



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-2023-00379-BAL

June 30, 2023

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS (USACE)

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED LIVING SHORELINE IMPACTING 0.039 ACRE OF WATERBOTTOMS
WITHIN MOBILE BAY, 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: Allen Cox Jr.
Post Office Box 2529
Orange Beach, Alabama 36561

AGENT: Shoreline Permitting and Design
Attention: Clayton McCoy
7050 Brylington Boulevard
Pensacola, Florida 32526

LOCATION: The proposed project is located within Mobile Bay, at 9311 Bay Road South; within Section 12, Township 8 South, Range 2 East; Latitude 30.360321° North, Longitude -87.833546° West; in Foley, Baldwin County, Alabama.

APPLICANT STATED PROJECT PURPOSE: The purpose of this project is to protect the shoreline from further erosion.

PROPOSED WORK: The applicant proposes to create a living shoreline through the placement of sandy fill material, planting of marsh vegetation, and construction of a breakwater structure. The following activities are proposed:

- a. Placement of 50-cubic-yards of commercially obtained sandy material within a 1,500 square foot area of waterbottoms along the existing shoreline. The sandy material will be used to reclaim approximately 20 feet of shoreline. Approximately 500-square-feet of marsh wetland plants will be planted immediately waterward of the reclamation area.
- b. Construction of one riprap offshore breakwater structure to be placed 30 feet waterward of the reclaimed sandy area impacting approximately 193 square feet of waterbottoms. The breakwater structure will be 5.5-feet-wide by 35 feet-long with a total of 15 cubic yards of rocky material placed within waterbottoms. The breakwater crest elevation will be one foot above the plane of mean high water.

The project will result in impacts to 0.039 acres of waterbottoms of Mobile Bay.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed project has been designed to minimize impacts in order to meet the needs of the property owner of reclaiming eroded property and protecting the shoreline from further erosion. Furthermore, Best Management Practices (BMPs) will be implemented to prevent water quality impacts within Mobile Bay 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: No compensatory mitigation is proposed.

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 0.039 acres of affected waterbottoms 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: West Indian manatee (T), wood Stork (T), Alabama Red-Bellied Turtle (E), Eastern Indigo Snake (T), Eastern Black Rail (T), Kemp's Ridley Sea Turtle (E), Loggerhead Sea Turtle (T), and Gulf sturgeon (T). There is no designated critical habitat within the project action area. 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 0.039 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.

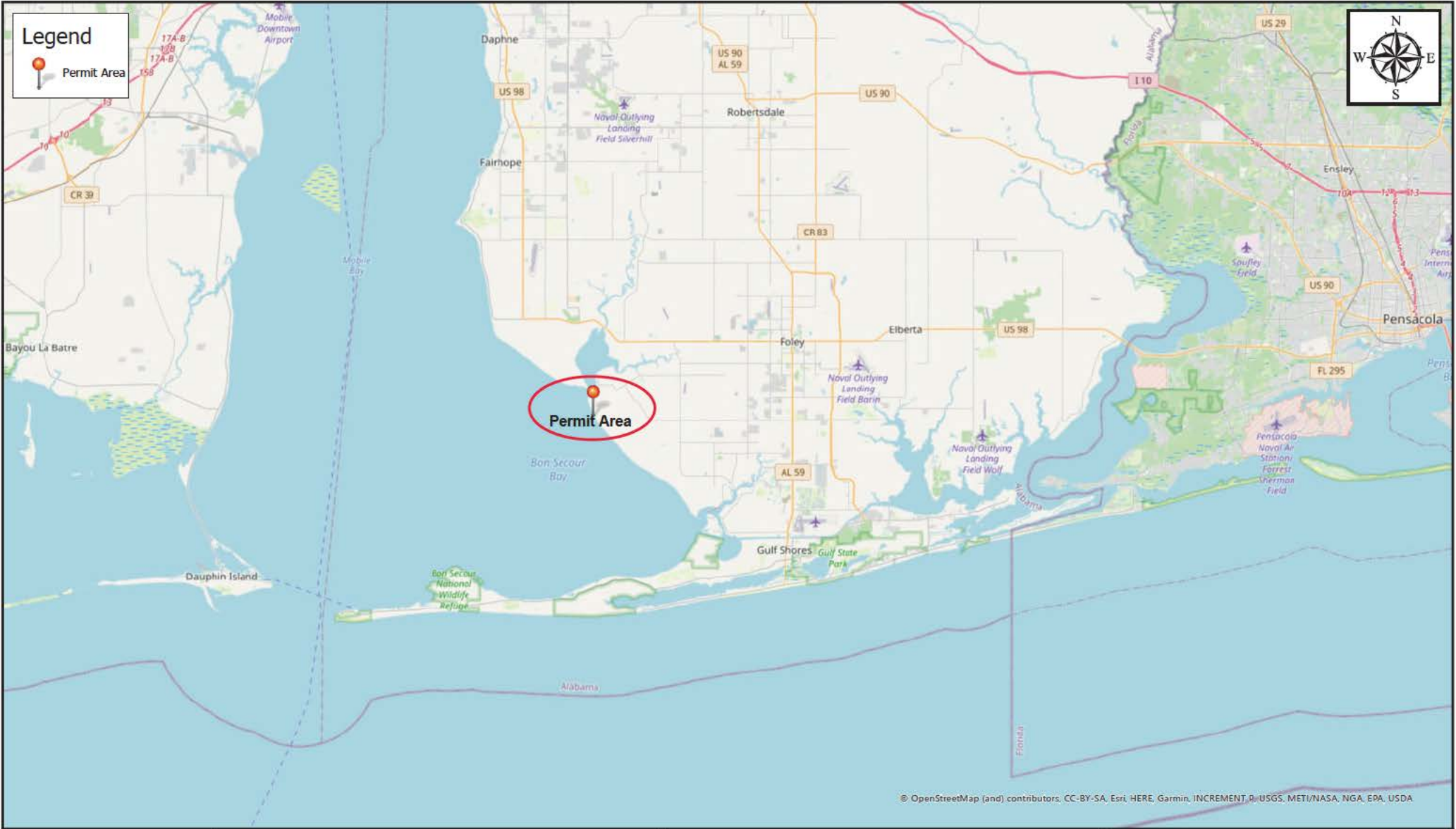
Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2023-00379-BAL**, and should be directed to the project manager, Ms. Beverly Lowery by e-mail at beverly.a.lowery@usace.army.mil, by phone at (251) 690-3265, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Beverly Lowery, 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



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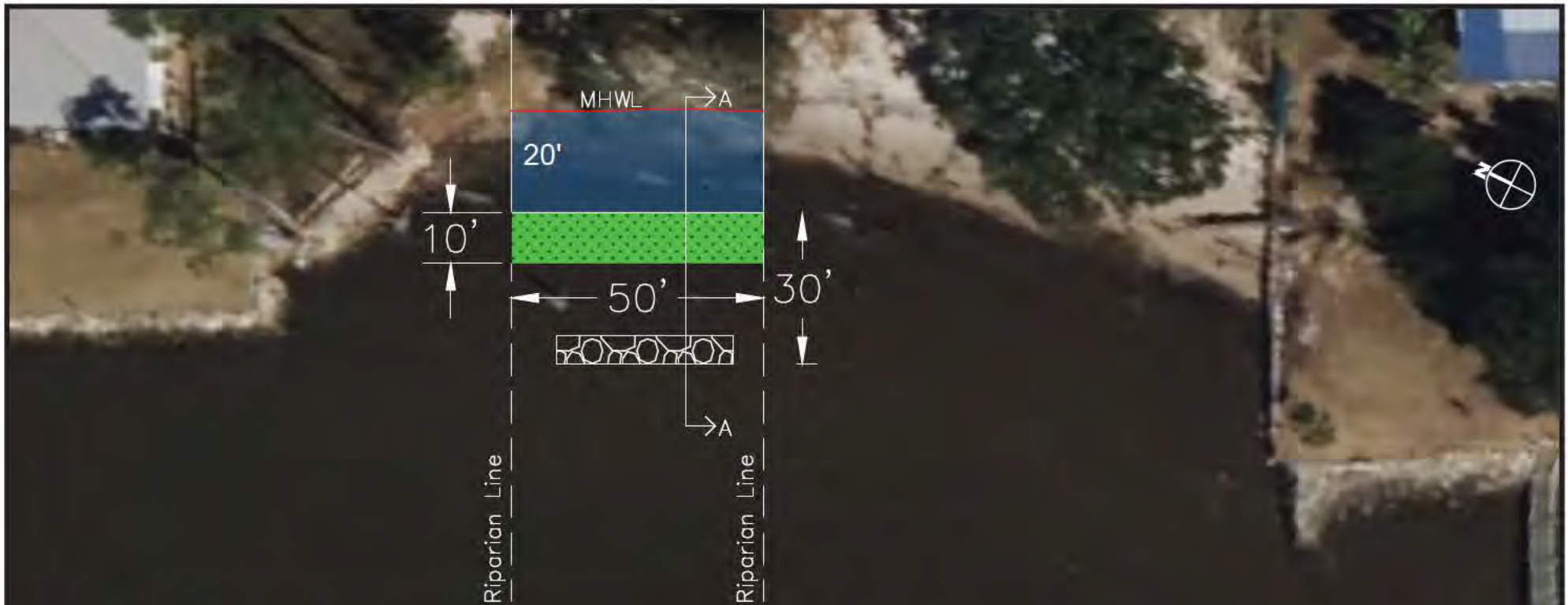
SAM-2023-00379-BAL // Vicinity Map



Map Center: 87.732593°W 30.359082°N

Map Created by: Beverly Lowery
Date: 6/29/2023

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



Legend

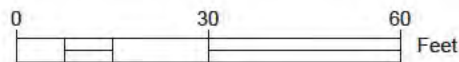
- Cox – This Application for Reclamation
- Required Breakwater – This application
- Required *Spartina alterniflora* & *Juncus roemerianus* – This Application

Project Description– A Segmented offshore breakwater will be constructed of rip rap to a height of 1 feet above MHW and as indicated on this sheet. The base to crest height will be 2.3 feet in these locations and width will be 5.5 feet. The breakwater will be approximately 35 feet long. A total of 15 cubic yards of rip rap will be required for all breakwaters. Shoreline area upland of the breakwater will be planted at half density with *Spartina alterniflora* (lower elevations) and *Juncus roemerianus* (higher elevations).

SHORELINE
PERMITTING & DESIGN

7050 Brylington Boulevard
Pensacola, Florida 32526
Phone: (850) 483-0677
info@shorelinepermitdesign.com

Project Notes:



Subject Property Address:

Allen Cox, Jr.
9311 Bay Road S
Foley, AL 36535

Sheet Title:

Plan View

Sheet Details:

Project No. FL-2023-22
Drawn By: Clayton McCoy
Checked By: Asa Hunt
Date: 2023-04-31

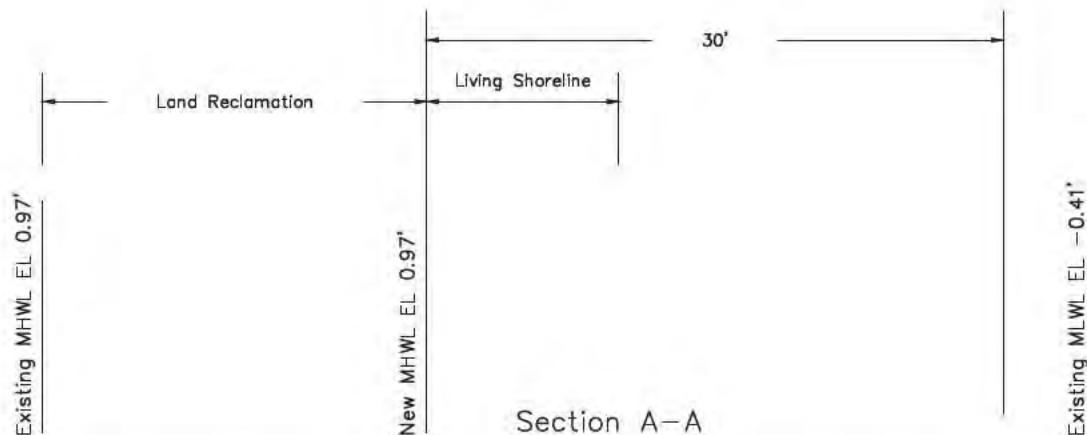
Sheet No.

S-2

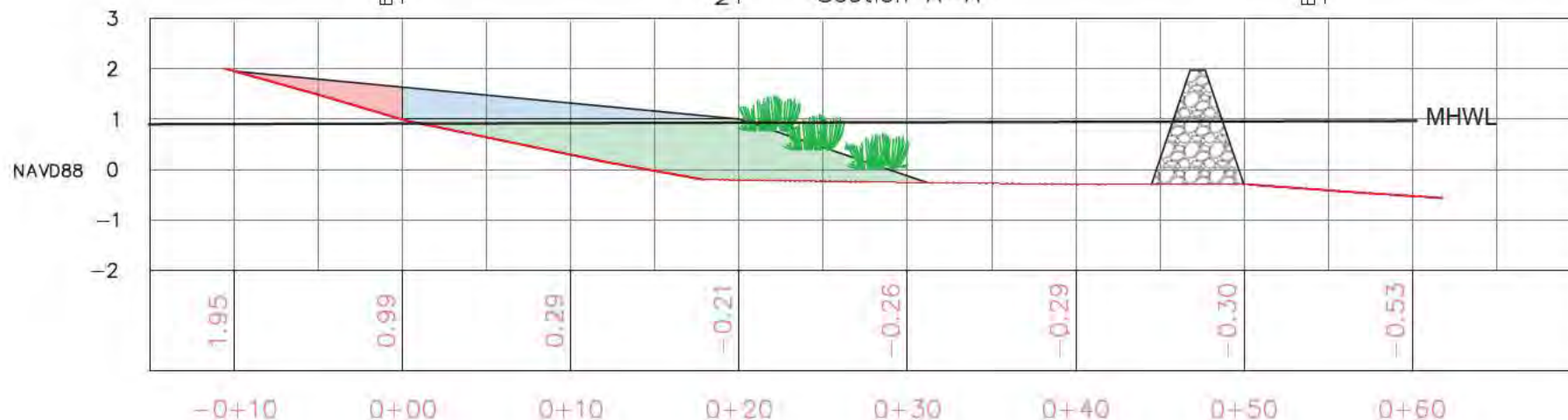
SAM-2023-00379-BAL

Legend

- Upland Fill
- Above MHWL Fill = 12 CY
- Below MHWL Fill = 38 CY
- Rip Rap = 15 CY



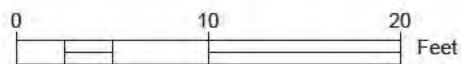
Section A-A



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