



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO.: SAM-2007-1584-MBM

OCT 30 2007

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

**PROPOSED MARINA, VESSEL DRY STORAGE, OFFICE, AND COMMERCIAL
BUILDING COMPLEX ON UNNAMED TRIBUTARY TO DOG RIVER, MOBILE,
MOBILE COUNTY, ALABAMA**

TO ALL CONCERNED: The U.S. Army Corps of Engineers (Corps), Mobile District, has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the Corps can be based. Please communicate this information to interested parties.

APPLICANT: Matt Lersch
c/o Barry A. Vittor & Associates, Inc.
Attention: Mr. Tim Thibaut
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: Unnamed tidal tributary to Dog River, located west of Rock Point Road, near the mouth of Dog River around coordinates 30.5660 North, 88.0947 West, in Section 1 of Township 5 South, Range 1 West, Mobile, Mobile County, Alabama.

WORK: The applicant proposes to mechanically excavate approximately 3,688 cubic yards of sand and silt material from open waters, and fill approximately 0.086 acres of wetlands for the purpose of creating a private marina facility comprised of 3 marina basins for 47 vessel slips, maintenance facilities, fueling facilities, vessel dry storage with launching basin, car-trailer boat launch, associated parking area, offices, and commercial development on and adjacent to the 4-acre tract. The project would require the placement of 1,384 linear feet of bulkhead and 247 linear feet of low profile bulkhead. The dry storage basin is 72 feet in length by 28 feet wide, Basin 1 is 120 feet by 84 feet, Basin 2 is 131 feet by 87 feet, Basin 3 is 30 feet by 221 feet, and the ramp turn around basin is 57 feet by 20 feet,. The project will require the dredging of 785 linear feet within the existing tributary channel and 125 linear feet for the boat launch channel. Channel width is 35 feet for the entire project and all dredging will be to the same depth of the connecting waters of -5 feet National Geodetic Vertical Datum (NGDV). The boat launch will be 25 feet long by 15 feet wide, the adjacent

dock will be 25 feet long by 5 feet wide, the boardwalk along the wetlands and portion of Basin 2 will be 310 feet long by 5 feet wide, and the finger piers within the boat basins will be 25 feet long by 4 feet wide. Approximately 0.012 acre of bay forested wetlands is proposed to be impacted for construction of Basin 1, Basin 2 proposes to impact 0.07 acres of mixed emergent wetlands, the boat ramp proposes to impact 0.0017 acre of degraded wetlands dominated by exotic species. The applicant is avoiding any impacts to the higher quality tidal marsh wetlands. All dredged material shall be temporarily stored on-site and disposed of at an approved upland disposal site. The applicant proposes to mitigate for wetland impacts by purchasing credits from a Corps approved wetland mitigation bank.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposal 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 and their cumulative effects relevant to the proposal will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, property ownership, and in general the needs and welfare of the people.

To evaluate the impacts of this proposal the Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties. 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. Comments will be considered to determine whether to issue, modify, condition or deny a permit. To make this decision, an Environmental Assessment is prepared in accord with the National Environmental Policy Act; impacts are assessed on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest. Anyone may request a public hearing to consider this proposal. Requests should provide in writing, within the specified comment period, detailed reasons for a hearing.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This project will temporarily disturb approximately 0.63-acre (27,475 square feet), and create 0.72-acre (31,263 square feet) of Essential Fish Habitat for managed species in the Gulf of Mexico. Loss of this nursery habitat may adversely affect species of the snapper-grouper, shrimp, and/or coastal migratory pelagic management complexes, but the District Commander has made a preliminary determination that this site-specific adverse effect will not be substantial. Our final determination relative to project impacts to EFH and the need for mitigation measures are subject to review by and coordination with the National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council.

This notice is being sent to appropriate State and Federal agencies, including the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services. No properties listed in or eligible for the National Register of Historic Places is known to exist which would be affected by the proposal. Comments are requested

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regarding the potential or existence of cultural resources which may be affected. The U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposal will not affect listed species, or their critical habitat. Other impacts from dredge and fill activities will be evaluated by applying Environmental Protection Agency guidelines. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. After review of public comments, the Alabama Department of Environmental Management will determine if the proposal complies with and will be operated or maintained in a manner consistent with the Clean Water Act and the Coastal Zone Management Program.

Comments concerning this Public Notice should be received within 30 days of the date of this public notice and should refer to number **SAM-2007-1584-MBM** and direct your correspondence to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division; and a copy to the Alabama Department of Environmental Management, Coastal Facility Section, 4171 Commanders Drive, Mobile, Alabama 36615.

If you have any questions concerning this publication, please contact Mr. Michael Moxey, Project Manager, via e-mail at michael.b.moxey@sam.usace.army.mil or telephone number (251) 690-2658.

Enclosures

MOBILE DISTRICT
U.S. Army Corps of Engineers

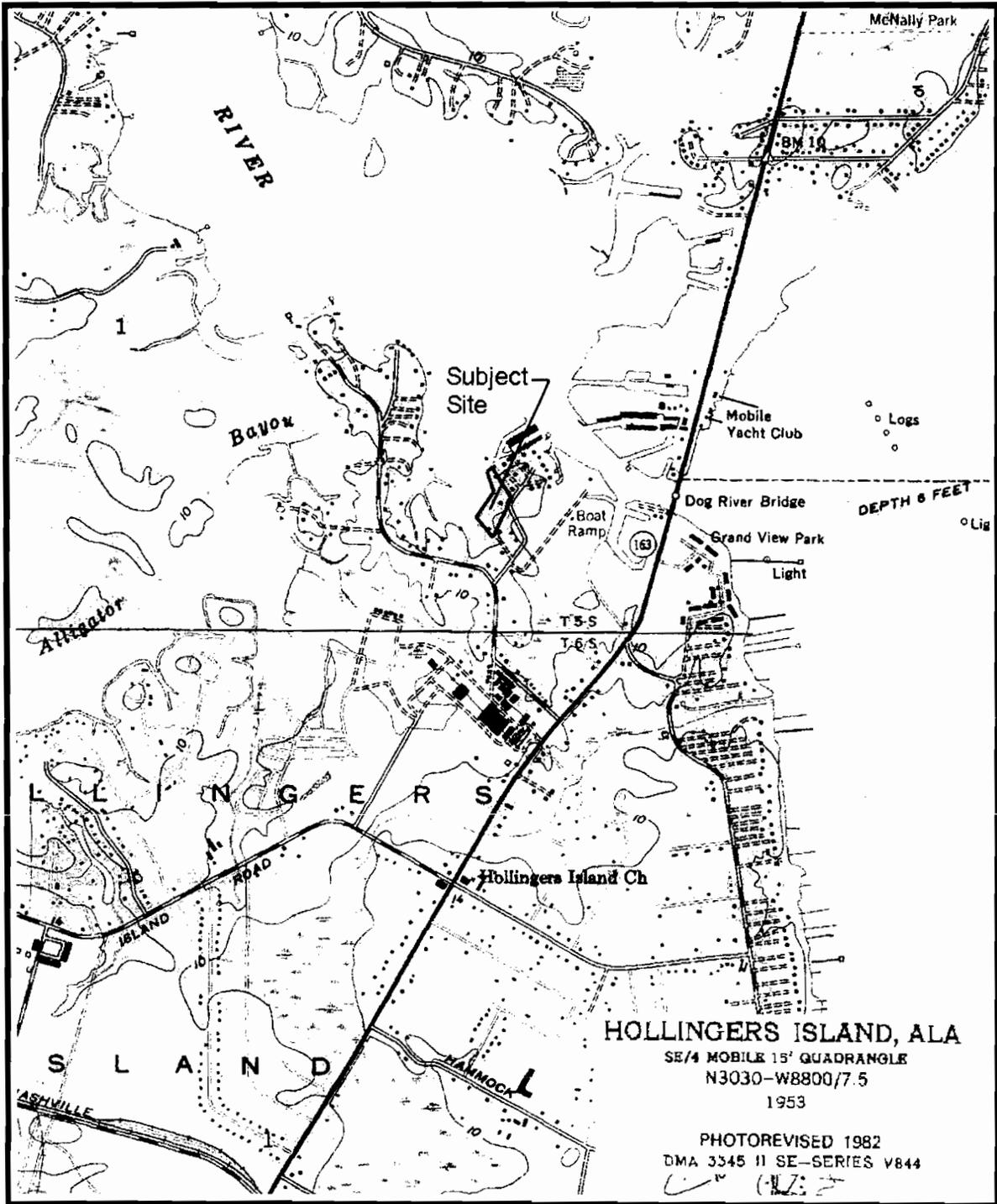


Figure 1. Location of the proposed Lersch Marina, in Mobile County, Alabama

30.5660 N
 88.0947 W WAD 2D
 USES Hollingers Island

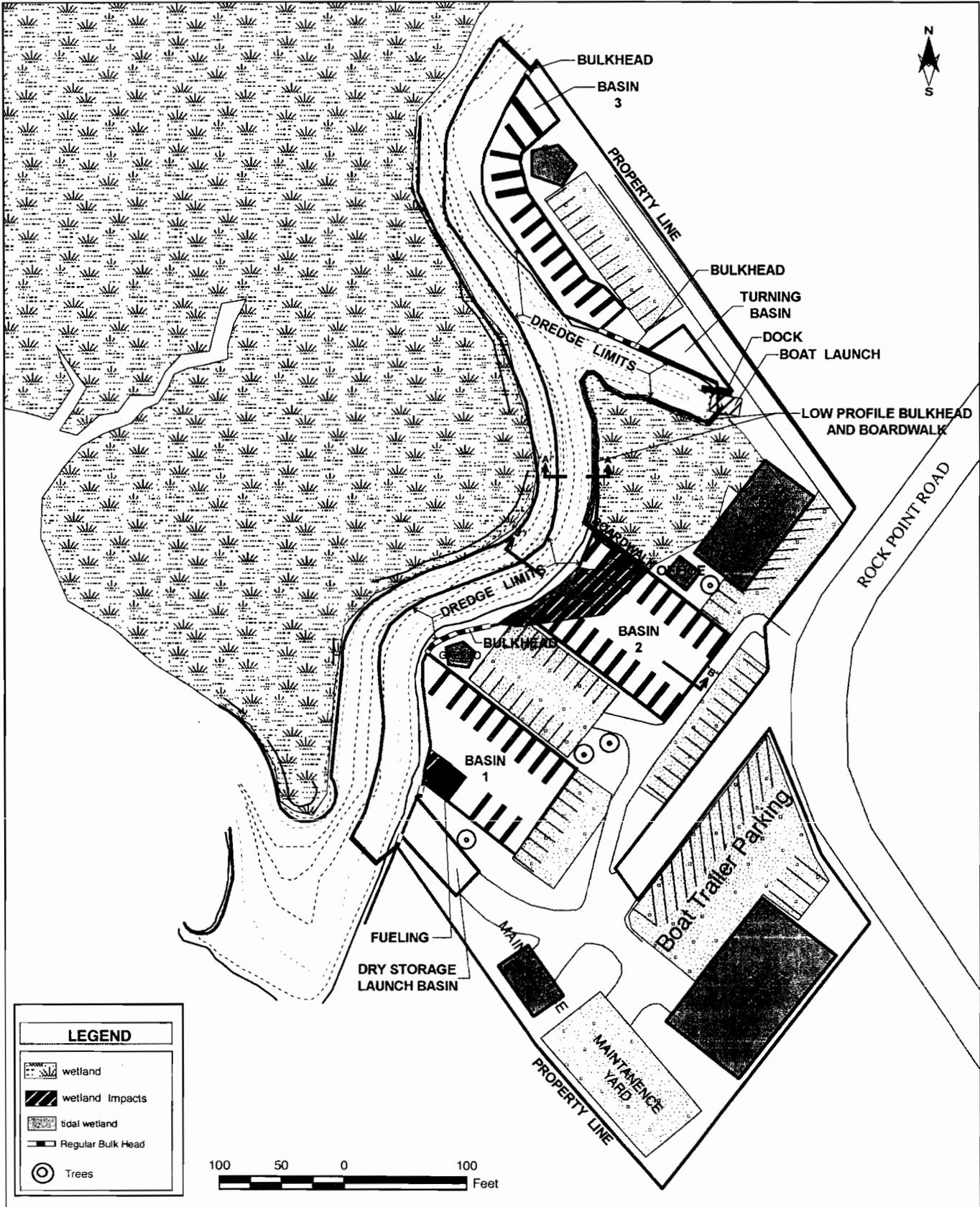


Figure 2. Site plan for the proposed Lersch Marina in Mobile County.

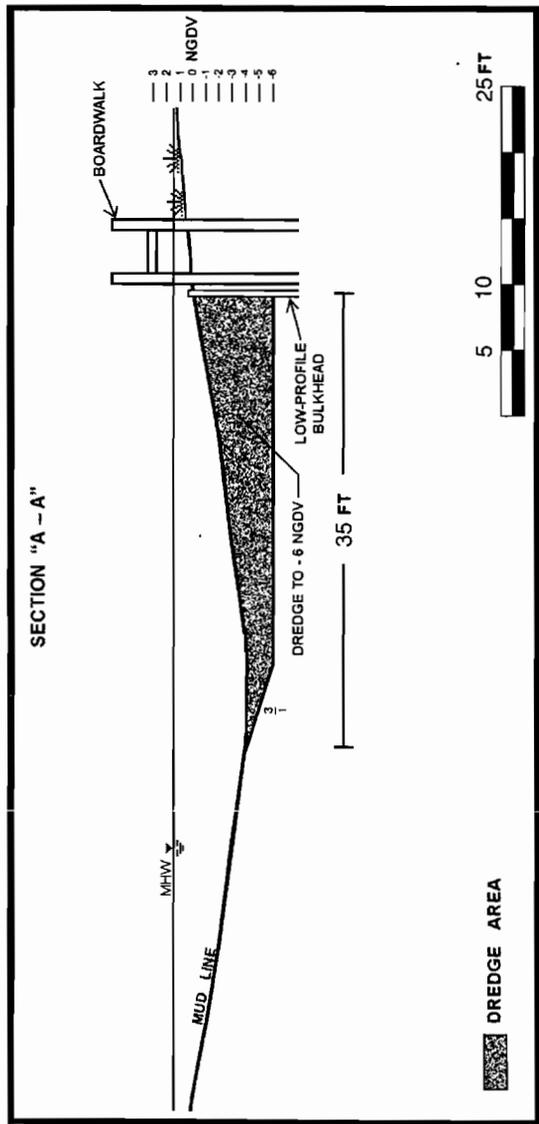


Figure 3. Profile view of proposed channel adjacent to wetlands.

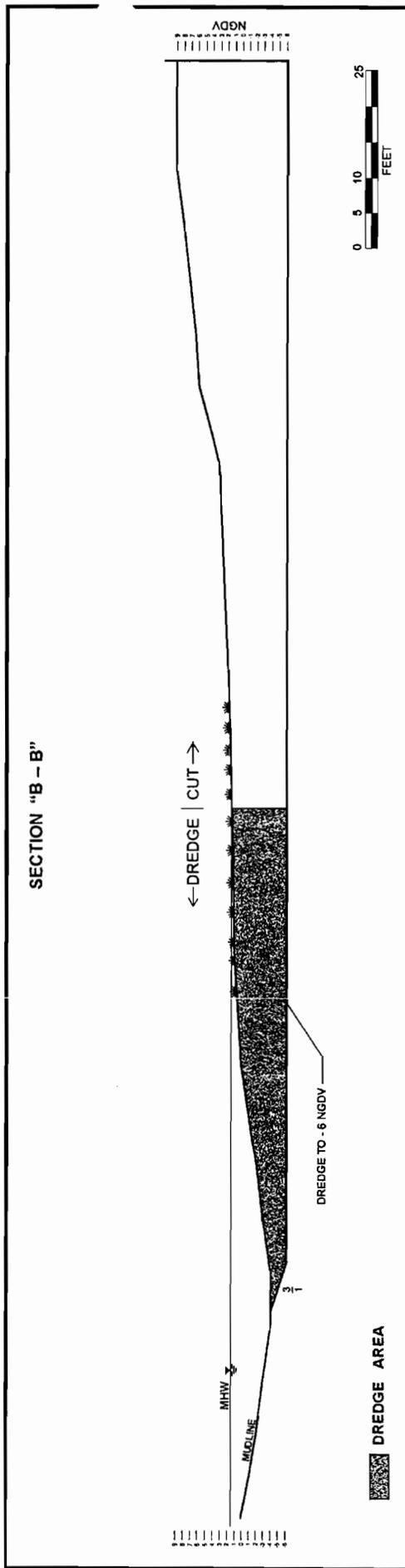


Figure 4. Profile view of Basin 2.