



**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-M  
PUBLIC NOTICE NO. SAM-2013-00036-JSC**

**August 29, 2013**

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

**REQUEST TO RETAIN UNAUTHORIZED FILL IN WETLANDS AND  
AN UNNAMED TRIBUTARY TO THE LITTLE CHOCTAWHATCHEE  
RIVER AND TO DISCHARGE ADDITIONAL FILL INTO WETLANDS  
IN ASSOCIATION WITH A RESIDENTIAL SUBDIVISION  
IN HOUSTON 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:** Cypress Edge, LLC  
Attention: Mr. John D. Adams  
Post Office Box 2245  
Dothan, Alabama 36302

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

and,

Northstar Engineering Services, Incorporated  
Attention: Mr. Jason Sawyer  
2431 Hartford Highway  
Dothan, Alabama 36305

**LOCATION:** The Cypress Glade residential subdivision is located off of Brannon Stand Road to the west of Dothan, Alabama (Figure 1). Specifically, the subdivision is located within Section 7 of Township 3 North, and Range 26 East, Houston County, Alabama (center coordinates of latitude 32.374° north and longitude - 85.480468° west). The area can be found on the Dothan West, Alabama Quadrangle; United States Geological Survey Topographic Map (Figure 2). The Cypress Glades subdivision is situated within the Upper Choctawhatchee River watershed (HUC 03140201).

**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. According to the applicant, the unauthorized (UA) work began in 2008 when initial work began on the Cypress Glade subdivision. Specifically, the UA work consists of the discharge of fill material into approximately 0.71 acre (ac) of palustrine wetlands and approximately 0.02 ac/234 linear feet (lf) of perennial stream for construction of neighborhood roads and installation of utility infrastructure (Figure 3). The applicant is requesting permission to retain all previously UA fill.

In addition to the previously described activities, the applicant is seeking authorization for the discharge of fill material into 3.15 ac of palustrine wetlands. Specifically, the requested additional fill material is for the development of residential lots. The proposed activities will allow the applicant to complete construction within the existing residential subdivision. A summary of project related impacts to WOUS is detailed in Table 1.

Table 1. UA and Proposed Impacts to WOUS

Activity	Resource	Purpose	Impact Size (ac)
UA Fill	Palustrine wetlands	Road and Utilities	0.71
UA Fill	Perennial stream	Road and Utilities	0.02
Proposed Fill	Palustrine wetlands	Residential Lots	3.15
Total			3.88

**AVOIDANCE & MINIMIZATION:** The following avoidance and minimization discussion is based on applicant provided information. According to the applicant, the subdivision has undergone multiple redesigns, in an effort to reduce impacts to WOUS and other natural areas. The initial 2007 design called for lots on the north side of the property to extend southward through the City of Dothan's sewer

easement to the thalweg of the Little Choctawhatchee River (Figure 4). Potential impacts to WOUS have not been determined for this alternative. However, after further consideration, the applicant revised (Revision 1) the original layout so that platted lots terminated on the north side of the sewer easement. According to the applicant Revision 1 (Figure 5) was instituted "so that everything south of the existing City of Dothan sanitary sewer easement including wooded areas surrounding the Little Choctawhatchee River would remain natural and undisturbed in an attempt to preserve this natural area for future recreation." Under Revision 1 a total of 4.75 ac of palustrine wetland and 234 lf (0.02 ac) of perennial stream would be impacted, or a total of 4.77 ac of impacts to WOUS.

Finally, as a part of their ATF application, Cypress Edge, LLC re-evaluated the site layout for the proposed project. This re-evaluation resulted in another revision to the project aimed specifically at reducing impacts to WOUS. Revision 3 (Figure 3), the applicant's preferred alternative, further reduces impacts to WOUS by an additional 0.89 ac. This reduction of wetland impacts is achieved through the removal of three lots, 45, 63 & 64, from the previously proposed site designs. Specific impacts for Revision 3 are detailed in Table 1. The Corps has not fully evaluated the adequacy of the applicant's proposed avoidance and mitigation.

**COMPENSATORY MITIGATION:** The applicant is proposing permittee responsible on-site, in-kind mitigation to mitigate un-avoidable impacts to WOUS. The applicant's 115 ac parcel contains approximately 55 ac of wetlands, and approximately 5,000 linear feet of jurisdictional perennial stream, including a portion of the Little Choctawhatchee River, that are available being evaluated for potential to provide compensatory mitigation (Figure 3). All wetland mitigation requirements will be based on WRAP functional assessments, and all stream mitigation requirements will be calculated using the May 2012 iteration of the Mobile District Compensatory Stream Mitigation Standard Operating Procedures and guidelines document. The applicant is currently preparing a complete mitigation plan. 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.

August 29, 2013

Any correspondence concerning this publication should refer to this Public Notice **SAM-2013-00036-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.

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

PROJECT LOCATION

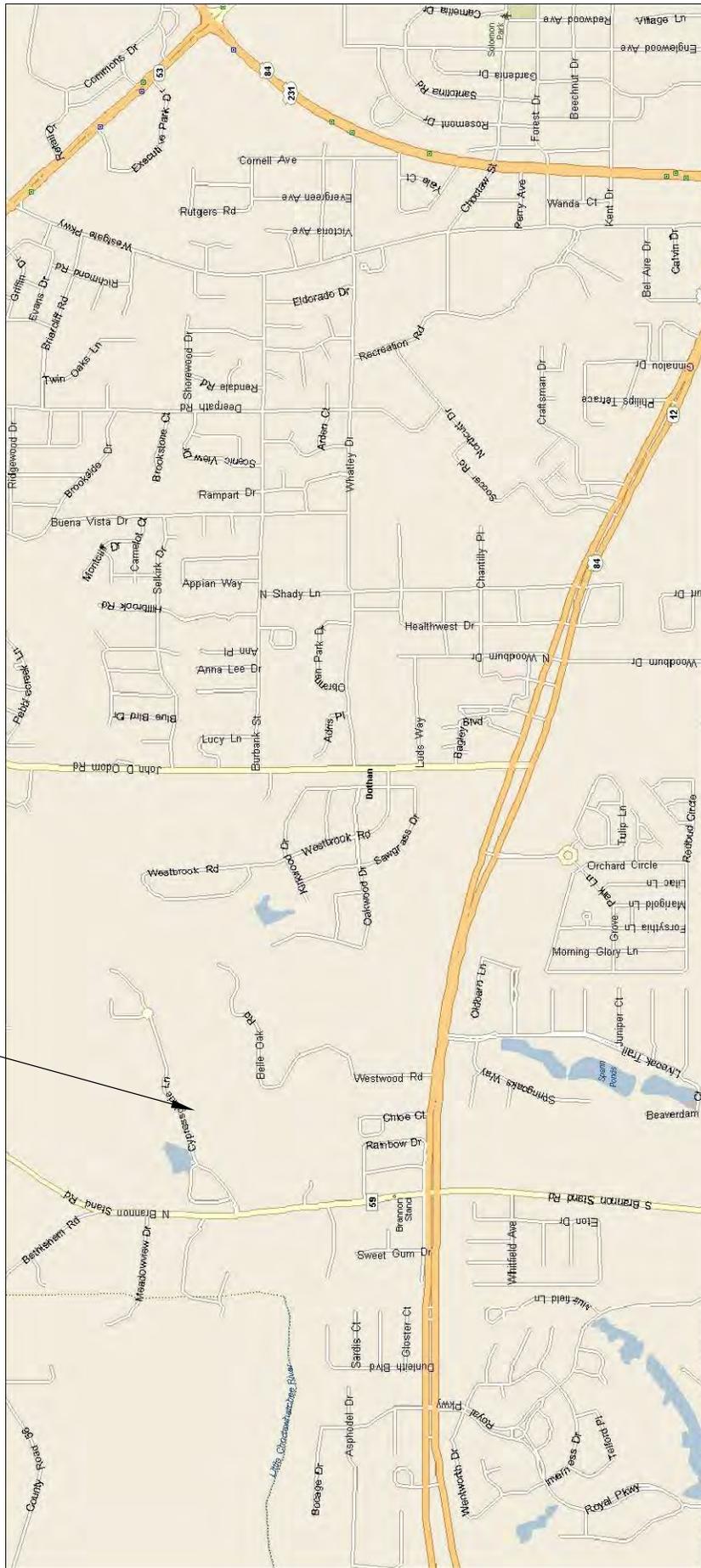


Figure 1  
SAM-2013-00036-JSC

PROJECT No.  
0064-13

DATE: AUGUST, 2013

SCALE: USGS SCALE

DRAWN BY:  
J. SAWYER

APPROVED BY:  
P. SANTORA

REVISIONS:

CYPRESS EDGE, LLC  
CYPRESS GLADE SUBDIVISION  
DOTHAN, HOUSTON COUNTY, AL  
SITE LOCATION MAP

**NORTHSTAR**  
ENGINEERING SERVICES  
(P)334-673-9895 (F)334-673-1846  
2431 Hartford Hwy Dothan, AL. 36305  
web: www.northstarengineering.com

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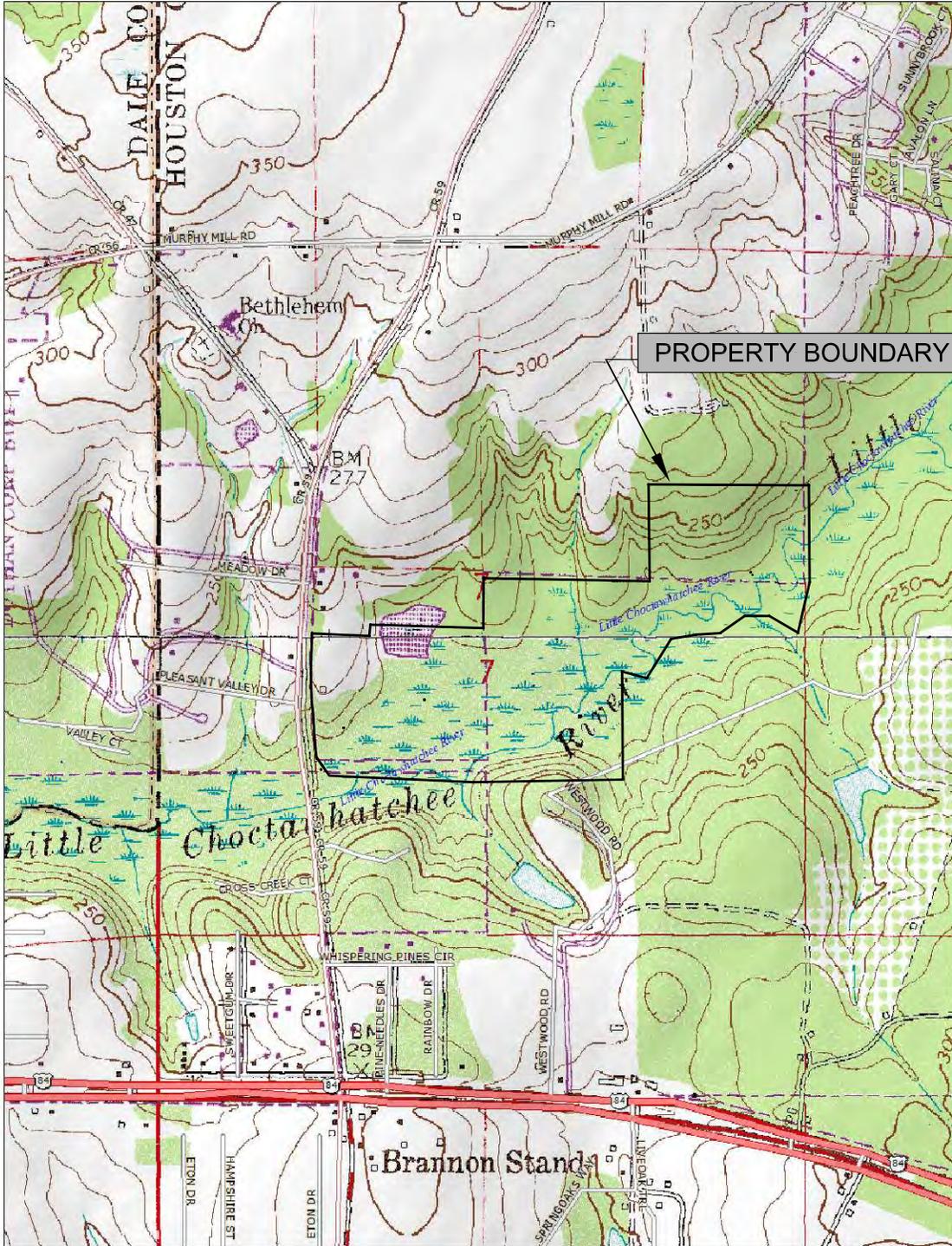
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SHEET 1  
OF 1

DeLORME

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MN (3.6° W)

0 400 800 1200 1600 2000 ft  
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**Figure 2**  
**SAM-2013-00036-JSC**

PROJECT No.  
 0064-13

DATE: AUGUST, 2013

SCALE: USGS SCALE

DRAWN BY:  
 J. SAWYER

APPROVED BY:  
 P. SANTORA

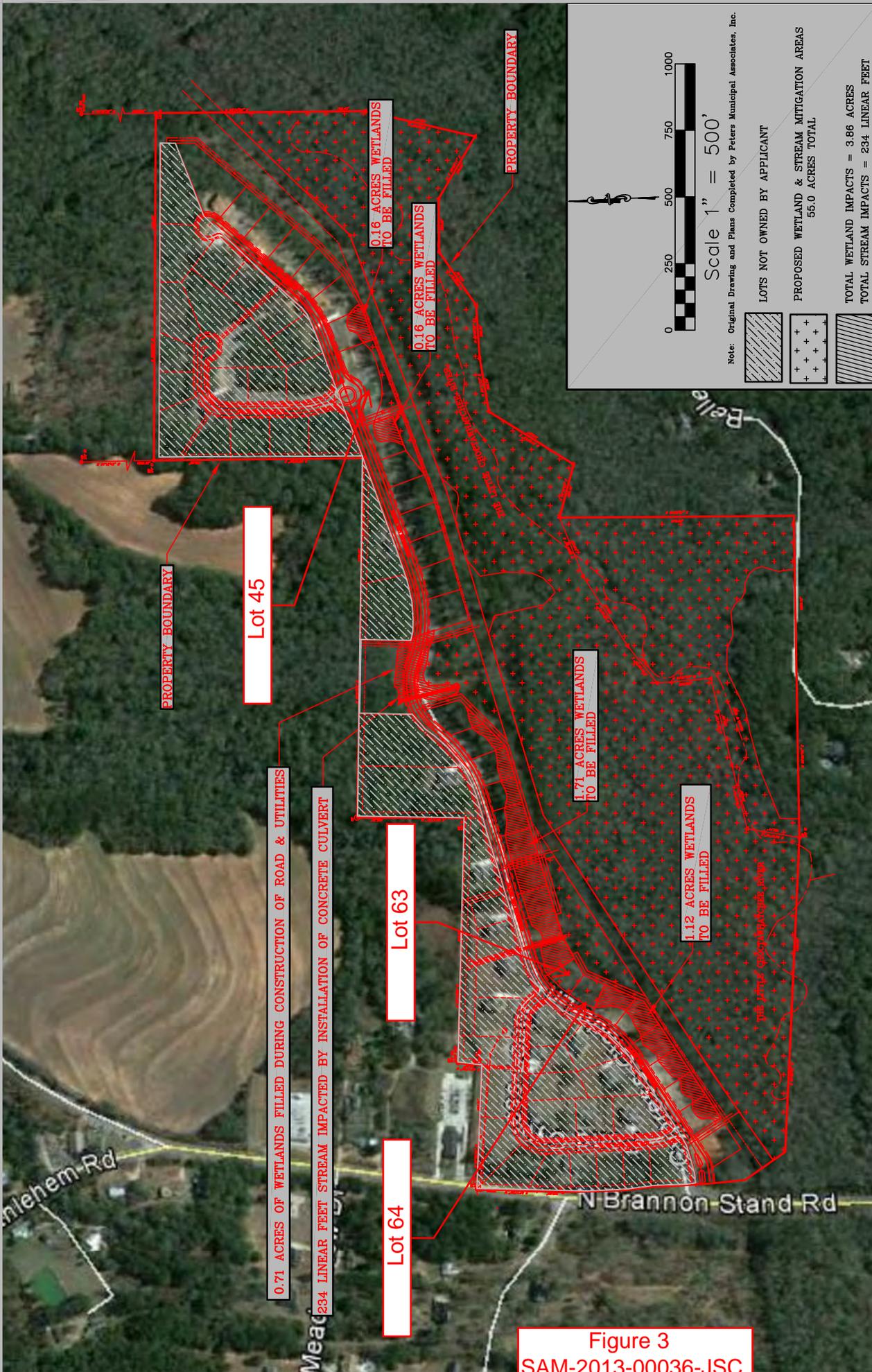
REVISIONS:

CYPRESS EDGE, LLC  
 CYPRESS GLADE SUBDIVISION  
 DOTHAN, HOUSTON COUNTY, AL  
 USGS TOPOGRAPHICAL MAP

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SHEET 1  
 OF 1



PROJECT No.  
0064-13

DATE: AUGUST, 2013

SCALE: 1"=500'

DRAWN BY:  
J. SAWYER

APPROVED BY:  
P. SANTORA

REVISIONS:

CYPRESS EDGE, LLC  
CYPRESS GLADE SUBDIVISION  
DOTHAN, HOUSTON COUNTY, AL  
CURRENT GOOGLE EARTH AERIAL

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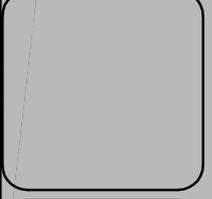
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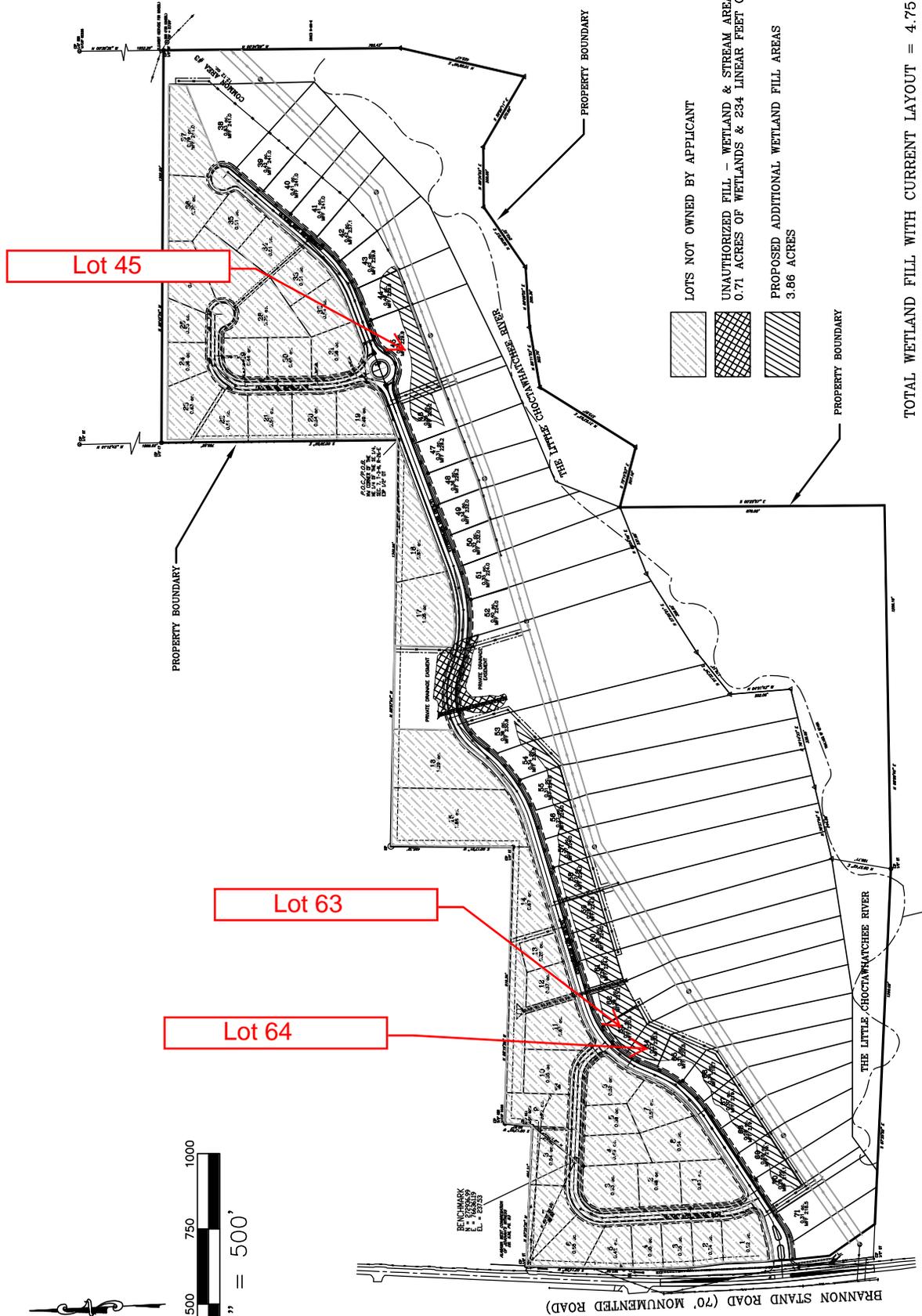
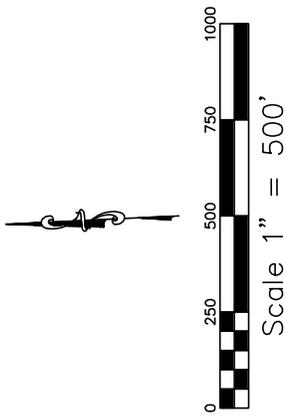
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**Figure 3**  
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**Figure 4**  
**SAM-2013-00036-JSC**

TOTAL WETLAND FILL WITH CURRENT LAYOUT = 4.75 ACRES

NOTE: LOTS ON SOUTH SIDE OF SUBDIVISION EXTEND TO THALWEG OF RIVER

PROJECT No.  
0064-13  
DATE: AUGUST, 2013  
SCALE: 1"=500'

DRAWN BY:  
J. SAWYER

APPROVED BY:  
P. SANTORA

REVISIONS:

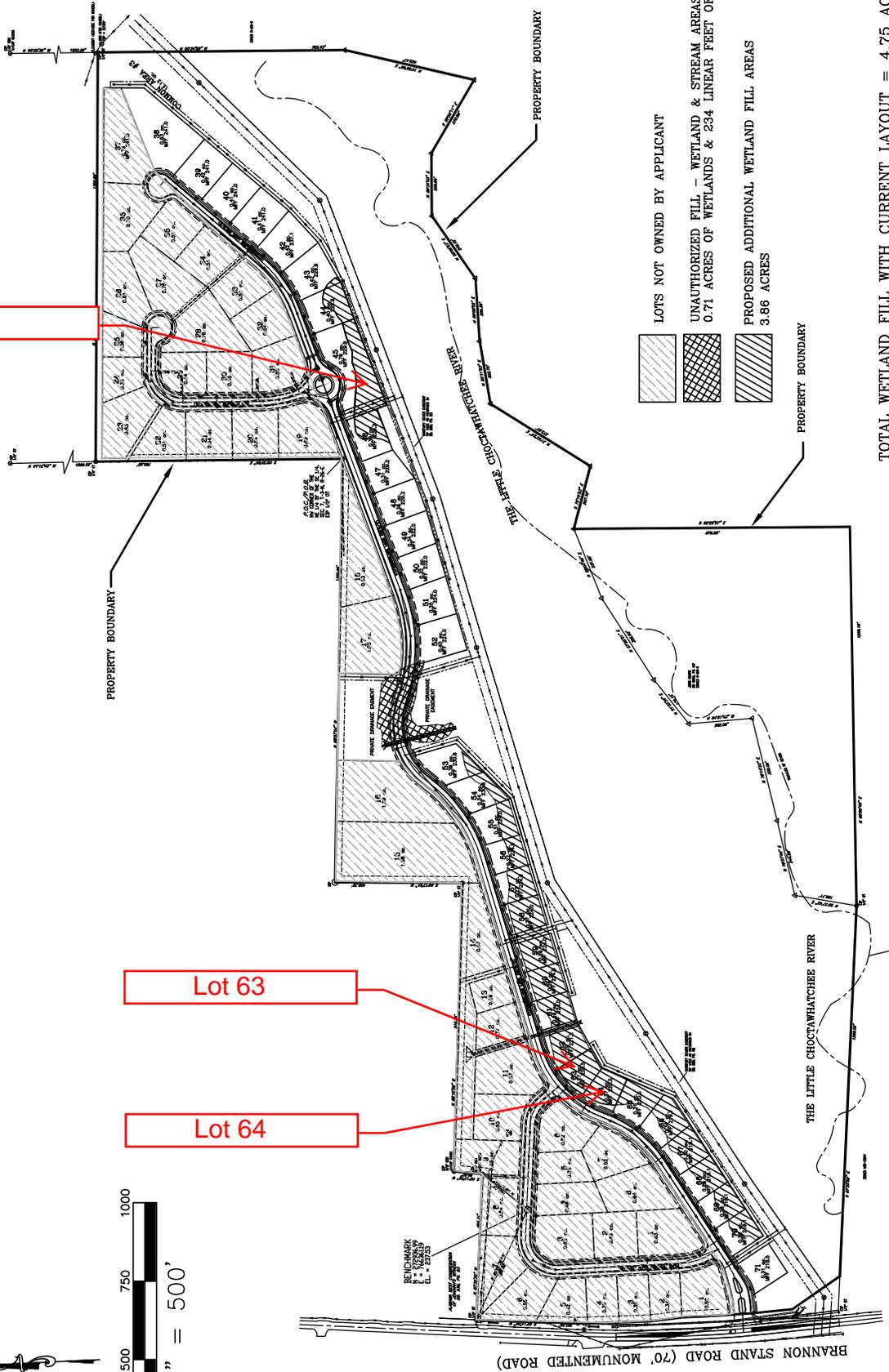
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CYPRESS GLADE SUBDIVISION  
DOTHAN, HOUSTON COUNTY, AL  
PRELIMINARY LAYOUT 1

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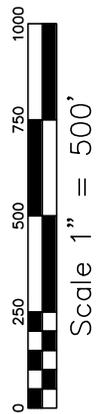
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Note: Original Drawings & Plans Completed by Peters Municipal Associates, Inc.



**Figure 5**  
**SAM-2013-00036-JSC**



TOTAL WETLAND FILL WITH CURRENT LAYOUT = 4.75 ACRES

PROJECT No.  
0064-13

DATE: AUGUST, 2013

SCALE: 1"=500'

DRAWN BY:  
J. SAWYER

APPROVED BY:  
P. SANTORA

REVISIONS:

CYPRESS EDGE, LLC  
 CYPRESS GLADE SUBDIVISION  
 DOTHAN, HOUSTON COUNTY, AL  
 PRELIMINARY LAYOUT 2

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Note: Original Drawings & Plans Completed by Peters Municipal Associates, Inc.