



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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2017-00824-SBC

November 22, 2021

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

REQUEST TO DISCHARGE FILL MATERIAL IN COTTON BAYOU TO
CREATE 0.055 ACRE OF LAND UNDER THE TACKY JACK'S
RESTAURANT DECK IN ORANGE BEACH, 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: George W. Skipper III
Post Office Box 430
Orange Beach, Alabama 36561

AGENT: Bobby Sadler
Post Office Box 1489
Orange Beach, Alabama 36561

LOCATION: The proposed project is located at 27206 Safe Harbor Drive; at Latitude 30.281488°, Longitude -87.564275°; Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The basic project purpose is to prevent erosion and stabilize a restaurant's overwater deck through the construction of a bulkhead with backfill.

PROPOSED WORK: The applicant proposes the construction of approximately 146 linear feet of bulkhead to the south of the existing Tacky Jack's bulkhead to create land. The new structure would extend approximately 28 feet into open waters beyond the existing bulkhead at the intersection of a manmade canal and the waters of Cotton Bayou. The 2,375 square foot (0.055-acre) area behind the bulkhead will be backfilled with approximately 700 cubic yards of commercially obtained sand material. Water depths at this location measure -10 feet at mean high water. Requests for modifications to the existing pier structure and the fill of an incised boat slip within the canal are being evaluated separately through the Alabama Regional General Permit program.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still protecting the existing land and restaurant deck. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

MITIGATION: The provision of compensatory mitigation has not been proposed. This area to be filled contains no wetlands or submerged aquatic vegetation, and the area is shaded by a deck structure.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The applicant will apply for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, as well as Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone 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) within an established reasonable period of time.

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, which includes the footprint of the fill areas that would be disturbed by construction of the project. 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. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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 permanently impact 0.055 acres of estuarine water column and water bottoms. Our initial determination is that the proposed action would have no effect on EFH or federally managed fisheries due to the lack of submerged aquatic vegetation, tidal marsh wetlands, or other EFH in the project vicinity. 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 following federally-listed species are known or expected to occur within the project area: Alabama beach mouse (E), Perdido Key beach mouse (E), West Indian manatee (T), wood stork (T), piping plover (T), red knot (T), eastern indigo snake (T), green sea turtle (T), Kemp's Ridley sea turtle (E), and Loggerhead sea turtle (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination with regard to potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

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-2017-00824-SBC**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Jessica C. Comeaux**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. Copies of all comments should be furnished to the ADEM 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.

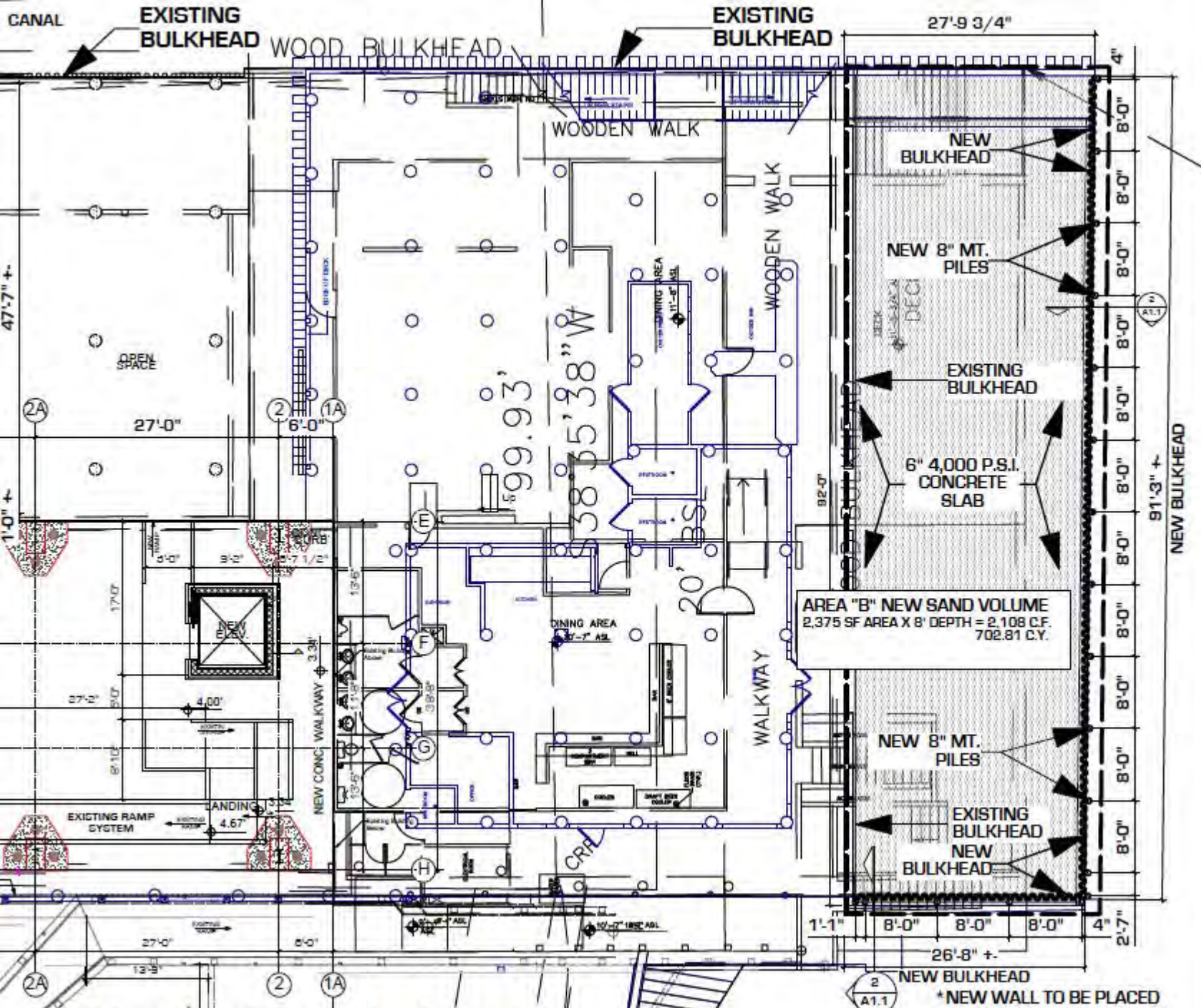
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



Department of the Army // SAM-2017-00824-SBC



New Bulkhead Floor Plan

Scale: 1/8" = 1'-0"

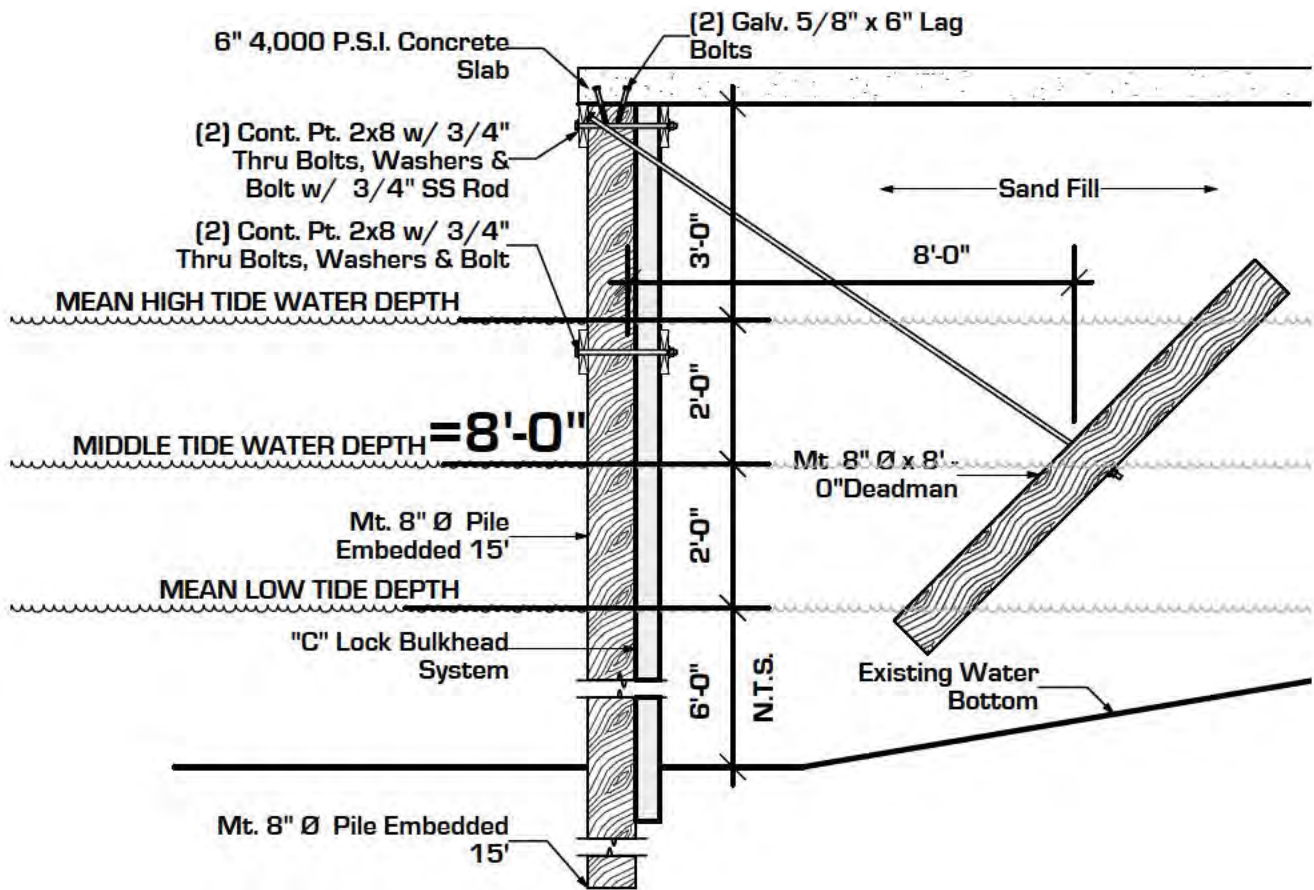
Department of the Army // SAM-2017-00824-SBC

NEW BULKHEAD
 *NEW WALL TO BE PLACED UNDER EXISTING DECK (THIS IS OWNERS PROPERTY LINE)

NEW BULKHEADS @
Tacky Jack's Restaurant
 27206 Safe Harbor Drive
 Orange Beach, Alabama 36561

Job No.:	0000
Drawn By:	W. Labon Richmond
Checked:	BLP
Date:	8-19-2021
Revision:	Updated
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A1.1
 ARCHITECTURAL REVIEW



Tacky Jack's Bulkhead Detail COTTON BAYOU LOCATION

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