



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

January 23, 2014

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2014-00027-JEB; AFTER-THE-FACT

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

REQUEST FOR AFTER-THE-FACT AUTHORIZATION FOR CONSTRUCTION
OF A 2.19 ACRE IMPOUNDMENT WITHIN THE WYNNFIELD SUBDIVISION,
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: Wynnfield Development, LLC
Attention: Mr. Charles J. Vinson
Post Office Box 91323
Mobile, Alabama 36692

AGENT: Wetland Resources Environmental Consulting
Attention: Mrs. Gena Todia
Post Office Box 2694
Daphne, Alabama 36526

LOCATION OF WORK: Wynnfield Subdivision, within an intermittent unnamed tributary to Halls Mill Creek, Section 7, Township 5 South, Range 2 West, Mobile, Mobile County, Alabama. Exact project coordinates are 30.6230N-88.2169W.

WATERWAY: Intermittent unnamed tributary to Halls Mill Creek, Section 7, Township 5 South, Range 2 West, Mobile, Mobile County, Alabama.

PROPOSED WORK: The applicant requests after-the-fact authorization for a

recreational impoundment within the Wynnfield Subdivision in west Mobile. The impoundment was created by damming an unnamed tributary to Halls Mill Creek. The construction has impacted 2.19 acres of wetlands through flooding and 0.31 acres due to construction of the dam/outfall structure, for a total of 2.5 acres of wetland impacts. Additionally, 570 linear feet of perennial stream channel was impacted by pond and dam construction. Mitigation for wetland and stream impacts will be through the purchase of appropriate mitigation bank credits.

The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The applicant relied on the engineering firm hired to design the subdivision and the pond to comply with all environmental permitting requirements, which was not done. The pond and dam were constructed in wetlands and streams without the applicant's knowledge. Had Wynnfield Development, LLC been informed by the engineering firm about the planned impacts, permitting and mitigation requirements and cost, the pond would not have been built at this location. The project would have been redesigned and these impacts would have been avoided. The pond has been in place since 2002 and waterfront property has been sold and developed along its east shoreline, therefore, removal of the dam and restoration of the area is not feasible at this point." 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: "Wetland Rapid Assessment Procedure (WRAP) was used by Vittor to conduct a functional assessment of wetlands that have been impacted. It was determined that the wetlands fall within the medium quality range. Credits are to be purchased from the Alabama Port Mitigation Bank at the prescribed ratio of 3:1. Therefore, credits required to compensate for wetland impacts associated with the pond and dam are as follows: 2.5 acres of impact x 3 = 7.5 credits required.

To determine stream mitigation credits due, Mobile District's Compensatory Stream Mitigation Standard Operating Procedures and Guidelines, Adverse Impact Factors for Riverine Systems Worksheet, was used. The 2005 version of the SOP was in effect when the pond was discovered by the Corps, and the Corps has instructed that use of stream assessment protocol in place at the time is appropriate. The completed worksheet is enclosed. Total stream credits required, prior to inclusion of a proximity

factor and out-of-basin multiplier, is 2,412 credits. The applicant intends to purchase credits from the Martin Creek Stream Mitigation Bank, which has a proximity factor of 2.49 and an out-of-basin multiplier of 1.5; therefore, 9,009 stream credits are required.”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.

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 no listed endangered and threatened species or their critical habitat 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-2014-00027-JEB** and should be directed to the District Engineer, 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 www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, our customer satisfaction survey is located at www.corpsmapu.usace.army.mil/cm/apex/f?p=regulatory_survey. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

88°15'

88°13'45"

88°12'30"

88°11'15"

30°38'45"

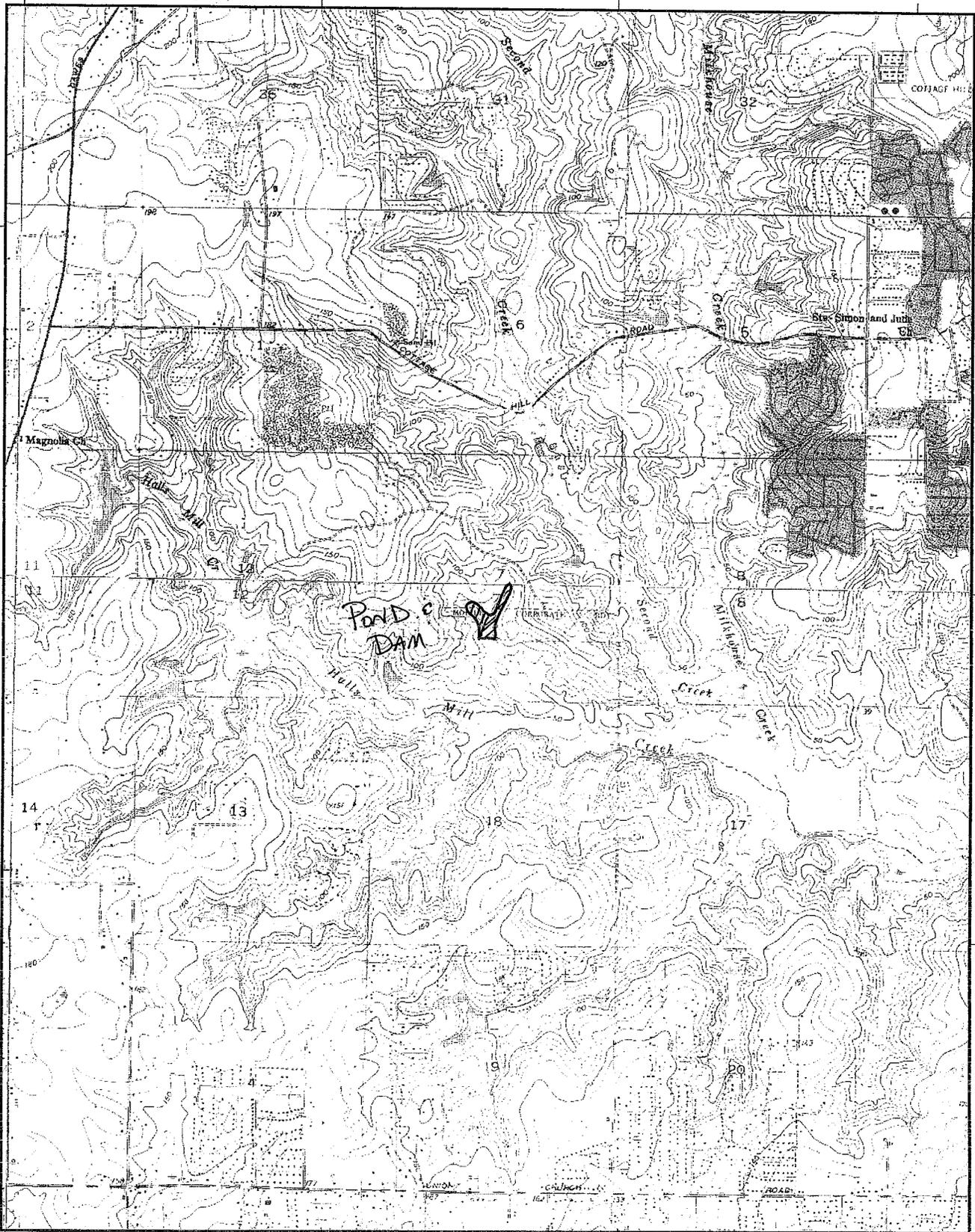
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30°37'30"

30°36'15"

30°36'15"



88°15'

88°13'45"

88°12'30"

88°11'15"

Universal Transverse Mercator (UTM) Projection Zone 18Q 25
 North American Datum of 1983

1:35000 Scale

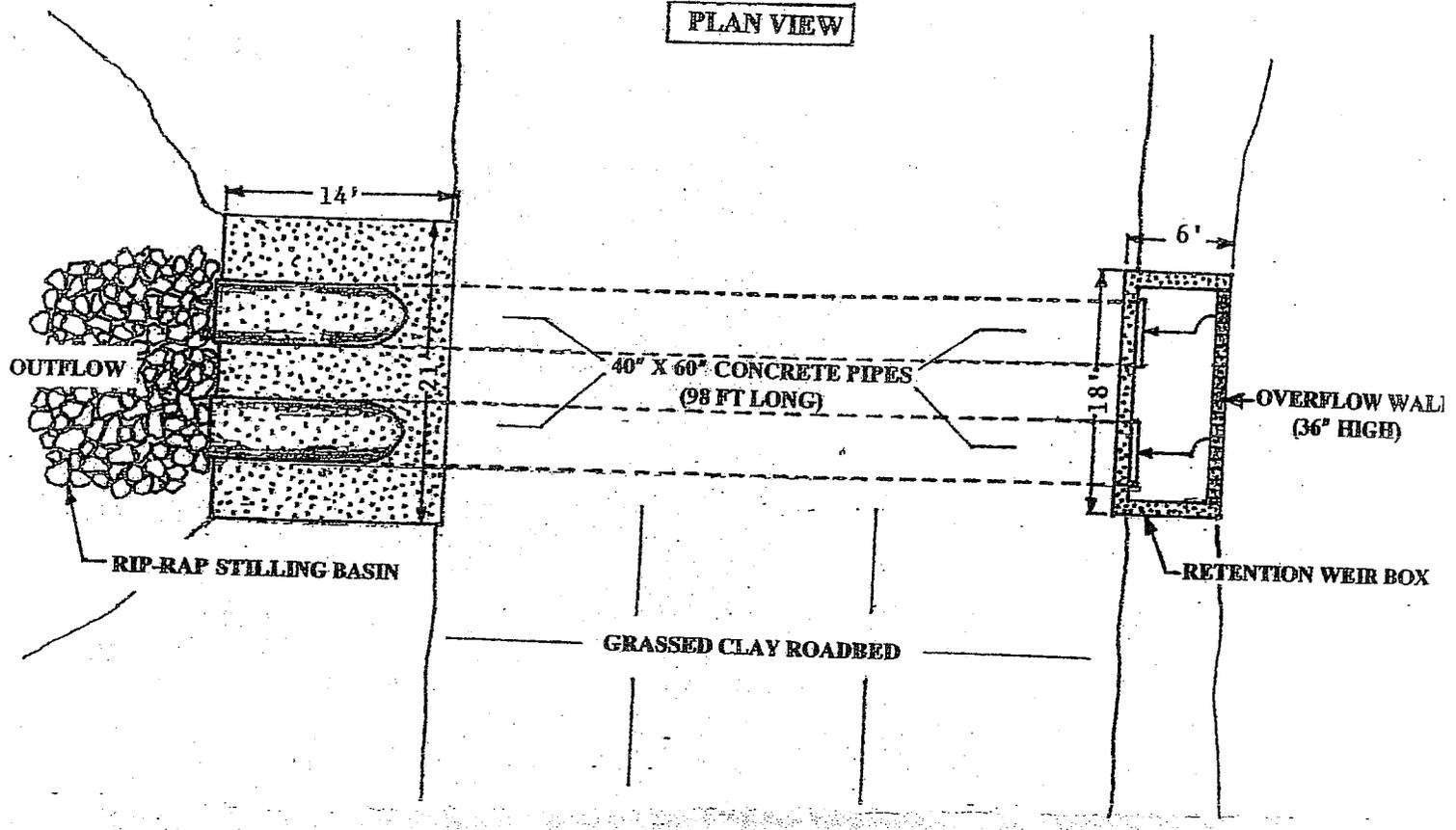
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0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 Kilometers

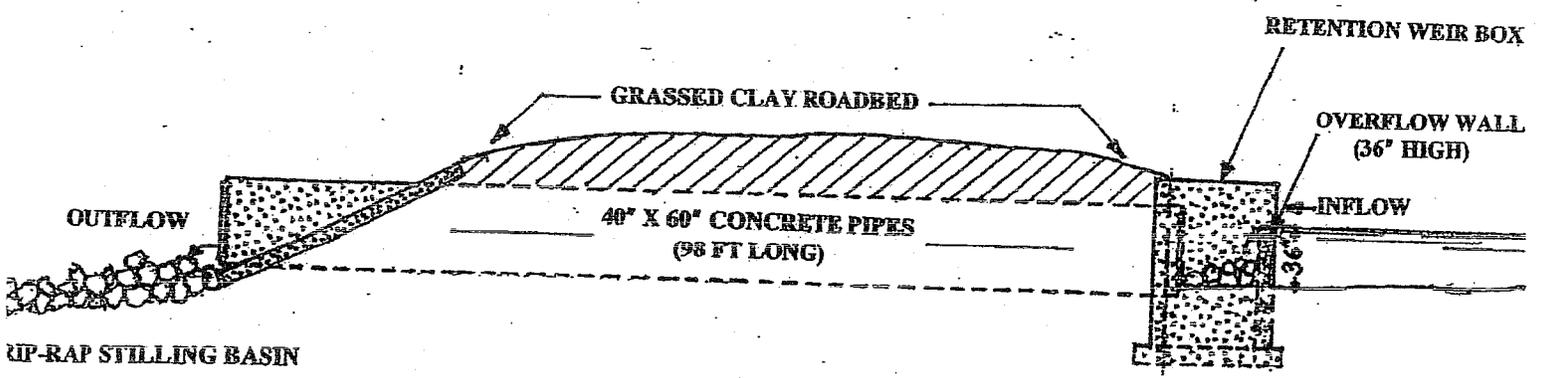


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 DEPT. OF THE ARMY PERMIT

PLAN VIEW



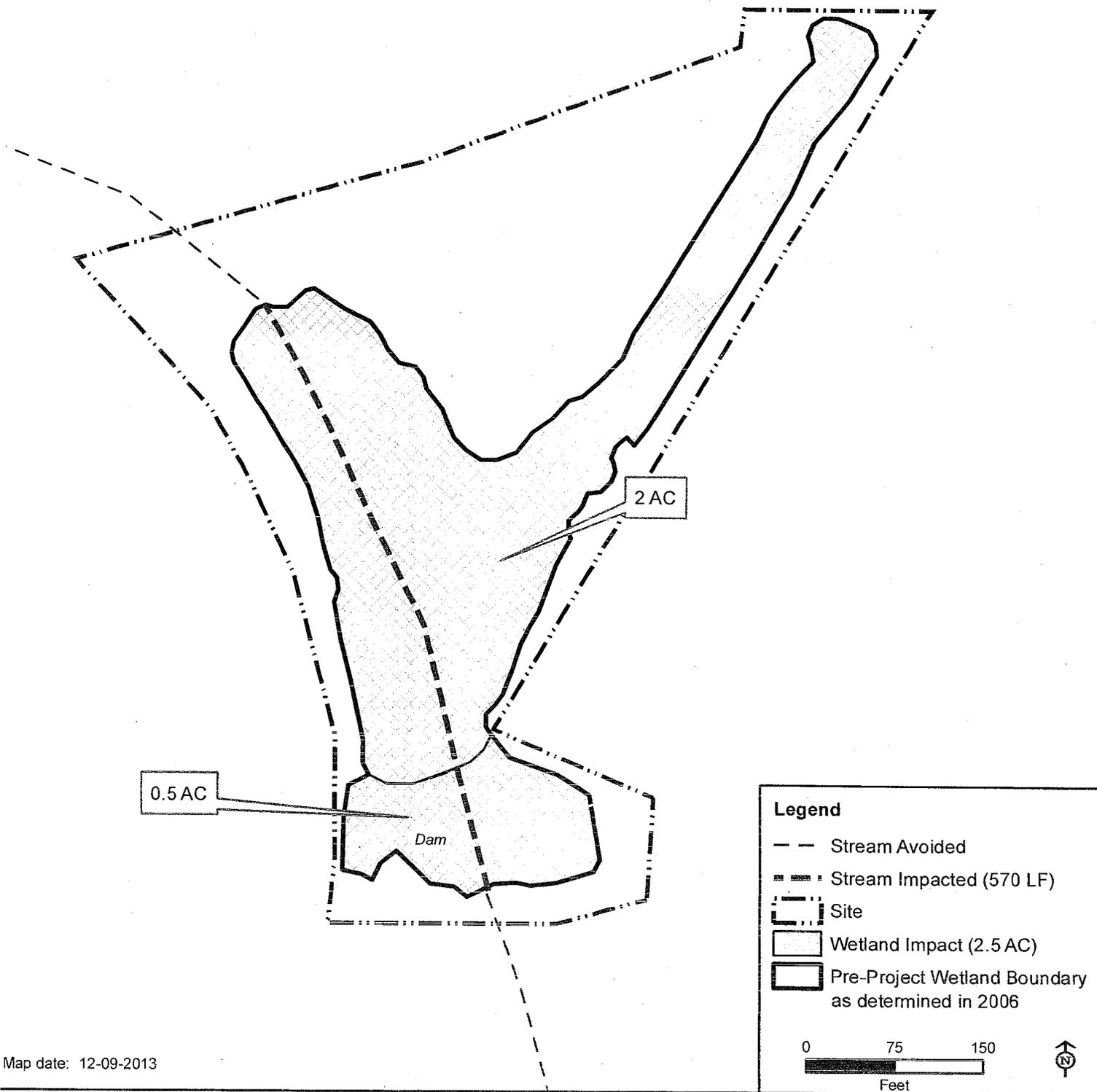
CROSS SECTION VIEW



WYNNFIELD SUBDIVISION
RETENTION POND
OUTFLOW STRUCTURES

(Not to Scale)

SAM-2014 - 00027 - JFB
DEPT. OF THE ARMY PERMIT



Dam and Impoundment
Wynnfild Residential Subdivision
Mobile, Mobile Co., Alabama

J. J. B. (John J. B.)
 Registered Professional Engineer
 State of Alabama
 License No. 12345

**ADVERSE IMPACT
FACTORS FOR RIVERINE SYSTEMS WORKSHEET**

Stream Type Impacted	Intermittent 0.1			1 st or 2 nd Order Perennial Stream 0.8			>2 nd Order Perennial Stream 0.4		
Priority Area	Tertiary 0.1			Secondary 0.4			Primary 0.8		
Existing Condition	Impaired 0.1			Somewhat Impaired 0.8			Fully Functional 1.6		
Duration	Temporary 0.05			Recurrent 0.1			Permanent 0.3		
Dominant Impact	Shade/ Clear 0.05	Utility Crossing 0.15	Below Grade Culvert 0.3	Armor 0.5	Detention /Weir 0.75	Morpho- logic Change 1.5	Impound- ment (dam) 2.0	Pipe >100' 2.2	Fill 2.5
Cumulative Impact Factor	<100' 0	100'-200' 0.05	201-500' 0.1	501-1000' 0.2	>1000 linear feet (LF) 0.1 reach 500 LF of impact (example: scaling factor for 5,280 LF of impacts = 1.1)				

dam impoundment

Factor	Dominant Impact Type 1	Dominant Impact Type 2	Dominant Impact Type 3	Dominant Impact Type 4	Dominant Impact Type 5
Stream Type Impacted	0.8	0.8			
Priority Area	0.1	0.1			
Existing Condition	0.8	0.8			
Duration	0.3	0.3			
Dominant Impact	2.5	2.0			
Cumulative Impacts Factor	0	0.2			
Sum of Factors	M = 4.5	4.2			
Linear Feet of Stream Impacted in Reach	LF = 60	510			
M X LF	270	2142			

Total Mitigation Credits Required = (M X LF) = 2412