

DEPARTMENT OF THE ARMY

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

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2019-00439-JCC

December 17, 2019

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

PROPOSED MAINTENANCE AND SHORELINE STABILIZATION AND PROTECTION OF TWELVEMILE CREEK IN 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 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 City of Mobile, Alabama

Attention: Mr. Nick Amberger, P.E. 205 Government Street, 6th Floor South

Mobile, Alabama 36633

AGENT: McCrory & Williams, Inc.

Attention: Mr. Frank Crawford 3207 International Drive, Suite G

Mobile, Alabama 36606

LOCATION OF WORK: The proposed project is located along Twelvemile Creek; within Sections 15 and 21 of Township 4 South, Range 2 West; between Latitude 30.684433° North, Longitude -88.179625° West and Latitude 30.703669° North, Longitude -88.162114° West; in Mobile, Mobile County, Alabama.

PROJECT PURPOSE: The purpose of the proposed project is to reduce further bank destabilization, reduce sedimentation to Langan Park Lake and Threemile Creek, improve water quality, storm water management and flood control, and the protection of existing sanitary sewer crossings.

PROPOSED WORK: The applicant proposes to perform maintenance along approximately 8,200 linear feet of Twelvemile Creek. The construction activities will include the use of riprap rock to protect existing exposed sewer lines that cross the creek at several locations. The project is to include the installation of 6,400 linear feet of sheetpiling, 1,200 cubic yards of fill dirt, 1,200 cubic yards of gabions, 18,000 square feet of revet mattress, 30,719 cubic yards of riprap rock, 173 cubic yards of boulders, 60 cubic yards of grout, 60 cubic yards of concrete, and 360 linear feet of storm sewer pipe. The total placement of fill will cover 299,390 square feet (6.87 acres) of streambed and banks of Twelvemile Creek.

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Construction methods will include the use of trackhoes, bulldozers, and trucks for the placement of the stabilization materials. The site will be accessed utilizing existing access roads, existing easements, and any required new temporary or permanent easements.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still protecting the heavily modified creek from further erosion. The U.S. Army Corps of Engineers (USACE) has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

COMPENSATORY MITIGATION: Since this project would stabilize the banks of a heavily modified and eroding waterway and place no fill in wetlands or submerged aquatic vegetation beds, no mitigation has been proposed.

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. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification will be made by the Alabama Department of Environmental Management.

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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of the this undertaking have also been considered. 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 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 permit area described above is currently under review by District archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

In addition to the provided comments from the SHPO (the Alabama Historical Commission), we are seeking comments from federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

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 impact approximately 8,200 linear feet of Twelvemile Creek. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the lack of submerged aquatic vegetation, tidal marsh wetlands, or other EFH in the project vicinity. Our final determination is subject to review by and coordination with the National Marine Fisheries Service.

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ENDANGERED SPECIES: Preliminary review of the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered or threatened species with the potential to exist within Twelvemile Creek or the watershed of the project: wood stork (*Mycteria americana*) (T), black pine snake (*Pituophis melanoleucus lodigingi*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), and Gulf sturgeon (*Acipenser oxyrinchus desotoi*) (T). There is no designated critical habitat within the project's action area.

Preliminary review of this application and the above list of threatened or endangered species indicate the proposed activity <u>may affect</u>, <u>but is not likely to adversely affect</u> the wood stork, black pine snake, and Gulf sturgeon species within Mobile County, or any designated critical habitat. Additionally, the USACE has determined the proposed project will have <u>no effect</u> on the eastern indigo snake. This determination is being coordinated with the U.S. Fish and Wildlife Service and state agencies regarding any potential effects on the listed species via this Public Notice.

PUBLIC REVIEW: 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 use 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 USACE is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to evaluate the impacts of this proposed activity and 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

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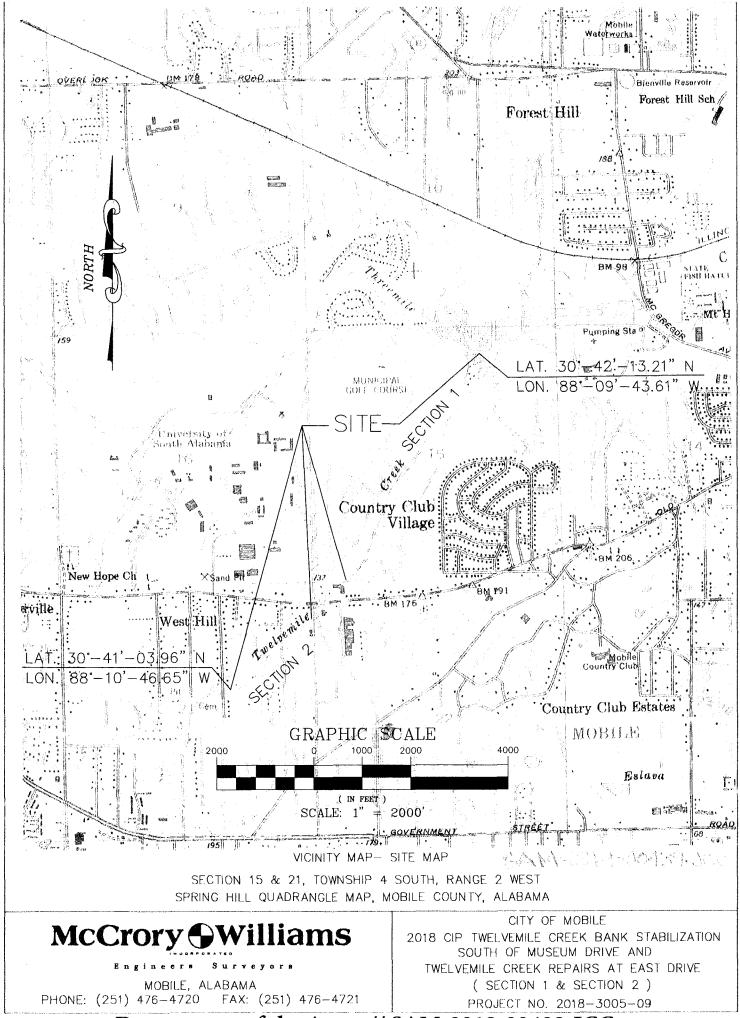
impacts involving discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2019-00439-JCC, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at Jessica.C.Comeaux@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at Jeoscopies 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.

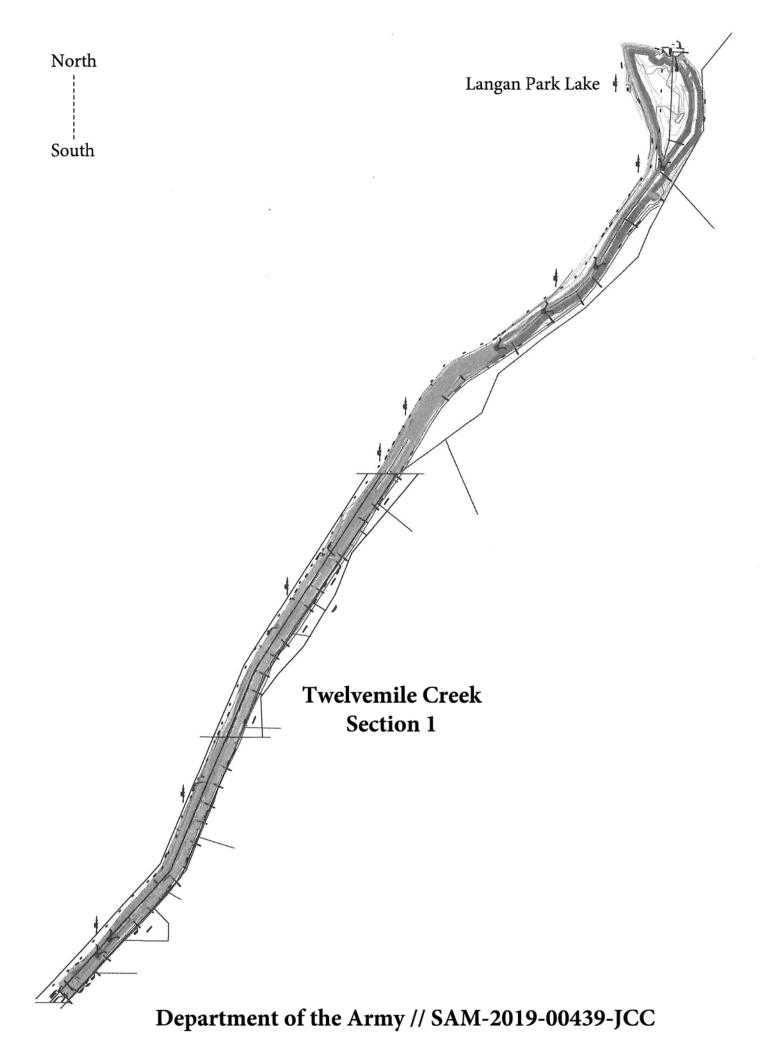
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

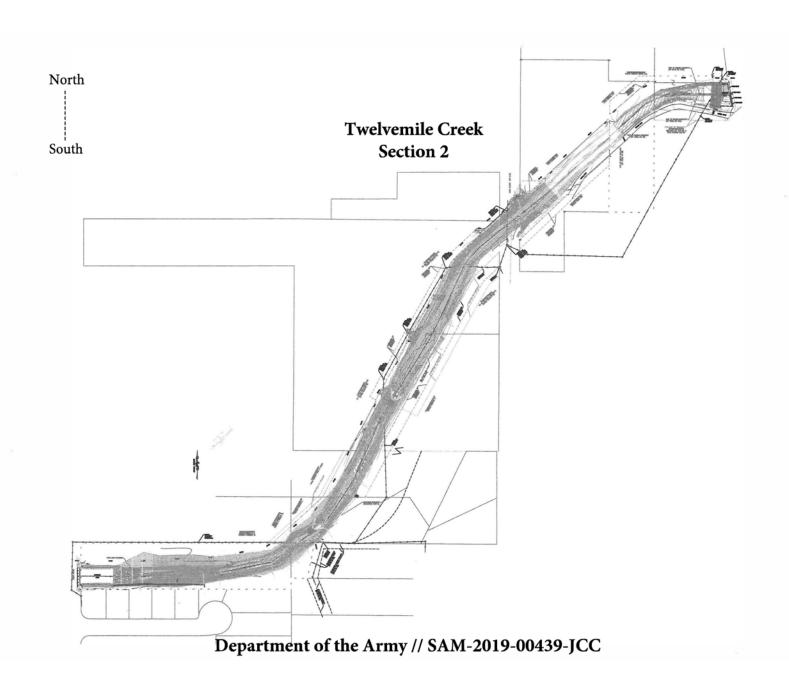
MOBILE DISTRICT U.S. Army Corps of Engineers

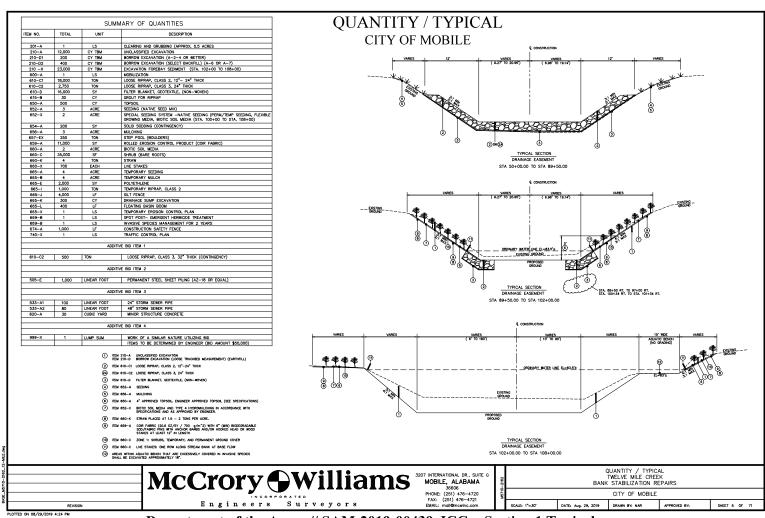
Attachments



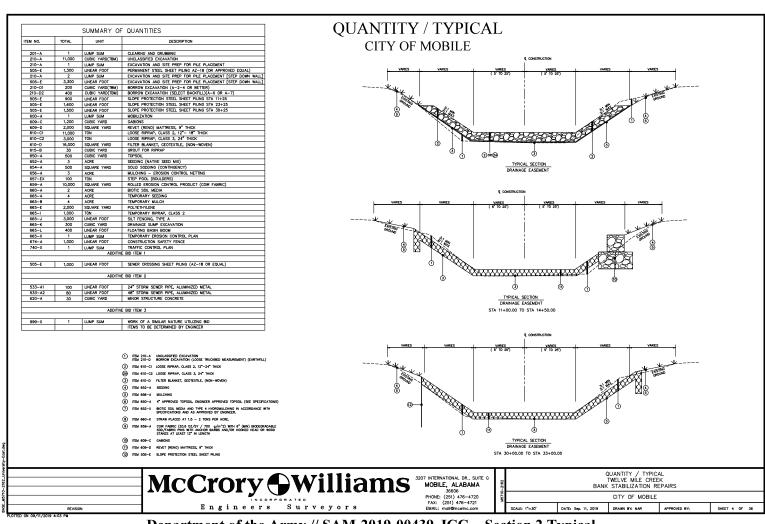
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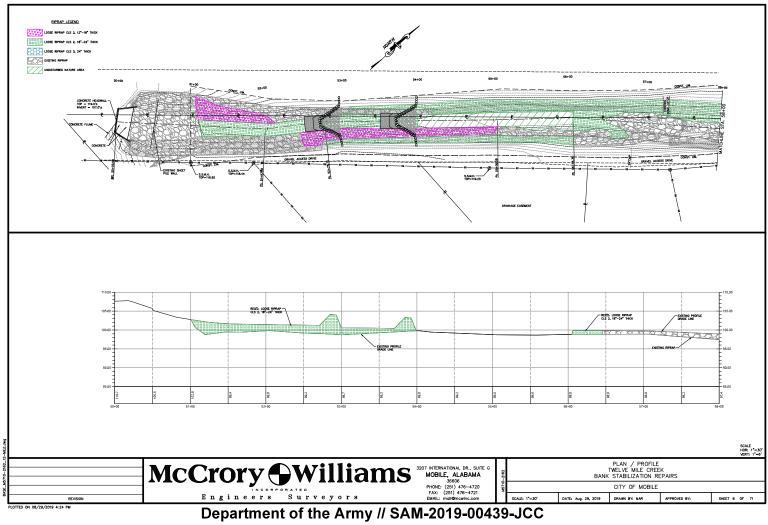


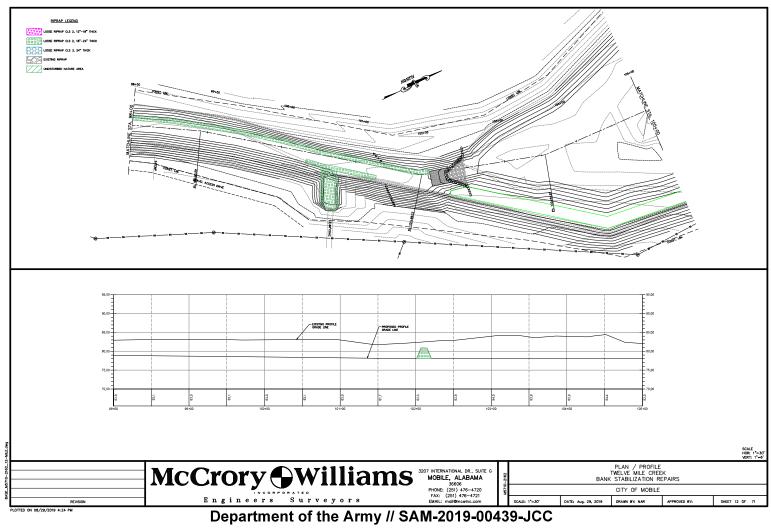


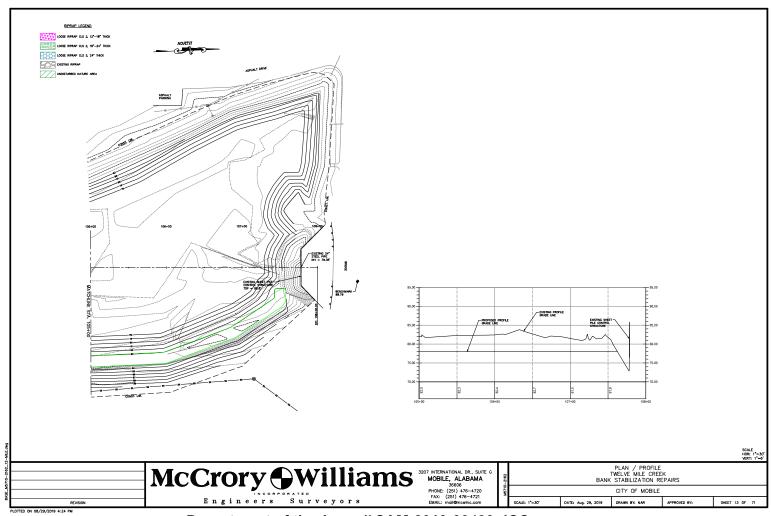
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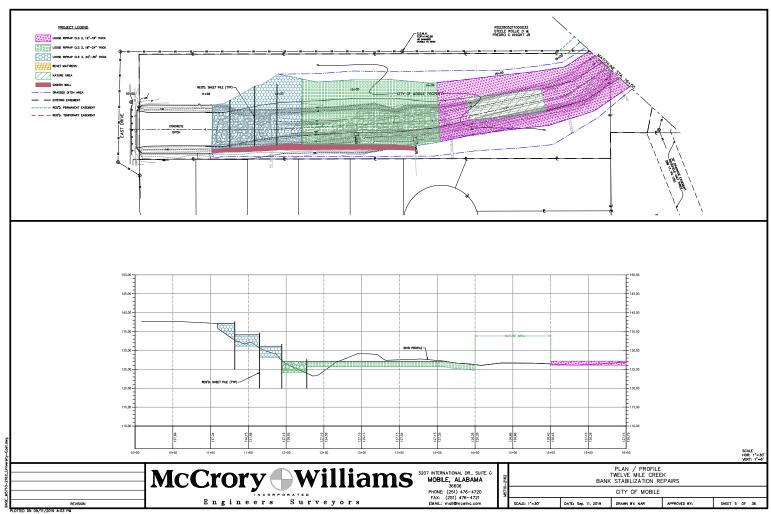
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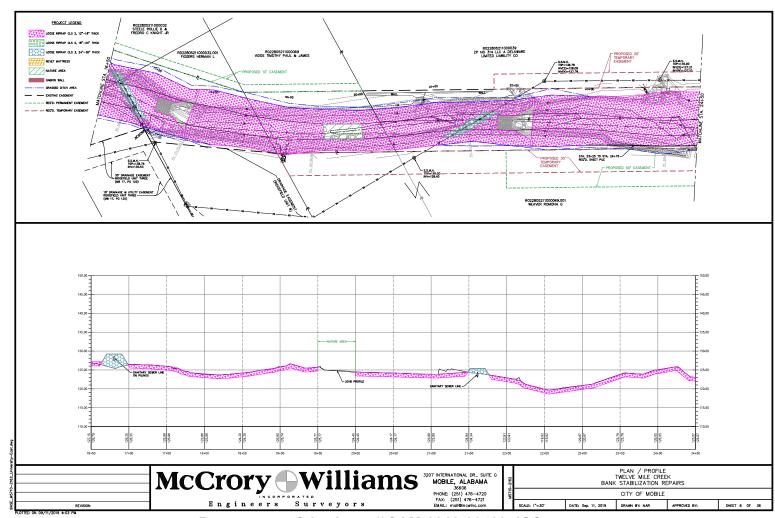




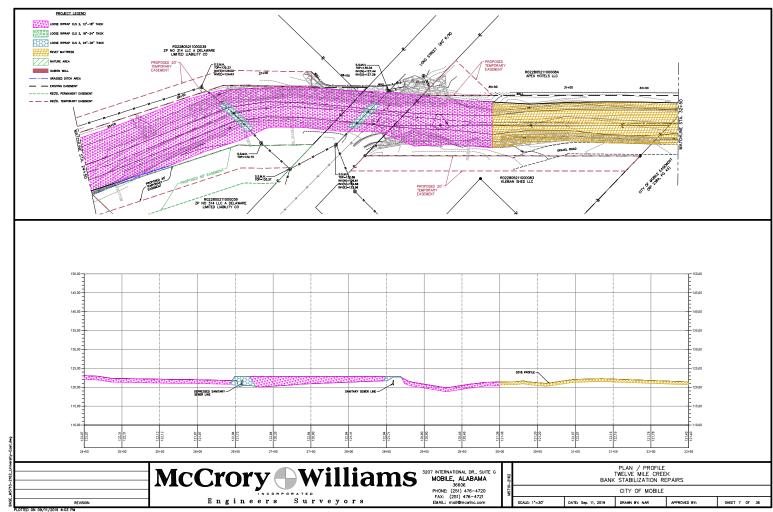
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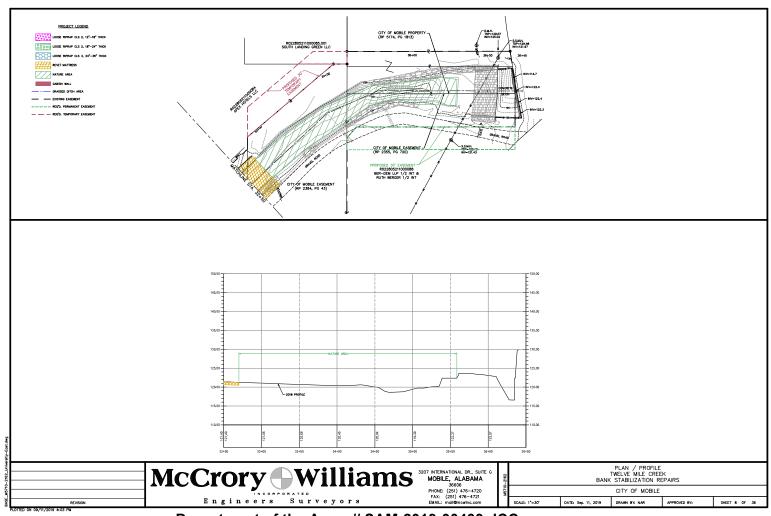
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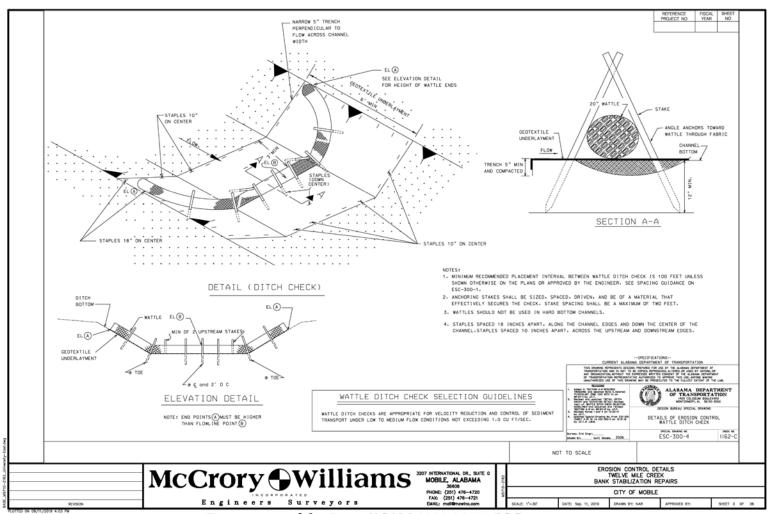
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