



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

CESAM-RD-S-A
PUBLIC NOTICE NO. SAM-2014-000479-SPG

July 11, 2014

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

REQUEST FOR AUTHORIZATION TO FILL 5.5 ACRES OF
JURISDICTIONAL WETLANDS FOR MIXED-USE COMMERCIAL
AND RESIDENTIAL DEVELOPMENT
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: **Mr. Raymond Kopec**
151 S. Schillinger Road
Mobile, Alabama 36608

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

WATERWAY/LOCATION: The proposed project is located on Schillinger Road North, immediately south of its intersection with Foxfire Drive, in Mobile, Mobile County, Alabama. Specifically, the project is located within Section 7, Township 4 South, Range 2 West (Latitude 30.709376, Longitude -88.223699). Jurisdictional wetlands are within the headwater system of Pierce Creek (HUC 3160204).

PROJECT PURPOSE: The "Basic Project Purpose" is to construct a mixed-use commercial and residential development. 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. As reported by the Agent, the "Overall Project Purpose" is for a full-scale development, including a modern two-story apartment complex in close proximity to schools, shopping centers, dining, theatres, recreational opportunities, and light commercial facilities. This development would benefit the public by providing up to date facilities for new and established businesses that wish to locate along the rapidly growing Schillinger Road corridor.

ALTERNATIVES: Four alternative sites were evaluated within a two-mile radius of the preferred site, which is currently owned by the Applicant. The Agent stated

that the current location is the only property that meets the required development's criteria. The alternative sites are considered cost prohibitive due to parcel pricing, removal of previously existing structures, mitigation costs for higher quality wetland habitat and stream impacts.

PROPOSED WORK: The Applicant proposes a mixed-use development that will include office, retail, light commercial and apartment buildings on the currently undeveloped site. The building dedicated for office and retail use would be constructed along the Schillinger Road frontage would provide 29,700 square feet of flexible lease space and 62 parking spaces. The light commercial buildings and roads, parking, and storm water detention basin serving this facility would occupy the center of the site. A 2-story 36-unit apartment complex and its associated appurtenances (90 spaces, a swimming pool and clubhouse, landscaping and storm water detention) would be constructed on the rear 5.4 acres of the site. Green space would occupy a total of 2.5 acres in the proposed development.

MITIGATION: The Applicant proposes to mitigate for the unavoidable impacts to 5.5 acres of low-quality bottomland hardwood wetland habitat through purchase of the appropriate amount of in-kind mitigation credits from the Weeks Bay Mitigation Bank.

AVOIDANCE AND MINIMIZATION: The Agent stated that Alternative 1 (No-Action Alternative) would limit the development to the 3.8-acre upland on the west side of the property. Although this would allow for 370 feet of frontage on Schillinger Road with no wetland impacts, it would constrict the property to one entry/exit access and severely restrict the number size and placement of buildings. This would eliminate either the light commercial buildings or the residential building due to space constraints, which would affect marketability. Alternative 2 included impacts to 2.1 acres of wetlands to expand the 3.8 acres of uplands, resulting in 5.9 acres of buildable acreage and avoidance of 3.4 acres of wetlands. Additionally, 0.9 acre of uplands along the east property boundary would remain undeveloped. The Agent considers this approach to be the minimum amount possible that would allow the applicant to include all elements of his mixed-use plan in the development (office, retail, commercial and residential buildings). However, this approach would reduce the size of the overall development by roughly 42 percent compared to the Applicant's proposed plan, resulting in less square footage of useable facilities, therefore reducing marketability. The smaller scaled development would be considered less desirable due to the minimal constructed landscaping and green spaces, required for curb appeal and segregation from the commercial/retail operations at the road frontage of parcel. Alternative 3 (Preferred Alternative) would utilize the entire 10.2-acre property for the development, resulting in filling of 5.5-acre of low quality, wetland located in the center of the parcel. The full-scale development would allow the Applicant to consolidate both upland areas and create a development that would meet all project goals. The full-scale development

would allow for creation of 2.5 acres of green space (landscape trees, shrubs and grassed areas) for curb appeal, buffer the office/retail businesses from residential buildings and contribute to engineered stormwater structures (detention ponds and grass swales).

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 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 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.

Preliminary review of this application is that the proposed activity will have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places. By letter correspondence dated, April 8, 2014, the Agent indicated that a limited literature review of the Alabama State Site Files (ASSF) and the Phase I Database indicated that there were no previously recorded archaeological sites located within one mile of the project. Additionally, a search of the *National Register of Historic Places* and the *Alabama Register of Landmarks and Heritage* also resulted in no properties listed or eligible within a one-mile radius of the project site.

The Agent conducted a pedestrian survey on May 8, 2014 to assess potential impacts to federally listed Threatened or Endangered species, specifically, the Red-cockaded Woodpecker (*Picoides borealis*), Louisiana quillwort (*Isoetes louisianensis*), the Eastern indigo snake (*Drymarchon corais couperi*), and the Gopher tortoise (*Gopherus polyphemus*). No federally protected species or suitable habitat was evidenced within the project area. By correspondence dated, May 29, 2014, the USFWS concurred with the Agent's findings that "no federally listed species/critical habitat occur in the project area."

Correspondence concerning this Public Notice should refer to Number **SAM-2014-00479-SPG** and should be mailed to the District Commander, U.S. Army Engineer District Mobile, Attention: Ms. Sandy P. Gibson, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the Alabama Department of Environmental Management, 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, Ms. Sandy P. Gibson at (251) 694-3772 or by email at sandy.p.gibson@usace.army.mil. Please refer to the Public Notice Number **SAM-2014-00479-SPG**.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

**CESAM-RD-S-A
PUBLIC NOTICE NO.**

**Page 5 of 5
SAM-2014-00479-SPG**

**MOBILE DISTRICT
U.S. Army Corps of Engineers**

Enclosures

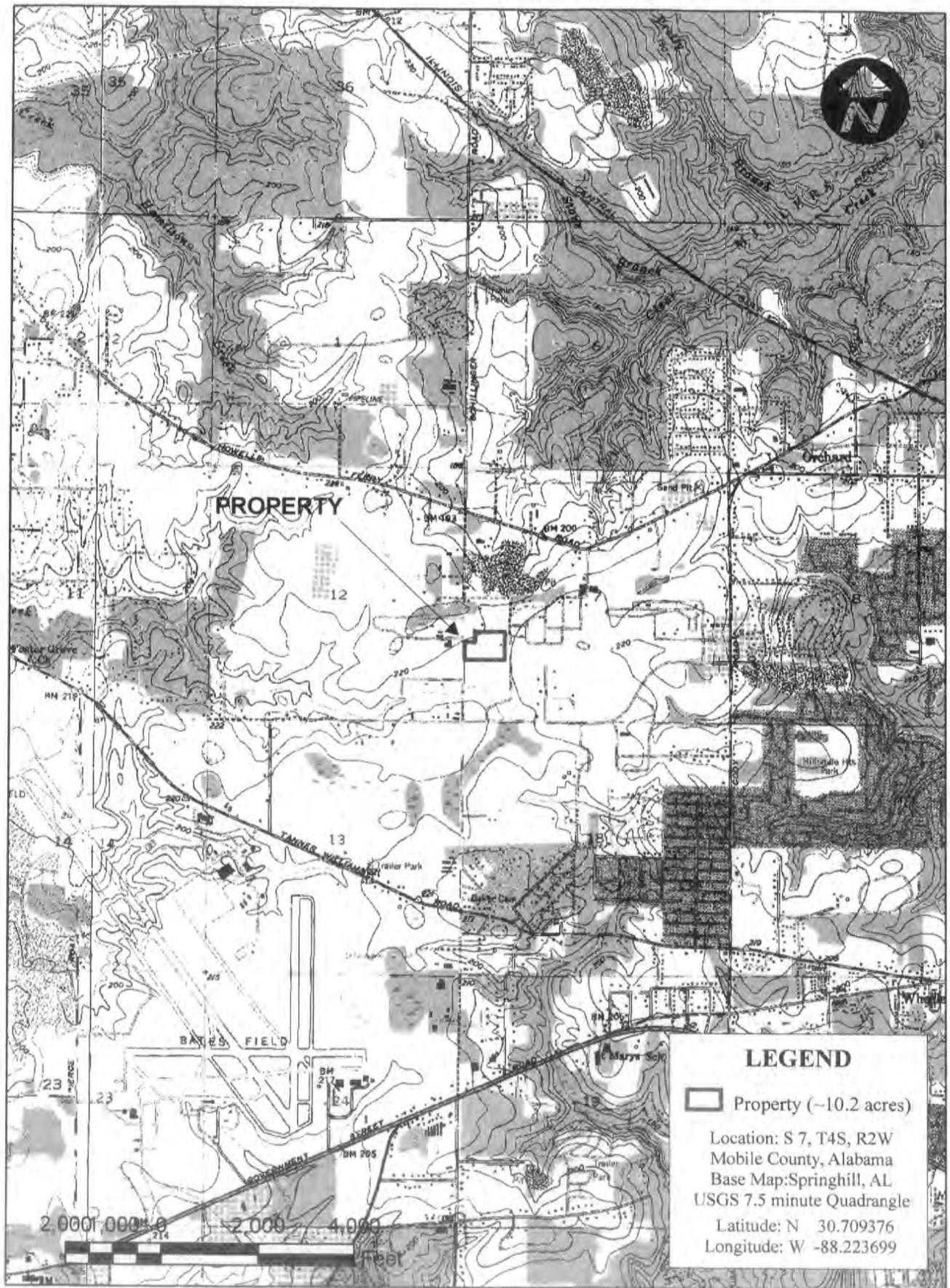
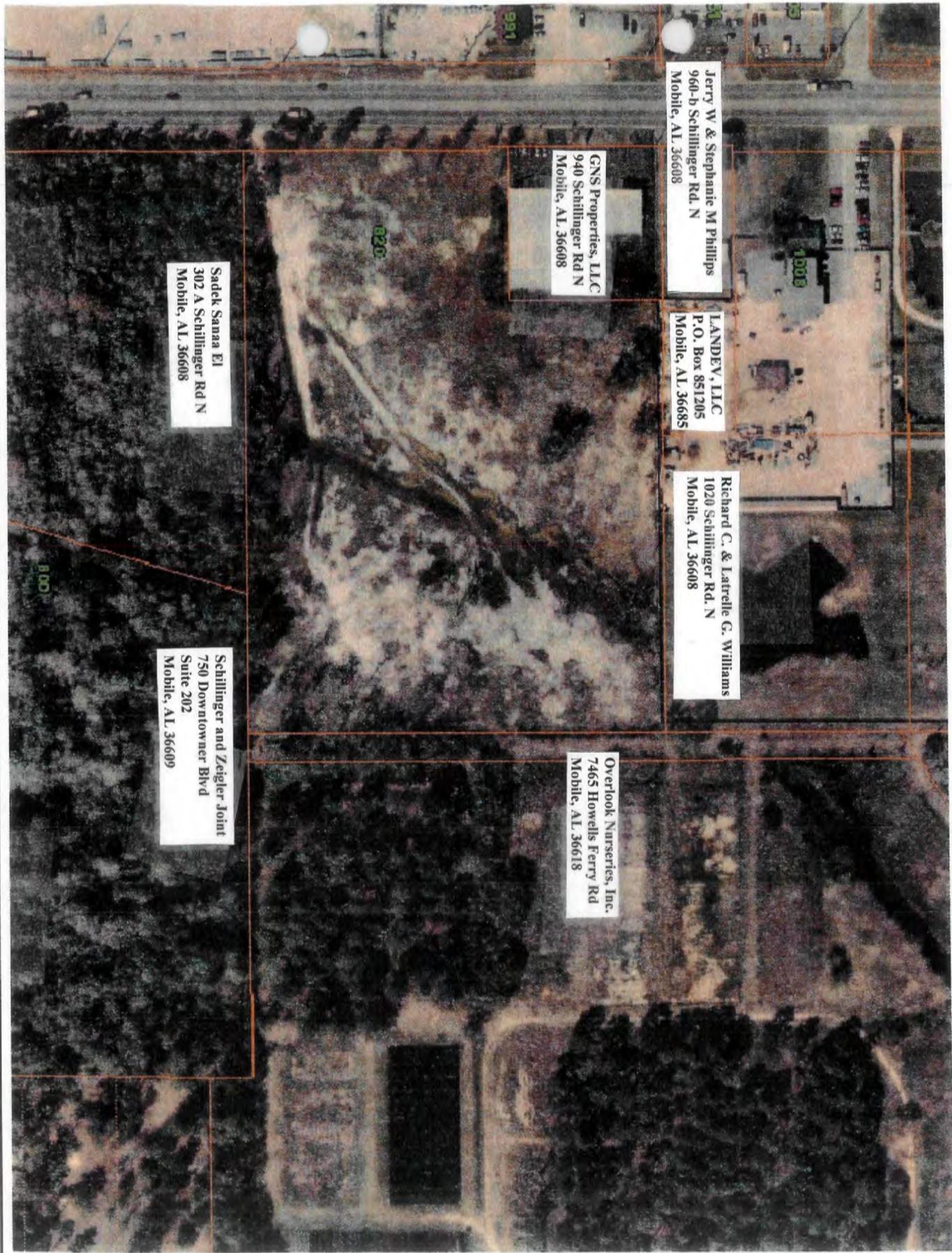
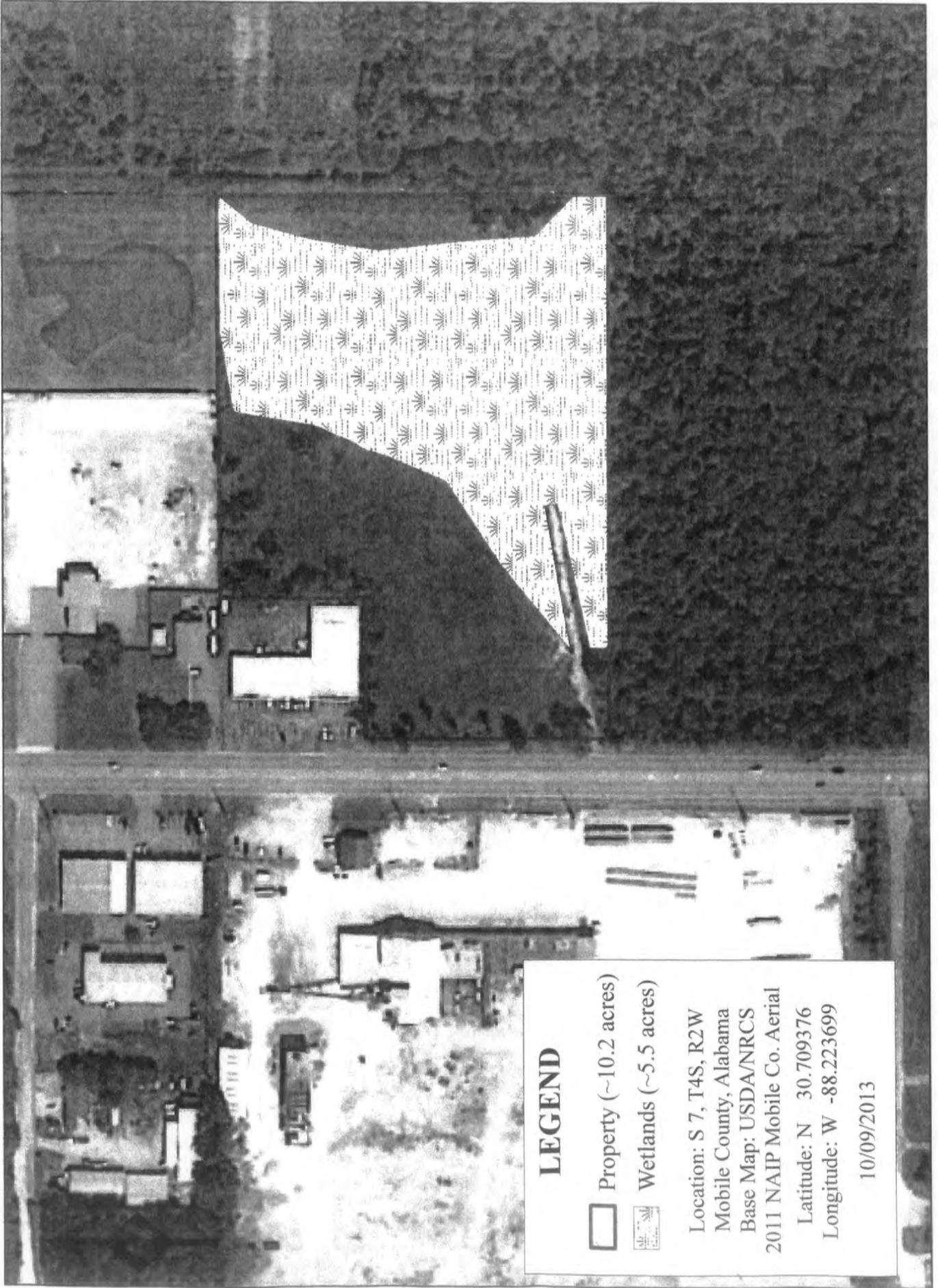


FIGURE 1. Site Location



Section 11. ADJACENT PROPERTY OWNERS

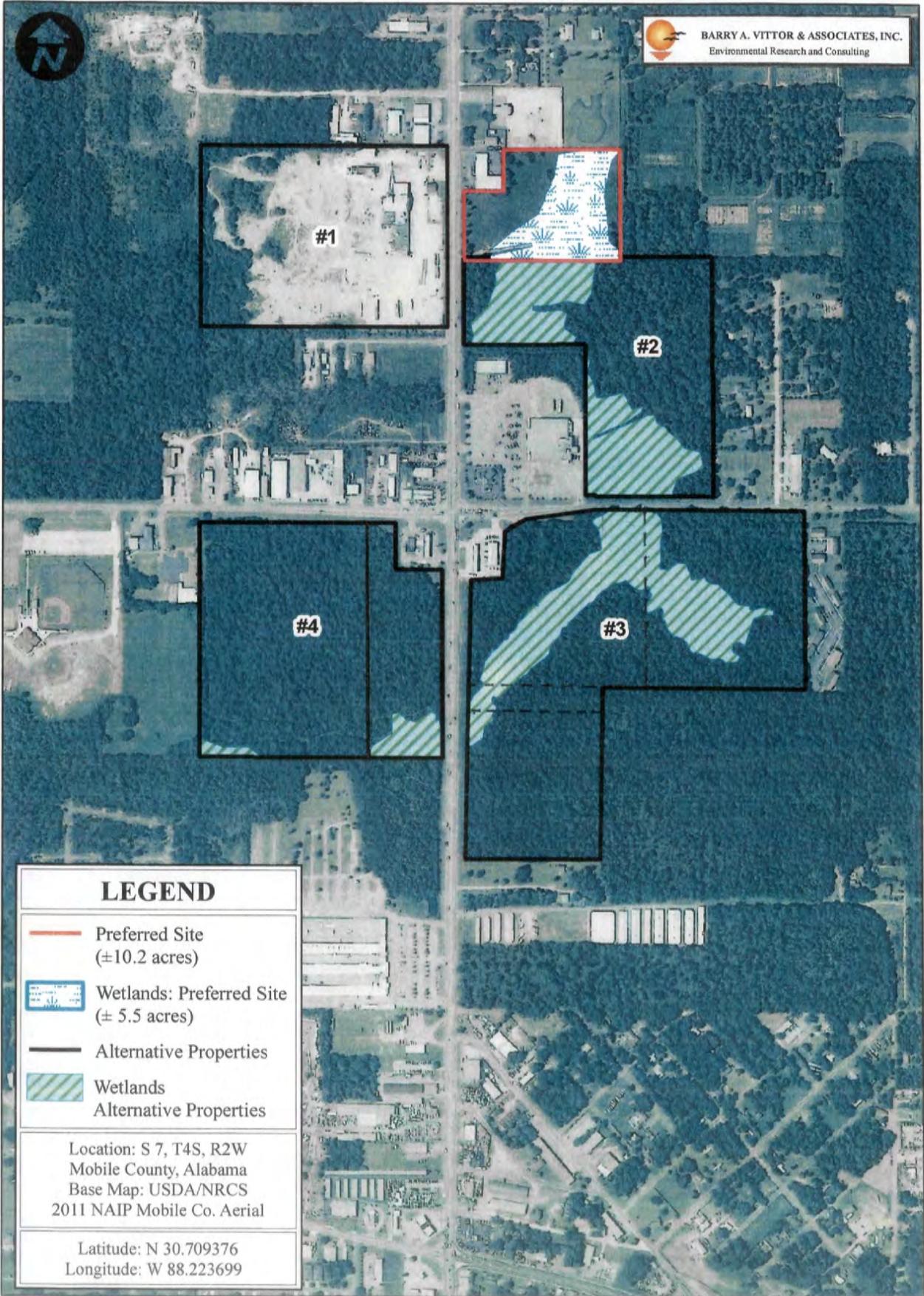


Wetlands mapped using a Trimble Ranger GPS. Property boundaries are approximate. Barry Vittor & Associates, Inc.

FIGURE 4. Map of Wetland Delineation, October 2013



BARRY A. VITTOR & ASSOCIATES, INC.
Environmental Research and Consulting



LEGEND

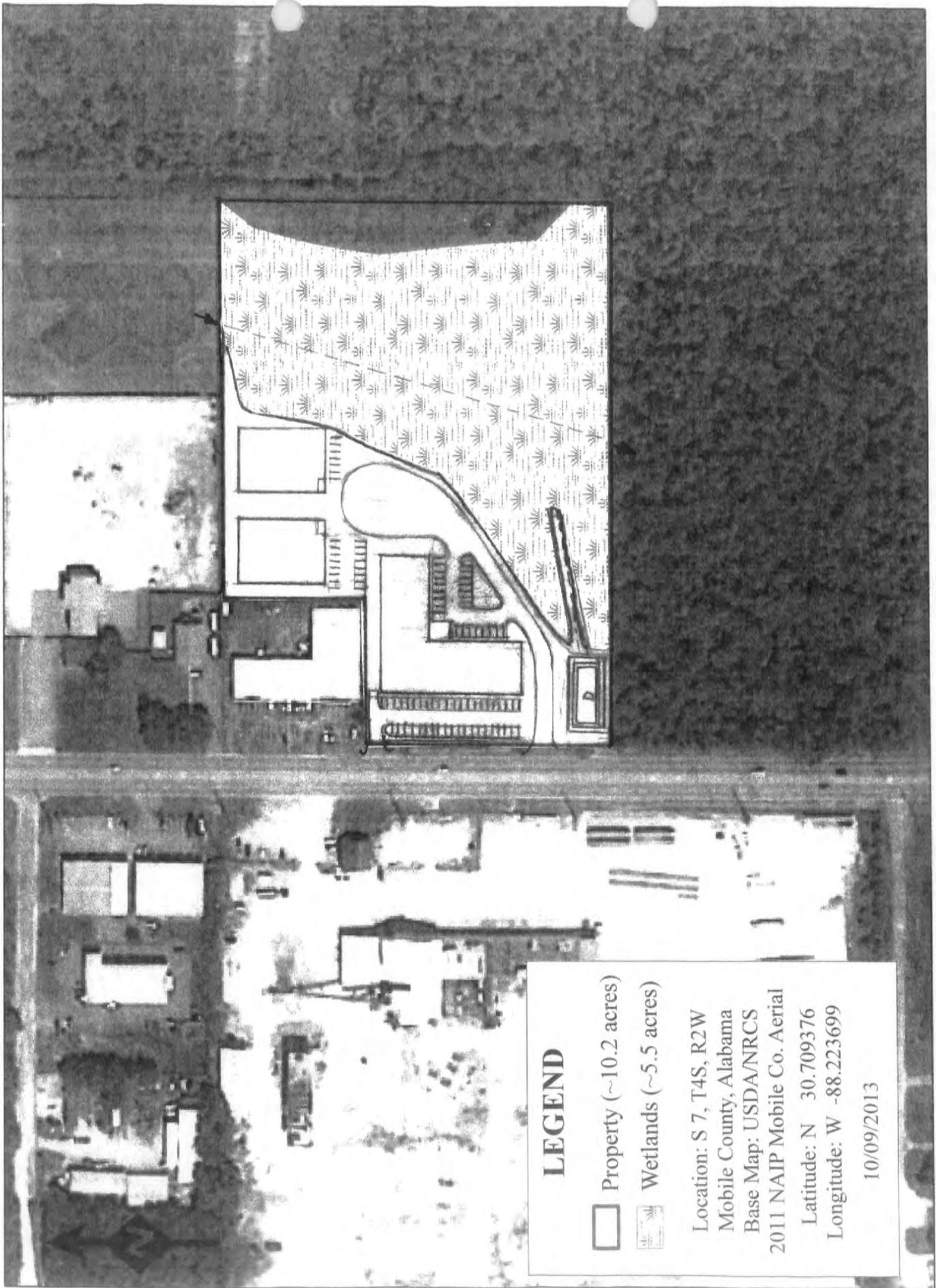
-  Preferred Site
(±10.2 acres)
-  Wetlands: Preferred Site
(± 5.5 acres)
-  Alternative Properties
-  Wetlands
Alternative Properties

Location: S 7, T4S, R2W
Mobile County, Alabama
Base Map: USDA/NRCS
2011 NAIP Mobile Co. Aerial

Latitude: N 30.709376
Longitude: W 88.223699

Alternative Properties





LEGEND

 Property (~10.2 acres)

 Wetlands (~5.5 acres)

Location: S 7, T4S, R2W
 Mobile County, Alabama
 Base Map: USDA/NRCS
 2011 NAIP Mobile Co. Aerial

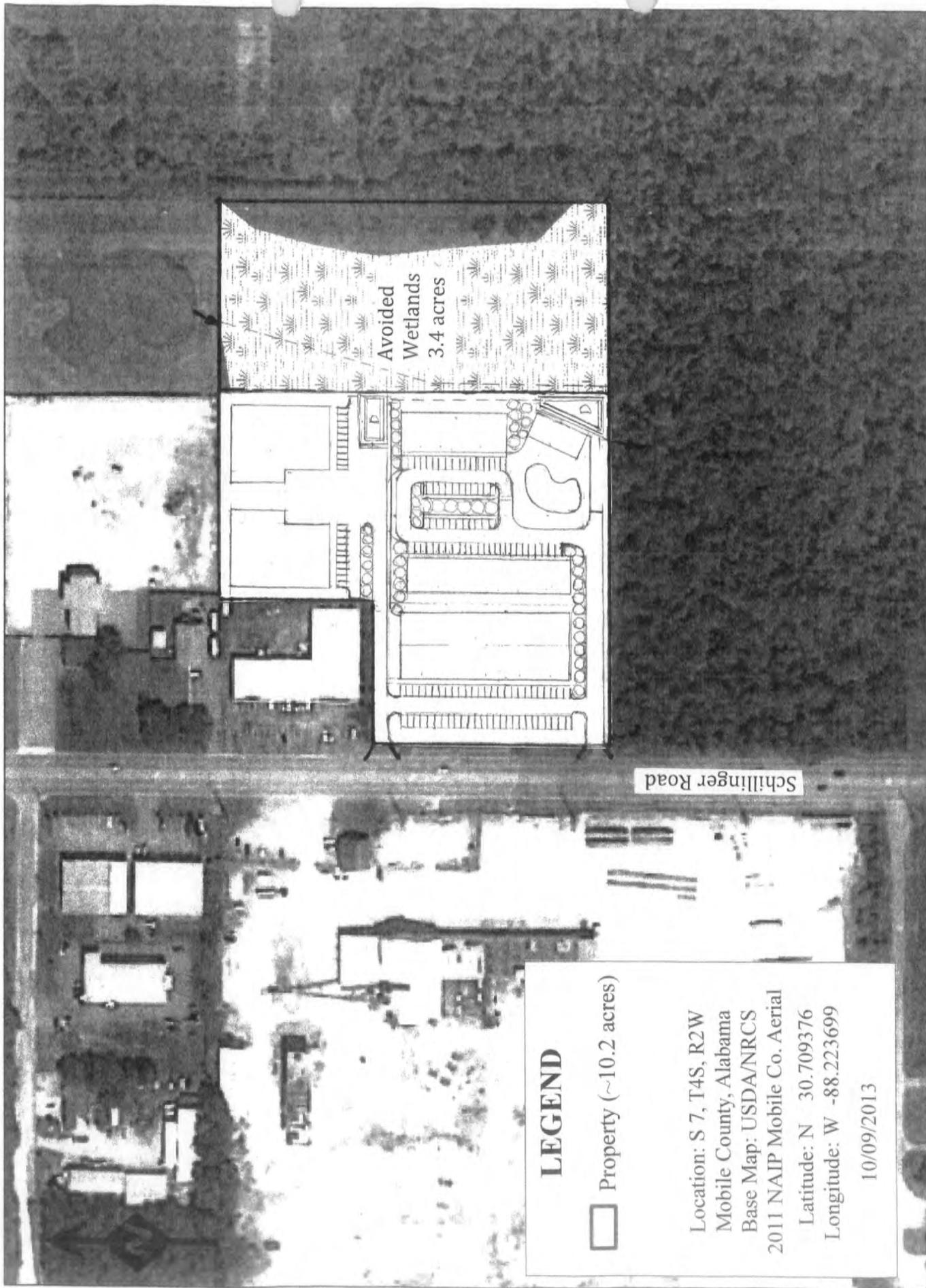
Latitude: N 30.709376
 Longitude: W -88.223699

10/09/2013



Wetlands mapped using a Trimble Ranger GPS. Property boundaries are approximate. Barry Vittor & Associates, Inc.

FIGURE 6. ALTERNATIVE 2, NO WETLAND IMPACTS



LEGEND

□ Property (~10.2 acres)

Location: S 7, T4S, R2W
 Mobile County, Alabama
 Base Map: USDA/NRCS
 2011 NAIP Mobile Co. Aerial

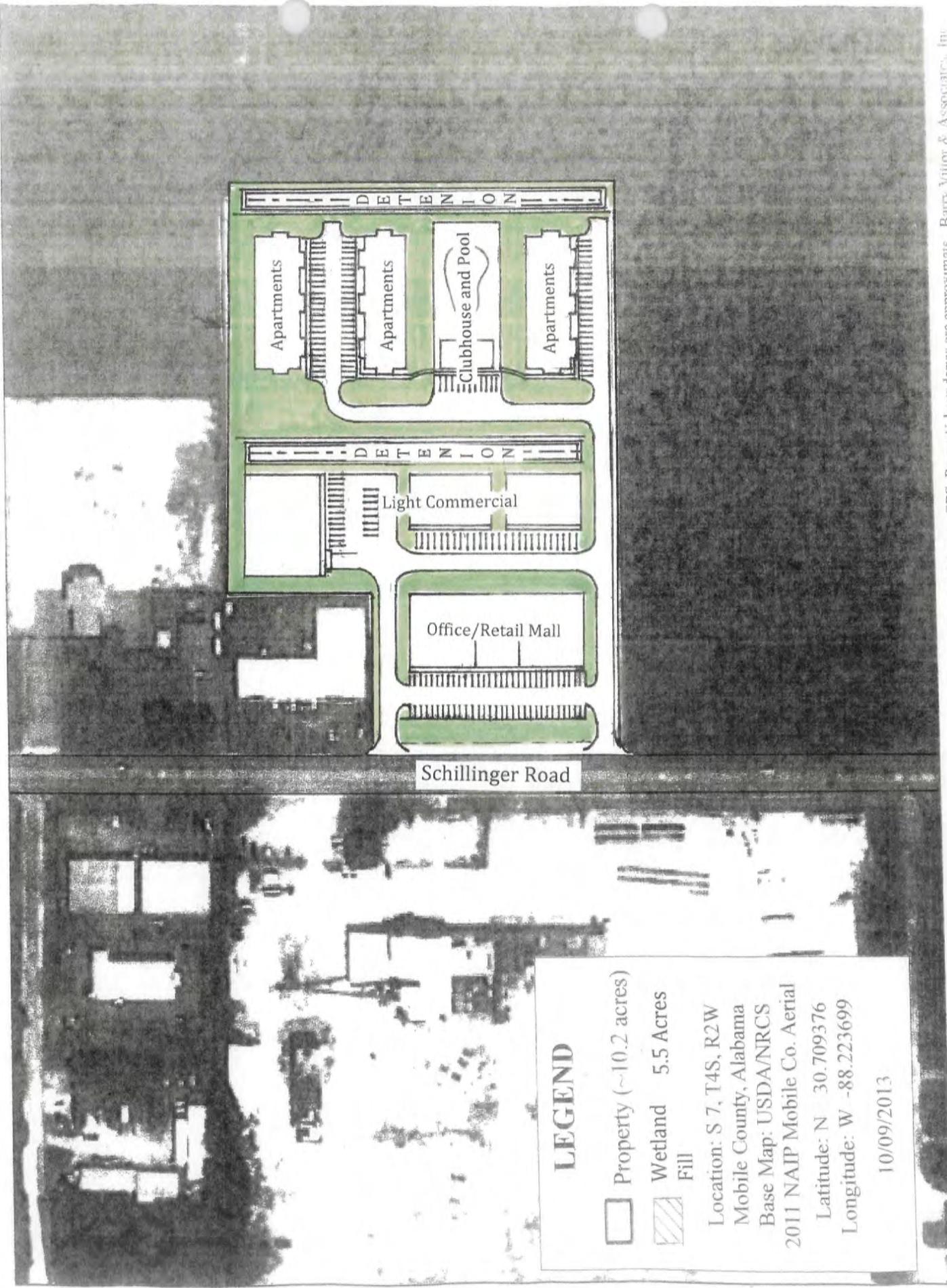
Latitude: N 30.709376
 Longitude: W -88.223699

10/09/2013



Wetlands mapped using a Trimble Ranger GPS. Property boundaries are approximate. Barry Vittor & Associates, Inc.

FIGURE 7. ALTERNATIVE 3, FILL 2.1 ACRES OF WETLANDS



LEGEND

-  Property (~10.2 acres)
-  Wetland 5.5 Acres
-  Fill

Location: S 7, T4S, R2W
 Mobile County, Alabama
 Base Map: USDA/NRCS
 2011 NAIP Mobile Co. Aerial

Latitude: N 30.709376
 Longitude: W -88.223699

10/09/2013

Wetlands mapped using a Trimble Ranger GPS. Property boundaries are approximate Barry Vittor & Associates, Inc.

FIGURE 2. REVISED CONCEPTUAL SITE PLAN

