



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

REPLY TO
ATTENTION OF:

CESAM-RD-C
PUBLIC NOTICE NO.: SAM-2007-2222-GAC

May 9, 2008

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

**Construction of New Marina Facility and Installation of Flow-Through Rip-Rap
Shore Protection on the Bon Secour River**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: Joe Rodgers

Waterway: Bon Secour River, Gulf Shores, Baldwin County, Alabama

WORK: The applicant proposes to construct a 49-slip marina and place flow-through rip-rap in conjunction with the development and construction of a multi-family condominium complex on the Bon Secour River, Gulf Shores, Baldwin County, Alabama. All work is proposed in accordance with the attached plans and drawings.

Specifically, the riparian area will be developed into a marina and a flow-through rip-rap wall installed parallel to the shoreline. The resulting facility will utilize 53,792 square feet (1.23 acres) of State waterbottom. Three 6-foot wide main docks will be configured to provide 49 boat slips measuring 25-feet long by 13-feet wide using 30 perpendicular finger docks and 25 mooring posts. The three main docks will measure 216-feet long, 200-feet long and 168-feet long and possess 12, 10 and 8 finger docks respectively. The finger docks are proposed to each be 25-feet long and 4-feet wide with all decking for the project being placed with a 0.75 inch spacing between planks. In addition, the three main docks will be a minimum of 6-feet above the waterbottom.

The 283-feet of shoreline will be stabilized by the placement of a four foot wide by two foot high rip-rap wall constructed a minimum depth of 18 inches and waterward of the existing emergent vegetation. The rip-rap wall will impact 1,228 square feet of waterbottom. This wall will be constructed with breaks at 50-foot intervals to facilitate tidal flow and promote the expansion of the tidal fringe. There is no submerged aquatic vegetation within or adjacent to the footprint of the marina.

The applicant has applied for State Certification in accordance with Section 401(a)(1) of the Clean Water Act, and has certified that the proposed activity complies with and will be

conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to 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 (Corps) 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 no properties listed in or eligible for the National Register are known to exist which would be affected by the

proposed work. 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 Interior, National Park Service, Division of Archeological Services.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project will disturb approximately 1.23 acres of substrate utilized by various stages of various marine organisms. Our initial determination is that the proposed action will not have a substantial impact on EFH or federally managed fishes. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-2222-GAC and should be directed to:

District Commander
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

All comments must be sent in time to be received not later than June 9, 2008.

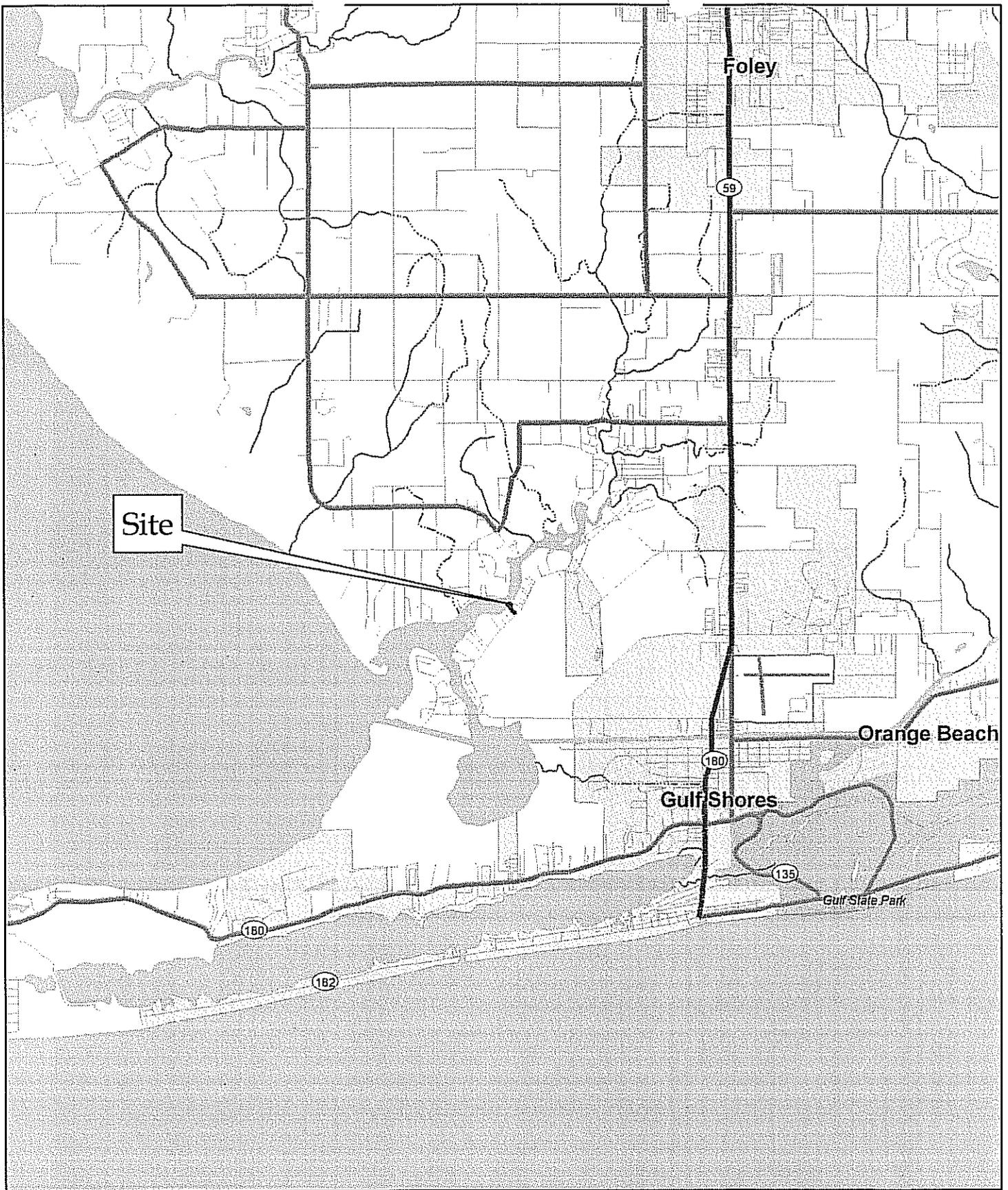
If you have any questions concerning this publication, you may contact Mr. Glen A. Cunningham at telephone number (251) 694-4077. Please refer to Public Notice number **SAM-2007-2222-GAC**.

CESAM-RD-C
Public Notice SAM-2007-2222-GAC

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

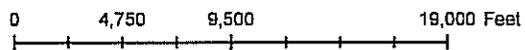


Project: Bay John II
 Applicant: Joe Rodgers
 Bay John Two, LLC

Sect 35, T8S, R3E
 Baldwin County, AL

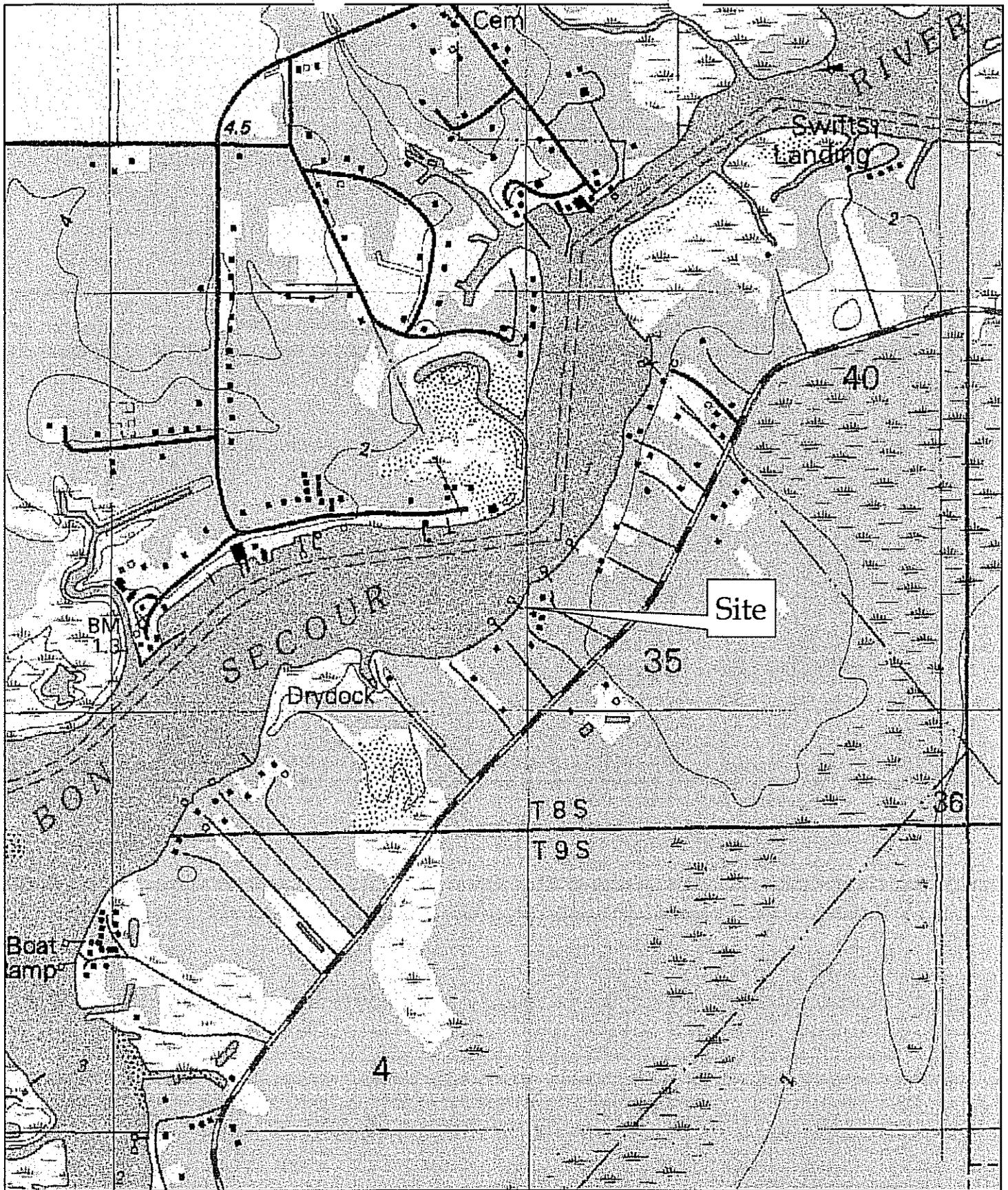


P.O. Box 361 Montrose, AL 36559
 251-621-5006 PH



1 inch equals 8,000 feet



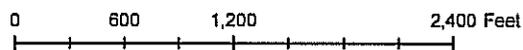


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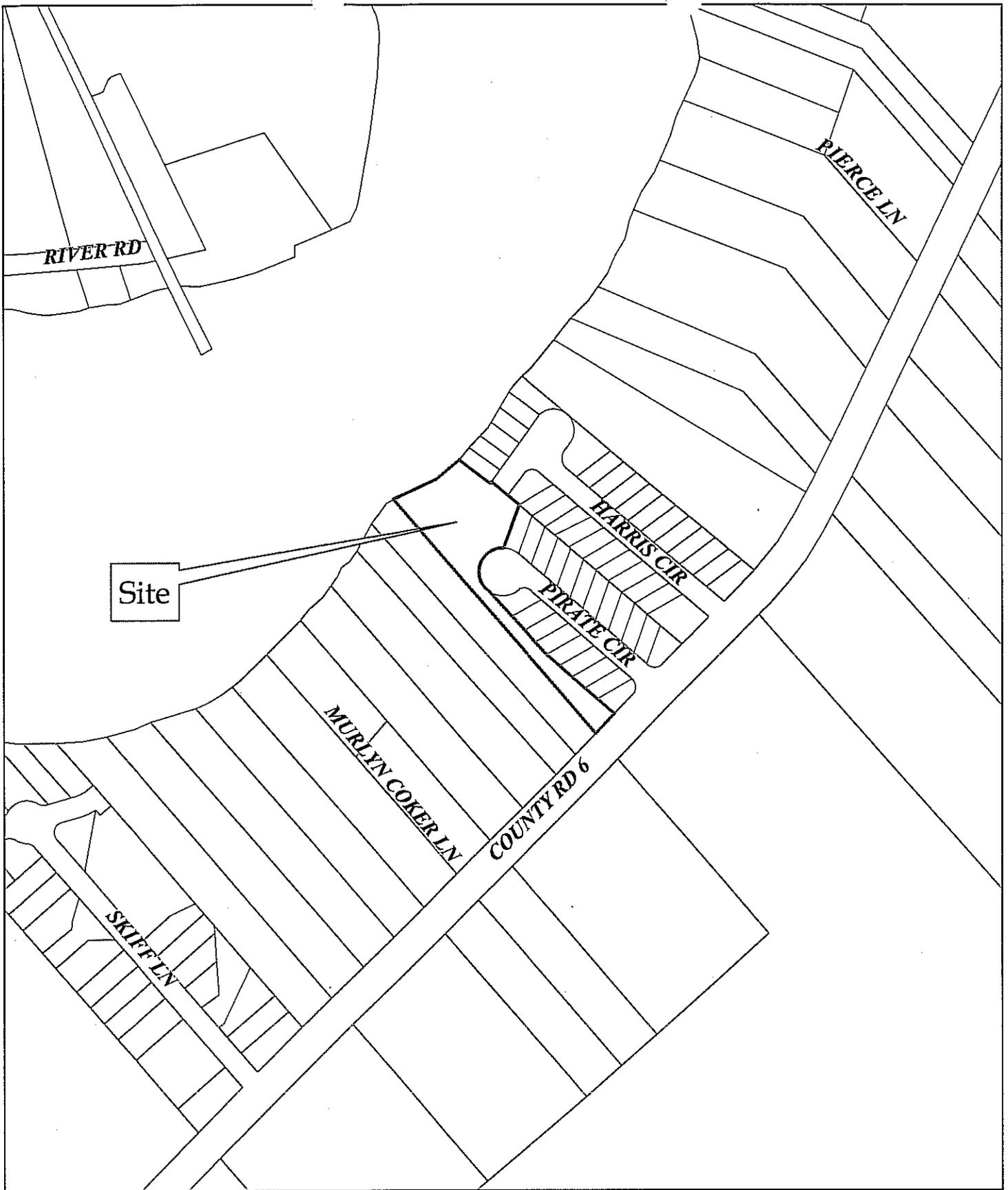


P.O. Box 361 Montrose, AL 36659
 251-621-5006 PH



1 inch equals 1,000 feet



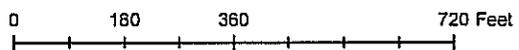


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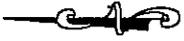
P.O. Box 361 Montrose, AL 36559
 251-621-5006 PH



1 inch equals 300 feet



PROJECT: 1.23 ACRES OF STATE WATER BOTTOMS
 NO WETLANDS OR SUBMERGED AQUATIC VEGETATION

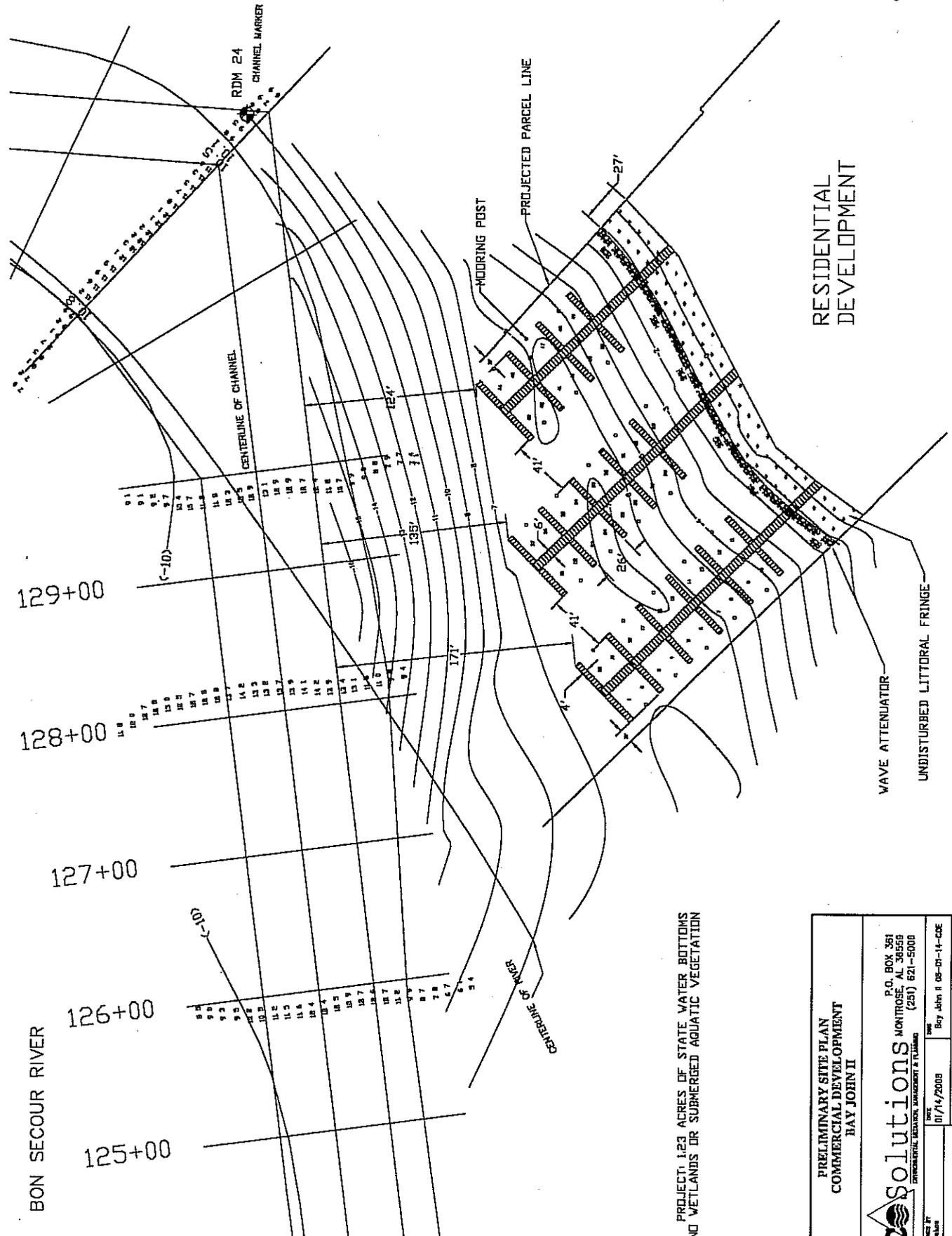
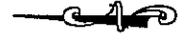


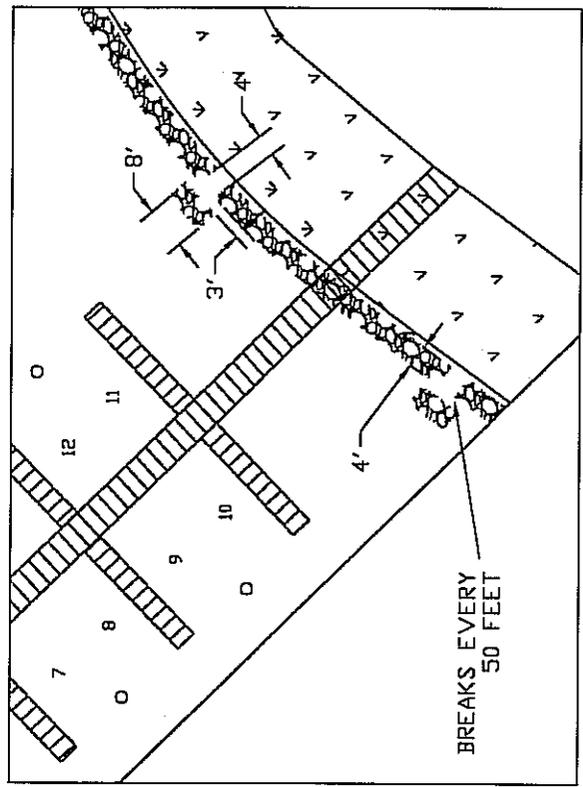
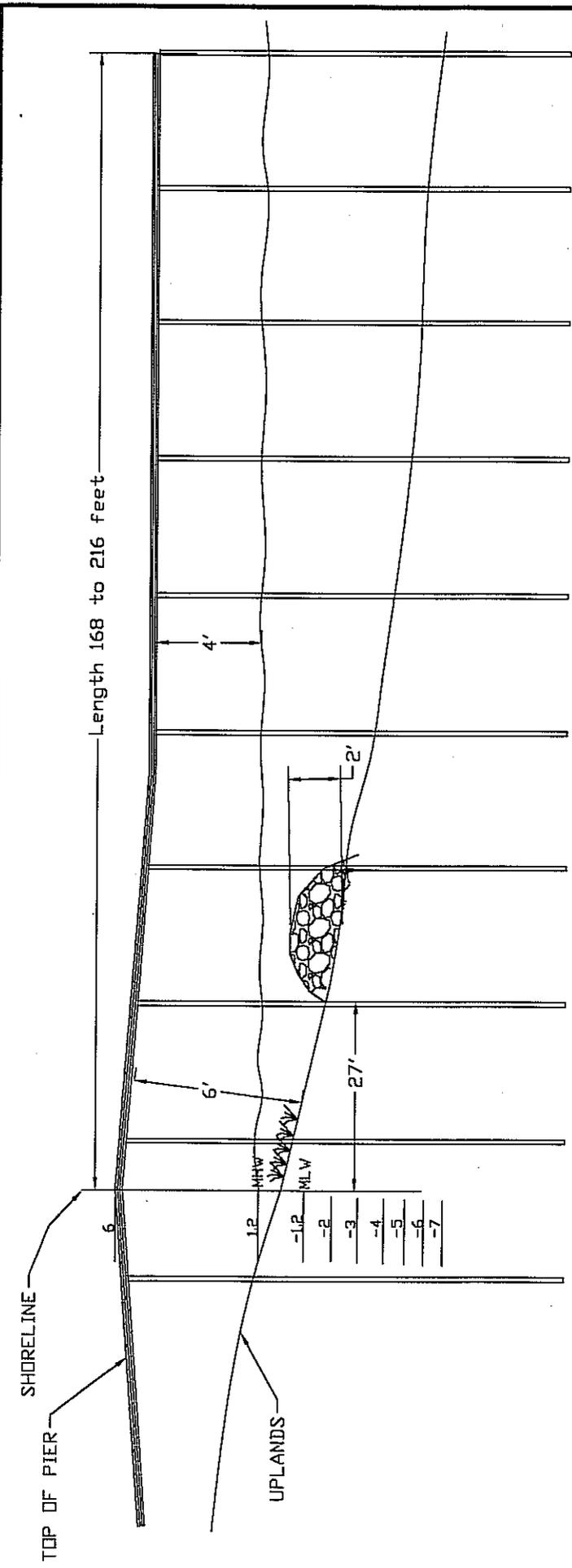
RESIDENTIAL
 DEVELOPMENT

PRELIMINARY SITE PLAN
COMMERCIAL DEVELOPMENT
BAY JOHN II

EcoSolutions
 ENVIRONMENTAL RESTORATION, MANAGEMENT & PLANNING
 P.O. BOX 361
 MONTROSE, AL 36559
 (251) 621-5006

DATE: 01/14/2008
 DRAWN BY: Bay John II 08-01-14-COE
 CHECKED BY: S. Arbozzauskas
 SCALE: As Stated
 SHEET: []





NO DREDGING

TYPICAL CROSS SECTION
COMMERCIAL DEVELOPMENT
BAY JOHN II

ECOSolutions
 ENVIRONMENTAL, MEDIATION, MANAGEMENT & PLANNING

P.O. BOX 361
 MONTROSE, AL 36559
 (251) 621-5006

DATE: 01/14/2008
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