

DEPARTMENT OF THE ARMY

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

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PUBLIC NOTICE NO. SAM-2017-00487-LET

August 14, 2023

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

REQUEST TO MODIFY PERMIT AUTHORIZING DISCHARGE FILL MATERIAL WITHIN 0.5-ACRE OF WETLANDS IN ORANGE BEACH, BALDWIN 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 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: Orange Beach Land Company LLC

Attention: Mr. John McInnis

26830 Canal Road

Orange Beach, Alabama 36561

AGENT: Wetland Sciences, Inc.

Attention: Mr. Craig Martin 3308 Gulf Beach Highway Pensacola, Florida 32507

LOCATION: The proposed project is located at 3150 Orange Beach Boulevard; within Section 8, Township 9 South, Range 5 East; at Latitude 30.271101° North and Longitude - 87.585306° West; in Orange Beach, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to provide parking space in Orange Beach.

PROPOSED WORK: The property under review was previously authorized for a half-acre of wetland fill for the purpose of constructing two commercial buildings and associated parking. The applicant requests a modification of the original permit to instead discharge fill within a half-acre of wetlands for the construction of an employee and overflow parking lot that would service a new restaurant and retail development at 25750 Perdido Beach Boulevard. Approximately 7,000 cubic yards of fill material obtained from commercial sources and borrowed from uplands on site would be placed in the wetlands.

AVOIDANCE & MINIMIZATION: The applicant minimized potential impacts to wetlands on site by avoiding impacts in the northwest corner of the property and by reconfiguring the proposed fill footprint, thereby reducing wetland impacts during the initial project evaluation period.

MITIGATION: The applicant has purchased Corps-required wetland credits sufficient to offset the functional losses of the wetlands previously permitted for fill impacts. The State of Alabama required additional on-site mitigative measures for the project, which have not been completed to date, but which will be constructed when ground disturbing work occurs.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The applicant will coordinate with the State of Alabama regarding the modification of previous certification in accordance with Section 401 (a)(1) of the Clean Water Act, as well as Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone Management Program.

This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401 (a)(2) of the Clean Water Act.

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 was considered for the potential to affect cultural and historic properties within the permit area. During the previous review, the Mobile District determined the permit area consists of the entire undertaking in waters of the United States, as well as areas of the upland property that will be impacted during construction for use as a borrow area. This includes the entire 1.66-acre footprint of the property which encompasses the 0.5-acre wetland fill footprint, as well as adjacent upland areas and wetland enhancement and creation areas. Consultation with the State Historic Preservation Officer and/or federally-recognized American Indian tribes was performed during the previous permit evaluation, and as no changes to the footprint of the project are proposed, the Mobile District has determined the activity would still have No Effect on Historic Properties either listed on or eligible for listing on the National Register of Historic Places.

ENDANGERED SPECIES: Review of this modification request and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicates the following federally-listed species are known or expected to occur within the project area: West Indian manatee (T), piping plover (T), red knot (T), eastern indigo snake (T), green sea turtle (T), Kemp's Ridley sea turtle (E), and Loggerhead sea turtle (T). There is no designated critical habitat within the project action area. The USACE, Mobile District has determined the project would have No Effect on the above-listed species.

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.

All comments should be received no later than 30 days from the date of this Public Notice. Correspondence concerning this notice should refer to Public Notice Number SAM-2017-00487-LET, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at jessica.c.comeaux@usace.army.mil. or (251) 508-4266. Copies of all comments should be furnished to the ADEM 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.

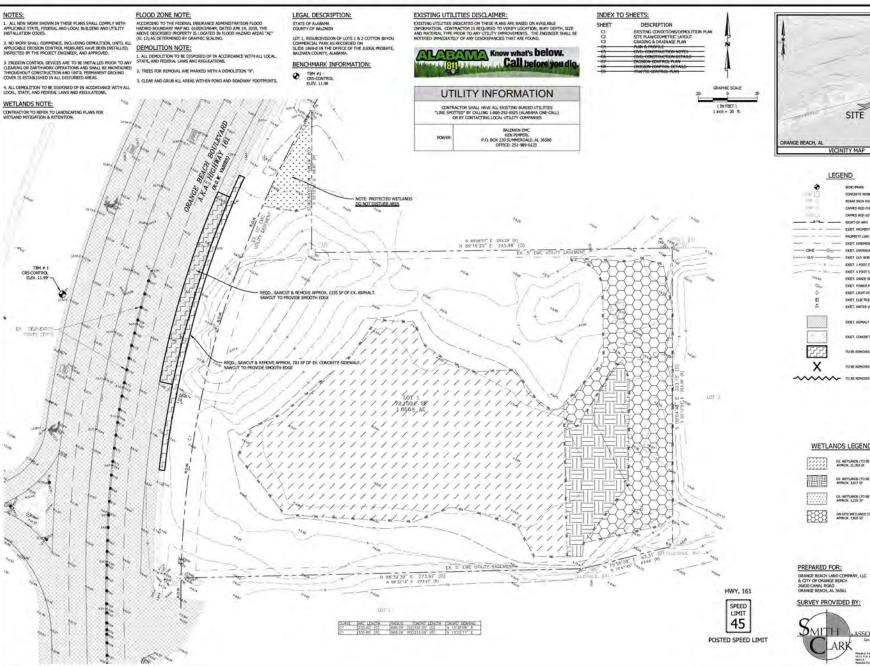
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT U.S. Army Corps of Engineers

Attachments



Department of the Army // SAM-2017-00487-LET







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ORANGE BEACH,

161- (HWY

WETLANDS LEGEND

TO BE REMOVED.

SITE

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> EXEST. 1 FOOT CONTIQUE EXST, 5 FOOT COMPOUR FIRST, GAUGE SPOT ELEVATIO EXET, POWER POLE EXET LIGHT POLE EXIST, ELECTRICAL BOX EXIST. WATER YALVE EXIST. ASPHALT PAVIN

LEGEND

EX. WETLANDS (TO BE FILLED) AFFROX, 22,768.5F

EX. WETLANDS (TO BE EMPANCED) APPROX. 3.817 SF

ON-SITE WETLANDS TO BE CREATED.

PREPARED FOR: ORANGE BEACH LAND COMPANY, LLC & CITY OF ORANGE BEACH 26830 CANAL ROAD ORANGE BEACH, AL 36561

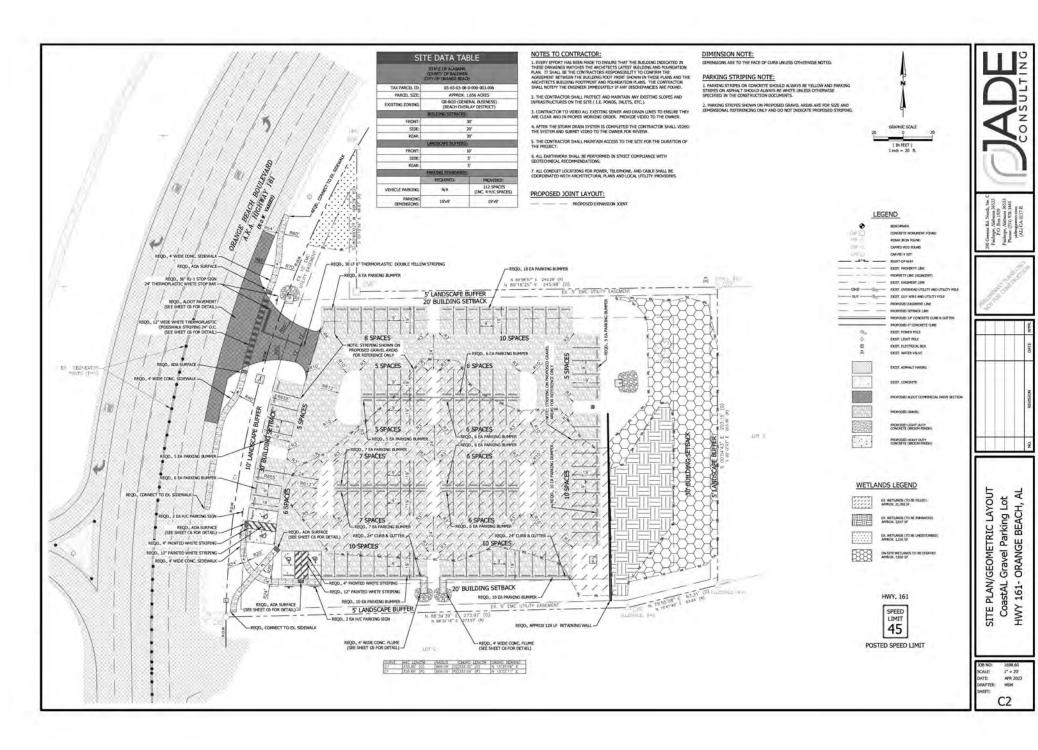
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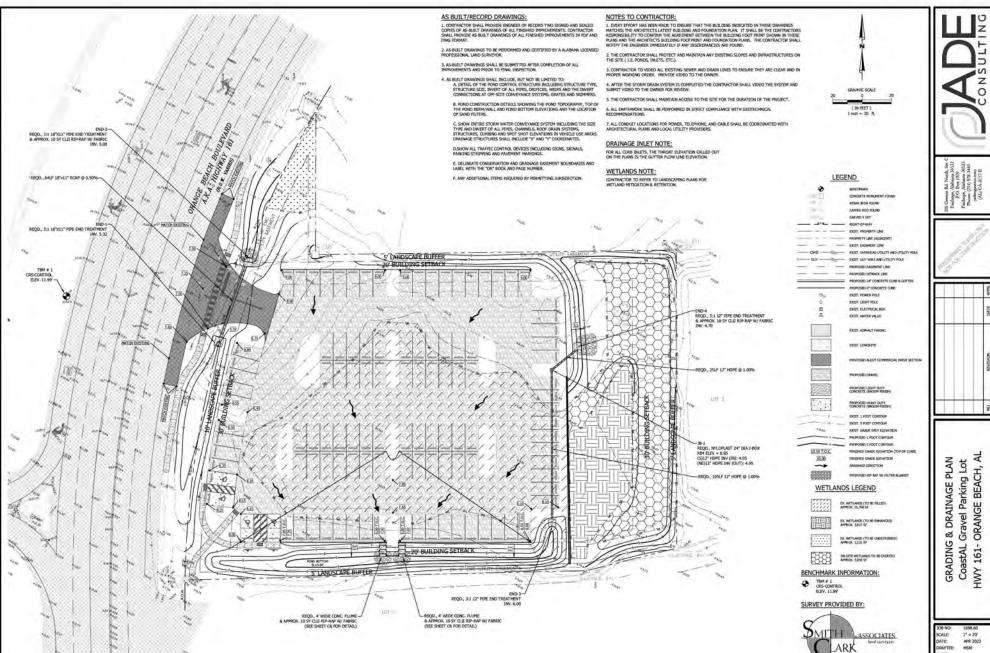


APR 2023 C₁

EXISTING CONDITIONS/DEMO PLAN

CoastAL Gravel Parking Lot







C3