



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-2023-00816-JEF

September 29, 2023

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

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED EXCAVATION OF WATERBOTTOMS, FILL OF WATERBOTTOMS,
BULKHEAD INSTALLATION, PIER LENGTHENING, FILL OF WETLANDS AND
CREATION OF NEW SHIP PULL-SLIP WITHIN MOBILE RIVER, MOBILE 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: Alabama Shipyard, LLC
Mr. Ray Lewis
660 Dunlap Drive
Mobile, Alabama 36602

AGENT: Barry A. Vittor and Associates, Inc.
Attention: Mr. Barry A. Vittor
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: The proposed project is located within Mobile River, at 660 Dunlap Drive; Latitude 30.673988° North, Longitude -88.03138° West; in Mobile, Mobile County, Alabama.

APPLICANT STATED PROJECT PURPOSE: Excavation in Section 10 waters for the purpose of constructing a new ship pull-slip, constructing bulkheads in, and filling of (behind bulkheads) Section 10 waters for the purpose of expanding shipyard operations, and lengthening an existing pier and installing pilings for mooring vessels.

PROPOSED WORK: The applicant proposes to mechanically excavate 26,000 cubic yards to a depth of 16.62 feet below mean high water (MHW) in an approximately 122,000 square foot area for the construction of a ship pull-slip. The dimensions of the ship pull-slip are 190-feet by 800 feet and will locate along the northern waterfront portion of the parcel. The ship pull-slip will be excavated to a depth 15 feet below the mean low water (MLW) or 16.62 feet below MHW. Excavated materials will be contained inside an upland beamed area measuring 275 feet by 420 feet over a 115,500 square-foot area.

The applicant proposes to install 1,485 linear feet of bulkhead in front of excavated area. The applicant will backfill 56,400 square feet in Section 10 waters. An existing pier that is located on the parcel will be lengthened to 280 feet along the northern portion of the parcel. Additionally, the applicant proposes to install 8 mooring piles in front of the proposed bulkhead in Section 10 waters.

AVOIDANCE AND MINIMIZATION: The applicant has not yet indicated how the project would avoid and minimize impacts to onsite wetlands and Section 10 waters at this time. USACE will determine how the applicant can best avoid and minimize impacts during the permitting process.

COMPENSATORY MITIGATION: The applicant will purchase mitigation credits from an approved USACE mitigation bank to offset those impacts to 0.2 acres of low-quality wetlands that will be filled onsite. The U.S. Army Corps of Engineers (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 not indicated if they have 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 undertaking in waters of the United States 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), Eastern Indigo Snake (T), and Eastern Black Rail (T). There is no designated critical habitat within the project action area.

Preliminary review has indicated that there would be impacts to the Alabama Red Bellied Turtle (E) due to the amount of impacts to habitat. The applicant has performed an

absence/presence survey of federally listed species. They indicated that no Alabama Red Bellied Turtles (E) were present during the survey and that the project location was not in their preferred habitat.

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 the Eastern Indigo Snake, Wood Stork, and the Eastern Black Rail. The review also found the activity may affect but is not likely to adversely affect the West Indian Mantee, and Gulf Sturgeon. 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 1.3 acre of unvegetated riverine substrate utilized by various life stages of multiple marine species. This proposal is described above is currently under review by the USACE, Mobile District. 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-2023-00816-JEF** and should be directed to the project manager, Mr. Joseph French by e-mail at joseph.e.french@usace.army.mil, by phone at (251) 386-6082, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. Joseph French, 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

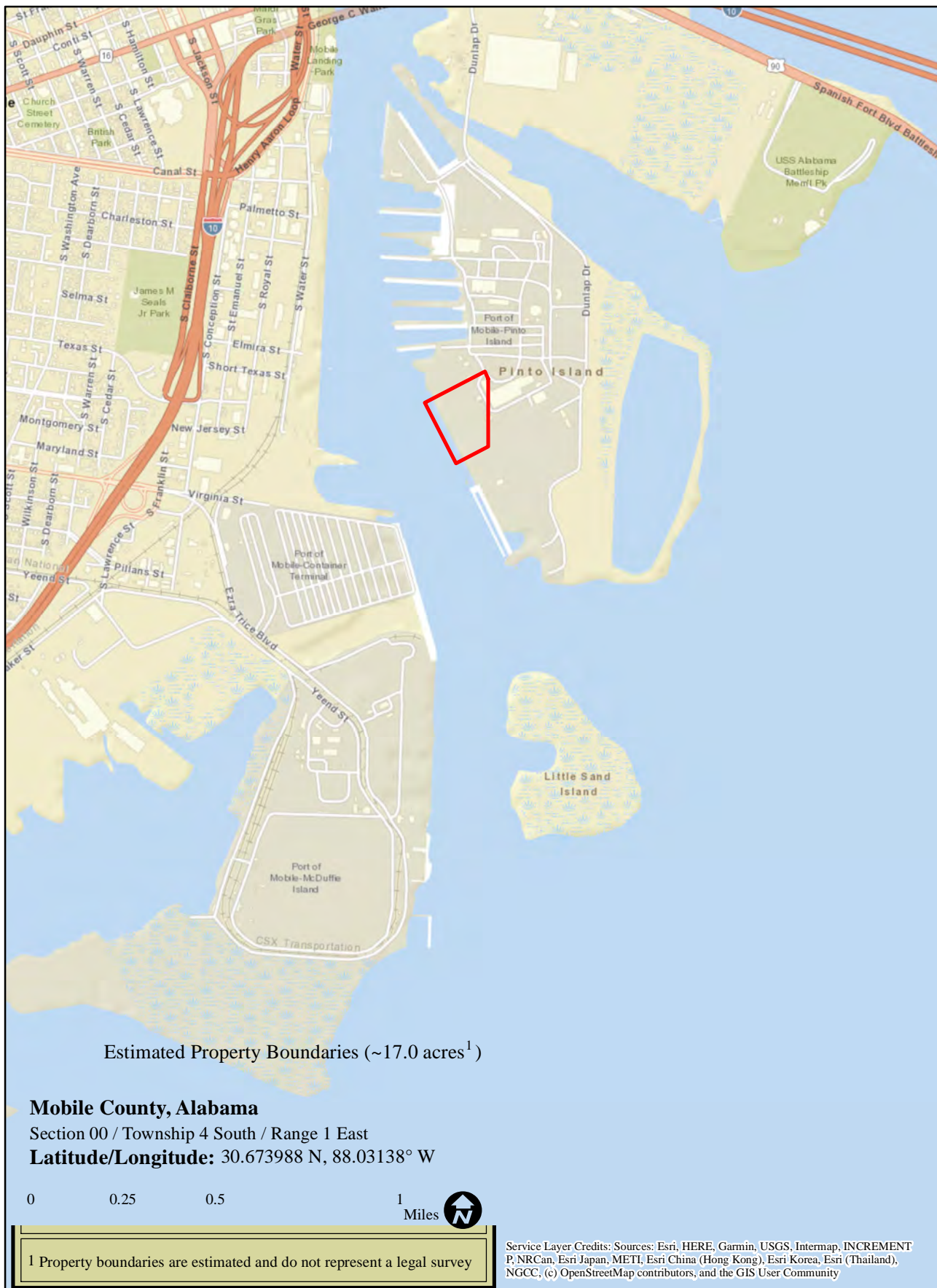


Figure 1. Project Location and Vicinity Map (Street View)



Figure 3. Wetland Map (May 4, 2023)

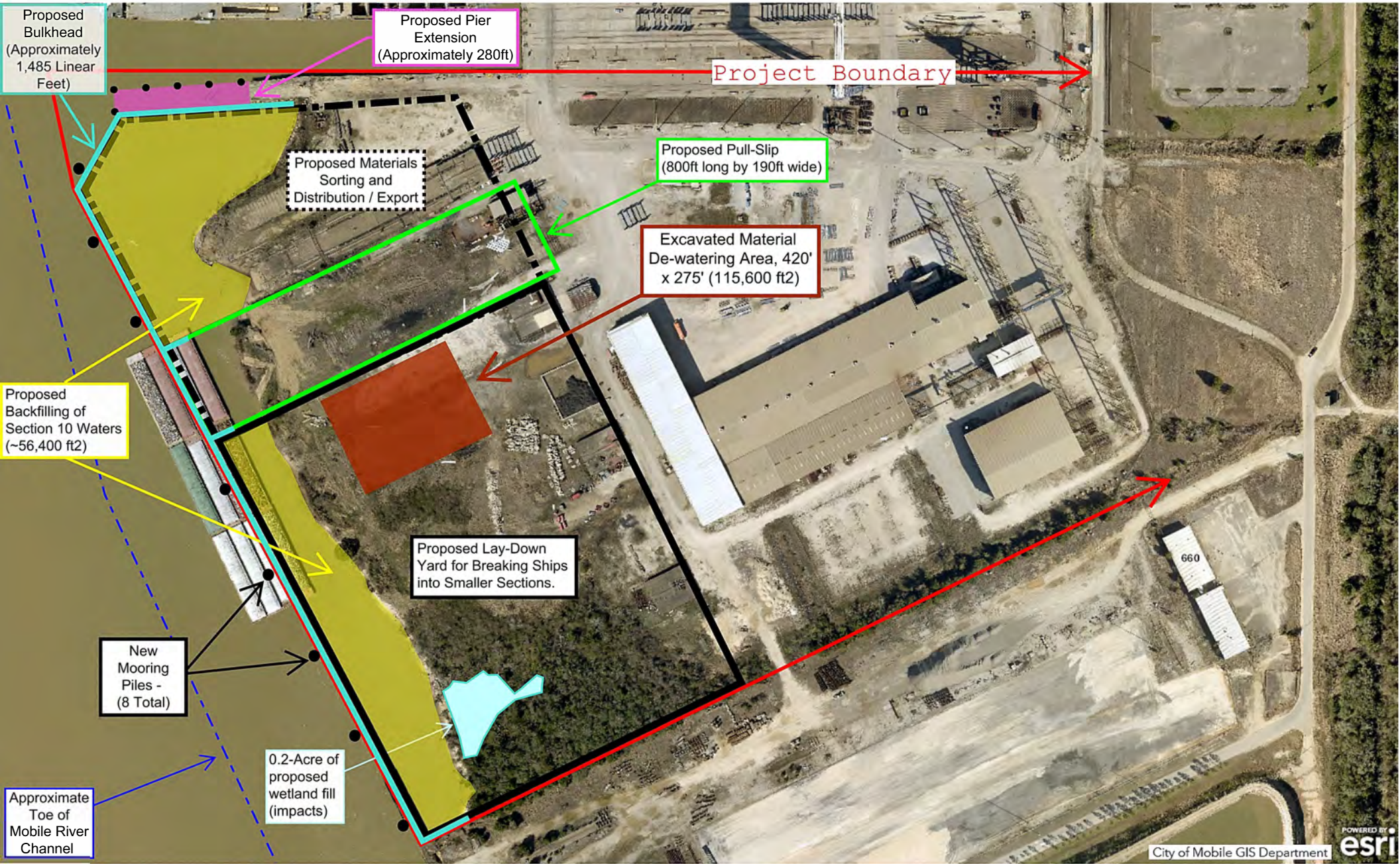
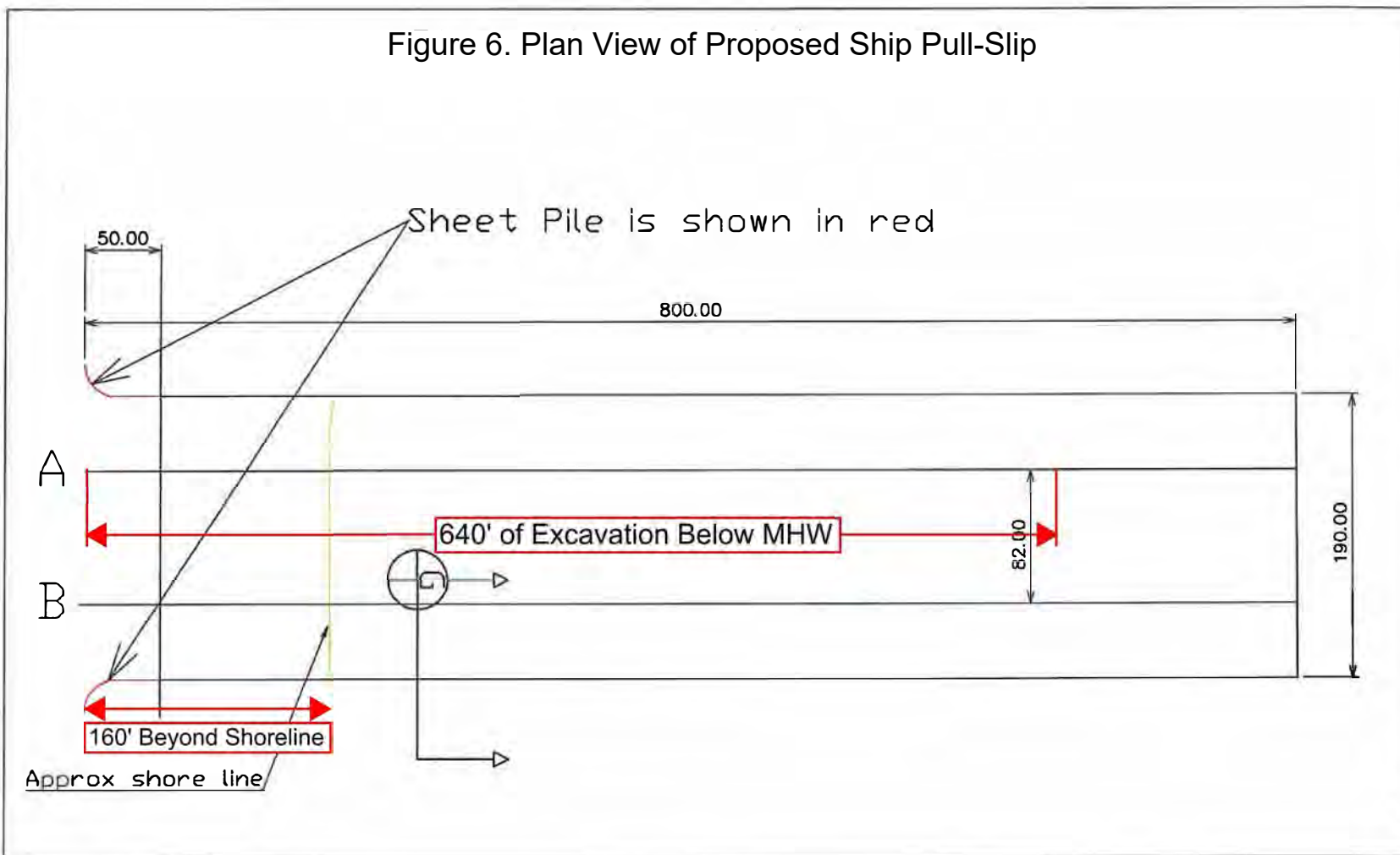
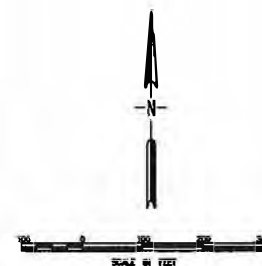


Figure 5. Project Site Plan

Figure 6. Plan View of Proposed Ship Pull-Slip



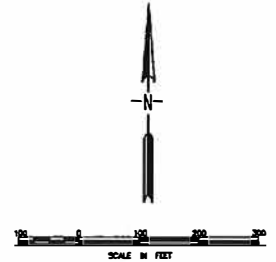
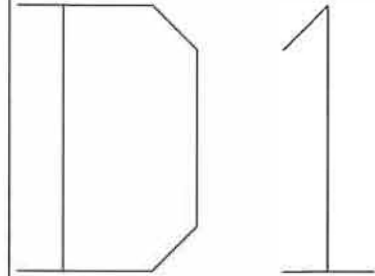
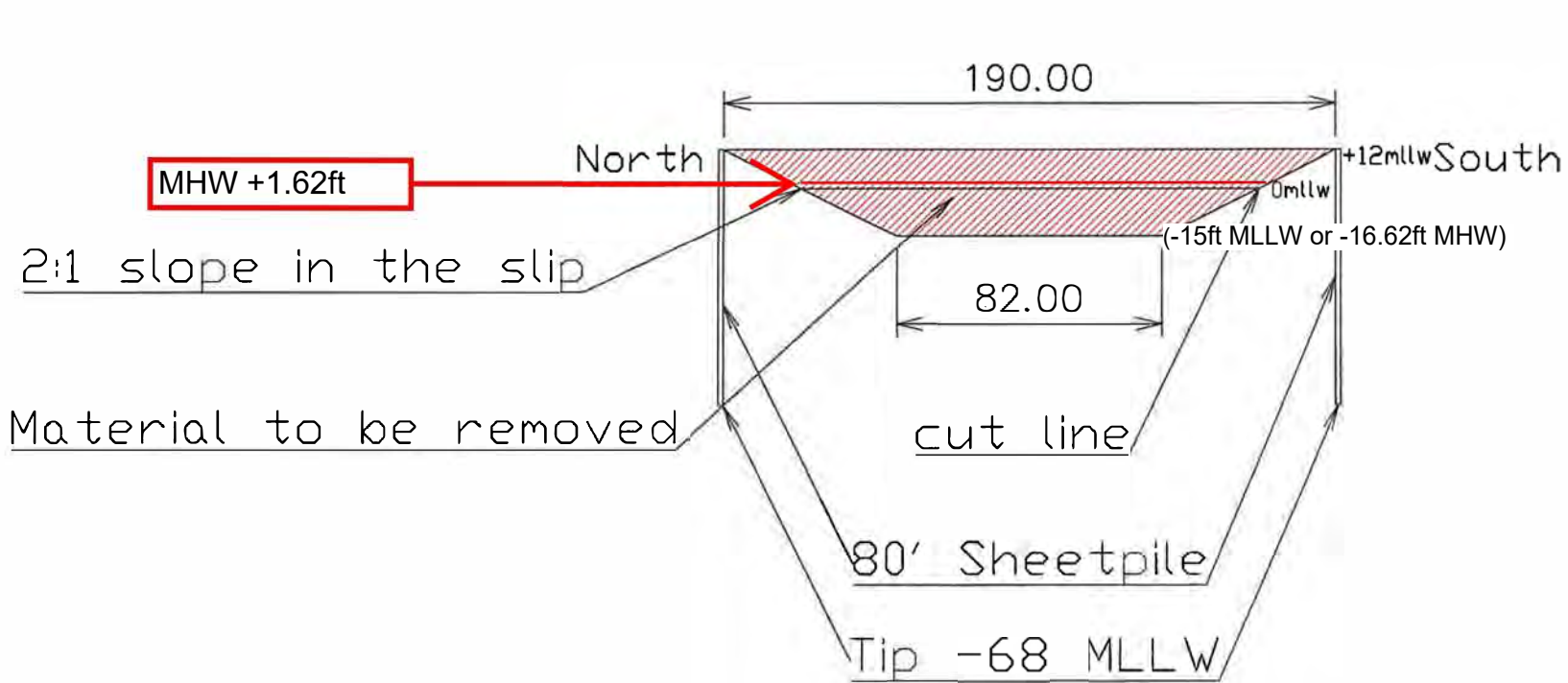
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REVISIONS

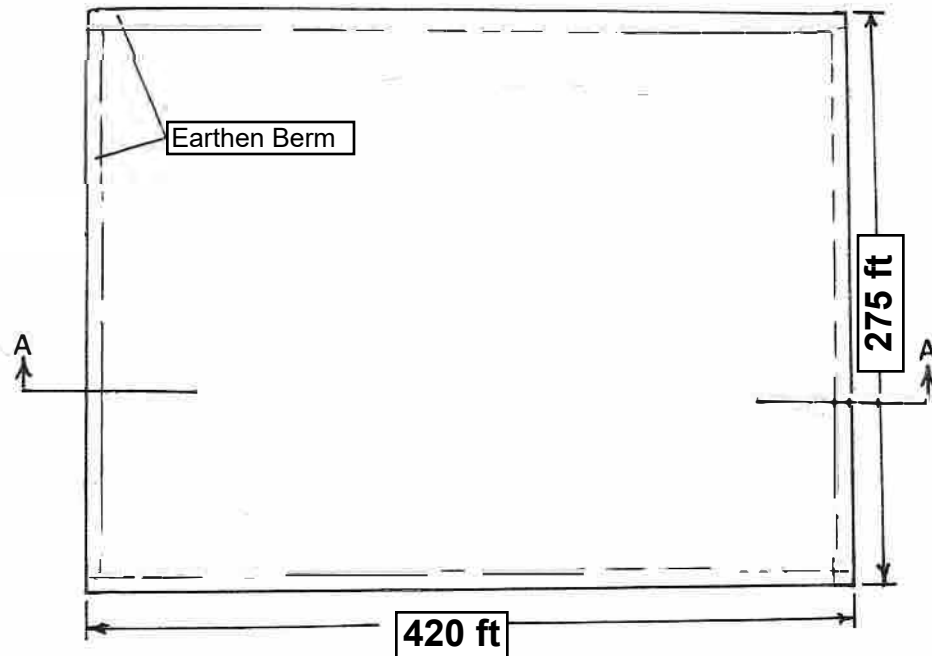
ALABAMA SHIPYARD		
SOUTH YARD IMPROVMENTS		
REF:	ALABAMA SHIPYARD--JAMES KENNETT	
DATE:	8/7/2023	Rev D SHEET 6 OF 11
PROJ. NO.		DWG. No. JK-2023-Pier

Figure 7. Cross Section View of Proposed Pull-Slip and Sheetpile



REVISIONS		
ALABAMA SHIPYARD		
SOUTH YARD IMPROVMENTS		
REF:	ALABAMA SHIPYARD—JAMES KENNETH	
DATE:	8/7/2023	Rev D SHEET 7 of 11
PROJ. NO.		DWG. No. JK-2023-Plan

EXCAVATED MATERIAL DEWATERING AREA (nts)



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Earthen Berm Cross-Section

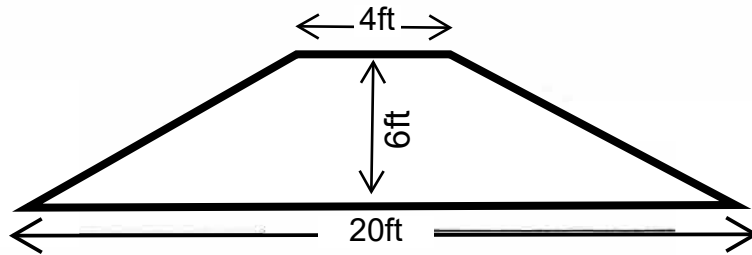


Figure 8. Planview and Cross-Section of Dewatering Area

Figure 9. Typical Profile View of Sheetpile Bulkhead & Backfill

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