



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-2009-1221-DEM

January 4, 2010

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

REQUEST FOR AFTER-THE-FACT AUTHORIZATION TO DREDGE WATER
BOTTOMS AND CONSTRUCT AN EIGHT (8) SLIP MARINA IN A CANAL OF
COTTON BAYOU, ORANGE BEACH, 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 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: Stephen Melvin Lowdermilk
312 West Canal
Gulf Shores, Alabama 36542

LOCATION: 3846 Illinois Street, Orange Beach, Baldwin County, Alabama, in waters of Cotton Bayou; Section 9, Township 9 South, Range 5 East, Latitude 30.2813° North and Longitude -87.5679° West.

WORK: The applicant requests After-The-Fact authorization to construct a 149 linear foot bulkhead overlaid with a 5-foot-wide walkway, hydraulically dredge approximately 449 cubic yards of sandy material from canal to an average depth of -5 feet below Mean High Water to be placed and secured on upland private property, construct a 14 ½ - foot-wide by 27 ½ -foot-long deck, construct two (2) 5-foot-wide by 14-foot-long pier extensions, and construct a 5-foot-wide by 22-foot-long pier extension. Thirteen (13) mooring pilings will be set creating a total of eight (8) boat slips.

The applicant has applied for certification from the State of Alabama in accordance with Section 10 of the River and Harbor Act of 1899 (USC 403), Section 401(a) (1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

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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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This project will permanently impact approximately 3600 square feet of Essential Fish Habitat for managed species in the Gulf of Mexico. Loss of this nursery habitat may adversely affect coastal marsh and estuarine species, 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 Register of Historical Places will be consulted for properties listed in or eligible for the National 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

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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-2009-1221-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.

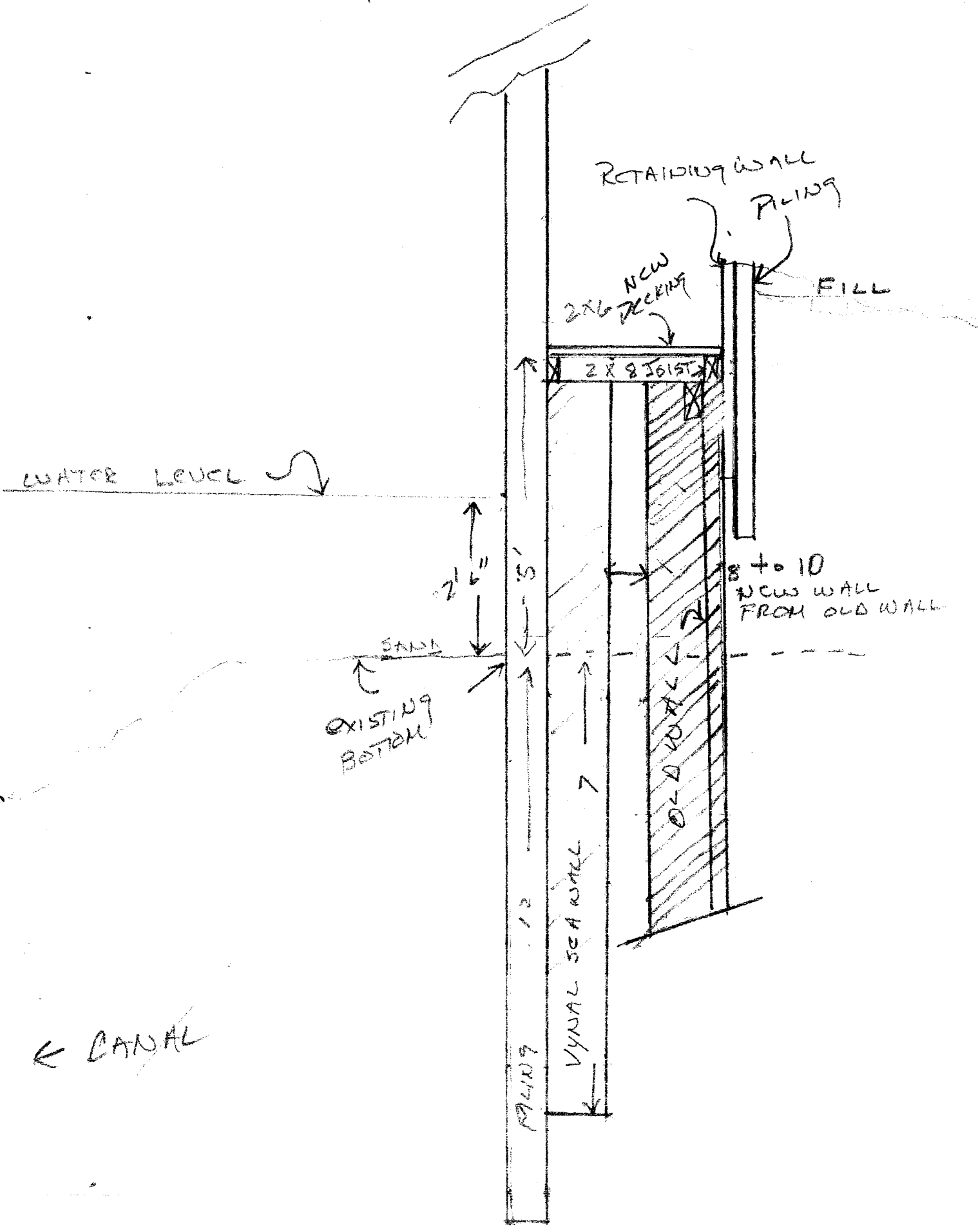
All Comments should be received no later than 30 days from the date of this Public Notice.

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. Please refer to the Public Notice Number SAM-2009-1221-DEM.

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



← CANAL

WATER LEVEL ↘

↑ SAND
EXISTING BOTTOM

2' 6"

12
VYNAL SEA WALL

2 X 8 BISTE

2 X 6 NEW DECKING

RETAINING WALL PILING

FILL

8 to 10
NEW WALL
FROM OLD WALL

OLD WALL

ACCEPT

