



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-2020-00584-JCC

May 3, 2023

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

REQUEST TO DREDGE WATERBOTTOMS IN TERRY COVE AND DISCHARGE FILL
MATERIAL IN TERRY COVE AND ADJACENT NON-TIDAL WETLANDS TO
CONSTRUCT A MARINA AND RESIDENTIAL DEVELOPMENT IN 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: Abaco Orange Beach, LLC
Mr. Robert Cunningham
2212 Main Street
Daphne, Alabama 36526

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

LOCATION: The proposed project is located on Terry Cove, at 27006 Canal Road; within Section 12, Township 9 South, Range 5 East; at Latitude 30.288216, Longitude -87.563597; in Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to develop private apartments and an associated marina in the coastal area of Alabama.

PROPOSED WORK: The proposed development would include dredging and construction of a marina with 260 wet slips, as well as wetland fill for the construction of apartments, roads, parking lots, and other attendant features for the development.

The applicant proposes mechanical dredging to remove 43,695 cubic yards of material from within 438,213 square feet (10.06 acres) of waterbottoms within Terry Cove. The water bottoms would be mechanically dredged to -9 feet National Geodetic Vertical Datum (NAVD88). Mechanical dredging of the marina would be performed from the uplands and a barge using a crane and clam shell bucket or excavator. All dredged material would be used

as fill on site and any excess or unusable material would be removed and disposed of at an approved upland facility.

The applicant proposes to construct a 260-wet-slip marina in Terry Cove consisting of nine piers (docks A-I), a jet ski dock, and finger piers of varying lengths, as shown on the attached site plans. The floating finger piers range from 3 feet to 6 feet in width. The docks would be concrete or steel/aluminum frames with composite decking and would be anchored with steel, wood or concrete piles. The docks would be accessed from the existing bulkhead via articulating gangway ramps to accommodate fluctuating water levels. A 70-linear-foot long by 12-foot-wide, fixed, pile-supported wharf platform is proposed for construction and would be located adjacent to the existing shoreline bulkhead and concrete cap, extending approximately 6 feet waterward. The proposed pier structures cover 58,815 square feet (1.35 acres) of waterbottoms of Terry Cove.

For shoreline stabilization and protection of a portion of currently unarmored shoreline located adjacent to the proposed marina, the applicant is requesting to place 58 cubic yards of riprap rock revetment within 240 square feet (0.006-acre) of subtidal nearshore area for erosion protection. This new shoreline protection would extend from the eastern limits of the existing bulkhead toward the southeast corner of the property for 14 linear feet. Additionally, the applicant requests authorization to place 425 cubic yards of rip rap along 689-linear-feet of the existing bulkhead. This proposed riprap protection would rise approximately 3 feet above the mudline and extend out approximately 6 feet from the existing bulkhead at a 2:1 slope.

Construction of landward facilities would include the discharge of 2,612 cubic yards of fill material within 14,792 square feet (0.34-acre) of non-tidal wetlands for the construction of the apartment buildings, access roads, and parking structures. Dewatered sand from the dredge area would be used as fill.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still accomplishing the project purpose. The applicant initially proposed 0.38-acre of wetland impacts, but reconfiguration reduced the wetland fill footprint. The project has also been designed to avoid impacts to cultural resources and a deed-restricted wetland portion of the property. 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.

MITIGATION: The applicant proposes mitigation for unavoidable impacts to wetland areas through the purchase of an appropriate number of wetland mitigation credits from an approved wetland mitigation bank. The USACE has not determined the adequacy of the applicant's mitigation proposal for the proposed activity.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The applicant will apply for certification from the State of Alabama in accordance with Section 401 (a)(1) of the Clean Water Act, as well as Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to water quality

certification and CZM consistency would be made by the Alabama Department of Environmental Management (ADEM) within an established reasonable period.

This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401 (a)(2) of the Clean Water Act.

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, which includes the 10.06-acre footprint of the dredging and marina structures, the locations of jurisdictional fill, and some areas of the upland development that would be disturbed by construction of the project, which spans approximately 13 acres. Recently-completed cultural resource investigations will be coordinated with the State Historic Preservation Officer and/or federally-recognized American Indian tribes as they relate to the revised project footprint. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has not made a final determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed.

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 result in temporary dredging and construction impacts to approximately 438,213 square feet (10.06 acres) of unvegetated substrate utilized by various life stages of multiple marine species within Terry Cove. Our initial determination is that the proposed action would have no adverse effect on EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service (NMFS).

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 following federally-listed species are known or expected to occur within the project 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), eastern black rail (T), 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. At this time, the USACE, Mobile District has made no determination with regard to potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

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.

All comments should be received no later than 30 days from the date of this Public Notice. Correspondence concerning this notice should refer to Public Notice Number **SAM-2020-00584-JCC**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Jessica C. Comeaux**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. Copies of all comments should be furnished to the ADEM 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.

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

ABACO ORANGE BEACH

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10	MARINA SLIP MIX
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18	ADA GANGWAY DETAIL
19	MARINA SECTIONS
20	PEDESTAL DETAIL
21	SPRING PILE DETAIL
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23	GENERAL NOTES

ALABAMA

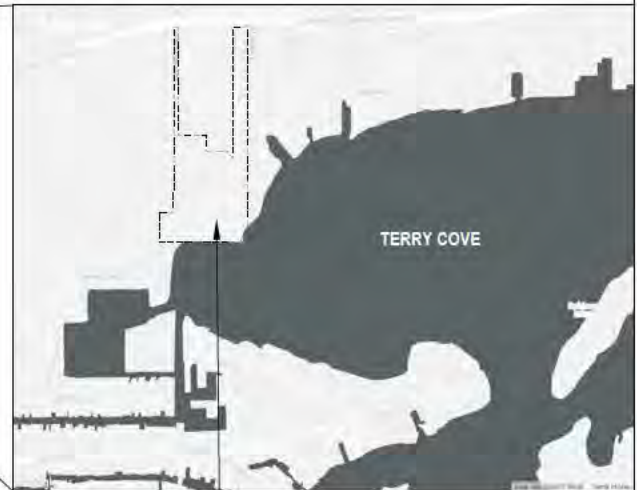
GEORGIA

FLORIDA

PROJECT
LOCATION



ORANGE BEACH, ALABAMA



PROJECT LOCATION
27006 CANAL ROAD
ORANGE BEACH, AL 36561



2001 N. FEDERAL HIGHWAY, SUITE G204
POMPAHO BEACH, FL 33062
P: 954 400 1401
F: 269 932 3542

LOCATION MAP

APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88

SHEET: 1 OF 24

NEIGHBORING PROPERTY:
NORTH: LATTOF, MICHAEL G. JR
ID. 65-02-12-0-000-057

NOTE:
WETLAND DELINEATION PERFORMED BY
ECO-SOLUTIONS. SEE GENERAL NOTES
TOTAL WETLAND AREA = 5.1 ACRES

EXISTING GRAVEL
ROADWAY (TYP.)

EXISTING TEMP.
BUILDING

EXISTING
GRAVEL ROAD

PROPERTY LINE

EXISTING CAPTAIN TRENT LANE

PROPERTY LINE

EXISTING TIMBER
BOARDWALK

ADJACENT
SHORELINE

NEIGHBORING
PROPERTY:
EAST: WALKER KEY
ASSOCIATION
ID. 65-02-12-0-000-060

EXISTING
APPROX.
LOCATION OF
NEIGHBORING
COVERED SLIPS

EXISTING TIMBER
WALL

EXISTING BULKHEAD
(790 LF)

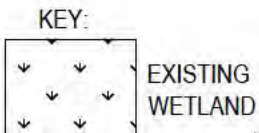
NEIGHBORING PROPERTY
SOUTH:
PARKER, SCOTT A.
PARKER, MARILYN J.
ID. 65-02-04-4-001-052

EXISTING APPROX.
LOCATION OF NEIGHBORING
DOCK

ADJACENT
SHORELINE

SUBMERGED LAND LEASE

TERRY
COVE



0 100' 200'
SCALE: 1" = 200'

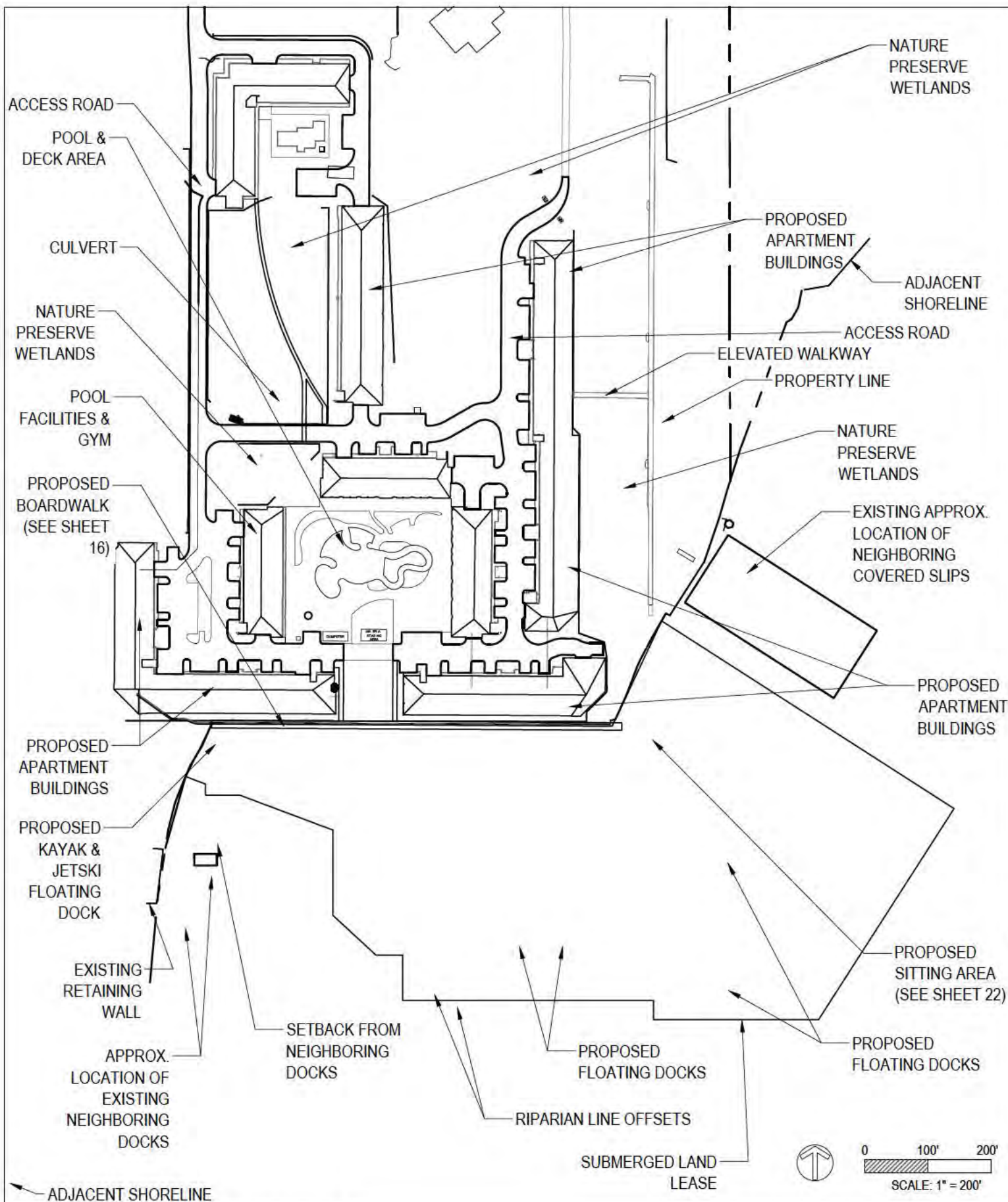
Edgewater
resources

2001 N. FEDERAL HIGHWAY, SUITE G204
POMPAHO BEACH, FL 33062
P: 954 400 1401
F: 269 932 3542

EXISTING CONDITIONS ENLARGEMENT

APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88

SHEET: 3 OF 24



2001 N. FEDERAL HIGHWAY, SUITE G204
 POMPANO BEACH, FL 33062
 P: 954 400 1401
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PROPOSED SITE PLAN - OVERALL

APPLICANT: ABACO ORANGE BEACH LLC
 WATERWAY: TERRY COVE
 CITY: ORANGE BEACH, ALABAMA
 COUNTY: BALDWIN COUNTY
 DATE: 04/04/2023
 DATUM: NAVD88

SHEET: 5 OF 24



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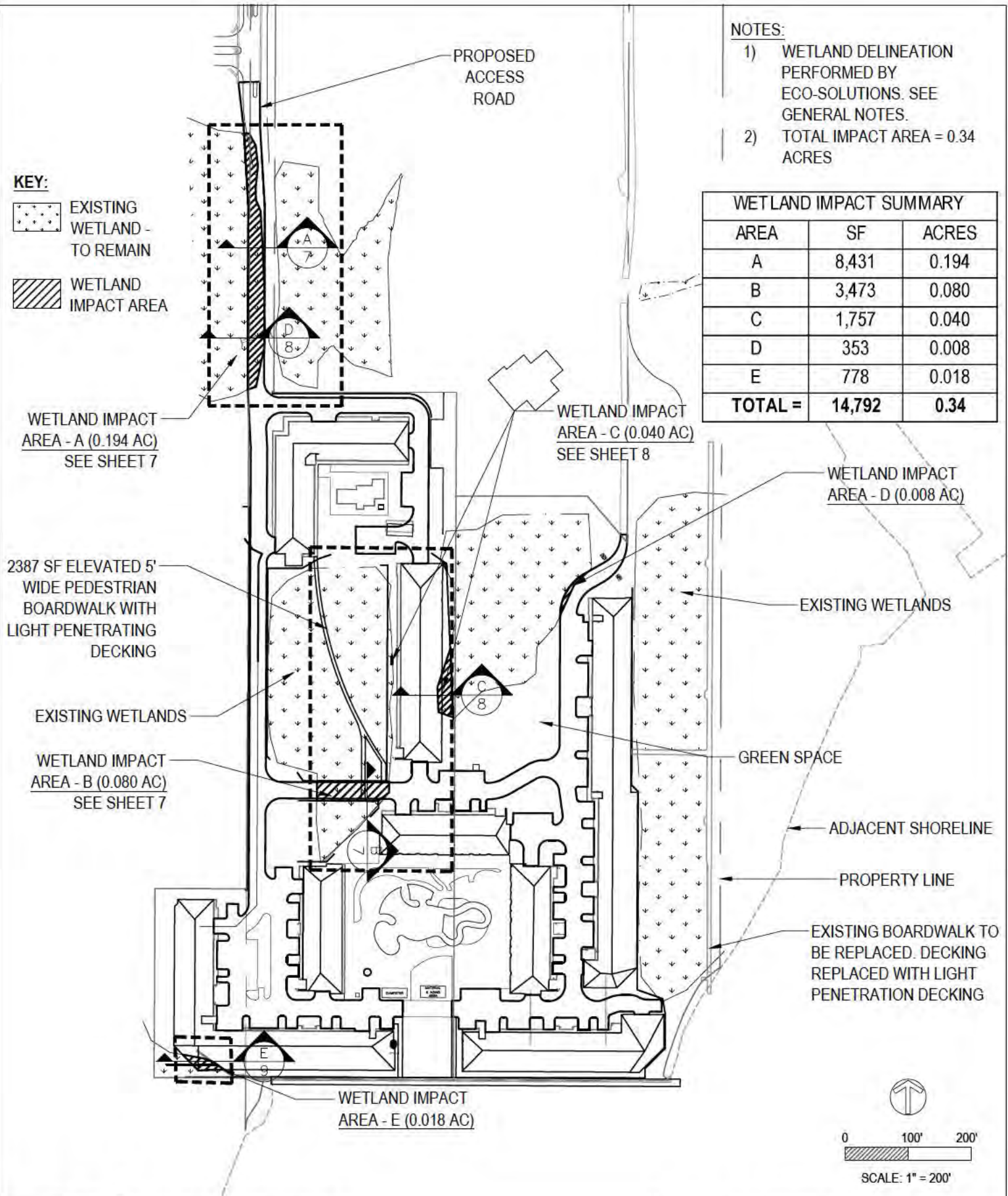
- 1) WETLAND DELINEATION PERFORMED BY ECO-SOLUTIONS. SEE GENERAL NOTES.
- 2) TOTAL IMPACT AREA = 0.34 ACRES

WETLAND IMPACT SUMMARY

AREA	SF	ACRES
A	8,431	0.194
B	3,473	0.080
C	1,757	0.040
D	353	0.008
E	778	0.018
TOTAL =	14,792	0.34

KEY:

-  EXISTING WETLAND - TO REMAIN
-  WETLAND IMPACT AREA



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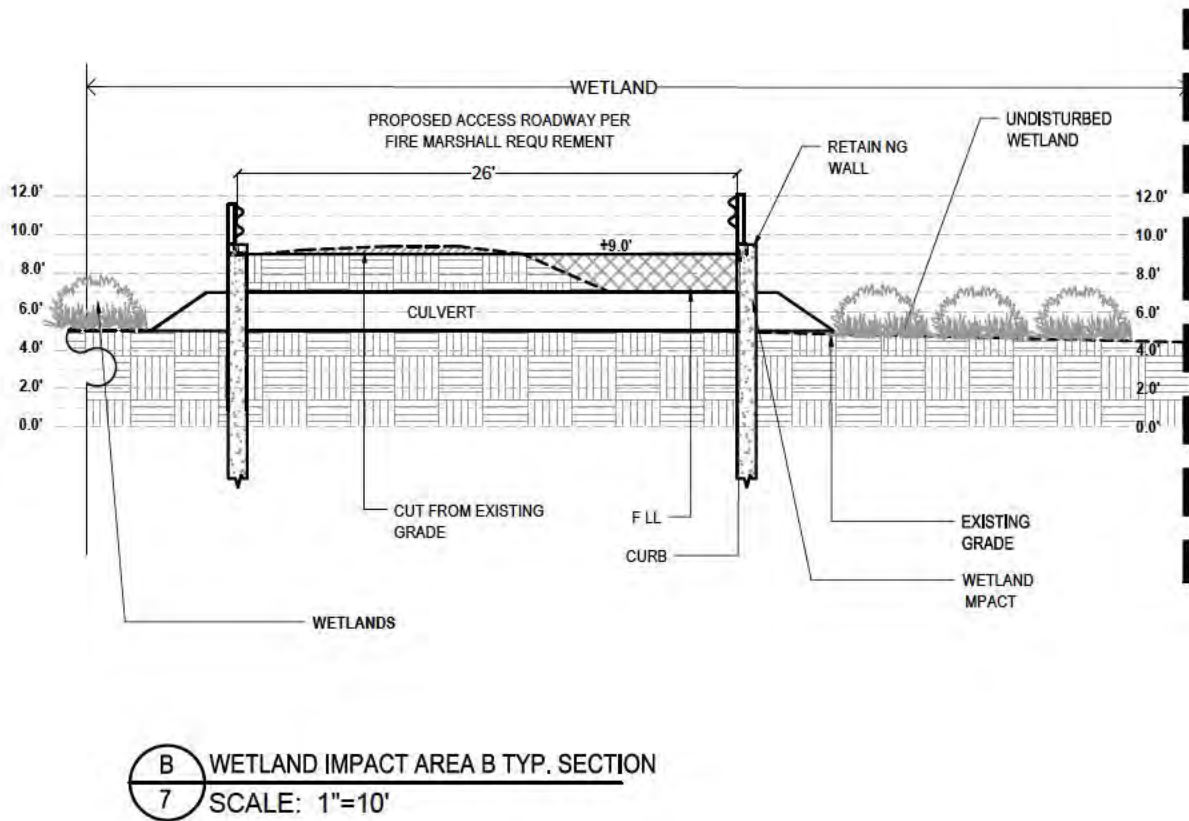
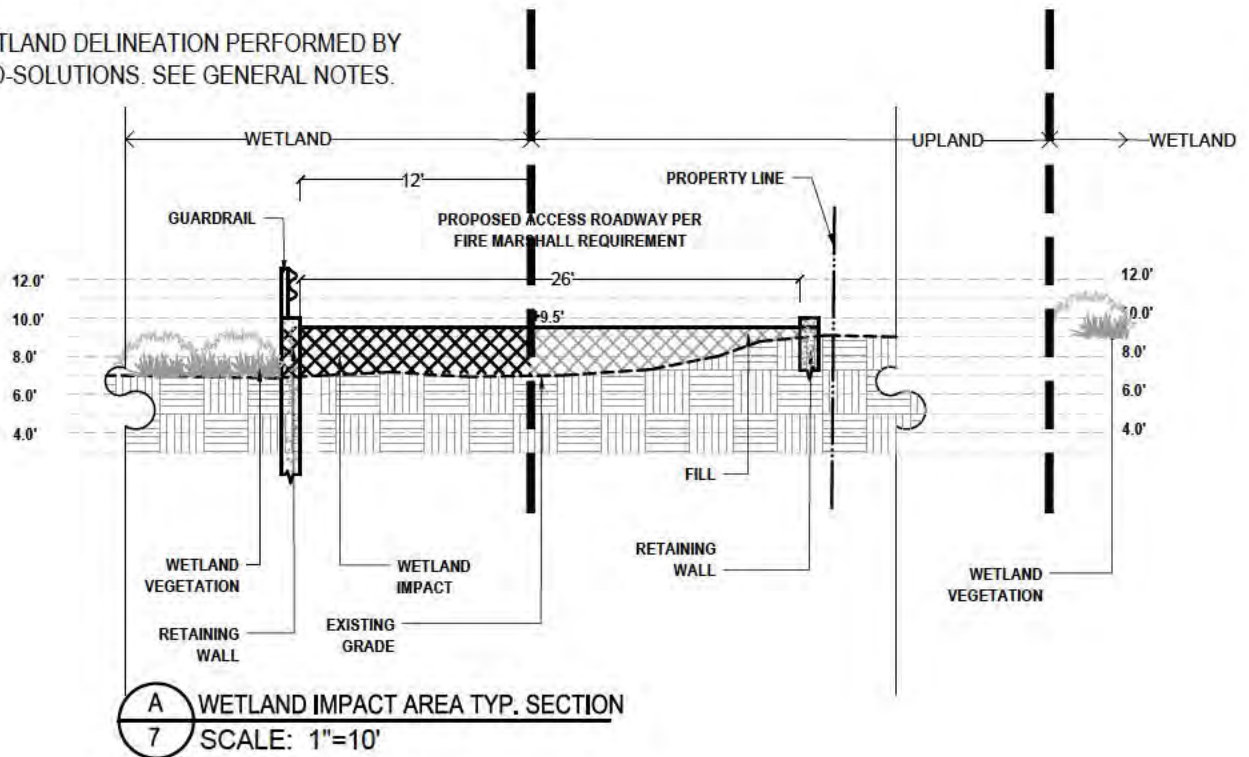
PROPOSED WETLAND IMPACT

APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88

SHEET: 6 OF 24

NOTES:

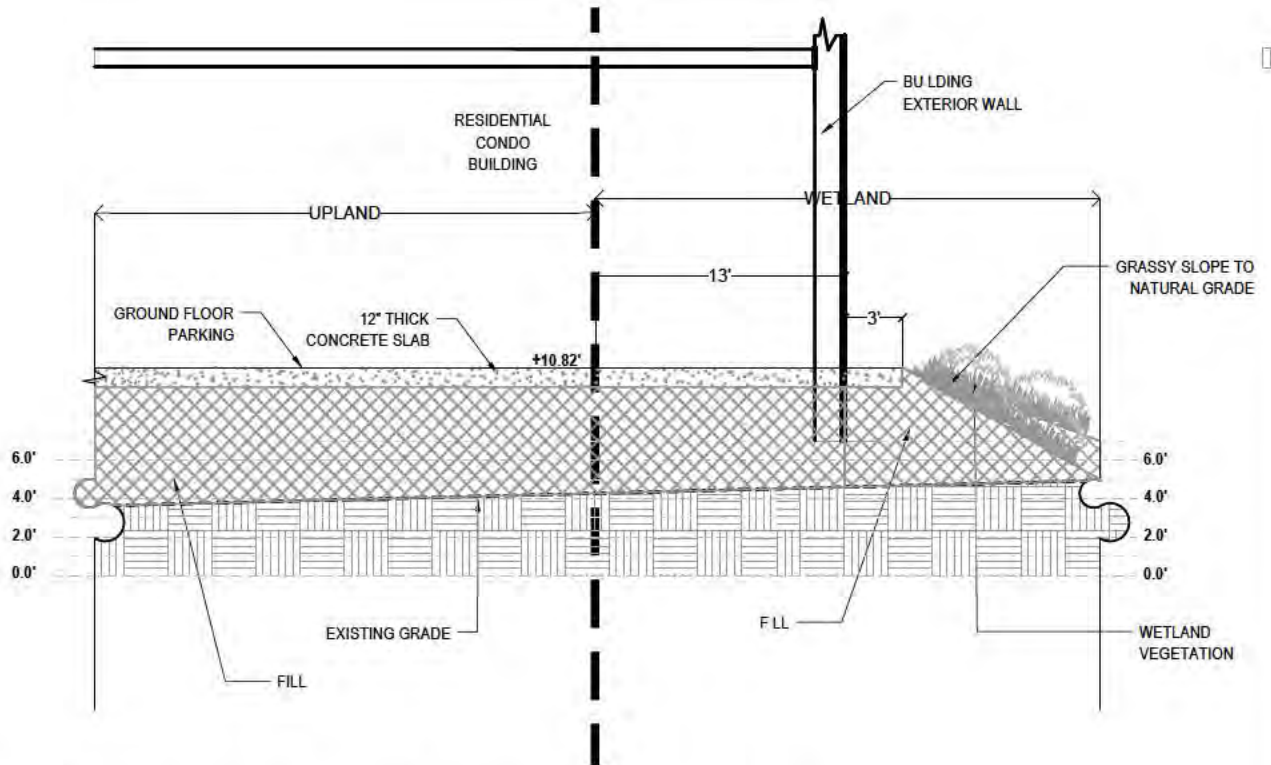
- 1) WETLAND DELINEATION PERFORMED BY ECO-SOLUTIONS. SEE GENERAL NOTES.



2001 N. FEDERAL HIGHWAY, SUITE G204
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PROPOSED WETLAND IMPACT SECTIONS

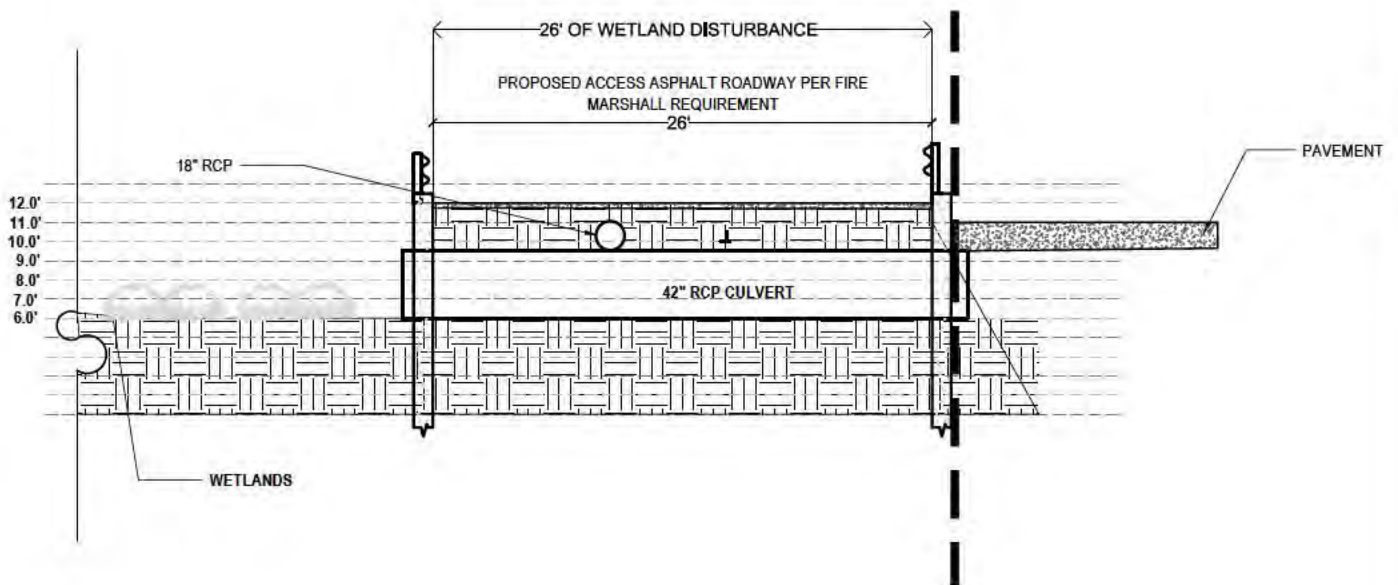
APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88



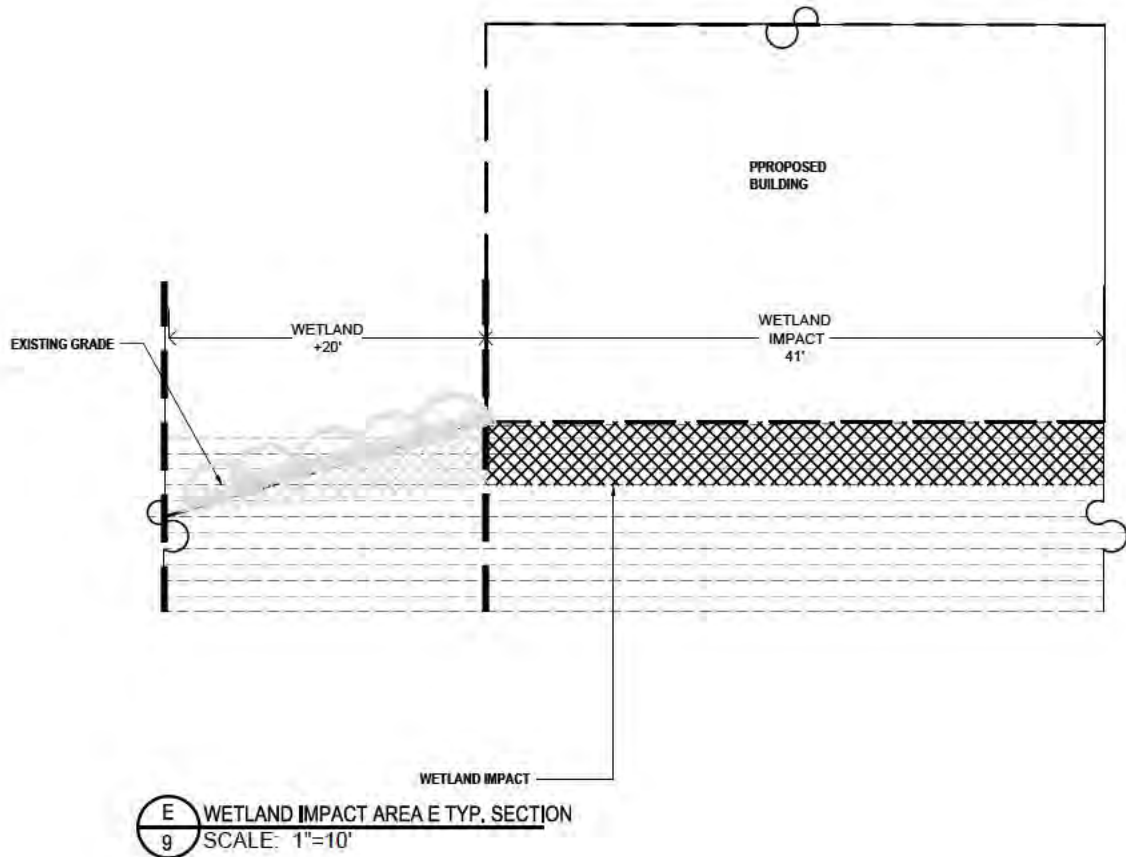
C WETLAND IMPACT AREA C TYP. SECTION
8 SCALE: 1"=10'

NOTES:

- 1) WETLAND DELINEATION PERFORMED BY ECO-SOLUTIONS. SEE GENERAL NOTES.



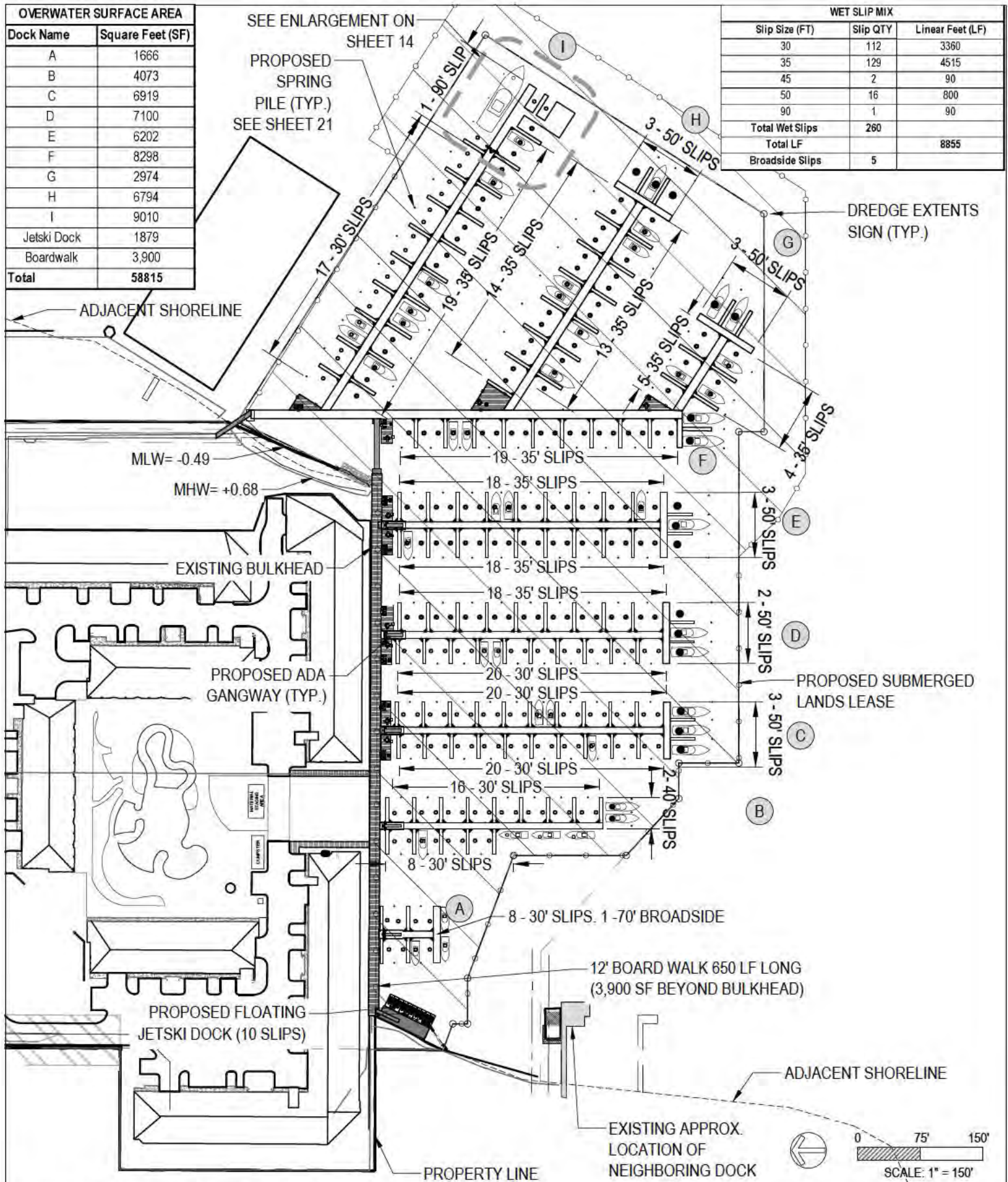
D WETLAND IMPACT AREA 9 TYP. SECTION
8 SCALE: 1"=10'



NOTES:

- 1) WETLAND DELINEATION PERFORMED BY ECO-SOLUTIONS. SEE GENERAL NOTES.

OVERWATER SURFACE AREA	
Dock Name	Square Feet (SF)
A	1666
B	4073
C	6919
D	7100
E	6202
F	8298
G	2974
H	6794
I	9010
Jet Ski Dock	1879
Boardwalk	3,900
Total	58815

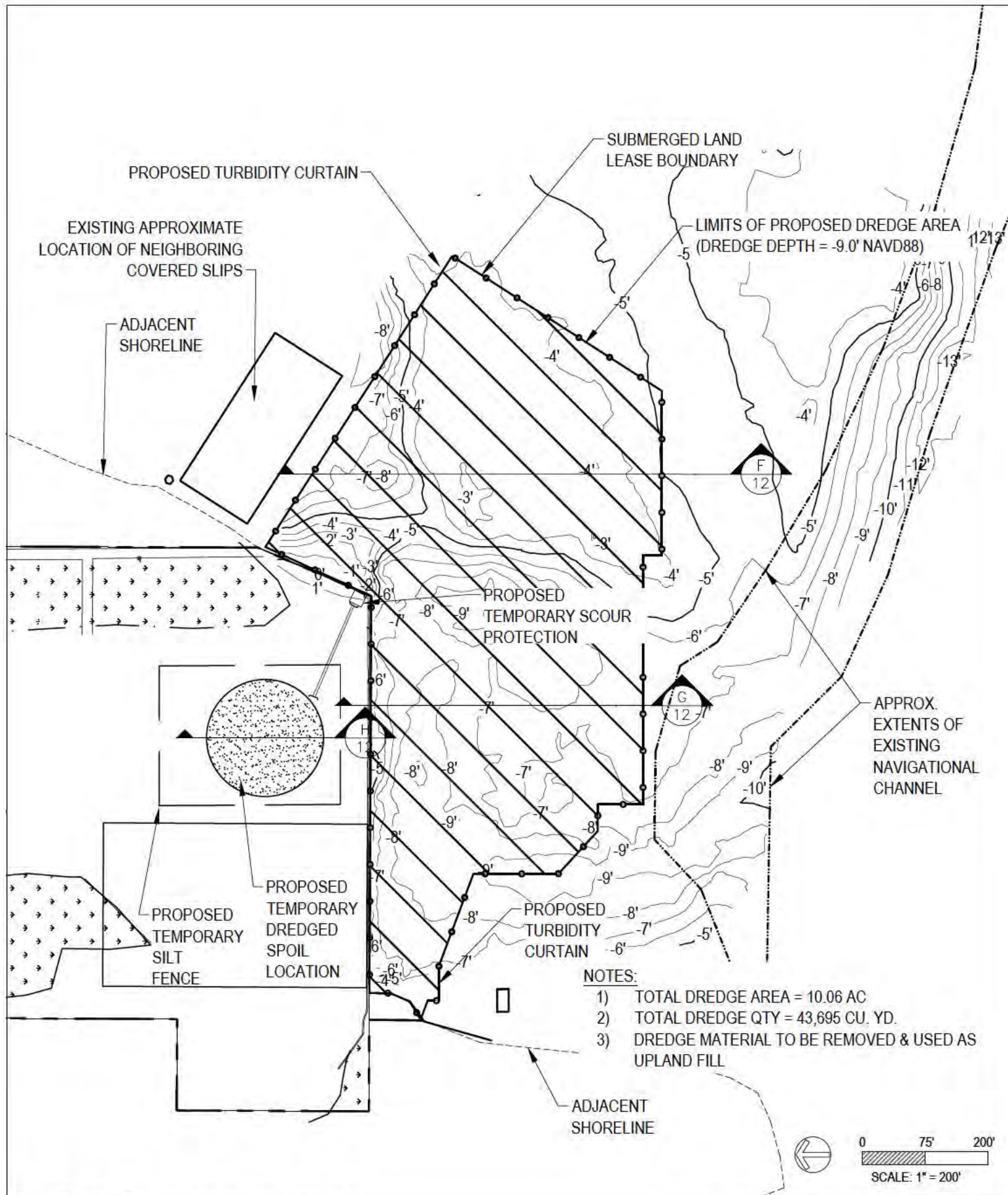


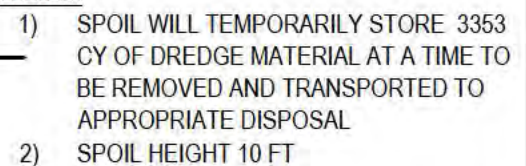
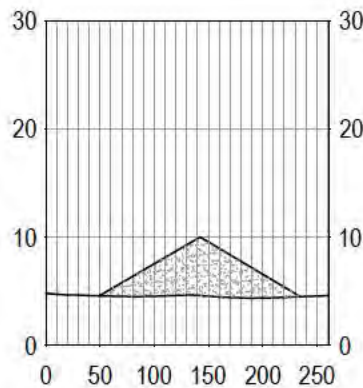
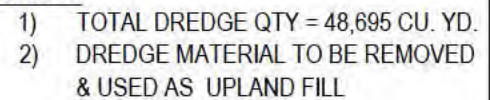
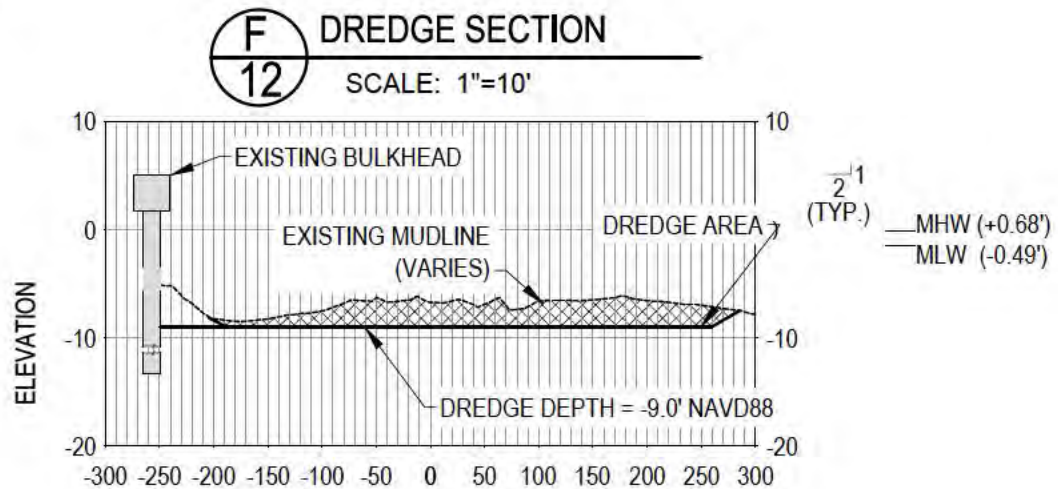
2001 N. FEDERAL HIGHWAY, SUITE G204
POMPAÑO BEACH, FL 33062
P: 954 400 1401
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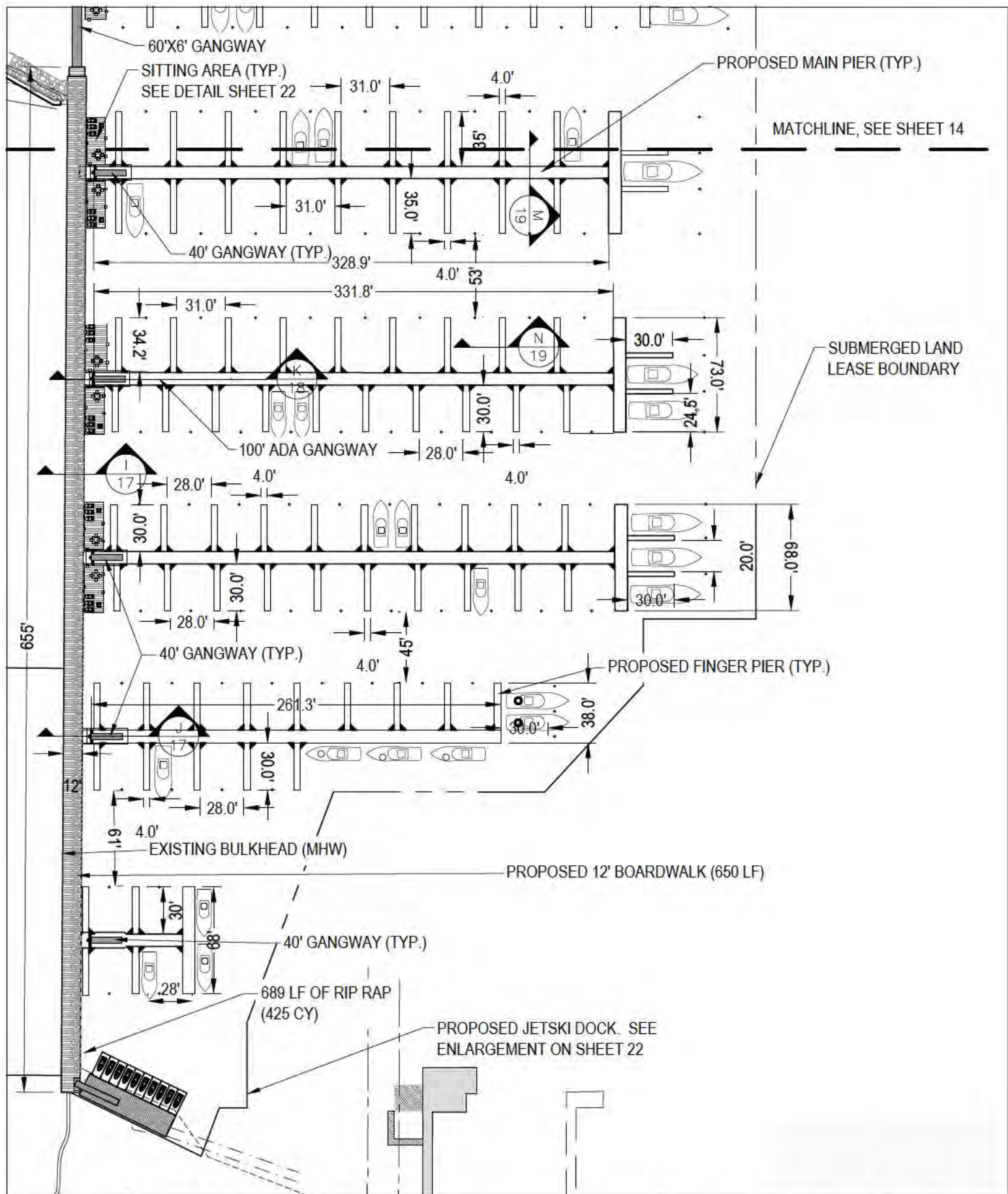
MARINA SLIP MIX

APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88

SHEET: 10 OF 24

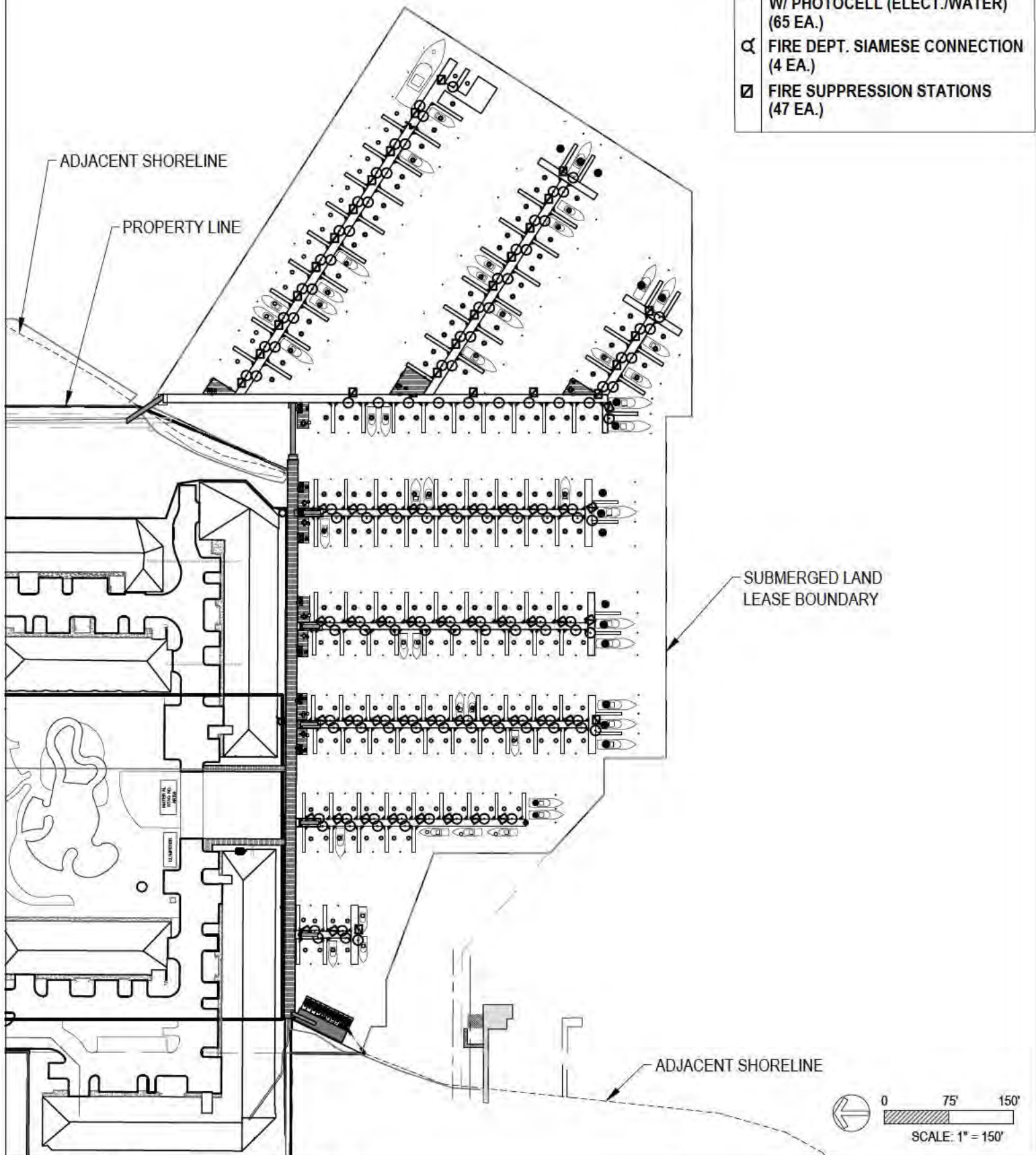






UTILITIES LEGEND

- UTILITY PEDESTAL W/ LED LIGHT W/ PHOTOCELL (ELECT./WATER) (65 EA.)
- ⌘ FIRE DEPT. SIAMESE CONNECTION (4 EA.)
- ☒ FIRE SUPPRESSION STATIONS (47 EA.)

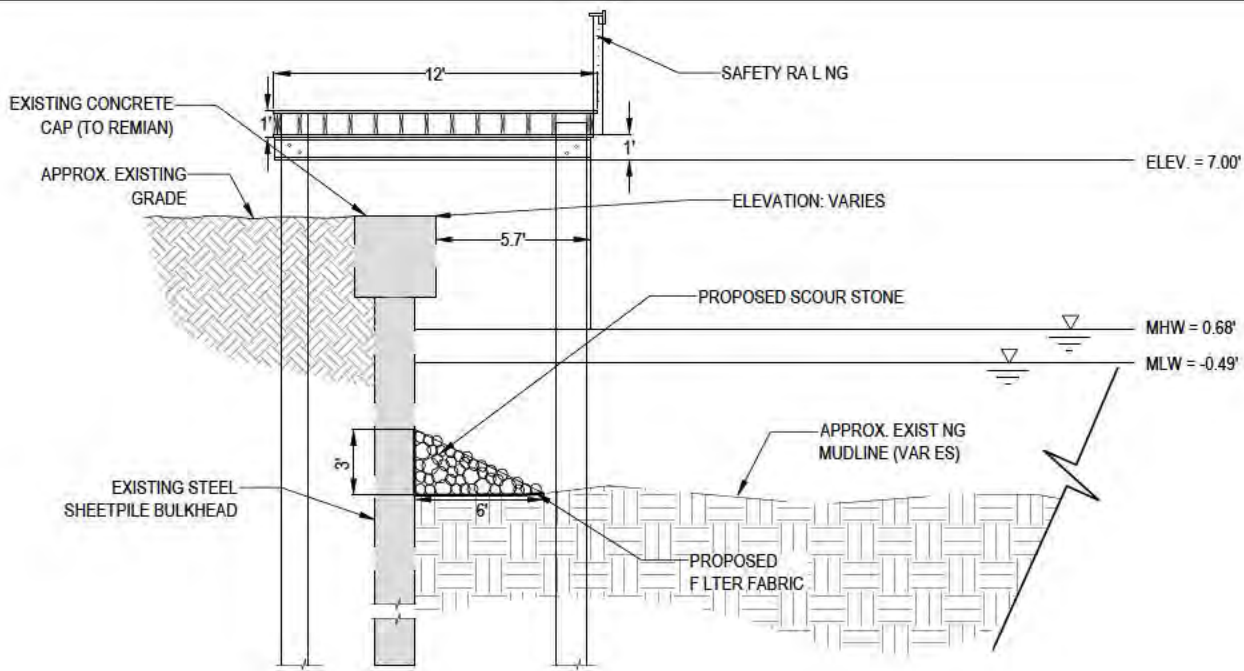


2001 N. FEDERAL HIGHWAY, SUITE G204
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MARINA UTILITIES PLAN

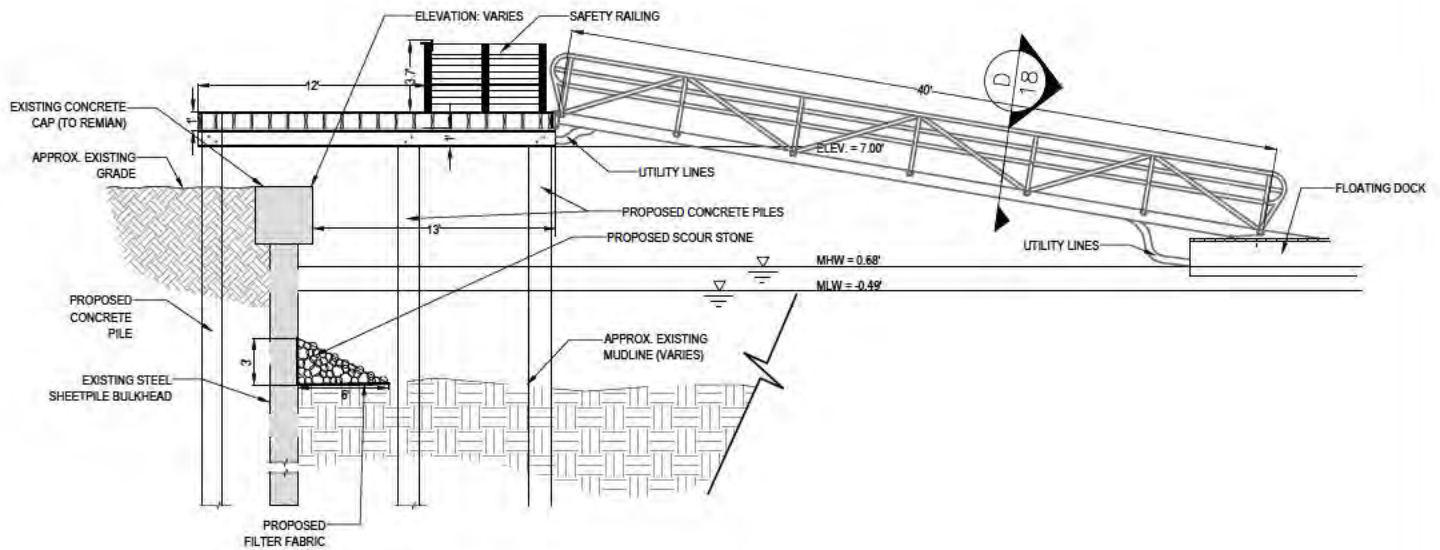
APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
DATUM: NAVD88

SHEET: 16 OF 24



NOTE:
TOTAL PROPOSED QTY OF SCOUR STONE = 425 CY

I
17 BOARDWALK SECTION, TYP.
SCALE: NTS



NOTE:
TOTAL PROPOSED QTY OF SCOUR STONE = 425 CY

J
17 BOARDWALK GANGWAY LANDING SECTION, TYP.
SCALE: NTS

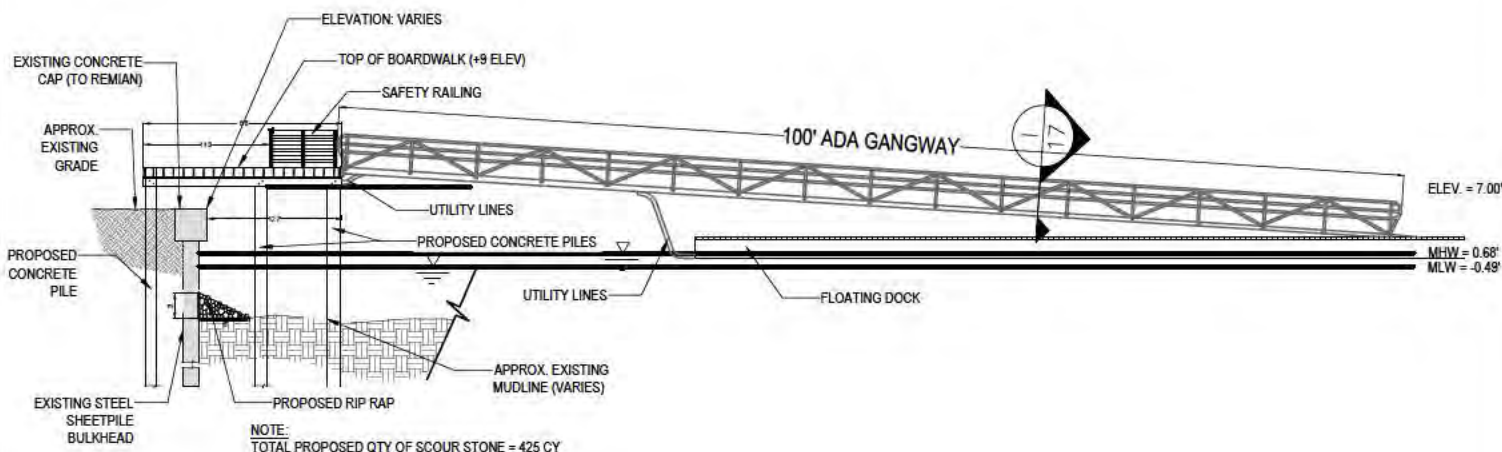


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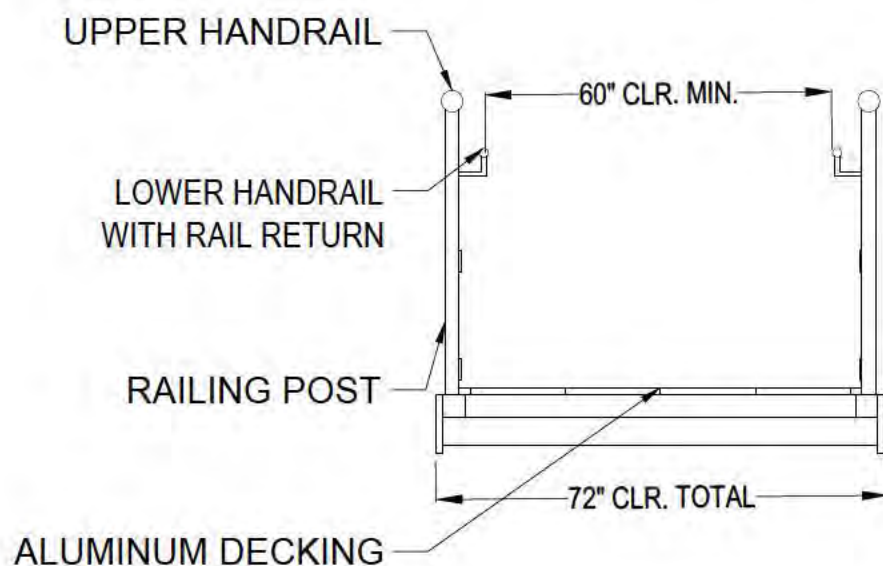
BOARDWALK & GANGWAY SECTION

APPLICANT: ABACO ORANGE BEACH LLC
WATERWAY: TERRY COVE
CITY: ORANGE BEACH, ALABAMA
COUNTY: BALDWIN COUNTY
DATE: 04/04/2023
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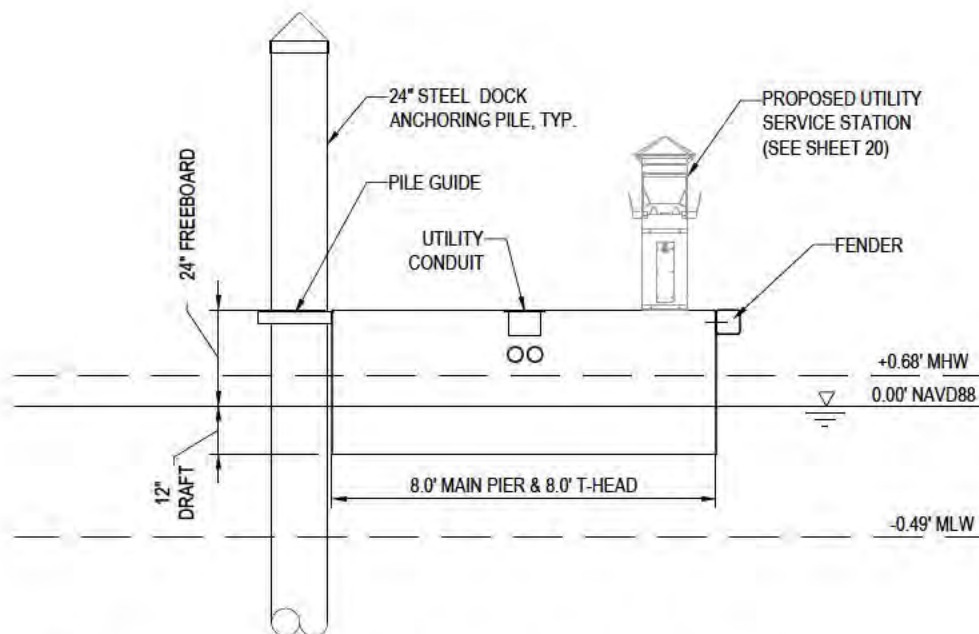
SHEET: 17 OF 24



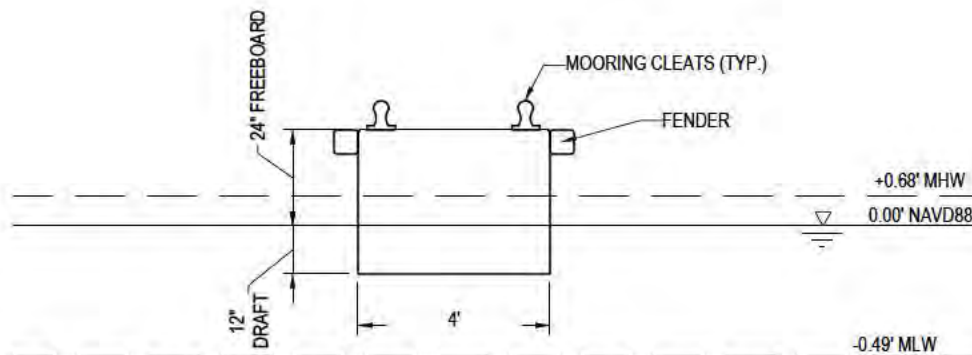
K
18 ADA GANGWAY SECTION, TYP.
SCALE: NTS



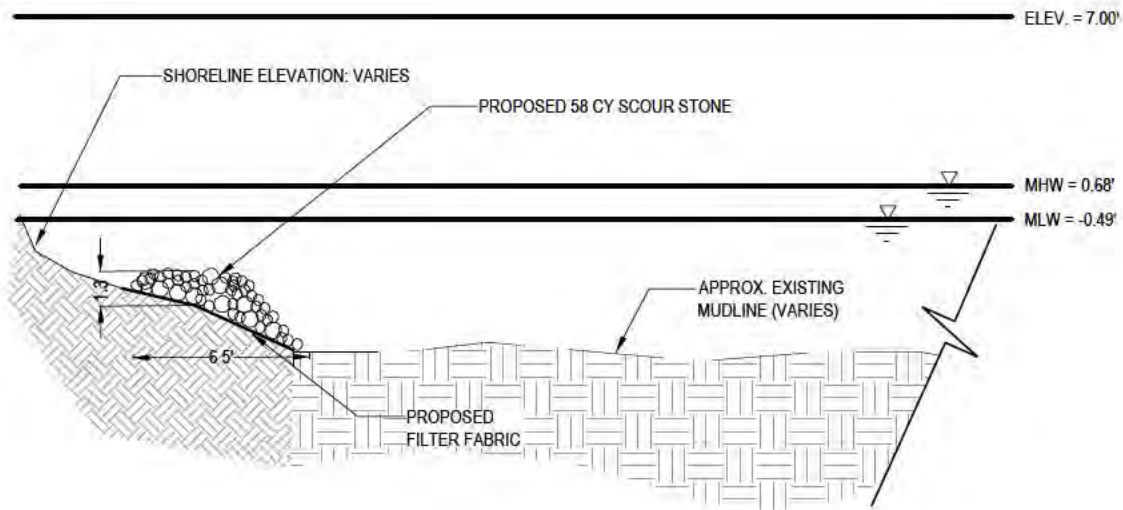
L
18 GANGWAY SECTION, TYP.
SCALE: NTS



M
19 MAIN PIER FLOATING DOCK SECTION, TYP.
SCALE: 3"=1'



N
19 FINGER PIER FLOATING DOCK SECTION, TYP.
SCALE: 3"=1'



NOTE:
TOTAL PROPOSED QTY OF SCOUR STONE = 58 CY

P
23 SHORELINE RIP RAP SECTION, TYP.
SCALE: NTS