



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-2023-00886-JJW

November 29, 2023

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

REQUEST TO IMPACT 0.36 ACRE OF WATERBOTTOMS ON ARNICA BAY,
ELBERTA, BALDWIN COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army 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: Mr. Edgar Downing Jr.
13 Spring Bank Road North
Mobile, AL 36608

Mr. Thomas Hutchings
Post Office Box 361
Montrose, AL 36559

AGENT: Ecosolutions, Inc.
Attention: Mr. Thomas Hutchings
Post Office Box 361
Montrose, Alabama 36559

LOCATION: Arnica Bay; 29422 and 29464 Josephine Drive; within Section 25, Township 8 South, Range 5 East; Latitude 30.326315° North, Longitude -87.522842° West; in Elberta, Baldwin County, Alabama.

PROJECT PURPOSE: The basic project purpose is to stabilize and restore the applicants' shoreline.

PROPOSED WORK: The applicants propose the following:

- a. Placement of 284 cubic yards of clean, commercially sourced rip rap within 0.03-acre (1,420 square feet) of waterbottoms for the construction of three (3) headland breakwaters to create two (2) beach cells. The breakwaters would total approximately 284 linear feet and would be constructed 5-foot wide. They would be constructed to an elevation of 2 feet above the plane of mean high water (MHW). Breakwater structures will extend a maximum of 50 feet from the MHW line into Arnica Bay
- b. Hydraulic dredging of approximately 1,165 cubic yards of sand from 0.36 acre (15,730 square feet) of waterbottoms to a maximum depth of -6 feet below the plane of mean low water (MLW) for the purpose of obtaining source material for beach renourishment. Dredged material will be dewatered within two (2) created beach cells.

- c. Placement of approximately 1,165 cubic yards of dredged sand material within 0.33-acre (14,340 square feet) of waterbottoms, comprised of two (2) created beach cells below the MHW line. Turbidity controls would consist of temporary coffer dams between headland breakwaters. The coffer dams would be removed when construction is complete.

AVOIDANCE AND MINIMIZATION: The applicants have indicated the fill has been minimized to the greatest extent practicable while still protecting the high energy shoreline from further erosion. 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: The applicant has stated that no mitigation would be required because the proposed fill would not be placed in a special aquatic site. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan 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). This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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. The National Register of Historic Places will be consulted for properties listed in or eligible for 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. The USACE, Mobile District has not yet made a determination of potential effects the proposed project would have on cultural or historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized tribes will be performed as determined to be appropriate.

ESSENTIAL FISH HABITAT: This notice initiates the essential fish habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would involve the dredging of approximately 0.36 acre (15,730 square feet) of waterbottoms in Arnica Bay and filling of approximately 0.36

acre (15,760 square feet) of intertidal shoreline habitat and waterbottoms below the MHW line during beach nourishment activities. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the minor area of impacts and use of best management practices during construction phases. A submerged aquatic vegetation (SAV) survey has been conducted and no SAV was observed. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service and/or U.S. Department of Interior, Fish and Wildlife Service.

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 watershed of the project action area: West Indian manatee (T), red knot (T), eastern indigo snake (T), Kemp's ridley sea turtle (E), Gulf sturgeon (T), and loggerhead sea turtle (T). Our initial determination is that the proposed activity will have no effect on these listed endangered or threatened species. There is no designated critical habitat within the project action area. This determination is being coordinated with the USFWS via this Public Notice.

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

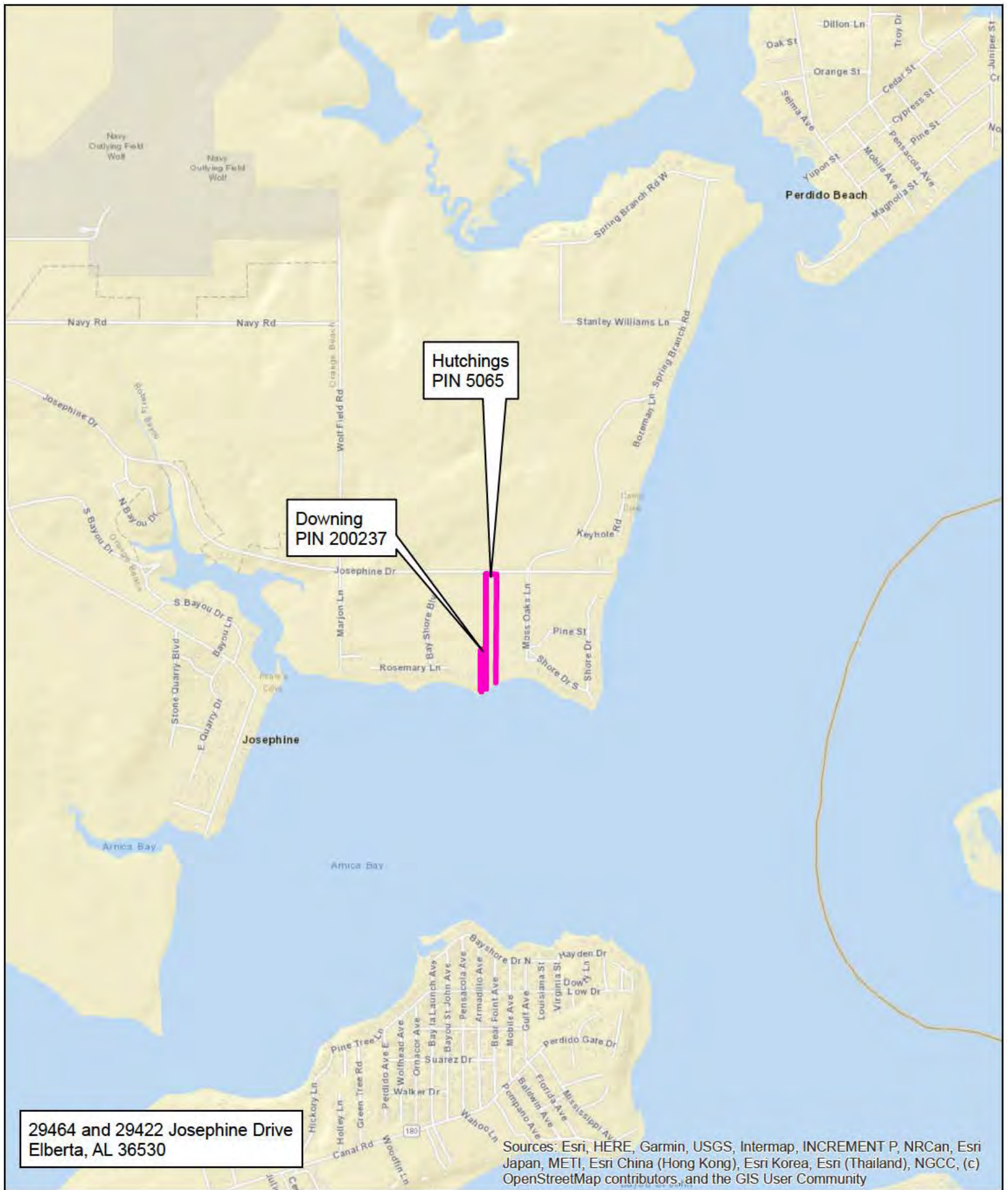
cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, 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-2023-00886-JJW** and should be directed to the project manager, Ms. Jennifer J. Wilder by e-mail at Jennifer.J.Wilder@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Jennifer J. Wilder, 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



Locator Map

Project: Hutchings Downing Arnica Bay
 Applicant: Tom Hutchings and Edgar Downing
 1 inch = 2,000 feet

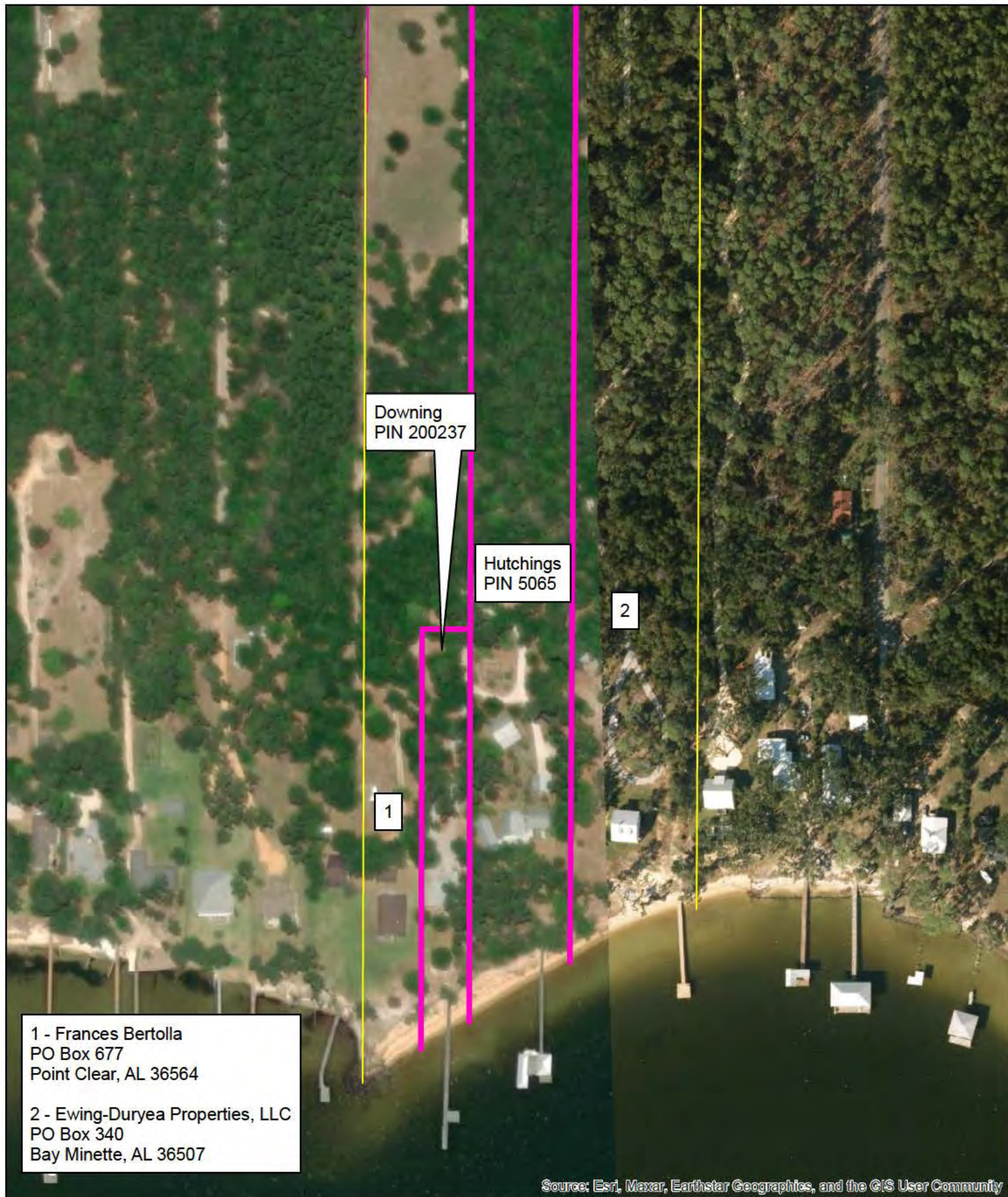
T-8-S, R-5-E, Sect. 25
 Elberta, AL

0 1,000 2,000 4,000 6,000 8,000 Feet

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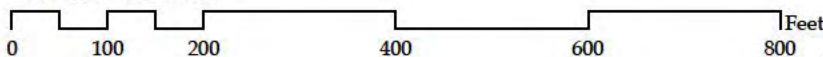


P.O. Box 361 Montrose, AL 36559
 Phone: 251-621-5006 Fax: 251-621-5058



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Phone: 251-621-5006 Fax: 251-621-5058

Adjacent Owners Map
Project: Hutchings Downing Arnica Bay
Applicant: Tom Hutchings and Edgar Downing
1 inch = 200 feet



T-8-S, R-5-E, Sect. 25
Elberta, AL



FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Legend

Beach Fill Area



Rip Rap



Dredge Area



Project Area



Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction.

A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. Property boundaries are estimated based on available information.

Dredge Area = 15,730 square feet
Volume = 1,165 cubic yards
Beach Fill Area = 14,340 square feet
Volume = 1,165 cubic yards
Riprap Length = 284 linear feet
Area = 1,420 square feet
Volume = 284 cubic yards

Hutchings et al Josephine Site Plan on Aerial

EcoSolutions
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

PREPARED FOR

DRAWN BY

DATE OF LAST REVISION

DWG

CHECKED BY

Sept. 13, 2023

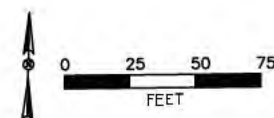
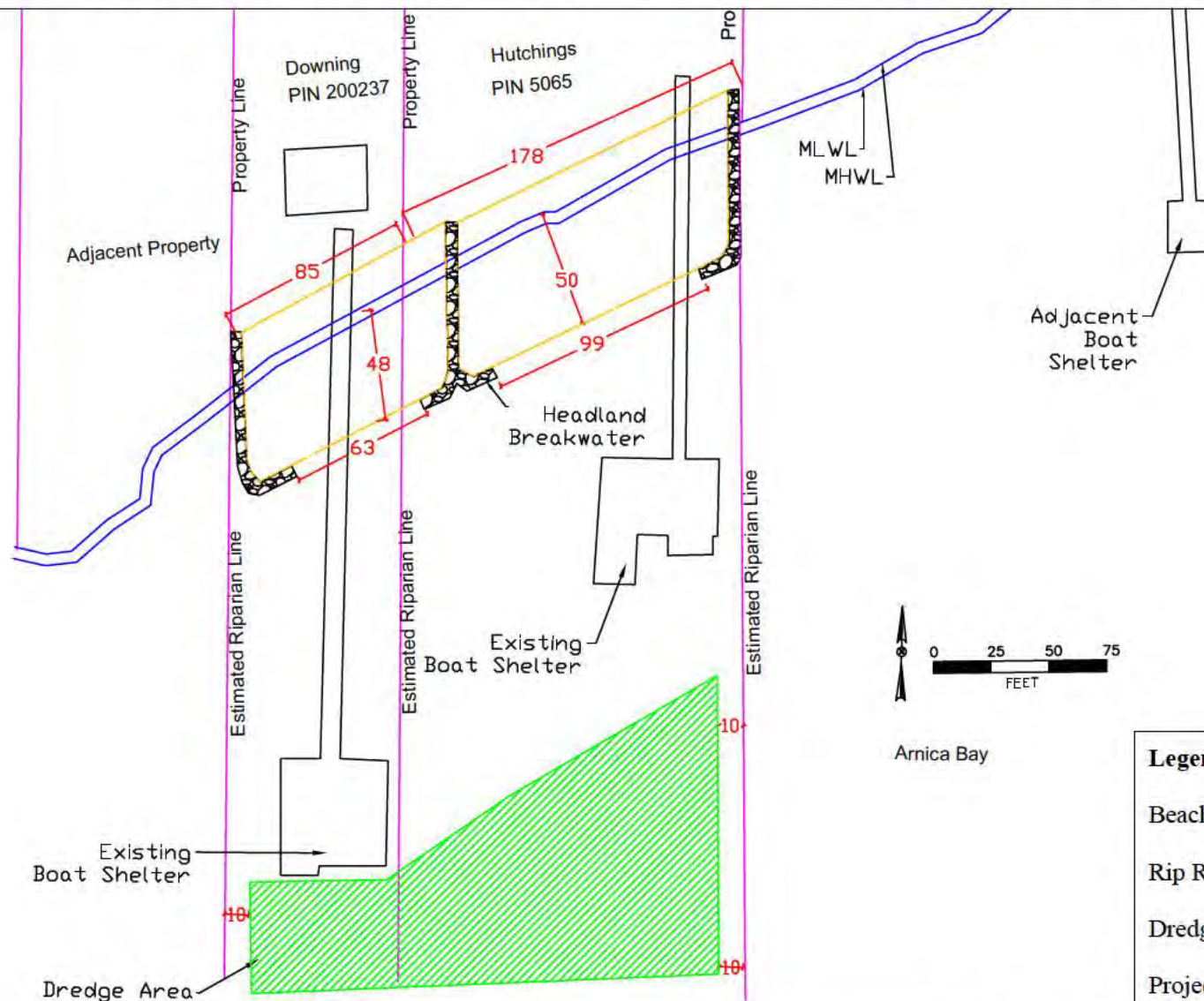
Hutchings et al. Beach

SCALE: AS STATED

SHEET 1

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Site Plan



Legend

Beach Fill Area



Rip Rap



Dredge Area



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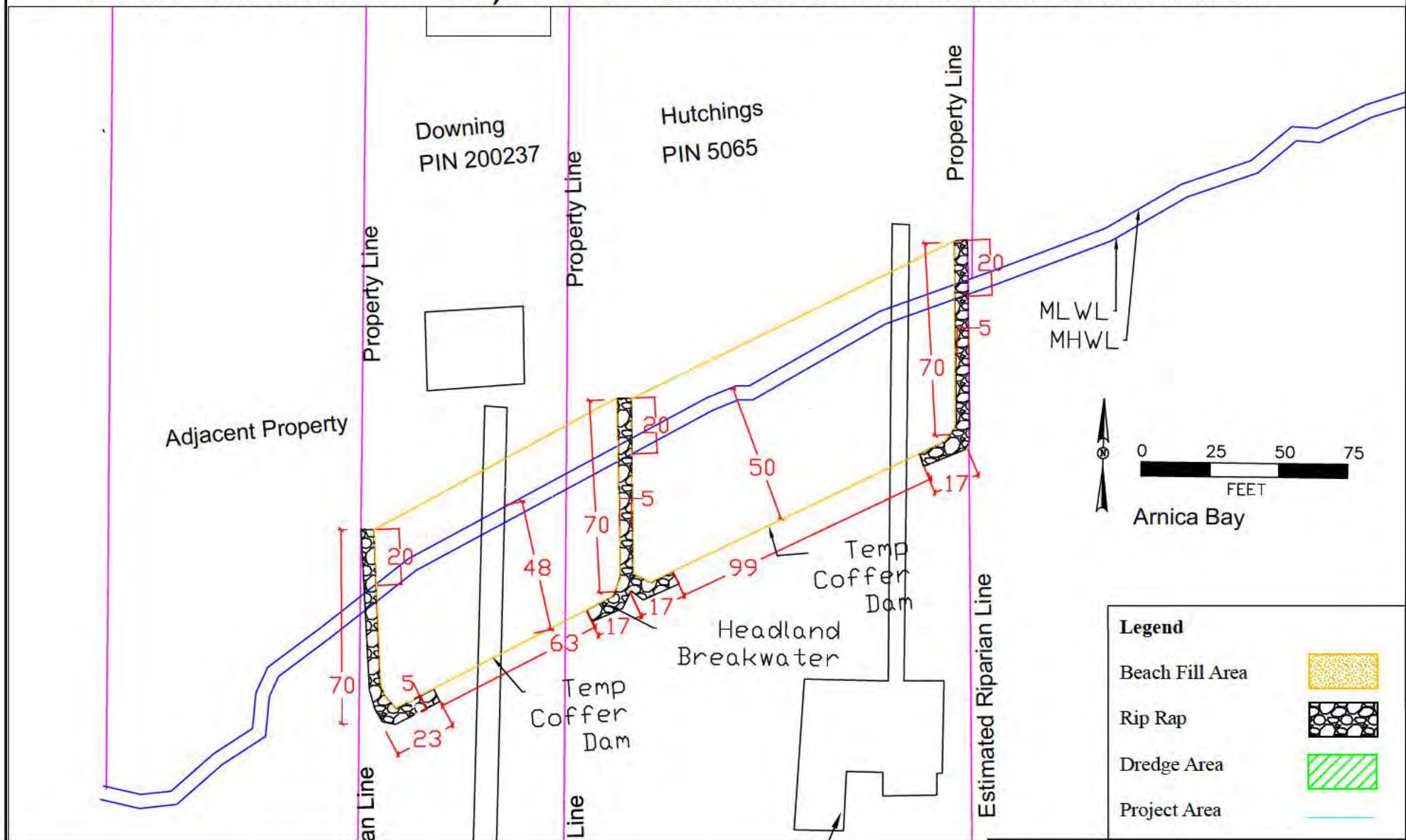
Hutchings et al Josephine Site Plan

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PREPARED FOR	DRAWN BY S. Plesco	DATE OF LAST REVISION Sept. 13, 2023	DWG Hutchings et al. Beach
CHECKED BY	SCALE: AS STATED	SHEET 1	

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Hutchings et al Josephine Beach Plan

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PREPARED FOR	DRAWN BY S. Pierco	DATE OF LAST REVISION Sept. 13, 2023	DWG Hutchings et al. Beach
CHECKED BY	SCALE: AS STATED	SHEET 1	

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Hutchings et al Josephine Dredge Plan

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Project Access Area

Legend

Beach Fill Area



Rip Rap



Dredge Area



Project Area



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Project Access Area



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MONTROSE, AL 36559
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PREPARED FOR

DRAWN BY

S. Pieco

CHECKED BY

DATE OF LAST REVISION

Sept. 13, 2023

SCALE: AS STATED

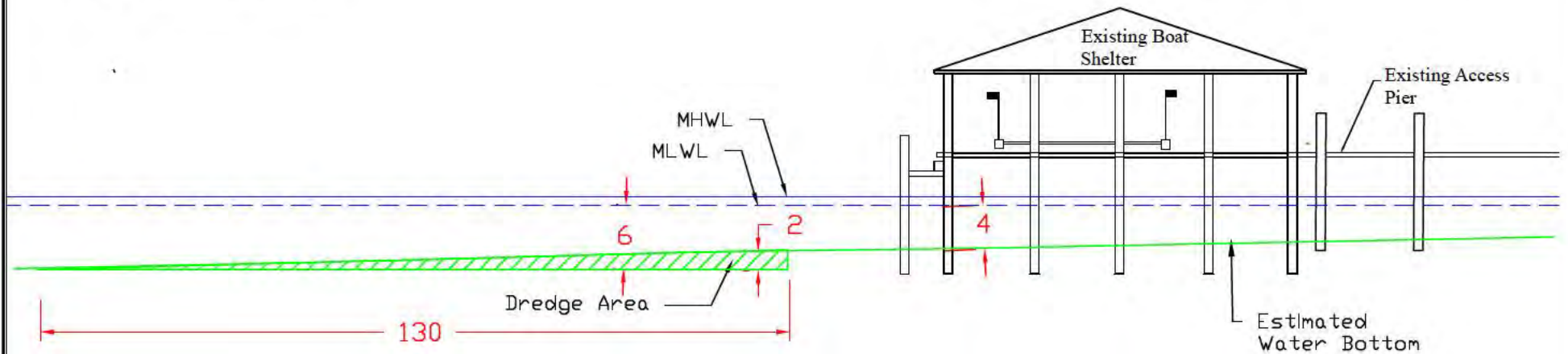
DWG

Hutchings et al. Beach

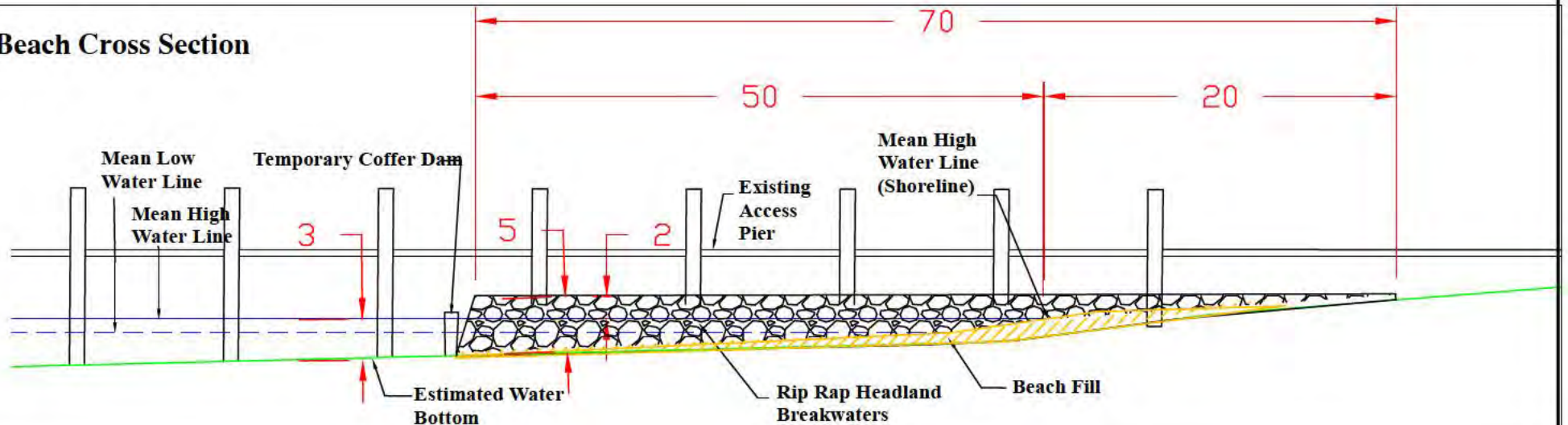
SHEET 1

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Dredge Cross Section



Beach Cross Section



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Hutchings et al Josephine Cross Sections

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PREPARED FOR

DRAWN BY

S. Pierco

CHECKED BY

DATE OF LAST REVISION

July 26, 2023

SCALE: AS STATED

DWG

Hutchings et al. Beach

SHEET 1