

APPENDIX B

PERMITS



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

August 8, 2022

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit **Modification Number 1**, File Number SAM-2020-00757-JCC, Alabama State Port Authority (ASPA), McDuffie Island / Choctaw Point Maintenance Dredging, Mobile Bay

Alabama State Port Authority
Attention: Mr. Doug Otto
Email Address: doug.otto@alports.com
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Otto:

Reference is made to your May 3, 2022, request for **Modification Number 1** of your Department of the Army (DA) permit authorized under file number SAM-2020-00757-JCC. The original permit authorized continued yearly maintenance dredging at the Alabama State Port Authority (ASPA) McDuffie Island / Choctaw Point facilities. The project is located within Mobile Bay; in Section 5, Township 5 South, Range 1 West; at Latitude 30.661524°, Longitude -88.032252°; in Mobile, Mobile County, Alabama.

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

Modification 1: The modification authorizes an increased depth of dredging of the 26.2-acre project area to -54 feet below Mean Lower Low Water (MLLW) to match the receiving waters in the area and would increase the amount of dredged silt-clay-sand material during the initial dredge event to 220,000 cubic yards. Maintenance dredging as specified in the original authorization would resume after the deepening for a total of 827,564 cubic yards of material removal during the 5-year permit authorization period.

All previous conditions to which the work is made subject shall remain in full force and effect, and one additional condition is added:

k. Prior to the commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate the upcoming dredging schedule with the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil and the Operations Division by email at: Matthew.D.Edwards@usace.army.mil so that a navigation notice can be issued.

Electronic copies of this letter are being provided to your agent, Thompson Engineering, Attention: Mr. Stephen O'Hearn, at sohearn@thompsonengineering.com; the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; and to the Alabama Department of Conservation and Natural Resources, State Lands Division, Attention: Mr. Will Underwood and Mr. Jeremiah Kolb, at submerged.lands@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. Jessica Comeaux at 251-690-3262 or by email at Jessica.C.Comeaux@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:

JEREMY J. CHAPMAN, P.E.
Colonel, U.S. Army
District Commander

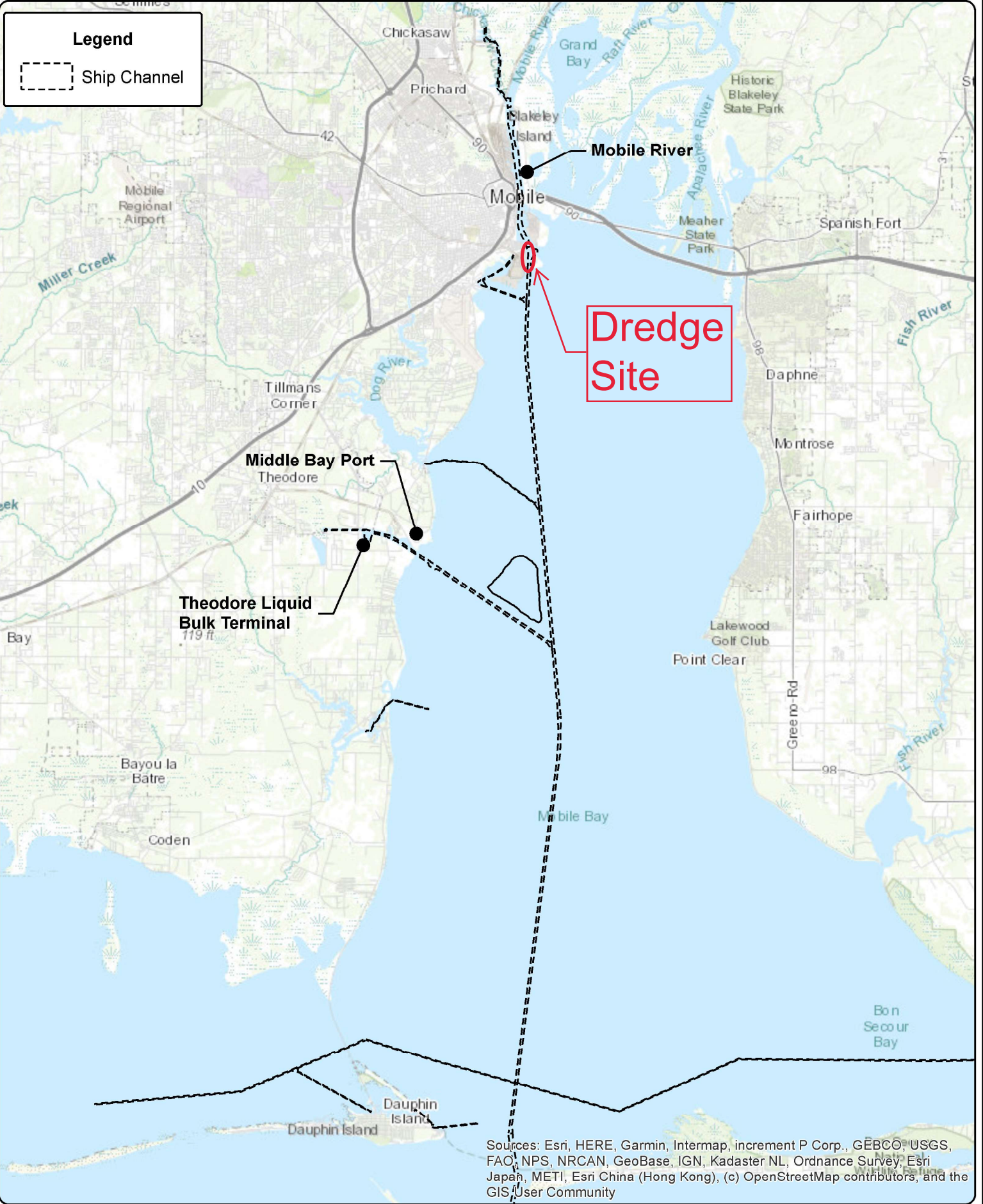
BY:



Digitally signed by S. Brad
Crosson
Date: 2022.08.08 11:18:03 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments



Legend

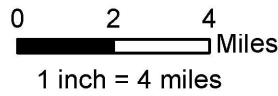
Ship Channel

Dredge Site

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

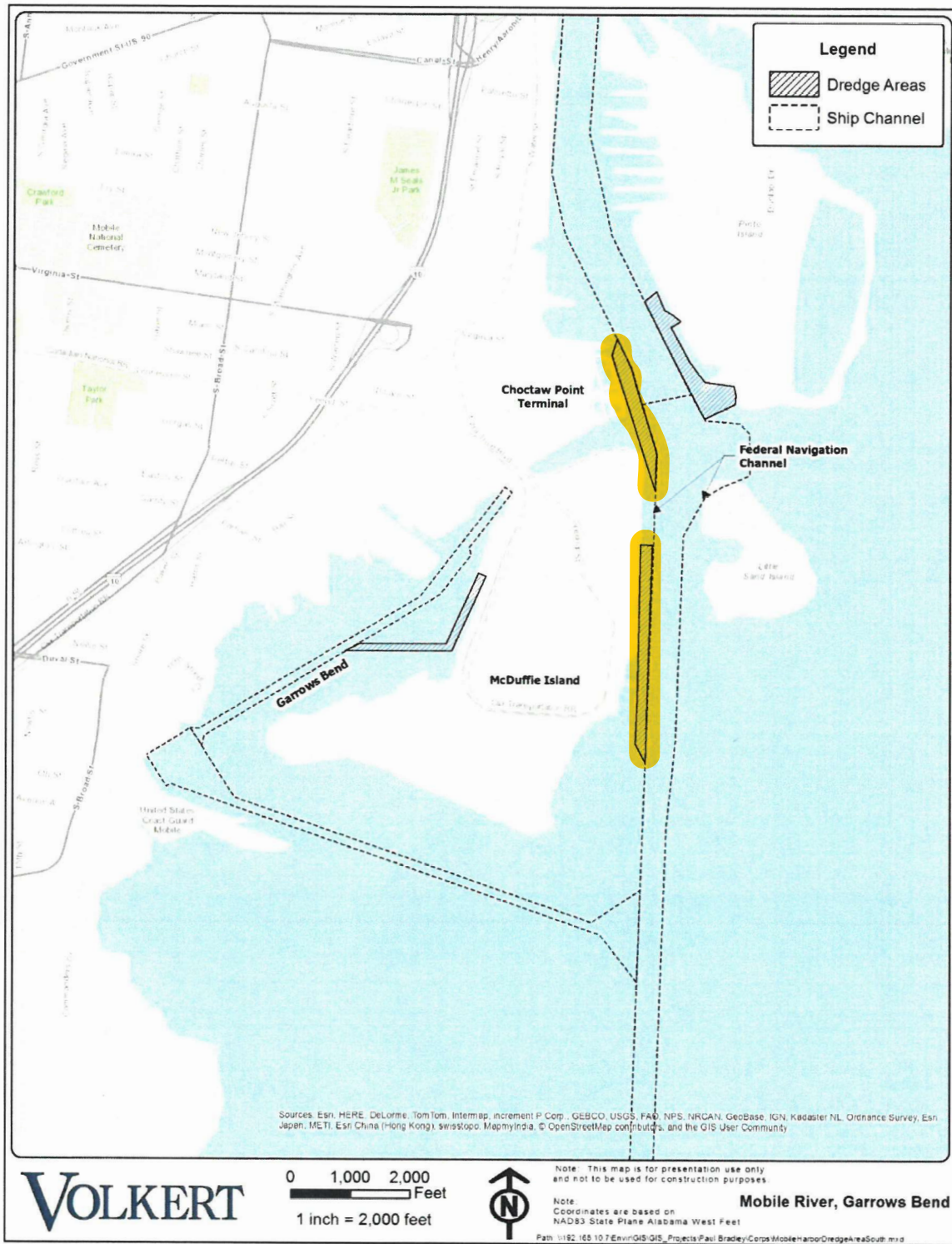
VOLKERT

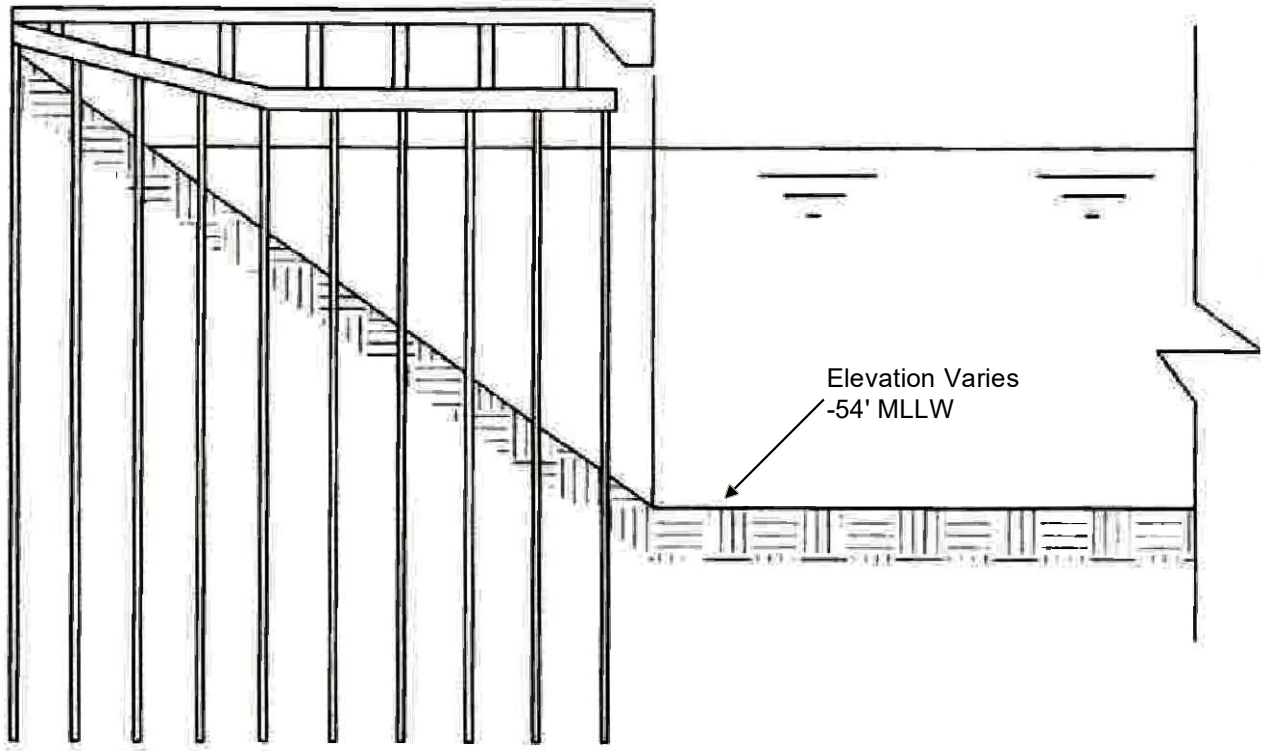


Project Vicinity Map

Department of the Army // SAM-2020-00757-JCC

Path: \\PRJ\GIS\100\1070336\6674\ISDCE\Project\Review\Zhou\Project\GIS\Map Documents\Project Area 9.24.19.mxd





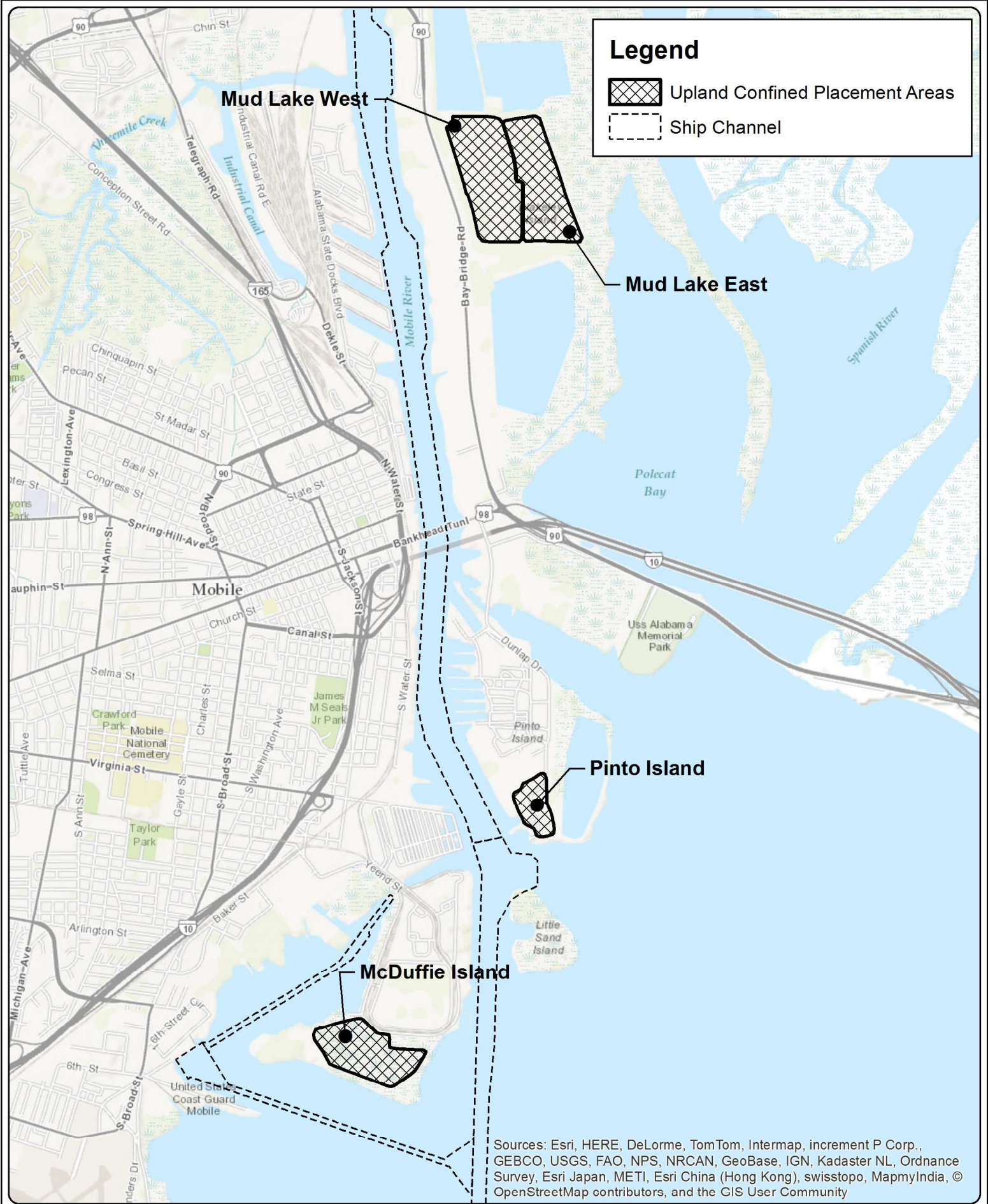
TYPICAL CROSS SECTION

P:\2022\Projects\1101122-1101-0045 ASPA Lower Harbor Dredging\Working\Environmental\GIS\WXD\CROSS SECTION.dwg

ALABAMA STATE PORT AUTHORITY
 McDUFFIE ISLAND / CHOCTAW POINT FACILITIES
 USAACE DREDGING PERMIT MODIFICATION REQUEST
 USAACE PERMIT No.: SAM-2020-00757-JCC
 CITY OF MOBILE, MOBILE COUNTY, ALABAMA



TYPICAL CROSS SECTION	
PROJECT NO.:	DATE:
21-1101-0045	MAY 2022



Legend

-  Upland Confined Placement Areas
-  Ship Channel

Mud Lake West

Mud Lake East

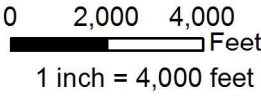
Pinto Island

McDuffie Island

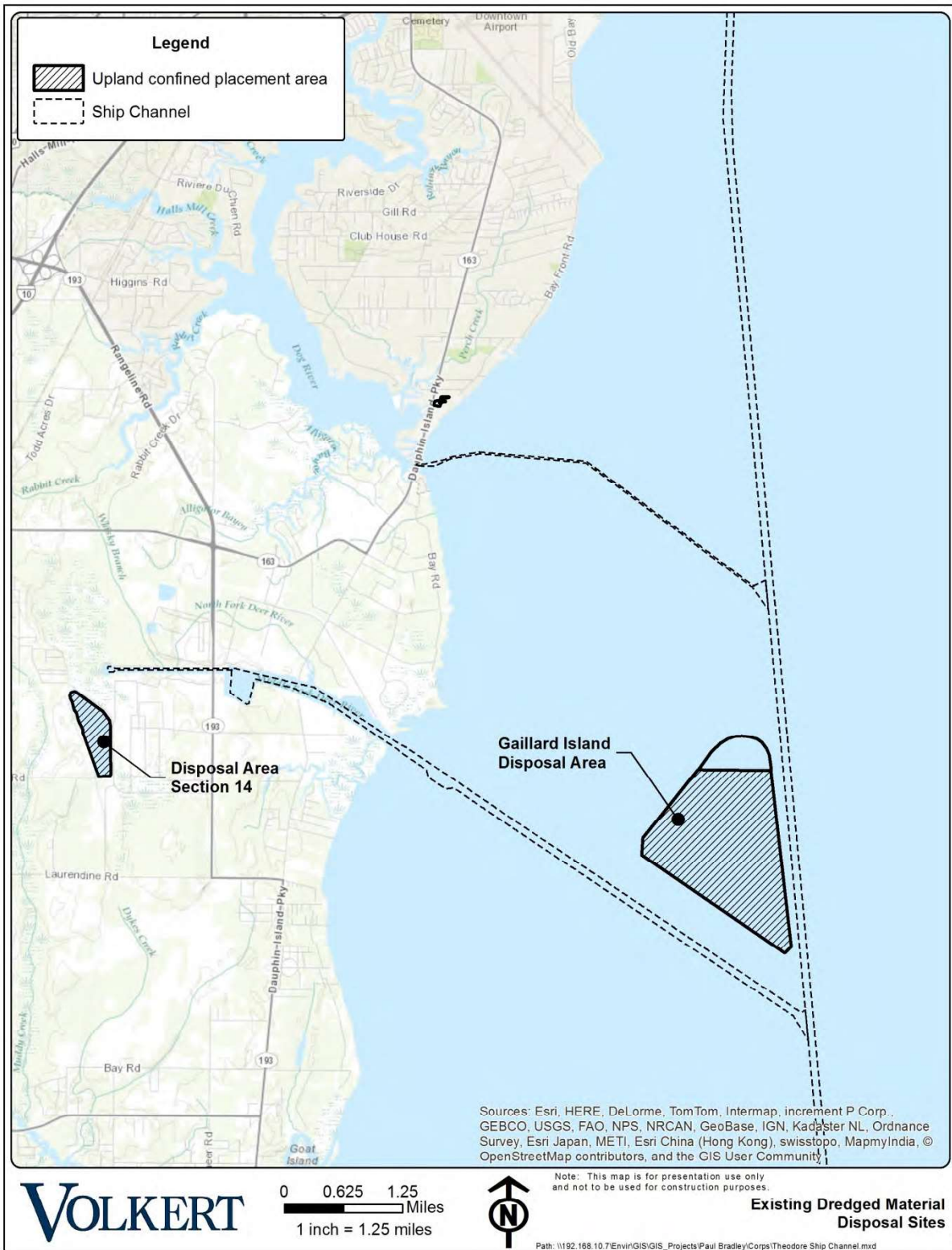
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites





REPLY TO
ATTENTION OF:

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

September 8, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army, Letter of Permission, File Number SAM-2020-00757-JCC, Alabama State Port Authority (ASPA), McDuffie Island / Choctaw Point Maintenance Dredging, Mobile Bay

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

Dear Mr. Harris:

Reference is made to your request for a Department of the Army permit to perform maintenance dredging within the Alabama State Port Authority's McDuffie Island / Choctaw Point facilities on Mobile Bay. The project has been assigned file number SAM-2020-00757-JCC, which should be referred to in any future correspondence with this office concerning this project. The project is located within Mobile Bay; in Section 5, Township 5 South, Range 1 West; at Latitude 30.661524°, Longitude -88.032252°; in Mobile, Mobile County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work in waters of the United States under our regulatory jurisdiction. The project activities include the hydraulic and mechanical dredging of an approximately 151,891 cubic yards of silt-clay-sand mixture from 26.2 acres of waterbottoms annually for five years, for a total of 759,455 cubic yards of material. The project area will be dredged to previously authorized specific depths varying from -36 to -49 feet Mean Lower Low Water (MLLW). Some redistribution of localized mounds of viscous material (fluff) created by ship propellers will be accomplished by drag bar. Dredged material will be placed within 1,650 acres of previously authorized, diked and protected disposal areas located on Blakeley Island, Pinto Island, McDuffie Island, Gaillard Island, and in Theodore, Alabama.

Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), you are hereby authorized by the Secretary of the Army to conduct the above described activities. All work must be conducted in accordance with your submitted data, attached drawings, the attached General Conditions and the following Special Conditions:

a. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein

authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U. S. Army Corps of Engineers (USACE), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019, by the Alabama Department of Environmental Management (ADEM). An email addendum is also attached as a memorandum to the official record confirming the ADEM's Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019 under the file number SAM-2014-00848-GAC cover the activities of this permit.

c. In order for the U.S. Coast Guard (USCG) 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's 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/.

d. The permittee must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The permittee, at a minimum, must implement applicable effective BMPs as provided in the "*Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, July 2018*" published by the Alabama State Soil and Water Conservation Committee. The document may be accessed online at www.alconservationdistricts.gov/resources/erosion-and-sediment-control/.

e. The permittee shall be responsible for the condition of the dredged material disposal areas for the life of the dredging and disposal activity and until the disposal areas are reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal areas sufficient to ensure that turbidity in return water will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTU's above the background turbidity levels in the receiving waters.

f. It is the permittee's responsibility to ensure the contractors working on this project are aware of all General and Special permit conditions.

g. 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) 690-3262 or (251) 690-2658, and the U.S. Fish and Wildlife Service in Daphne, (251) 441-5181.

h. Should artifacts, archeological features, Native American artifacts, or other cultural resource materials be encountered during project activities, work shall cease and the U.S. Army Corps of Engineers (USACE) shall be consulted immediately by telephone at: (251) 690-3262 or (251) 690-2658 such that USACE may initiate appropriate federal, state, and tribal coordination to determine appropriate documentation and recovery efforts. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.

i. The permittee is required to conduct pre- and post-dredging hydrographic surveys of the project area and adjacent Federal Navigation Channel to assure a return of the federal project's conditions. These surveys shall be submitted to the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil, or to the letterhead address. The pre-dredging hydrographic survey shall be completed no greater than thirty (30) days prior to commencement of dredging activities. The post-dredging hydrographic survey shall be completed within fifteen (15) days after completion of the authorized dredging. Both surveys shall be provided to the Mobile District within thirty (30) days of their completion. The surveys shall extend from the Mean High Water (MHW) shoreline to the centerline of the Federal Navigation Channel and 200 feet upstream and downstream of the construction limits. Soundings shall be spaced on 25-foot centers or less. Both surveys shall be controlled from a common baseline (horizontally) and a common vertical datum (mean sea level, mean low water, National Geodetic Vertical Datum, etc.). All surveys should be electronically controlled horizontally from known monuments (fixed coordinate points) and referenced to Mean Lower Low Water (MLLW) with tidal compensation. Surveys should be plotted in cross-section and plan view drawings illustrating 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.

j. Prior to commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate directly with the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division (SLD) regarding modification of any existing riparian easement and the disposition of dredged sands. The ADCNR, SLD at 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, (251) 621-1238.

Please read this letter and the attached General Conditions carefully and comply with its provisions. 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.

You should study and carefully adhere to all the terms and conditions of this LOP. The District Commander must be notified of the commencement and completion of the permitted work. The attached notice of commencement and completion certification forms may be used for that purpose. Also attached is a yellow "NOTICE OF AUTHORIZATION" sign which must be conspicuously displayed at the site during construction of the permitted work. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in its revocation.

If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order that the revised plans may receive the approval required by law before work is begun.

If the activity authorized herein is not completed on or before **September 8, 2025**, this permit, if not previously revoked or specifically extended, shall automatically expire.

Your attention is directed to all conditions under which this permit will be issued. Failure to comply with any condition of the approved permit may result in its suspension, cancellation, or revocation. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Attached you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address. In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the RFA. It is not necessary to submit a Request for Appeal (RFA) form to the District Office, if you do not object to the decision in this letter.

This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state, or federal authority.

You are receiving an electronic copy only of this permit letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this letter are also being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact the project manager, Ms. Jessica C. Comeaux, at (251) 690-3262 or Jessica.C.Comeaux@usace.army.mil if you have any questions. You can visit our website

at www.sam.usace.army.mil/Missions/Regulatory, for additional information about our Regulatory Program. 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 services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Sebastien P. Joly
Colonel, U.S. Army
District Commander

BY:



Digitally signed by
CROSSON.STEVEN.B.1368435178
Date: 2020.09.04 09:23:53 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments

When the structures or work authorized by this permit (SAM-2020-00757-JCC) 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.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED NAME)

COMMENCEMENT CERTIFICATION



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

Permit Number: **SAM-2020-00757-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **September 8, 2020**

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-2020-00757-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **September 8, 2020**

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



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

McDuffie Island / Choctaw Point facilities on Mobile Bay, near Latitude 30.661524°, Longitude -88.032252, Mobile, Mobile County, Alabama

has been issued to ASPA, Attention: Robert Harris on September 8, 2020

Address of Permittee: Post Office Box 1588, Mobile, Alabama 36633

PERMIT NUMBER

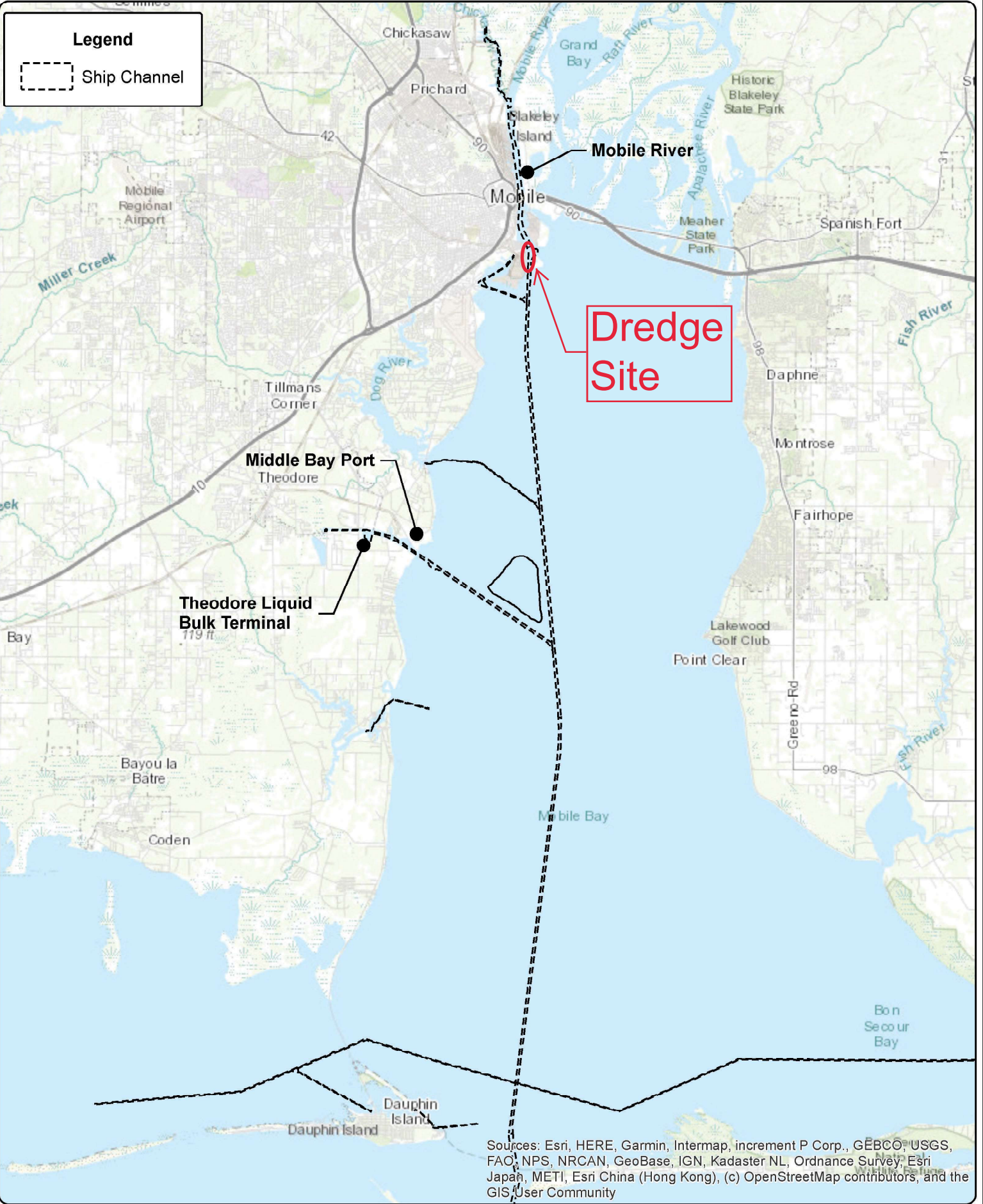
SAM-2020-00757-JCC

Digitally signed by
CROSSON.STEVEN.B.1368435178
Date: 2020.09.04 09:19:07 -05'00'

S. Brad Crosson, Team Leader

South Alabama Branch, Regulatory Division

For the District Commander



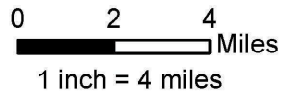
Legend
 [Dashed Line] Ship Channel

Dredge Site

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

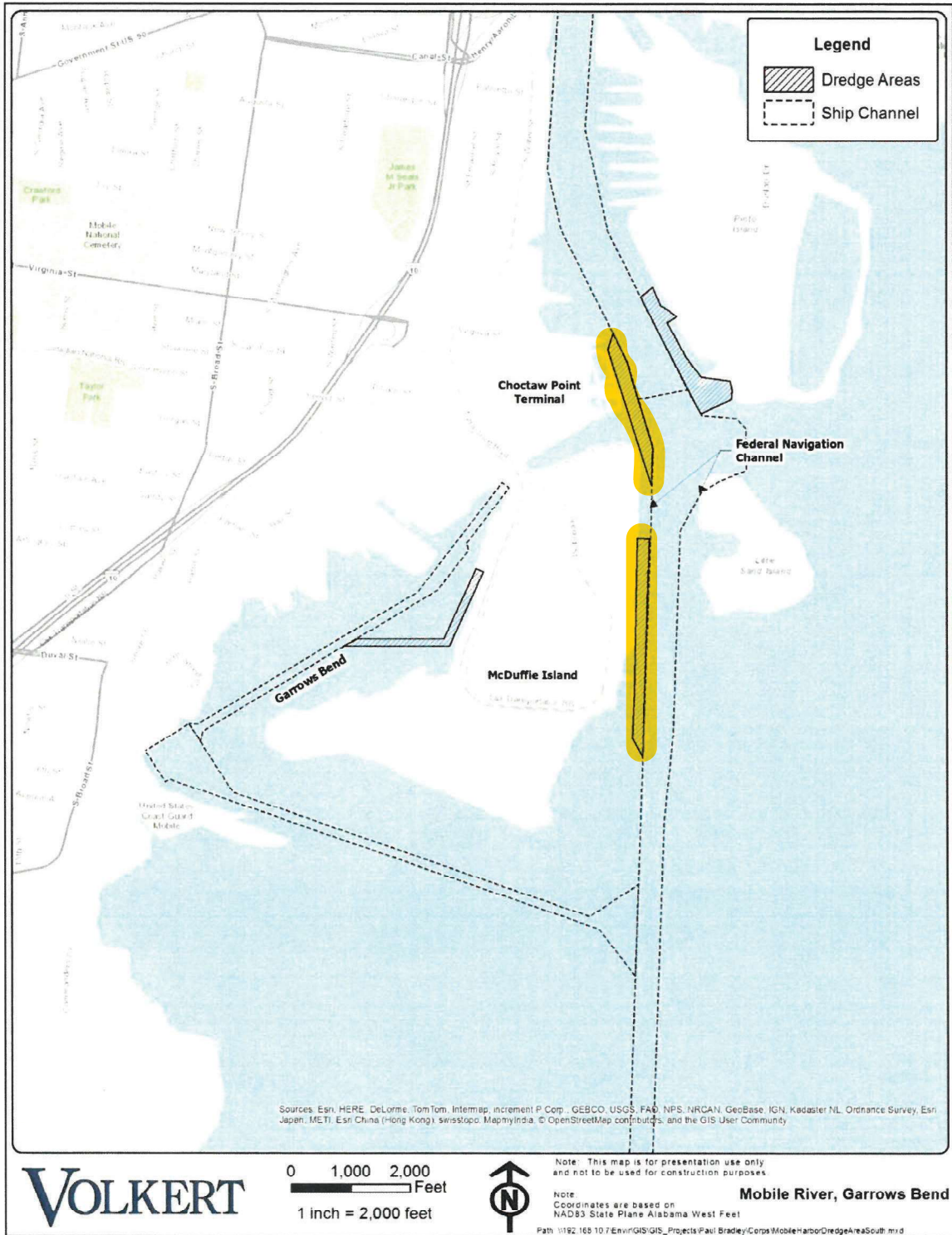
VOLKERT

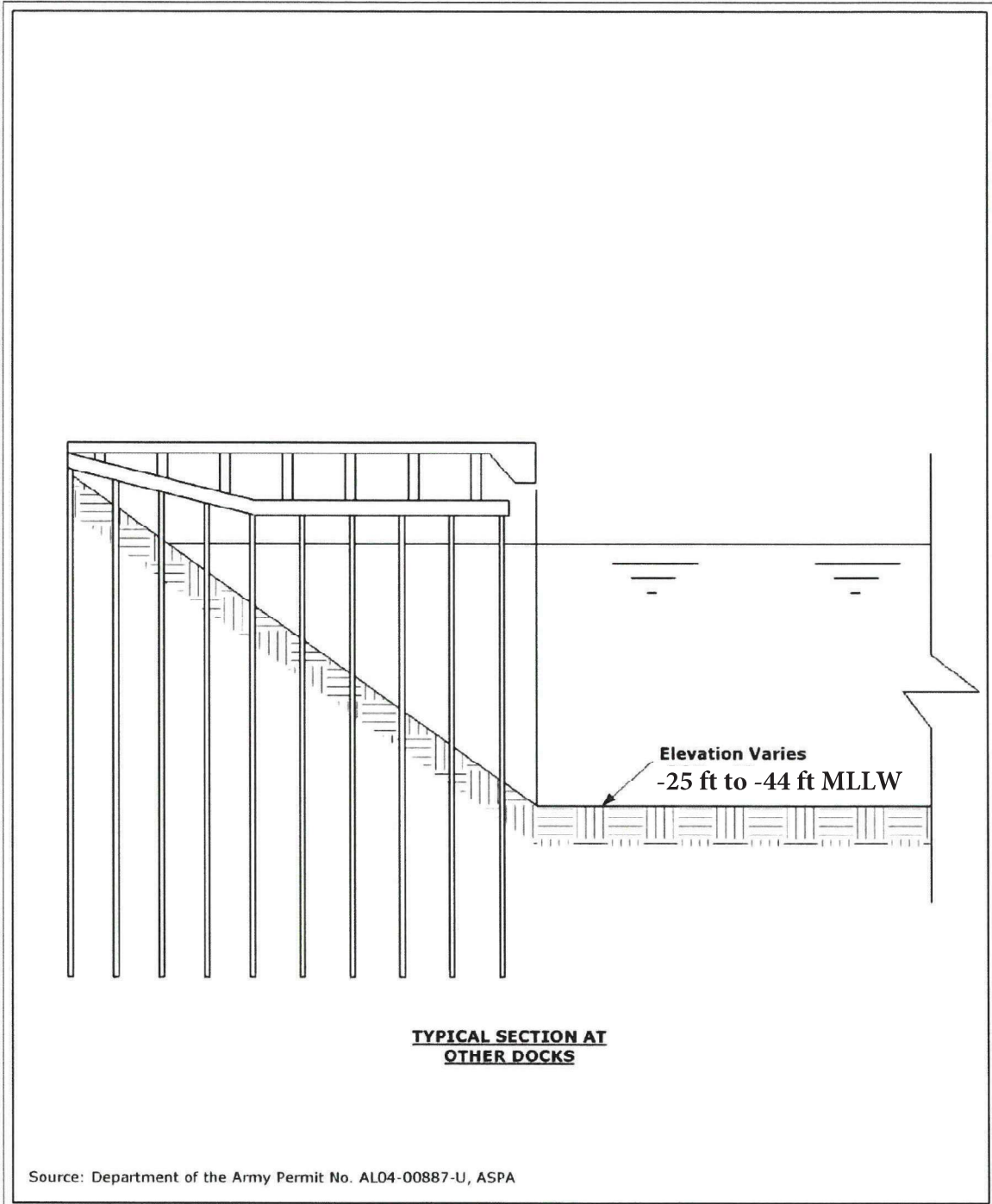


Project Vicinity Map

Department of the Army // SAM-2020-00757-JCC

Path: V:\PROJECTS\100\1070336\06RA\ISDCE\Project Area\09\Chorley Point\GIS\Map Documents\Project Area 9.24.19.mxd





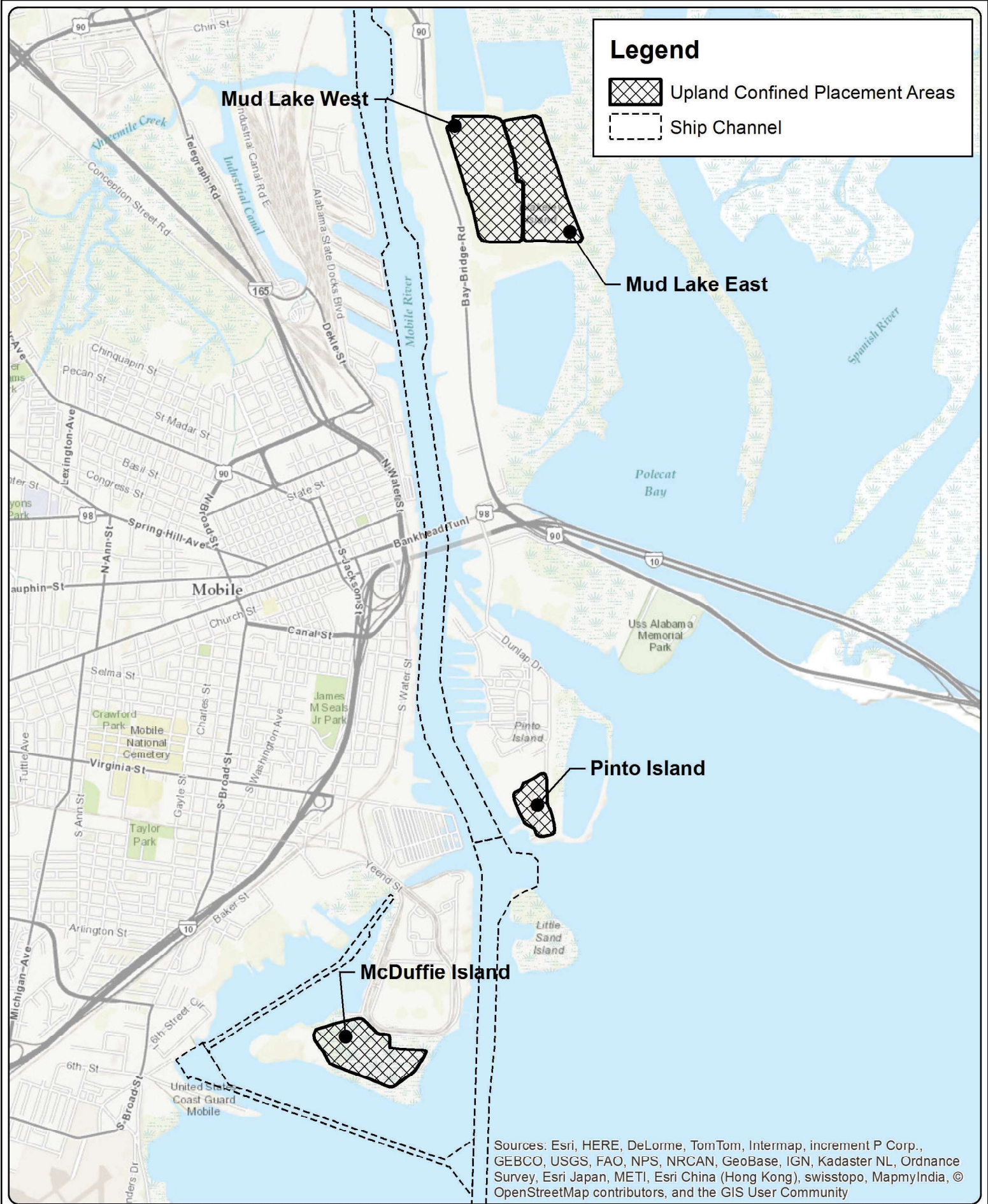
VOLKERT




Note: This map is for presentation use only and not to be used for construction purposes.

Document Path: V:\GIS-GIS_Projects\Paul Bradley\Corps\Dredge Cross Section.mxd

Typical Section



Legend

-  Upland Confined Placement Areas
-  Ship Channel

Mud Lake West

Mud Lake East

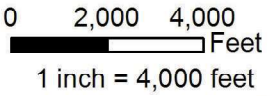
Pinto Island

McDuffie Island

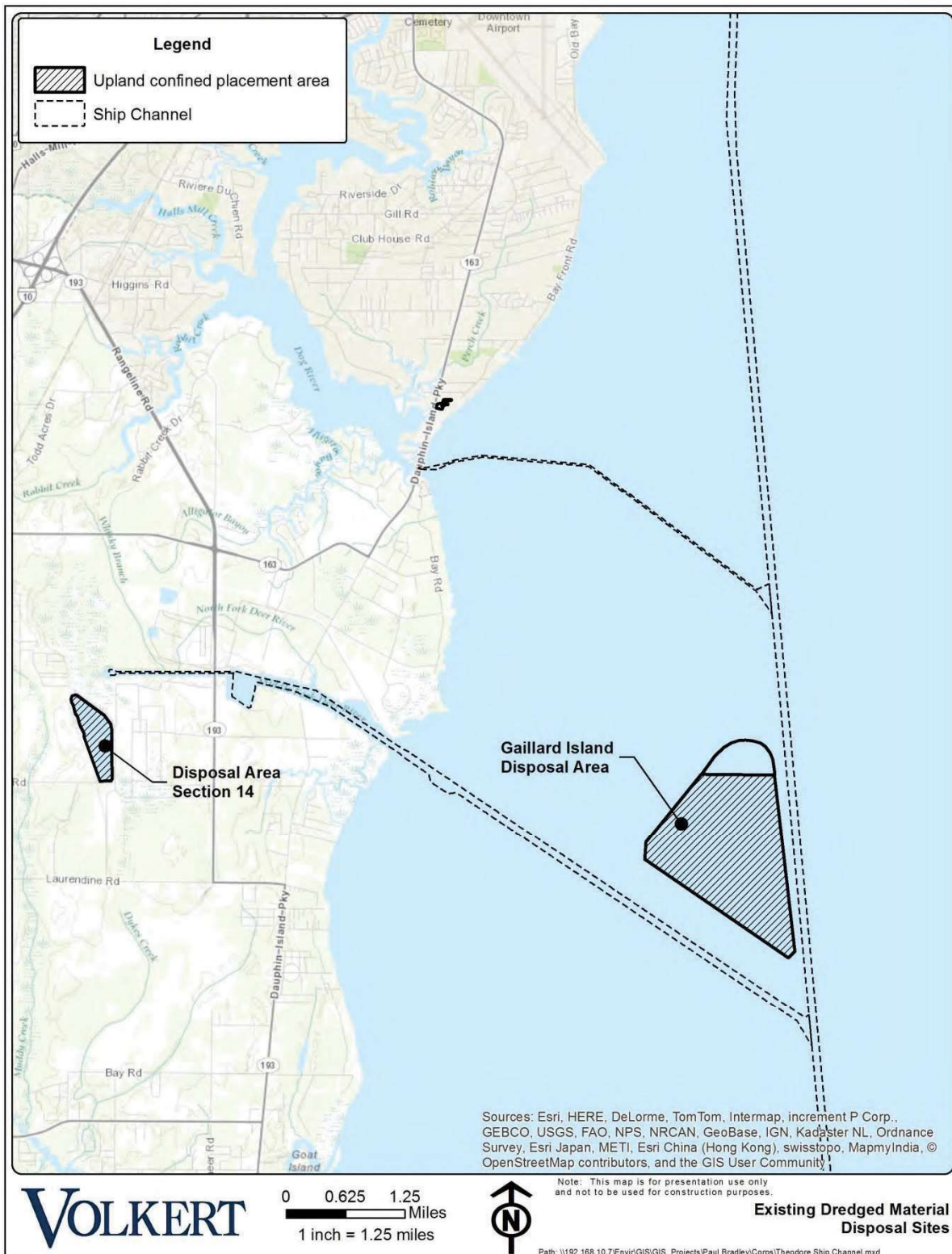
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites

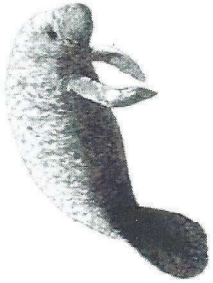


STANDARD MANATEE CONDITIONS FOR IN-WATER WORK OR EVENTS in ALABAMA

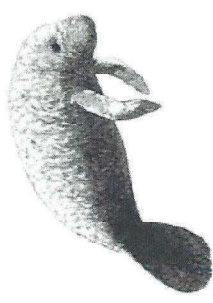
The project manager shall comply with the following conditions intended to protect manatees from direct project effects:

- 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

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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Coastal Consistency Concurrence
Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ACAMP-2014-331.1-FC-
FLP-COE-LOP

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.

On April 12, 2019, the ADEM received certification that Alabama State Port Authority's proposal, referenced above, is consistent with the Alabama Coastal Area Management Program (ACAMP). The ADEM has completed its review of all submitted materials related to perform maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet. Public noticing requirements of Title 15 C.F.R. §930.61 have been completed.

As required by Title 15 C.F.R. §930.62, by this letter all are hereby notified that the ADEM concurs with the submitted certification, conditional upon continued compliance with the ACAMP. This concurrence is limited to the approved activities as described in the final site plans attached to the 30JUL2019 USACE Public Notice. Any deviation from the approved project design must not be implemented without prior written notice and approval from the ADEM as a supplemental coastal consistency certification may be required – pursuant to Title 15 C.F.R. §930.66. 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.

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 15 C.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, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities.

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. 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 any person 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 anyone's possession. This concurrence does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This concurrence is not transferable without prior written notice and approval of the ADEM.

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 ADEM and the Alabama Historical Commission must be immediately notified 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.

Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.02(8), the salinity of return waters from dredge disposal sites shall be similar to that of the receiving waters and reasonable assurance provided that applicable water quality standards will be met.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: CZCERT/



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Water Quality Certification (WQC) Pursuant to Clean Water Act (CWA) §401(a) Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ADEM-2014-331.1-WQC-COE-LOP

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.

On April 12, 2019, the ADEM received a copy of the Alabama State Port Authority's application to the USACE and has completed its review of all submitted materials related to maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet.

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 all are hereby notified 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 30JUL2019 USACE Public Notice. This WQC terminates coincidentally with the expiration of SAM-2014-00848-GAC, but in no case shall this WQC exceed a maximum of five years from the date the USACE issues the permit unless specifically authorized in response to a written request for same. 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.



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.

By accepting this WQC from the State of Alabama, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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 this concurrence are not delegable by contract or otherwise. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities. Any violations of the ADEM's Administrative Code may be considered violations of this WQC and may result in an enforcement action.

This WQC only addresses potential discharges to state waters resulting from approved activities. 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 any person 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 anyone's possession. This WQC does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This WQC is not transferable without prior written notice and approval of the ADEM.

Adherence to the following conditions is required in order to ensure protection of water quality.

1. Effective Best Management Practices (BMPs) must be implemented 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. Appropriate BMPs to minimize turbidity impacts to the maximum extent practicable shall be implemented. 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, operations must cease until turbidity is restored to acceptable levels.
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 operations or as identified by ADEM technical staff during inspections, work/activity and all discharges shall, where necessary to maintain compliance with this WQC, be suspended, halted, reduced, or otherwise controlled until effective treatment is restored.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: 401WQ/

From: [Brown, Scott](#)
To: [Comeaux, Jessica C CIV \(USA\)](#)
Subject: [Non-DoD Source] 683 2014-331.1 097 10-30-2019 CORS JSB COVERAGE CLARIFICATION | SAM-2014-00848-GAC
Date: Monday, August 3, 2020 3:00:37 PM

This email is to confirm that the CZM and 401WQC letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area.

Call or email anytime with questions.

v/r,
J. Scott Brown, Chief
Mobile Field Office
251.304.1176

-----Original Message-----

From: Comeaux, Jessica C CIV (USA) <Jessica.C.Comeaux@usace.army.mil>
Sent: Monday, August 3, 2020 1:30 PM
To: Brown, Scott <jsb@adem.alabama.gov>; Mobile Coastal Mail <Coastal@adem.alabama.gov>
Subject: ASPA Dredge Projects // Multiple File Numbers

Mr. Brown,

Please recall a discussion we had last week about the Alabama State Port Authority's request for continued maintenance dredging in various locations around Mobile Bay.

The Corps issued an Agency Notice for the work under file number SAM-2014-00848-GAC. The Corps requested Water Quality Certification and Coastal Zone Consistency (WQC/CZM) certification from your office under this file number, as well.

Because some of the areas being dredged were required to perform sediment sampling and analysis, the Corps separated each total and complete project area into its own file number and proceeded with permitting of only those areas where testing was not necessary. You received copies of those permits in April, as follows:

SAM-2014-00848-GAC - Main Docks
SAM-2020-00344-JCC - Pinto
SAM-2020-00345-JCC - Middle Bay Port
SAM-2020-00346-JCC - Theodore Liquid Bulk Terminal

Sediment testing has been completed, and the EPA has agreed that dredging can move forward with a reasonable assumption that the material is safe and within allowable contamination limits. I will be finalizing the evaluation for the remaining areas under the following file numbers:

SAM-2020-00757-JCC - McDuffie Island and Choctaw Point SAM-2020-00758-JCC - Garrows Bend SAM-2020-00759-JCC - Three Mile Creek

I am respectfully requesting you confirm that the attached letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area. I will use this confirmation as a memo to our official record to minimize confusion for the port as they proceed with their authorized activities. Thank you for your time!

Sincerely,

Jessica C. Comeaux
U.S. Army Corps of Engineers
Project Manager
Mobile District, Regulatory Division
South Alabama Branch

P.O. Box 2288
109 Saint Joseph Street
Mobile, Alabama 36628
Phone: 251-690-3262
Email: Jessica.C.Comeaux@usace.army.mil

FILE NUMBER: SAM-2020-00757-JCC

PERMITTEE: Alabama State Port Authority, Attention: Robert Harris

PERMIT GENERAL CONDITIONS/INFORMATION

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **September 8, 2025** if you find that you need more time to complete the authorized activity, you must submit your request for a time extension to this office for consideration at least one 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 conditions 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.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 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.

Permit General Conditions/Information

Page 2

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 reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR Part 325.7 or enforcement procedures such as those contained in 33 CFR Part 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 Part 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 U. S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.



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

August 8, 2022

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit **Modification Number 2**, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock, Mobile River

Alabama State Port Authority
Attention: Mr. Doug Otto
Email Address: doug.otto@alports.com
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Otto:

Reference is made to your May 3, 2022, request for **Modification Number 2** of your Department of the Army (DA) permit authorized under file number SAM-2020-00344-JCC. The original permit authorized continued annual maintenance dredging at the Alabama State Port Authority (ASPA) Pinto Dock within Mobile River. The project is located within the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

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

Project Modification 2: The modification authorizes an increased depth of dredging of the 6.62-acre project area to -54 feet below Mean Lower Low Water (MLLW) to match the receiving waters in the area and would increase the amount of dredged silt-clay-sand material during the initial dredge event to 99,000 cubic yards. Maintenance dredging as specified in the original authorization would resume after the deepening for a total of 315,000 cubic yards of material removal during the 5-year permit authorization period.

All previous conditions to which the work is made subject shall remain in full force and effect, and one additional condition is added:

k. Prior to the commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate the upcoming dredging schedule with the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil and the Operations Division by email at: Matthew.D.Edwards@usace.army.mil so that a navigation notice can be issued.

Electronic copies of this letter are being provided to your agent, Thompson Engineering, Attention: Mr. Stephen O'Hearn, at sohearn@thompsonengineering.com; the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; and to the Alabama Department of Conservation and Natural Resources, State Lands Division, Attention: Mr. Will Underwood and Mr. Jeremiah Kolb, at submerged.lands@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. Jessica Comeaux at (251) 690-3262 or by email at Jessica.C.Comeaux@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:

JEREMY J. CHAPMAN, P.E.
Colonel, U.S. Army
District Commander

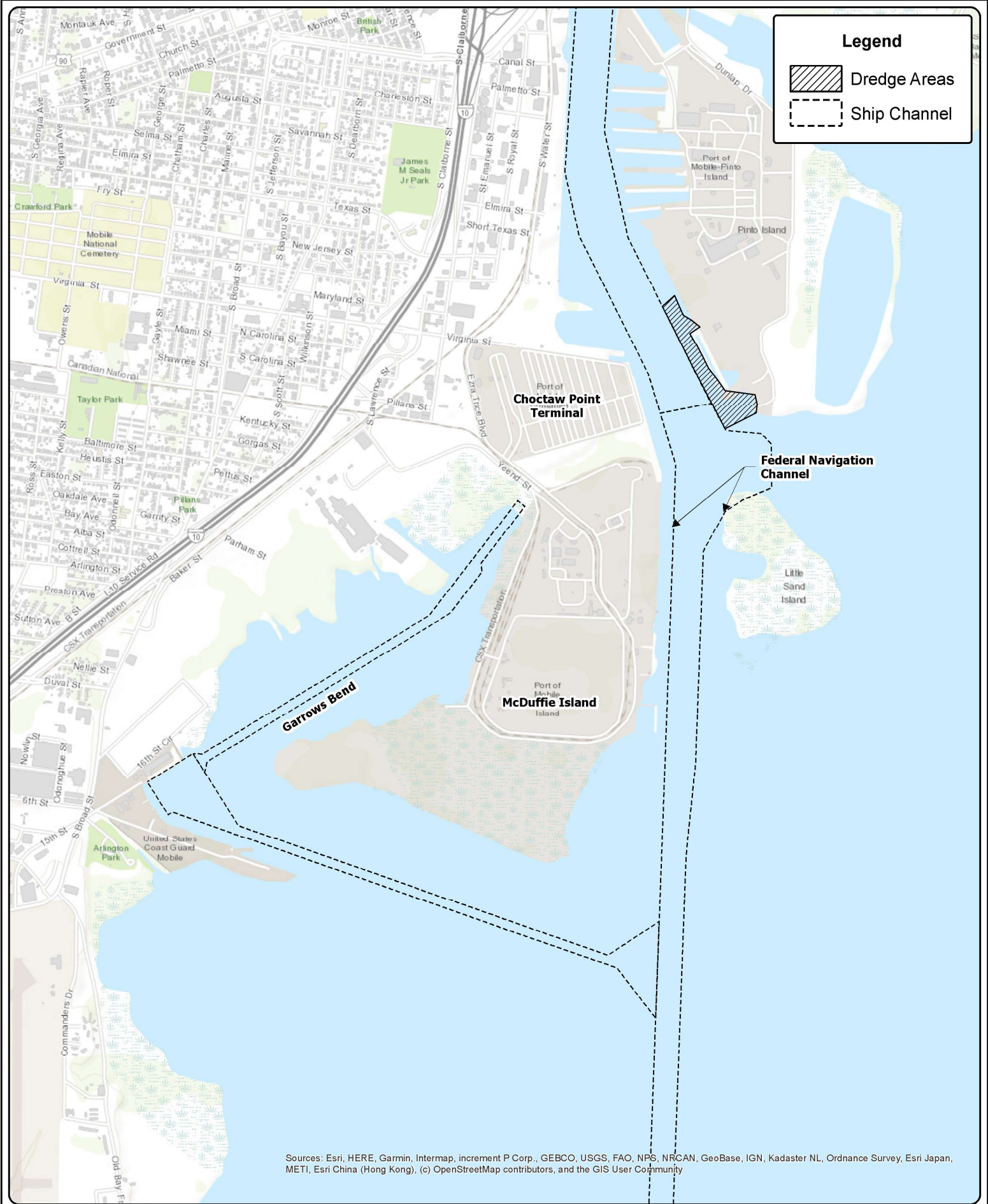
BY:





Digitally signed by S. Brad Crosson
Date: 2022.08.08 12:51:08 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

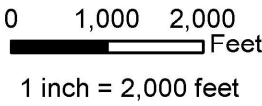
Attachments



Legend

-  Dredge Areas
-  Ship Channel

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Note: This map is for presentation use only and not to be used for construction purposes.

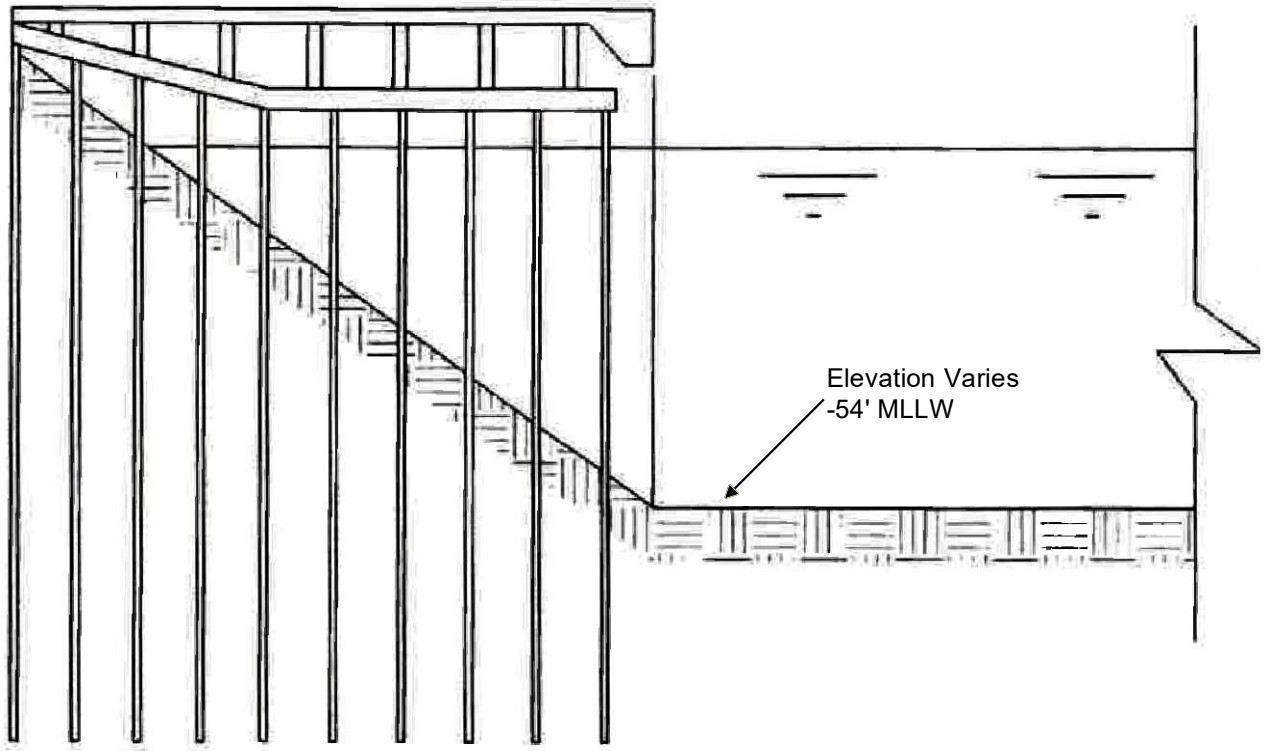
Note: Coordinates are based on NAD83 State Plane Alabama West Feet

Mobile River

VOLKERT

Department of the Army // SAM-2020-00344-JCC

Path: V:\PROJECTS\100001\000339 - ASPA USACE Permit Renewal for Choctaw Point\GIS\Map Documents\MobileHarborDredgeAreaSouth.mxd



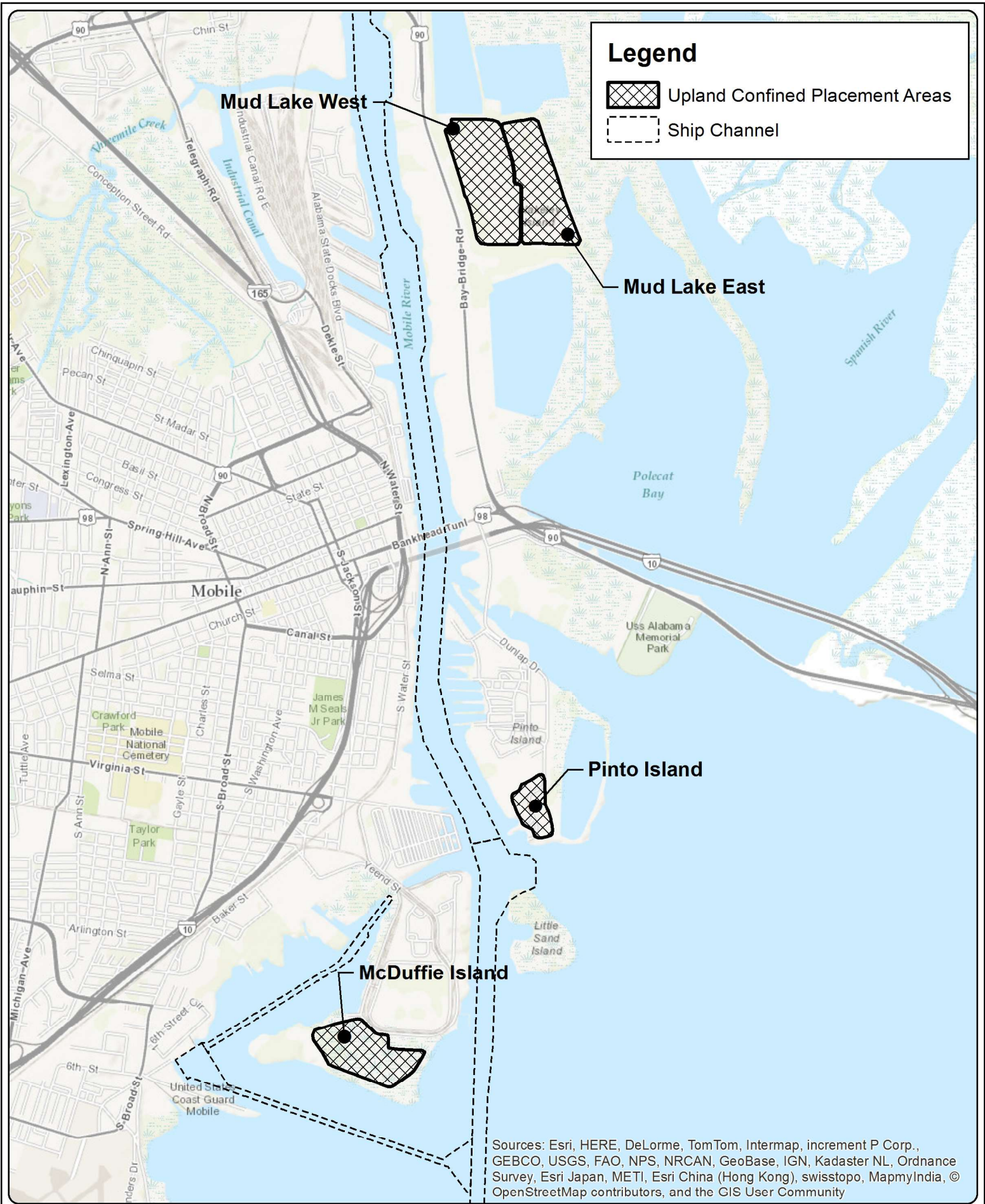
TYPICAL CROSS SECTION

P:\2022\Projects\1101122-1101-0045 ASPA Lower Harbor Dredging\Working\Environmental\GIS\WXD\CROSS SECTION.dwg

ALABAMA STATE PORT AUTHORITY
 PINTO ISLAND DOCK FACILITY
 USAACE DREDGING PERMIT MODIFICATION REQUEST
 USAACE PERMIT No.: SAM-2020-00344-JCC
 CITY OF MOBILE, MOBILE COUNTY, ALABAMA



TYPICAL CROSS SECTION	
PROJECT NO.:	DATE:
21-1101-0045	MAY 2022



Legend

-  Upland Confined Placement Areas
-  Ship Channel

Mud Lake West

Mud Lake East

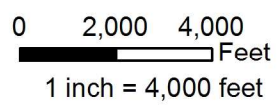
Pinto Island

McDuffie Island

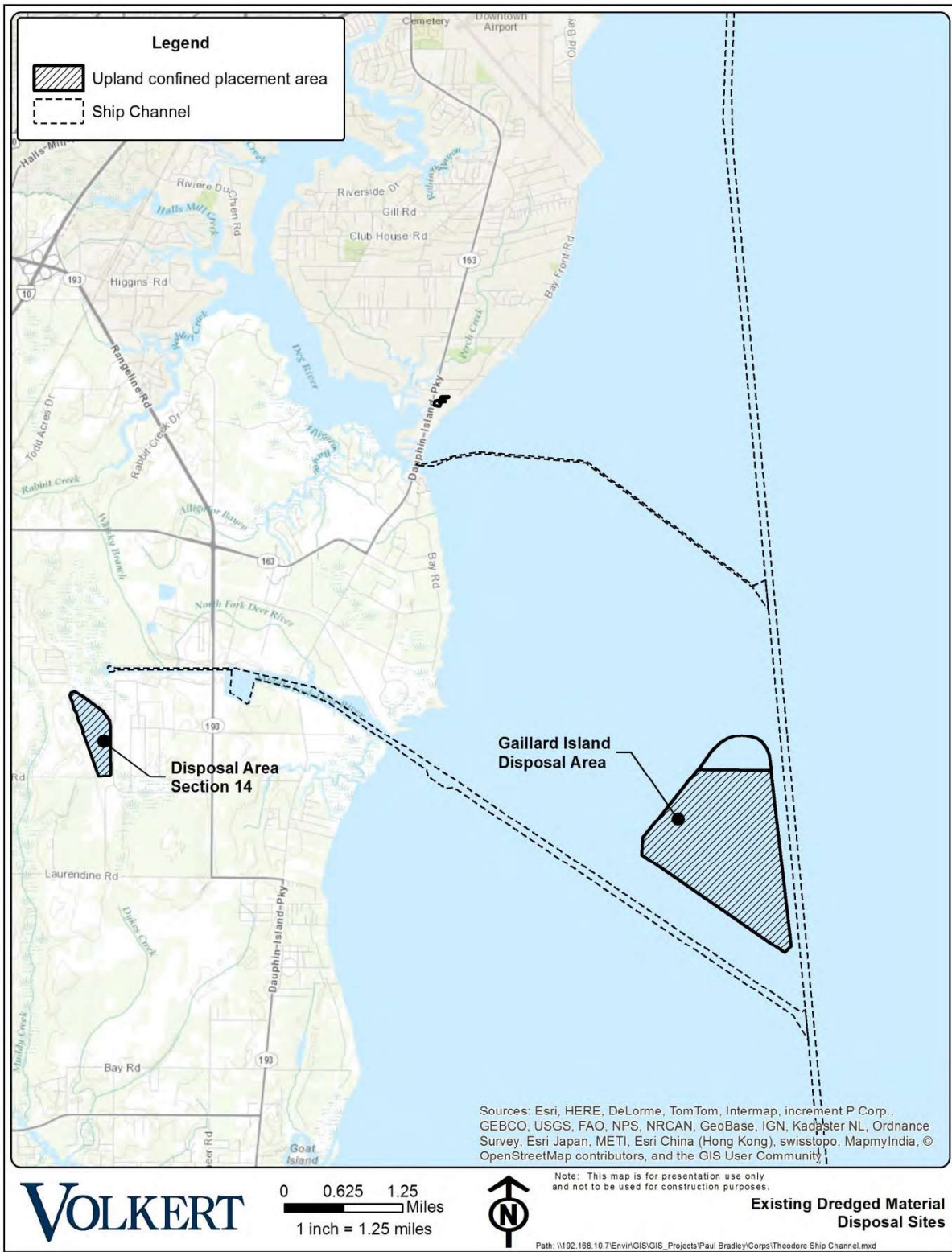
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites





REPLY TO
ATTENTION OF

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

August 27, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Modification Number 1 to Department of the Army Letter of Permission, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock Maintenance Dredging, Mobile River

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

Dear Mr. Harris:

This letter is in reference to modification of the subject Department of the Army (DA) Letter of Permission (LOP) issued on April 06, 2020 (attached), which authorized maintenance dredging activities in the Alabama State Port Authority's Pinto Dock facility on the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

Special Condition (b.) of the subject DA permit is hereby modified as follows:

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019, by the Alabama Department of Environmental Management (ADEM). An email addendum is also attached as a memorandum to the official record confirming that the ADEM's Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019 under the file number SAM-2014-00848-GAC cover the activities of this permit.

If the activity authorized herein is not completed on or before April 06, 2025, this permit, if not previously revoked or specifically extended, shall expire. All terms and conditions of the permit (SAM-2020-00344-JCC) will remain in effect.


A copy of this modification is being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at

jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact Ms. Jessica C. Comeaux at (251) 690-3262, or by email at Jessica.C.Comeaux@usace.army.mil, 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:

Sebatien P. Joly
Colonel, Corps of Engineers
District Commander

BY:  Digitally signed by
CROSSON.STEVEN.B.13684351
78
Date: 2020.08.27 13:21:07 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments



REPLY TO
ATTENTION OF:

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

April 06, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army, Letter of Permission, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock Maintenance Dredging, Mobile River

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

Dear Mr. Harris:

Reference is made to your request for a Department of the Army permit to perform maintenance dredging within the Alabama State Port Authority's Pinto Dock facility on the Mobile River. The project has been assigned file number SAM-2020-00344-JCC, which should be referred to in any future correspondence with this office concerning this project. The project is located within the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work in waters of the United States under our regulatory jurisdiction. The project activities include the hydraulic and mechanical dredging of an approximately 54,000 cubic yards of silt-clay-sand mixture from 6.62 acres of waterbottoms annually for five years, for a total of 270,000 cubic yards of material. The project area will be dredged to previously-authorized specific depths varying from -47 to -49 feet Mean Lower Low Water (MLLW). Dredged material will be placed within 1,650 acres of previously authorized, diked and protected disposal areas located on Blakeley Island, Pinto Island, McDuffie Island, Gaillard Island, and in Theodore, Alabama. Some redistribution of localized mounds of viscous material (fluff) created by ship propellers will be accomplished by drag bar.

Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), you are hereby authorized by the Secretary of the Army to conduct the above described activities. All work must be conducted in accordance with your submitted data, attached drawings, the attached General Conditions and the following Special Conditions:

a. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative,

said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U. S. Army Corps of Engineers (USACE), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Consistency Certification issued October 29, 2019, by the Alabama Department of Environmental Management (ADEM).

c. In order for the U.S. Coast Guard (USCG) 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's 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/.

d. The permittee must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The permittee, at a minimum, must implement applicable effective BMPs as provided in the "*Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, July 2018*" published by the Alabama State Soil and Water Conservation Committee. The document may be accessed online at www.alconservationdistricts.gov/resources/erosion-and-sediment-control/.

e. The permittee shall be responsible for the condition of the dredged material disposal areas for the life of the dredging and disposal activity and until the disposal areas are reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal areas sufficient to ensure that turbidity in return water will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTU's above the background turbidity levels in the receiving waters.

f. It is the permittee's responsibility to ensure the contractors working on this project are aware of all General and Special permit conditions.

g. 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) 690-3262 or (251) 690-2658, and the U.S. Fish and Wildlife Service in Daphne, (251) 441-5181.

h. Should artifacts, archeological features, Native American artifacts, or other cultural resource materials be encountered during project activities, work shall cease and the U.S. Army Corps of Engineers (USACE) shall be consulted immediately by telephone at: (251) 690-3262 or (251) 690-2658 such that USACE may initiate appropriate federal, state, and tribal coordination to determine appropriate documentation and recovery efforts. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.

i. The permittee is required to conduct pre- and post-dredging hydrographic surveys of the project area and adjacent Federal Navigation Channel to assure a return of the federal project's conditions. These surveys shall be submitted to the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil, or to the letterhead address. The pre-dredging hydrographic survey shall be completed no greater than thirty (30) days prior to commencement of dredging activities. The post-dredging hydrographic survey shall be completed within fifteen (15) days after completion of the authorized dredging. Both surveys shall be provided to the Mobile District within thirty (30) days of their completion. The surveys shall extend from the Mean High Water (MHW) shoreline to the centerline of the Federal Navigation Channel and 200 feet upstream and downstream of the construction limits. Soundings shall be spaced on 25-foot centers or less. Both surveys shall be controlled from a common baseline (horizontally) and a common vertical datum (mean sea level, mean low water, National Geodetic Vertical Datum, etc.). All surveys should be electronically controlled horizontally from known monuments (fixed coordinate points) and referenced to Mean Lower Low Water (MLLW) with tidal compensation. Surveys should be plotted in cross-section and plan view drawings illustrating 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.

j. Prior to commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate directly with the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division (SLD) regarding modification of any existing riparian easement and the disposition of dredged sands. The ADCNR, SLD at 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, (251) 621-1238.

Please read this letter and the attached General Conditions carefully and comply with its provisions. 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.

You should study and carefully adhere to all the terms and conditions of this LOP. The District Commander must be notified of the commencement and completion of the permitted work. The attached notice of commencement and completion certification forms may be used for that purpose. Also attached is a yellow "NOTICE OF AUTHORIZATION" sign which must be conspicuously displayed at the site during construction of the permitted work. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in its revocation.

If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order that the revised plans may receive the approval required by law before work is begun.

If the activity authorized herein is not completed on or before **April 06, 2025**, this permit, if not previously revoked or specifically extended, shall automatically expire.

Your attention is directed to all conditions under which this permit will be issued. Failure to comply with any condition of the approved permit may result in its suspension, cancellation, or revocation. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Attached you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address. In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the RFA. It is not necessary to submit a Request for Appeal (RFA) form to the District Office, if you do not object to the decision in this letter.

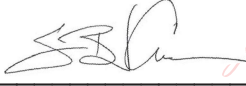
This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state, or federal authority.

You are receiving an electronic copy only of this permit letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this letter are also being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact the project manager, Ms. Jessica C. Comeaux, at (251) 690-3262 or Jessica.C.Comeaux@usace.army.mil if you have any questions. You can visit our website at www.sam.usace.army.mil/Missions/Regulatory, for additional information about our Regulatory Program. 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 services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Sebastien P. Joly
Colonel, U.S. Army
District Commander

BY:  Digitally signed by
CROSSON.STEVEN.B.1368435178
Date: 2020.04.06 16:46:20 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments

When the structures or work authorized by this permit (SAM-2020-00344-JCC) 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.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED NAME)

FILE NUMBER: SAM-2020-00344-JCC

PERMITTEE: Alabama State Port Authority, Attention: Robert Harris

PERMIT GENERAL CONDITIONS/INFORMATION

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **April 6, 2025** if you find that you need more time to complete the authorized activity, you must submit your request for a time extension to this office for consideration at least one 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 conditions 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.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 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.

Permit General Conditions/Information

Page 2

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.

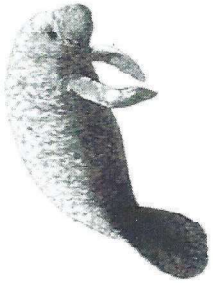
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR Part 325.7 or enforcement procedures such as those contained in 33 CFR Part 326.4 and 326.5. The referenced enforcement procedures provide for the 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 Part 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 U. S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.

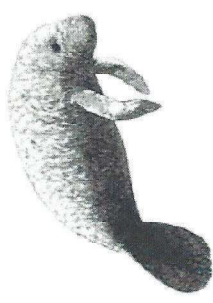
Standard Manatee Conditions for In-Water Activities

The following conditions are recommended for any in-water work occurring between June 1 and December 31.

1. All on-site personnel will be responsible for observing water-related activities for the presence of manatees.
2. If a manatee is spotted within a 50-foot radius (buffer zone) of the action area, all work, equipment, and vessel operation **must** cease. Manatees must not be herded or harassed into leaving the active work area. Once the manatee has left the buffer zone on its own accord, and after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
3. If a manatee(s) is sighted outside of, but near to the action area, all vessels associated with the project should operate at "no wake/idle" speeds within the action area; and at all times while in waters where the draft of the vessel provides less than a 4-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
4. If used, siltation or turbidity barriers should be properly secured and be monitored to avoid manatee entrapment or obstruction to their movement.
5. Temporary signs concerning manatees **must** be posted prior to and during all in-water project activities and then removed upon completion of in-water activities. Each vessel involved in construction activities **must** display a temporary sign at the vessel control station or in a prominent location, visible to all employees operating the vessel. The temporary sign must be at least 8½" x 11" reading language similar to the following: "CAUTION: MANATEE AREA. IDLE SPEED IS REQUIRED IN ACTION AREA AND WHERE THERE IS LESS THAN FOUR-FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½" x 11" **must** be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA. EQUIPMENT **MUST** BE SHUT DOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF VESSEL OPERATION".
6. Collisions with, injury to, or sightings of manatees **must** be immediately reported to the USFWS's Mobile, AL (251-441-5181) or Panama City, FL (850-769-0552) Ecological Services Office. Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.



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

COMMENCEMENT CERTIFICATION



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

Permit Number: **SAM-2020-00344-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **April 06, 2020**

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-2020-00344-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **April 06, 2020**

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



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
Alabama State Port Authority (ASPA), Pinto Dock, Mobile River, Mobile County, Alabama

has been issued to Alabama State Port Authority, Attn: Bob Harris on April 6, 2020

Address of Permittee: Post Office Box 1588, Mobile, Alabama 36633

PERMIT NUMBER

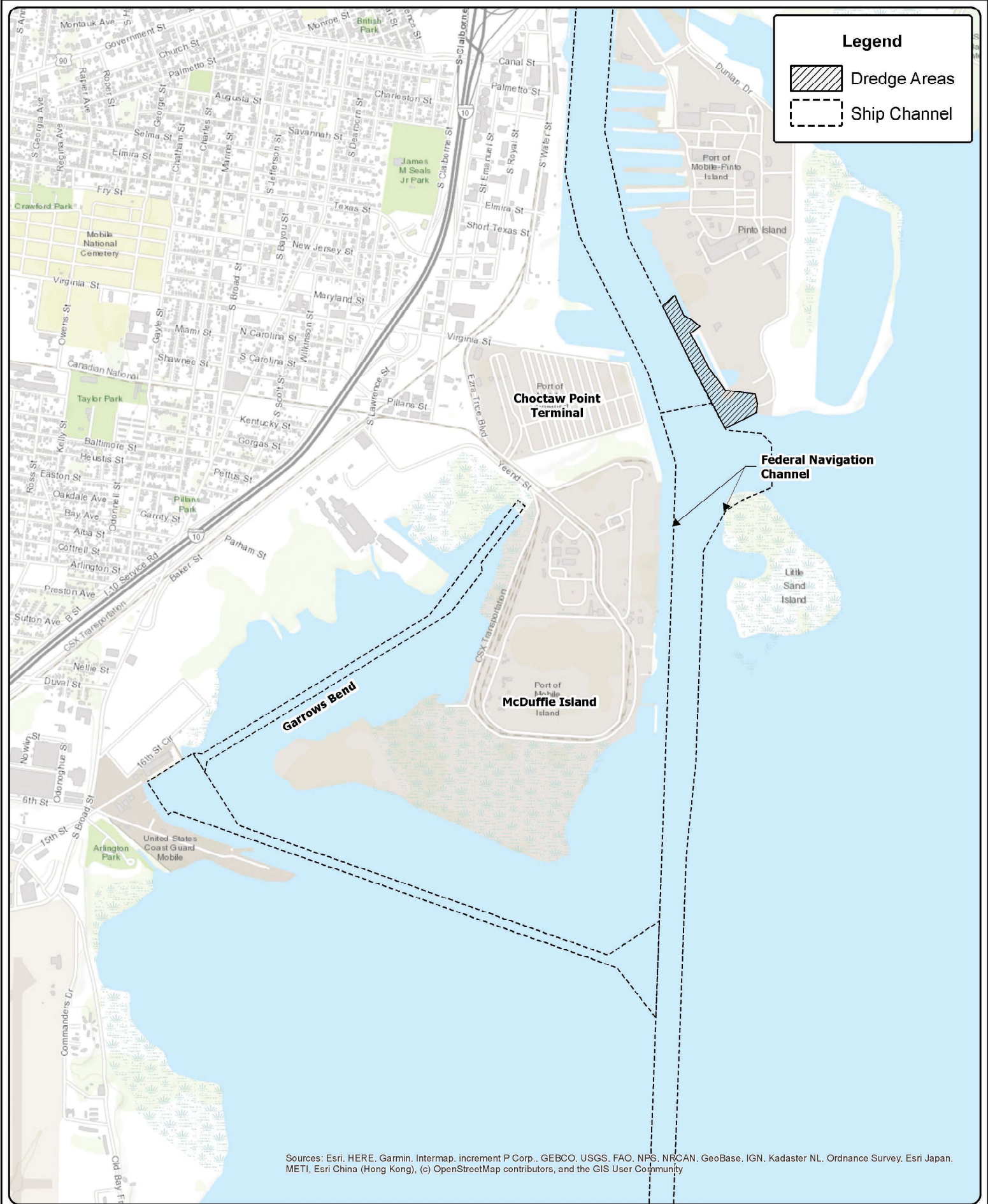
SAM-2020-00344-JCC

Digitally signed by
CROSSON.STEVEN.B.1368435178
Date: 2020.04.06 16:45:01 -05'00'



S. Brad Crosson, Team Leader

South Alabama Branch, Regulatory Division

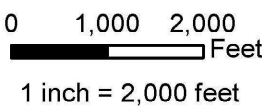
For the District Commander



Legend

-  Dredge Areas
-  Ship Channel

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Note: This map is for presentation use only and not to be used for construction purposes.

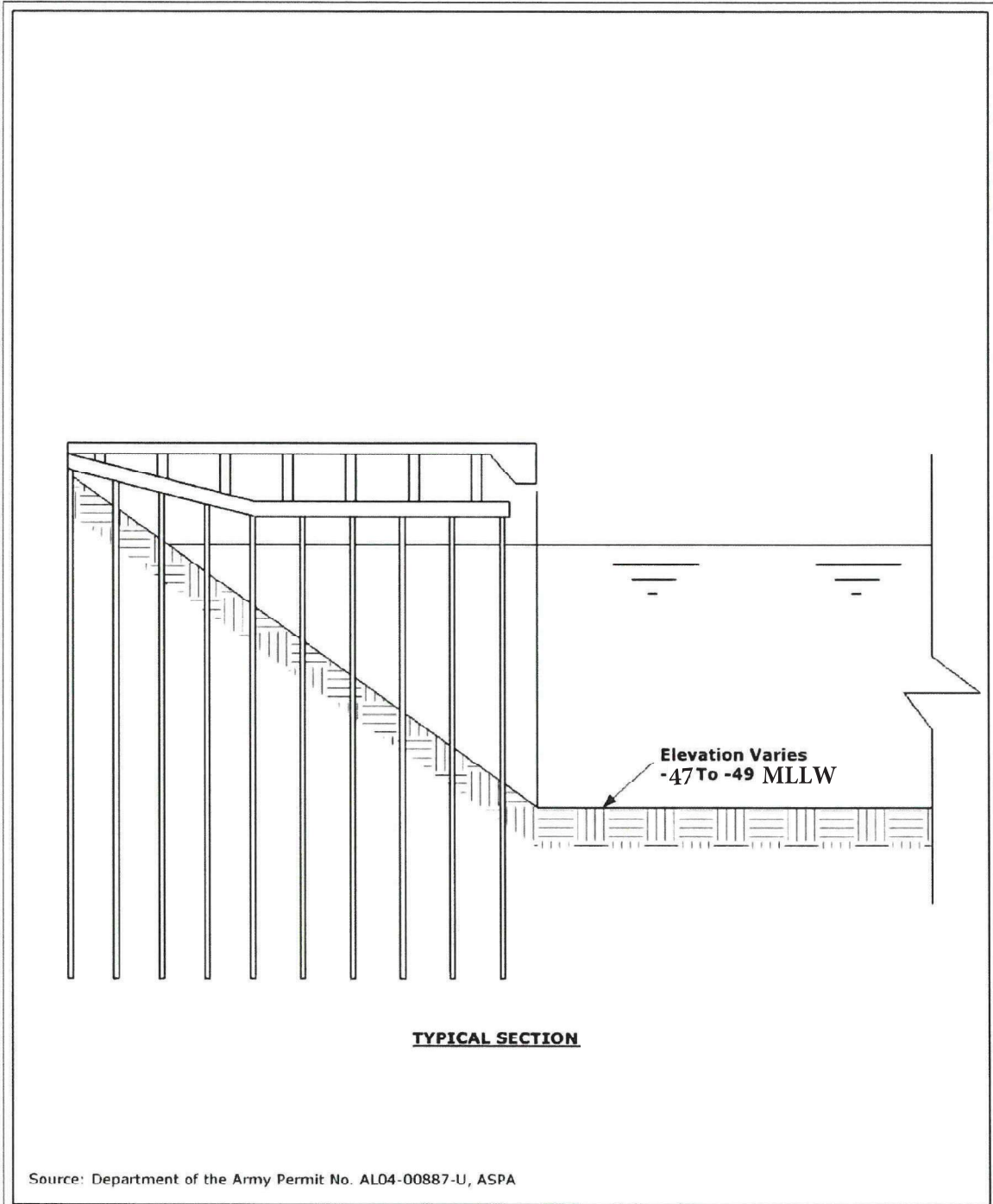
Note: Coordinates are based on NAD83 State Plane Alabama West Feet

Mobile River

VOLKERT

Department of the Army // SAM-2020-00344-JCC

Path: V:\PROJECTS\100001\000344 - ASPA USACE Permit Renewal for Choctaw Point\GIS\Map Documents\MobileHarborDredgeAreaSouth.mxd



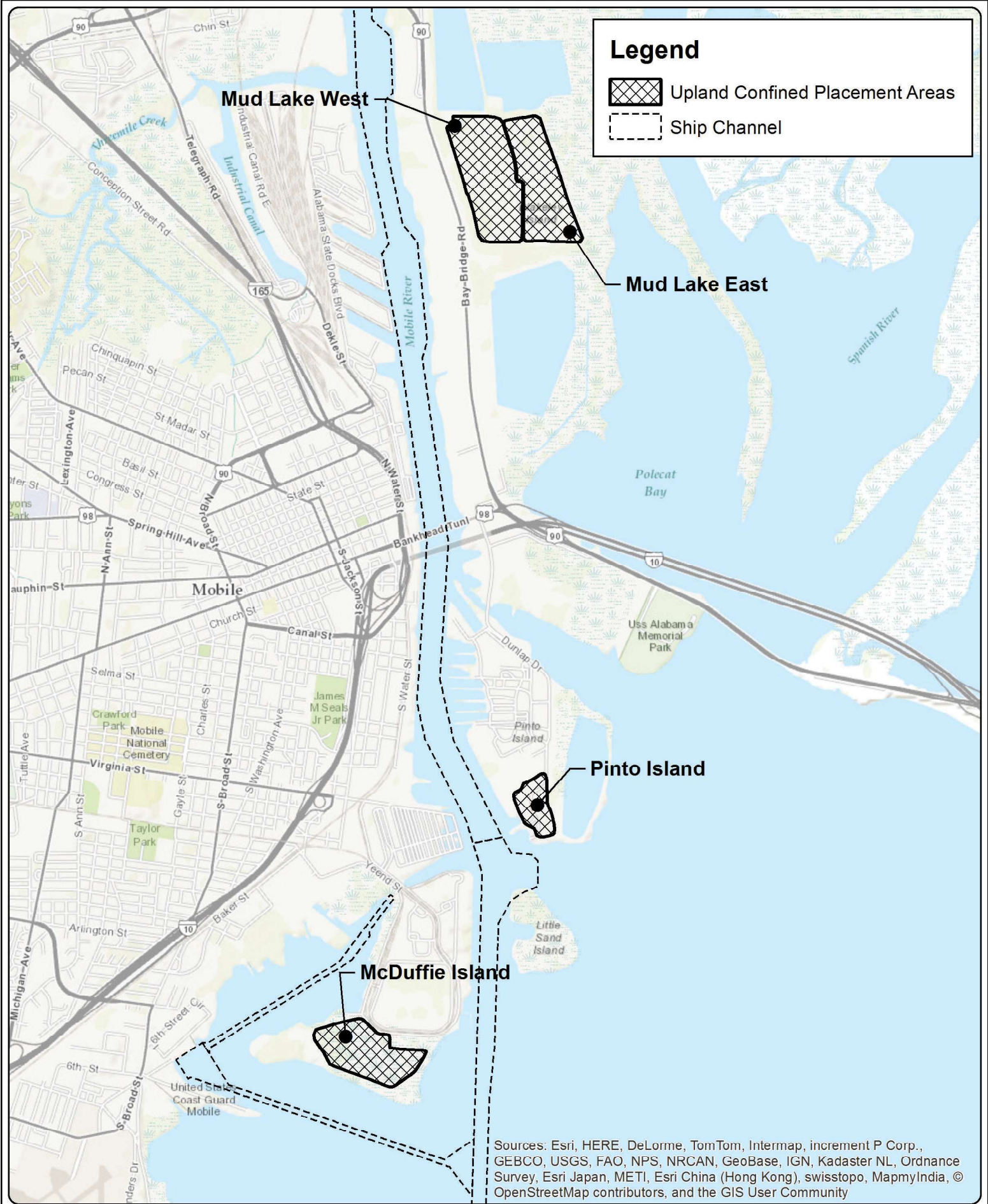
VOLKERT





Note: This map is for presentation use only and not to be used for construction purposes.

Typical Section

Document Path: V:\GIS\GIS_Projects\Paul Bradley Corps Dredge Cross Section.mxd



Legend

-  Upland Confined Placement Areas
-  Ship Channel

Mud Lake West

Mud Lake East

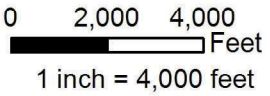
Pinto Island

McDuffie Island

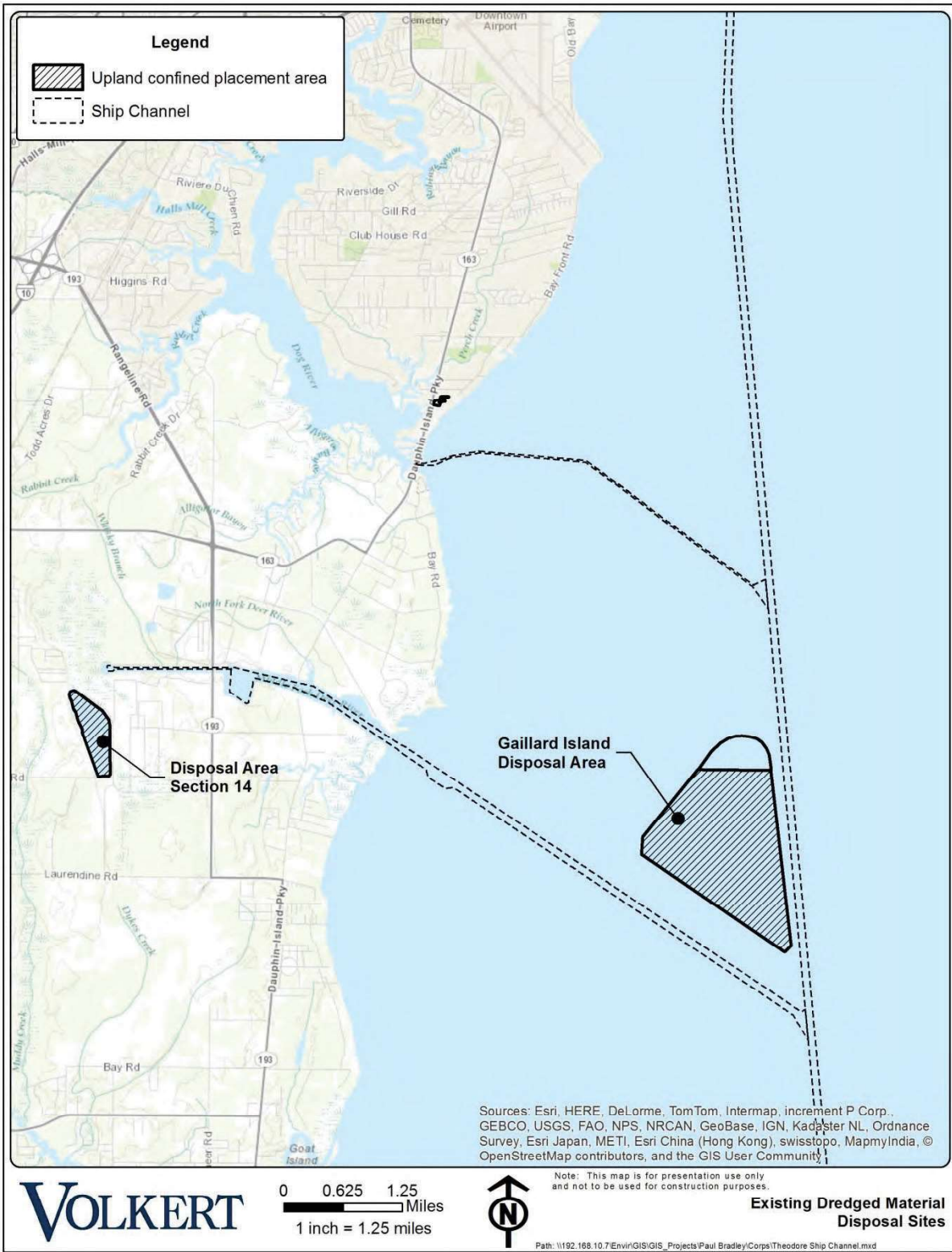
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Coastal Consistency Concurrence
Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ACAMP-2014-331.1-FC-
FLP-COE-LOP

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.

On April 12, 2019, the ADEM received certification that Alabama State Port Authority's proposal, referenced above, is consistent with the Alabama Coastal Area Management Program (ACAMP). The ADEM has completed its review of all submitted materials related to perform maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet. Public noticing requirements of Title 15 C.F.R. §930.61 have been completed.

As required by Title 15 C.F.R. §930.62, by this letter all are hereby notified that the ADEM concurs with the submitted certification, conditional upon continued compliance with the ACAMP. This concurrence is limited to the approved activities as described in the final site plans attached to the 30JUL2019 USACE Public Notice. Any deviation from the approved project design must not be implemented without prior written notice and approval from the ADEM as a supplemental coastal consistency certification may be required – pursuant to Title 15 C.F.R. §930.66. 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.

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 15 C.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, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities.

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. 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 any person 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 anyone's possession. This concurrence does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This concurrence is not transferable without prior written notice and approval of the ADEM.

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 ADEM and the Alabama Historical Commission must be immediately notified 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.

Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.02(8), the salinity of return waters from dredge disposal sites shall be similar to that of the receiving waters and reasonable assurance provided that applicable water quality standards will be met.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: CZCERT/



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Water Quality Certification (WQC) Pursuant to Clean Water Act (CWA) §401(a) Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ADEM-2014-331.1-WQC-COE-LOP

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.

On April 12, 2019, the ADEM received a copy of the Alabama State Port Authority's application to the USACE and has completed its review of all submitted materials related to maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet.

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 all are hereby notified 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 30JUL2019 USACE Public Notice. This WQC terminates coincidentally with the expiration of SAM-2014-00848-GAC, but in no case shall this WQC exceed a maximum of five years from the date the USACE issues the permit unless specifically authorized in response to a written request for same. 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.



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.

By accepting this WQC from the State of Alabama, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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 this concurrence are not delegable by contract or otherwise. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities. Any violations of the ADEM's Administrative Code may be considered violations of this WQC and may result in an enforcement action.

This WQC only addresses potential discharges to state waters resulting from approved activities. 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 any person 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 anyone's possession. This WQC does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This WQC is not transferable without prior written notice and approval of the ADEM.

Adherence to the following conditions is required in order to ensure protection of water quality.

1. Effective Best Management Practices (BMPs) must be implemented 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. Appropriate BMPs to minimize turbidity impacts to the maximum extent practicable shall be implemented. 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, operations must cease until turbidity is restored to acceptable levels.
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 operations or as identified by ADEM technical staff during inspections, work/activity and all discharges shall, where necessary to maintain compliance with this WQC, be suspended, halted, reduced, or otherwise controlled until effective treatment is restored.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: 401WQ/

From: [Brown, Scott](#)
To: [Comeaux, Jessica C CIV \(USA\)](#)
Subject: [Non-DoD Source] 683 2014-331.1 097 10-30-2019 CORS JSB COVERAGE CLARIFICATION | SAM-2014-00848-GAC
Date: Monday, August 3, 2020 3:00:37 PM

This email is to confirm that the CZM and 401WQC letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area.

Call or email anytime with questions.

v/r,
J. Scott Brown, Chief
Mobile Field Office
251.304.1176

-----Original Message-----

From: Comeaux, Jessica C CIV (USA) <Jessica.C.Comeaux@usace.army.mil>
Sent: Monday, August 3, 2020 1:30 PM
To: Brown, Scott <jsb@adem.alabama.gov>; Mobile Coastal Mail <Coastal@adem.alabama.gov>
Subject: ASPA Dredge Projects // Multiple File Numbers

Mr. Brown,

Please recall a discussion we had last week about the Alabama State Port Authority's request for continued maintenance dredging in various locations around Mobile Bay.

The Corps issued an Agency Notice for the work under file number SAM-2014-00848-GAC. The Corps requested Water Quality Certification and Coastal Zone Consistency (WQC/CZM) certification from your office under this file number, as well.

Because some of the areas being dredged were required to perform sediment sampling and analysis, the Corps separated each total and complete project area into its own file number and proceeded with permitting of only those areas where testing was not necessary. You received copies of those permits in April, as follows:

SAM-2014-00848-GAC - Main Docks
SAM-2020-00344-JCC - Pinto
SAM-2020-00345-JCC - Middle Bay Port
SAM-2020-00346-JCC - Theodore Liquid Bulk Terminal

Sediment testing has been completed, and the EPA has agreed that dredging can move forward with a reasonable assumption that the material is safe and within allowable contamination limits. I will be finalizing the evaluation for the remaining areas under the following file numbers:

SAM-2020-00757-JCC - McDuffie Island and Choctaw Point SAM-2020-00758-JCC - Garrows Bend SAM-2020-00759-JCC - Three Mile Creek

I am respectfully requesting you confirm that the attached letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area. I will use this confirmation as a memo to our official record to minimize confusion for the port as they proceed with their authorized activities. Thank you for your time!

Sincerely,

Jessica C. Comeaux
U.S. Army Corps of Engineers
Project Manager
Mobile District, Regulatory Division
South Alabama Branch

P.O. Box 2288
109 Saint Joseph Street
Mobile, Alabama 36628
Phone: 251-690-3262
Email: Jessica.C.Comeaux@usace.army.mil



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

August 8, 2022

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit **Modification Number 1**, File Number SAM-2020-00757-JCC, Alabama State Port Authority (ASPA), McDuffie Island / Choctaw Point Maintenance Dredging, Mobile Bay

Alabama State Port Authority
Attention: Mr. Doug Otto
Email Address: doug.otto@alports.com
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Otto:

Reference is made to your May 3, 2022, request for **Modification Number 1** of your Department of the Army (DA) permit authorized under file number SAM-2020-00757-JCC. The original permit authorized continued yearly maintenance dredging at the Alabama State Port Authority (ASPA) McDuffie Island / Choctaw Point facilities. The project is located within Mobile Bay; in Section 5, Township 5 South, Range 1 West; at Latitude 30.661524°, Longitude -88.032252°; in Mobile, Mobile County, Alabama.

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

Modification 1: The modification authorizes an increased depth of dredging of the 26.2-acre project area to -54 feet below Mean Lower Low Water (MLLW) to match the receiving waters in the area and would increase the amount of dredged silt-clay-sand material during the initial dredge event to 220,000 cubic yards. Maintenance dredging as specified in the original authorization would resume after the deepening for a total of 827,564 cubic yards of material removal during the 5-year permit authorization period.

All previous conditions to which the work is made subject shall remain in full force and effect, and one additional condition is added:

k. Prior to the commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate the upcoming dredging schedule with the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil and the Operations Division by email at: Matthew.D.Edwards@usace.army.mil so that a navigation notice can be issued.

Electronic copies of this letter are being provided to your agent, Thompson Engineering, Attention: Mr. Stephen O'Hearn, at sohearn@thompsonengineering.com; the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; and to the Alabama Department of Conservation and Natural Resources, State Lands Division, Attention: Mr. Will Underwood and Mr. Jeremiah Kolb, at submerged.lands@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. Jessica Comeaux at 251-690-3262 or by email at Jessica.C.Comeaux@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:

JEREMY J. CHAPMAN, P.E.
Colonel, U.S. Army
District Commander

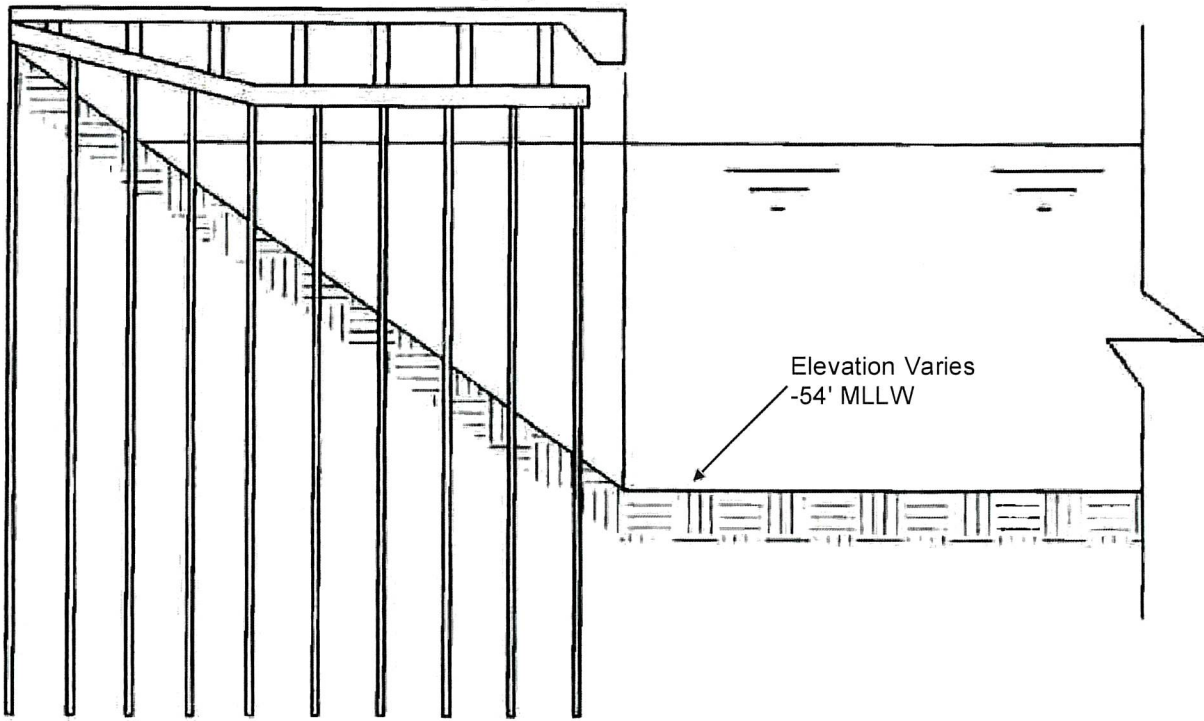
BY:



Digitally signed by S. Brad
Crosson
Date: 2022.08.08 11:18:03 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

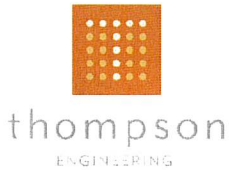
Attachments



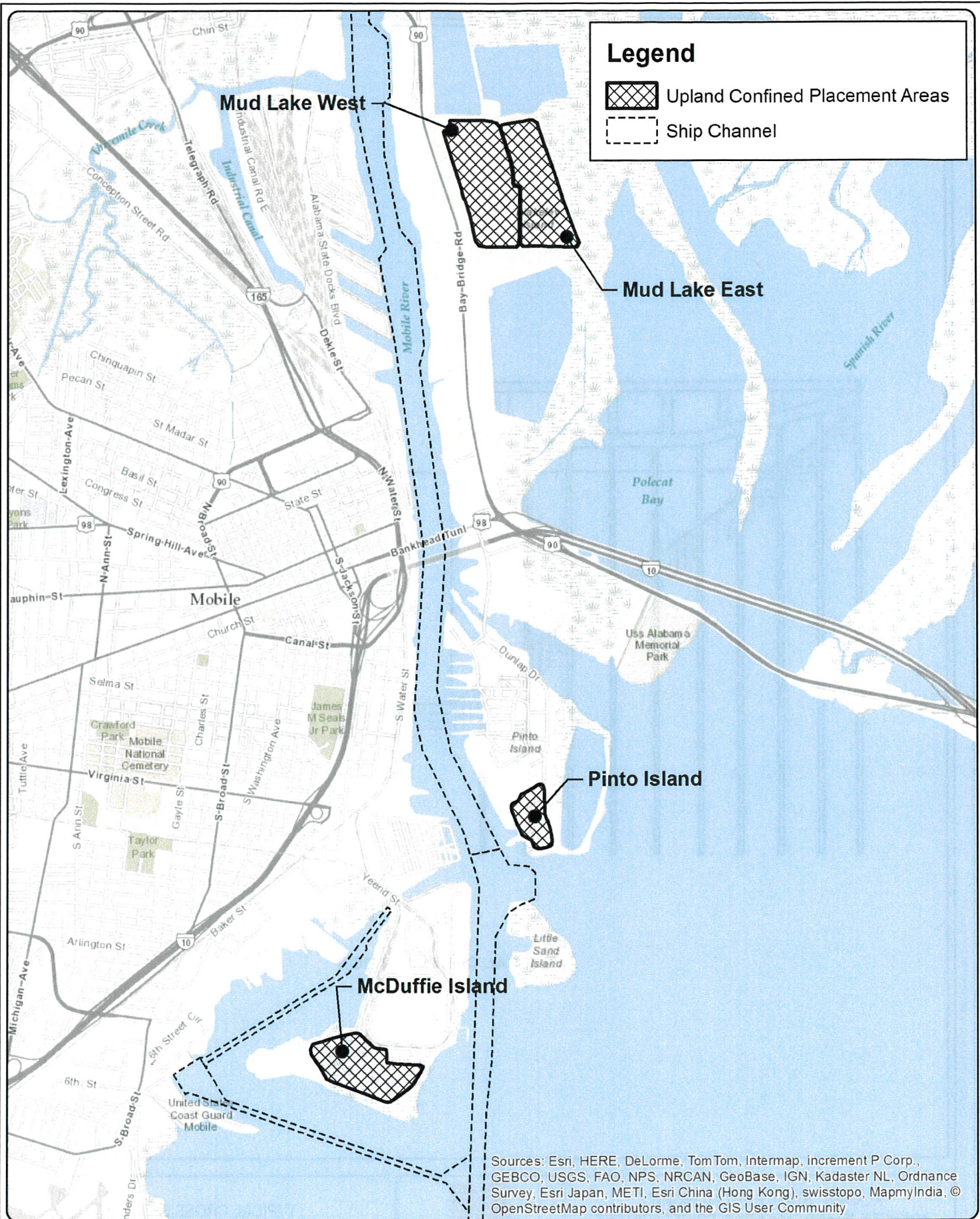
TYPICAL CROSS SECTION

P:\2022\Projects\101102-1101-0045 ASFA Lower Harbor Dredging\Work\Fig\Environment\GIS\MAX\CROSS SECTION1.mxd



ALABAMA STATE PORT AUTHORITY
 McDUFFIE ISLAND / CHOCTAW POINT FACILITIES
 USAACE DREDGING PERMIT MODIFICATION REQUEST
 USACE PERMIT No.: SAM-2020-00757-JCC
 CITY OF MOBILE, MOBILE COUNTY, ALABAMA



TYPICAL CROSS SECTION	
PROJECT NO.:	DATE:
21-1101-0045	MAY 2022



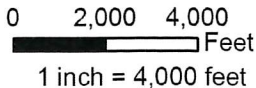
Legend

-  Upland Confined Placement Areas
-  Ship Channel

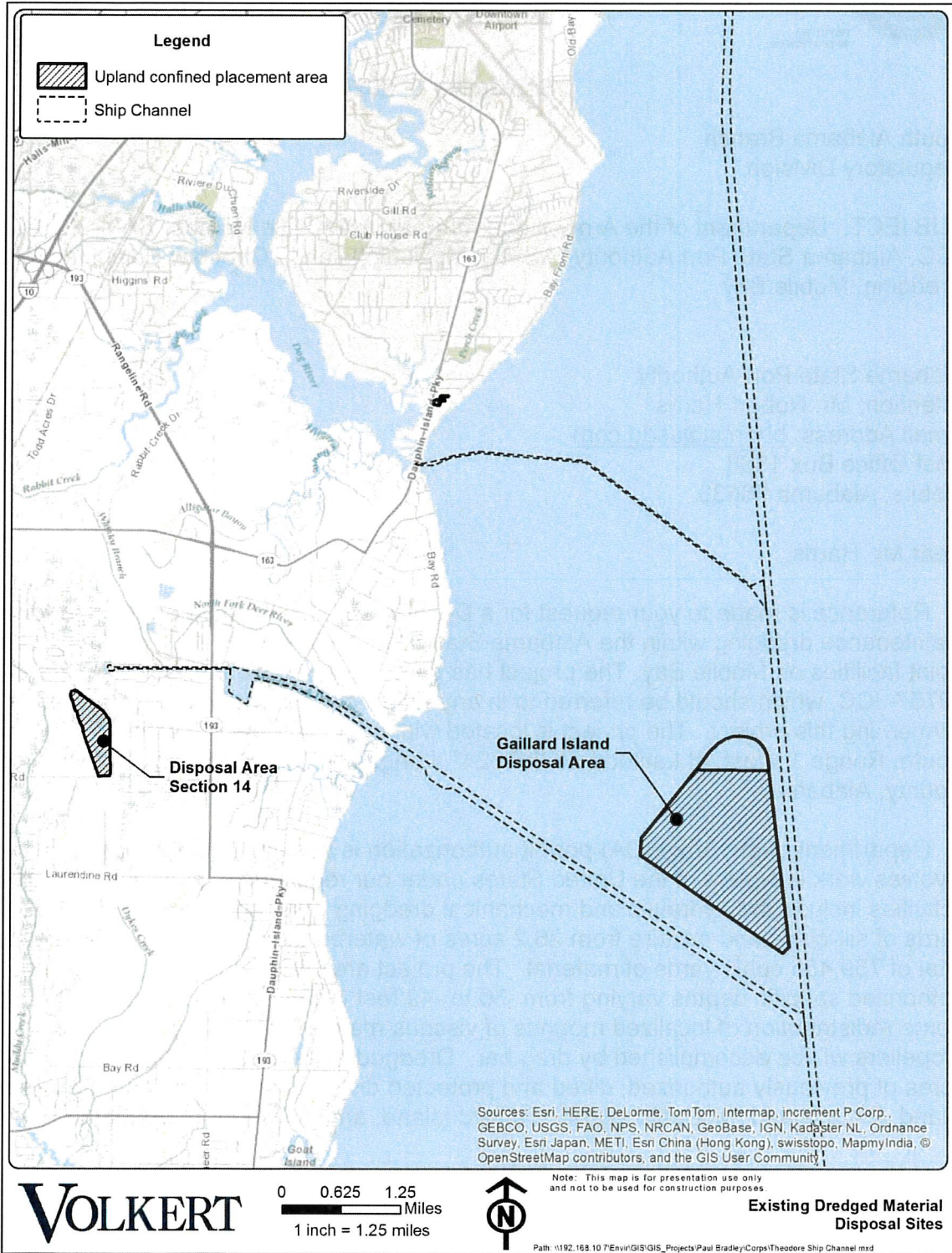
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites





REPLY TO
ATTENTION OF:

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

September 8, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army, Letter of Permission, File Number SAM-2020-00757-JCC, Alabama State Port Authority (ASPA), McDuffie Island / Choctaw Point Maintenance Dredging, Mobile Bay

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

Dear Mr. Harris:

Reference is made to your request for a Department of the Army permit to perform maintenance dredging within the Alabama State Port Authority's McDuffie Island / Choctaw Point facilities on Mobile Bay. The project has been assigned file number SAM-2020-00757-JCC, which should be referred to in any future correspondence with this office concerning this project. The project is located within Mobile Bay; in Section 5, Township 5 South, Range 1 West; at Latitude 30.661524°, Longitude -88.032252°; in Mobile, Mobile County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work in waters of the United States under our regulatory jurisdiction. The project activities include the hydraulic and mechanical dredging of an approximately 151,891 cubic yards of silt-clay-sand mixture from 26.2 acres of waterbottoms annually for five years, for a total of 759,455 cubic yards of material. The project area will be dredged to previously authorized specific depths varying from -36 to -49 feet Mean Lower Low Water (MLLW). Some redistribution of localized mounds of viscous material (fluff) created by ship propellers will be accomplished by drag bar. Dredged material will be placed within 1,650 acres of previously authorized, diked and protected disposal areas located on Blakeley Island, Pinto Island, McDuffie Island, Gaillard Island, and in Theodore, Alabama.

Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), you are hereby authorized by the Secretary of the Army to conduct the above described activities. All work must be conducted in accordance with your submitted data, attached drawings, the attached General Conditions and the following Special Conditions:

a. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein

authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U. S. Army Corps of Engineers (USACE), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019, by the Alabama Department of Environmental Management (ADEM). An email addendum is also attached as a memorandum to the official record confirming the ADEM's Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019 under the file number SAM-2014-00848-GAC cover the activities of this permit.

c. In order for the U.S. Coast Guard (USGC) 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's 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/.

d. The permittee must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The permittee, at a minimum, must implement applicable effective BMPs as provided in the "*Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, July 2018*" published by the Alabama State Soil and Water Conservation Committee. The document may be accessed online at www.alconservationdistricts.gov/resources/erosion-and-sediment-control/.

e. The permittee shall be responsible for the condition of the dredged material disposal areas for the life of the dredging and disposal activity and until the disposal areas are reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal areas sufficient to ensure that turbidity in return water will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTU's above the background turbidity levels in the receiving waters.

f. It is the permittee's responsibility to ensure the contractors working on this project are aware of all General and Special permit conditions.

g. 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) 690-3262 or (251) 690-2658, and the U.S. Fish and Wildlife Service in Daphne, (251) 441-5181.

h. Should artifacts, archeological features, Native American artifacts, or other cultural resource materials be encountered during project activities, work shall cease and the U.S. Army Corps of Engineers (USACE) shall be consulted immediately by telephone at: (251) 690-3262 or (251) 690-2658 such that USACE may initiate appropriate federal, state, and tribal coordination to determine appropriate documentation and recovery efforts. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.

i. The permittee is required to conduct pre- and post-dredging hydrographic surveys of the project area and adjacent Federal Navigation Channel to assure a return of the federal project's conditions. These surveys shall be submitted to the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil, or to the letterhead address. The pre-dredging hydrographic survey shall be completed no greater than thirty (30) days prior to commencement of dredging activities. The post-dredging hydrographic survey shall be completed within fifteen (15) days after completion of the authorized dredging. Both surveys shall be provided to the Mobile District within thirty (30) days of their completion. The surveys shall extend from the Mean High Water (MHW) shoreline to the centerline of the Federal Navigation Channel and 200 feet upstream and downstream of the construction limits. Soundings shall be spaced on 25-foot centers or less. Both surveys shall be controlled from a common baseline (horizontally) and a common vertical datum (mean sea level, mean low water, National Geodetic Vertical Datum, etc.). All surveys should be electronically controlled horizontally from known monuments (fixed coordinate points) and referenced to Mean Lower Low Water (MLLW) with tidal compensation. Surveys should be plotted in cross-section and plan view drawings illustrating 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.

j. Prior to commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate directly with the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division (SLD) regarding modification of any existing riparian easement and the disposition of dredged sands. The ADCNR, SLD at 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, (251) 621-1238.

Please read this letter and the attached General Conditions carefully and comply with its provisions. 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.

You should study and carefully adhere to all the terms and conditions of this LOP. The District Commander must be notified of the commencement and completion of the permitted work. The attached notice of commencement and completion certification forms may be used for that purpose. Also attached is a yellow "NOTICE OF AUTHORIZATION" sign which must be conspicuously displayed at the site during construction of the permitted work. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in its revocation.

If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order that the revised plans may receive the approval required by law before work is begun.

If the activity authorized herein is not completed on or before **September 8, 2025**, this permit, if not previously revoked or specifically extended, shall automatically expire.

Your attention is directed to all conditions under which this permit will be issued. Failure to comply with any condition of the approved permit may result in its suspension, cancellation, or revocation. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Attached you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address. In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the RFA. It is not necessary to submit a Request for Appeal (RFA) form to the District Office, if you do not object to the decision in this letter.

This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state, or federal authority.

You are receiving an electronic copy only of this permit letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this letter are also being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact the project manager, Ms. Jessica C. Comeaux, at (251) 690-3262 or Jessica.C.Comeaux@usace.army.mil if you have any questions. You can visit our website

at www.sam.usace.army.mil/Missions/Regulatory, for additional information about our Regulatory Program. 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 services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Sebastien P. Joly
Colonel, U.S. Army
District Commander

BY:



Digitally signed by
CROSSON STEVEN B. 1368435178
Date: 2020.09.04 09:23:53 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments

When the structures or work authorized by this permit (SAM-2020-00757-JCC) 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.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED NAME)

COMMENCEMENT CERTIFICATION



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

Permit Number: **SAM-2020-00757-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **September 8, 2020**

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-2020-00757-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **September 8, 2020**

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



**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

McDuffie Island / Choctaw Point facilities on Mobile Bay, near Latitude 30.661524°, Longitude -88.032252, Mobile, Mobile County, Alabama

has been issued to ASPA, Attention: Robert Harris on September 8, 2020

Address of Permittee: Post Office Box 1588, Mobile, Alabama 36633

PERMIT NUMBER

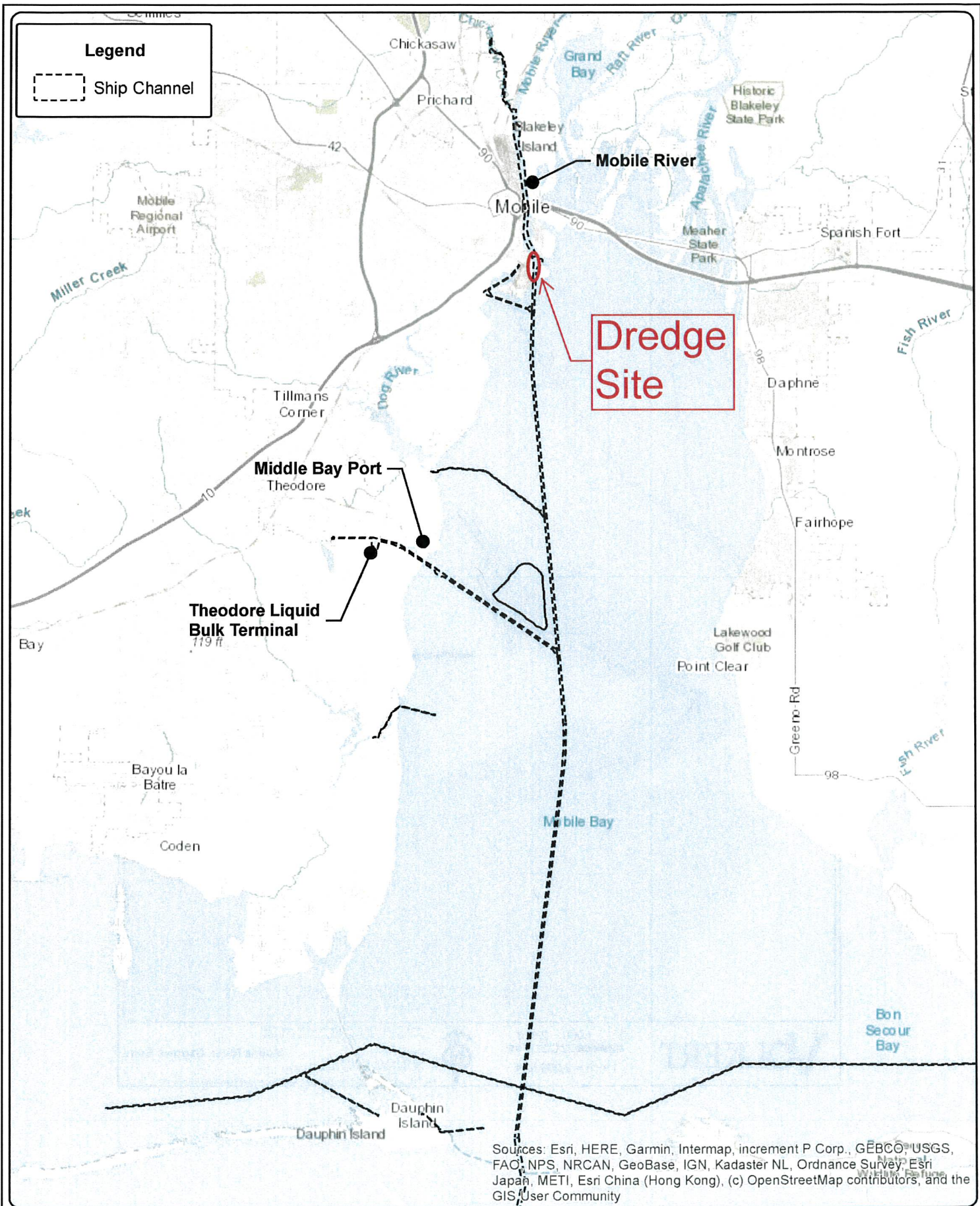
SAM-2020-00757-JCC

Digitally signed by
CROSSON, STEVEN. B. 1368435178
Date: 2020.09.04 09:19:07 -05'00'

S. Brad Crosson, Team Leader

South Alabama Branch, Regulatory Division

For the District Commander



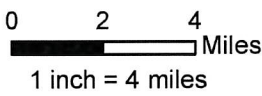
Legend
 [Dashed Line] Ship Channel

Dredge Site

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

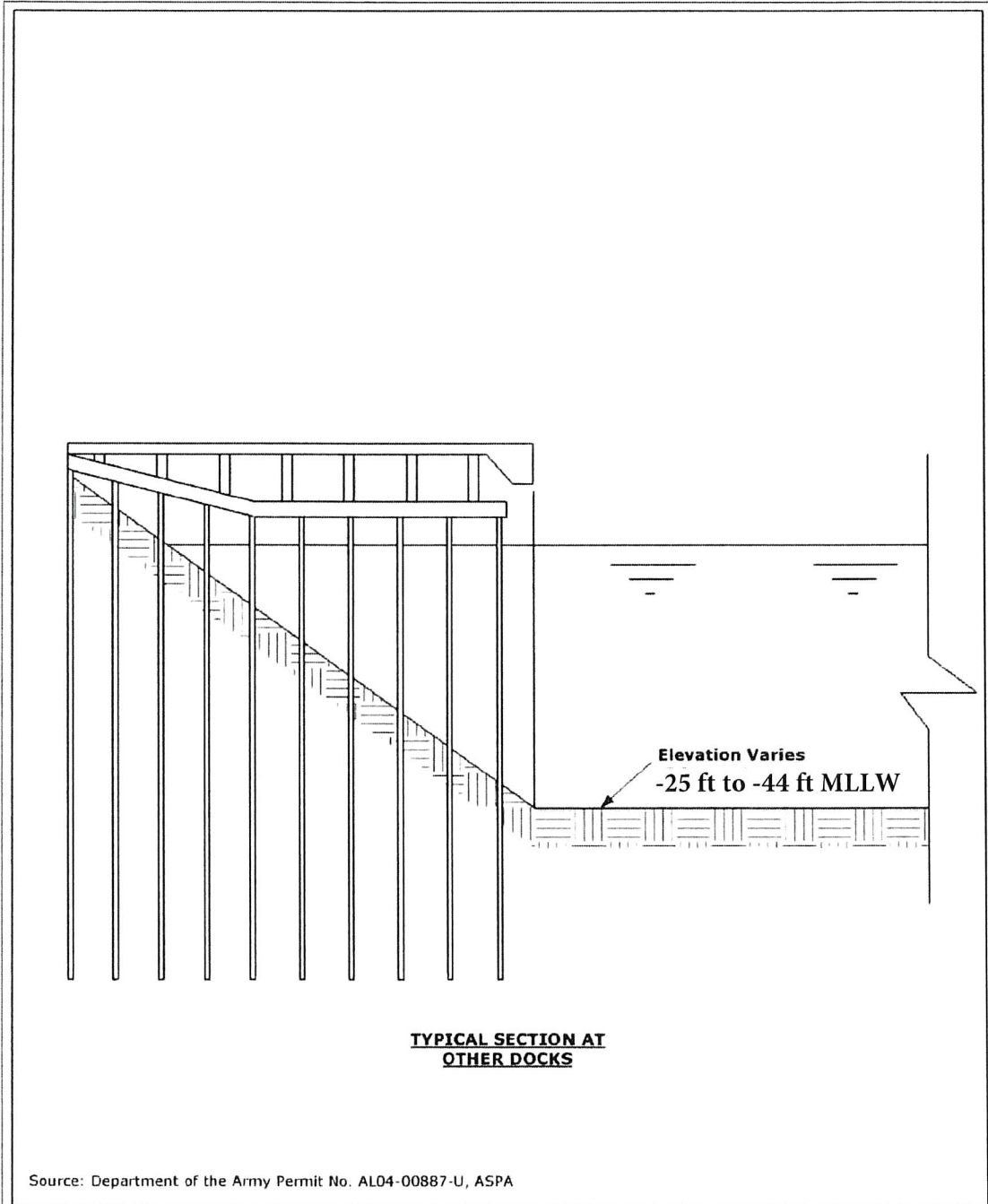
VOLKERT



Project Vicinity Map

Department of the Army // SAM-2020-00757-JCC

Path: V:\PROJECTS\100\1000335\A\2\2\SOURCE\Point\3\river\m\chot\2\Point\GIS\Map Documents\Project Area 9.24.19.mxd



VOLKERT





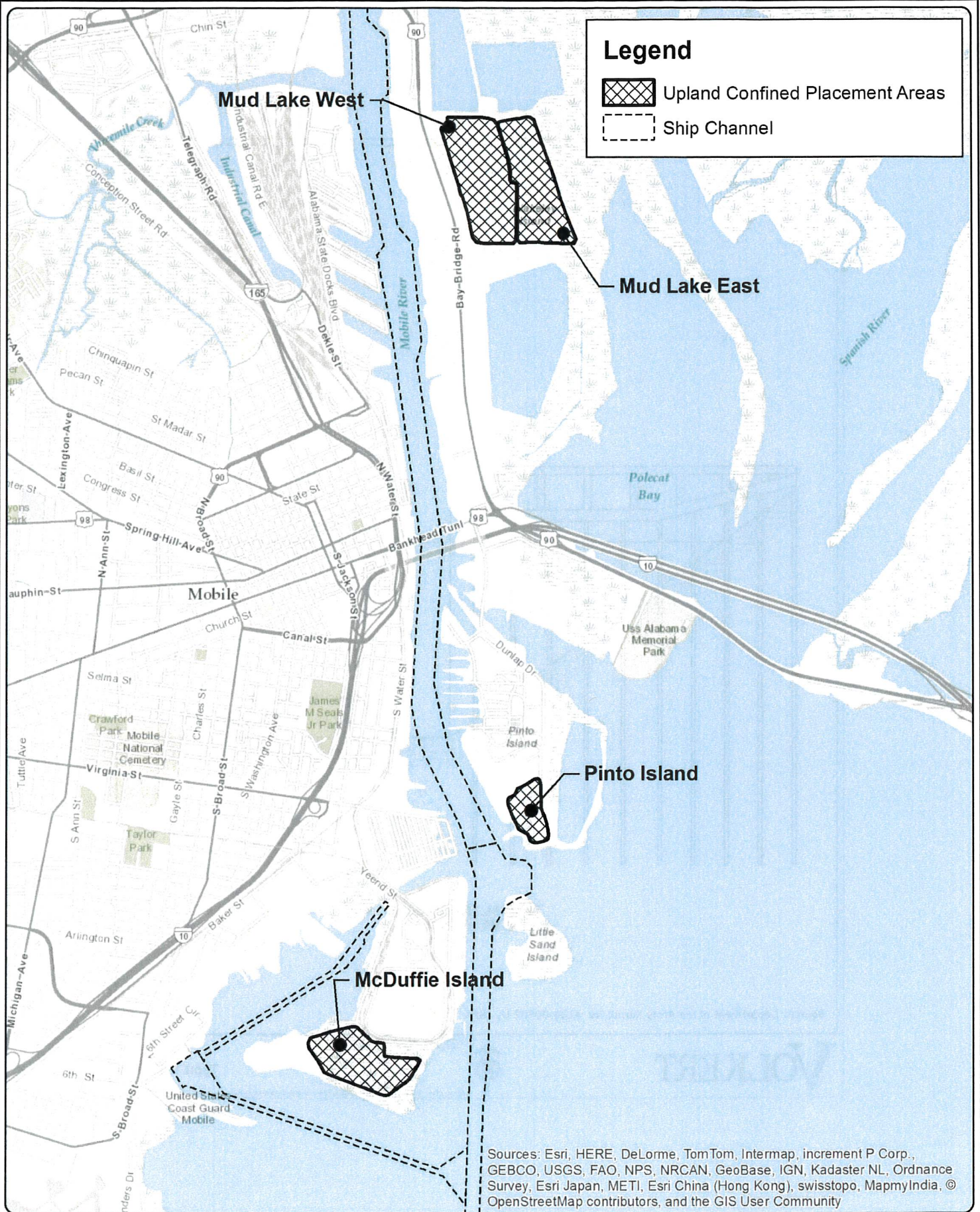
Note: This map is for presentation use only,
and not to be used for construction purposes.

Document Path: \\GIS\GIS_P\Projects\Paul Bradley\Corps\Oredge\Cross Section.mxd

Typical Section

Legend

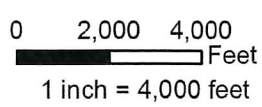
-  Upland Confined Placement Areas
-  Ship Channel



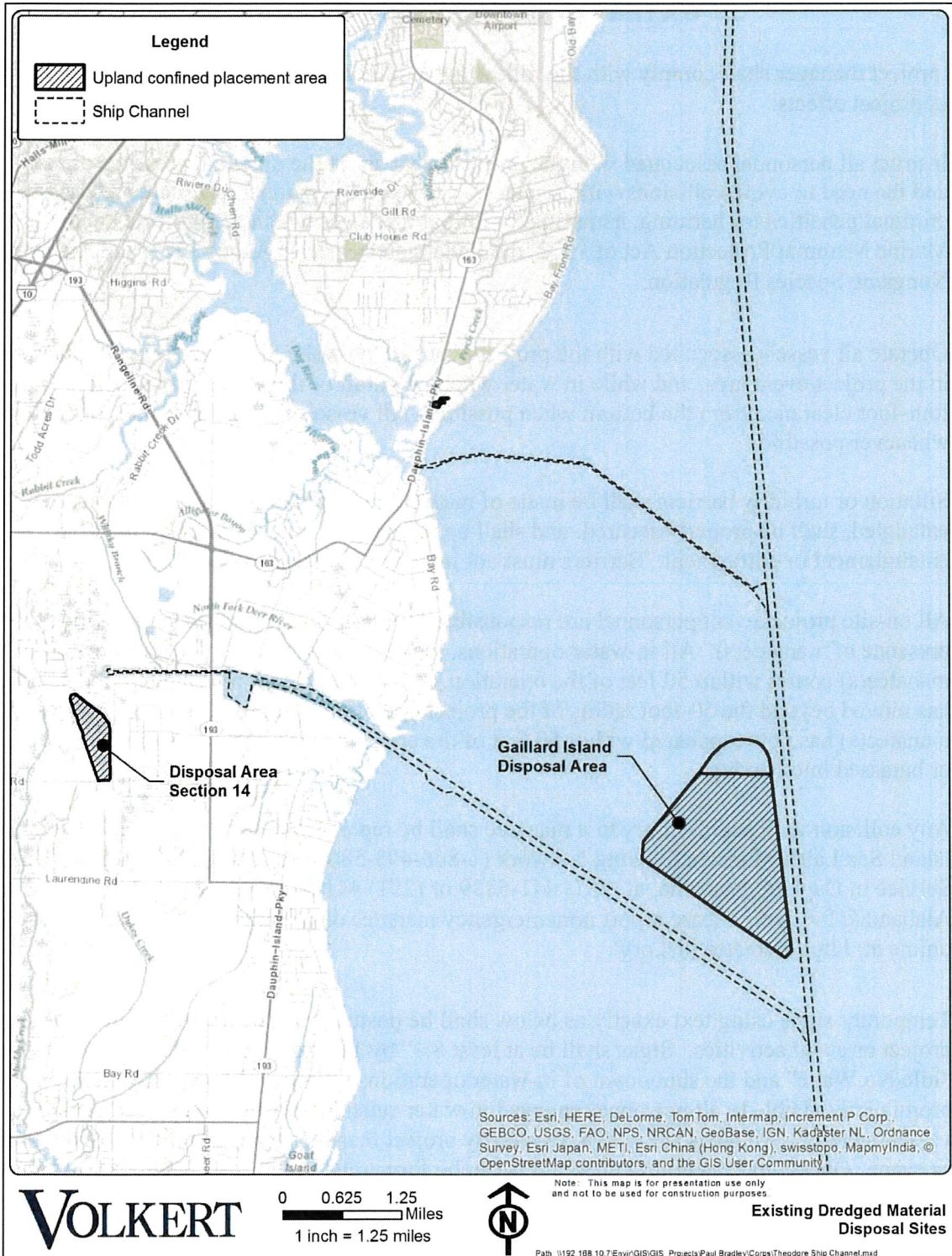
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites



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

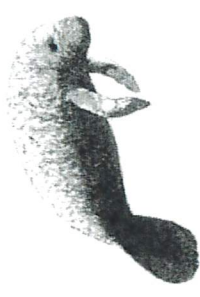
The project manager shall comply with the following conditions intended to protect manatees from direct project effects:

- 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



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Coastal Consistency Concurrence
Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ACAMP-2014-331.1-FC-
FLP-COE-LOP

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.

On April 12, 2019, the ADEM received certification that Alabama State Port Authority's proposal, referenced above, is consistent with the Alabama Coastal Area Management Program (ACAMP). The ADEM has completed its review of all submitted materials related to perform maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet. Public noticing requirements of Title 15 C.F.R. §930.61 have been completed.

As required by Title 15 C.F.R. §930.62, by this letter all are hereby notified that the ADEM concurs with the submitted certification, conditional upon continued compliance with the ACAMP. This concurrence is limited to the approved activities as described in the final site plans attached to the 30JUL2019 USACE Public Notice. Any deviation from the approved project design must not be implemented without prior written notice and approval from the ADEM as a supplemental coastal consistency certification may be required – pursuant to Title 15 C.F.R. §930.66. 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.

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 15 C.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, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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.

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) 304-1189 (FAX)

Liability and responsibility for compliance with this concurrence are not delegable by contract or otherwise. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities.

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. 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 any person 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 anyone's possession. This concurrence does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This concurrence is not transferable without prior written notice and approval of the ADEM.

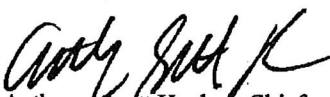
Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.01, should cultural resources be encountered during the course of conducting the activities authorized herein, construction activities must cease and the ADEM and the Alabama Historical Commission must be immediately notified of any historical, cultural, or archaeological resources that are discovered! This condition should be placed on the site construction plans to ensure contractors are aware of it.

Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.02(8), the salinity of return waters from dredge disposal sites shall be similar to that of the receiving waters and reasonable assurance provided that applicable water quality standards will be met.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,


Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: CZCERT/



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Water Quality Certification (WQC) Pursuant to Clean Water Act (CWA) §401(a) Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ADEM-2014-331.1-WQC-COE-LOP

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.

On April 12, 2019, the ADEM received a copy of the Alabama State Port Authority's application to the USACE and has completed its review of all submitted materials related to maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet.

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 all are hereby notified 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 30JUL2019 USACE Public Notice. This WQC terminates coincidentally with the expiration of SAM-2014-00848-GAC, but in no case shall this WQC exceed a maximum of five years from the date the USACE issues the permit unless specifically authorized in response to a written request for same. 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.



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.

By accepting this WQC from the State of Alabama, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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 this concurrence are not delegable by contract or otherwise. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities. Any violations of the ADEM's Administrative Code may be considered violations of this WQC and may result in an enforcement action.

This WQC only addresses potential discharges to state waters resulting from approved activities. 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 any person 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 anyone's possession. This WQC does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This WQC is not transferable without prior written notice and approval of the ADEM.

Adherence to the following conditions is required in order to ensure protection of water quality.

1. Effective Best Management Practices (BMPs) must be implemented 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. Appropriate BMPs to minimize turbidity impacts to the maximum extent practicable shall be implemented. 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, operations must cease until turbidity is restored to acceptable levels.
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 operations or as identified by ADEM technical staff during inspections, work/activity and all discharges shall, where necessary to maintain compliance with this WQC, be suspended, halted, reduced, or otherwise controlled until effective treatment is restored.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: 401WQ/

From: [Brown, Scott](#)
To: [Comeaux, Jessica C CIV \(USA\)](#)
Subject: [Non-DoD Source] 683 2014-331.1 097 10-30-2019 CORS JSB COVERAGE CLARIFICATION | SAM-2014-00848-GAC
Date: Monday, August 3, 2020 3:00:37 PM

This email is to confirm that the CZM and 401WQC letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area.

Call or email anytime with questions.

v/r,
J. Scott Brown, Chief
Mobile Field Office
251.304.1176

-----Original Message-----

From: Comeaux, Jessica C CIV (USA) <Jessica.C.Comeaux@usace.army.mil>
Sent: Monday, August 3, 2020 1:30 PM
To: Brown, Scott <jsb@adem.alabama.gov>; Mobile Coastal Mail <Coastal@adem.alabama.gov>
Subject: ASPA Dredge Projects // Multiple File Numbers

Mr. Brown,

Please recall a discussion we had last week about the Alabama State Port Authority's request for continued maintenance dredging in various locations around Mobile Bay.

The Corps issued an Agency Notice for the work under file number SAM-2014-00848-GAC. The Corps requested Water Quality Certification and Coastal Zone Consistency (WQC/CZM) certification from your office under this file number, as well.

Because some of the areas being dredged were required to perform sediment sampling and analysis, the Corps separated each total and complete project area into its own file number and proceeded with permitting of only those areas where testing was not necessary. You received copies of those permits in April, as follows:

SAM-2014-00848-GAC - Main Docks
SAM-2020-00344-JCC - Pinto
SAM-2020-00345-JCC - Middle Bay Port
SAM-2020-00346-JCC - Theodore Liquid Bulk Terminal

Sediment testing has been completed, and the EPA has agreed that dredging can move forward with a reasonable assumption that the material is safe and within allowable contamination limits. I will be finalizing the evaluation for the remaining areas under the following file numbers:

SAM-2020-00757-JCC - McDuffie Island and Choctaw Point SAM-2020-00758-JCC - Garrows Bend SAM-2020-00759-JCC - Three Mile Creek

I am respectfully requesting you confirm that the attached letters dated October 29, 2019, while referring to all areas of the ASPA maintenance dredging under the file number SAM-2014-00848-GAC, cover the newly-created file numbers for each respective dredge area. I will use this confirmation as a memo to our official record to minimize confusion for the port as they proceed with their authorized activities. Thank you for your time!

Sincerely,

Jessica C. Comeaux
U.S. Army Corps of Engineers
Project Manager
Mobile District, Regulatory Division
South Alabama Branch

P.O. Box 2288
109 Saint Joseph Street
Mobile, Alabama 36628
Phone: 251-690-3262
Email: Jessica.C.Comeaux@usace.army.mil

FILE NUMBER: SAM-2020-00757-JCC

PERMITTEE: Alabama State Port Authority, Attention: Robert Harris

PERMIT GENERAL CONDITIONS/INFORMATION

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **September 8, 2025** if you find that you need more time to complete the authorized activity, you must submit your request for a time extension to this office for consideration at least one 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 conditions 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.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 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.

Permit General Conditions/Information

Page 2

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 reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR Part 325.7 or enforcement procedures such as those contained in 33 CFR Part 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 Part 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 U. S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.



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

August 8, 2022

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit **Modification Number 2**, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock, Mobile River

Alabama State Port Authority
Attention: Mr. Doug Otto
Email Address: doug.otto@alports.com
Post Office Box 1588
Mobile, Alabama 36633

Dear Mr. Otto:

Reference is made to your May 3, 2022, request for **Modification Number 2** of your Department of the Army (DA) permit authorized under file number SAM-2020-00344-JCC. The original permit authorized continued annual maintenance dredging at the Alabama State Port Authority (ASPA) Pinto Dock within Mobile River. The project is located within the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

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

Project Modification 2: The modification authorizes an increased depth of dredging of the 6.62-acre project area to -54 feet below Mean Lower Low Water (MLLW) to match the receiving waters in the area and would increase the amount of dredged silt-clay-sand material during the initial dredge event to 99,000 cubic yards. Maintenance dredging as specified in the original authorization would resume after the deepening for a total of 315,000 cubic yards of material removal during the 5-year permit authorization period.

All previous conditions to which the work is made subject shall remain in full force and effect, and one additional condition is added:

k. Prior to the commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate the upcoming dredging schedule with the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil and the Operations Division by email at: Matthew.D.Edwards@usace.army.mil so that a navigation notice can be issued.

Electronic copies of this letter are being provided to your agent, Thompson Engineering, Attention: Mr. Stephen O'Hearn, at sohearn@thompsonengineering.com; the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; and to the Alabama Department of Conservation and Natural Resources, State Lands Division, Attention: Mr. Will Underwood and Mr. Jeremiah Kolb, at submerged.lands@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. Jessica Comeaux at (251) 690-3262 or by email at Jessica.C.Comeaux@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:

JEREMY J. CHAPMAN, P.E.
Colonel, U.S. Army
District Commander

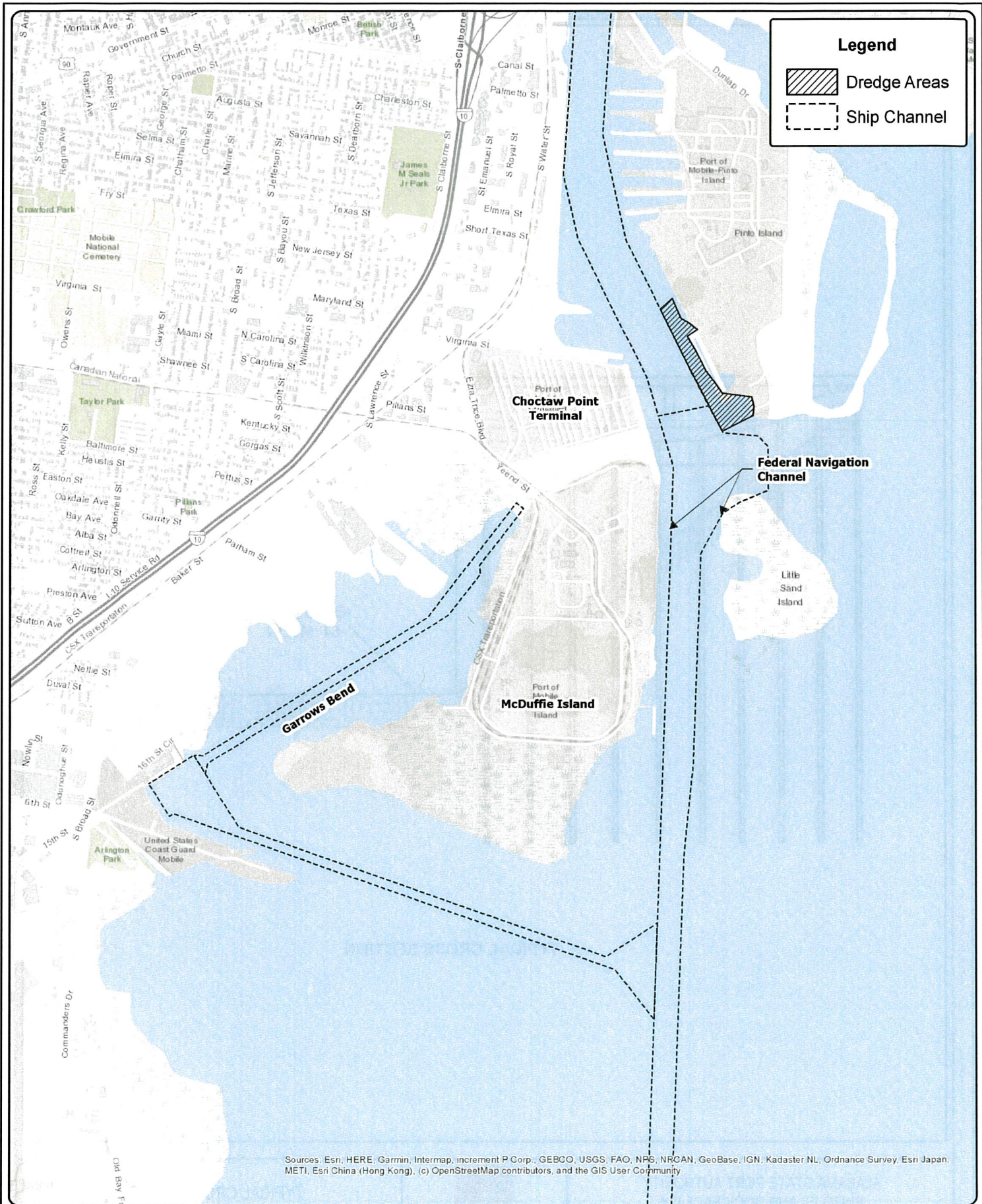
BY:





Digitally signed by S. Brad Crosson
Date: 2022.08.08 12:51:08 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments



Legend

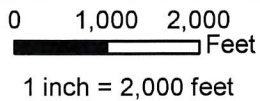
-  Dredge Areas
-  Ship Channel

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

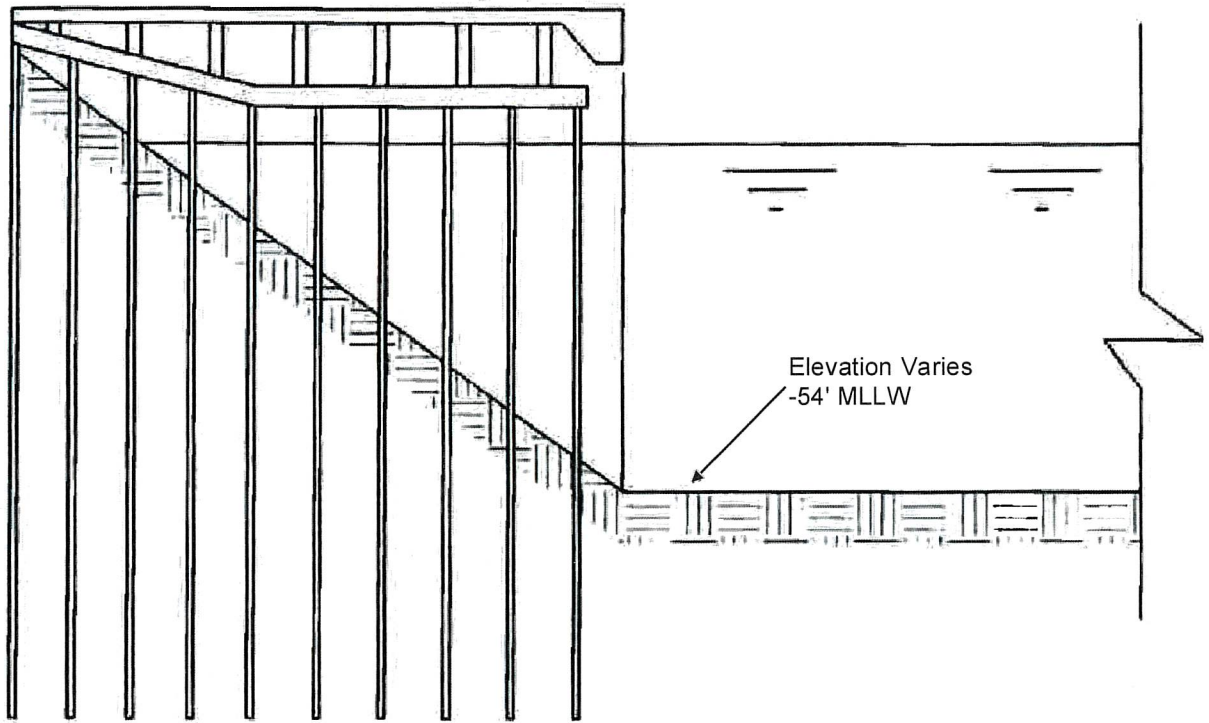
Note: This map is for presentation use only and not to be used for construction purposes.

Note: Coordinates are based on NAD83 State Plane Alabama West Feet

VOLKERT



Mobile River



TYPICAL CROSS SECTION

P:\2022\Projects\110102-1101-0045\ASPA Lower Harbor Design\Work\Fig\Environment\ASIS\XP\CROSS SECTION.mxd

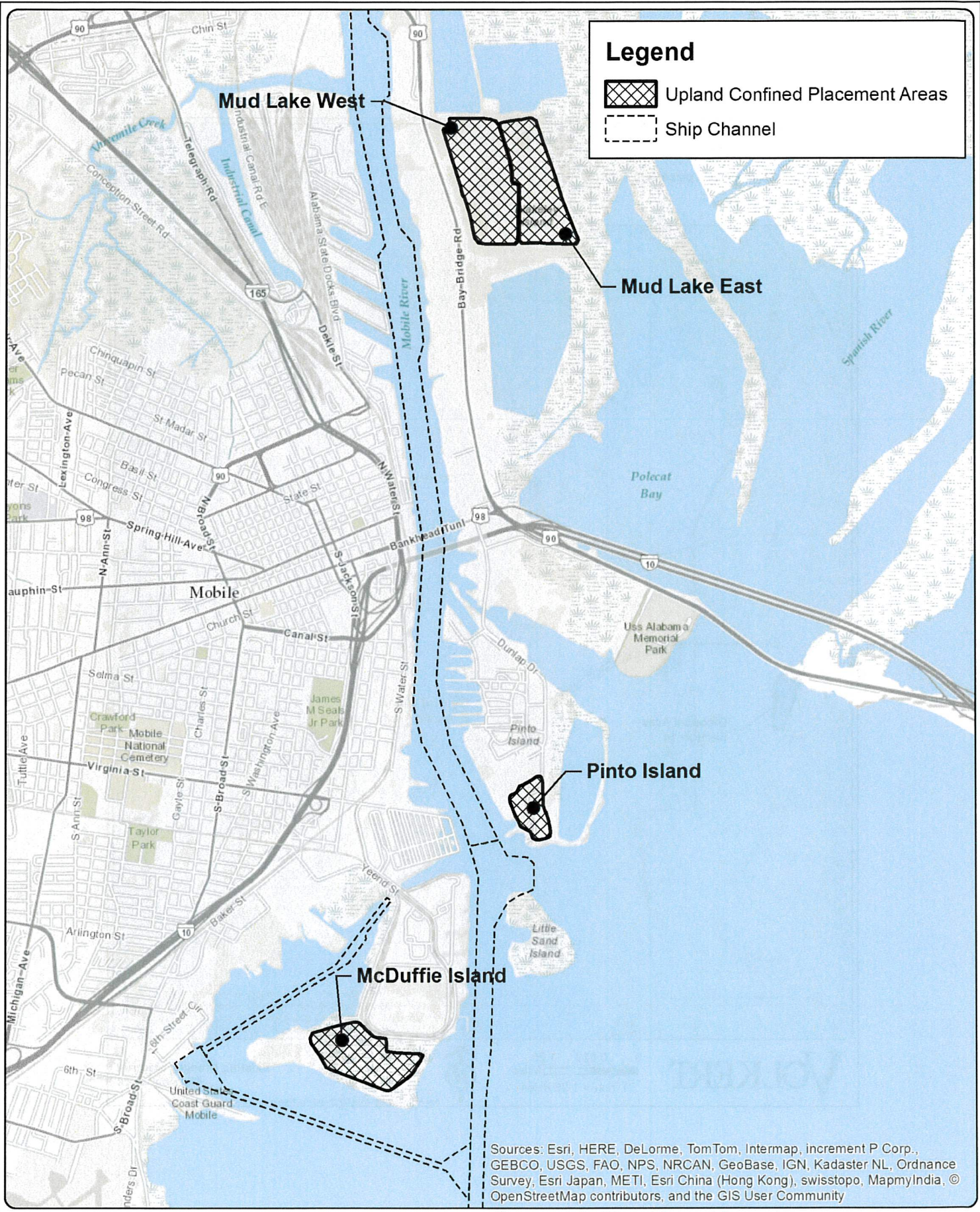
ALABAMA STATE PORT AUTHORITY
 PINTO ISLAND DOCK FACILITY
 USAACE DREDGING PERMIT MODIFICATION REQUEST
 USACE PERMIT No.: SAM-2020-00344-JCC
 CITY OF MOBILE, MOBILE COUNTY, ALABAMA





TYPICAL CROSS SECTION

PROJECT NO.:
 21-1101-0045

DATE:
 MAY 2022



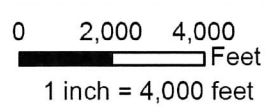
Legend

-  Upland Confined Placement Areas
-  Ship Channel

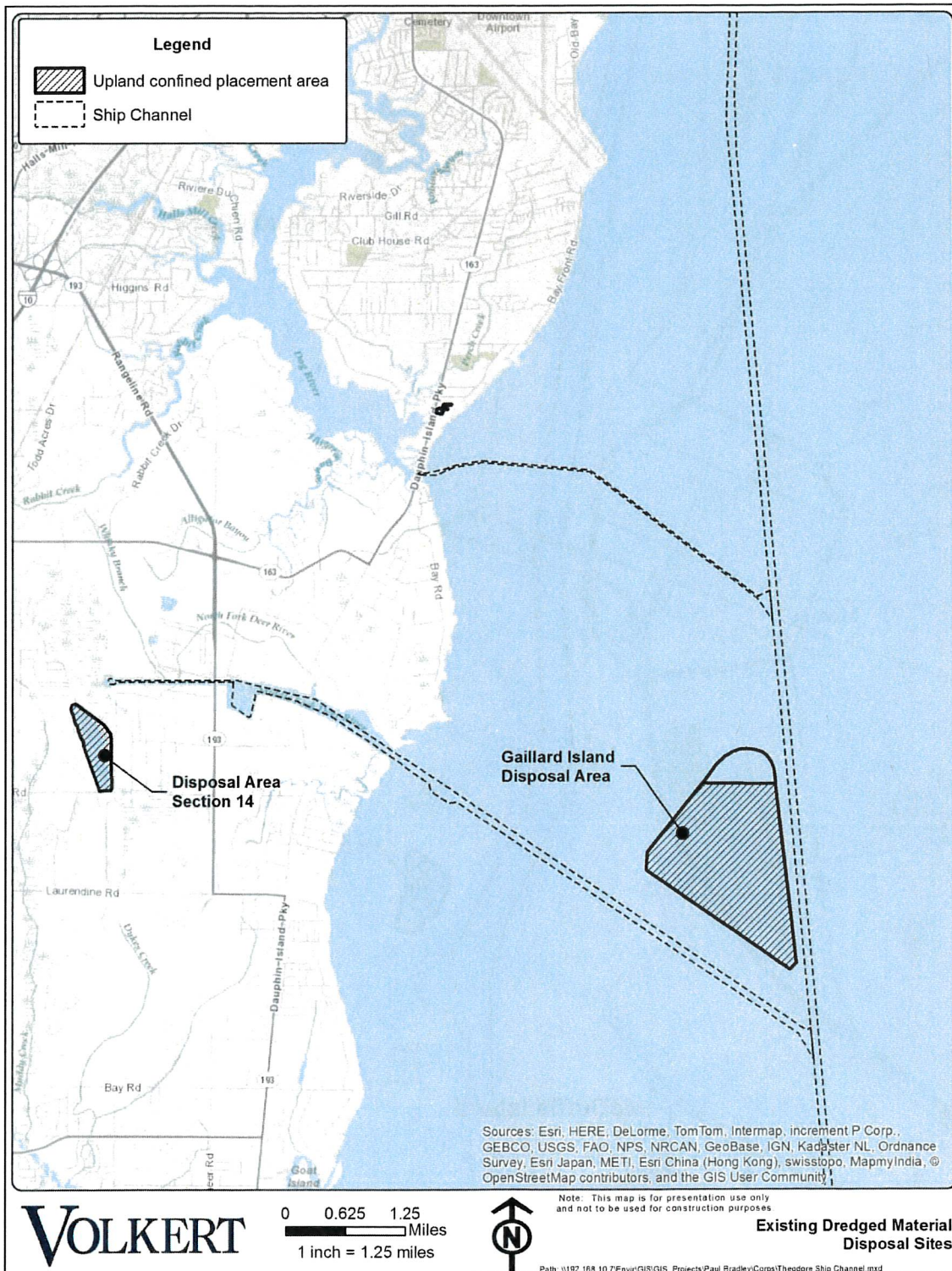
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites





REPLY TO
ATTENTION OF

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

August 27, 2020

South Alabama Branch
Regulatory Division

SUBJECT: **Modification Number 1** to Department of the Army Letter of Permission, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock Maintenance Dredging, Mobile River

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

Dear Mr. Harris:

This letter is in reference to modification of the subject Department of the Army (DA) Letter of Permission (LOP) issued on April 06, 2020 (attached), which authorized maintenance dredging activities in the Alabama State Port Authority's Pinto Dock facility on the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

Special Condition (b.) of the subject DA permit is hereby modified as follows:

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019, by the Alabama Department of Environmental Management (ADEM). An email addendum is also attached as a memorandum to the official record confirming that the ADEM's Coastal Zone Consistency Concurrence and Water Quality Certification letters issued on October 29, 2019 under the file number SAM-2014-00848-GAC cover the activities of this permit.

If the activity authorized herein is not completed on or before April 06, 2025, this permit, if not previously revoked or specifically extended, shall expire. All terms and conditions of the permit (SAM-2020-00344-JCC) will remain in effect.

A copy of this modification is being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at

jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact Ms. Jessica C. Comeaux at (251) 690-3262, or by email at Jessica.C.Comeaux@usace.army.mil, 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:

Sebatien P. Joly
Colonel, Corps of Engineers
District Commander

BY:



Digitally signed by
CROSSON STEVEN.B.13684351
78
Date: 2020.08.27 13:21:07 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments



REPLY TO
ATTENTION OF:

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

April 06, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army, Letter of Permission, File Number SAM-2020-00344-JCC, Alabama State Port Authority (ASPA), Pinto Dock Maintenance Dredging, Mobile River

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

Dear Mr. Harris:

Reference is made to your request for a Department of the Army permit to perform maintenance dredging within the Alabama State Port Authority's Pinto Dock facility on the Mobile River. The project has been assigned file number SAM-2020-00344-JCC, which should be referred to in any future correspondence with this office concerning this project. The project is located within the Mobile River; in Section 5, Township 4 South, Range 1 East; at Latitude 30.667266°, Longitude -88.028682°; in Mobile, Mobile County, Alabama.

Department of the Army (DA) permit authorization is necessary because your project involves work in waters of the United States under our regulatory jurisdiction. The project activities include the hydraulic and mechanical dredging of an approximately 54,000 cubic yards of silt-clay-sand mixture from 6.62 acres of waterbottoms annually for five years, for a total of 270,000 cubic yards of material. The project area will be dredged to previously-authorized specific depths varying from -47 to -49 feet Mean Lower Low Water (MLLW). Dredged material will be placed within 1,650 acres of previously authorized, diked and protected disposal areas located on Blakeley Island, Pinto Island, McDuffie Island, Gaillard Island, and in Theodore, Alabama. Some redistribution of localized mounds of viscous material (fluff) created by ship propellers will be accomplished by drag bar.

Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), you are hereby authorized by the Secretary of the Army to conduct the above described activities. All work must be conducted in accordance with your submitted data, attached drawings, the attached General Conditions and the following Special Conditions:

a. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative,

said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U. S. Army Corps of Engineers (USACE), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The permittee and contractors shall comply with all terms and conditions of the attached State of Alabama Coastal Consistency Certification issued October 29, 2019, by the Alabama Department of Environmental Management (ADEM).

c. In order for the U.S. Coast Guard (USGC) 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's 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/.

d. The permittee must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The permittee, at a minimum, must implement applicable effective BMPs as provided in the "*Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, July 2018*" published by the Alabama State Soil and Water Conservation Committee. The document may be accessed online at www.alconservationdistricts.gov/resources/erosion-and-sediment-control/.

e. The permittee shall be responsible for the condition of the dredged material disposal areas for the life of the dredging and disposal activity and until the disposal areas are reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal areas sufficient to ensure that turbidity in return water will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTU's above the background turbidity levels in the receiving waters.

f. It is the permittee's responsibility to ensure the contractors working on this project are aware of all General and Special permit conditions.

g. 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) 690-3262 or (251) 690-2658, and the U.S. Fish and Wildlife Service in Daphne, (251) 441-5181.

h. Should artifacts, archeological features, Native American artifacts, or other cultural resource materials be encountered during project activities, work shall cease and the U.S. Army Corps of Engineers (USACE) shall be consulted immediately by telephone at: (251) 690-3262 or (251) 690-2658 such that USACE may initiate appropriate federal, state, and tribal coordination to determine appropriate documentation and recovery efforts. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.

i. The permittee is required to conduct pre- and post-dredging hydrographic surveys of the project area and adjacent Federal Navigation Channel to assure a return of the federal project's conditions. These surveys shall be submitted to the USACE, Mobile District, Regulatory Division by email at: CESAM-RD@sam.usace.army.mil, or to the letterhead address. The pre-dredging hydrographic survey shall be completed no greater than thirty (30) days prior to commencement of dredging activities. The post-dredging hydrographic survey shall be completed within fifteen (15) days after completion of the authorized dredging. Both surveys shall be provided to the Mobile District within thirty (30) days of their completion. The surveys shall extend from the Mean High Water (MHW) shoreline to the centerline of the Federal Navigation Channel and 200 feet upstream and downstream of the construction limits. Soundings shall be spaced on 25-foot centers or less. Both surveys shall be controlled from a common baseline (horizontally) and a common vertical datum (mean sea level, mean low water, National Geodetic Vertical Datum, etc.). All surveys should be electronically controlled horizontally from known monuments (fixed coordinate points) and referenced to Mean Lower Low Water (MLLW) with tidal compensation. Surveys should be plotted in cross-section and plan view drawings illustrating 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.

j. Prior to commencement of any activity authorized by this DA Letter of Permission (LOP), the permittee shall coordinate directly with the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division (SLD) regarding modification of any existing riparian easement and the disposition of dredged sands. The ADCNR, SLD at 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, (251) 621-1238.

Please read this letter and the attached General Conditions carefully and comply with its provisions. 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.

You should study and carefully adhere to all the terms and conditions of this LOP. The District Commander must be notified of the commencement and completion of the permitted work. The attached notice of commencement and completion certification forms may be used for that purpose. Also attached is a yellow "NOTICE OF AUTHORIZATION" sign which must be conspicuously displayed at the site during construction of the permitted work. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in its revocation.

If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order that the revised plans may receive the approval required by law before work is begun.

If the activity authorized herein is not completed on or before **April 06, 2025**, this permit, if not previously revoked or specifically extended, shall automatically expire.

Your attention is directed to all conditions under which this permit will be issued. Failure to comply with any condition of the approved permit may result in its suspension, cancellation, or revocation. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Attached you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address. In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the RFA. It is not necessary to submit a Request for Appeal (RFA) form to the District Office, if you do not object to the decision in this letter.

This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state, or federal authority.

You are receiving an electronic copy only of this permit letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. Electronic copies of this letter are also being sent to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov; the ADCNR, State Lands Division, Attention: Mr. Will Underwood, at dcnr.coastal@dcnr.alabama.gov, and Mr. Jeremiah Kolb, at jeremiah.kolb@dcnr.alabama.gov; and your agent, Volkert, Inc., Attention: Mr. Paul Bradley, at paul.bradley@volkert.com.

Please contact the project manager, Ms. Jessica C. Comeaux, at (251) 690-3262 or Jessica.C.Comeaux@usace.army.mil if you have any questions. You can visit our website at www.sam.usace.army.mil/Missions/Regulatory, for additional information about our Regulatory Program. 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 services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Sebastien P. Joly
Colonel, U.S. Army
District Commander

BY:



Digitally signed by
CROSSON, STEVEN.B.1368435178
Date: 2020.04.06 16:46:20 -05'00'

S. Brad Crosson, Team Leader
South Alabama Branch
Regulatory Division

Attachments

When the structures or work authorized by this permit (SAM-2020-00344-JCC) 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.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED NAME)

FILE NUMBER: SAM-2020-00344-JCC

PERMITTEE: Alabama State Port Authority, Attention: Robert Harris

PERMIT GENERAL CONDITIONS/INFORMATION

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **April 6, 2025** if you find that you need more time to complete the authorized activity, you must submit your request for a time extension to this office for consideration at least one 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 conditions 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.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 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.

Permit General Conditions/Information

Page 2

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 reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR Part 325.7 or enforcement procedures such as those contained in 33 CFR Part 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 Part 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 U. S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.

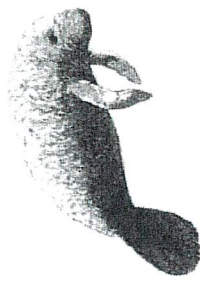
Standard Manatee Conditions for In-Water Activities

The following conditions are recommended for any in-water work occurring between June 1 and December 31.

1. All on-site personnel will be responsible for observing water-related activities for the presence of manatees.
2. If a manatee is spotted within a 50-foot radius (buffer zone) of the action area, all work, equipment, and vessel operation **must** cease. Manatees must not be herded or harassed into leaving the active work area. Once the manatee has left the buffer zone on its own accord, and after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
3. If a manatee(s) is sighted outside of, but near to the action area, all vessels associated with the project should operate at "no wake/idle" speeds within the action area; and at all times while in waters where the draft of the vessel provides less than a 4-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
4. If used, siltation or turbidity barriers should be properly secured and be monitored to avoid manatee entrapment or obstruction to their movement.
5. Temporary signs concerning manatees **must** be posted prior to and during all in-water project activities and then removed upon completion of in-water activities. Each vessel involved in construction activities **must** display a temporary sign at the vessel control station or in a prominent location, visible to all employees operating the vessel. The temporary sign must be at least 8½" x 11" reading language similar to the following: "CAUTION: MANATEE AREA. IDLE SPEED IS REQUIRED IN ACTION AREA AND WHERE THERE IS LESS THAN FOUR-FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½" x 11" **must** be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA. EQUIPMENT **MUST** BE SHUT DOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF VESSEL OPERATION".
6. Collisions with, injury to, or sightings of manatees **must** be immediately reported to the USFWS's Mobile, AL (251-441-5181) or Panama City, FL (850-769-0552) Ecological Services Office. Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.



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

COMMENCEMENT CERTIFICATION



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

Permit Number: **SAM-2020-00344-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **April 06, 2020**

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-2020-00344-JCC**

Name of Permittee: **Alabama State Port Authority**

Date of Issuance: **April 06, 2020**

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



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
Alabama State Port Authority (ASPA), Pinto Dock, Mobile River, Mobile County, Alabama

has been issued to Alabama State Port Authority, Attn: Bob Harris on April 6, 2020

Address of Permittee: Post Office Box 1588, Mobile, Alabama 36633

PERMIT NUMBER

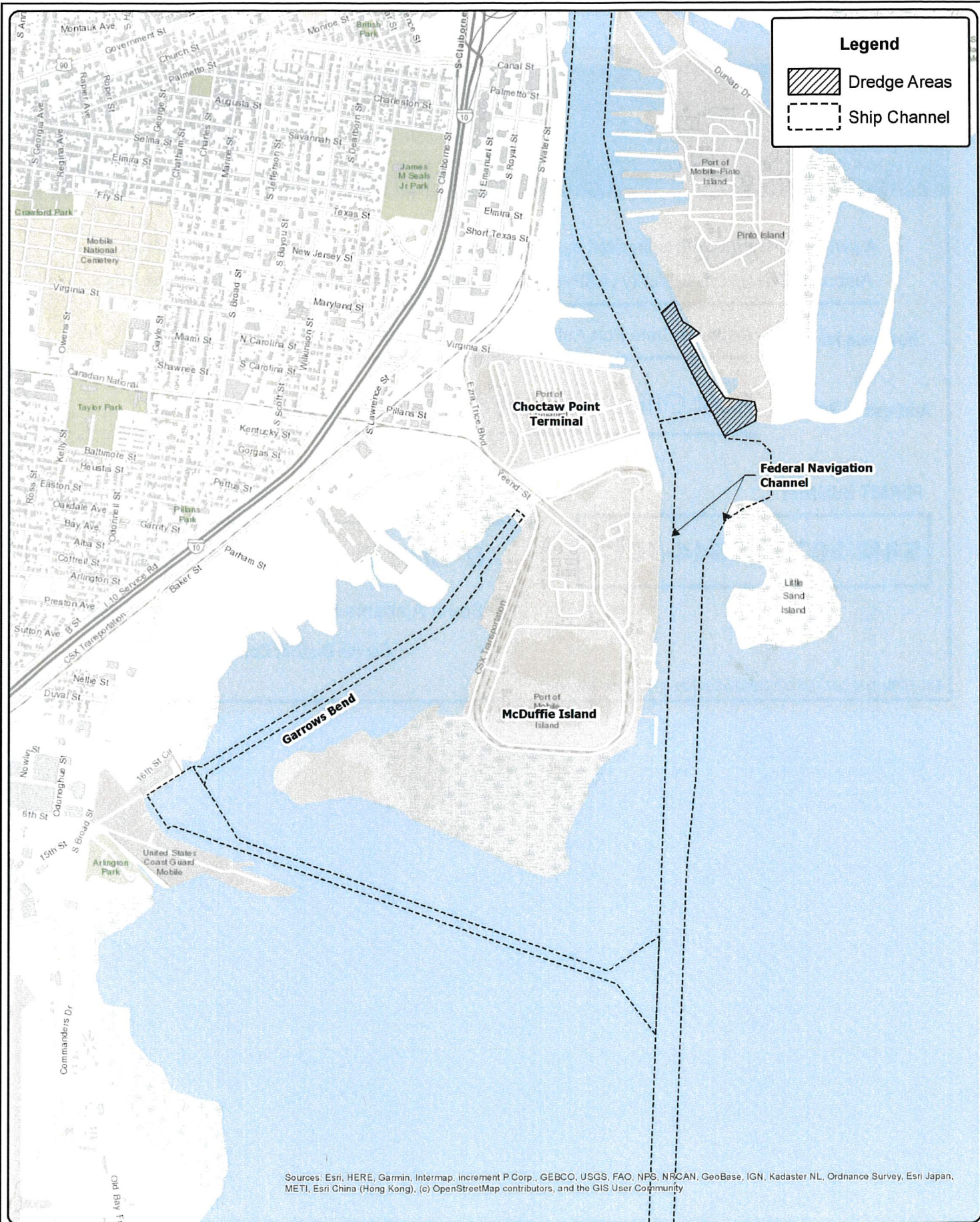
SAM-2020-00344-JCC

Digitally signed by
CROSSON, STEVEN.B.1368435178
Date: 2020.04.06 16:45:01 -05'00'



S. Brad Crosson, Team Leader

South Alabama Branch, Regulatory Division

For the District Commander



Legend

-  Dredge Areas
-  Ship Channel

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

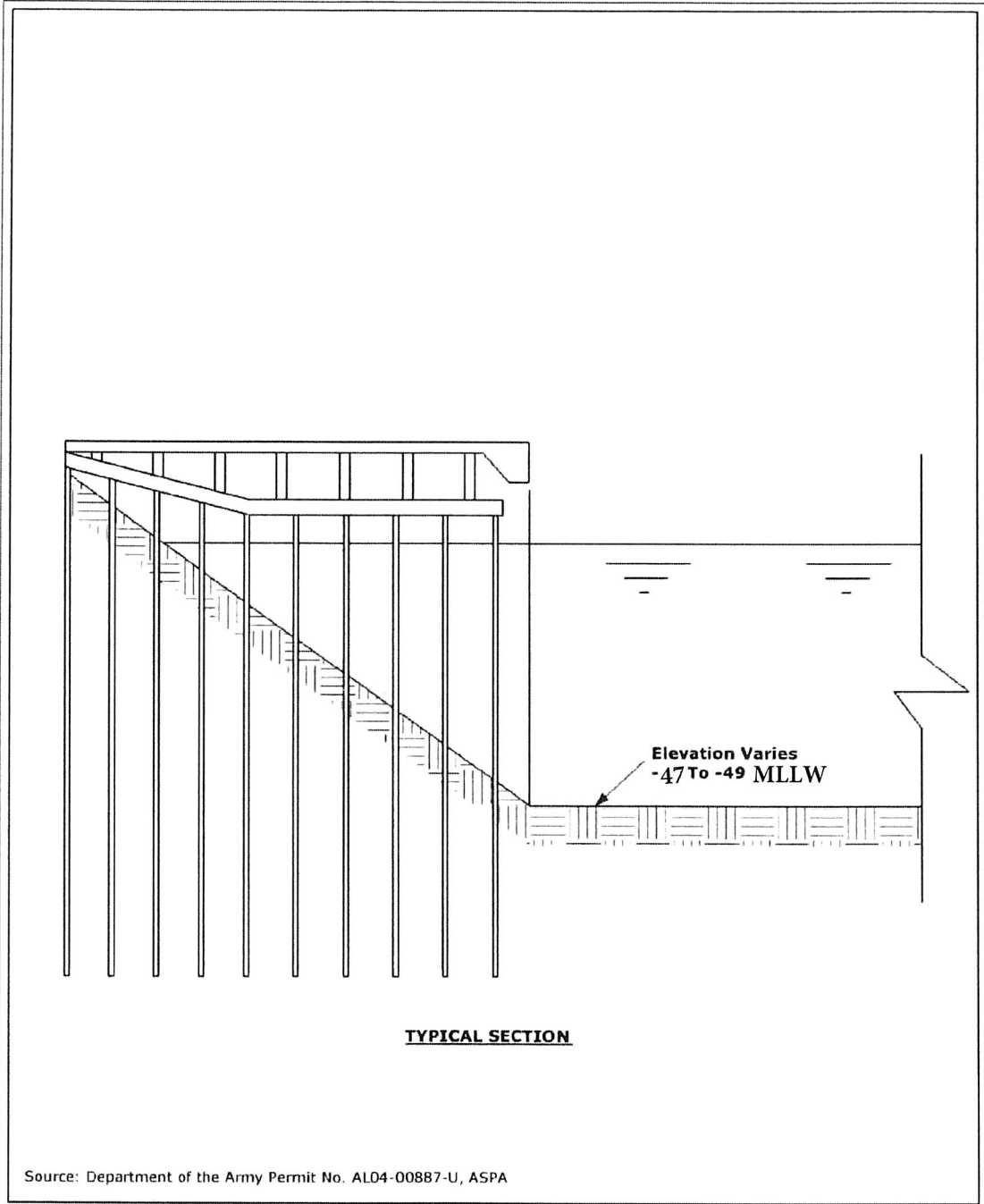
Note: Coordinates are based on NAD83 State Plane Alabama West Feet

VOLKERT

0 1,000 2,000 Feet
1 inch = 2,000 feet



Mobile River



TYPICAL SECTION

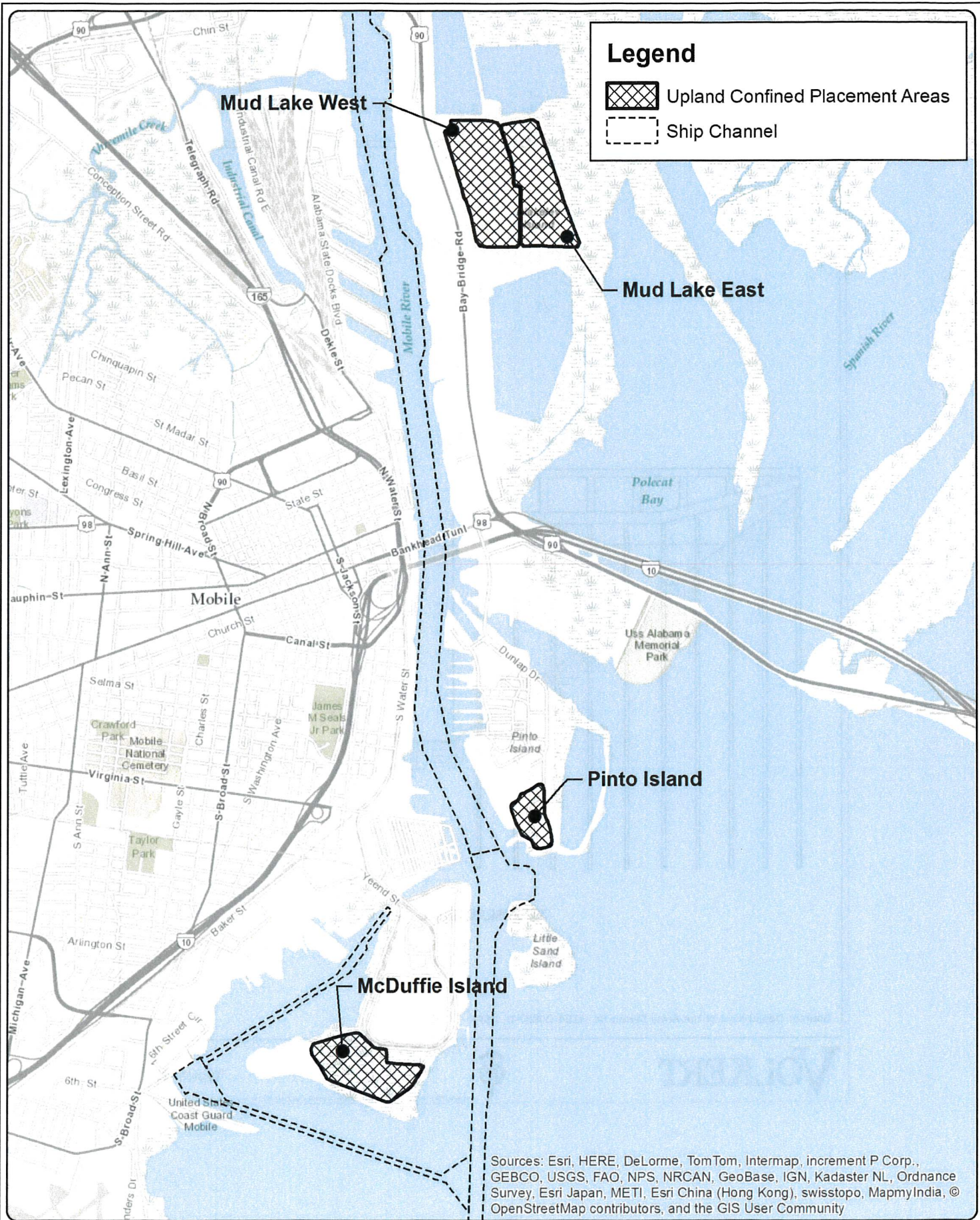
Source: Department of the Army Permit No. AL04-00887-U, ASPA




Note: This map is for presentation use only, and not to be used for construction purposes.

Typical Section

Document Path: \\GIS\GIS_Projects\Paul Bralder\Corps\Dredge\Cross Section.mxd



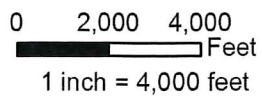
Legend

-  Upland Confined Placement Areas
-  Ship Channel

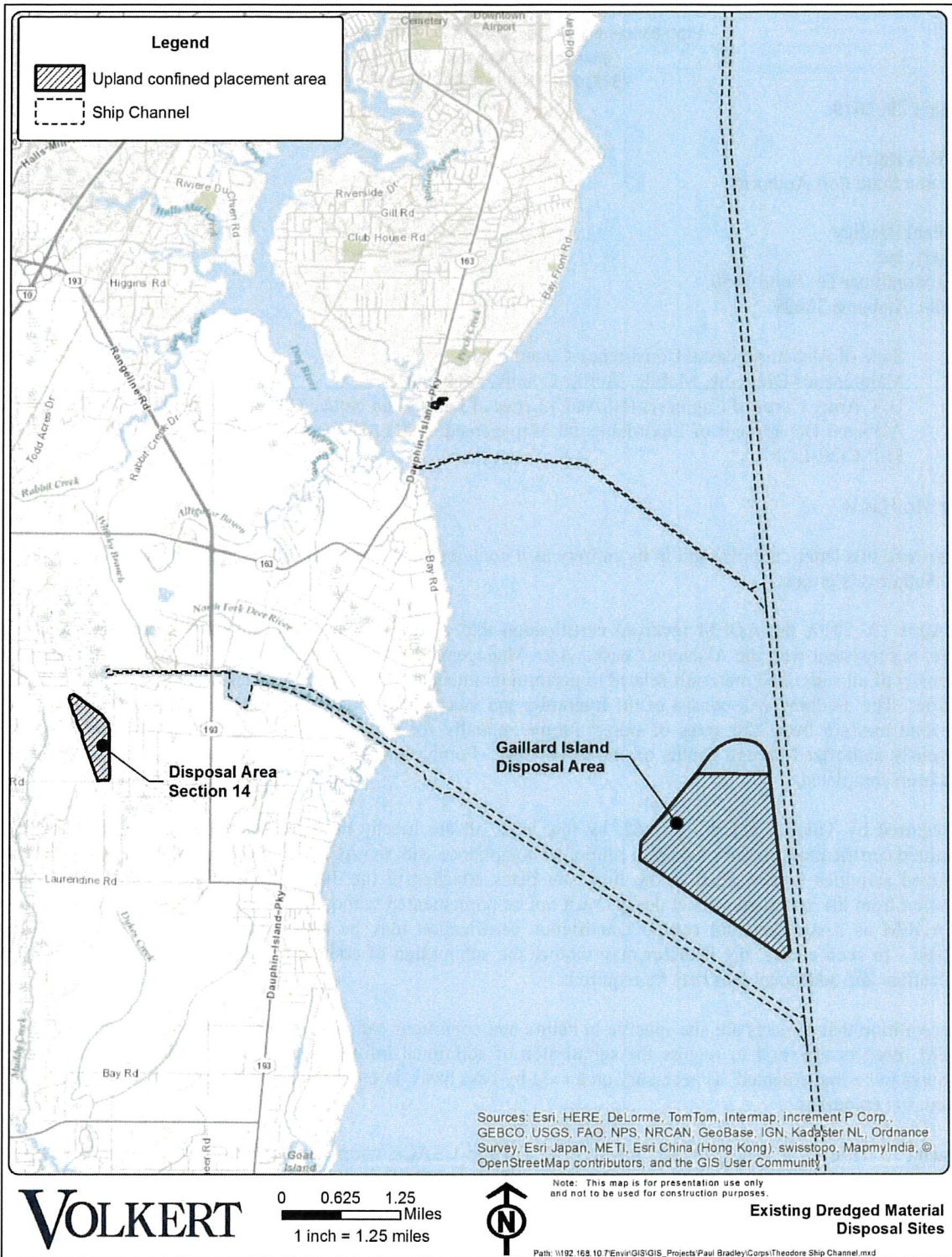
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Note: This map is for presentation use only and not to be used for construction purposes.

VOLKERT



Existing Dredge Material Disposal Sites





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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Coastal Consistency Concurrence
Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ACAMP-2014-331.1-FC-
FLP-COE-LOP

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.

On April 12, 2019, the ADEM received certification that Alabama State Port Authority's proposal, referenced above, is consistent with the Alabama Coastal Area Management Program (ACAMP). The ADEM has completed its review of all submitted materials related to perform maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet. Public noticing requirements of Title 15 C.F.R. §930.61 have been completed.

As required by Title 15 C.F.R. §930.62, by this letter all are hereby notified that the ADEM concurs with the submitted certification, conditional upon continued compliance with the ACAMP. This concurrence is limited to the approved activities as described in the final site plans attached to the 30JUL2019 USACE Public Notice. Any deviation from the approved project design must not be implemented without prior written notice and approval from the ADEM as a supplemental coastal consistency certification may be required – pursuant to Title 15 C.F.R. §930.66. 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.

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 15 C.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, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities.

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. 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 any person 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 anyone's possession. This concurrence does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This concurrence is not transferable without prior written notice and approval of the ADEM.

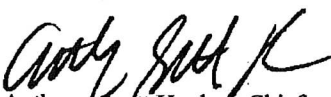
Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.01, should cultural resources be encountered during the course of conducting the activities authorized herein, construction activities must cease and the ADEM and the Alabama Historical Commission must be immediately notified of any historical, cultural, or archaeological resources that are discovered! This condition should be placed on the site construction plans to ensure contractors are aware of it.

Pursuant to the requirements of ADEM Admin. Code r. 335-8-2-.02(8), the salinity of return waters from dredge disposal sites shall be similar to that of the receiving waters and reasonable assurance provided that applicable water quality standards will be met.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,


Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: CZCERT/



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

October 29, 2019

Mr. Bob Harris
Alabama State Port Authority
C/O
Mr. Paul Bradley
Volkert, Inc.
1110 Montlimar Dr. Suite 1050
Mobile, Alabama 36609

RE: State of Alabama Water Quality Certification (WQC) Pursuant to Clean Water Act (CWA) §401(a) Maintenance Dredging, Mobile, Mobile County, Alabama
U.S. Army Corps of Engineers (USACE) Letter of Permission Notice (LOP): SAM-2014-00848-GAC
Alabama Department of Environmental Management (ADEM) Tracking Code: ADEM-2014-331.1-WQC-COE-LOP

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.

On April 12, 2019, the ADEM received a copy of the Alabama State Port Authority's application to the USACE and has completed its review of all submitted materials related to maintenance dredging at several existing, previously dredged facilities. The dredging will consist of the hydraulic and mechanical removal of approximately 350,000yd³ of silt-clay-sand mixture from 230 acres of waterbottoms annually for five years, totaling 1,750,000yd³ of material to previously authorized dredge depths of -12 to -49 feet.

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 all are hereby notified 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 30JUL2019 USACE Public Notice. This WQC terminates coincidentally with the expiration of SAM-2014-00848-GAC, but in no case shall this WQC exceed a maximum of five years from the date the USACE issues the permit unless specifically authorized in response to a written request for same. 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.



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.

By accepting this WQC from the State of Alabama, any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney must be allowed 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 this concurrence are not delegable by contract or otherwise. Any agent, contractor, subcontractor, or other person employed to work on the project must understand the approved project design and associated activities. Any violations of the ADEM's Administrative Code may be considered violations of this WQC and may result in an enforcement action.

This WQC only addresses potential discharges to state waters resulting from approved activities. 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 any person 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 anyone's possession. This WQC does not relieve anyone of the 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 should be approved by any other jurisdictional entity.

This WQC is not transferable without prior written notice and approval of the ADEM.

Adherence to the following conditions is required in order to ensure protection of water quality.

1. Effective Best Management Practices (BMPs) must be implemented 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. Appropriate BMPs to minimize turbidity impacts to the maximum extent practicable shall be implemented. 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, operations must cease until turbidity is restored to acceptable levels.
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 operations or as identified by ADEM technical staff during inspections, work/activity and all discharges shall, where necessary to maintain compliance with this WQC, be suspended, halted, reduced, or otherwise controlled until effective treatment is restored.

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 USACE and the ADEM must be notified - 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. Mark Rainey is the Mobile-Coastal office contact for this project; he may be reached by phone at 251.304.1176 or by e-mail at mark.rainey@adem.alabama.gov.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

cc: DCNR.Coastal@dcnr.alabama.gov
Jessica.C.Comeaux@usace.army.mil
Martin.molly@epa.gov

ASH/jsb

File: 401WQ/