



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-2019-00335-JCC**

**August 27, 2019**

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

**PROPOSED DREDGING AND FILLING OF WATERS OF THE UNITED STATES IN**  
**CONJUNCTION WITH BULKHEAD STABILIZATION AND PROTECTION OF AN**  
**ACCESS CHANNEL IN BALDWIN COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) 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.

**APPLICANTS:** Onomar Owners' Association, Inc.  
Attention: Donald Odham  
29261 Ono Boulevard  
Orange Beach, Alabama 36561

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

**LOCATION OF WORK:** The proposed project is located on Bayou St. John, at the entrance channel to a boat basin near 29261 Ono Boulevard; within Section 1 of Township 9 South, Range 5 East; at Latitude 30.287064° North, Longitude -87.526975° West; in Orange Beach, Baldwin County, Alabama. The project site is located within the Alabama Coastal Zone Management Area.

**PROJECT PURPOSE:** The purpose of the proposed project is to stabilize and protect an existing bulkhead and associated access channel leading to a boat basin, and to preserve the boat basin owners' navigable access to Bayou St. John.

**PROPOSED WORK:** The applicant proposes to construct approximately 69 linear feet of new bulkhead connecting to an existing bulkhead in order to enclose a 1,200-square-foot (0.028-acre) open water area, then backfill the area with 103.7 cubic yards of dredged sand fill. Approximately 64 cubic yards of the sand material would be placed within the area as fill below the plane of mean high water (MHW).

To obtain the sand fill material, the applicant proposes to mechanically dredge an area of waterbottoms directly adjacent to the newly constructed enclosure. The dredging would include removal of 103.7 cubic yards of sand material from 1,400 square feet (0.032 acre) of waterbottoms of Bayou St. John to depths up to -5 feet below MHW. A containment berm constructed with sand, hay bales, and silt fencing will be used to supplement the new and existing bulkheads and provide for dewatering of the dredged material within the new enclosure.

**AVOIDANCE & MINIMIZATION:** The applicant has indicated the fill has been minimized to the greatest extent practicable while still protecting the existing land and bulkhead structure located near the boat basin channel from further washout. A small submerged aquatic vegetation bed located over 65 feet from the project footprint will be entirely avoided during work. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

**COMPENSATORY MITIGATION:** Since this project would only stabilize shoreline areas with no impacts to wetlands or submerged aquatic vegetation, no mitigation is required.

**WATER QUALITY / COASTAL ZONE MANAGEMENT:** 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 a consistency determination regarding Coastal Zone regulations 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 Coastal Zone consistency will be made by the Alabama Department of Environmental Management.

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice has been considered for the potential to affect cultural and historic properties within the permit area. 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 as a result of the this undertaking have also been considered. 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 (SHPO) 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.

In addition to the provided comments from the SHPO (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.

**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 2,600 square feet (0.0597 acre) of estuarine area. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the lack of submerged aquatic vegetation, tidal marsh wetlands, or other EFH in the project vicinity. 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 the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered or threatened species with the potential to exist within Bayou St. John or the watershed of the project: Alabama beach mouse (*Peromyscus polionotus ammobates*) (E), Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) (E), West Indian manatee (*Trichechus manatus*) (T), wood stork (*Mycteria americana*) (T), red knot (*Calidris canutus*) (T), piping plover (*Charadrius melodus*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), gopher tortoise (*Gopherus polyphemus*) (candidate species), 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 project's action area.

Preliminary review of this application and the above list of threatened or endangered species indicate that the proposed activity will have no effect on any species currently listed as endangered or threatened within Baldwin County, or on any designated critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service and state agencies regarding any potential effects on the listed species via this Public Notice.

**PUBLIC REVIEW:** 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. 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 use 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 USACE is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to evaluate the impacts of this proposed activity and 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 discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2019-00335-JCC**, and should be directed to the District Engineer, Mobile District, Mobile Regulatory Division (RD-A), Mobile Field Office, Attention: **Ms. Jessica Comeaux**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Alabama Department of Environmental Management, Mobile Branch, 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 at (251) 690-3262, or email at [Jessica.C.Comeaux@usace.army.mil](mailto:Jessica.C.Comeaux@usace.army.mil). Please refer to the above Public Notice Number.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



**DRIVING DIRECTIONS**

Beginning at the intersection of AL-182 E (a.k.a. Perdido Beach Boulevard) & Ono Island Bridge, drive North onto Ono Island Bridge for 0.3 miles to Ono Boulevard, thence East along Ono Boulevard 0.7 miles to property on the North side of road.

**FOR PERMIT USE ONLY**  
**PROPOSED BULKHEAD**  
**VICINITY MAP**

**ROWE**  
**ENGINEERING & SURVEYING**  
**CONSULTING ENGINEERS**

3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693  
 PHONE 251-666-2766 • FAX 251-660-1040

ACAD: 50615pp.dwg	JOB: 50615	CHECKED BY: EDJ
DRAWN BY: BWL	FB: 1990/34-37	
SCALE: none	TAX:	
	PLAT DATE: 08/01/2019	

**NOTES:**

- 1.) Bearing Basis: The West Line of Lot 8B as shown on Record Plat of the Resubdivision of Lot 8A & Lot 8B, Onomar Subdivision.
- 2.) Type of Survey: Permitting.
- 3.) Field Date(s): February 19, 2019.
- 4.) Total Acreage: ±3.5 Acres.
- 5.) All corners are as noted.
- 6.) Elevations on this plat are referenced to NAVD 88, established by RTK GPS utilizing ALDOT Net as a continuously operating reference station.
- 7.) Line labeled waters edge on this plat do not represent a rigorous determination of the mean high water line. The mean high water line is the delineation between privately held property and the waters of the United States of America and or State of Alabama.

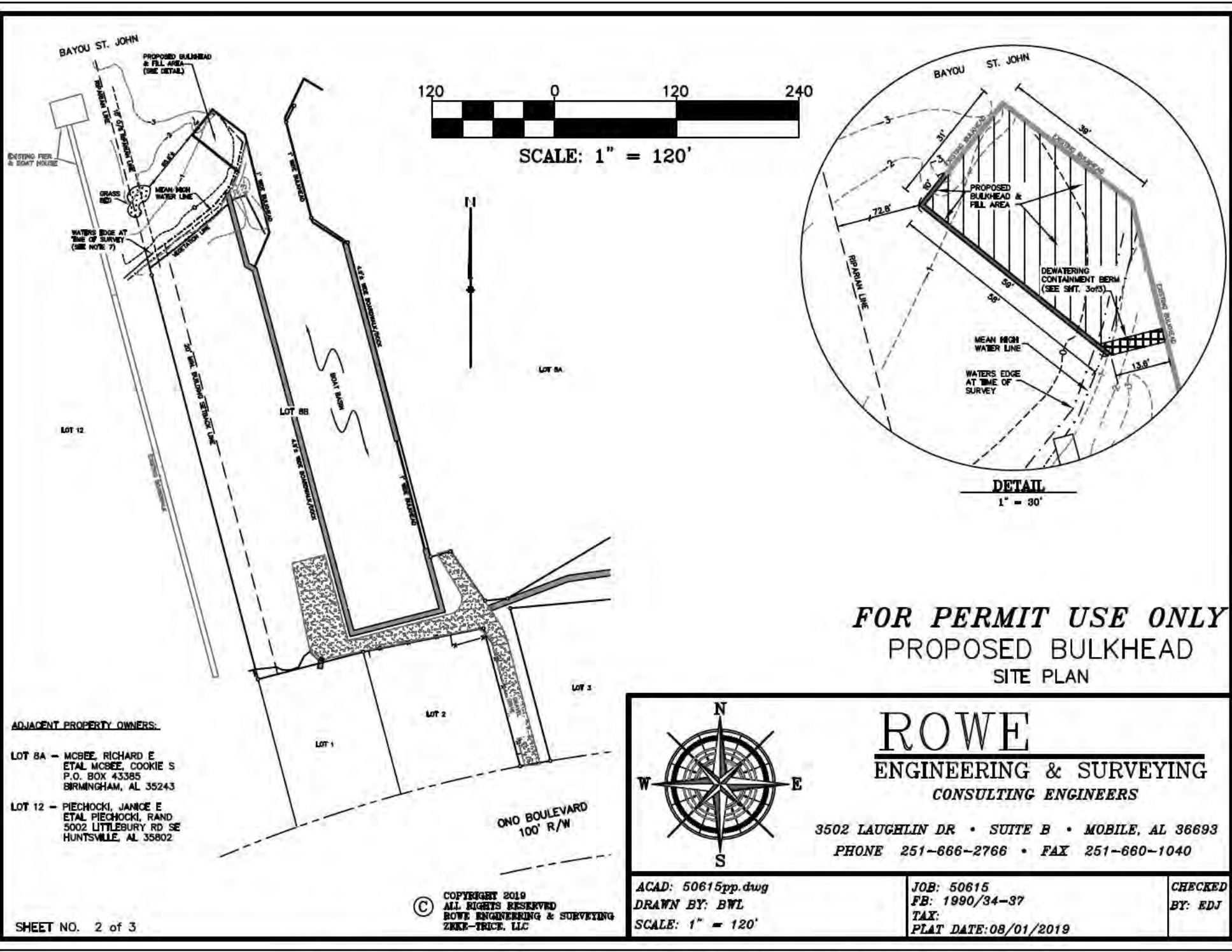
**LEGAL DESCRIPTION**

STATE OF ALABAMA)  
 COUNTY OF BALDWIN)

Lot 8B, Resubdivision of Lot 8A & 8B, Onomar Subdivision, as recorded on Slide 1282-B, Probate Court Records, Baldwin County, Alabama.

© COPYRIGHT 2019  
 ALL RIGHTS RESERVED  
 ROWE ENGINEERING & SURVEYING  
 ZRKE-TRICE, LLC





**ADJACENT PROPERTY OWNERS:**

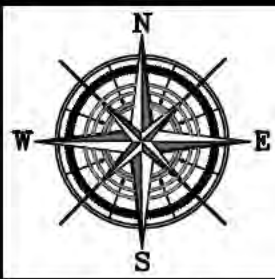
LOT 8A - MCBEE, RICHARD E  
 ETAL MCBEE, COOKIE S  
 P.O. BOX 43385  
 BIRMINGHAM, AL 35243

LOT 12 - PIECHOCKI, JANICE E  
 ETAL PIECHOCKI, RAND  
 5002 LITTLEBURY RD SE  
 HUNTSVILLE, AL 35802

SHEET NO. 2 of 3

© COPYRIGHT 2019  
 ALL RIGHTS RESERVED  
 ROWE ENGINEERING & SURVEYING  
 ZEKKE-TRICE, LLC

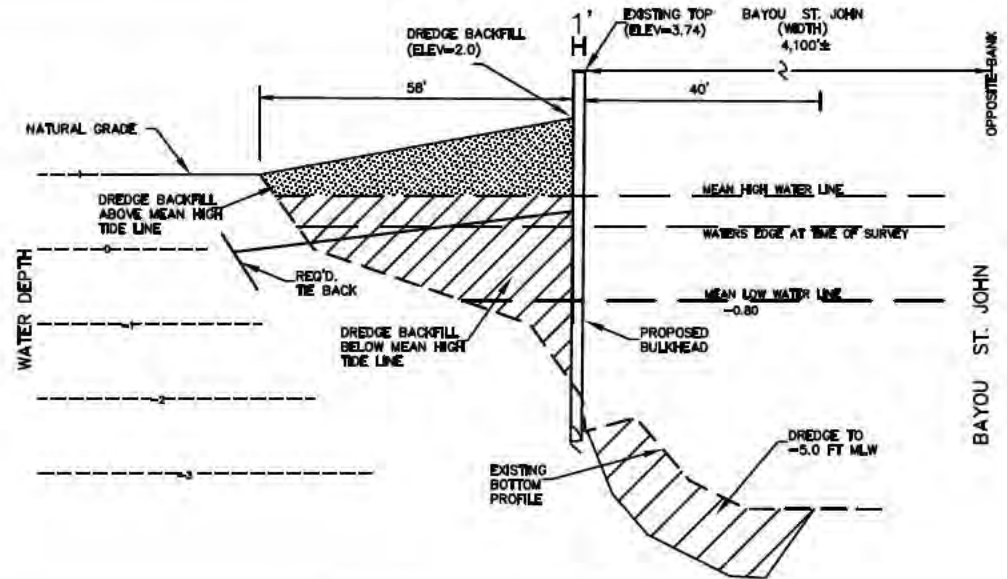
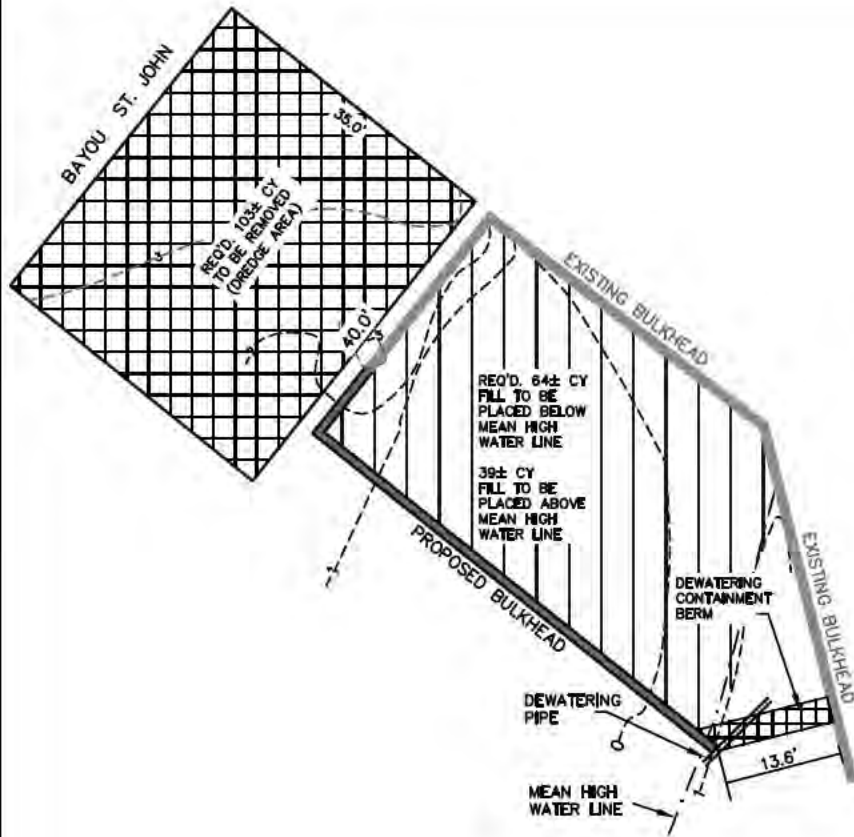
**FOR PERMIT USE ONLY**  
**PROPOSED BULKHEAD**  
**SITE PLAN**



**ROWE**  
 ENGINEERING & SURVEYING  
 CONSULTING ENGINEERS

3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693  
 PHONE 251-666-2766 • FAX 251-660-1040

ACAD: 50615pp.dwg	JOB: 50615	CHECKED BY: EDJ
DRAWN BY: BWL	FB: 1990/34-37	
SCALE: 1" = 120'	TAX:	
	PLAT DATE: 08/01/2019	



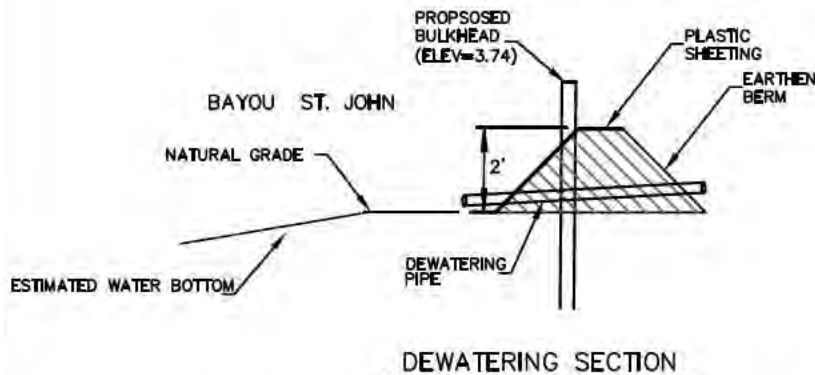
**BULKHEAD, FILL & DREDGE SECTION**

**NOTES:**

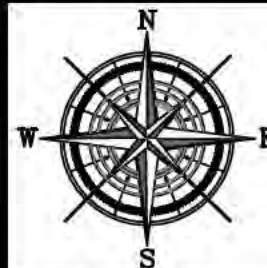
- 1.) For permitting purposes only.
- 2.) Elevations on this plot are referenced to NAVD 88, established by RTK GPS utilizing ALDOT Net as a continuously operating reference station.

**FOR PERMIT USE ONLY**

**PROPOSED BULKHEAD  
PROFILE & DETAILS**



**DEWATERING SECTION**



**ROWE**  
ENGINEERING & SURVEYING  
CONSULTING ENGINEERS

3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693  
PHONE 251-666-2766 • FAX 251-660-1040

SHEET NO. 3 of 3.

© COPYRIGHT 2019  
ALL RIGHTS RESERVED  
ROWE ENGINEERING & SURVEYING  
ZKKE-TRICE, LLC

ACAD: 50615pp.dwg  
DRAWN BY: BWL  
SCALE: none

JOB: 50615  
FB: 1990/34-37  
TAX:  
PLAT DATE: 08/01/2019

CHECKED  
BY: EDJ