



DEPARTMENT OF THE ARMY  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, AL 36628-0001

CESAM-RD-SA  
PUBLIC NOTICE NO: SAM-2012-01492-GAC

APRIL 24, 2013

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

**WETLAND IMPACT AND STREAM RELOCATION/IMPACT IN CONJUNCTION WITH  
THE DEVELOPMENT AND CONSTRUCTION OF RETAIL SPACE AND ASSOCIATED  
APPURTENANCES**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: MCGOWIN PROPERTIES, LTD.  
ATTENTION: MR. JOE H. LITTLE, JR.  
56 SAINT JOSEPH STREET  
MOBILE, ALABAMA 36602**

**AGENT: BARRY A. VITTOR AND ASSOCIATES, INCORPORATED  
8060 COTTAGE HILL ROAD  
MOBILE, ALABAMA 36695**

**LOCATION: SACHEL PAIGE DRIVE, MOBILE, MOBILE COUNTY, ALABAMA**

**WATERWAY: TRIBUTARY TO BOLTON BRANCH**

**WORK:** The applicant proposes to impact a total of 17.4 acres of jurisdictional wetland area and relocate/impact approximately 1,462 linear-feet of degraded stream. The proposed impacts are in conjunction with the proposed development and construction of approximately 600,000 square feet of retail space and associated outparcels, access drives, parking lots and stormwater detention features.

Specifically, the applicant proposes to fill 13.64 acres of low-quality, scrub-shrub wetland area for construction of buildings, parking areas and outparcels, excavate 1.76 acres low-quality, scrub-shrub and forested wetland area for detention pond installation, and convert a 2.0 acre forested wetland area, currently in dedicated mitigation, to an herbaceous system that would be used as a secondary wetland treatment system to "polish" water discharged from the proposed detention pond.

The applicant also proposes to fill approximately 1,462 linear feet of degraded stream and relocate the system into an engineered box culvert system.

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The applicant proposes mitigation for impacts to 15.4 acres of low-quality forested and scrub-shrub wetland habitat due to construction through the purchase of an appropriate number of wetland mitigation credits in an approved wetlands mitigation bank whose service area includes the proposed project site.

The applicant proposes to mitigate impacts to a 2-acre wetland mitigation area that is being converted from forested habitat to herbaceous habitat through the purchase of an appropriate number of wetland mitigation credits in an approved wetlands mitigation bank.

The applicant is proposing mitigation for impacts to approximately 1,462 linear-feet of highly degraded stream through the installation of an engineered culvert system through which the stream would be re-routed. This box culvert system is proposed to accommodate stormwater flows currently carried by the stream and would also improve downstream water quality by substantially reducing the amount of silt that currently migrates towards Bolton Branch and Dog River, from the subject site, during heavy rainfall events.

All work is proposed in accordance with the attached plans and drawings.

**PROJECT PURPOSE:** The project purpose is to create a regional shopping center large enough in scope to attract tenants that will include a variety of national retailers and large anchor stores that will attract customers from a wide geographic area.

The applicant has applied for State water quality (WQ) certification in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to WQ certification will be made by the Alabama Department of Environmental Management.

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

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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. 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.

A Phase I cultural resources survey was conducted on the project site and surrounding land in 1995 by Archeological Services, Inc. No cultural resource sites were identified on the proposed project site; however, three sites were identified to the south of this project during the survey, two of which were recommended for further study. A Phase II study of those two sites was conducted, and it was determined that neither site was eligible for the National Register. No further work was recommended in conjunction with the 1995 survey.

Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service and 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 indicate that the proposed activity would result in a "no effect" to listed species, or their critical habitat. This notice and application will be coordinated with the U.S. Fish and Wildlife Service to assess if the proposed activity will affect listed endangered or threatened species or their critical habitat.

A threatened and Endangered Species Survey of the proposed project site/property was conducted by Barry A. Vittor and Associates, Incorporated on May 29, 2012. No species of plants or animals that are listed as threatened or endangered or their suitable habitats were found on the project property. Vittor and Associates has submitted a copy of the survey findings to the U.S. Fish and Wildlife Service for their review and concurrence. Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2012-01492-GAC and should be directed to:

District Commander  
U.S. Army Engineer District, Mobile  
Post Office Box 2288,  
Mobile, Alabama 36628-0001  
Attention: Regulatory Division

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with a copy to the:

Alabama Department of Environmental Management  
4171 Commanders Drive  
Mobile, Alabama 36615

Comments should be received no later than **30 days** from the date of this Public Notice.

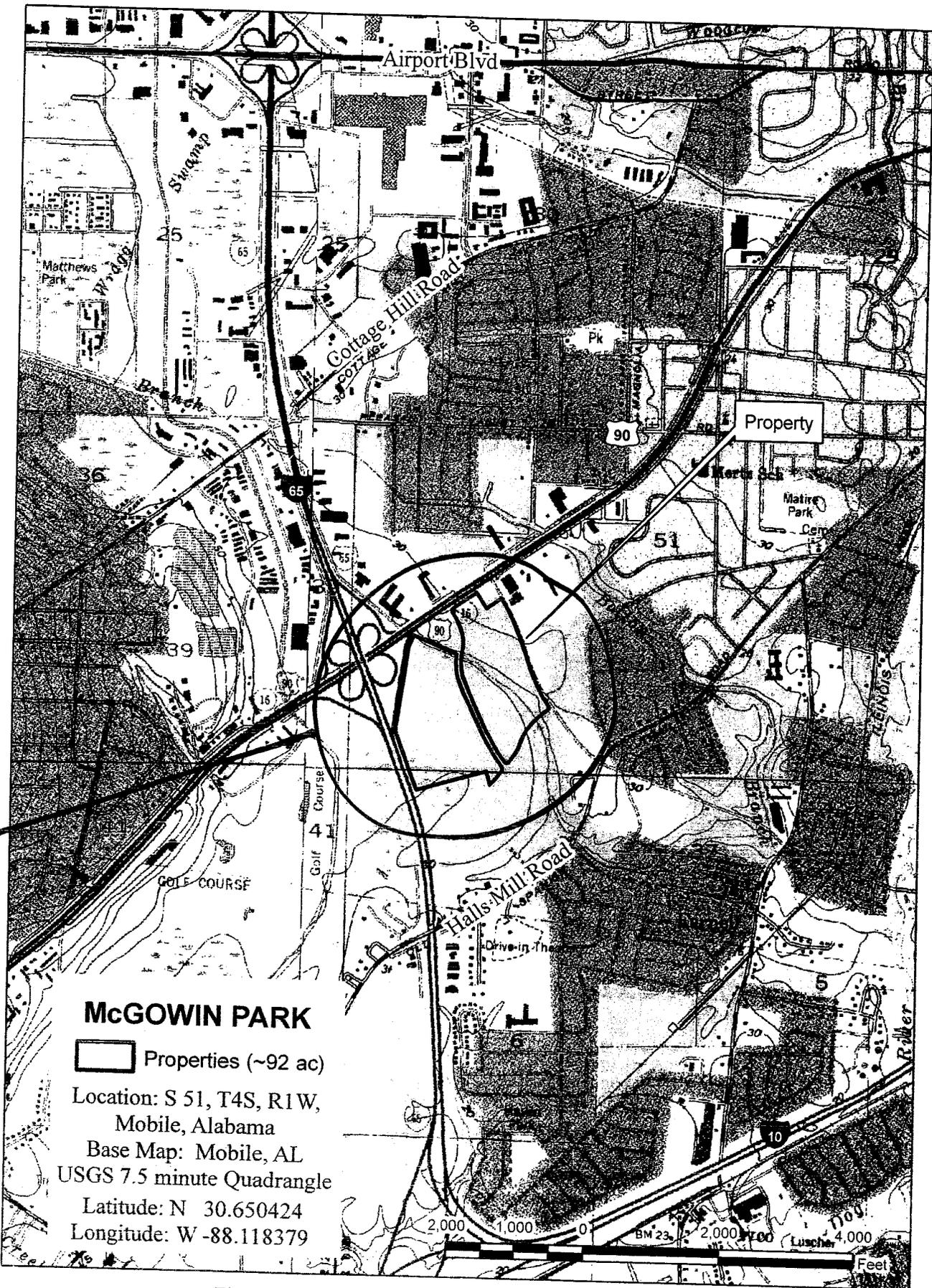
If you have any questions concerning this publication, you may contact the project manager via e-mail at [glen.a.cunningham@usace.army.mil](mailto:glen.a.cunningham@usace.army.mil) or telephone number (251) 694-4077. Please refer to the above Public Notice number.

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), 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.

Enclosures

MOBILE DISTRICT  
U.S. Army Corps of Engineers

*Proposed Project S37E*



**McGOWIN PARK**

□ Properties (~92 ac)

Location: S 51, T4S, R1W,  
Mobile, Alabama

Base Map: Mobile, AL  
USGS 7.5 minute Quadrangle

Latitude: N 30.650424

Longitude: W -88.118379

Figure 1. McGowin Properties Limited Vicinity Map.

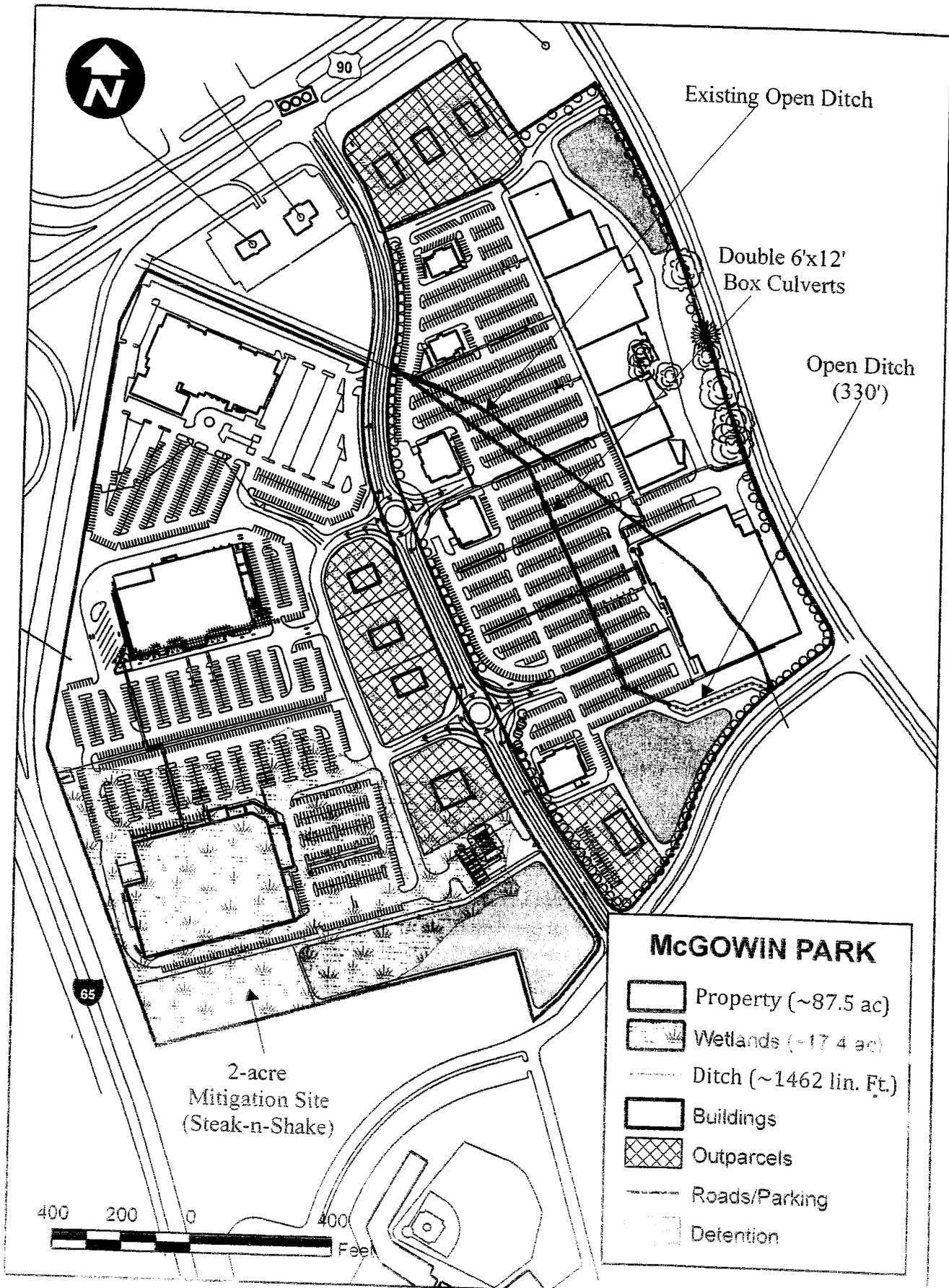


Figure 3. McGowin Properties, Ltd. Site Development Plan

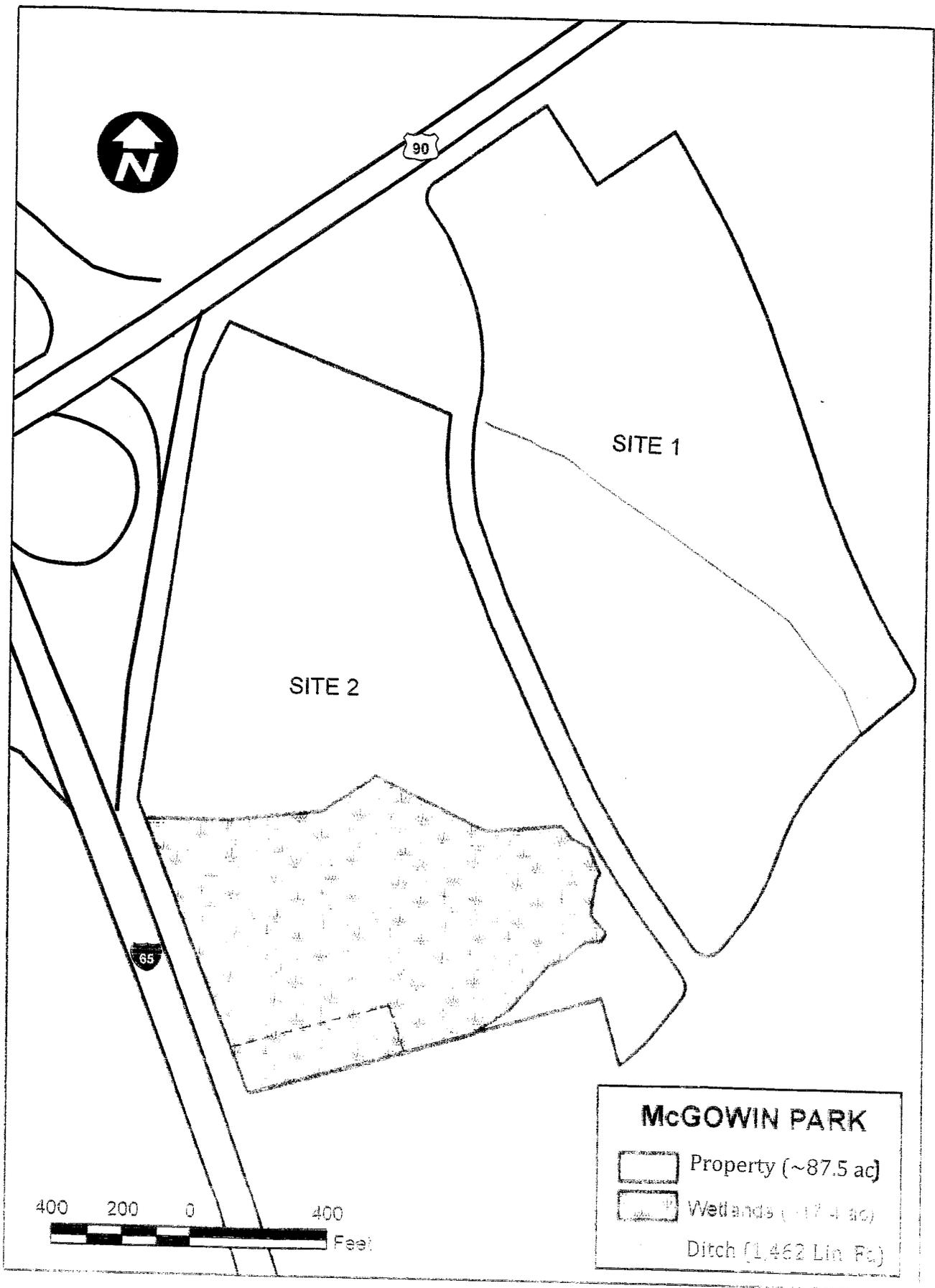
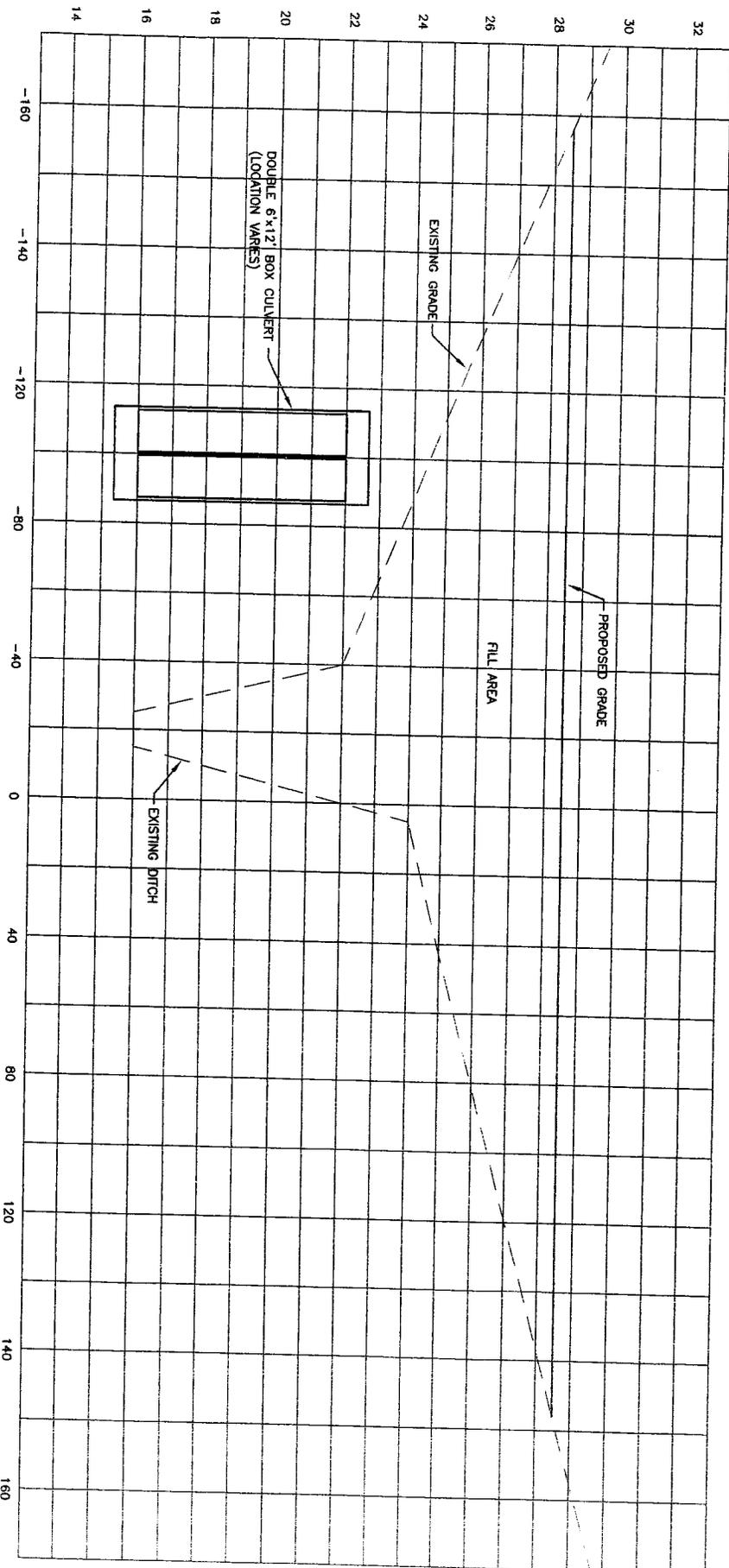


Figure 2. McGowin Properties, Ltd. Wetland Delineation Map



PROJECT:  
**MCGOWIN PARK**  
 SATCHEL PAIGE DR  
 MOBILE, ALABAMA

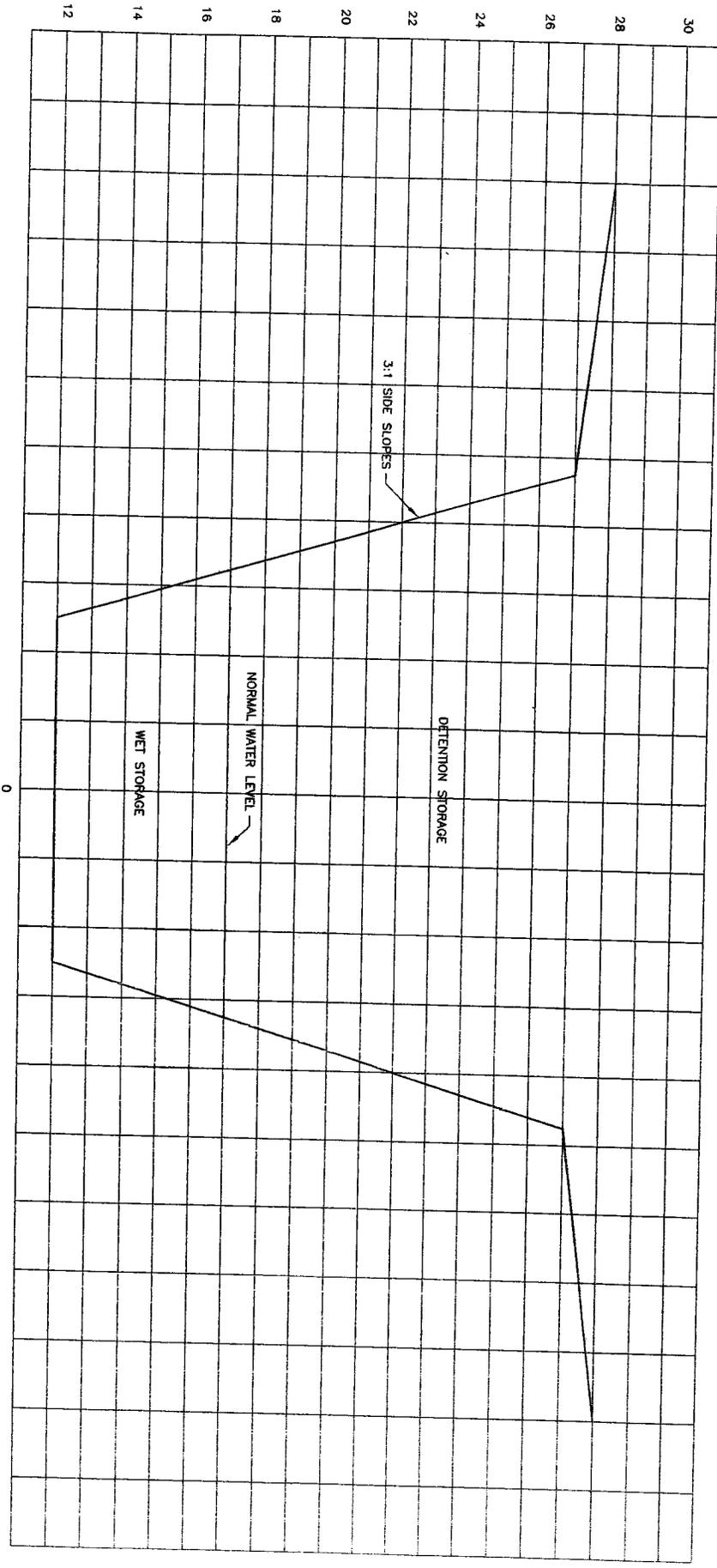
SHEET NAME:  
 DITCH CROSS-SECTION

DATE: 06/08/2013  
 PROJECT NO.: 1300B  
 DRAWN BY: CMB  
 CHECKED BY: BMB

**BERRY**  
 ENGINEERS LLC  
 3555 KEITH ST NW  
 SUITE 100  
 CLEVELAND, TN 37312  
 423-790-5880



Figure 7 (Cross Section of Culverts)



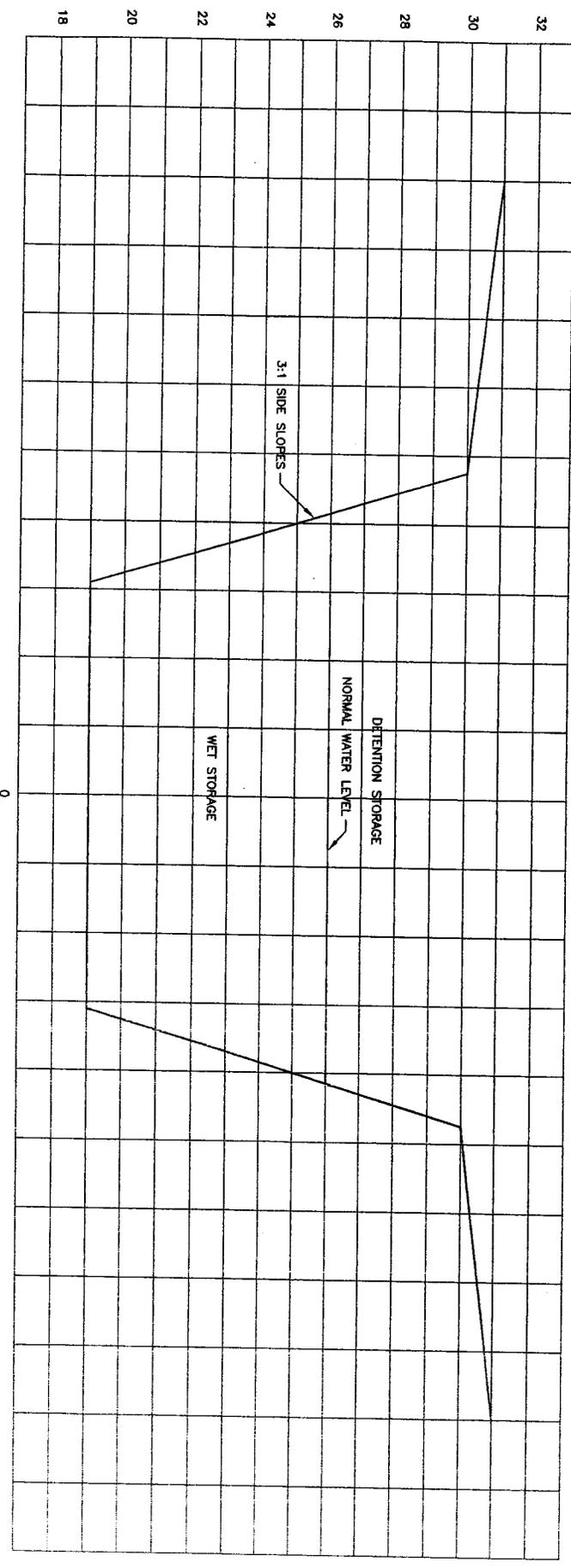
PROJECT:	<b>MCCOMIN PARK</b> SATCHEL PAIGE DR MOBILE, ALABAMA	SHEET NAME:	DETENTION POND TYPICAL CROSS-SECTION (EAST SIDE)	DATE:	04/08/2013
				PROJECT NO.:	13008
				DRAWN BY:	CMB
				CHECKED BY:	BMB

**BERRY**  
ENGINEERS LLC

3555 KEVIN ST NW  
SUITE 100  
DUBLIN, GA 31712  
423-780-5980



Figure 8 (Cross Section of Site 1 Detention Ponds)



PROJECT:  
**MCGOWIN PARK**  
 SATCHEL PAIGE DR  
 MOBILE, ALABAMA

SHEET NAME:  
 DETENTION POND TYPICAL  
 CROSS-SECTION  
 (WEST SIDE)

DATE: 04/08/2013  
 PROJECT NO.: 13008  
 DRAWN BY: CMB  
 CHECKED BY: BMB

**BERRY**  
 ENGINEERS LLC  
 3635 KENT ST. NW  
 SUITE 100 TN 37312  
 423-790-5680



Figure 9 (Cross Section of Site 2 Detention Pond)