



REPLY TO
ATTENTION OF:

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

CESAM-RD-C
PUBLIC NOTICE NO: SAM-2007-1467-MBM

SEP 07 2007

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

**PROPOSED FILLING OF WETLANDS IN CONJUNCTION WITH DEVELOPMENT OF A
BUSINESS PARK, THEODORE, MOBILE COUNTY, ALABAMA**

TO ALL CONCERNED: The U.S. Army Corps of Engineers, Mobile District, has received an application for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the Corps can be based. Please communicate this information to interested parties.

APPLICANT: Chapman Development Corp.
c/o Barry A. Vittor & Associates, Inc.
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: The site is adjacent to numerous tributaries to Dog River, including unnamed tributaries to Alligator Bayou and Rabbit Creek which are tidal waterbodies. The site is located between Rangeline Road and Old Rangeline Road, 30.5682 North, 88.1260 West, Section 36 Theodore, Mobile County, Alabama.

WORK: The applicant proposes to fill 9.3 acres of pine flatwood wetlands for the purpose of developing a 17-lot business park on a 32.9-acre parcel between Rangeline Road and Old Rangeline Road. On April 14, 2006, the applicant received authorization under a Nationwide 39 permit to impact 0.21 acre of medium quality pine flatwood wetlands on a 7.8 acre sub-parcel located within the currently proposed project site. Based upon recent aerial imagery, this construction did not occur. Consequently, the currently proposed business park project would result in cumulative impacts to 9.51 acres of wetlands within the project site. All wetland fill will be associated with road construction, building pads and detention basins. The applicant proposes to avoid 0.53 acre of wetlands on the project site that would be located within the previously recognized 7.8 acre sub-parcel area. The applicant proposes to mitigate for wetland impacts by purchasing credits from an approved wetland mitigation bank.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposal 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 and their cumulative effects relevant to the proposal will be considered, including conservation, economics,

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aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, property ownership, and in general the needs and welfare of the people.

To evaluate the impacts of this proposal the Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties. 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. Comments will be considered to determine whether to issue, modify, condition or deny a permit. To make this decision, an Environmental Assessment is prepared in accord with the National Environmental Policy Act; impacts are assessed on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest. Anyone may request a public hearing to consider this proposal. Requests should provide in writing, within the specified comment period, detailed reasons for a hearing.

This notice is being sent to appropriate State and Federal agencies, including the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services. No properties listed in or eligible for the National Register of Historic Places is known to exist which would be affected by the proposal. Comments are requested regarding the potential or existence of cultural resources which may be affected. The U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposal will not affect listed species, or their critical habitat. Other impacts from dredge and fill activities will be evaluated by applying Environmental Protection Agency guidelines. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. After review of public comments, the Alabama Department of Environmental Management will determine if the proposal complies with and will be operated or maintained in a manner consistent with the Clean Water Act and the Coastal Zone Management Program.

Comments concerning this Public Notice should be received within 30 days of the date of this public notice and should refer to number **SAM-2007-1467-MBM** and direct your correspondence to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, and a copy to the Alabama Department of Environmental Management, Coastal Facility Section, 4171 Commanders Drive, Mobile, Alabama 36615.

If you have any questions concerning this publication, please contact Mr. Michael Moxey, Project Manager, via e-mail at michael.b.moxey@sam.usace.army.mil or telephone number (251) 690-2658.

Enclosures

MOBILE DISTRICT
U.S. Army Corps of Engineers



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

Project Location

N 30° 34.09'
 W 88° 07.56'

LEGEND

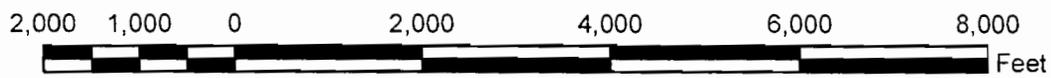
 Property (±33 acres)

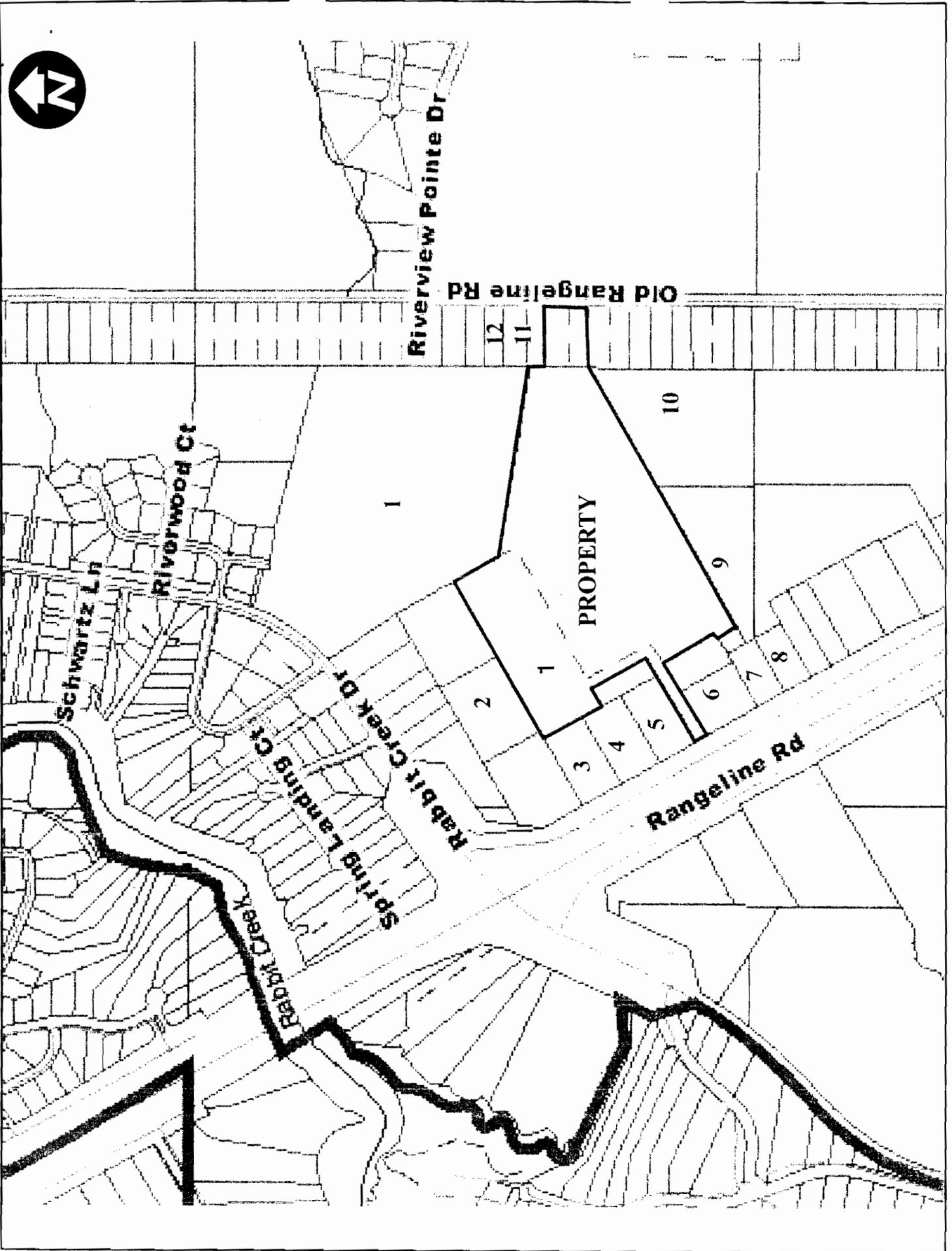
Location: Section 36, R-2-W, T-5-S,
 Mobile County, Alabama

Base Map: Hollinger's Island & Theodore, AL
 USGS 7.5 minute Quadrangle

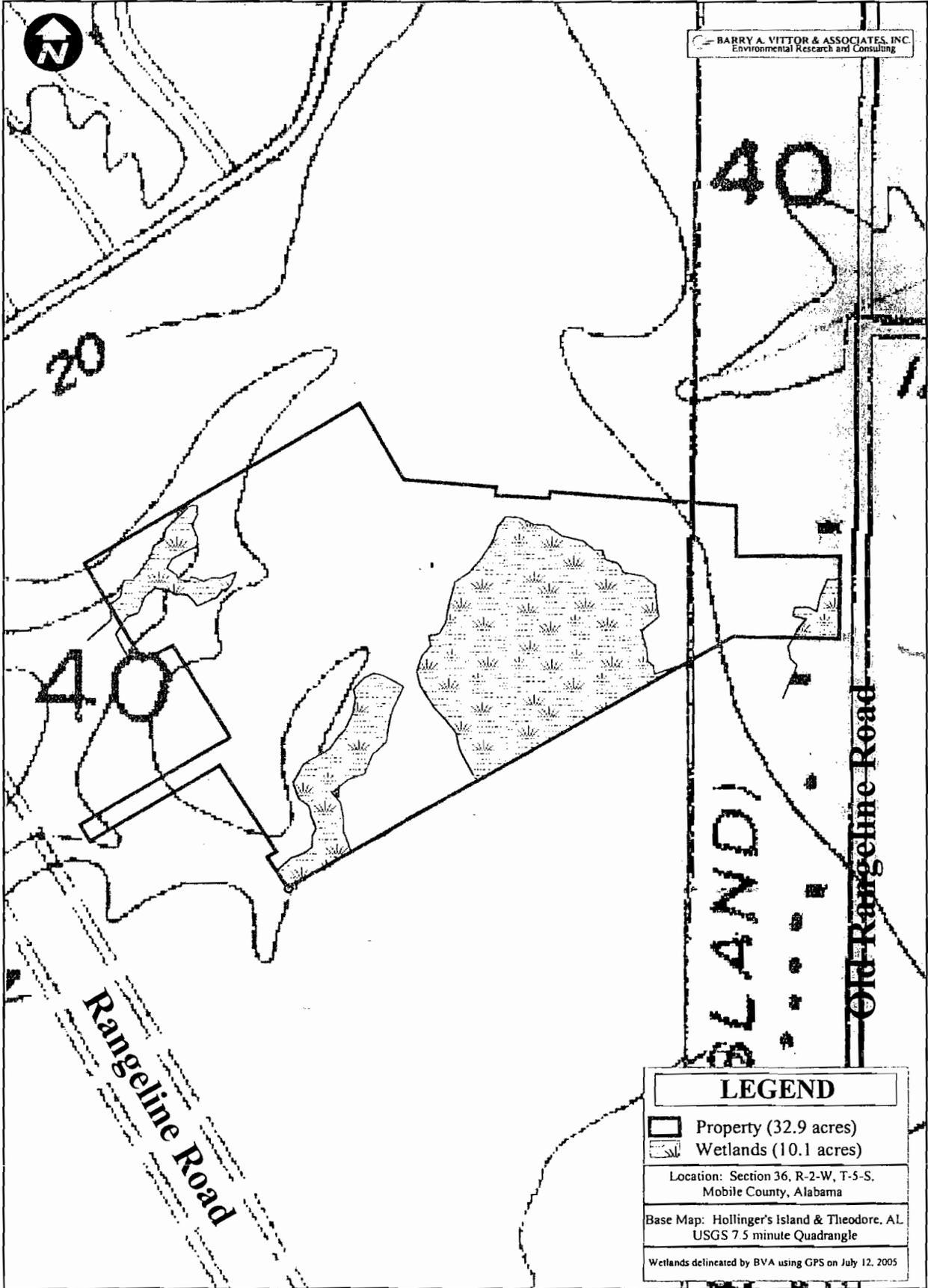
Wetlands delineated by BVA using GPS on July 12, 2005.

Property located within the Dog River Watershed.





Adjacent Property Owners



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



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40

40

Rangeline Road

BLAND

Old Rangeline Road

LEGEND

-  Property (32.9 acres)
-  Wetlands (10.1 acres)

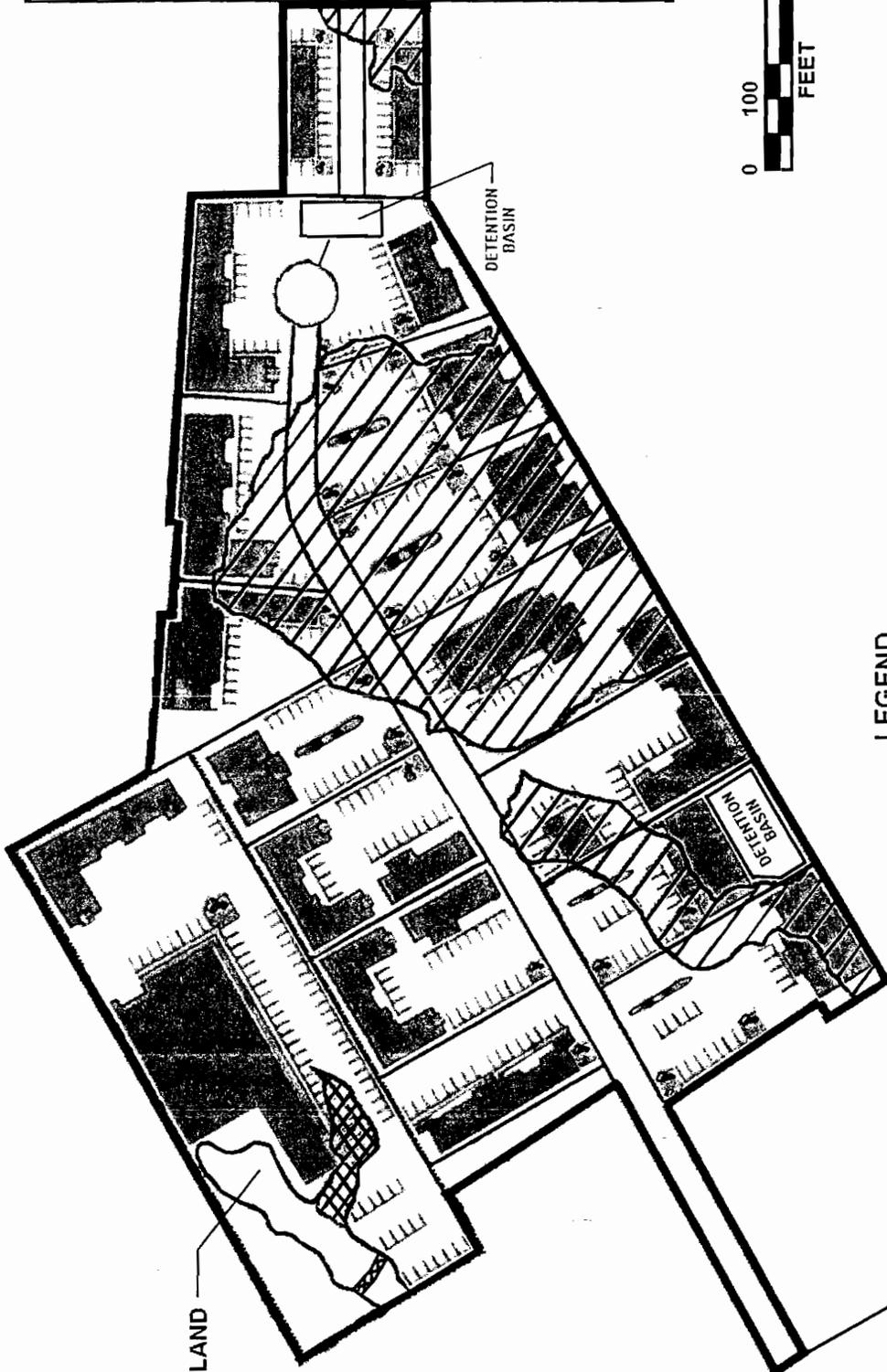
Location: Section 36, R-2-W, T-5-S.
Mobile County, Alabama

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Wetlands delineated by BVA using GPS on July 12, 2005



OLD RANGELINE ROAD



LEGEND



PROPOSED WETLAND FILL



PREVIOUSLY AUTHORIZED WETLAND FILL

