



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-2019-00141-JCC

February 20, 2019

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

**PROPOSED FILLING OF WATERS OF THE UNITED STATES IN CONJUNCTION
WITH RECLAMATION AND STABILIZATION OF ERODED SHORELINE
IN BALDWIN COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army 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: Ms. Kista Dorgan
Post Office Box 86
Montrose, Alabama 36559

AGENT: Thompson Engineering, Inc.
Attention: Mr. John B. McFadyen
2970 Cottage Hill Road, Suite 19
Mobile, Alabama 36606

LOCATION OF WORK: The proposed project is located in eastern Mobile Bay, at 12009 County Road 1, Fairhope, Baldwin County, Alabama. Specifically, the project site is located at Latitude 30.398611° North, Longitude 87.887444° West; within Section 32 of Township 7 South, Range 2 East. The project site is located within the Alabama Coastal Zone Management Area.

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

PROPOSED WORK: The applicant proposes to construct approximately 120 linear feet of bulkhead and then backfill approximately 1,750 square feet (0.04 acre) of open water area with approximately 225 cubic yards of clean, commercially-obtained sand fill. In addition, the applicant proposes to place approximately 30 cubic yards of riprap rock along the toe of the outer section of bulkhead (120 linear feet). The riprap would extend out a maximum of 4 feet from the toe of the bulkhead. The completed reclaimed area would extend a maximum of 39 feet waterward from the existing shoreline.

The applicant also proposes to construct a 33-foot-long by 24-foot-wide boat shelter structure at the terminus of a 5-foot-wide by 200-foot-long access pier extending waterward from the reclaimed area. The boat shelter structure would feature a 11-foot-wide by 20-foot-long covered boat slip, a 23-foot by 12-foot covered deck, and a 10-foot by 12-foot uncovered crab deck.

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, which extend over 100 feet beyond the current mean high water (MHW) line. 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 would only reclaim 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 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 (SHPO) 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.

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 proposed project would impact approximately 0.04 acres (1,750 square feet) of estuarine substrate. 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. 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: West Indian manatee (*Trichechus manatus*) (T), Wood stork (*Mycteria americana*) (T), Alabama red-bellied turtle (*Pseudemys alabamensis*) (E), Eastern Indigo snake (*Drymarchon corais couperi*) (T), Gopher tortoise (*Gopherus polyphemus*) (candidate species), Green sea turtle (*Chelonia mydas*) (T), Kemp's Ridley sea turtle (*Lepidochelys kempii*) (E), Loggerhead sea turtle (*Caretta caretta*) (T), and Gulf sturgeon (*Acipenser oxyrinchus desotoi*) (T). There is no designated critical habitat within the project's action area.

Preliminary review of this application and the above list of threatened or endangered species indicate that 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.

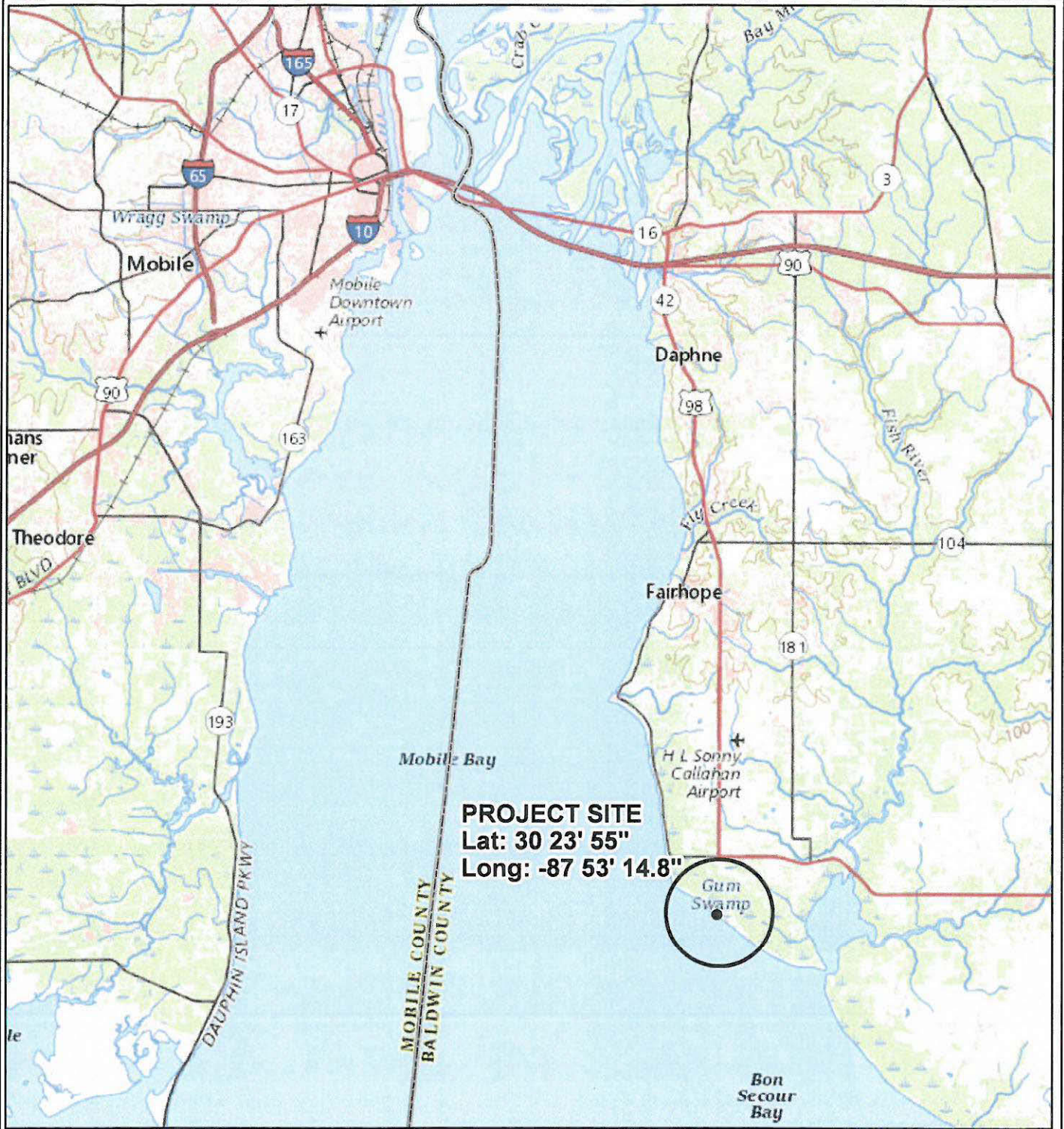
Any correspondence concerning this notice should **refer to Public Notice Number SAM-2019-00141-JCC** and should be directed to the U.S. Army Engineer District, Mobile, Regulatory Division (RD-A), Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001, or via email at: CESAM-RD@SAM.usace.army.mil. A copy of any correspondence should be sent to the Alabama Department of Environmental Management, Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608, or via email at coastal@adem.alabama.gov.

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, Ms. Jessica C. Comeaux by email at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. Please refer to the Public Notice Number SAM-2019-00141-JCC, in any communication regarding this project.

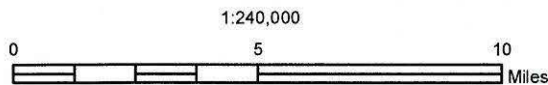
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



PROJECT SITE
 Lat: 30 23' 55"
 Long: -87 53' 14.8"



USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road Data. Data Refreshed July, 2017.

**DORGAN SHORELINE RESTORATION
 & PIER PROJECT**
 12009 COUNTY ROAD 1
 EASTERN SHORE OF MOBILE BAY
 MULLET POINT, BALDWIN COUNTY, ALABAMA

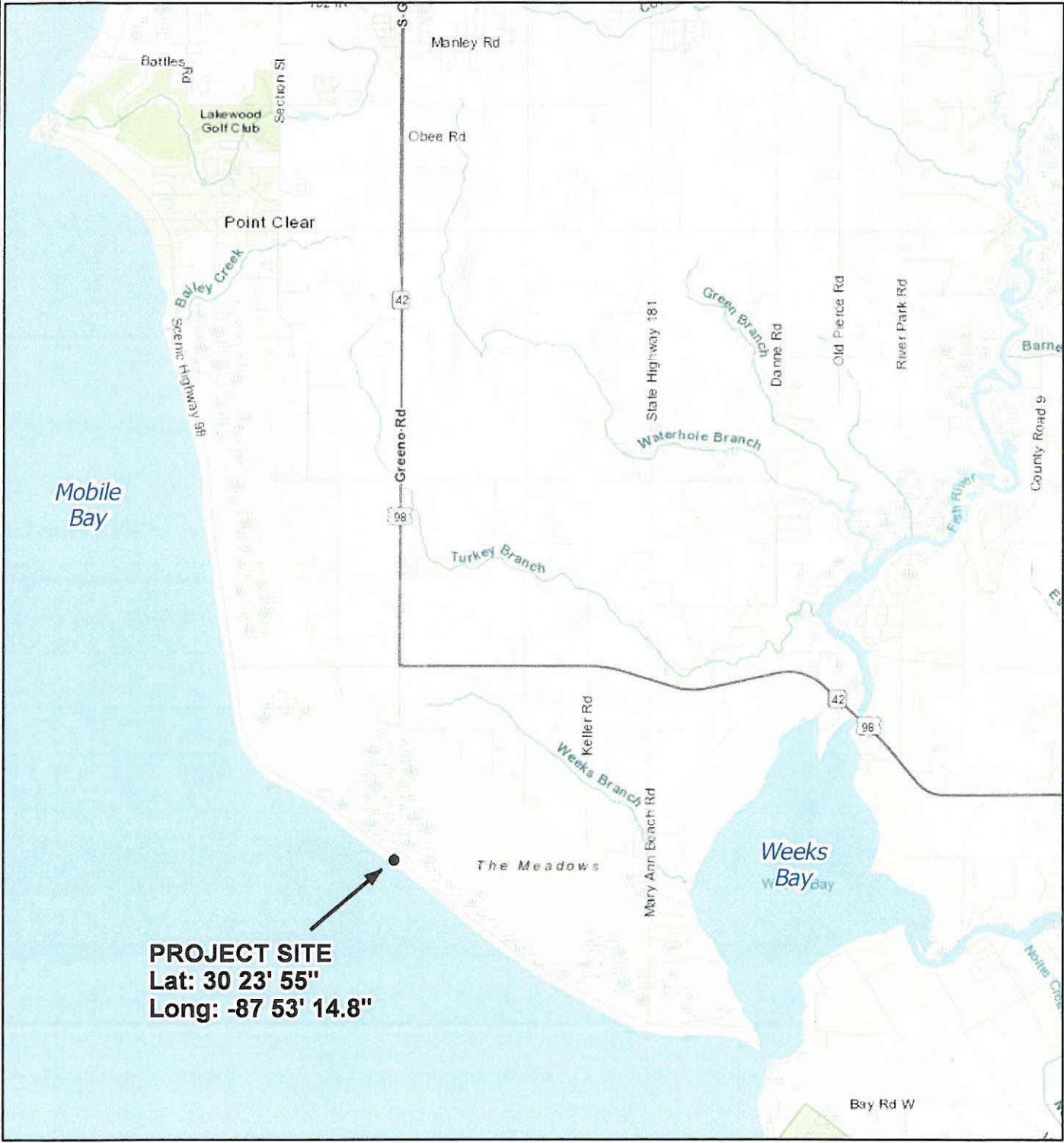


**FIGURE 1
 VICINITY MAP**

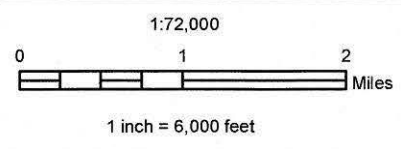
PROJECT NO.:
 19-1101-0011

DATE:
 JANUARY 2019

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PROJECT SITE
 Lat: 30 23' 55"
 Long: -87 53' 14.8"

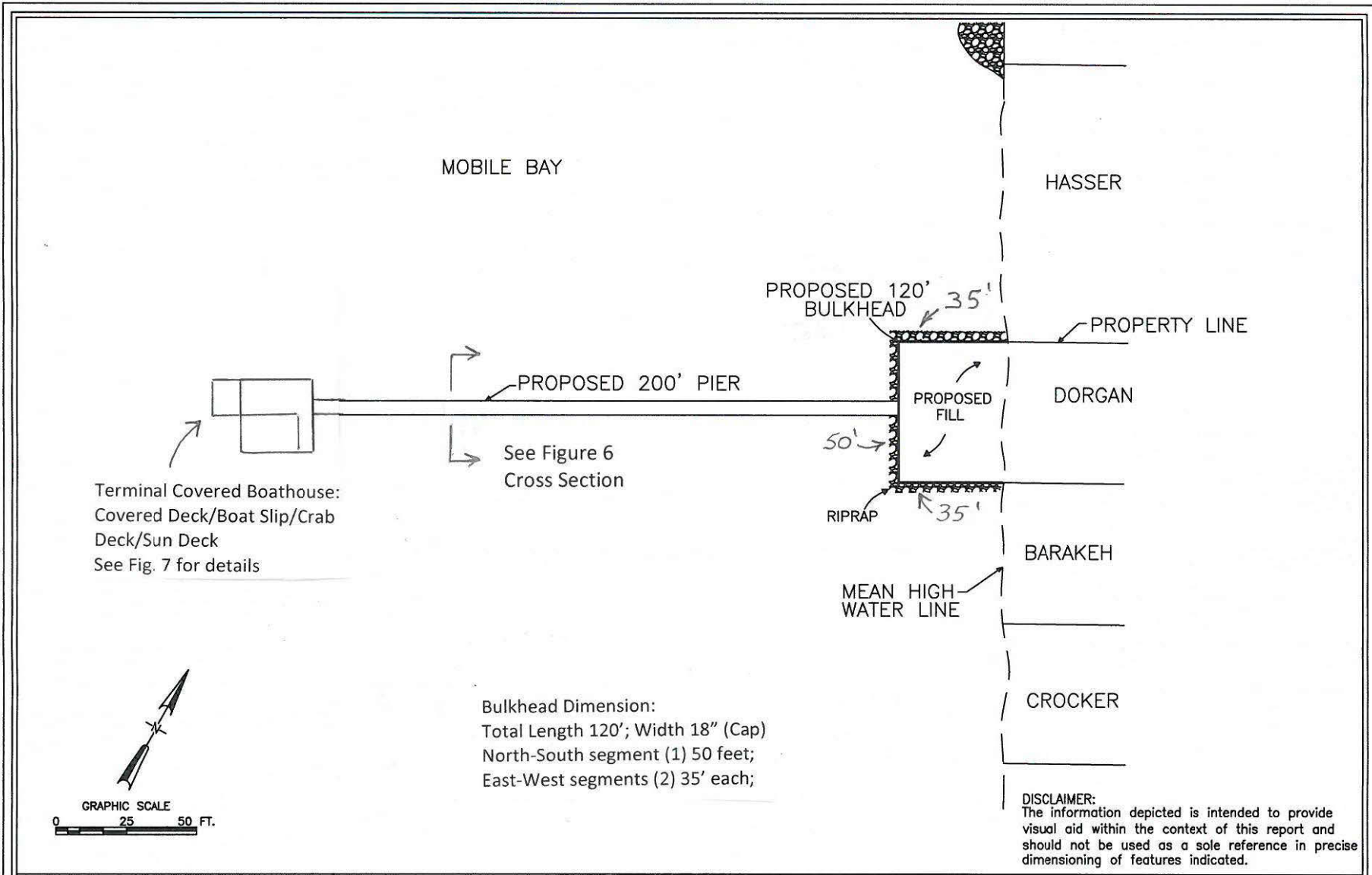


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

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FIGURE 2 LOCATION MAP	
PROJECT NO.:	DATE:
19-1101-0011	JANUARY 2019



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12009 COUNTY ROAD 1
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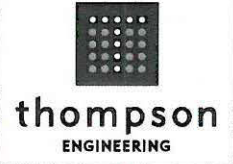
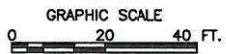
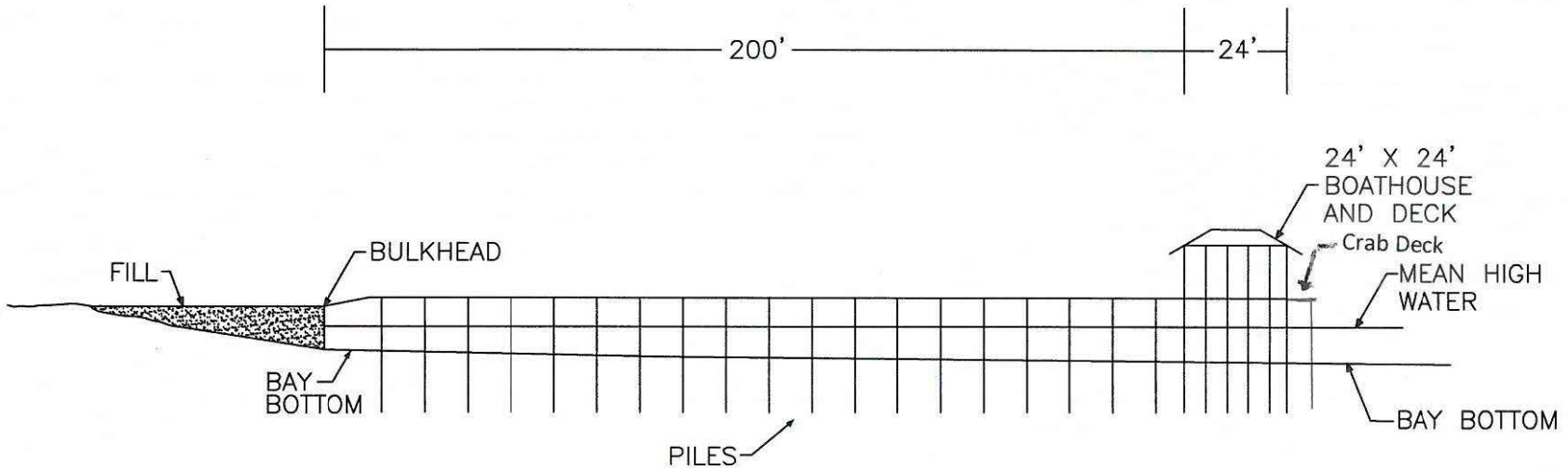


FIGURE 3
PROPOSED PROJECT PLAN

PROJECT NO:	19-1101-0011	DATE:	JANUARY 2019
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DISCLAIMER:
The information depicted is intended to provide visual aid within the context of this report and should not be used as a sole reference in precise dimensioning of features indicated.

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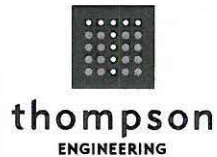
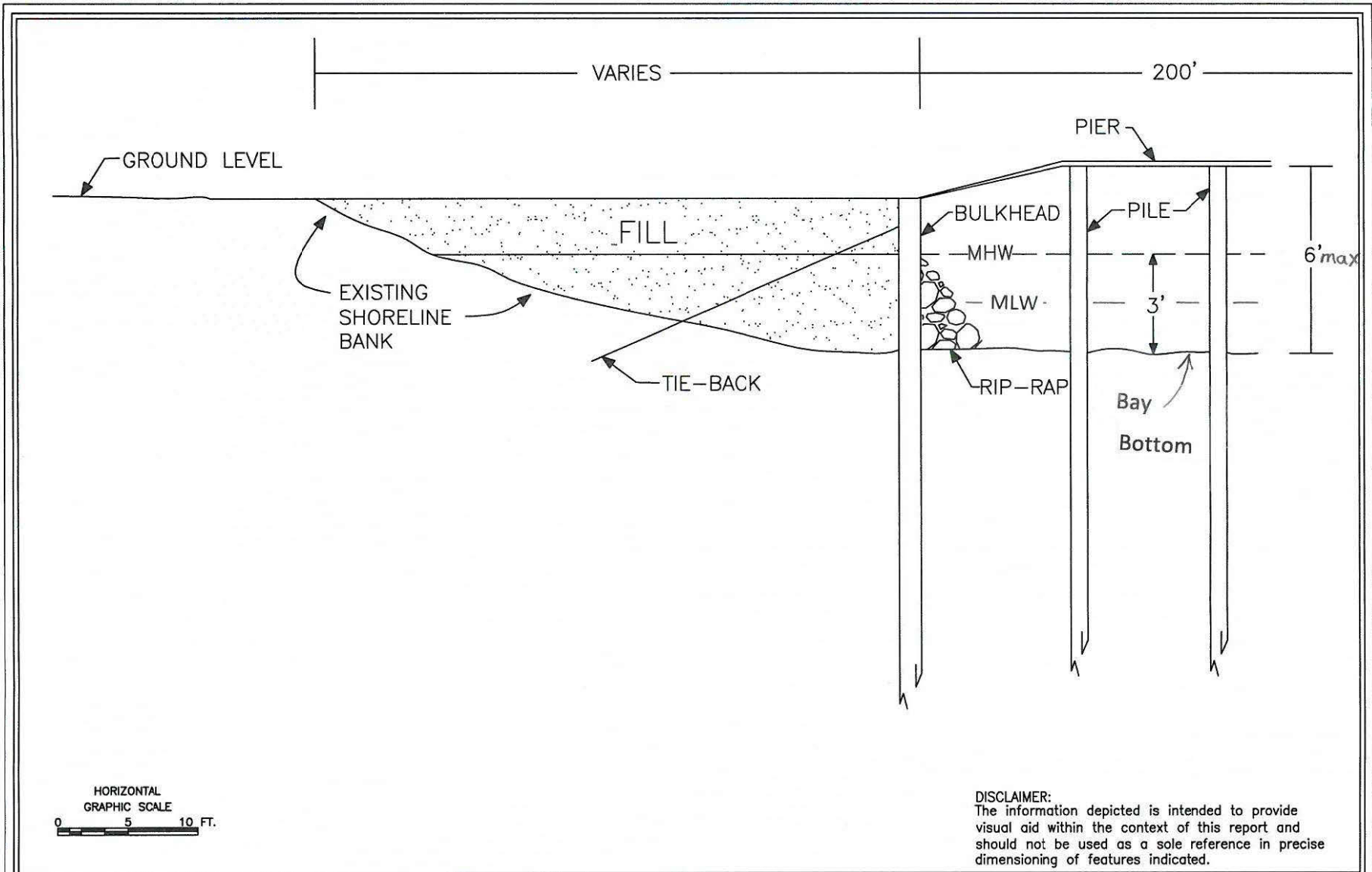


FIGURE 4
PROPOSED PROJECT PROFILE
(LOOKING SOUTH)

PROJECT NO: 19-1101-0011

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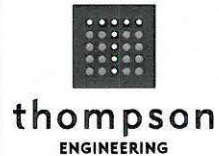
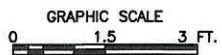
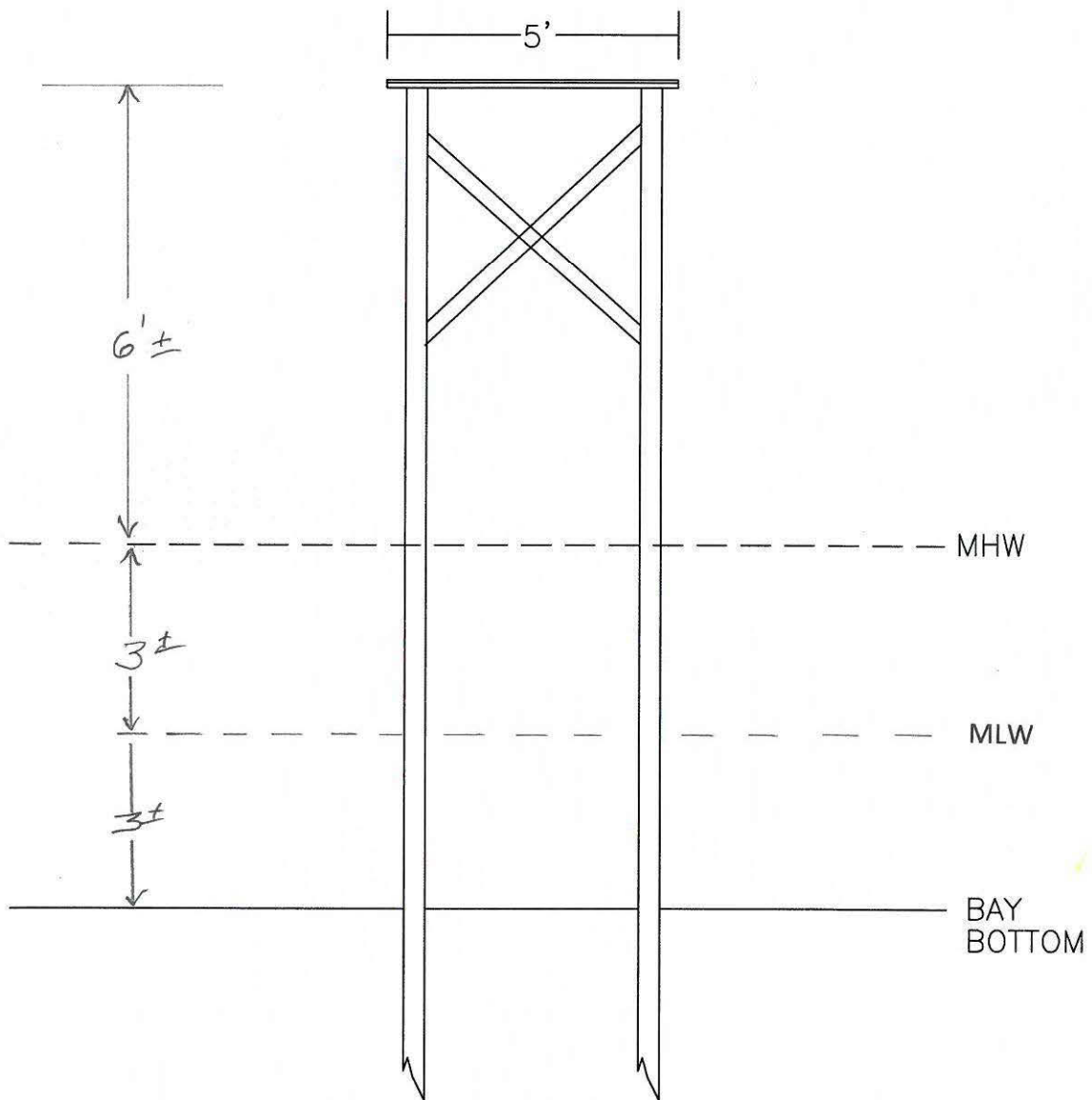


FIGURE 5
PROPOSED BULKHEAD
CROSS SECTION

PROJECT NO: 19-1101-0011

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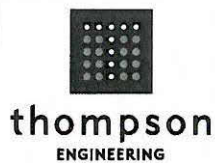
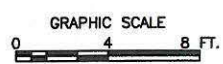
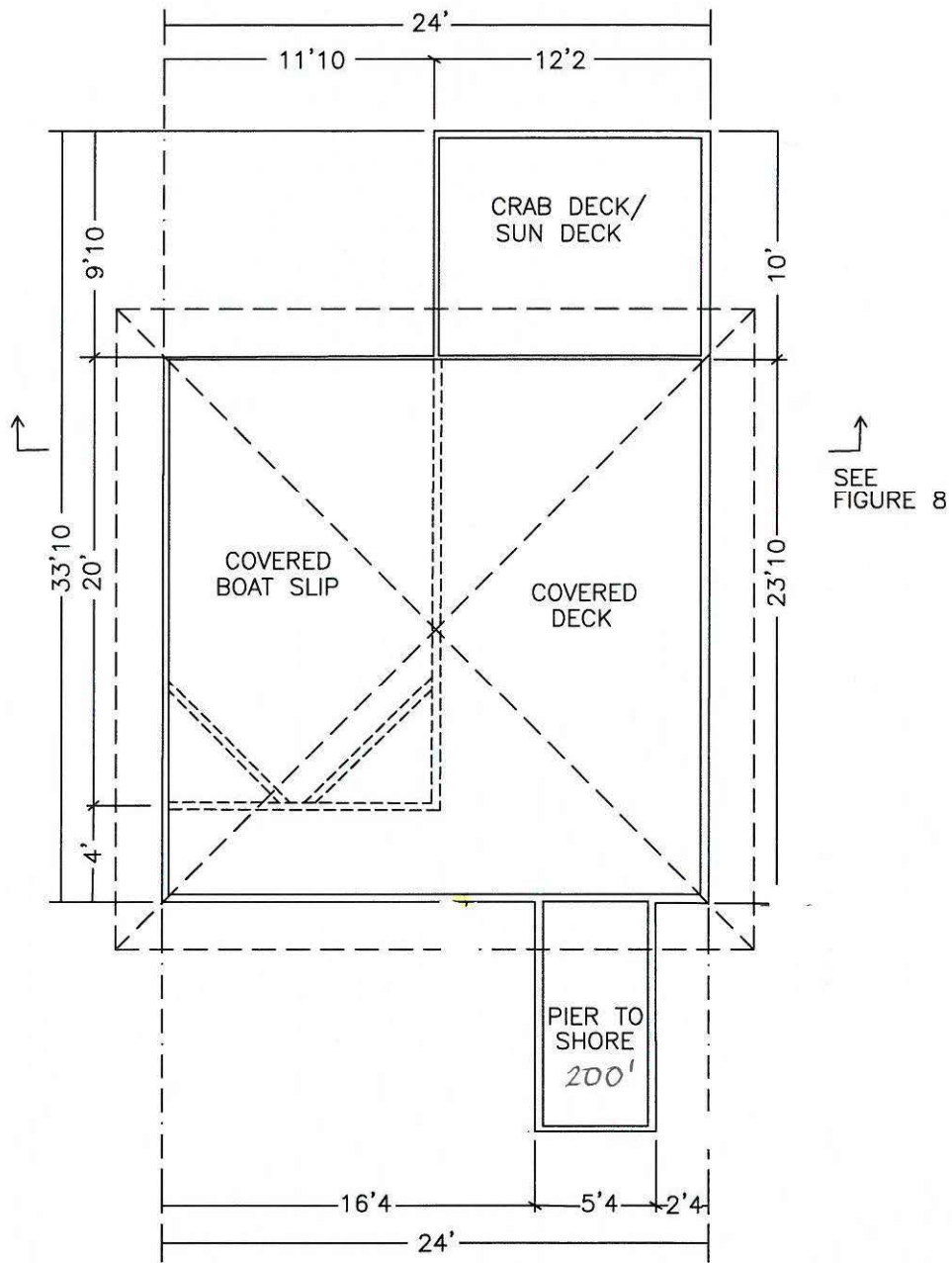


FIGURE 6
PROPOSED PIER
CROSS-SECTION

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Mobile Bay

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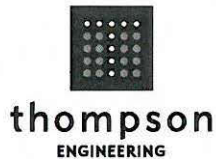
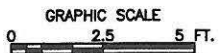
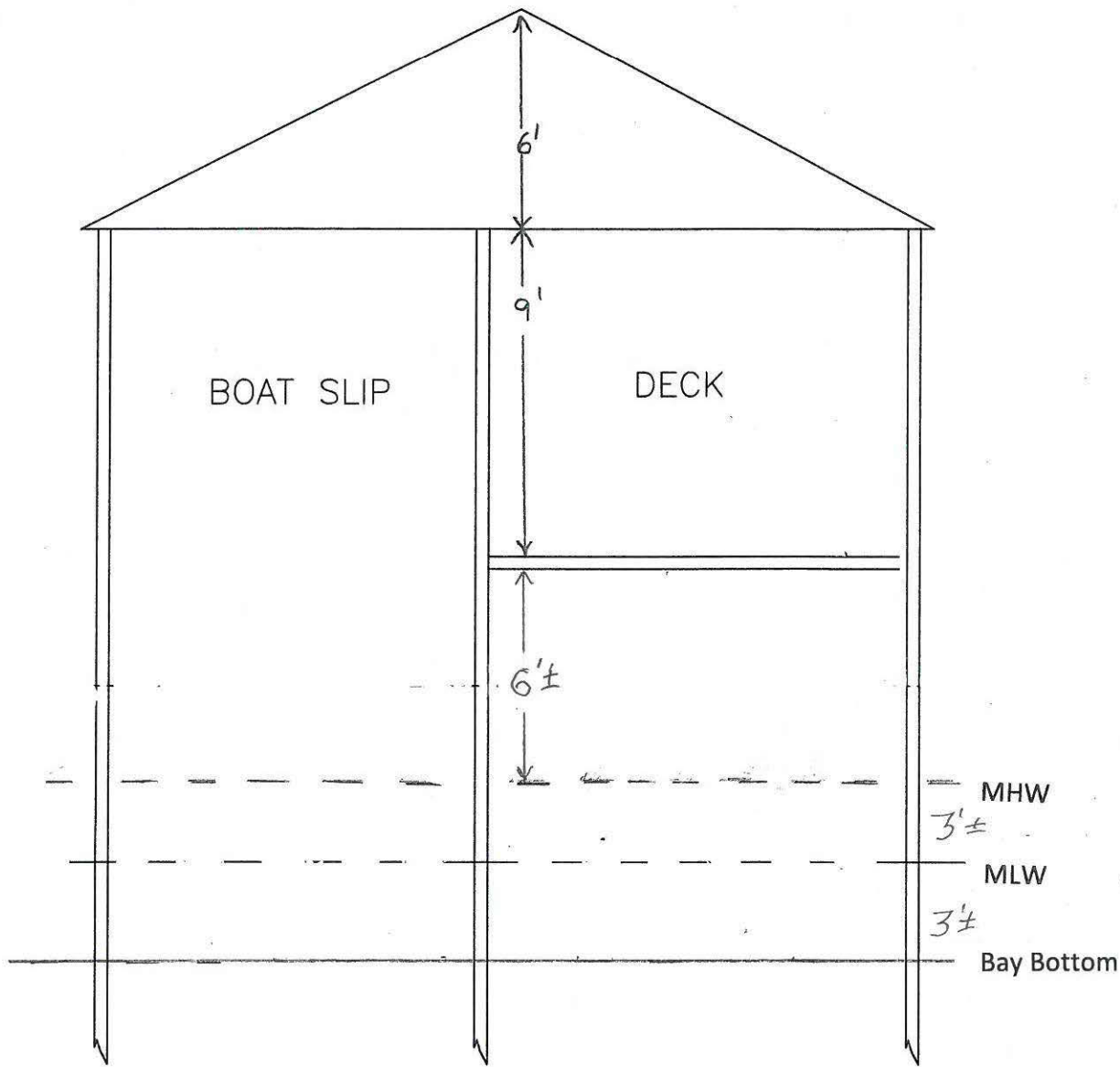


FIGURE 7
PROPOSED BOATHOUSE PLAN

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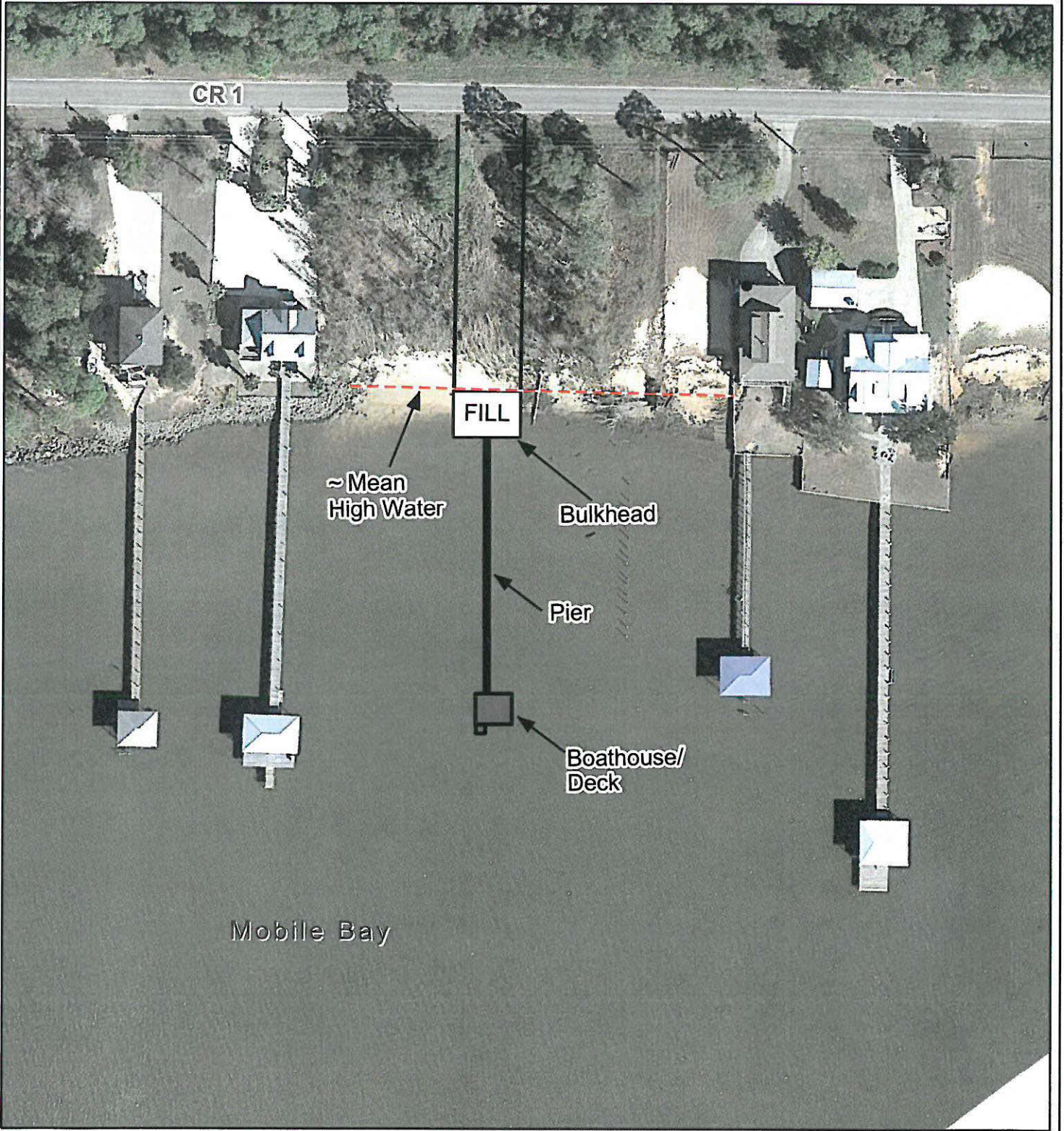
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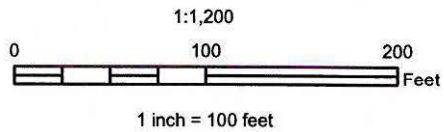
FIGURE 8
 PROPOSED BOATHOUSE
 CROSS SECTION

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NOT A SURVEY - For representation purposes only.
 Georeferenced* Google Earth November 18, 2017 Image.

*Georeferencing defines the location of a non-spatial dataset to existing spatial data (target data) that resides in map coordinate system using a series of ground control points. Control points are locations that can be accurately identified on the raster dataset and in real-world coordinates. Due to the nature of georeferencing and the accuracy of control points and resulting warping of the original raster, the georeferenced image varies in accuracy.



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**DORGAN SHORELINE RESTORATION
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 12009 COUNTY ROAD 1
 EASTERN SHORE OF MOBILE BAY
 MULLET POINT, BALDWIN COUNTY, ALABAMA



**FIGURE 9
 AERIAL VIEW**

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