



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-2020-01178-LML**

**January 29, 2021**

**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 INCISED 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. Ron Yaeger  
123 South Drive  
Fairhope, Alabama 36532

**AGENT:** Wetland Sciences, Incorporated  
Attention: Mr. Keith Johnson  
3308 Gulf Beach Highway  
Pensacola, Florida 32507

**LOCATION:** The project is located on a manmade canal off Perdido Bay, at 32251 River Road; within Section 33, Township 9 South, Range 5 East; at Latitude 30.299588° North, Longitude 87.476561° 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 incised 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 94 cubic yards of material from a 237-square-foot area of uplands and a 398-square-foot area of waterbottoms/emergent wetlands to create an incised boat slip on a manmade canal. Approximately 32 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 158 square feet (0.004 acre) of tidal wetlands located on an intertidal shelf along the existing canal bank. The dredged material would be placed within a dewatering cell in adjacent uplands, with containment provided by

trenched 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 incised slip, the applicant proposes to construct a 30-foot by 14-foot open-sided boat shelter structure within the incised area. The boat shelter structure would be accessed by a 4-foot-wide pier, which would extend 1 foot waterward of the newly created MHW line within the incised slip and be constructed 5 feet in height above emergent tidal marsh. The completed structures would extend 15 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 that the proposed excavation of the incised 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 107 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 158 square feet (0.004 acre) of the existing tidal wetlands through the on-site creation of 160 square feet (0.004 acre) of new tidal wetlands created along the newly constructed bank of the proposed incised 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 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 240 square feet (0.003 acre) of unvegetated estuarine substrate and 158 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:** 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 or threatened species with the potential to exist within the manmade canal or the watershed of the project: West Indian manatee (*Trichechus manatus*) (T), Alabama beach mouse (E), Perdido Key beach mouse (E), 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 the Alabama beach mouse, Perdido key beach mouse, piping plover, red knot, wood stork, eastern indigo snake, green sea turtle, Kemp's ridley sea turtle, or loggerhead sea turtle. The review also found the activity may affect, but is not likely to adversely affect the West Indian manatee. 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 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.

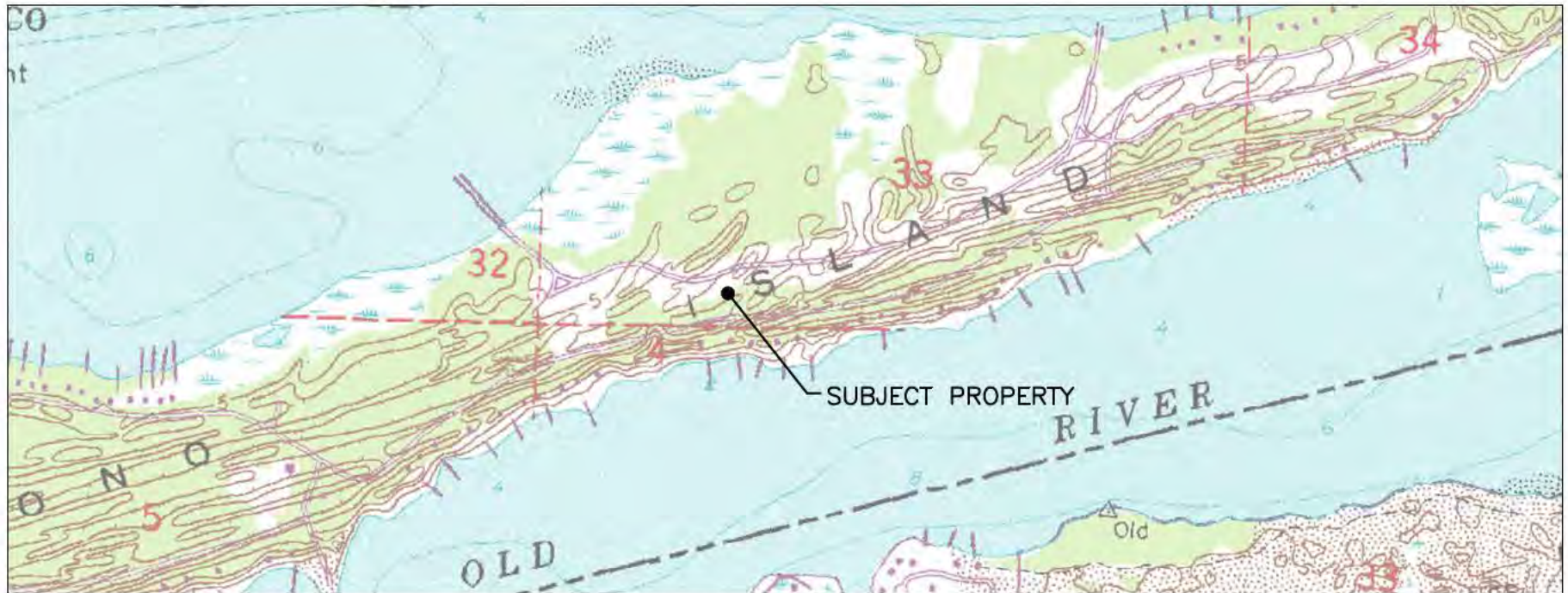
Correspondence concerning this notice should refer to Public Notice Number **SAM-2020-01178-LML**, and should be directed to the project manager, Ms. Lacey M. Leaptrott by e-mail at [Lacey.M.Leaptrott @usace.army.mil](mailto:Lacey.M.Leaptrott@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Lacey M. Leaptrott, 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](mailto: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. Lacey Leaptrott by e-mail at [Lacey.M.Leaptrott @usace.army.mil](mailto:Lacey.M.Leaptrott@usace.army.mil), or (251) 694-3779. Please refer to the above Public Notice Number SAM-2020-01178-LML, 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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments



Directions to the site from downtown Mobile: Merge onto I-10 E towards Pensacola. IN 21.3 miles take exit 48 and turn right onto Baldwin Beach Express. In 12.9 miles use the left two lanes to merge onto Foley Beach Express. In 12.9 miles turn left onto Canal Road. In 3 miles turn right onto Orange Beach Blvd. In 3.1 miles turn left onto Ono Island Bridge. There is a manned gate here, you will need the owner to contact security before being permitted onto the island. Turn right onto Ono Blvd. In 1.5 miles turn right onto River Road. In 1.8 miles turn right to stay on River Road. The destination will be on your left in .6 miles with an address of 32251 River Road. Please call 850-453-4700 with any questions.

**SUBJECT PROPERTY**

PARCEL ID#  
 05-63-08-33-0-000-001.080  
 PROPERTY OWNER  
 Ronald Yaeger  
 123 South Drive  
 Fairhope, AL 36532

**PROJECT LOCATION**

32251 River Road  
 Ono Island Subdivision  
 Orange Beach, AL 36561  
 LAT: 30.299588°  
 LONG: -87.476561°

**INDEX OF SHEETS**

| SHEET NO. | DESCRIPTION                      |
|-----------|----------------------------------|
| 1         | SITE LOCATION MAP                |
| 2         | EXISTING SITE CONDITIONS         |
| 3         | OVERALL SITE PLAN                |
| 4         | CLOSE UP - MITIGATION            |
| 5         | CLOSE UP - MITIGATION AND DOCK   |
| 6         | SPOIL CELL CROSS SECTION         |
| 7         | DOCK AND DREDGE CROSS SECTION    |
| 8         | WATERWARD VIEW OF DOCK STRUCTURE |



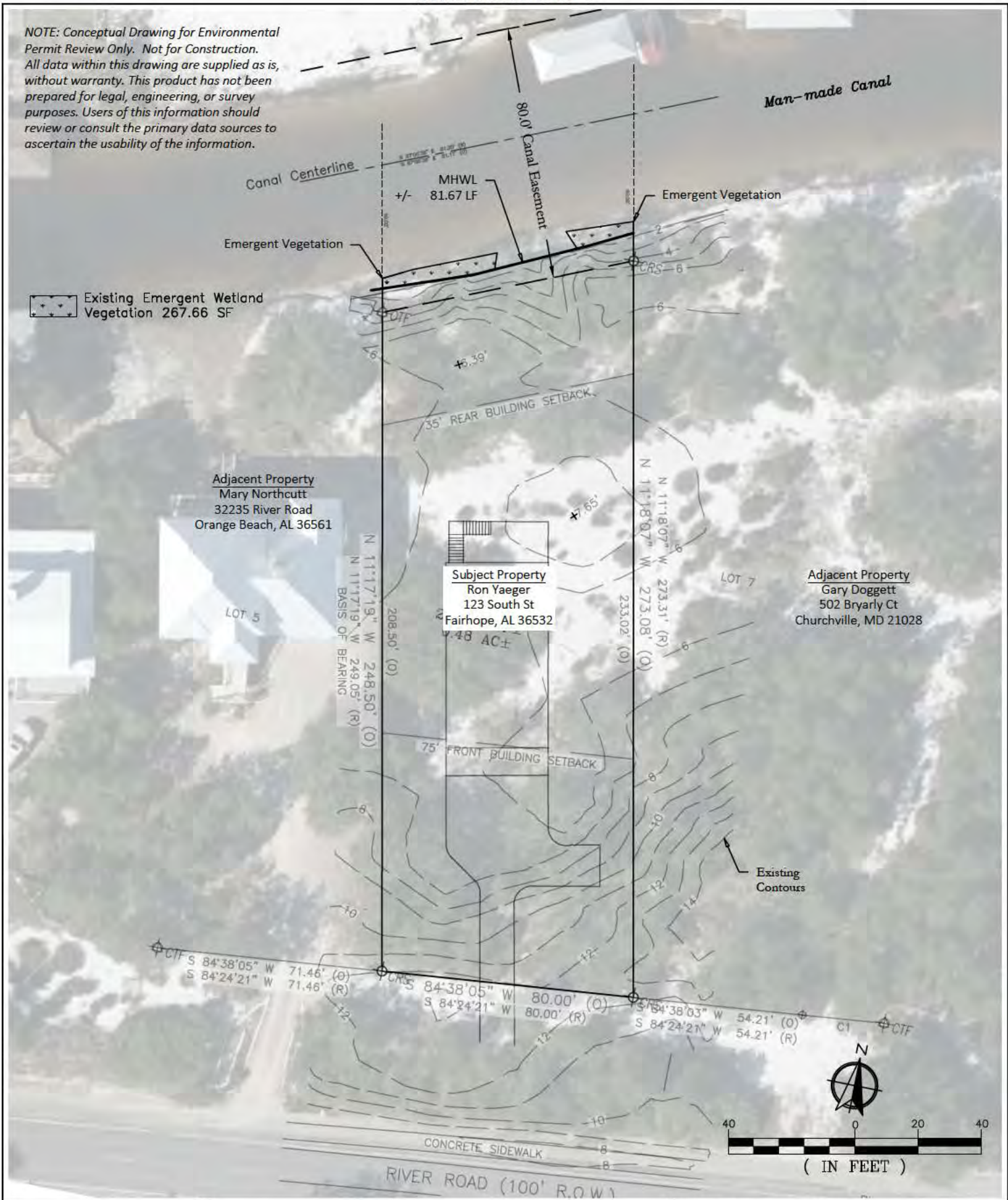
**ENVIRONMENTAL CONSULTANTS**

3308 GULF BEACH HIGHWAY  
 PENSACOLA, FLORIDA 32507  
 TEL: 850.453.4700  
 KEITH@WETLANDSCIENCES.COM

|                           |                  |
|---------------------------|------------------|
| PROJECT NAME: Yaeger Dock |                  |
| SITE LOCATION MAP         |                  |
| PROJECT NO.: 2020-815     |                  |
| DRAWN BY: ZMJ             | DATE: 12-11-2020 |
| SHEET: 1 OF 8             |                  |



NOTE: Conceptual Drawing for Environmental Permit Review Only. Not for Construction. All data within this drawing are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.



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|                           |                  |
|---------------------------|------------------|
| PROJECT NAME: Yaeger Dock |                  |
| Existing Site Conditions  |                  |
| PROJECT NO.: 2020-815     |                  |
| DRAWN BY: ZMJ             | DATE: 11-02-2020 |
| SHEET: 2 of 8             |                  |

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Adjacent Property  
Mary Northcutt  
32235 River Road  
Orange Beach, AL 36561

Subject Property  
Ron Yaeger  
123 South St  
Fairhope, AL 36532

Adjacent Property  
Gary Doggett  
502 Bryarly Ct  
Churchville, MD 21028



Dock Area Calculations:

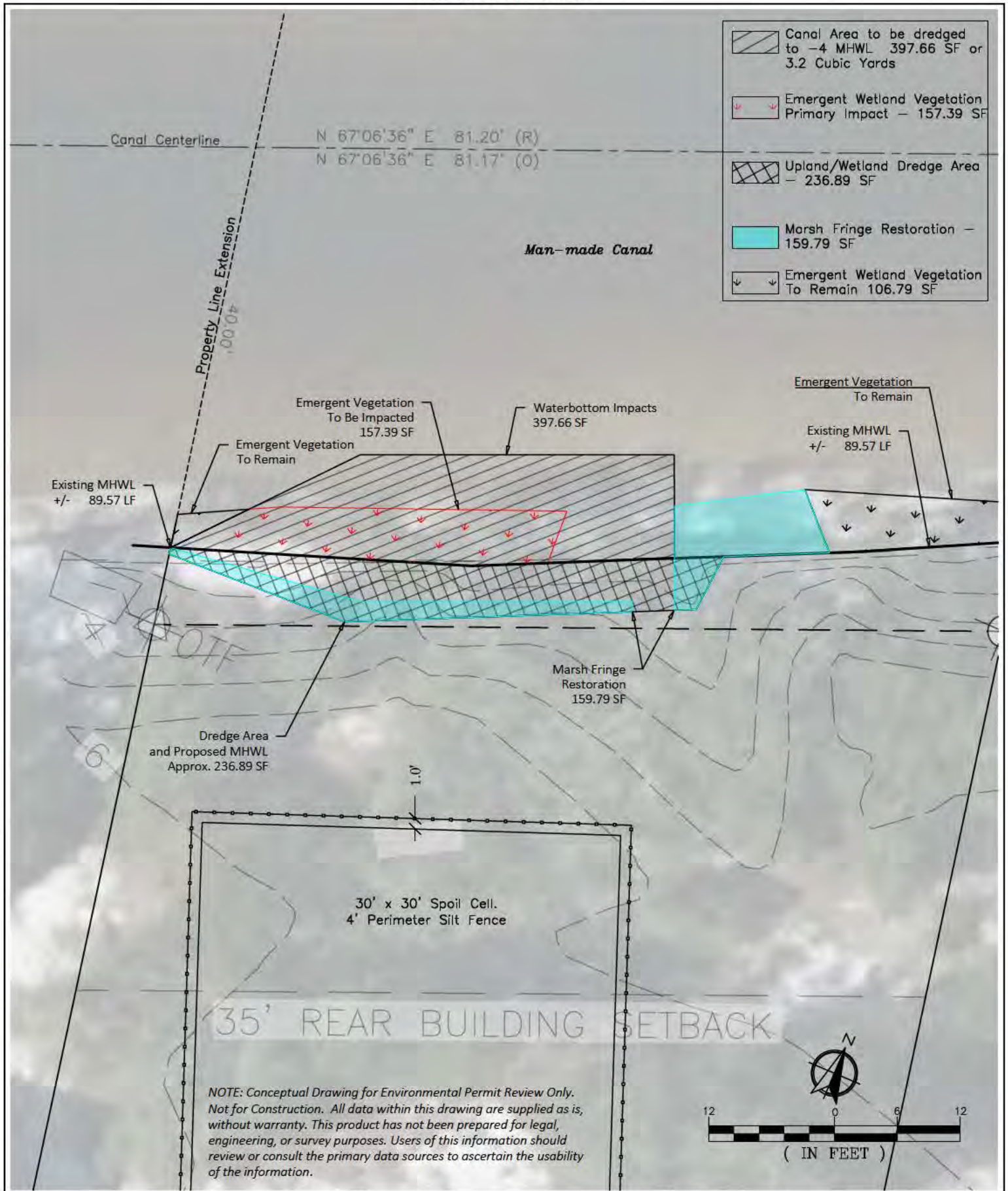
|                          |   |          |
|--------------------------|---|----------|
| 4' x 14.2' Access Pier   | - | 56.8 SF  |
| 1' x 26' Catwalk         | - | 26 SF    |
| 2.5' x 26' Catwalk       | - | 65 SF    |
| 10.5' x 26' Covered Slip | - | 273 SF   |
| Total                    | - | 420.8 SF |

- Canal Area to be dredged to -4 MHWL 397.66 SF or 3.2 Cubic Yards
- Emergent Wetland Vegetation Primary Impact - 157.39 SF
- Upland/Wetland Dredge Area - 236.89 SF
- Marsh Fringe Restoration - 159.79 SF
- Emergent Wetland Vegetation To Remain 106.79 SF



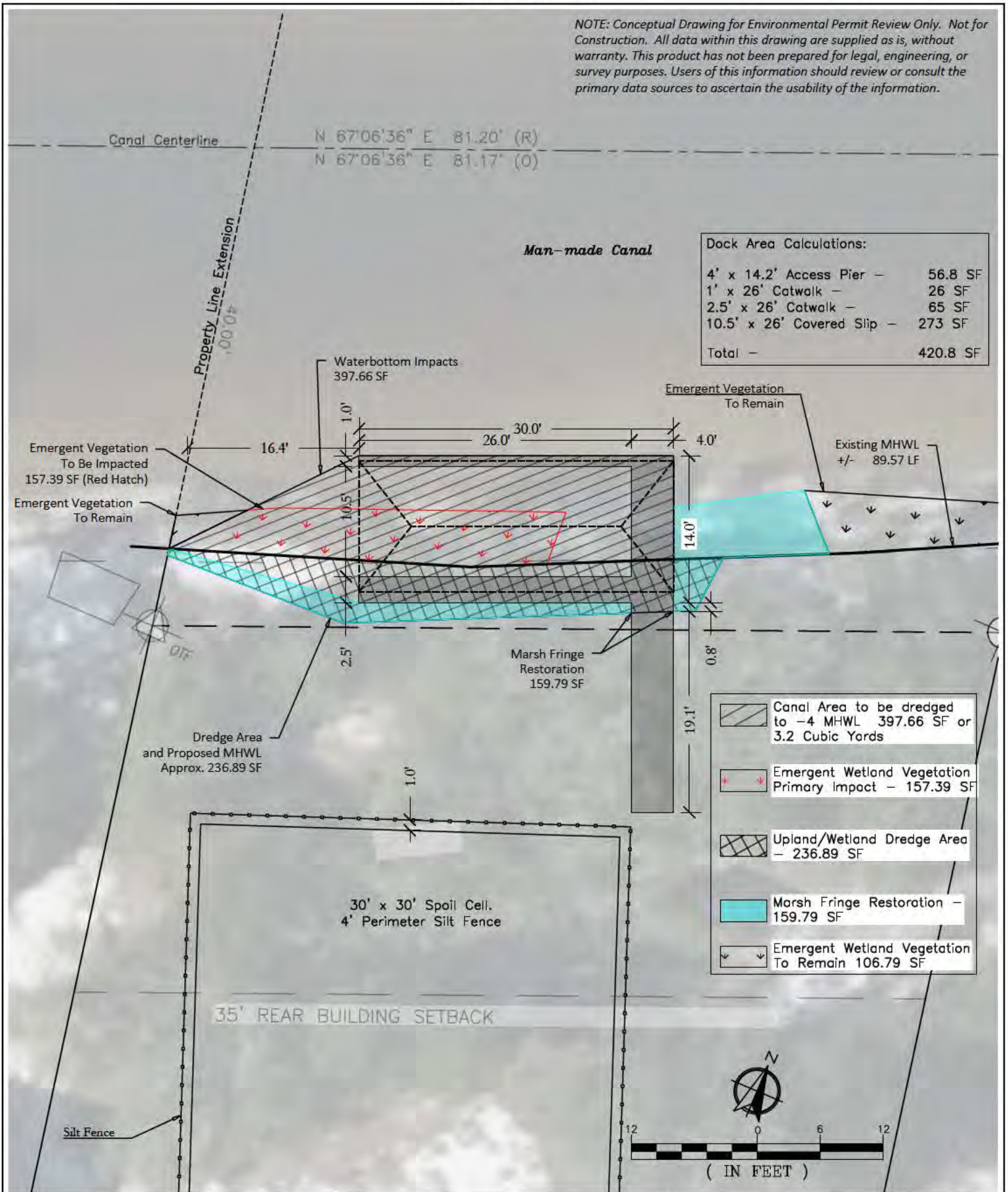
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KEITH@WETLANDSCIENCES.COM

|                           |                  |
|---------------------------|------------------|
| PROJECT NAME: Yaeger Dock |                  |
| Overall Site Plan         |                  |
| PROJECT NO.: 2020-815     |                  |
| DRAWN BY: ZMJ             | DATE: 11-02-2020 |
| SHEET: 3 of 8             |                  |

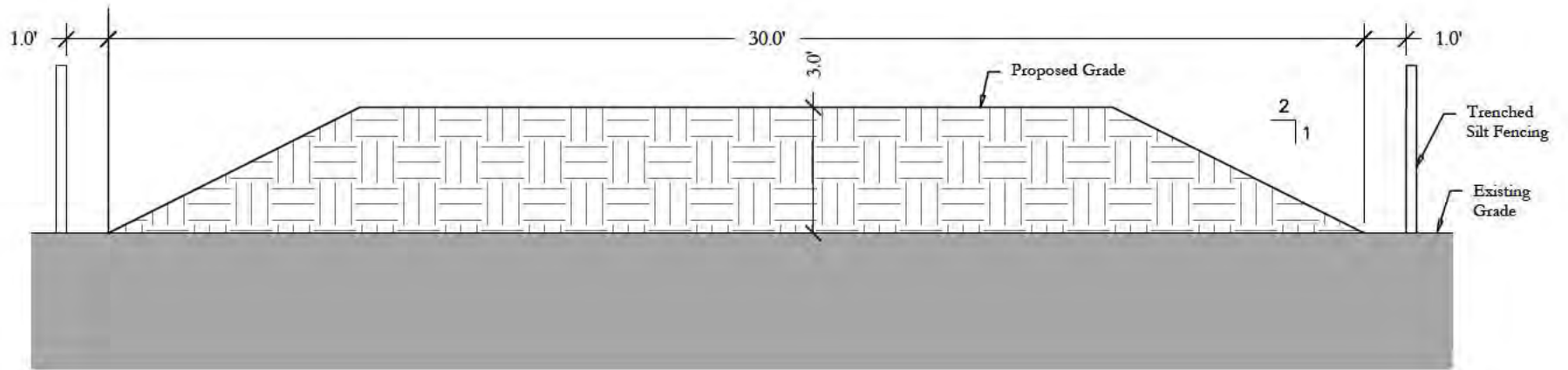




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Spoil Cell Capacity - 30' x 30' x 3' = 100 Cubic Yards  
 Dredge Material - 94.01 Cubic Yards





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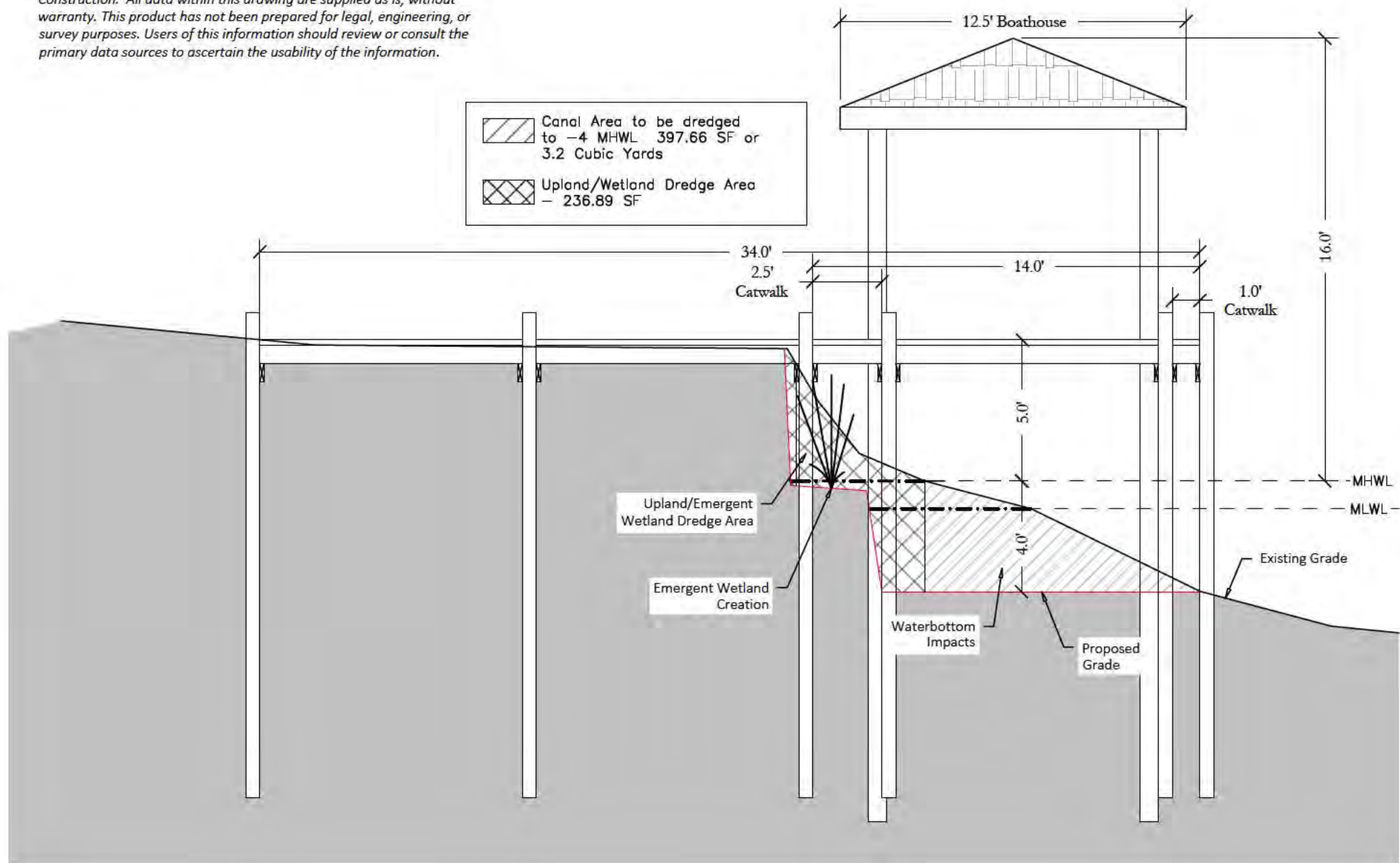
3308 GULF BEACH HIGHWAY  
 PENSACOLA, FLORIDA 32507  
 TEL: 850.453.4700  
 KEITH@WETLANDSCIENCES.COM

|                           |                  |
|---------------------------|------------------|
| PROJECT NAME: Yaeger Dock |                  |
| Spoil Cell Profile        |                  |
| PROJECT NO.: 2020-815     |                  |
| DRAWN BY: ZMJ             | DATE: 12-11-2020 |
| SHEET: 6 of 8             |                  |



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|   |  |
|---|--|
|  | Canal Area to be dredged to -4 MHWL 397.66 SF or 3.2 Cubic Yards |
|  | Upland/Wetland Dredge Area - 236.89 SF                           |



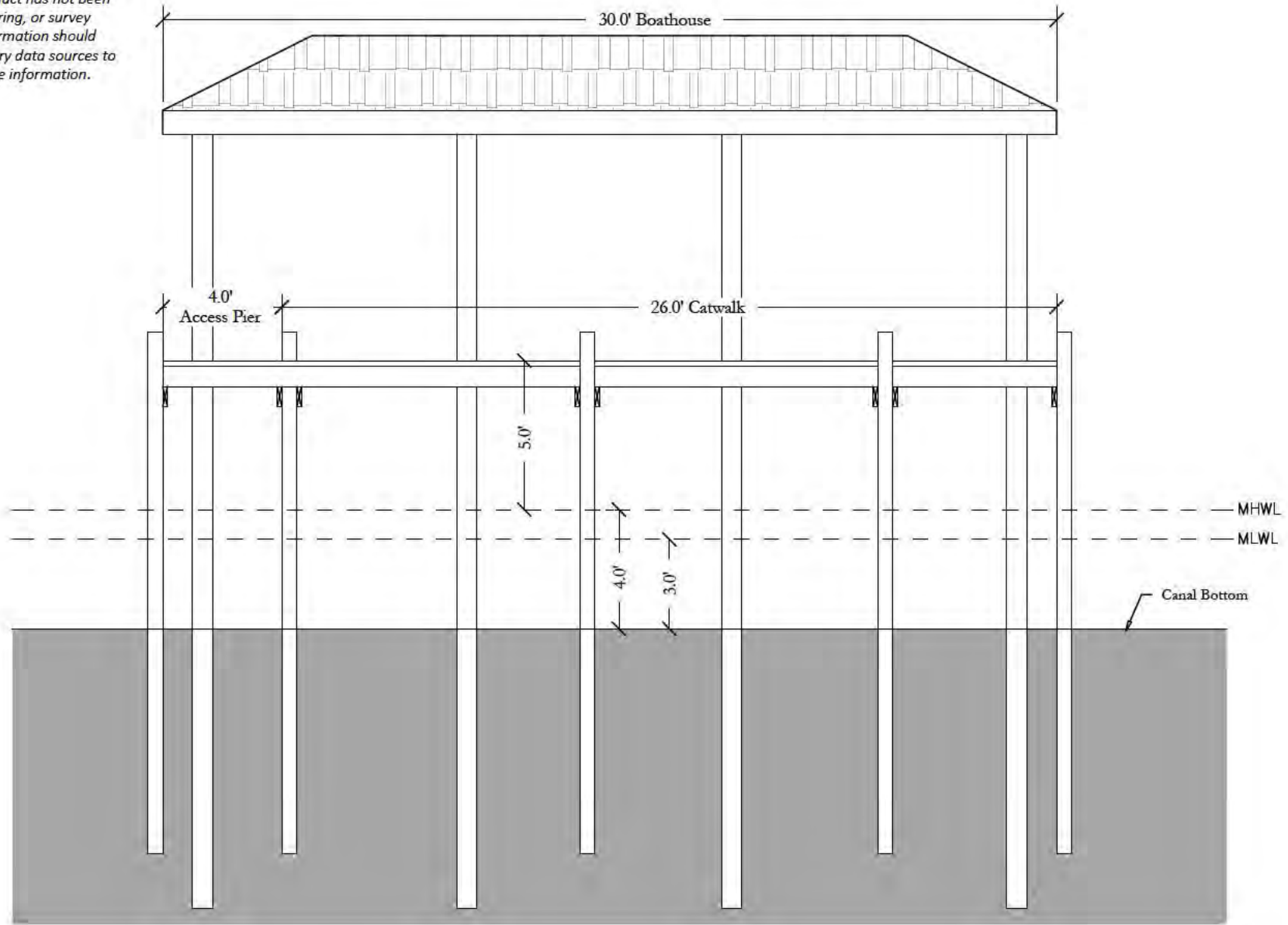
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 TEL: 850.453.4700  
 KEITH@WETLANDSCIENCES.COM

|                           |                  |
|---------------------------|------------------|
| PROJECT NAME: Yaeger Dock |                  |
| Cross Section             |                  |
| PROJECT NO.: 2020-815     |                  |
| DRAWN BY: ZMJ             | DATE: 12-11-2020 |
| SHEET: 7 of 8             |                  |



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KEITH@WETLANDSCIENCES.COM

|   |                  |
|---|------------------|
| PROJECT NAME: Yeager Dock                 |                  |
| Waterward view of proposed dock structure |                  |
| PROJECT NO.: 2020-815                     |                  |
| DRAWN BY: ZMJ                             | DATE: 12-11-2020 |
| SHEET: 8 of 8                             |                  |

