



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-2022-00607-CDJ

August 5, 2022

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

REQUEST TO IMPACT 0.20 ACRE OF WETLANDS IN CONJUNCTION WITH THE
DEVELOPMENT OF A RESIDENTIAL LOT, 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: Mr. Robert Kirby
606 Skyline Drive West
Mobile, Alabama 36609

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

LOCATION: The project is located at 18230 State Highway 180 (Baldwin County Parcel PIN 23918); within Section 18, Township 9 South, Range 4 East; at Latitude 30.255969, Longitude -87.712854; in Gulf Shores, Baldwin County, Alabama.

PROJECT PURPOSE: The project purpose is to establish a buildable area for the construction of a single-family house, associated parking area, and access drive on a legally platted, undeveloped residential lot.

PROPOSED WORK: The applicant proposes to place 984 cubic yards of clean, commercially obtained sand, within 8,855 square feet (0.20 acre) of wetlands. The fill material would be used to establish a 115-foot-long by 16-foot-wide access drive and a 74-foot by 98-foot area for a house and parking.

AVOIDANCE AND MINIMIZATION: The applicant has indicated the proposed driveway, parking area, and residential development represents minimal impacts. The lot associated with the proposed project is 100% wetlands, therefore complete avoidance of wetland fill is not feasible. Wetland impact has been minimized to the greatest practicable extent by sharing a portion of the entrance driveway with an adjacent neighbor, situating the proposed

house closer to the road to reduce the length of the driveway needed for access, and constructing the house on pilings to reduce the amount of fill needed. 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 provide compensatory mitigation for unavoidable impacts to 8,855 square feet (0.20 acre) of palustrine forested wetlands by purchasing wetland credits from an approved mitigation bank with a service area that includes the project location. 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 (NRHP) 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 not yet made an effects determination concerning the proposed project. 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 will have no effect on the 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-2022-00607-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-2022-00607-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.

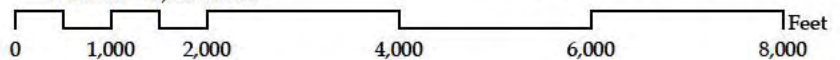
MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



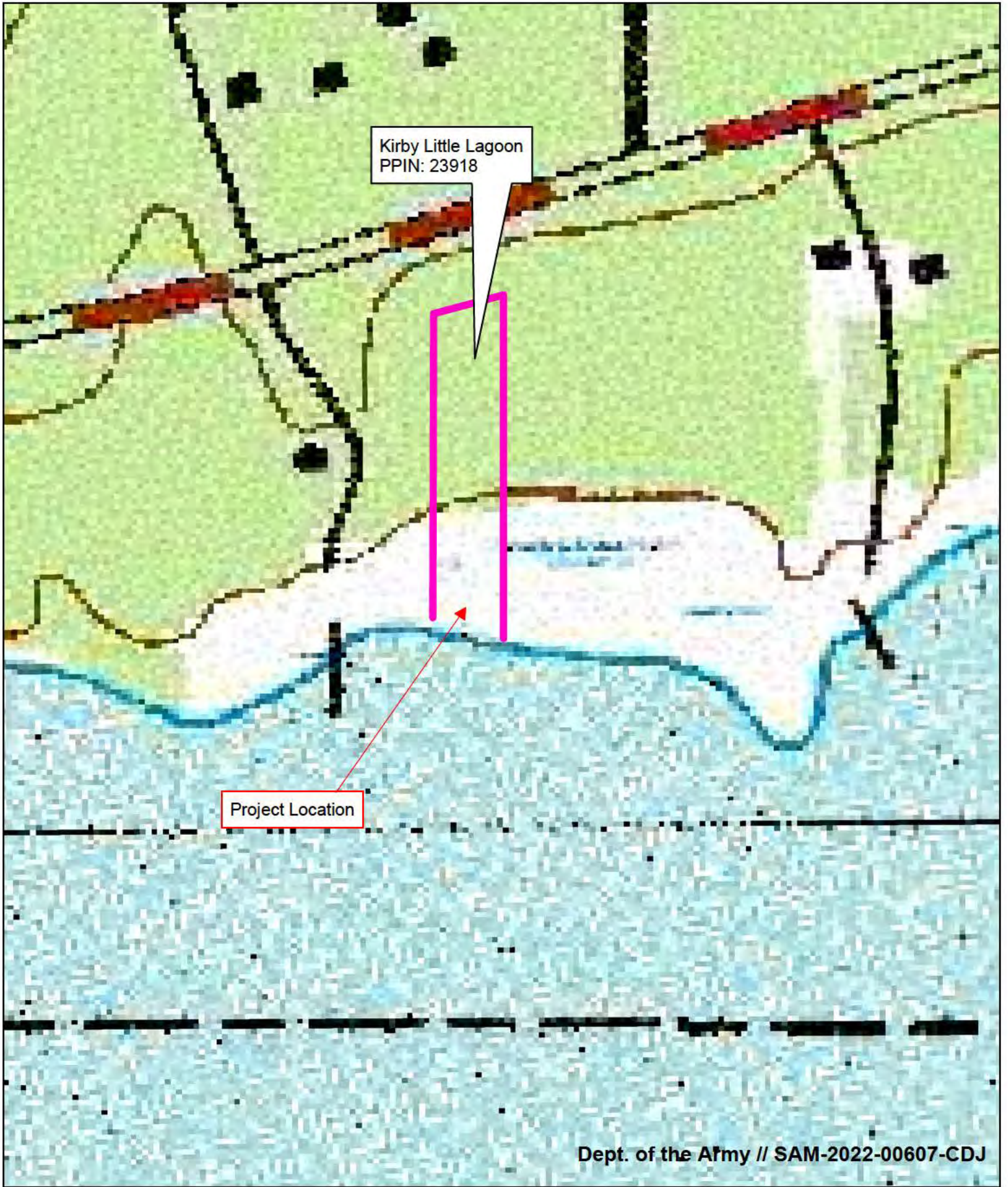
P.O. Box 361 Montrose, AL 36559
 Phone: 251-621-5006 Fax: 251-621-5058

Locator Map
 Project: Kirby Little Lagoon
 Applicant: Robert Kirby
 1 inch = 2,000 feet



T-9-S, R-4-E, Sect. 18
 Gulf Shores, AL
 Topo: Gulf Shores





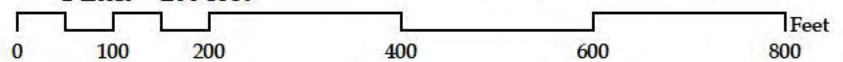
Dept. of the Army // SAM-2022-00607-CDJ



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Topo Map
Project: Kirby Little Lagoon
Applicant: Robert Kirby
1 inch = 200 feet

T-9-S, R-4-E, Sect. 18
Gulf Shores, AL
Topo: Gulf Shores





Kirby Little Lagoon
PPIN: 23918

Project Location

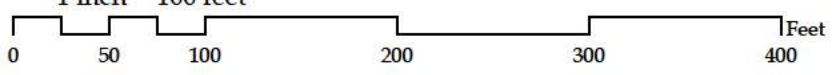
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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EcoSolutions
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING
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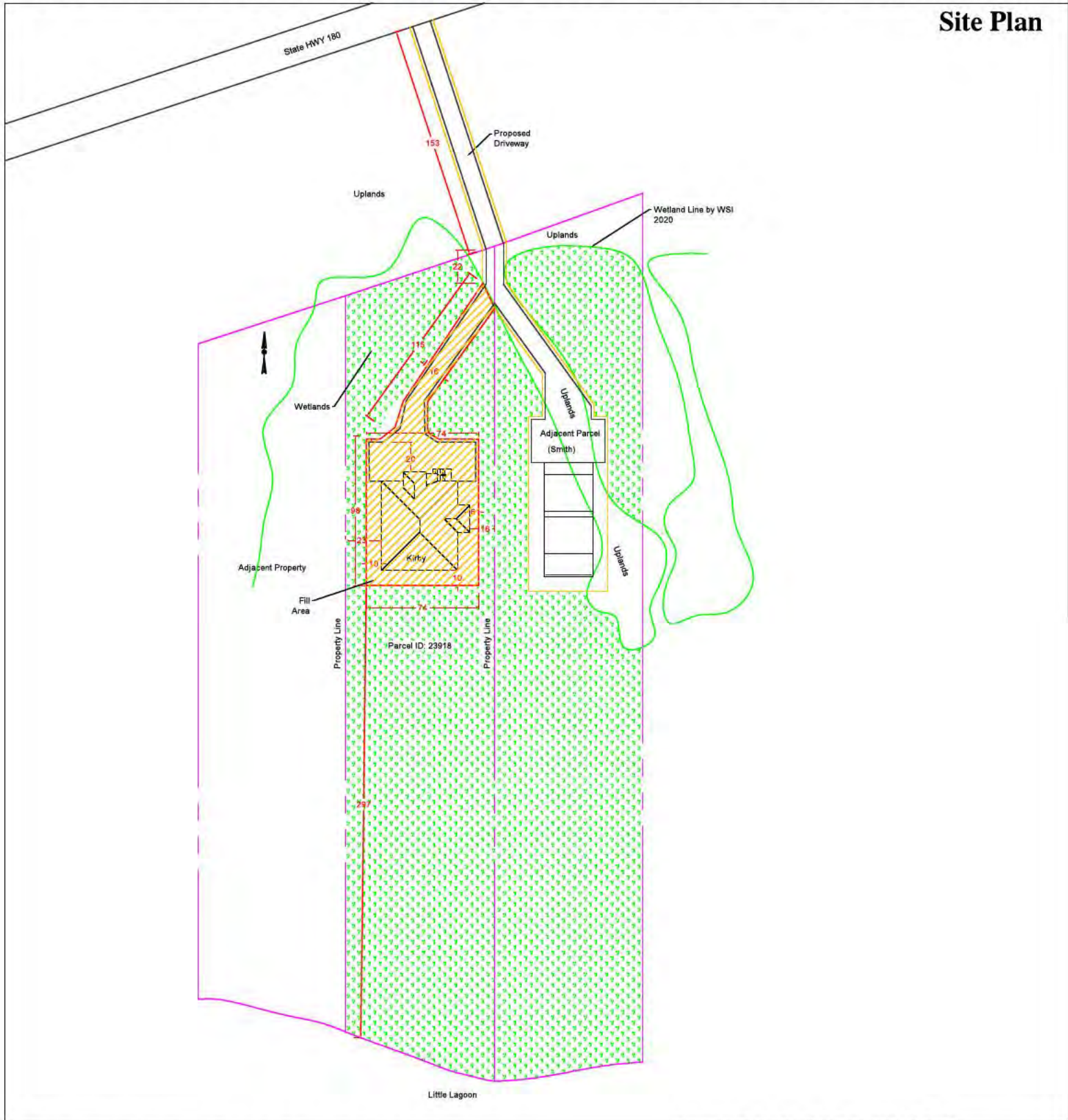
Aerial Map
Project: Kirby Little Lagoon
Applicant: Robert Kirby
1 inch = 100 feet

T-9-S, R-4-E, Sect. 18
Gulf Shores, AL
Topo: Gulf Shores



FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

Site Plan



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Proposed Wetland Fill Area 8855 Sq Ft
Proposed Wetland Fill Volume 984 Cu Yds

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.

Kirby Site Plan

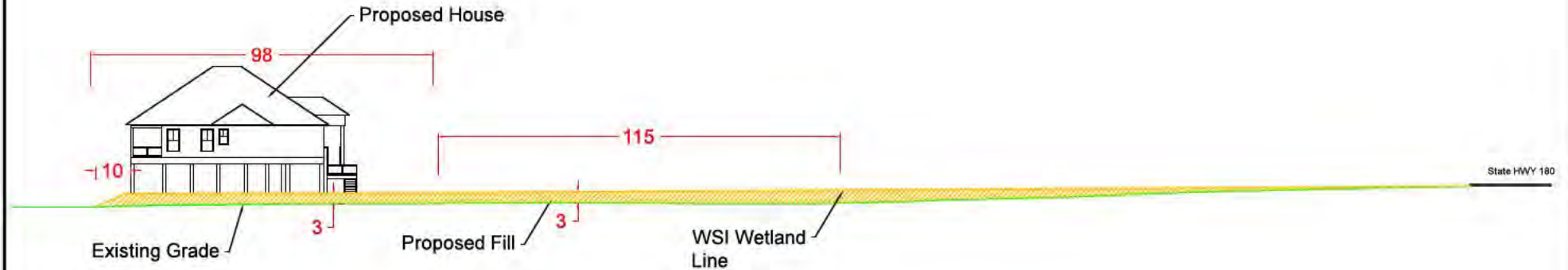


P.O. BOX 361
MONTROSE, AL 36559
(251) 621-5006

PREPARED FOR Robert Kirby 18230 ST HWY 180 Gulf Shores, AL 36542	DRAWN BY H.Simpson	DATE OF LAST REVISION 6.13.22	DWO Kirby Little Lagoon
CHECKED BY L. Cassidy	SCALE AS STATED		SHEET 1

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Site Cross Section



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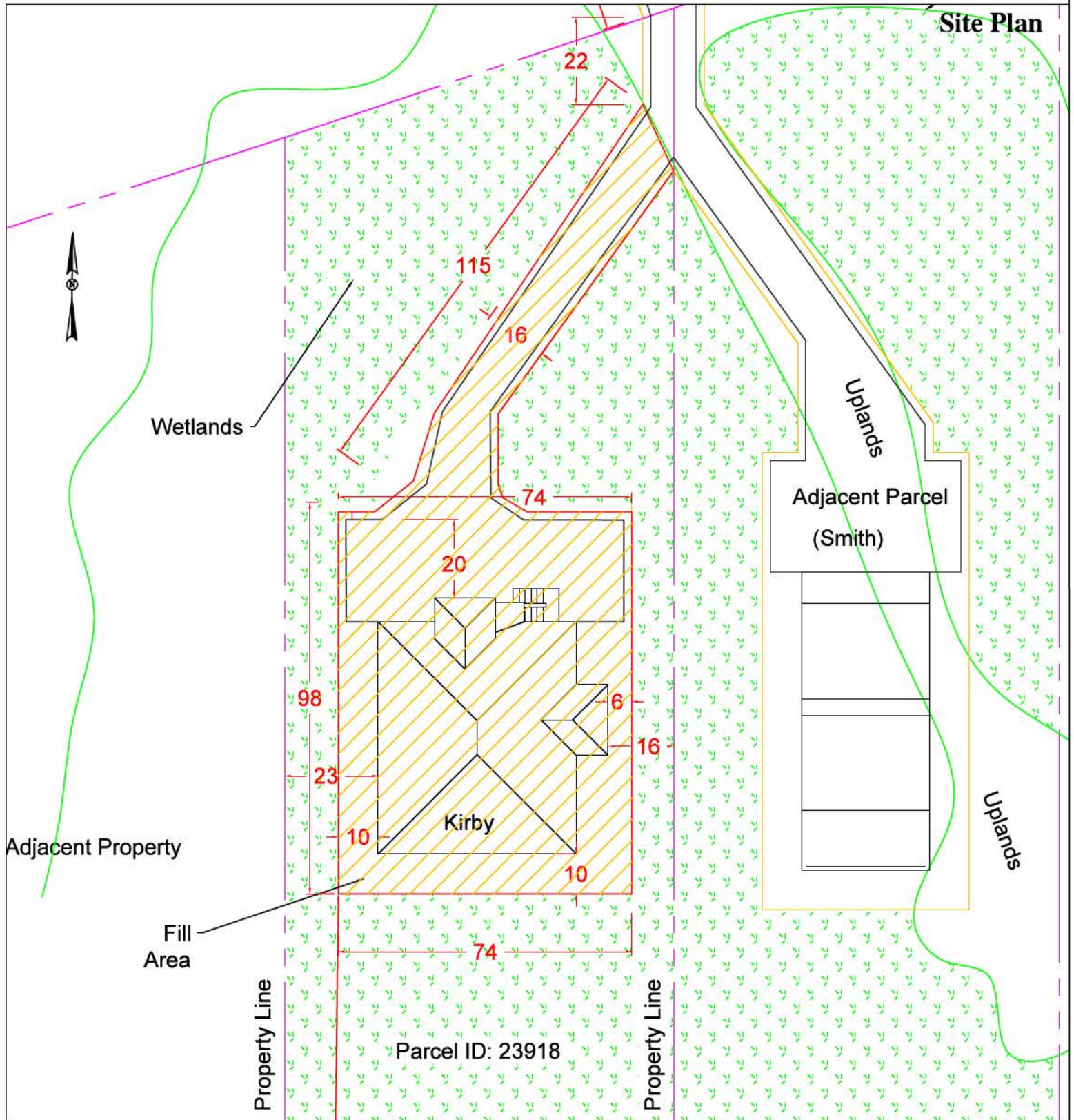
Kirby Lagoon Section



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CHECKED BY L. Corseley	SCALE: AS STATED	SHEET 2	

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Proposed Wetland Fill Area 8855 Sq Ft
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Kirby Fill Plan



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	CHECKED BY L. Cooley	SCALE AS STATED	SHEET 3