



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-2023-00275-MBM

July 31, 2023

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

PROPOSED MECHANICAL DREDGING AND EXCAVATION, AND PLACEMENT
OF FILL AND STRUCTURES IN WATERS OF THE UNITED STATES, TO
CONSTRUCT A 78-SLIP MARINA ALONG THE GULF INTRACOASTAL
WATERWAY IN GULF SHORES, 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 404 of the Clean Water Act and to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: Two Harbors Property Partnership
Attention: Mr. John Fitzgerald
605 Waterway East Boulevard
Gulf Shores, Alabama 36542

AGENT: Barry a. Vittor & Associates, Inc.
Attention: Dr. Barry Vittor
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: A 23.4-acre tract on the north shore of the Foley Land Cut within the Gulf Intracoastal Waterway (GIWW), on the east side adjacent to Saunders Yachtworks, is located within Section 9 of Township 9 South, Range 4 East; at Latitude 30.281385, Longitude - 87.680160; Gulf Shores, Baldwin County, Alabama

PROJECT PURPOSE: The basic project purpose is to construct a multi-use marina complex. The overall project purpose is to create a 76-slip marina, and 2 dry storage berths and auxiliary vessel launch facility associated with a vessel repair and service facility, for a total of 78 additional slips on the Foley Land Cut segment of the GIWW.

PROPOSED WORK: The applicant proposes to construct an "L shaped" 76 wet-slip marina on the north shore of the Foley Land Cut. The proposed work involves the mechanical dredging and excavation of approximately 28,267 cubic yards of open waterbottoms and 216,690 cubic yards of land to create a marina with water depths of -9 feet mean lower low water (MLLW) inside the created marina, and -10 feet MLLW within the two entrance channels. The applicant states 56,200 cubic yards of excavated materials is expected to be dewatered and used onsite, and 188,800 cubic yards of excavated material possibly used

offsite for the renourishment of Terry Cove Islands and widening of Waterways East Boulevard by the City of Gulf Shores. The North/South portion of the marina basin will be approximately 400 feet wide by 582 feet long. The East/West portion of the marina basin will be approximately 80 feet wide by 725-feet long. The proposed marina basin will have two 60-foot wide access channels from the Foley Land Cut to the marina basin (one serving the North/South Basin and one serving the East/West Basin). From the Foley Land Cut to the North/South Basin, the access channel will be approximately 125 feet long. From the Foley Land Cut to the East/West marina basin, the access channel will be approximately 90 feet long. The cut will be approximately 1,050 feet wide at the confluence with the Foley Land Cut. The channel will be tapered to two 60-foot wide access channels at the marina entrance and the remaining interior portion (between the two 60-foot wide marina access channels) will be protected by the floating concrete wave attenuator. The northernmost portion of the North/South Basin will be excavated to a depth of 9 feet below MLLW. The basin depth will increase to the south toward the access channel, where the proposed depth will be 10 feet MLLW.

The marina basin will include 76 wet slips to accommodate boats ranging from 30 to 130 feet long. Sheet pile bulkheads/toe walls, one marine lift well, and 8 foot wide piers and mooring pilings will be located between each berthing slip. An 848-foot linear floating concrete wave attenuator structure, supported by fixed concrete pilings will be installed between the two 60-foot wide basin entrances. All structures other than the riprap shoreline stabilization and the wave attenuator will be located within the marina basin. Approximately 740 feet of shoreline will be stabilized by the placement of rip- rap protection along the marine access channel and the existing Foley Land Cut shoreline fronting the Permittee's property. Approximately 990 cubic yards of rip-rap will be placed below the plane of Mean High Water and 520 Cubic yards placed above this plane. An existing culvert under Waterway East Boulevard will continue to discharge into the northernmost portion of the proposed North/South marina basin. The culvert's outfall will be newly designed to accommodate the construction of the proposed marina basin. The project will impact 0.01 acre of wetlands for excavation of the marina, and 0.07 acre of wetlands to construct the entrance road at the northern edge of the property. To create and increase the length of the western shoreline, approximately 9,225 square feet of tidal open waters will be filled using 750 cubic yards of sand and 571 cubic yards of rock.

The Foley Land Cut (FLC) is a segment of the GIWW which is a federal commercial navigation channel. Under Section 10 of the Rivers and Harbors Act, the number of authorized wet and dry slips authorized along the FLC is carefully regulated to ensure the navigational safety of commercial vessels operating within this waterway. An Environmental Impact Statement (EIS) was completed in 2009 that studied the effects of new marina development on commercial navigational safety on the FLC. The EIS concluded that, without identified mitigation measures being implemented, a maximum of 2,139 additional wet and dry boat slips could be authorized along the FLC. The EIS outlines how 1,818 additional boat slips would be initially available, and the remaining slips would be phased in after all initial slips were constructed and a 1-year navigational safety evaluation completed. The Corps has currently authorized 1,716 additional wet and dry boat slips on the FLC. If authorized, the proposed project would

add an additional 78 wet and dry slips. The applicant has verified that no additional wet or dry slips are being proposed for this project.

AVOIDANCE & MINIMIZATION: The applicant has avoided impacts to waters of the United States by physically expanding an existing excavated basin. The applicant has proposed staging area space within the marina basin in order to minimize the potential for waterway traffic congestion in the GIWW. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

MITIGATION: To mitigate for the impacts to 0.08 acre of low quality wetlands, the applicant proposed to purchase mitigation credits from a mitigation bank. USACE has not verified the wetland delineation or jurisdictional determination at this time, or the adequacy of the applicants proposed mitigation plan. The proposed work is not anticipated to have an adverse effect on essential fish habitat.

WATER QUALITY / COASTAL ZONE MANAGEMENT: 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 CZM consistency will be made by the Alabama Department of Environmental Management (ADEM) within an established reasonable period of time.

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 footprints of the proposed areas of dredging and excavation and the onsite and offsite dewatering and disposal sites. The permit area was expanded to include upland portions of the project which would not occur but for the proposed undertaking and are directly associated and integrally related to the work in waters of the United States. The subject property has been altered by previous construction of a barge slip and by dredged material disposal associated with construction of the GIWW. The potential for cultural resources to be found on this property was evaluated in the 2009 EIS, and no survey was required by the Alabama Historical Commission due to extensive disturbance. An up-dated review of the potential for cultural resources to be present has not been conducted for the present project. 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. 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.

In addition, we are seeking comments from local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens 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 result in temporary maintenance dredging and construction impacts within an existing marina basin. Our initial determination is that the proposed action would have no adverse effect on EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures 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 12-digit Hydrologic Unit Code (HUC-12) of the project area: Eastern Black Rail (T), Alabama Beach Mouse (E), Florida Manatee (T), Piping Plover (T), Wood Stork (T), Eastern Indigo Snake (T), Green Sea Turtle (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 notice should refer to Public Notice Number **SAM- 2023-00275-MBM**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Mr. Michael Moxey**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at dylan.c.hendrix@usace.army.mil, or (251) 694-3772. Copies of all comments should be furnished to the ADEM 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



Figure 2. Project Location and Vicinity Map (Quad View). June 19, 2023

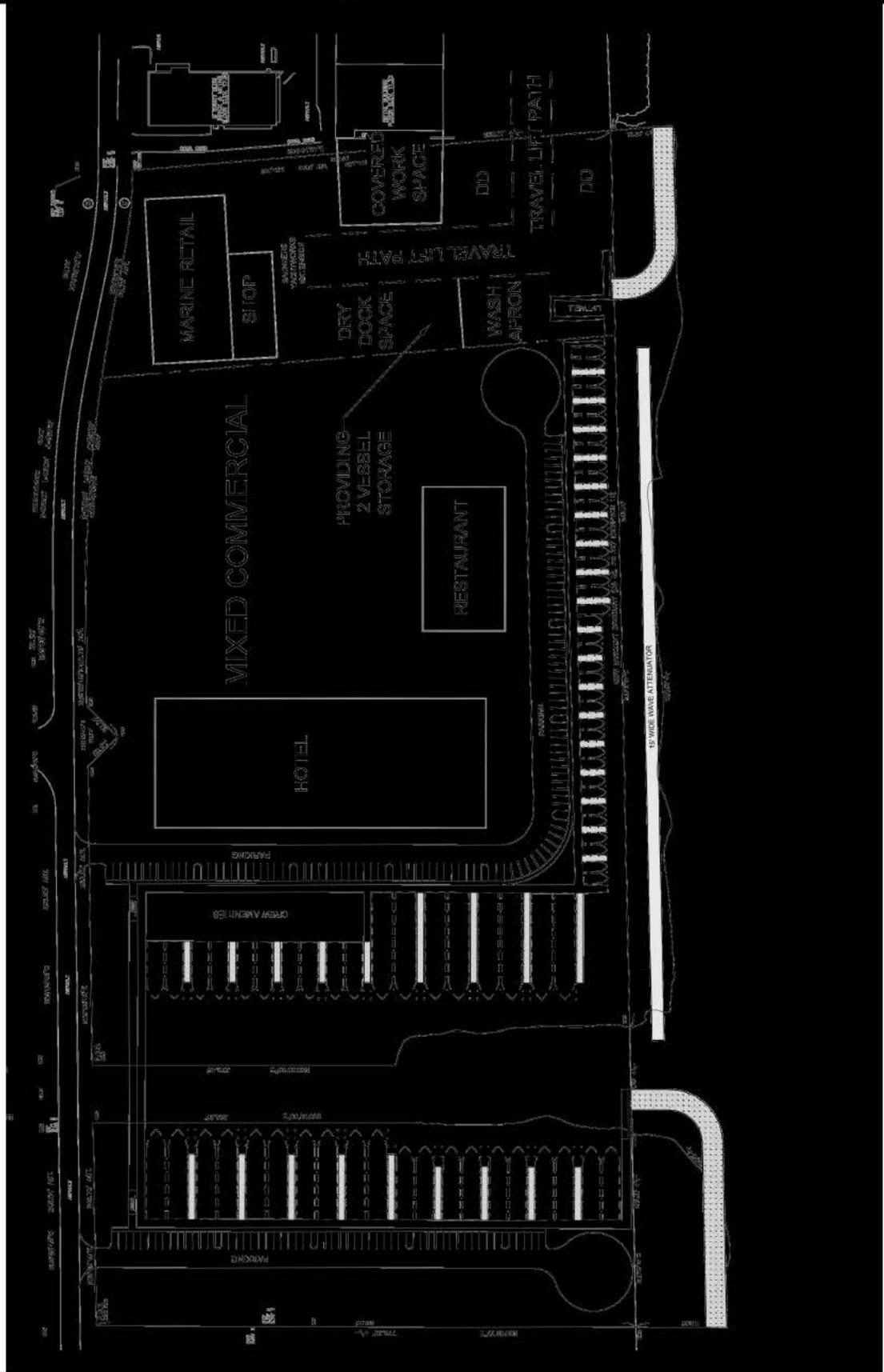


Figure 3. Wetland Map (Aerial View). June 19, 2023



CLARK | GEER | LATHAM
AND ASSOCIATES, INC.
 3901 SPRING HILL AVENUE | MOBILE, AL 36608 | 251.344.7073

JOB TWO HARBORS - WEST BASIN - CGL # 2242
 SHEET NO. _____ OF _____
 CALCULATED BY CMV DATE 05/22/2023
 CHECKED BY TEL DATE 05/22/2023
 SCALE USACE PERMIT DOCUMENTS





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AND ASSOCIATES, INC.
 3901 SPRING HILL AVENUE | MOBILE, AL 36608 | 251.344.7073

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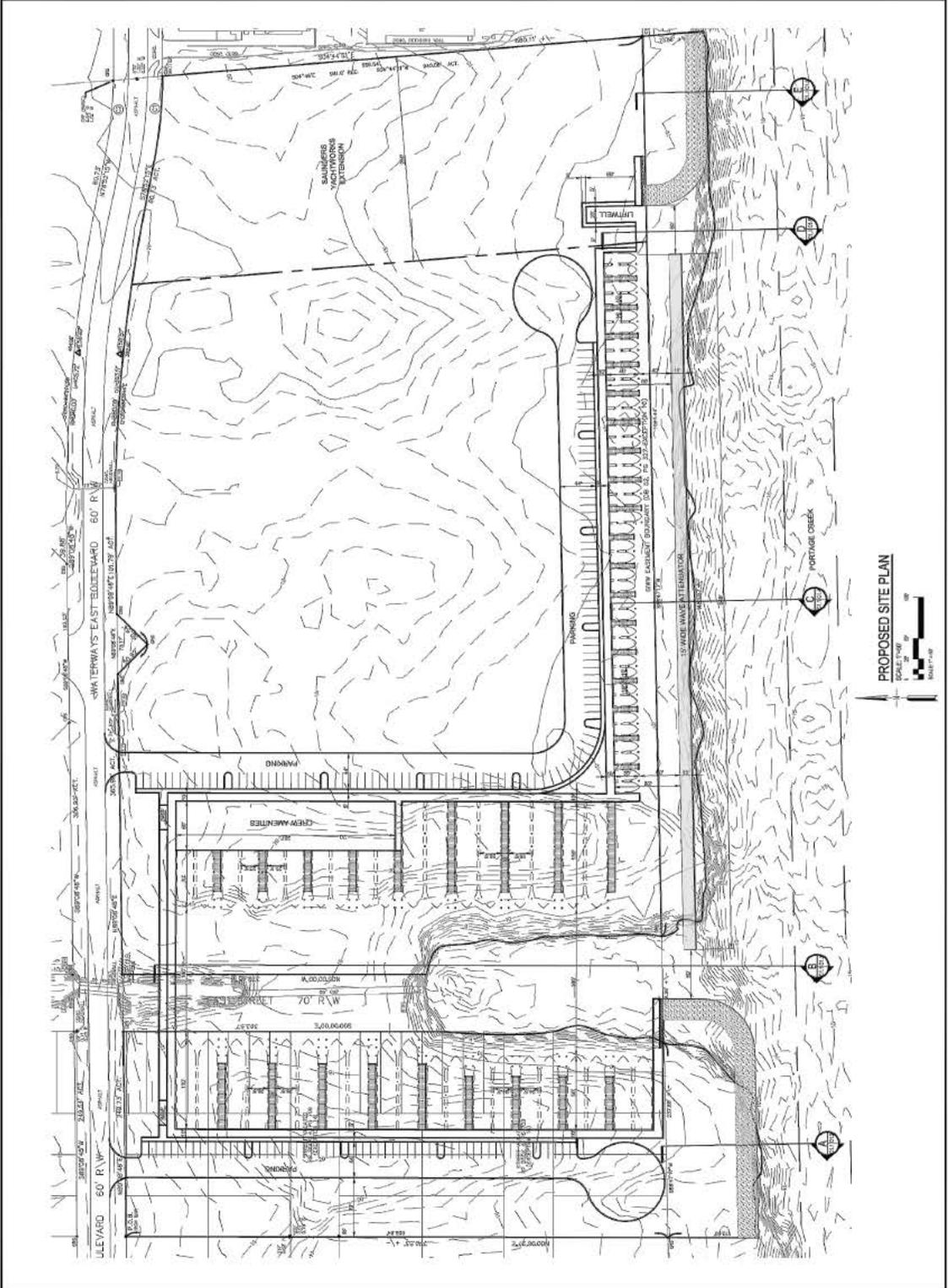
NEXUS GULF DEVELOPMENT, LLC.
 A NEW YACHT BASIN FOR
 WATERWAY E BLVD
 GULF SHORES, AL 36642

REVISION NO.	DATE	DESCRIPTION

PROJECT NUMBER	DATE	ISSUED	REVISIONS	DATE	BY

NOT FOR CONSTRUCTION

PROJECT TITLE
 PROPOSED SITE PLAN
 SHEET NUMBER
C-1.1

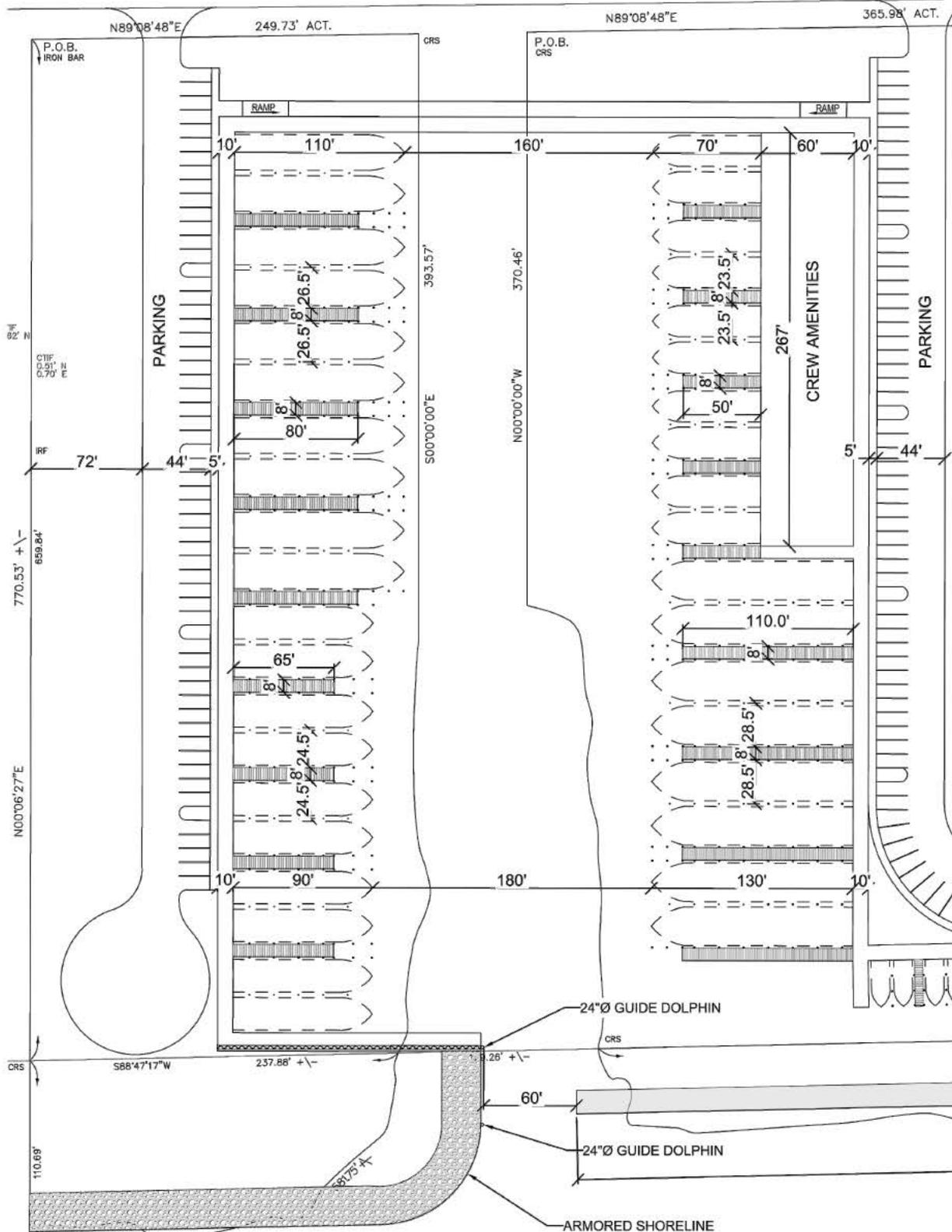


PROPOSED SITE PLAN
 SCALE: 1" = 100'
 NORTH



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NORTH-SOUTH BASIN DIMENSIONAL PLAN



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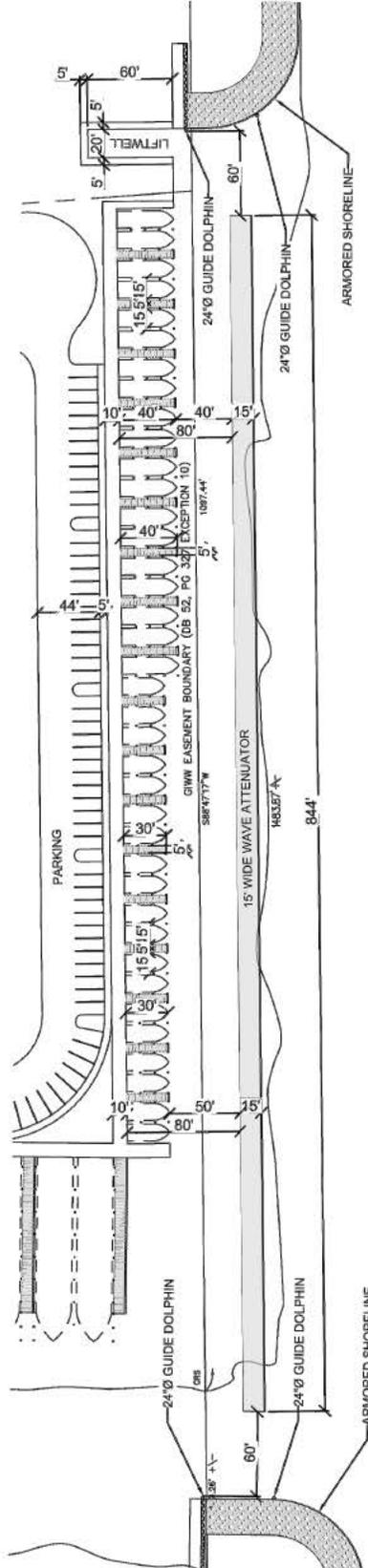
JOB TWO HARBORS - WEST BASIN - CGL # 2242

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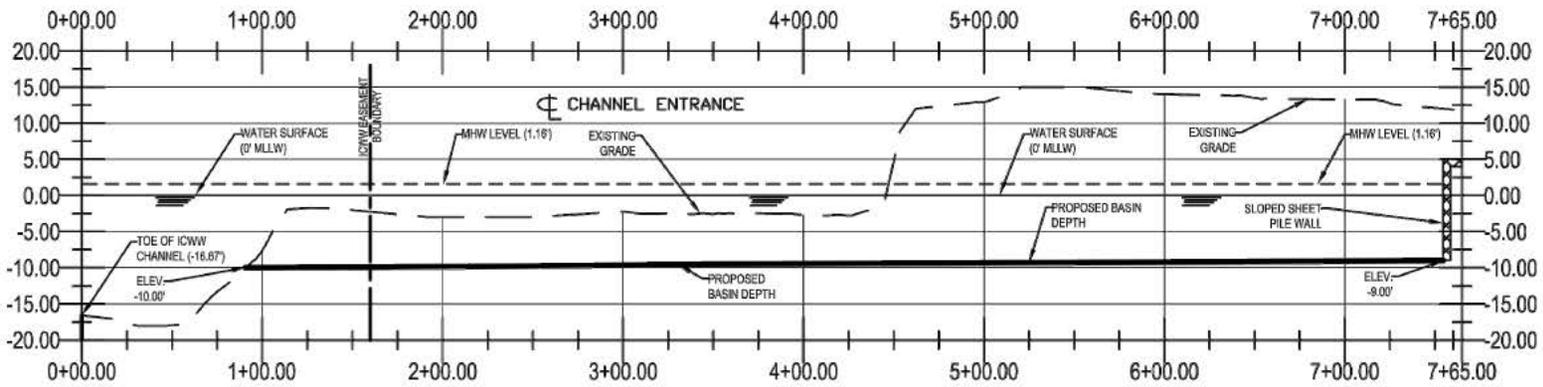
SCALE USACE PERMIT DOCUMENTS



WEST-EAST BASIN DIMENSIONAL PLAN



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AND ASSOCIATES, INC.**
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ENTRANCE SECTION

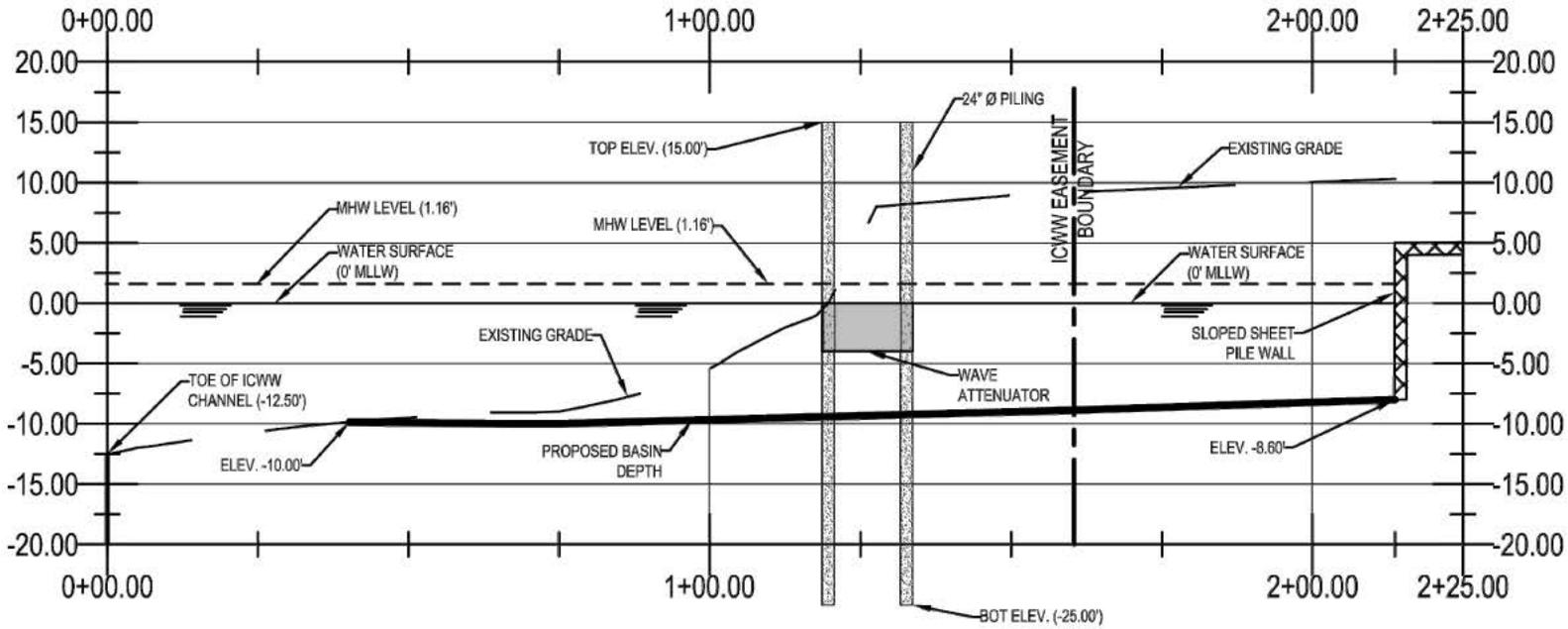
SCALE: 1"=100'



JOB TWO HARBORS - WEST BASIN - CGL # 2242
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SCALE _____ USACE PERMIT DOCUMENTS _____



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WAVE ATTENUATOR SECTION

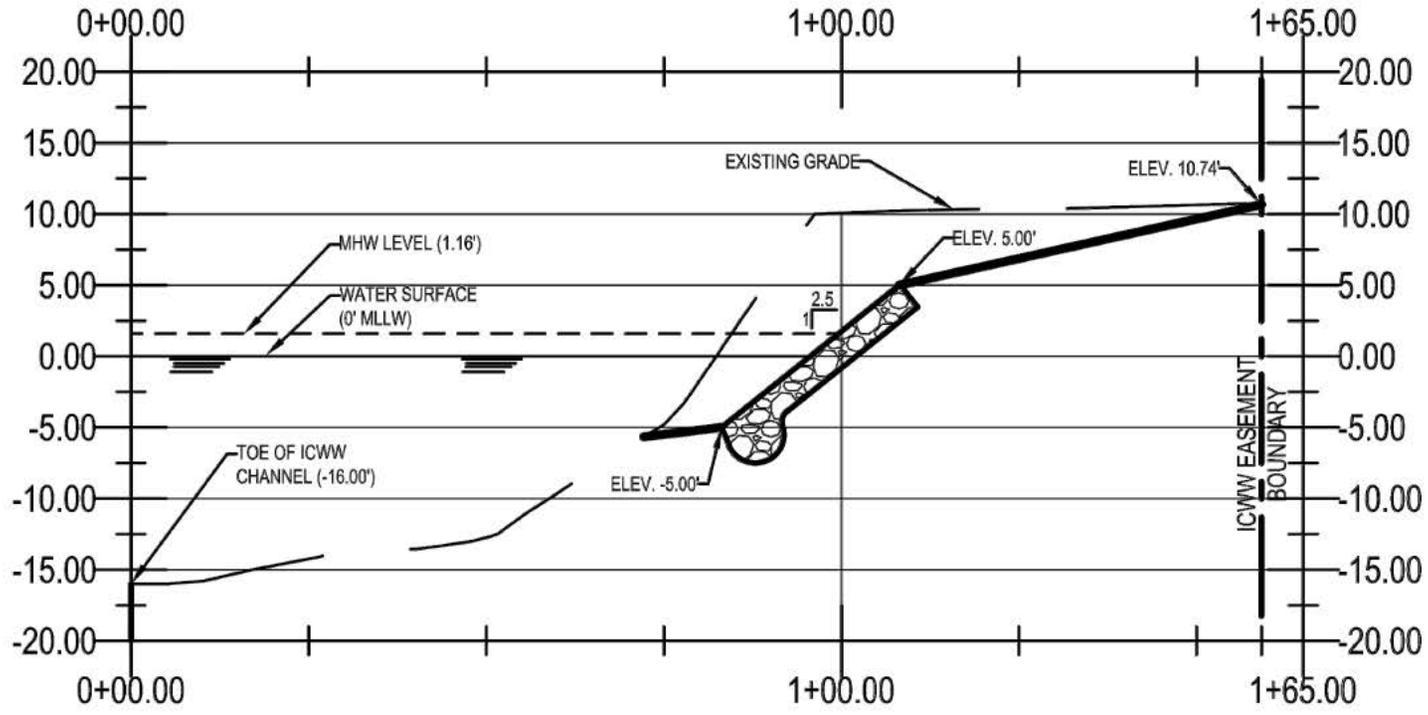
SCALE: 1"=40'



JOB TWO HARBORS - WEST BASIN - CGL # 2242
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AND ASSOCIATES, INC.
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RIPRAP SECTION 
SCALE: 1"=40'

RIP-RAP QUANTITY:
RIP-RAP VOLUME BELOW MHW (1.16') PER LINEAR FOOT: +/-1.55 CY (42 CF)

JOB TWO HARBORS - WEST BASIN - CGL # 2242
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JOB TWO HARBORS - WEST BASIN - CGL # 2242

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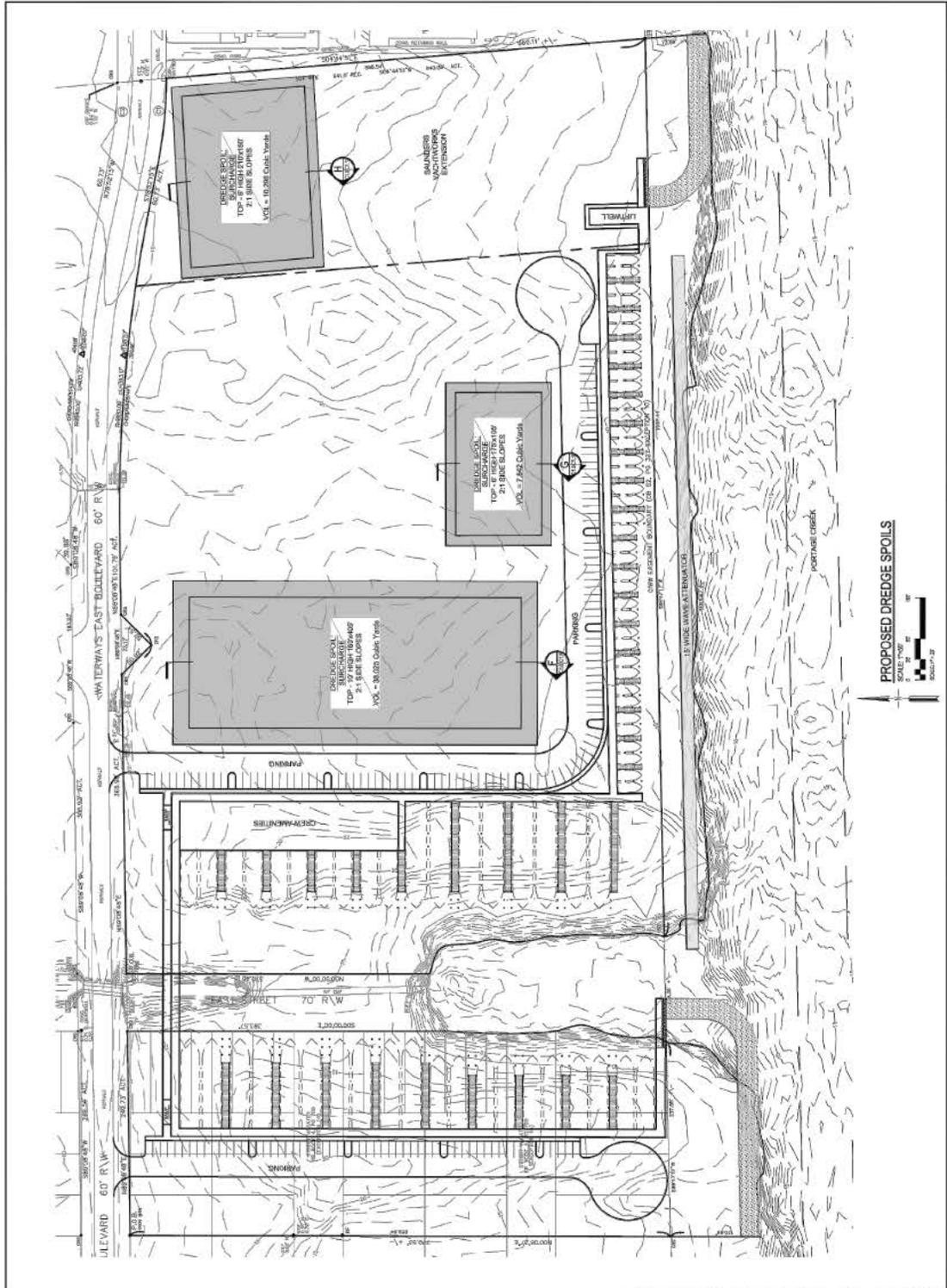
CLARK | GEER | LATHAM
 AND ASSOCIATES, INC.
 3801 SPRING HILL AVENUE | MOBILE, AL 36608 | 251.344.7073

A NEW YACHT BASIN FOR
 NEXUS GOLF DEVELOPMENT, LLC.
 WATERWAY E BLDG
 GULF SHORES, AL 36542

NO.	DATE	BY	REVISION

NO.	DATE	BY	REVISION

NOT FOR CONSTRUCTION
 PROPOSED DREDGE SPOILS
 SCALE 1"=50'
 C-1.8



Small text at the bottom right corner of the drawing area, likely a disclaimer or reference to the project's permit documents.



CLARK | GEER | LATHAM AND ASSOCIATES, INC.

3901 SPRING HILL AVENUE | MOBILE, AL 36608 | 251.344.7073

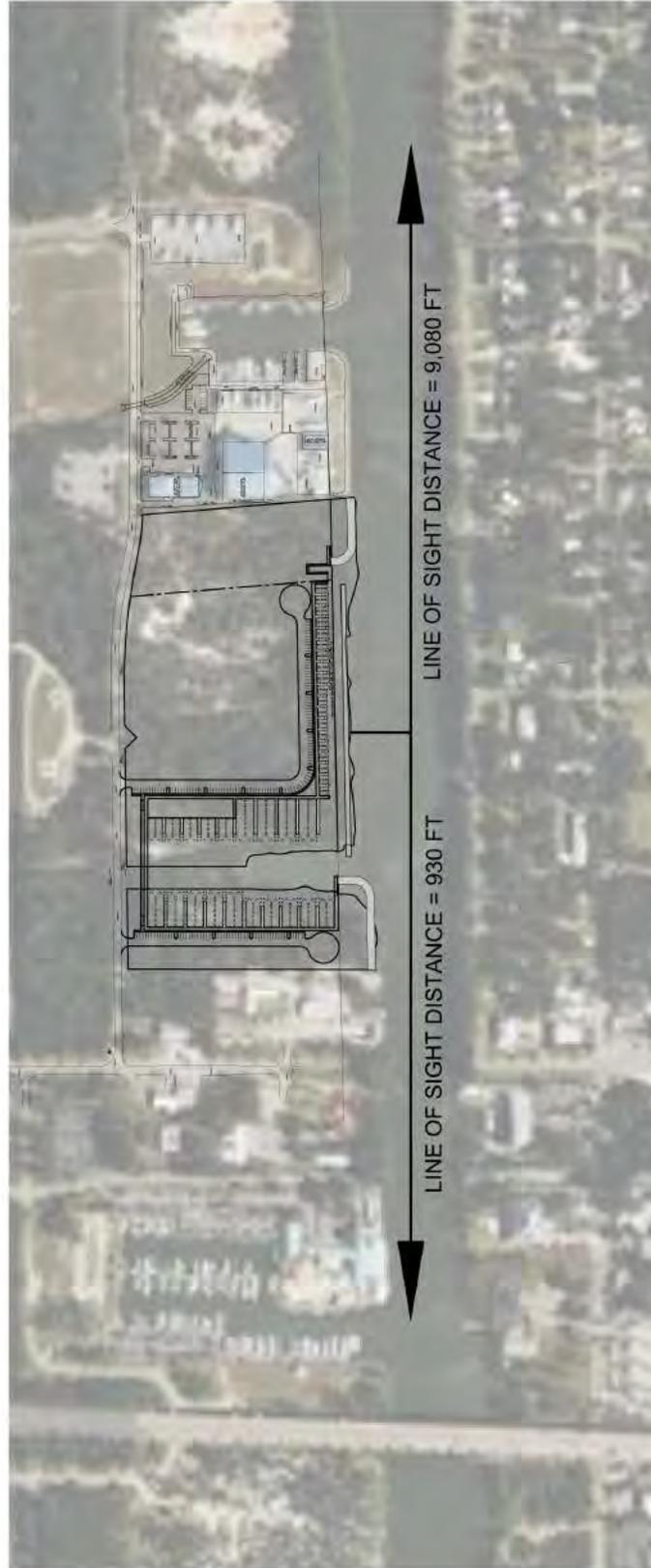
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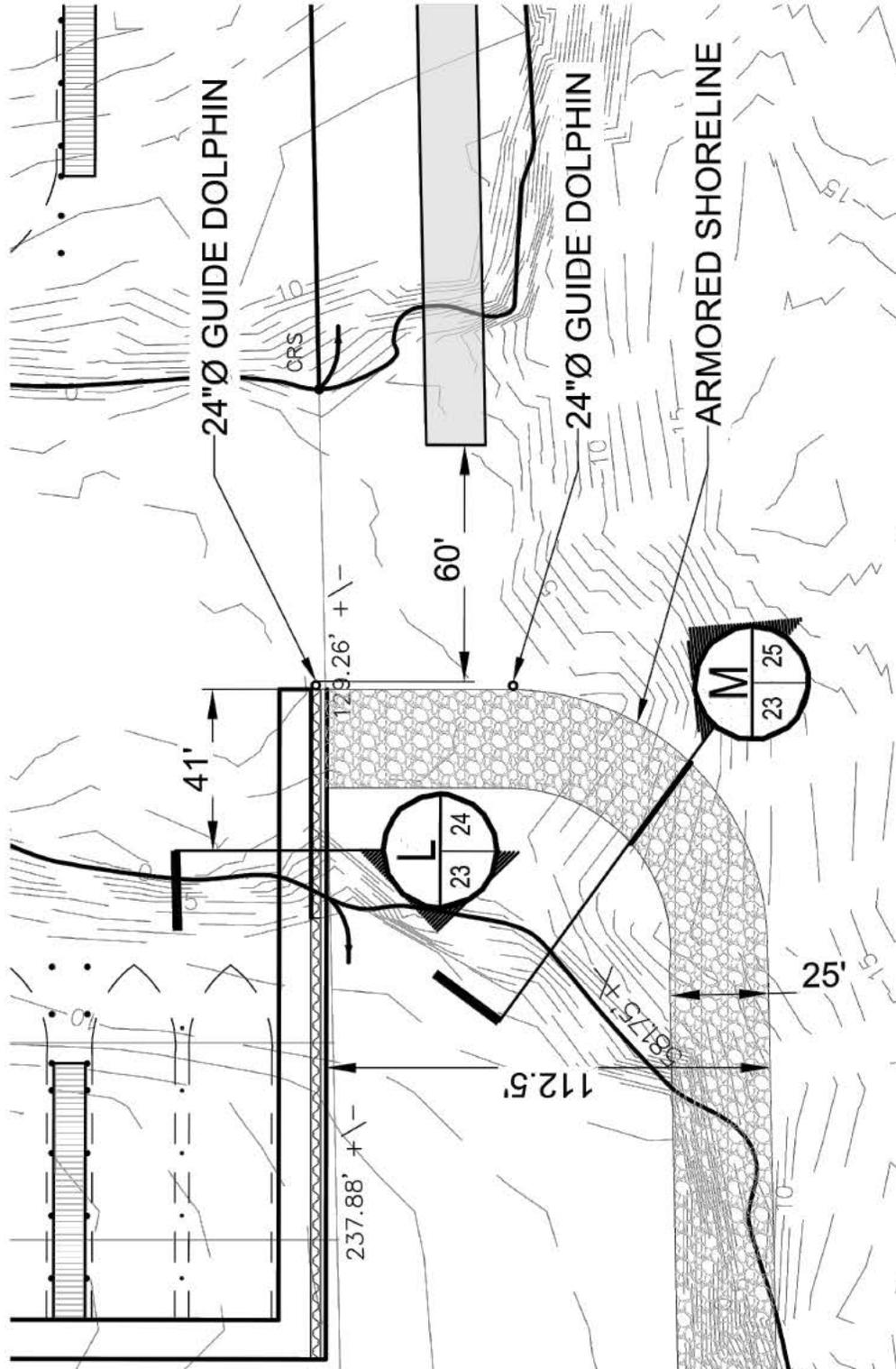
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ENLARGED CURVED ARMORED SHORELINE PLAN VIEW - WEST SIDE