



REPLY TO
ATTENTION OF:

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

August 18, 2021

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit **Modification Number 1**, File Number SAM-2017-00189-JEB, Alabama State Port Authority - Airbus Roll-on-Roll-off Berth, Mobile River

Alabama State Port Authority
Attention: Mr. Bob Harris
Email Address: BHarris@asdd.com
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Harris:

Reference is made to your May 13, 2021 request for **Modification Number 1** of your Department of the Army (DA) permit authorized under file number SAM-2017-00189-JEB. The original permit authorized a new bulkhead with backfill and pile-supported deck structures at the existing berthing area on Mobile River. The project is located on Mobile County Parcel: R022910380007003.000, at 80 Virginia Street; within Section 52, Township 5 South, Range 1 West; at Latitude 30.671049° and Longitude -88.036373°; in Mobile, Mobile County, Alabama.

In accordance with your request, the subject DA permit is modified as follows:

Time Extension: The time limit to complete this project is extended until **August 18, 2025**. If the activity authorized herein is not completed on or before that date, this permit, if not previously revoked or specifically extended, shall expire.

Change in Impacts:

a. Reduction of originally authorized dock extension length from 500 feet to 400 feet and an increase in width of the dock structure to 200 feet wide.

b. Realignment of the proposed waterfront bulkhead to align with the western extent of the new pile-supported deck structure. This will result in 0.63 acre less total fill placement within water bottoms.

c. Elimination of the previously authorized RO/RO berthing area and ramp. Clean sandy backfill will instead be placed within the 0.40-acre open-water area.

The total amount of fill to be placed within on-site water bottoms will be approximately 668,000 cubic yards within 8.04 acres of water bottoms. The net impact to the water bottom fill area commensurate with these modifications is 0.23 acre less fill than was originally permitted.

The permit as modified includes the following additional special conditions:

j. The permittee shall implement the attached "Alabama Standard Manatee Construction Conditions" throughout project construction. In the event of an equipment strike, collision with and/or injury to a manatee as a result of project implementation, work shall cease and the permittee shall immediately contact this office at (251) 694-3772, and the U.S. Fish and Wildlife Service in Daphne, (251) 441-5181.

k. In order for the Coast Guard to give proper notice to the maritime community, the permitted owners, contractors, or responsible party shall contact Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, Alabama 36615, (251) 441-5166 or (251) 441-5940, 60 days prior to performing the proposed action. The permitted owners, contractors, or responsible party must also install and maintain, at the permitted owner's, contractor's, or responsible party's expense, any safety lights, signs and signals required by the USCG, through regulations or otherwise, on the permitted owner's, contractor's, or responsible party's fixed structures. To receive a USCG Private Aids to Navigation marking determination, at no later than 30 days prior to the installation of any fixed structures in navigable waters, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras Street, Suite 1230, New Orleans, Louisiana 70130, (504) 671-2124 or via email to D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation, please visit the Eight CG District website at www.atlanticarea.uscg.mil/District-8/District-Divisions/Waterways/PATON/.

All other previous conditions to which the work is made subject shall remain in full force and effect.

Electronic copies of this letter are being provided to your agent, APTIM Port services, LLC, Attention: Mr. Scott Wagner at Scott.Wagner@aptim.com; to the U.S. Army Corps of Engineers Mobile District Navigation Section, Operations Division, Attention: Ms. Ashley Kleinschrodt at Ashley.N.Kleinschrodt@usace.army.mil; to USACE Program Management, Attention: Mr. Dean Trawick at Eubie.D.Trawick@usace.army.mil; and to the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; and the Alabama Department of Conservation and Natural Resources, State Lands Division, Attention: Mr. Will Underwood, at DCNR.Coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at Jeremiah.Kolb@dcnr.alabama.gov. If you wish to receive a paper copy of this letter, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division (RD-A), Post Office Box 2288, Mobile, Alabama, 36628.

If you have any questions, please contact the project manager, Ms. Emma L. Bickerstaff at 251-690-3295 or by email at Emma.L.Bickerstaff@usace.army.mil. For

additional information about our Regulatory Program, 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 allow us to improve our services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

SEBASTIEN P. JOLY
Colonel, U.S. Army
District Commander

BY: _____
S. BRAD CROSSON
Team Leader
South Alabama Branch
Regulatory Division

Attachments

COMMENCEMENT CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2017-00189-JEB**

Name of Permittee: **Alabama Port Authority**

Date of Issuance: **August 18, 2021**

Upon commencement of the activity authorized by this permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note your permitted activity is subject to a commencement inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify the work authorized by the above-referenced permit has commenced in accordance with the terms and conditions of the said permit.

Signature of Permittee

Date

COMPLETION CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2017-00189-JEB**

Name of Permittee: **Alabama Port Authority**

Date of Issuance: **August 18, 2021**

Upon completion of the activity authorized by this permit, please sign this certification and return it to the following address:

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Mobile District
Regulatory Division
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Please note your permitted activity is subject to a completion inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit.

Signature of Permittee

Date



**US Army Corps
of Engineers®**

**This notice of authorization must be
conspicuously displayed at the site of work.**

A permit to perform work authorized by statutes and regulations of the Department of the Army at

has been issued to _____ on _____

Address of Permittee: _____

PERMIT NUMBER _____

For the District Commander

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK OR EVENTS in ALABAMA

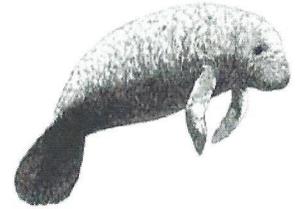
The project manager shall comply with the following conditions intended to protect manatees from direct project effects:

- a. Instruct all personnel associated with the project/event about the potential presence of manatees and the need to avoid collisions with manatees. Advise all personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and Alabama Nongame Species Regulation.
- b. Operate all vessels associated with the project/event at “no wake/idle” speeds at all times while in the project/event area, and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom when possible. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project/event personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with and/or injury to a manatee shall be reported immediately to the Dauphin Island Sea Lab’s Manatee Sighting Network (1-866-493-5803) and the U.S. Fish and Wildlife Service in Daphne, Alabama, at (251) 441-5839 or (251) 441-5181 and emailed to: Alabama@fws.gov. Please report nonemergency manatee observations to the numbers above or online at: <http://manatee.disl.org/>.
- f. Temporary signs using text exactly as below shall be posted prior to and during all in-water project or event activities. Signs shall be at least 8½” by 11” explaining the requirements for the “Idle/No Wake” and the shut down of in-water operations. Signs must be posted in locations prominently visible to all personnel engaged in water-related activities and placed visible to each vessel operator. All signs are to be removed by project manager upon completion of the project or event. Questions concerning these signs can be forwarded to the email address listed above. An example is enclosed and can be copied and used during construction/event activities.

Revised Jan 2015



CAUTION: MANATEE HABITAT



**IDLE SPEED IS REQUIRED IF OPERATING A VESSEL IN
THE CONSTRUCTION OR EVENT AREA**

**All equipment must be SHUTDOWN if a manatee comes
within 50 FEET of operation**

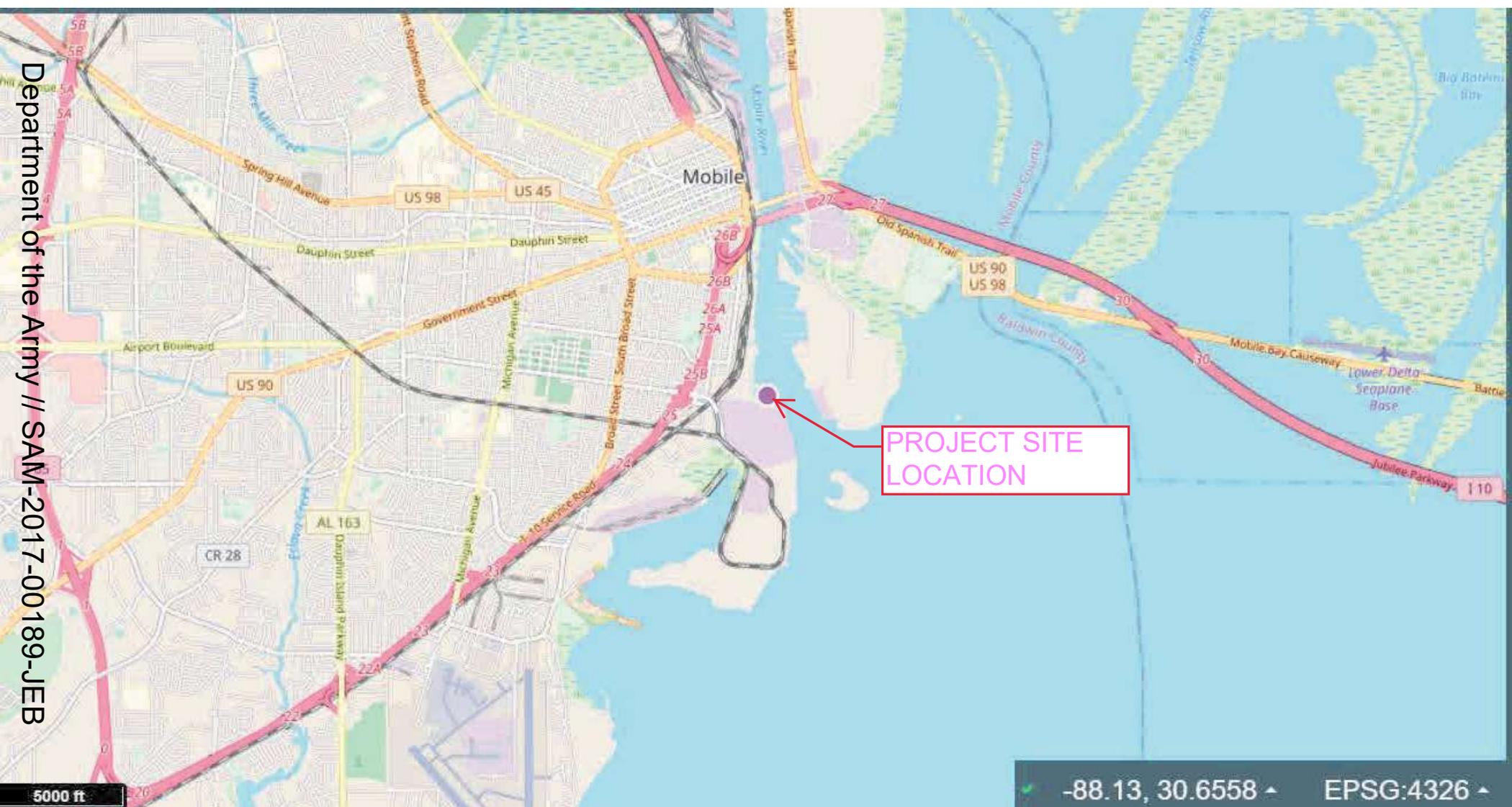
Report any collision with and/or injury to a manatee immediately to:

Dauphin Island Sea Lab's Manatee Sighting Network:

1-866-493-5803

and the U.S. Fish and Wildlife Service in Daphne, AL:

(251) 441-5839 or (251) 441-5181



PROJECT SITE
LOCATION

Department of the Army // SAM-2017-00189-JEB

5000 ft

-88.13, 30.6558 EPSG:4326

Department of the Army // SAM-2017-00189-JEB



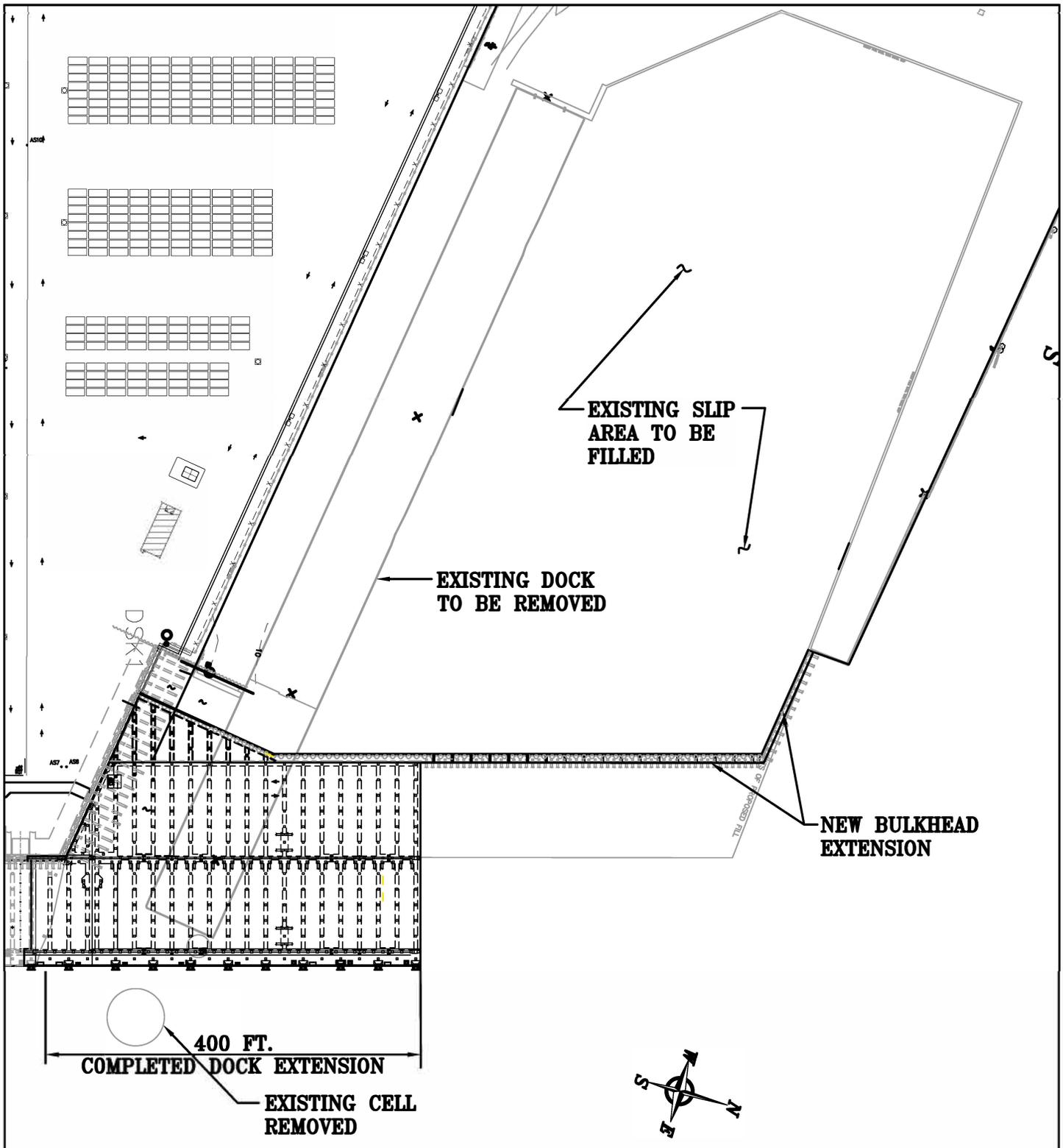
PROJECT SITE
LOCATION

1000 ft

-88.0515, 30.6782 EPSG:4326

Enclosure 2

Drawings Requested Modifications



**ENLARGED PARTIAL
NEW SITE PLAN**

SCALE: 1" = 150'-0"

0 75' 150' 300' 450'



**REVISED APMT FACILITY BERTH
EXTENSION AND SLIP FILL**

IN : MOBILE RIVER

TRIBUTARY TO: MOBILE BAY

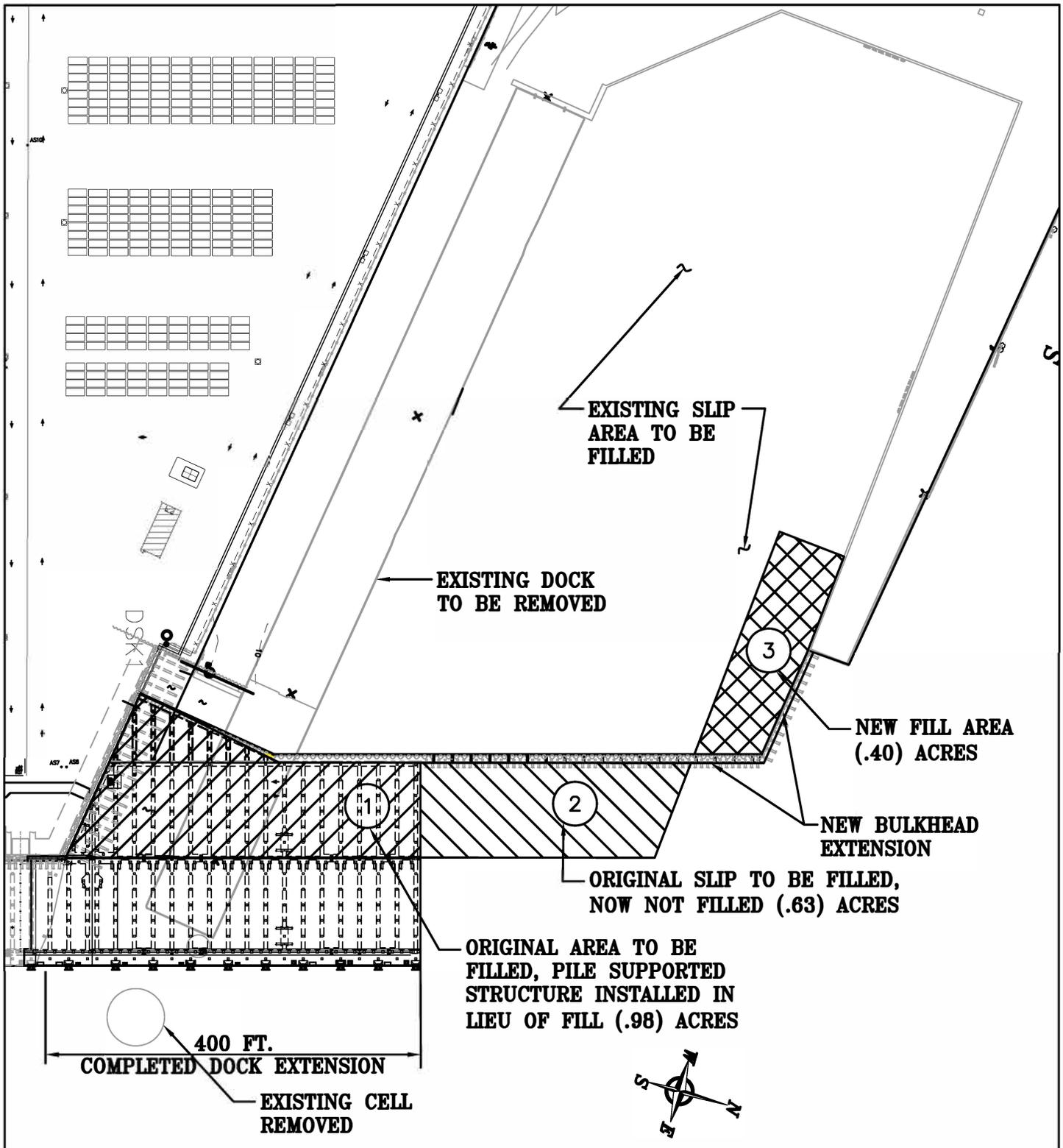
COUNTY OF: MOBILE STATE: ALABAMA

APPLICATION BY:

ALABAMA STATE PORT
AUTHORITY

SHEET 2 OF 18

DATE: 05/2021



**ENLARGED PARTIAL
NEW SITE PLAN**

SCALE: 1" = 150'-0"



REVISED APMT FACILITY BERTH
EXTENSION AND SLIP FILL
IN : MOBILE RIVER
TRIBUTARY TO: MOBILE BAY
COUNTY OF: MOBILE STATE: ALABAMA
APPLICATION BY:
ALABAMA STATE PORT
AUTHORITY

SHEET 2A OF 18

DATE: 05/2021



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

June 3, 2021

Alabama State Port Authority
C/O Scott Wagner
Project Engineering Manager
APTIM
3600 Springhill Business Park
Suite 200
Mobile, Alabama 36608

RE: State of Alabama Clean Water Act (CWA) §401(a) Water Quality Certification (WQC) Time Extension
Facility: Alabama State Port Authority, Mobile River, Section 5, Township 4 South, Range 1 East, Mobile,
Mobile County, Alabama
Mobile District U.S. Army Corps of Engineers (USACE) Permit Number: SAM-2017-00189-JEB
Alabama Department of Environmental Management (ADEM) Tracking Code: ADEM-2017-137.1-WQC

Dear Mr. Wagner:

This letter responds to the Alabama State Port Authority's request for a WQC time extension associated with the above referenced USACE permit which is set to expire on October 12, 2021. Extension of the USACE permit is needed in order to continue with activities authorized therein as those activities cannot be completed prior to the current permit expiration date. This letter **extends** the ADEM's WQC provided there remains strict adherence to the conditions listed in the original WQC. This extension of the ADEM's WQC will terminate concurrently with the expiration of the extended USACE permit.

The ADEM's concurrence with the Alabama State Port Authority's certification of consistency with the Alabama Coastal Area Management Program (ACAMP) remains in effect, provided there are no project design changes resulting in changes to impacts to coastal resources regulated under the enforceable policies of the ACAMP.

Contact the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter. Katie Smith is the Mobile-Coastal office contact for this project; she may be reached by phone at 251.304.1176 or by e-mail at katiem.smith@adem.alabama.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Scott Hughes".

Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
USACE | Mobile District, S. Brad Crosson - (steven.b.crosson@usace.army.mil)

ASH/jsb/kms



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Alabama State Port Authority		File Number: SAM-2017-00189-JEB	Date: 2021-08-18
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
XX	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

ATTENTION: MS. EMMA L. BICKERSTAFF
U.S. ARMY CORPS OF ENGINEERS
CESAM-RD-A
POST OFFICE BOX 2288
MOBILE, ALABAMA 36628-0001

Phone: (251) 690-3295

Email: EMMA.L.BICKERSTAFF@USACE.ARMY.MIL

If you only have questions regarding the appeal process you may also contact:

MR. PHILIP A. SHANNIN
ADMINISTRATIVE APPEAL REVIEW OFFICER
CESAD-PDS-O
60 FORSYTH STREET SOUTHWEST, FLOOR M9
ATLANTA, GEORGIA 30303-8803

PHONE: (404) 562-5136; FAX (404) 562-5138

EMAIL: PHILIP.A.SHANNIN@USACE.ARMY.MIL

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

November 15, 2017

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Final Permit Number SAM-2017-00189-JEB,
Alabama State Port Authority, Mobile River

Alabama State Port Authority
Attention: Mr. Bob Harris
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Harris:

**PLEASE READ THIS LETTER CAREFULLY AND COMPLY
WITH ITS PROVISIONS**

There is enclosed a Department of the Army (DA) permit authorizing the Alabama Department of Transportation (ALDOT) to perform the work specified therein in accordance with the plans shown on the drawings enclosed thereto. This permit is issued under provision of the Federal laws for the protection and preservation of the navigable waters of the United States. These laws provide that after the proposed work has been approved by issuance of a DA permit,

**IT SHALL NOT BE LAWFUL TO DEVIATE FROM SUCH PLANS EITHER
BEFORE OR AFTER COMPLETION OF THE WORK,**

unless modification of said plans has previously been submitted to and received the approval of the DA.

The ALDOT and its contractors should study and carefully adhere to all the terms and conditions of the permit. The District Office must be notified of the commencement and completion of the permitted work. The enclosed Commencement and Completion Certification forms may be used for that purpose. Also enclosed is a yellow "NOTICE OF AUTHORIZATION" which must be conspicuously displayed at the site during construction of the permitted work.

If for any reason it becomes necessary to make a material change in the location, plans, or mitigation for this work, revised plans should be submitted promptly to the District Engineer in order that the revised plans may receive the approval required by law before work is begun. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in permit revocation.

A copy of this permit is being provided to the Alabama Department of Environmental Management, Coastal Section, Attention: Mr. Scott Brown, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608, for informational purposes.

If you have any questions, please contact me at (251) 694-4611 or by e-mail at joy.b.earp@usace.army.mil. 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.

Sincerely,



Joy B. Earp
Team Leader
South Alabama Branch
Regulatory Division

Enclosures

BE 11-15-17
Earp/4611/nj

Zettler
SWZ 11/15/17
File:



US Army Corps
of Engineers®

**THIS NOTICE OF AUTHORIZATION MUST BE
CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.**

A permit to perform work authorized by statutes and regulations of the Department of the Army

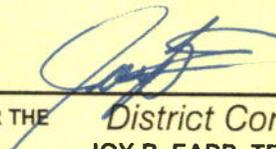
at MOBILE RIVER, MOBILE, MOBILE COUNTY, ALABAMA

has been issued to ALABAMA DEPARTMENT OF TRANSPORTATION on OCTOBER 12, 2017

Address of Permittee POST OFFICE BOX 1588, MOBILE, ALABAMA 36633

Permit Number

SAM-2017-00189-JEB


FOR THE *District Commander*
JOY B. EARP, TEAM LEADER, RD-A
REGULATORY DIVISION

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-0)

COMMENCEMENT CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2017-00189-JEB**

Name of Permittee: **Alabama Department of Transportation**

Date of Issuance: **November 15, 2017**

Upon commencement of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a commencement inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has commenced in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

COMPLETION CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2017-00189-JEB**

Name of Permittee: **Alabama Department of Transportation**

Date of Issuance: **November 15, 2017**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a completion inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT

Permittee: **ALABAMA STATE PORT AUTHORITY**

Permit No: **SAM-2017-00189-JEB**

Issuing Office: **MOBILE DISTRICT**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (USACE) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee is authorized to place fill in approximately 9.25 acre of water bottom in an existing berthing area for construction of a Roll-On Roll-Off (Ro/Ro) Berth for the handling of the Airbus supply vessel. The unloading ramp will be a concrete pile supported structure with the slip side comprised of a steel pipe pile bulkhead restraint system. The existing approximate 9.25 acre slip behind the bulkhead structure will be filled to create a working area to handle the transit of the off loaded carrier vehicles from the Ro/Ro operation. The creation of the required Ro/Ro Berth will also allow for the construction of an approximate 500 ft. concrete pile supported dock structure addition extending to the North of the existing ASPA/APMT Container Dock Facility. The existing Riverside Cell Structure will be demolished as well as the existing dock structure in the slip area. Approximately 34,800 cubic yards of dredge material will be removed to an elevation of (-)45 ft. dredge depth inclusive of a 2 ft. over dredge allowance to handle the larger post panama ships at the dock extension. The dredge spoil material will be placed within the existing Alabama Port Authority's diked upland disposal area on adjacent Pinto Island. There will also be approximately 768,000 cubic yards of sand and sand/clay fill material placed in the slip behind the dock and bulkhead extension to create the working area. A 287-foot jetty/berm along the north project boundary may be removed as needed.

DRAWINGS AND ATTACHMENTS:

1. Vicinity Map and New Site Plan (1 page)
2. Enlarged Partial New Site Plan (1 page)
3. Enlarged Partial Existing Site Plan (1 page)
4. Main Dock Extension Typical Section (1page)
5. Section at Main Dock Bulkhead Extension (1 page)
6. Section at RO-RO Bulkhead (1 page)
7. Section at RO-Ro Dock (1 page)
8. Dredge Site (1 page)
9. Disposal Site Plan (1 page)
10. Dredge Plan (1 page)
11. Dredge Cross-Sections (11 pages)
12. Typical Fill Section (1 page)
13. 401 Water Quality Certification (3 pages)
14. CZM Certification (2 pages)

Project Location: Within an existing, excavated, industrial slip along Mobile River, Section 5, Township 4 South, Range 1 East, Mobile, Mobile County, Alabama. Exact project coordinates are 30.671049N, -88.036373W.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on October 12, 2021. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special condition to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. Best management practices shall be implemented to minimize erosion, siltation and damage to any adjacent wetlands and waters of the United States. Appropriate erosion and siltation control measures must be used and maintained in effective operating condition for the life of the project.

b. Pre and post-construction hydrographic surveys of the adjacent Federal navigation channel conditions shall be conducted and furnished to the U.S. Army Corps of Engineers (USACE) after completion of the work. These surveys shall be submitted to Mobile District, U.S. Army Corps of Engineers to assure a return of the Federal Project conditions. The survey area will extend 350 feet on each side of the work area. Cross-sections should be taken on a minimum of 50-foot intervals within the survey area, with vertical elevations made continuously along each cross-section. Cross-sections shall encompass the entire Federal channel, top of slope to top of slope. All surveys should be electronically controlled horizontally from known monuments (fixed coordinate points) and referenced to mean low lower water (MLLW) with tidal compensation. Surveys should be plotted in cross-section format with a plan view layout drawing all horizontal control, monument stations, tide gage locations, etc. All field and survey notes shall be furnished. The permittee shall be responsible for returning the project area to Federal Project conditions. The survey shall be submitted to U.S. Army Corps of Engineers, Operations Division, Attention: Ms. Ashley Kleinschrodt, 109 St. Joseph Street, Mobile, Alabama 36601. The pre-construction survey shall be completed before commencement of activities authorized by this permit. The post-construction survey shall be completed within 60 days of completion of the work authorized by this permit.

c. All dredged material shall be placed in the existing Pinto Island spoil disposal site, as indicated on sheet 9 of 22 project drawings.

d. Turbidity screens shall be installed to contain the work area. These screens shall remain in place until any turbidity generated in the waters of the work area returns to background levels.

e. The disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited.

f. The project must be maintained in such a manner that the passage of normal and expected high flows of surface water runoff outside the project boundaries is not restricted or otherwise altered.

g. Should cultural resources be encountered during project activities including but not limited any maintenance work associated with the structure or impoundment, work shall cease and the Alabama State Historical Preservation Officer (SHPO) and the U.S. Army Corps of Engineers shall be consulted immediately. It is the permittee's responsibility to ensure that contractors or persons performing work on the structure or in the vicinity of the structure or impoundment are aware of this requirement. Contact information: U.S. Army Corps of Engineers, at (251) 694-3873, and Alabama Historical Commission at (334) 242-3184.

h. The Alabama Department of Environmental Management issued 401 Water Quality and CZM Coastal Consistency Certification via letter dated July 31, 2017. The permittee shall comply with all terms and conditions of the Coastal Consistency and Water Quality Certification.

i. The project shall comply with all Federal, State and local floodplain ordinances.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit, SAM-2017-00189-JEB.



(PERMITTEE) For ALABAMA STATE PORT AUTHORITY
POST OFFICE BOX 1588
MOBILE, ALABAMA 36633

11/9/2017

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

JAMES A. DELAPP
COLONEL, U.S. ARMY CORPS OF ENGINEERS
(DISTRICT COMMANDER)

BY  November 15, 2017
JOY B. EARP, TEAM LEADER (DATE)
SOUTH ALABAMA BRANCH
REGULATORY DIVISION

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)

PURPOSE:

ADDITION OF A ROLL ON ROLL OFF BERTH TO SERVICE THE AIRBUS SUPPLY VESSEL AND EXTENSION OF THE EXISTING APM TERMINAL DOCK STRUCTURE TO ALLOW FOR THE BERTHING OF TWO LARGER VESSELS SIMULTANEOUSLY.

DATUM:

NAVD 88

ADJACENT PROPERTY OWNERS:

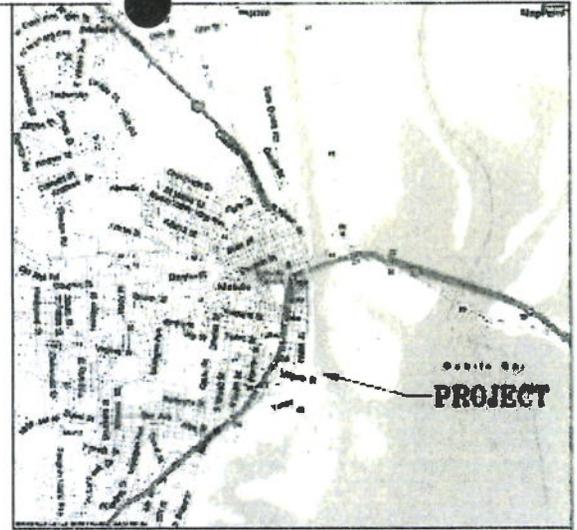
ALABAMA STATE PORT AUTHORITY
PINTO ISLAND LAND CO., INC.
COAL FREIGHT FORWARDING INC.
MOBILE CITY OF BOARD OF

CUT:

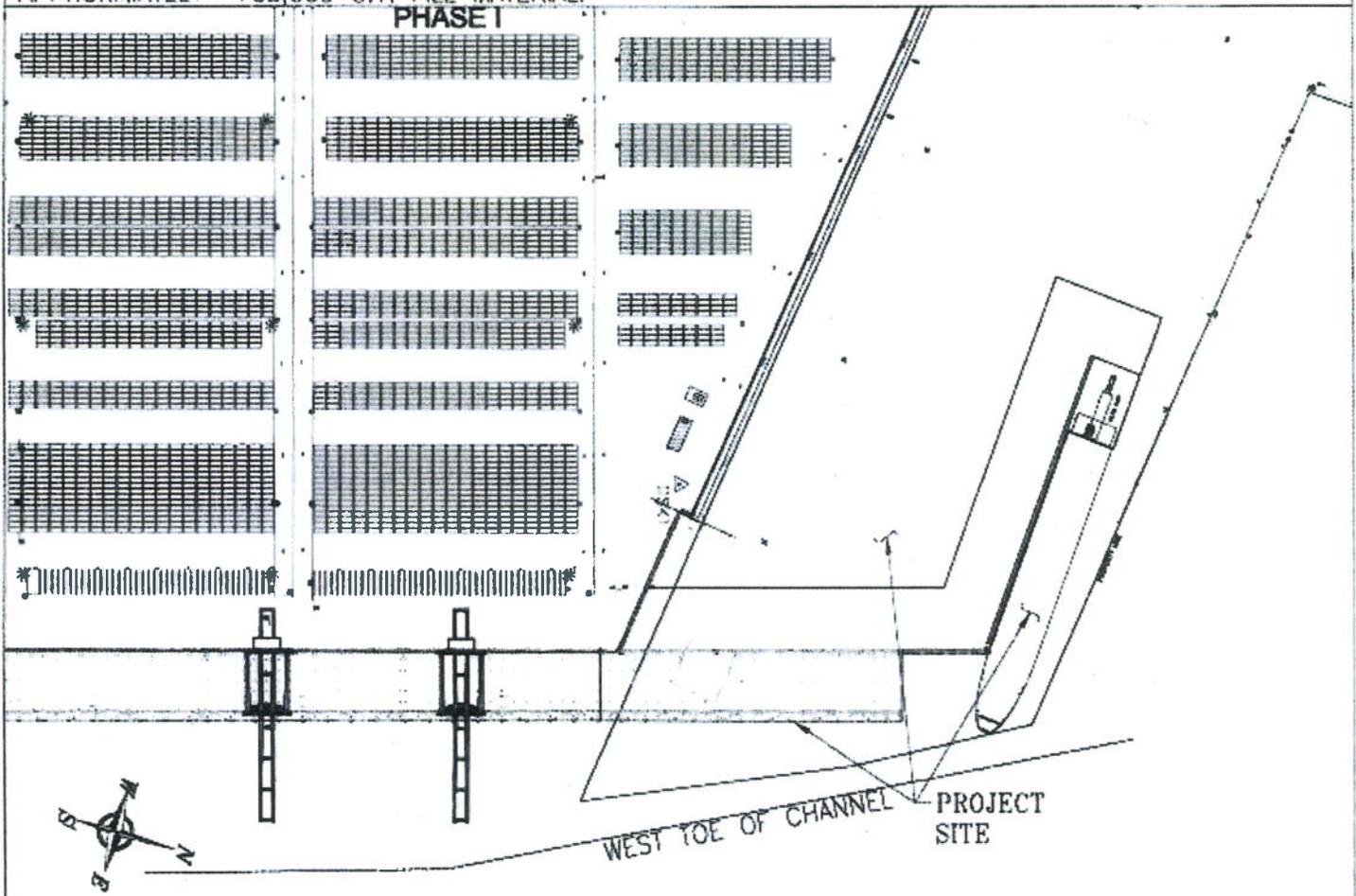
APPROXIMATELY 34,500 C.Y. DREDGED MATERIAL.

FILL:

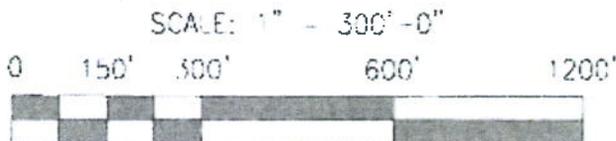
APPROXIMATELY 768,000 C.Y. FILL MATERIAL.



VICINITY MAP



NEW SITE PLAN



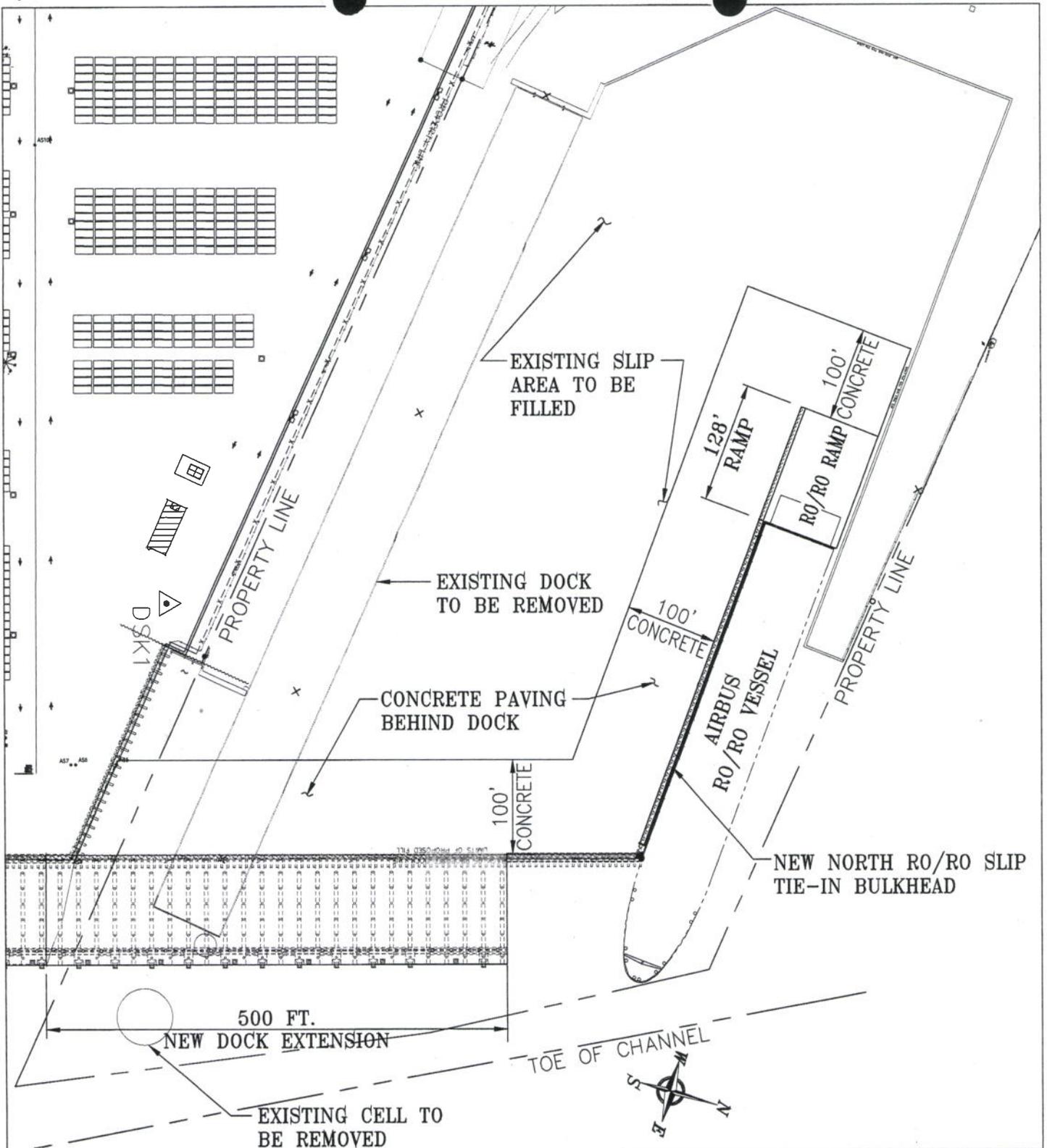
PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
TRIBUTARY TO: MOBILE BAY
COUNTY OF: MOBILE STATE: ALABAMA
APPLICATION BY:
ALABAMA STATE PORT
AUTHORITY

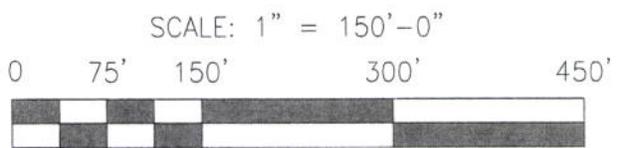
SHEET 1 OF 22

DATE: 01/2017

SAM- 2017-00189 -JFB
DEPT. OF THE ARMY

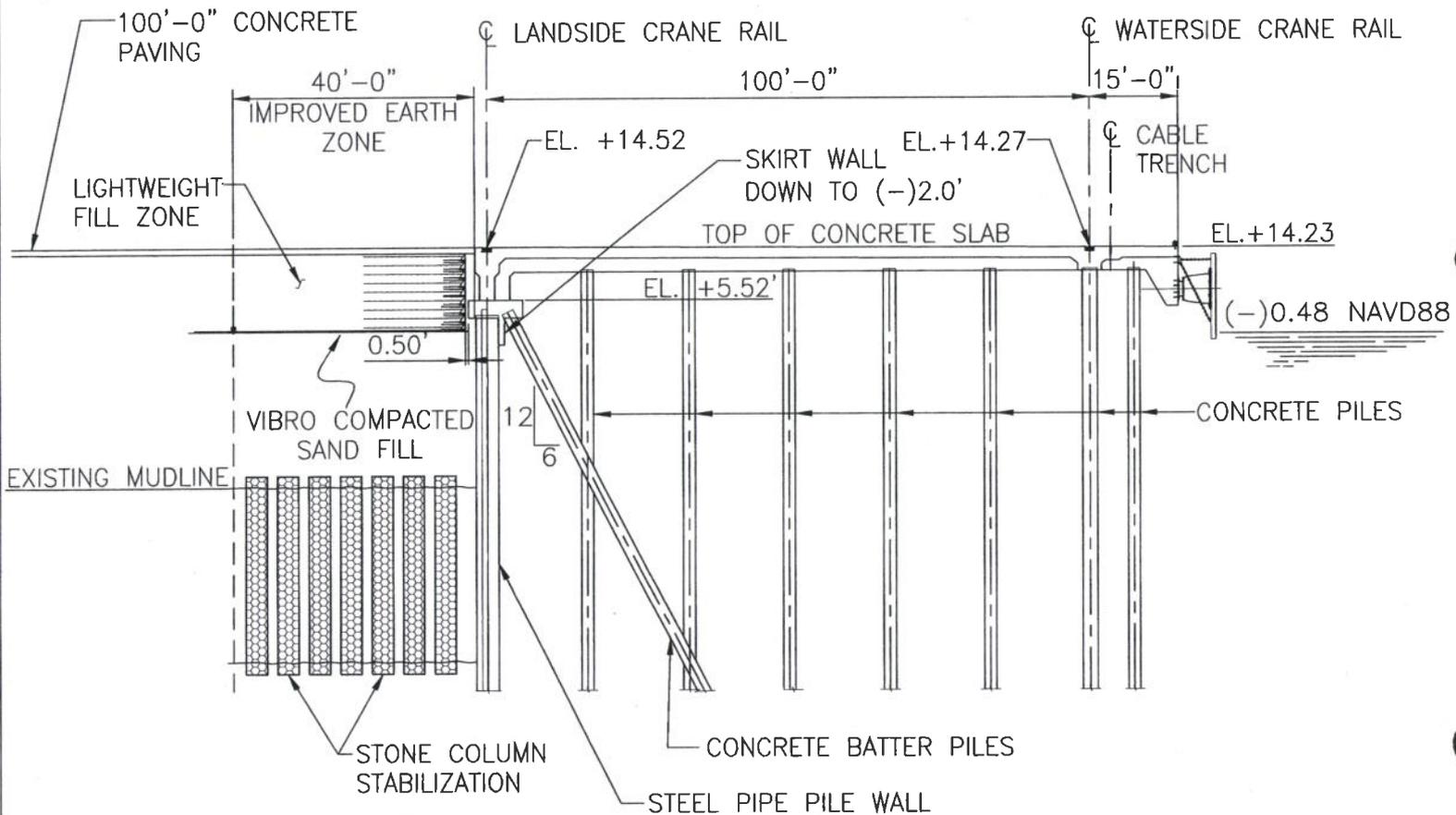


**ENLARGED PARTIAL
NEW SITE PLAN**



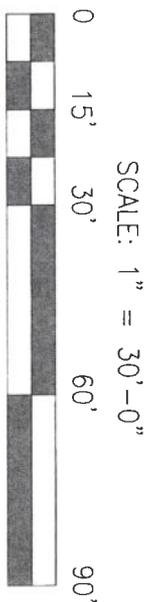
PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY
 SHEET 2 OF 22 DATE: 01/2017

SAM-2017-00189 - JSA
DEPT. OF THE ARMY



MAIN DOCK EXTENSION TYPICAL SECTION

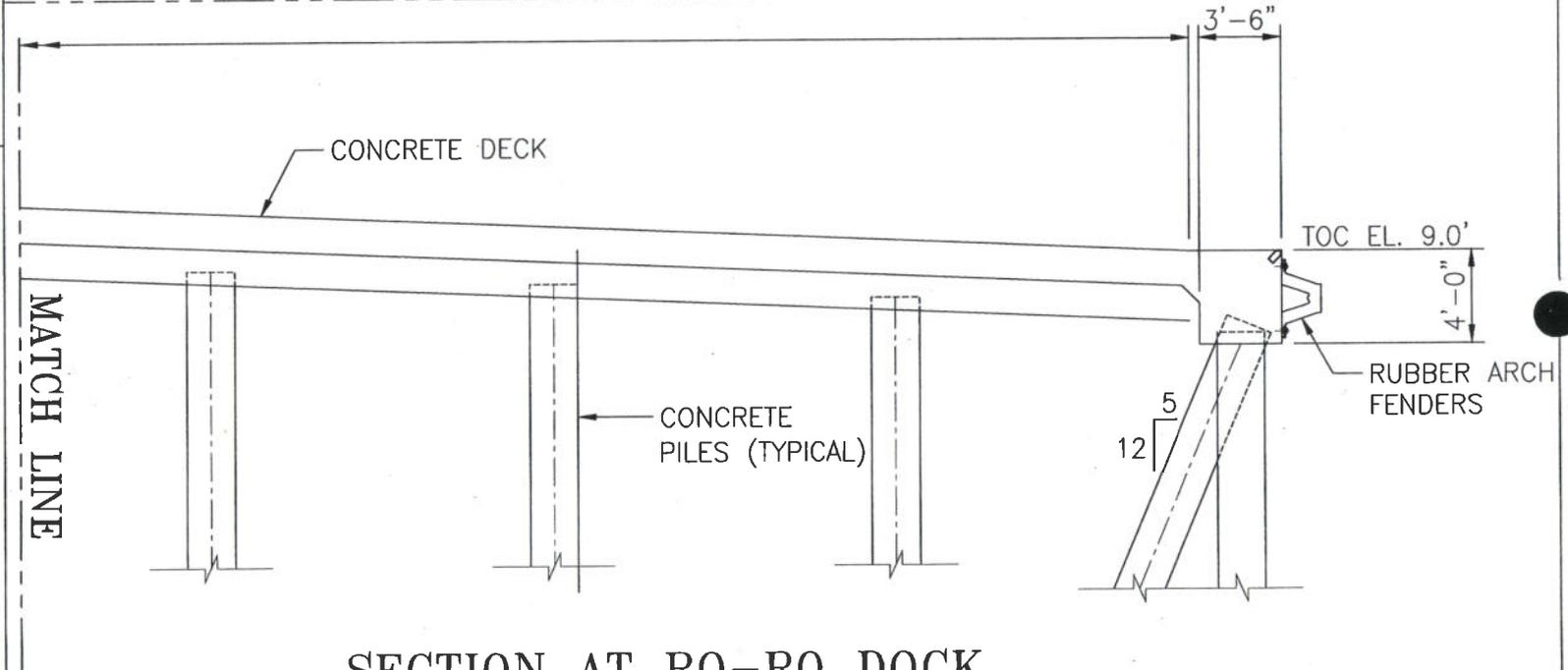
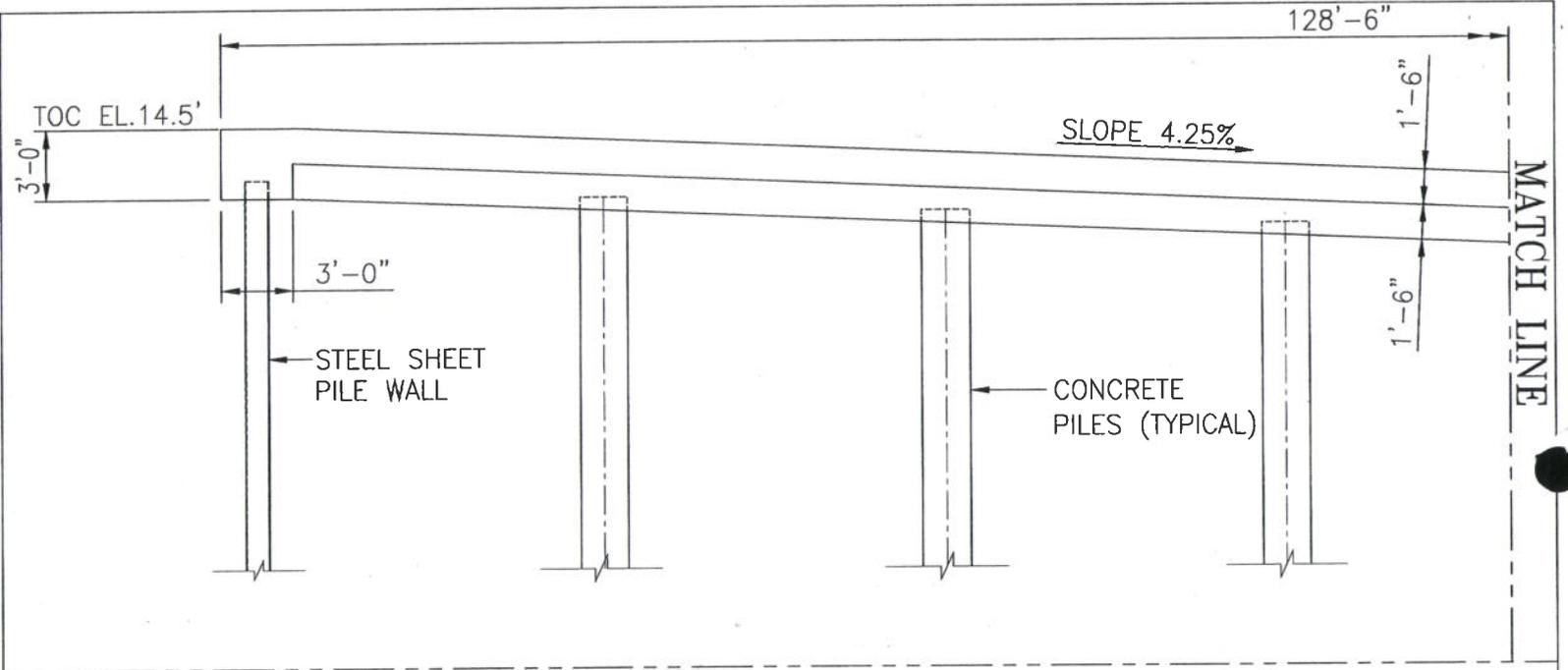
1" = 30'



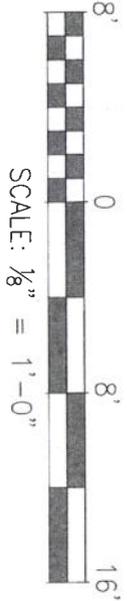
PROPOSED RO-RO DOCK &
 APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY
 SHEET 4 OF 22 DATE: 01/2017

SAM-2017 - 00189 - 35B
 DEPT. OF THE ARMY

SAM-2017 - 00189 - 35B
 DEPT. OF THE ARMY



SECTION AT RO-RO DOCK
 1/8" = 1'-0"

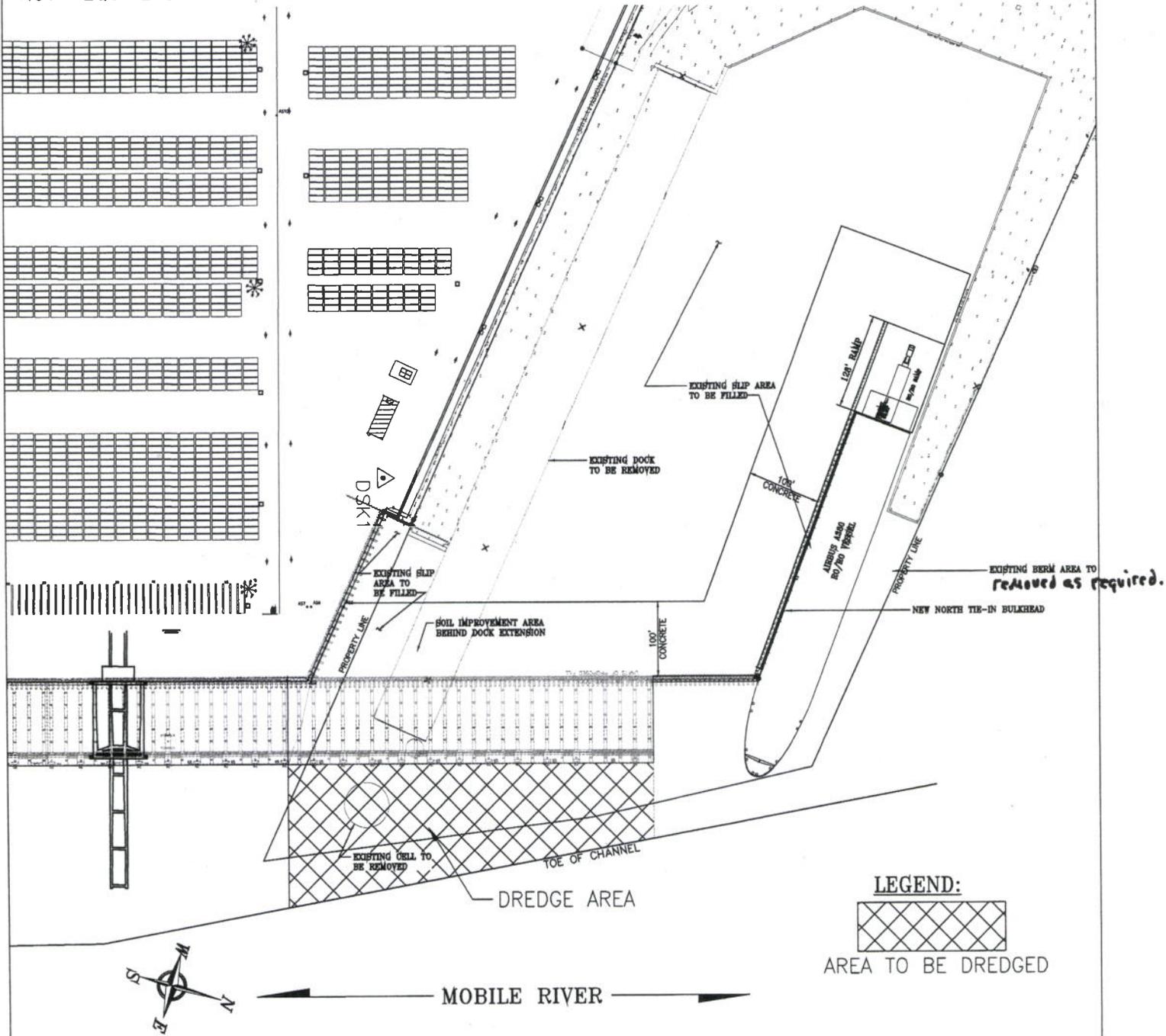


PROPOSED RO-RO DOCK &
 APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY
 SHEET 7 OF 22 DATE: 01/2017

SAM-8017 - 00189 - 358
 DEPT. OF THE ARMY

NOTE

THE AREA TO BE DREDGED IS IRREGULAR IN SHAPE BUT WILL BE APPROXIMATELY 194ft. WIDE AND 500.4ft. LONG. THE EXISTING MUD-LINE ELEVATION FOR DREDGING WILL VARY FROM ~EL. (-)28.0 ft TO ~EL. (-)45.0ft. IT IS INTENDED TO DREDGE TO ~EL. (-) 45.0 ft. THE RO/RO AREA IS ALREADY SUFFICIENT DEPTH AND DOES NOT REQUIRE DREDGING.



DREDGE SITE



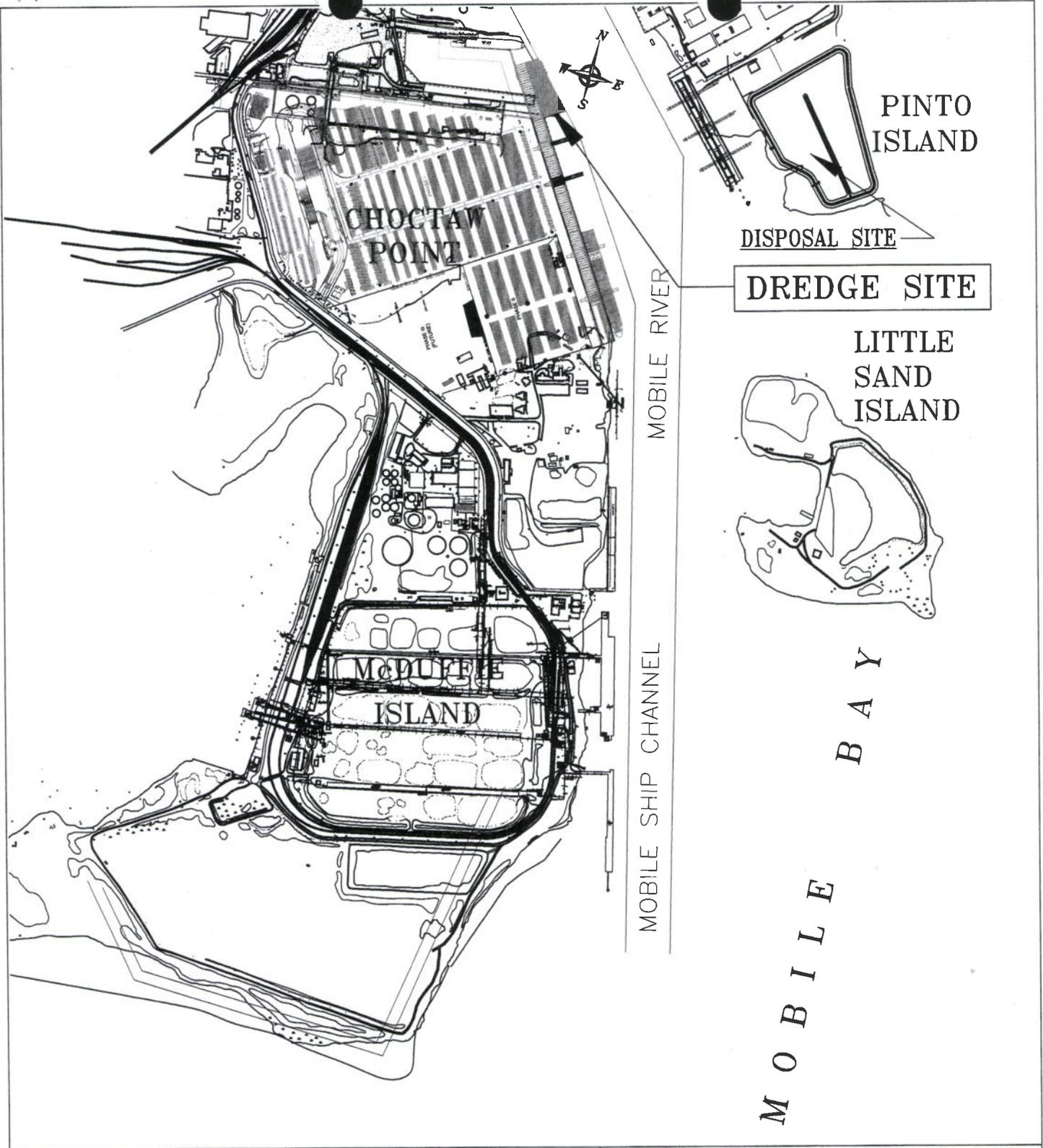
SCALE: 1" = 200'-0"

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

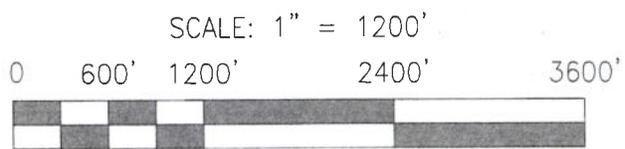
IN : MOBILE RIVER
TRIBUTARY TO: MOBILE BAY
COUNTY OF: MOBILE STATE: ALABAMA
APPLICATION BY:
ALABAMA STATE PORT
AUTHORITY

SHEET 8 OF 22

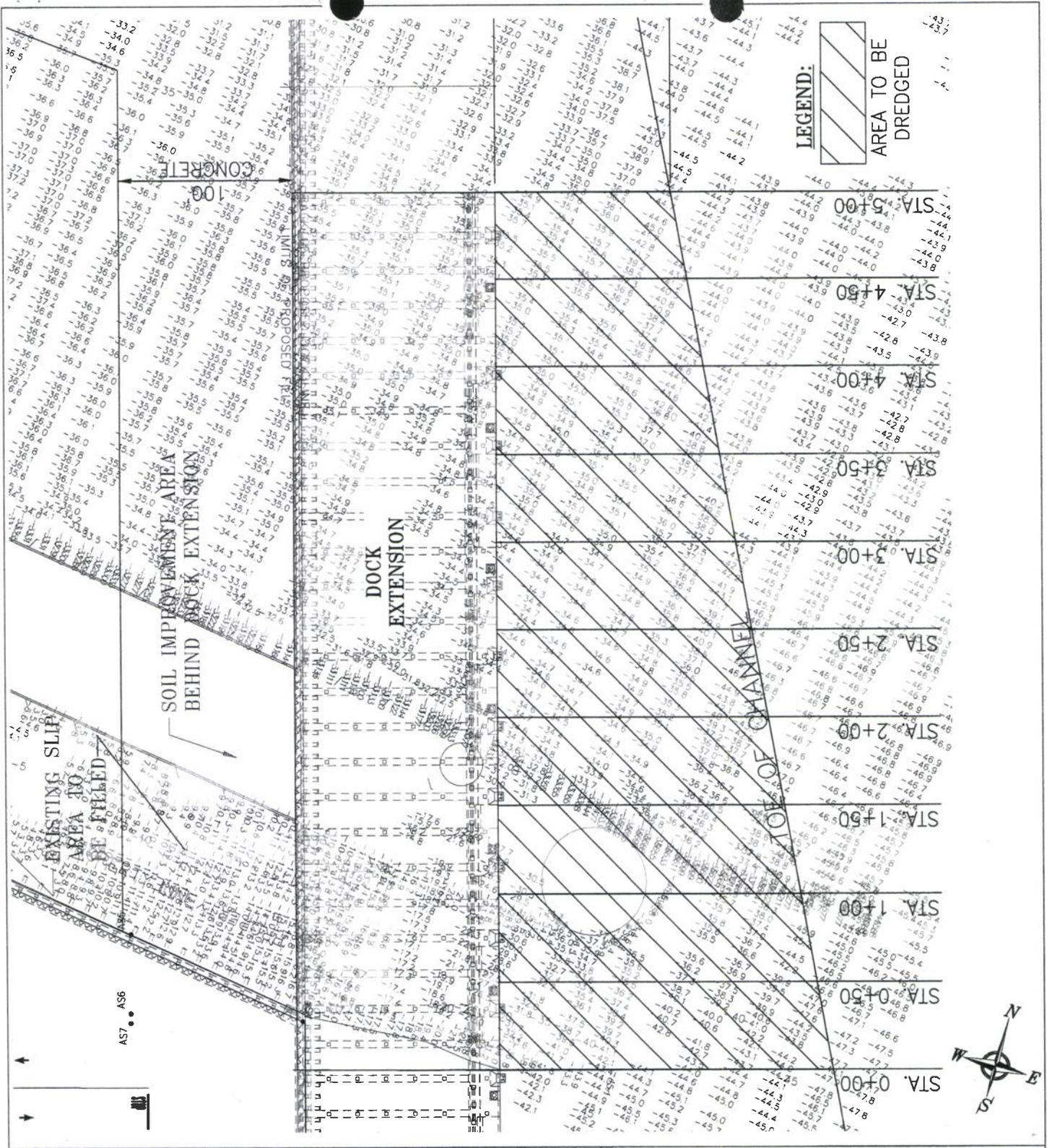
DATE: 01/2017



DISPOSAL SITE PLAN



PROPOSED RO-RO DOCK &
 APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY
 SHEET 9 OF 22 DATE: 01/2017



DREDGE PLAN



SCALE: 1" = 80'-0"

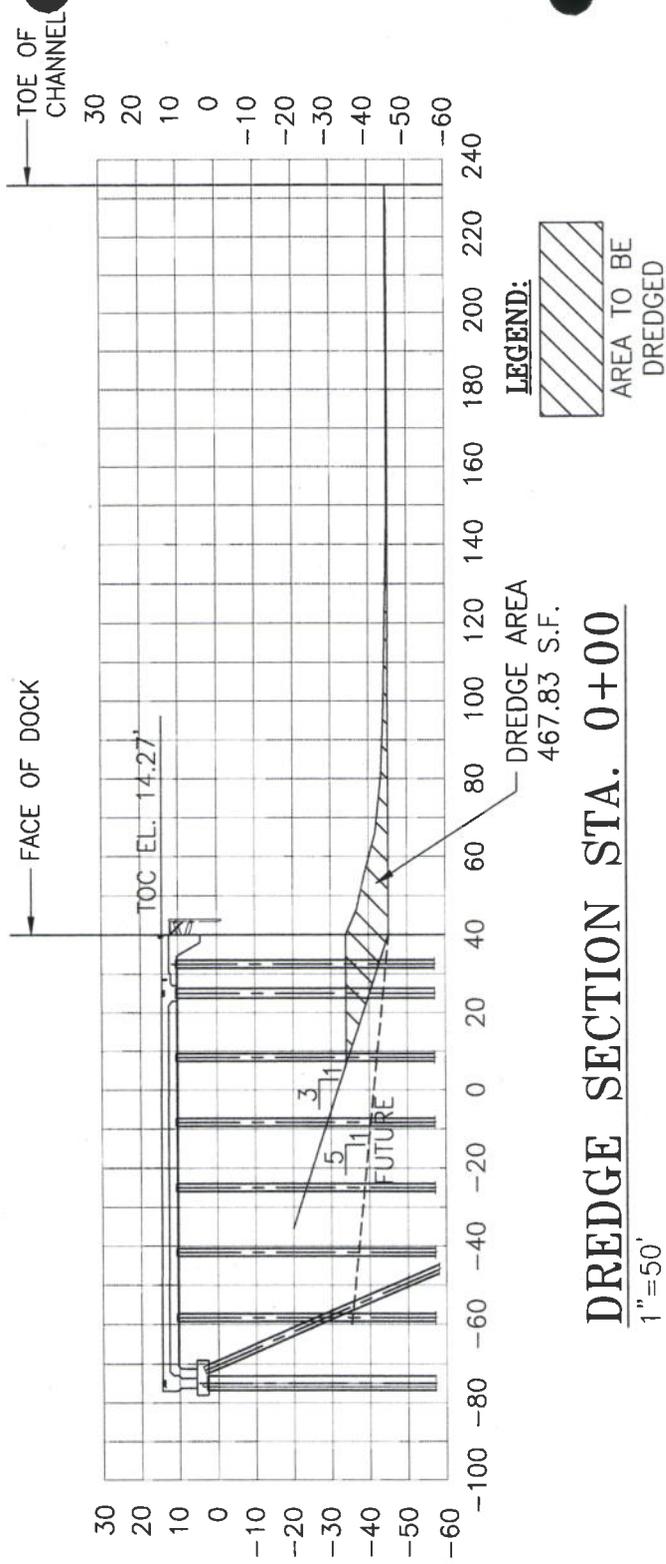
PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

SHEET 10 OF 22

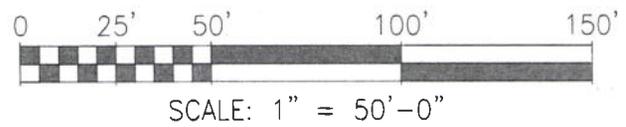
DATE: 02/2017

SAM-2017-00189-JFB
 DEPT. OF THE ARMY

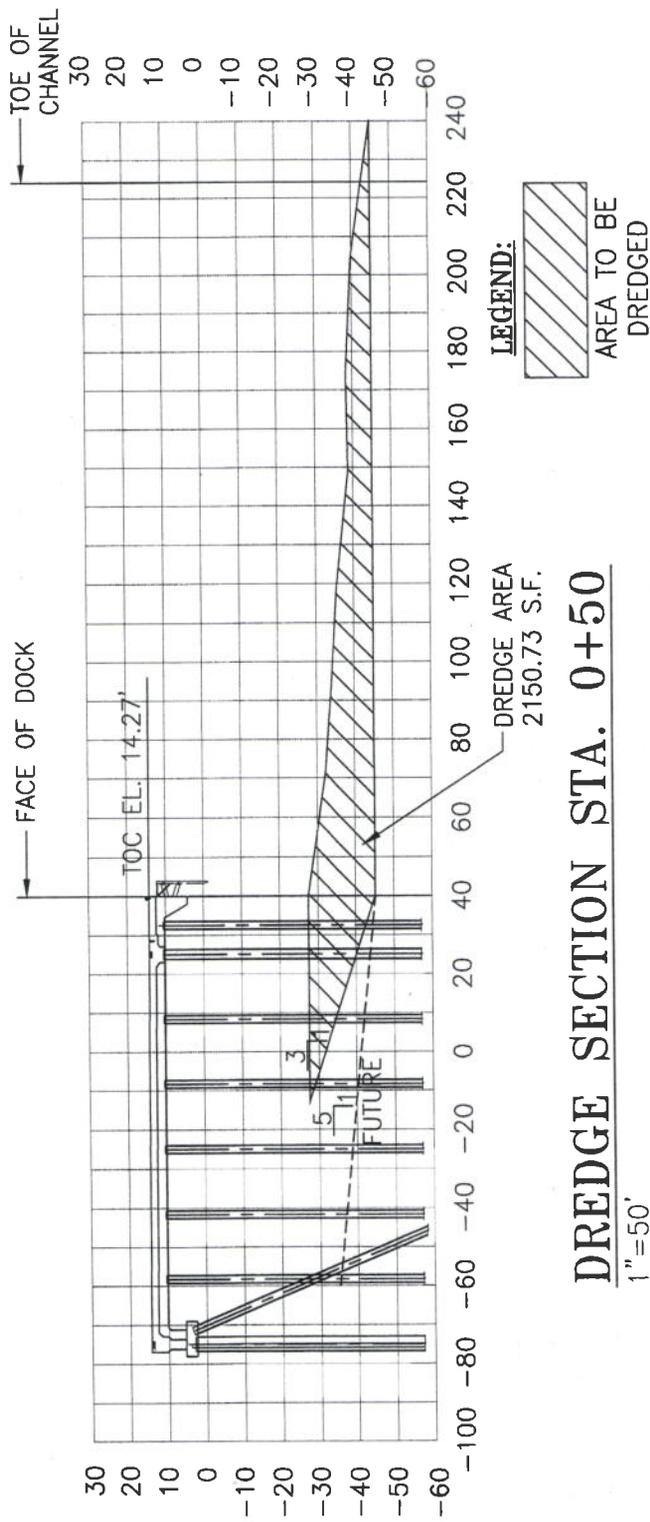


DREDGE SECTION STA. 0+00
1"=50'

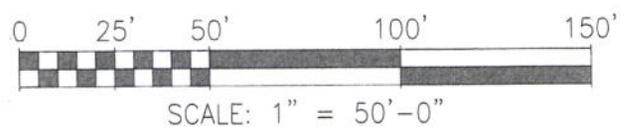
STATION 0+00



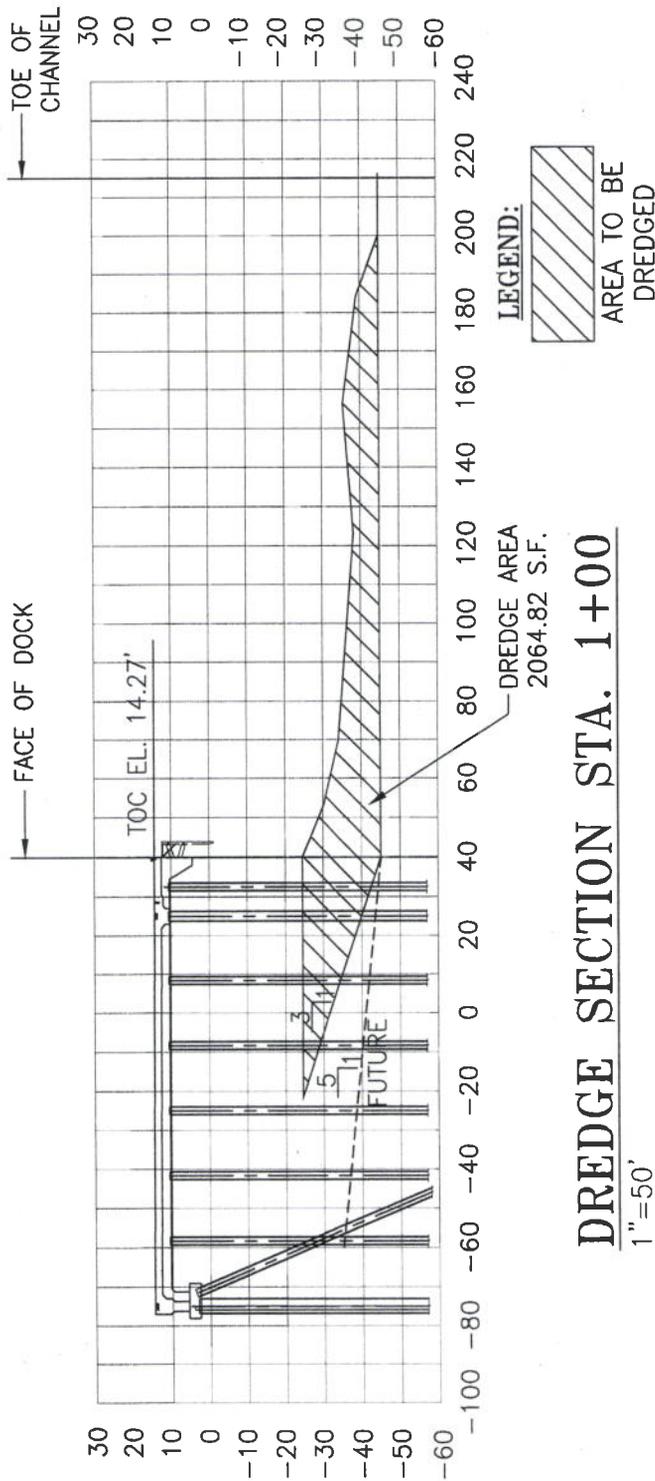
PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT AUTHORITY
 SHEET 11 OF 22 DATE: 02/2017



STATION 0+50



PROPOSED RO-RO DOCK &
 APMT FACILITY BERTH EXTENSION
 IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY
 SHEET 12 OF 22 DATE: 02/2017



STATION 1+00



SCALE: 1" = 50'-0"

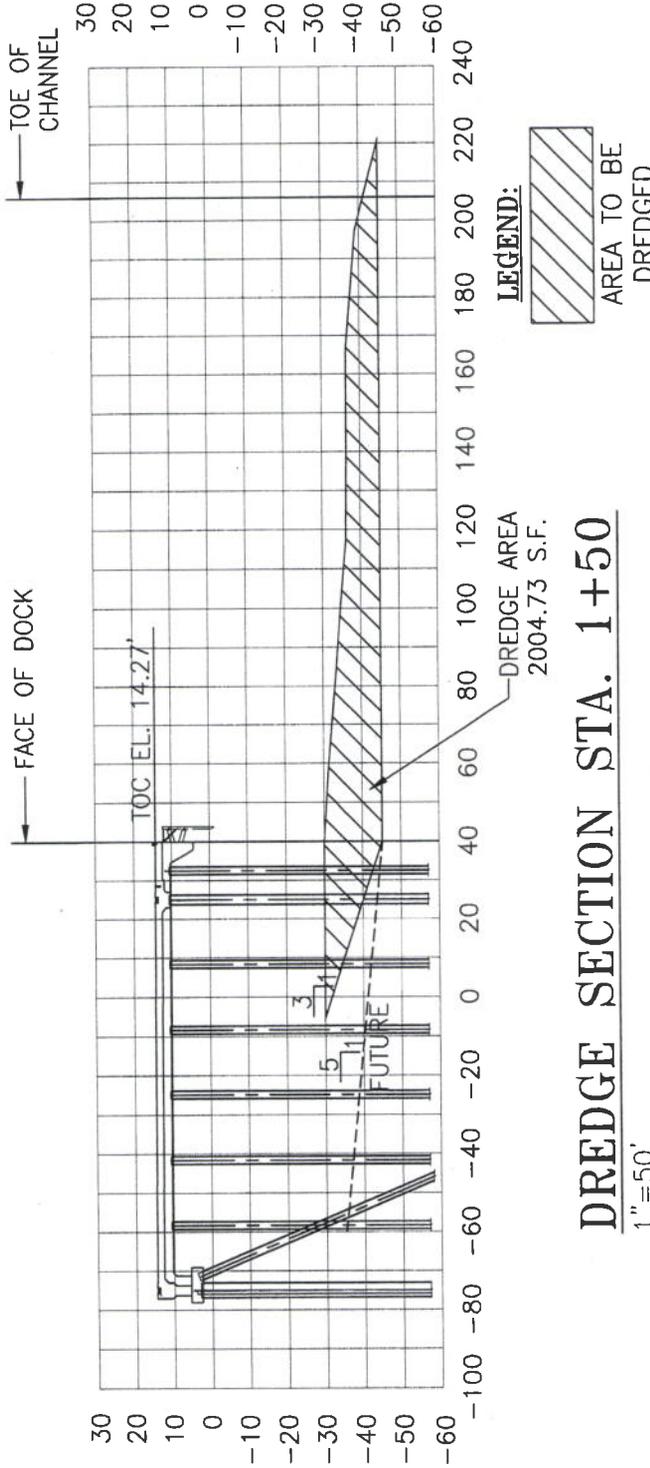
PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

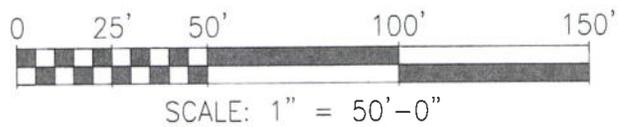
SHEET 13 OF 22

DATE: 02/2017

SAM-2017-00189-JKB
 DEPT. OF THE ARMY



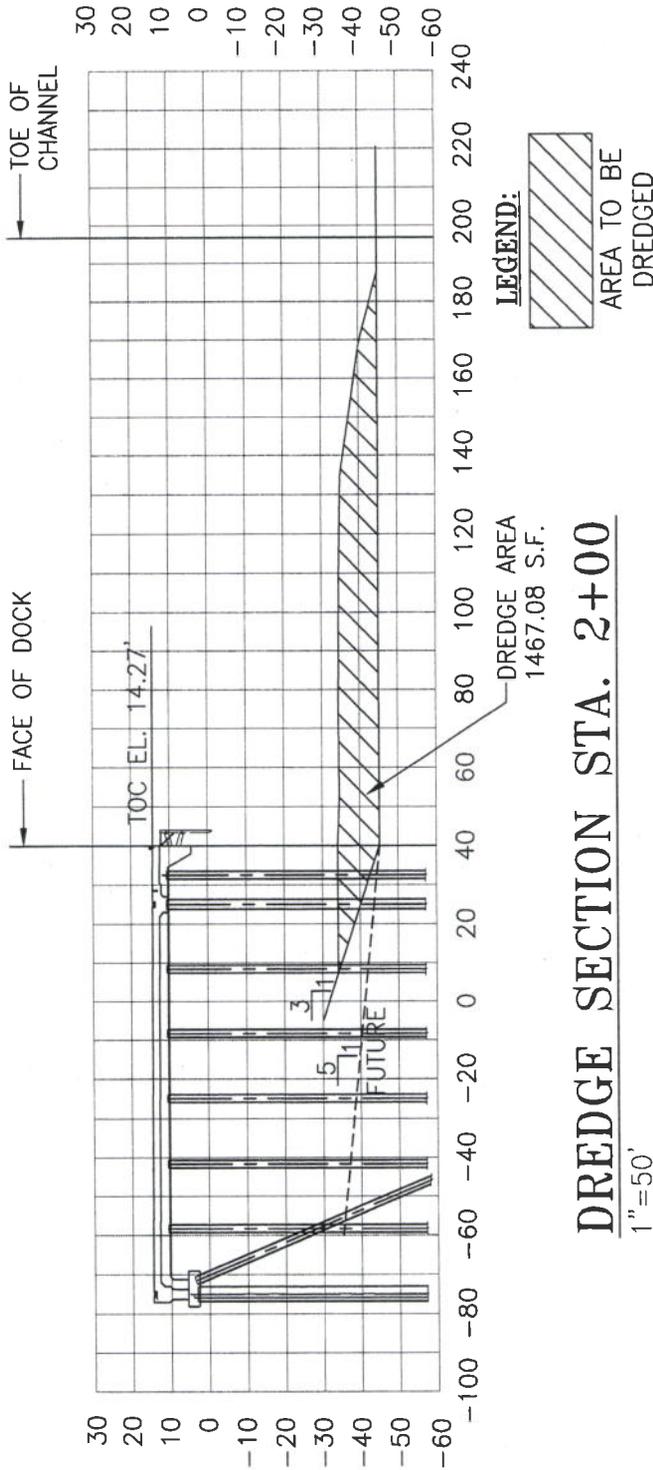
STATION 1+50



PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

SHEET 14 OF 22 DATE: 02/2017



DREDGE SECTION STA. 2+00

1"=50'

STATION 2+00



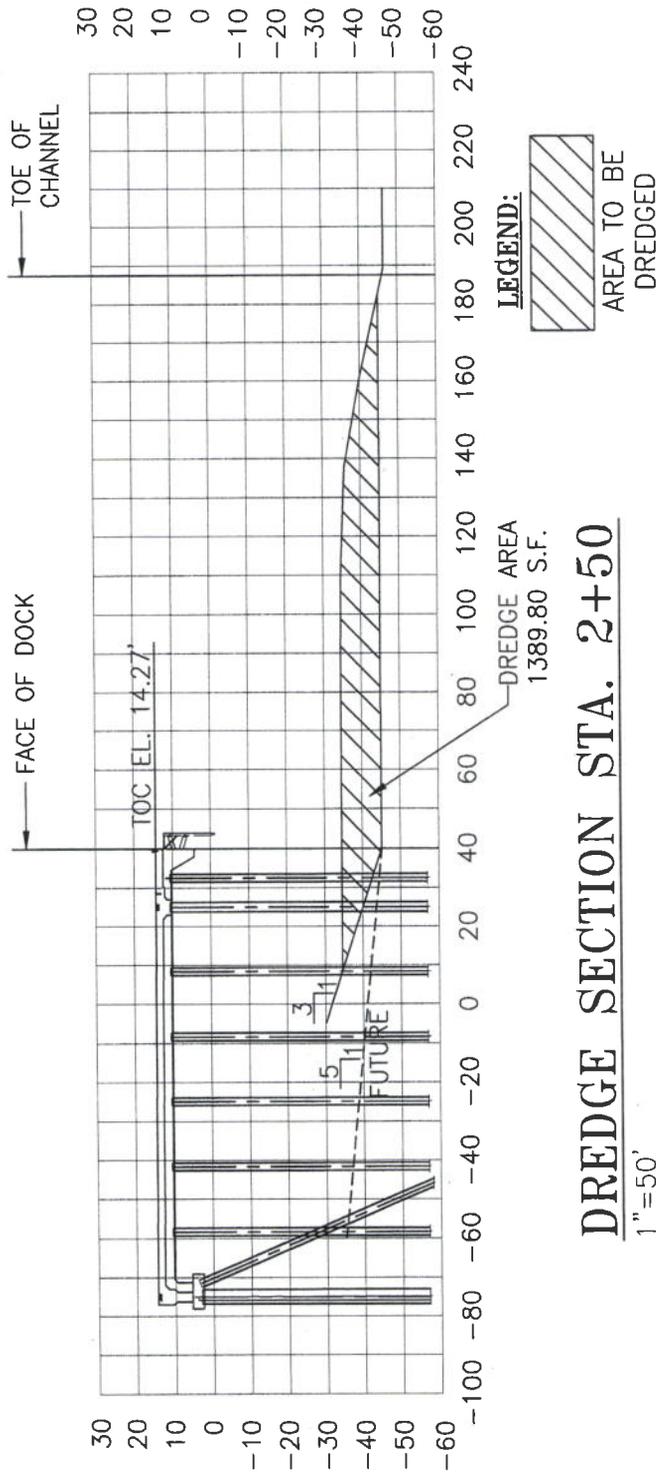
SCALE: 1" = 50'-0"

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

SHEET 15 OF 22

DATE: 02/2017



DREDGE SECTION STA. 2+50
1"=50'

STATION 2+50



SCALE: 1" = 50'-0"

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

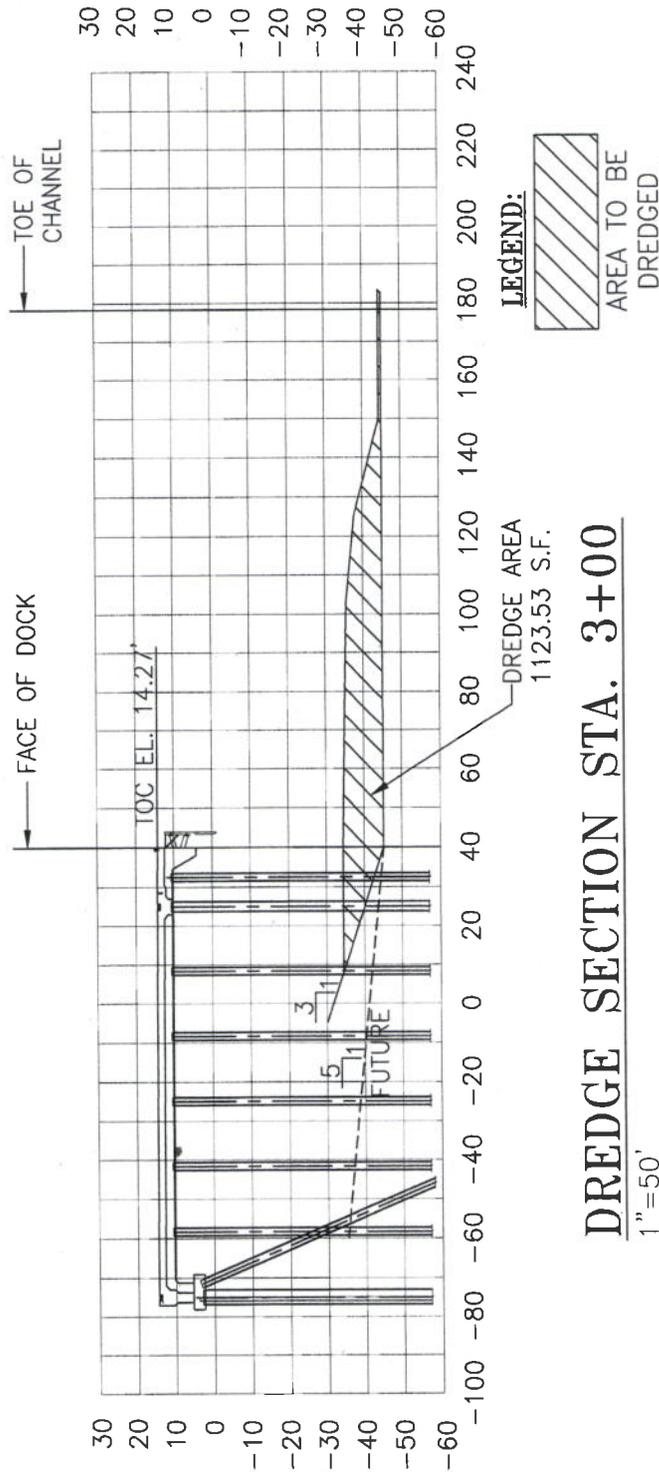
SHEET 16 OF 22

DATE: 02/2017

STATION 3+00



SCALE: 1" = 50'-0"



DREDGE SECTION STA. 3+00

1"=50'

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER

TRIBUTARY TO: MOBILE BAY

COUNTY OF: MOBILE STATE: ALABAMA

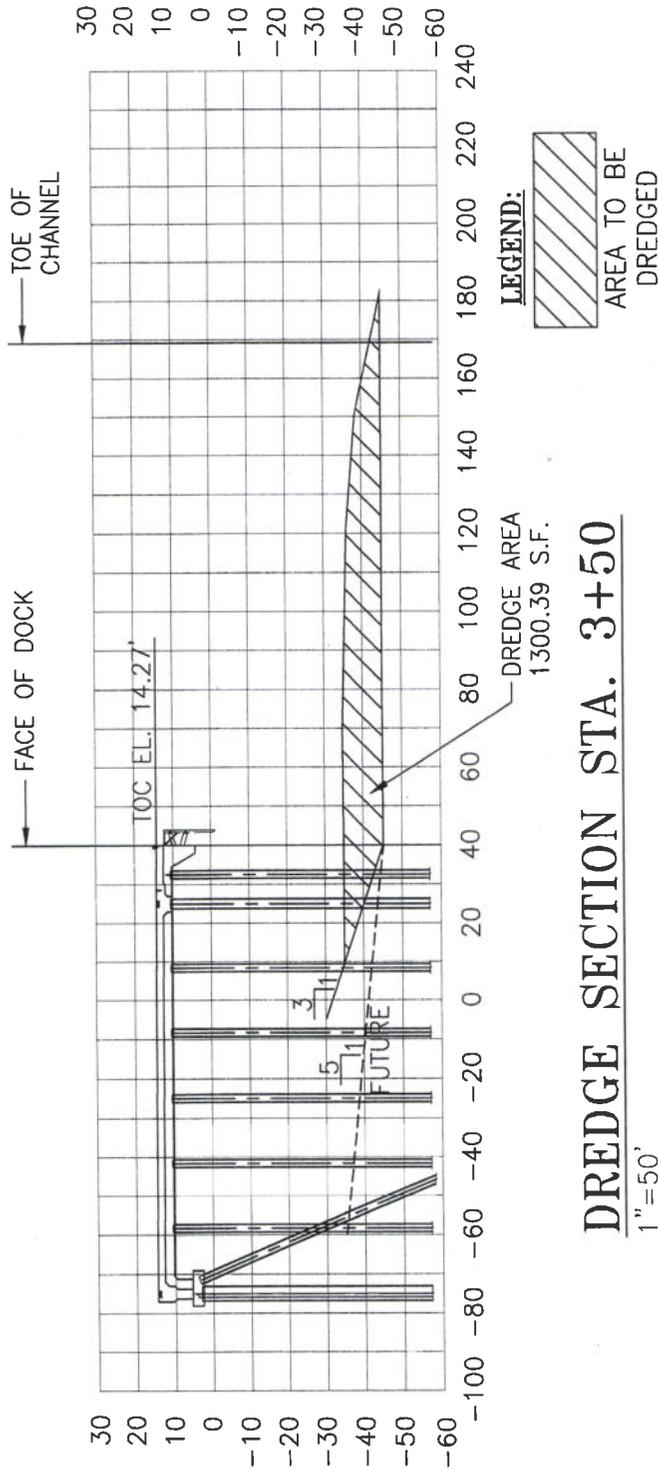
APPLICATION BY:

ALABAMA STATE PORT AUTHORITY

SHEET 17 OF 22

DATE: 02/2017

SAM-2017-00189-75B
DEPT. OF THE ARMY



STATION 3+50



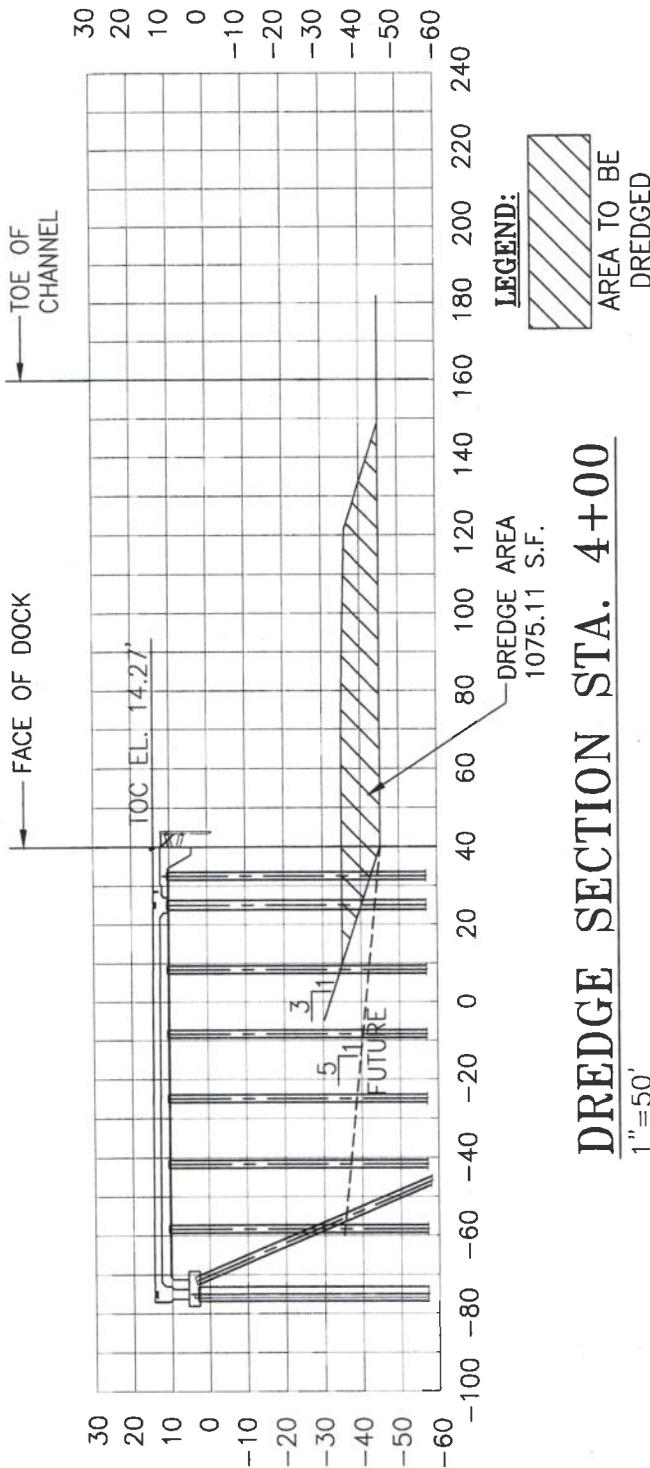
SCALE: 1" = 50'-0"

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

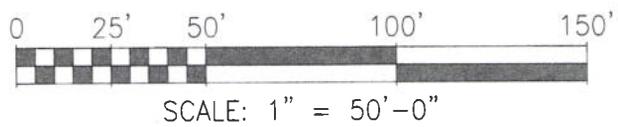
SHEET 18 OF 22

DATE: 02/2017



DREDGE SECTION STA. 4+00
1" = 50'

STATION 4+00



PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

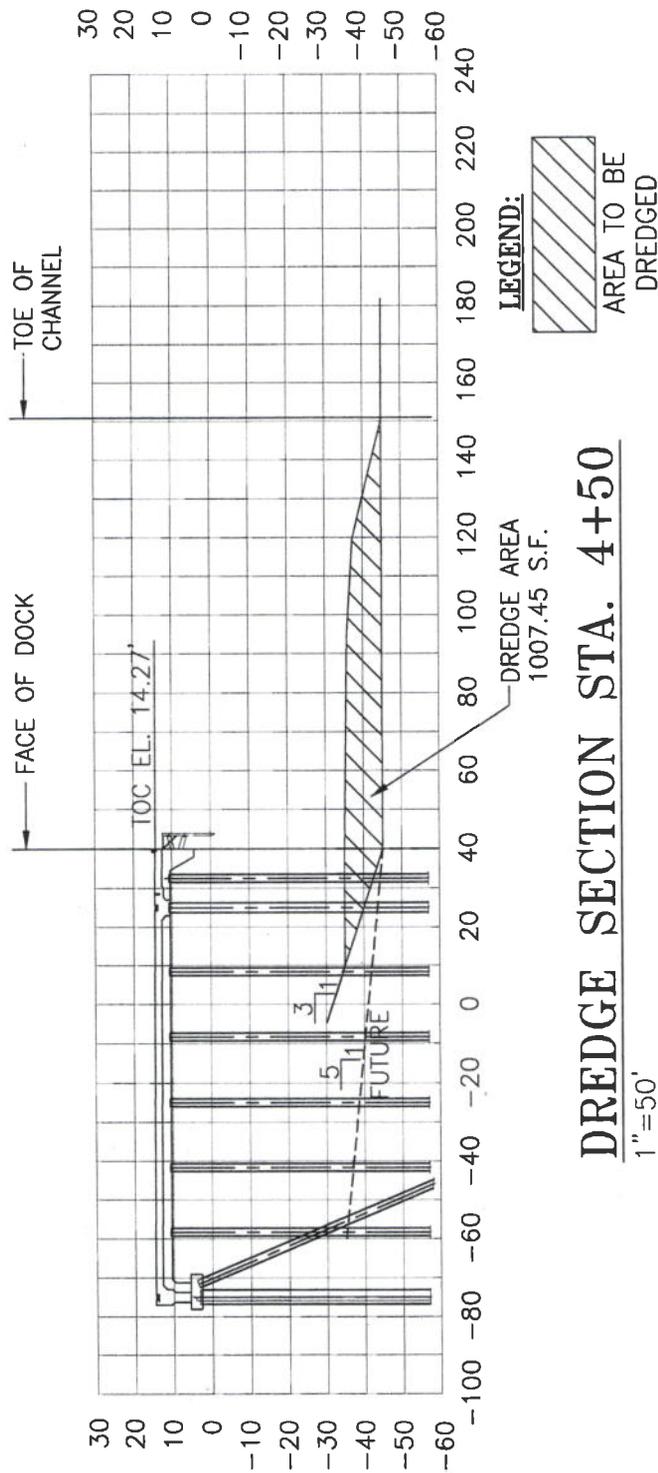
SHEET 19 OF 22 DATE: 02/2017

SAM-2017-00189-75B
 DEPT. OF THE ARMY

STATION 4+50



SCALE: 1" = 50'-0"



DREDGE SECTION STA. 4+50

1"=50'

PROPOSED RO-RO DOCK & APMT FACILITY BERTH EXTENSION

IN : MOBILE RIVER

TRIBUTARY TO: MOBILE BAY

COUNTY OF: MOBILE STATE: ALABAMA

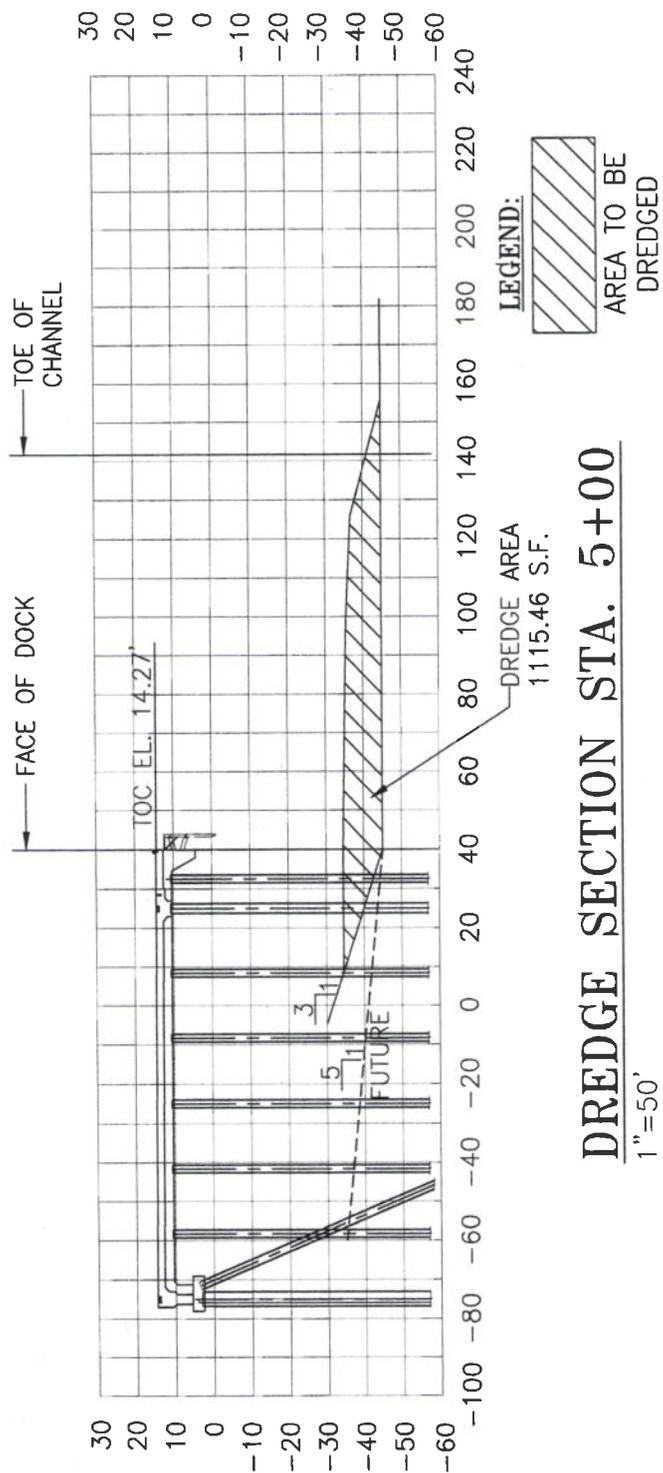
APPLICATION BY:

ALABAMA STATE PORT AUTHORITY

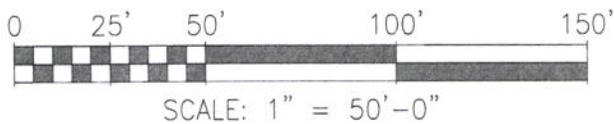
SHEET 20 OF 22

DATE: 02/2017

SAM-2017-00189-75B
DEPT. OF THE ARMY



STATION 5+00

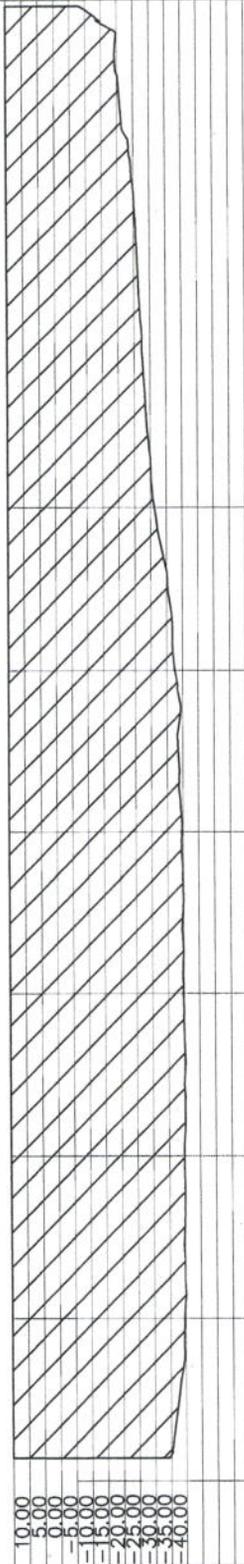


**PROPOSED RO-RO DOCK &
APMT FACILITY BERTH EXTENSION**

IN : MOBILE RIVER
 TRIBUTARY TO: MOBILE BAY
 COUNTY OF: MOBILE STATE: ALABAMA
 APPLICATION BY:
 ALABAMA STATE PORT
 AUTHORITY

SHEET 21 OF 22 DATE: 02/2017

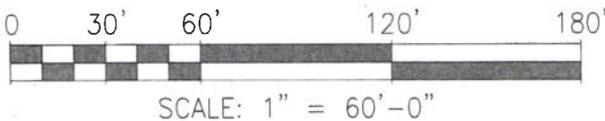
SAM-2017-00189 - JKD
 DEPT. OF THE ARMY



450.00
440.00
430.00
420.00
410.00
400.00
390.00
380.00
370.00
360.00
350.00
340.00
330.00
320.00
310.00
300.00
290.00
280.00
270.00
260.00
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160.00
150.00
140.00
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120.00
110.00
100.00
90.00
80.00
70.00
60.00
50.00
40.00
30.00
20.00
10.00
Q

TYPICAL FILL SECTION
1" = 60'

SLIP FILL SECTION



PROPOSED RO-RO DOCK &
APMT FACILITY BERTH EXTENSION
IN : MOBILE RIVER
TRIBUTARY TO: MOBILE BAY
COUNTY OF: MOBILE STATE: ALABAMA
APPLICATION BY:
ALABAMA STATE PORT
AUTHORITY

SHEET 22 OF 22 DATE: 02/2017

SAM-2017-00189-JFB
DEPT. OF THE ARMY

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
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

July 31, 2017

Mr. Robert Harris
Alabama State Port Authority
C/O Mr. Stan Gottlieb, Agent
CB & I Port Services LLC
3600 Springhill Business Park, Suite 200
Mobile, Alabama 36608-1212

RE: State of Alabama Water Quality Certification (WQC) Pursuant to Clean Water Act (CWA) §401(a)
Alabama State Port Authority, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) File No.: SAM-2017-00189-JEB
Alabama Department of Environmental Management (ADEM) Tracking Code: 2017-137-WQC-COE-IP

Dear Mr. Harris:

Please read this letter carefully and in its entirety as it contains very important information about Alabama State Port Authority's project.

The ADEM received a copy of the Alabama State Port Authority's application to the USACE on January 31, 2017 and has completed its review of all submitted materials related to the Alabama State Port Authority's application to place fill in approximately 9.25 acres of waterbottoms at an existing berthing area for construction of a Roll-On Roll Off (RoRo) Berth for the handling of the Airbus supply vessel. Approximately 34,800yd³ of dredge material will be removed from the adjacent area to support navigation. The ADEM understands the purpose of this project is to provide a berthing space for an Airbus materials ship as well as enhance the Port's container operation by providing simultaneous berthing of two post-panamax ships. The project will aid in the transportation of cargo between the United States and other countries.

Action pertinent to WQC is required by CWA §401(a)(1), 33 U.S.C. §1251, et seq. If conducted in accordance with the conditions prescribed herein, there is reasonable assurance that the discharge resulting from the proposed activities will not violate applicable water quality standards established under §303 of the CWA and §22-22-9(g), Code of Alabama (1975). By this letter, the ADEM hereby notifies the Alabama State Port Authority and the USACE that CWA §401 WQC is **granted**. This WQC is limited to the approved activities as mentioned above and detailed in the final site plans attached to the July 13, 2017 USACE request for the ADEM's final determination regarding project certification. This WQC terminates coincidentally with the expiration of SAM-2017-00189-JEB. This WQC only addresses potential discharges to state waters resulting from approved activities. This WQC does not obviate the Alabama State Port Authority's responsibility to acquire all other needed permits nor does this WQC, in any way, imply that the proposed activities comply with the requirements of any other jurisdictional entity nor does it imply that the project can or will be approved by any other jurisdictional entity. Deviation from the approved project design **must not** be implemented without prior written notice and approval from the ADEM. Upon such notice, the Director may require the submission of additional information and/or a new permit application, and additional fees may be required.

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.

ADEM certifies that there are no applicable effluent limitations under §301 and §302 nor applicable standards under §306 and §307 of the CWA in regard to the activities specified. However, regulations promulgated by the EPA requiring discharge permits for storm water runoff (i.e. NPDES permits) from individual and commercial facilities may be applicable. This WQC does not address the requirements of those regulations.

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By accepting this WQC from the State of Alabama, the Alabama State Port Authority must allow any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney to enter upon the premises on which this project is occurring for the purposes of ascertaining compliance with ADEM's Administrative Code.

Liability and responsibility for compliance with the requirements of this WQC are not delegable by contract or otherwise. The Alabama State Port Authority must ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by them understands the approved project design. Any violations of the ADEM's Administrative Code may be considered violations of this WQC and may result in an enforcement action.

This WQC 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 Alabama State Port Authority 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 Alabama State Port Authority's possession. This certification is not transferable without prior written notice and approval of the ADEM. Upon such notice, the Director may require submission of additional information and/or a new permit application, and additional fees may be required.

To protect water quality, the following conditions must be incorporated as part of SAM-2017-00189-JEB:

1. The Alabama State Port Authority and/or its assigns must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants, including sediment loss, originating on site during and after site development activities to prevent fill material from entering wetland areas and/or State waters in which disposal of fill has not been authorized by the ADEM. Effective erosion control measures, sediment control measures, and other site pollution management practices are required to be designed, implemented, and continually maintained consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas.
2. The Alabama State Port Authority and/or its assigns shall implement appropriate BMPs to minimize turbidity impacts to the maximum extent practicable. Turbidity generated by the activity must not cause substantial visible contrast nor result in an increase of more than fifty (50) Nephelometric turbidity units above background in state waters. If turbidity generated from project exceeds acceptable levels, the Alabama State Port Authority and/or its assigns must cease operations until turbidity is restored to acceptable levels and immediately notify the ADEM Mobile Coastal office at (251) 304-1176 of resultant work stoppage.
3. Upon the loss or failure of any treatment facility, BMP, or other management control measure as identified by responsible on-site staff during day to day construction operations or as identified by ADEM technical staff during facility inspections, the Alabama State Port Authority and/or its assigns shall, where necessary to maintain compliance with this WQC, suspend, cease, reduce, or otherwise control work/activity and all discharges until effective treatment is restored and immediately notify the ADEM Mobile-Coastal office at (251) 304-1176 of resultant work stoppage.
4. Effective solid waste management practices shall be implemented at the site. All construction debris (e.g. excess construction materials, packaging material, trash, garbage, etc.) must be contained while on-site and regularly removed and disposed of in an approved manner. There shall be regular monitoring and removal of any construction debris or wastes from wetland areas, State waters, or adjacent offsite areas.
5. All materials used as fill shall be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.

And finally, upon receipt of the USACE permit, make careful note of the expiration date. Expired permits cannot simply be reactivated or extended. If the project will not be completed prior to the expiration of the permit, the Alabama State Port Authority must notify the USACE and the ADEM - preferably 60 days before the permit expiration date. If the permit expires before regulated activities authorized therein are completed, a new permit application will have to be submitted to the resource agencies for a full review which will include but not be limited to: public noticing, resolution of public comments, and remittance of new project review fees. In this circumstance, work may have to cease until a new permit has been issued.

Alabama State Port Authority
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Contact the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter. C. Allen Phelps is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at cap@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: Eric Buckelew, USACE (Sent Via Email Only: james.e.buckelew@usace.army.mil)
Rosemary Hall, USEPA (Sent Via Email Only: Hall.Rosemary@epa.gov)
Phillip Hinesley, ADCNR (Sent Via Email Only: Phillip.Hinesley@dcnr.alabama.gov)

ASH/jsb/cap

File: CZCERT/683

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

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July 31, 2017

Mr. Robert Harris
Alabama State Port Authority
C/O Mr. Stan Gottlieb, Agent
CB & I Port Services LLC
3600 Springhill Business Park, Suite 200
Mobile, Alabama 36608-1212

RE: State of Alabama Coastal Consistency Concurrence
Alabama State Port Authority, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) File No.: SAM-2017-00189-JEB
Alabama Department of Environmental Management (ADEM) Tracking Code: 2017-137-FC-FLP-COE-IP

Dear Mr. Harris:

Please read this letter carefully and in its entirety as it contains very important information about the Alabama State Port Authority's project.

The ADEM received the Alabama State Port Authority's certification of coastal consistency on January 31, 2017 and has completed its review of all submitted materials related to the Alabama State Port Authority's application to place fill in approximately 9.25 acres of waterbottoms at an existing berthing area for construction of a Roll-On Roll-Off (Ro Ro) Berth for the handling of the Airbus supply vessel. Approximately 34,800yd³ of dredge material will be removed from the adjacent area to support navigation. The ADEM understands the purpose of this project is to provide a berthing space for an Airbus materials ship as well as enhance the Port's container operation by providing simultaneous berthing of two post-panamax ships. The project will aid in the transportation of cargo between the United States and other countries. Public noticing requirements of Title 15C.F.R. §930.61 have been completed.

As required by Title 15C.F.R. §930.62, by this letter the ADEM hereby notifies the Alabama State Port Authority and the USACE of its **concurrence** with the Alabama State Port Authority's coastal consistency certification, conditional upon continued compliance with the Alabama Coastal Area Management Program (ACAMP). This concurrence is limited to the approved activities as described in the final site plans attached to the July 13, 2017 USACE request for ADEM's coastal consistency decision. Any deviation from the approved project design must not be implemented without prior written notice and approval from the ADEM as the Alabama State Port Authority may be required – pursuant to Title 15C.F.R §930.66 - to prepare and submit for review a supplemental coastal consistency certification. In such a case, the Director may require the submission of additional information and/or a new permit application, and additional fees may be required. This coastal consistency concurrence only addresses the approved activities which are also regulated under the enforceable policies of the ACAMP as codified in ADEM Admin. Code R. 335-8 and does not obviate the Alabama State Port Authority's responsibility to acquire all other needed permits nor does this concurrence, in any way, imply that the proposed activities comply with the requirements of any other jurisdictional entity nor does it imply that the project can or will be approved by any other jurisdictional entity.

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.

Pursuant to Title 15C.F.R §930.65, the ADEM and the USACE cooperate in the effort to monitor authorized activities to verify that those activities continue to conform to both federal and state requirements. By accepting this concurrence, the Alabama State Port Authority

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must allow any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney to enter upon the premises on which this project is occurring for the purposes of ascertaining compliance with ADEM's Administrative Code. Any violations of the ADEM's Administrative Code may be considered violations of this concurrence and may result in an enforcement action.

Liability and responsibility for compliance with this concurrence are not delegable by contract or otherwise. The Alabama State Port Authority must ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by them understands the approved project design.

This concurrence 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 Alabama State Port Authority 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 Alabama State Port Authority's possession. This concurrence is not transferable without prior written notice and approval of the ADEM. Upon such notice, the Director may require submission of additional information and/or a new permit application, and additional fees may be required.

To ensure continued compliance with the ACAMP, the following conditions must be incorporated as part of SAM-2017-00189-JEB:

1. Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.02(5), all materials used as fill shall be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
2. Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.01, should cultural resources be encountered during the course of conducting the activities authorized herein, construction activities must cease and the Alabama State Port Authority and/or its contractors shall notify the ADEM and the Alabama Historical Commission immediately of any historical, cultural, or archaeological resources that are discovered. This condition should be placed on the site construction plans to ensure contractors are aware of it.

And finally, upon receipt of the USACE permit, make careful note of the expiration date. Expired permits cannot simply be reactivated or extended. If the project will not be completed prior to the expiration of the permit, the Alabama State Port Authority must notify the USACE and the ADEM - preferably 60 days before the permit expiration date. If the permit expires before regulated activities authorized therein are completed, a new permit application will have to be submitted to the resource agencies for a full review which will include but not be limited to: public noticing, resolution of public comments, and remittance of new project review fees. In this circumstance, work may have to cease until a new permit has been issued.

Contact the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter. C. Allen Phelps is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at cap@adem.alabama.gov.

Sincerely,


Anthony Scott Hughes, Chief
Field Operations Division

cc: Eric Buckelew, USACE (Sent Via Email Only: james.e.buckelew@usace.army.mil)
Phillip Hinesley, ADCNR (Sent Via Email Only: Phillip.Hinesley@dcnr.alabama.gov)
Rosemary Hall, USEPA (Sent Via Email Only: Hall.Rosemary@epa.gov)

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