



REPLY TO  
ATTENTION OF:

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

CESAM-RD-A  
PUBLIC NOTICE NO. SAM-2014-01182-DEM

June 17, 2019

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

**PROPOSED FILLING OF WATERS OF THE UNITED STATES IN CONJUNCTION  
WITH RECLAMATION AND STABILIZATION OF ERODED SHORELINE  
IN 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 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

**APPLICANTS:** Ms. Harriet and Mr. Thomas McMillan  
5 Perdido Point  
Orange Beach, Alabama 36561

Mr. James L. Minish III  
5610 East Oak Ridge Drive  
Orange Beach, Alabama 36561

**LOCATION OF WORK:** The proposed project is located on Perdido Bay, at three adjoining properties, including 5 Perdido Point, Lot #25 Perdido Gate, and 5610 East Oak Ridge Drive; within Section 37 of Township 8 South, Range 5 East; at Latitude 30.307283° North, Longitude -87.514911° West; in Orange Beach, Baldwin County, Alabama. The project site is located within the Alabama Coastal Zone Management Area.

**PROJECT PURPOSE:** The purpose of the proposed project is to reclaim property that has been lost to erosion, stabilize the re-established shoreline with a bulkhead and with riprap in order to protect the property from erosion, and restore water bottoms around existing piers and boat shelters to navigable depths.

**PROPOSED WORK:** The applicants propose to construct approximately 275 linear feet of bulkhead and then backfill approximately 8,480 square feet (0.19 acre) of open water area with 1,182 cubic yards of dredged sand fill, of which 472 cubic yards would be placed below the plane of mean high water (MHW). In addition, the applicants propose to place approximately 213 cubic yards of riprap rock (133 cubic yards of which will be below the plane of MHW) along the waterward toe of the bulkhead (287 linear feet). The riprap would extend out a maximum of 8 feet from the toe of the bulkhead. The completed reclaimed area would extend a maximum of 70 feet waterward from the existing shoreline.

The applicants propose to hydraulically dredge the areas immediately surrounding their existing docks and boat shelters for navigational access. The dredging will remove enough sand material to allow the applicants' to use their boat shelters and backfill the bulkhead. This will include the removal of 1,182 cubic yards of sand from 7,700 square feet (0.18 acres) of open waters and water bottoms of Perdido Bay, to depths up to -8 feet below MHW. A dredged material catch basin consisting of a sand berm, hay bales and silt fencing will be used for dewatering the dredged material behind the new bulkhead.

**AVOIDANCE & MINIMIZATION:** The applicant has indicated the fill has been minimized to the greatest extent practicable while still reclaiming some of the eroded shoreline within the applicant's lot-lines, which extend over 100 feet beyond the current MHW line. The dredging is minimized to the areas immediately surrounding the applicants' boat shelters, as the water depths in some areas are as shallow as 2 feet at MHW. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

**COMPENSATORY MITIGATION:** Since this project would only reclaim eroded shoreline areas, no mitigation is required.

**WATER QUALITY / 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 a consistency determination regarding Coastal Zone regulations 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 Coastal Zone consistency will be made by the Alabama Department of Environmental Management.

**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 has been considered for the potential to affect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of the this undertaking have also been considered. The National Register of Historic 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. The Mobile District is seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. The permit area described above is currently under review by District Archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

In addition to the provided comments from the SHPO (the Alabama Historical Commission), we are seeking comments from federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

**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 approximately 0.424 acres (18,476 square feet) of estuarine substrate. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the lack of submerged aquatic vegetation, tidal marsh wetlands, or other EFH in the project vicinity. Our final determination is subject to review by and coordination with the National Marine Fisheries Service and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS).

**ENDANGERED SPECIES:** Preliminary review of the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered or threatened species with the potential to exist within Mobile Bay or the watershed of the project: Alabama beach mouse (*Peromyscus polionotus ammobates*) (E), Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) (E), West Indian manatee (*Trichechus manatus*) (T), Wood stork (*Mycteria americana*) (T), Eastern Indigo snake (*Drymarchon corais couperi*) (T), Gopher tortoise (*Gopherus polyphemus*) (candidate species), Green sea turtle (*Chelonia mydas*) (T), Kemp's Ridley sea turtle (*Lepidochelys kempii*) (E), and Loggerhead sea turtle (*Caretta caretta*) (T). There is no designated critical habitat within the project's action area.

Preliminary review of this application and the above list of threatened or endangered species indicate that the proposed activity will have no effect on any species currently listed as endangered or threatened within Baldwin County, or on any designated critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service and state agencies regarding any potential effects on the listed species via this Public Notice.

**PUBLIC REVIEW:** 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 use 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 USACE is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to evaluate the impacts of this proposed activity and 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 discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Any correspondence concerning this notice should **refer to Public Notice Number SAM-2014-01182-DEM** and should be directed to the project manager, Ms. Jessica C. Comeaux at [Jessica.C.Comeaux@usace.army.mil](mailto:Jessica.C.Comeaux@usace.army.mil), or to the U.S. Army Engineer District, Mobile, Regulatory Division (RD-A), Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at [coastal@adem.alabama.gov](mailto: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 issuance of this Public Notice.** If you have any questions concerning this publication, you may contact the project manager, Ms. Jessica C. Comeaux by email at [Jessica.C.Comeaux@usace.army.mil](mailto:Jessica.C.Comeaux@usace.army.mil), or (251) 690-3262. Please refer to the Public Notice Number SAM-2019-00141-JCC, in any communication regarding this project.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



For Continuation of Ono Island Subdivision See Inset On Pg. 41

Project Site

SEE PAGE 40

SOUTH BOUNDARY

© MMV, Keith Map Service, Inc., Mobile, Al.

Department of the Army // SAM-2014-01182-DEM

Proposed McMillan - Minish Project to construct 275 FT. Bulkhead  
 Dredge and Backfill - 1182 cubic yards sand  
 place 213 cy. riprap in front of Bulkhead

**SURVEY SERVICES**  
 LAWRENCE N. ZANDER, PLS  
 700 BONE ST  
 MAGNOLIA SPRINGS, ALABAMA 36555  
 850-4 Sherman Rd., Foley, AL 36535

PH: (251) 971-2906  
 FAX: (251) 971-2907  
 E-MAIL: SURVEYS@ZANDERPLS.COM

ALABAMA LICENSED PROFESSIONAL LAND SURVEYOR LAWRENCE N. ZANDER

**SURVEY REQUESTED BY:**  
 Tom McMillan

**SURVEY FOR:**  
 Tom McMillan

This is a special purpose survey to show the Bay - Land area adjacent to the properties shown herein.

STATE: ALABAMA COUNTY: BALDWIN  
 GRANT SECTION: 37 TOWNSHIP: 8 SOUTH RANGE: E EAST  
 PARCEL #s: 82-07-37-0-001-301,000  
 82-07-37-0-001-302,000  
 82-07-37-0-001-304,000

SUBDIVISIONS: PERDIDO GATE & PERDIDO POINT

Scale: 1" = 30'	Issue Date: October 13, 2018
Project Number: 183182	Filed Date: September 21, 2018
Drawn By: LJJZ	No. Date: _____
Sheet Title: Bay Front Survey	Description: _____
Sheet Number: 1 of 1	

**CERTIFICATION**  
 I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

*L. Zander* DATE: Oct. 13, 2018  
 Lawrence N. Zander  
 Alabama P.L.S. 25847  
 (Not valid without original signature)

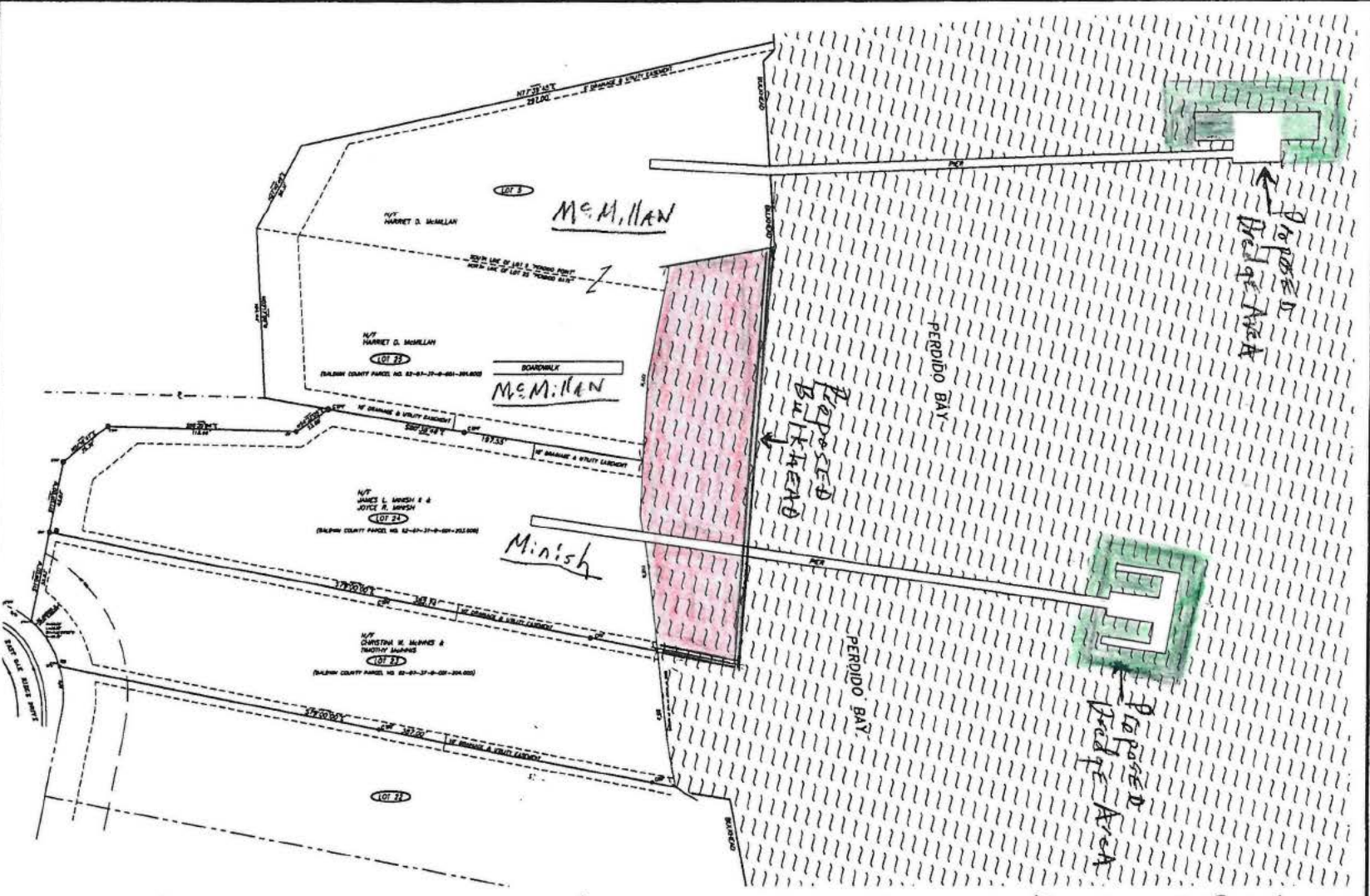
**SURVEYOR NOTES**

1. THE FIELD DATA UPON WHICH THIS PLAN IS BASED EXCEEDS SECOND ORDER CLASS I PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
2. THE DATA SHOWN ON THIS MAP INDICATE THE ACTUAL PROPERTY LINES AND BEING CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000.
3. THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SPECTRA PREDICTION FOCUS OF APPROX. 10 MM. STATION.
4. THE BASES OF THE BEARINGS AND NORTH ANGLE OF THIS PLAN ASSUMED AND BASED ON THE DIVISION LINE BETWEEN LOTS 23 & 24 BEING SOUTH 79°00'00" EAST.
5. ALL LINEAR DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL.
6. THIS PLAN IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
7. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
8. NO TITLE SEARCH OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
9. SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAN: PLATS OF RECORD.

**LEGEND**

- CH - CHIPPED REBAR SET (C & G 1700)
- CP - CHIPPED REBAR TYPED
- CPV - CHIPPED TOP PIPE FOUND
- FP - FISH POLE FOUND
- RF - REBAR FOUND
- POC - POINT OF COMMENCEMENT
- POB - POINT OF BEGINNING
- R/W - RIGHT-OF-WAY
- E - PROPERTY LINE
- IF - EDGE OF FANBOAT
- FL - FISH POLE
- IND - INDICATED UTILITIES
- HYD - HYDRANT
- W-M - WARD METER
- WV - WARD VALVE
- FL - FISH POLE
- AC - AIR CONDENSER
- BS - BUILDING SETBACK LINE

**Survey Services**  
 SCALE IN FEET: 1" = 30'



SAND PLACED BELOW plane of MHW - 472 cy.  
 ABOVE ✓ ✓ ✓ - 710 cy.

Proposed riprap - 213 cy.  
 Riprap BELOW plane of MHW - 133 cy.  
 ABOVE ✓ ✓ ✓ - 80 cy.

TOTAL cy/FT riprap BELOW MHW PER FT. Bulkhead - .48 cy.

McMILLAN  
1

# PERPIDO BAY

PROPOSED RIPTAP  
 125' Long  
 8' Wide  
 5' High (MHW - 3 FT. BELOW TOP OF Bulkhead)  
 = 70 CY BELOW MHW  
 = .56 CY / FT OF Bulkhead BELOW MHW

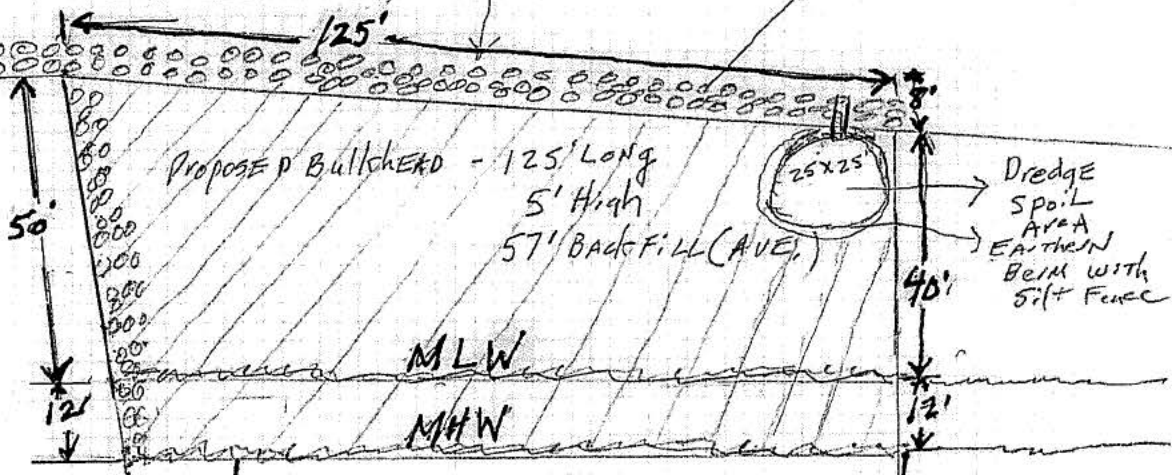
Existing Bulkhead

Existing Bulkhead

Proposed Bulkhead

WATER DEPTHS AT Bulkhead  
 2' MHW  
 1' MLW

WES  
LAMBERT



Applicants Property  
LOT #5 PERPIDO Pt.

Applicants  
Lot #25

PROPERTY  
PERPIDO GATE

BOARD WALK

Jack  
Minish  
5610 EAST  
Oak Ridge DR.  
O.B. AL



MINISH  
1

PERDIDO BAY

EXISTING PIER

PROPOSED RIP RAP  
120' LONG  
8' WIDE  
5' HIGH

PROPOSED BULKHEAD

WATER DEPTH @ BULKHEAD  
2' MHW  
1' MLW

ADDITIONAL PROPOSED BULKHEAD - HARRIET McMILLAN  
↓ APPLICANT

DREDGE Spoil Area  
EARTHEN BERM WITH SILK FENCE

120'

PROPOSED BULKHEAD  
120' LONG  
5' HIGH  
47' BACKFILL (AVE)

MHW

MLW

25x25'

40'

12'

30'

12'

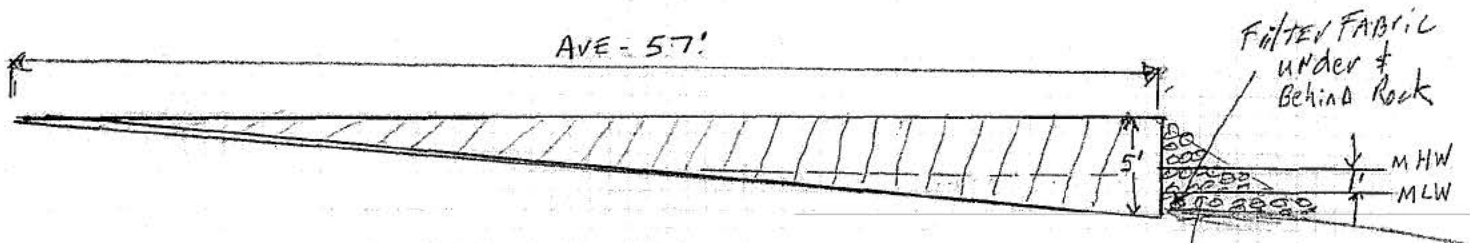
HARRIET  
McMILLAN  
5 PERDIDO PT.  
O.B. AL 36561  
LOT # 25  
PERDIDO GATE SUBDIVISION

APPLICANT'S  
PROPERTY  
LOT # 24  
PERDIDO GATE SUBDIVISION

CHRISTINA  
#  
TIMOTHY  
McINNIS  
LOT # 23  
PERDIDO GATE  
SUBDIVISION  
5606  
EAST OAK RIDGE DR.  
O.B. AL 36561

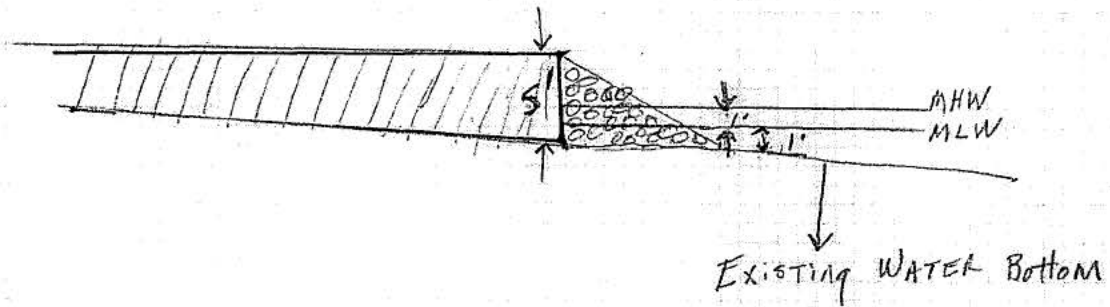






Proposed Backfill  
 57 WIDE X 2.5' (Ave DEPTH) X 125' Long  
 660 cy  
 SAND PLACED BELOW PLANE OF MHW = 264 cy  
 SAND ✓ ABOVE ✓ ✓ ✓ = 396 cy

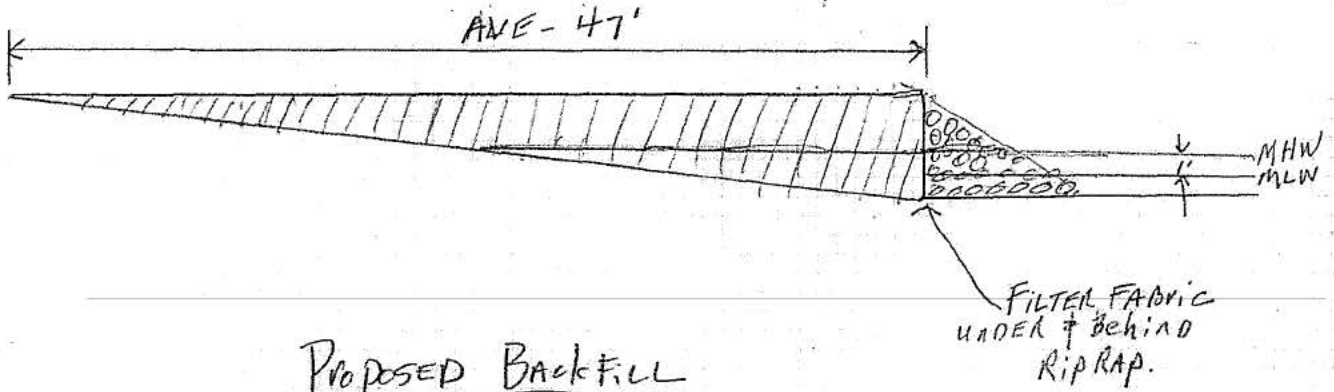
Proposed Riprap  
 125' Long  
 8' Wide  
 5' High (MHW 3' BELOW TOP OF Bulkhead)  
 58 cy BELOW MHW  
 = .46 cy/FT OF Bulkhead  
 TOTAL cy of Riprap = 93



93 cy Riprap - TOTAL  
 58 cy ✓ BELOW MHW

Minish

2



Proposed Backfill

47 WIDE X 2 1/2 (AVE DEPTH) X 120' Long

522 CY

SAND PLACED BELOW PLANE OF MHW = 208 CY  
 ✓ ✓ ABOVE ✓ ✓ ✓ = 314 CY

Proposed Rip Rap.

162' Long

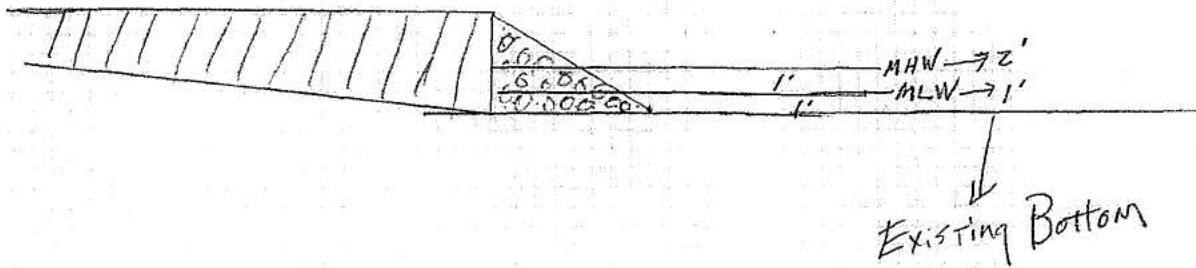
8' WIDE

5' High (MHW is 3' BELOW TOP OF BULKHEAD)

TOTAL CY OF Rip RAP = 120 CY.

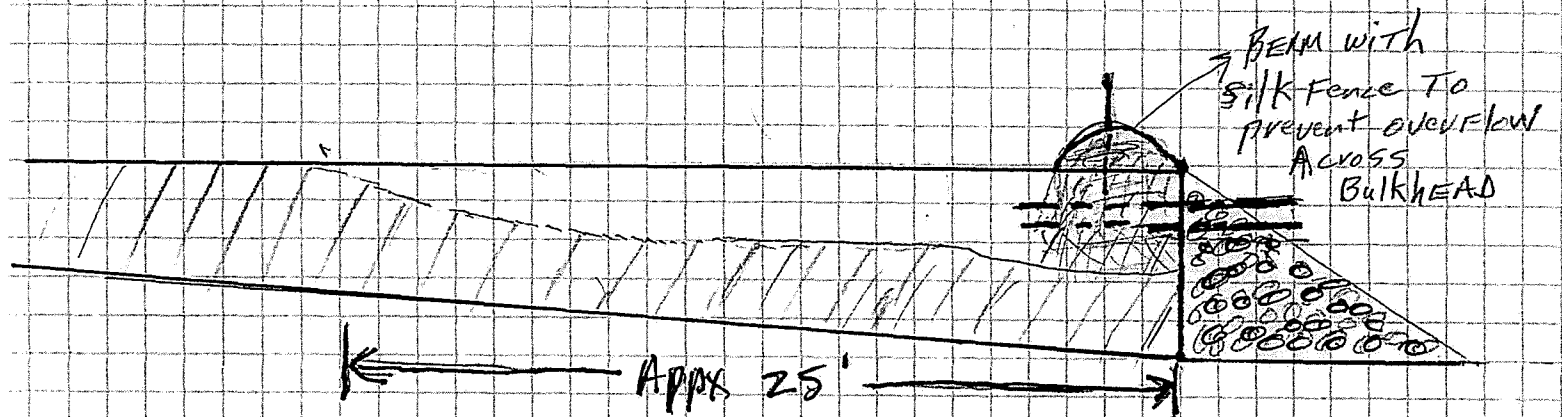
TOTAL CY ✓ ✓ ✓ PLACED BELOW MHW = 75 CY

TOTAL CY ✓ ✓ ✓ PER FT OF BULKHEAD BELOW MHW = 46 CY



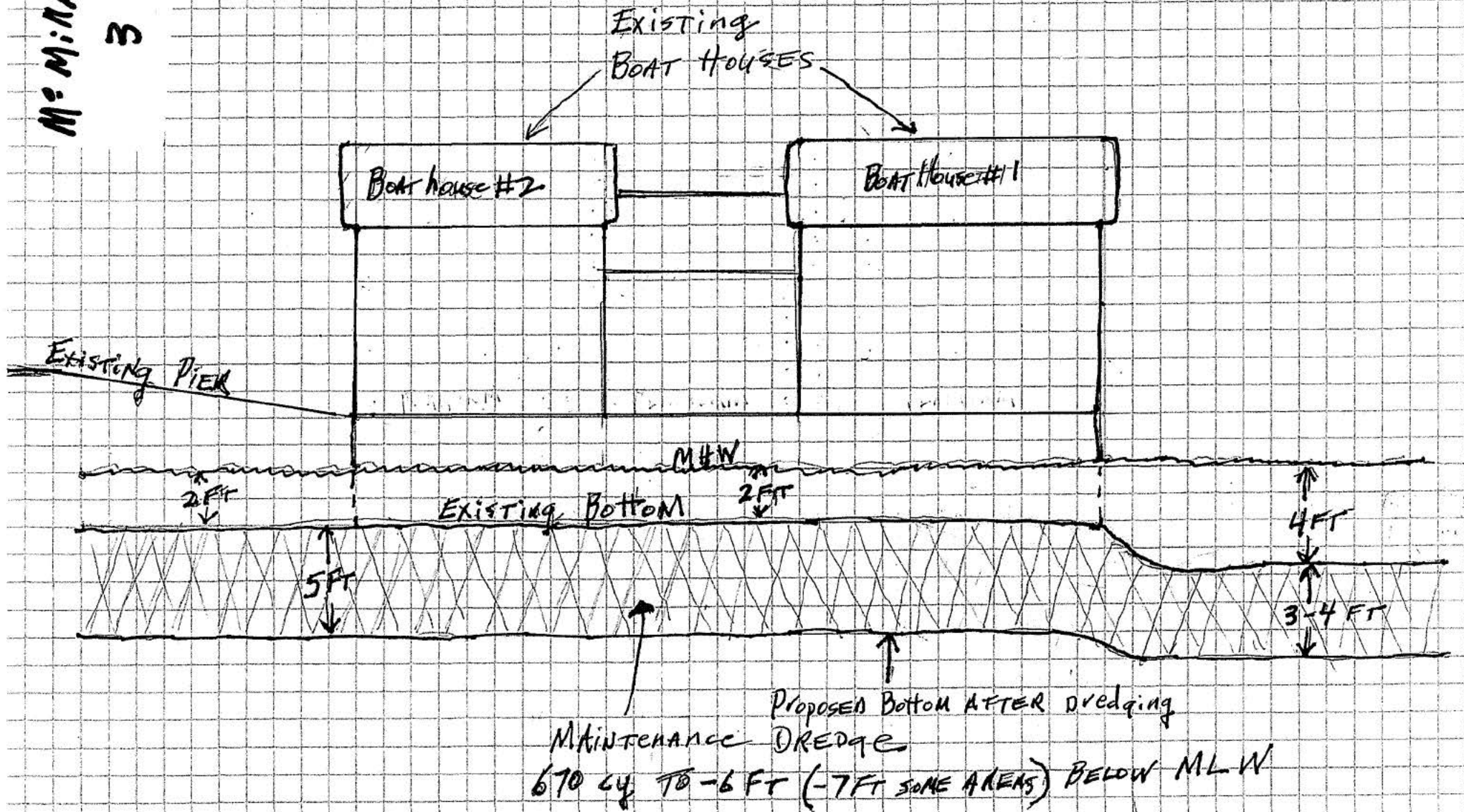
MR MILLAN

5



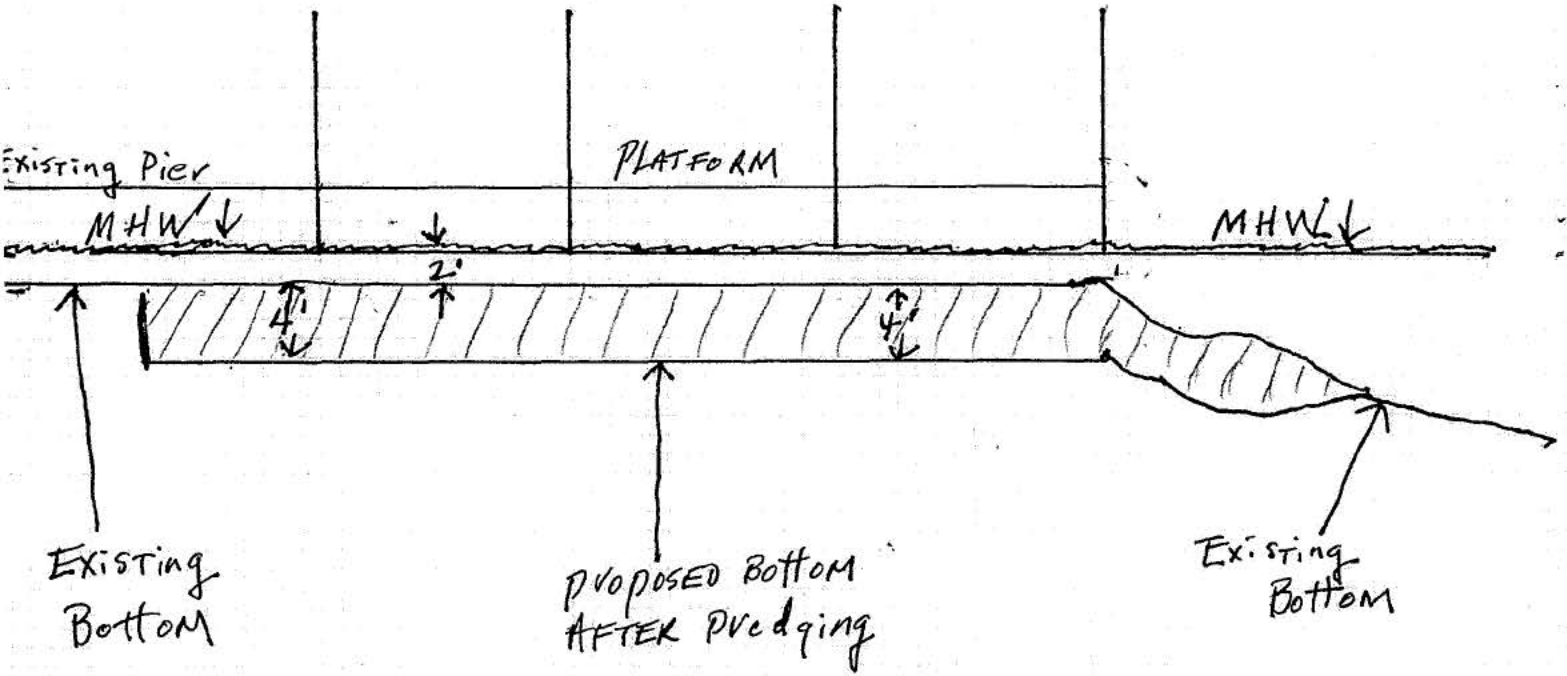
Diked Disposal Area Details  
For De-watering and Containing  
Sediment

McMILAN  
3



SHADED AREA IS AREA REMOVED BY PROPOSED MAINTENANCE DREDGING

Minish  
4



PROPOSAL IS TO MAINTENANCE DREDGE  
522 CY.

DREDGE TO -6 TO -8 FEET BELOW MHW

SHADED AREA IS PROPOSED SAND REMOVAL AREA