



REPLY TO  
ATTENTION OF

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

CESAM-RD-S-A  
PUBLIC NOTICE NO. SAM-2015-00122-DEM

April 7, 2015

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. Robert T. Bethel**  
**32537 River Road**  
**Orange Beach, Alabama 36561**

AGENT: **MG Marine**  
**Attention: Mr. Matt Gilley**  
**14349 Timber Ridge Drive**  
**Loxley, Alabama 36551**

LOCATION: **32537 River Road, Section 33, Township 8 South, Range 6 East, in a 40-foot-wide canal off of Bayou St. John, Ono Island, Orange Beach, Baldwin County, Alabama; Latitude 30.300462° North and Longitude -87.472058° West.**

PROJECT PURPOSE: **The project purpose is provide adequate vessel mooring access on the narrow 40-foot-wide manmade Ono Island canal by indenting into uplands and maintaining navigation capabilities.**

WORK: **Boat slip:** The applicant proposes to mechanically excavate approximately 175 cubic yards (approximately 530 square feet) of sandy material from an upland lot to create a 60-foot-wide by 10-foot-long indented boat slip with a taper at each end. The slip would be excavated to a depth of 6 feet (-6.0) at the most waterward portion and slope upward towards 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.

**Marsh Fringe:** The construction of the slip would include the impacts to approximately 240 square feet of tidal marsh and the subsequent re-establishment of the 4-foot-wide shelf for a total of approximately 400 square feet. There would be a net gain of approximately 160 square feet of tidal marsh. 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. **Walkway/Boat Shelter:** Construct a 4-foot-wide by 20-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.

**MITIGATION:** The applicant proposes to mitigate for the unavoidable impacts to jurisdictional wetlands by reconstructing and re-planting the tidal marsh inside the proposed indented boat slip. This proposal would result in a net gain of approximately 160 square feet of tidal marsh.

The applicant has applied for State water quality certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to WQC 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.

The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. 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 240 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. Our final determination relative to project impacts to EFH and the proposed mitigation measures are subject to review by and coordination with the National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council.

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. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the approximate 530 square foot excavation area and material disposal location in upland portion of property. The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The Corps has made a preliminary determination that there is no potential to affect cultural and historic resources within the permit area. However, we are seeking comment from the State Historic Preservation Officer, Federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may be affected by the work. This action 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 project area.

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 project will cause no effect to any listed species or their critical habitat within the project area. 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.

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.

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

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2015-0122-DEM** and should be directed to: U.S. Army Engineer District Mobile District, Regulatory Division (RD-S-A), Attention: Mr. Don Mroczko, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the 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 the project manager, Mr. Don Mroczko at (251) 690-3185 or by email at [donald.e.mroczko@usace.army.mil](mailto:donald.e.mroczko@usace.army.mil). Please refer to the Public Notice Number SAM-2015-0122-DEM.

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**

Enclosures



Map data ©2015 Google 2000 ft



Google earth

feet  
meters

100

50



Rober Bethel

Don Lewis

# 850-748-6365

32505 River rd.

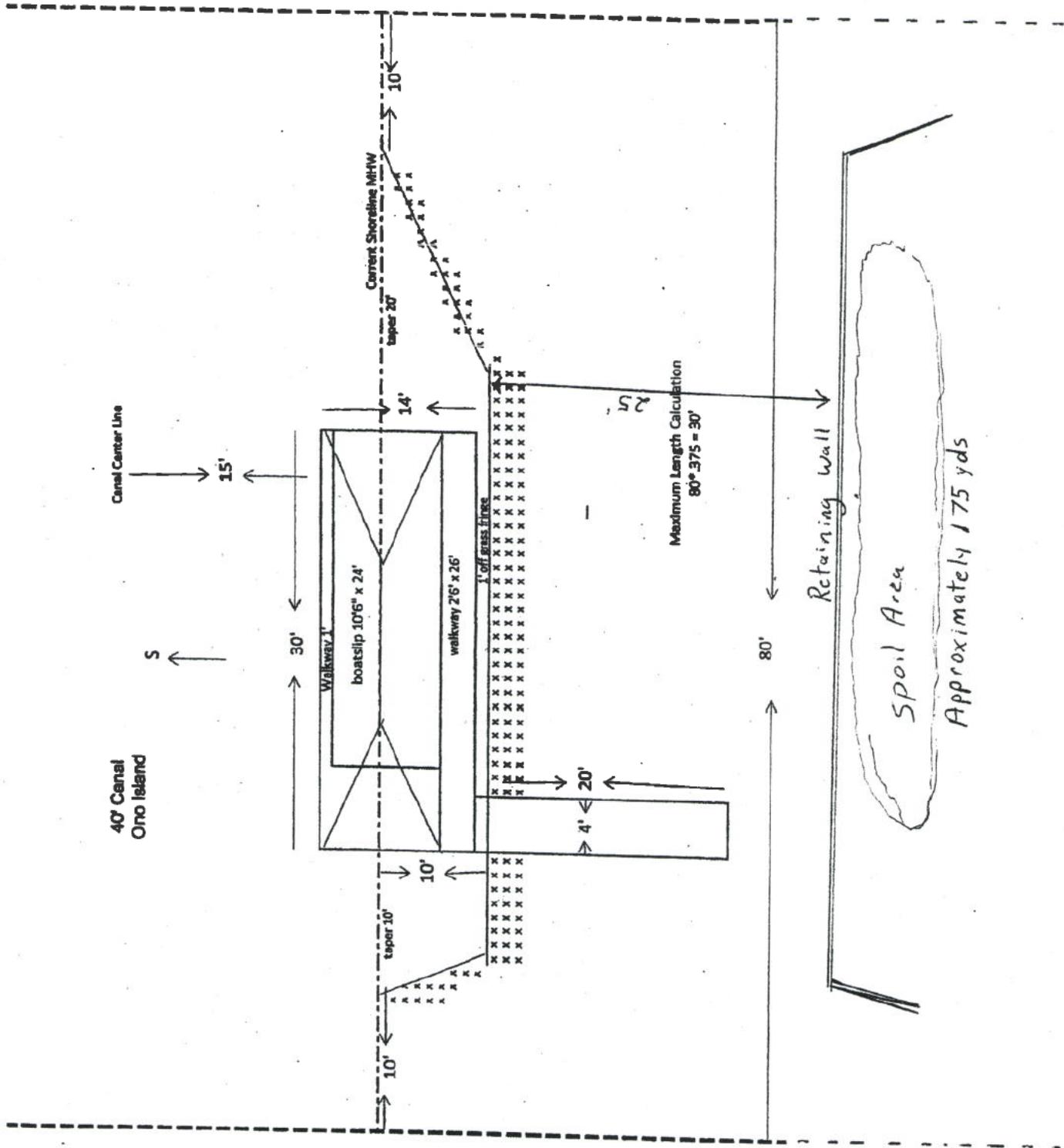
Orange Beach AL 36561

Skip McCollough-

# 601-310-1309

32541 River rd.

Orange Beach AL 36561



Canal

240 sq ft excavated

10' →

10' →

400 sq ft replaced

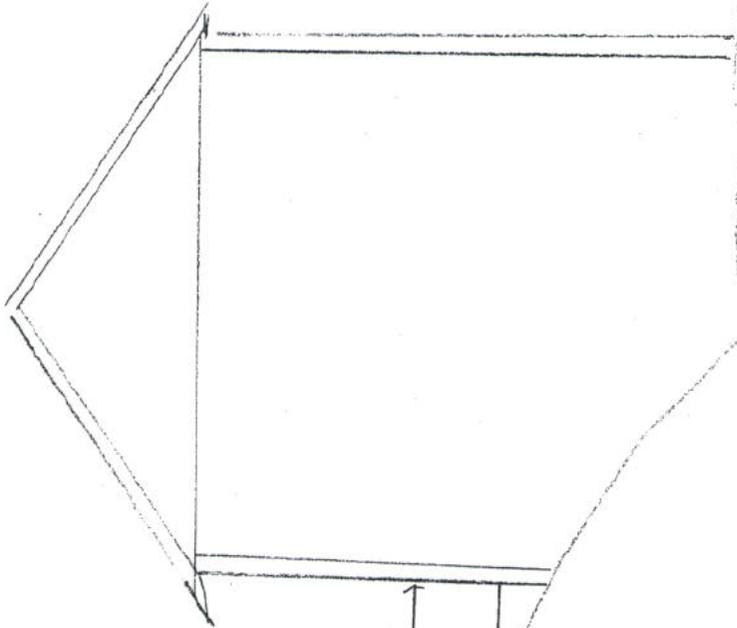
Don Lewis  
32505 River Rd  
Orange Beach AL  
36561

Skip McCollough  
32541 River Rd  
Orange Beach AL  
36561

80'

Robert Bethal

14



16.

Canal

6.

4