



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

**CESAM RD-SP**  
**PUBLIC NOTICE NO. SAM-2022-01041-JEB**

**August 25, 2023**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS**

**STATE OF ALABAMA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PROPOSED SHORELINE DEVELOPMENTS IMPACTING 0.1 ACRE OF WATERS OF  
THE UNITED STATES ALONG BAY LA LAUNCH, 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. Edward Dean  
3615 Stein Avenue  
Mobile, Alabama 36608  
Email Address: [ead@ajlaw.com](mailto:ead@ajlaw.com)

**LOCATION:** The proposed project is located along Bay La Launch, at 5175 Bay Drive; within Section 33, Township 8 South, Range 5 East; Latitude 30.300332° North, Longitude -87.567456° West; in Orange Beach, Baldwin County, Alabama.

**APPLICANT STATED PROJECT PURPOSE:** The purpose of this project is to stabilize the residential shoreline along Bay La Launch.

**PROPOSED WORK:** The applicant was issued an Alabama Regional General Permit (ALRGP)-11, *Shoreline and Bank Stabilization and Protection*, on May 9, 2023, for the purpose of breakwater installation and shoreline stabilization. In July 2023, the applicant notified the Corps they intended to change plans and materials beyond the height and extent thresholds of the originally verified ALRGP. The applicant proposes to install wooden breakwaters fronting Bay La Launch. Dredging is proposed along the existing boat shelter, and spoil materials will be placed behind the proposed wooden breakwaters. The following activities are proposed:

a. Construct 138 linear feet of wooden breakwaters fronting the shoreline of Bay La Launch, the breakwaters will extend waterward a maximum of 42 feet from the mean high-water line (MHWL), and the breakwaters will extend 1.5 feet above the MHWL.

b. Dredging from a 2,510 square feet area (186 cubic yards of material) from Bay La Launch to be used for shoreline stabilization; and backfill of 1,995 square feet below the MHWL behind the breakwaters.

The project will result in impacts to *0.1 acre of impacts to Waters of the United States (WOTUS)*.

**AVOIDANCE AND MINIMIZATION:** Best Management Practices (BMPs) will be implemented to prevent water quality impacts within Fish River 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.

**COMPENSATORY MITIGATION:** The applicant has not proposed mitigation, as no impacts to wetlands are proposed. However, USACE, Mobile District has not verified the adequacy of the applicant's mitigation efforts at this time.

**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).

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the entire 0.1 acre of affected waterbottoms and subject property developments, as well as portions of the uplands used for staging and access. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. 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 from the State Historic Preservation Office, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public.

**THREATENED AND 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 proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: Alabama Beach Mouse (E), Perdido Key Beach Mouse (E), Piping Plover (T), Red Knot (T), Wood Stork (T), Eastern Indigo Snake (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), Loggerhead Sea Turtle (T). There is no designated critical habitat within the project 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 Alabama Beach Mouse (E), Perdido Key Beach Mouse (E), Piping Plover (T), Red Knot (T), Wood Stork (T), Eastern Indigo Snake (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), Loggerhead Sea Turtle (T). species. The review also found the activity may affect but not likely to adversely affect the West Indian Manatee (T) 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.

**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 0.1 acre of unvegetated estuarine substrate utilized by various life stages of multiple marine species. The USACE has made a preliminary determination that the proposed project will have no substantial adverse effect on EFH. 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).

**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. 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, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and

conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The USACE 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 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 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 WoUS will 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-2022-01041-JEB**, and should be directed to the project manager, Mr. Samuel Barber by e-mail at [samuel.t.barber@usace.army.mil](mailto:samuel.t.barber@usace.army.mil), by phone at (251) 386-4037, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. Samuel Barber, 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.**

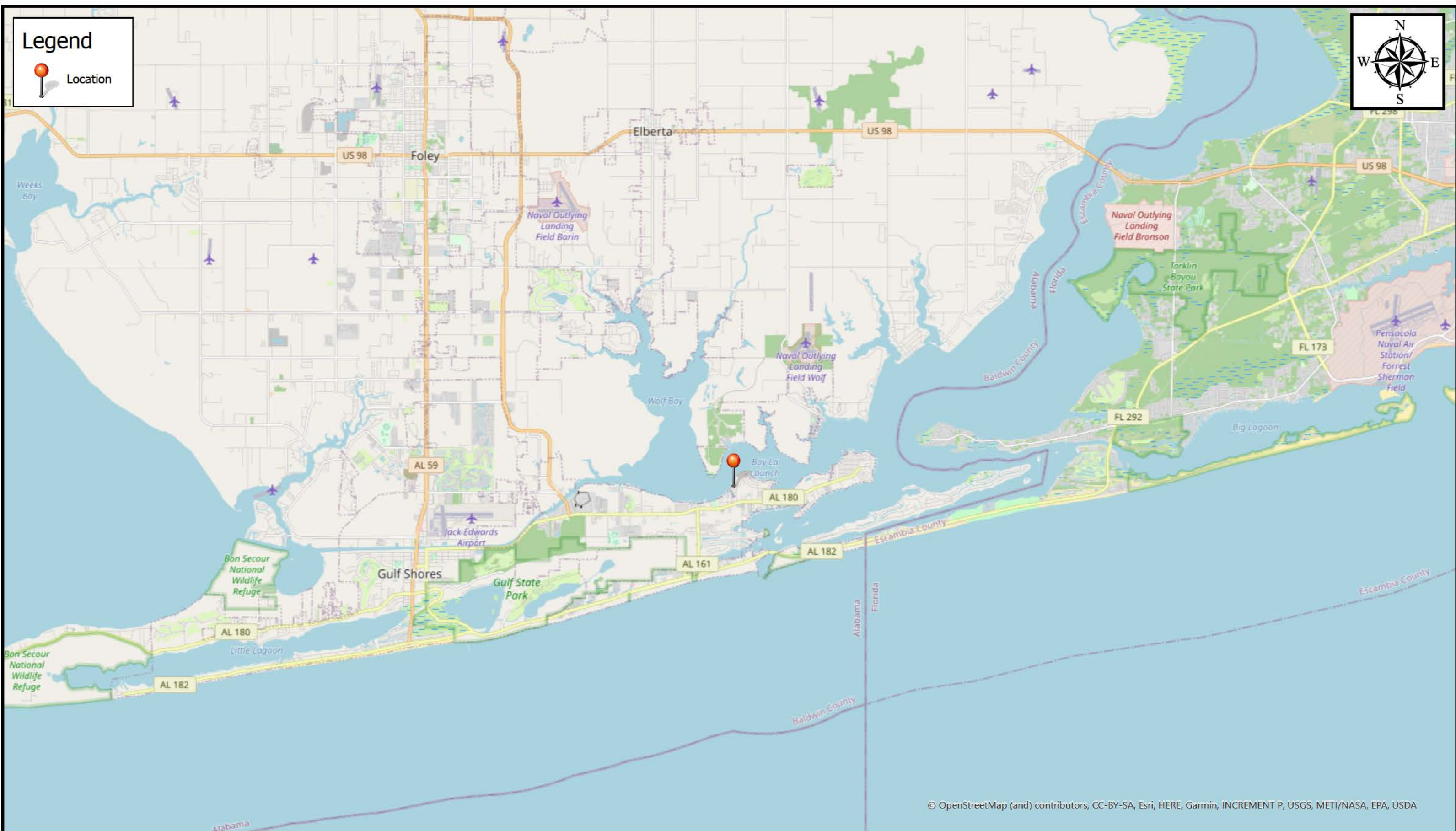
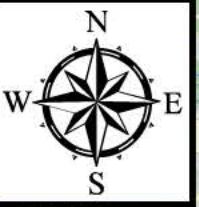
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



Legend



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**SAM-2022-01041-JEB // Location Map // Department of the Army**



Map Center: 87.569235°W 30.320527°N

Map Created by: Samuel T. Barber, Project Manager

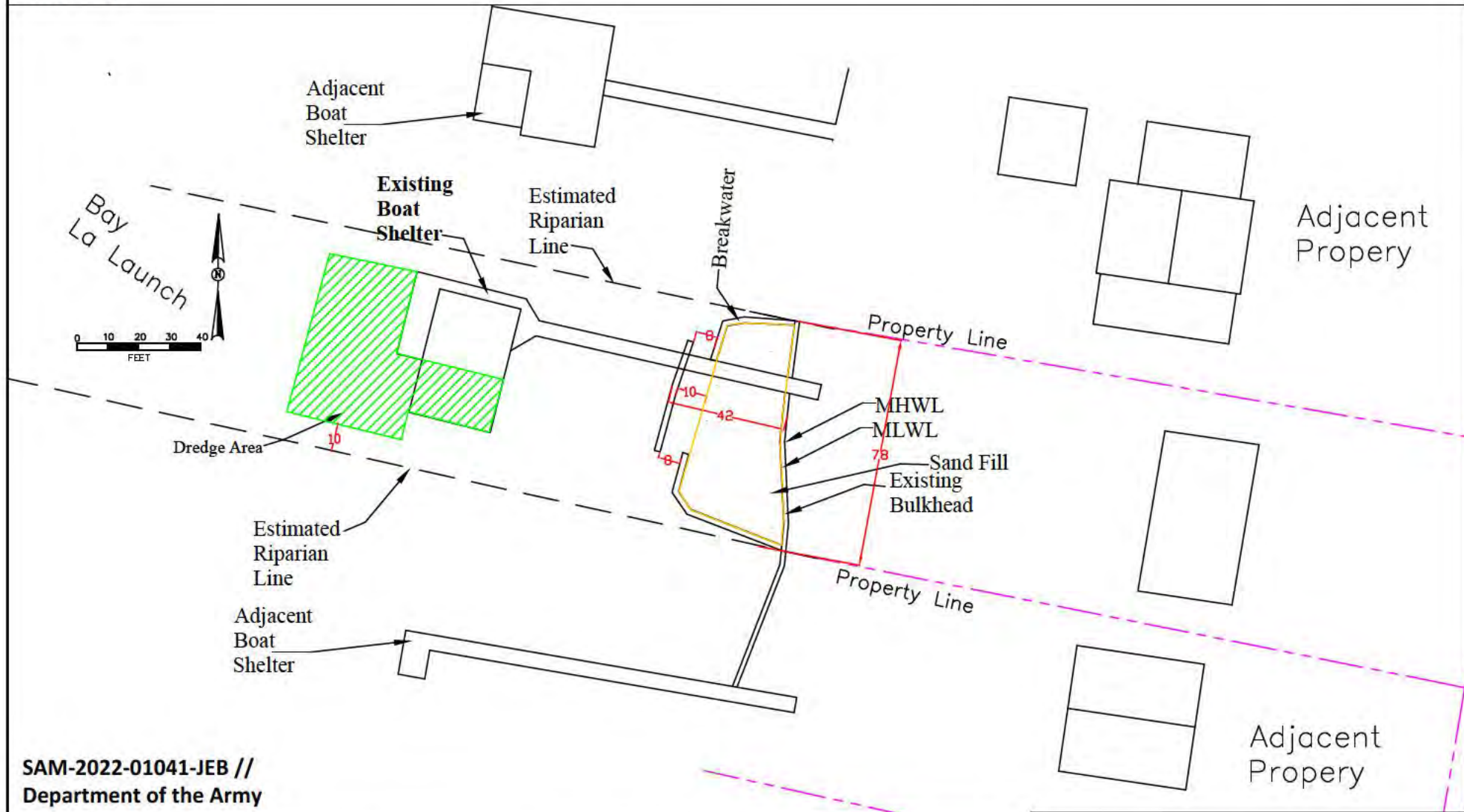
Date: 4/28/2023

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



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

## Site Plan



**SAM-2022-01041-JEB //**  
**Department of the Army**

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. Property boundaries are estimated based on available information.

Linear Feet of Breakwater = 138 feet  
 Beach Fill Area = 1,995 sq ft  
 Beach Fill Volume = 186 cubic yards  
 Dredge Area = 2,510 sq ft  
 Dredge Volume = 186 cubic yards

### Dean Site Plan

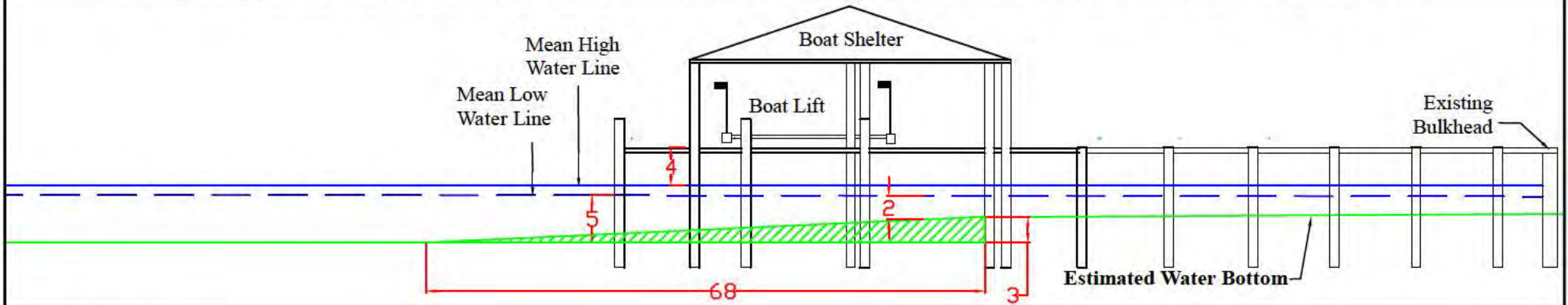


P.O. BOX 361  
 MONTROSE, AL 36559  
 (251) 621-5006

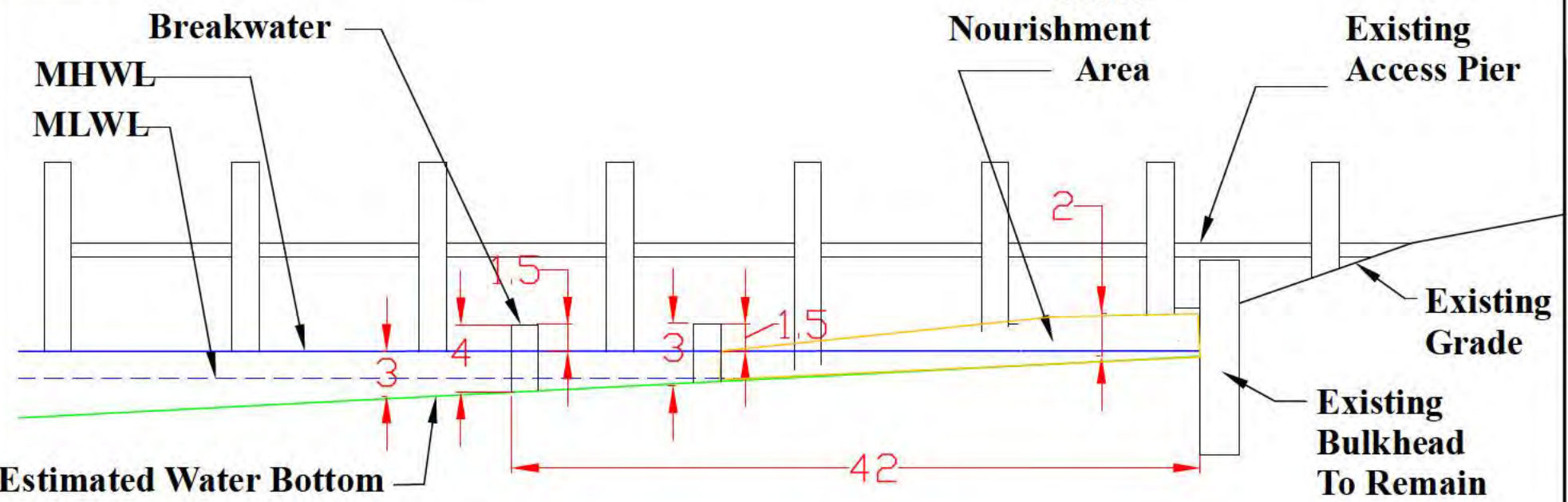
PREPARED FOR Edward Dean 5175 Bay Dr. Orange Beach, Alabama	DRAWN BY L. Kercher CHECKED BY T. Hutchings	DATE OF LAST REVISION July 24, 2023	DWG Dean Property 9.14.22
SCALE: AS STATED			SHEET 1

clean\_property\_9.14.22

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



## Beach Section



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. Property boundaries are estimated based on available information.

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 Department of the Army

<b>Dean Section</b>			
<b>EcoSolutions</b> ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006	
PREPARED FOR Edward Dean 5175 Bay Dr. Orange Beach, Alabama	DRAWN BY L. Korcher CHECKED BY T. Hutchings	DATE OF LAST REVISION July 24, 2023	DWG Dean Property 9.14.22
SCALE: AS STATED		SHEET 2	

Dean Property 9.14.22