



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

CESAM-RD-I  
Public Notice Number SAM-2008-1090-LET

DATE: 4 AUGUST 2008

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

PROPOSED FILLING OF 1.1 ACRE WETLAND DRAIN TO CONSTRUCT A  
MOTEL AND RESTAURANT COMPLEX IN SARALAND, 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:** Shular Companies  
Attention: Mr. Michael Shular  
Post Office Box 490  
Dandridge, Tennessee 37725

**AGENT:** Barry A. Vittor and Associates, Inc.  
8060 Cottage Hill Road  
Mobile, Alabama 36695

**WATERWAY:** The subject site is a 1.1 acre wetland drain running through the south portion of an 8.4-acre parcel of property located west of Interstate 65 on the east side of Shelton Beach Road and south of Alabama Highway 158 (Industrial Parkway) in Sections 8 and 37 of Township 3 South, Range 1 West, near Latitude 30° 48' 04"N and Longitude 88° 06' 23"W in Saraland, Mobile County, Alabama.

**WORK:** The applicant proposes to fill a 1.1 acre mowed herbaceous and forested wetland drain on the 8.4-acre site for construction of a motel and restaurant development that would include two new hotels and an extended stay motel, swimming pools, a restaurant, access drives, parking areas, stormwater detention facilities, and landscaped areas. One of the hotels is currently under construction in uplands on the northwest portion of the 8.4-acre property. Stormwater which drains through the 1.1 acre wetland would be routed through an engineered drainage pipe beneath the parking areas of the proposed complex. The applicant has indicated options for development of the site are limited by several factors including the location of overhead power lines and an underground gas pipeline crossing the property, and the need to install stormwater drainage pipes for the proposed development. Specifically, buildings cannot be constructed over the gas pipeline or stormwater drainage pipes, nor constructed under the power lines. The applicant has proposed compensatory mitigation for impacts to low quality wetlands through the purchase of mitigation credits from an approved local mitigation bank. The stated purpose of the project is to provide urgently needed first class hotel accommodations as well as an extended stay motel for the

current and anticipated influx of workers associated with the large industrial projects currently under construction and proposed for construction in Mobile County.

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

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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 is not likely to adversely 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-2008-1090-LET and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-000, Attention: Regulatory Division, with a copy to the Director, Alabama Department of Environmental Management, Post Office Box 301463 Montgomery, Alabama 36130-1463.

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 [leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@usace.army.mil) or telephone number **(251) 694-3873**. 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.

Enclosures

MOBILE DISTRICT  
U.S. Army Corps of Engineers

SHULAR COMPANIES

SARALAN

Creek

ROAD

Apelia City Park

SITE LOCATION

290 000  
FEET

3407  
47'30"

3406

3405

0.2 MI TO U.S. 45 & ALA. 17

(13)

Shelton Beach

Tower  
Radio Station  
(WABB)  
Trs

Eight Mile

PRICHARD

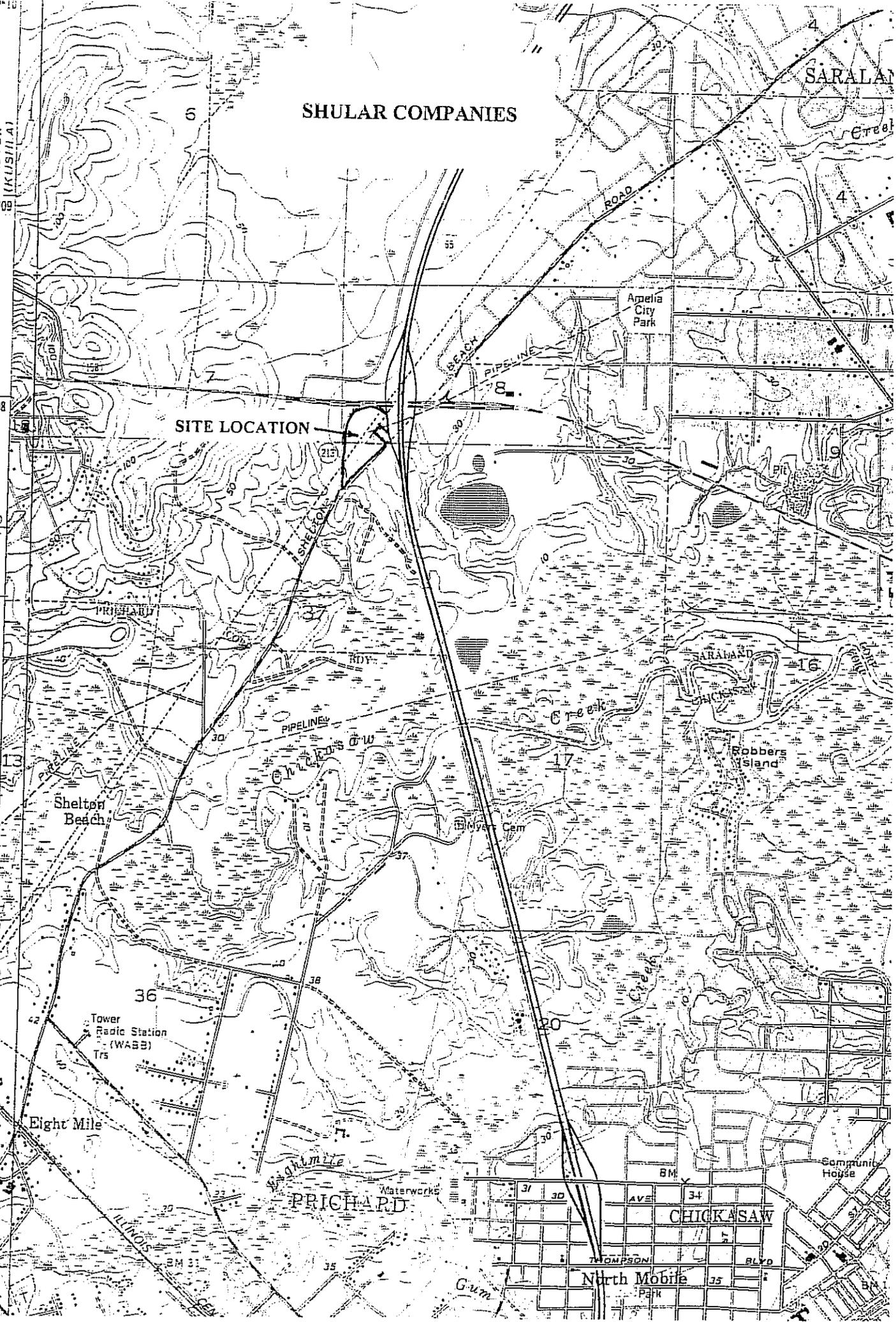
Waterworks

CHICKASAW

North Mobile

Community House

All  
Mile



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(KJ1311A)

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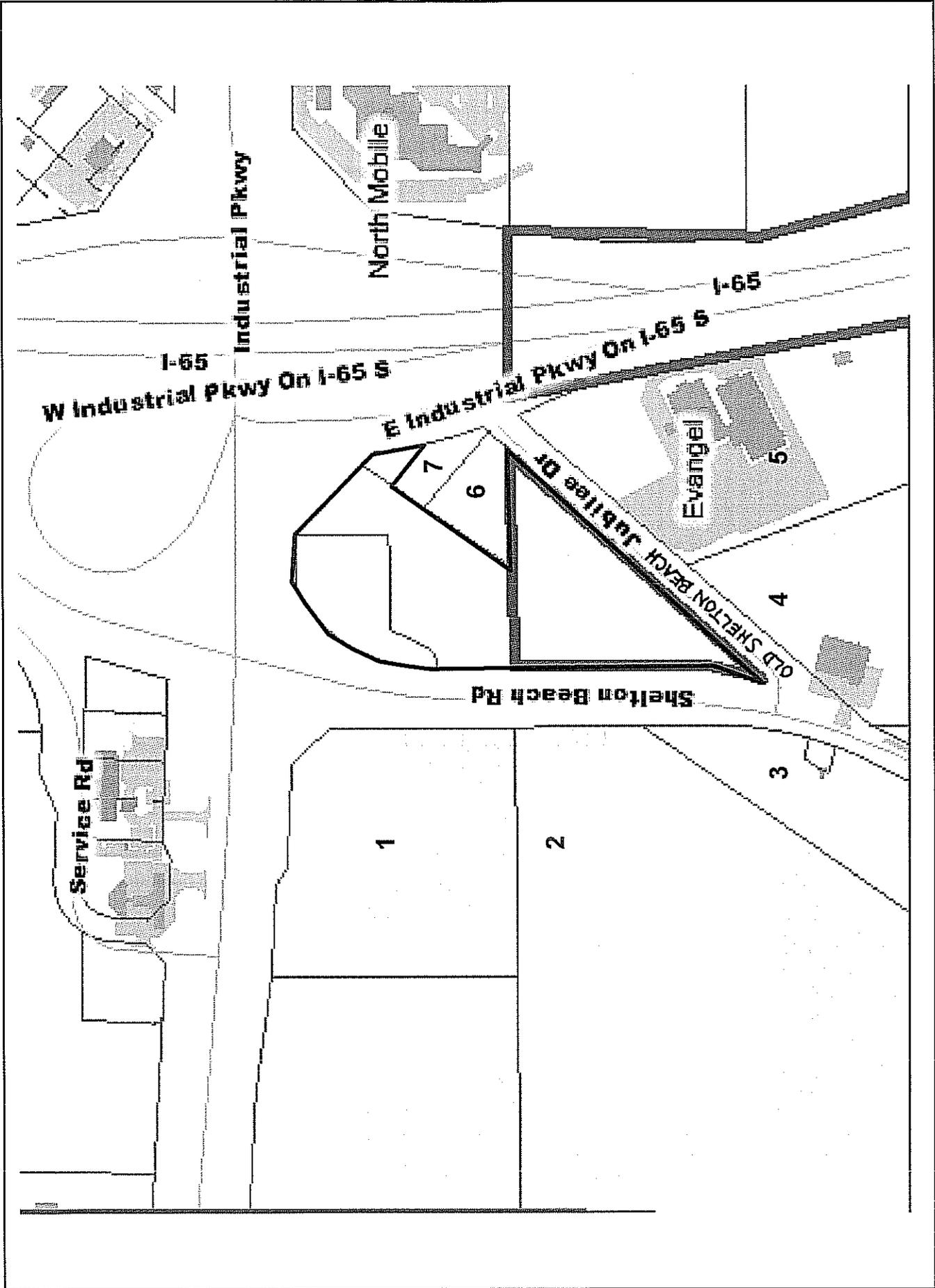
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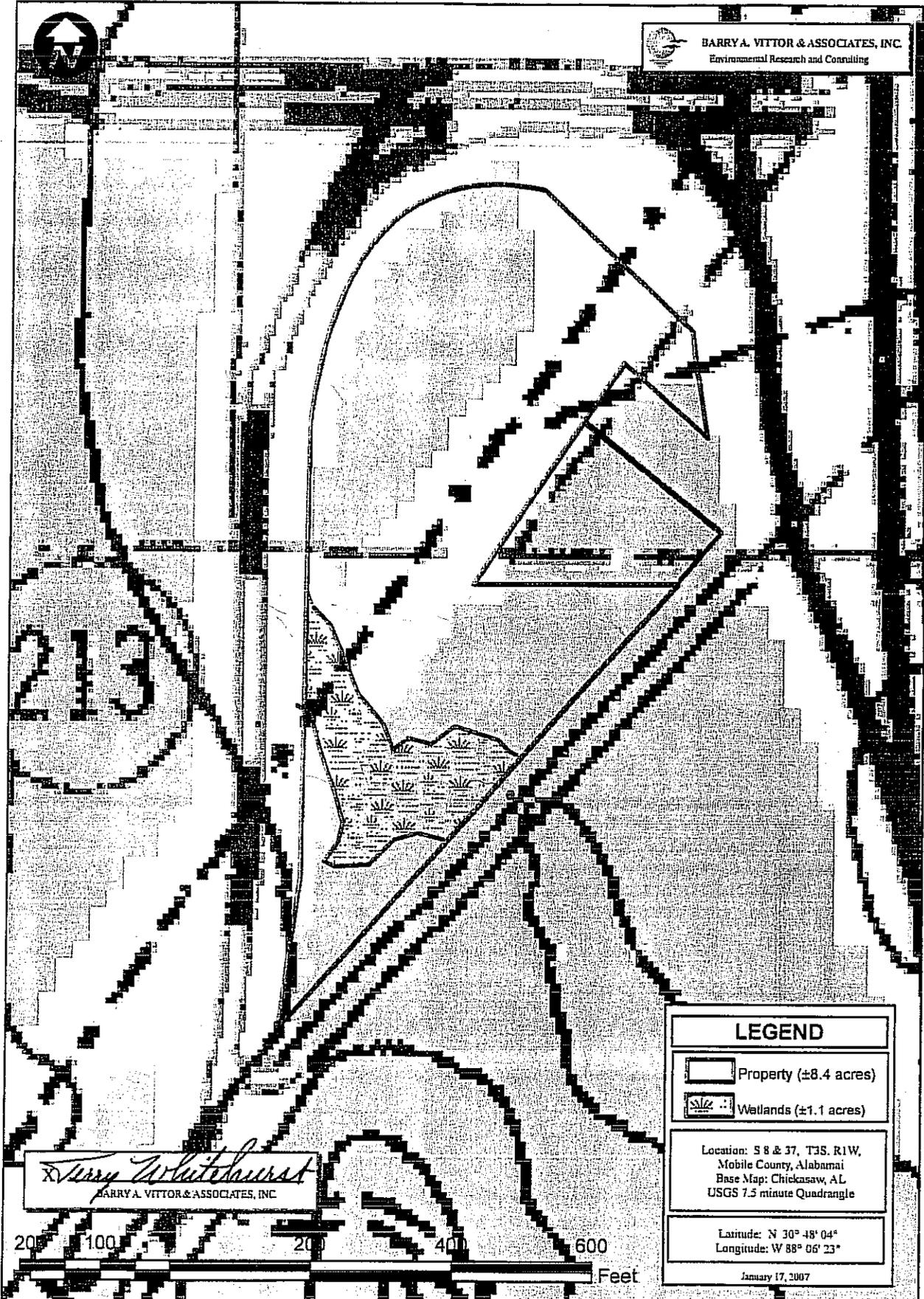
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Adjacent Property Owners.



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



*Barry A. Vittor*  
BARRY A. VITTOR & ASSOCIATES, INC.

**LEGEND**

-  Property (±8.4 acres)
-  Wetlands (±1.1 acres)

Location: S 8 & 37, T3S. R1W,  
Mobile County, Alabama  
Base Map: Chickasaw, AL  
USGS 7.5 minute Quadrangle

Latitude: N 30° 48' 04"  
Longitude: W 88° 06' 23"

January 17, 2007



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.



