

Environmental Assessment

**Transfer and disposal of Alabama Department of
Conservation and Natural Resources, Marine Resources
Division, property to accommodate roadway
improvements in
Baldwin County, Alabama**

Prepared For:

**U.S. Fish and Wildlife Service,
Office of Conservation Investment**

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1 INTRODUCTION

The Alabama Department of Conservation and Natural Resources, Marine Resources Division (ADCNR/MRD), is proposing to transfer approximately 1.80 acres of land located at its Gulf Shores office facility for approximately 1.99 acres of adjacent land owned by Equity Builders LLC, a private company.

The property transfer is being considered by both landowners as the City of Gulf Shores (CITY) would like to acquire property within which a new road would be constructed linking two existing roads to improve access to a planned airport terminal. After the property transfer is complete, the adjacent landowner will be the sole negotiator for land needed by the CITY for road construction.

As the ADCNR/MRD parcel proposed for transfer was purchased with federal U.S. Fish and Wildlife Service (USFWS) Sport Fish Restoration funds, ADCNR/MRD must receive approval from the USFWS to transfer or dispose of the parcel. The disposal is considered a federal action, approval of which requires the USFWS to comply with the National Environmental Policy Act (NEPA), in accordance with Council of Environmental Quality Regulations (40 CFR 1500-1509) and the Department of the Interior (43 CFR 46; 516 DM 8) and USFWS (550 FW 3) regulations and policies. This Environmental Assessment (EA) is being prepared to evaluate the effects associated with the proposed transfer of property on the natural and human environment and to ensure it complies with the NEPA and other requirements.

2 PURPOSE AND NEED

2.1 Project Purpose

The purpose of the proposed action is the transfer of 1.80 acres (78,408 sf) of land owned by ADCNR/MRD in exchange for 1.99 acres (86,684 sf) of land owned by Equity Builders, LLC (Figure 1).

2.2 Need for the Action

The proposed property exchange is needed to accommodate a new entrance to an industrial park that will contain, according to CITY plans, a new airport terminal for Jack Edwards National Airport (Figure 2). The new entrance will provide for a more direct route to the airport terminal compared to an existing entrance to the industrial park.

2.3 Proposed Action

The proposed action includes disposal of approximately 78,408 sf of land located at ADCNR/MRD's Gulf Shores office facility. The disposal includes exchange of this land for other land owned by Equity Builders, LLC, a private company. The value of both parcels has been determined through an appraisal and confirmed with a review appraisal, both acquired through Alabama's bid procurement law, that were conducted using guidelines in the *Uniform Appraisal Standards for Federal Land Acquisitions*. After the appraisal and review reports were submitted to ADCNR/MRD, a survey error in the calculation of the area of both parcels was identified and confirmation of the new value of parcels was made through emails with the respective authors of each report. The email responses are included at the end of each respective report. According to the response provided in the emails the value of each parcel is the same. Once the transfer of the parcels is completed via an agreement the transfer will be recorded in the Baldwin County Probate Office. The CITY will negotiate directly with Equity Builders, LLC, for all of the property needed to accommodate the new roadway, utilities, and sidewalk(s).

2.4 Action Area

The action area includes a portion of a parcel owned by ADCNR/MRD which is located near 1133 Waterway East Blvd (aka East 27th Ave), Gulf Shores, Alabama. Table 1 provides the Baldwin County Revenue Commission's Parcel Identification Number, total parcel acreage, and the square footage for the action area.

Table 1: Size of the Alabama Department of Conservation and Natural Resources, Marine Resources Division, parcel included in the current action area.

	Total Acreage	Action Area sf
Parcel ID 103127	2.93 Acres	127,466 sf

* = Parcel Identification Number as provided on the Baldwin County Parcel Viewer website;
https://isv.kcsgis.com/al.baldwin_revenue/.



Figure 1: Current parcel configurations for Alabama Department of Conservation and Natural Resources, Marine Resources Division, and Equity Builders, LLC, parcels and configurations after proposed transfer.



Figure 2. Location of action area relative to Commerce Drive, Waterway East Boulevard and Jack Edwards National Airport. Yellow dashed line represents the new roadway entrance to Commerce Drive from Waterway East Boulevard proposed by the City of Gulf Shores.

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

The following describes the parcel associated with the action area.

Baldwin County Tax Identification No.: PPIN Number 103127

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. Photographs of the parcel are included in Appendix A.

Legal Description of Parcel: Beginning at the northwest corner of Lot 4, Gulf Shores Waterway as recorded as slide 2273-f in the office of the judge of probate, Baldwin County, Alabama, said point also being on the south line of Gulf Shores Business and Industrial Park, phase II, as recorded as slides 1653-a&b, in the office of the judge of probate, Baldwin County; thence run s89°55'40"e, along the north line of said Lot 4 and south line of said Gulf Shores Business and Industrial Park, phase II, 398.15 feet to a point; thence run s00°02'49"w, leaving said north line of Lot 4 and south line of said Gulf Shores business and Industrial Park, 204.45 feet to a point on the north right-of-way line of Waterway East Boulevard; thence run northwesterly along said north right-of-way line and a curve to the left having a radius of 1,120.00 feet, a delta angle of 07°00'29", a chord which bears n86°14'01"w, 136.90 feet, an arc distance of 136.99 feet to a point; thence run n89°51'08"w, continuing along said north right-of-way line, 261.74 feet to the point of intersection of said north right-of-way line and the west line of said Lot 4, Gulf Shores Waterway; thence run n00°06'29"e, leaving said north right-of-way and along said west line of Lot 4, 195.28 feet to the point of beginning, containing 78,408 square feet (1.80 acres) more or less and lying in Section 9, Township 9 South, Range 4 East.

Ownership listed on deed: State of Alabama, Department of Conservation and Natural Resources, Marine Resources Division, P.O. Box 189, Dauphin Island, Alabama, 36528.

2.6 Parcel Offered for Exchange

Baldwin County Tax Identification No.: 208619.

Location: The property is in Baldwin County situated in Section 10, Township 9 South, and Range 4 East. The physical address is near 999 Commerce Drive, Gulf Shores. A photograph of the parcel is included in Appendix A.

Legal Description of Parcel: Beginning at the southeast corner of Lot 10, Gulf Shores Business and Industrial Park, phase II, as recorded as slides 1653-A&B, in the office of the judge of probate, Baldwin County; thence run n89°55'40"w, along the south line of said Lot 10, said line also being the north line of Lot 4, Gulf Shores Waterway as recorded as slide 2273-F in the office of the judge of probate, Baldwin county, Alabama, 249.49 feet to a point; thence run n00°02'49"e, leaving said south line of Lot 10 and the north line of said Lot 4, 347.85 feet to a point; thence run s89°56'21"e, 249.40 feet to a point on the east line of said Lot 10; thence run s00°01'31"w, along said east line of Lot 10, 347.90 feet to the point of beginning, containing 86,777 square feet (1.99 acres) more or less and lying in Section 4, Township 9 South, Range 4 East.

Ownership: Equity Builders, LLC, P.O. Box 2999, Gulf Shores, Alabama, 36547.

2.7 Project Background

In 2012, the ADCNR/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 ADCNR/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 materials) to support artificial habitat development for fisheries enhancement activities conducted by the agency. Besides being located near existing ADCNR/MRD-owned property which made it easy for staff to oversee and maintain the grounds and material, the southern parcel is also located immediately adjacent to the Intracoastal Waterway and contains a large boat basin that could accommodate barges and other vessels commonly used for deployment of the various materials.

The CITY has approached ADCNR/MRD and Equity Builders, LLC, to sell/exchange a portion of their respective parcels to construct a new roadway that will connect Waterway East Boulevard and Commerce Drive (Figure 3). The CITY will compensate Equity Builders, LLC, as necessary to ensure the transfer is completed.

The U.S. Army Corps of Engineers (USACE), Regulatory Division, prepared an EA for the CITY related to the Waterway East Blvd/27th Avenue roadway extension project (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. Although the action area of the current proposed action was not included in the action area of the USACE's EA for the Waterway East Blvd/27th Avenue project, the close proximity of the two action areas affords the opportunity to utilize much of the analysis offered in the Waterway East Blvd project for the current EA.

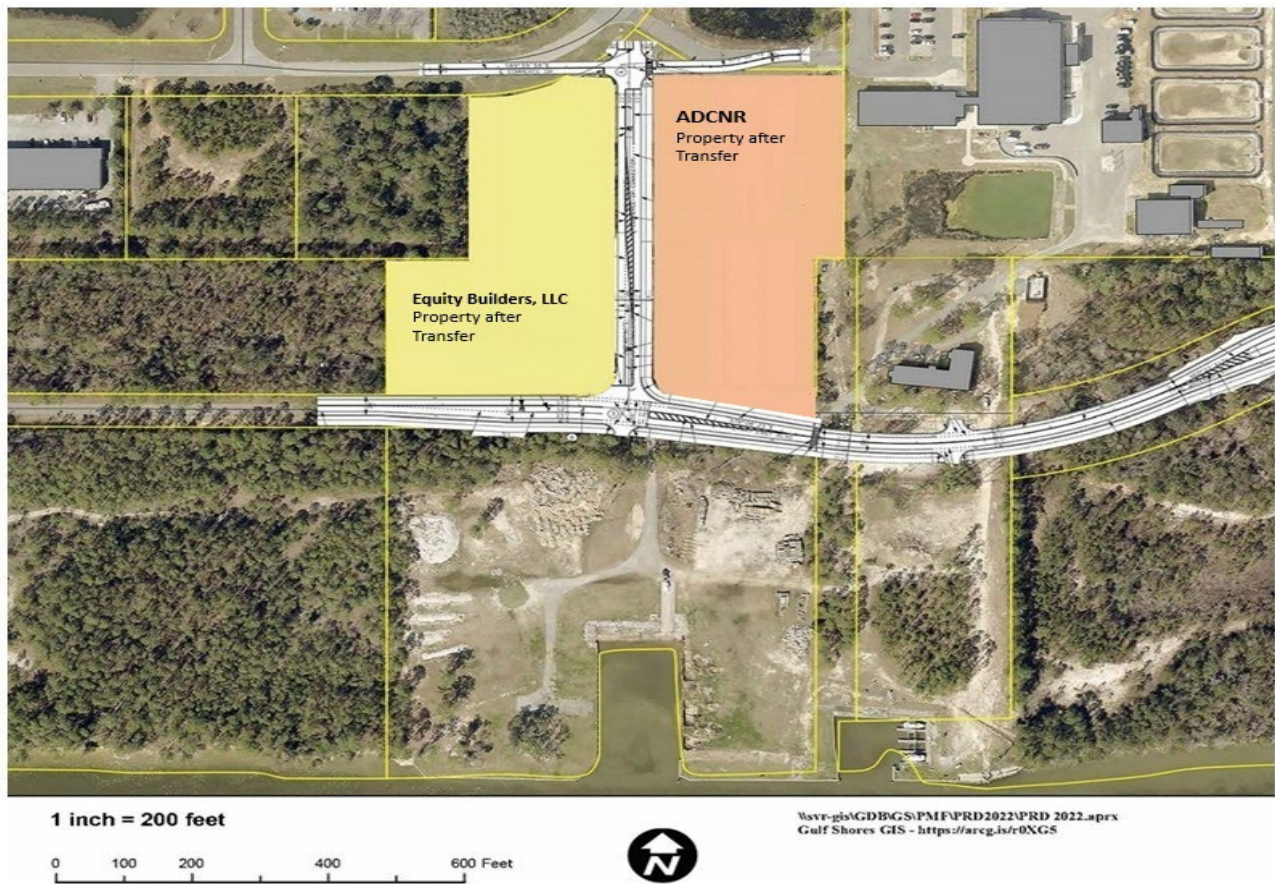


Figure 3. Proposed new roadway to link Waterway East Blvd and Commerce Drive and configurations of ADCNR/MRD and Equity Builders, LLC, parcels after proposed parcel transfer has been completed.

If the requested property disposal is approved by the USFWS Office of Conservation Investment, the ADCNR/MRD will record on the property deed of the new property the 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). Table 2 contains parcel size information before and after the proposed transfer and appraised values of parcels before and after the proposed transfer.

Table 2. Parcel configurations for the Alabama Department of Conservation and Natural Resources, Marine Resources Division and Equity Builders, LLC, pre- and post-transfer.

Owner	Parcel Size Before Transfer	Parcel Value Before Transfer	Parcel Size After Transfer	Parcel Value After Transfer	Difference In Size	Difference in Value
ADCNR/MRD	2.93 ac	\$178,810.00	3.12 ac	\$190,406.00	+0.19 ac	\$11,590.00
Equity Builders, LLC	4.51 ac	\$275,234.00	4.32 ac	\$263,639.00	-0.19 ac	\$11,590.00

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 when considering an action of this nature. 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.

- **Purpose and Need Compliance**

The No-Action Alternative would not meet the Purpose and Need of the proposed property exchange because the CITY would not be able to acquire to increase access to its industrial park via a pathway that would provide the safest and most efficient connectivity to a new airport terminal.

3.2 Proposed Action Alternative: Exchange land to allow for right-of-way acquisition for construction of a new road entrance to an industrial park.

The Proposed Action Alternative would involve the exchange of property, currently owned by ADCNR/MRD and an adjacent property owner, Equity Builders, LLC. The exchange would result in the two properties being aligned in a north-south direction. The new configuration would allow for the CITY to negotiate solely with representatives from Equity Builders, LLC, for acquisition of property needed for desired roadway.

- **Purpose and Need Compliance**

The Proposed Action Alternative would meet the Purpose and Need because it would allow for the completion of the roadway project that would align with existing roads and utilities infrastructure in the most efficient and safest manner.

3.3 Other Alternatives Considered but Dismissed from Further Consideration

The CITY seeks a new, second entrance to an existing industrial park that would provide the most efficient and safest access to the industrial park and a planned airport terminal. An alternative entrance located to the west of the proposed location would be closer to the only existing entrance to the industrial park and it would be farther away from the terminal and parking area which is planned for the northeastern part of the industrial park. Alternative locations to the east of the proposed roadway are not possible. The immediate landowner to the east is ADCNR/MRD and the location of existing buildings and research ponds prevent construction of a two-laned road. Further to the East of ADCNR/MRD are properties owned by the United States Government that are used for containment of sediment dredged from the Intracoastal Waterway.

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 area within the ADCNR/MRD parcel purchased with federal USFWS Sport Fish Restoration funds. The conditions and the potential impacts of the disposal property and to Equity Builders, LLC-owned parcel 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. Although the USACE EA/FONSI did not include the action areas within the currently described ADCNR/MRD parcel and the Equity Builders, LLC-owned parcels the EA/FONSI action areas is immediately adjacent to this proposal action area and, as such, the findings and agency coordination conducted during the preparation of the USACE EA NEPA document for the Waterway East Blvd/27th Avenue project is referenced in this chapter.

4.1 Location, Geology, Soils, and Topography

Currently, the land owned by ADCNR/MRD proposed for transfer is undeveloped and not used for any activity. The privately-owned parcels of land surrounding the ADCNR/MRD parcel and immediate vicinity are also undeveloped, but they are zoned by the CITY as industrial and business or unassigned. The action area supports a forested community consisting primarily of pine species; loblolly (*Pinus taeda*), slash (*Pinus elliottii*), shortleaf (*Pinus echinata*), 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.

The US Department of Agriculture, Natural Resources Conservation Service's (NRCS) National Cooperative Soil Survey (NCSS) Web Soil Survey indicates that majority of the soils in the action area are classified as Made Land or PmB - Plummer loamy sand with 0 to 5% slopes while a small portion of the soils is classified as Scranton loamy fine sand, 0 to 2 percent slopes (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 property owned by Equity Builders, LLC includes a single parcel that comprises 4.51 acres. The parcel is vacant and consists primarily of cleared land with scattered pine trees of similar species mentioned above (see Appendix A). The topography and soil composition of these parcels is also like the ADCNR/MRD parcel.

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 ADCNR/MRD Disposal Property or Equity Builders, LLC-owned property proposed for exchange would occur.

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

ADCNR/MRD Disposal Property. The Proposed Action Alternative would result in the transfer of the disposal property to the CITY. This action does not include any immediate land disturbance activities and would not result in impacts to the location, geology, soils, and topography of the disposal property. 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. However, the transferred property will subsequently be converted to ROW to improve existing roadway infrastructure. The potential impacts of a much larger project, the Waterway East Boulevard/27th Avenue roadway improvements project, were previously 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.

Equity Builders LLC -Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC property to the ADCNR/MRD. This property would become part of the ADCNR/MRD's Gulf Shores office facility and would accommodate storage of artificial habitat materials, the original purpose intended for the disposal property. 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 Equity Builders, LLC-owned property to the ADCNR/MRD.

Note

In September 2023, a deforestation contractor inadvertently cleared the vegetation on ADCNR/MRD and Equity Builders, LLC property where the new roadway is proposed (Appendix B). This event occurred before the properties were appraised.

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 parties would retain ownership of their respective parcels. As a result, no short-term or long-term impacts to air quality would occur because of the proposed action.

4.2.2 Proposed Action Alternative Impact to Air Quality

The Proposed Action Alternative 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. However, a portion of the transferred property will subsequently be converted to ROW to construct a two-lane roadway (approx. 0.13 mile in length). Air quality impacts of the roadway improvements project were evaluated in the EA/FONSI for the larger Waterway East/27th Avenue roadway project previously 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 ADCNR/MRD disposal property or Equity Builders, LLC, property would occur.

4.3.2 Proposed Action Alternative Impact to Water Resources

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) 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. However, the transferred property will subsequently be converted to ROW for construction of a two-lane roadway (approx. 0.13 mile in length). The potential impacts to water resources in a larger project, 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 effects on water resources.

Equity Builders, LLC. -Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. This property would become part of the ADCNR/MRD's Gulf Shores office facility and would be available for storage of artificial 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 to Equity Builders, LLC-owned property to the ADCNR/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 impacts to noise levels would occur because of the proposed action.

4.4.2 Proposed Action Alternative Noise Impact

ADCNR/MRD Disposal Property. The Proposed Action Alternative would result in the transfer of the disposal property to the Equity Builders, LLC. The transfer would not result in short-term or long-term noise impacts because of the action. However, the transferred property will subsequently be converted to ROW for construction of a two-lane roadway (approx. 0.13 mile in length). The potential noise impacts of a larger 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.

Equity Builders, LLC. -Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC -owned property to the ADCNR/MRD. This property would become part of the ADCNR/MRD's Gulf Shores office facility and would be available for storage of artificial 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 Equity Builders, LLC-owned property to the ADCNR/MRD.

4.5 Vegetation

The vegetation within the action areas contained within the ADCNR/MRD and the Equity Builders, LLC, 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*), longleaf (*Pinus palustris*), and hardwoods consisting of live oak (*Quercus* sp.), water oak (*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.

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 ADCNR/MRD disposal property or Equity Builders LLC-owned property proposed for exchange would occur because of the proposed action.

4.5.2 Proposed Action Alternative Impact to Vegetation

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

However, the transferred property will subsequently be converted to ROW for construction of a two-lane roadway (approx. 0.13 mile in length). The potential impacts to vegetation from another project adjacent to the action area 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.

Equity Builders LLC. -Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC -owned property to the ADCNR/MRD. This property would become part of the ADCNR/MRD's Gulf Shores office facility and would be available for storage of artificial 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 Equity Builders, LLC-owned property to the ADCNR/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 the vicinity of the action area as determined by an April 18, 2025, consultation with the USFWS's IPaC system (<https://ipac.ecosphere.fws.gov>), are listed in Table 3. Descriptions of the species habitats are as follows.

Table 3: Federally protected threatened and endangered species that may occur in or near the affected parcel.

SPECIES/CRITICAL HABITAT	STATUS ¹
Snake, Eastern Indigo; <i>Drymarchon couperi</i>	T
Sea turtle, Kemp's ridley; <i>Lepidochelys kempii</i>	E
Manatee, West Indian; <i>Trichechus manatus</i>	T
Butterfly, Monarch; <i>Danaus plexippus</i>	C
Snapping turtle, Alligator; <i>Macrochelys temminckii</i>	PT
Tricolored Bat, <i>Perimyotis subflavus</i>	PE

¹STATUS: E=endangered, T=threatened, PE=proposed endangered, PT=proposed threatened, CH=critical habitat, PCH=proposed critical habitat, C=candidate species.

Eastern Indigo Snake- 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. Surveys of Eastern Indigo Snakes were made during 2017 field studies associated with the Waterway East/27th Ave roadway project EA/FONSI. No evidence of Eastern indigo snakes was observed in the EA/FONSI 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 EA/FONSI action areas and small portions exist in the proposed action area.

Kemp's Ridley Sea Turtle- 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, this species requires open beach areas. No preferred or nesting habitat exists in the proposed 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 West Indian Manatee lives in marine, brackish, and freshwater waters within coastal and riverine areas and their preferred habitats include near shore areas with aquatic vegetation. No suitable habitat to support this species exists in the proposed action area.

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 proposed action area.

Tricolored Bat- The tricolored bat is proposed for ESA listing. The tricolored bat is a cave-dwelling species and this habitat nor artificial habitat that mimics a cave does not occur within the proposed action area.

Alligator Snapping Turtle- The alligator snapping turtle is proposed for ESA listing. The habitat for this species encompasses streams, creeks, and open bodies of fresh and brackish waters. This habitat does not occur within the proposed action area.

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 ADCNR/MRD Disposal Property or Equity Builders, LLC-owned Property proposed for exchange would occur.

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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) 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 ADCNR/MRD disposal property to Equity Builders LLC, would have No Effect on federally listed species or critical habitat.

The transferred property, however, will subsequently be converted to ROW to construct a new

connector road linking existing roads. The potential impacts to federally listed species or critical habitat as a result of the Waterway East/27th Avenue roadway improvements project were previously evaluated in an Intra-Office Section 7 consultation with the FWS Ecological Services Office (ESO) in Daphne, Alabama. The determination of effects from the consultation concluded “No Effects” for all the listed species except Eastern indigo snake and gopher tortoise for which the ESO concurred that construction of the roadway “May Affect but not likely to Adversely Affect” the species. In addition, the consultation indicated no designated critical habitats would be affected by the proposed roadway project.

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.

Equity Builders LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred land would become part of the ADCNR/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 Equity Builders, LLC-owned property to the ADCNR/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 area as including birds, mammals (squirrels, rabbits, raccoons, opossum, deer), reptiles such as turtles and snakes, and amphibians that likely utilize the 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 ADCNR/MRD Disposal Property or Equity Builders, LLC-owned Property Proposed for Exchange.

4.7.2 Proposed Action Alternative Impact on Other Wildlife

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) 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. However, the transferred property will subsequently be converted to ROW construct a new connector road linking existing roads. The potential impacts to wildlife because of the larger roadway improvements project were evaluated in the 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.

Equity Builders LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred land would become part of the ADCNR/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, 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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to recreation or public use resources would occur. However, the transferred property will subsequently be converted to ROW for construction of a two-lane roadway (approx. 0.13 miles in length). 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, local recreational areas, parks, or wild and scenic rivers would be affected by implementation of the proposed roadway project. Therefore, 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.

Equity Builders LLC -Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred land would become part of the ADCNR/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

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

However, the transferred property will subsequently be converted to ROW to construct a new connector road linking existing roads. 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 overall 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 construction planned for the proposed action includes the same amenities and would provide the same overall access and benefits. Also, the project is anticipated to provide improved accessibility to 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.

Equity Builders, LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred property would become part of the ADCNR/MRD's Gulf Shores office facility. The transferred land 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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) does not include any disturbance activities. Therefore, no short-term or long-term adverse impacts to historic properties would occur. The transfer of ADCNR/MRD disposal property to the CITY would have No Effect on historic properties. However, the transferred property will subsequently be converted to ROW to construct a new connector road linking existing roads. 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. 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.

Equity Builders, LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred property would become part of the ADCNR/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 Equity Builders, LLC-owned property to the ADCNR/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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) 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. However, the transferred property will subsequently be converted to ROW to construct a new connector road linking existing roads. No residential or businesses would be impacted by the conversion of the ADCNR/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.

Equity Builders, LLC-Owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred property would become part of the ADCNR/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.

4.12 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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) 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."

Equity Builders, LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/MRD. The transferred property would become part of the ADCNR/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

ADCNR/MRD Disposal Property. The Proposed Action Alternative (transfer of ADCNR/MRD disposal property to Equity Builders, LLC) does not include any disturbance activities. Therefore, no short-term or long- term construction impacts would occur. However, the transferred property will subsequently be converted to ROW to construct a new connector road linking existing roads. 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.

Equity Builders, LLC-owned Property Proposed for Exchange. The Proposed Action Alternative would result in the transfer of Equity Builders, LLC-owned property to the ADCNR/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 Environmental Assessment

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

A public comment period commences on May 28, 2025 and will conclude June 27, 2025. The EA is available for viewing through the Alabama Department of Conservation and Natural Resources website at: <https://www.outdooralabama.com/about-us/public-noticesreports> or written request to ADCNR/MRD.

6 LIST OF SOURCES, AGENCIES AND PERSONS CONSULTED

In accordance with the ESA, the ADCNR/MRD contacted the USFWS with regards to federally listed species.

Agency coordination and effect determinations made during the preparation of the USACE's EA/FONSI for the Waterway East Boulevard/27th Avenue roadway improvement 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

Name	Title
Kevin Anson	Fisheries Section Chief, DCNR, Marine Resources Division
James Swarthout	Biologist II, DCNR, Marine Resources Division

8 REFERENCES

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Appendix A

Photographs of parcels considered for disposal and transfer



Figure A1. View of ADCNR/MRD disposal property from Waterway East Blvd looking north-east.



Figure A2. View of north-west corner of Equity Builders, LLC, property looking south-west.



Figure A3. View from Waterway East Blvd of land inadvertently cleared by a contractor with the City of Gulf Shores in September 2023. Land with mulch (foreground) is owned by ADCNR/MRD and land with grass (background) is owned by Equity Builders, LLC.

Appendix B

United States Department of Agriculture Soil Map of the parcel considered for disposal

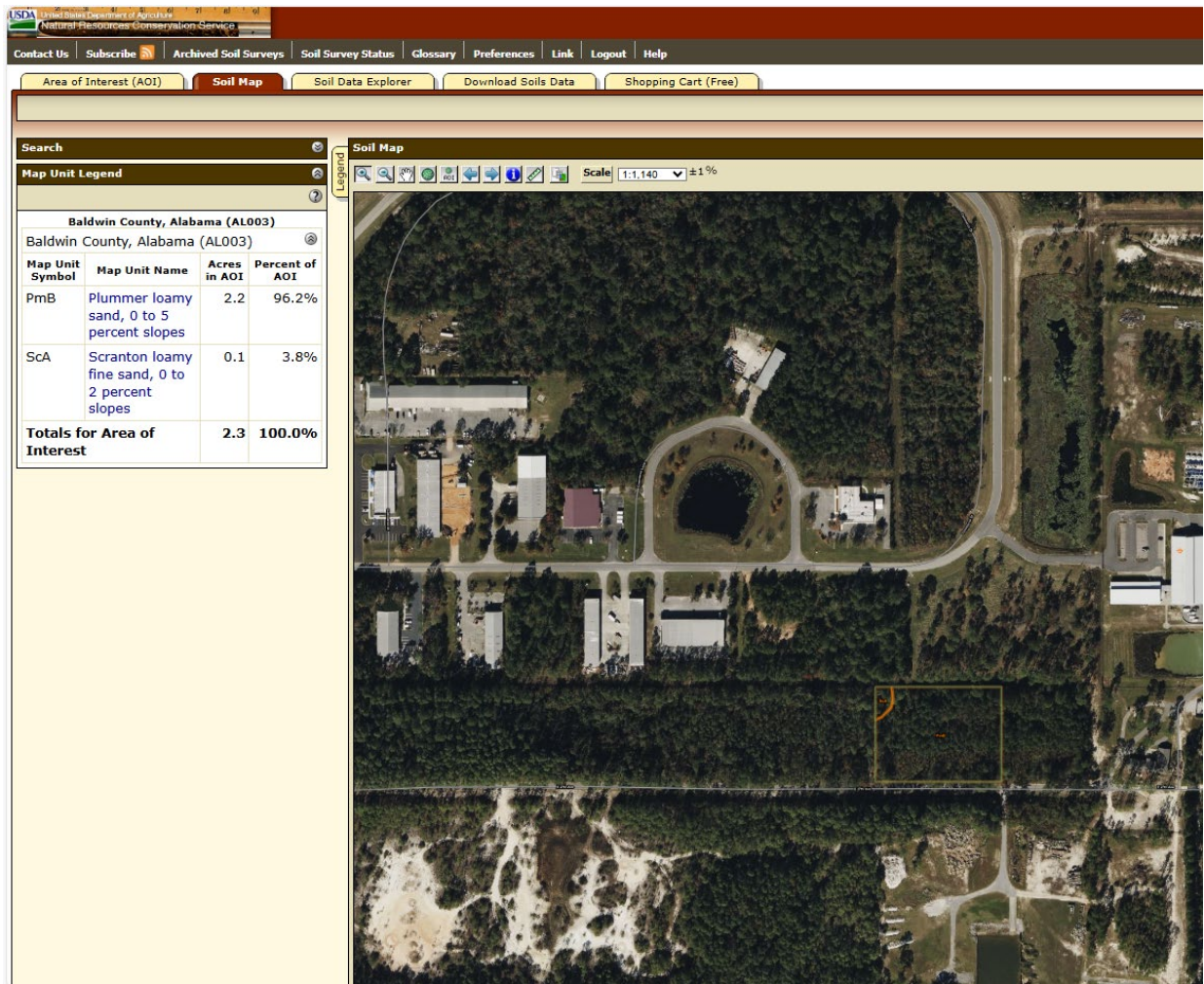


Figure B1. Soil composition of the Alabama Department of Conservation and Natural Resources, Marine Resources Division, property considered for disposal (boundary of area of interest is approximate). Source: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/>. Accessed May 20, 2025.