



**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-2022-01022-DJL**

**January 19, 2023**

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

**REQUEST TO ESTABLISH ONE (1) ARTIFICIAL REEF ZONE IN THE GULF OF**  
**MEXICO APPROXIMATELY 10-20 MILES OFFSHORE OF BALDWIN AND MOBILE**  
**COUNTIES, 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 USC 403) and Section 4(f) of the Outer Continental Shelf Lands Act, as amended. Please communicate this information to interested parties.

**APPLICANT:** Alabama Department of Conservation and Natural Resources,  
Marine Resources Division  
Attention: M. Scott Bannon  
Post Office Box: 189  
Dauphin Island, AL 36528

**AGENT:** Alabama Department of Conservation and Natural Resources,  
Marine Resources Division  
Attention: D. Craig Newton  
Post Office Box: 189  
Dauphin Island, AL 36528

**LOCATION/WATERS:** Gulf of Mexico, approximately 10-20 nautical miles offshore of Baldwin and Mobile Counties, Alabama. See attachments for location details.

**PROJECT PURPOSE:** The basic project purpose is to create an artificial reef. The overall project purpose is to enhance juvenile and adult reef fish habitat and increase productivity of reef associated finfish off the coast of Alabama.

**PROPOSED WORK:** The applicant proposes to establish one (1) artificial reef zone in the Gulf of Mexico approximately 10-20 nautical miles offshore of Alabama. Within the proposed reef zone, which has a total area of approximately 15,168 acres (23.7 square miles), the applicant proposes to deploy various materials such as fabricated concrete reef modules, repurposed concrete, barges, steel pipes and miscellaneous structural steel to be utilized as artificial reef material.

All deployments would be conducted exclusively by and for the State of Alabama Department of Conservation and Natural Resources (ADCNR). All structures and materials would follow the National Artificial Reef Plan and the Gulf and Atlantic States Marine Fisheries Commission: Guidelines for Marine Artificial Reef Materials. All reef structures and materials would share similar characteristics: 1) Structure(s) must function as a reef by producing and supporting aquatic organisms; 2) Material components must be compatible with the surrounding marine environment; 3) Materials must be selected for their resistance to the chemical and physical stresses of the marine environment; and 4) The structure(s) must be locationally stable even during hurricane conditions.

Bathymetry within the project area would change after construction. Low-relief juvenile recruitment reefs would provide less than 3 feet of vertical relief from the seabed, while some adult reefs will not exceed 25 feet of vertical relief above the seabed. The material and site selection procedures would ensure that at least 50 feet of vertical clearance at Mean Low Water (MLW) would be maintained above each reef.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that the proposed reef zones were sited to avoid shipping lanes, known natural hard bottom habitats, beach sand source deposits, and Ocean Dredge Material Disposal Sites (ODMDS). Individual reef sites within the proposed zones would be positioned at least 500 meters from natural gas/oil infrastructure. High-relief adult reef sites would be positioned at least 1,000 meters from juvenile enhancement projects and existing shell rubble ridges where juvenile reef fish density is high. As noted above, the material and site selection procedures would ensure that at least 50 feet of vertical clearance at MLW would be maintained above each reef site. 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.

**WATER QUALITY/COASTAL ZONE MANAGEMENT (CZM):** 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 Alabama Department of Environmental Management (ADEM). This notice serves as a notification to the Administrator of the Environmental Protection Agency (EPA) requesting a determination of potential water quality impacts to neighboring jurisdictions, 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.

**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 15,168 acres (23.7 square miles) of marine substrate utilized by various life stages of multiple marine species. Our initial determination is that the proposed action would have minimal adverse effects on EFH or federally managed fisheries due to the temporary, localized disturbances associated with deployment of reef materials. The long-term effects on federally managed fisheries are expected to be beneficial as a result of enhanced reef fish habitat within the project area. Our final determination is subject to review by and coordination with the National Marine Fisheries Service (NMFS) 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 indicates the proposed activity may affect the Kemp's ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermodochelys coriacea*), hawksbill sea turtle (*Eretmodochelys imbricate*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), and giant manta ray (*Mobula birostris*), and would have no effect on the fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), sperm whale (*Physeter microcephalus*), Bryde's whale (*Balaenoptera edeni*), and oceanic whitetip shark (*Carcharhinus longimanus*). There is no designated critical habitat within the action area, and no direct or indirect effects to designated critical habitat are anticipated as a result of the project activities. The Mobile District, will initiate consultation with the NMFS in accordance with Section 7 of the Endangered Species Act.

**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 Mobile District 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 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, 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 Mobile District is soliciting comments from the public, from federal, state and local agencies and officials, 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 Mobile District 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 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 deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

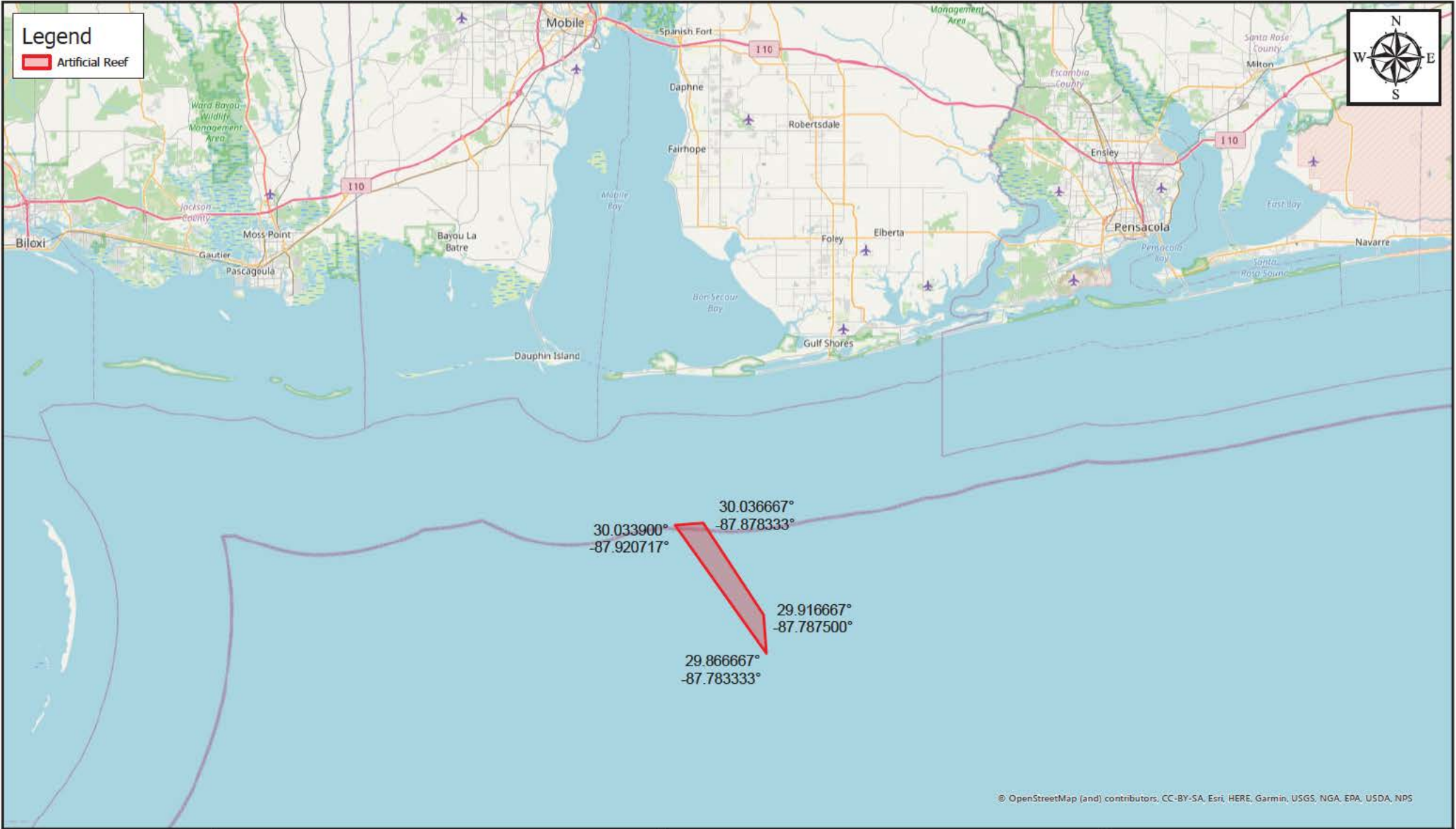
Correspondence concerning this public notice should refer to Public Notice Number **SAM-2022-01022-DJL** and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Mr. Dane J. Leach**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at [Dana.J.Leach@usace.army.mil](mailto:Dana.J.Leach@usace.army.mil), or (251) 694-3784. 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.

**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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



© OpenStreetMap (and) contributors, CC-BY-SA, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS



SAM-2022-01022-DJL // Vicinity Map



Map Center: 87 84152°W 30.176712°N

Map Created by: Dane J. Leach, Project Manager

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere  
Projection: Mercator Auxiliary Sphere



