



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

**CESAM-RD-A**  
**PUBLIC NOTICE NO. SAM-2022-00280-JCC**

**August 10, 2022**

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

**REQUEST TO DISCHARGE FILL MATERIAL IN WATERS OF THE UNITED STATES IN**  
**CONJUNCTION WITH RECLAMATION AND STABILIZATION OF ERODED**  
**SHORELINE NAVY COVE IN GULF SHORES, 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:** Bonita Court AL, LLC  
Attention: Mr. Bart Collins  
2680 Parch Corn Road  
Rogersville, Missouri 65742

**AGENT:** Wetland Resources  
Attention: Ms. Gena Todia  
Post Office Box 2694  
Daphne, Alabama 36526

**LOCATION:** The proposed project is located at Baldwin County PPIN 68703, at Navy Cove, at Lot 3 Bonita Court within Bonita Court subdivision; within Section 2, Township 9 South, Range 1 East; at Latitude 30.23387, Longitude -87.981367; in Gulf Shores, Baldwin County, Alabama.

**PROJECT PURPOSE:** The purpose of the proposed project is to reclaim land that has been lost to erosion and to stabilize and protect the re-established shoreline for construction of a residence.

**PROPOSED WORK:** The applicant is seeking authorization for the construction of 60 linear feet of bulkhead and the discharge of 205 cubic yards of commercially-obtained sand fill material into 836 square feet (0.019-acre) of intertidal area and waterbottoms in order to reclaim land lost to erosion. Approximately 9 cubic yards of this material will be placed below the plane of mean high water. Approximately 23 cubic yards of rip rap rock that currently fronts the shoreline will be relocated to the waterward side of the newly-constructed bulkhead for protection, all of which will extend below the plane of mean high water. The rip rap will extend no further than 7 feet into the open waters of Navy Cove from the toe of the bulkhead.

The applicant also proposes to construct a pier and boat shelter at the property, and that activity will be reviewed separately for potential authorization under the Alabama Regional General Permit program.

**AVOIDANCE & MINIMIZATION:** The applicant has indicated the fill has been minimized to the greatest extent practicable while still accomplishing the project purpose. Appropriate BMPs will be utilized during construction, and sand will be stabilized with sod or other vegetation upon completion of construction. 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.

**MITIGATION:** Compensatory mitigation would not be required because the activity would not adversely impact wetlands or other special aquatic sites.

**WATER QUALITY / COASTAL ZONE MANAGEMENT:** The applicant would apply 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 would be made by the Alabama Department of Environmental Management (ADEM) within an established reasonable period.

**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 0.019-acre footprint of the land reclamation fill and 0.009-acre footprint of rip rap placement, and some areas of the upland development that would be temporarily disturbed during construction of the project. 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 comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has not made a final determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed 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 result in permanent construction impacts to approximately 1,669 square feet (0.028-acre) of unvegetated substrate utilized by various life stages of multiple marine species within Navy Cove. Our initial determination is that the proposed action would have no effect on EFH or federally managed fisheries due to the extremely minor nature of disturbance. 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 the following federally-listed species are known or expected to occur within the project area: Alabama beach mouse (E), West Indian manatee (T), piping plover (T), red knot (T), wood stork (T), Alabama red-bellied turtle (E), eastern indigo snake (T), green sea turtle (T), Kemp's Ridley sea turtle (E), Loggerhead sea turtle (T), and gulf sturgeon (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination with regard to potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS 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.

**All comments should be received no later than 30 days from the date of this Public Notice.** Correspondence concerning this notice should refer to Public Notice Number **SAM-2022-00280-JCC**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Jessica C. Comeaux**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at [jessica.c.comeaux@usace.army.mil](mailto:jessica.c.comeaux@usace.army.mil), or (251) 690-3262. 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.

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

## LOCATION MAPS

Lot 3, Bonita Court (PPIN: 68703)  
Fort Morgan, Baldwin County, Alabama  
Applicant: Bonita Court AL, LLC





(1 of 3)

**Parcel ID: 68703**

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**Parcel Number:** 05-69-08-02-0-005-070.000  
**PIN:** 68703  
**Owner Name:** GEO RESOURCES GROUP  
**Address:** P O BOX 941  
**City:** POINT CLEAR  
**State:** AL  
**Zip:** 36564

[More Details](#)  
[Homestead & Assessment Application](#)  
[Property Damage Report \(Hurricane Sally\)](#)

[Zoom to](#)

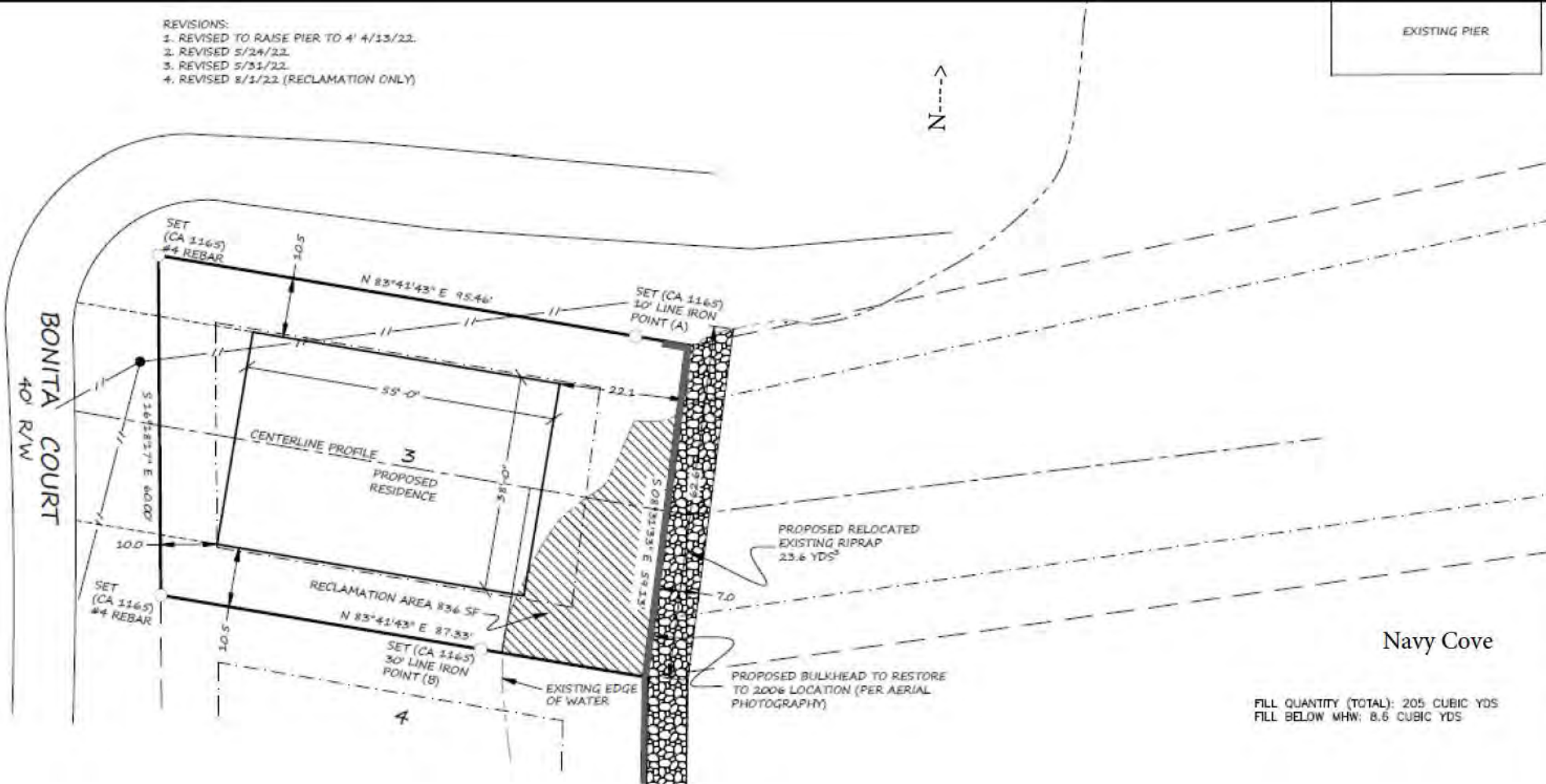


**LEGEND**

BLDG	BUILDING
CALC	CALCULATED
CH	CHORD
D	DELTA
MH	MANHOLE
R	RADIUS
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
A/C	AIR CONDITIONER
●	UTILITY POLE
—	ANCHOR
—	WALL
CONC	CONCRETE
□	WATER METER
□	SEWER BOX
□	IRRIGATION CONTROL BOX
□	WATER VALVE
□	FIRE HYDRANT
□	UTILITY BOX
□	LIGHT POLE
△	STAKING POINT
(M)	MEASURED
(R)	RECORDED
CM	CONCRETE MONUMENT
— X —	FENCE
— // —	OVERHEAD UTILITIES

- REVISIONS:  
 1. REVISED TO RAISE PIER TO 4' 4/13/22.  
 2. REVISED 5/24/22.  
 3. REVISED 5/31/22.  
 4. REVISED 8/1/22 (RECLAMATION ONLY)

EXISTING PIER



FILL QUANTITY (TOTAL): 205 CUBIC YDS  
 FILL BELOW MHW: 8.5 CUBIC YDS



