



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

CESAM RD-SP
PUBLIC NOTICE NO. SAM-2017-00547-GAC

December 12, 2023

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS (USACE)

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED LIVING SHORELINE IMPACTING 1.45 ACRE OF WATERBOTTOMS
WITHIN BON SECOUR BAY, BALDWIN 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: Clark Strong
11321 2nd Street
Gulf Shores, Alabama 36542

AGENT: Eric Sparks
1815 Poppo's Ferry Road
Biloxi, Mississippi 39532

LOCATION: The proposed project is located within Bon Secour Bay, at 11321 2nd Street; within Section 23, Township 9 South, Range 2 East; Latitude 30.249963° North, Longitude -87.830891° West; in Gulf Shores, Baldwin County, Alabama.

APPLICANT STATED PROJECT PURPOSE: The purpose of this project is to protect the shoreline from further erosion and re-establish native marsh vegetation.

PROPOSED WORK: The applicant proposes to create a living shoreline through the placement of rip-rap breakwaters and the planting of marsh vegetation. The following activities are proposed:

- a. Construction of four (4) riprap offshore breakwater structures to be placed 162 feet waterward of the current mean high-water line (MHWL) area impacting approximately 1,440 square feet of waterbottoms. The breakwater structures will be 6-feet-wide by 60 feet-long with 20-foot gaps. A total of 120 cubic yards of rocky material placed within waterbottoms of Bon Secour Bay with 74 cubic yards below the MHWL. The breakwater crest elevation will be one foot above the plane of mean high water.
- b. Planting of 8,00-square-feet of marsh vegetation along 340-linear-feet of shoreline. Vegetation will extend 30 feet from the MHWL into Bon Secour Bay.

The project will result in impacts to 1.45 acres of waterbottoms of Bon Secour Bay. A rip-rap bulkhead currently present along the shoreline will be removed with existing rip-rap material used for the proposed breakwaters.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed project has been designed to minimize impacts in order to meet the needs of the property owner of reclaiming eroded property and protecting the shoreline from further erosion. Furthermore, Best Management Practices (BMPs) will be implemented to prevent water quality impacts within Mobile Bay during project implementation. 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.

COMPENSATORY MITIGATION: No compensatory mitigation is proposed.

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 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the entire 1.45 acres of affected waterbottoms as well as portions of the uplands used for staging and access. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work.

The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area from the State Historic Preservation Office, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public.

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 will have no effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: West Indian Manatee (T), Wood Stork (T), Alabama Red-Bellied Turtle (E), Eastern Indigo Snake (T), Eastern Black Rail (T), Piping Plover (T), Red Knot (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), Loggerhead Sea Turtle (T), and Gulf sturgeon (T). There is no designated critical habitat within the project action area. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

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 1.45 acre of unvegetated estuarine substrate utilized by various life stages of multiple marine species. The USACE has made a preliminary determination that the proposed project will have no substantial adverse effect on EFH. 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).

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. 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, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership 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 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.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2017-00547-GAC**, and should be directed to the project manager, Ms. Beverly Lowery by e-mail at beverly.a.lowery@usace.army.mil, by phone at (251) 386-4023, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Beverly Lowery, 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.**

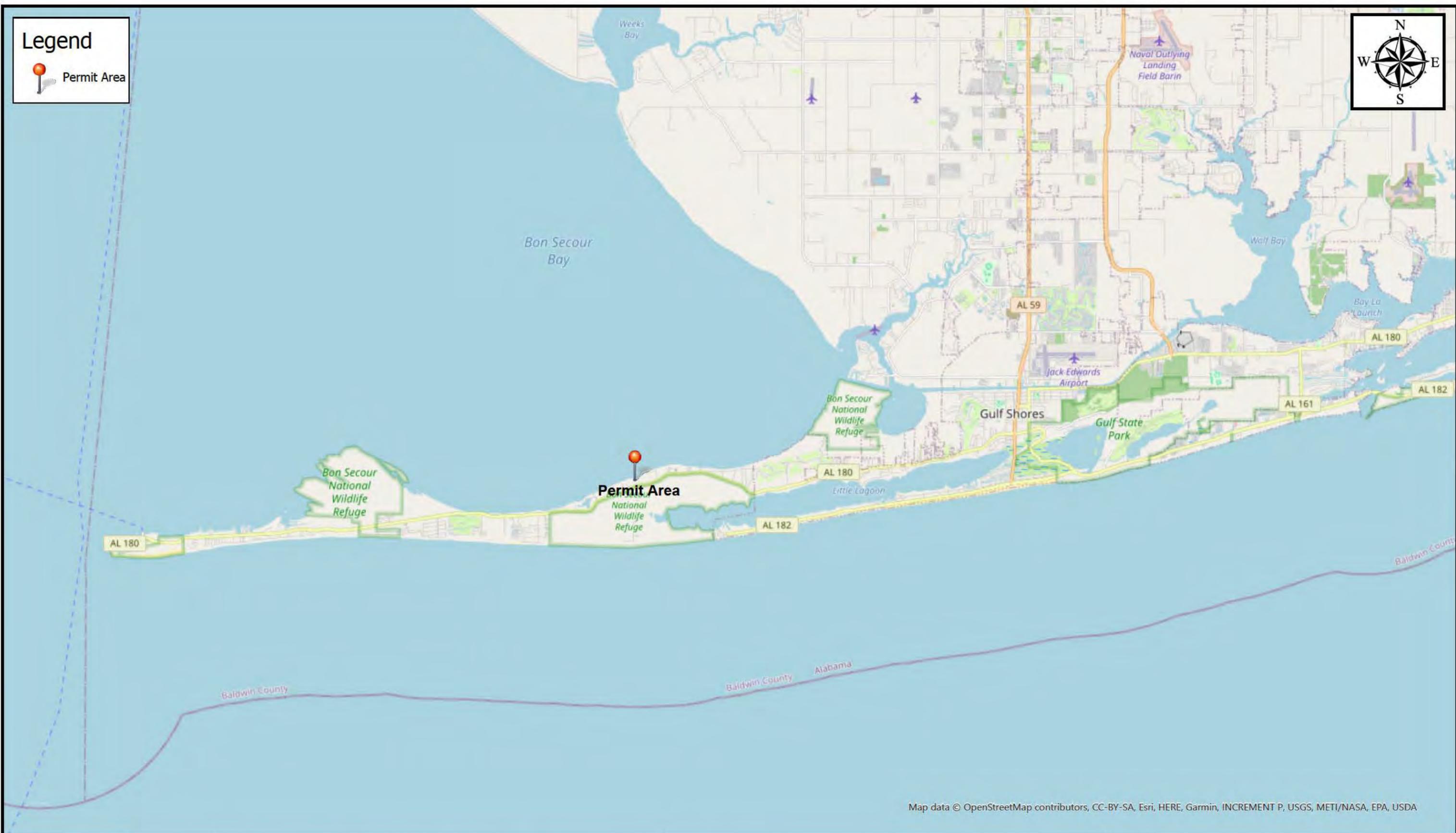
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

Legend

 Permit Area



Map data © OpenStreetMap contributors, CC-BY-SA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA



2017-00547-GAC // Vicinity Map



Map Center: 87.79531°W 30.26839°N

Map Created by: Beverly Lowery

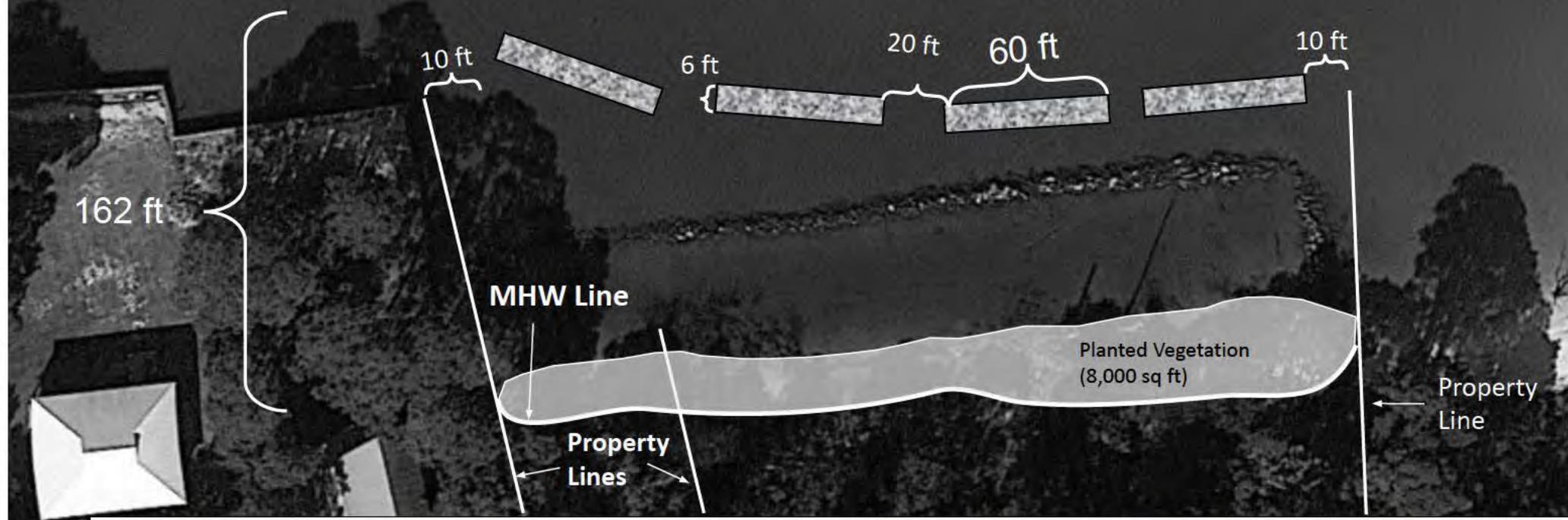
Date: 12/11/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere

Plan view

NOT TO SCALE

N



Project description – Four offshore breakwaters will be constructed of gabion-sized rip rap to a height of 1 ft above MHW and are indicated with a black outline and textured fill on the map. The base to crest height will be 2.6 ft in these locations and the width will be 6 ft. The four breakwaters will be 60 ft in length with a gap of at least 20 ft between each breakwater. The breakwaters will be placed a minimum of 10 ft from the property line on each side. For these estimates, the total rip rap required would be approximately 120 cubic yards with around 46 cubic yards above MHW. Rip rap along the current shoreline will be moved offshore to be used as breakwater material. Along the existing shoreline, 8,000 square feet of vegetation will be planted at half density with *Spartina alterniflora* (lower elevations) and *Juncus roemerianus* (higher elevations). The area where planting will occur is indicated with white transparent fill on the map.

Cross-section view

