



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-2021-00178-LML**

**March 15, 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 WETLAND SHELF 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. Chad and Ms. Emily Mitchell  
4772 Pine Court  
Orange Beach, Alabama 36561

**AGENT:** Rowe Engineering  
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 Baldwin County parcel 64-02-04-0-000-020.004, River Road; within Section 4, Township 9 South, Range 6 East; at Latitude 30.299040° North, Longitude 87.479932° 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 182 cubic yards of material from a 367-square-foot area of tidal wetland shelf and waterbottoms and a 736 square-foot area of uplands to create an incised boat slip on a manmade canal. Approximately 50 cubic yards of material would be excavated from below the plane of Mean High water (MHW). The proposed work would impact 148 square feet (0.003 acre) of tidal wetland shelf along the existing canal bank. The dredged material would be placed within a 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 incised slip, the applicant proposes to construct a 39-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 10 feet waterward of the newly created MHW line within the incised slip and be constructed 4 feet in height above emergent tidal marsh. The completed structures would extend 24 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 68 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 148 square feet (0.003 acre) of the existing tidal shelf through the on-site creation of 148 square feet (0.003 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 207 square feet (0.004 acre) of unvegetated estuarine substrate and 148 square feet (0.003 acre) of tidal wetland shelf 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.

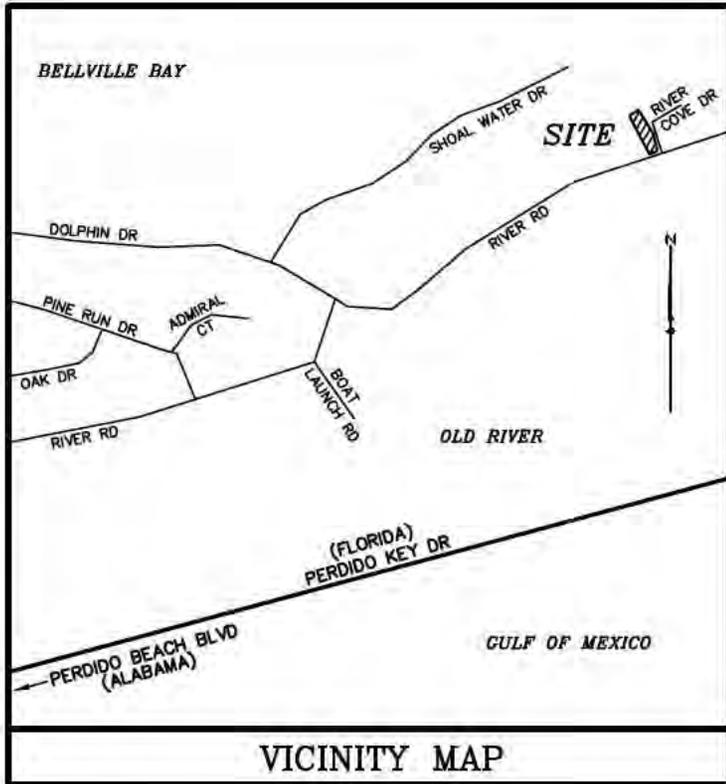
Correspondence concerning this notice should refer to Public Notice Number **SAM-2021-00178-LML**, and should be directed to the project manager, Ms. Lacey M. Leaptrott by e-mail at [Lacey.M.Leaptrott @usace.army.mil](mailto:Lacey.M.Leaptrott@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile 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



VICINITY MAP

ONO ISLAND  
ORANGE BEACH, AL 36561

LEGAL DESCRIPTION

STATE OF ALABAMA)  
COUNTY OF BALDWIN)

Lot 3, Ono Island Subdivision, Unit Eighteen - A as recorded on Slide 1944-B, Probate Court Records, Baldwin County, Alabama.

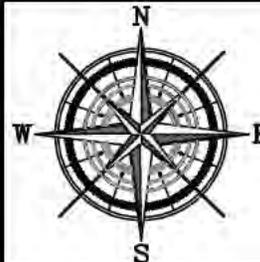
DRIVING DIRECTIONS

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 0.4 miles to property on the North side of road.

REVISED 2/22/2021

PROPOSED BOATHOUSE

FOR PERMIT USE ONLY VICINITY MAP



**ROWE**  
ENGINEERING & SURVEYING  
CONSULTING ENGINEERS

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ACAD: 51389.dwg  
DRAWN BY: BWL  
SCALE: N.T.S.

JOB: 51389  
FB: 2003/62  
TAX: 64-02-04-0-000-020.004  
PLAT DATE: 12/03/2020

CHECKED  
BY: CTH  
PC: 1 OF 4

# Viewer Map



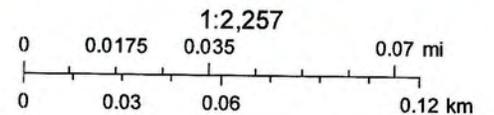
**Adjacent Owners:**

1. Pamela S. Corban  
135 Kingston Ct  
Starkville, MS 39759
2. Ono Development Company, Inc.  
C/o Thomas J. Langan  
960 Schillinger Rd s, Suite L  
Mobile, AL 36695
3. Joy Warley Taylor  
32081 River Cove Road  
Orange Beach, AL 36561

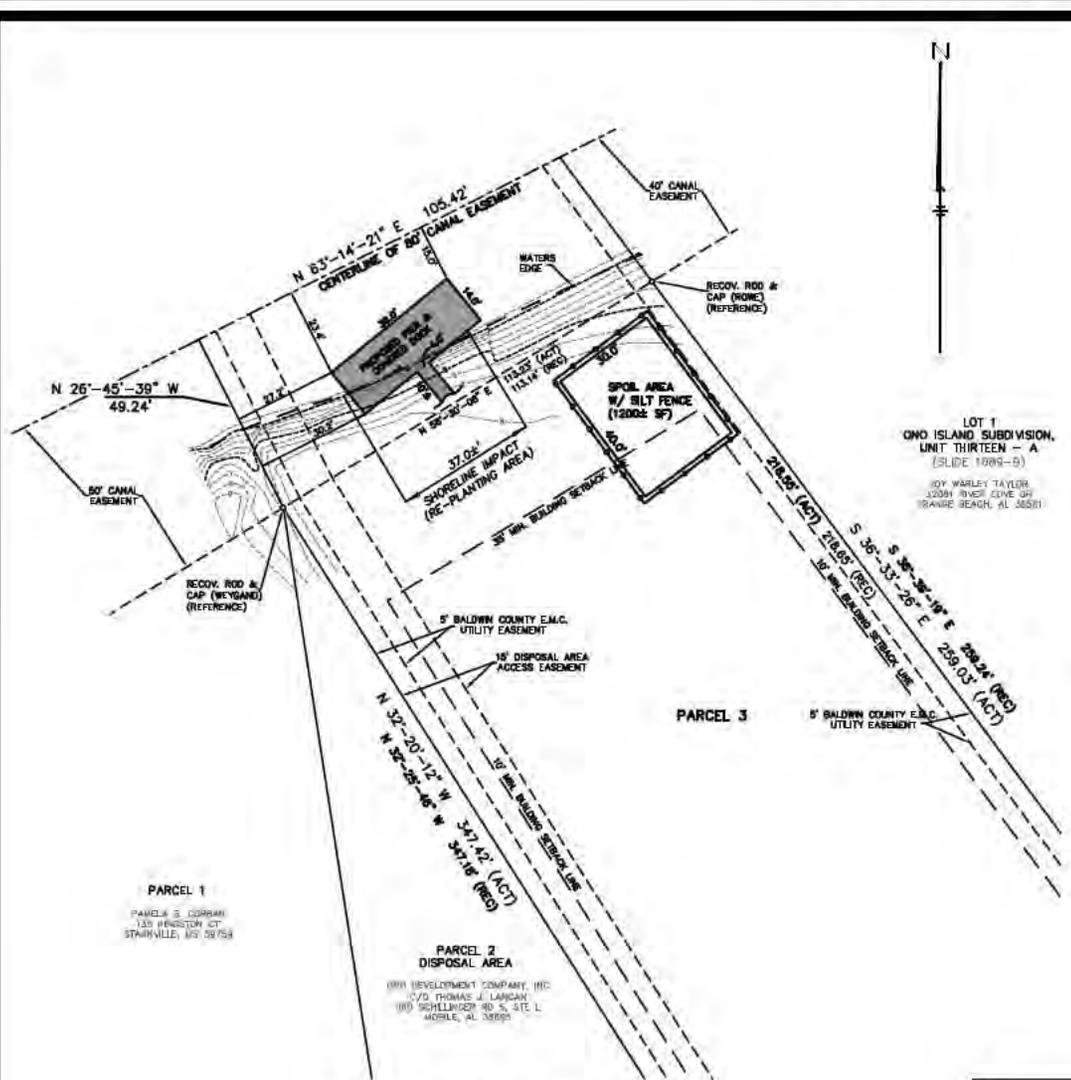
December 17, 2020

SAM-2021-00178-LML

<b>polygonLayer</b>	 Parcels	 Lot Lines
 Override 1	 Centerlines	 County Boundary
 Misc	 Coastal Control Line	



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

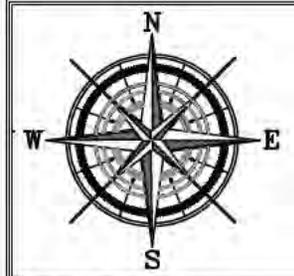
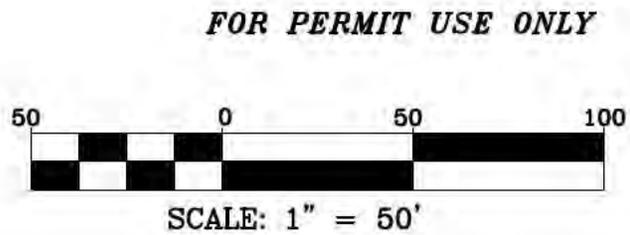


**NOTES:**

- 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.) The Alabama Department of Conservation and Natural Resources Administrative Code Chapter 220-4-.09, Paragraph 12, states that a setback 10 feet from the Riparian Line of adjacent property owners shall be required.
- 4.) Elevations on this plat are referenced to NAVD 88, established by RTK GPS utilizing ALDOT Net as a continuously operating reference station.
- 5.) Owner(s): Chad Mitchell & Emily Mitchell  
 4772 Pine Ct  
 Orange Beach, AL 36561
- 6.) Property Address: River Road  
 Orange Beach, AL 36561
- 7.) Additional Contact: Dock and Decks (251) 525-0422.

REVISED 2/22/2021

**PROPOSED BOATHOUSE  
 SITE PLAN**



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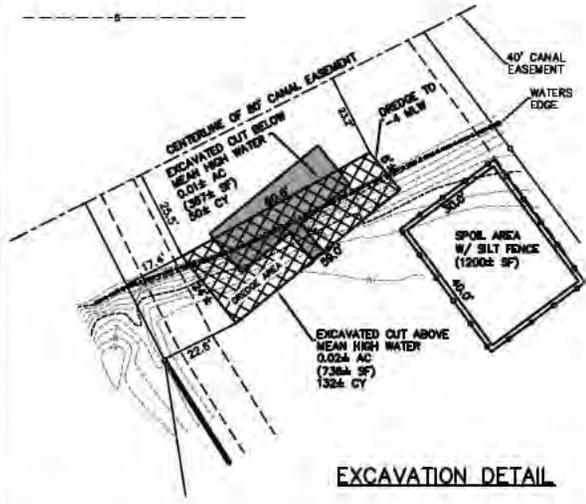
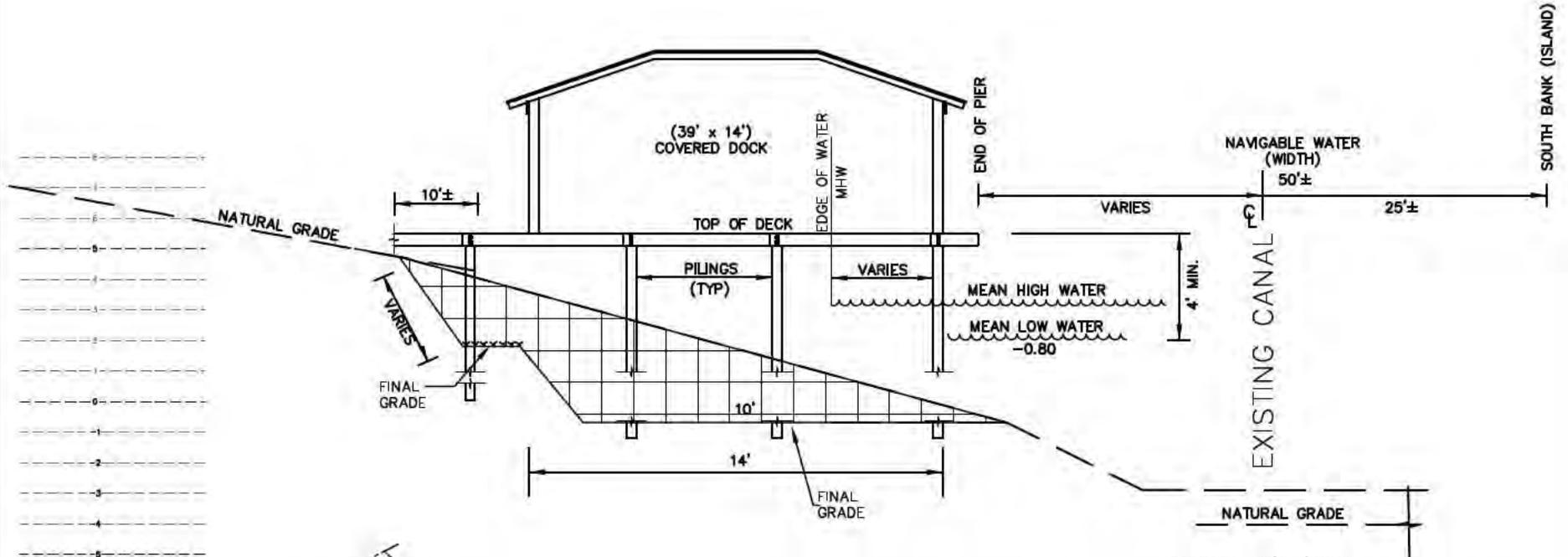
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 DRAWN BY: BWL  
 SCALE: 1" = 50'

JOB: 51389  
 FB: 2003/62  
 TAX: 64-02-04-0-000-020.004  
 PLAT DATE: 12/03/2020

CHECKED  
 BY: CTH  
 PC: 2 OF 4

NOTES:

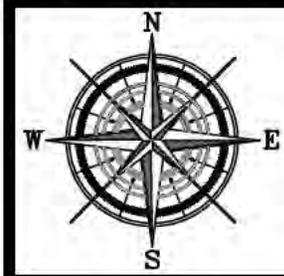
- 1.) Top of deck shall be 4' above mean high water line.
- 2.) Top of deck shall be 5' above submerged aquatic vegetation (SAV) or submersed grass beds.
- 3.) The decking of structures constructed over emergent wetlands or submersed grass beds must feature spaces of at least 0.75' width between decking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



EXCAVATION DETAIL

REVISED 2/22/2021

PROPOSED BOATHOUSE  
FOR PERMIT USE ONLY PROFILE & DETAILS



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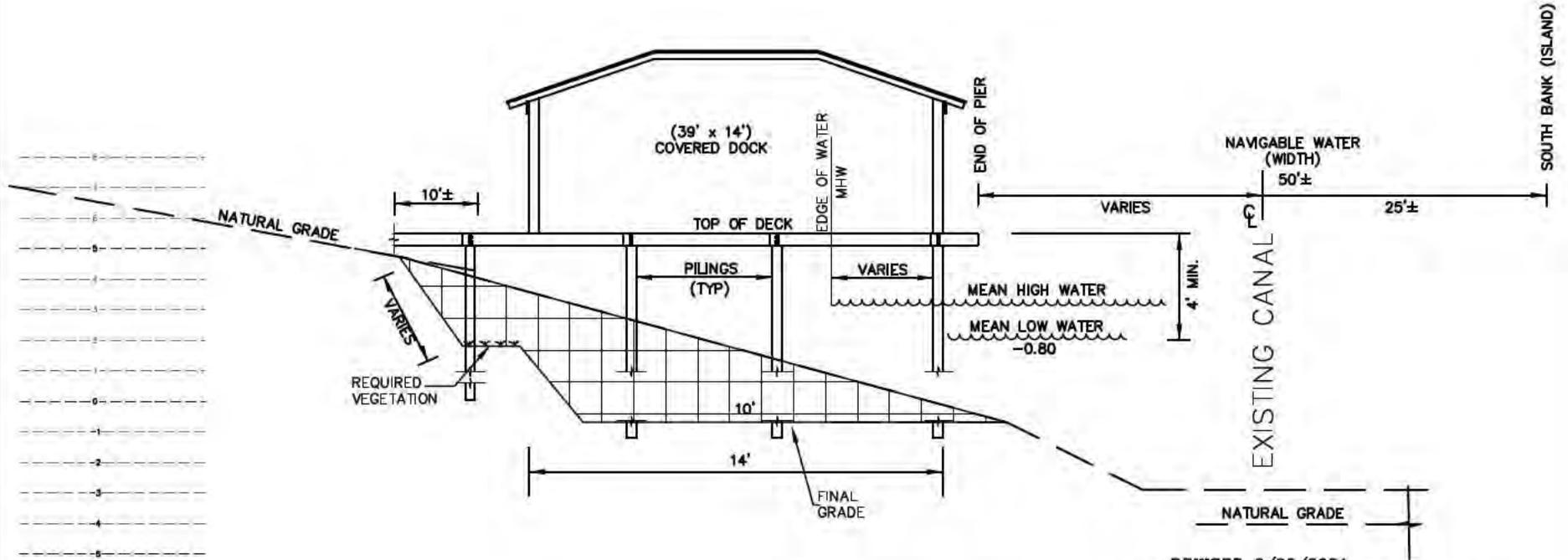
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SCALE: N.T.S.

JOB: 51389  
FB: 2003/62  
TAX: 64-02-04-0-000-020.004  
PLAT DATE: 12/03/2020

CHECKED  
BY: CTH  
PC: 3 OF 4

NOTES:

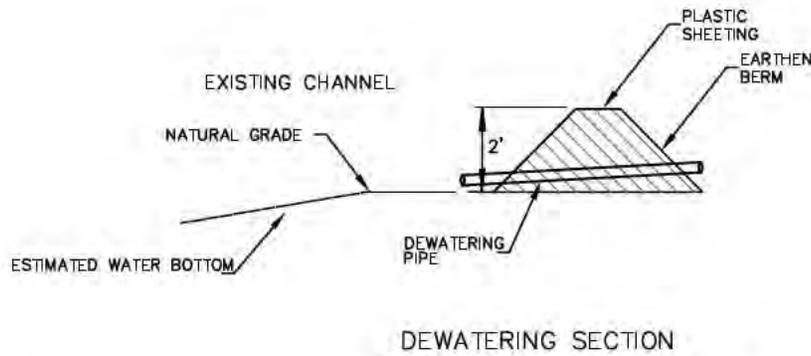
- 1.) Top of deck shall be 4' above mean high water line.
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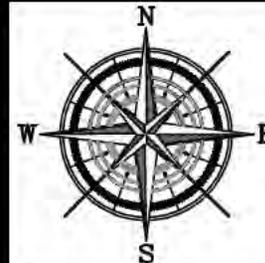
REVISED 2/22/2021

PROPOSED BOATHOUSE

FOR PERMIT USE ONLY PROFILE & DETAILS



DEWATERING SECTION



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BY: CTH  
PC: 4 OF 4