



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-2017-00031-SBC

May 13, 2020

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

REQUEST TO MODIFY A PREVIOUS AUTHORIZATION FOR A MARINA AND
RESIDENTIAL DEVELOPMENT ON THE FOLEY LAND CUT PORTION OF THE GULF
INTRACOASTAL WATERWAY (GIWW), IN GULF SHORES, 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.

APPLICANT: The Fortis Company, LLC
Attention: Ms. Tammie Lowe
Post Office Box 5877
Bossier City, Louisiana 71171

AGENT: Sawgrass Consulting, LLC
Attention: Mr. Ercil Godwin
202 Government Street, Suite 225
Mobile, Alabama 36602

LOCATION: The project is located on the Foley Land Cut portion of the Gulf Intracoastal Waterway, approximately 1.4 miles west of the State Highway 59 Bridge; off County Road 4; in Section 7, Township 9 South, Range 4 East; at Latitude 30.279587° North, Longitude 87.711376° West; Gulf Shores, Baldwin County, Alabama.

PROJECT PURPOSE: The "Basic Project Purpose" is to provide exclusive marina facilities for recreational boat launching and docking. The "Overall Project Purpose" is to construct marina facilities that would serve as an amenity for a proposed single family residential subdivision and would have direct access, via the Foley Land Cut portion of the Gulf Intracoastal Waterway, to waters of the Gulf of Mexico in Gulf Shores and Orange Beach, Baldwin County, Alabama.

PROPOSED WORK: The original project was authorized to excavate 0.46 acre of uplands located directly adjacent to the GIWW in order to construct a 10-slip marina basin complex. The modified project would excavate 0.80 acre of uplands to construct a 44-slip marina basin complex as an amenity for a 44-lot single family residential subdivision. As modified, the complex would consist of a turning basin, boat slips, a boat

ramp, pile-supported boardwalks with finger piers, and an uncovered dry storage area for boats and trailers.

The marina complex would serve as an amenity for a 20.1-acre waterfront single-family residential development featuring 44 residential lots, a pool, parking areas, and access roads.

The project parcel contains five separate wetland areas with a total area of 3.90 acres. Three of the wetland areas, totaling 1.37 acre have been tentatively determined by the USACE, Mobile District to be isolated and non-jurisdictional. Two of the non-jurisdictional wetland areas (approximately 0.97 acre) would be filled or otherwise impacted by project activities. The applicant's proposed project would avoid impacts to the 2.54 acres of jurisdictional wetlands located on the project parcel.

The project activities would include the excavation of a total of 17,700 cubic yards of material. Excavation of the marina basin and entrance area from uplands would require the removal of 9,900 cubic yards of material from below the plane of mean high water (MHW) and 6,980 cubic yards of material from above the plane of MHW. The project would also hydraulically dredge approximately 820 cubic yards of silt and sand material from an adjacent 8,100-square-foot (0.2 acre) area of waterbottoms located within the GIWW. Both the basin and the dredged portion of the GIWW will all be excavated or dredged to a depth of – 8 Feet elevation (NAVD88). The majority of the basin area would be mechanically excavated prior to the excavation of a final 61-foot-wide plug at the shoreline that will result in flooding of the basin.

The applicant plans to place the dredged material into a 25,800-square-foot (0.59-acre) treatment/disposal area located onsite, approximately 200 feet north of the excavated basin.

Upon excavation of the basin, the following structures are proposed for this project:

- a. Construction of a 61-foot-long by 24-foot-wide concrete boat ramp located in the northeast corner of the basin.
- b. Construction of approximately 650 linear feet of 5-foot-wide pile-supported wooden boardwalk surrounding the basin.
- c. Construction of twenty-two (22) 4-foot-wide by 25-foot-long pile-supported finger piers and installation of stand-alone pilings for forty-four (44) 12-foot-wide by 25-foot-long boat slips.
- d. Placement of approximately 600 tons of riprap rock on 2,850 square feet of area for shoreline stabilization.
- e. Installation of three (3) 20-foot-long by 18-inch-diameter sections of reinforced concrete pipe at the southwest corner of the basin for the purpose of increasing circulation of water within the completed marina basin.

AVOIDANCE AND MINIMIZATION: The applicant has evaluated one alternative site as well as a “no action” alternative and a “no permit required” alternative. They have stated that their project has avoided all impacts to the 2.54 acres of jurisdictional wetlands located on the project parcel, and that they will provide for a minimum of 30 feet of buffer between their project footprint and any jurisdictional wetlands. The applicant has proposed to utilize earthen berms and silt fencing during dewatering of the mechanically dredged material to prevent loss of sediment and turbidity in the adjacent waterway. Construction Best Management Practices (BMPs) will be implemented to prevent silt laden dredged material runoff from construction activities from reentering the waterway. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant’s avoidance and minimization efforts at this time.

MITIGATION: No compensatory mitigation is required for this project, and none has been proposed by the applicant.

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 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 Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 325, the USACE, Mobile District has determined the permit area of this project consists of the footprint of the excavated basin and boat ramp; the footprint of the shoreline stabilization activity; the footprint of the dredged material disposal/treatment area; the entire undertaking located within the dredged portions of the GIWW; and all directly associated staging and work areas. 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 District 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, as modified, would impact approximately 8,100 square feet (0.2 acre) of existing waterbottoms due to dredging in areas that have been previously dredged. 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.

THREATENED AND 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 **may affect but is not likely to adversely affect** the following listed endangered or threatened species with the potential to exist within the action area of the project: West Indian manatee (*Trichechus manatus*) (T) and Gulf sturgeon (*Acipenser oxyrinchus desotoi*) (T).

Also, based on the nature of the project's action area, which consists predominantly of a man-made estuarine waterway with steep armored shoreline and a mix of cleared and forested upland areas, the proposed activity would have **no effect** on the following listed endangered or threatened species that have the potential to exist within the action area of the project: Alabama beach mouse (*Peromyscus polionotus ammobates*) (E), wood stork (*Mycteria americana*) (E), piping plover (*Charadrius melodus*) (T), red knot (*Calidris canutus rufa*) (T), eastern indigo snake (*Drymarchon couperi*) (T), green sea turtle (*Chelonia mydas*) (T), Kemp's ridley sea turtle (*Lepidochelys kempii*) (E), and loggerhead sea turtle (*Caretta caretta*) (T). This determination is being coordinated with the USFWS via this Public Notice.

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 USACE can be based. The Mobile District 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 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.

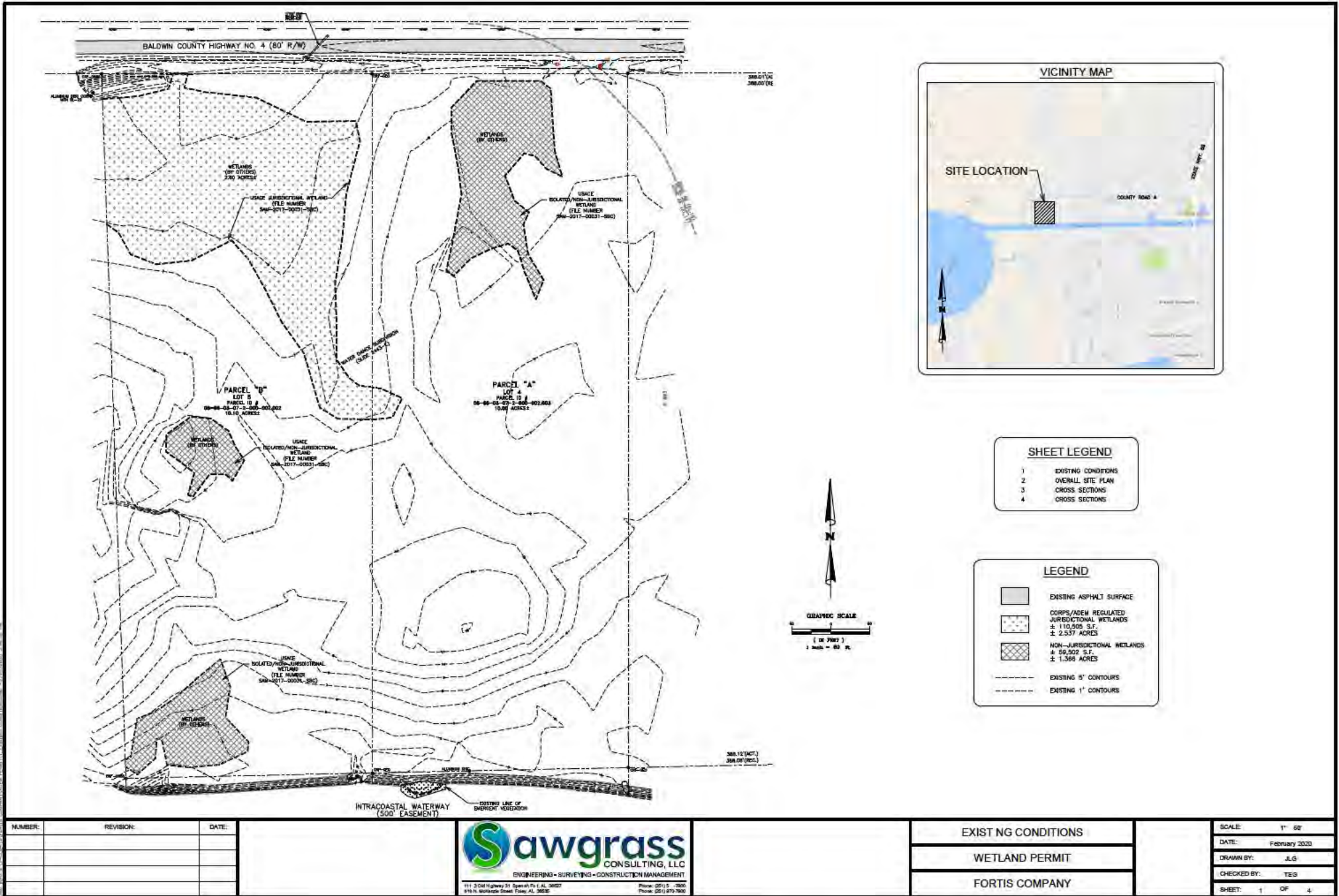
Correspondence concerning this notice should refer to Public Notice Number **SAM-2017-00031-SBC**, and should be directed to the project manager, Mr. S. Brad Crosson, by e-mail at Steven.B.Crosson@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. S. Brad Crosson, Post 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.**

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





SHEET LEGEND

1	EXISTING CONDITIONS
2	OVERALL SITE PLAN
3	CROSS SECTIONS
4	CROSS SECTIONS

LEGEND

[Hatched Box]	EXISTING ASPHALT SURFACE
[Dotted Box]	CORPS/ADEM REGULATED JURISDICTIONAL WETLANDS ± 110,505 S.F. ± 2.537 ACRES
[Cross-hatched Box]	NON-JURISDICTIONAL WETLANDS ± 59,522 S.F. ± 1.366 ACRES
[Dashed Line]	EXISTING 5' CONTOURS
[Dotted Line]	EXISTING 1' CONTOURS



NUMBER	REVISION	DATE

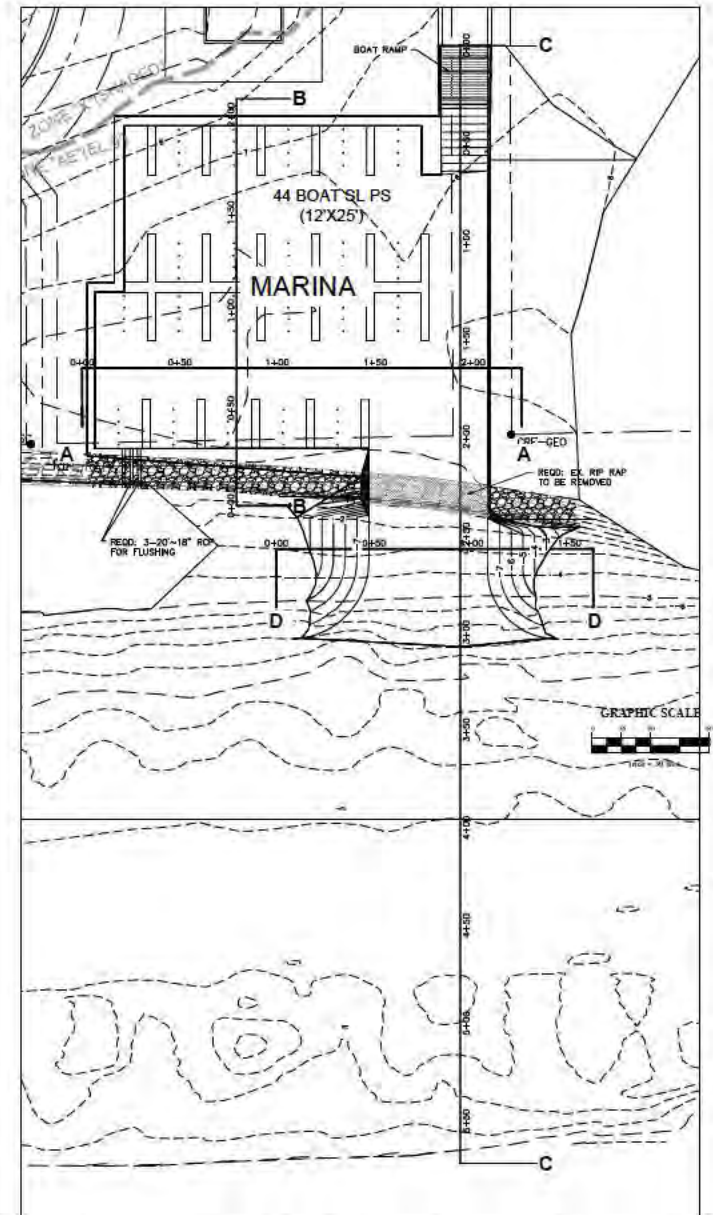
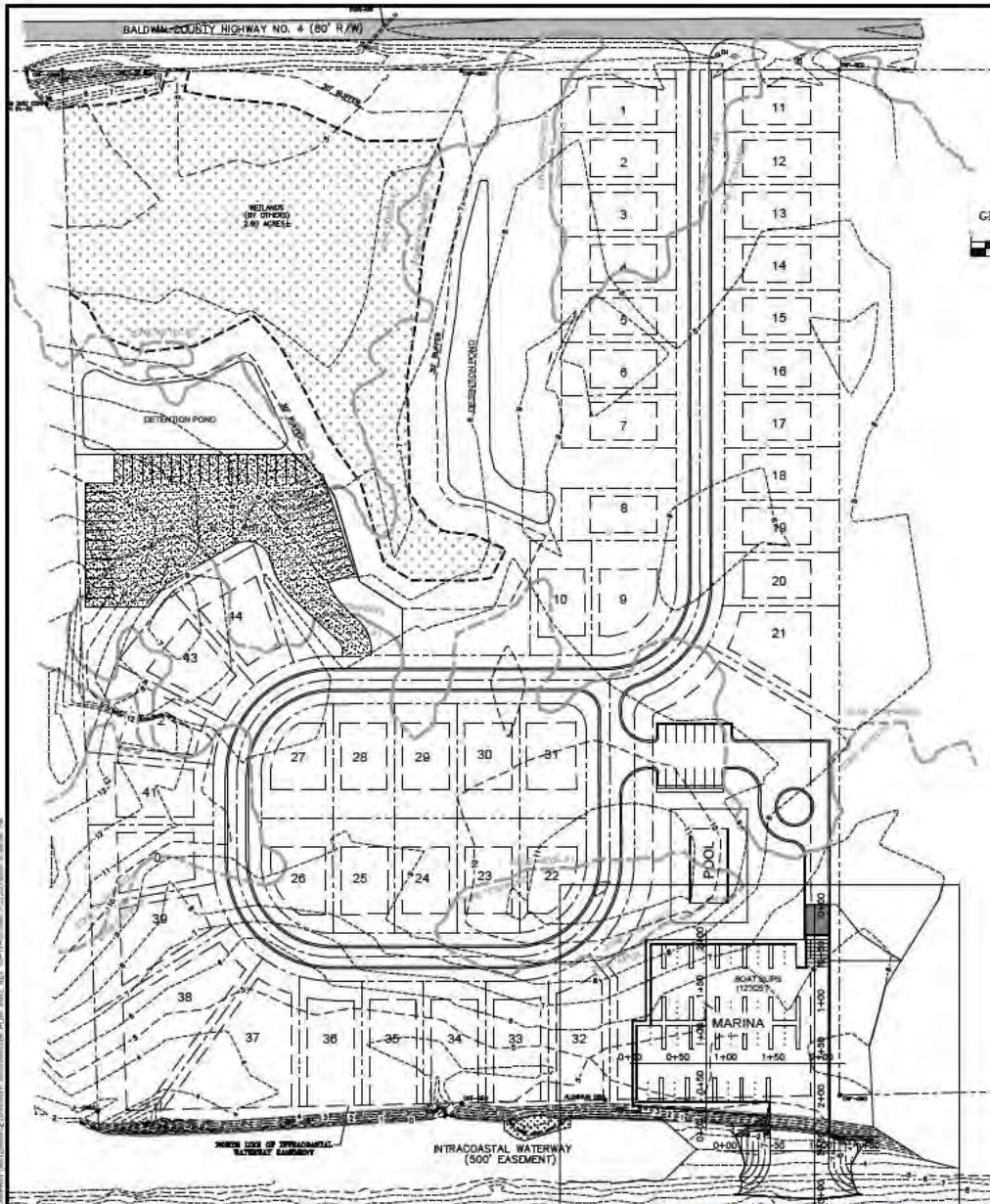
Sawgrass
CONSULTING, LLC
ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT

111 S. Old Highway 21, Suite 401, Ft. AL 36507
919 N. McIlwain Street, Foley, AL 36535

Phone: (251) 870-7800
Phone: (251) 870-7800

EXISTING CONDITIONS
WETLAND PERMIT
FORTIS COMPANY

SCALE:	1" = 60'
DATE:	February 2020
DRAWN BY:	JLG
CHECKED BY:	TEG
SHEET:	1 OF 4



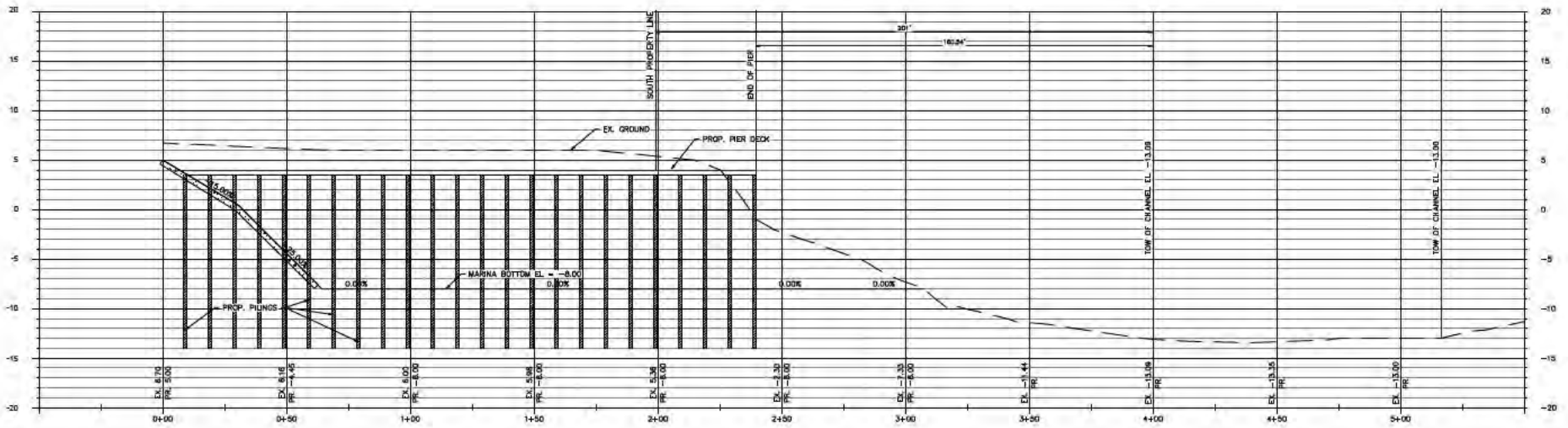
NUMBER	REVISION	DATE

Sawgrass
CONSULTING, LLC
ENGINEERING • SURVEYING • CONSTRUCTION MANAGEMENT

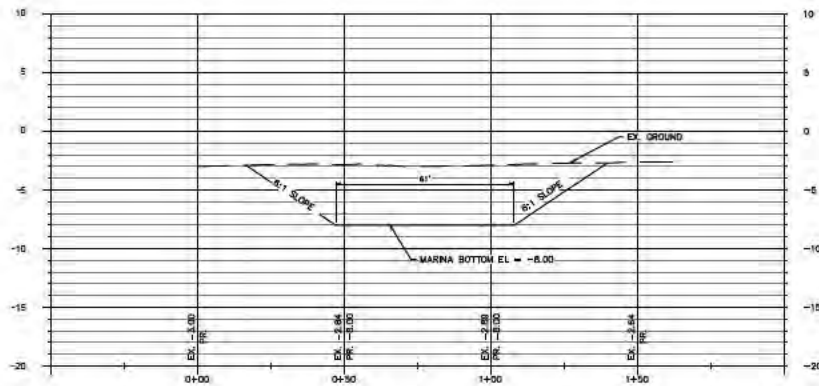
111 S. Old Highway 31, Suite 400, Ft. Lauderdale, FL 33307
Phone: (954) 575-7888
Fax: (954) 575-7888

OVERALL SITE PLAN
WETLAND PERMIT
FORTIS COMPANY

SCALE:	1" = 60'
DATE:	February 2020
DRAWN BY:	JLG
CHECKED BY:	TEG
SHEET:	2 OF 4



SECTION C-C



SECTION D-D



NUMBER	REVISION	DATE


 ENGINEERING • SURVEYING • CONSTRUCTION MANAGEMENT
111 S. Old Highway 31, Suite 101, Ft. Lee, AL 36027 Phone: (251) 975-7988
 818 N. McLeach Street, Foley, AL 36036 Phone: (251) 975-7988

SECTION VIEWS
WETLAND PERMIT
FORTIS COMPANY

SCALE:	AS NOTED
DATE:	February 2020
DRAWN BY:	JLG
CHECKED BY:	TEG
SHEET:	3 OF 4

VOLUME CALCULATIONS:

BASIN:

6730 C.Y. ABOVE MHW
 9320 C.Y. BELOW MHW
 16050 TOTAL C.Y.

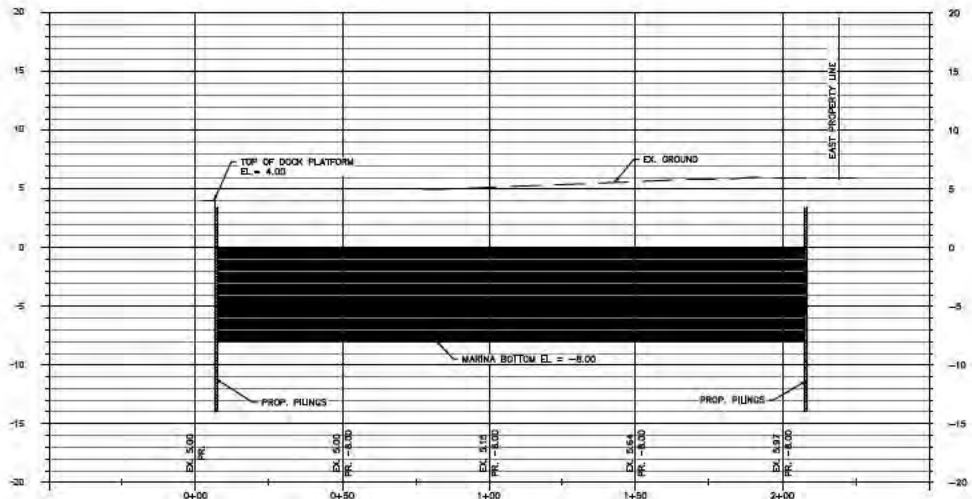
BOAT ENTRANCE:

250 C.Y. ABOVE MHW
 580 C.Y. BELOW MHW
 830 TOTAL C.Y.

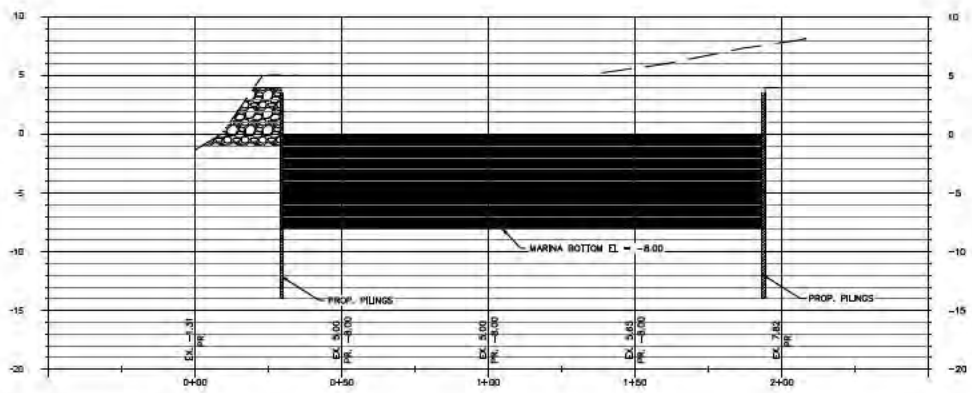
GIWW:

820 TOTAL C.Y.

TOTAL EXCAVATION: 17,700 C.Y.



SECTION A-A



SECTION B-B



NUMBER	REVISION	DATE

Sawgrass
 CONSULTING, LLC
 ENGINEERING • SURVEYING • CONSTRUCTION MANAGEMENT
 111 S. Old Highway 21, Suite 101, AL 36527 Phone: (256) 515-7988
 818 N. McLeish Street, Foley, AL 36526 Phone: (256) 875-7600

SECTION VIEWS
WETLAND PERMIT
FORTIS COMPANY

SCALE:	AS NOTED
DATE:	February 2020
DRAWN BY:	JLG
CHECKED BY:	TEG
SHEET:	4 OF 4