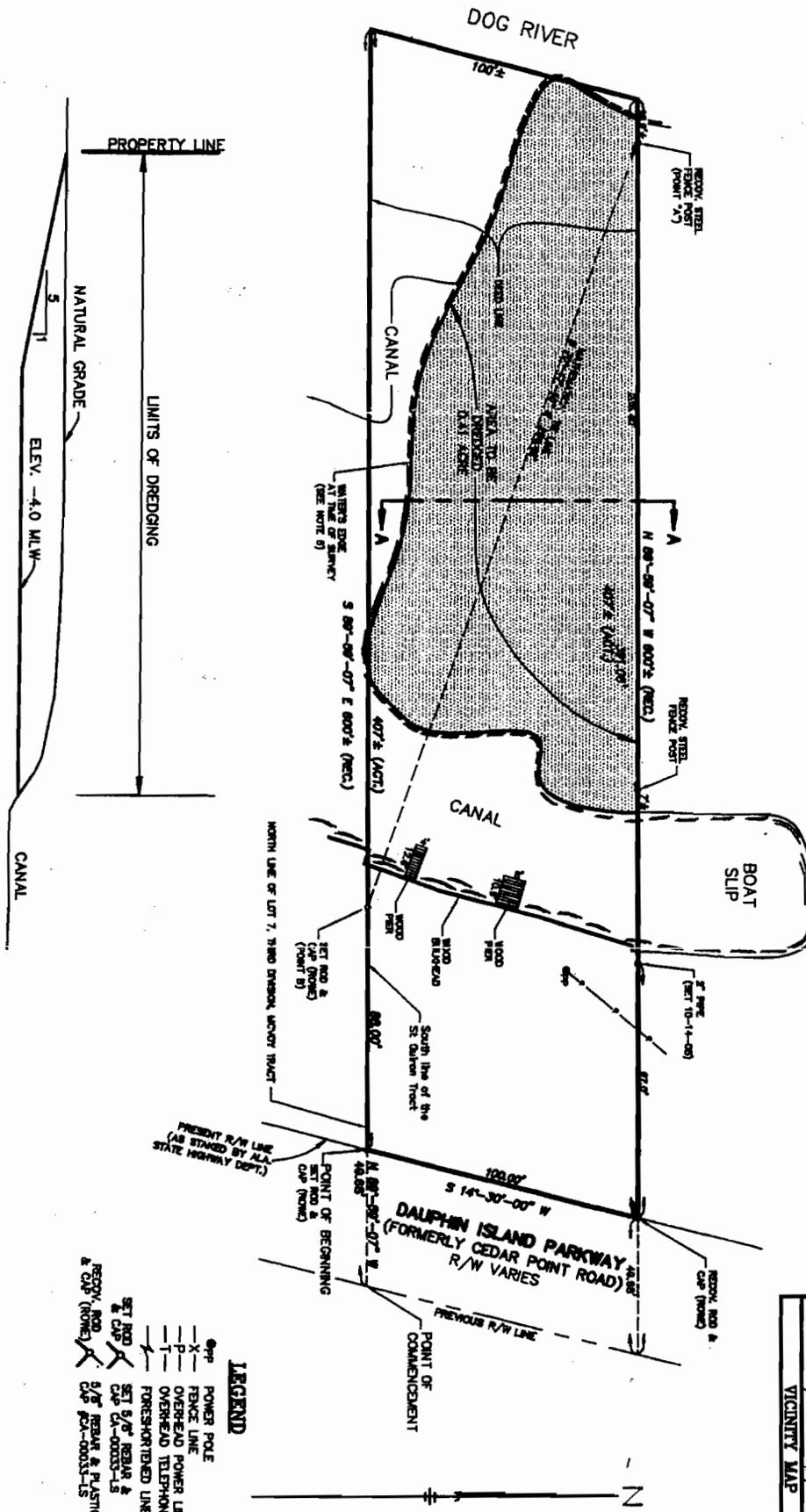
37
36
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34
33
32
31

13 18
Creek
Golf Course
Schwarz
MOBILE
CORP
Alba Club
RIVER
Bayou
Boaf Ramp
Mobile Yacht Club
Boys
Light



LEGAL DESCRIPTION
 STATE OF ALABAMA)
 COUNTY OF MOBILE)

Commencing at the intersection of the South line of the St Guilron Tract (which line is also the North line of Lot 7, Third Division of Mevoy Tract) and the previous West right-of-way line of Cedar Point Road (now known as Dauphin Island Parkway); thence run North 89°-59'-07" West, 49.68 feet to a point on the present West right-of-way line of Dauphin Island Parkway and the Point of Beginning of the property herein described; thence North 14°-30'-00" East, along said West right-of-way line, 100.00 feet; thence North 89°-59'-07" West, 391.08 feet to a point hereinafter referred to as Point A; thence continue North 89°-59'-07" West, 15.9 feet, more or less, to the margin of Dog River; thence Southwardly along said margin of Dog River, 100.00 feet, more or less, to the South line of the St Guilron Tract; thence South 89°-59'-07" East, 319 feet, more or less, to a point hereinafter referred to as Point B (mathematically from Point A to Point B bears South 70°-47'-10" East, 284.42 feet); thence continue South 89°-59'-07" East, 88.00 feet to the Point of Beginning. Being all of the property conveyed by instrument recorded in Real Property Book 3510 Page 711 Probate Court Records, Mobile County, Alabama, lying West of the present West right-of-way line of Dauphin Island Parkway.



- LEGEND**
- ⊕ PIP POWER POLE
 - X FENCE LINE
 - P OVERHEAD POWER LINE
 - T OVERHEAD TELEPHONE LINE
 - FORESHORTENED LINE
 - SET ROD 5/8" REBAR & CAP (CONCRETE)
 - SET ROD 5/8" REBAR & CAP (WOOD)
 - SET ROD 5/8" REBAR & CAP (WOOD)
 - SET ROD 5/8" REBAR & CAP (WOOD)

SECTION A-A
 NTS

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 ROWE SURVEYING & ENGINEERING CO., INC.

ROWE SURVEYING AND ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS
 CL-00083-15
 5705 COTTAGE HILL ROAD
 PRICHARD, ALABAMA 36869
 PHONE 904-896-8788 FAX 904-896-8788
 MOBILE, ALABAMA 36688
 PHONE 904-693-1040

DATE: OCT. 22, 2007
 SCALE: 1" = 60'