



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2013-0876-DEM

July 24, 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 A COVERED BOAT SHELTER AND BULKHEAD IN A CANAL TO TERRY COVE, 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. Michael Minto
Post Office Box 596
Montrose, Alabama 36559

Location: Unit 1, Block 2, Lot 25; Martinique Circle, Section 4, Township 9 South, Range 5 East, in a canal to Terry Cove, Orange Beach, Alabama; Latitude 30.283344° North and Longitude -87.566273° West.

Project Purpose: The overall purpose of the project is to excavate an indented boat slip and create sufficient water depth to accommodate construction of a private residential boat shelter and bulkhead to be associated with a private residence.

Proposed Work: Boat slip: The applicant proposes to mechanically excavate approximately 370 cubic yards of sandy material from an upland lot to create a 50-foot-long by 25-foot-wide indented boat slip. The slip would be excavated to a depth of 6 feet (-6.0). The excavated material will be deposited on the upland lot and stabilized to avoid any encroachment back into the waterway. Dewatered sands will be used as backfill behind proposed bulkhead with the remaining material spread evenly about the upland property. Boat Shelter: Construct a 25-foot-wide by 50-foot-long roof over the proposed excavated slip. The structure will be supported by pilings and have a minimum above waterline clearance of 40 feet. The roof structure will be constructed of wood trusses and have a metal roof with gable ends.

Bulkhead: Construct an approximately 175 linear foot bulkhead along shoreline and indented boat slip. Approximately 74 cubic yards of sand will be used as fill behind proposed bulkhead and below mean high water.

Mitigation: The applicant has not proposed to provide mitigation for the project as there is no wetland fill associated with the activity as designed.

Water Quality & CZM: The applicant has applied for State Water Quality Certification (WQC) 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 WQC and CZ consistency will be made by the Alabama Department of Environmental Management.

Historic Properties: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. Although the extent of Federal control and responsibility for these considerations are confined to the limits of the permit area for this project, the potential indirect effects that may occur to historic properties as a result of this undertaking is also being considered. In addition to the State Historic Preservation Officer (SHPO), we are seeking comment from the federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. 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. 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. Additional notification is being furnished to the SHPO via this Public Notice.

Endangered Species: 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 will not 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.

Essential Fish Habitat: 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 250 square feet of Essential Fish Habitat for managed species in the Gulf of Mexico. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries. 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.

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.

**CESAM-RD-A
PUBLIC NOTICE NO. SAM-2013-0876-DEM**

July 24, 2013

Correspondence concerning this Public Notice should refer to **SAM-2013-0876-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, 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 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-2013-0876-DEM**.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

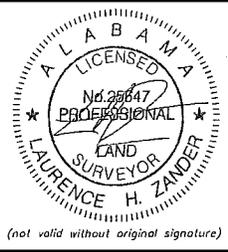
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

SURVEY SERVICES
 P.O. BOX 970
 MAGNOLIA SPRINGS, AL 36555
 9690 - A SHERMAN ROAD, FOLEY, AL
 PH. 251-971-2986 FAX: 251-971-2987

I, LAURENCE H. ZANDER, DO HEREBY STATE THAT THIS SURVEY AND DRAWING, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE BEEN COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

[Signature]
 June 17, 2013
 LAURENCE H. ZANDER ALABAMA P.L.S. NO. 25647



OWNER N/F:
 NOLAND B WRIGHT JR.

TYPE OF SURVEY:
 CLOSING

SURVEY REQUESTED BY: JANE BRELAND

STATE: ALABAMA COUNTY: BALDWIN

SECTION: 4 TOWNSHIP: 9 SOUTH RANGE: 5 EAST

PARCEL #: 65-02-04-4-001-107.000

SUBDIVISION: TERRY COVE NORTH
 MAP BOOK 11, PAGE 29

LOT: 25, UNIT ONE, BLOCK TWO

ADDRESS: MARTINIQUE CIRCLE

PROJECT NO.: 131975
 DWN. BY: LHZ
 FIELD WORK: 06-17-13
 DATED: 06-21-13

SURVEYOR NOTES

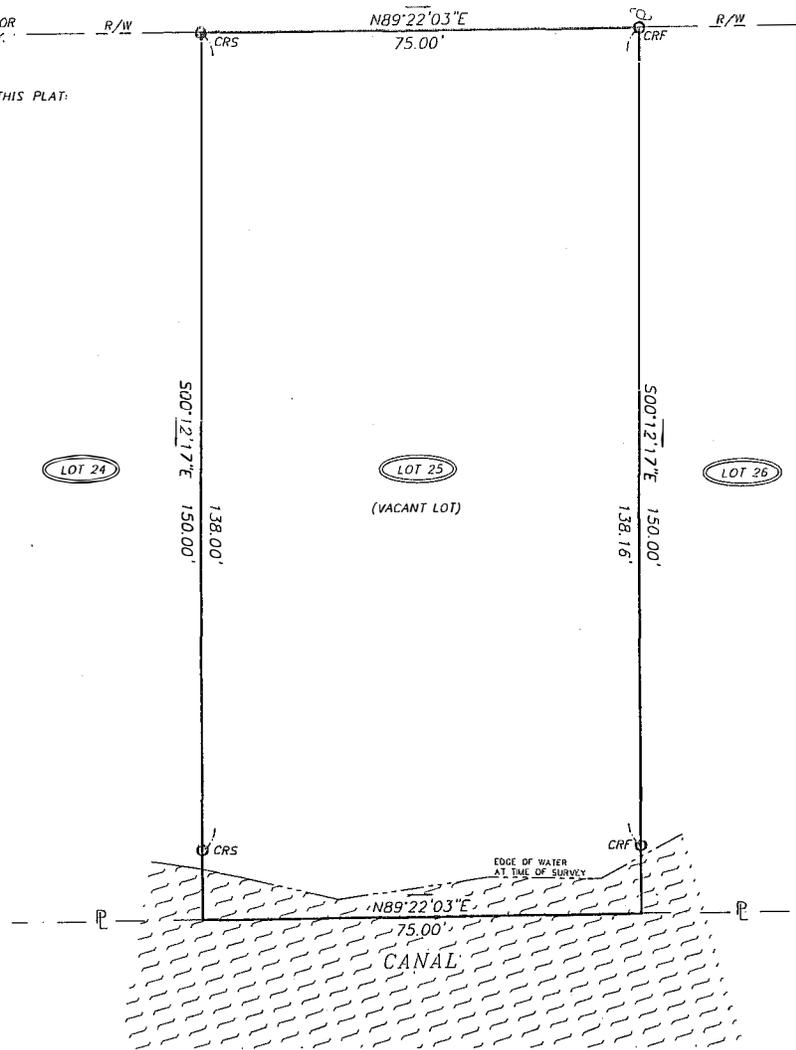
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
2. THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 100,000.
3. THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION.
4. THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE WEST PROPERTY LINE BEING SOUTH 0°12'17" EAST.
5. ALL LINEAR DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL AND ARE MEASURED AND RECORDED UNLESS OTHERWISE NOTED.
6. THIS LAND LIES WITHIN ZONE "AE" (EL 9) PER GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO. 010030962 L, BALDWIN CO. ALABAMA REVISED MAP DATED JULY 17, 2007.
7. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
8. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
9. NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
10. SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT: SLIDE 927-A.

PROPERTY DESCRIPTION

LOT 25, UNIT ONE, BLOCK TWO, TERRY COVE NORTH, ACCORDING TO THE PLAT THEREOF RECORDED ON MAP BOOK 11, PAGE 29 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

MARTINIQUE CIRCLE
 (60' RIGHT-OF-WAY)

- LEGEND**
- CRS CAPPED REBAR SET (LIC # CA-700)
 - CRF CAPPED REBAR FOUND
 - CTPF CRIMPED TOP PIPE FOUND
 - IPF IRON PIPE FOUND
 - RBF REBAR FOUND
 - POC POINT OF COMMENCEMENT
 - PGB POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - P PROPERTY LINE
 - EP EDGE OF PAVEMENT
 - U UTILITY POLE
 - OHU - OVERHEAD UTILITIES
 - AC AIR CONDITIONER
 - X-X- FENCE LINE
 - HYDRANT
 - WM WATER METER
 - EB ELECTRICAL BOX
 - PB TELEPHONE BOX
 - TB TELEVISION BOX
 - BSL BUILDING SETBACK LINE



Survey Services

SCALE IN FEET: 1" = 20'

**Martinique Circle
Orange Beach, AL
Proposed Scope of Work
Bulkhead Stabilization**

General Comments

This lot is located near the end of Martinique Circle(South side of road) in Orange Beach, AL on the North side of a canal which runs West from Orange Beach Marina. Vicinity, detail, and satellite maps are enclosed(all from Mapquest). Additionally, a survey dated 6/21/13 is enclosed. Please note that the survey indicates a loss of land from the original lot size(75' X 150') of approximately 10' X 75'.

The canal width at the lot is approximately 75'. This canal varies in width from about 70' up to approximately 150'. The canal depth at the lot is approximately 6'. This canal varies in depth from approximately 5.5' to 8.5'. The canal is subject to tidal flow.

Proposed Work

1. Install approximately 175' of bulkhead to include shoreline stabilization of canal front and boat slip. Bulkhead construction material will be wood with a total height of approximately 4' above the waterline. Proposed bulkhead lines are shown on enclosed lot plan.
2. Excavate material from boat slip. The existing material upland of canal is approximately 25' X 40' X 9'(to reach a 6' depth). This represents approximately 333 cubic yards of material. The canal end of the slip is approximately 10' X 25' X 4'. This material represents approximately 37 cubic yards. The total material to be excavated for the boat slip is approximately 370 cubic yards.
3. Fill behind canal bulkhead. The dimension of the area to be filled is approximately 10' X 50' x 4'. This area represents approximately 74 cubic yards.
4. Distribute remaining material(approximately 296 cubic yards) onto the lot. This material will be surrounded by a silt fence, if needed, to allow dewatering. Once the material is dewatered, it will be moved around onto the lot to allow for best use, and in a manner that will allow any accumulating drainage to the desired location.
5. Construct 25' X 50' roof over boat slip. The structure will be supported by pilings, and shall have a minimum above waterline clearance of 40'. The roof structure shall be constructed of wooden trusses and shall have a metal roof with gable ends.

All proposed work to be performed at this site is private in nature and is in preparation for a home site.

Contact Information

Michael A. Minto
PO Box 596
Montrose, AL 36559

(Physical Address-not for mail)-7134 Chapman Street, Fairhope, AL 36532

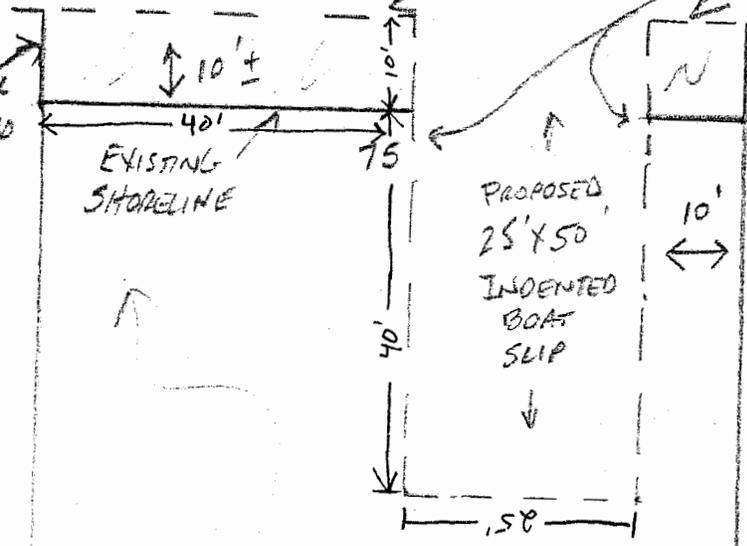
Email: maminto@aol.com
Cell: 251-331-4889
Office: 251-288-6102
Home: 251-928-0064

CANAL
DEPTH - 6' ±
← TIDAL FLOW →

PROPOSED BULKHEAD

ADJACENT
PROPERTY OWNER
EAST - BULKHEAD

ADJACENT
PROPERTY OWNER
WEST - BULKHEAD



ADJACENT - EAST

MAIL

JOSEPH S. BLACK
858 PINEYWOODS DR.
MAGRANGE, GA 30240

PHYSICAL ADDRESS

6891 MARTINIQUE
ORANGE BEACH, AL
36561

ADJACENT - WEST

MAIL

LYNN TRUELSON
3513 MONTGOMERY LANE
PASCAGOULA, MS
39567

PHYSICAL ADDRESS

26859 MARTINIQUE
ORANGE BEACH, AL
36561

UPLAND AREA
FOR EXCAVATED MATERIAL



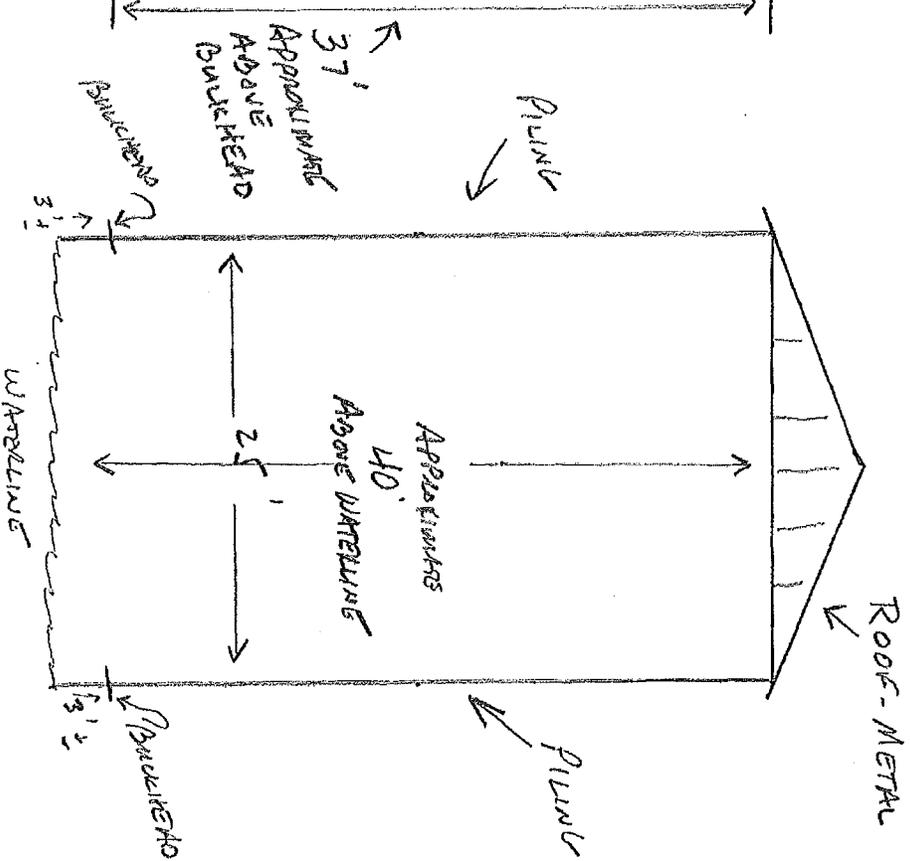
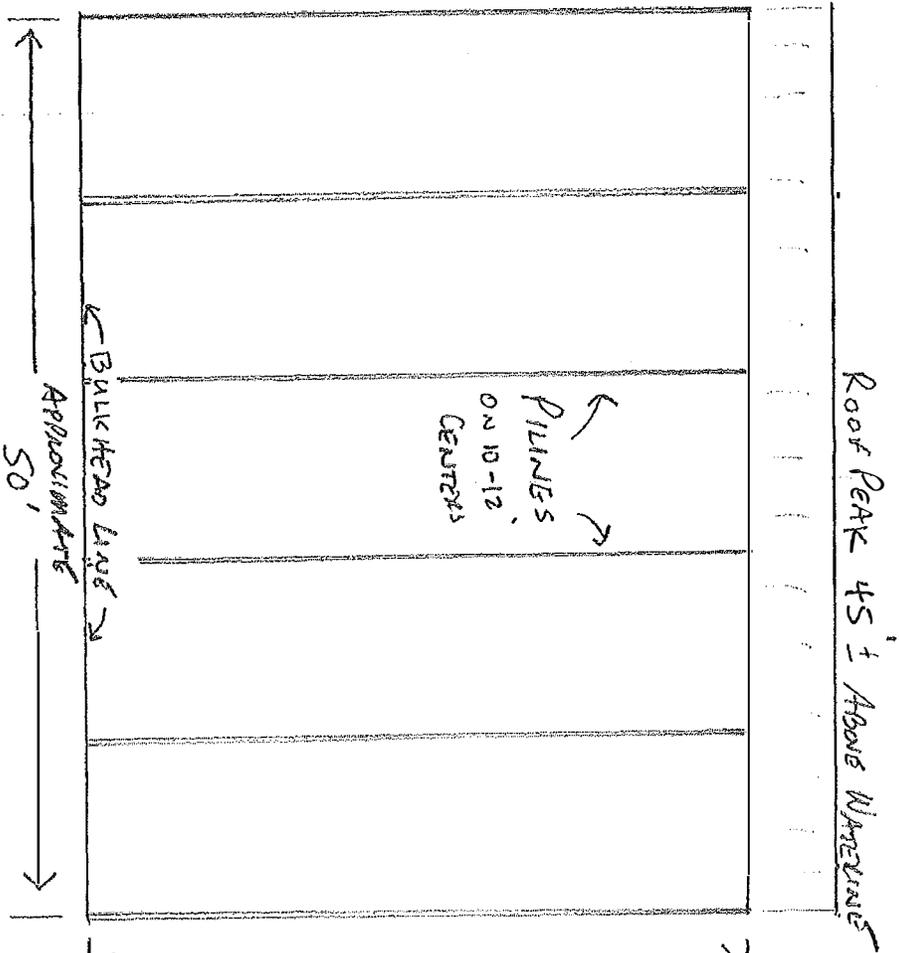
SCALE - APPROXIMATE
1/2" = 10'

LOT DIMENSION
APPROXIMATE
75' X 150'

MARTINIQUE CIRCLE (ROADWAY) →

SITE PLAN

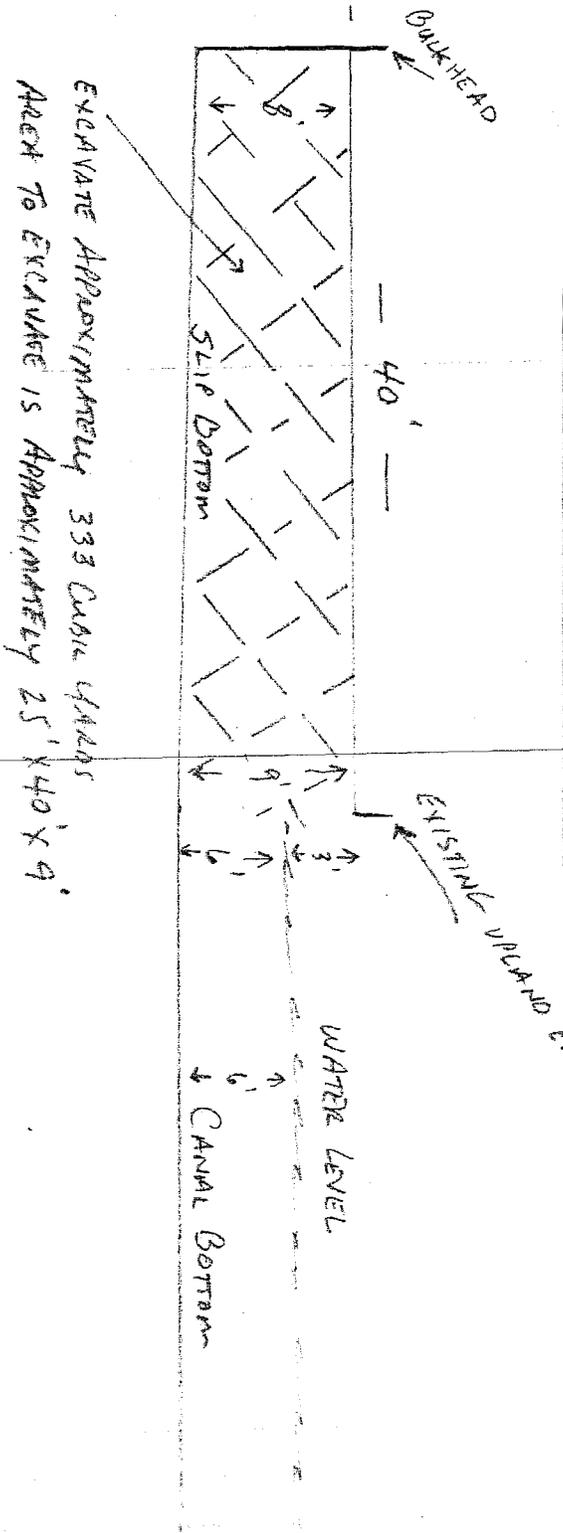
BOAT SLIP SIDING



SCALE - APPROXIMATE

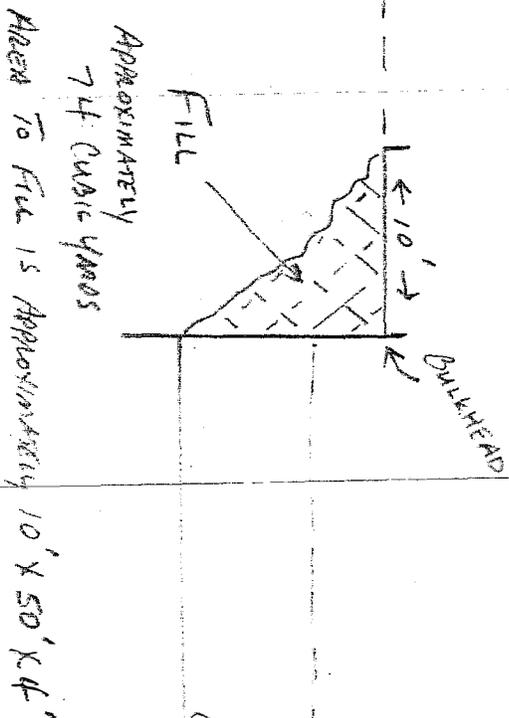
1" = 10'

BOATSLIP CROSS SECTION



SCALE - APPROXIMATE
1" = 10'

LAND RECLAMATION CROSS SECTION



SCALE - APPROXIMATE

1" = 10'