



REPLY TO
ATTENTION OF

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

CESAM-RD-C
PUBLIC NOTICE NO. SAM 2008-0980-HEH

October 3, 2008

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

**PROPOSED INDENTED BOATSLIP CONSTRUCTION, WITH RELATED BULKHEAD
AND TWO BOATHOUSES
MAGNOLIA RIVER, BALDWIN 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Constance K. Baker
340 River Route
Magnolia Springs, AL 36555

AGENT: Bob Soule
220 Oronoco Court
Alexandria, VA 22314

LOCATION: The project is located in a canal off of the Magnolia River fronting 12934 Yupon Road, Foley, Magnolia Springs (near Latitude 30.391370 N and Longitude -87.8061840 W in Section 31, Township 7 South, Range 3 East) Baldwin County, Alabama.

WORK: The applicant proposes to perform the following work: (1) Excavate a double boat slip: Approximately 459 cubic yards of sandy, clay material would be mechanically excavated from 2,479 square foot of uplands to create a 67-foot-wide by 37-foot-deep boat slip. The slip would be excavated to a depth of minus 5 feet. A 60-foot-long by 40-foot-wide temporary upland disposal area would contain the excavated material for dewatering. Silt fencing at the toe of the dike would contain and control erosion. (2) Bulkhead: Approximately 195 linear feet of bulkhead would be installed: 105 feet within the slip and approximately 95 feet fronting the west bank to the property line. A return wall would be constructed. The bulkhead would have a fabric liner and would be backfilled with dewatered excavated and/or dredged material. (3) Boat shelters: Two 40-foot by 40-foot boat shelters would be constructed side-by-side inside the newly excavated boat slip area. Each boat house would have two berths, one 14-foot by 37-foot and one 10-foot by 29-foot.

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

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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.

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.

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 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.

The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2008-0680-HEH and should be directed to:

District Commander
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628
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 **30 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 harry.e.halley@usace.army.mil or telephone number **(251) 690-3262**. 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

1. Vicinity Map
2. Plan View: Bulkhead/Upland Excavated Area/Disposal Area
3. Plan View: Excavation Area
4. South Elevation/West Elevation
5. Cross Section: Excavation Area, Section A-A
6. Cross Section: Excavation Area, Section B-B



Environmental Data Resources, Inc.

Logged 1

EDR Acct. Exe

ACCT

Call ED

Enter Property > **Confirm Location** > Service Options > Order Summary > Order Confirmation

Confirm Location

EDR WebGeocoder®

Site Name:

Constance K. Baker

Address:

12934 Yupon Road

City:

Magnolia Springs

State:

ZIP Code:

AL

36535

Replot by Address

Decimal Degrees

Deg.

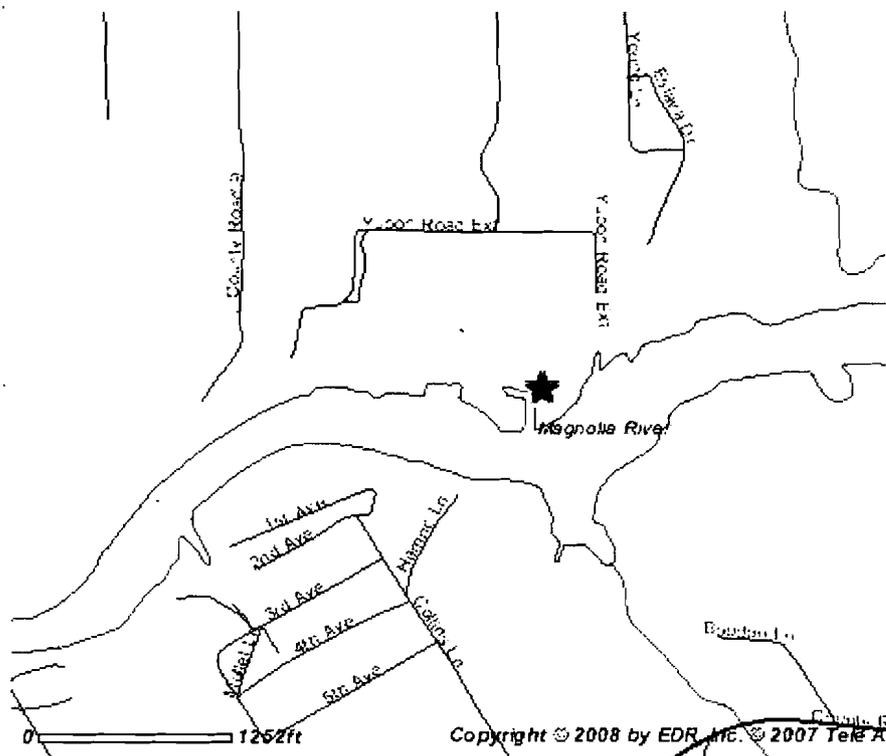
Lat: 30.391370

Lon: -87.801840

Replot by Coordinates

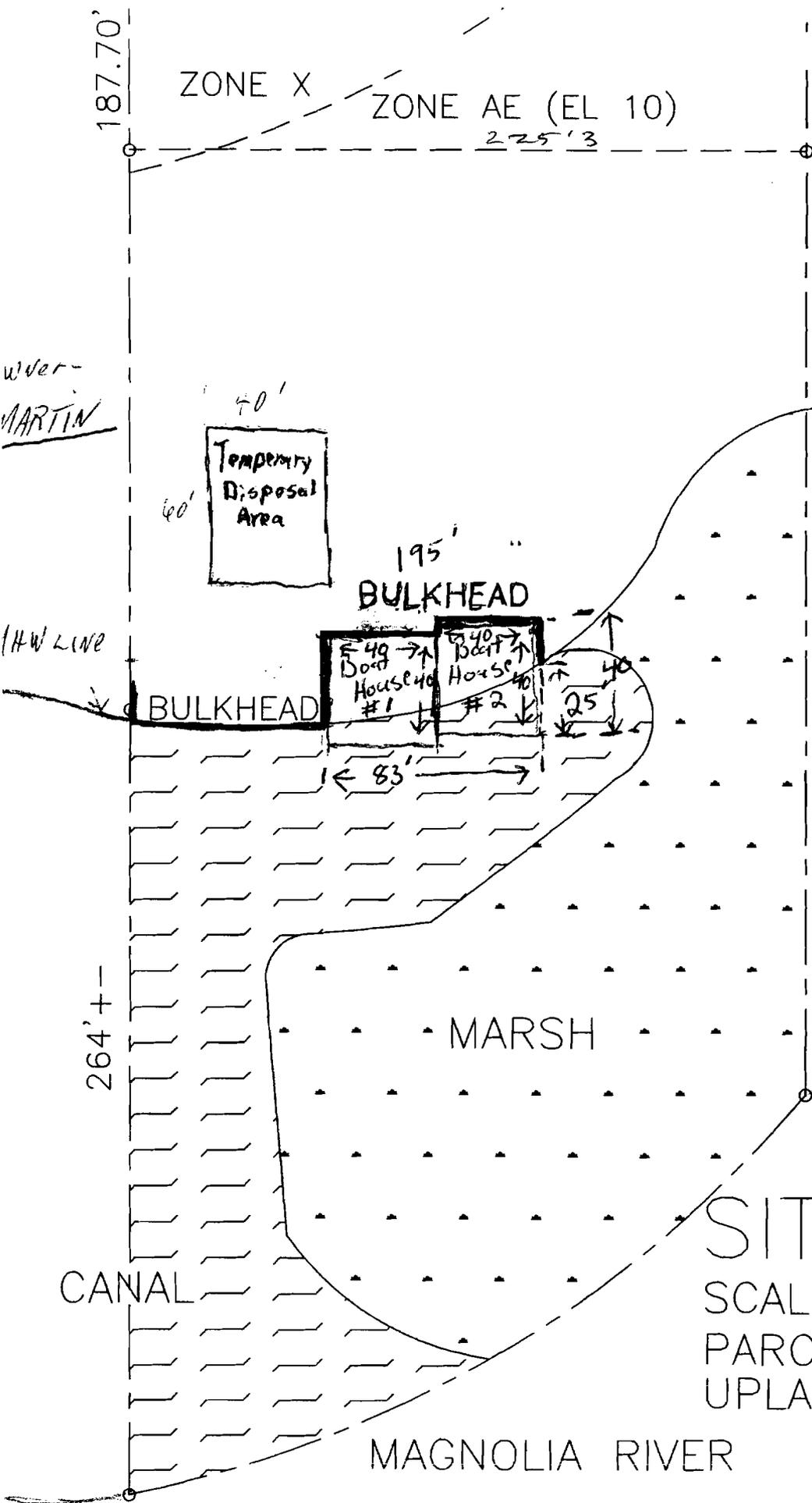
Draw Property Boundary

You have the option to draw your target property boundary. Click "Draw Property Boundary" and follow the instructions on the next page.

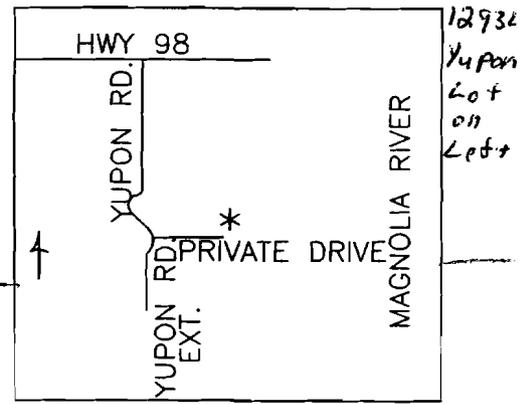


Continue >>

- You have the option to adjust the target property location on the map at your desired location.
- Based on the target property location above, EDR latitude/longitude to be used to prepare your report.



From Mobile Take 98 Lgs
 Go TRU Daphne, Fairhope after
 you cross Fish River Bridge
 you will past County Rd 9 on
 Left you will Thin turn Right
 on Yupon Rd follow ground
 Corners till you come to

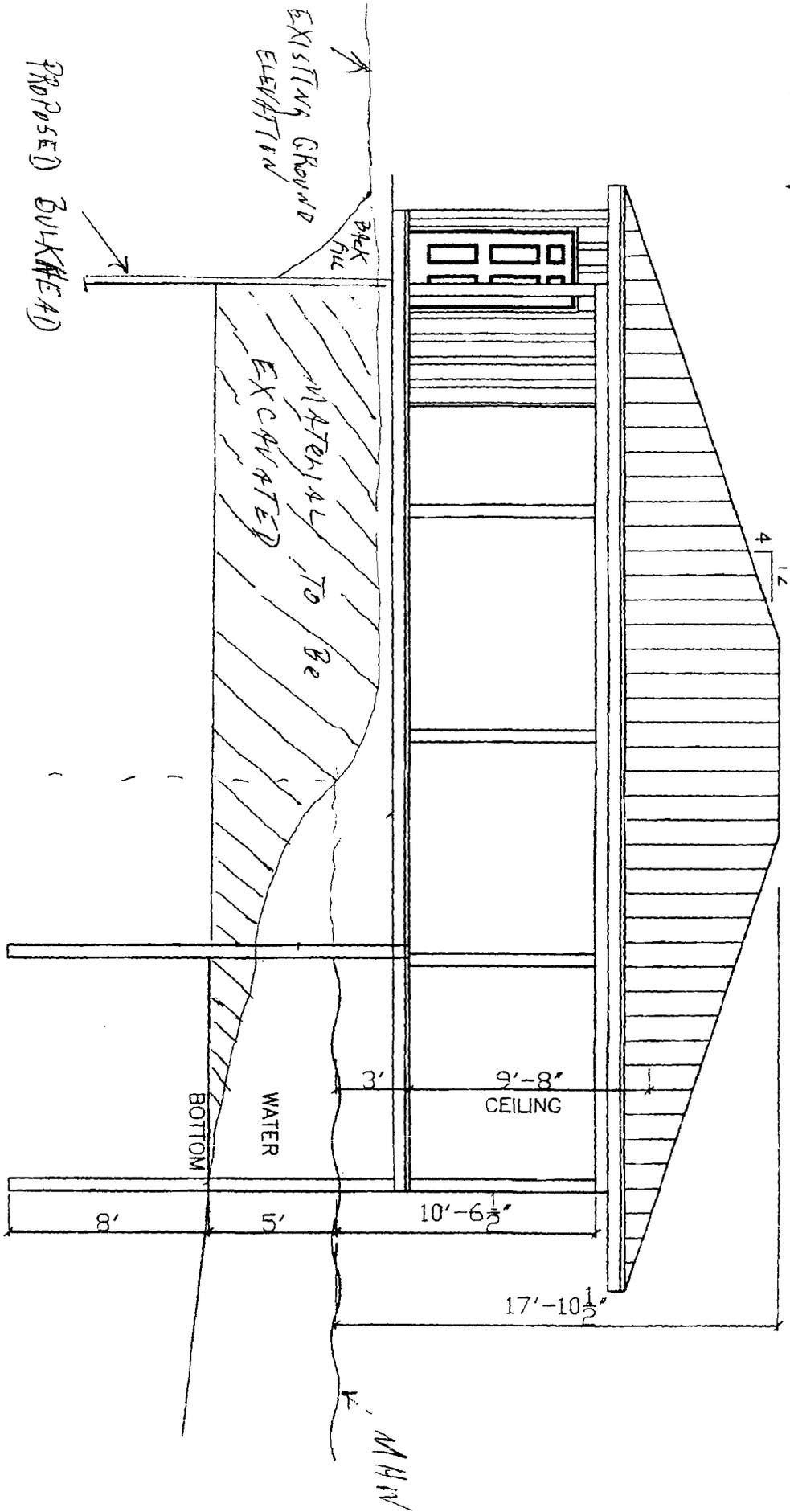


VICINITY MAP

SITE PLAN
 SCALE: 1"=50'-0"
 PARCEL 2
 UPLANDS

SECTION A-A
WEST BATHHOUSE

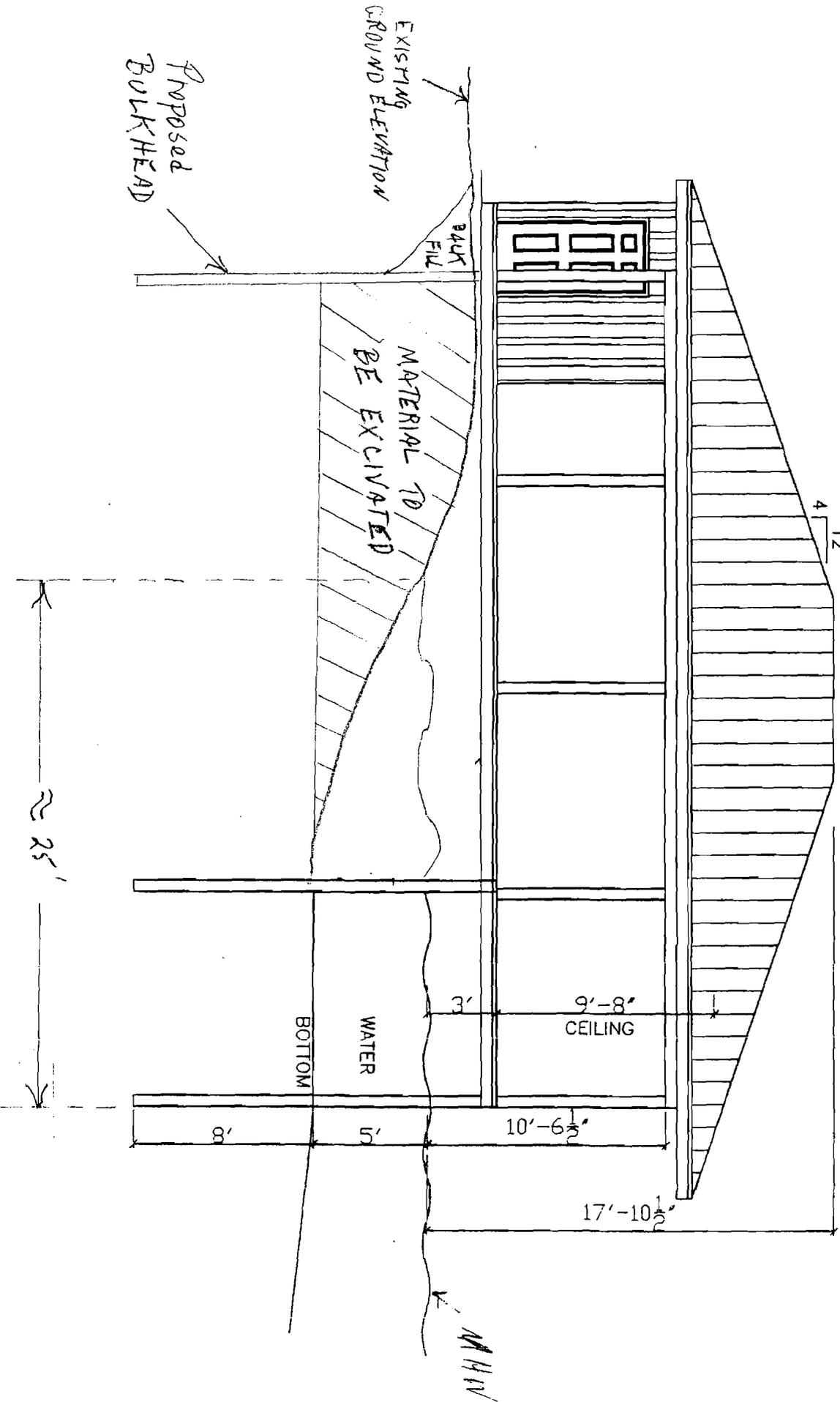
N



← ≈ 18' →

← N

SECTION B-B EAST BOATHOUSE



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
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OFFICIAL BUSINESS

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