



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-2009-1251-DEM

August 20, 2009

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. Leroy Antrobus
5288 Willow Point Parkway
Marietta, Georgia 30068

AGENT: Sims Enterprises, Inc.
Attention: Mr. Brian Sims
Post Office Box 2532
Gulf Shores, Alabama 336547

LOCATION: 33249 River Road, Ono Island, Orange Beach, Alabama, Section 4, Township 9 South, Range 6 East; Latitude 30.3035° North and Longitude -87.46053° West.

WATERWAY: A 40-foot-wide canal off of Bayou St. John, Ono Island, Orange Beach, Alabama, Section 4, Township 9 South, Range 6 East; Latitude 30.3035° North and Longitude -87.46053° West.

WORK: (1) Boat Slip: The applicant proposes to mechanically excavate approximately 400 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 six feet (-6.0) at the most waterward portion and taper to a depth of three feet (-3.0) at the shoreline marsh fringe shelf. The excavated material will be deposited on the upland lot approximately 80 feet from the shoreline and stabilized to avoid any encroachment into the marsh fringe or into the waterway. When dewatered, the sand would be spread over the undeveloped lot. (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) Pier, Deck and Boat Slip: 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 pier will lead to a 30-foot-wide by 3-foot-long uncovered deck area and a 24-foot-wide by 11-foot-long covered boat slip with a 24-foot-wide by 1-foot-long catwalk along the boat slip. At west end of boat slip there will be a 6-foot-wide by 11-foot-long covered deck. The total structure will be 30 feet wide by 14 feet long. 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.

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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 not be substantial. 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 Record of Historical Places will be consulted for properties listed in or eligible for the Nation 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-2009-1251-DEM** and should be mailed to:

District Commander, U.S. Army Engineer District
Attention: Regulatory Division (RD-C)
Post Office Box 2288,
Mobile, Alabama 36628-0001

with a copy furnished to:

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.

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If you have any questions concerning this publication, you may contact the project manager, Mr. Don Mroczko at telephone number (251) 690-3185 or donald.e.mroczko@usace.army.mil. Please refer to the Public Notice Number SAM-2009-1251-DEM.

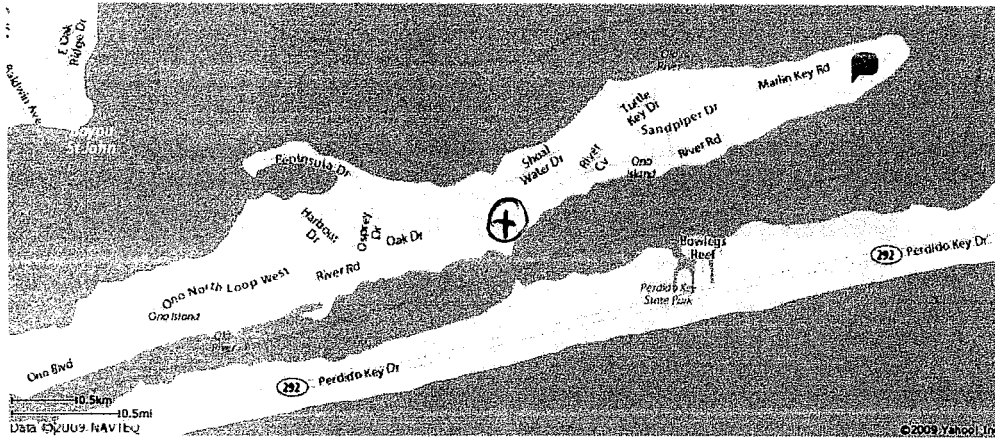
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

1. Vicinity Map
2. Plat Map (Lot 31)
3. Plan View Drawing
4. Cross-Section Drawings (3)
5. Plan View Disposal Area

YAHOO! LOCAL
maps



Driv
Driv
Tipe

⊗ 33249 River Road

Directions

AL-182 East to Ono Bridge + take left.
 Go 0.3 miles to Ono Blvd + take right.
 Go 1.5 miles to River Road + take right
 Go 1.6 miles to 33249 on the left.

REPRESENT THE LIMITS OF TITLE.

R = 213.22' (ACT. #REC.)
L = 80.13' (REC. L = 80')
CH = 79.65'

SOUTH LINE OF EIGHTY FOOT CANAL EASEMENT

36
SE OF WATER AT
TIME OF SURVEY.

E 5.24' (REC.)

35' BUILDING SETBACK

75' BUILDING SETBACK I

TO C

(REC.: 206.63')
N 40°20'26" W 166.69'
(REC.: N 40°21'13" W 166.63')

CAPPED IRON (HIRE)

4" POST

N 32°45'39" W
(BEARING BASIS)

(REC.: N 26°16'52" W 195.99')
N 26°20'46" W 196.00' 0.0'
(REC.: 236.33')
207' +/-

TO C

CAPPED IRON (HIRE)

PHONE PED.

ELEC. BOX

(ACT. #REC.)
L = 62.89'

CAPPED IRON (HIRE)

L = 27.96'

L = 40.85' (REC. L = 40.86')

L = 10.2'

L = 12.7'

L = 10.5'

L = 5.8'

L = 4.2'

L = 3.9'

GRAVEL DRIVE

TO A
VERIFIED
AS PER REC.
L = 7.6'
L = 7.9'
L = 7.6'



40' Canal

Leroy (Cliff) Atrobus

David Whitten
Lot 32 Unit 10

Edward
Lange Lot 30
Unit 10

Canal Center Line

15'

30'

1" x 24" curwalk

covered boatslip 11' x 24'

covered deck

uncovered deck 3' x 30'

1" off glass fringe

4'x20' pier

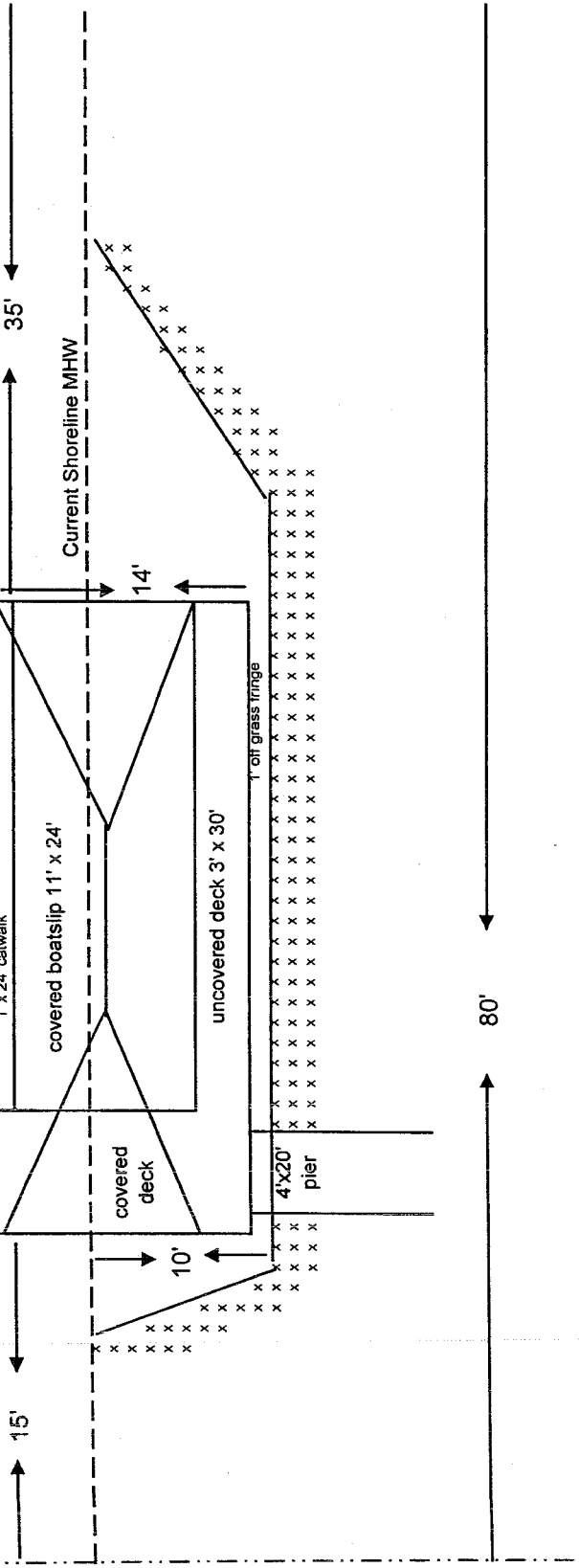
15'

10'

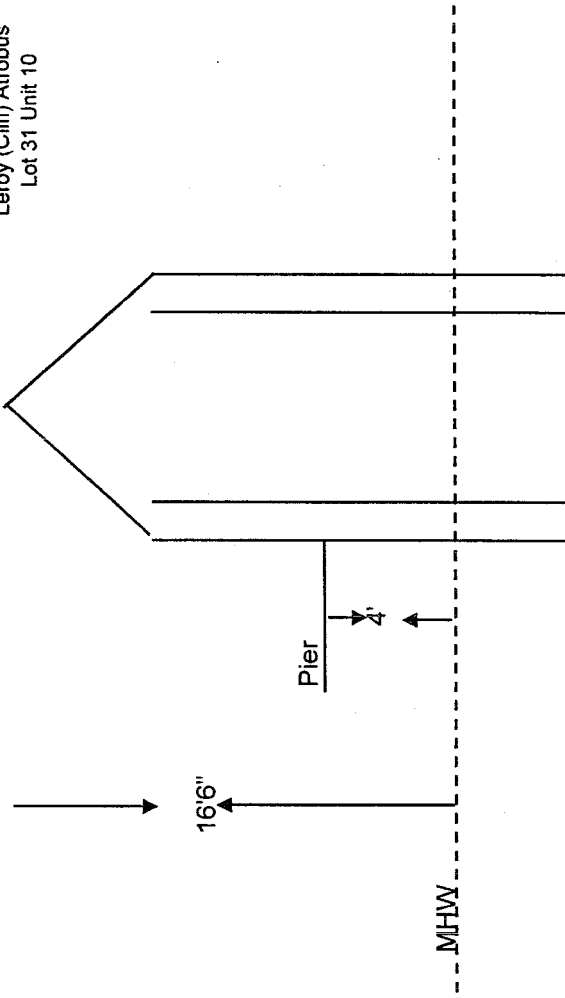
14'

Current Shoreline MHW

80'



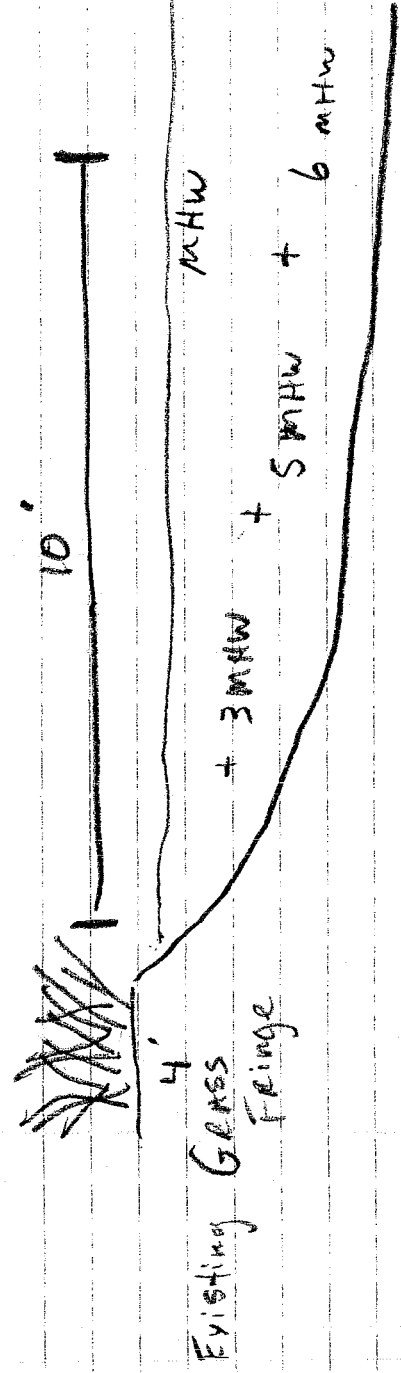
Leroy (Cliff) Atrobus
Lot 31 Unit 10



Ono Island
Lot 31 Unit 10
Cross Section

Dredge

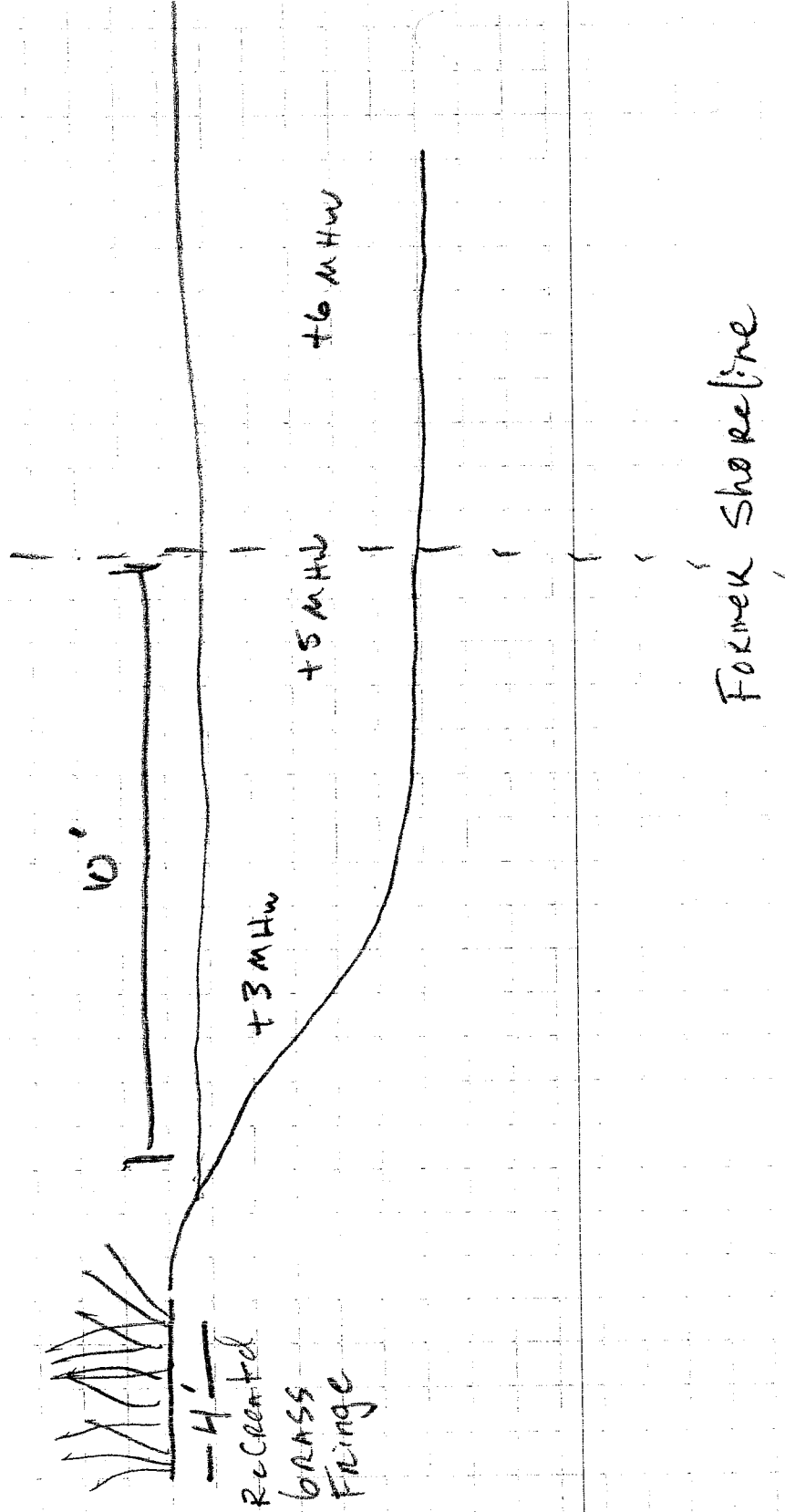
Existing Shoreline



Ono Island
Lot 31 Unit 10
Cross Sectional

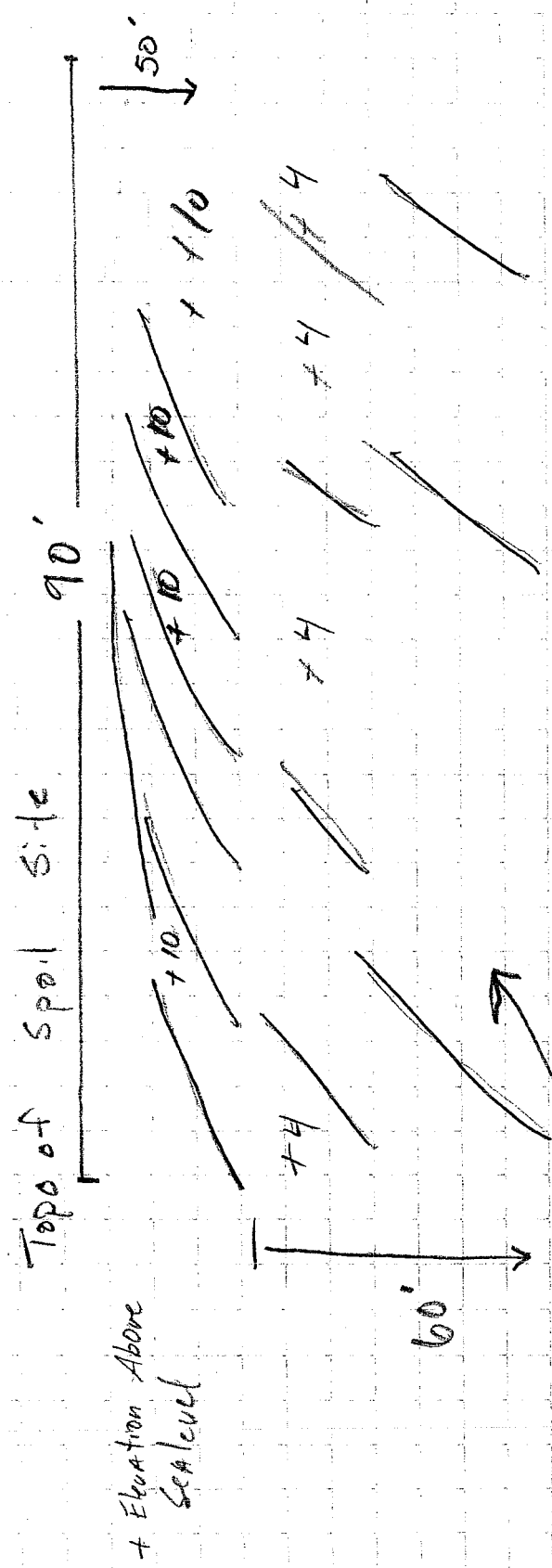
Dredge

Modified Shoreline



Ono Island
Lot 31 Unit 10

Spoil Area
Cross Sectional



spoils moved by mechanically dredging