



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-2021-01159-ES

December 28, 2021

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

REQUEST TO PLACE FILL MATERIAL WITHIN WETLANDS AND STREAM BED
ASSOCIATED WITH THE EXTENSION OF AN EXISTING RESIDENTIAL ACCESS
ROAD NEAR SIBLEY CREEK, IN AUDUBON SUBDIVISION, SPANISH FORT,
BALDWIN COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army 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: Blackland Investments, LLC
Attention: Mr. J.R. Sute
12425 Boone Lane
Fairhope, Alabama 36532

AGENT: Volkert, Inc.
Attention: Ms. Paige Felts
1680 West Second Street, Suite B
Gulf Shores, Alabama 36542

LOCATION: Upper Tributary of Sibley Creek; off Alder Ave; within Section 15, Township 4 South, Range 2 East; at Latitude 30.691783° North, Longitude -87.852651° West; Audubon Subdivision, Spanish Fort, Baldwin County, Alabama.

PROJECT PURPOSE: The basic project purpose is to provide access to uplands on the site. The overall project purpose is to extend the existing two-lane residential road for access to the adjacent uplands.

PROPOSED WORK: The applicant proposes the placement of 3,942 cubic yards of clean earthen fill and 172 cubic yards of riprap material within 0.508 acre of wetlands and 63 linear feet of perennial stream for the extension of a two-lane access road. The access road would include a 24-foot driving surface and two 5-foot pedestrian paths to be located on either side of the road. A 58-linear-foot box culvert would be installed within the road footprint, along 63 linear feet of perennial stream bed, with a total of 172 cubic yards of clean riprap material proposed to be placed at the culvert inlet and outlet.

AVOIDANCE AND MINIMIZATION: Due to the orientation of the aquatic resources and the upland area requiring access, impacts are unavoidable. Impacts have been minimized by utilizing existing fill areas, crossing in the narrowest point, and steeping roadway side slopes. As provided by the applicant, there are approximately 14.42 acres of wetlands and 2,154 linear feet of stream identified on the property. Approximately 0.495 acres of wetlands and 0.013 acre (63 linear feet) of perennial stream are proposed to be impacted. That is an avoidance of approximately 97% of total wetlands and streams on-site. Construction Best Management Practices (BMPs) will be implemented to prevent silt laden dredged material runoff from reentering the waterway. 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 credits from an approved mitigation bank within the service area of the proposed project. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY / COASTAL ZONE MANAGEMENT: 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 Mobile District has determined the permit area consists of the entire undertaking in waters of the United States as well as portions of the adjacent uplands. The National Register of Historic Places will be consulted for properties listed in or eligible for 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. The permit area described above is currently under review by District Archaeologists to provide a determination on the potential for existence of significant cultural and historic properties.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would occur within non-tidal forested wetlands and perennial stream. 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).

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 proposed activity will have no effect on the following listed endangered or threatened species with the potential to exist within the watershed of the permit area: West Indian manatee (T), wood stork (T), eastern indigo snake (T), Alabama red-bellied turtle (E), and Gulf Sturgeon (T). There is no designated critical habitat within the project action area. This determination is being coordinated with the USFWS via this Public Notice.

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.

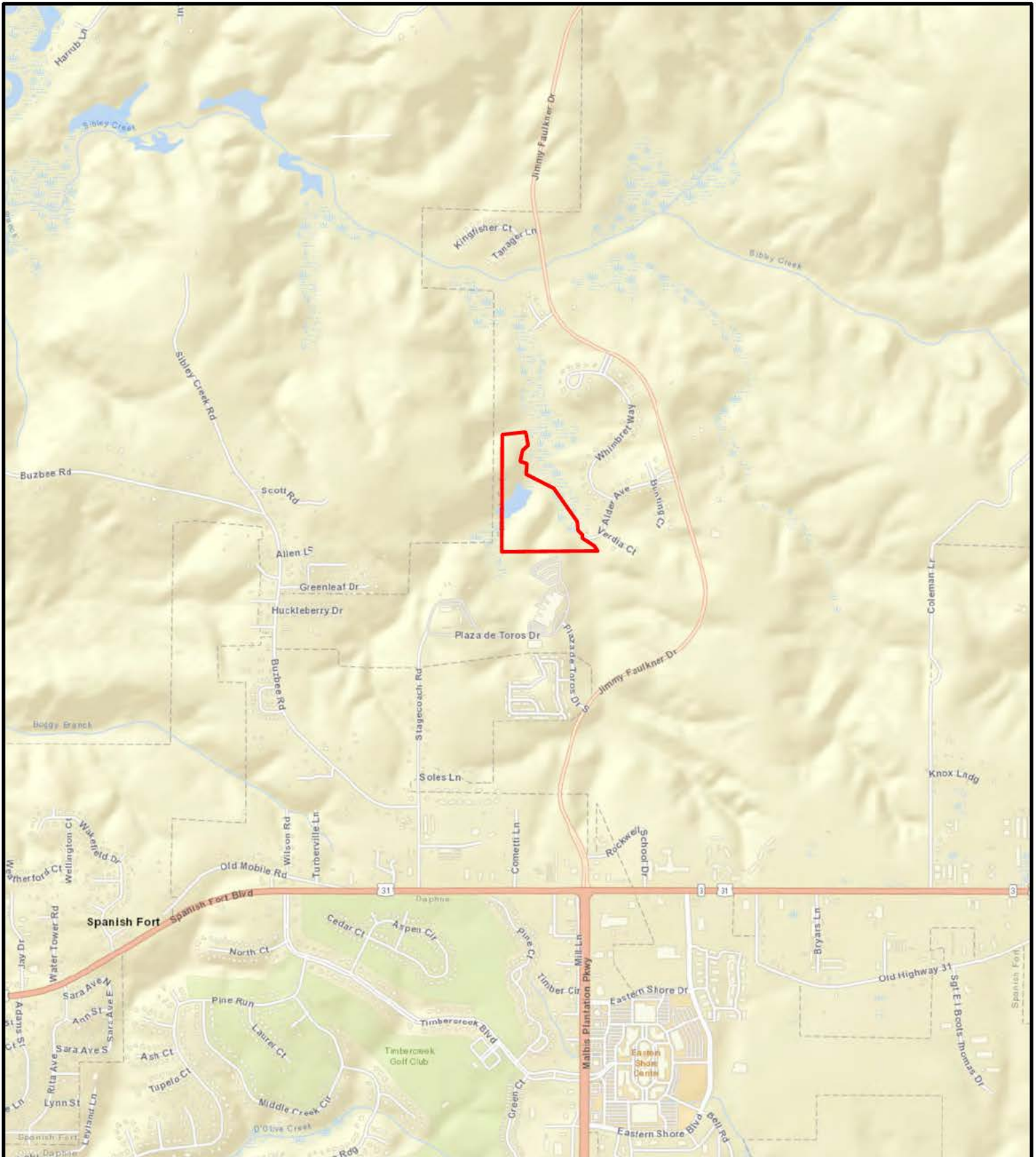
Correspondence concerning this notice should refer to Public Notice Number **SAM-2021-01159-ES**, and should be directed to the project manager, Ms. Elizabeth A. Hamilton by e-mail at Elizabeth.A.Hamilton@usace.army.mil, or to the USACE, Mobile District,

Regulatory Division, Attention: Ms. Elizabeth A. Hamilton, 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.**

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

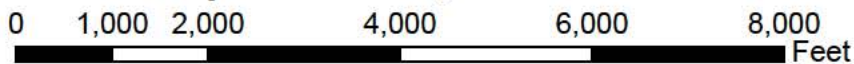


Blackland Investments - 34 Acres
Location Map
05-32-05-15-0-000-001.015
Spanish Fort, Alabama



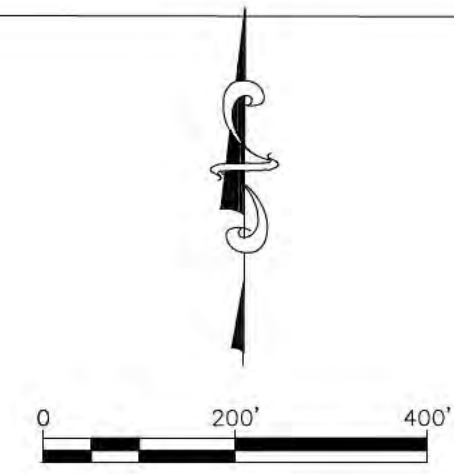
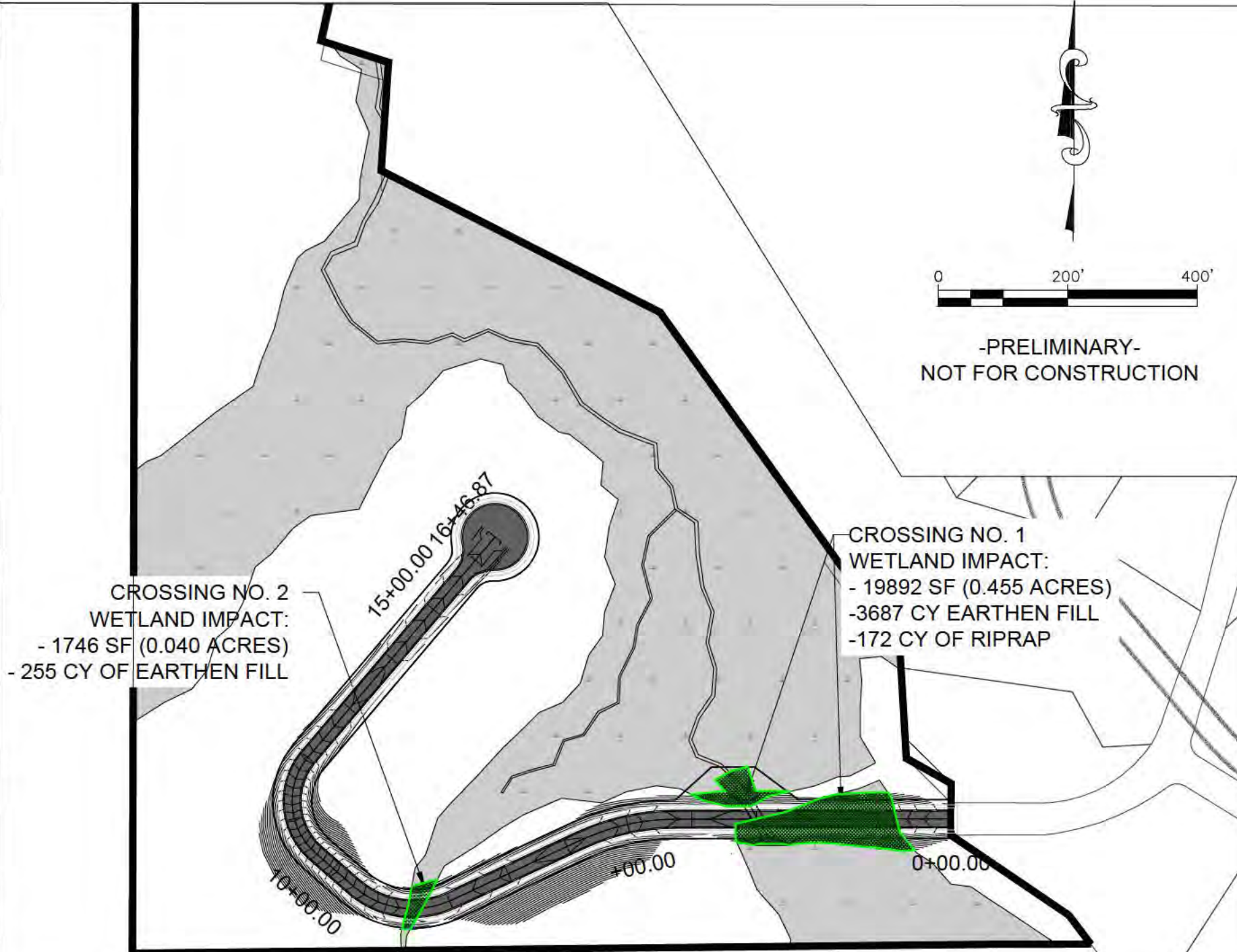
Legend

Property Boundary



Preliminary Base.dwg

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-PRELIMINARY-
NOT FOR CONSTRUCTION

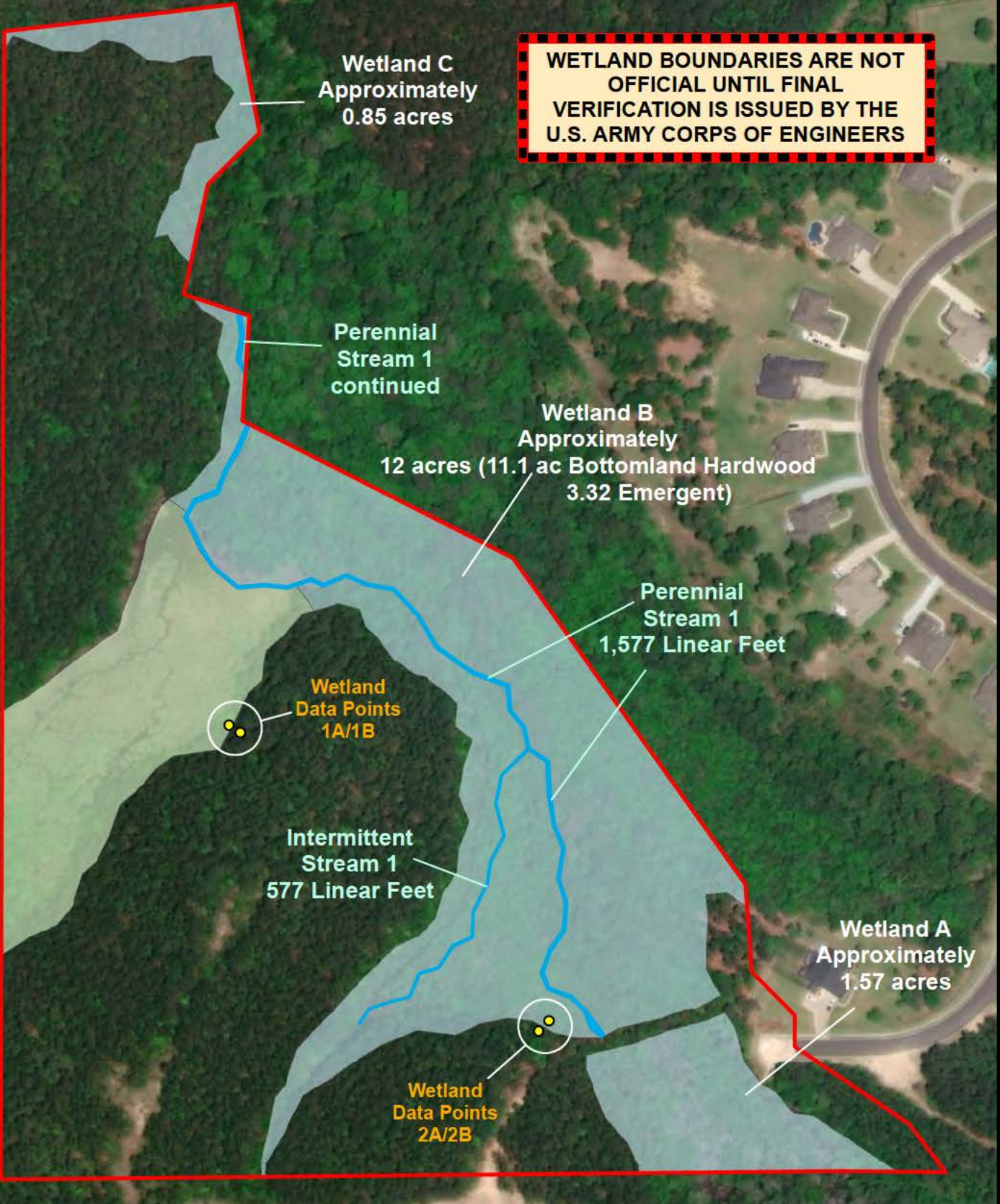
CROSSING NO. 2
WETLAND IMPACT:
- 1746 SF (0.040 ACRES)
- 255 CY OF EARTHEN FILL

CROSSING NO. 1
WETLAND IMPACT:
- 19892 SF (0.455 ACRES)
- 3687 CY EARTHEN FILL
- 172 CY OF RIPRAP

PROJECT:		WETLAND DELINEATION & PERMITTING IN ACRES			
DESCRIPTION:		NORTH OF SPANISH FORT HIGH SCHOOL			
CLIENT:		BLACKLAND INVESTMENTS			
DRAWN BY:	N.L.L.	DATE:	8/12/16		
CHECKED BY:	J.L.S.	DATE:	8/12/16		
APPROVED BY:		DATE:			
SCALE:		SHEET:	1		
REVISIONS		APPROVED	REV	DATE	DESCRIPTION



WETLAND BOUNDARIES ARE NOT OFFICIAL UNTIL FINAL VERIFICATION IS ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS



Wetland C
Approximately
0.85 acres

Perennial
Stream 1
continued

Wetland B
Approximately
12 acres (11.1 ac Bottomland Hardwood
3.32 Emergent)

Perennial
Stream 1
1,577 Linear Feet

Wetland
Data Points
1A/1B

Intermittent
Stream 1
577 Linear Feet

Wetland
Data Points
2A/2B

Wetland A
Approximately
1.57 acres

Legend

- Property Boundary
- Stream
- Bottomland Hardwood
- Emergent

**Blackland Investments - 34 Acres
Wetland And Stream Delineation Map
05-32-05-15-0-000-001.015
Spanish Fort, Alabama**

