



REPLY TO
ATTENTION OF

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-2022-00391-EAH

January 8, 2023

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

REQUEST TO IMPACT 0.11 ACRE OF INTERTIDAL WATERBOTTOMS ON BON
SECOUR BAY, GULF SHORES, 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: Bruce & Donna Lauser
P.O. Box 1632
Robertsdale, Alabama 36567

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

LOCATION: Bon Secour Bay; 10185 Pleasure Point Road; within Section 23, Township 9 South, Range 2 East; at Latitude 30.24384° North, Longitude -87.848961° West; Gulf Shores, Mobile County, Alabama.

PROJECT PURPOSE: The basic project purpose is to restore and stabilize the project shoreline to the 1997 extent and construct additional protection to prevent future erosion. The overall project purpose is to reclaim land lost to erosion along an actively eroding shoreline, to the historic 1997 extent and provide additional stabilization and protection for the upland property.

PROPOSED WORK: The applicant proposes the construction of a 181-linear-foot bulkhead to be located approximately 40-linear-feet waterward of the existing Mean High Water (MHW) shoreline. Approximately 150 cubic yards of commercially obtained clean sand fill will be discharged below MHW, landward of the bulkhead. Waterward of the bulkhead, approximately 215 cubic yards of riprap material would be discharged below MHW.

AVOIDANCE AND MINIMIZATION: No wetlands are present within the project area. Impacts to Waters of the U.S. are being avoided and minimized by reclaiming only a portion of the private land lost to erosion. Only riprap and clean sandy fill material will be

placed below the plane of MHT. The bulkhead will be constructed first, then sand will be placed behind it. The sand will be stabilized with sod. Riprap placed on the waterward side of the bulkhead will serve as an energy-absorbing feature that will prevent scouring and undercutting, thereby preventing bulkhead failure. Construction Best Management Practices (BMPs) will be implemented to prevent silt laden dredged material runoff from reentering the waterway. 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 project would not result in the permanent loss of a special aquatic site; therefore, mitigation has not been proposed.

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 undertaking in waters of the United States as well as portions of the upland residential lot. 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. Coordination with the SHPO and federally-recognized American Indian tribes will be performed separately from this notice, as determined to be appropriate. 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.

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 0.11 acre of unvegetated estuarine substrate utilized by various life stages of multiple marine species. No aquatic vegetation is within the footprint of the proposed activities. 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 and proposed mitigation 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: Alabama 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), loggerhead sea turtle (T) and Gulf sturgeon (T). There is no designated critical habitat within the project action area. The USACE determination will be based on review of the Standard Local Operating Procedures for Endangered Species (SLOPES) programmatic agreement species effects determination keys for the aforementioned listed species. Coordination with the USFWS will be performed separately from this notice, 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-2022-00391-EAH**, and should be directed to the project manager, Ms. Elizabeth A. Hamilton by e-mail at Elizabeth.A.Hamilton@usace.army.mil, 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 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

Legend



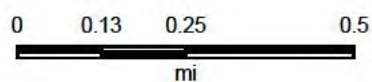
Project
Location



Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, Garmin,
INCREMENT P, USGS, EPA, USDA



SAM-2022-00391-EAH



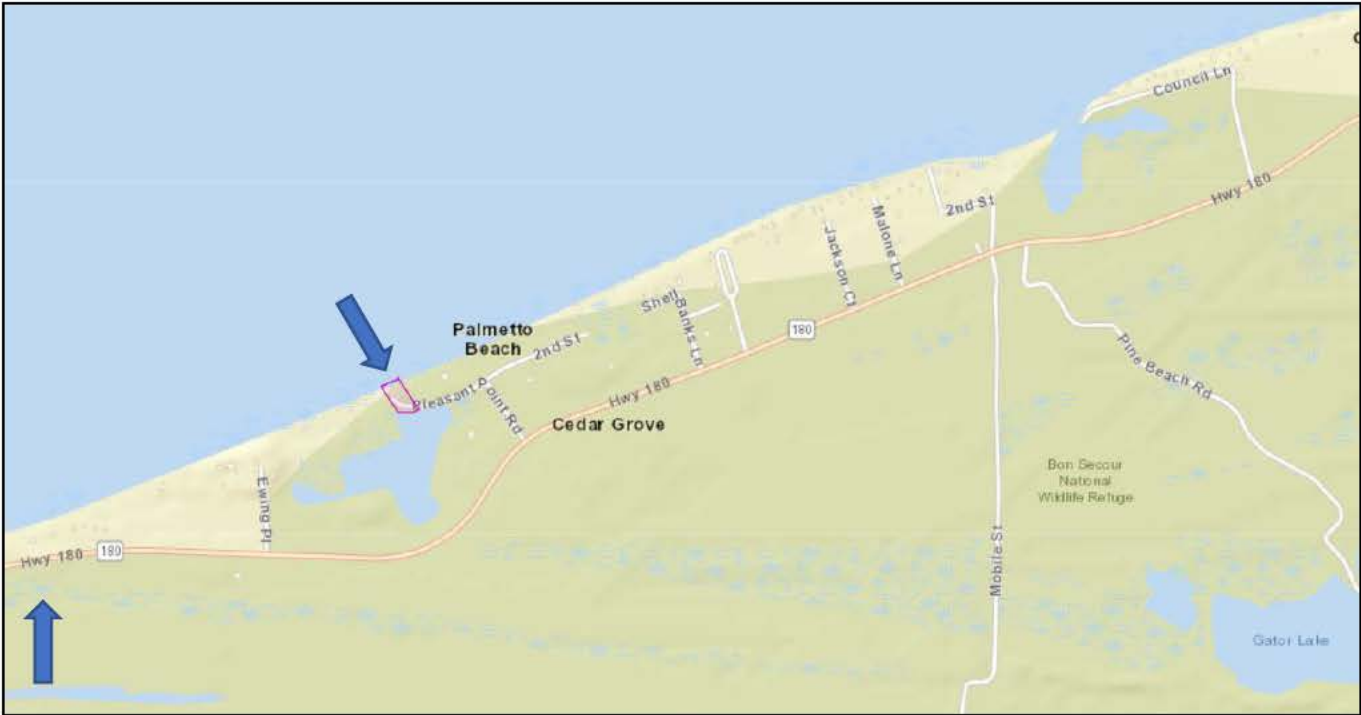
Map Center: 87.849999°W 30.241043°N

Map Created by: Elizabeth Hamilton

Date: 2/3/2023

Coordinate System: WGS 1984 Web
Mercator Auxiliary Sphere

Bruce & Dona Lauser
10185 Pleasure Point Road (PPIN: 336803)
Fort Morgan, Baldwin County, Alabama



Vicinity Map



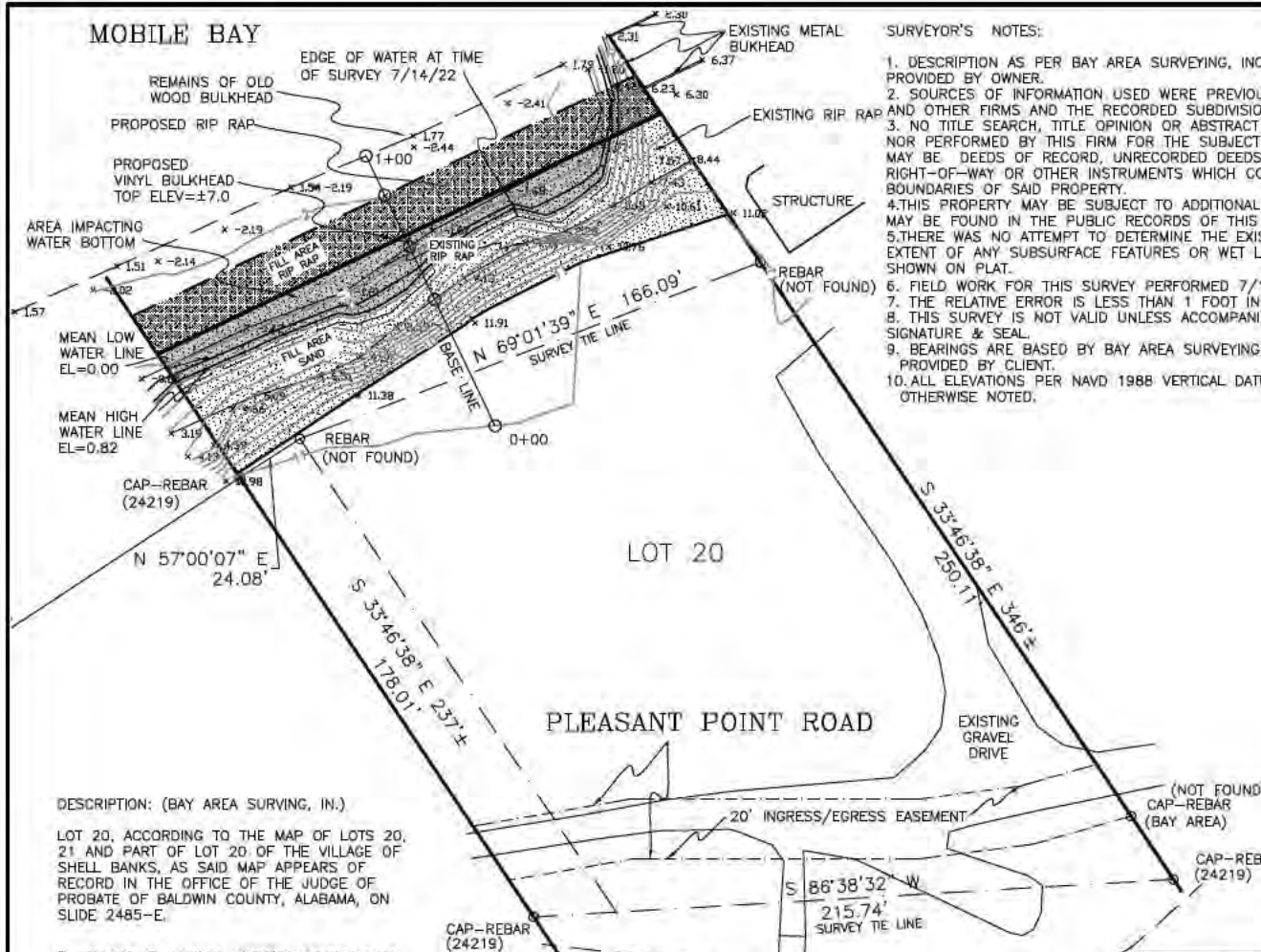
Location Map

Fort Morgan, Baldwin County, Alabama



2021 Aerial Photo with 1-ft. Contour Lines

MOBILE BAY



SURVEYOR'S NOTES:

1. DESCRIPTION AS PER BAY AREA SURVEYING, INC., DATED 3-6-2019, PROVIDED BY OWNER.
2. SOURCES OF INFORMATION USED WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS AND THE RECORDED SUBDIVISION PLAT.
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY, THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAY OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
4. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUBSURFACE FEATURES OR WET LANDS OTHER THAN SHOWN ON PLAT.
6. FIELD WORK FOR THIS SURVEY PERFORMED 7/14/2022.
7. THE RELATIVE ERROR IS LESS THAN 1 FOOT IN 10,000 FEET.
8. THIS SURVEY IS NOT VALID UNLESS ACCOMPANIED BY ORIGINAL SIGNATURE & SEAL.
9. BEARINGS ARE BASED BY BAY AREA SURVEYING, INC. SURVEY PROVIDED BY CLIENT.
10. ALL ELEVATIONS PER NAVD 1988 VERTICAL DATUM UNLESS OTHERWISE NOTED.

GRAPHIC SCALE



(IN FEET)

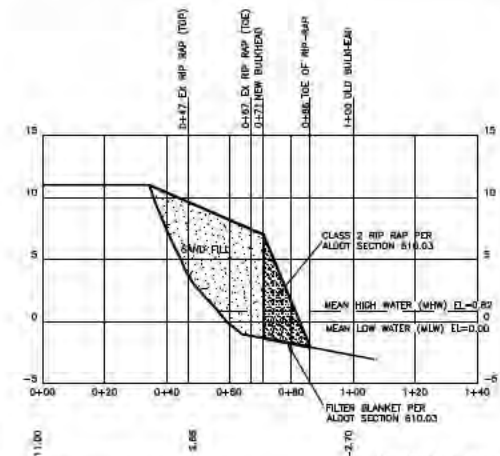
1 inch = 40 ft

FILL:

SAND: 1600 CY (150 CY BELOW MHW)
RIP RAP: 450 CY (215 CY BELOW MHW)

AREA IMPACTING WATER BOTTOM:

RIP RAP: 2926 SF
SAND: 2040 SF
TOTAL: 4966 SF



BASELINE SECTION

HORIZONTAL SCALE 1"=40'
VERTICAL SCALE 1"=10'

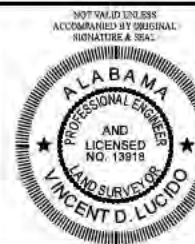
DESCRIPTION: (BAY AREA SURVING, IN.)

LOT 20, ACCORDING TO THE MAP OF LOTS 20, 21 AND PART OF LOT 20 OF THE VILLAGE OF SHELL BANKS, AS SAID MAP APPEARS OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, ON SLIDE 2485-E.

"I, VINCENT D. LUCIDO, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF."

VINCENT D. LUCIDO, P.L.S. DATE
ALABAMA LICENSE NUMBER: 13918

COLLINS BAYOU
(A.K.A. EWING BAYOU)



SPECIAL PURPOSE SURVEY - PROPOSED LAND RECLAMATION FOR

BRUCE AND DONA LAUSER

10185 PLEASURE POINT ROAD
FORT MORGAN, BALDWIN COUNTY, ALABAMA

Drawn By: B.J.E. Scale: 1"= 40' Project No: 22087

Checked By: V.D.L. Drawing File: 22087TOP0.DWG

Section 23, Township 9, South, Range 2 East
Baldwin County, Alabama, St. Stephens Meridian

Date: 7/15/2022

Lucido
Engineering & Surveying, LLC

Consulting Engineers & Land Surveyors
24693 Canal Road, Suite A
Orange Beach, Alabama 36561

Tel: 251.667.3250 vincentd@lucidoeng.com