



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

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2008-0340-MNS

MAR 5 2008

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

**PROPOSED FILLING WATERS OF THE U.S. IN CONJUNCTION WITH
DEVELOPMENT OF A RETAIL SHOPPING CENTER
MOBILE, MBILE 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: McGowin Properties, LTD
Post Office Box 421
Mobile, Alabama 36601**

LOCATION: The project is located south of Highway 90 and east of I-65, Section 51, Township 4 South, Range 1 West, Mobile, Mobile County, Alabama.

WORK: The applicants is proposing to fill 0.8 acres of wetlands and pipe 1620 linear feet of intermittent stream in conjunction with the development of a commercial shopping center to occupy two parcels totaling 62 acres. The shopping center will feature two national anchor stores, six tenant stores and associated parking. The intermittent stream will be piped within site #1. The stream enters the property at the northwestern side and exit the property at the southeastern corner of the property. To mitigate for the unavoidable wetland impacts, the applicant proposed to purchase wetlands mitigation credits from an approved mitigation bank and to enhance/preserve a reach of stream in south Mobile County. Two detention facilities will be constructed to accommodate the on-site storm water. Sediment and erosion control associated with this development will be accomplished through the use of best management practices as required by the Alabama Department of Environmental Management. All work will be accomplished in accordance with the enclosed drawings provided by the applicant.

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2008-0340-MNS

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 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 use 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. 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

CESAM-RD-I
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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. The district engineer remains the final decision authority. A cultural resources survey of the entire McGowin Park property was performed in December 1995 as part of an environmental Assessment of the McGowin property prior to the construction of the Hank Aaron Stadium.

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 will not affect listed endangered or threatened species, or their critical habitat. A Threatened and Endangered Species survey was conducted in August 2007. U.S. Fish and wildlife Service has been notified of the findings and has provided a written concurrence. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2008-0340-MNS** and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division

with a copy to the:

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

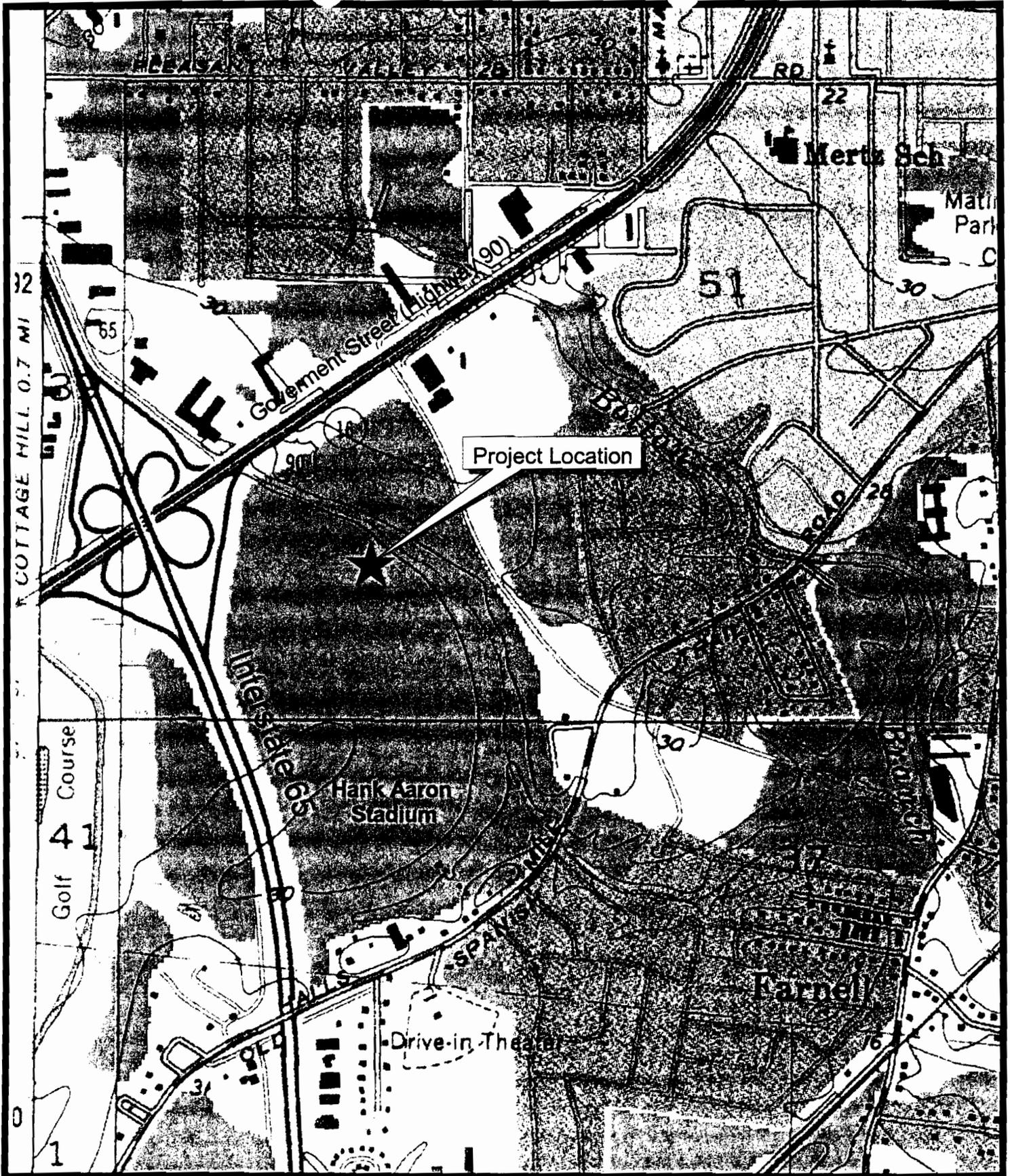
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at «munther.n.sahawneh@sam.usace.army.mil» or telephone number **(251) 690-2658**. 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/RD/reg, 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.

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MOBILE DISTRICT
U.S. Army Corps of Engineer

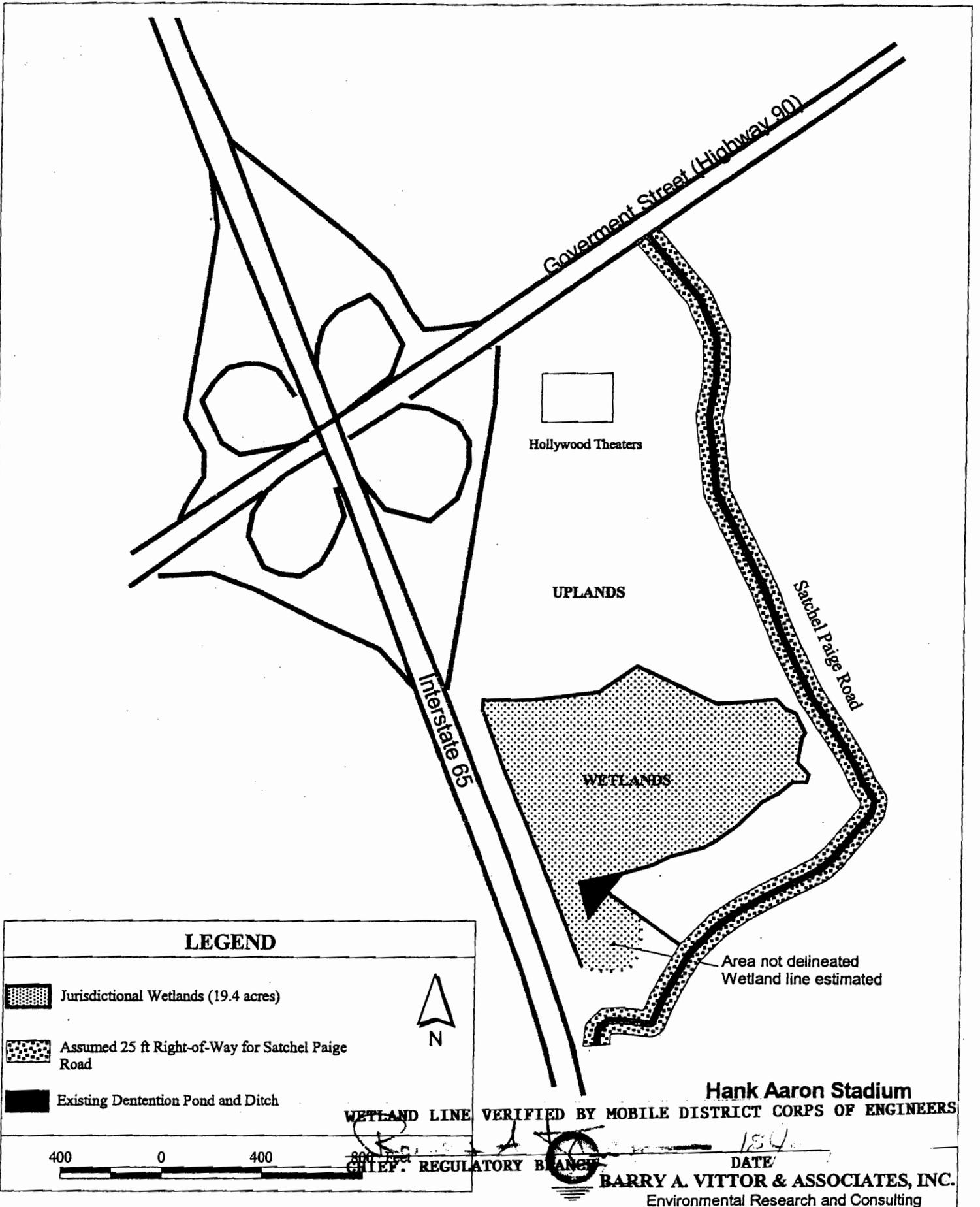


SITE LOCATOR MAP

Base Map: Mobile, AL. USGS Quadrangle
 1" = 1000 ft



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



Wetland line based on documented groundwater well data
 April 2003



Off-site stream mitigation site at Dykes Creek.