



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD
PUBLIC NOTICE NO. SAM-2023-00633-TRA

October 12, 2023

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

PROPOSED IMPACTS TO WETLANDS ASSOCIATED WITH CONSTRUCTION OF
MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT AND ASSOCIATED
INFRASTRUCTURE, BALDWIN COUNTY, ALABAMA.

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army 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: JBW Investments, LLC
Mr. John B. Williams
6083 Shaburn Ferry Road
Buford, Georgia 30518

AGENT: Volkert, Inc.
Attention: Mr. Eric Reid
1680 West 2nd Street, Suite B,
Gulf Shores, Alabama, 36542

LOCATION: The proposed project is located on 39-acre private tract of land containing wetlands adjacent to Boggy Branch, at the corner of State Route 59 and County Road 8; at Latitude 30.326981° North, Longitude -87.687210° West; in unincorporated Baldwin County, Alabama.

APPLICANT STATED PROJECT PURPOSE: Discharge into waters of the United States is for the construction of a new single and multi-family housing development, commercial outparcel, and associated infrastructure. The applicant states that there is the need for the project is to provide new affordable housing opportunities to citizens within the adjacent communities, generate new temporary and permanent jobs, as well as increase revenue for the local economy.

PROPOSED WORK: The proposed project would permanently fill approximately 0.645 acre of wetlands in order to construct seven buildings with 52 single-family town homes, twelve 3-

story buildings with 372 multi-family apartment units, a leasing clubhouse, access roads, and parking areas. Project activities would include clearing and grading for the above structures, as well as for installation of utilities and stormwater infrastructure. The project would also include preparation of an 11,250-square-foot restaurant outparcel with associated infrastructure. Additional details of proposed project activities are illustrated in the attached plans.

AVOIDANCE AND MINIMIZATION: The applicant has stated that complete avoidance of wetlands is not achievable for the proposed project, but wetland impacts have been minimized to the maximum extent practical by utilizing uplands on the site, reducing fill slopes to 3:1 in key areas, and reshaping detention features and building layouts.

COMPENSATORY MITIGATION: The applicant would purchase mitigation credits from a USACE-approved mitigation bank to offset proposed impacts to 0.645 acre of low-quality wetlands. 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 has indicated they have applied 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).

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect historic properties. In accordance with Appendix C of 33 CFR 325, the Corps has determined the permit area consists of the entire undertaking in waters of the United States as well as portions of the uplands used for staging and access. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. 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 from the State Historic Preservation Office, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. This proposal is described above is currently under review by the USACE, Mobile District. Our 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: There is no designated critical habitat within the project action area and 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 listed endangered (E) or threatened species (T) with the potential to exist within the watershed of the permit area: wood stork (*Mycteria americana*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), West Indie manatee (*Trichechus manatus*) (T) and the Alabama red bellied turtle (*Pseudemys alabamensis*) (E).

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 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-2023-00633-TRA**, and should be directed to the project manager, Mr. Tyler R. Adams by e-mail at

tyler.r.adams@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Mrs. Allison F. Monroe, 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. Adams by e-mail at tyler.r.adams@usace.army.mil, or (970) 243-1199. Please refer to the Public Notice Number SAM-2023-00633-TRA, 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



Figure 1. Vicinity and Location Map

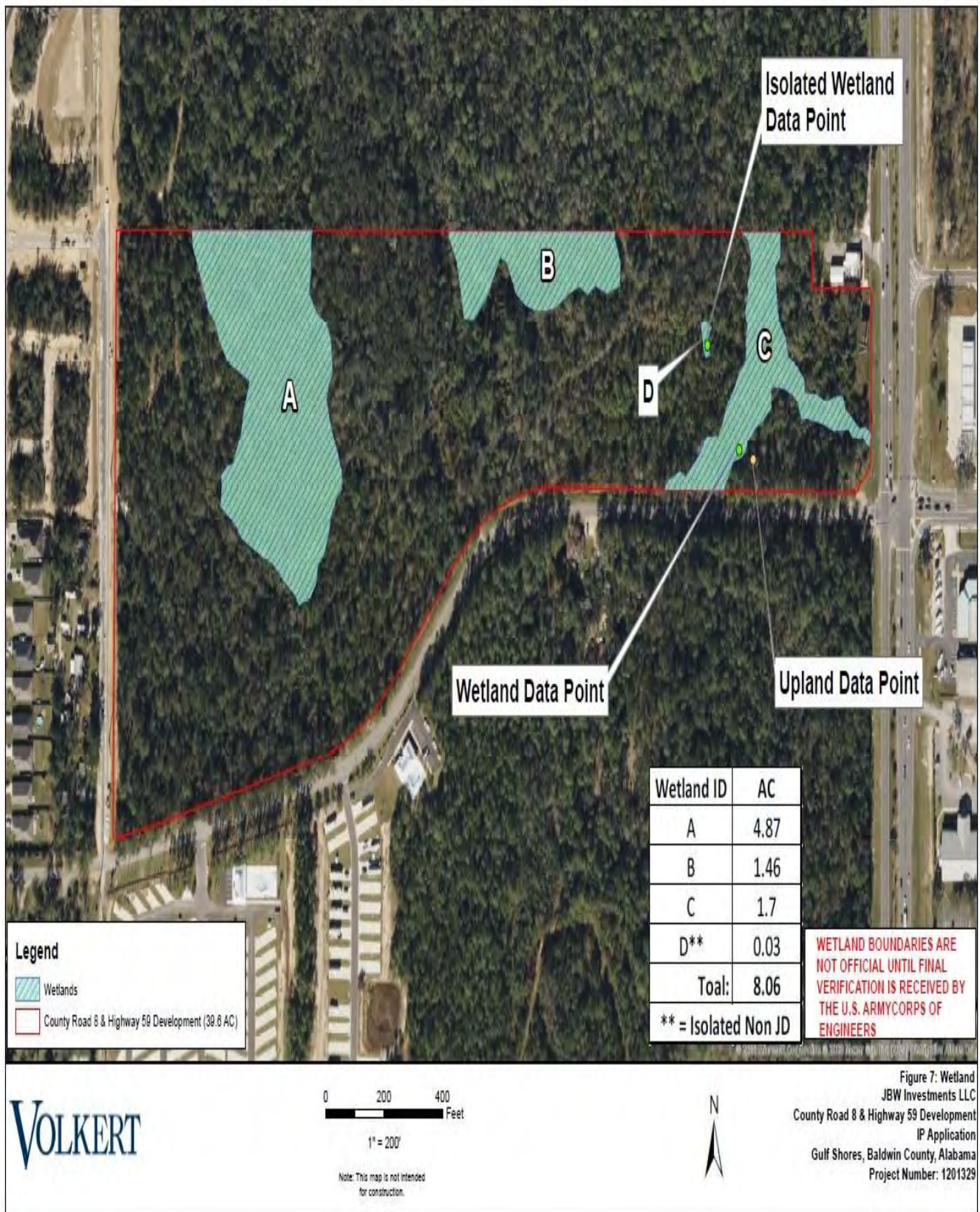


Figure 2. Wetland Map



- BUILDING SETBACKS:**
- FRONT YARD = 30 FEET
 - REAR YARD = 30 FEET
 - SIDE YARD = 10 FEET

TOTAL WETLANDS TO BE FILLED:
 COMMERCIAL PARCEL = ±0.495 ACRES
 RIGHT OF WAY PARCEL = ±0.15 ACRES
TOTAL TO BE FILLED = ±0.645 ACRES (±28,096 SF)

- WETLAND SETBACKS:**
- NATURAL BUFFER = 15 FEET
 - BUILDING SETBACK = 30 FEET

ALL SIDEWALKS SHOWN ARE 5' WIDE

SITE DATA CHART	
EXISTING ZONING	UN-ZONED
JURISDICTION	BALDWIN COUNTY, AL
PARCEL TAX PIN(S)	618482 & 228861
OVERALL AREA OF PROPERTY	±39.60 ACRES
PROPOSED USE OF PROPERTY	COMMERCIAL, TOWNHOUSES & MULTI-FAMILY APARTMENTS
COMMERCIAL	±2.53 ACRES
TOWNHOUSES	±6.08 ACRES
1. PROPOSED UNITS	32 UNITS
2. PROPOSED DENSITY	32 UN / 6.08 AC = ±5.35 UN/AC
MULTI-FAMILY APARTMENTS	±29.00 ACRES
1. PROPOSED UNITS	372 UNITS
2. PROPOSED DENSITY	372 UN / 31.00 AC = ±12.0 UN/AC
** GROSS DENSITY USES MULTI-FAMILY AND 8% RIGHT OF WAY AREAS **	
PROPOSED RIGHT OF WAY	±2.00 ACRES

RESIDENTIAL UNIT SIZES	
TOWNHOUSES	
1. UNIT SIZE	24' WIDE X 45' DEEP
2. BUILDING HEIGHT	TWO (2) STORIES
3. ACCESS	FRONT ENTRY
4. GARAGES	TWO (2) CAR GARAGE
5. TOTAL UNITS	32 UNITS
MULTI-FAMILY APARTMENTS	
1. [12] UNIT FOOTPRINT	74' WIDE X 220' LONG
2. TOTAL UNITS	(7) BUILDING X 36 UNITS = 252 UNITS
3. [8] UNIT FOOTPRINT	74' WIDE X 185' LONG
4. TOTAL UNITS	(3) BUILDINGS X 24 UNITS = 72 UNITS
5. ALL BUILDING HEIGHTS	THREE (3) STORIES

PROJECT CONTACTS	
JAY WILLIAMS (404) 883-5000 call jay@universalplanningllc.com	ERIC JOHANSEN (678) 571-4848 call eric@universalplanningllc.com

WETLANDS	
COMMERCIAL PARCEL	
AREA OF PARCEL	±2.53 ACRES
-EXISTING WETLANDS	(-) ±0.55 ACRES
+EXISTING UPLANDS	+ ±1.98 ACRES
1. WETLANDS TO BE FILLED	±0.495 ACRES
TOWNHOUSE PARCEL	
AREA OF PARCEL	±6.08 ACRES
-EXISTING WETLANDS	(-) ±0.77 ACRES
+EXISTING UPLANDS	+ ±5.31 ACRES
1. WETLANDS TO BE FILLED	±0.00 ACRES
APARTMENT PARCEL	
AREA OF PARCEL	±29.00 ACRES
-EXISTING WETLANDS	(-) ±6.58 ACRES
+EXISTING UPLANDS	+ ±22.42 ACRES
1. WETLANDS TO BE FILLED	±0.00 ACRES
PROPOSED RIGHT OF WAY	
AREA OF PARCEL	±2.00 ACRES
1. WETLANDS TO BE FILLED	±0.15 ACRES



CONCEPTUAL SITE PLAN - 4 HIGHWAY 59 PROPERTY



REVISED: SEPTEMBER 06, 2023
 DATE: AUGUST 28, 2023
 SCALE: 1 INCH = 80 FEET



Figure 3. Project Site Plan With Wetland Impacts

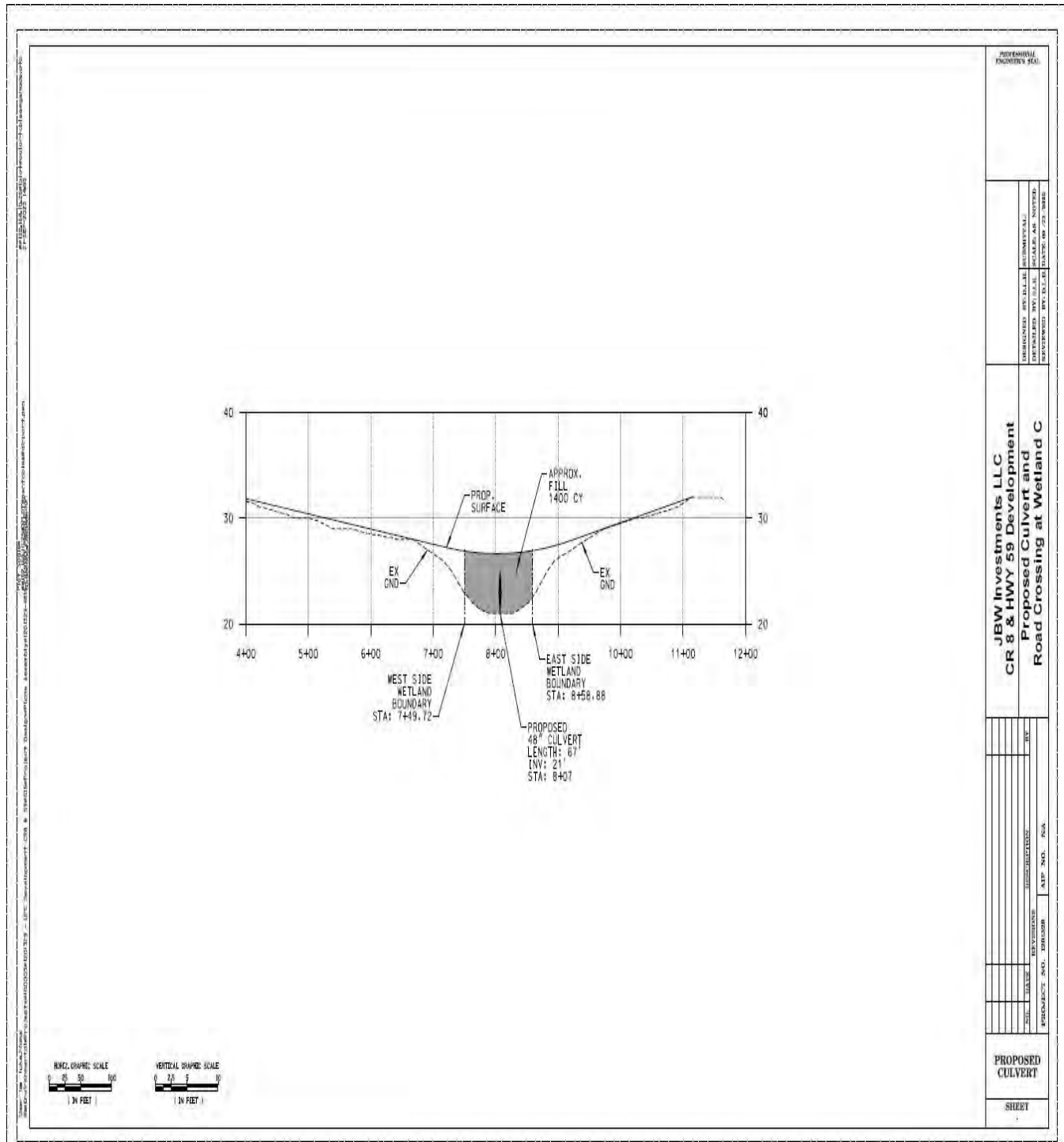


Figure 4. Plans

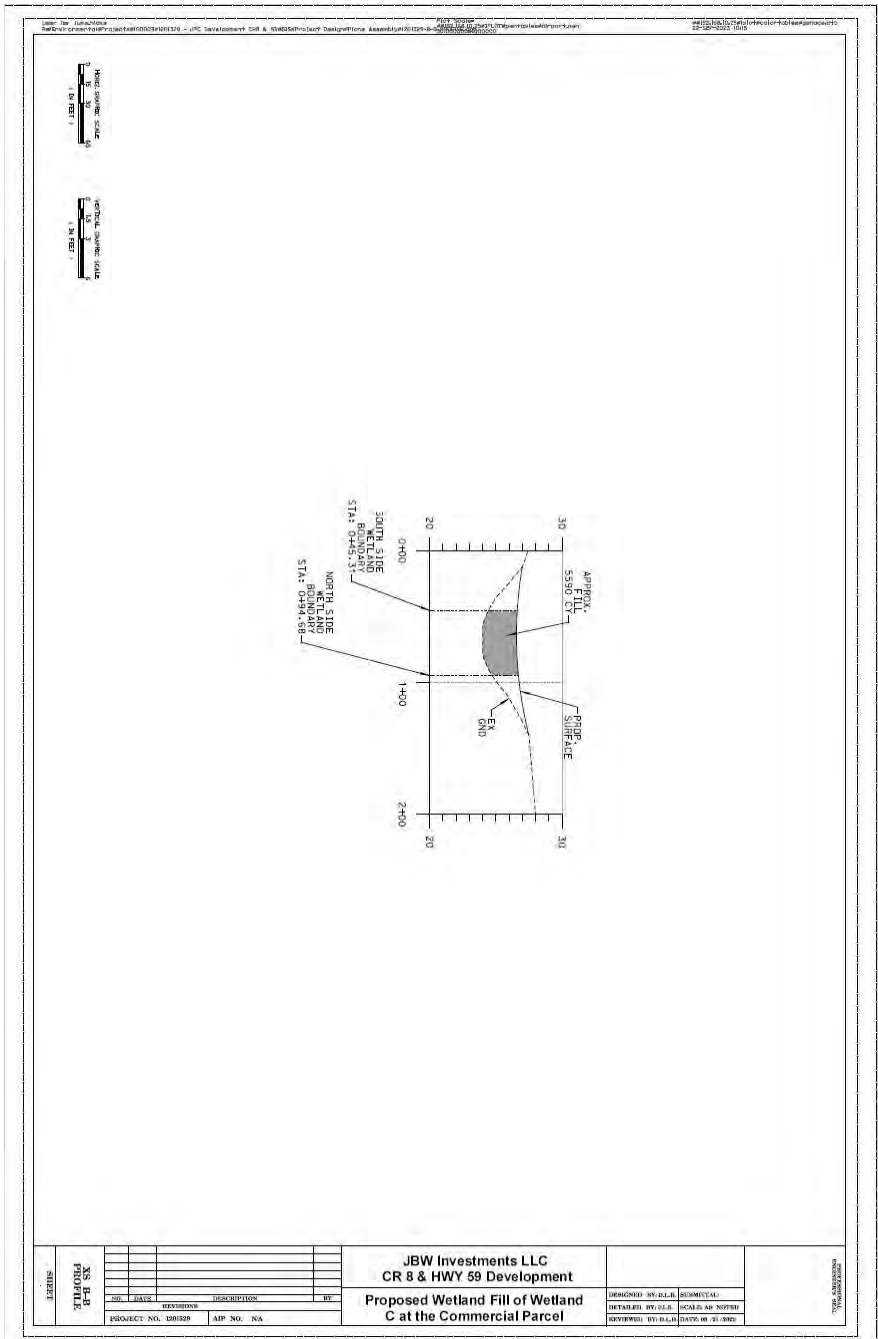


Figure 5. Plans