



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-2019-00389-JCC

June 17, 2019

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

REQUEST TO IMPACT 0.006 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. Ross Whitworth
32887 River Road
Orange Beach, Alabama 36561

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

LOCATION: The project is located on a manmade canal off Perdido Bay, Lot 11, Unit Ten, River Road, Latitude 30.303222° North, Longitude -87.465329° West, within Section 33, Township 8 South, Range 6 East, Ono Island Subdivision, Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The basic project purpose is to provide storage of recreational watercraft and access to navigable waters. The overall project purpose is to provide on-site watercraft storage and navigable access to an existing manmade canal on Ono Island. The project would provide sufficient clearance within the canal to construct a boat shelter without obstructing navigation.

PROPOSED WORK: The applicant has proposed to mechanically excavate a 500-square-foot area of uplands and waterbottoms to create an incised boat slip within an approximately 60-foot-wide manmade Ono Island canal. Approximately 51 cubic yards of material would be excavated from below the plane of mean high water (MHW). The proposed work would impact 250 square feet (0.006 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The excavated material would be placed temporarily within an adjacent 900-square-foot containment area located in

uplands and surrounded by an earthen berm and silt fencing. After dewatering, the material would be spread across the applicant's upland lot.

Upon completion of the incised slip, the applicant would construct a 30-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 by 20-foot-long access pier, of which 4 linear feet would extend waterward of the newly created MHW line within the incised slip. 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 indented 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 by 4 feet from the edge of replanted tidal wetlands and the access pier would be constructed 5 feet above the MHW line in order to minimize shading of wetland vegetation. The applicant has proposed to utilize earthen berms and silt fencing during dewatering of the mechanically dredged material to prevent loss of sediment and turbidity in the adjacent waterway. Construction Best Management Practices will be implemented to prevent silt laden dredged material runoff from reentering the waterway. The U.S. Army Corps of Engineers (USACE), Mobile District has not 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 tidal wetlands through the on-site creation of 310 square feet (0.007 acre) of new vegetated tidal wetlands created along the newly constructed bank of the proposed incised slip. The Mobile District, has not 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 District 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 500 square feet (0.01 acre) of unvegetated estuarine substrate and 250 square feet (0.0057 acre) of tidal marsh 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 and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS).

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 watershed of the permit area: Alabama beach mouse (E), Perdido Key beach mouse (E), West Indian 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 action area. This determination is being coordinated with the USFWS via this Public Notice.

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 USACE can be based. The Mobile District is soliciting comments from the public, Federal, State and local agencies and officials, Indian tribes, and 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.

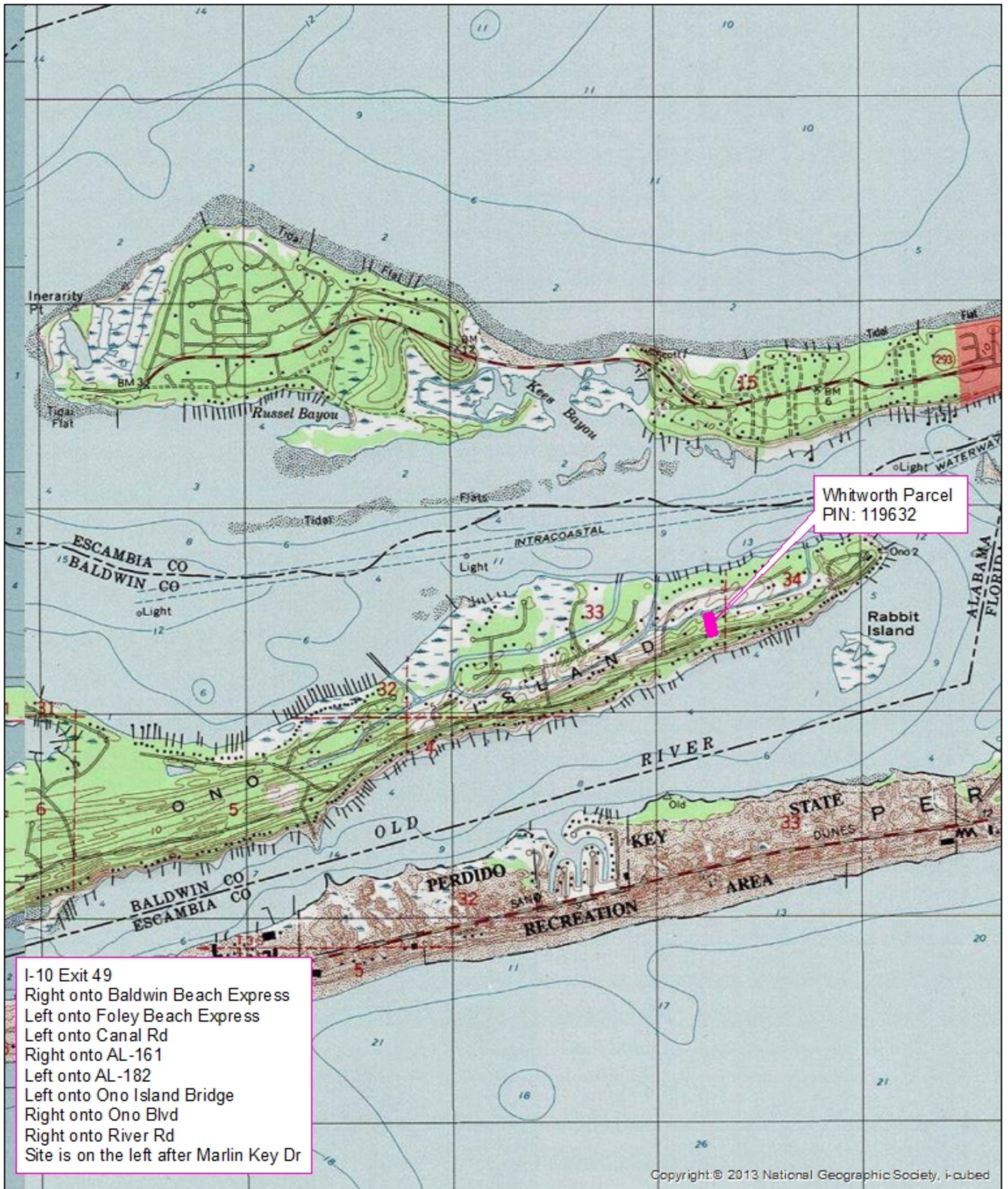
Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-00389-JCC**, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at Jessica.C.Comeaux@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the ADEM, 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. Comeaux by e-mail at Jessica.C.Comeaux@usace.army.mil, or (251) 690-3262. Please refer to the above Public Notice Number SAM-2019-00389-JCC, 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



Whitworth Parcel
PIN: 119632

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 Rd
 Site is on the left after Marlin Key Dr

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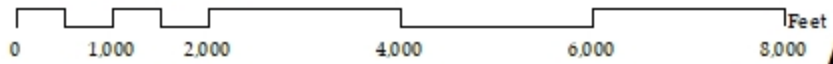


P.O. Box 361 Montrose, AL 36559
 Phone: 251-621-5006 Fax: 251-621-5058

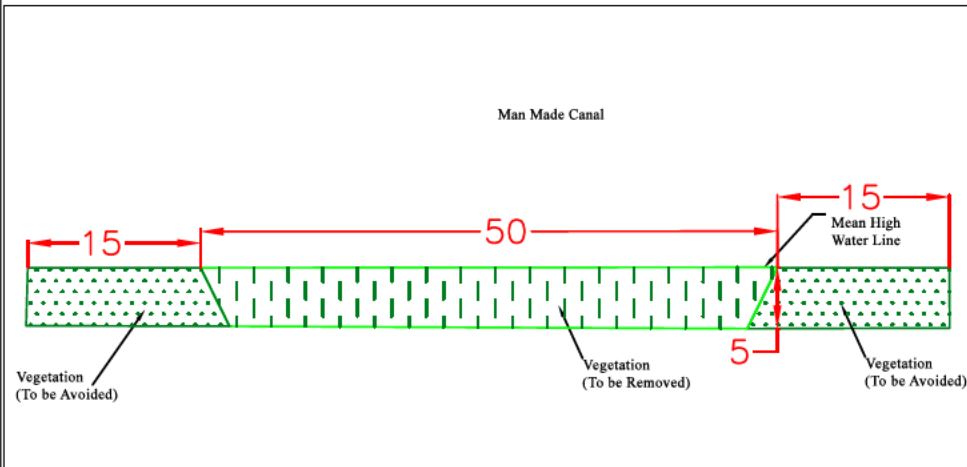
Project: Whitworth Ono
 Applicant: Ross Whitworth

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

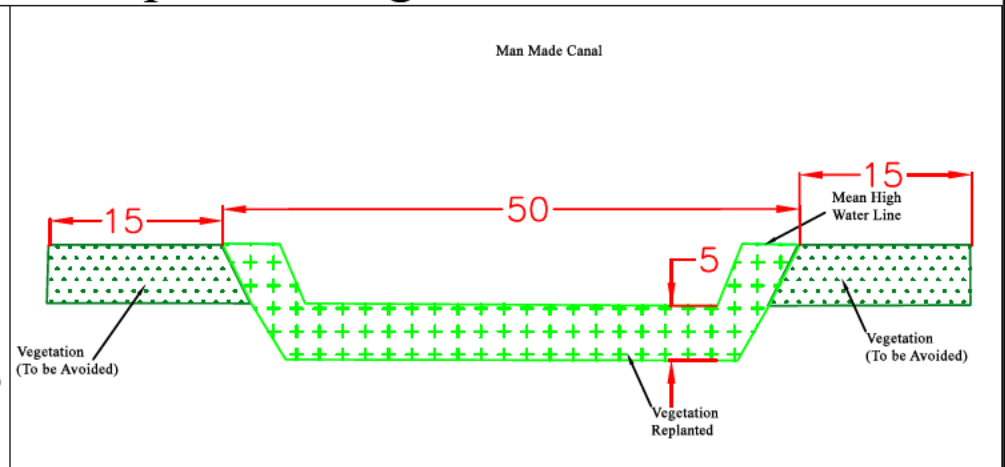
1 inch = 2,000 feet



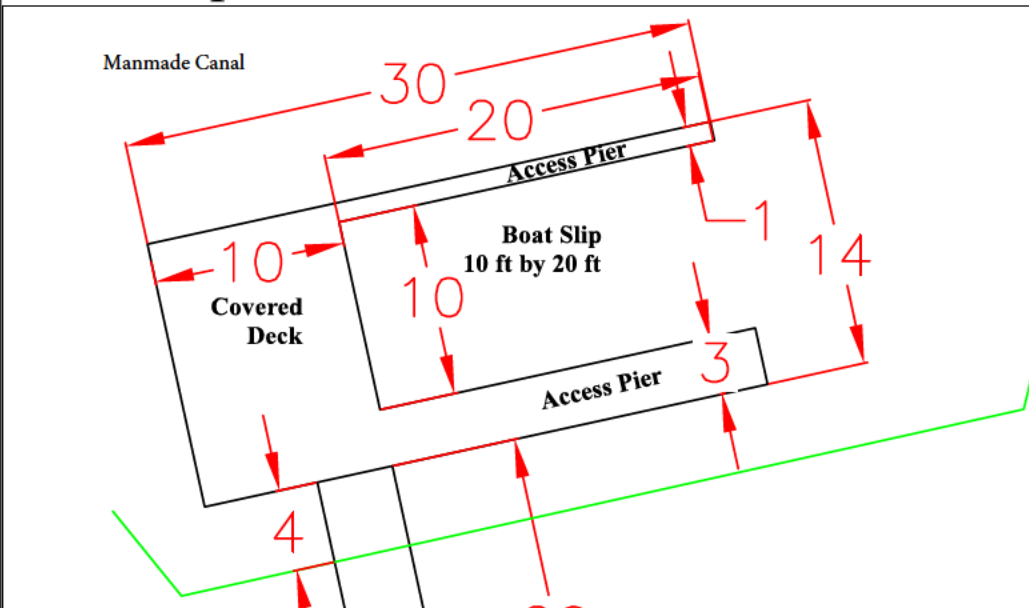
Existing Vegetation Plan



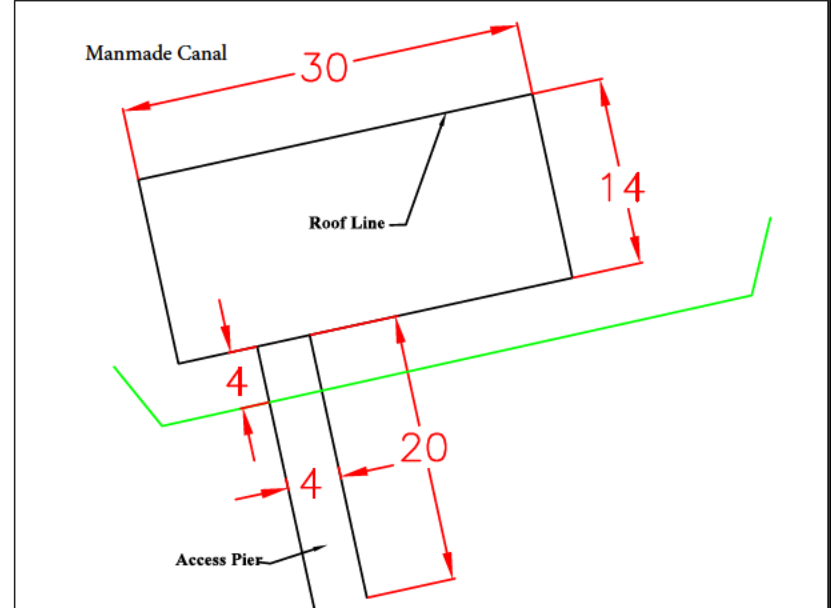
Replanted Vegetation Plan



Boat Slip Plan



Roof Plan



Boat Shelter is 14 Ft by 30 Ft

Vegetation Removal Area 50 ft by 5 ft

Replanted Area 62 ft by 5 ft

Vegetation to be Removed = 250 sq ft

Vegetation to be Replanted = 310 sq ft

All Measurements
are made in feet

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Whitworth Boat Shelter Plan

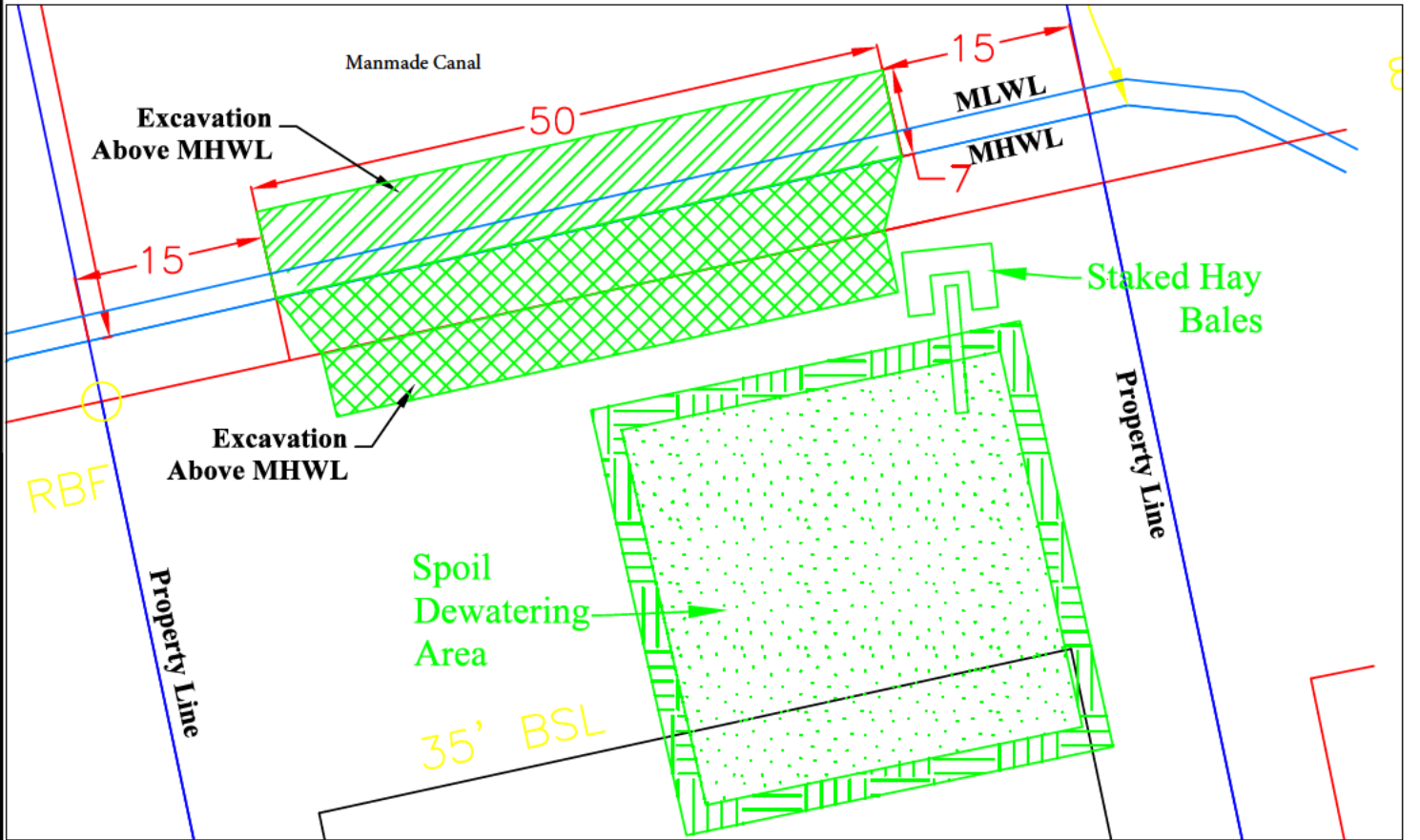


P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

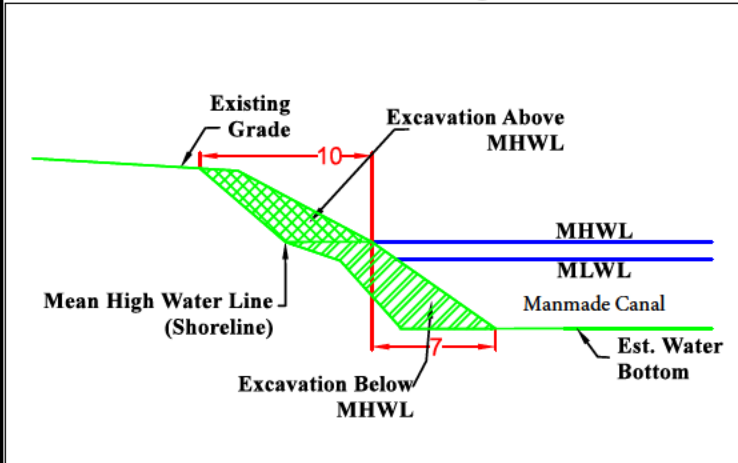
PREPARED FOR Ross Whitworth 32887 River Rd. Orange Beach, AL 36561	DRAWN BY L. Cassiday CHECKED BY T. Hutchings	DATE OF LAST REVISION April 24, 2019	FILE Whitworth Ono
SCALE AS STATED			SHEET 1

Whitworth Ono Boat Shelter 4.24.19.dwg

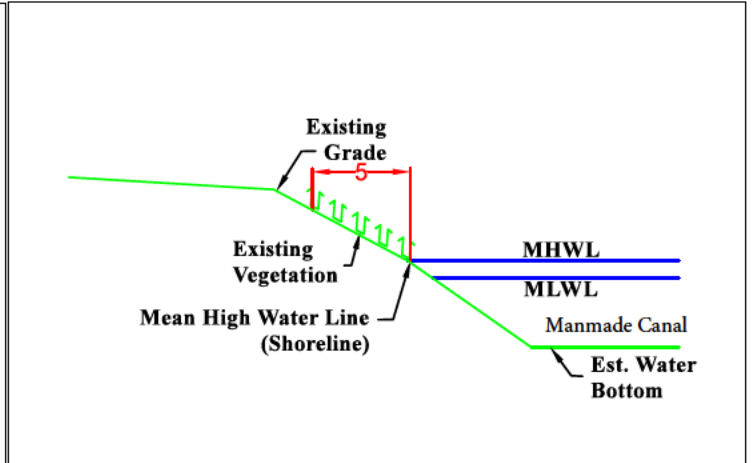
Spoil and Dredge Plan



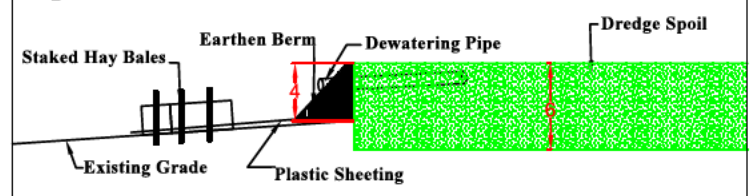
Excavation and Dredge Cross-section



Existing Cross-section



Spoil Cross-section



Spoil Area = 900 square feet
 Excavation Volume = 85 cu. yds.
 Excavation Area = 500 sq. ft.
 Excavation Volume Above MHWL = 34 cu. yds.
 Excavation Volume Below MHWL = 51 cu. yds.

All Measurements
 are made in feet

Whitworth Spoil Plan

PREPARED FOR: **Ross Whitworth**
 32887 River Rd.
 Orange Beach, AL 36561

DESIGNED BY: **L. Casakley**
 CHECKED BY: **T. Hutchings**

DATE OF LAST REVISION: **April 24, 2019**

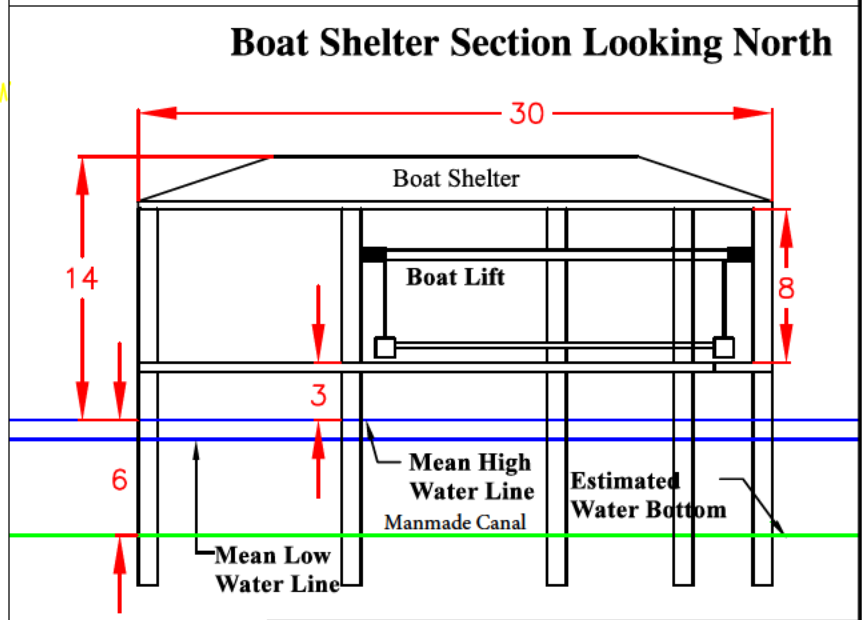
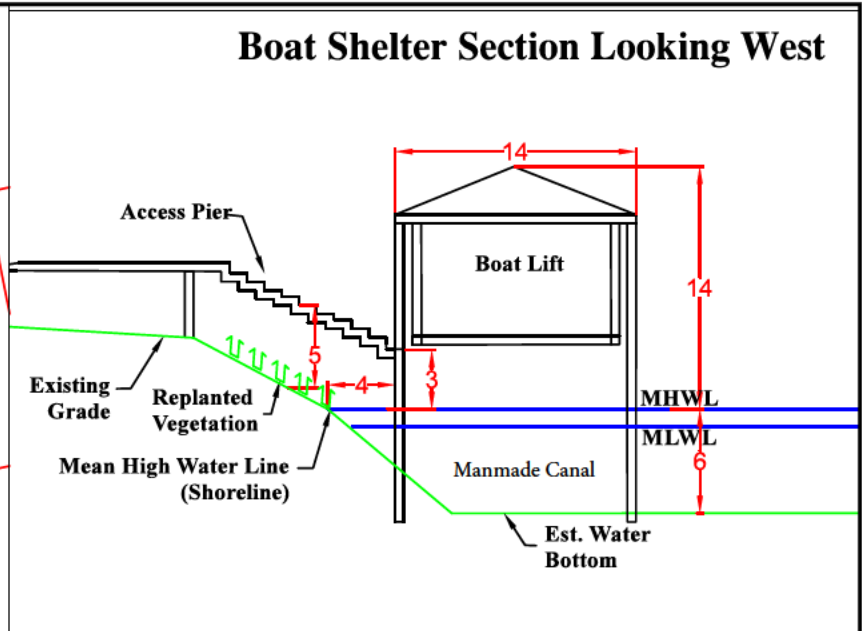
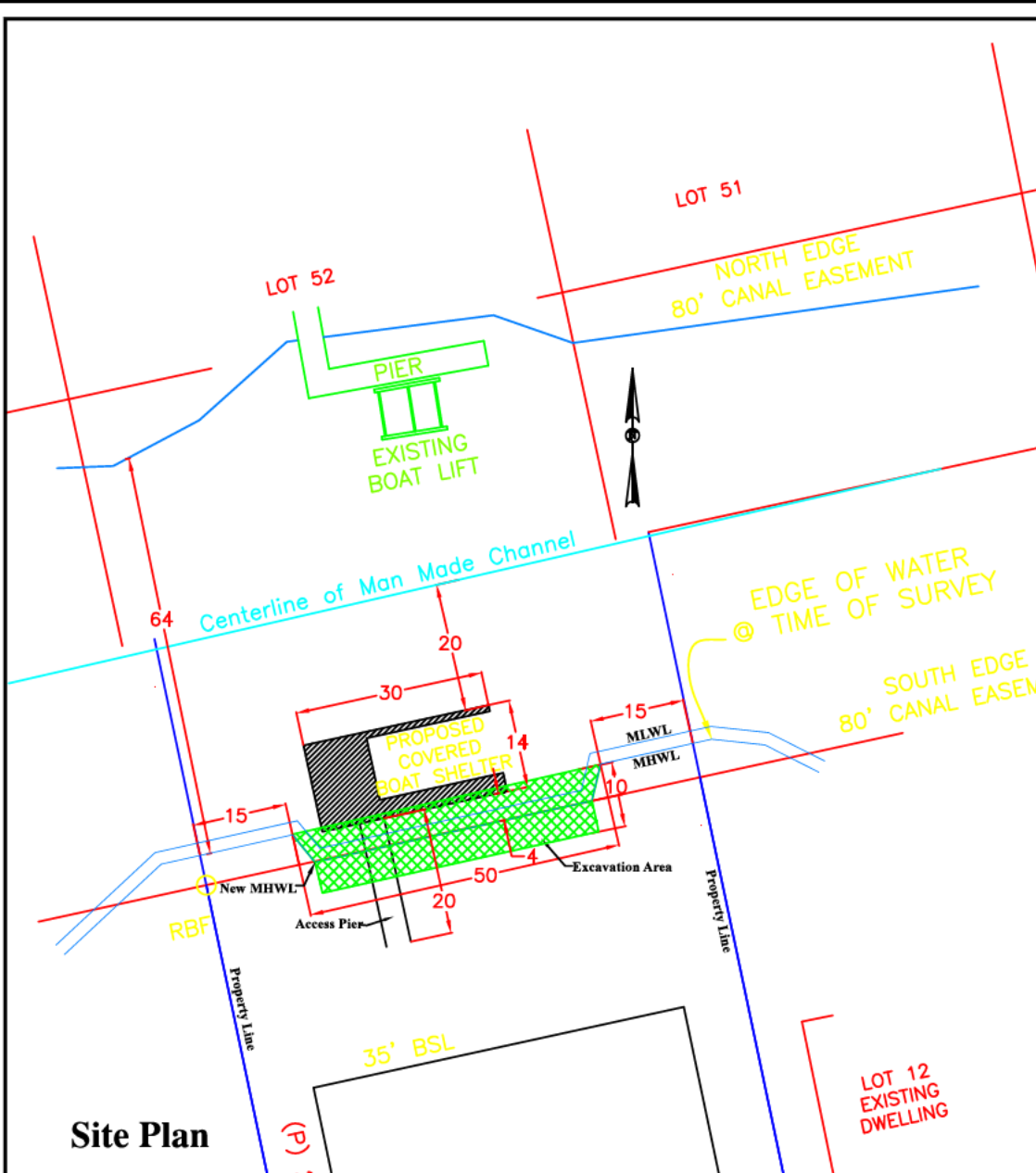
SCALE: **AS STATED**

FILE: **Whitworth One**

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

SHEET 3

Whitworth One Boat shelter 4-24-19.dwg



Site Plan

All Measurements are made in feet

Department of the Army // SAM-2019-00389-JCC

Whitworth Boat Shelter Plan

EcoSolutions
ENVIRONMENTAL MONITORING, MANAGEMENT & PLANNING

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

PREPARED FOR Ross Whitworth 32887 River Rd. Orange Beach, AL 36561	DESIGNED BY L. Caskey CHECKED BY T. Hutchings	DATE OF LAST REVISION April 24, 2019	SCALE AS STATED	SHEET 1
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Whitworth Ono Boat shelter 4.24.19.dwg