



REPLY TO
ATTENTION OF

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

CESAM RD-A
PUBLIC NOTICE NO. SAM-2022-01180-EAH

March 29, 2023

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

REQUEST TO IMPACT 0.06 ACRE OF INTERTIDAL WATERBOTTOMS ON THE GULF
OF MEXICO, IN THE TOWN OF DAUPHIN ISLAND, 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: Legion Vacations, LLC
Attention: Mr. Sean Hunt
142 Creek Side Way
Ball Ground, Georgia 30107

LOCATION: Gulf of Mexico; 103 Vargas Court; within Section 0, Township 9 South, Range 2 West; at Latitude 30.248301° North, Longitude -88.188367° West; Dauphin Island, Mobile County, Alabama.

PROJECT PURPOSE: The project purpose is to restore and stabilize the project shoreline to improve structural stability, reduce erosion impacts, minimize risk of avulsion events, and the protect the existing residential-developed property.

PROPOSED WORK: The applicant proposes the discharge of 208 cubic yards of clean class 2 riprap material along the interior perimeter of the existing remnant bulkhead structure. The riprap barrier is proposed to be backfilled with 300 cubic yards of clean beach-compatible sand material. The project would impact an estimated 0.06 acre of intertidal waterbottoms.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed impacts have been avoided and minimized by scheduling construction around low tide events, minimizing use of heavy machinery, and utilizing materials which would minimize scouring and provide habitat. Material will enable dissipation of wave energy which will greatly reduce impact on subject and adjacent properties. 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: 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 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. 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 an estimated 675 square feet (0.02 acre) of unvegetated intertidal marine substrate. No aquatic vegetation is present within the project area. 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 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: West Indian manatee (T), piping plover (T), red knot (T), wood stork (T), green sea turtle (T), Kemp's ridley sea turtle (E), and loggerhead sea turtle (T), and Gulf Sturgeon (T). The ESA Action Area intersects with designated critical habitat for piping plover. 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-2022-01180-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 Area



City of Mobile GIS Department, Esri, HERE, Garmin, INCREMENT P, NGA,
USGS, City of Mobile GIS Department, Esri, HERE, Garmin, INCREMENT P,
USGS, EPA, USDA



SAM-2022-01180-EAH

0 0.05 0.1 0.2
mi

Map Center: 88.188127°W 30.248894°N

Map Created by: Elizabeth Hamilton
Date: 3/23/2023

Coordinate System: WGS 1984 Web
Mercator Auxiliary Sphere

Island Escape LLC
605 Harvest CT NW
Grimes, IA 50111

