



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-2012-01585-JEB**

**10 JANUARY 2013**

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

**REQUEST FOR AUTHORIZATION TO CONSTRUCT AN ACCESS  
DRIVEWAY THROUGH WETLANDS AT A RESIDENTIAL LOT IN TIMBER  
CREEK SUBDIVISION, 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 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT: David J. and Susan A. Gardner  
9468 Sweet Gum Court  
Daphne, AL 36527**

**AGENT: Wetland Resources Environmental Consulting  
c/o Gena Todia  
Post Office Box 2694  
Daphne, Alabama 36526**

**LOCATION OF WORK:** Wetlands draining to D'Olive Creek, Section 27, Township 4 South, Range 2 East, 30.666°N/ -87.862°W, Daphne, Baldwin County, Alabama.

**WATERWAY:** D'Olive Creek, Section 27, Township 4 South, Range 2 East, 30.666°N/ -87.862°W, Daphne, Baldwin County, Alabama

**PROPOSED WORK:** The proposed project consists of constructing a culverted driveway crossing over wetlands and through an unnamed perennial tributary to D'Olive Creek as part of the development of a residential lot. Underground utilities will be installed within the fill footprint. A total of 18 linear ft. of stream channel and 0.01 acre of wetlands will be impacted by the driveway crossing. No other wetland or stream impacts are proposed on this lot.

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The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "This lot was platted over 20 years ago with the intended purpose of developing it for residential use. With the exception of 0.01 acre of wetlands and 18 linear ft. of stream channel, all wetlands and streams are being avoided. The driveway crossing is being constructed at the narrowest point of wetlands to minimize impacts to the greatest practicable extent. Bridging this crossing is not economically feasible." 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 Rapid Assessment Procedure (WRAP) was used to determine the quality of the wetlands to be impacted by the driveway crossing. The WRAP score was determined to be 65.97%, which falls within the medium quality range. Unavoidable wetland and stream impacts will be compensated through the preservation of wetlands and upland buffers at a ratio of 15:1 (0.15 acres preserved) on the Interstate-Baldwin Investments, LLC tract, as shown on the enclosed Figure 6. " 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. The project area is outside the Alabama Coastal Zone.

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

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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. The United States Fish and Wildlife Service, via letter dated January 4, 2013, has indicated no federally listed species/critical habitat are known to occur in the project area. However, they will be furnished a copy of this Public Notice.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2012-01585-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.

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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/Missions/Regulatory.aspx**. 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.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



**Vicinity Map**

**Lot 25, Phase Eight**

**David J. & Susan A Gardner**

**9480 Sweet Gum Court**

**TimberCreek Residential Subdivision**

**Daphne, Baldwin Co., Alabama**

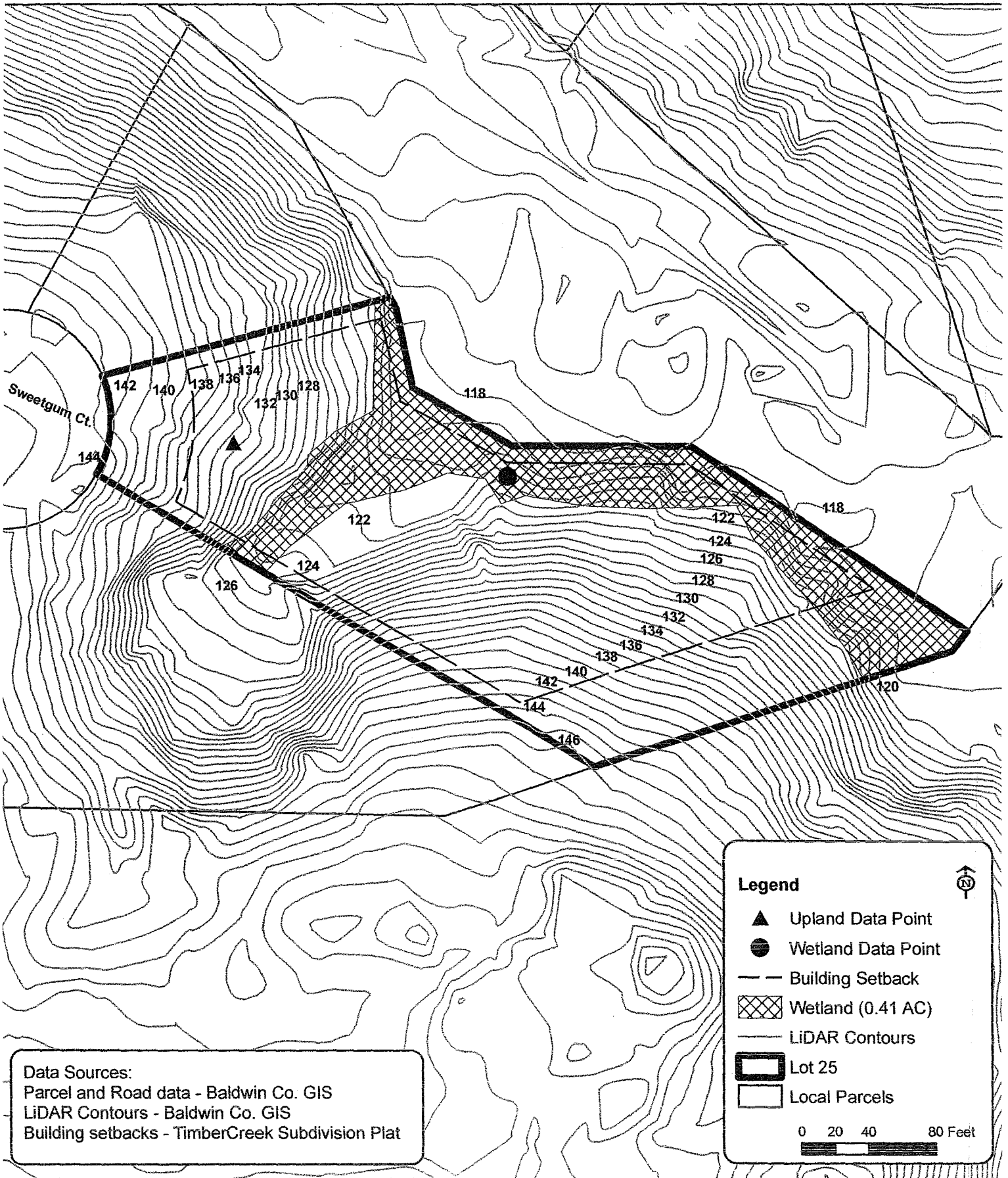
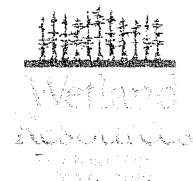


Figure 2: Wetland Delineation Map Overview

This map is not a survey. Wetland boundaries were identified and marked by Wetland Resources Environmental Consulting (WREC) and were mapped by TTL, Inc. using a Trimble ProXH GPS unit set to sub-meter accuracy. For

David J. and Susan A. Gardner  
 Lot 25, Phase 8  
 TimberCreek Subdivision

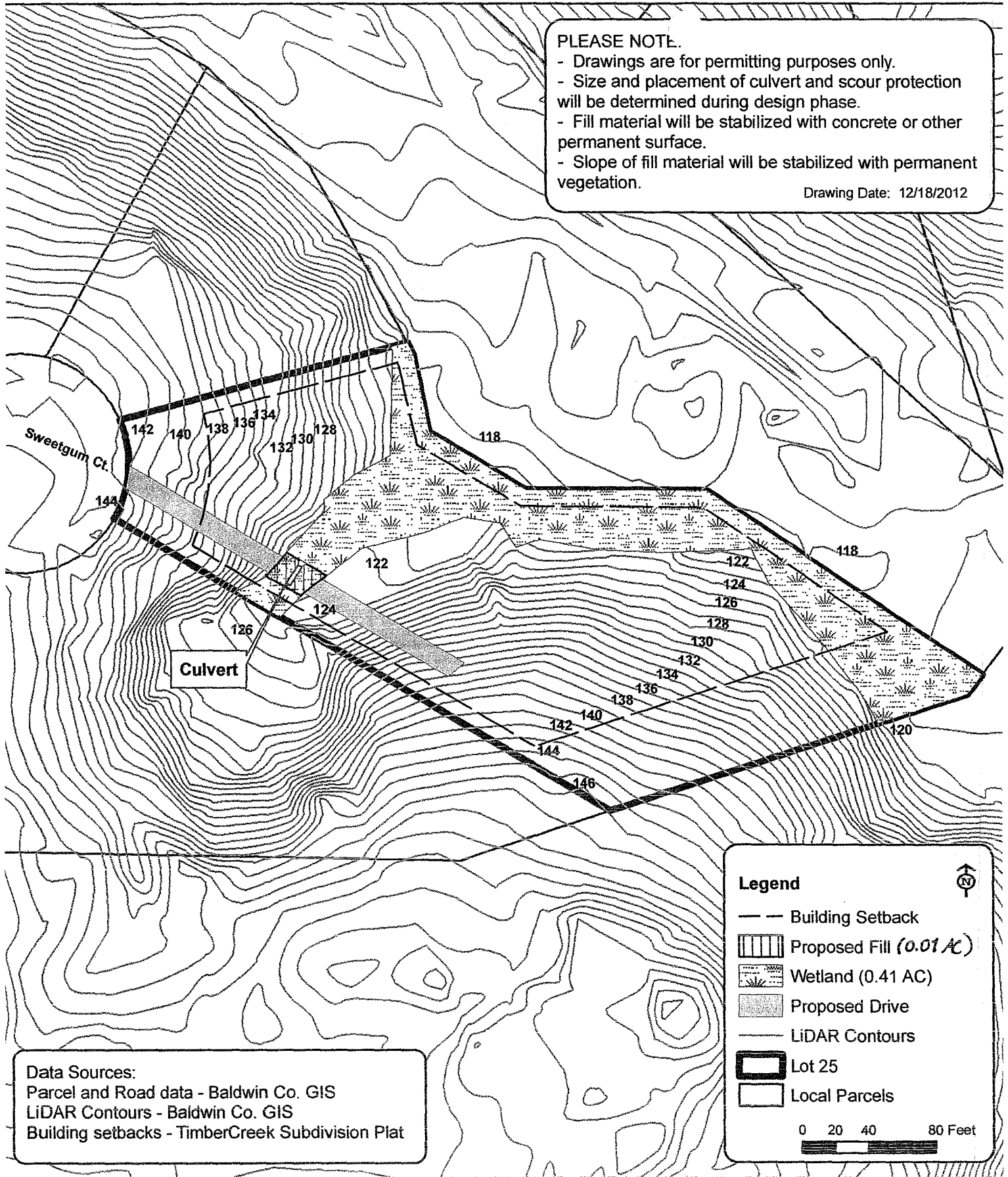


P.O. Box 2594  
 Daphne, AL 36526  
 251-928-8157 (O)  
 251-407-8054 (C)

**PLEASE NOTE.**

- Drawings are for permitting purposes only.
- Size and placement of culvert and scour protection will be determined during design phase.
- Fill material will be stabilized with concrete or other permanent surface.
- Slope of fill material will be stabilized with permanent vegetation.

Drawing Date: 12/18/2012



**Data Sources:**

- Parcel and Road data - Baldwin Co. GIS
- LiDAR Contours - Baldwin Co. GIS
- Building setbacks - TimberCreek Subdivision Plat

**Figure 3: Proposed Wetland Fill (Plan View)**

David J. and Susan A. Gardner  
Lot 25, Phase 8  
TimberCreek Subdivision

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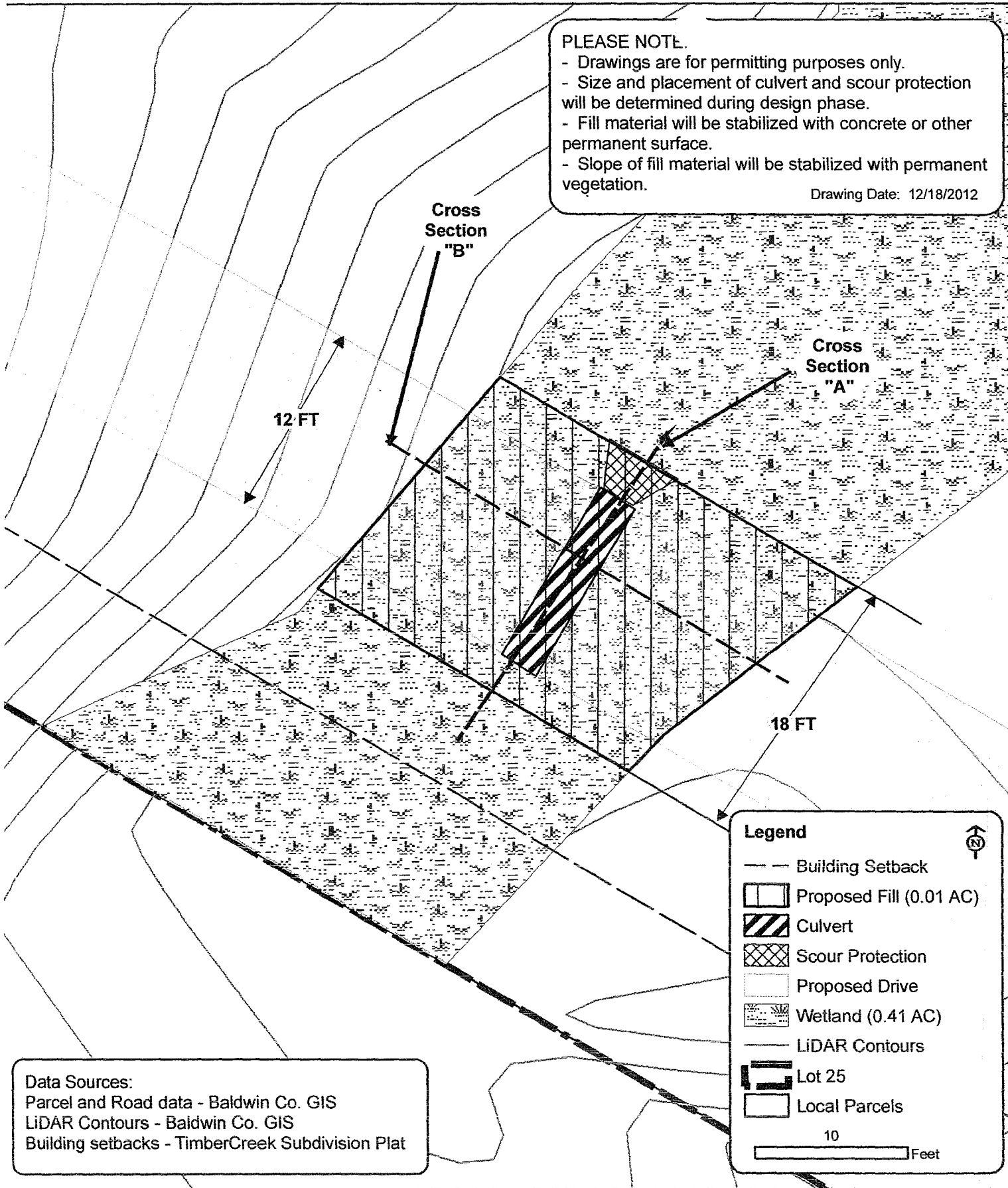


P.O. Box 2694  
Daphne, AL 36526  
251-928-6187 (T.O.)  
781-402-6055 (C.)

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Figure 4: Plan View (Detail)

David J. and Susan A. Gardner  
 Lot 25, Phase 8  
 TimberCreek Subdivision

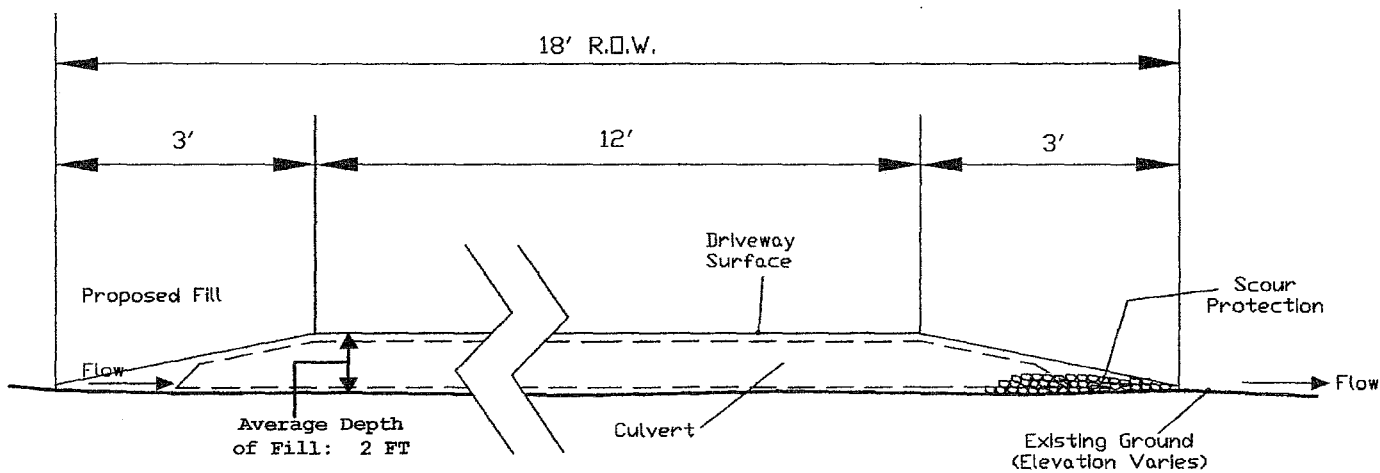
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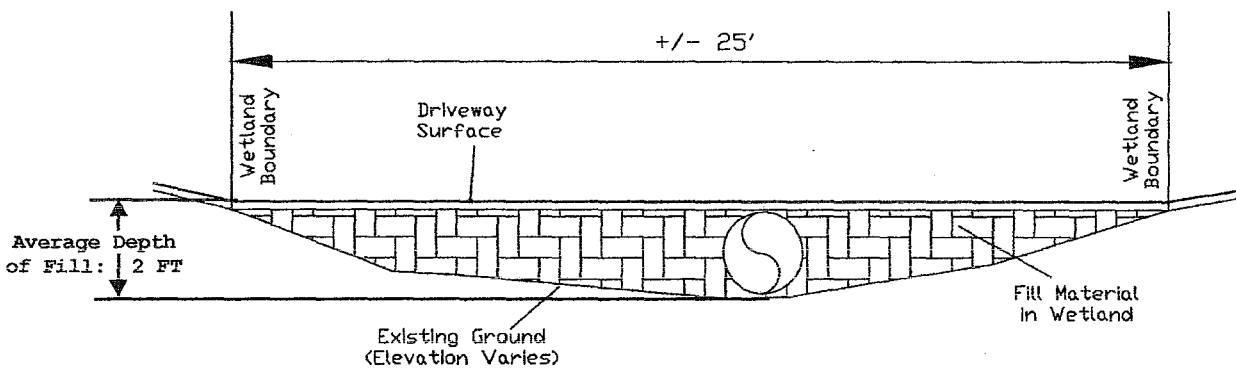
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Cross Section A (Not to Scale)



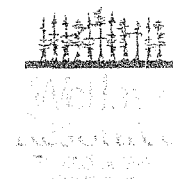
Cross Section B (Not to Scale)



Drawing Date: 12/18/2012

David J. and Susan A. Gardner  
Lot 25, Phase 8  
TimberCreek Subdivision  
Daphne, Baldwin Co., Alabama

Figure 5: Cross Section Views



P.O. Box 2694  
Daphne, AL 36526  
251-408-9167 (0)  
251-402-8334 (C)

