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

CESAM-RD-S-A **December 13, 2013**
PUBLIC NOTICE NO. SAM-2013-01279-LET

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

PLACEMENT OF FILL MATERIAL IN 0.42–ACRE OF WETLANDS ASSOCIATED WITH PROPOSED RE-ISSUANCE OF PERMIT TO COMPLETE CONSTRUCTION OF PECAN GROVE SUBDIVISION PHASE 2, DAWES, 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 USC 1344). Please communicate this information to interested parties.

APPLICANT: **Twilley Builders, Inc.**
Post Office Box 850669
Mobile, Alabama 36695

AGENT: **Barry A. Vittor & Associates, Inc.**
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: **West of McFarland Road on Pecan Grove Drive in wetlands adjacent to an Unnamed tributary of Turkey Creek, Section 15, Township 5 South, Range 3 West, Dawes, Mobile County, Alabama; Latitude 30.365165° North and Longitude -88.153961° West.**

WORK: **The applicant proposes to discharge approximately 2,500 cubic yards of sandy clay fill material into 0.42-acre of hardwood forested jurisdictional wetlands to complete construction of the Phase 2 addition to Pecan Grove Subdivision. Construction of the Phase 2 addition was originally authorized under Department of the Army permit SAM-2007-00904-LET and ADEM Water Quality Certification COE-07-46, which approved the discharge of fill material into 0.54-acre of medium-quality hardwood forested wetlands and the required purchase of 1.35 wetland mitigation credits from Weeks Bay Mitigation Bank to compensate for the wetland impact. Due to the economic and real estate down-turn which began around 2008, the construction of Phase 2 was not completed and the permit was allowed to expire without completing the authorized work. Approximately 0.12-acre of the originally authorized fill impact associated with the riprap armoring of a stormwater detention pond outfall on Lot 5 and development of Lot 6 was implemented and the entire 1.35 wetland mitigation credit requirement was purchased from the mitigation bank. Fill in wetlands to develop Lots 7, 8, 9 and a driveway to Lot 10 remain to be performed and are the subject of this application.**

PROJECT PURPOSE: **The overall project purpose is to complete the construction of phase 2 of an on-going residential subdivision development.**

The applicant has applied for State water quality certification (WQC) 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 WQC 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 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 effect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area consists of the phase 2 project site. 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 a potential exists for

the location of significant sites or properties within the permit area, the Corps will consult with the State Historic Preservation Officer to make a final determination.

Preliminary review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants, and preliminary U.S. Fish and Wildlife Service coordination information provided by the applicant indicate that the proposed activity would have “no effect” on federally 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2013-01279-LET** and should be directed to the District Commander,U.S. Army Engineer District, Mobile, Attention: Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608. 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 **leslie.e.turney@ usace.army.mil** or phone **(251) 694-3873.** 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.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers

BARRY A. VITTOR & ASSOCIATES, INC.
ENVIRONMENTAL RESEARCH & CONSULTING
8060 Cottage Hill Road Mobile, Alabama 36695
Phone (251) 633-6100 Fax (251) 633-6738

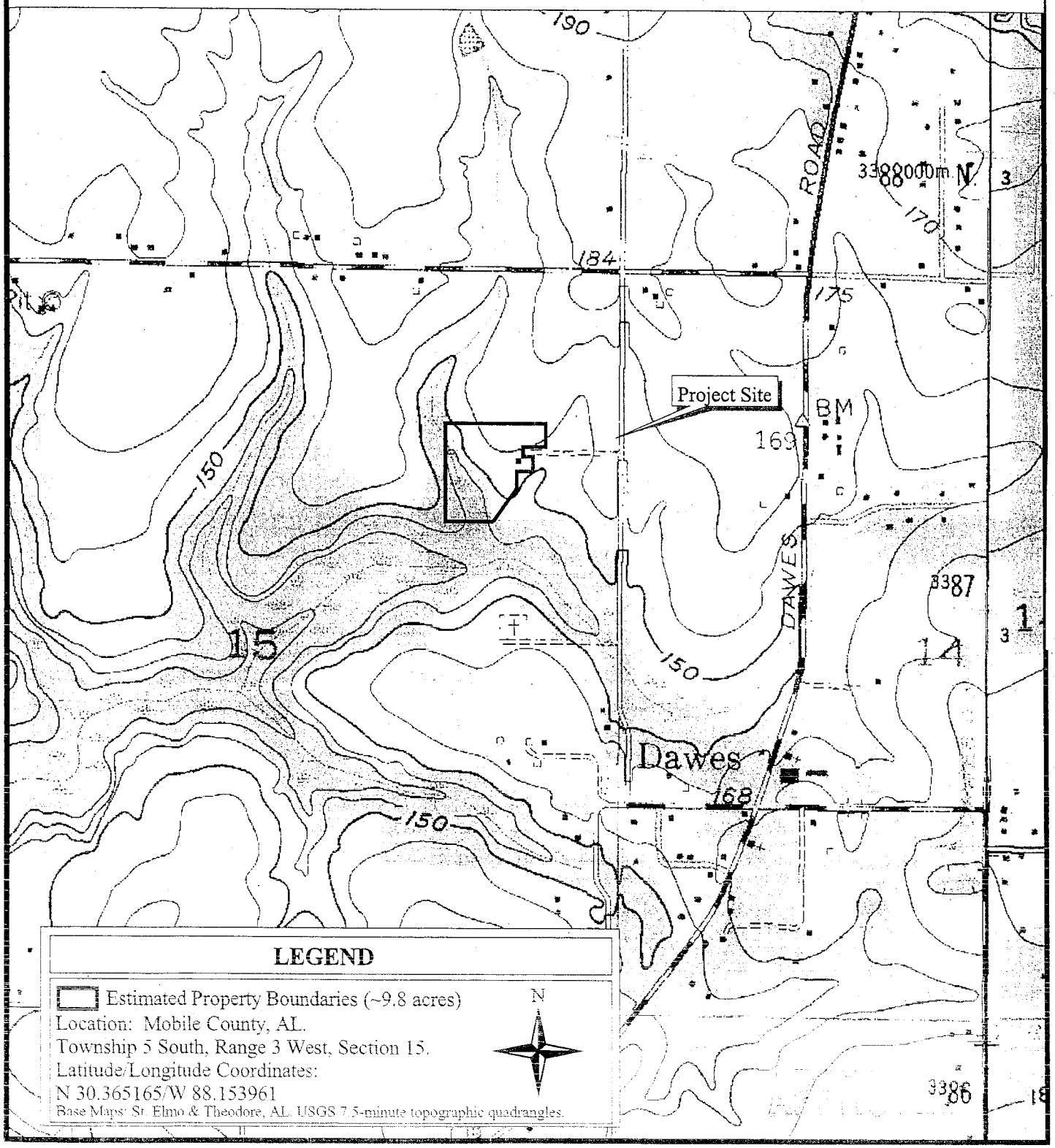

Figure 1: Project Location and Vicinity Map

500 0 500 1000 1500 2000 2500 Feet

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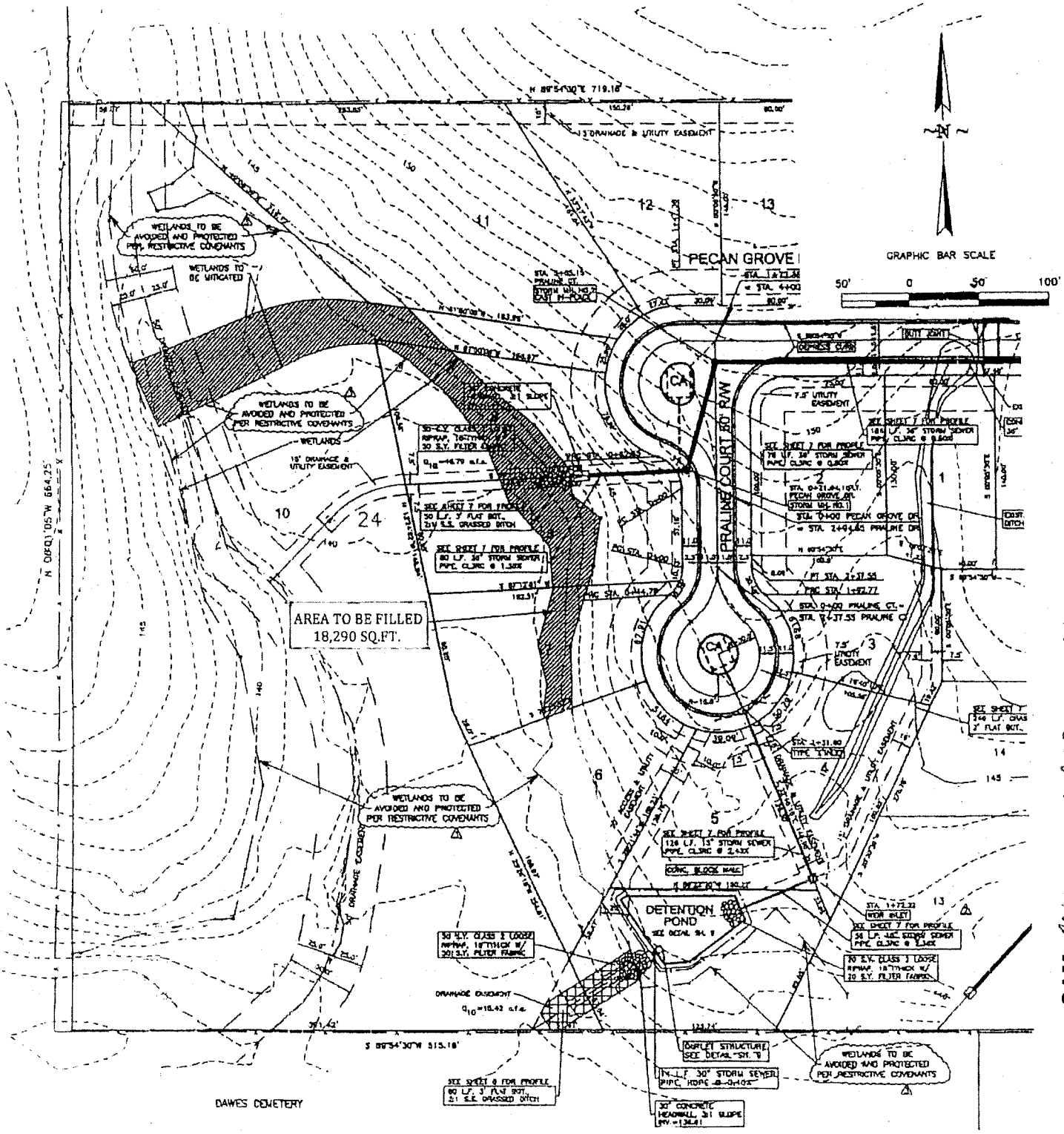

WETLANDS TO BE MITIGATED
AREA = 0.42 ACRE
(18,290 SQ.FT.)

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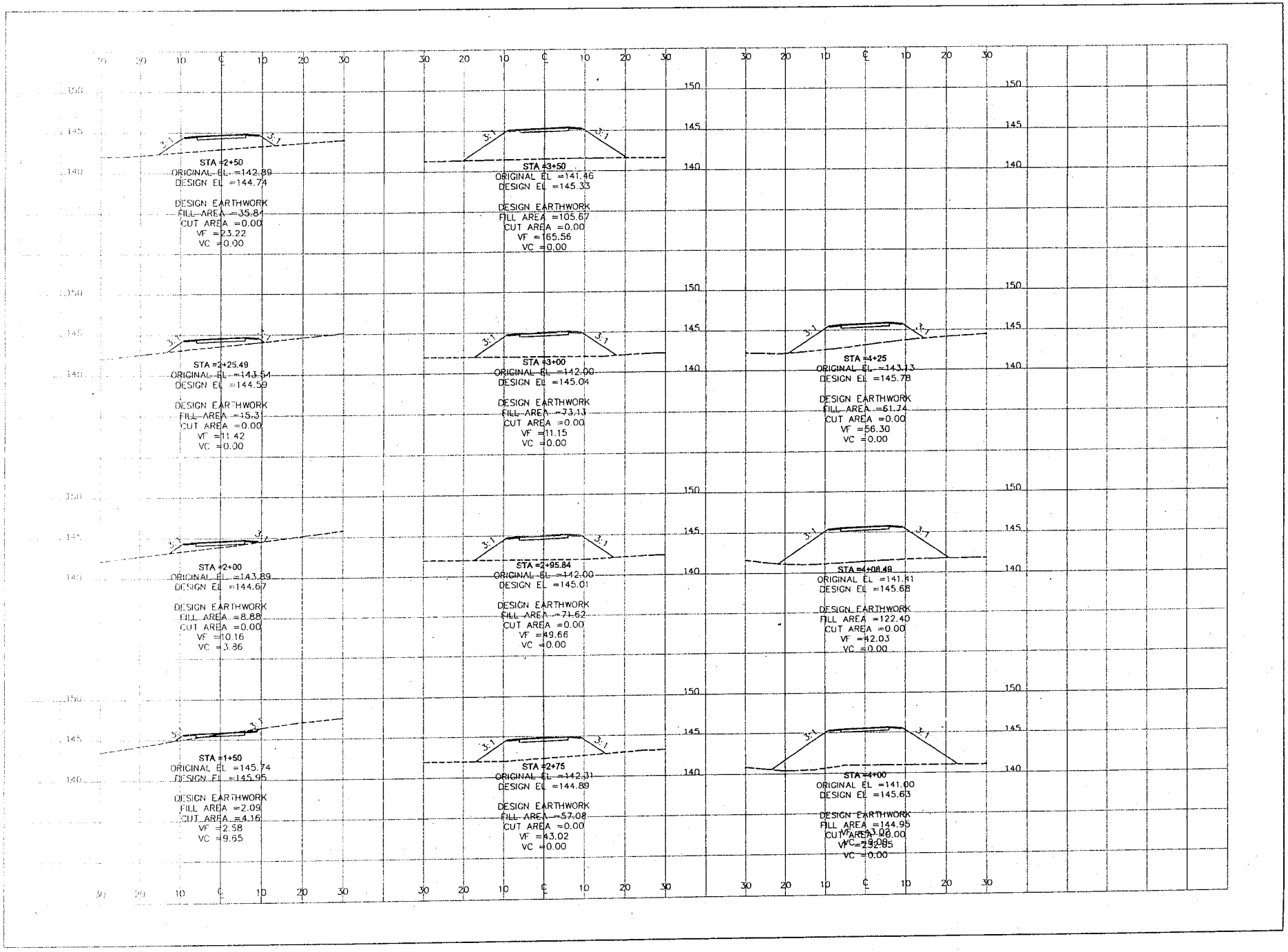

ROADWAY CROSS-SECTIONS
LOT 10 ENTRANCE DRIVE
PECAN GROVE PLACE - PHASE TWO
MOBILE COUNTY, ALABAMA

Research and Engineering, Inc.
5815 I-10 INDUSTRIAL PARKWAY SOUTH THEODORE, ALABAMA 36582
(251) 653-8009 - FAX (251) 653-5803 - Email: AandE2000@aol.com

REVISIONS:

FILE: WCT-X-SEC
DATE: 07-01-07
SCALE: 1"=10' (HORT) 1"=5' (VERT)
SHEET NO. 2

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WETLANDS RESTORATION, LLC

Weeks Bay Mitigation Bank

"Alabama's First Mitigation Bank"

P.O. Box 1009
Atmore, Alabama 36504

CINDY COLVILLE
Cell: 1-251-577-2313
* **DALE ASH**
Office: 1-251-368-9404
Cell: 1-877-256-3638
HOOPER W. MATTHEWS, III
Cell: 1-251-294-0422
Cell: 1-251-254-0828

Office: 1-800-262-7479 (Ext. 1)
1-251-368-3197 (Ext. 1)
Fax: 1-251-368-1260

May 18, 2008

Mr. Leslie Turney
Operations Division
Department of Army
Mobile District Corp of Engineers
P. O. Box 2280
Mobile, Alabama 36628-0001

Dear Mr. Turney:

This letter is to verify that Twilley Builders, Inc./Audubon Investments has purchased 1.35 bottomland hardwood credits from Weeks Bay Mitigation Bank in order to satisfy the mitigation required on permit number USACOE permit SAM-2007-0904-LET. As of this date, Twilley Builders, Inc. has satisfied the off-site mitigation required on the above permit number for a project on Pecan Grove in Mobile County, Alabama.

If you have any questions or need any further assistance, please do not hesitate to contact me. I certainly appreciate the opportunity to work with you.

Sincerely,

Dale M. Ash

DALE M. ASH

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