

Draft Environmental Assessment

**Disposal of 2.18 Acres of DCNR/MRD Land in Exchange
for 0.9-Acre of City of Gulf Shores Property
Baldwin County, Alabama**

Prepared For:

**U.S. Fish and Wildlife Service
Wildlife and Sport Fish Restoration**

Prepared By:

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Natural Resources
Marine Resources Division**

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1 INTRODUCTION

The Alabama Department of Conservation and Natural Resources, Marine Resources Division (DCNR/MRD), is proposing to exchange 2.18 acres of land located at its Gulf Shores office facility for 0.9-acre of land owned by the city of Gulf Shores (City). The 2.18 acres of DCNR/MRD land are located within three parcels. Two of the DCNR/MRD parcels were purchased with federal U.S. Fish and Wildlife Service (USFWS) Sport Fish Restoration funds. These parcels are illustrated in yellow on **Figure 1**.

The third parcel was not purchased with federal funds. Of the 2.18 acres exchanged from the DCNR/MRD land, 1.29 acres would be exchanged from the two DCNR/MRD parcels purchased with the USFWS Sport Fish Restoration funds. The remaining 0.89-acre of land would be exchanged from the third DCNR/MRD parcel not purchased with federal funds.

The DCNR/MRD must receive approval from the USFWS to dispose of the 1.29 acres of land from the two parcels purchased with federal funds. Because the proposed exchange of land is considered a federal action, approval by the USFWS requires National Environmental Policy Act (NEPA) compliance in accordance with Council of Environmental Quality Regulations (40 CFR 1500-1509), and Department of the Interior (43 CFR 46; 516 DM 8), and USFWS (550 FW 3) regulations and policies.

This draft Environmental Assessment (EA) is being prepared to evaluate the effects associated with the proposed transfer of property action on the natural and human environment and to ensure it complies with the NEPA.

2 PURPOSE AND NEED

2.1 Project Purpose

The purpose of the proposed action is the disposal of 2.18 acres of land from three parcels owned by DCNR/MRD in exchange for 0.9-acre of land owned by the City. The three DCNR/MRD parcels are separated by Waterway East Boulevard/27th Avenue and unimproved right-of-way (ROW) owned by the City. The three DCNR/MRD parcels and the City-owned ROW are illustrated on **Figure 1**. Of the 2.18 acres, 1.29 acres would be acquired from two DCNR/MRD parcels located along the north and south sides of existing Waterway East Boulevard/27th Avenue. The remaining 0.89-acre would be acquired from the third DCNR/MRD parcel located east of the City-owned ROW.

2.2 Need for the Action

The proposed property exchange is needed to accommodate improvements along Waterway East Boulevard/27th Avenue. Existing Waterway East Boulevard/27th Avenue at the DCNR/MRD property is a public, two-lane paved road within approximately 60 feet of ROW. The additional land is needed to accommodate the widening and realignment of Waterway East Boulevard/27th Avenue from two lanes to three lanes and to extend the roadway eastward. The exchanged land would be converted to ROW associated with Waterway East Boulevard/27th Avenue. The existing and proposed roadway extension relative to the DCNR/MRD property are shown in **Figure 2**. It is anticipated that the proposed roadway improvements would improve traffic flow within the city limits and would improve public safety. The project would also improve the connectivity between SR 59 and the Foley/Baldwin Beach Express and would improve access to the DCNR/MRD Gulf Shores office facility, area medical facilities, Jack Edwards National Airport and its surrounding Business and Aviation Park and the

planned city education campus. The education campus will contain a new high school for the city of Gulf Shores and a college satellite facility associated with Auburn University.

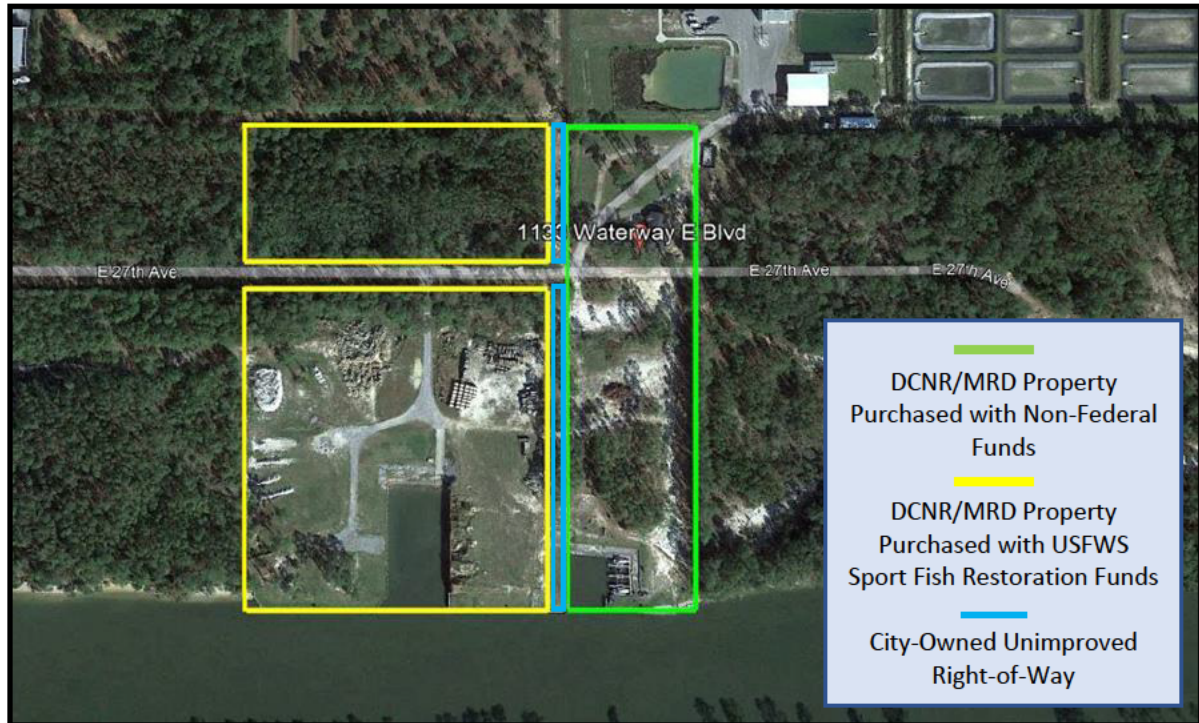


Figure 1: Department of Conservation and Natural Resources, Marine Resources Division Gulf Shores Office Facility Properties and City of Gulf Shores Unimproved Right-of-Way.



Figure 2: Location of Proposed Waterway East Boulevard/27th Avenue Improvements Project Relative to the Department of Conservation and Natural Resources, Marine Resources Division Gulf Shores Office Facility Properties

2.3 Proposed Action

The proposed action would authorize the exchange of 2.18 acres of land from three parcels located at the DCNR/MRD's Gulf Shores office facility. The exchange must comply with federal NEPA guidelines when the DCNR/MRD proposes actions such as the sale or exchange of property purchased with USFWS funding. The proposed exchange will not require additional federal funds. The value of the 2.18 acres have been determined through a licensed appraisal company following guidelines in *Uniform Appraisal Standards for Federal Land Acquisitions*. According to the appraisal report, the value of the acres requested by City exceeds the value of the 0.9-acre parcel offered by City. Therefore, the City has offered cash for the remaining difference in appraised value.

2.4 Action Area

The action area includes portions of three parcels of the DCNR/MRD's Gulf Shores office facility located adjacent to the Jack Edwards Airport complex north of the Intracoastal Waterway and east of Alabama State Road 59 (SR 59) in Gulf Shores, Alabama. The three parcels are identified on the Baldwin County's Parcel Viewer website as Parcel ID 216634, Parcel ID 103127, and Parcel 32000. The total acreage of the parcels is 17.7 acres. **Figure 3** illustrates the limits of the action areas within each DCNR/MRD parcel. The action areas within each parcel are labeled Parcel B, Parcel C, and Parcel D. The total action area acreage within these parcels is 2.18 acres. **Table 1** includes the Baldwin County's Parcel Identification Number, total parcel acreage, and the action area acreage within each parcel.

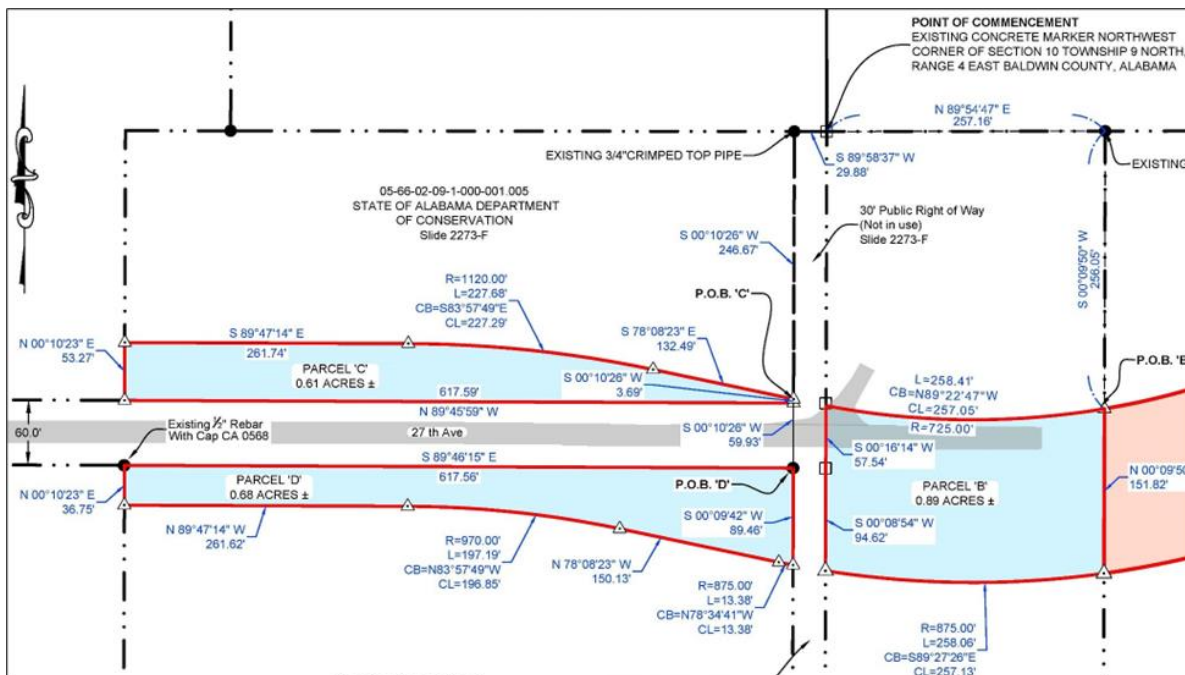


Figure 3: Limits of Action Areas within the DCNR/MRD Gulf Shores Office Facility Parcels

Table 1: DCNR/MRD's Gulf Shores Office Facility Parcel Acreage and Parcel Action Area Acreage

Parcel Identification Number*	Total Parcel Acreage	Parcel Action Area Figure 3 Reference	Action Area Acreage
Parcel ID 216634	5 Acres	Parcel B	0.89-Acre
Parcel ID 103127	3.7 Acres	Parcel C	0.61-Acre
Parcel ID 32000	9 Acres	Parcel D	0.68-Acre
Total Acreage	17.7 Acres		2.18 Acres

* = Parcel Identification Number as provided on the Baldwin County Parcel Viewer website.

https://isv.kcsgis.com/al.baldwin_revenue/.

2.5 Location, Legal Descriptions and Ownership Information of Action Area by Parcel

The following paragraphs describe the locations of the action area, by parcel.

- **Parcel ID 216634/Parcel B Action Area**

Location: The property is situated in Section 10, Township 9 South, and Range 4 East. The property is at the eastern end of existing Waterway East Boulevard/27th Avenue in Gulf Shores, Baldwin County, Alabama. The physical address is 1133 Waterway East Boulevard. Photographs of action area within Parcel B are included in **Appendix A**.

Legal Description of Action Area: Commencing at an existing concrete marker said point being the northwest corner of Section 10, Township 9 North, Range 4 East, Baldwin County, Alabama; Thence north 89°54'47" east a distance of 257.16 feet to a 3/4" iron pipe; thence south 00°09'50" west a distance of 256.05 feet to the point of beginning. From said point of beginning thence along a curve to the right having a radius of 725.00 feet a length of 258.41 feet and a chord of north 89°22'47" west, 257.05 feet to the east side of a 30 feet wide public right of way; thence along said right of way south H00°16'14" west to a concrete marker; Thence south 00°08'54" west, 94.62 feet; thence leaving said right of way along a curve to the left having a radius of 875.00 feet a length of 258.06 feet and a chord of south 89°27'26" east, 257.13 feet; thence north 00°09'50" east, 151.82 feet to the point of beginning, said parcel containing 0.89-acre more or less.

Ownership listed on deed: Seafood Division, Department of Conservation (a.k.a., Alabama Department of Conservation and Natural Resources, Marine Resources Division)

Baldwin County Tax Identification: PPIN Number 216634

- **Parcel ID 103127/Parcel C Action Area**

Location: The property is situated in Section 10, Township 9 South, and Range 4 East. The property is near the eastern end of the existing Waterway East Boulevard/27th Avenue in Gulf Shores, Baldwin County, Alabama. The physical address is near 1133 Waterway East Boulevard. Maps and photographs of the Parcel C action area are included in **Appendix A**.

Legal Description of Action Area: Commencing at an existing concrete marker said point being the northwest corner of Section 10, Township 9 North, Range 4 East, Baldwin County, Alabama, thence south 89°58'37" west, 29.88 feet to a 3/4" iron pipe on the west side of a 30 feet wide public right of way; thence along said right of way south 00°10'26" west, 246.67 feet to the point of beginning. from said point of beginning thence south 00°10'26" west, 3.69 feet to the north right of way line of 27th Ave; thence along said right of way north 89°45'59" west, 617.59 feet; thence leaving said right of way

north 00°10'23" east, 53.27 feet; thence south 89°47'14" east, 261.74 feet; thence along a curve to the right having a radius of 1120.00 feet a length of 227.68 feet and a chord of south 83°57'49" east, 227.29 feet; thence south 78°08'23" east, 132.49 feet to the point of beginning, said parcel containing 0.61-acre more or less.

Ownership listed on deed: State of Alabama Department of Conservation and Natural Resources

Baldwin County Tax Identification: PPIN Number 103127

- **Parcel ID 320000/Parcel D Action Area**

Location: The property is situated in Section 10, Township 9 South, and Range 4 East. The property is near the eastern end of the existing Waterway East Boulevard/27th Avenue in Gulf Shores, Baldwin County, Alabama. The physical address is near 1133 Waterway East Boulevard. Maps and photographs of the Parcel D action area are included in **Appendix A**.

Legal Description of Action Area: Commencing at an existing concrete marker said point being the northwest corner of Section 10, Township 9 North, Range 4 East, Baldwin County, Alabama, thence south 89°58'37" west, 29.88 feet to a 3/4" iron pipe on the west side of a 30 feet wide public right of way; thence along said right of way south 00°10'26" west, 246.67 feet; thence south 00°10'26" west, 3.69 feet to the north right of way line of 27th Ave; thence across said Ave south 00°10'26" west, 59.93 feet to a 1/2" rebar with cap ca 568, said point being the point of beginning. From said point of beginning thence leaving said Ave. south 00°09'42" west, 89.46 feet; thence along a curve to the right having a radius of 875.00 feet a length of 13.38 feet a chord of north 78°34'41" west, 13.38 feet; thence north 78°08'23" west, 150.13 feet; thence along a curve to the left having a radius of 970.00 feet a length of 197.19 feet a chord of north 83°57'49" west, 196.85 feet; thence north 89°47'14" west, 261.62 feet; thence north 00°10'23" east, 36.75 feet to the south right of way line of 27th Ave.; thence along said Ave. south 89°46'15" east, 617.56 feet to the point of beginning, said parcel containing 0.68-acre more or less.

Ownership listed on deed: State of Alabama Department of Conservation and Natural Resources

Baldwin County Tax Identification: PPIN Number 32000

2.6 Parcels Offered for Exchange

Location: Two parcels of undeveloped ROW (totaling 0.9-acre) owned by the City are offered by the City towards compensation for the transfer of the action areas in Parcels B, C and D listed above. The parcels are located between the two properties owned by DCNR/MRD (**Figure 3**). The City parcels are considered as having no standalone economic value as they are limited in space and were created to provide public access (identified as unnamed public road on Baldwin County, Alabama property browser; https://isv.kcsgis.com/al.baldwin_revenue/) to properties in the vicinity. Parcel C currently includes approximately 3.7 acres. Parcel C would include 3.09 acres after the exchange but before the City-owned ROW acreage is added. With the exchanged ROW acreage added, Parcel C would contain approximately 3.2629 acres. Parcel C is a non-waterfront tract and is unimproved. Parcel D currently includes approximately 9 acres. Parcel D would include 8.32 acres after the exchange but before the City-owned ROW acreage is added. With the exchanged ROW acreage added, Parcel D would contain approximately 8.6525 acres.

Ownership: City of Gulf Shores

Baldwin County Tax Identification: N/A - tax exempt.

2.7 Project Background

In 2012, the DCNR/MRD, purchased 12.4-acres of land along the Intracoastal Waterway near property that had been under its ownership since the early 1970's. The land was purchased with federal USFWS Sport Fish Restoration funds apportioned to DCNR/MRD and included two parcels: a 3.7-acre parcel along the north side of Waterway East Boulevard/27th Avenue and an 8.7-acre parcel along the south side of Waterway East Boulevard/27th Avenue. The land was purchased to provide space for storage of materials of opportunity (donated concrete culverts and foundation) to support artificial habitat development activities conducted by the agency. Besides being located near existing DCNR/MRD-owned property which made it easy for staff to oversee and maintain the grounds and material, one of the parcels was adjacent to the Intracoastal Waterway and contained a large boat basin that could accommodate barges and a vessel commonly used for deployment of the various materials. The two parcels and Waterway East Boulevard/27th Avenue are depicted in **Figure 1**. **Figure 1** also illustrates the 5-acre parcel that was purchased by DCNR/MRD in the early 1970's with non-federal funds.

The City has approached DCNR/MRD seeking portions of three parcels along the north, south and eastern boundaries of Waterway East Boulevard/27th Avenue to accommodate improvements along the roadway (see **Figure 3**, Parcels B, C, and D). The roadway improvements include the realignment of Waterway East Boulevard/27th Avenue to connect with a planned new extension eastward and widening of the roadway footprint from two lanes to three lanes.

The action area within Parcel B illustrated on **Figure 3** is required to construct the roadway project and is within a 5-acre parcel owned by DCNR/MRD (Parcel ID 216634). Although the 5-acre parcel containing Parcel B was not purchased with federal funds, it is discussed in this EA and will be submitted to the USFWS for review to alleviate concerns the agency may have regarding diversion of DCNR/MRD funds.

The total acreage requested from DCNR/MRD by the City is 2.18 acres (Parcel B-0.89-acre, Parcel C-0.61-acre and Parcel D-0.68-acre). As compensation, the City has offered to transfer to the DCNR/MRD two parcels of land owned by the City consisting of 0.9-acre located between the 12.4 and 5-acre parcels owned by DCNR/MRD (see **Figure 1**). Transfer of these parcels to the DCNR/MRD would connect the 12.4 and 5-acre parcels owned by DCNR/MRD thereby facilitating more efficient access and use of both parcels by DCNR/MRD staff. The combined parcels would also increase the area available for storage of habitat materials which was the original purpose and use identified when federal funds were requested for purchase of the 12.4-acre parcel.

The value of Parcels B, C and D have been determined through a licensed appraisal company following guidelines in the *Uniform Appraisal Standards for Federal Land Acquisitions*. According to the appraisal report, the value of the parcels requested by the City exceeds the value of the 0.9-acre parcel offered by the City. Therefore, the City has offered cash for the remaining difference in appraised values.

The U.S. Army Corps of Engineers, Regulatory Division (USACE) prepared an EA for the City of Gulf Shores Waterway East Blvd/27th Avenue roadway extension project (City of Gulf Shores Project ST-002-000-010). The USACE issued a Finding of No Significant Impact (FONSI) for the project on September 27, 2017 and subsequently approved the project for construction. The USACE EA/FONSI proposed the realignment of Waterway East Blvd/27th Avenue where the DCNR/MRD's parcels are

located. The action areas of the Proposed Action Alternative were included in the study area of the USACE's EA/FONSI. Where applicable, the findings and agency coordination conducted during the preparation of the USACE's EA/FONSI are referenced in this draft EA.

The DCNR/MRD intends to request approval from the USFWS to transfer federal interest of the parcels needed by City. The DCNR/MRD must seek approval from the USFWS as a portion of the property requested by City was acquired with federal funds administered by USFWS. The DCNR/MRD will record on the deed of any transferred property required verbiage that states the property was acquired with federal Sport Fish Restoration Funds and must be disposed of in accordance with prevailing federal law(s). This draft EA is needed to support DCNR/MRDs request to USFWS for transfer of property needed by City. Specifically, this draft EA is being prepared to comply with NEPA in accordance with the Council on Environmental Quality regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

3 ALTERNATIVES

As specified in 33 CFR Part 325 Appendix 8(7), 40 CFR 230.5(c), and 40 CFR 1502.14, an evaluation of alternatives is required under NEPA. NEPA requires discussion of a reasonable range of alternatives, including a No-Action Alternative, and the effects of those alternatives. This section describes the No-Action Alternative, the Proposed Action Alternative, and other alternatives considered. Each alternative's ability to meet the Purpose and Need is also discussed.

3.1 The No-Action Alternative

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. Without the exchange, the parcels owned by the DCNR/MRD would not be connected/combined and the proposed improvements along Waterway East Boulevard/27th Avenue would not be constructed.

- **Purpose and Need Compliance**

The No-Action Alternative would not meet the Purpose and Need of the proposed property exchange because ROW required to accommodate the proposed improvements along Waterway East Boulevard/27th Avenue could not be acquired from the DCNR/MRD's office facility. Under this scenario, access and connectivity would not be improved to existing and planned community infrastructure and resources. The connectivity between SR 59 and the Foley/Baldwin Beach Express would also not improve and access to a planned city education campus that will contain a new high school and a college satellite facility initially anchored by a veterinary medical services facility associated with Auburn University. Access to the DCNR/MRD's office facility, area medical facilities, Jack Edwards National Airport and its surrounding Business and Aviation Park would also not improve.

3.2 Proposed Action Alternative: Exchange Land to Allow for Improvements to Waterway East Boulevard/27th Avenue

The Proposed Action Alternative would involve the exchange of the disposal property, currently owned by DCNR/MRD, for the proposed acquisition property that is currently owned by the City. The exchange would result in the disposal property being transferred to the City. The disposal property would subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue.

- **Purpose and Need Compliance**

The Proposed Action Alternative would meet the Purpose and Need of the proposed property exchange because it would allow for the transfer of the disposal property to the City. The City could subsequently use the property to accommodate the proposed improvements along Waterway East Boulevard/27th Avenue. The ROW is needed to accommodate the only reasonable alternative that fully satisfies the roadway project purpose and need, logistics, and traffic safety factors. The USACE concurred with this finding for the roadway project in an EA/FONSI approved on September 27, 2017. The roadway alignment includes a slight curve at the DCNR/MRD's office facility. The curve was included to minimize impacts to the DCNR/MRD's office facility and is necessary to maintain the minimum setback distance required between roadways and buildings. In addition, no delineated wetlands will be impacted, and a significant portion of the roadway curvature encompasses land that has been previously disturbed (access road and gravel parking lot).

3.3 Other Alternatives Considered, but Dismissed from Further Consideration

Utilization of the existing paved roadway within the DCNR/MRD's office facility was considered, however, when the road is widened from two lanes to three lanes, the new roadway would be less than the minimum setback distance required between roadways and occupied structures. The minimum distance is required to reduce hazards for occupants of the dwelling and vehicles if vehicles veered off the road. The building in question is an office building owned by DCNR/MRD and the paved road immediately adjacent to the office is on state-owned land and is not part of the City-maintained Waterway East Boulevard/27th Avenue. The DCNR/MRD offered to sell the office building to the City for subsequent demolition, however, it deemed the building purchase and demolition was cost prohibitive. As a result, utilizing the existing paved roadway at the DCNR/MRD's office facility was eliminated as a viable alternative for further consideration.

4 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter describes the conditions and potential impacts the No-Action and Proposed Action Alternative may have on the human and natural environments. The analysis includes the action areas within the two DCNR/MDR parcels purchased with federal USFWS Sport Fish Restoration funds. The third DCNR/MRD parcel was not purchased with federal funds. The conditions and the potential impacts at the City-owned parcels proposed for exchange are also described in this chapter.

As previously discussed, the USACE prepared an EA/FONSI for the Waterway East Blvd/27th Avenue roadway project. The USACE EA/FONSI included the action areas within the two DCNR/MRD parcels and the City-owned parcels. As a result, and where applicable, the findings and agency coordination conducted during the preparation of the USACE NEPA document are referenced in this chapter.

4.1 Location, Geology, Soils and Topography

The predominate land use within the action areas of the two DCNR/MRD parcels purchased with federal USFWS Sport Fish Restoration funds consists of light industrial. The Parcel C action area consisting of approximately 0.61-acre also supports a forested community consisting primarily of pine species; loblolly (*Pinus taeda*), slash (*Pinus elliottii*), shortleaf (*Pinus echinata*) and longleaf (*Pinus palustris*), and hardwoods consisting of live oaks (*Quercus sp.*) and water oak (*Quercus nigra*). The shrub layer is comprised of American beauty (*Callicarpa americana*), Yaupon (*Ilex vomitoria*) and Elliott's blueberry (*Vaccinium elliottii*). Also of note is the presence of the Chinese tallow (*Trabeca sebifera*) and Chinese privet (*Ligustrum sinense*), both of which are considered invasive species. A significant portion of Parcel C is the Waterway East Boulevard/27th Avenue roadway shoulder which is maintained by the City through periodic mowing of grasses used to minimize erosion. The Parcel D

action area includes 0.68-acre and supports the same pine species and shrub layer as Parcel C. Nearly a third of the area is a shoulder area maintained by the City.

The US Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey indicates that most of the soils in the action areas are classified as Made Land or PmB - Plummer loamy sand with 0 to 5% slopes. A small portion of the soils is classified as Scranton loamy fine sand, 0 to 2 percent slopes. The NRCS soil map is included in **Appendix B**. According to the US Environmental Protection Agency (USEPA), the parcels are located within the Southeastern Plains and Hills Level 4 Ecoregion (USEPA 2013). The topography is flat to gently sloping and the elevation is approximately 13 feet above sea level.

The City-owned property includes two parcels that comprise 0.9-acre. The parcels are vacant and consist primarily of cleared land with scattered pine trees of similar species mentioned above. The topography of these parcels is also similar to the two DCNR/MRD parcels.

4.1.1 No-Action Alternative Impacts to Location, Geology, Soils and Topography

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to the location, geology, soils, or topography of the DCNR/MRD Disposal Property or City-Owned Property proposed for exchange would occur.

4.1.2 Proposed Action Alternative Impacts to Location, Geology, Soils and Topography

DCNR/MRD Disposal Property. The Proposed Action Alternative would result in the transfer of the disposal property to the City. This action (transfer of DCNR/MRD disposal property to the City) does not include any land disturbance activities and would not result in impacts to the location, geology, soils, and topography of the disposal property. As a result, it is anticipated that no short-term or long-term adverse impacts to the location, geology, soils, and topography would occur because of the Proposed Action Alternative.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts of the Waterway East Boulevard/27th Avenue roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The USACE EA/FONSI concluded that the project would not have a significant impact on the quality of the human environment.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. This property would become part of the DCNR/MRD's Gulf Shores office facility and would likely be used for storage of habitat materials. As a result, it is anticipated that no short-term or long-term adverse impacts to the location, geology, soils, and topography would occur because of the transfer of the City-owned property to the DCNR/MRD.

4.2 Air Quality

4.2.1 No-Action Alternative Impact to Air Quality

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts air quality would occur because of the proposed action.

4.2.2 Proposed Action Alternative Impact to Air Quality

The Proposed Action Alternative (DCNR/MRD Disposal Property and City-Owned Property Proposed for Exchange) is located within Baldwin County, Alabama which is currently designated by the USEPA as being in attainment for carbon monoxide (CO), ozone, PM_{2.5} and nitrogen dioxide. Therefore, the Clean Air Act (CAA) conformity requirements do not apply to the Proposed Action Alternative. The Proposed Action Alternative will not affect the quality of air.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential air quality impacts of the roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The analysis concluded that the roadway project is located within Baldwin County, Alabama which is currently designated by the USEPA as being in attainment for carbon monoxide (CO), ozone, PM_{2.5} and nitrogen dioxide. As a result, the analysis concluded that CAA conformity requirements do not apply to the Waterway East Boulevard/27th Avenue roadway improvements project. The analysis also stated that no proposed intersections in the Waterway East Boulevard/27th Avenue roadway improvements project study area will operate at Level-of-Service (LOS) D or worse; therefore, a CO “hot spot” analysis was not performed. The roadway project was also evaluated for its potential to affect Mobile Source Air Toxics (MSAT) and it was determined that the project will have “Low Potential MSAT Effects.” With regards to greenhouse gas emissions and Climate Change during construction, the analysis stated that the contractor would be required to comply with Section 107.22 of the State of Alabama Highway Department Standard Specifications.

<https://www.dot.state.al.us/publications/Construction/pdf/Specifications/2022/SpecBookComplete.pdf>

4.3 Water Resources

4.3.1 No-Action Alternative Impact to Water Resources

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to water resources on the DCNR/MRD Disposal Property or City-owned Property Proposed for Exchange would occur.

4.3.2 Proposed Action Alternative Impact to Water Resources

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any land disturbance activities. Therefore, the transfer would not result in short-term or long-term adverse impacts to water resources because of the action.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to water resources as a result of the Waterway East Boulevard/27th Avenue roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The USACE EA/FONSI determined that the roadway project would have negligible effect on water resources.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. This property would become part of the DCNR/MRD’s Gulf Shores office facility and would likely be used for storage of habitat materials. As a result, it is anticipated that no short-term or long-term adverse impacts to water resources would occur because of the transfer of the City-owned property to the DCNR/MRD.

4.4 Noise

4.4.1 No-Action Alternative Noise Impact

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to noise would occur because of the proposed action.

4.4.2 Proposed Action Alternative Noise Impact

DCNR/MRD Disposal Property. The Proposed Action Alternative would result in the transfer of the disposal property to the City. The transfer would not result in short-term or long-term noise impacts because of the action.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential noise impacts of the roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The noise analysis was prepared in accordance with procedures for noise studies as set forth in Title 23 CFR Part 772. The analysis predicted noise impacts above the Noise Abatement Criteria (NAC) at one (1) receptor and a substantial increase in noise at three (3) receptors under the roadway build alternative condition. As a result, noise mitigation measures were evaluated at the impacted receptors. Several mitigation and abatement measures were analyzed, and it was determined that none were reasonable or feasible.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. This property would become part of the DCNR/MRD's Gulf Shores office facility and would likely be used for storage of habitat materials. As a result, it is anticipated that no short-term or long-term noise impacts would occur because of the transfer of the City-owned property to the DCNR/MRD.

4.5 Vegetation

The vegetation within the two DCNR/MRD property and the City-owned property including the action areas consist of scattered trees and scrub vegetation. The dominant community is comprised mostly of pine species: loblolly (*Pinus taeda*), slash (*Pinus elliottii*), shortleaf (*Pinus echinata*) and longleaf (*Pinus palustris*) and hardwoods consisting of live oak (*Quercus* sp.), water oaks (*Quercus nigra*) and southern magnolia (*Magnolia grandiflora*). The shrub layer consists of *Chinese privet* (*Ligustrum sinense*), yaupon (*Ilex vomitoria*), Southern wax myrtle (*Myrica cerifera*), Elliot's blueberry (*Vaccinium elliottii*), American beautyberry (*Callicarpa americana*), and various grasses and sedges. Large portions of the action areas are open with some paved and graveled parking and drives.

4.5.1 No-Action Alternative Impact to Vegetation

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to vegetation water resources on the DCNR/MRD Disposal Property or City-Owned Property Proposed for Exchange would occur because of the proposed action.

4.5.2 Proposed Action Alternative Impact to Vegetation

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any land disturbance activities. Therefore, the transfer would not result in short-term or long-term adverse impacts to vegetation.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to vegetation as a result of the Waterway East Boulevard/27th Avenue roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The USACE EA/FONSI determined that the roadway project would have negligible effect on vegetation.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. This property would become part of the DCNR/MRD's Gulf Shores office facility and would likely be used for storage of habitat materials. As a result, it is anticipated that no short-term or long-term adverse impacts to vegetation would occur because of the transfer of the City-owned property to the DCNR/MRD.

4.6 Federally Listed Threatened and Endangered Species

Section 7 of the Endangered Species Act (ESA) of 1973 (7 USC 136, 16 USC 1531) as amended, requires federal agencies to consult with the USFWS if federally listed species or designated Critical Habitat may be affected by a proposed action. The federally listed species that are present within Baldwin County, the county where the Proposed Action Alternative is located, as determined by a May 12, 2022 consultation with the USFWS's IPaC system, are listed in **Table 2**. Descriptions of the species habitats are included in the following paragraphs.

Table 2: Federally Protected Threatened and Endangered Species that occur in Baldwin County, Alabama

Species Common Name	Species Scientific Name	Federal Status
Alabama Red-bellied Turtle	<i>Pseudemys alabamensis</i>	Endangered
Alabama Beach Mouse	<i>Peromyscus polionotus ammobates</i>	Endangered
Eastern Black Rail	<i>Laterallus jamaicensis</i>	Threatened
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	Threatened
Gopher Tortoise	<i>Gopherus polyphemus</i>	Candidate
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate
Perdido Beach Mouse	<i>Peromyscus polionotus trissyllepsis</i>	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened
Red Knot	<i>Calidris canutus rufa</i>	Threatened
Wood Stork	<i>Mycteria americana</i>	Threatened
West Indian Manatee	<i>Trichechus manatus</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened

Alabama Red-bellied Turtle. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that the known range of distribution of the Alabama red-belly turtle is predominantly restricted to the Mobile-Tensaw Delta in Mobile and Baldwin Counties; however, systematic sampling of major tributaries in coastal Alabama have shown them to be present in smaller numbers in major rivers and tributaries of Mobile Bay. The principal habitat for these turtles includes extensive beds of submerged and emergent aquatic vegetation with associated nesting habitat of sand banks and beaches in the upper, more freshwater portions of these rivers and tributaries to Mobile Bay. Suitable habitat for the Alabama red-belly turtle does not exist within the action areas.

Alabama Beach Mouse. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that the preferred habitat for the Alabama Beach Mouse is associated with beach and

dune areas directly adjacent to the Gulf of Mexico. Suitable habitat for the Alabama Beach Mouse does not exist within the action areas.

Eastern Black Rail. The Eastern Black Rail was not addressed in the USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project. According to the USFWS, Eastern black rails require dense vegetation that allows movement underneath the canopy in marsh habitats. Suitable habitat for the Eastern black rail does not exist within the action areas.

Eastern Indigo Snake. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that the Eastern Indigo Snake is a predominantly terrestrial snake associated with deep, well drained sandy soils near hill crests in open upland forests or dry savannas of the coastal plain, although it may range into wetland areas for brief periods of time to forage. This snake is a commensal species with the Gopher tortoise as it frequently uses tortoise burrows as refuge from climatic changes and desiccation to which it is vulnerable. No evidence of Eastern Indigo Snakes was observed in the study area nor were gopher tortoise burrows observed to exist in the permit area, which reduces the potential for the snake to be present. However, suitable habitat to support the Eastern Indigo Snake was observed within the action areas.

Gopher Tortoise. The gopher tortoise is listed by the USFWS as a Candidate species; therefore, gopher tortoises are not afforded protection under the ESA. However, based on species survey information provided in the USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project, suitable habitat to support the gopher tortoise was observed within the action areas.

Monarch Butterfly. The monarch butterfly is listed by the USFWS as a Candidate species; therefore, monarch butterflies are not afforded protection under the ESA. However, suitable habitat to support the butterfly was observed within the action areas.

Perdido Beach Mouse. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that the preferred habitat for the Perdido Beach Mouse is associated with sandy dune habitat with access to native beach and dune grasses such as sea oats, American beach grass, coastal panic grass and other smaller grasses and herbs native to coastal beach and dune systems for burrowing and foraging purposes. No beach or dune habitat or grasses exist within the action area as it consists of inland land areas and palustrine forested wetlands.

Piping Plover. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that no suitable habitat for this species exists in the action areas. The preferred habitat includes beach and dune areas directly adjacent to the Gulf of Mexico.

Red Knot. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that no suitable habitat for this species exists in the action area. The preferred habitat includes beach and dune areas directly adjacent to the Gulf of Mexico.

Wood Stork. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that no suitable habitat for this species exists in the action area and no individuals or nests were observed in the area. The preferred habitat consists primarily of tidal creeks and flooded tidal pools and inundated freshwater wetlands including ponds, bayheads, flooded pastures, oxbow lakes, and ditches, basically, areas where fish can become concentrated in shallow confined waters. The preferred nesting habitat in Alabama for wood stork consists primarily of wetland areas containing

large, mature cypress trees typically in remote area where large groups of wood storks can nest as they are a highly colonial species. Suitable tidal creeks or pools, standing water wetland habitat, and mature cypress habitat was not observed to exist within the action area.

West Indian Manatee. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project states that the action area consists predominantly of palustrine wetlands that are infrequently inundated and therefore do not provide suitable habitat for manatees. The drainage channels and creeks that would be crossed by the proposed roadway have inadequate flow volume to accommodate use by manatees. Florida Manatee would not be affected as no suitable habitat to support this species exists in the area.

Kemp's Ridley Sea Turtle & Loggerhead Sea Turtle. The USACE's EA/FONSI for the Waterway East Blvd/27th Avenue roadway project concluded that no suitable habitat for these species exists in the Proposed Action Area. The preferred foraging habitats consist of open ocean/Gulf of Mexico waters or shallow neritic zones, bays, inlets, lagoons, and shoals containing muddy or sandy bottoms and/or an abundance of marine grass and algae. For nesting, these species require open beach areas. The action areas consist predominantly of forested inland wetlands and small shallow intermittent to perennial streams that do not provide suitable foraging or nesting habitat for sea turtles, nor can they be accessed by sea turtles due to insufficient flow.

4.6.1 No-Action Alternative Impact on Federally Listed Species and Critical Habitat

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to federally listed species or critical habitat on the DCNR/MRD Disposal Property or City-Owned Property proposed for exchange would occur because of the proposed action.

4.6.2 Proposed Action Alternative Impact on Federally Listed Species and Critical Habitat

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to federally listed species or critical habitat would occur because of the Proposed Action Alternative. The transfer of DCNR/MRD disposal property to the City would have No Effect on federally listed species or critical habitat.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to federally listed species or critical habitat as a result of the roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The findings from the evaluation were coordinated with the USFWS and the USFWS determined that no threatened or endangered species or designated critical habitats would be affected by the proposed roadway project. The USACE concluded that the project would have No Effect on federally listed threatened or endangered species. The USACE also concluded that the project will not result in the destruction or adverse modification to any critical habitat under Section 7 of the ESA.

Some habitat is present in the area that could adequately support the existence of the candidate species, gopher tortoise. The USFWS concluded that the proposed roadway project will destroy and/or impair habitat that could be suitable for gopher tortoise, although it is currently not a listed species afforded protection under Section 7 of the ESA. The USFWS provided a list of construction Best Management Plans (BMPs) and site management measures that are recommended for implementation to conserve this species and the closely associated Eastern indigo snake, which is a

federally listed species. The USFWS recommended BMPs to help avoid impacts to gopher tortoise, which will reduce the potential for construction effects on the listed Eastern indigo snake which is frequently associated with gopher tortoise habitation.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD's Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to federally listed species or critical habitat would occur. The transfer of City property to the DCNR/MRD would have No Effect on federally listed species or critical habitat.

4.7 Other Wildlife

The USACE EA/FONSI prepared for the Waterway East Boulevard/27th Avenue roadway improvements project describes other wildlife within the action areas as including birds, mammals (squirrels, rabbits, raccoons, opossum, deer), reptiles, such as turtles and snakes, and amphibians that likely utilize the natural undeveloped areas.

4.7.1 No-Action Alternative Impact on Other Wildlife

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to wildlife attributable to the Proposed Action Alternative would occur on the DCNR/MRD Disposal Property or City-Owned Property Proposed for Exchange.

4.7.2 Proposed Action Alternative Impact on Other Wildlife

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to wildlife would occur because of the Proposed Action Alternative.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to wildlife because of the roadway improvements project were evaluated in an EA/FONSI prepared by the USACE. The evaluation determined that the roadway project would result in permanent loss of habitat, displacing and/or disrupting the normal patterns of wildlife. The roadway project lies in an area that is somewhat rural but rapidly developing due to its proximity to the coastal cities of Gulf Shores and Orange Beach. However, there is still some surrounding undeveloped land that will be able to accommodate some displaced individuals. It is unlikely that any of these species would return to maintained areas within the expanded ROW for habitation and reproduction purposes due to traffic noise and disturbance; however, they may continue to return to the ROW area for periodic grazing or attempt to travel to other natural areas. The evaluation concluded that wildlife injuries and mortalities because of automobile strikes would increase, at least initially, as a result of the new segment of roadway to be constructed.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD's Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to wildlife would occur.

4.8 Recreation and Public Use

The USEPA defines recreational areas as “land that is designed, constructed, designated, or used for recreational activities. Examples are national, state, county, or city parks, other outdoor recreational areas such as golf courses or swimming pools and bodies of waters (oceans, lakes, rivers, and streams) when used by the public for fishing, swimming, or boating. Public and private areas that are predictably used for hunting, fishing, bird watching, bike riding, hiking, or camping or other recreational use also would be considered recreational areas.” <https://www.epa.gov/rmp/definition-recreational-area-determining-offsite-impacts-rmp>

4.8.1 No-Action Alternative Impact on Recreation and Public Use

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to recreation or public use resources would occur because of the proposed action.

4.8.2 Proposed Action Alternative Impact on Recreation and Public Use

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to recreation or public use resources would occur.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to public recreation were evaluated in the USACE’s EA/FONSI prepared for the roadway improvements project. The EA/FONSI concluded that no established federal, state, or local recreational areas or parks or wild and scenic rivers would be affected by implementation of the proposed roadway project. The roadway project should have no significant effect on recreation. Furthermore, the undeveloped properties within the action area are privately owned so there would not be a significant change to public access to recreation opportunities.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD’s Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to recreation or public use resources would occur.

4.9 Human Health and Safety

4.9.1 No-Action Alternative Impact on Human Health and Safety

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to human health and safety would occur.

4.9.2 Proposed Action Alternative Impact on Human Health and Safety

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to human health and safety would occur.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to human health (needs and welfare of the people) and

safety were evaluated in the USACE's EA/FONSI prepared for the Waterway East Boulevard/27th Avenue roadway improvements project. The EA/FONSI concluded that the proposed roadway project would improve local traffic safety by providing two travel lanes of consistent width with designated bicycle lanes and a separate surface for pedestrian use. The extension of the roadway would provide an additional lateral connection to the Foley Beach Express which will provide an additional means by which traffic can be diverted off SR 59 during times of traffic congestion or in the event of a serious wreck or other community safety emergency along the highway. Also, the project is anticipated to provide improved accessibility to community services such as the planned city education campus and business zones such as the business and aviation park surrounding the airport thereby increasing the business and commercial development potential of the area resulting in increased employment opportunities for area residents and increased tax revenues for the city, which would result in better funded and/or improved city services.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD's Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to human health or safety would occur.

4.10 Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of undertakings on historic properties. In accordance with the implementing regulations for Section 106 (36 CFR Part 800), the agency must first determine whether a given undertaking has a potential to effect historic properties. "Effect" is defined in the regulations as "... alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register" (36 CFR Part 800.16(i)). The term "historic properties" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. The potential effects of the No-Action Alternative and Proposed Action Alternative have been considered in accordance with 36 CFR Part 800.

4.10.1 No-Action Alternative Impact on Cultural Resources

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to cultural resources would occur because of the proposed action. The No-Action Alternative would have No Effect on historic properties.

4.10.2 Proposed Action Alternative Impact on Cultural Resources

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to historic properties would occur. The transfer of DCNR/MRD disposal property to the City would have No Effect on historic properties.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to cultural resources for the roadway project were evaluated in a report entitled "A Phase I Cultural Resources Survey for the City of Gulf Shores

Waterway East Boulevard, Baldwin County, Alabama” dated August 4, 2016. The findings were included in the USACE’s EA/FONSI for the project. The Phase I survey included the area of the Proposed Action Alternative for the DCNR/MRD Disposal Property. Based on the findings from the survey, the USACE determined that the roadway project would have No Effect on historic properties or cultural resources. The Phase I survey and findings were also coordinated with the Alabama Historical Commission/State Historic Preservation Officer (AHC/SHPO) and commenting Native American Tribes, and both concurred with the No Effect determination. A standard general condition will be placed on any permit issued requiring work stoppage and coordination with the USACE for further evaluation should an inadvertent discovery occur during construction.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD’s Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to cultural resources would occur. The transfer of City-owned property to the DCNR/MRD would have No Effect on historic properties.

4.11 Socio-Economic Resources

4.11.1 Population, Employment, and Income

The 2010 census found that Baldwin County had a total population of 182,265 with an estimated population of 233,561 for 2021, making Baldwin County the fastest growing county in the state of Alabama over the period. The U.S. Census Bureau’s American Community survey estimated that the civilian employed population for Baldwin County (16+ years of age) was 58.1%. The U.S. Census Bureau’s American Community survey estimated the per capita income for 2016-2020 to be \$33,751 (2020 Dollars).

4.11.1.1 No-Action Alternative Impact on Population, Employment, and Income

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to population, employment, and income would occur under the No-Action Alternative scenario.

4.11.1.2 Proposed Action Alternative Impact on Population, Employment, and Income

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to population, employment, and income would occur because of the Proposed Action Alternative.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. No residential or businesses would be impacted by the conversion of the DCNR/MRD property; therefore, it is anticipated that no short-term or long-term impacts to population, employment, and income would occur under the Proposed Action Alternative scenario.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD’s Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse impacts to population, employment, and income would occur.

4.11.2 Environmental Justice

Executive Order 12898, titled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” guides federal agencies to “make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” In accordance with Executive Order 12898, the potential impacts the No-Action Alternative and Proposed Action Alternative could have on Environmental Justice (EJ) populations has been evaluated.

4.11.2.1 No-Action Alternative Impact on Environmental Justice Populations

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no disproportionate adverse impacts to EJ populations would occur.

4.11.2.2 Proposed Action Alternative Impact on Environmental Justice Populations

DCNR/MRD Disposal Property. The USEPA EJ Mapper indicated that there are no EJ populations within or near the DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, the transfer of the DCNR/MRD property to the City would not disproportionately affect minority and low-income populations.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. The potential impacts to EJ populations were evaluated in the USACE’s EA/FONSI prepared for the Waterway East Boulevard/27th Avenue roadway improvements project. The EA/FONSI concluded that the proposed roadway project “would not use methods or practices that discriminate on the basis of race, color or national origin nor would it have a disproportionate effect on minority or low-income communities.”

City-Owned Property Proposed for Exchange.

The USEPA EJ Mapper indicated that there are no EJ populations within or near the City-owned property proposed to be exchanged. The Proposed Action Alternative (transfer of City-owned property to the DCNR-MRD) does not include any disturbance activities. Therefore, the transfer of the City-owned property to the DCNR/MRD would not disproportionately affect minority and low-income populations.

4.12 Aesthetics (Visual Resources)

4.12.1 No-Action Alternative Impact on Aesthetics

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term impacts to aesthetics would occur.

4.12.2 Proposed Action Alternative Impact on Aesthetics

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term adverse aesthetic impacts would occur because of the Proposed Action Alternative.

The USACE's EA/FONSI prepared for the Waterway East Boulevard/27th Avenue roadway improvements project evaluated the potential for aesthetic impacts for the entire roadway project. The EA/FONSI concluded that "the project's effect on aesthetics to be neutral as there is an existing roadway at this location."

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transferred property would become part of the DCNR/MRD's Gulf Shores office facility. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term adverse aesthetic impacts would occur.

4.13 Construction Impacts

4.13.1 No-Action Alternative Construction Impacts

Under the No-Action Alternative, the exchange of land would not occur and both respective parties would retain ownership of their parcels. As a result, no short-term or long-term construction impacts would occur.

4.13.2 Proposed Action Alternative Construction Impacts

DCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of DCNR/MRD disposal property to the City) does not include any disturbance activities. Therefore, no short-term or long-term construction impacts would occur.

The transferred property will subsequently be converted to ROW to widen and realign Waterway East Boulevard/27th Avenue. During the construction of the roadway project, temporary impacts are anticipated to occur. However, the USACE's EA/FONSI stated that the impacts should be minimal and short-term. In addition, implementation of construction BMPs for handling construction phase sediment, pollutants, and stormwater discharges to reduce turbidity and introduction of suspended particulates into waters of the state of Alabama is a requirement of ADEM water quality regulations to reduce the potential for sediment discharges from the construction site. Proper implementation of BMPs and permanent stabilization measures for the finished project should result in minor, short-term impacts.

City-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of City-owned property to the DCNR/MRD. The transfer does not involve any land disturbance activities; therefore, no short-term or long-term construction impacts would occur.

4.14 Resources Not Addressed in the EA

4.14.1 Wild and Scenic Rivers

There are no designated Wild and Scenic Rivers in the Proposed Action Alternative area.

4.14.2 Hazardous Materials

The USACE's EA/FONSI prepared for the Waterway East Boulevard/27th Avenue roadway improvements project evaluated the potential for hazardous materials in the permit area. The permit area for the roadway project included the Proposed Action Alternative area. The EA/FONSI concluded that "there is no history of commercial or industrial development on any of the lands within the permit area; therefore, there is no known contamination of the soils within the permit area nor is there a reason to believe contaminated soils would be present within the permit area."

5 PUBLIC INVOLVEMENT

This EA will be solicited through the Alabama Department of Conservation and Natural Resources website at: <https://www.outdooralabama.com/about-us/public-noticesreports>. A public comment period of 30 days will commence on Wednesday, September 7, 2022, the first day the draft EA notice is published in a local newspaper. Submitted comments and responses will be placed in the Final Environmental Assessment submitted to the USFWS when the official request for land transfer is made by DCNR/MRD.

6 LIST OF SOURCES, AGENCIES AND PERSONS CONSULTED

In accordance with the ESA, the DCNR contacted the USFWS with regards to federally listed species.

The DCNR/MRD and the City of Gulf Shores were also consulted during the preparation of this NEPA document.

Agency coordination and effect determinations made during the preparation of the USACE's EA/FONSI for the Waterway East Boulevard/27th Avenue roadway improvements project were referenced in this EA. Agency coordination included the USFWS, AHC/SHPO, Alabama Department of Environmental Management, Alabama Department of Transportation, National Marine Fisheries Service, Federal Emergency Management Agency, and Baldwin County. Tribal coordination was also conducted during the preparation of the EA/FONSI.

7 LIST OF PREPARERS

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Mark Acreman, P.E.	City of Gulf Shores, City Engineer
Jason Goffinet	Volkert, Inc.

8 REFERENCES

U.S. Army Corps of Engineers, 2017, Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application, Waterway East Boulevard. USACE CE SAM-RD (File Number, SAM-2016-00913-LET)

U.S. Environmental Protection Agency, 2013, Level III and IV ecoregions of the continental United States: Corvallis, Oregon, U.S. EPA, National Health and Environmental Effects Research Laboratory, map scale 1:3,000,000, retrieved from <https://www.epa.gov/eco-research/level-iii-and-iv-ecoregions-continental-united-states>, accessed August 12, 2022

U.S. Environmental Protection Agency, 2022, EJScreen: Environmental Justice Screening and Mapping Tool. Retrieved from: <https://www.epa.gov/ejscreen>, accessed on August 10, 2022

U.S. Fish and Wildlife Service, 2022, IPaC Information for Planning and Consultation. Retrieved from: <https://ipac.ecosphere.fws.gov/>, accessed May 12, 2022

Natural Resources Conservation Service (NRCS), 2022, Web Soil Survey, Soil Map – Baldwin County, Alabama. U.S. Department of Agriculture. Retrieved from: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed August 12, 2022

APPENDICES

APPENDIX A

Photographs of Parcel B



View of middle of Parcel B showing proposed area to be acquired looking west



View of private drive and Waterway East Blvd looking west



View of eastern portion of Parcel B looking south



View of western portion area looking north

Photographs and Maps of Parcel C



Photographs and Maps of Parcel C (continued)



View of western portion of property from Waterway East Blvd looking north



View of Waterway East Blvd with area to be acquired on left of roadway (Parcel B) and right of roadway (Parcel D)



View of middle of property to be acquired looking west



View of eastern boundary of property

Maps and Photographs of Parcel D



Maps and Photographs of Parcel D (continued)



View of middle portion of Parcel D from
Waterway East Blvd. looking south



View of middle portion of Parcel from interior road
looking north

APPENDIX B

USDA SOIL MAP OF THE PARCELS AND SURROUNDING AREA

