



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-C
PUBLIC NOTICE NUMBER SAM-2012-01396-HEH

FEBRUARY 22, 2013

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

**PROPOSED FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH
CONSTRUCTION OF A BULKHEAD / LAND RECLAMATION, BAYOU ST. JOHN,
BALDWIN COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Charles Bryars
2270 Hillcrest Road
Mobile, Alabama 36602

LOCATION: Shoreline fronting Lot 2, Baypoint Subdivision, 28502 Jackson Avenue, Bayou St. John, Section 2, Township 9 South, Range 5 East, Orange Beach, Baldwin County, Alabama (Latitude 30.293105, Longitude -87.5390479).

WORK: The Applicant proposes to fill 40 square feet of water bottoms on the east side of the property with 40 cubic yards of commercially obtained fill to reclaim land lost due to wave action. A 65-foot-long bulkhead would be constructed. The proposed fill area, behind the proposed bulkhead, supports a fringe wetland area that is approximately 15 feet wide and 40 feet long stretching south-west from the existing pier to the adjacent lot line. The applicant stated that the erosion fronting his property has occurred in the last year since construction of bulkheads by the adjacent land owners on each side of his property.

PURPOSE AND NEED: Land reclamation for property lost due to erosion. Bulkhead construction to protect the applicant's lot.

MITIGATION: The existing tidal fringe wetland on the applicant's lot would be plugged along the shore at the toe of the new bulkhead. The existing wetland vegetation on Lot 2 would be protected from construction disturbance until harvested and transplanted between the toe of the new bulkhead and mean low water line. It may be necessary to fall back on the alignment of the proposed bulkhead to allow room for planting of the relocated vegetation.

The applicant has applied for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) 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 use 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, cultural values, 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 production, and in general, the needs and welfare of the people.

The Corps 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 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.

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 effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic

Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The District Commander remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2012-01396-HEH and should be directed to:

District Commander
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division

with a copy to the:

Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at harry.e.halley@usace.army.mil or telephone number (251) 684-2658. Please refer to the above Public Notice number.

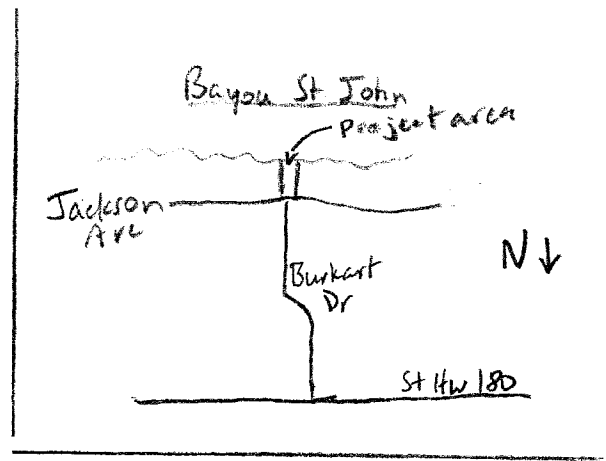
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Home/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Enclosures

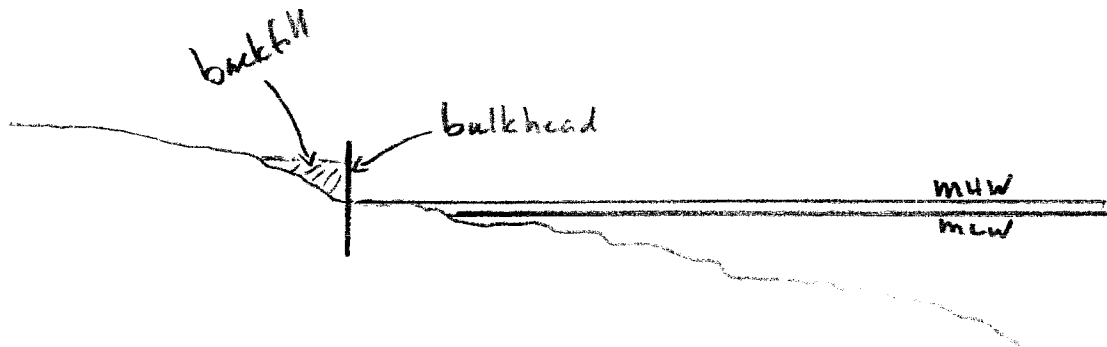
MOBILE DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DIRECTIONS :

Proceed east on Hw 180 past MM 30.
Watch for Burkart Dr. to the right.
Burkart dead ends @ project location
- green house with tan trim



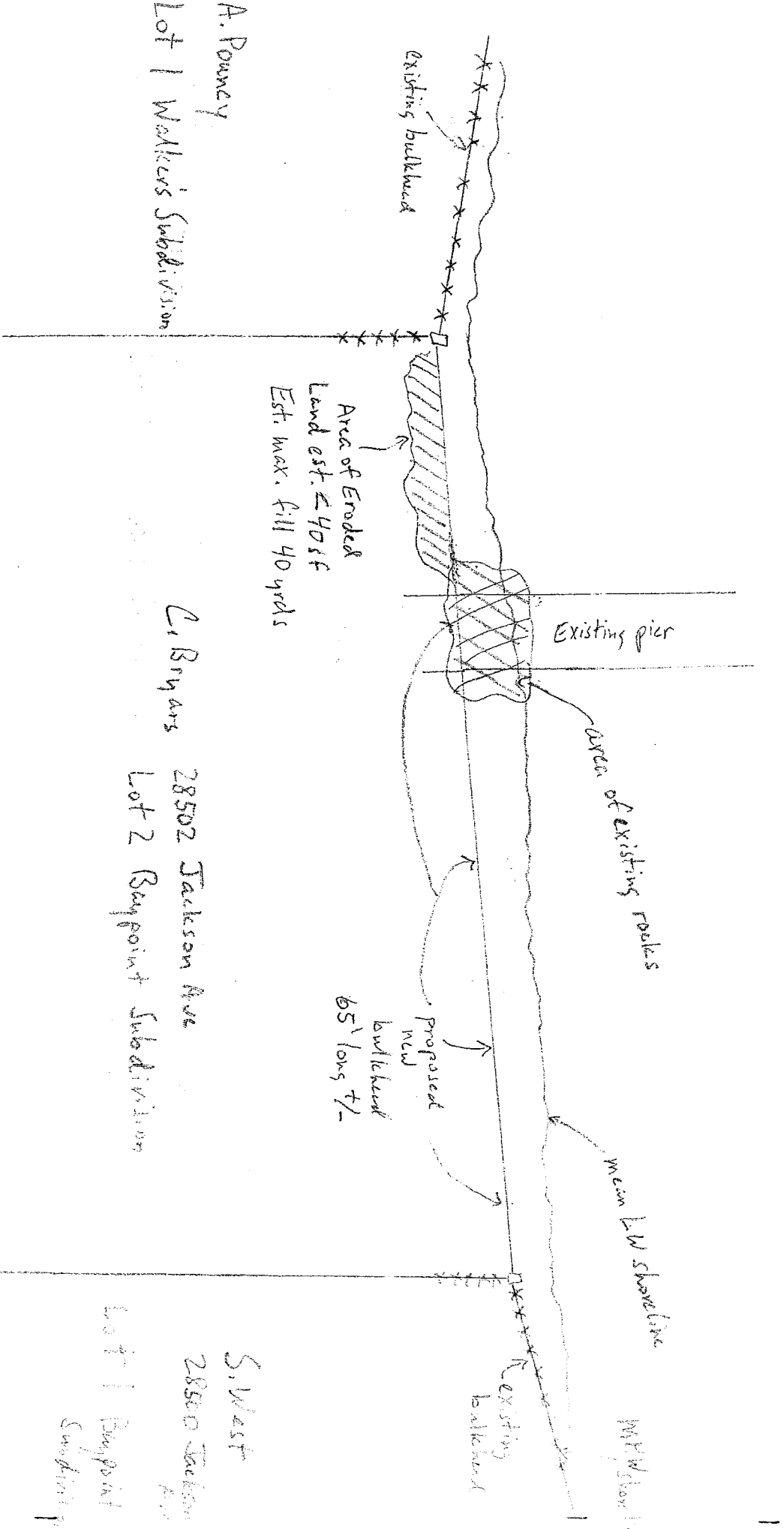
VICINITY MAP



C. Bryars 27502 Jackson Ave Orange Beach, AL

Scale - 1" = 10'

Bayshore St. Shrs



A. Pouncey
Lot 1 Walker's Subdivision

C. Bryans
28502 Jackson Ave
Lot 2 Baypoint Subdivision

S. West
28500 Jackson Ave
Lot 1 Baypoint Subdivision