



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM RD-I- N
PUBLIC NOTICE NO.
SAM-2010-00233-CHE

July 15, 2010

PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

ERRATUM / REVISION: This erratum corrects or revises the public notice dated July 12, 2010, which incorrectly described the proposed work.

**CONSTRUCTION OF A MARINA AND CONNECTION OF A MARINA TO A
NAVIGABLE WATER**

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 (33 USC 403). Please communicate this information to interested parties.

APPLICANT: King Fisher Marina, Inc.
Attention: Mr. Fred Hansard
Post Office Box 1028
Demopolis, Alabama 36732

AGENT: Almon Associates, Inc.
Attention: Philip Guin, P.E.
2008 – 12th Street
Tuscaloosa, Alabama 35401

LOCATION: In the Tombigbee River at Demopolis, Marengo County, Alabama (32.530587,-87.84094).

WORK: The applicant proposes to construct a marina with 114 covered boat slips and a dry storage boat launch facility. The marina would be constructed in an uplands area that was previously mined for sand, and then connected via the excavation of a channel from the marina to the Tombigbee River. The constructed marina basin and river access channel will be lined with PVC sheet piling. Material excavated from the channel would be placed in the “Phase II” marina area, and would be removed under a Sand Mining Permit. If market conditions are favorable after the excavated material has been removed, the applicant will implement the “Phase II” marina expansion, consisting of the construction of 76 covered boat slips, and a boat ramp, and a pier adjacent to the boat ramp. Once the Phase II features are constructed, the applicant will remove the sheet piling separating the phases, expanding the marina once again.

PROJECT PURPOSE: The applicant has stated that the purpose of the project is to “provide additional dockage facilities on the Tenn-Tom Waterway increasing the recreational value of this area.”

AVOIDANCE AND MINIMIZATION: The applicant has submitted the following statement: “A wetlands investigation was completed in November, 2009 This report indicates that no wetlands will be impacted by this proposed project. The only water quality issues of concern with this proposed marina are dissolved oxygen (D.O.) and fecal coliform within the marina waters. Kingfisher Marina will be designated as a no discharge area as required by the State Of Alabama. Marina personnel are certified by the Alabama Marine Police and will certify all holding tank systems are operational before the required decal is issued to the boat owner and a slip rental contract is finalized. This decal is good for one year per present state requirements. The proposed dock system will incorporate a dockside pump-out system such that no boat has to be moved for sewage disposal and all sewage will be pumped to the Demopolis Water Works and Sewer Board's sanitary sewer system. To ensure coliform counts remains low and are monitored, Kingfisher Marina will include coliform testing on a bi-annually basis in the storm-water permit application with the Alabama Department of Environmental Management. There is presently no information available regarding the dissolved oxygen (D.O.) concentrations in the Tombigbee River near this proposed marina. As a result, the marina developers have instituted a weekly program to monitor the D.O. in the proposed marina waters and the adjacent river. Preliminary results indicate the impounded waters of the proposed marina have as good or better D.O. concentration as the Tombigbee River. Independent testing of the impounded Kingfisher Marina water taken at the northeast corner of the basin before any influx of river water was within 0.02 mg/l of the D.O. value found in the nearby river. These samples were taken on June 1, 2010, at 8:00 am. There was no wind or wave action present to re-aerate the basin. Samples were taken at the Alabama Department of Environmental Management's required depth of five feet below the water surface and tested by an Orion 5 Star calibrated meter. ... Kingfisher Marina agrees to weekly monitor the dissolved oxygen concentration of the proposed basin and the river prior to and after construction of the opening to the Tombigbee River. In addition, they agree to initially install two (2) KASCO water movers (information attached) at the locations shown on Drawing S1. The installation of these devices will facilitate water movement within the basin and aid in displacement of debris and trash around the floating docks. Should data indicate D.O. levels within the proposed marina consistently fall below 5.0 mg/l additional water mover units will be installed. These units are used in marinas allover the United States for water quality issues and have been determined to provide adequate aeration. An additional factor that will facilitate water movement within the proposed basin at this location is the Demopolis Lock and Dam located at river mile 213.6. The lockage of barges historically causes a rise of 1" to 2" of the river in this area. Approximately 4 to 6 barge *tows* per day, minimum, are locked through this facility. The operation of this lock will add a flushing component and supplement the natural rise and fall of the river due to natural conditions.

MITIGATION: The applicant has not proposed any mitigation.

COMMENTS: 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.

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 properties listed in or eligible for the National Register are known to exist in the project vicinity. 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

July 15, 2010

Interior, National Park Service, Division of Archeological Services. The Alabama Historical Commission is currently reviewing the project (AHC 10-0170).

The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat. The USFWS has reviewed the project and determined that “no federally listed species or critical habitat are known to occur in the project area” on January 6, 2010.

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps assessed the potential impacts of the project on Essential Fish Habitat (EFH). The Corps has determined that the proposed action will “not adversely affect” EFH. No further EFH consultation is necessary.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2010-00233-CHE and should be directed to:

District Engineer
ATTN: Casey Ehorn
U.S. Army Engineer District, Mobile
Birmingham Field Office
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

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. Casey Ehorn at telephone number (205) 290-9096 or Casey.H.Ehorn@usace.army.mil . Please refer to Public Notice number SAM-2010-00233-CHE.

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 (drawings dated 7-12-2010)

R. 2 E.

SAM-2010-00233-CHE

1 of 4

July 12, 2010

B M 97

W E B B S

RIVER

14

B M 80

R.M. 21

B M 89

84

T. 18 N.

DEMOPOLIS LAKE
1976 ELEVATION 74

N

23

Demopolis
(B M 125)

1000

Feet

WEBBS LAND

Vicinity Map

May 7, 2010

U.S. Army Corps of Engineers Permit

King Fisher Marina
City of Demopolis,
Marengo County, AL

Legend



Property Line



Project Area



Existing Excavation/
Sedimentation Basin

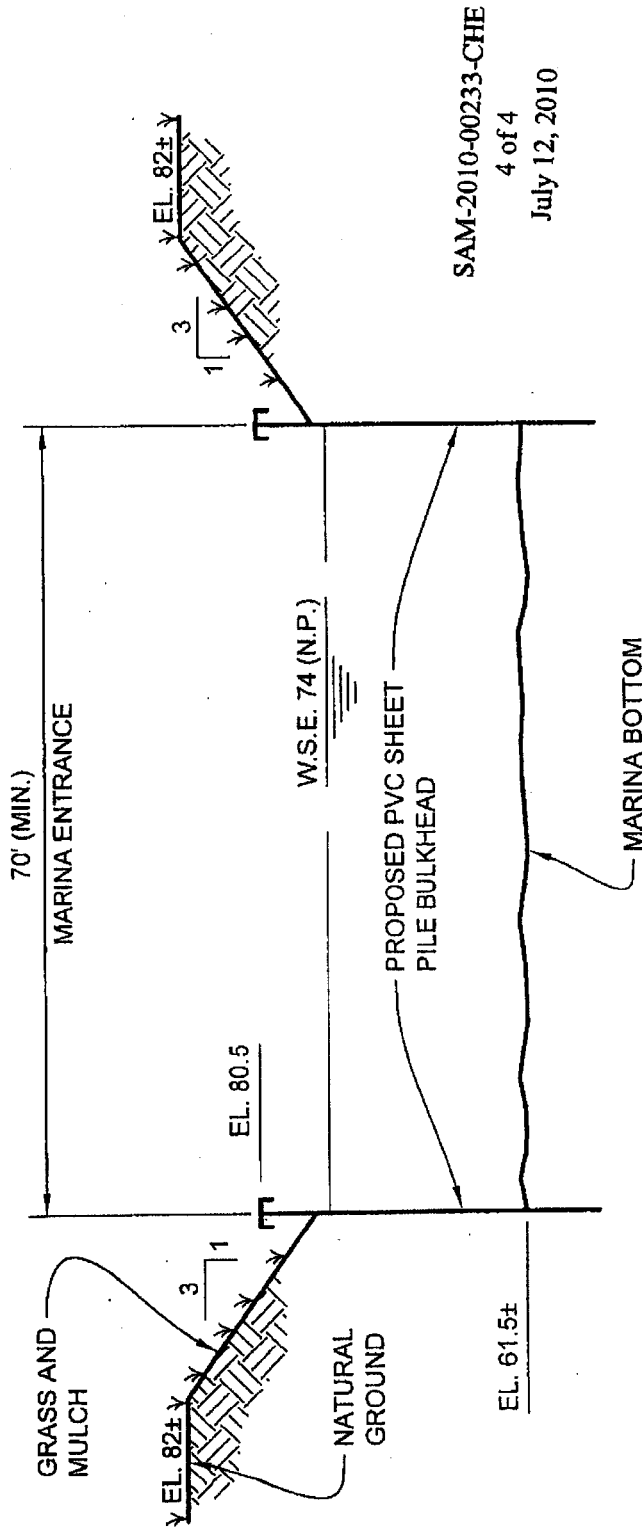


Final Excavation/
Sedimentation Basin



Property Owner Key

Source:
U.S. Geological Survey
Demopolis, AL



SAM-2010-00233-CHE
4 of 4
July 12, 2010

CROSS SECTION B-B
NO SCALE

Almon Associates, Inc.
200 12th Street
Tomball, Texas 77375
281-291-2100
281-291-2101 Fax



Approved By _____

KING FISHER MARINA
CORPS OF ENGINEERS PERMIT DRAWING

CROSS SECTION B-B

DEMOPOLIS, ALABAMA

DATE	REVISION

FIELD BOOK	CAU FILE, COM PERM
DRAWN BY: TJA	DATE: 06/09/10
CHECKED BY: JOM	JOB NO.: 08-070-08

33