



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-2018-00960-JEB

December 13, 2019

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

REQUEST TO RETAIN UNAUTHORIZED FILL IN WATERS OF THE UNITED STATES
IN CONJUNCTION WITH RECLAMATION AND STABILIZATION OF ERODED
SHORELINE ON BON SECOUR BAY, IN 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: Mr. Christopher E. Reilly
12383 Pecan Grove Street
Magnolia Springs, Alabama 36555

LOCATION OF WORK: The project is located on Bon Secour Bay, at 9663 Highway 180, within Section 22, Township 9 South, Range 2 East; at Latitude 30.240877° North, Longitude -87.858206° West; in Gulf Shores, Baldwin County, Alabama. The project site is located within the Alabama Coastal Zone Management Area.

PROJECT PURPOSE: The purpose of the proposed project is to reclaim property that has been lost to erosion and to stabilize and protect the re-established shoreline with a bulkhead and riprap.

PROPOSED WORK: The applicant requests after-the-fact authorization for construction of approximately 111 linear feet of bulkhead, as well as for backfill of approximately 3,244 square feet (0.07 acre) of open water area with approximately 100 cubic yards of commercially obtained fill material and 60 cubic yards of dredged sand fill. Approximately 32 cubic yards of the fill was placed below the plane of Mean High Water (MHW). In addition, the applicants propose to retain approximately 62 cubic yards of riprap rock previously placed below the plane of MHW along the waterward toe of the bulkhead (111 linear feet). The riprap extends out 4 feet from the toe of the bulkhead. The completed reclaimed area extends a maximum of 40 feet waterward from the previous shoreline.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still reclaiming some of the eroded shoreline within the applicant's lot-lines. The current bulkhead was constructed in the same location as a derelict bulkhead, which was permitted in 2000. 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.

COMPENSATORY MITIGATION: Since this project only reclaims eroded shoreline areas, no mitigation is required.

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 a consistency determination regarding Coastal Zone regulations 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 Coastal Zone consistency will be made by the Alabama Department of Environmental Management.

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 has been considered for the potential to affect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of the this undertaking have also been considered. The National Register of Historic Places was 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 has received concurrence from the State Historic Preservation Officer (SHPO) regarding the District's determination of No Effect to Historic properties.

In addition to the provided comments from the SHPO (the Alabama Historical Commission), we are seeking comments from federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project has impacted approximately 0.07 acre (3,244 square feet) of estuarine substrate. Our initial determination is that the action would not have an adverse impact on EFH or federally managed fisheries due to the lack of evidence of any previous 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 the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered or threatened species with the potential to exist within Mobile Bay or the watershed of the project: Alabama beach mouse (*Peromyscus polionotus ammobates*) (E), West Indian manatee (*Trichechus manatus*) (T), piping plover (*Charadrius melodus*) (T), red knot (*Calidris*

canutus) (T), wood stork (*Mycteria americana*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), green sea turtle (*Chelonia mydas*) (T), Kemp's ridley sea turtle (*Lepidochelys kempii*) (E), and loggerhead sea turtle (*Caretta caretta*) (T). There is no designated critical habitat within the project's action area.

Preliminary review of this application with respect to the above list of threatened or endangered species indicates the proposed activity will have no effect on any species currently listed as endangered or threatened within Baldwin County, or on any designated critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service and state agencies regarding any potential effects on the listed species via this public notice.

PUBLIC REVIEW: 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 use 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, cultural values, 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 production 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 evaluate the impacts of this proposed activity and 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 discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2018-00960-JEB** and should be directed to the District Engineer, Mobile District, Regulatory Division (RD-A), Attention: Ms. Lacey M. Leaptrott, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy 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 issuance of this Public Notice. If you have any questions concerning this publication, you may contact the project manager at (251) 694-3779, or email at Lacey.M.Leaptrott@usace.army.mil. Please refer to the above Public Notice number.

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-2018-00960-JEB



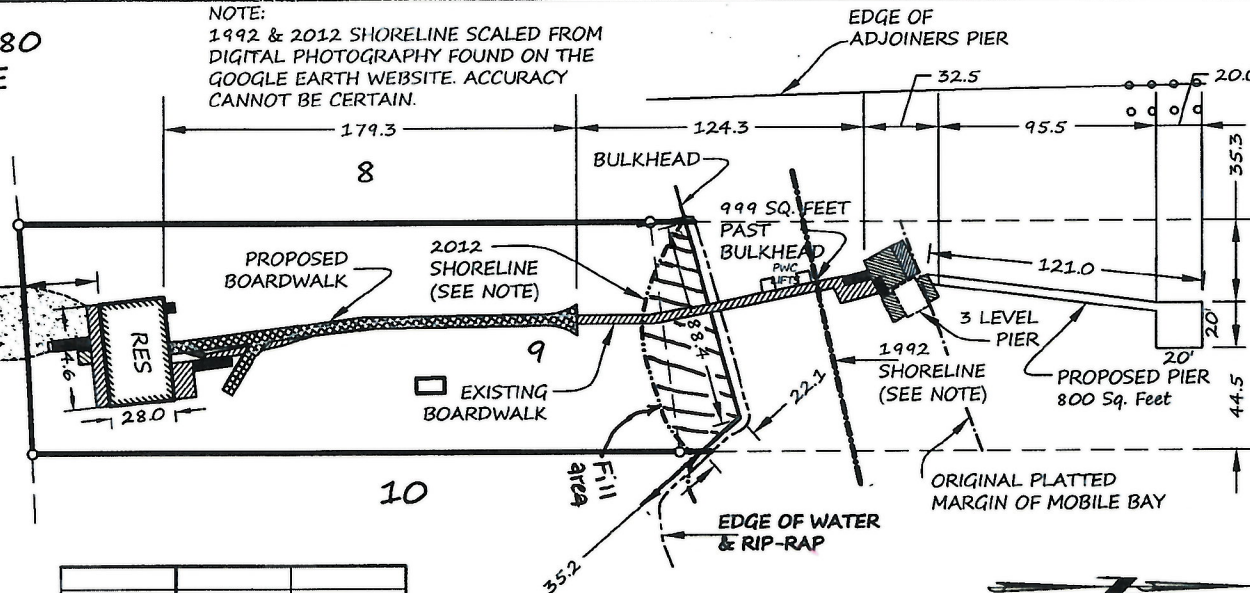
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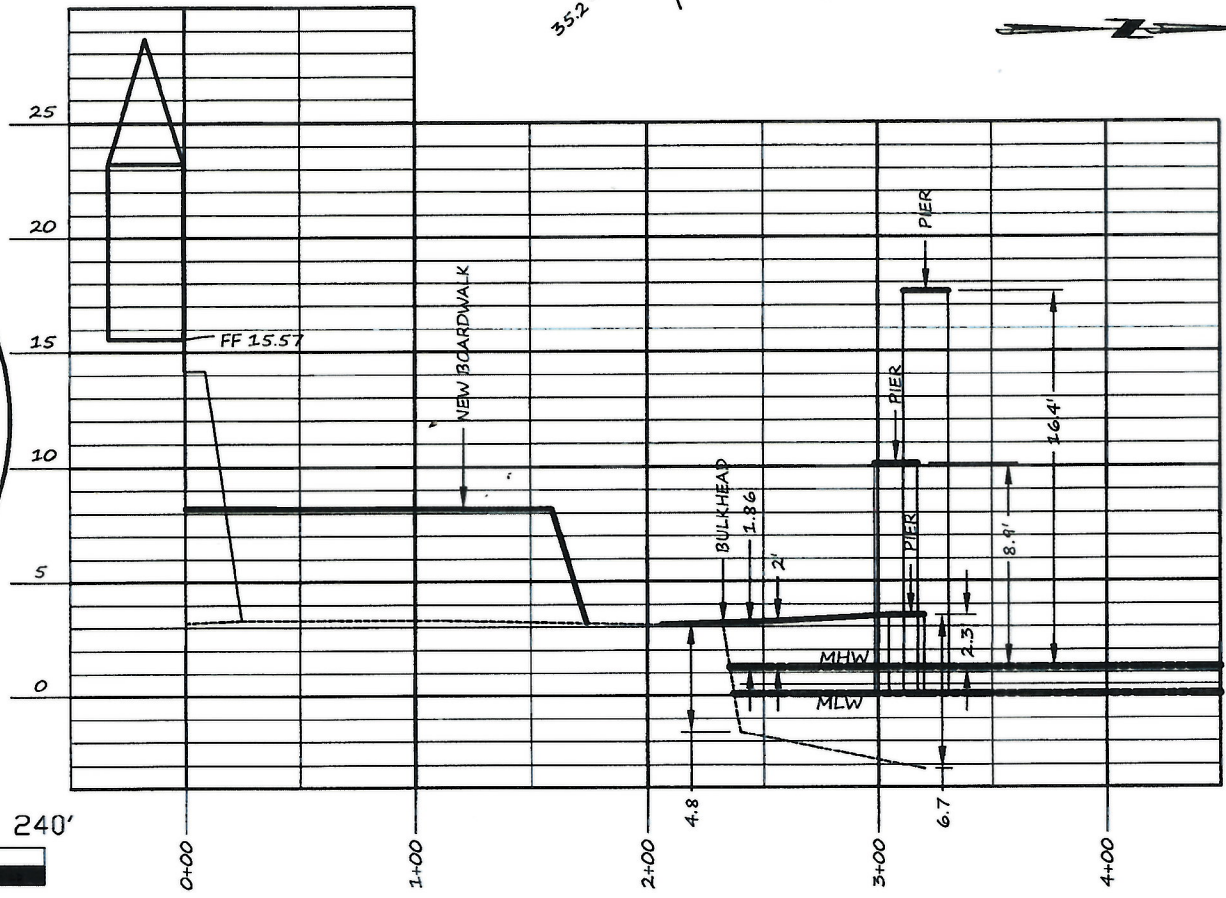
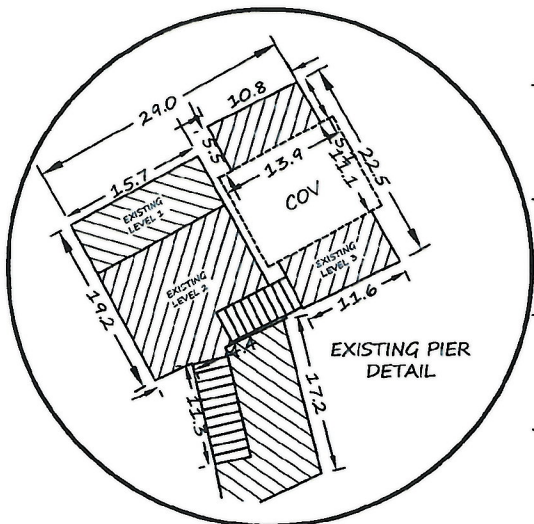
9663 AL HWY 180
PLAN-PROFILE

ALABAMA
HIGHWAY 180
330' RW

NOTE:
1992 & 2012 SHORELINE SCALED FROM
DIGITAL PHOTOGRAPHY FOUND ON THE
GOOGLE EARTH WEBSITE. ACCURACY
CANNOT BE CERTAIN.



MOBILE BAY



**WEYGAND
WILSON**
SURVEYORS

