



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Wanda Gautney
Baldwin County Commission

Published: April 29, 2025
Expires: May 29, 2025

**Mobile District
Permit Application No. SAM-2023-00304-LML**

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS (USACE)**

**STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)**

TO WHOM IT MAY CONCERN: The Mobile District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Wanda Gautney
Baldwin County Commission
312 Courthouse Square, Ste 315
Bay Minette, AL 36507

AGENT: Troy Ephriam
Ephriam & Associates Environmental (for Neal Schaffer, Inc.)
3439 Saint Stephens Road
Whistler, Alabama 36612

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Perdido Bay. The project is located at 124808 South 7th Street; within Section 26, Township 2 South, Range 6 East; at Latitude 30.404055°North, Longitude -87.438465° West; in Lillian, Baldwin County, Alabama.

EXISTING CONDITIONS: The project area consists of five (5) parcels along Perdido Bay. There is an existing public boat launch with associated public piers. A portion of the shoreline is bulkheaded. The project will impact unvegetated waterbottoms, an intertidal area with emergent marsh, and adjacent wetlands.

Basic: The basic project purpose is to improve and expand public access at an existing waterfront park.

Overall: The overall project purpose is to restore the shoreline and install living shoreline protection at an eroded shoreline of Perdido Bay and improve existing public beach access where Escambia and Mobile Avenues meet Bay Avenue at Perdido Beach.

PROPOSED WORK: The applicant requests authorization for

- a. Mechanical dredging of 2,672 square feet (0.06 acre) of water bottoms to remove approximately 100 cubic yards of sandy material for the purpose of obtaining sandy material needed to supply a proposed pocket beach. Dredging will be done to a depth of 1 foot below the plane of mean low water (MLW). Dredged material would be dewatered on site within the construction staging area and later discharged along the shoreline to supply the proposed pocket beach (see item 'b' below).
- b. Placement of 262 cubic yards of sand fill material within 1,307 square feet (0.03 acre) of jurisdictional wetlands for the purpose of creating a pocket beach. Approximately 100 cubic yards of sandy material would be harvested from the dredge activity (see item 'a' above). The remaining 162 cubic yards of sand would be sourced from a designated onsite borrow area. Sand placement would not extend waterward of the mean high water (MHW) line and would avoid impacting three (3) identified areas of submersed aquatic vegetation (SAV) as shown on project drawings.
- c. Placement of 1,430 cubic yards of commercially sourced rock material within 12,432 square feet (0.29 acre) of water bottoms for the purpose of constructing three (3) groin, breakwater structures. Two (2) of the breakwater structures would be on either side of the proposed pocket beach. The third breakwater structure would be south of the boat ramp, along the southern margin of the project area. This southern breakwater structure extends the farthest into the water at 145 feet from the MHW line into Perdido Bay and is the farthest extent of all proposed project activities into the water.
- d. Removal of existing riprap located along the shoreline to the north of the boat ramp and a portion of an existing northern L-shaped pier. All material removed from the project site such as riprap and the damaged pier structure will be placed in the construction staging area before being transported to an approved, offsite disposal location.
- e. Construction to extend an existing, northern L-shaped pier an additional 40 feet into the waterway. The proposed pier structure would extend a maximum of 138 feet from the MHW line into Perdido Bay and would require thirty-two (32) new 12-inch timber piles. The pier would remain 6 feet wide.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project has been planned to provide the minimal strength necessary to protect against high velocity storm surge, wave action and seasonal turbulent storms, thereby minimizing wetland impacts to the maximum extent practicable. Construction Best Management Practices (BMPs) such as siltation fences, haybales, metal wiring and diversion berms if necessary, will be implemented to prevent silt laden dredged material runoff from reentering the waterway. 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 offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Compensatory Mitigation will be obtained in order to accommodate for the loss of the *Phragmites* fringe along Perdido Bay. Mitigation will be conducted through the Weeks Bay Mitigation Bank for the loss of 0.03 acre of high-quality coastal wetlands with a ratio of 5:1.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

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 Code (HUC-12) of the project area: West Indian manatee (T), Rufa red knot (T), Eastern indigo snake (T), Kemp's ridley sea turtle (E), and Gulf sturgeon (T). The USACE has initially determined the proposed activity will have no effect on the Rufa red knot, Eastern indigo snake, and Kemp's ridley sea turtle, and may affect, but not likely to adversely affect the West Indian manatee and Gulf sturgeon. There is no designated critical habitat within the project action area.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The USACE is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the USACE.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. 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 29,328 square feet (0.67 acre) of unvegetated estuarine water bottoms. The USACE has determined the proposal would have no adverse effect on any Essential Fish Habitat (EFH).

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION / 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). 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Mobile District will receive written comments on the proposed work, as outlined above, until May 29, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ms. Jennifer Wilder, at Jennifer.J.Wilder@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: Jennifer Wilder, Post Office Box 2288, Mobile, Alabama 36628-0001. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

GENERAL NOTES

1. THE GENERAL NOTES ARE INTENDED TO AUGMENT THE DRAWINGS AND SPECIFICATIONS, SHOULD CONFLICTS EXIST BETWEEN THE DRAWINGS AND SPECIFICATIONS, THE STRICTEST PROVISIONS SHALL GOVERN.
2. NUMERIC SCALE IS FOR FULL SIZE ORIGINAL, 8.5" x 11" DRAWINGS ONLY. USE GRAPHIC SCALE ON ALL OTHER SIZE DRAWINGS AND DUPLICATES.
3. EXISTING TOPOGRAPHY, STRUCTURES, AND SITE FEATURES ARE SHOWN SCREENED AND/OR LIGHT-LINED. NEW FINISH GRADE, STRUCTURES, AND SITE FEATURES ARE SHOWN HEAVY-LINED. PRIOR TO COMMENCEMENT OF THE PROJECT, THE CONTRACTOR SHALL PROVIDE TO THE OWNER A PRE-CONSTRUCTION VIDEO IN ACCORDANCE WITH THE SPECIFICATIONS.
4. STORAGE OF EQUIPMENT AND MATERIAL SHALL BE IN OWNER-DESIGNATED AREAS ONLY UNLESS OTHERWISE APPROVED BY OWNER. SEE SHEET 3.
5. ANY DAMAGE, DISTURBANCE, OR OTHER IMPAIRMENT OF EXISTING FACILITIES SHALL BE PROMPTLY REPAIRED OR REPLACED BY THE CONTRACTOR AS APPROVED BY THE OWNER AND AT NO ADDITIONAL COST TO THE OWNER.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL TRAFFIC DURING CONSTRUCTION AND SHALL COMPLY WITH ALL REGULATIONS TO ENSURE SAFETY OF THE WORKMEN AND THE PUBLIC DURING ALL PHASES OF CONSTRUCTION.
7. THE CONTRACTOR SHALL PROVIDE, ERECT, AND MAINTAIN ALL NECESSARY BARRICADES, SUITABLE LIGHTS AND DANGER SIGNALS, AND SHALL TAKE ALL NECESSARY PRECAUTIONS FOR THE PROTECTION OF WORK AND SAFETY OF THE GENERAL PUBLIC. FURTHERMORE, ALL SAFETY LIGHTING AND MARKINGS SHALL MEET OR EXCEED THE REQUIREMENTS AS DESCRIBED IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, AND MORE PARTICULARLY AS SHOWN IN PART VI OF THE MANUAL.
8. A GEOTECHNICAL SUBSURFACE EXPLORATION WAS PERFORMED BY GEOTECHNICAL ENGINEERING-TESTING (GET) IN MAY 2022. SOIL BORING LOCATIONS WILL BE SHOWN IN THE SPECIFICATIONS. THE GEOTECHNICAL REPORT AND BORINGS CAN BE FOUND IN APPENDIX A OF THE SPECIFICATIONS.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING AND MAINTAINING EXISTING CULVERTS AND OUTFALLS.
10. ADEQUATE DRAINAGE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION, AND ANY DRAINAGE DITCH OR STRUCTURE BLOCKED DURING CONSTRUCTION SHALL BE RESTORED.
11. NO NIGHT WORK WILL BE ALLOWED

SURVEY

12. THE SOURCE OF TOPOGRAPHY SHOWN ON THE PLANS ARE SURVEY BASE MAPS PROVIDED BY DRIVEN ENGINEERING, MAY 21, 2022. THE SOURCE OF BATHYMETRIC SURVEY ARE SURVEY BASE MAPS PROVIDED BY ESP, MAY 21, 2022. EXISTING CONDITIONS MAY VARY FROM THOSE SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS.
13. HORIZONTAL DATUM: ALABAMA STATE PLANE COORDINATE SYSTEM (WEST ZONE).
VERTICAL DATUM: NAVD 88.
14. MAINTAIN, RELOCATE, OR REPLACE EXISTING SURVEY MONUMENTS, CONTROL POINTS, AND STAKES WHICH ARE DISTURBED OR DESTROYED. THIS WORK SHALL BE PERFORMED BY AN ALABAMA REGISTERED LAND SURVEYOR TO PRODUCE THE SAME LEVEL OF ACCURACY AS THE ORIGINAL MONUMENT(S) IN A TIMELY MANNER, AND AT THE CONTRACTOR'S EXPENSE.

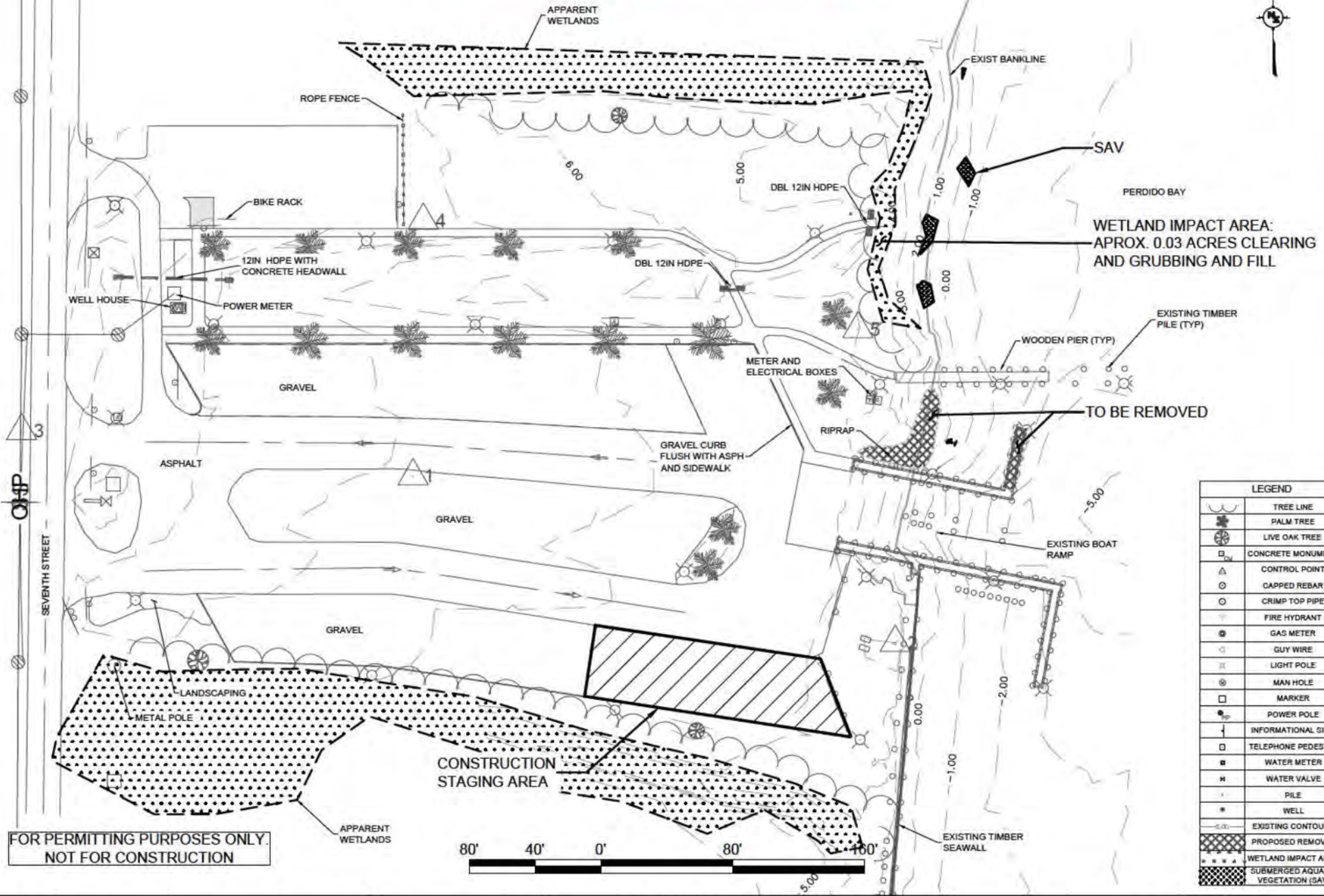
FOR PERMITTING PURPOSES ONLY.
NOT FOR CONSTRUCTION

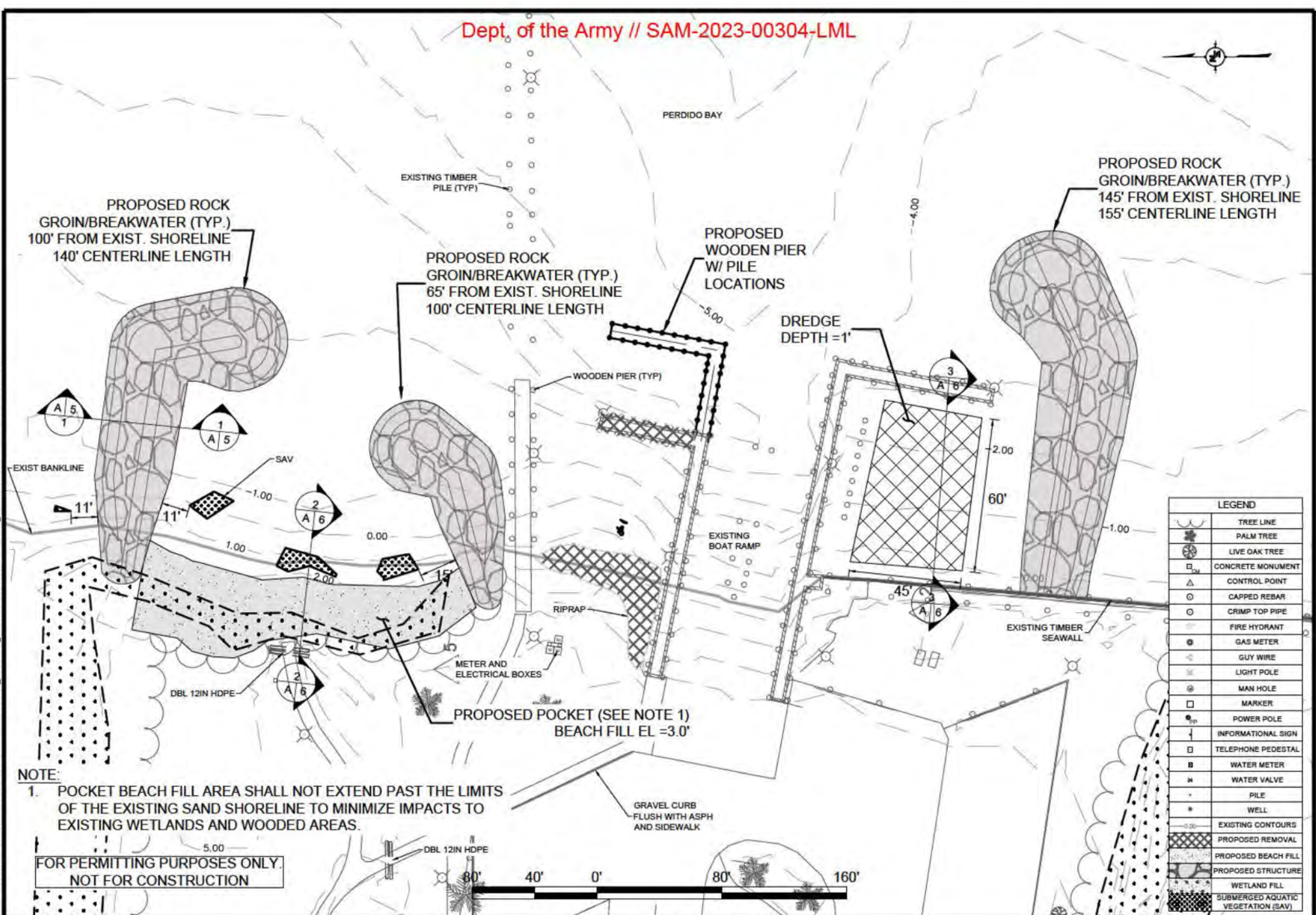
CONTROL POINTS TABLE

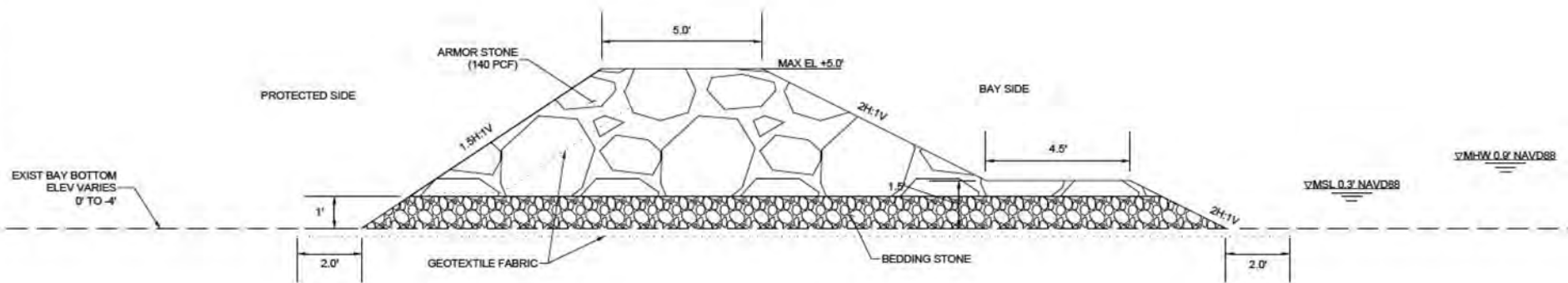
POINT #	ELEVATION	NORTHING	EASTING	DESCRIPTION
1	6.88	147675.83	1988186.93	CPT DEI RED CR
2	4.39	147574.60	1988479.96	CPT MAG SET
3	8.90	147703.14	1987949.03	CPT DEI RED CR
4	7.39	147831.09	1988193.13	CPT DEI RED CR
5	5.04	147765.06	1988457.30	CPT MAG SET

QUANTITIES

	AREA (SQ FT)	VOLUME (CU YDS)	WEIGHT (TONS)	EACH
EXCAVATION	2,692	100		
FILL (SAND)	6,071	262	354	
ARMOR STONE	10,825	993	1,876	
BEDDING STONE	12,432	437	826	
12" TIMBER PILES				32



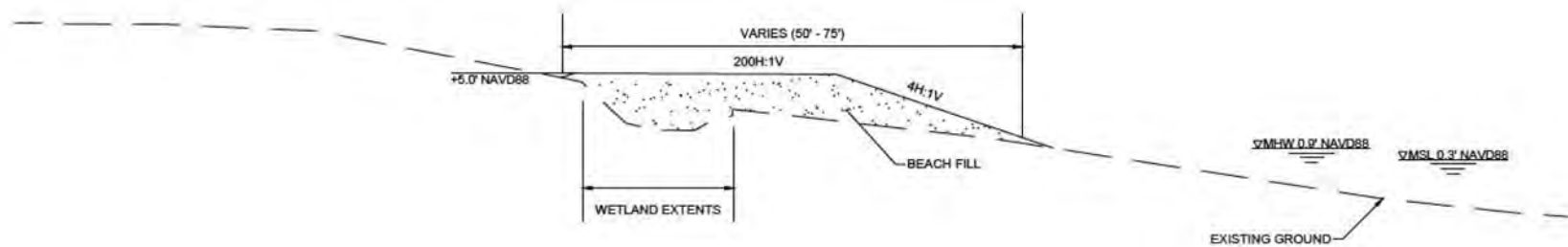




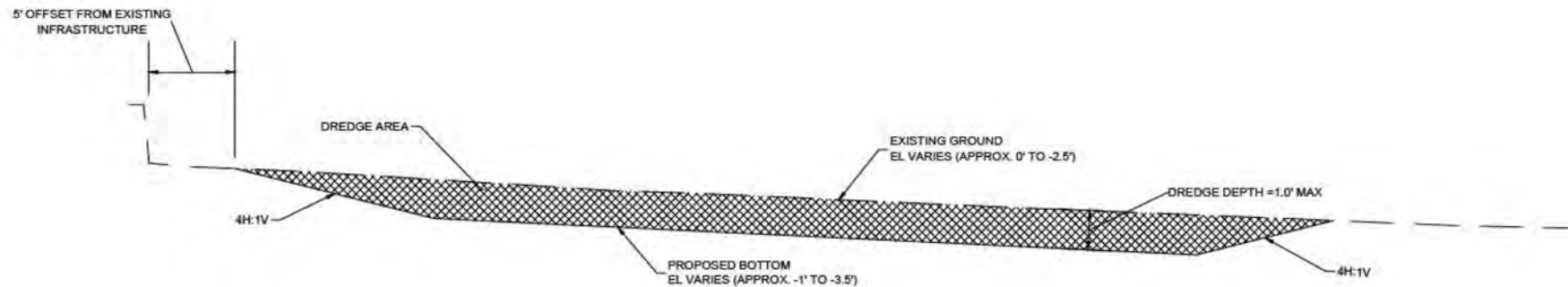
1 TYPICAL SECTION - GROIN/BREAKWATER
SCALE 1"=2'

FOR PERMITTING PURPOSES ONLY.
NOT FOR CONSTRUCTION





② TYPICAL SECTION - POCKET BEACH
SCALE 1"=8'

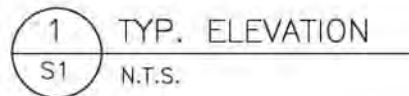


③ TYPICAL SECTION - DREDGE AREA
SCALE 1"=8'

NOTE:
1. ALL DREDGED MATERIAL SHALL BE HAULED OFF SITE.

FOR PERMITTING PURPOSES ONLY.
NOT FOR CONSTRUCTION

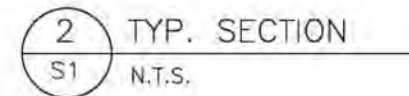


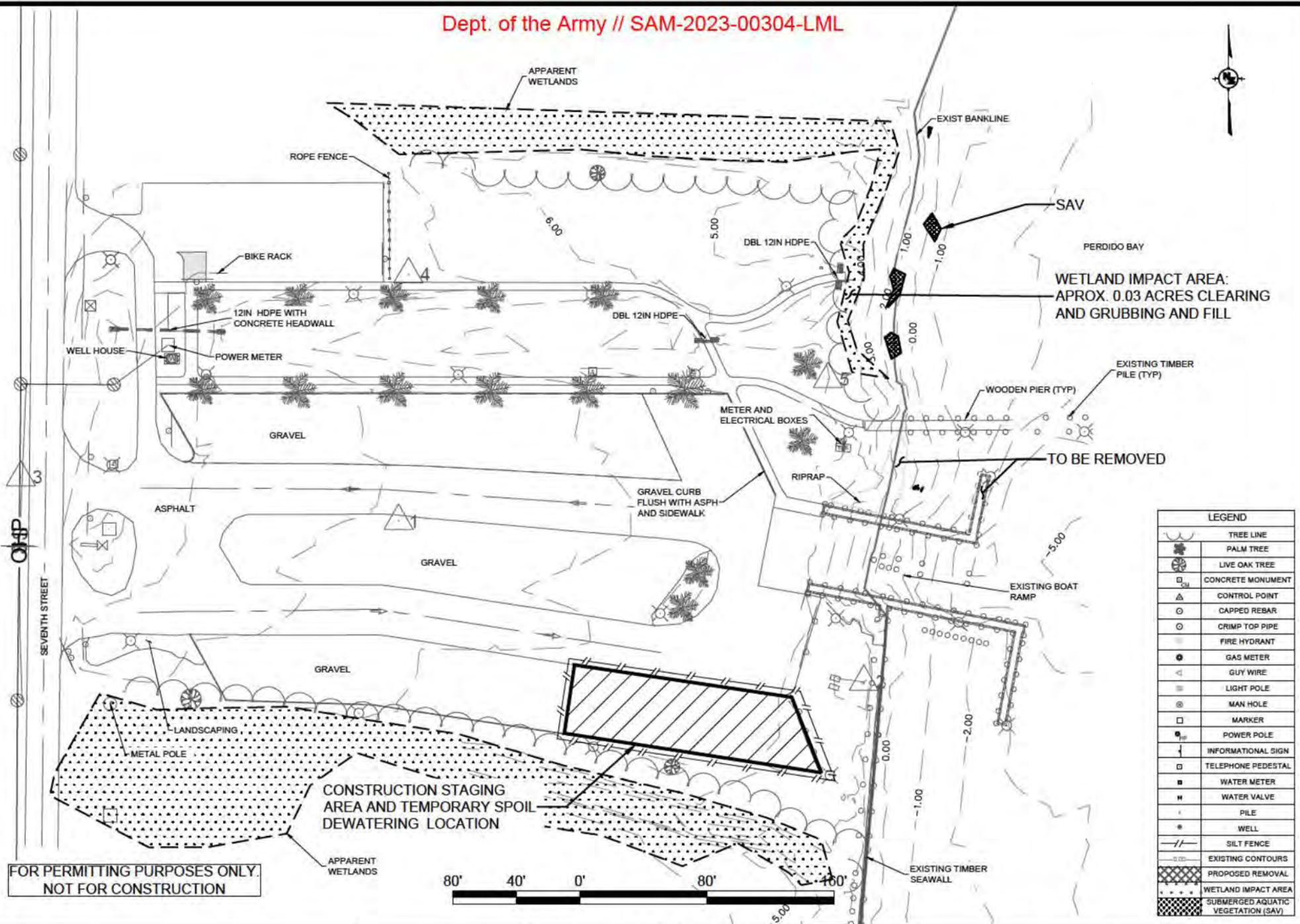


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SHEET
07





LEGEND	
	TREE LINE
	PALM TREE
	LIVE OAK TREE
	CONCRETE MONUMENT
	CONTROL POINT
	CAPPED REBAR
	CRUMP TOP PIPE
	FIRE HYDRANT
	GAS METER
	GUY WIRE
	LIGHT POLE
	MAN HOLE
	MARKER
	POWER POLE
	INFORMATIONAL SIGN
	TELEPHONE PEDESTAL
	WATER METER
	WATER VALVE
	PILE
	WELL
	SILT FENCE
	EXISTING CONTOURS
	PROPOSED REMOVAL
	WETLAND IMPACT AREA
	SUBMERGED AQUATIC VEGETATION (SAV)

