



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

CESAM-RD-C-A
PUBLIC NOTICE NO. SAM-2005-02755-B (Halley)

December 17, 2010

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

**PROPOSED RE-AUTHORIZATION OF FILLING OF WETLANDS IN CONJUNCTION
WITH THE CONSTRUCTION OF A HOTEL AND PARKING IN
ORANGE BEACH, BALDWIN COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Mr. Steve Thorne
Canal Place Suites, L.L.C.
25893 Canal Road
Orange Beach, Alabama 36561

AGENT: Ms. Cathy Barnette
EcoSolutions Inc.
P.O. Box 361
Montrose, Alabama 36559

WATERWAY: In wetlands adjacent to the Gulf Intracoastal Waterway and Wolf Bay, north of Canal Road at the intersection of Juniper Street and Perdido Avenue, Orange Beach, Baldwin County, Alabama.

WORK: The project (AL05-02755-B) was previously authorized on October 4, 2005 and expired on October 4, 2008. The DA permit expired before the project was built. No fill has been placed in jurisdictional waters. The applicant has requested another DA permit to build the previously authorized project. The activity included the filling of 1.42 acres of wetlands on a 2.24-acre parcel for the purpose of constructing a hotel, parking and associated amenities. The purpose of the project is to provide hotel rooms for the Orange Beach Community. Approximately 4,308 cubic yards of commercial sand and clay fill will be used. To mitigate for the loss of 1.42 acres of wetlands the applicant has purchased 1.65 credits from the Weeks Bay Mitigation Bank.

The Alabama Department of Environmental Management (ADEM) for CWA Section 401 (a) Water Quality Certification and Coastal Zone Consistency – AL05-02755-B/COE-05-15-E1 has re-verified their certification/variance on October 26, 2010. The ADEM Section 401 CWA/CZM certification is currently valid and is set to expire on September 2, 2015.

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 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. 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-2005-02755-B (Halley) and should be directed to:

District Commander
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

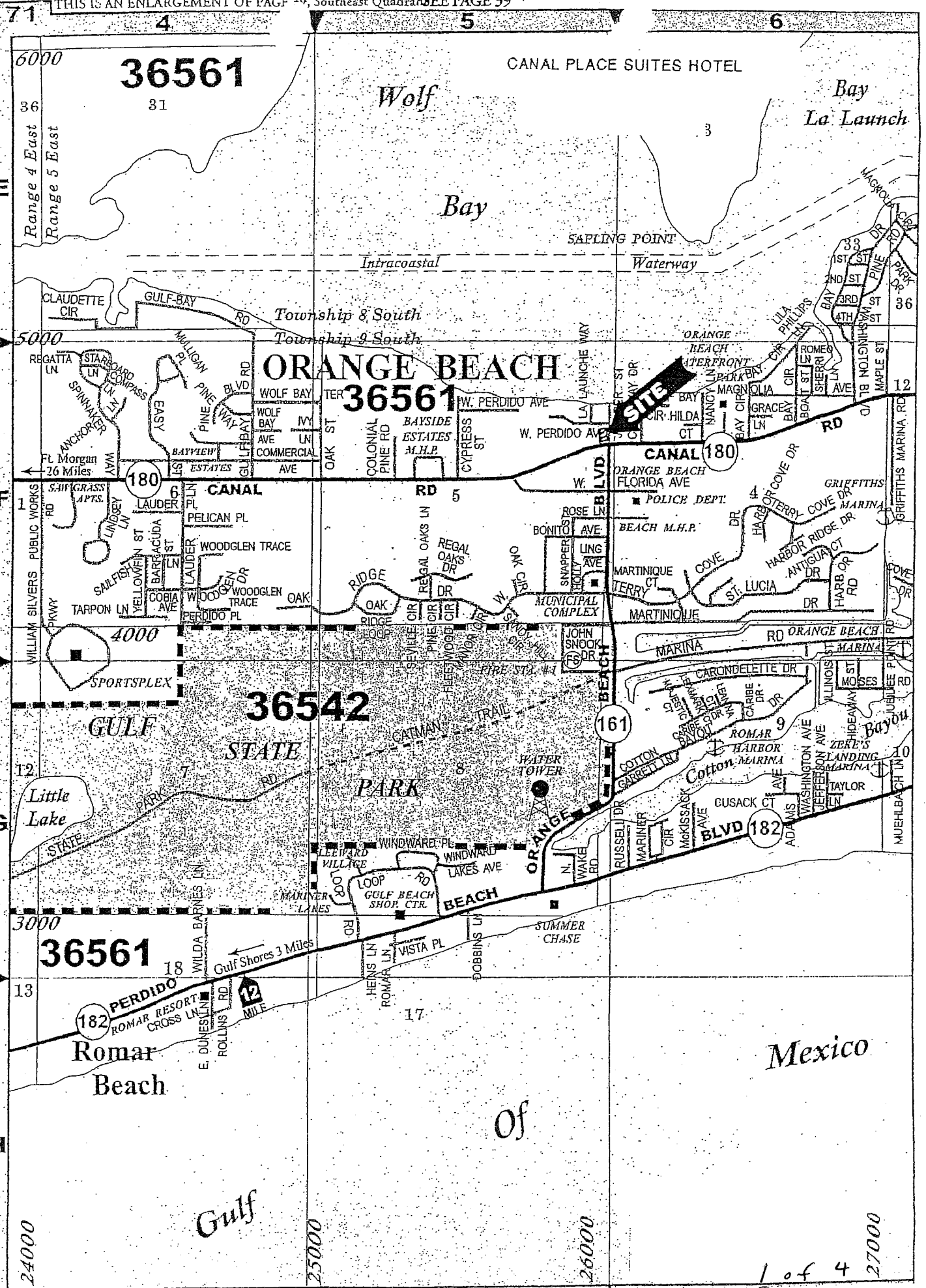
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at harry.e.halley@usace.army.mil or telephone number **(251) 684-2658**. 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



36561

ORANGE BEACH

36561

36542

36561

Mexico

Gulf

of

1 of 4

DEC 17 2010

SEE PAGE 70

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Range 5 East

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Gulf Shores 3 Miles

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Wolf Bay

Bay

Bay
La Launch

SAPLING POINT

Intracoastal

Waterway

Township 8 South

Township 9 South

ORANGE BEACH

36561

SITE

CANAL 180

CANAL

RD 5

GULF STATE

36542

PARK

Little Lake

WATER TOWER

BEACH

Romar Beach

Mexico

Gulf

of

1 of 4

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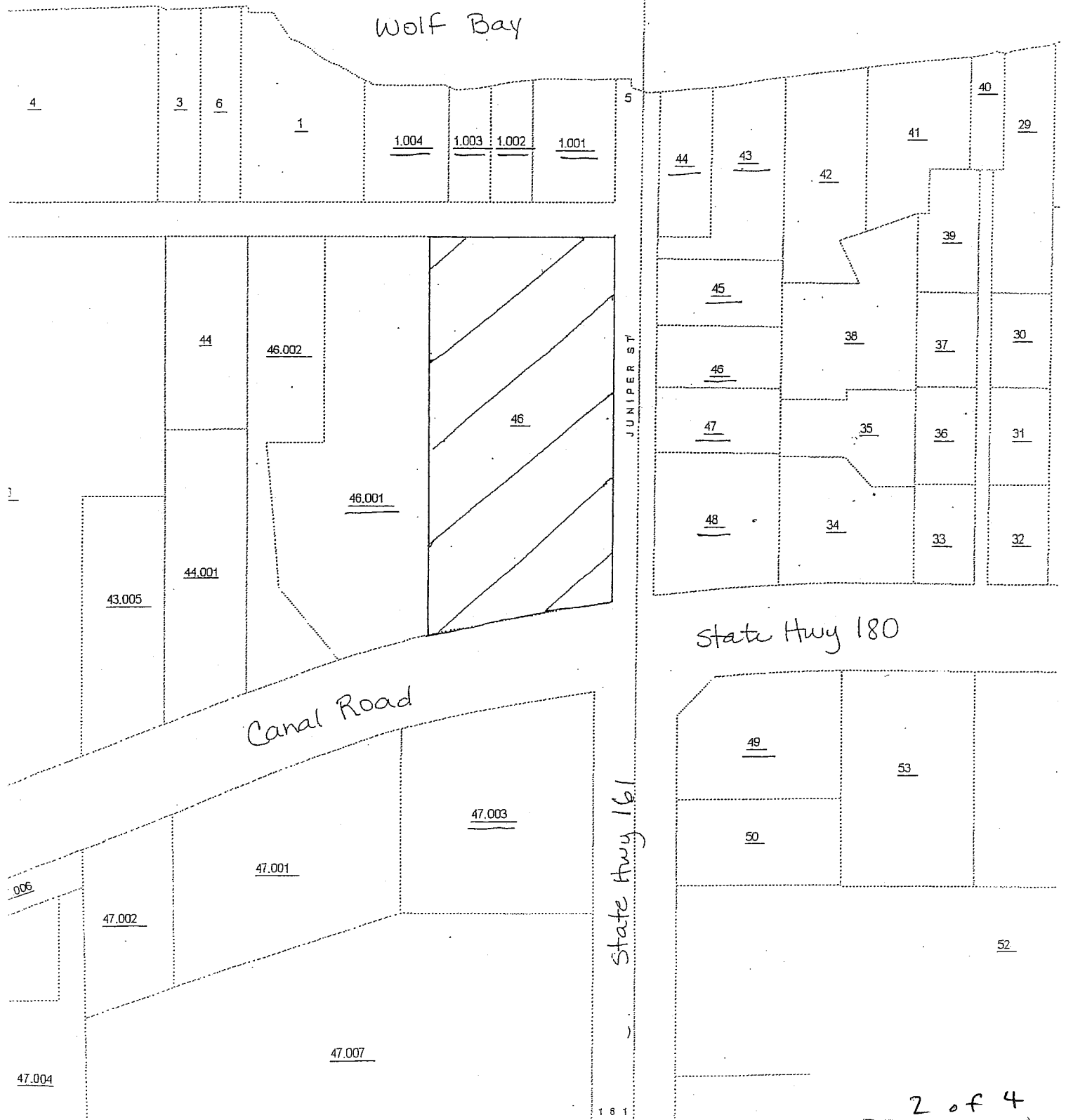
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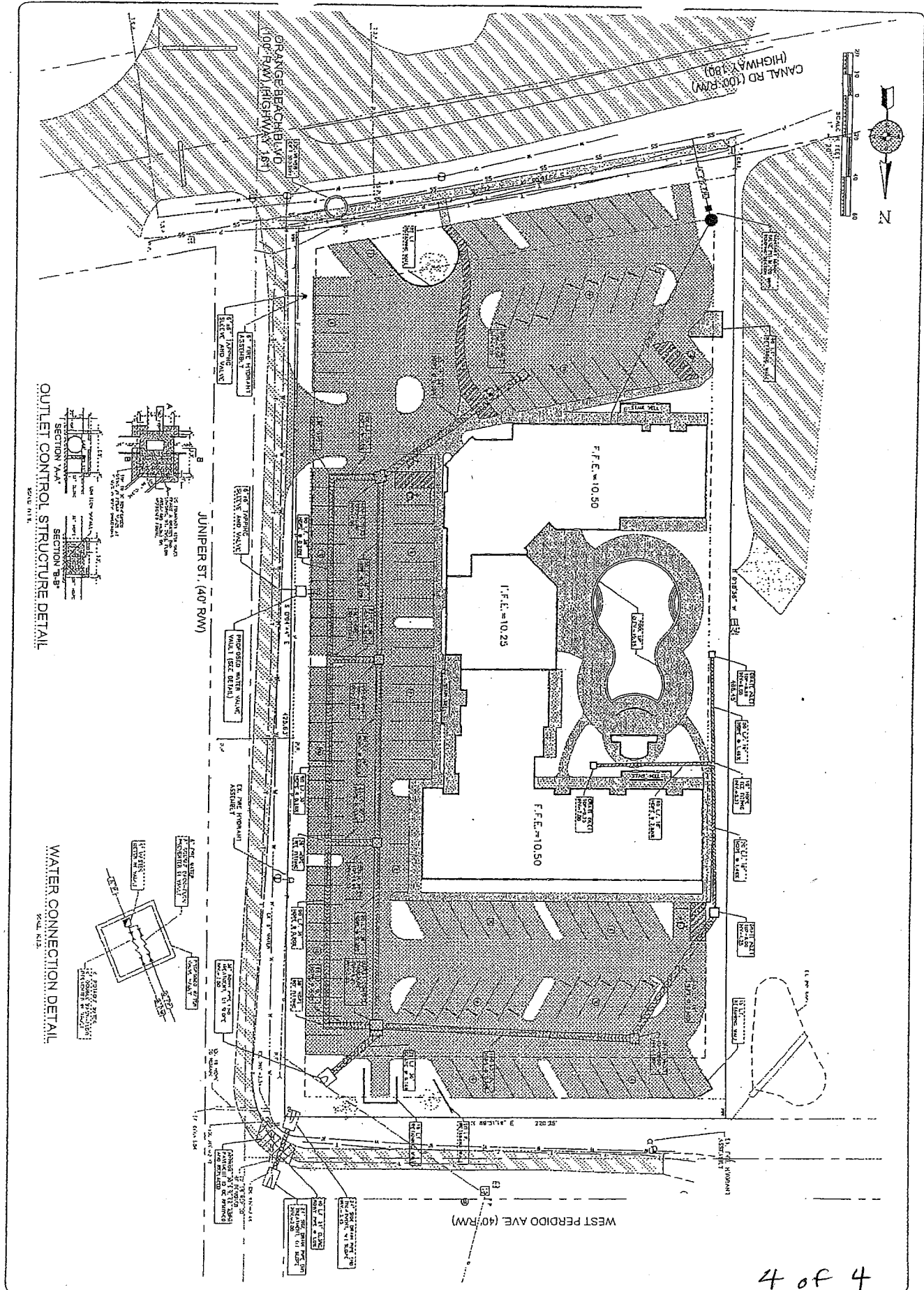
1 of 4

DEC 17 2010

Canal Place Suites
Hotel, LLC

Adjacent property owners





SHEET NO. C-3	PROJECT NO. 2010-001	DATE 01-20-2010	DRAWN BY J. B. BROWN	CHECKED BY J. B. BROWN	APPROVED BY J. B. BROWN
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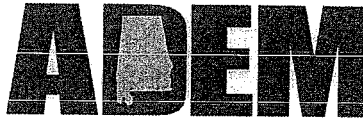


CAPRI SUITES

POLY SURVEYING
 ENGINEERING-LAND SURVEYING
 5568 JACKSON RD.
 MOBILE, AL 36619
 PHONE: (251) 966-2010
 FAX: (251) 966-1792
 E-MAIL: MAIL@Polysurveying.Com
 Internet: www.Polysurveying.Com

THE GROUND SURFACE
 AND UTILITY
DEC 17 2010
 ORANGE BEACH, AL

LANCE R. LEFLEUR
DIRECTOR



BOB RILEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 26, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
91 7108 2133 3936 3652 9568

CANAL PLACE SUITES, L.L.C.
C/O ECOSOLUTIONS, INC.
ATTN: MS. CATHY BARNETTE
P.O. BOX 361
MONTROSE, AL 36559

Re: CWA Section 401 (a) Water Quality Certification and Coastal Consistency Determination Time Extension
Canal Place Suites, L.L.C. Corps Permit: AL05-02755-B
ADEM Tracking Code: COE-05-15-E1

Dear Ms. Barnette:

This letter is in response to your request for a time extension of the Alabama Department of Environmental Management [hereinafter ADEM or Department] CWA Section 401 (a) water quality certification and coastal consistency concurrence issued on September 2, 2005 (enclosed) to the Canal Place Suites, L.L.C. site located north of Canal Road at the intersection of Juniper Street and Perdido Avenue in Orange Beach, Baldwin County, Alabama. The site development plan will remain as originally authorized under U. S. Army Corps of Engineers permit AL05-02755-B.

CWA Section 401 (a) water quality certification and Coastal consistency concurrence is hereby extended for a period **not to exceed five (5) years**. This extension authorization should be attached to the original Section 401 (a) water quality certification and Coastal consistency concurrence upon receipt. All conditions as stated in the ADEM water quality certification and coastal consistency issued on September 2, 2005 must be met in order to comply with the ADEM Division 8 Coastal Program Administrative Code Rules.

Call or write anytime with questions. Jennifer Robinson is the Department contact for this project and may be reached at: (251) 432-6533 or jrobinson@adem.state.al.us. Always include ADEM tracking No.: **COE-05-15-E1** in any future correspondence relative to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Jenkins", is written over the typed name.

Steven O. Jenkins, Chief
Field Operations Division

SOJ/jcr File: CZCERT/27029

Enclosures (2 pages)

E-copy: Joy B. Earp, U.S. Army Corps of Engineers

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 36130-1463 • 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

ONIS "TREY" GLENN, III, P.E.
DIRECTOR

BOB RILEY
GOVERNOR

September 2, 2005

Canal Place Suites LLC
C/O EcoSolutions
Attn: Mr. Tom Hutchings
PO BOX 361
Montrose, AL 36559

RE: Canal Place Suites LLC
COE-05-15/AL05-02755-B
Orange Beach, Baldwin County

Dear Mr. Hutchings:

Reference is made to the August 25, 2005 correspondence submitted by the EcoSolutions regarding the referenced joint public notice. The applicant has certified that the proposed project is consistent to the maximum extent practicable with the Alabama Coastal Zone Management Program (ACAMP) and will be conducted in a manner consistent with the program. Based on the site specific conditions described in the aforementioned letter and the supporting application, it is the Department's determination that the proposed wetlands fill activity will not have a significant impact on coastal resources consistent with the requirements of ADEM Admin. Code R. 335-8-1-.03(4).

This consistency determination does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in the applicant's possession.

Furthermore, action pertinent to water quality certification is required by Section 401(a) (1) of the Clean Water Act, 33 U.S.C. Section 1251, et. seq. ADEM hereby issues official certification, for a period not to exceed five (5) years from the date of issuance, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama (1975). ADEM further certifies that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to the activities specified.

Birmingham Branch
110 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 942-6166
(205) 941-1603 [Fax]

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, Alabama 35603-1333
(256) 353-1713
(256) 340-9359 [Fax]

Mobile Branch
2204 Perimeter Road
Mobile, Alabama 36615-1131
(251) 460-3400
(251) 479-2593 [Fax]

Mobile - Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(251) 432-4533
(251) 432-8598 [Fax]



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Facsimiles: (334)

Administration: 271-7950
General Counsel: 394-4332
Communication: 394-4383
Air: 279-3044
Land: 279-3050
Water: 279-3051
Groundwater: 270-5631
Field Operators: 272-8131
Laboratory: 277-5718
Mining: 394-4326

Canal Place Suites LLC
COE-05-15/AL05-02755-B
September 2, 2005
Page 2

Please be advised that pursuant to ADEM Admin. Code Ch. 335-6-12 regarding discharges of stormwater, the operator/owner is required to submit a complete and correct Notice Of Registration (NOR - ADEM Form 498), including the appropriate fee, requesting NPDES permit coverage prior to conducting any construction or land disturbance that equals or exceeds one (1) acre, or if less than one (1) acre in size and is part of, adjacent to, or associated with a common plan for development or sale which might eventually equal or exceed one (1) acre in size, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by the Department, and/or conducting any noncoal, nonmetallic mining and mineral dry processing activity less than five (5) acres in size.

If you have any questions, please contact J. Scott Brown of the ADEM Coastal/Facility Section Office in Mobile at 251/432-6533.

Sincerely,



Steven O. Jenkins, Chief
Field Operations Division

c: Mr. Michael Moxey - Corps
Morgan Jackson - EPA
Larry Goldman - Fish and Wildlife
Mark Van Hoose - ADCNR
Phillip Hinesley - ADCNR

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
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MOBILE, ALABAMA 36628-0001
OFFICIAL BUSINESS

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CESAM-RD-C (HEH)

