



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-2020-00742-ELB

August 21, 2020

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

REQUEST TO IMPACT 0.007 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 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. Darryl Britain
4375 Boulder Lake Circle
Vestavia Hills, Alabama 35242

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 Lot 76, Sandpiper Drive; within Section 33, Township 8 South, Range 6 East; at Latitude 30.29957° North, Longitude -87.47748° West; Ono Island Subdivision, Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The purpose of this project is to provide on-site watercraft storage and navigable access to an existing manmade canal on Ono Island. The project would provide sufficient clearance within the canal to construct a boat shelter without obstructing navigation.

PROPOSED WORK: The applicant has proposed to mechanically excavate a 900-square-foot area of uplands and waterbottoms to create an indented boat slip within an approximately 50-foot wide manmade Ono Island canal. Approximately 50 cubic yards of material would be excavated from below the plane of mean high water (MHW). The proposed work would impact 312 square feet (0.007 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The excavated material would be temporarily placed within an adjacent 1,088-square-foot upland containment area

surrounded by an earthen berm and silt fencing. After dewatering, the material would be spread across the applicant's upland lot.

Upon completion of the indented slip, the applicant would construct a 44-foot by 14-foot open-sided boat shelter structure with a single covered boat slip within the indented area. The boat shelter structure would be accessed by a 4-foot-wide by 20-foot-long access pier, of which 4 linear feet would extend waterward of the newly created MHW line within the indented slip. The completed structures would extend 18 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 by 4 feet from the edge of replanted tidal wetlands and the access pier would be constructed 5 feet above the MHW line in order to minimize shading of wetland vegetation. The applicant has proposed to utilize earthen berms and silt fencing during dewatering of the mechanically dredged material to prevent loss of sediment and turbidity in the adjacent waterway. Construction Best Management Practices (BMPs) would be implemented to prevent silt laden dredged material runoff 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 312 square feet (.007 acre) of tidal wetlands through the on-site creation of 312 square feet (0.007 acre) of new vegetated tidal wetlands created along the newly constructed bank of the proposed indented slip. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

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 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. 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 500 square feet (0.01 acre) of unvegetated estuarine substrate and 312 square feet (0.007 acre) of tidal marsh 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 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 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). No designated critical habitat exists within the project action area. This determination is being coordinated with the USFWS via this Public Notice for comment.

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.

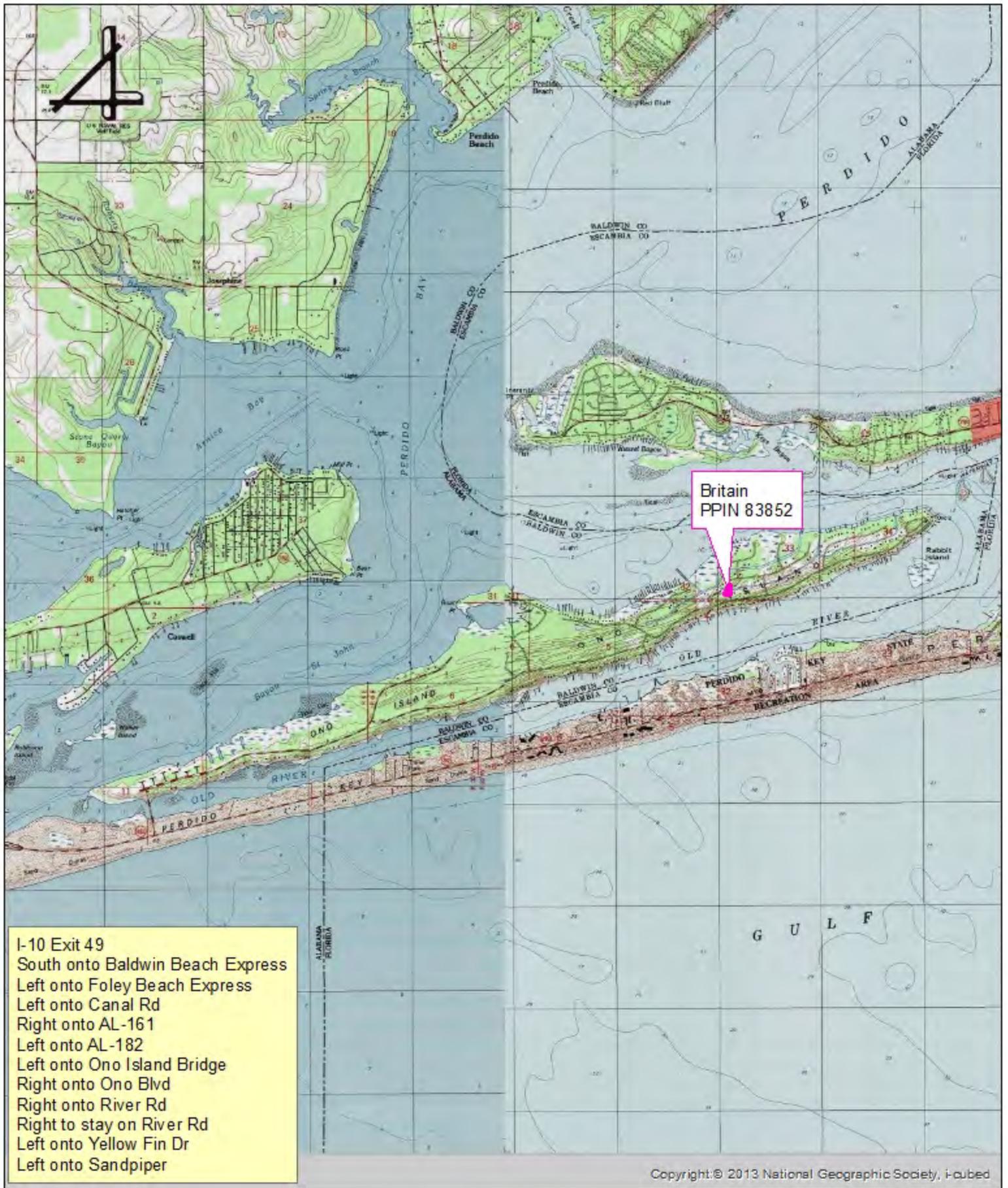
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably 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-2020-00742-ELB**, and should be directed to the project manager, Ms. Emma Bickerstaff by e-mail at Emma.L.Bickerstaff@usace.army.mil, or sent to: USACE, Mobile District, Regulatory Division, Attention: Ms. Emma Bickerstaff, 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.**

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



Britain
PPIN 83852

I-10 Exit 49
 South onto 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
 Right to stay on River Rd
 Left onto Yellow Fin Dr
 Left onto Sandpiper

Copyright © 2013 National Geographic Society, i-cubed



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

Project: Britain Ono Island
 Applicant: Darryl Britain

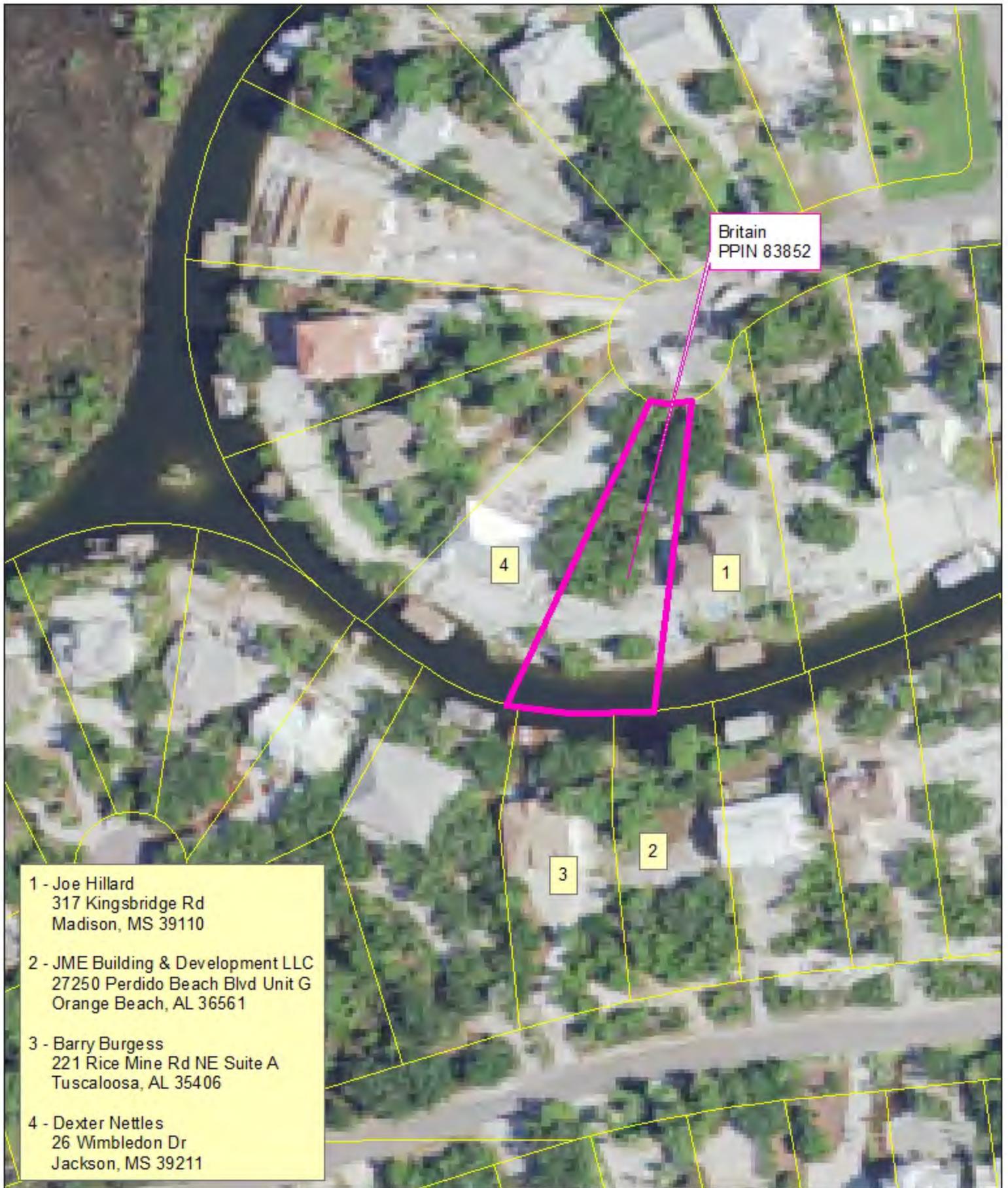
T-S-S, R-6-E, Sect. 33
 Orange Beach, AL

1 inch = 4,000 feet



Department of the Army // SAM-2020-00742-ELB





Britain
PPIN 83852

4

1

3

2

- 1 - Joe Hillard
317 Kingsbridge Rd
Madison, MS 39110
- 2 - JME Building & Development LLC
27250 Perdido Beach Blvd Unit G
Orange Beach, AL 36561
- 3 - Barry Burgess
221 Rice Mine Rd NE Suite A
Tuscaloosa, AL 35406
- 4 - Dexter Nettles
26 Wimbledon Dr
Jackson, MS 39211



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

Project: Britain Ono Island
Applicant: Darryl Britain

1 inch = 100 feet

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



Drawings are for permitting only and should not be used for construction.

Vegetation to be Removed



Vegetation to be Planted

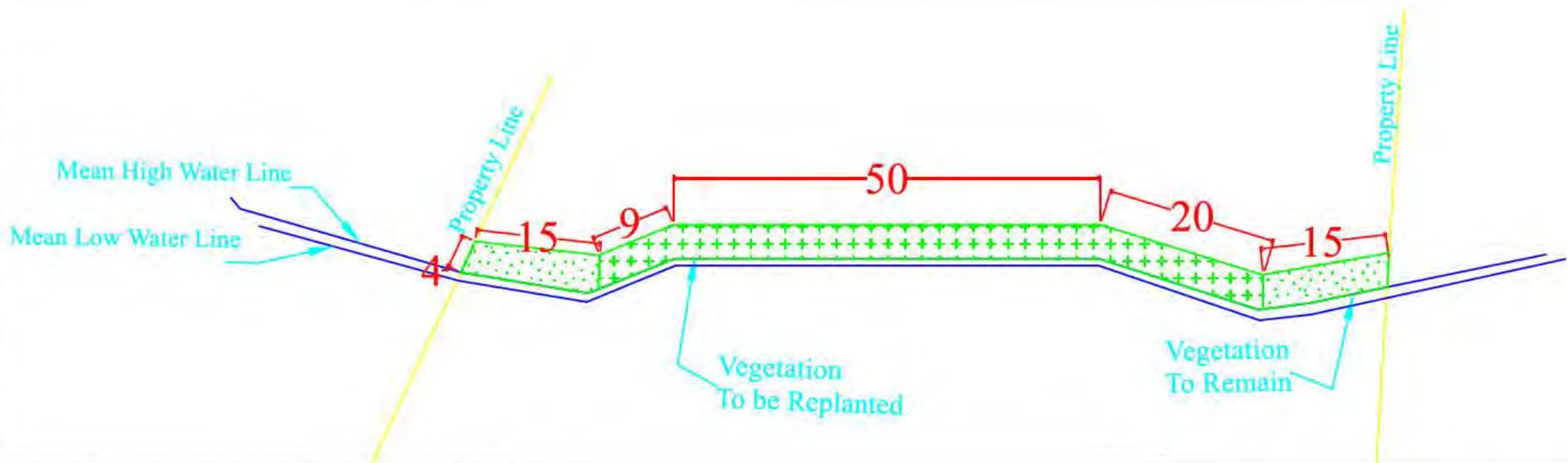
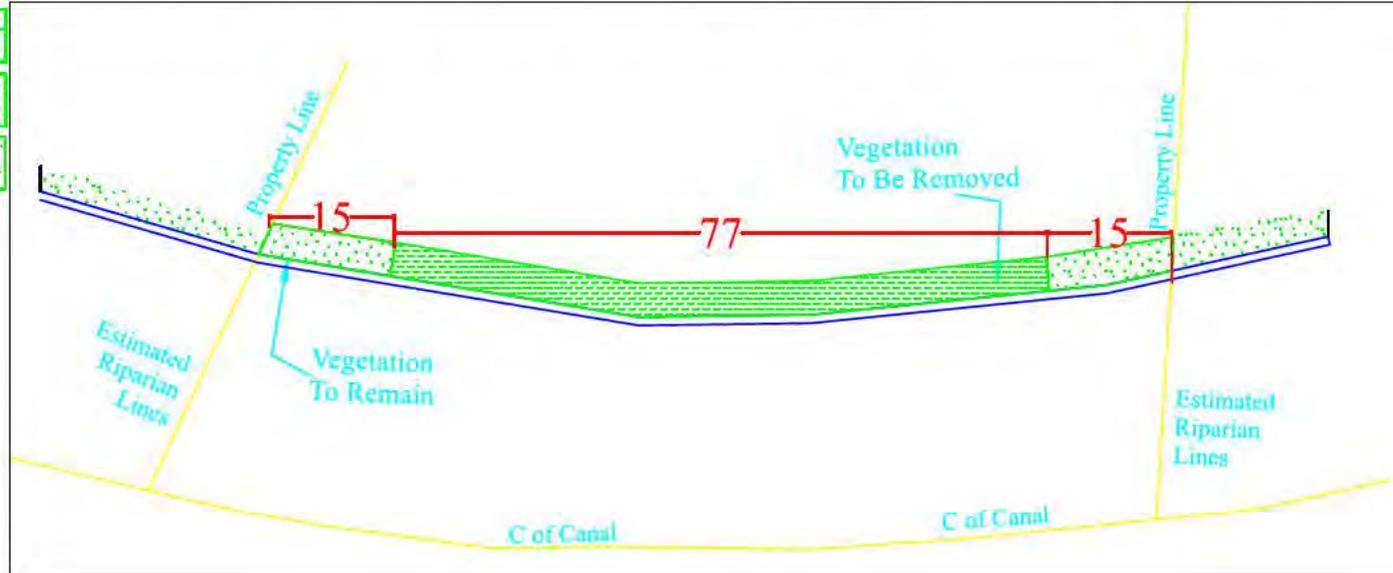


Vegetation to Remain



Vegetation to be
Removed = 312 sq ft

Vegetation to be
Planted = 312 sq ft



Note: All dimensions shown are measured in feet. Drawings are for 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.

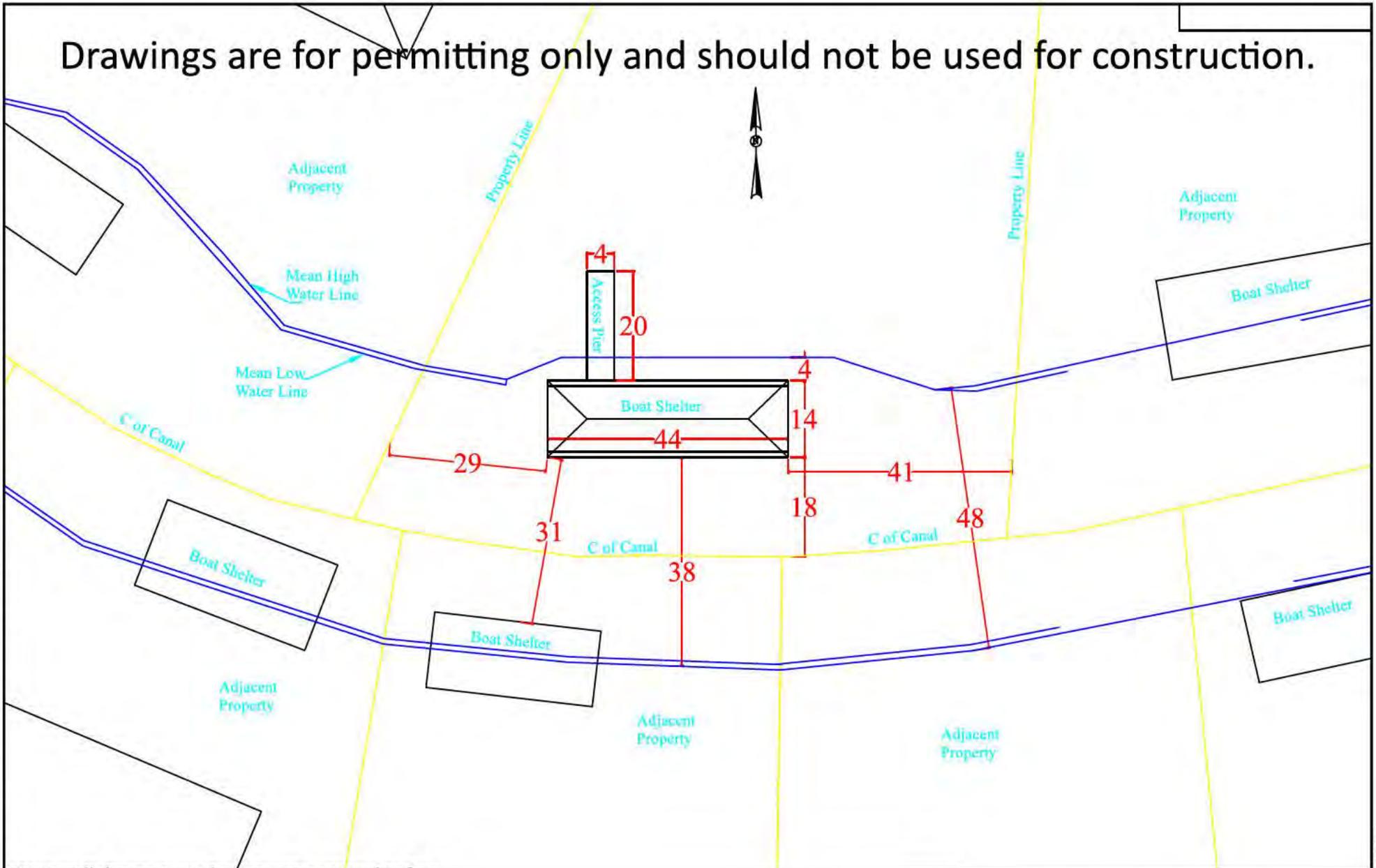
Britain Vegetation Plan

		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006	
PREPARED FOR Britain Property One Island Orange Beach	DESIGNED BY C. Johnson CHECKED BY L. Cassiday	DATE OF LAST REVISION 7/27/2020	TITLE Britain One Island 6-28-2020
		SCALE AS STATED	SHEET 6 of 6

Department of the Army // SAM-2020-00742-ELB

File: Britain One Island 6-28-2020

Drawings are for permitting only and should not be used for construction.



Note: All dimensions shown are measured in feet. Drawings are for 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.

All Measurements are made in feet

Britain Construction Site Plan



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

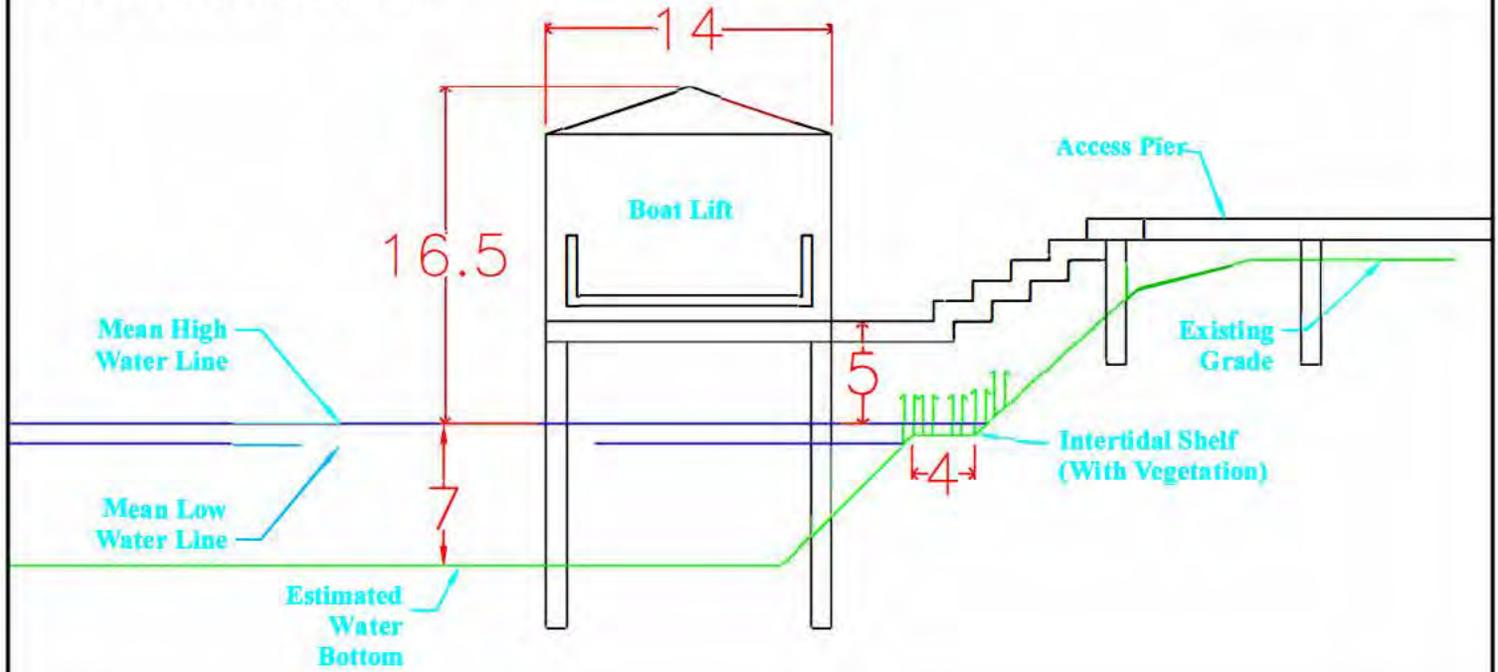
PREPARED FOR Britain Property One Island Orange Beach	DESIGNED BY C. Johnson	DATE OF LAST REVISION 07/11/2020	TITLE Britain One Island 6-28-2020
DRAWN BY L. Cassiday		SCALE AS STATED	SHEET 1 of 6

File: Britain One Island 6-28-2020

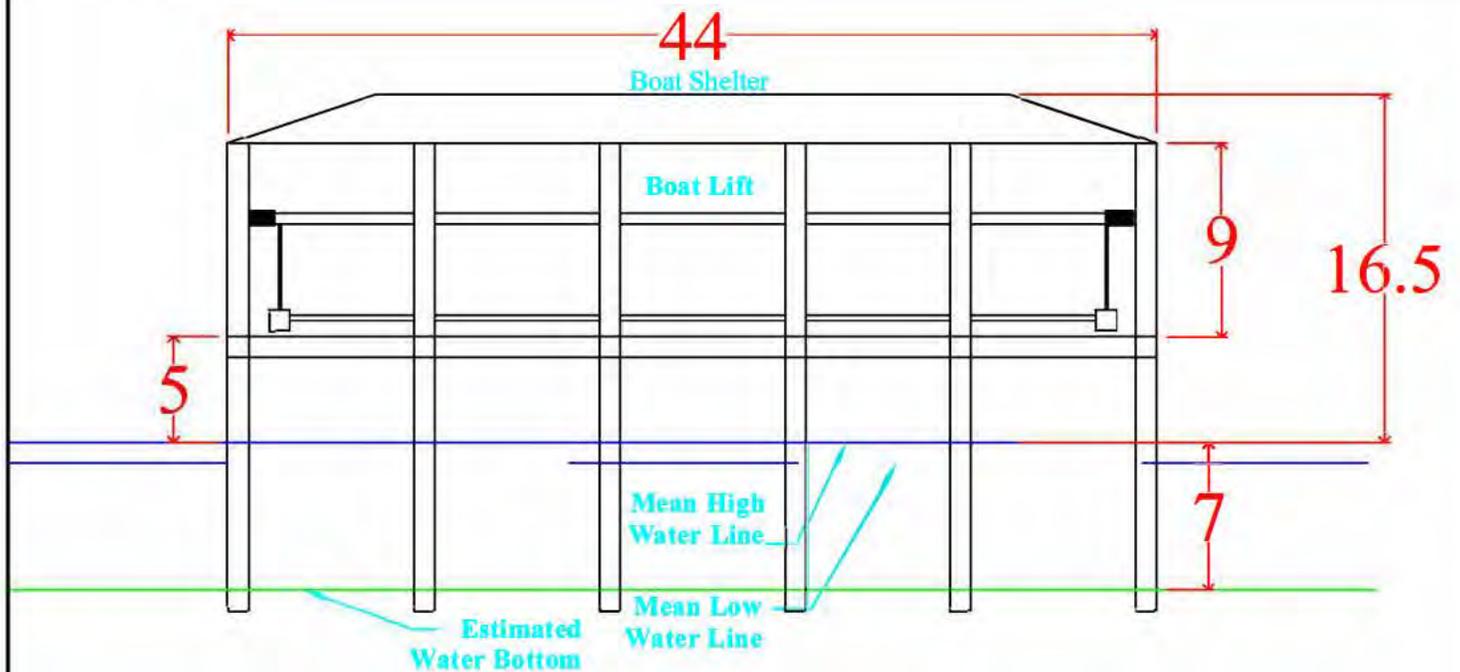
Department of the Army // SAM-2020-00742-ELB

Drawings are for permitting only and should not be used for construction.

Cross Section



Cross Section



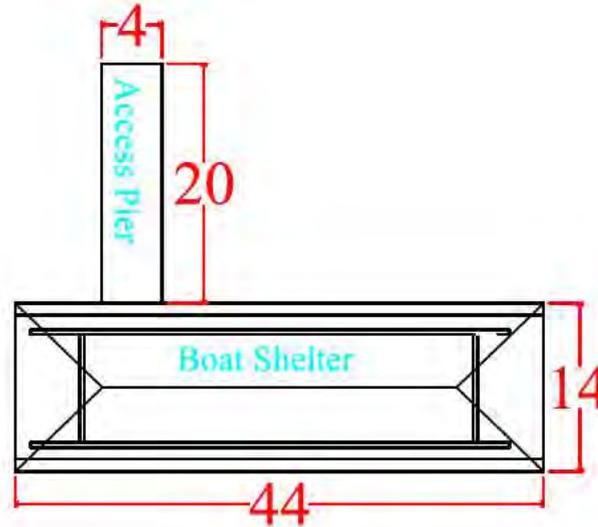
Note: All dimensions shown are measured in feet. Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Britain Cross Sections		
EcoSolutions ENVIRONMENTAL MEDICAL MANAGEMENT & PLANNING		P.O. BOX 381 MONTROSE, AL 36559 (251) 621-5006
PREPARED FOR Britain Property Orlando Beach	DRAWN BY C. Johnson CHECKED BY L. Costley	DATE OF LAST REVISION 07/27/2020 SCALE AS STATED
		FILE Britain One Island 6-28-2020 SHEET 2 OF 6

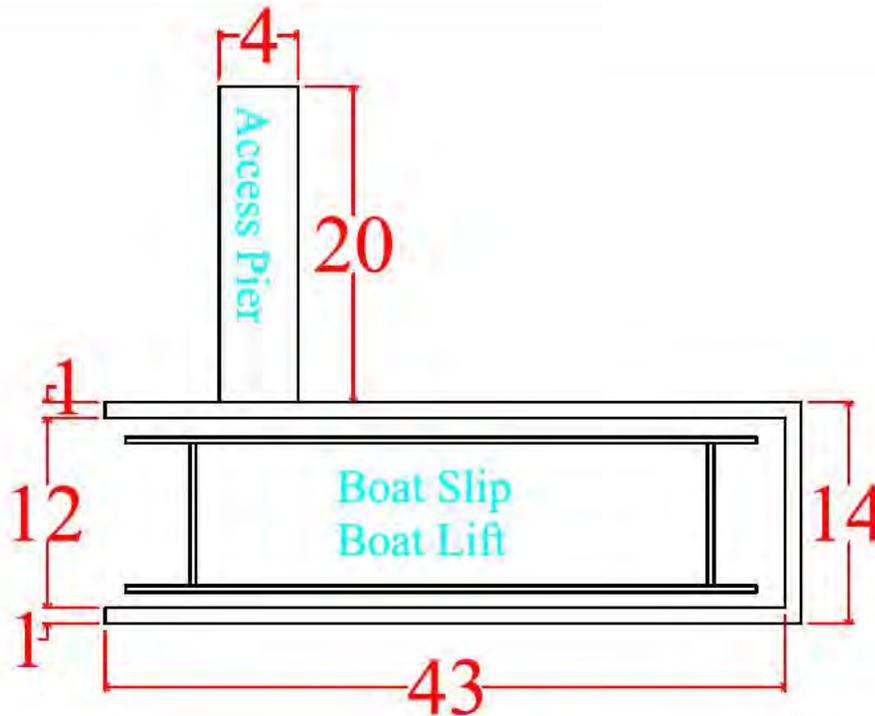
file: Britain One Island 6-28-2020

Drawings are for permitting only and should not be used for construction.

Roof Plan



Slip Plan



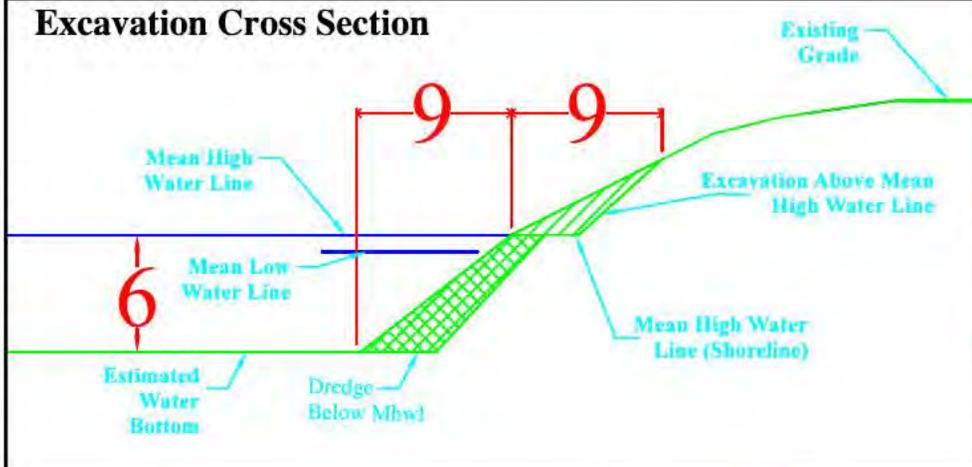
Note: All dimensions shown are measured in feet. Drawings are for permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Britain Boat Slip Plan		
EcoSolutions ENVIRONMENTAL, NEARSHORE, MANAGEMENT & PLANNING		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006
DESIGNED BY Britain Property Ono Island Orange Beach	DATE OF LAST REVISION 07/11/2020 DRAWN BY L. Conley	FILE Britain Ono Island 6-28-2020 SCALE AS STATED
		SHEET 3 OF 6

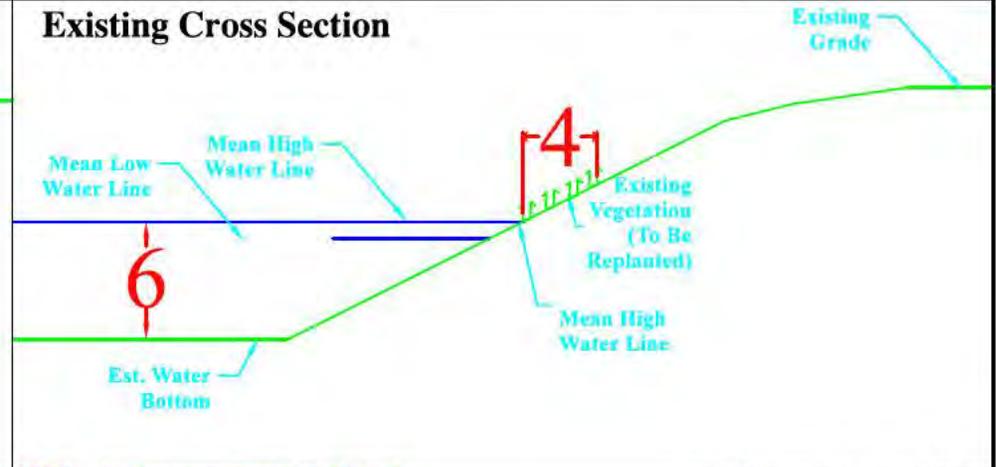
file: Britain Ono Island 6-28-2020

Drawings are for permitting only and should not be used for construction.

Excavation Cross Section



Existing Cross Section



Excavation Above MHWL



Excavation Below MHWL



Spoil Area



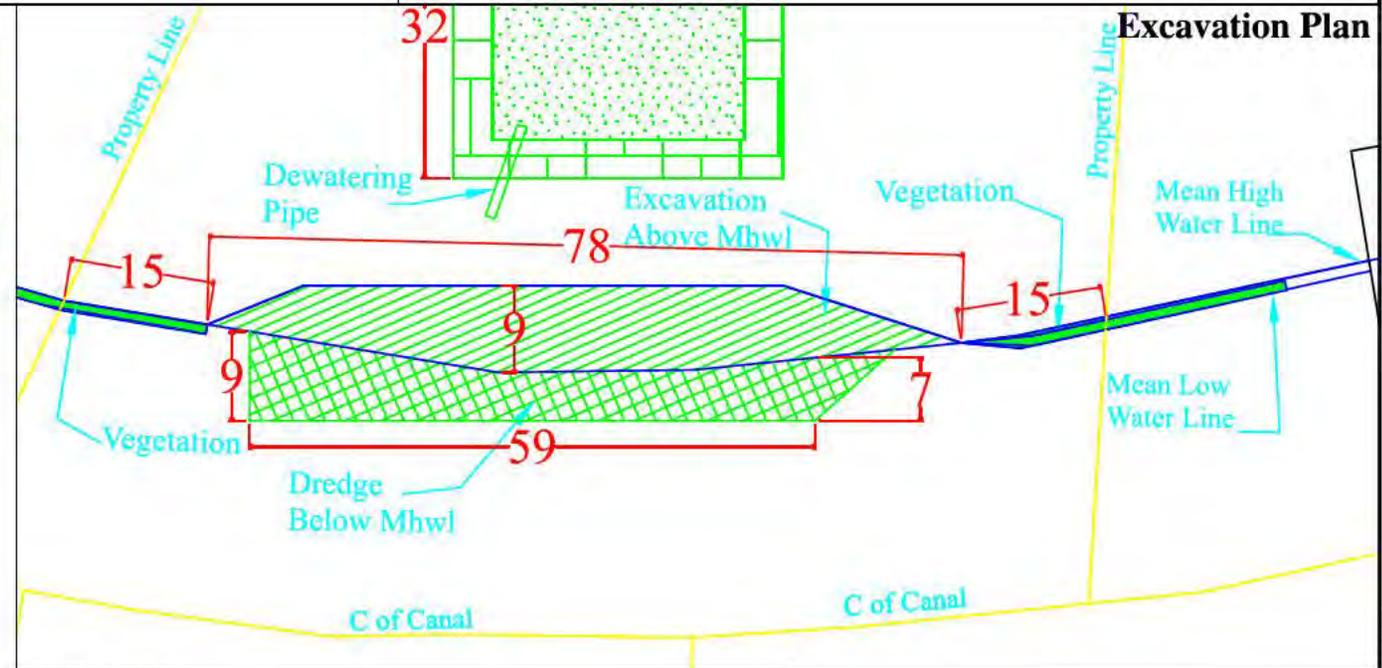
Dredge Area = 900 sq ft

Dredge Volume

Below MHWL = 50 cu yds

Excavation Volume

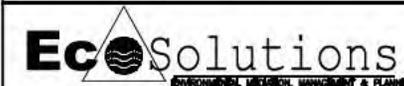
Above MHWL = 50 cu yds



Note: All dimensions shown are measured in feet. Drawings are for 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.

Britain Excavation Plan



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

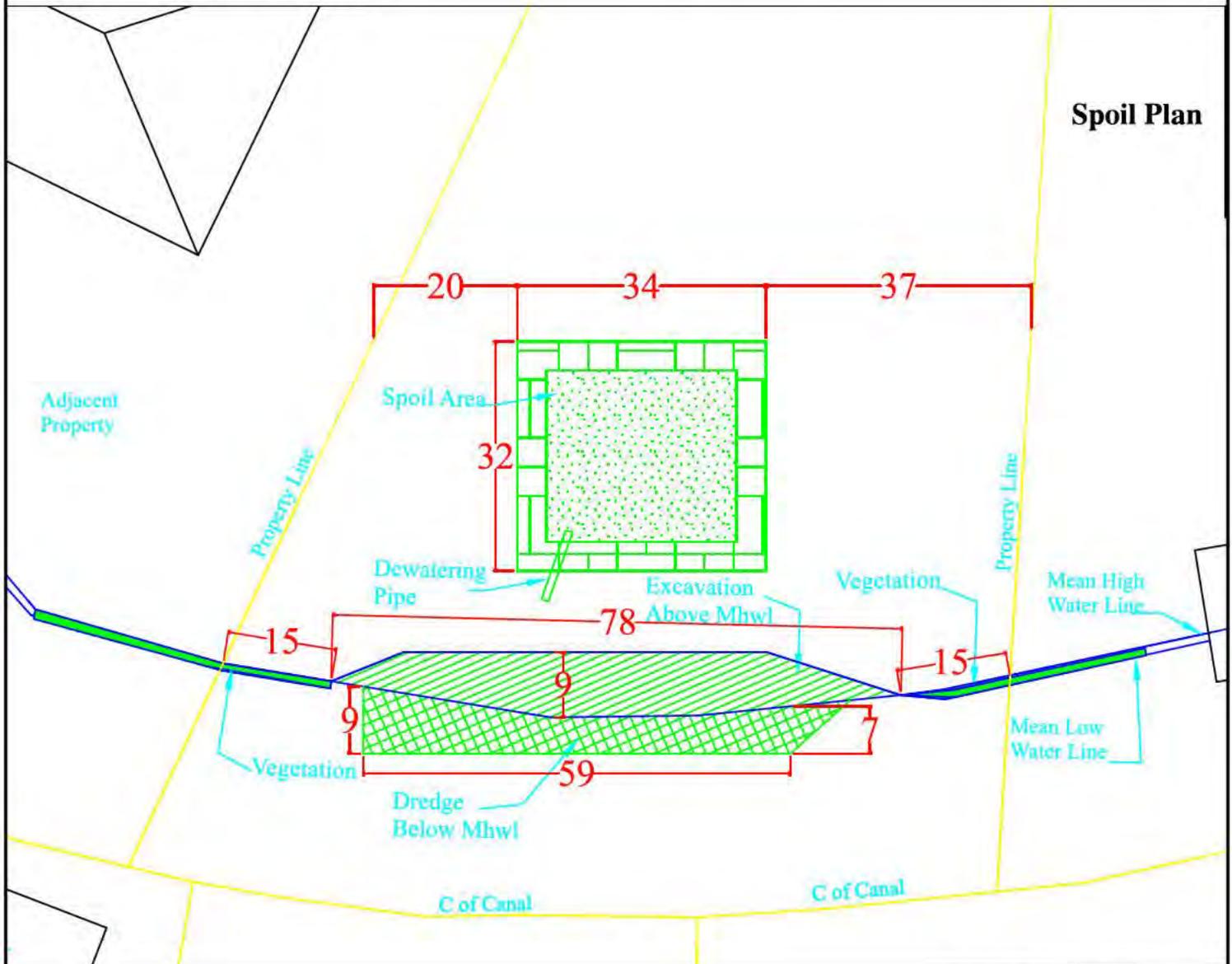
PREPARED FOR Britain Property One Island Orange Beach	DESIGNED BY C. Johnson	DATE OF LAST REVISION 07/27/2020	SHEET Britain One Island 6-28-2020
DRAWN BY L. Cassiday		SCALE AS STATED	SHEET 4 of 6

File: Britain One Island 6-28-2020

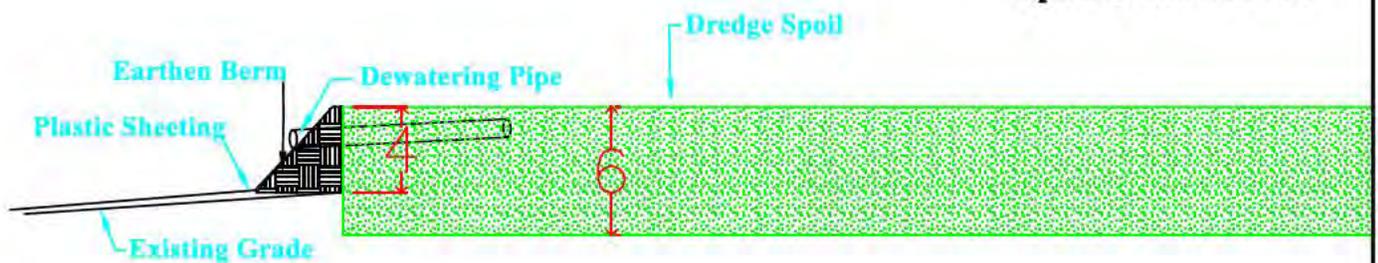
Department of the Army // SAM-2020-00742-ELB

Drawings are for permitting only and should not be used for construction.

Spoil Plan



Spoil Cross Section



Note: All dimensions shown are measured in feet. Drawings are for 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.

Britain Spoil Plan		
EcoSolutions ENVIRONMENTAL, NEARSH, MANAGEMENT & PLANNING		P.O. BOX 361 MONTROSE, AL 36559 (251) 621-5006
PREPARED FOR Britain Property Ono Island Orange Beach	DESIGNED BY C. Johnson CHECKED BY L. Conkley	DATE OF LAST REVISION 7/11/2020 SCALE AS STATED
		FILE Britain Ono Island 6-28-2020 SHEET 5 OF 6

file: Britain Ono Island 6-28-2020