



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESM-RD-A
PUBLIC NOTICE NO. SAM-2016-01353-GAC

16 March 2017

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

PLACEMENT OF FILL ON WATERBOTTOMS OF MOBILE BAY EAST AND
CONSTRUCTION OF A NEW BULKHEAD IN CONJUNCTION WITH
RECLAMATION OF FEE-SIMPLE PROPERTY

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Joseph Scarborough, Jr.
20 Murphy Road
Tallassee, Alabama 36078

LOCATION OF WORK: In the waters of the Mobile Bay East at 704 Bonita Court, off State Highway 180, Gulf Shores, Alabama, Section 01, Township 09 South, Range 01 East at Latitude 30°14'03.20" North, Longitude 87°58'53.60" West.

WATERWAY: Mobile Bay

PROPOSED WORK: The applicant proposes to construct approximately 162 linear-feet of new bulkhead and fill approximately 6,000 square feet of waterbottoms behind the proposed new bulkhead, all in conjunction with reclamation of fee simple property. All work is proposed in accordance with the attached plans and drawings.

The applicant has applied for a determination/certification from the State of Alabama in accordance with the State's Coastal Area Management Program, and upon completion of the required advertising by the State, a determination relative to certification will be made.

The applicant has applied for a certification from the State of Alabama in accordance with Section 404(a)(1) of the Clean Water Act. Upon completion of the required advertising by the State, a determination relative to water quality certification will be made by the Alabama Department of Environmental Management.

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. 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.

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.

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

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. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. 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 that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would potentially impact approximately 0.14 acre of waterbottoms utilized by various life stages of various marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries. 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 and/or U.S. Department of Interior, Fish and Wildlife Service.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that no listed endangered and threatened species or their critical habitat occur within the project area. Notification to the United States Fish and Wildlife Service will be furnished via this Public Notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2016-01353-GAC** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Alabama

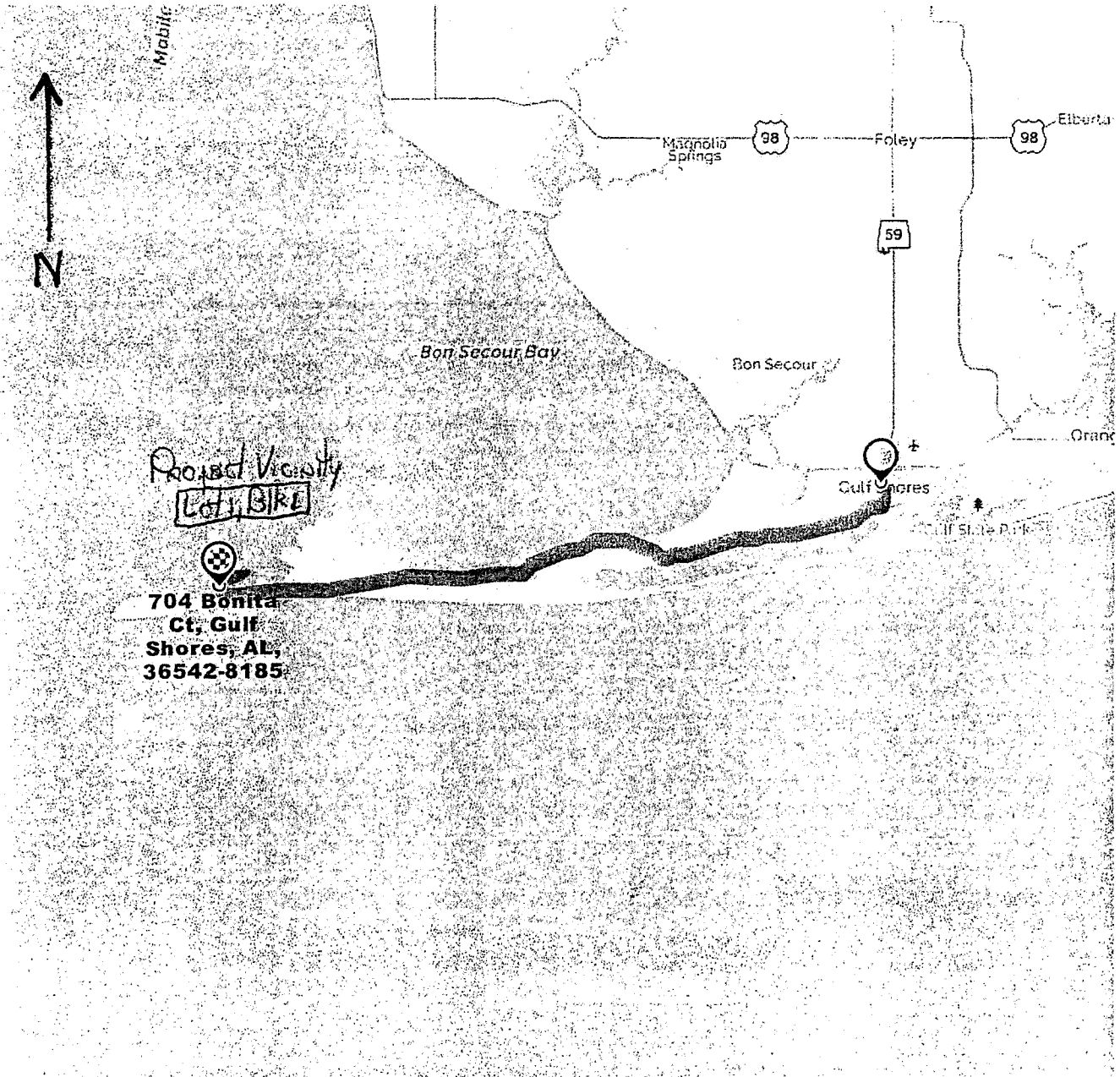
Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608, (if not in coastal zone: Post Office Box 301463, Montgomery, Alabama 36130-1463). Comments should be received no later than 30 days from the date of this Public Notice.

If you have any questions concerning this publication, you may contact this office, **Mr. Glen A. Cunningham**, telephone number **251-694-4077**, e-mail **glen.a.cunningham@usace.army.mil**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

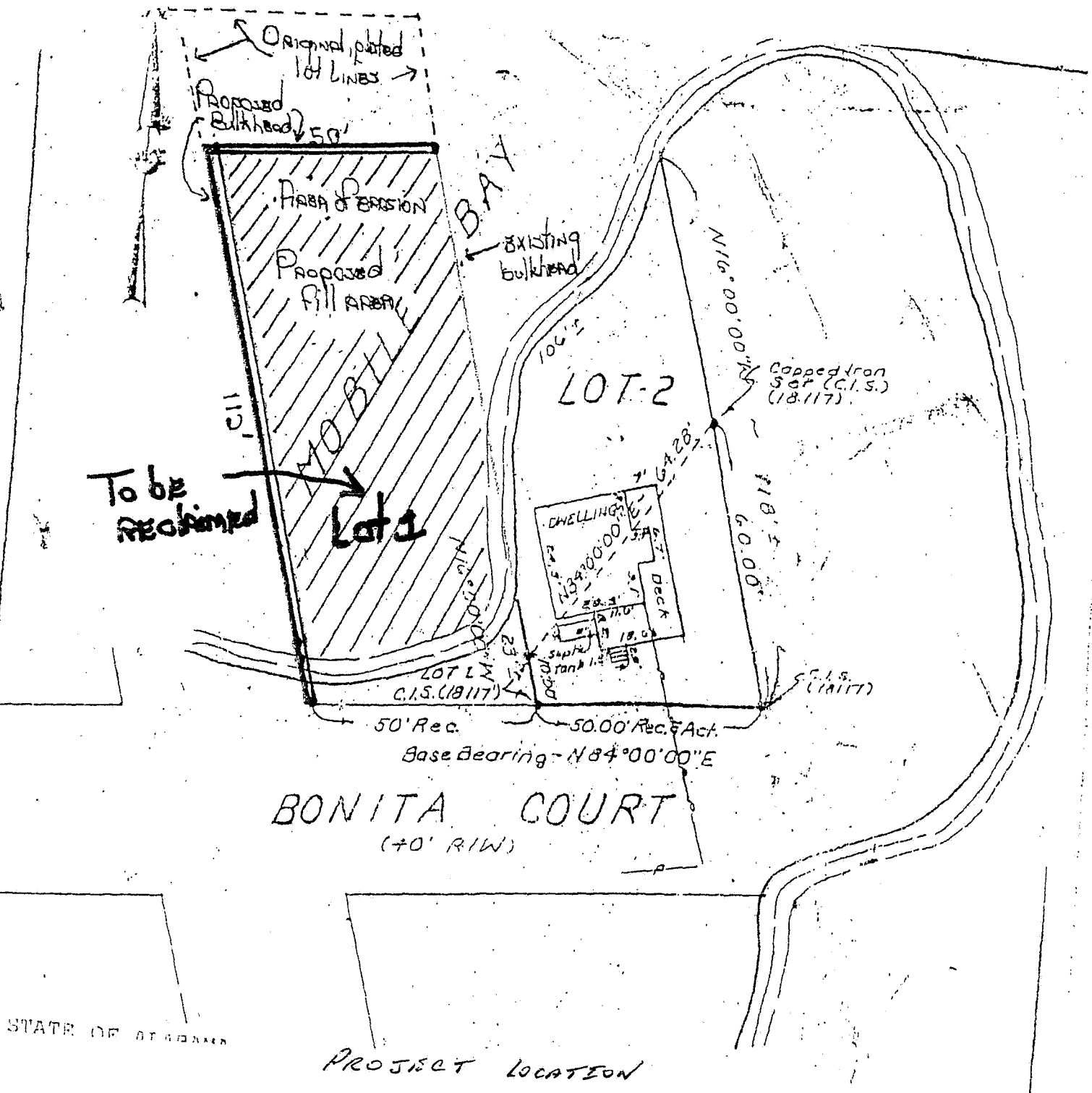
Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers



PROJECT VICINITY

**Joseph T. Scarborough, Jr.
 Lot 1, Block 1 Bonita Court
 Fort Morgan Peninsula
 Gulf Shores, Baldwin County, Alabama**

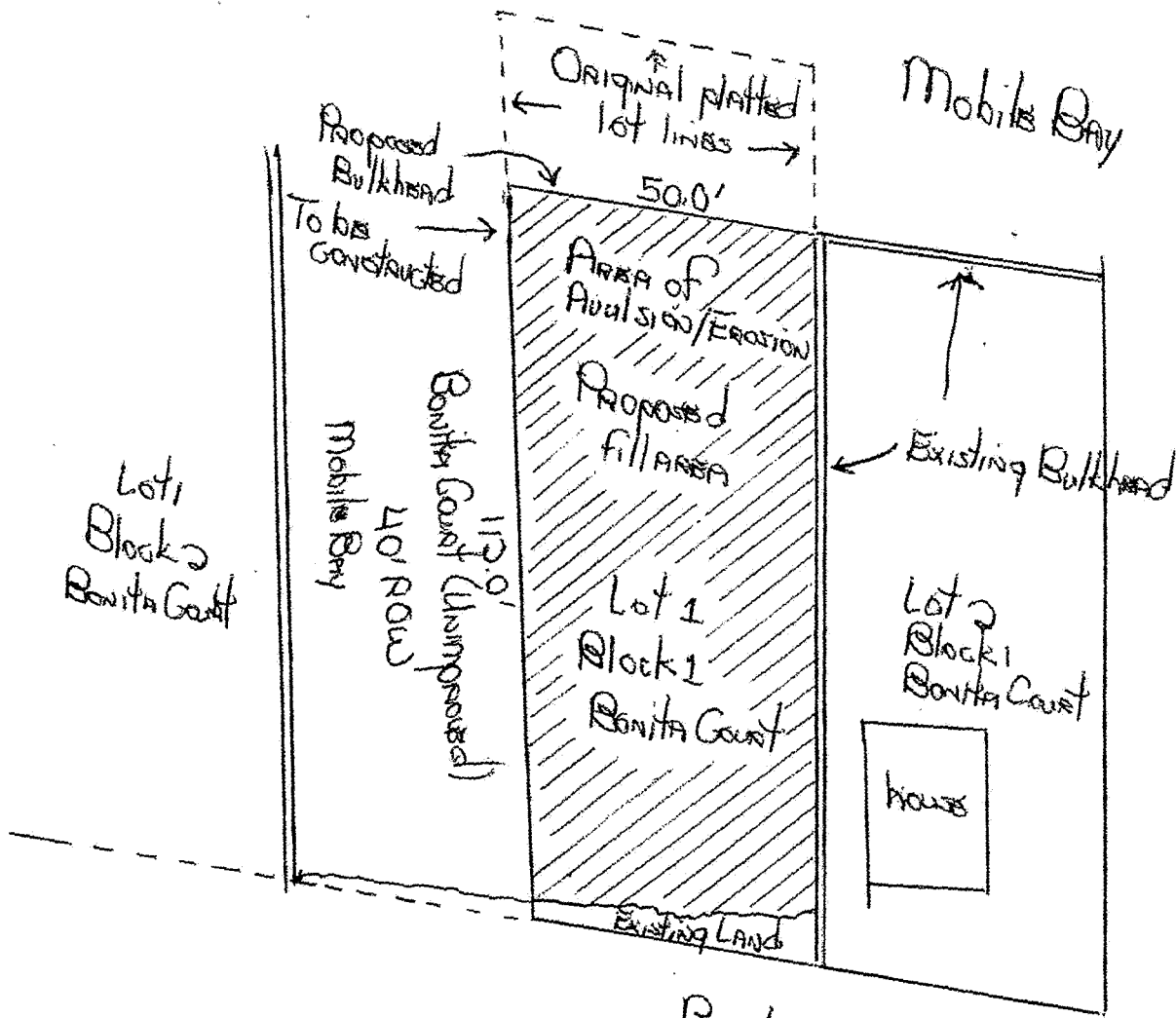


STATE OF ALABAMA

PROJECT LOCATION

Total of 162 linear feet of new bulkhead
 370 cubic yards of clean sand to be placed behind

Joseph T. Scarborough, Jr.
 Lot 1, Block 1 Bonita Court
 Fort Morgan Peninsula
 Gulf Shores, Baldwin County, Alabama

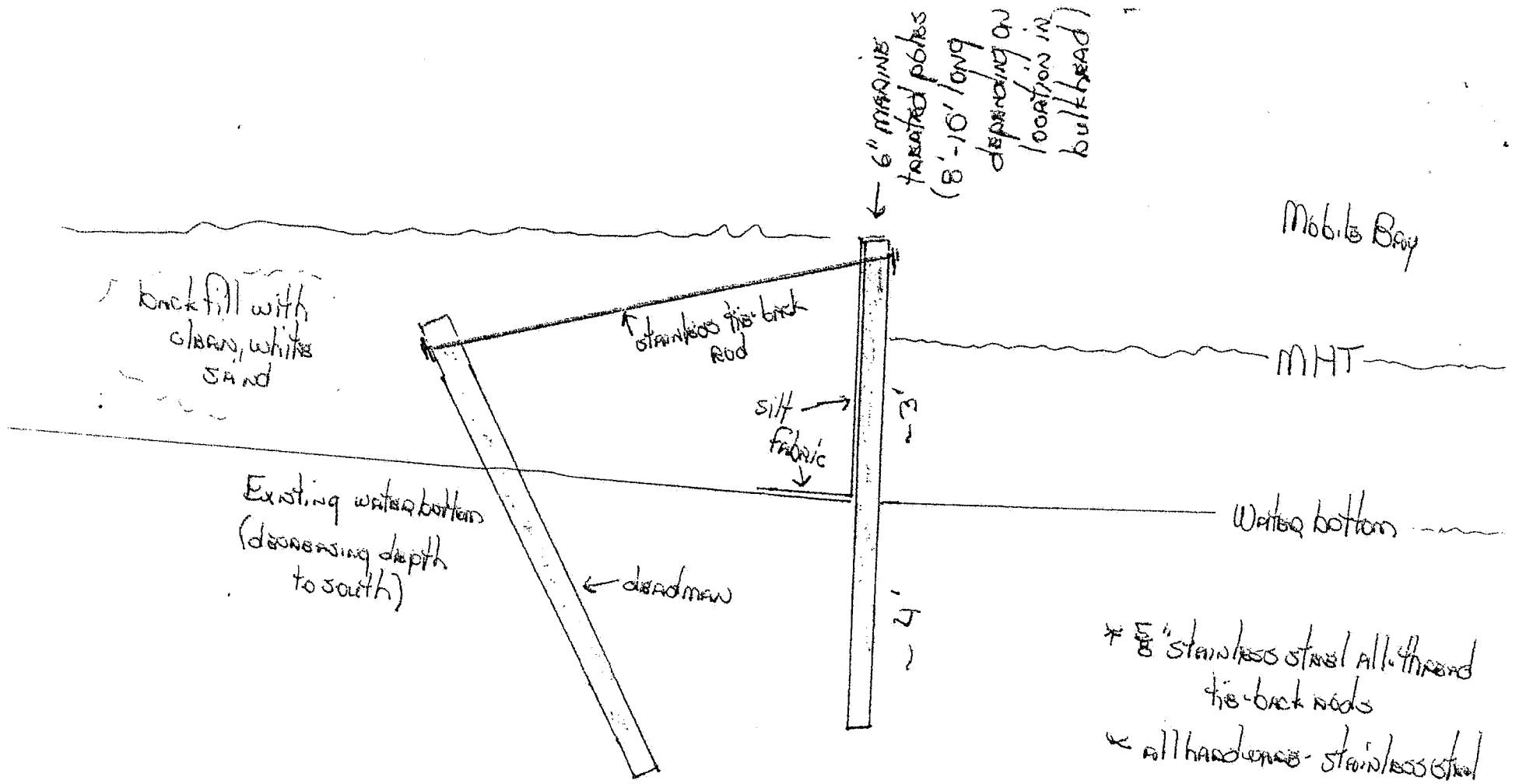


Bonita Court
(Unimproved 40' R.O.W.)

Site Plan

Total of 162 linear feet of new bulkhead
370 cubic yards of clean sand to be placed

Joseph T. Scarborough, Jr.
SAM - 2016-01353 - BAC
Lot 1, Block 1, Bonita Court

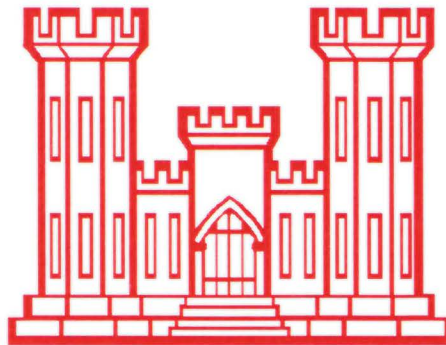


Bulkhead/ Fill - Cross-Section

Joseph T. Scarborough, Jr.
 Lot 1, Block 1 Bonita Court
 Fort Morgan Peninsula
 Gulf Shores, Baldwin County, Alabama

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
P. O. BOX 2228
MOBILE, ALABAMA 36628-0001
OFFICIAL BUSINESS
CESAM-RD-C**

GAC



**U.S. ARMY CORPS
OF ENGINEERS
MOBILE DISTRICT**