



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-2019-00505-DCH

March 17, 2020

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

**REQUEST TO CONSTRUCT A NEW PIER AND BOAT SHELTER, DREDGE 0.42 ACRE OF  
OPEN WATERS FOR NAVIGATION, AND DISCHARGE FILL MATERIAL INTO 0.11 ACRE  
OF OPEN WATERS TO STABILIZE AN ERODING SHORELINE IN ELBERTA, 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. Jason Smith  
410 Wild Hill Road  
Woodstock, Georgia 30188

**AGENT:** EcoSolutions, Inc.  
Attention: Mr. Thomas Hutchings  
Post Office Box 361  
Montrose, Alabama 36559

**LOCATION:** Hammock Bay, 7921 Bayshore Drive, Section 21, Township 8 South, Range 5 East; Latitude 30.339015, Longitude -87.576976; Elberta, Baldwin County, Alabama.

**PROJECT PURPOSE:** The basic project purpose is to provide access to navigable waters and prevent shoreline erosion. The overall project purpose is to provide on-site storage of recreational watercraft, access to navigable waters, and to restore and protect an eroding shoreline and tidal marsh.

**PROPOSED WORK:** The applicant proposes to construct a new 42-foot-wide by 52-foot-long boat shelter containing two (2) residential boat slips. The proposed boat shelter would be accessed by a 5-foot-wide by 404-foot-long boardwalk and pier structure, constructed at a height of 5 feet above the plane of Mean High Water (MHW). The structure would extend a total of 135 feet into the waters of Hammock Bay from the MHW shoreline. The applicant proposes to hydraulically dredge 787 cubic yards of sandy waterbottoms within a 14,160 square foot (0.33 acre) area in an existing navigational channel to a depth of -6-feet below the plane of MHW. The applicant also proposes to hydraulically dredge 444 cubic yards of sandy waterbottoms within a 4,000-square-foot (0.09 acre) area adjacent to the proposed boat shelter to provide access to the existing channel. Dredged material would be dewatered in a 1,120-square-foot area adjacent to the project site. The applicant proposes to discharge 400

cubic yards of dewatered dredged material within a 2,250-square-foot (0.05 acre) area of open water bottoms to create a sandy pocket beach. Creation of the pocket beach would include fill impacts to approximately 42 square feet (0.0009 acre) of tidal marsh at the west end of the proposed beach system. The applicant also proposes to discharge 140 cubic yards of dewatered dredged material within a 2,500-square-foot (0.06 acre) area of open water bottoms to restore an area of eroding tidal marsh on the west side of the main navigation channel. The applicant proposes to stabilize the beach and marsh restoration areas utilizing four (4) new timber headland breakwater structures. Two (2) breakwater structures would measure 30-feet-long with 9-foot wing walls on the seaward ends; one (1) breakwater structure would measure 40-feet-long with 9-foot long wing walls; and one (1) breakwater structure would measure 20-feet-long with a 10-foot long wing wall. An existing 37-foot-long jetty structure at the west end of the proposed pocket beach would be replaced and include a new 19-foot-long wing wall.

**AVOIDANCE AND MINIMIZATION:** The applicant has proposed to utilize floating turbidity curtains to enclose the pocket beach during placement of dredged material in order to minimize potential for turbidity in the waterway. Dredged material would be dewatered in an enclosed cell surrounded by earthen berms and silt fencing. The proposed access pier would be constructed with 0.75-inch spacing between deck boards and would be limited in width to reduce shading effects to tidal marsh. 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 provision of compensatory mitigation has not been proposed. The U.S. Army Corps of Engineers (USACE), Mobile District has not verified the adequacy of the applicant's mitigation efforts at this time.

**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, 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).

**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 proposed fill areas and portions of the adjacent property that would be utilized for construction access and equipment and materials staging. 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 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.

**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 22,910 square feet (0.53 acre) of estuarine substrate and water column as a result of dredging, pocket beach creation, marsh restoration, and pier/boathouse construction, and approximately 42 square feet (0.0009 acre) of tidal marsh utilized by various life stages of various marine species. The proposed project would result in the restoration of 2,500-square-foot (0.06 acre) of tidal marsh which has eroded along the west side of the existing navigation channel. Our initial determination is that the proposed action would have a minimal adverse impact on EFH or federally managed fisheries due to the minor area of impact and proposed restoration activities. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service (NMFS).

**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 that the proposed activity may affect, but is not likely to adversely affect the West Indian manatee (T) and will have no effect on the following listed endangered or threatened species with the potential to exist within the action area: Wood Stork (T), and Eastern Indigo Snake (T). There is no designated critical habitat within the project 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-2019-00505-DCH**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Mr. Dylan C. Hendrix**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at [dylan.c.hendrix@usace.army.mil](mailto:dylan.c.hendrix@usace.army.mil), or (251) 694-3772. Copies of all comments should be furnished to the ADEM 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.

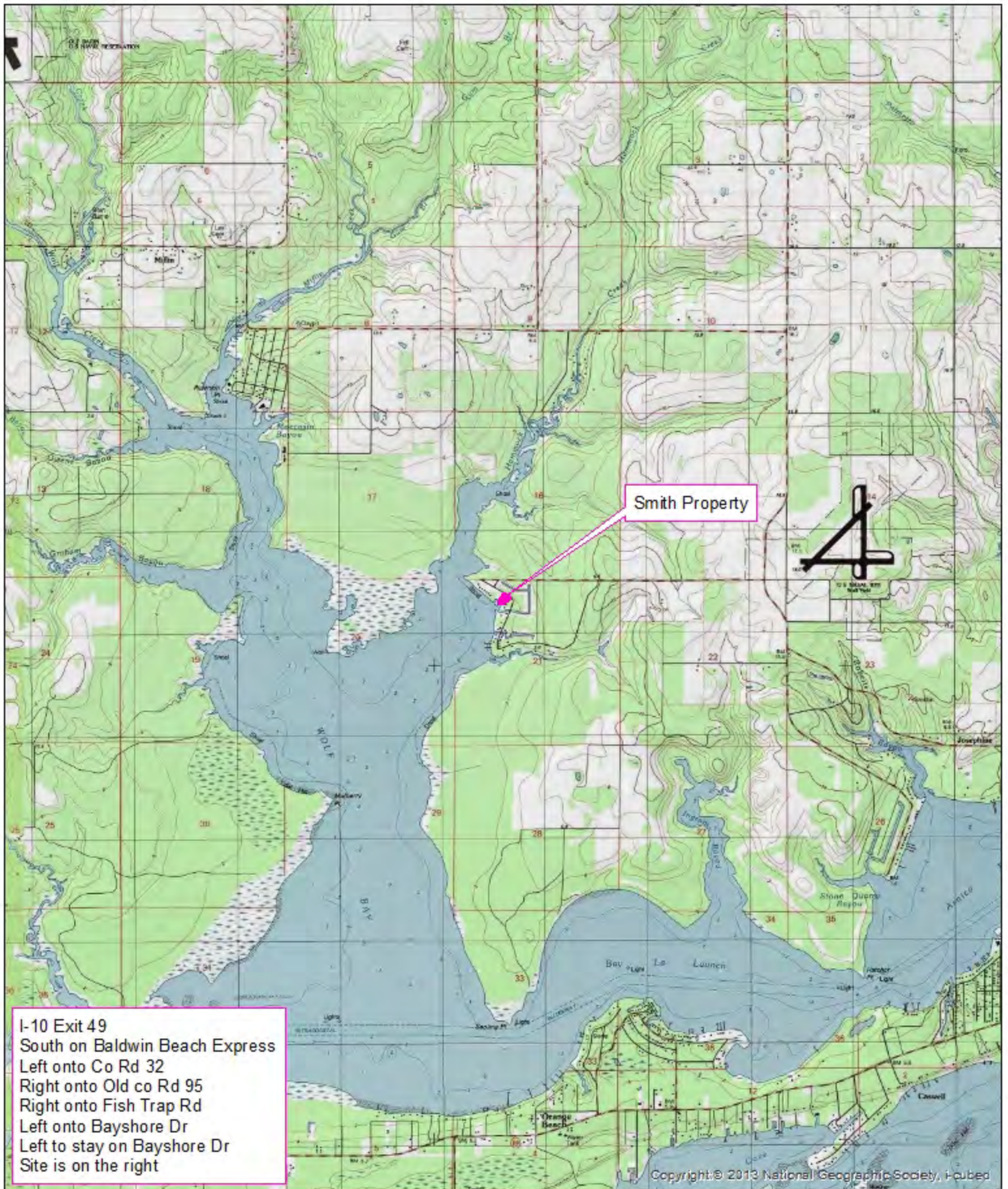
**All comments should be received no later than 30 days from the date of this Public Notice.**

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



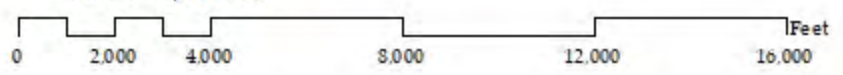


I-10 Exit 49  
 South on Baldwin Beach Express  
 Left onto Co Rd 32  
 Right onto Old co Rd 95  
 Right onto Fish Trap Rd  
 Left onto Bayshore Dr  
 Left to stay on Bayshore Dr  
 Site is on the right

**EcoSolutions**  
ENVIRONMENTAL CONSULTING & DESIGN  
 P.O. Box 361 Montrose, AL 36559  
 Phone: 251-621-5006 Fax: 251-621-5058

Project: Smith Bayshore  
 Applicant: Jason Smith  
 1 inch = 4,000 feet

T-8-S, R-5-E, Sect.21  
 Elberta, AL







Smith Property  
PIN 19305

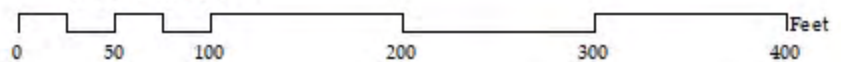
Smith Property  
PIN 43791



P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

Project: Smith Bayshore  
Applicant: Jason Smith

1 inch = 100 feet

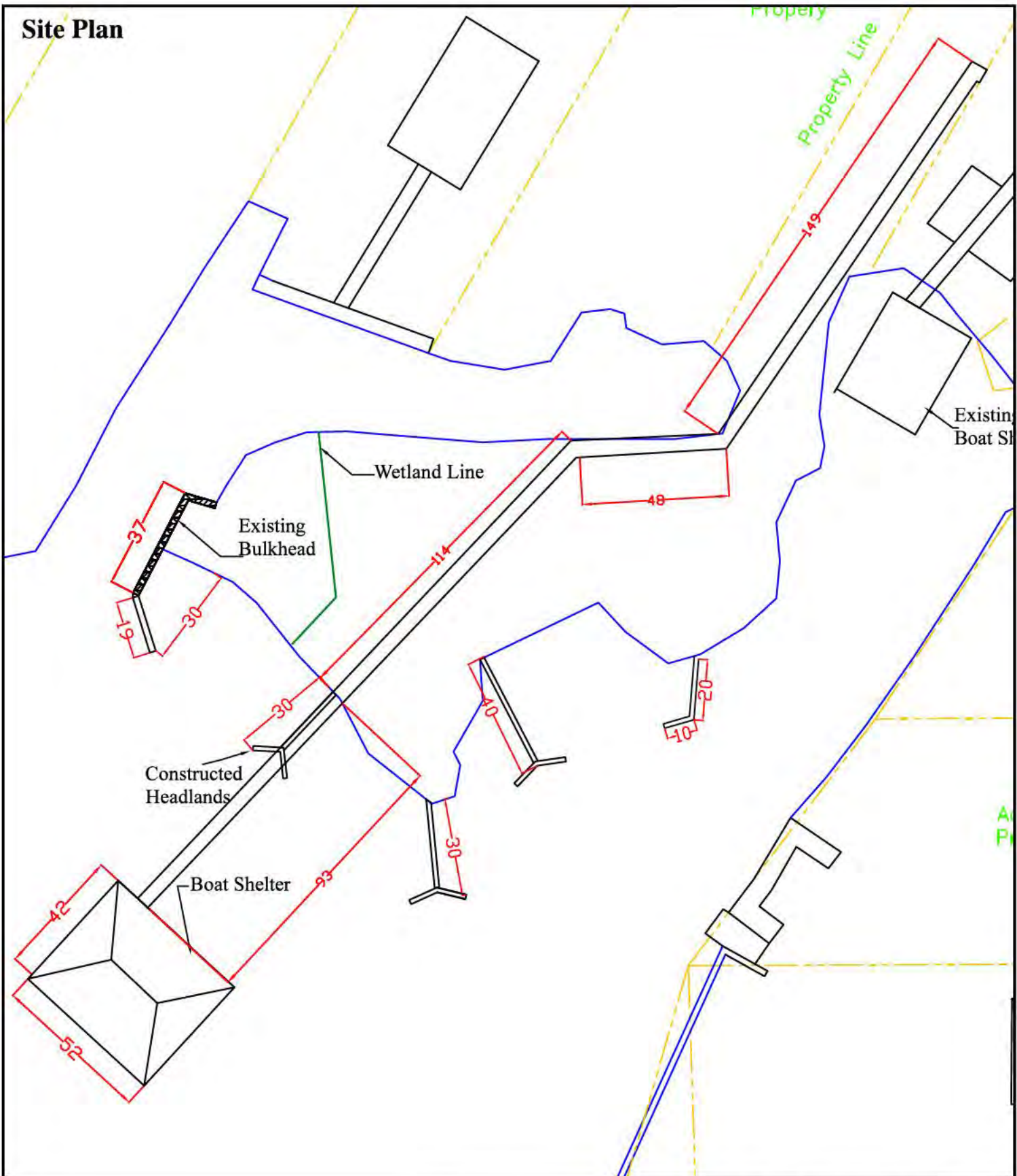


T-8-S, R-5-E, Sect.21  
Elberta, AL





**Site Plan**



All Measurements  
are made in feet

**Smith Boat Shelter Plan**



P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

Drawings are for permitting only and should not be used for construction.  
A survey should be performed prior to placement of structures.

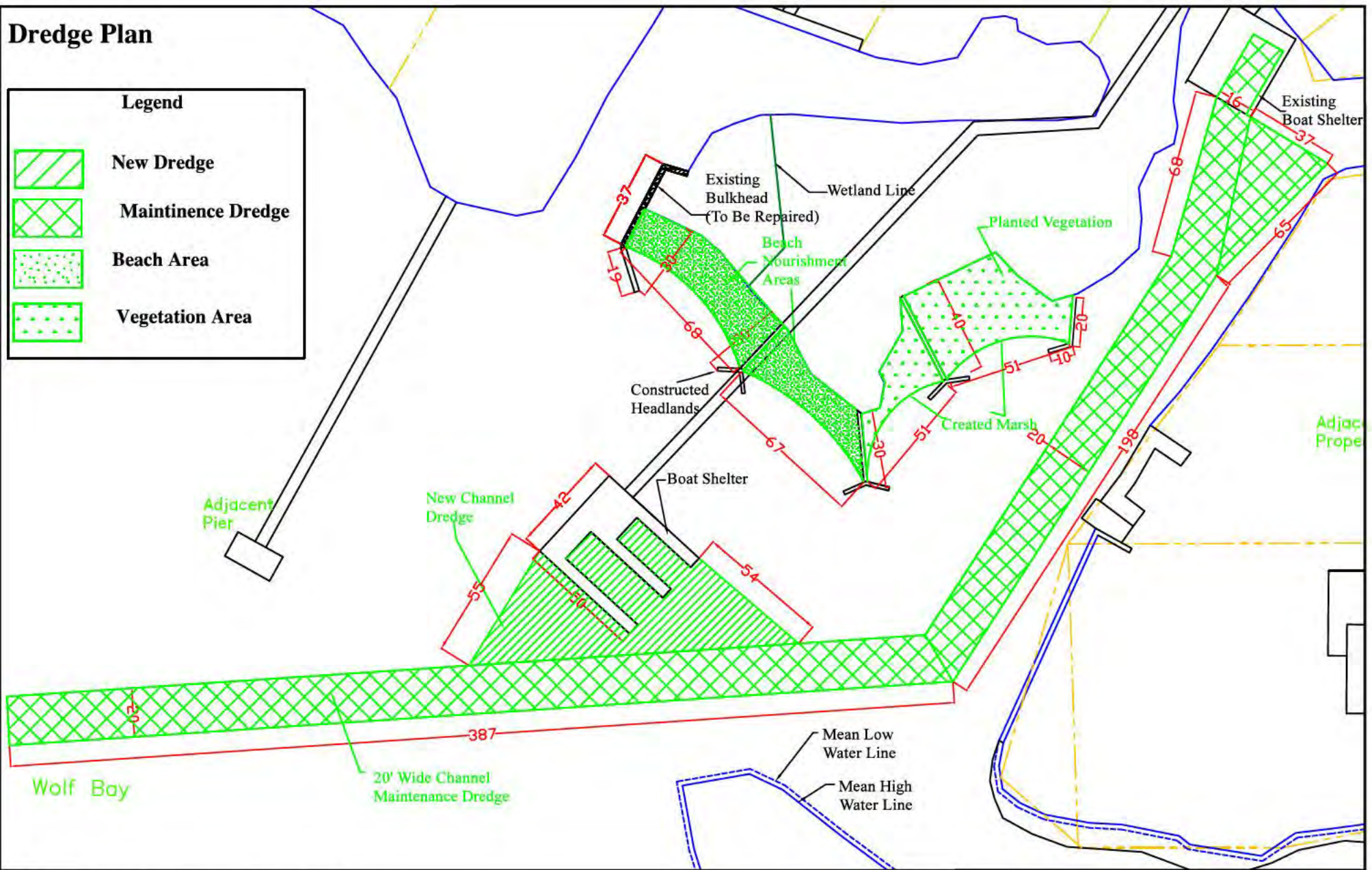
PREPARED FOR Jason & Michelle Smith 7921 Bayshore Drive Eberta, AL	DESIGNED BY L. Karcher	DATE OF LAST REVISION Aug. 30, 2019	FILE Smith Property 11.3.18
SCALE AS STATED		SHEET 1	



# Dredge Plan

## Legend

-  New Dredge
-  Maintenance Dredge
-  Beach Area
-  Vegetation Area



New Dredge Area: 4,000 sq ft  
 Dredge Volume: 444 cu yds  
 Maintenance Dredge Area: 14,160 sq ft  
 Maintenance Dredge Volume: 787 cu yds

Drawings are for permitting only and should not be used for construction.  
 A survey should be performed prior to placement of structures.

All Measurements are made in feet

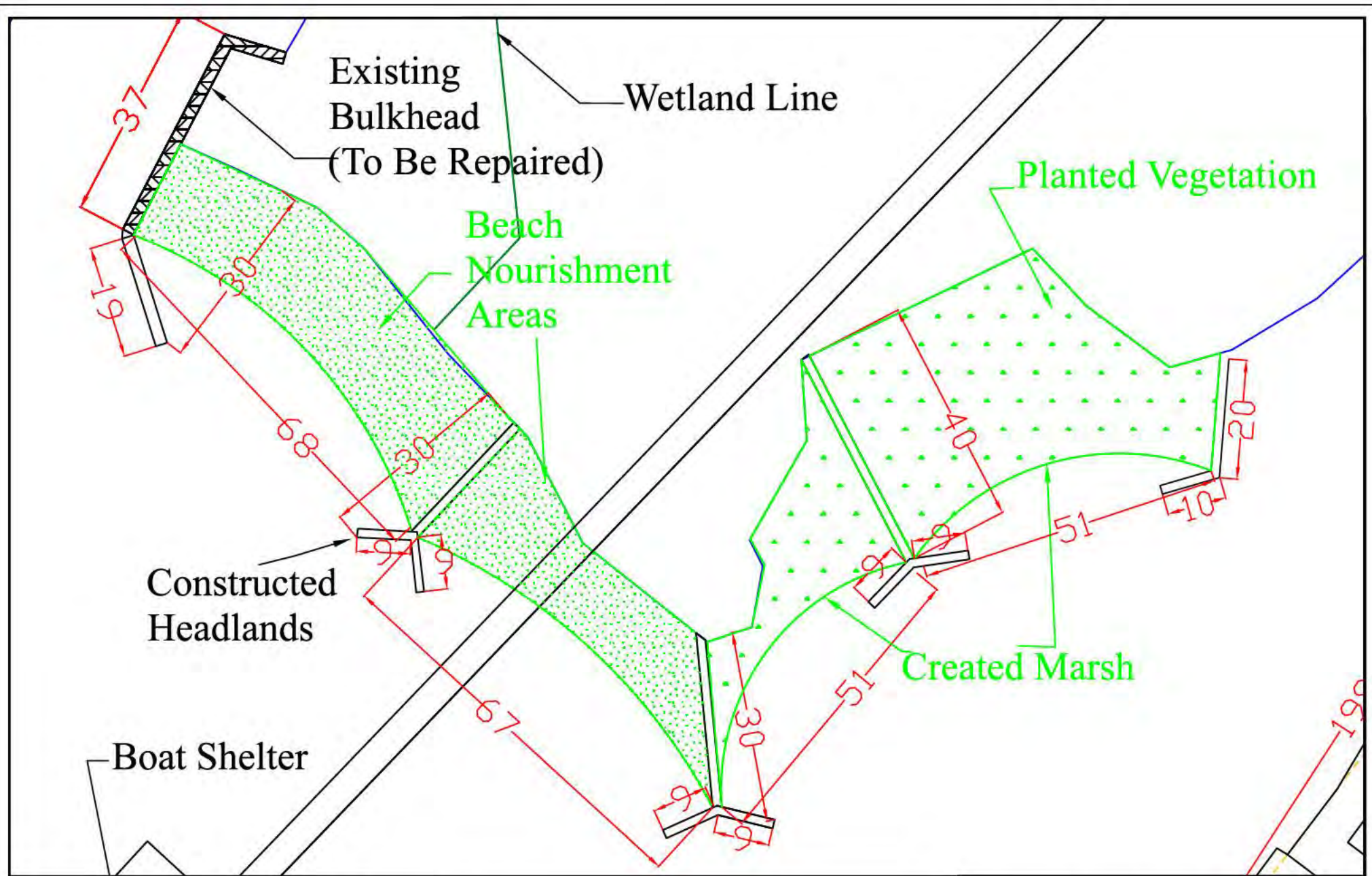
## Smith Dredge Plan



P.O. BOX 361  
 MONTROSE, AL 36559  
 (251) 621-5006

PREPARED FOR Jason & Michelle Smith 7921 Bayshore Drive Eufaula, AL	DRAWN BY L. Karcher CHECKED BY T. Hatchings	DATE OF LAST REVISION Aug 30, 2019 SCALE AS STATED	FILE Smith Property 11.3.18 SHEET 4
--	--	--	---





Beach Nourishment Area = 2,250 sq ft  
 Beach Nourishment Volume = 400 cu yds  
 Created Marsh Area = 2,500 sq ft  
 Created Marsh Volume = 140 cu yds

Drawings are for permitting only and should not be used for construction.  
 A survey should be performed prior to placement of structures.

All Measurements  
 are made in feet

### Smith Beach Plan



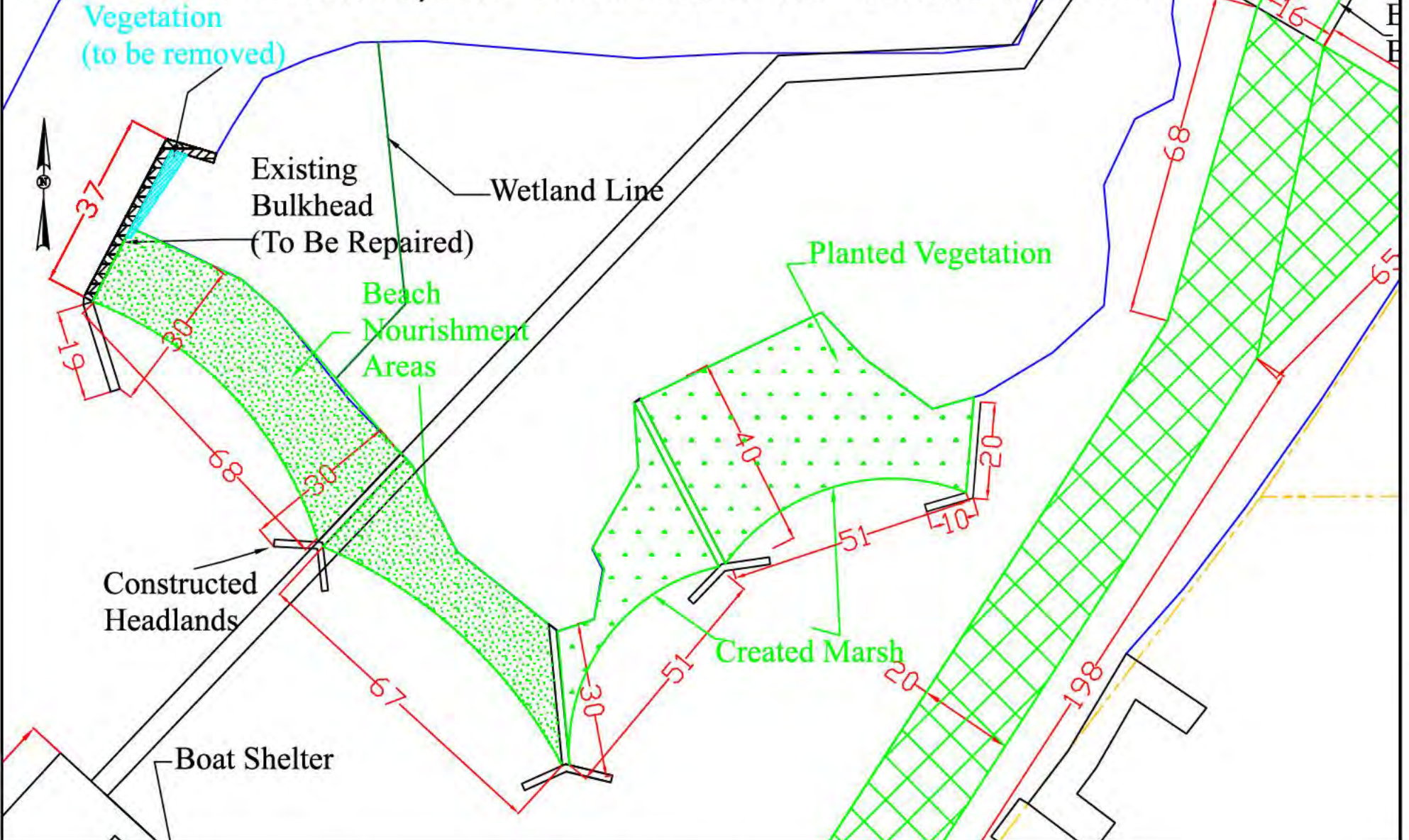
P.O. BOX 361  
 MONTROSE, AL 36559  
 (251) 621-5006

PREPARED FOR Jason & Michelle Smith 7921 Bayshore Drive Eberta, AL	DRAWN BY L. Karcher	DATE OF LAST REVISION Aug. 30, 2019	FILE Smith Property 11.3.18
CHECKED BY T. Hatching		SCALE AS STATED	SHEET 1

Smith Property 11.3.18



**FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION**



Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Beach Nourishment Area = 2,250 sq ft  
 Beach Nourishment Volume = 400 cu yds  
 Created Marsh Area = 2,500 sq ft  
 Created Marsh Volume = 140 cu yds  
 Vegetation Removal Area = 42 sq ft

**Smith Beach Plan**



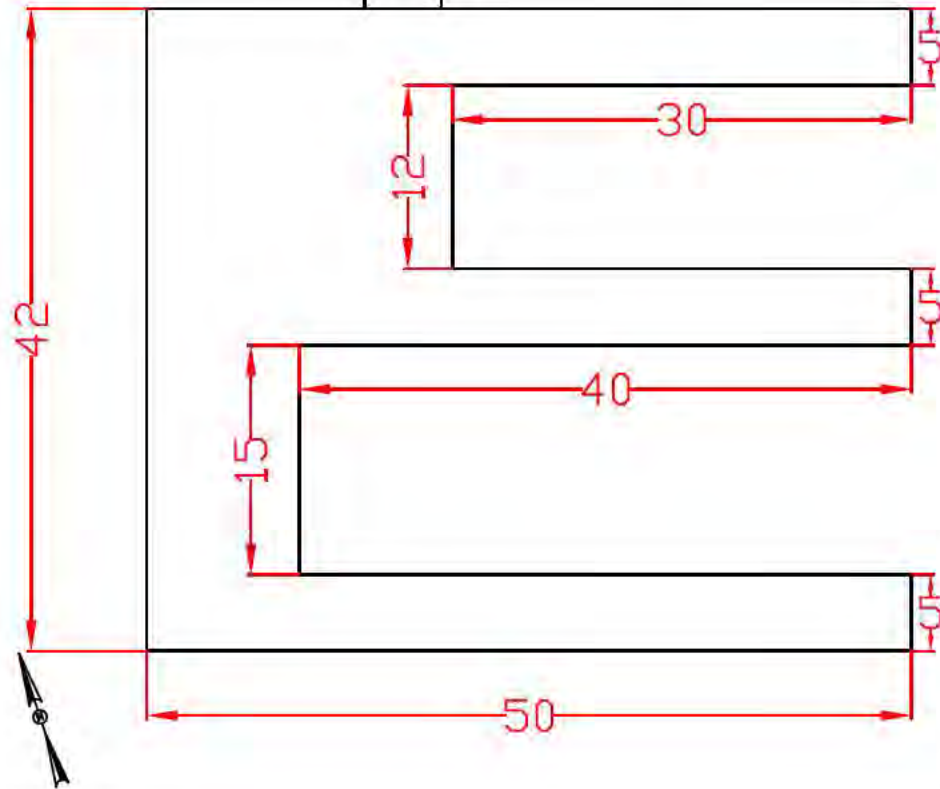
P.O. BOX 361  
 MONTROSE, AL 36558  
 (251) 621-5006

PREPARED FOR Jason & Michelle Smith 7921 Bayshore Drive Eberata, AL	DESIGNED BY L. Caselley	DATE OF LAST DESIGN March 4, 2020	FILE Smith Property 11.3.18
CHECKED BY T. Hutchings			SOME AS STATED
			SHEET 1

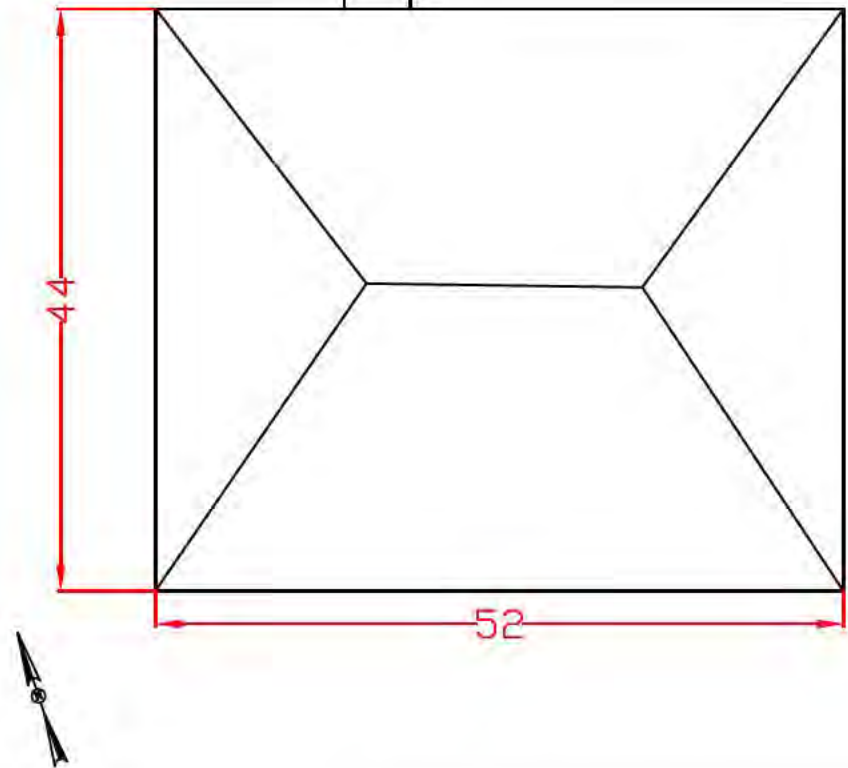
Smith Property 11.3.18



# Boat Slip Plan



# Roof Plan




**Boat Shelter Roof is 44 Ft by 52 Ft**  
**Boat Slip = 12 Ft. by 30 Ft.**  
**Boat Slip = 15 Ft. by 40 Ft.**

All Measurements  
are made in feet

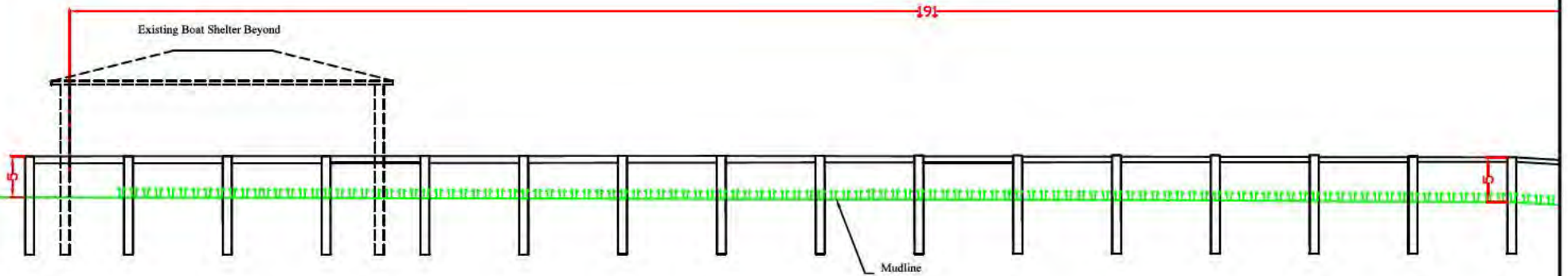
## Smith Slip Plan

Drawings are for permitting only and should not be used for construction.  
 A survey should be performed prior to placement of structures.

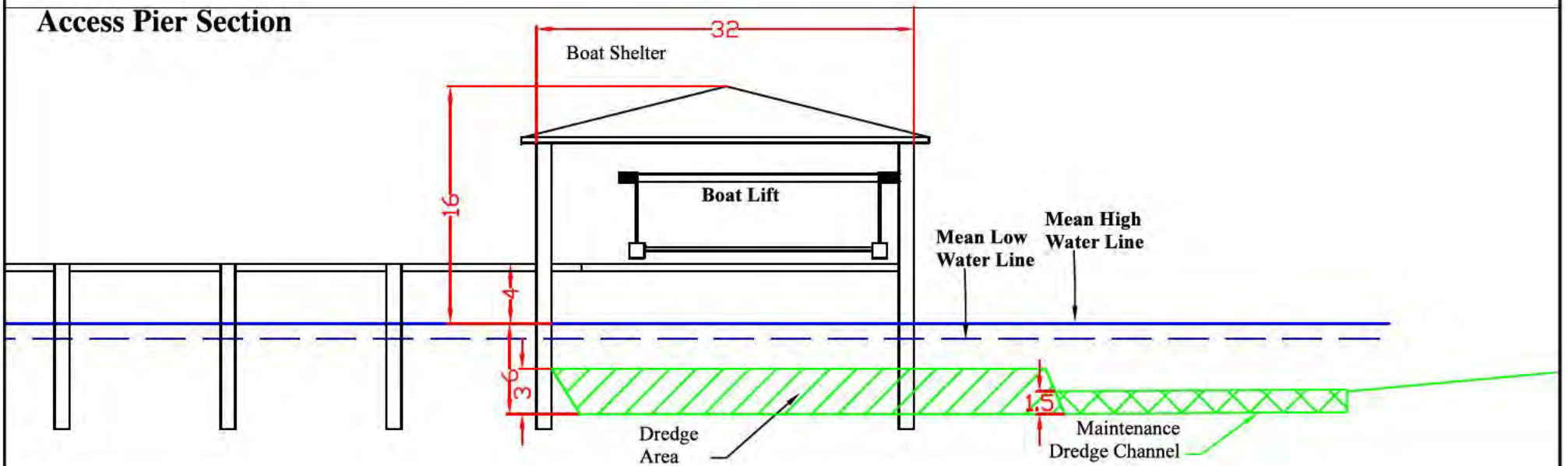
		P.O. BOX 361 MONTROSE, AL 36558 (251) 621-5006	
PREPARED FOR Jason & Michelle Smith 7921 Bayshore Drive Eberts, AL	DESIGNED BY L. Karzner CHECKED BY T. Hutchings	DATE OF LAST REVISION Aug. 22, 2019	FILE# Smith Property 11.3.18
		SCALE AS STATED	SHEET 2

Smith Property 11.3.18

# Access Pier Section

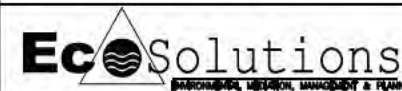


# Access Pier Section



All Measurements  
are made in feet

## Smith Pier Section



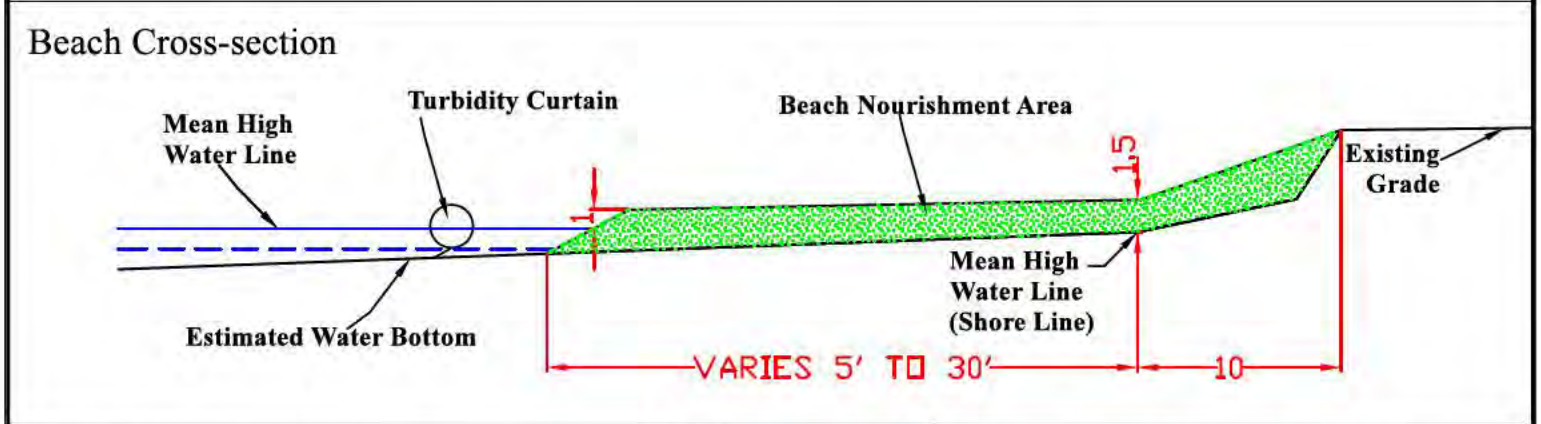
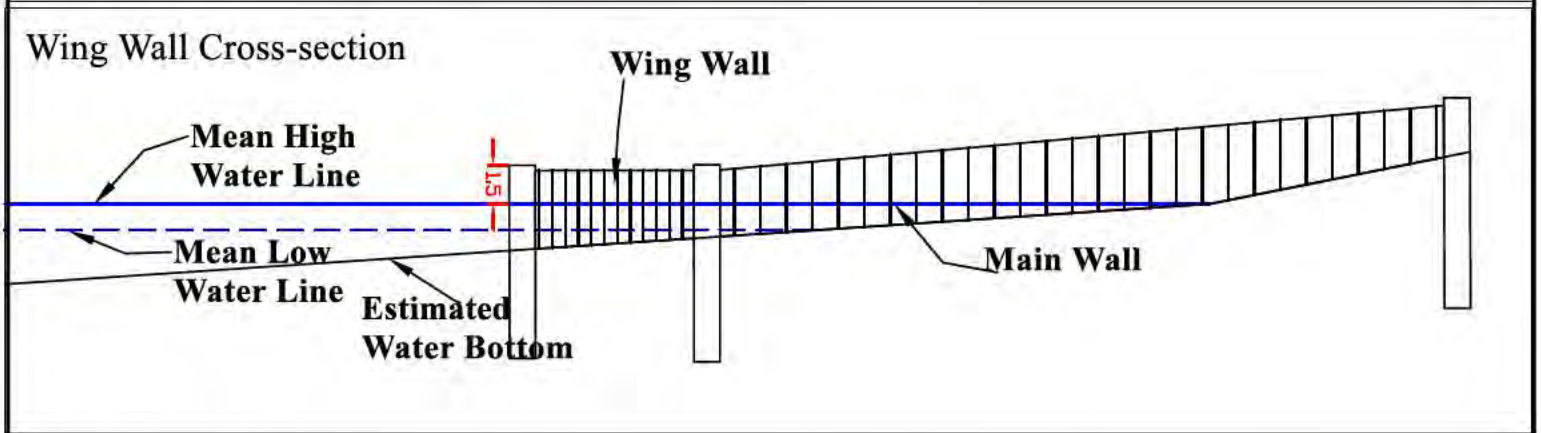
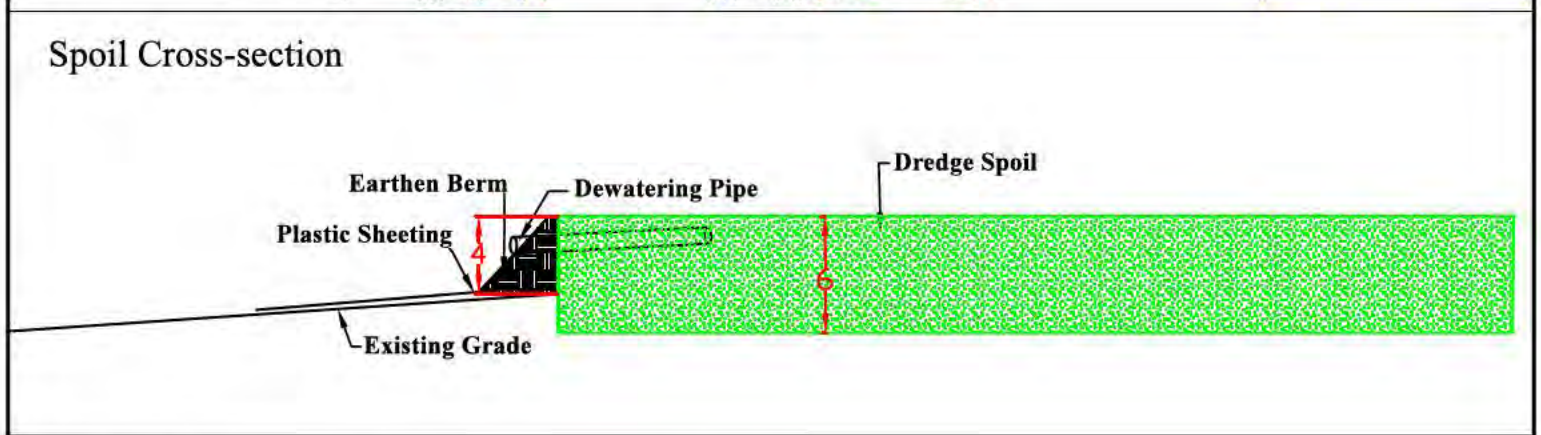
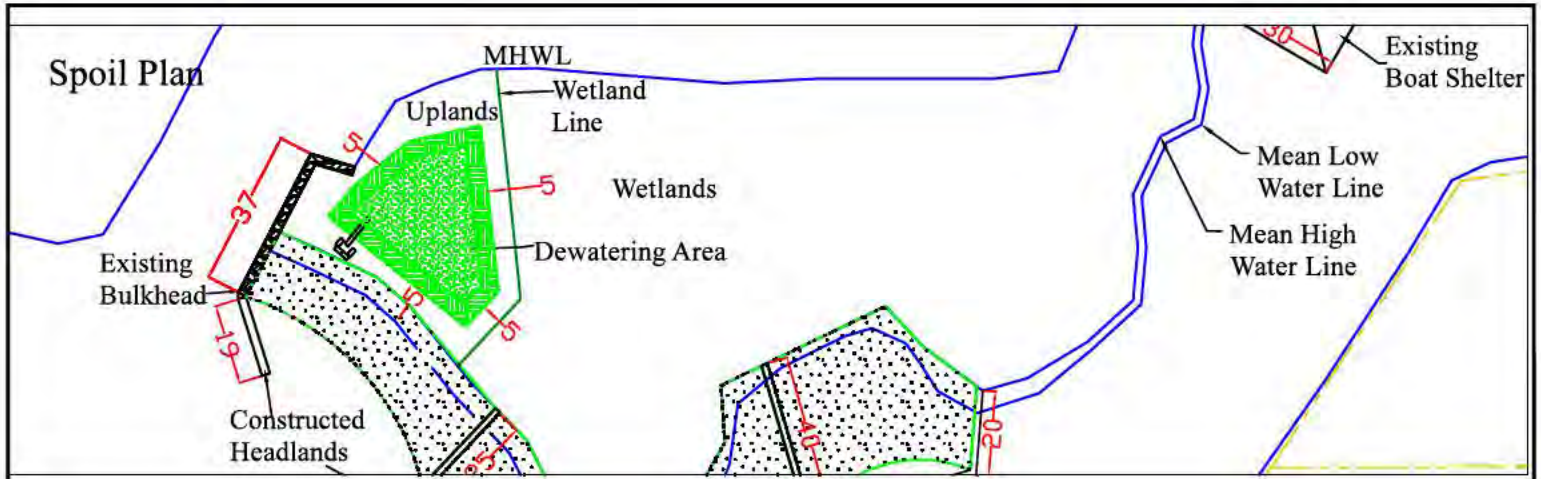
P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

Drawings are for permitting only and should not be used for construction.  
A survey should be performed prior to placement of structures.

DESIGNED BY Jason & Michelle Smith 7921 Bayshore Drive EBarb, AL	DRAWN BY L. Karcher	DATE OF LAST REVIEW Aug. 30, 2019	FILE Smith Property 11.3.18
CHECKED BY T. Hutchings		SCALE AS STATED	SHEET 3

Smith Property 11.3.18



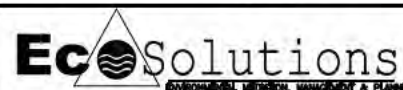


Spoil Area = 1120 sq ft

All Measurements are made in feet

**Beach and Spoil Cross-sections**

Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures.



P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

<small>PREPARED FOR:</small> Jason & Michelle Smith 7821 Bayshore Drive Iberia, AL	<small>DRAWN BY:</small> L. Casaday	<small>DATE OF LAST REVISION:</small> July 2, 2019	<small>FILE:</small> Smith Property 11.3.18
<small>CREATED BY:</small> T. Hutchings	<small>SCALE:</small> AS STATED	<small>SHEET:</small> 5	

Smith Property 11.3.18