



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

CESAM-RD-N  
PUBLIC NOTICE NO. SAM-2013-00556-CMS

December 30, 2013

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

**PROPOSED PLACEMENT OF FILL MATERIAL IN WETLANDS AND STREAMS IN  
ASSOCIATION WITH A PROPOSED COMMERCIAL DEVELOPMENT IN HELENA,  
SHELBY COUNTY, ALABAMA**

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:** USS Real Estate  
610 Preserve Parkway, Suite 200  
Hoover, Alabama 35226

**AGENT:** Spectrum Environmental  
85 Spectrum Cove  
Alabaster, Alabama 35007

**LOCATION:** The proposed project is located southwest of the intersection of County Road 52 and Hillsboro Parkway in Helena, Shelby County, Alabama (N 33.288434, W 86.861972) within Sections 16 and 21, Township 20 South, Range 3 West. The project is located in the Cahaba River watershed (HUC 03150202).

**PROJECT PURPOSE:** The basic project purpose is for commercial development.

**WORK:** The proposed work would include the discharge of dredged and/or fill material into waters of the United States that would impact 0.645 acres of wetlands, 233 linear feet of ephemeral stream, and 928 linear feet of intermittent stream.

**AVOIDANCE & MINIMIZATION:** The applicant stated, "Given the challenge of limited acreage, the Applicant designed the development being mindful to include an area of avoidance. Regardless of narrow avoidance and minimization opportunities the Applicant avoided impact to three (3) resources on-site, Stream 3 (intermittent), Stream 2 (ephemeral), and Wetland 4 by relocating the detention pond in the southwestern portion of the property while also reducing the footprint of the commercial development near this portion of the stream." The minimization efforts include avoiding impacts to 72

linear feet of intermittent stream, 64 linear feet of ephemeral stream and 0.005 acre of wetlands.

**MITIGATION:** The applicant utilized the Mobile District 2012 Compensatory Stream Mitigation Standard Operating Procedures and Guidelines to establish the number of stream credits required to mitigate for the stream impacts. The applicant proposes to accomplish stream mitigation through on-site and off-site permittee responsible mitigation. The applicant proposes to purchase wetland credits from a Corps-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 AND CULTURAL RESOURCES:** 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 effect cultural and historic properties within the permit area. A Phase I archaeological study was conducted at the site in 2008. Following a review of the Phase I report, the Alabama Historical Commission provided project concurrence to the agent via letter dated April 22, 2010 (AHC 10-0703). Copies of this public notice are being sent to the State Historic Preservation Officer for review and comment.

**ENDANGERED/THREATENED 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 for review and comment.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2013-00556-CMS and should be directed to:

U.S. Army Corps of Engineers Mobile District  
Birmingham Field Office  
Attn: Courtney Shea  
218 Summit Parkway, Suite 222  
Homewood, AL 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 **Courtney.M.Shea@usace.army.mil** or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

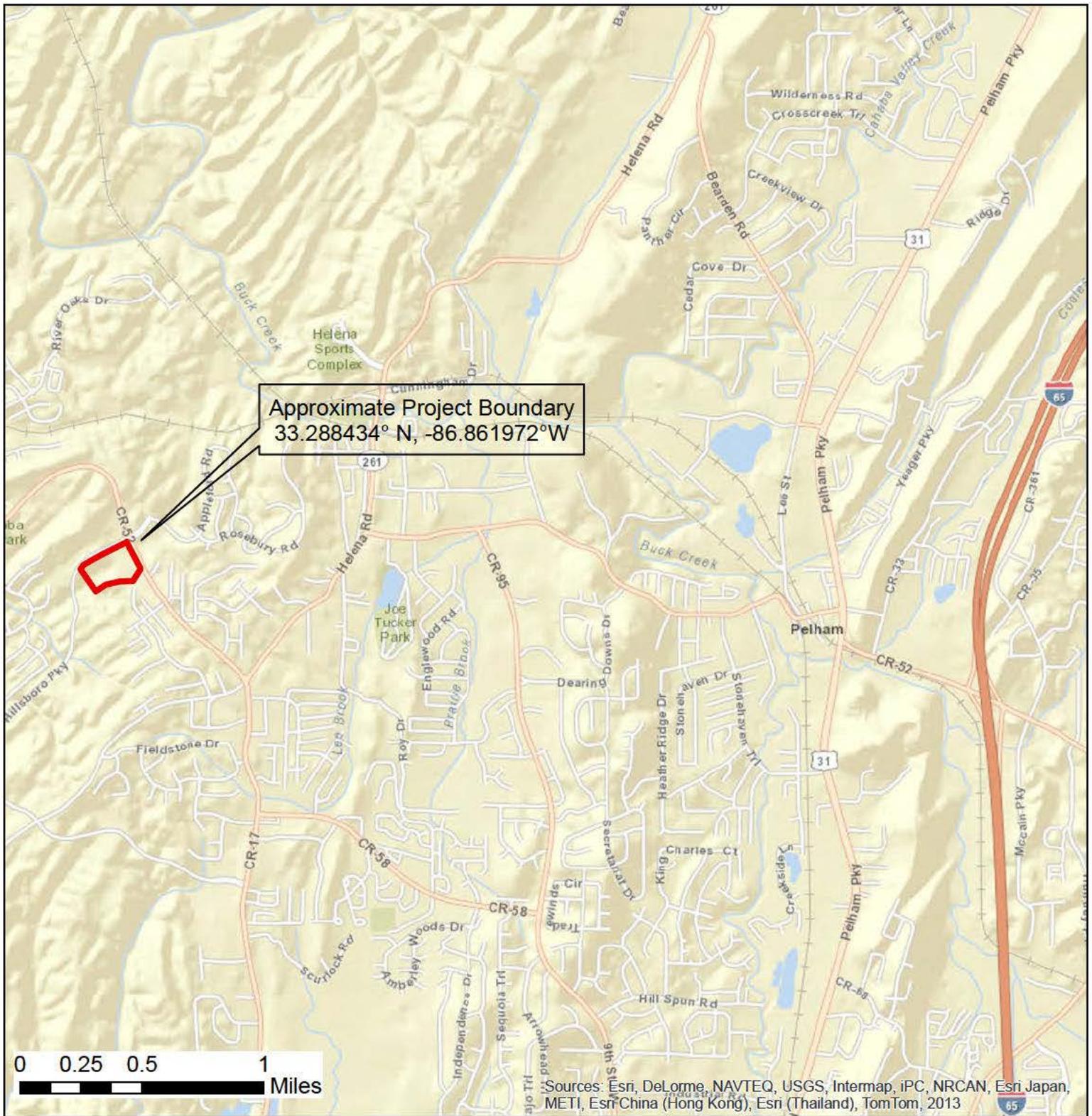
For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, and please take a moment to

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

Enclosures:

- Figure 1 Site Locator
- Figure 2 USGS Topographic Map
- Figure 3 Jurisdictional Determination Map
- Figure 4 Proposed Impact Map



**Legend**

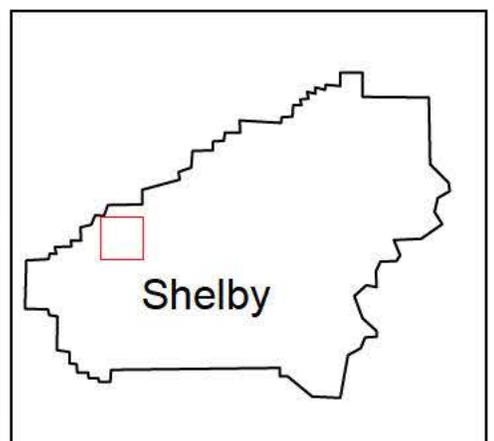
 Approximate Project Boundary

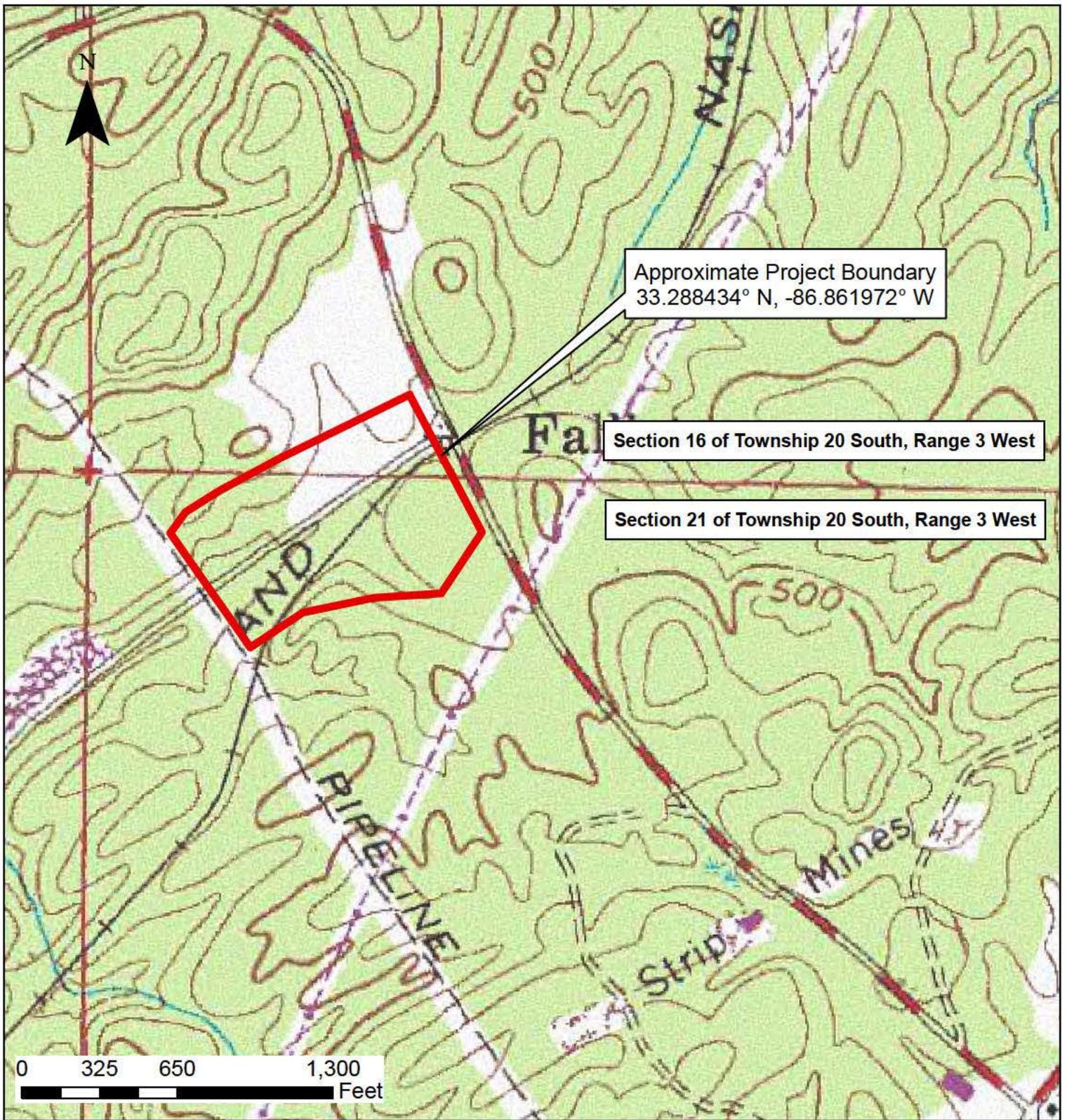


Figure 1341023-IP1  
 Site Locator Map  
 Hillsboro Town Center  
 Helena, Shelby County, AL



85 Spectrum Cove, Alabaster, AL 35007 | 205.664.2000 (office) | 205.664.2142 (fax)





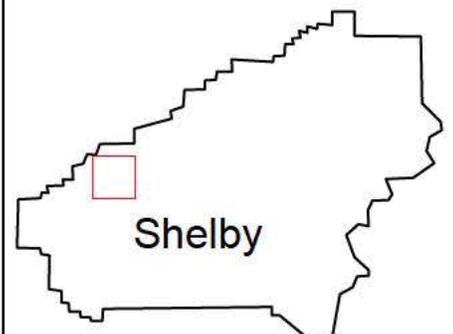
### Legend

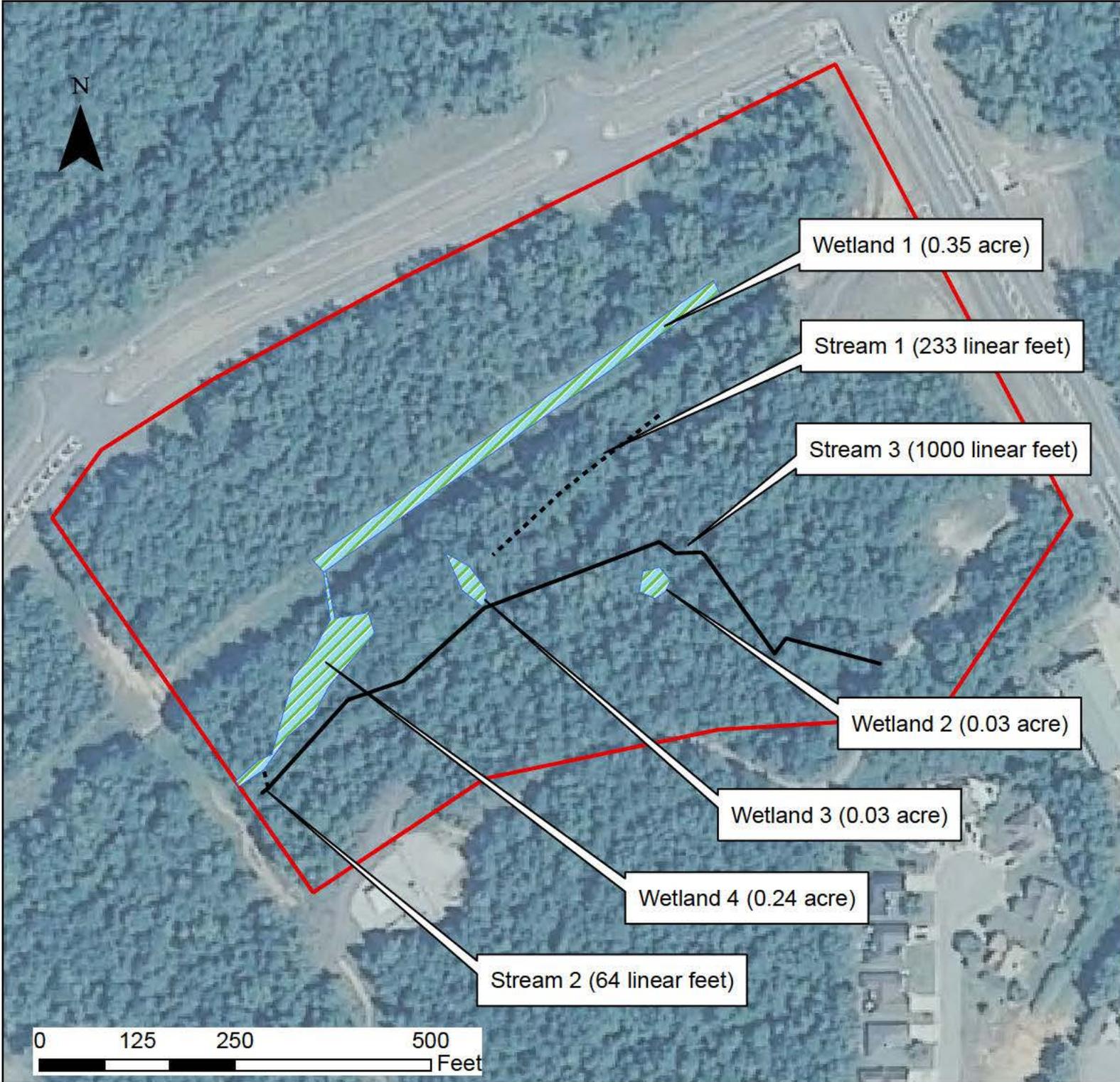
 Approximate Project Boundary

Figure 1341023-IP2  
Topographic Map  
Hillsboro Town Center  
Helena, Shelby County, AL



85 Spectrum Cove, Alabaster, AL 35007 | 205.664.2000 (office) | 205.664.2142 (fax)





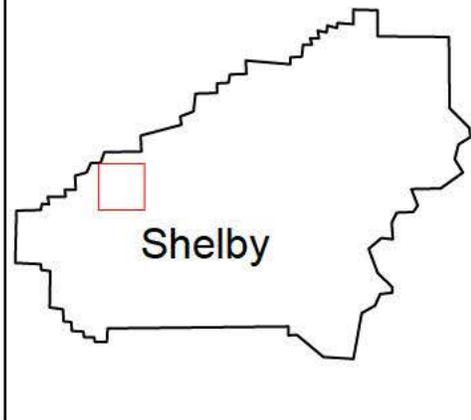
**Legend**

- Approximate Project Boundary
- Intermittent Stream
- Ephemeral Streams
- Wetlands

Figure 1341023-IP5  
 Jurisdictional Determination Map  
 Hillsboro Town Center  
 Helena, Shelby County, AL



85 Spectrum Cove, Alabaster, AL 35007 | 205.664.2000 (office) | 205.664.2142 (fax)



Name	Phase 1 Length/Area	Phase 2 Length/Area
Wetland 1	0.30 acre	0.05 acre
Wetland 2	0.03 acre	0 acre
Wetland 3	0 acre	0.03 acre
Wetland 4	0 acre	0.235 acre
Stream 1	233 LF	0 LF
Stream 2	0 LF	0 LF
Stream 3	672 LF	256 LF



- Wet 1
- Stream 1
- Wet 2
- Wet 3
- Wet 4
- Stream 2
- Stream 3

Legend	
Phase 1	<span style="color: red;">—</span>
Phase 2	<span style="color: blue;">—</span>
Wetland	<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span>
Intermittent Stream	<span style="color: blue; border-bottom: 1px solid blue; width: 15px; display: inline-block;"></span>
Ephemeral Stream	<span style="color: blue; border-bottom: 1px dashed blue; width: 15px; display: inline-block;"></span>

This map is not a survey and should be used for planning purposes only. This map contains features identified in situ which were mapped with a Garmin GPSmap 62s unit set. Basemap used by permission of LBYD.

**TITLE**  
 Figure 1341023-IP7  
 Final Development Plan  
 Hillsboro Town Center  
 Helena, Shelby County, Alabama

**SPECTRUM**  
 Solutions to Your Environmental Challenges  
 85 Spectrum Cove  
 Alabaster, AL 35007  
 O - 205-664-2000  
 F - 205-664-2142

Project #:	1341-023	Date:	12-10-2013	File Name:	
Drawn By: LBYD and DS		Checked By:		Project Mgr.:	DS
				NO.	DATE
				REVISION NOTE	BY