



**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-NB
PUBLIC NOTICE NO. SAM-2012-00491-JSC**

August 14, 2013

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

**PROPOSED INDUSTRIAL DEVELOPMENT
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 Corps can be based. Please communicate this information to interested parties.

APPLICANT: Auburn Industrial Development Board
Attention: Mr. Phillip Dunlap
144 Tichnor Avenue, Suite 2
Auburn, Alabama 36830

AGENT: BioResources, LLC
Attention: Mr. Doug Dallas
2124 Moores Mill Road, Suite 210
Auburn, Alabama 36830

LOCATION: The Auburn Technology Park West (ATPW) site is located north of Interstate 85 and west of U.S. Highway 29 in Sections 10, 15, and 16 of Township 18 North, and Range 25 East in Auburn, Alabama (Figure 1). The parcel is approximately 340 acres (ac) in size and is located at latitude 32.550° North and longitude 85.545° West. The area is depicted on the Loachapoka, Alabama Quadrangle, United States Geological Survey Topographic Map (Figure 2). The site is within the Lower Tallapoosa River watershed (HUC 03150110).

PROPOSED WORK: Continued growth of the ATPW is expected to provide employment opportunities (approximately 5,000 jobs upon completion) to the region and tax revenue to the city of Auburn. The ATPW is attracting national and international corporations (Figure 3). Thus far, with the exception of one parcel within the technology park, which required

authorization under Nationwide Permit 39 (USACE File Number SAM-2012-00029-JSC), development in the ATPW has utilized infrastructure constructed in uplands. However, despite efforts to avoid and minimize impacts to Waters of the U.S. (WOUS), the current project is proposed with unavoidable impacts to WOUS. Specifically, the applicant is requesting authorization for the discharge of fill material into WOUS for activities associated with the extension of Innovation Drive, the construction of a second access road, the construction of a regional stormwater retention pond, the grading of one lot for a building pad, and the construction of a sanitary sewer line.

In order to provide the referenced infrastructure to support new industry locating in the ATPW the applicant is requesting permission for the discharge of fill material into 1.11 ac of jurisdictional wetlands and 2,357 linear feet (lf) of jurisdictional streams (Figure 4 thru 9). Table 1 details the requested work to be performed in jurisdictional wetlands, and Table 2 details the requested work to be performed in jurisdictional streams, respectively.

Table 1. Proposed Impacts to Jurisdictional Wetlands

Site	Impact Type	Impact Size (ac)
Wetland 1	Fill - Road	0.03
Wetland 6	Fill - Pond Dam	0.10
Wetland 7	Impoundment	0.36
Wetland 7	Fill for Grading	0.02
Wetland 8	Impoundment	0.01
Wetland 8	Fill for Grading	0.03
Wetland 9	Fill - Pond Dam	0.02
Wetland 9	Impoundment	0.33
Wetland 9	Fill for Grading	0.21
Total		1.11

Table 2. Proposed Impacts to Jurisdictional Streams

Site	Impact Type	Impact Size (lf)
Stream 1	Pipe	171
Stream 3	Fill - Grading	310
Stream 5	Fill - Dam	67
Stream 5	Impoundment	482
Stream 5	Fill - Grading	257
Stream 6	Dam - Fill	159
Stream 6	Impoundment	605
Stream 6	Fill - Grading	106
Stream 7	Impoundment	32
Stream 7	Fill - Grading	34
Stream 8	Pipe	134
Total		2,357

AVOIDANCE & MINIMIZATION: The applicant has stated that, “the original master plan for these projects would have resulted in impacts to approximately 1.36 acres of wetland and 3,571 feet of stream. However, after delineation of jurisdictional waters was completed in February 2012, the site design was modified extensively. This revised design has resulted in avoidance of eight planned wetland impacts and four planned stream impacts. The remaining impacts have been minimized to a total of 1.11 acres of wetland and 2,357 feet of stream. The modified design has accomplished total avoidance of impacts to four streams and three wetlands. In addition, the applicant has asserted that, “further minimization of impacts is not practicable. The space and geometric requirements for the planned project features result in some unavoidable impacts in order to fulfill the project purpose and need. The site layout, stream buffers, and designated greenspace will ensure that the remaining jurisdictional waters on the site are protected from future impacts.” *(The Corps 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 and streams through the purchase of mitigation credits from a DA approved mitigation bank within the Lower Tallapoosa watershed.

WATER QUALITY: The applicant is presently 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.

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 (Corps) 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 Corps 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 Corps 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 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-2012-00491-JSC** 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, AL 36112

with a copy to the :

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

August 14, 2013

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

Enclosed to assist you with your review are: Vicinity map; Topographic map; Site Master Plan; Proposed Impacts Maps.

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://per2.nwp.usace.army.mil/survey.html>, 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

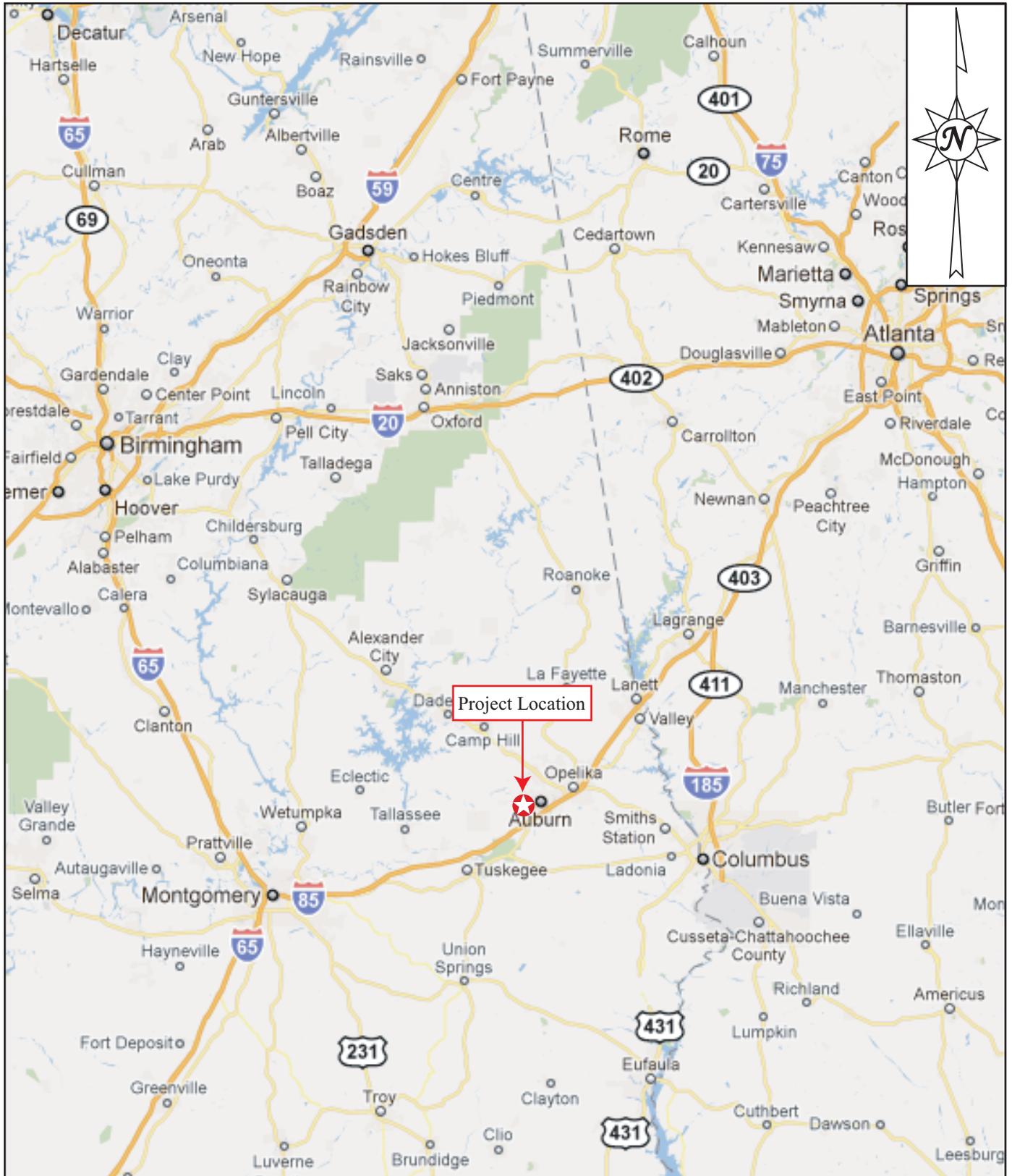


Figure 1: Vicinity Map
 Auburn Technology Park West
 Lee County, Alabama
 Source: Google Maps
 BioResources Project No. WL11-201
 Approximate Scale: 1" = 25 miles



2124 Moores Mill Road, Suite 210 (334) 821-5707
 Auburn, Alabama 36830 www.bioresourcesllc.net

Figure 1
 SAM-2012-00491-JSC

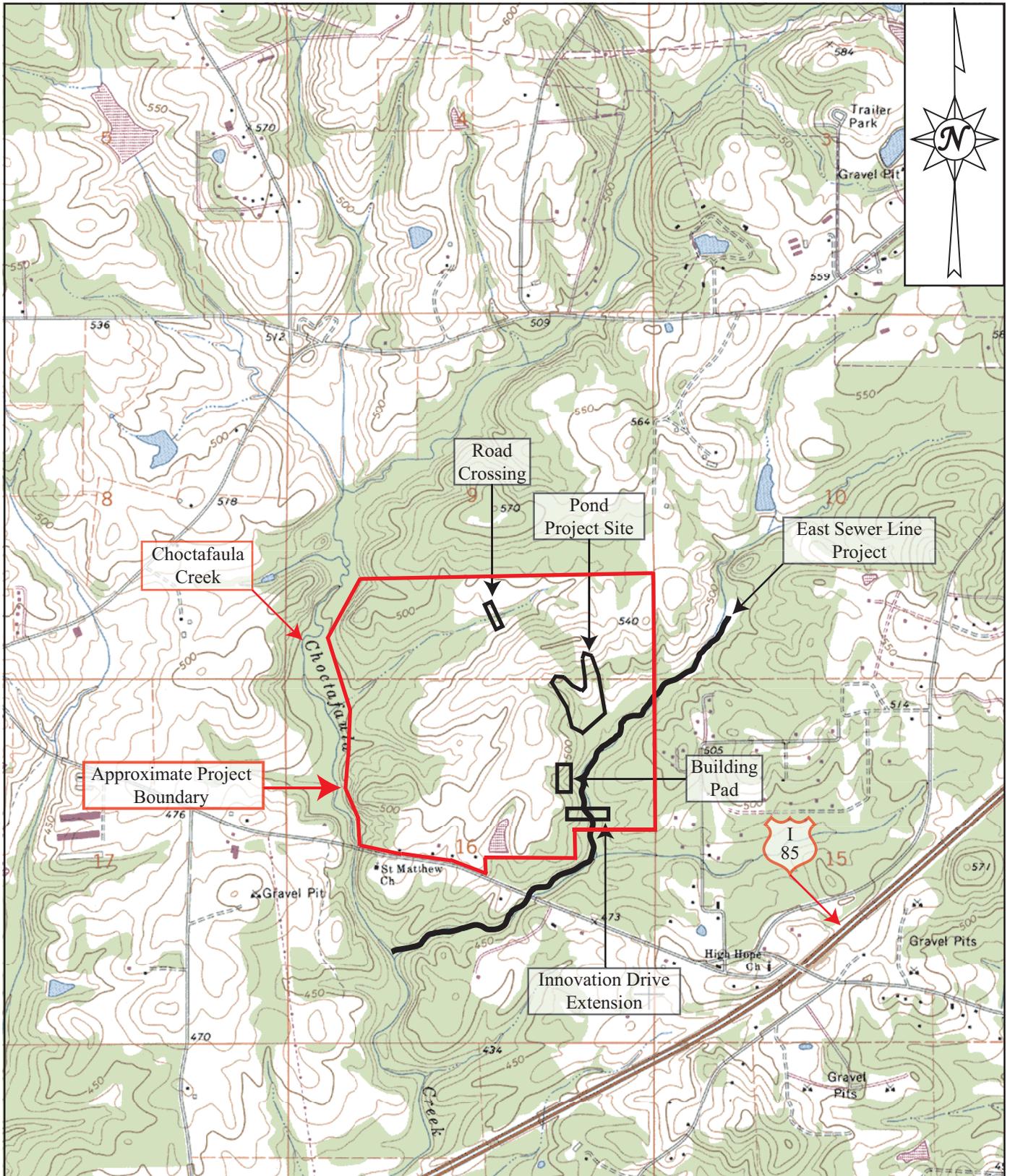


Figure 2: Site Location Map
 Auburn Technology Park West
 Lee County, Alabama
 Loachapoka, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL11-201
 Scale: 1" = 2000'



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Figure 2
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