



REPLY TO  
ATTENTION OF

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

**CESAM RD-A**  
**PUBLIC NOTICE NO. SAM-2018-00486-GAC**

**January 13, 2020**

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

**REQUEST TO DISCHARGE DREDGED AND FILL MATERIAL INTO 9.68 ACRES OF**  
**WETLANDS FOR THE CONSTRUCTION AND USE OF A NEW DREDGED MATERIAL**  
**DISPOSAL SITE IN MOBILE, MOBILE COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

**APPLICANT:** Zenith Energy Terminals Mobile Holdings, LLC  
3000 Research Forest Drive, Suite 250  
The Woodlands, Texas 77381

**AGENT:** Cowles, Murphy, Glover, & Associates  
Attention: Mr. Gary D.E. Cowles  
457 St. Michael Street  
Mobile, Alabama 36602

**LOCATION:** The project would be located near Mobile River, at 830 Cochrane Causeway; within Section 12, Township 4 South, Range 1 West; at Latitude 30.708081° North, Longitude -88.031962° West, Blakely Island, Mobile, Mobile County, Alabama.

**PROJECT PURPOSE:** The basic project purpose is to construct and use a new dredged material disposal site. The overall project purpose is to provide the applicant an accessible disposal site for mechanically dredged, dewatered, spoil material obtained during maintenance dredging of the nearby existing barge and ocean going vessel handling facility within Mobile River.

**PROPOSED WORK:** Within the 30-acre property, the applicant proposes to construct an earthen berm approximately 20 feet high and 100 feet in width. The newly constructed berm would adjoin an existing berm along the adjacent property to the east. The proposed berm construction activities would involve the permanent discharge of fill material into 4.2 acres of wetlands located on site. An additional 5.48 acres of wetlands would be subsequently filled during use of the site for dredge material disposal. The project would result in the permanent loss of 9.68 acres wetlands.

**MITIGATION:** The applicant has proposed to compensate for unavoidable impacts to 9.68 acres of wetlands through the purchase of the appropriate quantity of mitigation bank credits. The final amount of required credits will be dependent on the location of the specific wetland

mitigation bank from which the applicant chooses to purchase mitigation credits, the calculated quality of the subject wetlands, the need to apply the Proximity Factor, and the Ratio Method the specific bank uses to calculate credit requirements based on quality. The Mobile District has not yet verified the adequacy of the applicant's proposed mitigation plan at this time.

**WATER QUALITY:** 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 concurrence in accordance with the Alabama Coastal Area 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 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 Mobile District has determined that the permit area consists of the entire undertaking in waters of the United States as well as the remaining upland portions of the 30-acre parcel. The USACE coordinated with the Alabama Historical Commission (AHC) as part of a 2012 DA permit review (SAM-2012-01309-GAC) for the subject parcel currently under review. By letter dated January 18, 2013, the AHC concurred that the proposed project (AHC File 13-0159) 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 U.S. Army Corps of Engineers (USACE) has made a preliminary determination that there will be no effect on 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 have been listed by the U.S. Fish and Wildlife Service (USFWS) as being threatened or endangered are found within the Tensaw River-Apalachee River 12 digit HUC 031602040505 boundary: West Indie Manatee (T), Wood stork (T), Eastern Indigo snake (T), Alabama Red Bellied Turtle (E), and the Gulf Sturgeon (T). There is no designated critical habitat within the project's action area.

The USACE coordinated with the U.S. Fish and Wildlife Service (USFWS) as part of a 2012 DA permit (SAM-2012-01309-GAC) review for the subject parcel. By letter dated November 19, 2012, the USFWS concurred that the proposed project would have no adverse effects on fish and wildlife (USFWS File 2013-CPA-0016). Considering this past determination, the highly disturbed nature of the action area, lacking suitable habitat for the threatened and endangered species identified above, the USACE has preliminarily determined the proposed project would have no effect on listed species or critical habitat. This preliminary determination is being coordinated with the USFWS via this Public Notice for any possible comments.

**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 U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2018-00486-GAC**, and should be directed to the Mobile District, Regulatory Division, Attention: Ms. Elizabeth A. Hamilton, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov), or sent to: Alabama Department of Environmental Management, 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 at (251) 694-3781, or e-mail at [Elizabeth.A.Seavoy@usace.army.mil](mailto:Elizabeth.A.Seavoy@usace.army.mil). Please refer to the above Public Notice Number SAM-2019-00486-GAC, in any communication concerning this project.

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

Attachments



VICINITY MAP  
N.T.S.



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PROJECT

**ZENITH ENERGY  
TERMINAL  
COE PERMIT**

BY

RCC

DATE

12/12/19

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OF

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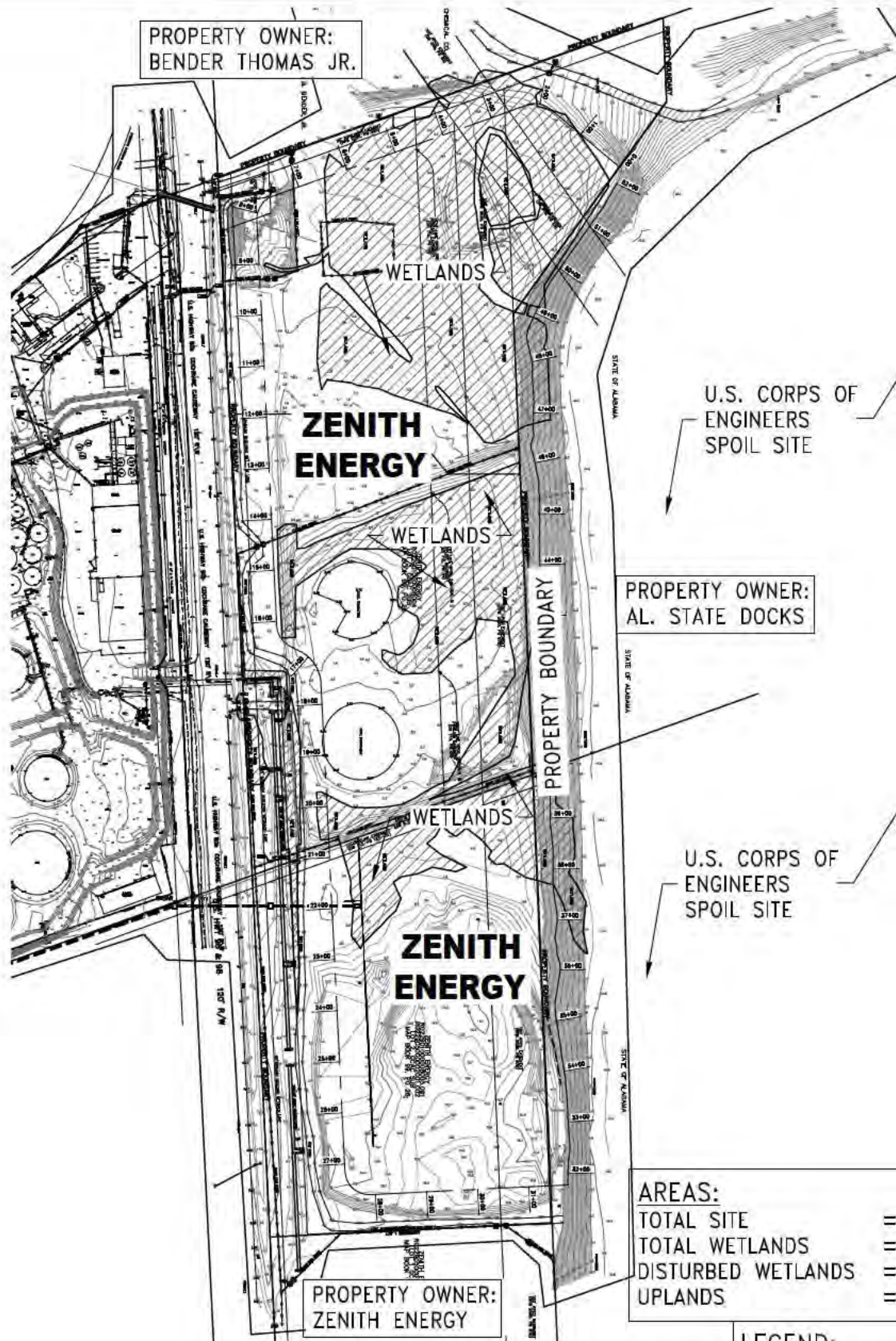
REV.  
B

DRAWING NUMBER

3373-C1

SAM-2018-00486-GAC

PROPERTY OWNER:  
BENDER THOMAS JR.



U.S. CORPS OF  
ENGINEERS  
SPOIL SITE

PROPERTY OWNER:  
AL. STATE DOCKS

U.S. CORPS OF  
ENGINEERS  
SPOIL SITE

PROPERTY OWNER:  
ZENITH ENERGY

**AREAS:**

TOTAL SITE	=	30.00 ACRES
TOTAL WETLANDS	=	10.09 ACRES
DISTURBED WETLANDS	=	9.68 ACRES
UPLANDS	=	19.91 ACRES

**LEGEND:**

WETLANDS	
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EXISTING PLAN  
1"=300'-0"

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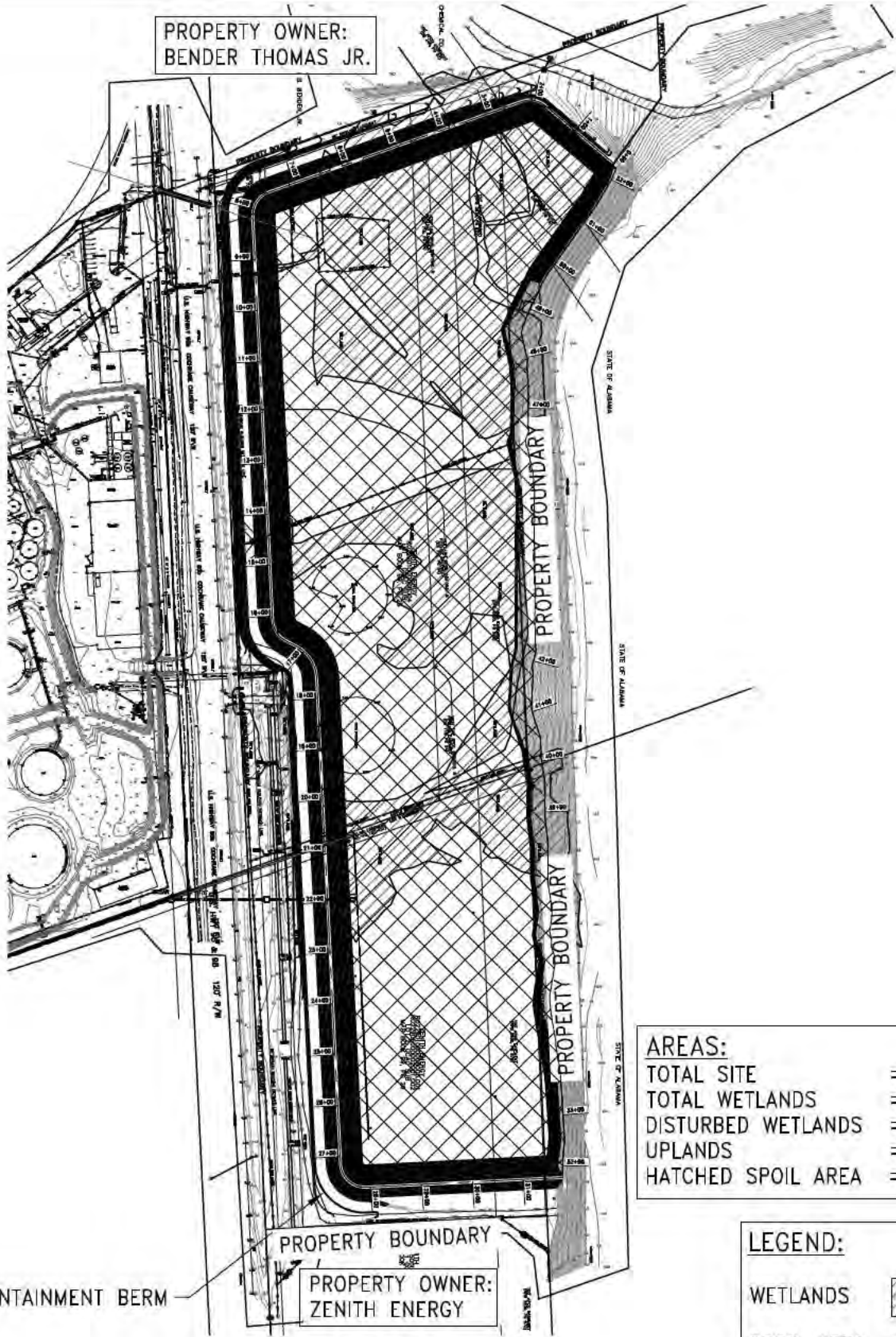
PROJECT

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BY	RCC	DATE	12/13/19
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DRAWING NUMBER	3373-C2		
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SAM-2018-00486-GAC

PROPERTY OWNER:  
BENDER THOMAS JR.



AREAS:	
TOTAL SITE	= 30.00 ACRES
TOTAL WETLANDS	= 10.09 ACRES
DISTURBED WETLANDS	= 9.68 ACRES
UPLANDS	= 19.91 ACRES
HATCHED SPOIL AREA	= 22.81 ACRES

LEGEND:	
WETLANDS	
SPOIL AREA (ELEV. +20')	

PROPERTY OWNER:  
ZENITH ENERGY

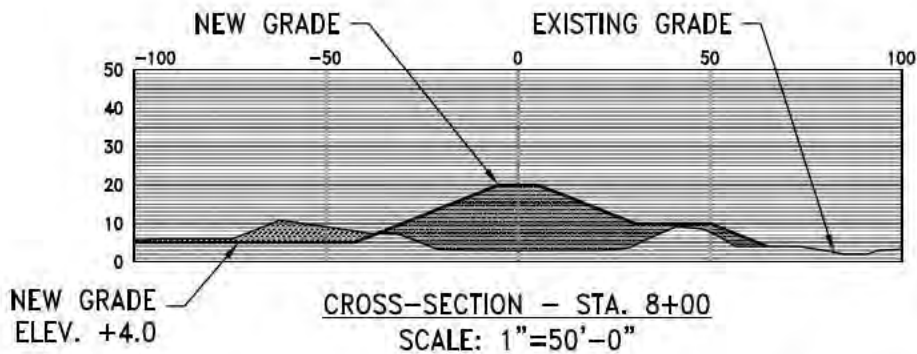
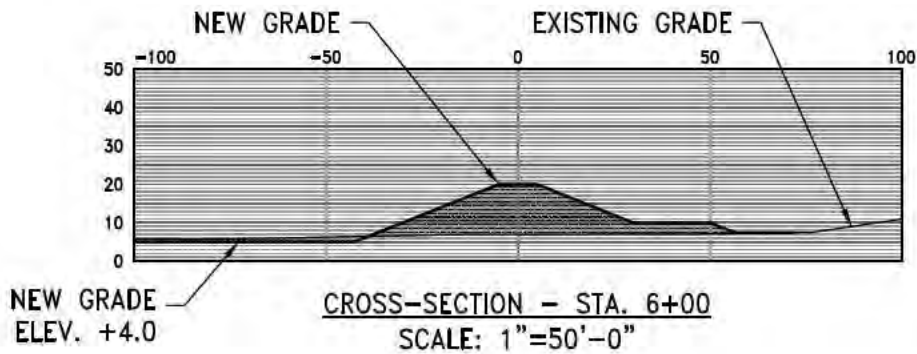
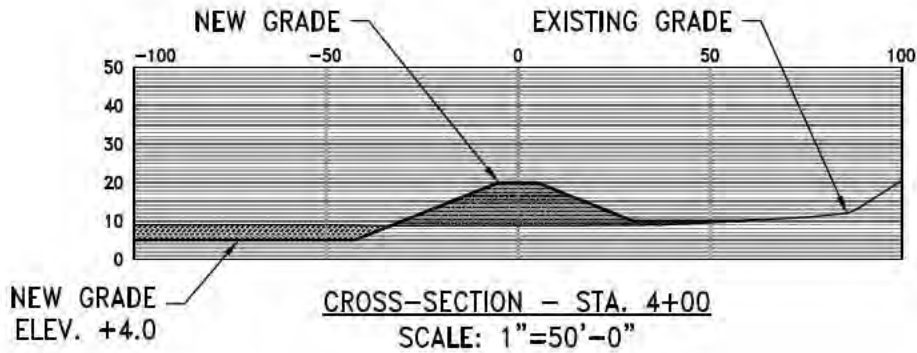
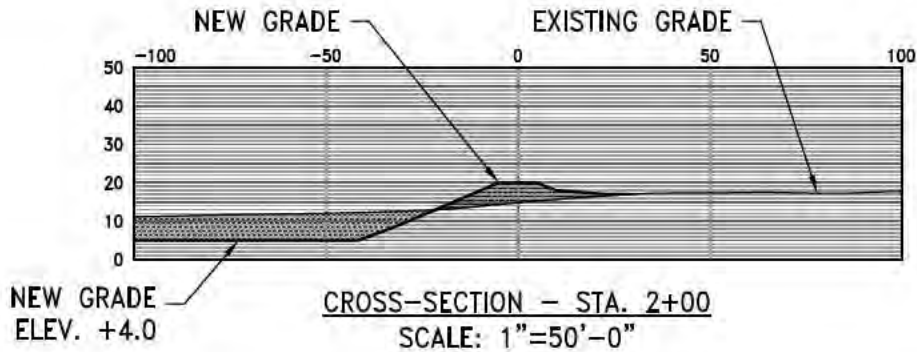
NEW SITE PLAN  
1"=300'-0"

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DRAWING NUMBER 3373-C3	

SAM-2018-00486-GAC



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2 OF 2

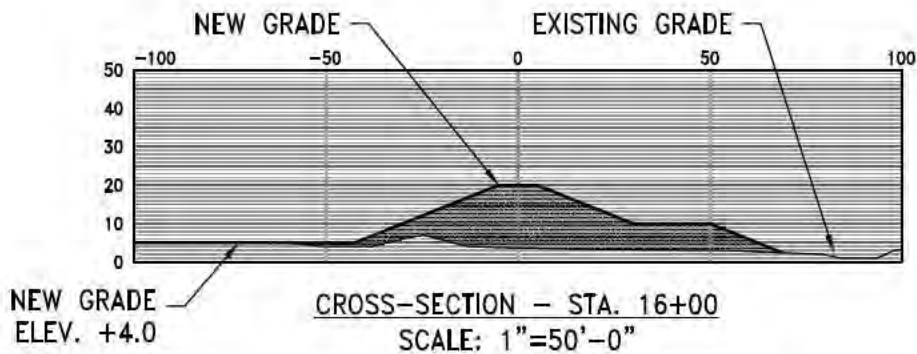
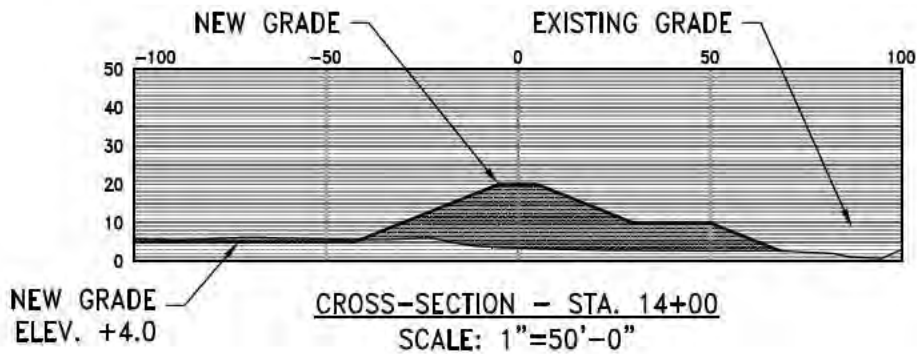
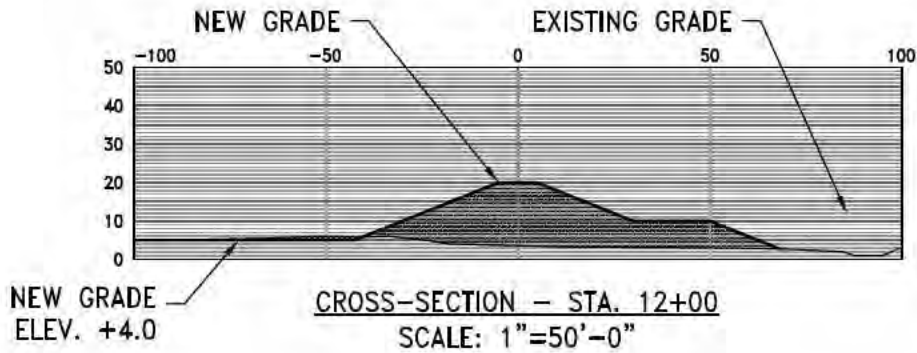
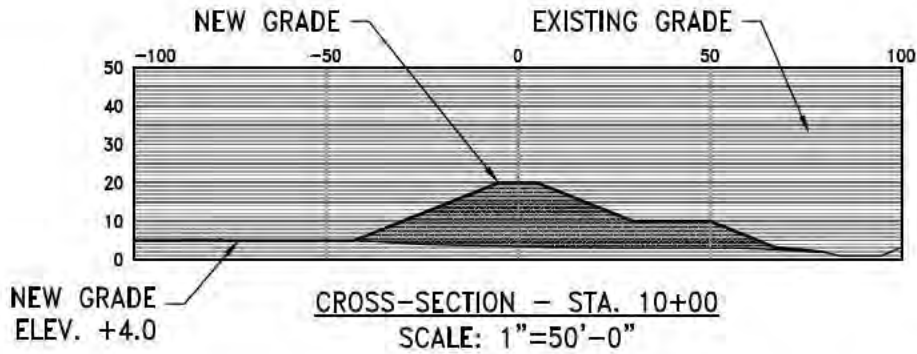
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SAM-2018-00486-GAC



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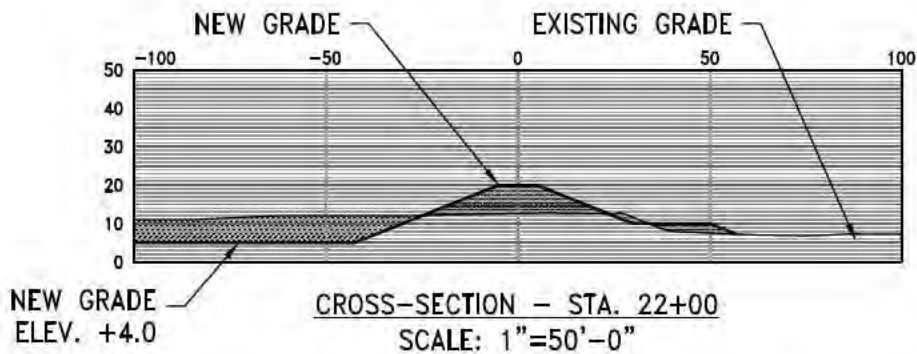
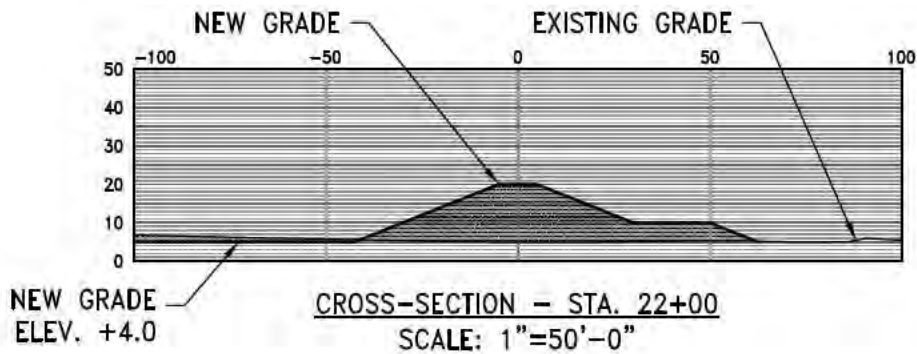
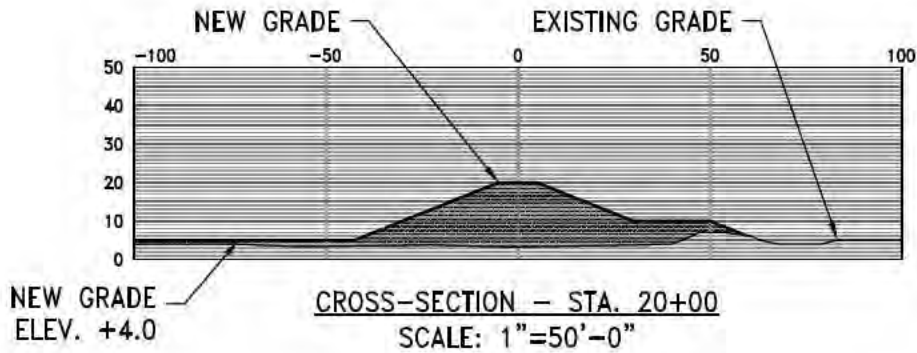
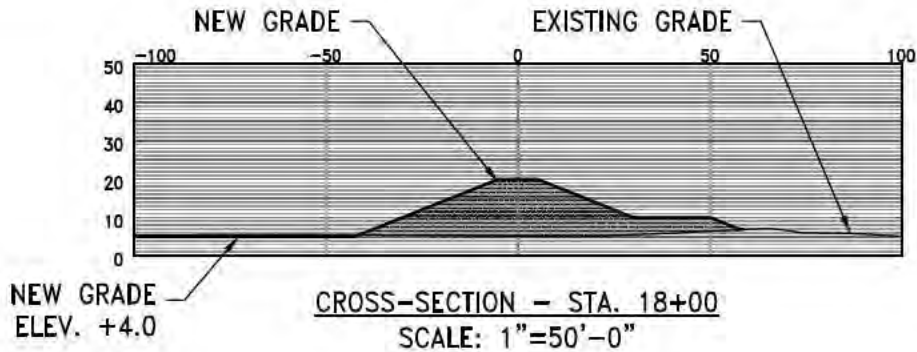
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SAM-2018-00486-GAC





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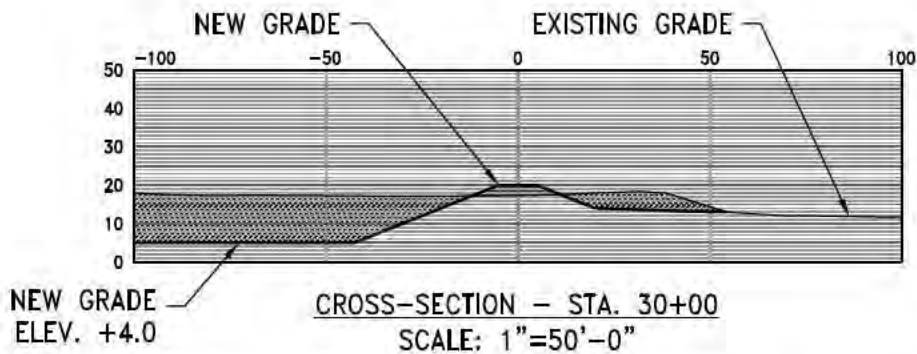
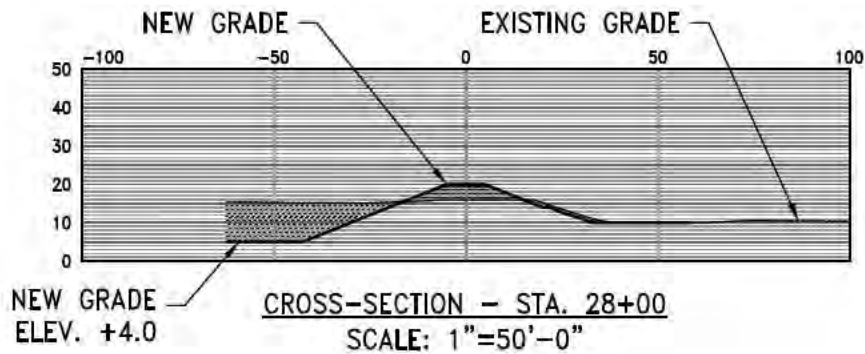
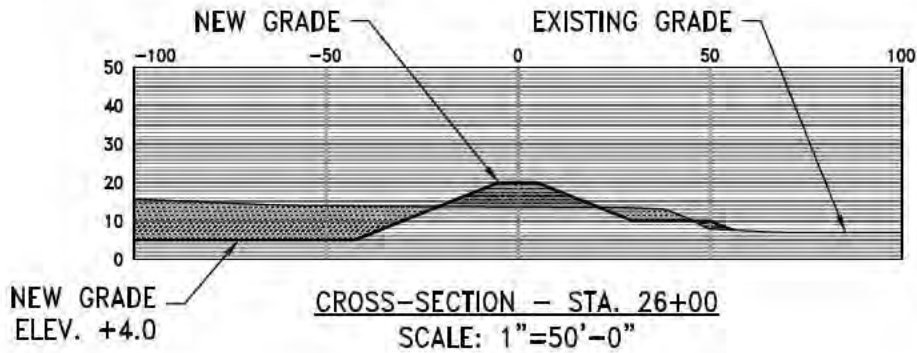
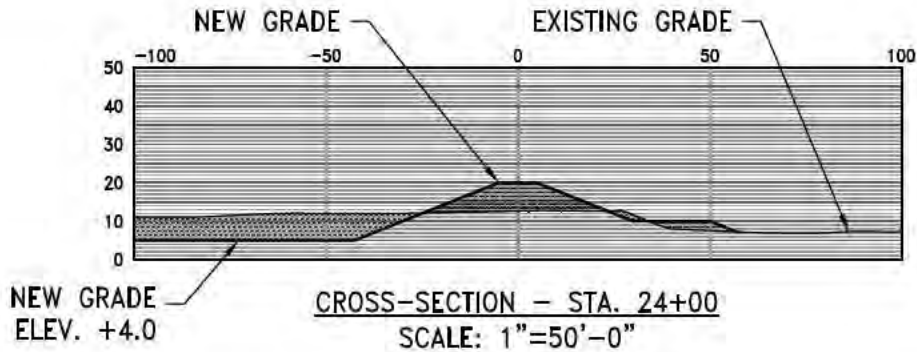
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SAM-2018-00486-GAC



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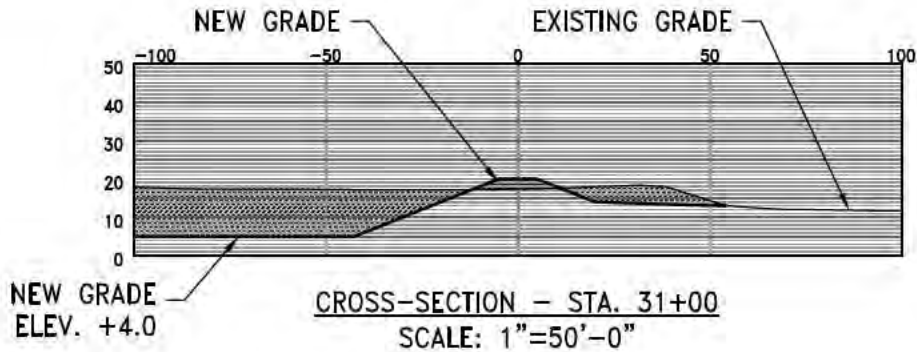
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**3373-C7**

SAM-2018-00486-GAC



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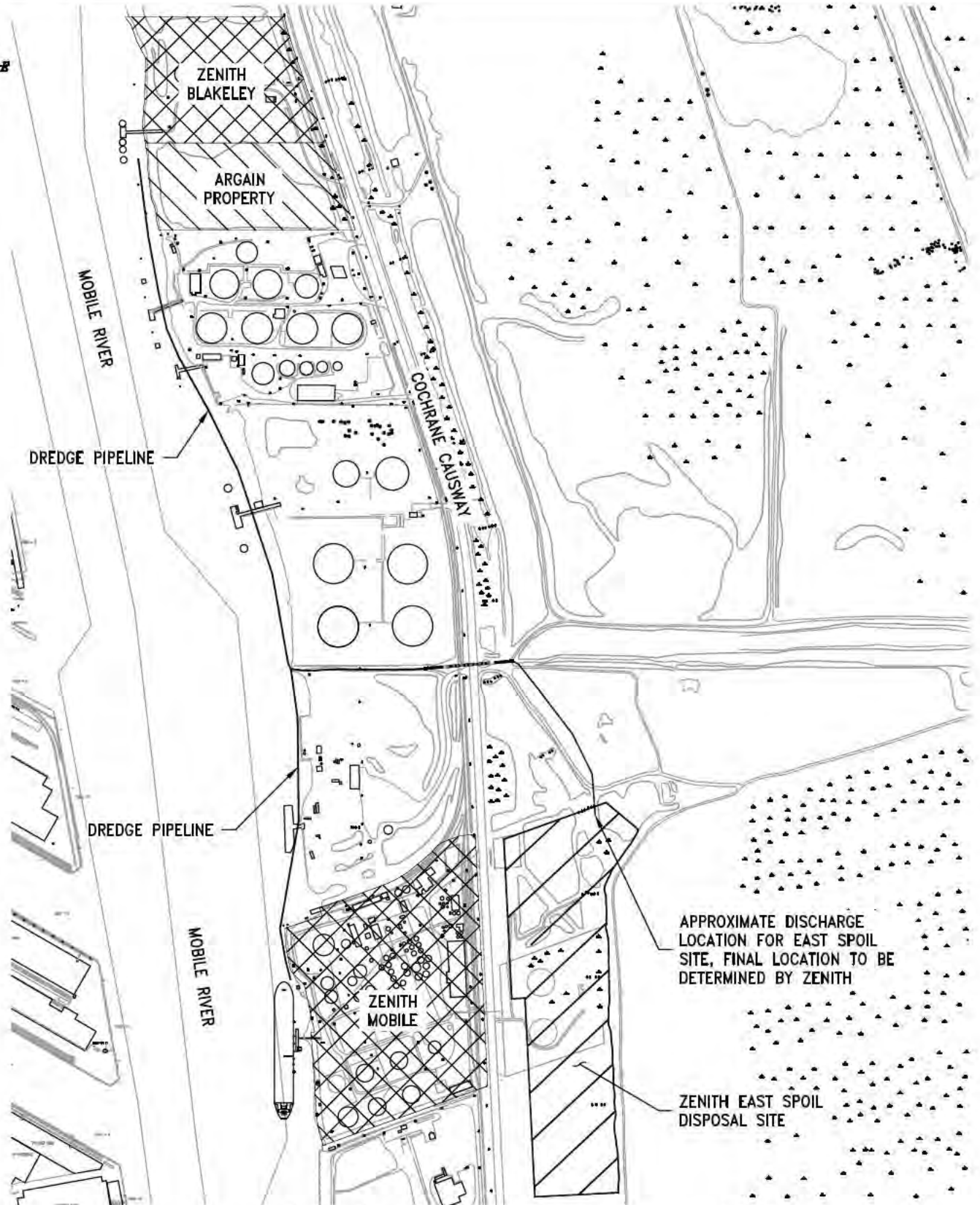
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SHEET    OF    REV. **B**

DRAWING NUMBER **3373-C8**

SAM-2018-00486-GAC



**DREDGE PIPELINE ROUTE**  
N.T.S.

APPROXIMATE DISCHARGE LOCATION FOR EAST SPOIL SITE, FINAL LOCATION TO BE DETERMINED BY ZENITH

ZENITH EAST SPOIL DISPOSAL SITE

**NOTE:**  
PIPELINE WILL NOT BE REQUIRED IF MECHANICALLY DREDGED.

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DRAWING NUMBER 3373-C9

SAM-2018-00486-GAC