



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM RD-A
PUBLIC NOTICE NO. SAM-2021-00534-CDJ

March 24, 2023

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

REQUEST TO DISCHARGE FILL IN WETLANDS FOR CONSTRUCTION OF PHASE II OF
A RESIDENTIAL DEVELOPMENT, FOLEY, 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 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: Wyld Palms Owner, LLC
Attention: Mr. Nathan Cox
26051 Predazzer Lane, Suite A
Daphne, Alabama 36526

AGENT: Wildland Services, LLC
Attention: Mr. Will Neighbors
Post Office Box 469
Auburn, Alabama 36831

LOCATION: Wyld Palms Drive; within Section 8, Township 8 South, Range 4 East; near Latitude 30.3582°, Longitude -87.6862°; Foley, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to construct a single-family residential subdivision that would serve the increased demand for additional housing in Baldwin County.

PROPOSED WORK: This project would place approximately 855 cubic yards of commercially obtained fill material within 23,087 square feet (0.53 acres) of wetlands for phase II of a single-family housing subdivision, which would include utility installation, access roads, building pads, and bank stabilization.

AVOIDANCE AND MINIMIZATION: The applicant conducted an analysis of alternative project designs using various configurations and has concluded that the proposed design would meet the purpose and need of the project while avoiding as many aquatic resources as possible. The applicant has also removed two proposed units to reduce wetland impacts and has proposed to implement Best Management Practices. 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 offset impacts to wetlands by the purchase of wetland mitigation credits from an approved wetland mitigation bank. The U.S. Army Corps of Engineers (USACE), Mobile District has not verified the adequacy of the applicant's mitigation efforts at this time.

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. 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 an established 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 entire business park. 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 federally-recognized American Indian tribes will be initiated.

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: West Indian Manatee (T), Wood Stork (T), Alabama Red Belly Turtle (E), and Eastern Indigo Snake (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination with regard to potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

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.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2021-00534-CDJ**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Lacey M. Leaptrott**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at lacey.m.leaptrott@usace.army.mil, or (251) 694-3779. 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.

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

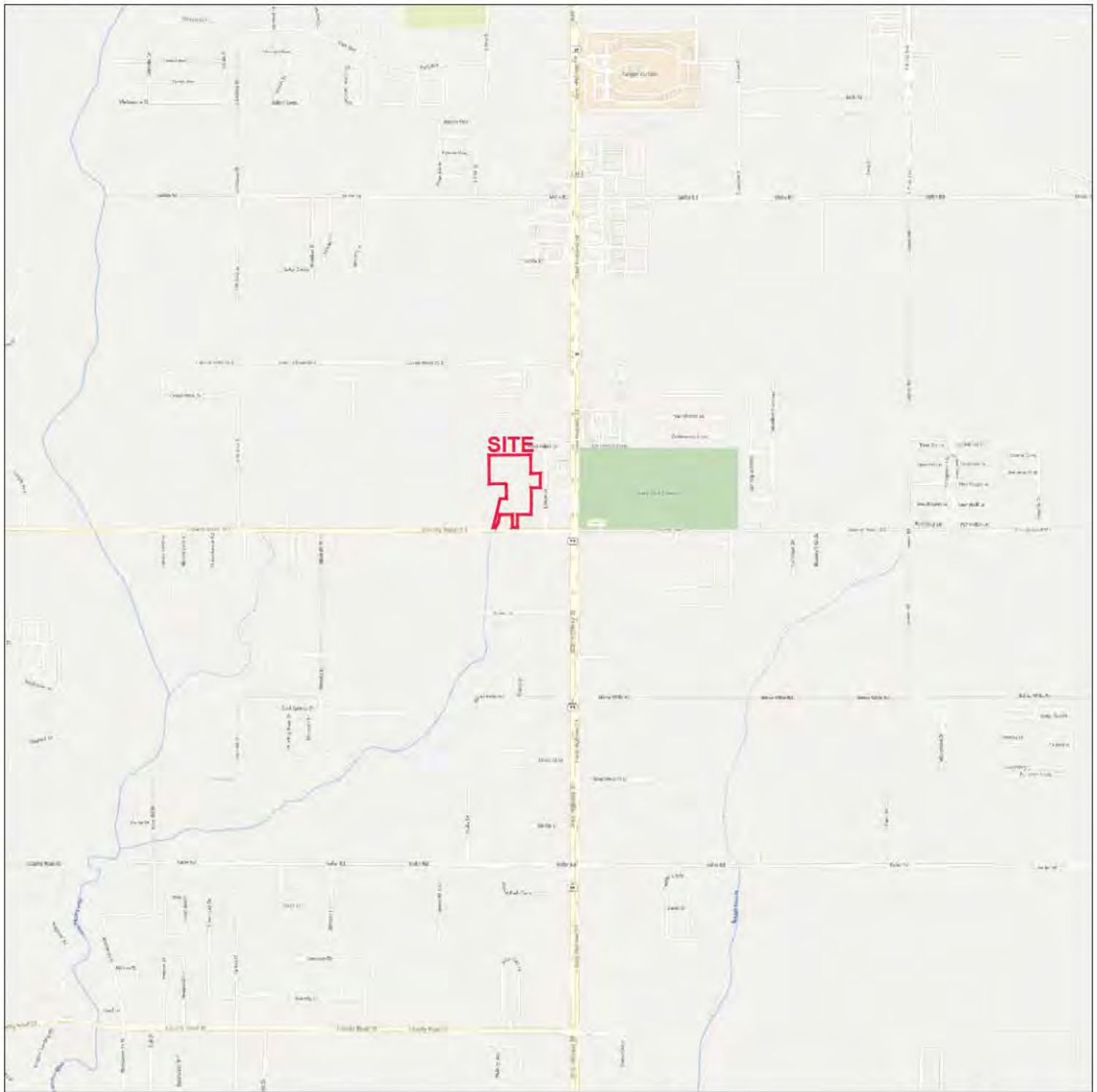
Enclosures



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com



WYLD PALMS
S8 T8S R4E
30.3582, -87.6862
FOLEY, AL



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LEGEND

Drawing Symbols

— Site Boundary



4/10/2021

Figure 1
Site Location Map



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com



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Drawing Symbols

- Site Boundary
- Wetland
- Data Point
- Stormwater Detention

4/10/2021

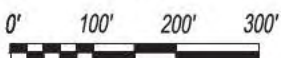


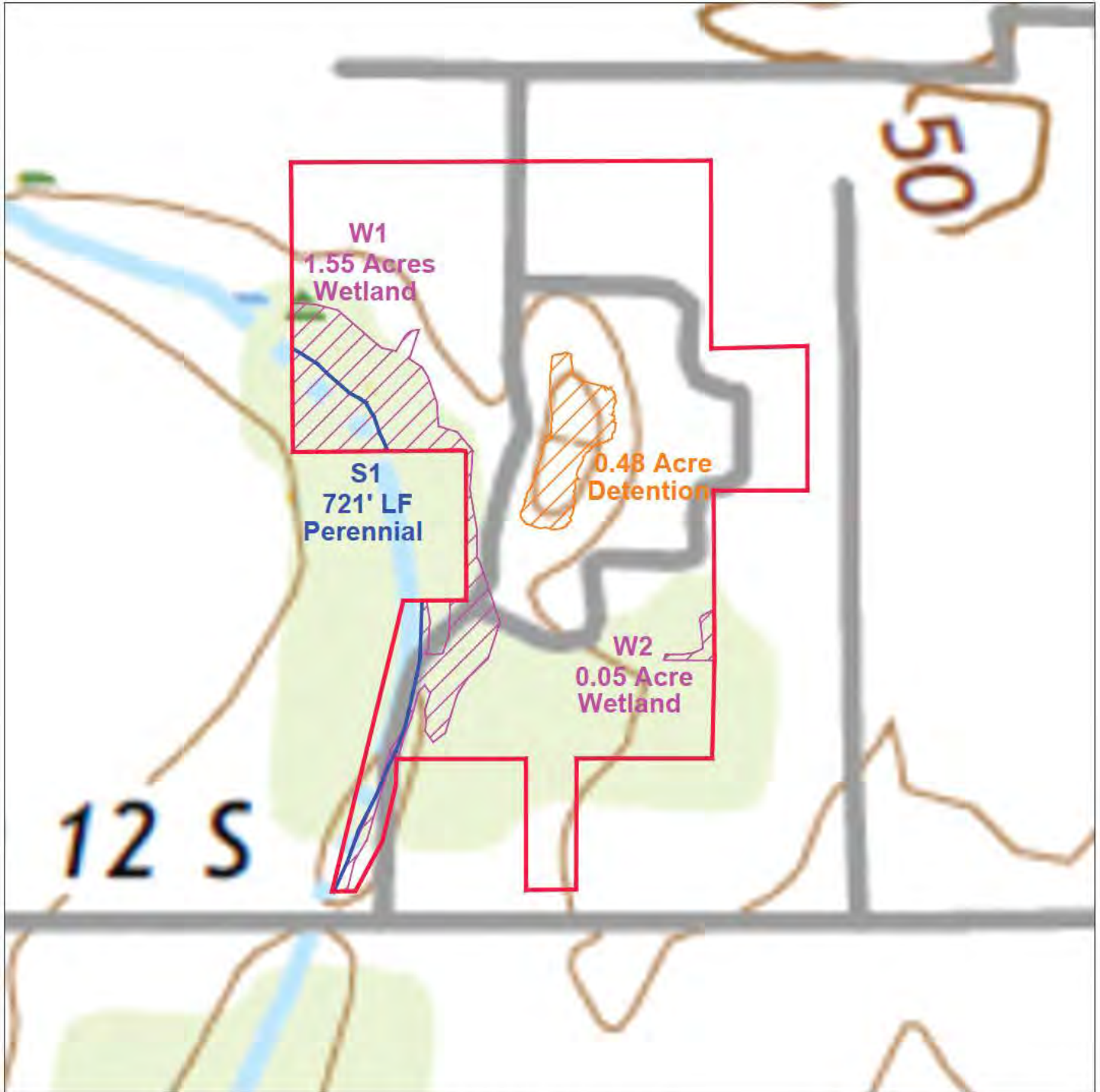
Figure 2
Aerial with Delineation



Drawing by: Will Neighbors: CPESC, PWS
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SAM-2021-00534-CDJ

LEGEND

Drawing Symbols

- Site Boundary
- Wetland
- Stormwater Detention
- Perennial

4/10/2021

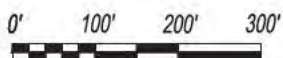


Figure 3
USGS Topo with Delineation

