



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-2019-00089-JEB

January 7, 2020

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

REQUEST TO FILL 0.137 ACRE OF WETLANDS FOR THE CONSTRUCTION OF A RETAIL DEVELOPMENT IN FORT MORGAN, 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: The Broadway Group, LLC
216 Westside Square
Huntsville, Alabama 35801

AGENT: ARC Environmental, Inc.
Attention: Ms. Michelle Campbell, President
Post Office Box 190
Brownsboro, Alabama 35741

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

LOCATION: The project is located near Bon Secour Bay, on State Highway 180, mile marker 10; within Section 22, Township 9 South, Range 2 East; at Latitude 30.2387° North, Longitude 87.8587° West, Fort Morgan, Baldwin County, Alabama

PROJECT PURPOSE: The purpose of the proposed project is to provide the applicant with buildable uplands for the construction of a retail store with associated parking and infrastructure, including utility lines and a storm-water detention facility.

PROPOSED WORK: The proposed project consists of clearing and grubbing within the project footprint, backfilling where necessary, and constructing a 10,776 square foot retail store and associated parking and infrastructure. Ingress / egress to the retail store will be from Alabama Highway 180 to the north and will cross south through the state-owned right of way. Paved entry and a total of 54 parking spaces will be constructed along the west and north sides of the store. Utilities will be installed within the access drive footprint. The retail store will be connected to the commercially available sewer line, and a storm-water detention facility will be built behind the store along the south side of the property. Wetland fill impacts totals 5,966 square feet (0.137 acre).

AVOIDANCE AND MINIMIZATION: The proposed development has been designed to avoid impacts to the remaining 0.68 acre of the 0.82 acre of wetlands located on the 3.05-acre parcel, while accommodating the needs of the building footprint, parking spaces, access drive, stormwater detention, and related infrastructure. The applicant submitted an alternatives analysis demonstrating on-site reconfigurations of the development, and identifying other nearby properties considered during the selection process. In consideration of zoning, minimization of wetland impacts, and footprint requirements, no suitable alternate properties were found. Reconfigurations of the project footprint were also found to be ineffectual due to requirements for minimum customer/employee parking spaces, sufficient space for entry and exit of delivery vehicles, and the building footprint requirements. The applicant has demonstrated maximum avoidance and minimization measures.

MITIGATION: The applicant has proposed to compensate for impacts to 5,966 square feet (0.137 acre) of high quality bottomland hardwood wetlands through the purchase of the appropriate quantity of in-kind mitigation bank wetland 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 need to apply the Proximity Factor, and the ratio 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/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 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 325, the undertaking defined in this notice has been considered for the potential to affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR 325, the U.S. Army Corps of Engineers (USACE) 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 project footprint that would be utilized for construction access and equipment and materials staging. Following review of available resources, the USACE no effect determination and supporting documents were coordinated with the State Historic Preservation Officer (SHPO) by letter, and the SHPO has provided concurrence with the USACE determination (AHC #19-1266).

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 may affect the Alabama Beach Mouse, and will have no effect on the other following listed endangered or threatened species with the potential to exist within the permit area: wood stork, piping plover, red knot, West Indian manatee, green sea turtle, Kemp's ridley sea turtle, loggerhead sea turtle, and eastern indigo snake. These determinations are being coordinated with the U.S. Fish and Wildlife Service (FWS) via this public notice.

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.

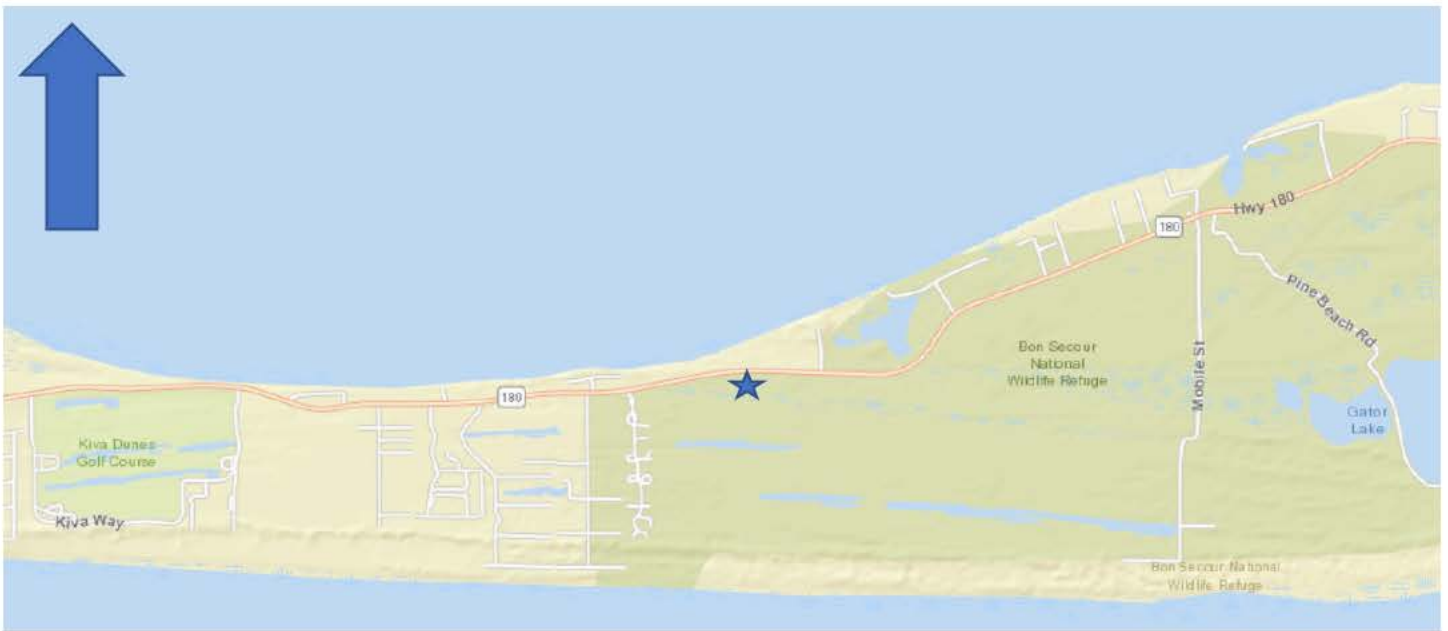
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2019-00089-JEB**, and should be directed to the District Engineer, Mobile District, Mobile Field Office, Regulatory Division, **Attention: Ms. Elizabeth Hamilton**, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at coastal@adem.alabama.gov, 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 question concerning this publication, you may contact the project manager at (251) 694-3781, or email at Elizabeth.A.Seavoy@usace.army.mil. Please refer to the above Public Notice Number.

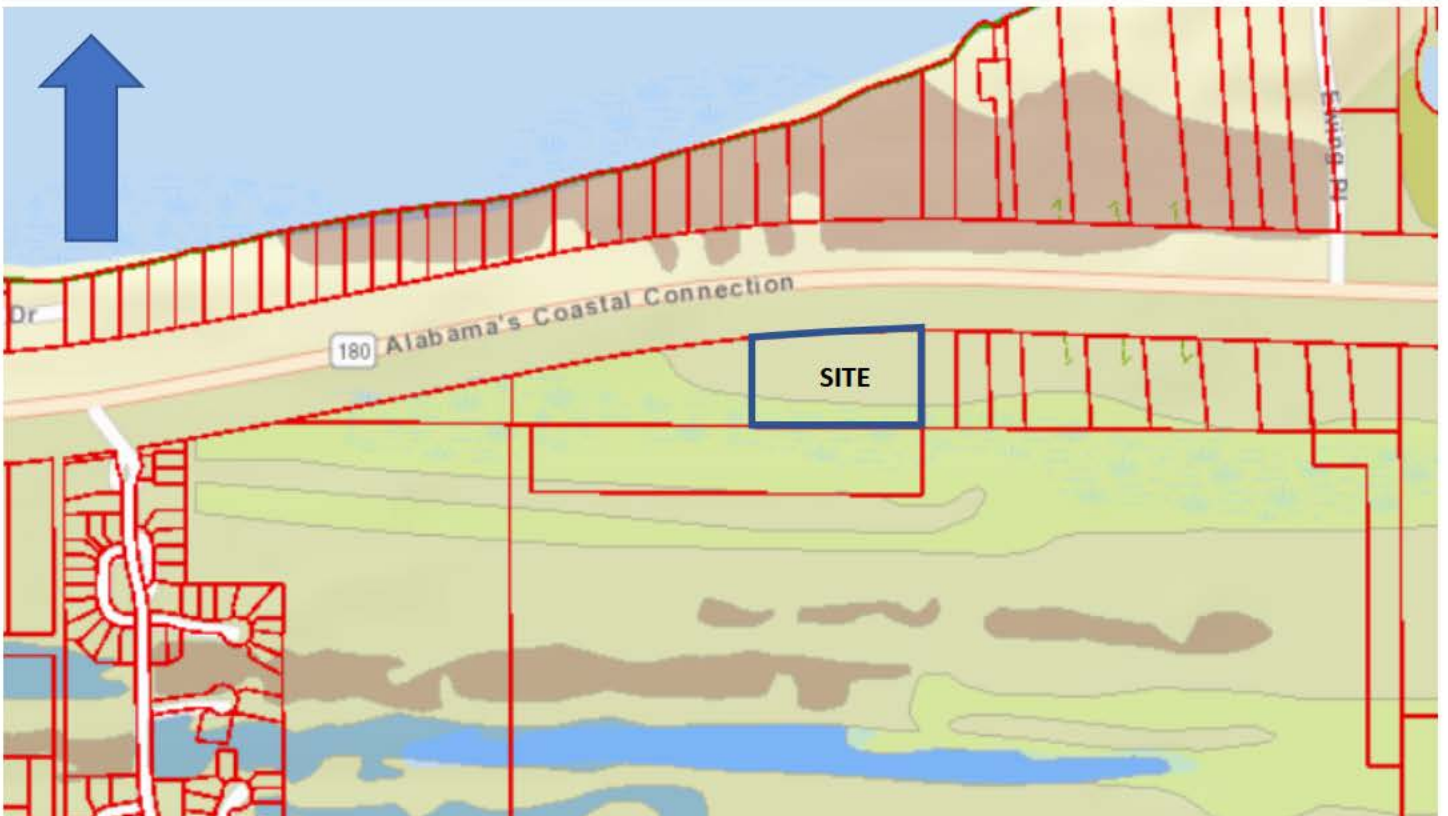
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

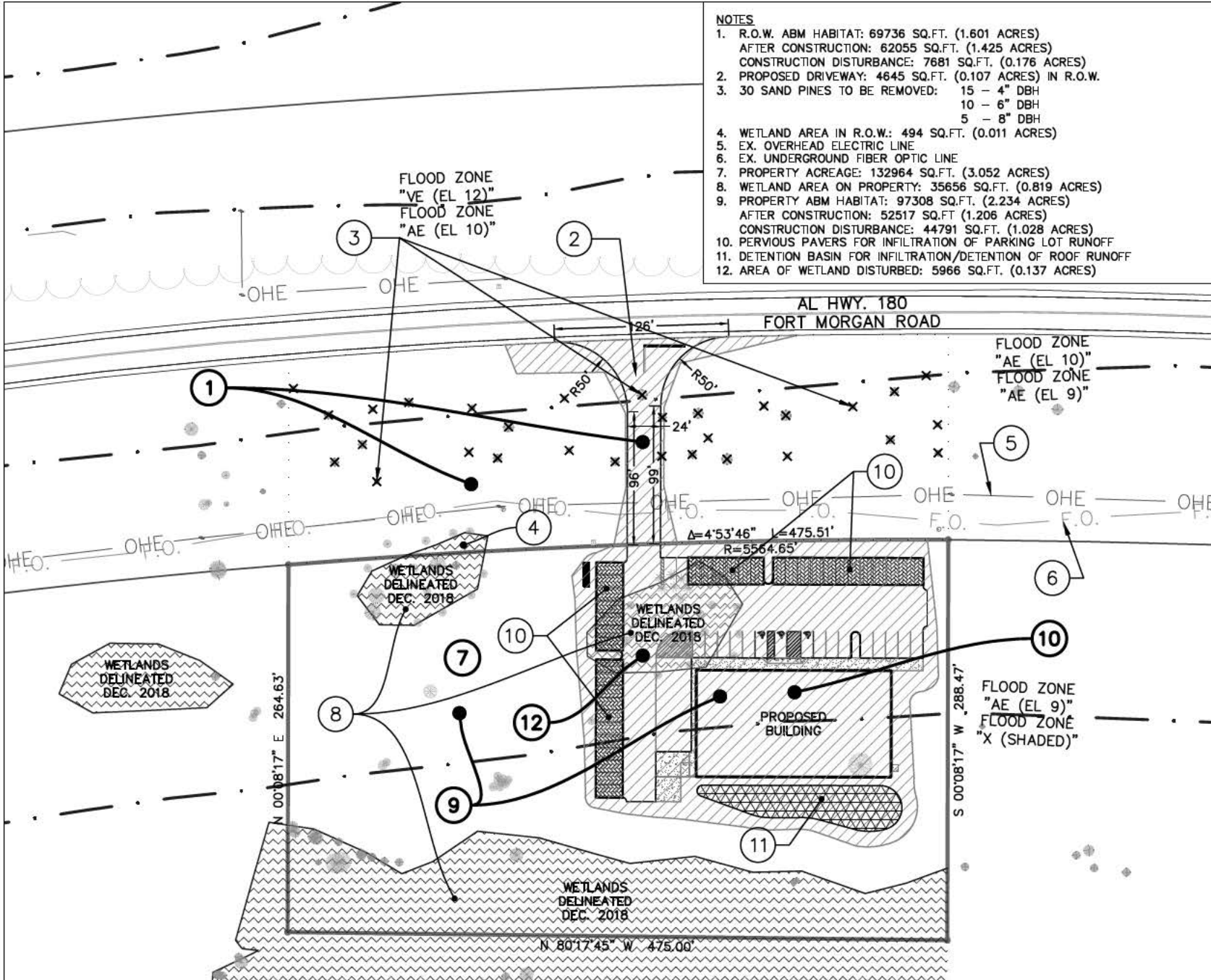
MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



VICINITY MAPS
THE BROADWAY GROUP, LLC
FORT MORGAN RETAIL SITE
FORT MORGAN, BALDWIN CO., ALABAMA





NOTES

1. R.O.W. ABM HABITAT: 69736 SQ.FT. (1.601 ACRES)
AFTER CONSTRUCTION: 62055 SQ.FT. (1.425 ACRES)
CONSTRUCTION DISTURBANCE: 7681 SQ.FT. (0.176 ACRES)
2. PROPOSED DRIVEWAY: 4645 SQ.FT. (0.107 ACRES) IN R.O.W.
3. 30 SAND PINES TO BE REMOVED: 15 - 4" DBH
10 - 6" DBH
5 - 8" DBH
4. WETLAND AREA IN R.O.W.: 494 SQ.FT. (0.011 ACRES)
5. EX. OVERHEAD ELECTRIC LINE
6. EX. UNDERGROUND FIBER OPTIC LINE
7. PROPERTY ACREAGE: 132964 SQ.FT. (3.052 ACRES)
8. WETLAND AREA ON PROPERTY: 35656 SQ.FT. (0.819 ACRES)
9. PROPERTY ABM HABITAT: 97308 SQ.FT. (2.234 ACRES)
AFTER CONSTRUCTION: 52517 SQ.FT. (1.206 ACRES)
CONSTRUCTION DISTURBANCE: 44791 SQ.FT. (1.028 ACRES)
10. PERVIOUS PAVERS FOR INFILTRATION OF PARKING LOT RUNOFF
11. DETENTION BASIN FOR INFILTRATION/DETENTION OF ROOF RUNOFF
12. AREA OF WETLAND DISTURBED: 5966 SQ.FT. (0.137 ACRES)



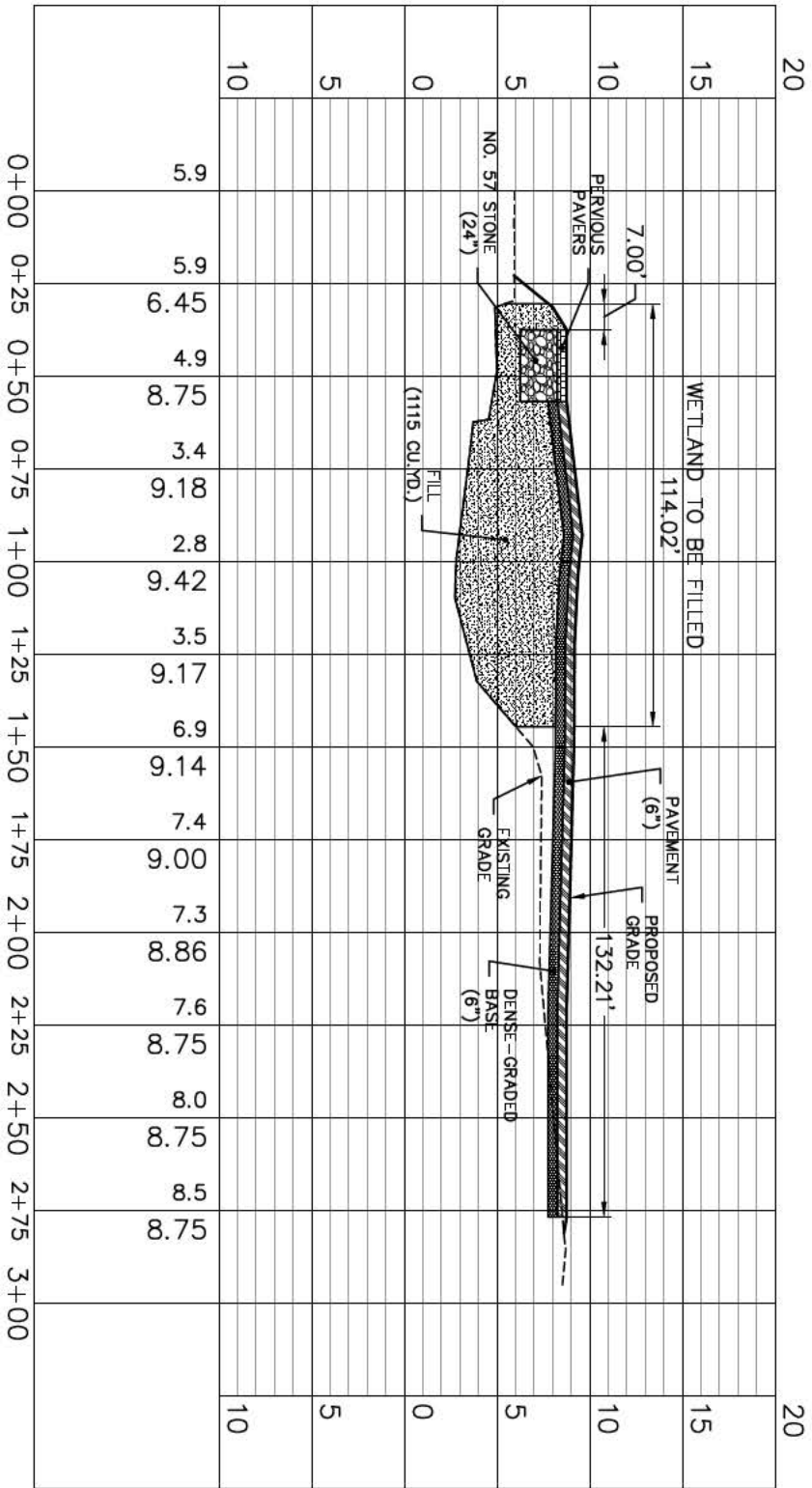
Broadway Management, LLC
216 Westside Square • Huntsville, AL 35891
Phone: (256) 533-7267 • Fax: (256) 533-7236

DRAWN BY:	JKG
DATE:	07-11-2019
REVISED:	10-04-2019
USACE WETLAND SUBMITTAL GENERAL SITE MAP	
SHEET 1 OF 4	

NEW RETAIL STORE
FORT MORGAN ROAD
FORT MORGAN, AL
BALDWIN COUNTY



SCALE: 1" = 100'



WEST-EAST SECTION
(LOOKING NORTH)

H: 1" = 50'
V: 1" = 5'

NEW RETAIL STORE
FORT MORGAN ROAD
FORT MORGAN, AL
BALDWIN COUNTY

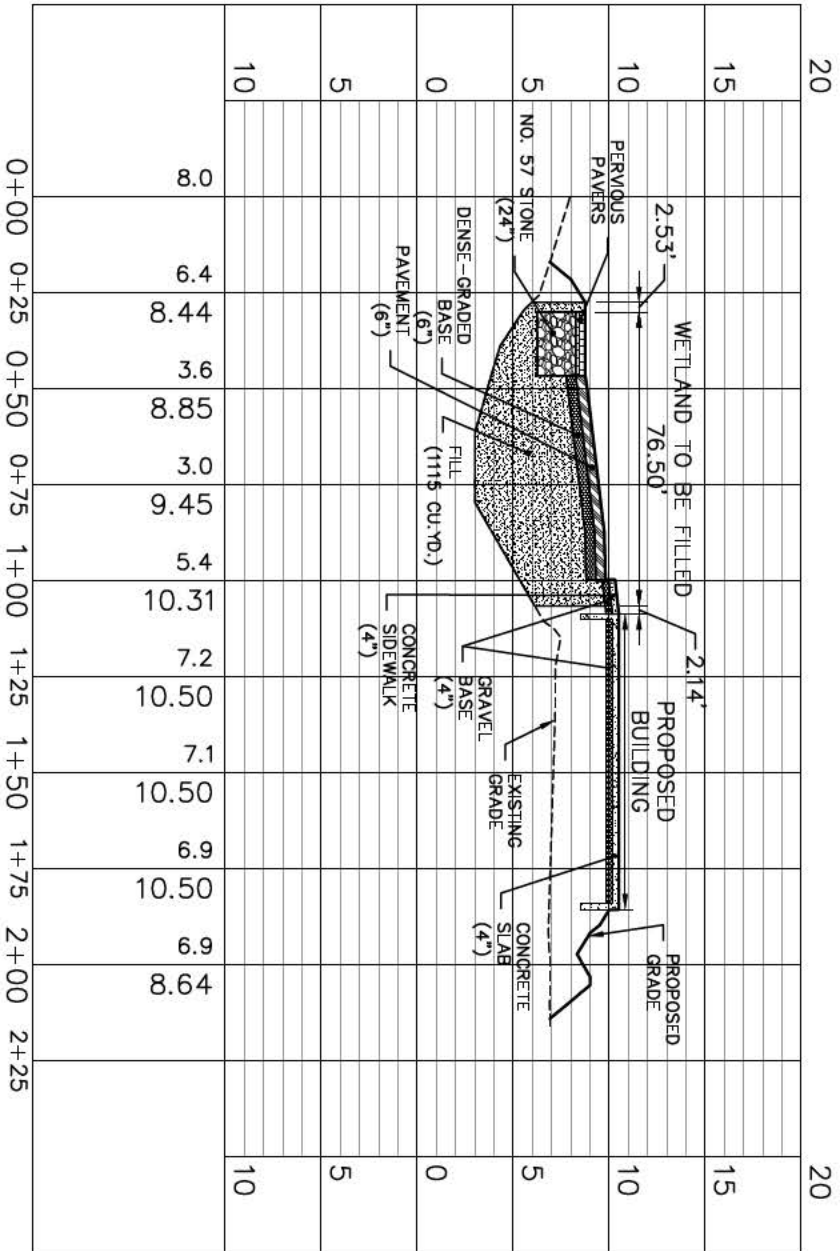
DRAWN BY: JKG
DATE: 07-11-2019
REVISED: 10-04-2019

USACE WETLAND SUBMITTAL
SECTION LOOKING NORTH

SHEET 3 OF 4



Broadway Management, LLC
216 Westside Square • Huntsville, AL 35801
Phone: (256) 533-7287 • Fax: (256) 533-7236



NORTH-SOUTH SECTION
(LOOKING EAST)

H: 1" = 50'
V: 1" = 5'

NEW RETAIL STORE
FORT MORGAN ROAD
FORT MORGAN, AL
BALDWIN COUNTY

DRAWN BY: JKG
DATE: 07-11-2019
REVISED: 10-04-2019

USACE WETLAND SUBMITTAL
SECTION LOOKING EAST

SHEET 4 OF 4



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