



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-2021-00193-JCC

March 25, 2021

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 THE DEVELOPMENT
OF A RESIDENTIAL LOT IN ELBERTA, BALDWIN 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 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: Mr. Gerald Sykora
24495 Powell Lane
Loxley, Alabama 36551

AGENT: EcoSolutions Inc.
Attention: Mr. Thomas Hutchings
Post Office Box 361
Montrose, Alabama 36559

LOCATION/WATERS: The project is located adjacent to Soldier Creek at Baldwin County PPIN 320606 on Howes Lane; in Section 7, Township 8 South, Range 6 East; at Latitude 30.36632° North and Longitude -87.50104° West; in Elberta, Baldwin County, Alabama.

PROPOSED WORK: The applicant is seeking authorization for the discharge of 551 cubic yards of commercially obtained fill material into jurisdictional wetlands for the purpose of constructing a residence with a driveway and septic field. These activities would impact approximately 4,962 square feet (0.114 acre) of wetlands. The applicant also proposes to construct a pier and boat shelter at the property, and that activity will be reviewed for potential authorization under the Alabama Regional General Permit program.

AVOIDANCE & MINIMIZATION: The applicant indicated he has minimized the fill to the greatest extent practicable while still allowing for enough room for a driveway of sufficient size for parking and ingress/egress. Proposed wetland impacts have been reduced from the originally planned 8,765 square feet (0.2 acre) of fill by moving the residence closer to the road and by removing a request for an out-building. 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.

MITIGATION: The applicant proposes mitigation for unavoidable impacts to wetland areas and streams through the purchase of an appropriate number of wetland mitigation credits from an approved wetland mitigation bank and an appropriate number of stream mitigation credits from an approved stream mitigation bank. The USACE has not determined the adequacy of the applicant's avoidance and minimization efforts for the proposed activity.

WATER QUALITY: The applicant will apply for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act, and for a consistency determination regarding Coastal Zone regulations 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 Coastal Zone consistency 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 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 the permit area consists of the approximate 0.114 acre of wetland impacts and the immediately adjacent areas of the lot that will be utilized during construction. 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 this undertaking have also been considered. The National Register of Historic Places (NRHP) has been consulted for properties listed in or eligible for the NRHP which are known to exist and would be affected by the proposed work. A cultural resource survey of the permit area was requested by the Mobile District and subsequently provided by the applicant. The survey report was sent to the SHPO (the Alabama Historical Commission) along with the Mobile District's effect determination for their review and concurrence (AHC File Number 2021-489).

In addition to comments from the SHPO, 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.

ENDANGERED SPECIES: The USACE, Mobile District's 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 the watershed of the project: West Indian manatee (*Trichechus manatus*) (T), wood stork (*Mycteria americana*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), green sea turtle (*Chelonia mydas*) (T), Kemp's Ridley sea turtle (*Lepidochelys kempii*) (E), Loggerhead sea turtle (*Caretta caretta*) (T), and gulf sturgeon (*Acipenser oxyrinchus desotoi*) (T). There is no designated critical habitat within the project's 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). Following the guidelines of the SLOPES agreement, the USACE, Mobile District's review has indicated the proposed wetland fill activity will have no effect

on the wood stork, green sea turtle, Kemp's ridley sea turtle, loggerhead sea turtle, or the West Indian manatee. The review also found the wetland fill activity may affect, but is not likely to adversely affect the gulf sturgeon and the eastern indigo snake. Per the guidelines of the SLOPES agreement informal consultation is requested at this time regarding our determination for the eastern indigo snake. The details of the proposed activity are being provided to both federal and state agencies via this Public Notice for their awareness.

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. 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.

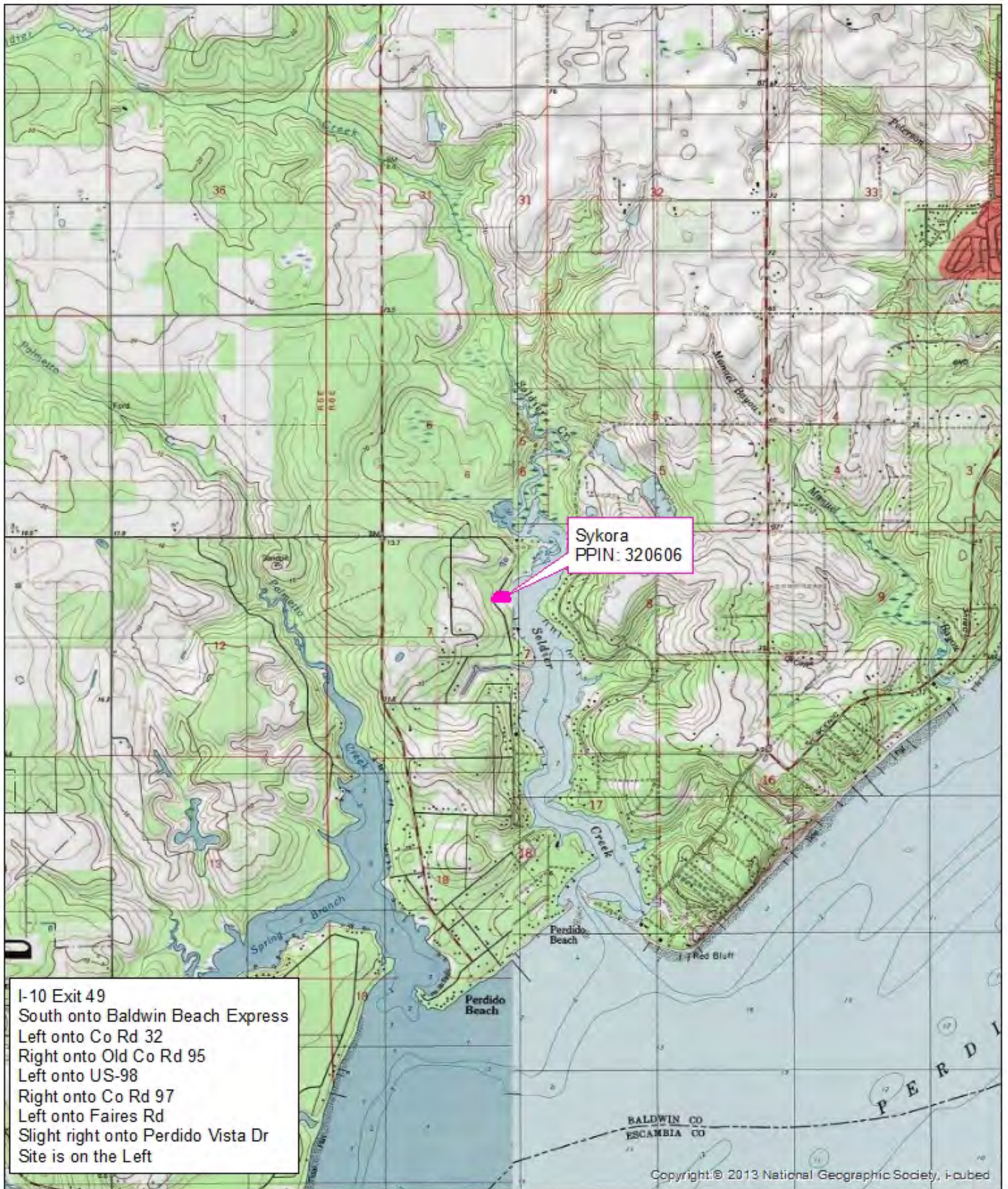
Correspondence concerning this public notice should refer to Public Notice Number **SAM-2021-00193-JCC** and should be directed to Jessica.C.Comeaux@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Jessica C. Comeaux, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy furnished to the Alabama Department of Environmental Management (ADEM), at coastal@adem.alabama.gov; or at ADEM, Mobile District / 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. Jessica Comeaux at (251) 690-3262 or Jessica.C.Comeaux@usace.army.mil. Please refer to the Public Notice Number **SAM-2021-00193-JCC**.

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



I-10 Exit 49
 South onto Baldwin Beach Express
 Left onto Co Rd 32
 Right onto Old Co Rd 95
 Left onto US-98
 Right onto Co Rd 97
 Left onto Faires Rd
 Slight right onto Perdido Vista Dr
 Site is on the Left

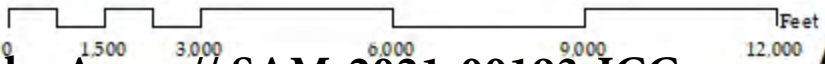
Sykora
 PPIN: 320606

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Project: Sykora Soldier Creek
 Applicant: Gerald Sykora

T-8-S, R-6-E, Sect. 7
 Elberta, AL

1 inch = 3,000 feet



P.O. Box 361 Montrose, AL 36559
 Phone: 251-621-5006 Fax: 251-621-5058

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PPIN: 320606

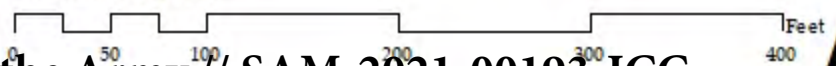


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Phone: 251-621-5006 Fax: 251-621-5058

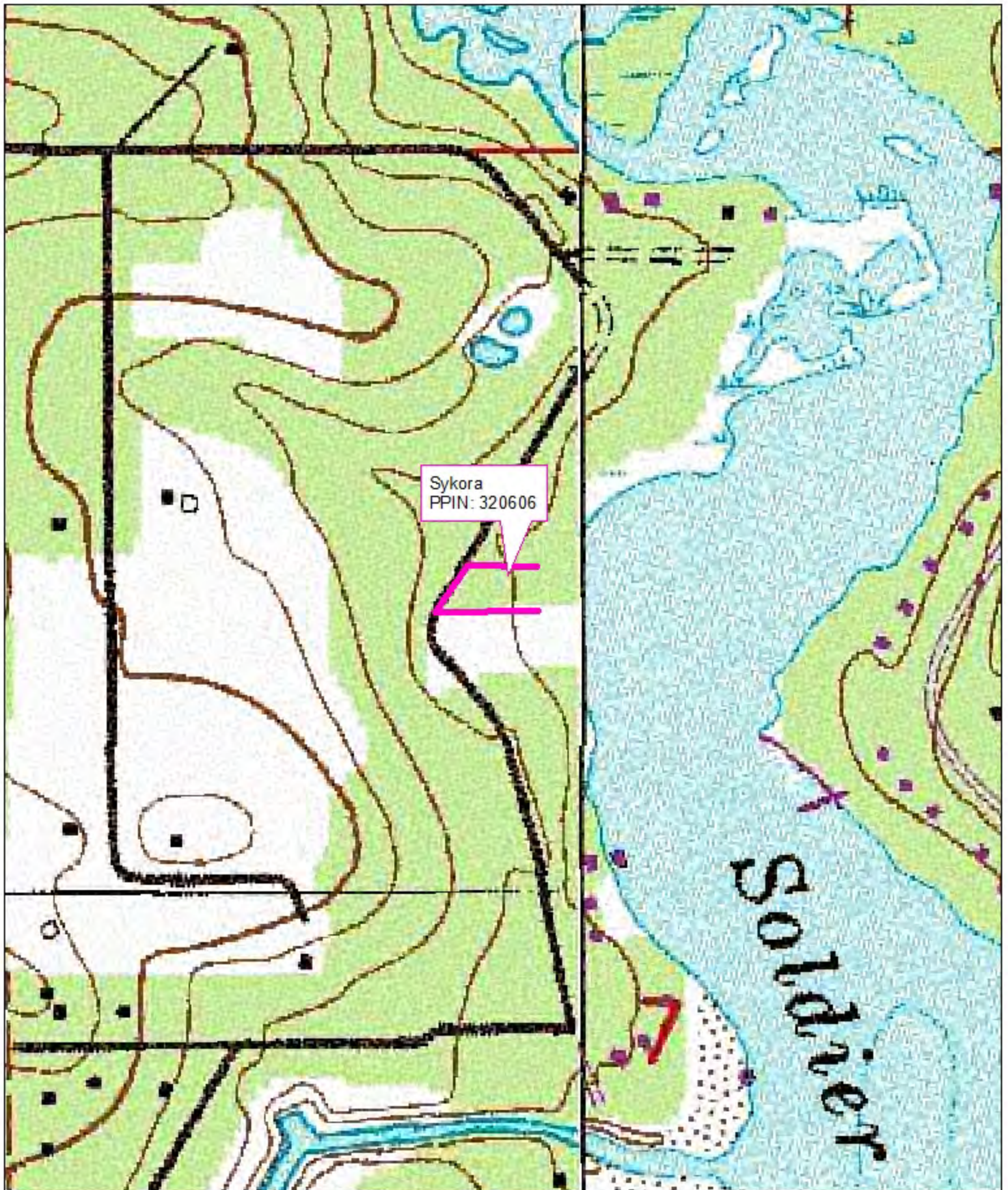
Project: Sykora Soldier Creek
Applicant: Gerald Sykora

1 inch = 100 feet

T-8-S, R-6-E, Sect. 7
Elberta, AL



Department of the Army // SAM-2021-00193-JCC



Sykora
PPIN: 320606

Soldier

EcoSolutions
ENVIRONMENTAL MONITORING, RESTORATION & PLANNING

P.O. Box 361 Montrose, AL 36559
Phone: 251-621-5006 Fax: 251-621-5058

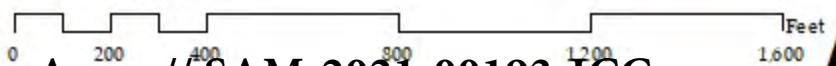
Project: Sykora Soldier Creek

Applicant: Gerald Sykora

1 inch = 400 feet

T-8-S, R-6-E, Sect. 7

Elberta, AL

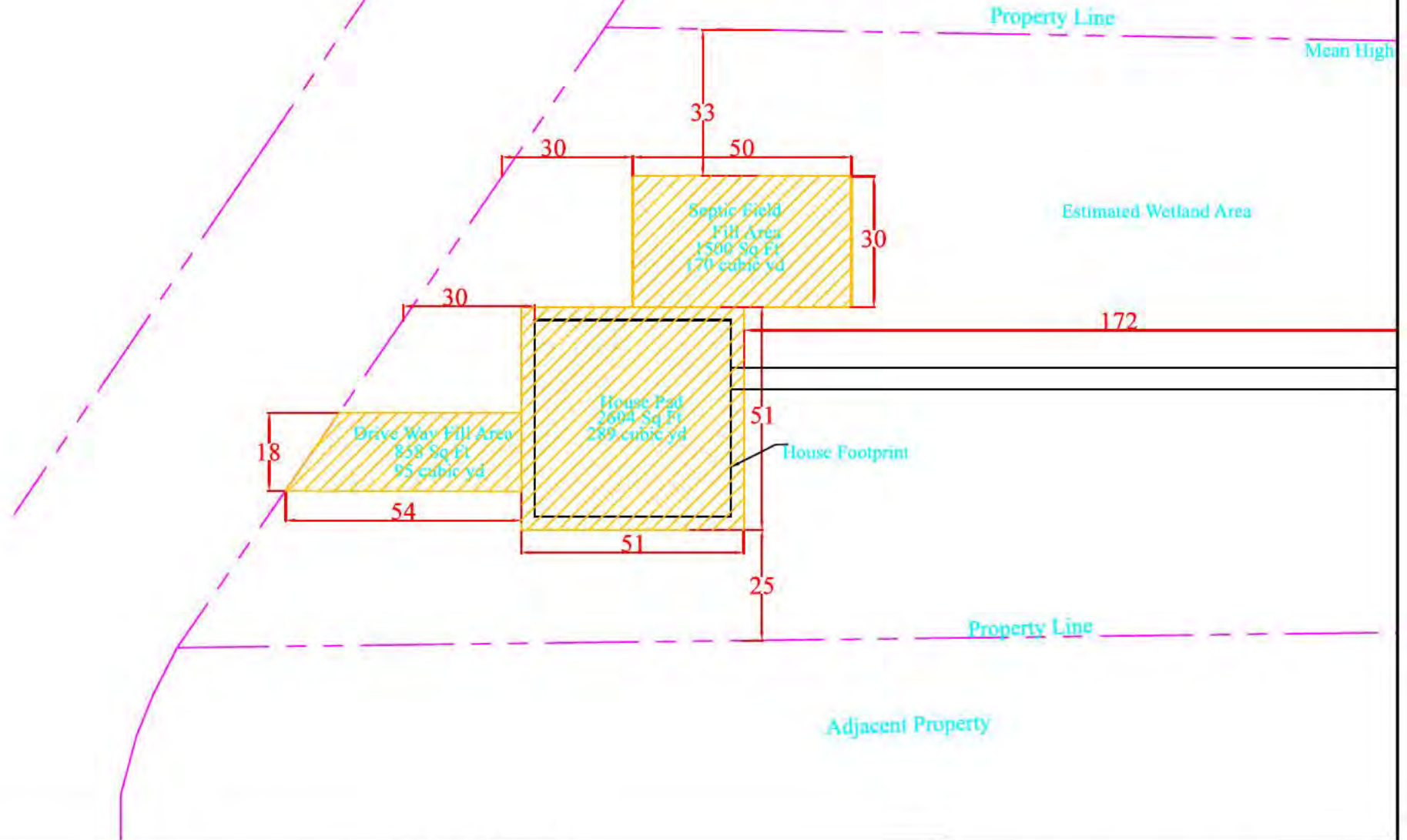


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FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction. A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. This drawing is not to be relied on for construction.

Fill Area = 4,962 sq ft
 Fill Volume = 551 cu yds

Wetland Fill Plan

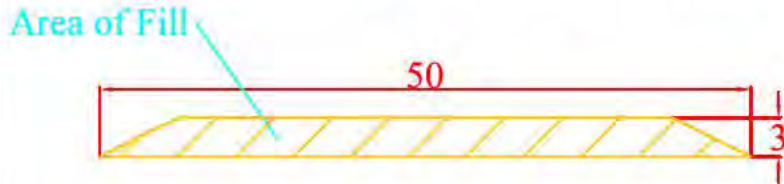


P.O. BOX 361
 MONTROSE, AL 36559
 (251) 821-5006

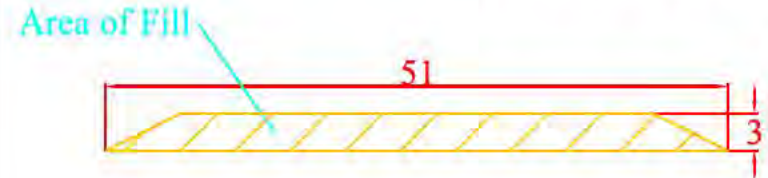
| | | | |
|---|------------------------|----------------------------------|------------------------------|
| PREPARED FOR Sykora Property Soldiers Creek Elberta, Alabama | DRAWN BY C. Johnson | DATE OF LAST REVISION 3/12/21 | SHEET Sykora Wetland Fill |
| CHECKED BY L. Casady | | SCALE AS STATED | SHEET 2 of 3 |

FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

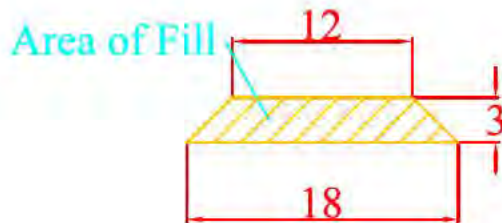
Septic Tank Field Section



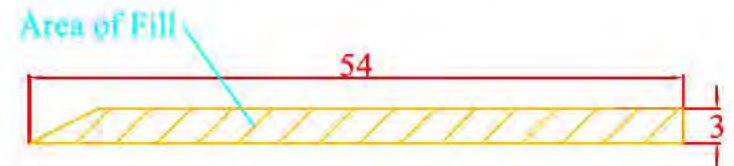
House Pad Section



Driveway Section



Driveway Section



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| Wetland Fill Cross Sections | | | |
|---|------------------------|--|--|
| | | P.O. BOX 361 MONTROSE, AL 36559 (251) 821-5006 | |
| | | ENVIRONMENTAL MONITORING, MANAGEMENT & PLANNING | |
| PREPARED FOR Sykora Property Sykora-Creek Shuford, Alabama | DRAWN BY C. Johnson | DATE OF LAST REVISION 3/12/21 | SHEET Sykora Wetland Fill 100% AS STATED 10001 2 of 2 |

10001 2 of 2