**Date: July 16, 2024**

**Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the HUD under part 50 has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the Economic Development Initiative – Community Project Funding (CPF) grant (HUD grant number B-22-CP-AL-0014). This project consists of activities that will expand container handling capacity at Alabama State Port Authority (ASPA) facilities located at the Port of Mobile. The geographic center of the project area is located at latitude 30.66 N, longitude 88.04 W in the city of Mobile, Mobile County.

# Project Description

The project is divided into three major components:

## APM Phase IV Terminal Expansion

This portion of the project consists of new construction to expand the existing APM container terminal at a 32-acre site located adjacent to the north. The location of this component is shaded purple on Figure 1. Activities include the construction of a new sheet pile wall in the Mobile River to facilitate the filling of approximately 13 acres of a slough of the Mobile River. An additional 19 acres of land adjacent to the slough will also be graded in preparation for the terminal expansion. The combined 32 acres will then be paved and used to expand the storage and handling capacity of the existing APM Container Terminal.

## Logistics Park

The Logistics Park component consists of an approximately 68-acre site bound by Baker Street and I-10 to the northwest, Yeend Street to the northeast and the existing ICTF to the south and southwest. This component area is shaded yellow on Figure 1. Construction of the Logistics Park will consist of site preparation including clearing, grading, filling, drainage improvements, and improvements to the Broad Street/Baker Street/Intermodal Rail Drive intersection. The drainage improvements include the diversion of stormwater from several existing culverts that cross the Logistics Park site and the existing ICTF to the south. The existing culverts are maintained by the ASPA and serve to convey stormwater from development north and west of the site to Garrows Bend. The proposed improvements include diverting some or all of the stormwater northeast to the Tennessee Street Drain via a new culvert along Baker Street. Some or all of the existing culverts beneath the Logistics Park site and existing ICTF will be abandoned in-place and filled.

## Inter-Terminal Connector

The 3,400-foot-long Inter-Terminal Connector component consists of the construction of a new road and two bridge segments that will connect the APM Container Terminal with the ICTF and the proposed Logistics Park component. **The Inter-Terminal Connector is shaded orange in Figure 1.** The Inter-Terminal Connector will begin at the APM Container Terminal and will extend southwestward over the first 1,025- foot-long bridge segment, which will cross Ezra Trice Boulevard, Yeend Street, the TASD railroad tracks, and overhead electric lines before ending along a 660-foot-long strip of new at-grade roadway located within uplands in Garrows Bend. The second 900-foot-long bridge segment will then cross tidal marsh within Garrows Bend and the Southern Drain before ending at the ICTF and the proposed Logistics

Park site. After crossing the Southern Drain just prior to returning to ground level at the ICTF, an elevated signalized tee-intersection will be constructed to provide two-way direct access to the new Logistics Park. The typical section of the new road portions of the Inter-Terminal Connector will consist of one 12-foot travel lane in each direction and 8-foot shoulders. The typical section of both new bridge segments of the Inter-Terminal Connector will consist of 40-foot-wide bridges with one 12-foot travel lane in each direction and 8-foot shoulders. Earth embankments will be constructed at each end of the roadways to facilitate grade transitions to and from the bridges. The earth embankments at the APM Container Terminal terminus will be constructed using Mechanically Stabilized Earth (MSE) walls.

The purpose of the proposed project is to allow the Port of Mobile to grow its marine terminal, rail intermodal, and logistics park capabilities, reduce intermodal and multimodal freight costs, and reduce port-wide energy consumption. The project will also support the development of the proposed rail served ICTF in Montgomery, Alabama. The project is receiving federal assistance in the form of CPF grant funds as noted above.

The Proposed Action Area is located within portions of Zone AE (100-year floodplain, base flood elevation 12 feet), Zone X (0.2 percent annual chance flood hazard; 500-year floodplain – also used to define the FFRMS Floodplain elevation per 24 CFR 55.2(b)(2 )), and Zone X (areas of minimal flood hazard) as identified on FEMA FIRM panels 01097C0566L (effective 6/5/2020) and 01097C0568L (effective 6/5/2020). In addition to the floodplains, portions of the Tennessee Street Drain within the Proposed Action Area have been designated as a regulated floodway by FEMA. The total area of floodplains impacted by this proposed action encompasses approximately 33 acres within Zone AE (100-Year Floodplain), 52 acres within Zone X Shaded (500-Year Floodplain), and 5 acres within a regulatory floodway.

A preliminary wetlands delineation of the project area has identified 22 isolated wetlands comprising 28.32 acres, including two tidal marshes. Three tidally influenced streams, one ephemeral channel, one open water, and four other waters totaling 18.66 acres were also identified.

**HUD** has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

## Floodplain Impacts

Given the nature of port facilities, the purpose of the project cannot be fulfilled in areas that are not immediately adjacent to current shorelines, riverways, and related port facilities, all of which are located within the floodplain and wetlands. Therefore, alternative locations further inland and outside of floodplain or wetlands would not meet the need and purpose of the project and were not selected. Likewise, the no-action alternative does not meet the need and purpose of the project and was not selected. Therefore, the proposed project is the only practicable alternative.

No encroachments of the floodplains or floodway are anticipated that would result in one or more of the following construction or flood related impacts:

- A significant potential for interruption or termination of a transportation facility which is needed for emergency vehicles or provides the community's only evacuation route due to the construction of the proposed project;
- A significant risk, including property loss or hazard to life; or
- A significant adverse impact on natural and beneficial floodplain values.

The construction and operation of the Proposed Action is not anticipated to disrupt emergency vehicle access and no roads within the Proposed Action Area serve as evacuation routes for communities. No property loss or hazards to life is expected to occur due to the portions of the Proposed Action Area within

the 100-year floodplain being previously disturbed by construction activities at the ASPA's Choctaw Point Complex. In addition, because of the Proposed Action Area being previously disturbed by construction activities, no significant adverse impact is anticipated to occur on natural and beneficial floodplain values. The City of Mobile regulates development of floodplains and floodways within the city limits. All work within the floodplains and floodways will be conducted in accordance with the requirements of the City of Mobile's Stormwater Management and Flood Control Ordinance, and with all other applicable federal, state, and local regulations. A "Development Permit for Properties in V- Zones, A-Zones, and X-Shaded Zones" will be submitted to the City of Mobile for their review during the design phase. Further minimization measures will be evaluated during the design and construction phases of the project to reduce impacts to the floodplains and floodway.

Impacts from construction and operation of the Proposed Action on the hydrology, drainage, and flooding conditions of the surrounding waterbodies are expected to be minimal. Coordination with the City of Mobile and FEMA will be conducted during the design phase.

## Wetlands Impacts

Because each component of the proposed project is being permitted by the USACE separately, the impacts to wetlands and waters of the US are discussed by each project component below.

### Logistics Park

At the Logistics Park, it is anticipated that three jurisdictional aquatic features will be impacted by the construction and operation of this component of the proposed project. Construction of the Logistics Park will require that these resources be completely filled to meet the Purpose and Need. The total impacts to jurisdictional aquatic features are anticipated to be 1.23 acres. A USACE CWA Section 404 permit will be required to fill these jurisdictional aquatic features. Mitigation for these impacts will be accomplished through the purchase of compensatory credits from a USACE approved mitigation bank. Permits are discussed in **Section 5.0** of the EA.

### Inter-Terminal Connector

At the Inter-Terminal Connector, the proposed design includes a bridge over tidally-influenced wetlands associated with Garrows Bend. The original design proposed filling these wetlands to construct the connector road. To minimize impacts to the wetlands, the proposed design was revised to include a bridge. Impacts to wetlands and waters of the US associated with the construction and operation of this component of the proposed project requires permitting under CWA Section 404. These impacts were permitted under USACE Project No. AL01 04269 U in 2005 and a USACE permit modification was issued in 2020.

In addition, construction of the bridge for the Inter-Terminal Connector is within the purview of the USCG Bridge Program and therefore does not require a USACE Section 10 permit. The USCG was consulted and stated in a November 15, 2022 letter that a USCG bridge permit will not be required for the construction of the proposed Inter-Terminal Connector bridges.

### APM Phase IV Terminal Expansion

At the APM Phase IV Terminal Expansion, approximately 9.302 acres of jurisdictional open water will need to be filled to meet the Purpose and Need. Impacts to jurisdictional open water associated with the construction and operation of this component of proposed project requires permitting under Section 10 of the Rivers and Harbors Act. These impacts were permitted under USACE Project No. SAM 2017 00189 JEB in 2017 and a USACE permit modification that was issued in 2021

**Only Practicable Alternative**

While the Proposed Action Area does contain jurisdictional aquatic resources that are expected to be impacted by the construction and operation of the Proposed Action, it is the only practicable alternative capable of achieving the Purpose and Need previously stated, due to the proposed project's dependency on being adjacent to water and the existing Port of Mobile. Complete avoidance of jurisdictional aquatic resources is not achievable. All practicable measures to minimize harm to the jurisdictional aquatic resources have been considered.

**Mitigation Measures**

To meet the Purpose and Need of the proposed project which includes expanding the cargo capacity to accommodate existing and future demand, reducing congestion, and improving efficiency at the Port of Mobile, impacts to wetlands are unavoidable and minimization is incorporated into the design. Mitigation measures that will be incorporated for the construction and operation of the Proposed Action due to unavoidable impacts to jurisdictional wetlands and waters of the US include obtaining USACE permits and mitigation credits for the proposed Logistics Park component. As previously discussed, USACE permits have already been acquired for both the Inter-Terminal Connector and APM Phase IV Terminal Expansion components.

## Final Determination

HUD has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

HUD must receive written comments by email on or before Wednesday, July 24, 2024. The email address for comments is: Chuck.A.Melton@HUD.gov. HUD's approving official is Karen A. Morris, Director, Birmingham CPD Field Office. A full description of the project may also be obtained for review by contacting:

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