



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-2010-01225-JEB

2 May 2010

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

**CONSTRUCT A SINGLE FAMILY DWELLING IN TIMBER CREEK
SUBDIVISION ALONG A WETLAND DRAIN TO D'OLIVE CREEK, DAPHNE,
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: Mr. Craig Maiorana
229 Alconese Ave. S.E. #B
Fort Walton Beach, Florida 32548

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

LOCATION OF WORK: Unnamed wetland drain to D'Olive Creek, Section 27,
Township 4 south, Range 2 East, 30.66747° N/ -87.86300° W, Daphne, Baldwin County,
Alabama.

WATERWAY: Unnamed perennial stream draining to D'Olive Creek, Section 27,
Township 4 south, Range 2 East, 30.66747° N/ -87.86300° W, Daphne, Baldwin County,
Alabama.

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PROPOSED WORK: The applicant requests authorization to fill 0.80 acres of seepage slope wetlands for the purpose of creating a single family home site. The fill area will be stabilized and contained by a retaining wall. The proposed construction is located on vacant lot 48 within the Timber Creek subdivision along D'Olive Ridge Road.

The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The current proposed plan represents an effort to successfully complete the project, ensure the structural integrity of the house foundation while avoiding and minimizing wetland impacts to the most practicable extent."

The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: "Wetland mitigation is necessary to fulfill the no-net loss mandate of the Clean Water Act. The applicant plans to purchase low-quality wetland credits from an approved wetland mitigation bank to compensate for the 0.80-acre of impacts to jurisdictional wetlands that will result from this project."

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.

CESAM-RD-C
PUBLIC NOTICE NO. SAM-2010-01225-JEB

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. 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. 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-2010-01225-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.

CESAM-RD-C
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If you have any questions concerning this publication, you may contact this office,
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

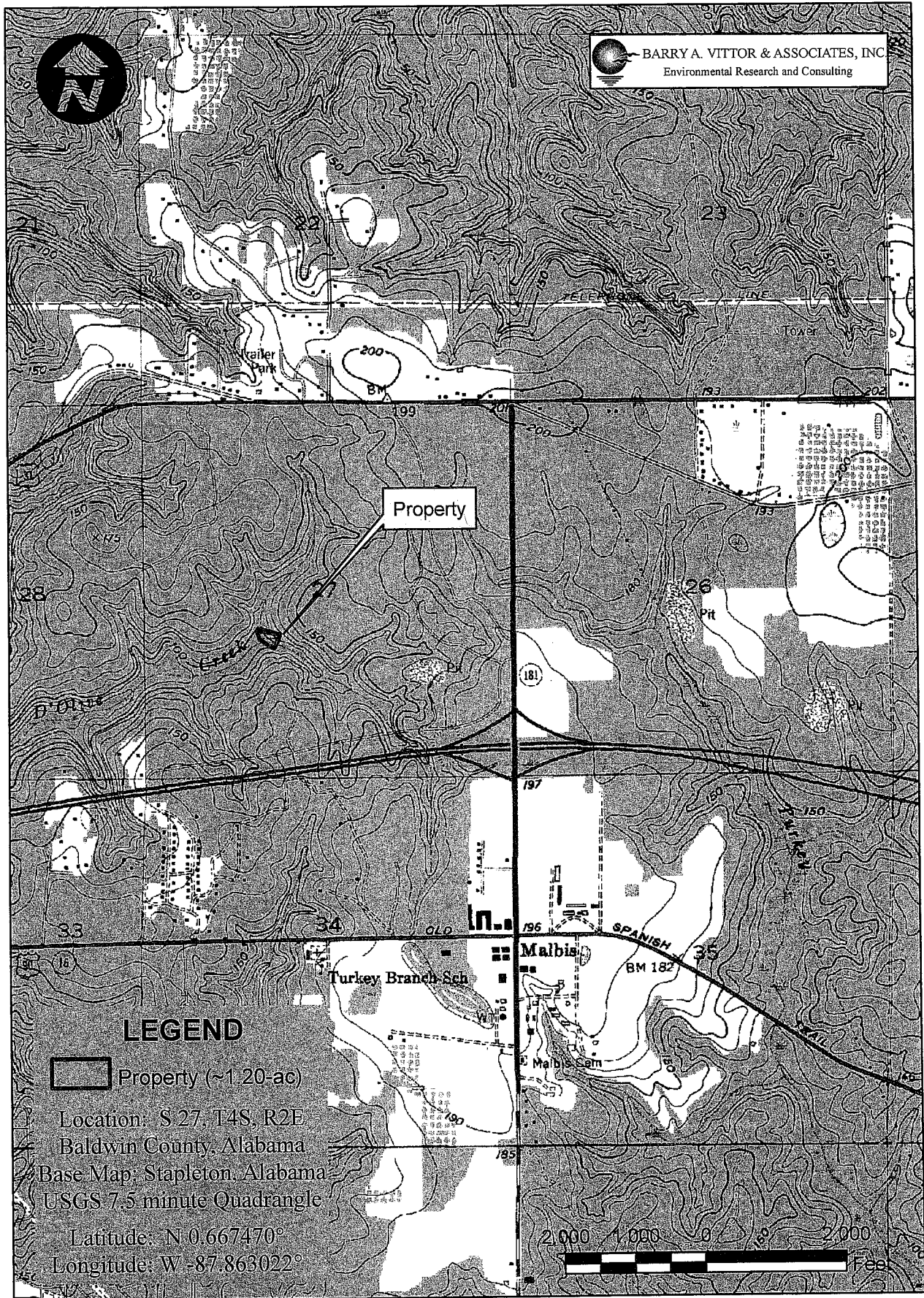


Figure 1. Vicinity Map for the Maiorana Property.

Job MAIORANA RESIDENCE

Project No. _____

Sheet _____ of _____

Description SITE PLAN

Computed by D. Smith

Date 4-1-11

Checked by _____

Date _____

Reference

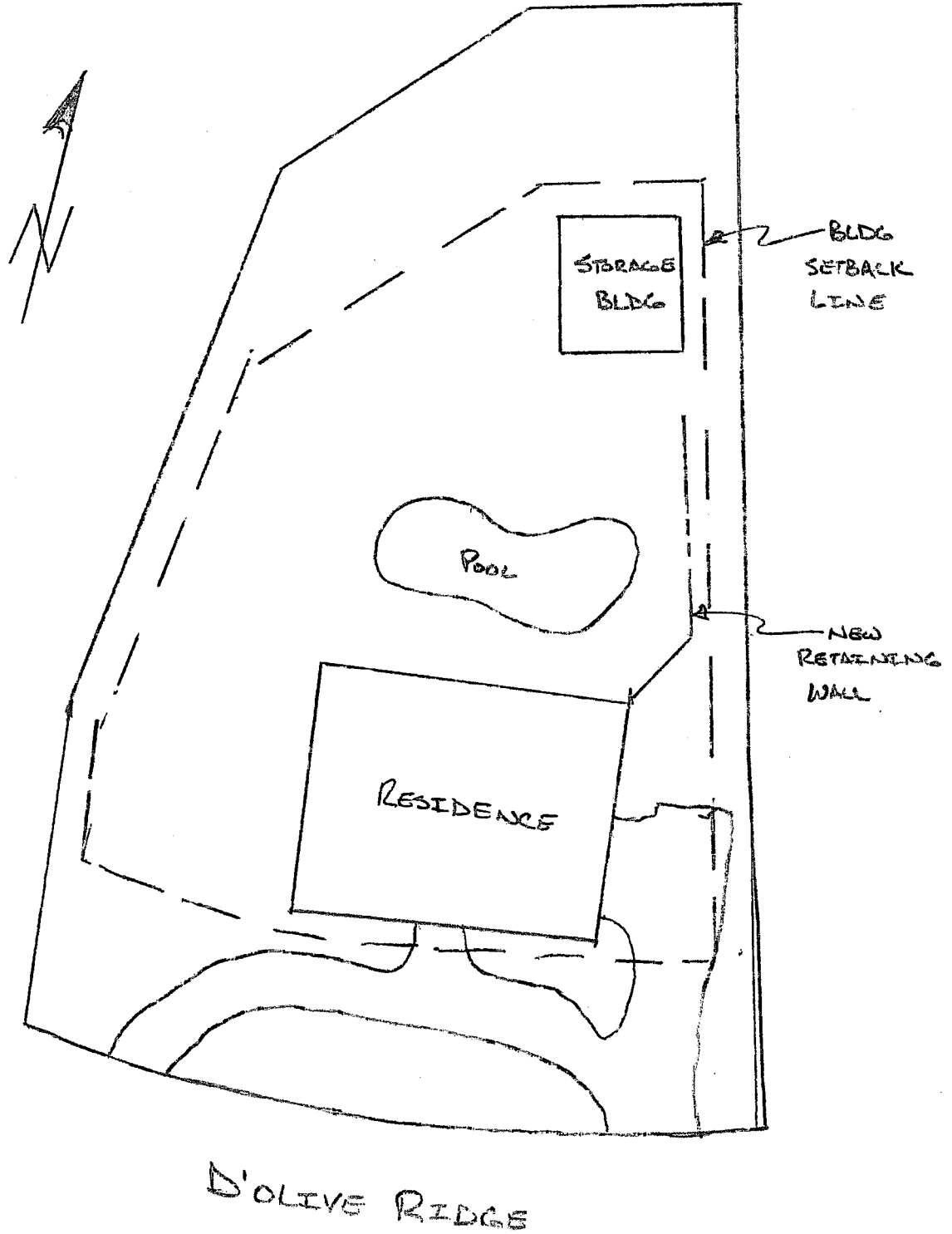
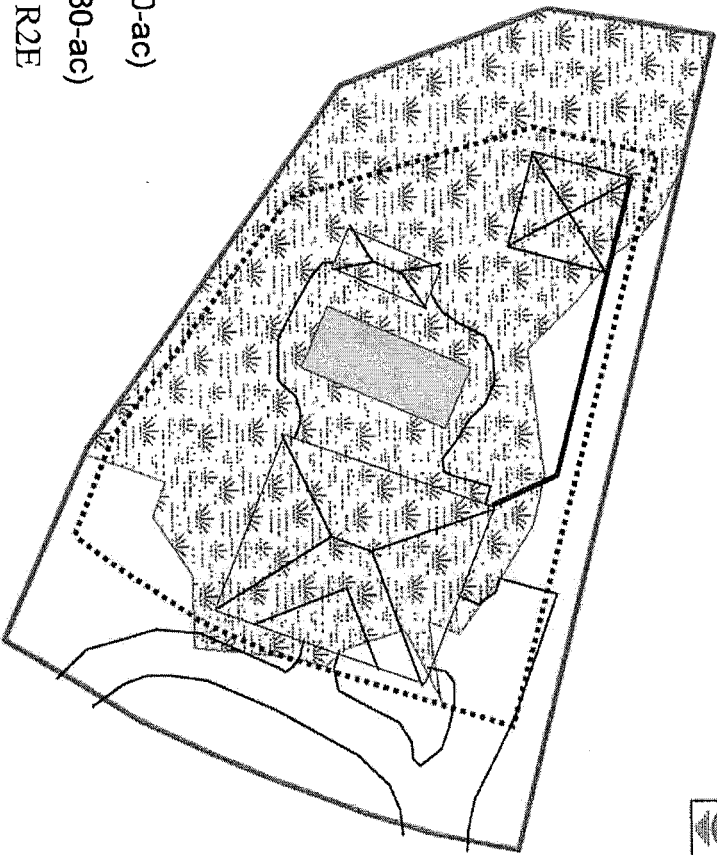
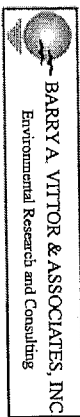



Figure 2. Proposed Development Plan for the Maiorana Residence.



LEGEND

 Property (~1.20-ac)

 Wetlands (~0.80-ac)

Location: S 27, T4S, R2E
Baldwin County, Alabama
Base Map: 2006 NAIP
Baldwin Co. OrthoImage

Latitude: N 0.667470°
Longitude: W -87.863022°

03-03-11



Site Plan for the Maiorana Property.

