



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-2019-00162-JCC

April 15, 2018

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

REQUEST TO IMPACT 0.006 ACRE OF TIDAL WETLANDS IN CONJUNCTION WITH THE
EXCAVATION OF AN INDENTED BOAT SLIP AND CONSTRUCTION OF A BOAT
SHELTER ON AN 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. John DeWitt
32886 Marlin Key Drive
Orange Beach, Alabama 36561

AGENT: Rowe Engineering & Surveying, Inc.
Attention: Mr. Cecil T. Hudson
3502 Laughlin Drive, Suite B
Mobile, Alabama 36693

LOCATION: The project is located on a manmade canal off Perdido Bay, Lot 75, Unit Ten, Marlin Key Drive, within Section 33, Township 8 South, Range 8 East, Latitude 30.303148° North, Longitude -87.466857° West, Ono Island Subdivision, 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 navigable 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 mechanically excavate a 741-square-foot area of uplands and waterbottoms to create an incised boat slip within a manmade canal off Bayou St. John. Approximately 70 cubic yards of material would be excavated from below the plane of mean high water (MHW). The proposed work would impact 0.006 acre (280 square feet) of tidal wetlands located on an intertidal shelf along

the existing canal bank. The dredged material would be placed within an adjacent 1,200-square-foot upland area and temporarily contained by an earthen berm and silt fencing for dewatering. When dewatered, the material will be spread across the upland lot.

Upon completion of the incised slip, the applicant proposes to construct a 31-foot by 14-foot open-sided boat shelter structure within the incised area. The boat shelter structure would be accessed by a 4-foot-wide by 20-foot-long access pier, of which 1-linear foot would extend waterward of the newly created MHW line within the incised slip. The completed structures would extend 15 feet waterward into the canal from the newly-created MHW line within the incised slip. 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 proposed boat shelter structure would be offset from the edge of replanted tidal wetlands and the access pier would be constructed “as high as wide” and feature deck board spacing of 0.75 inch in order to minimize shading of wetland vegetation. 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. Construction BMPs will be utilized to prevent silt laden runoff from excavation from reentering the 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 0.006 acre (293 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 Alabama Coastal Area Management Program. 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. 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 0.01 acre (438 square feet) of unvegetated estuarine substrate and 0.006 acre (293 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 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 Indies 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.

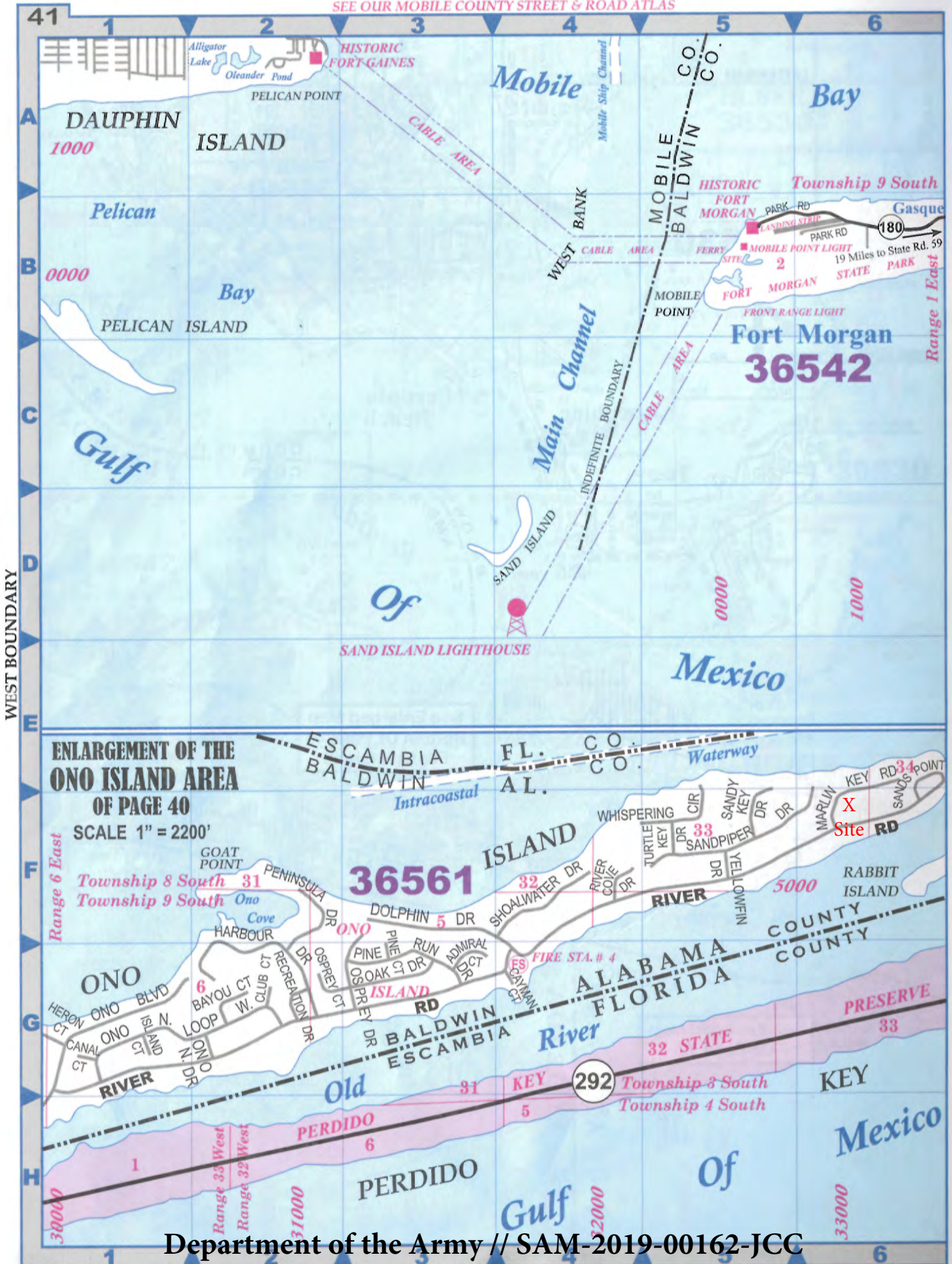
Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-00162-JCC**, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at jessica.c.comeaux@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, 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 Ms. Comeaux by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. Please refer to the above Public Notice Number SAM-2019-00162-JCC, 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



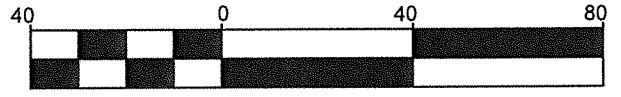
ENLARGEMENT OF THE ONO ISLAND AREA OF PAGE 40

SCALE 1" = 2200'

Department of the Army // SAM-2019-00162-JCC

MARLIN KEY 60' RW

A = 84.82'
R = 2772.00'
CHD = N 57° 19' 08" E 84.48'



SCALE: 1" = 40'

NOTES:

1.) Elevations on this plat are referenced to NAVD 88.

LEGAL DESCRIPTION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Lot 57, Ono Island Subdivision, Unit Ten, as recorded
in Map Book 11, Page 132, Probate Court Records,
Baldwin County, Alabama.

LOT 56

HENRY GLENN
4321 LAKESHORE COVE
BIRMINGHAM, AL 35242

LOT 57

LOT 58

FPR, LLC
1620 ALACA PLACE
TUSCALOOSA, AL 35401

40.0'
80' CANAL EASEMENT
40.0'

MEAN HIGH
WATER LINE

CANAL

PROPOSED PIER
& BOAT HOUSE

40' ±
EXISTING
BOAT HOUSE
19' ±

LOT 7

JAMES WHITWORTH
32887 RIVER ROAD
ORANGE BEACH, AL 36561

CENTER
OF CANAL

32' ±
EXISTING
BOAT HOUSE
19' ±

LOT 8

PRESTON HUGHES
2473 ESLAVA CREEK PKWY
MOBILE, AL 36606

**PROPOSED PIER
SITE PLAN**

LOT 57
ONO ISLAND SUBDIVISION,
UNIT TEN



ROWE ENGINEERING & SURVEYING, INC.
A HIGHLAND TECHNICAL SERVICES COMPANY
CONSULTING ENGINEERS

ALABAMA CA-1064-LS FLORIDA LB-8101-PS MISSISSIPPI CA-26105-LS
3502 LAUGHLIN DRIVE SUITE B MOBILE, AL 36683
PHONE 251-666-2766 FAX 251-660-1040

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ACAD: PermitDrawing.dwg
JOB: 50533

FB:
KEY NO.:

PLAT DATE: 01/2019
SCALE: 1" = 40'

SHEET:
1 OF 5



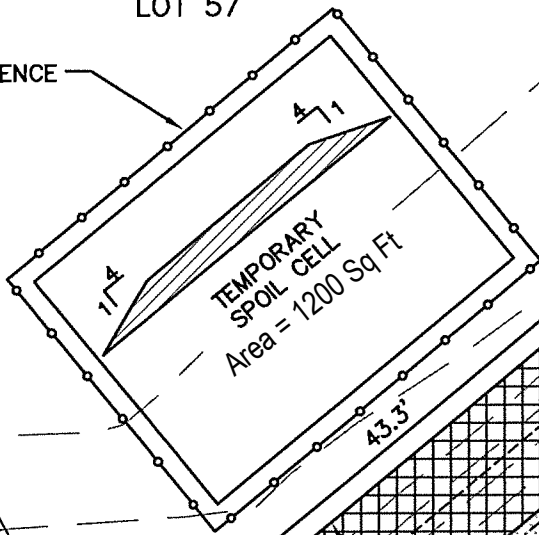
SCALE: 1" = 20'

NOTE:

Upon completion of the project, grade spoil to blend into upland area and grass to stabilize.

LOT 57

SILT FENCE



TEMPORARY SPOIL CELL
Area = 1200 Sq Ft

MEAN HIGH WATER LINE

CANAL

IMPACTED EMERGENT VEGETATION
0.006± AC
280± SF

EXCAVATED UPLAND CUT
0.017± AC
741± SF
229± CY

EXISTING BOAT HOUSE

EXISTING BOAT HOUSE

PROPOSED PIER EXCAVATION

CENTER OF CANAL

LOT 57
ONO ISLAND SUBDIVISION,
UNIT TEN



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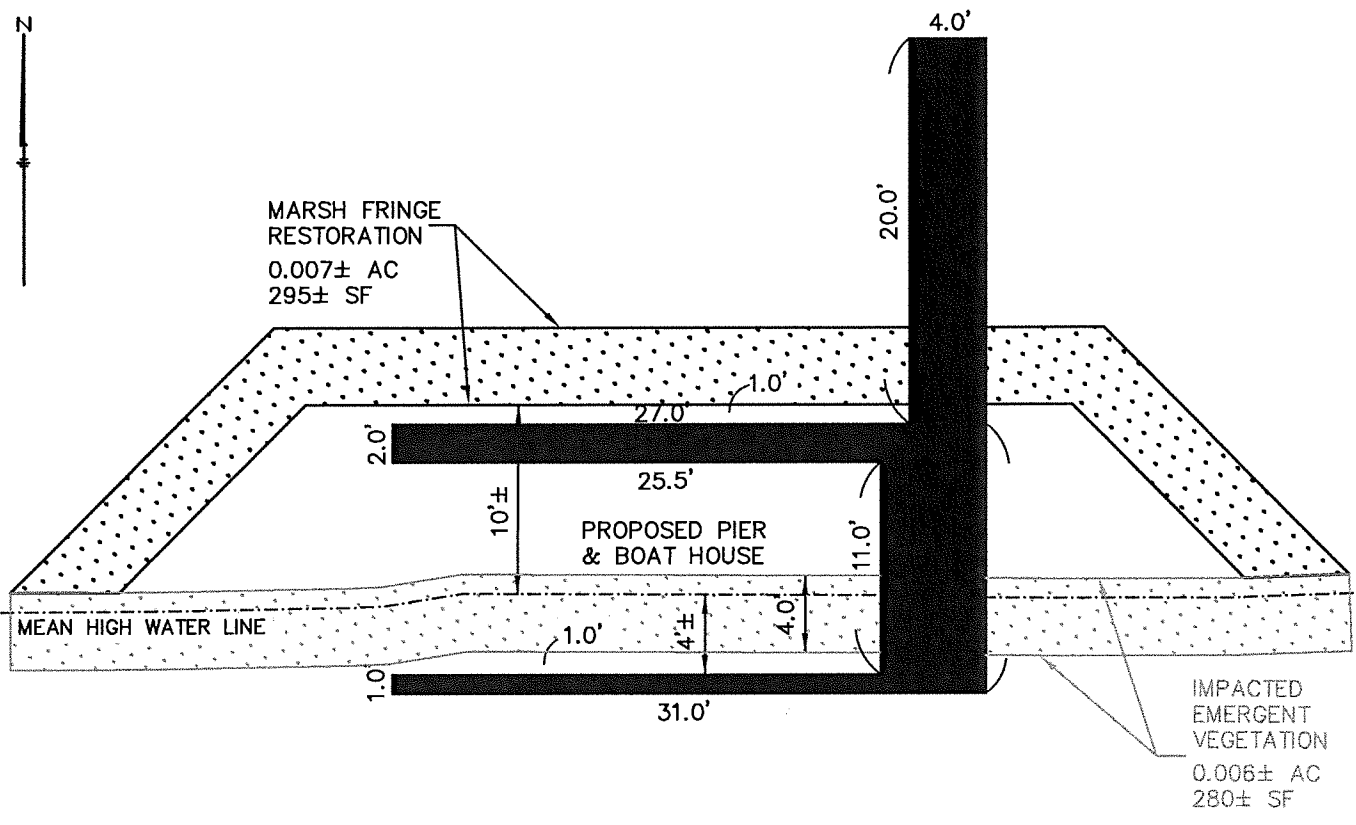
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SHEET:
2 OF 5



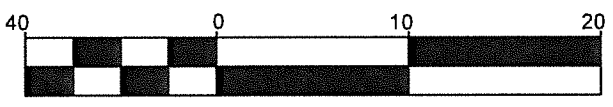
Canal

PREEMPTED AREA CALC.'S

(BOAT HOUSE) 14.0' X 31.0' = 434 SF

(ACCESS PIER) 1.0' X 4.0' = 4 SF

TOTAL: 438 SF



SCALE: 1" = 10'

PROPOSED PIER
PLAN VIEW

LOT 57
ONO ISLAND SUBDIVISION,
UNIT TEN



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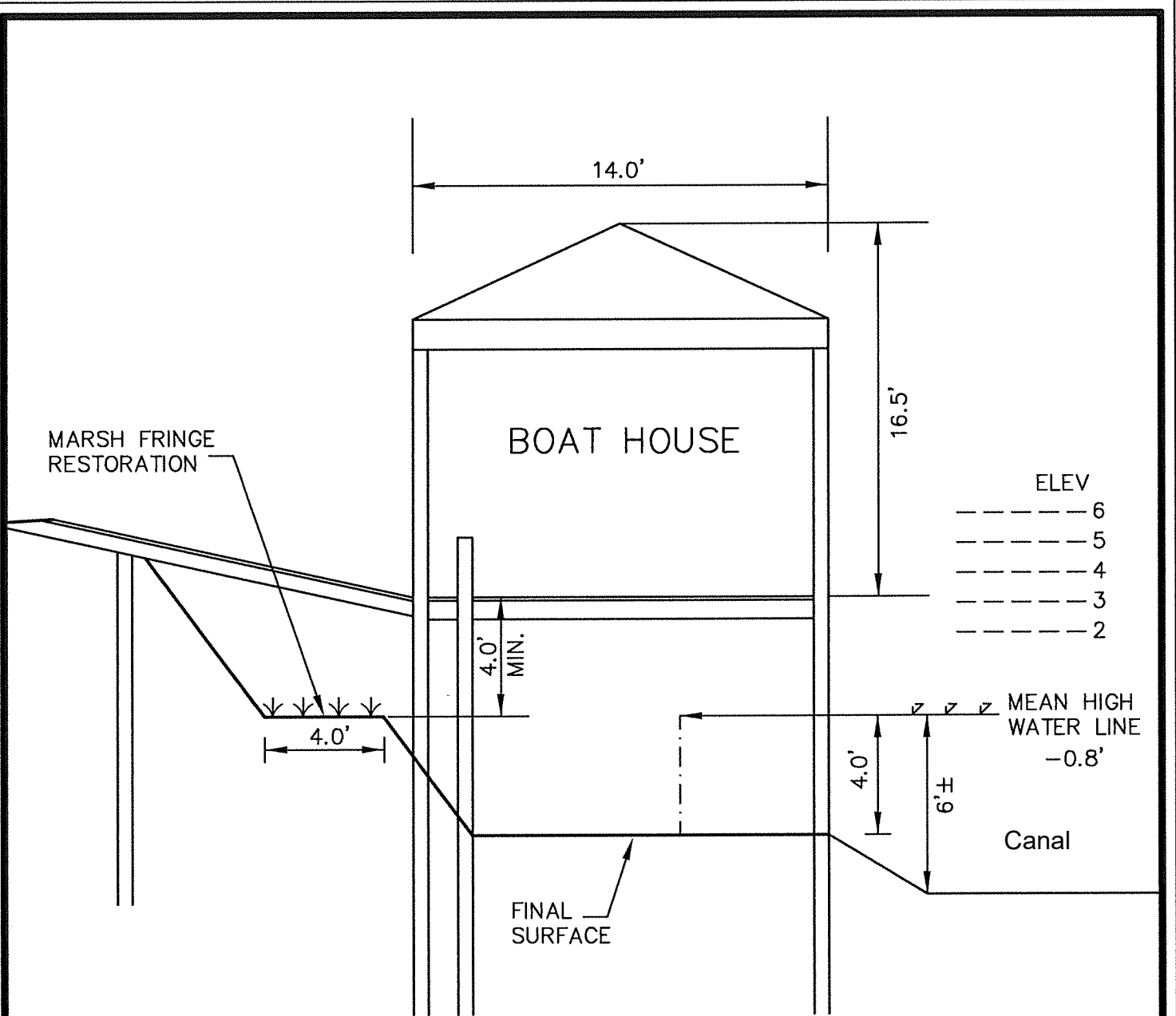
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SCALE: 1" = 10' 3 OF 5



NOTES:

1.) Elevations on this plat are referenced to NAVD 88.

**PROPOSED PIER
BOAT HOUSE SECTION**

LOT 57
ONO ISLAND SUBDIVISION,
UNIT TEN



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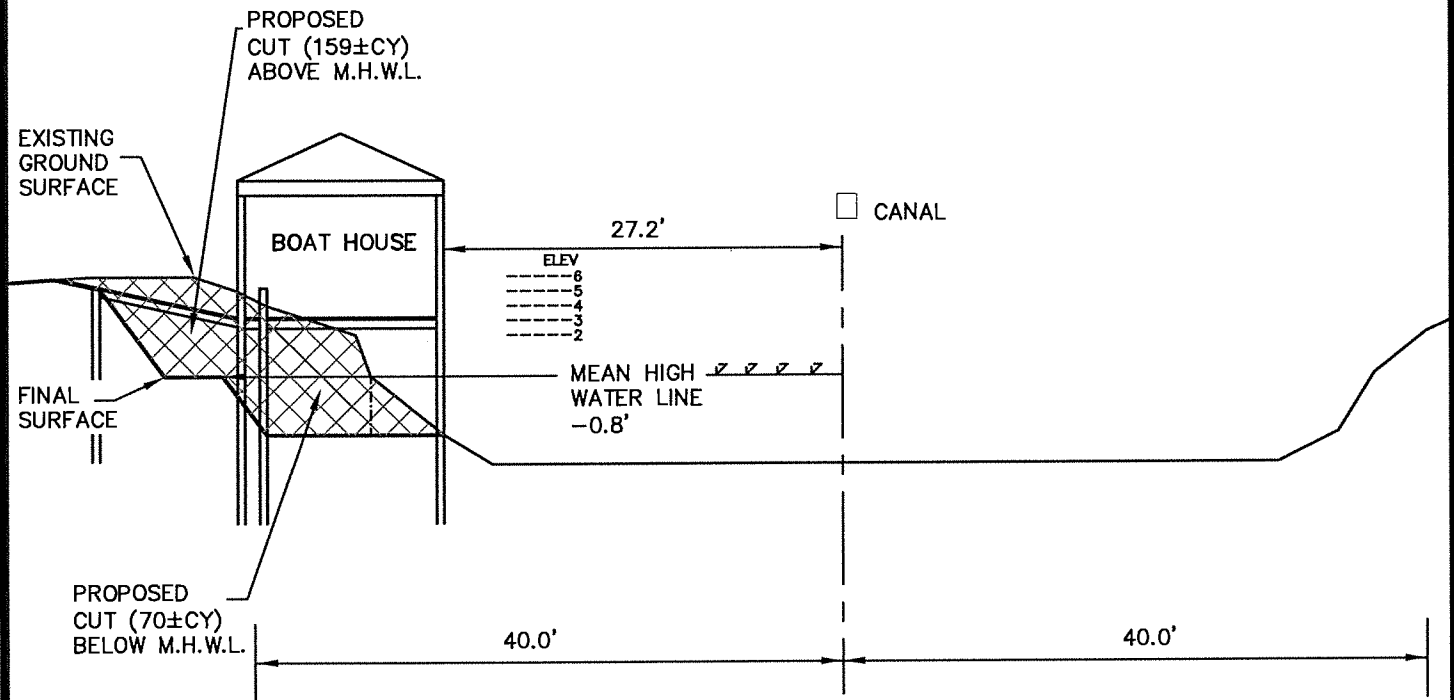
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PLAT DATE: 01/2019
SCALE: none

SHEET:
4 OF 5



NOTES:

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**PROPOSED PIER
 CANAL SECTION**

LOT 57
 ONO ISLAND SUBDIVISION,
 UNIT TEN



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 SCALE: none 5 OF 5