



REPLY TO
ATTENTION OF:

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

August 14, 2008

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2008-01070-TLW
AHC 08-0419

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

PROPOSED FILLING OF JURISDICTIONAL WETLANDS
IN CONJUNCTION WITH THE DEVELOPMENT OF A MOTEL
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 USC 1344). Please communicate this information to interested parties.

APPLICANT: The Christopher Company, Inc.
Mr. David C. DeLaney
16 Midtown Park, East
Mobile, AL 36606

AGENT: Barry A. Vittor and Associates, Inc.
Attention: Mr. Russell B. Rigby
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: Vicinity of Elslava Creek at 3625 Springhill Memorial Drive South, Section 24, Township 4 South, Range 2 West, Mobile County, Alabama. Latitude North 30 40' 47" and Longitude West 88 07' 49".

WORK: The applicant has filed an application for authorization for wetland disturbance and fill for the construction of a 17,000 square foot commercial/retail center and 68 parking spaces in the vicinity of Elslava Creek in Mobile County, Alabama. Proposed impacts would result in the loss of approximately 0.94 acres of low quality shrub/scrub wetland habitat with impermeable surface area. The applicant's proposed preferred impact alternative would be to purchase sufficient mitigation credits to mitigate for the entire wetland within the parcel.

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Alternatives to the proposed project include a no impact alternative which would preclude any use of the property for any reason. This was deemed unreasonable and dismissed by the applicant. A reduced impact alternative would include the locating the project outside of the subject wetland habitat. This would avoid a small pocket of wetland habitat that does not connect to any other jurisdictional wetland habitat as a result of surrounding development and would provide no functional or ecological benefit. The wetland habitat was fragmented as a result of the construction of I-65 and surrounding development. The applicant's proposed compensation for unavoidable wetland impacts is to purchase sufficient mitigation credits at a local mitigation bank. Currently the applicant has performed a functional assessment of the wetland habitat and found it to be low quality.

The applicant has applied for state certification in accordance with Section 401(a)(1) of the Clean Water Act, and has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to 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 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 impacts, 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,

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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.

The National Register of Historic Places has been contacted for properties listed in or eligible for the National Register that are known to exist which would be affected by the proposed work. **In a letter dated February 20, 2008 the Alabama Historical Commission concurred with another project immediately adjacent to the proposed project and has determined that the activities will have no effect on any known cultural resources listed or eligible for listing.** This review will constitute the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

A survey for Threatened and Endangered Species was conducted by the applicant. Preliminary coordination with the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity would not affect any listed endangered or threatened species, or their critical habitat. **In a response from the U.S. Fish and Wildlife Service dated March 24, 2008, it was determined that no known federally listed species/critical habitats are known to occur in the project area.** The Mobile District has also determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service. This review will constitute the full extent of the survey unless comment to this notice is received documenting additional information.

Correspondence concerning this Public Notice should refer to **Public Notice Number SAM 2008-01070-TLW** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Inland Branch. With a copy furnished to Alabama Department of Environmental Management, 4171

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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 Mr. Terry L. Williams via email at terry.l.williams@usace.army.mil or telephone number (251) 694-3773. Please refer to the Public Notice SAM-2008-01070-TLW.

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



Figure 1. Vicinity Map for the Christopher Company LLC Property.

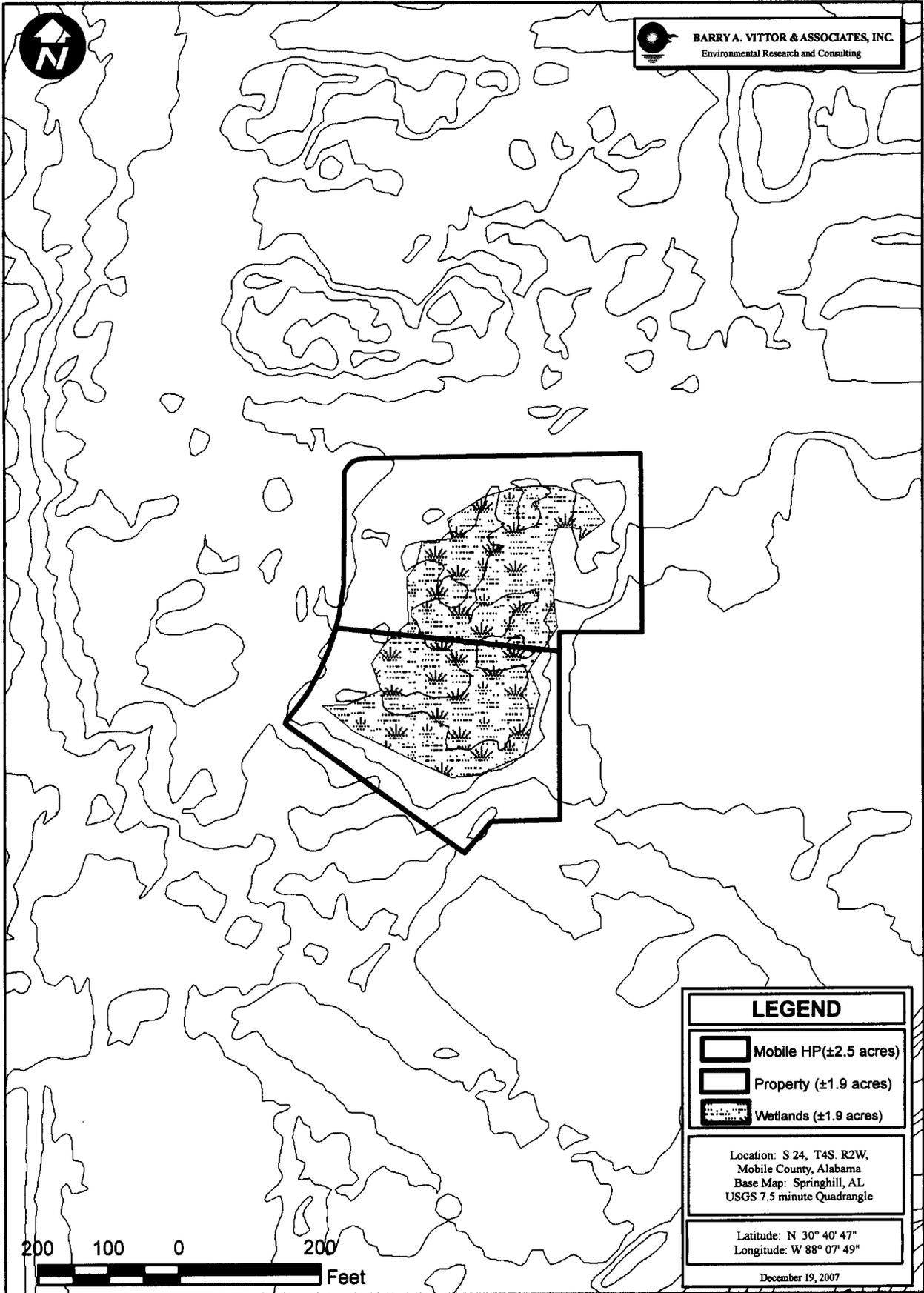


Figure 3. Contour Data (acquired from Mobile County LIDAR) for the Christopher Company LLC Property.

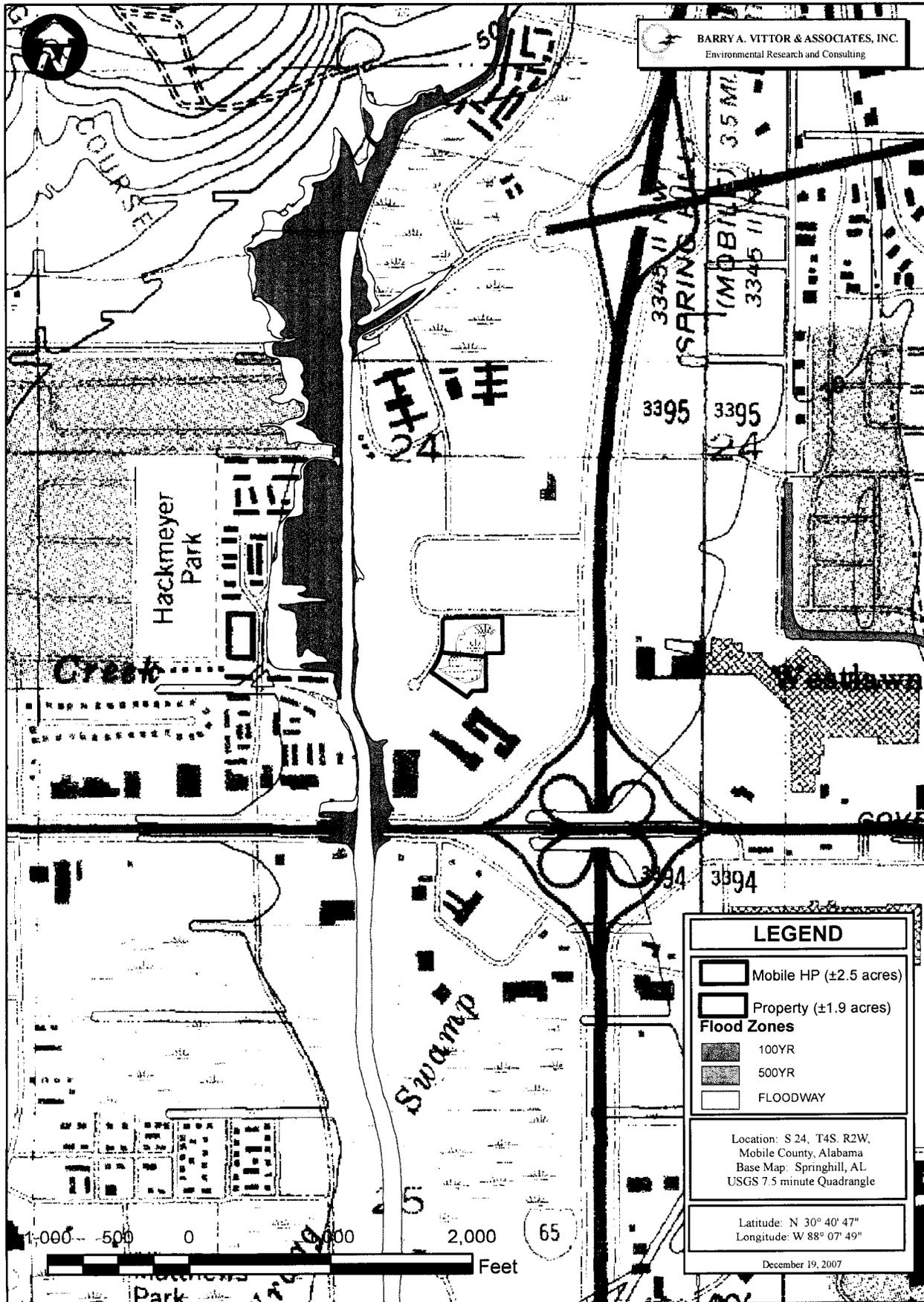
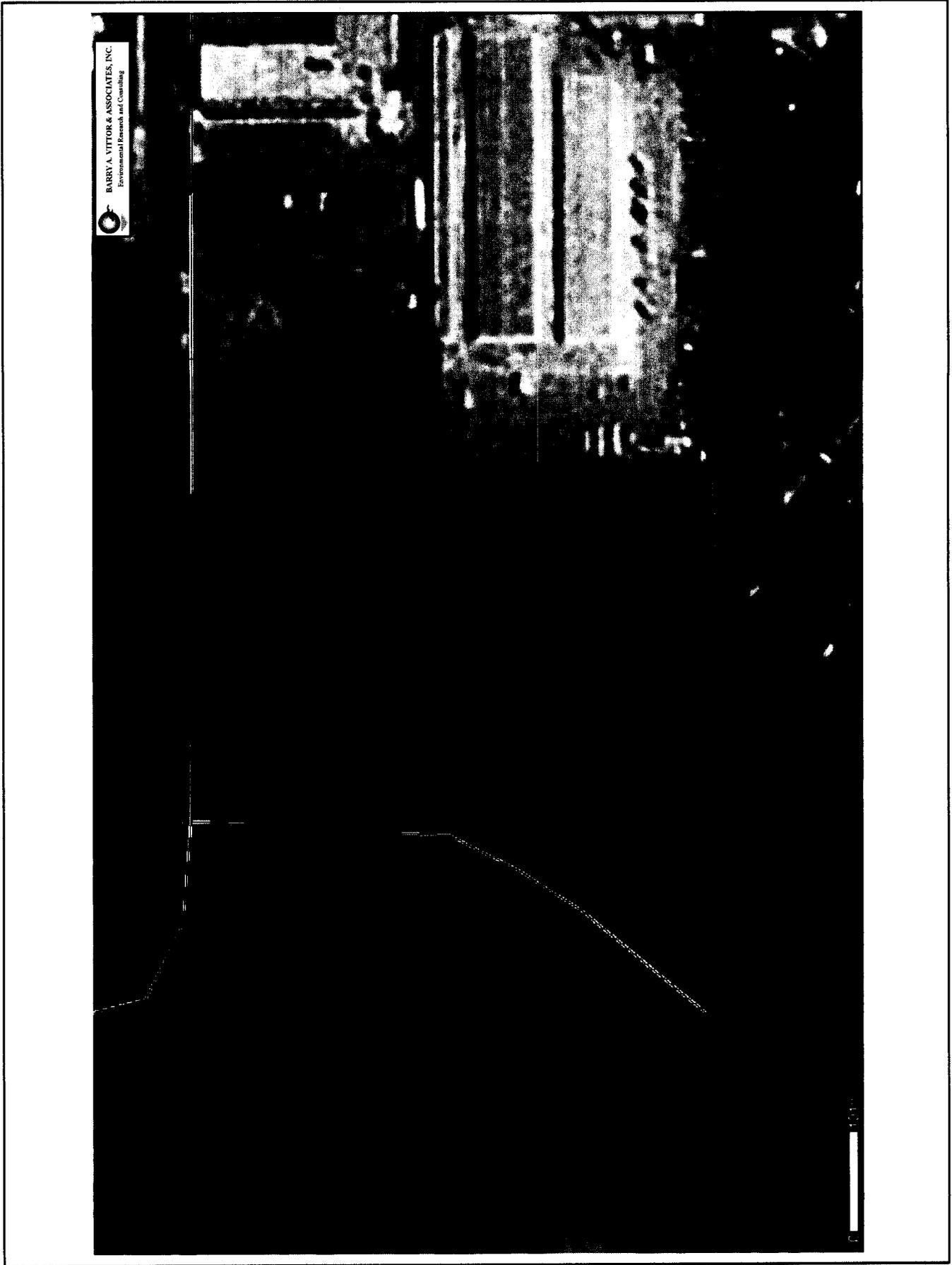


Figure 4. GIS Flood Hazard Zones for for the Christopher Company LLC Property Area.

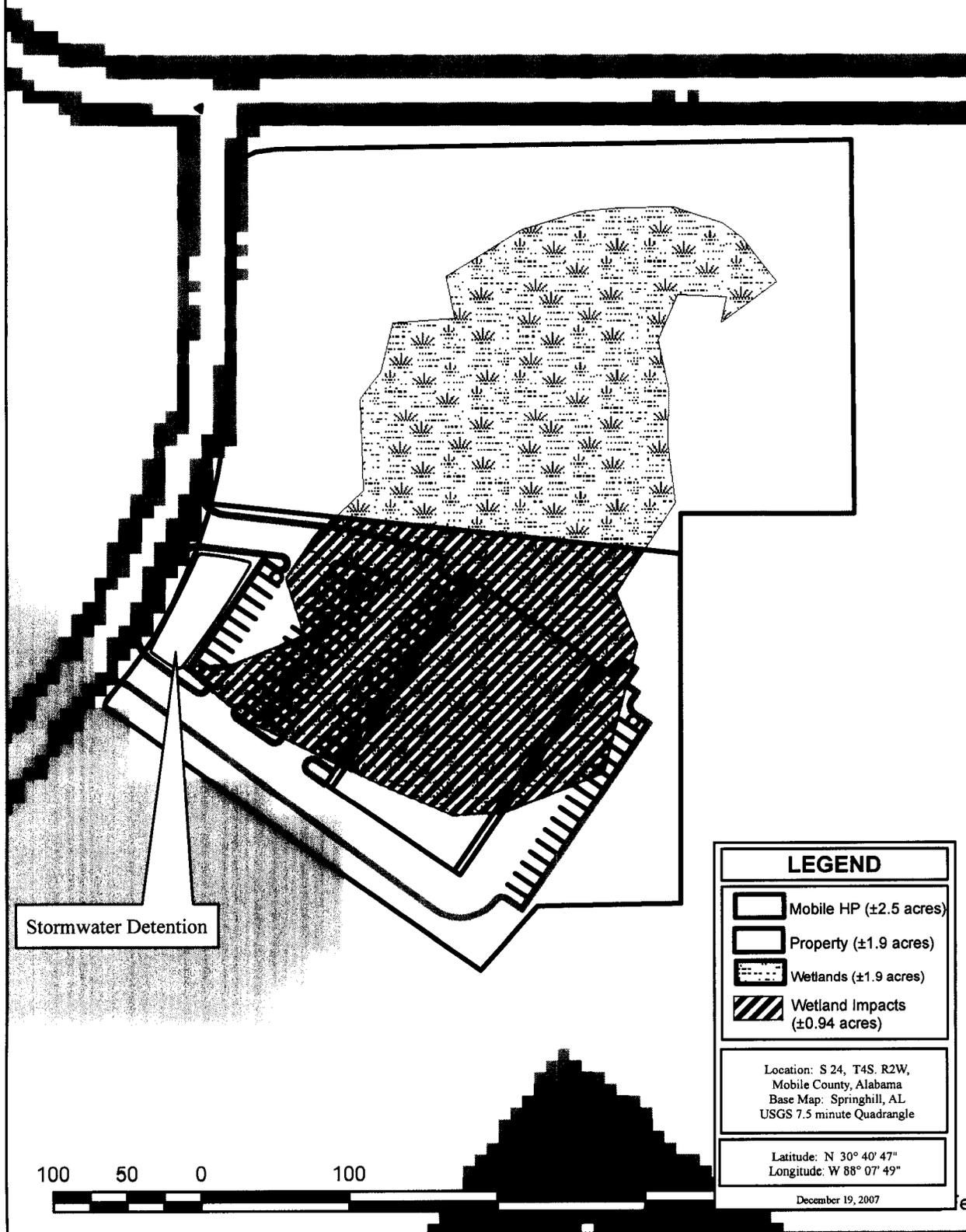


BARRY A. VITTOR & ASSOCIATES, INC.
Environmental Remediation and Consulting

Figure 5. Soil Map for the Christopher Company, LLC Property.



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



Stormwater Detention

LEGEND

-  Mobile HP (±2.5 acres)
-  Property (±1.9 acres)
-  Wetlands (±1.9 acres)
-  Wetland Impacts (±0.94 acres)

Location: S 24, T4S, R2W,
Mobile County, Alabama
Base Map: Springhill, AL
USGS 7.5 minute Quadrangle

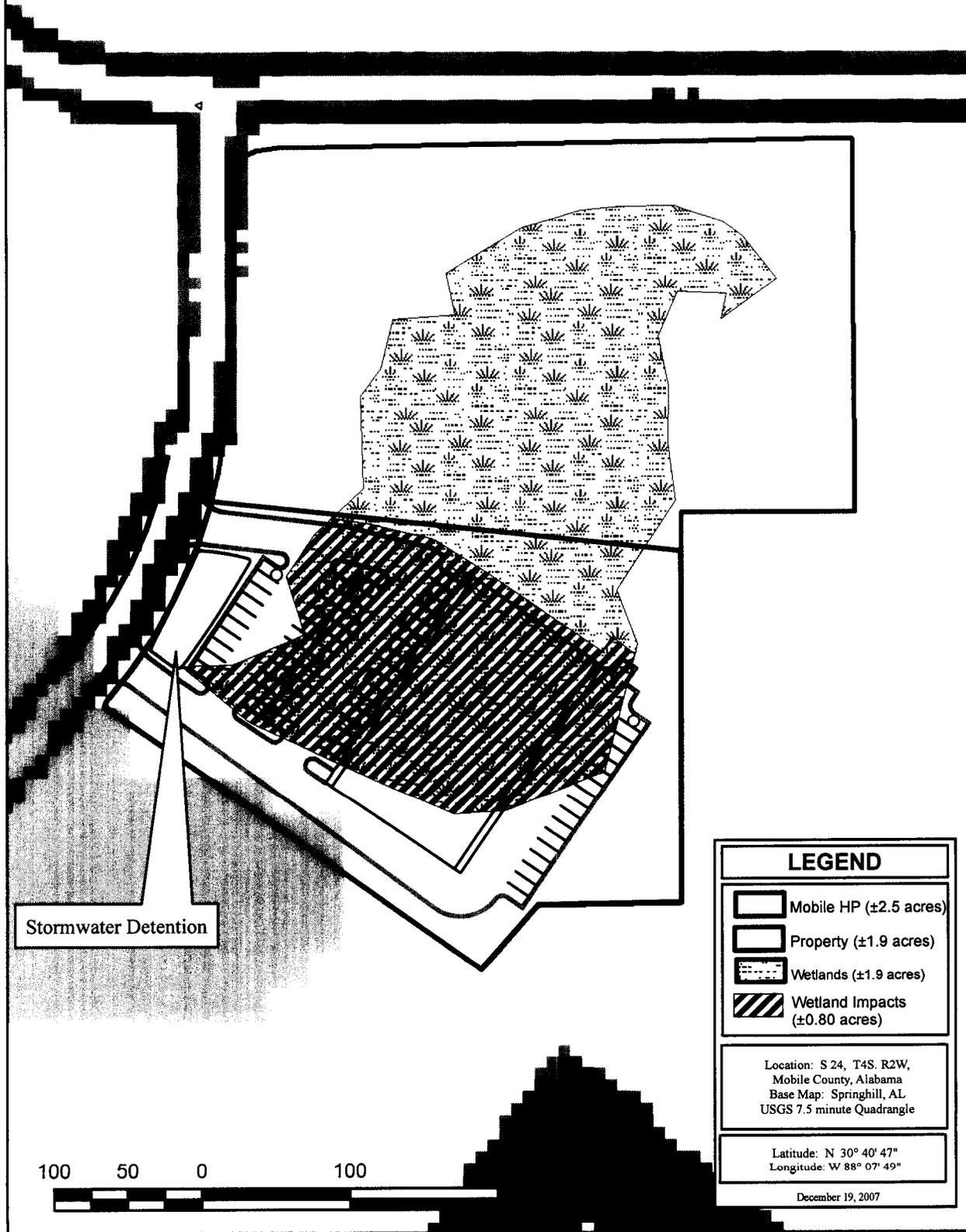
Latitude: N 30° 40' 47"
Longitude: W 88° 07' 49"

December 19, 2007

Figure 6. Preferred Development Plan for the Christopher Company, LLC Property.



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



Stormwater Detention

LEGEND

-  Mobile HP (±2.5 acres)
-  Property (±1.9 acres)
-  Wetlands (±1.9 acres)
-  Wetland Impacts (±0.80 acres)

Location: S 24, T4S. R2W,
Mobile County, Alabama
Base Map: Springhill, AL
USGS 7.5 minute Quadrangle

Latitude: N 30° 40' 47"
Longitude: W 88° 07' 49"

December 19, 2007

Figure 7. Alternative Development Plan for the Christopher Company LLC Property.

