



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS – MOBILE DISTRICT
MONTGOMERY FIELD OFFICE
605 MAPLE STREET
BUILDING 1429, ROOM 105
MAXWELL AFB, AL 36112**

**CESAM-RD-N
PUBLIC NOTICE NO. SAM-2006-00871-JAP**

July 31, 2015

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PROPOSED DISCHARGE OF FILL MATERIAL FOR THE DEVELOPMENT
OF A RESIDENTIAL LOTS
IN LEE COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: Eastbrook Homes Southern, Incorporated
Attention: Mr. Dean Priebe
2174 Redtail Lane
Auburn, Alabama 36879

AGENT: Wildland Services, LLC
Attention: Mr. William Neighbors
Post Office Box 469
Auburn, Alabama 36831

LOCATION: Wetlands along an unnamed tributary to Saugahatchee Creek in the Lower Tallapoosa River watershed (HUC 03150110); Section 9, Township 19 North, Range 26 East, Auburn, Lee County, Alabama (Latitude 32.6548° North, Longitude 85.4548° West).

PROPOSED WORK: The applicant requests authorization for the discharge of fill material into approximately 0.04 acre of jurisdictional wetlands, in order to construct single-family homes on lots 43 And 44, within the existing Shelton Cove residential.

PREVIOUS AUTHORIZATIONS: The initial development of the Shelton Cove subdivision, by SBG, LLC, was authorized under multiple permitting mechanisms beginning with a nationwide Permit (NWP) 39 in July 2005. The NWP 39 issued at that time (File Number: ALNW05-03319-K) authorized the discharge of fill material

into 0.493 acre of wetlands for residential development. In December 2005, additional authorization to impact 0.13 acre of wetlands was verified under NWP 12 for the placement of a utility line (File Number: ALNW05-04794-K) serving the Shelton Cove development. Finally, an individual permit (File Number: SAM-2006-00871-JAP) was issued for the Shelton Cove subdivision in January 2007. SAM-2006-00871-JAP (2007 Permit) authorized the discharge of fill material into 1.42 acres of wetlands for residential development.

AVOIDANCE & MINIMIZATION: The currently proposed fill location was included in the 2007 Permit review as a part of the applicant's avoidance and minimization measures. Other avoidance and minimization measures evaluated included the on-site avoidance of an additional 0.21 acre of wetland. Eastbrook Homes contends - that since currently proposed activities will only increase losses to waters of the U.S. by approximately 2 percent- the remaining 0.21 acre of avoided on-site wetland continues to represent an adequate avoidance and minimization measure for the development. *(The USACE has not fully evaluated the adequacy of the proposed avoidance and mitigation).*

COMPENSATORY MITIGATION: The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands the purchase of mitigation credits from an USACE approved mitigation bank. *(The USACE has not fully evaluated the adequacy of the proposed compensatory mitigation plan).*

WATER QUALITY: The applicant is preparing their application for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

PUBLIC REVIEW: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

July 31, 2015

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing. Evaluation of the probable impacts involving discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

HISTORIC PROPERTIES: The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. This action will constitute the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the project area. Copies of this notice are being sent to the State Historic Preservation Officer.

ENDANGERED SPECIES: A preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicated that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. Copies of this notice are being sent to the U.S. Fish and Wildlife Service.

Any correspondence concerning this publication should refer to this Public Notice **SAM-2006-00871-JAP** and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile
Regulatory Division, Montgomery Field Office
Attention: James S. Cherry, II
605 Maple Street
Bldg. 1429, Room 105
Maxwell, AFB, Alabama 36112

with a copy to the :

Director
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

All comments should be received no later than **30 days** from the date of issuance of this Public Notice.

July 31, 2015

Enclosed to assist you with your review are: Vicinity map; Topographic map; Site Plan depicting impacts.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at james.s.cherry@usace.army.mil or telephone number (334) 953-2172. Please refer to the above Public Notice number.

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

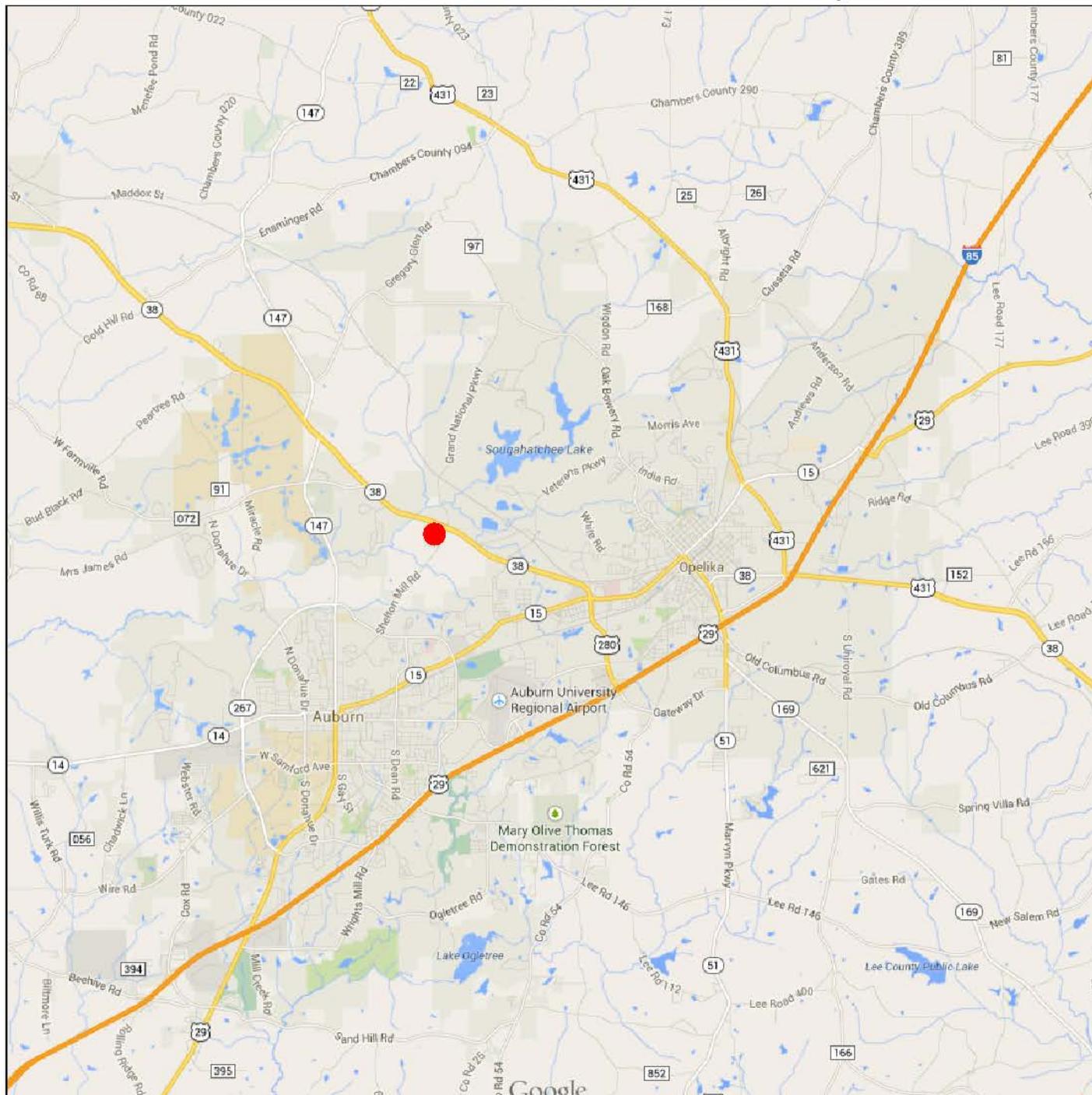
Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers



Drawing by: Will Neighbors, CPESC # 6619
334-391-2005 / www.wildlandservices.com

SHELTON COVE PHASE III LOTS 43 & 44 SEC9 T19N R26E AUBURN, ALABAMA



2/19/2015

Figure 1 Site Location

LEGEND

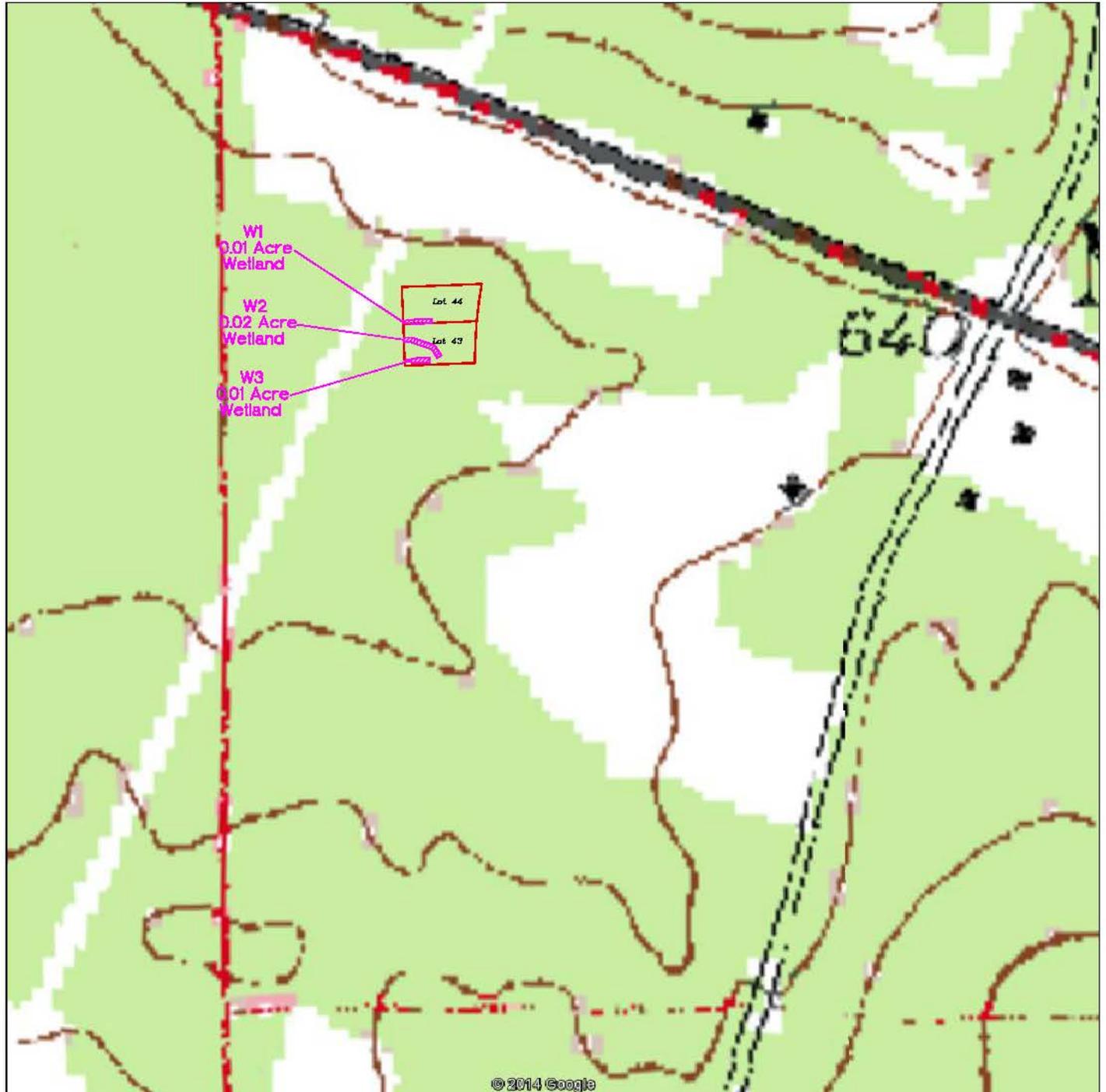
Drawing Symbols

- Subject Site



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

SHELTON COVE PHASE III LOTS 43 & 44 SEC9 T19N R26E AUBURN, ALABAMA



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Drawing Symbols

— Site Boundary

Wetland

Existing Storm Sewer



7/9/2015

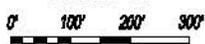
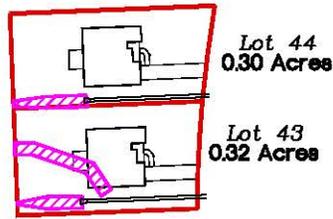


Figure 3 Topo with Delineation

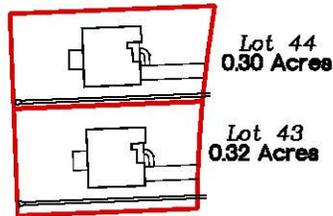


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SHELTON COVE PHASE III LOTS 43 & 44 SEC9 T19N R26E AUBURN, ALABAMA



POST CONSTRUCTION



7/9/2015

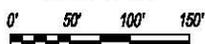


Figure 4 Proposed Lot Layout

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- Drawing Symbols
- Site Boundary
 - Wetland
 - == Storm Sewer