



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

CESAM-RD-A  
PUBLIC NOTICE NO. SAM-2017-00250-LET

March 24, 2017

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

**REQUEST TO DISCHARGE FILL MATERIAL IN WETLANDS TO EXPAND CARGO  
STORAGE ADJACENT TO AN EXISTING MARINE TERMINAL, THEODORE SHIP  
CHANNEL, 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 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: **Millard Maritime**  
**Attention: Mr. Bobby Wein**  
**7730 Deer River Road**  
**Theodore, Alabama 36582**

AGENT: **Barry A. Vittor and Associates, Inc.**  
**Attention: Dr. Barry A. Vittor**  
**8060 Cottage Hill Road**  
**Mobile, Alabama 36695**

WATERWAY/LOCATION: **Theodore Industrial Channel, 7730 Deer River Road; Section 17, Township 6 South, Range 1 West, Theodore, Mobile County, Alabama; Latitude 30.533318 North and Longitude -88.102948 West; 8-digit Hydrologic Unit Code watershed 03160205 (Mobile Bay, Alabama).**

PROJECT PURPOSE: **Expansion of dry flat storage and cargo transport, handling, and loading/unloading infrastructure at an existing marine terminal to provide increased storage and more efficient movement of cargo between the existing dock facility, warehousing areas, and the existing railroad spur that services the facility.**

PROPOSED WORK:

**The applicant proposes the discharge of 800 cubic yards of commercially obtained clean sandy clay fill material in order to fill an approximately 0.12 acre area of wetlands. The filled wetland area will be paved and utilized to construct an additional dry flat storage facility and additional cargo transport infrastructure including additional conveyor belts for transporting product within the Millard marine terminal facility as well as additional truck access drives, turning areas and loading/unloading areas. An associated wet flat storage facility would be built in upland portions of the facility concurrent with the wetland fill and dry flat storage**

construction. Stormwater drainage from the filled wetland area would be directed into underground piping that would drain into Millard's existing barge basin to the east.

The applicant is applying for a standard individual permit for the proposed 0.12-acre wetland fill because it is fill that would be undertaken in addition to 10.12 acres of wetland fill previously authorized and implemented under Department of the Army Permit AL03-01842-F. The wetland to be filled is a remnant portion of a previously avoided wetland area that is now situated between a railroad spur servicing the facility, Deer River Road, and an access drive to the existing marine terminal.

**AVOIDANCE AND MINIMIZATION:** The applicant has not identified any measures taken to avoid and/or minimize impacts of the proposed activity. 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:** The applicant proposes the purchase of wetland mitigation credits from a USACE approved wetland mitigation bank that serves Mobile County, Alabama.

**WATER QUALITY/COASTAL ZONE MANAGEMENT:** The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to water quality certification and CZM consistency 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 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 325, the USACE has determined that the permit area consists of the entire undertaking in waters of the United States, which includes the footprint of the proposed fill area and portions of the adjacent upland property that would be utilized for construction access and equipment and materials staging. 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. We are seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. **The current permit area was included in a previous 2002 Phase I assessment of the overall Millard Maritime (formerly Marion Corporation) facility at this site. That Phase I survey was assigned Alabama Historical Commission file number AHC 02-1235. The findings of the survey received review and concurrence from the SHPO.**

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 a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would be located in palustrine forested wetland habitat and will not affect estuarine substrate and/or water column; therefore, no areas utilized by various life stages of various marine species would be affected. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service.

**ENDANGERED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that 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, Florida Manatee, Gulf Sturgeon, Alabama Red-belly Turtle, Eastern Indigo Snake, and Gopher Tortoise. Additionally, there is no designated critical habitat within the permit area. This determination is being coordinated with the U.S. Fish and Wildlife Service (USFWS) via this Public Notice. Further coordination with the USFWS will be performed as determined to be appropriate.

**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, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the USACE can be based. 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 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 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.

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. 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-2017-00250-LET** and should be directed to USACE, Mobile District, Regulatory Division, Attention: Ms. Leslie E. Turney, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the ADEM, Mobile Field Office, 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. Turney at (251) 694-3873 or by e-mail at [leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@usace.army.mil). Please refer to the above Public Notice Number **SAM-2017-00250-LET**.

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

Enclosures



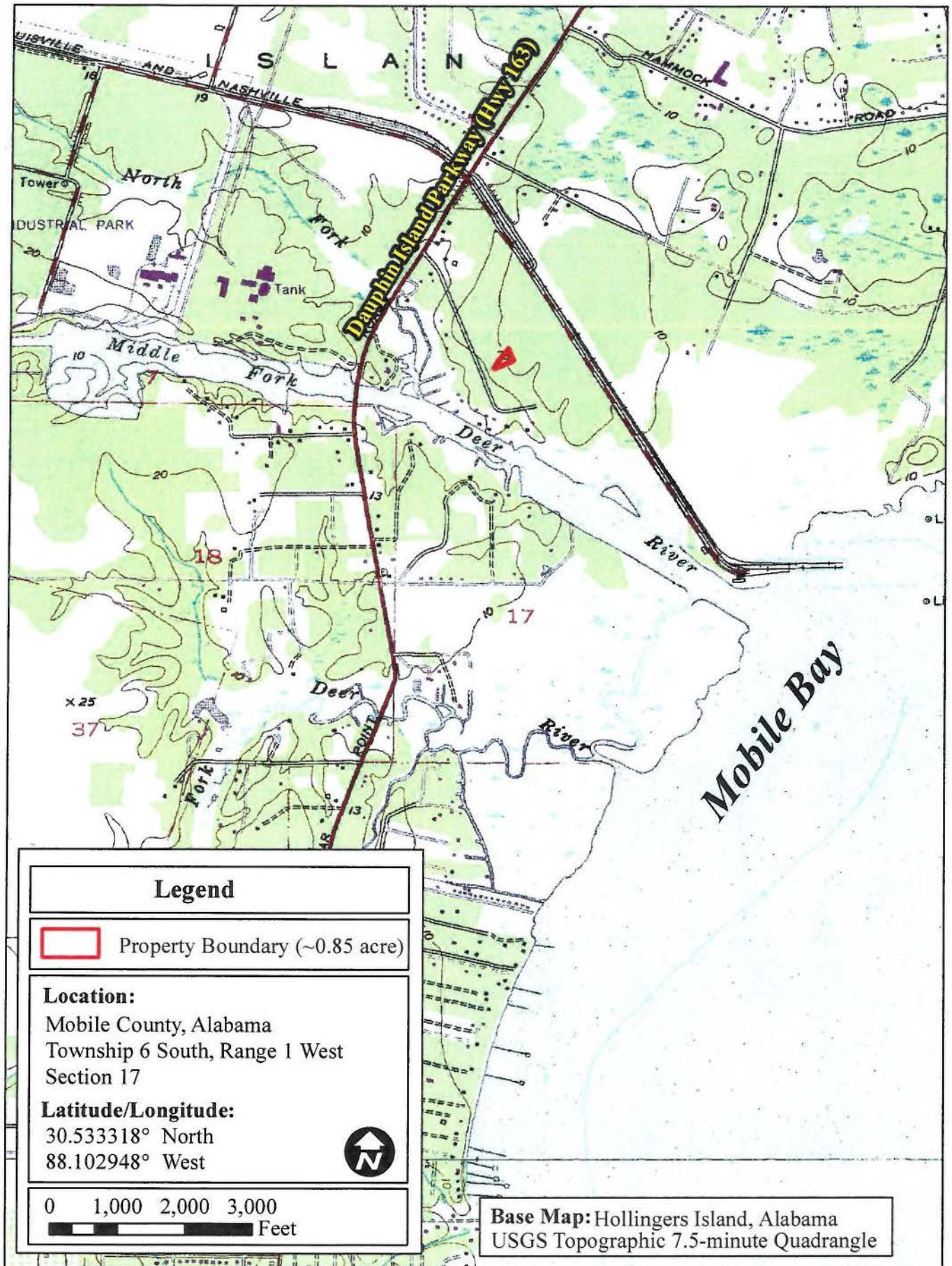


Figure 1: Project Location and Vicinity Map



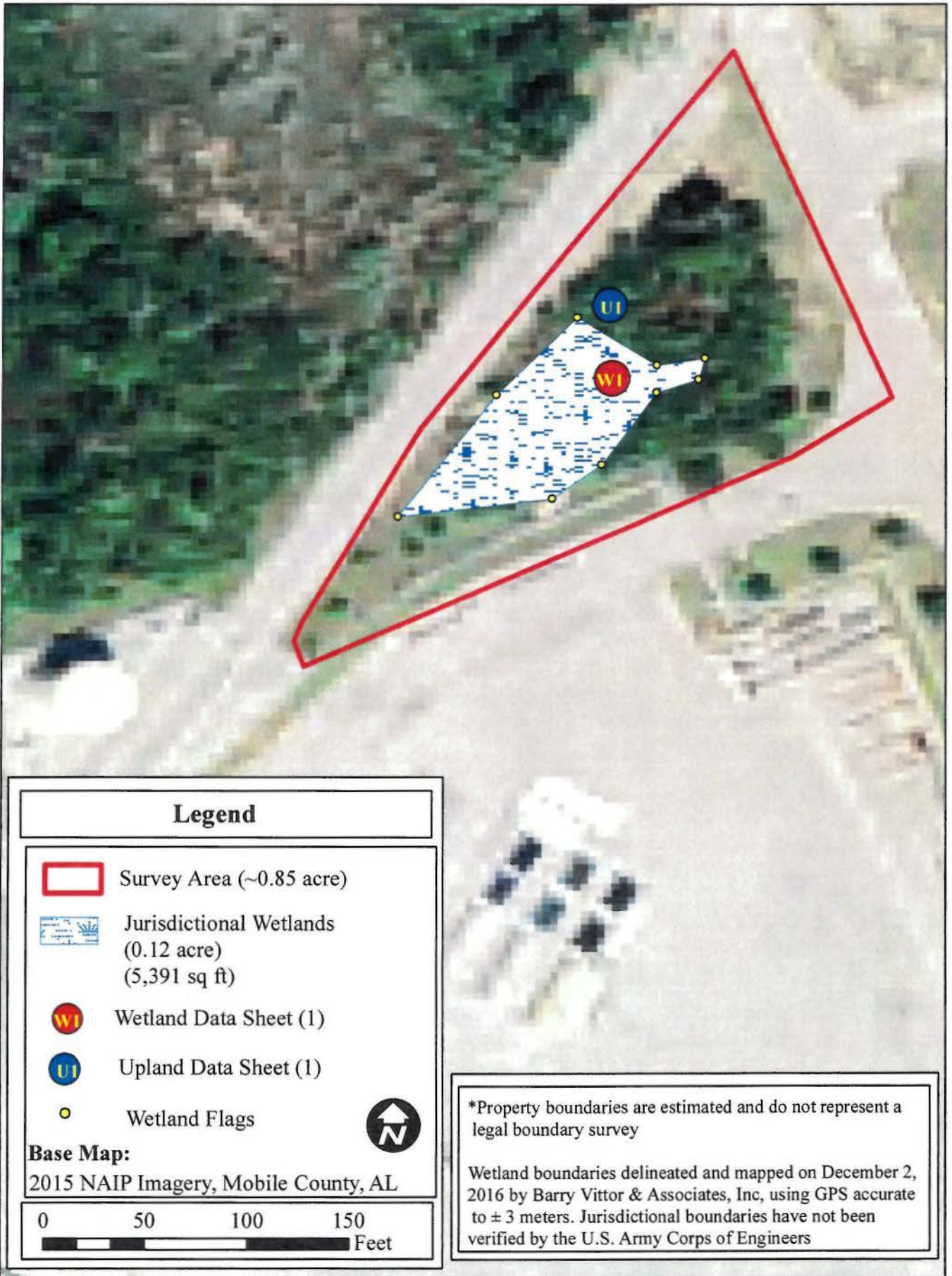


Figure 2: Wetland Map

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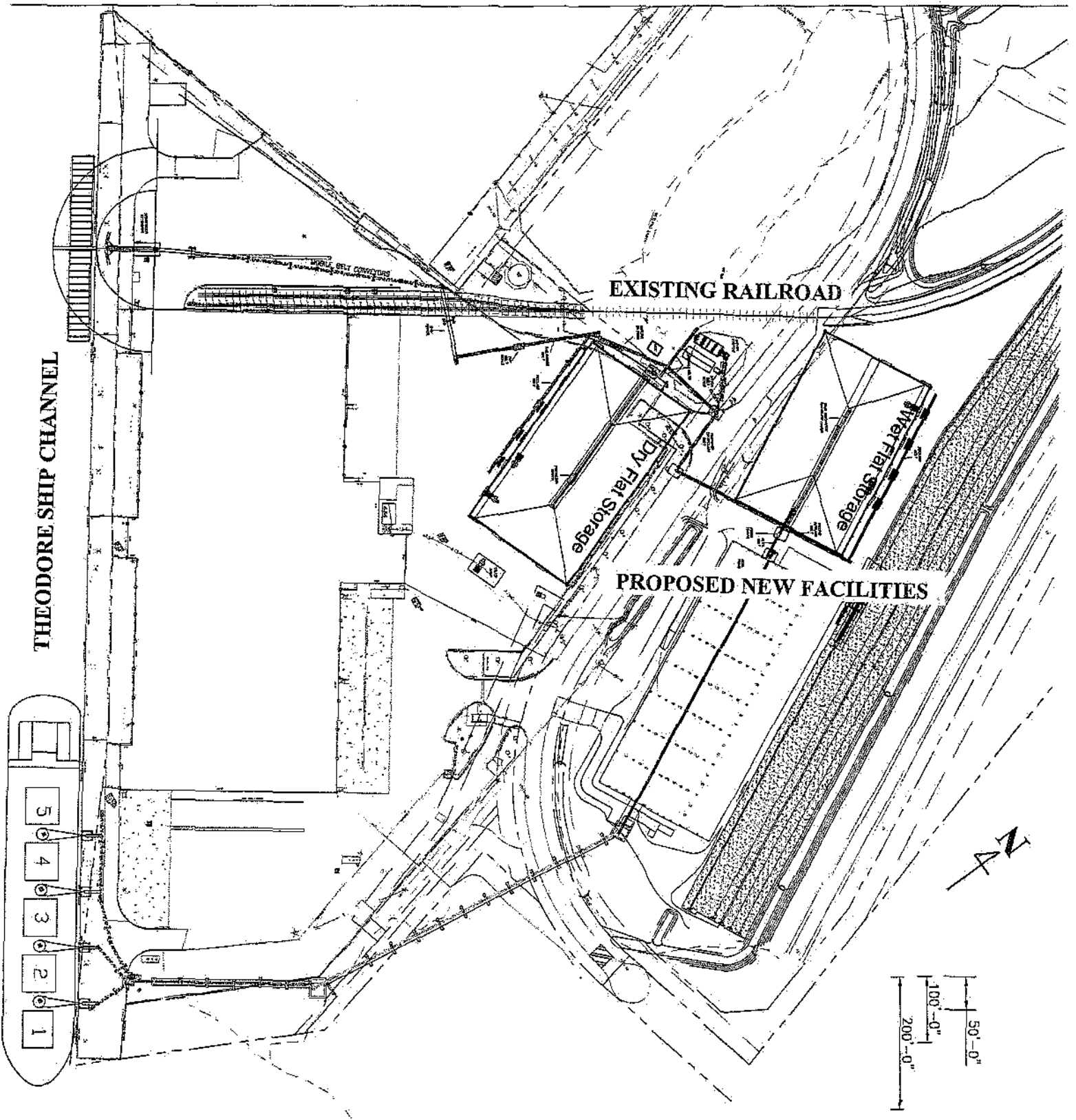


Figure 3: Proposed Site Plan for the Millard Maritime Port Facility Expansion

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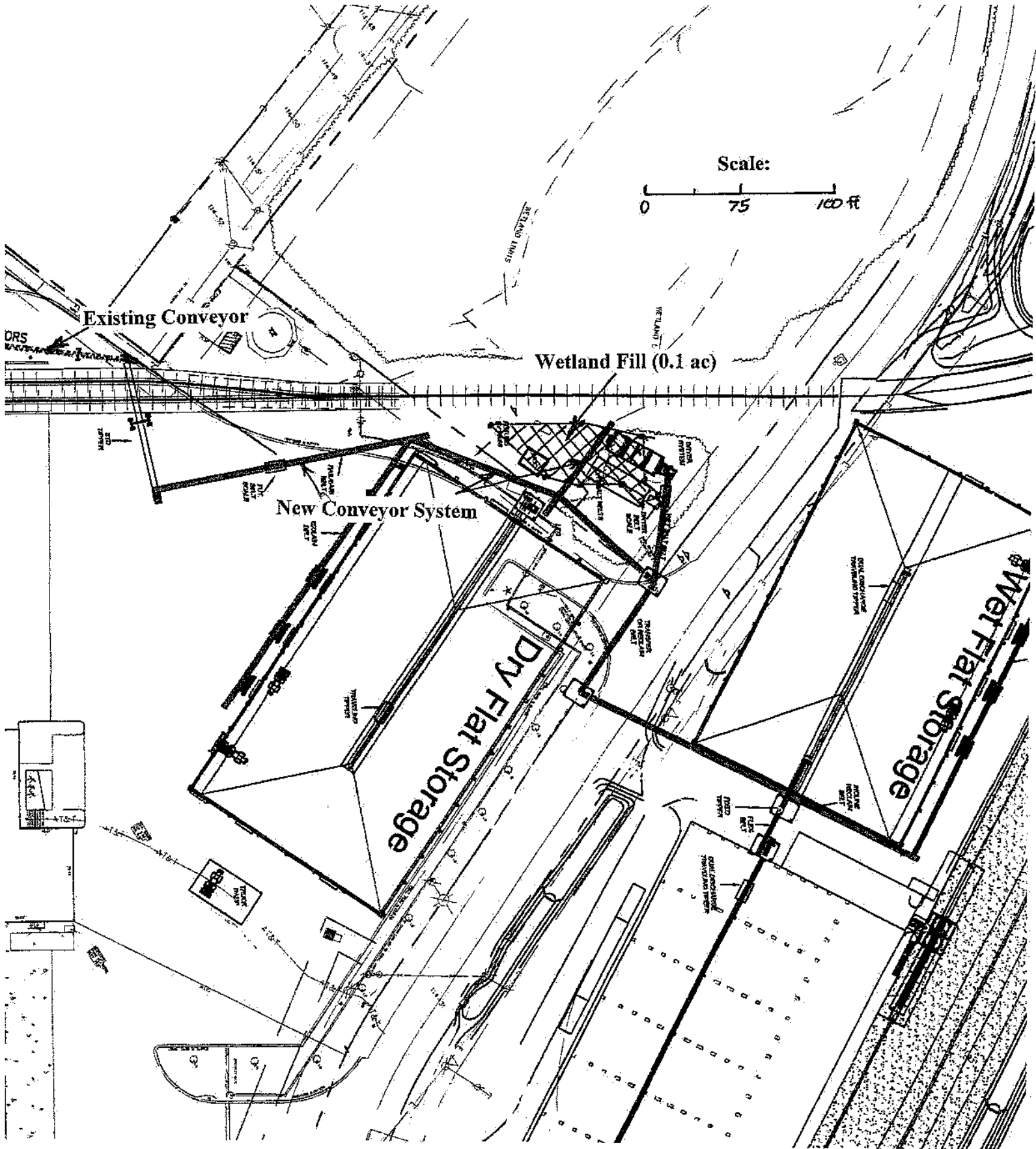



Figure 4: Proposed Wetland Fill (shown in cross-hatch)

 - Wetland Fill

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