



REPLY TO
ATTENTION OF:

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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2017-01126-APS

August 13, 2019

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

PROPOSED FILLING OF JURISDICTIONAL WETLANDS AND STREAMS IN
CONJUNCTION WITH THE CONSTRUCTION OF A NEW PUBLIC ROAD
IN GRAND BAY, MOBILE 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). 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: Mobile County Commission
Attention: Ms. Merceria Ludgood
205 Government Street
Mobile, Alabama 36644-1600

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

LOCATION OF WORK: The proposed project is located in south Mobile County between Highway 188 and Hurricane Boulevard by way of Glass Road. The project is located in a rural residential and agricultural area in Sections 4,5,8 and 9, Township 7 South, Range 3 West; between Latitude 30.461276° North, Longitude 88.293941° West and Latitude 30.443520° North, Longitude 88.291735° West; in Grand Bay, Mobile County, Alabama.

PROJECT PURPOSE: The overall purpose of the project is to provide additional access to two public schools. Construction of the new roadway would connect Glass Road to Hurricane Boulevard, providing an additional access route for Alma Bryant High School and Anna F. Booth Elementary School. The completed roadway would alleviate traffic congestion during normal school operations, special events, and extracurricular activities; provide more space for staging vehicles near the elementary school; improve public safety; and provide additional emergency vehicle access to the schools.

PROPOSED WORK: The applicant proposes to construct 7,100 linear feet of roadway connecting Highway 188 to Hurricane Boulevard by way of Glass Road. The applicant would widen and rehabilitate 2,150 linear feet of Glass Road and construct an additional 4,950-linear feet of roadway from the existing southern terminus of Glass Road to Hurricane Boulevard. The completed roadway would have a 24-foot-wide driving surface within a right of way up to 95 feet wide.

Approximately 1.28 acres of jurisdictional wetlands and approximately 0.34 acre (1,326 linear feet) other waters of the U.S. are located within the project area. The project as proposed would impact approximately 1.15 acres of wetlands and 0.34 acre (1,297 linear feet) of other waters. Fill impacts would result from the placement of 6,292 cubic yards of commercially-obtained sandy-clay fill and crushed limestone base and 595 cubic yards of Class 2 riprap. USACE has not verified the accuracy of the wetland delineation, the jurisdictional status of the features within the project area, or the classification of the habitat types reported.

AVOIDANCE AND MINIMIZATION: The applicant evaluated two additional alternative sites for the proposed project. Appropriate and effective Best Management Practices (BMPs) would be implemented and maintained during and after construction in accordance with the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management*. USACE has not yet verified the adequacy of the applicant's avoidance and minimization efforts or their alternatives analysis at this time.

MITIGATION: The applicant proposes to fill a total of 0.7 acre of low quality scrub shrub wetlands and 0.45 acre of medium quality forested wetlands. The applicant proposes to mitigate for these impacts by purchasing an appropriate amount of in-kind mitigation credits from an approved mitigation bank. The applicant has not proposed to provide mitigation for any of the jurisdictional other waters to be impacted by the project. At this time, USACE has not verified the quality of the habitats reported, the jurisdictional status of features within the project area, nor the adequacy of the applicant's compensatory mitigation plan.

WATER QUALITY: The applicant would be required to apply 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 would be made by the Alabama Department of Environmental Management (ADEM).

COASTAL ZONE CONSISTENCY: The proposed location of the road construction lies outside of Alabama's coastal zone; therefore, consistency with the Alabama Coastal Area Management Program is not required.

HISTORIC PROPERTIES/CULTURAL RESOURCES: 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 cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this project, the potential indirect effects that may occur to historic properties as a result of the this undertaking are also being considered. The proposed project was reviewed by a USACE archaeologist, who indicated a

search of National Register of Historic Places (NRHP) returned no findings of listed historic properties within or adjacent to the permit area. A search of the Alabama Historical Commission's (AHC) online resources also returned no findings of known archaeological sites, buildings, or structures within the permit area. No sites have been identified within one mile of the permit area. USACE has preliminarily determined there would be **no effect** to significant cultural and/or historic properties within the permit area as a result of the proposed activities. We are seeking comments relating to or concurrence with USACE's no effect determination from the State Historic Preservation Officer (the Alabama Historical Commission) and federally-recognized American Indian tribes. We are also seeking comment from local historical societies; museums; universities; the National Park Service's Archaeological Services Division; and general public regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. This action constitutes the full extent of the cultural resources investigations unless comment to this notice is received documenting significant sites or properties exist which may be affected by this work, or adequately documents a potential exists for the location of significant sites or properties within the project area.

THREATENED AND ENDANGERED SPECIES: The following species, listed by the U.S. Fish and Wildlife Service (USFWS) as being threatened or endangered, are found within Mobile County and may be located within the Franklin Creek watershed (HUC 031700080702), Bayou Heron-Grand Bay Swamp watershed (HUC 031700090102), and/or the Bayou La Batre watershed (HUC 031700090101) in which the project is located: West Indian manatee (*Trichechus manatus*), wood stork (*Mycteria americana*), Mississippi sandhill crane (*Grus canadensis pulla*), Alabama red-bellied turtle (*Pseudemys alabamensis*), black pine snake (*Pituophis melanoleucus lodingi*), eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), gulf sturgeon (*Acipenser oxyrinchus desotoi*) and Louisiana quillwort (*Isoetes louisianensis*).

The agent conducted a visual survey of the area for evidence of federally-listed species or suitable habitat for these species, and observed no federally-listed threatened or endangered species or suitable habitat. USACE's review of this application, the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants, and the results of the threatened and endangered species survey indicate that the proposed activity would have **no effect** on any species currently listed as endangered or threatened within Mobile County. This determination is being coordinated with the USFWS via this Public Notice.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, federal, state and local agencies and officials, American Indian tribes and other interested parties, in order to assist in developing facts on which a decision by USACE can be based. Any comments received would be considered by USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess potential impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors. 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 would be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision would 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 would 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.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2017-01126-APS** and should be directed to the project manager, Ms. Kaaren Neumann, by email at Kaaren.M.Neumann@usace.army.mil, or by hard copy to the U.S. Army Engineer District, Mobile, Regulatory Division, Attention: Ms. Kaaren Neumann, 1141 Bayview Avenue, Biloxi, Mississippi 39530. Copies of all comments should be furnished to the ADEM by email at: coastal@adem.alabama.gov, or by hard copy to: ADEM, 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 the project manager, **Ms. Kaaren Neumann** via e-mail at Ms. Kaaren Neumann, by email at Kaaren.M.Neumann@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/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

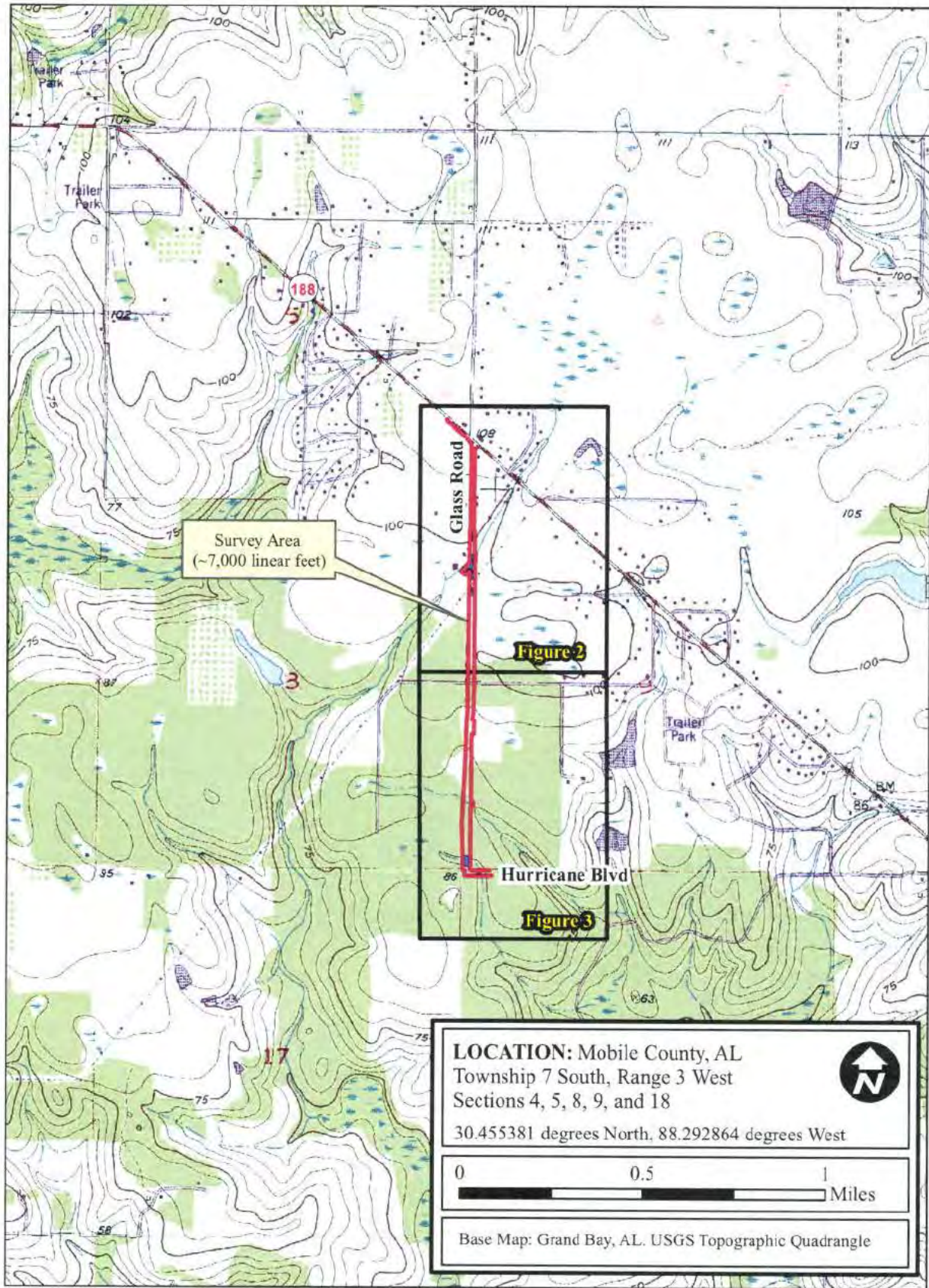


Figure 1: Project Location and Vicinity Map

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SAM-2017-1126-APS

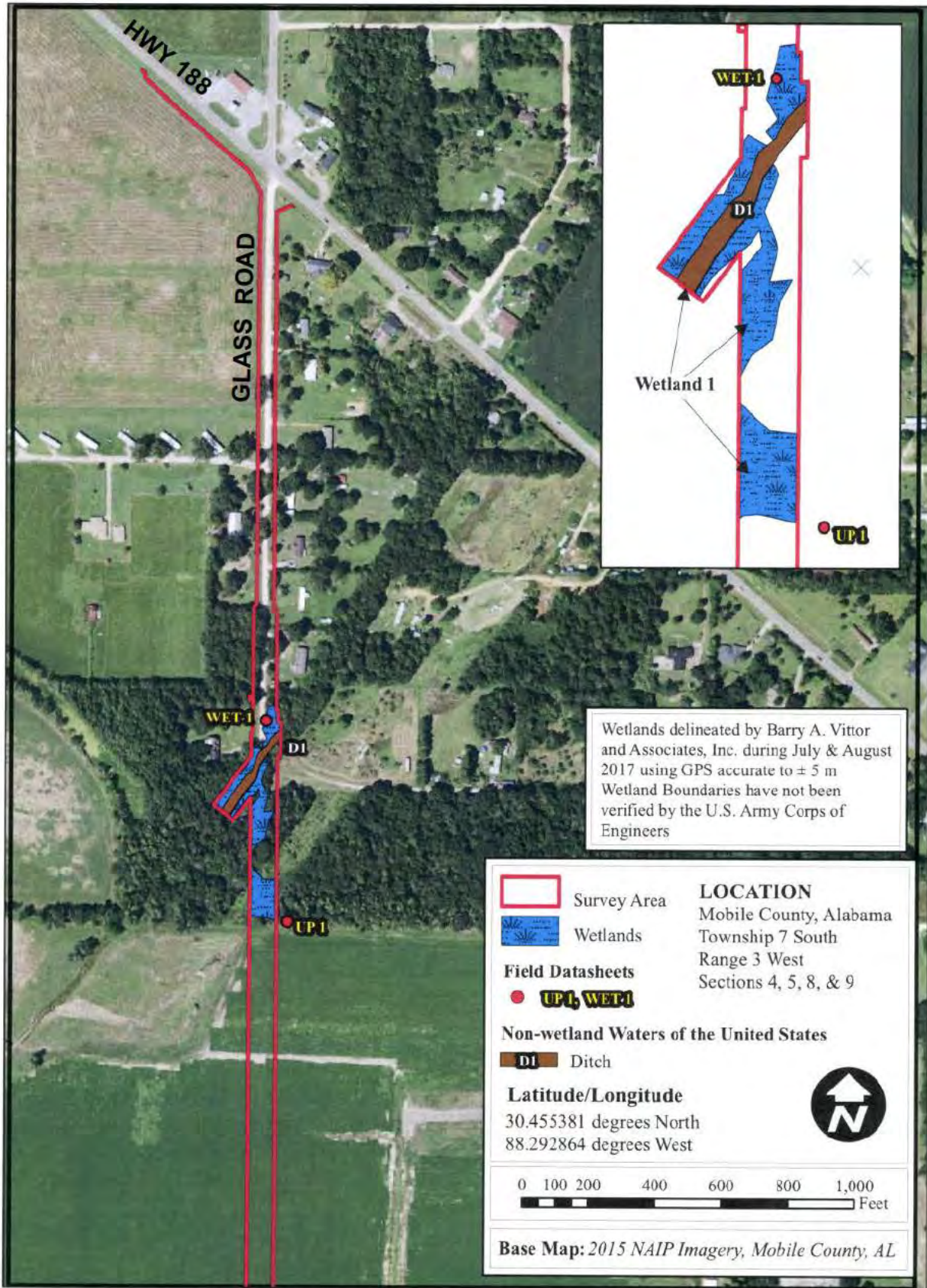


Figure 2: Wetland Map

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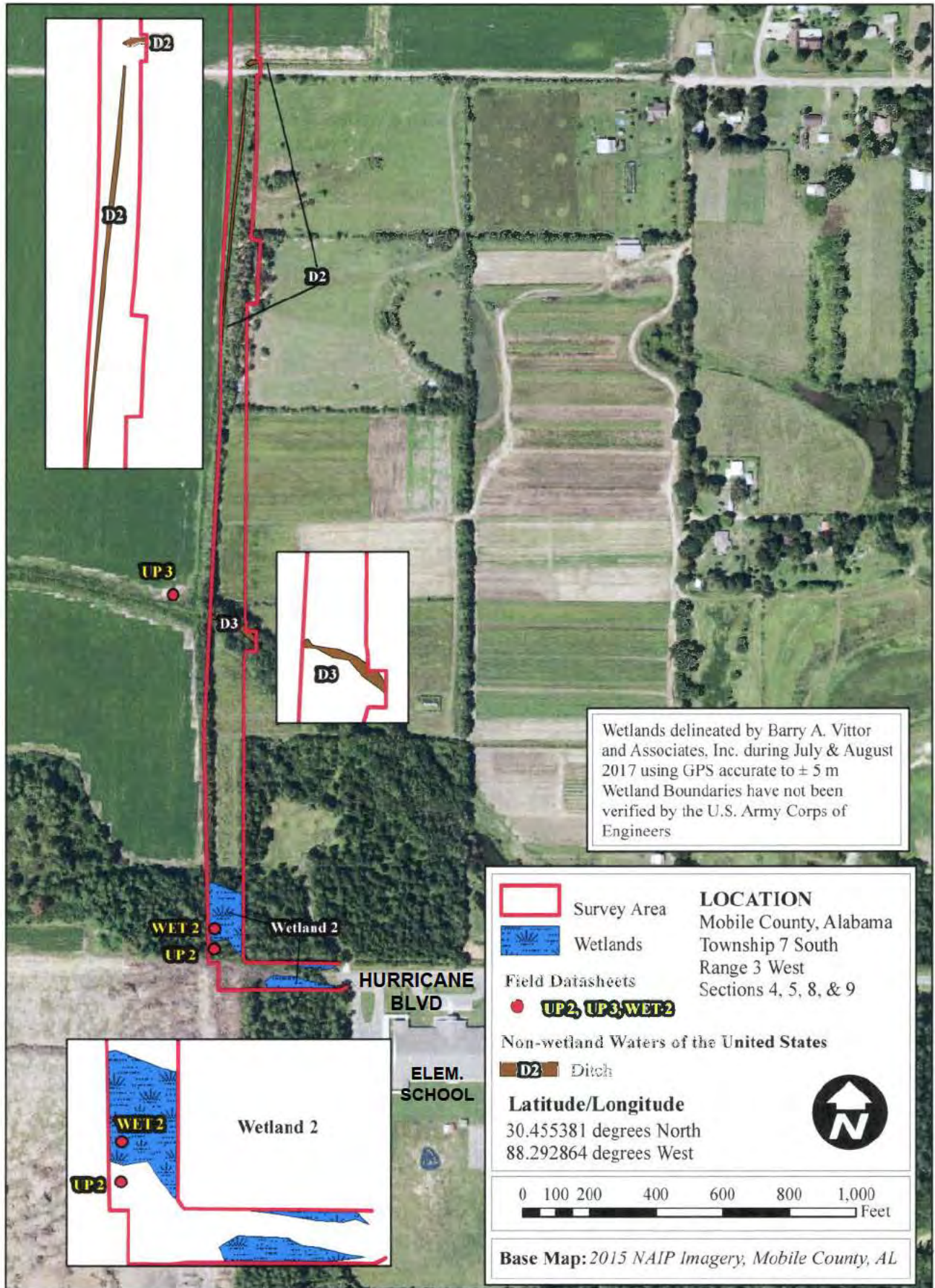


Figure 3: Wetland Map

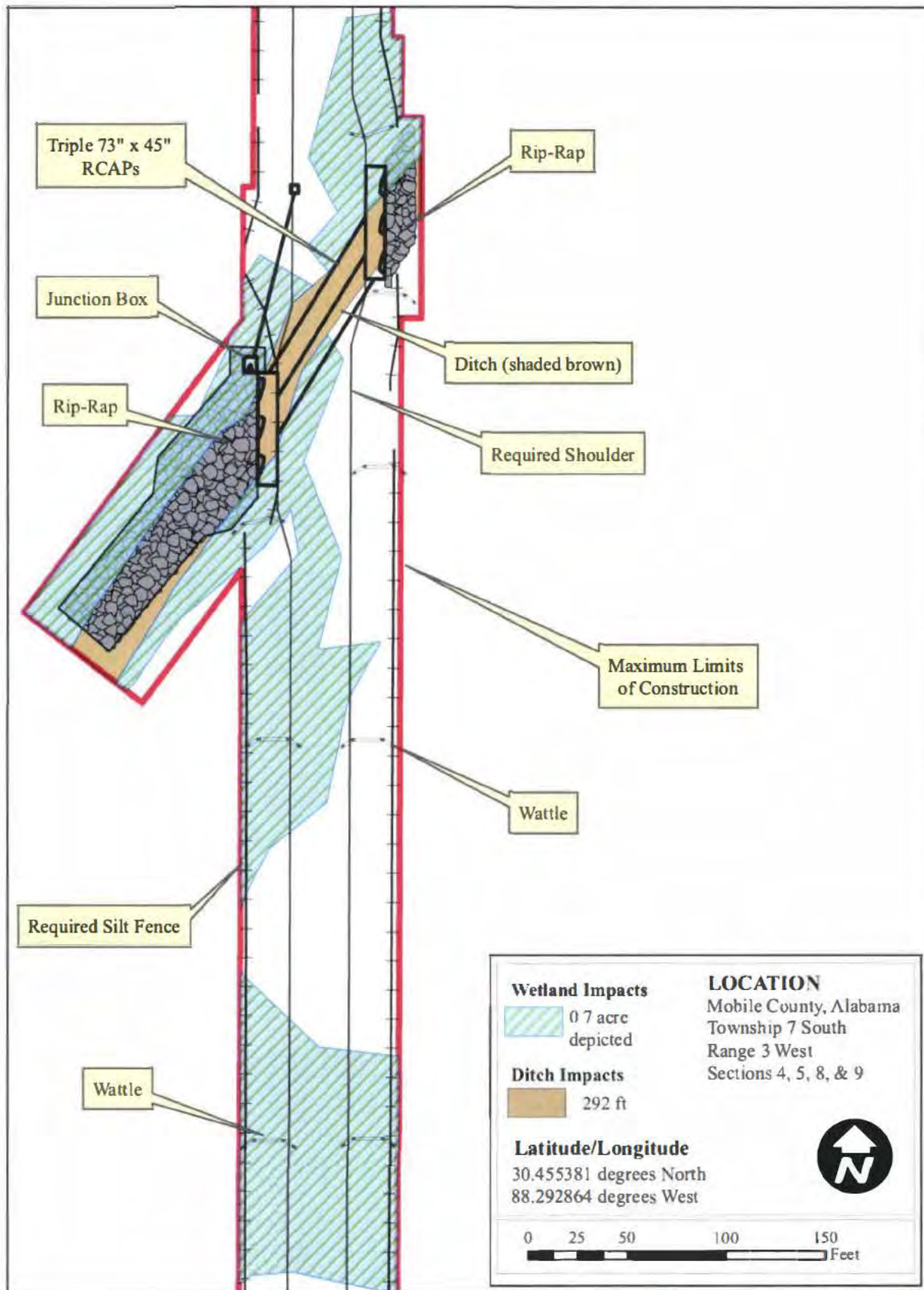


Figure 4: Wetland 1 Impacts

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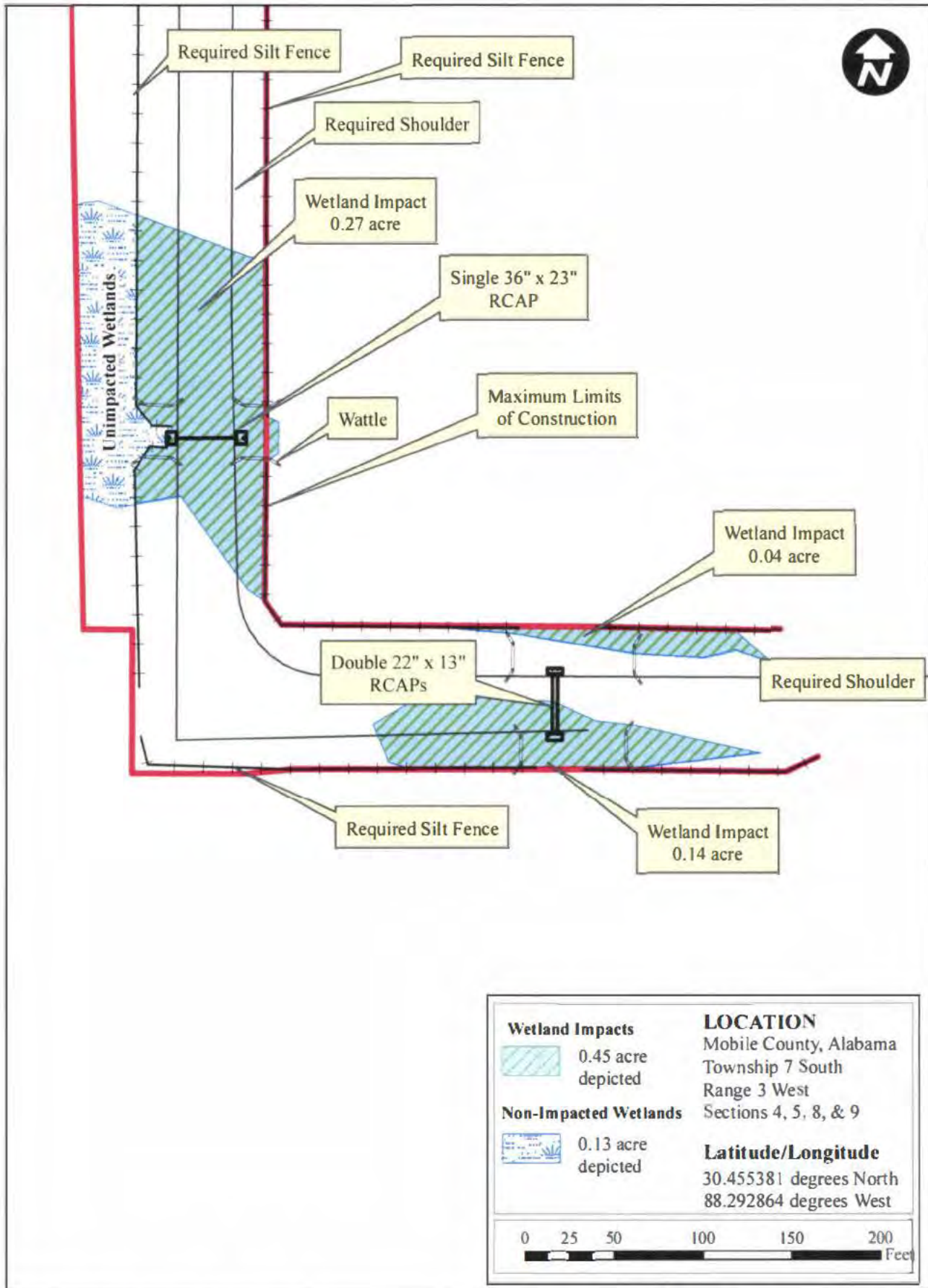


Figure 5: Wetland 2 Impacts