



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2011-01553-JEB; MODIFICATION

31 July 2013

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

REQUEST FOR PERMIT MODIFICATION TO RETAIN FILL IN 1.4 ACRES OF
WETLANDS, RESTORE 0.3 ACRES OF FILLED WETLANDS, FILL AN
ADDITIONAL 0.9 ACRES OF WETLANDS, DREDGE AN AREA OF
CHICKASAW CREEK, INSTALL MOORING PILINGS AND CONSTRUCT A
BULKHEAD AT THE HOOKS MARINE TERMINAL ALONG CHICKASAW
CREEK, MOBILE, MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Hooks Marine Terminal
Attention: Mr. Slade Hooks
Post Office Box 1821
Mobile, Alabama 36633-1821

AGENT: Barry A. Vittor and Associates
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION OF WORK: Wetlands draining to Chickasaw Creek, Sections 15 and 22, Township 3 South, Range 1 West, 30.779143°N/ -88.069966°W, Mobile, Mobile County, Alabama.

WATERWAY: Chickasaw Creek, Sections 15 and 22, Township 3 South, Range 1 West, 30.779143°N/ -88.069966°W, Mobile, Mobile County, Alabama.

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PROPOSED WORK: The applicant requests modification to a previously issued after-the fact permit that authorized Hooks Marine Terminal to retain 1.0 acres of fill in low-quality scrub-shrub wetlands at their terminal facility on Chickasaw Creek and to restore 0.7 acres of previously filled low-quality wetlands. The fill was inadvertently placed in wetlands in order to maintain the terminal work-yard that has been affected by subsidence and compaction over a period of 32 years. The proposed modification is to retain fill in 1.4 acres of low-quality wetlands, restore 0.3 acres of low-quality wetlands, fill an additional 0.9 acres of low-quality wetlands, dredge a 195-foot-long by 50-foot-wide near shore area (2,200 cubic yards of silty clay material) within Chickasaw Creek for barge mooring, install 6 new mooring pilings within the dredged area, and construct approximately 225 linear feet of sheet-pile bulkhead along the shoreline adjacent to the dredged area. Dredge spoil material will be retained in uplands on-site and spread around the work yard. Mitigation for wetland impacts will be through the purchase of appropriate mitigation bank credits, to include a temporal loss multiplier for the previously filled 1.4 acre area.

The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The Applicant is leasing the southern half of the land abutting the existing slip to a company that needs a 300 ft wide work area for the entire length of its site. This is the area where a majority of the fill is requested on-site. In the southern portion of the property Hooks Marine Terminal has only requested filling to the line which obtains that 300' wide workspace. The Applicant has avoided filling more wetlands than are absolutely necessary to provide a workable space. In the northern half of the property the Applicant only wishes to keep a portion of the fill that was placed in wetlands so that he may establish a permanent workspace and stabilize the workspace so that fill no longer creeps into the surrounding wetlands. There is no room for minimization of wetland fill, so the only alternative is to not fill any additional wetlands and to pull back all previous fill. The Applicant rejected the "no-action" alternative because it disallows him from utilizing his land in a manner that suits his business' needs." The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: "Mitigation for filling 2.3-acre of low quality wetlands would be accomplished by purchasing wetland credits at a

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USACE approved mitigation bank whose service area covers the Mobile county project site." The Corps has not verified the adequacy of this mitigation proposal at this time.

The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

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 (Corps) can be based. 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, cultural values, 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 production, and in general, the needs and welfare of the people.

The Corps 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 Corps 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 above. 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.

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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.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

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. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that listed endangered and threatened species or their critical habitat may occur within the project area. Notification to the United States Fish and Wildlife Service will be furnished via this Public Notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2011-01553-JEB** and should be directed to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608, (If not in coastal zone: Post Office Box 301463, Montgomery, Alabama 36130-1463). 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 this office, **Mr. Eric Buckelew**, telephone number **251-690-3184**, e-mail **james.e. buckelew@usace.army.mil**. Please refer to the above Public Notice number.

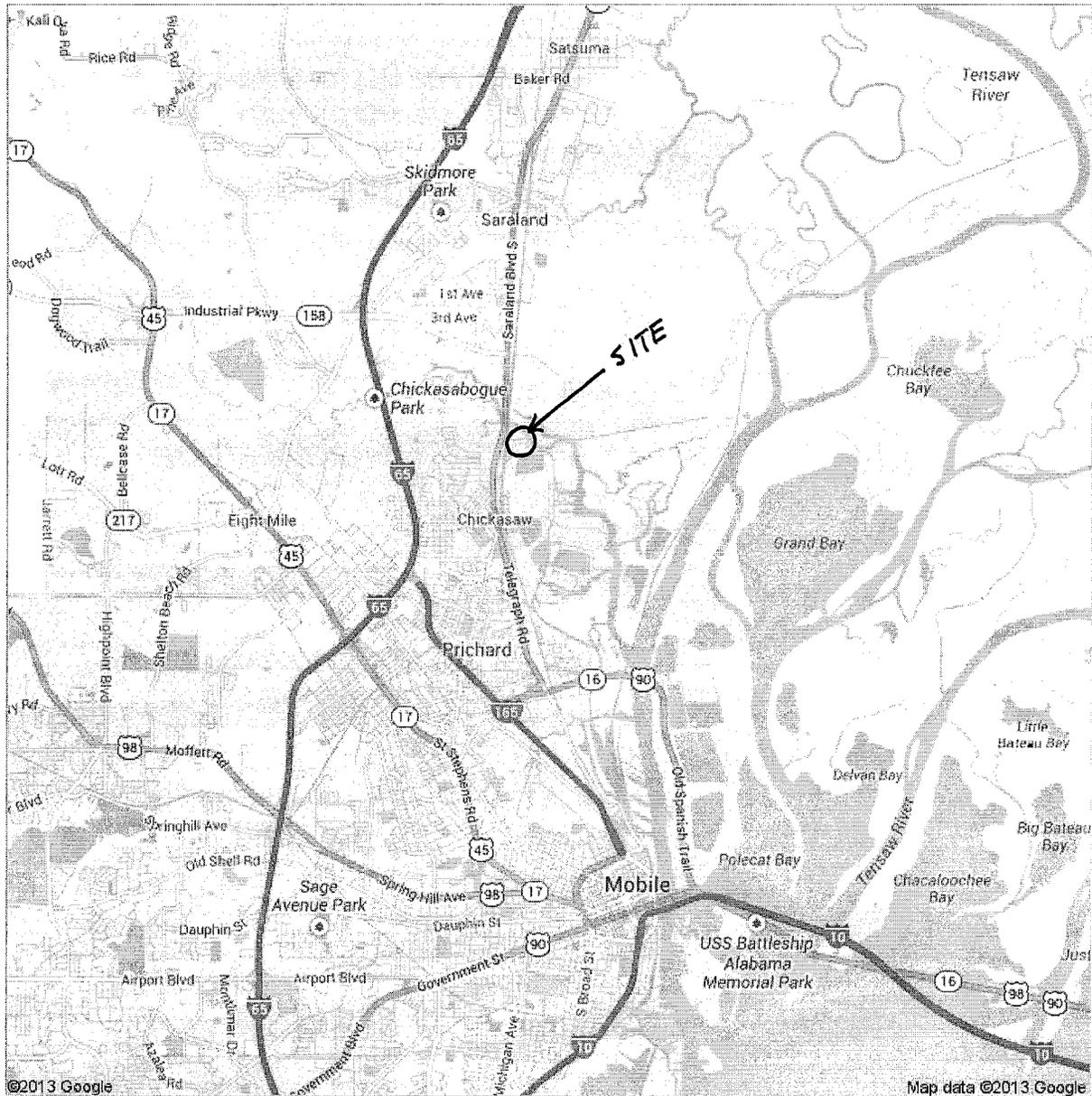
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For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

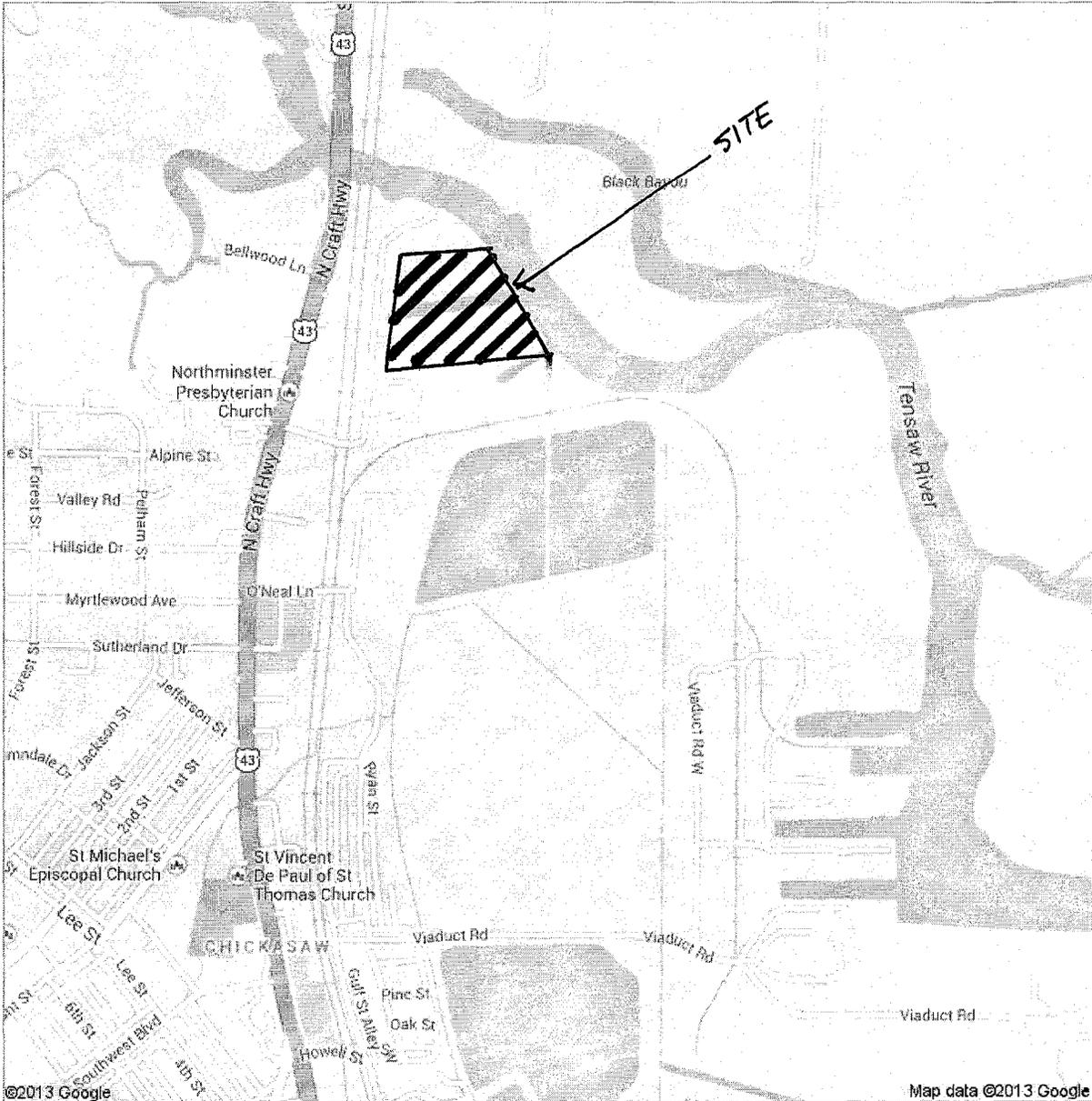
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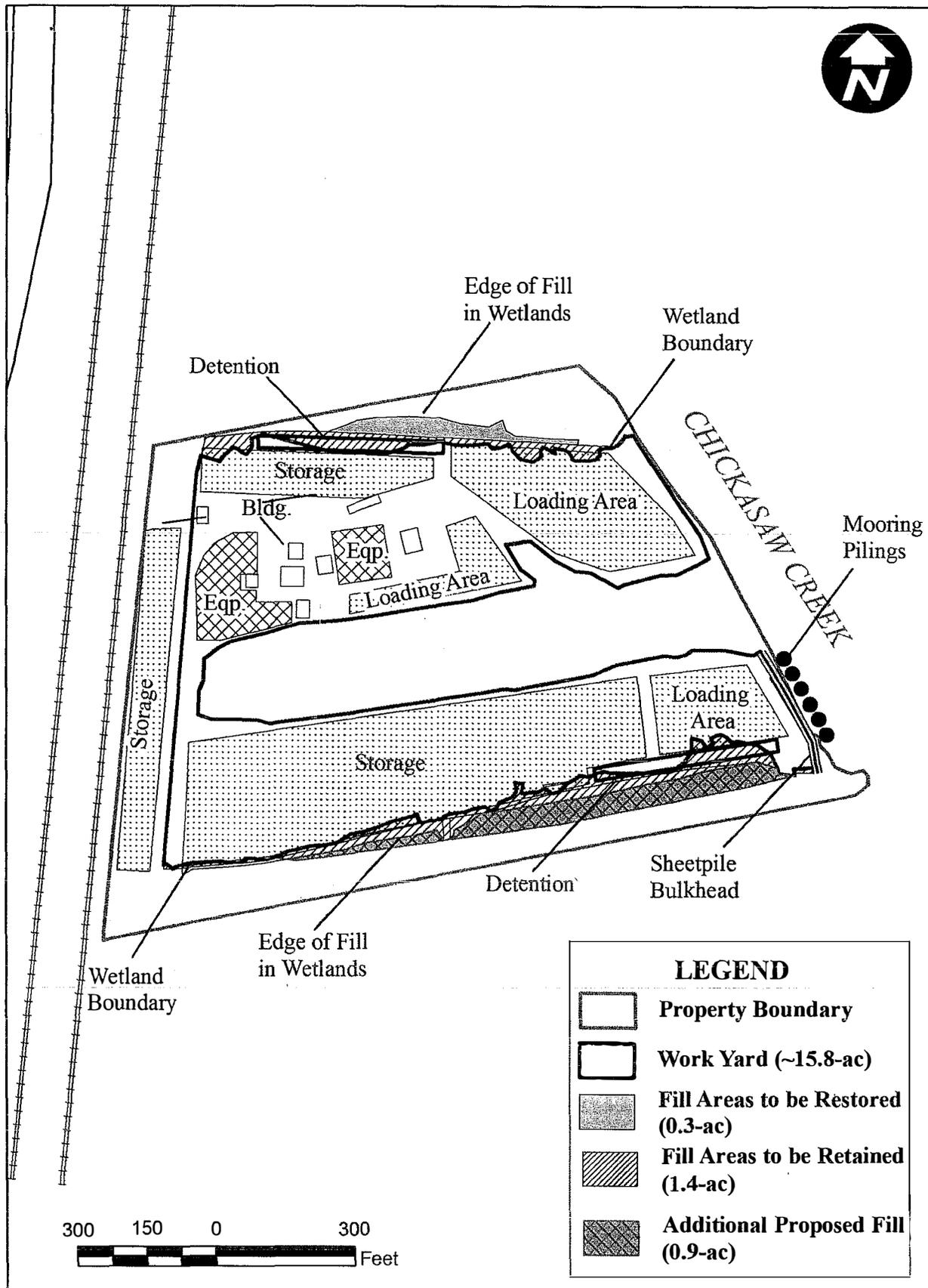


Figure 3. Site Plan

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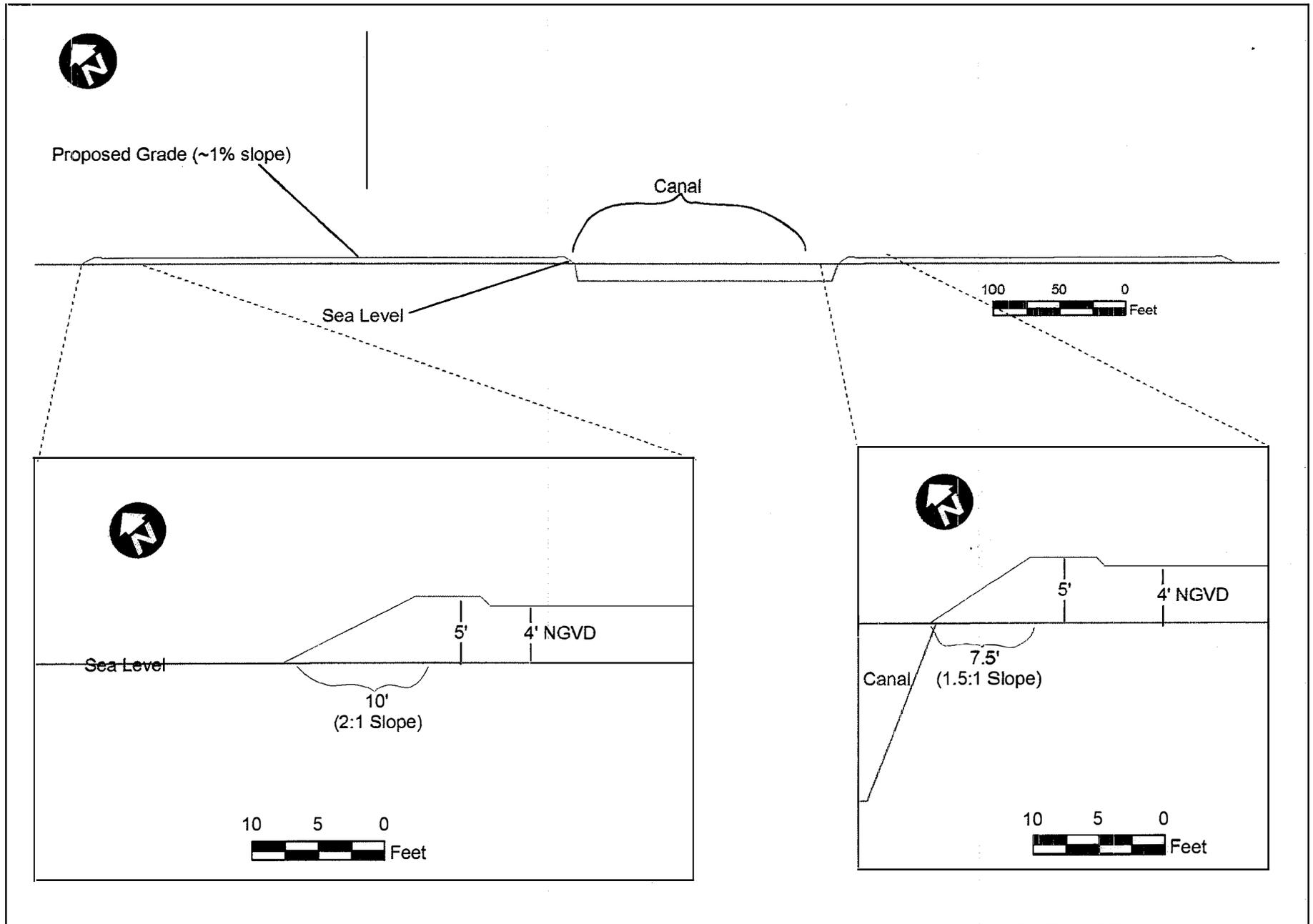
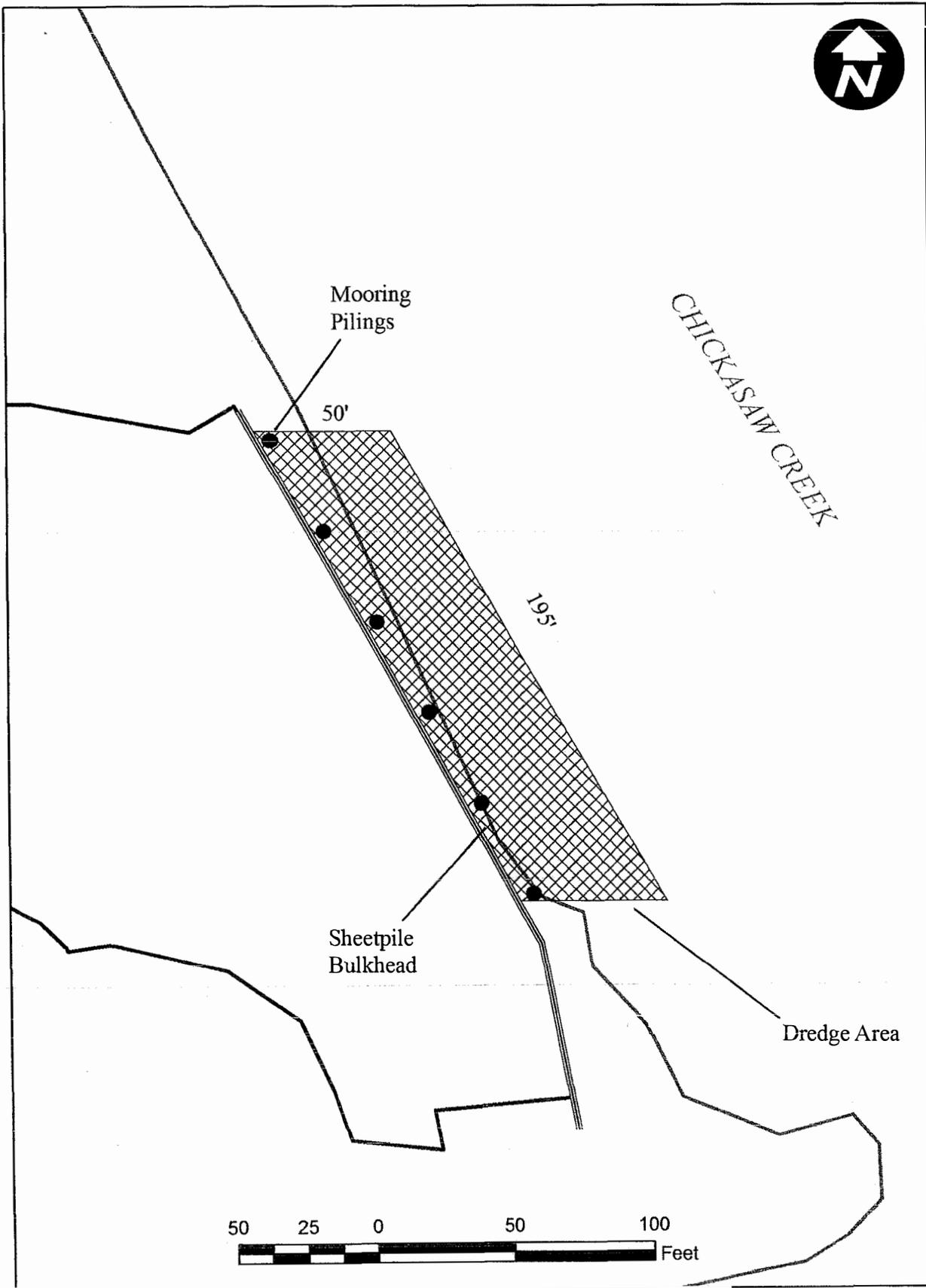


Figure 5. Cross-Sectional View of Construction Yard.



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