



**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-2022-00859-CDJ**

**March 20, 2023**

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

**REQUEST TO DREDGE AND DISCHARGE FILL IN WETLANDS FOR CONSTRUCTION OF**  
**A BUSINESS PARK, THEODORE, MOBILE 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:** Scannell Properties, LLC  
 Attention: Mr. David Salinas  
 8801 River Crossing Boulevard, Suite 300  
 Indianapolis, Indiana 46240

**AGENT:** Barry A. Vittor & Associates, Inc.  
 8060 Cottage Hill Road  
 Mobile, Alabama 36695

**LOCATION:** Todd Acres Drive (Mobile County Parcels 3307353000001.000, 3307352000000.001); within Section 34,35, Township 5 South, Range 2 West; near Latitude 30.565172°, Longitude -88.151516°; Theodore, Mobile County, Alabama.

**PROJECT PURPOSE:** The project purpose is to develop a business park that would serve the high demand for manufacturing, handling, and distribution of products shipped to and from the Port of Mobile's APM Terminal container port.

**PROPOSED WORK:** This project would be constructed in two phases and include construction of a rail spur/rail yard and five industrial facilities that total approximately 2.6 million square feet. The facilities will include five stormwater detention basins, employee/trailer truck parking, access drives, and the widening of Todd Acres Drive. The project will require placement of 305,000 cubic yards of fill material in 86.9 acres (3,785,400 square feet) of jurisdictional wetlands.

Table 1. Project Impacts

Phase	Rail Infrastructure	Buildings/Parking	Stormwater Management	Road Improvements	Total
I	6.81 ac	34.12 ac	8.09 ac	5.92 ac	54.94
II	0.42 ac	28.98 ac	2.62 ac	0	32.02

**AVOIDANCE AND MINIMIZATION:** The applicant conducted an analysis of alternative project designs using various configurations and has concluded that the proposed design would meet the purpose and need of the project while avoiding as many aquatic resources as possible. The applicant has also proposed to implement Best Management Practices. 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 offset impacts to wetlands by the purchase of wetland mitigation credits from an approved wetland mitigation bank. The U.S. Army Corps of Engineers (USACE), Mobile District has not verified the adequacy of the applicant's mitigation efforts at this time.

**WATER QUALITY:** The applicant will apply for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to water quality certification will 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 footprint of the entire business park. 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. The applicant has provided a Phase I Cultural Resources Assessment of the project site. 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 federally-recognized American Indian tribes will be initiated.

**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 Belly Turtle (E), Black Pine Snake (T), 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-2022-00859-CDJ**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Ms. Lacey M. Leaptrott**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at [lacey.m.leaptrott@usace.army.mil](mailto:lacey.m.leaptrott@usace.army.mil), or (251) 694-3779. Copies of all comments should be furnished to the ADEM at [coastal@adem.alabama.gov](mailto: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](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures

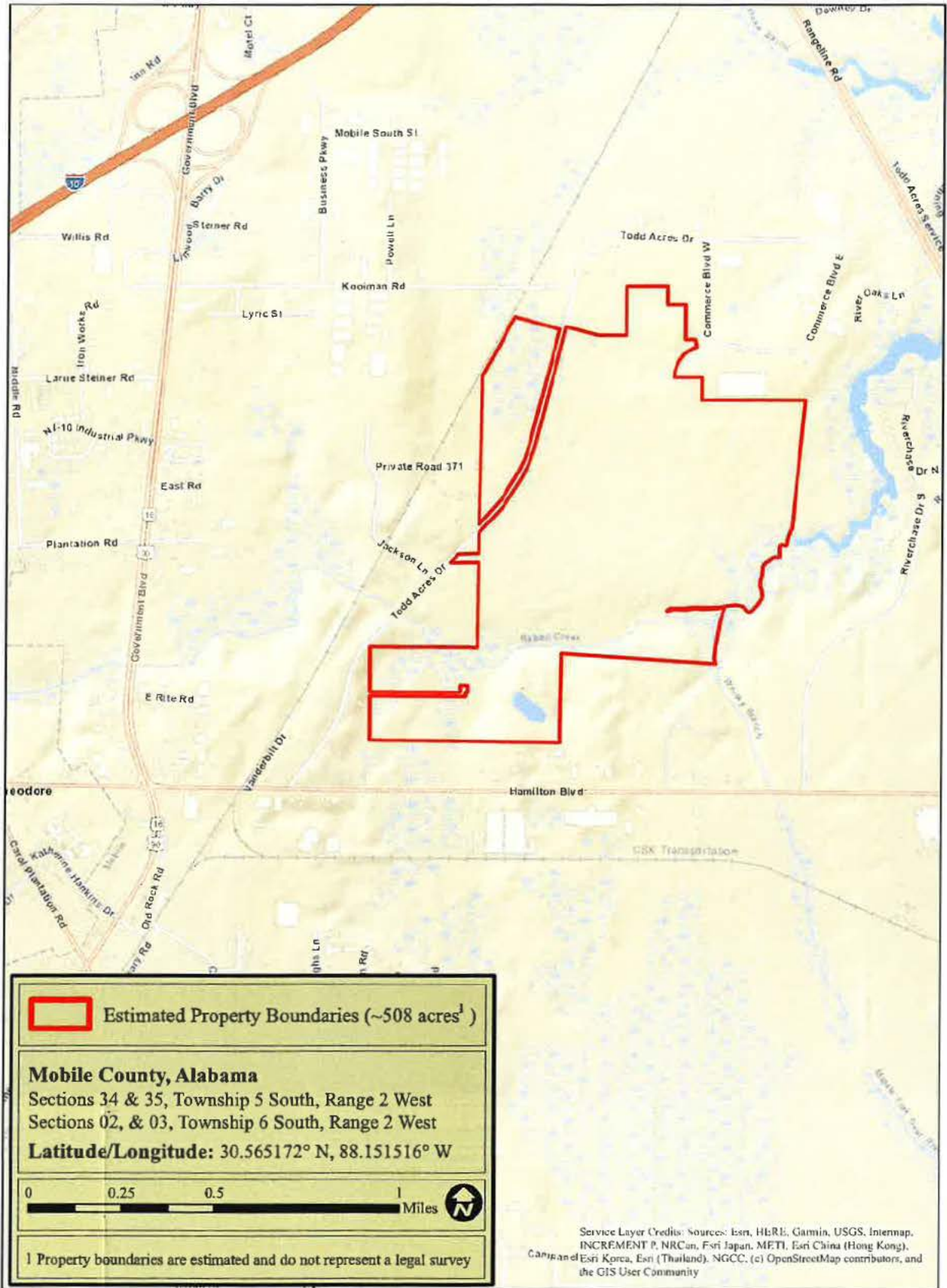


Figure 1. Project Location and Vicinity Map (Street View)

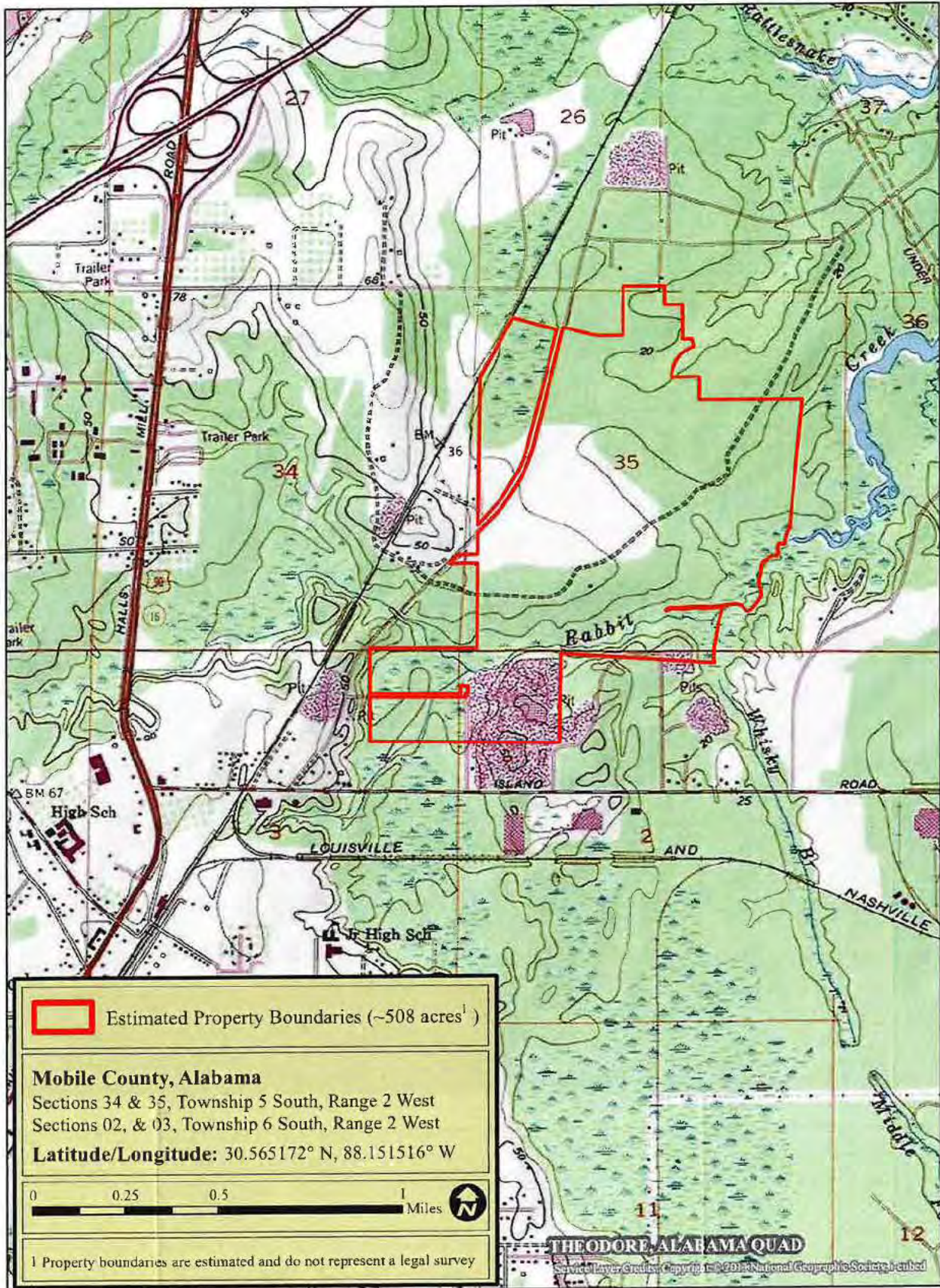
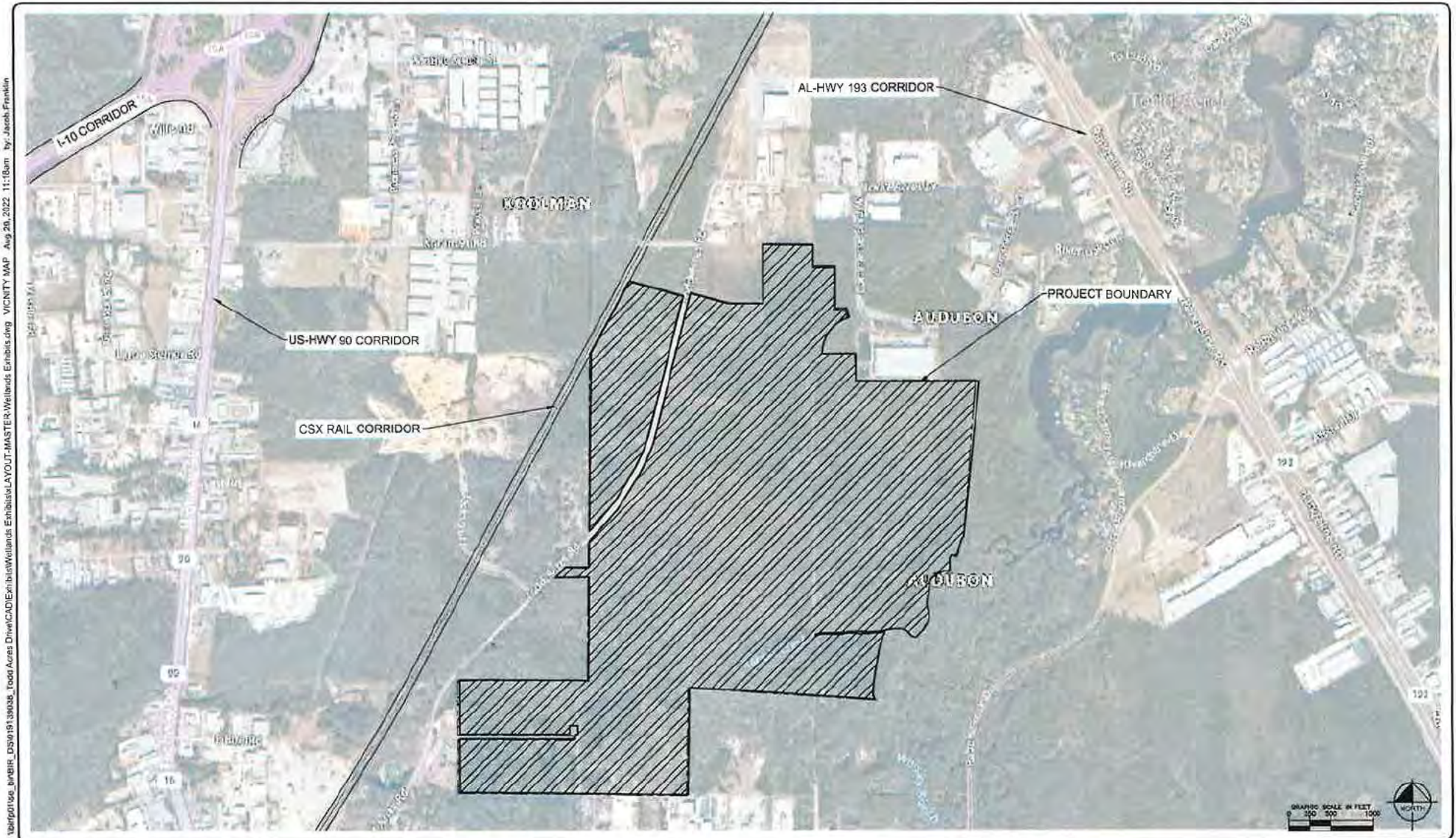


Figure 2. Project Location and Vicinity Map (Quad View)



t:\reports\swi\swi\_05\1913\0606\_Todd Acres Drive\CADD\Exhibits\Wellands Exhibit\LAYOUT-MASTER\Wellands Exhibit.dwg Aug 29, 2022 11:18am by: Jacob Franklin

**Kimley»Horn**  
 11 NORTH WATER STREET, SUITE 9290, MOBILE, ALABAMA 36602  
 PHONE: (251) 263-8340 | www.kimley-horn.com

TITLE:  
**VICINITY MAP/  
 PROJECT LOCATION**

PROJECT:  
**TODD ACRES DRIVE**

CLIENT:  
**SCANNELL PROPERTIES**

JOB NUMBER:	019139028
SCALE:	1" = 500'
DATE:	06/29/2022
SHEET:	<b>CSP 1</b>

THIS DOCUMENT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC PURPOSES AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC. 2012

**Figure 3. Project Vicinity Map. Aerial View**

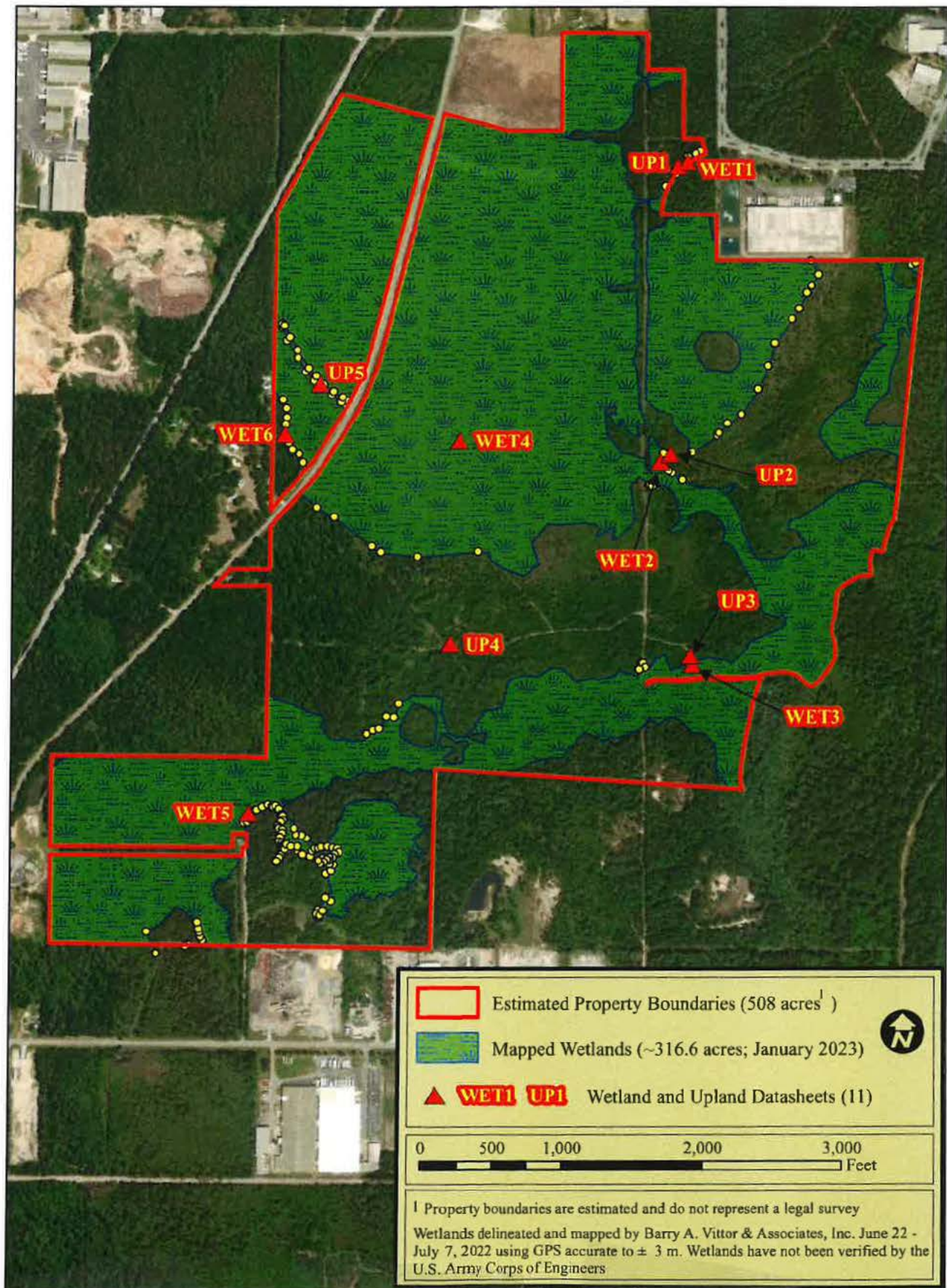
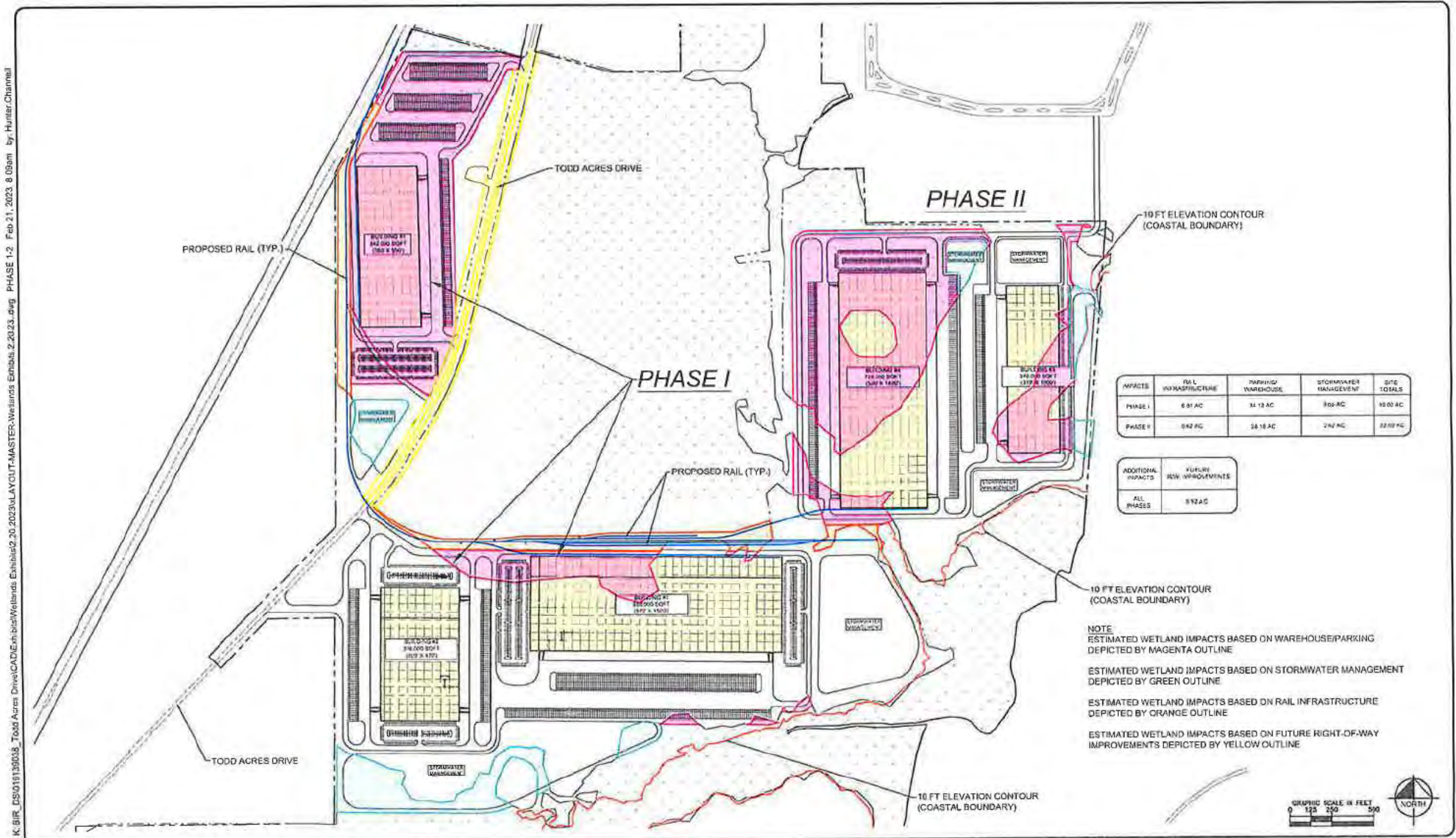


Figure 10. Wetland Delineation Map of the Selected Development Property

DEPARTMENT OF THE ARMY // SAM-2022-00859-CDJ



K:\BIR\_DS\0101130038\_Todd Acres Drive\CAD\GIS\Wetlands\Exhibits\20\_2023\3d\AVCUT-MASTER-Wetlands Exhibit 2.2023.dwg PHASE 1-2 Feb 21, 2023 8:03am by Hunter.Chenail

**Kimley»Horn**  
 11 NORTH WATER STREET, SUITE 9280, MOBILE, ALABAMA 36602  
 PHONE: (251) 263 8340 | www.kimley-horn.com

TITLE: **CONCEPT SITE PLAN**

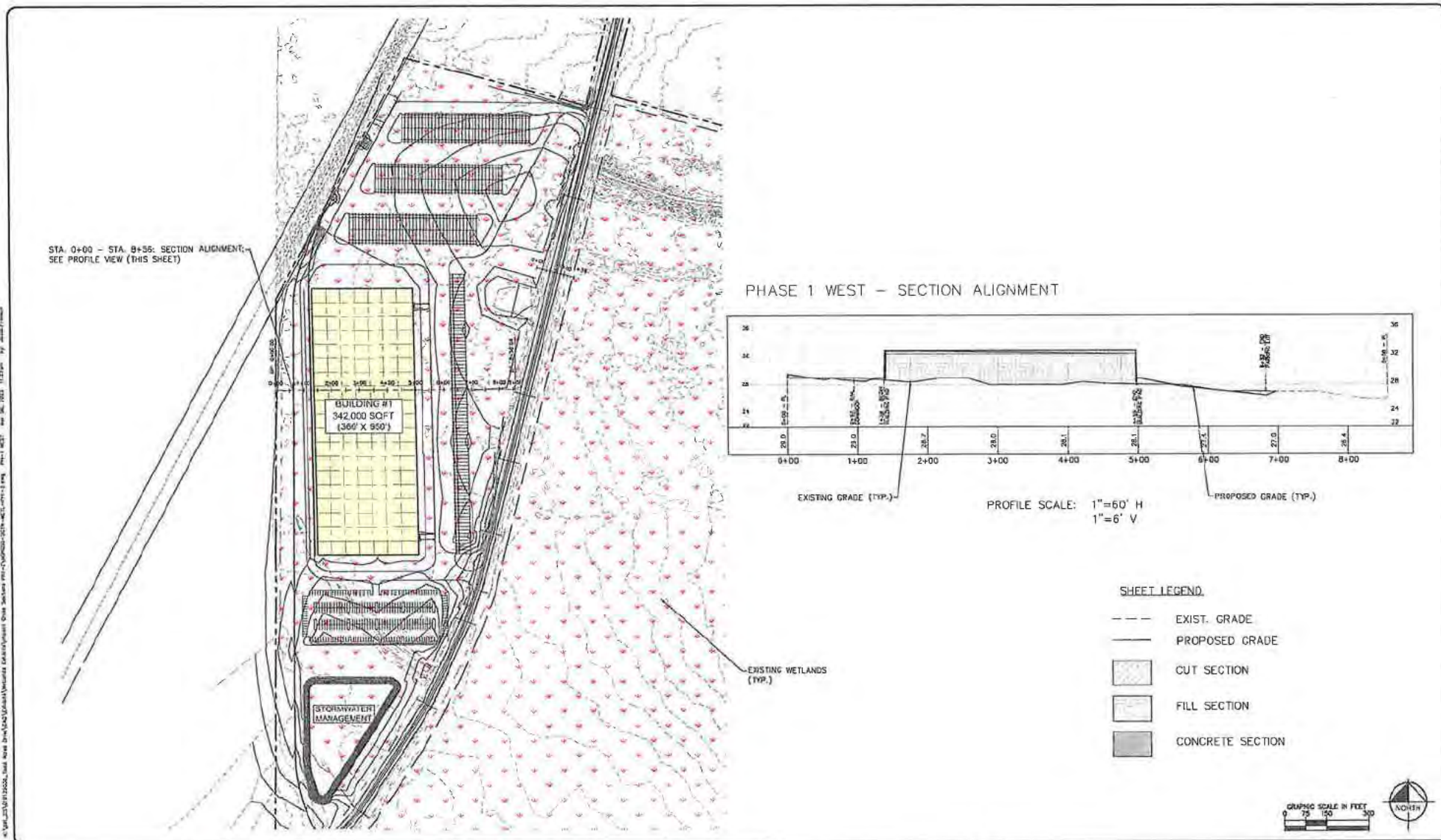
PROJECT: **TODD ACRES DRIVE**

CLIENT: **SCANNELL PROPERTIES**

JOB NUMBER: 019129038  
 SCALE: 1" = 250'  
 DATE: 1/15/2022  
 SHEET: **CSP 3**

Figure 4. Proposed Project Site Plan, Phases I and II





**Kimley»Horn**  
11 NORTH WATER STREET, SUITE 9290, MOBILE, ALABAMA 36602  
PHONE: (251) 263-8340 | www.kimley-horn.com

TITLE:  
**CROSS SECTIONS  
PHASE 1-WEST**

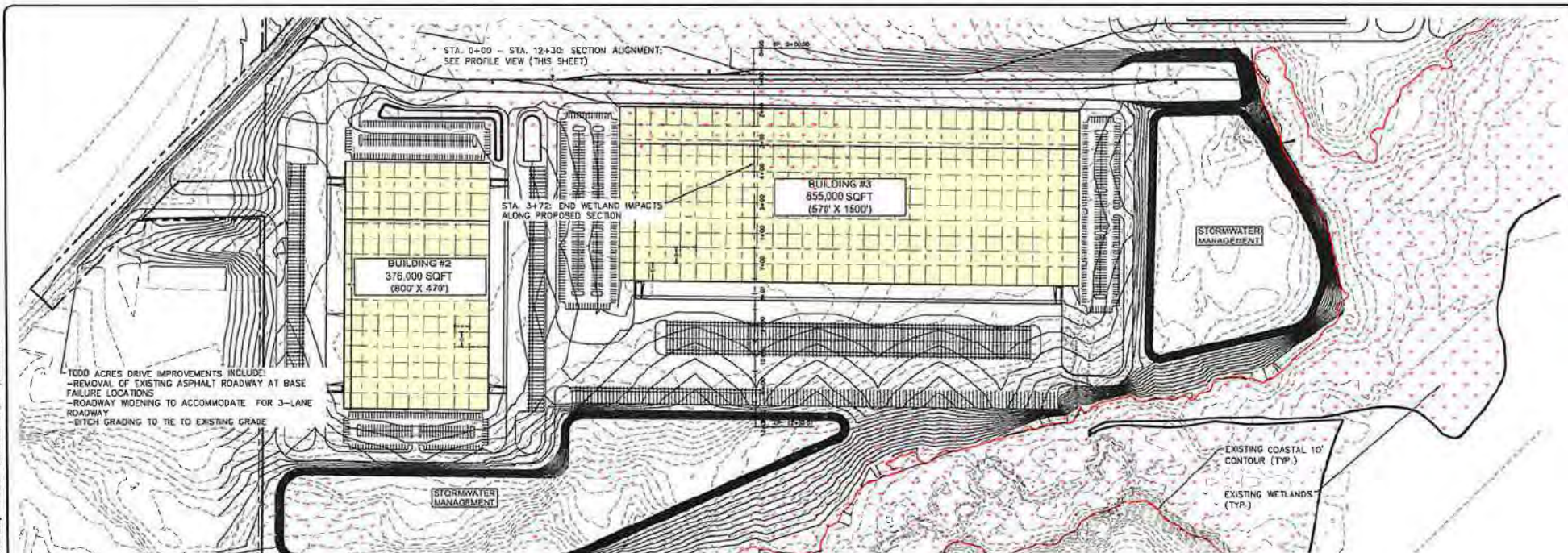
PROJECT:  
**TODD ACRES DRIVE  
COMMERCE PARK**

CLIENT:  
**SCANNELL PROPERTIES**

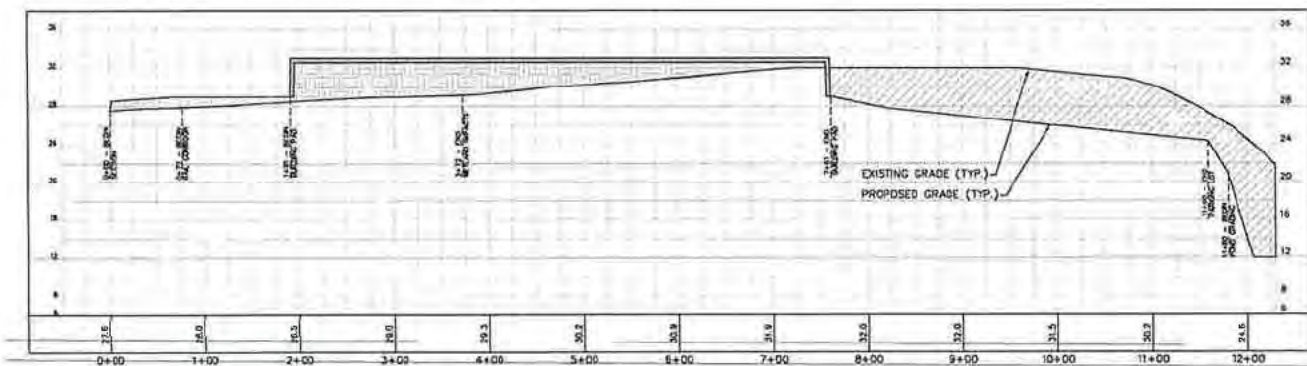
JOB NUMBER: 019139038  
SCALE: 1" = 150'  
DATE: 03/06/2023  
SHEET: **C-1**

THIS DOCUMENT, TOGETHER WITH THE CREDITS AND DECORS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED, REVISED OR OTHERWISE RELIANCE UPON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC., 2023.

**Figure 5A. Cross Section View of Phase I Building 1**



PHASE 1 EAST - SECTION ALIGNMENT



SHEET LEGEND

- EXIST. GRADE
- PROPOSED GRADE
- [Hatched Box] CUT SECTION
- [Grid Box] FILL SECTION
- [Solid Box] CONCRETE SECTION

PROFILE SCALE: 1"=60' H  
1"=6' V



**Kimley»Horn**

11 NORTH WATER STREET, SUITE 9290, MOBILE, ALABAMA 36602  
PHONE: (251) 263-8340 | www.kimley-horn.com

TITLE:  
**CROSS SECTIONS  
PHASE 1-EAST**

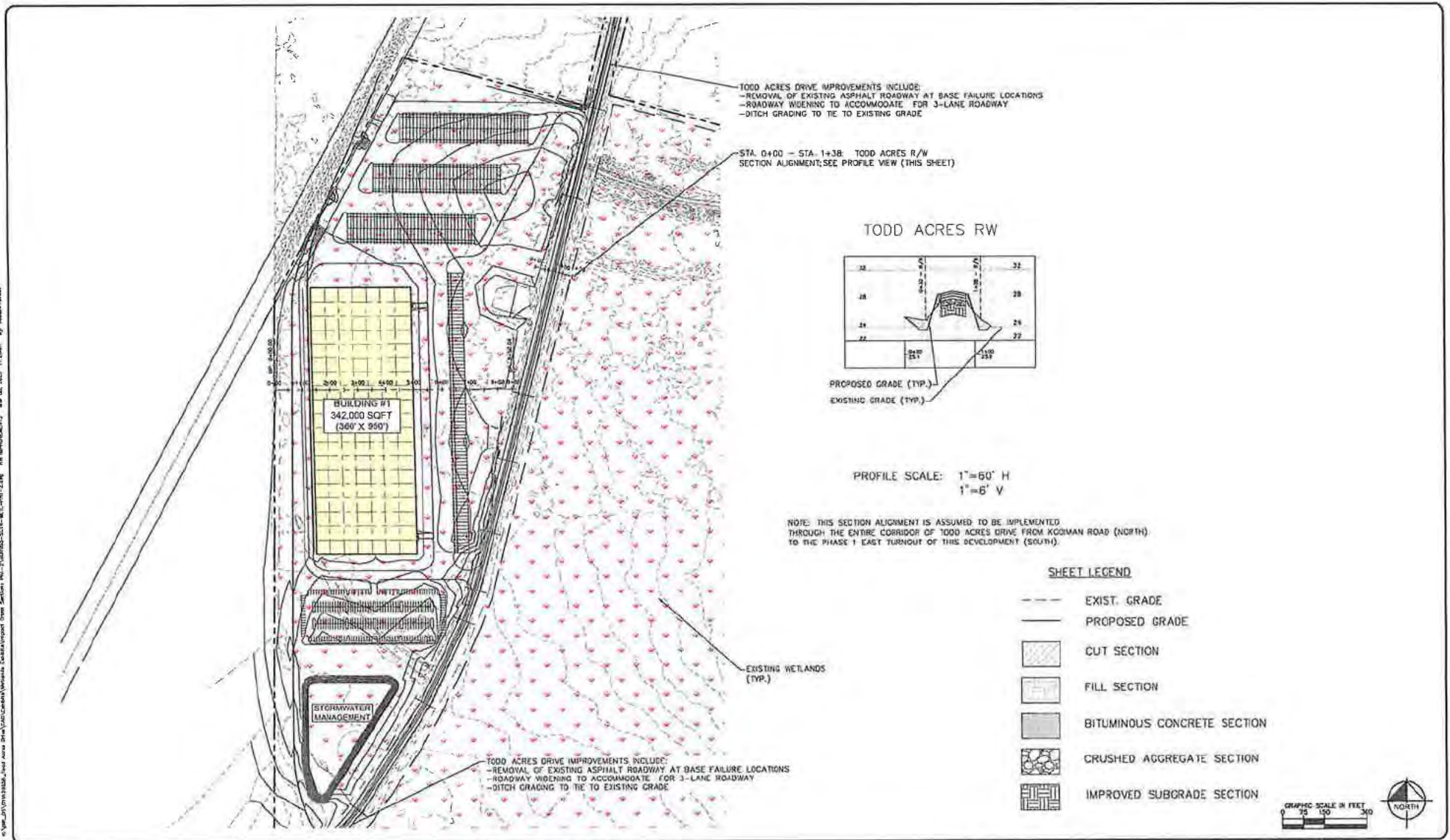
PROJECT:  
**TODD ACRES DRIVE  
COMMERCE PARK**

CLIENT:  
**SCANNELL PROPERTIES**

JOB NUMBER: 019139038  
SCALE: 1" = 150'  
DATE: 11/17/2022  
SHEET: C-2

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE, & INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC., 2018

Figure 5B. Cross Section View of Phase 1 Building 3



**Kimley»Horn**  
 11 NORTH WATER STREET, SUITE 9290, MOBILE, ALABAMA 36602  
 PHONE: (251) 263-8310 | www.kimley-horn.com

**TITLE:**  
 CROSS SECTIONS  
 TODD ACRES WIDENING

**PROJECT:**  
 TODD ACRES DRIVE  
 COMMERCE PARK

**CLIENT:**  
 SCANNELL PROPERTIES

**AW NUMBER:** 019139038  
**SCALE:** 1" = 150'  
**DATE:** 03/08/2023  
**SHEET:** C-4

THIS DOCUMENT, TOGETHER WITH THE SPECIFICATIONS AND RECORDS PRESENTED HERETO, IS AN INSTRUMENT OF SERVICE. IT IS HEREBY GRANTED FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF ANY PORTION HEREON BY THE DOCUMENT RECIPIENT WITHOUT THE WRITTEN AUTHORIZATION AND APPROVAL OF KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC. 2014

**Figure 5C. Typical Cross Section of Improvements to Todd Acres Drive**



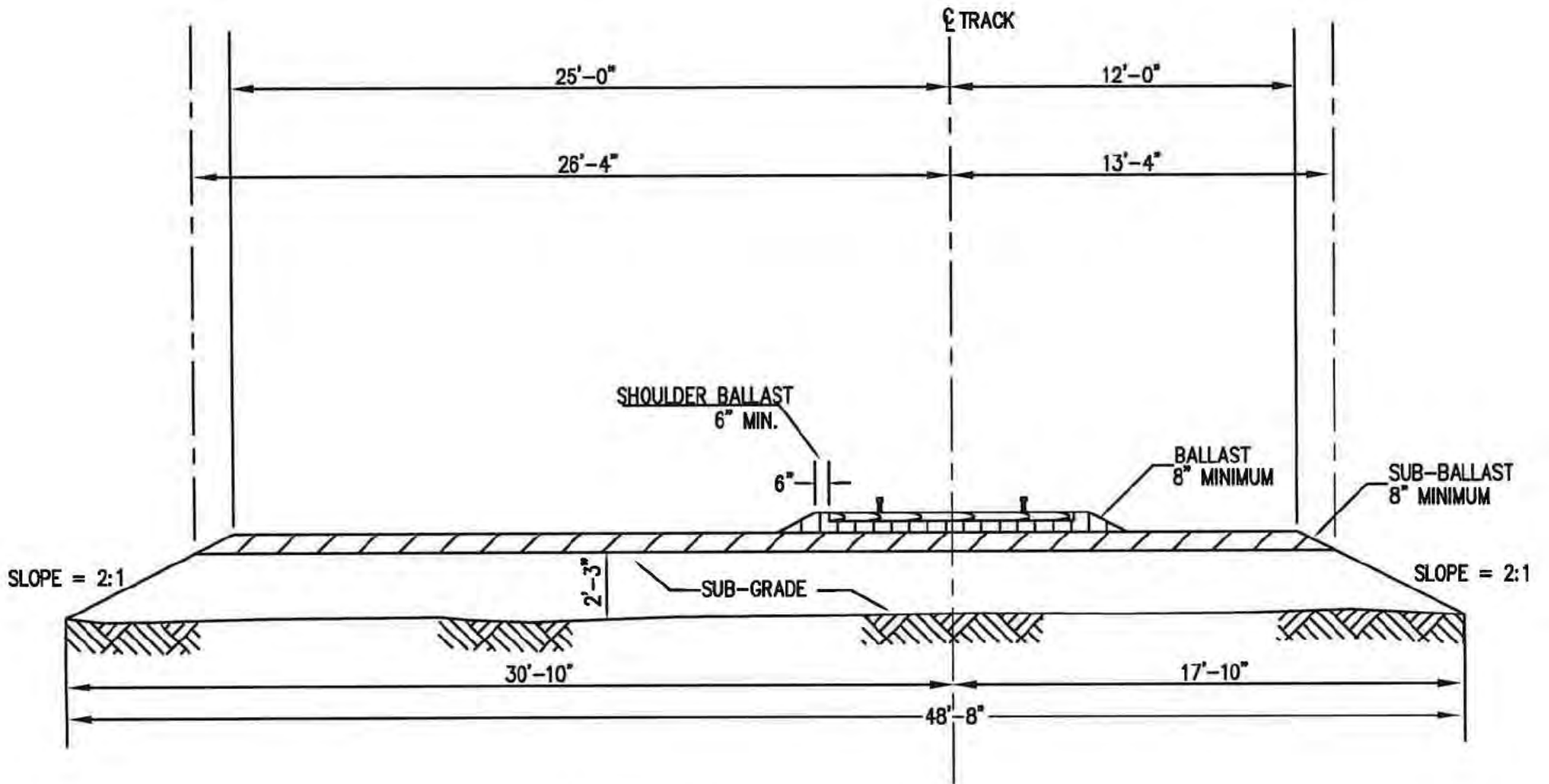


Figure 6. Typical Cross Section of the New Rail Spur