



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS - MOBILE DISTRICT
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, AL 35209

CESAM-RD-I-N
PUBLIC NOTICE NO. SAM-2012-01506-LCB

December 7, 2012

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

PROPOSED FILL OF WETLANDS AND INTERMITTENT STREAM FOR THE
CONSTRUCTION OF A PROPOSED COMMERCIAL DEVELOPMENT IN ST. CLAIR
COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: The Mobile District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: Love's Travel Stops, Inc.
10601 Pennsylvania Avenue
Oklahoma City, Oklahoma 73120

AGENT: Highland Technical Services, Inc.
Attention: David Wall
528 Mineral Trace
Hoover, Alabama 35244

LOCATION: The proposed project is located 800 feet south of the intersection of Kelly Creek Road and U.S. Interstate 20, on Kelly Creek Road, in Moody, St. Clair County, Alabama. Additionally, the site is located in Section 6, Township 17 South, Range 2 East. The center of the site is located at Latitude 33.57608° North and Longitude 86.47722° West. The project is located in the Cahaba watershed (HUC 03150202).

PROJECT PURPOSE: The purpose of this project is to create a Love's Travel Center, which includes a retail gas station, convenience store and restaurant. The facility will serve commercial freight carriers, as well as local residents and travelers. Impacts were previously authorized on

this site under a Department of the Army permit, for which the authorized work was never commenced.

WORK: The Applicant proposes to impact 1.35 acres of scrub-shrub and emergent wetland, and 84 linear feet of intermittent stream, identified as Head Springs Branch, by the placement of culverts and fill associated with the construction of commercial buildings and parking lots.

AVOIDANCE AND MINIMIZATION: The agent provided the following: “Due to the location of the wetland and stream area within the central portion of the site, and the significant difference in elevation within the wetland and stream areas to the adjacent upland areas, [impacts to] jurisdictional waters are unavoidable. However, the project will avoid a portion of the northernmost wetland area (approximately .05 acres). The avoided area is located north of the property boundary. [The] impacted area within the northern wetland area (north of the proposed drainage pipes) will be minimized by grading and reshaping of the existing topography. Portions of this area will likely either retain and/or return to wetland area following completion of the construction activities. The southernmost area of jurisdictional waters (east of the proposed drainage pipes) will also be graded and reshaped as necessary; however, a portion of this area will also likely either retain and/or return to wetland and/or stream area following completion of the construction activities.” *The USACE has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.*

ALTERNATIVES ANALYSIS: The project is not water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives, which do not require placing fill into waters of the U.S., are not available. No permit will be issued unless the alternatives analysis demonstrates that practicable upland alternatives are not available to achieve the overall project purpose. The agent has provided one (1) alternate site in addition to the primary proposed site. *The USACE has not verified the adequacy of the alternatives analysis at this time.*

MITIGATION: The applicant proposes to compensate for impacts to waters of the U.S. by the purchase of credits from an approved mitigation bank.

WATER QUALITY: The applicant has applied 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 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 use 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 to determine 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 deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. Copies of this public notice are being sent to the State Historic Preservation Officer for review.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Species indicates that the proposed activity will not affect listed endangered or threatened species or their critical habitat. The applicant submitted a letter dated October 26, 2012 to U.S. Fish and Wildlife requesting concurrence that the proposed project will not affect any listed species. U.S. Fish and Wildlife responded stating that no federally listed species or critical habitat are known to occur in the project area.

Correspondence concerning this Public Notice should refer to Public Notice Number

December 7, 2012

SAM-2012-01506-LCB and should be directed to:

U.S. Army Engineer District, Mobile
Regulatory Division, Birmingham Field Office
Attention: Mr. Lewis Brockette
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

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

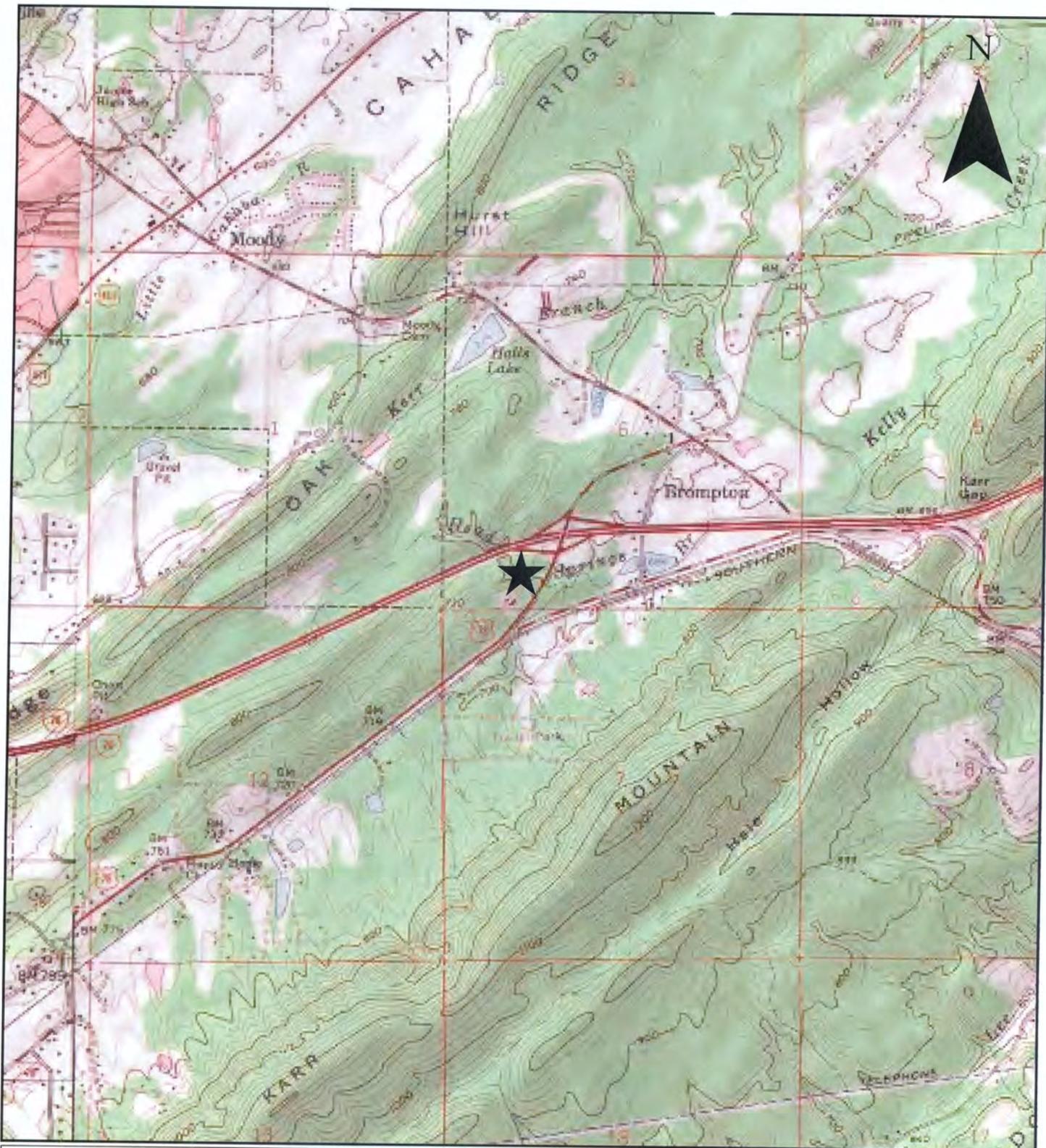
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at Lewis.C.Brockette@usace.army.mil or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

Enclosed to assist you with your review are: Vicinity Map, Site Map and Topographic Map with proposed impacts.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers



Legend

★ Site Location



TITLE:
Site Location Map

Individual Permit
Application

Moody, Alabama

FIGURE NO.
1

PROJECT NO.
12-071609.01

DRAWN BY
RCC

USGS Quad ID: 33086-E4
Cooks Springs, Alabama

528 MINERAL TRACE
HOOVER, AL 35244
(205) 985-4874

SCALE:
0 1,000 2,000

1 inch = 2,000 feet

DATE DRAWN
10-15-2012



Legend

-  Approximate Property Boundary
-  Intermittent Jurisdictional Feature (83.92 linear feet)
-  Impacted Wetland (1.35 acres)
-  Non-Impacted Wetland (0.05 acres)



528 MINERAL TRACE
 HOOVER, AL 35244
 (205) 985-4874

TITLE:
 Jurisdictional Determination
 Map

Individual Permit
 Application
 Love's Travel Shops

Moody, Alabama

SCALE:
 0 100 200

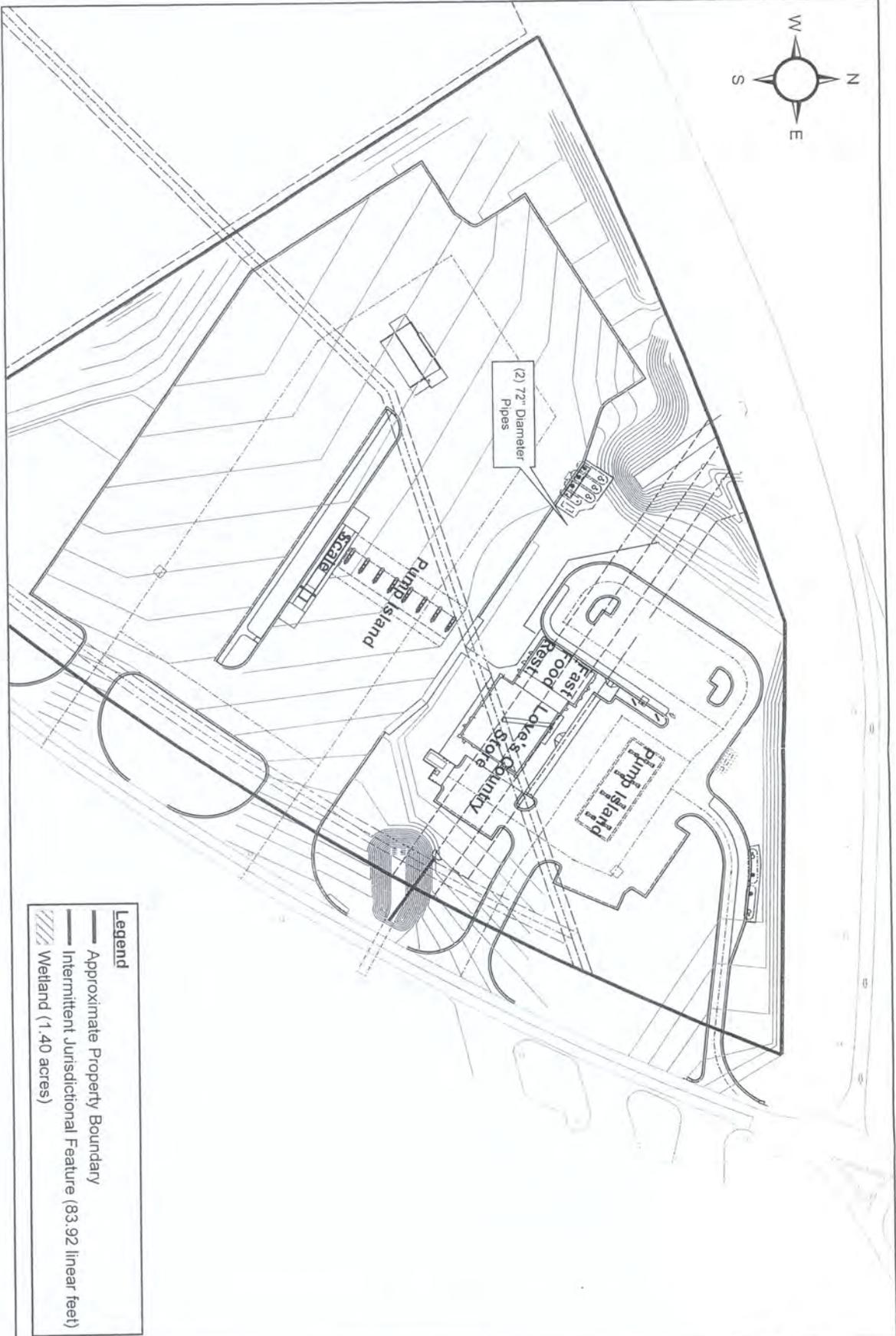
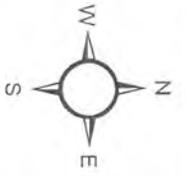
 1 inch = 200 feet

FIGURE NO.
 3

PROJECT NO.
 12-071609.01

DRAWN BY
 RCC

DATE DRAWN
 10-15-2012



Legend

- Approximate Property Boundary
- Intermittent Jurisdictional Feature (83.92 linear feet)
- Wetland (1.40 acres)

Baseman Survey Provided by:
 CBI Southeast, Inc.
 Engineering, Surveying, Environmental,
 Construction Inspector & Costing Services
 4200 Jackson Street, Marianna, FL 32448

SCALE 0 50 100
 1 inch = 100 feet

TITLE
 Proposed Site Layout
 Love's Travel Shops
 Moody, Alabama

FIGURE NO.	PROJECT NO.
2	12-071809.01
DRAWN BY	DRAWN DATE
RCC	11-08-2012

Highland Technologies
 Services, Inc.
 529 MINERAL TRACE
 HOOVER, AL 35224
 (205) 985-4814