



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-2019-01110-LML

February 7, 2020

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 INCISED BOAT SLIP AND CONSTRUCTION OF A BOAT SHELTER
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 (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.

APPLICANT: Mr. Paul Uter
32135 River Cove Drive
Orange Beach, Alabama 36561

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

LOCATION: The project is located on a manmade canal off Perdido Bay, at 32135 River Cove Drive; within Section 33, Township 8 South, Range 6 East; at Latitude 30.299721, Longitude -87.478310; in the Ono Island Subdivision, Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to provide on-site recreational watercraft storage and navigable access to an existing manmade canal on Ono Island as well as surrounding navigable waters. 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 manmade canal.

PROPOSED WORK: The applicant has proposed to mechanically excavate and dredge 106 cubic yards of material from a 981-square-foot area of shoreline and waterbottoms to create an incised boat slip on a manmade canal. Approximately 82 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 243 square feet (0.006 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The dredged material would be placed within an 899-square-foot

dewatering cell in adjacent uplands, with containment provided by an earthen berm and silt fencing. Return waters would be discharged via pipe back to the manmade canal. After dewatering, the material would be spread across upland portions of the applicant's lot.

Upon completion of the incised slip, the applicant proposes to construct a 45-foot-long by 14-foot-wide open-sided boat shelter structure within the incised area. The boat shelter structure would be accessed by a 4-foot-wide pier, which would extend 6 feet waterward of the newly created MHW line within the incised slip, and be constructed 5 feet in height above emergent tidal marsh. The completed structures would extend 14 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 the proposed excavation of the incised 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 constructed "as high as wide" with deck board spacing of at least 0.75 inch in order to minimize shading of wetland vegetation. The applicant has indicated that approximately 205 square feet of existing tidal marsh on their lot will be avoided. 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 best management practices (BMPs) will be utilized to prevent silt-laden runoff from reentering the waterway during excavation/dredging activities. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet 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 243 square feet (0.006 acre) of the existing tidal wetlands through the on-site creation of 256 square feet (0.006 acre) of new tidal wetlands created along the newly constructed bank of the proposed incised slip. The Mobile District has not yet 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 the permit area consists of the entire undertaking in waters of the United States as well as portions of the upland residential lot impacted by the excavation activity and the dewatering and final disposal of dredged material. 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 USACE 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 226 square feet (0.005 acre) of unvegetated estuarine substrate and 243 square feet (0.006 acre) of tidal wetlands 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 the proposed mitigation activities. Our final determination is subject to review by and coordination with the National Marine Fisheries Service.

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 Perdido Pass – Frontal Gulf of Mexico 12 digit HUC 031401070204 boundary: 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's action area. This preliminary determination is being coordinated with the USFWS via this Public Notice for any possible comments.

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 U.S. Army Corps of Engineers (USACE) can be based. The USACE 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. 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.

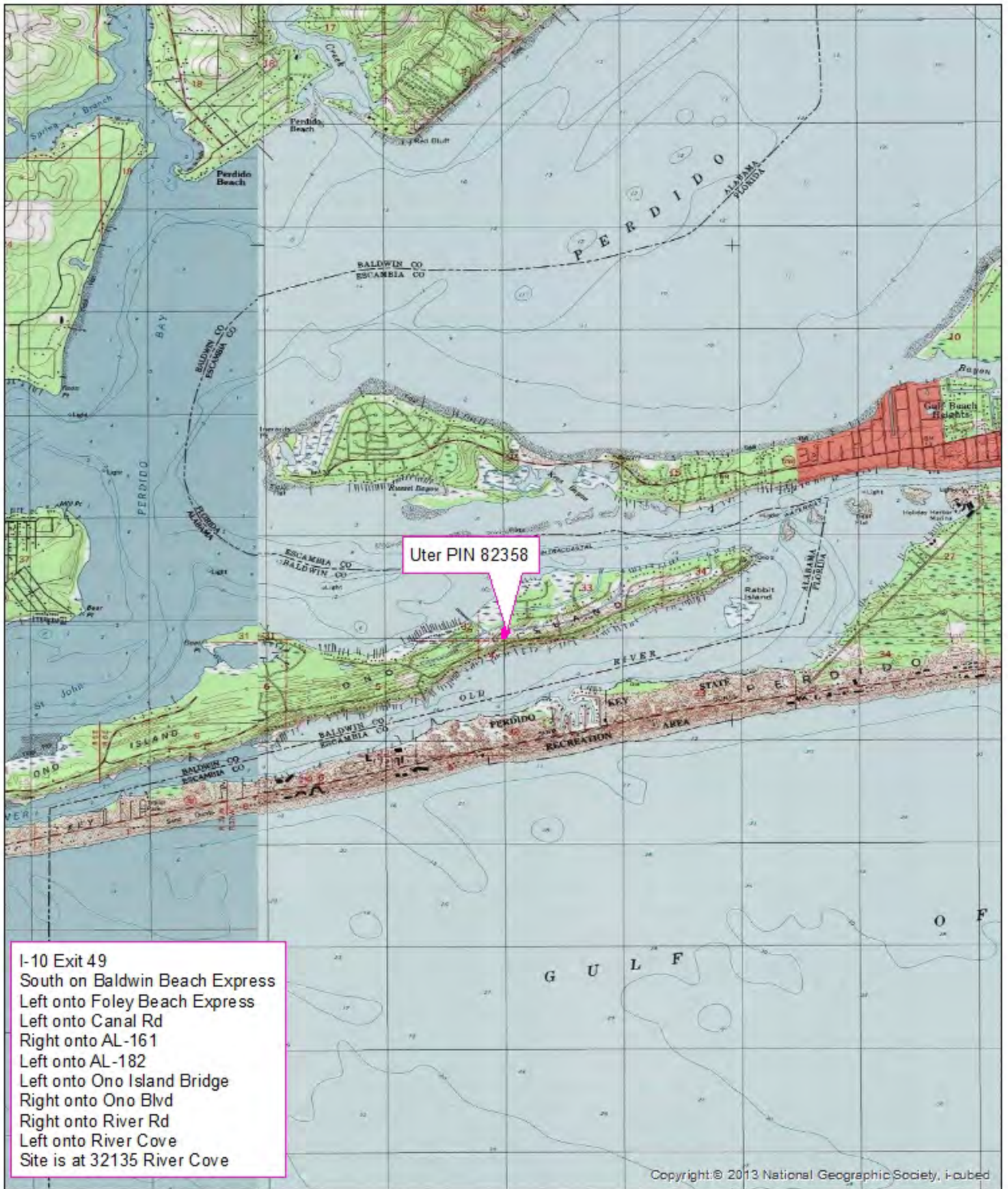
Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-01110-LML**, and should be directed to the project manager, Ms. Lacey Leaptrott by e-mail at Lacey.M.Leaptrott@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Lacey Leaptrott, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at coastal@adem.alabama.gov, or sent to: 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 Ms. Lacey Leaptrott by e-mail at Lacey.M.Leaptrott@usace.army.mil, or at (251) 694-3779. Please refer to the above Public Notice Number SAM-2019-01110-LML, 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



Uter PIN 82358

I-10 Exit 49
 South on Baldwin Beach Express
 Left onto Foley Beach Express
 Left onto Canal Rd
 Right onto AL-161
 Left onto AL-182
 Left onto Ono Island Bridge
 Right onto Ono Blvd
 Right onto River Rd
 Left onto River Cove
 Site is at 32135 River Cove

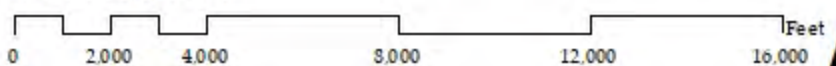
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P.O. Box 361 Montrose, AL 36559
 Phone: 251-621-5006 Fax: 251-621-5058

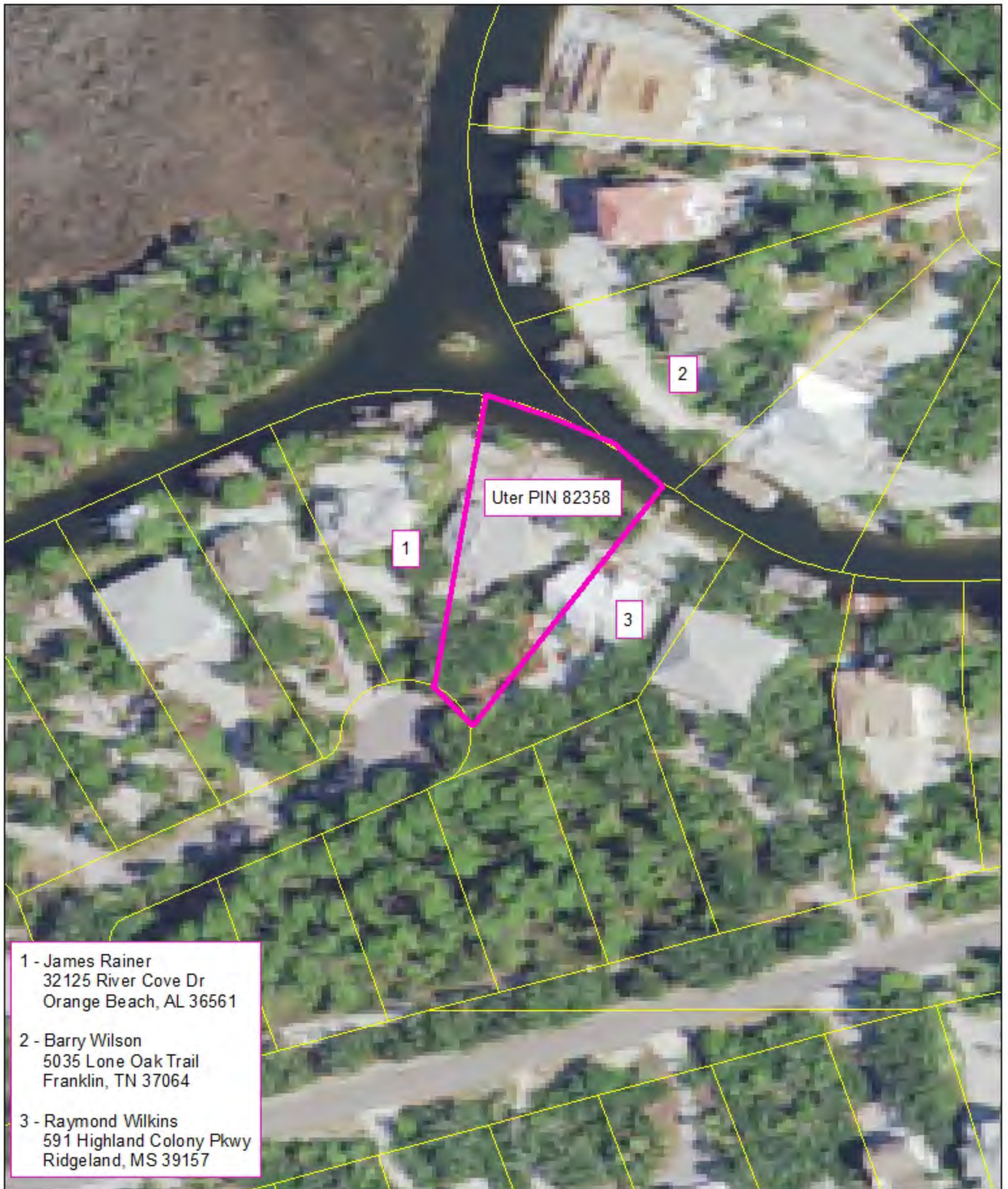
Project: Uter Ono
 Applicant: Paul Uter

1 inch = 4,000 feet



T-8-S, R-6-E, Sect. 33
 Orange Beach, AL

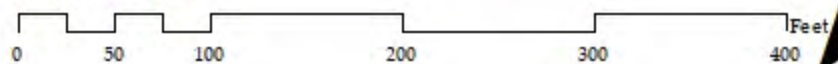




P.O. Box 361 Montrose, AL 36559
Phone: 251-621-5006 Fax: 251-621-5058

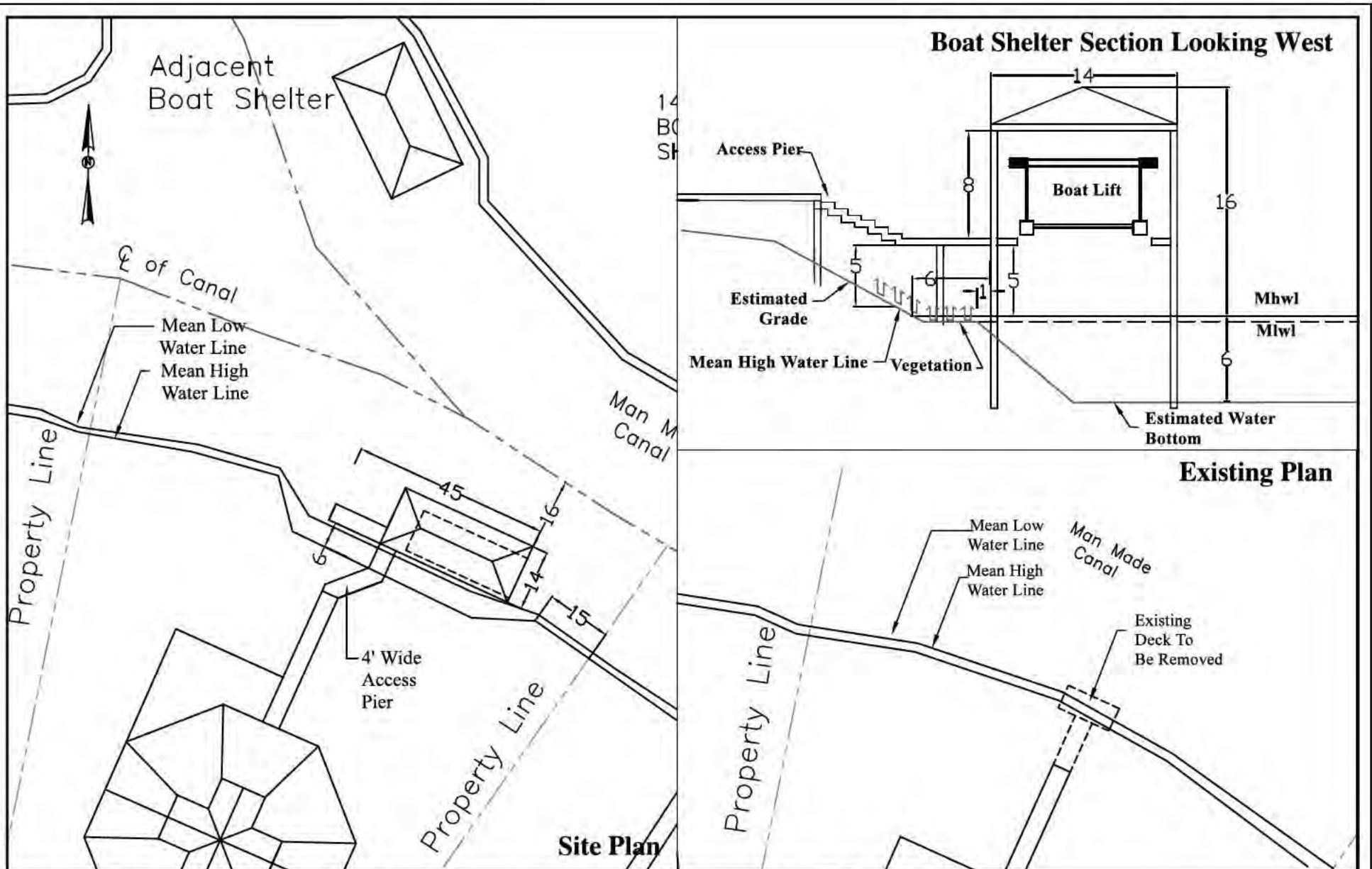
Project: Uter Ono
Applicant: Paul Uter
1 inch = 100 feet

T-8-S, R-6-E, Sect. 33
Orange Beach, AL



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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.

Boathouse is 14 Ft by 45 Ft
Boat Slip is 10 Ft by 24 Ft
Boat Slip is 10 Ft by 17 Ft

Uter Boat Shelter Section, Site

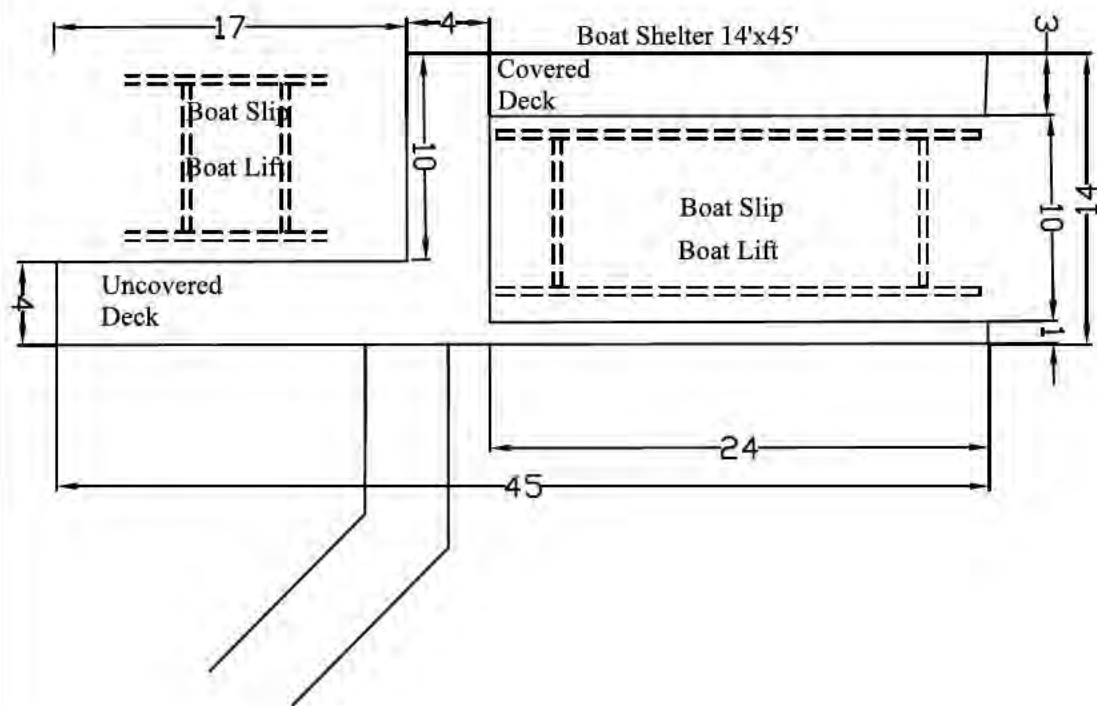
EcoSolutions
HYDROLOGICAL, MARINE, MANAGEMENT & PLANNING

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

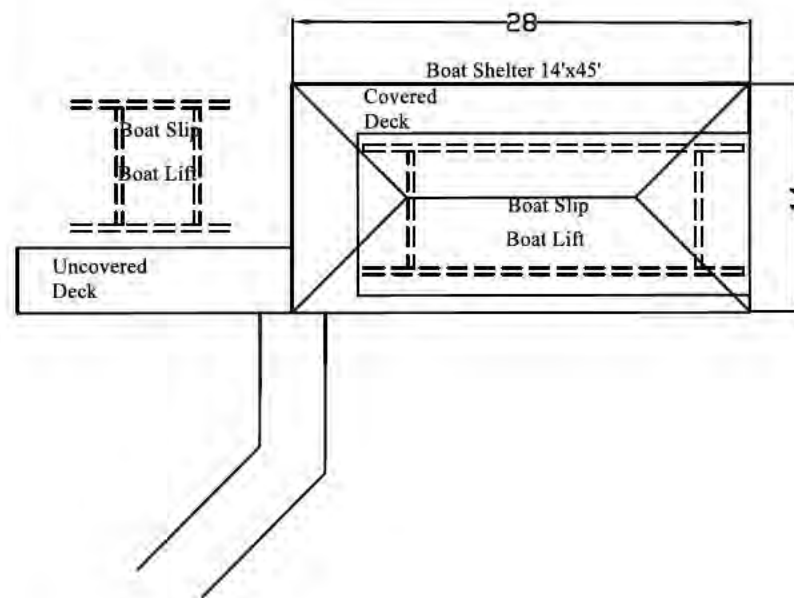
PREPARED BY Paul and Christine Uter 32135 River Cove Dr. Orange Beach, AL 36561	DRAWN BY L. Karcher CHECKED BY T. Hutchings	DATE OF LAST REVISION Dec. 19, 2019	PLR Uter Property 12.2.19
SCALE AS STATED			SHEET 1

Uter Property 12.2.19

Boat Slip Plan



Roof Plan



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.

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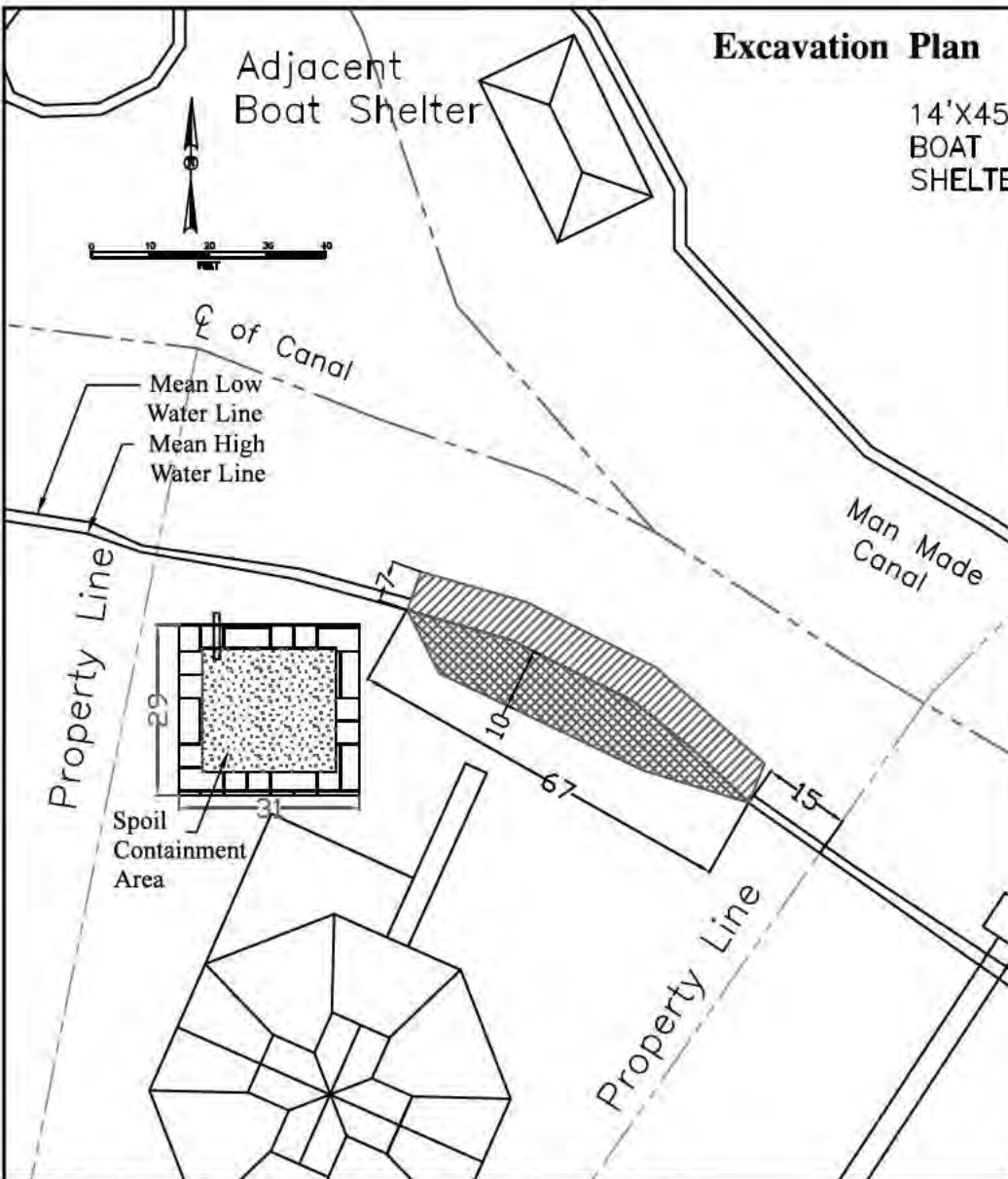
Uter Slip Plan and Roof Plan

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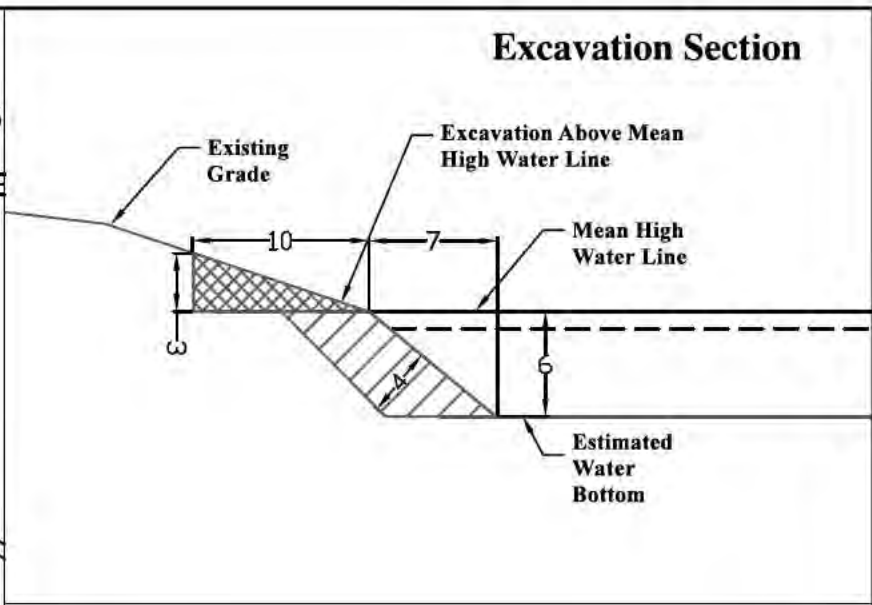
P.O. BOX 361
 MONTROSE, AL 36559
 (251) 621-5006

PREPARED BY: Paul and Christine Uter 32135 River Cove Dr. Orange Beach, AL 36561	DRAWN BY: L. Karsher CHECKED BY: T. Hutchings	DATE OF LAST REVISION: Dec. 19, 2019	FILE: Uter Property 12.2.19
SCALE AS STATED			SHEET 2

Excavation Plan



Excavation Section



Excavation Volume below MHWL = 82 cu. yds.
 Excavation Volume above MHWL = 24 cu. yds.
 Excavation Area above MHWL = 512 sq. ft.
 Excavation Area Below MHWL = 469 sq. ft.
 Spoil Area = 906 square feet

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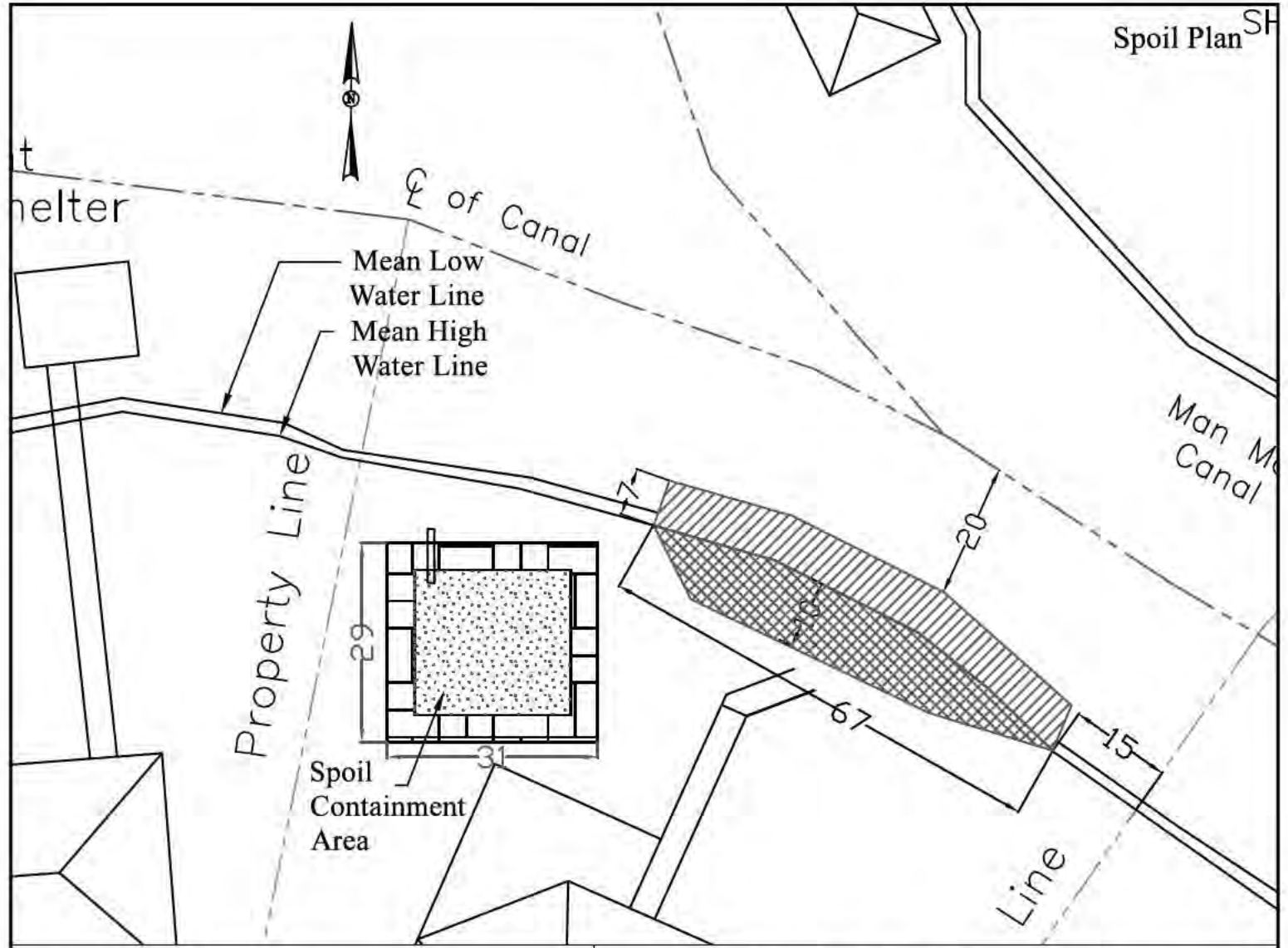
Uter Excavation Plan



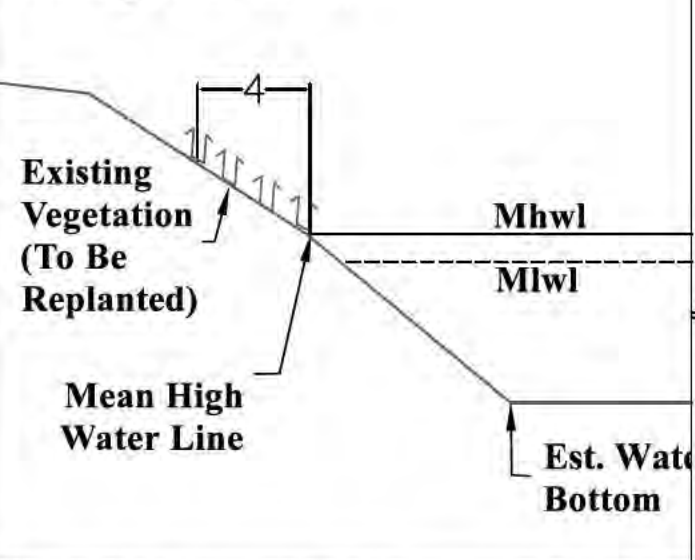
P.O. BOX 361
 MONROE, AL 36559
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PREPARED BY Paul and Christine Uter 32135 River Cove Dr. Orange Beach, AL 36561	DRAWN BY L. Karcher CHECKED BY T. Hutchings	DATE OF LAST REVISION Dec. 6, 2019	PROJECT Uter Property 12.2.19
SCALE AS STATED			SHEET 3

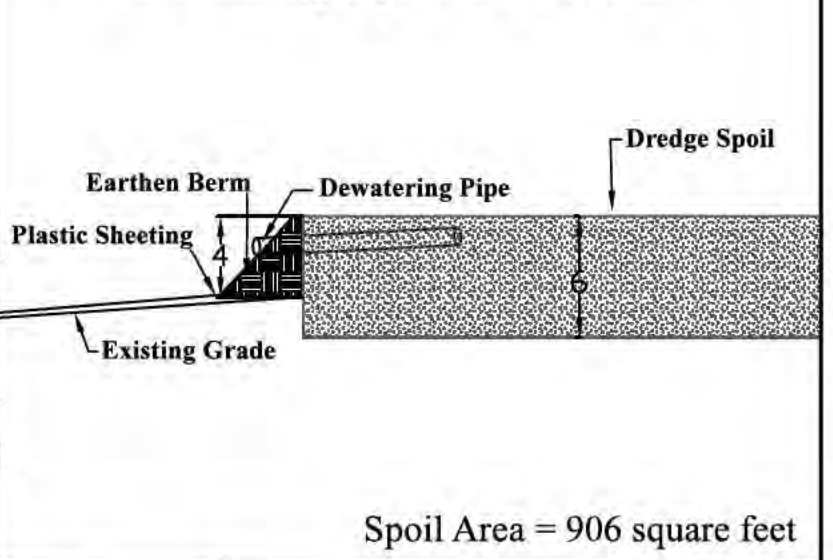
Uter Property 12.2.19



Existing Cross-section



De-Watering Pipe Cross Section



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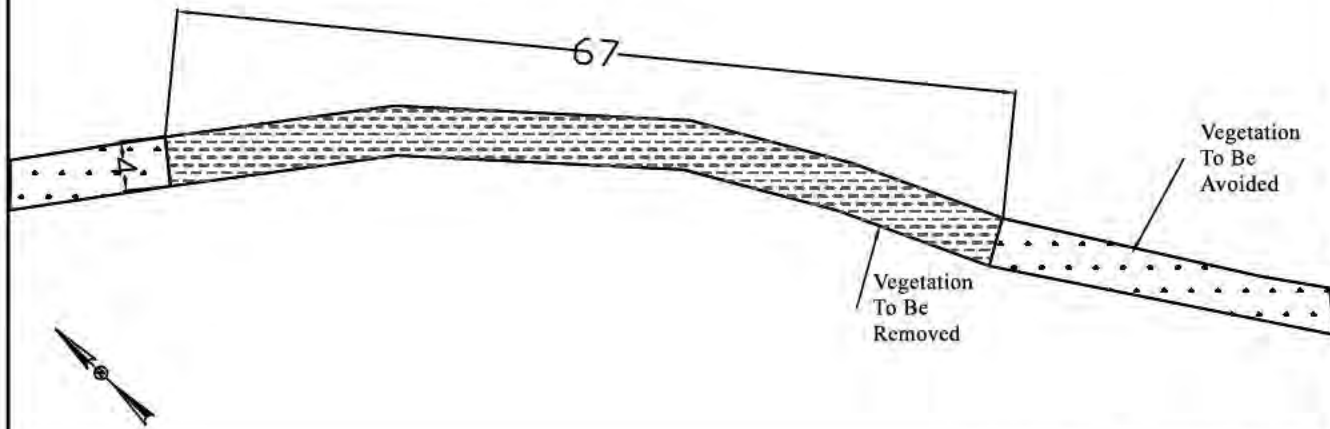
Uter Spoil Plan

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ENVIRONMENTAL MONITORING, MANAGEMENT & PLANNING

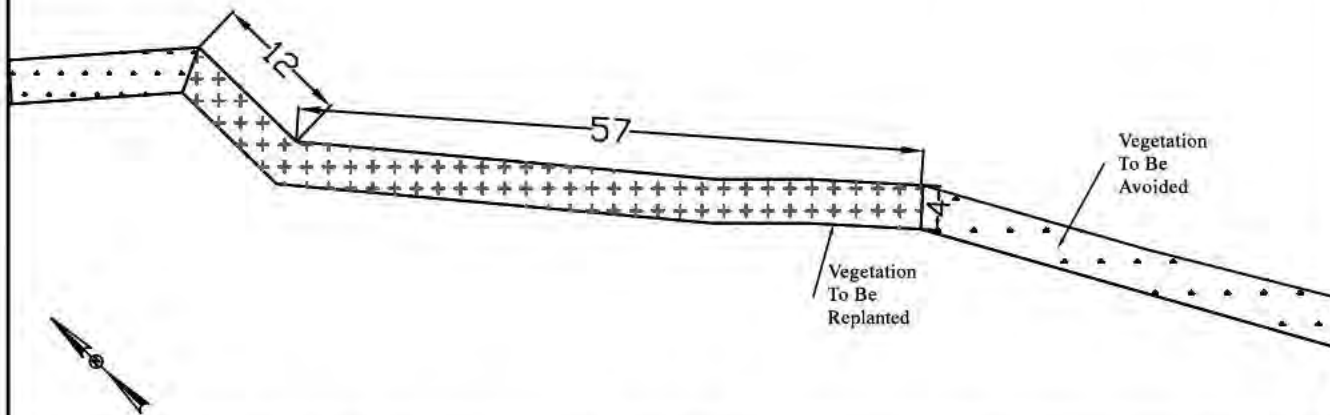
P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

PREPARED FOR: Paul and Christine Uter 32135 River Cove Dr. Orange Beach, AL 36561	DRAWN BY: L. Kitcher	DATE OF LAST REVISION: Dec. 19, 2019	FILE: Uter Property 12.2.19
CHECKED BY: T. Hutchings	SOURCE AS STATED	SHEET 4	

Vegetation to be Removed



Replanted Vegetation Plan



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.

Vegetation to be removed = 243 sq ft

Vegetation to be replanted = 256 sq ft

Uter Vegetation Plan



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

<small>PREPARED BY</small> Paul and Christine Uter 32135 River Cove Dr. Orange Beach, AL 36561	<small>DESIGNED BY</small> L. Karcher	<small>DATE OF LAST REVISION</small> Dec. 19, 2019	<small>PROJECT</small> Uter Property 12.2.19
<small>CREATED BY</small> T. Hutchings	<small>SCALE</small> AS STATED	SHEET 5	

Uter Property 12.2.19