



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

CESAM RD-SP
PUBLIC NOTICE NO. SAM-2023-00942-BAL

March 27, 2024

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED DISCHARGE OF FILL WITHIN 2.3 ACRES OF WETLANDS,
CONSTRUCTION OF A 26-SLIP MARINA, AND DREDGING WITHIN LONG BAYOU
FOR CONSTRUCTION OF A RESIDENTIAL COMMUNITY IN 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 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: Tyler Goodwin
Post Office Box 1013
Gulf Shores, Alabama 36547

AGENT: Richard Cobb
Post Office Box 1775
Orange Beach, Alabama 36561

LOCATION: The proposed project is located in wetlands and Long Bayou in Orange Beach, Baldwin County, Alabama. Specifically, the project is located within Section 36, Township 8 South, Range 4 East. Center coordinate of the project are latitude 30.303096° North, longitude -87.622040° West. The project is located in the Wolf Bay Frontal 8-digit hydrologic unit code (i.e., HUC 003140107).

APPLICANT STATED PROJECT PURPOSE: The purpose of the project is to construct a low-impact community with single family lots with water access in a conservation minded neighborhood.

PROPOSED WORK: The applicant proposes impacts to 6.41 acres of waters of the U.S for construction of a waterfront residential community containing 32 single family lots, a 30 unit, 2-story multi-family condominium building, roadways with utility easements, dredging, construction of a 26-slip marina and community amenities. Project activities include the following:

- A. The placement of fill within 0.65 acres of wetlands for the construction of parking pads for 32 single family lots,
- B. The placement of fill within 1.65 acres of wetlands for construction of access road(s) and utility easements.

Total wetland fill will equal approximately 100,500 square feet (2.3 acres). The condominium building and all associated parking will occur in wetlands with single family residences and a lodge constructed on pilings.

- C. Construction of a 26-slip marina extending 195 feet into Long Bayou. The marina will include a 175-foot-long by 8-foot-wide access pier leading to a 20-foot square covered deck. The marina will extend off the waterward end of the access pier and extend north creating a 250-foot-wide by 70-foot-long 26 slip docking facility.

A walkway measuring 3,500-feet-long by 8-feet-wide will be constructed throughout wetlands on the property to provide residents pathways to access community amenities.

- D. Dredging of a total of 3,259 cubic yards of material from 88,000 cubic feet (2.02 acres) of waterbottoms within Long Bayou for a new 4-foot-deep channel measuring 1,100-feet-long by 20-foot-wide to provide residents with access to the Gulf Coast Intracoastal Waterway/Portage Creek.
- E. Dredging of a total of 3,334 cubic yards of material from 90,000 cubic feet (2.07 acres) of waterbottoms within Long Bayou to a depth of 3 feet for the 26-slip marina measuring 250-feet-long by 120-foot-wide to provide adequate depth for mooring of boats.

Dredged material will be used onsite to fill the 2.3 acres of wetlands discussed above. The total project site is approximately 45 acres in size of which 28.44 acres have been identified as pine flat wetlands and 2.65 acres of surface waters. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank.

AVOIDANCE AND MINIMIZATION: According to the applicant, the initial construction plan was re-evaluated and modified to minimize impacts to waters of the U.S by using pile supported structures and all available uplands for parking and amenities. Additionally, construction best management practices (BMPs) would be utilized to reduce impacts to downstream aquatic resources. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

COMPENSATORY MITIGATION: The applicant proposed to purchase wetland and stream credits from an approved mitigation bank. However, USACE, Mobile District has not verified the adequacy of the applicant's mitigation efforts at this time.

COASTAL ZONE: The applicant will apply for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. A determination relative to CZ consistency will be made by the Alabama Department of Environmental Management (ADEM).

WATER QUALITY: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the ADEM certifying authority).

HISTORIC PROPERTIES: 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 affect historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of *the entire undertaking in waters of the United States, which includes the footprint of the proposed fill areas, dredging areas, and marina/access pier footprint as well as the upland areas that would be utilized for equipment and materials staging*. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area from the State Historic Preservation Office, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public.

THREATENED AND ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally-listed species are known or expected to occur within the project area: West Indian Manatee (T), Wood Stork (T), Eastern Indigo Snake (T), Alabama Beach Mouse (E), Perdido Key Beach Mouse (E), Piping Plover (T), Red Knot (T), Eastern Black Rail (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), and the Loggerhead Sea Turtle (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will be performed as determined to be appropriate. A copy of this public notice is being sent to the USFWS for review and comment.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and

Management Act. The proposed project would impact 6.41 acres of waters of the U.S. This proposal as described above is currently under review by the USACE, Mobile no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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, historic properties, 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, consideration of property ownership and, in general, the needs and welfare of the people.

The USACE 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 of Engineers 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.

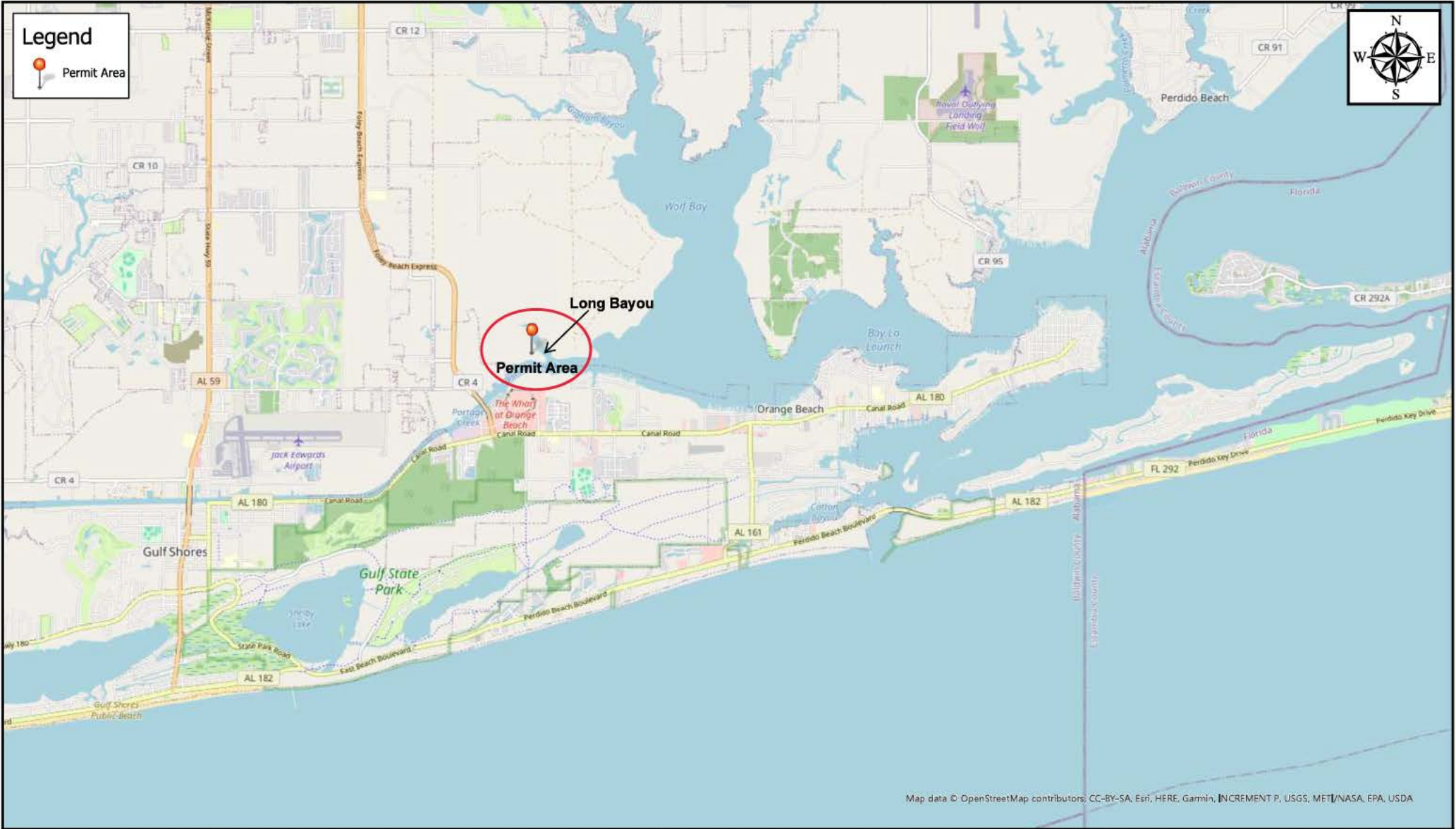
Correspondence concerning this public notice should refer to Public Notice Number **SAM-2023-00942-BAL** and should be directed to the District Engineer, Mobile District, Regulatory Division, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Beverly Lowery or submitted electronically at Beverly.a.lowery@usace.army.mil, or by phone at (251) 386-4023. Copies of all comments should be furnished to the Alabama Department of Environmental Management at coastal@adem.alabama.gov or sent to: Alabama Department of Environmental Management, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608.

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 Ms. Beverly Lowery by email at Beverly.a.lowery@usace.army.mil or by phone (251) 386-423. Please refer to the above Public Notice Number **SAM-2023-00942-BAL**, in any communication concerning this project.

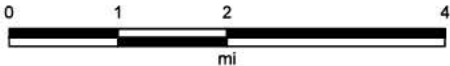
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



SAM-2023-00942-BAL // Vicinity Map



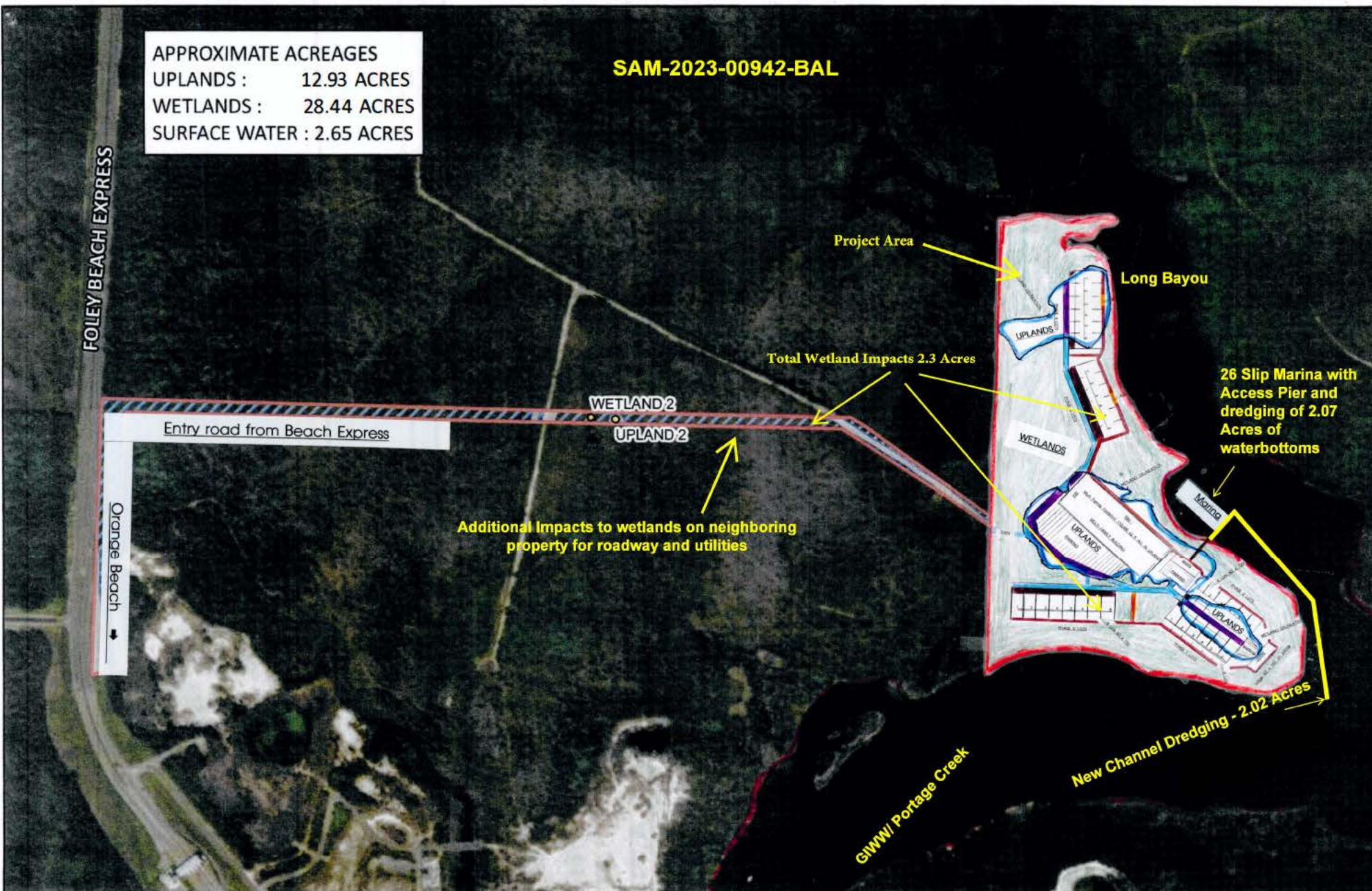
Map Center: 87,585387°W 30,293236°N

Map Created by: Beverly Lowery
Date: 3/25/2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere

APPROXIMATE ACREAGES
 UPLANDS : 12.93 ACRES
 WETLANDS : 28.44 ACRES
 SURFACE WATER : 2.65 ACRES

SAM-2023-00942-BAL



JURISDICTIONAL WETLANDS MAP
 BALDWIN COUNTY
 FOLEY BEACH EXPRESS
 05-61-07-36-0-000-001.000 ET AL
 SUNBELT CONSULTING, LLC

LEGEND

| | |
|--|---------------------|
| | INSPECTION BOUNDARY |
| | UPLANDS |
| | WETLANDS |
| | SURFACE WATER |

| | |
|----------------------|--|
| 3/15/2024 | |
| 1006 COBB STS | |
| THIS IS NOT A SURVEY | |
| | |



APPROXIMATE ACREAGES
UPLANDS : 12.93 AC
WETLANDS : 28.44 AC
SURFACE WATER : 2.65 AC

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LONG BAYOU PRESERVE

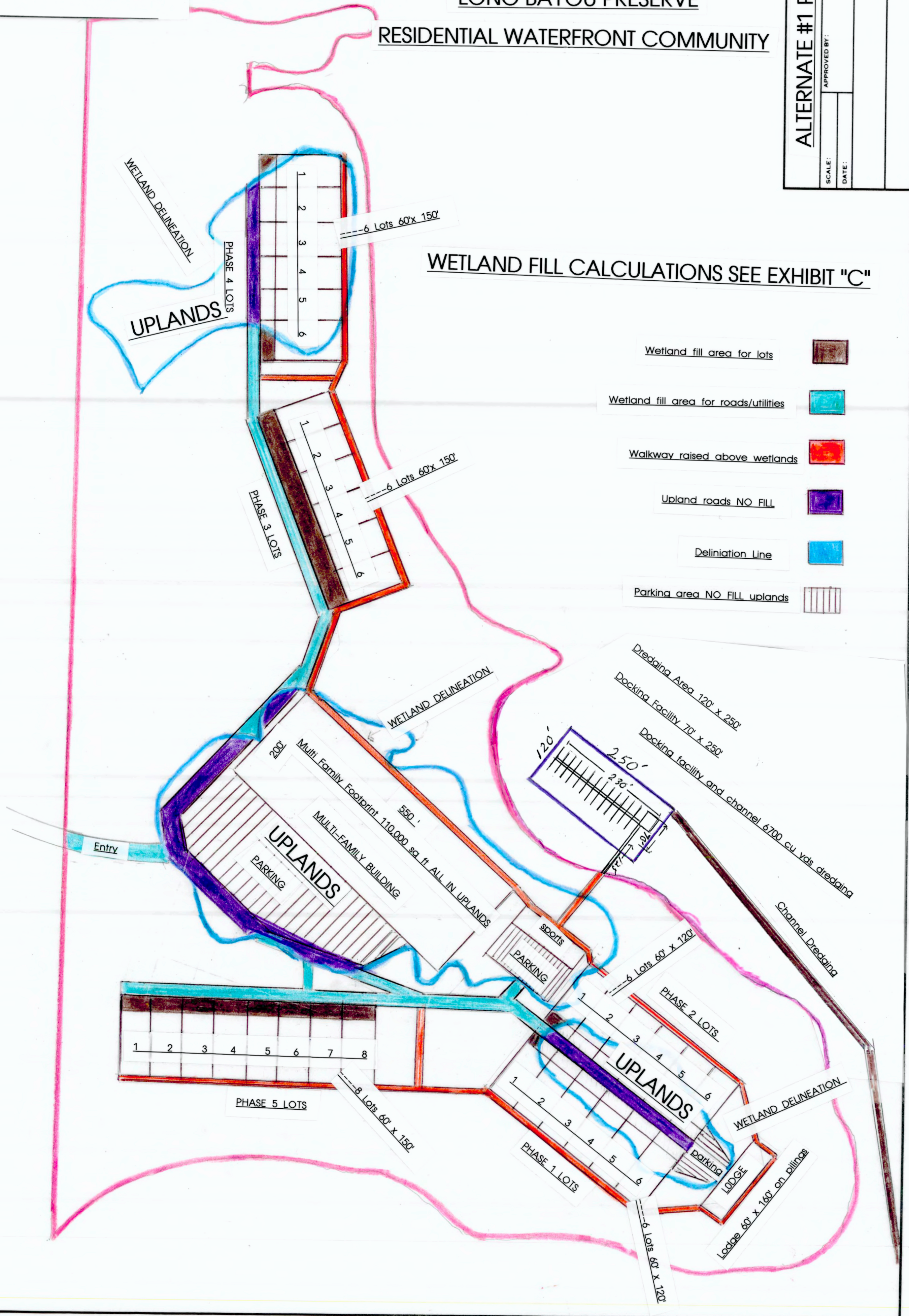
RESIDENTIAL WATERFRONT COMMUNITY

ALTERNATE #1 PREFERRED

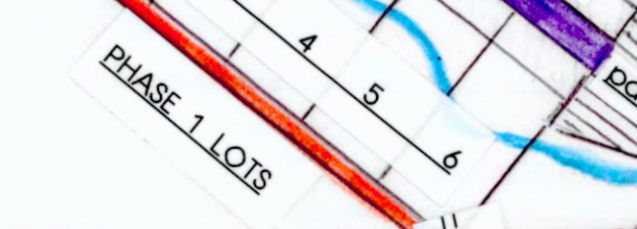
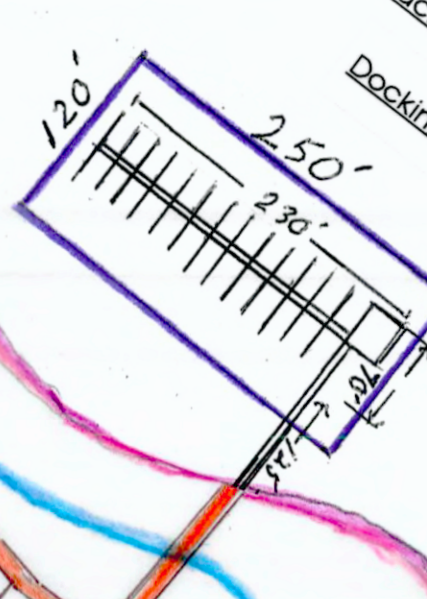
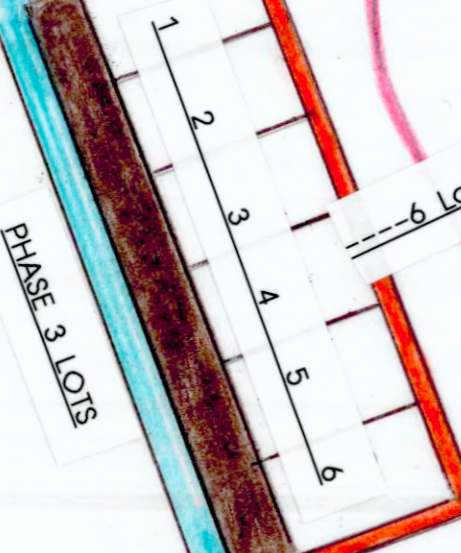
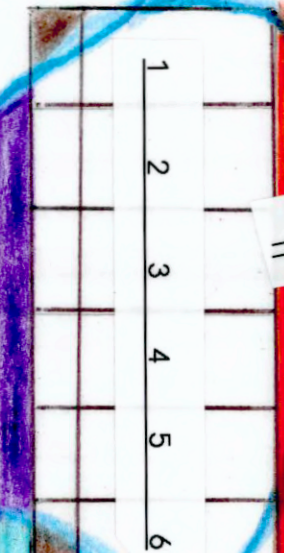
APPROVED BY: _____
DRAWN BY: _____
REVISED: _____
DATE: _____

DRAWING NUMBER

WETLAND FILL CALCULATIONS SEE EXHIBIT "C"



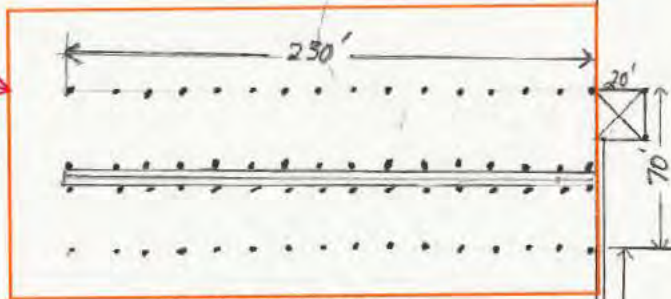
- Wetland fill area for lots
- Wetland fill area for roads/utilities
- Walkway raised above wetlands
- Upland roads NO FILL
- Delineation Line
- Parking area NO FILL uplands



SAM-2023-00942-BAL

450 feet from end of pier to opposite shore line

Marina Dredging
Area - 250 ft. wide
X 120 ft. long X 3
ft. deep

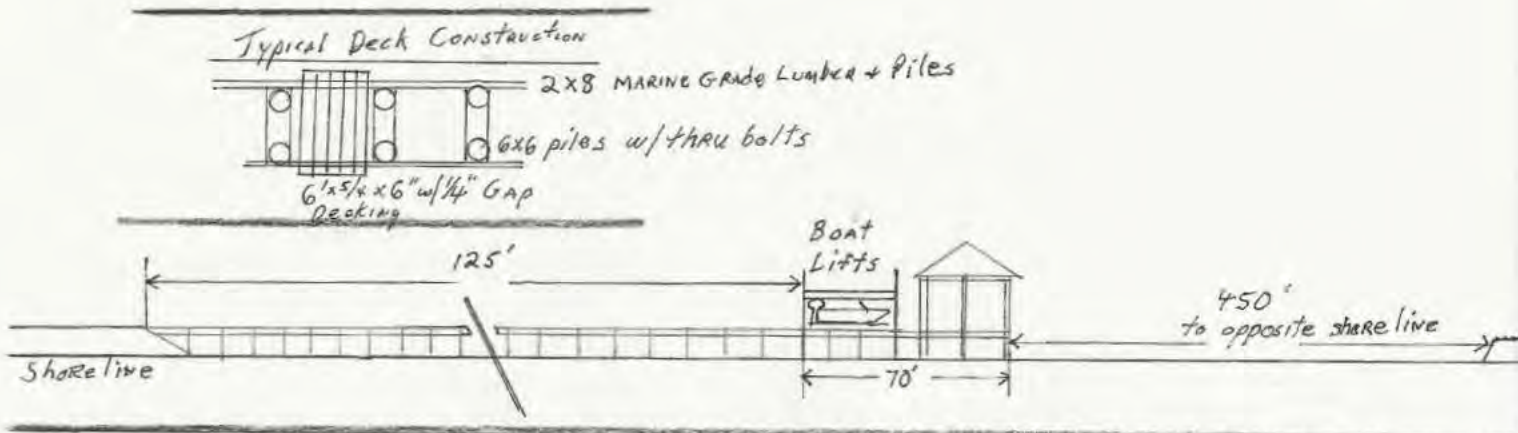


Docking Facility Marina



Long Bayou Marina

SAM-2023-00942-BAL
PIER CONSTRUCTION



WALKWAY CONSTRUCTION

Walkway Construction will be 3500 In ft and a width of 8 feet.

Construction Technique same as pier construction