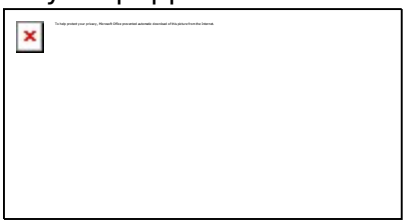
McNeill, Catherine

From: Billy J. Culpepper <billyculpepper@gmail.com>
Sent: Thursday, March 20, 2025 4:37 PM
To: Cesam-Rd; Mobile Coastal Mail
Cc: T. Davis Gordon
Subject: Joint Application And Notification For Tellus 5X, LLC, Proposed Commercial Boat Storage, Approximately 4.9 Acres At 12494 County Road 99, Lillian, Baldwin Co
Attachments: Joint Application Tellus 5X Lillian (1) Print.pdf

To Whom It May Concern,
Please find the attached Joint Application and Notification for Sect. 404 Standard Permit for the above referenced project. Please let me know what else I can provide to expedite your review.
Thank you,
Billy Culpepper



P. O. Box 1407
Long Beach, MS 39560
billyculpepper@gmail.com
Phone: 228 518 0905

CULPEPPER & ASSOCIATES

P. O. Box 1407
Long Beach, MS 39560
(228) 518-0905
billyculpepper@gmail.com

March 14, 2025

USACE, Mobile District
Attn: CESAM-RD-A
P. O. Box 2288
Mobile, AL 36628-0001

RE: Tellus 5X, LLC, Approximately 4.9 Acres At 12494 County Road 99, Lillian, Baldwin Co., AL

To Whom It May Concern,

Please find the enclosed Joint Application and Notification and attachments for the proposed wetland fill of approximately 2.2 acres of non-tidal palustrine forested wetland at the above referenced location. The proposed project will support the construction of a commercial boat storage facility.

If you have any questions regarding this request or require additional information, please feel free to call me at (228) 518-0905.

Sincerely,

Billy J. Culpepper

Enclosures

Copy: ADEM, Coastal Section
ADCNR, State Lands Div., Coastal Section

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: March (month) / 14 (day) / 2025 (year)

Application Number: _____ (Agency Use Only)

2. APPLICANT INFORMATION:

Name: Tellus 5X, LLC

Mailing Address: P. O. Box 3630
Bay St. Louis, MS 39521

Telephone Numbers and Email (during business hours):

A/C (228) 832 8302 Primary

A/C (228) 324 2334 Secondary

Email: dgordon@tdlcre.com

3. PROJECT LOCATION:

Street Address: 12494 County Road 99

City/Community: Lillian

County: Baldwin

Name of Waterway: near Perdido Bay

Latitude: 30.406N

Longitude: -87.438W

(Provide Lat/Long in decimal degrees, if available)

Section 26 Township 7S Range 6W

County Parcel Identification Number (PID): 05-52-07-26-0-002-055.000 and -056.000

(PID is typically located on property tax receipt)

4. DESIGNATION OF AGENT, STATEMENT OF AUTHORIZATION:

N/A ☐ (check here if applicant is not designating an agent)

I hereby designate and authorize

Culpepper and Associates
(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.

3.19.25

Signature of Applicant Date

AGENT INFORMATION:

Name: Culpepper and Associates

Mailing Address: P. O. Box 1407
Long Beach, MS 39560

Telephone Numbers and Email (during business hours):

A/C (228) 518 0905 Primary

A/C ( ) _____ Secondary

Email: billyculpepper@gmail.com

5. PROJECT DESCRIPTION: In addition to required attachments such as drawings/plans, provide a detailed narrative description of the project. Include all 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.

The proposed project will support the construction and operation of a commercially available boat storage. The proposed project will require approximately 2.2 acres of impact to palustrine forested wetland. The project is proposed adjacent to the public Lillian Boat Launch. See the attached Environmental Assessment for further, detail.

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: Approximately 6,000 CY
   b. Type of fill (sand, clay, rip-rap, etc.): Sandy Clay
   c. Surface area (square feet) impacted: Total 4.9 Acres, Wetland 2.2 Ac.
   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): Best Management Practices, Permanant Vegetative Cover, and Permanant Aggregate Parking/Driving Surface
   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: NA
   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: NA
      _____ 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: NA

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: The proposed wetland fill will support the construction of a commercially available storage for recreational boats typically launched at the adjacent Lillian Boat Launch.
   Intended use: Public ☐ Private ☐ Commercial ☑ Other ☐ (explain): _____

10. **PROJECT SCHEDULE**:
    Proposed start date: June 2025 Proposed completion date: August 2025

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
    Mailing Address: _____
    Owner's Name: _____
    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	404		03/2025	Pending	
Alabama Dept. of Environmental Management (ADEM)	401 WQC		"	"	
Alabama Dept. of Conservation and Natural Resources, State Lands Division (ADCNR-SLD)					
Alabama State Docks					
City/County/Other: _____					

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 plans and attachments must be of reproducible quality, in black and white, 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.

Billy J Culpepper Digitally signed by Billy J Culpepper Date: 2025.02.26 12:32:36 -06'00'

Signature of Applicant or Agent

March 14, 2025

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. 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.

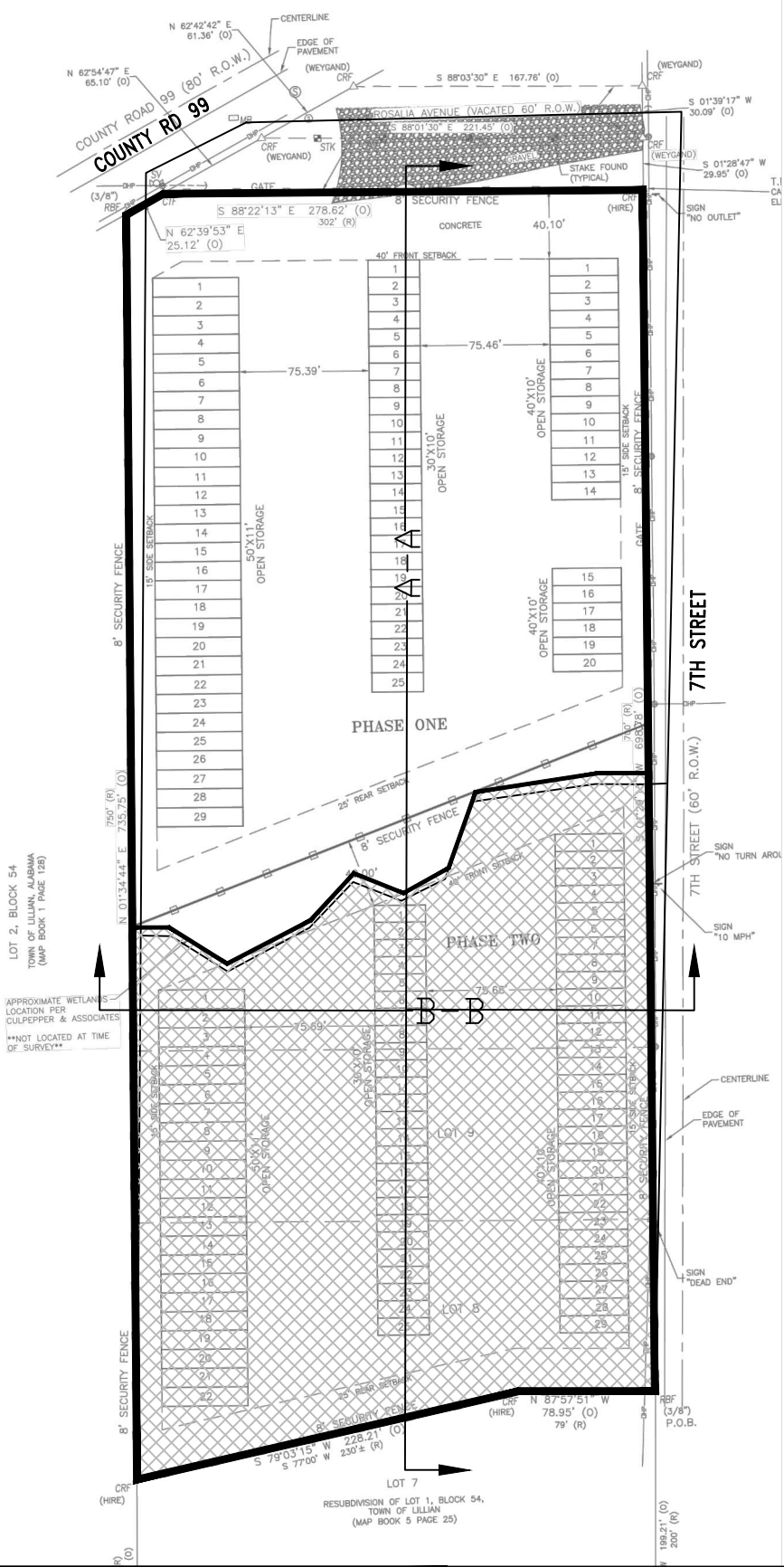
Submit the completed and signed **original** application and attachments to the appropriate U.S. Army Corps of Engineers office below:

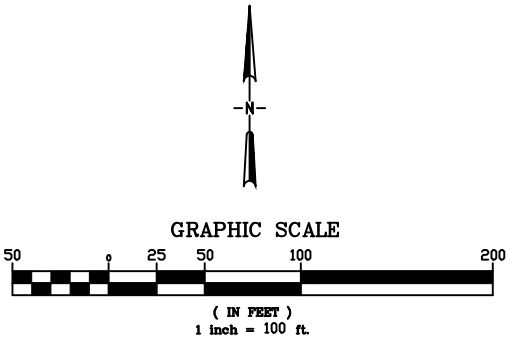
For activities in the *following counties* in Alabama: *Baldwin, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Washington, and Wilcox*	**For activities in *all other counties* in Alabama:** (*Portions of northern Alabama 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*)
U.S. Army Corps of Engineers, Mobile District Attention: CESAM-RD-A Post Office Box 2288 Mobile, Alabama 36628-0001 Phone: (251) 690-2658 Fax: (251) 694-3692 Web: www.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 Fax: (205) 941-9809 Web: www.sam.usace.army.mil

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

For activities in the *following counties* in Alabama: *Baldwin, Mobile, and Washington*		**For activities *statewide* in Alabama:** (*For northern counties, contact the Nashville District as noted above*)	
Coastal Section-Mobile Branch Field Operations Division, ADEM 3664 Dauphin Street, Suite B Mobile, AL 36608 Phone: (251) 304-1176 Fax: (251) 304-1189 Email: coastal@adem.alabama.gov Web: www.adem.state.al.us	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 Email: fieldmail@adem.alabama.gov Web: www.adem.state.al.us	Alabama State Port Authority Attn: Harbormaster Post Office Box 1588 Mobile, AL 36633 Phone: (251) 441-7074 Fax: (251) 441-7390 Email: harbormaster@asdd.com Web: www.asdd.com

Tellus 5X, LLC Proposed Boat Storage, Lillian, Baldwin County, AL





LEGEND:

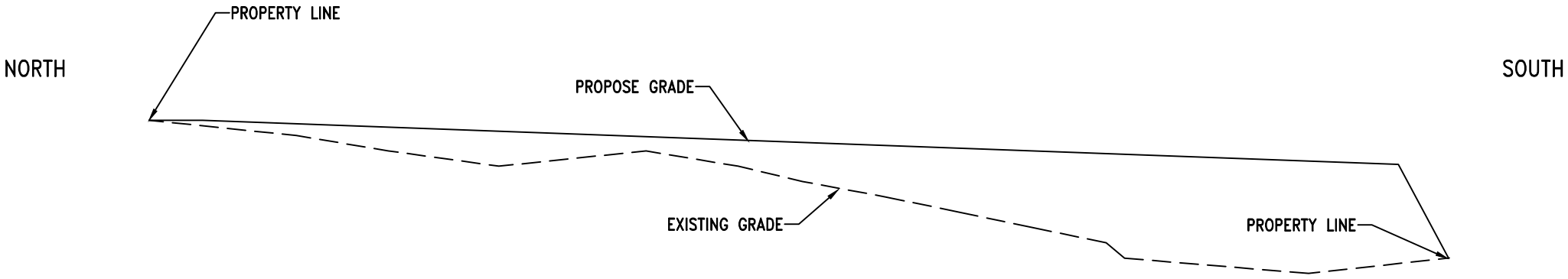
WETLAND IMPACT:	2.2 ACRES ±	
UPLAND:	2.7 ACRES ±	
TOTAL SITE:	4.9 ACRES ±	

*SUBJECT TO VERIFICATION BY U.S. ARMY CORPS OF ENGINEERS.

CULPEPPER & ASSOCIATES
P.O. BOX 1407
LONG BEACH, MS 39560
billyculpepper@gmail.com
PHONE: 228 518 0905

WETLAND IMPACT EXHIBIT
TELLUS 5X, LLC
LILLIAN, AL 36549
PROPOSED BOAT STORAGE

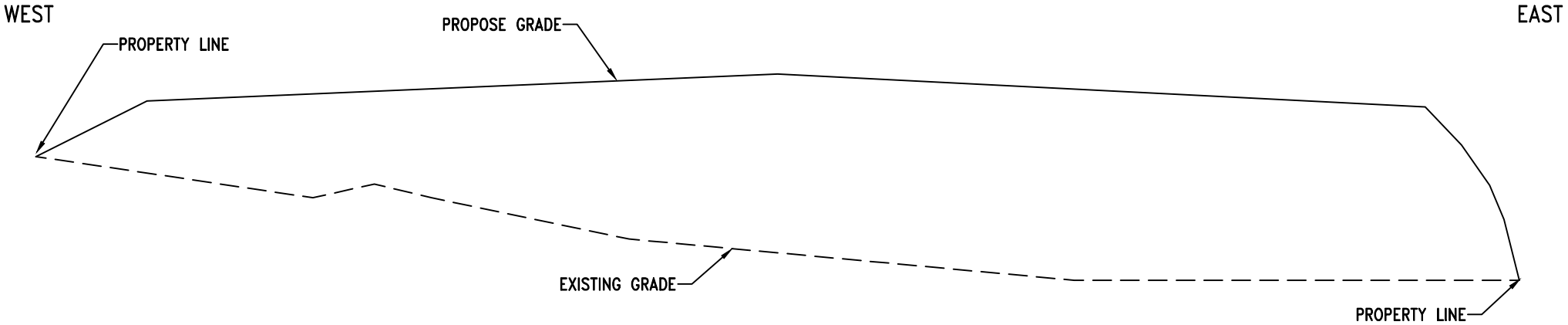
FOR PERMITTING ONLY



A–A

SCALE: 1"=80' HORIZ., 1"=10' VERT.

FOR PERMITTING ONLY



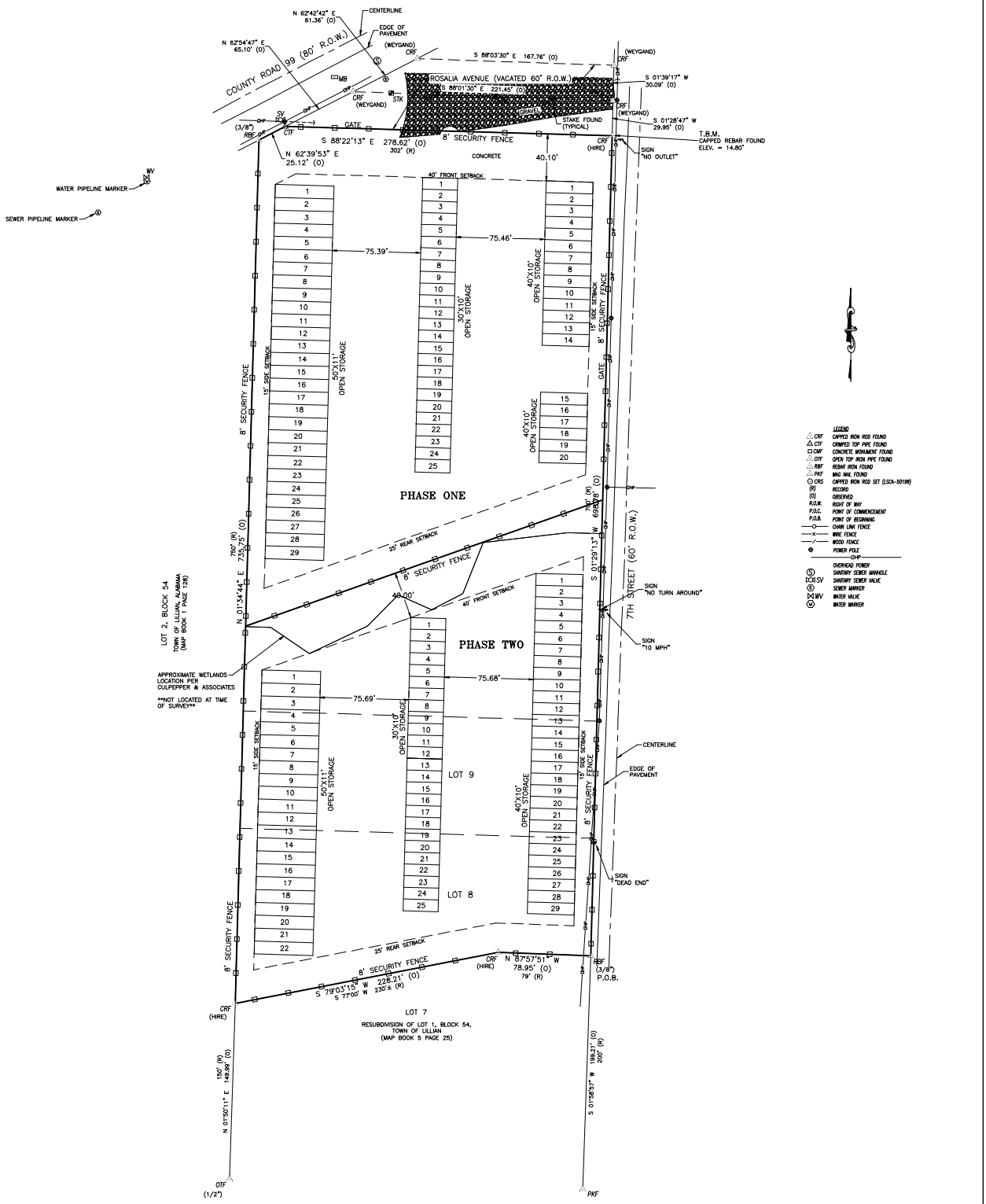
B–B

SCALE: 1"=30' HORIZ., 1"=10' VERT.

CULPEPPER & ASSOCIATES
P.O. BOX 1407
LONG BEACH, MS 39560
billyculpepper@gmail.com
PHONE: 228 518 0905

CROSS SECTION EXHIBIT

WETLAND IMPACT EXHIBIT
TELLUS 5X, LLC
LILLIAN, AL 36549
PROPOSED BOAT STORAGE



LEGEND
- CRF — CAPPED IRON ROD FOUND
- CTF — CRIMPED TOP PIPE FOUND
- CMF — CONCRETE MONUMENT FOUND
- OTF — OPEN TOP IRON PIPE FOUND
- RBF — REBAR IRON FOUND
- PKF — MAG NAIL FOUND
- CIRS — CAPPED IRON ROD SET (LSCA-50199)
- (R) — RECORD
- (O) — OBSERVED
- R.O.W. — RIGHT OF WAY
- P.O.C. — POINT OF COMMENCEMENT
- P.O.B. — POINT OF BEGINNING
- CHAIN LINK FENCE
- WIRE FENCE
- WOOD FENCE
- POWER POLE
- OHP — OVERHEAD POWER
- SS — SANITARY SEWER MANHOLE
- SV — SANITARY SEWER VALVE
- SM — SEWER MARKER
- WV — WATER VALVE
- W — WATER MARKER

STATE OF ALABAMA
COUNTY OF BALDWIN

THE NORTH 500 FEET OF LOT 1, BLOCK 54, TOWN OF LILLIAN, AS RECORDED IN MAP BOOK 1 PAGE 128 (FOUND ON SLIDE 66-A) IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA;
AND LOTS 8 AND 9, RESUBDIVISION OF LOT 1, BLOCK 54, TOWN OF LILLIAN, AS RECORDED IN MAP BOOK 5 PAGE 25 (FOUND ON SLIDE 339-A) IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA;
SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A REBAR AT THE SOUTHEAST CORNER OF LOT 8, RESUBDIVISION OF LOT 1, BLOCK 54, TOWN OF LILLIAN, AS RECORDED IN MAP BOOK 5, PAGE 25 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE NORTH 87°57'51" WEST 78.95 FEET TO A CAPPED REBAR; THENCE SOUTH 79°03'15" WEST 228.21 FEET TO A CAPPED REBAR; THENCE NORTH 01°34'44" EAST 735.75 FEET TO A REBAR ON THE SOUTHEAST LINE OF COUNTY ROAD 99; THENCE NORTH 62°39'53" EAST ALONG SAID SOUTHEAST LINE 25.12 FEET TO A CRIMPED TOP PIPE ON THE SOUTH LINE OF ROSALIA AVENUE (VACATED); THENCE SOUTH 88°22'13" EAST ALONG SAID SOUTH LINE 278.62 FEET TO A CAPPED REBAR ON THE WEST LINE OF 7TH STREET; THENCE SOUTH 01°29'13" WEST ALONG SAID WEST LINE 698.78 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

MATTHEW ROBERTS, ALABAMA LICENSE NO. 30355

NOTES:
1. TYPE OF SURVEY: BOUNDARY AND TOPOGRAPHIC
2. RECORD DIMENSIONS BASED ON THE FOLLOWING DOCUMENTS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA:
   -PLAT OF SUBDIVISION, MAP BOOK 1 PAGE 128
   -PLAT OF SUBDIVISION, MAP BOOK 5 PAGE 25
   -STATUTORY WARRANTY DEED, INSTRUMENT NO. 1910357
3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES OF MOBILE. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES OF MOBILE.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 24X36 PAPER IN PORTRAIT VIEW WITH NO SCALING.
6. FIELD WORK COMPLETED ON NOVEMBER 26, 2024
7. BASIS OF BEARING: BEARINGS ESTABLISHED HEREON ARE REFERENCED TO THE FLORIDA NORTH STATE PLANE COORDINATE SYSTEM AND ESTABLISHED BY REAL TIME KINEMATIC GPS OBSERVATIONS MADE USING THE FDOT CORS NETWORK.
8. ELEVATION ESTABLISHED USING RTK GPS ON FDOT CORS NETWORK (NAD 88).
9. CONTOURS RUN AT 0.5' INTERVALS.

REV	1	12/23/2024	ADDED WETLANDS LOCATED PER PDF PROVIDED BY CLIENT

PARTY CHIEF: AK	DRAWN: AJ	CHECKED: BG
DATE: 12/2/24	SCALE: 1" = 40'	
DRAWING NUMBER: 24MS053	FB/PG: N/A	

CLIENT: TELLUS 5X, LLC

TITLE: BOAT STORAGE SITE PLAN
12494 COUNTY ROAD 99
LILLIAN, ALABAMA

SMITH CLARK & ASSOCIATES OF MOBILE
dba BYRD SURVEYING
2900 Hatle Mill Road
Mobile, Alabama 36606
(251) 476-9010
BYRDSURVEYING.BIZ

CULPEPPER & ASSOCIATES

P. O. Box 1407
Long Beach, MS 39560
(228) 518-0905
billyculpepper@gmail.com

Adjacent Property Owners
12494 County Rd. 99, Lillian, AL

West: RDE and R Real Estate, LLC, 1473 Lake Mailande Dr., Meridian, MS 39301

South: Perdido Bay Fish Camp, LLC, 17305 Joe Gottler Rd., Elberta, AL 36530

East: Robert Wilters, ETAL, P. O. Box 835, Bay Minette, AL 36507

Joann Myers, P. O. Box 8879, Columbus, MS 39705

Carolyn L Mullis, 28103 Perdido Beach Blvd., Unit 110, Orange Beach, AL 36561

Baldwin County Commision Ofc.,312 Courthouse Square, Ste. 12, Bay Minette, AL 36507

Donald R Lindsey, ETAL, Linda B and as Trustee Rev. Living Trust, P. O. Box 2493, Pensacola, FL 32513

North: Ronald Bellars, ETAL, 33261 N. Pickens Ave., Lillian, AL 36549

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: 4.9 Acres At 12494 County Rd. 99 City/County: Lillian Sampling Date: 12/03/24

Applicant/Owner: Tellus 5X, LLC, State: AL Sampling Point: A

Investigator(s): Culpepper and Associates Section, Township, Range: Sec. 26, T7S, R6W

Landform (hillslope, terrace, etc.): Palustrine Drain Local relief (concave, convex, none): concave Slope (%): 0-1

Subregion (LRR or MLRA): LRR T Lat: 30.4056N Long: -87.439 Datum: WGS 84

Soil Map Unit Name: Hyde, Bayboro, and Muck NWI classification: PFO1/4C

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ 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 ✔	No _____	**Is the Sampled Area within a Wetland?** Yes ✔ No _____
Hydric Soil Present?	Yes ✔	No _____	
Wetland Hydrology Present?	Yes ✔	No _____	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ✔ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ✔ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ✔ Water-Stained Leaves (B9)
- ✔ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ✔ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ✔ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ✔ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ✔ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No ✔	Depth (inches): _____
Water Table Present?	Yes ✔	No _____	Depth (inches): 10
Saturation Present? (includes capillary fringe)	Yes ✔	No _____	Depth (inches): 4

Wetland Hydrology Present? Yes ✔ No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

NA

Remarks:

Degraded bayhead drain. Surrounding encroachment and impacts from historical development surrounding the subject site.

VEGETATION – Use scientific names of plants.

Sampling Point: A

Tree Stratum (Plot sizes: 30 sm)	Absolute % Cover	Dominant Species?	Indicator Status
1. Magnolia virginiana	40	yes	FACW
2. Nyssa sylvatica	20	yes	FACW
3. Pinus elliottii	20	yes	FACW
4.			
5.			
6.			
7.			
	80	= Total Cover	
Sapling Stratum (30 sm)			
1. Persea borbonia	10	no	FACW
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Shrub Stratum (30 sm)			
1. Ilex coriacea	40	yes	FACU
2. Cyrilla racemiflora	20	yes	FACW
3.			
4.			
5.			
6.			
7.			
	60	= Total Cover	
Herb Stratum (30 sm)			
1.	20	yes	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	20	= Total Cover	
Woody Vine Stratum ( )			
1. Smilax laurifolia	5	no	FACW
2.			
3.			
4.			
5.			
	5	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)

Total Number of Dominant Species Across All Strata: _____ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Definitions of Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? Yes ✔ No _____

Remarks: (If observed, list morphological adaptations below).

Recently mulched understory partially near line

SOIL

Sampling Point: A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-4	10YR 2/1	100					org/fsl	
4-15	10YR 4/1	95	10YR 4/4	5	CS	M	fsl	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ✔ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ✔ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ___ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12) (LRR T, U)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if observed):

Type: NA

Depth (inches): ___

Hydric Soil Present? Yes ✔ No ___

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: 4.9 Acres At 12494 County Rd. 99 City/County: Lillian Sampling Date: 12/03/24

Applicant/Owner: Tellus 5X, LLC State: AL Sampling Point: B

Investigator(s): Culpepper and Associates Section, Township, Range: Sec. 26, T7S, R6W

Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): convex Slope (%): 2-5

Subregion (LRR or MLRA): LRR T Lat: 30.4065 Long: -87.4385 Datum: WGS 84

Soil Map Unit Name: Plummer NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ 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 ✔	No ✔	**Is the Sampled Area within a Wetland?** Yes _____ No ✔
Hydric Soil Present?	Yes ✔	No ✔	
Wetland Hydrology Present?	Yes ✔	No ✔	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15) **(LRR U)**
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No ✔	Depth (inches): _____
Water Table Present?	Yes _____	No ✔	Depth (inches): _____
Saturation Present? (includes capillary fringe)	Yes _____	No ✔	Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✔

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

NA

Remarks:

Moderately well drained hillslope

VEGETATION – Use scientific names of plants. Sampling Point: B

Tree Stratum (Plot sizes: 30 sm)	Absolute % Cover	Dominant Species?	Indicator Status
1. Quercus virginiana	40	yes	UPL
2. Q. nigra	30	yes	FAC
3. Juniperus virginiana	30	yes	FACU
4.			
5.			
6.			
7.			
	100	= Total Cover	
Sapling Stratum (30 sm)			
1. Q. nigra	10	yes	FAC
2. J. virginiana	10	yes	FACU
3.			
4.			
5.			
6.			
7.			
	20	= Total Cover	
Shrub Stratum (30 sm)			
1. Ilex vomitoria	30	yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
	30	= Total Cover	
Herb Stratum (30 sm)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
		= Total Cover	
Woody Vine Stratum ( )			
1. Smilax auriculata	5	no	FACU
2.			
3.			
4.			
5.			
	5	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)

Total Number of Dominant Species Across All Strata: _____ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Definitions of Vegetation Strata:

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Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? Yes _____ No ✓

Remarks: (If observed, list morphological adaptations below).

Recently mulched understory

SOIL

Sampling Point: B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-6	10YR 2/1	100					org/fsl	
6-15	10YR 5/6	99					fsl	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Organic Bodies (A6) **(LRR P, T, U)**
- ___ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ___ Muck Presence (A8) **(LRR U)**
- ___ 1 cm Muck (A9) **(LRR P, T)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Coast Prairie Redox (A16) **(MLRA 150A)**
- ___ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR P, S, T, U)**
- ___ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ___ Thin Dark Surface (S9) **(LRR S, T, U)**
- ___ Loamy Mucky Mineral (F1) **(LRR O)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR U)**
- ___ Depleted Ochric (F11) **(MLRA 151)**
- ___ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ___ Umbric Surface (F13) **(LRR P, T, U)**
- ___ Delta Ochric (F17) **(MLRA 151)**
- ___ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ___ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR O)**
- ___ 2 cm Muck (A10) **(LRR S)**
- ___ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ___ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ___ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12) (LRR T, U)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if observed):

Type: NA

Depth (inches): ____

Hydric Soil Present? **Yes** ____ **No** ✓

Remarks:

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): March 14, 2025

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Tellus 5X, LLC, P. O. Box 3630, Bay St. Louis, MS 39521

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Mobile District

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: (USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES12494 County Road 99

State: AL County/parish/borough: Baldwin County City: Lillian

Center coordinates of site (lat/long in degree decimal format): Lat. 30.406° **Pick List**, Long. -87.438°
Universal Transverse Mercator:

Name of nearest waterbody: Perdido Bay

Identify (estimate) amount of waters in the review area:
Non-wetland waters: 0 Acres
Cowardin Class: NA
Stream Flow: NA
Wetlands: 2.2 +/- Acres
Cowardin Class: Palustrine

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: None
Non-Tidal: None

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): December 3, 2024

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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 Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☐ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

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

☐ Data sheets prepared by the Corps: .

☐ 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: .

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .

☐ National wetlands inventory map(s). Cite name: .

☐ State/Local wetland inventory map(s): .

☐ FEMA/FIRM maps: .

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date): .

or ☐ Other (Name & Date): .

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

☐ Other information (please specify): .

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

, Agent 03/14/25

Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

Site number	***Latitude***	***Longitude***	***Cowardin Class***	***Estimated amount of aquatic resource in review area***	***Class of aquatic resource***
1	30.4056	-87439	PFO1/4C	2.2 (+/-) Acres	Non-section 10 –wetland

U.S. Fish and Wildlife Service
National Wetlands Inventory

Wetlands

March 16, 2025

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Map Scale: 1:1,450 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 20 40 80 120

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Baldwin County, Alabama
Survey Area Data: Version 17, Sep 10, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 12, 2021—Dec 22, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Hb	Hyde, Bayboro, and Muck soils	2.7	38.5%
LaB	Lakeland loamy fine sand, 0 to 5 percent slopes	0.8	10.7%
PmB	Plummer loamy sand, 0 to 5 percent slopes	3.6	50.8%
Totals for Area of Interest		**7.0**	**100.0%**

Wetland Rapid Assessment Procedure

☑ Check one
☒ Existing Conditions ☐ Proposed Conditions (WRAP)

Application Number	Project Name	Date	Evaluator	Wetland Type
	Tellus 5X Boat Storage	03/14/25	Culpepper	PFO

Land Use	FLUCCS Code		Wetland Acreage
Forested		Description: Bayhead	2.2

Wildlife Utilization (WU)	Wetland Canopy (O/S)	Wetland Ground Cover (GC)
1	2	1.0

Habitat Support / Buffer

Buffer type	(Score)	X (% of area)	=Sub Totals
Commercial		40	1
Residential		30	1
Und. Managed		30	2

TOTAL 1.3

Field Hydrology (HYD): 2

WQ Input & Treatment (WQ)*: 1.6

* The value of WQ is obtained by adding the TOTAL scores of Land use Category and Pretreatment category then dividing by 2

Land use Category (LU)

Land use Category	(Score)	X (% of area)	=Sub Totals
Hwy Mod w/ Comm	1.0	40	.0.4
Res.	1.5	30	0.45
Undeveloped	2.5	30	0.75

(LU) TOTAL 1.6

Pretreatment Category (PT)

Pretreatment Category	(Score)	X (% of area)	=Sub Totals
Undeveloped	3.0	30	0.9
Roadside Swale (E)	1.0	70	0.7

(PT) TOTAL 1.6

WRAP Score: 0.494

Field Notes:

Wildlife Utilization (WU)

Frequent human disturbances located in a residential and commercial and residential area. Limited upland food sourcesdue to human development and uses. Wildlife limited to highly adaptable small mammals, reptiles, and small birds.

Wetland Canopy (O/S)

Canopy less than %25 undesireable, somewhat immature, and providing habitat support.·
Wetland overstory/shrub canopy is providing habitat support canopy/shrub seedling.
· Few snags or den trees.
· Healthy live canopy trees with minimal evidence of disease or insect damage.

Wetland Ground Cover (GC)

Ground cover is primarily higher density scrub shrub and historical human impacts evident. Impacted historically and recently partially mulched.

Habitat Support / Buffer

Commercial north and east of subject site, residential east and south of site, and undeveloped but managed land west of subject site.

Field Hydrology (HYD)

Wetland hydroperiod adequate, although road and roadside ditch diverting somewhat. Upland diversion from development and historical fill impacting wetland/upland interface surface runoff influencing the hydroperiod of site.

WQ Input & Treatment (WQ)

LU: Moderate Vol Hwy and Commercial
Residential
Undeveloped

PT: Runoff treaterd from vegetated buffer adjacent to roadside, grass swale/veg. buffer and undeveloped areas

ENVIRONMENTAL ASSESSMENT

Project: Tellus 5X, LLC, Proposed Boat Storage, Approximately 4.9 Acres At 12494 County Road 99, Lillian, Sec. 26, T7S, R6W, Baldwin County, AL; Parcels: 52-07-26-0-002-055.000 and 05-52-07-26-0-002-056.000

Date: March 14, 2025

Statement of Purpose / Need

The purpose of the project is to develop an economically viable boat storage facility. The proposed project will require approximately 2.2 acres of impact to palustrine forested wetland to support the construction of covered boat storage. The project is proposed adjacent to the public Lillian Boat Launch.

Alternatives Analysis

Introduction and Project Overview

The subject site is a mostly undeveloped forested property located in a commercial area adjacent to County Road 99, Lillian, Baldwin Co., AL. The site address is 124 County Road 99, Lillian, AL. A concrete slab from a previous structure remains at the north end of the subject site. The subject site contains riparian forested palustrine wetland within the Perdido Bay watershed. The subject site is moderately disturbed from adjacent development, drainage diversion, improper onsite debris disposal, and previous developed use. Commercial development and County Road 99 are located adjacent to the north, 7th Street is adjacent to the east boundary, and undeveloped private land is adjacent to the south and west. The project is located in a existing residential and commercial area. Utilities exist for use by development in the area. The area consists of a mixture of medium density commercial development and other vacant wooded lands. The project is proposed primarily within the moderately well drained area of the site with available infrastructure to support the project.

Wetland impacts will be required to develop economically viable boat storage. The subject site design was determined to be the most practicable site and site design considering location, land cost, development cost, environmental considerations and permitting, zoning, utility availability, and demand. The subject site is approximately 4.9 acres in size, and approximately 2.2 acres of the site consist of palustrine forested wetland. In order to achieve an acceptable return on investment, development of the whole site is required. The proposed project will require approximately 2.2 acres of permanent wetland impacts for boat storage facility construction.

No Construction Alternative. The no-action alternative is defined as no construction of the boat storage development. The property would remain vacant, and the owner would be required to sell the property to others to attempt to recapture the capital invested in the property. In the event that the applicant didn't sell the property, a no- action alternative would require the applicant to sustain a loss of investment capital and loss of reasonable economic use of the applicant's property. These consequences are unacceptable and not practicable to the applicant. The no-action alternative will not meet the stated purpose of the project and is not the least environmentally damaging practicable alternative.

Alternative Sites. Alternative sites could accommodate this commercial development, however development of other sites would not be the most practicable alternative. Because of plans of others, local land zoning, greater environmental impacts, project viability considering location, property costs, and less viable proximity to the Lillian boat launch, the alternative locations considered were not the least environmentally damaging practicable alternative. If the applicant purchased other property, the property currently proposed for development would still be further subjected to development pressure. The proposed project area contains a relatively large amount of contiguous upland with adequate adjacent infrastructure. Primarily, the location across Seventh Street from the Lillian public boat ramp. Development of other properties in the area was considered and rejected due to unfavorable characteristics of the sites. The least environmentally damaging practicable alternative is the site selected, Site D.

The project proponent's selection criteria include very close proximity to the public boat ramp, suitable zoning for the boat storage project, suitable size to accommodate storage, ingress/egress, and related utilities for approximately 150 boats. Preference is for the site to be located adjacent to the public launch and not require travel on the moderately high volume highways, County Road 99 and Hwy 98.

Google Earth. Alternative Site Locations.

Alternative Site A.

Alternative site A consists of approximately 1.6 acres east of the subject site. Site A is located east of 7th Street and adjacent to and north of Baldwin County Commission property that is the site of the public boat ramp. This site is not currently commercially available. The site appears to be mostly comprised of wetland based on the hydric soils indicated by the NRCS Web Soil Survey and is adjacent to Perdido Bay. Due to the configuration of Alternative site A, this alternative site could only accommodate 60 boats. Considering that the site would require similar wetland permitting

costs and the smaller size, this site is not practicable for the project proponent. This site is not feasible and is not the least environmentally damaging practicable alternative.

Alternative Site B.

Alternative Site B consists of approximately 15 Acres west of the Preferred Site D and south of County Road 99. This alternative site consists primarily of partially cleared unimproved property. Alternative Site B is located within the same area, however is much greater in size. The same utility and infrastructure considerations exist for Alternative Site B. Alternative Site B appears from hydric soil indications of the NRCS Web Soil Survey that it may be composed of a significant portion of wetland. The apparent wetland is associated with the same wetland feature located on Site D and is located within the same immediate drainage feature as the subject site. Alternative Site B is located south of and adjacent to County Road 99 and is not in a favorable location considering the need to drive further to the public boat ramp. Additionally, return from the boat ramp to Alternative B would require crossing County Road 99 opposing traffic with a boat trailer twice to return to the site. While this is not impossible it is less preferential for safety and traffic purposes. Last, this alternative is approximately 15 acres in size which is too large and would require additional development to render feasible. Greater wetland impacts would be required due to the greater amount of wetland on the site. Due to less preferential location, likely greater acquisition cost, and greater wetland impacts to utilize the site, this site was eliminated for consideration, and it is not the least environmentally damaging practicable alternative.

Alternative Site C.

Alternative Site C consists of approximately 1.65 acres and is located south of the Preferred Alternative Dand west of 7th Street. Alternative Site C appears to consist primarily of wetland based on hydric soil indications from the NRCS Web Soil Survey. While this site is located in the preferred close proximity to the public boat ramp, it is similar in size to alternative site A which has been determined to be too small considering it would support approximately half of the boat storage proposed by the preferred alternative. With consideration of the apparent near total composition of

wetland and smaller size, this alternative was rejected in favor of the Preferred Alternative Site D.

Alternative Site D.

Alternative Site D consists of approximately 4.9 acres adjacent to 7th Street and across from the Lillian Public Boat Ramp. Site D includes approximately 2.2 acres of wetland as a result of delineation of the site wetlands. Alternative Site D previously was partially developed near the north end close to County Road 99. That building has been previously demolished however the concrete foundation remains. The remainder of the site is wooded and undeveloped. This site will require a Section 404 permit to fill the wetland in order to provide suitable grade and elevation to construct the boat storage facility. The proposed project is compatible with surrounding uses and will support the existing public facility. The site size is appropriate for the required number of storage units. While this site would require wetland impacts, due to site and location Site D is the preferred site and is the least environmentally damaging preferred alternative.

Alternative Site Design. The on-site alternatives consist of three development scheme considerations, complete usage of the property (Alternative Design A), the preferred design alternative, partial usage of the property with avoidance of all of the wetland impact (Alternative Design B), and partial development of the subject site that includes development of some wetland (Alternative Design C). The subject property is approximately 4.9 acres in total size and contains approximately 2.2 acres of wetland that is distributed throughout the southern portion of the site. The upland portion of the property is generally located at the north half of the site. The attached pro forma economic analysis provides the basis for which the rejected alternatives are not practicable. This demonstration indicates that total wetland avoidance described in Alternative Design B would result in only debt service coverage while complete usage of the site with the Preferred Alternative A would provide acceptable income potential. Using this pro forma basis to extrapolate income for Alternative B, the resultant cash flow would not be acceptable at roughly half of Preferred Alternative A. Considering the capital risk necessary to achieve this cash flow outcome, the Alternative B was rejected in favor of Preferred Alternative A. The alternative schemes are further described below.

Alternative Design A would require the total development of the subject site and is the preferred alternative. This option would require permanent impact to approximately 2.2 acres of wetland. This option would allow the development of 150 boat storage units. The costs of the property, capital risk, and development improvements require the total usage of the site to provide an acceptable return on investment. The project proponent has identified the storage need for 150 boats based on apparent usage of the public boat ramp. This is the preferred alternative and with compensatory mitigation is the least environmentally damaging practicable alternative.

Alternative Design B is the development of only the upland portion of the site, and would require abandonment of approximately half of the proposed project due to configuration of the wetland location on the site. Approximately 2.2 acres of the subject site consists of wetland and would be avoided to remain wooded wetland. Without utilization of this portion of the site the project would be prohibitively expensive given the cost of the land and proposed improvements. Avoidance of this portion of the project would require the project proponent to sell the unutilized portion of the site to attempt to recoup a portion of the acquisition costs. Subsequently, the project would require substantial reduction in boat storage capacity and would not accommodate the boat storage need. Alternative Design B is not the least environmentally damaging practicable alternative and was rejected by the project proponent.

Alternative Design C would allow the development of the upland portion of the site with partial impact to approximately half of the wetland on the site to develop as part of the boat storage facility. This option will require permanent impact to approximately 1.1 acre wetland while avoiding the remaining 1.1 acres of wetland. This option avoids a majority of the wetland on the site and would allow development of the upland. While this would allow usage of a majority of the site, the remaining portion of the site would be unutilized and result in a loss of investment capital. To prevent this loss the project proponent would be required to sell this portion of the site further subjecting it to development. This alternative is not the most practicable least damaging alternative considering the land and development costs.

Storm Water Quality. The subject development has been engineered to meet or exceed Alabama Department of Environmental Management Water Quality Standards and local standards. This standard assures State and Federal Agencies that the subject development will not cause any adverse impacts to the receiving stream, Perdido Bay.

Affected Environment

Site Analysis. The property is currently vacant and wooded forested land. The site is surrounded by a low and medium density residential and commercial development and vacant land. The habitat on the site is characterized as non-tidal palustrine forested wetland. The project site is located above the headwaters and all surface runoff is directed through wetland and upland prior to entering the wetland on the site. Hydrology is influenced primarily by rainfall and groundwater.

Wetland Mitigation. The applicant proposes to impact and provide mitigation for 2.2 acres of permanent impact to low quality palustrine forested wetland. Mitigation will include purchase of 6.6 mitigation credits from Lillian Swamp Mitigation Bank, an approved mitigation banks servicing the project area. Included herewith is a WRAP assessment detailing the basis for the low quality designation.

Water Quality. Stormwater from the undeveloped site currently flows into the wetland. Storm water control and treatment features are designed within the project for pervious surfaces.

Wetland Resources. The wetlands proposed for impact on the site are palustrine forested wetland upgradient from the outfall at Perdido Bay. There is no stream associated with this wetland area and surface water movement is only likely in extreme weather events. The wetland can be assigned a low quality based on the habitat type and disturbance levels. Generally, natural wetlands, free of disturbances, are given a high value. Medium quality wetlands show moderate signs of past disturbance or uncharacteristic vegetation. Low quality wetlands may have ditches present and impacts and alterations to vegetation are apparent. The wetlands are deemed to be of low quality due to the past disturbances and compartmentalization by the surrounding development, impacts to

vegetative components from suppressed burning, areas of decreased hydroperiod due to historical drainage alterations and diversion, and adjacent development impacts and their encroachments. See WRAP assessment included for further detail.

Cultural Resources. No cultural resources have been identified, however if any are discovered Alabama Department of Archives and History will be immediately notified. No buildings are present on the subject site.

Threatened and Endangered Species. The site does lie within the range of several federally listed endangered species. No listed species been observed on the site or in the vicinity, and the site does not contain any critical habitat for listed species. The USFWS IPaC species list is included herewith, USFWS Project Code: 2025-0069909.

Submerged Aquatic Vegetation. NA

Shellfish Resources. NA

Environmental Consequences

Wetland Impacts and Mitigation. Approximately 2.2 acres of low quality palustrine forested wetland will be permanently impacted for commercial development. Best management practices will be employed to mitigate any secondary impacts to wetlands. Furthermore, stormwater controls will be designed to maintain water quality per the requirements of ADEM. The applicant proposes to impact and provide mitigation for 2.2 acres of permanent impact to low quality palustrine forested wetland. Mitigation will include purchase of 6.6 mitigation credits from Lillian Swamp Mitigation Bank, an approved mitigation banks servicing the project area.

Dredge or Excavation Impacts. NA

Construction of Structures. Site preparation and proper grade will be established. Subsequently, utility infrastructure and facility amenities for the boat storage will be completed. Permanent cover will be established as soon as practicable.

Water Quality and Stormwater Plan. Best management practices to control sedimentation will be employed to insure ADEM requirements are met. The site is less than 5 acres in size, and a copy of the Storm Water Pollution Prevention Plan will be kept on site. Sanitary sewer facilities will not be required at the site.

Coastal Use Impacts

Public Trust Tidelands. The site not located below mean high water and is not an Alabama Public Trust Tideland.

Coastal Zone Management Plan. The Alabama Coastal Area Management Program (ACAMP) is part of the National Coastal Zone Management Program and was approved by NOAA in 1979. It is administered by the Alabama Department of Conservation and Natural Resources (ADCNR) and the Alabama Department of Environmental Management (ADEM).

The Alabama coastal zone extends inland to the continuous 10-foot contour in Mobile and Baldwin Counties. A portion of the proposed project is located within the Alabama Coastal Zone and Coastal Zone Consistency is required from ADEM prior to Department of Army 404 permit issuance.

Surrounding Uses. The project is compatible with the existing surrounding uses in the project area that are primarily commercial and undeveloped.

Water Dependency. The wetlands on the subject site are non-navigable. Other alternatives have been evaluated, and the proposed project is the least environmentally damaging practicable alternative.

Navigation. Navigable waters will not be affected by the proposed project. The subject wetlands consist of palustrine forested wetland above the headwaters of the local drainage basin.

Public Interest

Public Interest Considerations. The proposed project will support the identified need for boat storage near the public boat ramp. Furthermore, the proposed project will support the growth of the local construction labor market and serve the needs generated by the expanding economies and tax base of Baldwin County, AL. The project represents only a minimal impact to the public interest of wetlands protection in return for creating needed economic opportunities. With compensatory mitigation for impacts to wetland, the adverse cumulative impacts of similar projects are deemed to be insignificant.

Public Interest Statement. The public interest will be served by creating economic opportunities, employment opportunities, the expansion of the tax base, and by providing tax revenue to Baldwin County and the Alabama Coast.

Lillian Boat Storage

12494 CR 99 & 0 7th St, Lillian, AL 36549

	Phase 1	Phase 1 & 2
POTENTIAL INCOME		
Potential Gross Income	$181,755	$360,311
REVENUE		
Storage Rental Revenue	$163,580	$324,280
Fee Income	21,811	43,237
Total Revenue	**$185,391**	**$367,517**
ECONOMIC OCCUPANCY	**90.00%**	**90.00%**
EXPENSES		
310 · Advertising	$7,416	$14,701
360 · Bank Service Charges	$6,903	$13,331
370 · Call Center	$7,416	$14,701
400 · Contract Labor	$25,758	$25,758
470 · Dues and Subscriptions	$1,030	$1,030
510 · Insurance	$17,000	$17,000
580 · Legal & Accounting	$2,576	$2,576
610 · Office & Printing Expense	$5,152	$5,152
660 · Repairs and Maintenance	$12,364	$12,364
672 · Management Fees	$18,539	$36,752
677 · Seminars & Conferences	$2,576	$2,576
700 · Taxes & Licenses	$4,336	$4,336
710 · Telephone	$1,545	$1,545
720 · Travel	$3,606	$3,606
740 · Utilities and Cable	$4,121	$4,121
Total Expenses	**$120,337**	**$159,547**

Cash Flow Summary

NOI	**$65,054**	**$207,970**
Debt Service-Interest Payment	**(63,583)**	**(81,032)**
Debt Service-Principal Repayment	**0**	**0**
Cash Flow After Debt	**$1,471**	**$126,938**
Debt Coverage Ratio	**1.02**	**2.57**

Soil Map—Baldwin County, Alabama

Map Scale: 1:1,050 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 15 30 60 90

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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Soil Survey Area: Baldwin County, Alabama
Survey Area Data: Version 17, Sep 10, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

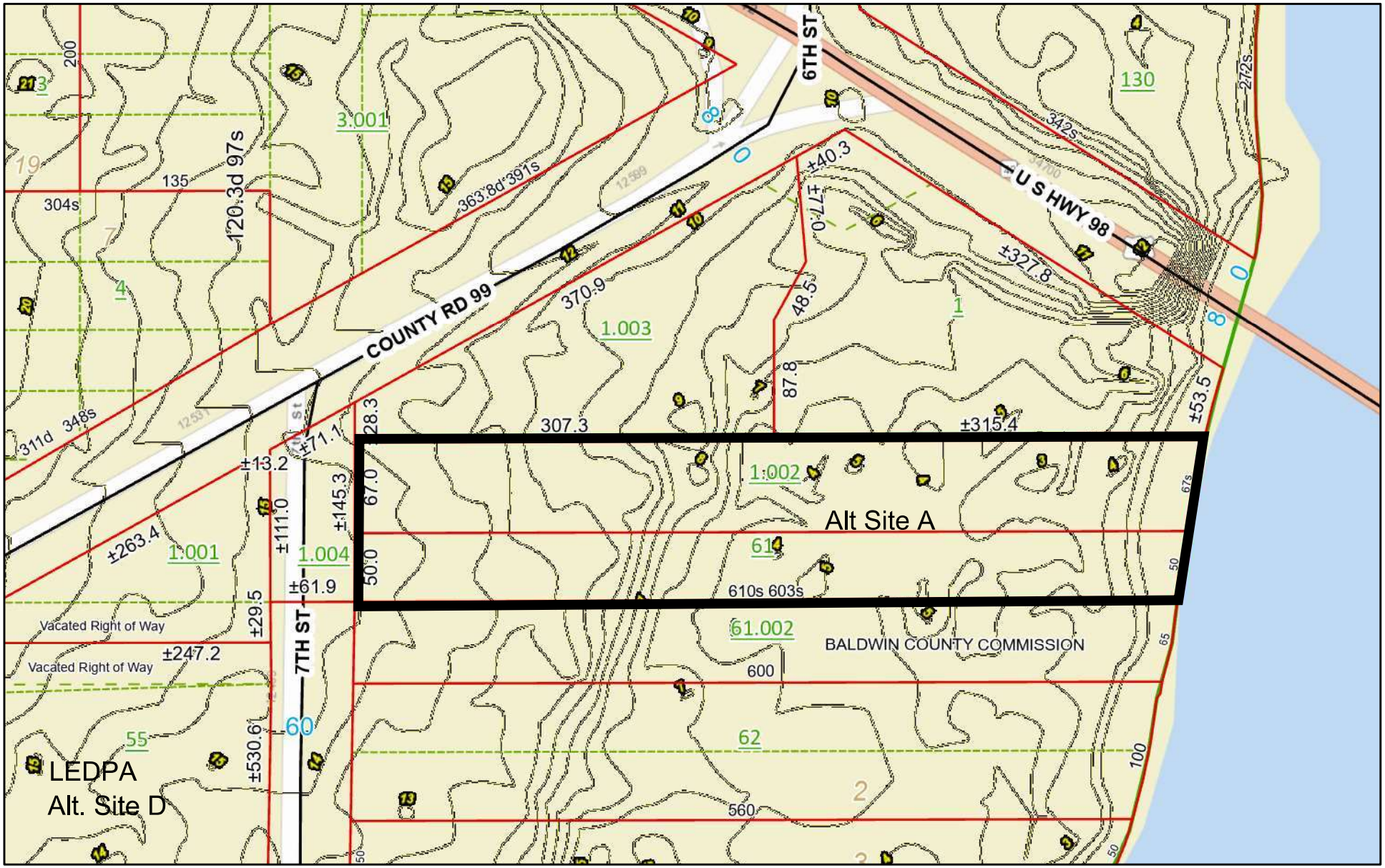
Date(s) aerial images were photographed: Nov 12, 2021—Dec 22, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Co	Beaches, 0 to 8 percent slopes, gulf coast	0.1	4.6%
Hb	Hyde, Bayboro, and Muck soils	1.9	87.2%
LaB	Lakeland loamy fine sand, 0 to 5 percent slopes	0.1	4.4%
PmB	Plummer loamy sand, 0 to 5 percent slopes	0.1	3.8%
Totals for Area of Interest		**2.2**	**100.0%**

Viewer Map



March 11, 2025

Parcel Line Labels

COGO

Parcels

ConveyanceDivisions

Centerlines

Coastal Control Line

Lot Lines

Conflicts

County Boundary

Alternative Site A
Tellus 5X, LLC

1:1,404

0 65 130 260 ft

0 15 30 60 m

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Map Scale: 1:2,690 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 35 70 140 210

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

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- Area of Interest (AOI)

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- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
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- Stony Spot
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Map Unit Legend

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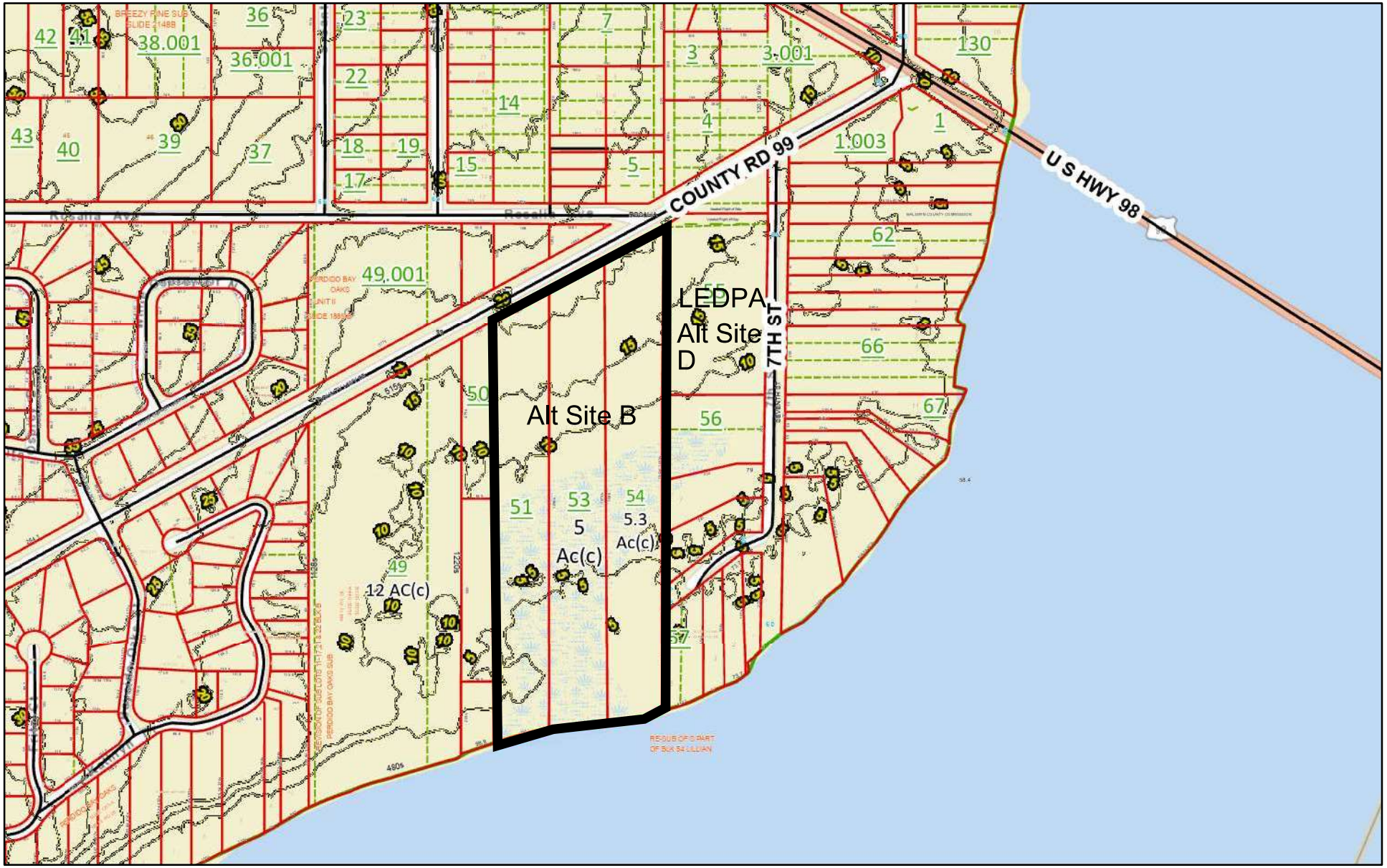
Co	Beaches, 0 to 8 percent slopes, gulf coast	0.7	4.3%
Hb	Hyde, Bayboro, and Muck soils	10.2	60.1%
LaB	Lakeland loamy fine sand, 0 to 5 percent slopes	4.3	25.3%
PmB	Plummer loamy sand, 0 to 5 percent slopes	1.7	10.3%
Totals for Area of Interest		**17.0**	**100.0%**

Viewer Map



March 11, 2025

Parcel Line Labels

COGO

Parcels

ConveyanceDivisions

Centerlines

Coastal Control Line

Lot Lines

Conflicts

County Boundary

Alternative Site B
Tellus 5X, LLC

1:5,614

0 255 510 1,020 ft

0 75 150 300 m

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Map Scale: 1:894 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 10 20 40 60

Feet
0 40 80 160 240

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

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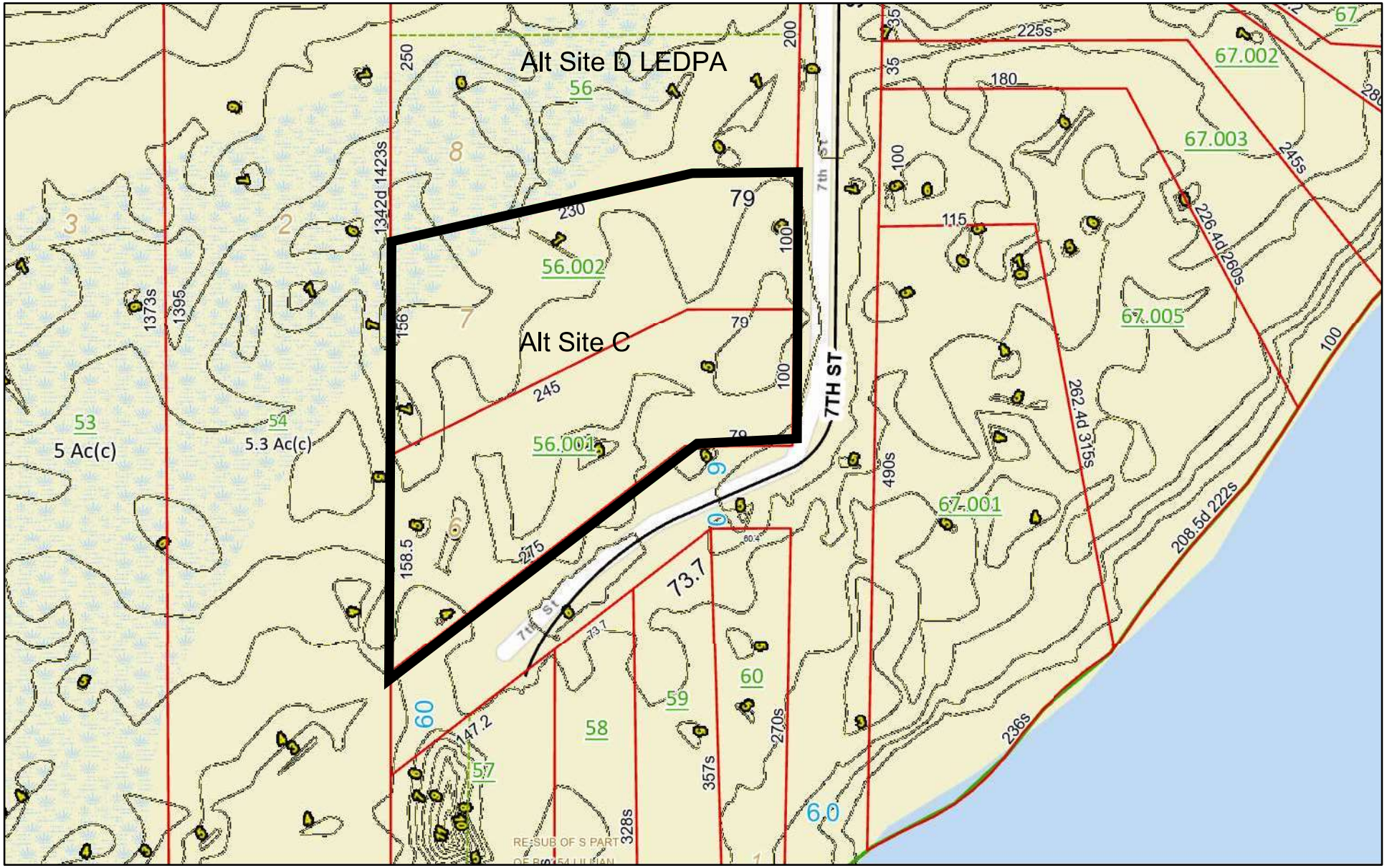
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Hb	Hyde, Bayboro, and Muck soils	3.0	100.0%
Totals for Area of Interest		**3.0**	**100.0%**

Viewer Map



March 11, 2025

Parcel Line Labels

COGO

Parcels

ConveyanceDivisions

Centerlines

Coastal Control Line

Lot Lines

Conflicts

County Boundary

Alternative Site C
Tellus 5X, LLC

1:1,404

0 65 130 260 ft

0 15 30 60 m

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
Phone: (251) 441-5181 Fax: (251) 441-6222
Email Address: alabama@fws.gov

In Reply Refer To: 03/17/2025 17:19:17 UTC
Project Code: 2025-0069909
Project Name: Tellus 5X, LLC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Project consultation requests may be submitted by mail or email (Alabama@fws.gov). **Ensure that the Project Code in the header of this letter is clearly referenced in any request for consultation or correspondence submitted to our office.**

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Ensure that the Project Code in the header of this letter is clearly referenced with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List
- Marine Mammals

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Alabama Ecological Services Field Office
1208 B Main Street
Daphne, AL 36526-4419
(251) 441-5181

PROJECT SUMMARY

Project Code: 2025-0069909
Project Name: Tellus 5X, LLC
Project Type: Commercial Development
Project Description: Boat Storage
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@30.40624485,-87.43878600528069,14z

Counties: Baldwin County, Alabama

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
West Indian Manatee *Trichechus manatus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. ***This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.*** Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

BIRDS

NAME	STATUS
Rufa Red Knot *Calidris canutus rufa* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

REPTILES

NAME	STATUS
Alligator Snapping Turtle *Macrochelys temminckii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened
Eastern Indigo Snake *Drymarchon couperi* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/646	Threatened
Kemp's Ridley Sea Turtle *Lepidochelys kempii* There is **proposed** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered

FISHES

NAME	STATUS
Gulf Sturgeon *Acipenser oxyrinchus (=oxyrhynchus) desotoi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/651	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.	Proposed Threatened

NAME STATUS

Species profile: https://ecos.fws.gov/ecp/species/9743

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

MARINE MAMMALS

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The Endangered Species Act (ESA) of 1973.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: https://ecos.fws.gov/ecp/species/4469

IPAC USER CONTACT INFORMATION

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