



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

CESAM RD-A
PUBLIC NOTICE NO. SAM-2017-01018-JCC

February 3, 2022

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

REQUEST TO IMPACT 0.065 ACRE OF WATERBOTTOMS IN CONJUNCTION WITH
POCKET BEACH AND LAND RECLAMATION, 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 Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Austin Schell
140 Arguello Boulevard, Unit B
San Francisco, California 94118

AGENT: EcoSolutions, Inc.
Attention: Mr. Thomas Hutchings
Post Office Box 361
Montrose, Alabama 36559

LOCATION: The proposed project is located at 30241 Ono Boulevard; within Section 6, Township 9 South, Range 6 East; at Latitude 30.29201° North, Longitude 87.50971° West; in Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The purpose of this project is to reclaim eroded land and to stabilize and protect the shoreline.

PROPOSED WORK: The applicant proposes to place 177 cubic yards of commercially obtained fill material within 864 square feet (0.02 acre) of waterbottoms in association with land reclamation waterward of an existing bulkhead. Approximately 90 linear feet of new bulkhead will be installed around the land reclamation area. The applicant also proposes to place 296 cubic yards of commercially obtained fill material within 1,995 square feet (0.045 acre) of waterbottoms in association with a pocket beach. Two 35 linear foot wooden headland breakwaters will be placed in the pocket beach area to retain fill and attenuate waves.

AVOIDANCE AND MINIMIZATION: The project was designed to minimize impacts to Waters of the U.S. to the maximum extent practicable. Furthermore, Best Management

Practices (BMPs) will be implemented to prevent water quality impacts within Bayou Saint John during project implementation. 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 is not proposing compensatory mitigation because the project would not adversely impact special aquatic sites. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's mitigation proposal at this time

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 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 Part 325, the Mobile District has determined the permit area consists of the entire undertaking in waters of the United States as well as portions of the uplands used for staging and access. 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. The Mobile District is seeking comment from the State Historic Preservation Officer regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. The permit area described above is currently under review by District Archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 2,859 square feet (0.065 acres) of unvegetated estuarine substrate utilized by various life stages of multiple marine species. This proposal is described above is currently under review by the U.S. Army Corps of Engineers (USACE), Mobile District. Our final determination is subject to review by and coordination with the National Marine Fisheries Service and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS).

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: Alabama beach mouse (E), Perdido Key beach mouse (E), West Indian manatee (T), piping plover (T), red knot (T), wood stork (T), eastern indigo snake (T), green sea turtle (T), Kemp's ridley sea turtle (E), loggerhead sea turtle (T). There is no designated critical habitat within the project action area.

Review of this proposed activity for potential effects on the above list of threatened or endangered species has been accomplished by use of species-specific Standard Local Operating Procedures for Endangered Species (SLOPES). The USACE, Mobile District's review has indicated the proposed activity will have no effect on the above list of threatened or endangered species. Details of the proposed activity are being provided to

federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

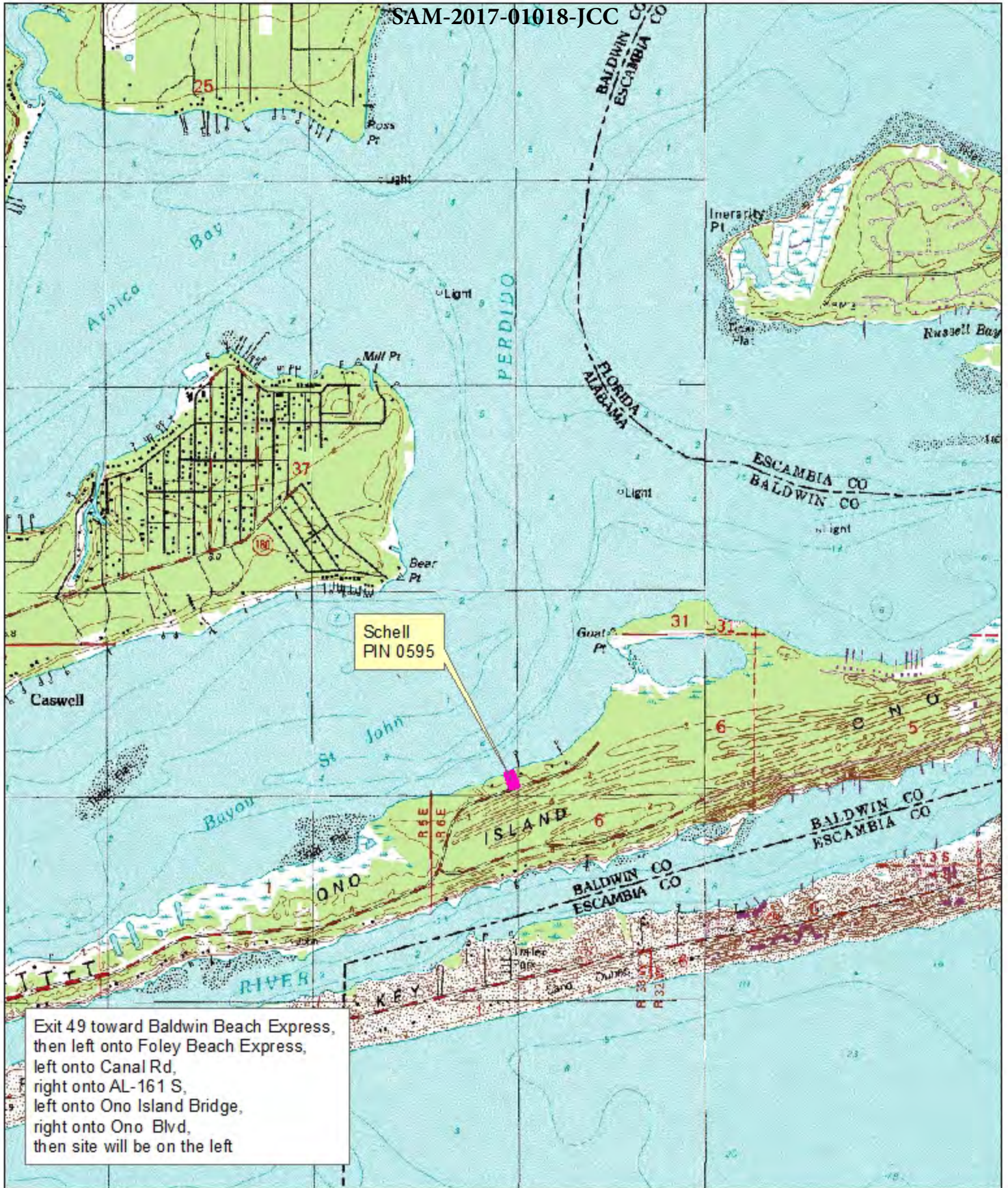
COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE can be based. The Mobile District is soliciting comments from the public, federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE 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 below. 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. 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, historic properties, 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 and fiber 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 notice should refer to Public Notice Number **SAM-2017-01018-JCC**, and should be directed to the project manager, Ms. Lacey Leaptrott by e-mail at lacey.m.leaptrott@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Lacey M. Leaptrott, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov. **All comments should be received no later than 30 days from the date of this Public Notice.**

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

Attachments



Schell
PIN 0595

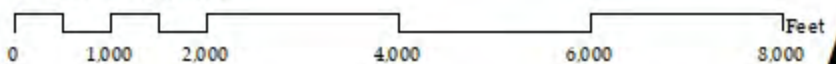
Exit 49 toward Baldwin Beach Express,
then left onto Foley Beach Express,
left onto Canal Rd,
right onto AL-161 S,
left onto Ono Island Bridge,
right onto Ono Blvd,
then site will be on the left



P.O. Box 361 Montrose, AL 36559
Phone: 251-621-5006 Fax: 251-621-5058

Project: Schell Ono
Applicant: Austin Schell

1 inch = 2,000 feet

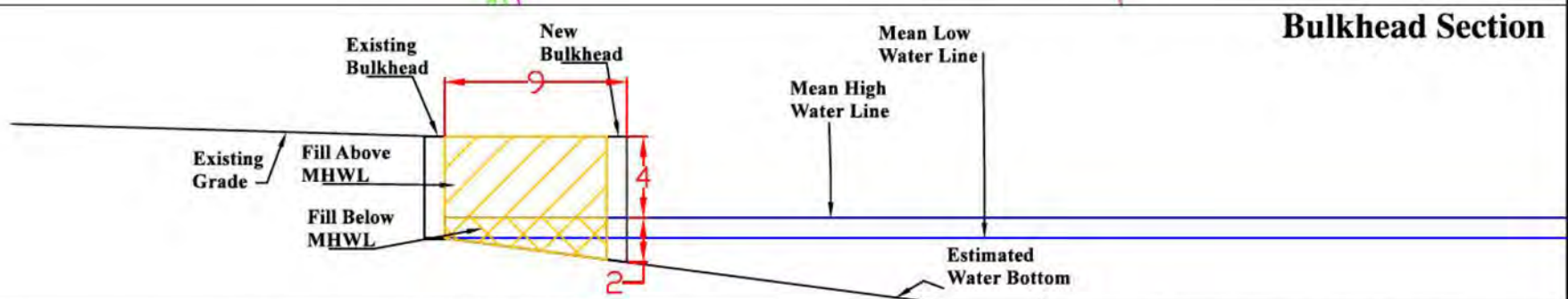
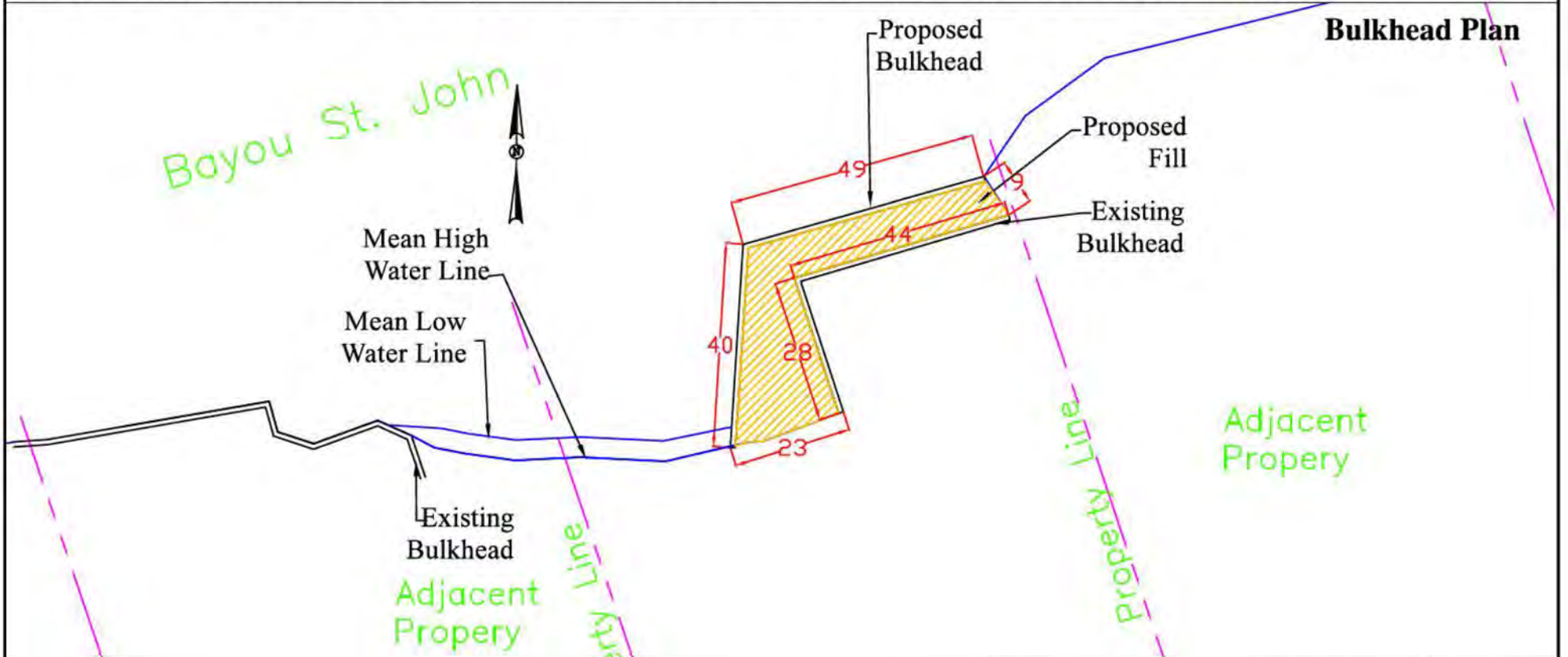


T-9-S, R-6-E, Sect. 6
Orange Beach, AL





FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Fill Area = 864 sq ft
 Fill Volume Below MHWL = 49 cu yds
 Fill Volume Above MHWL = 128 cu yds

Schell Bulkhead Plan

EcoSolutions
 ENVIRONMENTAL, MEDICAL, MANAGEMENT & PLANNING

P.O. BOX 361
 MONROE, AL 36559
 (251) 621-5006

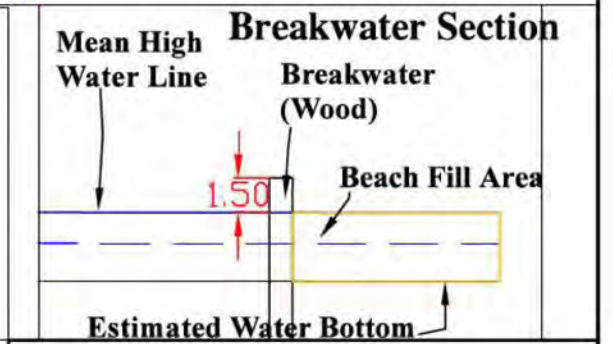
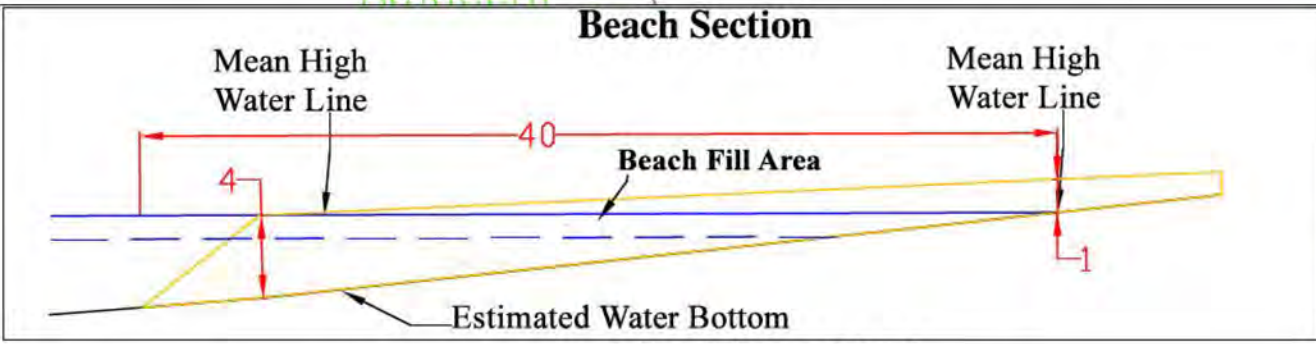
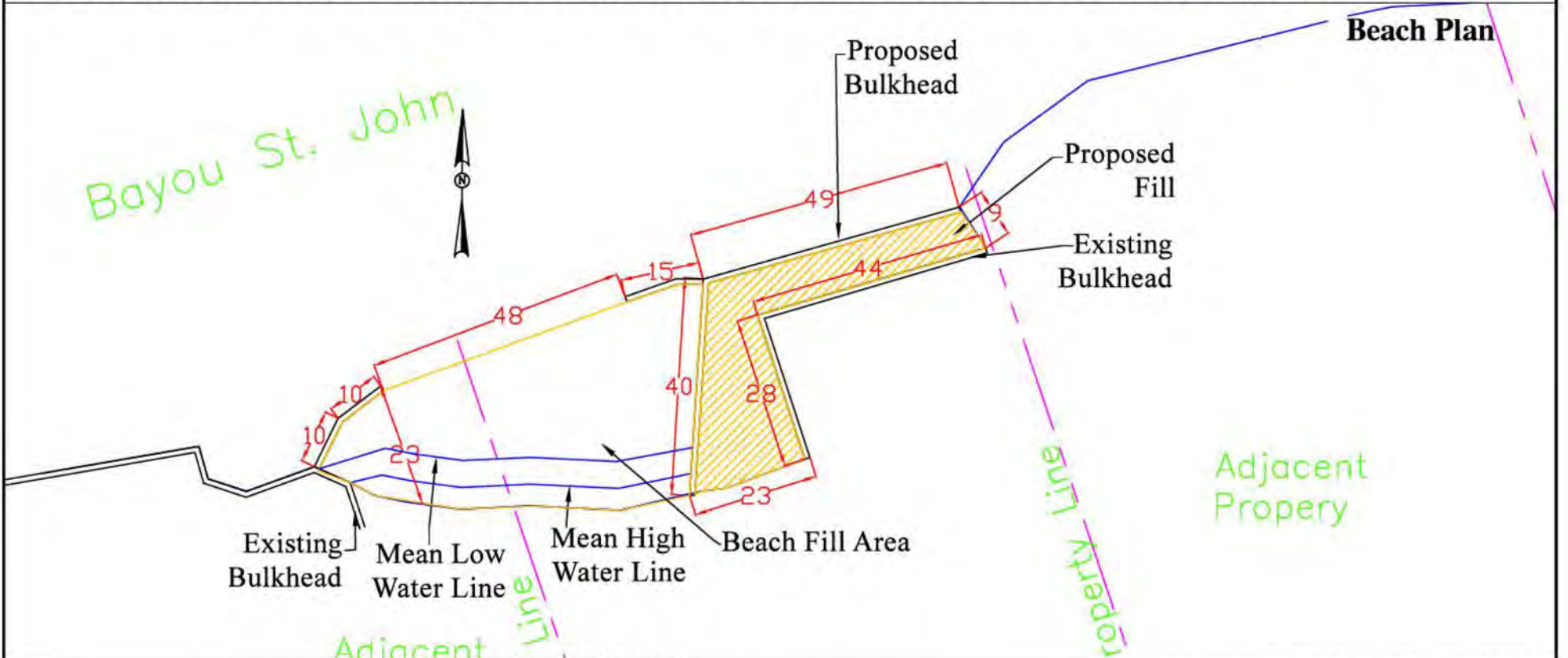
PREPARED FOR
 Austin Schell
 30241 One Blvd
 Orange Beach, AL

DRAWN BY
 E. Wood

DATE OF LAST REVISION
 7/26/2021

PROJECT
 Schell Bulkhead 2021.7.13

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Bulkhead Fill Area = 864 sq ft
 Fill Volume Below MHWL = 49 cu yds
 Fill Volume Above MHWL = 128 cu yds

Beach Fill Area = 1,995 sq ft
 Beach Fill Volume = 296 cu yd
 Linear Feet of Breakwater = 35 feet

Schell Beach Plan

EcoSolutions
 ENVIRONMENTAL, MEDIATION, MANAGEMENT & PLANNING

P.O. BOX 361
 MONTROSE, AL 36559
 (251) 621-5006

PREPARED FOR Austin Schell 30241 One Blvd Orange Beach, AL	DRAWN BY E. Wood	DATE OF LAST REVISION 10/18/2021
CHECKED BY L. Casaday	DWG Schell Bulkhead 2021.7.13	SCALE SHEET 2

file: Schell_Bulkhead_2021.7.13.dwg