



REPLY TO  
ATTENTION OF

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

**CESAM RD-A**  
**PUBLIC NOTICE NO. SAM-2019-00340-CDJ**

**June 17, 2019**

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

**REQUEST TO IMPACT 0.005 ACRE OF TIDAL WETLANDS IN CONJUNCTION WITH THE**  
**EXCAVATION OF AN INCISED BOAT SLIP AND CONSTRUCTION OF A BOAT SHELTER**  
**ON A MANMADE CANAL OFF PERDIDO BAY, ONO ISLAND SUBDIVISION, ORANGE**  
**BEACH, BALDWIN COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

**APPLICANT:** Mr. Ron and Ms. Amanda Childress  
Post Office Box 1643  
Daphne, Alabama 36526

**AGENT:** EcoSolutions, Incorporated  
Attention: Mr. Thomas Hutchings  
Post Office Box 361  
Montrose, Alabama 36559

**LOCATION:** The project is located on a manmade canal off Perdido Bay, at 32214 Sandpiper Drive; within Section 33, Township 8 South, Range 6 East; at Latitude 30.29959° North, Longitude -87.47736° West; in the Ono Island Subdivision, Orange Beach, Baldwin County, Alabama.

**PROJECT PURPOSE:** The project purpose is to provide on-site recreational watercraft storage and navigable access to an existing manmade canal on Ono Island as well as surrounding navigable waters. The project would involve excavation of an incised boat slip in order to provide sufficient clearance to construct a boat shelter without obstructing navigation within the manmade canal.

**PROPOSED WORK:** The applicant has proposed to mechanically excavate 47 cubic yards of material from a 230-square-foot area of uplands and a 322-square-foot area of waterbottoms to create an incised boat slip on a manmade canal. Approximately 34 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 200 square feet (0.005 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The dredged material would be placed within a 232-square-foot dewatering cell in adjacent uplands, with containment provided by an earthen berm and silt

fencing. Return waters would be discharged via pipe back to the manmade canal. After dewatering, the material would be spread across upland portions of the applicant's lot.

Upon completion of the incised slip, the applicant proposes to construct a 32-foot by 14-foot open-sided boat shelter structure within the incised area. The boat shelter structure would be accessed by a 4-foot-wide pier, which would extend 4 feet waterward of the newly created MHW line within the incised slip, and be constructed 5 feet in height above emergent tidal marsh. The completed structures would extend 18 feet waterward into the canal from the newly-created MHW line within the incised slip. See the attached plans for additional information.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated that the proposed excavation of the incised slip has been planned to provide the minimal area necessary for vessel storage and unobstructed access to the waterway, thereby minimizing wetland impacts to the maximum extent practicable. The proposed boat shelter structure would be offset from the edge of replanted tidal wetlands and the access pier constructed "as high as wide" with deck board spacing of at least 0.75 inch in order to minimize shading of wetland vegetation. The applicant has indicated that approximately 150 square feet of existing tidal marsh on their lot will be avoided. The applicant has proposed to utilize earthen berms and silt fencing during dewatering of dredged material to prevent loss of sediment and turbidity in the adjacent waterway. Construction best management practices (BMPs) will be utilized to prevent silt-laden runoff from reentering the waterway during excavation/dredging activities. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts at this time.

**MITIGATION:** The applicant has proposed to compensate for unavoidable impacts to 200 square feet (0.005 acre) of the existing tidal wetlands through the on-site creation of 220 square feet (0.005 acre) of new tidal wetlands created along the newly constructed bank of the proposed incised slip. The Mobile District has not yet verified the adequacy of the applicant's proposed mitigation plan at this time.

**WATER QUALITY:** The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency concurrence in accordance with the Alabama Coastal Area Management Program. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification and CZM consistency will be made by the Alabama Department of Environmental Management (ADEM).

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Mobile District has determined the permit area consists of the entire undertaking in waters of the United States as well as portions of the upland residential lot. The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comment from the State Historic Preservation Officer regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. The permit area described

above is currently under review by USACE archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 122 square feet (0.003 acre) of unvegetated estuarine substrate and 200 square feet (0.005 acre) of tidal wetlands utilized by various life stages of multiple marine species. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the minor area of impact and proposed mitigation activities. Our final determination is subject to review by and coordination with the National Marine Fisheries Service.

**ENDANGERED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the Perdido Pass – Frontal Gulf of Mexico 12 digit HUC 031401070204 boundary: Alabama beach mouse (E), Perdido Key beach mouse (E), West Indies manatee (T), Piping plover (T), Red knot (T), Wood stork (T), Eastern Indigo snake (T), Gopher tortoise (candidate species), Green sea turtle (T), Kemp's Ridley sea turtle (E), and Loggerhead sea turtle (T). There is no designated critical habitat within the project's action area. This preliminary determination is being coordinated with the USFWS via this Public Notice for any possible comments.

**COMMENTS:** This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic

properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and in general, the needs and welfare of the people. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will also include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

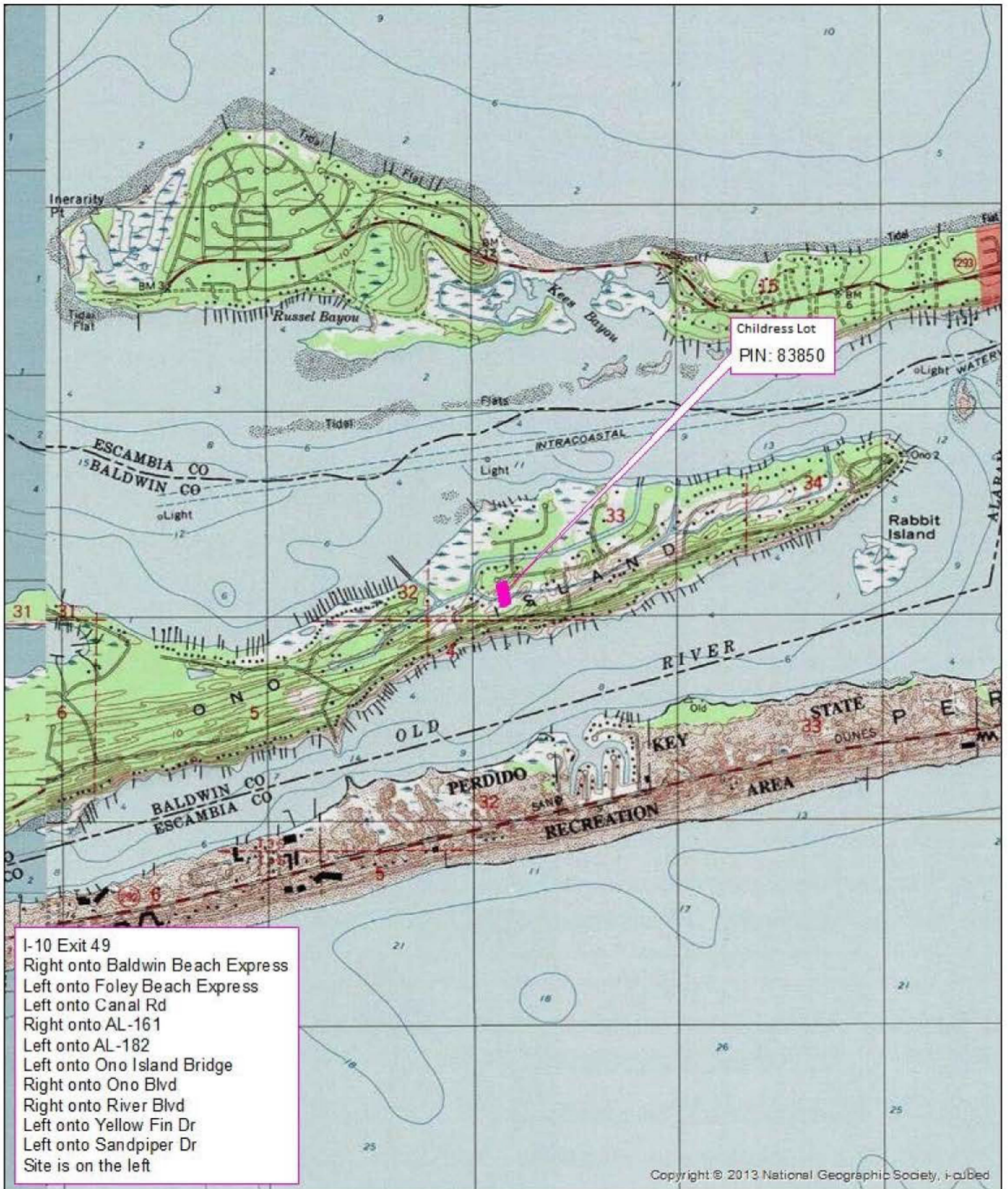
Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-00340-CDJ**, and should be directed to the project manager, Ms. Dianne Jordan by e-mail at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Dianne Jordan, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov), or sent to: Alabama Department of Environmental Management, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

**All comments should be received no later than 30 days from the date of this Public Notice.** If you have any questions concerning this publication, you may contact Ms. Dianne Jordan by e-mail at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or (251) 694-3885. Please refer to the above Public Notice Number SAM-2019-00340-CDJ, in any communication concerning this project.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



Childress Lot  
PIN: 83850

I-10 Exit 49  
 Right onto Baldwin Beach Express  
 Left onto Foley Beach Express  
 Left onto Canal Rd  
 Right onto AL-161  
 Left onto AL-182  
 Left onto Ono Island Bridge  
 Right onto Ono Blvd  
 Right onto River Blvd  
 Left onto Yellow Fin Dr  
 Left onto Sandpiper Dr  
 Site is on the left

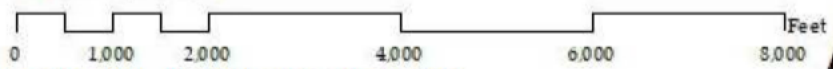
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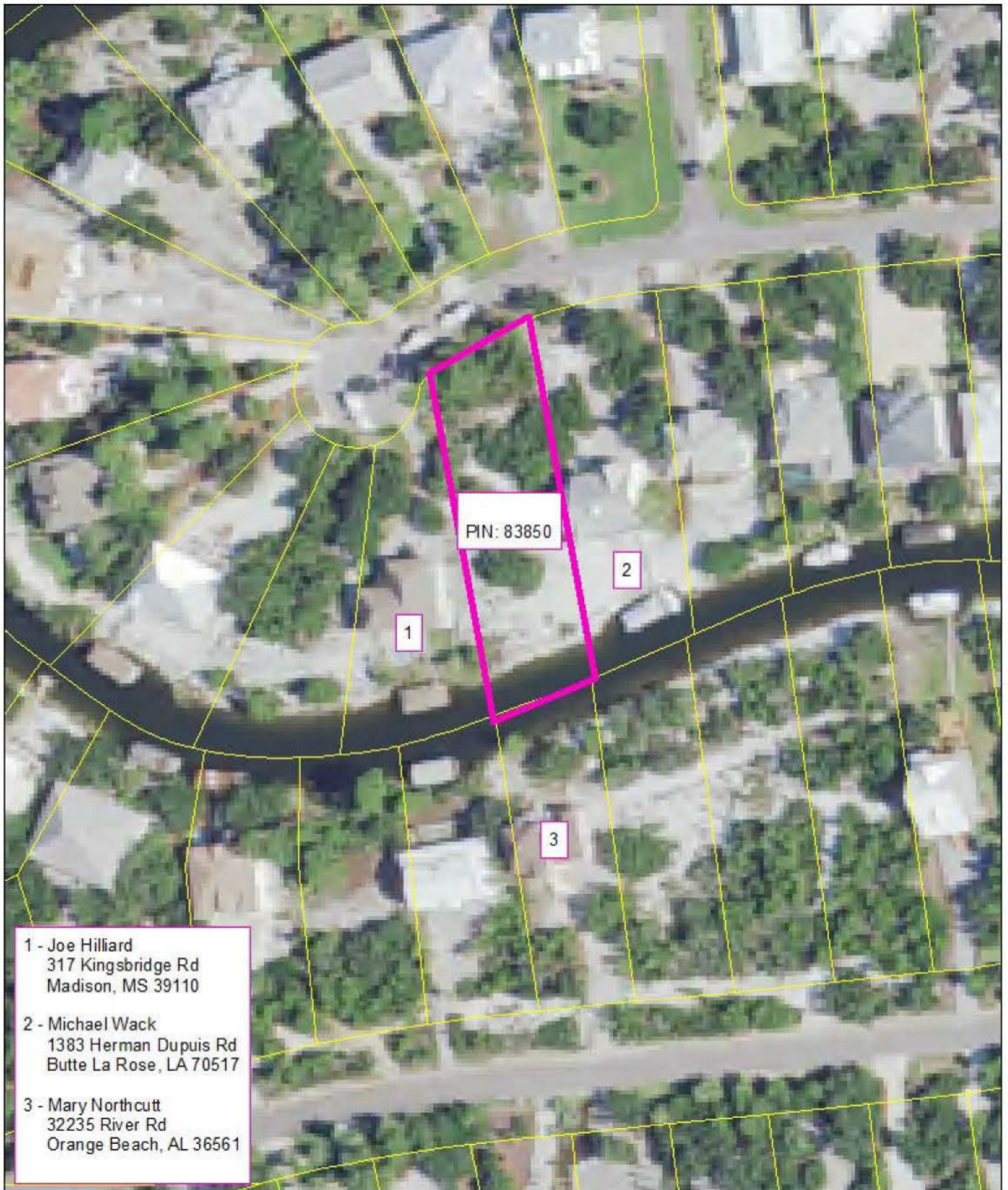


P.O. Box 361 Montrose, AL 36559  
 Phone: 251-621-5006 Fax: 251-621-5058

Applicant: Childress  
 1 inch = 2,000 feet

T-S-5, R-6-E, Sect. 33  
 Orange Beach, AL





- 1 - Joe Hilliard  
317 Kingsbridge Rd  
Madison, MS 39110
  
- 2 - Michael Wack  
1383 Herman Dupuis Rd  
Butte La Rose, LA 70517
  
- 3 - Mary Northcutt  
32235 River Rd  
Orange Beach, AL 36561

PIN: 83850

1

2

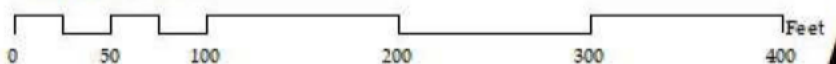
3



P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

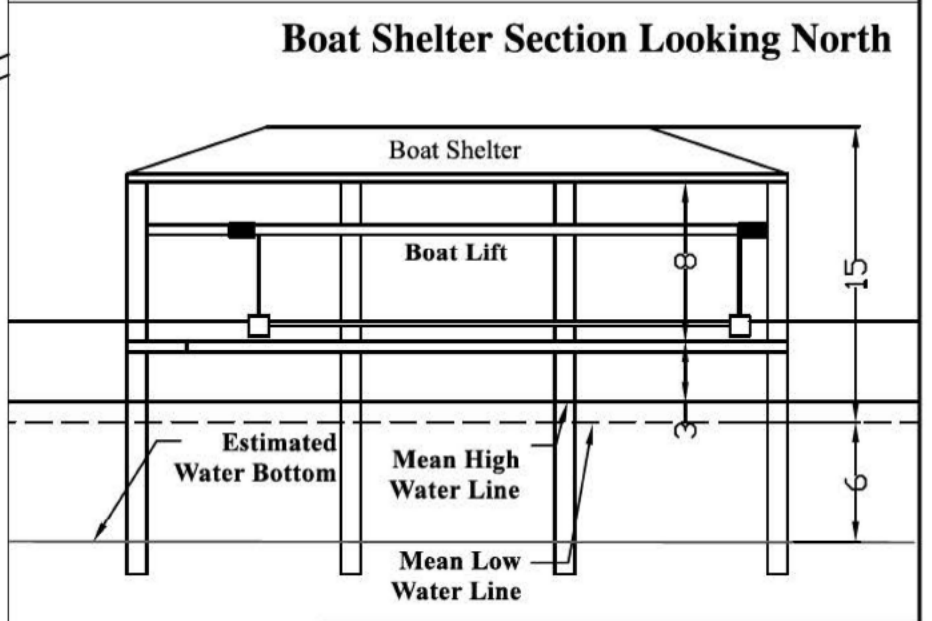
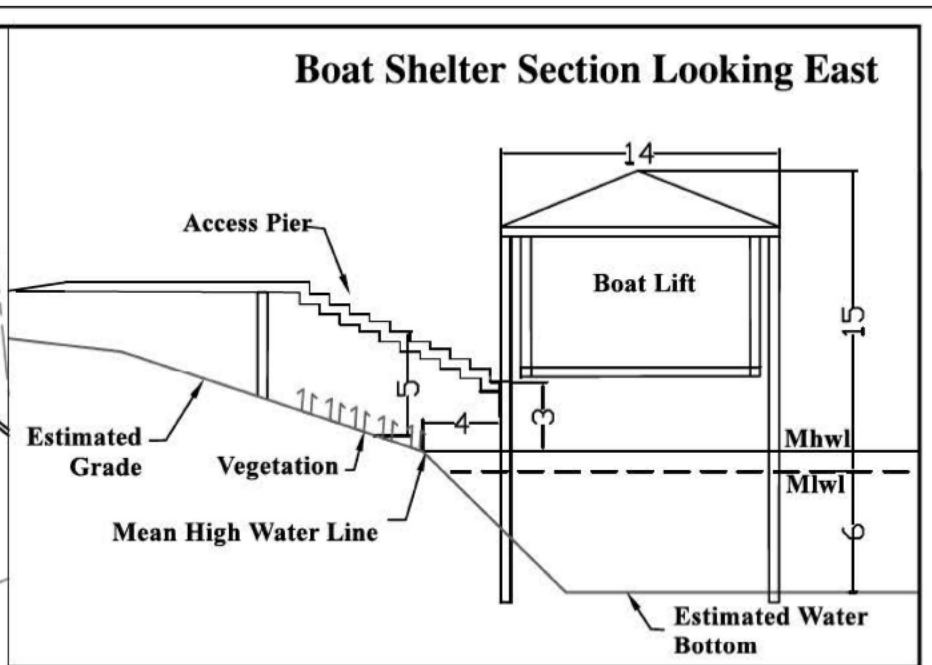
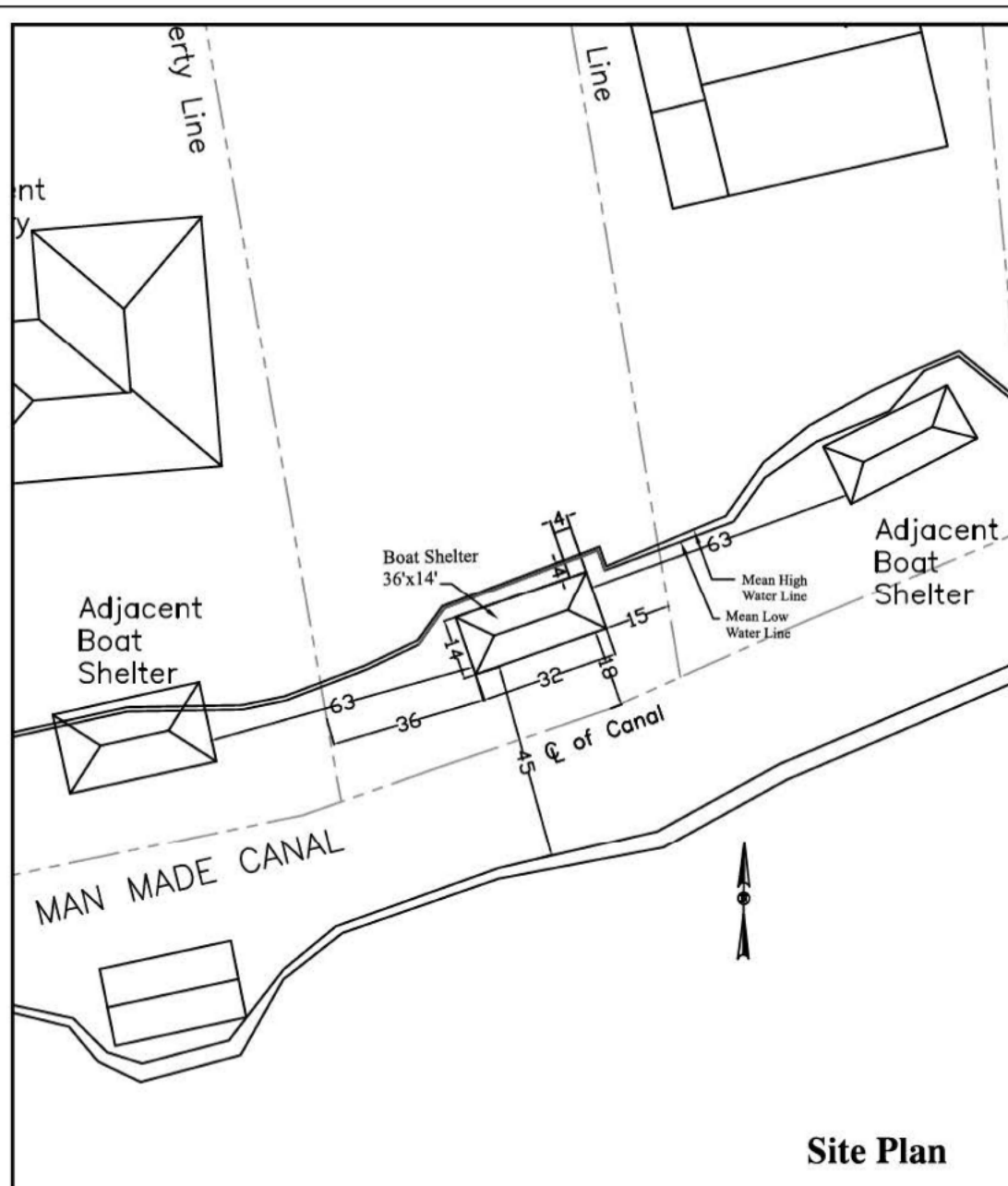
T-8-S, R-6-E, Sect. 33  
Orange Beach, AL

1 inch = 100 feet



N





**Boathouse is 14 Ft by 32 Ft**  
**Boat Slip is 12 Ft by 29 Ft**

All Measurements  
are made in feet

**Boat Shelter Section, Site**

Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures.

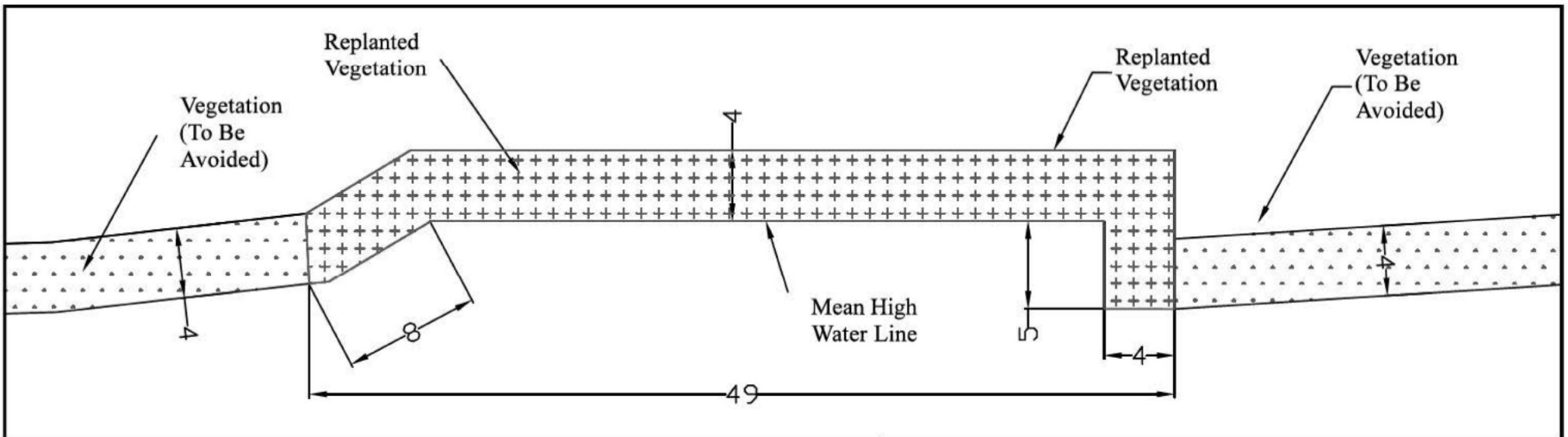
**EcoSolutions**  
STRATEGIC DESIGN, MANAGEMENT & PLANNING

P.O. BOX 361  
 MONTROSE, AL 36559  
 (251) 621-5006

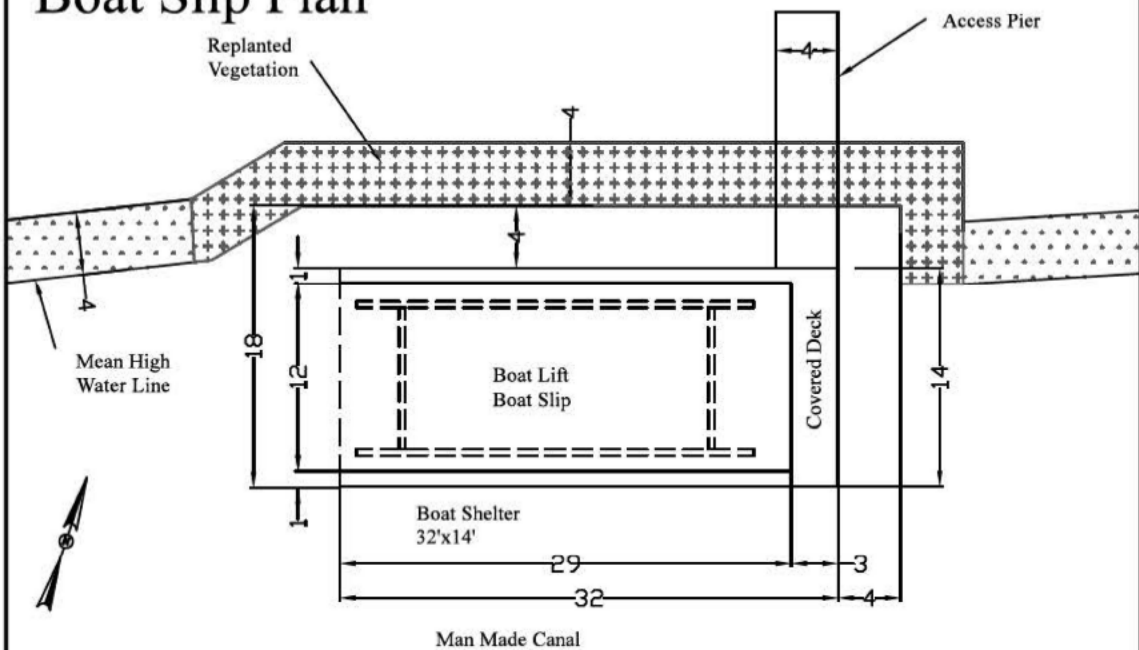
PREPARED FOR Cuny Sandpiper Dr. Orange Beach, AL 36561	DESIGNED BY L. Karcher CHECKED BY T. Hatchings	DATE OF LAST REVISION Apr. 4, 2019	FILE Cuny Property 3.20.19
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SCALE AS STATED SHEET 1

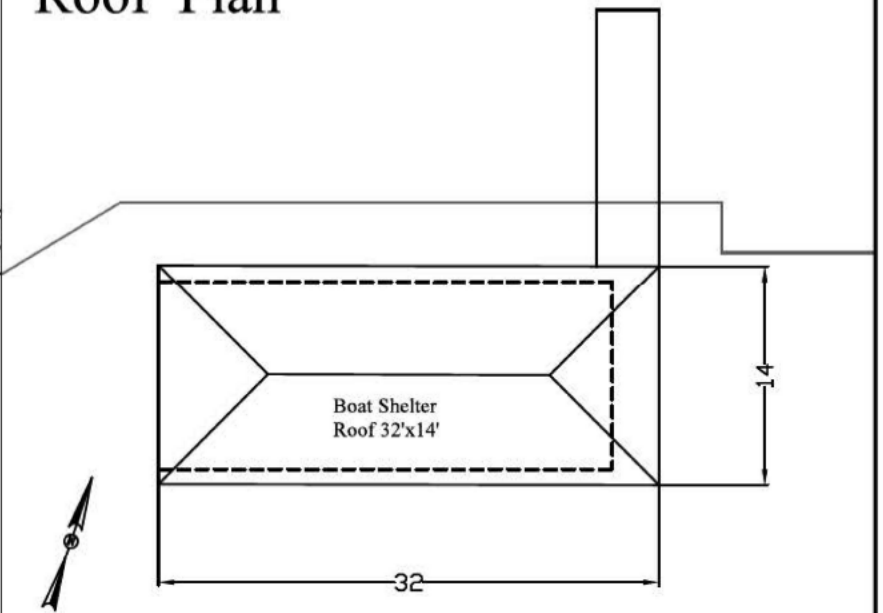
Cuny Property 3.20.19



### Boat Slip Plan



### Roof Plan



**Boat Shelter is 14 Ft by 32 Ft**  
**Boat Slip is 12 Ft. by 29 Ft.**

**Vegetation to be Removed = 200 s.f.**  
**Vegetation to be Replanted = 220 s.f.**

Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures.

All Measurements are made in feet

### Slip Plan and Roof Plan

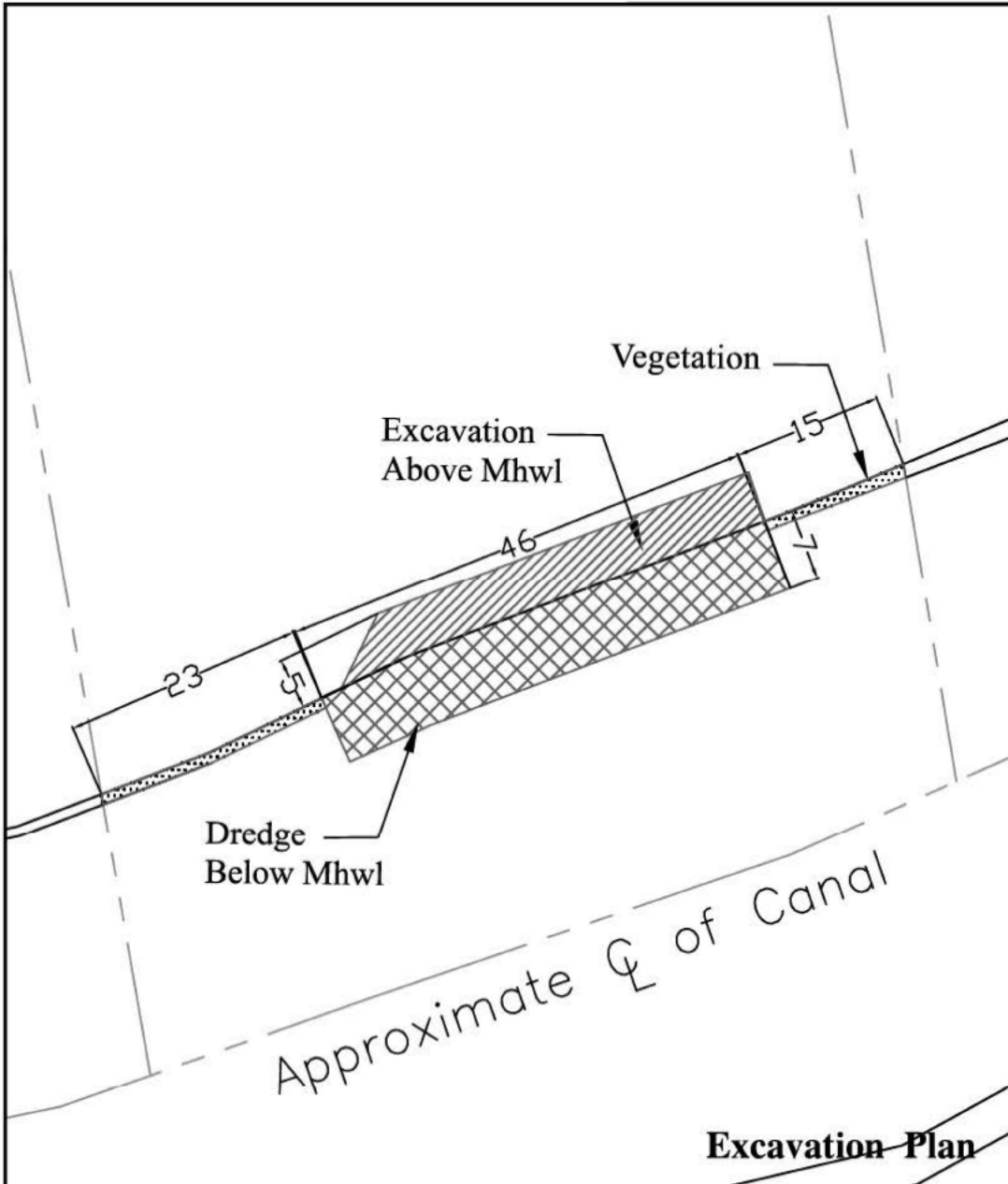
**EcoSolutions**  
 ENVIRONMENTAL MEDATION, MANAGEMENT & PLANNING

P.O. BOX 361  
 MONROSE, AL 36559  
 (251) 621-6006

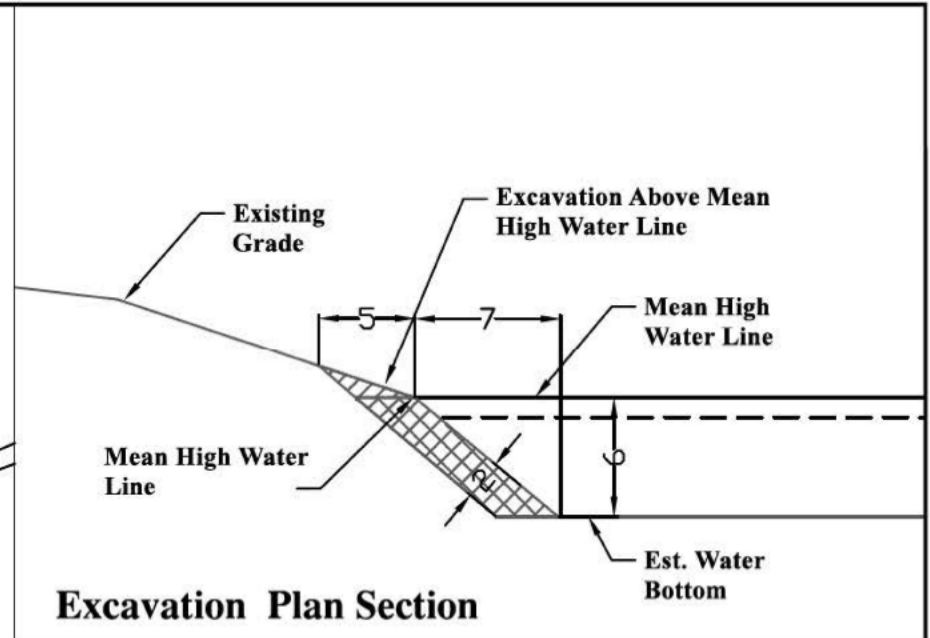
PREPARED FOR Cany Sandpiper Dr. Orange Beach, AL 36561	DESIGNED BY L. Karzher DRAWN BY T. Hutchings	DATE OF LAST REVISION Apr. 12, 2019	FILE Cany Property 3.20.19
SCALE AS STATED			SHEET 2

Cany Property 3.20.19

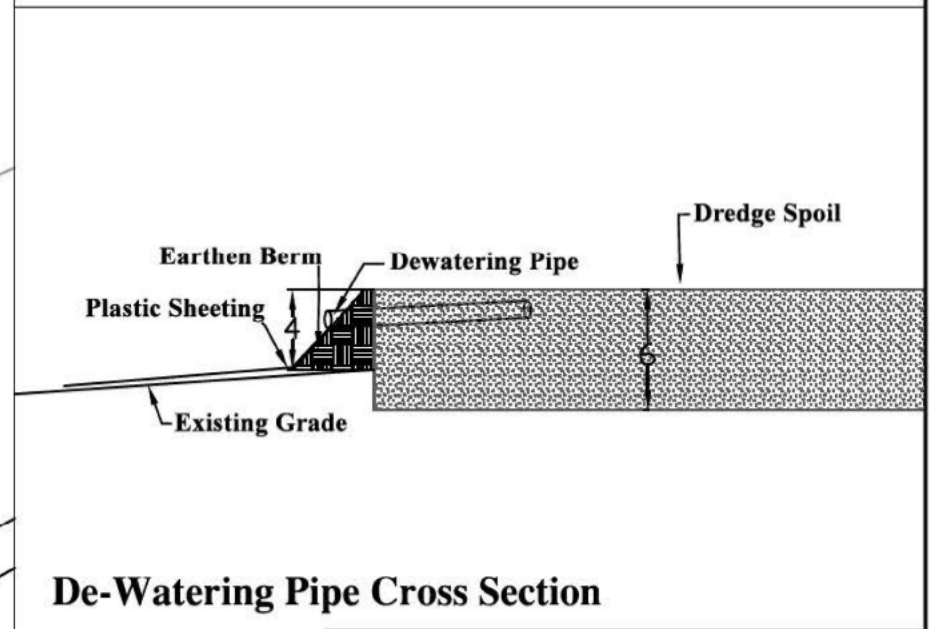




**Excavation Plan**



**Excavation Plan Section**



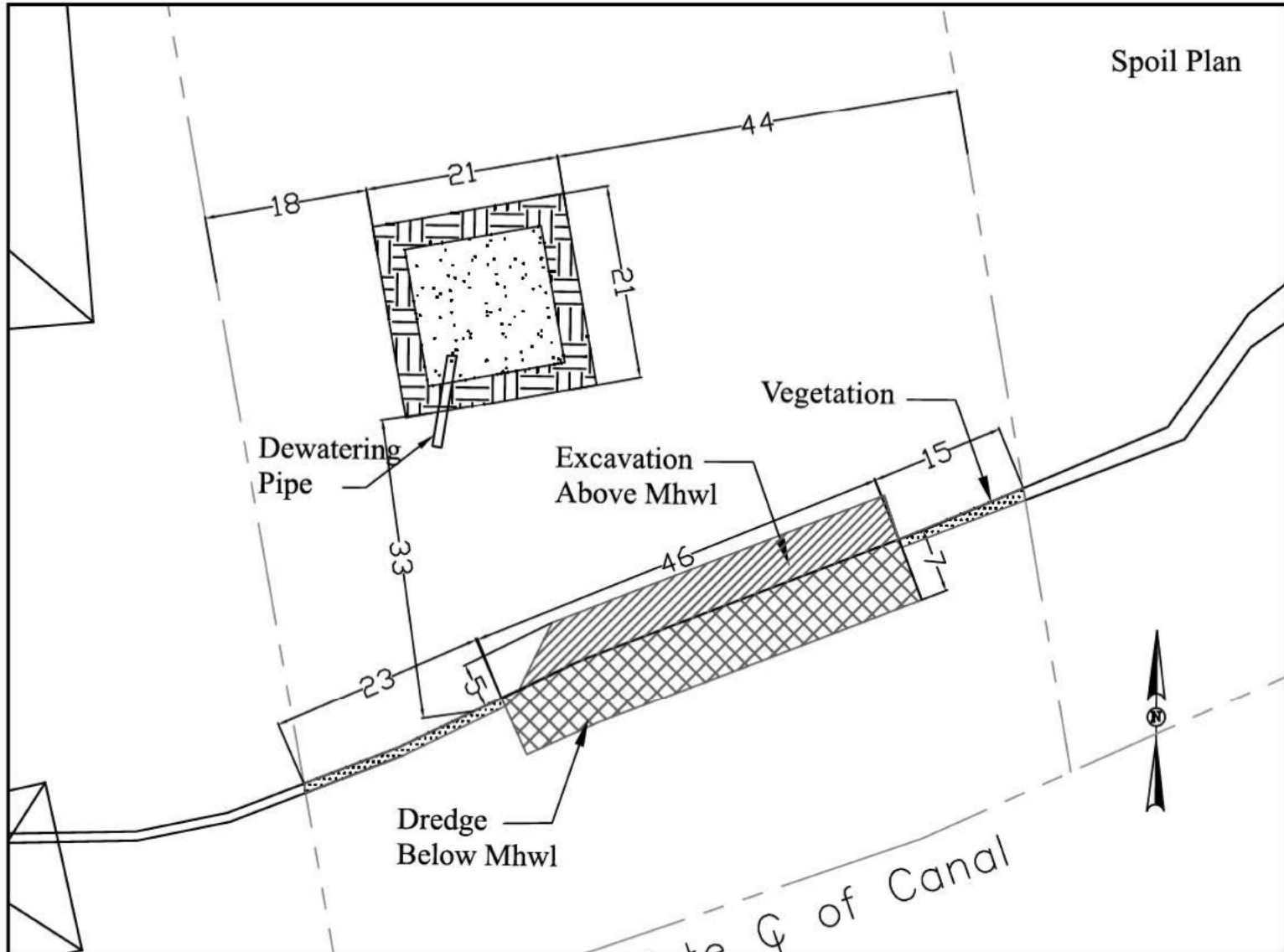
**De-Watering Pipe Cross Section**

Dredge Volume = 47 cu. yds.  
 Dredge Area = 322 sq. ft.  
 Excavation Volume Above Mhwl = 13 cu. ft.  
 Dredge Volume Below Mhwl = 34 cu. ft.  
 Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures.

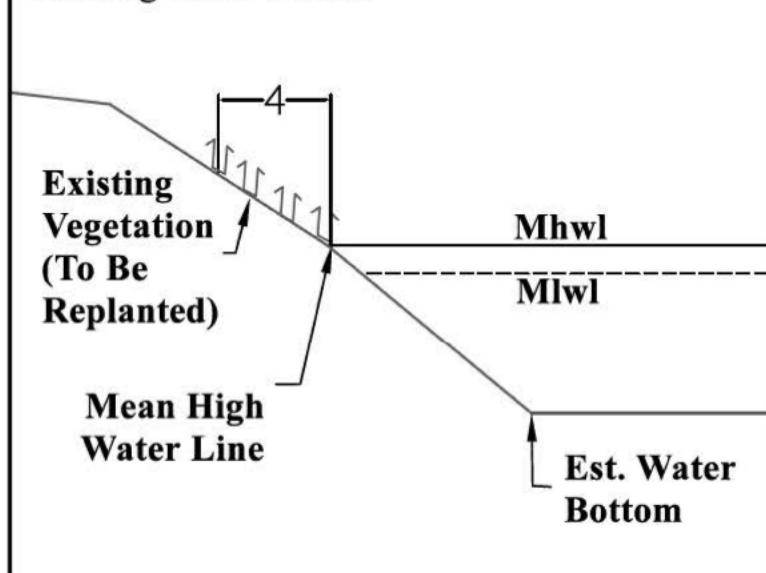
All Measurements are made in feet

<b>Excavation Plan</b>			
		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006	
PREPARED FOR Cuny Sandpiper Dr. Orange Beach, AL 36561	DESIGNED BY L. Karcher CHECKED BY T. Hatching	DATE OF LAST REVIEW Apr. 4, 2019 SCALE AS STATED	FILE Cuny Property 3.20.19 SHEET 3

# Spoil Plan



## Existing Cross-section

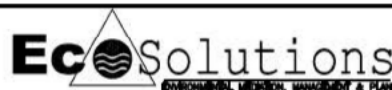


Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures.

Spoil Area = 232 square feet  
 Dredge Volume = 47 cu. yds.  
 Dredge Area = 322 sq. ft.

All Measurements are made in feet

## Dredge and Spoil Plan



P.O. BOX 361  
 MONTROSE, AL 36559  
 (251) 621-5006

PREPARED FOR Cuny Sandbar Dr. Orange Beach, AL 36561	DRAWN BY L. Ketcher CHECKED BY T. Hutchings	DATE OF LAST REVISION Apr. 4, 2019	FILE Cuny Property 3.20.19
SOLE AS STATED			SHEET 4

Cuny Property 3.20.19