



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

July 16, 2010

Coastal Branch
Regulatory Division

SUBJECT: Emergency Department of the Army Permit Number SAM-2007-0944-GAC,
For Minor Structures and Activities Within the State of Alabama, Desoto Development Co.,
Aloe Bay, Dauphin Island

Desoto Development Company, LLC
Attention: Mr. John D. Hunter, Jr.
Post Office Box 122
Mobile, Alabama 36601

Dear Mr. Hunter:

Reference is made to your request for a Department of the Army emergency permit to maintenance dredge at your boat basin in Aloe Bay on Dauphin Island, Alabama. Specifically, the project is located at 1124 Desoto Avenue, Dauphin Island, Mobile County, Alabama, where the following work is authorized:

- Maintenance dredge with a clamshell dredge less than 500 cubic yards of sandy material along the edge of the north bulkhead in the existing boat basin. The dredge area will be less than 100 square feet and minus 5-feet deep at Mean Low Water (MLW). The dredge material will be excavated from the boat basin and placed in a temporary disposal area at the west side of the boat basin for dewatering and then hauled by truck to an approved upland disposal area on Dauphin Island. Floating booms with silt curtains will contain the turbidity in the action area. This work is authorized by Alabama General Permit ALG02-2006.

We have coordinated your request for the construction of a solid breakwater with the Alabama Department of Environmental Management (ADEM). In your permit application, you have proposed the construction of a solid breakwater in lieu of the flow-through breakwater which was permitted by Department of the Army (DA) Permit Number SAM-2007-0944-GAC on May 5, 2008. The ADEM has stated that the solid breakwater would prohibit sediment transport and as such would not be in compliance with Division 8 Regulations. In regard to your request for a solid breakwater, you will need to provide this office with modified state certification (CZM and WQC) for the proposed structure. Please note, you are still authorized to construct the 150-foot-long flow-through breakwater in accordance with the May 2008 DA permit (reference enclosed drawing Exhibit "B")

Upon the recommendation of the Chief of Engineers and under provisions of Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) authorization is hereby given by the Secretary of the Army for the performance of the work in accordance with the enclosed descriptions and plans ENG Form 4336 and the Alabama General Permits. General Permit

Numbers ALG02-2006 and its associated Regional and General Conditions can be accessed at: <http://www.sam.usace.army.mil/rd/reg/> or at your request, a paper copy will be provided to you. Please note: The Alabama General Permit Program conditions include nine Special Conditions and five General Conditions. Alabama Department of Environmental Management project certification conditions include three Coastal Zone Management Certification Conditions and 39 Water Quality Conditions.

Your work is subject to the following special conditions:

a. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. It is the responsibility of the permittee to coordinate this activity with the State Lands Division, Alabama Department of Conservation and Natural Resources (ADCNR), for any leases that may be required for impacting State water bottoms. ADCNR, State Lands Division, Attention: Mr. Jeff Jordan, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, Telephone (215) 621-1238.

c. This permit does not authorize dredging in or impacts to (1) wetlands, (2) submersed aquatic vegetation, (3) natural shellfish beds, or (4) the construction of ancillary shoreline stabilization structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank.

d. The depth of the maintenance dredging shall be no greater than the controlling navigation depth of Allow Bay. All dredging shall be performed in accordance with the project design plans provided by the applicant.

e. Dredged materials shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.

f. The dredged material shall be deposited in an approved upland area and properly contained to prevent reentering the waterway, adjacent wetlands, or bottomland hardwoods.

g. It is the permittee's responsibility to ensure the contractors working on this project are aware of all general and special permit conditions.

h. Compliance with all the terms and conditions of the General Permit Program and permit special conditions is mandatory.

If title to this structure is transferred or assigned to another party or in the event of removal or destruction of such structure by any cause, the District Commander shall be notified promptly in writing.

This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.

You should study and carefully adhere to all the terms and conditions of the permit. The District must be notified of the commencement and completion of the permitted work. The enclosed cards may be used for that purpose. Also, the enclosed Notice of Authorization must be posted at the site during construction of the permitted activity. Any telephone inquiries relating to this permit should be directed to the Regulatory Branch, telephone number (251) 690-2658.


If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order that the revised plans may receive the approval required by law before work is begun.

If the activity authorized herein is not completed on or before March 10, 2011, if not previously revoked or specifically extended, shall automatically expire.

Please contact me at (251) 690-3262, if you have any questions. 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 and return our enclosed customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

STEVEN J. ROEMHILDT, P.E.
Colonel, Corps of Engineers
District Commander

BY: 
MUNTHER N. SAHAWNEH
Chief, Coastal Branch
Regulatory Division

Enclosures

1. Vicinity Map
2. Plan View and Cross Section, Dredging Area
3. Exhibit "B" Breakwater Detail
4. Aerial Photograph

Permit Transfer: When the structures or work authorized by this permit (SAM-2007-0944-GAC) are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

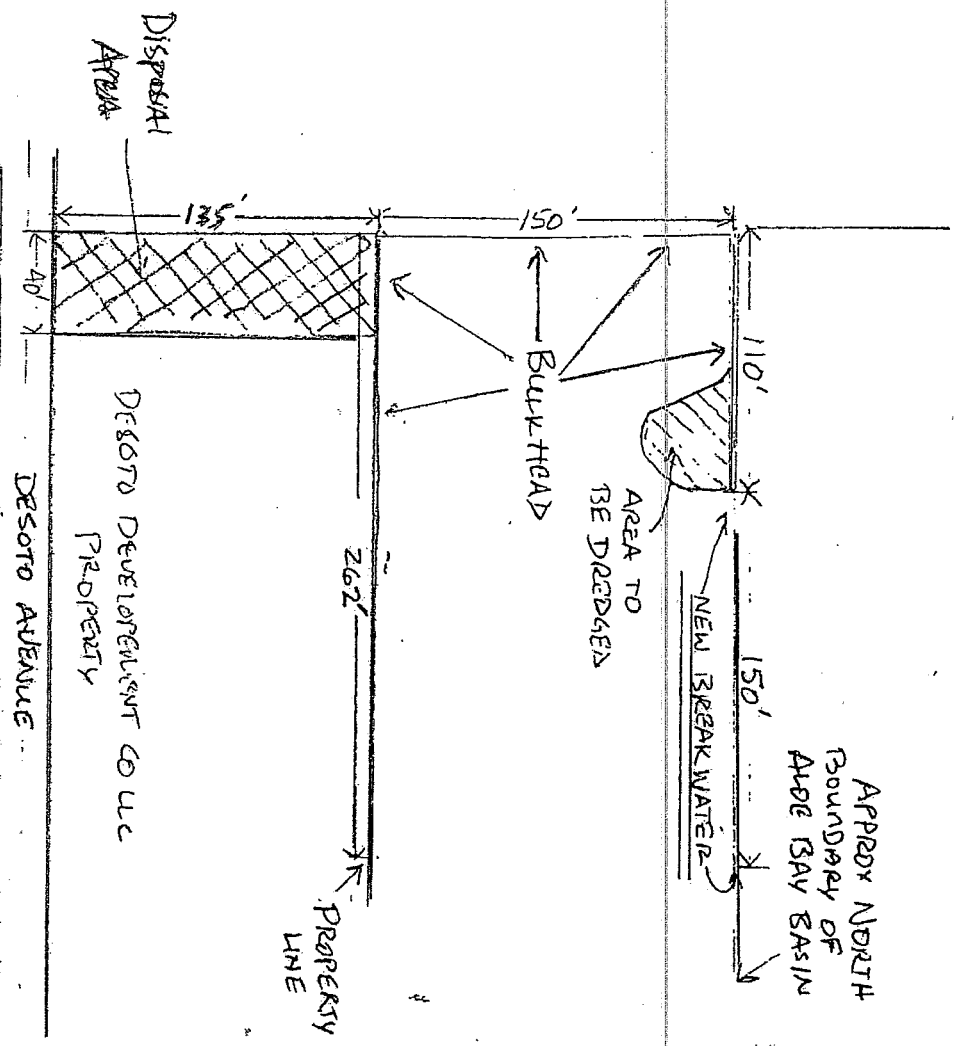
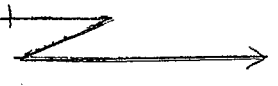
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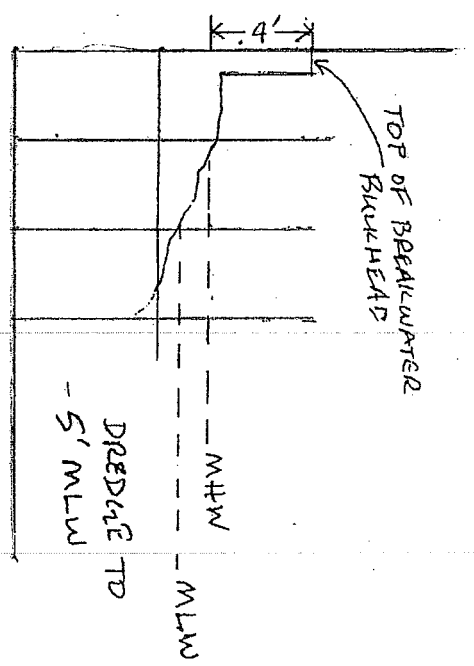
Alabama Department of
Environmental Management
Coastal Program
Attention: Mr. Scott Brown
4171 Commanders Drive
Mobile, Alabama 36615

ADCNR, State Lands Division
Attention: Mr. Jeff Jordan
31115 Five Rivers Boulevard
Spanish Fort, Alabama 36527

NOT TO SCALE



APPROX NORTH
BOUNDARY OF
AULD BAY BASIN



Site Address:
 1120 DESOTO AVE
 DUNHAM IS, AL 36528

REQUEST BY DESOTO DEVELOPMENT CO, LLC
 TO US CORP OF ENGINEERS
 FOR PERMIT TO DREDGE

DESOTO DEVELOPMENT CO LLC
 PROPERTY

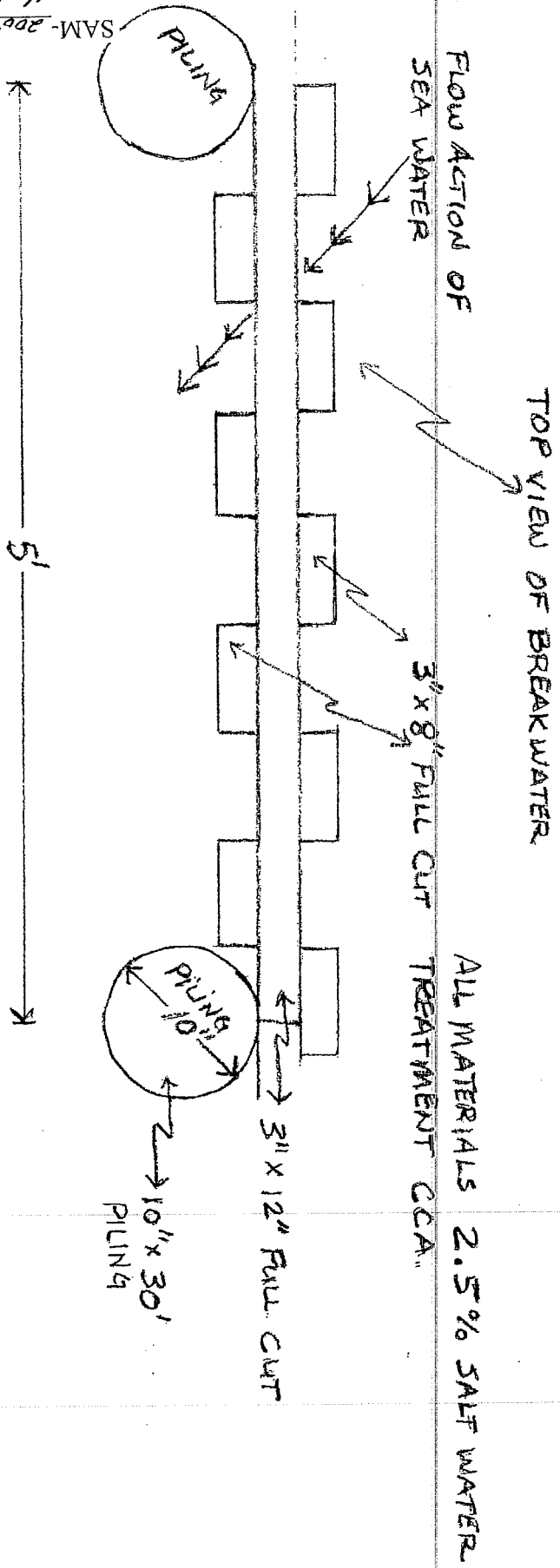
DESOTO AVENUE

PROPERTY LINE

EXHIBIT "B"

BRISAKWATER DETAIL

ALDE BAY BOAT DOCKS
DAUPHIN ISLAND, AL.



SAM-2002-0944 - GNS
U. 111

DESOTO SITE

