



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-2023-01027-BAL

August 19, 2024

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS (USACE)
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REQUEST TO RETAIN UNAUTHORIZED FILL, DREDGING, AND DOCK
STRUCTURE IN WATERS OF THE UNITED STATES IN CONJUNCTION WITH THE
CONSTRUCTION OF A RESTAURANT IN BON SECOUR, 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 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Tin Top Riverside, LLC
Attention: Mr. Bob Hallmark
6232 Bon Secour Highway
Bon Secour, Alabama 36511

AGENT: TTL, Inc.
Attention: Ms. Cindy House-Pearson
9797 Timber Circle, Suite A
Daphne, Alabama 36527

LOCATION: The project at along the Bon Secour River at 17451 County Road 49 South, within Section 39, Township 8 South, Range 3 East; at Latitude 30.310910° North, Longitude -87.725704° West, in Bon Secour, Baldwin County, Alabama. The project site is located within the Alabama Coastal Zone Management Area.

APPLICANT STATED PROJECT PURPOSE: The purpose of the project is to construct a water accessible commercial restaurant facility along the Bon Secour River in Bon Secour, Baldwin County, Alabama.

PROPOSED WORK: The applicant requests after-the-fact authorization for the following activities in conjunction with the construction of a waterfront restaurant:

- The placement of 2579.7 cubic yards of commercially obtained fill material within 0.98 acres of jurisdictional wetlands for the purpose of constructing an 11,050 square-foot restaurant with associated parking lot, access road, and fire tower.
- Construction of a 3,254 square-foot, H-shaped dock structure extending off an upland retaining wall, 79 feet into Bon Secour Bay. The dock structure contains a boardwalk measuring 250-foot-long by 5-foot-wide running parallel to the shoreline, a 65-foot-long by 10-foot-wide gangway extending perpendicular from the boardwalk that leads to a 150-foot-long by 9-foot-wide dock also running parallel with the shoreline. The dock structure is for temporary docking for visiting customers with no permanent boat mooring slips.
- Dredging of 23 cubic yards of sandy material containing oyster shells from a 240-square-foot area along the shoreline measuring 2.5 feet wide by 96 feet in length, to achieve water depths of -2.5 feet. Dredged material was used as fill for wetland areas on site.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still allowing for space for the restaurant and associated structures/features. The U.S. Army Corps of Engineers (USACE), Mobile District has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

COMPENSATORY MITIGATION: The applicant will purchase mitigation credits for unavoidable impacts to wetland areas from Lillian Swamp Mitigation Bank. The USACE has not determined the adequacy of the applicant's mitigation proposal for the proposed activity.

WATER QUALITY: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Alabama Department of Environmental Services (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 USACE has determined the permit area consists of the entire undertaking in waters of the United States, which includes the footprint of jurisdictional fill areas that would be disturbed by construction of the proposed project. 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 following federally-listed species are known or expected to occur within the project area: West Indian Manatee (T), Red Knot (T), Alabama Red Bellied Turtle (E), and the Eastern Indigo Snake (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will be performed as determined to be appropriate. A copy of this public notice is being sent to the USFWS for review and comment.

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 the Corps of Engineers 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.

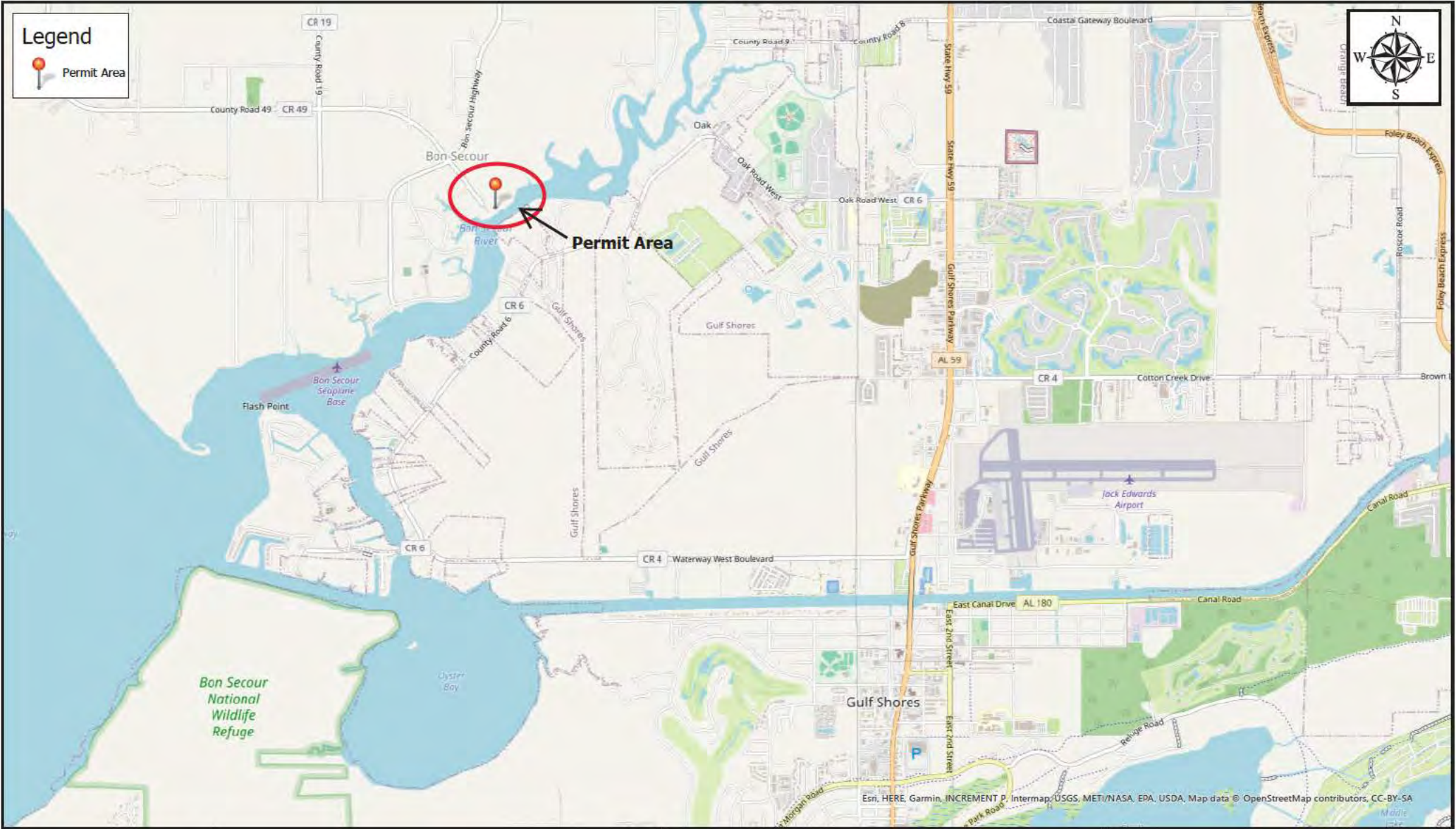
Correspondence concerning this public notice should refer to Public Notice Number **SAM-2023-01027-BAL** and should be directed to the project manager, Ms. Beverly Lowery by email at Beverly.a.lowery@usace.army.mil, by phone at (251) 386-4023, or to the USACE, Mobile District, Regulatory Division, Attention: 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.

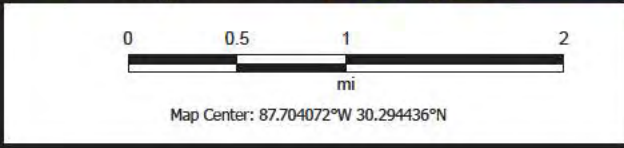
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



SAM-2023-01027-BAL // Vicinity Map

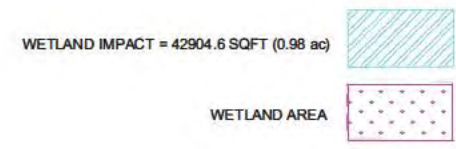
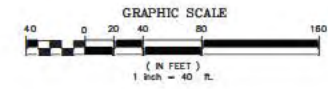


Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
 Projection: Mercator Auxiliary Sphere

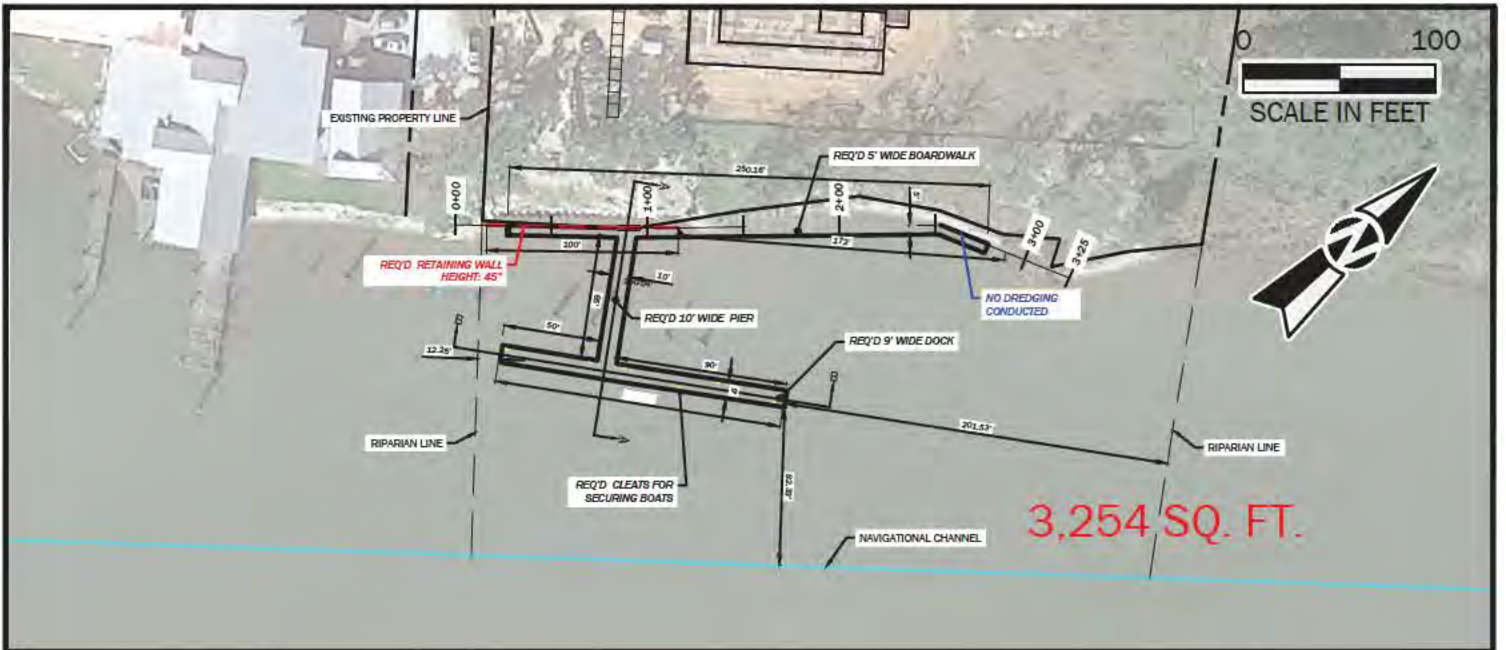
ASBUILT SITE PLAN

SAM-2023-01027-BAL

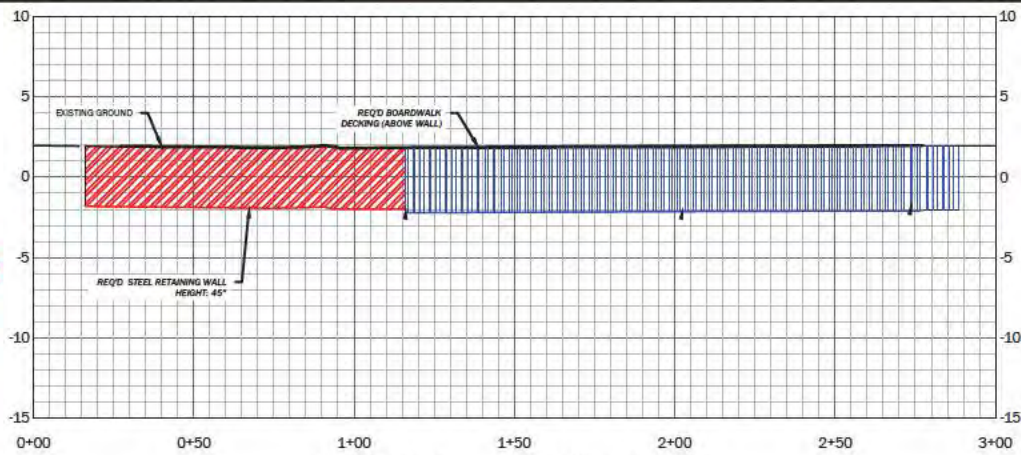
SITUATED IN SECTION 38,
TOWNSHIP 8 SOUTH, RANGE 3 EAST,
BALDWIN COUNTY, ALABAMA



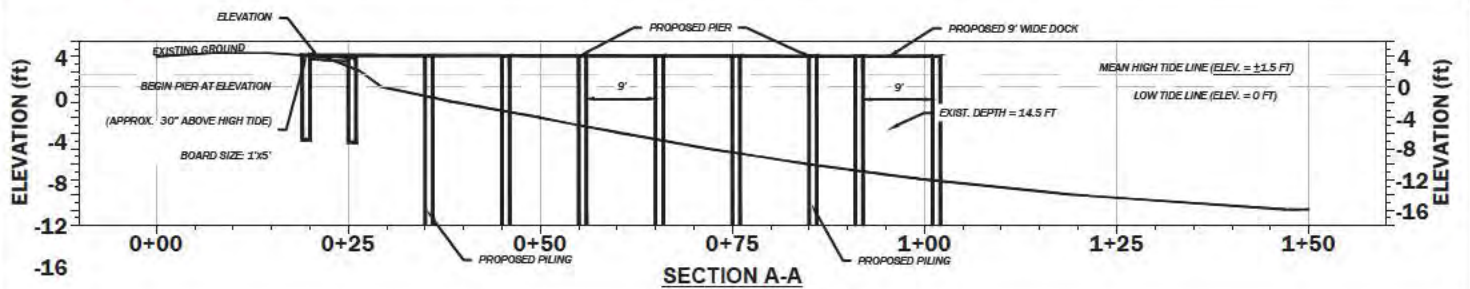
DATE	
REVISIONS	
DESIGNED BY: JAT	
CHECKED BY: BCI	
PROJECT NO.: F-JAL001	
DATE: August 8, 2024	
SCALE: 1" = 40'	
PROJECT: TTN TOP RIVERSIDE	
TITLE: AS-BUILT SURVEY	
PROJECT:	
1000 EAST LAUREL AVENUE FOLEY, AL 36635 (251) 943-8860	
EDG ENGINEERING DESIGN GROUP, LLC CIVIL ENGINEERS & LAND SURVEYORS (251) 943-8860	
SHEET NO. 1 OF 1	



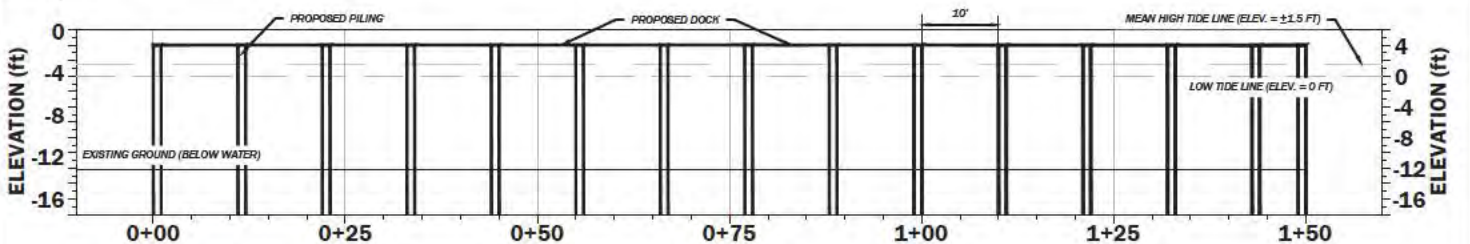
RES
24-02-003
EXHIBIT A



PROPOSED 5' BOARDWALK AT
RETAINING WALL - BOARDWALK PROFILE



SECTION A-A



SECTION B-B



www.ttlusa.com

TIN TOP RESTAURANT
SAM-2023-01027-BAL
GENERAL PERMIT

BON SECOUR
BALDWIN COUNTY, ALABAMA

Sheet Title

PLAN/PROFILE

No.	Date	Revision Description

Drawn By: KWM Checked By: JNB
Date: 11/21/2023 Proj. No.: 22-01-00336.00
File Name: 22-0336.Profile Sheet Rev.3.dwg

Sheet No.
I-0