



REPLY TO
ATTENTION OF:

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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2018-01156-ES

December 4, 2018

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

PROPOSED DISCHARGE OF FILL MATERIAL FOR THE DEVELOPMENT OF A
RESIDENTIAL LOT IN TIMBER CREEK SUBDIVISION,
SPANISH FORT, 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). 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. Jerre and Ms. Margaret Strickland
21060 County Road 13
Fairhope, Alabama 36532

AGENT: Wetland Resources Environmental Consulting
Attention: Ms. Gena Todia
Post Office Box 2694
Daphne, Alabama 36526

LOCATION/WATERS: The project is located at 9494 Hackberry Court (Lot 18), in the Timber Creek Subdivision; at Latitude 30.667531° North and Longitude 87.861641° West; in Section 27, Township 4 South, Range 2 East, Spanish Fort, Alabama. Wetlands within the project area drain into D'Olive Creek.

PROPOSED WORK: The applicant is seeking authorization for the discharge of 600 cubic yards of earthen fill material into waters of the United States for purpose of constructing a single family residence. These activities would impact approximately 5,382 square feet (0.12 acre) of wetlands. The currently proposed activities were previously authorized under Department of the Army (DA) Permit SAM-2012-01584-JEB, but this authorization expired April 10, 2018. The previous permit authorized the development of 16 residential lots within the subdivision. The quantity of impacts and project plans for Lot 18 have changed from 0.14 acre of wetland fill authorized by the previous permit, to 0.12 acre of wetland fill.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still complying with the building setback requirements of Timber Creek Subdivision. The applicant has reduced the previously authorized fill footprint from 0.14 acre to 0.12 acre. The proposed fill will be utilized to level grade of property for construction of a residential dwelling and driveway, as well as stabilize the back yard. Approximately 0.032 acre of wetlands within the D'Olive Creek floodplain will remain along the rear property boundary. The USACE has determined that the applicant's avoidance and minimization statement is adequate for the activity proposed.

MITIGATION: Compensatory mitigation for the unavoidable loss of wetlands associated with the development of 16 lots within the Timber Creek Subdivision has previously been provided as part of the 2013 permit authorization for Timber Creek Subdivision. The impacts currently proposed for Lot 18 were included in the quantification of compensatory mitigation required under the previous permit authorization. Timber Creek Land Company, Inc., preserved 40.35 acres of adjacent on-site wetlands, stream channels, and upland buffers in the subdivision under a DA approved Restrictive Covenant at a 15:1 mitigation ratio. The USACE has determined the mitigation provided in association with the previous permit authorization adequately compensates for the currently proposed unavoidable loss of wetlands.

WATER QUALITY: The project was coordinated with the Alabama Department of Environmental Management (ADEM) as part of the previous DA permit authorization. By letter dated April 10, 2013, the ADEM provided State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act; however, this certification has since expired. Upon completion of the required advertising and public comment review, a determination relative to WQC will be made by ADEM as it relates to the activities currently proposed.

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 U.S. Army Corps of Engineers (USACE) has determined the permit area consists of the approximate 0.12 acre of wetland impact. The project was coordinated with the Alabama Historical Commission (AHC) as part of the previous DA permit authorization. By letter dated January 18, 2013, the AHC concurred that the proposed project (AHC 13-0339) should have no effect on historic properties either listed on or eligible for the National Register of Historic Places (NRHP). For the currently proposed activities, the USACE has made a preliminary determination that there is no potential for the project to affect cultural and historic resources listed or eligible for listing on the NRHP. This action constitutes the full extent of cultural resources investigation within the project area.

ENDANGERED SPECIES: The following species listed by the U.S. Fish and Wildlife Service (USFWS) as being threatened or endangered are found within Baldwin County and may be located within the Tensaw River-Apalachee River watershed (HUC 031602040505)

in which the project is located: Florida manatee (*Trichechus manatus*), wood stork (*Mycteria americana*), Alabama red-bellied turtle (*Pseudemys alabamensis*), eastern indigo snake (*Drymarchon couperi*), and gulf sturgeon (*Acipenser oxyrinchus desotoi*). The Endangered Species Act (ESA) action area is not within federally-designated critical habitat.

The project was coordinated with the USFWS as part of the previous Department of the Army (DA) permit authorization. By letter dated January 4, 2013, the USFWS provided no objection to the previously authorized development of sixteen lots. However, given the time that has lapsed since the 2013 USFWS letter, the U.S. Army Corps of Engineers (USACE) has conducted a second review of the activities that are currently proposed. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Species indicates the proposed activity will have no effect on the Florida manatee (*Trichechus manatus*), wood stork (*Mycteria americana*), Alabama red-bellied turtle (*Pseudemys alabamensis*), gulf sturgeon (*Acipenser oxyrinchus desotoi*) or their critical habitat. The USACE has preliminarily determined the proposed activities may affect, but are not likely to adversely affect the eastern indigo snake (*Drymarchon couperi*). This determination is being coordinated with the USFWS via this public notice.

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. 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 U.S. Army Corps of Engineers (USACE) is soliciting comments from the public; federal, state and local agencies and officials; 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.

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.

Correspondence concerning this public notice should refer to Public Notice Number **SAM-2018-01156-ES** and should be directed to CESAM-RD@sam.usace.army.mil, or the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Elizabeth A. Seavoy, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the Alabama Department of Environmental Management, 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. Elizabeth Seavoy at **(251) 694-3781** or at elizabeth.a.seavoy@usace.army.mil. Please refer to the Public Notice Number **SAM-2018-01156-ES**.

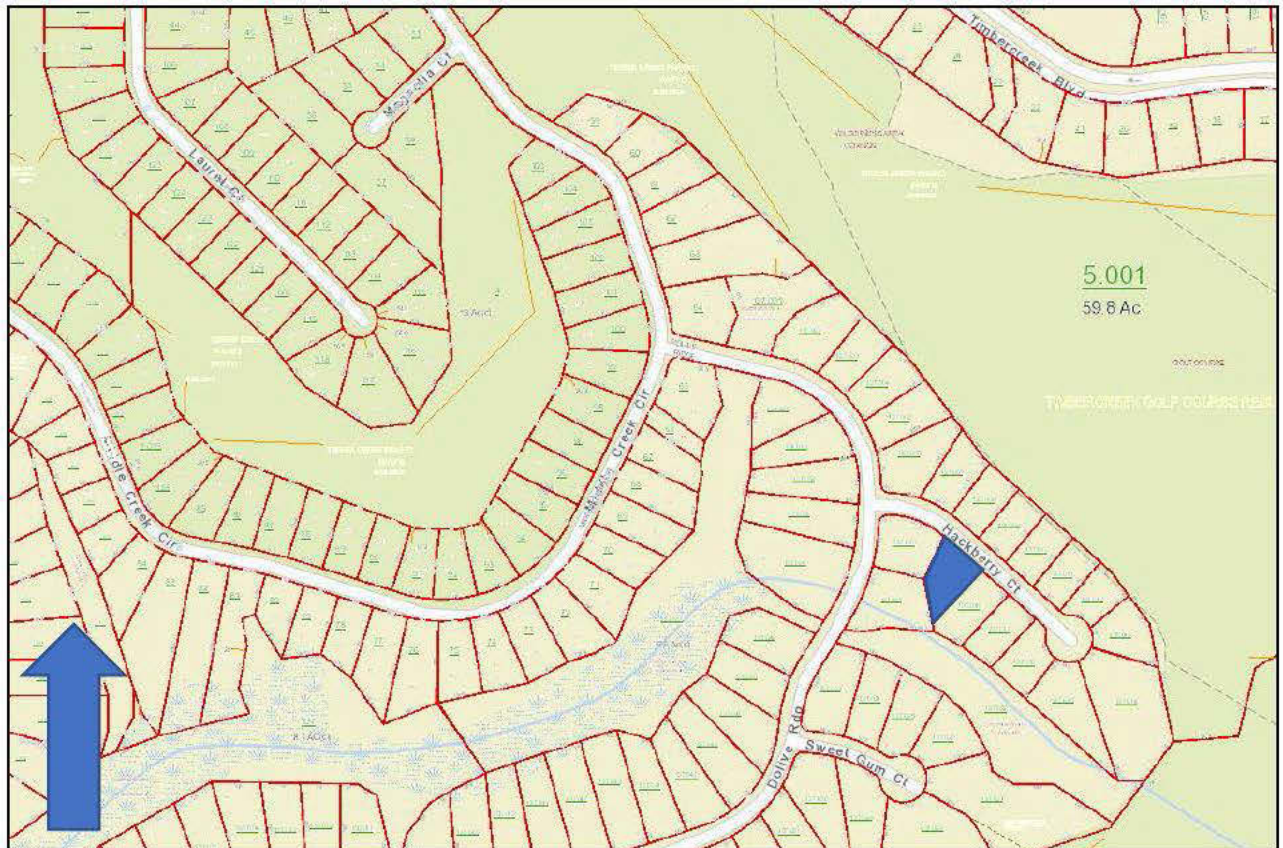
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

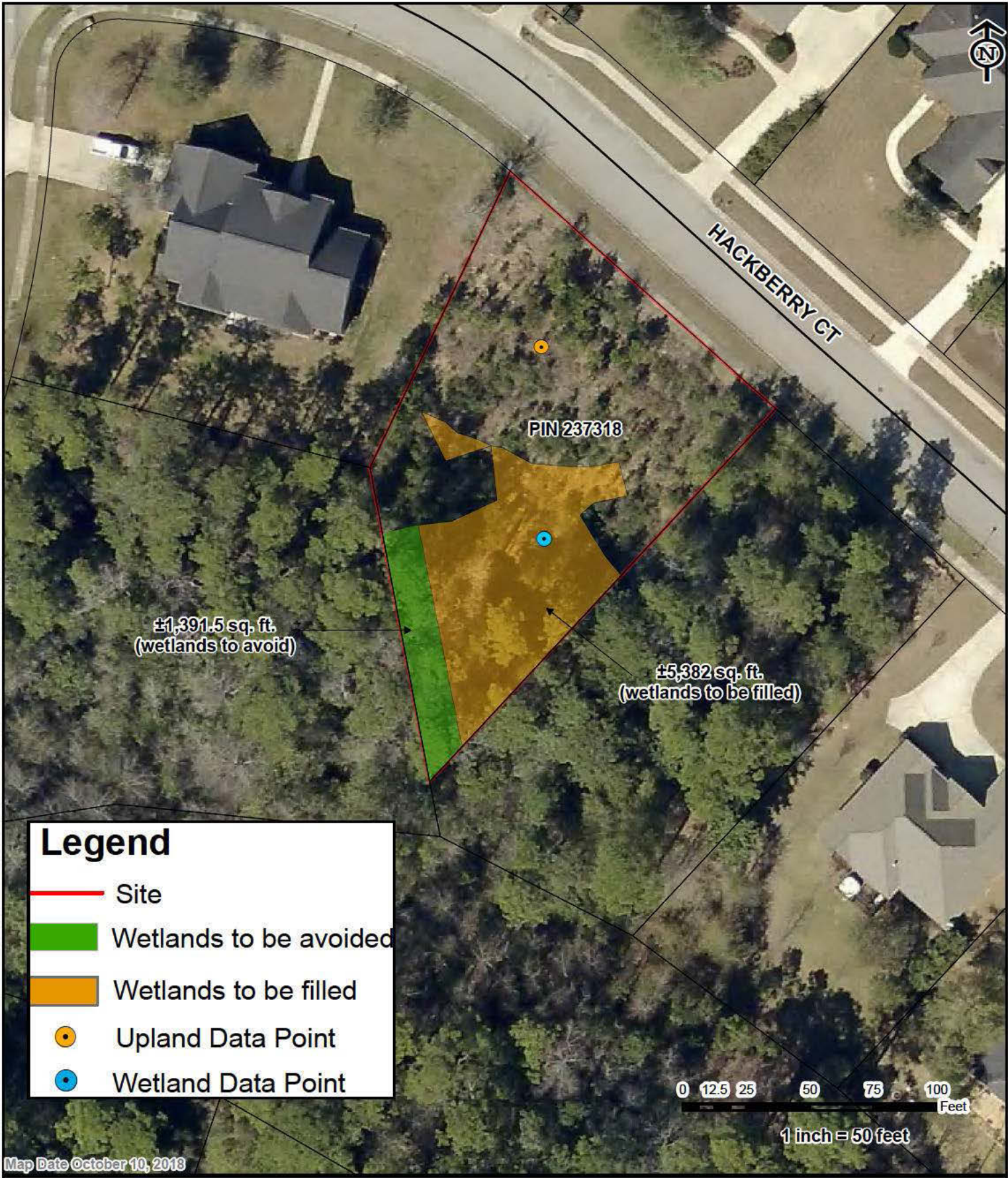
Attachments

MOBILE DISTRICT
U.S. Army Corps of Engineers

VICINITY MAP

**Lot 18, Phase 8, TimberCreek, Hackberry Court
Daphne, Baldwin Co., Alabama**





Legend

- Site
- Wetlands to be avoided
- Wetlands to be filled
- Upland Data Point
- Wetland Data Point

Map Date October 10, 2018

This map is not a survey. Wetland boundaries were identified and marked by Wetland Resources Environmental Consulting (WREC) and were mapped by J Pierce and Associates LLC, using a Trimble RTK GPS capable of survey-grade precision. For more information, please contact WREC at (251) 928-6157.

Jerre Strickland
Lot 18, Phase 8, Timber Creek
Subdivision
PPIN: 237318
Daphne, Baldwin Co., Alabama



PO Box 2694
 Daphne, AL 36526
 251-928-6157 (O)
 251-402-6055 (C)