



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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2007-1642-TMZ

NOV 23 2007

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

PROPOSED RESIDENTIAL SUBDIVISION: HERON LANDING

DOG RIVER; MOBILE, MOBILE COUNTY, ALABAMA

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 and Section 404 of the Clean Water Act. Please communicate this information to interested parties.

APPLICANT: Parkway, LLC
Mr. J. Gaines Betbeze
Post Office Box 6151
Mobile, Alabama 36660
(Phone 251-476-4111)

WATERWAY: Unnamed canal off Dog River, west of Dauphin Island Parkway, Mobile, Mobile County, Alabama; Section 35, Township 5 South, Range 1 West; N 30.66722; W 88.14889.

WORK: The applicant proposes to construct a residential subdivision known as Heron Landing. As part of the development, the applicant proposed dredging an existing man-made canal off Dog River to deepen and widen it to accommodate boat mooring facilities along the shoreline. A pile-supported boardwalk will be constructed parallel to the shoreline, as shown on the project drawings. Dredged material will be disposed of on uplands on the north end of Lots 7 and 8. A total of 1390 sq. ft., or 0.03 acre, of forested wetlands will be excavated when the canal is widened. Wetland impacts will be mitigated for through the purchase of credits from a Corps-approved mitigation bank. A 545-foot-long by 5-foot-wide walkway and pier structure with 14 boat slips will be constructed parallel to the west bank of the canal. The decking height will be 5 feet above the wetlands at the shoreline. Slips 1 through 8 will be parallel berths without access piers; slips 9-14 will be double berth perpendicular to the shoreline with four 20-foot-long by 4-foot-wide access piers. The height of the access pier decking will be 3 feet above mean high water. Additionally, a 20-foot long by 25-foot-wide dock will be constructed over fringing tidal wetlands and open water on Dog River at the south end of the walkway. The height of the decking will be 5 feet above the wetlands at the shoreline. A total of 204 pilings will be used for the entire structure. Twelve-foot pilings will be used for the walkway, and 20-foot pilings will be used for the boat slips and their access piers; piling length is as yet undetermined for the boat dock at the south end of the walkway. By letter dated 26 October 2007, the applicant's consultant reported negative results following a 14 October 2007 field survey for submerged aquatic vegetation (SAV) at the project site.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Alabama Department of Environmental Management.

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.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. **The Mobile District has determined that the**

proposed action is unlikely to adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service (NMFS). This Public Notice serves as notification to NMFS concerning this project and hereby solicits their opinion regarding potential impacts to EFH.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1642-TMZ and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division

with a copy to the:

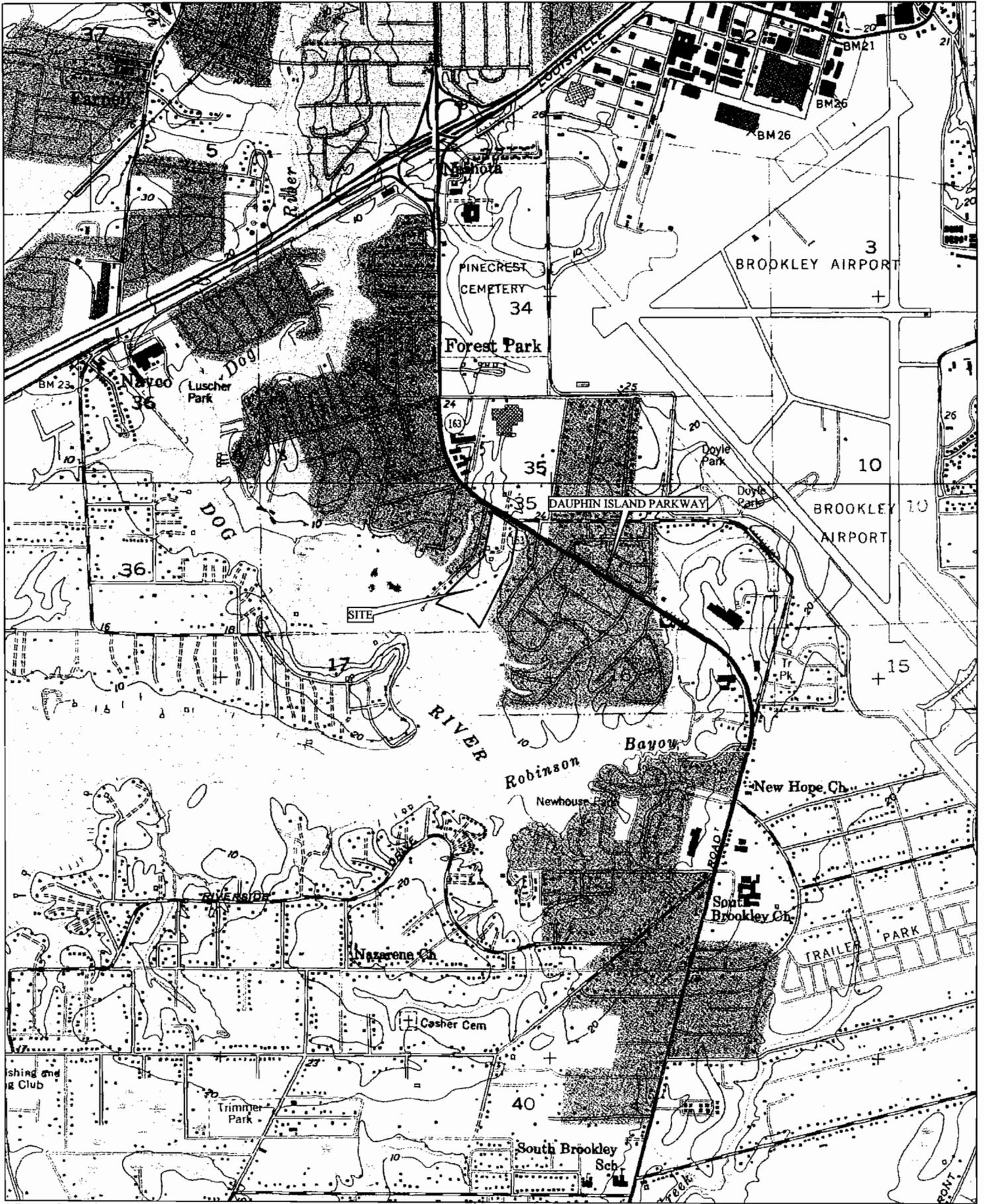
Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

Comments should be received no later than **21 days** from the date of this Public notice.

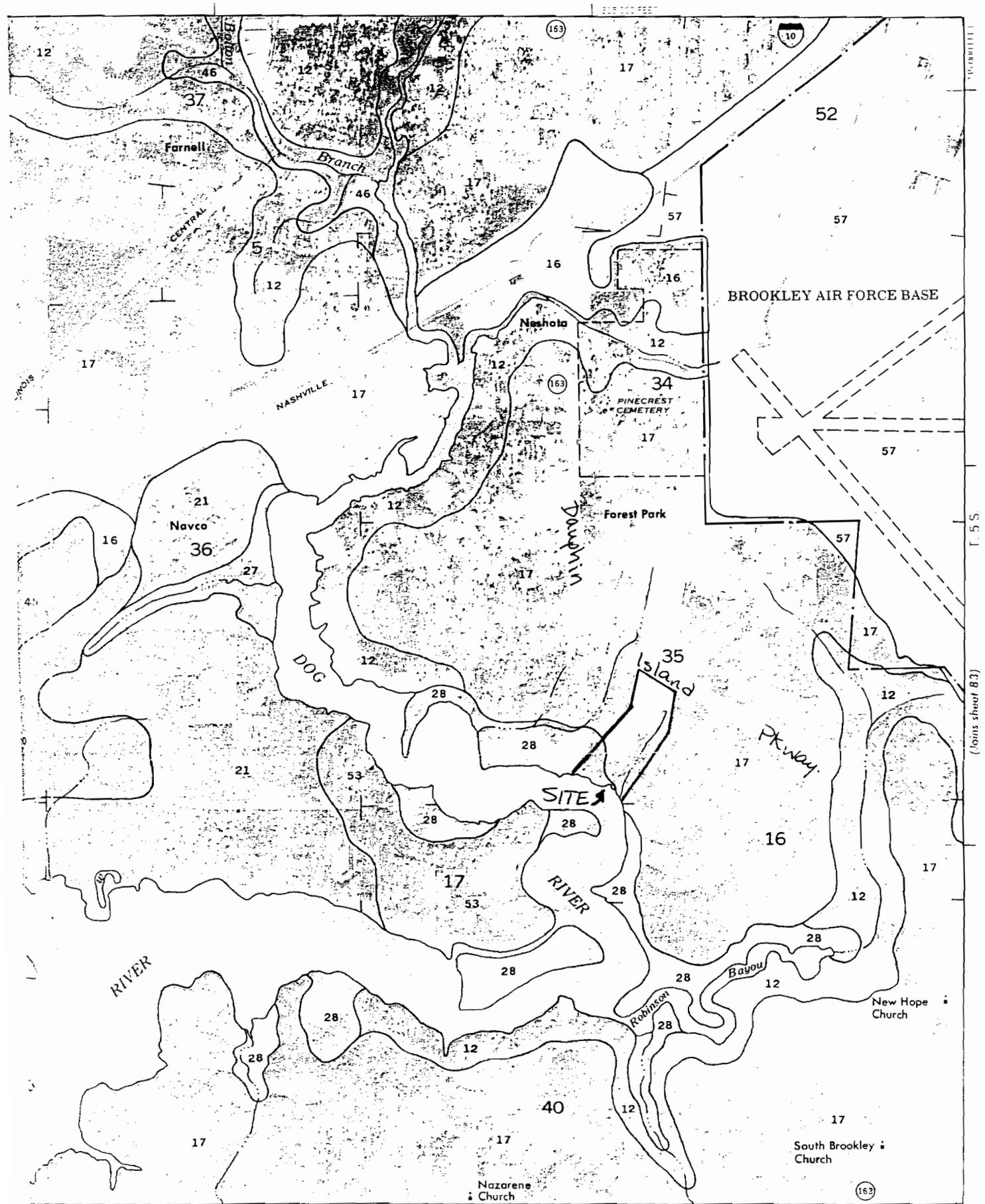
If you have any questions concerning this publication, you may contact the project manager via e-mail at tad.m.zebryk@sam.usace.army.mil or telephone number **(251) 690-2658**. Please refer to the above Public Notice number. For additional information about our Regulatory Program, please visit our web 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.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer



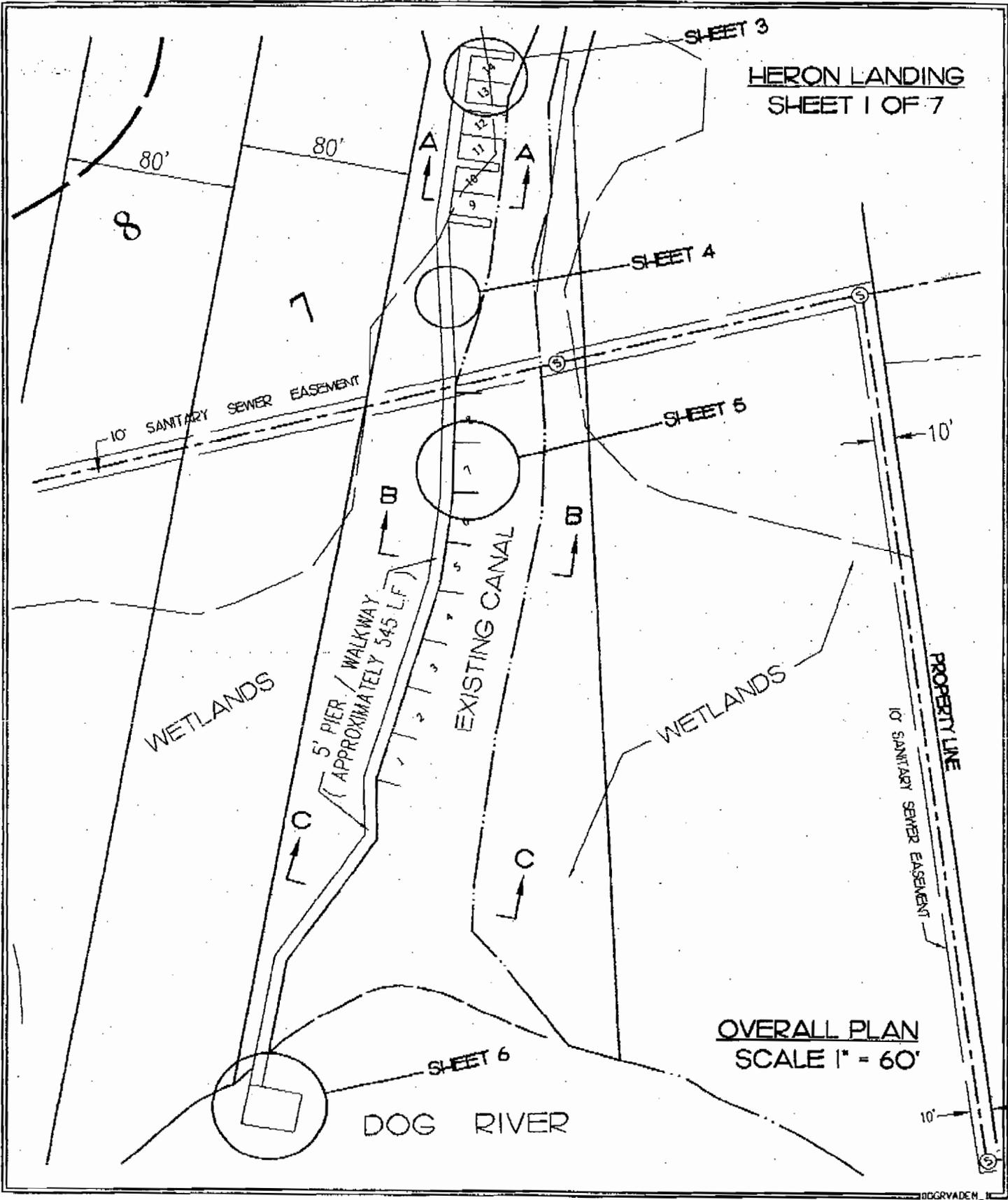
Mobile Co. Soil Surv



(Joins sheet 83)

2/10

HERON LANDING
SHEET 1 OF 7



OVERALL PLAN
SCALE 1" = 60'

4/10

HERON LANDING
SHEET 2 OF 7

0.02 AC. ±

0.01 AC. ±

80'

20'

25'

14

13

12

11

10

9

25'

122' ±

WETLANDS

91 SQ.FT. ±

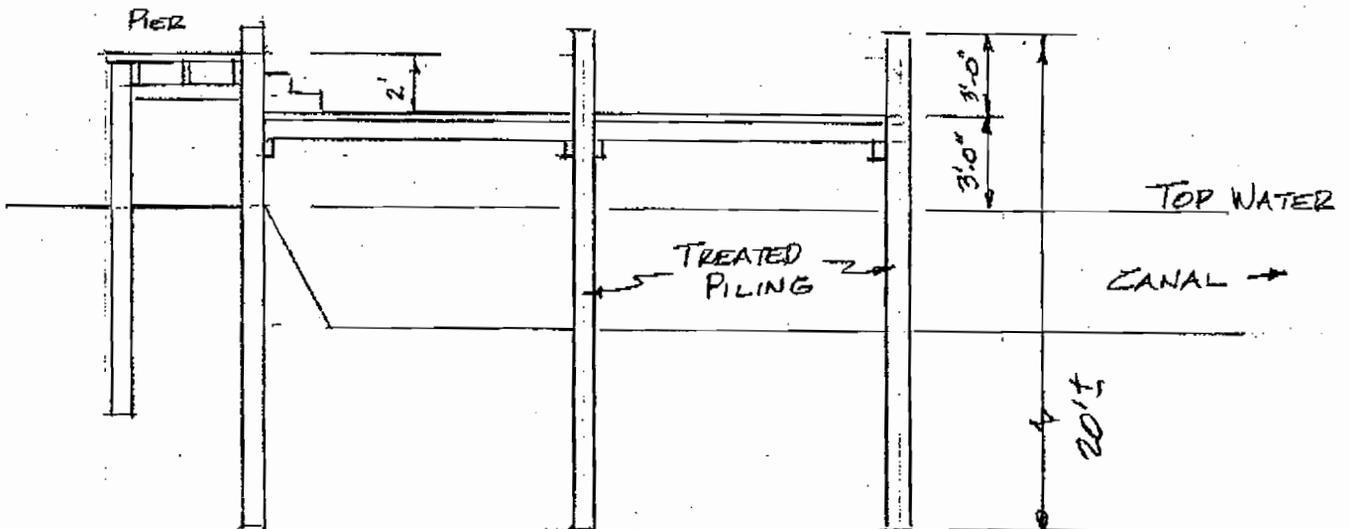
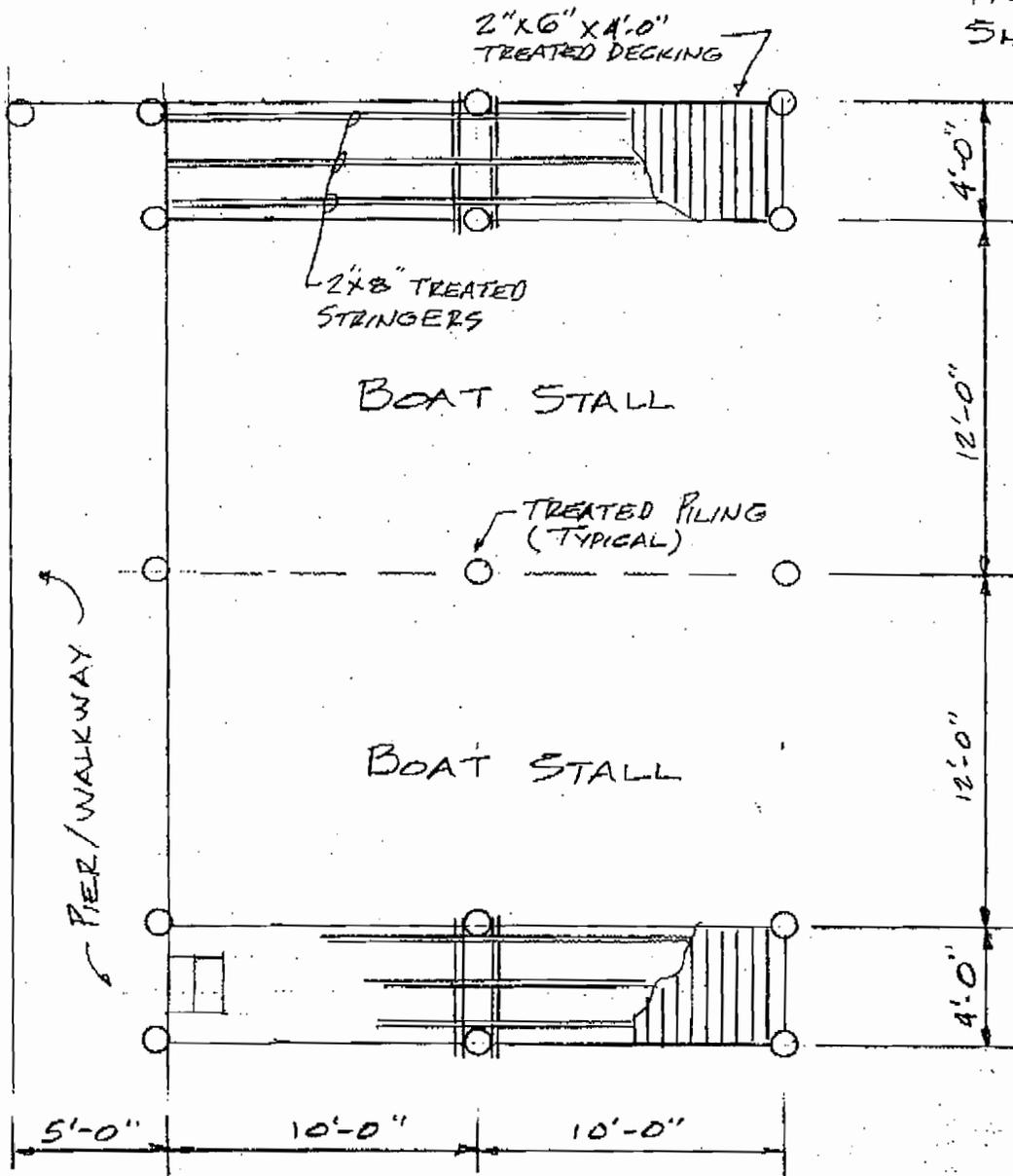
WETLANDS

8

WETLAND EXCAVATION
SCALE 1" = 20'

DOGRAVADEH_2

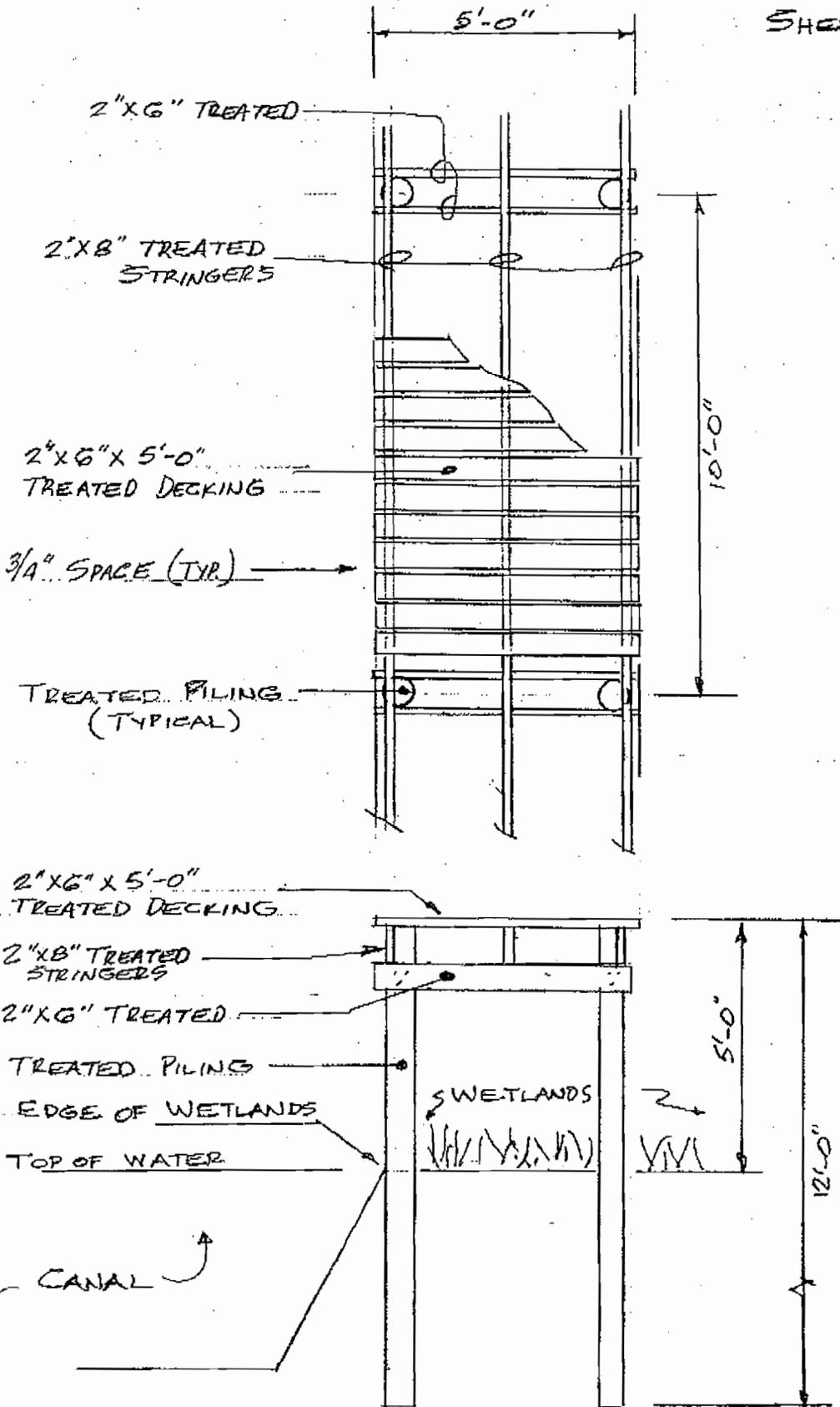
HERON LANDING
SHEET 3 OF 7



HERON LANDING

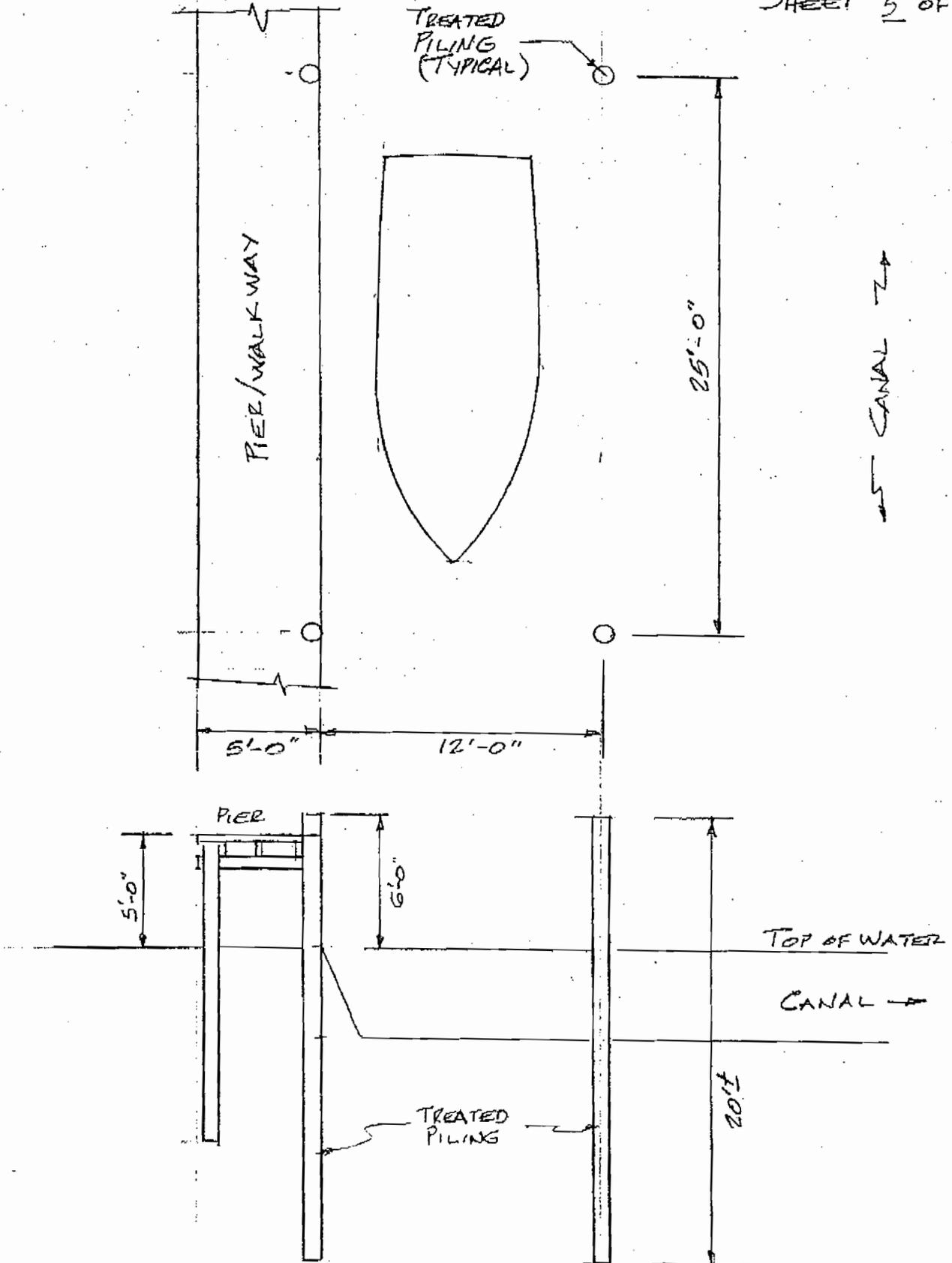
SHEET 4 OF 7

PIER/WALKWAY



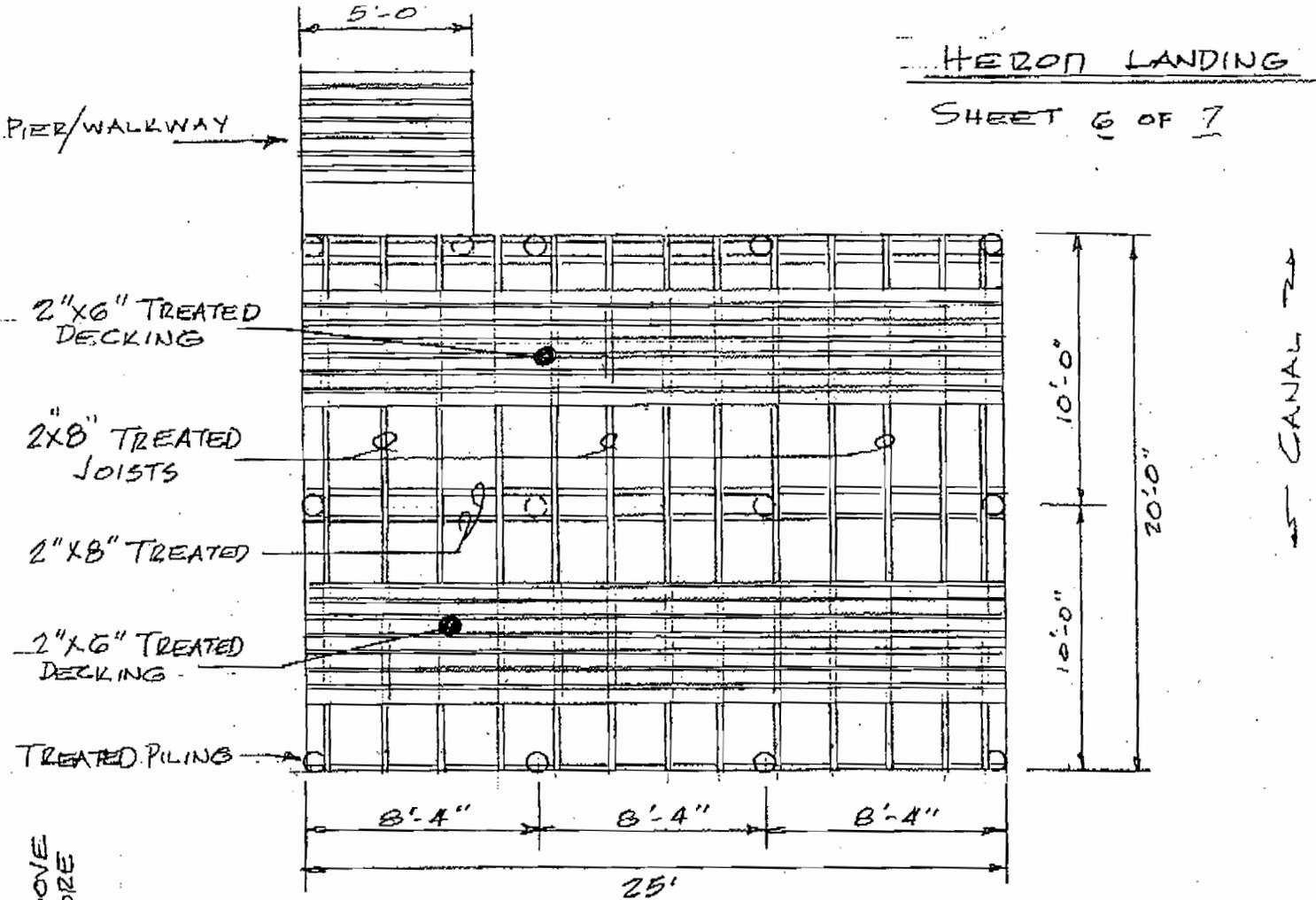
HERON LANDING

SHEET 5 OF 7

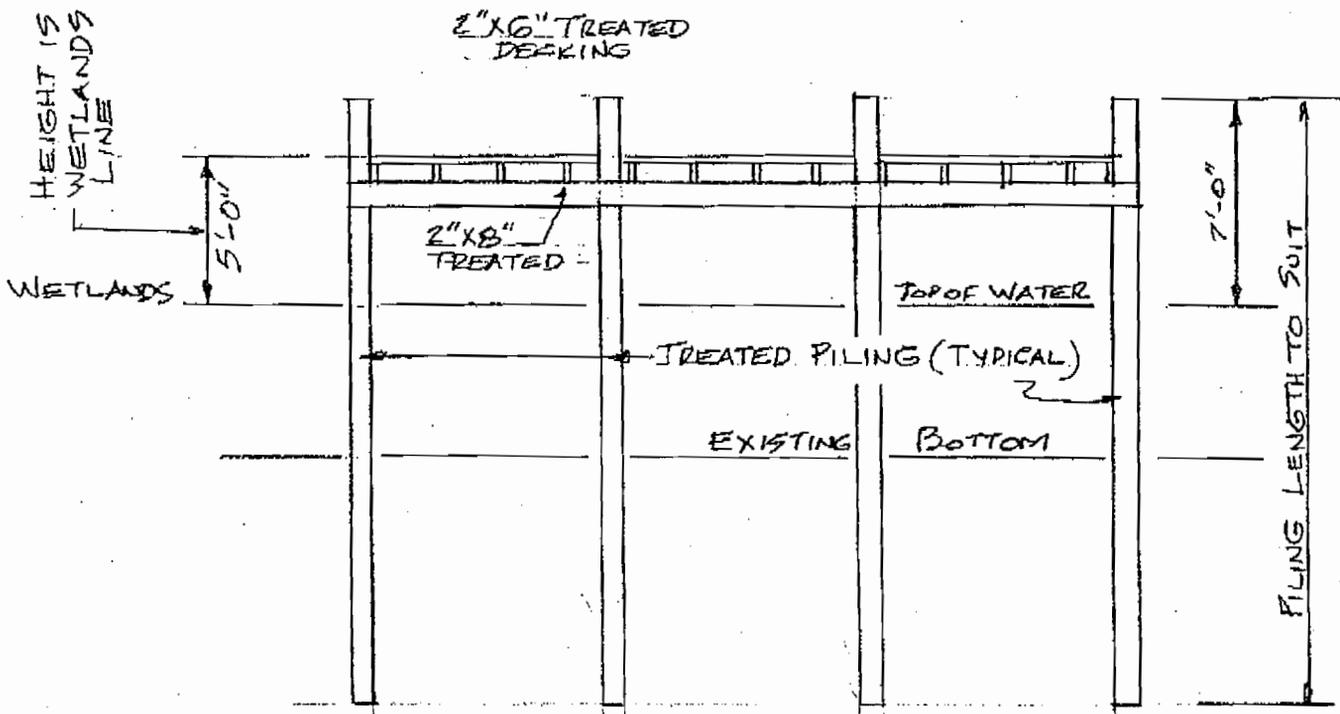


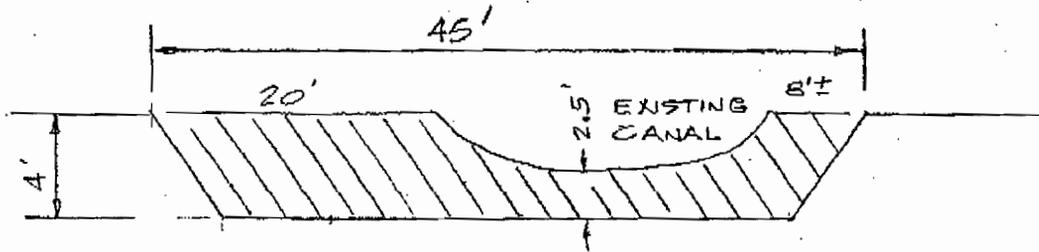
HERON LANDING

SHEET 6 OF 7

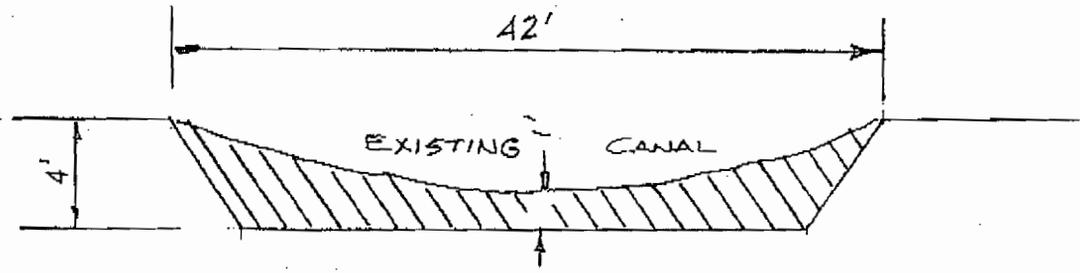


HEIGHT IS 5'-0" ABOVE WETLANDS AT SHORE

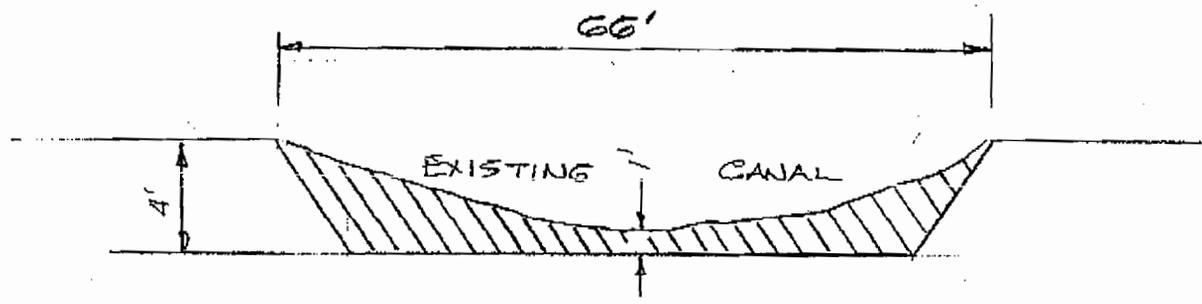




SECTION A-A



SECTION B-B



SECTION C-C

TOTAL EXCAVATION = 1796 CY.