



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-2020-00027-JCC

January 19, 2021

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 MOBILE BAY EAST, 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. Alex Skuropat
7651 Theodore Dawes Road
Theodore, Alabama 36582

AGENT: Wetland Sciences, Inc.
Attention: Mr. Craig Martin
3308 Gulf Beach Highway
Pensacola, Florida 32507

LOCATION OF WORK: The project is located on Mobile Bay East, at 10945 County Road 1, within Section 3, Township 8 South, Range 2 East; at Latitude 30.383124° North, Longitude -87.863502° West; in Fairhope, 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 fee simple 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 56 linear feet of bulkhead and 30 linear feet of return wall, as well as for backfill of approximately 439 square feet (0.01 acre) of open water area with approximately 45 cubic yards of commercially obtained sandy fill material.

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 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 will apply 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 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 U.S. Army Corps of Engineers (USACE) has determined the permit area consists of an approximately 0.01-acre area of waterbottoms that was filled as well as immediately surrounding waters and uplands utilized for construction access and staging. 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 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 project has impacted approximately 439 square feet (0.01 acre) 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 relatively minor scope of the project activities and the lack of evidence of any previous submerged aquatic vegetation, tidal marsh wetlands, or other Habitat Areas of Particular Concern (HAPC) within or near the project's action area. 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: The USACE, Mobile District's 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), 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.

Review of this proposed activity for potential effects on the above list of threatened or endangered species has been accomplished by use of species-specific Standard Local Operating Procedures for Endangered Species (SLOPES). The USACE, Mobile District's review has indicated the proposed activity will have no effect on the West Indian manatee, wood stork, eastern indigo snake, or gulf sturgeon. The review also found the activity may affect, but is not likely to adversely affect the Alabama red-bellied turtle. While consultation is not requested at this time, details of the proposed activity are being provided to federal and state agencies via this Public Notice for their awareness.

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-2020-00027-JCC** and should be directed to the District Engineer, Mobile District, Regulatory Division (RD-A), Attention: Ms. Jessica C. Comeaux, 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) 690-3262, or email at Jessica.C.Comeaux@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



DIRECTIONS TO THE SITE FROM DOWNTOWN MOBILE: Take S Joachim Street to Government Street. Follow I-10 E and US-98 E to Mary Ann Beach Rd for 26.9 miles. Continue on Mary Ann Beach Rd for 3.5 miles. Drive to County Rd 1. Turn right onto Co Rd 1. Destination will be on the left with an address of 10945 CR 1, Fairhope. Please call 850-453-4700 with any questions.

SUBJECT PROPERTY

PARCEL ID#
 05-59-02-03-0-000-056.000
 PROPERTY OWNER
 Alexander Skuropat
 11743 Alabaster Drive
 Daphne, AL 36526

PROJECT LOCATION

10945 County Road 1
 Fairhope, AL 36532
 LAT: 30.383415'
 LONG: -87.863303'

INDEX OF SHEETS

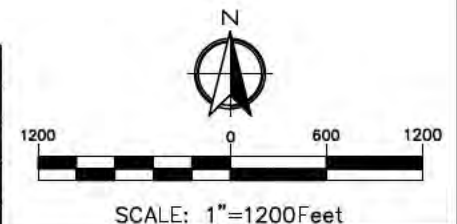
SHEET NO.	DESCRIPTION
1	SITE LOCATION MAP
2	OVERALL PLAN VIEW
3	SEAWALL SECTION



ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: 10945 CR 1	
SITE LOCATION MAP	
PROJECT NO.: 2020-032	
DRAWN BY: AJN	DATE: 01/05/2021
SHEET: 1 OF 3	





Project area

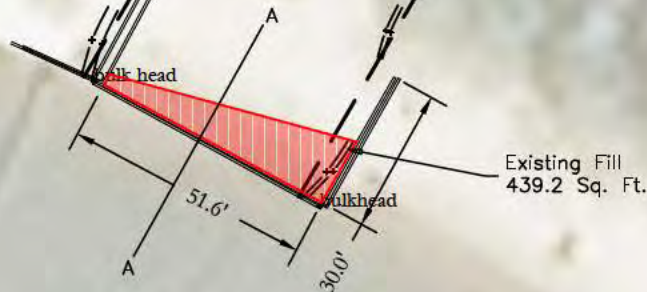


Backfill

COUNTY RD 1

NOTE: This is not a survey. All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.

Approximate Parcel Boundary



SCALE: 1" = 40 Feet



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TEL: 850.453.4700
CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: 10945 CR 1

OVERALL PLAN VIEW

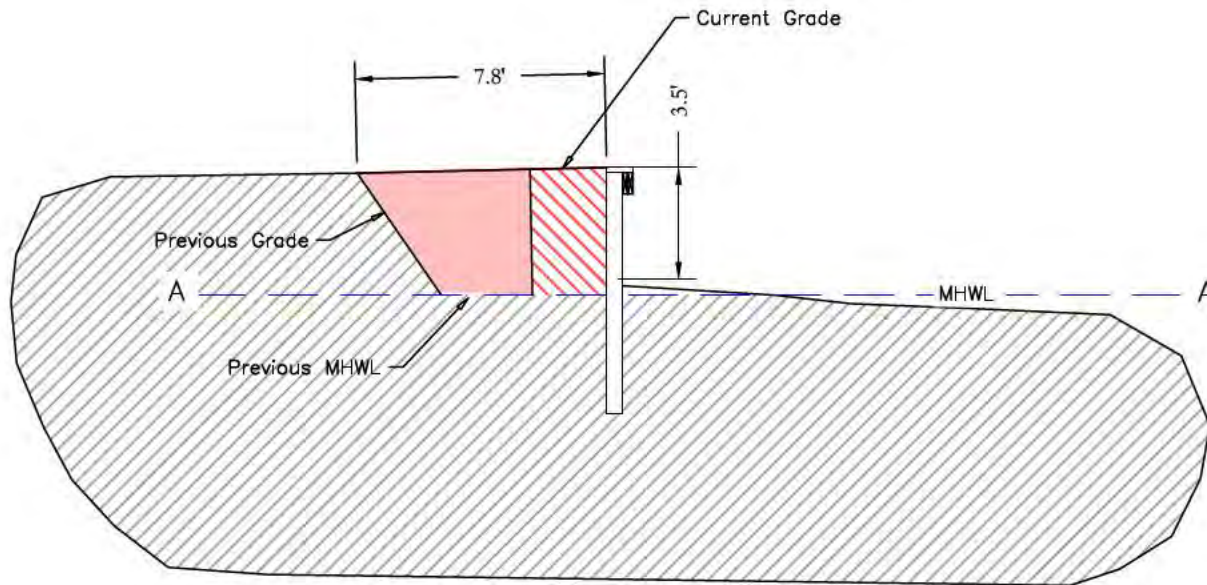
PROJECT NO.: 2020-032

DRAWN BY: AJN

DATE: 01/05/2021

SHEET: 2 OF 3

Department of the Army // SAM-2020-00027-JCC



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 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: 10945 CR 1	
Seawall Section A-A (Typical)	
PROJECT NO.: 2020-032	
DRAWN BY: AJN	DATE: 07/27/2020
SHEET: 3 OF 3	

