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## MEMORANDUM

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March 10, 2023

RE: MRB Permitting Discussions Summary with Agencies

### Section 404/10 Permit

ALDOT met with the U.S. Army Corps of Engineers (USACE) and the National Marine Fisheries Service (NMFS) on September 30, 2022, for a pre-permitting discussion. The purpose of the meeting was to explain that the MRB project is broken into two Progressive Design-Build projects and to obtain feedback from the agencies on the anticipated permitting process.

The USACE indicated that they will require one Section 404/10 Permit for the entire project. If Project 1 has minimal impacts to SAV and wetlands (as currently proposed in the base design), mitigation for those impacts could be deferred to be concurrent with Project 2.

The team selected to design and construct Project 2 will be responsible for preparing the Final Mitigation Plan to account for all impacts to wetlands and submerged aquatic vegetation (SAV) associated with Project 1 and Project 2. The team selected for Project 2 will also be responsible for designing and constructing the mitigation site. The mitigation site must be constructed concurrently with Project 2.

The teams selected for both Projects 1 and 2 will be required to identify where pilings will be located. The teams will also have to identify proposed areas for dredging construction channels to access the site and areas that would be dredged to accommodate construction equipment and construction activities. This should be done as early as possible for coordination with the USACE. The USACE stated that the contractors will need to access dredging areas from existing channels at similar elevations. The plan must also identify how the team proposes to dredge and move the materials and how to get the material to the mitigation site while maintaining navigable waterways.

ALDOT estimated that approximately 240,000 cubic yards of material will be needed to construct the mitigation site identified in the Draft Mitigation Plan. ALDOT estimated that approximately 325,000 cubic yards of material would be dredged within the limits of the old Bayway construction channel, as identified in the Draft Mitigation Plan. To be used for the mitigation site, the material must be tested for suitability. The teams must identify where they

plan to dispose of extra dredge material. The USACE indicated that CDFs could be used if they have capacity when the project is constructed.

ALDOT will conduct updated wetland and submerged aquatic vegetation (SAV) surveys in April/May of 2023. These surveys will be provided to the selected teams when they are available and will be used to update the Draft Mitigation Plan to identify potential changes in impacts assumed in the Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement/Record of Decision (FEIS/ROD).

ALDOT will also update the Draft Mitigation Plan based on comments received from the USACE and NMFS on the nearby Tensaw River Bridge Replacement Project Mitigation Plan and will provide the updated Draft Mitigation Plan to the selected team for Project 2.

Surveys for underwater elevation (NAVD88) will be required for Final Mitigation Plan. A hydrologic survey of Polecat Bay will be required.

The USACE stated that the [Lightning Point Bayou La Batre Project](#) and the [Fowl River Project](#) are good examples of recent successful mitigation projects. The USACE Public Notice for the Lightning Point Bayou La Batre Project can be found [here](#). The USACE Public Notice for the Fowl River Project can be found [here](#).

Subsequent to this meeting, FHWA confirmed with the NMFS that the proposed marsh creation site and mitigation ratios (1.5:1 for wetlands and 2:1 for SAV) identified in the Draft Mitigation Plan continue to be acceptable for the MRB project.

### **USCG Bridge Permits**

Four separate USCG Bridge Permits will be required for this project, one for each of the following navigable waterway crossings:

- 1) Mobile River (Main Span)
- 2) Tensaw River (Bayway)
- 3) Apalachee River (Bayway)
- 4) Blakeley River (Bayway)

The USCG will look at the three Bayway crossings to determine if they can be consolidated into one permit application. All USCG Bridge Permits for this project have to be signed by Headquarters because the NEPA document is an EIS.

The USCG has indicated that it will take a minimum of 180 days to obtain a USCG Bridge Permit. The USCG is willing to issue Public Notices before the USCG permit applications are complete.

The USCG will allow us to apply for a USCG Bridge Permit at the same time that we apply for a Section 404/10 Permit. The permit application should include a statement from the USACE that the Section 404/10 Permit has been received. If we cannot obtain a written statement from the USACE, a phone call to Doug Blakemore at the USCG will suffice. The USCG cannot actually sign the Bridge Permit until the USACE Section 404/10 Permit has been issued.

The Mobile River (Project 1 main span) permit will require a Section 408 review by the USACE. If the main span does not involve impacts to wetlands or SAV, then a Section 404/10 permit is not required for the Mobile River Bridge crossing (main span).

The USCG requires a set of 60% plans (based on the [BPAG plan sheet requirements](#)) prior to signing permits. Because Project 1 does not have piers located within the limits of the the navigation channel, the permit application could be submitted to the USCG prior to having 60% plans. For Project 2, the locations of piers in the water must be shown. The USCG asks for plans to be stamped by a P.E., but they do not want stamped plans until the USCG has confirmed that they meet the BPAG plan sheet requirements.

The USCG is open to meeting with the selected teams for both projects to answer questions on USCG requirements for construction.

General construction requirements previously provided by the USCG (and circulated to the teams as a RID) are still accurate. All construction requirements are worked out at Doug Blakemore's level of approval, so they can be handled without Headquarters' input. The selected team will have to give the USCG time to coordinate with local USCG representatives and waterway users.

All vessels (tow boats/barges/people movers) must meet USCG regulatory requirements (marked/lit/life vests/licensed captains/etc.) and vessel safety requirements.

The USCG Bridge Administration office does not have authority over dredging; however, the Mobile USCG (Captain Ulysses Moses) does have jurisdiction over dredging in navigable waterways and where barges will be located. Coordination on this item is not part of the Bridge Permit application process. Doug Blakemore will put the selected teams in contact with the appropriate individuals at the USCG Sector Mobile to evaluate navigation safety issues.