



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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2018-00389-JEB

June 24, 2019

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

REQUEST TO DREDGE AND DISCHARGE FILL MATERIAL TO CONSTRUCT A
MIXED-USE MARINA DEVELOPMENT WITH COMMERCIAL, RESIDENTIAL
CONDOMINIUM, AND RETAIL FACILITIES, ALOE BAY,
DAUPHIN ISLAND, MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: Sunset Cove Properties, Inc.
Attention: Mr. Lee McWilliams
8591 Julius Street
Bayou La Batre, Alabama 36509

AGENT: Wetland Resources Environmental Consulting
Attention: Ms. Gena Todia
Post Office Box 2694
Daphne, Alabama 36526

WATERWAY/LOCATION: Aloe Bay; west of State Route 193 (also known as LeMoyne Drive) and south of El Dorado Avenue; in Section 00, Township 8 South, Range 1 West; at Latitude 30.262586° North, Longitude 88.116206° West and Latitude 30.259679° North, Longitude 88.114620° West; on Dauphin Island, Mobile County, Alabama; 8-digit Hydrologic Unit Code Watershed 03170009 (Mississippi Coastal).

PROJECT PURPOSE: Commercial and residential development with an associated marina.

PROPOSED WORK: The applicant proposes to construct residential condominiums with associated amenities, a commercial retail building, a residential marina with 30 wet slips for condominium owner use, pile-supported walkways leading to the marina, access drives, and parking areas. Proposed impacts include the hydraulic dredging of 27,378 square feet (0.63 acre) of waterbottoms and the filling of 6,226 square feet (0.142 acre) of jurisdictional wetlands.

Construction of the marina would require the hydraulic dredging of a 27,378-square-foot area (0.63 acre) in the waters along the shoreline, located adjacent to the existing Aloe Bay Turning Basin. The area would be dredged to a depth of -5 feet below the plane of mean high water (MHW). The dredged material would be temporarily contained and dewatered in an earthen diked disposal area that would encompass uplands and a 6,126-square-foot (0.141-acre) wetland pocket. Return water from the disposal cell would be directed through a stand pipe system which would discharge the treated water through a gravel outfall plume onto uplands and sheet-flow back toward the waters of Aloe Bay. After dewatering, a portion of the dredged material would be retained as fill material in the 0.141-acre wetland to support the construction of a swimming pool amenity for the condominiums. The remainder of the dredged material would be spread across existing upland areas and used to fill a 64-square-foot (0.001-acre) wetland pocket to support condominium and access drive construction.

The development would also feature 364 linear feet of 5-foot-high by 5-foot-wide pile-supported walkways constructed across tidal wetlands to provide access between the condominiums and the marina. The marina would entail construction of a U-shaped pier with 538 linear feet of 5-foot-wide primary pier structure, and fourteen 4-foot-wide finger piers which would extend off the primary pier to provide access to vessels. Stand-alone mooring pilings would be installed to divide each boat slip into two 12-foot-wide mooring slips.

No filling of tidal marsh is proposed for the development.

AVOIDANCE AND MINIMIZATION: The applicant has significantly reduced the scope of their prior project plans and impacts which were previously proposed in a public notice dated October 1, 2018. The applicant indicates the current project has been designed to avoid the discharge of fill material into tidal marsh wetlands and high marsh wetlands. They further state that the project would fill only 0.142 acre of the total 7.39 acres of wetlands on their property, and that no structures or fill are proposed to be located in the lagoon or its surrounding marsh. In addition, they also offer the following list of examples of avoidance and minimization: The pile-supported pedestrian access walkways over marsh have been reduced to width of 5 feet and would be constructed with $\frac{3}{4}$ -inch spacing between decking boards to minimize shading impacts. Construction Best Management Practices (BMPs), including silt fencing and hay bales, would be utilized to prevent the discharge of sediment into nearby tidal wetlands. The filling of two wetland depressions totaling 0.142 acre in size, which appear to exist on the property as a result of the uneven deposition of dredged material on the property in the past, cannot be avoided because they are located near the center of a small area of available upland land in the condominium development area and therefore cannot be feasibly avoided. Attempting to build around these wetlands to avoid the impact would further isolate and diminish the quality of these wetlands from a habitat and functionality standpoint. 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 proposes to provide compensatory mitigation for the proposed filling of 0.142 acre of medium quality pine forested wetlands through the purchase of an appropriate amount of pine savannah mitigation credits from the Alabama Port Wetland Mitigation Bank in Mobile County, Alabama.

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 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).

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 U.S. Army Corps of Engineers (USACE) has determined that the permit area encompasses the entire undertaking in waters of the United States as well as the upland development areas and on-site dredged material disposal area. 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. Available information regarding the permit area indicates that a Phase I cultural resources assessment was conducted for this site in early 2008 in the context of a similar, previously authorized project that was never constructed. The previous Phase I assessment, which was assigned Alabama Historical Commission file number AHC 06-1070, resulted in a determination of No Effect to historic properties. We are seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence or the potential for existence of significant cultural and historic properties within the permit area for this currently proposed project.

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 SHPO and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

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 include dredging activities affecting approximately 0.63 acre of estuarine waterbottoms, water column, and intertidal habitat utilized by various life stages of multiple marine species. The Mobile District has determined that the proposed action would not adversely impact EFH or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the NMFS.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the following listed endangered or threatened species have potential to be present within the project area: West Indian manatee (T), wood stork (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). The USACE has made a preliminary determination of "May Affect, Not Likely to Adversely Affect" for the West Indian manatee, piping plover, red knot, and Gulf sturgeon. Additionally, the USACE has preliminarily determined the proposed project would have "No Effect" on the wood stork, green sea turtle, Kemp's ridley sea turtle, and loggerhead sea turtle species due to lack of suitable habitat within the project area. There is no designated critical habitat within the project's action area. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice. Further coordination with the USFWS 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-2018-00389-JEB** and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at Jessica.C.Comeaux@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the ADEM, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

All comments should be received no later than 15 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact Ms. Comeaux by e-mail at Jessica.C.Comeaux@usace.army.mil, or (251) 690-3262. Please refer to the above Public Notice Number SAM-2018-00389-JEB in any communication concerning this project.

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

1

2

3

4

5

6

EARLY HISTORY

A

DAUPHIN ISLAND

36528

1502

1519 - 1528 NARVAEZ AND DeVACA

1540 DeSOTO

1559 DeLUNA

1699 D'IBERVILLE AND BIENVILLE

B

Mississippi

Sound

C

MATCH LINE A
(See Inset Below)

BIENVILLE BLVD

Graveline Bay

AIR STRIP

Aloe Bay

193

Project Location

*** DISTANCES: ***

FT. GAINES TO:

WINDWARD CT: 6 MI.

FT. MORGAN: 3.25 STAT. MI.

DAUPHIN ISLAND; E. TO W.: 14.2 MILES

D

Gulf of Mexico

36528

E

WINDWARD HO
VERITAS CT
VELASCO CT
VARGAS CT
VACAC CT
TRISTAR CT
TOWAR CT
TIERRA CT
TUMBER CT
TAOS CT
TAMPOCO CT
STRAND CT
SPANISH CT
SLIDEL CT
SHELL CT
BERIGNY CT
SENECA CT
SEHOY CT
BRIDGEVIEW DR
SAM HOUSTON ST

Gulf of Mexico

36528

F

G

Gulf of Mexico

36528

H

INSET

See Match Line Above in C

Department of the Army // SAM-2018-00389-JEB

MATCH LINE

UNIV. OF ALA.
MARINE
SCIENCE LABHISTORICAL
PORT



CADASTRAL DATA		PROJECT	
STATE:	ALABAMA	PROJECT:	SUNSET COVE PROPERTIES, LLC
COUNTY:	MOBILE	TAX PARCEL #	R015201000013068
SECTION:	DAUPHIN ISLAND	LEMOYNE DR.	
TOWNSHIP:	9 SOUTH	DAUPHIN ISLAND, ALABAMA	
RANGE:	2 WEST		
MERIDIAN:	ST. STEPHENS		
HORIZONTAL DATUM:	ASSUMED	TITLE:	SUNSET COVE
VERTICAL DATUM:	ASSUMED		TOWNHOME LOT
BASIS OF BEARING:	ASSUMED		TOWNHOME ORIENTATION & METES & BOUNDS
N. LINE OF LEMOYNE DR.			TIE TO PROPERTY BOUNDARY
TYPE OF SURVEY:	SUBDIVISION	SURVEY DATE:	APR 2018
DRAWN BY:	GCS	PLAT DATE:	02/15/19
CHECKED BY:	GCS	REVISIONS	02/17/19
		SCALE:	1" = 20' ±
		MAP CODE:	BARLEY.XXX
		SHEET	1 OF 1

INDEX TO SYMBOLS

Symbol	Description	Symbol	Description
⊕	REBAR & CAP SET # 19265	—	WETLAND LINE
⊙	NO MONUMENT FOUND	—	PROPERTY LINE
⊙	NO MONUMENT FOUND	—	OTHER PROPERTY LINE
⊙	PARCEL NUMBER	—	CENTERLINE PROP. ROADWAY
⊙	OPEN TOP PIPE FOUND	—	RIGHT-OF-WAY
(R)	RECORD IDEAL OR PLAT	—	EDGE OF PAVEMENT
(A)	BLOCK DESIGNATION	—	SANITARY SEWER MANHOLE
—	LANDLINE POOR	—	POWER POLE
—	UPROD MEAN HIGH WATER	—	OVERHEAD POWER LINE

GREGORY C. SPIES, Esq.
CADASTRAL, ENVIRONMENTAL & ARCHAEOLOGICAL

P.O. BOX 595
CORBIN, ALABAMA 36522
205-455-1842
gcs@eartharchaeological.com

SURVEYOR'S CERTIFICATION
STATE OF ALABAMA
COUNTY OF MOBILE

I hereby certify that all parts of this survey and plat were completed in accordance with the requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, skill and belief.

GREGORY C. SPIES, F.L.S.
ALABAMA LICENSE NO. 19085

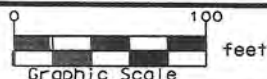
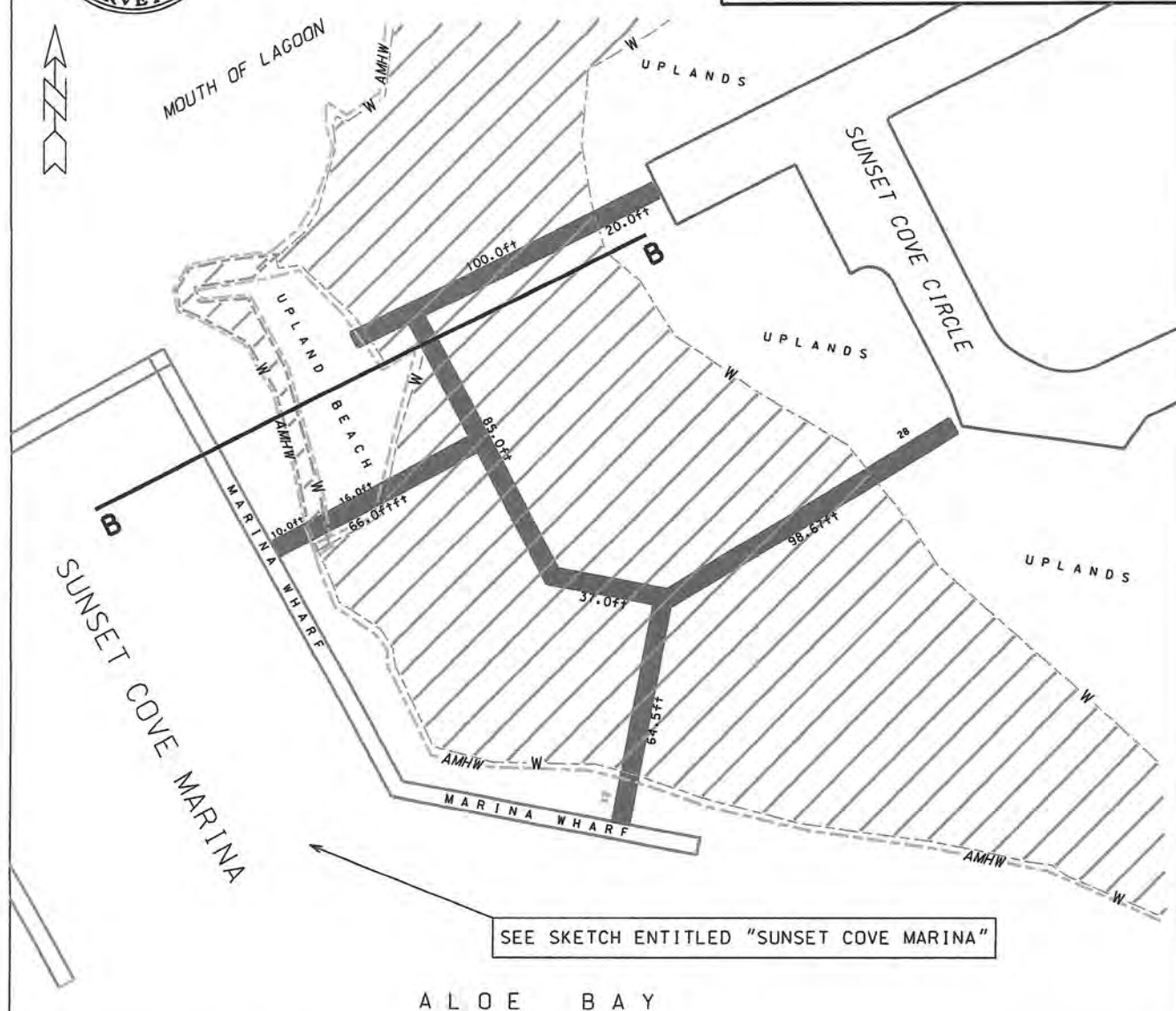
- PROPOSED LOTS**
- 2 - COMMERCIAL BLDG LOTS
 - 7 - 3 BEDROOM TOWNHOME LOTS
 - 9 - 2 BEDROOM TOWNHOME LOTS
 - 15 - 1 BEDROOM TOWNHOME LOTS
- PROPOSED TOWNHOMES**
- 3 BEDROOM UNIT - 1440 SF
 - 2 BEDROOM UNIT - 1088 SF
 - 1 BEDROOM UNIT - 840 SF
- NOTE:**
ALL DISTANCE TIES TO TOWNHOME CORNERS ARE EITHER 90° FROM THE CENTERLINE OF THE ROADWAY TANGENT OR RADIAL TO CENTERLINE OF THE ROADWAY CURVE.



P.O. BOX 696
CODEN, ALABAMA 36523
261-455-1842
gspies@archaeotechnics.com

PROJECT: **SUNSET COVE PROPERTIES**
ALOE BAY PROJECT
DAUPHIN ISLAND, ALABAMA

SKETCH TITLE:
**PILE SUPPORTED STRUCTURES
OVER WETLANDS**



INDEX TO SYMBOLS

Symbol	Description
●	PROPERTY MARKER
—	PROPERTY LINE
ROW	RIGHT-OF-WAY
—	PILE SUPPORTED STRUCTURE
W	WETLAND LINE
WETLANDS	WETLANDS
AMHW	APPROX MEAN HIGH WATER
—	LAND/LINE HOOK

ALOE BAY TURNING BASIN

PROPOSED 5ft+ WIDE WOODEN PIER
452 lf TOTAL
364 lf OVER WETLANDS
88 lf OVER UPLANDS
1820 sq ft OVER WETLANDS

PROPOSED 5ft+ WIDE WOOD MARINA WHARF
538 lf OVER WATER BOTTOMS

PROPOSED 4ft+ WIDE BOARDING PIER
224 lf OVER WATER BOTTOMS

WETLAND DELINEATION PERFORMED BY WETLAND RESOURCES, INC.- DAPHNE AL	APR 2018
SKETCH BASED ON G.C. SPIES BOUNDARY SURVEY DATED 04/10/2018	
SKETCH DATE:	APR 2019
REVISIONS	
SCALE:	1" = 100ft
MAP CODE:	sunsetsub.kxx
SHEET	2 OF 5

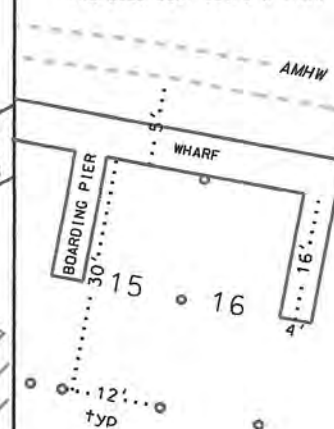


P.O. BOX 696
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gspies@archasotronics.com

PROJECT:
SUNSET COVE PROPERTIES
ALOE BAY PROJECT
DAUPHIN ISLAND, ALABAMA

SKETCH TITLE:
SUNSET COVE MARINA

DETAIL A
PROPOSED BOAT SLIPS & WHARF



2.5 X SKETCH SCALE

SEE SKETCH ENTITLED "PILE SUPPORTED
STRUCTURES OVER WETLANDS"

PROPOSED
DREDGE LIMITS
27378 SF
3000 cu yds

MOUTH OF LAGOON
Ebb & Flow

ALOE BAY

SUNSET COVE MARINA

UP LAD BEACH

SUNSET COVE CIR

WHARF

15

16

12'

typ

2.5 X SKETCH SCALE

SEE SKETCH ENTITLED "PILE SUPPORTED
STRUCTURES OVER WETLANDS"

150+00

N89°44'26"W
500.00ft

153+00

MV TYSON B

INDEX TO SYMBOLS

Symbol	Description
●	PROPERTY MARKER
—	PROPERTY LINE
---	BASIN SETBACK LINE
W	WETLAND LINE
W	WETLANDS
AMHW	APPROX MEAN HIGH WATER
○	PILING 12" DIA
150+00	USACE CHANNEL STATION

SHEET NUMBER:
C-106-A

CONDO
MARINA
(REVISED)

N.B.
TOE OF BASIN TAKEN FROM USACE DRAWING ENTITLED "DAUPHIN ISLAND,
ALABAMA, DL_03_DVC_20180913_CS, VILLAGE CHANNEL, STA-138+00 -
154+22, CONDITIONAL SURVEY, SHEET 7 OF 7

SKETCH BASED ON G.C.
SPIES BOUNDARY SURVEY
DATED 04/10/2018
SKETCH DATE: APR 2018
REVISIONS
SCALE: 1" = 60ft



P.O. BOX 696
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261-455-1842
gspies@archaeotechnics.com

PROJECT: SUNSET COVE SUBDIVISION
ALOE BAY PROJECT
DAUPHIN ISLAND, ALABAMA

SKETCH TITLE:
DREDGE DISPOSAL CELL



LAGOON

DELCHAMPS DR

LEMOYNE DRIVE

- A MAN-MADE ISOLATED WETLAND AREA
6162 SQ FT
- B MAN-MADE ISOLATED WETLAND AREA
64 SQ FT
- C EARTHEN DIKE (BERM)
- D STAND PIPE OUTLET
- E HAY BALES & TYPE A SILT FENCE
- F GRAVEL OUTFALL FLUME

SUNSET COVE TOWNHOMES
PROPERTY

HAY BALES



x-3.2

x-3.3

1-24

N89°44'26"W
500.00ft

N00°15'34"E
7.30ft

N.B

TYPE A SILT FENCE & HAY BALES TO BE PLACED AROUND DREDGE DISPOSAL CELL AND THE FLAGGED WETLAND LINE AS SHOWN

WETLAND DELINEATION
PERFORMED BY WETLAND
RESOURCES, INC.
DAPHNE AL APR 2018

SKETCH BASED ON G.C.
SPIES BOUNDARY SURVEY
DATED 04/10/2018

SKETCH DATE: APR 2019

REVISIONS

SCALE: 1" = 200ft

MAP CODE: sunsetboy.xxx

SHEET OF

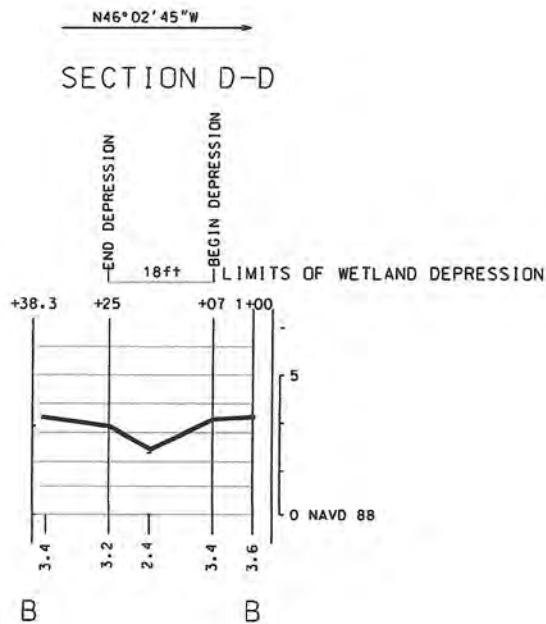
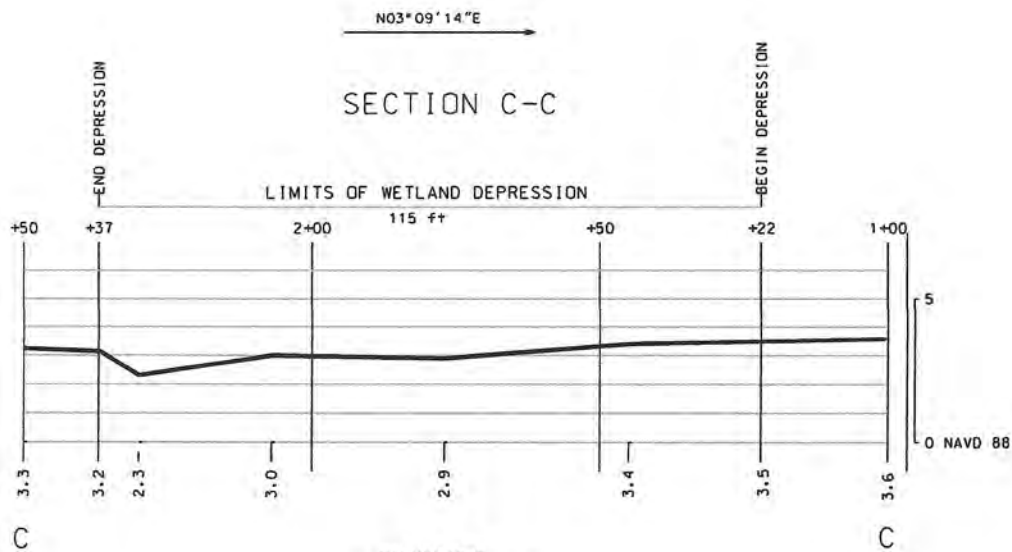
INDEX TO SYMBOLS	
●	PROPERTY MARKER
—	PROPERTY LINE
ROW	RIGHT-OF-WAY
AMHW	APPROX MEAN HIGH WATER
—	APPROX MEAN SEA LEVEL
—	WETLAND LINE
	MAN-MADE ISOLATED WETLANDS TO BE FILLED
	WETLANDS
	HAY BALES & TYPE A SILT FENCE



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PROJECT: **SUNSET COVE PROPERTIES**
ALOE BAY PROJECT
DAUPHIN ISLAND, ALABAMA

SKETCH TITLE:
SECTION C-C & D-D
ISOLATED MAN-MADE WETLAND DEPRESSIONS



INDEX TO SYMBOLS	
●	PROPERTY MARKER
—	PROPERTY LINE
ROW	RIGHT-OF-WAY
—	WETLAND LINE
•	WETLAND FLAG
1-7	WETLANDS
—	APPROX MEAN HIGH WATER
—	LAND/LINE HOOK

WETLAND DELINEATION PERFORMED BY WETLAND RESOURCES, INC.- DAPHNE AL APR 2018	
SKETCH BASED ON G.C. SPIES BOUNDARY SURVEY DATED 04/10/2018	
SKETCH DATE: JULY 2018	
REVISIONS	
SCALE:	
MAP CODE:	sunsetbay.xxx
SHEET	1 OF 2