



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36625-0001

REPLY TO
ATTENTION OF

CESAM-PD-EC
PUBLIC NOTICE NO. FP06-SH01-04

30 November 2006

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

**REHABILITATION OF THE SHORELINE PROTECTION AND EROSION CONTROL
PROJECT ALABAMA STATE HIGHWAY 193, CEDAR POINT, MOBILE COUNTY,
ALABAMA**

Interested persons are hereby notified that the U.S. Army Corps of Engineers, Mobile District, proposes to restore a portion of the Alabama State Highway 193 shoreline protection project between Cedar Point and Heron Bay "Cut-Off" Bridge to pre-storm (design) conditions. This action is a result of storm damage caused by Hurricane Katrina. The action will restore protection to Alabama State Highway 193, which is the only permanent access route to Dauphin Island.

This public notice is issued in accordance with rules and regulations published in the Federal Register on 26 April 1988 (Federal Register / Vol. 53). These laws are applied whenever dredged or fill materials may enter waters of the United States or for the transportation of dredged material for the purpose of placement into ocean waters and other associated disposal sites. The recipient of this notice is requested specifically to review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. Review of any other potential impacts is also requested.

WATERWAY AND LOCATION: Dauphin Island, Mobile Bay, Mobile County, Alabama (Figures 1 and 2).

DESCRIPTION OF THE ENTIRE AUTHORIZED PROJECT: The original federal project consisted of approximately 7,800 linear feet of vinyl sheetpile bulkhead with a top elevation of +4.0 National Geodetic Vertical Datum (NGVD). To provide protection from overtopping waves and scouring at the toe of the bulk head a 2-foot thick by 10-foot wide riprap splash apron was constructed landward of the bulkhead at an elevation +4.0 NGVD and a 10-foot wide riprap toe protection blanket was constructed seaward of the bulkhead at an elevation +2.0 NVGD (Figure 3). The remaining land between the splash apron and the edge of the highway was

backfilled, graded and seeded. The 1999 project was constructed under the authority of Section 14 of the 1946 Flood Control Act, as amended.

DESCRIPTION OF PROPOSED ACTION: The proposed action will be implemented under the authority of Public Law (PL) 84-99, Flood and Coastal Storm Emergencies (33 U.S.C.701n) (69 Stat 186). Under this law the Chief of Engineers, acting for the Secretary of the Army, is authorized to undertake activities including disaster preparedness, advance measures, emergency operations (Flood Response and Post Flood Response), rehabilitation of flood control works threatened or destroyed by flood, protection or repair of federally authorized shore protective works threatened or damaged by coastal storm, and provisions of emergency water due to drought or contaminated source.

The proposed action is to restore the shoreline protection project to pre-storm (design) conditions. Approximately 1,055 cubic yards of Type 2 Rip-Rap and 215 cubic yards of Type 1 Rip-Rap, will be placed on top of the damaged areas of the splash apron and toe protection blanket to restore the project to its original design configuration. Approximately 7,800 linear feet of toe protection and 7,800 linear feet of splash apron will be repaired (Figures 2 and 3). Stone will be trucked in and placed using land based construction techniques (trackhoe or small crane with boom). The remaining land between the splash apron and the edge of the highway will be graded and seeded as necessary to restore the project to its original design.

WATER QUALITY CERTIFICATION: Pursuant to the requirements of the Clean Water Act, state water quality certification is requested from Alabama Department of Environmental Management (ADEM) to cover the activities associated with the proposed rehabilitation. A decision relative to water quality certification will be made by ADEM upon completion of the required comment period for this public notice. The 1999 construction of the shoreline protection project was granted water quality certification from ADEM, in February of 1999, public notice FP99-SHO01-11.

COASTAL ZONE CONSISTENCY: Pursuant to the Coastal Zone Management Act, the proposed action is consistent with the Alabama Coastal Management Program to the maximum extent practicable. The construction of the authorized project in 1999 was granted coastal zone consistency from ADEM, in February of 1999, public notice FP99-SHO01-11. Upon completion of the required comment period, a decision relative to coastal zone consistency for the proposed rehabilitation will be made by ADEM.

USE BY OTHERS: The proposed rehabilitation action is not expected to create significant impacts on land and water use plans. Use of waters in the vicinity of the proposed project area includes fishing, shrimping and recreational boating. The proposed action will result in the stabilization of the hurricane evacuation route for residents of Dauphin Island.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: In accordance with the requirement of NEPA, an Environmental Assessment (EA) was prepared in June 1999, which addressed the impacts of protecting Alabama State Highway 193 located between Cedar Point and Heron Bay "Cut-Off" Bridge through the redesign of an existing state funded shoreline protection project. A Finding of No Significant Impact (FONSI) was signed on 11 June 1999. This EA was reviewed to determine if conditions have changed that would warrant further review under the NEPA process. As a result of our review, the Mobile District feels that further assessment under the NEPA process is not warranted. A final determination of this evaluation will be made upon completion of the required comment period of this public notice. These documents are available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review.

CLEAN WATER ACT DETERMINATIONS: An evaluation of water quality impacts associated with the placement of fill material(s) during the construction of the original project were addressed in an evaluation report prepared in accordance with the guidelines promulgated by the Environmental Protection Agency (EPA) under Section 404(b)(1) of the Clean Water Act on 11 June 1999. This evaluation will be revised if information is received during coordination of this public notice that will dictate the need to amend the document. No wetlands or other significant aquatic ecosystems will be impacted by this action. The Section 404(b)(1) evaluation report is available on the Mobile District website at <http://www.sam.usace.army.mil/pd/Pd1.htm> for review.

ENDANGERED/THREATENED SPECIES: The proposed action is being coordinated with the U.S. Department of the Interior, Fish and Wildlife Service, and the U.S. Department of Commerce, National Oceanic Atmospheric Administration (NOAA) Fisheries by this public notice. The known list of threatened and/or endangered species (T/E) most likely to be found in the vicinity of the proposed action include: the Florida manatee, Gulf sturgeon, varied species of sea turtles, and the piping plover. The proposed action is not located within any known critical habitats of federally listed species. Our review of this action indicates that there will be no effect on any listed threatened and/or endangered species or their critical habitat; given the limited nature of work; the construction techniques being employed and the low likelihood of use of the construction area by these species.

ESSENTIAL FISH HABITAT: Essential Fish Habitat (EFH) is defined in the Magnuson-Stevens Fishery Conservation and Management Act as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. The National Marine Fisheries Service (NMFS) has identified EFH habitats for the Gulf of Mexico in its Fishery Management Plan Amendments. These habitats include estuarine areas, such as estuarine emergent wetlands, seagrass beds, algal flats, mud, sand, shell, and rock substrates, and the estuarine water column. The habitat in the project area, which is located within Mobile Bay, consists of estuarine waters, shell and sand substrates. The NMFS has

management plans for brown shrimp (*Penaeus aztecus*), red drum (*Sciaenops ocellatus*), white shrimp (*P. setiferus*), and Spanish mackerel (*S. maculatus*) within the project area. Though temporary disruption of the aquatic community (due to riprap placement activities) is inevitable, non-motile benthic fauna within the area should repopulate within several months of activity completion. Based on the minor nature of the project in relation to impacts to fisheries resources, the overall impact is considered negligible. No wetlands, seagrasses or oyster beds will be impacted by the proposed action.

CULTURAL RESOURCES CONSIDERATION: The Alabama Historical Commission concurred with a 1999 no effect determination via letter dated 19 August 1998 for the construction of the shoreline protection project. No new areas outside the previously coordinated footprint will be impacted as a result of the proposed rehabilitation action, as such; the proposed action is not expected to result in any adverse impacts to cultural resources. If any items having apparent historical or archeological significance are discovered in the course of any activity associated with the proposed action, work will immediately cease, all items will be carefully preserved, and the proper authorities will be notified. Copies of this public notice are being furnished to the Alabama State Historic Preservation Office, and relevant federally-recognized tribes for their review and comment.

EVALUATION: The decision whether to proceed with the proposed action will be made by the Mobile District, based on an evaluation of the overall public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that may be expected to accrue from this proposal must be balanced against its reasonably foreseeable detriments. The decision whether to proceed and the conditions under which the activity will occur will be determined by the outcome of this general balancing process. All factors that may be relevant to the proposal will be considered. Among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, 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 and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the public. The proposed action will proceed unless it is found to be contrary to the overall public interest.

COORDINATION: Among the agencies receiving copies of this public notice are:

Region 4, U.S. Environmental Protection Agency
U.S. Department of the Interior, Fish and Wildlife Service, Daphne, Alabama
U.S. Department of Commerce, National Marine Fisheries Service, Panama City, Florida
U.S. Department of Commerce, NOAA Fisheries, Protected Species Branch, St. Petersburg,
Florida
Commander, Eighth Coast Guard District
Alabama State Historic Preservation Officer

Alabama Department of Environmental Management
Alabama Department of Conservation and Natural Resources
Gulf of Mexico Fishery Management Council
U.S. Department of Agriculture, Natural Resources Conservation Service

Other federal, state, and local organizations, affiliated Indian Tribe interests, and U.S. Senators and Representatives of the State of Alabama are being sent copies of the notice and are being asked to participate in coordinating this proposed work.

CORRESPONDENCE: Any person who has an interest that may be affected by the proposed activity may request a public hearing. Any comments or requests for a public hearing must be submitted in writing to the District Engineer within 30 days of the date of this public notice. A request for a hearing must clearly set forth the interest that may be affected and the manner in which the interest may be affected. You are requested to communicate the information contained in this notice to any other parties who may have an interest in the proposed activities. Correspondence concerning the public notice should refer to Public Notice No. FP06-SH01-04 and should be directed to the Commander, U.S. Army Engineer District Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, ATTN: CESAM-PD-EC. For additional information please contact Ms. Elizabeth Godsey at (251) 694-3843.



CURTIS M. FLAKES
U.S. Army Corps of Engineers
Mobile District

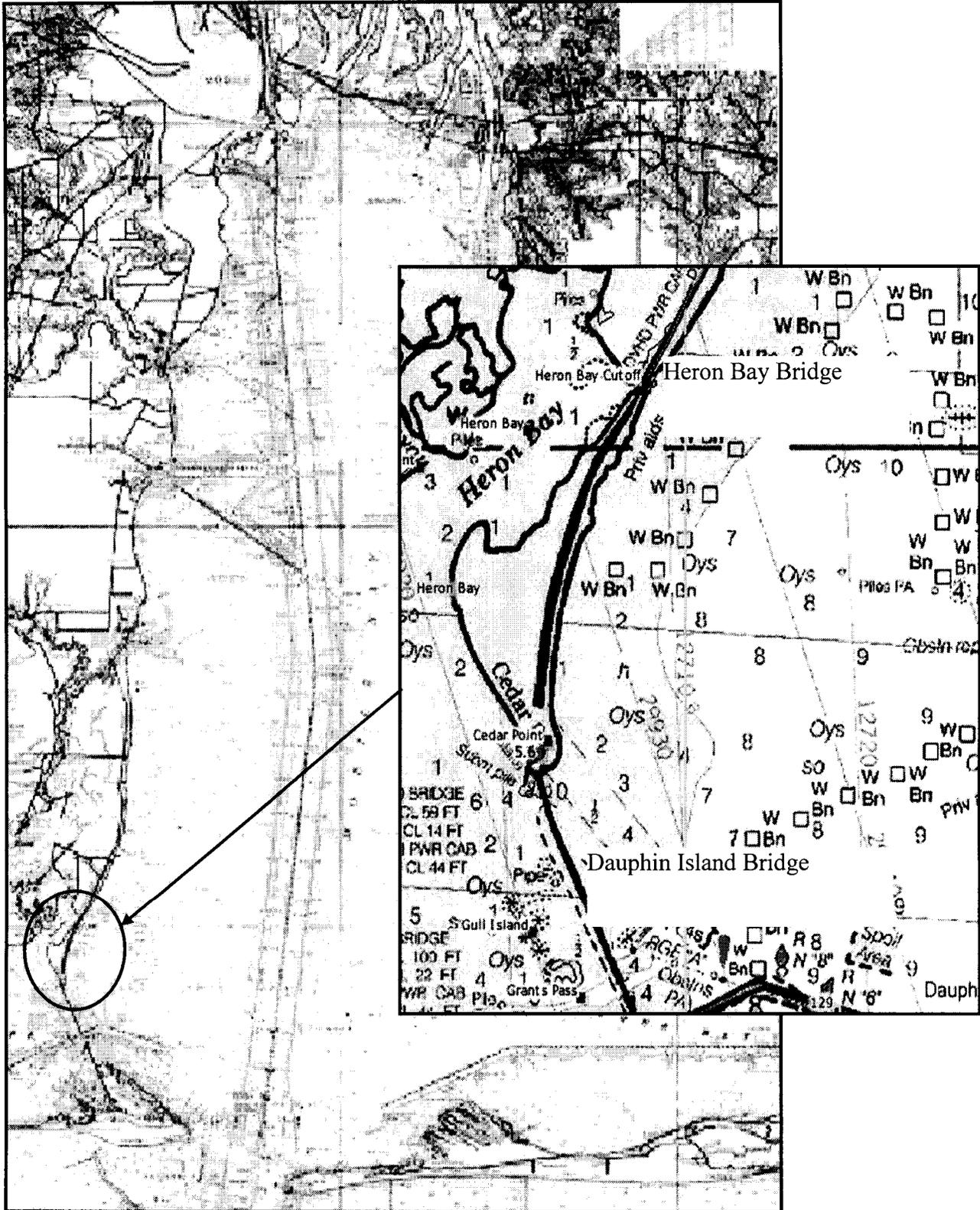


Figure 1: Vicinity Map

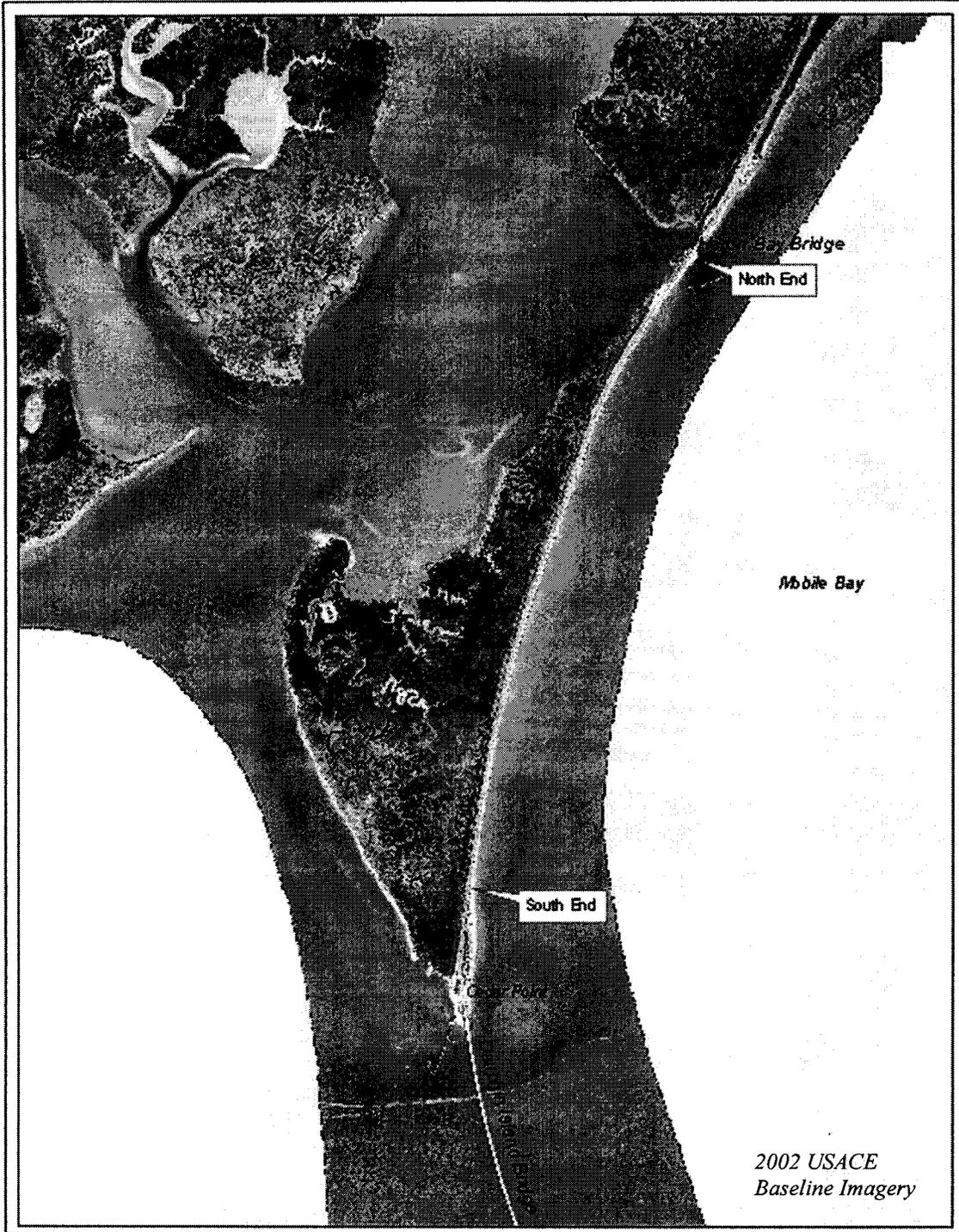


Figure 2: Project Location

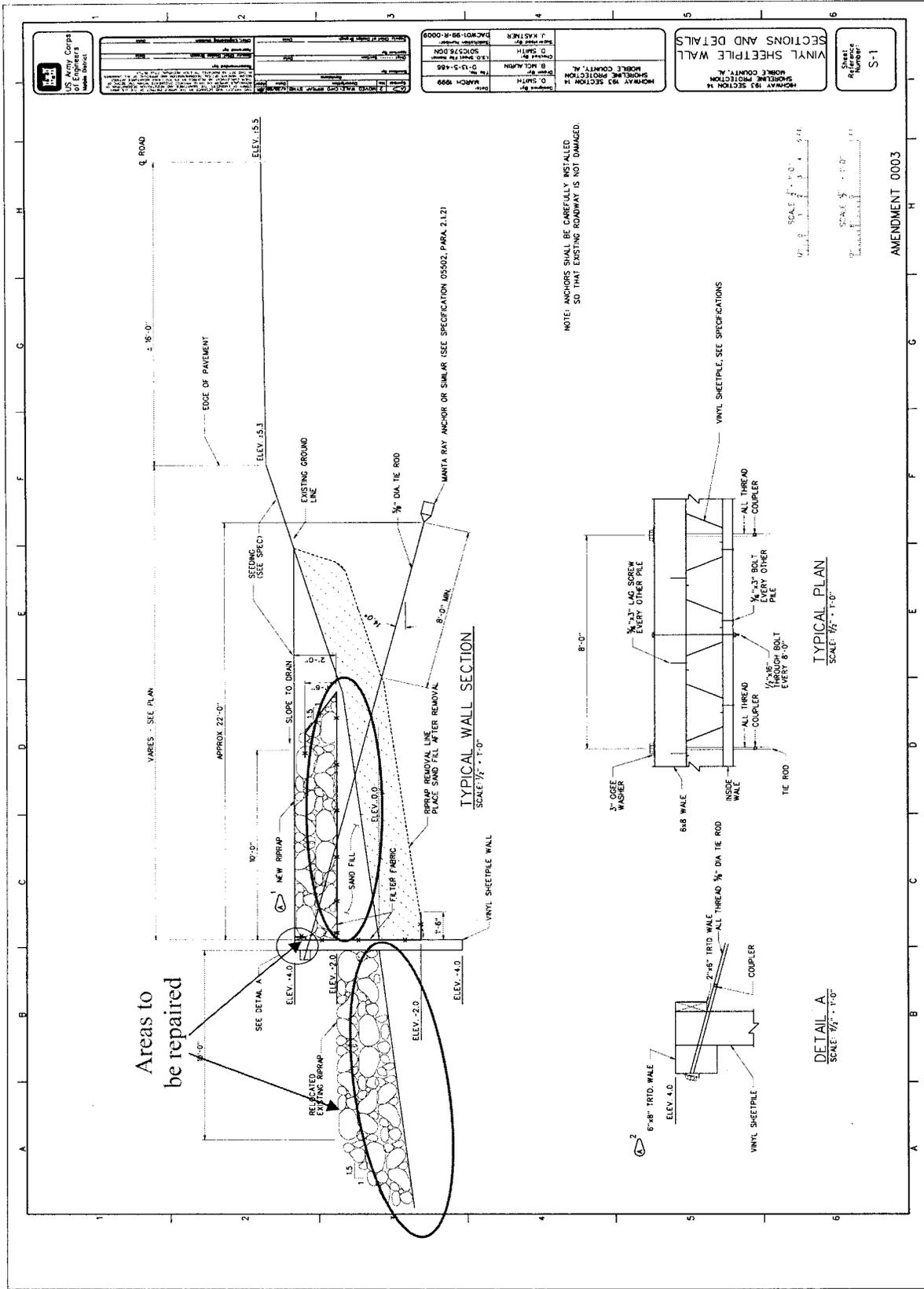


Figure 3: Typical Cross-Section