



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Art Farve
The Wharf Landing, LLC

Published: March 22, 2022
Expires: May 22, 2025

**Mobile District
Permit Application No. SAM-2004-00324-MBM**

TO WHOM IT MAY CONCERN: The Mobile District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Art Farve
The Wharf Landing, LLC
610 Highland Crossing
Baton Rouge, Louisiana 70810

AGENT: Craig Martin
Wetland Sciences, Inc.
3308 Gulf Beach Highway
Pensacola, Florida 32507

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Gulf Intracoastal Waterway (GIWW). The project/review area is located on the east side of Brown Lane, within Section 35, Township 8 South, Range 4 East; at Latitude 30.299726 North and Longitude -87.633006 West; in Orange Beach, Baldwin County, Alabama.

EXISTING CONDITIONS: The proposed project area consists of three parcels totaling 81-acres of previously developed uplands as well as both undeveloped and previously impacted wetlands and water-bottoms. Also included in the review area is approximately 3.2-acres of previously excavated/dredged water-bottoms. The project area drains to the GIWW.

PROJECT PURPOSE:

Basic: The Corps has determined the basic purpose of the proposed project is to construct a resort and marina development.

Overall: The Corps has determined the overall purpose of the proposed project is to construct a resort and a corresponding commercial development which will include construction of entertainment amenities, retail spaces, a marina, and restaurants.

PROPOSED WORK: The applicant requests after-the-fact authorization for the permanent placement of approximately 6,820 cubic yards of fill material into 1.47 acres (64,605 square feet) of non-tidal wetlands, and placement of approximately 1,235 cubic yards of fill material into 0.19 acre (8,318 square feet) into non-wetland waters of the United States (WOTUS) associated with the construction of the resort and commercial facility. Additional drawings are available upon request. Additional work requested for authorization and associated with marina construction/realignment includes:

- a. Mechanical excavation of approximately 47,000 cubic yards of material from 1.86 acres (79,100 square feet) of uplands to a final depth of 8.0 feet; hydraulic maintenance dredging inside an existing basin of approximately 8,500 cubic yards of material from 1.43-acres (62,500 square feet) of water-bottoms to a final depth of 8.0 feet; maintenance dredging inside the GIWW rights-of-way (ROW) of approximately 30,000 cubic yards of material from 1.43 acres (62,500 square feet) of water-bottoms to a final depth of 12.0 feet; and discharge of approximately 6,000 cubic yards of fill material into 0.32 acres (14,000 square feet) of water-bottoms within the existing basin to establish a final elevation of 10.5 feet for the purpose of marina realignment. A total of approximately **85,500 cubic yards** of material will be dredged. All dredged material will be dewatered in an approved on-site location and disposed across the uplands on-site.
- b. Removal of 810 linear feet of existing bulkhead and proposed installation of 1,365 linear feet of bulkhead construction along the perimeter of the newly constructed basin; discharge of approximately 233 cubic yards of riprap below the plane of mean high water (MHW) along 276 linear feet of shoreline and extending approximately 10 feet into the GIWW for the purpose of shoreline stabilization; construction of a floating wave attenuator (140'x12'x 2') along the western access of the newly aligned basin and construction of a second floating wave attenuator (100'x12'x 2') along the eastern access of the newly aligned basin; construction of a 1,440-linear feet by 8-feet wide boardwalk along the perimeter of the newly realigned marina; and construction of a 43-slip marina with 23 additional mooring pilings.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant will utilize uplands to the fullest extent, minimize impacts to jurisdictional wetlands, and a Construction Best Management Practices Plan will be followed.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to provide in-kind compensatory mitigation through an approved mitigation bank for unavoidable function loss associated with the impact to wetlands.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Eastern Indigo Snake	<i>Drymarchon couperi</i>	Threatened
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: Based on the Alabama State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 75 feet away from the near bottom edge of the Gulf Intracoastal Waterway (GIWW) federal channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Alabama Department of Environmental Management (ADEM).

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. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification will be made by the ADEM. This notice serves as a notification to the Administrator of the Environmental Protection Agency (EPA) requesting a determination of potential water quality impacts to neighboring jurisdictions, pursuant to section 401(a)(2) of the Clean Water Act.

COASTAL ZONE MANAGEMENT ACT: The applicant has stated the project is consistent with the Alabama Coastal Area Management Program (ACAMP) Coastal Zone Management (CZM) regulations. Upon completion of the required advertising and public comment review period, a determination regarding CZM consistency will be made by the ADEM.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

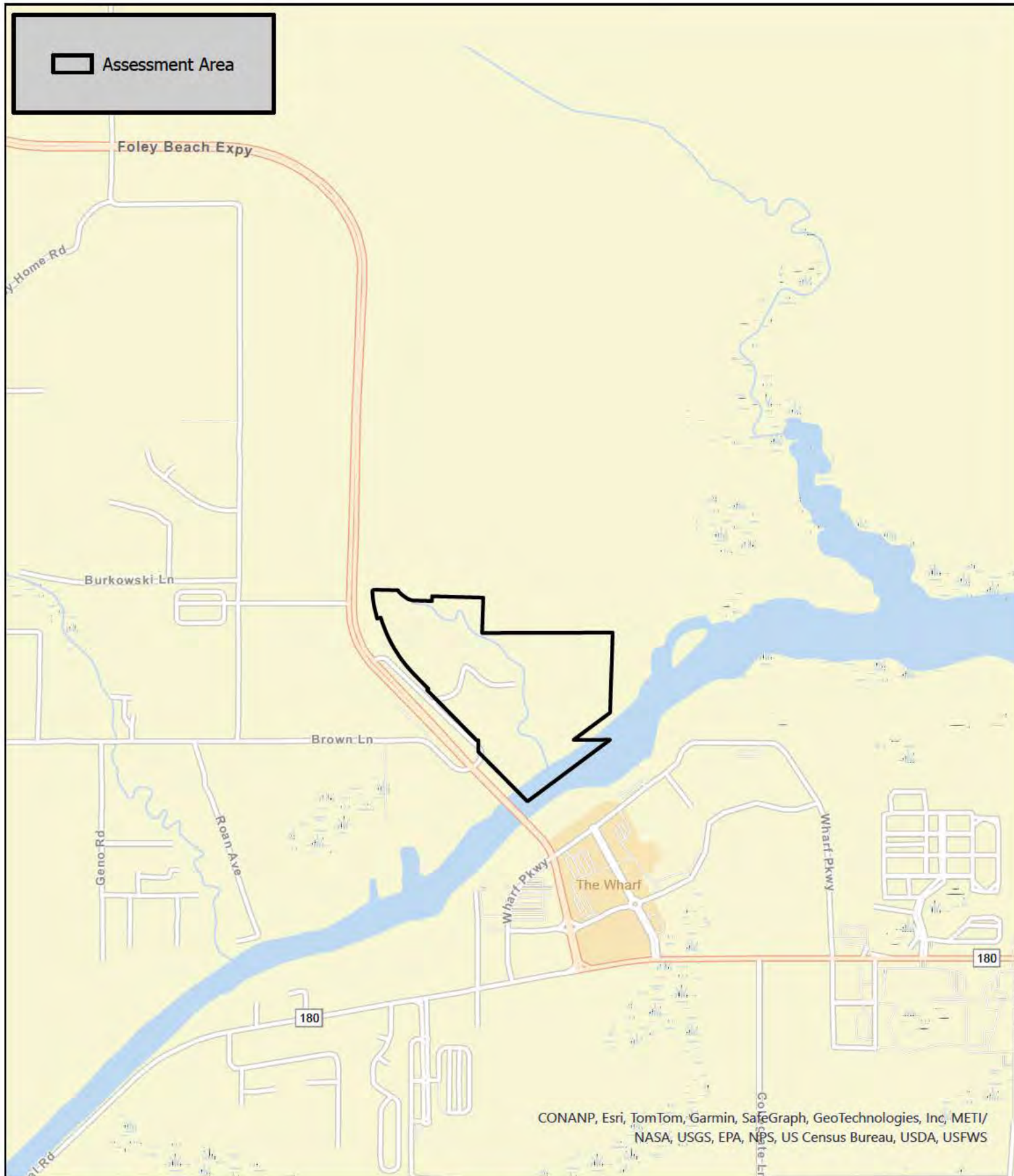
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Mobile District will receive written comments on the proposed work, as outlined above, until May 22, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to M. Derek Jacobs at michael.d.jacobs@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: M. Derek Jacobs, PO Box 2288, Mobile, Alabama 36628. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



**WETLAND
SCIENCES
INCORPORATED**

All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.

Site Location Map

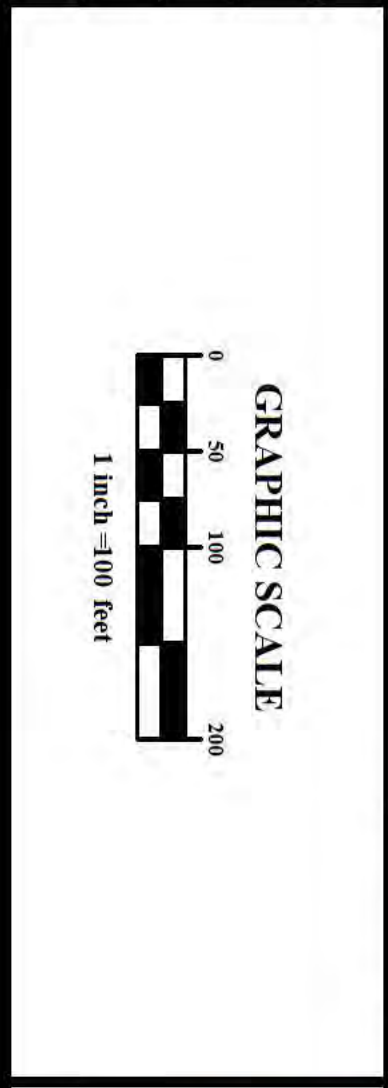
Wharf Landing, LLC
Baldwin County, AL

0 0.11 0.22 0.44 0.66 0.88
Miles

Data Source:
ESRI
Imagery Source:
ESRI

Coordinate System:
NAD 1983 Alabama
State Plane West





Phone: (251) 544-7900

OVERALL DEVELOPMENT PLAN
MARGARITAVILLE
WHARF LANDING, LLC.

MARGARITAVILLE

CHECKED BY: EG	
SHEET: 3 OF 21	

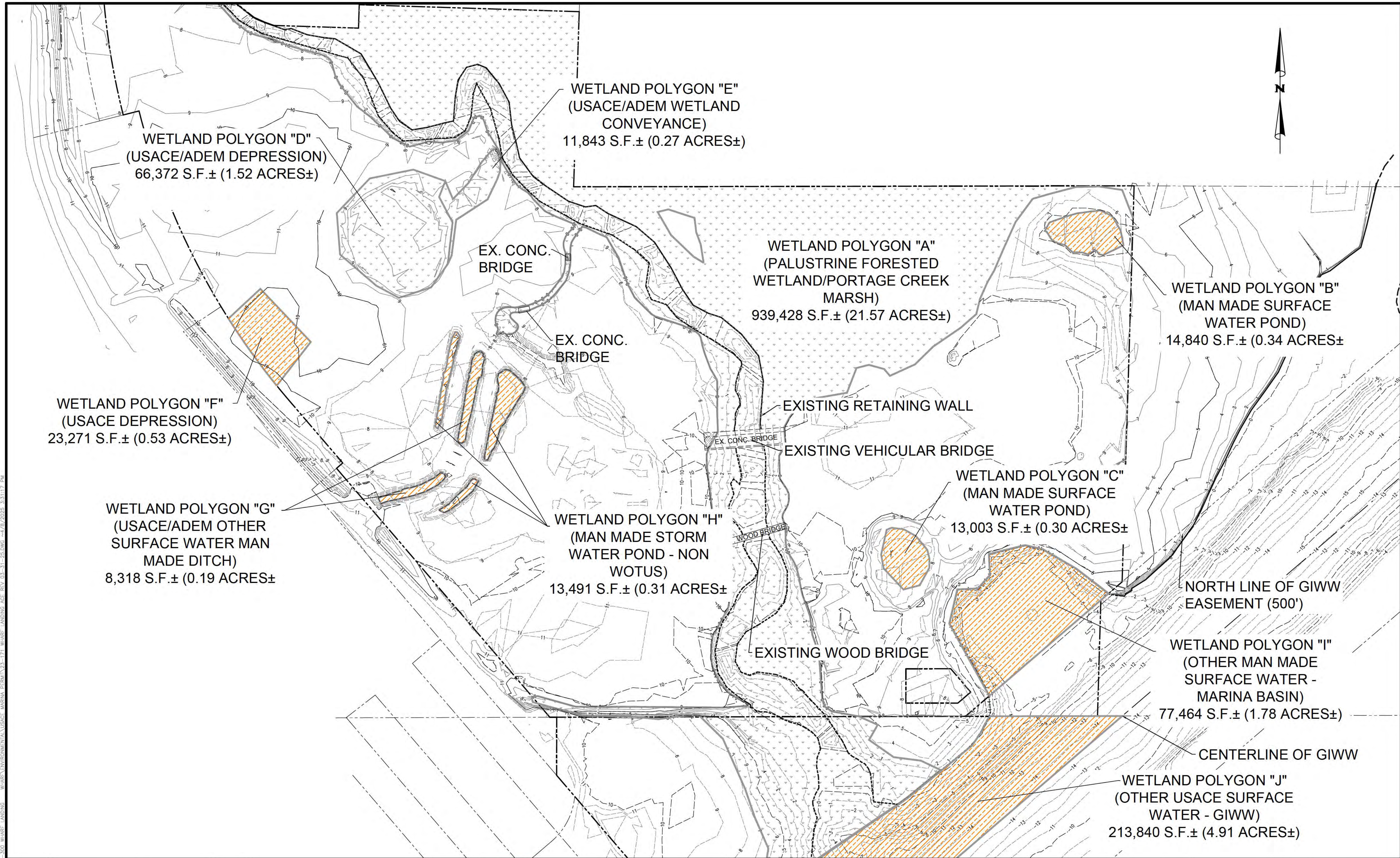
DATE: APRIL 2025

1000 JOURNAL OF CLIMATE

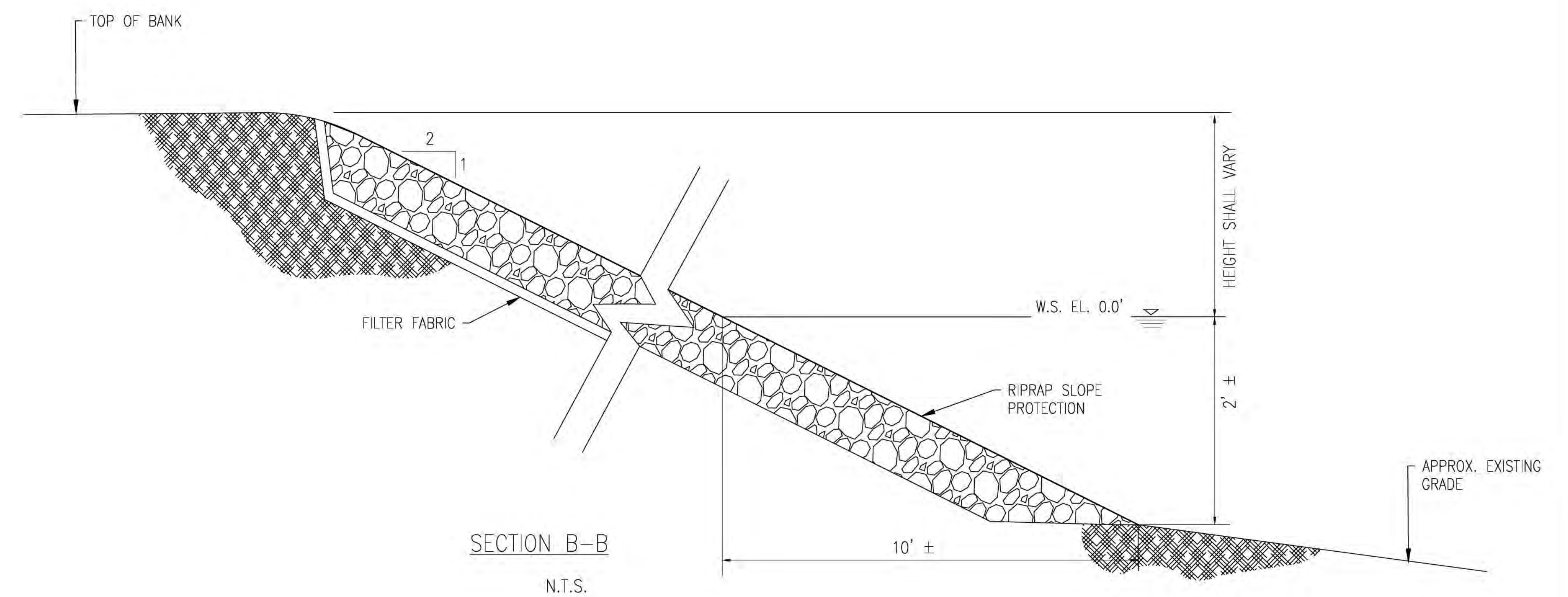
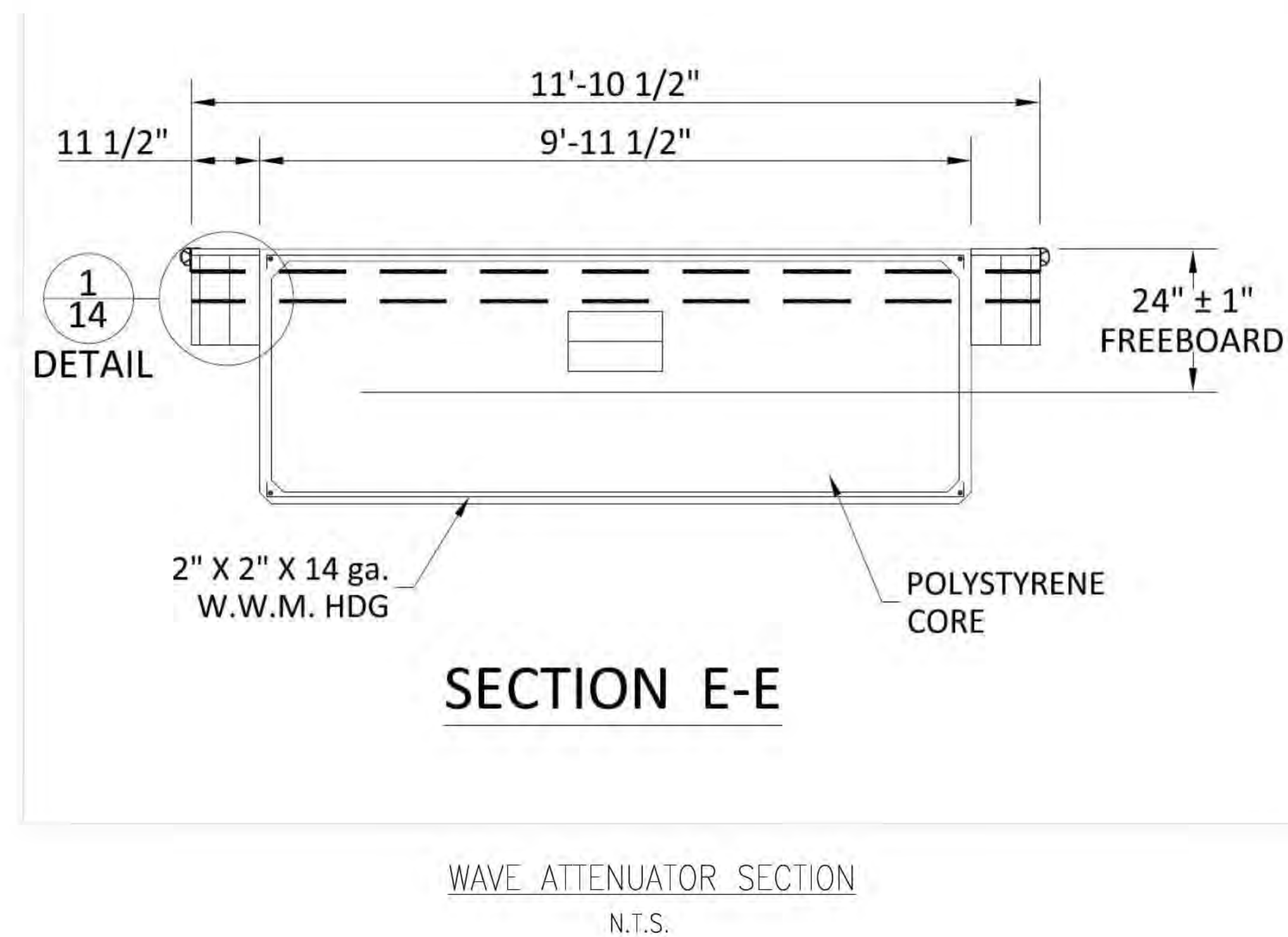
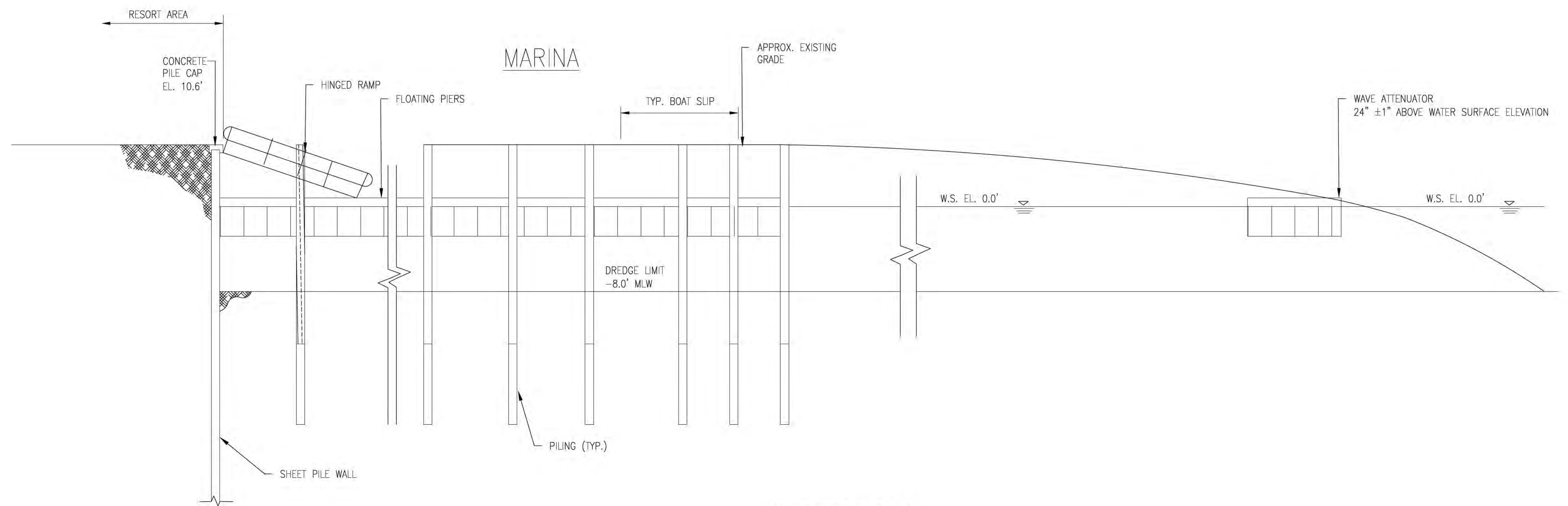
[illegible]

SHEET: 3 OF 21

DWG: MARGA-1 - CIVIL/ENV-04 - 300 WHARF LANDING - WHARF ENVIRONMENTAL/USACE MARINA PERMIT/23-171 - WHARF LANDING ADE REV 03-31-25/ENG - 4/9/2025 3:31:17 PM



NUMBER:		REVISION:	DATE:	<div>GRAPHIC SCALE</div> <div><div></div><div>050100200</div></div> <div>1 inch=100 feet</div>		<div><div><div>S</div><div>sawgrass</div></div><div>ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT</div><div>30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527 Phone: (251) 544-7900</div></div>		OVERALL EXISTING CONDITIONS		SCALE: 1:100	
								MARGARITAVILLE		DATE: APRIL 2025	
								WHARF LANDING, LLC.		DRAWN BY: EI	
										CHECKED BY: EG	
										SHEET: 4 OF 21	

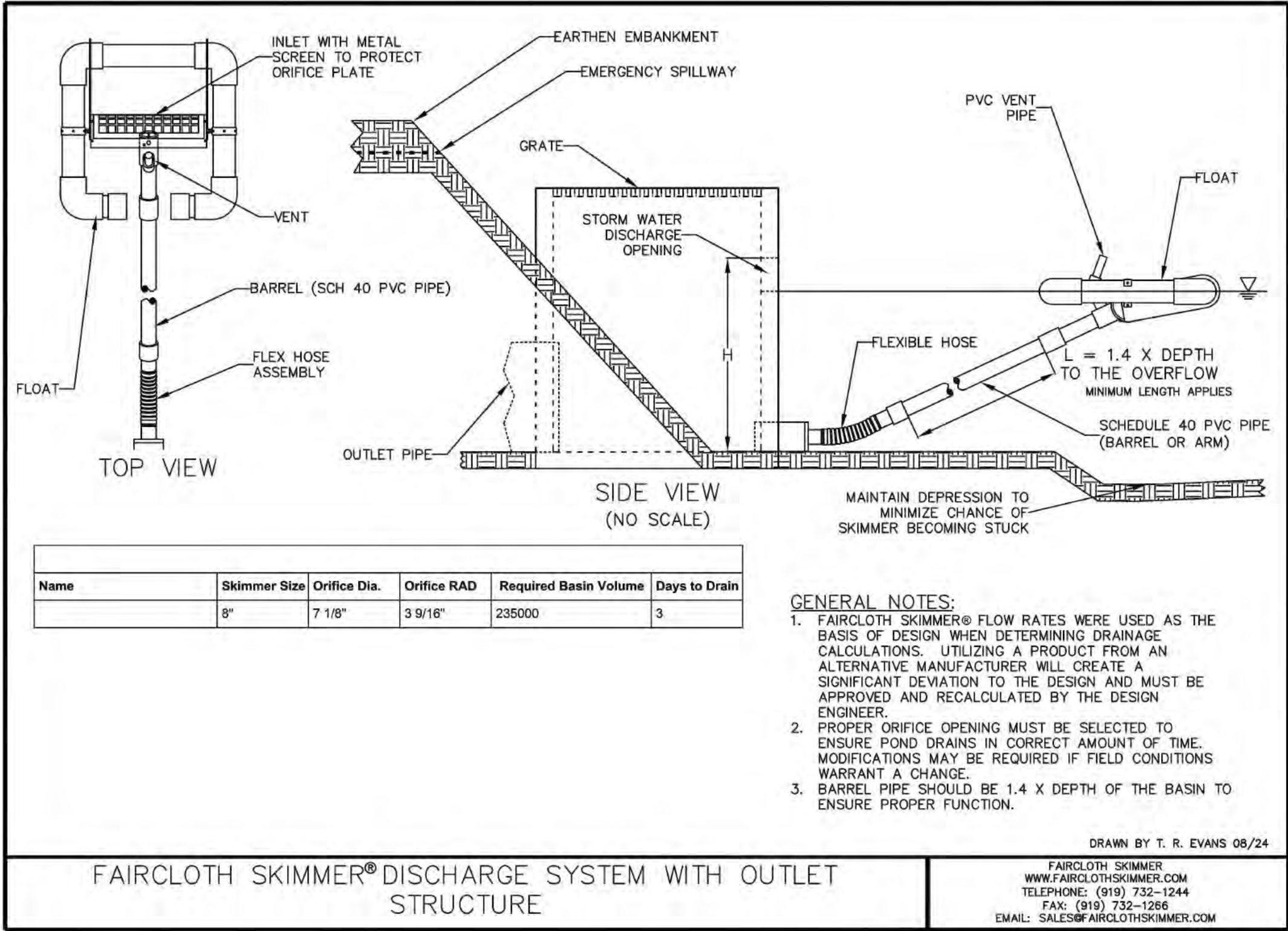
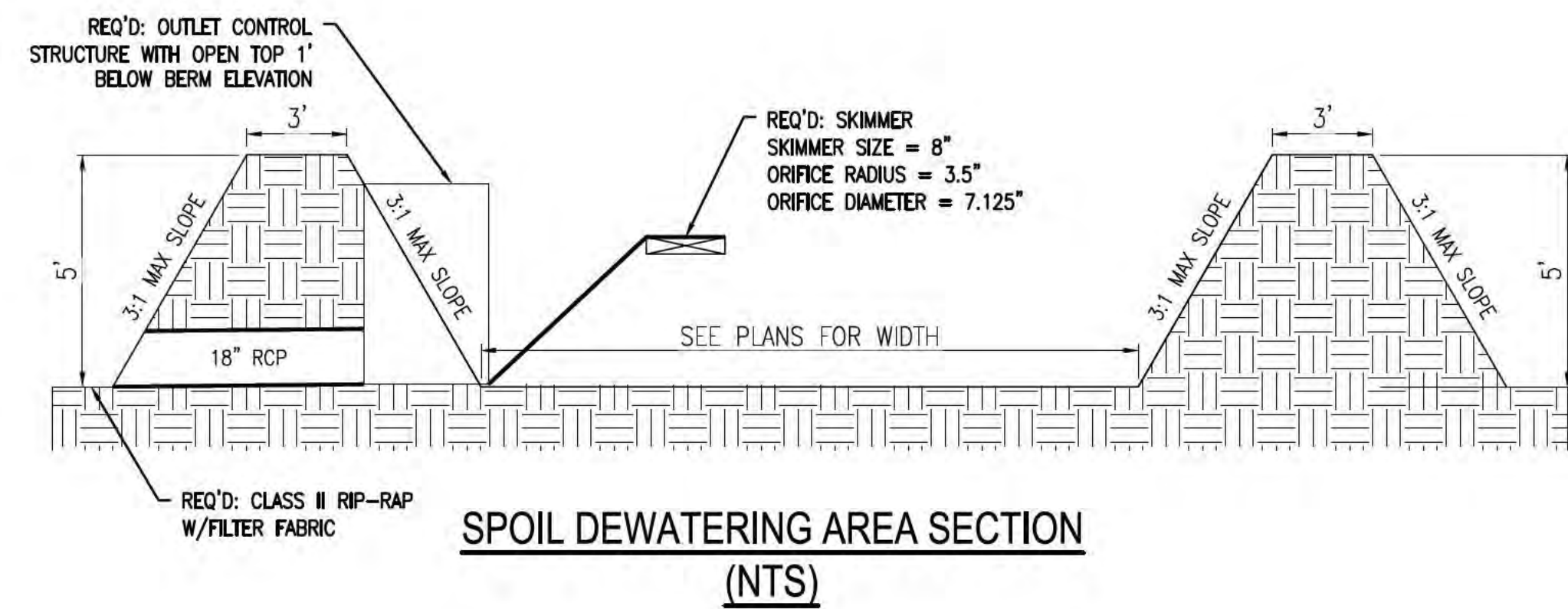


NUMBER:	REVISION:	DATE:



	MARINA SECTIONS
	MARGARITAVILLE
	WHARF LANDING, LLC.

SCALE: NTS
DATE: APRIL 2025
DRAWN BY: EI
CHECKED BY: EG
SHEET: 16 OF 21



**SPOIL DEWATERING AREA SKIMMER DETAIL
(NTS)**

NUMBER:	REVISION:	DATE:



DEWATERING DETAILS
MARGARITAVILLE
WHARF LANDING, LLC.

SCALE: N.T.S.
DATE: APRIL 2025
DRAWN BY: EI
CHECKED BY: EG
SHEET: 13 OF 21