



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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2016-01643-SBC

October 25, 2017

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

**REQUEST FOR AUTHORIZATION TO EXCAVATE AN INCISED BOAT SLIP,
CONSTRUCT A PARTIALLY ENCLOSED BOAT SHELTER, AND PERFORM
DREDGING IN A MANMADE CANAL OFF 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 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Please communicate this information to interested parties.

APPLICANT: **ONO-St. John, Inc.**
Attention: Mr. Jeff Friedman
Post Office Box 43160
Richmond Heights, Ohio 44143-0160

AGENT: **R² Global, Inc.**
Attention: Mr. Craig Johnson
623 West Laurel Avenue
Foley, Alabama 36535

LOCATION: **Canal off Bayou St. John, on an island across from 30045 Ono Boulevard, Section 1, Township 5 South, Range 5 East; near Latitude 30.289042° North, Longitude 87.514491° West, Canal off Bayou St. John, Ono Island/Orange Beach, Baldwin County, Alabama.**

PROJECT PURPOSE: The "Basic Project Purpose" is to construct a residential boat shelter. For the purposes of the Clean Water Act Section 404(b)(1) Guidelines this basic purpose defines the project as a water-dependent activity (an activity requiring access or proximity to or siting within a special aquatic site to fulfill its basic purpose). The "Overall Project Purpose" for this project is to construct a boat shelter for a 90-foot motor yacht, and provide navigational access for the vessel to open waters of the Gulf of Mexico.

PROPOSED WORK: The applicant is proposing the following work:

- a. Boat Slip:** Excavation of approximately 910 cubic yards of material from a 3,741-square-foot (0.09 acre) area of a small island located within an Ono Island canal. Approximately 650 cubic yards of the material would be mechanically excavated from below the plane of mean high water (MHW), and the bottom elevation of the proposed boat slip would be excavated to -5 feet below mean low water (MLW). The excavated area would feature a 5-foot-wide intertidal shelf as compensatory mitigation for impacts to the existing intertidal shelf that borders the small island and the Ono Island canals. The shelf would be protected by 160 linear feet of low-water sill structure installed along its outer edge. The sill structure and intertidal shelf would be constructed at an elevation equal to the plane of MLW.
- b. Boat Shelter:** Construction of a 100-foot by 39-foot partially enclosed boat shelter with a single covered slip that is 28 feet wide by 90 feet long. The boat shelter would feature a concrete-pile-supported concrete deck with 3.7-foot-wide and 7.3-foot-wide finger piers, and be covered by a roof extending 61.8 feet above MHW. The structure would extend a maximum of 13.6 feet waterward from the existing pre-excavated shoreline, and at least 31 feet of clearance would be maintained in the canal between the proposed structure and an existing neighboring boat shelter.
- c. Dredging:** Hydraulic dredging of approximately 460 cubic yards of sand and silt material from an irregularly-shaped 4,150-square-foot (0.095 acre) area of canal water bottoms located adjacent to the proposed boat slip and shelter. The area would be dredged to a depth of approximately -5 feet below MLW.
- d. Treatment/Disposal of Dredged Material:** The excavated and dredged material would be directed to a bermed treatment area located in uplands on the small island. The 2,400-square-foot (0.06 acre) treatment area would have a minimum capacity of 250 cubic yards. The treatment area would not feature an outfall structure, as natural percolation would be utilized for treatment, by the applicant, for excess water in the dredged material. Upon treatment, the dredged material would be disposed in the surrounding upland areas of the small island.

AVOIDANCE AND MINIMIZATION: The applicant has indicated that the following steps have been taken to avoid and minimize impacts to waters of the United States: The proposed residential boat shelter has been designed and located to avoid tidal emergent wetlands found along the northern and southern sides of the Island. The proposed incised area has been designed to give sufficient room for navigation through the existing canal by incising further landward into the island. This project design would allow for adequate clearance between the new boat shelter and the existing boat shelter structure to the west. A low water sill is planned, and it is

designed to protect the newly formed 5-foot intertidal shelf from erosion. This will create a more stable and functioning intertidal shelf habitat than is currently existing at the site. 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 would be required to excavate a 5-foot-wide intertidal shelf area along the new shoreline created by the incised boat slip in order to compensate for the loss of intertidal shelf habitat that is present along the existing shoreline. This habitat was originally created as part of a mitigation project for the original Ono Island canal system. A wetland delineation of the project area provided by the applicant indicated no existing wetland vegetation located within the intertidal shelf areas proposed for excavation. Therefore, there would be no requirement for the applicant to establish wetland vegetation within the new intertidal shelf areas. The applicant would establish approximately 800 square feet (0.02 acre) of new intertidal habitat to replace the loss of approximately 700 square feet of existing intertidal habitat.

COASTAL ZONE MANAGEMENT AREA CONSISTENCY: The applicant has applied for a consistency determination/certification from the State of Alabama in accordance with the State's Coastal Area Management Program, and upon completion of the required advertising by the State, a determination relative to consistency will be made by the Alabama Department of Environmental Management (ADEM).

WATER QUALITY: The applicant has applied for a certification from the State of Alabama in accordance with Section 404(a) (1) of the Clean Water Act. Upon completion of the required advertising by the State, a determination relative to certification will be made by the ADEM.

HISTORIC PROPERTIES/CULTURAL RESOURCES: 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 Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 325, the USACE, Mobile District, has determined that the permit area of this project consists of the footprint of the excavated and dredged areas, the upland treatment and disposal areas located on the small island, the directly adjacent waters of the United States, and all directly associated staging and work areas. The National Register of Historic Places has been consulted for properties listed in or eligible for the National Register of Historic Places, which are known to exist and would be affected by the proposed work. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties located outside of

the permit area as a result of the this undertaking may also be considered. In addition to comments from the State Historic Preservation Officer (the Alabama Historical Commission), we are seeking comments from 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. An initial review of the permit areas found that there was a need for a Phase I Cultural Resources Survey of the small island. This was requested from the applicant and subsequently provided. That survey is currently under review by the USACE, Mobile District. The USACE, Mobile District, has not yet made a determination of potential effects that the project would have on cultural or historic resources.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The project area includes areas of water column utilized by various life stages of various marine species, and the proposal would potentially impact approximately 0.09 acre of existing water bottoms, including 0.02 acre of existing intertidal, nearshore habitat via excavation and dredging activities. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service.

THREATENED AND 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 may affect but is not likely to adversely affect the following listed endangered or threatened species with the potential to exist within the action area of the project: Florida Manatee (*Trichechus manatus*) (T). This determination has been made due to the presence of submerged aquatic vegetation (SAV) occurring around the shorelines of Ono Island. Given that the SAV may attract this species and increase the likelihood of collisions with individual manatees during the proposed dredging operations, any permit issued by the Department of the Army will include the Standard Manatee Construction Conditions.

Also, based on the scope and nature of the project's Endangered Species Act (ESA) action area, which consists predominantly of previously dredged water bottoms and includes a manmade canal with bulk headed shorelines, the proposed activity would have no effect on the following listed endangered or threatened species that have the potential to exist within the action area of the project: Alabama beach mouse (*Peromyscus polionotus ammobates*) (E), Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) (E), Wood stork (*Mycteria americana*) (E), Piping Plover (*Charadrius melodus*) (T), Red Knot (*Calidris canutus rufa*) (T), Eastern indigo snake

(Drymarchon couperi) (T), Green sea turtle (*Chelonia mydas*) (T), Kemp's Ridley sea turtle (*Lepidochelys kempii*) (E), and Loggerhead sea turtle (*Caretta caretta*) (T).

There is no designated critical habitat within the action area of the project. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice, and further coordination with the USFWS will be performed as determined to be appropriate.

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, Mobile District, can be based. The USACE, Mobile District, is soliciting comments from the public; from Federal, State, and local agencies and officials; from Indian Tribes; and from other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

Any comments received will be considered by the USACE, Mobile District, 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.

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. 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.

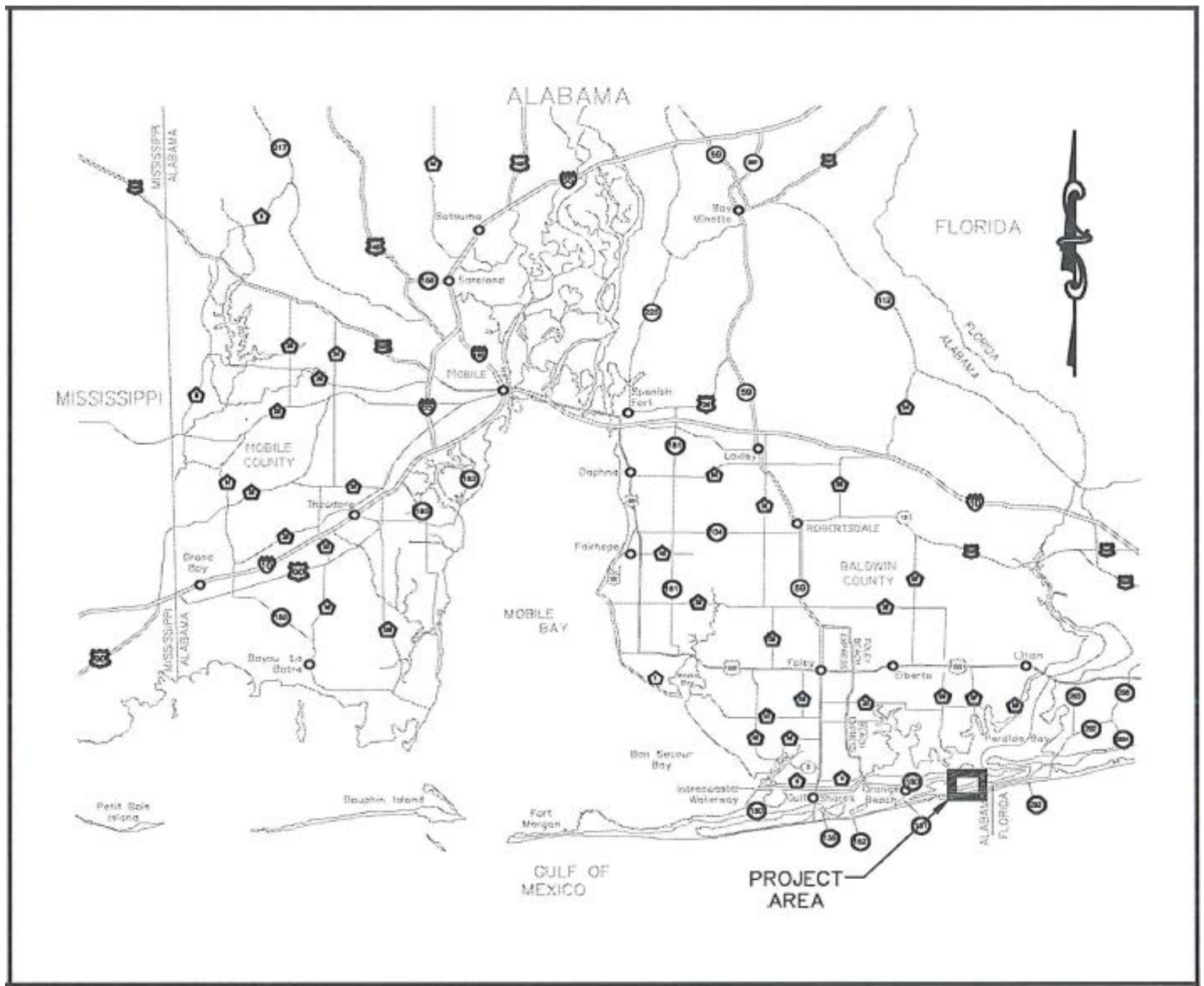
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2016-01643-SBC**, and should be directed to the District Engineer, U.S. Army Engineer District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the ADEM, Coastal Section, 3664 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 the project manager, **Mr. S. Brad Crosson** at **(251) 694-3664** or via e-mail at **steven.b.crosson@usace.army.mil**. Please refer to Public Notice Number **SAM-2016-01643-SBC**.

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



DRIVING DIRECTIONS:

STARTING AT THE INTERSECTION OF ALABAMA HWY 161 AND ALABAMA HWY 182 IN ORANGE BEACH ALABAMA.

HEAD EAST ON AL-182 E/PERDIDO BEACH BLVD. FOR 3.1 MILES

TURN LEFT ONTO ONO ISLAND AND CROSS BRIDGE TO INTERSECTION.

TURN RIGHT AT INTERSECTION ONTO ONO BLVD. AND TRAVEL FOR 1.5 MILES TO 30055 ONO BLVD.

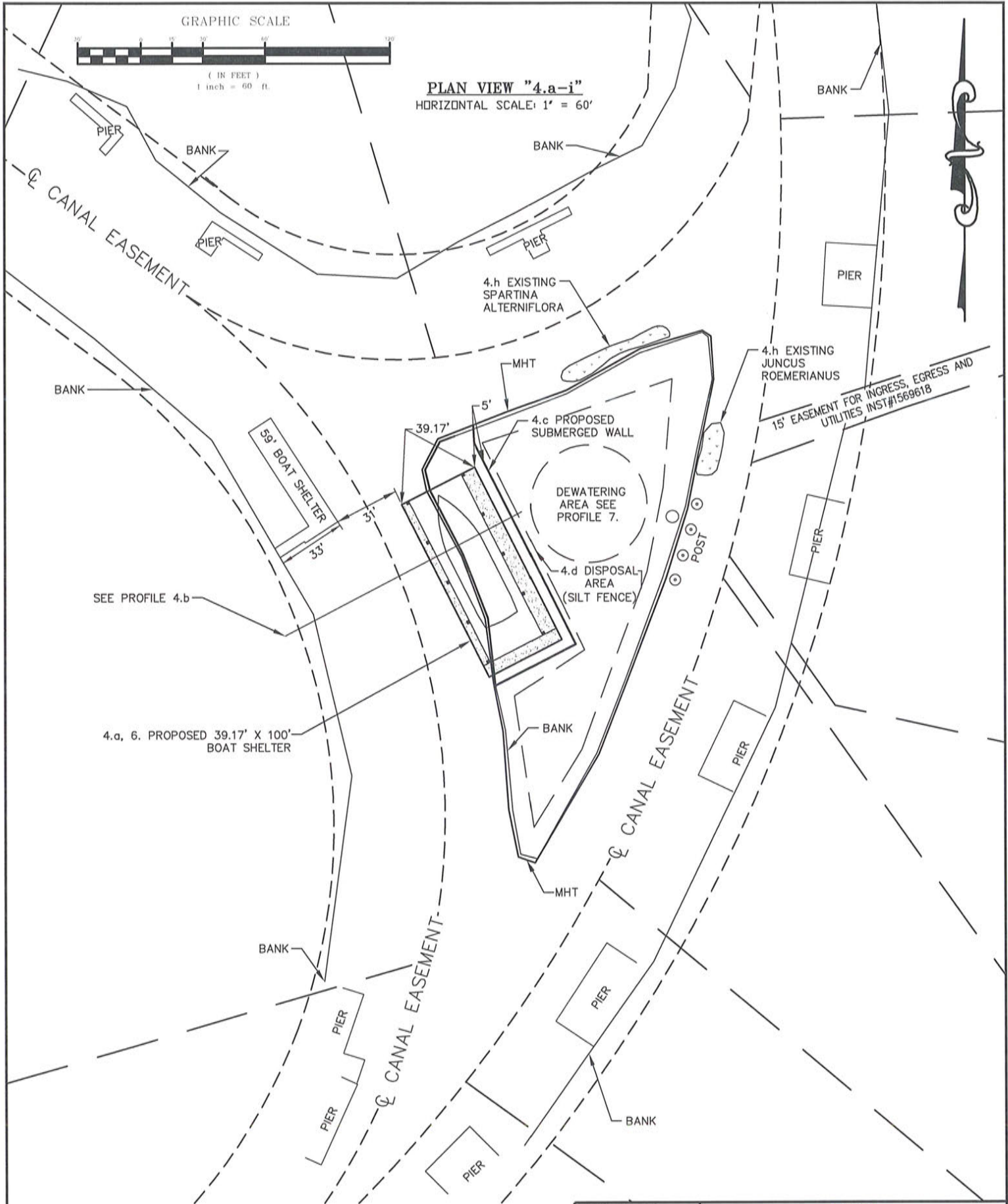
ACCESSIBLE FROM EASEMENT ALONG SOUTHERN LOT LINE.

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

PLAN VIEW "4.a-i"
HORIZONTAL SCALE: 1' = 60'



SEE PROFILE 4.b

4.a, 6. PROPOSED 39.17' X 100'
BOAT SHELTER

DRAWN BY:	BFF	
DATE:	03/22/2017	
CHECKED BY:	BCJ	
SCALE:	1' = 60'	
REV.	DATE	BY:

623 N. Alston St
Foley, Alabama 36535
Alabama, CA 1102 LS



(251) 981 6936
(251) 923 9517

**BOAT SHELTER FOR
MR. FRIEDMAN
BALDWIN COUNTY, ALABAMA**

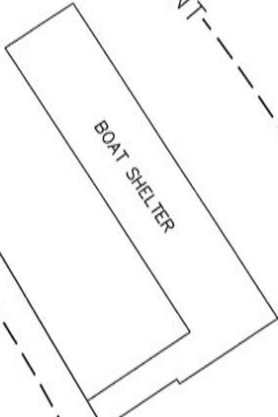
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

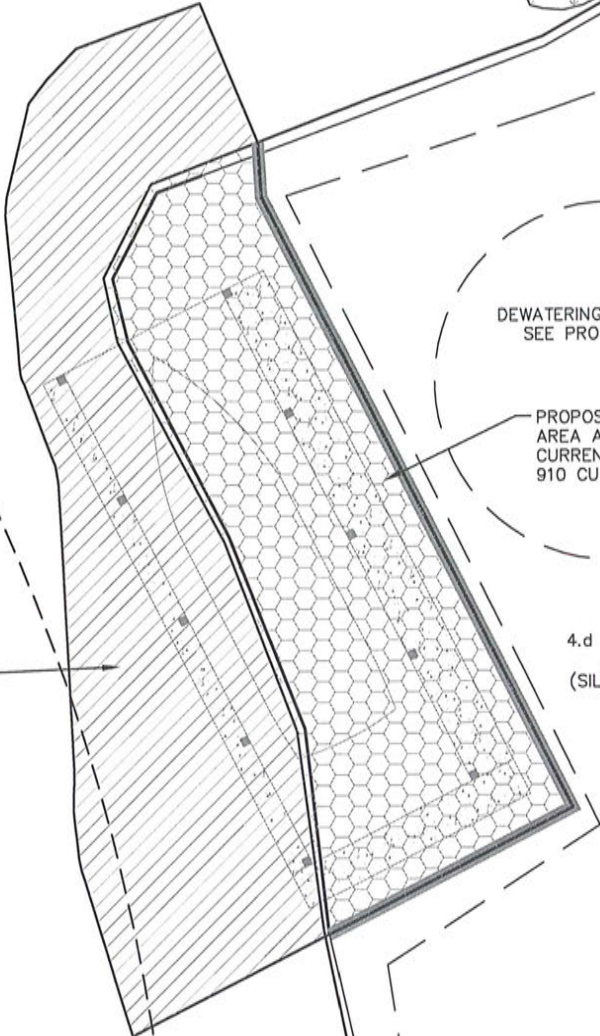
PLAN DREDGE AREA 4.b
HORIZONTAL SCALE: 1" = 30'

CANAL EASEMENT



BOAT SHELTER

PROPOSED DREDGE
AREA BELOW
CURRENT MHT
460 CU. YDS.



DEWATERING AREA
SEE PROFILE 7.

PROPOSED DREDGE
AREA ABOVE
CURRENT MHT
910 CU. YDS.

4.d DISPOSAL
AREA
(SILT FENCE)

BANK

CANAL EASEMENT

DRAWN BY:	BFF	
DATE:	03/22/2017	
CHECKED BY:	BCJ	
SCALE:	1" = 30'	
REV.	DATE	BY:

623 N Alston St
Foley, Alabama 36535
Alabama, CA 1102 LS

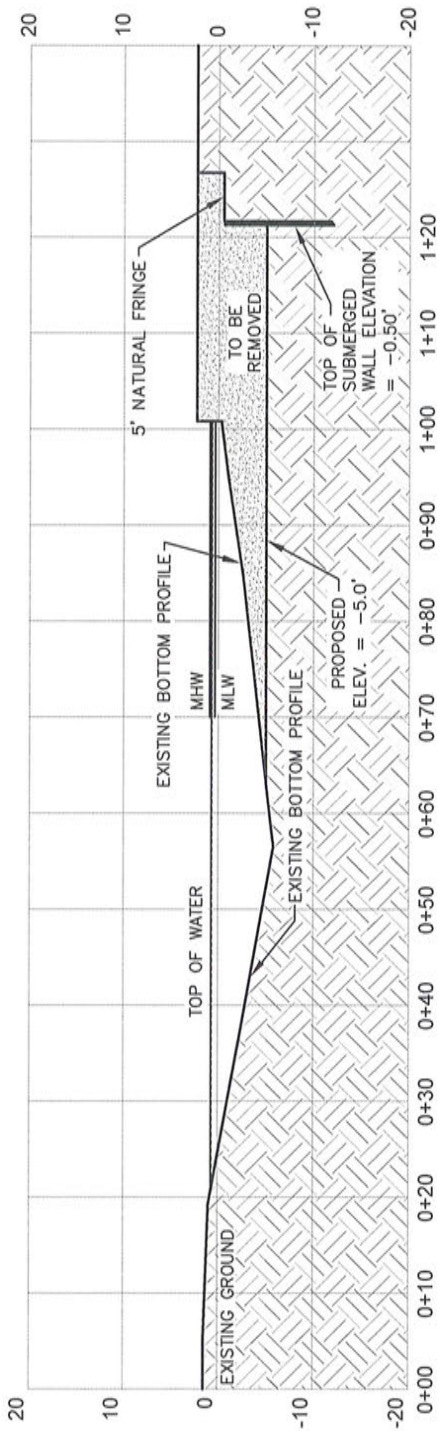


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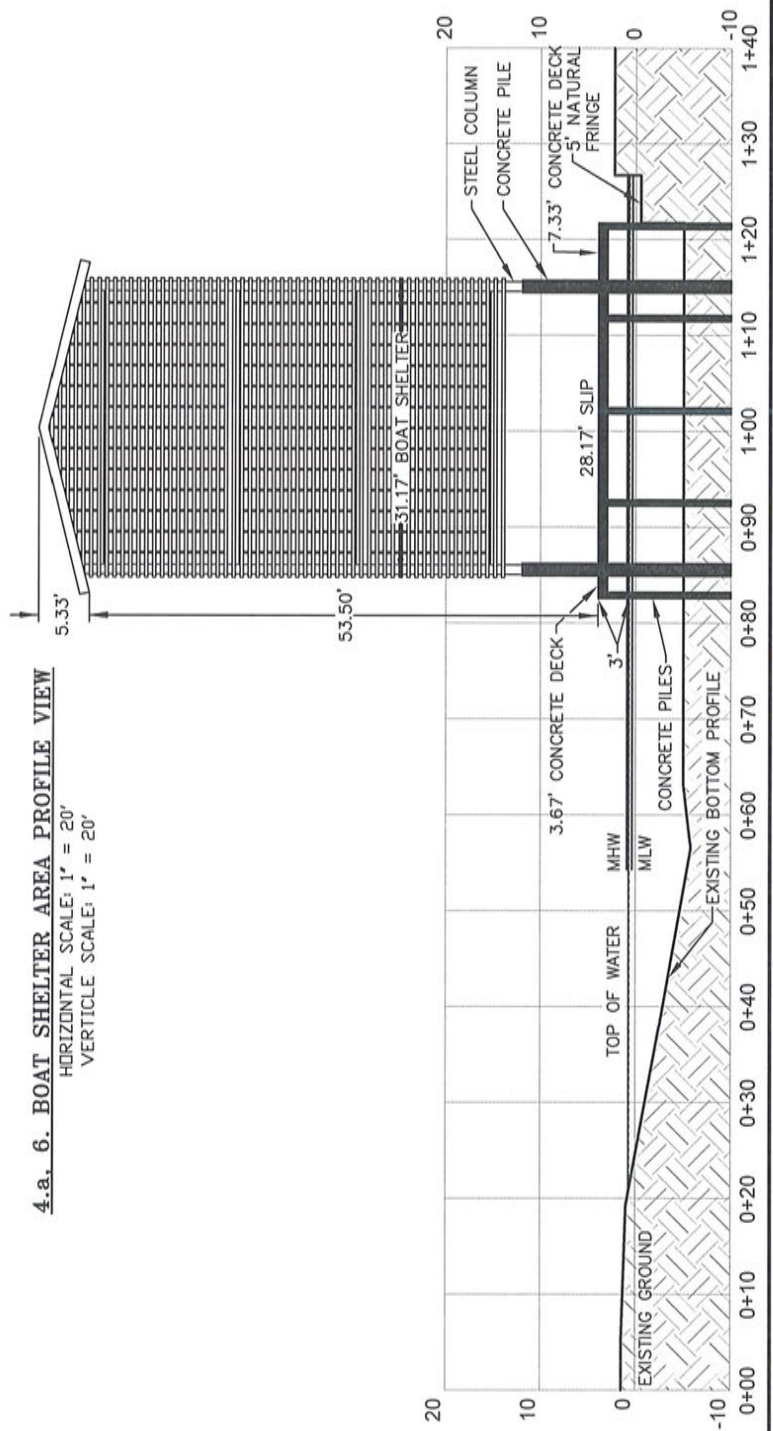
4.b DREDGE AREA PROFILE VIEW

HORIZONTAL SCALE: 1" = 20'
VERTICLE SCALE: 1" = 20'



4.a. 6. BOAT SHELTER AREA PROFILE VIEW

HORIZONTAL SCALE: 1" = 20'
VERTICLE SCALE: 1" = 20'



NOTE:
1. THE SUBMERGED WALL TO BE DESIGNED WITH TOP BEING AT 0.0' MSL AND WILL BE CONSTRUCTED WITH EITHER WOOD OR SHEET PILE OR COMBINATION OF BOTH.

DRAWN BY: BFF	
DATE: 03/22/2017	
CHECKED BY: BCJ	
SCALE: N.T.S.	
REV. DATE	BY:

623 N Alston St
Foley, Alabama 36535
Alabama CA 1102 LS

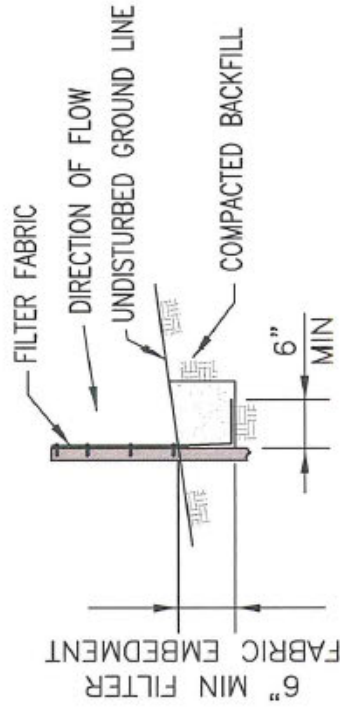
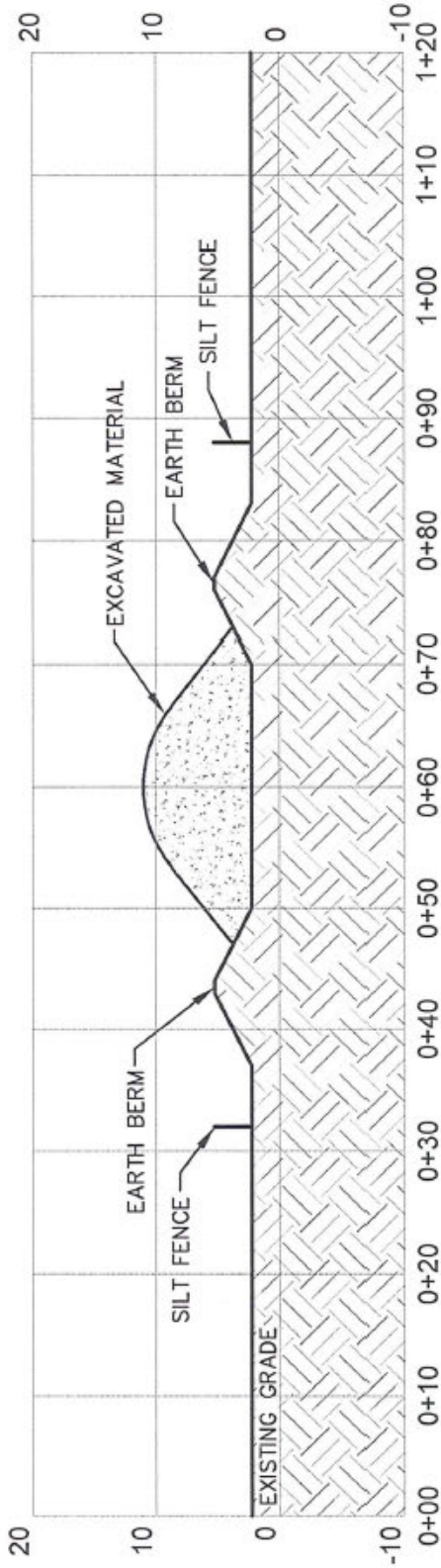
(318) 323 6900
Fax (318) 362 0064
(251) 923 9517

**BOAT SHELTER FOR
MR. FRIEDMAN
BALDWIN COUNTY, ALABAMA**

7. DREDGE AREA DISPOSAL PROFILE VIEW

HORIZONTAL SCALE: 1" = 20'

VERTICLE SCALE: 1" = 20'



SILT FENCE DETAIL

NOTE:

1. DEWATERING AREA TO BE CONSTRUCTED HAVING A 1' WIDE TOP OF BERM, 3' ABOVE EXISTING GRADE WITH 2:1 SLOPE (MAX).
2. THE DEWATERED MATERIAL TO BE PLACED IN THE DISPOSAL AREA.
3. THERE IS NO OUTFALL STRUCTURE. NATURAL PERCUSSION OF WATER THROUGH THE DEWATERING AREA.