



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-2020-00588-CDJ

July 6, 2021

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 INDENTED 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. Scott Bieber
304 Foxchase Drive
Pike Road, Alabama 36064

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, in the Ono Island subdivision at Unit 25, Lot 2, River Road (Baldwin County Parcel PIN 72757); within Section 34, Township 8 South, Range 6 East; at Latitude 30.30486° North, Longitude -87.45921° West; in 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 indented boat slip to provide sufficient clearance to construct a boat shelter without obstructing navigation within the manmade canal.

PROPOSED WORK: The applicant purposes to mechanically excavate and dredge 93 cubic yards of material from a 346-square-foot area of uplands and a 294-square-foot area of waterbottoms to create an indented boat slip on a manmade canal. Approximately 51 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 128 square feet (0.003 acre) of tidal wetlands located on an existing intertidal shelf along the canal bank. The dredged material would be placed within a

1,518-square-foot dewatering cell on adjacent uplands, with containment provided by an earthen berm and silt fencing. Return waters from the dewatering activity 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.

The applicant also proposes to construct a 30-foot by 15-foot open-sided, pile-supported boat shelter structure within the indented area. The boat shelter structure would be accessed by a 4-foot-wide pile-supported access pier, which would extend 8 feet waterward of the newly created MHW shoreline within the indented slip and be constructed 5 feet in height above emergent tidal marsh. The completed structures would extend at total of 23 feet waterward into the canal from the newly created MHW line within the indented slip. See the attached plans for additional information.

AVOIDANCE AND MINIMIZATION: The applicant has indicated 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 constructed "as high as wide" with deck board spacing of at least 0.75 inch to minimize shading of wetland vegetation. The applicant has indicated that approximately 120 square feet of existing tidal marsh on their lot would 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) would 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 128 square feet (0.003 acre) of the existing tidal wetlands through the on-site creation of 194 square feet (0.004 acre) of new tidal wetlands created along the newly constructed bank of the proposed indented 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 archaeologist 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 166 square feet (0.004 acre) of unvegetated estuarine substrate and 128 square feet (0.003 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: The USACE, Mobile District's review of the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered (E) or threatened (T) 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 Indian manatee (T), piping plover (T), red knot (T), wood stork (T), eastern indigo snake (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's action area.

Review of this proposed activity for potential effects on the above list of threatened or endangered species has been accomplished by use of species-specific Standard Local Operating Procedures for Endangered Species (SLOPES). The USACE, Mobile District's review has indicated the proposed activity will have no effect on all the above listed species. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

COMMENTS: This public notice is being distributed to all known interested persons 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-2020-00588-CDJ**, and should be directed to the project manager, Ms. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Dianne Jordan, 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. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or (251) 694-3885. Please refer to the above Public Notice Number SAM-2020-00588-CDJ, 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



Bieber
PPIN: 72757

1-10 E to Baldwin Beach Express,
Left onto Foley Beach Express,
Left onto Canal Rd,
Right onto AL-161 S,
Right onto Ono Blvd, then right onto
River Rd, site will be on the left

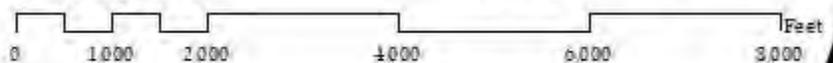
Dept. of the Army // SAM-2020-00588-CDJ



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

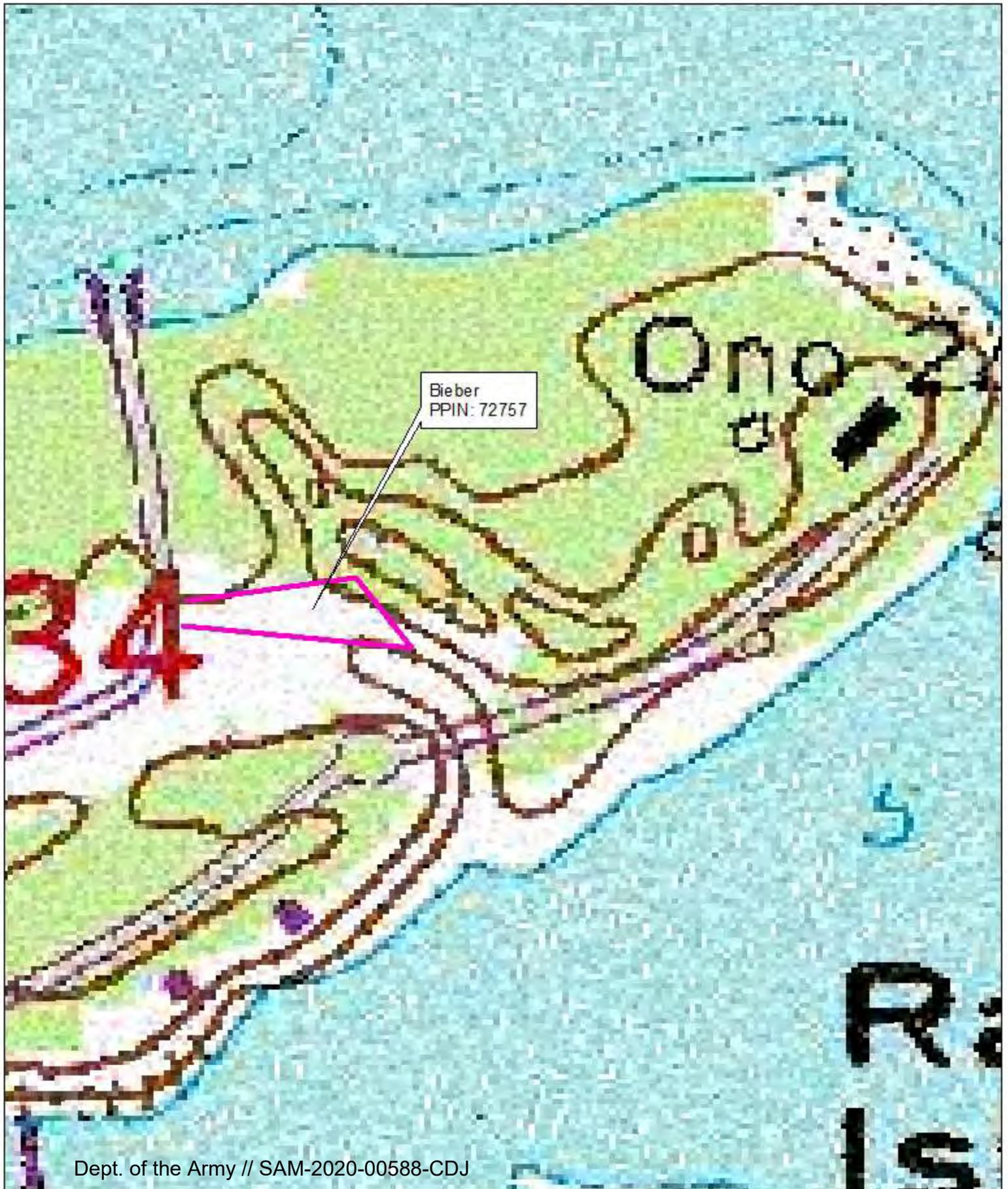
Project: Bieber Ono
Applicant: Scott Bieber

1 inch = 2,000 feet



T-8-S, R-6-E, Sect. 34
Orange Beach, AL
Topo: Perdido Bay





Bieber
PPIN: 72757

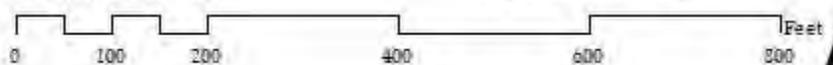
Dept. of the Army // SAM-2020-00588-CDJ

EcoSolutions
ENVIRONMENTAL ENGINEERING & DESIGN

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

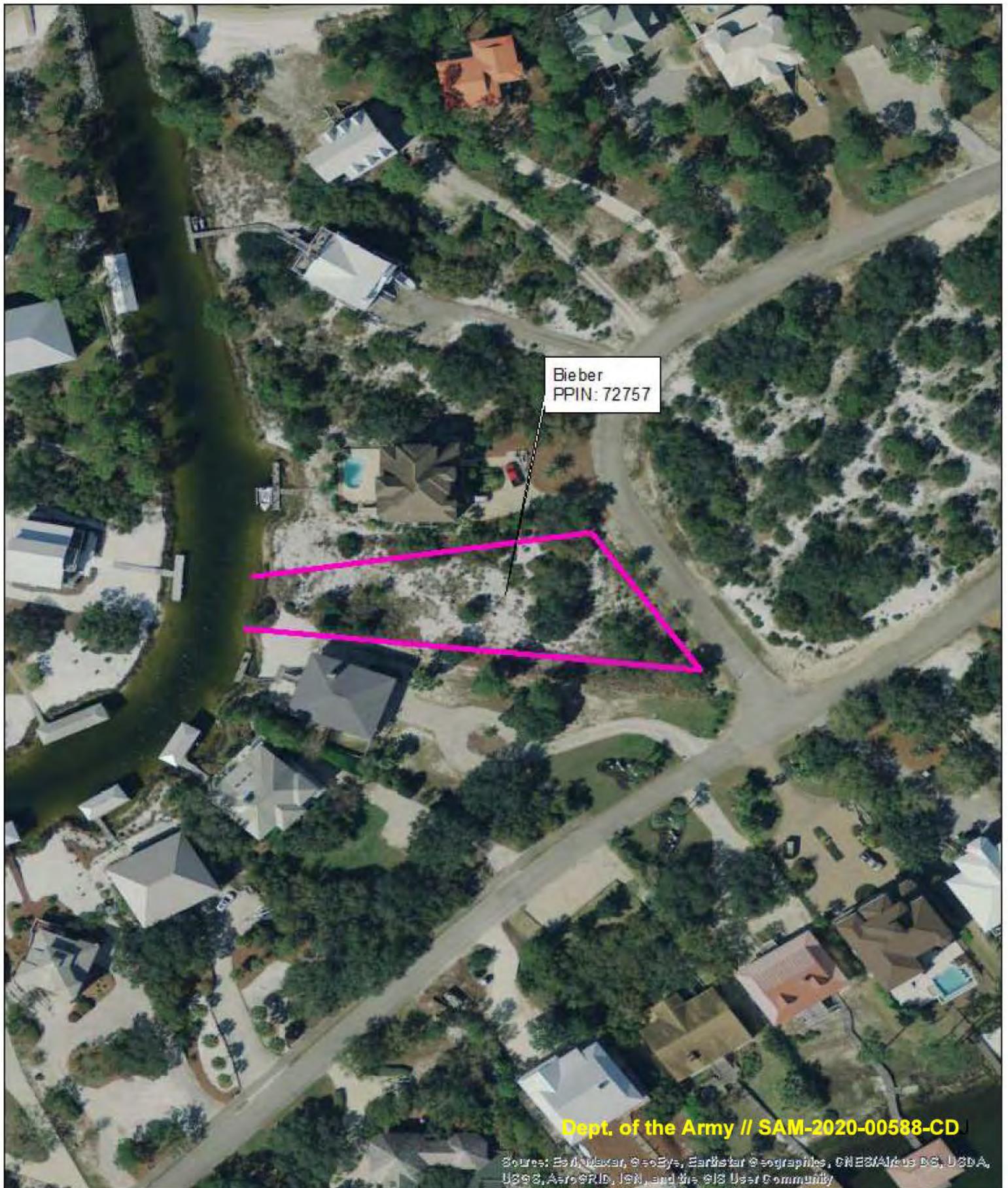
Project: Bieber Ono
Applicant: Scott Bieber

1 inch = 200 feet



T-8-S, R-6-E, Sect. 34
Orange Beach, AL
Topo: Perdido Bay





Bieber
PPIN: 72757

Dept. of the Army // SAM-2020-00588-CD

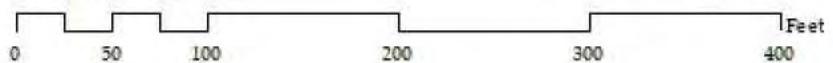
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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

Project: Bieber Ono
Applicant: Scott Bieber

1 inch = 100 feet

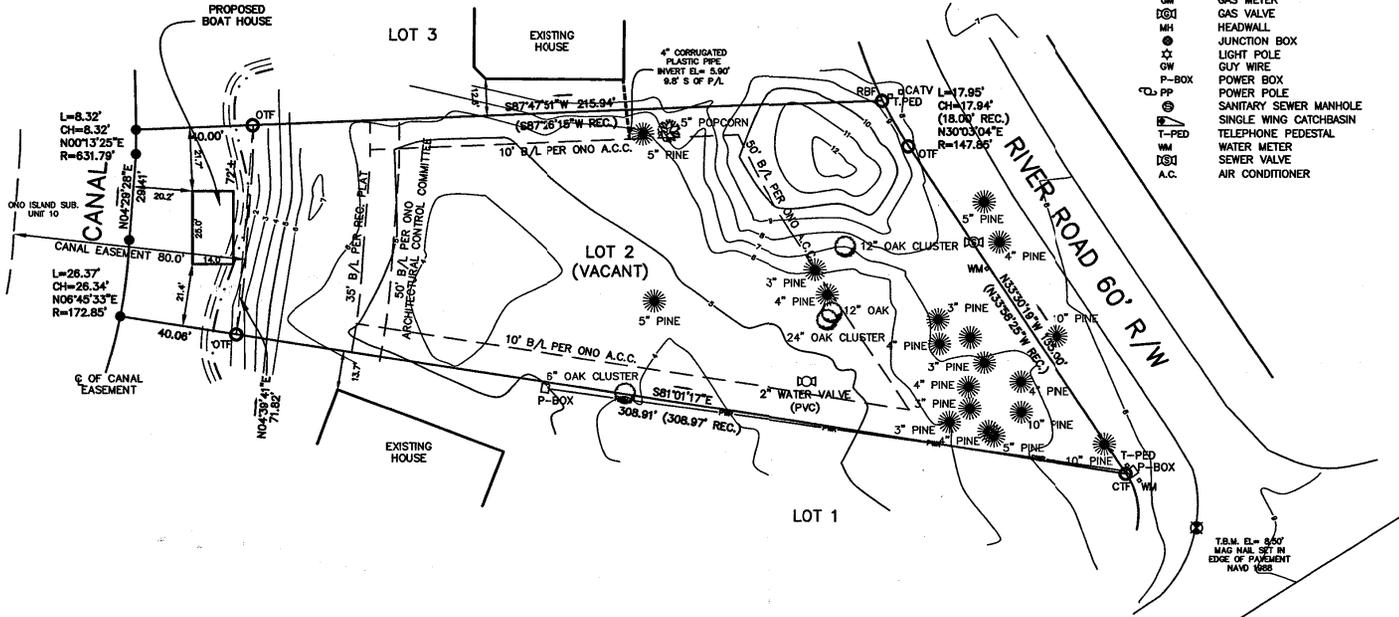


T-8-S, R-6-E, Sect. 34
Orange Beach, AL
Topo: Perdido Bay





BASE BEARING USED IS THE SOUTH LINE, LOT 2 BEING S81°01'17"E



LEGEND

- CRF CAPPED REBAR FOUND (1/2")
- CRS CAPPED REBAR SET (1/2")
- CTF CRIMP TOP FOUND
- DCF DIGGER CHAIN FOUND
- OTF OPEN TOP FOUND
- RFB REBAR FOUND
- B/L BUILDING LINE
- C CENTERLINE
- DE DRAINAGE EASEMENT
- EP EDGE OF PAVEMENT
- X- FENCE
- R/W RIGHT-OF-WAY
- UE UTILITY EASEMENT
- C/O CLEAN OUT
- △ DOUBLE WING CATCHBASIN
- DROP INLET
- FIRE HYDRANT
- GM GAS METER
- DS1 GAS VALVE
- MH HEADWALL
- JUNCTION BOX
- LIGHT POLE
- GUY WIRE
- P-BOX POWER BOX
- POWER POLE
- SANITARY SEWER MANHOLE
- SINGLE WING CATCHBASIN
- TELEPHONE PEDESTAL
- WM WATER METER
- DS2 SEWER VALVE
- A.C. AIR CONDITIONER



SURVEY CONSULTS, INC.
 PROFESSIONAL LAND SURVEYORS
 16961 ST. HWY. #180, SUITE D GULF SHORES, AL 36542

FILE: 82462019
 DWG. BY: RJP
 CHKD BY: JWB
 DATE:
 NOV. 26, 2019
 SCALE:
 1" = 30'

LOT, TREE LOCATION, PROPOSED BOAT HOUSE, & TOPOGRAPHIC SURVEY FOR:
SCOTT BIEBER

STATE OF ALABAMA
 COUNTY OF BALDWIN

I, JASON W. BRASWELL, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. THE FOREGOING IS A PLAT OF THE DESCRIBED PROPERTY TO WIT:

LOT 2, SANDS POINT, ONO ISLAND SUBDIVISION, UNIT 25 AS PER MAP OR PLAT THEREOF RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, ON SLIDE #1174-A.

THERE ARE NO VISIBLE ENROACHMENTS OF ANY IMPROVEMENTS OR UTILITIES, EXCEPT AS SHOWN, ACCORDING TO MY SURVEY THIS, THE 26TH DAY OF NOVEMBER, 2019.

Jason W. Braswell
 ALA. REG. NO. 30810

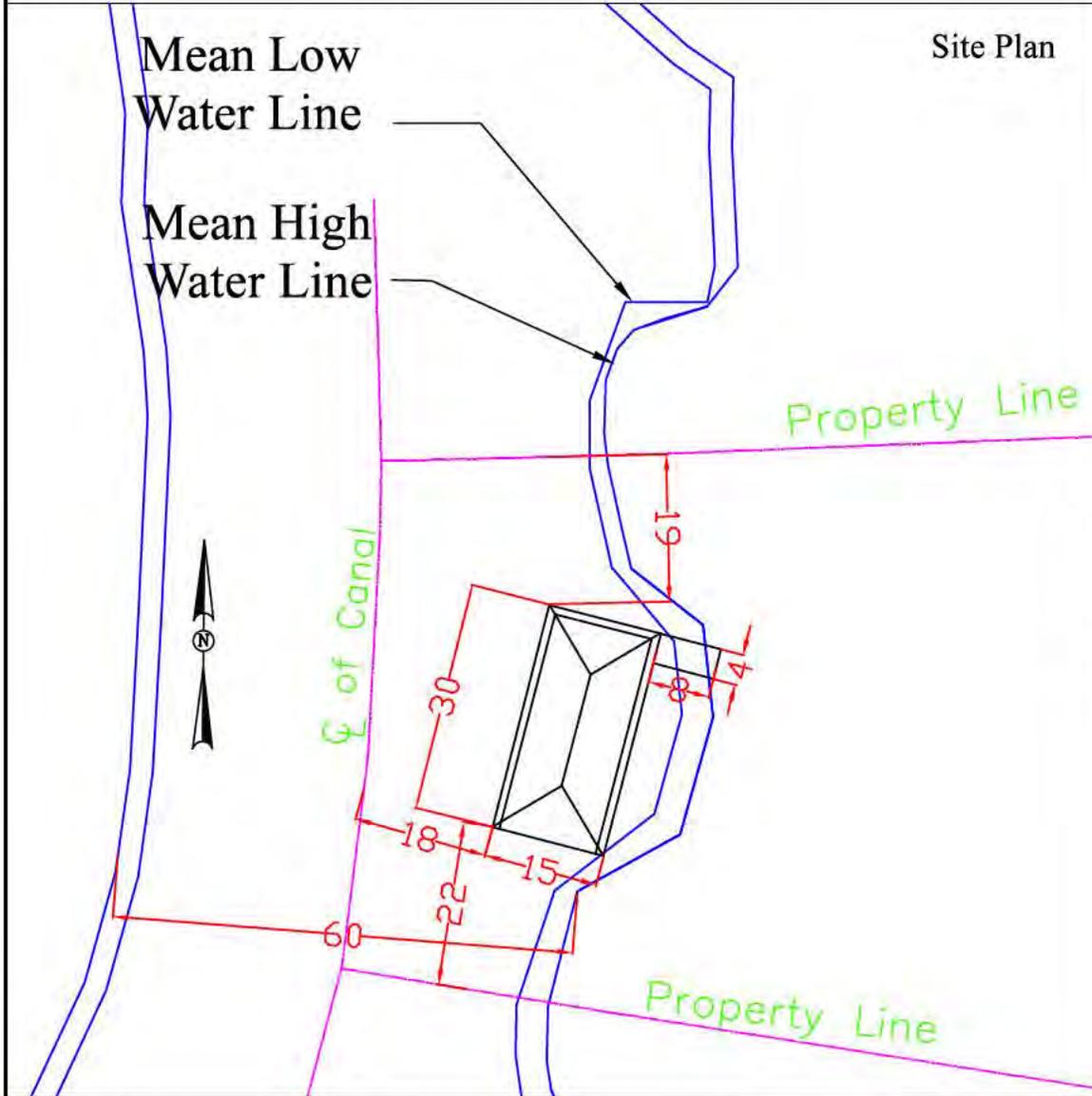
Dept. of the Army // SAM-2020-00588-CDJ

SURVEYOR'S NOTES:

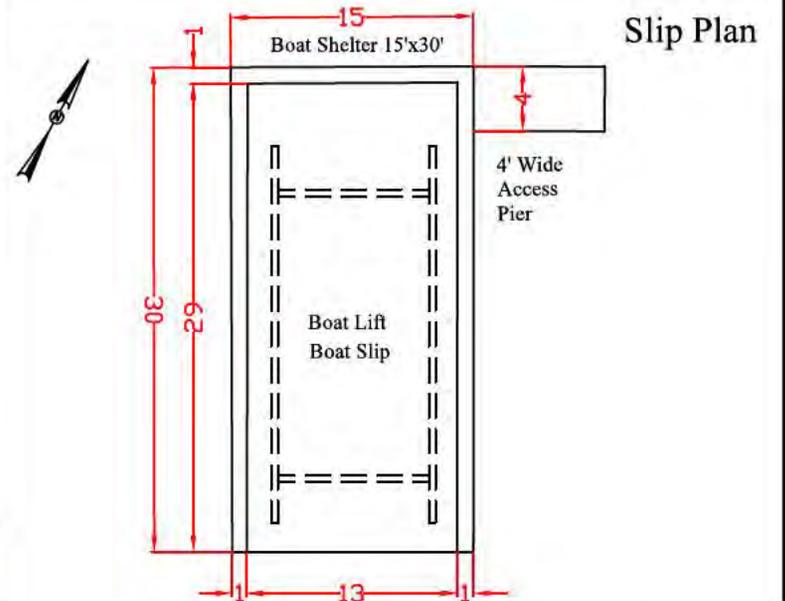
1. NO TITLE SEARCH PROVIDED BY CLIENT OR DONE BY THIS FIRM.
2. THERE MAY BE EASEMENTS AFFECTING THIS PROPERTY THAT ARE NOT VISIBLE.
3. PREVIOUS DEEDS OF RECORD AND OR SURVEYS USED TO DETERMINE PROPERTY LINES.
4. FIELD WORK PERFORMED ON NOVEMBER 26, 2019.
5. ALL USE OF THE AREA SHOWN IS SUBJECT TO THE PROVISIONS OF THE GENERAL COVENANTS AND RESTRICTIONS APPLICABLE TO ONO ISLAND SUBDIVISION AND THE LOCAL COVENANTS AND RESTRICTIONS APPLICABLE TO "SANDS POINT" ONO ISLAND SUBDIVISION, UNIT 25; AND SUBJECT TO THE TERMS OF THE CONVEYANCE OF SAID AREA TO ONO ISLAND PROPERTY OWNERS ASSOCIATION.
6. BUILDING SETBACKS ARE PER RECORDED PLAT AND ONO ARCHITECTURAL CONTROL COMMITTEE. OWNERS SHOULD CONSULT WITH LOCAL AUTHORITIES BEFORE MAKING IMPROVEMENTS.
7. CERTIFICATION IS MADE TO PERSON(S) NAMED HEREON AND IS NOT TRANSFERABLE TO OTHERS.
8. RIGHT-OF-WAY IS TAKEN FROM RECORDED PLAT AND IS FOR GRAPHICAL PURPOSES ONLY.
9. ELEVATIONS ESTABLISHED USING A LEICA 1200, STATIC GPS/OPUS SOLUTION NAVD '88, GEOID '12A, AND COR STATIONS D13826 AL90, DM2660 AL92, AND DL3065 FLE5.

THIS SURVEY NOT VALID WITHOUT EMBOSSED SEAL

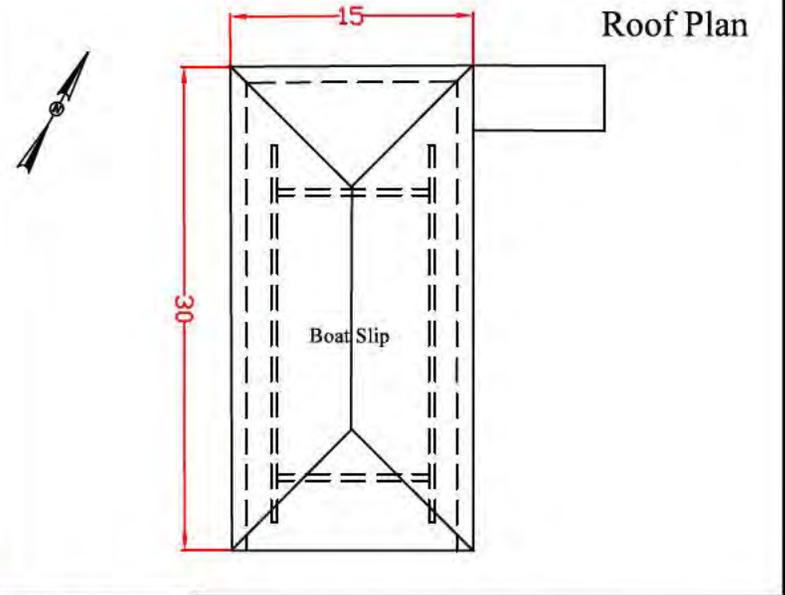
For permitting only, not to be relied on for construction



Site Plan



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.

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.

Boat Shelter 15'x30'
Boat Slip 13'x29'

Dept. of the Army // SAM-2020-00588-CDJ

Bieber Site Plan

EcoSolutions
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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

PREPARED FOR
Scott & Michael Bieber
River Rd.
Orange Beach, Alabama

DRAWN BY
L. Karcher
CHECKED BY
T. Hutchings

DATE OF LAST REVISION
June 15, 2021

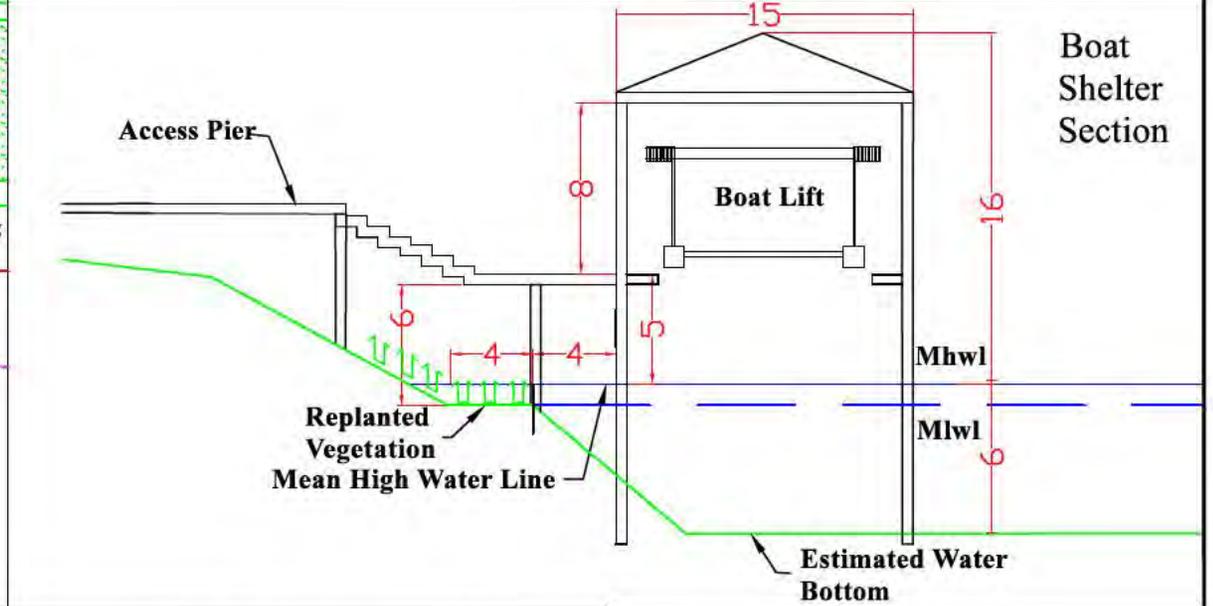
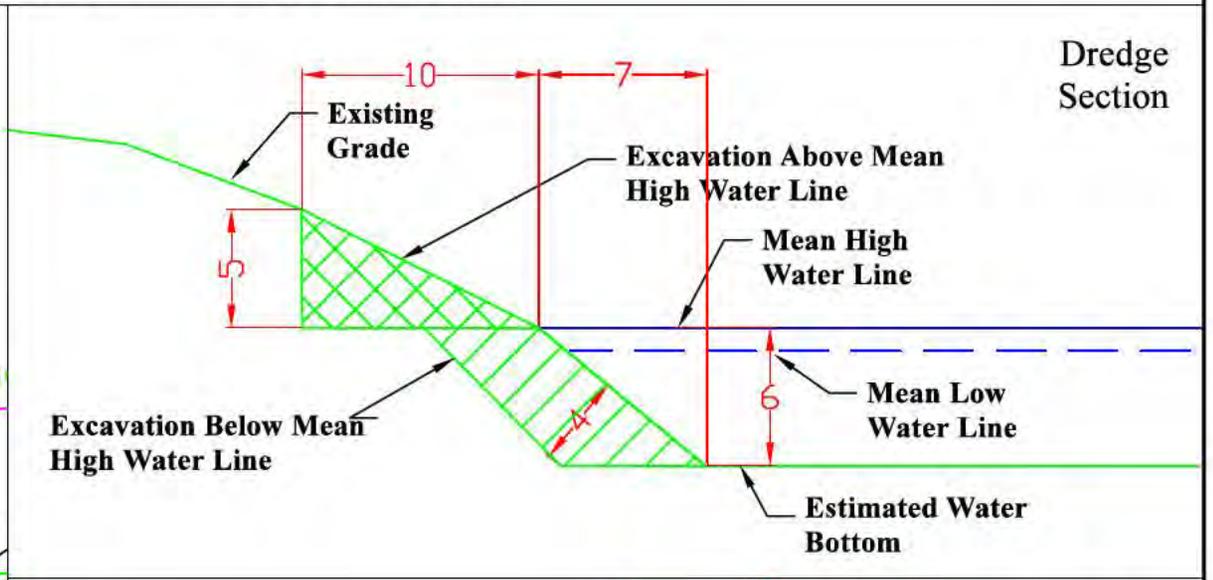
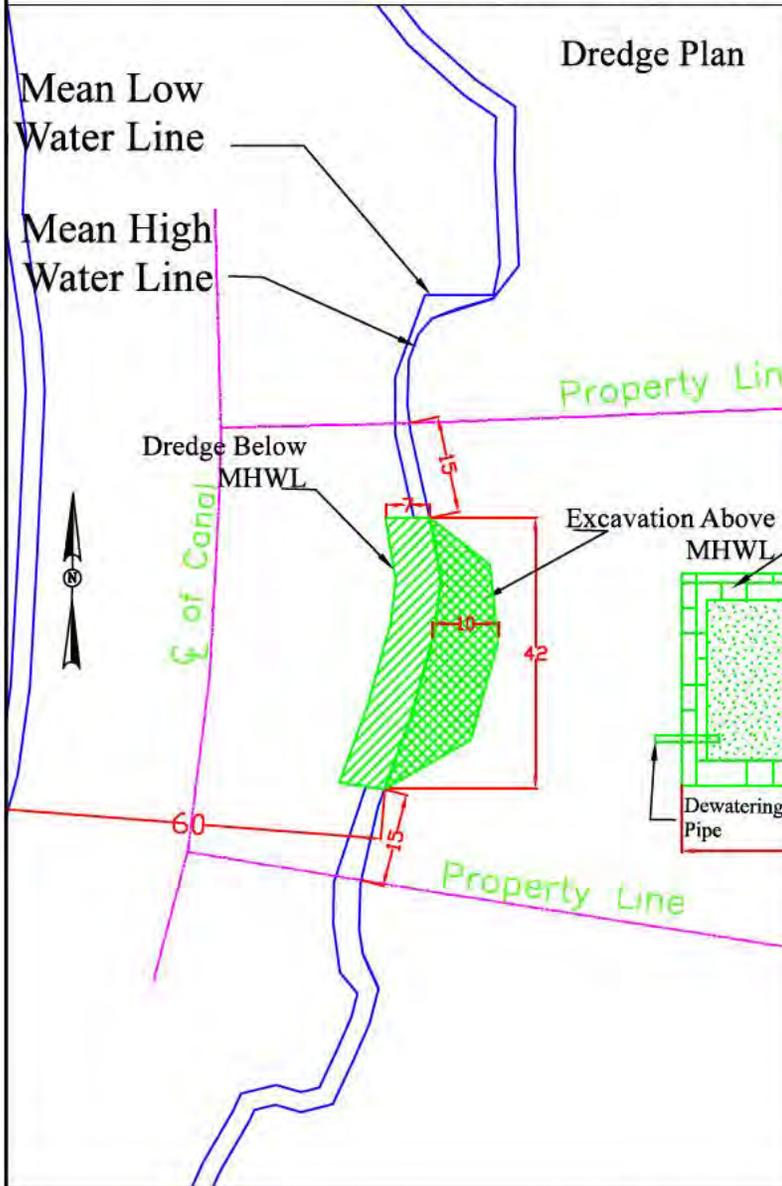
FILE
Bieber Property 5.10.21

SCALE: AS STATED

SHEET 1

Bieber Property 5.10.21

For permitting only, not to be relied on for construction



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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Boat Shelter 15'x30'
Boat Slip 13'x29'

Dept. of the Army // SAM-2020-00588-CDJ

Bieber Sections



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

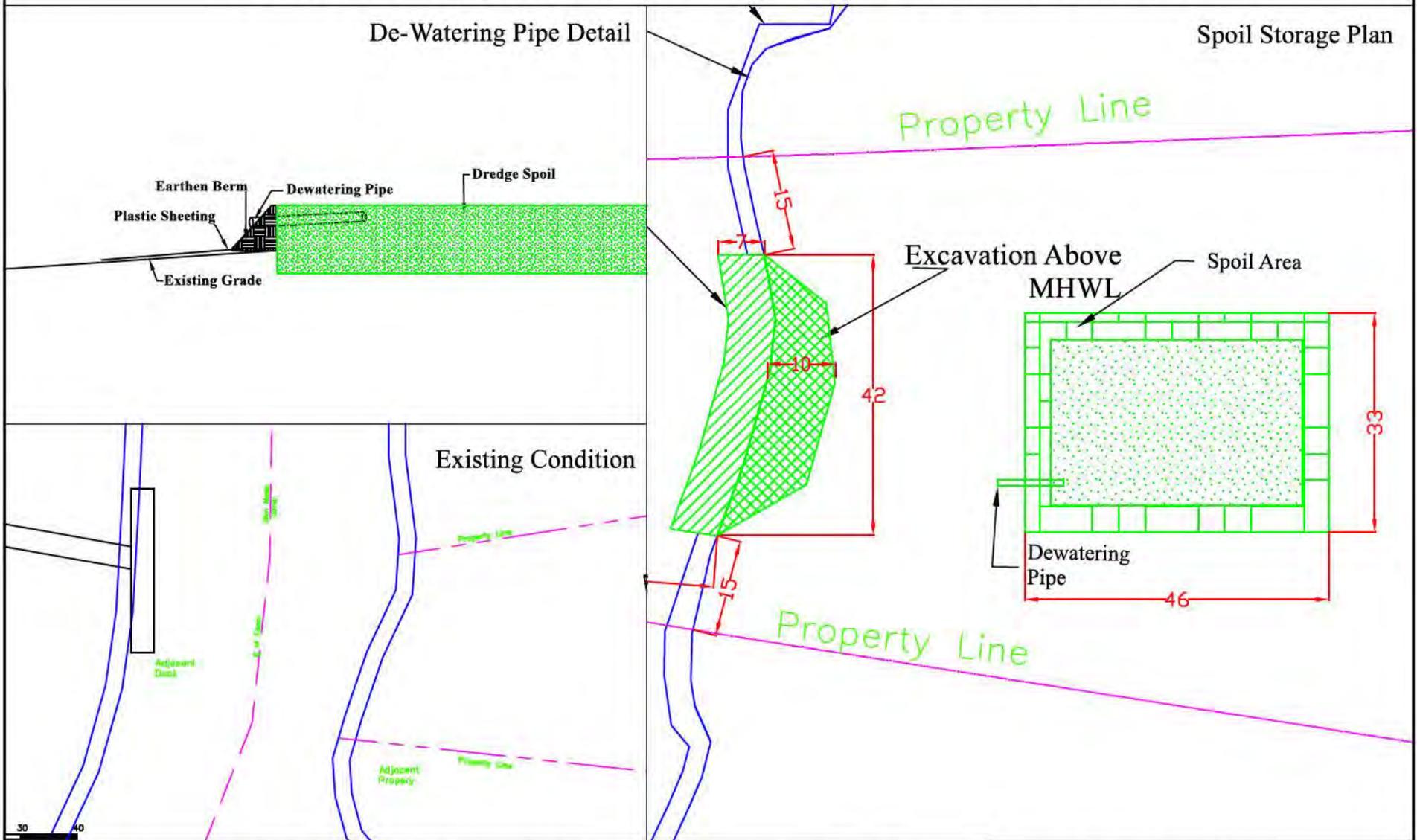
PREPARED FOR Scott & Michaely Bieber River Rd. Orange Beach, Alabama	DRAWN BY L. Kercher	DATE OF LAST REVISION June 2, 2021	FILE Bieber Property 5.10.21
CHECKED BY T. Hutchings	SCALE AS STATED	SHEET 2	

Bieber Property 5.10.21

For permitting only, not to be relied on for construction

De-Watering Pipe Detail

Spoil Storage Plan



Existing Condition



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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Boat Shelter 15'x30'
Boat Slip 13'x29'

Dept. of the Army // SAM-2020-00588-CDJ

Beiber Spoil Plan

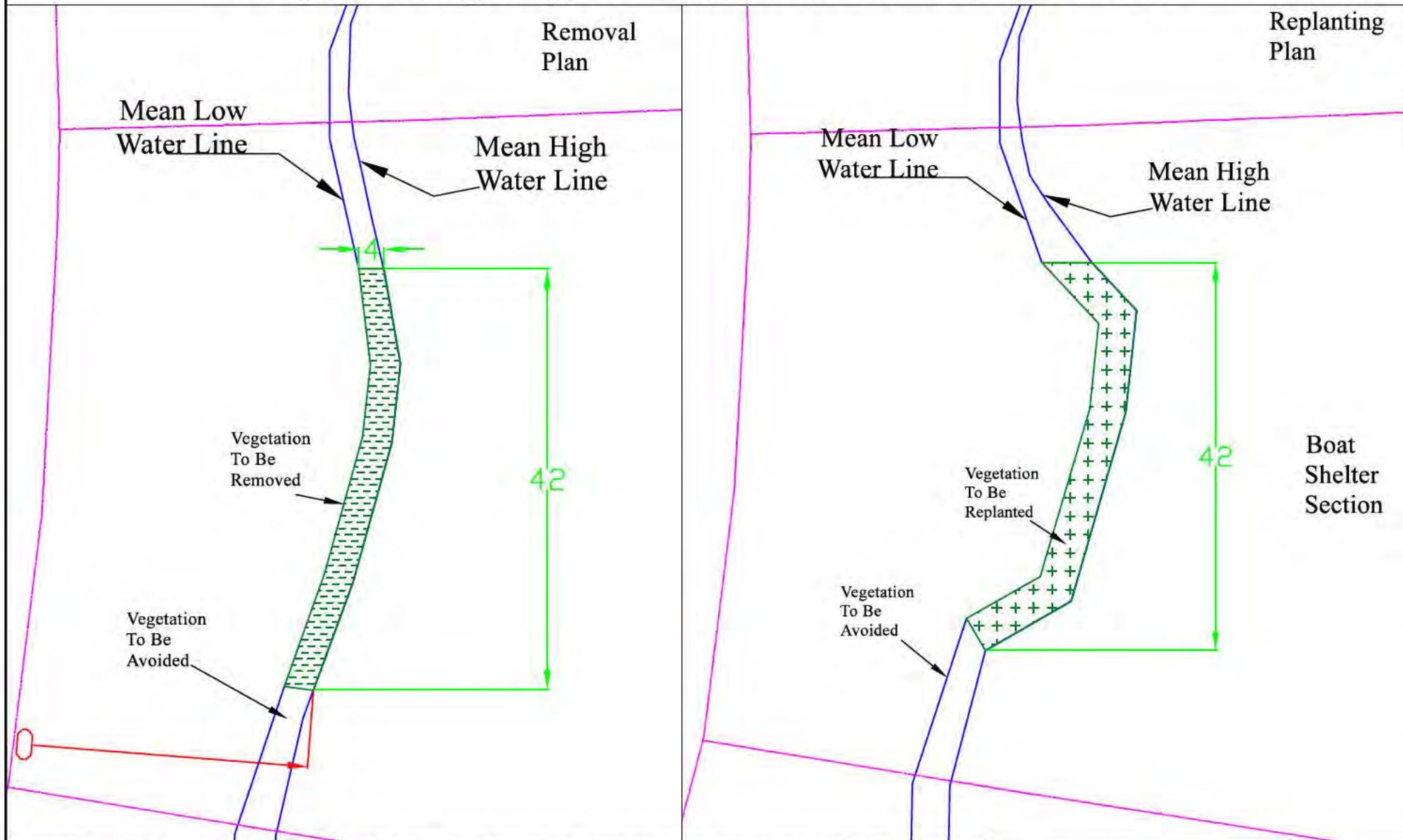


P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

PREPARED FOR Scott & Michael Bleiber River Rd. Orange Beach, Alabama	DRAWN BY L. Korcher	DATE OF LAST REVISION June 2, 2021	FILE Beiber Property 5.10.21
CHECKED BY T. Hutchings		SCALE AS STATED	SHEET 3

Beiber Property 5.10.21

For permitting only, not to be relied on for construction



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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Vegetation to be removed = 128 sq ft

Vegetation to be replanted = 194 sq ft

Bieber Vegetation Plan			
		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006	
PREPARED FOR Scott & Michael Bieber River Rd. Orange Beach, Alabama	DRAWN BY L. Kercher	DATE OF LAST REVISION June 2, 2021	FILE Bieber Property 5.10.21
CHECKED BY T. Hutchings	SCALE: AS STATED		SHEET 2