



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

CESAM RD-A
PUBLIC NOTICE NO. SAM-2019-00184-DCH

October 20, 2023

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

REQUEST TO DISCHARGE FILL MATERIAL INTO 2.79 ACRES OF WETLANDS
FOR THE CONSTRUCTION OF AN AMPHITHEATER, ASSOCIATED STRUCTURES,
AND PARKING LOT, BAYFRONT PARK, DAPHNE, 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 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: City of Daphne
Attention: Mr. Troy Strunk
P.O. Box 400
Daphne, Alabama 36526

AGENT: Dewberry Engineers, Inc.
Attention: Ms. Cathy Barnette
25353 Friendship Road
Daphne, Alabama 36526

LOCATION: The project is located adjacent to Mobile Bay, 6200 Bayfront Park Drive; within Section 7, Township 5 South, Range 2 East; at Latitude 30.6302388 North, - 87.9177159 West; in Daphne, Baldwin County, Alabama.

PROJECT PURPOSE: The purpose of this project is to construct an amphitheater, restrooms, and parking as part of a multi-phase development project for Bayfront Park. The overall project purpose is to improve waterfront access to Mobile Bay for public recreation, education, and entertainment purposes.

PROPOSED WORK: The applicant is proposing to discharge approximately 40,397 cubic yards of fill into 2.79 acres of wetlands in association with construction activities. The project would involve filling approximately 0.61 acres of wetlands for the construction of the amphitheater, restrooms, and 14 parking spaces, with an additional wetland fill of approximately 2.18 acres for 203 parking spaces.

AVOIDANCE AND MINIMIZATION: The applicant has proposed to minimize wetland fill by minimizing on-site parking and providing additional parking offsite. Applicant has indicated that the site has been historically impacted and selected due to the wetland value, and the function of fill of historical agricultural ditches would not impair the ecological value of the area. Applicant has also indicated that stormwater design is to

be permeable pavers to support infiltration, along with underground treatment with a series of bays to aid in cleanout and maintenance. Construction Best Management Practices (BMPs) will be implemented to contain erosion. 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 has proposed to compensate for unavoidable impacts to wetlands through the utilization of the existing Village Point Preserve. The site will be placed into a deed-protected preserve by the applicant and undergo wetland enhancement projects to improve the functional value of the wetlands. The Mobile District has not 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). This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 the permit area consists of the entire undertaking in waters of the United States. 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. The Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. The USACE, Mobile District has not yet made a determination of potential effects the proposed project would have on cultural or historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized tribes will be performed as determined to be appropriate.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally listed species are known or expected to occur within the project area: the West Indian Manatee (T), Red Knot (T), Alabama Red-bellied Turtle (E), Eastern Indigo Snake (T), and Gulf Sturgeon (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made.

no determination regarding potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

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 USACE can be based. The Mobile District 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 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-2019-00184-DCH**, and should be directed to the project manager, Ms. S. Jessica Savage by e-mail at sarah.j.savage@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. S. Jessica Savage, Post Office Box 2288, Mobile,

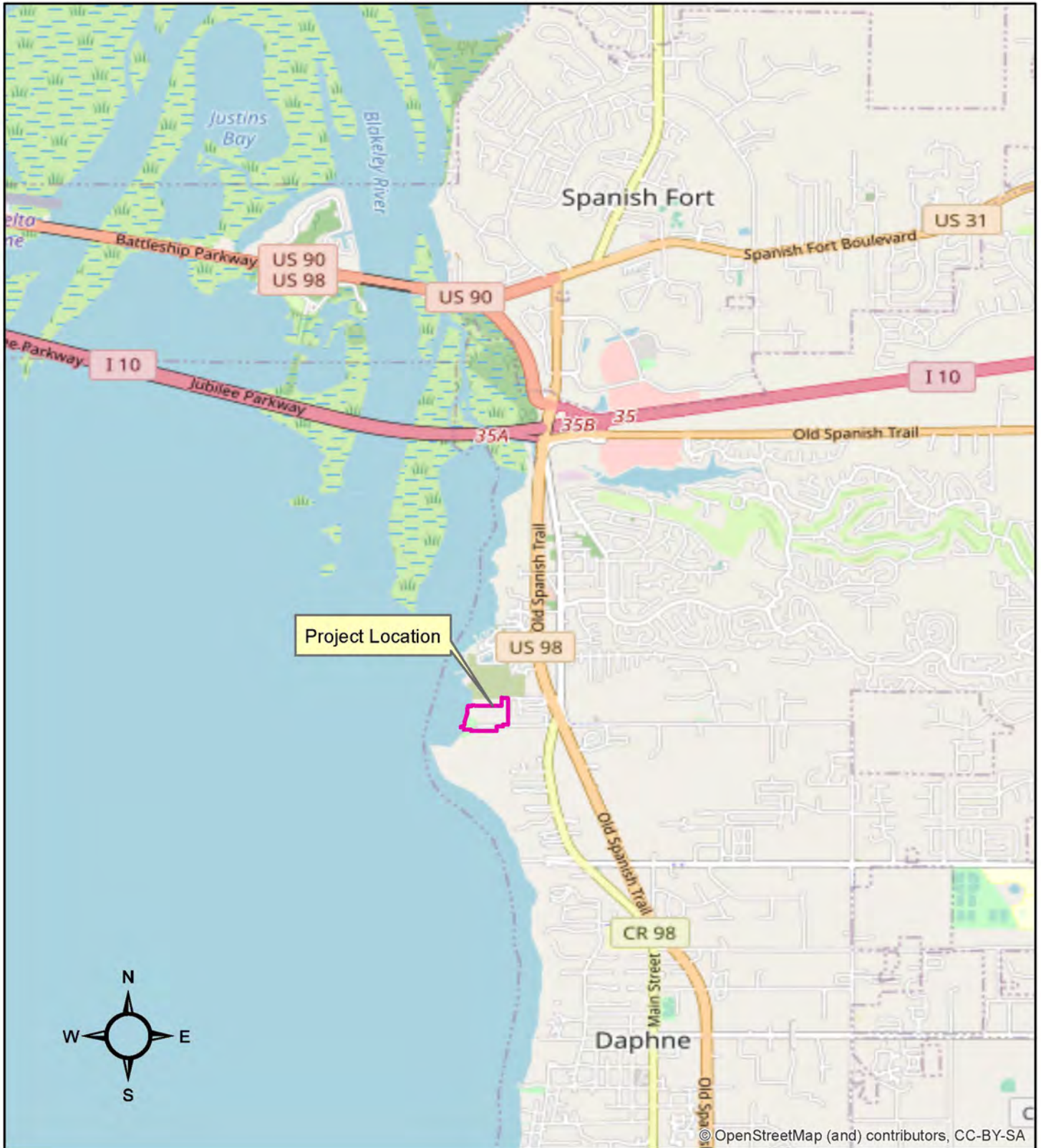
Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at coastal@adem.alabama.gov, or sent to: Alabama Department of Environmental Management, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

All comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact Ms. S. Jessica Savage by e-mail at sarah.j.savage@usace.army.mil, or (251) 428-9263. Please refer to the above Public Notice Number SAM-2019-00184-DCH, 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



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Section: 7 Township: 5 South Range: 2 East
Daphne AL, 36526





Section: 7 Township: 5 South Range: 2 East
Daphne AL, 36526

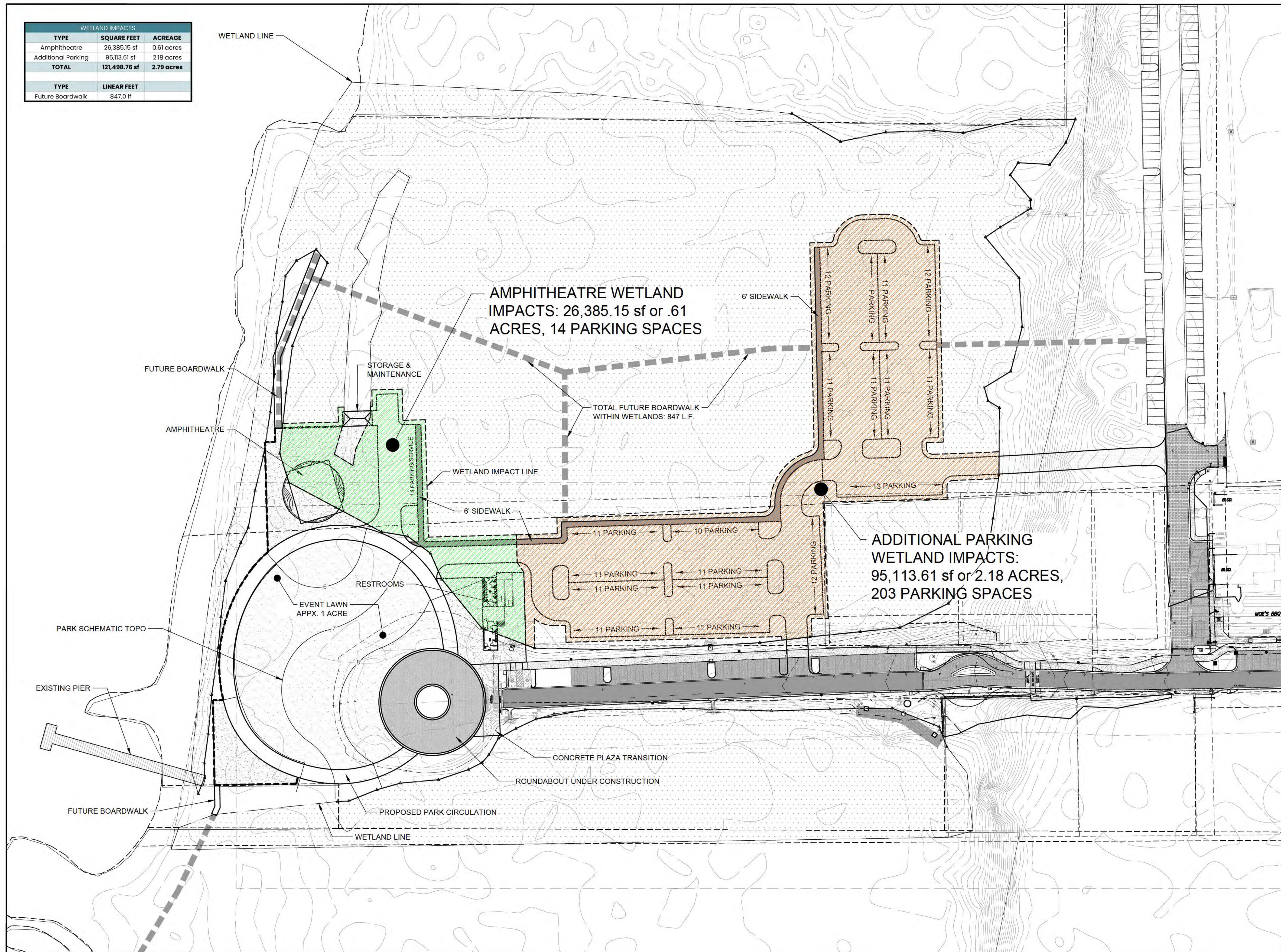




Section: 7 Township: 5 South Range: 2 East
Daphne AL, 36526



WETLAND IMPACTS		
TYPE	SQUARE FEET	ACREAGE
Amphitheatre	26,385.15 sf	0.61 acres
Additional Parking	95,113.61 sf	2.18 acres
TOTAL	121,498.76 sf	2.79 acres
WETLAND IMPACTS		
TYPE	LINEAR FEET	
Future Boardwalk	847.0 lf	



NOT
FOR CONSTRUCTION
THESE PLANS HAVE NOT BEEN
APPROVED AND ARE SUBJECT
TO CHANGE.

A Landscape Development Plan for
BAYFRONT PARK
DAPHNE, ALABAMA

Revisions		
No.	Date	Revisions / Submissions
08.30.23		CLIENT REVIEW
09.07.23		PERMIT REVIEW

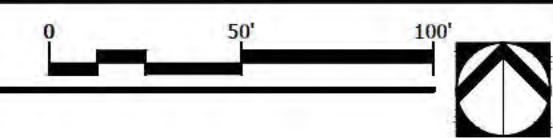
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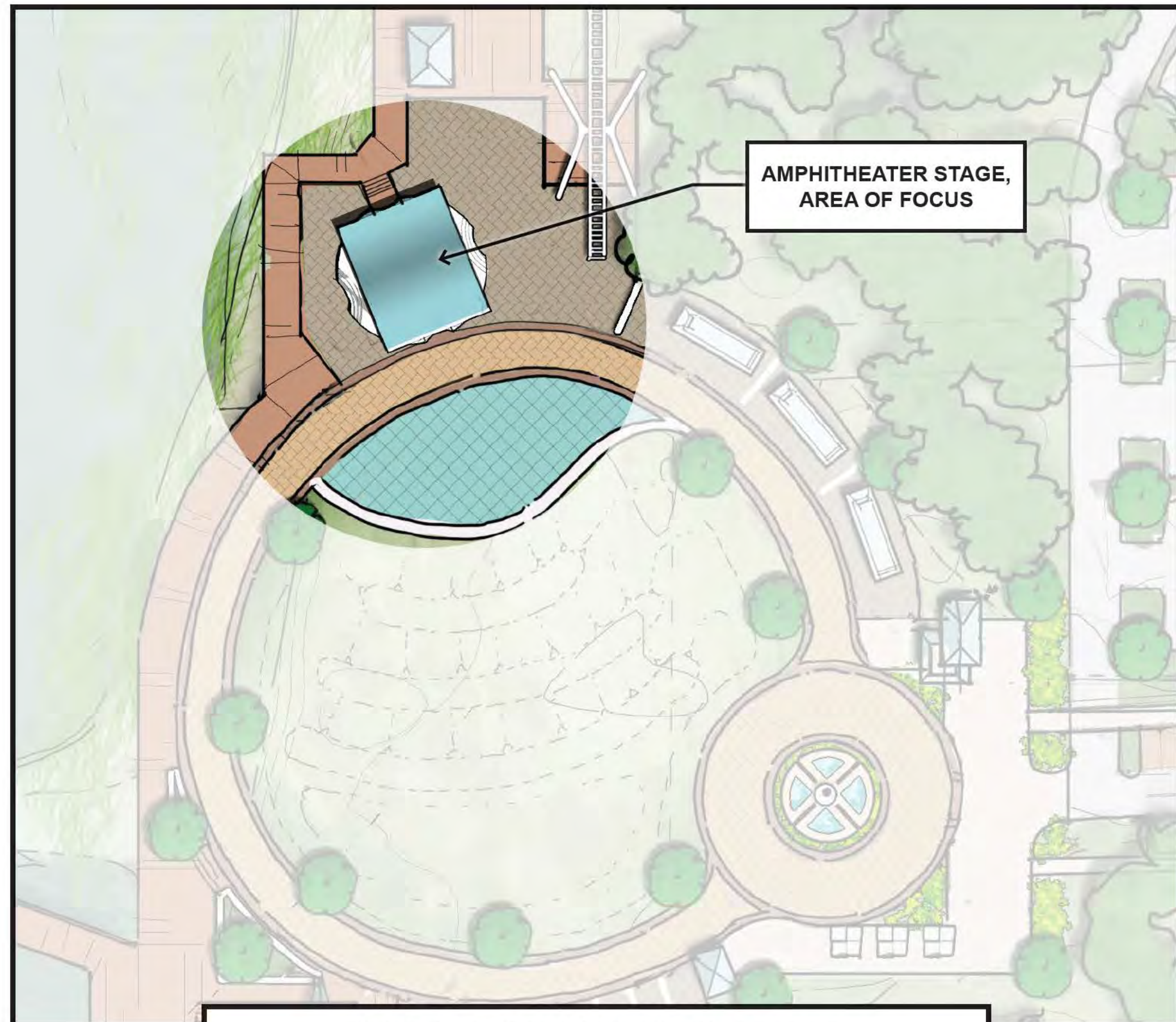
CXX	Registration
Drawn	
VW	
Project Manager	
CW	
Principal	
232017-044	
Project No.	
08.30.23	
Date	

Sheet Title

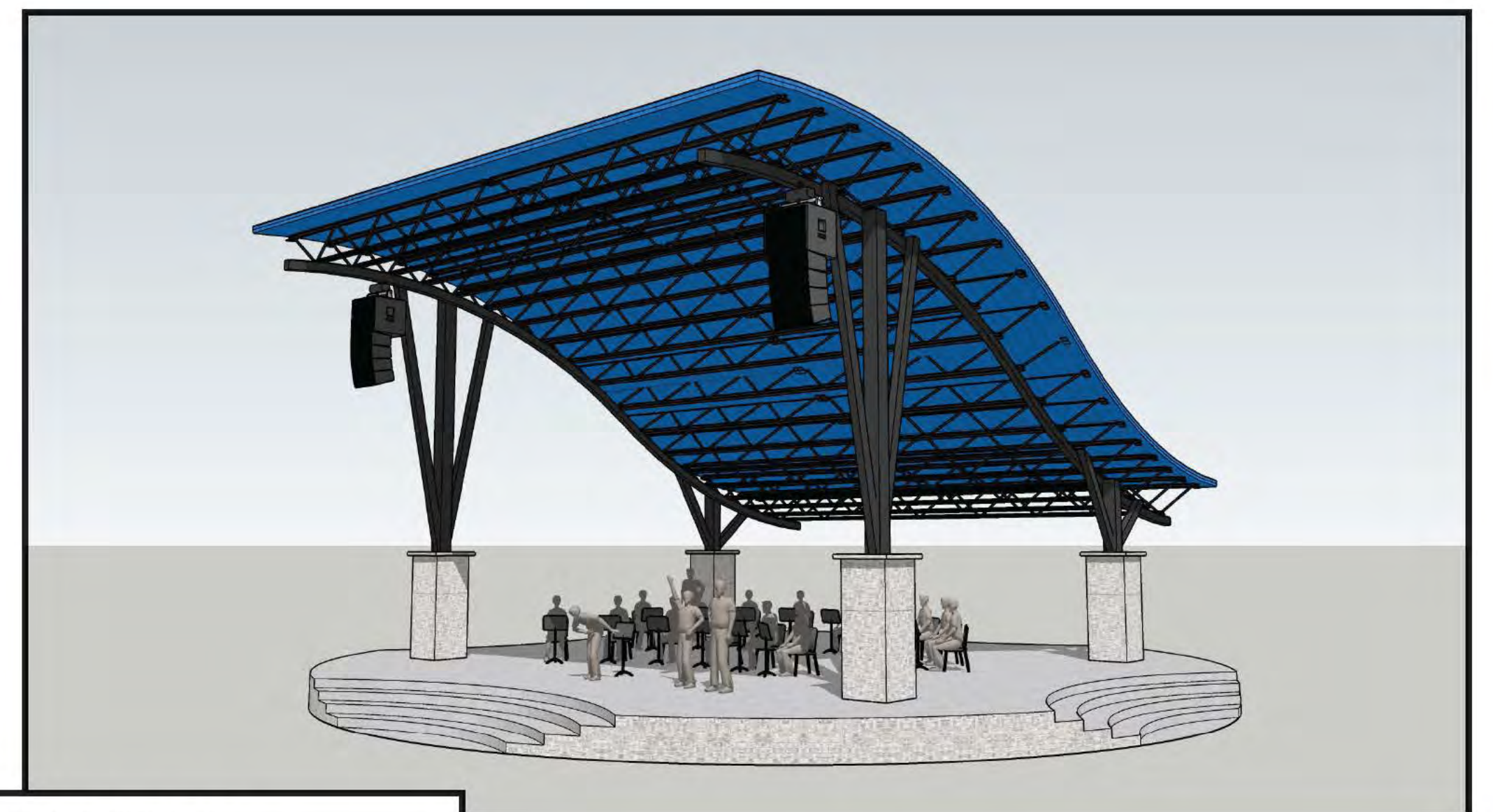
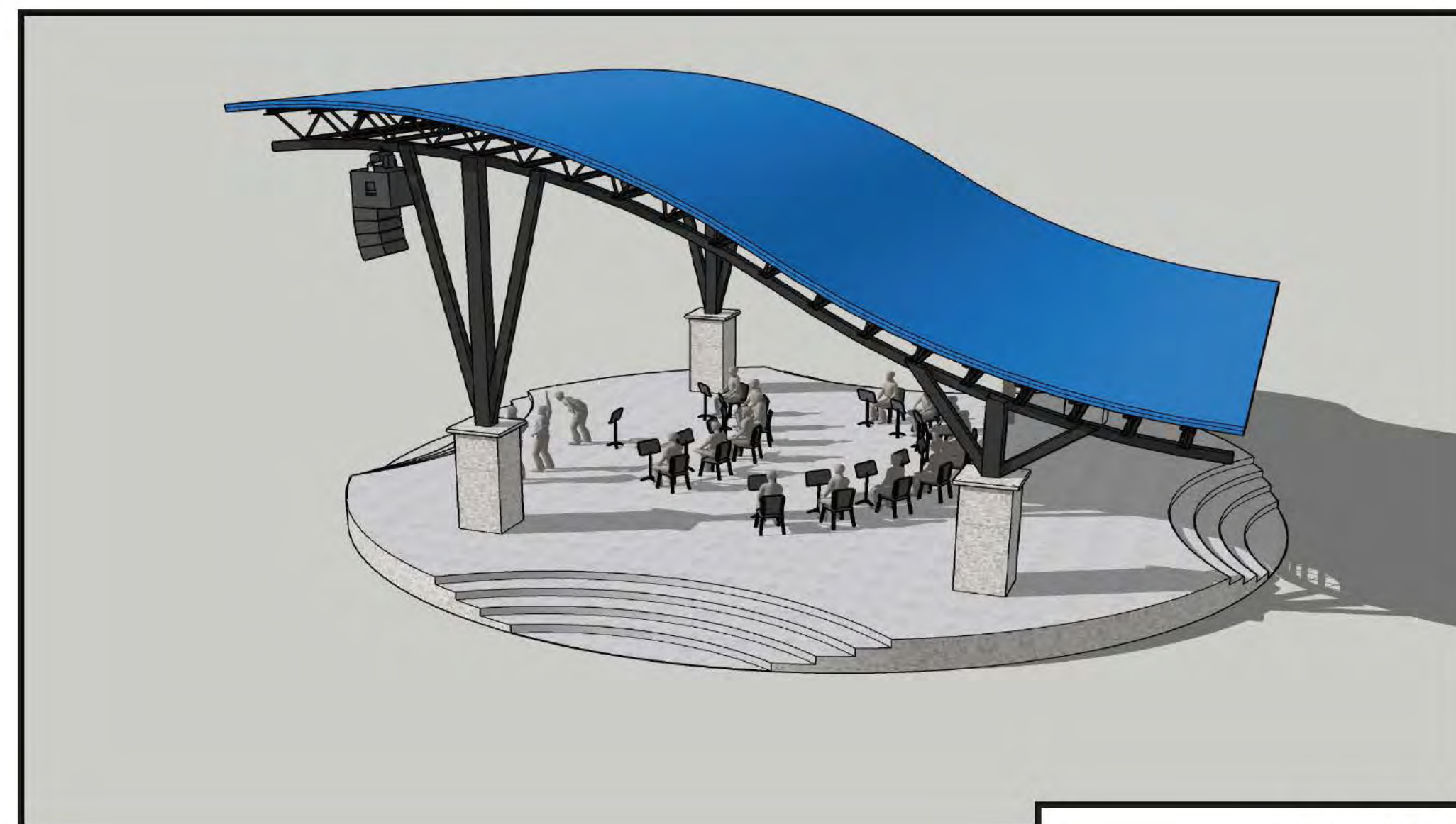
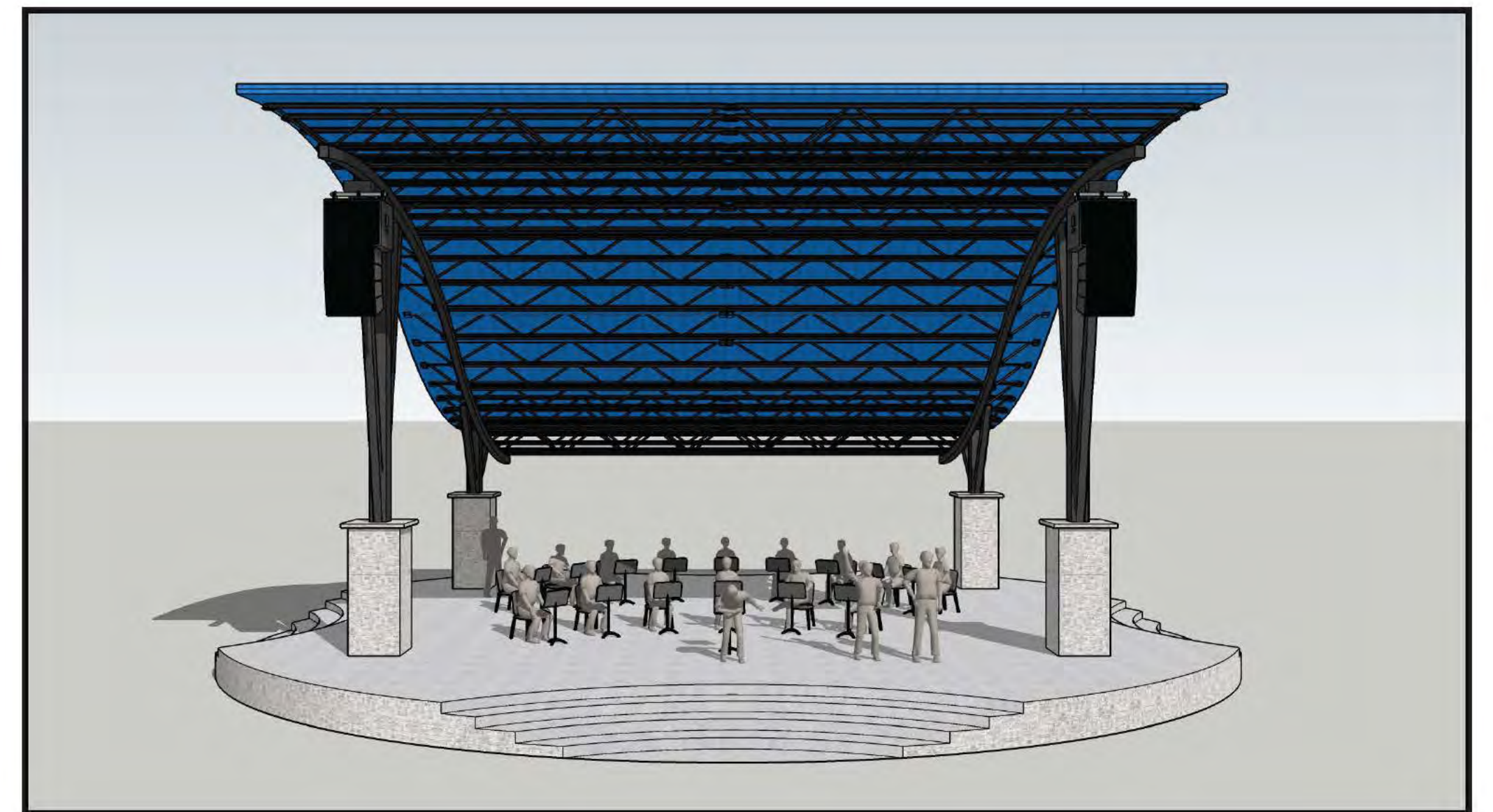
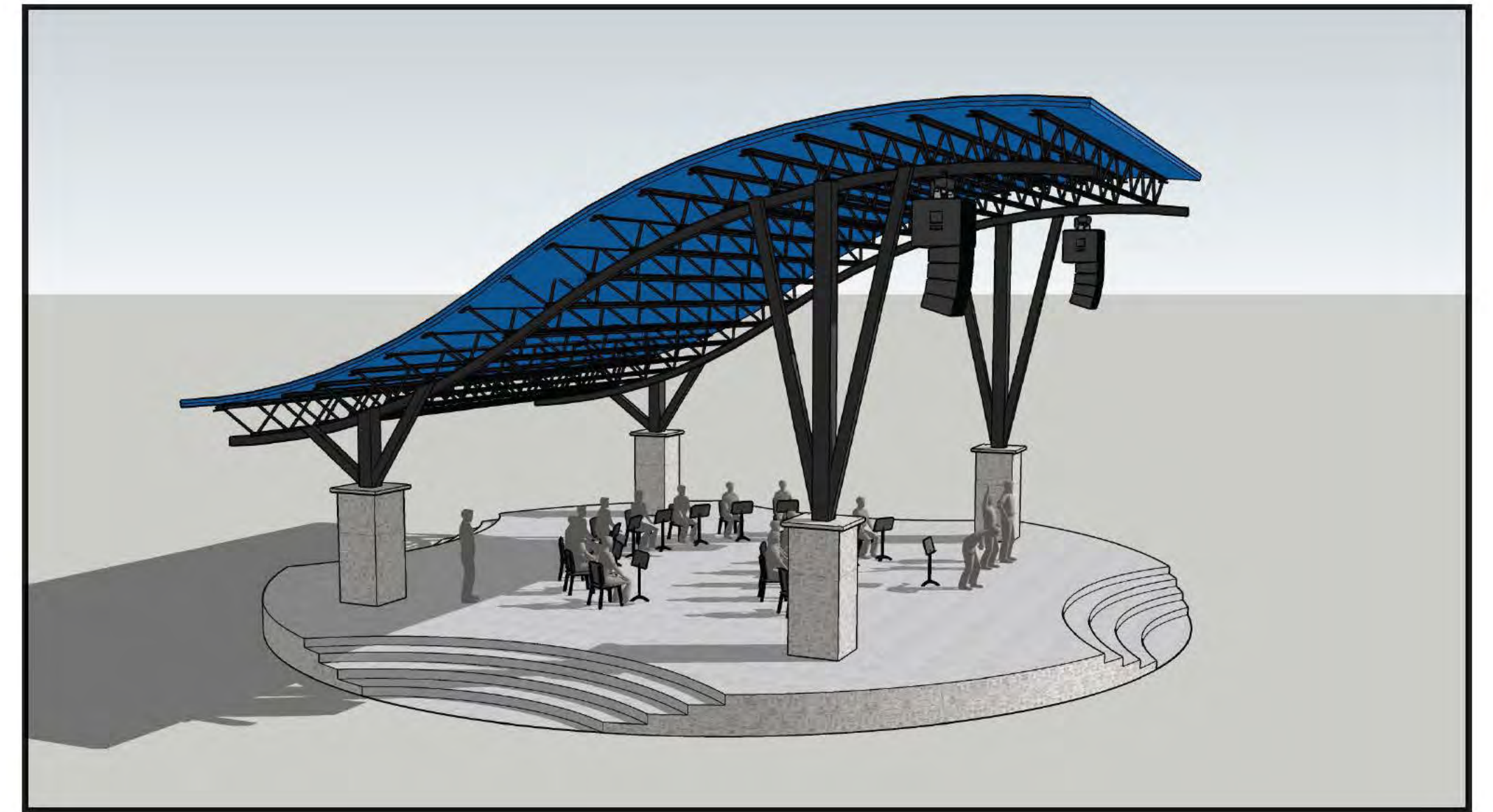
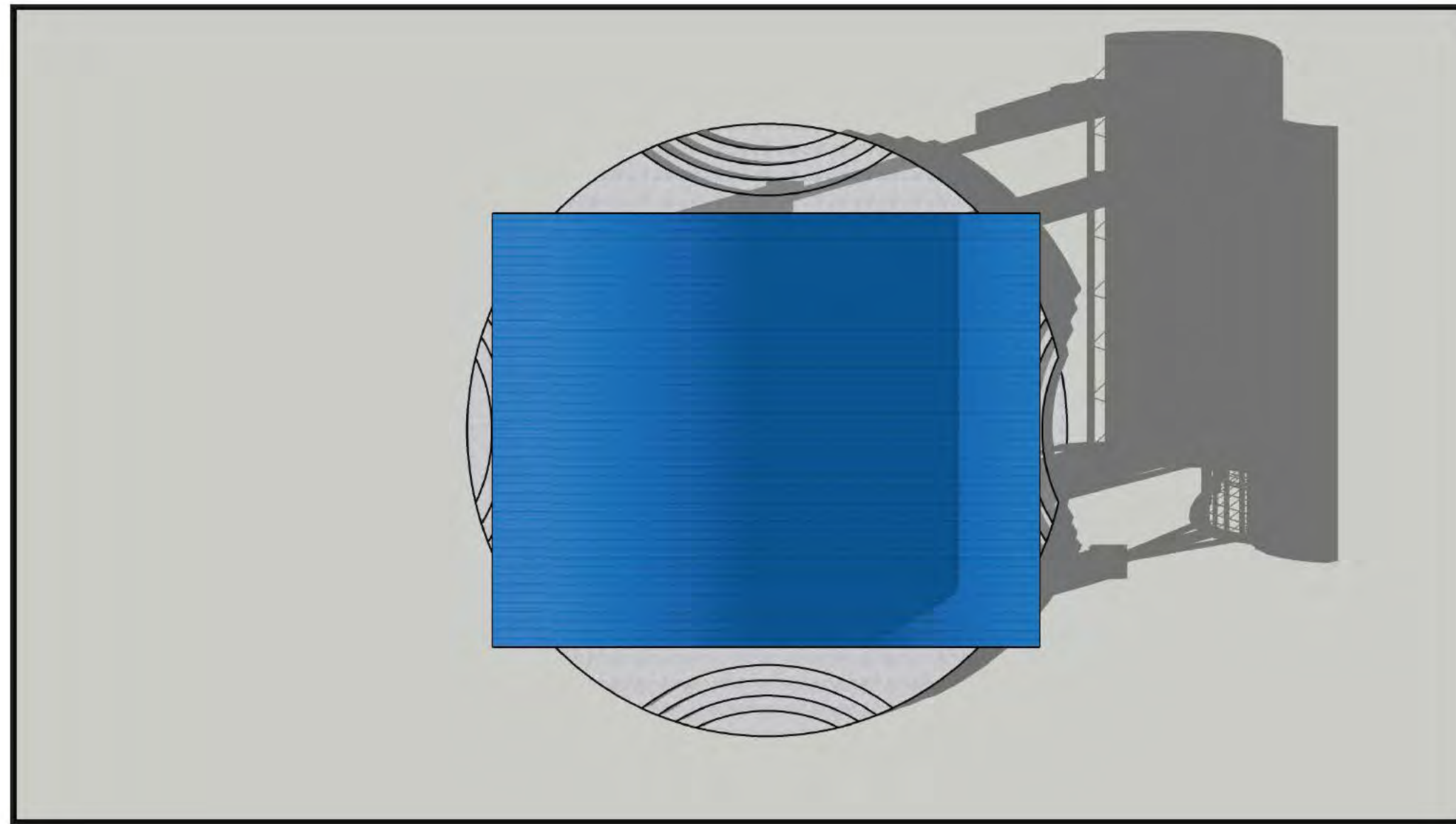
SITE MASTER PLAN

Sheet No.
SP100





BAYFRONT PARK AMPHITHEATER PLAN



AMPHITHEATER STAGE CONCEPT