



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-2017-00787-DCH

September 1, 2020

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

REQUEST TO IMPACT 0.16 ACRE OF WETLANDS AND WATERBOTTOMS IN
CONJUNCTION WITH THE FILLING OF AN INCISED BOAT SLIP ON FOWL RIVER,
CODEN, 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: Mr. Kenneth Guynn
2295 Marguerite Drive
Codon, Alabama 36523

AGENT: TTL, Inc.
Attention: Ms. Cindy House-Pearson
3516 Greensboro Avenue
Tuscaloosa, Alabama 35401

LOCATION: The project is located on a canal off Fowl River, at 12295 Marguerite Drive; within Section 33, Township 8 South, Range 1 East; at Latitude 30.434998° North, Longitude -88.113522° West; in Codon, Mobile County, Alabama.

PROJECT PURPOSE: The purpose of this project is to fill an incised boat slip in order to reduce settling of the single-family residence located on the lot north of the canal, and to assist in stormwater drainage from Marguerite Drive.

PROPOSED WORK: The applicant has proposed to retain previously unauthorized fill and to place new fill within a 1,742-square-foot (0.04-acre) area of bottomland hardwood wetlands and 5,227-square-foot (0.12-acre) area of open water bottoms in order to fill an incised boat slip. The project would require the placement of a total of 2,666 cubic yards of clean sandy clay fill material within uplands and waters of the United States. Of this amount, approximately 1,088 cubic yards would be placed below the plane of Mean High Water (MHW) and 363 cubic yards would be placed within wetlands.

A concrete bulkhead would be installed as part of the proposed fill at the confluence of the incised slip and the man-made canal, and would consist of concrete pilings installed on 5-foot centers. These pilings would be tied together with a 1-foot-square poured-in-

place concrete beam to span the width of the slip. Riprap rock would be placed at the base of the proposed bulkhead at a 1:1 slope. The volume of proposed riprap is included in the aforementioned total proposed fill volume.

In addition, the applicant has proposed to upgrade an existing stormwater conveyance structure by installation of a new concrete junction box near Marguerite Drive to connect existing unauthorized 30-inch-diameter drainage pipelines with a proposed 42-inch-diameter drainage pipeline. The combined stormwater conveyance structures would run a total of 120 feet from Marguerite Drive and terminate at the proposed bulkhead. The discharge outlet at the bulkhead would be constructed at the level of MHW.

No dredging is proposed, see attached plans for additional information.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed fill of the incised slip has been planned for the minimum amount of impact that would still allow for prevention of further upland residential home damage, thereby minimizing wetland impacts to the maximum extent practicable. The proposed backfill layout has avoided impacts to approximately 0.02 acre of open water by avoiding an initial plan to straighten and retain the canal and construct new vessel slips for boat storage purposes. The applicant has proposed to utilize filter fabric during fill placement and construction of the bulkhead to prevent loss of sediment and turbidity in the adjacent waterway. Construction Best Management Practices (BMPs) would be implemented to prevent silt laden fill material runoff 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: The applicant has proposed to compensate for unavoidable impacts to on-site wetlands through the purchase of wetland mitigation credits from an approved mitigation bank. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

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 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 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 would impact approximately 5,227-square-feet (0.12 acre) of unvegetated shallow estuarine waterbottoms 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 area of impact and proposed mitigation activities. 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).

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-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 action area. 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-2017-00787-DCH**, and should be directed to the project manager, Ms. Emma L. Bickerstaff by e-mail at Emma.L.Bickerstaff@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Emma L. Bickerstaff, 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.**

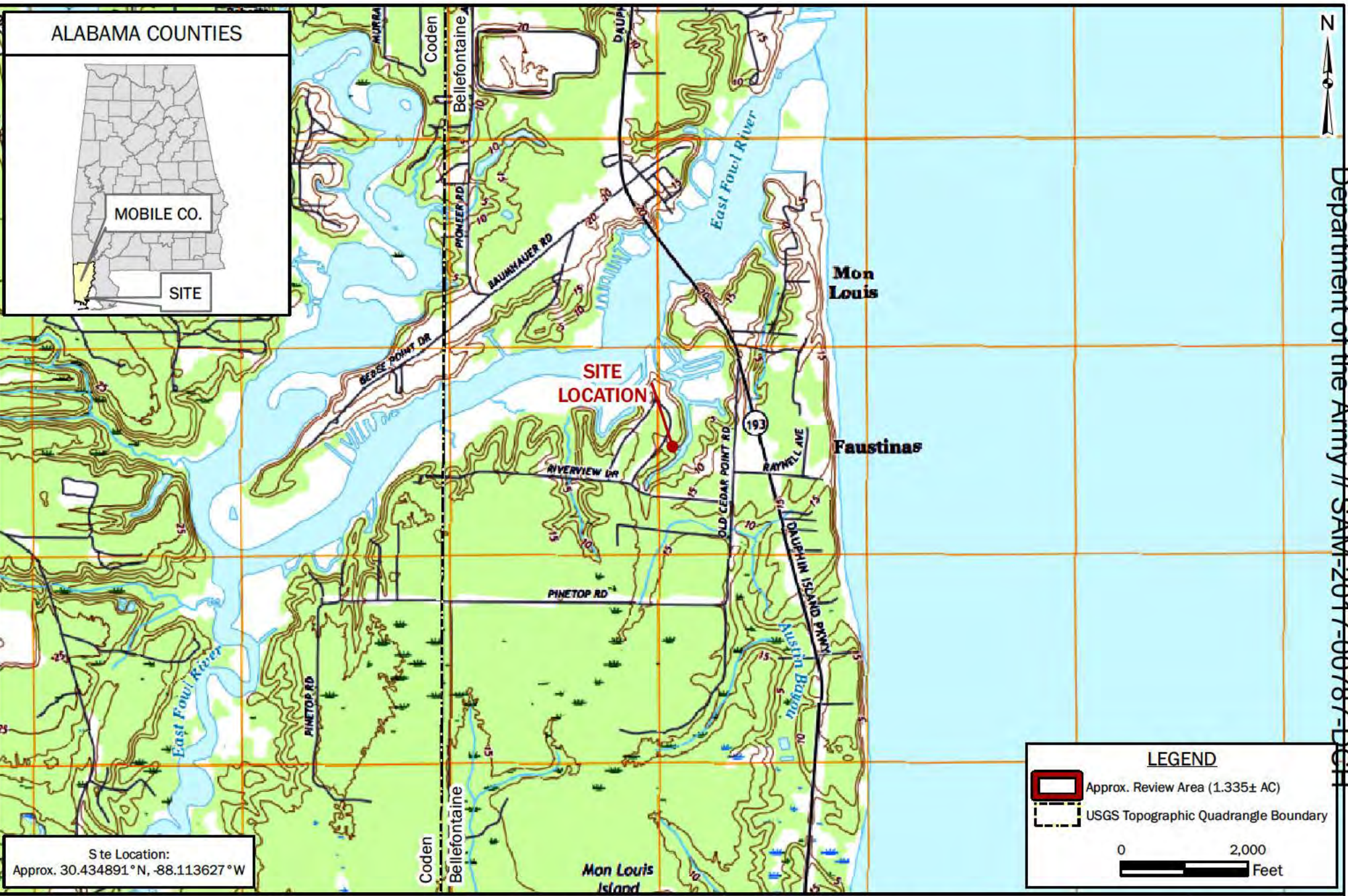
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



Department of the Army // SAM-2017-00787-DCH



ALABAMA COUNTIES

MOBILE CO.

SITE

Site Location:
Approx. 30.434891° N, -88.113627° W

LEGEND

- Approx. Review Area (1.335± AC)
- USGS Topographic Quadrangle Boundary

0 2,000 Feet





FIGURE 1: SITE LOCATION & TOPOGRAPHIC MAP
GUYNN PROPERTY - SAM-2017-00787-DCH
 INDIVIDUAL PERMIT
 CODEN, MOBILE COUNTY, ALABAMA

BASEMAP: Coden (West), Bellefontaine (East), Alabama USGS 7.5 Minute Quadrangle Map, 2018 (5-ft Contour Interval).

DRAWN BY: DEK
CHECKED BY: SG
DRAWING DATE: 3/26/2020
REVISION DATE: N/A
TTL JOB NO.: 000190102692.00
APPROX. SCALE: 1 in = 2,000 ft



LEGEND

-  Approx. Review Area (1.335± AC)
-  Gynn_Parcels

0 100
Feet

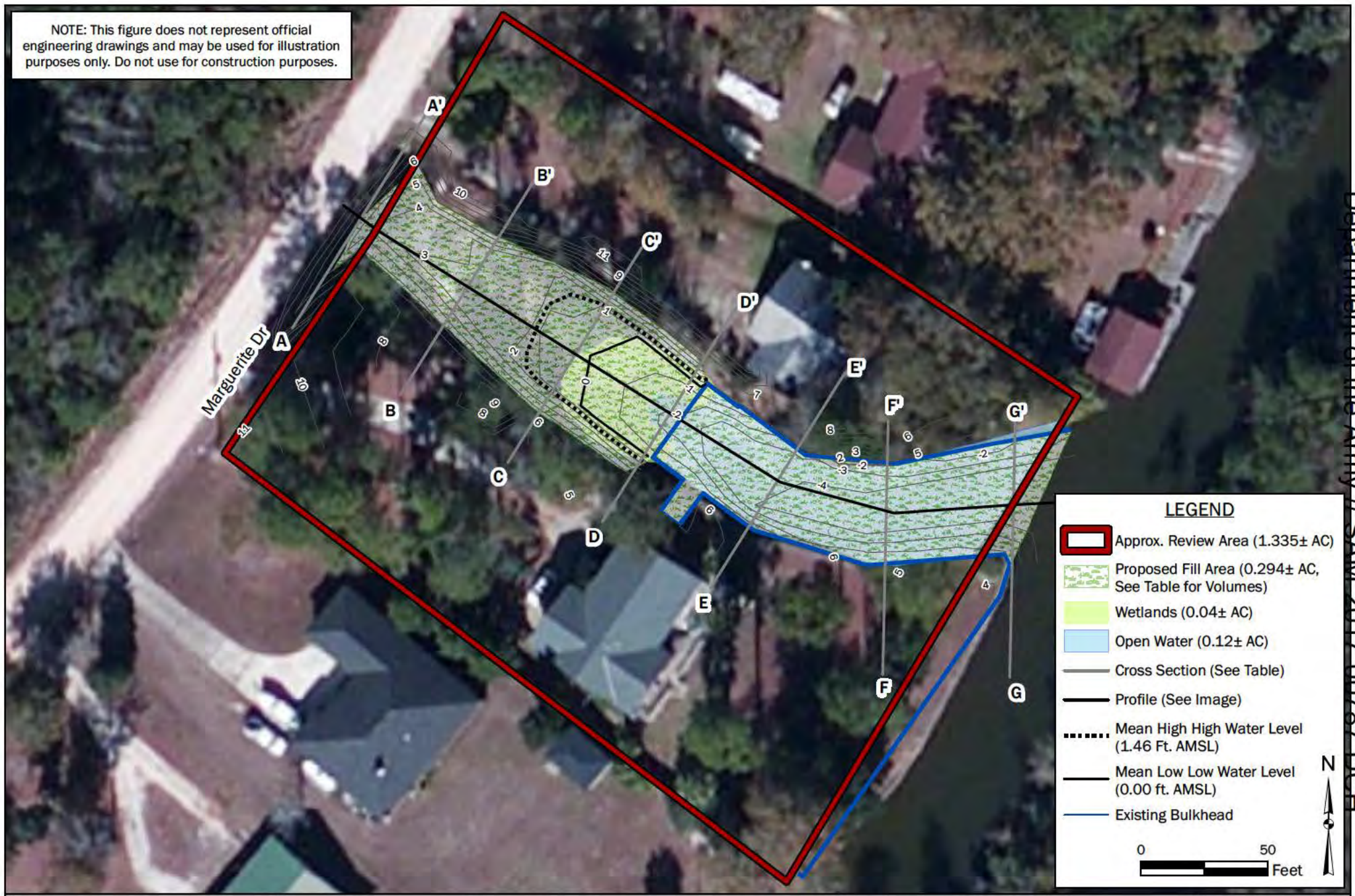


FIGURE 3: SITE LOCATION & AERIAL PHOTOGRAPH
GUYNN PROPERTY - SAM-2017-00787-DCH
INDIVIDUAL PERMIT
CODEN, MOBILE COUNTY, ALABAMA

BASEMAP: DigitalGlobe, 1/29/2018 (0.31 m Resolution).

DRAWN BY: DEK
CHECKED BY: SG
DRAWING DATE: 3/26/2020
REVISION DATE: N/A
TTL JOB NO.: 000190102692.00
APPROX. SCALE: 1 in = 100 ft

NOTE: This figure does not represent official engineering drawings and may be used for illustration purposes only. Do not use for construction purposes.



LEGEND

- Approx. Review Area (1.335± AC)
- Proposed Fill Area (0.294± AC, See Table for Volumes)
- Wetlands (0.04± AC)
- Open Water (0.12± AC)
- Cross Section (See Table)
- Profile (See Image)
- Mean High High Water Level (1.46 Ft. AMSL)
- Mean Low Low Water Level (0.00 ft. AMSL)
- Existing Bulkhead

N
↑

0 50
Feet

Department of the Army / SAM 2017 00787 DCH



GENERAL SITE PLAN & VOLUMETRIC CALCULATIONS
GUYNN PROPERTY - SAM-2017-00787-DCH
 INDIVIDUAL PERMIT
 CODEN, MOBILE COUNTY, ALABAMA
BASEMAP: Clarity World Imagery.

DRAWN BY: DEK
CHECKED BY: SG
DRAWING DATE: 1/16/2020
REVISION DATE: 8/19/2020
TTL JOB NO.: 000190102692.00
APPROX. SCALE: 1 in = 50 ft

	SECTION	CROSS-SECTIONAL AREA 1 (Above MHHW)	CROSS-SECTIONAL AREA 2 (Below MHHW)	Distance Between (FT)	AVG 1 (SQFT)	AVG 2 (SQFT)	VOL 1 (CUFT)	VOL 2 (CUFT)
Completed Work	A-A'	0.0	0.0					
				50.0	44.9	0.0	2,245.0	0.0
	B-B'	89.8	0.0					
				50.0	140.5	14.7	7,025.0	732.5
	Total	89.8			185.4	14.7	9,270.0	732.5
New Work	C-C'	191.2	29.3					
				50.0	184.1	65.5	9,205.0	3,275.0
	D-D'	177.0	101.7					
				50.0	160.7	131.8	8,035.0	6,587.5
	E-E'	144.4	161.8					
				50.0	144.1	171.6	7,202.5	8,577.5
	F-F'	143.7	181.3					
				50.0	165.8	216.1	8,287.5	10,802.5
	G-G'	187.8	250.8					
Total	844.1	724.9		654.6	584.9	32,730.0	29,242.5	

FILL ABOVE MHHW	42,000
FILL BELOW MHHW	29,975
TOTAL FILL (Cu. Ft.)	71,975
TOTAL FILL (Cu. Yd.)	2,666

Total Fill (Cu. Yd.) BELOW MHHW 1,088
 Total Fill (Cu. Yd.) WITHIN WETLANDS 363



MARGUERITE DRIVE 50' R/W

Junction Box

~110' of 30" Pipe

Discharge New @ MHWL

Canal

Fowl River

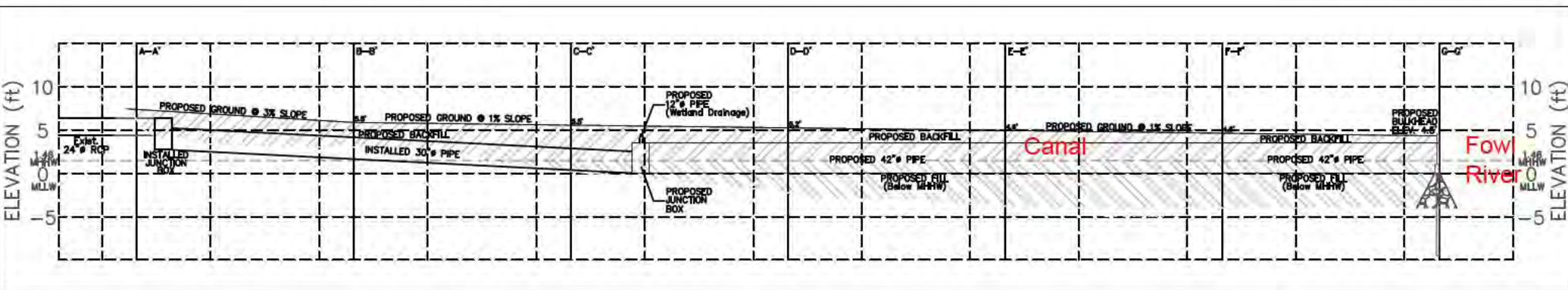


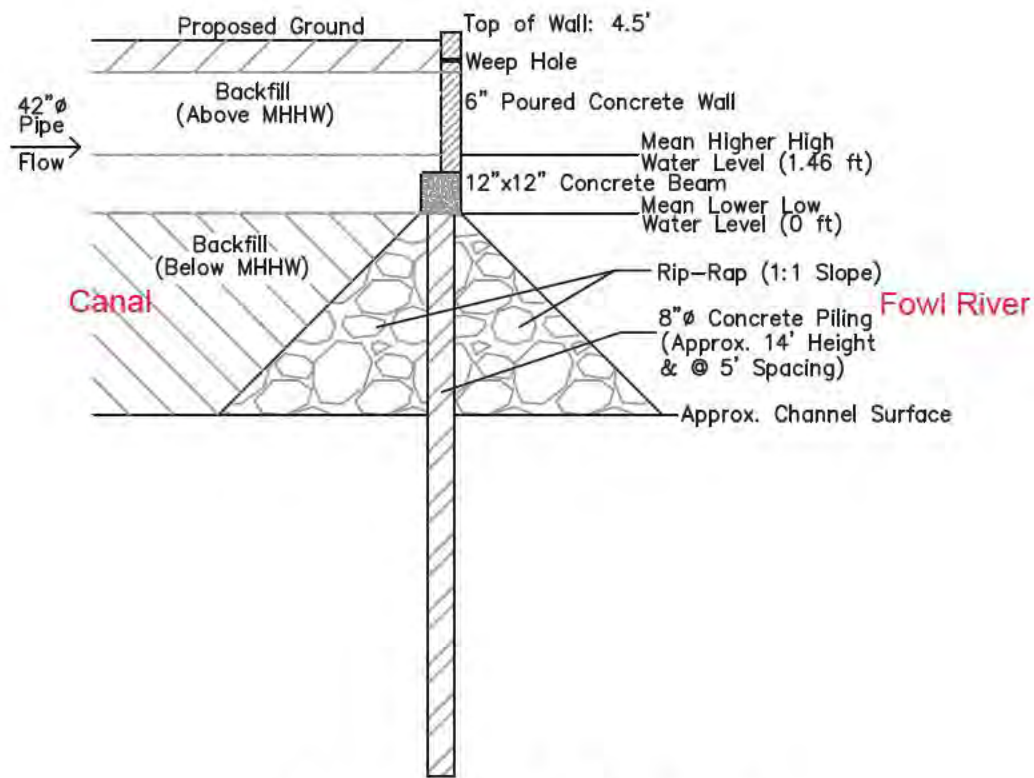
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PROJECT
SURVEY
GUYNN BULKHEAD
CODEN, AL

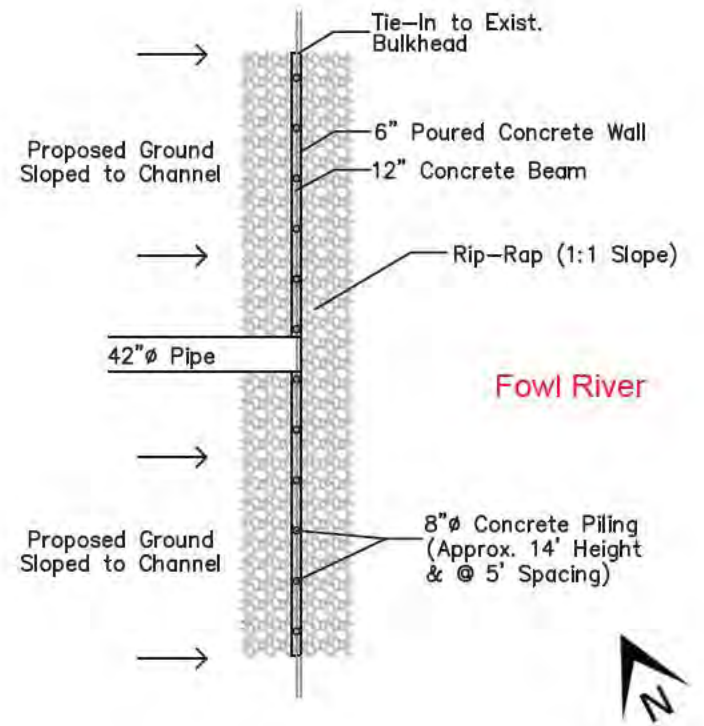
BY	VTH	DATE	02/16/09
SHEET	6	OF	6
DRAWING NUMBER	1408-5		
		REV.	0

Department of the Army // SAM-2017-00787-DCH





PROFILE VIEW (Typical)
Not to Scale



LAYOUT VIEW (Typical)
Not to Scale