

McNeill, Catherine

From: Lewis <lewis@ecosolutionsinc.net>
Sent: Wednesday, November 27, 2024 3:50 PM
To: Jacobs, M Derek CIV USARMY (USA); Brown, Scott
Cc: CESAM-RD; Mobile Coastal Mail; daniel prickett; Kim Burmeister
Subject: FW: NWP 18 wetland fill and CZM variance request for Prickett PIN 69916
Attachments: Prickett 69916 BMP Map 2024.11.26.pdf; Prickett 69916 NWP 18 Fill packet 11.27.24 (for email).pdf

Please disregard the previous email for PIN 69916, there was a conversion error on some of the pages. Attached is the corrected packet for PIN 69916.

Have a good day,
Lewis Cassidey
EcoSolutions Inc
251-621-5006

From: Lewis
Sent: Wednesday, November 27, 2024 3:46 PM
To: Jacobs, M Derek CIV USARMY (USA) <Michael.D.Jacobs@usace.army.mil>; Brown, Scott <jsb@adem.alabama.gov>
Cc: CESAM-RD <CESAM-RD@usace.army.mil>; Coastal@adem.alabama.gov; Kim Burmeister <Kim@ecosolutionsinc.net>; daniel prickett <dansellsthegulf@yahoo.com>
Subject: NWP 18 wetland fill and CZM variance request for Prickett PIN 69916

Mr. Jacobs and Mr. Brown, Daniel Prickett has asked EcoSolutions to prepare a revised permit application and variance request for each of the three lots that were covered under SAM-2023-00341. The parcels have been separated into separate applications for NWP 18 and ADEM CZM Wetland Fill Variance and will be sent in separate emails. The undergrowth of the lots has been cut back more than 100 feet from the west property line. All heavy equipment will work from the fill area. Temporary wetland impact to 420 sq feet is proposed under the rear deck of the house. Attached is a plan showing the location of the erosion and sediment controls around the work area. The other documents requested in the RAI dated June 11, 2024 are included in the application packet. Please review the attached documents and let us know if you have any questions or need any additional information.

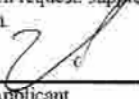
Feel free to give me a call if you have any questions or want to discuss.

Have a good day,
Lewis Cassidey
EcoSolutions Inc
251-621-5006

JOINT APPLICATION AND NOTIFICATION
U. S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

THIS FORM IS TO BE USED FOR PROPOSED ACTIVITIES IN WATERS OF THE UNITED STATES
WITHIN THE POLITICAL BOUNDARIES OF THE STATE OF ALABAMA

PLEASE TYPE OR PRINT IN INK

1. DATE: / / month day year	Application Number: _____ (Agency Use Only)
2. APPLICANT INFORMATION: Name: <u>Daniel Prickett</u> Company: _____ Mailing Address: <u>P. O. Box 1424</u> <u>Orange Beach, AL 36561</u> Telephone Number and Email (during business hours): A/C (251) <u>209-0074</u> Email: <u>dansellstheguiff@yahoo.com</u>	3. PROJECT LOCATION: Street Address: <u>Scenic Highway 98</u> City/Community: <u>Fairhope</u> County: <u>Baldwin</u> Name of Waterway: <u>Mobile Bay</u> Latitude: <u>30.449058</u> Longitude: <u>-87.912442</u> (Provide Lat/Long in decimal degrees, if available) Section <u>07</u> Township <u>7S</u> Range <u>2E</u> County Parcel Identification Number (PID): <u>05-56-03-07-0-000-062.001 PIN# 69916</u> (PID is typically located on property tax receipt)
4. DESIGNATION OF AGENT, STATEMENT OF AUTHORIZATION: N/A <input type="checkbox"/> (check here if applicant is not designating an agent) I hereby designate and authorize <u>Thomas Hutchings, EcoSolutions, Inc.</u> (Print Name of Designated Agent) to act on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.  10/1/04 _____ Signature of Applicant Date	AGENT INFORMATION: Name: <u>Thomas Hutchings</u> Company: <u>EcoSolutions, Inc.</u> Mailing Address: <u>P. O. Box 361</u> <u>Montrose, AL 36559</u> Telephone Number and Email (during business hours): A/C (251) <u>621-5006</u> Email: <u>ecosolutionsinc.bellsouth.net</u>
5. PROJECT DESCRIPTION: In addition to required attachments such as drawings/plans, provide a detailed narrative description of the project. Include <u>all</u> aspects of the project, describing completely and in detail. Provide the dimensions (in feet) of any structures such as piers, wharfs, bulkheads, pipelines, boathouses, boat ramps, groins, jetties, and appurtenances, as well as the dimensions (in feet/square feet) and volume (in cubic yards) of any dredging, excavation, or fill activities. Indicate the method(s) of construction and how the site would be accessed (i.e. by barge or land). Attach additional sheets if necessary. <u>See attached.</u> _____ _____ _____ _____ _____ _____	

- 6. DREDGING:** For projects with dredging, show locations and dimensions of proposed dredge area(s) on attached plans. Include existing and proposed depths. N/A ☒ (check here if dredging is not proposed)
- a. New Work ☐ Maintenance Work ☐
- b. Volume (cubic yards) of material to be removed: _____
- c. Type of material (sand, muck, hard bottom, etc.): _____
- d. Surface area (square feet) impacted: _____
- e. Method of dredging or excavation (hydraulic pump, mechanical, etc.): _____
- f. Nature of area to be dredged (check all that apply) Upland ☐ Wetland ☐ Waterbottom ☐ Other ☐ (explain): _____

- 7. DISCHARGE OF DREDGED OR FILL MATERIAL:** For projects with discharge of dredged or fill material, show locations and dimensions of all disposal or fill areas on attached plans. N/A ☐ (check here if discharge of dredged or fill material is not proposed)
- a. Volume (cubic yards) of fill: 483 cubic yards
- b. Type of fill (sand, clay, rip-rap, etc.): sand
- c. Surface area (square feet) impacted: 4,350 square feet
- d. Source of fill material (check all that apply): Commercially obtained ☒ Dredged material ☐ Borrowed on-site ☐ Other ☐ (explain): _____
- e. How will discharge material be contained? Specify containment and/or erosion control measures (i.e. Best Management Practices): Type A silt fence and erosion control BMPs
- f. Nature of disposal/fill area(s) (check all that apply.) Upland ☐ Wetland ☒ Waterbottom ☐ Other ☐ (explain): _____

- 8. ADDITIONAL INFORMATION:** Provide information below relating to the proposed activity.
- a. Are oyster reefs located within or near the project area? Yes ☐ No ☒ If yes, explain: _____
- b. Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes ☐ No ☒
- c. Is the project area greater than 5 acres in size? Yes ☐ No ☒
- d. Is any portion of the activity for which authorization is sought now complete? Yes ☐ No ☒ If yes, explain: _____
- _____ Month and year activity took place: _____
- e. If project is for maintenance work of existing structures or channels, describe legal authorization for the existing work. Provide permit number, dates, or other form of authorization: _____

- 9. PURPOSE AND NEED:** Describe the purpose and need of the project. Describe any public benefit, if applicable. Describe the relationship between the project and any secondary or future development the project is designed to support: _____
- Filling wetlands to provide site for single family home, access drive and associated parking.
- Intended use: Public ☒ Private ☐ Commercial ☐ Other ☐ (explain): _____

- 10. PROJECT SCHEDULE:**
- Proposed start date: 1/1/2025 Proposed completion date: 1/1/2026

- 11. ADJACENT PROPERTY OWNER NAMES AND MAILING ADDRESSES:** Provide the names and mailing addresses of adjoining property owners, lessees, etc. whose property adjoins the project. Also, identify the location of each owner's property on the plan view drawings. Attach additional sheets as needed.
- Owner's Name: see attached Owner's Name: see attached
- Mailing Address: _____ Mailing Address: _____

- 12. OTHER AUTHORIZATIONS OR CERTIFICATIONS:** List all authorizations or certifications requested, received, and/or required from other federal, state, or local agencies for any structures, construction, discharges, or other activities described in or directly related to this application. Note: The signature in Section 14 certifies that application has been made to or that permits are not required from the following agencies. *If permits are not required, place "N/A" in space for Type of Approval.*

Name of Federal, State, or Local Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
U.S. Army Corps of Engineers	NWP 18				
Alabama Dept. of Environmental Management (ADEM)	ALGP				
Alabama Dept. of Conservation and Natural Resources, State Lands Division (ADCNR-SLD)	n/a				
Alabama State Docks	n/a				
City/County/Other: _____	Land disturbance permit				

13. ATTACHMENTS: In addition to the completed application form, the following attachments are **REQUIRED**:

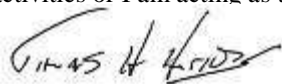
Vicinity Map: Show the location of the proposed site in relation to major highways, landmarks, and nearby streets.

Drawings: Provide plan view and cross-section or elevation view drawings of the project site. Drawings **must**:

1. Show fully-dimensioned and accurate representations of the existing and proposed structures and activities.
2. For projects located in or adjacent to waterways, clearly indicate the location of the Mean High Water and Mean Low Water lines (in tidally influenced areas) or the Ordinary High Water mark (in non-tidal creeks, rivers, etc.) along the shoreline or bank.
3. For projects located in or adjacent to waterways, include the width of the waterbody at the site location.

All attachments must be of reproducible quality. For hard copy applications, attachments must be on 8 ½ inch x 11 inch paper.

14. SIGNATURE OF APPLICANT OR AGENT (REQUIRED): Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. For projects within the coastal area of Mobile and Baldwin Counties, I certify that the proposed project for which authorization is sought complies with the approved Alabama Coastal Area Management Program and will be conducted in a manner consistent with the program. I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.



Signature of Applicant or Agent

11/26/2024

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or make any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

15. APPLICATION SUBMISSION INFORMATION: Contact the U.S. Army Corps of Engineers prior to submitting the application if you have any questions or to request acceptable alternate content/format. **For electronic submittals (preferred method), please use the email addresses listed below.** An instruction package, example SPCC plans, and other information are available upon request.

NOTE: Fees may be required in conjunction with ADEM certification. ADEM will contact the applicant with fee requirements. Fees may also be required by the ADCNR-SLD for dredging activities and projects impacting State-Owned Submerged Lands. ADCNR-SLD will contact the applicant with fee requirements.

Submit the completed and signed application (with original or digital signature) and attachments to the appropriate U.S. Army Corps of Engineers office below:

<u>For activities in the following counties in Alabama:</u> <i>Baldwin, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Washington, and Wilcox</i>	<u>For activities in all other counties in Alabama:</u> <i>(Portions of northern Alabama counties may be within the U.S. Army Corps of Engineers Nashville District area of responsibility. Please contact the Nashville District Regulatory Division at (615) 369-7500 for more information)</i>
U.S. Army Corps of Engineers, Mobile District Attention: CESAM-RD-A Post Office Box 2288 Mobile, Alabama 36628-001 Phone: (251) 690-2658 Web: www.sam.usace.army.mil Email: CESAM-RD@sam.usace.army.mil	U.S. Army Corps of Engineers, Mobile District Attention: Regulatory Division, North Branch 218 Summit Parkway, Suite 222 Homewood, Alabama 35209 Phone: (205) 290-9096 Web: www.sam.usace.army.mil Email: RD-N2@usace.army.mil

Additionally, submit a signed paper or electronic **copy** of the application package to the appropriate state agencies below:

<u>For activities in the following counties in Alabama:</u> <i>Baldwin, Mobile, and Washington</i>		<u>For activities statewide in Alabama:</u> <i>(For northern counties, contact the Nashville District as noted above)</i>	
Coastal Section-Mobile Branch Field Operations Division, ADEM 3664 Dauphin Street, Suite B Mobile, AL 36608 Phone: (251) 304-1176 Fax: (251) 304-1189 Web: www.adem.state.al.us Email: coastal@adem.alabama.gov	ADCNR, State Lands Division Coastal Section 3115 Five Rivers Boulevard Spanish Fort, AL 36527 Phone: (251) 621-1216 Fax: (251) 621-1331 Web: www.outdooralabama.com	Field Operations Division, ADEM Post Office Box 301463 Montgomery, AL 36110-2059 Phone: (334) 394-4311 Fax: (334) 394-4326 Web: www.adem.state.al.us Email: fieldmail@adem.alabama.gov	Alabama State Port Authority Attn: Harbormaster P.O. Box 1588 Mobile, AL 36633 Phone: (251) 441-7074 Fax: (251) 441-7390 Web: www.asdd.com Email: harbormaster@asdd.com



Daniel Prickett, Scenic Highway 98, PIN# 69916 Project Description

The applicant, Daniel Prickett, is requesting wetland fill to provide a building location for a pile-supported single family residence, with associated driveway and parking. SAM-2023-00341.

Location: The project is located on Mobile Bay, Scenic Highway 98, Section 07, Township 7 South, Range 2 East, Fairhope, AL PIN# 69916.

Project Propose: Project will provide a place to construct a single family home with associated parking and driveway. An ADEM variance will be required and is being applied for in addition to permitting through the US Army Corp of Engineers. Mitigation for wetland fill will be accomplished through the purchase of credits in a wetland mitigation bank approved for use in the area of the project.

Proposed Work: The proposed work includes the following:

- a. Locally sourced sandy fill material will be added to the lot.
- b. Volume of fill to be added will be 483 cubic yard of sandy material.
- c. Area of fill will be 4,350 square feet.

This project is being proposed under a Nationwide 18 Permit.

Site Plan



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.

Fill Area = 0.1 acres
Fill Volume = 483 cu yd

Prickett PIN 69916 Site on Aerial



P.O. BOX 361
MONTROSE, AL 3655
(251) 621-5006

PREPARED FOR
Daniel Prickett
Scenic Hwy. 98
Fairhope, AL

DRAWN BY	L. Karcher
CHECKED BY	L. Cassiday

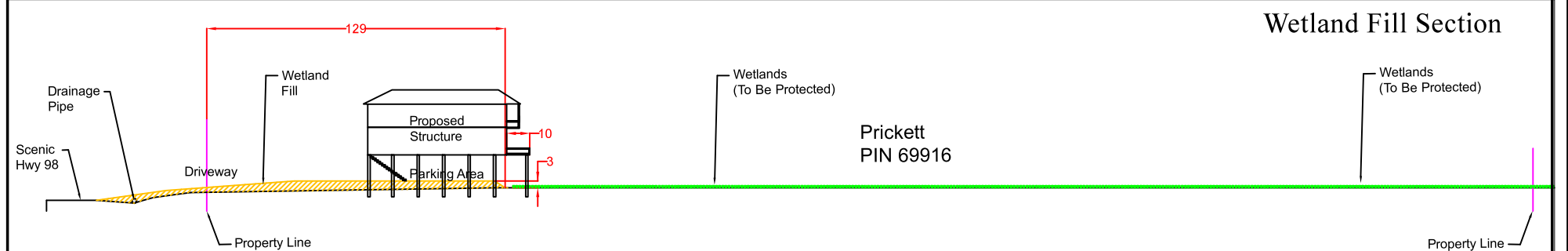
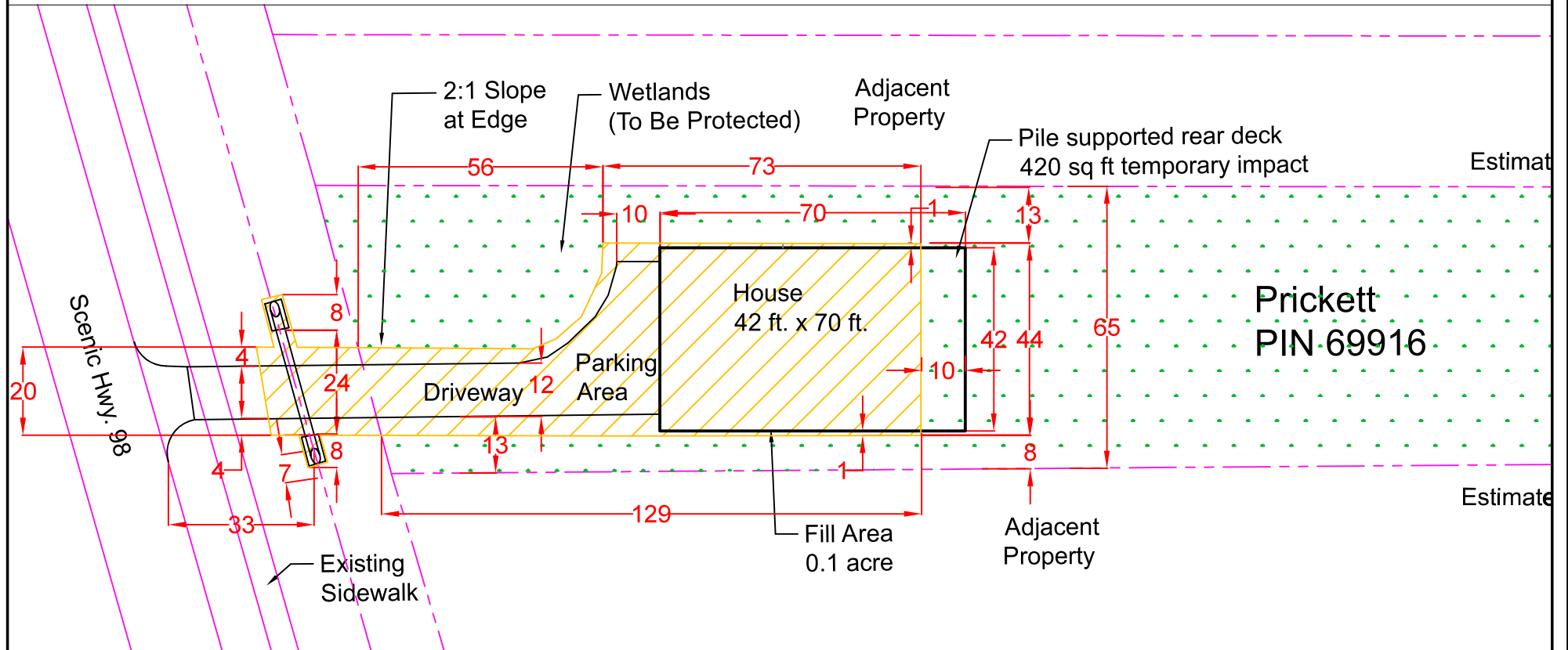
DATE OF LAST REVISION	11/27/24
SCALE	AS STATED

	DWG
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Prickett 10.18.24

SHEET 1 of 3

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.

Fill Area = 0.1 acres
Fill Volume = 483 cu yd

Prickett PIN 69916 Section

EcoSolutions
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

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

PREPARED FOR
Daniel Prickett
Scenic Hwy. 98
Fairhope, AL

DRAWN BY
L. Karcher
CHECKED BY
L. Cassiday

DATE OF LAST REVISION
10/22/24
SCALE AS STATED

DWG
Prickett 10.18.24
SHEET 2 of 3

Prickett 10.18.24



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.

KCS, Baldwin County, Pictometry



Prickett
PPIN 69916

2 Parcels South of
15440 SCENIC HWY 98
Fairhope, AL 36532

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.

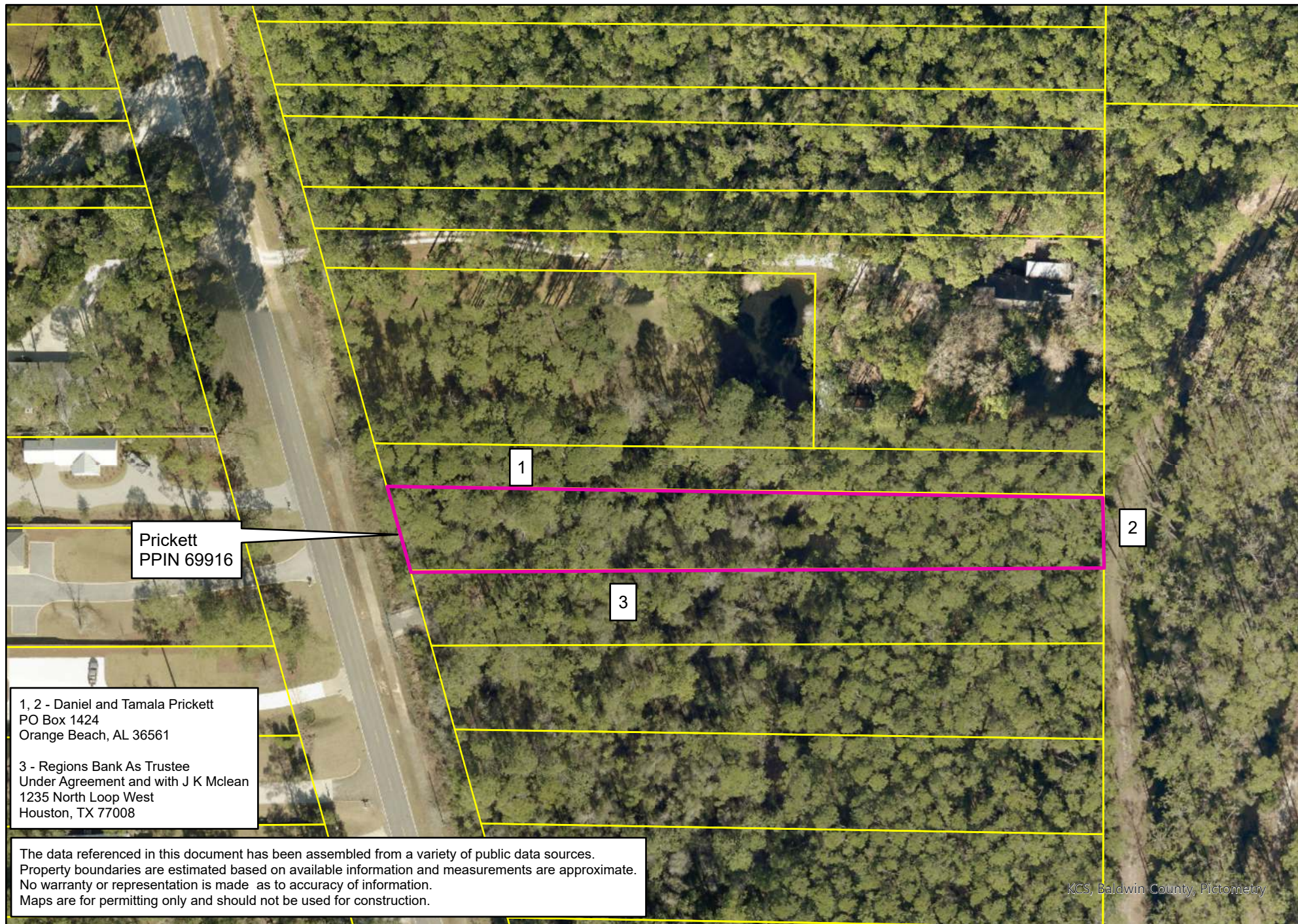
CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS





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Prickett
PPIN 69916

1, 2 - Daniel and Tamala Prickett
PO Box 1424
Orange Beach, AL 36561

3 - Regions Bank As Trustee
Under Agreement and with J K Mclean
1235 North Loop West
Houston, TX 77008

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.

KCS, Baldwin County, Pictometry





November 11, 2024

Mr. Scott Brown
ADEM Coastal Section
1615 Broad Street
Mobile, AL 36605

Reference: Variance Request; Daniel Prickett, PIN# 69916, Scenic Highway 98, Fairhope,
Baldwin County, AL – SAM-2023-00341

Dear Mr. Brown:

I am writing on behalf of my client, Mr. Daniel Prickett, to request a variance under ADEM Administrative Code Section 335-8-1-.13 from ADEM Administrative Code 335-8-2-.02 for the purposes of building a pile-supported single-family residence and associated parking and driveway. The lot is composed of 100 percent jurisdictional wetlands. The project requires a variance from ADEM regulations because it is in the Alabama Coastal Zone and was subdivided after 1979, so therefore does not meet the ACAMP requirements for the use of Nationwide Permit 18. Specifically, my client requests a variance to place 483 cubic yards of sandy material in 4,350 square feet (0.1 acre) of non-tidal medium functional value, pine savannah wetlands. The lots on either side of this one are also 100 percent wetlands and are undeveloped. The lot across the street is developed and filled wetlands. Mr. Prickett has designed and placed the proposed house on the lot to meet the setback requirements of Baldwin County. Additional wetland impacts will be prevented by the placement of a Class A silt fence around the fill area during construction. The applicant has applied for a wetland fill permit from US Army Corps of Engineers (USACE) but cannot move forward with that permitting without ADEM approval of this variance request. Mitigation for the wetland fill will be accomplished through the purchase of credits in a wetland mitigation bank approved for use in the area of the project. The legal argument supporting this request is attached.

I appreciate your assistance with this request. Please let me know if you need any additional information.

Sincerely,

Lewis Cassidey
EcoSolutions Inc
251-621-5006

P.O. Box 361 Montrose, AL 36559 251.621.5006
Mail@EcoSolutionsinc.net



Request for a Variance - Legal Discussion

Applicant / Owner: Daniel Prickett

Site: PIN# 69916, Scenic Highway 98, Fairhope, Baldwin County, AL
SAM-2023-00341

Mr. Prickett is requesting a variance under Alabama Department of Environmental Management (ADEM) Administrative Code Section 335-8-1-.13 to ADEM Administrative Code 335-8-2-.02 for the purposes of filling 4,350 square feet (0.1 acre) of wetlands located on Scenic Highway 98 in Fairhope. The lot is composed of 100 percent jurisdictional wetlands. The property is outside the Fairhope Planning Jurisdiction and is governed under the zoning laws and subdivision regulations of Baldwin County, AL. The purpose of the fill is to construct a single-family residence, access drive, and associated parking. The location and size of the house and access drive was designed to avoid and minimize the impact to wetlands while meeting the setback requirements of Baldwin County. Mr. Prickett has applied for permitting under Nationwide permit 18 been given a USACE reference ID of SAM-2023-00341, see attached drawings. Mr. Prickett is applying for the variance from ADEM regulations because his lot is in the Alabama Coastal Zone and was subdivided after 1979, so therefore does not meet the ACAMP requirements for the use of Nationwide Permit 18. Refusal by ADEM to grant this variance would be unduly restrictive, would deny my client fair and just economic use of her property, and would constitute a taking of property without payment of full compensation in accordance with the Constitutions of the State of Alabama and the United States of America. No alternative sites or means to accomplish the desired activity are available to my client. A granting of this variance by ADEM would be neither precedent setting nor unique to this area. The lots across Scenic Highway 98 from this lot are filled and fully developed.

Mitigation for the 0.1 acre of wetland impact will be accomplished through the purchase of the appropriate number of wetland mitigation credits from a wetland mitigation bank approved for use within Alabama's coastal area. Appropriate stormwater management and containment measures will be utilized to minimize to the maximum extent practicable any additional impacts to State waters, coastal wetlands, or adjacent properties from activities associated with the home construction.

Sincerely,

Lewis Cassidey

EcoSolutions, Inc. 251-621-5006

cc: Mr. Daniel Prickett



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
SOUTH ALABAMA BRANCH
POST OFFICE BOX 2288
MOBILE ALABAMA 36628-0001

January 12, 2024

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2023-00341-LML, Daniel Prickett – PJD Scenic Highway 98 Property

Daniel Prickett
P.O. Box 1424
Orange Beach, Alabama 36561
Email Address: dansellsthegulf@yahoo.com

Dear Mr. Prickett:

This letter is in response to your request to the Mobile District, South Alabama Branch for a preliminary jurisdictional determination (PJD). The review area is located on the east side of Scenic Highway 98, 1.96 miles north of the intersection of Magnolia Avenue and Holly Avenue; within Section 7, Township 7 South, Range 2 East; at Latitude 30.448803 ° North and Longitude -87.912406 ° West; in Fairhope, Baldwin County, Alabama. The review area for this determination is limited to an approximately 2.06 acres area comprised of 3 parcels (parcel numbers: 05-56-03-07-0-000-062.001, 05-56-03-07-0-000-062.002, and 05-56-03-07-0-000-063.001), which is illustrated on the enclosed site maps. This project has been assigned the file number SAM-2023-00341-LML. This file number should be referenced in all correspondence concerning this project.

Based on our review of the information you furnished, and other information available to our office, we have preliminarily determined the above-referenced area may contain approximately 2.06 acres of waters of the United States under the U.S. Army Corps of Engineers (Corps) regulatory jurisdiction. These waters are identified in the enclosed site maps, and include approximately 2.06 acres of palustrine forested wetlands. This determination was made in accordance with the Corps regulatory authority pursuant to Section 404 of the Clean Water Act, and based upon criteria contained in the 1987 Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain regional supplement.

Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under navigable waters of the United States.

For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made based on a preliminary jurisdictional determination will treat all waters including wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved jurisdictional determination (AJD), which is an appealable action, by contacting the Corps district for further instructions. Please **sign and return** the attached PJD form within 30 days of receipt. If a signed PJD form is not received within 30 days of the date of this letter, the Corps will presume concurrence.

This determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the review area identified in this request. The determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

You are cautioned that work performed in areas which may be waters of the United States, as indicated in the preliminary JD, without a Department of the Army permit could subject you to enforcement action. Please be advised that land clearing operations involving removal of vegetation with mechanized equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs; land leveling; or other soil disturbance in areas subject to USACE jurisdiction are considered placement of dredged material under our jurisdiction.

We appreciate your cooperation with the USACE's Regulatory Program. If you have any questions concerning this correspondence, please contact me at (251) 979-3977, at Michael.D.Jacobs@usace.army.mil, or by mail at the above address, or by email at 109 St. Joseph Street, Mobile, Alabama 36602. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

**M. Derek
Jacobs**

Digitally signed by M.
Derek Jacobs
Date: 2024.01.12
12:08:58 -06'00'

Derek Jacobs
Project Manager
South Alabama Branch
Regulatory Division

Enclosures

cc: Katie Garretson, Spectrum Environmental, Inc. (via kgarretson@specenviro.com)

U.S. Army Corps of Engineers (USACE) PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.						<i>Form Approved -</i> OMB No. 0710-0024 <i>Expires 2024-04-30</i>	
DATA REQUIRED BY THE PRIVACY ACT OF 1974							
Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.						
Principal Purpose	The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that may be subject to federal jurisdiction under the regulatory authorities referenced above.						
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.						
Disclosure	Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.						
The Agency Disclosure Notice (ADN)							
The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.							
SECTION I - BACKGROUND INFORMATION							
A. REPORT COMPLETION DATE FOR PJD: 2023-12-11							
B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Daniel Prickett, P.O. Box 1424, Orange Beach, Alabama 36561							
C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile District, Daniel Prickett - PJD Scenic 98 Property, SAM-2023-00341-LML							
D. PROJECT LOCATION AND BACKGROUND INFORMATION: <i>(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)</i> State: <u>Alabama</u> County/Parish/Borough: <u>Baldwin</u> City: <u>Fairhope</u> Center coordinates of site (lat/long in degree decimal format): Latitude: <u>30.448803</u> ° Longitude: <u>-87.91241</u> ° Universal Transverse Mercator: <u>N/A</u> Name of nearest waterbody: <u>Mobile Bay</u>							
E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): <input checked="" type="checkbox"/> Office (Desk) Determination. Date: <u>12/11/2023</u> <input type="checkbox"/> Field Determination Date(s): _____							
TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.							
	Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)	
	Wetland A	30.449903	-87.912406	2.06 Acres	Palustrine Forested Wetland	Section 404	

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

F. SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: Site Delineation Overview, USGS Topographic Map, NWI Map, NRCS Soils Map

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

Rationale: _____

☐ Data sheets prepared by the USACE:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name:

Fairhope 7.5 min Quadrangle 1:660

☒ USDA Natural Resources Conservation Service Soil Survey.

Citation: NRCS "Web Soil Survey" Mapping

☐ National Wetlands Inventory map(s).

Cite Name: USFWS National Wetland Inventory (NWI) Mapping

☐ State/Local Wetland Inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: _____ . (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☐ Aerial (*Name & Date*): _____
or ☒ Other (*Name & Date*): View of Wet A Pit soils, View of Wet A Pit facing west, View of Wet A Pit Facing north, View of Wet A Pit facing east, View of Wet A Pit Facing south, UP A Pit soils, Up A Pit facing west, Up A Pit facing north, Up A Pit facing east, Up A Pit facing south

☐ Previous determination(s). File no. and date of response letter:
N/A

☐ Other information (*please specify*):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.

Name of Regulatory Staff Member Completing PJD M. Derek Jacobs	Date 2024-01-09	Signature of Regulatory Staff Member Completing PJD M. Derek Jacobs Digitally signed by M. Derek Jacobs Date: 2024.01.09 08:36:29 -06'00'
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (<i>REQUIRED, unless obtaining the Signature is Impracticable</i>)

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Daniel Prickett	File Number: SAM-2023-00341-LML	Date: 1/9/2024
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

District Engineer, Mobile Regulatory Division
Attn: M. Derek Jacobs
Mobile District U.S. Army Corps of Engineers
109 St. Joseph St
Mobile, Alabama 36601

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Krista Sabin
Regulatory Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Atlantic
60 Forsyth Street, Room M9
Atlanta, Georgia 30303-8801

Phone: 904-314-9631

Email: Krista.D.Sabin@usace.army.mil

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SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<p>_____</p> <p>Signature of appellant or agent.</p>	<p>Date:</p>
<p>Email address of appellant and/or agent:</p>	<p>Telephone number:</p>

Site Reconnaissance Photographs—March 21, 2023



Photo Index Map

Site Reconnaissance Photographs—March 21, 2023



View of Wet A Pit soils.



View of Wet A Pit facing west.

Site Reconnaissance Photographs—March 21, 2023



View of Wet A Pit facing north.



View of Wet A Pit facing east.

Site Reconnaissance Photographs—March 21, 2023

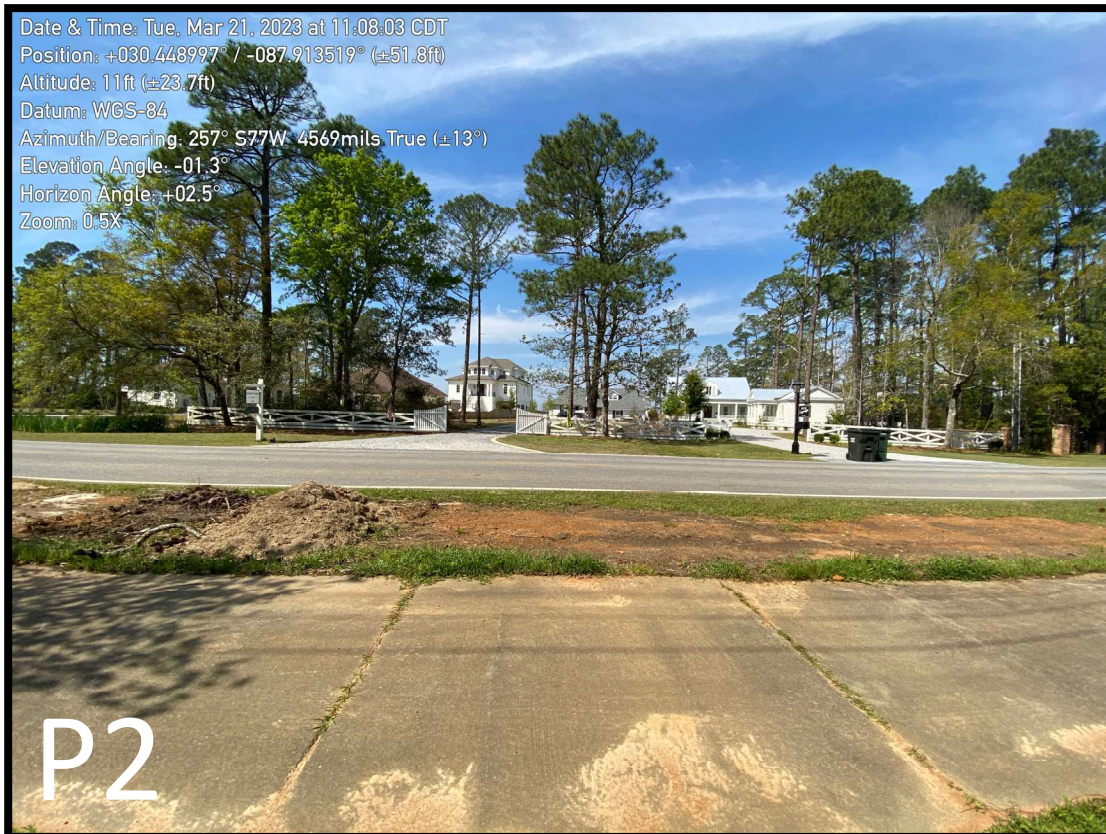


View of Wet A Pit facing south.

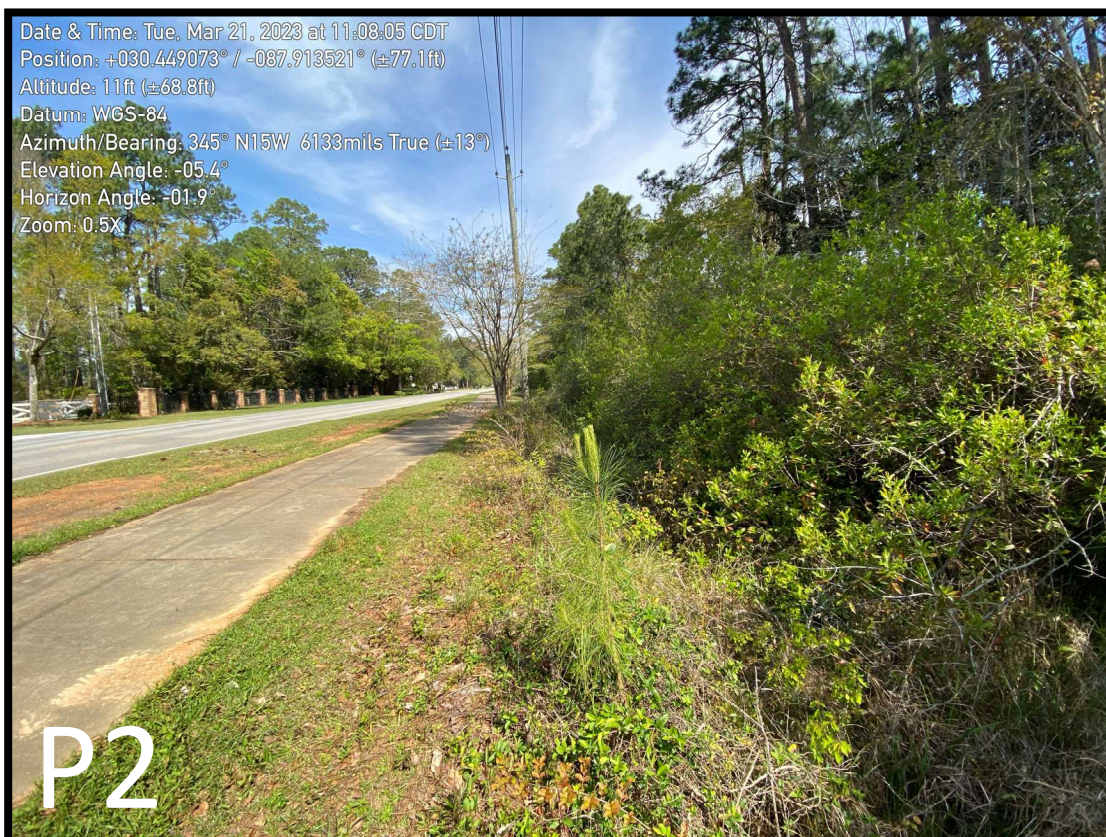


Up A pit soils.

Site Reconnaissance Photographs—March 21, 2023



View of Up A pit facing west.

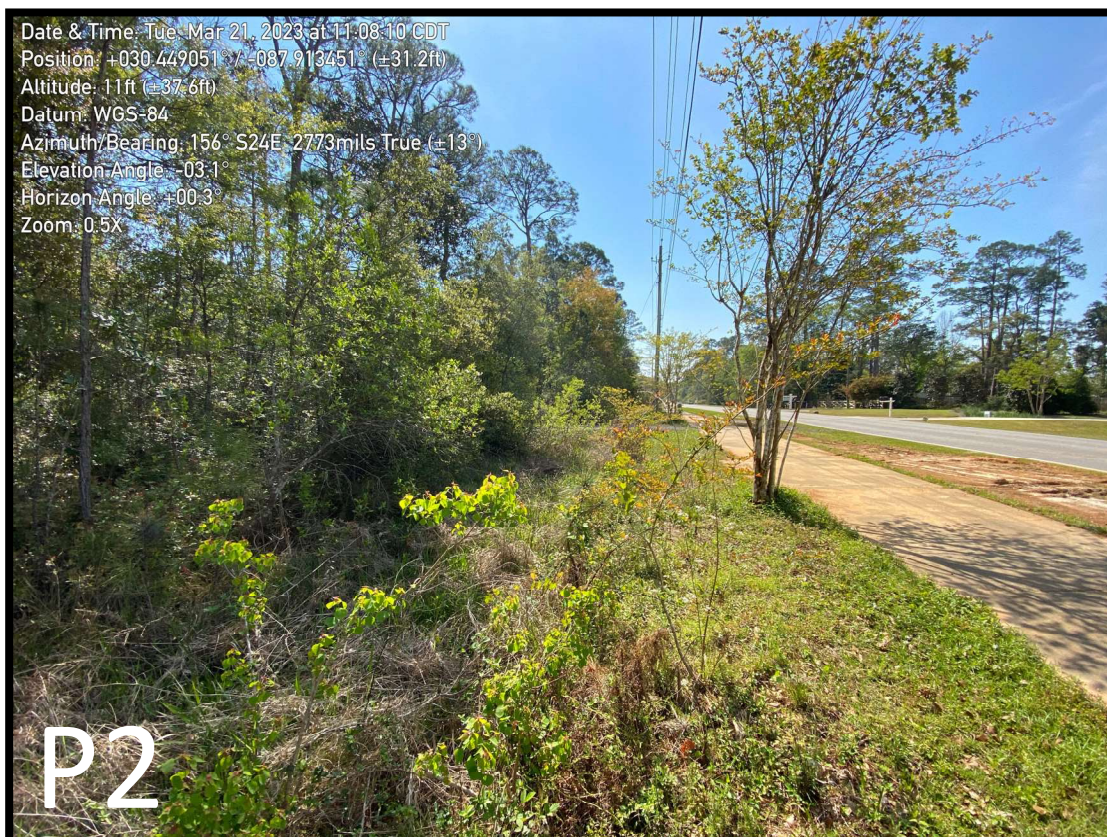


View of Wet A pit facing north.

Site Reconnaissance Photographs—March 21, 2023



View of Up A Pit facing east.



View of Up A Pit facing south.

U.S. Army Corps of Engineers WETLAND DETERMINATION DATA SHEET - Atlantic and Gulf Coastal Plain Region See ERDC/EL TR-10-20; the proponent agency is CECW-CO-R	OMB Control #: 0710-0024, Exp: 11/30/2024 Requirement Control Symbol EXEMPT: (Authority: AR 335-15, paragraph 5-2a)
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Project/Site: Scenic Highway 98 Property City/County: Fairhope/Baldwin Sampling Date: 3/21/23
 Applicant/Owner: Daniel Prickett State: AL Sampling Point: Wet A
 Investigator(s): Stephanie Matthews, Katie Garretson Section, Township, Range: Section 7, 7 South, 2 East
 Landform (hillside, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%): 0-2%
 Subregion (LRR or MLRA): LRR P, MLRA 133A Lat: 30.448803 Long: -87.912406 Datum: WGS 84
 Soil Map Unit Name: RaA - Rains Fine Sandy Loam NWI classification: PFO4C

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are Normal Circumstances present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u> </u> No <u> </u> Hydric Soil Present? Yes <u>X</u> No <u> </u> Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u>
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u>X</u> Surface Water (A1) <u> </u> Aquatic Fauna (B13) <u>X</u> High Water Table (A2) <u> </u> Marl Deposits (B15) (LRR U) <u>X</u> Saturation (A3) <u> </u> Hydrogen Sulfide Odor (C1) <u>X</u> Water Marks (B1) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Sediment Deposits (B2) <u> </u> Presence of Reduced Iron (C4) <u> </u> Drift Deposits (B3) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Algal Mat or Crust (B4) <u> </u> Thin Muck Surface (C7) <u> </u> Iron Deposits (B5) <u> </u> Other (Explain in Remarks) <u> </u> Inundation Visible on Aerial Imagery (B7) <u>X</u> Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Sparsely Vegetated Concave Surface (B8) <u>X</u> Drainage Patterns (B10) <u> </u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u>X</u> Saturation Visible on Aerial Imagery (C9) <u> </u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u> </u> FAC-Neutral Test (D5) <u> </u> Sphagnum Moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>4</u> Water Table Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>4</u> Saturation Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>4</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No <u> </u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Remarks:	

VEGETATION (Four Strata) - Use scientific names of plants.

Sampling Point: Wet A

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Pinus palustris</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>60.0%</u> (A/B) Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>30</u></td> <td>x 2 = <u>60</u></td> </tr> <tr> <td>FAC species <u>40</u></td> <td>x 3 = <u>120</u></td> </tr> <tr> <td>FACU species <u>15</u></td> <td>x 4 = <u>60</u></td> </tr> <tr> <td>UPL species <u>10</u></td> <td>x 5 = <u>50</u></td> </tr> <tr> <td>Column Totals: <u>95</u> (A)</td> <td><u>290</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.05</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>30</u>	x 2 = <u>60</u>	FAC species <u>40</u>	x 3 = <u>120</u>	FACU species <u>15</u>	x 4 = <u>60</u>	UPL species <u>10</u>	x 5 = <u>50</u>	Column Totals: <u>95</u> (A)	<u>290</u> (B)	Prevalence Index = B/A = <u>3.05</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>30</u>	x 2 = <u>60</u>																			
FAC species <u>40</u>	x 3 = <u>120</u>																			
FACU species <u>15</u>	x 4 = <u>60</u>																			
UPL species <u>10</u>	x 5 = <u>50</u>																			
Column Totals: <u>95</u> (A)	<u>290</u> (B)																			
Prevalence Index = B/A = <u>3.05</u>																				
2. <u>Quercus nigra</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>																	
3. <u>Myrica cerifera</u>	<u>5</u>	<u>No</u>																		
4. <u>Magnolia virginiana</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
5. <u>Persea borbonia</u>	<u>5</u>	<u>No</u>	<u>FACW</u>																	
6. _____																				
7. _____																				
8. _____																				
55 = Total Cover																				
50% of total cover: <u>28</u>		20% of total cover: <u>11</u>																		
Sapling/Shrub Stratum (Plot size: <u>15</u>)																				
1. <u>Ilex glabra</u>	<u>20</u>	<u>Yes</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain)																
2. <u>Camellia oleifera</u>	<u>10</u>	<u>Yes</u>	<u>UPL</u>																	
3. _____																				
4. _____																				
5. _____																				
6. _____																				
7. _____																				
8. _____																				
30 = Total Cover																				
50% of total cover: <u>15</u>		20% of total cover: <u>6</u>																		
Herb Stratum (Plot size: <u>5</u>)																				
1. <u>Pteridium aquilinum</u>	<u>15</u>	<u>Yes</u>	<u>FACU</u>	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Definitions of Four Vegetation Strata: Tree - Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub - Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody Vine - All woody vines greater than 3.28 ft in height.																
2. _____																				
3. _____																				
4. _____																				
5. _____																				
6. _____																				
7. _____																				
8. _____																				
9. _____																				
10. _____																				
11. _____																				
12. _____																				
15 = Total Cover																				
50% of total cover: <u>8</u>		20% of total cover: <u>3</u>																		
Woody Vine Stratum (Plot size: <u>30</u>)																				
1. _____				Hydrophytic Vegetation Present? Yes <u>X</u> No _____																
2. _____																				
3. _____																				
4. _____																				
5. _____																				
_____ = Total Cover																				
50% of total cover: _____		20% of total cover: _____																		
Remarks: (If observed, list morphological adaptations below.)																				

SOIL

Sampling Point: Wet A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	7.5YR 2.5/2	100					Muck	Organics/Muck
5-12	7.5YR 2.5/3	100					Sandy	Sandy clay
¹ Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.					² Location: PL=Pore Lining, M=Matrix.			
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)					Indicators for Problematic Hydric Soils ³ :			
<input type="checkbox"/> Histosol (A1)					<input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U)			
<input type="checkbox"/> Histic Epipedon (A2)					<input type="checkbox"/> Barrier Islands 1 cm Muck (S 12)			
<input type="checkbox"/> Black Histic (A3)					<input type="checkbox"/> (MLRA 153B, 153D)			
<input type="checkbox"/> Hydrogen Sulfide (A4)					<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O)			
<input type="checkbox"/> Stratified Layers (A5)					<input type="checkbox"/> Loamy Gleyed Matrix (F2)			
<input type="checkbox"/> Organic Bodies (A6) (LRR P, T, U)					<input type="checkbox"/> Depleted Matrix (F3)			
<input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U)					<input type="checkbox"/> Redox Dark Surface (F6)			
<input checked="" type="checkbox"/> Muck Presence (A8) (LRR U)					<input type="checkbox"/> Depleted Dark Surface (F7)			
<input type="checkbox"/> 1 cm Muck (A9) (LRR P, T)					<input type="checkbox"/> Redox Depressions (F8)			
<input type="checkbox"/> Depleted Below Dark Surface (A11)					<input type="checkbox"/> Marl (F10) (LRR U)			
<input type="checkbox"/> Thick Dark Surface (A12)					<input type="checkbox"/> Depleted Ochric (F11) (MLRA 151)			
<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A)					<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T)			
<input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S)					<input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U)			
<input type="checkbox"/> Sandy Gleyed Matrix (S4)					<input type="checkbox"/> Delta Ochric (F17) (MLRA 151)			
<input type="checkbox"/> Sandy Redox (S5)					<input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B)			
<input type="checkbox"/> Stripped Matrix (S6)					<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A)			
<input checked="" type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U)					<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)			
<input type="checkbox"/> Polyvalue Below Surface (S8)					<input type="checkbox"/> (MLRA 149A, 153C, 153D)			
<input type="checkbox"/> (LRR S, T, U)					<input type="checkbox"/> Very Shallow Dark Surface (F22)			
					<input type="checkbox"/> (MLRA 138, 152A in FL, 154)			
Restrictive Layer (if observed):					Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.			
Type: _____					Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Depth (inches): _____								
Remarks:								

U.S. Army Corps of Engineers WETLAND DETERMINATION DATA SHEET - Atlantic and Gulf Coastal Plain Region See ERDC/EL TR-10-20; the proponent agency is CECW-CO-R	OMB Control #: 0710-0024, Exp: 11/30/2024 Requirement Control Symbol EXEMPT: (Authority: AR 335-15, paragraph 5-2a)
---	---

Project/Site: Scenic Highway 98 Property City/County: Fairhope/Baldwin Sampling Date: 3/21/23
 Applicant/Owner: Daniel Prickett State: AL Sampling Point: Up A
 Investigator(s): Stephanie Matthews, Katie Garretson Section, Township, Range: Section 7, 7 South, 2 East
 Landform (hillside, terrace, etc.): Depressions Local relief (concave, convex, none): None Slope (%): 0-5%
 Subregion (LRR or MLRA): LRR P, MLRA 133A Lat: 30.448803 Long: -87.912406 Datum: WGS 84
 Soil Map Unit Name: Ls - Leon Sand NWI classification: PFO4C

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation X, Soil X, or Hydrology X significantly disturbed? Are Normal Circumstances present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u> </u> No <u>X</u> Hydric Soil Present? Yes <u> </u> No <u>X</u> Wetland Hydrology Present? Yes <u> </u> No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u> </u> No <u>X</u>
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u> </u> Surface Water (A1) <u> </u> Aquatic Fauna (B13) <u> </u> High Water Table (A2) <u> </u> Marl Deposits (B15) (LRR U) <u> </u> Saturation (A3) <u> </u> Hydrogen Sulfide Odor (C1) <u> </u> Water Marks (B1) <u> </u> Oxidized Rhizospheres on Living Roots (C3) <u> </u> Sediment Deposits (B2) <u> </u> Presence of Reduced Iron (C4) <u> </u> Drift Deposits (B3) <u> </u> Recent Iron Reduction in Tilled Soils (C6) <u> </u> Algal Mat or Crust (B4) <u> </u> Thin Muck Surface (C7) <u> </u> Iron Deposits (B5) <u> </u> Other (Explain in Remarks) <u> </u> Inundation Visible on Aerial Imagery (B7) <u> </u> Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> <u> </u> Surface Soil Cracks (B6) <u> </u> Sparsely Vegetated Concave Surface (B8) <u> </u> Drainage Patterns (B10) <u> </u> Moss Trim Lines (B16) <u> </u> Dry-Season Water Table (C2) <u> </u> Crayfish Burrows (C8) <u> </u> Saturation Visible on Aerial Imagery (C9) <u> </u> Geomorphic Position (D2) <u> </u> Shallow Aquitard (D3) <u> </u> FAC-Neutral Test (D5) <u> </u> Sphagnum Moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Saturation Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u> </u> No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Remarks:	

VEGETATION (Four Strata) - Use scientific names of plants.

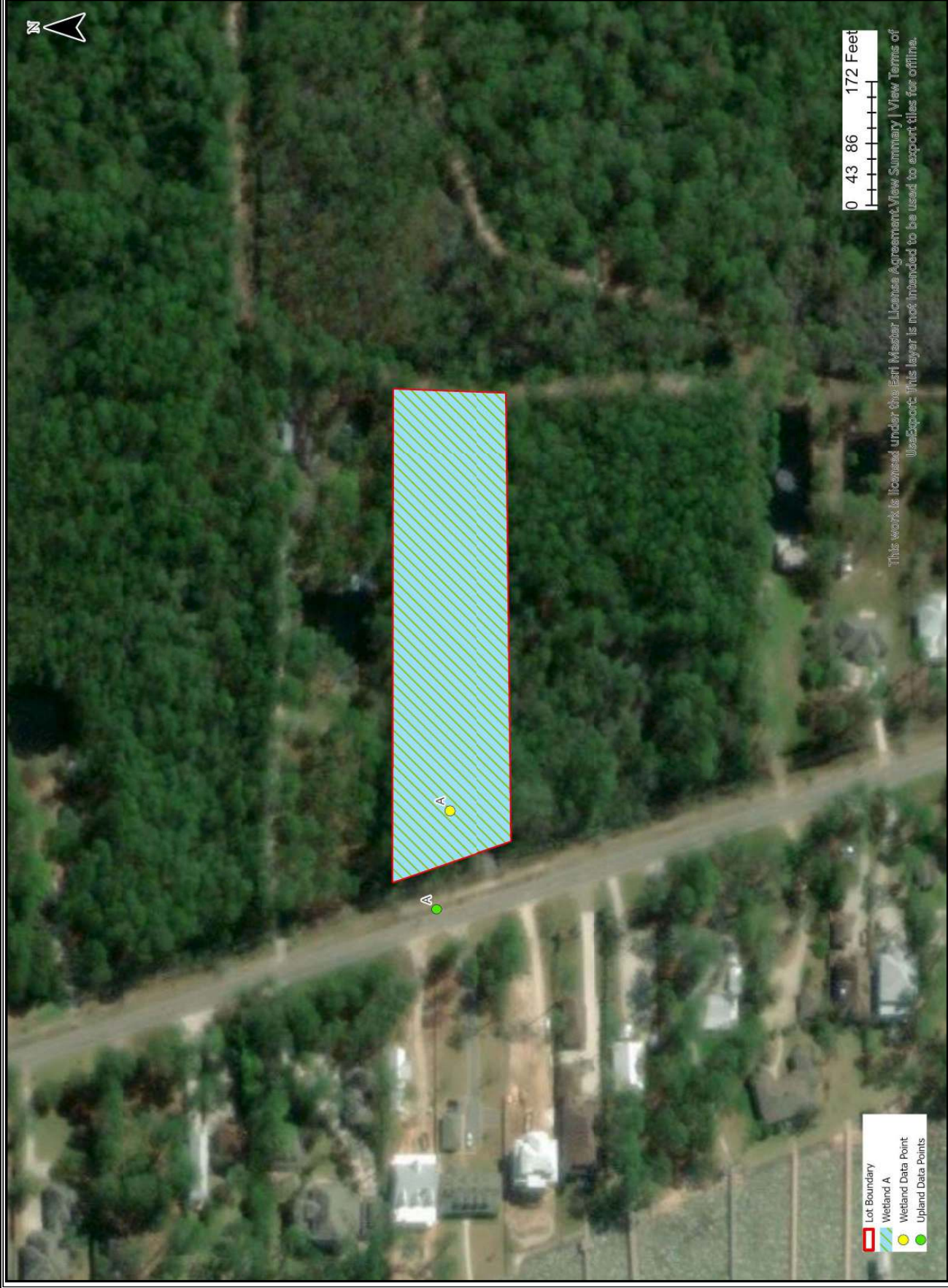
Sampling Point: Up A

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Pinus palustris</u>	<u>40</u>	<u>Yes</u>	<u>FAC</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>40.0%</u> (A/B) Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>65</u></td> <td>x 3 = <u>195</u></td> </tr> <tr> <td>FACU species <u>5</u></td> <td>x 4 = <u>20</u></td> </tr> <tr> <td>UPL species <u>30</u></td> <td>x 5 = <u>150</u></td> </tr> <tr> <td>Column Totals: <u>100</u> (A)</td> <td><u>365</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.65</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>65</u>	x 3 = <u>195</u>	FACU species <u>5</u>	x 4 = <u>20</u>	UPL species <u>30</u>	x 5 = <u>150</u>	Column Totals: <u>100</u> (A)	<u>365</u> (B)	Prevalence Index = B/A = <u>3.65</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>65</u>	x 3 = <u>195</u>																			
FACU species <u>5</u>	x 4 = <u>20</u>																			
UPL species <u>30</u>	x 5 = <u>150</u>																			
Column Totals: <u>100</u> (A)	<u>365</u> (B)																			
Prevalence Index = B/A = <u>3.65</u>																				
2. <u>Triadica sebifera</u>	<u>10</u>	<u>No</u>	<u>FAC</u>																	
3. <u>Lagerstroemia indica</u>	<u>15</u>	<u>Yes</u>	<u>UPL</u>																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
<u>65</u> = Total Cover 50% of total cover: <u>33</u> 20% of total cover: <u>13</u>				Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain)																
Sapling/Shrub Stratum (Plot size: <u>15</u>)																				
1. <u>Lonicera japonica</u>	<u>5</u>	<u>Yes</u>	<u>FACU</u>																	
2. _____	_____	_____	<u>UPL</u>																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
<u>5</u> = Total Cover 50% of total cover: <u>3</u> 20% of total cover: <u>1</u>				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Definitions of Four Vegetation Strata: Tree - Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub - Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody Vine - All woody vines greater than 3.28 ft in height.																
Herb Stratum (Plot size: <u>5</u>)																				
1. <u>Conoclinium coelestinum</u>	<u>15</u>	<u>Yes</u>	<u>FAC</u>																	
2. <u>Bothriochloa ischaemum</u>	<u>15</u>	<u>Yes</u>	<u>UPL</u>																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
<u>30</u> = Total Cover 50% of total cover: <u>15</u> 20% of total cover: <u>6</u>				Hydrophytic Vegetation Present? Yes <u> </u> No <u> </u>																
Woody Vine Stratum (Plot size: <u>30</u>)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
<u> </u> = Total Cover 50% of total cover: <u> </u> 20% of total cover: <u> </u>																				
Remarks: (If observed, list morphological adaptations below.)																				

SOIL

Sampling Point: Up A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/4	100					Sandy	
4-12	10R 4/8	100					Sandy	Sandy clay
¹ Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.					² Location: PL=Pore Lining, M=Matrix.			
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)					Indicators for Problematic Hydric Soils ³ :			
<input type="checkbox"/> Histosol (A1)		<input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U)		<input type="checkbox"/> 1 cm Muck (A9) (LRR O)				
<input type="checkbox"/> Histic Epipedon (A2)		<input type="checkbox"/> Barrier Islands 1 cm Muck (S12)		<input type="checkbox"/> 2 cm Muck (A10) (LRR S)				
<input type="checkbox"/> Black Histic (A3)		<input type="checkbox"/> (MLRA 153B, 153D)		<input type="checkbox"/> Coast Prairie Redox (A16)				
<input type="checkbox"/> Hydrogen Sulfide (A4)		<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O)		<input type="checkbox"/> (outside MLRA 150A)				
<input type="checkbox"/> Stratified Layers (A5)		<input type="checkbox"/> Loamy Gleyed Matrix (F2)		<input type="checkbox"/> Reduced Vertic (F18)				
<input type="checkbox"/> Organic Bodies (A6) (LRR P, T, U)		<input type="checkbox"/> Depleted Matrix (F3)		<input type="checkbox"/> (outside MLRA 150A, 150B)				
<input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U)		<input type="checkbox"/> Redox Dark Surface (F6)		<input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, T)				
<input type="checkbox"/> Muck Presence (A8) (LRR U)		<input type="checkbox"/> Depleted Dark Surface (F7)		<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)				
<input type="checkbox"/> 1 cm Muck (A9) (LRR P, T)		<input type="checkbox"/> Redox Depressions (F8)		<input type="checkbox"/> (MLRA 153B)				
<input type="checkbox"/> Depleted Below Dark Surface (A11)		<input type="checkbox"/> Marl (F10) (LRR U)		<input type="checkbox"/> Red Parent Material (F21)				
<input type="checkbox"/> Thick Dark Surface (A12)		<input type="checkbox"/> Depleted Ochric (F11) (MLRA 151)		<input type="checkbox"/> Very Shallow Dark Surface (F22)				
<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A)		<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T)		<input type="checkbox"/> (outside MLRA 138, 152A in FL, 154)				
<input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S)		<input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U)		<input type="checkbox"/> Barrier Islands Low Chroma Matrix (TS7)				
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		<input type="checkbox"/> Delta Ochric (F17) (MLRA 151)		<input type="checkbox"/> (MLRA 153B, 153D)				
<input type="checkbox"/> Sandy Redox (S5)		<input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B)		<input type="checkbox"/> Other (Explain in Remarks)				
<input type="checkbox"/> Stripped Matrix (S6)		<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A)		³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.				
<input type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U)		<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)						
<input type="checkbox"/> Polyvalue Below Surface (S8)		<input type="checkbox"/> (MLRA 149A, 153C, 153D)						
<input type="checkbox"/> (LRR S, T, U)		<input type="checkbox"/> Very Shallow Dark Surface (F22)						
<input type="checkbox"/> (MLRA 138, 152A in FL, 154)								
Restrictive Layer (if observed):							Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Type: _____								
Depth (inches): _____								
Remarks:								



TITLE
Figure 8b - Site Delineation Overview PID Request Daniel Prickett 3 Lots - Scenic Highway 98 Fairhope, Baldwin County, Alabama



Drawn By:	LP	Client #:	3762
Checked By:	BS	Date:	03/22/2023
Project Mgr.:	SM	Project #:	
			3762-001-30

Source:	Image courtesy of ESRI
---------	------------------------

DATE		REVISION	NOTE	BY	

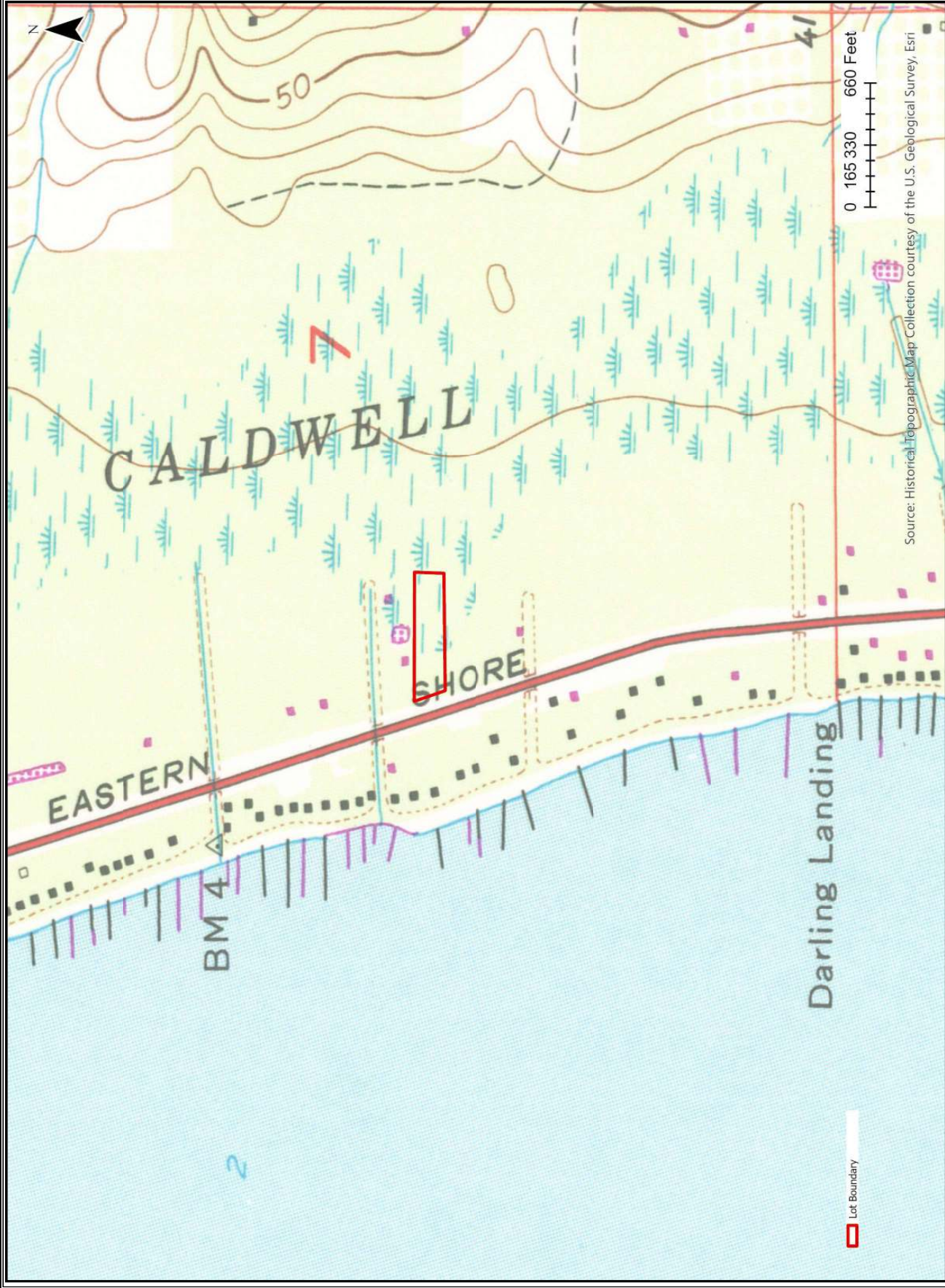
TITLE
Figure 2 : Site Topographic Map PJD Request Daniel Pickett 3 Lots : Scenic Highway 98 Fairhope, Baldwin County, Alabama

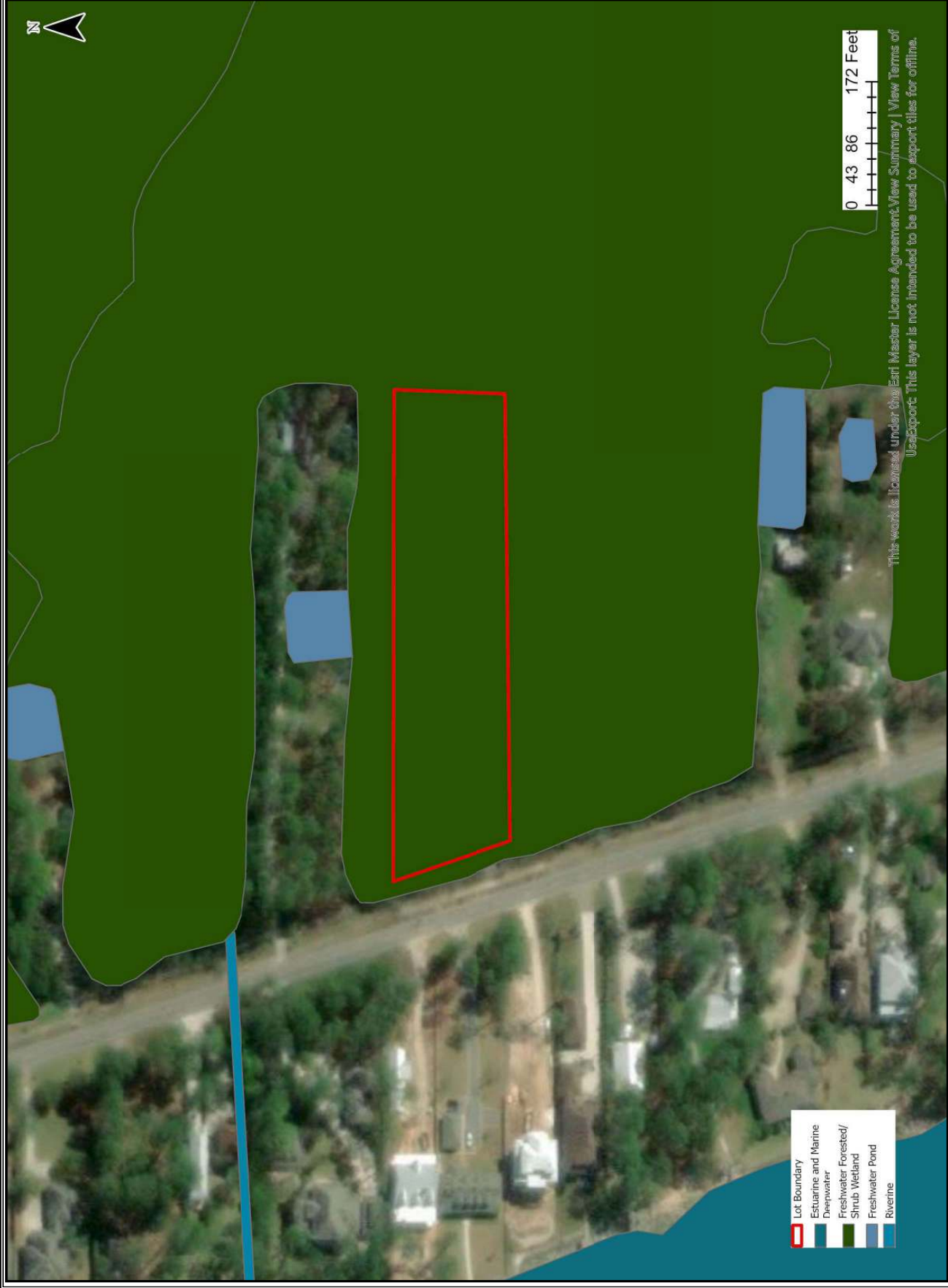


Drawn By:	Client #:
LP	3762
Checked By:	Date:
BS	03/22/2023
Project Mgr.:	Project #:
SM	3762-001-30

Source:
Image courtesy of ESRI and USGS Argo, Alabama 7.5 minute quadrangle.

				BY
				REVISION NOTE
				DATE





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Disclaimer: This layer is not intended to be used to export tiles for offline.

TITLE
Figure 5 - NWI Map PJD Request Daniel Pickett 3 Lots - Scenic Highway 98 Fairhope, Baldwin County, Alabama

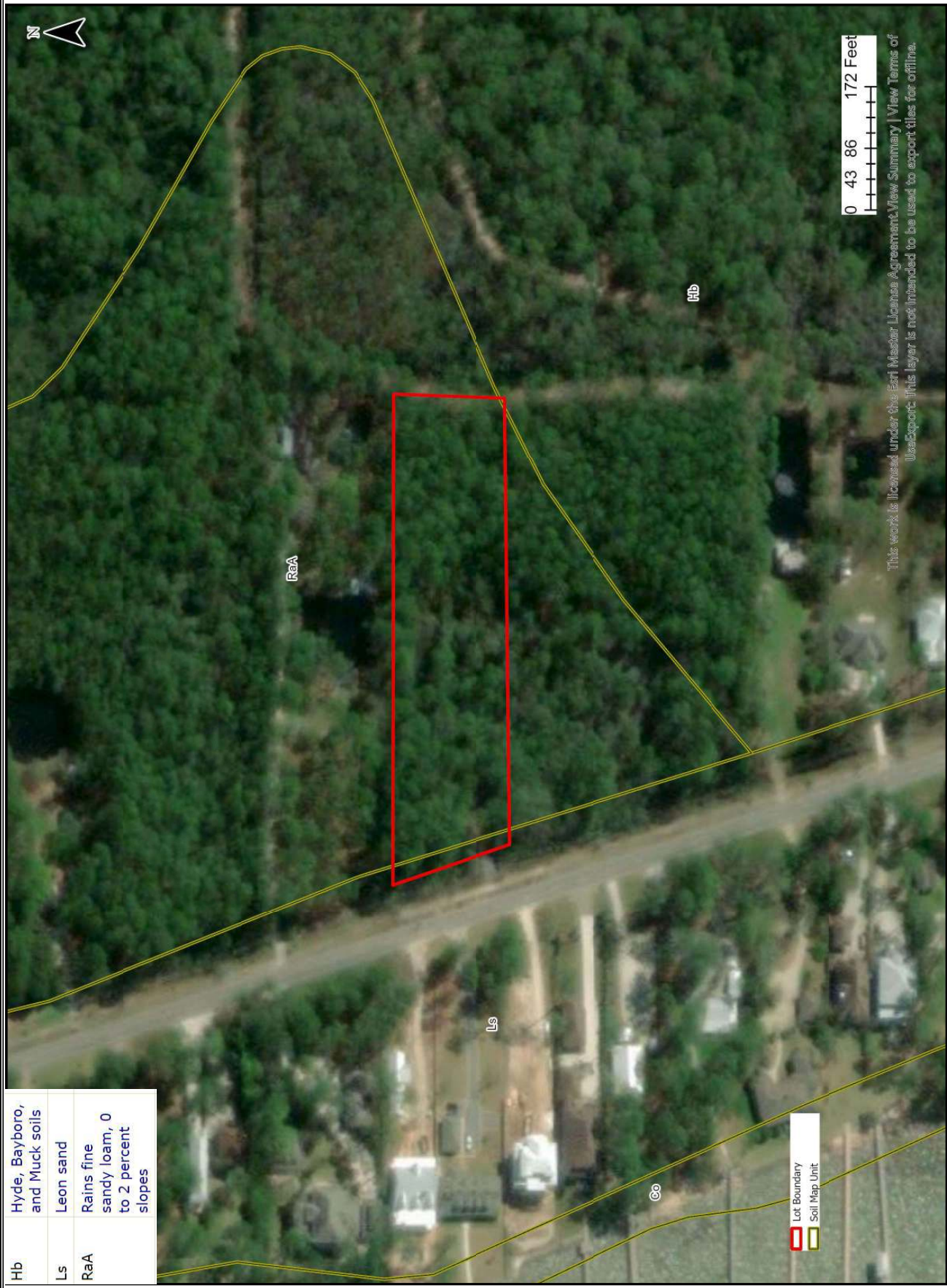


Drawn By:	Client #:
LP	3762
Checked By:	Date:
BS	03/22/2023
Project Mgr.:	Project #:
SM	3762-001-30

Source:
Image courtesy of ESRI and National Wetland Survey.

DATE		REVISION NOTE		BY	

Hb	Hyde, Bayboro, and Muck soils
Ls	Leon sand
RaA	Rains fine sandy loam, 0 to 2 percent slopes



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TITLE
Figure 6 - Site Soils Map PJD Request Daniel Pickett 3 Lots - Scenic Highway 98 Fairhope, Baldwin County, Alabama



Drawn By:	LP	Client #:	3762
Checked By:	BS	Date:	03/22/2023
Project Mgr.:	SM	Project #:	
			3762-001-30

Source:
Image courtesy of ESRI and NRCS Web Soil Survey.

DATE		REVISION NOTE		BY	

☐ PROPOSED
☒ EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: **Baldwin** PROJECT: **Prickett Sc Hwy 98 (3 lots)** DATE: **11.22.24** REVIEWER: **Lewis Cassidy** FLUCCS CODE: **6250**
APP. #: **WETLAND TYPE:** ☒ FORESTED ☐ Non-Forested

LAND USE CATEGORY	WETLAND AREA	SECONDARY IMPACTS	MELALEUCA INVASION >50%
Undeveloped	2.1 ACRES	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES %=	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
	0.3 ACRES OF IMPACT	ACRES	

WILD LIFE UTILIZATION

2

WETLAND CANOPY

2

WETLAND GROUND COVER

1.5

HABITAT SUPPORT / BUFFER

1.95

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
Highway/road	1	10	0.1
Low-density residential	1.5	40	0.6
natural undeveloped area	2.5	50	1.25
			0
			0

FIELD HYDROLOGY

2

WATER QUALITY INPUT & TREATMENT

2.45

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
Highway/road	1	10	0.1
Low-density residential	2	40	0.8
natural undeveloped area	3	50	1.5
			0
			0
LU TOTAL			2.4

PRETREATMENT CATEGORY

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
Grass Swales	1	25	0.25
Natural undeveloped areas	3	75	2.25
			0
			0
			0
PT TOTAL			2.5

WRAP SCORE

66.11%

WILDLIFE UTILIZATION

Insects and bird song noted; moderate wildlife utilization noted, limited adjacent upland food sources. Adequate protective cover for target species.

WETLAND CANOPY

Wetland canopy around 20% coverage with some natural recruitment of target species.

WETLAND GROUND COVER

Woody vine stratum between 10-25%; minimal number of target herbaceous pine savannah species present.

HABITAT SUPPORT/BUFFER

Highway/road to west of site, less than 30 ft average in width, provides little cover/food sources, not connected to wildlife corridors; Low-density residential to north (driveway in place), provides some cover, food source, roosting, greater than 30 ft average width; natural/undeveloped areas to the east and south, average greater than 300ft width, contains cover, food sources, and roosting, and is connected to wildlife corridors.

FIELD HYDROLOGY

Hydrology of wetlands on-site is adequate to maintain a proper hydroperiod, plants not water stressed, but is partially affected by the roadside ditch to the west along the highway/road.

WQ INPUT & TREATMENT

Highway/road to the west has a roadside ditch consisting of grass swale, property to the north has a driveway in place. Natural undeveloped areas to the east and south.

WARRANTY DEED

STATE OF ALABAMA
COUNTY OF BALDWIN

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 4/26/2021 9:35 AM
DEED TAX \$ 169.00
TOTAL \$ 238.00
16 Pages

1908368



KNOW ALL MEN BY THESE PRESENTS:

That JAMES GORDON BROWN, a married man, EDWARD J. BROWN, JR., a married man, RUTH A. BROWN, a married woman, RICHARD D. BROWN, a married man, PATRICK T. BROWN, a married man, ROBERT A. BROWN, a married man, GORDON SMITH, IV, a married man, KATHLEEN SMITH TAYLOR, a married woman, ROBERT E. WILLIAMS, IV a/k/a ROBERT EDWARD WILLIAMS, IV, a married man, CATHERINE W. HUETTEMANN, a married woman, ANDREW SMITH WILLIAMS, a married man and DAVID GORDON WILLIAMS, a married man, hereinafter referred to as Grantors, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable consideration to them in hand paid by DANIEL PRICKETT and wife, TAMALA PRICKETT, hereinafter referred to as Grantees, the receipt whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantees, as tenants in common with equal interests during the period of their concurrent lives, and upon the death of either of said Grantees, the remainder to the survivor of said Grantees, in fee simple, subject to the provisions hereinafter contained, all that real property in the County of Baldwin, State of Alabama, described as follows, to-wit:

PARCEL A:

Beginning at a CONCRETE MONUMENT BEING SITUATED 399.1' SOUTHERLY FROM THE CENTER OF SECTION 7 T-7-S R-2-E BALDWIN CO., AL, said point being the POINT OF BEGINNING; thence S00°08'19"E, a distance of 34.00 feet to a SET 5/8" CAPPED REBAR; thence West, a distance of 581.71 feet to a SET 5/8" CAPPED REBAR on the Eastern R-O-W of Scenic Hwy 98; thence N15°32'56"W, along said R-O-W a distance of 35.94 feet to a CONCRETE MONUMENT; thence S89°56'22"E, leaving said R-O-W a distance of 591.26 feet to the POINT OF BEGINNING, Said parcel containing 0.46 acres, more or less.

PARCEL B:

Commencing at a CONCRETE MONUMENT BEING SITUATED 399.1' SOUTHERLY FROM THE CENTER OF SECTION 7 T-7-S R-2-E BALDWIN CO., AL; thence S00°08'19"E, a distance of 34.00 feet to a SET 5/8" CAPPED REBAR to the POINT OF BEGINNING; thence continue Southerly along said line, a distance of 62.00 feet to a SET 5/8" CAPPED REBAR; thence S89°30'08"W, a distance of 563.26 feet to a SET 5/8" CAPPED REBAR on the Easterly R-O-W of Scenic Hwy 98; thence N15°32'56"W, along said R-O-W a distance of 69.44 feet to a SET 5/8" CAPPED REBAR; thence East, leaving said R-O-W a distance of 581.71 feet to the POINT OF BEGINNING, Said parcel containing 0.85 acres, more or less.

PARCEL C:

Commencing at a CONCRETE MONUMENT BEING SITUATED 399.1' SOUTHERLY FROM THE CENTER OF SECTION 7 T-7-S R-2-E BALDWIN CO., AL; thence S00°08'19"E, a distance of 96.00 feet to a SET 5/8" CAPPED REBAR to the POINT OF BEGINNING; thence continue Southerly along said line, a distance of 65.90 feet to a SET 5/8" CAPPED REBAR; thence N89°56'22"W, a distance of 546.59 feet to a SET 5/8" CAPPED REBAR on the Eastern R-O-W of Scenic Hwy 98; thence N15°32'56"W, along said R-O-W a distance of 62.73 feet to a SET 5/8" CAPPED REBAR; thence N89°30'08"E, leaving said R-O-W a distance of 563.26 feet to the POINT OF BEGINNING, Said parcel containing 0.80 acres, more or less.

SUBJECT, HOWEVER, TO THE FOLLOWING:

(1) 120' right-of-way for Scenic Hwy 98 located along the West margin of subject property as shown on the survey of David Lowery Surveying, L.L.C., dated March 2021, Drawing No. 21-03-027.

(2) Any and all zoning, subdivision or other governmental or environmental regulations pertaining to the use of said property.

GRANTORS HEREIN HEREBY WARRANT THAT NONE OF THE ABOVE DESCRIBED PROPERTY IS A PART OF THEIR HOMESTEAD.

TOGETHER with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This conveyance is made subject to any and all restrictive covenants, easements, reservations, mineral reservations, conveyance of minerals and rights-of-way applicable to said property of record in the Probate Court of Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the said Grantees, during their concurrent lives, and upon the death of either of said Grantees, to the survivor of said Grantees, and to the heirs and assigns of said survivor, in fee simple, FOREVER.

And except as for taxes hereinafter falling due, the Grantors, and for themselves, and for their heirs and assigns, do hereby covenant to and with the Grantee, that they are seized in fee simple of said premises; that said property is free and clear of all encumbrances, and that they will hereby warrant and defend the title to same, unto the said Grantees, against the lawful claims of all persons whomsoever.

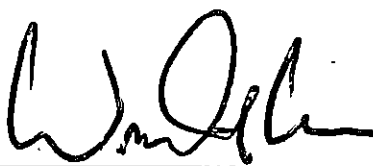
IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals on this the 21st day of April, 2021.


JAMES GORDON BROWN

STATE OF ALABAMA
COUNTY OF BALDWIN

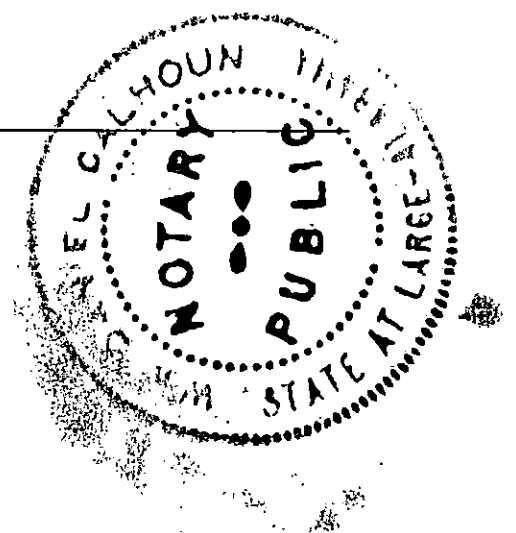
I, WM. DANIEL CALHOUN, a Notary Public in and for said County in said State, hereby certify that JAMES GORDON BROWN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21st day of April, 2021.


Notary Public

My Commission Expires:

11/25/23



✓
EDWARD J. BROWN, JR.

STATE OF
COUNTY OF

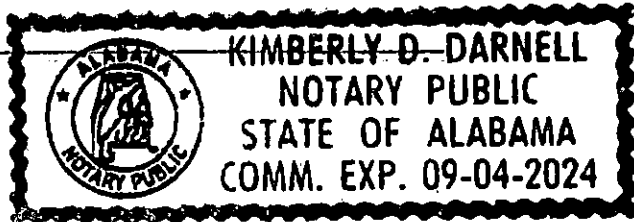
Alabama
Mobile

I, Kimberly D. Darnell, a Notary Public in and for said County in said State, hereby certify that EDWARD J. BROWN, JR., whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15th day of April, 2021.

✓ Kimberly D. Darnell
Notary Public

My Commission Expires:



Ruth A. Brown
RUTH A. BROWN

STATE OF FL
COUNTY OF Duval

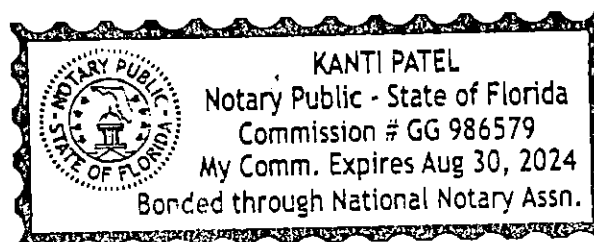
I, Kanti Patel, a Notary Public in and for said County in said State, hereby certify that RUTH A. BROWN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 17th day of April, 2021.

Kanti Patel
Notary Public

My Commission Expires:

08-30-2024



✓ Richard D. Brown
RICHARD D. BROWN

STATE OF AL
COUNTY OF SHELBY

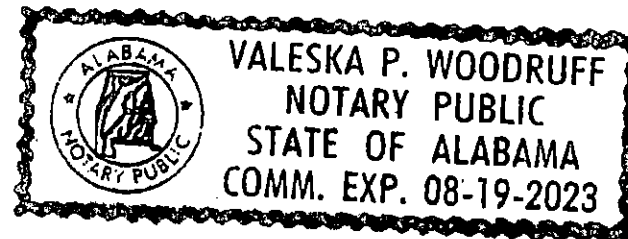
I, Valeska P. Woodruff, a Notary Public in and for said County in said State, hereby certify that RICHARD D. BROWN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 18 day of April, 2021.

Valeska P. Woodruff
Notary Public

My Commission Expires:

Aug 19, 2023



✓ *Patrick T. Brown*
PATRICK T. BROWN

STATE OF GA
COUNTY OF DEKALB

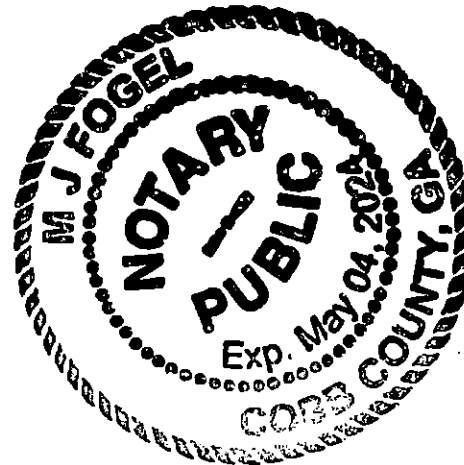
I, M J FOGEL, a Notary Public in and for said County in said State, hereby certify that PATRICK T. BROWN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15 day of April, 2021.

✓ *M J Fogel*
Notary Public

My Commission Expires:

5/4/2024



Robert A. Brown
ROBERT A. BROWN

STATE OF ALABAMA
COUNTY OF BALDWIN

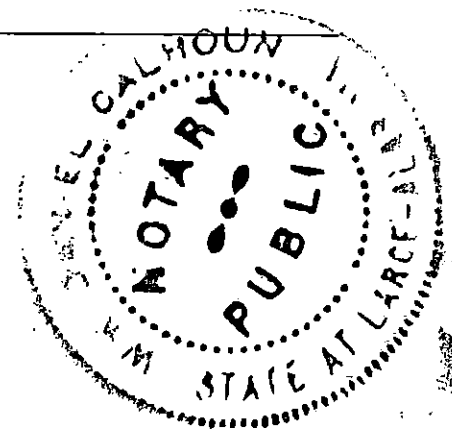
I, WM. DANIEL CALHOUN, a Notary Public in and for said County in said State, hereby certify that ROBERT A. BROWN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21st day of April, 2021.

WM. DANIEL CALHOUN
Notary Public

My Commission Expires:

11/25/23





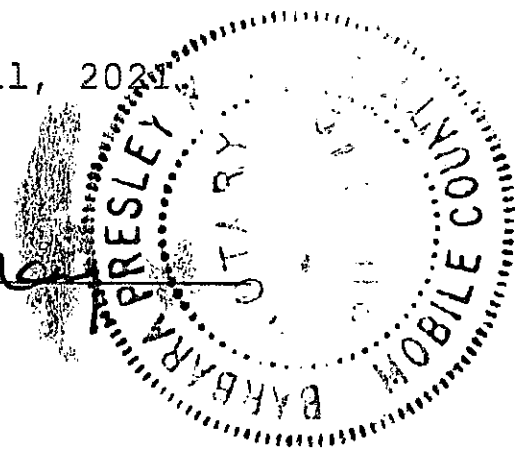
GORDON SMITH, IV

STATE OF Alabama
COUNTY OF Mobile

I, Barbara Presley May, a Notary Public in and for said County in said State, hereby certify that GORDON SMITH, IV, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of April, 2021


Notary Public



My Commission Expires:

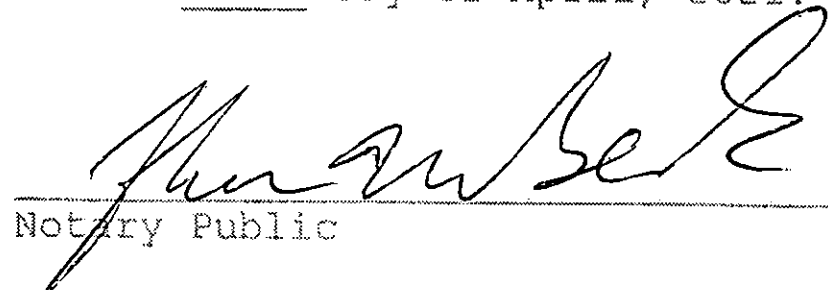
2-17-2024


KATHLEEN SMITH TAYLOR

STATE OF Florida
COUNTY OF Pineellas

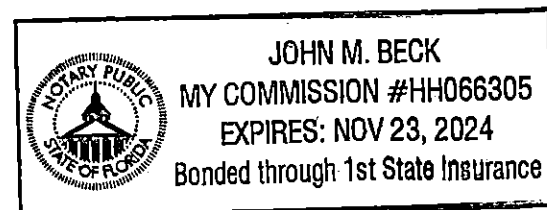
I, John M. Beck, a Notary Public in and for said County in said State, hereby certify that KATHLEEN SMITH TAYLOR, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15 day of April, 2021.


Notary Public

My Commission Expires:

11/23/2024



Robert E. Williams, IV

ROBERT E. WILLIAMS, IV
a/k/a ROBERT EDWARD WILLIAMS, IV

STATE OF Louisiana
PARISH OF St. Tammany

I, Albert I. Adams, Jr., a Notary Public in and for said Parish in said State, hereby certify that ROBERT E. WILLIAMS, IV a/k/a ROBERT EDWARD WILLIAMS, IV, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15th day of April, 2021.

Albert I. Adams, Jr.
Notary Public

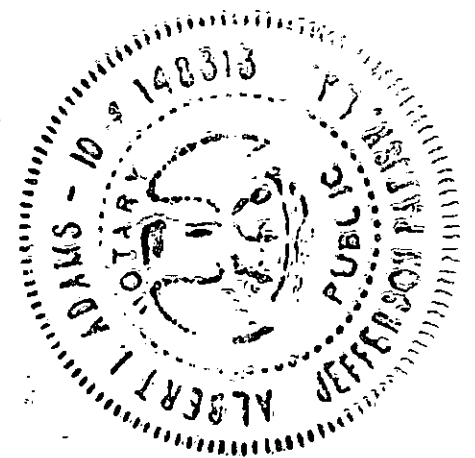
Albert I. Adams, Jr. #148313

My Commission Expires:

at death



ALBERT I. ADAMS, JR.
Notary Public
Notary ID No. 148313
Jefferson Parish, Louisiana



CATHERINE W. HUETTEMANN
CATHERINE W. HUETTEMANN

STATE OF Alabama
COUNTY OF Mobile

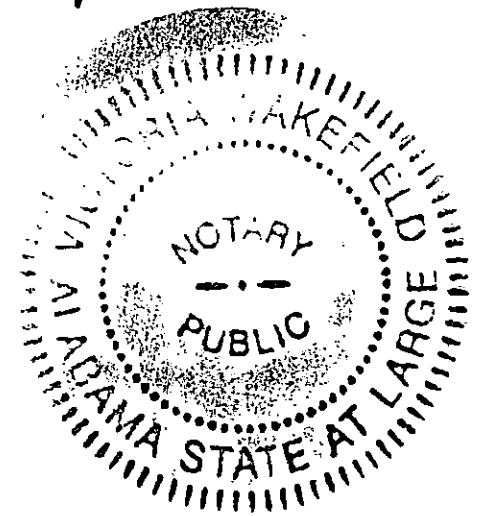
I, Victoria Wakefield, a Notary Public in and for said County in said State, hereby certify that CATHERINE W. HUETTEMANN, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15th day of April, 2021.

Victoria Wakefield
Notary Public

My Commission Expires:

3-2-2024



Andrew Smith Williams
ANDREW SMITH WILLIAMS

STATE OF MD Maryland
COUNTY OF Howard

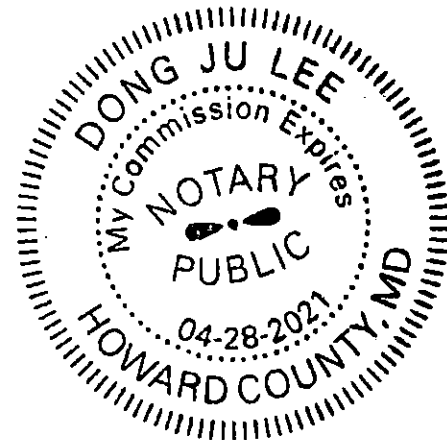
I, Dong Ju Lee, a Notary Public in and for said County in said State, hereby certify that ANDREW SMITH WILLIAMS, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 19 day of April, 2021.

Dong Ju Lee
Notary Public

My Commission Expires:

04/28/2021



✓ David Gordon Williams
DAVID GORDON WILLIAMS

STATE OF Virginia
COUNTY OF Fairfax

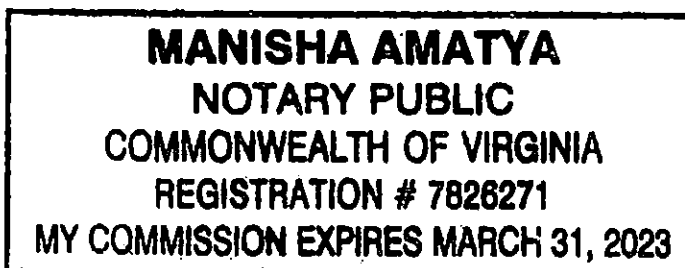
I, Manisha Amatya, a Notary Public in and for said County in said State, hereby certify that DAVID GORDON WILLIAMS, whose name is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16 day of April, 2021.

✓ Manisha
Notary Public

My Commission Expires:

March 31, 2023



THIS INSTRUMENT PREPARED BY:
DUCK, CALHOUN & MEGGINSON
Wm. Daniel Calhoun
Attorney at Law
Post Office Box 1188
Fairhope, Alabama 36533
Telephone: (251) 928-2191

GRANTORS' ADDRESSES:

James Gordon Brown
106 Pinetop Circle West
Fairhope, AL 36532

Edward J. Brown, Jr.
3909 McGregor Court
Mobile, AL 36608

Ruth A. Brown
P. O. Box 26097
Jacksonville, FL 32226

Richard D. Brown
612 Griffin Lake Trace
Birmingham, AL 35242

Patrick T. Brown
2993 Appling Circle
Atlanta, GA 30341

Robert A. Brown
15401 Scenic 98
Fairhope, AL 36532

Gordon Smith, IV
4263 Horloesther Court
Mobile, AL 36608

Kathleen Smith Taylor
4090 49th Ave. South
St. Petersburg, FL 33711

Robert E. Williams, IV
721 Willow Oak Lane
Mandeville, LA 70471

Catherine W. Huettemann
6362 Muir Woods Drive South
Mobile, AL 36693

Andrew Smith Williams
4620 Huntley Drive
Ellicott City, MD 21043

David Gordon Williams
9202 Treasure Oak Court
Lorton, VA 22079

GRANTEES' ADDRESS:

P.O. Box 1424
Orange Beach AL 36561

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Brown, Smith, Taylor, Williams
Mailing Address & Huetemann
15401 Scenic 98
Fairhope, AL 36532

Grantee's Name Daniel & Tamala Prickett
Mailing Address P. O. Box 1424
Orange Beach, AL 36561

Property Address 3 Parcels on Scenic Hwy 98
Fairhope, AL 36532

Date of Sale April 21, 2021

Total Purchase Price \$169,000.00

or

Actual Value

\$

or

Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale
☐ Sales Contract
☒ Closing Statement

☐ Appraisal
☐ Other

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

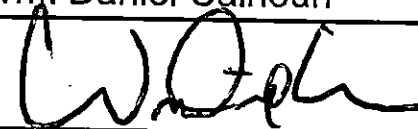
I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 04/21/2021

Print Wm. Daniel Calhoun

☐ Unattested

Sign



(verified by)

(Grantor/Grantee/Owner/Agent) circle one

