



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

CESAM-RD-C
PUBLIC NOTICE NUMBER SAM-2012-01319-HEH

FEBRUARY 22, 2013

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

**PROPOSED FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH
THE CONSTRUCTION OF CREEKLINE BUSINESS PARK, MOBILE COUNTY,
ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Creekline, Inc.
107 Saint Francis Street
Suite 2405
Mobile, Alabama 36602

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

LOCATION: Wetlands draining to Cypress Creek and Halls Mill Creek, Section 23, Township 5 South, Range 2 West, Mobile, Mobile County, Alabama (30.35591N, -88.08484W).

WORK: The Applicant proposes a modified final phase development of Creekline Business Park as shown in Figure 3, (enclosed). Lots would be developed for warehouses, motels, offices, restaurants, and associated parking lots. A perimeter road and storm water detention ponds would be constructed to serve these facilities. The proposed plan would fully develop a 35-acre parcel at the west limits of the property and would require filling 6.4 acres of low- quality forested and scrub/shrub wetlands. No coastal wetlands would be impacted by the proposed work.

PURPOSE AND NEED: The conceptual site plan for the final phase of development of Creekline Business Park includes the construction of motels, restaurants, and warehouses. These proposed facilities would complement the previous phases of development that included offices, light commercial and residential lots, thereby creating a mixed-use development that would benefit public, private, and commercial interests. This project is not intended to support any future or secondary development.

MITIGATION: Mitigation for wetland impacts would be provided through the preservation of high quality wetlands and the purchase of credits in an approved wetland mitigation bank. The

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applicant has applied for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

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 (Corps) can be based. 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 use 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, cultural values, 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 production, and in general, the needs and welfare of the people.

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 decision, comments are used to assess impacts on 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 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.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

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 effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this

particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2012-01319-HEH and should be directed to:

District Commander
U.S. Army Engineer District, Mobile
Post Office Box 2288, Mobile, Alabama 36628-000
Attention: Regulatory Division
with a copy to the:

Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

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 the project manager via e-mail at or telephone number **(251) 684-2658**. Please refer to the above Public Notice number.

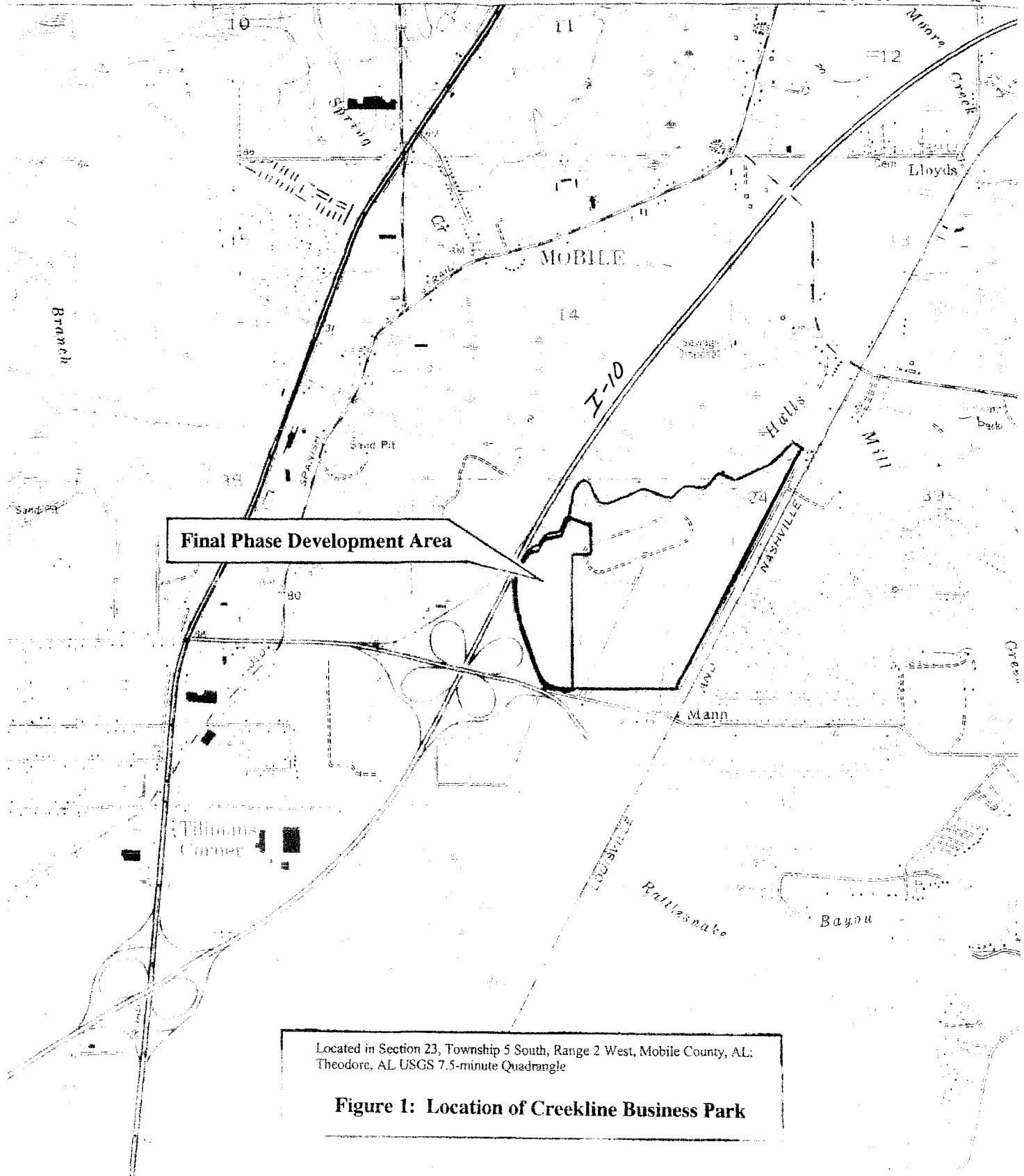
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Home/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Enclosures

MOBILE DISTRICT
U.S. ARMY CORPS OF ENGINEERS

THEODORE QUADRANGLE
ALABAMA-MOBILE CO
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 MOBILE 15' QUADRANGLE

388 10 390 391 392 38



Final Phase Development Area

Located in Section 23, Township 5 South, Range 2 West, Mobile County, AL;
Theodore, AL USGS 7.5-minute Quadrangle

Figure 1: Location of Creekline Business Park

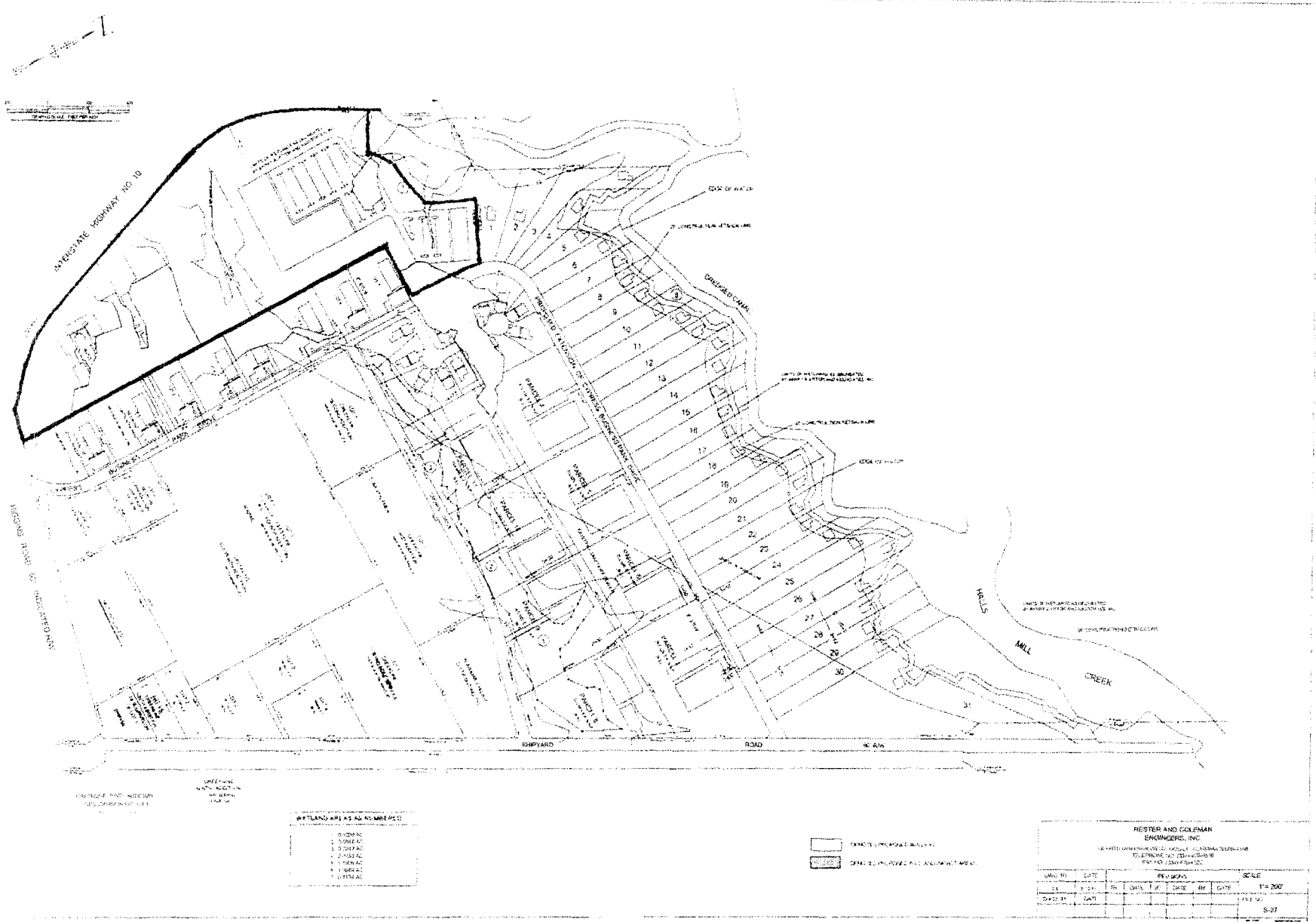


Figure 2. Previously Permitted Master Plan for Final Phase of Development
Current Permit Area is Outlined



BARRY A. VITTOR & ASSOCIATES, INC.

Environmental Research & Consulting



Interstate Highway 10





To Mobile

Wetlands Previously Permitted and Mitigated And Proposed to be Impacted

Wetlands Previously Permitted and Mitigated But Will Be Avoided

Wetlands Proposed to be Impacted

LEGEND

-  Property (± 35 ac)
-  Wetland Impacts (± 6.4 ac)
-  Avoided Wetland (± 0.5 -ac)
-  Previously Permitted & Filled Wetlands (± 4.6 ac)

300 150 0 300 600 Feet

Figure 3. Modified Site Plan for the Final Phase of Development of Creekline Business Park

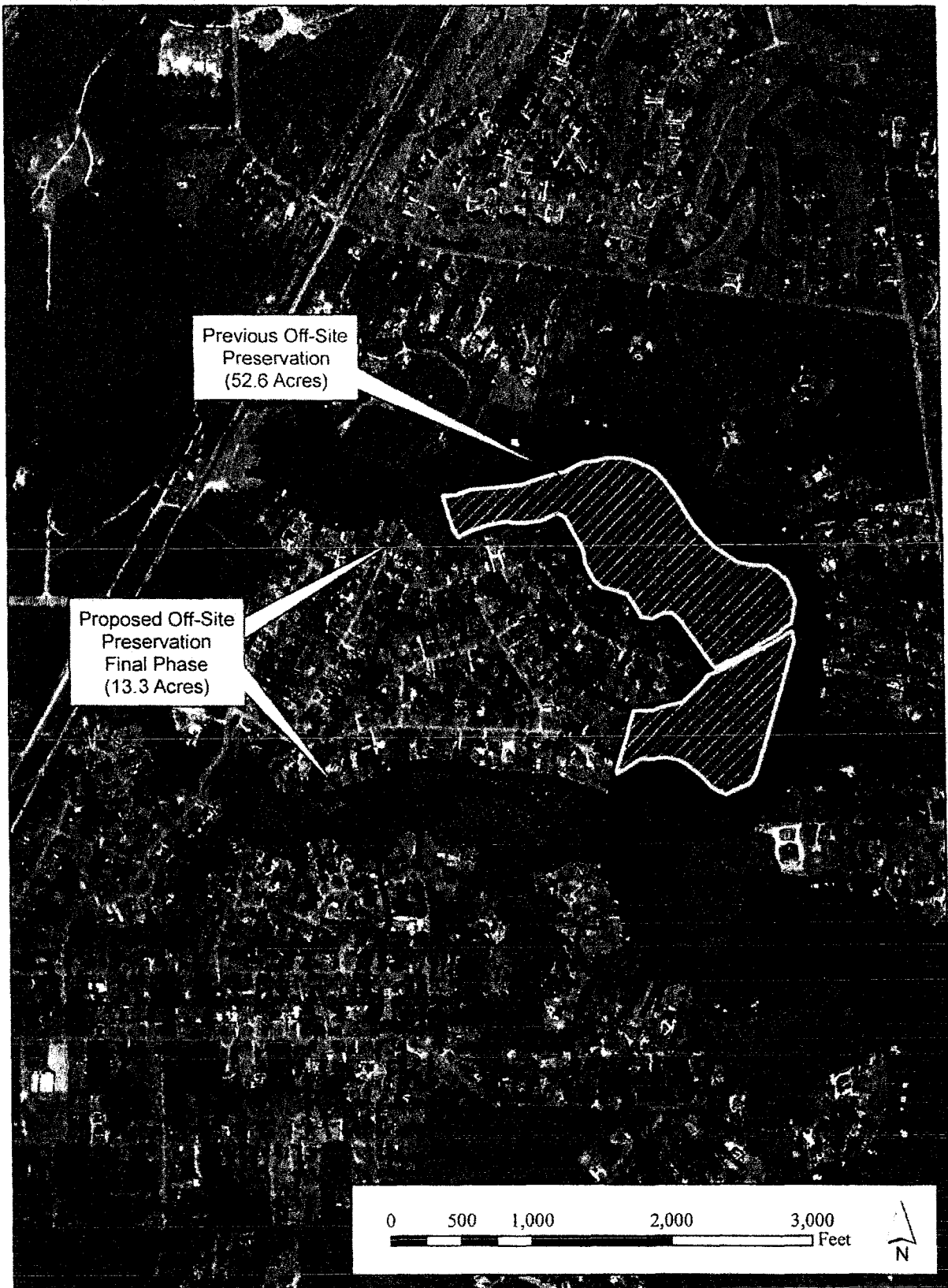


Figure 4: Creekline Business Park Final Phase, Off-Site Wetland Preservation