



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

**CESAM-RD-SP**  
**PUBLIC NOTICE NO. SAM-2004-01191-GAC**

**December 20, 2023**

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

**REQUEST TO DISCHARGE FILL MATERIAL IN WETLANDS FOR THE**  
**DEVELOPMENT OF FIVE SINGLE-FAMILY RESIDENTIAL LOTS IN MOBILE,**  
**MOBILE COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Please communicate this information to interested parties.

**APPLICANT:** Mr. Lynn Nolen  
14911-B Dewey Smith Road  
Grand Bay, Alabama 36541

**AGENT:** Wetland Sciences, Inc.  
Attention: Mr. Keith Johnson  
3308 Gulf Beach Highway  
Pensacola, Florida 32507

**LOCATION:** The proposed project is located east of Sollie Road, along Falling Leaf Way; in Mobile County Parcel Numbers R023303083000003.035, R023303083000003.036, R023303083000003.037, R023303083000003.038, and R023303083000003.052; within Section 8, Township 5 South, Range 2 West; at Latitude 30.623867° North, Longitude -88.207660° West, Mobile, Mobile County, Alabama.

**APPLICANT STATED PROJECT PURPOSE:** The purpose of the project is to construct single-family residences, to meet the housing demands for Mobile County, Alabama.

**PROPOSED WORK:** The applicant proposes the placement of 12,261 cubic yards of commercially obtained fill material within 0.44 acres of jurisdictional wetlands for the purpose of developing five (5) single family residential lots.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated the fill has been minimized to the greatest extent practicable. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity. Additionally, construction best management practices (BMPs) would be utilized to reduce impacts to downstream aquatic resources. The (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

**COMPENSATORY MITIGATION:** The applicant has purchased 3.37 bottomland hardwood mitigation credits for unavoidable impacts to wetland areas from Weeks Bay Mitigation Bank. The USACE has not determined the adequacy of the applicant's mitigation proposal for the proposed activity.

**WATER QUALITY:** The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Alabama Department of Environmental Services (ADEM).

**HISTORIC PROPERTIES:** 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 affect historic properties. In accordance with Appendix C of 33 CFR 325, the USACE has determined the permit area consists of the entire undertaking in waters of the United States, which includes the footprint of jurisdictional fill areas that would be disturbed by construction of the proposed project. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area from the State Historic Preservation Office, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public.

**THREATENED AND ENDANGERED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally-listed species are known or expected to occur within the project area: West Indian Manatee (T), Wood Stork (T), Gopher Tortoise (T), Eastern Indigo Snake (T), and Black Pine Snake (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will be performed as determined to be appropriate. A copy of this public notice is being sent to the USFWS for review and comment.

**COMMENTS:** This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The USACE 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 of Engineers 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.

Correspondence concerning this public notice should refer to Public Notice Number **SAM-2004-01191-GAC** and should be directed to the project manager, Ms. Beverly Lowery by email at [Beverly.a.lowery@usace.army.mil](mailto:Beverly.a.lowery@usace.army.mil), by phone at (251) 386-4023, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Beverly Lowery, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov) or sent to: Alabama Department of Environmental Management, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608.

**All comments should be received no later than 30 days from the date of this Public Notice.**

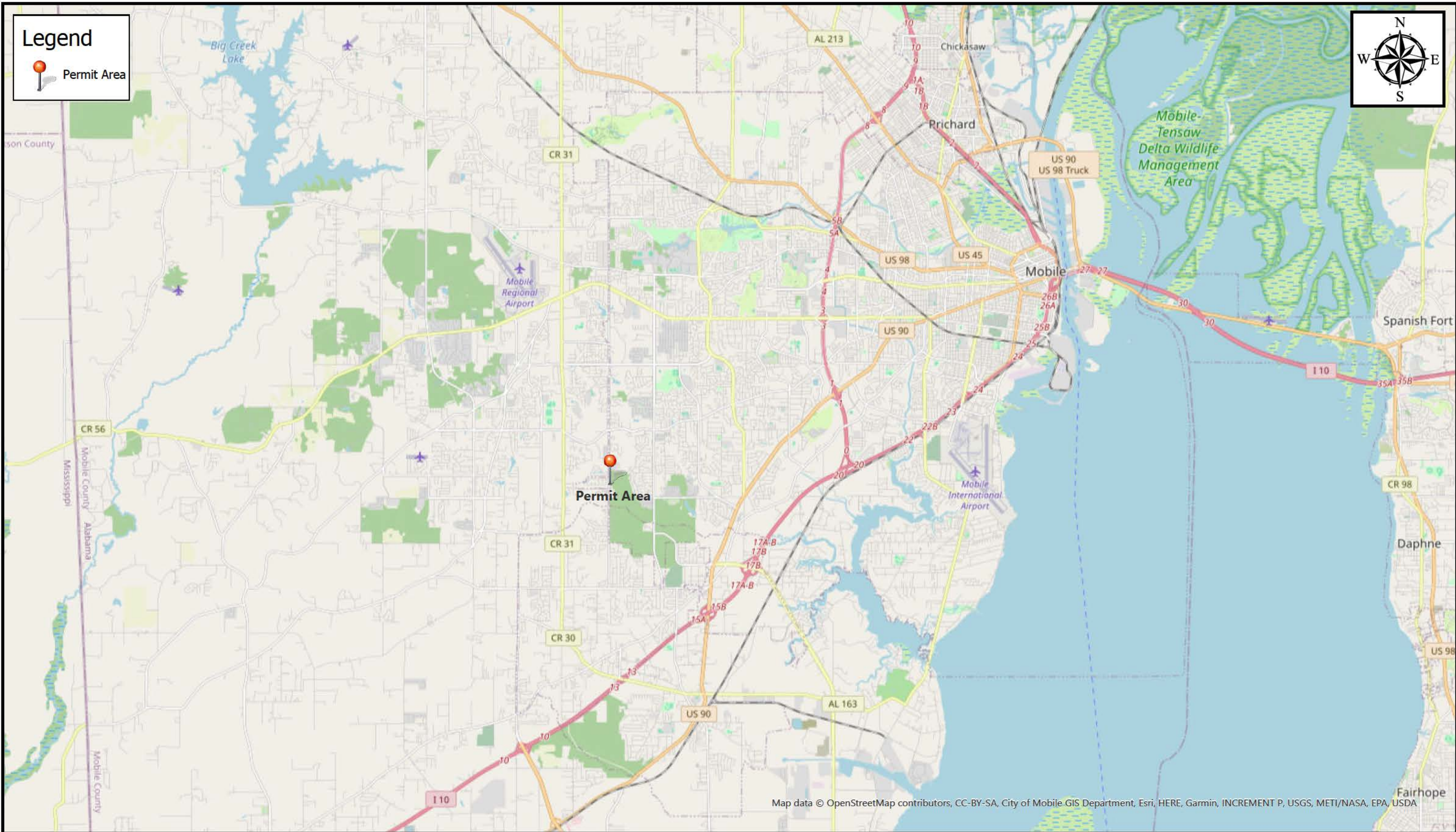
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments

**Legend**

 Permit Area



Map data © OpenStreetMap contributors, CC-BY-SA, City of Mobile GIS Department, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA



**SAM-2004-01191-GAC // Vicinity Map**





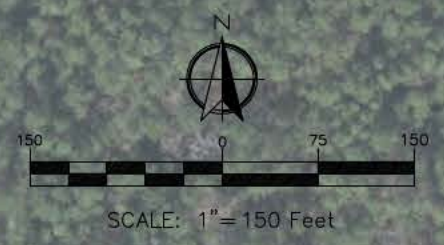
Map Center: 88.162298°W 30.643752°N

Map Created by: Beverly Lowery

Date: 12/18/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere  
Projection: Mercator Auxiliary Sphere

 CORPS OF ENGINEERS PREVIOUSLY AUTHORIZED WETLANDS IMPACT THAT HAS OCCURRED AS A RESULT OF THE DEVELOPMENT 1.057± AC  
 CORPS OF ENGINEERS PREVIOUSLY AUTHORIZED WETLANDS IMPACT THAT WAS NOT FILLED 0.803± AC  
 TOTAL 1.86 ACRE WETLANDS AUTHORIZED BY LEGACY PERMIT FOR FILL.



NOTE: THIS IS NOT A SURVEY. ALL DATA WITHIN THIS MAP ARE SUPPLIED AS IS, WITHOUT WARRANTY. THIS PRODUCT HAS NOT BEEN PREPARED FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

SHEET:	1
DATE:	11/22/22
DRAWN BY:	KDJ
PROJECT NO.:	2022-867

Falling Leaf S/D  
Mobile County, AL

WETLAND IMPACT AUTHORIZED VS. ACTUAL WETLAND FILL

NO.	DATE	APPR.	REVISION/ACTION TAKEN

ENVIRONMENTAL CONSULTANTS  
 3308 GULF BEACH HIGHWAY  
 PENSACOLA, FLORIDA 32507  
 TEL: 850.453.4700  
 KEITH@WETLANDSCIENCES.COM



SAM-2004-01191-GAC

CORPS OF ENGINEERS  
WETLANDS IMPACT  
0.44± AC

NOTE: THIS IS NOT A SURVEY. ALL DATA WITHIN THIS MAP ARE SUPPLIED AS IS, WITHOUT WARRANTY. THIS PRODUCT HAS NOT BEEN PREPARED FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.



LOT 51A  
TOTAL AREA - 0.62 ACRE  
WETLAND - 0.19 ACRE  
UPLAND - 0.43 ACRE

CORPS OF ENGINEERS  
WETLAND AREA  
IDENTIFIED BY WSI  
0.19 ACRE TO BE FILLED

SOLLIE ROAD

FALLING LEAF WAY

CORPS OF ENGINEERS  
WETLAND AREA  
IDENTIFIED BY WSI

LOT 37  
PARCEL NUMBER:  
3303083000003.038  
TOTAL AREA - 0.34 ACRE  
WETLAND - 0.014 ACRE  
UPLAND - 0.326 ACRE

LOT 34  
PARCEL NUMBER:  
3303083000003.035  
TOTAL AREA - 0.23 ACRE  
WETLAND - 0.068 ACRE  
UPLAND - 0.162 ACRE  
PROPOSED WETLAND FILL  
0.068 ACRE

LOT 35  
PARCEL NUMBER:  
3303083000003.036  
TOTAL AREA - 0.165 ACRE  
WETLAND - 0.09 ACRE  
UPLAND - 0.075 ACRE  
PROPOSED WETLAND FILL 0.09  
ACRE

LOT 36  
PARCEL NUMBER: 3303083000003.037  
TOTAL AREA - 0.34 ACRE  
WETLAND - 0.014 ACRE  
UPLAND - 0.326 ACRE  
PROPOSED WETLAND FILL 0.014 ACRE

PROJECT NO.:	2022-867
DRAWN BY:	KDJ
DATE:	11/22/22
SHEET:	1

Falling Leaf S/D Mobile County, AL	NO.	DATE	APPR.	REVISION/ACTION TAKEN
WETLAND IMPACT EXHIBIT				

ENVIRONMENTAL CONSULTANTS  
3308 GULF BEACH HIGHWAY  
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