



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-2020-00782-CDJ

October 21, 2020

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

REQUEST TO IMPACT 0.005 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. Patrick Hyde
4600 Lakeland Drive South
Hoover, Alabama 35244

AGENT: Clay Newell Construction
Attention: Mr. Clay Newell
19555 Oak Circle
Seminole, Alabama 36574

LOCATION: The project is located on a manmade canal off Perdido Bay, at Parcel 1, Marlin Key Drive; within Section 34, Township 8 South, Range 6 East; at Latitude 30.304167° North, Longitude -87.462676° West; 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 indented 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 222 cubic yards of material from a 490-square-foot area of uplands and a 435-square-foot area of waterbottoms to create an indented boat slip on a manmade canal. Approximately 87 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 204 square feet (0.005 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The dredged material would be placed within a

183-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 indented slip, the applicant proposes to construct a 29-foot by 14-foot open-sided boat shelter structure within the indented area. The boat shelter structure would be accessed by a 4-foot-wide pier, which would extend 8 feet waterward of the newly created MHW line within the indented slip and be constructed 4 feet in height above emergent tidal marsh. The completed structures would extend at total of 22 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 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 in order to minimize shading of wetland vegetation. The applicant has indicated that approximately 120 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 204 square feet (0.005 acre) of the existing tidal wetlands through the on-site creation of 216 square feet (0.005 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 permit area described above was reviewed by the USACE, Mobile District in order to make a determination on the potential for existence of significant cultural and historic properties. The National Register of Historic Places (NRHP), the Alabama Cultural Resource Online Database (ACROD), and Alabama Historical Commission - Online Historic Preservation Initiative were consulted for this review. The USACE, Mobile District has determined that the proposed project would have “no potential to affect historic properties” listed or eligible for listing on the NRHP, based on the negative results of the records search. In accordance with Appendix C of 33 CFR Part 325, no additional cultural resource work or consultation is required.

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 231 square feet (0.005 acre) of unvegetated estuarine substrate and 204 square feet (0.005 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 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. This preliminary determination is being coordinated with the U.S. Fish and Wildlife Service 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-2020-00782-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-2019-00794-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

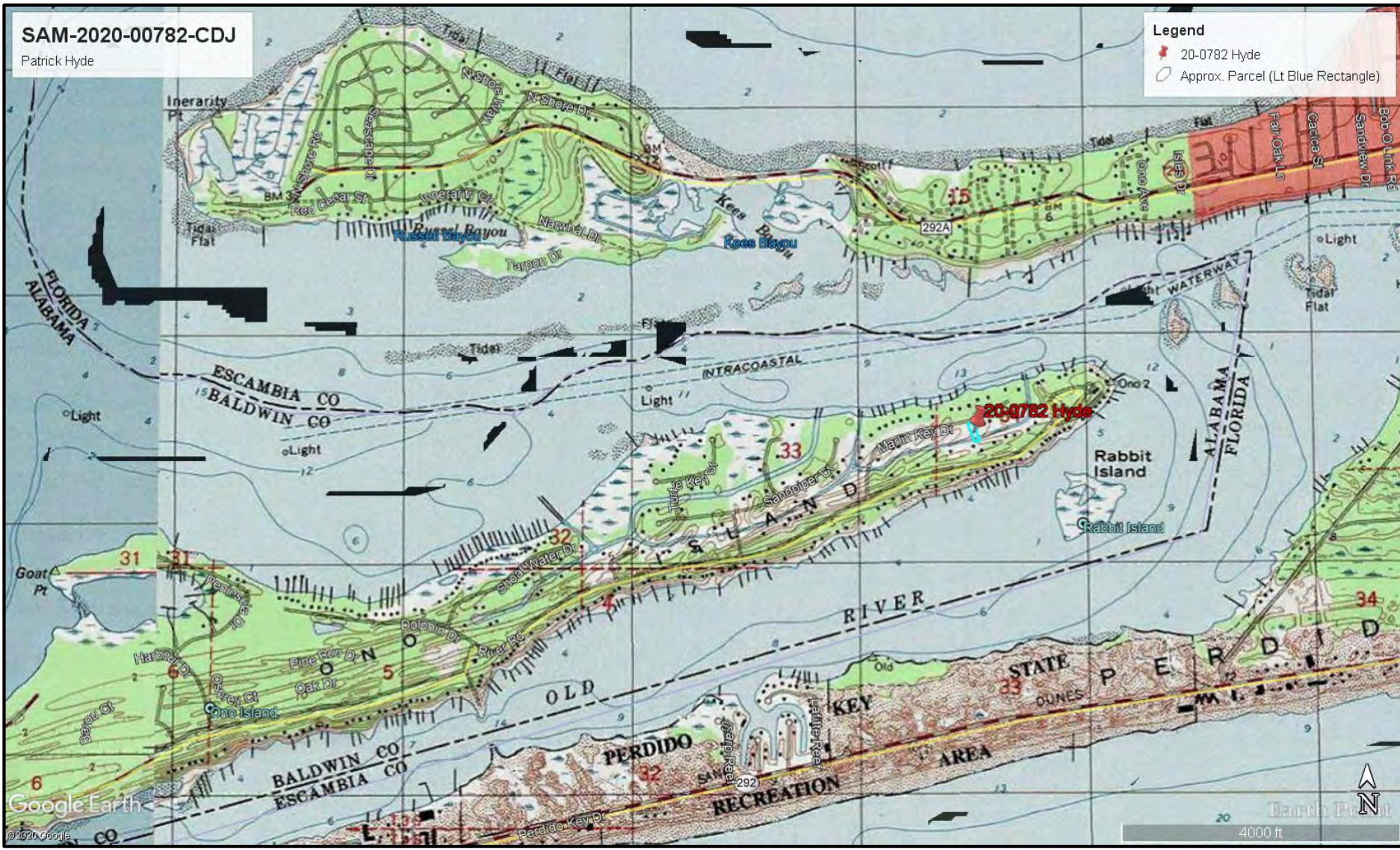
Attachments

SAM-2020-00782-CDJ

Patrick Hyde

Legend

- 20-0782 Hyde
- Approx. Parcel (Lt Blue Rectangle)



Dept. of the Army // SAM-2020-00782-CDJ

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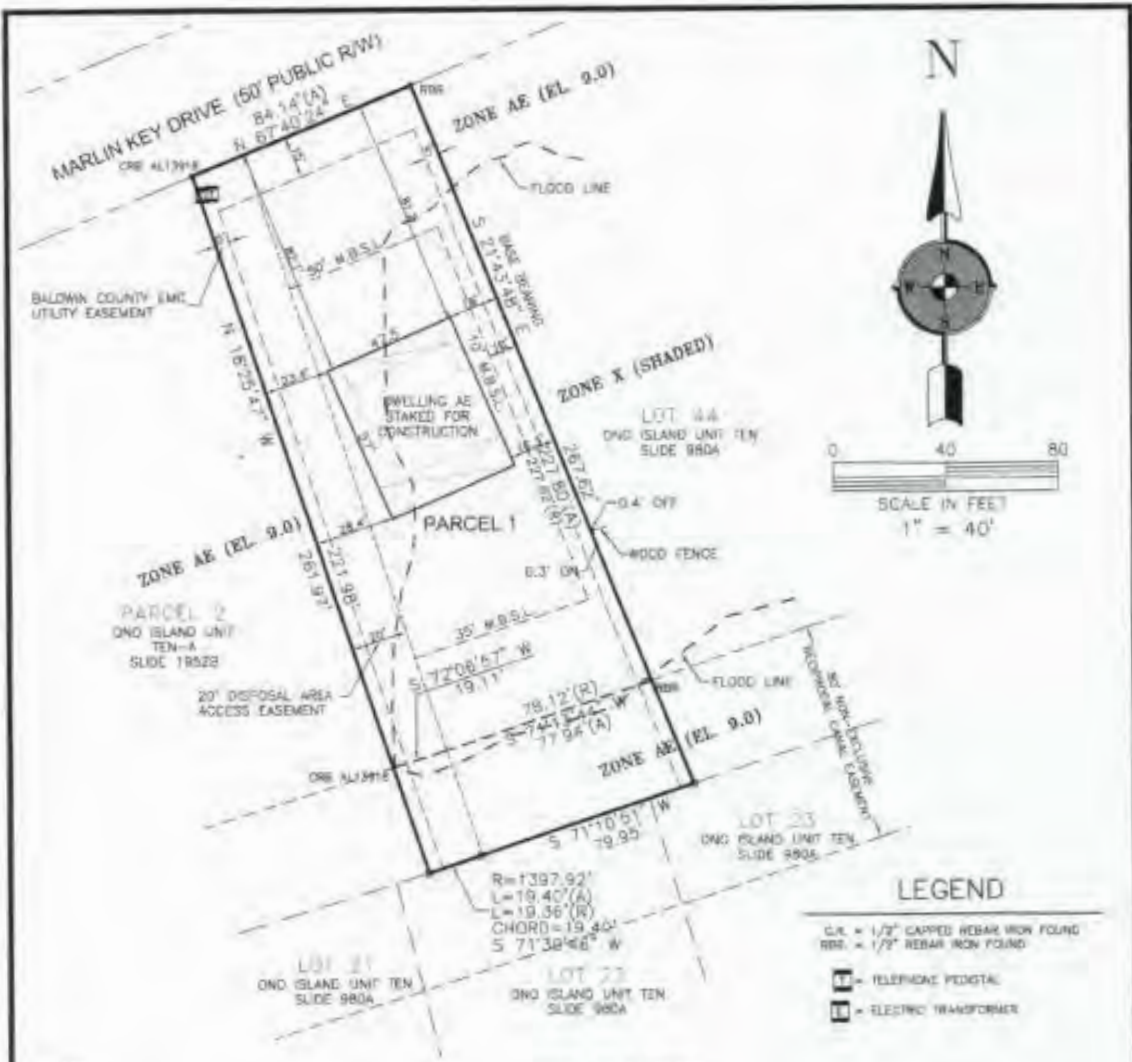
Patrick Hyde

Legend

- 20-0782 Hyde
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LEGEND

- C.R. = 1/2" CAPPED REBAR IRON FOUND
- R.R. = 1/2" REBAR IRON FOUND
- TELEPHONE PEDSTAL
- ELECTRIC TRANSFORMER

NOTES:

1. TYPE OF SURVEY: CONSTRUCTION STAKEOUT
2. BEARING BASED ON RECORD PLAT
3. PROPERTY IS LOCATED IN FLOOD ZONE AE (EL. 9.0) & ZONE "X" (SHADED) AS SCALED FROM FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY PANEL NO. 010000087M DATED 04/19/2019.
4. DWELLINGS STAKED AS PER PLOT PLAN OR ACCORDING TO OWNERS DIRECTION AND SETBACK LINES AS THEY APPEAR ON RECORDED PLAT OF SUBDIVISION. OWNER TO VERIFY ADDITIONAL SETBACKS OR OBTAIN VARIANCES FOR SETBACKS IF NEEDED AND ANY COVENANTS OR RESTRICTIONS THAT DO NOT APPEAR ON RECORDED PLAT OF SUBDIVISION OR PROVIDED THIS FIRM.
5. THIS SURVEY IS FOR CONSTRUCTION PURPOSES ONLY, IT IS RECOMMENDED A CLOSING SURVEY BE PERFORMED AFTER CONSTRUCTION TO VERIFY LOCATION OF DWELLING AND DISCOVERY OF ANY POSSIBLE ENCROACHMENTS.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, J. BRETT ORRELL, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY STATE THAT THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF;

PARCEL 1, ONO ISLAND SUBDIVISION UNIT TEN-A, AS RECORDED ON SLIDE 1952B, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA

THIS DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENT'S CONVEYANCE.

ACCORDING TO MY SURVEY THIS, THE 27th DAY OF FEBRUARY, 2020.

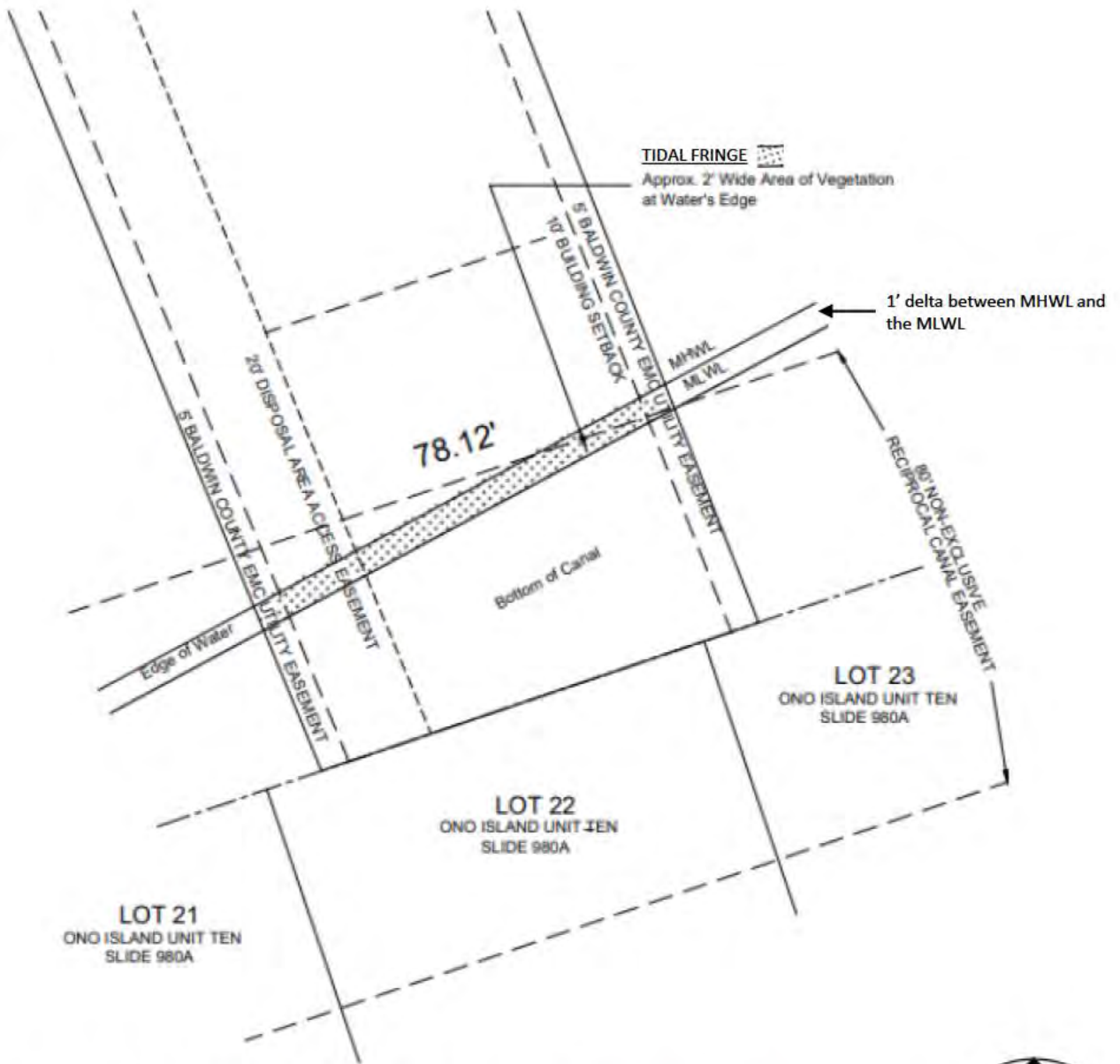
Dept. of the Army // SAM-2020-00782-CDJ

J. Brett Orrell
J. BRETT ORRELL, P.L.S., AIA, REG.

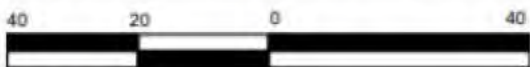
FOR CONSTRUCTION ONLY

THIS IS NOT A CLOSING SURVEY (SEE *NOTE)

	MOBILE CO. 5509 JACKSON HWY MOBILE, AL 36619 P: 251/686-2010 F: 251/686-1700	PARCEL 1, ONO ISLAND UNIT 10-A ONO ISLAND, ALABAMA		SHEET NO. 1 OF 1
	BALDWIN CO. 28016 HWY 90, SUITE F, DAFNE, AL 36526 P: 251/686-5035 F: 251/624-7395	CONSTRUCTION STAKEOUT		
1200 W. Park Ave., Suite 100, Birmingham, AL 35202 www.poly-surveying.com	DRAWN BY: JDE CHECKED BY: JDE	SURVEY DATE: 2020-02 DATE: 2020/03/02	SCALE: 1"=40' DWG: 2020-748.DWG	



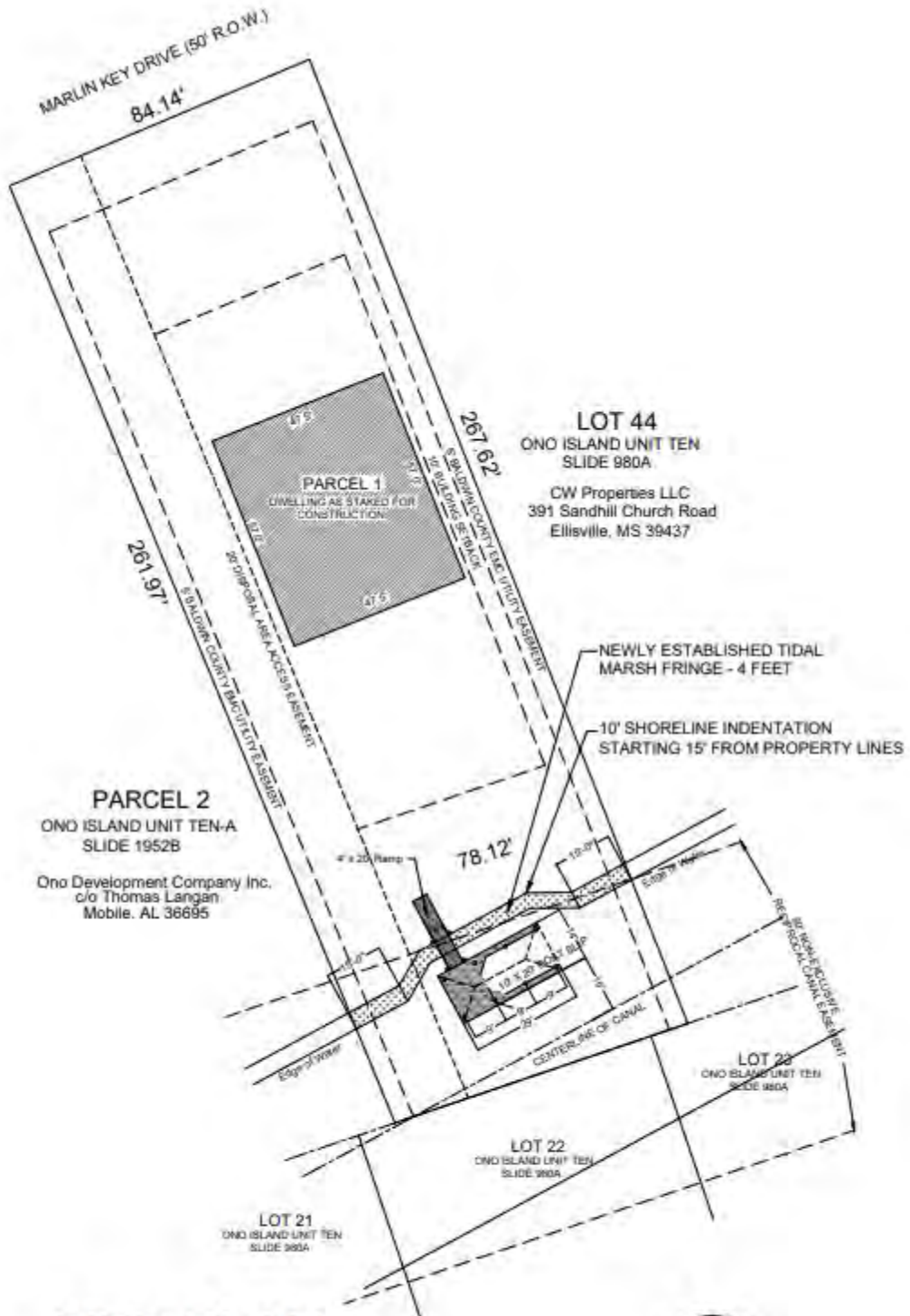
SITE PLAN BEFORE CONSTRUCTION



SCALE IN FEET



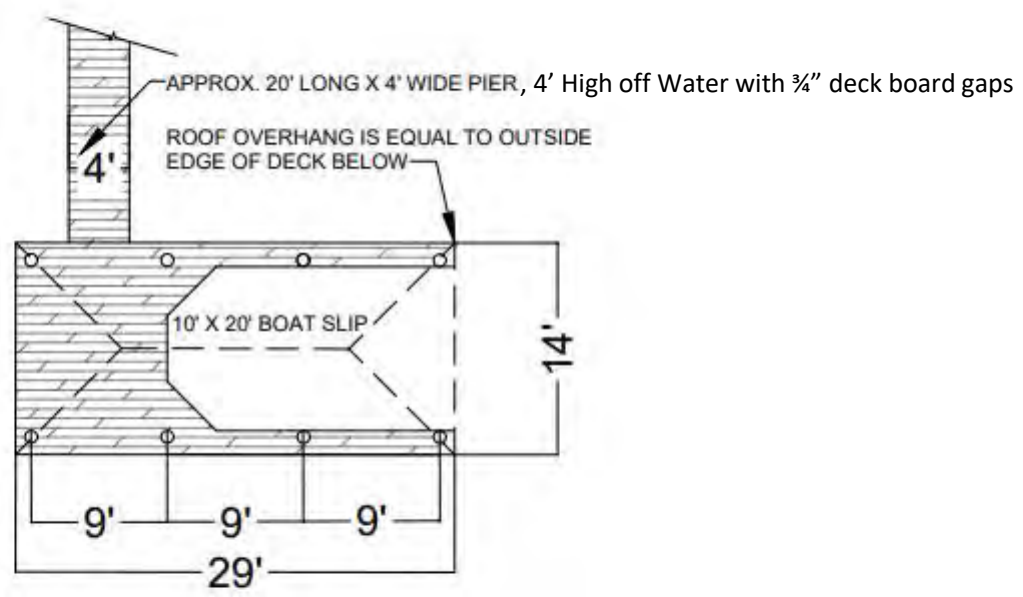
Dept. of the Army // SAM-2020-00782-CDJ



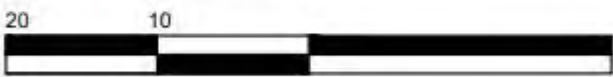
SITE PLAN



BALDWIN COUNTY
 PARCEL 1
 MARLIN KEY DRIVE, Orange Beach, AL
 PARCEL 63-08-34-0-000-002.105
 PPIN 231947
 ONO ISLAND UNIT 10-A SLIDE 1952-B SEC 34-T8S-R6E (WD)

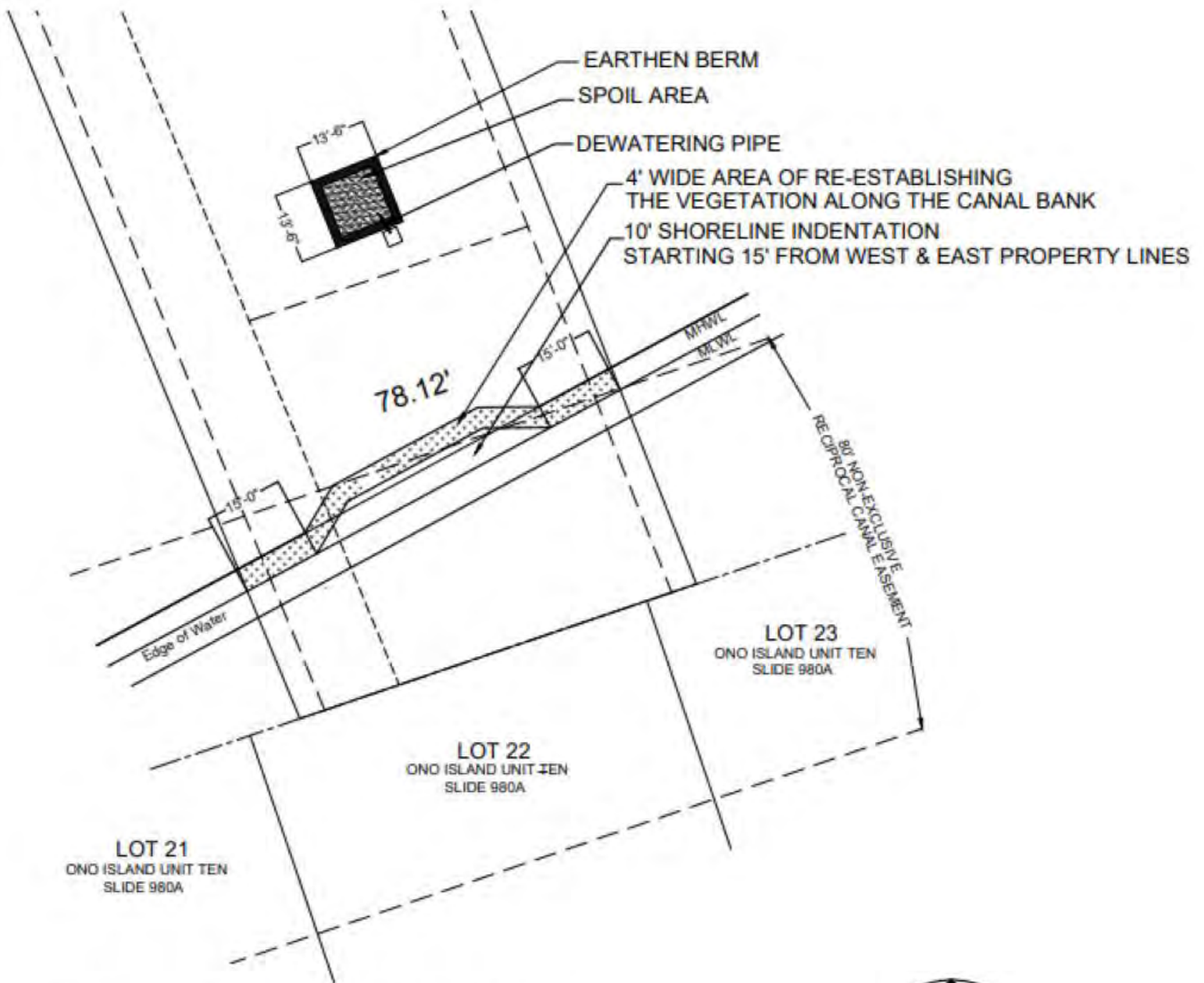


BOATHOUSE PLAN



SCALE IN FEET

1. Roof will be the same material and color as the residence roof.
2. Pier and Boathouse will be 12" from underwater grass fringe along canal.
3. The marsh grass fringe will be reconstructed in accordance with Ono Island and Corps of Engineers current regulation.
4. 4' High off Water with 3/4" deck board gaps



SITE PLAN DURING DREDGING

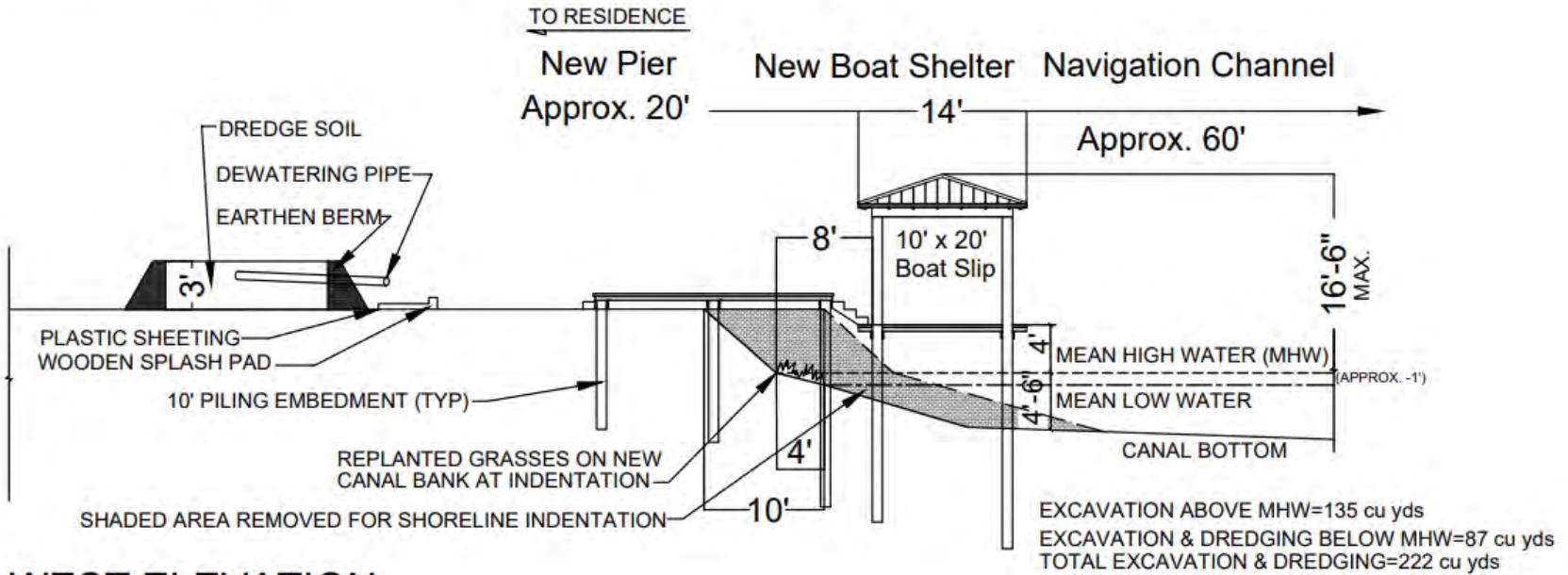


SCALE IN FEET



Dept. of the Army // SAM-2020-00782-CDJ

BALDWIN COUNTY
 PARCEL 1
 MARLIN KEY DRIVE, Orange Beach, AL
 PARCEL 63-08-34-0-000-002.105
 PPIN 231947
 ONO ISLAND UNIT 10-A SLIDE 1952-B SEC 34-T8S-R6E (WD)

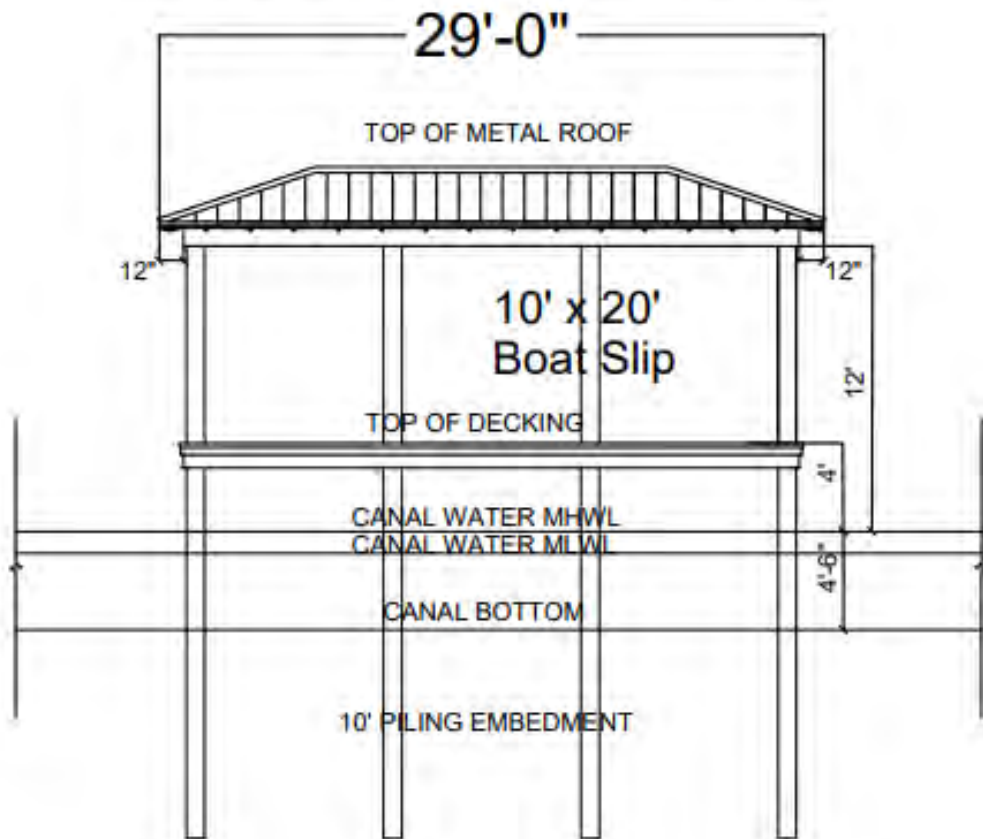


WEST ELEVATION



1. Roof will be the same material and color as the residence roof.
2. Pier and Boathouse will be 4' from underwater grass fringe along canal.
3. The marsh grass fringe will be reconstructed in accordance with Ono Island Regulations
4. Any pilings that fall within the SAV Region will be mechanically driven
5. 3/4" Spacing between deck boards (typ)

New Boat Shelter



SOUTH ELEVATION

20



SCALE IN FEET

1. Roof will be the same material and color as the residence roof.
2. Pier and Boathouse will be 12" from underwater grass fringe along canal.
3. The marsh grass fringe will be reconstructed in accordance with Ono Island and Corps of Engineers current regulation.
4. Any pilings that fall within the SAV Region will be mechanically driven.
5. 3/4" spacing between deck boards.

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