



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-2021-00093-DCH

March 29, 2021

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

REQUEST TO DISCHARGE FILL MATERIAL INTO 15.7 ACRES OF WETLANDS FOR THE
CONSTRUCTION OF A NEW BOAT DEALERSHIP AND BOAT/RV STORAGE FACILITY IN
ORANGE BEACH, 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: Mr. Michael Gray
P.O. Box 2228
Madison, Mississippi 39130

AGENT: Barry A. Vittor & Associates, Inc.
Attention: Dr. Barry A. Vittor
8060 Cottage Hill Road
Mobile, Alabama 36695

LOCATION: Roscoe Road and Foley Beach Express; within Section 35, Township 8 South, Range 4 East; at Latitude 30.306380°, Longitude -87.638918°; Orange Beach, Baldwin County, Alabama

PROJECT PURPOSE: The basic project purpose is to construct a commercial boat dealership and boat/RV storage facility. The overall project purpose is to construct a commercial boat dealership and boat/RV storage facility in proximity to boat launch sites in coastal Alabama, including the proposed Baldwin County boat launch facility on the Gulf Intracoastal Waterway (GIWW).

PROPOSED WORK: The applicant proposes to discharge a total of 50,000 cubic yards of commercially obtained sand and clay fill material into 15.7 acres of wet pine flats wetlands for the construction of a new commercial boat dealership and boat/RV storage facility on the east side of Roscoe Road and west of the Foley Beach Express (FBE). Specifically, wetland impacts would consist of construction of a driveway connecting Roscoe Road and the FBE (0.4 acre), construction of the boat dealership (5.2 acres), Phase I of the boat/RV storage facility (6.0 acres), and Phase II of the boat/RV storage facility (4.1 acres).

AVOIDANCE AND MINIMIZATION: The project cannot completely avoid impacts to aquatic resources, due to the extent and location of wetlands within the project site. The applicant has provided an analysis of off-site and on-site alternatives to the project, and has indicated the

proposed project is the least environmentally damaging practicable alternative. The proposed project would avoid approximately 4 acres of wetlands on-site while providing the required site access and minimum acreage for Phases I and II of the development. 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 purchase of wetland mitigation credits from a USACE approved mitigation bank within whose service area the project is located. The USACE has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY/COASTAL ZONE MANAGEMENT: The applicant must apply 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 (ADEM) within the defined reasonable period of time.

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, which includes the footprint of the proposed fill areas and portions of the adjacent uplands that would be disturbed by construction of the project. 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 comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian 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: Alabama Beach Mouse (E), Perdido Key Beach Mouse (E), West Indian Manatee (T), Piping Plover (T), Red Knot (T), Wood Stork (T), Eastern Indigo Snake (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), and Loggerhead Sea Turtle (T). There is no designated critical habitat within the project action area. Review of this proposed activity for potential effects on the above list of threatened or endangered species has been accomplished by use of species-specific Standard Local Operating Procedures for Endangered Species (SLOPES). The USACE, Mobile District's review has indicated the proposed activity will have no effect on the above-listed species. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

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.

All comments should be received no later than 30 days from the date of this Public Notice. Correspondence concerning this notice should refer to Public Notice Number **SAM-2021-00093-DCH**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Mr. Dylan C. Hendrix**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at dylan.c.hendrix@usace.army.mil, or (251) 694-3772. Copies of all comments should be furnished to the ADEM 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.

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)

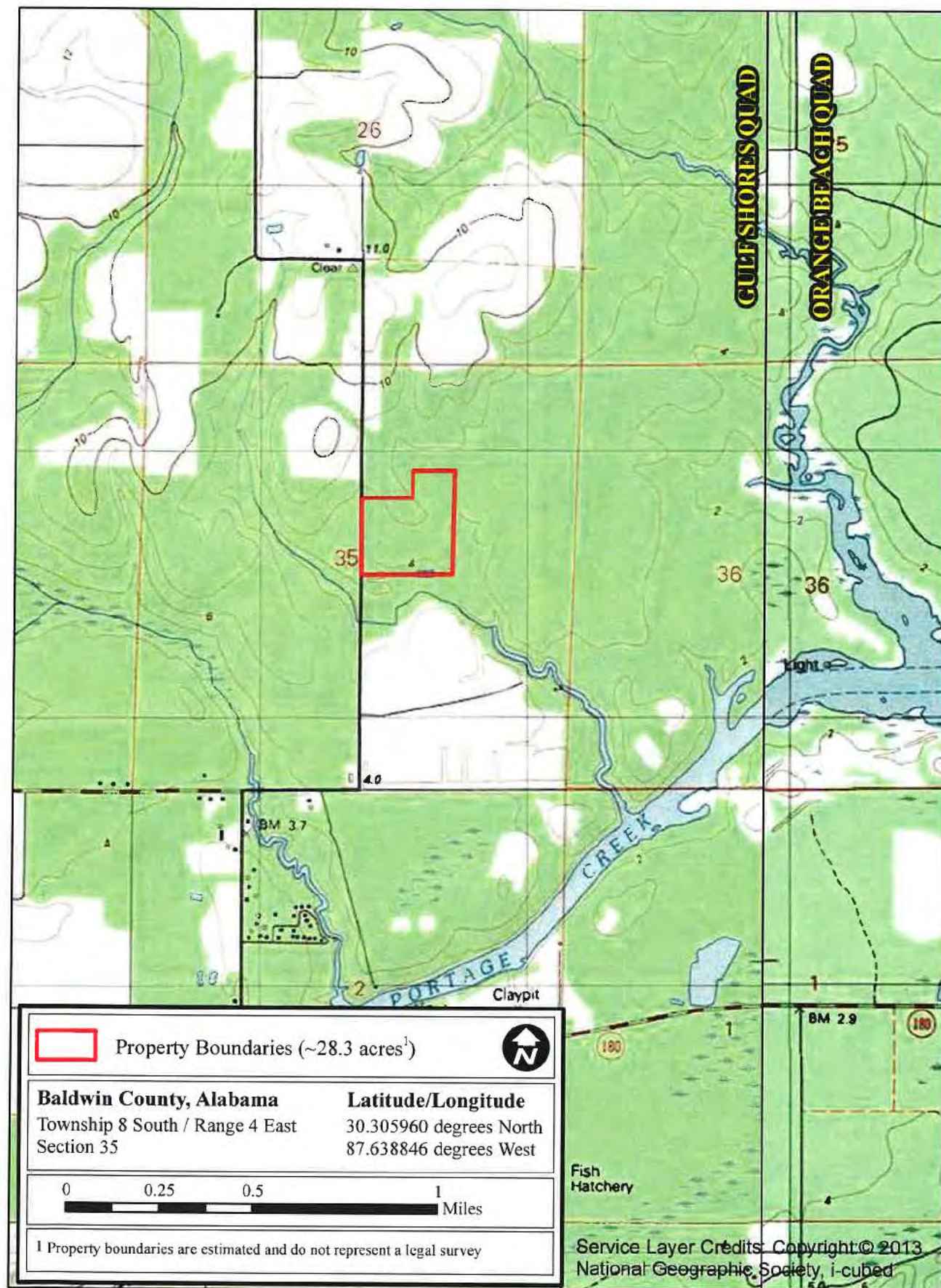


Figure 2. Project Location and Vicinity Map (Quad View)

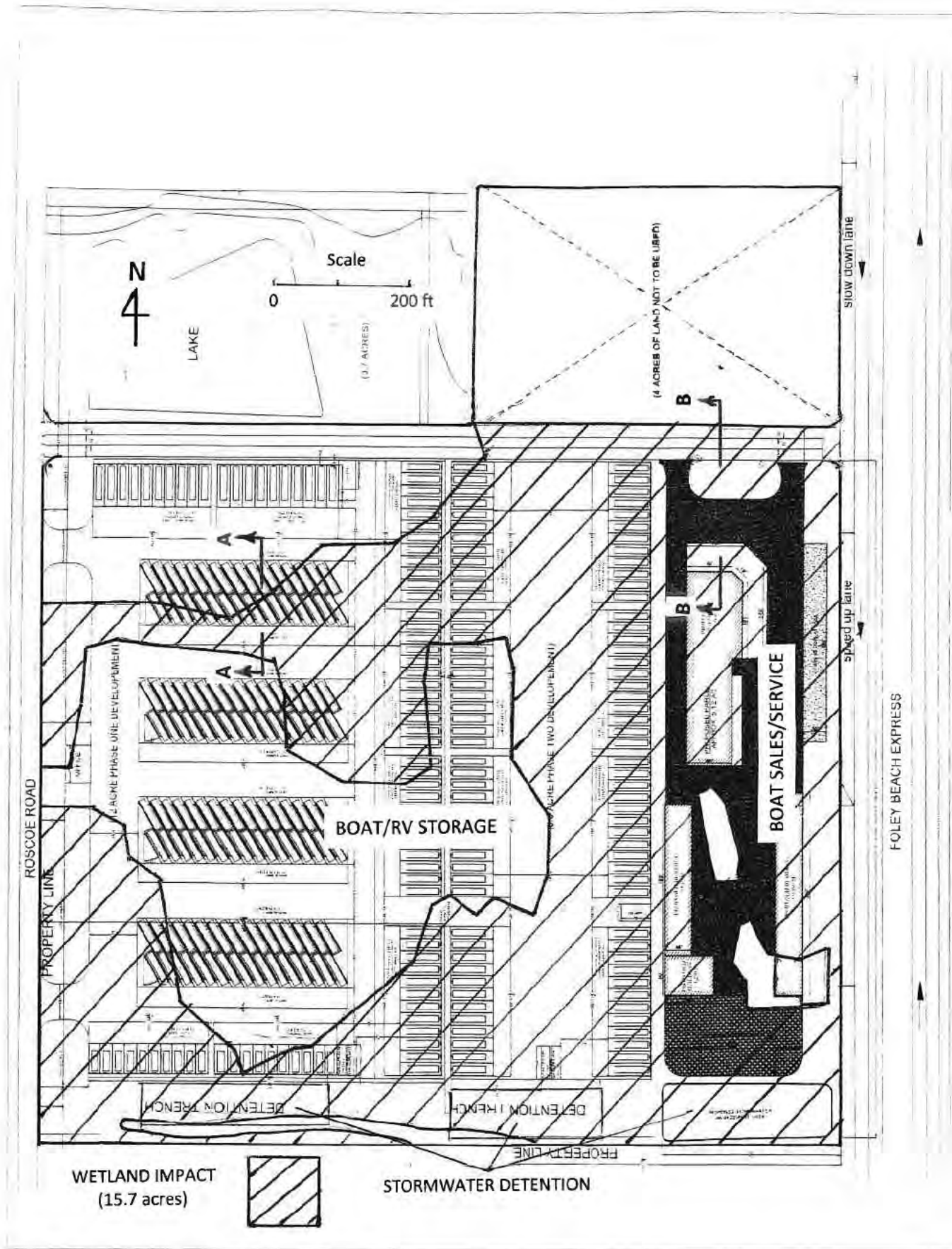
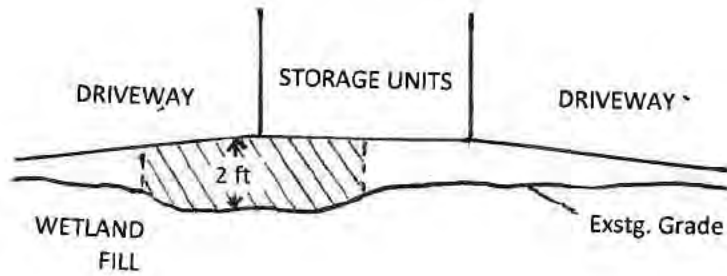


Figure 3. Proposed Development Plan (Alternative 5)

SECTION A - A (nts)



SECTION B - B (nts)

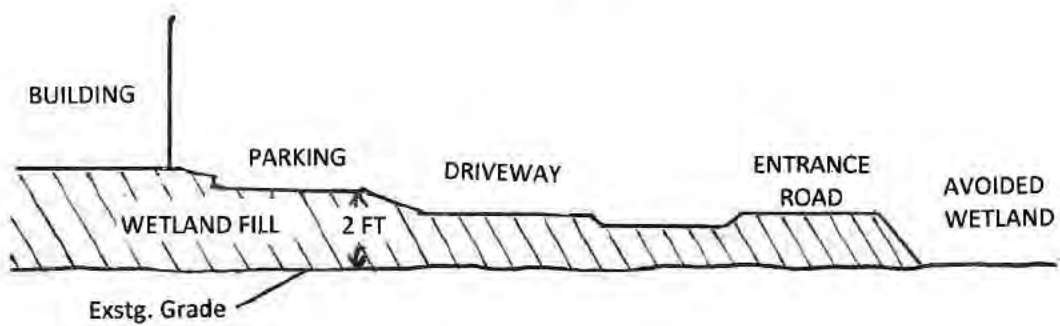


Figure 4. Typical Profile Views in Areas of Proposed Wetland Fill

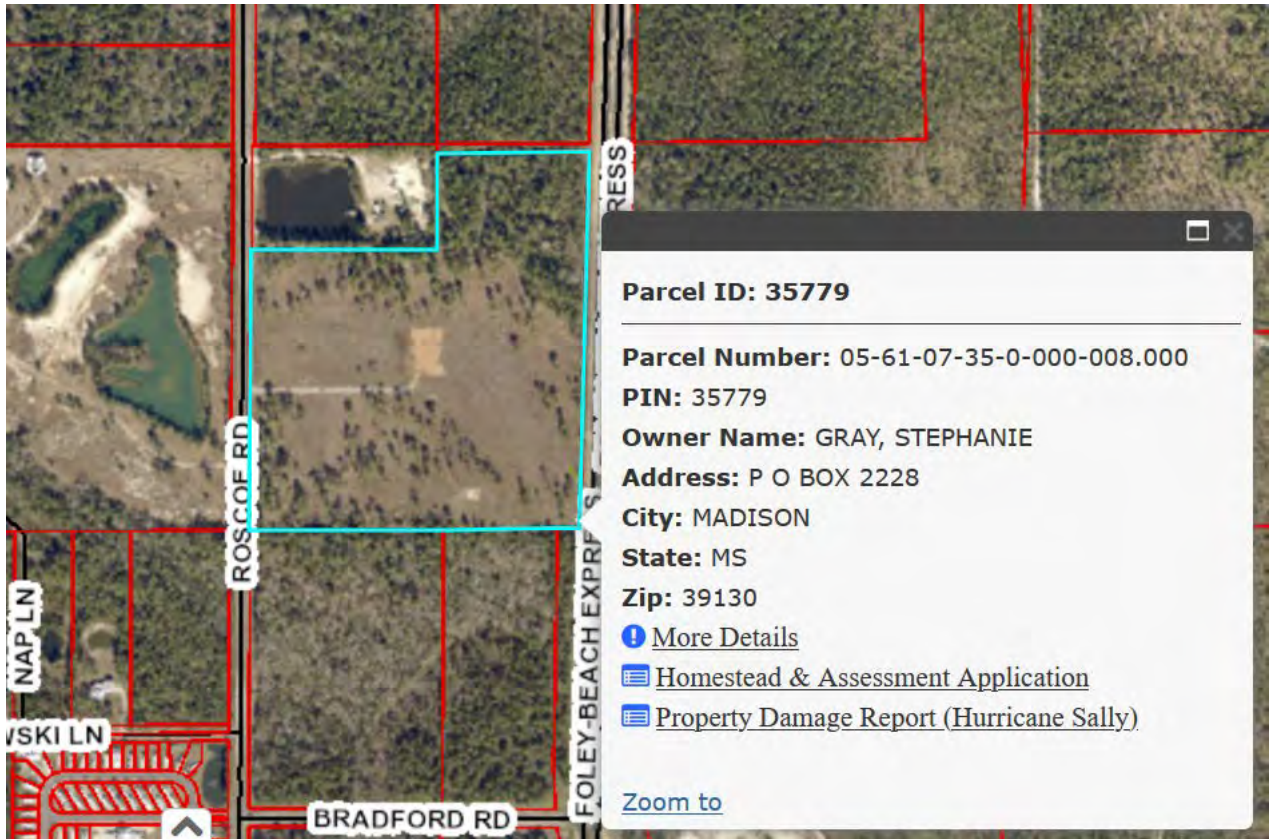


Figure 5. Parcel Map/Aerial of Project Site