



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Anton Baryshev  
Ceiling Sunset, LLC

Published: November 19, 2025  
Expires: December 19, 2025

**Mobile District  
Permit Application No. SAM-2025-00722-MDJ**

**JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
(USACE)**

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT (ADEM)**

TO WHOM IT MAY CONCERN: The Mobile District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Anton Baryshev  
Ceiling Sunset, LLC  
5997 Born Drive  
Pensacola, Florida 32504

**AGENT:** Tom Hutchings  
EcoSolutions, Inc.  
Post Office Box 361  
Montrose, Alabama 36559

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Point Clear Creek. The project area is located on the west side of Saddle Wood Lane (Baldwin County Parcel Identification Number: 05-46-09-31-0-000-016.057), approximately 0.20 miles west of the intersection of Saddle Wood Lane and Polo Ridge Boulevard; in Section 31, Township 6 South, Range 2 East; at Latitude 34.479915 and Longitude -87.913797; in Fairhope, Baldwin County, Alabama.

**EXISTING CONDITIONS:** Lot 60 of the Polo Ridge subdivision is an approximately 0.90-acre parcel primarily composed of undeveloped forestland with no existing structures. The parcel contains 0.80 acres of palustrine forested wetlands.

## **PROJECT PURPOSE:**

**Basic:** Provide buildable uplands for construction of single-family residence.

**Overall:** Develop a single-family residence within the Polo Ridge subdivision in Fairhope, Alabama.

**PROPOSED WORK:** The applicant requests authorization to discharge 945 cubic yards of commercially obtained, clean earthen fill material within 0.20 acres of forested wetlands, for the construction of a single-family residence and a corresponding driveway.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that complete avoidance is unavoidable due to the required 30-foot minimum setback and the absence of available uplands within the 0.90-acre project site, which contains 0.80 acre of wetlands. The proposed project has been designed to minimize wetland fill impacts and utilize available uplands to the maximum extent possible by situating the project footprint as close to uplands as possible while still maintaining the required setback. At this time, The Corps, Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase credits through a USACE approved mitigation bank prior to the discharge of fill material into waters of the United States. The Corps has not verified the adequacy of the applicant's mitigation proposal at this time.

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in will not affect any listed species or critical habitat.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Alabama red-bellied turtle	<i>Pseudemys alabamensis</i>	Endangered
Alligator snapping turtle	<i>Macrochelys termminckii</i>	Proposed Threatened
Eastern indigo snake	<i>Drymarchon couperi</i>	Threatened
Gulf sturgeon	<i>Acipenser oxyrhynchus</i> (= <i>oxyrhynchus</i> ) <i>desotoi</i>	Threatened
Monarch butterfly	<i>Danaus Plexippus</i>	Proposed Threatened
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened
Tricolored bat	<i>Perimyotis subfalvus</i>	Proposed Endangered

Pursuant to Section 7 ESA, any required consultation with the Service will be conducted in accordance with 50 CFR part 402. The USACE is the lead Federal Agency for ESA consultation for the proposed action. Any required consultation will be completed by USACE.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION / COASTAL ZONE MANAGEMENT:** 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 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). 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.

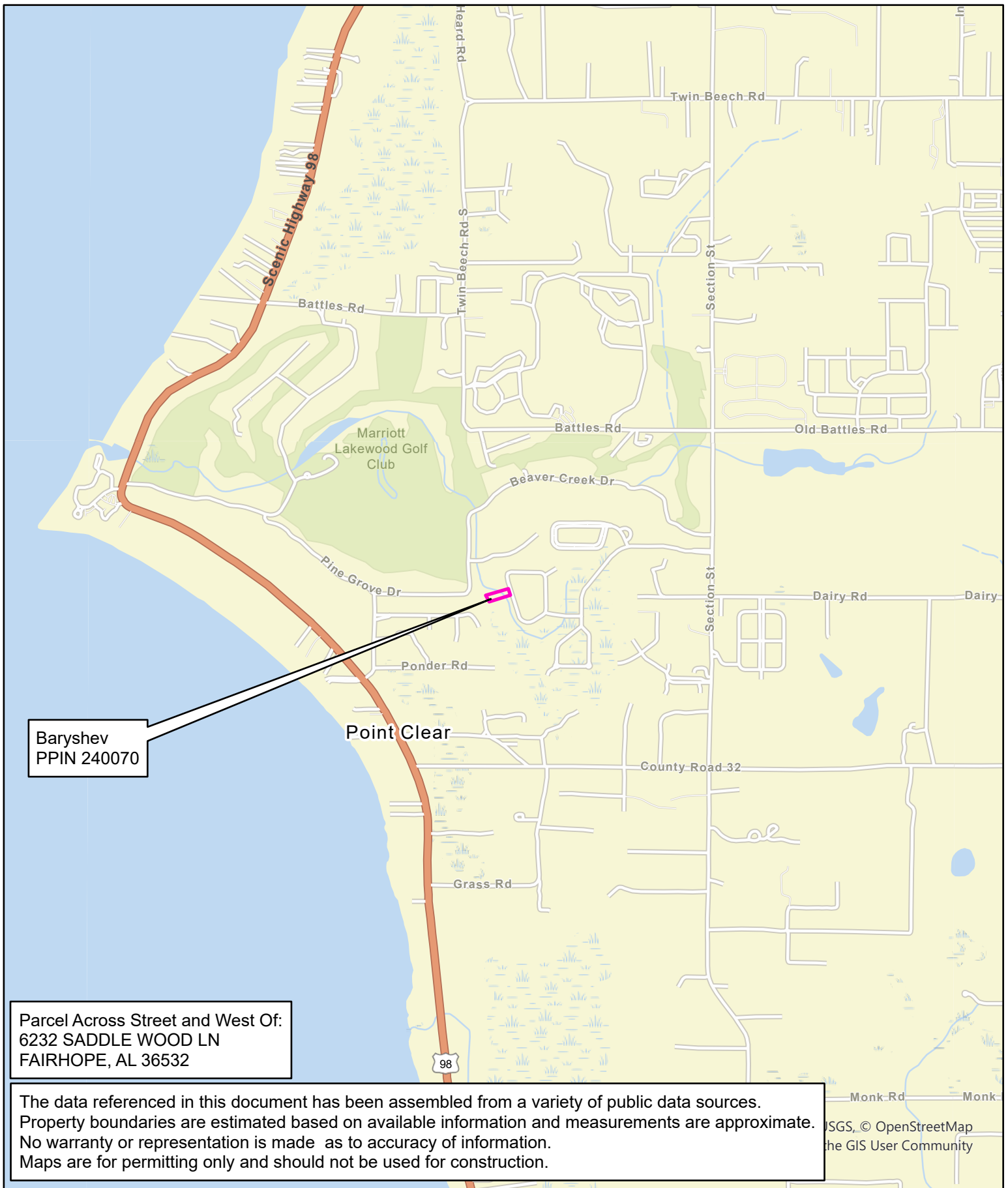
**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Mobile District will receive written comments on the proposed work, as outlined above, until December 19, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to M. Derek Jacobs at [m.derek.jacobs@usace.army.mil](mailto:m.derek.jacobs@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: M. Derek Jacobs, Post Office Box 2288, Mobile, Alabama 36628. Copies of all comments should be furnished to the Alabama Department of Environmental Management (ADEM) at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov), or sent to: ADEM, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.







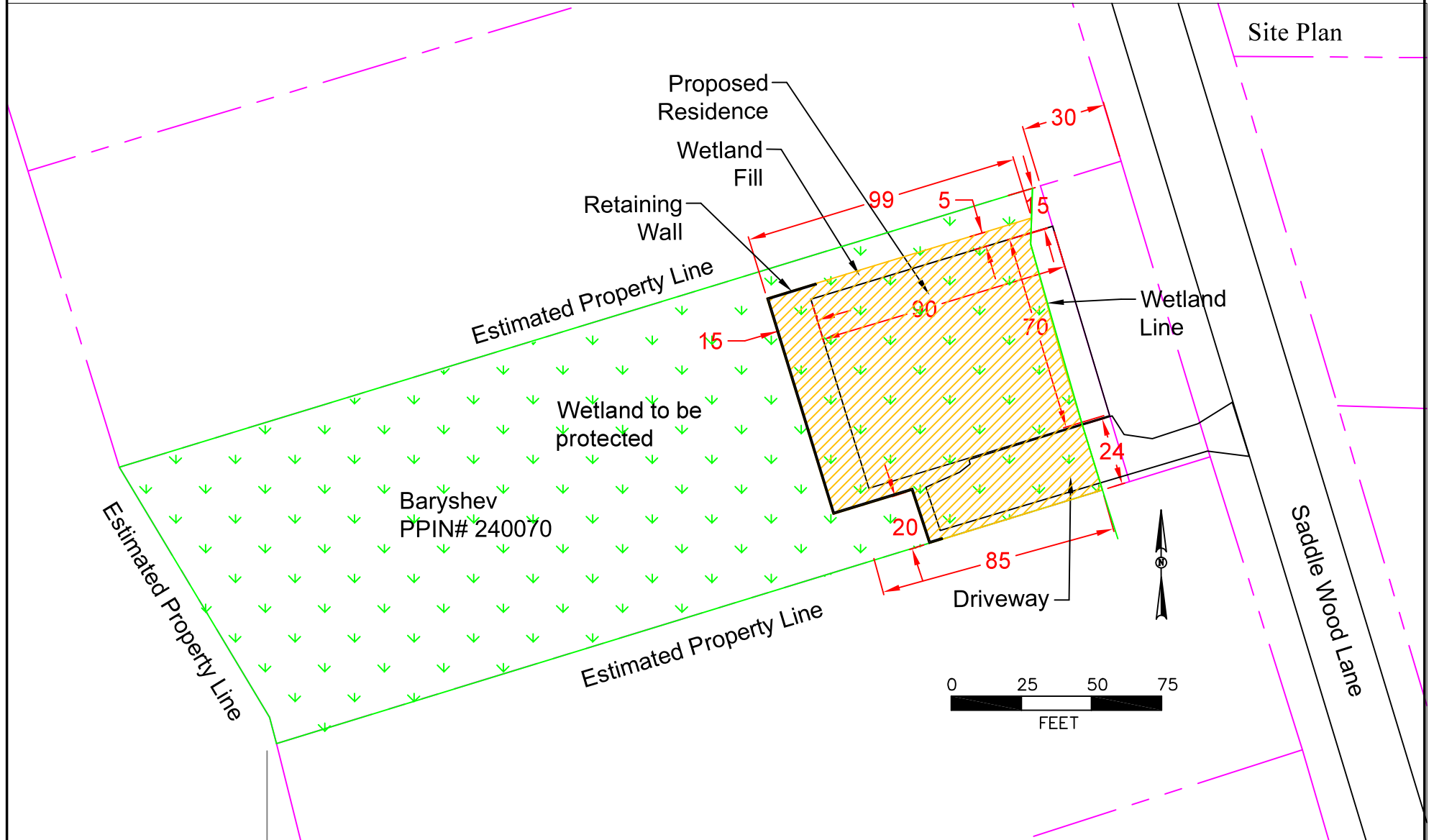
The data referenced in this document has been assembled from a variety of public data sources. Property boundaries are estimated based on available information and measurements are approximate. No warranty or representation is made as to accuracy of information. Maps are for permitting only and should not be used for construction.

Twin County, Pictometry





# FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



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.

Wetland Fill Area = 0.20 acres  
Wetland Fill Volume = 1520 cu yd

Baryshev Property  
PPIN# 240070

## Baryshev Site Plan

**EcoSolutions**  
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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

PREPARED FOR  
Anton Baryshev  
Saddlewood Ln. Lot 60  
Fairhope, AL

DRAWN BY  
L. Karcher  
CHECKED BY  
L. Cassidey

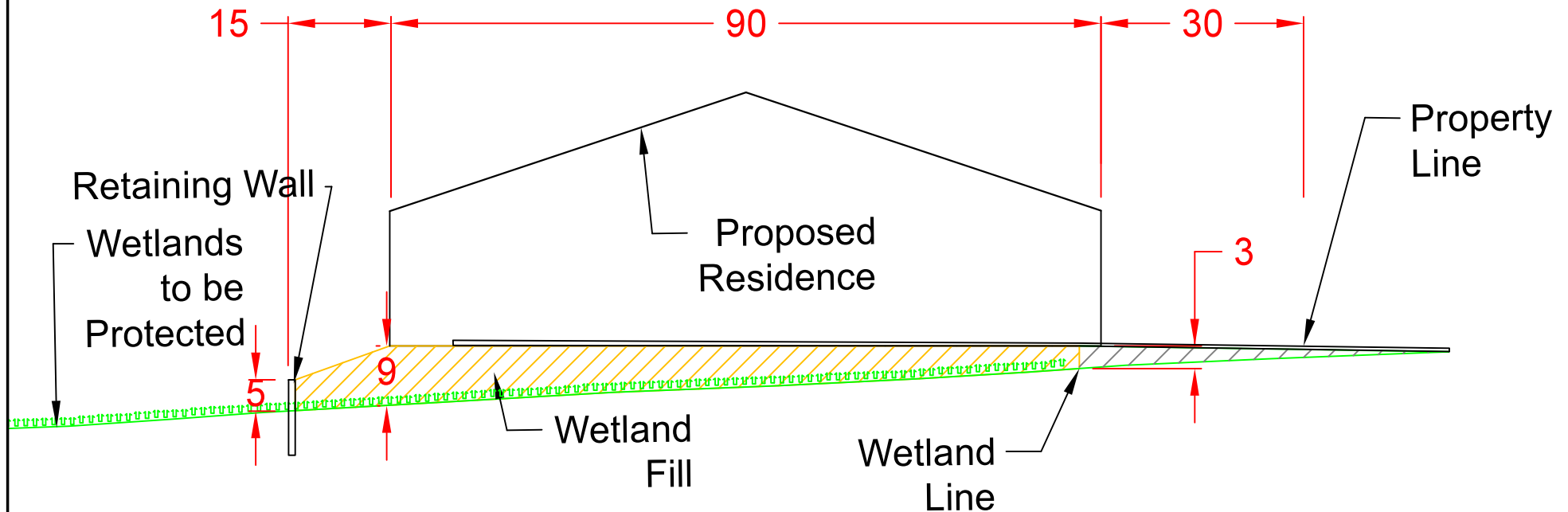
DATE OF LAST REVISION  
9/11/25  
SCALE AS STATED

DWG  
Baryshev 8.14.25  
SHEET 1 of 3



# FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION

## Wetland Fill Section



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Baryshev Property  
PPIN# 240070

## Baryshev Wetland Fill Section

**EcoSolutions**  
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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

PREPARED FOR  
Anton Baryshev  
Saddlewood Ln. Lot 60  
Fairhope, AL

DRAWN BY  
LKK  
CHECKED BY  
L. Cassiday

DATE OF LAST REVISION  
9/11/25  
SCALE AS STATED

DWG  
Baryshev 8.14.25  
SHEET 2 of 3

Baryshev 8.14.25