



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

CESAM-RD-A  
PUBLIC NOTICE NO. SAM-2013-1131-DEM

December 5, 2013

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

**REQUEST FOR AUTHORIZATION TO FILL JURISDICTIONAL WETLANDS  
AS SUPPORT AREAS FOR EXISTING AND PENDING INDUSTRIAL MANUFACTURING  
OPERATIONS IN THEODORE, MOBILE COUNTY, ALABAMA**

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 U.S.C. 1344). Please communicate this information to interested parties.

**APPLICANT:** Evonik Corporation  
Mobile Service Plant  
Attention: Ms. Bonnie Tully  
4201 Degussa Road  
Theodore, AL 36581

**AGENT:** Barry A. Vittor & Associates, Inc  
Attention: Mr. David Knowles  
8060 Cottage Hill Road  
Mobile, AL 36695

**WATERWAY/LOCATION:** The project proposal is located at 4201 Degussa Road, Theodore, Mobile County, Alabama within jurisdictional wetlands of Muddy Creek in the existing Evonik Industrial Site. The site is located at Latitude 30.521748° North; Longitude -88.139953° West, Township 6 South, Range 2 West.

**PROJECT PURPOSE:** The "Basic Project Purpose" is the expansion of the existing Evonik-Degussa industrial facility. For the purposes of the Clean Water Act Section 404(b)(1) Guidelines, this basic project purpose does not define the project as a "water-dependent" activity. The "Overall Project Purpose" is: to develop support areas for existing and pending industrial manufacturing operations such as ground storage for shipping containers, employee parking, rail yard expansion, and a new entry drive.

**WORK:** The applicant proposes to fill approximately 7.985 acres of jurisdictional wetlands in association with the expansion of the existing Evonik-Degussa industrial facility. Proposed impacts to jurisdictional wetlands are as follows: approximately 7.4 acres of low-quality scrub-shrub wetlands are to be filled for ground storage of shipping containers and employees parking, approximately 0.49 acres of low quality scrub-shrub wetlands for the expansion of the existing rail yard, and approximately 0.095 acre of low quality scrub-shrub wetlands for the construction of a new entry drive.

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The applicant proposes to mitigate for the unavoidable impacts to jurisdictional wetlands through a combination of onsite enhancement and preservation. Additional review of mitigation requirements will be performed by the Corps and cooperating agencies. Final compensatory mitigation will be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

The applicant has applied for State Water Quality Certification (WQC) in accordance with Section 401 (a)(1) of the Clean Water Act, and for Coastal Zone (CZ) Consistency in accordance with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to WQC and CZ consistency 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 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.

In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to

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affect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. Additionally, this project was previously coordinated with the Alabama Historical Commission as identified by **AHC 98-1042**. The AHC determined that "Upon review of the cultural resource assessment conducted by Read Stowe, the Alabama Historical Commission has determined the following. The results of the assessment indicate that there are no cultural resources listed on or eligible for the National Register of Historic Places within the project boundaries. Therefore, our office can concur with the proposed project."

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 may affect listed species, or their critical habitat. On September 30, 2013, the U.S. Fish and Wildlife Service determined that "No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources.

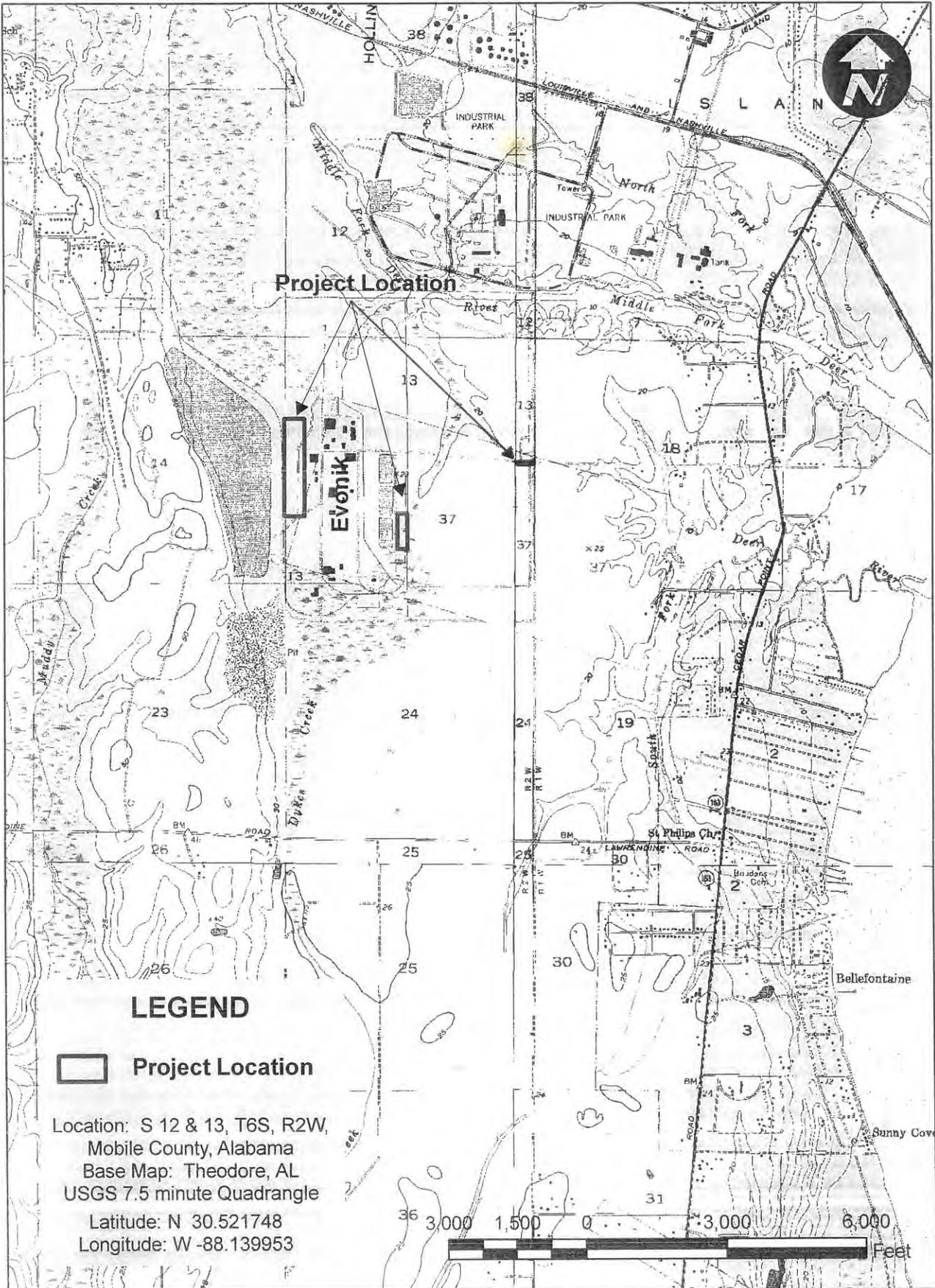
Correspondence concerning this Public Notice should refer to SAM-2013-1131-DEM and should be mailed to the District Commander, U.S. Army Engineer District Mobile, Attention: Regulatory Division (Mroczko), Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608.

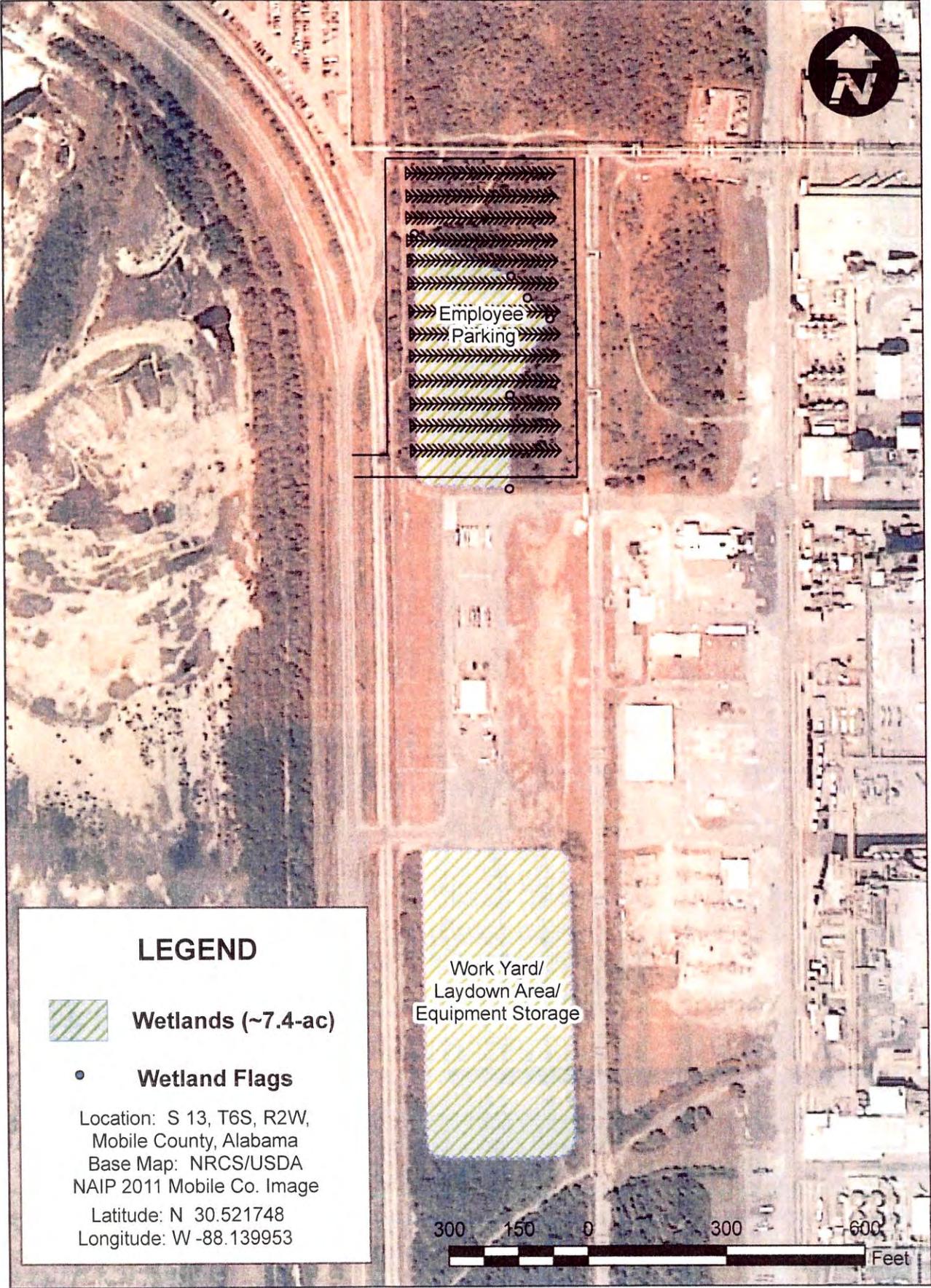
**All Comments should be received no later than 30 days from the date of this Public Notice.** If you have any questions concerning this publication, you may contact the project manager, Mr. Don Mroczko at (251) 690-3185 or by email at [donald.e.mroczko@usace.army.mil](mailto:donald.e.mroczko@usace.army.mil). Please refer to the Public Notice Number SAM-2013-1131-DEM.

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

Enclosures





**LEGEND**



**Wetlands (~7.4-ac)**

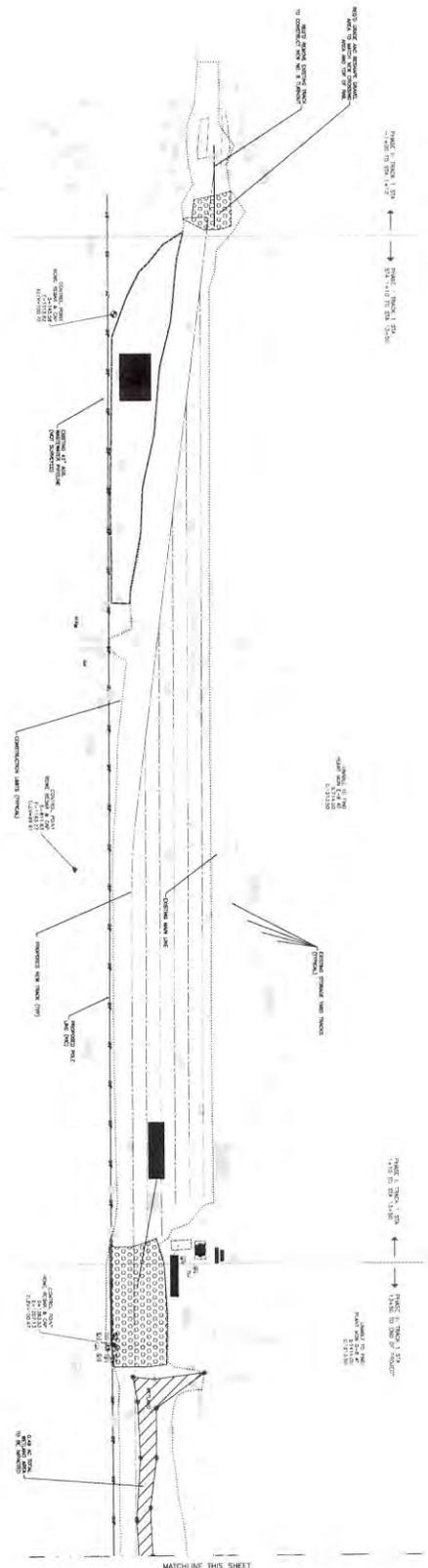
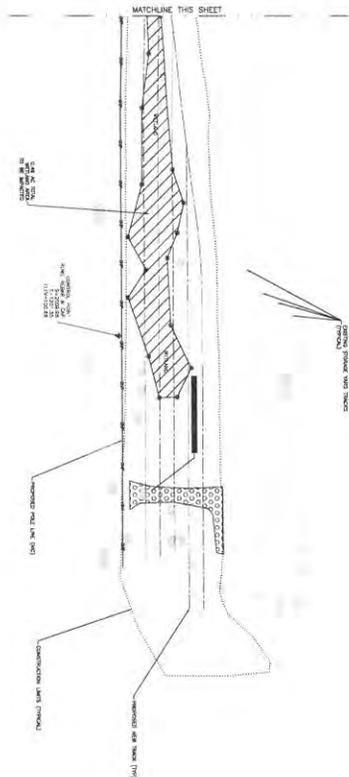
• **Wetland Flags**

Location: S 13, T6S, R2W,  
Mobile County, Alabama  
Base Map: NRCS/USDA  
NAIP 2011 Mobile Co. Image

Latitude: N 30.521748  
Longitude: W -88.139953

Work Yard/  
Laydown Area/  
Equipment Storage





4201 DEGUSSA ROAD, THEODORE, ALABAMA 36582  
 TEL: 205-850-1234 FAX: 205-850-1234  
 WWW.DRIVENENGINEERING.COM

4201 STORAGE YARD EXPANSION  
 DEMOLITION PLAN

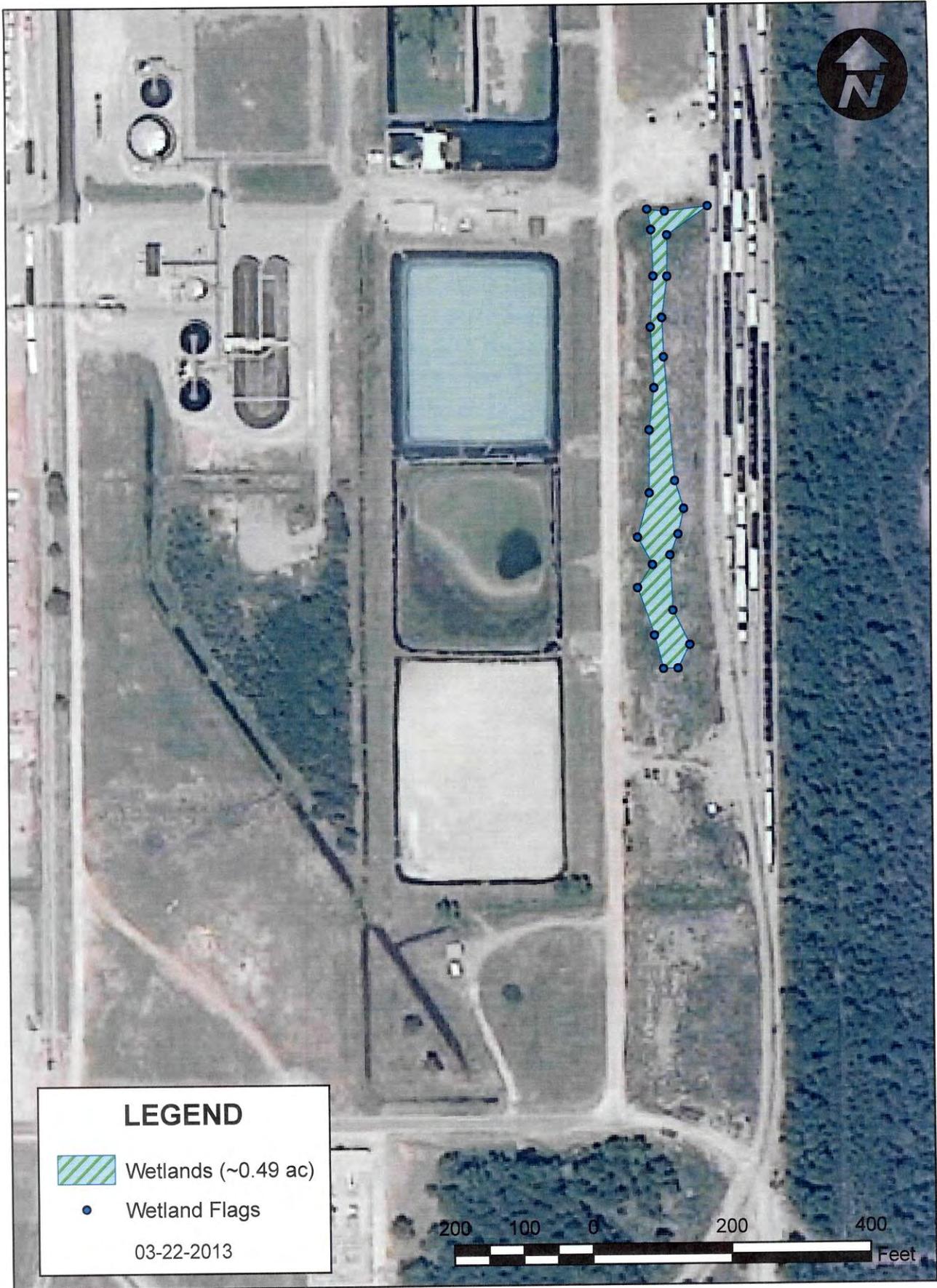
**Driven Engineering, Inc.**  
 8000 North 98th Street, Suite 100, Oklahoma City, Oklahoma 73155  
 (202) 440-4611 (918) 440-4611  
 www.drivenengineering.com

**PRELIMINARY RESULTS**

EVONIK CORPORATION  
 4201 Degussa Road  
 Theodore, Alabama 36582



NO.	DATE	DESCRIPTION
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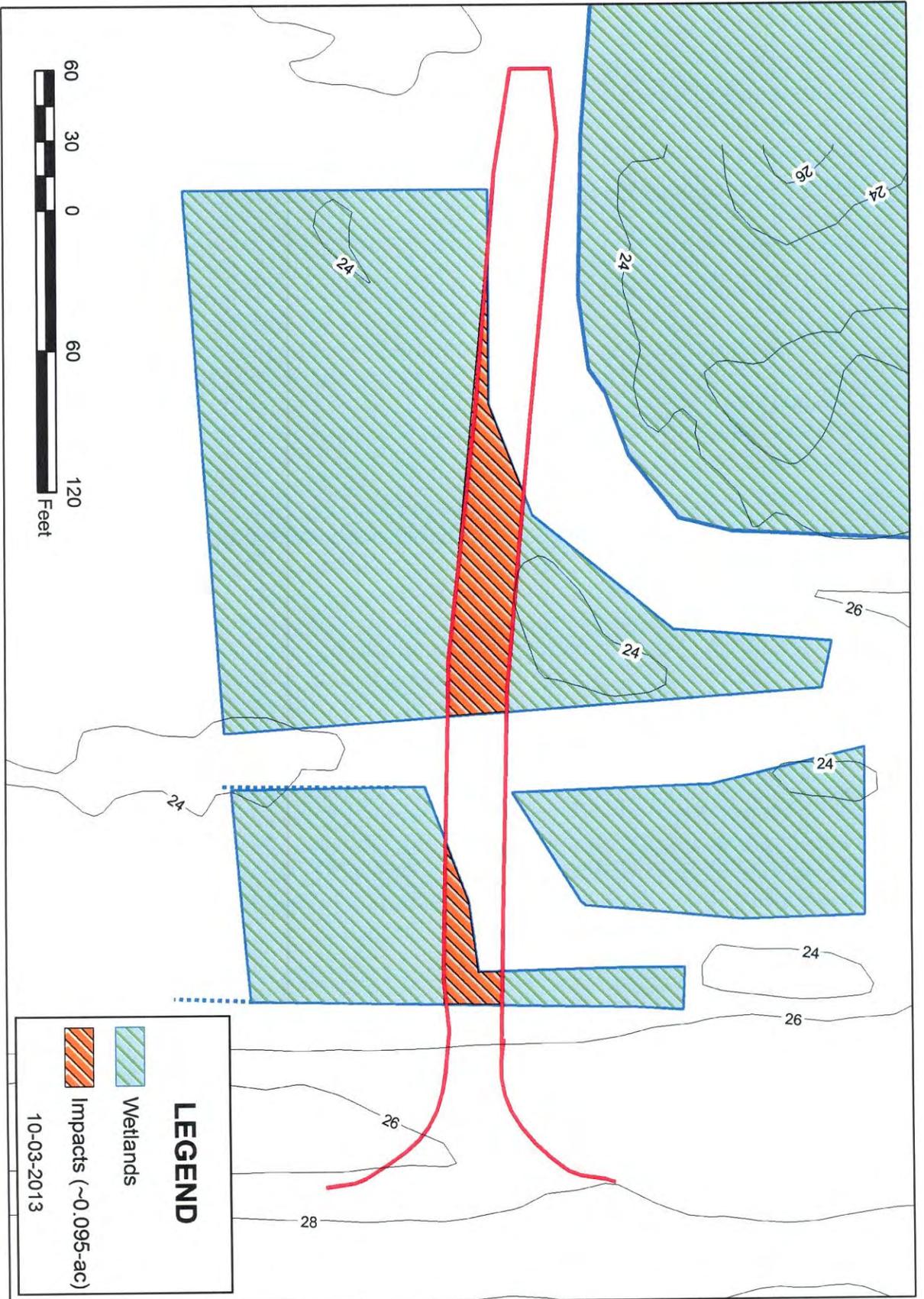


Figure 6. LIDAR Elevation Map.