



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-2022-00098-CDJ

February 24, 2022

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

REQUEST TO IMPACT 0.26 ACRE OF WETLANDS IN CONJUNCTION WITH THE
EXTENSION OF GULF VIEW DRIVE AND THE DEVELOPMENT OF TWO RESIDENTIAL
LOTS, SURFSIDE SHORES SUBDIVISION, GULF SHORES, 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: Morgantown Development Co., Inc.
c/o Harris W. Stewart Jr.
Post Office Box 20415
Tuscaloosa, Alabama 35402

AGENT: Ms. Gena Todia
Post Office Box 2694
Daphne, Alabama 36526

LOCATION: The project is located within the Surfside Shores subdivision at Lot 2 of Block Q and Lot 1 of Block H, Gulf View Drive (Baldwin County Parcel PINs 75875 and 75874); within Section 30, Township 9 South, Range 2 East; at Latitude 30.236319, Longitude -87.910317; in Gulf Shores, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to improve a county-owned right-of-way (ROW) to provide access to two, legally platted, undeveloped residential lots, and to establish a buildable area for the construction of a single-family house and associated parking on each lot.

PROPOSED WORK: The applicant purposes to place 581.5 cubic yards of clean, commercially obtained fill, which includes sand, aggregate, and concrete, within 11,363 square feet (0.26 acre) of wetlands. Gulf View Drive would be extended approximately 135 feet north from its existing footprint and would feature a 12-foot concrete surface with 4-foot shoulder and slope on each side making the road twenty (20) feet wide. The proposed extension will "T" at the north end and connect to the side of each lot. Each lot would feature approximately 217 linear feet of concrete retaining wall along the perimeter of the planned fill

area to prevent the loss of fill material to adjacent wetlands. Each lot would include a 57-foot-wide by 20-foot-deep parking area adjacent to Gulf View Drive and a 73-foot by 44-foot house pad for a planned 53-foot by 40-foot house. The extra area outside the house footprint is needed for construction and maintenance of the residential development.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed road improvement and residential development represents minimal impacts. The two lots associated with the proposed project are 100% wetlands, therefore complete avoidance of wetland fill is not feasible. Wetland impact has been minimized to the greatest practicable extent by utilizing the existing road fill within the Gulf View Drive ROW, keeping the proposed access drive at the minimum width needed to safely provide entrance and egress, situating the proposed houses against the south and side setback lines of each lot, and constructing retaining walls to contain the fill material on the lots to prevent loss of fill material into adjacent wetlands. No other wetland impacts are proposed. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet 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 11,363 square feet (0.26 acre) of palustrine emergent and scrub shrub wetlands by donating eight (8) adjacent lots, totaling approximately 3.62 acres of in-kind wetlands, to the Alabama Coastal Heritage Trust. This property would then be protected from development in perpetuity. The applicant has also indicated that if required by USACE and/or the Alabama Department of Environmental Management (ADEM), the purchase of wetland credits from an approved mitigation bank would be used to provide compensatory mitigation for unavoidable impact to wetlands associated with the proposed project. The Mobile District has not yet verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY: 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 ADEM. 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. The National Register of Historic Places has been 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 requested that the applicant have a Phase I Cultural Resource Survey performed within the permit area. 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: 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 (E) or threatened (T) species have the potential to exist within the Little Lagoon 12 digit HUC 031401070205 boundary: Alabama beach mouse (E), West Indian manatee (T), piping plover (T), red knot (T), wood stork (T), eastern black rail (T), eastern indigo snake (T), green sea turtle (T), Kemp's ridley sea turtle (E), loggerhead sea turtle (T), and Gulf sturgeon (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). The USACE, Mobile District's review has indicated the proposed activity is not likely to adversely affect the wood stork and will have no effect on all the other above listed species. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

COMMENTS: 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. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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-2022-00098-CDJ**, and should be directed to the project manager, Ms. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Dianne Jordan, 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. If you have any questions concerning this publication, you may contact Ms. Dianne Jordan by e-mail at Cynthia.D.Jordan@usace.army.mil, or (251) 694-3885. Please refer to the above Public Notice Number SAM-2022-00098-CDJ, in any communication concerning this project.

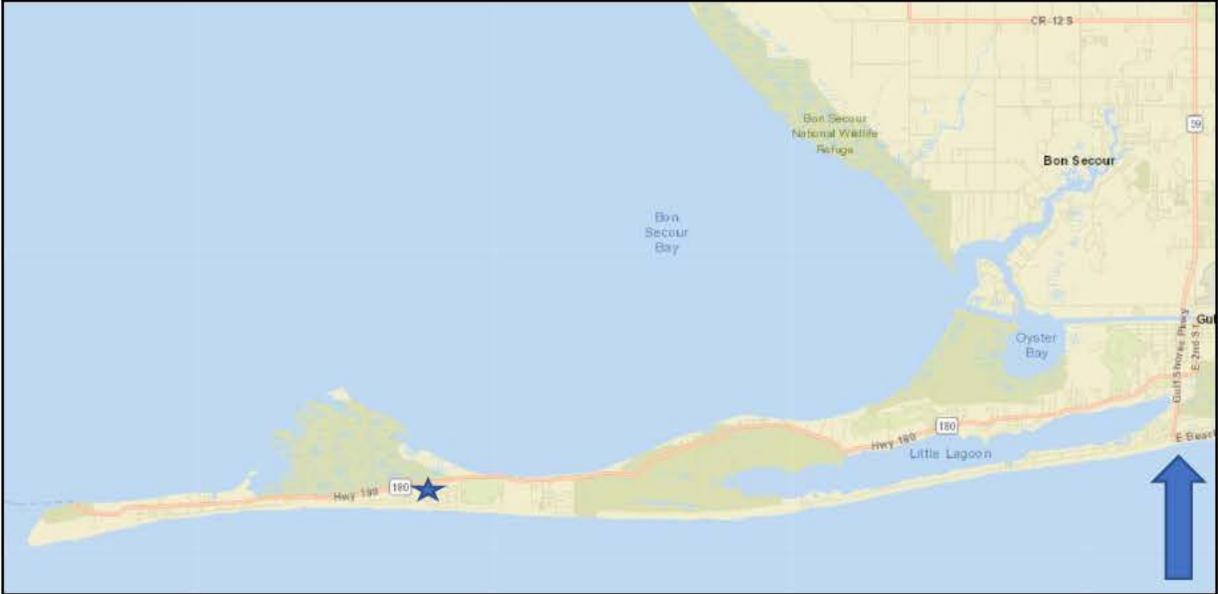
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

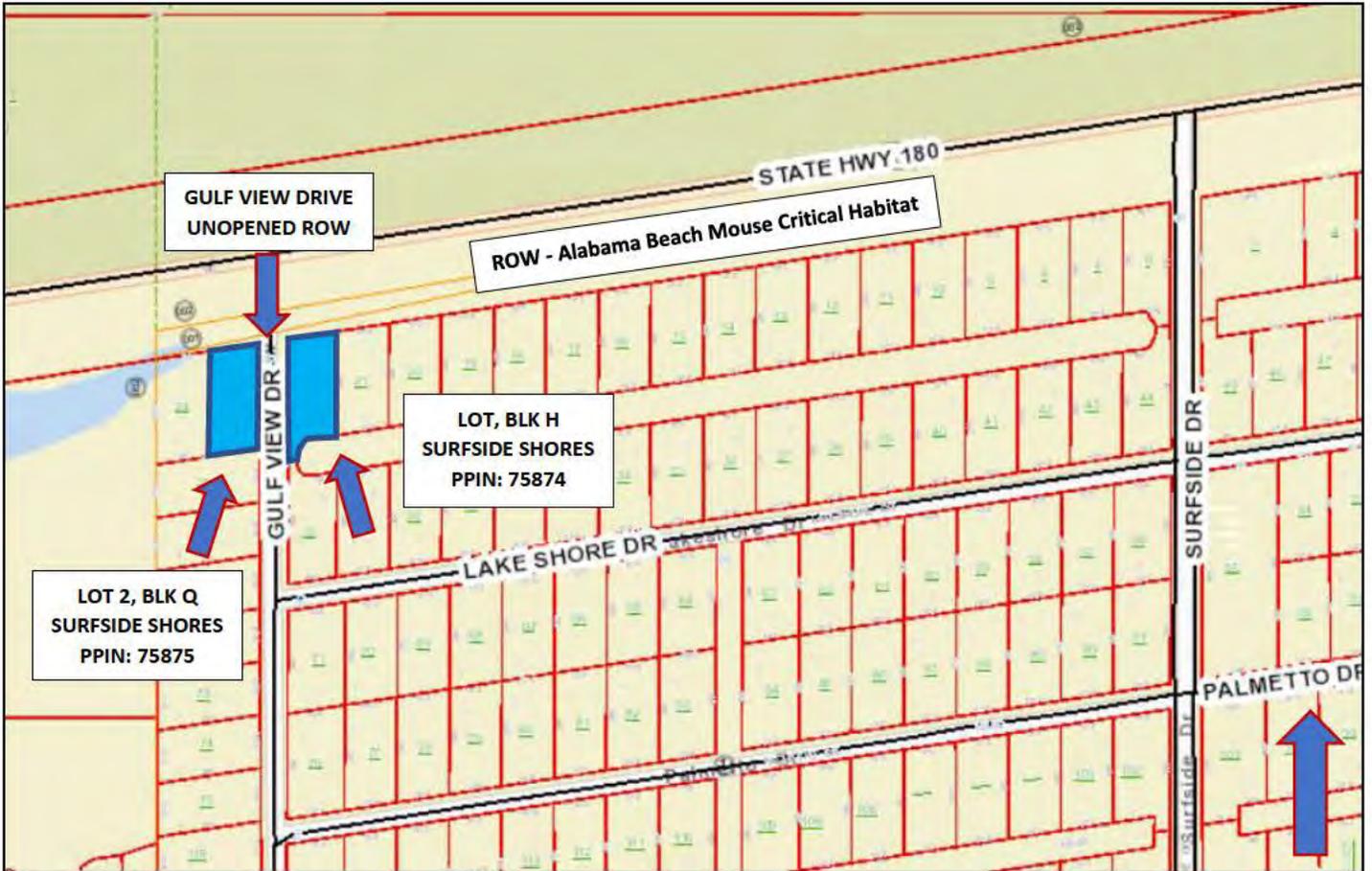
Vicinity Maps

Lot 2, Block Q & Lot 1, Block H, Surfside Shores
Gulf View Drive, PPINs 75875 & 75874
Fort Morgan, Baldwin Co., Alabama



Location Map

Lot 2, Block Q & Lot 1, Block H, Surfside Shores
Gulf View Drive, PPINs 75875 & 75874
Fort Morgan, Baldwin Co., Alabama



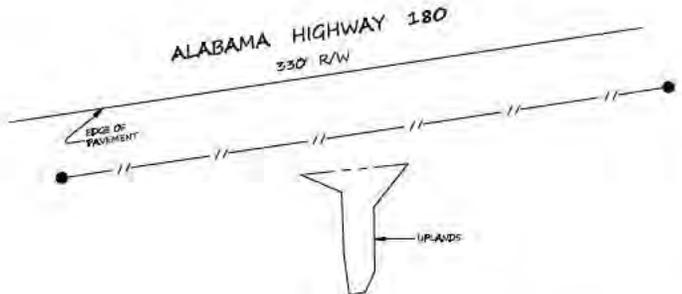
Aerial Photo Map

Lot 2, Block Q & Lot 1, Block H, Surfside Shores
Gulf View Drive, PPINs 75875 & 75874
Fort Morgan, Baldwin Co., Alabama

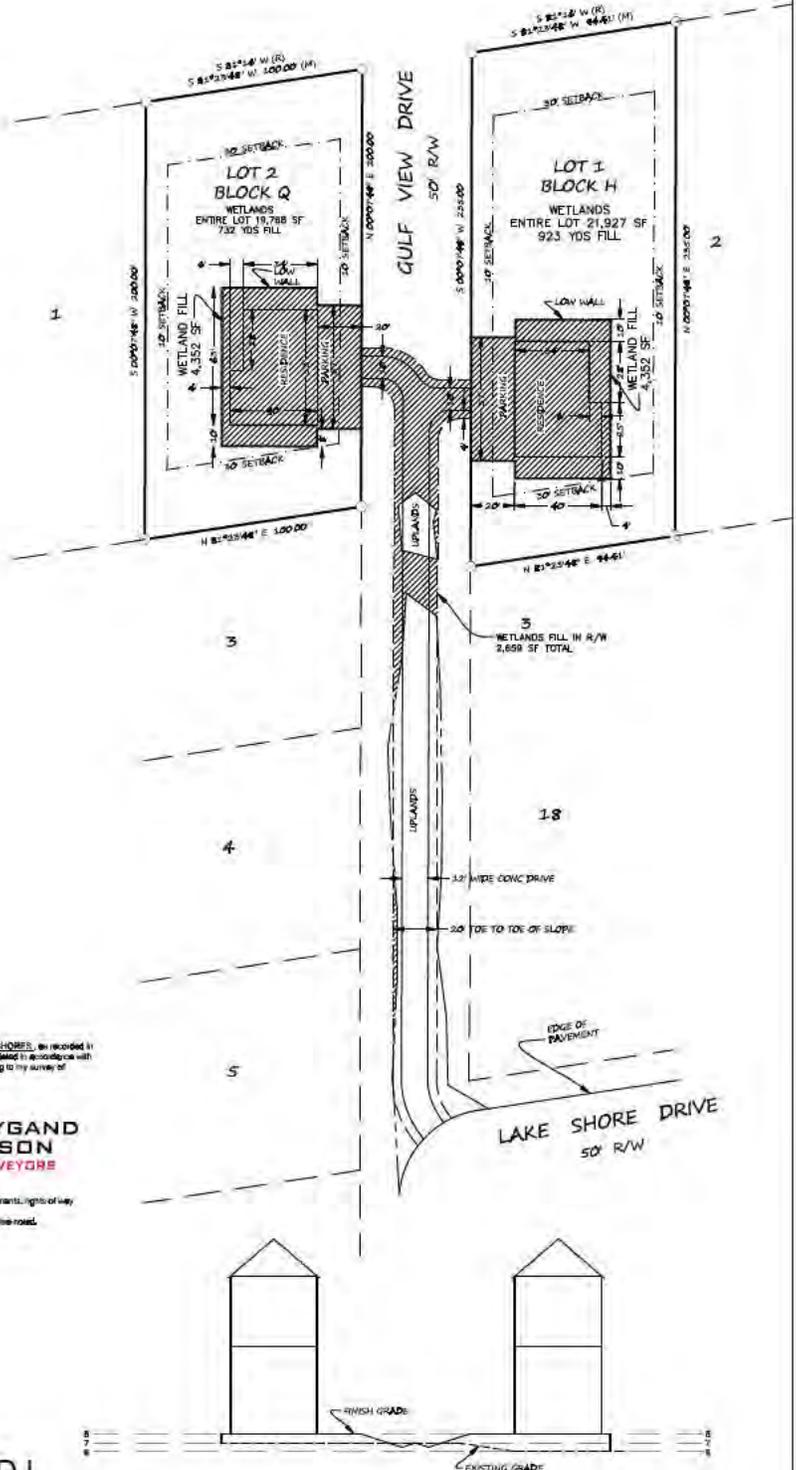


LEGEND

BLDG	BUILDING
CALC	CALCULATED
CH	CHORD
D	DATA
MH	MANHOLE
R	RIGGLES
R/W	RIGHT OF WAY
SQ.	SQUARE FEET
AC	AIR CONDITIONER
U	UTILITY POLE
A	ANCHOR
W	WALL
CONC.	CONCRETE
WM	WATER METER
SB	SEWER BOX
IC	IRRIGATION CONTROL BOX
WV	WATER VALVE
TH	TIRE HYDRANT
UB	UTILITY BOX
IR	IRON ROLL
SP	STAKING POINT
M	MEASURED
RC	RECORDED
CM	CONCRETE MONUMENT
T	TENON
OU	OVERHEAD UTILITIES



NOTES:
 1. MEASURED BEARINGS BASED ON ASTRONOMICAL NORTH AS OBTAINED BY GPS OBSERVATION.
 2. FEMA COMMUNITY PANEL # 0100020214 ZONE AE (EL. 10)



STATE OF ALABAMA
 BALDWIN COUNTY

Site Plan

I, **Theri Wilson**, a Professional Land Surveyor, hereby certify that I have surveyed Lot 2 Block Q and Lot 1 Block H, UNITS TWO OF SUBSIDE SHORES, as recorded in Slide 3023, in the Office of the Judge of Probate, Baldwin County, Alabama, and hereby state that all parts of this survey and map have been completed in accordance with the current regulations of the State Board of Professional Land Surveying in the State of Alabama to the best of my knowledge, information and belief according to my survey of 12/28/22. Survey forward if not recorded in map.

Draw No. 8023
 Client: *Weygand Wilson*
 Address:

Theri Wilson
 Theri Wilson, P.L.S. 00484
 Weygand Wilson Surveying LLC
 5262 10th Ave, Suite 12
 Gulf Shores, AL 36542
 Phone: (251) 475-7555



NOTE:
 (a) No field search of the public records or abstract of title has been performed by this firm. The person shown herein is subject to abstract, zoning, easements, rights of way and/or restrictions whether or not of record.
 (b) Underground portions of foundations, loadings, and/or other underground structures, utilities, conduits or burial sites were not located unless otherwise noted.
 (c) This survey is intended for the sole use of the client shown herein, valid for a period of 5 years from the date of survey and non-transferable.

