US Army Corps of Engineers

PUBLIC NOTICE

Applicant: ADCNR
State Lands Division

Published: July 28, 2025
Expires: August 27, 2025

Mobile District
Permit Application No. SAM-2013-00152-DEM

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS (USACE)

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)

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: ADCNR State Lands Division
State Lands Division
31115 Five Rivers Boulevard
Spanish Fort, Alabama, 36527

AGENT: Mark Saunders
Thompson Engineering
2970 Cottage Hill Road
Ste. 190
Mobile, Alabama 36526

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Portersville Bay. The project is located at Marsh Island near Coden; Mobile, Mobile County, Alabama; at Latitude 30.32271 and Longitude -88.224605.

EXISTING CONDITIONS: The Marsh Island restoration project was originally authorized in 2015, as part of the Deepwater Horizon "Framework Agreement", which was an initial step toward the restoration of natural resources injured by the Deepwater Horizon spill. The project included the discharge of 637,000-cubic-yards of dredged material, planting of 202,500 native vegetation plugs, and the construction of 3,000 linear feet of breakwater structures, for the restoration and protection of 50-acres of salt marsh. A modification to the original permit was issued in 2016, to authorize a change in the breakwater construction material from rubble-mounds to OysterBreak/OysterKrete wave attenuator armor units. The Year 5 monitoring report, performed in 2022, indicated a total loss of 7-acres within the marsh restoration area, primarily along the westernmost edge of the island. Since 2017, the project has lost an average of about 1.4-acre of land each year.

PROJECT PURPOSE:

Basic: Install shoreline protection to reduce ongoing erosion of marsh restoration project.

Overall: Reduce ongoing erosion along the northwestern extent of the Marsh Island restoration project by extending the footprint of the existing OysterBreak wave attenuator armor units and installing bagged oyster shell along the northern shoreline.

PROPOSED WORK: The applicant requests authorization to perform the following work:

a. **Breakwater Extension:** Construct an additional 1,500-linear-feet of breakwater structures waterward of the northwestern shoreline, identical to the existing breakwaters located south of the island. The project will begin at the northwestern extent of the existing breakwaters and will include twenty-seven, 2-tiered segments, each measuring 33-feet-long and a base of 10-feet-wide, at an elevation of elevation +2.0 feet NAVD, with 22-foot-long gaps to be left between the breakwater sections. The breakwaters would encompass a total of 0.20-acre of marine waterbottoms.

b. **Shoreline Protection:** Installation of 1,000-cubic-yards of bagged oyster shell at the 0.0-foot contour, to be hand-staked, along 860-linear-feet of the northern shoreline. The oyster shell breakwaters would encompass a total of 0.75-acre of intertidal waterbottoms.

AVOIDANCE AND MINIMIZATION: The proposed project will not adversely impact wetlands, submerged aquatic vegetation, oyster reefs, or State-established fishing reefs. While approximately 0.20-acre of water bottom will be impacted by the installed breakwater segments, the ring-shaped structures allow for 60% open space, providing for less actual coverage of benthic habitat. Bagged oysters will be utilized on the northern beach encompassing approximately 0.75-acre of tidal water-bottom initially, but bags will eventually break apart and integrate with the natural sand bottom re-enforcing and inhibiting further erosion. Project-appropriate construction methods, equipment, and best management practices will be implemented to avoid adverse impacts during the construction of the breakwater extension. During construction warning signs and/or buoys will be deployed to warn navigational interests of the ongoing construction hazards and other potential dangers. Dredging equipment and pipelines will be marked and lighted in accordance with Coast Guard Navigational Rules. Notices to mariners will be published and broadcast by the Coast Guard and Corps of Engineers, as required. After construction, permanent warning signs will be installed and maintained as required. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts or alternatives analysis at this time.

COMPENSATORY MITIGATION: Potentially adverse impacts to waters of the U.S. have been previously mitigated by the creation and protection of the 50+/- acres of tidal-marsh wetlands in Portersville Bay. Compensatory mitigation for the currently proposed impacts to waterbottoms are not proposed, as the purpose of the project would be to provide protection of the remaining tidal marsh and improved habitat for aquatic species.

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. During review of the original authorization, the SHPO concurred (AHC 2015-0221 and AHC13-0691) with USACE effects determination by letter dated December 23, 2014. All previous special conditions regarding this determination would continue to be implemented. The District Engineer's final eligibility and effects determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants, the National Marine Fisheries Service (NMFS) Southeast Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will have no effect on the eastern black rail, rufa red knot, or the monarch butterfly. The Corps has also preliminarily determined that the proposed project may affect but is not likely to adversely affect the remaining species, and their associated habitat, shown in Table 1. There is no designated critical habitat within the project action area.

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

	jamaicensis	

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

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.

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 directly impact approximately 0.20-acre of non-vegetated marine substrate and 0.75-acre of intertidal shoreline. Our initial determination is that the proposed action will not adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). The effects of the project are determined to be minimal and permanent. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION / COASTAL ZONE MANAGEMENT: The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency concurrence in accordance with the Alabama Coastal Area Management Program. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification and CZM consistency will be made by the Alabama Department of Environmental Management (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.

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.

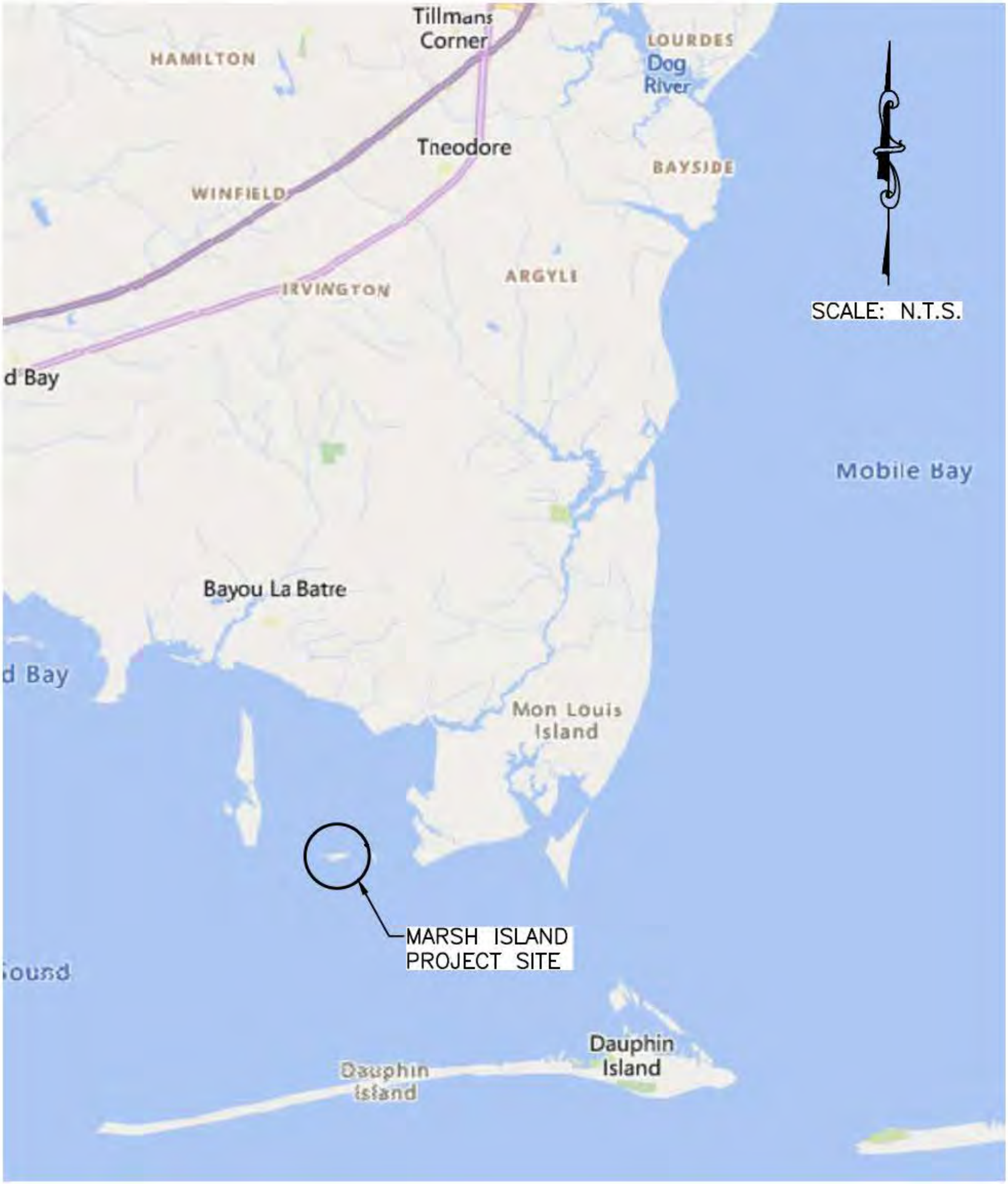
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

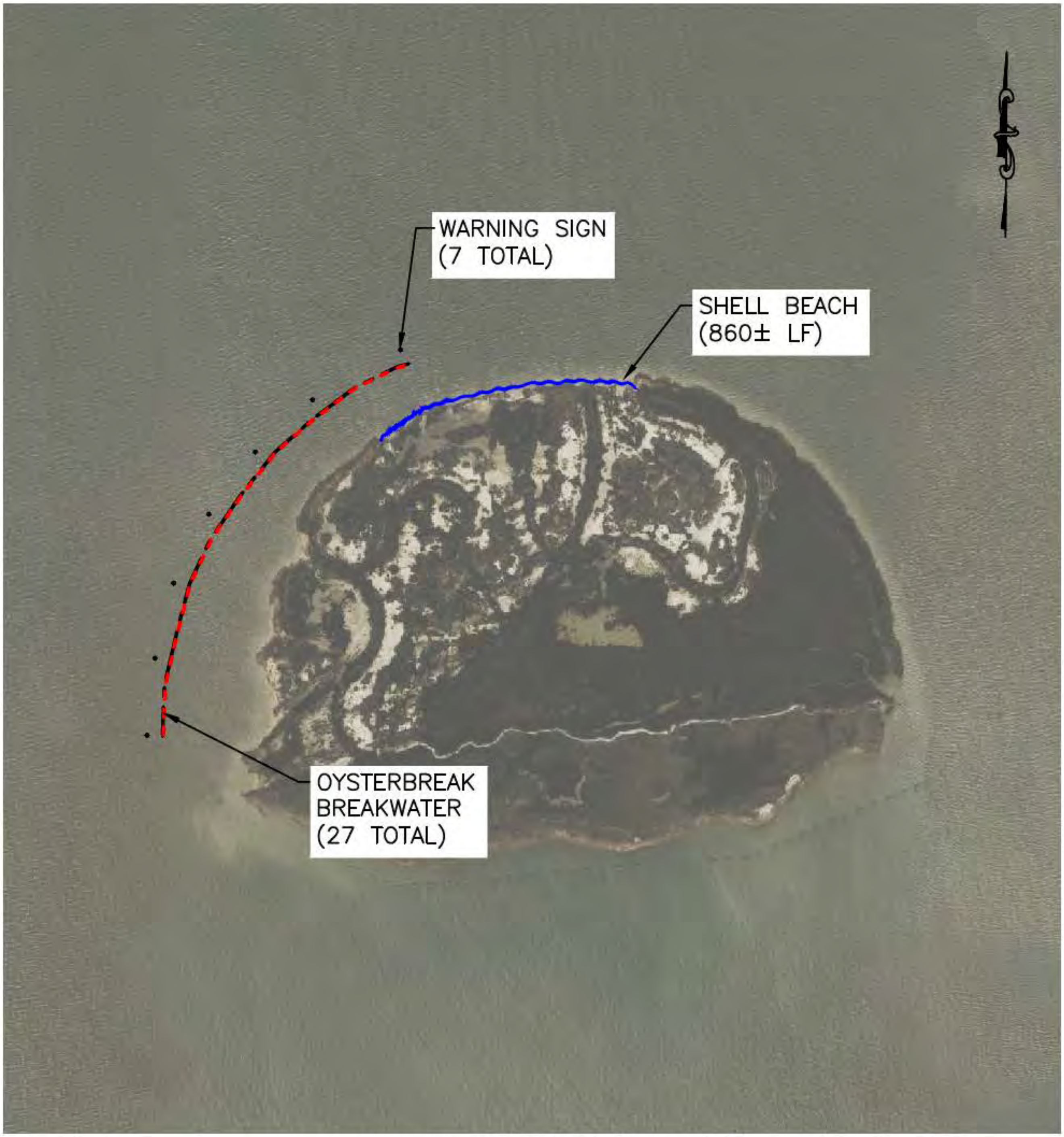
The Mobile District will receive written comments on the proposed work, as outlined above, until August 20, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at https://rrs.usace.army.mil/rrs or to Elizabeth Hamilton at Elizabeth.A.Hamilton@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: Elizabeth Hamilton, Post Office 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



ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 1 VICINITY MAP PROJECT NO: 18–1101–0250 DATE: JUNE 2024



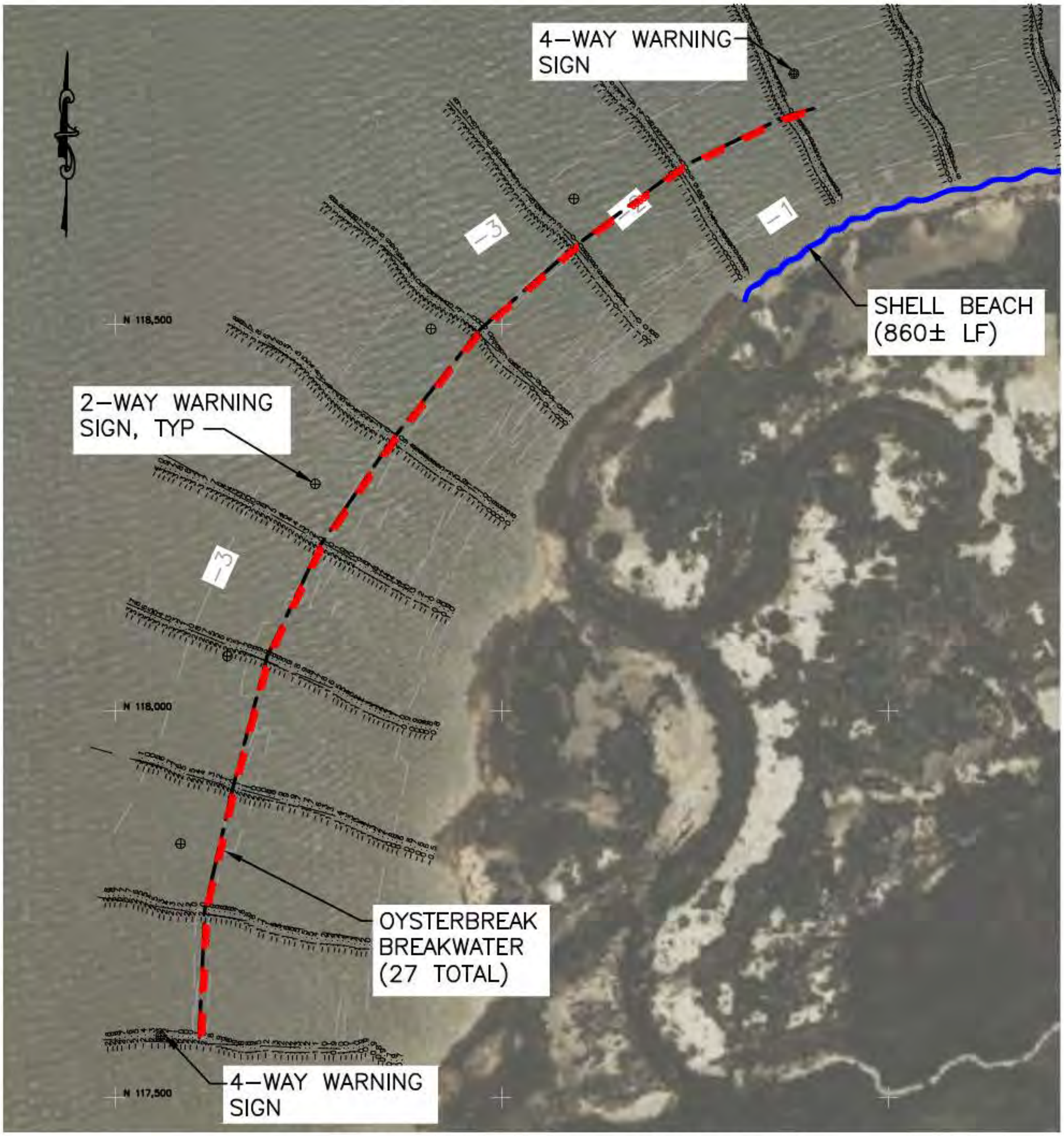
OVERALL SITE PLAN

ADCNR MARSH ISLAND
REEF EXTENSION PROJECT
BAYOU LA BATRE, ALABAMA

thompson
ENGINEERING

FIGURE 2
OVERALL SITE PLAN

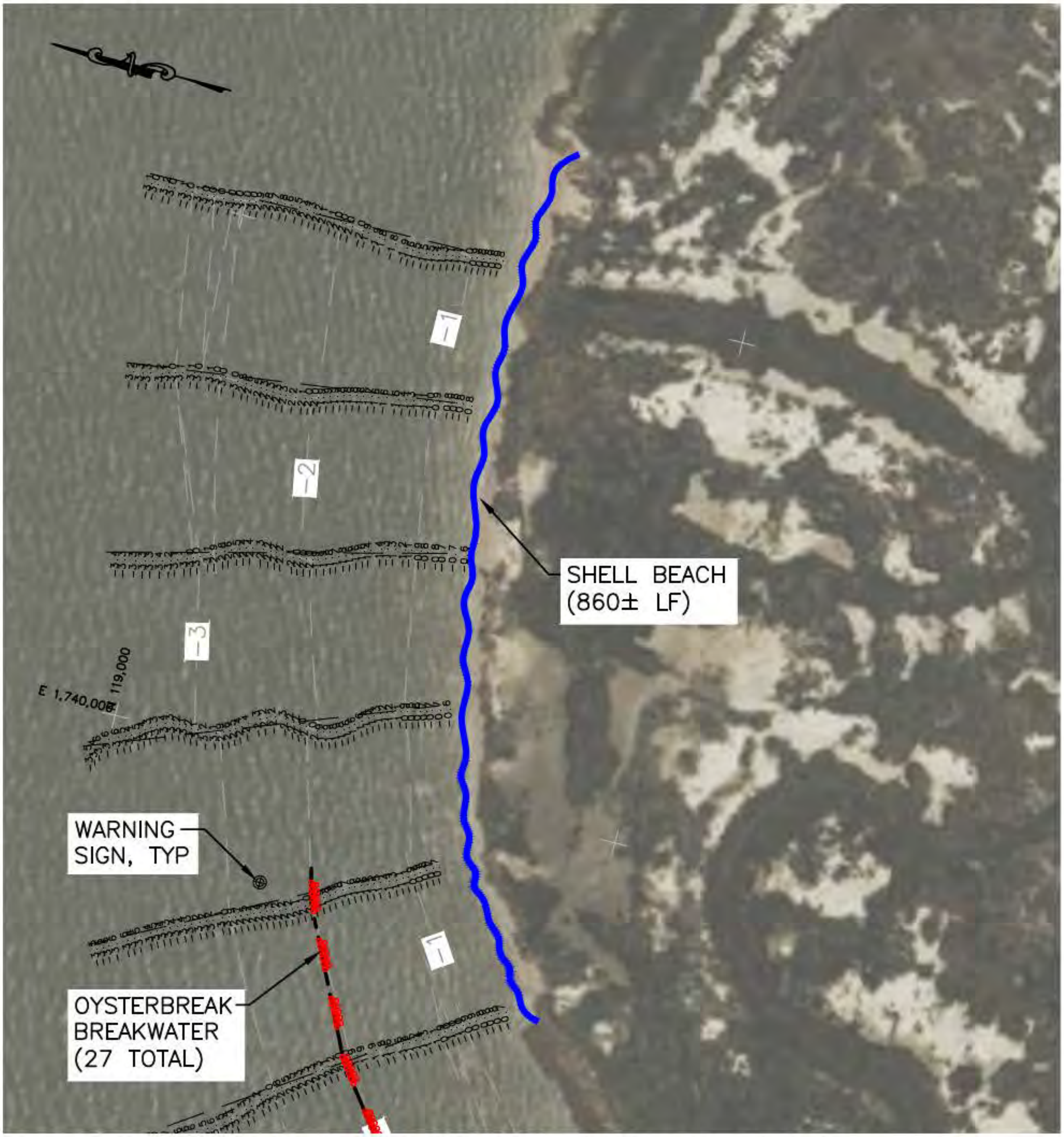
PROJECT NO:	DATE:
18–1101–0250	JUNE 2024



OYSTERBREAK BREAKWATER PLAN

0 200 400 Feet

ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 3 OYSTERBREAK BREAKWATER PLAN PROJECT NO: 18-1101-0250 DATE: JUNE 2024



OYSTERBREAK BREAKWATER PLAN

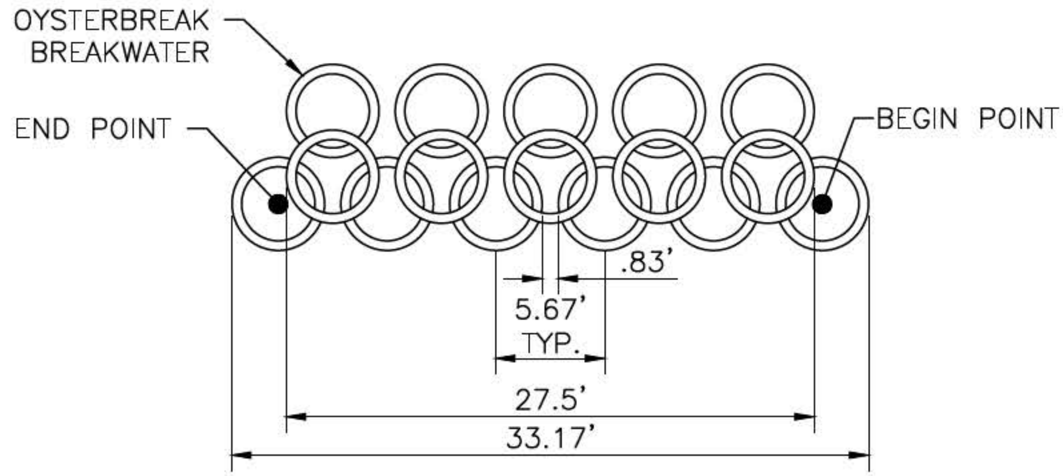
0 150 300 Feet

ADCNR MARSH ISLAND
REEF EXTENSION PROJECT
BAYOU LA BATRE, ALABAMA

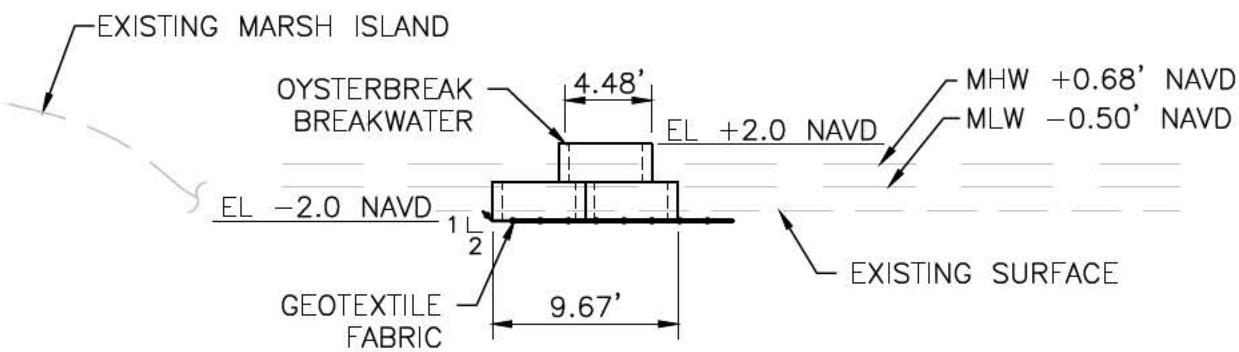
thompson
ENGINEERING

FIGURE 4
SHELL BEACH PLAN

PROJECT NO:	DATE:
18-1101-0250	JUNE 2024



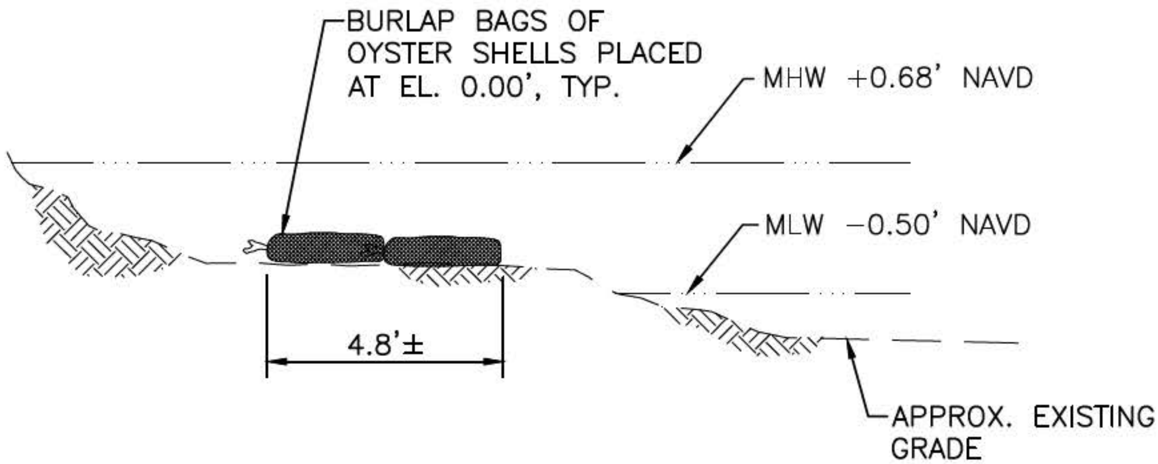
PLAN



SECTION

OYSTERBREAK BREAKWATER DETAIL

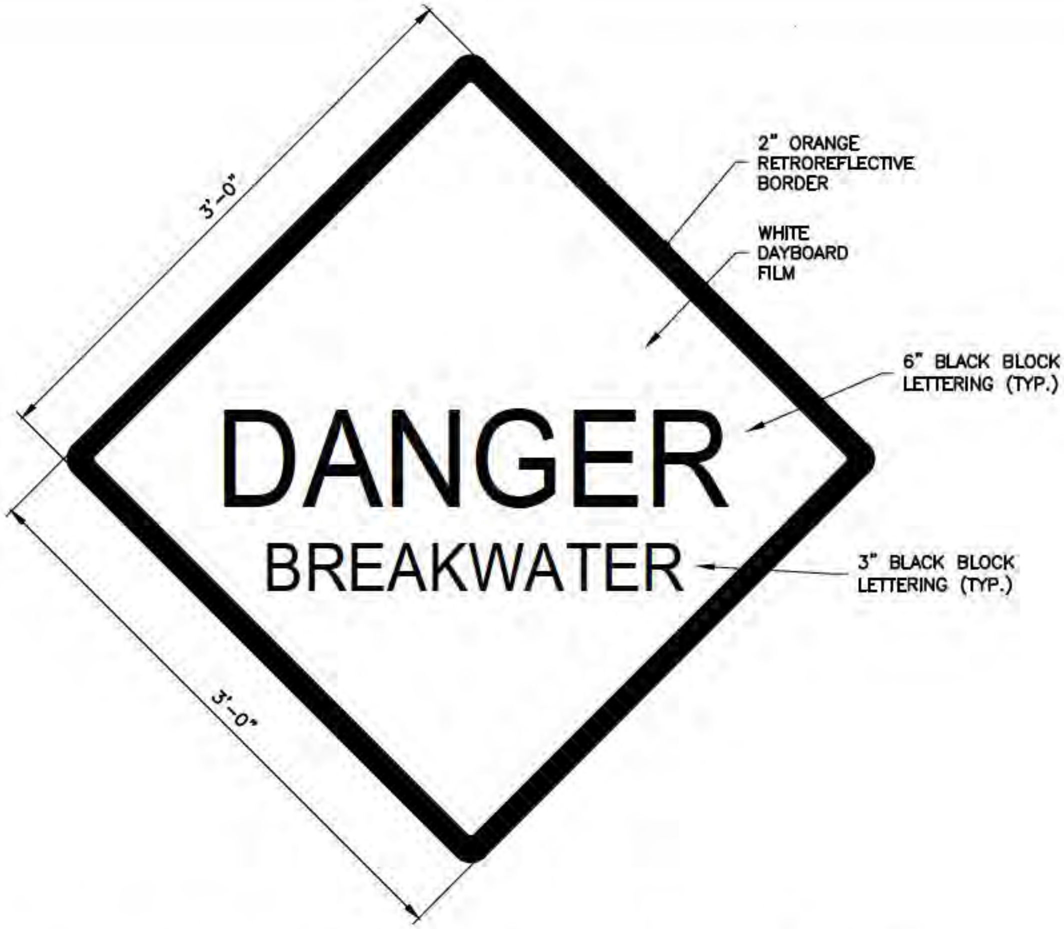
ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 5 OYSTERBREAK BREAKWATER DETAIL PROJECT NO: 18–1101–0250 DATE: JUNE 2024



TYPICAL SECTION

SHELL BEACH DETAIL

ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 6 SHELL BEACH DETAIL PROJECT NO: 18−1101−0250 DATE: JUNE 2024



PERMANENT/TEMPORARY WARNING SIGN

WARNING SIGN POINT TABLE		
POINT #	NORTHING	EASTING
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102	118662.4079	1739592.9822
103	118494.0304	1739408.1876
104	118293.7128	1739258.6121
105	118071.0345	1739144.9706
106	117828.5196	1739084.2542
107	117579.8142	1739058.8447

NOTES:
1. WATERWAY MARKER SIGNS SHALL BE BLACK BLOCK LETTERING.
2. WARNING MESSAGE LETTERING SHALL BE CENTERED WITHIN SIGN PANEL.
3. THE CONTRACTOR SHALL NOT IMPACT THE MESSAGE AREA OR REFLECTIVE SURFACES OF THE SIGN WHEN DRILLING HOLES IN THE SIGNS, OR SPLIT THE ENDS OF CROSSING TIMBERS.

ADCNR MARSH ISLAND
REEF EXTENSION PROJECT
BAYOU LA BATRE, ALABAMA

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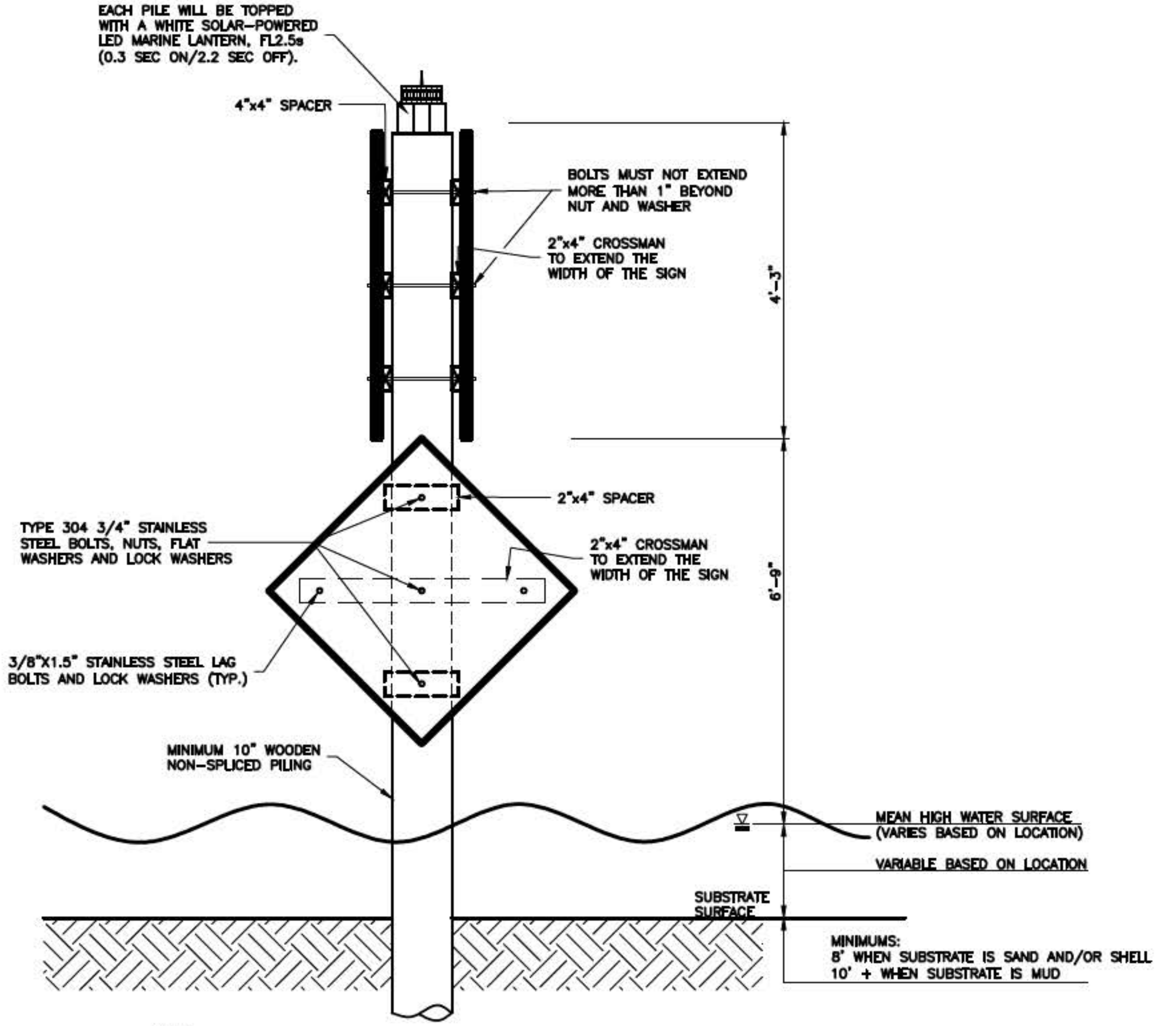
FIGURE 7
WARNING SIGN

PROJECT NO: 18-1101-0250

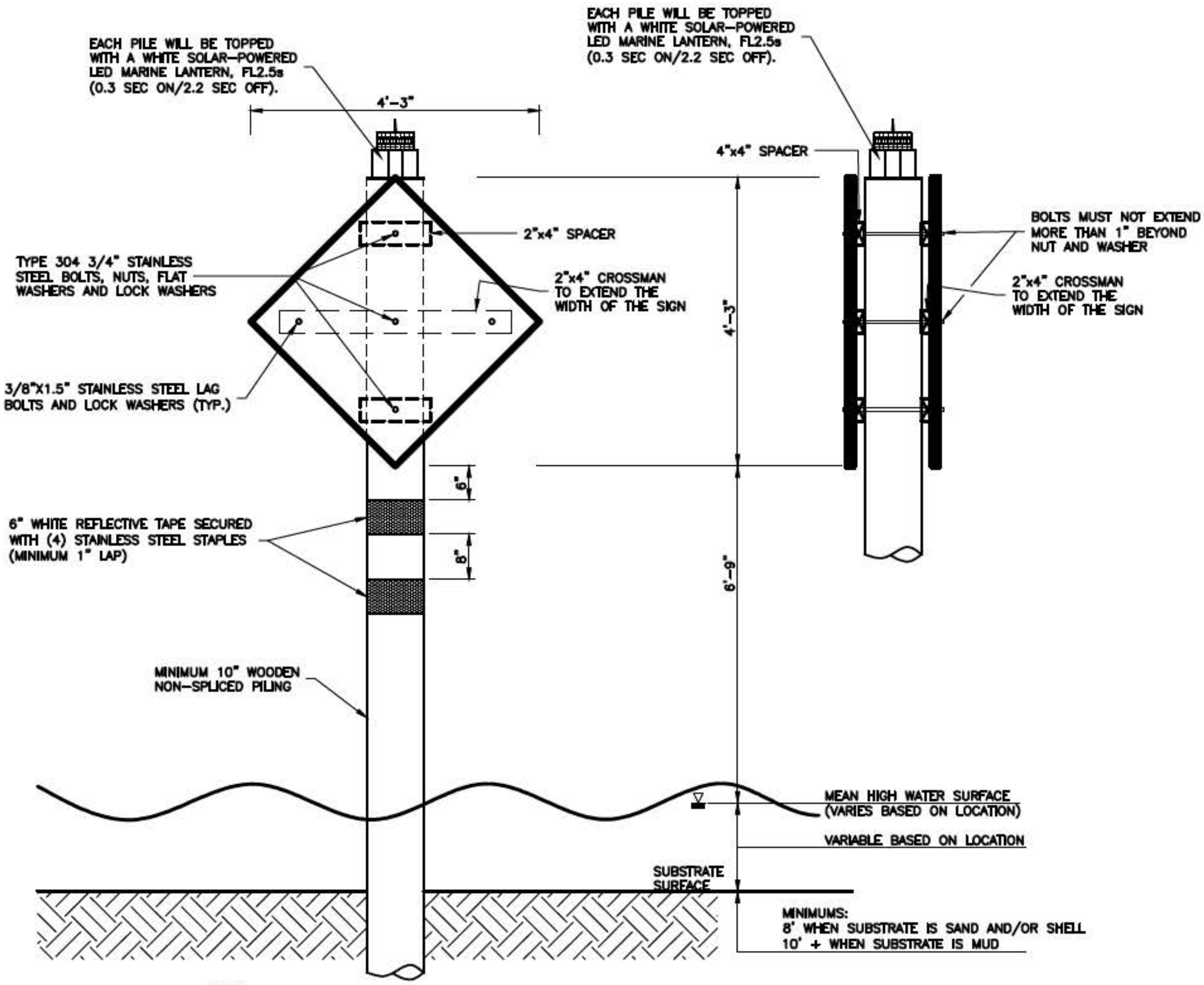
DATE: JUNE 2024



NOTE:
1. ALL PILINGS MUST BE PRESSURE TREATED LUMBER (2.50 CCA FOR SALTWATER APPLICATIONS; 0.80 CCA, 0.80 ACQ, OR 1.0 ACZA FOR FRESHWATER APPLICATIONS.
2. ALL FRAMING FOR SIGNBOARD MUST BE PRESSURE TREATED LUMBER (0.60 CCA, 0.60 ACQ, OR 0.60 ACZA FOR SALTWATER APPLICATIONS; 0.40 CCA, 0.40 ACQ, 0.40 ACZA, 0.21 CA OR 0.41 CBA FOR FRESHWATER APPLICATIONS).
3. BOLT HOLES BORED 1/8" LARGER THAN DIAMETER OF BOLT. ALL FASTENERS MUST BE VANDAL PROOF.
4. THE CONTRACTOR SHALL NOT IMPACT THE MESSAGE AREA OR REFLECTIVE SURFACES OF THE SIGN WHEN DRILLING HOLES IN THE SIGNS, OR SPLIT THE ENDS OF CROSSING TIMBERS.
5. PLASTIC PILE CAP SHALL BE EQUAL TO THE TOP EDGE OF THE SIGN (±6") AND SHALL FIT PILING NATURALLY WITHOUT HAVING TO MODIFY CAP IN ANY WAY.

PERMANENT/TEMPORARY FOUR WAY WARNING SIGN

ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 8 FOUR WAY WARNING SIGN PROJECT NO: 18-1101-0250 DATE: JUNE 2024



NOTE:
1. ALL PILINGS MUST BE PRESSURE TREATED LUMBER (2.50 CCA FOR SALTWATER APPLICATIONS; 0.80 CCA, 0.80 ACQ, OR 1.0 ACZA FOR FRESHWATER APPLICATIONS.
2. ALL FRAMING FOR SIGNBOARD MUST BE PRESSURE TREATED LUMBER (0.60 CCA, 0.60 ACQ, OR 0.60 ACZA FOR SALTWATER APPLICATIONS; 0.40 CCA, 0.40 ACQ, 0.40 ACZA, 0.21 CA OR 0.41 CBA FOR FRESHWATER APPLICATIONS).
3. BOLT HOLES BORED 1/8" LARGER THAN DIAMETER OF BOLT. ALL FASTENERS MUST BE VANDAL PROOF.
4. THE CONTRACTOR SHALL NOT IMPACT THE MESSAGE AREA OR REFLECTIVE SURFACES OF THE SIGN WHEN DRILLING HOLES IN THE SIGNS, OR SPLIT THE ENDS OF CROSSING TIMBERS.
5. PLASTIC PILE CAP SHALL BE EQUAL TO THE TOP EDGE OF THE SIGN (±6") AND SHALL FIT PILING NATURALLY WITHOUT HAVING TO MODIFY CAP IN ANY WAY.
6. SIGN(S) MUST BE CENTERED ON SINGLE PILE.

PERMANENT/TEMPORARY TWO WAY WARNING SIGN

ADCNR MARSH ISLAND REEF EXTENSION PROJECT BAYOU LA BATRE, ALABAMA	thompson ENGINEERING	FIGURE 9 TWO WAY WARNING SIGN PROJECT NO: 18–1101–0250 DATE: JUNE 2024