TO WHOM IT MAY CONCERN: This District 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 River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: Piroque, LLC
Attention: Mr. Ken Wall
Post Office Box 2020
Orange Beach, Alabama 36561

AGENT: Mr. James Veal, Architect
627 Bayshore Drive
Pensacola, Florida 32507

WATERWAY/LOCATION: Bay La Launch, 27701 Beach Boulevard East; Section 34, Township 8 South, Range 5 East, Orange Beach, Baldwin County, Alabama; Latitude 30.301245 North and Longitude -87.553223 West; 8-digit Hydrologic Unit Code watershed 03140107 (Perdido Bay, AL/FL).

PROJECT PURPOSE: Development of a single-family residential lot to include reclamation of shoreline land lost to erosion and dredging of water bottoms to establish navigable water depth to access an associated private residential pier and boat shelter.

PROPOSED WORK:
Land Reclamation and Shoreline Stabilization: The applicant proposes the filling of approximately 0.055 acre of water bottoms with 340 cubic yards of dredged sandy water bottom material in order to reclaim eroded shoreline property back to the 2005 shoreline alignment, which would encompass an area ranging from 15 to 25 feet waterward of the existing shoreline position. The reclaimed property would be stabilized by the installation of approximately 175 linear feet of bulkheading fronted by approximately 95 cubic yards of toe protection riprap, which would result in the filling of an additional 0.022 acre of water bottoms. The west end of the bulkhead
would connect to the existing bulkhead along the shoreline of the adjacent property, while at the east property line approximately 12 linear feet of the bulkheading would turn southerly crossing a sand berm along the currently existing shoreline connecting to an upland retaining wall that would be constructed between 6 to 18 inches landward of jurisdictional tidal marsh wetlands on the east side of the property. Existing riprap along the western shoreline of the property would be removed and temporarily stockpiled on upland portions of the project site and would be reused in the proposed riprap toe protection material to be installed along the waterward face of the proposed bulkhead. An approximately 28-square-foot patch of *Spartina alterniflora* marsh grass near the northeast corner of the proposed bulkhead structure and toe protection riprap will be avoided by the proposed land reclamation and shoreline stabilization activities.

Navigation and vessel mooring: The applicant proposes the construction of a private pier and boat shelter extending a total of approximately 332 linear feet into Bay La Launch from the proposed bulkhead along the reclaimed shoreline property. The mooring structure would consist of a 292-foot-long (perpendicular to shoreline) by 5-foot-wide (parallel to shoreline) pier with a 53-foot-wide by 36-foot-long boat shelter at the waterward terminus. More specifically, the boat shelter would consist of a 36-foot-wide by 36-foot-long covered deck with a 12.5-foot-wide by approximately 24-foot-long boat slip on the eastern side of the structure, a 3-foot-wide by 36-foot-long access pier along the west side of the structure and the installation of 5 stand-alone mooring pilings approximately 14 feet beyond the west side of the structure to create a 14-foot-wide by 36-foot-long un-roofed, open sided wet slip on the west side of the structure. In order to provide adequate navigational access to the proposed boat shelter and mooring slips, the applicant would hydraulically dredge 480 cubic yards of sandy water bottom sediment from an approximately 43-foot-wide by 172-foot-long access channel in the Bay La Launch waterway to achieve a navigational depth of -5.0 feet mean low water. An average of 2 feet of sediment would be removed from across the dredge area. The dredged material would be discharged in uplands along the existing Bay La Launch shoreline and on water bottoms in the proposed land reclamation area. Approximately 340 cubic yards of the dredged material would be used as land reclamation fill behind the proposed bulkhead and 140 cubic yards would be spread across an existing sand berm along the shoreline to level the reclamation area.

Residential development: The applicant also proposes the associated construction of a two residential structures on the property that would be built partially in uplands and partially pile-supported over wetlands above mean high water on the east site of the property. No fill material would be discharged into the wetlands in order to build the proposed structures; therefore, this specific portion of the project would not be regulated by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act.
AVOIDANCE AND MINIMIZATION: Avoidance of impacts to aquatic resources has been provided by avoiding land reclamation and shoreline stabilization impacts to the *Spartina alterniflora* patch at the northeast corner of the land reclamation project. Minimization of aquatic resource impacts has been provided through selection of the 2005 shoreline alignment as the proposed land reclamation area rather than attempting to reclaim land back to the 1994 shoreline alignment, which would have resulted in a greater loss of water bottom habitat.

MITIGATION: The provision of compensatory mitigation has not been proposed as the project will not result in the discharge of fill material into any wetland or stream resources.

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 Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone 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).

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 cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the USACE has determined that the permit area consists of the entire undertaking in waters of the United States, which includes the footprints of the navigational access dredge area, the proposed pier and boat shelter structures, the water bottom area that would be filled to dispose of dredged material and reclaim shoreline lost to erosion, water bottoms that would be filled by riprap toe protection materials along the waterward face of a proposed bulkhead, and portions of the associated upland property that would be utilized for construction access and equipment and materials staging. 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. We are seeking comment from the State Historic Preservation Officer regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Additionally, 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.

This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service and Division of Archeological Services.
ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project includes natural estuarine substrate and water column utilized by various life stages of various marine species. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the permit area: Wood Stork, Piping Plover, Red Knot, Alabama Beach Mouse, Perdido Key Beach Mouse, Florida Manatee, Green Sea Turtle, Kemp’s Ridley Sea Turtle, Loggerhead Sea Turtle and Eastern Indigo Snake, or Gopher Tortoise (candidate). Additionally, there is no designated critical habitat within the permit area. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice. Further coordination with the USFWS will be performed as determined to be appropriate.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the USACE can be based. 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 USACE 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.

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, 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. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will also include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number SAM-2016-00057-DEM and should be directed to USACE, Mobile District, Regulatory Division, Attention: Ms. Leslie E. Turney, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the ADEM, Field Office, 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 the project manager, Ms. Turney at (251) 694-3873 or by e-mail at leslie.e.turney@usace.army.mil. Please refer to the above Public Notice Number SAM-2016-00057-DEM.

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

Enclosures
30.301245, -87.553223

SAM-2016-00057-DEM
Vicinity Map

https://www.bing.com/maps?FORM=MSNMAP
30.301245, -87.553223

SAM-2016-00057-DEM
Location Map

https://www.bing.com/maps?FORM=MSNMAP

DEPT. OF THE ARMY
BAY LA LAUNCH

PROPOSED PIER AND BOATHOUSE

PROPOSED DREDGE AREA

EXISTING PILING

EXISTING BULKHEAD

PROJECT SITE
2110 E. BEACH BLVD

PROPOSED BULKHEAD RIP-RAP & FILL

EXISTING BULKHEAD

AST BEACH BLVD

ADJACENT RESIDENTIAL STRUCTURE

BAYOU BLVD

ADJACENT RESIDENTIAL STRUCTURE

(VACANT)
SCHEMATIC SITE PLAN w/ (SAM-2014-00949)

GENERAL NOTES
01. SURVEY INFORMATION IS OBTAINED FROM SURVEY BY ROCHE SURVEYING AND ENGINEERING, MARCH 27, 2014. 1-251-646-2766; LIC NO. 34654
02. WETLAND FLAGGING IS ART HOBIE ON 01-26-14.
03. UPLAND ELEVATIONS ARE DERIVED FROM BULGIN COUNTY G.I.B.

ELEVATED AREA OVER WETLAND AREA

<table>
<thead>
<tr>
<th>Structure</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure 1</td>
<td>2,115 sq. ft.</td>
</tr>
<tr>
<td>Structure 2</td>
<td>930 sq. ft.</td>
</tr>
</tbody>
</table>

SYMBOLS
- X | AREA OF MAIN LEVEL STRUCTURE OVER WET AREA
- X | AREA OF ENTRY PARKING DECK OVER WET AREA

DEPT. OF THE ARMY
PROPOSED DREDGE AREA
5,562 s.f. x 235' deep = 480 c.y.

WET SLIP

PROPOSED COVERED AREA
COVERED AREA = 1,046 s.f.

COVERED BOAT LIFT

PROPOSED PIER END
TOTAL DECK AREA = 1,030 s.f.

BULKHEAD TO END = 1,460 s.f.

PIER-END/BOATHOUSE PLAN
SCALE 1" = 10.00'

FEB 15 2017

SAM 2016 - 00057 - DEM
DEPT. OF THE ARMY
TOTAL FILL = 480 c.y.

LANDWARD 2014 FILL LINE AREA
2,520 sf. x 1.5' deep = 3,780 c.y.

WATERWARD 2014 LINE FILL AREA
2,822 sf. x 3.5' deep = 9,977 c.y.

APPROX TOTAL FILL = 13,757 c.y.

LANDWARD 2014 FILL LINE AREA
2,520 sf. x 1.5' deep = 3,780 c.y.

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2,822 sf. x 3.5' deep = 9,977 c.y.

APPROX TOTAL FILL = 13,757 c.y.

PROPOSED BULKHEAD

EXIST SAND BERM

APPROX 12' O'

APPROX 15' - 25'

BULKHEAD/FILL SECTION
SCALE 1/16 = 1'-0"

PROPOSED DREDGE AREA
APPROX 480 C.Y.

APP. M.H.W.

APP. M.L.W.

DREDGE SECTION
SCALE 1/16 = 1'-0"

EXIST BOTTOM

PROPOSED DREDGE AREA
APPROX 480 C.Y.