



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-NB-M
PUBLIC NOTICE NO. SAM-2013-00552-JSC

December 26, 2013

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

REQUEST TO RETAIN UNAUTHORIZED FILL IN WATERS OF THE
UNITED STATES AND TO DISCHARGE ADDITIONAL FILL IN
ASSOCIATION WITH A COMMERCIAL DEVELOPMENT
IN LEE 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: Jim Parker Properties, LLC
Attention: Mr. Jim Parker
2044 South College Street
Auburn, Alabama

AGENT: Wildland Services, LLC
Post Office Box 469
Auburn, Alabama 36830

LOCATION: The subject site is approximately 10 acres and is located west of S. College St. in Auburn, AL. The site is further described as being located within Section 12 of Township 18 North and Range 25 East (center coordinates of Latitude 32.565130° /Longitude -85.505036°). According to the Loachapoka USGS Quadrangle Map, the site ranges in elevation from 520-570 feet above mean sea level and slopes from north to south. The parcel is located within the Lower Tallapoosa River watershed (HUC 03150110).

WORK DESCRIPTION: The applicant is seeking ATF authorization for the discharge of fill material into waters of the U.S. (WOUS). The unauthorized work (UA) consists of the discharge of fill material into approximately 0.26 ac of jurisdictional wetlands. In addition to the ATF request, the applicant is also

seeking authorization for the discharge of fill material into 1.20 ac of jurisdictional wetlands and 20 linear feet of perennial stream. All work, both UA and requested, is associated with construction of the River Carroll commercial development.

AVOIDANCE AND MINIMIZATION: According to the applicant, once the UA work was discovered, the project engineers implemented measures to avoid and minimize impacts to WOUS. These efforts included maximizing slopes to reduce fill areas associated with building pads, reducing building size, relocating parking. The USACE has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

COMPENSATORY MITIGATION: Wetland credit calculations will be performed based on WRAP functional assessments. Likewise, stream credit calculations will be performed using the 2012 edition of the Mobile District Stream SOP. The applicant proposes to mitigate for unavoidable impacts to WOUS through the purchase of wetland mitigation credits from a USACE approved wetland mitigation bank within the Lower Tallapoosa watershed.

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.

A preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate 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.

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 review 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.

Any correspondence concerning this publication should refer to this Public Notice **SAM-2013-00552-JSC** and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile
Regulatory Division, Montgomery Field Office
Attn: James S. Cherry, II
25 LeMay Plaza S., Bldg. 853
Maxwell, AFB, AL 36112

with a copy to the :

December 26, 2013

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: Location map; WOUS Impacts figure; Project Site Layout.

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 www.sam.usace.army.mil/RD/reg, 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 Engineer

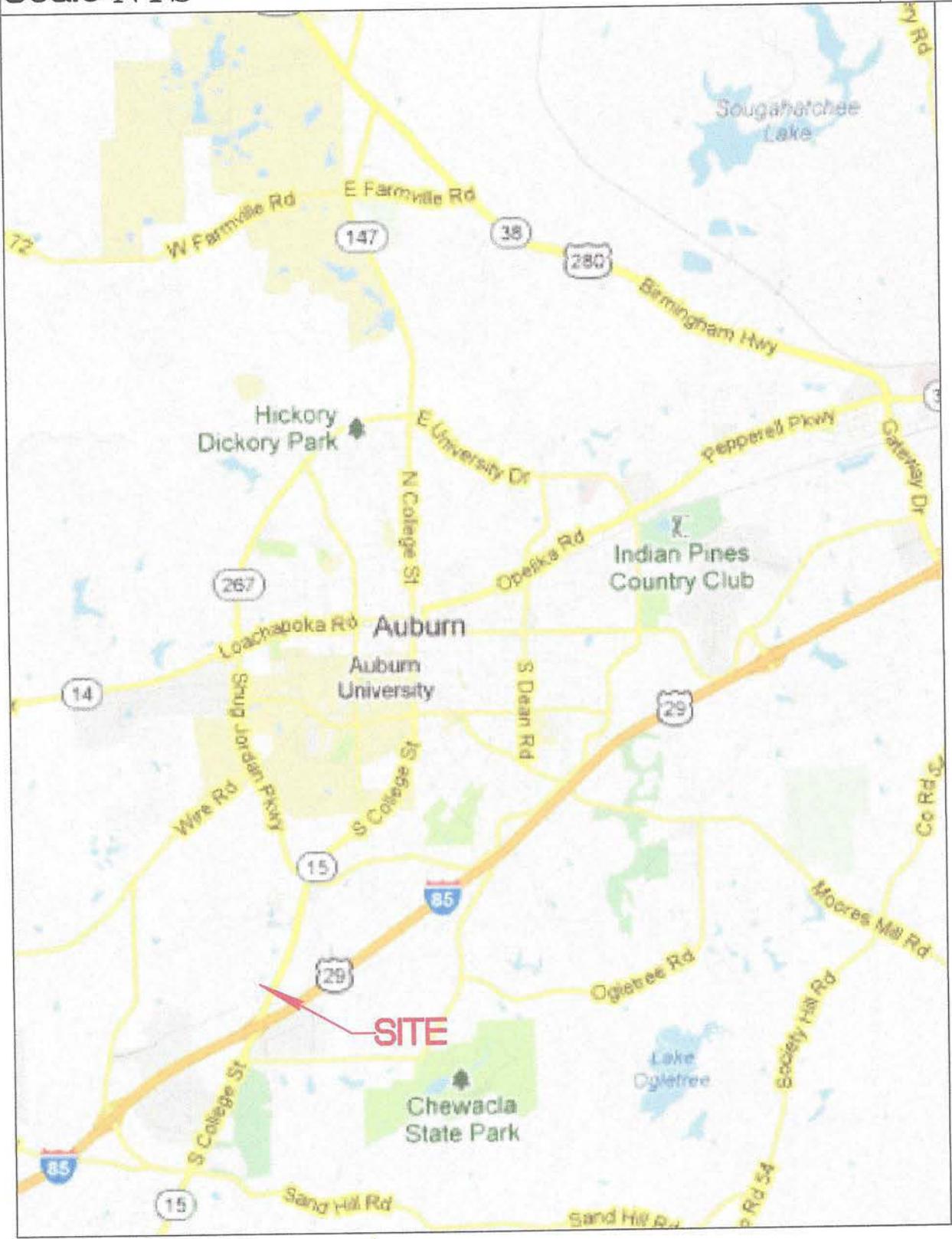
Project: River Carroll Subdivision

FIGURE

Title: Site Location Map

1

Scale: NTS



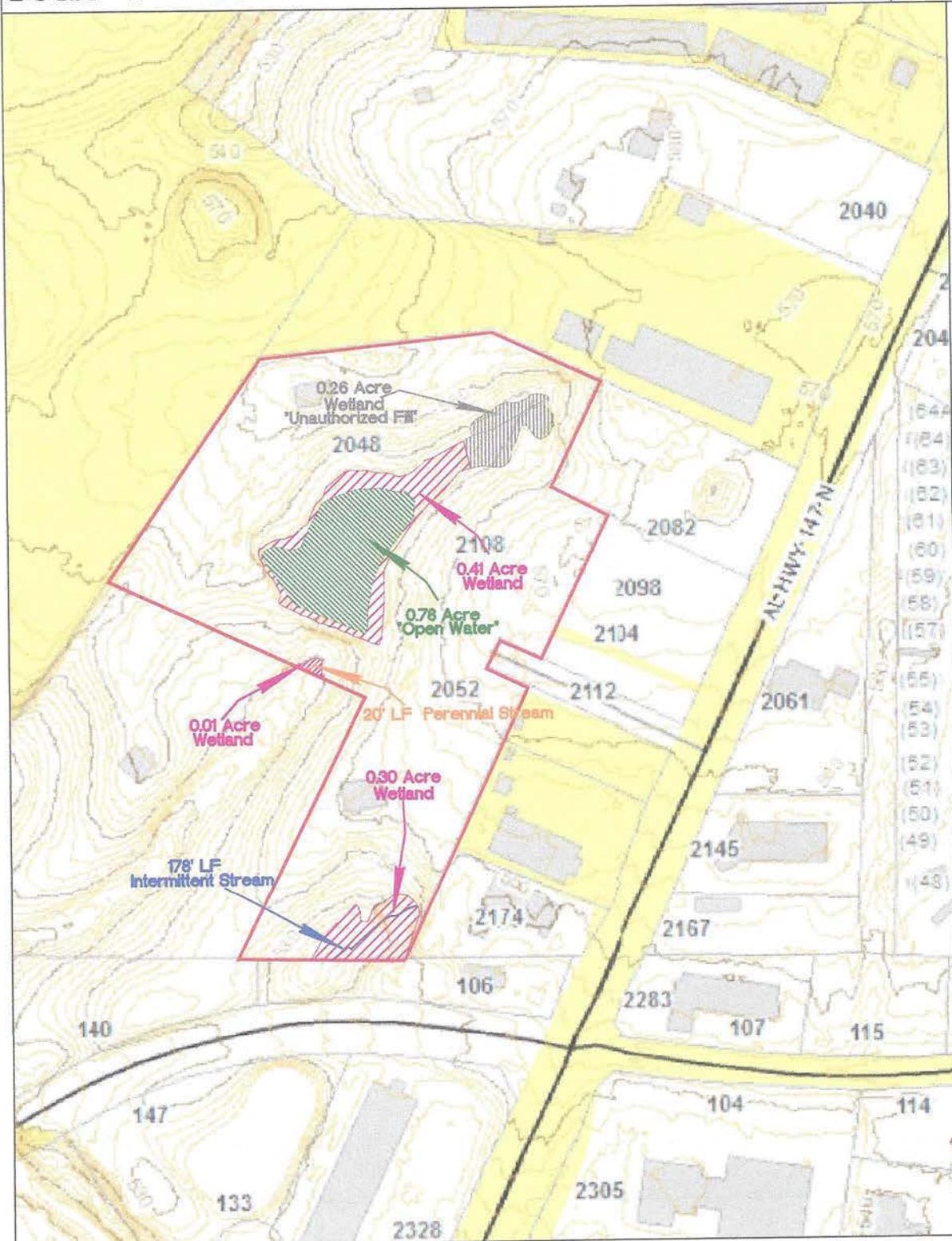
Project: River Carroll Development

FIGURE

Title: Wetland Delineation Topo

5

Scale: 1" = 250'



Project: River Carroll Development

FIGURE

Title: Final Site Plan

9

Scale: NTS

