



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-2014-00927-TMB

April 14, 2016

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

**PROPOSED DISCHARGE OF FILL MATERIAL IN WATERS OF THE UNITED STATES
ASSOCIATED WITH A MIXED-USE DEVELOPMENT
VESTAVIA HILLS, 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). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: Liberty Park Joint Venture, LLP
Attention: Mr. Shawn Arterburn
11001 Liberty Parkway
Vestavia Hills, Alabama 35242

AGENT: Walter Schoel Engineering Co., Inc.
Attention: Mr. Brad McWilliams
1001 22nd Street South
Birmingham, Alabama 35205

LOCATION: The proposed project is located on approximately 257 acres in Vestavia Hills, Jefferson County, Alabama (33.471, -86.698) within Sections 12, 13, and 24, Township 18 South, Range 2 West. The project is located within the Cahaba River 8-digit HUC (HUC 03150202).

WORK: The applicant is seeking authorization for the discharge of fill material into waters of the United States for the purpose of constructing a mixed-use development to include commercial development, residential areas, a school, and parks. This activity would impact 0.05 acre of wetlands, 2,117 linear feet of intermittent stream, and 5,297 linear feet of ephemeral stream.

AVOIDANCE & MINIMIZATION: The applicant stated they have taken measures to avoid and minimize impacts to jurisdictional waters of the U.S., including making revisions to the proposed project design, adjusting the location of the proposed parkway, proposing to bridge RPW 1, avoiding impacts to RPW 18, and imposing a minimum 200 foot buffer along the Cahaba River. The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.

COMPENSATORY MITIGATION: The streams were assessed using the 2012 Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines and the wetland was assessed using Wetland Rapid Assessment Procedure (2nd edition) to calculate the compensatory mitigation. The applicant proposes to mitigate for unavoidable stream and wetland impacts through the purchase of stream and wetland credits from the Cahaba River Mitigation Bank. The USACE has not verified the adequacy of the applicant's compensatory mitigation proposal at this time.

WATER QUALITY: The applicant will apply 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 USACE 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 USACE 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 USACE 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 affect cultural and historic properties within the permit area. A Cultural Resource Survey has been performed at the site. Copies of this public notice are being sent to the State Historic Preservation Officer, Federally recognized American Indian tribes, and the U.S. Department of the Interior, National Park Service, Division of Archaeological Services for review.

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 indicates that the proposed activity will not affect listed species or their critical habitat. Copies of this public notice are being sent to the USFWS for review and comment.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2014-00927-TMB and should be directed to:

U.S. Army Corps of Engineers Mobile District
Birmingham Field Office
Attention: Ms. Courtney Shea
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

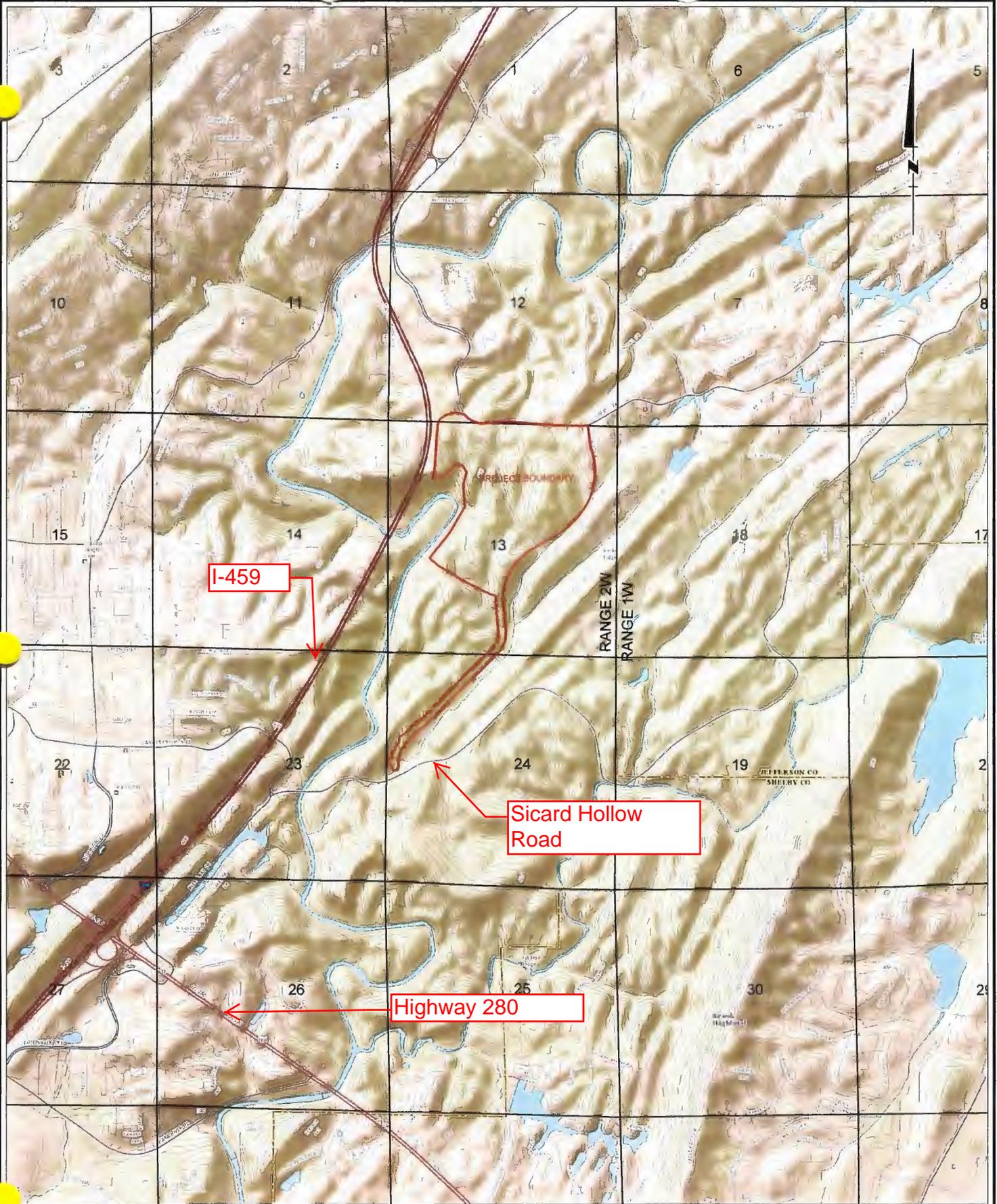
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager, Ms. Courtney Shea, 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>. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



VICINITY MAP
LIBERTY PARK - TOWN VILLAGE
SECTION 13, TOWNSHIP 18S, RANGE 2W
JEFFERSON COUNTY, ALABAMA

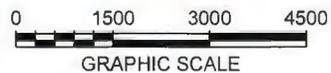


EXHIBIT 1

FEBRUARY 23, 2016



PROJECT AREA
LIBERTY PARK - TOWN VILLAGE
SECTION 13, TOWNSHIP 18S, RANGE 2W
JEFFERSON COUNTY, ALABAMA

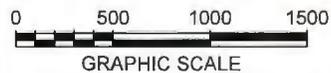
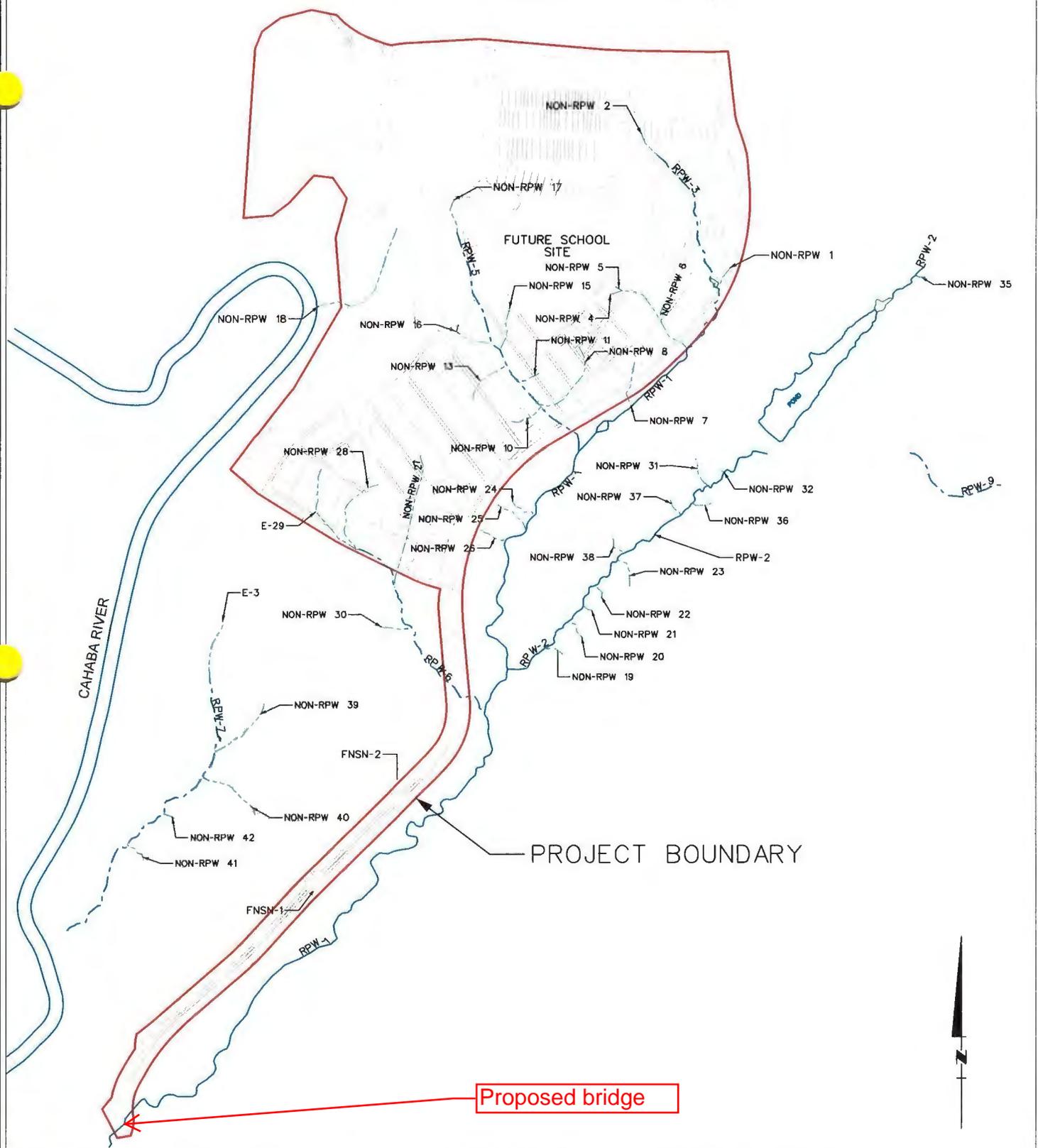
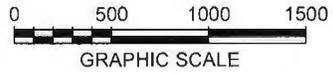


EXHIBIT 2

FEBRUARY 23, 2016



PROPOSED IMPACTS
LIBERTY PARK - TOWN VILLAGE
 SECTION 13, TOWNSHIP 18S, RANGE 2W
 JEFFERSON COUNTY, ALABAMA



LEGEND

- PROJECT BOUNDARY
- EPHEMERAL STREAMS
- INTERMITTENT STREAMS
- PERENNIAL STREAMS
- PROPOSED IMPACTS

EXHIBIT 5

FEBRUARY 23, 2016

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