



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-2019-00943-JCC

March 13, 2020

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

**REQUEST TO DISCHARGE FILL MATERIAL INTO 9.756 ACRES OF WETLANDS TO
EXPAND EXISTING COMMERCIAL FACILITY, THEODORE, MOBILE 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 U.S.C. 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: D&M Properties
Attention: Mr. Bill MacWilliam
Post Office Box 70
Irvington, Alabama 36544

AGENT: TTL, Inc.
Attention: Ms. Cindy House-Pearson
3516 Greensboro Avenue
Tuscaloosa, Alabama 35401

LOCATION: The project is located at 5721 U.S. Highway 90 East Service road, Section 34, Township 5 South, Range 2 West; Latitude 30.561880° North and Longitude -88.168242° West, Theodore, Mobile County, Alabama.

PROJECT PURPOSE: The basic project purpose is to expand the existing Universal Precast facility storage yard for additional space for precast concrete.

PROPOSED WORK: The applicant has proposed to permanently discharge approximately 87,340 cubic yards of clean, commercially obtained sandy clay fill material into 9.756 acres (424,971 square feet) of high quality bottomland hardwood wetlands for the construction of a paved commercial retail facility. A retaining wall constructed from concrete blocks will be installed along the perimeter of the proposed fill area to retain fill material within the laydown yard. The construction is proposed to be completed in three separate phases over the course of 3-5 years.

AVOIDANCE AND MINIMIZATION: The applicant has indicated that impacts to aquatic resources have been minimized through avoidance of approximately 16.687 acres (726,885 square feet) of wetlands on the overall 34.292-acre parcel. The layout of the storage yard has been designed to maximize storage space and reduce the need to fill the perimeter of the

development area for slope stabilization, employing concrete blocks to create a wall structure rather than riprap rock, which would have resulted in an additional 0.87 acres of fill. Finally, all activities have been designed with a 50 foot minimum buffer to avoid 2,435 linear feet of stream within the project area, including 3.323 acres of braided perennial stream. The USACE, Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

MITIGATION: The applicant proposes compensatory mitigation for the unavoidable loss of wetlands associated with the development of the commercial property through the purchase of bottomland hardwood mitigation credits from an approved mitigation bank that services Mobile County, Alabama. Prior to the initiation of each phase of construction activities, proof of purchase for the appropriate number of mitigation credits will be provided to the USACE. The USACE, Mobile District, has not verified the adequacy of the applicant's mitigation statement 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 certification in accordance with the Alabama Coastal Zone 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 USACE has determined that the permit area consists of the 11.1-acre area that will be disturbed during construction, which includes the undertaking in waters of the United States and associated uplands on which the development would be located. The National Register of Historic Places (NRHP) 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. We are 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. At the time of this notice, the USACE has made no determination regarding any impact this project might have on cultural resources listed on or eligible for listing on the National Register of Historic Places. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking.

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 proposed activity will have No Effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: West Indian manatee (T), wood stork (T), eastern indigo snake (T), Gulf sturgeon (T), and gopher tortoise (T). The U.S. Army Corps of Engineers (USACE) has also made a preliminary determination that this project "May Affect Not Likely to Adversely Affect" black pine snake (T) and Alabama red-bellied turtle (E), provided conservation recommendations are implemented. Additionally, there is no designated critical habitat within the permit area. This determination is being coordinated with the U.S. Fish and Wildlife Service 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 USACE can be based. The USACE, 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.

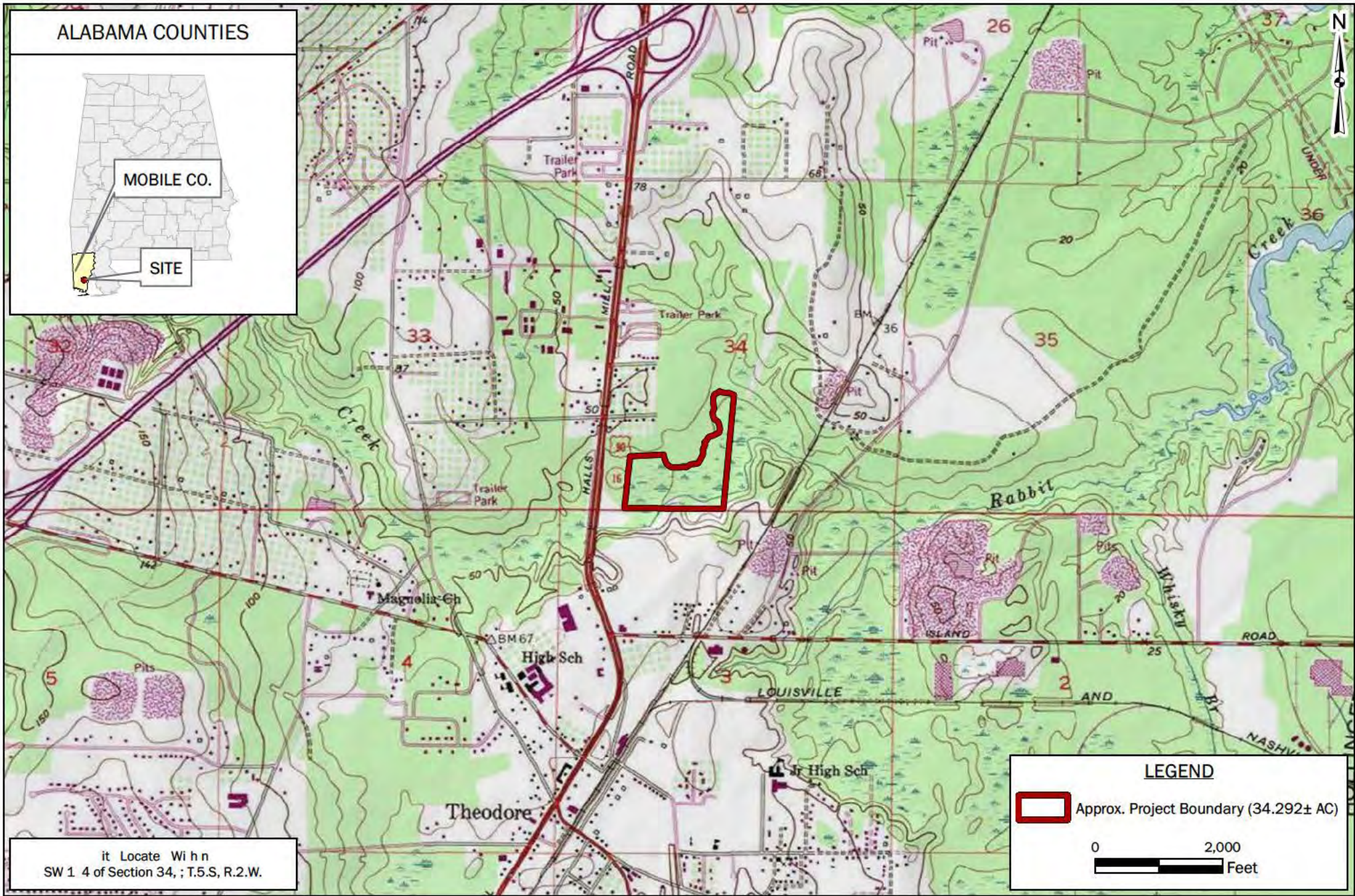
Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-00943-JCC**, and should be directed to the project manager, Ms. Jessica C. Comeaux by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262, or by mail at the USACE, Mobile District, Regulatory Division (RD-A), Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the ADEM, 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

ALABAMA COUNTIES



it Locate With n
SW 1/4 of Section 34, ; T.5.S, R.2.W.

LEGEND

 Approx. Project Boundary (34.292± AC)

0 2,000
Feet



FIGURE 1: SITE LOCATION & TOPOGRAPHIC MAP
UNI ERSAL PRECAST
WATERS OF THE U.S. DELINEATION
THEODORE, MOBILE COUNTY, ALABAMA

BASEMAP: Theodore, Alabama USGS 7.5 Minute Quadrangle Map, 1975 (10 ft Cont ur Interv.)

DRAWN BY: DEK
CHECKED BY: CMS
DRAWING DATE: 9/11/2019
REVISION DATE: N/A
TTL JOB NO.: 000190102185.00
APPROX. SCALE: 1 in = 2,000 ft

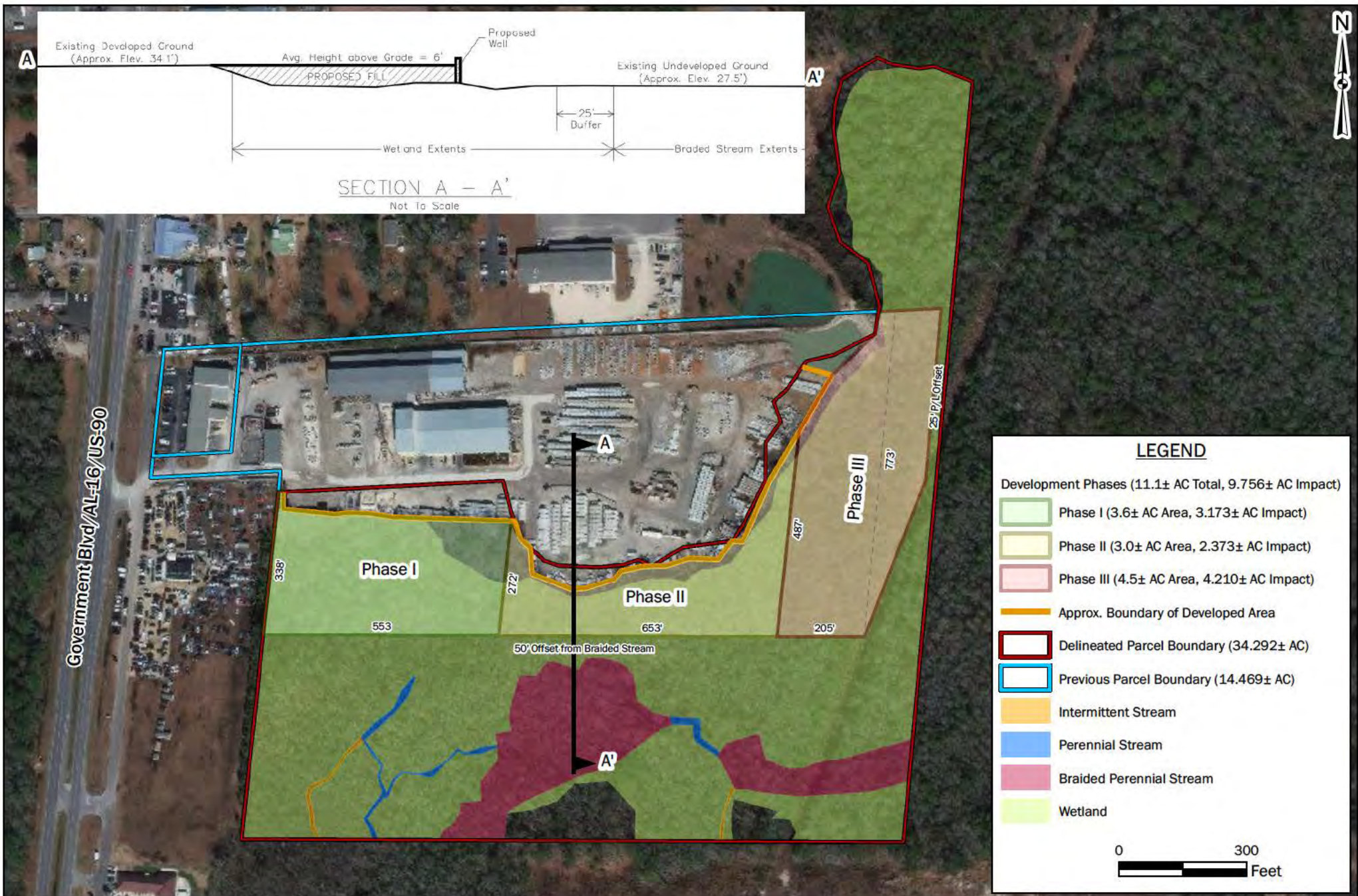


FIGURE 5B: PREFERRED SITE PLAN & CROSS-SECTION
ALABAMA PIPE & SUPPLY INC.
WATERS OF THE U.S. DELINEATION
THEODORE, MOBILE COUNTY, ALABAMA

BASEMAP: DigitalGlobe, 1/29/2018 (0.31 m Resolution).

DRAWN BY: DEK
CHECKED BY: BG
DRAWING DATE: 1/13/2020
REVISION DATE: 3/9/2020
TTL JOB NO.: 000190102185.00
APPROX. SCALE: 1 in = 300 ft