



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-2023-00532-JGC

September 13, 2023

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

REQUEST TO IMPACT 6.35 ACRES OF WETLANDS AND 0.02 ACRE OF STREAMS
ASSOCIATED WITH THE MAINTENANCE AND RECONSTRUCTION
OF A TRANSMISSION LINE IN 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:

Alabama Power Company
Attn: Mike Godfrey – Manager
Environmental Affairs
600 18th Street North/9N-0830
Birmingham, Alabama 35203
(205) 257-6131

AGENT:

Cahaba Consulting, LLC
Attn: Carl R. Hubbert Jr.
2645 Buckboard Road
Birmingham, AL 35244
(205) 533-0449

LOCATION: The project is located on tract of land consisting of approximately four miles of existing and one mile of proposed new transmission lines south and east of Theodore in Mobile County, Alabama (Attachment 1).

PROJECT PURPOSE: The *basic project purpose* is transmission line maintenance and upgrade. The *overall project purpose* is routine maintenance and upgrade consistent with other utility/electric projects located in Alabama and the Southeast. These activities are standard practices that Alabama Power Company (APCO) performs to ensure the continued provision of reliable electrical service to Alabama residents.

PROPOSED WORK: The applicant has proposed the construction of a new 5.18-mile 115 kV transmission line beginning at the existing Theodore Substation on US 90 (30.5269°, -88.1964°), also known as Government Blvd, and ending at County Rd (CR) 26 (30.5430°, -88.1493°), also known as Hamilton Rd, approximately one mile east of Theodore (Attachment 2). The new line would connect to an existing 115kV transmission line and supply additional service to the area's businesses. Approximately four miles of transmission lines located immediately east of the Theodore Substation contains an existing 200 foot wide right-of-way (ROW), as shown in

Attachment 2, Figures 9-17, and would require forest clearing in some areas to expand the width of the ROW to 400 feet. The new transmission line would be located along the existing ROW and generally would shift to the north or west of the current centerline by approximately 50 feet. The proposed new segment would extend approximately one mile south and eastward CR 26, as shown in Attachment 2, Figures 17-19, and connect to the east end of the existing ROW at approximately 30.5430°, -88.1493°. The construction of the new segment would require forest clearing to establish a new 400 foot wide ROW.

The applicant has proposed construction and improvement of new and existing access roads and work pads. Existing dirt and gravel surfaced access roads would be utilized as much as possible along the existing ROW east of the Theodore Substation. The new and improved roads and work pads would be constructed using onsite earthen material and would be surfaced using limestone rock and gravel to support heavy equipment and provide stable, safe work areas for maneuvering and operation of a 200-ton capacity crane (Attachment 3). The applicant would install culverts in the roadbed and work pads, where necessary, to allow for passage of water and any movement of aquatic or benthic species.

The heights of the proposed poles would range from 110 to 130 feet and consist of a steel or concrete base with steel upper sections. The poles would be designed to support the additional weight of larger transmission lines and longer spans, and would be designed to withstand severe coastal weather, such as hurricanes.

In total, the project would permanently impact portions of nine wetlands and two streams and result in the loss of approximately 6.35 acres of wetlands and 0.02 acre (50 linear feet) of stream bed.

AVOIDANCE AND MINIMIZATION: The project area contains approximately 79 acres of wetlands and approximately 0.39 acre (992 linear feet) of streams (Attachment 4). The applicant has stated that the project has gone through multiple designs, and the overall wetland impacts were reduced by approximately 21% from the original conception. The project, as proposed, would avoid impacts to wetlands and streams by approximately 91% and 95%, respectively.

MITIGATION: The applicant has proposed compensatory mitigation for the unavoidable impacts to approximately 6.35 acres of wetlands using credits from the *Alabama Power Theodore Mitigation Bank* (SAM-1922-MBM) where debiting amounts would be determined using the ratio credit calculation.

The wetland mitigation ratios in the Corps-approved *Theodore Wetland Mitigation Area Management Plan* are 4:1 for high quality wetlands, 3:1 for medium quality wetlands, and 2:1 for low quality wetlands, as determined by the Wetlands Rapid Assessment

Method (WRAP), where wetlands with WRAP scores greater than 0.75 would be considered high-quality, WRAP scores between 0.51 and 0.75 would be medium-quality, and WRAP scores of less than or equal to 0.50 would be low-quality.

Based on these criteria, the applicant has calculated that 11.98 credit acres would be required to compensate for the unavoidable loss of 6.35 acres of wetlands resulting from the project.

The applicant has proposed avoidance and minimization of impacts to all but 0.02 acre of stream bed and, therefore, has not proposed stream mitigation.

The Mobile District has not verified the adequacy of the applicant's proposed mitigation.

WATER QUALITY: The applicant has requested a pre-filing meeting with the Alabama Department of Environmental Management (ADEM) and 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 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 undertaking in WOTUS, as well as portions of the ROW where work would not occur in its given configuration "but for" the authorized activity.

The University of Alabama Office of Archaeological Research has assessed the project area for the presence of cultural and historic properties and determined there are no known sites near the project that are listed or eligible for listing on the National Register of Historic Places.

The Mobile District has not verified the adequacy of the applicant's assessment of the project's potential to affect cultural and historic properties and will seek comment from the State Historic Preservation Officer regarding the existence, or the potential for existence, of cultural and historic properties within the permit area. The permit area described above is currently under review by District Archaeologists to provide a determination on the potential existence of significant cultural and historic properties.

ESSENTIAL FISH HABITAT: The Mobile District has preliminarily determined that the proposed action would not have an adverse impact on EFH or federally managed fisheries. The final determination is subject to review by and coordination with the National Marine Fisheries Service and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS).

ENDANGERED SPECIES: A preliminary review of the application and the U.S. Department of the Interior’s List of Endangered and Threatened Wildlife and Plants has identified the following threatened or endangered species as occurring or potentially occurring within a 200-foot buffer of the project area:

Type	Common Name	Scientific Name	Status
Mammals	West Indian manatee	<i>Trichechus manatus</i>	Threatened
Birds	Eastern black rail	<i>Laterallus jamaicensis ssp.</i>	Threatened
Reptiles	Alabama red-bellied turtle	<i>Pseudemys alabamensis</i>	Endangered
	Alligator snapping turtle	<i>Macrochelys temminckii</i>	Proposed Threatened
	Black pinesnake	<i>Pituophis melanoleucus lodingi</i>	Threatened
	Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened
	Gopher tortoise	<i>Gopherus polyphemus</i>	Threatened
Fishes	Gulf sturgeon	<i>Acipenser oxyrinchus (=oxyrhynchus)</i>	Threatened

According to field reviews by the applicant, there is no designated critical habitat within the project action area, and the project is not likely to affect listed species.

The Mobile District has not verified the adequacy of the applicant’s assessment of the projects potential to affect threatened or endangered species and will initiate consultation with the U.S. Fish and Wildlife Service for any determinations other than “No Effect.”

COMMENTS: This 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 No. **SAM-2023-00532-JGC**, and should be directed to the project manager, Mr. Joshua G. Carpenter by email at joshua.g.carpenter@usace.army.mil, or to the USACE, Mobile District, Regulatory Division, Attention: Mr. Joshua G. Carpenter, 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.**

For additional information about our Regulatory Program, please visit our website at sam.usace.army.mil/missions/regulatory.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

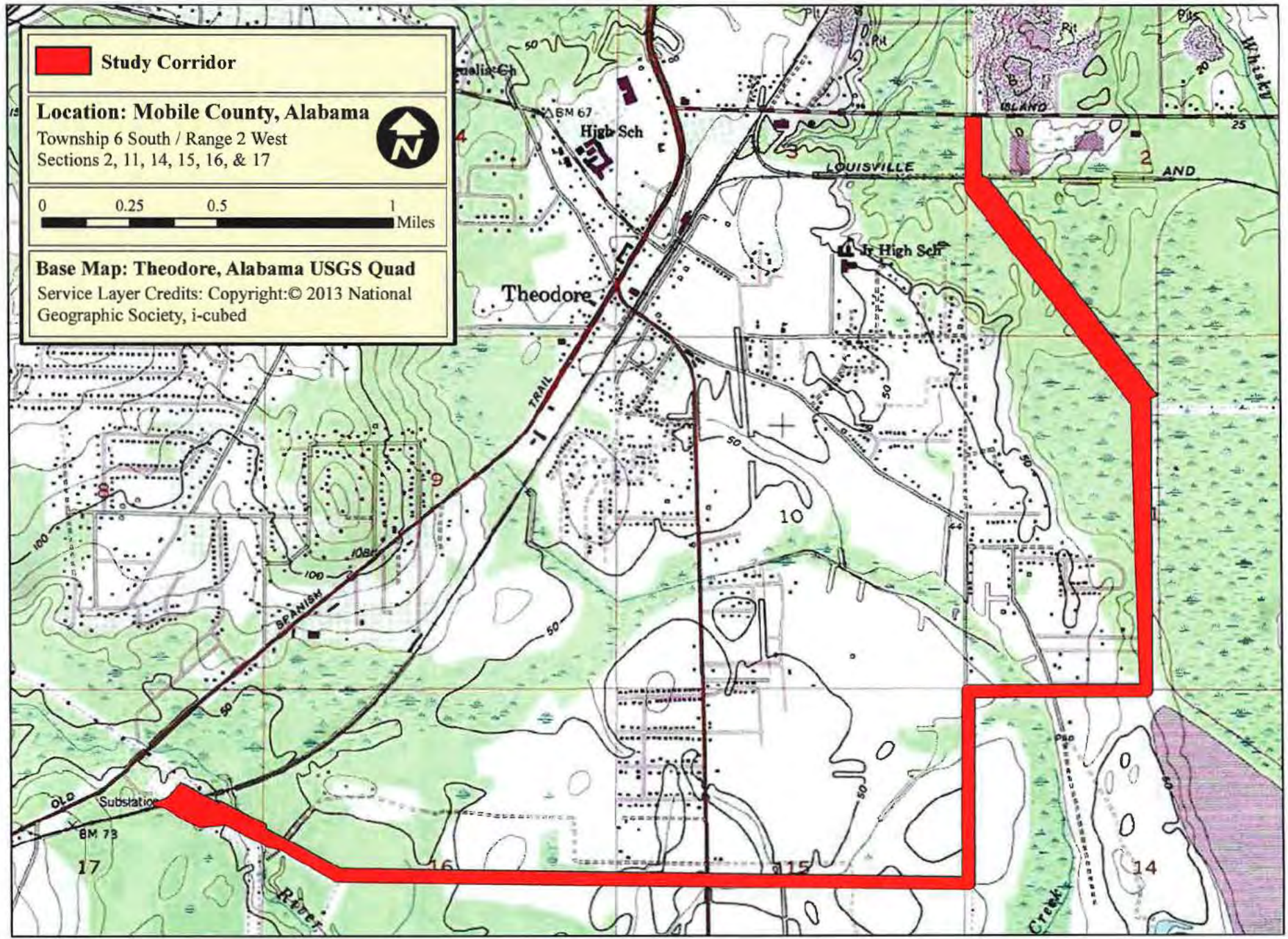
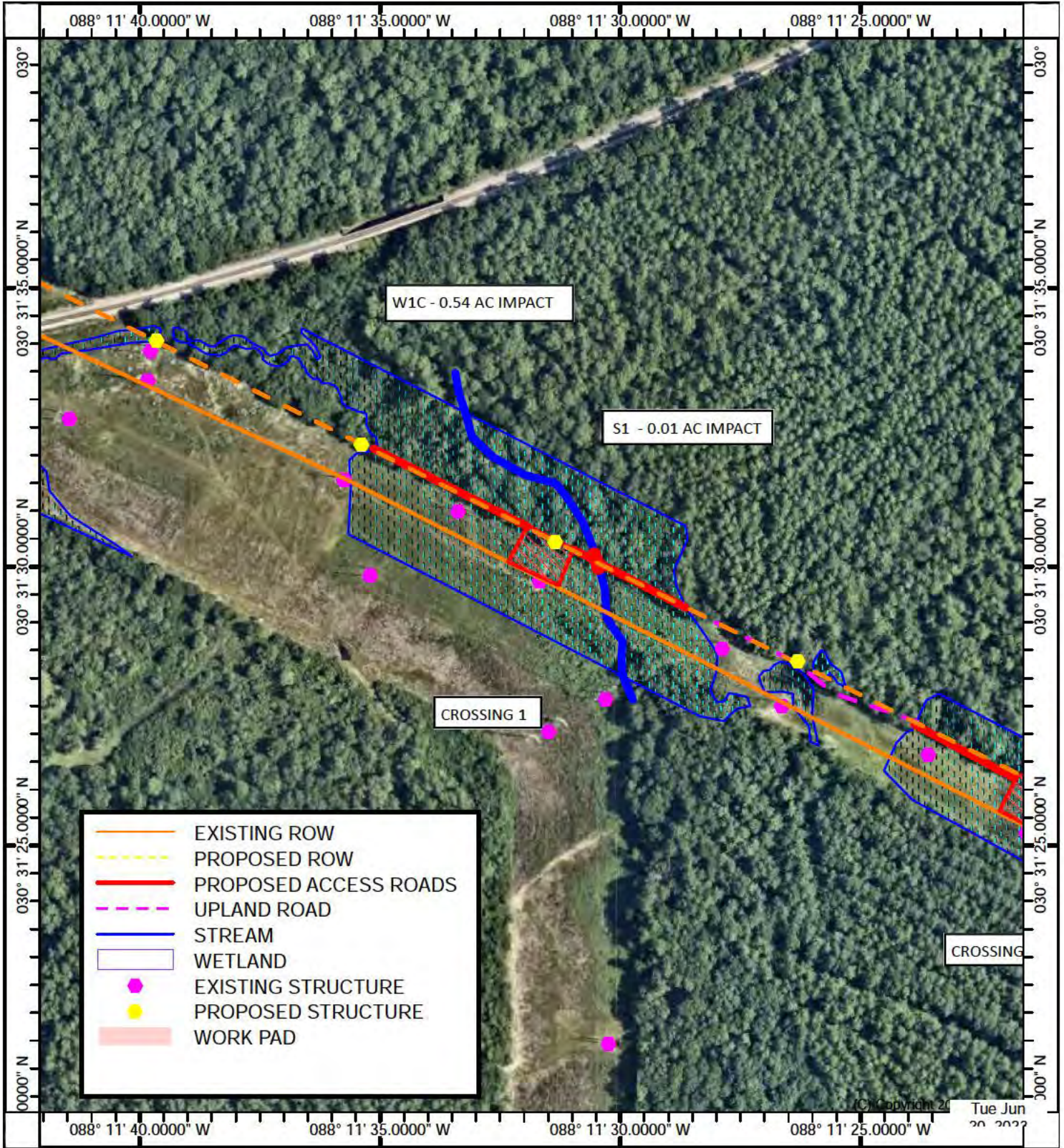


Figure 2. Project Location and Vicinity Map (Quad View)



Produced by Trimble Terrain Navigator Pro
Topography based on USGS variable Maps

World Geodetic System 1984 Datum (WGS84)

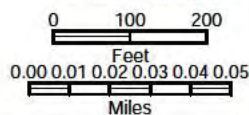
To place on the predicted North

Declination



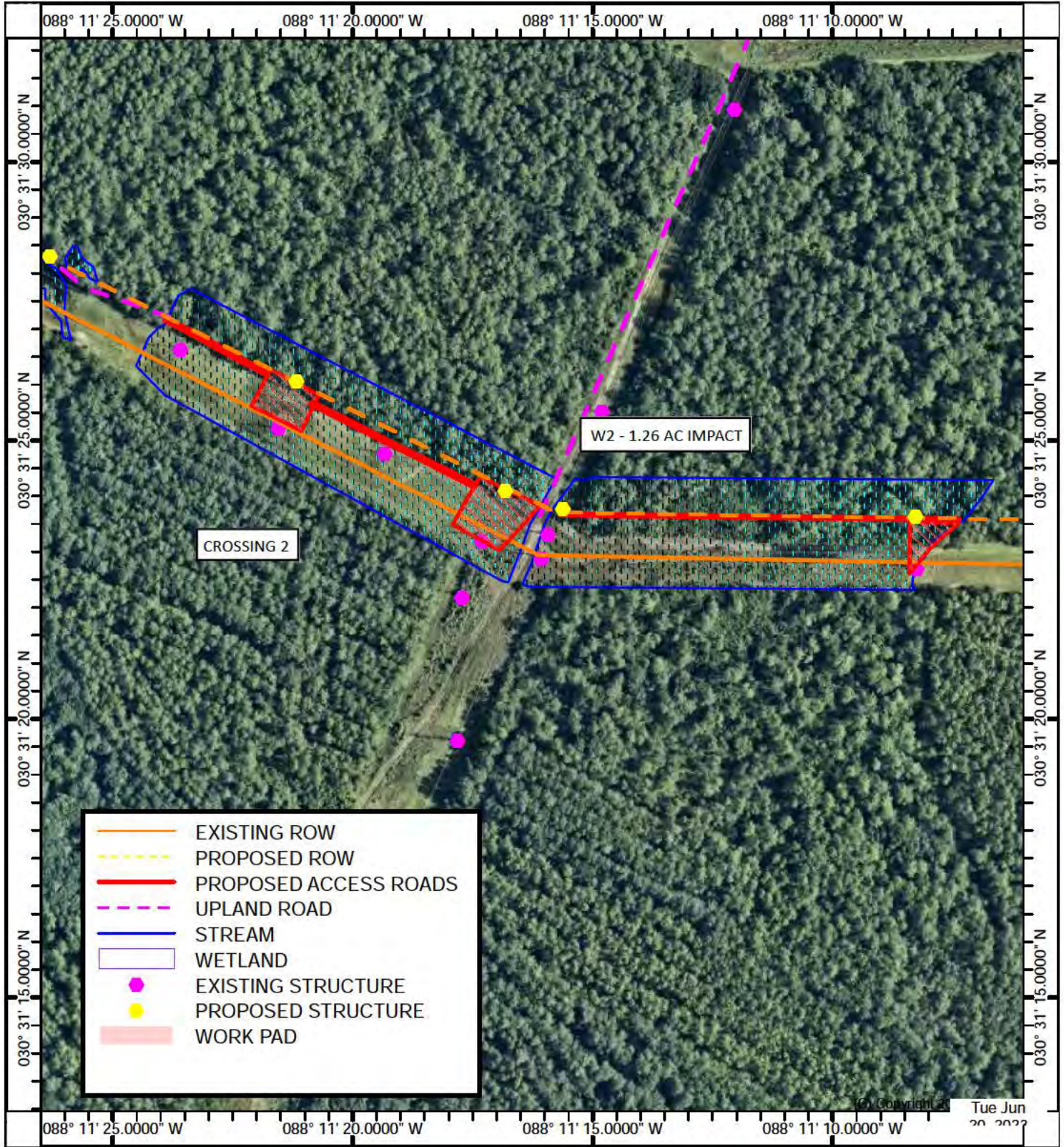
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SCALE 1:3000



Alabama Power COMPANY FT

ALABAMA POWER COMPANY
North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Orth Imagery
Figure 9a - June 2023



Produced by Trimble Terrain Navigator Pro
Topography based on USGS variable Maps

World Geodetic System 1984 Datum (WGS84)

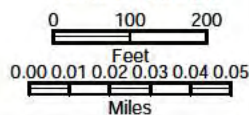
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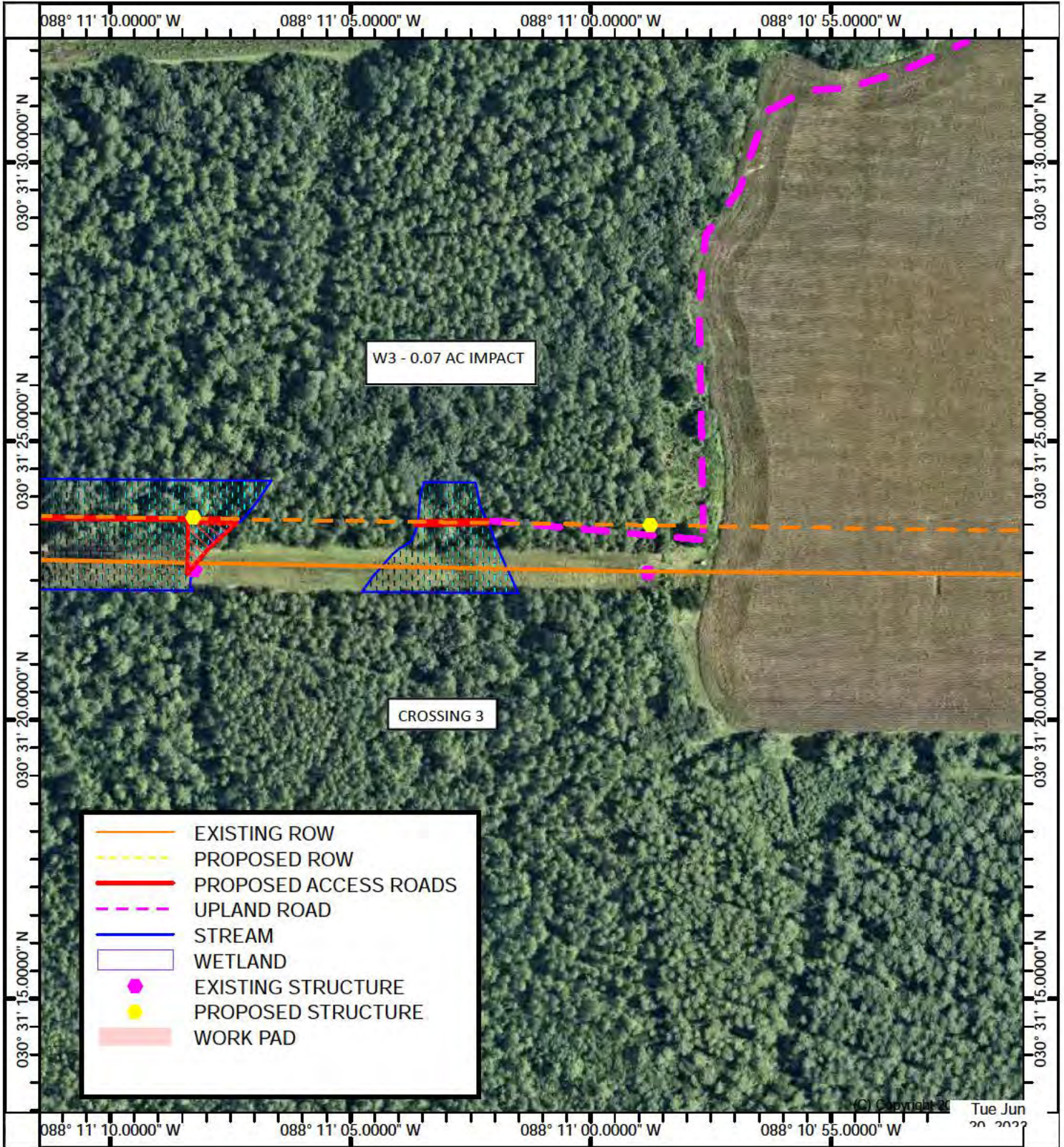
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North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 10a - June 2023



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Topography based on USGS variable Maps

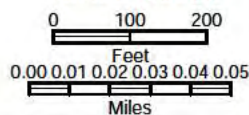
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To place on the predicted North

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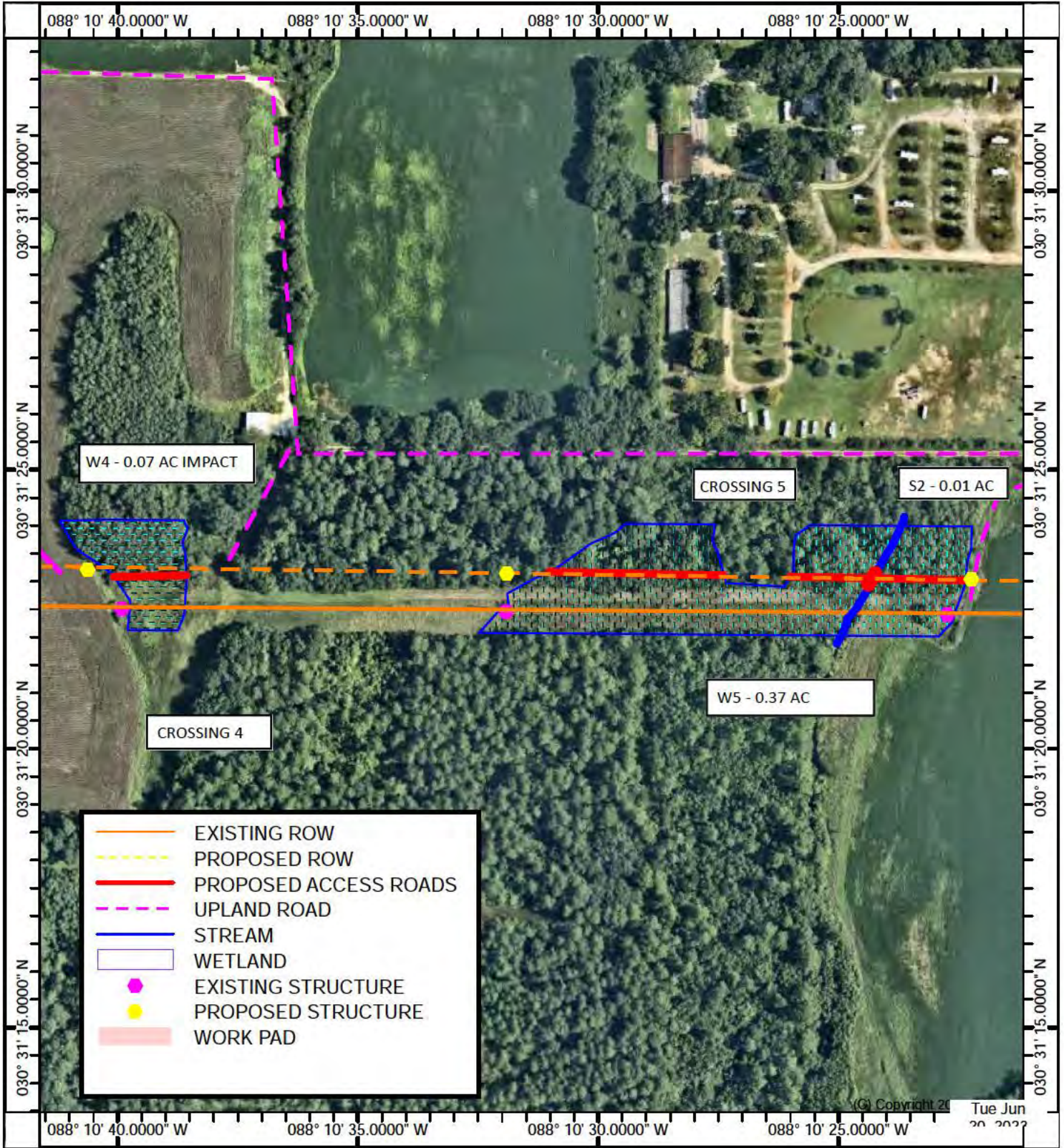


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North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 11a - June 2023



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Topography based on USGS variable Maps

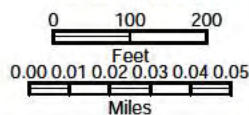
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To place on the predicted North

Declination

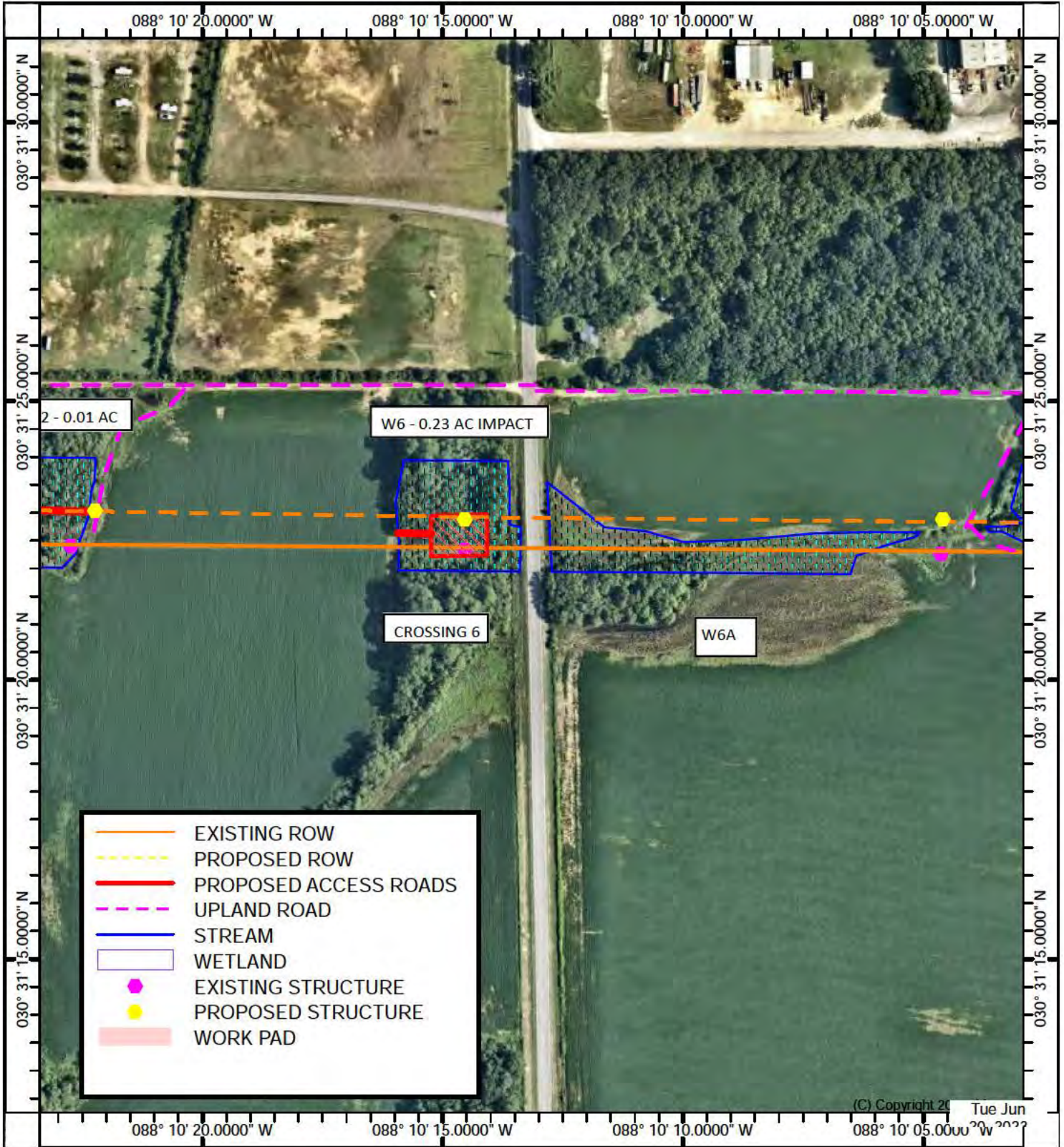


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North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 12a - June 2023



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World Geodetic System 1984 Datum (WGS84)

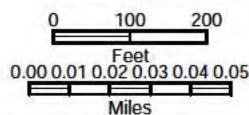
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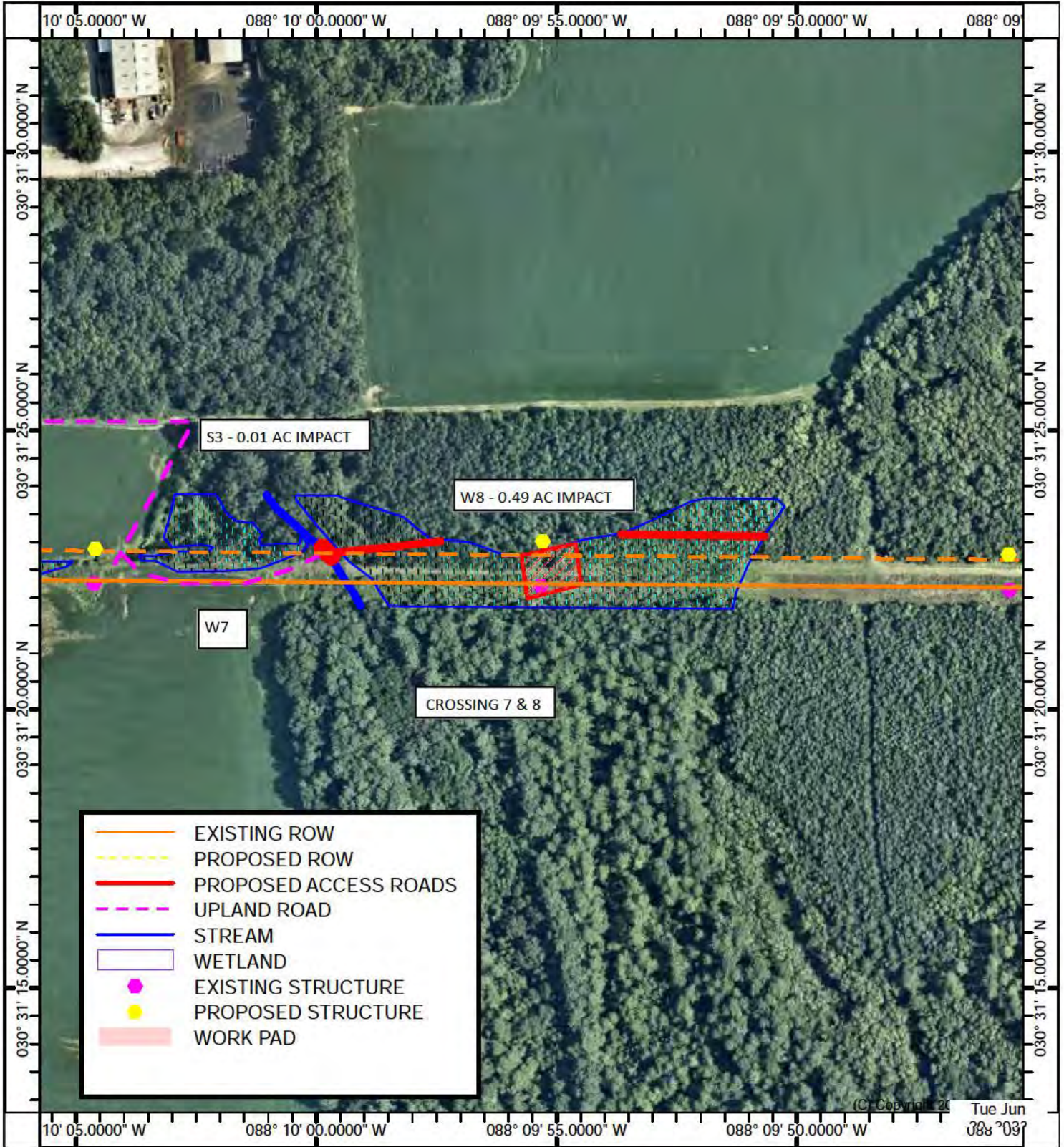
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North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 13a - June 2023



	EXISTING ROW
	PROPOSED ROW
	PROPOSED ACCESS ROADS
	UPLAND ROAD
	STREAM
	WETLAND
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	WORK PAD

S3 - 0.01 AC IMPACT

W8 - 0.49 AC IMPACT

W7

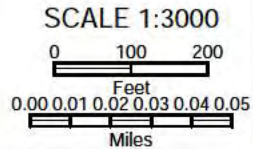
CROSSING 7 & 8

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Tue Jun 28 2023

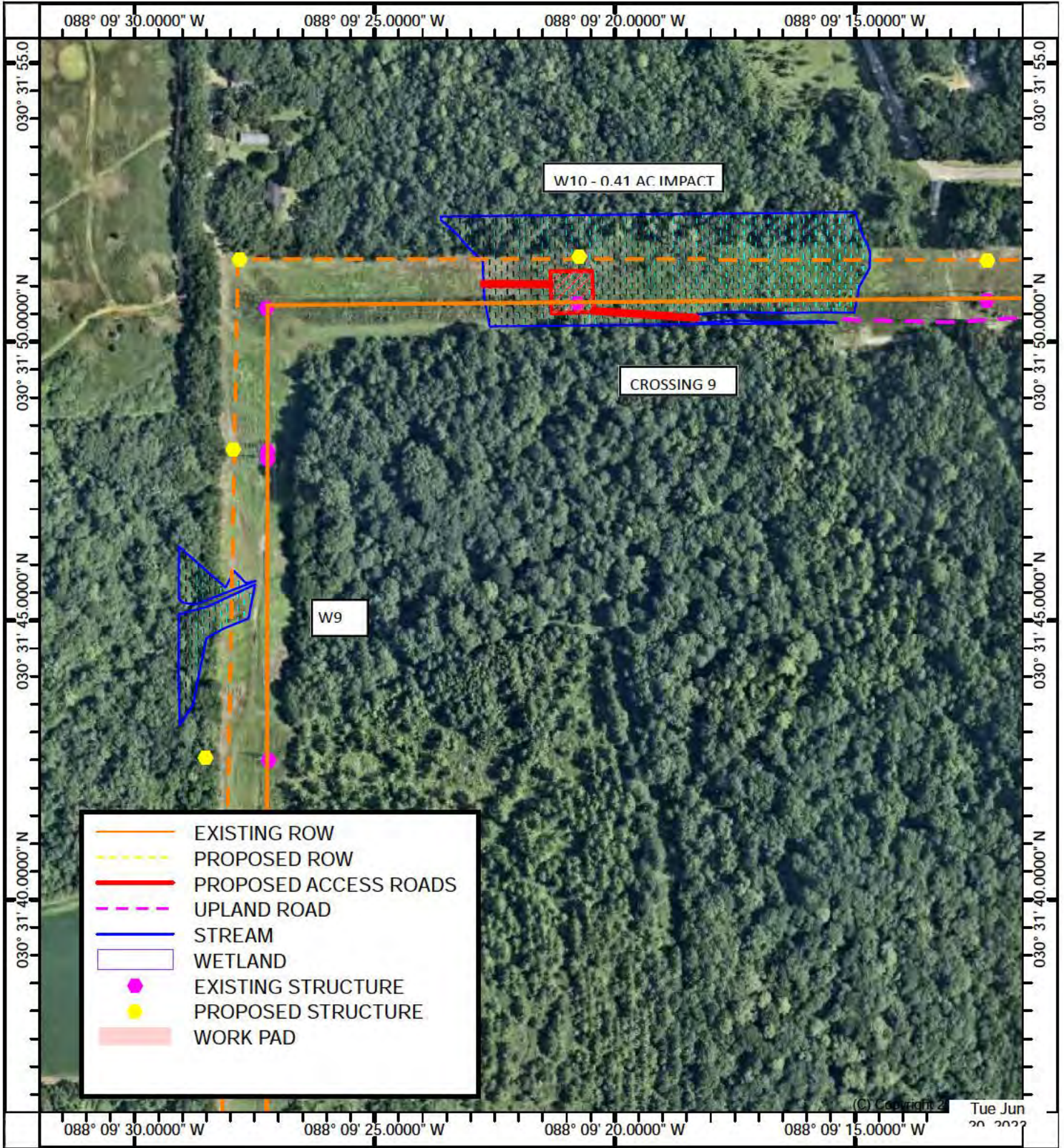
Produced by Trimble Terrain Navigator Pro
Topography based on USGS variable Maps

World Geodetic System 1984 Datum (WGS84)

To place on the predicted North



ALABAMA POWER COMPANY
North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 15a - June 2023



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Topography based on USGS variable Maps

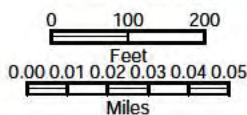
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To place on the predicted North

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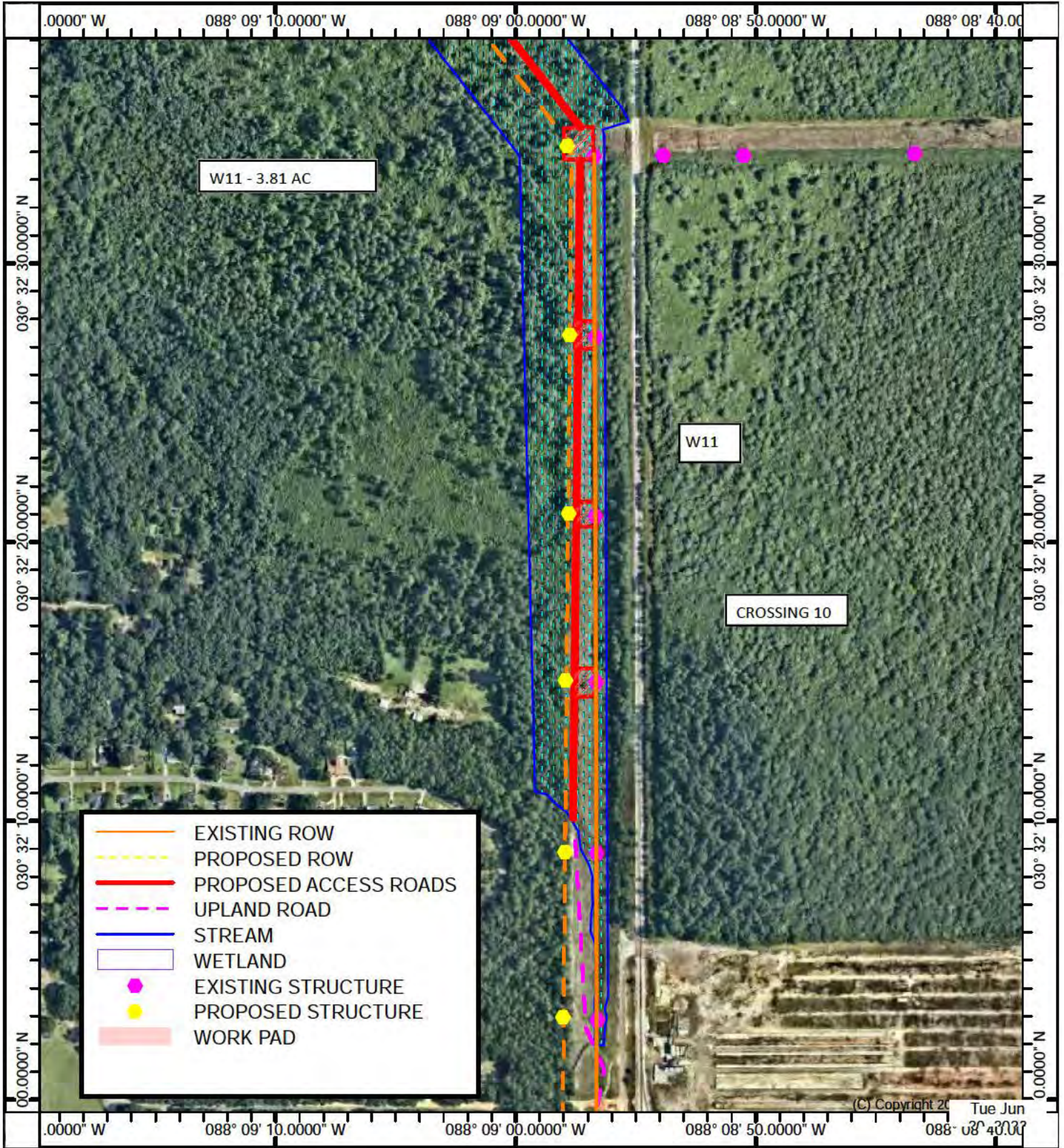


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North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 16a - June 2023



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Topography based on USGS variable Maps

World Geodetic System 1984 Datum (WGS84)

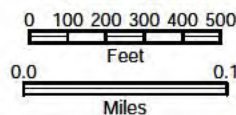
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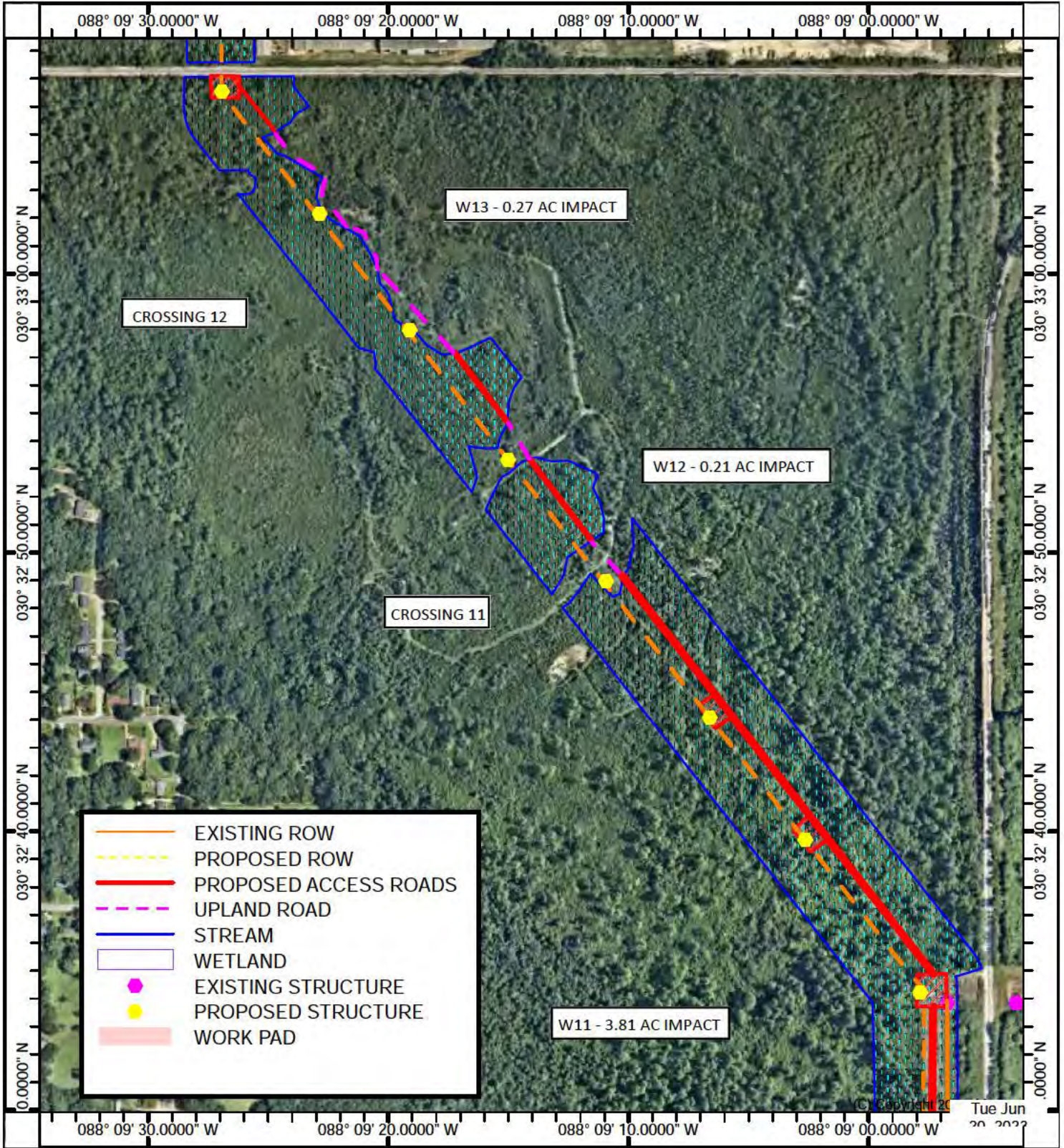
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SCALE 1:6000



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ALABAMA POWER COMPANY
North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 17a - June 2023



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Topography based on USGS variable Maps

World Geodetic System 1984 Datum (WGS84)

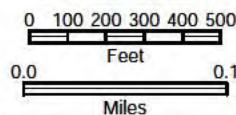
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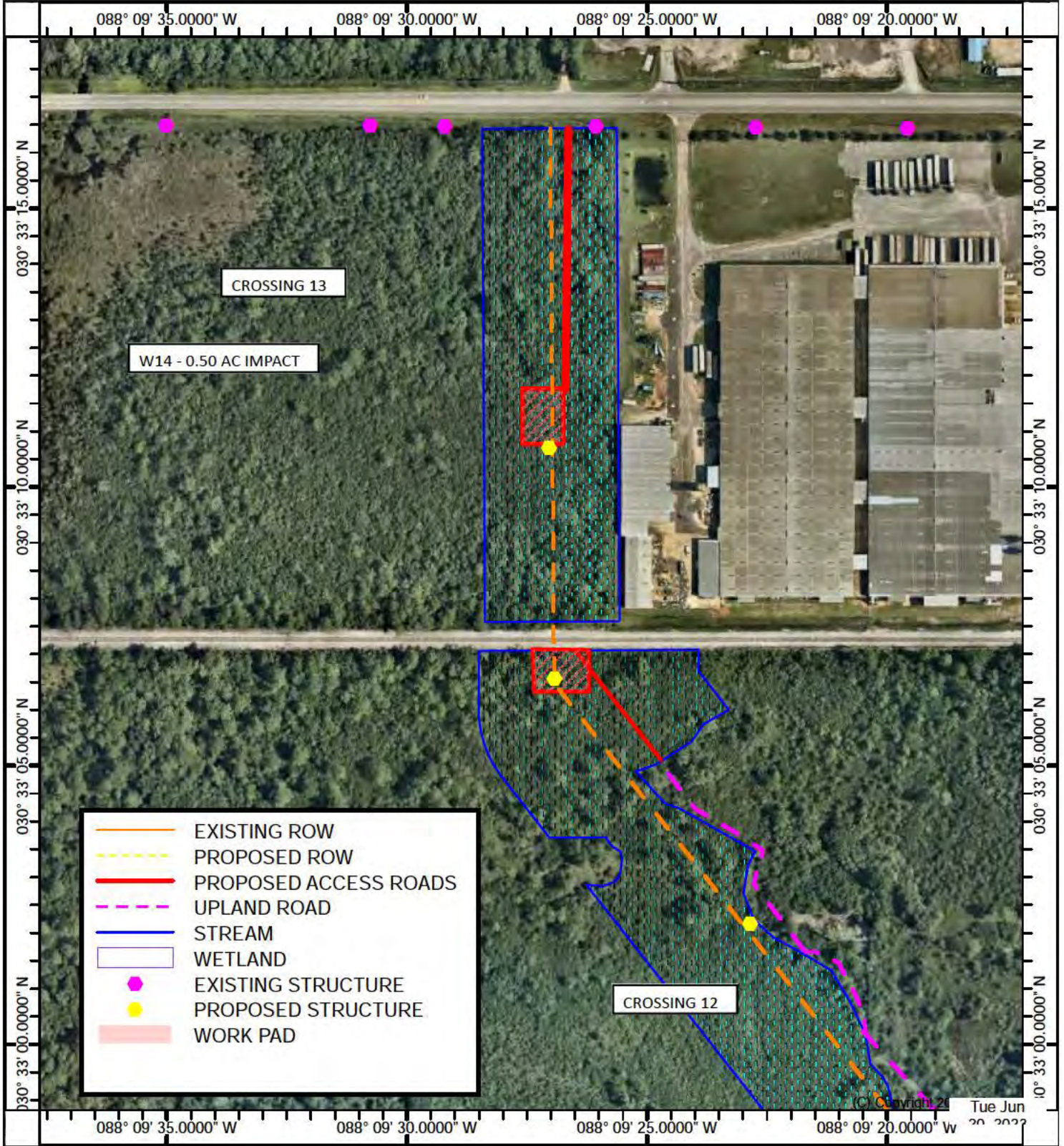
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ALABAMA POWER COMPANY
North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 18a - June 2023



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Topography based on USGS variable Maps

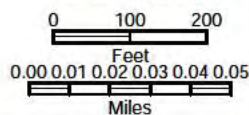
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To place on the predicted North

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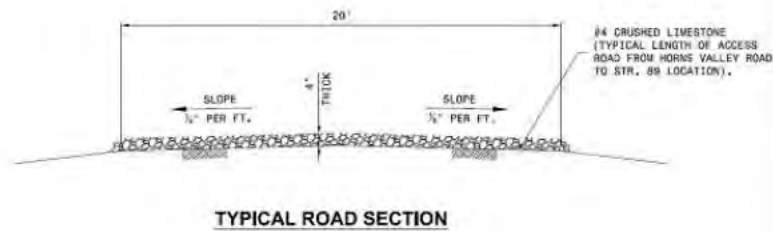
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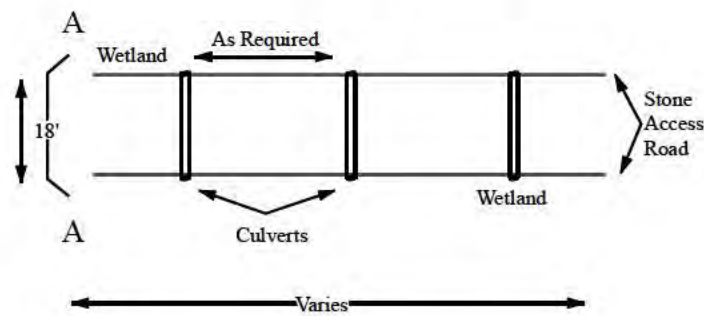
Alabama Power

ALABAMA POWER COMPANY
North Theodore - Deer River 115kV Rebuild
Alternative 5 - Access Roads and Pads
Aerial Ortho Imagery
Figure 19a - June 2023

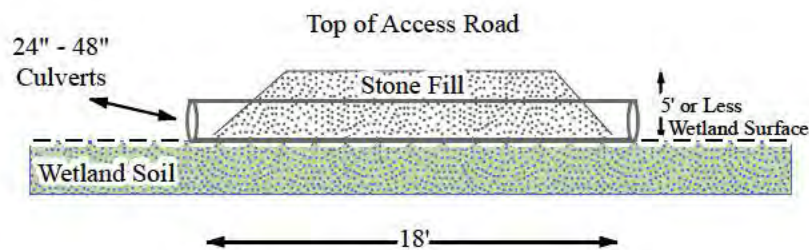
North Theodore - Deer River 115kV Typical Culverted Stone Access Road



Plan View



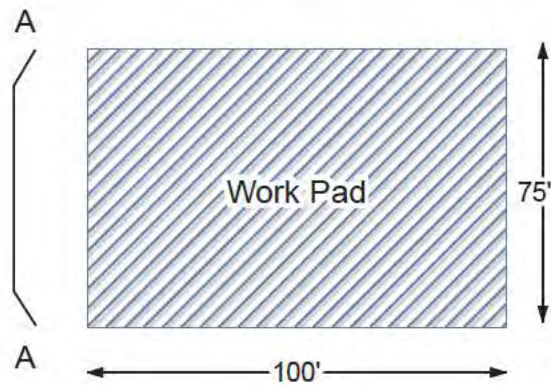
Profile View - AA



culverts will be installed at a frequency and size necessary to minimize water impoundment and restriction of flow

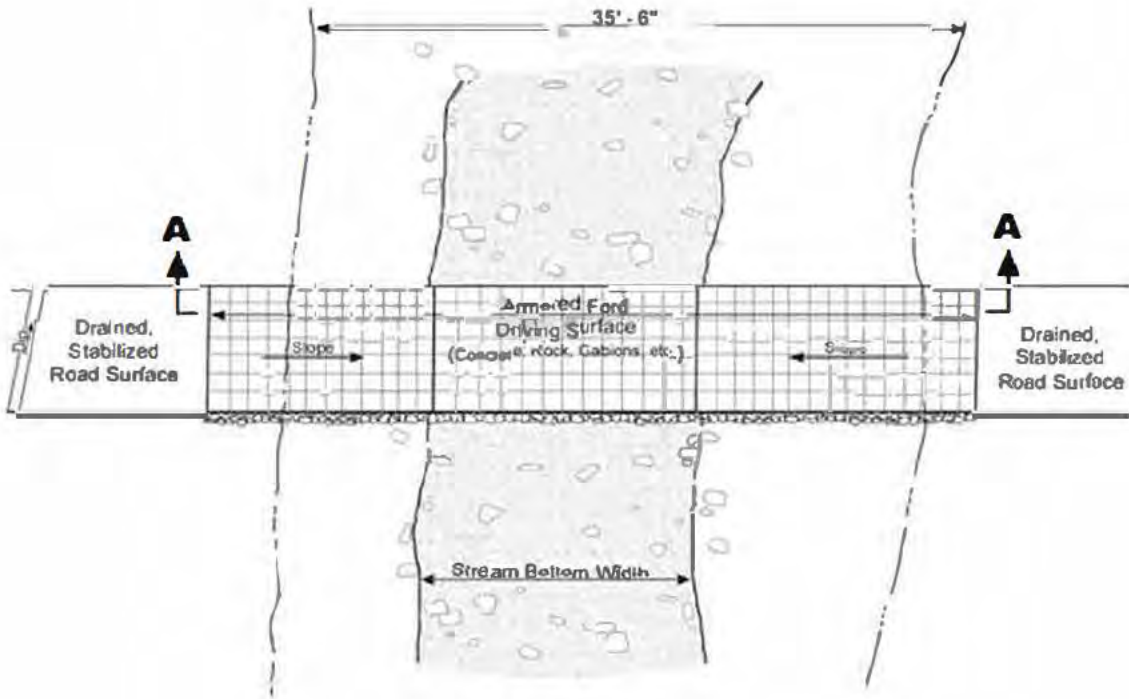
North Theodore - Deer River - Rebuild Typical Work Pad

Plan View



Profile View - AA





PLAN VIEW

