



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-2022-00037-JCC

March 31, 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 AND
WATERBOTTOMS IN FAIRHOPE FOR RESIDENTIAL CONSTRUCTION AND
LAND RECLAMATION, 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: Wella Investments, LLC
Attention: Patrice Douglas
11077 County Road 1
Fairhope, Alabama 36532

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

LOCATION: The proposed project is located at Baldwin County PIN Number 251877 on County Road 1; within Section 34, Township 7 South, Range 2 East; at Latitude 30.38553°, Longitude -87.86712°; Fairhope, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to restore the property to its 2005 shoreline and to construct a single-family residence on Mobile Bay.

PROPOSED WORK: The applicant proposes to place a total of 1,742 cubic yards of commercially obtained sandy fill material on the property for the purpose of land reclamation and residential construction. Approximately 128 linear feet of new bulkhead will be constructed at the 2005 shoreline. Additionally, 1,236 cubic yards of sand will be placed within 4,333 square feet (0.0995-acre) of water bottoms behind the new bulkhead, of which 963 cubic yards of sand will be below the plane of mean high water for land reclamation. The placement of 779 cubic yards of fill for home and driveway construction will impact 5,260 square feet (0.121-acre) of wetlands. The material for home and driveway construction will be contained by a 4-foot-high retaining wall.

AVOIDANCE & MINIMIZATION: The applicant has indicated the fill has been minimized to the greatest extent practicable while still constructing a home similar in size to neighboring homes. The fill will be contained by the construction of a retaining wall, rather than a slope towards the wetlands, reducing the amount of impacts necessary. A culvert will be installed under the driveway to allow for continued hydrological connectivity through the remaining wetlands. 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 has applied 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. This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 jurisdictional fill areas that would be disturbed by construction of the project. A Phase I Cultural Resource survey has been requested of the applicant. 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), Kemp's Ridley sea turtle (E), Loggerhead sea turtle (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.

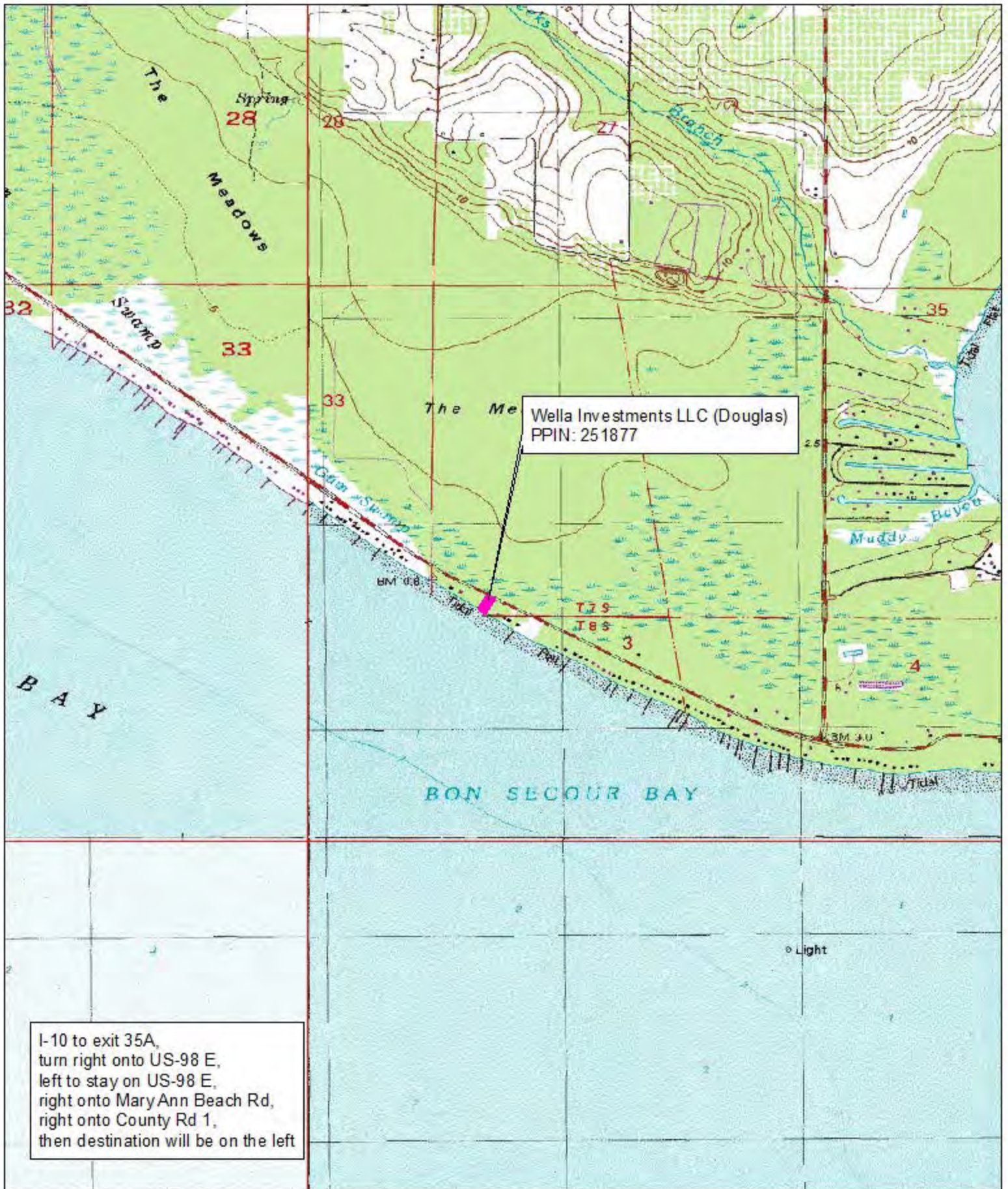
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably 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.

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-2022-00037-JCC**, 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.

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



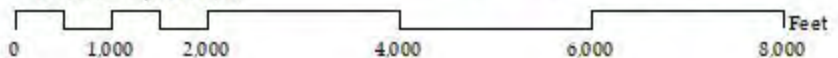
Wella Investments LLC (Douglas)
PPIN: 251877

I-10 to exit 35A,
turn right onto US-98 E,
left to stay on US-98 E,
right onto Mary Ann Beach Rd,
right onto County Rd 1,
then destination will be on the left



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

Project: Douglas CR 1
Applicant: Patrice Douglas for
Wella Investments, LLC
1 inch = 2,000 feet



T-7-S, R-2-E, Sect. 34
Point Clear, AL
Topo: Magnolia Springs, AL





Wella Investments LLC (Douglas)
PPIN: 251877

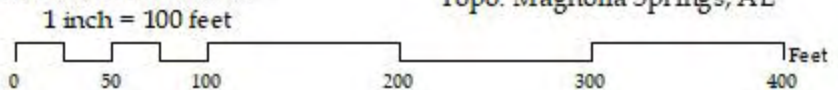
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

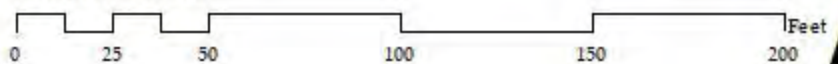
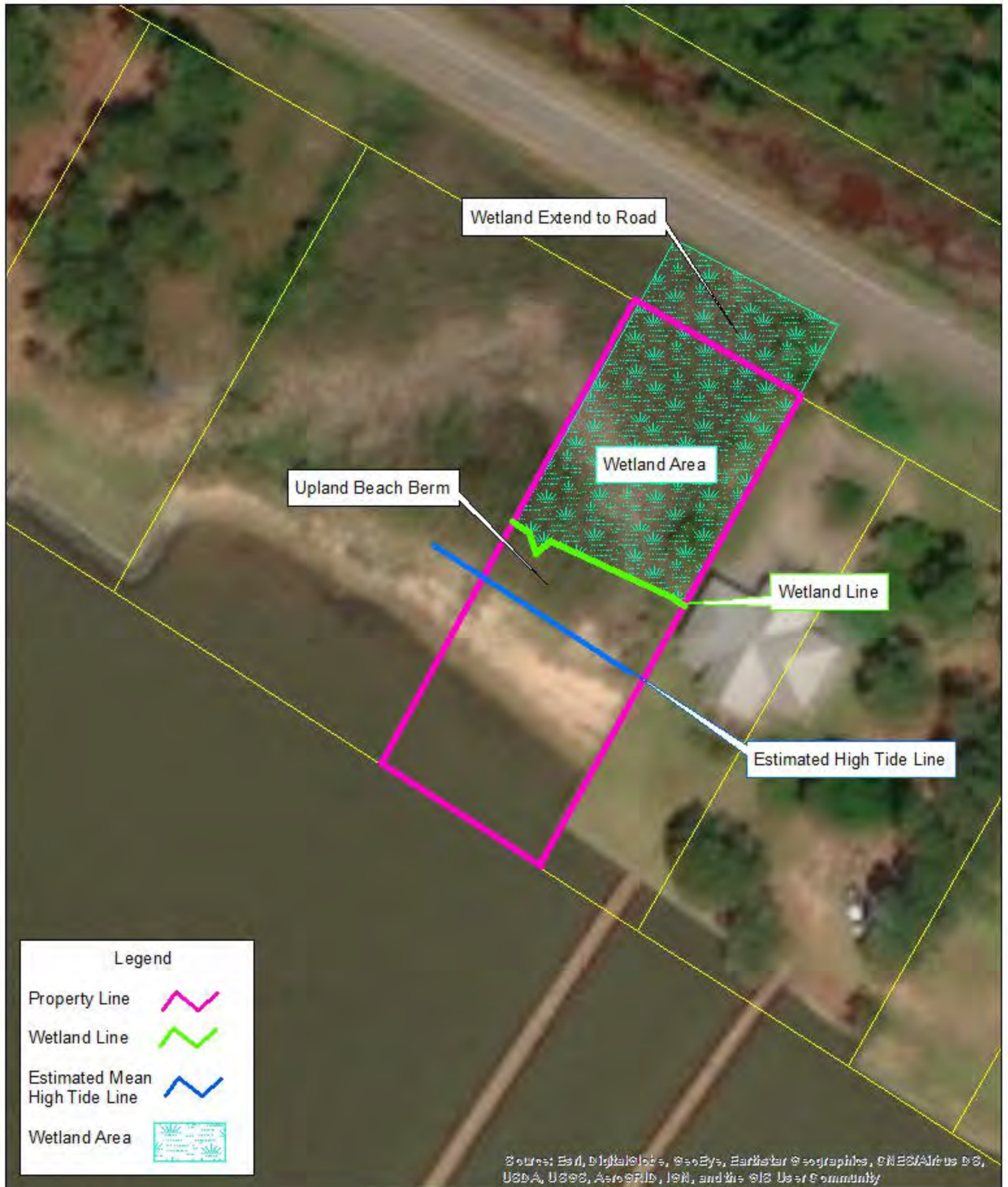


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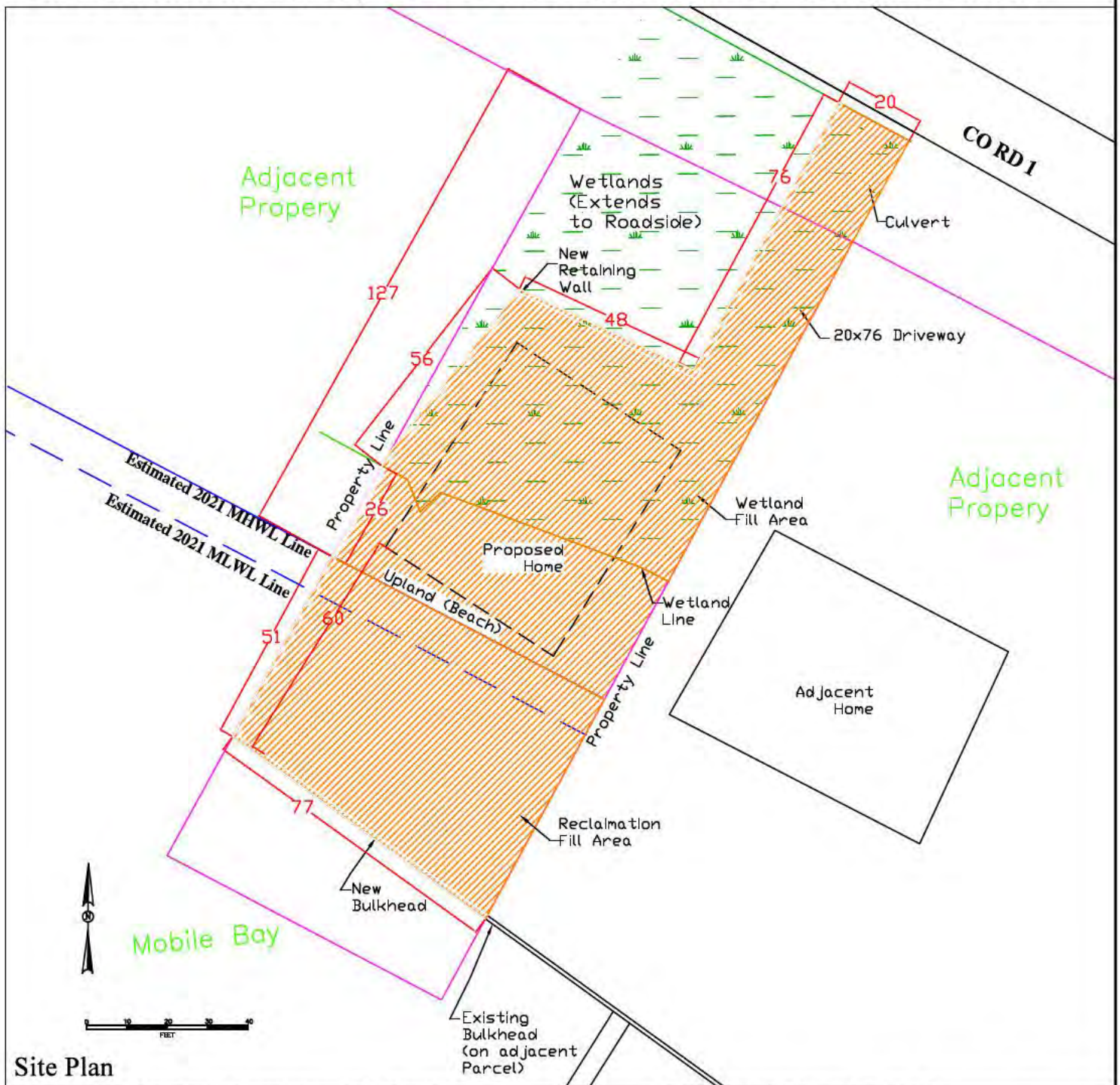
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T-7-S, R-2-E, Sect. 34
Point Clear, AL
Topo: Magnolia Springs, AL





FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Site Plan

Note: New bulkhead to be placed along 2005 Shoreline.

Bulkhead (below MHWL) Length = 128 linear feet

Upland Retaining Wall Length = 26 linear feet

Wetland Retaining Wall Length = 206 linear feet

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. Property boundaries are estimated based on available information.

Reclamation Fill Area = 4,333 sq ft
 Reclamation Fill Volume (below MHWL) = 963 cu yd
 Upland Beach Fill Area = 1,845 sq ft
 Upland Beach Fill Volume (above MHWL) = 273 cu yd

Wetland Fill Area = 5,206 sq ft
 Wetland Fill Volume = 779 cu yd

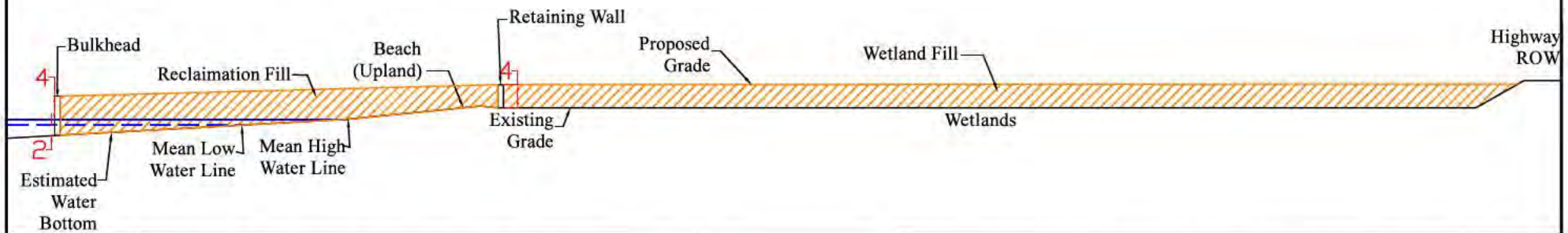
Douglas Site Plan			
EcoSolutions ENVIRONMENTAL MEDICATION, MANAGEMENT & PLANNING		P.O. BOX 361 MONROSE, AL 36559 (251) 621-5006	
PREPARED FOR Patrice Douglas PIN: 251877 Co. Rd. 1 Fairhope, AL	DRAWN BY L. Korcher	DATE OF LAST REVISION Dec. 31, 2021	DWG Douglas Property 12.24.21
CHECKED BY L. Corbridge	SCALE: AS STATED	SHEET 1	

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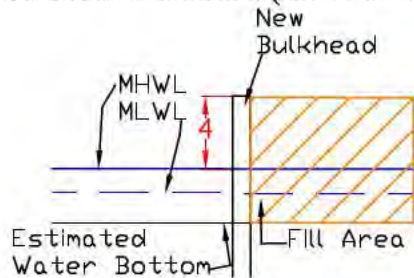
Existing Shoreline and Wetlands Cross-Section



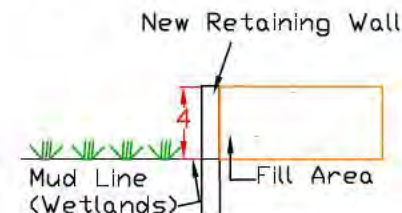
Fill Cross-Section (South to North)



Bulkhead Cross-Section (East to West)



Retaining Wall Cross-Section (East to West)



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Douglas Fill Cross-Sections



P.O. BOX 361
 MONTROSE, AL 36559
 (251) 621-5006

PREPARED FOR Patrice Douglas PIN: 251877 Co. Rd. 1 Fairhope, AL	DRAWN BY L. Kercher	DATE OF LAST REVISION Dec. 31, 2021	DWG Douglas Property 12.24.21
CHECKED BY L. Cosalidey	SCALE: AS STATED	SHEET 2	

Douglas Property 12.24.21