



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-2020-00353-ES

May 27, 2020

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

**PROPOSED DISCHARGE OF FILL MATERIAL WITHIN WETLANDS FOR ROAD
IMPROVEMENTS AT JOHNSON ROAD, 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 USC 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: Mobile County Commission
205 Government Street
Mobile, Alabama 36644-1600

LOCATION/WATERS: The project is located near Heron Bay, on Johnson Road; within Section 32, Township 8 South, Range 2 West; at Latitude: 30.360846° North, Longitude: 88.136508° West; Coden, Alabama.

PROJECT PURPOSE: The basic project purpose is to improve transportation infrastructure. The overall project purpose is to make improvements to the existing unpaved roadway, Johnson Road, which would decrease erosion and improve transportation safety and connectivity for the public between Heron Bay Loop Road East and Heron Bay Loop Road South.

PROPOSED WORK: Mobile County Commission proposes to improve Johnson Road by widening, raising, and paving the existing dirt and gravel road. The project activities would include clearing, grubbing, and grading along the existing 0.75-mile road for the construction of a two-lane paved road, with a 23-foot-wide driving surface, improved road shoulders, and drainage ditches. The improved road footprint would require the placement of approximately 2,600 cubic yards of clean, sandy clay fill material within 0.46 acre of wetlands. Another 0.95 acre of wetlands would be impacted in conjunction with road shoulder and drainage improvements. The project would also include the replacement of two existing drainage culverts. The project would permanently impact a total of 1.41 acres of forested and scrub-shrub pine savannah wetlands.

AVOIDANCE & MINIMIZATION: The applicant has indicated the proposed project has been designed to improve stormwater drainage while also reducing erosion and runoff of sedimentation to adjacent waters associated with the existing sand and gravel road. Currently, Johnson Road lies approximately 2-4 feet above mean sea level, leaving it susceptible to flooding during storm events. The road would be constructed to include a raised two-lane 23-foot-wide driving surface and roadside ditches widened to accommodate increased drainage volume. Since Johnson Road is bordered primarily by wetlands for most of its extent, and has an existing adjacent residential development within close proximity, wetland impacts related to the road improvements were not entirely avoidable. 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 proposes to provide compensatory mitigation for the 1.41 acre of wetland impacts through the enhancement of 3.32 acres of degraded wetlands at the county-owned Muddy Creek Wetlands Management area. The USACE has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY: It is the understanding of the USACE that 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 U.S. Army Corps of Engineers (USACE) has determined that the permit area consists of the proposed fill areas in waters of the United States and portions of the adjacent uplands that would be utilized for construction access and equipment and materials staging. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in 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 regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area.

ENDANGERED SPECIES: The following species listed by the U.S. Fish and Wildlife Service (USFWS) as being threatened or endangered are found within Mobile County and may be located within the West Fowl River watershed (HUC 031700090103) and the Deer River watershed (HUC 031602050105) in which the project is located: wood stork, eastern indigo snake, West Indian manatee, Alabama red belly turtle, and the Gulf sturgeon. The Endangered Species Act (ESA) action area for this project does not intersect with any

federally-designated critical habitat. USACE review of this request for road improvements and the U.S. Department of the Interior List of Endangered and Threatened Species with the potential to occur in this area, has preliminarily determined that the proposed modifications will have no effect on the above listed species. This determination is being coordinated with the USFWS via this public notice.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Terrestrial portions of the proposed project would be located in forested wetlands, scrub-shrub wetlands, and ditches which drain to estuarine waters. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination is subject to review by and coordination with the National Marine Fisheries Service and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS)

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 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, 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 U.S. Army Corps of Engineers (USACE) is soliciting comments from the public; federal, state and local agencies and officials; 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 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 impacts involving deposits of dredged or fill material into waters of the United States will 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-2020-00353-ES** and should be directed via email to the project manager, Ms. Elizabeth A. Hamilton, at elizabeth.a.seavoy@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Elizabeth A. Seavoy, 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 the project manager, Ms. Elizabeth Hamilton by email at elizabeth.a.seavoy@usace.army.mil, or at (251) 694-3781. Please refer to the Public Notice Number SAM-2020-00353-ES, 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

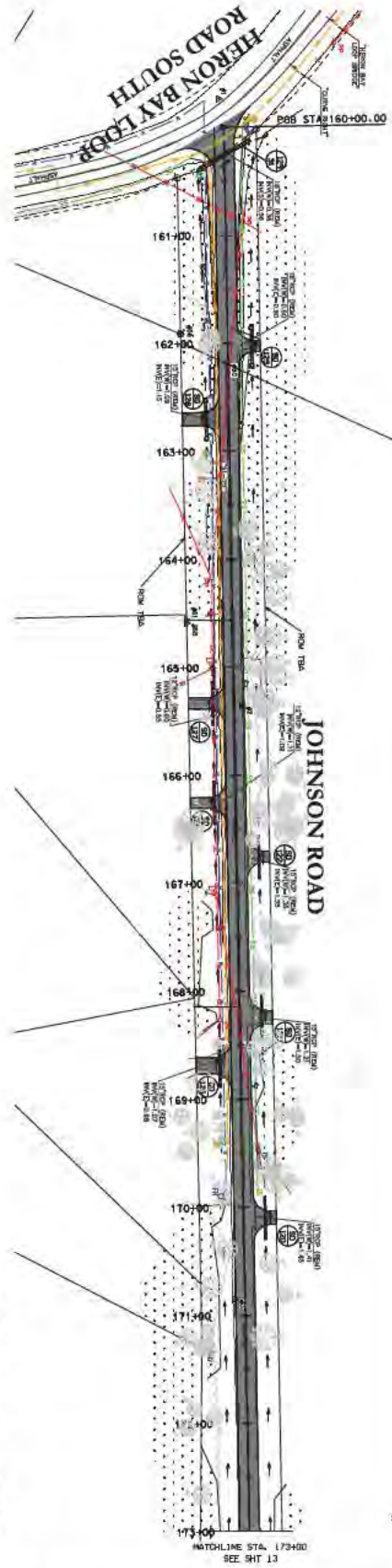


Figure 1. Project Location and Vicinity Map (Street View)

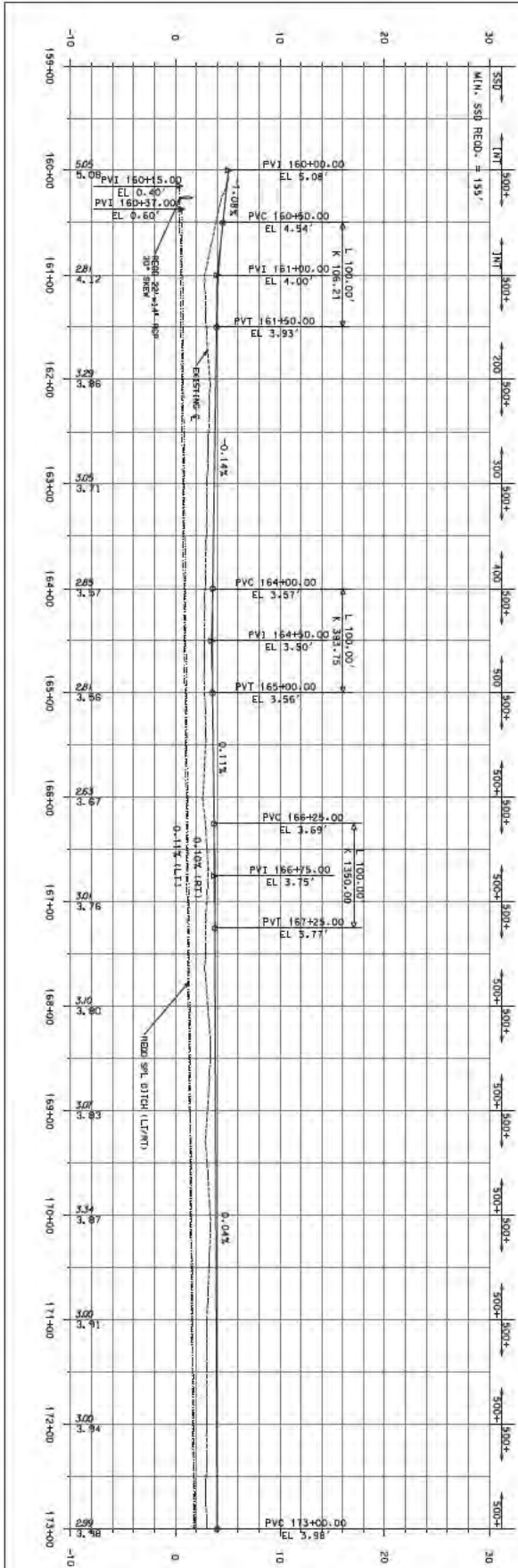


Figure 2. Project Location and Vicinity Map (Quad View)

PLAN AND PROFILE JOHNSON ROAD



SCALE
60 HORIZ = 1" = 50'
5 VERT = 1" = 5'



PROJECT GOMESA-1803-01
DOLPHIN DRIVE, ET AL
SEDIMENT REDUCTION/PAVING (GDBP)
SHEET TITLE PLAN AND PROFILE

DESIGNED N.T.C.
CHECKED M.C.R.
DATE DEC 2019
PLAN SUBMITTAL 60% SUBMITTAL

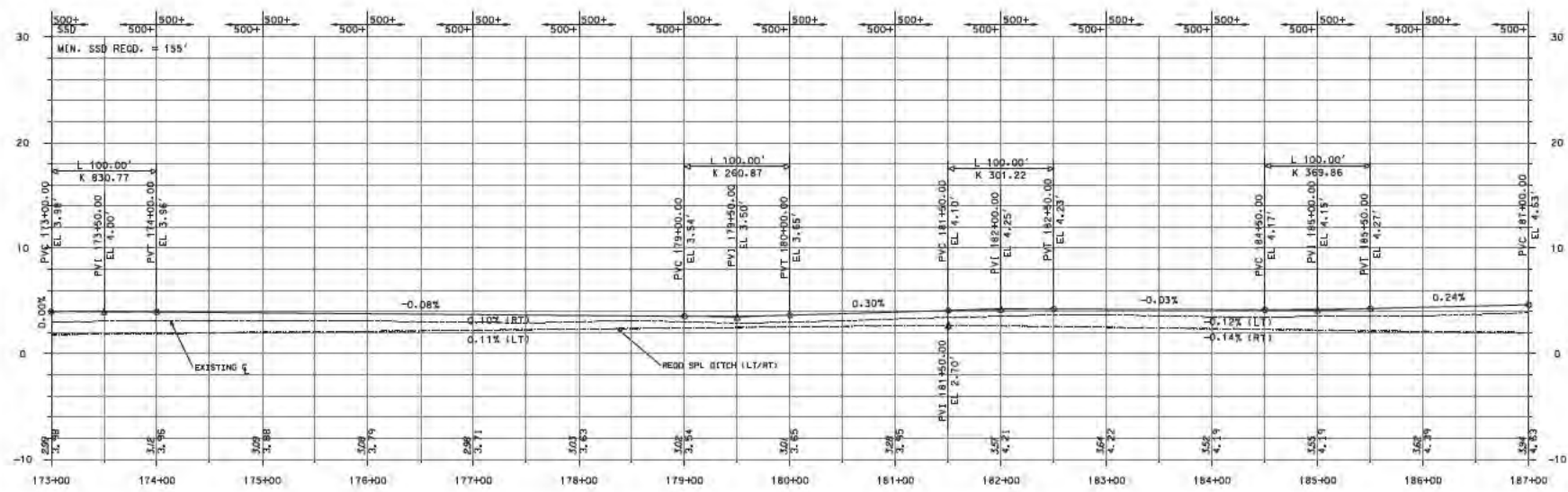
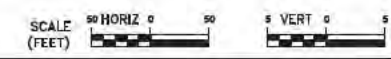
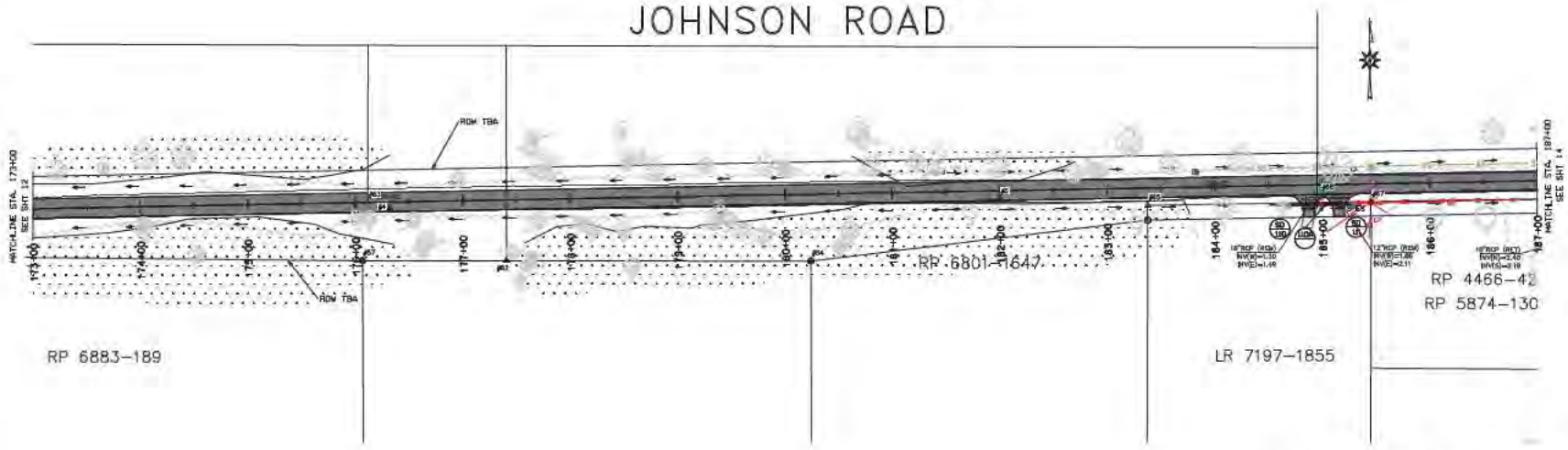
SCALE HORIZ 1" = 50'
VERT 1" = 5'
PROJECT NUMBER MO.19.002

BKI
BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
812 WESTERN AMERICA CIRCLE, SUITE 101
MORFEL, ALABAMA 36560
PHONE (205) 248-8888 • FAX (205) 248-8888

SHEET NUMBER 12

SAM-2020-00353-ES // DEPT. OF THE ARMY

PLAN AND PROFILE JOHNSON ROAD



SHEET NUMBER **13**

BKI

BURK-KLEINPETER, INC.
INCORPORATED IN ALABAMA
 917 WESTERN AVENUE, SUITE 101
 PRICHARD, ALABAMA 36869
 PHONE (251) 932-2222 FAX (251) 932-2222

DESIGNED N.T.C. SCALE HORIZ 1" = 50'
 CHECKED M.C.R. VERT 1" = 5'
 DATE DEC 2019 PROJECT NUMBER MD.19.002
 PLAN SUBMITAL 60% SUBMITAL

PROJECT GOMESA-1803-01
 DOLPHIN DRIVE, ET AL
 SEDIMENT REDUCTION/PAVING (GDBP)
 SHEET TITLE PLAN AND PROFILE

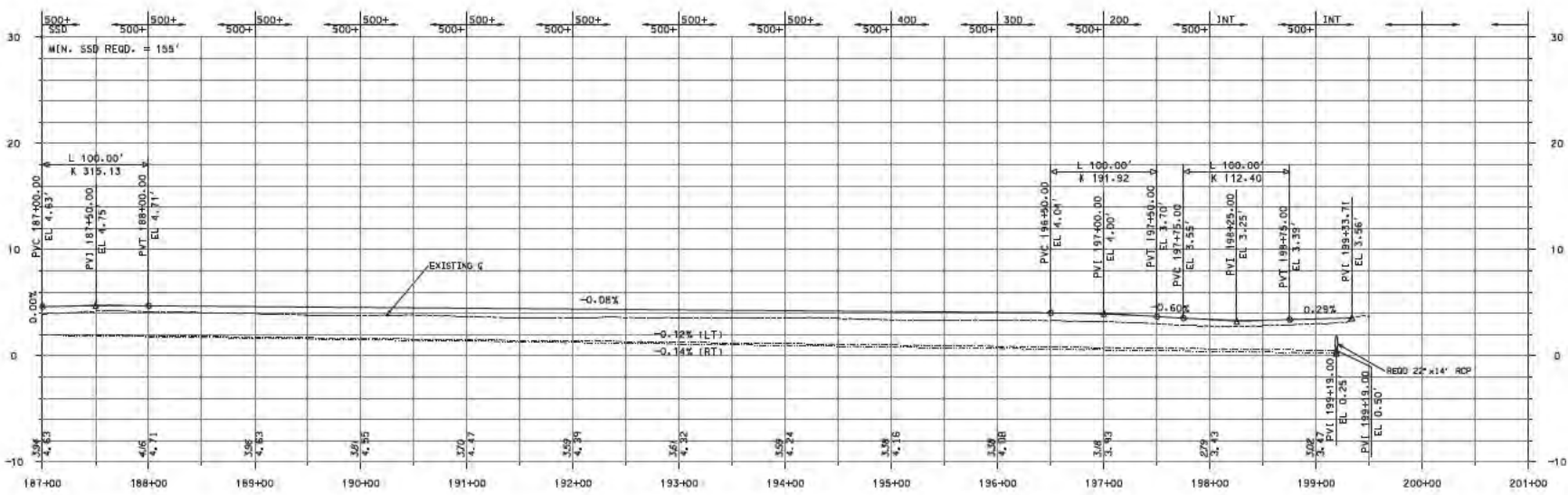
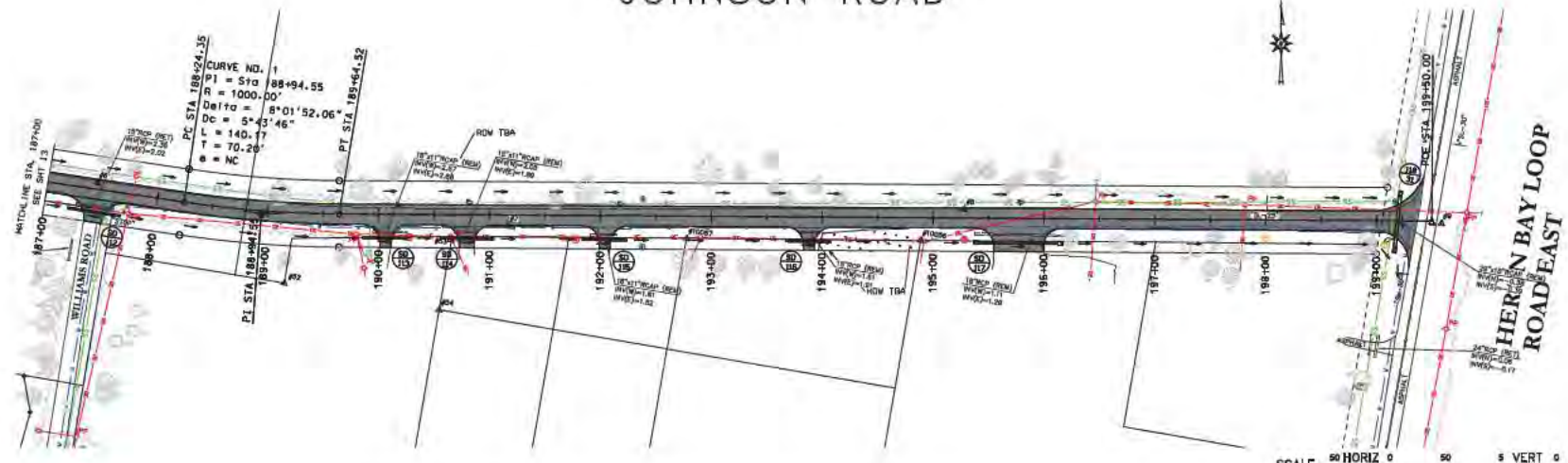
PLAN AND PROFILE JOHNSON ROAD

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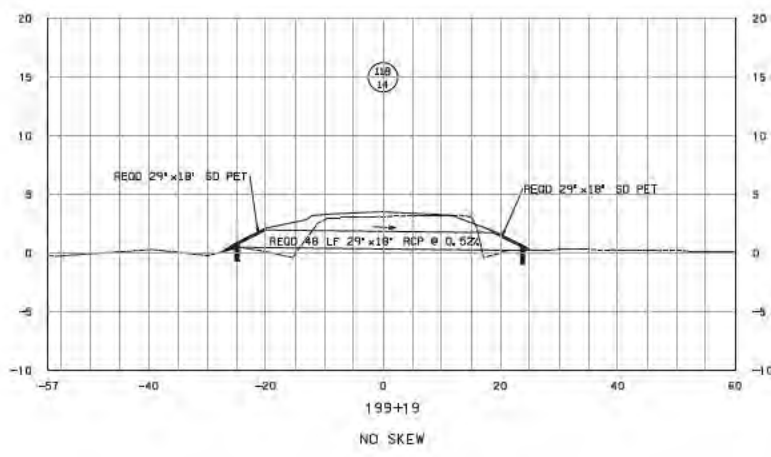
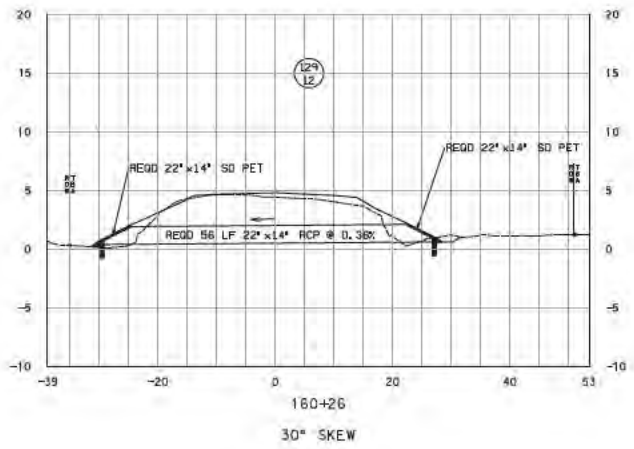
BKI
BURK-KLEINPETER, INC.
1000 WESTERN AVENUE, SUITE 101
MOBILE, ALABAMA 36688
PHONE (251) 339-2222 FAX (251) 339-2222

DESIGNED N.T.C.
CHECKED M.C.R.
DATE DEC 2019
PROJECT NUMBER MD.19.002
SCALE HORIZ 1" = 50'
VERT 1" = 5'PLAN SUBMITTAL 60% SUBMITTAL

PROJECT GOMESA-1803-01
DOLPHIN DRIVE, ET AL
SEDIMENT REDUCTION/PAVING (GDBP)
SHEET TITLE PLAN AND PROFILE



DRAINAGE SECTIONS JOHNSON ROAD



BURK-KLEINPETER, INC. <small>INCORPORATED IN ALABAMA 917 WESTON AVENUE, SUITE 101 MOBILE, ALABAMA 36688 PHONE (251) 938-2222 FAX (251) 938-2222</small>		SHEET NUMBER 31
PROJECT GOMESA-1803-01 DOLPHIN DRIVE, ET AL SEDIMENT REDUCTION/PAVING (GDBP)	DESIGNED N.T.C. CHECKED M.C.R.	SCALE NOT TO SCALE PROJECT NUMBER MD.19.002 DATE DEC 2019 PLAN SUBMITTAL 60% SUBMITTAL
SHEET TITLE DRAINAGE SECTIONS		

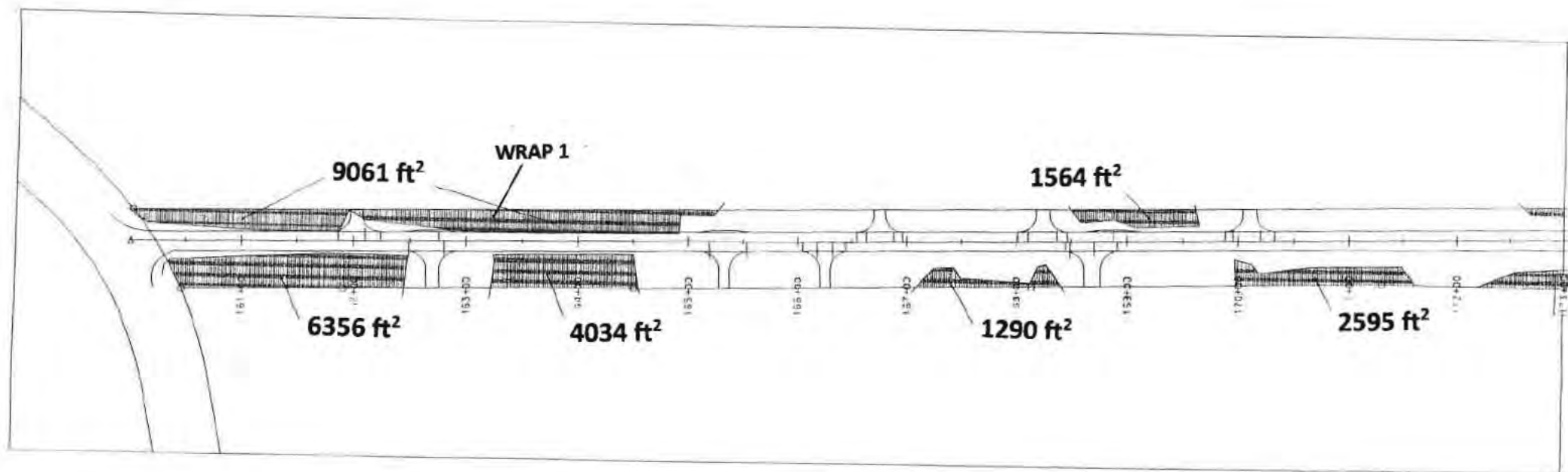


Figure 3A. Wetland impacts, Johnson Road improvement project

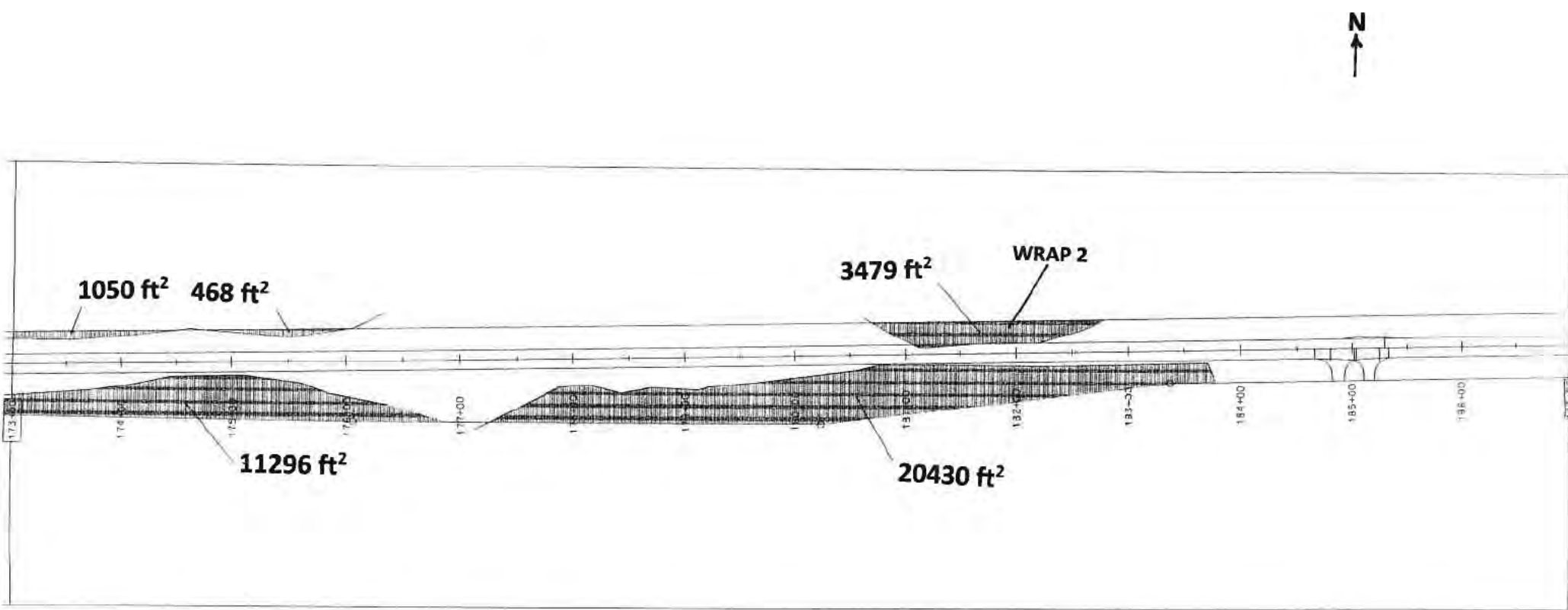


Figure 3B. Wetland impacts, Johnson Road improvement project

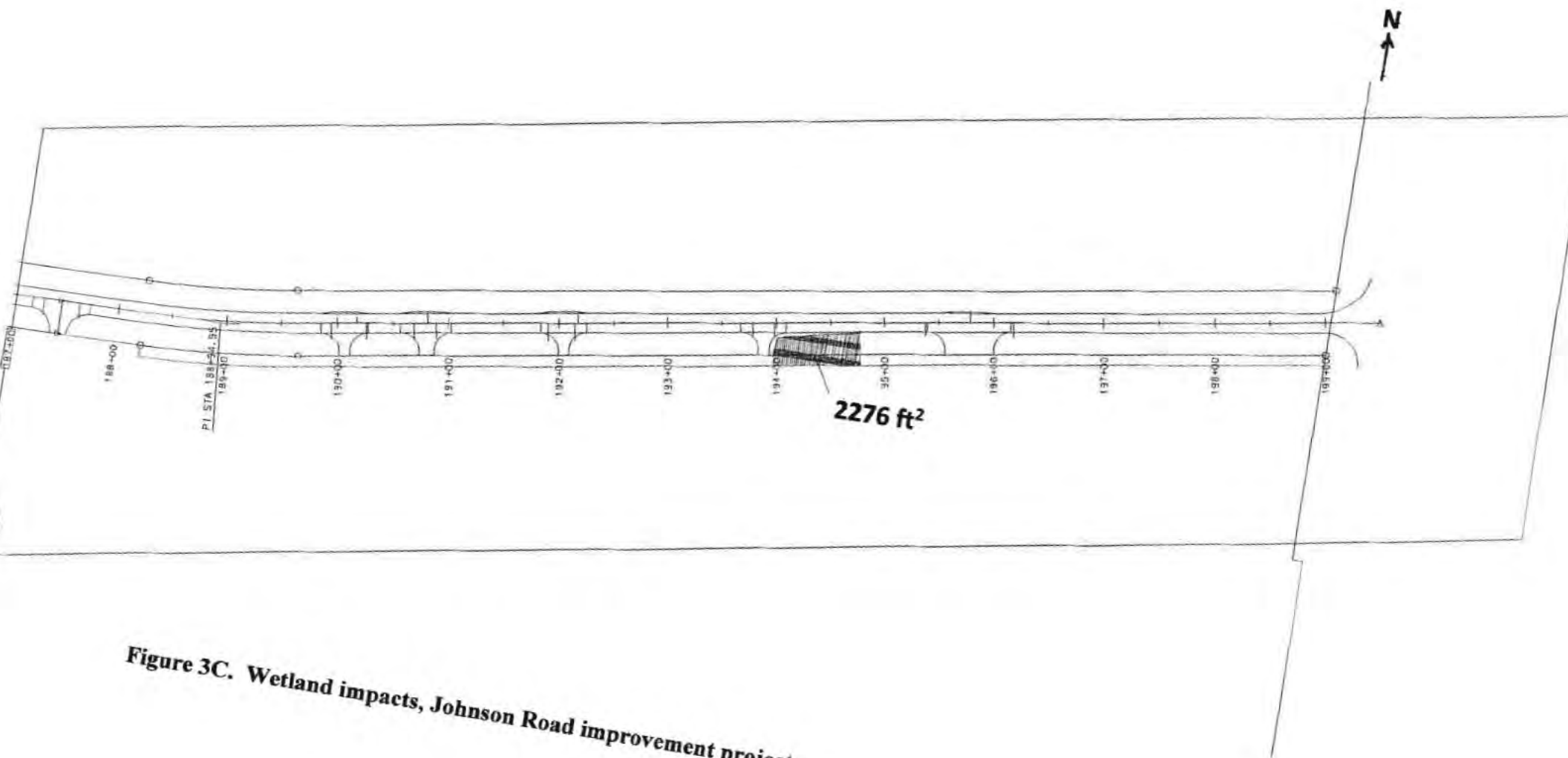


Figure 3C. Wetland impacts, Johnson Road improvement project