



REPLY TO
ATTENTION OF

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

CESAM-RD- N
PUBLIC NOTICE NO.
SAM-2013-00351-CHE

April 2, 2013

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

PROPOSED SCHOOL CAMPUS

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). Please communicate this information to interested parties.

APPLICANT: NSH Corporation
3545 Market Street
Hoover, Alabama 35226

AGENT: Spectrum Environmental, Inc.
Attention: Mr. Steve Castleman
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: In wetlands, unnamed streams tributary to Acton Creek, and an impoundment of an unnamed creek tributary to Acton Creek commonly known as Lower Moon Glow Lake, at Hoover, Shelby County, Alabama (33.397948,-86.735387).

WORK: The applicant wishes to impact 1.55 acres of open waters (i.e. Lower Moon Glow Lake, an impoundment of an unnamed stream tributary to Acton Creek), 0.061 acres of forested wetlands, 128 linear feet of ephemeral streams and 217 linear feet of intermittent streams in association with the construction of a school campus, including parking areas, athletic fields, and playgrounds.

PROJECT PURPOSE: The agent has stated that the purpose of the project is to "...construct a school campus, including parking areas, athletic fields, and playgrounds."

ADDITIONAL INFORMATION: The U.S. Army Corps of Engineers (Corps) has also received a permit application for a project located immediately adjacent to this proposed project. This project is being advertised separately under public notice number SAM-2013-00185-CHE. The Applicant for this permit application has also stated in the application materials that it is their intent to transfer the permit, if issued, to the City of Hoover School Board.

AVOIDANCE AND MINIMIZATION: The agent has submitted the following statement: “The Applicant was able to combine the efforts of avoidance and minimization in evaluating the potential site development plans. Through these efforts 50 feet of Stream 1, an intermittent stream, were able to be maintained in their current state.”

ALTERNATIVES: The agent has provided the following statement concerning alternatives considered by the applicant: “The overall project purpose is used to assess practicable alternatives for the project. For this action, the overall project purpose is defined as the preparation of a building pad for the construction of a school. The tasks listed below and discussed further herein require impact to jurisdictional resources and are critical to achieving the overall project purpose.

1. The construction proposed school building;
2. The construction of parking areas; and
3. The construction of athletic fields/playground.

The Applicant is proposing to provide the contracting services associated with the planned development of building site for a school to be constructed by the city of Hoover, Alabama. As the Applicant, it is the intent of NSH to transfer the permit, once issued, to the city of Hoover School Board. The city of Hoover School Board will benefit from this plan as it will be provided with a graded building pad that will allow construction of the planned school. The need for this project is reflected in the fact that enrollment figures for the city of Hoover schools has increased each of the last ten (10) years. In a Birmingham News Report dated October 27, 2010, the author reported that Hoover Schools gained 354 students over the prior year period, a 3% increase in a single year. Further, the ability for the city of Hoover School Board to obtain a “pad ready” construction site is a primary need for the issuance of this permit.

The Applicant is planning a larger residential development immediately adjacent to the proposed school site. As the parcel planned for the school development was part of the parcel selected by NSH Corporation, it is appropriate to consider the site selection criteria utilized. The site selection criteria can be described as:

1. Availability of property for sale;
2. Property of sufficient size to allow for a financially viable project;
3. Access to existing infrastructure, inclusive of transportation and utility corridors;
4. Close proximity to educational facilities, preferably the city of Hoover School System;
5. Property in which the planned use (residential) would be consistent with surrounding land use;
6. Property that would allow for conservation of natural areas; ...

The O’Neal property addresses each of these selection criterion in the following ways:

1. The O'Neal property was for sale at the time that NSH began to search for these development opportunities;
2. The O'Neal site was of sufficient size to allow for a development footprint that met the financial pro-forma for NSH to consider purchase;
3. The site is accessed by Caldwell Mill Road and is positioned less than 5 miles from US Interstate 65, US Interstate 459 and US Highway 280;
4. Further, the site is positioned immediately adjacent to the campuses of Berry Middle School and Spain Park High School, both part of the city of Hoover School System;
5. The subject site is bounded on the north, west, and east by existing residential developments and to the south by the Berry Middle School, therefore, the planned land use is perfectly consistent with surrounding land use;
6. The topographic lay of the O'Neal property and the length and width ratios provide ample opportunity for NSH to engineer a development plan that includes large percentages of natural buffer. In fact, the proposed development plan will leave more than 40% or 28 acres of land in undisturbed, natural vegetative buffer; ...

Three of the initial criterion included a location within the city of Hoover school district, one is which the land use would be consistent with existing surrounding land uses and the ability to utilize, to a large extent, existing infrastructure. The planned use of the 24 acre parcel proposed herein for development is keeping with those specific criteria described and further establishes the consistency of the purpose and need for this planned school.

MITIGATION: The applicant has proposed to mitigate for non-stream impacts through the purchase of credits from a mitigation bank. The applicant has proposed to conduct on and offsite permittee responsible mitigation for proposed stream impacts. The offsite mitigation area is a portion of Little Shades Creek. See the attached drawing for more specific site location information.

WATER QUALITY: The applicant has applied for state certification in accordance with Section 401(a)(1) of the Clean Water Act, and has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to consistency will be made by the Alabama Department of Environmental Management.

COMMENTS: 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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The applicant has also conducted a Phase I Study, however this study has yet to be reviewed by the Alabama Historical Commission. As a result of the Phase I Study, no new archaeological sites or historic standing structures were identified. This review constitutes 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 permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to

Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The applicant has conducted an endangered and threatened species survey, and this survey has been submitted to the USFWS. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps assessed the potential impacts of the project on Essential Fish Habitat (EFH). The Corps has determined that the proposed action will “not adversely affect” EFH. No further EFH consultation is necessary.

Correspondence concerning this Public Notice should refer to Public Notice Number listed on this document and should be directed to:

District Engineer
ATTN: Casey Ehorn
U.S. Army Engineer District, Mobile
Birmingham Field Office
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

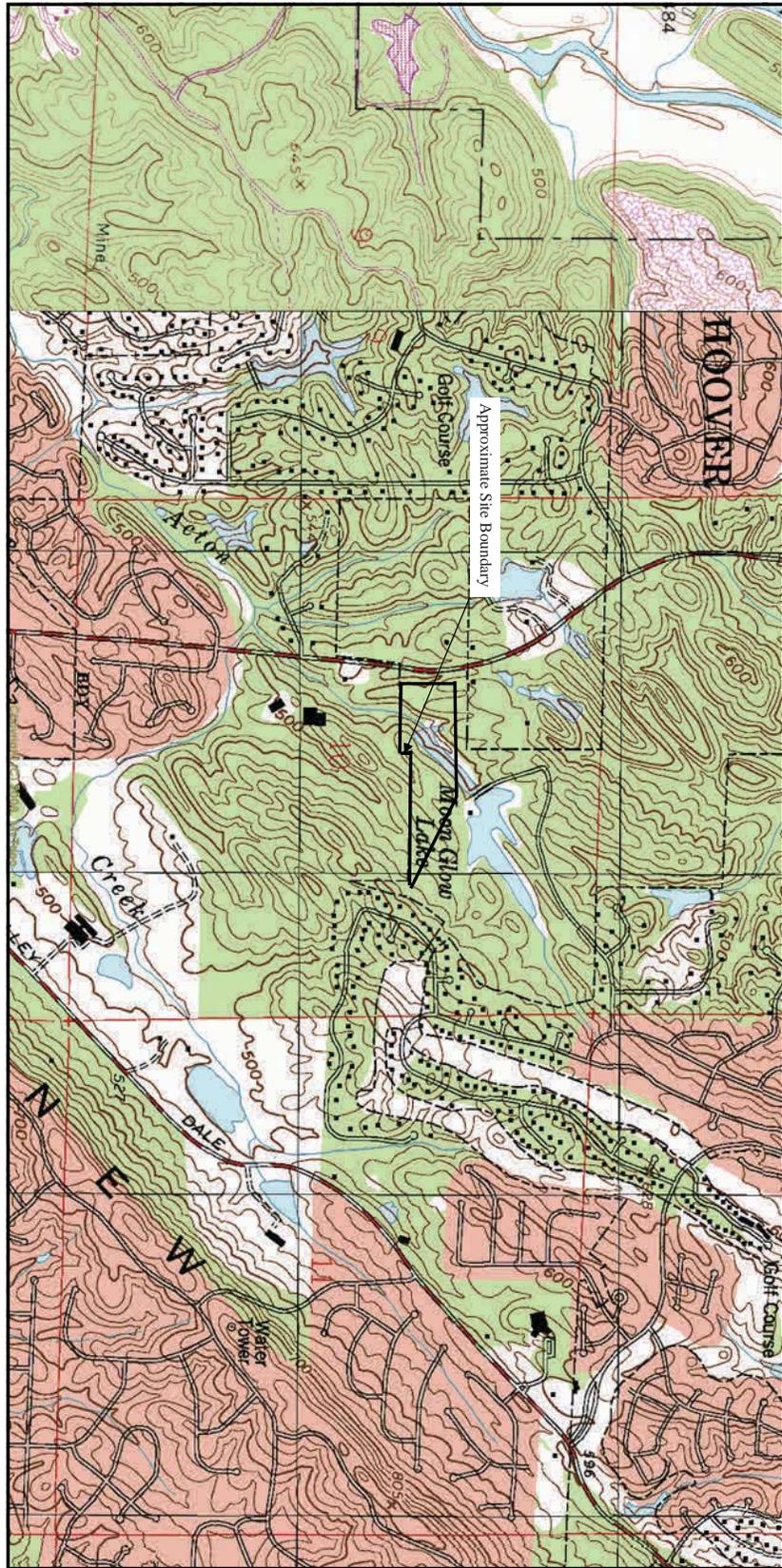
Alabama Department of Environmental Management
Field Operations Division
Office of Field Services
Post Office Box 301463
Montgomery, Alabama 36130

All comments must be sent in time to be received not later than 30 days from the date of this notice. If you have any questions concerning this publication, you may contact Mr. Casey Ehorn at telephone number (205) 290-9096 or Casey.H.Ehorn@usace.army.mil. Please refer to Public Notice number located on the first page of this document.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosure



Taken from USGS 7.5 Min Quadrangles—Birmingham South, ALA dated 1959 (photoinsppected 1988) and Cahaba Heights, ALA dated 1998
 Scale 1" = 3,000'



NO.	DATE	REVISION DATE	BY

Drawn By:	Project #:
SPC	1364-097A
Checked By:	Date:
SPC	12-04-12
Proj. Mgr.:	File Name:
	1364-097

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TITLE
Figure 1364097A-1 Site Location and Topographic Map Planned School Site—O'Neal Property Hoover, Shelby County, Alabama
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Taken from Google earth image 9-4-2010



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Drawn By:	Project #:
SPC	1364-097A
Checked By:	Date:
SPC	12-04-12
Proj. Mgr.:	File Name:
	1364-097

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TITLE
Figure 1364097A-2 Aerial Photography Map O'Neal Property Hoover, Shelby County, Alabama
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NO.	DATE	REVISION DATE	BY

Drawn By:	Project #:
	1364-097A
Checked By:	Date:
	3-25-2013
Proj. Mgr.:	File Name:

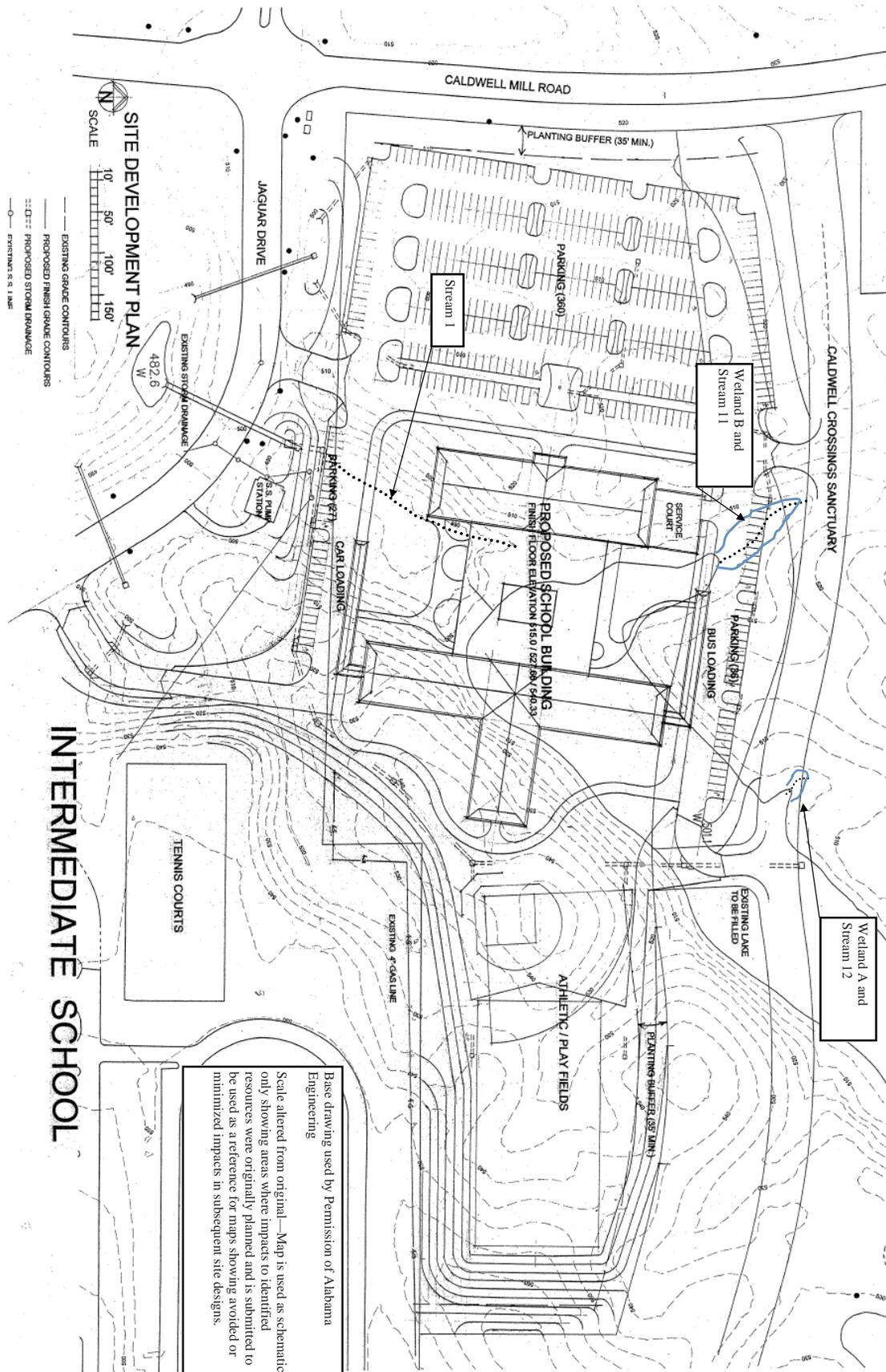


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Figure 1364097A-4
 Jurisdictional Delineation Map
 Planned School Site—O'Neal Property
 Hoover, Shelby County, Alabama

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Base drawing used by Permission of Alabama Engineering

Scale altered from original — Map is used as schematic only showing areas where impacts to identified resources were originally planned and is submitted to be used as a reference for maps showing avoided or minimized impacts in subsequent site designs.

NO.	DATE	REVISION DATE	BY

Drawn By:	Project #:
Checked By:	Date:
Proj. Mgr.:	File Name:

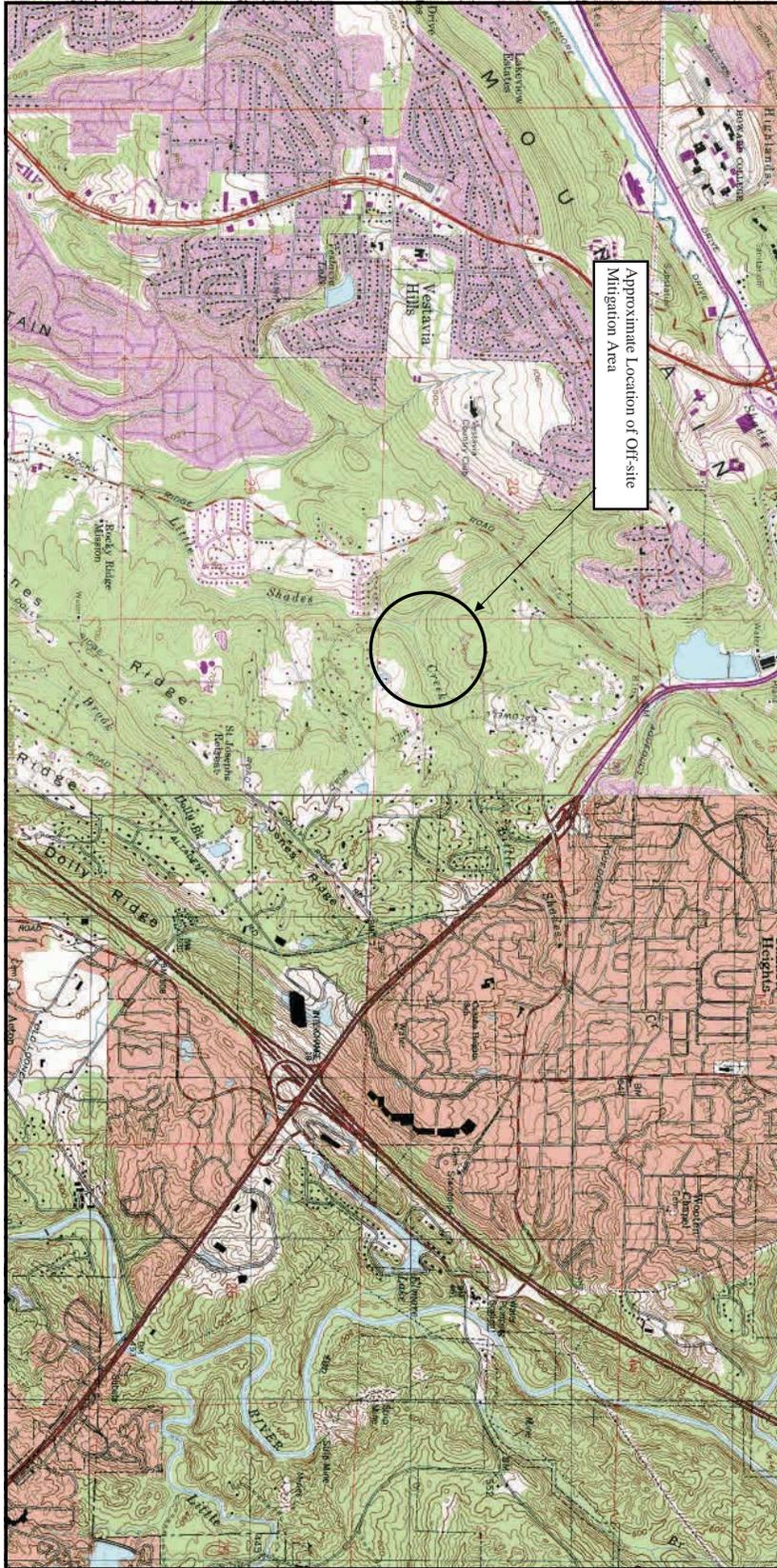
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TITLE

Figure 1364097A-5
 Site Development Schematic Plan
 Planned School Site—O'Neal Property
 Hoover, Shelby County, Alabama

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Taken from the USGS 7.5 Minute Quadrangles—Birmingham South, ALA (photoinspected 1988 and the Cahaba Heights, ALA (dated 1998)
 Scale 1" = 3,000'

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	1364-097A
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	3-22-2013
Proj. Mgr.:	File Name:

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TITLE
Figure 1364097A-8 Potential Off-Site Mitigation Area O'Neal Property Hoover, Shelby County, Alabama
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