



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

REPLY TO
ATTENTION OF:

MAY 23 2008

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2008-247-MBM

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

**PROPOSED BULKHEAD, MECHANICAL EXCAVATION OF BAYOU CODEN, AND
EXCAVATION OF ADJACENT TIDALLY INFLUENCED WETLANDS FOR AN INDENTED
BOATSLIP, CODEN, 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: Mr. John Bowden
28043 Lakeview Drive
Daphne, Alabama 36526**

LOCATION: Undeveloped parcel at 14371 East Bellingrath Road, fronting to Bayou Coden, at 30°23'30.82N, 88°08'56.80W, Section 35 of Township 7 South, Range 2 West, Coden, Mobile County, Alabama.

WORK: The applicant proposes to mechanically excavate 0.04 acres of tidally influenced wetlands to create a 40-foot by 40-foot indented boat slip off Bayou Coden with a water depth of -4 feet mean low water. The applicant proposes to construct 180 linear feet of bulkhead along the shoreline and boatslip. In Bayou Coden, the applicant proposes to excavate 10 feet waterward (0.02 acres) of the bulkhead and boatslip to create a water depth of -4 feet mean low water. Approximately 74 cubic yards of waterbottoms would be mechanically excavated and placed in the uplands on the site. The applicant proposes to construct a private residence on the undeveloped parcel after the excavated material has dried and been compacted.

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.

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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 initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. During construction, this project footprint will temporarily disturb 0.02-acre (1,000 square feet) of Essential Fish Habitat for managed species in the Gulf of Mexico. Loss of this nursery habitat may adversely affect species of the snapper-grouper, shrimp, and/or coastal migratory pelagic management complexes, but the District Engineer has made a preliminary determination that this site-specific adverse effect will not be substantial. Our final determination relative to project impacts to EFH and the need for mitigation measures are subject to review by and coordination with the National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council.

This notice is being sent to appropriate State and Federal agencies, including the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service, and 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.

Comments concerning this Public Notice should be received within 30 days of the date of this public notice and should refer to number **SAM-2008-247-MBM** and direct your correspondence to the District Commander, 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.

If you have any questions concerning this publication, please contact Mr. Michael Moxey, Project Manager, via e-mail at michael.b.moxey@sam.usace.army.mil or telephone number (251) 690-2658.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 35 km S of Mobile, Alabama, United States 01 Jul 1982

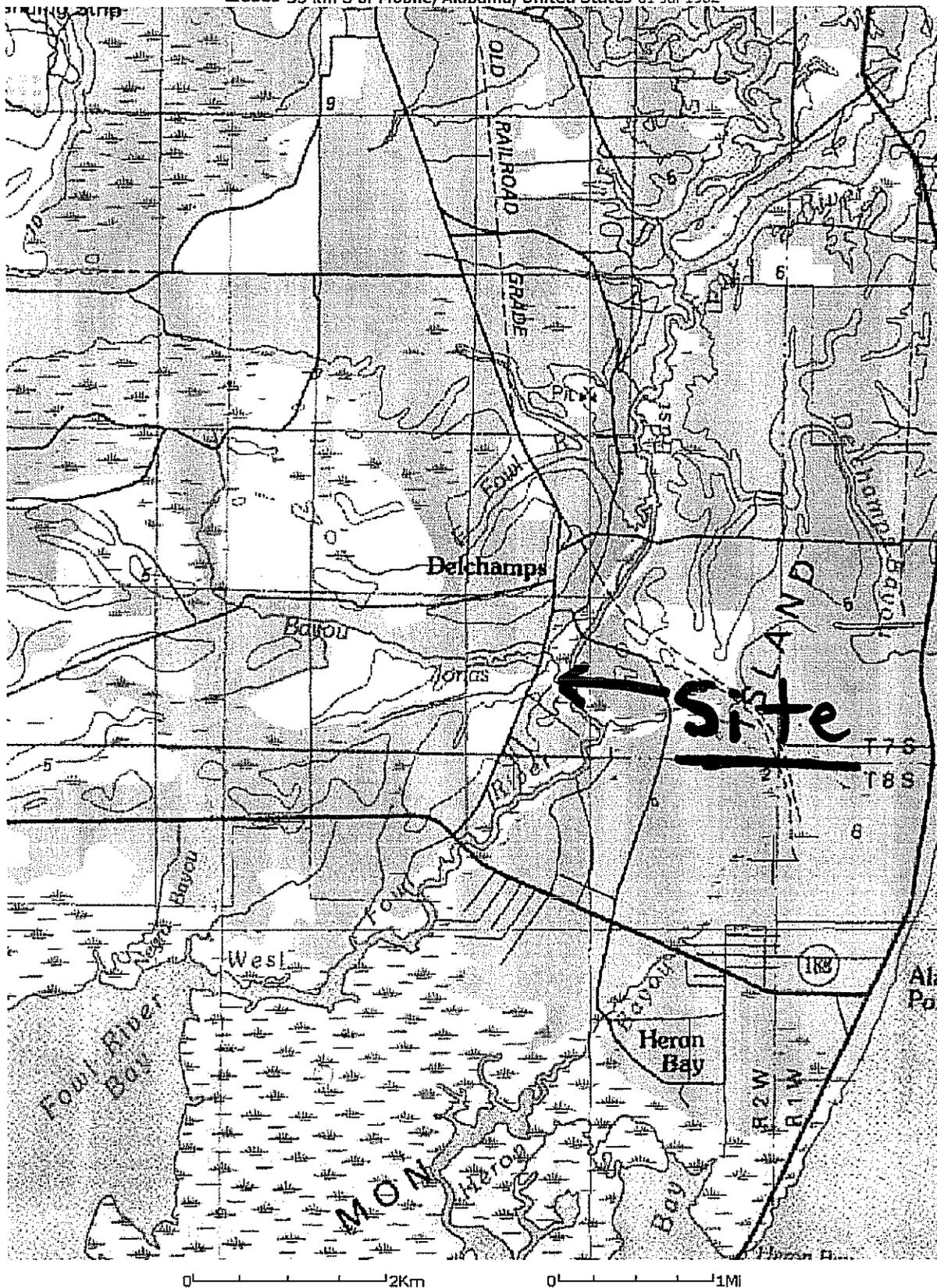
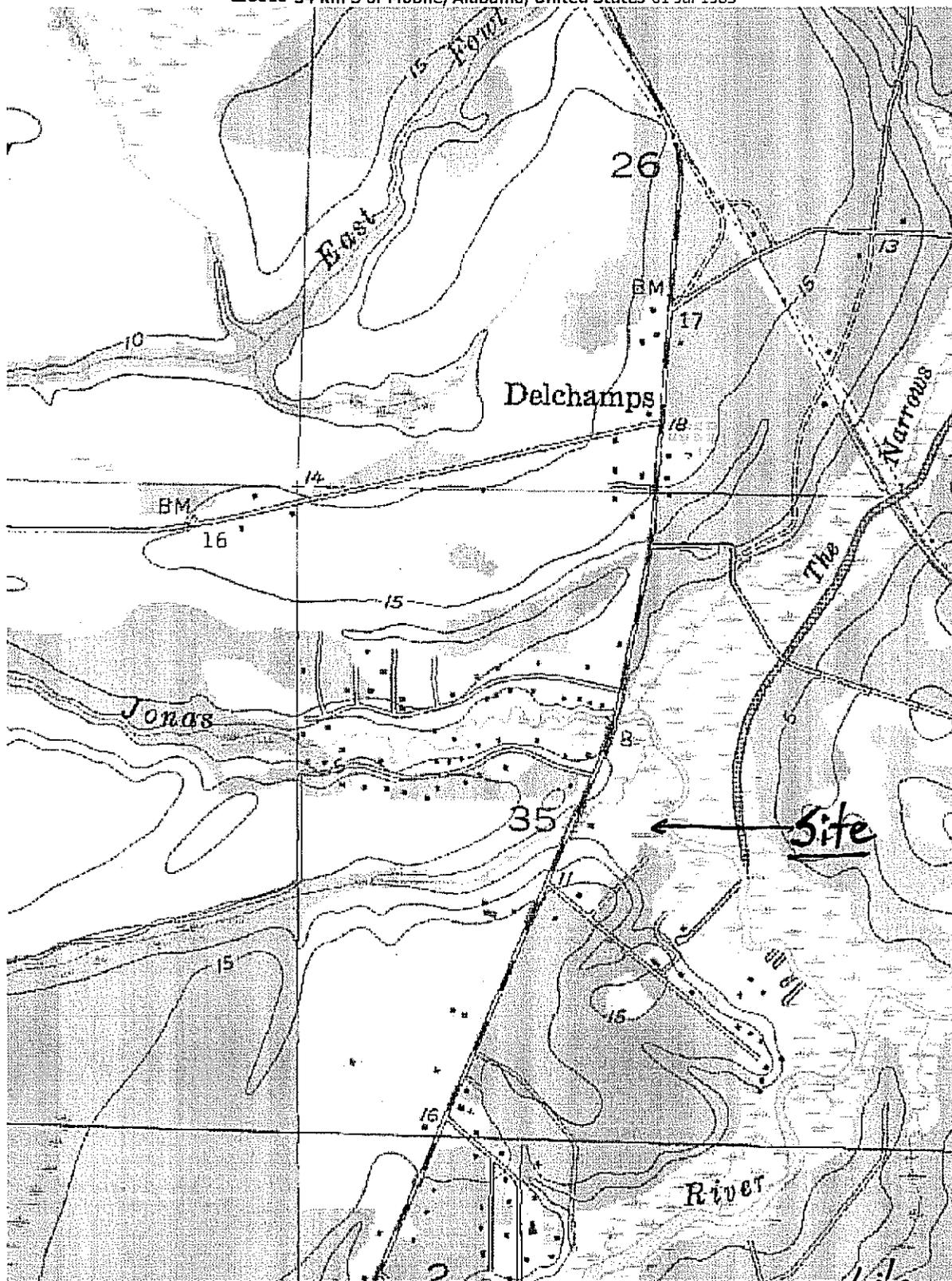


Image courtesy of the U.S. Geological Survey
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Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape
USGS 34 km S of Mobile, Alabama, United States 01 Jul 1985



0 1.5Km 0 .25MI

Image courtesy of the U.S. Geological Survey
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Site
30° 23' 30.82" N
88° 08' 56.80 W



SCALE: 1/4" = 10'

0 50' 100'

APPARENT UPLAND

APPARENT WETLAND

AL DEPT. OF CONSERVATION
RECEIVED
MAR 04 2006
SUBMERGED LANDS
PERMITS
STATE LANDS

J. BOWDEN
28043 LAKEVIEW DR
DAPHNE, AL 36526

J. BOWDEN
14371 E BELLINGRATH RD
CODEN, AL

UNNAMED ROAD

MHW SHORELINE
MLW SHORELINE

BAYOU JONAS

COPY

VACANT LOT
NO OWNER
SHOWN ON
COUNTY
RECORDS

CUT AND
DREDGE TO
-4' MLW

180' BULKHEAD
AT MHW LINE

C. BARCLAY
14435 BELLINGRATH RD
CODEN, AL 36523

PROPOSED
SLIP

RESIDENCE
52 TO BE BUILT
AFTER SLIP
AND BULKHEAD

DISPOSAL
AREA

147.59'

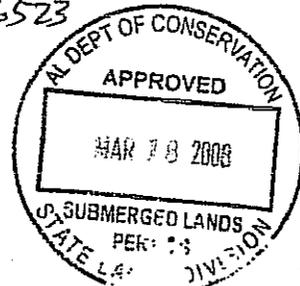
235'

CANAL

H JOHNSON
6778 RYAN RD
THEODORE, AL 36582

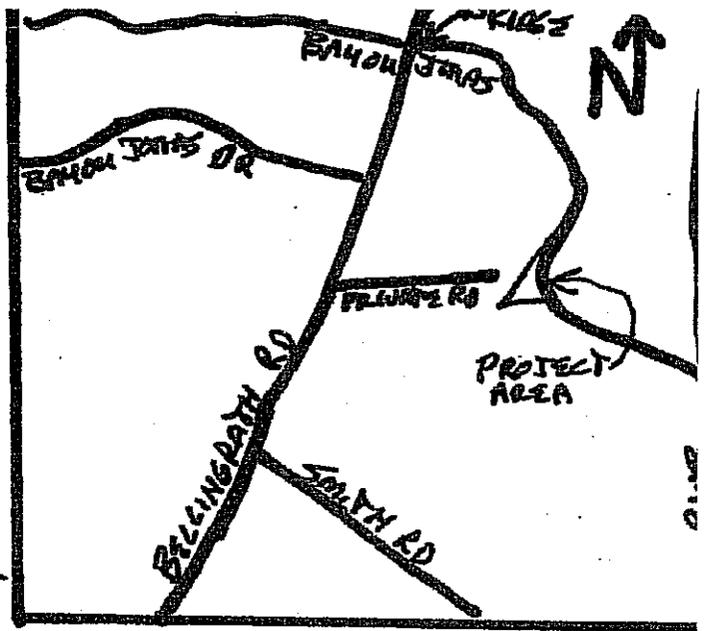
M MUELLER
4660 SMITH RDE
CODEN AL 36523

- NOTES:
1. PROPERTY CORNERS - RED FLAGS
 2. PROPOSED HOUSE CORNERS - GREEN FLAGS
 3. DREDGE SPOIL AREA - BLUE FLAGS
 4. BOAT SLIP CORNERS - WHITE FLAGS
 5. BULKHEAD LOCATION - BROWN FLAGS

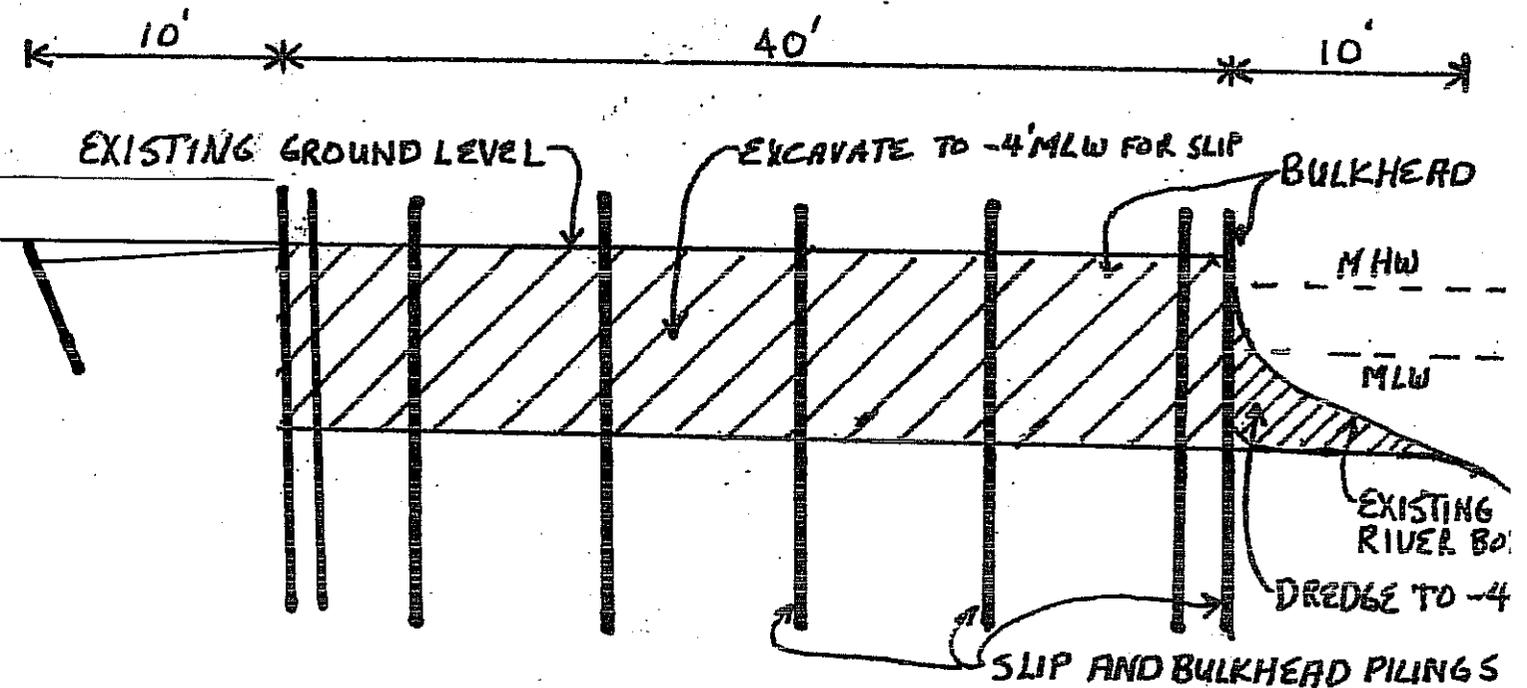


DIRECTIONS:

PROCEED SOUTH ON BELLINGRATH RD
APPROXIMATELY 11 MILES FROM
HIGHWAY 90. CROSS THE BAYOU
JONAS BRIDGE AND TURN LEFT
AT THE FIRST OPPORTUNITY (UNMARKED
PRIVATE ROAD). GO STRAIGHT TO THE
END OF THE ROAD (APPROXIMATELY
100 YDS). PARK AND WALK TO PROJECT
(APPROXIMATELY 100').



NOT TO SCALE



JOHN BOWDEN 14371 E BELLINGRATH RD, CODEN, AL