

February 14, 2024

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

PROPOSED DISCHARGE OF FILL MATERIAL IN WATERS OR THE U.S. ASSOCIATED WITH THE IMPROVEMENT OF AN EXISTING ROADWAY NEAR LITTLE LAKE, 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: The City of Orange Beach P.O. Box 458 Orange Beach, Alabama 36561

AGENT: Wetland Sciences Attention: Mr. Craig Martin 3308 Gulf Beach Highway Pensacola, Florida 32507

LOCATION: The center point of the project is located approximately 0.54 miles north of Little Lake, Collegiate Road; Orange Beach, Baldwin County, Alabama. Specifically, the project is located within Section 1, Township 9 South, Range 4 East; at Latitude 30.282895° North, Longitude -87.923498° West.

PROJECT PURPOSE: The project's basic purpose is transportation.

PROPOSED WORK: The applicant proposes improving approximately 2,300 linear feet of existing Powerline Road, commencing at Alabama Highway 180 and running south to its intersection with Collegiate Lane. Approximately 2,600 linear feet of existing Collegiate Lane, commencing at its intersection with Powerline Road and running east to its intersection with William Silvers Parkway. Additionally, approximately 700 linear feet of existing William Silvers Parkway commencing at its intersection with Collegiate Lane and running north to the northwest corner of the City of Orange Beach Sportsplex. The total project length is approximately 5,600 linear feet. Wetland impacts would be disturbed across nine (9) separate wetlands throughout the project area. Approximately 9000 cubic yards of fill material would be placed in an area totaling approximately 1.34

acres along the approximately 5600 linear feet of improved roadway inside of public ROW.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed the improvement of previous impacted upland roadways within the project area, thereby minimizing wetland impacts. The applicant has proposed to utilize multiple culvert systems to ensure proper wetland hydrology is maintained and silt fencing to prevent loss of sediment and turbidity in the adjacent special aquatic sites. Construction Best Management Practices (BMPs) will be implemented to prevent silt laden dredged material runoff from reentering the adjacent wetlands. At this time, The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts.

MITIGATION: The applicant has proposed to compensate for the unavoidable permanent impacts to the pine dominated hydric flatwood wetlands on-site through the purchase of compensatory mitigation credits from the Alabama Port Mitigation Bank.

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.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered (E) and Threatened (T) Wildlife and Plants indicate the proposed activity may potentially effect on the following listed

endangered or threatened species with the potential to exist within the watershed of the permit area: West Indian manatee (T), rufa red knot (T), eastern indigo snake (T), Kemp's ridley sea turtle (E), and loggerhead sea turtle (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no final determination regarding effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will be performed as deemed appropriate. This notice serves as a request to the U.S. Wildlife Service for information on whether any listed endangered and threatened species may be present in the area which would be affected by the proposed activity.

COMMENTS: This public notice is being distributed to all known interested persons 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

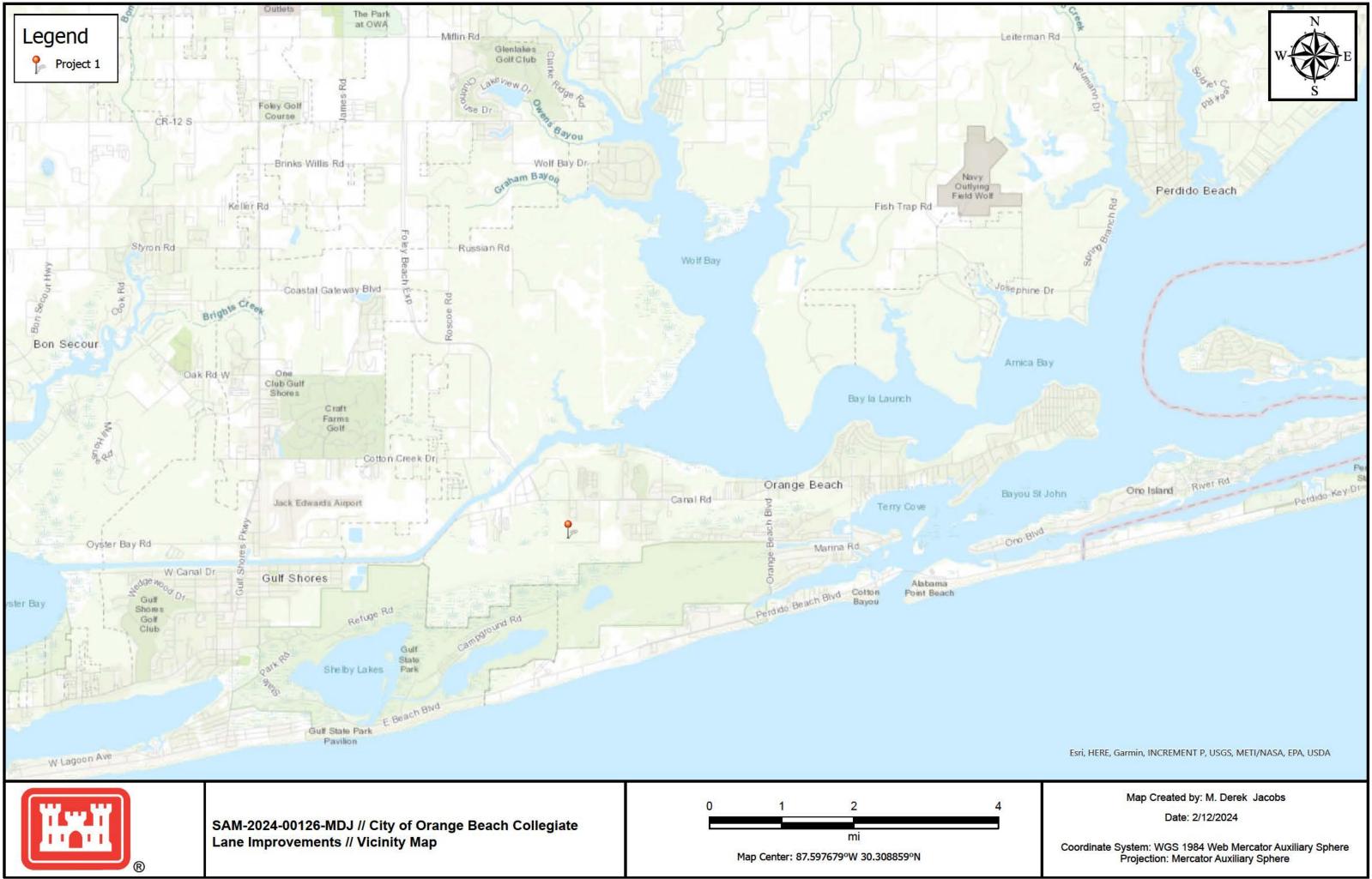
will also include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

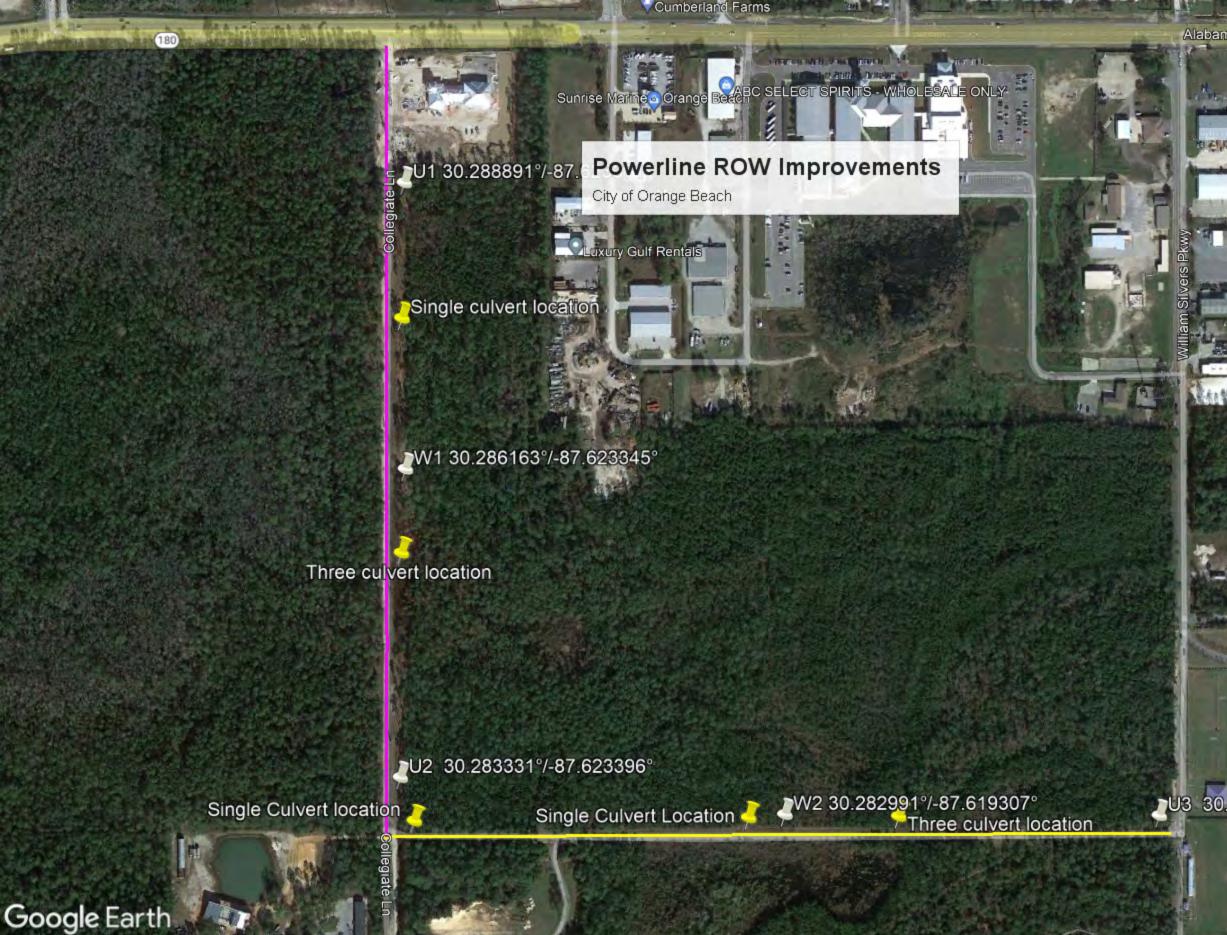
Correspondence concerning this notice should refer to Public Notice Number **SAM**-**2024-00126-MDJ**, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at <u>Michael.D.Jacobs@usace.army.mil</u>, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. M. Derek Jacobs, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at <u>coastal@adem.alabama.gov</u>, 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 <u>www.sam.usace.army.mil/Missions/Regulatory.aspx</u>.

MOBILE DISTRICT U.S. Army Corps of Engineers

Attachments





Alabama's Coastal Con

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Legend SAM-2024-00126-MDJ

🍰 Feature 2

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Orange Beach Sportsplex Orange Beach Utilities

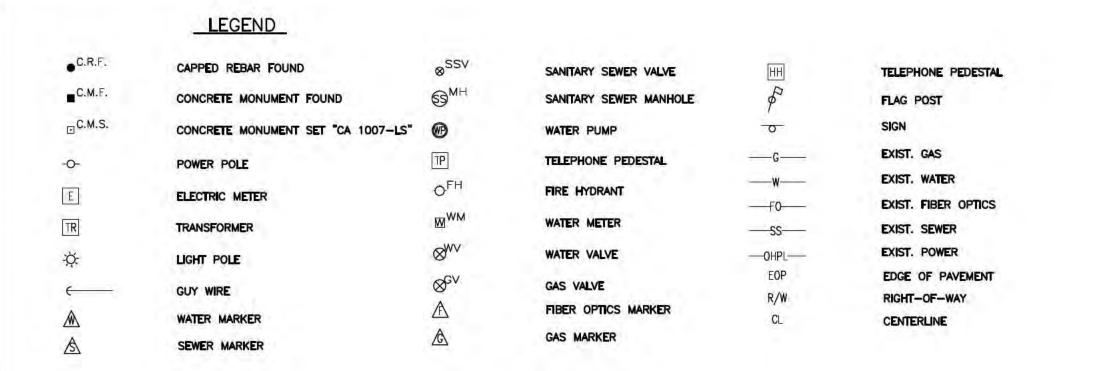
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U-Own-It Boat & RV Storage

1000 ft

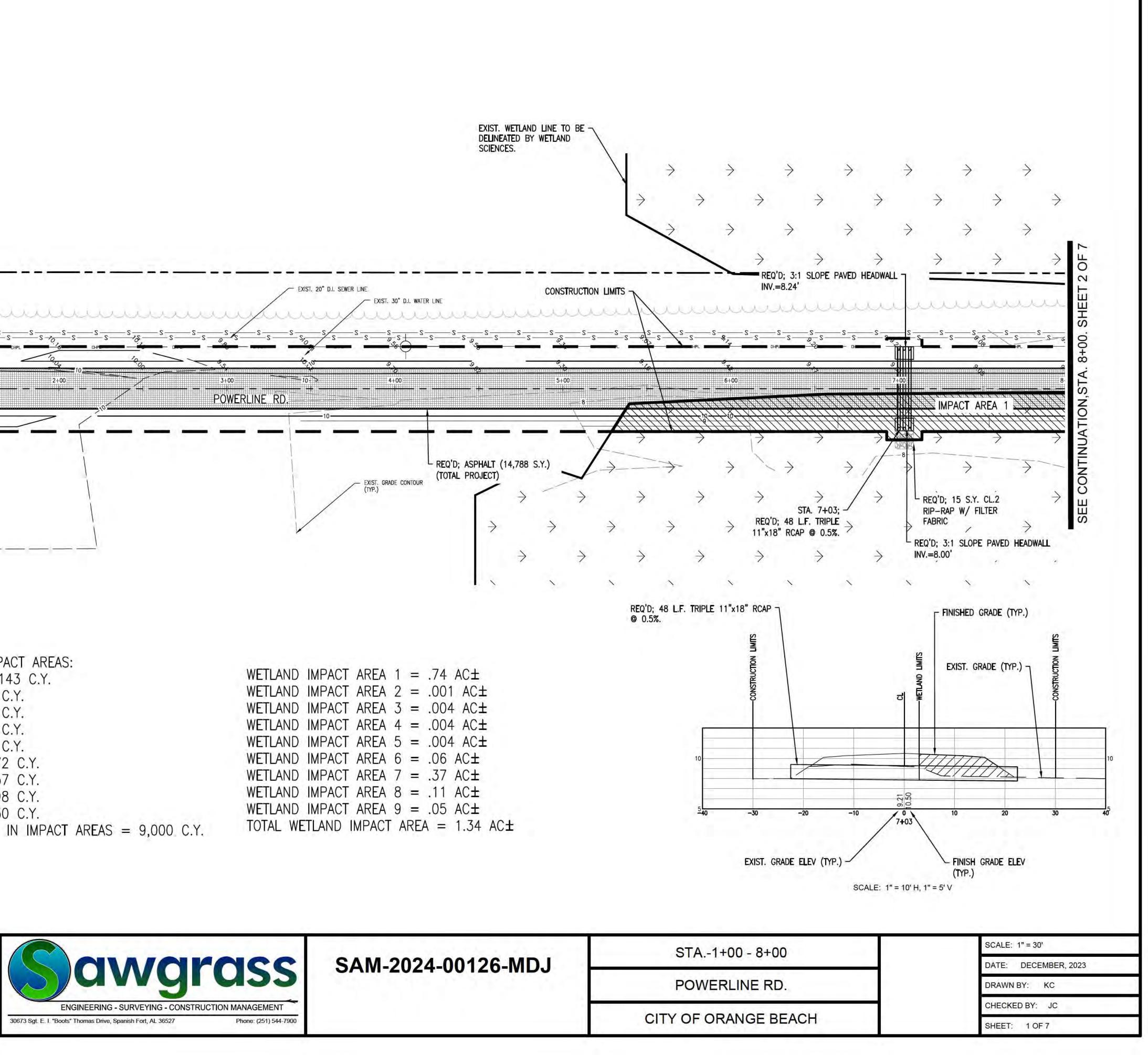
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Orange Beach Sportsple



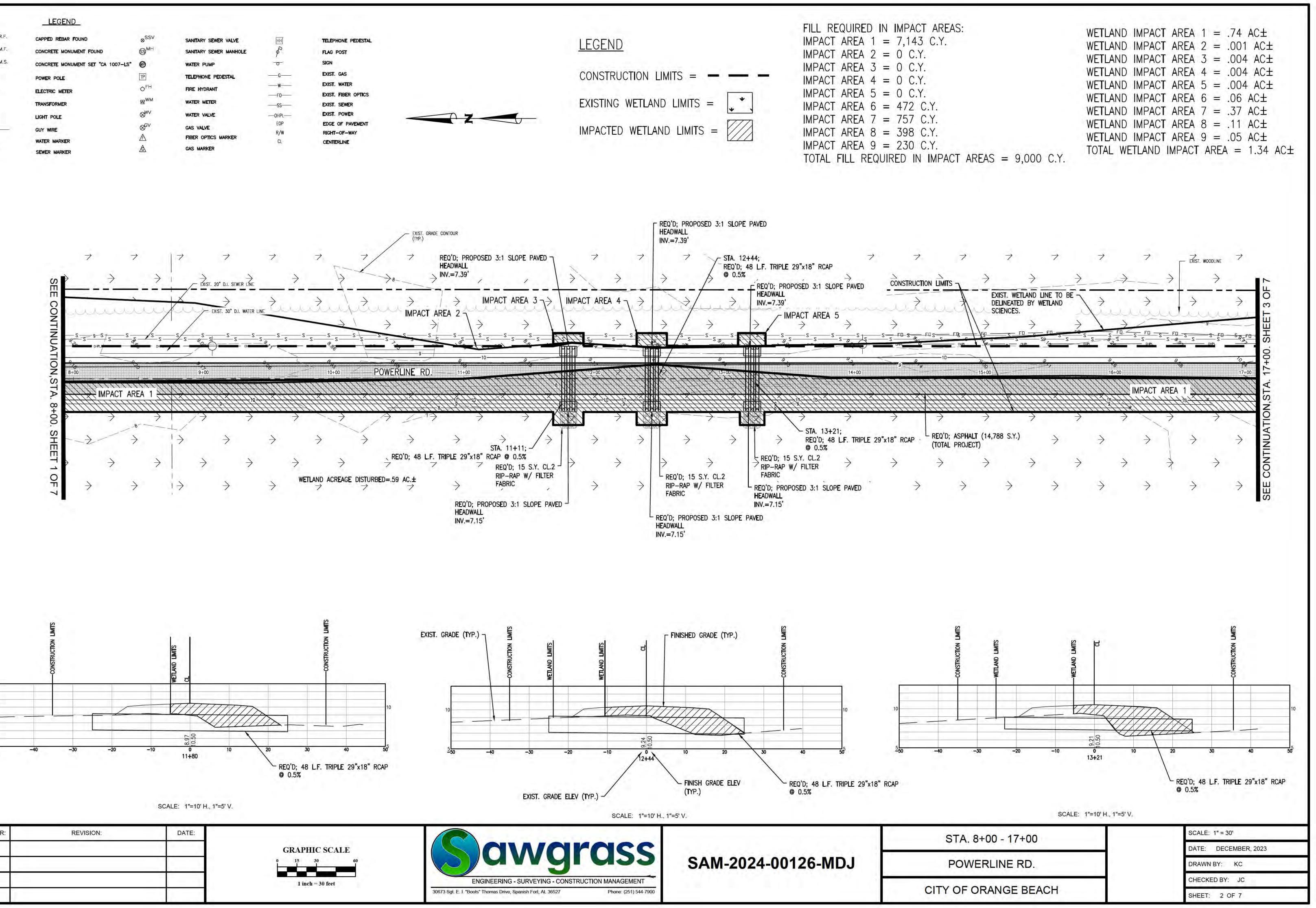
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LEGEND CONSTRUCTION LIMITS = EXISTING WETLAND LIMITS = . IMPACTED WETLAND LIMITS =	FILL REQUIRED IN IMPACT AREAS: IMPACT AREA 1 = 7,143 C.Y. IMPACT AREA 2 = 0 C.Y. IMPACT AREA 3 = 0 C.Y. IMPACT AREA 4 = 0 C.Y. IMPACT AREA 5 = 0 C.Y. IMPACT AREA 6 = 472 C.Y. IMPACT AREA 6 = 472 C.Y. IMPACT AREA 7 = 757 C.Y. IMPACT AREA 8 = 398 C.Y. IMPACT AREA 9 = 230 C.Y. TOTAL FILL REQUIRED IN IMPACT AREAS = 9,000 C.Y.	WETLAND IMPACT AREA 1 = .74 AC \pm WETLAND IMPACT AREA 2 = .001 AC \pm WETLAND IMPACT AREA 3 = .004 AC \pm WETLAND IMPACT AREA 4 = .004 AC \pm WETLAND IMPACT AREA 5 = .004 AC \pm WETLAND IMPACT AREA 6 = .06 AC \pm WETLAND IMPACT AREA 7 = .37 AC \pm WETLAND IMPACT AREA 8 = .11 AC \pm WETLAND IMPACT AREA 9 = .05 AC \pm TOTAL WETLAND IMPACT AREA 9 = .1.34 AC \pm

DATE: NUMBER **REVISION:** GRAPHIC SCALE 1 inch = 30 feet

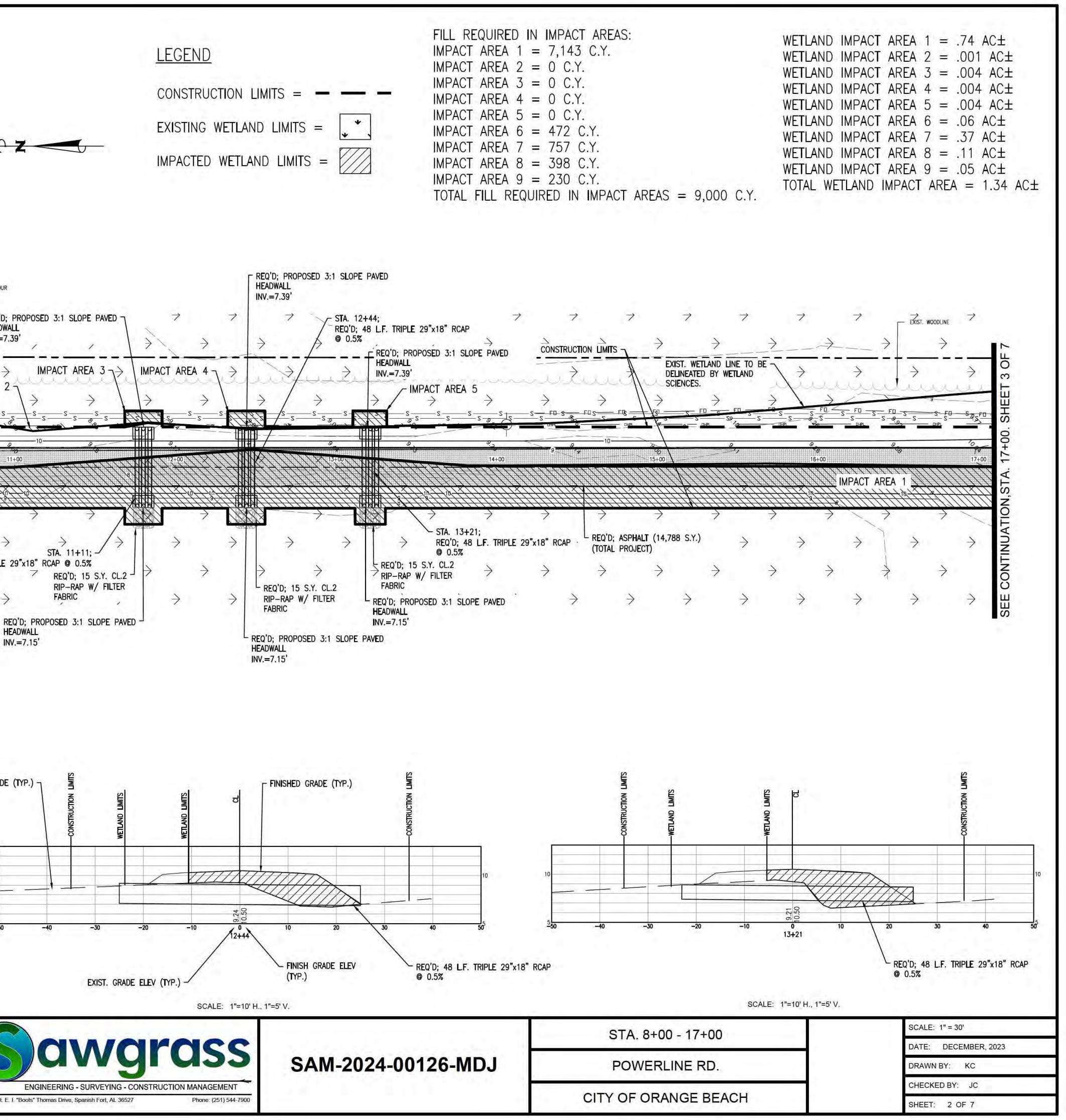




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C.M.F.	CONCRETE MONUMENT FOUND	(S) ^{MH}	SANITARY SEWER MANHOLE	¢ ⁷	FLAG POST	
⊡C.M.S.	CONCRETE MONUMENT SET "CA 1007-LS"	6	WATER PUMP	0	SIGN	
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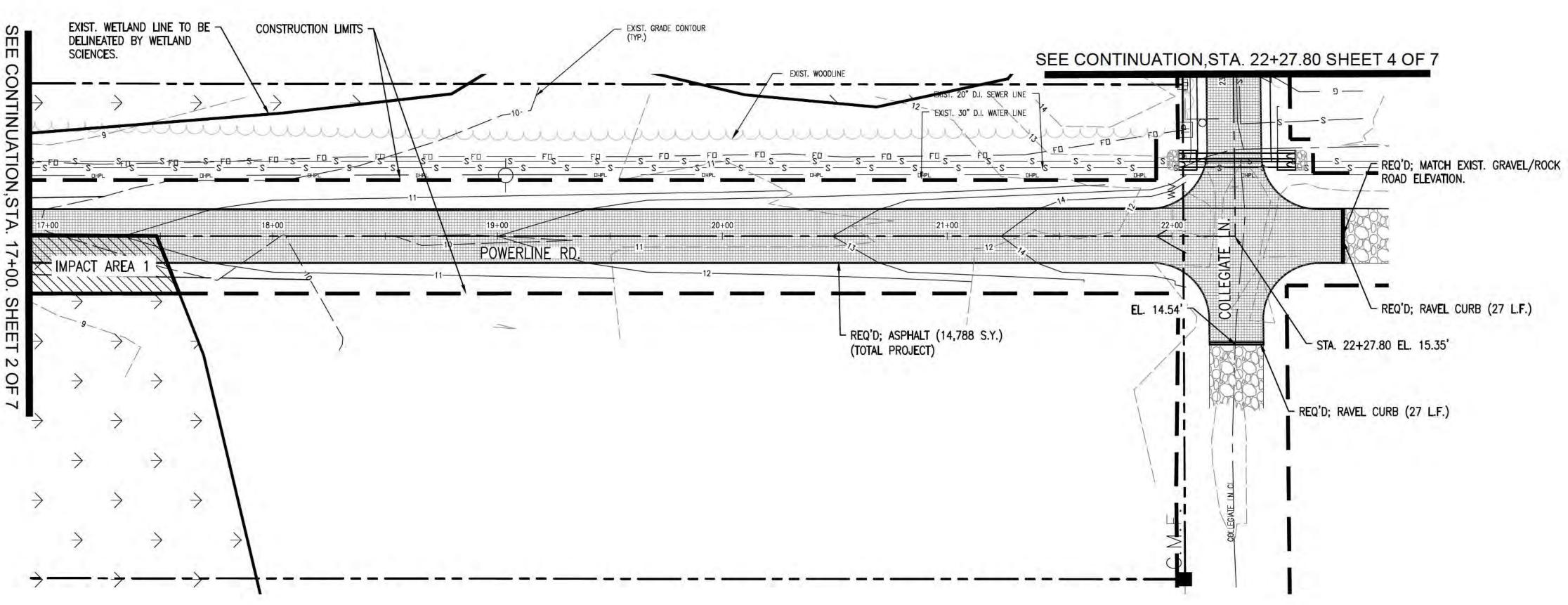
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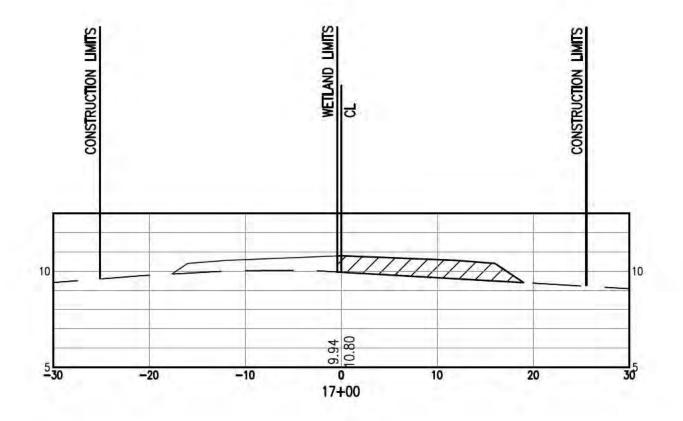


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SCALE: 1"=10' H., 1"=5' V.

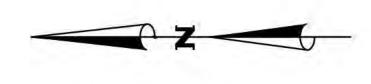
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			1 inch = 30 feet
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LEGEND

CONSTRUCTION LIMITS =

EXISTING WETLAND LIMITS

IMPACTED WETLAND LIMITS



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WETLAND IMPACT AREA 2 = .001 AC \pm	
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WETLAND IMPACT AREA $8 = .11 \text{ AC} \pm$	
WETLAND IMPACT AREA 9 = $.05 \text{ AC} \pm$	
TOTAL WETLAND IMPACT AREA = $1.34 \text{ AC} \pm$	

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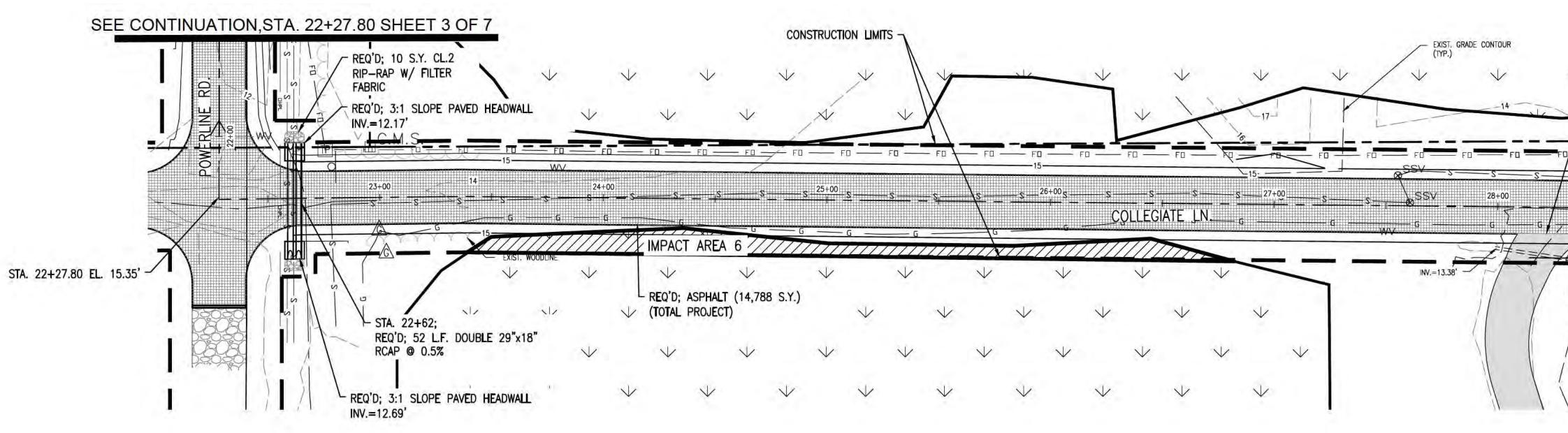
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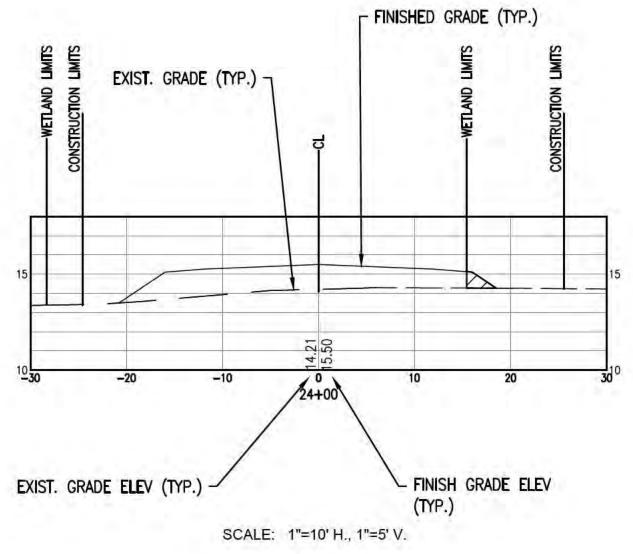
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QUIRED IN IMPACT AREAS: AREA 1 = 7,143 C.Y. AREA 2 = 0 C.Y. AREA 3 = 0 C.Y. AREA 4 = 0 C.Y. AREA 5 = 0 C.Y. AREA 6 = 472 C.Y. AREA 7 = 757 C.Y. AREA 8 = 398 C.Y. AREA 9 = 230 C.Y. FILL REQUIRED IN IMPACT AREAS = 9,000 C.Y.

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POWERLINE RD.	DRAWN BY: KC
	CHECKED BY: JC
CITY OF ORANGE BEACH	SHEET: 3 OF 7

	LEGEND				
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C.M.F.	CONCRETE MONUMENT FOUND	(S) ^{MH}	SANITARY SEWER MANHOLE	\$	FLAG POST
⊡C.M.S.	CONCRETE MONUMENT SET "CA 1007-LS"	œ	WATER PUMP	-0-	SIGN
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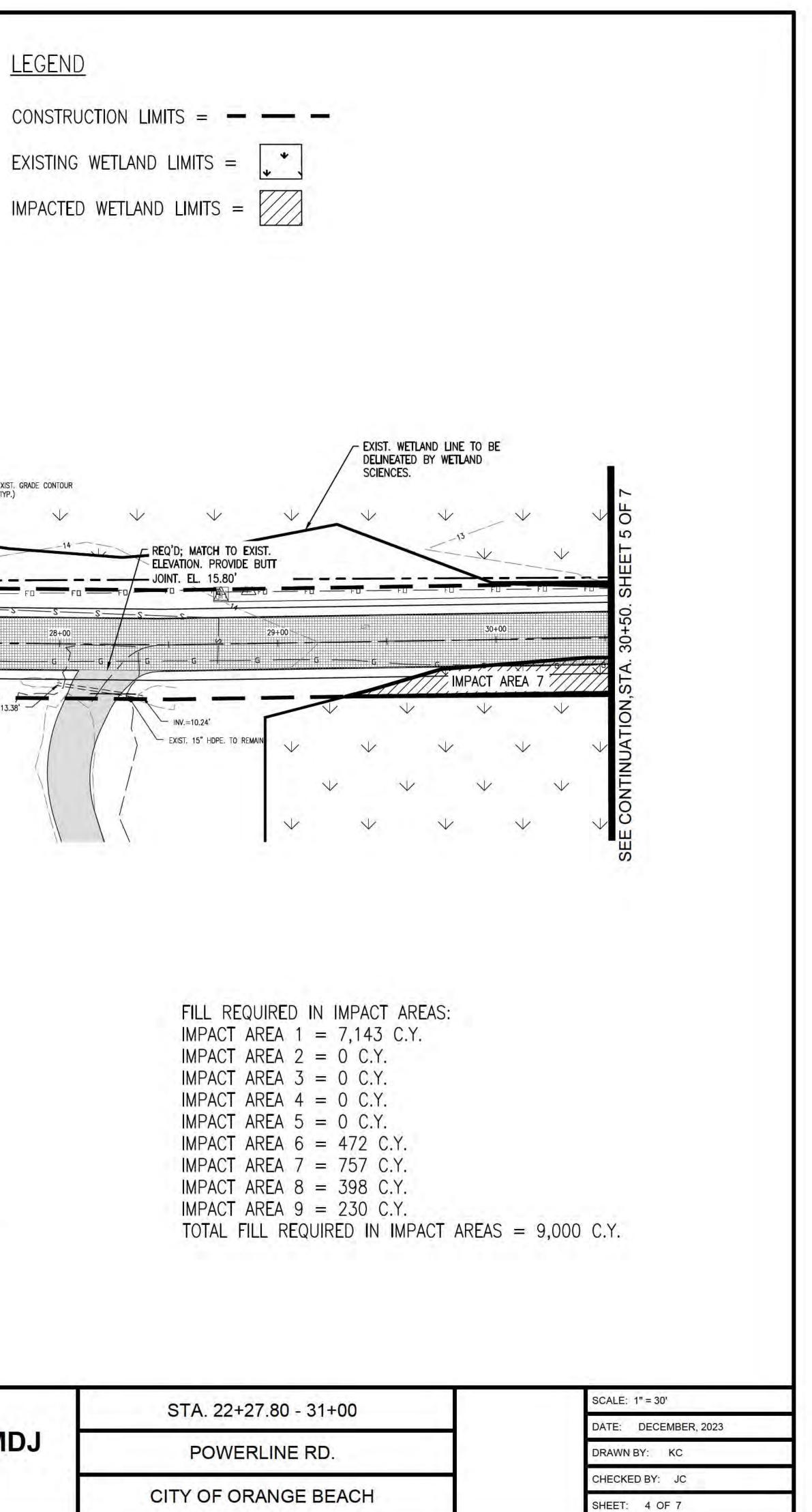
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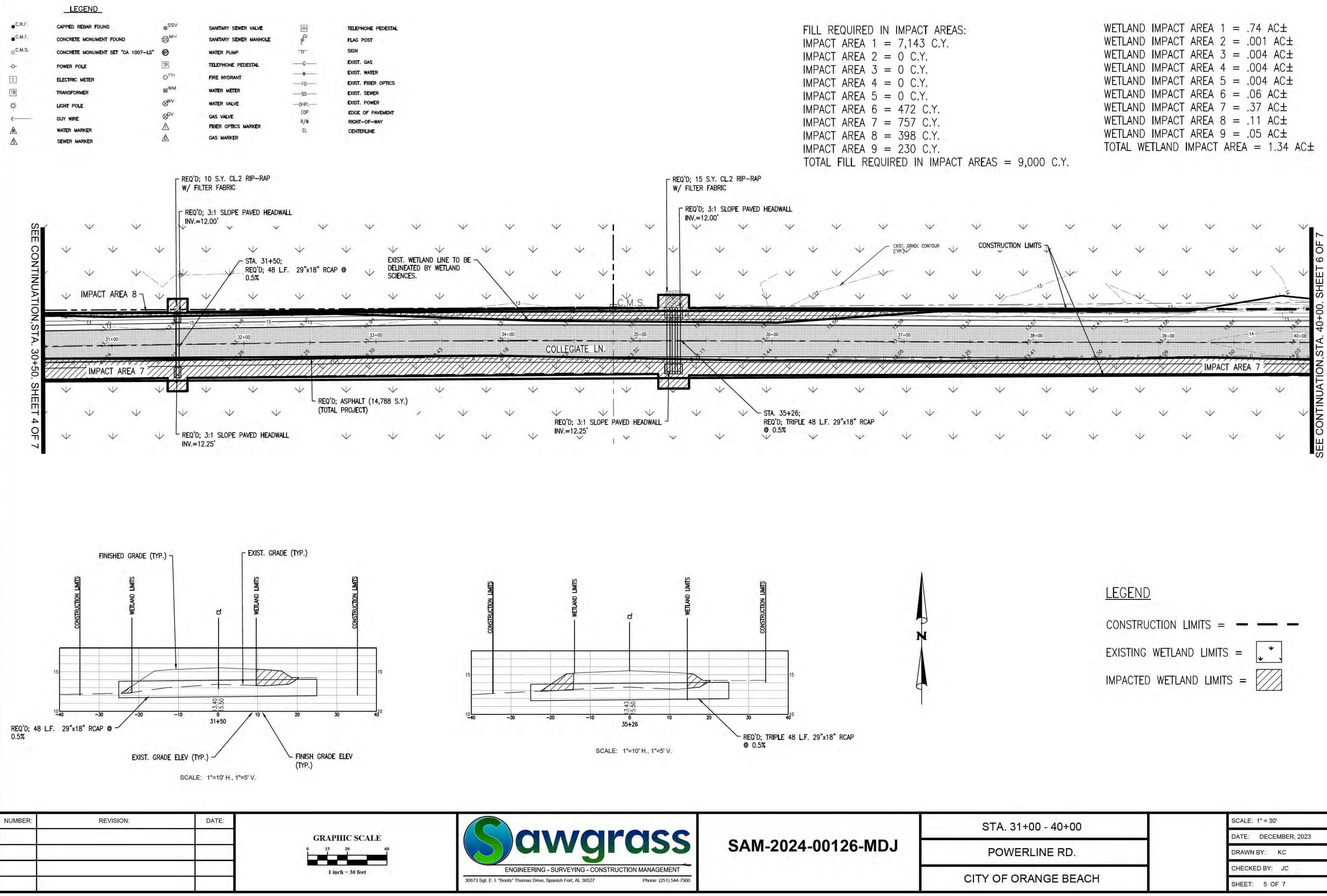


WETLAND	IMPACT	AREA	1	=	.74	AC±	
WETLAND	IMPACT	AREA	2	=	.001	AC±	
WETLAND	IMPACT	AREA	3	=	.004	AC±	-
WETLAND	IMPACT	AREA	4	=	.004	AC±	
WETLAND	IMPACT	AREA	5	=	.004	AC±	
WETLAND	IMPACT	AREA	6	=	.06	AC±	
WETLAND	IMPACT	AREA	7	=	.37	AC±	
WETLAND	IMPACT	AREA	8	=	.11	AC±	
WETLAND	IMPACT	AREA	9	=	.05	AC±	
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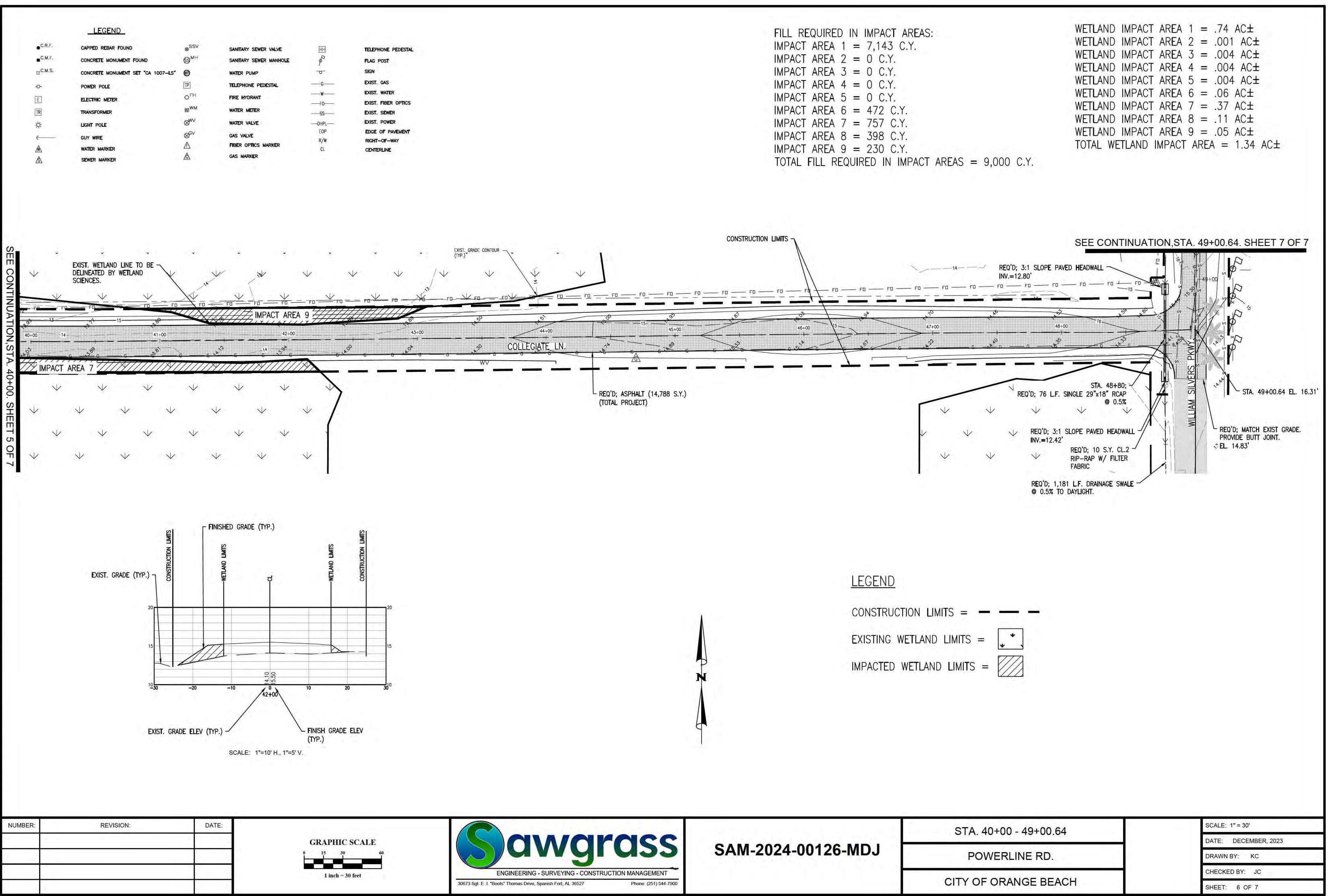


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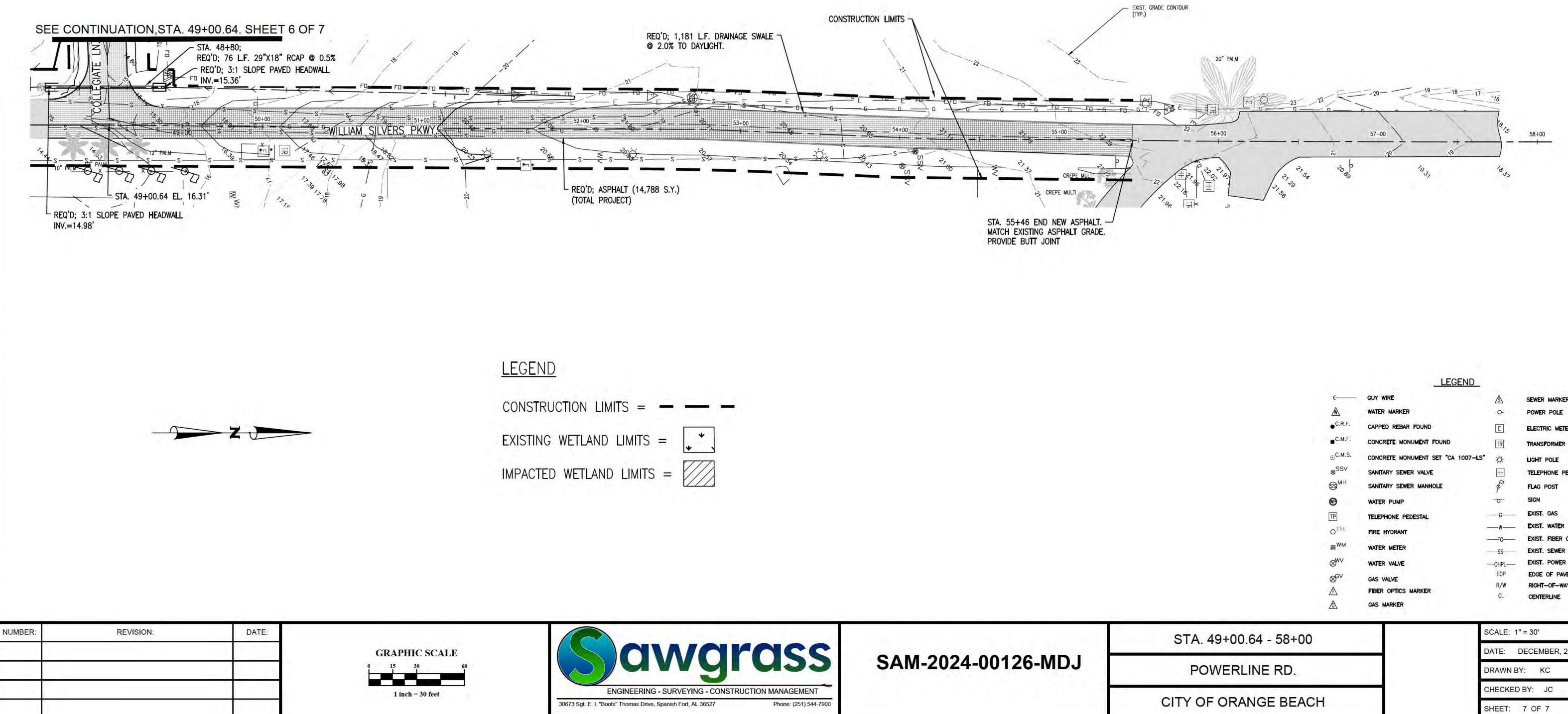


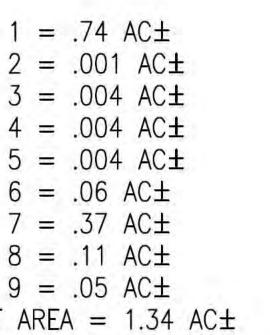
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CITY OF ORANGE BEACH	SHEET: 5 OF 7		



FILL RE	QUIRED	IN	IMPACT AREAS:
IMPACT	AREA	1 =	7,143 C.Y.
IMPACT	AREA 2	2 =	0 C.Y.
IMPACT	AREA	3 =	0 C.Y.
IMPACT	AREA 4	4 =	0 C.Y.
IMPACT	AREA S	5 =	0 C.Y.
IMPACT	AREA 6	6 =	472 C.Y.
IMPACT	AREA	7 =	757 C.Y.
IMPACT	AREA 8	8 =	398 C.Y.
IMPACT	AREA S	9 =	230 C.Y.
TOTAL	FILL RE	QUIF	RED IN IMPACT

WETLAND	IMPACT	AREA	1
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WETLAND	IMPACT	AREA	5
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C.R.F.	CAPPED REBAR FOUND	E	ELECTRIC METER
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(S) ^{MH}	SANITARY SEWER MANHOLE	F.	FLAG POST
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