



REPLY TO
ATTENTION OF

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

CESAM RD-A
PUBLIC NOTICE NO. SAM-2012-00806-SBC

September 9, 2019

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

**REQUEST TO IMPACT 2.62 ACRES OF BOTTOMLAND HARDWOOD WETLANDS IN
CONJUNCTION WITH PROPOSED FILLING OF WATERS OF THE UNITED STATES FOR
THE CONSTRUCTION OF AN AUTOMOBILE SALES LOT, RETAIL OFFICE, AND REPAIR
SHOP IN THE CITY OF 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 404 of the Clean Water Act (33 U.S.C. 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: Mr. Willi Brite
302 Schillinger Road North
Mobile, Alabama 36608

AGENT: Barry A. Vittor & Associates, Inc.
Attention: Mr. David J. Knowles
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: The project is located on Schillinger Road, between Zeigler Boulevard and Tanner Williams Road; in Section 13 of Township 4 South, Range 3 West; at Latitude 30.700152° North, Longitude -88.226285° West; in Mobile, Mobile County, Alabama.

PROJECT PURPOSE: The project purpose is to construct a commercial automobile sales lot, a retail office, and an automobile repair shop on two adjacent parcels owned by the applicant.

PROPOSED WORK: The applicant has proposed to permanently fill 2.62 acres of wetlands (1.8 acres of medium quality bottomland hardwood wetlands and 0.82 acres of low quality bottomland hardwood wetlands) for the construction of a paved commercial lot and a building that would house an office and automobile repair shop. In addition, the applicant proposes construction of two stormwater treatment basins on three adjacent 1-acre parcels. The permittee will also provide for drainage of up-gradient wetlands through the project site by the installation of adequately sized culverts at both the east and west ends of the subject parcels. The currently proposed activities were previously authorized under Department of the Army (DA) Permit SAM-2012-00806-SBC, but that authorization expired November 2, 2017 without commencement of the activities.

AVOIDANCE AND MINIMIZATION: The applicant has indicated he currently owns the three subject parcels, and cannot afford to purchase additional lands for his business. Further, the applicant states that he “cannot avoid impacting any of the wetlands on-site because the small size of the parcels necessitates development of the entire site to provide the space needed for the business.” The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant’s avoidance and minimization efforts at this time.

MITIGATION: Compensatory mitigation for the unavoidable loss of wetlands associated with the development of the commercial property has previously been provided as part of the 2014 permit modification. To compensate for unavoidable project impacts, the applicant has, by means of a Declaration of Restrictive Covenant, purchased and preserved 29.6 acres of high quality off-site wetlands located near Bayou la Batre, in Mobile County, Alabama. Specifically, the mitigation site is located in Section 24 of Township 7 South, Range 3 West; at Latitude 30.4198° North, Longitude -88.2279° West.

WATER QUALITY: The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification will be made by the Alabama Department of Environmental Management (ADEM).

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Mobile District has determined that the permit area is confined to the limits of the project area for this particular project. The National Register of Historic Places (NRHP) 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. The project was coordinated with the Alabama Historical Commission (AHC) as part of the previous DA permit authorization. By letter dated August 8, 2012 the AHC concurred that the originally proposed project (AHC File Number 12-1239) should have no effect on historic properties either listed on or eligible for the NRHP. By letter dated April 2, 2014, the AHC offered no comment on the project (AHC File Number 14-0727), as the expanded project location had already been disturbed. We are currently reviewing the project for potential impacts and seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence of significant cultural and historic properties that might be affected by the proposed project.

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 proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: wood stork (T), black pine snake (T), eastern indigo snake (T), and gopher tortoise (T). There is no designated critical habitat within the project action area. This determination is being coordinated with the U.S. Fish and Wildlife Service via this Public Notice.

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. The Mobile District 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 USACE 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 below. 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. 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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and in general, the needs and welfare of the people. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will also include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2012-00806-SBC**, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at jessica.c.comeaux@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, 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, or sent to:

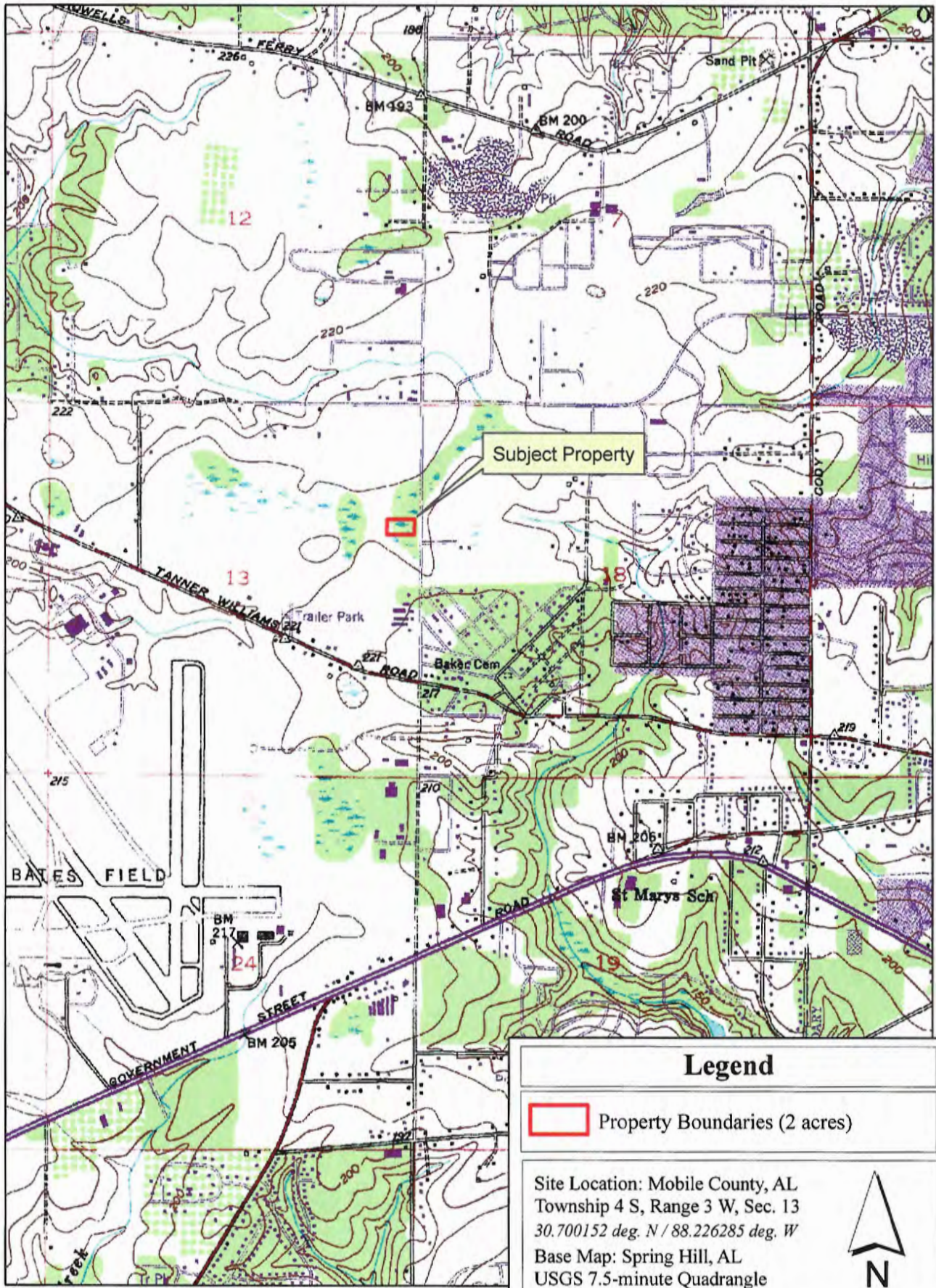
Alabama Department of Environmental Management, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.



All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact Ms. Jessica C. Comeaux by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. Please refer to the above Public Notice Number SAM-2012-00806-SBC, in any communication concerning this project.

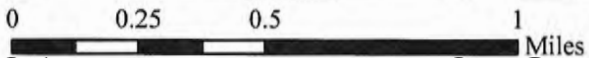
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



| Legend | |
|--|-------------------------------|
|  | Property Boundaries (2 acres) |
| <p>Site Location: Mobile County, AL Township 4 S, Range 3 W, Sec. 13 $30.700152 \text{ deg. N} / 88.226285 \text{ deg. W}$</p> <p>Base Map: Spring Hill, AL USGS 7.5-minute Quadrangle</p> | |
|  | |





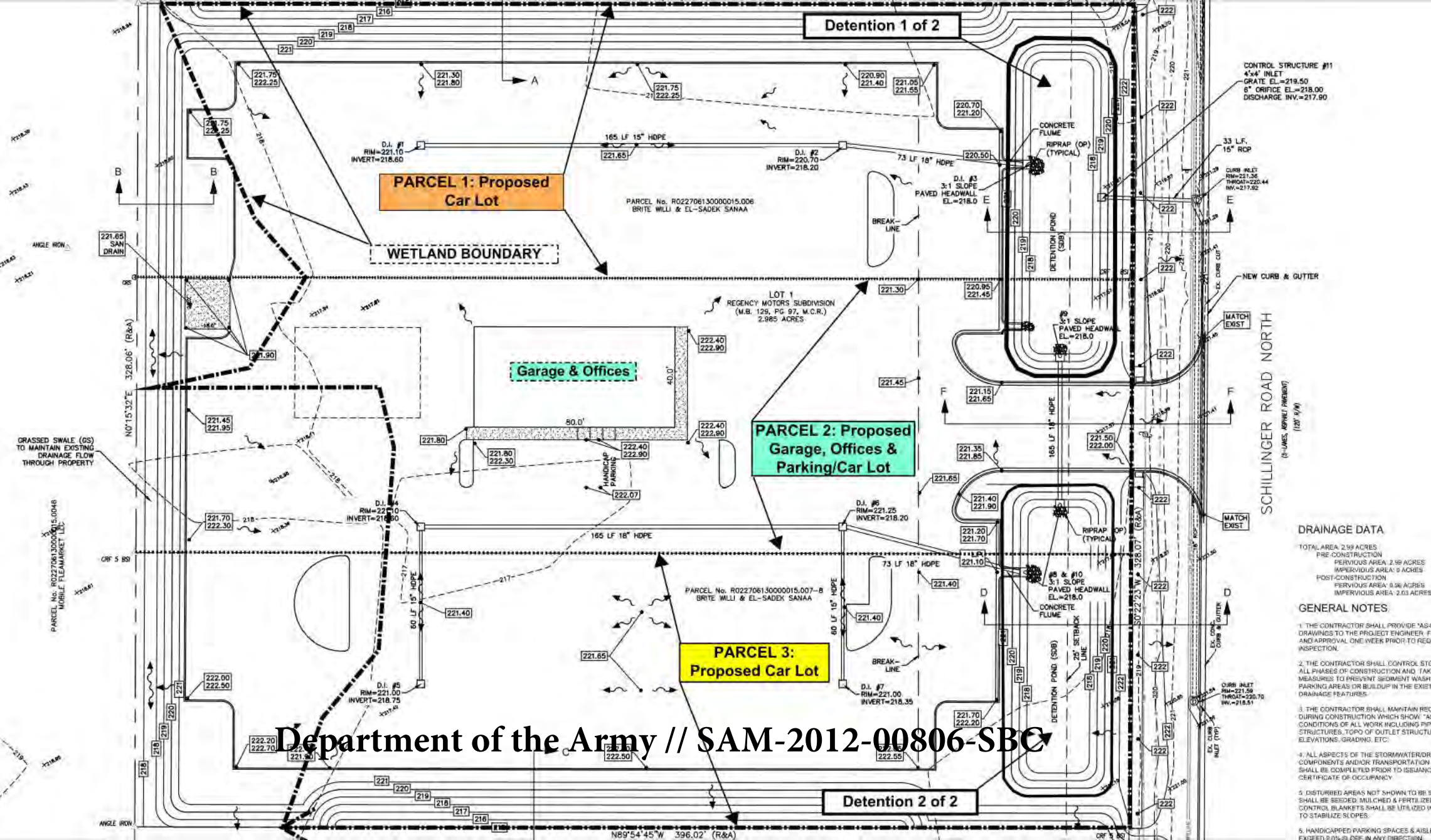
Parcel Information

Parcel Key: 03269581
Parcel ID: R022706130000015.006.
Parcel Owner: BRITE WILLI & SANAA
ELSADEK
302A SCHILLINGER RD N
MOBILE, AL 36608

[Tax Bill Info](#)
[Google Street View](#)
[Zoning Information](#)

Addresses: 513 Schillinger Rd N
519 Schillinger Rd N
Jurisdiction: Mobile
PLS Section: 4S3W13
Council District: 7
Historic District Local: N/A
[Zoom to](#)

Department of the Army // SAM-2012-00806-SBC



PARCEL 1: Proposed Car Lot

Garage & Offices

PARCEL 2: Proposed Garage, Offices & Parking/Car Lot

PARCEL 3: Proposed Car Lot

Detention 1 of 2

Detention 2 of 2

WETLAND BOUNDARY

CONTROL STRUCTURE #11
4'-4" INLET
GRATE EL.=219.50
6" CRIDGE EL.=218.00
DISCHARGE INV.=217.90

NEW CURB & GUTTER

SCHILLINGER ROAD NORTH
(6'-UNES, ASPHALT PAVEMENT)
(120' R/W)

DRAINAGE DATA

TOTAL AREA 2.99 ACRES
PRE-CONSTRUCTION
IMPERVIOUS AREA: 0 ACRES
PERVIOUS AREA: 2.99 ACRES
POST-CONSTRUCTION
IMPERVIOUS AREA: 0.96 ACRES
PERVIOUS AREA: 2.03 ACRES

GENERAL NOTES:

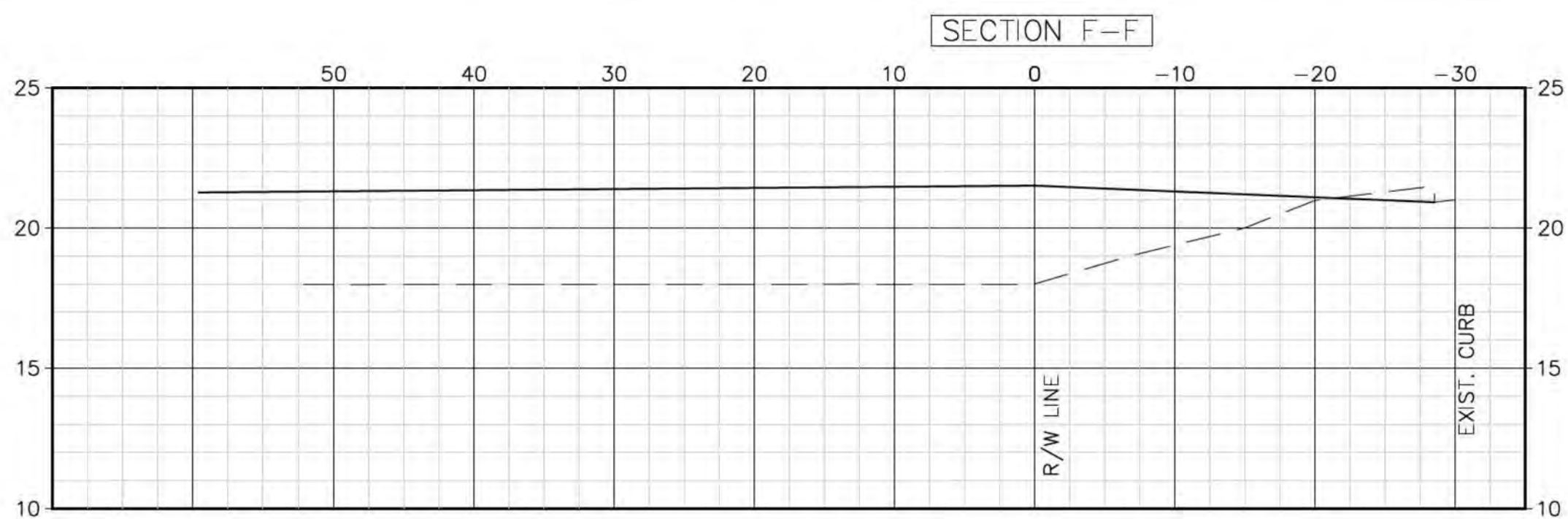
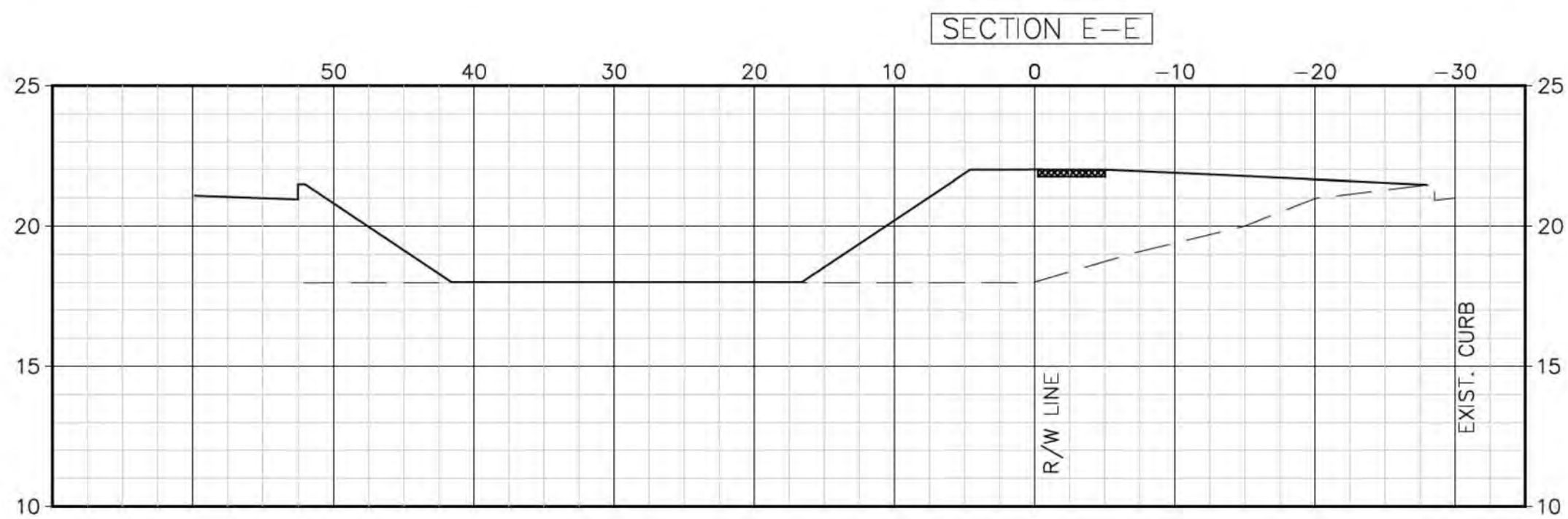
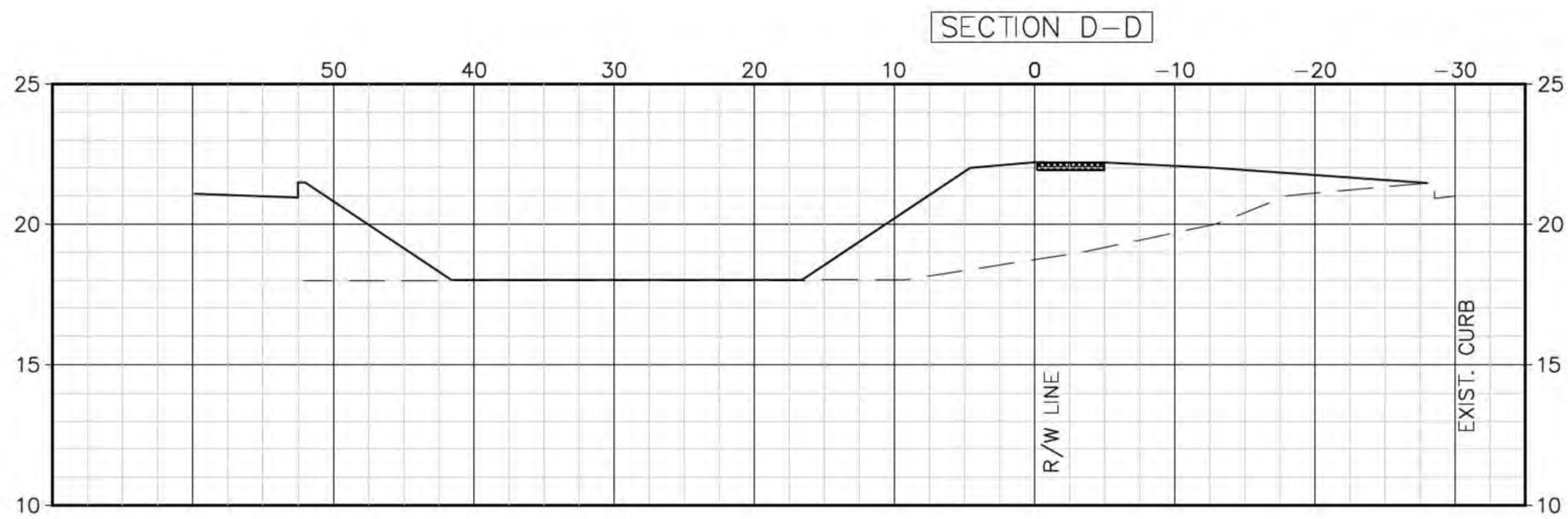
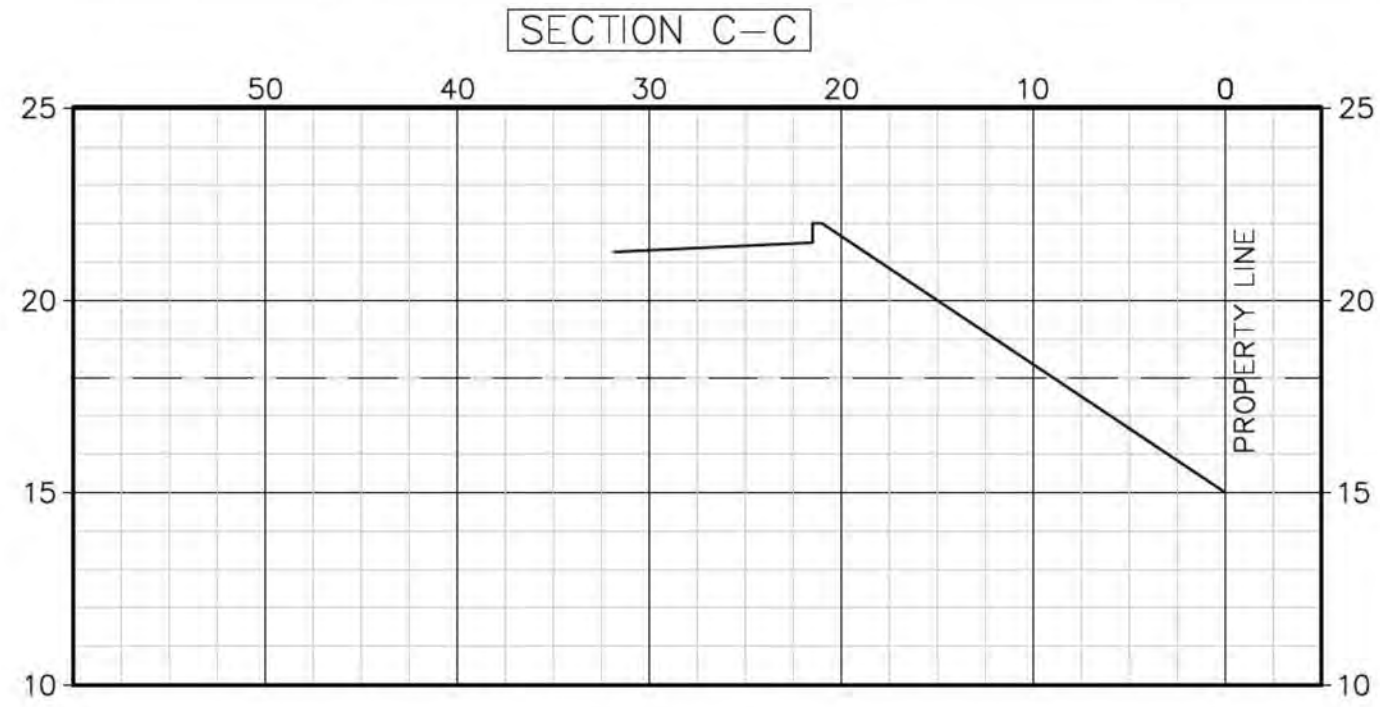
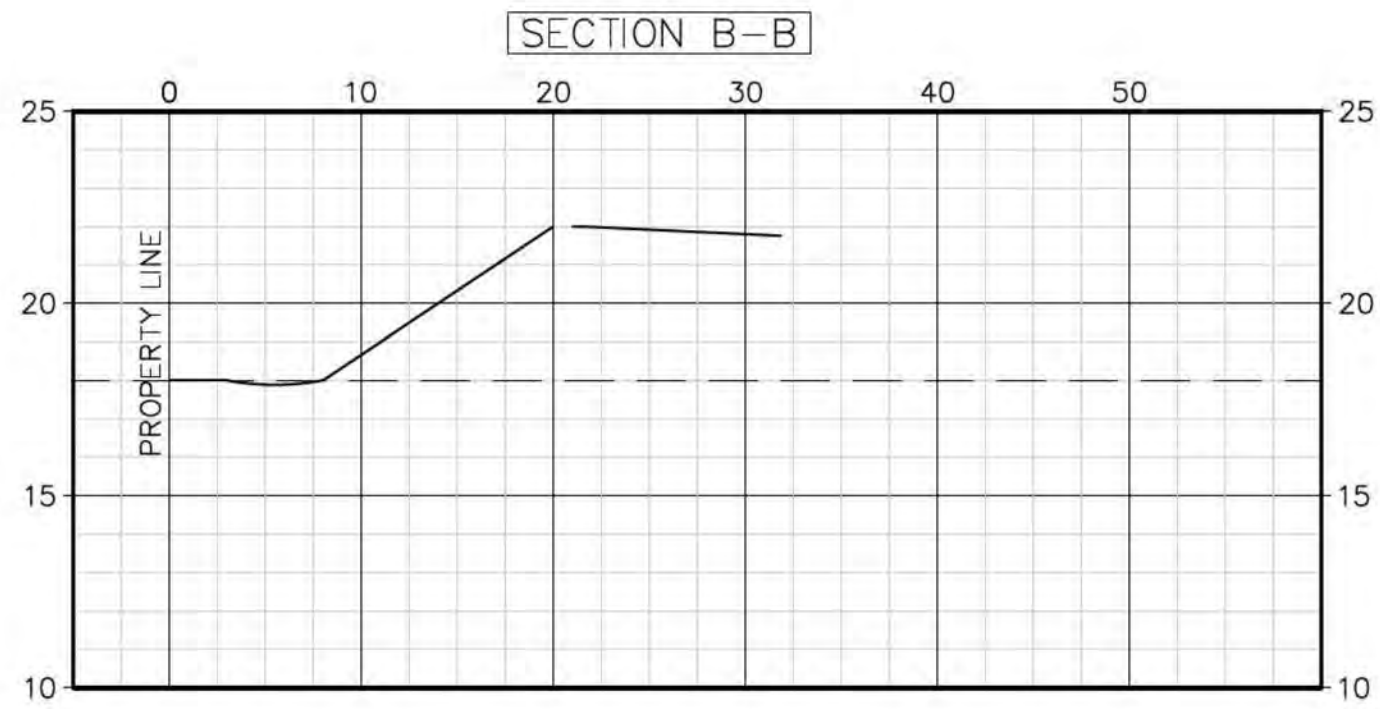
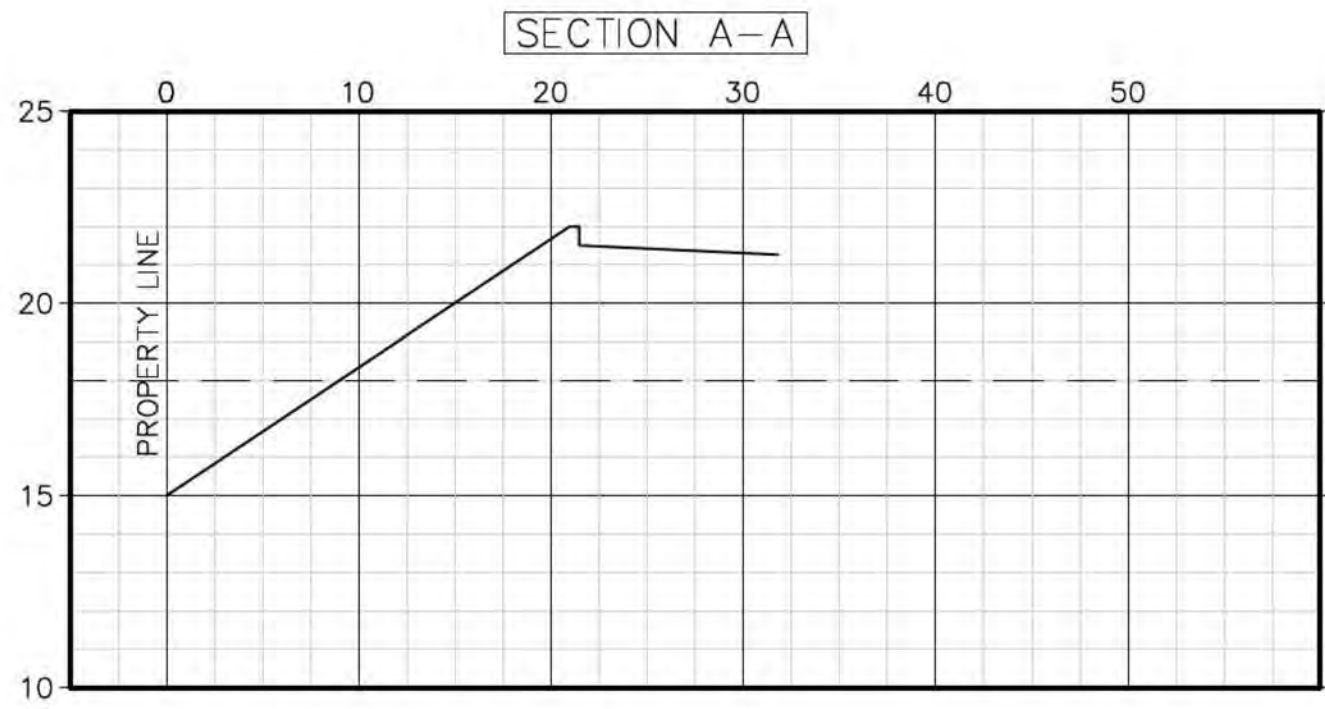
1. THE CONTRACTOR SHALL PROVIDE "AS-BUILT" DRAWINGS TO THE PROJECT ENGINEER FOR APPROVAL ONE (1) WEEK PRIOR TO REGULAR INSPECTION.
2. THE CONTRACTOR SHALL CONTROL EROSION DURING CONSTRUCTION WHICH SHOWS "AS-BUILT" CONDITIONS OF ALL WORK INCLUDING PIPING STRUCTURES, TOP OF OUTLET STRUCTURE ELEVATIONS, GRADING, ETC.
3. ALL ASPECTS OF THE STORMWATER/DRAINAGE COMPONENTS AND/OR TRANSPORTATION SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
4. ALL ASPECTS OF THE STORMWATER/DRAINAGE COMPONENTS AND/OR TRANSPORTATION SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
5. DISTURBED AREAS NOT SHOWN TO BE STABILIZED SHALL BE SEEDED, MULCHED & FERTILIZED. CONTROL BLANKETS SHALL BE UTILIZED TO STABILIZE SLOPES.
6. HANDICAPPED PARKING SPACES & ACCESSIBLE EXITS SHALL BE CONFORMANT WITH ADA REQUIREMENTS.

Department of the Army // SAM-2012-00806-SBC

GRASSSED SWALE (GS) TO MAINTAIN EXISTING DRAINAGE FLOW THROUGH PROPERTY

PARCEL No. R022706130000015.0048
MOBILE TELEMARKET LLC

N89°54'45"W 396.02' (R&A)



| REV | DATE | DESCRIPTION | DRAWN BY | CHECKED BY | APPROVED BY |
|-----|----------|-----------------------------|----------|------------|-------------|
| 2 | 12/2/14 | REMOVE BARB-WIRE PER C.O.M. | THK | SAG | SAG |
| 1 | 10/20/14 | REVISED PER C.O.M. COMMENTS | THK | SAG | SAG |

CONSULTANT

GSE
GULF STATES ENGINEERING
Creating Solutions

4110 MOFFETT ROAD
MOBILE, AL 36618
TEL (251) 460-4646
FAX (251) 460-4646



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Willi Brite
Regency Motors
Civil Details Sht 2 of 5
Mobile, Alabama

| | | |
|-----------------|----------|-----------|
| DRAWN: | CHECKED: | APPROVED: |
| THK | RBB | RBB |
| DATE: | SCALE: | |
| 06/01/13 | 1" = 20' | |
| DRAWING NUMBER: | REVISION | |
| A13030 | 2 | |