



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-2016-01297-SBC

September 9, 2019

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

REQUEST TO CONSTRUCT 160 LINEAR FEET OF BULKHEAD IN TIDAL
WETLANDS ON FOWL RIVER, THEODORE, MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) 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.

APPLICANT: Dr. Clide Sherrod
1462 S. Colorado St. H1h
Greenville, Mississippi 38703

AGENT: Barry A. Vittor & Associates, Inc.
Attention: Mr. Tim Thibaut
8060 Cottage Hill Road
Mobile, Alabama 36595

LOCATION: The project is located on Fowl River, at 3900 Windsor Road South; within Section 12, Township 7 South, Range 2 West; at Latitude 30.447515° North, Longitude -88.130036° West; in Theodore, Mobile County, Alabama.

PROJECT PURPOSE: The project purpose is to stop erosion of the subject parcel resulting from wave action and storms along the shoreline fronting Fowl River. The project would involve construction of approximately 160 feet of new bulkhead, placed below the Mean High Water Line (MHWL).

PROPOSED WORK: The applicant has proposed to construct new bulkhead to replace an existing, unserviceable bulkhead along the shoreline of the subject parcel fronting Fowl River. The new bulkhead would be tied to an existing bulkhead at the western boundary of the subject parcel and extend eastward for approximately 160 linear feet along the shoreline, adjacent to Fowl River. The proposed project does not include any backfill and an existing gap on the eastern terminus would remain in place to allow water to flood the tidal wetland area and maintain wetland hydrology.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed bulkhead construction has been planned to provide the minimal protection necessary for shoreline stabilization and erosion prevention. The proposed bulkhead would be installed landward of the existing, unserviceable bulkhead and waterward of the existing wetland area. The proposed gap in the existing bulkhead would allow tidal exchange between Fowl River and the wetland area. Construction best management practices (BMPs) would be utilized to prevent turbidity in the surrounding waters. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts at this time.

MITIGATION: No mitigation has been proposed by the applicant at this time.

WATER QUALITY: 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).

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 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 Part 325, the Mobile District has determined the permit area consists of the entire undertaking in waters of the United States as well as portions of the upland residential lot. 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 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 USACE archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

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 could potentially impact approximately 160 square feet (0.004 acre) of unvegetated tidal riverine substrate and 1,680 square feet (0.04 acre) of tidal marsh wetlands utilized by various life stages of multiple marine species. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the minor scope of project impacts. Our final determination 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's List of Endangered and Threatened Wildlife and Plants indicate the proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the Fowl River 12 digit HUC 031602050104 boundary: West Indian manatee (T), Wood stork (T), Alabama red belly turtle (E), Black pine snake (T), Eastern Indigo snake (T), Gopher tortoise (T), and Gulf sturgeon (T). There is no designated critical habitat within the project's action area. This preliminary determination is being coordinated with the USFWS via this Public Notice for any possible comments.

COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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 below. 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, historic properties, 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 and fiber 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.

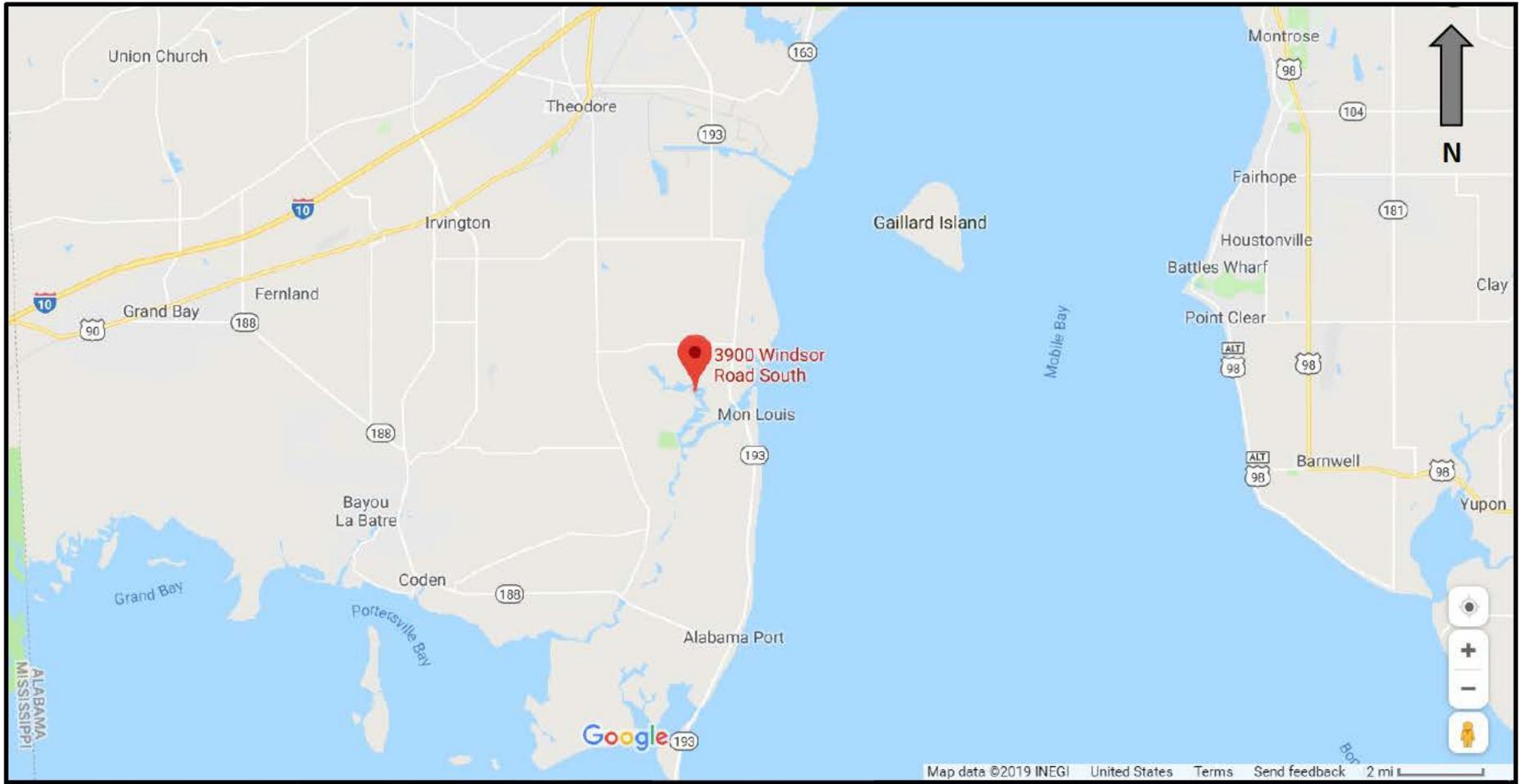
Correspondence concerning this notice should refer to Public Notice Number **SAM-2016-01297-SBC**, and should be directed to the project manager, Ms. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Dianne Jordan, 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, 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 this Public Notice. If you have any questions concerning this publication, you may contact Ms. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or (251) 694-3885. Please refer to the above Public Notice Number SAM-2016-01297-SBC, in any communication concerning this project.

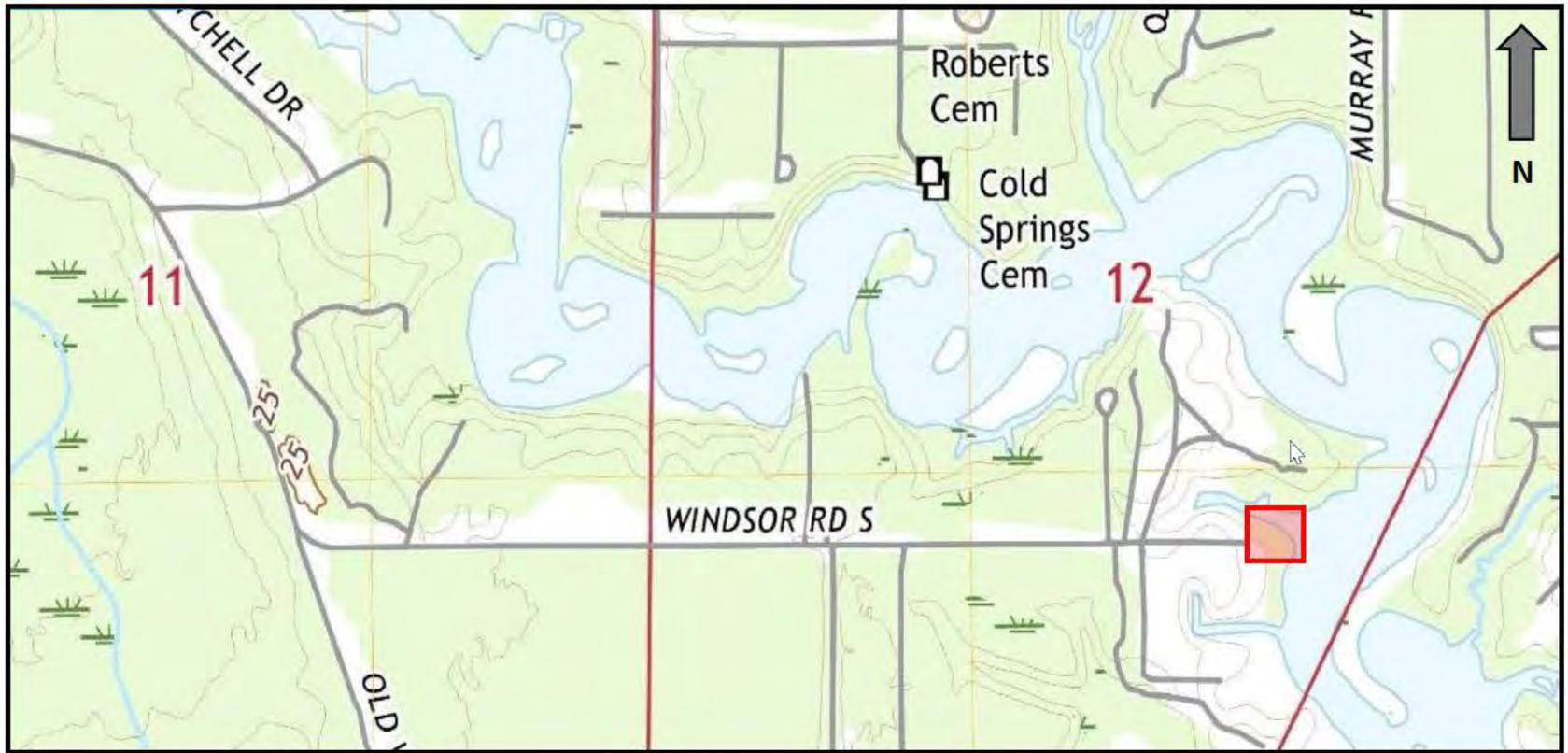
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



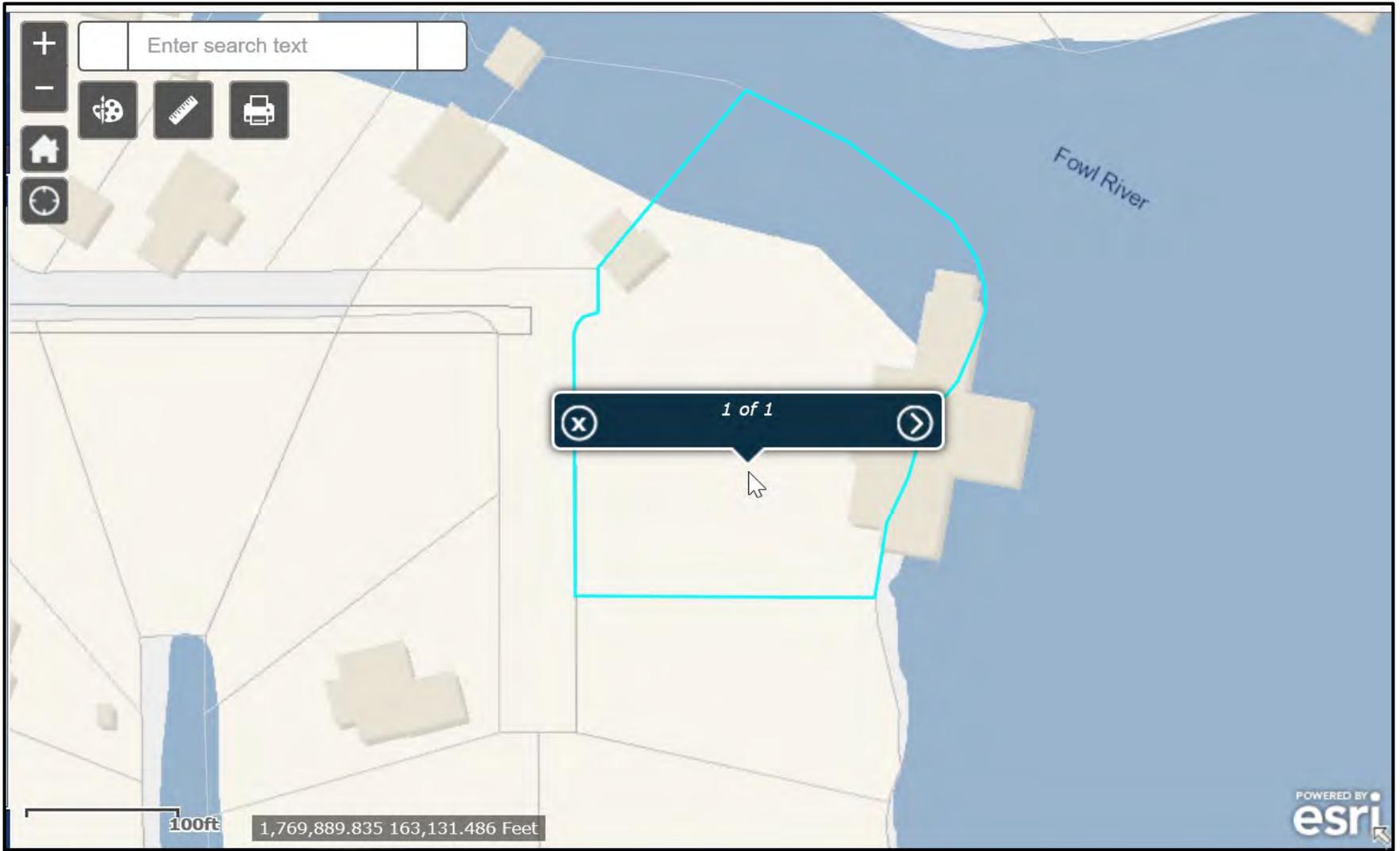
Dept. of the Army // SAM-2016-01297-SBC



Coden, AL 7.5' Quad.

Contour Interval – 5 Feet

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SAM-2016-01297-SBC

Dr. Clide Sherrod

Legend

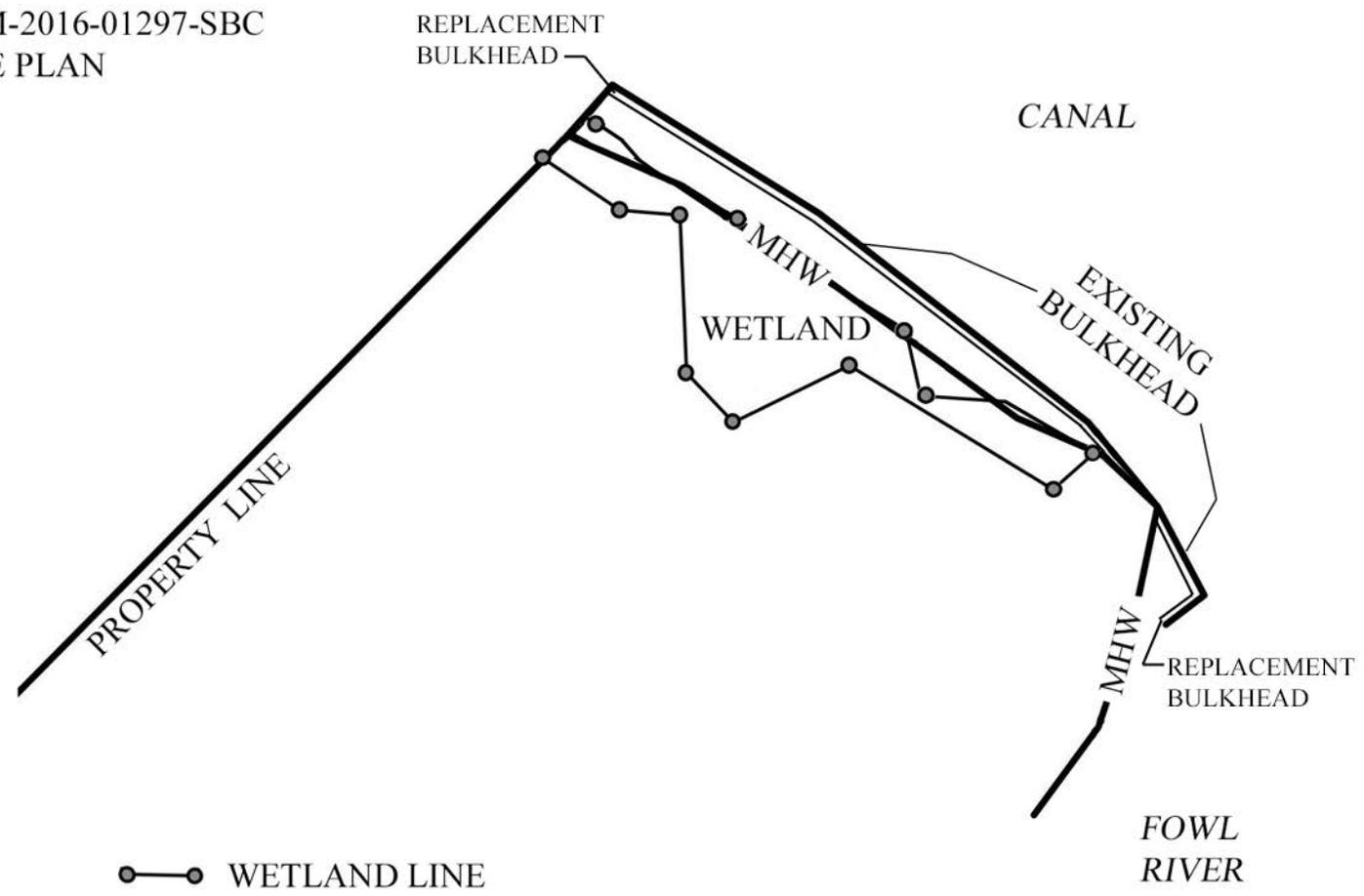
 Bulkhead



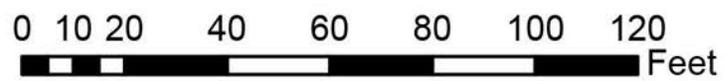
Dept. of the Army // SAM-2016-01297-SBC



Dr. Clide Sherrod
SAM-2016-01297-SBC
SITE PLAN



●—● WETLAND LINE





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TYPICAL CROSS-SECTION

