



REPLY TO
ATTENTION OF

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

October 19, 2015

South Alabama Branch
Regulatory Division

**SUBJECT: Modification Number 1 to Department of the Army Permit Number
SAM-2011-0493-DEM, NOAA Gulf of Mexico (GOM) Disaster Response Center,
Alabama Swift Tract Living Shoreline, Bon Secour**

NOAA GOM Disaster Response Center
Attention: Mr. Daniel Van Nostrand
7344 Zeigler Boulevard
Mobile, Alabama 36608

Dear Mr. Van Nostrand:

This is in reference to the subject Department of the Army (DA) permit which authorized the construction of a living shorelines project, which would create approximately 1.6 miles of intertidal and subtidal habitat along the eastern shore at the Swift Tract in Bon Secour Bay, Orange Beach, Baldwin County, Alabama.

We have received your correspondence dated September 2, 2015 requesting a modification. In accordance with your request, the subject DA permit is modified as follows:

- a. The crest elevation is modified from Mean Low Water (-0.5 feet NAVD88) to Mean High Water (+0.7 feet NAVD88).**
- b. The base width is modified from approximately 20 feet to approximately 17 feet.**
- c. The segment length is modified from 410 feet to 400 feet.**
- d. The distance from shoreline is modified from 80-90 feet to 75-200 feet.**
- e. The gap width is modified from 40 feet to 50 feet at the crest (approximately 30-35 feet at the toe).**

Attached is a copy of the modified certification from the Alabama Department of Environmental Management (ADEM).

If the activity authorized herein is not completed on or before March 9, 2017, this permit, if not previously revoked or specifically extended, shall expire. All terms and conditions of the permit (SAM-2011-0493-DEM) will remain in effect.

Copies of this modification are being provided to The Nature Conservancy, Attention: Ms. Judy Haner, 56 St. Joseph Street, Mobile, Alabama 36602 and the ADEM, Mobile Branch, Coastal Section, Attention: Mr. Dylan Hendrix, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

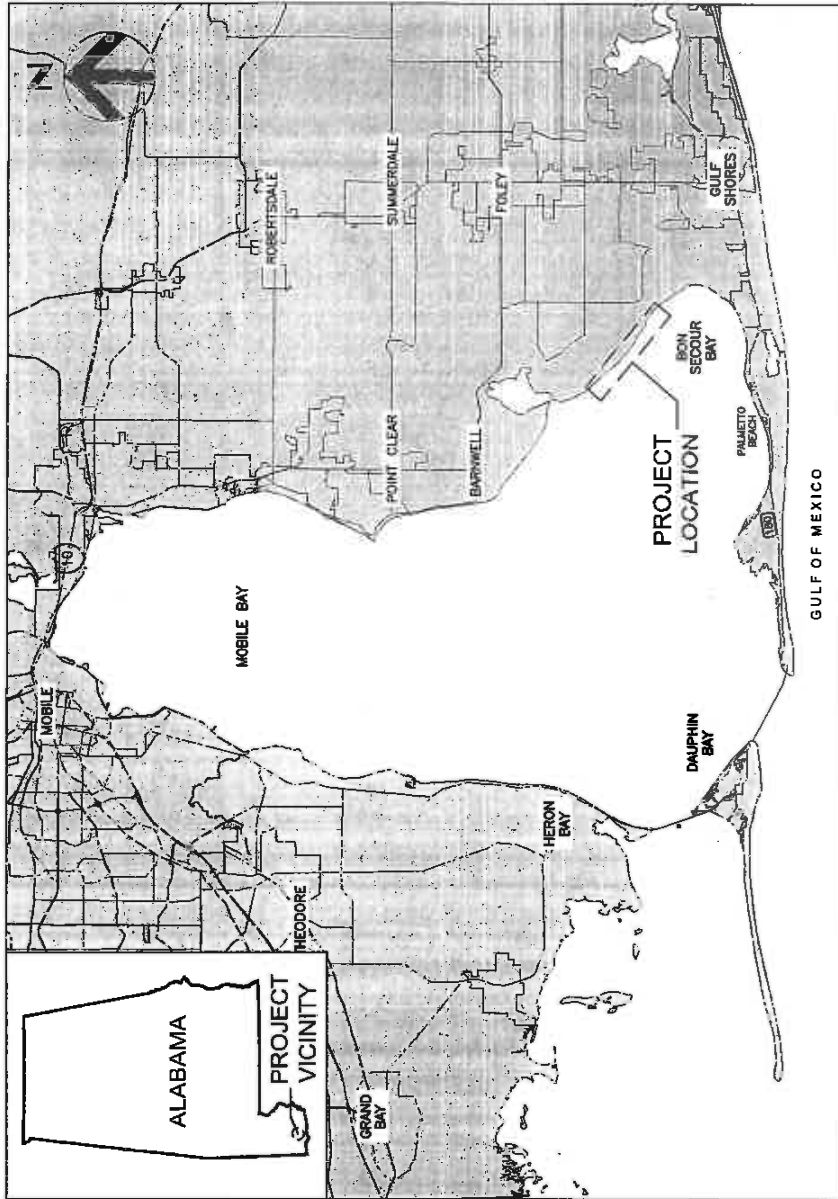
Please contact me at (251) 690-3185, if you have any questions. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will help us improve our services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

JON J. CHYTKA
Colonel, U. S. Army Corps of Engineers
District Commander

BY: 
JOY B. EARP, Team Leader
South Alabama Branch
Regulatory Division

Enclosures



REFERENCE SHEET
REFERENCE DOCUMENT
SHEET NUMBER
00U-01

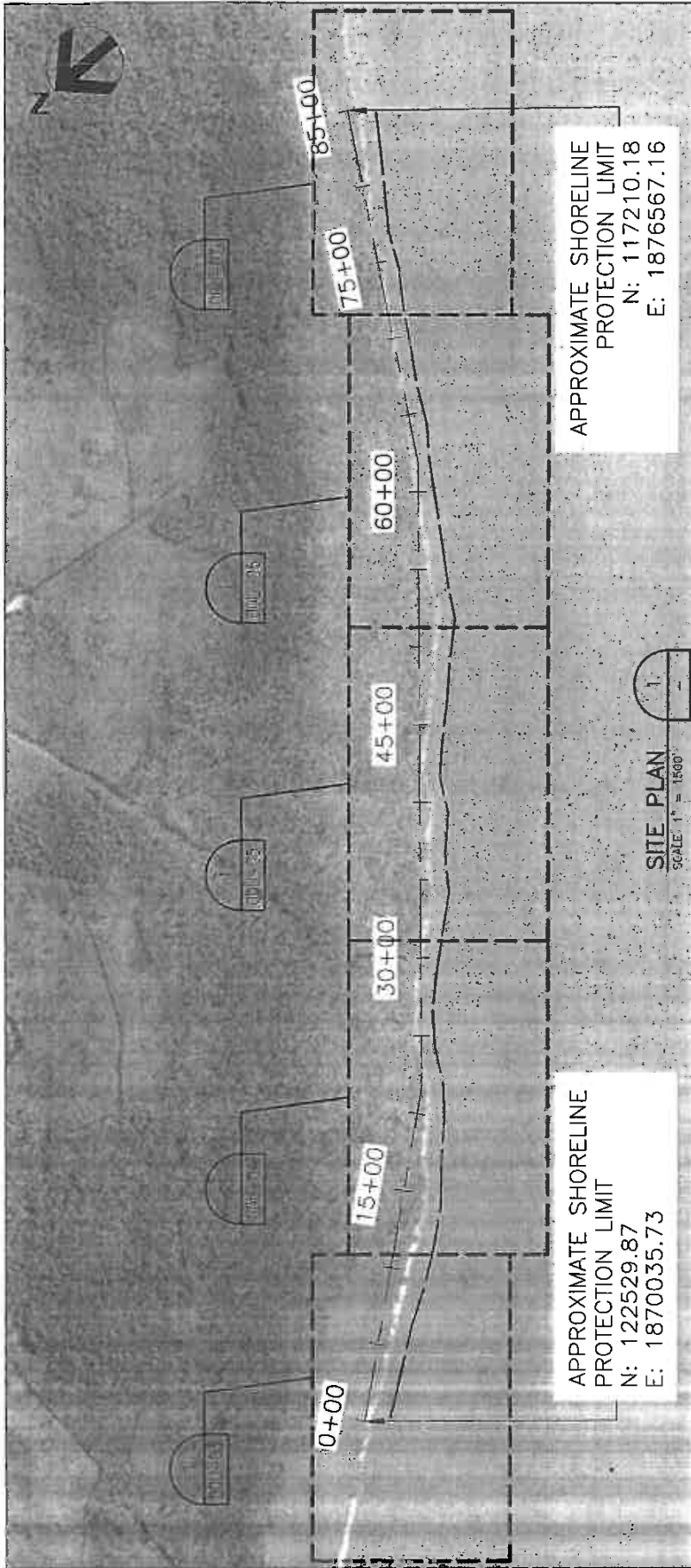
HDR PROJECT NUMBER
250522
HDR PROJECT MANAGER
ERIN ROONEY
DATE
AUGUST 2015

APPLICANT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

PROJECT TITLE
**ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT
BON SECOUR BAY, ALABAMA**

SAM-2011-00493-DEM
DEPT. OF THE ARMY *MOD 1*

HDR



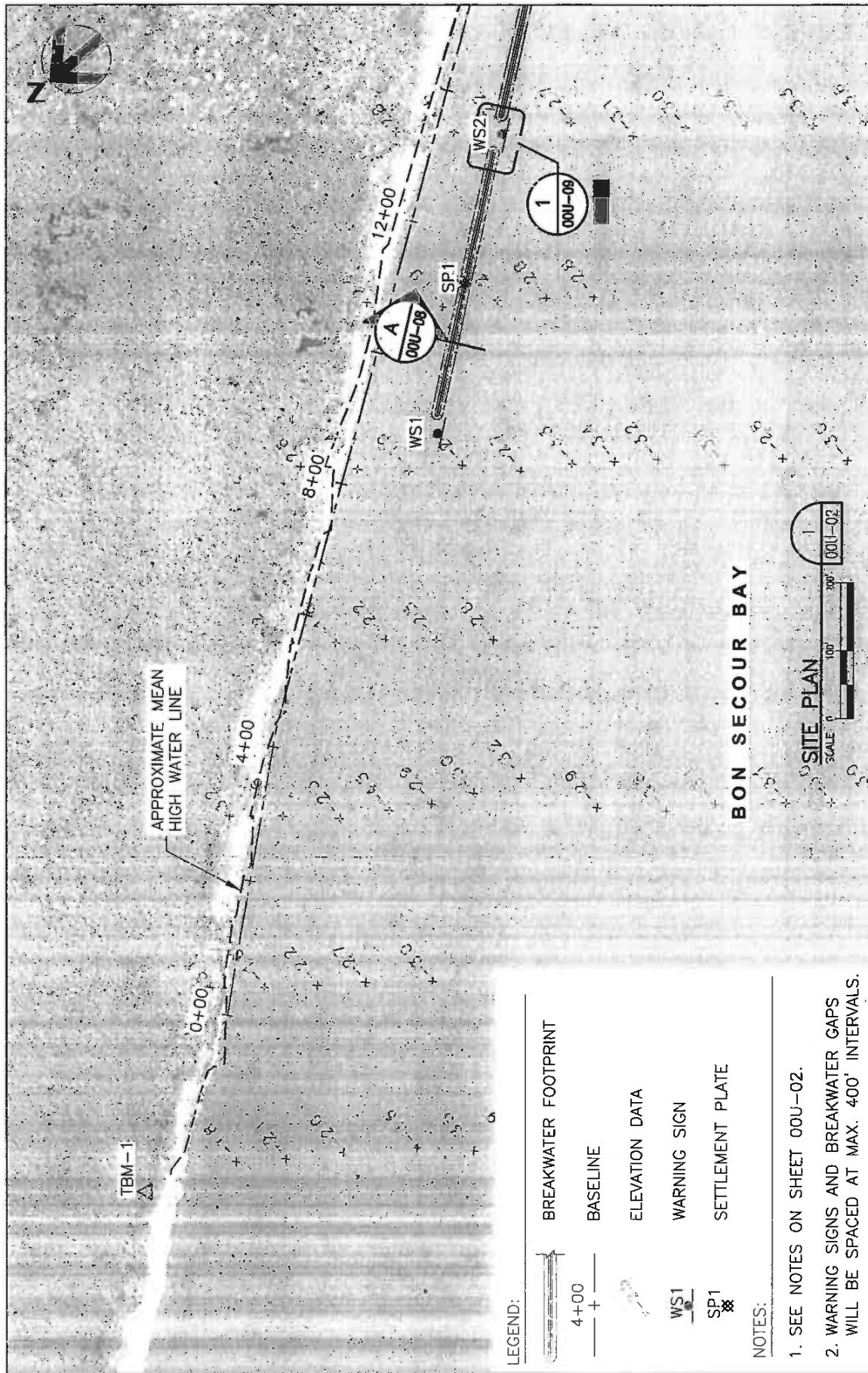
NOTES:

- 1. PROJECT SITE IS NOT ACCESSIBLE BY LAND. ACCESS TO PROJECT SITE WILL BE THROUGH BON SECOUR BAY.
- 2. AERIAL PHOTOGRAPHS SHOWN ON SHEETS 00U-02 THRU 00U-07 ARE PROVIDED BY BING MAPS SERVICES, (11-25-2013).
- 3. THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PERMITTING AND IS NOT INTENDED TO BE USED FOR BIDDING OR CONSTRUCTION.
- 4. COORDINATES SHOWN REFERENCE HORIZONTAL DATUM, NAD' 83, ALABAMA STATE PLANE, WEST ZONE, IN FT., ALL ELEVATIONS REFERENCE NAVD'88, IN U.S. SURVEY FT.

TYPE	APPROX. AREA (AC.)	APPROX. VOLUME (CY.)	APPROX. LENGTH (FT.)
BREAKWATER (FILL)	3.6	9,100	7,820

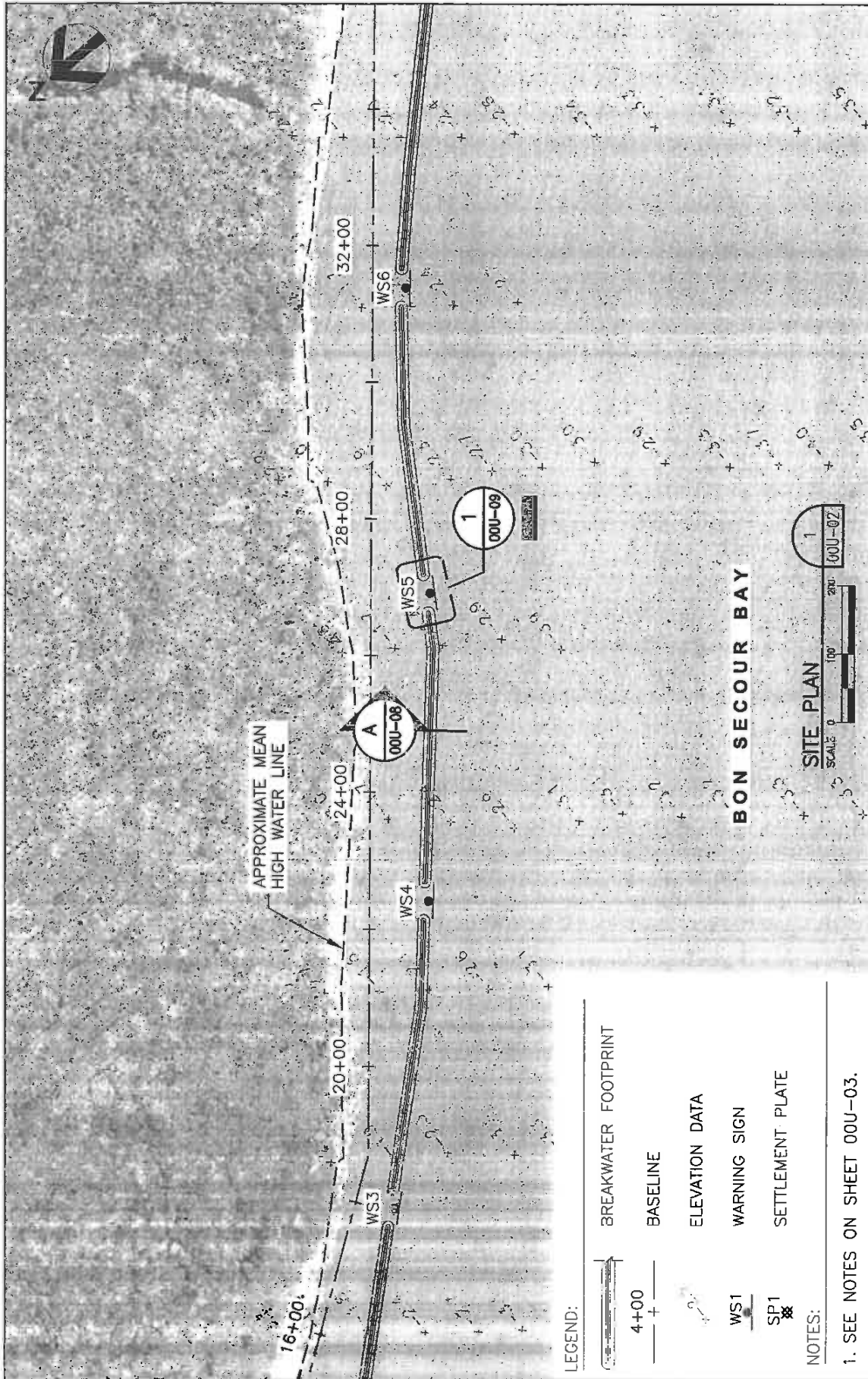
HDR	APPLICANT	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)	REFERENCE SHEET	
	PROJECT TITLE	ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT BON SECOUR BAY, ALABAMA	REFERENCE DOCUMENT	
			SHEET NUMBER	00U-02
			DATE	AUGUST 2015
			HDR PROJECT NUMBER	250522
			HDR PROJECT MANAGER	ERIN ROONEY

SAM-2211-00493 - REM
DEPT. OF THE ARMY Mod 1



APPLICANT	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)	HDR PROJECT NUMBER	250522	REFERENCE SHEET	
PROJECT TITLE	ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT BON SECOUR BAY, ALABAMA	HDR PROJECT MANAGER	ERIN ROONEY	REFERENCE DOCUMENT	
		DATE	AUGUST 2015	SHEET NUMBER	00U-03

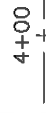
SAM-2011-00493 - DEM
DEPT. OF THE ARMY *May 1*



LEGEND:



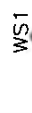
BREAKWATER FOOTPRINT



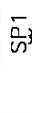
BASELINE



ELEVATION DATA



WARNING SIGN



SETTLEMENT PLATE

NOTES:

1. SEE NOTES ON SHEET 00U-03.

APPLICANT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

PROJECT TITLE

ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT
BON SECOUR BAY, ALABAMA

HDR PROJECT NUMBER
250522

HDR PROJECT MANAGER

ERIN ROONEY

DATE

AUGUST 2015

REFERENCE SHEET

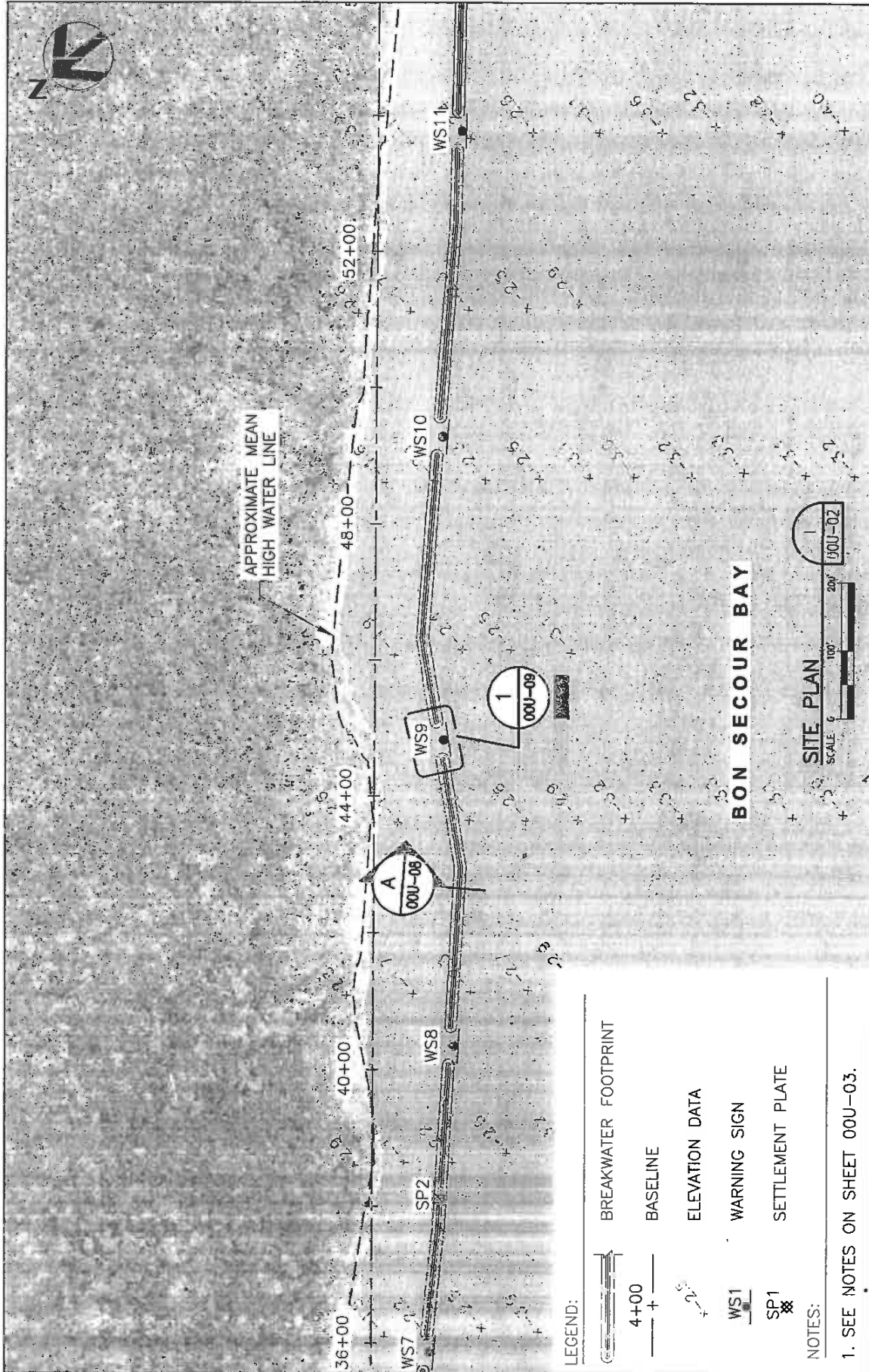
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SHEET NUMBER

00U-04

HDR

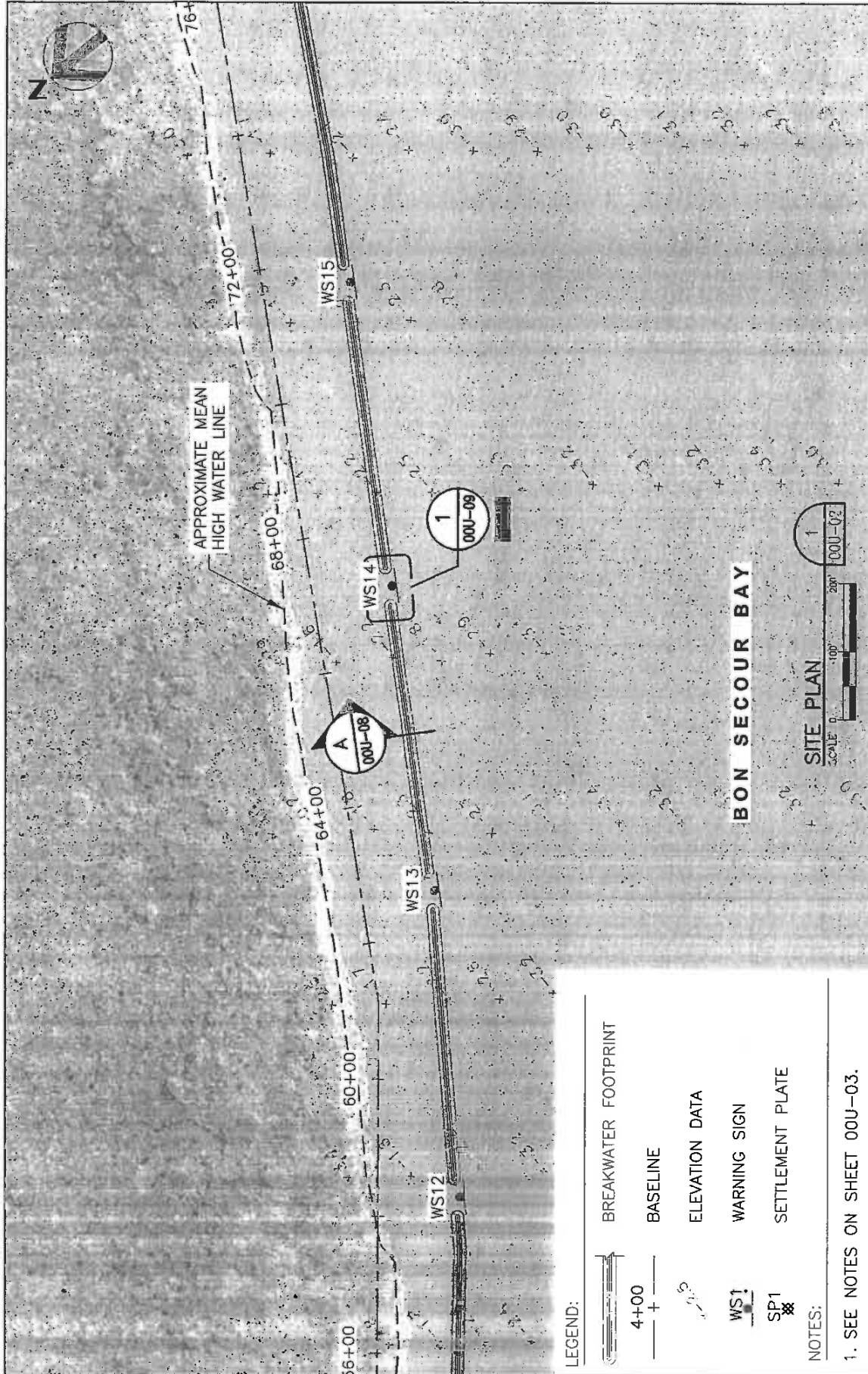
SAM-2011-00493 - DEM
DEPT. OF THE ARMY MOD1



APPLICANT	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)	HDR PROJECT NUMBER	250522	REFERENCE SHEET	
PROJECT TITLE	ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT BON SECOUR BAY, ALABAMA	HDR PROJECT MANAGER	ERIN ROONEY	REFERENCE DOCUMENT	
		DATE	AUGUST 2015	SHEET NUMBER	00U-05

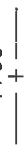
HDR

SAM-2011-00493 - *DEM*
DEPT. OF THE ARMY *Mod 3*



LEGEND:

BREAKWATER FOOTPRINT
 4+00
 +

BASELINE
 4+00

ELEVATION DATA
 4+00

WARNING SIGN
 4+00

SETTLEMENT PLATE
 4+00

NOTES:

1. SEE NOTES ON SHEET 00U-03.

APPLICANT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

PROJECT TITLE
ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT
BON SECOUR BAY, ALABAMA



HDR PROJECT NUMBER
250522

HDR PROJECT MANAGER
ERIN ROONEY

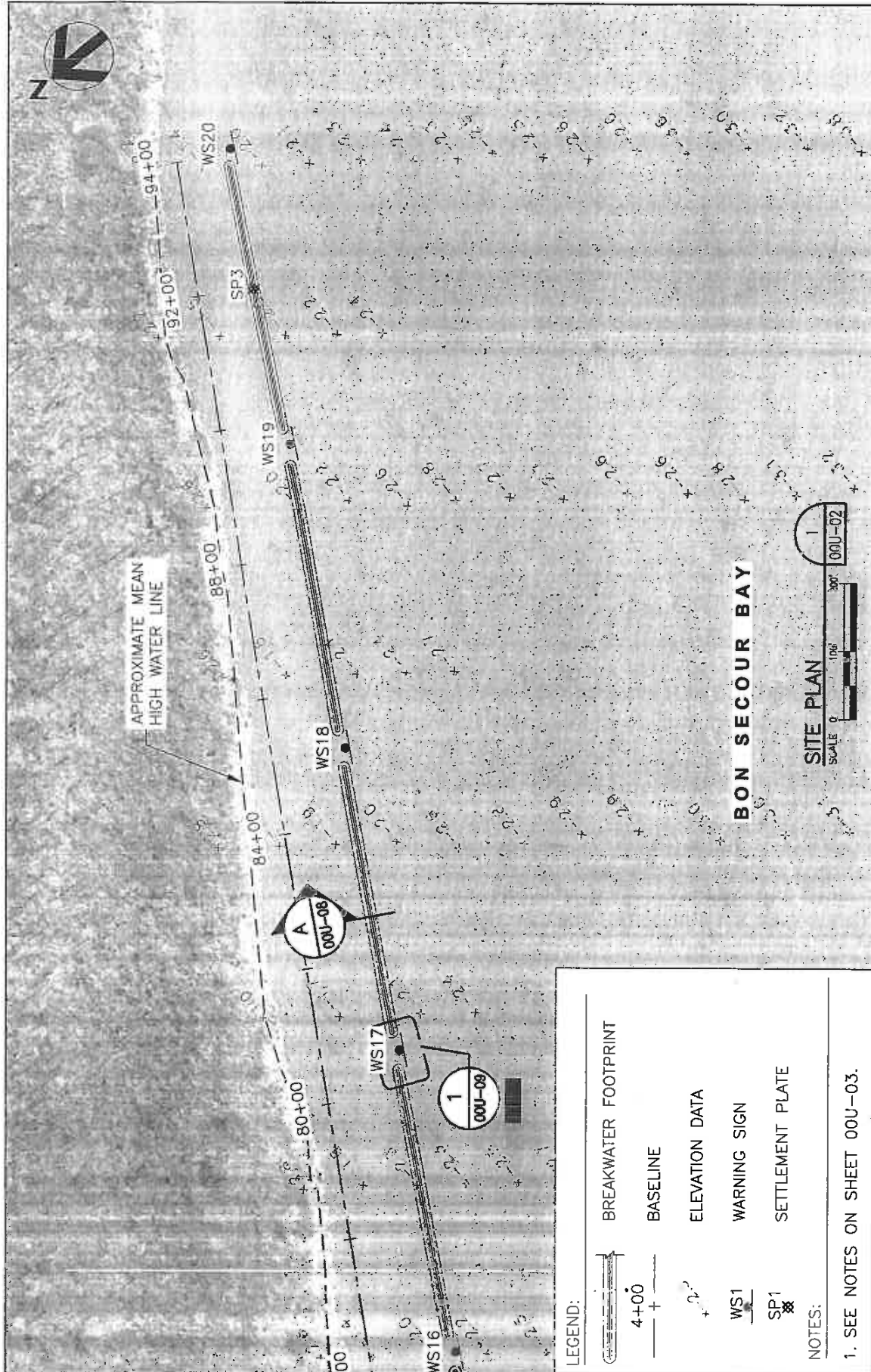
DATE
AUGUST 2015

REFERENCE SHEET

REFERENCE DOCUMENT

SHEET NUMBER
00U-06

SAM-2011-00493 - DEN
DEPT. OF THE ARMY
Mod 1



REFERENCE SHEET	HDR PROJECT NUMBER
REFERENCE DOCUMENT	250522
SHEET NUMBER	HDR PROJECT MANAGER
00U-07	ERIN ROONEY
	DATE
	AUGUST 2015

APPLICANT	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
PROJECT TITLE	ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT
	BON SECOUR BAY, ALABAMA
	SAM-2011-00493 -DEM
	DEPT. OF THE ARMY
	Mod 3

HDR

DWH-AR0308697

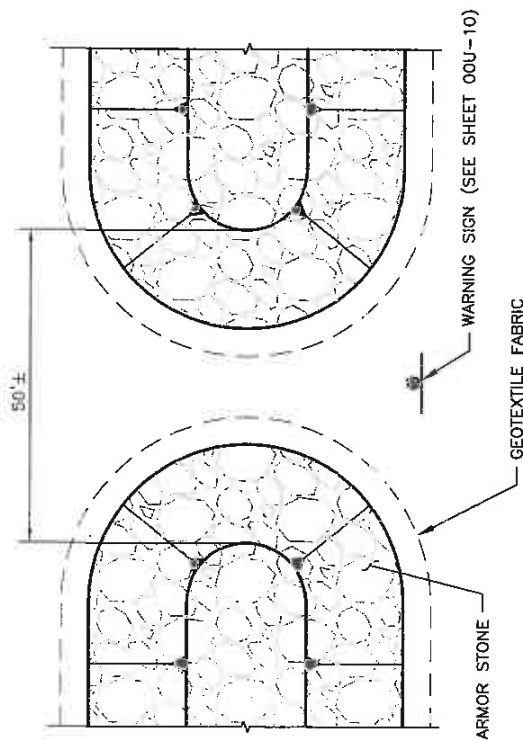
SAM-2011-00493 - ~~DECL~~
DEPT. OF THE ARMY Mod 1

SHEET NUMBER
00U-08

00U-03



2. GEOTEXTILE FABRIC SHALL BE PLACED ON EXISTING GRADE. GEOTEXTILE FABRIC IS SHOWN BELOW EXISTING GRADE ON DETAILS FOR CLARITY.



TYPICAL PLAN - BREAKWATER GAP

SCALE: NOT TO SCALE

09/04/2018 07:00	1
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TYPICAL SECTION - BREAKWATER GAP

NOT TO SCALE

A

APPLICANT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

PROJECT TITLE

ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT

BON SECOUR BAY, ALABAMA

SAM-2011-00493 - NEW
DEPT. OF THE ARMY MOD1

REFERENCE SHEET

HDR PROJECT NUMBER
250522

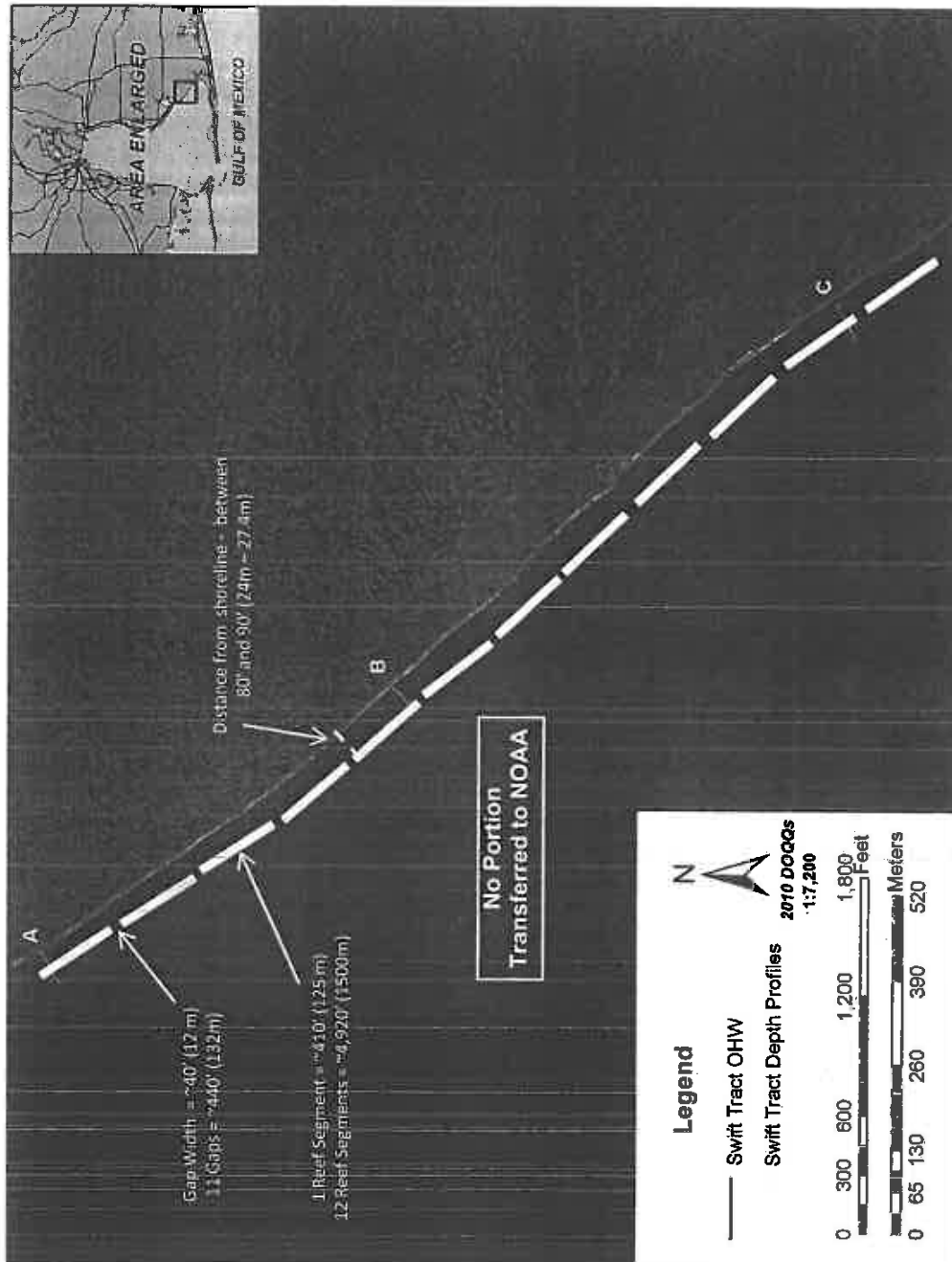
REFERENCE DOCUMENT

HDR PROJECT MANAGER
ERIN ROONEY

SHEET NUMBER

AUGUST 2015

Attachment 6A: Swift Tract North
Permit Application # SAM-2011-00493-DEM

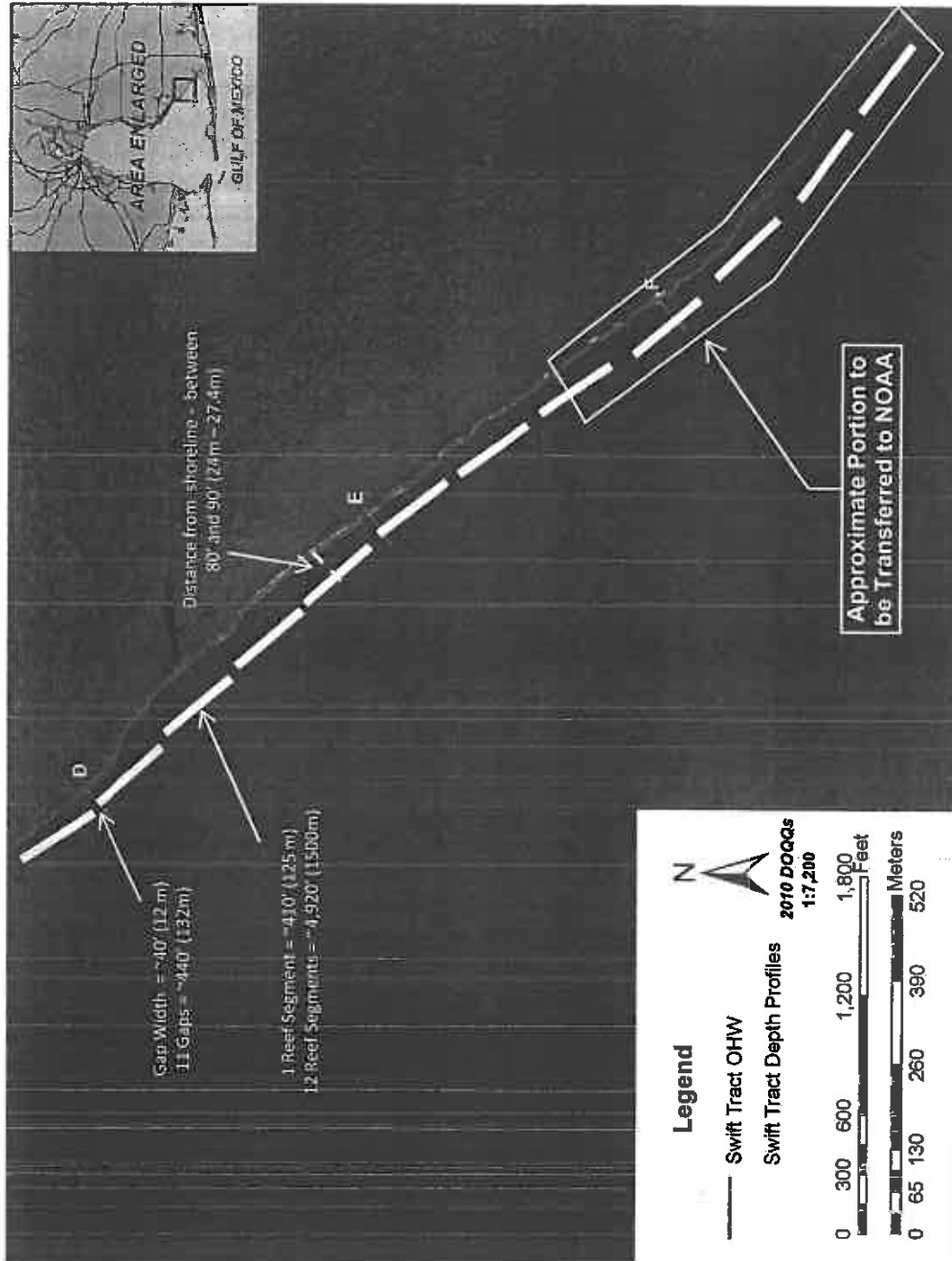


- Plan view with OHW (6,925 ft / 2,111 m – shoreline length) (4,920 ft / 1500 m – breakwater length)
- Approximate Breakwater Footprint: 98,400 ft². Segment lengths may vary with method used, however, the width of the breakwater will not exceed 20'.
- No submerged aquatic vegetation was observed; MLW will be depicted on depth profile on next page.

August 19, 2011

SAM-2011-00493-DEM
DEPT. OF THE ARMY Mod #1

Attachment 7A: Swift Tract Central Permit Application # SAM-2011-00493-DEM



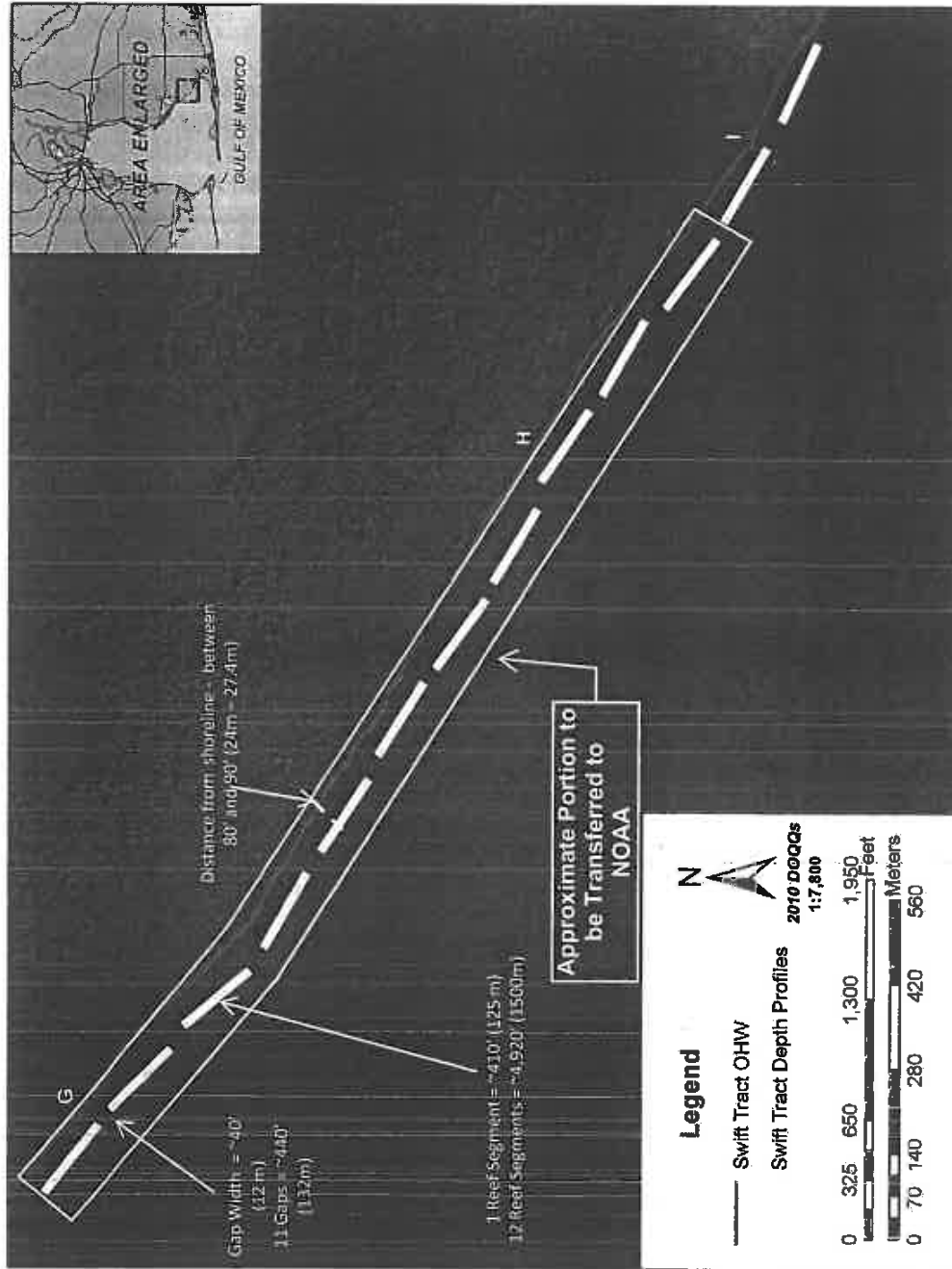
- Plan view with OHW (6,925 ft / 2,111 m - shoreline length) (4,920 ft / 1,500 m - breakwater length)
- Approximate Breakwater Footprint: 98,400 ft². Segment lengths may vary with method used, however, the width of the breakwater will not exceed 20'.
- No submerged aquatic vegetation was observed; MLW will be depicted on depth profile on next page.

August 19, 2011

Page x of xx

SAM-2011-00493 - DEM
DEPT. OF THE ARMY Mod 1

Attachment 8A: Swift Tract South
Permit Application # SAM-2011-00493-DEM



- Plan view with OHW (6,925 ft / 2,111 m – shoreline length) (4,920 ft / 1,500 m – breakwater length)
- Approximate Breakwater Footprint: 98,400 ft². Segment lengths may vary with method used, however, the width of the breakwater will not exceed 20'.
- No submerged aquatic vegetation was observed; MLW will be depicted on depth profile on next page.

August 19, 2011

SAM-2011-00493 - DEM
DEPT. OF THE ARMY Mod 1

ANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 • Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 • FAX (334) 271-7950

September 15, 2015

NOAA GOM Disaster Response Center
Attn: Mr. Daniel Van Nostrand
7344 Zeigler Blvd.
Mobile, Alabama. 36608

Re: State of Alabama: Clean Water Act (CWA) §401(a) Water Quality Certification (WQC) and Coastal Consistency Determination
Transfer and Modification
Project: Alabama Swift Tract Living Shoreline in Bon Secour Bay, Alabama
U.S. Army Corps of Engineers (USACE) Permit Number: SAM-2011-00493-DEM
Alabama Department of Environmental Management (ADEM) Tracking Code: 2011-191-COE-T1-M1

Dear Mr. Nostrand:

In response to your request dated September 2, 2015, the ADEM's CWA§401(a) WQC and coastal consistency concurrence issued on March 9, 2012 has been transferred from the original recipient: The Nature Conservancy (TNC) to the National Oceanic and Atmospheric Administration (NOAA).

In addition, this letter responds to your request to modify the project from what was originally proposed. We understand this modification would include a crest elevation of 0.7 ft.MHW, a base width of approx. 17ft., segment length of 400 feet, the distance from shoreline will vary from 75-200 ft., and a gap width of 50 ft at crest and 30-35 ft. at toe, according to the chart on Page 2 of your letter dated September 2, 2015.

This letter affirms that the proposed modification will not violate applicable water quality standards established under CWA§401(a). Furthermore, ADEM concurrence with TNC's certification of consistency remains in effect with this modification conditional upon continued compliance with the management program and conditions prescribed in the original ADEM issued concurrence letter dated March 9, 2012 – copy attached for convenience.

Contact the ADEM's Mobile-Coastal office anytime with questions. Refer to the ADEM tracking code referenced above when corresponding on this matter.

Sincerely,

Anthony Scott Hughes, Chief
Field Operations Division

ASH/jsb/cap

File: CZCERT/41227

Enclosure(s): March 9, 2012 ADEM Certification, Site Plan (4 Pages)

eCopy: Don Mroczko, USACE
Judy Haner, TNC
Phillip Hinesley, DCNR
Linda McCool, DCNR

SAM- AD11 - 00493 - DEM
DEPT. OF THE ARMY MOBILE
ADEM Cert (4 pages)

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

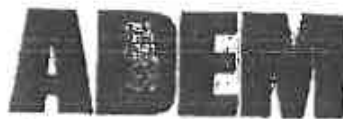


Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1129 (FAX)

DWH-AR0308702

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 • Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 • FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

March 9, 2012

The Nature Conservancy
Attn: Ms. Judy Haner
56 St. Joseph Street
Mobile, Alabama 36602

RE: State of Alabama: Coastal Consistency and CWA Section 401(a) Water Quality Certification
The Nature Conservancy
Various Shorelines of Mobile Bay, Portersville Bay, Bon Secour Bay, Weeks Bay, and the Mississippi Sound
U.S. Army Corps of Engineers Joint Public Notice and Permit: SAM-2011-00493-DEM
ADEM Tracking Code: 2011-191-COE

Dear Ms. Haner:

This office has completed its review of the above referenced joint public notice and all associated materials submitted to the Alabama Department of Environmental Management (ADEM) related to your proposal to conduct activities within the Alabama Coastal Zone. The project includes the creation of 11 miles of oyster reef/living shoreline breakwaters along approximately 15 miles of shoreline in Mobile Bay, Portersville Bay, Bon Secour Bay, Weeks Bay, and the Mississippi Sound. Depending on the conditions of the site, bagged oyster shell, Reef-Balls, Reef-blocks, and other technologies will be used to provide a settlement substrate for the oysters. The shoreline breakwaters will be placed between 20-meters and 100-meters from the shoreline to provide adequate shoreline protection. Breakwater lengths will range from 15-meters to 125-meters based on the site shoreline length and will be spaced to allow for tidal flushing. For navigational purposes, "Submerged Reef" signs will be placed along the breakwaters. No impacts to coastal wetlands, existing natural oyster reefs, or submerged grassbeds are authorized for this project.

Action pertinent to water quality certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. §1251, et. seq. If conducted in accordance with the conditions prescribed herein, ADEM hereby grants official certification that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and §22-22-9(g), Code of Alabama (1975). This certification terminates coincidentally with the expiration of SAM-2011-00493-DEM but in no case shall this ADEM certification exceed a maximum of five (5) years from the date the U.S. Army Corps of Engineers officially extends permit SAM-2011-00493-DEM unless specifically authorized in response to a written request for same.

Furthermore, ADEM hereby concurs with the applicant's coastal consistency certification conditional upon continued compliance with the management program.

ADEM certifies that there are no applicable effluent limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the Clean Water Act in regard to the activities specified. However, regulations promulgated by the EPA requiring discharge permits for storm water runoff from individual and commercial facilities may be applicable. This certification does not address the requirements of those regulations.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35206-4702
(205) 642-8155

Dothan Branch
2715 Griffin Road, S.W.
Dothan, AL 36003-1335
(256) 333-1713



Mobile Branch
2204 Perdido Road
Mobile, AL 36685-1131
(251) 462-3400

Montgomery Branch
1171 Commiskey Drive
Montgomery, AL 36103-1421
(205) 261-1421

DWH-AR0308703

2011-191-COE

March 9, 2012

Page 3 of 3

13. Time extension requests must be submitted to the ADEM in writing 60 days prior to the expiration of this CWA 401 (a) water quality certification.

Failure to comply with any of the above-referenced conditions, unauthorized deviations from the approved development plan, or implementation of additional impacts (whether temporary or permanent) exceeding the scope of the project authorized herein may constitute a violation of this certification and result in enforcement action.

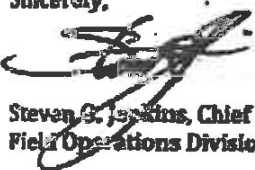
In recognition that projects are site specific in nature and conditions can change during project implementation, the ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality and coastal resources.

Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The Nature Conservancy and/or its assigns shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by The Nature Conservancy complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification and may result in an enforcement action.

This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in The Nature Conservancy the title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in the possession of The Nature Conservancy.

All project correspondence, time extension requests, modification requests, and notifications should be mailed to the ADEM Coastal Section, 4171 Commanders Drive, Mobile, AL 36615. Please include ADEM Tracking Code: 2011-191-COE on all written correspondence on this matter.

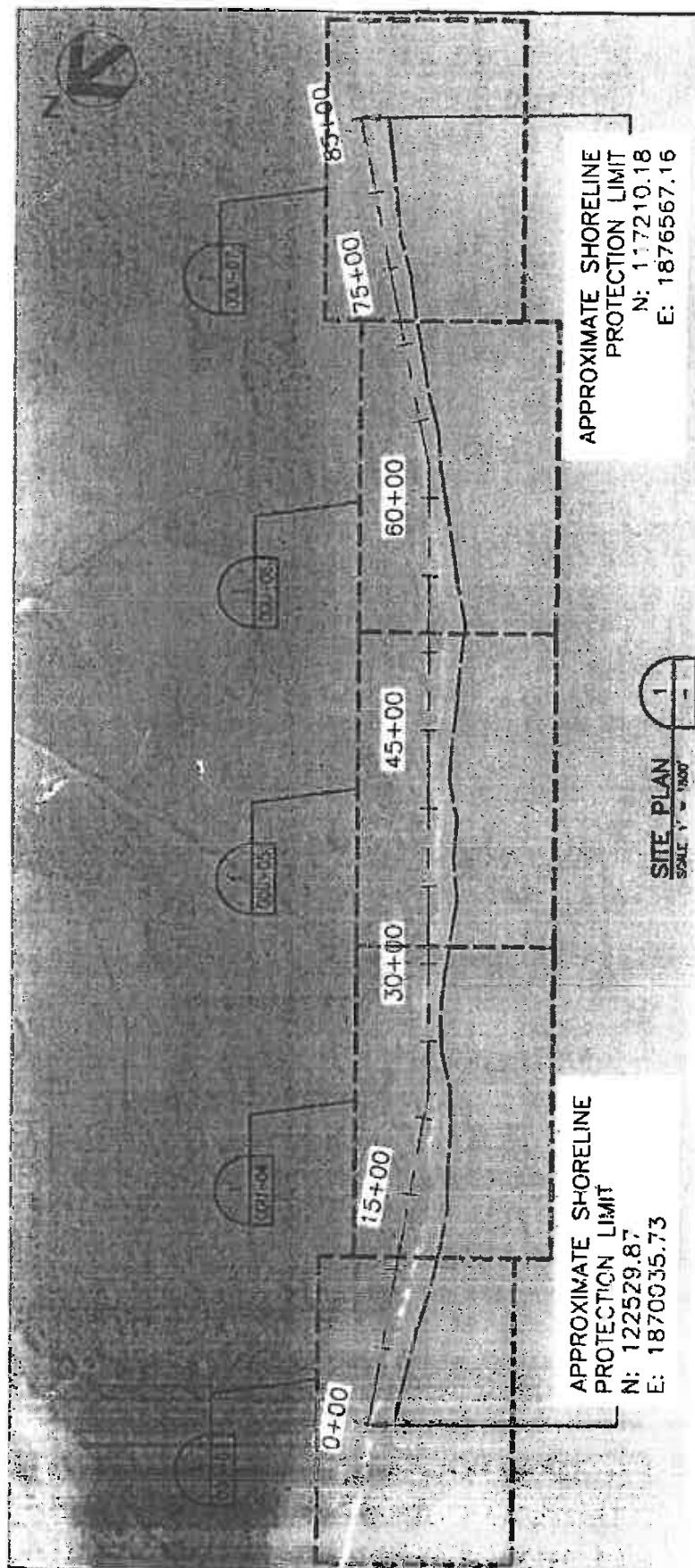
Sincerely,


Steven G. Jenkins, Chief
Field Operations Division

SOJ/jab/ced File: CZCERT/41227

Enclosures (37 Pages)

ecopy: Don Mroczko [USACE - Mobile District]
Rochmary Hall [EPA-Region 4]
Philip Hinesky [ADCNR-Coastal]
Christopher Blankenship [ADCNR-MRD]
McCool, Jeff [ADPH]



NOTES:

1. PROJECT SITE IS NOT ACCESSIBLE BY LAND. ACCESS TO PROJECT SITE WILL BE THROUGH EGN SECOUR BAY.
2. AERIAL PHOTOGRAPHS SHOWN ON SHEETS 00U-02 THRU 00U-07 ARE PROVIDED BY BING MAPS SERVICES, (11-25-2013).
3. THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PERMITTING AND IS NOT INTENDED TO BE USED FOR BIDDING OR CONSTRUCTION.
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TYPE	APPROX. AREA (AC.)	APPROX. VOLUME (CY.)	APPROX. LENGTH (FT.)
BREAKWATER (FILL)	3.6	9,100	7,820

APPLICANT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

HDR PROJECT NUMBER

250522

REFERENCE SHEET

PROJECT TITLE

ALABAMA SWIFT TRACT LIVING SHORELINE PROJECT Site Plan of Part to be Transferred

HDR PROJECT MANAGER

ERIN ROONEY

REFERENCE DOCUMENT

DATE

AUGUST 2015

SHEET NUMBER

00U-02

HDR