



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-2019-00316-CDJ

September 23, 2019

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

**REQUEST TO FILL 0.033 ACRE OF JURSDICTIONAL WATERS IN CONJUNCTION  
WITH THE CONSTRUCTION OF A BULKHEAD ON BAYOU ST. JOHN, ONO ISLAND  
SUBDIVISION, 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:** Mr. James Lewis  
Post Office Box 20  
Demopolis, Alabama 36732

**LOCATION:** The project is located on Bayou St. John, at 3993 (Lot 14) Pompano Key; within Section 11, Township 9 South, Range 5 East; at Latitude 30.284023° North, Longitude -87.533314° West; in the Ono Island Subdivision, Orange Beach, Baldwin County, Alabama.

**PROJECT PURPOSE:** The project purpose is to provide shoreline stabilization and protection and reclaim fee simple property lost to erosion.

**PROPOSED WORK:** The applicant has proposed to construct approximately 125 linear feet of bulkhead along the shoreline of residential property fronting Bayou St. John, with approximately 76 linear feet installed waterward of the High Tide Line (HTL). The bulkhead would tie in to an existing neighboring bulkhead at the northwest corner of the lot and run eastward approximately 60 feet. All of this section of bulkhead would be located waterward of the HTL. A 30-foot return wall bulkhead would connect the 60-foot section with an additional 35 linear feet of bulkhead which would tie in to a neighboring bulkhead at the eastern end of the shoreline. Approximately 16 feet of the return wall would be located waterward of the HTL, with the remaining 14 feet located landward.

The bulkhead would be installed 6 feet below grade, with 6 feet of the structure extending above the plane of Mean High Water (MHW). The applicant would place approximately 350 cubic yards of clean, commercially obtained sand for back-fill behind the bulkhead structure in order to continue the grade of upland lot. Approximately 1,430 square feet (0.033 acre) of open water area would be backfilled, with 28 cubic yards of back-fill placed below the plane of the HTL.

The applicant also proposes construction of an access pier and boat shelter on the subject property. These structures are being reviewed separately for potential authorization under the Alabama Regional General Permit Program.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated the proposed bulkhead plan represents the minimum footprint necessary for shoreline protection and stabilization while reclaiming lost fee simple property, thereby minimizing impacts to the maximum extent practicable. Under the proposed plan approximately 76 linear feet of the bulkhead would be placed waterward of the HTL and 49 linear feet would be landward. Construction Best Management Practices (BMPs) will be utilized to prevent loss of fill and sediment to the waterway during bulkhead construction activities. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts at this time.

**MITIGATION:** The applicant has provided parcel survey data from 1994 and 2019 showing ownership of the 1,430 square feet (0.033 acre) of water-bottoms to be reclaimed under this project proposal, and has not provided a statement of mitigation. The USACE, Mobile District would likely not require mitigation for this activity.

**WATER QUALITY:** 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 immediately adjacent portions of the upland residential lot impacted by the construction activity. 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 the USACE 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 1,430 square feet (0.033 acre) of unvegetated, estuarine shallow water substrate 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. Our final determination is subject to review by and coordination with the National Marine Fisheries Service.

**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 Perdido Pass – Frontal Gulf of Mexico 12 digit HUC 031401070204 boundary: Alabama beach mouse (E), Perdido Key beach mouse (E), West Indian manatee (T), piping plover (T), red knot (T), wood stork (T), eastern indigo snake (T), gopher tortoise (candidate species), green sea turtle (T), Kemp's ridley sea turtle (E), and loggerhead sea turtle (T). There is no designated critical habitat within the project's action area. This preliminary determination is being coordinated with the USFWS via this Public Notice for any possible comments.

**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 U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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-2019-00316-CDJ**, and should be directed to the project manager, Ms. Dianne Jordan by e-mail at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Dianne Jordan, 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](mailto: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.** If you have any questions concerning this publication, you may contact Ms. Dianne Jordan by e-mail at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or (251) 694-3885. Please refer to the above Public Notice Number SAM-2019-00316-CDJ, 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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

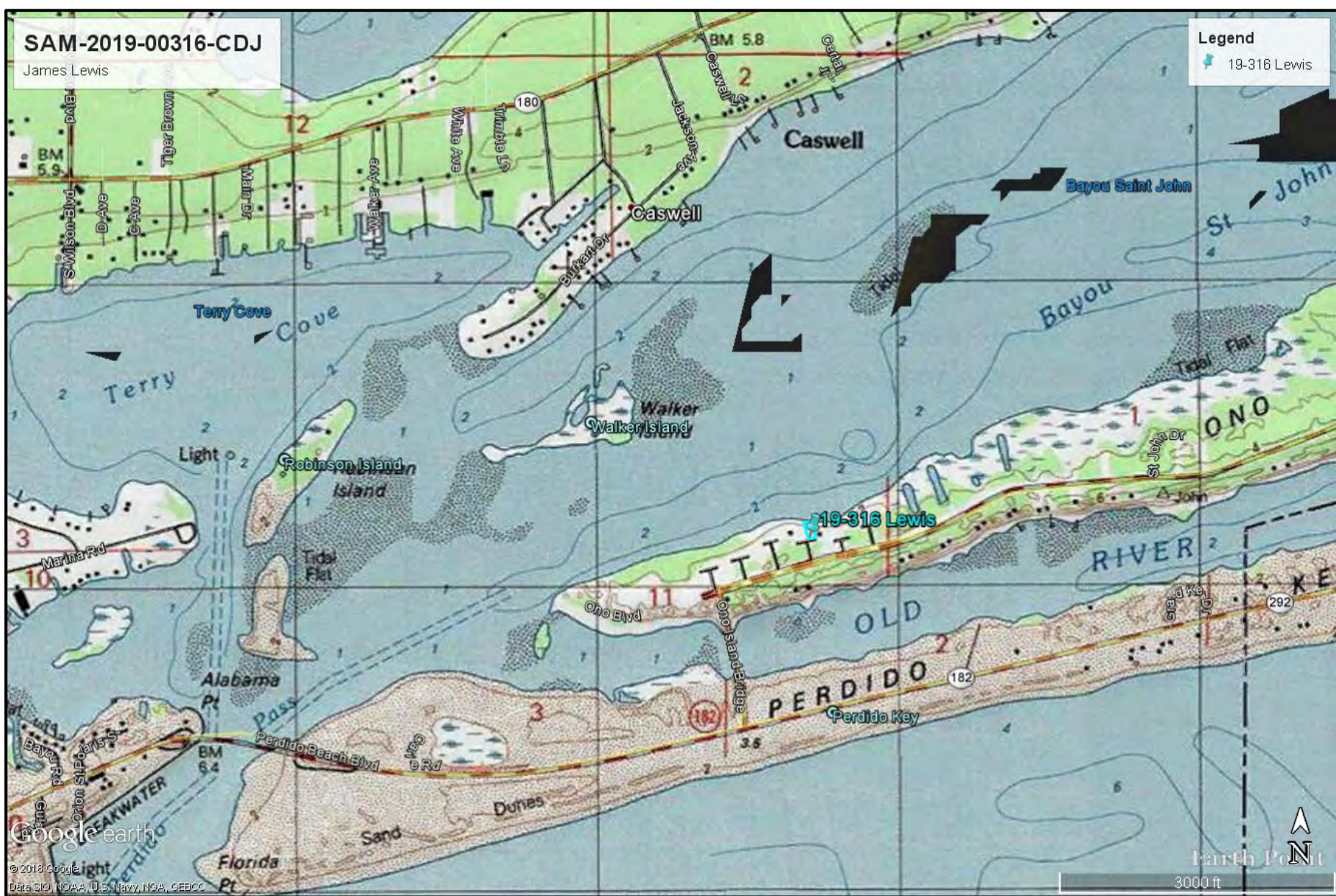
Attachments

SAM-2019-00316-CDJ

James Lewis

Legend

19-316 Lewis



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SAM-2019-00316-CDJ

James Lewis

Bayou St. John

Legend

19-316 Lewis



Google earth

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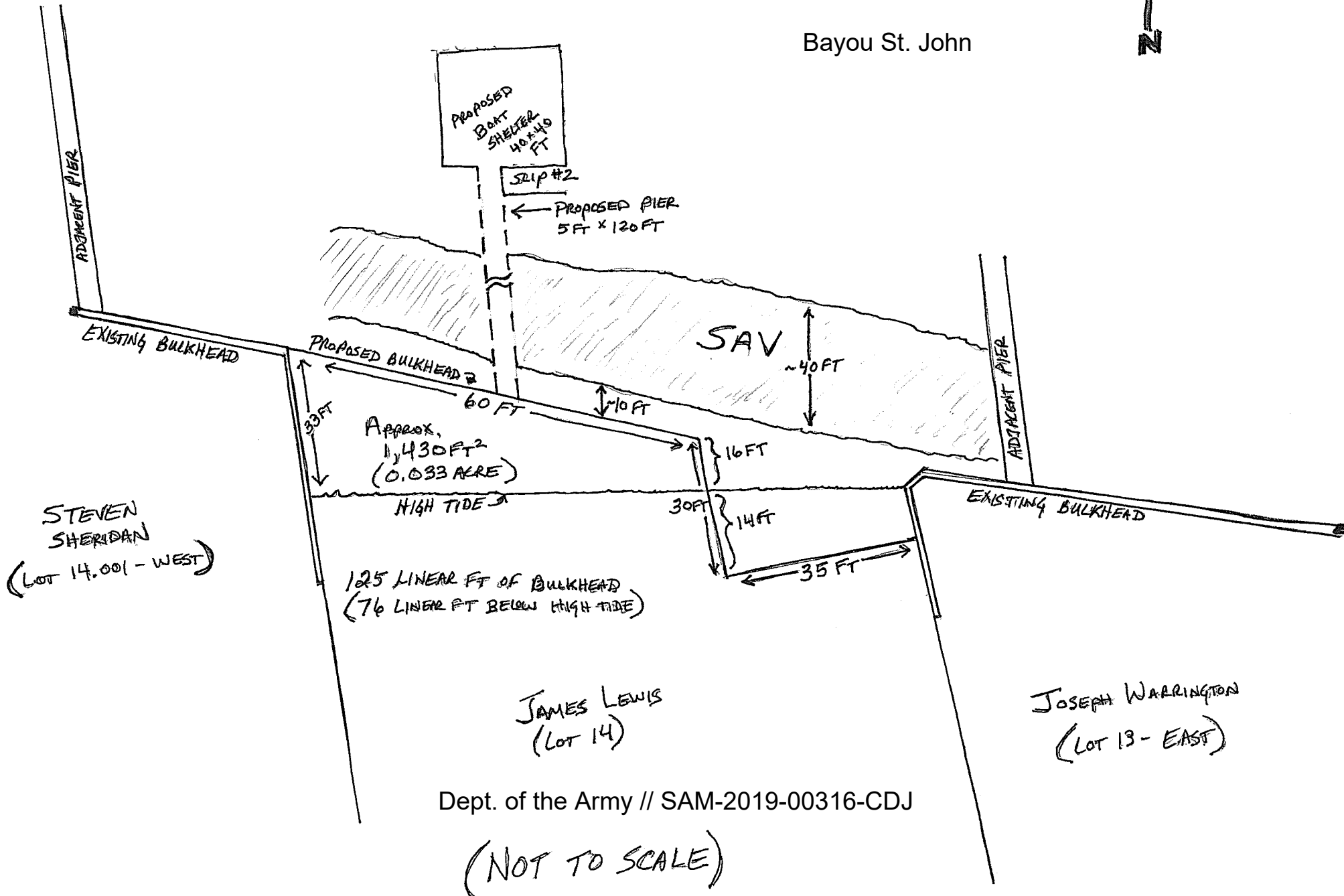
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BULKHEAD DEVELOPMENT PLAN VIEW  
FOR JAMES LEWIS  
3993 POMPADO KEY  
ORANGE BEACH, AL 36561



Bayou St. John



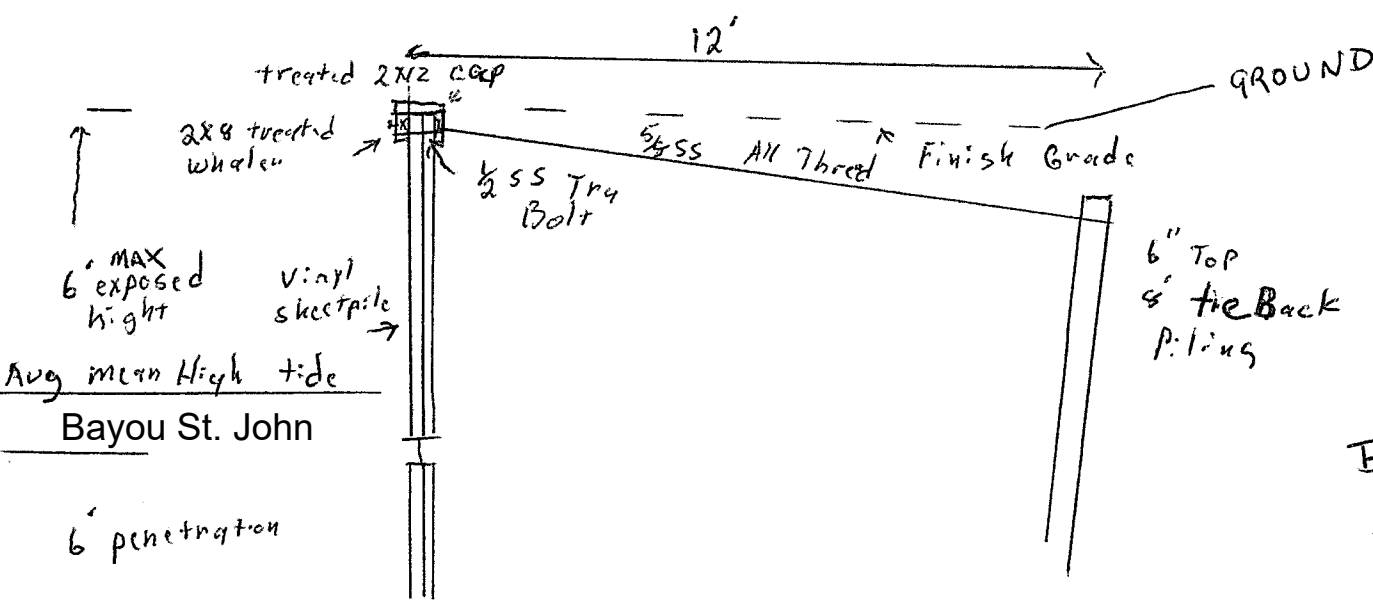
STEVEN SHERIDAN  
(LOT 14.001 - WEST)

JAMES LEWIS  
(LOT 14)

JOSEPH WARRINGTON  
(LOT 13 - EAST)

Dept. of the Army // SAM-2019-00316-CDJ

(NOT TO SCALE)



BULKHEAD SECTION

Bulkhead Development Plan  
 for  
 JAMES LEWIS  
 3993 Pompano Key  
 Orange Beach AL 36561