



**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-2023-00405-STB**

**August 24, 2023**

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

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

**PROPOSED RESIDENTIAL DEVELOPMENT IMPACTING 0.265 ACRE OF WATERS OF**  
**THE UNITED STATES ALONG FISH RIVER, 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: Sherri Bates and Robert Zarr Jr.  
4 Yacht Club Drive, #162  
Daphne, Alabama 36526  
Email Address: [bobbyzarr@gmail.com](mailto:bobbyzarr@gmail.com)

**LOCATION:** The proposed project is located along Fish River, at 15014 River Road; within Section 7, Township 7 South, Range 3 East; Latitude 30.443084° North, Longitude -87.803361° West; in Fairhope, Baldwin County, Alabama.

**APPLICANT STATED PROJECT PURPOSE:** The purpose of this project is to develop a personal residence, stabilize the shoreline, and access Fish River along the subject parcel.

**PROPOSED WORK:** The applicant proposes to develop the subject parcel, accounting for 0.21 acre of fill for a single family residence, and 0.055 acre of impacts for shoreline stabilization and construction of a boat shelter with access pier along Fish River. The following activities are proposed:

a. Placement of 346 cubic yards of commercially obtained fill within a 9,336 square-foot area of bottomland hardwood wetlands (0.21 acre of impacts) along the subject parcel for the purpose of single-family residential development.

b. Placement of 79 cubic yards of commercially obtained Class 1 limestone riprap along the bank of Fish River, accounting for 124 linear feet of shoreline stabilization, resulting in 0.055 acre of impacts to waters of the United States.

c. Construction of a 5-foot-wide by 60-foot-long access pier leading to a covered boat shelter

d. Construction of a 30-foot-square boat shelter with deck and single boat slip for access to Fish River.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated that the entire subject parcel is wetlands and impacts for the proposed developments are unavoidable. 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 agreed to purchase wetlands credits from the appropriate local wetland's conservation bank. 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 0.265 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: Wood Stork (T) and Eastern indigo Snake (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 Wood Stork (T) and Eastern indigo Snake (T). The review also found the activity may affect but no likely to adversely affect West Indian manatee (T), Gulf Sturgeon (T), and the Alabama Red-Bellied Turtle (E). 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 0.056 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.

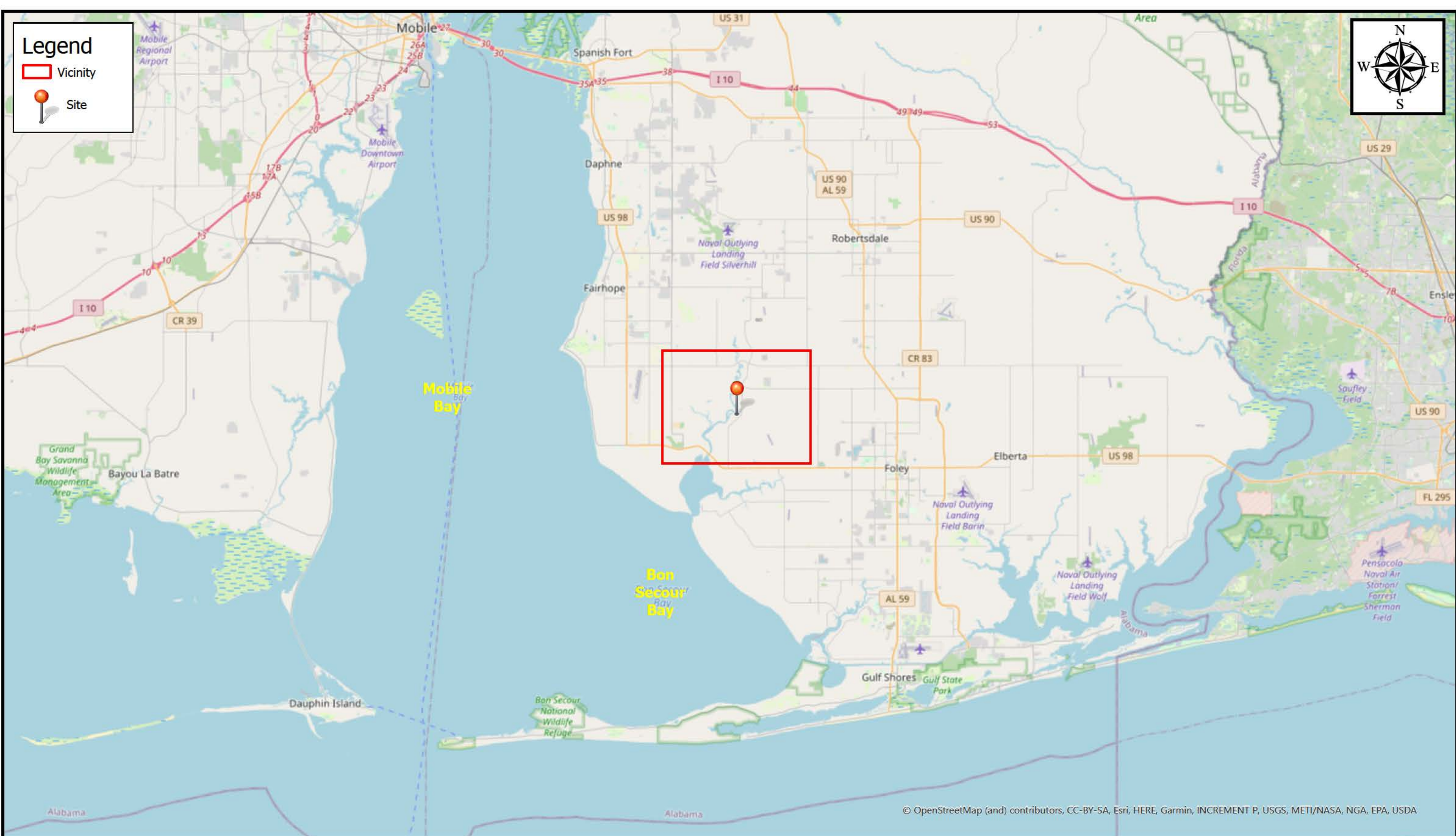
Evaluation of the probable impacts involving deposits of dredged or fill material into WoUS will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2023-00405-STB**, 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.**

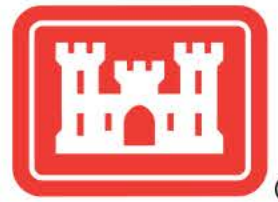
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

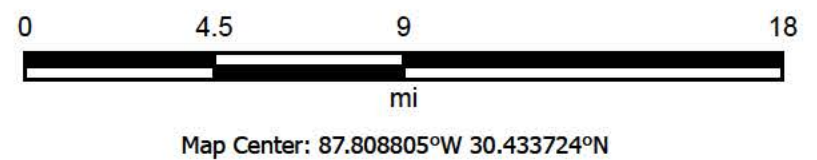
Attachments



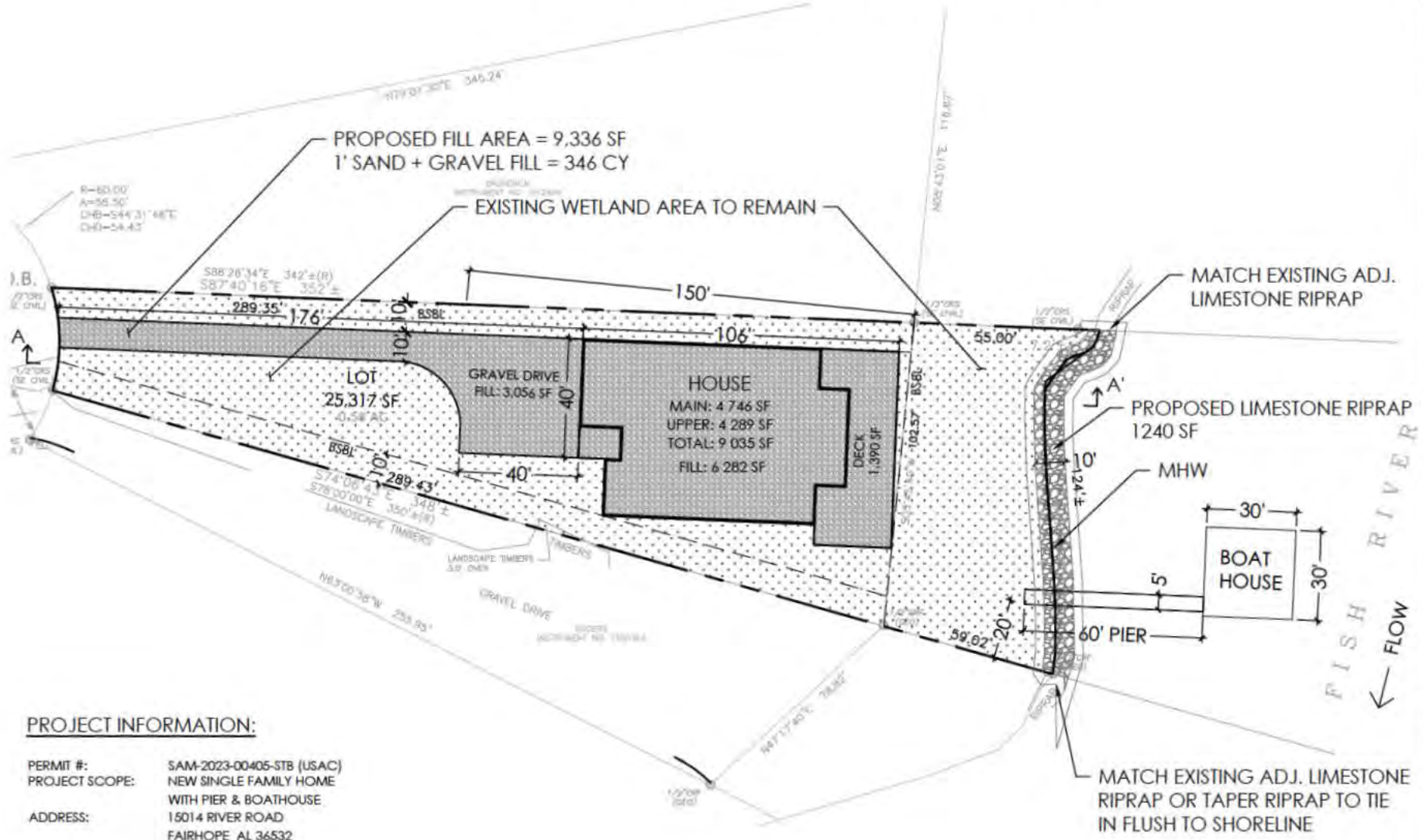
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**SAM-2023-00405-STB // Sherri Bates and Robert Zarr, Jr. // Location Map // Department of the Army**



Map Created by: Samuel T. Barber, Project Manager  
Date: 8/4/2023  
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere  
Projection: Mercator Auxiliary Sphere



**PROJECT INFORMATION:**

PERMIT #: SAM-2023-00405-STB (USAC)  
 PROJECT SCOPE: NEW SINGLE FAMILY HOME WITH PIER & BOATHOUSE  
 ADDRESS: 15014 RIVER ROAD FAIRHOPE AL 36532

**CONTACT INFORMATION:**

OWNER:  
 SHERRI BATES & ROBERT ZARR JR  
 P | 251.709.6088  
 P | 205.612.1885  
 E | BOBBYZARR@GMAIL.COM

DESIGN:  
 GOODIN DESIGN  
 NANCY GOODIN  
 P | 206.304.2120  
 E | NANCYGOODIN@GMAIL.COM

**PARCEL DATA:**

PARCEL ID: 05-55-03-07-0-000-078.012  
 LOT SIZE: 25,317 SF (0.58 ACRES)  
 JURISDICTION: BALDWIN COUNTY  
 SEC-TWIN-RNG: 07-75-3E  
 ZONING: MORATORIUM

LEGAL DESCRIPTION:  
 35'(S) X 346'(S) IRR COM AT THE SE COR OF SEC 7 RUN TH W 460'(S) TH S 28'(S) FOR POB TH CONT S ALG W MARG OF FISH RIVER 83'(S) TH NW 342'(S) TH N 35'(S) TH SE 346'(S) TO POB A/ K/A PT OF LOT A-10 SEC 7-T7S-R3E (WD)

**BUILDING DATA:**

CONSTRUCTION TYPE: VB

**BUILDING AREA:**  
 PRIMARY RESIDENCE: 9,035 SF  
 MAIN FLOOR: 4,746 SF  
 UPPER FLOOR: 4,289 SF

**BUILDING HEIGHT:**  
 PRIMARY RESIDENCE: 40' - 10'  
 HOUSE: 28' - 10'  
 PIERS: 12' - 0'

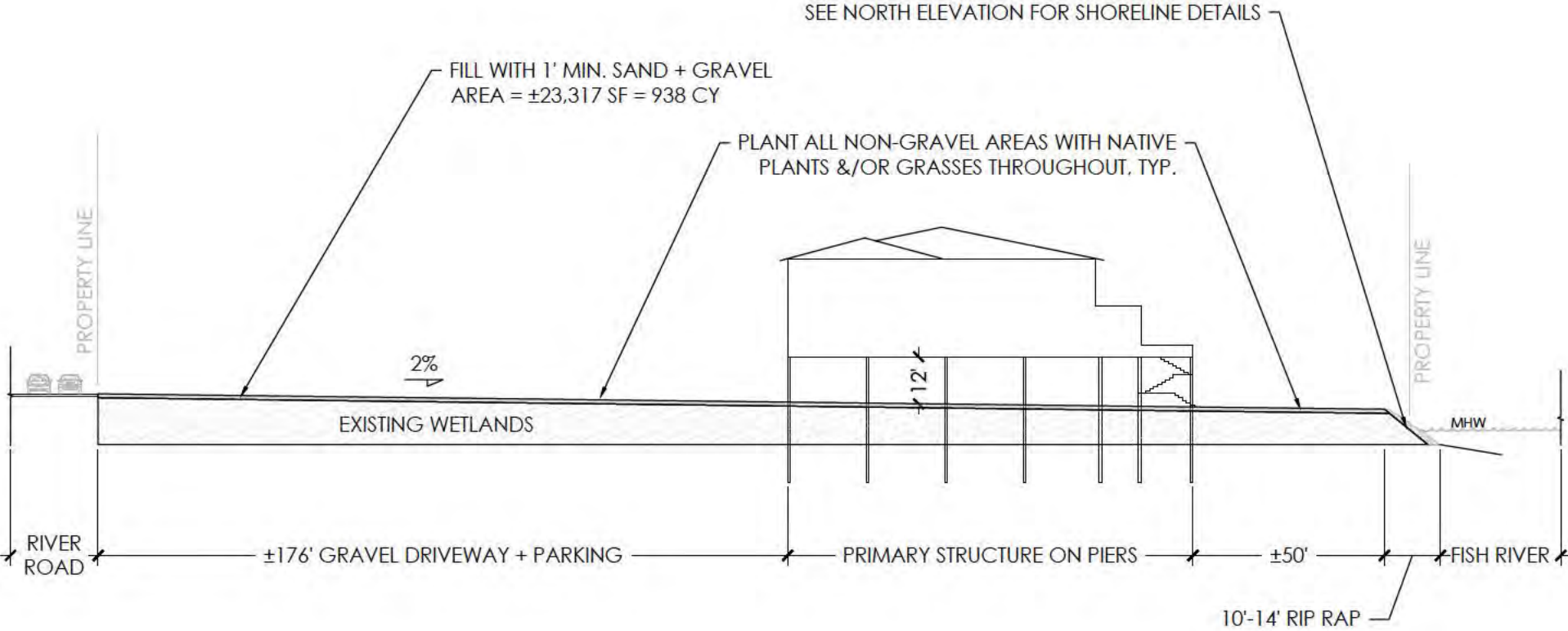
GOODIN  
 DESIGN

MAY 3, 2023  
 REV1: 7-18-2023  
 REV2: 8-10-2023

THE RIVER HOUSE  
 15014 RIVER ROAD  
 FAIRHOPE AL 36532

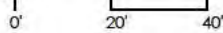
SITE PLAN  
 PRELIMINARY

A1

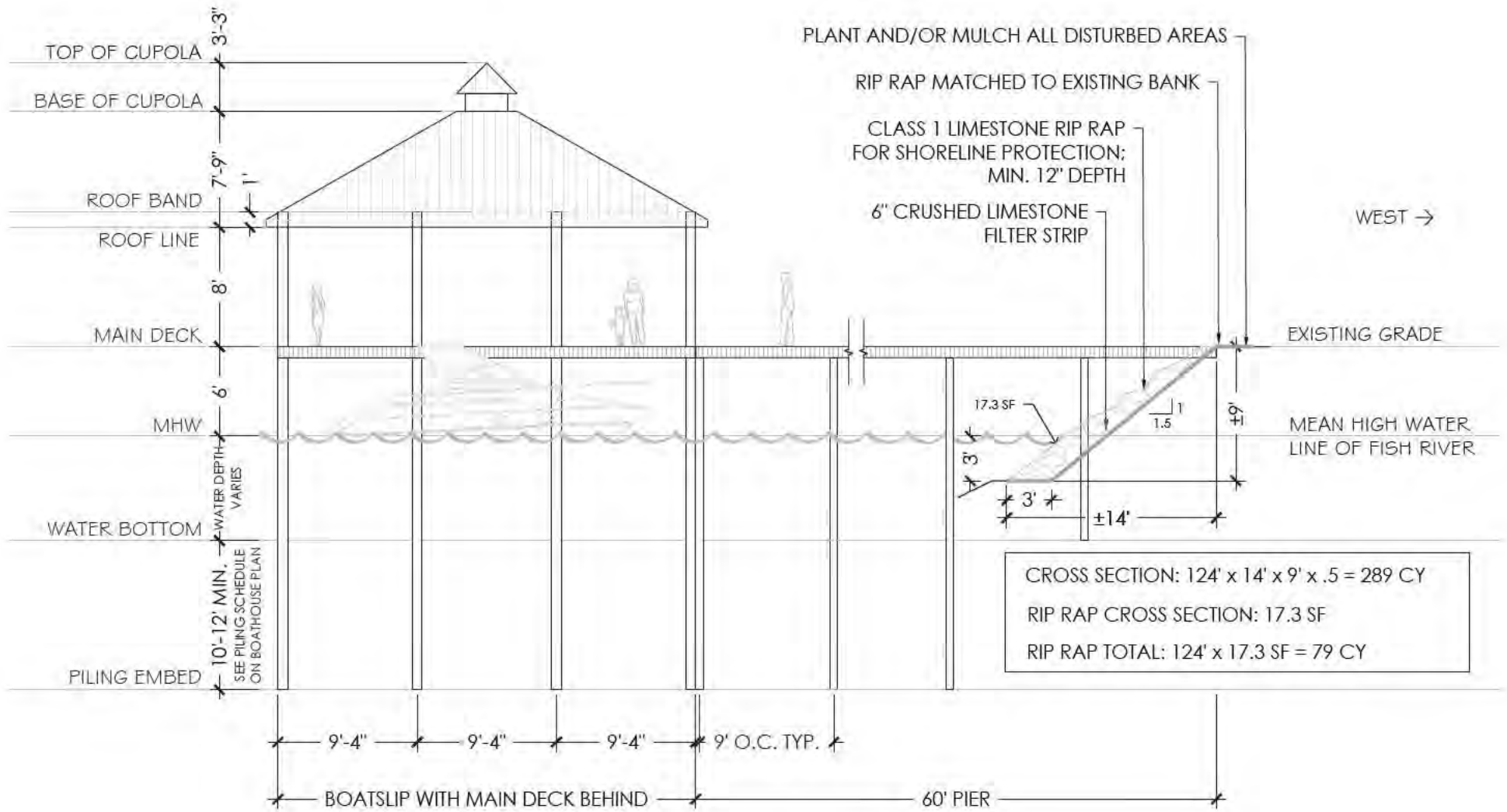


SECTION A-A'  
FACING NORTH

SCALE: 1" = 40'-0"

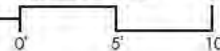


DATE: JULY 18 2022



BOATHOUSE + SHORELINE NORTH ELEVATION  
 30' x 30' BOATHOUSE WITH PIER

SCALE: 1" = 10'-0"



DATE: JULY 18, 2022