



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-2022-01143-DJL

October 20, 2023

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

REQUEST TO IMPACT 2.556-ACRES OF NON-TIDAL WETLANDS IN
CONJUNCTION WITH ROAD CONSTRUCTION IN SUMMERDALE, 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 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: Baldwin County Highway Department
Attention: Mr. John Nunnally
Post Office Box 220
Silverhill, Alabama 36576

AGENT: Bay Environmental, LLC
Attention: Mr. Tom Hemphill
Post Office Box 1305
Orange Beach, Alabama 36561

LOCATION/WATERS: The project is located between Baldwin County Road 28 & 32 (CR-28 & CR-32); within Section 1, Township 7 South, Range 3 East; center coordinates: Latitude 30.464776, Longitude -87.717157; in Summerdale, Baldwin County, Alabama. See attachments for location details.

PROJECT PURPOSE: The basic project purpose is to extend the existing Baldwin County Road 65 (CR-65) in Summerdale, Baldwin County, Alabama. The overall project purpose is to provide a growing population with alternative access locations to portions of Baldwin County by extending the existing CR-65 from CR-28 to CR-32.

PROPOSED WORK: Mechanized land clearing, grading, and the discharge of 9,135-cubic-yards of fill material within 111,318-square-feet (2.556-acres) of non-tidal wetlands, for the construction of a two-lane access road. Road fill will consist of clean earthen fill and riprap material. Activities will also include the installation of two (2) culverts.

AVOIDANCE AND MINIMIZATION: The proposed extension has been designed to avoid aquatic resources through the utilization of construction Best Management Practices (BMPs) to prevent sediment runoff from reentering the waterway and adjacent wetlands. Stream impacts are proposed to be avoided by the installation of culverts to maintain hydrologic connectivity. Additionally, the width of the road and road shoulders will be minimized to the maximum extent while maintaining an adequate driving surface and safety requirements. 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 2.556-acres of medium-quality forested wetlands through the purchase of wetland mitigation credits from an approved commercial mitigation bank. Fill impacts to the stream are to be avoided. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY/COASTAL ZONE MANAGEMENT (CZM): The applicant will apply 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) within an established reasonable period of time.

This notice serves as a notification to the Administrator of the Environmental Protection Agency (EPA) requesting a determination of potential water quality impacts to neighboring jurisdictions, 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. 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 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. Further coordination with the State Historic Preservation Officer and/or federally-recognized

American Indian tribes will be performed as determined to be appropriate. 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.

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 12-digit Hydrologic Unit Code (HUC-12) of the project area: West Indian Manatee (T), Wood Stork (T), Alabama Red Belly Turtle (E), Eastern Indigo Snake (T), and Eastern Black Rail (T). There is no designated critical habitat within the project action area, at this time, the USACE, Mobile District has made no final determination regarding 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 public notice should refer to Public Notice Number **SAM-2022-01143-DJL** and should be directed to the project manager, Mr. Dana John Leach by e-mail at Dana.J.leach@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Mr. Dana John Leach, 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 Mr. Dana John Leach by e-mail at Dana.J.Leach@usace.army.mil, or by phone at (251) 305-8963. Please refer to the above Public Notice Number **SAM-2022-01143-DJL**, 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

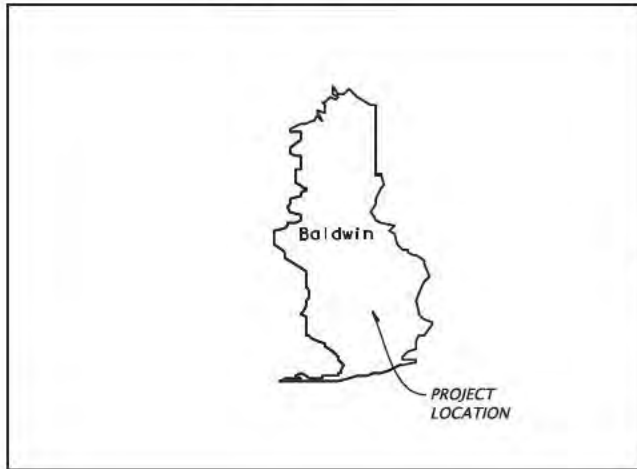
Attachments

REFERENCE PROJECT NO	FISCAL YEAR	SHEET NO
HW22030	2023	1

A.C.O.E. WETLAND IMPACT MAPS

CR65 EXTENSION
FROM CR28 TO CR32

BALDWIN COUNTY



LOCATION MAP

APPROX. BEGIN WORK INTERSECTION OF CR-28	COORD. NAD83 30.465417°, -87.717143°
APPROX. END WORK INTERSECTION OF CR-32	

M M
MOTT
MACDONALD

Mott MacDonald Alabama, LLC
107 Saint Francis Street
Suite 2900
Mobile AL 36602
T 251.343.4366
F 251.343.6902

M.M. PROJECT NO.
HW22030

PLAN SUBMITTAL	BALDWIN COUNTY HIGHWAY DEPARTMENT	W-001	SHEET TITLE	ROUTE
				CR 65

WETLAND IMPACTS PLAN OVERVIEW SHEET

REFERENCE PROJECT NO.	FISCAL YEAR	SHEET NO.
HW22030	2023	2

LEGEND



WETLANDS IMPACTED AREA



WETLANDS IMPACTED AREA NO. 1 (SEE SHEET 4)

WETLANDS IMPACTED AREA NO. 2 (SEE SHEET 5)

WETLANDS IMPACTED AREA NO. 3 (SEE SHEET 6)

PLAN SUBMITTAL



BALDWIN COUNTY HIGHWAY DEPARTMENT

Department of the Army // SAM 2022 01143 DJH

SHEET TITLE
WETLAND IMPACTS OVERVIEW PLAN SHEET

ROUTE
CR 88

WETLAND IMPACTS PLAN SHEET

REFERENCE PROJECT NO. HW22030	FISCAL YEAR 2023	SHEET NO. 5
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LEGEND



— WETLANDS IMPACTED AREA



WETLANDS IMPACTED
AREA NO. 2
 56507.48 SF
 (1.297 ACRES)
 4894 CUYD IMPACTED

NOTE:
 WORK IN WETLANDS AREA NO. 2 IS TO CONSTRUCT NEW TWO LANE ROAD OVER EXISTING WETLANDS/AGRICULTURAL FIELDS. AN ADDITIONAL DOUBLE 24" RC PIPE WILL BE CONSTRUCTED WITH A RIPRAP BASIN. SEE SUMMARY SHEET FOR FILL MATERIALS.

PLAN SUBMITTAL	BALDWIN COUNTY HIGHWAY DEPARTMENT	SCALE HORIZONTAL 0 50 100 FEET	SHEET TITLE WETLAND IMPACTS PLAN SHEET	ROUTE CR 85
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WETLAND IMPACTS PLAN SHEET

REFERENCE PROJECT NO HW22030	FISCAL YEAR 2023	SHEET NO 6
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LEGEND



— WETLANDS IMPACTED AREA



WETLANDS IMPACTED
AREA NO. 3
5126.21 SF
(0.118 ACRES)
365 CU YD IMPACTED

NOTE:
WORK IN WETLANDS AREA NO. 3 IS TO CONSTRUCT NEW TWO LANE ROAD OVER EXISTING WETLANDS/AGGICUTURAL FIELDS. AN ADDITIONAL DOUBLE 36"X23" RC PIPE WILL BE CONSTRUCTED WITH A RIPRAP BASIN. SEE SUMMARY SHEET FOR FILL MATERIALS.

PLAN SUBMITTAL	 BALDWIN COUNTY HIGHWAY DEPARTMENT	SCALE (FEET) HORIZONTAL 0 50 100 	SHEET TITLE WETLAND IMPACTS PLAN SHEET	ROUTE CR 88
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