



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

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2013-00984-JMT

DATE 4 Dec 2013

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

REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH
THE EXPANSION OF AN EXISTING SUBDIVISION, JEFFERSON 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
Attn: Erin Sapp
610 Preserve Parkway, Suite 200
Hoover, Alabama 35226

AGENT: Spectrum Environmental, Inc.
Attention: Mr. Heath Belyeu
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: The Preserve, Phase XI, lies south of the intersection of Patton Chapel Road and Preserve Parkway in Hoover, Jefferson County, Alabama. Specifically, the project site is located in Section 15, Township 19 South, Range 3 West and is centered at coordinates N33.382279, W-86.832853. Impacts to waters of the United States are located in the Cahaba watershed (HUC 03150202).

WORK: The applicant proposes to fill 1,721 linear feet of an intermittent stream which is a tributary of Hurricane Branch. Hurricane Branch is a tributary to Patton Creek which flows to the Cahaba River.

PURPOSE AND NEED: The applicant stated: The purpose of the project is for the completion of the planned residential development (The Preserve). The need for the project is to provide additional residential housing in the City of Hoover.

AVOIDANCE AND MINIMIZATION: The applicant stated that through the review of alternative site layouts, impacts to 363 linear feet of ephemeral streams, 580 linear feet of intermittent streams, 645 linear feet of perennial streams and .05 acres of emergent wetlands will be avoided.

MITIGATION: The applicant is proposing permittee responsible mitigation for the stream impacts associated with this project. The location of the permittee responsible mitigation is not known at this time. Stream credits are available through a Corps approved mitigation bank within the Cahaba watershed. Therefore, this option of compensatory mitigation will be evaluated along with the permittee responsible mitigation proposal.

The applicant has not yet applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act.

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.

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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking.

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 most likely will not affect listed endangered or threatened species, or their critical habitat. **Copies of this public notice are being distributed to the U.S. Fish and Wildlife Service for comment.**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2013-00984-JMT and should be directed to:

U.S. Army Engineer District, Mobile
Birmingham Field Office
Attention: Mr. Joseph Tanko
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

Alabama Department of Environmental Management
Field Operations Division
Post Office Box 301463
Montgomery, Alabama 36120

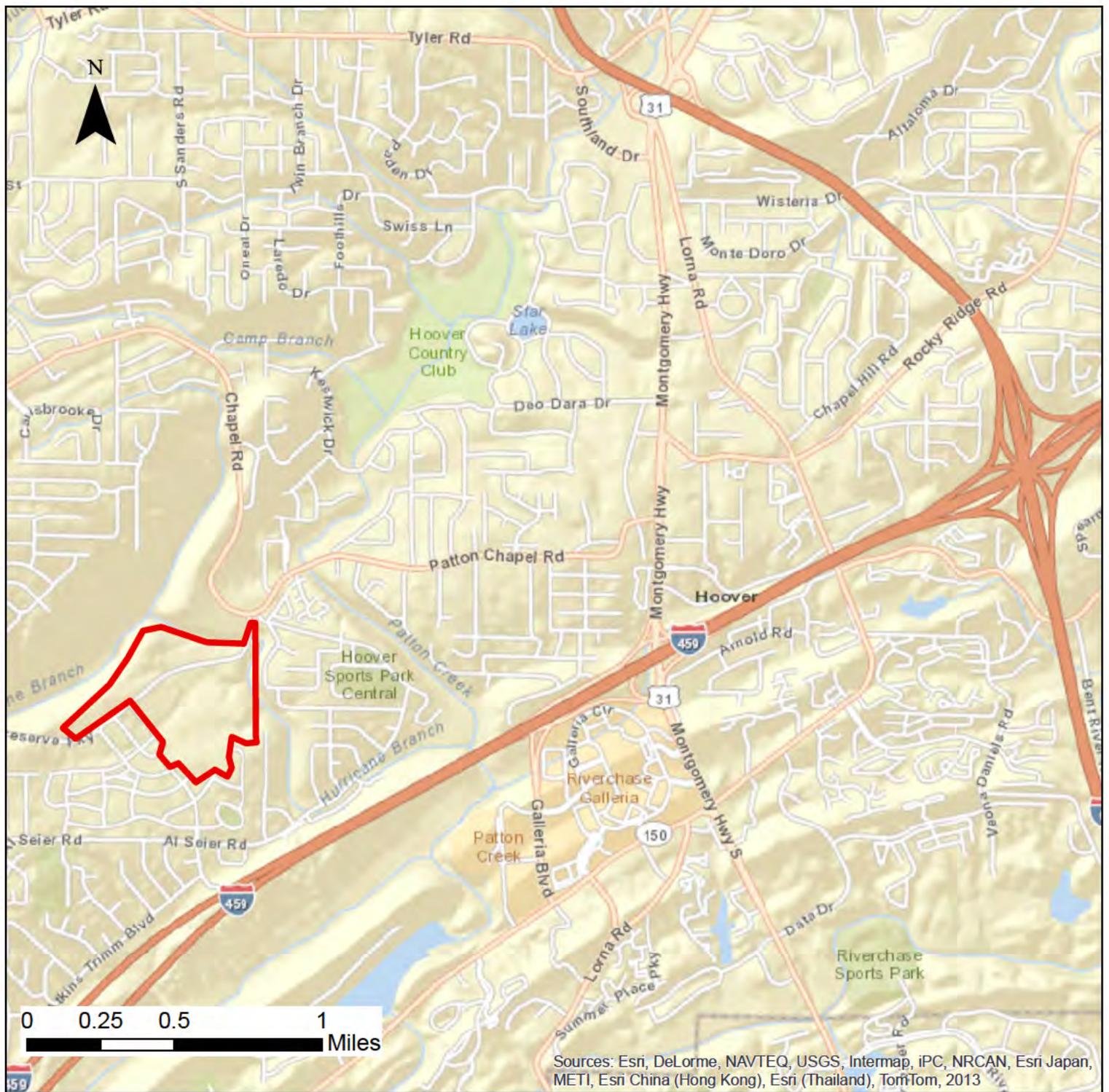
Comments should be received no later than **30 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at joseph.m.tanko@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 www.sam.usace.army.mil/Home/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineer

Enclosures



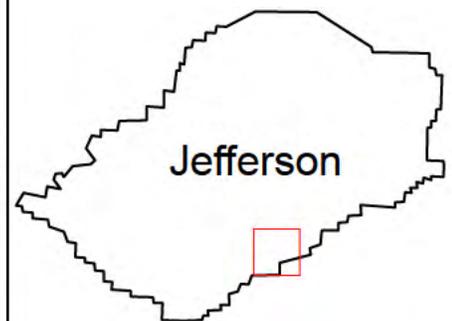
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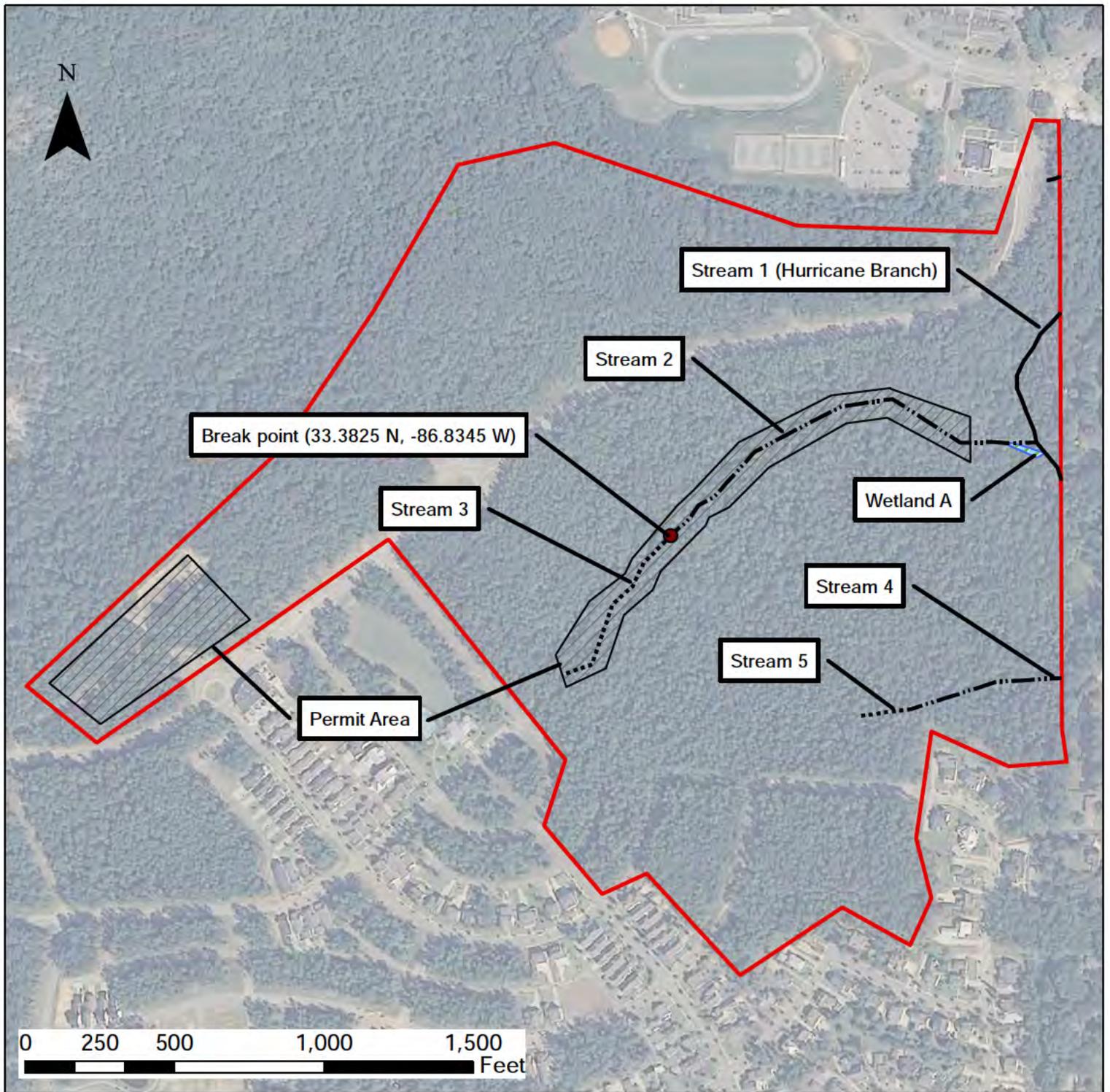
 Approximate Project Boundary

Figure 1341024-IP1
 Site Location
 The Preserve Sector XI
 Hoover, Jefferson, AL



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





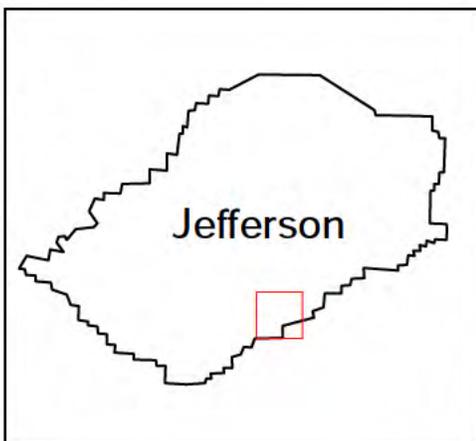
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- Break point
- Perennial Stream
- - - Intermittent Stream
- Ephemeral Stream
- ▨ Wetland A
- ▭ Approximate Project Boundary
- ▨ Permit Area

Figure 1341024-IP5
 Jurisdictional Determination Map
 The Preserve Sector XI
 Hoover, Jefferson, AL

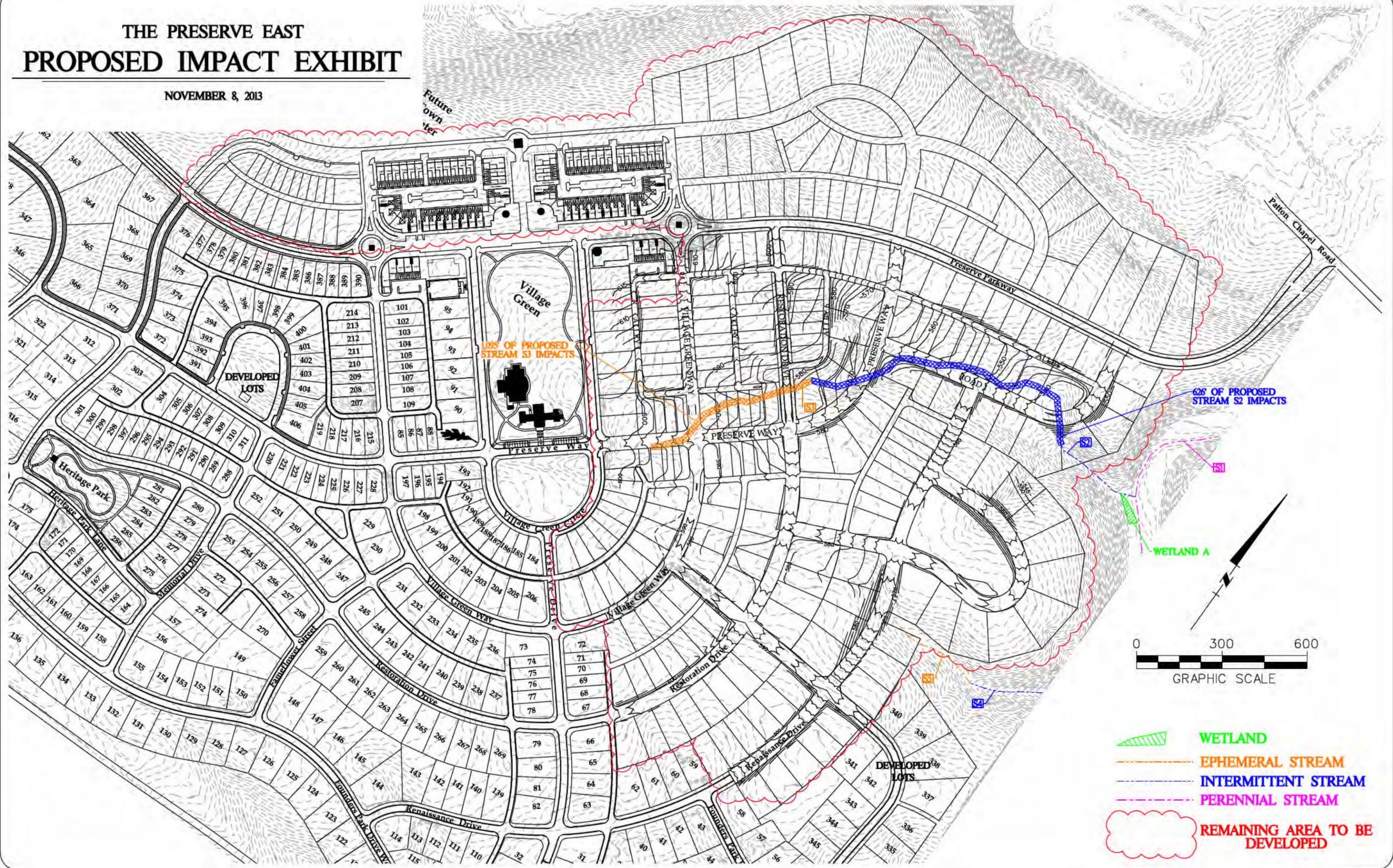


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THE PRESERVE EAST PROPOSED IMPACT EXHIBIT

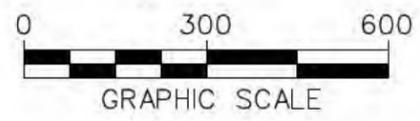
NOVEMBER 8, 2013



LOS OF PROPOSED
STREAM S3 IMPACTS

LOS OF PROPOSED
STREAM S2 IMPACTS

WETLAND A



- WETLAND
- EPHEMERAL STREAM
- INTERMITTENT STREAM
- PERENNIAL STREAM
- REMAINING AREA TO BE DEVELOPED