



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

REPLY TO

CESAM-RD-C  
PUBLIC NOTICE NO.  
SAM-2006-1434-MBM

28 JUNE 2006

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

**PROPOSED CONSTRUCTION OF A PRIVATE 65-SLIP MARINA ASSOCIATED WITH A**  
**PROPOSED RESIDENTIAL SUBDIVISION ADJACENT TO EAST FOWL RIVER,**  
**THEODORE, MOBILE COUNTY, ALABAMA**

**TO ALL CONCERNED:** The U.S. Army Corps of Engineers, 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:** The Gates of Fowl River, L.L.C.  
c/o Barry A. Vittor & Associates, Inc.  
Attention: Mr. Russell Rigby  
8060 Cottage Hill Road  
Mobile, Alabama 36695

**LOCATION:** East Fowl River, east and adjacent to the existing Fowl River Marina off Dauphin Island Parkway, Township 7 South, Range 1 West, Section 9, Theodore, Mobile County, Alabama.

**WORK:** The applicant proposes to construct a private 65-slip recreational boat marina associated with a planned gated single-family residential subdivision on the north shore of the East Fowl River. The project parcel is 8.38 acres in size and contains 1.53 acres of tidal marsh wetlands fronting the Fowl River. The site also contains a man-made canal with existing concrete boat ramps at the head of the canal. The proposed marina will consist of 65 boat slips that are 15-foot wide by 30-foot long, perimeter piers that are ten-foot wide, and narrow 2-foot wide by 4-foot long finger piers between each slip. The piers will be 4-foot high and the perimeter pier would cover a maximum of 4-feet of marsh perimeter to prevent shading and adverse impacts. A boat launch ramp is planned at the west end of the canal at the existing concrete ramps. The existing bulkhead at the southwest side of the man-made canal will be repaired. The applicant states that no dredging is required and the project will avoid impacting any wetlands. The marina will not offer fuel, sewage pump-out, vessel repairs of any kind, or short term-leases.

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 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 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.

For additional information, please contact Mr. Michael Moxey, Project Manager, telephone number (251) 694-3771. Comments should be received by **28 July 2006**. Please refer to number **SAM-2006-1434-MBM** and direct your correspondence to the District Engineer, 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.

Enclosures

MOBILE DISTRICT  
U.S. Army Corps of Engineers

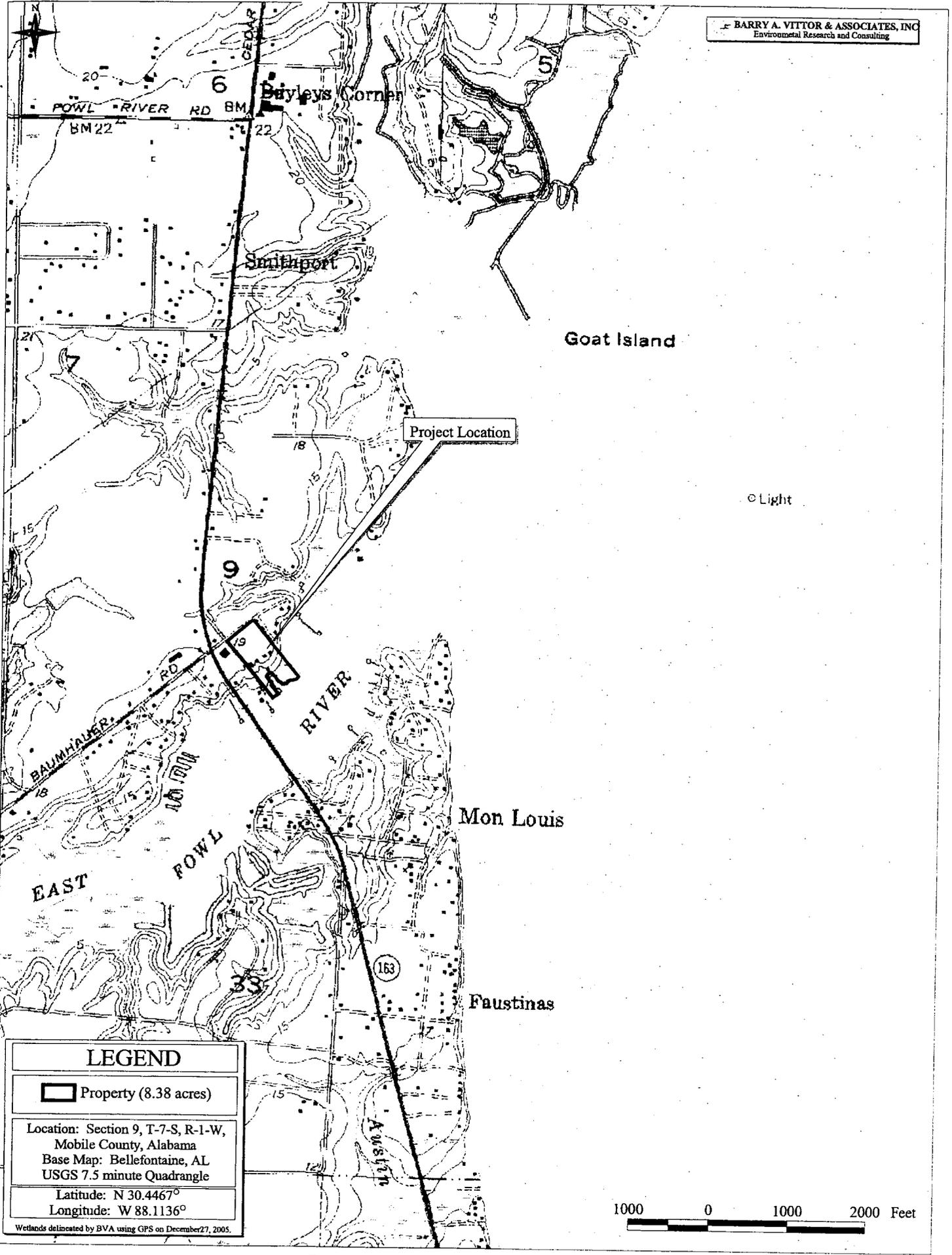
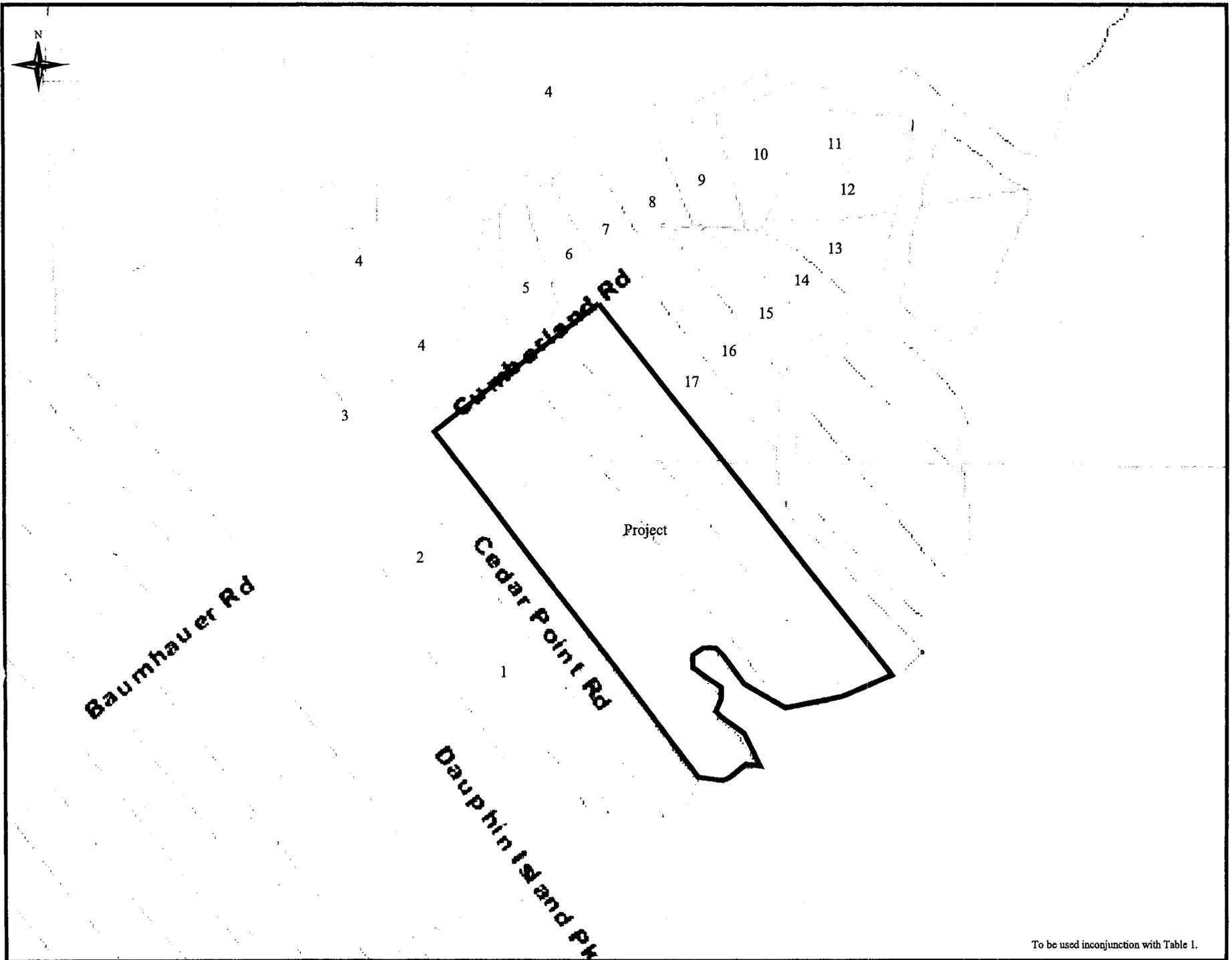


Figure 1. Vicinity Map of The Gates of Fowl River, LLC.



To be used inconjunction with Table 1.

Figure 6. Property Owners adjacent to The Gates of Fowl River, LLC. (East Fowl River).

Figure 5. Wetland Delineation Map

BARRY A. VITTOR & ASSOCIATES, INC  
Environmental Research and Consulting

Fowl River Marina

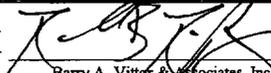
LEGEND

- Property (8.34 acres)
- Wetlands (1.53-acre)

Location: Section 9, T-7-S, R-1-W,  
Mobile County, Alabama  
Base Map: Bellefontaine, AL  
USGS 7.5 minute Quadrangle

Latitude: N 30.4467°  
Longitude: W 88.1136°

Wetlands delineated by BVA using GPS on December 27, 2005.

X   
Barry A. Vittor & Associates, Inc.



Positions of wetland flags were fixed using differentially corrected GPS accurate to +/- 1 meter. Wetland boundaries have not been verified by the U.S. Army Corps of Engineers. Property boundaries depicted are approximate.



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Figure 2. Proposed development plan for The Gates of Fowl River, LLC. East Fowl River, AL.

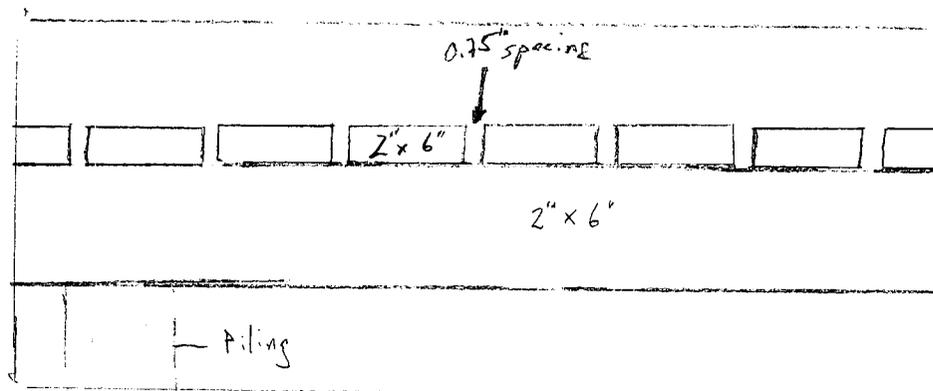
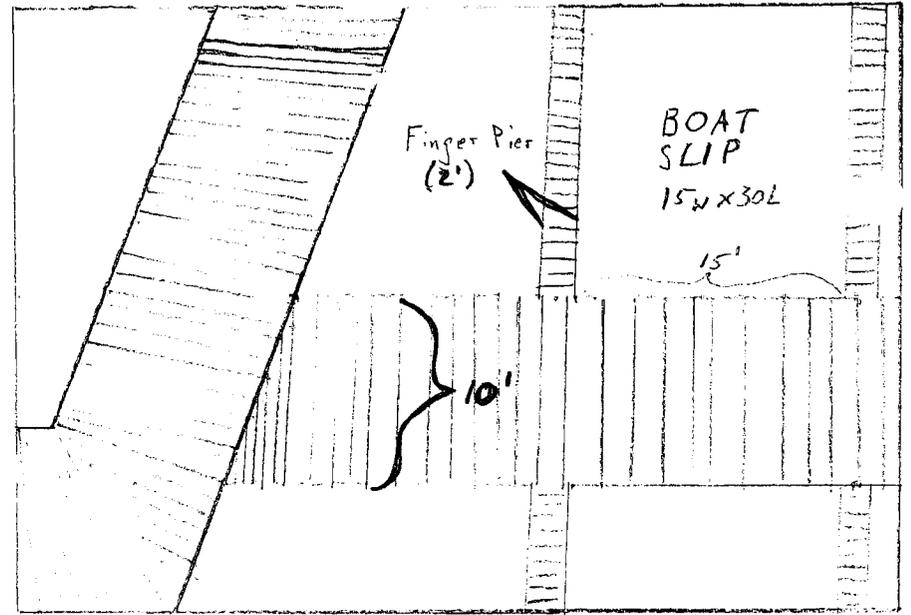
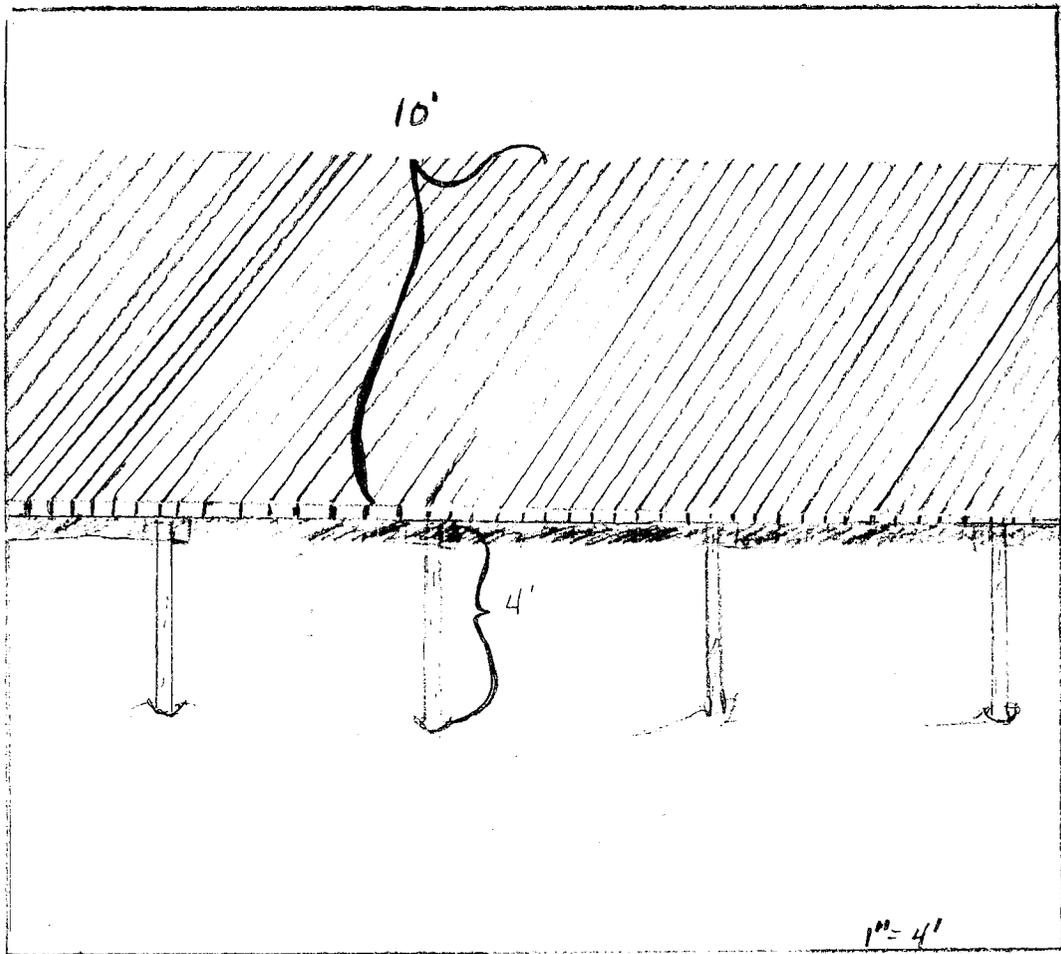


Figure 3. Close-up of Pier.