



REPLY TO
ATTENTION OF:

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

CESAM RD-A
PUBLIC NOTICE NO. SAM-2018-01191-DCH

April 15, 2018

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

**REQUEST TO IMPACT 0.003 ACRE OF TIDAL WETLANDS IN CONJUNCTION WITH THE
EXCAVATION OF AN INCISED BOAT SLIP AND CONSTRUCTION OF A BOAT LIFT ON A
MANMADE CANAL OFF PERDIDO BAY, ONO ISLAND SUBDIVISION, 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 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. Stephen M. Hickok**
32910 Marlin Key Drive
Orange Beach, Alabama 36561

LOCATION: The project is located on a manmade canal off Perdido Bay, at Parcel 3, Unit 11-A in the Ono Island Subdivision, within Section 34, Township 8 South, Range 6 East, Latitude 30.301944° North, Longitude -87.468658° West, Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The basic project purpose is to provide storage of recreational watercraft and access to navigable waters. The overall project purpose is to provide on-site watercraft storage and access to an existing manmade canal on Ono Island. The project would involve excavation of an incised boat slip in order to provide sufficient clearance to construct a boat shelter without obstructing navigation within the canal.

PROPOSED WORK: The applicant has proposed to excavate a 480-square-foot area of uplands and waterbottoms to create an incised boat slip within a manmade canal off Perdido Bay. Approximately 110 cubic yards of material would be excavated from below the plane of mean high water (MHW). The proposed work would impact 0.003 acre (112 square feet) of tidal wetlands located on an intertidal shelf along the existing canal bank. The dredged material would be placed within an adjacent 576-square-foot upland area and temporarily contained by an earthen berm and silt fencing for dewatering. The dewatered dredged material will be placed in uplands within the subject lot for final disposal.

Upon completion of the incised slip, the applicant proposes to construct a 14-foot-square uncovered boat lift structure accessible by a 1.3-foot-wide by 33-foot-long catwalk pier within the incised area. The boat lift structure would be accessed by a 4-foot-wide access pier that will extend approximately 5 feet waterward from the newly-created MHW line. The completed structures would extend a total of 19 feet waterward into the canal from the newly-created MHW line within the incised slip and would provide approximately 30 feet of navigational clearance from the neighboring boat shelter on the north side of the canal. See the attached plans for additional information.

AVOIDANCE AND MINIMIZATION: The applicant has indicated that the proposed excavation of the indented slip has been planned to provide the minimal area necessary for vessel storage and unobstructed access to the waterway, thereby minimizing wetland impacts to the maximum extent practicable. The applicant has proposed to utilize earthen berms and silt fencing during dewatering of dredged material to prevent loss of sediment and turbidity in the adjacent waterway. 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 has proposed to compensate for unavoidable impacts to tidal wetlands through the on-site creation of a 0.004 acre (168 square feet) of new tidal marsh, created along the newly constructed bank of the proposed incised slip. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY: The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency concurrence in accordance with the Coastal Zone Management Act. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification and CZM consistency will be made by the Alabama Department of Environmental Management (ADEM).

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 that the permit area consists of the entire undertaking in waters of the United States as well as portions of the upland residential lot. 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.

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 0.011 acre (480 square feet) of unvegetated estuarine substrate and 0.003 acre (112 square feet) of tidal

marsh utilized by various life stages of multiple marine species. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the minor area of impact and proposed mitigation activities. 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 that 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), Gopher Tortoise (candidate species), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), and Loggerhead Sea Turtle (T). There is no designated critical habitat within the project action area. This determination is being coordinated with the USFWS via this Public Notice.

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-2018-01191-DCH**, and should be directed to the project manager, Mr. Dylan C. Hendrix by e-mail at dylan.c.hendrix@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. Dylan C. Hendrix, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished 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 Mr. Hendrix by e-mail at dylan.c.hendrix@usace.army.mil, or (251) 694-3772. Please refer to the above Public Notice Number SAM-2018-01191-DCH, in any communication concerning this project.

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

Project Location Map

Hickok Boat Slip

SAM-2018-01191-DCH

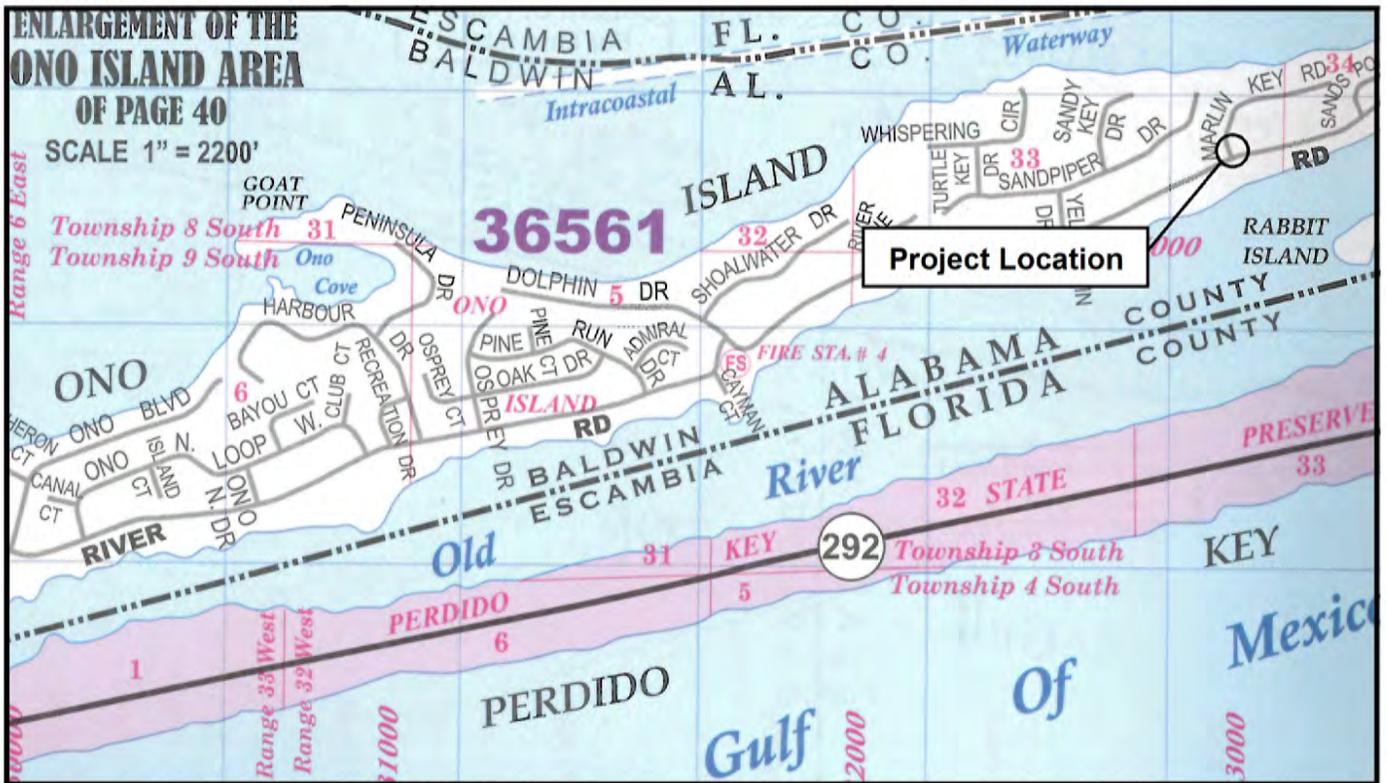


Figure 1 - SAM-2018-01191-DCH

Hickok Plat

Baldwin County Plat overlaid Google Earth

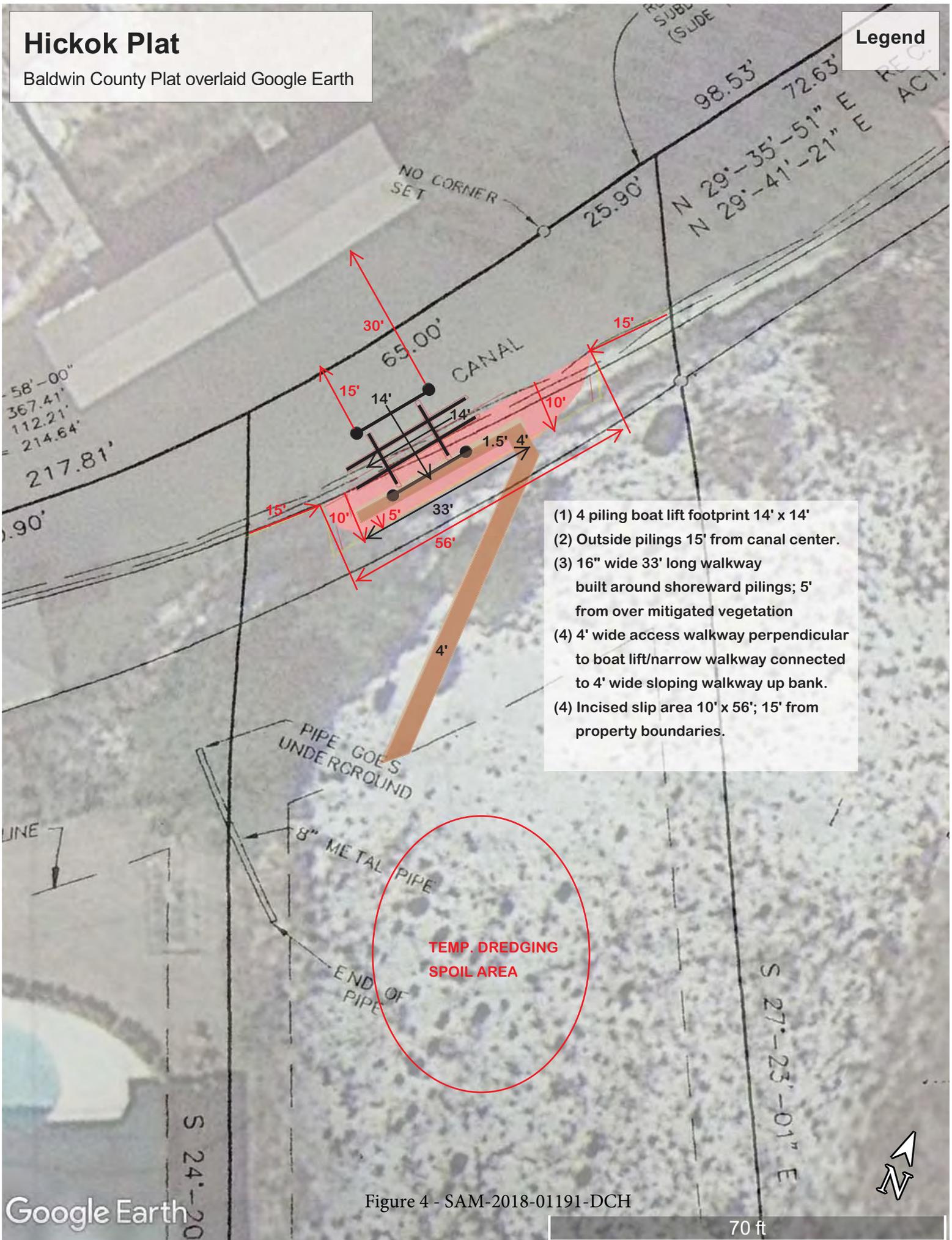
Legend



Hickok Plat

Baldwin County Plat overlaid Google Earth

Legend



- (1) 4 piling boat lift footprint 14' x 14'
- (2) Outside pilings 15' from canal center.
- (3) 16" wide 33' long walkway built around shoreward pilings; 5' from over mitigated vegetation
- (4) 4' wide access walkway perpendicular to boat lift/narrow walkway connected to 4' wide sloping walkway up bank.
- (4) Incised slip area 10' x 56'; 15' from property boundaries.

Figure 4 - SAM-2018-01191-DCH



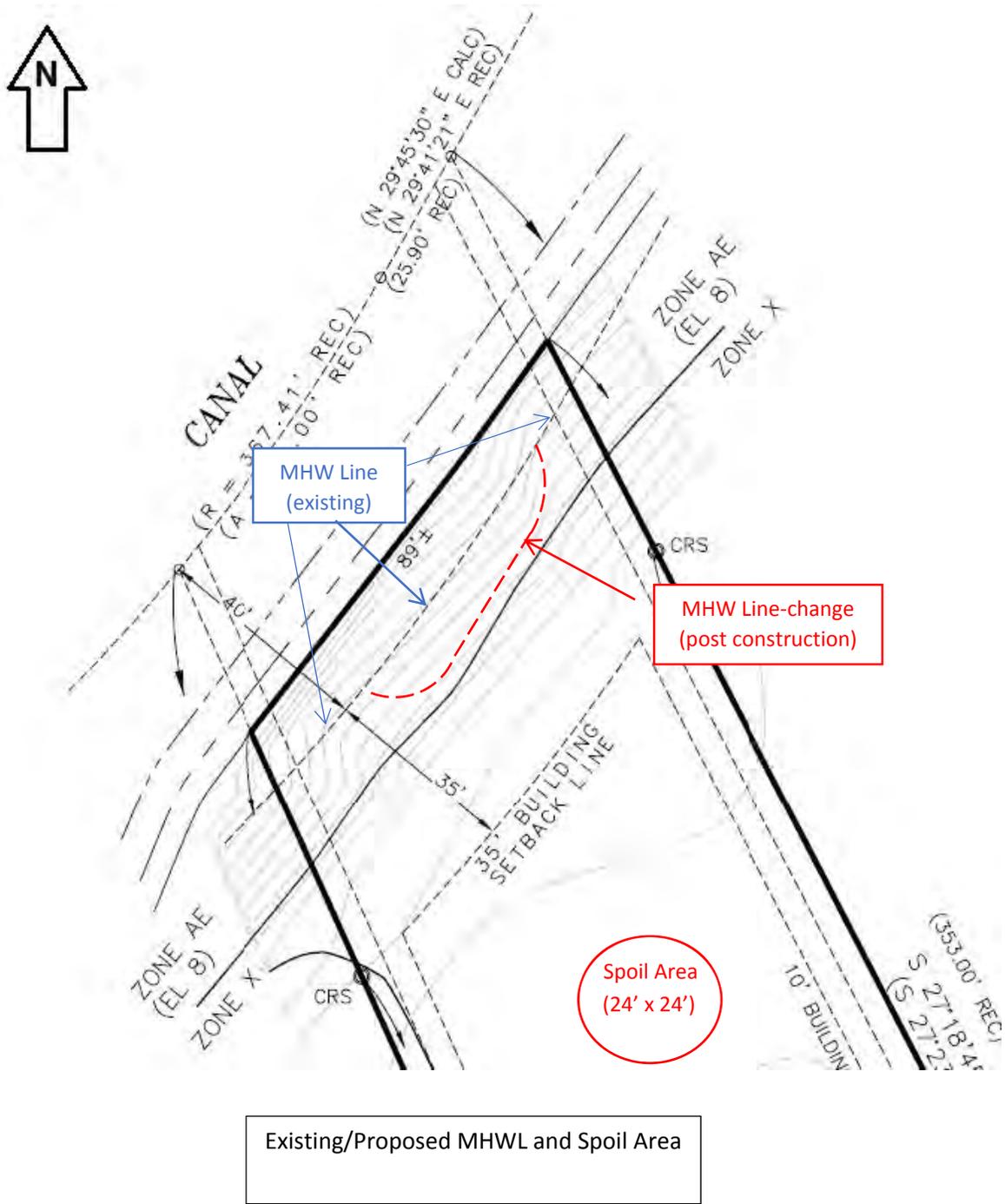


Figure 5 - SAM-2018-01191-DCH

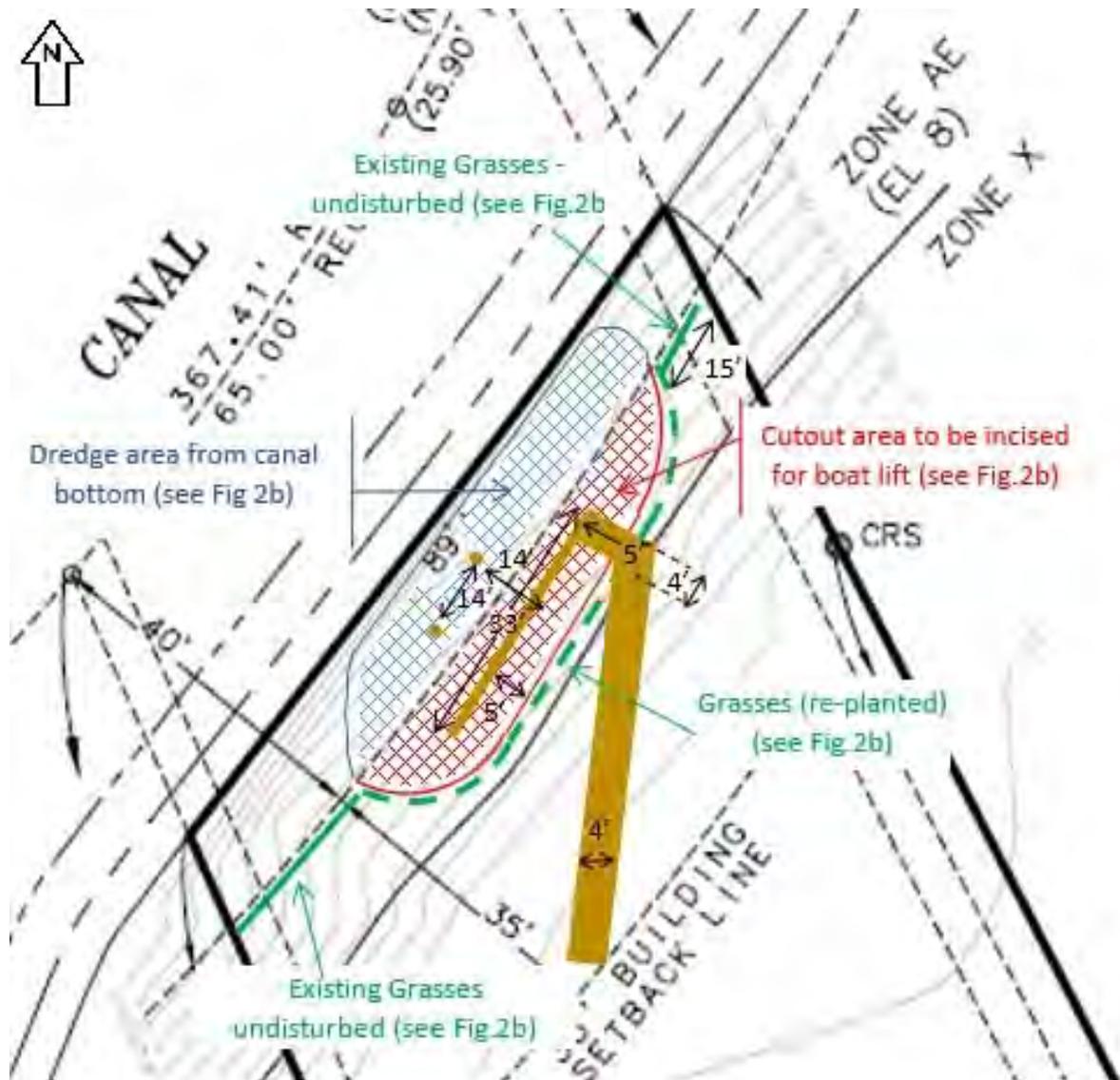


Fig 2a: Plan view with boat lift and catwalk placement in cutout/dredge area

(Notes: also see Figs 2b and 3A)

1. Boat lift: pilings set at not to exceed 14' wide (*per Ono [s] regulations*) and 14' long parallel to incised area in canal bank. Total Footprint (to include catwalk) 14' x 14'
2. There is only room (*per Ono [s] regulations*) for a 16 inch wide 33' long catwalk on the landward side.
3. 5' long x 4' wide walkway to connect to boat lift for access; connects to ramp down canal. (This 4' wide access ramp is the only structure over grasses).

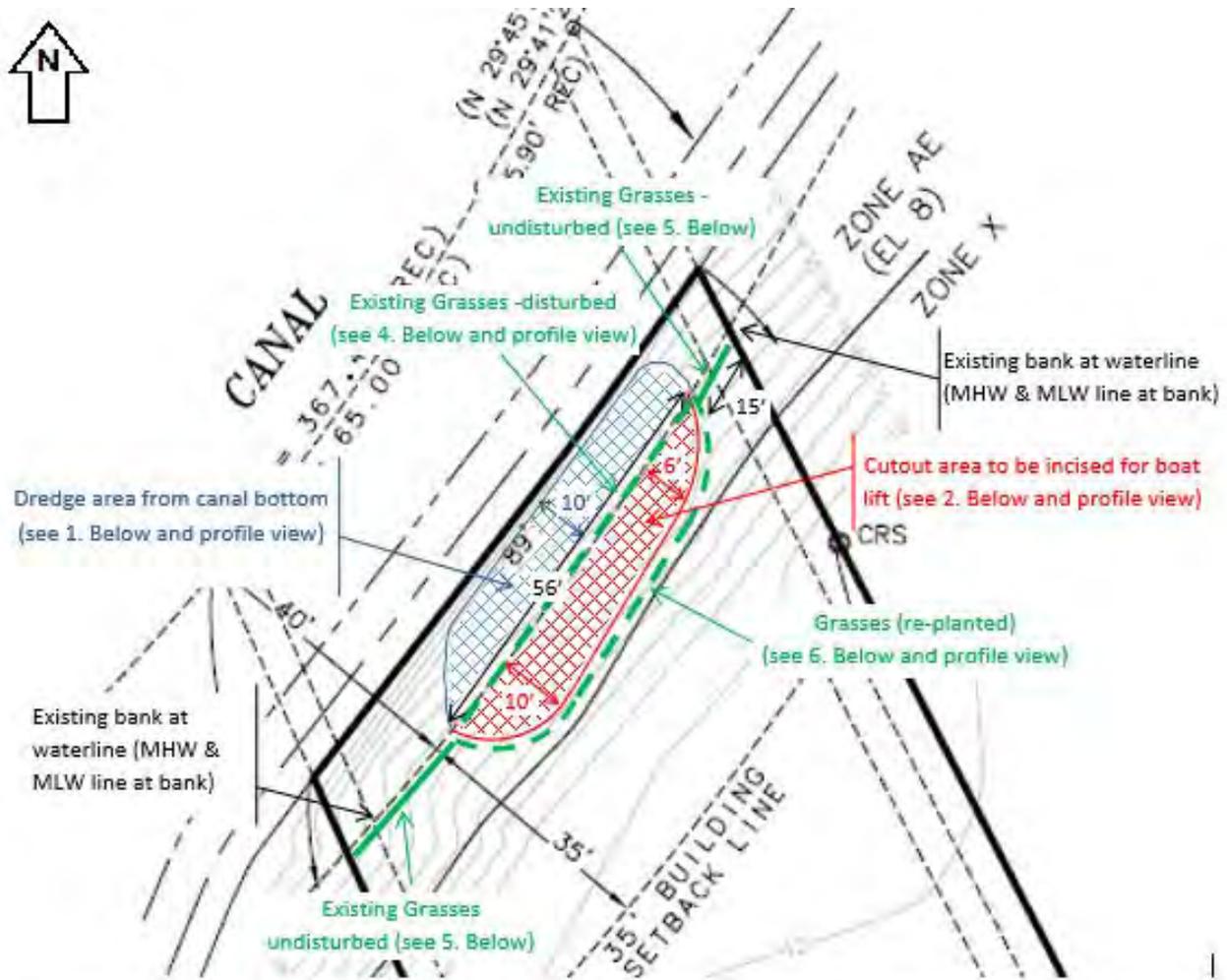


Fig 2b: Plan view of incised/cutout area from bank, dredged area from canal bottom, and grasses.

(Legend for illustrations above)

1. 10' x 56' canal bottom (width increases to 10' at widest point; not 10' wide entire length) below MHW plane to be dredged an average of 1-1/2 feet deeper for boat lift access and operation.
 - Approx. 480 sq feet impacted canal bottom.
 - Approx. 30 sq yds sand removed.
2. 10' x 56' incised bank begins 15' from property line (width increases to 10' at widest point; not 10' wide entire length) to an average depth below existing grade excavated of 4 feet. (One sq requires incision on 40' canals)
 - Approx. 480 sq feet impacted canal bank.
 - Approx. 80 sq yds sand removed.
3. Existing grasses (total): 89 linear feet x 2' wide (178 sq feet) of existing grasses (as is currently).
4. Existing grasses (disturbed): 56 linear feet x 2' wide (112 sq ft) existing grasses removed/replanted.
5. Existing grasses (undisturbed): 33 linear feet x 2' wide (66 sq ft) existing grasses undisturbed.
6. New and relocated grasses: new and replanted disturbed grasses planted approx. 3' wide along entire perimeter of incised/cutout area (168 sq ft grass plantings).

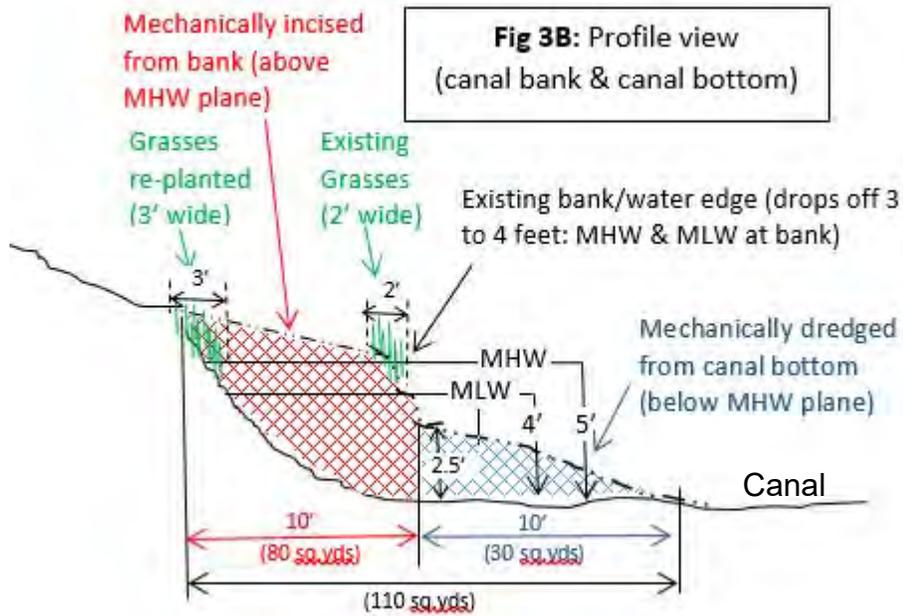
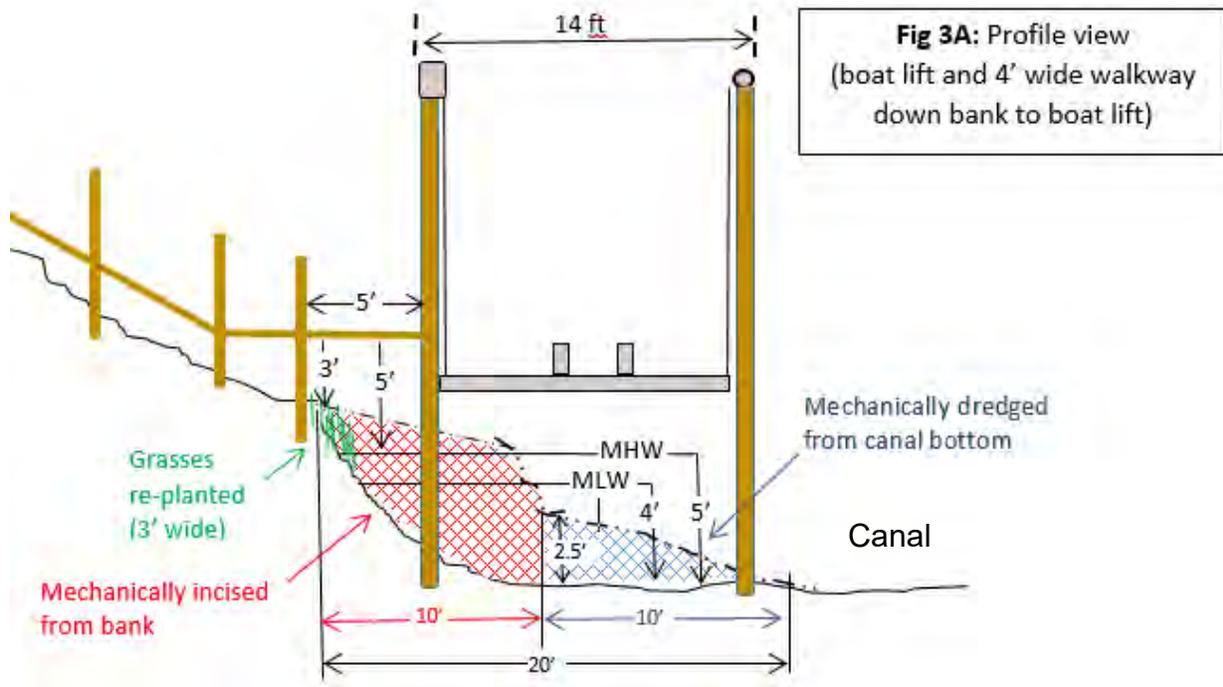


Figure 8 - SAM-2018-01191-DCH

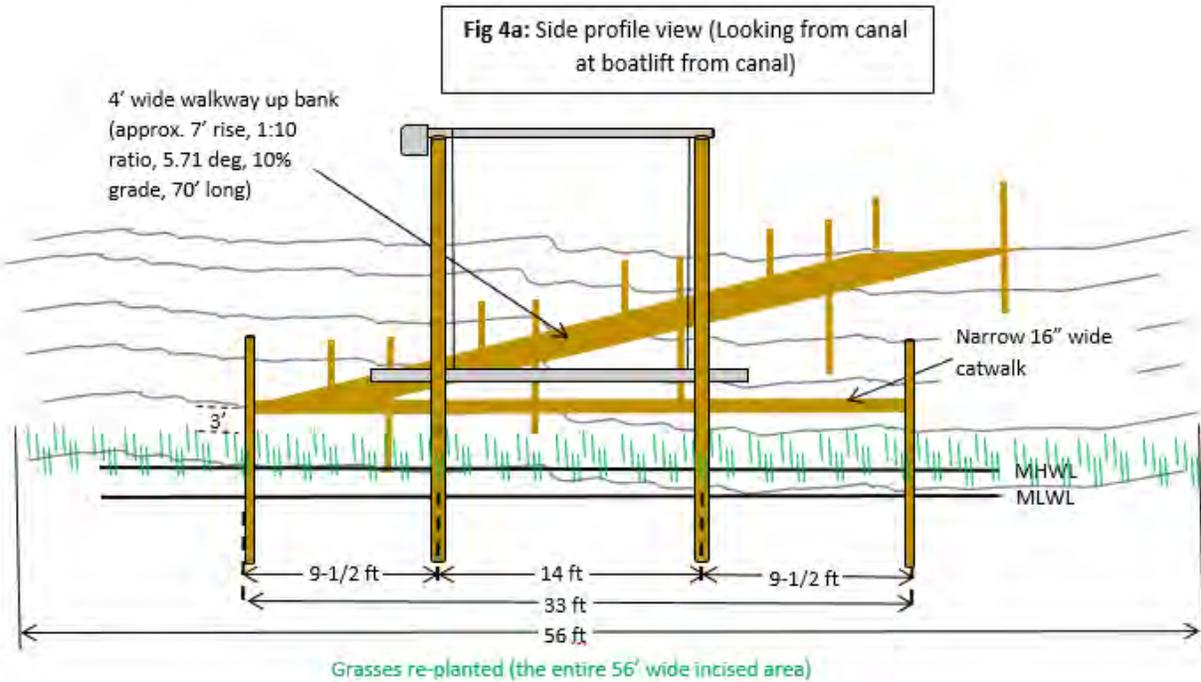


Figure 9 - SAM-2018-01191-DCH

