



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

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2009-0094-JEB

19 February 2009

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

**PROPOSED WETLAND FILL FOR THE CONSTRUCTION OF
THE GULF HIGHLANDS CONDOMINIUM DEVELOPMENT
FORT MORGAN, BALDWIN COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT/AGENT: Gulf Highlands Development, LLC
Attention: Mrs. Donna Owens
29181 Ono Beach Boulevard
Orange Beach, Alabama 36561

LOCATION OF WORK: Between Highway 180 (Ft. Morgan Road) and the Gulf of Mexico, west of Gulf Way and east of The Plantation, Section 28, Township 9 South, Range 2 East, 30° 13' 58.1" N/ 87° 53' 0.3" W, Fort Morgan, Baldwin County, Alabama.

WATERWAY: Gulf of Mexico.

PROPOSED WORK: The applicant requests authorization to impact 0.70 acres of interdunal swale wetlands for construction of the Gulf Highlands condominium development along the Gulf of Mexico. The facility will consist of four 20-story condominium towers of 120 residential units each, and a fifth tower with a clubhouse and 72 units, two parking lots and two parking decks, access roads, tennis courts and two freshwater detention ponds. A "Lazy River" water/pool complex is proposed for construction south of the condominium towers.

The applicant has provide a detailed Alternatives Analysis that addresses avoidance and minimization to wetlands and Waters of the United States. The Corps has not verified the adequacy of the applicant's avoidance and minimization plan at this time.

The applicant has provided a detailed Wetland Mitigation Plan that addresses mitigation for unavoidable impacts to wetlands and Waters of the United States. The Corps has not verified the adequacy of this mitigation proposal at this time.

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 (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 utilization 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.

The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which are known to exist and would be affected by the proposed work. Additional notification will be furnished to the State Historic Preservation Officer via this Public Notice. By letter dated August 30, 2000 (AHC 00-1960), the Alabama Historical Commission stated that there are no cultural resources listed on or eligible for the National Register of Historic Places within the project boundaries and indicated concurrence with the proposed project. This review constitutes 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that listed endangered and threatened species or their critical habitat may occur within the project area. these species include the Alabama beach mouse (*Peromyscus polionotus ammobates*), Green sea turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), and Piping plover (*Charadrius melodus*). The Corps of Engineers is cooperating on a Supplemental Environmental Impact Statement that addresses potential project impacts. The Corps will not complete evaluation of the project until issuance of the Final Supplemental Environmental Impact Statement. Notification to the United States Fish and Wildlife Service will be furnished via this Public Notice.

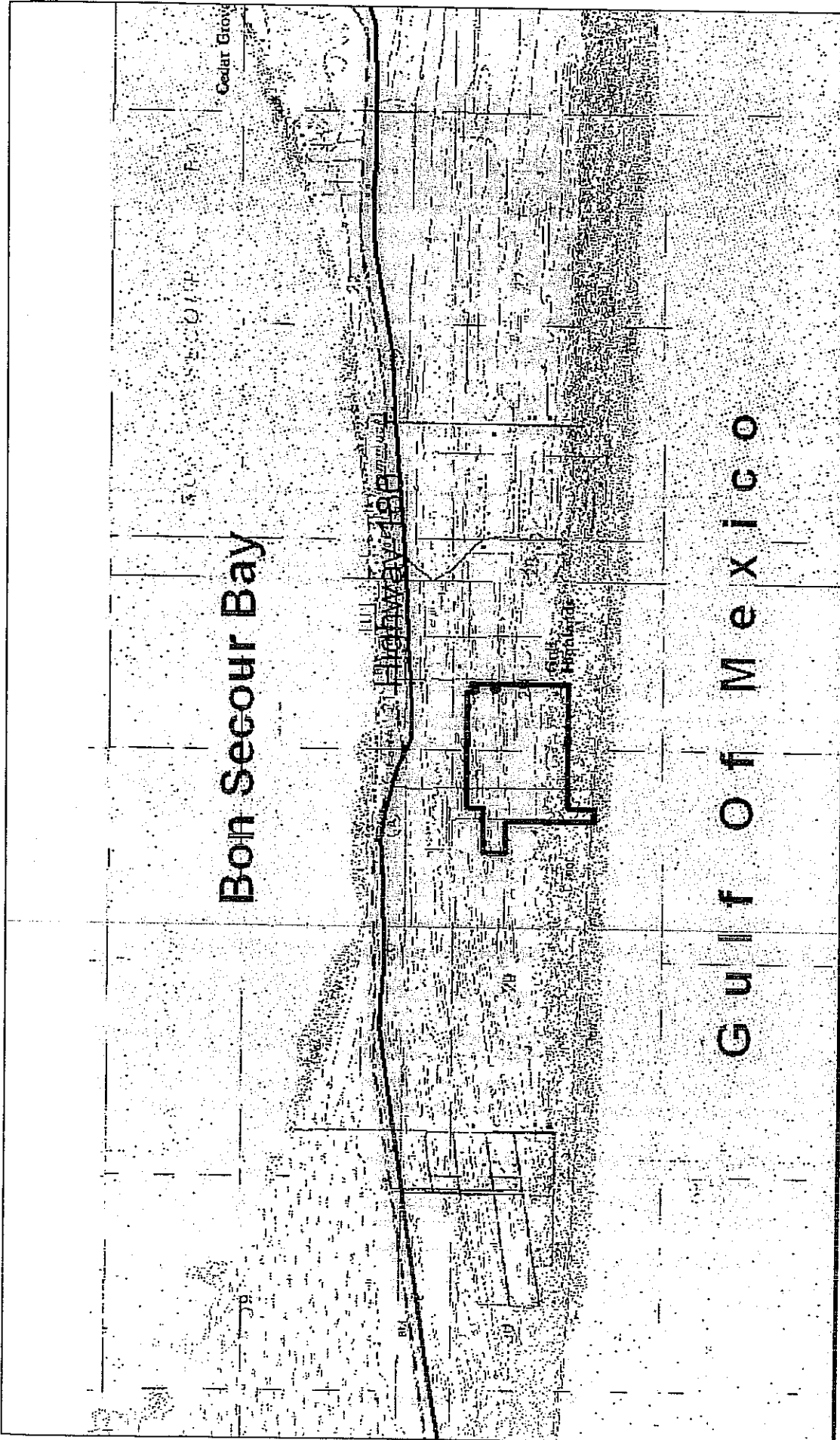
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2009-0094-JEB** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Alabama Department of Environmental Management, 4171 Commanders Drive, Mobile, Alabama 36615, (If not in coastal zone: 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 **Mr. Eric Buckelew**, telephone number **251-690-3184**, e-mail **james.e. buckelew@usace.army.mil**. Please refer to the above Public Notice number.

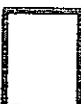

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

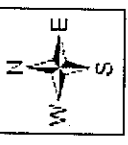


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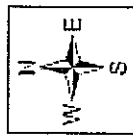
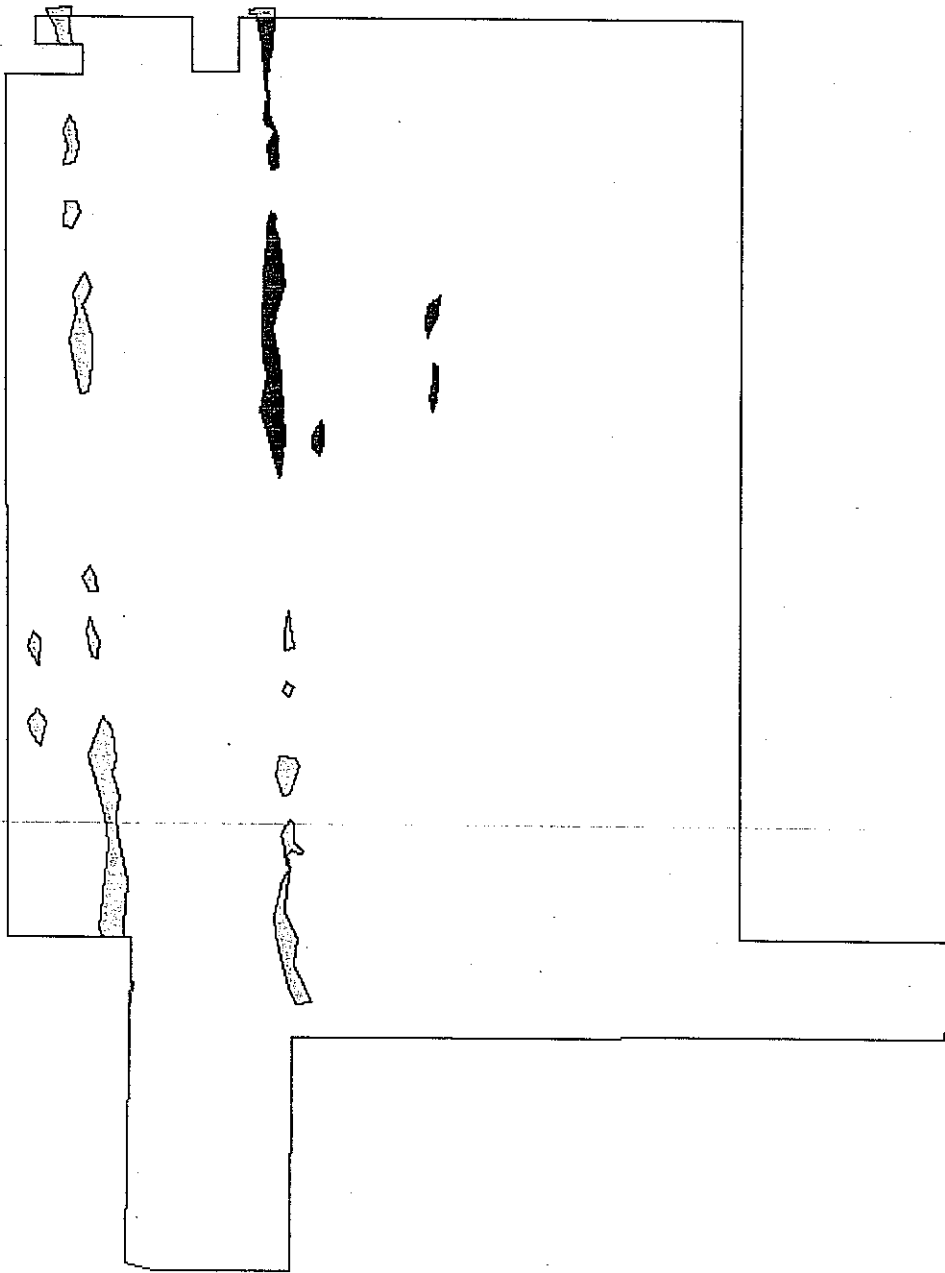
-  Property Boundaries
-  Streets

Scale 1:25000

Figure 1
Gulf Highlands
Project Location Map
 7.5 Minute Topographic
 Quadrangle Map



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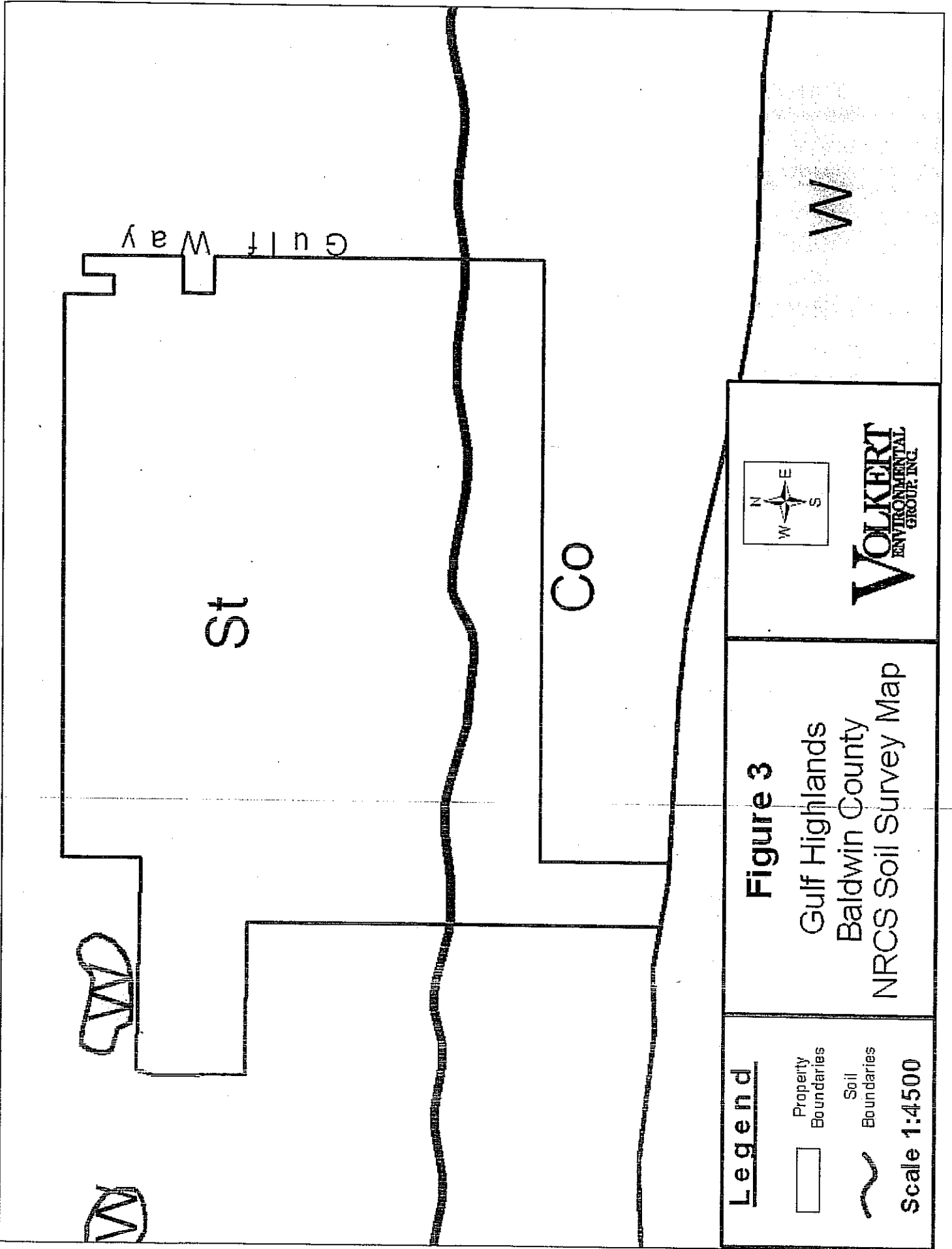
VOLKERT
ENVIRONMENTAL
GROUP, INC.

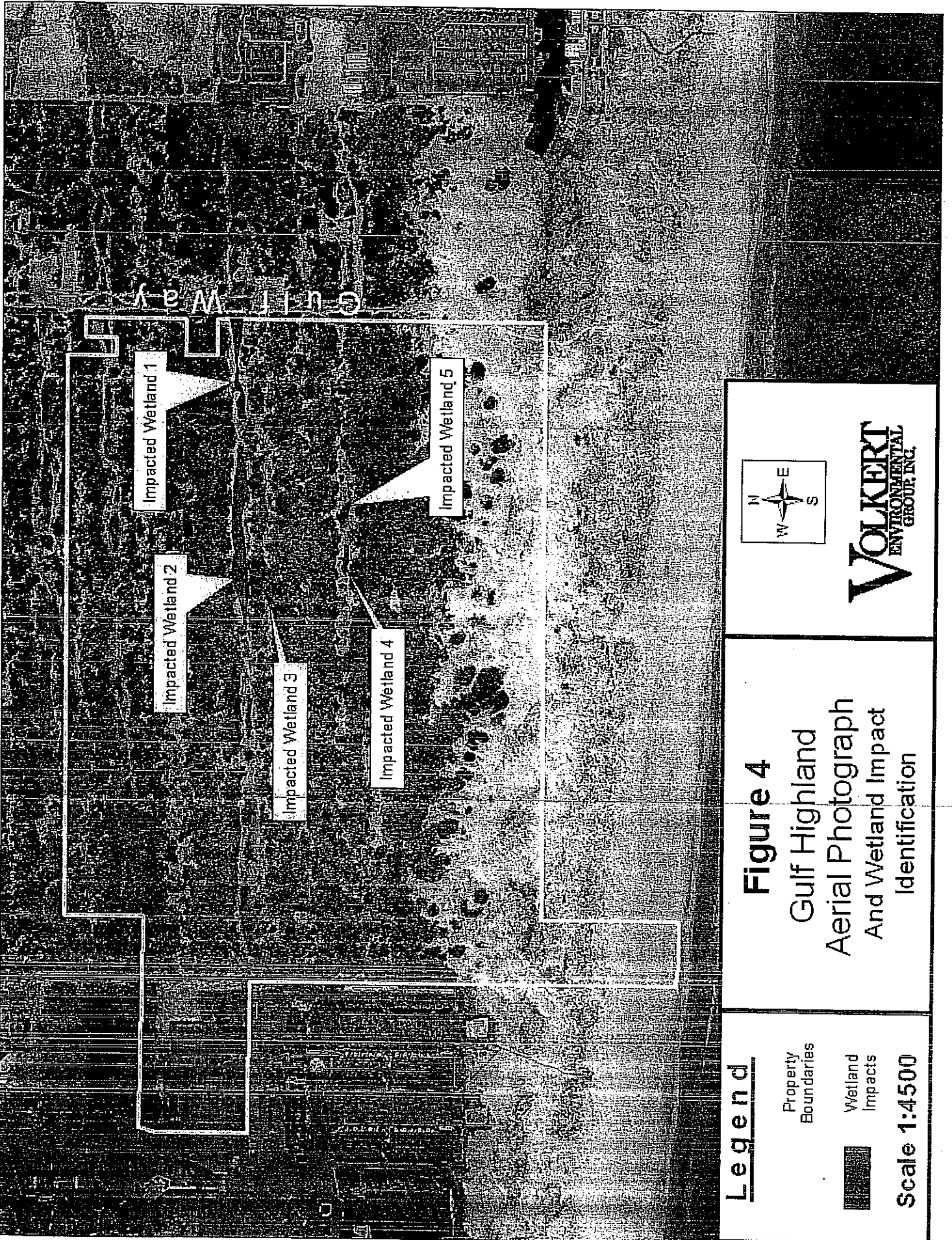
Figure 2
Gulf Highlands
Verified Wetlands
Location Map

Legend

- Property Boundaries
- Wetland Boundaries
- Impacted Wetlands

Scale 1:4500





Legend

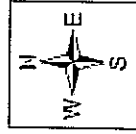
Property Boundaries

Wetland Impacts

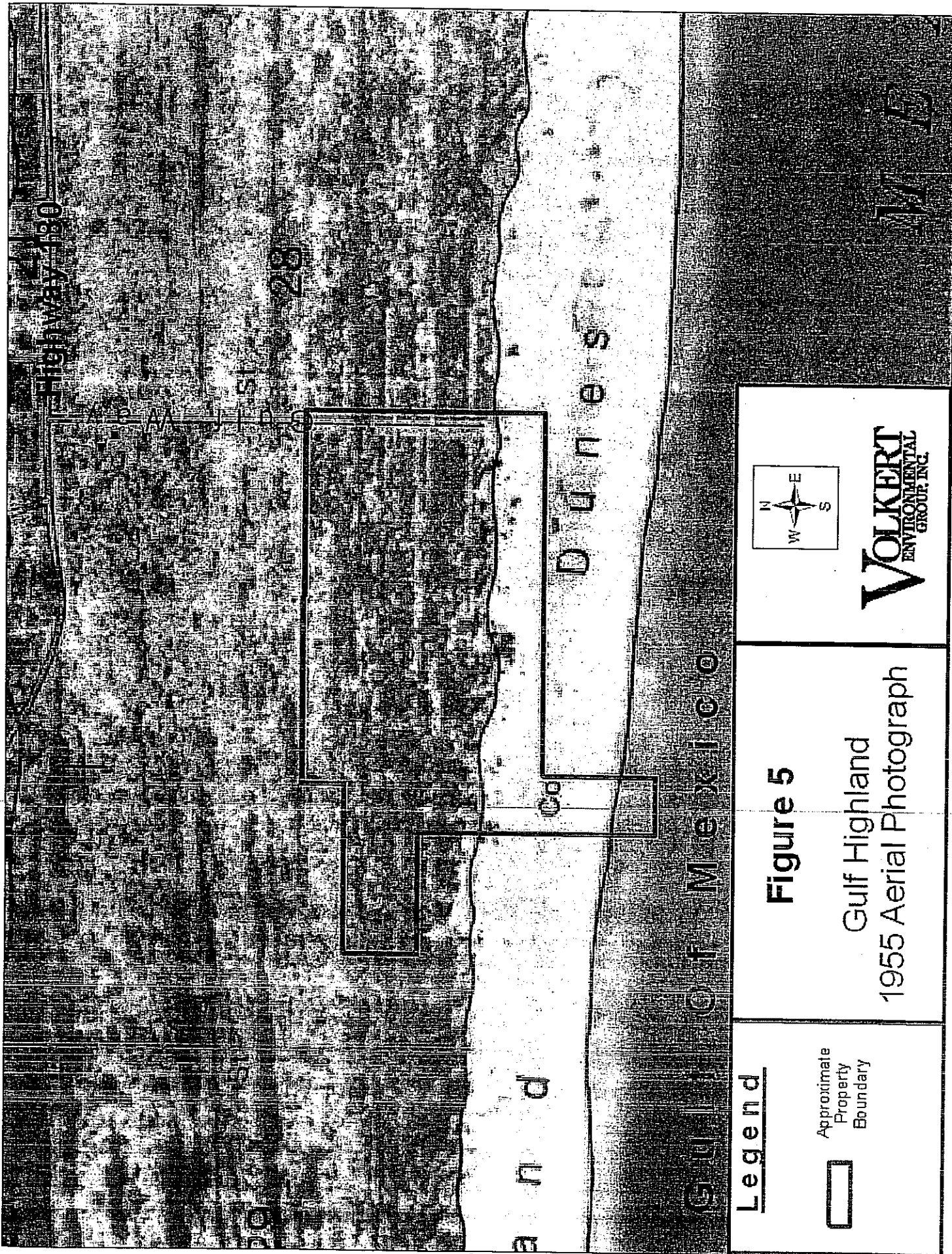
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Figure 4

Gulf Highland
Aerial Photograph
And Wetland Impact
Identification



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Highway 190

St. 28

Dunes

Gulf of Mexico

Legend

Approximate
Property
Boundary

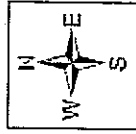
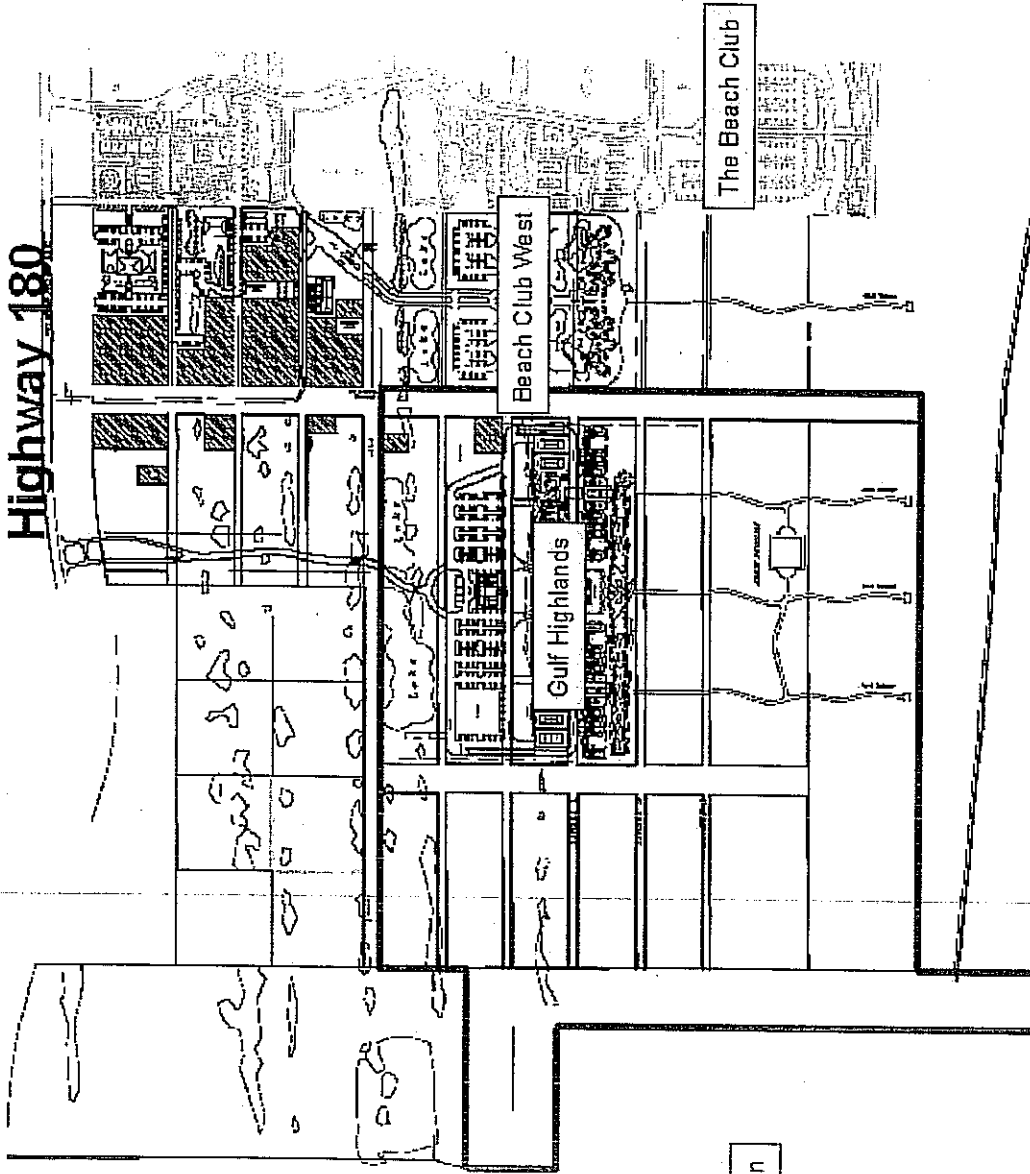


Figure 5

Gulf Highland
1955 Aerial Photograph

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Highway 180



Legend

Approximate
Property
Boundary

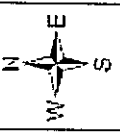


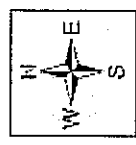
Figure 6

Gulf Highlands
Adjacent Future
Land Use

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Gulf Highlands
Wetland Creation
Site #1
0.20 Acres

Gulf Highlands
Wetland Creation
Site #2
0.40 Acres



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Figure 7
Gulf Highlands
Wetland Creation
Location & Size

Legend

- Approximate Property Boundary
- Gulf Highlands Wetland Creation
- Existing Wetlands

