



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-2021-00609-ELB

May 12, 2022

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

REQUEST TO DISCHARGE FILL MATERIAL IN WETLANDS IN FAIRHOPE
FOR THE DEVELOPMENT OF MULTI-UNIT RESIDENTIAL HOUSING,
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: Gayfer Village Partners, LLC
Attention: Mr. Tom Mitchell
Post Office Box 579
Bay Minette, Alabama 36507

AGENT: Wetland Sciences
Attention: Mr. Craig Martin
3308 Gulf Beach Highway
Pensacola, Florida 32507

LOCATION: The proposed project is located at the northwest corner of the intersection of Fairhope Avenue and State Highway 181; at Baldwin County PIN Numbers 236701, 24160 and 316793; within Section 15, Township 6 South, Range 2 East; at Latitude 30.527747°, Longitude -87.8547°; Fairhope, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to construct a multi-family high-density residential and commercial retail complex within a fast-growing area near existing infrastructure and the coast.

PROPOSED WORK: The applicant proposes to place 3,450 cubic yards of commercially obtained fill material within 28,764 square feet (0.66-acre) of jurisdictional wetlands for the purpose of constructing commercial buildings in conjunction with a larger residential and commercial development. The site will be leveled and graded with material appropriate to support the construction of multiple proposed commercial developments, roads, parking lots, and stormwater facilities.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while supporting an economically viable development. Three

acres of high-quality wetlands on the property will be avoided entirely and afforded a 30-foot buffer to eliminate secondary or cumulative impacts. The project design also avoids impacts to an unnamed tributary to Cowpen Creek. 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 through the purchase of an appropriate number of wetland mitigation credits from an approved wetland mitigation bank. The USACE has not determined the adequacy of the applicant's mitigation proposal for the proposed activity.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The applicant would apply for certification from the State of Alabama in accordance with Section 401 (a)(1) of the Clean Water Act, as well as 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 would 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 0.66-acre footprint of the jurisdictional fill areas and immediately adjacent upland areas that would be disturbed during 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: West Indian manatee (T), wood stork (T), Alabama red-bellied turtle (E), eastern indigo snake (T), and Gulf sturgeon (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-2021-00609-ELB**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Jessica C. Comeaux**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at jessica.c.comeaux@usace.army.mil, or (251) 690-3262. 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

Attachments



**EXISTING CONDITIONS
 FOR USACOE PERMIT**

C-1



GAYFER VILLAGE PARTNERS
 KLUMPP PARCEL DEVELOPMENT
 FAIRHOPE, ALABAMA

GMCProject: CMOB190186

ISSUE	DATE
COE Submittal	02/22/2022
COE Resubmittal	04/25/2022
DRAWN BY:	JTS & JG
CHECKED BY:	JWS

2039 Main Street
 Daphne, AL 36526
 T 251.626.2626
 GMCNETWORK.COM



GAYFER RD EXT

KNALL DR

GIRBY AVE

PETZ AVE

SALVADOR ST

Parcel ID: 24160

Parcel Number: 05-46-05-15-0-000-001.000

PIN: 24160

Owner Name: GAYFER VILLAGE PARTNERS L L C

Address: P O BOX 130

City: DAPHNE

State: AL

Zip: 36526

[More Details](#)

[Homestead & Assessment Application](#)

[Property Damage Report \(Hurricane Sally\)](#)

[Zoom to](#)

ROYAL LN

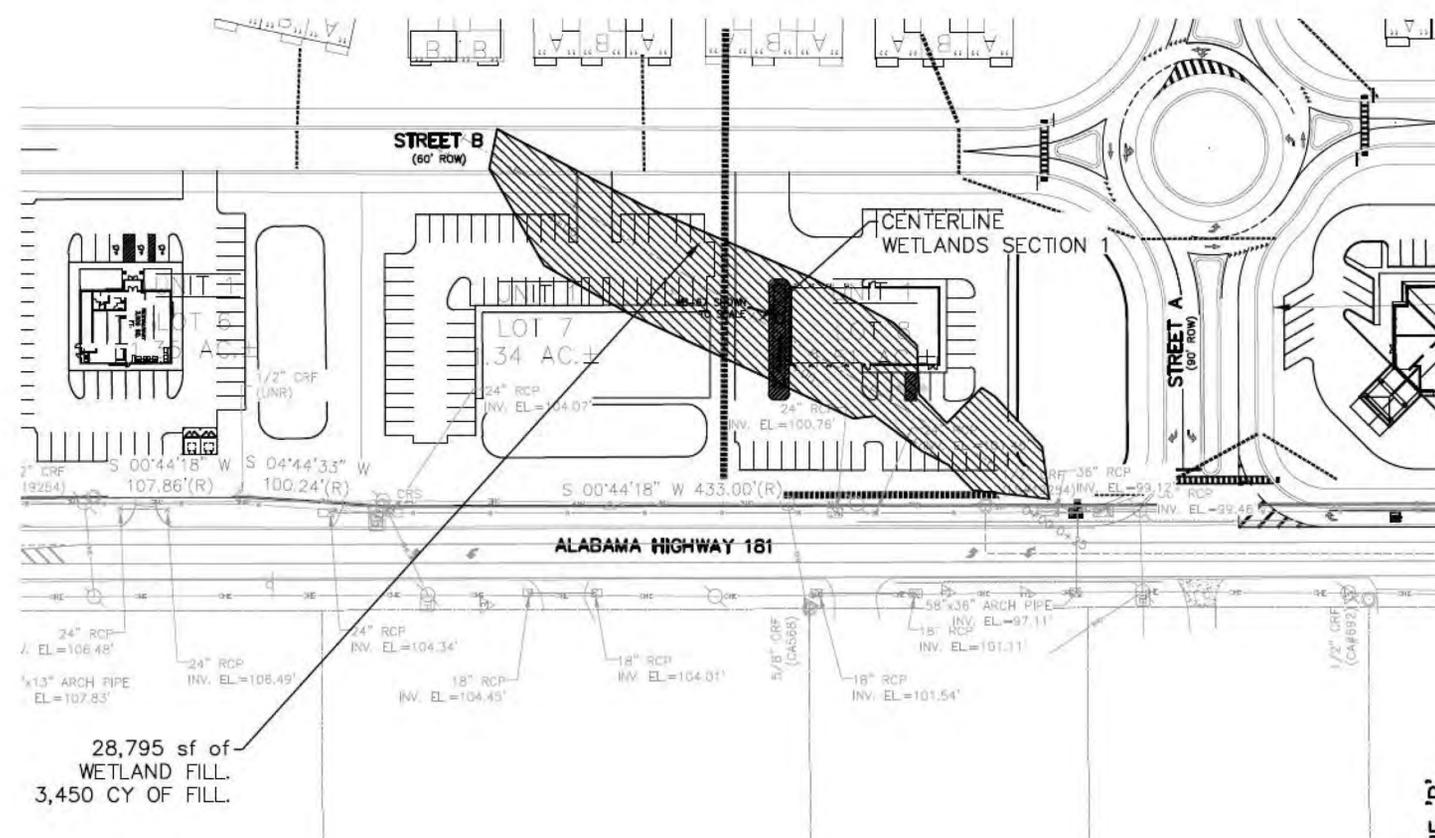
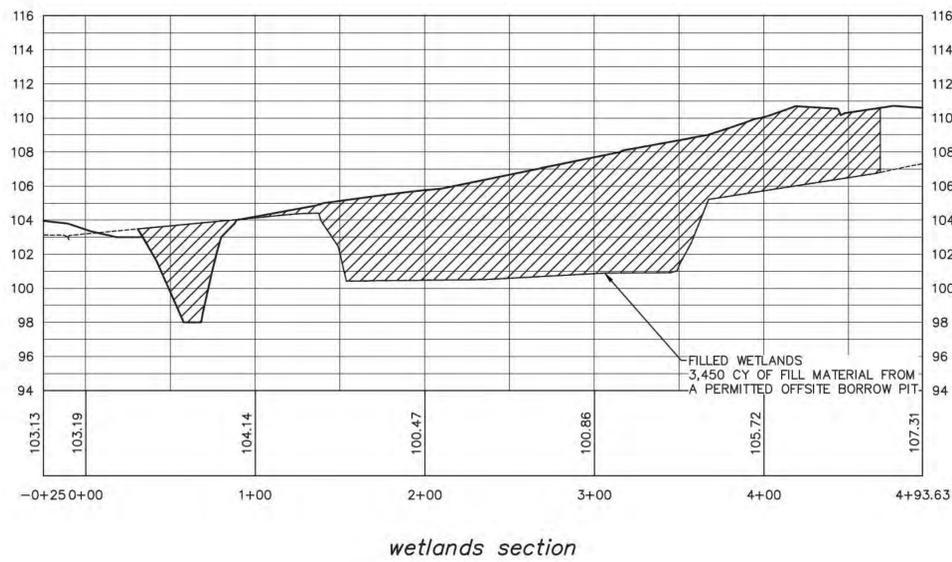
LEWILD DR

SAINT CHARLES CT

BROWNING LN

CT

DRAWING FILE: T:\Mudley\2026 Proj\Gayer Village Partners\CMOB190186 - Klump Development\DWG\USACOE PLAN.DWG
PLOTTED: Aug 25, 2022 - 10:02am



28,795 sf of
WETLAND FILL.
3,450 CY OF FILL.

**SECTIONS & PROFILE
FOR USACOE PERMIT**

C-3

GAYER VILLAGE PARTNERS
KLUMPP PARCEL DEVELOPMENT
FAIRHOPE, ALABAMA

GMCProject: CMOB190186



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