



**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-2022-00542-CDJ**

**August 29, 2023**

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

**PROPOSED NEW DREDGING, SHORELINE RECLAMATION, SHORELINE**  
**STABILIZATION, AND CONSTRUCTION OF A PIER AND COVERED BOAT**  
**SHELTER, BAY LA LAUNCH, ORANGE BEACH, 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. Alan Burns  
28633 Sampson Avenue  
Orange Beach, Alabama 36561

AGENT: EcoSolutions, Inc.  
Attention: Ms. Sarah Piesco  
Post Office Box 361  
Montrose, Alabama 36559

**LOCATION/WATERS:** The project is located within Bay La Launch; 28633 Sampson Avenue; within Section 37, Township 8 South, Range 5 East; at Latitude 30.302872, Longitude -87.537745; in Orange Beach, Baldwin County, Alabama. See attachments for location details.

**PROJECT PURPOSE:** The project purpose is to reclaim land, provide shoreline stabilization, and construct a boat shelter.

**PROPOSED WORK:**

a. Hydraulic dredging of a total of 603 cubic yards of waterbottoms within 7,296 square feet (0.17 acre) to a depth of 6 feet below mean low water for boat access. Dredged material will be hydraulically pumped behind rip-rap breakwaters. Dredge material not used for land reclamation will be hydraulically pumped into an upland dewatering area and will be placed in uplands adjacent to the fill area.

b. The total placement of 603 cubic yards of fill material within 4,258 square feet (0.1 acres) of shoreline and waterbottoms for the purpose of shoreline stabilization and land reclamation. Activities will also include the installation of 259 feet of rip-rap breakwaters. The breakwaters will extend a maximum of 77 feet from the mean high water line (MHWL).

c. Construction of boat shelter 38 feet long by 53 feet wide extending 197 feet from the existing MHWL. The boat shelter contains two 12-foot wide by 30-foot-long boat slips with lifts.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated the proposed project has been designed to avoid impacts to wetlands. Best Management Practices (BMPs) will be implemented to prevent water quality impacts during project implementation. 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:** Compensatory mitigation would not be required because the activity consists of construction of structures that would not adversely impact special aquatic sites.

**WATER QUALITY/COASTAL ZONE MANAGEMENT (CZM):** The applicant will 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 Coastal Zone consistency will be made by the 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. 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. At this time, the USACE, Mobile District has made no 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 impact 0.27 acres of unvegetated estuarine substrate utilized by various life stages of multiple marine species. Our final determination relative to project impacts 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: West Indian Manatee (T), Piping Plover (T), Red Knot (T), Kemp's Ridley Sea Turtle (E), and Loggerhead Sea Turtle (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no final determination regarding 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.

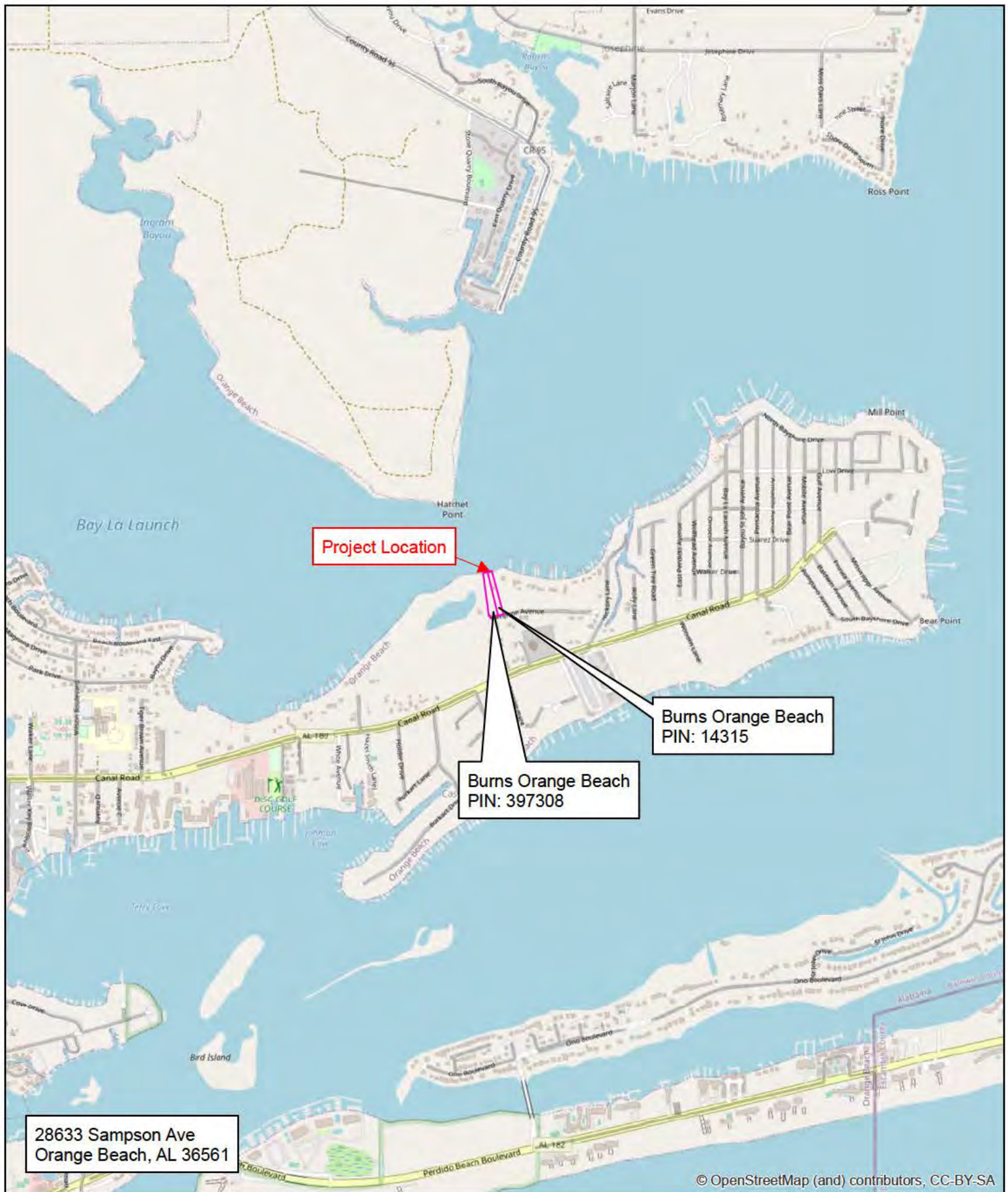
Correspondence concerning this public notice should refer to Public Notice Number **SAM-2022-00542-CDJ** and should be directed to the project manager, Ms. Sheri Zettle by e-mail at [sheri.m.zettle@usace.army.mil](mailto:sheri.m.zettle@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Sheri Zettle, 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](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.** If you have any questions concerning this publication, you may contact Ms. Sheri Zettle by e-mail at [sheri.m.zettle@usace.army.mil](mailto:sheri.m.zettle@usace.army.mil), or by phone at (251) 690-2349. Please refer to the above Public Notice Number **SAM-2022-00542-CDJ**, in any communication concerning this project.

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).

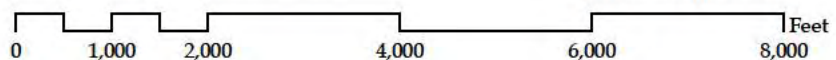
MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



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

**Locator Map**  
Project: Burns Orange Beach (PIN: 14315)  
Applicant: Alan Burns



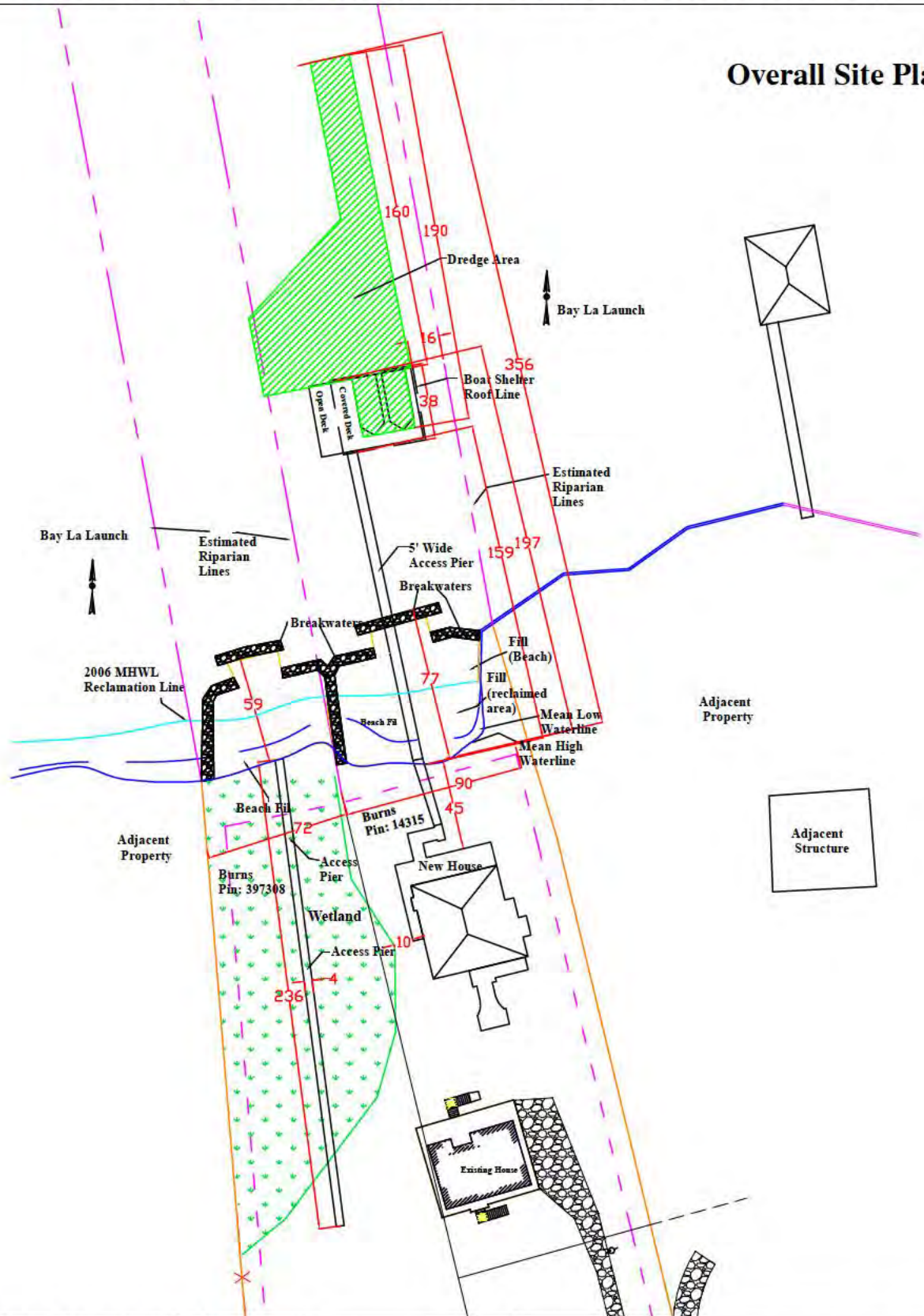
T-8-S, R-5-E, Sect. 37  
Orange Beach, AL  
1 inch = 2,000 feet





FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

## Overall Site Plan



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. Property boundaries are estimated from available information.

## Burns Overall Site Plan



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

PREPARED FOR  
Alan Burns  
28633 Sampson Ave  
Orange Beach, AL

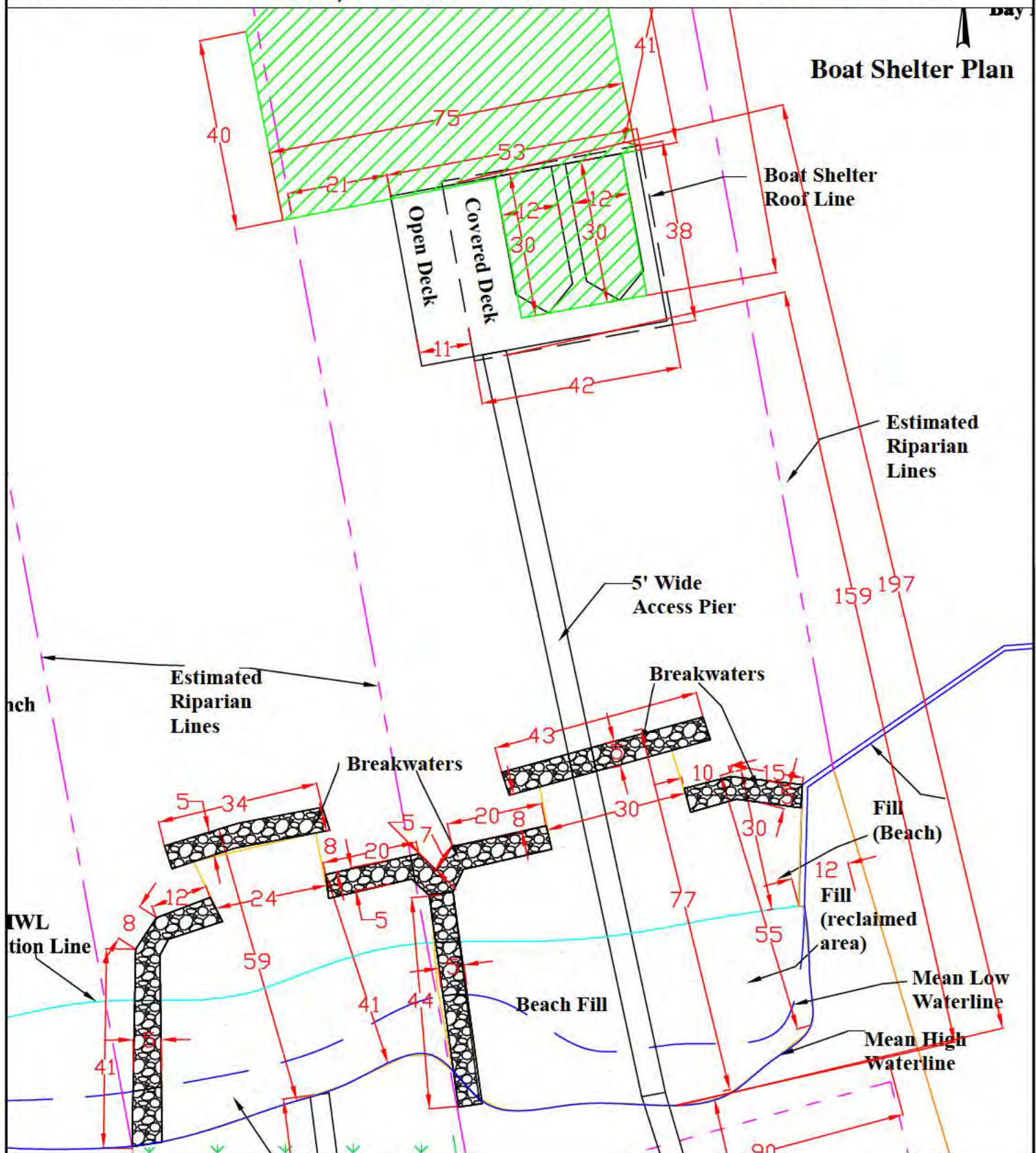
DRAWN BY  
H. Simpson  
CHECKED BY  
L. Caselley

DATE OF LAST REVISION  
6.8.22  
SCALE: AS STATED

FILE  
Burns Orange Beach 2.25.22  
SHEET 1



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### Burns Boat Shelter Plan



P.O. BOX 361  
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(251) 621-5006

PREPARED FOR  
Alan Burns  
28633 Sampson Ave  
Orange Beach, AL

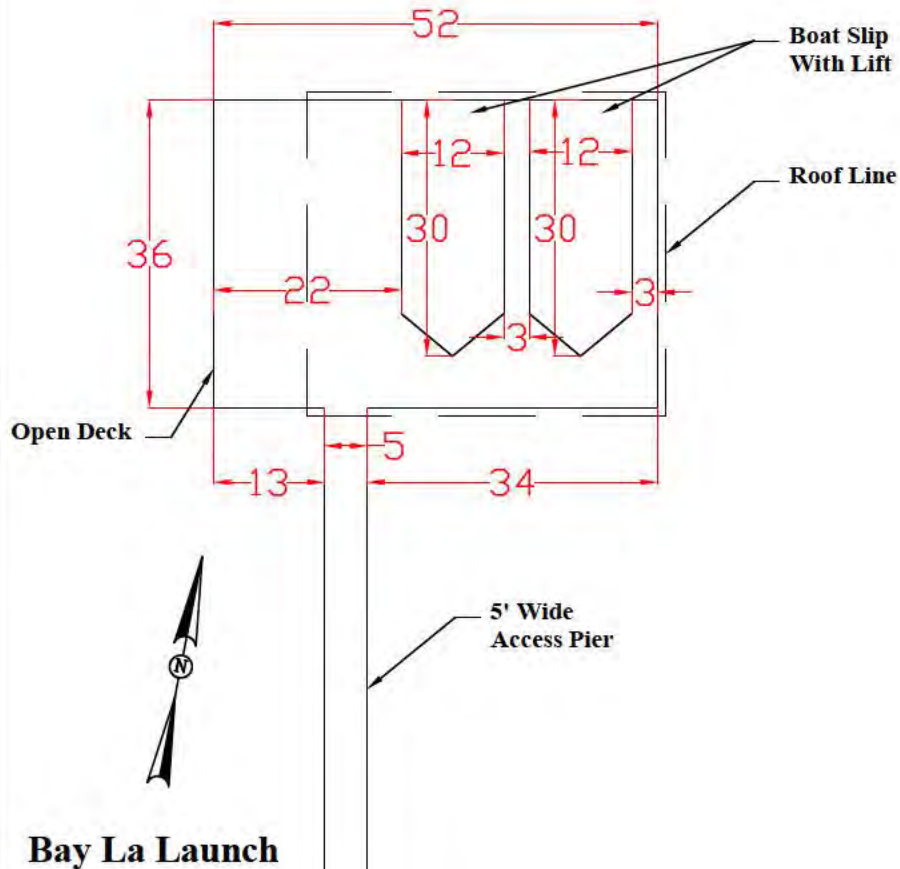
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H. Simpson  
CHECKED BY  
L. Caselney

DATE OF LAST REVISION  
6.8.22  
SCALE: AS STATED

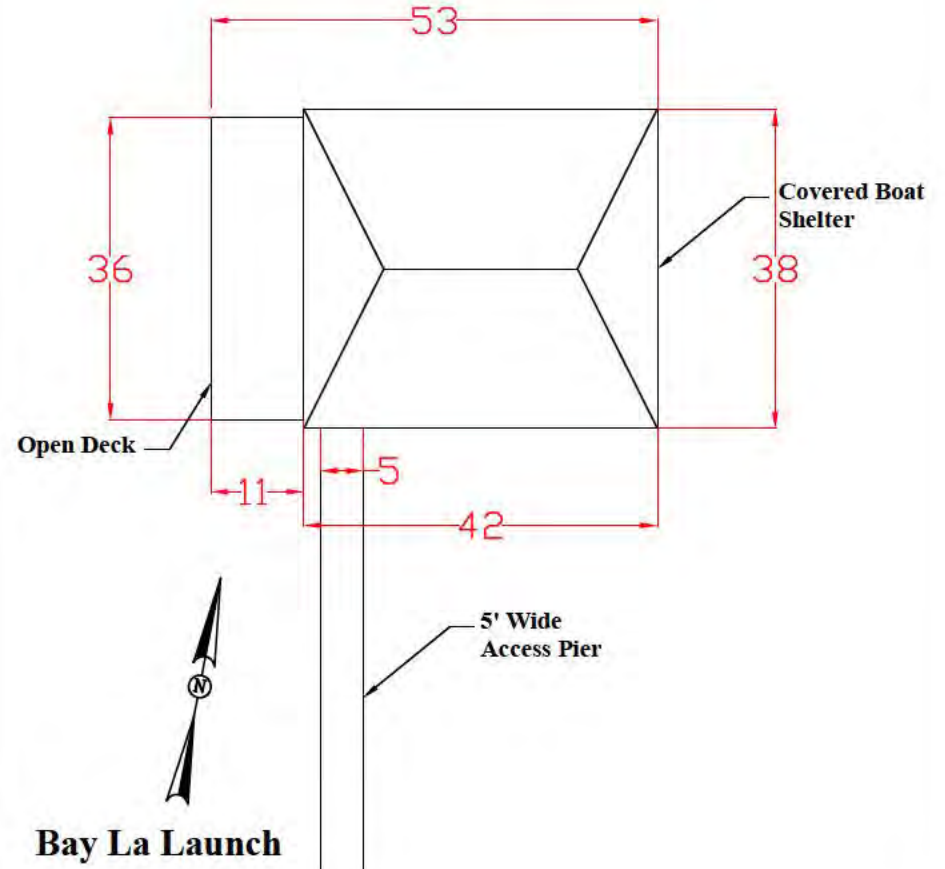
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Burns Orange Beach 2.25.22  
SHEET 1

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## Slip Plan



## Roof Plan



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Boat Slip 12'X30'  
Boat Slip 12'X30'  
Boat Shelter 53'X38'

## Burns Roof and Slip Plan

**EcoSolutions**  
ENVIRONMENTAL, MEDICATION, MANAGEMENT & PLANNING

P.O. BOX 361  
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(251) 621-5006

PREPARED FOR  
Alan Burns  
29633 Sampson Ave  
Orange Beach, AL

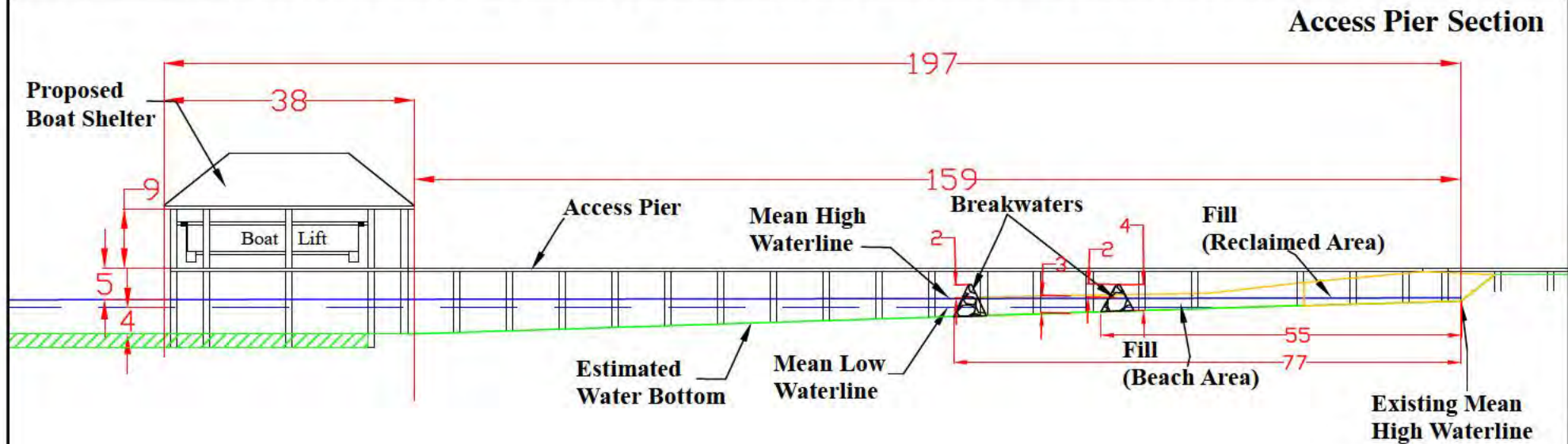
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H. Simpson  
CHECKED BY  
L. Cassidy

DATE OF LAST REVISION  
6.8.22  
SCALE AS STATED

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Burns Orange Beach 2.25.22  
SHEET 2



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



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## Burns Access Pier Cross Section



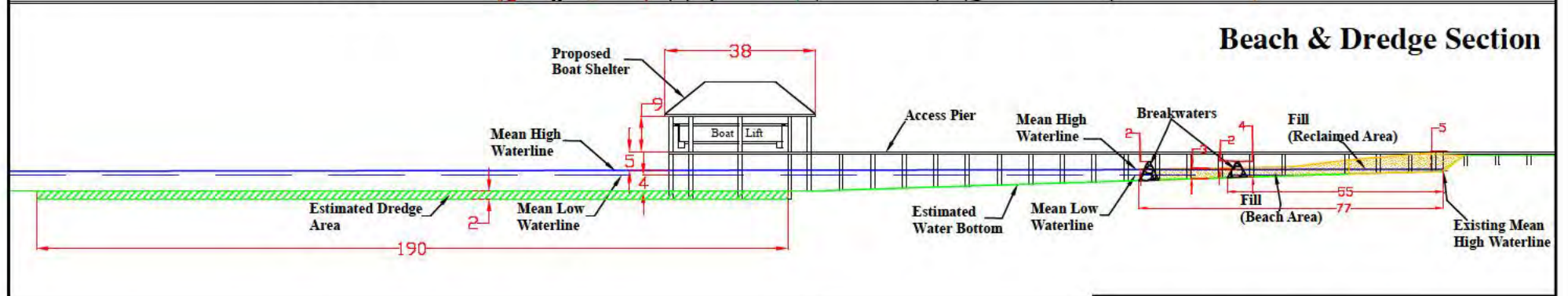
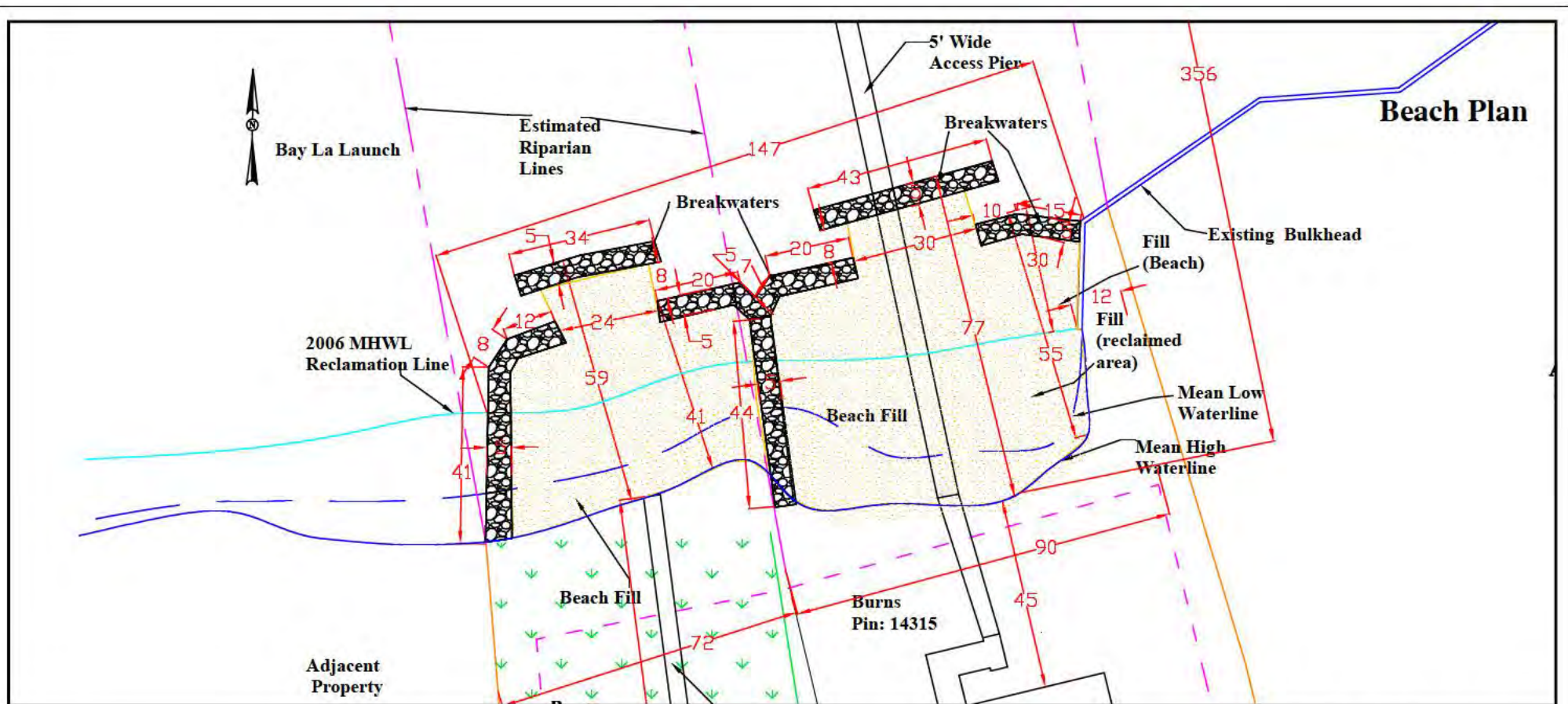
P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

PREPARED FOR  
Alon Burns  
26633 Sampson Ave  
Orange Beach, AL

DRAWN BY  
H. Simpson  
CHECKED BY  
L. Cassiday

DATE OF LAST REVIEW  
6/13/2023  
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Burns Orange Beach 2.25.22  
SHEET 3



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.

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Riprap length = 259 ft  
Riprap Area = 1,295 sq ft  
Riprap Volume = 106 cu yd

Shoreline Fill Area = 6,960 sq ft  
Shoreline Fill Volume = 540 cu yd

## Burns Beach Plan, Section



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

PREPARED FOR  
Alon Burns  
28633 Sampson Ave  
Orange Beach, AL

DRAWN BY  
H. Simpson  
CHECKED BY  
L. Cassidy

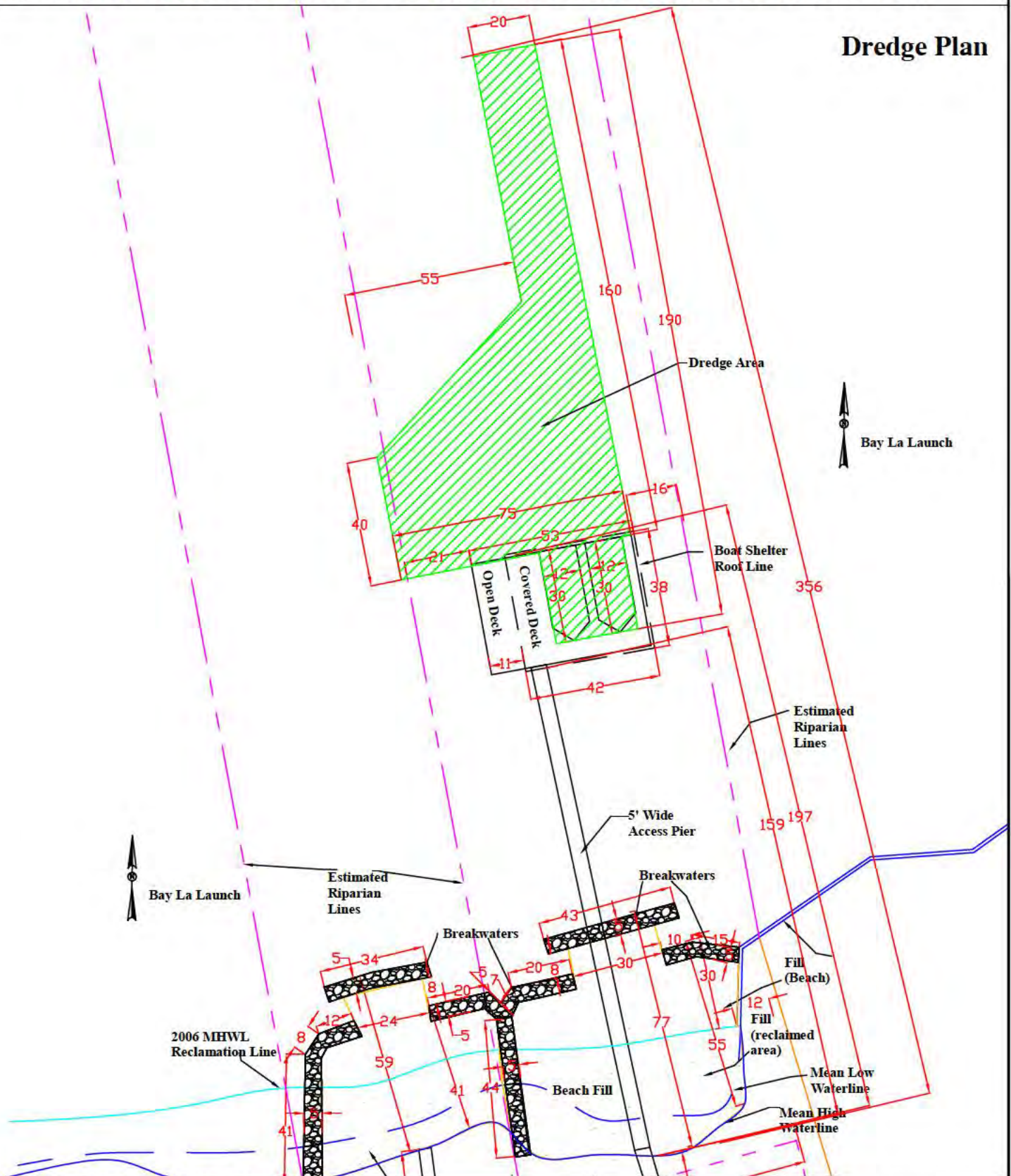
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FILE  
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SHEET 6



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## Dredge Plan



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## Burns Dredge Plan



ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

P.O. BOX 361  
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(251) 621-5006

PREPARED FOR  
Alan Burns  
28633 Sampson Ave  
Orange Beach, AL

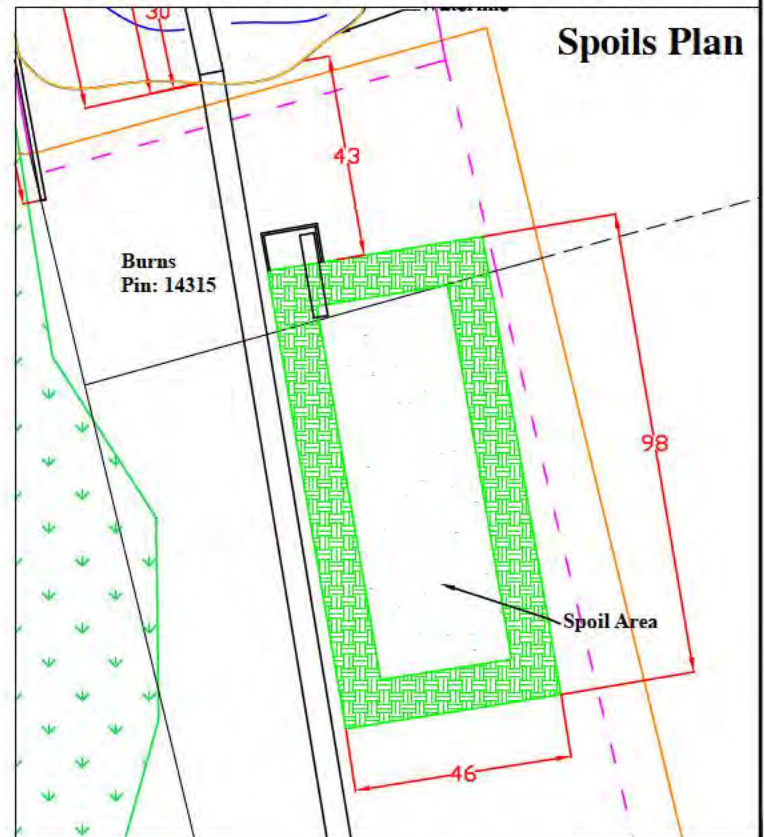
DRAWN BY  
H. Simpson  
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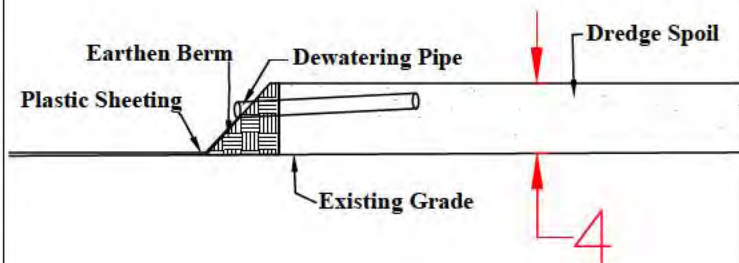
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Burns Orange Beach 2.25.22  
SHEET 4



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**De-watering Pipe**



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**Burns Dredge Spoil Plan**



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

PREPARED FOR  
Alan Burns  
28633 Sampson Ave  
Orange Beach, AL

DRAWN BY  
H. Simpson  
CHECKED BY  
L. Caselady

DATE OF LAST REVISION  
6/13/2023  
SCALE: AS STATED

FILE  
Burns Orange Beach 2.25.22  
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