



Alabama Department of Environmental Management
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August 23, 2023

Mr. Mike Moxey
Special Projects Manager/IRT Chair
U. S. Army Corps of Engineers, Mobile District
109 St. Joseph Street
Mobile, Alabama 36619

RE: U. S. Army Corps of Engineers Nationwide Permits (NWP) Program
State of Alabama Coastal Consistency Concurrence
2020 NWP Reissuance
ACAMP-2016-301.1 | COE-2020-0002

Dear Mr. Moxey:

By ADEM letter dated December 15, 2020 the State of Alabama issued its consistency decisions on the proposed U.S. Army Corps of Engineers 2020 NWP Program reissuance action. In that action the ADEM denied coastal consistency to NWP No. 13.

Since that time, the relevant resource agencies have grappled with the consequences of rapid population influx including increased recreational boat traffic, development of waterfront property parcels, and a seemingly unmanageable number of new RHA §10 and CWA §404 applications.

Conversations with the Alabama Team Lead of the DOA's Mobile District Army Corps indicate the need for the resource agencies to take special action in order to properly evaluate and manage new applications related to shoreline alteration activities. A specific action that the ADEM can take is to provide coastal zone consistency concurrence with activities authorized by NWP No. 13.

Therefore and by this letter, the ADEM issues general concurrence for the activities described in NWP No. 13 provided Alabama coastal zone management conditions, listed below, are incorporated therein.

- a. This permit must not be used to authorize any structure or activity on properties fronting the Gulf of Mexico, Pelican Bay, Weeks Bay, Dauphin Island Audubon Sanctuary, or the Point Aux Pines wetlands system.
- b. The structure must be placed at or above mean high tide and must be placed landward of any adjacent wetlands and must not sever the connection between adjacent wetlands and surface waters.
- c. No fill material may be placed in or on wetlands, emergent marsh, or submersed grassbeds.
- d. The structure must be designed so as to allow the normal hydrologic regime to be maintained in wetland areas.
- e. The applicant must demonstrate there are no feasible non-structural alternatives available including, but not limited to, preservation and restoration of dunes, beaches, wetlands, submersed grassbeds, and shoreline restoration and nourishment and retreat or abandonment.



- f. Bulkhead or seawall structures installed to replace existing, previously permitted bulkheads or seawalls are limited to a total length of 500 linear feet, and the waterward edge of the new structure shall not extend more than 24 inches waterward from the base of the existing bulkhead or seawall.

This concurrence does not authorize any activity or result therefrom not specified herein, nor does this concurrence convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations and in no way purports to vest in any person title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in anyone's possession. This concurrence does not obviate the responsibility to acquire all other needed permits nor does this concurrence, in any way, imply that the proposed activities comply with the requirements of any other jurisdictional entity nor does it imply that the project can or should be approved by any other jurisdictional entity.

Call, write, or email the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter. The ADEM contact for this and other coastal zone management issues is J. Scott Brown. He may be reached by telephone at 251. 304.1176 or via e-mail (jsb@adem.alabama.gov).

Sincerely,



A. Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov