



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

CESAM-RD-C  
PUBLIC NOTICE NO. SAM-2004-1984-TMZ

DATE: 17 February 2009

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

PROPOSED FILLING OF WETLANDS ADJACENT TO WHISKEY BRANCH

FORMER GSA BAUXITE STOCKPILE SITE, MOBILE, MOBILE COUNTY, ALABAMA

SOUTHPORT INDUSTRIAL ESTATE, LLC

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:** SouthPort Industrial Estate, LLC  
c/o Grubb & Ellis/Peebles & Cameron  
118 Royal Street, Suite 100  
Mobile, Alabama 36602

**WATERWAY:** Whiskey Branch, Hamilton Boulevard, Theodore, Mobile County, Alabama (Sections 2 & 38, Township 6 South, Range 2 West; N 30-33-8, W 88-08-24).

**WORK:** The applicant proposes to discharge fill material into 2.1 acres of jurisdictional wetlands and other waters of the United States for the purpose of constructing a commercial park on Hamilton Road in Theodore, Mobile County, Alabama. The development will consist of 15 commercial lots with buildings, attendant parking, and a central service road to access the lots.

The subject property is the former site of a General Services Administration (GSA) bauxite stockpile. The property consists of 43.2 acres, which currently includes 6.4 acres of wetlands and 0.9 acres of waters of the United States (i.e., ditches). The site has been mostly cleared, filled, and graded as a result of the former use as a bauxite stockpile. Within the last ten years, the bauxite stockpile was removed by GSA, and the site was subsequently abandoned. Further grading and attempts at drainage were carried out during removal of the bauxite stockpile; degraded wetlands have returned in some areas following abandonment. Project impacts in areas subject to Section 404 jurisdiction total 2.1 acres; these impact areas are located primarily in the central portion of the property; emergent wetlands and other waters proposed for impact are typically highly disturbed, degraded, and of low quality. Approximately 5.21 acres of medium quality forested wetlands and other waters remaining on site will be avoided; these areas are located at the northeast and southwest portions of the property. Mitigation for unavoidable wetland losses will be accomplished by the purchase of an appropriate number of credits from a Corps-approved wetland mitigation bank. The project is not in the Alabama Coastal Zone.

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 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2004-1984-TMZ 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

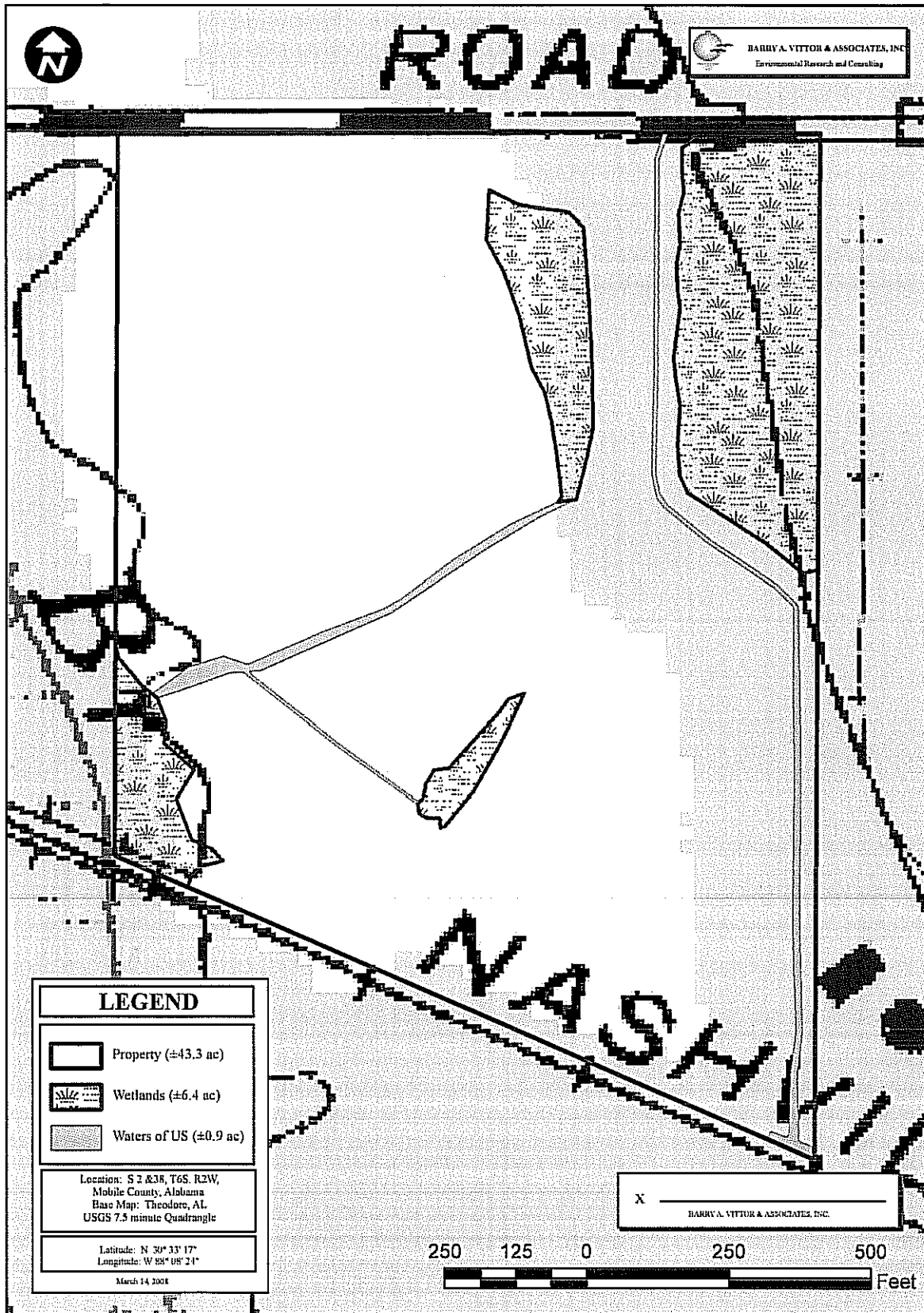
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at [tad.m.zebryk@usace.army.mil](mailto:tad.m.zebryk@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](http://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.

Encls

MOBILE DISTRICT  
U.S. Army Corps of Engineer



Positions of wetland flags were fixed using GPS accurate to +/- 3 meters. Wetland boundaries have not been verified by the U.S. Army Corps of Engineers. Property boundaries are approximate.

**FIGURE 3. General Wetland GPS Map.**

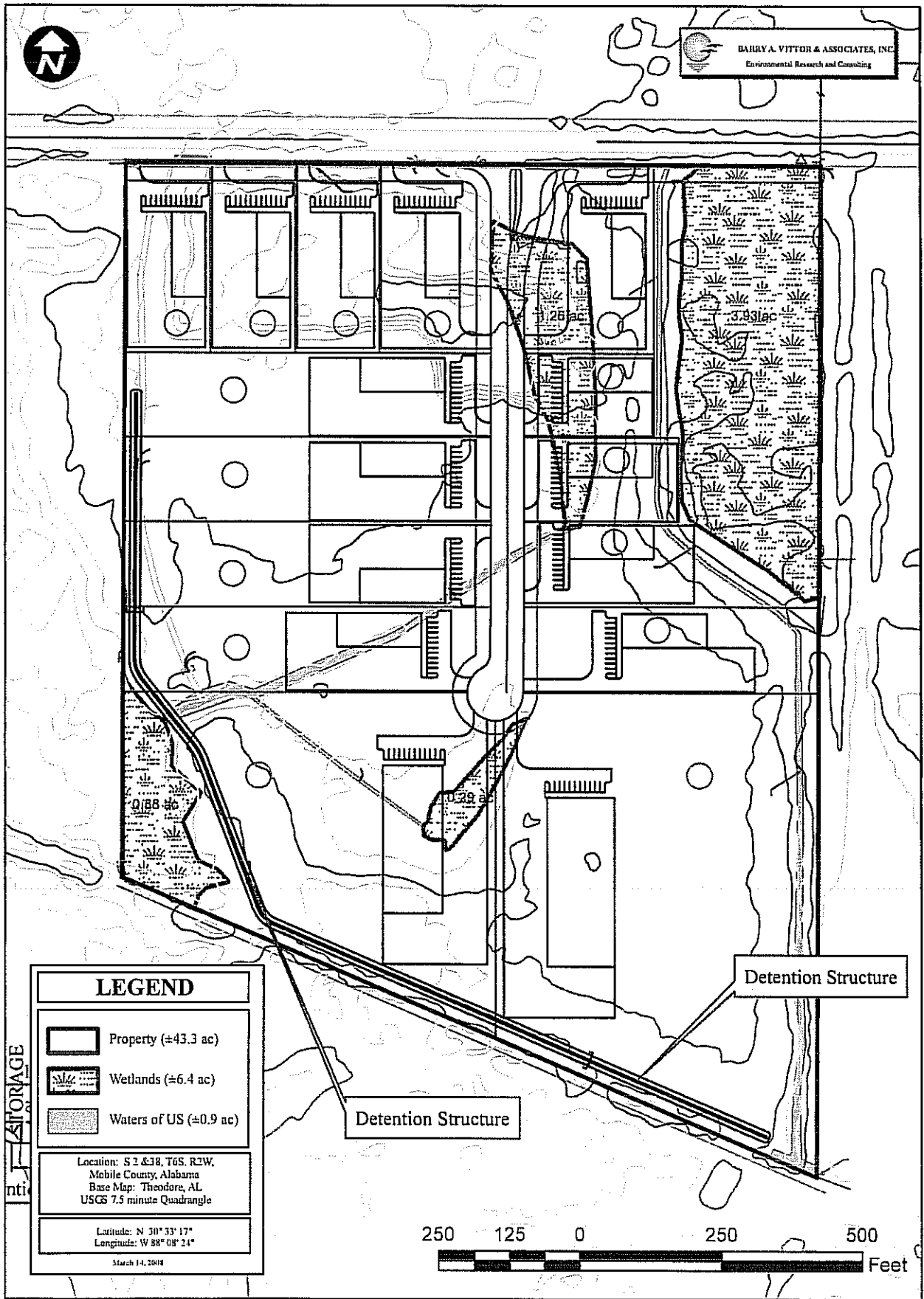


FIGURE 2 (see attachments)

