



**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-M  
PUBLIC NOTICE NO. SAM-2012-01558-JSC**

**August 28, 2013**

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

**REQUEST TO FILL WATERS OF THE UNITED STATES  
ASSOCIATED WITH A RESIDENTIAL SUBDIVISION  
IN ELMORE COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District has received an after-the-fact (ATF) 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:** Goodwyn Building Company  
Attention: Mr. Phillip Goodwyn  
2939 Chestnut Street  
Montgomery, Alabama 336107

**AGENT:** Goodwyn, Mills and Cawood, Incorporated  
Attention: Mr. Justin Edwards  
2660 East Chase Lane, Suite 200  
Montgomery, Alabama 36117

**LOCATION:** The Cotton Lakes residential subdivision is located approximately one-half mile west of U.S. Highway 14 in Wetumpka, Alabama. Specifically, it is located within Section 11 of Township 18 North, and Range 18 East in Elmore County, Alabama (Figure 1). The subject parcel is approximately 27 (ac) acres in size and is comprised of plats 10 and 11 of the referenced subdivision (center coordinates are latitude 32.554359° North and longitude -86.037035° West). The area can be found on the Wetumpka, Alabama Quadrangle; United States Geological Survey Topographic Map (Figure 2). Plats 10 and 11 of the Cotton Lakes subdivision are situated within the Lower Coosa River watershed (HUC 03150107).

**PROPOSED WORK:** The applicant is seeking ATF authorization for the discharge of fill material into waters of the U.S. (WOUS) associated with the construction of single-family residential housing. The unauthorized (UA) work consists of the discharge of fill material into approximately 0.42 ac of jurisdictional wetlands (Figure 3). The purpose of the UA discharge was for the construction of an access road and placement of excavated spoil material. The applicant is requesting permission for 0.32 ac of fill material, related to road construction, to remain in place. If authorized, the additional 0.10 ac of UA fill will be removed during the excavation of the applicant's proposed stormwater retention pond (Table 1).

In addition to the previously described activities, the applicant is seeking authorization for the discharge of 0.86 ac of fill material into WOUS, as well as authorization to mechanically excavate 1.18 ac of jurisdictional wetlands in order to complete Plats 10 & 11 of the Cotton Lakes subdivision. The purpose of the proposed work in WOUS is the development of residential lots, and the installation of supporting infrastructure for plats 10 and 11 of the subdivision. Proposed supporting infrastructure includes the construction of a road and the aforementioned stormwater retention pond. Specific project related impacts to WOUS are detailed in Table 1.

Table 1. Proposed Impacts to WOUS

Activity	Purpose	Impact Size (ac)
UA Fill	Road	0.32
Proposed Fill	Road	0.32
Proposed Fill	Residential Lots	0.54
Proposed Excavation	Retention pond	1.18
Total		2.36

**AVOIDANCE & MINIMIZATION:** The Plats 10 and 11 are an extension of the existing subdivision, which began development in the early 1990's. According to applicant provided information, the current engineers have designed a site layout that minimizes impacts to WOUS to the greatest extent possible. The current site design will provide on-site avoidance of approximately 1.19 ac of jurisdictional wetlands. Under the current design plan the wetlands to be avoided are located along the back of proposed residential lots (Figure 3). However, the applicant states that plat restrictions will be placed on these lots to protect the wetland areas from future impacts. The Corps has not fully evaluated the adequacy of the applicant's proposed avoidance and mitigation.

**COMPENSATORY MITIGATION:** All wetland credit calculations will be performed based on WRAP functional assessments. The applicant proposes to mitigate for

unavoidable impacts to WOUS through the purchase of wetland mitigation credits from a USACE approved wetland mitigation bank. The Corps has not fully evaluated the adequacy of the applicant's proposed compensatory mitigation.

**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.

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-2012-01558-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, 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.

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

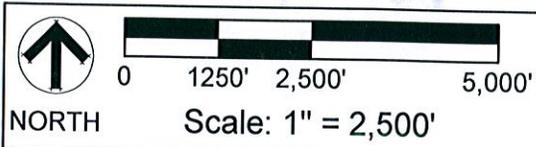
August 28, 2013

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at [james.s.cherry@usace.army.mil](mailto: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



REF. SHEET: MICROSOFT VIRTUAL EARTH STREET MAP  
 DESCRIPTION: JURISDICTIONAL DETERMINATION

**Figure 1**  
**SAM-2012-01558-JSC**

**COTTON LAKES**

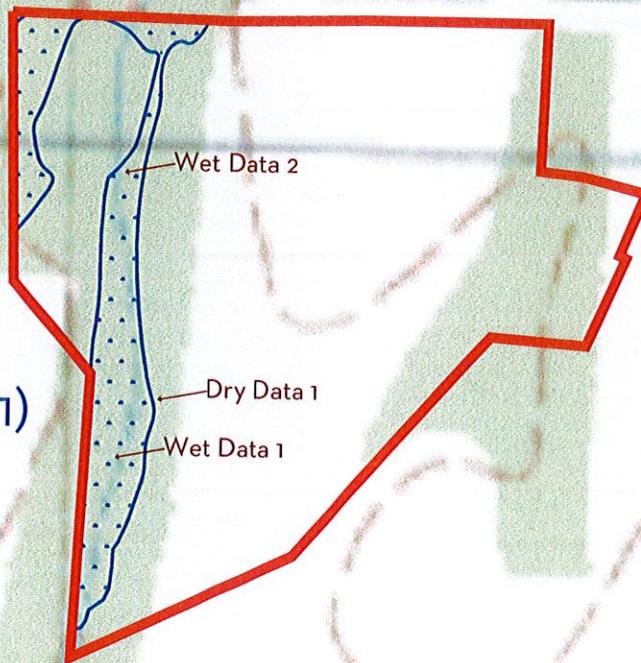
WETUMPKA, ELMORE COUNTY, ALABAMA

SUPPLEMENTAL DRAWING  
 GMC # EMGM135004  
 DATE: 06/18/2013  
 DRAWN BY: JDE

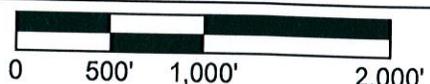
 **GOODWYN | MILLS | CAWOOD**

2660 East Chase Lane, Suite 200 | Montgomery, AL 36117  
 Tel 334.271.3200 | GMCNETWORK.COM

3.23 Ac.  
WETLANDS (W1)



NORTH



Scale: 1" = 1,000'

REF. SHEET: 1987 U.S.G.S. QUADRANGLE, WETUMPKA, AL  
DESCRIPTION: JURISDICTIONAL DETERMINATION

COTTON LAKES

WETUMPKA, ELMORE COUNTY, ALABAMA

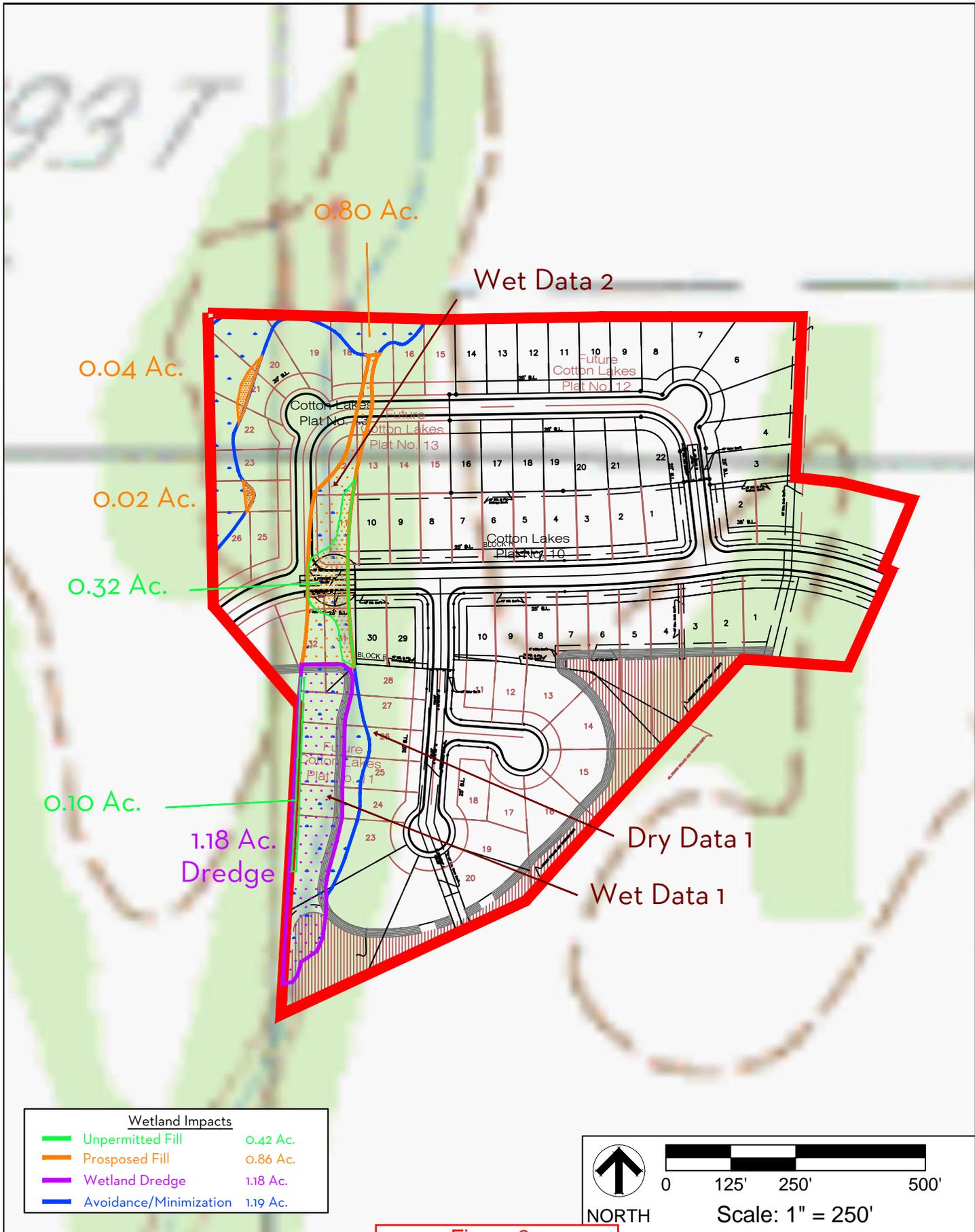
Figure 2  
SAM-2012-01558-JSC

TOPOGRAPHIC MAP  
GMC # EMGM135004  
DATE: 06/18/2013  
DRAWN BY: JDE



GOODWYN | MILLS | CAWOOD

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**Figure 3**  
**SAM-2012-01558-JSC**

REF. SHEET: 1987 U.S.G.S. QUADRANGLE, WETUMPKA, AL  
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**COTTON LAKES**

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