

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

October 11, 2022

CESAM RD-A PUBLIC NOTICE NO. SAM-2019-01004-DCH

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

REQUEST TO IMPACT 84 ACRES OF NEARSHORE AND SUBTIDAL WATERBOTTOMS IN CONJUNCTION WITH A SHORELINE NOURISHMENT AND PROTECTION PROJECT ALONG DAUPHIN ISLAND PARKWAY IN MOBILE BAY, MOBILE 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: Mobile County Commission C/o: Ms. Tina Sanchez 205 Government Street Mobile, Alabama 36644-1600
- AGENT: Barry A. Vittor & Associates, Inc. Attention: Dr. Barry A. Vittor 8060 Cottage Hill Road Mobile, Alabama 36695

LOCATION: Mobile Bay; along Dauphin Island Parkway; North Segment: Sections 7, 18 and 32, Township 8 South, Range 1 West; South Segment: Sections 32 and 25, Township 8 South, Range 2 West; beginning near Latitude 30.354257° North, Longitude -88.117538° West, ending near Latitude: 30.314827° North, Longitude: -88.137648° West; Coden, Mobile County, Alabama.

PROJECT PURPOSE: The basic project purpose is to provide protection and restoration of an eroded shoreline. The overall project purpose is to provide shoreline protection by restoring the historic extent of the existing shoreline to the 1917 configuration and restore habitat function by reestablishing intertidal marsh and sand shoreline.

PROPOSED WORK: The applicant proposes to restore, enhance, and protect 3.2 miles of shoreline adjacent to the Dauphin Island Parkway and is anticipated to

reestablish up to 84 acres of tidal marsh. The shoreline protection and enhancement project will include the construction of 15,700 linear feet (LF) of low-profile rock breakwaters, the placement of 1,500,000 cubic yards (CY) of beneficial use dredged material obtained from the U.S. Army Corps of Engineers Mobile Harbor dredging project, and the planting of 410,000 native emergent tidal marsh vegetation. The project will also include dredging for the creation of 15,823 linear feet of temporary approach channels and of 33,000 LF of access channels, with temporary side cast areas, within 89.8 acres of estuarine waterbottoms. Material from access channels will be temporarily sidecast into 19.4 acre of waterbottoms within the footprint of the restoration area. The project would occur in two segments, a North Segment and a South Segment. Each project segment will include a material staging area within the fill footprint for temporary stockpiling of sediment, which includes a 6-acre area for the North Segment and a 7acre area for the South Segment. Breakwaters will initially be installed along the southern third of both the North and South Segments, prior to sediment placement for the restored shoreline and marsh. It is estimated that the breakwater installation phase will take roughly 6 months for the North Segment and 9 months for the South Segment. Breakwaters along the northern two thirds of the North and South Segments will be installed after shallow layer sand fill placement, after the introduced sediment consolidates. A portion of the breakwaters will be installed without segments or gaps. These continuous breakwaters are to later have gaps installed at least every 1,000-feet that are at least 25-feet wide within three years (Figures 2D and 2E). Rock excavated to form these gaps will be spread in the immediate area to serve as hard bottom oyster habitat. The gaps will provide larval and nekton access to the restored shoreline and marsh. Existing oyster beds within 500-feet of sediment placement will be protected with an enhanced bottom sealing turbidity curtain (Fishtech or approved equal).

Location specific project descriptions and dimensions:

North Segment Construction: Hydraulic dredging of 135,500 CY of subtidal, silty-sand waterbottoms for the creation of 18,755 LF of temporary barge approach and access channels. The access channels will have an average width of 60 ft at the existing mudline and a depth of -5.48 feet MLLW. For the North Segment, approximately 39,350 CY of stone will be used to build a continuous breakwater (Figure 2A), with a top elevation at +5.52 feet MLLW (Figures 2C and 2D). The North Segment breakwaters will be 40 feet wide at base, and collectively cover a bay bottom area of 7 acres. The breakwaters will be placed at varying distances from the existing shoreline, up to a maximum of 625 feet into Mobile Bay. Pile-mounted signage will mark the breakwater segments. Following completion of the southern third of the breakwater containment structures, approximately 500,000 cubic yards of beneficial use material, to be delivered via barge, and will be hydraulically pumped and/or mechanically placed into the 38-acre placement area. Elevation of the restored marsh at the north segment will range from +2.52 ft MLLW at the landward edge to +1.27 ft MLLW at the seaward edge (Figure 2H). After sufficient sediment compaction, tidal channels will be excavated (if not formed naturally) and native marsh vegetation (smooth cordgrass (Spartina alterniflora), black needlerush (Juncus roemerianus), and salt meadow cordgrass (Spartina patens)) will be planted on 3-foot centers.

October 11, 2022 Page 3 of 6

South Segment Construction: Excavation of 261,788 CY of subtidal, silty-sand waterbottoms for the creation of 30,068 LF of temporary barge approach and access channels. The access channels will have an average width of 60 ft at the existing mudline and a depth of -5.48 feet MLLW. For the South Segment, approximately 63,130 CY of stone will be used to build a continuous breakwater (Figure 2B), with top elevation at +5.52 feet MLLW, respectively (Figures 2C and 2E). The South Segment breakwater segments will be 50 feet wide at base and cover a bay bottom area of 13 acres. The South Segment will have typical linear breakwaters and semicircular breakwaters that will surround 0.5-acre oyster bay areas (Figure 2B). Typical oyster bay plans and sections are shown in Figure 2F. The breakwaters will be placed at varying distances from the existing shoreline, up to a maximum of 640 feet into Mobile Bay. As mentioned above, continuous breakwaters will later have gaps installed at least every 1,000-feet that are at least 25-feet wide within three years (Figures 2D and 2E). Pile-mounted signage will mark the breakwater segments. Following completion of the southern third of the breakwater containment structures, approximately 1,000,000 CY of beneficial use material, to be delivered via barge, and will be hydraulically pumped and/or mechanically placed into the 46-acre placement area. Target elevations of the restored marsh at the south segment will range from +2.72 ft MLLW at the landward edge to +1.32 ft MLLW at the seaward edge (Figure 2H). After sufficient sediment compaction, tidal channels will be excavated (if not formed naturally) and native marsh vegetation (smooth cordgrass (Spartina alterniflora), black needlerush (Juncus roemerianus), and salt meadow cordgrass (Spartina patens)) will be planted on 3-foot centers.

AVOIDANCE AND MINIMIZATION: The applicant has indicated that there are no proposed impacts to existing wetlands. An analysis of alternative project designs and modeling has been conducted by the applicant using various shoreline stabilization techniques and has concluded that the proposed design incorporates all necessary components required to achieve the desired shoreline configuration. The project has been designed to preclude direct impacts to existing or potential oyster resources, and to minimize any indirect impacts to those resources that might be caused by elevated turbidities during construction of access and approach channels and placement of sediment. Turbidity curtains are proposed to be installed to preclude excessive release of fine sediments from the placement areas landward of the breakwaters and along both sides of the sidecast areas for the approach channels. The applicant also proposes construction monitoring to include daily water quality (turbidity) testing to ensure compliance with State water quality standards. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts or alternatives analysis 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 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). This notice will serve as the notification to the

Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 marsh restoration and shoreline protection area, the access channel and approach channel dredging and sidecast footprints, all to occur within waters of the United States, as well as the upland portions of the project area to be utilized for access and staging. The USACE has not yet determined the proposed project's effect on cultural resources or historic properties within the current Permit Area. Coordination with the State Historic Preservation Officer and federally-recognized American Indian tribes will be performed separately from this notice, as determined to be appropriate.

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 occur within approximately 174-acres of non-vegetated estuarine substrate, which includes the shoreline restoration and protection footprint, as well as the access and approach channel dredge footprints. Dredging and the discharge of fill material would have the potential to affect any benthic organisms, filter feeders, and fin-fish in the immediate area. Neighboring benthic communities, filter feeders, and fin-fish within the water column would have the potential to be stressed by any migrant sediments and/or suspended particulates generated during the temporary period of construction. Existing oyster beds within 500-feet of sediment placement will be protected with an enhanced bottom sealing turbidity curtain (Fishtech or approved equal). Due to the proposed use of turbidity barriers and the temporary nature of the dredging activities, effects from dredging activities are expected to be minor and temporary, and benthic communities within the dredge footprint of the project are expected to repopulate rapidly. In regard to the shoreline protection and restoration areas, the Project would create up to 84 acres of tidally influenced marsh and tidal channels, providing a significant increase in fishery habitat function compared to the current condition. Our initial determination is that the proposed action May Adversely Affect EFH due to the nature and location of the activities. 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 this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered or threatened species have the potential to exist within the watershed of the permit area: West Indian manatee (T), wood stork (T), Alabama red-bellied turtle (E), green sea turtle (T), Kemp's ridley sea turtle (E), and loggerhead sea turtle (T). There is no designated critical habitat within the project action area. Our initial determination is that the proposed activity may affect but is not likely to

adversely affect the West Indian manatee and the Alabama red-bellied turtle and will have no effect on the wood stork, green sea turtle, Kemp's ridley sea turtle, and loggerhead sea turtle. Our determination is being coordinated with the USFWS via this Public Notice.

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 guality, 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-2019-01004-DCH**, and should be directed to the project manager, Ms. Elizabeth A. Hamilton by e-mail at <u>Elizabeth.A.Hamilton@usace.army.mil</u>, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Elizabeth A. Hamilton, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at <u>coastal@adem.alabama.gov</u>, 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 <u>www.sam.usace.army.mil/Missions/Regulatory.aspx</u>.

MOBILE DISTRICT U.S. Army Corps of Engineers

Attachments























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A		ALDOT	ALABAMA DEPARTMENT OF TRANSPORTATION		
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	EXISTING BULKHEAD	CL	CENTERLINE		
	EDGE OF EXISTING ROAD	CP	CONTROL POINT		
	EXISTING GROUND (NOTE 5)	DRN	DRAWN BY		
	EXISTING SHORELINE	DWG	DRAWING		
	NON-WOVEN GEOTEXTILE FABRIC	EL	ELEVATION		
	LIMIT OF DISTURBANCE (NOTE 6)	ESC	EROSION AND SEDIMENT CONTROL		
		H·V	HORIZONTAL TO VERTICAL LENGTH RATIO FOR A SLOPE		
°	MEAN HIGH WATER ELEVATION	HWY	HIGHWAY		
	MEAN LOW WATER ELEVATION	LOD	LIMIT OF DISTURBANCE		
		MAX	MAXIMUM		
		MHW	MEAN HIGH WATER		
	PROPOSED GRADE	MIN	MINIMUM		
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	TEMPORARY BARGE ACCESS	MSL	MEAN SEA LEVEL		
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	EXISTING GROUND		WAS FIRST REFERENCED ON DRAWING NO. 03.		
	EXISTING PUBLIC OYSTER REEF	Ca	ogration	ł	
	EXISTING RIPRAP	Ge	COnsultants 28143 CAPITAL DRIVE, SUITE E DAPINE, AL 36326 TELEPHONE, 251, 230, 6320		
_	EXISTING WETLANDS (VITTOR, 2019)	TITLE:			
[LEGENDS AND ABBREVIATIONS		LEGENDS AND ABBREVIATIONS		
			DAUPHIN ISLAND CAUSEWAY SHORELINE RESTORATION		
		SITE			
	SALI MAKSH / FILL AREA		DESIGN BY: AMT DATE: MAY 2022		
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