



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

REPLY TO
ATTENTION OF:

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2012-1535-DEM

April 3, 2013

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

**REQUEST FOR AUTHORIZATION TO MECHANICALLY EXCAVATE AN INDENTED
BOAT SLIP AND CONSTRUCT AN UNCOVERED WALKWAY AND A COVERED SINGLE
BERTH BOAT SLIP IN A CANAL OFF OF BAYOU ST. JOHN, ONO ISLAND, 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 River and Harbor Act of 1899 (33 USC 403) and 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: **Mr. Dennis Berg**
Post Office Box 2230
Orange Beach, Alabama 36561

AGENT: **JL Loper Construction Company, Inc.**
Attention: **Mr. Chad Loper**
24693 Canal Road, Suite C
Orange Beach, Alabama 36561

LOCATION: 32278 Sandpiper Drive, Section 27, Township 3 South, Range 32 West, Ono Island, Orange Beach, Alabama; Latitude 30.299966° North and Longitude -87.475794° West.

WATERWAY: A 40-foot-wide canal off of Bayou St. John, Ono Island, Orange Beach, Alabama, Section 27, Township 3 South, Range 6 East; Latitude 30.299966° North and Longitude -87.47579° West.

WORK: (1) **Boat Slip**: The applicant proposes to mechanically excavate approximately 455 cubic yards of sandy material from an upland lot to create a 10-foot-long by 30-foot-wide indented boat slip with a taper at each end. The slip would be excavated to a depth of 6 feet (-4.0) at the most waterward portion and taper to a depth of 3 feet (-3.0) at the shoreline marsh fringe shelf. The excavated material will be deposited on the upland lot and stabilized to avoid any encroachment into the marsh fringe or into the waterway. When dewatered, the sand would be spread over the remaining upland property and/or hauled off to an approved upland disposal location. (2) **Marsh Fringe**: The construction of the slip would include the re-establishment of a 4-foot-wide shelf. The newly established shelf would be replanted with Spartina alterniflora and Spartina patens at 1-foot centers. Filter cloth would be used to stabilize the plants. (3) **Walkway, Boat Shelter**:

Construct a 4-foot-wide by 40-foot-long walkway. The walkway will extend 4 feet across the wetland fringe and 1-foot waterward of the fringe to be replanted within the slip. The walkway will lead to a 14-foot-long by 30-foot-wide covered single berth boat shelter. The structure will extend 15 feet out from the shoreline of the indented slip.

The applicant has applied for state water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act, and for coastal zone (CZ) consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQ certification and CZ consistency will be made by the Alabama Department of Environmental Management.

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 (Corps) can be based. 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, cultural values, 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 production and in general, the needs and welfare of the people.

The Corps 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 Corps 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 above. 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. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This project will temporarily disturb approximately 300 square feet of Essential Fish Habitat for managed species in the Gulf of Mexico. Loss of this nursery habitat may adversely affect various aquatic species, but the District Commander has made a preliminary determination that this site-specific adverse effect will be temporary and not substantial.

April 3, 2013

Our final determination relative to project impacts to EFH and the need for mitigation measures are subject to review by and coordination with the National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council.

The National Register of Historical 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. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service and Division of Archeological Services.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity may affect listed species, or their critical habitat. This notice and application will be coordinated with the U.S. Fish and Wildlife Service (FWS) to assess if the proposed activity will affect listed endangered or threatened species, or their critical habitat. Further coordination with the FWS will be performed as a result of this notice. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. After review of public comments, the Alabama Department of Environmental Management will determine if the proposal complies with and will be operated or maintained in a manner consistent with the Clean Water Act and the Coastal Zone Management Program.

Correspondence concerning this Public Notice should refer to **SAM-2012-01535-DEM** and should be mailed to the District Commander, U.S. Army Engineer District Mobile, Attention: Regulatory Division (Mroczko), Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the Alabama Department of Environmental Management, 4171 Commanders Drive, Mobile Alabama 36615.

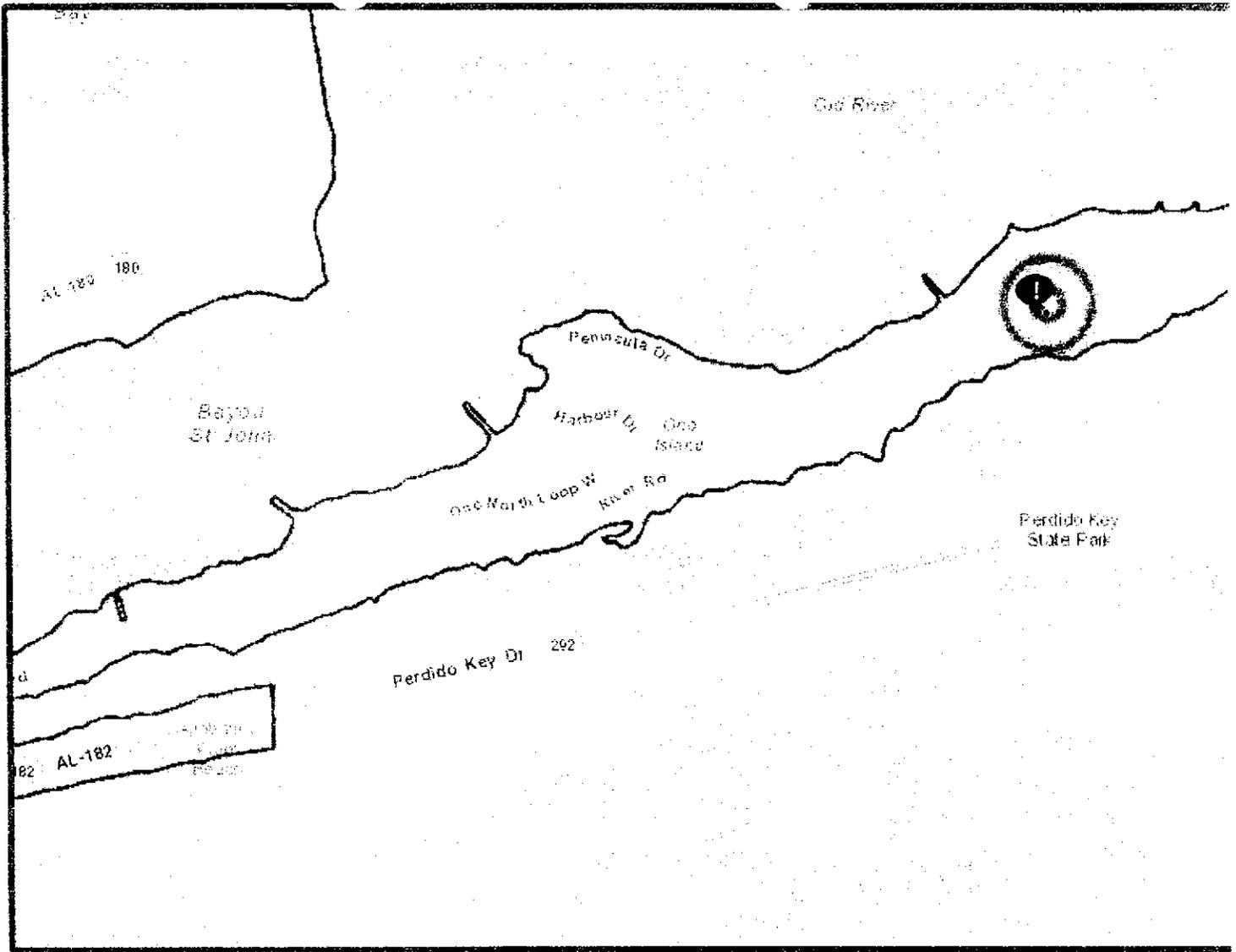
All Comments should be received no later than 30 days from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the project manager, **Mr. Don Mroczko** at **(251) 690-3185** or by email at **donald.e.mroczko@usace.army.mil**. Please refer to the Public Notice Number **SAM-2012-01535-DEM**.

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

Enclosures



Map not for conveyance use.

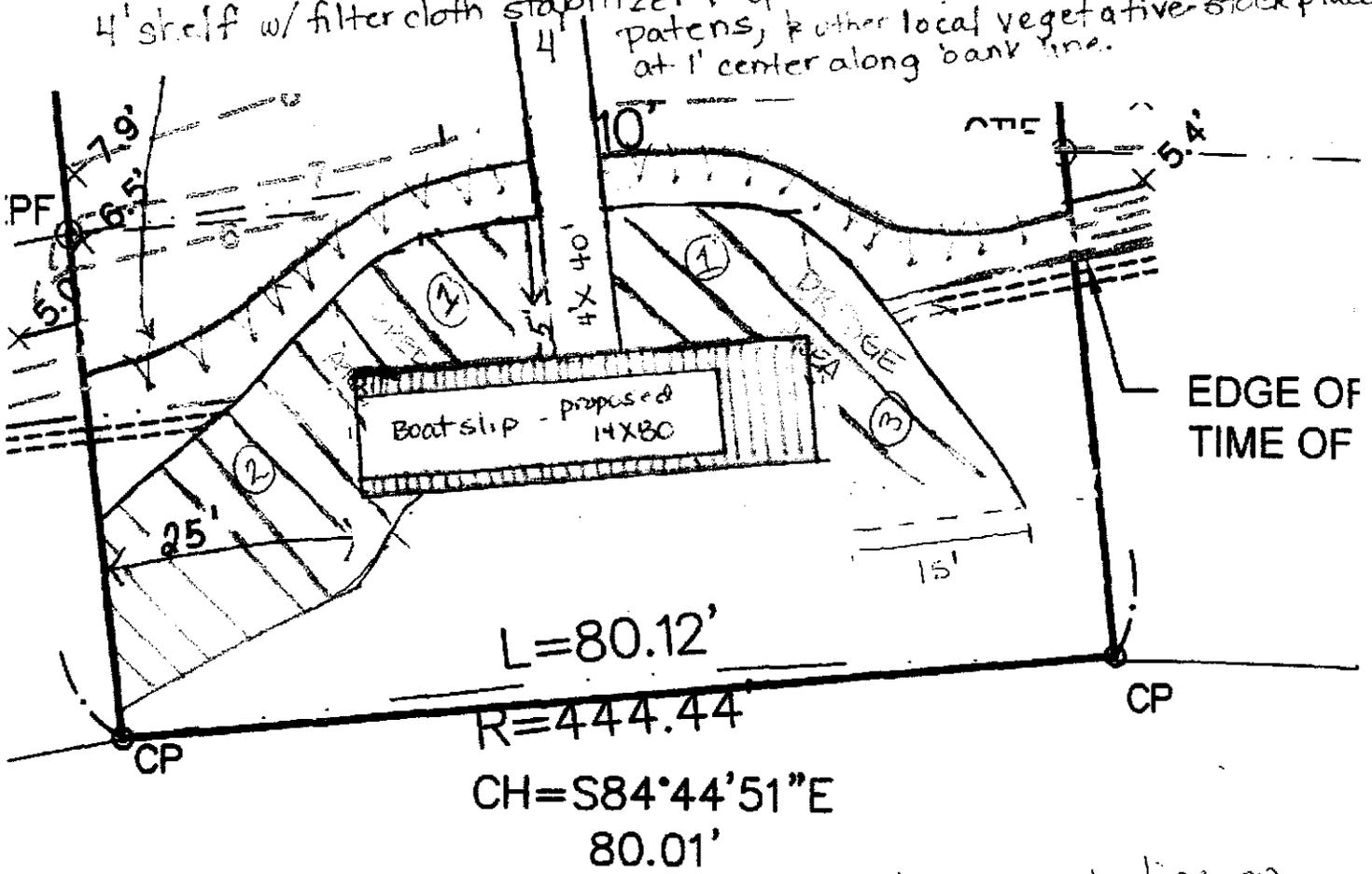
Berg - 32278 Sandpiper Dr.
Ono Island / Orange Beach

* Ono Island entrance from Hwy 181:
Turn R onto Ono Blvd. Turn R onto River Rd.
Continue R onto River Rd @ water tower.
Turn L onto Yellowfin Drive.
Turn L onto Sandpiper Dr.

Berg - 32278
Sandpiper Dr.

approx 65'
marsh bed to
be replanted

4' shelf w/ filter cloth stabilizer & *Spartina alterniflora*, *Spartina patens*, & other local vegetative stock placed at 1' center along bank line.



VE CANAL EASEMENT

★ 25' to property line on each side of beachhouse

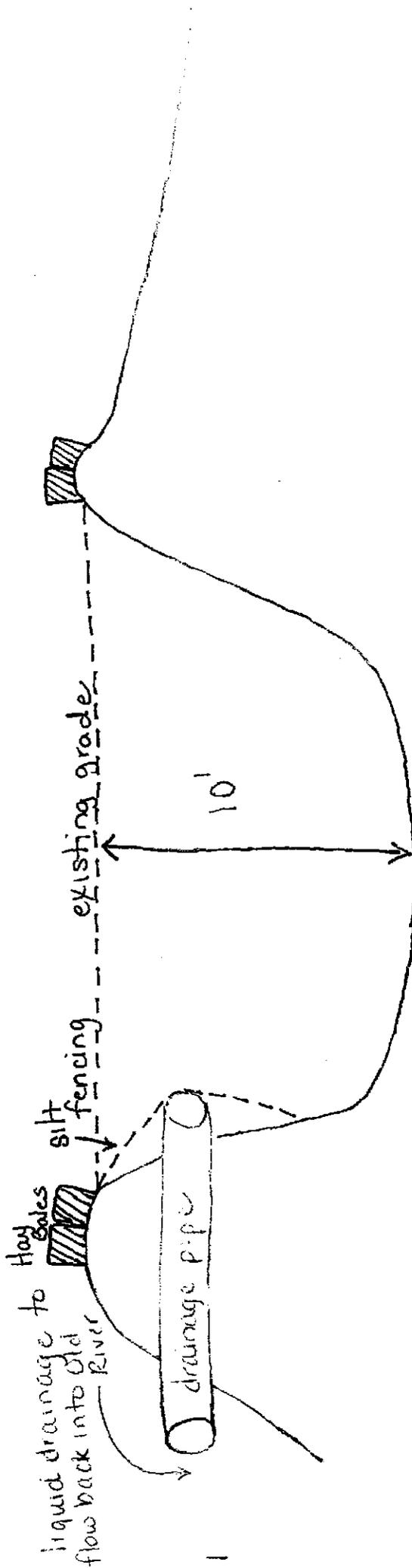
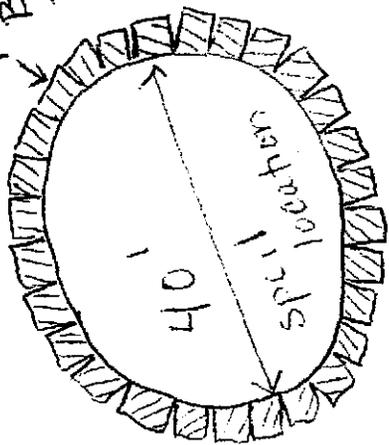
Dredge dimensions

- 1) 4' depth X 10' cut into embankment X 30' width = $1200 \div 9 = 133$ cu yds
 - 2) 4' depth X 20' (↑) X 25' (↔) = $2000 \div 9 = 222$
 - 3) 3' depth X 20' (↑) X 15' (↔) = $900 \div 9 = 100$
- 455 cu yds

Berg - 32278
Sandpiper Dr.
Orange Beach AL 36561

Spoil detail

Hay Bales perimeter
to contain all
runoff



liquid drainage to
flow back into Old
River