

Direct Component Project Evaluation Form

Please complete the following information needed to evaluate your proposal. In order to be considered, complete evaluation packets must be received by **October 31, 2017**. Do not leave any questions blank; use N/A if not applicable to your project. The completed form is limited to 20 pages, including a 5 page limit for Section B.1 Proposed Scope of Work. See attached FAQs for submission information.

| GENERAL INFORMATION | | | |
|--|--|-------------------------------------|--|
| Applicant Name: | Baldwin County Commission | | |
| Point of Contact for matters concerning this project (POC name, email address and phone): | Joey Nunnally, P.E., County Engineer, jnunnally@baldwincountyal.gov , Office: 251-937-0371 Cell: 251-295-8337 | | |
| Proposed Project Name: | Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition | | |
| A. RESTORE ACT PROJECT CLASSIFICATION | | | |
| 1. Qualifying eligible activity: Please check the primary eligible activity in the first column and then all other eligible activities that apply in the second column by placing an "X" in the column in the row corresponding to the qualifying eligible activity. | Primary Activity | All Others That Apply | Qualifying Eligible Activity |
| | <input type="checkbox"/> | <input type="checkbox"/> | Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region |
| | <input type="checkbox"/> | <input type="checkbox"/> | Mitigation of damage to fish, wildlife, and natural resources |
| | <input type="checkbox"/> | <input type="checkbox"/> | Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Workforce development and job creation |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Improvements to or on state parks located in coastal areas affected by the Deepwater Horizon oil spill |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Infrastructure projects benefitting the economy or ecological resources, including port infrastructure |
| | <input type="checkbox"/> | <input type="checkbox"/> | Coastal flood protection and related infrastructure |
| | <input type="checkbox"/> | <input type="checkbox"/> | Planning assistance |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Promotion of tourism in the Gulf Coast Region, including recreational fishing |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Promotion of the consumption of seafood harvested from the Gulf Coast Region |
| 2. Was this proposed activity included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after July 6, 2012? If "Yes," this activity is not eligible for Director Component funding. | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |

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| 3. Location a) Please provide the actual location for the activity as street address, nearest intersection, or note boundaries on a submitted map. If there is more than one location for the activity, attach a list of the additional locations, city/town, county, state, and zip code. | Location: | Various properties along the proposed project alignment beginning at the existing I-10 Baldwin Beach Express overpass near Rosinton, Alabama, and ending at I-65, approximately 1.85 miles NE of existing I-65/SR 287 Interchange. |
| | City/Town: | N/A |
| | County: | Baldwin |
| | State: | Alabama |
| | Zip Code: | N/A |
| b) Applicants must demonstrate that the proposed activity will be carried out in the Gulf Coast Region. An activity is carried out the Gulf Coast Region when, in the reasonable judgement of the entity applying for a grant, each severable part of the activity is primarily designed to restore or protect that geographic area. Describe how the proposed activity will be carried out in the Gulf Coast Region as defined in 31 CFR 34.2. Applicant must also attach a map including the location the activity is primarily designed to restore or protect. (See FAQs) | | |
| Proposed project is located within the Gulf Coast Region as shown on the attached map | | |

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| B. DISCUSSION OF SPECIFIC ACTIVITY | |
| 1. Proposed Scope of Work (See FAQs) | |
| (a) Provide a detailed scope of work that fully describes the project or program for which funding is requested, including: | |
| <ul style="list-style-type: none"> Need, purpose, and objectives | |
| Project Need (include cost of No Action): | |
| This submittal seeks funding for Right of Way (ROW) property acquisition to accommodate the proposed 24.5 mile Baldwin Beach Express extension between Interstate 10 and Interstate 65. Right-of-way must be acquired as soon as possible before rising land prices impact project feasibility. The proposed Beach Express Extension will contribute to the overall resilience of the Gulf Coast and the State of Alabama. Regional Economic Recovery, tourism, industrial growth, and public safety are supported and enhanced through the completion of this project. Costs of "No Action": The proposed Beach Express Extension will not be implemented and the corresponding regional benefits will not be realized. | |
| Project Purpose: | |
| Acquisition of ROW property in as timely a manner as possible to remain within budgeted cost/ feasibility projection, in order to accommodate the proposed 24.5 mile Baldwin Beach Express extension between Interstate 10 and Interstate 65. | |
| Project Objectives: | |
| Baldwin County has expended \$8.5 million in local county funds for plan preparation and environmental permitting to complete the preliminary engineering phase for Baldwin Beach Express Extension. The objective is to acquire all right-of-way necessary to move on to the construction phase. | |
| <ul style="list-style-type: none"> How the project/program meets the identified primary activity designated in A1 | |
| This project will fulfill the right of way acquisition phase of a critical infrastructure link in the Gulf Coast region. | |

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| <ul style="list-style-type: none"> • Specific tasks, milestones and related timeframes (Needs to directly correspond to information provided in the Restore Act Milestones Report (See sample in FAQs) |
| <ol style="list-style-type: none"> 1. Preliminary Research; Award + 1 month (5% of Scope of Work) 2. Appraisals and Reviews; Award + 4 months (10% of Scope of Work) 3. Offers and Negotiations; Award + 8 months (15% of Scope of Work) 4. Non-Condemnation Closings; Award + 12 months (20% of Scope of Work) 5. Condemnations; Award + 18 months (20% of Scope of Work) 6. Condemnation Judgments; Award + 20 months (15% of Scope of Work) 7. Final Documentation; Award + 24 months (15% of Scope of Work) |
| <ul style="list-style-type: none"> • Description of all funding sources (please list any other funding sources that will be dedicated to meeting project goals and objectives, both federal and non-federal (corresponds to SF-424-A form in budget attachments) |
| <p>Baldwin County has already expended approximately \$8.5 million in local county funds for plan preparation and environmental permitting. It is the intent of Baldwin County to seeking 100% funding for this ROW acquisition project. Awarded funds will be used for acquisition costs (including reimbursing time spent by County ROW Section staff members), appraisal costs, closing costs, relocations costs, condemnation costs, and any other ROW costs..</p> |
| <ul style="list-style-type: none"> • Projects designed to protect or restore natural resources must be based on best available science, (See FAQs). Include a description of the methods to be used to achieve the protection or restoration objective(s). (Also complete Question B10.) |
| <p>N/A</p> |
| <p>(b) If the proposed project is part of a larger project outside the scope of this application, describe the larger project and the proposed project's relationship to it.</p> |
| <p>This is the right-of-way acquisition phase for the larger Baldwin Beach Express Extension project. The preliminary engineering and environmental permitting phases have already been completed by the County. When the entire project is complete, the Baldwin Beach Express Extension will be a four-lane divided expressway providing increased access to and from the Alabama Gulf Coast.</p> |
| <p>2. Budget Justification (See 2 CFR Sub-part E, Cost Principles) Directions: Explain in detail how the proposed budget supports the proposed scope of work. The budget justification should relate each budget category listed in the SF-424A and SF-424C to the specific tasks discussed in the response to B1. Provide specific justification for ALL budget categories that apply, including an explanation of the necessity, allowability, reasonableness, and allocability of proposed costs. Please refer to the relevant FAQs for descriptions of the budget categories.</p> |
| <p>All proposed work will be under the following specific SF-424-C specific tasks:</p> <ol style="list-style-type: none"> 1. \$150,000.00 (County forces time for ROW acquisition) 2. \$11,140,000.00 (Cost of right-of-way acquisitions, appraisals, closings, condemnations, etc.) 3. \$50,000.00 (Relocation costs expected on Tracts 2 and 14) |
| <p>3. The Applicant's Selection and Oversight of Contractors, if applicable</p> <p>Directions: Indicate if the applicant plans to contract out any work described under the Budget Justification (see B2) including construction. If so, the applicant must describe the following:</p> |
| <p>- Nature of the work to be contracted out and the expected number of contracts to be awarded;</p> <p>Appraisal, relocation, title, and legal work will be contracted out. Selection of contractors will comport with ALDOT and Federal requirements. All contractors will be selected from ALDOT's pre-approved list, which is compiled in accordance with the applicable federal regulations.</p> |
| <p>- Procurement method(s) allowable under 2 CFR 200.320 that will be used for the procurement of the contractor(s);</p> <p>Baldwin County will comply with ALDOT right-of-way acquisition guidelines, which will include compliance with all applicable federal regulations for the procurement of professional service contracts.</p> |
| <p>- Justification under 2 CFR 200.320(f) for sole source procurement, if applicable; and</p> |

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| Any sole source procurement of process. | |
| - Applicant's plan for monitoring contractor performance and compliance. Baldwin County forces from the Baldwin County Highway Department, Right of Way section, will manage contractors in accordance with ALDOT guidelines and applicable federal regulations. | |
| If a contractor already has been selected, also include the following: - Name of each contractor; - DUNS number of each contractor; - Date the applicant executed each contract; - Amount of each contract award; | |
| N/A | |
| - Procurement method allowable under 2 CFR 200.320 that was used for the procurement of each contract; - Description of the procurement process, as implemented; and - Justification under 2 CFR 200.320(f) for sole source procurement, if applicable. | |
| A contractor will be selected from ALDOT's pre-approved list, which is compiled in accordance with the applicable federal procurement regulations. | |
| 4. Best Available Science | |
| Directions: If the answer to the following question is "yes" complete this section. Is the proposed activity designed to protect or restore natural resources? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| The RESTORE Act requires activities designed to protect or restore natural resources to be based on the "best available science," which is defined in the Act as science that (a) maximizes the quality, objectivity, and integrity of information, including statistical information; (b) uses peer-reviewed and publicly available data; and (c) clearly documents risks and uncertainties in the scientific basis for such projects. The applicant must make a determination that a project designed to protect or restore natural resources is based on the best available science. In order to support this determination, the applicant must clearly state the protection or restoration objective(s) of the project, describe the methods that will be used to achieve the objective(s), and explain how these methods are based on best available science. The response must be sufficiently detailed for Treasury to evaluate the reasonableness of the applicant's determination that the project is based on best available science. In addressing the three-pronged test in the definition of "best available science," the applicant must cite, when available, peer-reviewed, objective, methodologically sound literature sources that support the conclusion that the proposed scope of work is an effective way to achieve the stated objectives. | |
| For each literature source cited, the applicant must provide sufficient citations, including: - Title; - Journal in which the literature source appeared, if applicable; - Publication date; - Author(s); and - Web address if downloaded or available online. | |
| N/A | |
| The applicant must provide written answers to all of the following: (Submission of source materials will not satisfy the requirements for answering this question.) | |

- A summary of the peer-reviewed information that justifies the proposed objectives, including methods used for the proposed activity. If peer-reviewed literature sources are unavailable, the Applicant must explicitly State this and provide A brief explanation of what alternative scientific information sources were used. If the Applicant relied on publicly available data, the Applicant must cite the source of the data, the date of collection, and the size of the data set. Whenever possible, the Applicant should use publicly available data from sources such as State agencies and federal agencies, for example the U.S. Census Bureau, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration. The Applicant must provide a link to each publicly available data source used.

N/A

- A summary of how the applicant's methods reasonably support and are adaptable to Gulf Coast Region if the information supporting the proposed activity does not directly pertain to the Gulf Coast Region.

N/A

- A summary of an evaluation of uncertainties and risks in achieving the project's best available science objectives over the longer term; e.g., is there an uncertainty or risk that in 5-10 years the project/program will be obsolete or not function as planned given projections of sea level rise or other environmental change such as in freshwater inflows to estuaries?

N/A

- A summary of the literature sources' conclusions and any uncertainties or risks in the scientific basis that would apply to the proposed activity, including any uncertainties or risks that were identified by the public or by a Gulf Coast Ecosystem Restoration Council member.

N/A

5. Key Personnel

Directions: Key personnel should include the applicant's Authorizing Official who is authorized to sign the grant application and award, the Project Director who is responsible for the project, and the Financial Officer who is responsible for maintaining the accounting and financial records of the grant. Please provide an Organizational Chart.

Joey Nunnally, P.E., County Engineer Matthew S. Brown, Design Engineer William Duggar, Chief Hwy Accountant

6. Possible Material Risks to Implement and Maintain the Proposed Activity

Directions: List the possible material risks, e.g., operational, legal, regulatory, budgetary, or ecological risks, with a brief discussion of mitigation strategies that the applicant may need to address in order to implement and/or maintain the proposed activity. If the applicant determines that there are no material risks to implement and maintain the proposed activity, then put 'None' in the Risk column below.

Risks:

Property owners not willing to sell.

Mitigation Strategy:

Proceed with condemnation in accordance with the Uniform Act and applicable State law.

7. Permits, Land Acquisition, Construction, and Relocation Assistance

Directions: Answer the following items concerning permits, construction, land acquisition, and relocation assistance, if applicable.

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| (a) Permits |
| Does the proposed activity require any federal, tribal, state, or local permits? For potential federal permits needed, see: (https://www.permits.performance.gov/tools/federal-environmental-review-and-authorization-inventory). If yes, list the specific federal, tribal, state, or local permits required for this project and the status of the permits: Alabama Historical Commission (AHC) 5/9/11; US Fish & Wildlife 8/9/11; USACE permit expires 5/26/2021; ADEM/WQC permit expires 5/26/2021. Under the NEPA, we have an approved EA/FONSI that as long as the footprint does not change and as long as the USACE permit remains valid, we are in compliance with the NEPA process. |
| (b) Land Acquisition and Construction Activities |
| Will land be improved? If yes, answer questions i-vi |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Will land or interest in land be acquired? If yes, answer questions i-vii |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| i. What are the legal rights that will be acquired? |
| Fee Title <input checked="" type="checkbox"/> Easement <input type="checkbox"/> Other _____ |
| ii. If an easement, what is the life of the easement? |
| N/A |
| iii. Who will hold title to the land? |
| Baldwin County Commission |
| iv. What is the total acreage of the proposed property interest to be acquired (easement or fee title)? |
| Approximately 1202.134 acres |
| v. Has the applicant obtained a recent certified appraisal of the property? If yes, attach a copy of the appraisal. |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| vi. Has the applicant obtained a recent title opinion or certificate? If yes, attach a copy of the title opinion or certificate. |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| vii. Attach a signed statement from the seller(s) that he/she is a willing seller and has not been coerced into selling or conveying the property interest. |
| N/A - Baldwin County will acquire property in accordance with the ALDOT guidelines and the Uniform Act. Communication with the sellers will not be initiated until permission under the applicable federal regulations. |
| viii. Attach the legal description of the property and the tax parcel number. |
| Legal descriptions and right-of-way maps with tax parcel numbers are attached. |
| (c) Relocation Assistance |

Will the proposed project cause the displacement of any persons, businesses, or farm operations? If yes, as required by Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

All proposed parcels have been reviewed with aerial photography. When structures were located, Baldwin County ROW staff visited the sites to determine whether the structures were occupied or habitable. No habitable structures were identified among the parcels to be acquired and therefore no relocation of residents is anticipated. In the event that the relocation of persons is required, relocation assistance will be provided in accordance with applicable federal and state law by a professional consultant who is certified to provide relocation assistance. Baldwin County does anticipate relocating uninhabited structures on tracts 2 and 14 and will comply with all applicable state and federal laws in these relocation activities.

8. Additional Project-Specific Factors

- Please discuss the proposed project's short-term and long-term benefits

In the short term, this project will acquire real property at market values which are rapidly rising, therefore the quicker this project is completed, the more dollars are saved. Funds expended to property owners, appraisers and other associated project costs will rapidly circulate to the regional economy. Completing the property acquisition will allow construction phase to begin which will generate short and long term jobs. This project invests in the future of coastal Alabama, building resiliency through increased economic opportunities, revenue generation, and public safety. Through the action of this project, the completed transportation link will ultimately contribute to the economic resilience of our Gulf Coast and the State of Alabama.

- The purpose of the RESTORE Act is to provide funding for ecological and economic recovery efforts for damages incurred as a result of the Deepwater Horizon Oil Spill. Please discuss how the proposed project's implementation will prevent any adverse impacts elsewhere.

The Baldwin Beach Express Extension will increase the overall resiliency of the Alabama Gulf Coast by helping tourists access Alabama natural resources while also provided residents and tourists with alternate evacuation options during extreme weather events. The Baldwin Beach Express Extension will be constructed in compliance with state and federal environmental laws to ensure that the project benefits are realized with no adverse impacts elsewhere.

- Does the proposed project expand or promote an existing industry or offer diversification? If so, please explain:

Yes, access to North Baldwin Megasite and enhanced access to and from Gulf tourist areas.

- Does the proposed project create short-term job opportunities? If so, how many? Please justify:

The construction phase following this right of way acquisition phase will result in numerous short-term job opportunity.

- Does the proposed project create long-term job opportunities? If so, how many? Please justify:

No, but the enhanced access to tourism and the Megasite will greatly enhance opportunities to recruit and develop long-term jobs in the region.

- Please discuss how the proposed project will be sustained post-implementation including any annual recurring costs

The costs of maintaining the ROW acquired in this project will be de minimis. After the ultimate construction of the project, the Baldwin Beach Express Extension will be maintained by Baldwin County at an estimated annualized cost of \$815,761 per year. This number includes the annualized cost of resurfacing the road at 10-year intervals and the costs of routine maintenance such as guardrail repair, traffic signal maintenance, herbicide spraying, asphalt inspection, and sign maintenance.

- Please discuss how the proposed project will use cutting-edge technology (i.e., LID, LEED, permeable surfaces)

There is no known cutting-edge technology applicable to right-of-way acquisition.

- Because the Gulf Coast Restoration Trust Fund will receive deposits over a 15-year period, the Council may consider funding projects in phases. In the event this proposed project is not fully funded, please discuss how the project might be implemented in phases. Keep in mind each phase must result in a stand-alone product.

This project cannot be implemented in phases. Time to implement is estimated to be four (4) months and completion time is estimated to be twenty-four (24) months.

Rev. 8/10/17

RESTORE Act Environmental Checklist
Department of the Treasury

OMB Approval Number 1505-0250

Directions: The following questions will aid the applicant in identifying the environmental laws that may apply to the eligible activity and the environmental documents that may be required from listed agencies and submitted with the grant application. Follow up to the questions should be listed in the table located on the last page of the checklist. Treasury will use the submittals to record the Applicant's assertion that it has complied with applicable environmental laws.

PROPOSED PROJECT NAME: Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition

APPLICANT NAME: Baldwin County Commission

FEDERAL LAWS

1.1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The NEPA of 1969 (42 U.S.C. 4321 et seq.) provides a national policy that encourages "productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man . . ." The NEPA requires that all federal agencies use a systematic, interdisciplinary approach for protection of the human environment; this approach will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an impact upon the environment. The NEPA also requires the preparation of a detailed Environmental Impact Statement (EIS) on any major federal action that may have a significant impact on the environment. An Environmental Review may be required based on the answers to the following questions:

1) Will the proposed activity be under the permitting authority of any federal agency?

Yes No

2) Will the proposed activity receive federal assistance (other than RESTORE Act funding)?

Yes No

3) Will the proposed activity be subject to any federal regulatory decision or approval?

Yes No

Already received. See attached Army Corps of Engineers NEPA Decision Document.

If the answer to any of these questions is "yes," contact the relevant federal agency or agencies for further guidance on environmental compliance. Additional information concerning NEPA can

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0250. Comments concerning the time required to complete this information collection, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information, should be directed to the Department of the Treasury, Office of Gulf Coast Restoration, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

be found at: <https://ceq.doe.gov/>.

- 4) Has any environmental review (e.g., NEPA documentation or state or tribal equivalent) been prepared for this proposed eligible activity?

Yes

No

If yes, please attach a copy of the documentation to this checklist.

1.2. COASTAL ZONE MANAGEMENT ACT (CZMA)

A federal consistency determination or certification pursuant to Section 307 of the Coastal Zone Management Act may be required from the state coastal zone management program, based on the answers to the following questions:

- 1) Will the proposed activity occur in or near the state designated coastal zone (<https://coast.noaa.gov/czm/media/StateCZBoundaries.pdf>)?

Yes

No

- 2) Is the activity likely to have reasonably foreseeable effects on any land or water use or natural resource of the designated coastal zone?

Yes

No

If the answer to either of these questions is "yes," contact the State Coastal Zone Management Program (<https://coast.noaa.gov/czm/about/?redirect=301ocm>) for further guidance on federal consistency requirements in your state. Additional information on federal consistency can be found at: <https://coast.noaa.gov/czm/consistency/>.

1.3 ENDANGERED SPECIES ACT (ESA)

A consultation pursuant to Section 7 of the Endangered Species Act and/or a permit and conservation plan pursuant to Section 10 may be required based on the answers to the following questions:

- 1) Will the proposed activity occur in proximity to threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of the National Marine Fisheries Service (NMFS) (<http://www.nmfs.noaa.gov/pr/laws/esa/>) or the U.S. Fish and Wildlife Service (USFWS) (<http://www.fws.gov/endangered/>)?

Yes

No

- 2) Will the proposed activity potentially affect threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of NMFS or USFWS?

Yes

No

If the answer to either of these questions is "yes," or you are unsure, contact the regional office of USFWS (<http://www.fws.gov/offices/>) and/or NMFS (<http://www.nmfs.noaa.gov/>) to determine if consultation is required. Most consultations are conducted informally with the federal agency or a designated non-federal representative. Non-federal representatives may be involved in the informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for the formal consultation. However, the USFWS requires the action agency to designate formally the non-federal representative in writing. Moreover, the ultimate responsibility for Section 7 obligations remains with the action agency. Additional information concerning Section 7 consultations can be found in the Endangered Species Act Consultation Handbook at: <http://www.fws.gov/policy/m0002.html>. Additional information concerning Section 10 permits and conservation plans can be found at: http://www.nmfs.noaa.gov/pr/permits/ESA_permits.html.

1.4 MIGRATORY BIRD TREATY ACT AND BALD AND GOLDEN EAGLE PROTECTION ACT The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The migratory bird species protected by the Act are listed in 50 C.F.R. 10.13. The Bald and Golden Eagle Protection Act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles [or any golden eagle], including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." A permit may be required based on the answers to the following questions:

- 1) Will the proposed activity affect any migratory bird species protected by the Migratory Bird Treaty Act?

Yes

No

- 2) Will the proposed activity affect any bald or golden eagles protected by the Bald and Golden Eagle Protection Act?

Yes

No

If the answer to either question is "yes" or you are unsure, contact the regional office of USFWS (<http://www.fws.gov/offices/>). More information can be found at: <http://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php> and <http://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>.

1.5 MAGNUSON – STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (FCMA)

Consultation with the NMFS may be required if Essential Fish Habitat (EFH) is present and based on the answers to the following questions:

- 1) Will the proposed activity occur in proximity to Essential Fish Habitat as identified by the nearest Regional Fishery Management Council (<http://www.fisherycouncils.org/> and <http://www.nmfs.noaa.gov/sfa/management/councils/>)

Yes No

- 2) Will the proposed activity potentially adversely affect EFH?

Yes No

If the answer to either of these questions is “yes” or you are unsure, contact the nearest regional office of the NMFS (<http://www.nmfs.noaa.gov/>) or Regional Fishery Management Council (<http://www.fisherycouncils.org/>) to determine if consultation is required. Additional information concerning EFH can be found at: <http://www.habitat.noaa.gov/index.html>. Information about consultations can be found in the Essential Fish Habitat Consultation Guidance at: http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf.

1.6 MARINE MAMMAL PROTECTION ACT (MMPA)

A permit may be required if an activity will result in the “take” of a marine mammal. Taking is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” Permits for most marine mammals are issued by NMFS. Manatees, polar bears, sea otters, walruses, and dugongs, however, are under the jurisdiction of the USFWS.

- 1) Will the proposed activity occur in proximity to any known marine mammals (<http://www.nmfs.noaa.gov/pr/species/mammals/>)?

Yes No

- 2) Will the proposed activity likely result in the take of a marine mammal?

Yes No

If the answer to either of these questions is “yes,” or you are unsure, contact the nearest regional office of NMFS (<http://www.nmfs.noaa.gov/>) to determine if a permit is required. Additional information concerning marine mammal permits can be found at: <http://www.nmfs.noaa.gov/pr/> and http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.html.

1.7 MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA)

Titles I and II of the Marine Protection, Research, and Sanctuaries Act (MPRSA), also referred to as the Ocean Dumping Act, generally prohibits (1) transportation of material from the United States for the purpose of ocean dumping; (2) transportation of material from anywhere for the purpose of ocean dumping by U.S. agencies or U.S.-flagged vessels; (3) dumping of material transported from outside the United States into the U.S. territorial sea. A permit may be required based on the answers to the following questions:

1) Does the proposed activity involve an activity covered by the MPRSA?

Yes

No

If the answer to this question is "yes," contact the Environmental Protection Agency's (EPA's) Office of Wetlands, Oceans, and Watersheds/Oceans and Coastal Protection Division for further guidance (<http://www.epa.gov/aboutepa/about-office-water#wetlands>). Additional information about permits under the MPRSA can be found at: <http://www.epa.gov/laws-regulations/summary-marine-protection-research-and-sanctuaries-act>.

1.8 NATIONAL MARINE SANCTUARIES ACT

Each National Marine Sanctuary has its own unique set of regulations. There are some regulatory prohibitions that are typical for many sanctuaries: 1) discharging material or other matter into the sanctuary; 2) disturbance of, construction on or alteration of the seabed; 3) disturbance of cultural resources; and 4) exploring for, developing or producing oil, gas or minerals (with a grandfather clause for preexisting operations). A permit may be required from the National Oceanic and Atmospheric Administration (NOAA) based on the answers to the following questions:

1) Is the proposed activity located in a National Marine Sanctuary (<http://sanctuaries.noaa.gov/about/regions.html>)?

Yes

No

If the answer to this question is "yes," contact the nearest Regional Office of NOAA's National Marine Sanctuaries Program for further guidance (<http://sanctuaries.noaa.gov/about/southeast.html>).

1.9 CLEAN WATER ACT (CWA)

A separate type of permit is required to dispose of dredge or fill material in the Nation's waters, including wetlands. Authorized by Section 404 of the Act, this permit program is administered by the U.S. Army Corps of Engineers (USACE), subject to and using environmental guidance from the EPA. Some types of activities are exempt from permit requirements, including certain farming, ranching, and forestry practices that do not alter the use or character of the land; some construction and maintenance; and activities already regulated by States under other provisions of the Act. A permit may be required from the USACE based on the answers to the following

questions:

- 1) Will the proposed activity result in any disposal of dredge or fill material to the nation's waters or wetlands?

Yes No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE (<http://w3.saj.usace.army.mil/permits/HQAvatar/index.htm>) for further guidance on Section 404 permits.

A Water Quality Certification (Section 401) is required for activities that may result in a discharge into navigable waters, including wetlands, watercourses, and natural or man-made ponds. A National Pollution Discharge Elimination System (NPDES) permit may also be required for such discharges.

- 1) Will the proposed activity result in any discharge to navigable waters?

Yes No

If the answer to this question is "yes," contact your state water quality agency for additional guidance. Additional information concerning Section 401 or NPDES requirements can be found at: <http://www.epa.gov/owow/wetlands/waterquality> and <http://cfpub.epa.gov/npdes/>

1.10 CLEAN AIR ACT (CAA)

Special conditions may be required on projects that could affect air quality, based on the answers to the following questions:

- 1) Will the proposed activity result in any direct or indirect emissions within a non-attainment area (<http://www3.epa.gov/airquality/greenbook/define.html>)?

Yes No

If the answer to this question is "yes," contact the nearest state air quality agency (<http://www.4cleanair.org>) for further guidance on determining conformity with the state implementation plan.

1.11 NATIONAL HISTORIC PRESERVATION ACT (NHPA) AND THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT (AHPA)

Special conditions may be required on projects that could affect historic resources, based on the answers to the following questions:

- 1) Will the proposed activity occur near property listed or eligible for listing in the National Register of Historic Places (<http://www.nps.gov/nr>), or near property otherwise protected

by section 106 of the National Historic Preservation Act (<http://www.achp.gov/nps.html>) or a similar State Preservation Act?

Yes No

If the answer to this question is "yes," or you are unsure, contact your state historic preservation office (<http://www.ncshpo.org/>) for further guidance concerning compliance requirements.

1.12 COASTAL BARRIER RESOURCE ACT (CBRA)

Federal funding may be prohibited for projects that occur on certain designated coastal barriers, based on the answer to the following questions:

- 1) Is the proposed activity located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (<http://www.fws.gov/cbra/>)?

Yes No

If the answer to this question is "yes," contact the nearest Regional Office of USFWS (<http://www.fws.gov/where>) for further guidance.

1.13 RIVERS AND HARBORS ACT

A permit may be required from the USACE based on the answers to the following questions:

- 1) Will the proposed activity involve any work (including structures) that will occur in, over or under navigable waters of the United States?

Yes No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE (<http://w3.saj.usace.army.mil/permits/HQAvatar/index.htm>) for further guidance on Section 10 permits. The USACE can authorize activities by a standard individual permit, letter-of-permission, nationwide permit, or regional permit. The USACE will make the determination on what type of permit is needed.

1.14 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

A RCRA permit may be required from the EPA or designated state agency based on the answers to the following question:

- 1) Will the proposed activity include the long-term storage, treatment, or disposal of hazardous materials or petroleum products?

Yes No

If the answer to this question is "yes," contact the nearest RCRA Regional Office of the EPA or state authorized agency (<http://www.epa.gov/compliance/resource-conservation-and-recovery->

[act-rcra-compliance-monitoring](#)) for further guidance on RCRA compliance.

1.15 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

Special provisions and requirements may apply based on the answer to the following question: (<http://www.epa.gov/superfund/sites/index.htm>).

1) Will the proposed activity involve a Superfund site?

Yes No

If the answer to this question is "yes," contact the nearest Regional Office of the EPA (<http://www.epa.gov/aboutepa/visiting-regional-office>) for further guidance on CERCLA requirements.

1.16 WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the free-flowing condition, water quality, or outstanding resource values of a designated Wild and Scenic River. There are designated rivers in the Gulf Coast States and the Act may apply based on the answer to the following questions:

1) Is the proposed activity located on a designated Wild and Scenic River (<http://www.rivers.gov/index.php>)?

Yes No

If the answer to this question is "yes," contact the nearest Regional Office of the USFWS (<http://www.fws.gov/where>) for further guidance.

1.17 SAFE DRINKING WATER ACT

A permit may be required if the proposed activity will involve underground injection which may impact drinking water sources and based on the answer to the following question:

1) Will the proposed activity involve underground injection which may impact drinking water sources?

Yes No

If the answer to the question is "yes," contact the nearest state drinking water or underground injection control program. For more information see: <http://water.epa.gov/lawsregs/guidance/sdwa/>.

1.18 FARMLAND PROTECTION POLICY ACT (FPPA)

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. The project may be subject to the FPPA based on the answers to the following questions:

- 1) Will the proposed activity irreversibly convert farmland (directly or indirectly) to nonagricultural use?

Yes

No

See attached Army Corps of Engineers NEPA Decision Document.

If the answer to the question is "yes," contact your local office of the Natural Resources Conservation Service (NRCS) or USDA Service Center. For more information see:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275

EXECUTIVE ORDERS

Executive Orders are directives from the President of the United States to federal agencies and officials.

2.1 E.O. 11988 AND E.O. 13690 – FLOODPLAIN MANAGEMENT

Executive Order 11988, as amended by Executive Order 13690 requires that an eight-step process be followed for projects that may have potential impacts to or within floodplains.

- 1) Is the proposed activity located in a designated floodway or "V-zone" on a National Flood Insurance Program map: (<http://msc.fema.gov/portal>)?

Yes

No

See attached Army Corps of Engineers NEPA Decision Document.

If the answer to this question is "yes," contact the nearest Regional Office of the Federal Emergency Management Agency (<https://www.fema.gov/regional-contact-information>) for further guidance.

2.2 E.O. 11990 and E.O. 12608– WETLAND PROTECTION

This Executive Order requires agencies to avoid providing assistance for new construction located in wetlands unless there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. The Executive Order defines wetlands: "(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." (See

<http://www.fws.gov/wetlands/Data/Mapper.html>)

1) Is any portion of the project proposing a new construction activity in wetlands?

Yes

No

See attached Army Corps of Engineers NEPA Decision Document.

If the answer to this question is "yes," provide documentation in the grant application demonstrating that: (1) there is no practicable alternative, and (2) the proposed activity includes all practicable measures to minimize harm to wetlands.

2.3 E.O. 12898 – ENVIRONMENTAL JUSTICE

This Executive Order requires that "each federal agency shall make achieving 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."

1) Will the proposed activity have disproportionately high and adverse human health or environmental effects on minority or low-income populations?

Yes

No

If the answer to this question is "yes," see the Council on Environmental Quality website for further guidance on Environmental Justice: https://ceq.doe.gov/nepa_information/justice.html.

2.4 E.O. 13089 – CORAL REEF PROTECTION

This Executive Order requires that any actions that are authorized or funded by federal agencies not degrade the condition of coral reef ecosystems. Some of the Gulf Coast States contain coral reef ecosystems and include National Marine Sanctuaries (<http://sanctuaries.noaa.gov>).

1) Will the proposed activity involve a coral reef ecosystem or National Marine Sanctuary?

Yes

No

If the answer to this question is "yes," contact the National Oceanic and Atmospheric Administration Coral Reef Conservation Program (<http://www.coralreef.noaa.gov>) for further guidance. Additional information regarding Executive Order 13089 can be found at: <https://ceq.doe.gov/nepa/regs/eos/eo13089.html>.

2.5 E.O. 13112 – INVASIVE SPECIES

This Executive Order requires agencies to prevent the introduction of invasive species and provide for their control.

- 1) Will the proposed activity have the potential to introduce or cause the spread of an invasive species? For more information on invasive species, see <http://www.invasivespeciesinfo.gov/index.shtml>.

Yes

No

If the answer to this question is “yes,” provide documentation demonstrating that the benefits of the activity clearly outweigh the potential harm caused by invasive species, and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

2.6 E.O. 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS This Executive Order requires the incorporation and promotion of migratory bird conservation considerations into all agency activities. The Gulf Coast States contain North American migration flyways.

- 1) Is the proposed activity likely to occur during a time of the year when migrating birds are in the vicinity?

Yes

No

If the answer to this question is “yes,” contact the nearest Regional Office of the U.S. Fish and Wildlife Service (<http://www.fws.gov/where>) for further guidance. Additional information regarding Executive Order 13186 can be found at: <http://www.fws.gov/migratorybirds>.

2.7 E.O. 13653 – PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE This Executive Order requires federal agencies to identify and support smarter, more climate- resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance and grants.

- 1) Will the proposed activity incorporate elements that promote climate-resilience (e.g., to rising sea levels)?

Yes

No

If yes, include a brief description of the climate-resilient elements in the grant application - proposed activity description.

Executive Order 13563 can be found at: <https://www.gpo.gov/fdsys/pkg/FR-2013-11-06/pdf/2013-26785.pdf>.

Report the status of your contact with required agencies/tribes on the table below which coincides with the environmental laws outlined in the checklist. Provide the date of contact, name of agency/tribe contacted, location, and any necessary permit, certification, or other determination or mitigation proposed by the agency/tribe. If none, state so.

Status of Contact Table

| Federal law as listed in checklist | Date of contact | Name of agency/tribe contacted | Location | Permit, certification, determination or mitigation required |
|--|-----------------|--------------------------------|----------|--|
| N/A | 5/9/2011 | Alabama Historical Commission | | No action required |
| ENDANGERED SPECIES ACT (ESA) | 8/9/2011 | US Fish & Wildlife | | No currently listed species found |
| CLEAN WATER ACT (CWA) | | USACE | | Permit expires 5/26/2021 |
| N/A | | ADEM/WQC | | Permit expires 5/26/2021 |
| NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) | | NEPA | | Valid as long as the USACE permit is current and the scope of work does not change |
| | | | | |
| | | | | |

Signature of Authorized Senior Official: 
 Name: T. Christopher Elliott Date: 10/24/17
 Title: Chairman Organization: Baldwin County Commission

RESTORE Act Milestones Report

Instructions for Completing Form:

Please complete Columns B-E in the initial report submitted as part of an application package. After a grant is awarded, complete Columns F-G for each milestone as applicable and submit as part of the performance reports. The values in Columns E and G should each total 100%. These milestones should reflect what is in the applicant's scope of work as described in the applicable RESTORE Act Direct Component Application Narrative.

Applicant/Grantee: Baldwin County Commission

Title: Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition

Reporting Period Ending:*

INITIAL

| A. Milestone # | B: Milestone Description | C. Estimated Completion Timeframe of Milestone (Format: award + # of months) | D. Is milestone contingent upon completion of another milestone (Y/N)? If yes, which milestone is it contingent upon (# from Column A)? | E. What percentage of the Scope of Work is estimated to be completed with this milestone? | F. Actual Completion Date of Milestone (Format: Month/Year) | G. Estimate percentage of budget for the awarded Scope of Work spent on milestone |
|----------------|--|--|---|---|---|---|
| 1 | Preliminary Research | Award + 1 month | N | 5.00% | | 0.00% |
| 2 | Appraisals and Reviews | Award + 4 months | Y, 1 | 10.00% | | 0.00% |
| 3 | Offers and Negotiations | Award + 8 months | Y, 2 | 15.00% | | 0.00% |
| 4 | Non-Condemnation Closings | Award + 12 months | Y, 3 | 20.00% | | 0.00% |
| 5 | Condemnations | Award + 18 months | Y, 3 | 20.00% | | 0.00% |
| 6 | Condemnation Judgments | Award + 20 months | Y, 5 | 15.00% | | 0.00% |
| 7 | Final Documentation | Award + 24 months | Y, 6 & 4 | 15.00% | | 0.00% |
| | | | | 0.00% | | 0.00% |
| | This row is for Columns E and G Totals | | | 100.00% | | 0.00% |

RESTORE Act Status of Performance Report

Instructions for Completing Form:

The purpose of this form is to report the status of progress toward reaching priority goals of the eligible Direct Component (DC) activity (i.e., measuring success, rather than listing milestones or tasks). Please focus on a discrete number of priority goals (1-3) and the corresponding performance measures (1-5).

Goal(s): Anticipated result(s). State the priority goal(s) to be achieved with the grant award. Priority goal(s) should clearly identify with the eligible DC activity.

Eligible Activity/Discipline #: For a DC grant, select the DC number from the list that corresponds to the DC Eligible Activity associated with that measure. The DC numbers, along with the corresponding Eligible Activities, are listed directly below.

Direct Component (DC) Eligible Activities

DC - 1 Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

DC - 2 Mitigation of damage to fish, wildlife, and natural resources.

DC - 3 Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

DC - 4 Workforce development and job creation.

DC - 5 Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.

DC - 6 Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

DC - 7 Coastal flood protection and related infrastructure.

DC - 8 Planning assistance.

DC - 9 Promotion of tourism in the Gulf Coast Region, including recreational fishing

DC - 10 Promotion of consumption of seafood harvested from the Gulf Coast Region

Measure #: Starting with 1, number each performance measure.

Measure: An indicator of success toward reaching a goal. This should reflect "how the applicant will evaluate success" from the narrative of an accepted multiyear plan.

Baseline: The starting point of the measure. It is the status quo without the grant award.

Target: The anticipated result of the measure. It is the anticipated new status with the grant award.

Date: It is the anticipated date for reaching the target.

Progress toward target (reporting period/cumulative): Leave blank on the initial report. For subsequent reports, record progress made during the reporting period and progress made from the start date of the grant award through the current reporting period.

Status/Next Steps: Briefly describe specific progress and/or challenges related to the measure.

RESTORE Act Direct Component Applicant Certifications Department of the Treasury

OMB Approval No. 1505-0250

Directions: These certifications are required by federal law and Department of the Treasury (Treasury) regulations to be submitted with each application to Treasury for financial assistance under the RESTORE Act Direct Component. The certifications must be signed by an authorized senior official of the Applicant who can legally bind the entity and has oversight for the administration and use of the Direct Component funds.

A. RESTORE Act Certification

Pursuant to the RESTORE Act, I certify that for any award Agreement resulting from this application:

1. Each activity funded under this Agreement has been primarily designed to restore and protect [select all that are appropriate: the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy] of the Gulf Coast region.
2. Each activity funded under this Agreement is designed to carry out one or more of the eligible activities for the Direct Component.
3. Each activity funded under this Agreement was selected after consideration of all meaningful input from the public, including broad-based participation from individuals, businesses, Indian tribes, and nonprofit organizations, as described in the grant application.
4. Each activity funded under this Agreement that protects or restores natural resources is based on the best available science, as that term is defined in 31 C.F.R. Part 34.
5. This recipient has procedures in place for procuring property and services under this award that are consistent with the procurement standards applying to Federal grants. This recipient will not request funds under this award for any contract unless this certification remains true and accurate.
6. Pursuant to 2 C.F.R. § 200.303, this recipient will establish and maintain effective internal control over any award made based on this application that provides reasonable assurance that this recipient is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the award. No material deficiencies in this recipient's internal controls are known.
7. A conflict of interest policy consistent with 2 C.F.R. § 200.318(c) is in effect and covering each activity funded under this Agreement.
8. This recipient will comply with Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other applicable federal laws and regulations concerning anti-discrimination.

I make each of these certifications based on my personal knowledge and belief after reasonable and diligent inquiry, and I affirm that this Applicant maintains written documentation sufficient to support each certification made above, and that this Applicant's compliance with each of these certifications is a condition of this Applicant's initial and continuing receipt and use of the funds provided under this Agreement.

B. Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Primary Covered Transactions

Instructions: The inability of an applicant to provide the certification required below will not necessarily result in the denial of participation in

this covered transaction. The prospective Applicant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with Treasury's approval of the proposed Application. However, failure of the Applicant to furnish a certification or an explanation shall disqualify such person/entity from participation in this transaction. Please be advised of the following:

1. This certification is a material representation of fact upon which reliance is placed when Treasury determines to enter into this transaction. If it is later determined that the Applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, Treasury may terminate this transaction for cause or default.
2. The Applicant shall provide immediate written notice to Treasury if at any time the Applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The terms "covered transactions," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal", and "voluntarily excluded," as used in this clause (certification), have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact Treasury for assistance in obtaining a copy of those regulations (31 C.F.R. Part 19).
4. The Applicant agrees by submitting this Application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by Treasury.
5. The Applicant further agrees by submitting this Application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," to be provided by Treasury, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions (see 31 C.F.R. Part 19, Appendix).
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
7. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for transactions authorized under paragraph 4 of this certification, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended,

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1505-0250. The time required to complete this information collection is estimated to average 10 hours, including the time to review instructions, search existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of the time estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, RESTORE Act Program, 1500 Pennsylvania Ave., NW, Washington, DC 20005.

debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, Treasury may terminate this transaction for cause or default.

By signing and submitting this Application, the prospective primary participants (the Applicant) is providing the certification set out below. The prospective primary participant (the Applicant) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this Application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification, and
4. Have not within a three-year period preceding this Application had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, such Applicant shall attach an explanation to this proposal.

C. Certification Regarding Drug-Free Workplace Requirements

The Applicant certifies that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employee for violations of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Applicant's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance program;
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
3. Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (1) of this certification;
4. Notifying the employee in the statement required by paragraph (1) of this certification that, as a condition of employment in such grant, the employee will:
 - a. Abide by the terms of the statement, and
 - b. Notify the employer of any criminal drug use statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the granting agency in writing, within ten calendar days after receiving notice of a conviction under paragraph (4)(b) of this certification from an employee or otherwise receiving actual notice of such conviction;

6. Taking one of the following actions, within 30 days of receiving notice under paragraph (4)(b) of this certification, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1 through 6 above.

D. Certification Regarding Lobbying


The Applicant certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by title 31 U.S. Code section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

| | |
|---|---|
| Signature of Authorized Senior Official:  | |
| Name: T. Christopher Elliott | Date: 10/24/17 |
| Title: Chairman | Organization: Baldwin County Commission |



ALABAMA GULF COAST RECOVERY COUNCIL

Subrecipient Questionnaire

This questionnaire is used to help determine a subrecipient organization's financial and management strength, which helps assess risk and dictates the monitoring plan for subrecipients. Please complete the following questionnaire and submit all related documents as necessary.

SECTION A: GENERAL INFORMATION

| | |
|---|--|
| Project Title: | BALDWIN BEACH EXPRESS I-10 TO I-65 ROW ACQUISITION |
| Point of Contact for matters concerning this project: | Name: JOEY NUNNALLY, P.E., COUNTY ENGINEER Address: PO BOX 220 SILVERHILL, AL 36576 Phone: 251-937-0371 Fax: Email: JNUNNALLY@BALDWINCOUNTYAL.GOV URL: http://baldwincountyal.gov DUNS #: 082060450 EIN: 63-6001408 Reg. in SAM? Yes <input type="radio"/> No <input checked="" type="radio"/> Number of Employees: 693 fulltime and parttime positions. Exp. Date of Current SAM Registration: <u>08/18/2018</u> |

SECTION B. SUBRECIPIENT ELIGIBILITY

Is your organization or your organization's principals presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency?

Yes No

If yes, please skip the rest of the questionnaire, sign and return the questionnaire with the Project Evaluation Packet.

SECTION C. SUBRECIPIENT ORGANIZATION INFORMATION (please fill out the information below, as appropriate)

1. Type of organization (check all that apply):

University Government Entity Foundation
 Non-Profit Org For-Profit Org Other _____

2. Fiscal year dates (month and year):

October 1st through September 30th

3. Name of designated federal cognizant agency, if applicable:

N/A

4. Negotiated Indirect Cost Rate:

Yes No URL: _____

If yes, please provide a copy of your current rate agreement or provide the URL. If no, a de minimis rate of 10% of MTDC will be used in accordance with 2 CFR 200.414. FY17 FEMA Rate Sheet Attached

5. Fringe Benefit rate:

Yes No URL: _____

If yes, please provide a copy of your current fringe benefit rate memorandum or provide the URL.
FY17 FEMA Rate Sheet Attached

6. Has organization received in the past the same or similar Federal subawards to the current subaward? (2 CFR 200.331)

Yes No

If yes, subrecipient hereby agrees to provide further documentation upon request.

7. Does organization have on-going direct Federal awards? (2 CFR 200.331)

Yes No

If yes, is the awarding agency currently monitoring subrecipient activity?

Yes No

If yes, please describe:

The County, as the Administrator of the Eastern Shore MPO, occasionally serves as the pass-through entity for small amounts of FHWA Planning funds. The recipients are member municipalities who work closely with the MPO Coordinator throughout the projects and must follow the same requirements the County follows when using the funds.

8. Please certify policies and/or procedures exist that address the following:

- | | | |
|---|---|--|
| <input checked="" type="radio"/> Pay Rates and Benefits | <input checked="" type="radio"/> Conflict of Interest | <input checked="" type="radio"/> Purchasing |
| <input checked="" type="radio"/> Time and Attendance | <input checked="" type="radio"/> Travel | <input checked="" type="radio"/> Equipment & Inventory |
| <input checked="" type="radio"/> Leave | | |

By signing this document, subrecipient certifies that policies and/or procedures shown above are in place. If not, then subrecipient agrees to abide by the State's policies and/or procedures.

9. Is Government property inventory maintained that identifies purchase date, cost, vendor, description, serial number, location, and ultimate disposition data?

Yes No N/A

NOTE: Vendor information is stored in a separate module.

10. Has any new system been recently put in place or has there been any change to the existing system (e.g., accounting, information, management, etc.)? (2 CFR 200.331)

Yes No

If yes, please explain:

11. Does organization have any new personnel (e.g., key personnel, financial management, grants management, IT management, or other staff serving in grants administration role)? (2 CFR 200.331)

Yes No

If yes, please explain:

Will Duggar, Chief Highway Accountant (9/2017) and Christie Davis, Senior Budget Accountant (12/2015)

12. Has organization in the preceding fiscal year expended any federal funds in either direct or indirect Federal awards?

Yes No

If yes, please indicate the expenditure amount:

The majority of federal funds received by Baldwin County are for transportation projects that often span multiple years. Since 2014, Baldwin County has expended FEMA, FAS, TAP, MPO, and EWP federal funds in the approximate amount of \$15.5 million. The Baldwin Regional Area Transit System received 5307 and 53011 FTA funds totaling \$1,329,299 in FY17. The Eastern Shore MPO received \$179,560 in FHWA PL (Planning) funds. The Baldwin County EMA received an EMPG grant for \$77,451 in FY17. The Baldwin County District Attorney's office received a DOJ grant of \$10,165 in FY17.

13. Have annual financial statements been audited by an independent audit firm? If yes, provide a copy of the statements for the most current fiscal year.

Yes No Yes, audited by the Alabama Department of Examiners of Public Accounts. Copy attached.

14. Does organization adhere to Subpart E Cost Principles of 2 CFR 200 under the proposed subaward?

Yes No N/A

15. Does organization have a financial management system that provides records that can identify the source and application of funds for award-supported activities?

Yes No

16. Does the financial system provide for the control and accountability of project funds, property, and other assets?

Yes

No

17. Are duties separated so that no one individual has complete authority over an entire financial transaction?

Yes

No

If no, please explain below:

18. Does your organization have controls to prevent expenditure of funds in excess of approved, budgeted amounts?

Yes

No

If no, please explain below:

19. Are all disbursements properly documented with evidence of receipt of goods or performance?

Yes

No

If no, please explain below:

20. Are all bank accounts reconciled monthly?

Yes

No

If no, please explain below:

21. Are payroll charges checked against program budgets?

Yes

No

If no, please explain below:

22. What system does your organization use to control paid time, especially time charged to sponsored agreements?

JD Edwards and CIMS

23. Does the organization have procedures which provide assurance that consistent treatment is applied in the distribution of charges to all sponsored agreements, grants and contracts?

Yes No

If no, please explain below:

24. Does your organization have a formal policy of nondiscrimination and a formal system for complying with Federal civil rights requirements?

Yes No

If no, please explain below:

25. Describe your organization's procedures to ensure that costs deemed unallowable, per Federal guidelines (2 CFR 200), are excluded from the amount charged to a grant?

Baldwin County Purchasing Department maintains purchasing policies and grant administration policies which ensure funds are spent in accordance with federal guidelines.

26. Are there procedures to ensure procurement at competitive prices?

Yes No

If no, please explain below:

27. Are detailed records of individual capital assets kept and periodically balanced with the general ledger accounts?

Yes

No

If no, please explain below:

28. How does the organization ensure that all cost transfers are legitimate and appropriate?

All operating transfers are budgeted and approved by the Commission and are not actually transferred unless they are budgeted.

Authorized Representative Approval

By signing below, the authorized representative certifies, to the best of subrecipient's knowledge, all information submitted on this form, or attached for submission to ADCNR, is accurate and complete.


Signature

Date: 10/24/17

T. Christopher Elliott, Chairman, Baldwin County Commission

Printed Name & Title

For ADCNR Use Only:

Risk Level Determination: ___ Lower ___ Medium ___ Higher

Notes: _____

Approved: _____ Date: _____

Application for Federal Assistance SF-424

| | | |
|---|---|--|
| * 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | * 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision | * If Revision, select appropriate letter(s): _____ * Other (Specify): _____ |
|---|---|--|

| | |
|--|--|
| * 3. Date Received: 10/31/2017 | 4. Applicant Identifier: _____ |
|--|--|

| | |
|--|---|
| 5a. Federal Entity Identifier: _____ | 5b. Federal Award Identifier: _____ |
|--|---|

State Use Only:

| | |
|---|---|
| 6. Date Received by State: _____ | 7. State Application Identifier: _____ |
|---|---|

8. APPLICANT INFORMATION:

| | |
|--|---|
| * a. Legal Name: BALDWIN COUNTY COMMISSION | |
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 63-6001408 | * c. Organizational DUNS: 0820604500000 |

d. Address:

| | |
|-----------------------------|-----------------------|
| * Street1: | 312 Courthouse Square |
| Street2: | _____ |
| * City: | Bay Minette |
| County/Parish: | Baldwin |
| * State: | AL: Alabama |
| Province: | _____ |
| * Country: | USA: UNITED STATES |
| * Zip / Postal Code: | 36507-4809 |

e. Organizational Unit:

| | |
|--|---|
| Department Name: Baldwin County Hwy Department | Division Name: Pre-Construction |
|--|---|

f. Name and contact information of person to be contacted on matters involving this application:

| | |
|---|---------------------------------|
| Prefix: _____ | * First Name: Joey |
| Middle Name: _____ | |
| * Last Name: Nunnally | |
| Suffix: _____ | |
| Title: County Engineer | |
| Organizational Affiliation: Appointed Department Head | |
| * Telephone Number: 251-937-0371 | Fax Number: 251-937-0201 |
| * Email: jnunnally@baldwincountyal.gov | |

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*** Other (specify):**

*** 10. Name of Federal Agency:**

Office of Gulf Coast Restoration, Department of the Treasury

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

GR-RDC-17-006

*** Title:**

RESTORE Act Direct Component

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

| | |
|---------------------|--|
| * a. Federal | <input type="text" value="11,340,000.00"/> |
| * b. Applicant | <input type="text" value="0.00"/> |
| * c. State | <input type="text" value="0.00"/> |
| * d. Local | <input type="text" value="0.00"/> |
| * e. Other | <input type="text" value="0.00"/> |
| * f. Program Income | <input type="text" value="0.00"/> |
| * g. TOTAL | <input type="text" value="11,340,000.00"/> |

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

| COST CLASSIFICATION | a. Total Cost | b. Costs Not Allowable for Participation | c. Total Allowable Costs (Columns a-b) |
|--|------------------|--|--|
| 1. Administrative and legal expenses | \$ | \$ | \$ |
| 2. Land, structures, rights-of-way, appraisals, etc. | \$ 11,290,000.00 | \$ | \$ 11,290,000.00 |
| 3. Relocation expenses and payments | \$ 50,000.00 | \$ | \$ 50,000.00 |
| 4. Architectural and engineering fees | \$ | \$ | \$ |
| 5. Other architectural and engineering fees | \$ | \$ | \$ |
| 6. Project inspection fees | \$ | \$ | \$ |
| 7. Site work | \$ | \$ | \$ |
| 8. Demolition and removal | \$ | \$ | \$ |
| 9. Construction | \$ | \$ | \$ |
| 10. Equipment | \$ | \$ | \$ |
| 11. Miscellaneous | \$ | \$ | \$ |
| 12. SUBTOTAL (sum of lines 1-11) | \$ 11,340,000.00 | \$ | \$ 11,340,000.00 |
| 13. Contingencies | \$ | \$ | \$ |
| 14. SUBTOTAL | \$ 11,340,000.00 | \$ | \$ 11,340,000.00 |
| 15. Project (program) income | \$ | \$ | \$ |
| 16. TOTAL PROJECT COSTS (subtract #15 from #14) | \$ 11,340,000.00 | \$ | \$ 11,340,000.00 |
| FEDERAL FUNDING | | | |

17. Federal assistance requested, calculate as follows:
 (Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c Multiply X %
 Enter the resulting Federal share. \$ 11,340,000.00

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.


PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

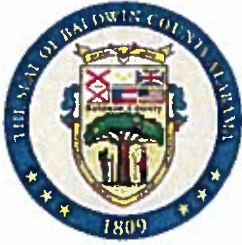
NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

| | |
|---|--|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  | TITLE Chairman, Baldwin County Commission |
| APPLICANT ORGANIZATION Baldwin County Commission | DATE SUBMITTED 10/24/17 |



BALDWIN COUNTY
HIGHWAY DEPARTMENT
P.O. Box 220
SILVERHILL, ALABAMA 36576
TELEPHONE: (251) 937-0371
FAX (251) 937-0201

JOEY NUNNALLY, P.E.
COUNTY ENGINEER

October 20, 2017

Ms. Eliska Morgan,
Executive Director
Alabama Gulf Coast Recovery Council
118 N. Royal Street
Mobile, AL 36602

Re: Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition Estimate of Useful Life

Dear Ms. Morgan:

Baldwin County is pleased to submit this letter as part of the supporting documentation for the Alabama Gulf Coast Recovery Council (AGCRC) Request for Evaluation.

This project involves the acquisition of approximately 1,202 acres of right-of-way for the future construction phase of the Baldwin Beach Express Extension. Based on information you provided in correspondence dated October 13, 2017, the ***estimated useful life of the real property acquired in this project is unlimited/perpetual.***

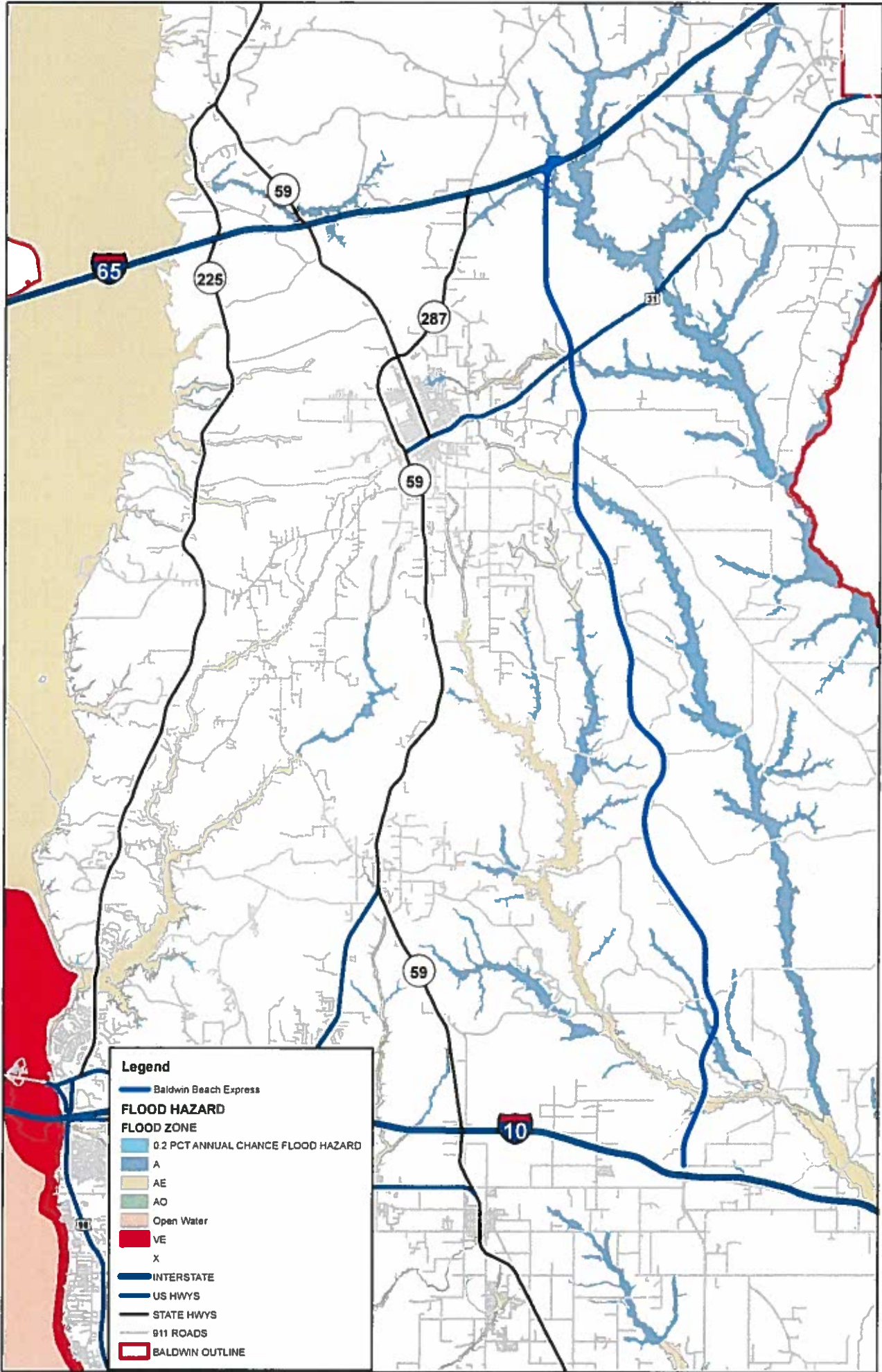
Following completion of right-of-way acquisition, Baldwin County intends to construct an expressway in accordance with ALDOT construction specifications. When properly maintained and rehabilitated, the estimated useful life of the future constructed roadway is also unlimited/perpetual.

Please let me know if you have any questions about the Estimate of Useful Life for Baldwin County's RESTORE Act Baldwin Beach Express I-10 to I-65 Extension Right of Way Acquisition project.

Sincerely,


Joey Nunnally, P.E.
County Engineer

JN/msb



LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLE
GOVERNO

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 13, 2015

Baldwin County Highway Department
c/o Ms. Paige Felts
316 South McKenzie Street
Foley, AL 36535

RE: State of Alabama Clean Water Act (CWA) §401(a) Water Quality Certification (WQC) Time Extension
Facility: Multiple Wetland Fill, Loxley to Bay Minette, Baldwin County, Alabama
Mobile District U.S. Army Corps of Engineers (USACE) Permit Numbers: SAM-2009-00884-JBE
Alabama Department of Environmental Management (ADEM) Tracking Code: **2010-171-COE-E1**

Dear Ms. Felts:

This letter responds to your letter of September 10, 2015 on behalf of Baldwin County Highway Department requesting ADEM extend its CWA §401 WQC such that it terminates on May 26, 2021 coincidentally with the expiration of the associated extended federal permit: SAM-2009-00884-JBE. This letter **grants** certification that the activities associated with this requested time extension will not violate applicable water quality standards established under Section 303 of the Clean Water Act and §22-22-9(g), Code of Alabama (1975) provided there remains strict adherence to the conditions listed in the original ADEM issued certification. CWA §401 (a) water quality certification will terminate coincidentally with the expiration of USACE Permit SAM-2009-00884-JBE on May 26, 2021.

Upon receipt, this letter should be attached to the original CWA §401(a) water quality certification.

Contact the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Scott Hughes".

Anthony Scott Hughes, Chief
Field Operations Division

ASH/jsb/cap

File: 401WQ/320

e-Copy: Joy Earp, USACE
Paige Felts, Volkert
Phillip Hinesley, DCNR
Linda McCool, DCNR

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 • Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 • FAX (334) 271-7950

May 26, 2011

BALDWIN COUNTY HIGHWAY DEPARTMENT
ATTN: MR. CAL MARKET, COUNTY ENGINEER
P.O. BOX 220
SILVERHILL, AL 36576

RE: State of Alabama: CWA Section 401 (a) Water Quality Certification
Baldwin County Highway Department, Baldwin County (003)
U.S. Army Corps of Engineers Permit: SAM-2009-00884-JBE
ADEM Tracking Code: 2010-171-COE

Dear Mr. Market:

This office has completed its review of the above referenced joint public notice and all associated materials submitted to the ADEM related to your proposal to conduct wetland fill activities along Styx River, Reedy Creek, Hollinger Creek, McCurtain Creek, and an unnamed tributary to Dyas Creek between Loxley and Bay Minette. The approved project involves the placement of approximately 4,569,444 ft² of sand/clay fill material into 54.5 acres of bottomland hardwood and 50.4 acres of pine savannah wetlands for the construction of a 24.5 mile long, four-lane road between Interstate 10 and Interstate 65. The roadway will begin in Loxley at the existing Interstate 10/County Road 68 overpass and continue north for approximately one mile, then turn to the northeast to cross Styx River. The roadway would then continue along a north-northeasterly path, spanning Reedy Creek, approximately 2.28 miles before crossing Truck Route 17 and beginning to follow Brady Road. The roadway would follow Brady Road for approximately 11.55 miles before turning north and paralleling Still Road, crossing Hollinger Creek, and continuing on for approximately 1.33 miles before reaching County Road 112. After crossing County Road 112, the roadway would continue in a northerly direction for approximately 2.03 miles, crossing McCurtain Creek, before interchanging with US 31. After passing over US 31, the roadway would continue toward the north for approximately 4.56 miles, crossing over the L&N Railroad, before approaching the northern terminus of the roadway project at Interstate 65, approximately 1.85 miles northeast of the existing Interstate 65/State Road 287 interchange. A directional interchange would be provided at Interstate 65 and the proposed roadway.

Mitigation for wetland impacts: The Baldwin County Highway Department proposes to mitigate for impacts to non-coastal wetlands through the purchase of wetland credits from a U.S. Army Corps of Engineers (CORPS) approved wetland mitigation bank.

The CORPS advertisement of this project by joint public notice with the ADEM has been completed. On the basis of a review of all materials submitted and associated with the proposal, it is the opinion of the ADEM that a decision relative to water quality certification is appropriate.

Action pertinent to water quality certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. §1251, et. seq. If conducted in accordance with the conditions prescribed herein, ADEM hereby grants official certification that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and §22-22-9(g), Code of Alabama (1975). This certification terminates coincidentally with the expiration of SAM-2009-00884-JBE but in no case shall this ADEM certification exceed a maximum of five (5) years from the date the CORPS issues permit SAM-2009-00884-JBE unless specifically authorized in response to a written request for same.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1803 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 470-9803 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533

The ADEM certifies that there are no applicable effluent limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the Clean Water Act in regard to the activities specified. However, regulations promulgated by the EPA requiring discharge permits for storm water runoff from individual and commercial facilities may be applicable. This certification does not address the requirements of those regulations.

To protect water quality, the following conditions must be incorporated as part of SAM-2009-00884-JBE.

1. The ADEM must be notified of the starting date and expected completion date, including any project phasing utilized, prior to project implementation.
2. The Baldwin County Highway Department and/or its assigns shall allow any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney to enter the premises associated with the project authorized by this permit for the purposes of ascertaining compliance with the terms and conditions of the permit and with the rules and regulations of the ADEM.
3. The Baldwin County Highway Department and/or its assigns is required to submit a complete and correct Notice Of Registration (NOR - ADEM Form 498), including the appropriate fee, requesting NPDES permit coverage prior to conducting any construction or land disturbance that equals or exceeds one (1) acre. Failure to comply with, and maintain, valid NPDES registration(s) may constitute a violation of this 401(a) water quality certification.
4. The Baldwin County Highway Department and/or its assigns must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants, during and after project implementation. The Baldwin County Highway Department and/or its assigns, at a minimum, must implement applicable effective BMPs as provided in the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, published by the Alabama State Soil and water Conservation Committee, March 2009. Immediately upon completion of the project, the Baldwin County Highway Department and/or its assigns must implement effective measures to ensure permanent revegetation or cover to stabilize all disturbed areas.
5. Upon the loss or failure of any treatment facility, BMP, or other management measure as identified by responsible on-site staff during day-to-day construction operations or as identified by ADEM technical staff during facility inspections, the Baldwin County Highway Department and/or its assigns shall, where necessary to maintain compliance with this certification, suspend, cease, reduce, or otherwise control work/activity and all discharges until effective treatment is restored. The Baldwin County Highway Department and/or its assigns shall immediately notify the ADEM Coastal Program Satellite Office at (251) 432-6533 of resultant work stoppage.
6. The Baldwin County Highway Department and/or its assigns shall provide written notice to the ADEM of any proposed modifications to the fill and construction proposal. Modification and/or time extension requests must be received 90 days prior to the expiration of this CWA 401 (a) water quality certification. Modification and/or time extension requests should be submitted to the ADEM Coastal Program Satellite Office, Attn: Jennifer Robinson, 4171 Commanders Drive, Mobile, AL 36615.

Baldwin County Highway Department
2010-171-COE/SAM-2009-00884-JBE
May 26, 2011
Page 3 of 3

In recognition that projects are site specific in nature and conditions can change during project implementation, the ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality and coastal resources.

Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The Baldwin County Highway Department shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the Baldwin County Highway Department complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification and may result in an enforcement action.

This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the Baldwin County Highway Department title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in the Baldwin County Highway Department's possession.

Call or write Jennifer Robinson: (251) 432-6533 or jrobinson@adem.state.al.us anytime with questions. Always include the ADEM Tracking ID referenced above when correspondence relative to this project.

Sincerely,



Steven O. Jenkins, Chief
Field Operations Division

SOJ/jcr File: WQ401/1385

Enclosure (9 Pages)

E-copy: Glen Cunningham, U.S. Army Corps of Engineers
Rosemary Hall, USEPA Region IV, Atlanta
Patric Harper, USFWS, Daphne
Paige Felts, Volkert Environmental Group



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL 334-242-3184
FAX 334-240-3477

May 19, 2011

Glen A. Cunningham
Project Manager
Regulatory Division
Mobile District USACE
Post Office Box 2288
Mobile, Alabama 36628-0001

Re: AHC 11-0530
CRA
I-65 Proposed Connector Road
Baldwin County

Dear Mr. Cunningham:

Upon review of the cultural resource assessment conducted for the above referenced project, we have determined that we agree with the Corps' findings. Archaeological sites 1Ba630, 1Ba631, 1Ba632 and 1Ba633 are not eligible for listing on the National Register and no action is warranted for these sites. No NR-eligible sites will be impacted by this project. Therefore, we concur with project activities.

We appreciate your commitment to helping us preserve Alabama's non-renewable resources. Should you have any questions, the point of contact for this matter is Amanda Hill at 334-230-2692. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/AMH/amh



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:

2009-FA-0191

AUG 09 2011

Cunningham

District Engineer
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628

ATTN: Mr. Glen Cunningham, RD-C-A

Dear Sir:

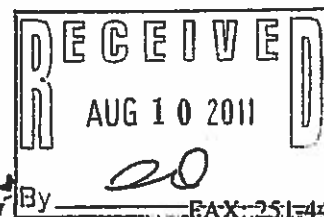
This is the report of the U.S. Fish and Wildlife Service (Service), concerning the July 2011, Environmental Assessment (EA) for public notice SAM-2009-00884-JBE, in which the applicant, Baldwin County Highway Department, is proposing to place 4,569,444 square feet of sand/clay fill into 104.9 acres of wetlands to construct a 24.5 mile long connector road from I-10 to I-65 in Baldwin County, Alabama. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.)(ESA), and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

Many of our previous concerns were addressed at our interagency meeting on July 5, 2011, and in the newest version of the EA. In particular, the impacts related to the two proposed interchanges, at CR 31 and I-65, have been addressed. The direct, indirect, and cumulative effects of the four potential interchanges have not been addressed. If they are proposed in the future, we were assured that these impacts would be addressed through the Joint Public Notice process as modifications.

We concurred with the results of the requested surveys for federally listed species within the footprint of the proposed alternative. Although no currently listed species were found within the project area it was noted that there is the potential for the gopher tortoise (*Gopherus polyphemus*) to be listed prior to project construction. If this occurs, then consultation with this office would be reinitiated and surveys for this species be conducted. The applicant has offered, though, to conduct gopher tortoise surveys prior to construction of all phases of the project, even if it is not listed. Members of my staff will gladly assist with relocation of any gopher tortoises that may be found in harm's way.

PHONE: 251-441-5181

www.fws.gov
TAKE PRIDE[®]
IN AMERICA 



FAX: 251-441-6222

We requested the consideration of constructing an underpass in the roadway between two adjacent Grady ponds to facilitate access between the two for wildlife. We were assured that this option would be considered and we have provided information on this option to the consultant.

Due to these developments, we no longer recommend that an Environmental Impact Statement be written. Please keep us informed of your decision on this matter. For further discussion, please contact Bruce Porter of my staff at (251) 441-5864.

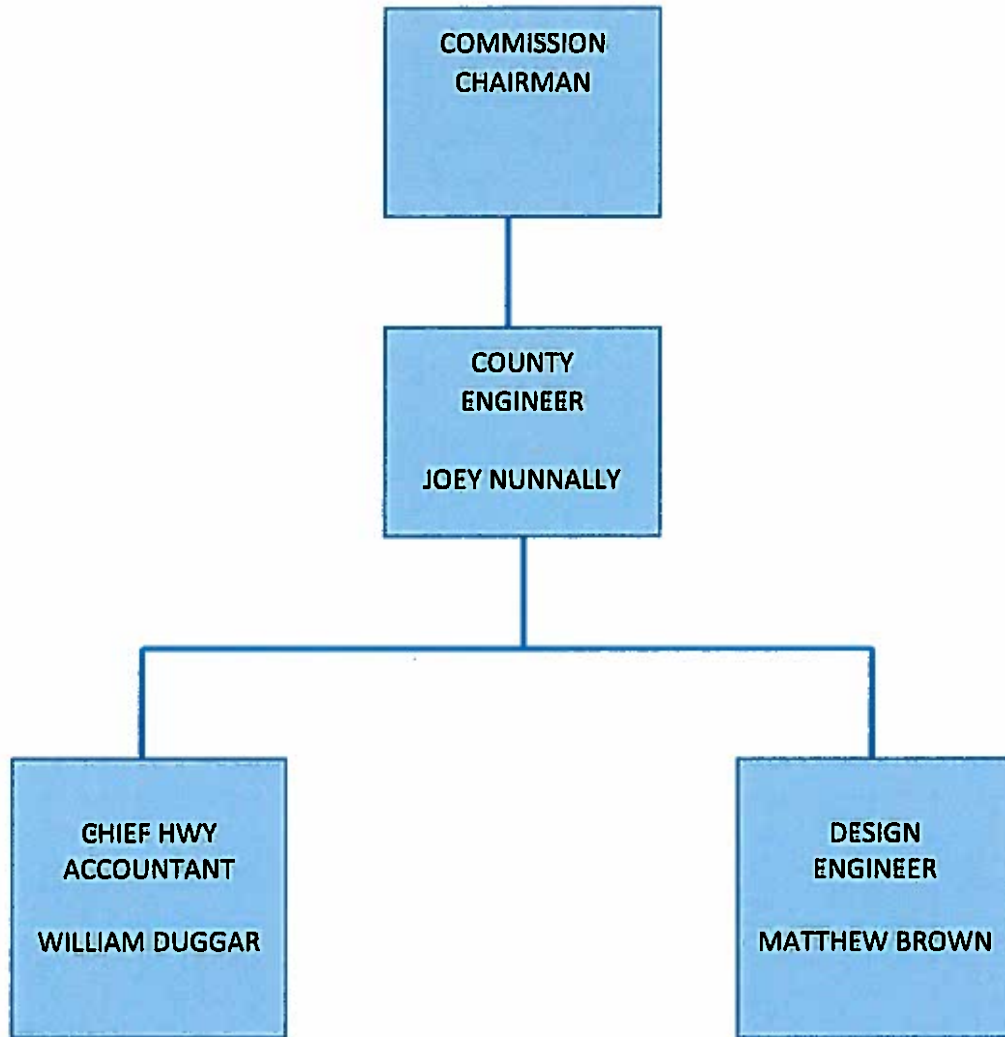
Sincerely,



William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

cc: EPA, Atlanta, GA
ADCNR, Montgomery, AL
ADEM, Mobile, AL

ORGANIZATIONAL CHART

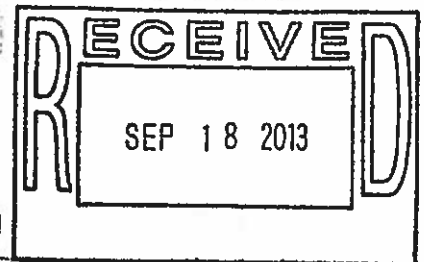




REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

September 16, 2013



South Alabama Branch
Regulatory Division

SUBJECT: Modification Number 1 to Department of the Army Permit Number
SAM-2009-00884-JBE, Baldwin County, Alabama Highway Department

Baldwin County Alabama Highway Department
Attention: Mr. Cal Market, County Engineer
Post Office Box 220
Silverhill, Alabama 36576

| Section | Info | Action | File |
|------------------|------|--------|------|
| Administration | | | |
| Pre-Construction | | | |
| Right-of-Way | | | |
| Construction | | | |
| Maintenance | | | |
| Subdivisions | | | |
| Parks | | | |
| Accounting | | | |
| | | | |
| | | | |
| | | | |

Dear Mr. Market:

This is in reference to your December 11, 2012 letter requesting a modification to the above referenced Department of the Army Permit. This modification request was considered complete on August 27, 2013. In accordance with your request, the subject permit is hereby modified as follows:

a. In lieu of the impacts authorized by the subject permit, you are authorized to impact an additional 17 acres of jurisdictional wetlands for the construction of a 24.5 mile-long, four lane road between I-10 and I-65. The original authorization was for the placement of 4,569,444 square feet of sand/clay fill into 104.4 acres of wetlands (a combination of 53.7 acres of bottomland hardwood and 50.7 acres of pine savannah wetlands). The roadway alignment remains unchanged. The revised Project Description will read as follows:

Place 5,288,124 square feet of sand/clay fill material into 121.4 acres of wetlands (a combination of 58.28 acres of bottomland hardwood and 63.07 acres of pines savannah wetlands) for construction of a 24.5 mile long, four lane road between Interstate Highway 10 and Interstate Highway 65. Specifically, the roadway project will begin in Loxley at the existing I-10/County Road 68 overpass and will continue due north for approximately one mile, then turn to the northeast to cross Styx River. The Roadway will then continue along a north-northeasterly path, spanning Reedy Creek approximately 2.28 miles before crossing Truck Route 17 and beginning to follow Brady Road. The roadway will follow Brady Road for approximately 11.55 miles before turning north and paralleling Still Road, crossing Hollinger Creek and continuing on for approximately 1.33 miles before reaching County Road 112. After crossing County Road 112, the roadway will continue in a northerly direction for approximately 2.03 miles, crossing McCurtin Creek, before interchanging with US 31. After passing over US 31, the roadway will continue toward the north for approximately 4.56 miles, crossing over the L&N Railroad, before approaching the northern terminus of the roadway project

at I-65, approximately 1.85 miles northeast of the existing I-65/State Road 287 interchange. A directional interchange will be provided at I-65 and the proposed roadway. All work will be conducted and accomplished in accordance with the attached plans and drawings.

b. Special Condition "b." of the subject Permit which addresses required mitigation, will now read as follows:

b. Within 60-days of the commencement of work authorized by this Department of the Army permit, the permittee shall submit to this office of the U.S. Army Corps of Engineers, proof-of-purchase of an appropriate number of in-kind, wetland mitigation credits from an approved wetland mitigation bank(s) to compensate for the unavoidable loss of 58.28 acres of bottomland hardwood wetlands (specifically, 0.03 acre of low-quality bottomland hardwood wetland area, 22.92 acres of medium-quality bottomland hardwood wetland area and 35.33 acres of high-quality bottomland hardwood area) and 63.07 acres of pine savannah wetlands (specifically, 3.33 acres of low-quality pine savannah wetland area, 34.93 acres of medium-quality pine savannah wetland area and 24.81 acres of high-quality pine savannah wetland area).

This proof-of-purchase shall document the following purchases: 252.97 pine savannah credits will be withdrawn from the Baldwin County Mitigation Bank 1 to compensate for impacts to 24.81 acres of high quality pine savannah wetlands, 34.93 acres of medium quality pine savannah wetlands, and 3.33 acres of low quality pine savannah wetlands. 165.6815 bay-head drain (bottomland hardwood) credits will be withdrawn from the Baldwin County Mitigation Bank 1 to compensate for impacts to 33.13 acres of high quality bottomland hardwood wetlands. In addition, remaining credits will be purchased as follows: 15.737 credits will be purchased from Weeks Bay Mitigation Bank to compensate for impacts to 2.2 acres of high quality bottomland hardwood wetlands and 2.7748 acres of medium quality bottomland hardwood wetlands. 100.816 credits will be purchased from Lillian Swamp Mitigation Bank to compensate for impacts to 20.1452 acres of medium quality bottomland hardwood wetlands and .03 acres of low quality bottomland hardwood wetlands.

All other previous conditions and applicable plans and drawings to which the work is/was made subject, to include the permit expiration date, shall remain in full force and effect.

Attached is a copy of the Alabama Department of Environmental Management's (ADEM) modified CWA Section 401(a) Water Quality Certification dated July 16, 2013. You must comply with all terms and conditions of ADEM's modified and original project certification.

A copy of this correspondence is furnished to the following: ADEM, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608; and also to Volkert, Incorporated, Attention: Ms. Paige Collins Felts, 316 South McKenzie Street, Foley, Alabama 36535.

Please contact Mr. Glen Cunningham at (251) 694-4077, if you have any questions regarding this Permit Modification.

For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

JON J. CHYTKA
Colonel, Corps of Engineers
District Commander

BY:



JOY B. EARP
Team Leader, South Alabama Branch
Regulatory Division

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

Coastal Branch
Regulatory Division

Date: September 27, 2011

**ENVIRONMENTAL ASSESSMENT, 404(B)(1) ANALYSIS, STATEMENT OF FINDINGS,
AND DECISION DOCUMENT**

This document constitutes my Environmental Assessment, Finding of No Significant Impact, Statement of Findings, and review and compliance determination according to the 404(b)(1) guidelines for the proposed work.

This permit action is being taken under authority delegated to the Mobile District Engineer by the Secretary of the Army and the Chief of Engineers by Title 33, Code of Federal Regulations, Part 325.8, pursuant to: Section 404 of the Clean Water Act.

1. Applicant: Baldwin County, Alabama Highway Department
2. Application Number: SAM-2009-00884-JEB
3. Location and Environmental Setting without the Project

a. Location: The proposed route begins at the existing I-10/CR 68 overpass near Loxley. From there, it travels due north for approximately one mile, and then turns to the northeast to cross Styx River. The proposed route then continues along a north-northeasterly path, spanning Reedy Creek, for approximately 2.28 miles before crossing Truck Route 17 and beginning to follow Brady Road. It follows Brady Road for approximately 11.55 miles before turning north and paralleling Still Road, crossing Hollinger Creek, traveling approximately 1.33 miles before reaching CR 112. After crossing over CR 112, the proposed route continues in a northerly direction for approximately 2.03 miles, crossing McCurtin Creek before passing over US 31. After passing over US 31, it continues north for approximately 4.56 miles, crossing over the L&N Railroad before approaching the northern terminus of the project at I-65, approximately 1.85 miles northeast of the existing I-65/SR 287 interchange.

b. Environmental Setting Without the Project: Six types of environment are found in the corridor, including pine plantations, secondary woods, clear-cut areas, plowed fields, rural residential areas, and wetlands. The majority of the Proposed Action project area is used for timber management and is planted with longleaf pine, loblolly pine, and slash pine. Other plant species found in the uplands throughout the corridor area include bracken fern, yaupon holly, gallberry, Southern magnolia, live oak, sweetgum, American holly, sparkleberry and sourwood. The uplands of the project area also provide habitat for white-tailed deer, raccoon, eastern cottontail rabbit, opossum, gray squirrel, and turkey.

Combined Decision Document- SAM-2009-00884-JBE
Baldwin County, Alabama Highway Department

A number of small fish, amphibians, reptiles, and macro invertebrates occur within the perennial streams that flow through the project area.

4. Project Description, Changes to Project

a. **Project Description:** The applicant proposes to place 4,569,444 square feet of sand/clay fill into 104.4 acres of wetlands (a combination of 53.7 acres of bottomland hardwood and 50.4 acres of pine savannah wetlands) for the construction of a 24.5 mile long, four-lane road between I-10 and I-65. Specifically, the proposed roadway project would begin in Loxley at the existing I-10 / County Road 68 overpass and would continue due north for approximately one mile, then turn to the northeast to cross Styx River. The roadway would then continue along a north-northeasterly path, spanning Reedy Creek, approximately 2.28 miles before crossing Truck Route 17 and beginning to follow Brady Road. The roadway would follow Brady Road for approximately 11.55 miles before turning north and paralleling Still Road, crossing Hollinger Creek, and continuing on for approximately 1.33 miles before reaching County Road 112. After crossing County Road 112, the roadway would continue in a northerly direction for approximately 2.03 miles, crossing McCurtin Creek, before interchanging with US 31. After passing over US 31, the roadway would continue toward the north for approximately 4.56 miles, crossing over the L&N Railroad, before approaching the northern terminus of the roadway project at I-65, approximately 1.85 miles northeast of the existing I-65 / State Road 287 interchange. A directional interchange would be provided at I-65 and the proposed roadway.

b. **Changes to Project:** No changes to proposed project since public notice.

5. **Environmental Impact of the Proposed Action:** Approximately 104.4 acres of wetlands are expected to be impacted by the Proposed Action.

The proposed project route will cross five perennial streams. Project plans specify that these streams will be bridged.

6. Project Purpose and Need:

a. **Basic Project Purpose:** The basic purpose of the project is to provide expanded road capacity.

b. **Overall Project Purpose:** The purpose Proposed Action is to provide a new, restricted access, four-lane divided roadway to serve as an additional evacuation route from I-10 to I-65 in Baldwin County, Alabama. By providing an additional corridor, the Proposed Action would also relieve congestion on existing State Route (SR) 59 in Baldwin County.

7. **Scope of Analysis:** The scope of analysis relative to the requirements of the National Environmental Policy Act (NEPA) includes the entire 24.5 mile corridor of this proposed project. Impacts are dispersed throughout the project course.

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Baldwin County, Alabama Highway Department

8. Federal, State, and Other Authorizations Obtained, Required, or Pending

a. State water quality certification (401): Water Quality Certification was confirmed by the Alabama Department of Environmental Management in a letter dated 26 May 2011.

b. Coastal Zone Management (CZM) Consistency determination: N/A

c. Other authorizations: The issuance of this DoD permit does not obviate the necessity for the permittee obtain any other required local, County, State and/or Federal authorizations.

9. Application and Public Notice History: The application was received on 10 March 2010 and considered complete for processing/evaluation on 15 March 2010. The project was advertised to the public, adjacent property owners and concerned agencies in a public notice dated 15 March 2010.

10. Alternatives [33 CFR 320.4(b), 40 CFR 230.10] Alternatives analysis as presented in the Environmental Assessment prepared for the Baldwin County, Alabama Commission by Volkert Environmental Group, Inc., dated July 2011.

-- Avoidance: The No Action, or No Build, Alternative constitutes a baseline condition from which to measure impacts. The No Action Alternative considers the scenario where future growth within the region is projected for the existing transportation network without construction of the Proposed Action. Advantages of the No Action Alternative include no project-induced environmental impacts, no project-induced relocations, no project-induced construction costs, and no project-induced land use changes. Changes in land use and associated impacts could continue to occur with or without construction of the Proposed Action. The primary disadvantage of the No Action Alternative is that it would not provide additional capacity for hurricane and other emergency evacuations. In addition, system linkage from the existing Foley Beach Express to I-65, including the extension of CR 83 from the Foley Beach Express to I-10, would not be improved. Therefore, the No Action Alternative would not accomplish the basic purpose of the project. (EA, Volkert Environmental Group, Inc, dated July 2011, Section 3.0)

Other alternatives considered include:

a. Widen/Upgrade Existing SR 59 Alternative: This alternative would involve the widening of SR 59 from four/five lanes (two lanes in each direction with two-way left turn lane) to six/seven lanes (three lanes in each direction with a two-way left turn lane) for a distance of approximately 23.3 miles (see Figures 2a through 2d). Widening would begin at the I-10/SR 59 interchange in Loxley and follow existing SR 59 through the communities of Steelwood, Stapleton, and Holly Hills, as well as the city of Bay Minette. This alternative would end at the I-65/SR 287 interchange near the community of Rabun. No new interchanges would be

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Baldwin County, Alabama Highway Department

required; however, the ramps at the I-10/SR 59 and I-10/SR 287 interchanges would likely require modifications in order to accommodate the additional lanes along SR 59.

In addition, options to bypass developed areas along SR 59, such as Stapleton and Bay Minette, were considered. It was determined that, while local bypass options could be tolled, they would tie back into congested areas of SR 59 and therefore would not result in a time savings and would not be utilized.

This alternative would not meet the purpose and need of the Proposed Action because it would not provide a new, restricted access, four-lane divided roadway to serve as an additional evacuation route from I-10 to I-65 in Baldwin County, as identified in the *Final Report of the Baldwin County Hurricane Evacuation Route Analysis* (Baldwin County, 2008). This route is currently congested during evacuations. Traffic projections indicate traffic congestion on existing SR 59 would also continue to increase without construction of the proposed action. (Skipper, 2010; Volkert, 2010a).

As stated previously, funding to construct the proposed Baldwin Beach Express through traditional means is not feasible, and tolling will have to be utilized.

Secondary impacts resulting from the widening/upgrading of SR 59 include substantial disruptions to the traveling public and traffic patterns for the duration of the construction of the project which would last for several years. In addition, adverse secondary impacts to established businesses would include impaired access to commercial sites during construction and disruption in utility service during utility relocations.

For these reasons, widening/upgrading existing SR 59 does not satisfy the selection criteria and is not considered a reasonable alternative to the Proposed Action. (EA, Volkert Environmental Group, Inc, dated July 2011, Section 3.0)

b. Eastern Alternative: The Eastern Alternative would have the same typical section and southern terminus as the Proposed Action. The Eastern Alternative would be located on new location, would traverse a more easterly corridor than the Proposed Action.

The Eastern Alternative would begin at the same location as the Proposed Action, at the existing I-10/CR 68 overpass. It would travel due north for approximately 1.06 miles, then turn northeast just before crossing Styx River. The Eastern Alternative would then travel northeast for nearly 4.75 miles, crossing over Reedy Creek, Flat Creek, and Hollinger Creek before turning north-northwest. After this turn to the north-northwest, the alternative would travel 8.46 miles, crossing over CR 112, Nuke Branch, a tributary to Hollinger Creek, Snowden Branch, and Dodds Branch. It would then turn back toward the north-northeast, crossing over Indian Creek, CR 61 (Phillipsville Road), and the convergence of Dyas Creek and Horseneck Creek. Continuing north-northeast for approximately 7.05 miles, the Eastern Alternative would parallel CR 61 for approximately 5.78 of the 7.05 miles, crossing CR 61 at three locations. This alternative would then begin to approach I-65, traveling in a northerly direction for approximately 2.12 miles,

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Baldwin County, Alabama Highway Department

crossing Thompson Branch and US 31 before entering into Escambia County for the remaining 3.05 miles to I-65. This alternative would cross the L&N Railroad and a tributary feeding the Perdido River before reaching I-65 approximately 8.36 miles northwest from the location where the Proposed Action would tie into I-65.

Compared to the Proposed Action, the Eastern Alternative would be longer, have a higher construction cost, result in more wetland impacts and stream crossings, and would require more right-of-way. The alignment for this alternative would include a nearly eight-mile-long straight section and would require 16 bridges. The Eastern Alternative also received substantial opposition from the public at a Public Involvement Meeting conducted for this project on December 15, 2009. In addition, the alignment of the Eastern Alternative would be located in close proximity to the recently-acquired Forever Wild property. The state Forever Wild program has indicated that they intend to expand acquisitions along the Perdido River.

For these reasons, the eastern alternative does not satisfy the selection criteria and is not considered a reasonable alternative to the Proposed Action. (EA, Volkert Environmental Group, Inc, dated July 2011, Section 3.0)

c. Central Alternative: The Central Alternative, as originally proposed, would begin at the existing I-10/CR 68 overpass near Loxley. It would then travel due north for approximately one mile before turning northeast to cross Styx River. The Central Alternative would continue along a north-northeasterly path, spanning Reedy Creek, approximately 2.28 miles prior to crossing Truck Route 17 and beginning to follow Brady Road. This alternative would follow Brady Road for approximately 11.55 miles before turning north and paralleling Still Road for approximately 1.33 miles before reaching CR 112. After crossing over CR 112, this alternative would continue in a northerly direction for approximately 2.03 miles, crossing McCurtin Creek before passing over US 31. After passing over US 31, the Central Alternative would continue toward the north for approximately 4.56 miles, crossing over the L&N Railroad before approaching its northern terminus at I-65, approximately 1.85 miles northeast of the existing I-65/SR 287 interchange.

Following agency and public input and field surveys, numerous shifts and refinements were made in the alignment of the Central Alternative, resulting in the development of the Proposed Action described in Section 2.0 of this EA. The following is a list of shifts that were made:

- Shifted at the southern end of the proposed corridor to tie to the CR 83 extension from the Foley Beach Express to I-10 that is currently under construction.

- Shifted at Styx River crossing to minimize crossing length along the AE flood zone.

- Shifted near the end of River Road to avoid impacts on private property.

- Shifted near the intersection of Brady Road and Truck Route 17 in response to public involvement meeting comments regarding private property along Brady Road.

- Shifted along Still Road in response to public involvement meeting comments regarding private property along Still Road.

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Baldwin County, Alabama Highway Department

- Shifted along Still Road north of CR 112 to avoid relocations. Prior to the shift, four relocations were predicted in this area. Following the shift, no relocations are anticipated in this area.

- Shifted across McCurtin Creek south of US 31 to minimize impacts to wetlands and floodplains.

- Extended the bridge across McCurtin Creek from 400' to over 1,300' to reduce wetland impacts.

- Shifted from US 31 to I-65 to minimize wetland impacts while still providing access to adjacent proposed industrial mega-site.

- Shifted tie point at I-65 to minimize wetland impacts to the Dyas Creek tributary.

- Shifted to avoid impacts to a grady pond on Old Brady Road.

In response to agency and public concerns, the typical section was reduced to minimize right-of-way requirements, thereby minimizing impacts, including wetland impacts. For example, the proposed typical section includes a 40-foot grassed median to reduce the construction limits and proposed right-of-way for the Proposed Action. Typically, four-lane divided roadways with relatively high design speeds have 64-foot grassed medians.

All of these shifts and refinements in design criteria represent changes in the original Central Alternative to avoid and minimize impacts, where practicable, ultimately resulting in development of the Proposed Action. (EA, Volkert Environmental Group, Inc, dated July 2011, Section 3.0)

d. Proposed Action/Project: See Section 4.a, above, for description of proposed action/project.

e. Minimization: Minimization of wetland impacts has been demonstrated in the design process. The project, as proposed, represents the results of a design process that minimizes and avoids impacts to aquatic resources while delivering a feasible facility to meet the basic purpose of the project.

f. Conclusions of Alternatives Analysis: It is concluded that the Proposed alternative is the most practicable alternative as it adequately balances impacts to aquatic resources while accomplishing the basic purpose and fulfilling the need for accommodating additional evacuation traffic volume during storm events.

11. General Policies for Evaluating Permit Applications (33 CFR 320.4 (a-r))

a. Public Interest Review: This review considers conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood

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Baldwin County, Alabama Highway Department

hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general the needs and welfare of the people.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

b. Effect on wetlands: Approximately 104.9 acres of wetlands are expected to be impacted by the Proposed Action, and the proposed project route will cross five perennial streams. Project plans specify that these streams will be bridged.

c. Fish and wildlife concerns: Threatened and endangered species investigations have been performed in accordance with Section 7 of the Endangered Species Act, as amended (50 CFR Part 402).

As outlined in the Environmental Assessment prepared for the Baldwin County, Alabama Commission by Volkert Environmental Group, Inc., dated July 2011, Volkert performed field investigations to determine the presence and/or absence of the Red-cockaded woodpecker, Eastern indigo snake, American chaffseed, and Gopher tortoise. Based upon the field survey, it was determined that the project will have no effect on Red-cockaded woodpeckers, American chaffseed, and the Flatwoods salamander. Suitable habitat exists within the corridor of the Proposed Action for the Eastern indigo snake and the Gopher tortoise. Two active Gopher tortoise burrows were found and scoped to determine if Eastern indigo snakes and/or Gopher tortoises were present. The burrows did not contain individuals of either species, and no individuals of these species were observed while in the field. Therefore, the project may affect, but is not likely to adversely affect, the Eastern indigo snake and the Gopher tortoise (Volkert, 2010b).

The U.S. Fish and Wildlife Service submitted a letter dated August 9, 2001 in concurrence with the proposed project and results of the surveys conducted for federally listed species.

d. Water quality: Water quality certification was issued by the Alabama Department of Environmental Management (ADEM), in a letter dated May 26, 2011.

e. Historic, cultural, scenic, and recreational values: The Alabama Historical Commission, State Historic Preservation Officer (SHPO), concurred with the cultural resources assessment performed in conjunction with this proposed project, and proposed project activities in a letter dated May 19, 2011.

f. Effects of limits of the territorial sea: N/A

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g. Consideration of property ownership/Shoreline erosion and accretion: A Department of the Army permit does not convey any property rights.

h. Activities affecting coastal zones: N/A

i. Activities in marine sanctuaries: N/A

j. Other Federal, state, or local requirements: Issuance of a Department of the Army permit does not obviate the permittee from other necessary Federal, state or local requirements.

k. Safety of impoundment structures: N/A

l. Floodplain management: Segments of the proposed project will lie within the 100-year floodplain of various waters. It is the permittee's responsibility to obtain all necessary authorizations and permits for activities within floodplains.

m. Water supply and conservation: There should be no effect on water supply and conservation associated with the issuance of this permit and subsequent permitted activity.

n. Energy conservation and development: N/A

o. Navigation: No negative effects to navigation or navigational activities are expected in conjunction with the proposed activity.

p. Environmental benefits: There are no significant environmental benefits related to this project.

q. Economics: The proposed project will have a beneficial effect on economics by creating and/or maintaining construction jobs and maintaining an income producing enterprise relative to the tolling of the roadway.

According to 33 CFR 320.4 (q), when private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place.

r. Mitigation: Unavoidable impacts to wetland areas will be mitigated through the purchase of an appropriate number of wetland mitigation credits in an approved wetland mitigation bank. Mitigation will be accomplished in accordance with the Wetland Mitigation Plan prepared by Volkert Environmental Group, Inc., dated March 3, 2011.

12. Cumulative and Secondary Impacts: Cumulative impacts associated with this project will primarily consist of the loss of approximately 53.7 acres of bottomland hardwood wetlands and approximately 50.7 acres of pine savannah wetlands.

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- a. Climate: No cumulative impact relative to this proposed project.
- b. Topography, Geology, soils: No negative, cumulative impacts anticipated.
- c. Hazardous materials: No hazardous material issues identified, relative to this proposed project.
- d. Aesthetics: This project will have cumulative effects on aesthetics: however, it is not expected to result in substantial adverse visual effects.
- e. Traffic: The proposed project will have a positive, cumulative effect on traffic average daily traffic relative to volume on individual routes. Future, additional interchanges are subject to review.
- f. Noise: Noise levels will increase in areas of new traffic volume; however, levels will not justify noise abatement measures.
- g. Air quality: The proposed action is located within an attainment area that does not exceed the NAAQS standards. Studies indicate that air quality analysis is not warranted.

The proposed action would likely result in increased emissions from heavy equipment during construction; however, the effect of these emissions would be temporary.

- h. Navigation: Not applicable to this project.
 - i. Water Quality: The Alabama Department of Environmental Management issued Water Quality certification for this proposed project in a letter dated 26 May 2011.
 - j. Biological resources: No currently-listed threatened or endangered species were identified within the project corridor; therefore, no cumulative impacts on threatened or endangered species are anticipated. Should a species be listed in the future, prior to project construction, consultation with the U.S. Fish and Wildlife Service will be reinitiated, and appropriate surveys will be conducted.
- The proposed action would reduce the amount of wildlife habitat available; however, adequate habitat exists and does not appear to be threatened by other development, indicating that habitat should continue to be sustainable. Due to the restricted access nature of the proposed project, minimal access locations for existing property owners, and the prohibition of additional access locations in the future, major land use changes are not anticipated, and therefore, cumulative impacts to wildlife habitat are expected to be minimal.
- k. Terrestrial Environment: A majority of the project area is used for timber management and is planted with Longleaf pine, Loblolly pine, and Slash pine.

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Paved area of the project will contribute to cumulative impact through a direct loss of habitat; however, many wildlife species have demonstrated the ability to adapt to traffic noise and continue to utilize viable areas adjacent to roadway facilities.

l. Aquatic Environment and Streams: Perennial streams within the project course will be bridged. In addition, erosion and sediment control measures will be implemented during and after construction to minimize any adverse affect to the aquatic environment.

m. Threatened and Endangered Species: See section 11c, above.

n. Wetlands: Cumulative impacts will include approximately 104.4 acres of wetlands. Wetland impacts are proposed to be mitigated through the purchase of an appropriate number of wetland mitigation credits in an approved wetlands mitigation bank.

Due to the relative abundance of wetlands in the area, the protection provided by the Clean Water Act, and required mitigation, cumulative effects on wetland resources are expected to be minimal. Wetlands, and their associated habitat and other functional values, should continue to be sustainable resources in Baldwin County.

o. Floodplains: In accordance with requirements, efforts to minimize impacts to floodplains have been made and will continue to be made during the design process by utilizing bridges and shifting the alignment to the extent practical. Proposed structures would have effective waterway openings equal to or greater than existing structures, and backwater surface elevations are not expected to increase. As a result, there would be no substantial adverse impacts on natural or beneficial floodplain values, and there would be no measurable increase in potential for interruption or termination of emergency service or emergency evacuation rates.

p. Farmlands: The proposed action is not expected to exceed the allowable limits of potential adverse impacts associated with the conversion of farmlands as defined by the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.).

The proposed project is not expected to alter the ability of farms located along the corridor to remain productive.

q. Land Use: Cumulative impacts of the proposed project and future developments would result in land use changes. However; at this time, the only other known potential development would be located near existing SR 287 and I-65 interchange. The vast majority of the property adjacent to and in the vicinity of the project corridor is not expected to be converted to another land use classification in the foreseeable future due to the restricted access nature of the proposed facility.

r. Cultural Resources: The majority of the project study area and areas adjacent to the project site is undeveloped and may contain historic or archeological resources. The proposed

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action is not expected to encourage new residential or commercial growth, and therefore, is not expected to result in cumulative effects on cultural resources.

s. Energy: Construction of the proposed project would result in an increase in the demand for energy supplies due to the manufacture of the required construction materials and actual construction activities. The energy demand for these efforts is not considered a source of substantial burden on energy supplies.

t. Global Warming: The proposed project would reduce travel times and delays and is therefore expected to reduce vehicle emissions within the region and any associated contribution to global climate phenomenon.

13. Public Notice Comments, Responses, and Corps Analysis of Comments and Responses
(EA, Volkert Environmental Group, Inc, dated July 2011, Section 3.0)

a. National Marine Fisheries Service (NMFS): No comment/response

b. U.S. Environmental Protection Agency (EPA): The EPA initially responded in a letter dated 08 June 2010, as follows:

EPA comment: The EPA requested further information demonstrating that existing roadways do not already meet the stated purpose for this project of providing “an additional hurricane evacuation route for the citizens of Baldwin County and “reducing the current traffic congestion on State Route 59.”

Applicant response: *The Baldwin County Hurricane Evacuation Analysis* was completed in March 2008. The findings presented in this report were based on extensive modeling and analysis, and concluded that without major roadway improvements, “Baldwin County’s hurricane evacuation clearance times would deteriorate to unacceptable levels over the next 20 years.” The following new major corridors were recommended in the report: extension of County Road (CR) 83 to I-10, making CR 83 a continuous, four-lane facility from the Foley Beach Express to I-10 and extension of CR 83 from I-10 to I-65.

One of the recommended new corridors, the extension of CR 83 to I-10, is currently under construction.

A traffic study was conducted to forecast traffic volumes for the No-build alternative, the proposed action and the Eastern alternative for the design year 2030. The design year 2030 projected traffic volumes for the alternatives were derived from the traffic study. Traffic on State Route (SR) 59 was also analyzed. The Proposed action and the Eastern Alternative were shown to reduce traffic on SR 59.

USACE: This office of the Corps reviewed the applicant’s response to the EPA’s concerns. These responses, as shown above, adequately addressed the EPA’s concerns. As of the date of

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this assessment, no further comment or input has been received from the EPA. The Corps considers coordination with this agency to be complete.

EPA comment: EPA requested documented alternative be provided.

Applicant response: The Environmental Assessment prepared by the applicant's consultant Volkert Environmental Group, Inc, dated July 2011) includes a thorough discussion of the alternatives evaluated and their potential impacts. The alternatives analysis also discusses shifts that were made in the development of the proposed action to avoid and minimize wetlands impact along the proposed route.

USACE: The alternatives analysis for this project is summarized in Section 10, above. The Corps considers coordination with this agency to be complete.

EPA comment: The EPA recommended completely bridging all wetlands to maximize avoidance of impacts.

Applicant response: Efforts have been made to avoid and minimize wetland impacts where practical. Bridging of all wetlands would increase the project cost by an estimated \$45 million, making it cost-prohibitive.

USACE: The Corps concurs that completely bridging all wetlands would be impractical; however, the applicant has demonstrated avoidance and minimization with construction plans that will span the streams themselves, confining wetland impacts to peripheral bridge components. Coordination on this matter is considered complete.

EPA comment: The EPA expressed concern over indirect and cumulative impacts as a result of construction of the new roadway.

Applicant response: Potential indirect and cumulative impacts are adequately evaluated in the Applicant's Environmental analysis. This evaluation can be found in Section 4.15 and 4.16 of the above referenced Analysis, by Volkert Environmental Group, dated July 2011.

USACE: Four major areas of indirect impact have been identified, to include: threatened and endangered species/wildlife habitat, emergency evacuations, socio-economic impacts and air quality.

No threatened or endangered species have been identified in the project area; however, if species are found to be present prior to construction, coordination with the U.S. Fish and Wildlife Service will be re-initiated. Significant indirect impacts to wildlife species are not anticipated. The U.S. fish and Wildlife Service has formally concurred with the proposed project.

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The project is expected to result in positive indirect impacts in the areas socio-economics, emergency evacuation capacity and air quality. Air quality improvement can be expected due to overall reduced travel times afforded by the proposed, more direct route to beach destinations.

Corps coordination relative to this comment is complete.

EPA comment: In the water quality section of their comment letter, EPA requested additional information on the research and approach to using 6:1 side slopes for the road shoulders, as opposed to 3:1 shoulders.

Applicant response: The basis for this design is a report entitled, "Stormwater Quality Documentation of Roadside shoulders Borrow Ditches" (Barrett, 2005). Additional BMPs are also being incorporated in the proposed project. Upon request, the applicant can supply a specific list of BMPs.

USACE: The proposed design is based upon current research relative to stormwater management and facility construction. The proposed design is expected to be adequate for the intended purpose. Corps coordination regarding this comment is complete.

c. U.S. Fish and Wildlife Service: In a letter dated April 15, 2010, the Service requested surveys for Federally-listed species.

Applicant Response: A threatened and endangered species survey was conducted for the proposed action and submitted to the USACE office, Mobile. The report of the studies prepared by the applicant is included in Appendix F of the Environmental Assessment prepared by Volkert Environmental Group, Inc., dated July 2011.

USACE: The applicant conducted all required surveys relative to threatened and endangered species. U.S. Fish and Wildlife Service concurred with the results of the surveys in a letter dated 9 August 2011. The applicant understands that if threatened and endangered species are discovered in the project area prior to commencement, and during construction, consultation with the Service will be re-initiated.

Corps coordination regarding this matter is considered complete.

d. Alabama Department of Conservation and Natural Resources (ADCNR):

ADCNR comment: The agency requested that the project be surveyed for gopher tortoise burrows and American Chaffseed.

Applicant response: Surveys were conducted and are found in Appendix F of the Environmental Assessment prepared by Volkert Environmental Group, Inc., dated July 2011.

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USACE: The Corps reviewed the subject surveys and, in a letter dated 9 August 2011, the U.S. Fish and Wildlife Service concurred with the findings of the surveys.

The applicant understands that if threatened and endangered species are discovered in the project area prior to commencement, and during construction, consultation with the Service will be re-initiated.

Corps coordination regarding this matter is considered complete.

ADCNR comment: The ADCNR also commented that the project will impact state-owned lands at the Styx River crossing and that the applicant must coordinate with the State Lands Division to obtain proper permits for this crossing.

Applicant Response: The State Lands Division, in Montgomery, AL, has been contacted, and coordination with the ADCNR will take place regarding required permits.

USACE: The special conditions of the USACE authorization will address this coordination requirement. The Permittee must make required coordination and obtain any necessary permits and authorizations from all other applicable local, County, State and Federal agencies.
Coordination complete.

e. Alabama Historical Commission (AHC): In a letter dated 31 March 2010, the AHC commented that they were awaiting receipt of the cultural resources assessment so they may continue their review of the proposed project.

Applicant Response: The draft Phase I Cultural Resources assessment was submitted to the USACE, Mobile district, for agency coordination.

USACE: In a letter dated 19 May 2011, the AHC concurred with the USACE finding that no National register sites would be impacted by the proposed project, and therefore concurred with the proposed project activities.

f. Friends of Baldwin:

Friends of Baldwin comment: The Friends of Baldwin commented that mitigating for wetlands loss outside the affected watershed is not acceptable and [mitigation] should occur in Baldwin county through either the purchase of credits from a USACE-approved wetland mitigation bank or through the restoration and/or enhancement of wetlands on a site as close as practical to where the impacts occur.

Applicant response: Creation of wetlands is the least preferred mitigation option because it has the lowest potential for success. Mitigation will occur in Baldwin County through either the purchase of credits from a USACE-approved wetland mitigation bank or through the restoration and/or enhancement of wetlands on a site as close as practical to where the impacts occur.

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USACE: The applicant has submitted an acceptable mitigation plan that compensates for loss of wetland area through the purchase of an appropriate number of wetland mitigation credits in an approved wetland mitigation bank. Coordination complete.

Friends of Baldwin comment: The Friends of Baldwin expressed concern regarding access to the proposed roadway.

Applicant response: The roadway, as proposed, will be restricted access which will limit new development along the corridor.

USACE: The impacts related to the two proposed interchanges (CR 31 and I-65) have been addressed. The direct, indirect and cumulative effects of the four potential (additional) interchanges have not been addressed; however, if these are proposed for construction in the future, this office of the Corps will address these impacts through the permit modification process.

g. Mobile Bay Keeper: In a letter dated April 14, 2010, Mobile Bay Keeper expressed concerns in the following areas: impacts to wetlands, BMPS and stormwater management, access and related growth, wetland impact avoidance, mitigation location, EIS and public hearing necessity.

Applicant Response: Shifts and refinements in design criteria were accomplished to avoid and minimize impacts, where practicable, ultimately resulting in development of the Proposed Action and the total amount of wetland impact.

USACE: With the issuance of a DoD authorization, the permittee would be responsible for accomplishing all authorized activities in accordance with the BMPs of the Alabama Department of Environmental Management, and stormwater handling/design must be in accordance with applicable local, County and State regulations.

The proposed project is a limited access facility; therefore, significant commercial growth along the route is not anticipated.

The USACE will make a decision regarding the necessity of an EIS or a public hearing through the Environmental Assessment (EA) and the Public Hearing Determination processes, respectively.

h. The Mobile Bay Audubon Society: In a letter dated March 30, 2010, the Audubon Society expressed concerns in the following areas: impacts to fish and wildlife, access and related growth, BMPs, wetland impacts, stormwater, impacts to streams, and public hearing necessity.

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Applicant response: Responses to the above comments can be found in the EA prepared by Volkert Environmental Group, Inc., dated July 2011.

USACE: The USFWS concurred with this proposed project in a letter dated 09 August 2011.

With the issuance of a DoD authorization, the permittee would be responsible for accomplishing all authorized activities in accordance with the BMPs of the Alabama Department of Environmental Management (ADEM), and stormwater handling/design must be in accordance with applicable local, county and State regulations.

The proposed project is a limited access facility; therefore, significant commercial growth along the route is not anticipated.

The USACE will make a decision regarding the necessity of a public hearing through the Public Hearing Determination process.

i. Mobile Bay Chapter of Sierra Club: In a letter dated April 7, 2010, the Sierra Club expressed concerns in the following areas: impacts to fish and wildlife, access and related growth, BMPs, wetland impacts, stormwater, impacts to streams, and public hearing necessity.

Applicant response: Responses to the above comments can be found in the EA prepared by Volkert Environmental Group, Inc., dated July 2011.

USACE: With the issuance of a DoD authorization, the permittee would be responsible for accomplishing all authorized activities in accordance with the BMPs of the Alabama Department of Environmental Management (ADEM), and stormwater handling/design must be in accordance with applicable local, County and State regulations.

The proposed project is a limited access facility; therefore, significant commercial growth along the route is not anticipated.

The USACE will make a decision regarding the necessity of a public hearing through the Public Hearing Determination process.

j. Ms. Dianne McGee: In a letter dated April 15, 2010, Ms. McGee expressed concerns in the following areas: impacts to fish and wildlife, access and related growth, BMPs, wetland impacts, stormwater, impacts to streams, and public hearing necessity.

Applicant response: Responses to the above comments can be found in the EA prepared by Volkert Environmental Group, Inc., dated July 2011.

USACE: With the issuance of a DoD authorization, the permittee would be responsible for accomplishing all authorized activities in accordance with the BMPs of the Alabama Department

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of Environmental Management (ADEM), and stormwater handling/design must be in accordance with applicable local, County and State regulations.

The proposed project is a limited access facility; therefore, significant commercial growth along the route is not anticipated.

The USACE will make a decision regarding the necessity of a public hearing through the Public Hearing Determination process.

k. Robin and Celeste McLean:

McLean comment: The McLeans expressed concern for the human environment as well as the natural resource environment that would be affected by the proposed project.

Applicant response: The proposed action was developed to avoid and minimize impacts to natural resources and the human environment to the maximum extent practical.

McLean comment: The McLeans questioned how diverted stormwater runoff would affect their area during storms and hurricane season.

Applicant response: All construction is required to manage stormwater discharge to ensure that post-construction discharge does not exceed pre-construction discharge rates/flows.

McLean comment: The McLeans expressed concern over access and potential impact to the cemetery located on Old Brady Road.

Applicant response: The proposed actions will not impact the cemetery, and access to the cemetery will be provided.

USACE: Coordination complete

l. Alabama-Coushatta Tribe of Texas: Officials do not anticipate impacts to religious, cultural or historic assets of the tribe. Requested a "cease-work" and notification if remains or artifacts are discovered.

Applicant Response: Work will cease in the immediate area of any discovery, and appropriate officials will be notified.

USACE: Coordination complete

14. Public Hearing Request: In response to our public notice, dated March 15, 2011, we received five requests for a public hearing. This office of the Corps will conduct a public hearing determination and make an appropriate recommendation to the District Commander regarding the necessity of a public hearing.

15. Consideration of Special Acts or Executive Orders (EO) Not Already Addressed

a. Environment

(1) Section 176(c) of the Clean Air Act General Conformity Rule Review: The project area is within a National Ambient Air Quality Standards attainment area and therefore does not require a conformity analysis pursuant to Section 176(c) of the Clean Air Act.

(2) EO 11900 - Protection of Wetlands (1977): The purpose of this Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of the wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The evaluation of the proposed project, taking into account economic, environmental and other pertinent factors, indicate that (1) there is no practicable alternative to the proposed project, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

(3) EO 13158 - Marine Protected Areas (2000): The purpose of this Executive Order is to help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and ecologically and economically sustainable use of the marine environment for future generations.

(4) EO 12898 - Environmental Justice: This EO directs each federal agency to "...make achieving 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 the United States."

Corps conclusion: The design of the subject project avoids and minimizes wetland impacts to the maximum extent practicable and will employ Best Management Practices (BMPs) during and construction activities to minimize negative effects of the construction activity. With proper and on-going use of BMPs in the management of the functioning facility, adverse effects on human health, minority and low-income populations and the environment are not expected. Therefore, the activities proposed are in compliance with EO 12898.

(5) EO 13045 - Protection of Children: This EO requires that "consistent with the agency's mission, each Federal agency: (1) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (2) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks." This EO defines

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"environmental health risks and safety risks" to mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to.

Corps conclusion: This location of the new road facility could possibly be near communities which would include residences with children. However, the construction and function of this proposed road facility should not be a significant adverse impact on the environment or human health conditions of the region. The proposed new road facility would, in fact, promote more efficient and timely evacuation in the event of on-coming hurricanes. State officials have granted Water Quality certification for the project and BMPs will be employed during and after the construction process to guard against unnecessary impact to the environment. Construction and operation of the proposed new facility are expected to be accomplished within normal and applicable safety standards and procedures. Therefore, the activities proposed are in compliance with EO 13045.

(6) EO 11988 - Floodplain Management: In accordance with the EO and 33 CFR 320.4(l) floodplains pose significant natural values and carry out numerous functions important to the public interest. These include water resource values, living resource values, cultural resources values and cultivated resource values. In accordance with Executive Order 11988, the Corps should avoid authorizing floodplain development whenever practicable alternatives exist outside the floodplain. If there are no such practicable alternatives, the Corps shall consider, as a means of mitigation, alternatives within the floodplain which will lessen any significant adverse impact to the floodplain.

Corps conclusion: In accordance with requirements, efforts to minimize impacts to floodplains have been made by utilizing bridges and shifting the alignment to the extent practical. Proposed structures would have effective waterway openings equal to or greater than existing structures, and backwater surface elevations are not expected to increase. As a result, there would be no substantial adverse impacts on natural or beneficial floodplain values. Therefore, the activities proposed are in compliance with EO 11988.

(7) EO 13112 - Invasive Species: This EO requires federal agencies to "prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause."

Corps Conclusion: Impacts to wetland and upland environments associated with this proposed new roadway facility will generally be paved or otherwise maintained as right-of-way area. The proliferation or opportunity of proliferation, of invasive species is not expected to be significant relative to the proposed activity. Undisturbed, adjacent upland and wetland areas should not be subjected to introduction of new invasive species. Therefore, the activities proposed are in compliance with EO 13112.

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(8) EO 13212 and 13302 - Energy Supply and Availability: This EO requires “for energy-related projects, agencies will expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections.”

Corps conclusion: All energy related projects evaluated by the Corps are expedited and/or other actions are taken to the extent permitted by law and regulation to accelerate completion of energy related (including pipeline safety) projects while maintaining safety, public health, and environmental protections. Activities which would be authorized under subject authorization would not be energy related nor would they be used to increase the production, transmission, or conservation of energy, or strengthen pipeline safety. Therefore, all activities authorized under subject authorization would be considered consistent with both EO 13212 and 13302.

b. Other

EO 13175 - Consultation and Coordination with the Tribal Indian Governments: The purpose of this Executive Order is to coordinate new construction with Indian Tribal Governments. This proposed work has been coordinated with Tribal Officials. The consultation indicates that no documentation directly linking Indian Religious Sites to the proposed activity. In the event any items falling under Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the appropriate persons, including state and tribal NAGPRA representatives will be notified immediately for further consultation.

16. Evaluation of the 404(b)(1) Guidelines:

a. Factual Determination (40 CFR Section 230.11): A review of appropriate information indicates there is minimal potential for short or long-term environmental effects of the proposed discharge as related to:

(1) Physical substrate: No short or long-term environmental effects relative to physical substrate are expected in conjunction with the proposed placement of fill material.

(2) Water circulation, fluctuation, and salinity: Plans for the proposed project call for all perennial streams to be bridged with, in some cases, increase in size of available floodplain. Therefore, there are no anticipated impacts to water circulation or water level fluctuation. Salinity is not an issue in this inland environment.

(3) Suspended particulate/turbidity: There will be temporary increases in turbidity in waters where work is being performed. BMPs will be in place, and turbidity levels should return to normal range upon completion of construction activities that disturb any portion of stream beds.

(4) Contaminant availability: Fill material proposed for all activities authorized is expected to be clean, sandy material and not a significant source of contaminants.

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(5) Aquatic ecosystem effects: The design of the proposed project call for completely bridging all perennial streams that will be crossed. There will be some temporary disturbances to the aquatic ecosystem due to placement of structures associated with the new bridges; however, these disturbances will be temporary, and aquatic communities are expected to recover upon completion of work impacting such area. In addition, BMPs will be utilized to protect the aquatic environment.

(6) Proposed disposal site: The areas in which clean, sandy fill material will be permanently placed primarily consists of pine savannah wetlands and bottomland hardwood wetlands. BMPs will be employed to adequately protect adjacent environments.

(7) Cumulative effects. Due to the relative abundance of wetlands in the area, the protection provided by the Clean Water Act, and required mitigation, cumulative effects on wetland resources are expected to be minimal. Wetlands, and their associated habitat and other functional values should continue to be sustainable resources in Baldwin County.

(8) Secondary effects. With proper employment of BMPs and adherence to applicable regulations, significant secondary effects are not anticipated relative to proposed project activity.

b. Restrictions on discharges

(1) Alternatives (See Section 10 above)

(a) The activity is partially located in a special aquatic site (wetlands, sanctuaries and refuges, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, etc.)

(b) The activity does not need to be located in a special aquatic site to fulfill its basic project purpose; however, the preferred route does involve the impact of wetland area.

(c) All practicable alternatives have been reviewed in Section 10 above. It has been demonstrated that the alternative with the fewest impacts on the aquatic ecosystem (least damaging alternative) that fulfills the project purpose and scope, has been identified.

(d) The least damaging alternative has no other significant environmental effects.

(2) Other program requirements

(a) The proposed activity does not violate applicable State water quality standards or Section 307 prohibitions or effluent standards.

(b) The proposed activity does not jeopardize the continued existence of federally listed threatened or endangered species or affect their critical habitat.

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(c) The proposed activity does not violate the requirements of a federally designated marine sanctuary.

(3) The activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms; ecosystem diversity, productivity and stability; and recreational, aesthetic, and economic values.

(4) Minimization of adverse effects

(a) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

(b) Compensatory Mitigation (through a mitigation bank): The unavoidable impacts will be adequately compensated through mitigation. See Section 11(r) for the full discussion on mitigation.

17. Findings of 404(b)(1) Analysis: The proposed disposal site for discharge of dredged or fill materials complies with the Section 404(b)(1) guidelines with incorporation of the following conditions:

a. All activities authorized by this Department of the Army permit shall be accomplished in accordance with the Best Management Practices of the Alabama Department of Environmental Management.

b. Within 60-days of commencement of work authorized by this Department of the Army permit, the permittee shall submit to this office of the U.S. Army Corps of Engineers, proof-of-purchase of an appropriate number of wetland mitigation credits from an approved wetland mitigation bank to compensate for the unavoidable loss of 53.7 acres of bottomland hardwood wetlands (*specifically, .01 acre of low-quality bottomland hardwood wetland area, 19.47 acres of medium-quality bottomland hardwood wetland area and 34.22 acres of high-quality bottomland hardwood wetland area*) and 50.7 acres of pine savannah wetlands (*specifically, 0.12 acre of low-quality pine savannah wetland area, 26.18 acres of medium quality pine savannah wetland area and 24.4 acres of high-quality pine savannah wetland area*).

c. If any interchanges, in addition to the two initially authorized herein, are proposed for this road project, the permittee must present a request for modification of this authorization. The proposed modification will be reviewed and evaluated in accordance with the Joint Public Notice and permit modification processes.

d. The permittee shall comply with all requirements of the Alabama Department of Environmental Management's (ADEM) 401 water quality certification dated 26 May 2011.

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e. Should cultural resources be encountered during project activities, work shall cease and the Alabama State Historical Preservation Officer (SHPO) and the U.S. Army Corps of Engineers shall be consulted immediately. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.

f. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil surfaces and fill material must be permanently stabilized at the earliest practicable opportunity. All temporary erosion control features shall remain in place until the permanent stabilization measures have been completed and have become fully effective. Site preparation must be stabilized to prevent erosion of soils and sub-soils into adjacent wetlands.

g. The permittee will contact the County's designated responsible officials to obtain necessary permits and to ensure the regulations of the National Flood Insurance Program, all floodplain ordinances, and safety precautions in effect for this area are met. The project shall comply with all Federal, State and local floodplain ordinances.

h. Project construction shall be carried out so that the passage of normal and expected high flows of surface water runoff outside of the project boundaries is not restricted or otherwise altered.

i. Only suitable material free of waste, metal and organic trash, unsightly debris, etc., may be used as fill and material discharged must be free from toxic pollutants in toxic amounts. The use of trees, brush and other debris is not permitted as use for fill material.

j. All excavation and fill activities shall be performed in a manner that minimizes disturbance and turbidity increases in "waters of the United States" and wetlands; and shall be retained in a manner to preclude its erosion into any adjacent wetlands or waterway.

k. The movement of equipment within wetlands shall be limited to the minimum necessary to accomplish the work authorized herein. All equipment required to traverse wetland areas shall be supported on mats.

l. The wetlands, not impacted by the authorized work, shall not be used for the temporary storage of equipment or building supplies.

m. The disposal of trees, brush and other debris in wetlands is prohibited.

n. It is the permittee's responsibility to ensure that the contractors working on this project are aware of all general and special permit conditions.

Combined Decision Document- SAM-2009-00884-JBE
Baldwin County, Alabama Highway Department

o. Compliance with all terms and general and special conditions of this Permit is mandatory.

18. Public Interest Determination: Based on requests for a Public Hearing, a Public Hearing Determination was made on **December 12, 2011**, and made a part of the record. In accordance with the general policies of 33 CFR 327.4, I have evaluated the need for a public hearing in order to complete the public interest review and reach a decision upon the application. Federal Guideline 33 CFR 327.4 states a public hearing will be held whenever the hearing will assist in making a decision on such application. I have concluded a public hearing would not provide any additional information which would assist in making a final decision in this request for a permit.

19. CONCLUSION/FINDING OF NO SIGNIFICANT IMPACT (FONSI): Based on the above assessment, analysis and consideration of comments presented by other agencies and the public, and after weighing all factors involved in the proposal, I have concluded that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

PREPARED BY:



GLEN A. CUNNINGHAM
Project Manager
Regulatory Division

REVIEWED BY:



JOY B. EARP
TEAM LEADER, COASTAL AL

STEVEN J. ROEMHILDT
Colonel, Corps of Engineers
District Commander

BY:



MUNTHUR SAHAWNEH
CHIEF, COASTAL BRANCH
REGULATORY DIVISION

DATE: 12 Dec. 2011

| Insert Tract | Acres Acquired | Before & Remaining | TCE | Ownership |
|---------------|----------------|------------------------|--|--|
| 1 | | Before = 17.180 | | |
| Parcel 1 of 1 | 1.897 | Rem. A of A 15.283 | 0.000 | NW-BBE, LLC 23210 US HWY 98 STE A3 Fairhope, AL 36532 INST NO 1472195 05-41-02-04-0-000-0095.000 |
| Total | 1.897 | 15.283 | 0.000 | |
| 2 | | Before = 13.629 | | |
| Parcel 1 of 1 | 3.042 | Rem. A of A 10.587 | 0.000 | Marvin D. Hayes Jr. & Carmen K. Hayes 28551 Roserun Road Robertsdale, AL 36567 RPBK 860 PG 1733 05-41-02-04-0-000-0003.003 |
| Total | 3.042 | 10.587 | 0.000 | |
| 3 | | Before = 13.380 | | |
| Parcel 1 of 1 | 2.808 | Rem. A of A 10.572 | TCE #1 0.014 | Jerry L. Kramer & Nancy B. Kramer 28645 Roserun Road Robertsdale, AL 36567 RPBK 768 PG 603 05-41-02-04-0-000-0003.000 |
| Total | 2.808 | 10.572 | 0.014 | |
| 4 | | Before = 13.399 | | |
| Parcel 1 of 1 | 2.813 | Rem. A of A 10.586 | TCE #1 0.005 TCE #2 0.021 | William P. Stuart & Martha A. Stuart 28685 Roserun Road Robertsdale, AL 36567 RPBK 522 PG 867 05-41-02-04-0-000-0003.001 |
| Total | 2.813 | 10.586 | 0.026 | |
| 5 | | Before = 20.258 | | |
| Parcel 1 of 1 | 5.143 | Rem. A of A 15.115 | 0.000 | Jennifer M. Childress 28855 Roserun Road Robertsdale, AL 36567 RPBK 568 PG 1976 05-41-02-04-0-000-0004.004 |
| Total | 5.143 | 15.115 | 0.000 | |
| 6 | | Before = 20.288 | | |
| Parcel 1 of 1 | 4.503 | Rem. A of A 15.785 | 0.000 | Fred H. & Elizabeth A. Johnston 28905 Roserun Road Robertsdale, AL 36567 RPBK 873 PG 1685 05-41-02-04-0-000-0004.000 |
| Total | 4.503 | 15.785 | 0.000 | |

| | | | | | |
|---------------|---------------|-------------|----------------|--------------|-------------------------------------|
| 7 | | Before = | 17.771 | | Merritt and Watling Properties |
| Parcel 1 of 2 | 0.166 | Rem. A of A | 17.312 | 0.000 | P.O. Box 1670 |
| Parcel 2 of 2 | 0.293 | | | | Point Clear, AL 36564 |
| Total | 0.459 | | 17.312 | 0.000 | RPBK 851 PG 577 |
| | | | | | 05-41-02-04-0-000-005.001 |
| 8 | | Before = | 6.000 | | Grady Lee & Rebecca Ann Malone, Jr. |
| Parcel 1 of 1 | 1.343 | Rem. A of A | 4.657 | 0.000 | 20637 County Road 68 |
| Total | 1.343 | | 4.657 | 0.000 | Robertsdale, AL 36567 |
| | | | | | RPBK 474 PG 1176 |
| | | | | | 05-41-02-04-0-000-002.001 |
| 9 | | Before = | 3.007 | | Daniel E. Madden & Crystal A. Nash |
| Parcel 1 of 1 | 0.738 | Rem. A of A | 2.269 | 0.055 | 28660 Roserun Road |
| Total | 0.738 | | 2.269 | 0.055 | Robertsdale, AL 36567 |
| | | | | | INST NO 1470965 |
| | | | | | 05-41-02-04-0-000-002.002 |
| 10 | | Before = | 81.614 | | Seale R. & Gail C. Williamson |
| Parcel 1 of 1 | 10.017 | Rem. A of C | 4.757 | 0.000 | 20687 Rose Run Road |
| | | Rem. B of C | 45.939 | | Robertsdale, AL 36567 |
| | | Rem. C of C | 0.901 | | INST NO 837562 |
| Total | 10.017 | | 51.597 | 0.000 | RP 391 Page 1069 |
| | | | | | 05-41-02-04-0-000-002.000 |
| | | | | | 05-41-02-04-0-000-002.003 |
| 11 | | Before = | 10.194 | | Angela Darleen Lowery |
| Parcel 1 of 1 | 4.962 | Rem. A of A | 5.232 | 0.077 | 28900 Roserun Road |
| Total | 4.962 | | 5.232 | 0.077 | Robertsdale, AL 36567 |
| | | | | | INST NO 1207420 |
| | | | | | 05-41-02-04-0-000-004.001 |
| 12 | | Before = | 161.226 | | Roger F. Bamhill, Jr. |
| Parcel 1 of 1 | 19.545 | Rem. A of B | 15.332 | 0.021 | 3243 N. Holley St. Loxley, AL 36551 |
| | | Rem. B of B | 126.349 | | DB 530 PG 553 |
| | | | | | DB 485 PG 818 |
| | | | | | DB 530 PG 555 |
| | | | | | RPBK 300 PG 120 |
| | | | | | RPBK 517 PG 109 |
| | | | | | INST NO 1518846 |
| Total | 19.545 | | 141.661 | 0.021 | INST NO 485591 |
| | | | | | 05-34-08-33-0-000-001.002 |

| | | | | | | | | | | |
|------------------|--------|--|------------------------------|-------|--|--|--|--|--|--|
| 12A | | | | | | | | | | Timothy L. Barnhill 3200 Holley St. N., Loxley, AL 36551 DB 530 PG 553 DB 485 PG 818 DB 530 PG 555 RPBK 300 PG 120 RPBK 517 PG 109 INST NO 1508384 INST NO 485591 05-34-08-33-0-000-001.001 |
| Parcel 1 of 1 | 1.407 | Before = Rem. A of A | 161.734 160.327 | | | | | | | |
| Total | 1.407 | | 160.327 | 0.000 | | | | | | |
| 12B | | | | | | | | | | Roger F. Barnhill, Jr. & Timothy L. Barnhill 3243 Holley St. N. Loxley, AL 36551 DB 485 PG 818 DB 530 PG 553 & 555 RPBK 300 PG 120 RPBK 517 PG 109 INST NO 485591 05-34-08-33-0-000-001.000 |
| Parcel 1 of 1 | 19.159 | Before = Rem. A of B Rem. B of B | 323.227 232.913 71.155 | | | | | | | |
| Total | 19.159 | | 304.088 | 0.000 | | | | | | |
| 14 | | | | | | | | | | James Nelson & Tori Montgomery P.O. Box 757 Silverhill, AL 36576 INST NO 852026 INST NO 1164067 05-34-05-22-0-000-002.002 05-34-05-22-0-000-002.003 |
| Parcel 1 of 1 | 21.154 | Before = Rem. A of B Rem. B of B | 81.002 41.348 18.500 | 0.000 | | | | | | |
| Total | 21.154 | | 59.848 | 0.000 | | | | | | |
| 15 | | | | | | | | | | Glenn N. Sykora & Tampa M. Sykora 7230 Ecor De Chene Ct Fairhope, AL 36532 INST NO 1081245 05-34-05-15-0-000-002.011 |
| Parcel 1 of 1 | 0.642 | Before = Rem. A of A | 20.300 19.540 | 0.000 | | | | | | |
| Prescriptive ROW | 0.118 | | | | | | | | | |
| Total | 0.760 | | 19.540 | 0.000 | | | | | | |

| | | | | | | | | | | | |
|-----------------|--|----------------|-------------|-------------|--|------------------|------------------|--|--|--------------|--|
| 13 | | | | | | | 48156.138 | | | 0.000 | Red Mountain Timber CO IV, LLC 5605 Woodbine Road Pace, Florida 32571 INST NO 1023859 |
| Parcel 1 of 10 | | 51.777 | Before = | Rem. A of J | | | 619.905 | | | | |
| Parcel 2 of 10 | | 137.017 | Rem. B of J | | | 31013.321 | | | | | |
| Presc ROW | | 7.381 | Rem. C of J | | | 7394.685 | | | | | |
| | | | Rem. D of J | | | 4516.266 | | | | | |
| | | | Rem. E of J | | | 22.844 | | | | | |
| Parcel 3 of 10 | | 2.261 | Rem. F of J | | | 8.625 | | | | | 05-34-08-28-0-000-001.000 |
| | | | Rem. G of J | | | 35.910 | | | | | 05-34-05-21-0-000-003.000 |
| Parcel 4 of 10 | | 58.182 | Rem. H of J | | | 226.238 | | | | | 05-34-05-22-0-000-001.000 |
| Presc ROW | | 3.047 | Rem. I of J | | | 3631.703 | | | | | 05-34-05-15-0-000-001.000 |
| | | | Rem. J of J | | | 17.890 | | | | | 05-34-05-16-0-000-001.000 |
| Parcel 5 of 10 | | 6.067 | | | | | | | | | 05-34-02-09-0-000-001.000 |
| | | | | | | | | | | | 05-34-02-04-0-000-001.000 |
| Parcel 6 of 10 | | 11.982 | | | | | | | | | 05-27-09-32-0-000-001.001 |
| | | | | | | | | | | | 05-27-08-33-0-000-001.000 |
| Parcel 7 of 10 | | 283.389 | | | | | | | | | 05-27-09-29-0-000-003.001 |
| Presc ROW | | 2.414 | | | | | | | | | 05-27-05-21-0-000-001.000 |
| | | | | | | | | | | | 05-27-04-20-0-000-001.000 |
| Presc ROW | | 7.824 | | | | | | | | | 05-27-04-17-0-000-001.000 |
| | | | | | | | | | | | 05-27-03-08-0-000-001.000 |
| Presc ROW | | 1.167 | | | | | | | | | 05-27-03-05-0-000-001.000 |
| | | | | | | | | | | | 05-27-03-06-0-000-001.000 |
| Presc ROW | | 0.423 | | | | | | | | | 05-24-09-31-0-000-001.000 |
| | | | | | | | | | | | 05-24-09-30-0-000-005.000 |
| Parcel 8 of 10 | | 42.299 | | | | | | | | | 05-24-09-30-0-000-001.000 |
| | | | | | | | | | | | 05-24-09-30-0-000-001.000 |
| Parcel 9 of 10 | | 35.660 | | | | | | | | | 05-24-09-32-0-000-001.000 |
| | | | | | | | | | | | 05-24-04-19-0-000-001.000 |
| Parcel 10 of 10 | | 39.869 | | | | | | | | | 05-23-06-13-0-000-001.001 |
| Presc ROW | | 0.972 | | | | | | | | | 05-24-03-07-0-000-003.000 |
| Presc ROW | | 0.049 | | | | | | | | | |
| Total | | 693.059 | | | | 47463.079 | | | | 0.000 | |
| 28 | | | | | | | | | | | Springwood Timberlands, LLC c/o Resource Management Svcs, LLC 31 Inverness Center Pkwy, Ste 360 Birmingham, AL 35242 Instrument #1551559 |
| Parcel 1 of 1 | | 6.600 | Before = | Rem. A of B | | | 172.501 | | | | 05-34-08-28-0-000-001.001 |
| | | | Rem. B of B | | | | 155.829 | | | | |
| | | | | | | | 10.072 | | | | |
| Total | | 6.600 | | | | | 165.901 | | | 0.000 | |

| Insert Tract | Acres | | Ownership |
|---------------|--------------|------------------------|--------------|
| | Acquired | Before & Remaining | |
| | | | TCE |
| 15 | | Before = 20.300 | |
| Parcel 1 of 1 | 0.642 | Rem. A of A 19.540 | 0.000 |
| Presc Row | 0.118 | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total | 0.760 | 19.540 | 0.000 |
| | | | |
| 15A | | Before = 40.652 | |
| Parcel 1 of 1 | 0.609 | Rem. A of A 40.043 | 0.000 |
| | | | |
| | | | |
| | | | |
| | | | |
| Total | 0.609 | 40.043 | 0.000 |
| | | | |
| 16 | | Before = 40.451 | |
| Parcel 1 of 2 | 0.923 | Rem. A of B 29.342 | 0.000 |
| Parcel 2 of 2 | 7.533 | Rem. B of B 2.638 | |
| Presc ROW | 0.015 | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total | 8.471 | 31.980 | 0.000 |

Glenn N Sykora
& Tampa M Sykora
7230 Ecor De Chene Ct
Fairhope, AL 36532
Instrument # 1081245
05-34-05-15-0-000-002.011

Donald E Driskell
& Dorlice K Driskell
28322 Conway Road
Loxley, AL 36551
Inst No. 829703
05-34-05-15-0-000-002.001

Ida Rochelle Bankester &
Patrick Michael Bankester
51855 Dyas Road
Bay Minette, AL 36507
Inst. 1338915 & Inst. 1338916
Inst. 1357070 & Inst. 1441863
05-34-02-10-0-000-004.000
05-27-09-29-0-000-008.000

| | | | | | | |
|---------------|---------------|-------------|----------|----------------|--------------|---|
| 17 | | | Before = | 101.505 | | Jamie Hall 802 Brady Road Bay Minette, AL 36507 WB 27 Pg 82 RP 75 Pg 1705 RP 75 Pg 1709 RP 75 Pg 1707 RP 75 Pg 1710 05-34-02-10-0-000-006.001 05-34-02-10-0-000-003.000 05-27-09-29-0-000-007.000 |
| Parcel 1 of 3 | 1.665 | Rem. A of D | | 47.352 | 0.000 | |
| Parcel 2 of 3 | 0.156 | Rem. B of D | | 42.126 | | |
| Parcel 3 of 3 | 6.657 | Rem. C of D | | 0.607 | | |
| | | Rem. D of D | | 2.942 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 8.478 | | | 93.027 | 0.000 | |
| 17A | | | Before = | 10.270 | | Tom Thompson Turpen, Trustee 500 9th Street East Bay Minette, AL 36507 RP 496 Page 827 05-27-09-29-0-000-006.000 |
| Parcel 1 of 1 | 0.015 | Rem. A of A | | 10.255 | 0.000 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 0.015 | | | 10.255 | 0.000 | |
| 18 | | | Before = | 121.443 | | Hillwood LLC C/o Gale Cook Colvert 302 Potters Mill Ave Daphne, AL 36526 Inst No 1093196, 1093198, 1093199 05-34-02-04-0-000-003.000 |
| Parcel 1 of 1 | 29.797 | Rem. A of B | | 42.571 | 0.000 | |
| | | Rem. B of B | | 49.075 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 29.797 | | | 91.646 | 0.000 | |
| 19 | | | Before = | 102.213 | | Juanita C. Freeman, Etal C/O William C. Cooper P.O. Box 487 Loxley, AL 36551 Case No. 26652 Case No. 27100 Inst No 1440676 05-34-02-04-0-000-002.002 |
| Parcel 1 of 1 | 27.973 | Rem. A of C | | 23.868 | 0.000 | |
| | | Rem. B of C | | 49.049 | | |
| | | Rem. C of C | | 1.323 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 27.973 | | | 74.240 | 0.000 | |

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|---------------|---------------|-------------|----------------|----------------|--------------|--|
| 20 | | | Before = | 13,006 | | Robert L Cooper & Sherry L Cooper P.O. Box 982 Robertsdale, AL 36567 Inst No 1079635 05-34-02-04-0-000-002.003 |
| Parcel 1 of 1 | 0.040 | Rem. A of A | 12,966 | | 0.000 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 0.040 | | 12,966 | | 0.000 | |
| 21 | | | Before = | 13,005 | | Mary K Cooper P.O. Box 1397 Robertsdale, AL 36567 Inst No 1075743 05-34-02-04-0-000-002.001 |
| Parcel 1 of 1 | 2.365 | Rem. A of A | 10,640 | | 0.000 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 2.365 | | 10,640 | | 0.000 | |
| 22 | | | Before = | 71,736 | | William M Reed, Trustee 14060 Reed Lane Bay Minette, AL 36507 Inst No 118538, 1118539 05-27-09-29-0-000-004.000 05-27-09-29-0-000-005.000 |
| Parcel 1 of 1 | 7.102 | Rem. A of B | 50,437 | | 0.000 | |
| | | Rem. B of B | 14,197 | | | |
| | | | | | | |
| | | | | | | |
| Total | 7.102 | | 64,634 | | 0.000 | |
| 23 | | | Before = | 123,289 | | Mitchell G Latoff, Jr 56 Saint Joseph St. 9th Floor Mobile, AL 36602 RP 457 Pg 1683 05-27-09-29-0-000-002.000 |
| Parcel 1 of 1 | 10.481 | Rem. A of B | 97,562 | | 0.000 | |
| | | Rem. B of B | 15,246 | | | |
| | | | | | | |
| | | | | | | |
| Total | 10.481 | | 112,808 | | 0.000 | |
| 23A | | | Before = | 40,947 | | James B Chastang 12050 Whitehouse Fork Road Bay Minette, AL 36507 Inst No 556582 05-27-09-29-0-000-001.000 |
| Parcel 1 of 1 | 0.042 | Rem. A of A | 40,905 | | 0.000 | |
| | | | | | | |
| | | | | | | |
| Total | 0.042 | | 40,905 | | 0.000 | |

Red Mountain Timber CO IV, LLC
 5605 Woodbine Road
 Pace, Florida 32571
 INST NO 1023859

05-34-08-28-0-000-001.000
 05-34-05-21-0-000-003.000
 05-34-05-22-0-000-001.000
 05-34-05-15-0-000-001.000
 05-34-05-16-0-000-001.000
 05-34-05-16-0-000-001.001
 05-34-02-09-0-000-001.000
 05-34-02-04-0-000-001.000
 05-27-09-32-0-000-001.001
 05-27-08-33-0-000-001.000
 05-27-09-29-0-000-003.001
 05-27-05-21-0-000-001.000
 05-27-04-20-0-000-001.000
 05-27-04-17-0-000-001.000
 05-27-03-08-0-000-001.000
 05-27-03-05-0-000-001.000
 05-27-03-06-0-000-001.000
 05-24-09-31-0-000-001.000
 05-24-09-30-0-000-005.000
 05-24-09-30-0-000-001.000
 05-24-09-32-0-000-001.000
 05-24-04-19-0-000-001.000
 05-23-06-13-0-000-001.001
 05-24-03-07-0-000-003.000

| | Before = | | |
|-----------------|----------------|------------------|--------------|
| 13 | | 48156.138 | |
| Parcel 1 of 10 | 51.777 | 619.905 | 0.000 |
| Parcel 2 of 10 | 137.017 | 31013.321 | |
| Presc ROW | 7.381 | 7394.685 | |
| | | 4516.266 | |
| Parcel 3 of 10 | 2.261 | 22.844 | |
| | | 8.625 | |
| | | 35.910 | |
| Parcel 4 of 10 | 58.182 | 226.238 | |
| Presc ROW | 3.047 | 3631.703 | |
| | | 17.890 | |
| Parcel 5 of 10 | 6.067 | | |
| Parcel 6 of 10 | 11.982 | | |
| Parcel 7 of 10 | 283.389 | | |
| Presc ROW | 2.414 | | |
| Presc ROW | 7.824 | | |
| Presc ROW | 1.167 | | |
| Presc ROW | 0.423 | | |
| Presc ROW | 1.279 | | |
| Parcel 8 of 10 | 42.299 | | |
| Parcel 9 of 10 | 35.660 | | |
| Parcel 10 of 10 | 39.869 | | |
| Presc ROW | 0.972 | | |
| Presc ROW | 0.049 | | |
| Total | 693.059 | 47463.079 | 0.000 |

| Insert Tract | Acres | | Ownership |
|-----------------|----------------|---------------------------|--------------|
| | Acquired | Before & Remaining | |
| | | | TCE |
| 13 | | Before = 48156.138 | |
| Parcel 1 of 10 | 51.777 | Rem. A of J 619.905 | 0.000 |
| Parcel 2 of 10 | 137.017 | Rem. B of J 31013.321 | |
| Presc ROW | 7.381 | Rem. C of J 7394.685 | |
| | | Rem. D of J 4516.266 | |
| | | Rem. E of J 22.844 | |
| Parcel 3 of 10 | 2.261 | Rem. F of J 8.625 | |
| | | Rem. G of J 35.910 | |
| Parcel 4 of 10 | 58.182 | Rem. H of J 226.238 | |
| Presc ROW | 3.047 | Rem. I of J 3631.703 | |
| | | Rem. J of J 17.890 | |
| Parcel 5 of 10 | 6.067 | | |
| Parcel 6 of 10 | 11.982 | | |
| Parcel 7 of 10 | 283.389 | | |
| Presc ROW | 2.414 | | |
| Presc ROW | 7.824 | | |
| Presc ROW | 1.167 | | |
| Presc ROW | 0.423 | | |
| Presc ROW | 1.279 | | |
| Parcel 8 of 10 | 42.299 | | |
| Parcel 9 of 10 | 35.660 | | |
| Parcel 10 of 10 | 39.869 | | |
| Presc ROW | 0.972 | | |
| Presc ROW | 0.049 | | |
| Total | 693.059 | 47463.079 | 0.000 |

Red Mountain Timber CO IV, LLC
5605 Woodbine Road
Pace, Florida 32571
INST NO 1023859

05-34-08-28-0-000-001.000
05-34-05-21-0-000-003.000
05-34-05-22-0-000-001.000
05-34-05-15-0-000-001.000
05-34-05-16-0-000-001.000
05-34-05-16-0-000-001.001
05-34-02-09-0-000-001.000
05-34-02-04-0-000-001.000
05-27-09-32-0-000-001.001
05-27-08-33-0-000-001.000
05-27-09-29-0-000-003.001
05-27-05-21-0-000-001.000
05-27-04-20-0-000-001.000
05-27-04-17-0-000-001.000
05-27-03-08-0-000-001.000
05-27-03-05-0-000-001.000
05-27-03-06-0-000-001.000
05-24-09-31-0-000-001.000
05-24-09-30-0-000-005.000
05-24-09-30-0-000-001.000
05-24-09-32-0-000-001.000
05-24-04-19-0-000-001.000
05-23-06-13-0-000-001.001
05-24-03-07-0-000-003.000

| Insert Tract | Acres | | | | Ownership |
|---------------|---------------|--------------------|----------------|--------------|---|
| | Acquired | Before & Remaining | TCE | | |
| 24 | | Before = | 40.012 | | Bay Minette Land Company P.O. Bo 340 Bay Minette, AL 36507 DB 296 PG 391 05-24-09-31-0-000-002.000 |
| Parcel 1 of 2 | 0.199 | Rem. A of A | 39.026 | 0.000 | |
| Parcel 2 of 2 | 0.755 | | | | |
| Presc ROW | 0.032 | | | | |
| Total | 0.986 | | 39.026 | 0.000 | |
| 25 | | Before = | 61.878 | | Albert M. Thompson 801 Mixon Avenue Bay Minette, AL 36507 DB 498 PG 857 RP 787 PG 1771 05-24-09-30-0-000-004.005 |
| Parcel 1 of 1 | 15.286 | Rem. A of B | 15.559 | 0.000 | |
| | | Rem. B of B | 31.032 | | |
| Total | 15.286 | | 46.592 | 0.000 | |
| 26 | | Before = | 3.275 | | |
| Parcel 1 of 1 | 0.636 | Rem. A of A | 2.639 | 0.000 | |
| | | Rem. A of A | 3.275 | 0.000 | |
| Total | 0.636 | | 2.639 | 0.000 | |
| 27 | | Before = | 319.779 | | Propst Farms, Inc. 44615 St. Hwy 112 Bay Minette, AL 36507 RP 122 PG 518 05-23-06-24-0-000-001.000 |
| Parcel 1 of 4 | 9.451 | Rem. A of D | 31.170 | 0.000 | |
| Parcel 2 of 4 | 0.363 | Rem. B of D | 240.835 | | |
| Parcel 3 of 4 | 0.327 | Rem. C of D | 18.776 | | |
| Parcel 4 of 4 | 8.621 | Rem. D of D | 10.325 | | |
| Presc ROW | 0.215 | | | | |
| Total | 18.977 | | 300.802 | 0.000 | |
| 28A | | Before = | 20.256 | | Raymond A. Stokes & Barbara A. Stokes 4449 Hwy 29 N Molino, FL 32577 Instrument #1542877 23-06-13-0-000-001.000 |
| Parcel 1 of 2 | 5.137 | Rem. A of A | 15.119 | 0.000 | |
| Parcel 2 of 2 | 0.021 | | | | |
| Total | 5.158 | | 15.098 | 0.000 | |

| | | | | | | | | |
|-----------------|----------------|-------------|------------------|--|--|-----------------|--------------|--|
| 33 | | | | | | 2995.899 | | Dugald LLC PO BOX 1178 Bay Minette, AL 36507 Instrument # 1151269 23-01-01-0-000-001.001 24-03-06-0-000-001.000 17-09-31-0-000-001.002 18-07-36-0-000-002.001 |
| Parcel 1 of 5 | 36.232 | Rem. A of D | 418.393 | | | | 0.000 | |
| Parcel 2 of 5 | 0.136 | Rem. B of D | 1852.664 | | | | | |
| Parcel 3 of 5 | 0.256 | Rem. C of D | 539.447 | | | | | |
| Parcel 4 of 5 | 0.056 | Rem. D of D | 79.786 | | | | | |
| Parcel 5 of 5 | 69.562 | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Total | 106.242 | | 2889.657 | | | | 0.000 | |
| 13 | | Before = | 48156.138 | | | | | |
| Parcel 1 of 10 | 51.777 | Rem. A of J | 619.905 | | | | 0.000 | Red Mountain Timber CO IV, LLC 5605 Woodbine Road Pace, Florida 32571 |
| | | | | | | | | 05-34-05-21-0-000-003.000 |
| Parcel 3 of 10 | 2.261 | Rem. E of J | 22.844 | | | | | 05-34-05-22-0-000-001.000 |
| | | Rem. F of J | 8.625 | | | | | 05-34-05-15-0-000-001.000 |
| Parcel 4 of 10 | 58.182 | Rem. G of J | 35.910 | | | | | 05-34-05-16-0-000-001.000 |
| Presc ROW | 3.047 | Rem. H of J | 226.238 | | | | | 05-34-05-16-0-000-001.001 |
| | | Rem. I of J | 3631.703 | | | | | 05-34-02-09-0-000-001.000 |
| Parcel 5 of 10 | 6.067 | Rem. J of J | 17.890 | | | | | 05-34-02-04-0-000-001.000 |
| | | | | | | | | 05-27-09-32-0-000-001.001 |
| Presc ROW | 1.167 | | | | | | | 05-27-03-08-0-000-001.000 |
| Presc ROW | 0.423 | | | | | | | 05-27-03-05-0-000-001.000 |
| Presc ROW | 1.279 | | | | | | | 05-27-03-06-0-000-001.000 |
| | | | | | | | | 05-24-09-31-0-000-001.000 |
| Parcel 8 of 10 | 42.299 | | | | | | | 05-24-09-30-0-000-005.000 |
| | | | | | | | | 05-24-09-30-0-000-001.000 |
| Parcel 9 of 10 | 35.660 | | | | | | | 05-24-09-32-0-000-001.000 |
| | | | | | | | | 05-24-04-19-0-000-001.000 |
| Parcel 10 of 10 | 39.869 | | | | | | | 05-23-06-13-0-000-001.001 |
| Presc ROW | 0.972 | | | | | | | 05-24-03-07-0-000-003.000 |
| Presc ROW | 0.049 | | | | | | | |
| Total | 693.059 | | 47463.079 | | | | 0.000 | |

| Insert Tract | Acres | | Ownership |
|------------------------|----------------|--------------------------|---|
| | Acquired | Before & Remaining | |
| | | | TCE |
| 33 | | Before = 2995.899 | DUGALD, LLC |
| Parcel 1 of 5 | | Rem. A of D 418.393 | 23-01-01-0-000-001.001 |
| Parcel 2 of 5 | 36.232 | Rem. B of D 1852.664 | 17-09-31-0-000-001.001 |
| Parcel 3 of 5 | 0.136 | Rem. C of D 539.447 | 17-09-31-0-000-001.002 |
| Parcel 4 of 5 | 0.256 | Rem. D of D 79.786 | 18-07-36-0-000-002.001 |
| Parcel 5 of 5 | 0.056 | | 24-03-06-0-000-001.000 |
| | 69.562 | | INST NO. 1151269 |
| Total | 106.242 | 2889.657 | 0.000 |
| 34 | | Before = 2560.247 | CROSBY TRUST NUMBER 2 |
| Parcel 1 of 3 | | Rem. A of E 93.445 | 18-07-36-0-000-002.000 |
| Parcel 2 of 3 | 8.352 | Rem. B of E 36.208 | 18-06-24-0-000-001.000 |
| Parcel 3 of 3 | 9.057 | Rem. C of E 2217.951 | 18-07-25-0-000-001.000 |
| | 80.972 | Rem. D of D 15.820 | 18-07-36-0-000-002.002 |
| | | Rem. E of E 155.683 | 23-01-01-0-000-001.000 |
| | | | 18-06-13-0-000-001.000 |
| | | | INST NO. 1102323 |
| Total | 98.381 | 2461.866 | 0.000 |
| 35 | | Before = 97.991 | CROSBY TRUST #2, 2/3 INTEREST, DUGALD, LLC 1/3 INTEREST |
| Parcel 1 of 1 | | Rem. A of C 4.649 | 18-07-25-0-000-001.002 |
| | 12.751 | Rem. B of C 79.399 | INST NO. 1151269 |
| | | Rem. C of C 1.192 | |
| Total | 12.751 | 85.240 | 0.000 |
| 36 | | Before = 620.931 | SEVEN STATES TIMBERLANDS LLC |
| Parcel 1 of 5 | | Rem. A of F 1.560 | 18-01-12-0-000-001.000 |
| Parcel 2 of 5 | 0.500 | Rem. B of F 7.695 | 18-01-12-0-000-003.000 |
| Parcel 3 of 5 | 1.251 | Rem. C of F 23.613 | 23-06-24-0-000-016.000 |
| Parcel 4 of 5 | 2.763 | Rem. D of F 29.665 | INST NO. 1253605 |
| Parcel 5 of 5 | 21.859 | Rem. E of F 156.725 | INST NO. 1253606 |
| | 20.984 | Rem. F of F 354.315 | |
| Total | 47.357 | 573.574 | 0.000 |
| 36A | | Before = 2066.103 | BALDWIN COUNTY |
| Parcel 1 of 1 | | Rem. A of A 2057.849 | 18-07-25-0-000-004.000 |
| 18-06-24-0-000-001.001 | 8.254 | | 18-06-24-0-000-001.001 |
| | | | INST NO. 1342734 |
| | | | INST NO. 1375123 |
| Total | 8.254 | 2057.849 | 0.000 |



Alabama Gulf Coast Recovery Council
Proposal Evaluation for Direct Component Summary Sheet

Project Name: Baldwin Beach Express - ROW Acquisition Project ID: 315

Requested Funding: \$ 11,340,000 Additional Funding Sources Amount: \$0

Additional Funding Secured? Y N Unknown

Can Funding be secured from other sources? Y N Unknown

Geographic Area of Project: Baldwin County

Restore Act Project Classification: Infrastructure benefiting the economy

1. Key Activities Identified:

- right of way (ROW) property acquisition to accommodate 24.5-mile Baldwin Beach express extension

2. Status of Project Readiness/Time to Completion:

- this ROW acquisition project can move forward immediately; next phases of construction are separate and apart from this project

Time to completion: 2 years

3. Summary of potential risks to implement and maintain proposed activities:

-Willing seller is a requirement under Treasury Regulations 31 CFR 34.803(f).

4. Permit(s) Required: Y N Unknown

5. If yes, status of permit(s): Have not submitted application Application(s) submitted
 Permit(s) obtained

6. Described benefit/need to the community/region:

- contribute to regional economic growth, recovery and enhanced access for tourism, industrial growth

7. Comments and summary from independent evaluation:

Eligible under Bucket 1 and potentially under Bucket 3, subject to infrastructure cap.
Per 31 CFR 34, infrastructure must be publicly owned.
Federal procurement standards will apply (2 CFR 200).
Pass-through award, increase monitoring effort by ADCNR.
All property acquired will have a federal interest recorded in perpetuity.
\$816k needed by Baldwin County for maintenance cost post construction. Does Baldwin County have these funds? Or would the county be looking for a maintenance project associated with the project?
Anticipate Treasury requiring ALDOT to provide sufficient evidence that funding to complete the actual roadway is in place or reasonably attainable.
Treasury will require some level of assurance that the road will be constructed during a reasonable time period.

Supplemental Evaluation Information

Project Name: Baldwin Beach Express ROW acquisition

Project ID: 315

Does project:

8. Demonstrate benefits in relation to cost of project: Y N NA

Reviewer Comments

- difficult to assign a cost benefit of acquisition to the construction of the road which then has multiple indirect benefits

9. Quantify or qualify Short-term/long-term economic benefits: Y N NA

Reviewer Comments

- short term: economic benefits include job creation through the construction of the road, contractors working on the acquisition process etc.

- long term: increased economic opportunities, revenue generation and public safety

10. Adequately demonstrate need: Y N NA

Reviewer Comments

- there is likely a need from an improvement of the evacuation route, as well as improved access to areas, and improved safety of the roadway.

11. Prevent adverse impacts elsewhere: Y N NA

Reviewer Comments

- no impacts through the land acquisition process, including there would be no need for relocation of habitable structures

12. Expand/promote an existing industry or offers diversification: Y N NA

Reviewer Comments

access to north Baldwin mega site and enhanced access to and from Gulf tourist areas

13. Demonstrate short- or long-term job creation: Y N NA

Reviewer Comments

- short term work for contractors associated with land acquisition

-long term: none identified in proposal, however increased access to tourism and mega site is anticipated to create jobs in the future as the area develops and grows.

14. Provide measurable outcomes: Y N NA

Reviewer Comments

acreage acquired outcomes for acquisition project

15. Address potential risks and uncertainties: Y N NA

Reviewer Comments

-Anticipate Treasury requiring ALDOT to provide sufficient evidence that funding to complete the actual roadway is in place or reasonably attainable.

- Landowners not willing to sell. Don't know if eminent domain is allowed under this program. The proposal suggests proceeding with condemnation in accordance with the Uniform Act and applicable State Law.

16. Address use of cutting-edge technology: Y N NA

Reviewer Comments

- land acquisition is the central purpose of this project, no cutting-edge technology requirements

17. Address environmental compliance needs and status: Y N NA

Reviewer Comments

- no environmental compliance / permitting pieces

18. Demonstrate post-implementation sustainability, including recurring costs: Y N NA

Reviewer Comments

- once acquired it will remain in title with the State of Alabama.

- \$816k needed by Baldwin County for maintenance cost. Does Baldwin County have these funds? Or would the county be looking for a maintenance project associated with the project?

19. Demonstrate budget reasonableness: Y N NA

Reviewer Comments

- proposal suggests the acquisition of 1202 acres at a budget of little over \$11 million - approximately \$9,246 per acre.

20. If Best Available Science is required, is narrative adequate? Y N NA

Reviewer Comments

- not required for land acquisition

21. Can project be phased? Y N NA

Reviewer Comments

- land acquisition required for the entire ROW for project to move forward. Planning and E&D is complete based on proposal information (\$8.5 million already committed)

22. Is project included in an existing strategic/comprehensive plan? Y N

Reviewer Comments

- likely identified in a broader County or municipality plan but none discussed in the proposal

23. Feasibility and Logistics (next steps, hurdles, barriers, other considerations)

- Need an initial call with Treasury about land acquisition given the differences in the Federal programs
- maintenance needs post road construction

24. Additional Options (phasing, etc.)

- no phasing options to this project

25. Additional Comments from Reviewer

N/A

Reviewed By: _____

Printed Name

QAQC By: _____

Printed Name