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

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2013-01288-JSC

DATE 30 July 2014

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

AFTER-THE-FACT
REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH THE CONSTRUCTION OF A 7-ACRE RECREATIONAL POND, CHAMBERS COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for an after-the-fact 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: Mr. James Booth
1745 Covington Ridge
Auburn, Alabama 36830

AGENT: BioResources, LLC.
Attention: Mr. Doug Dallas
2124 Moore's Mill Road, Suite 210
Auburn, Alabama 36830

LOCATION: The project site is located east of Highway 147 near the community of Gold Hill in Chambers County, Alabama. The project area is approximately 10 acres in size and is located approximately at latitude 32.758, longitude -85.523; in Section 1, Township 20 North, Range 25 East. The site is within the Middle Tallapoosa watershed (HUC03150109).

WORK: The applicant constructed a pond on an unnamed tributary to Sandy Creek. Approximately 1280' of this tributary (intermittent stream) was impacted as a result of this filling activity.

PURPOSE AND NEED: As stated within the application, the applicant has constructed a pond, approximately 7 acres in total surface area, in order to enhance his personal use of the property. The primary purpose is to provide opportunities for recreational fishing on the property. Additionally, the project will provide opportunities for other forms of recreation, including swimming and boating, and improve the aesthetics of the property. The project will also achieve a variety of wildlife management objectives. Habitat will be created or improved for waterfowl, wading birds, and bird of prey. The pond may also serve as a water source for horses or other livestock in the future. The Corps has not verified the adequacy of the purpose and need at this time.

AVOIDANCE AND MINIMIZATON: As stated within the application, the avoidance of impacts on the project site was not possible. The Build on Alternate site alternative would have resulted in greater impacts to streams and impacts to wetlands. No other suitable pond sites occur on the property. The

space and geometric requirements for the project features result in unavoidable impacts in order to fulfill the project purpose and need. Initially, a pond greater than ten acres was planned for the project site. However, once the site was cleared and preliminary survey data were obtained, it was determined that a pond designed to have a surface area of seven acres could be efficiently constructed in the existing landscape and would be appropriately sized. It is estimated that this design modification resulted in a minimization of impacts of a least 500 feet of stream. The Corps has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant is proposing permittee responsible in-stream and stream buffer mitigation on another property nearby. A conceptual mitigation plan is forthcoming. If the proposed mitigation will not generate enough compensatory credits (5,582), the remainder will be purchased from an approved Stream Mitigation bank. The Corps has not verified the adequacy of this mitigation proposal at this time.

WATER QUALITY: 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.

HISTORIC PROPERTIES: The National Register of Historical Places has been consulted and no properties listed in or eligible for the National Register are known to exist at the site. 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 (were) 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 State Historic Preservation Officer and the U.S. Department of Interior, National Park Service, Division of Archeological Services.

ENDANGERED SPECIES: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the activity most likely had **no effect** on any listed endangered or threatened species, or their critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service via this Public Notice

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to assist in developing facts on which a decision by the Corps can be based. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or and 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 overall public interest of the project.

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.

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 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.

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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2013-01288-JSC** 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 furnished 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/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 Engineer

Enclosures

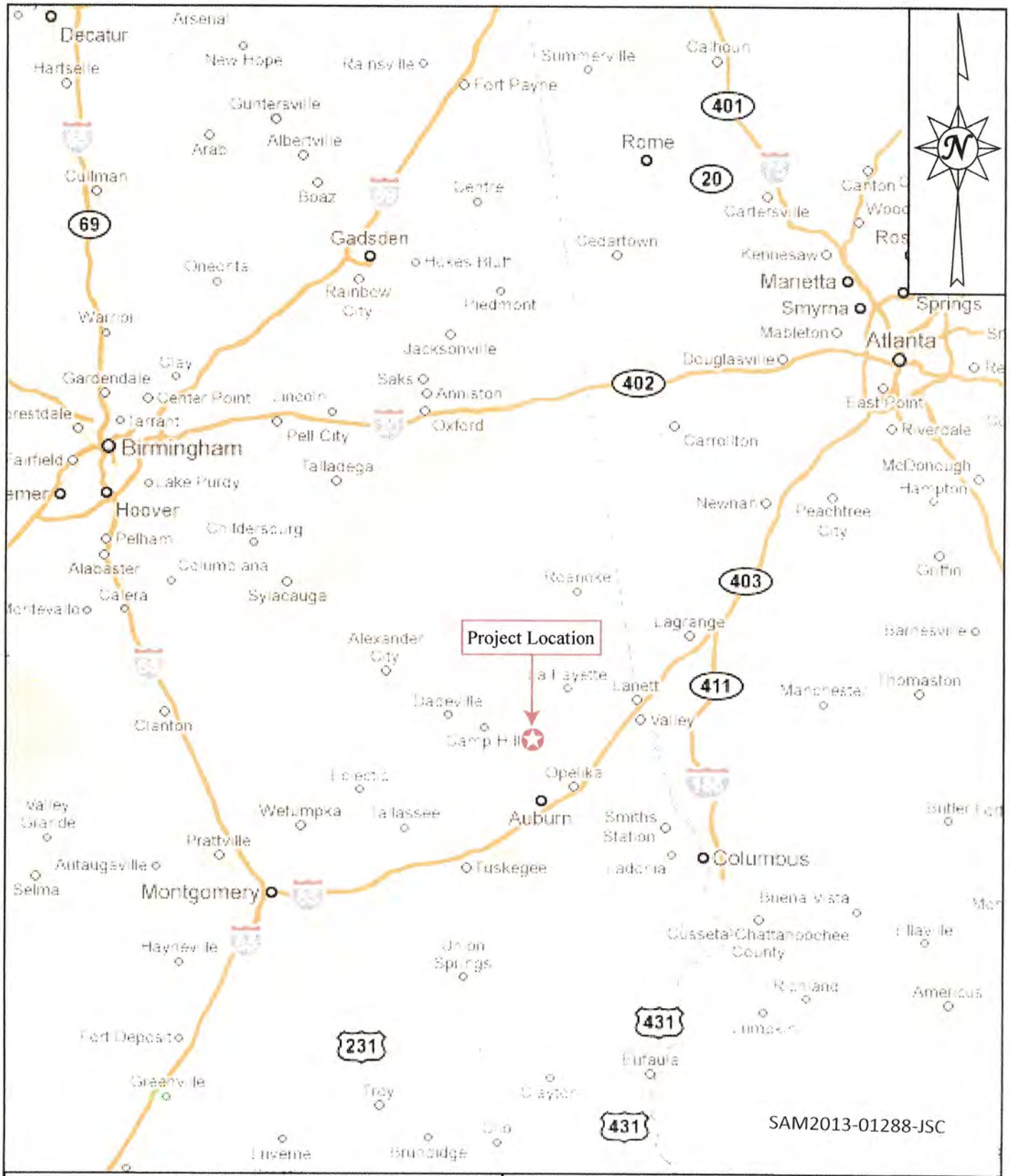

Figure 1: Vicinity Map
Booth Property - Pond Site
Gold Hill, Chambers County, Alabama
Source: Google Maps
BioResources Project No. WL14-262
Approximate Scale: 1" = 25 miles

BioResources, LLC
2124 Moores Mill Road, Suite 210
Auburn, Alabama 36830
(334) 821-5707
www.bioresourcesllc.net

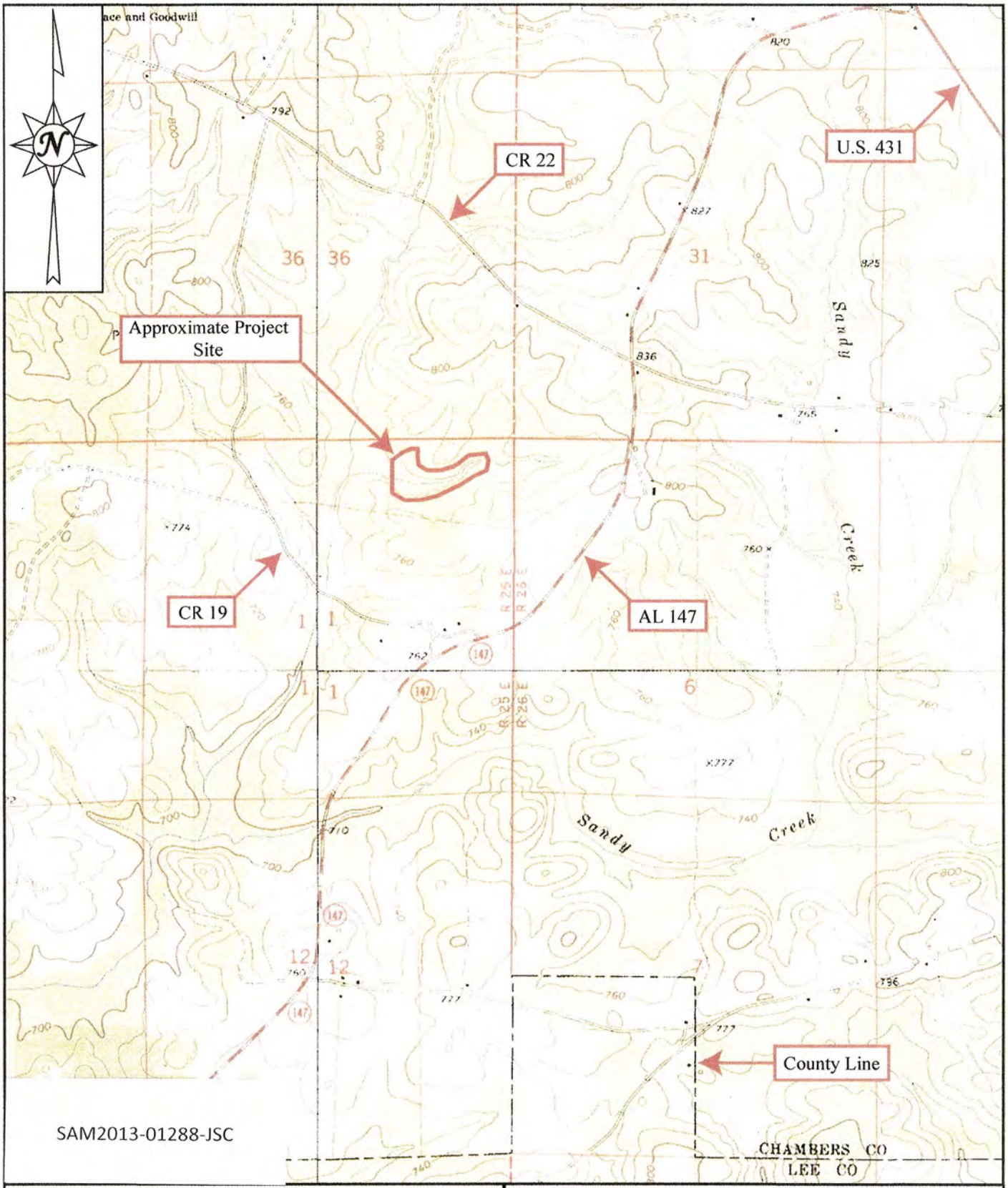

Figure 2: Site Location Map
Booth Property - Pond Site
Gold Hill, Chambers County, Alabama
Moorefield, AL U.S.G.S. 7.5' Quad Map
BioResources Project No. WL14-262
Scale: 1" = 2000'

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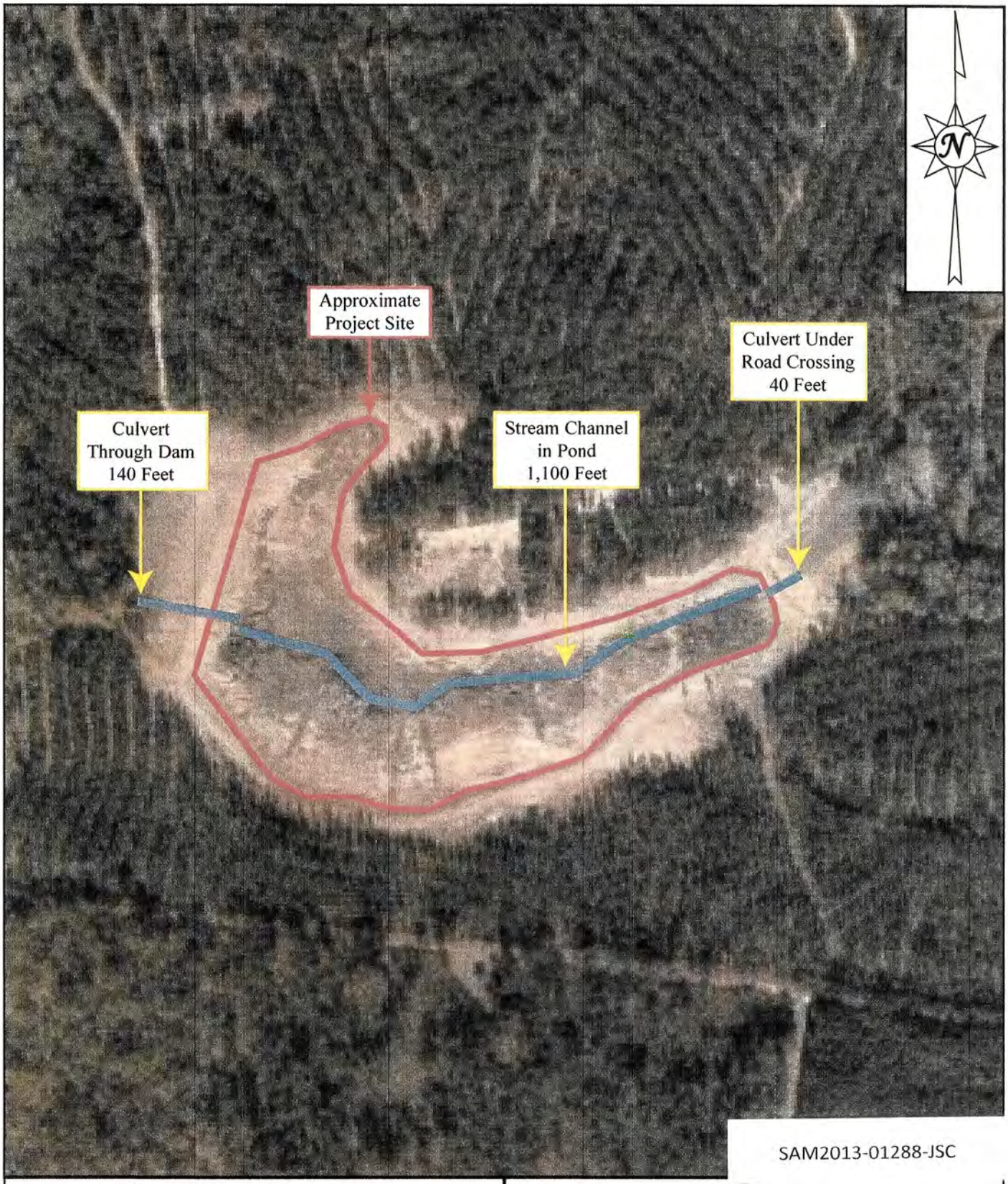

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Figure 4: Impact Assessment
Booth Property - Pond Site
Gold Hill, Chambers County, Alabama
Source: Google Earth 2012
BioResources Project No. WL14-262
Approximate Scale: 1" = 200'

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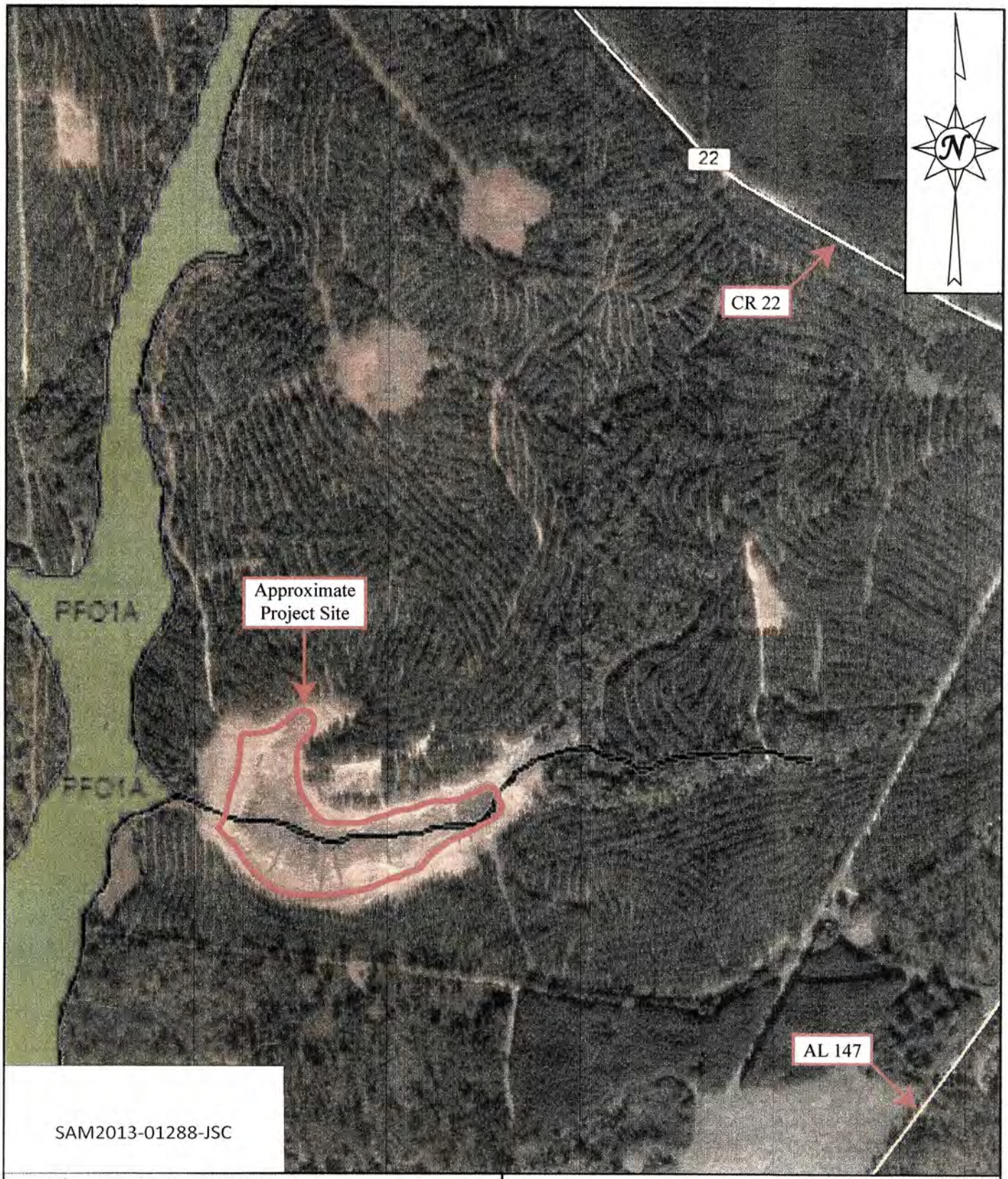

Figure 3: National Wetlands Inventory Map
Booth Property - Pond Site
Gold Hill, Chambers County, Alabama
Source: USFWS Digital Wetland Mapper
BioResources Project No. WL14-262
Approximate Scale: 1" = 550'

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