



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-2020-00818-JCC

September 21, 2020

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

REQUEST TO IMPACT 0.004 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. Tony and Ms. Rebecca Moyer
475 Nottingham Drive
Auburn, Alabama 36830

AGENT: Rowe Engineering & Surveying
Attention: Mr. Cecil "Zeke" Hudson
3502 Laughlin Drive, Suite B
Mobile, Alabama 36693

LOCATION: The project is located on a manmade canal off Perdido Bay, at 32235 River Road; within Section 33, Township 8 South, Range 6 East; at Latitude 30.299482° North, Longitude -87.476765° 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 300-square-foot area of uplands and waterbottoms to create an indented boat slip within an approximately 55-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 160 square feet (0.004 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The excavated material would be temporarily placed within an adjacent 1,200-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 and excess removed by barge.

Upon completion of the indented slip, the applicant would construct a 30-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 access pier, and completed structures would extend approximately 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 access pier would be constructed 5 feet above the MHW line and feature $\frac{3}{4}$ inch board spacing 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 160 square feet (0.004 acre) of tidal wetlands through the on-site creation of 160 square feet (0.004 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 300 square feet (0.007 acre) of unvegetated estuarine substrate and 160 square feet (0.004 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), piping plover (T), red knot (T), eastern indigo snake (T), green sea turtle (T), Kemp's Ridley sea turtle (E), and Loggerhead sea turtle (T) and is not likely to adversely affect the following species: West Indian manatee (T) and wood stork (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-2020-00818-JCC**, and should be directed to the project manager, Ms. Jessica Comeaux by E-mail at Jessica.C.Comeaux@usace.army.mil, or sent to: USACE, Mobile District, Regulatory Division, Attention: Ms. Jessica Comeaux, 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



VICINITY MAP

DRIVING DIRECTIONS

Beginning at the Intersection of Perdido Beach Boulevard and Ono Island Bridge, head North on Ono Island Bridge for 0.3 miles, turn right onto Ono Boulevard and continue for 1.5 miles, turn right onto River Road and continue for 1.8 miles, turn right to stay on River Road for 0.6 miles to property on the North side of road.

LEGAL DESCRIPTION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Lot 5, Ono Island Subdivision, Unit Eleven, as recorded in Map Book 12, Page 51, Probate Court Records, Baldwin County, Alabama.

PROPOSED BOATHOUSE

FOR PERMIT USE ONLY VICINITY MAP



ROWE
ENGINEERING & SURVEYING
CONSULTING ENGINEERS

3502 LAUGHLIN DR • SUITE B • MOBILE, AL 36693
PHONE 251-666-2766 • FAX 251-660-1040

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ACAD: 51156 pp2.dwg
DRAWN BY: BWL
SCALE:

JOB: 51156
FB: 2008/34-35
TAX:
PLAT DATE: 06/18/2020

CHECKED
BY: CTH
PG: 1 OF 3


Viewer Map



June 30, 2020

polygonLayer


 Override 1


 Misc

 Parcels

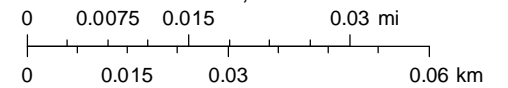
 Centerlines

 Coastal Control Line

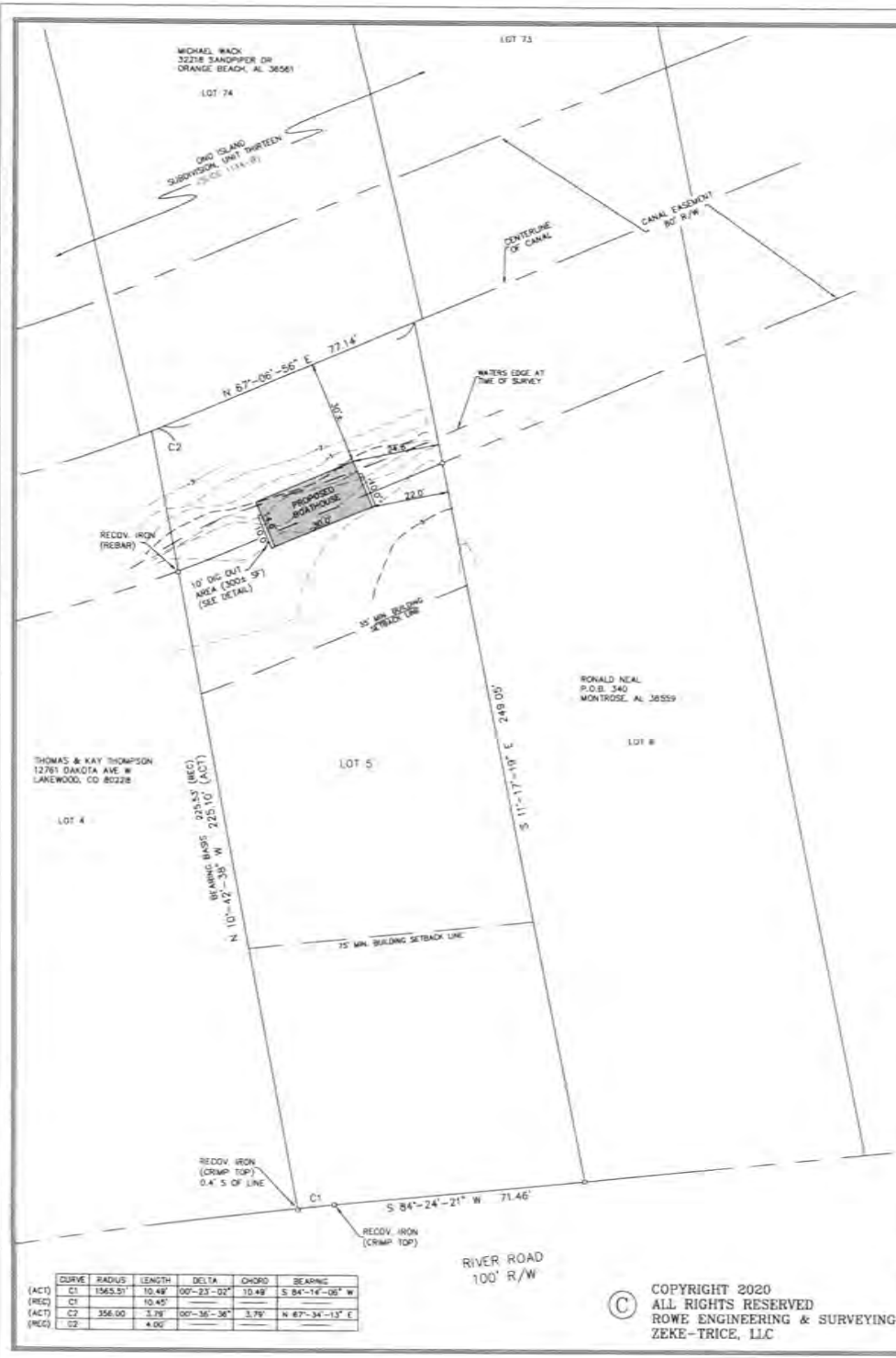
 Lot Lines

 County Boundary

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



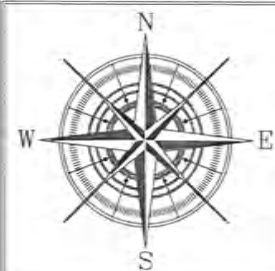
NOTES:

- 1.) Standards of Practice for Land Surveying in Alabama require that "the horizontal position of physical features must be plotted to 1/20th inch of final map scale". Dimensions "snapped" from the electronic version of this map should be considered to be no more accurate than 1/20th of the map scale noted. Critical clearance dimensions must be field checked.
- 2.) Line labeled waters edge on this plat do not represent a rigorous determination of the mean high water line. The mean high water line is the delineation between privately held property and the waters of the United States of America and or State of Alabama.
- 3.) Elevations on this plat are referenced to NAVD 88, established by RTK GPS utilizing ALDOT Net as a continuously operating reference station.
- 4.) Owner(s): Tony Moyer & Rebecca Moyer
475 Nottingham Drive
Auburn, AL 36830
- 5.) Property Address: 32235 River Road
Orange Beach, AL 36561
- 6.) Additional Contact: Dock and Decks (251) 525-0422



SCALE: 1" = 50'

PROPOSED BOATHOUSE
FOR PERMIT USE ONLY SITE PLAN



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PHONE 251-666-2766 • FAX 251-660-1040

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
(ACT) C1	1565.51'	10.44'	00°-23'-02"	10.44'	S 84°-14'-05" W
(REC) C1	10.45'				
(ACT) C2	356.00'	3.79'	00°-36'-36"	3.79'	N 87°-34'-13" E
(REC) C2	4.00'				

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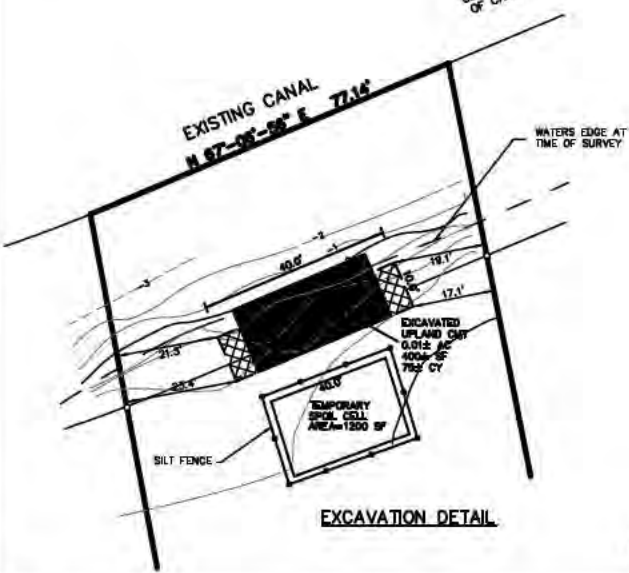
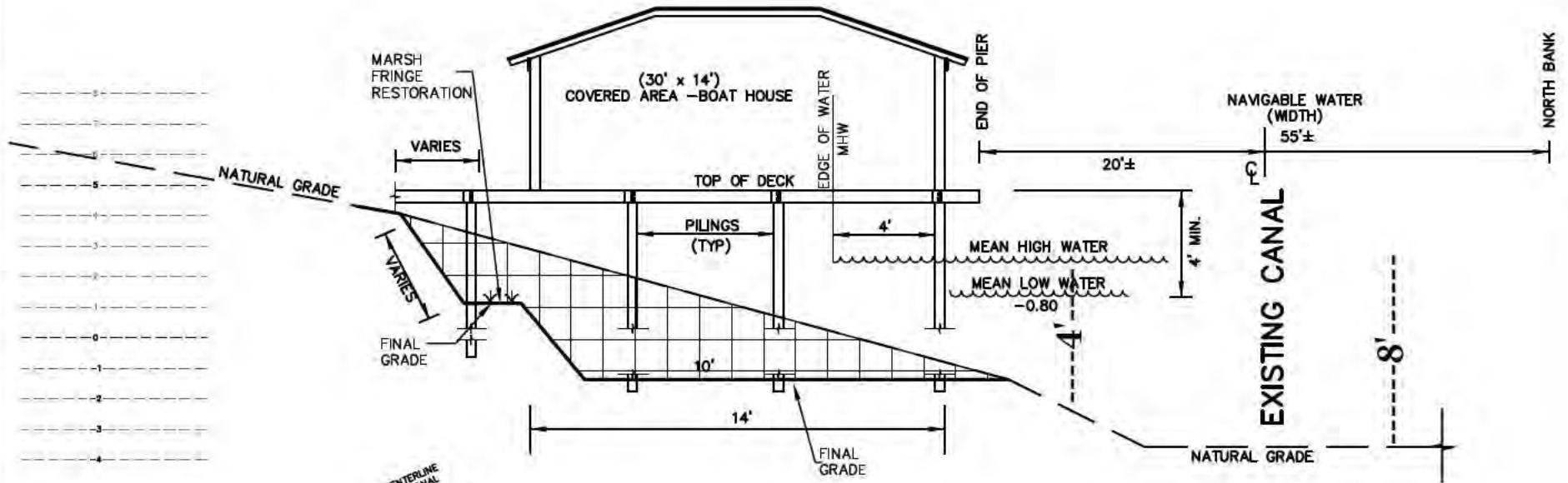
ACAD: 51156 pp2.dwg
DRAWN BY: BWL
SCALE: 1" = 50'

JOB: 51156
FB: 2008/34-35
TAX:
PLAT DATE: 06/18/2020

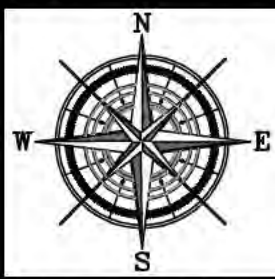
CHECKED
BY: CTH
PG: 2 OF 3

NOTES:

- 1.) Top of deck shall be 4' above mean high water line.
- 2.) Top of deck shall be 5' above submerged aquatic vegetation (SAV) or submersed grass beds.
- 3.) The decking of structures constructed over emergent wetlands or submersed grass beds must feature spaces of at least 0.75' width between decking boards.



**PROPOSED BOATHOUSE
FOR PERMIT USE ONLY PROFILE & DETAILS**



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PLAT DATE: 06/18/2020

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PC: 3 OF 3