



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-2022-00937-KNB

December 6, 2023

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

AFTER-THE-FACT REQUEST TO CONSTRUCT A BULKHEAD AND FILL BELOW
THE MEAN HIGH-WATER LINE OF MOBILE BAY, CODEN, MOBILE COUNTY,
ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Paul Browning
2765 County Road 85
Deatsville, Alabama 36022

AGENT: Ephriam and Associates Environmental Consulting
Attention: Mr. Troy Ephriam
3439 St. Stephens Road
Whistler, Alabama 36612

LOCATION: The project is located at 15399 Dauphin Island Parkway; within Section 6, Township 8 South, Range 1 West; at Latitude 30.36961, Longitude -88.11056; in Coden, Mobile County, Alabama.

PROJECT PURPOSE: The project purpose is to construct a new bulkhead waterward of the current Mean High-Water Line in Mobile Bay to reclaim eroded land at a vacant residential lot at 15399 Dauphin Island Parkway.

PROPOSED WORK: The applicant is requesting after-the-fact authorization to construct 83-linear feet of new bulkhead and backfill behind it with 160 cubic yards of sand fill material from an off-site source. The fill will impact 1,700 square feet of water bottoms below the Mean High-Water Line of Mobile Bay.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed fill area represents minimal impacts necessary to satisfy the project purpose. The entire shoreline on the south side of the proposed work was bulkheaded many years ago and the subject property has experienced accelerated erosion since then. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts at this time.

MITIGATION: No mitigation for the requested impacts has been proposed. The Mobile District has not yet verified the adequacy of the applicant's proposal at this time.

WATER QUALITY: 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 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 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, which includes the footprint of the fill area that would be disturbed by construction of the project. The National Register of Historic Places has been 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. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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 (E) or threatened (T) species have the potential to exist within the Deer River 12 digit HUC boundary: Florida manatee (E), Wood stork (T), Red knot (T), Alabama red belly turtle (E), 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'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 above listed species. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

COMMENTS: This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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-2022-00937-KNB**, and should be directed to the project manager, Mr. Eric Buckelew by e-mail at james.e.buckelew@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Mr. Eric Buckelew, 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. If you have any questions concerning this publication, you may contact Mr. Eric Buckelew by e-mail at james.e.buckelew@usace.army.mil, or (251) 472-7278. Please refer to the above Public Notice Number SAM-2022-00937-KNB, 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.

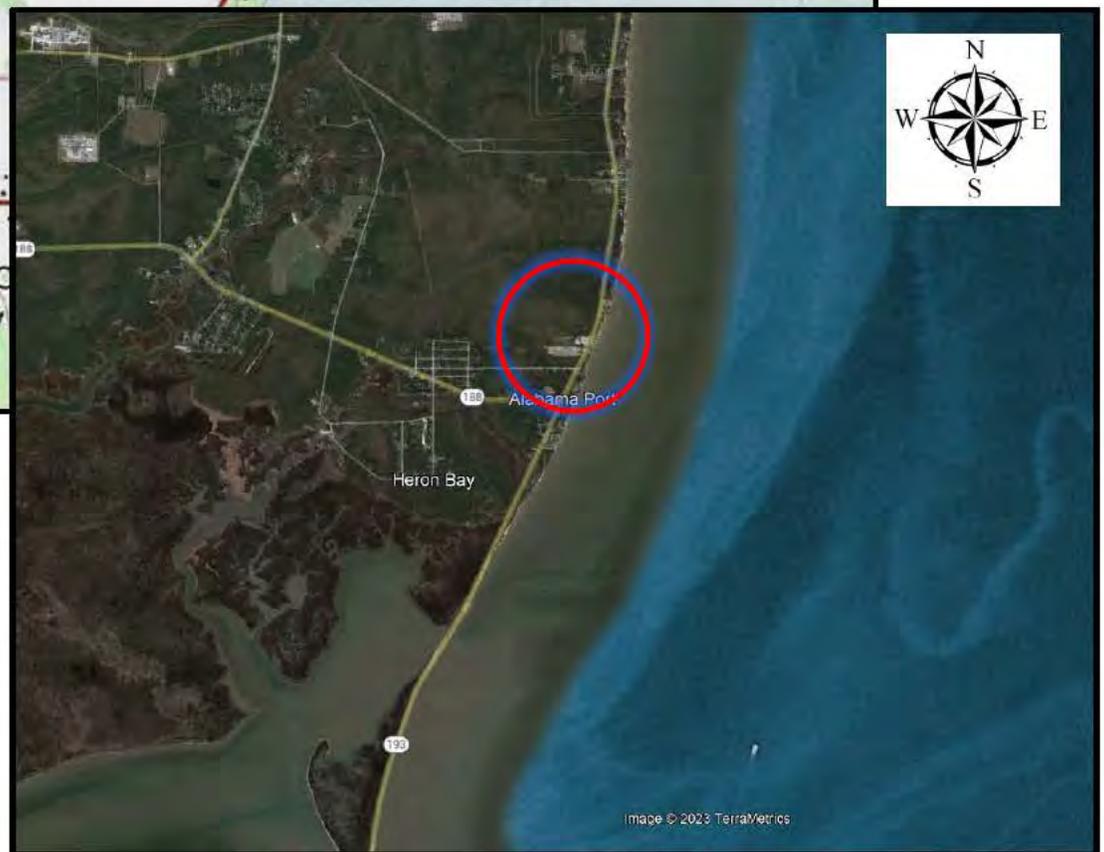
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



Site Location

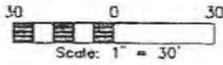
Figure 1



USGS Topographic Map, Little Dauphin Island, AL, 1958
7.5 Minute Map

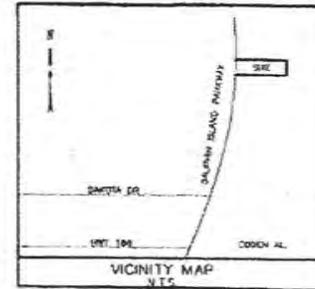
Legend





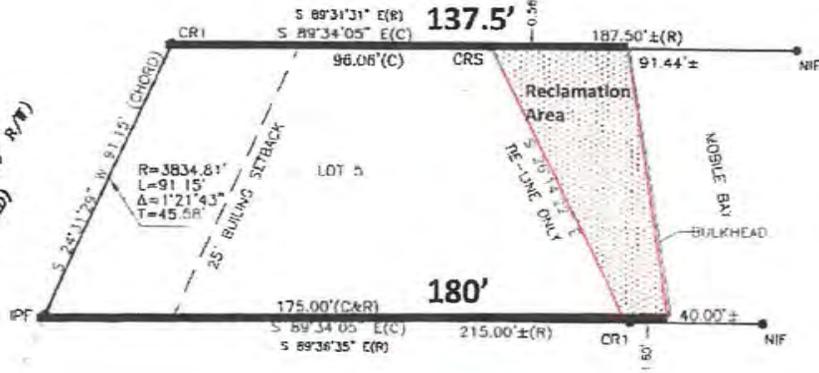
TYPE OF SURVEY: BOUNDARY
BEARING BASED ON SUBDIVISION PLAT

DESCRIPTION:
LOT 5 ALABAMA PORT LANDING, AS RECORDED
IN MAP BOOK 95, PAGE 21, IN THE OFFICE
OF THE JUDGE OF PROBATE, MOBILE COUNTY
ALABAMA.



DAUPHIN ISLAND PARKWAY (CEDAR POINT ROAD)
R/W

S 24°29'20" W (C)
100.0' (C)



Approved

Alabama Dept. of Conservation
State Lands Division
Submerged Lands Permits

FLOOD ZONE STATEMENT:

THIS DRAWING DOES NOT
REFLECT ANY TITLE OR EASEMENT
RESEARCH BY THIS COMPANY,
OTHER THAN WHAT IS VISIBLE ON
THE GROUND OR PROVIDED BY
THE CLIENTS CONVEYANCE.

PROPERTY IS LOCATED IN ZONE AE,
VE, WHICH WAS DETERMINED BY
ELEVATIONS FROM INSURANCE RATE
MAP 01097CD901K, DATED MARCH
17, 2010.

SURVEYOR'S CERTIFICATE - SIGNED BY OWNERS

I, PAUL D. STEWART, A REGISTERED LAND SURVEYOR (ALABAMA, REG. NO. 30357)
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.

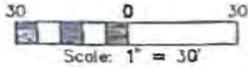
Paul D. Stewart
PAUL D. STEWART, A.A. REG. NO. 30357

5/8" CAPPED REBAR SET ON ALL PROPERTY
CORNERS UNLESS NOTED.
NO IMPROVEMENTS SHOWN



P:\Projects\2022\0937-KNB\11\2022-0937-014.dwg, Sat, 07/27/2023, 9:31:10 AM, user: knb

DRAWN BY: JAS	SCALE: 1"=30'	REVISIONS:	PROJECT:	SHT. NAME:	SHT. NO.:
DATE: 06-27-22	S-T-R 07-185-01W				1 / 1
DWG. NO.: 2209-013	CLIENT: PAUL DAWSON				
APPROVED BY: JS	PROJECT: 1912-014				



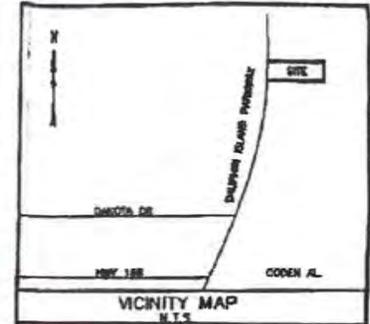
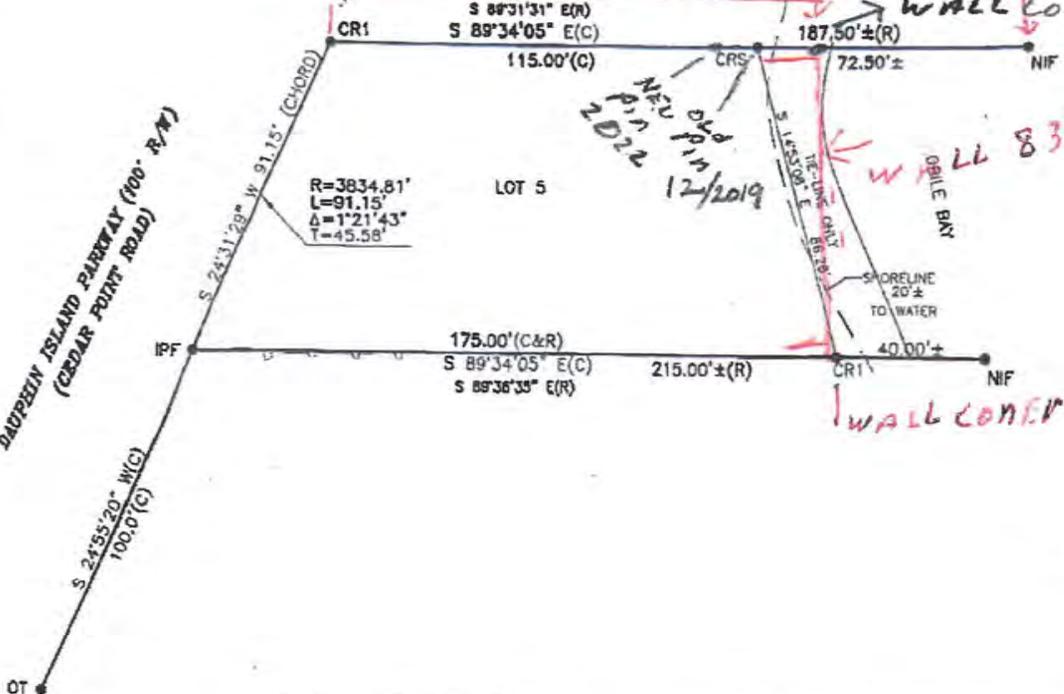
TYPE OF SURVEY: BOUNDARY

DESCRIPTION: 187'

BEARING BASED ON SUBMISSION PLAT

LOT 5 ALABAMA PORT LANDING, AS RECORDED IN MAP BOOK 95, PAGE 21, IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY ALABAMA.

DARREIN ISLAND PARKWAY (100' R/W)
(CEDAR POINT ROAD)



LEGEND:

- P = OVERHEAD POWER LINES
- PP = POWER LINE POLE
- POB = POINT OF BEGINNING
- CR1 = CAPPED REBAR IRON FOUND
- CRS = CAPPED REBAR IRON SET
- CR(1) = CAPPED REBAR IRON FOUND (POLY)
- IPF = IRON PIN FOUND
- CT = CRIMP TOP IRON PIPE FOUND
- OT = OPEN TOP IRON PIPE FOUND
- RBR = REBAR FOUND
- CMT = CONCRETE MONUMENT FOUND
- NIF = NO IRON FOUND OR SET
- R = RECORDED
- C = COLLECTED

5/8" CAPPED REBAR SET ON ALL PROPERTY CORNERS UNLESS NOTED.
NO IMPROVEMENTS SHOWN

FLOOD ZONE STATEMENT:

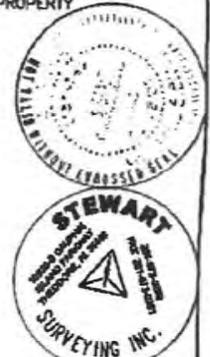
THIS DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH BY THIS COMPANY, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS CONVEYANCE.

PROPERTY IS LOCATED IN ZONE AE, VE WHICH WAS DETERMINED BY ELEVATIONS FROM INSURANCE RATE MAP 01097C0901K, DATED MARCH 17,2010

SURVEYOR'S CERTIFICATE - SIGNED BY OWNERS

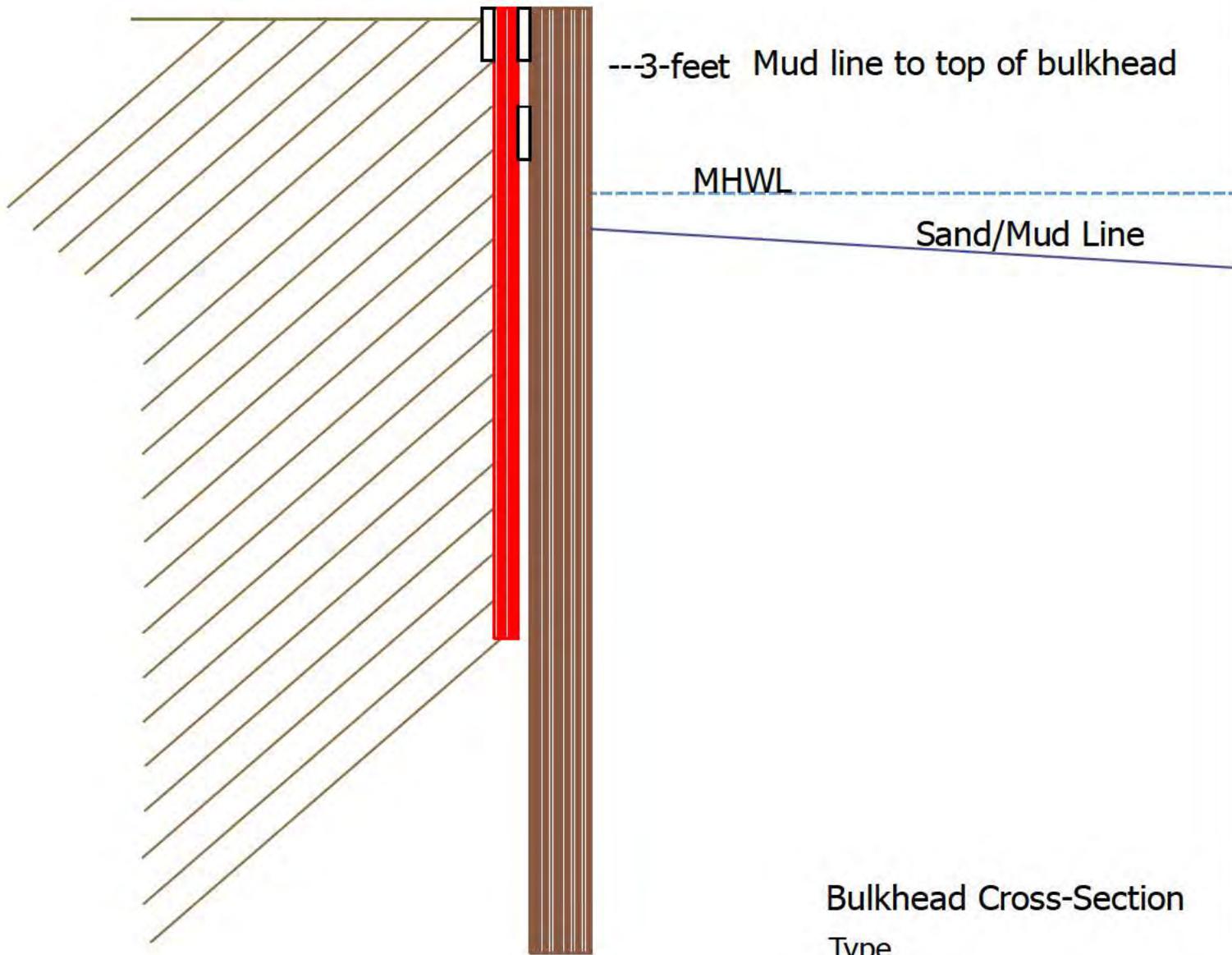
I, PAUL D. STEWART, A REGISTERED LAND SURVEYOR (ALABAMA REG. NO. 30397) HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Paul D. Stewart
PAUL D. STEWART, ALA. REG. NO. 30397



DRAWN BY: JAC	SCALE: 1"=30'	REVISIONS:	PROJECT:	SHT. NAME:	SHT. NO. 1/1
DATE: 12-21-19	S-T-R: 57-100-R1W				
DWG. NO.: 1812-014	CLIENT: PALM BROWNING				
APPROVED BY: PS	PROJECT: 1812-014				

C:\Users\jacob\Desktop\1812-014.dwg, sun 16, 2020 - 2:28:12PM, jrs-304



--3-feet Mud line to top of bulkhead

MHW

Sand/Mud Line

Bulkhead Cross-Section

Type

- Ground
- - - MHW
- Piling
- Sea Floor
- Sheet Pile
- Wood

SAM-2022-00937-KNB

Browning DIP Property
 Bulkhead Cross Section
 S6-T85S-R1W
 Coden, Alabama

