



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

REPLY TO  
ATTENTION OF:

CESAM-RD-C  
PUBLIC NOTICE NO. SAM-2009-0124-DEM

NOVEMBER 13, 2009

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

**REQUEST FOR AUTHORIZATION TO CONSTRUCT A CANAL TO CONNECT AN  
EXISTING MANMADE POND TO THE BUCKS BAYOU CANAL WHICH ENTERS  
COTTON BAYOU THEN TO PERDIDO PASS BEFORE ENTERING THE GULF OF  
MEXICO.**

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 USC 403) and 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: Mr. Clyde Miller  
Mrs. Lynne Miller  
Post Office Box 654  
Gulf Shores, Alabama 36547**

**AGENT: Volkert Environmental Group, Inc.  
316 South McKenzie Street  
Foley, Alabama 36535**

**LOCATION: The site is located between Ohio Street and Indiana Street and south of Bucks Bayou canal. The site is found in Section 9, Township 9 South, and Range 5 East of the Orange Beach, Alabama 7.5-minute USGS topographic quadrangle map. The central coordinates of the property are North 30° 16' 52.9" and West -87° 33' 55.0".**

**WORK: The applicant proposes to construct a canal approximately 180 feet long by 25 feet wide and approximately 5 feet-deep (-5' MWH) to connect an existing manmade pond to Bucks Bayou Canal. The average depths of the manmade pond and Bucks Bayou Canal is approximately 5 feet-deep (-5' MHW). Approximately 3340 square feet (0.07 acres) of tidal marsh wetlands will be dredged and approximately 640 square feet (0.01 acres) of uplands will be excavated to create this feature. This canal will allow the passage of vessels between the existing pond and Bucks Bayou Canal. The spoil material from the canal construction**

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**will be used to fill approximately 6680 square feet (0.14 acres) of the manmade pond to create an in-kind emergent wetland shelf upon which the tidal marsh wetland vegetation (*Juncus roemerianus*) from the excavated area will be transplanted. Mitigation will occur on site through the creation of 6680 square feet (0.14 acres) of in-kind tidal wetlands (2:1 ratio) and the preservation of an additional 18,980 square feet (0.44 acres) of unaltered and created wetlands. The Corps has not verified the adequacy of the applicant's mitigation proposal at this time.**

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 (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 utilization 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.

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This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This project will permanently disturb approximately 3340 square feet (0.07 acres) of Essential Fish Habitat for managed species in the Gulf of Mexico. Loss of this nursery habitat may adversely affect species of the various coastal estuarine species as well as species of coastal pelagic marine fishes that occur within the Perdido Bay and Gulf of Mexico, but the District Commander 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.

The National Record of Historical Places will be consulted for properties listed in or eligible for the Nation Register which are known to exist and would be affected by the proposed work. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. 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 State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, and Division of Archeological Services.

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 may affect listed species, or their critical habitat. This notice and application will be coordinated with the U.S. Fish and Wildlife Service (FWS) to assess if the proposed activity will affect listed endangered or threatened species, or their critical habitat. Further coordination with the FWS will be performed as a result of this notice. 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.

Correspondence concerning this Public Notice should refer to **SAM-2009-0124-DEM** and should be mailed to:

District Commander, U.S. Army Engineer District  
Attention: Regulatory Division (RD-C)  
Post Office Box 2288,  
Mobile, Alabama 36628-0001

with a copy furnished to:

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

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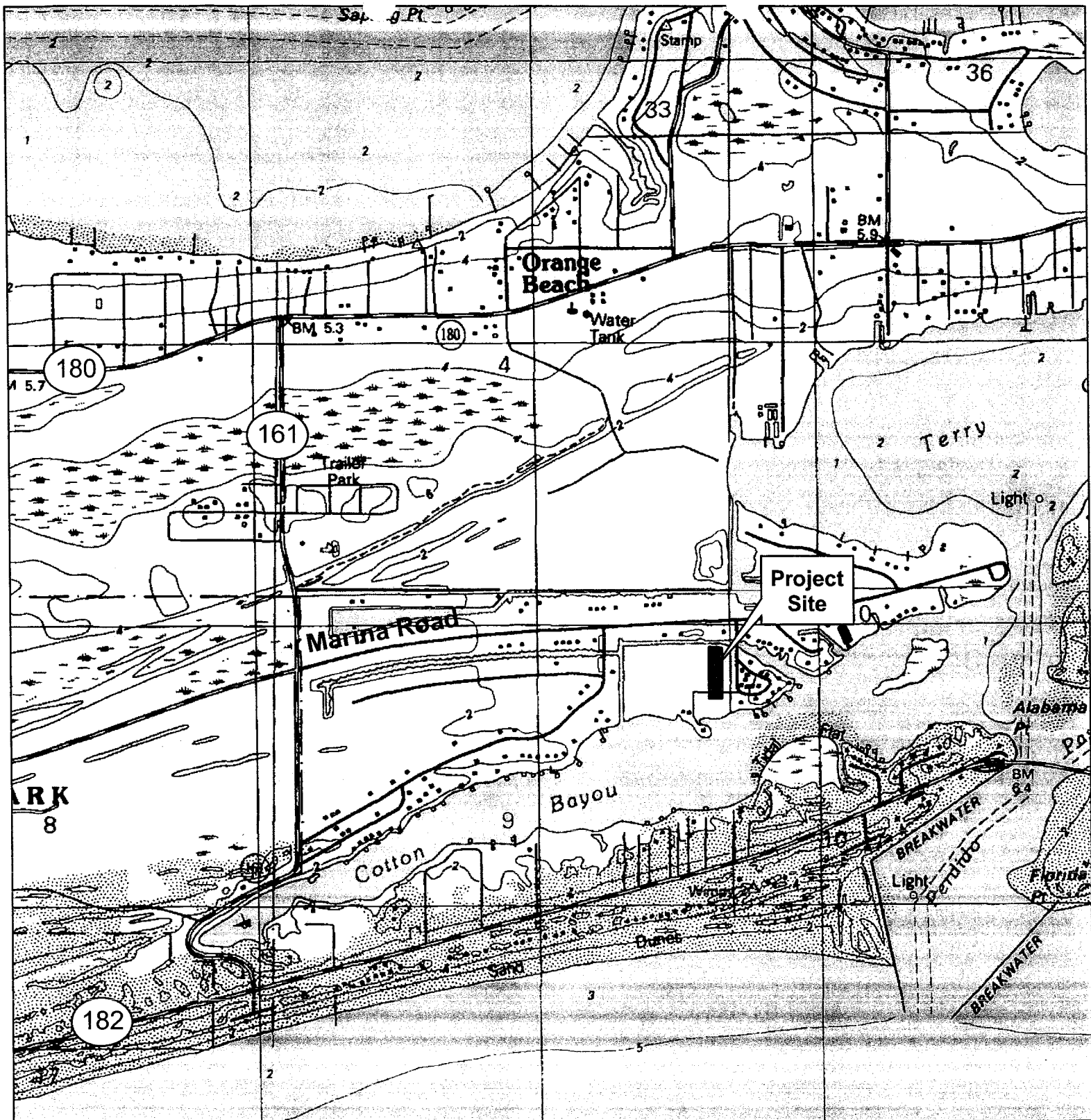
**All Comments should be received no later than 30 days from the date of this Public Notice.**

If you have any questions concerning this publication, you may contact the project manager, Mr. Don Mroczko at telephone number (251) 690-3185 or [donald.e.mroczko@usace.army.mil](mailto:donald.e.mroczko@usace.army.mil). Please refer to the Public Notice Number SAM-2009-0124-DEM.

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.

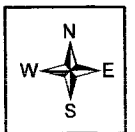
MOBILE DISTRICT  
U.S. Army Corps of Engineers

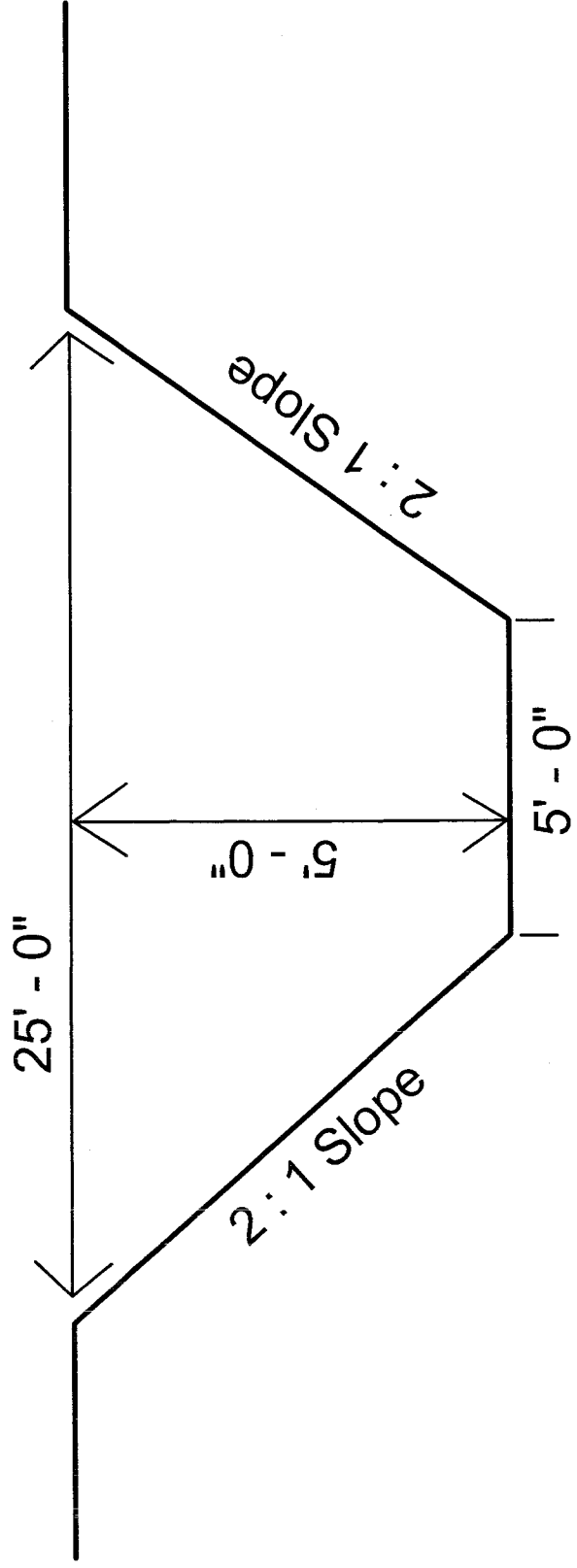
Enclosures



## Vicinity Map & Directions

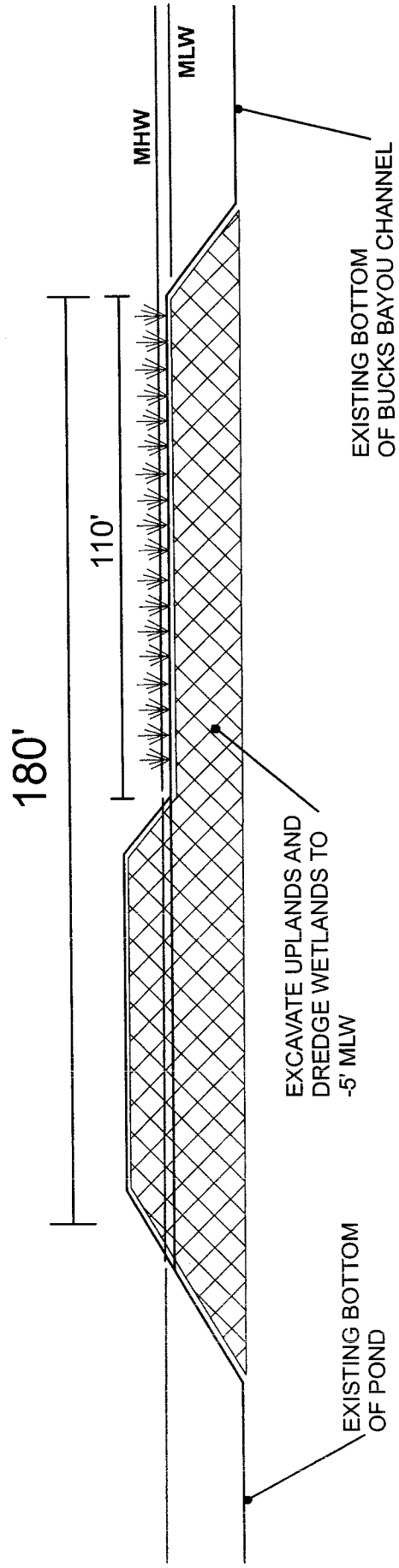
From Hwy 180 travel south on Hwy 161 approx. 0.8 miles to Marina Road. Or, from Hwy 181 travel north on Hwy 161 approx. 0.9 miles to Marina Rd. Then travel east on Marina Rd. approx. 1 mile and turn south onto Ohio Street. Travel south approx. 500 feet. The site is then on the west side of Ohio Street.





CHANNEL CROSS SECTION

N.T.S.



# PROFILE VIEW

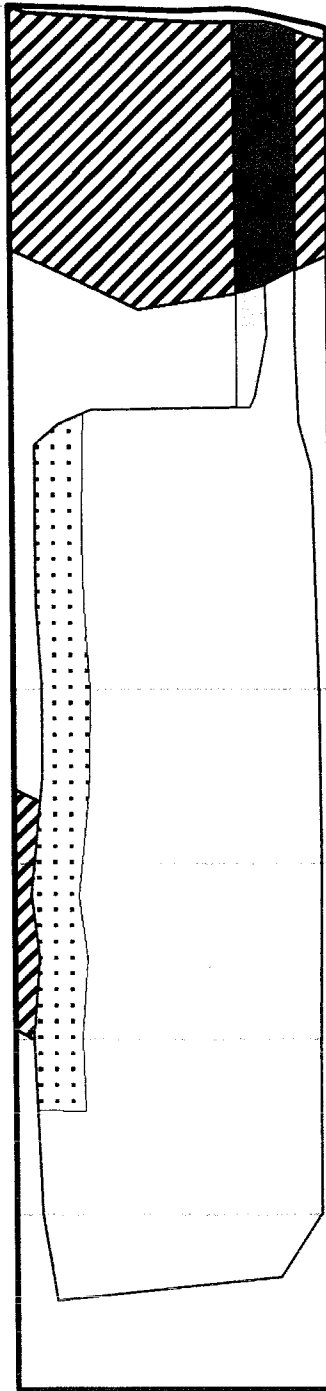
N.T.S.

# Bucks Bayou Canal

Indiana Street

OHIO ST

MOSES RD



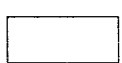
## LEGEND



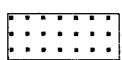
Wetlands



Wetland Excavation  
(appx. 3340 sq. ft.)

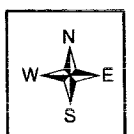


Upland Excavation  
(approx 640 sq. ft.)



Mitigation Area  
(appx. 6680 sq. ft.)

## Plan View Wetland Impact and Mitigation Location Map



0 25 50 100 150 200 Feet

LANIGAN, ALBERT D (1/2 INT) ETAL THREEET,

JIM BROWN PROPERTIES INC

2

1

Bucks Bayou Canal

Indiana Street

APPLICANT

APPLICANT

Street

3

KUFFSKIE, GEORGE MARVIN ETAL KUFFSKIE, M

SHERRARD, JOSEPH G ETAL SHERRARD, CYNTHI

RAYBORN, JOHN T ETAL RAYBORN, MELISSA M

YORK, DAVID JEFFERY ETAL YORK, MICHELLE

DOCKS ON COTTON BAYOU CONDO, THE

CHERRY, WILLIAM H & CYNTHIA S


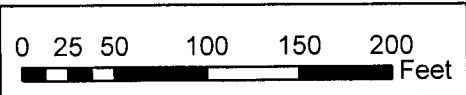
RUSSELL, LLOYD W

4

5

6

**Adjacent Property Owners Map**

DEPARTMENT OF THE ARMY  
ARMY ENGINEER DISTRICT, MOBILE  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001  
OFFICIAL BUSINESS

FIRST-CLASS MAIL  
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