



REPLY TO  
ATTENTION OF:

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

**CESAM-RD-C  
PUBLIC NOTICE NO. : SAM-2007-944-GAC**

SEP 28 2007

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

**Construction of New Boat Slips and Associated Breakwater in the Existing Aloe Bay Boat Basin, Dauphin Island, 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 River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

**APPLICANT: Desoto Development Company, Inc.  
Post Office Box 122  
Mobile, Alabama 36601**

**Waterway: Aloe Bay, Dauphin Island**

**WORK: The applicant proposes to construct thirty (30) boat slips along the bulkheads and breakwater in the existing Aloe Bay Boat Basin. In addition, the applicant proposes to construct an additional 150 feet of breakwater structure and an associated ten (10) boat slips along this new breakwater. The applicant also proposes 635 feet of new 6 foot wide walkway and two associated 30 foot by 30 foot wooden deck structures. The site has been dredged historically and no submerged aquatic vegetation (SAV) is believed to be present. In all, these facilities will constitute a new commercial marina facility and will contain a boat "pump-out" station but no fueling facilities are planned. All activities are proposed in accordance with the attached plans and drawings.**

The applicant 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, 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 0.035 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 indicate 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-2007-944-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 24 October 2007.**

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-2007-944-GAC**.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://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

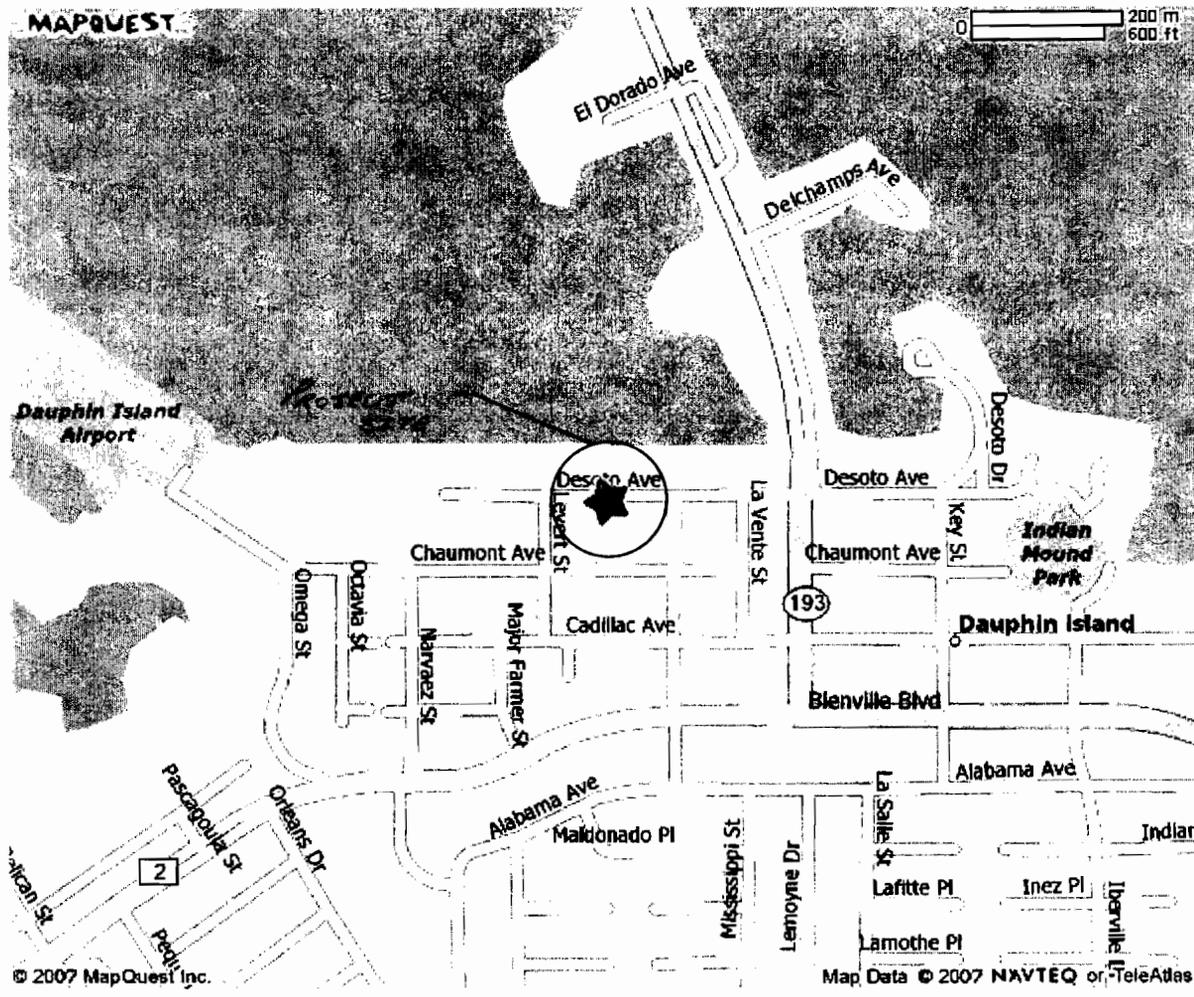
Enclosure



[1028-1133] Desoto Ave  
Dauphin Island AL  
36528 US

**Notes:**

Desoto Development Co., LLC  
SAM-2007-944-GAC



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# EXHIBIT "A" SITE PLAN

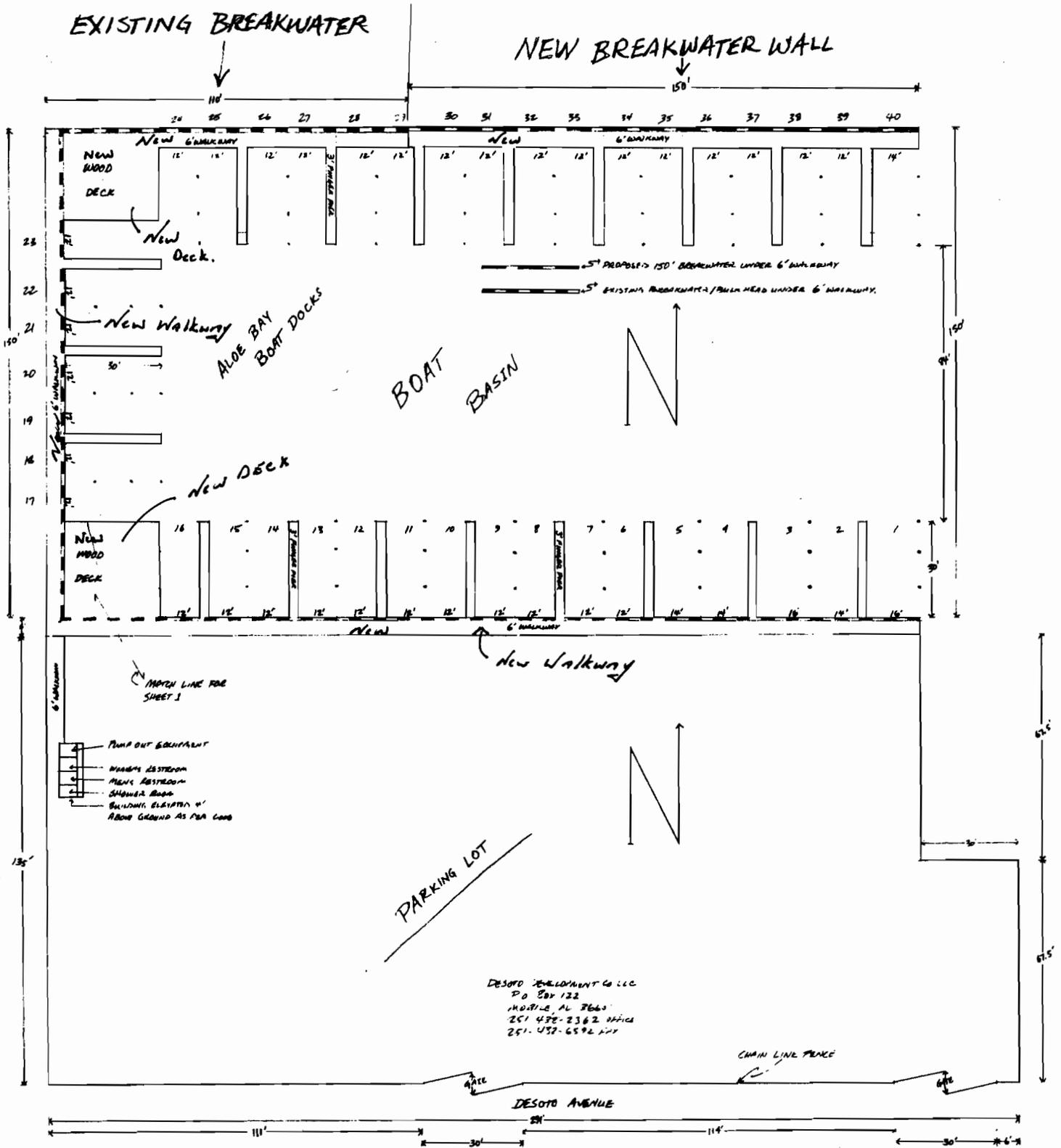


EXHIBIT "B"

BREAKWATER DETAIL

ALDE BAY BOAT DOCKS  
DAUPHIN ISLAND, AL.

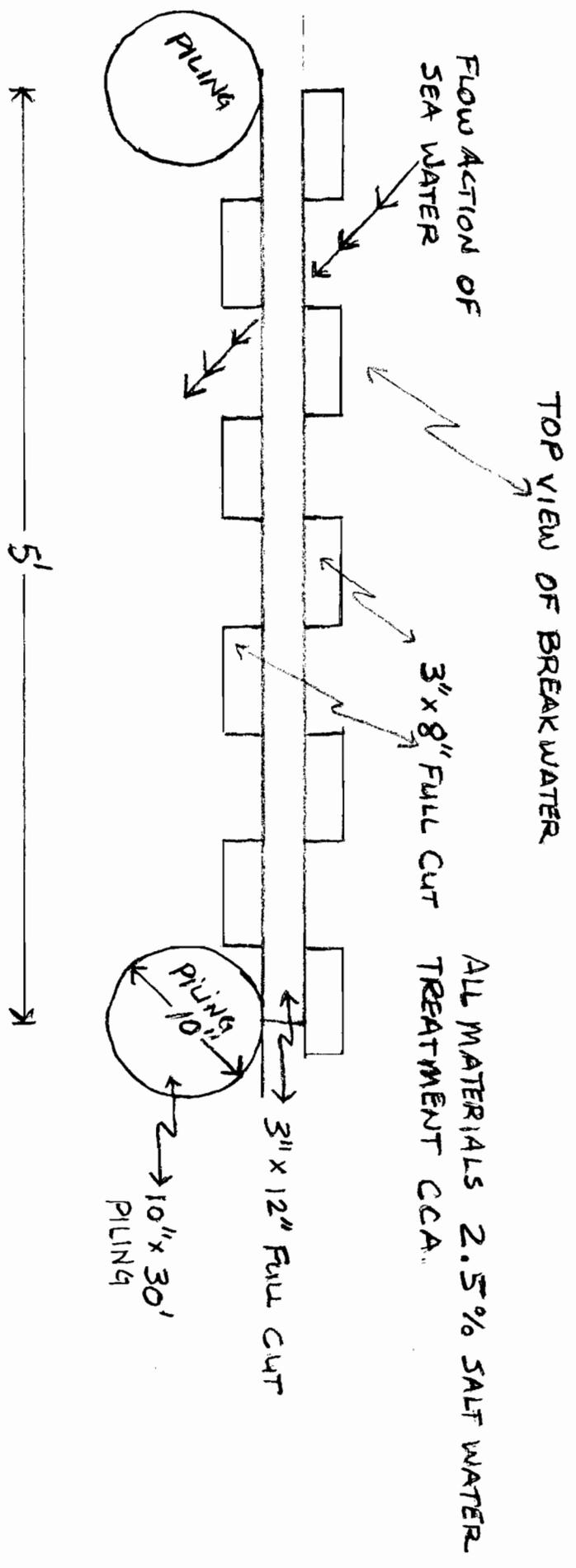
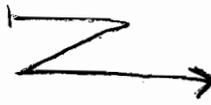




EXHIBIT "E"

ALOE BAY



AL BOF

