



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

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2015-00115-ADP

23 Jul 2015

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

**REQUEST FOR THE DISCHARGE OF FILL MATERIAL INTO WATERS OF THE U.S.
ASSOCIATED WITH IMPROVEMENTS TO STATE ROAD 14 (SR-14)
AND STATE ROAD 143 (SR-143)
ELMORE, ELMORE COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is to be 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: Alabama Department of Transportation (ALDOT)
Attention: Mr. Tony Shaddix
1409 Coliseum Boulevard
Montgomery, Alabama 36110

LOCATION: The project is located in Section 13, Township 18 North, Range 17 East, in Elmore, Elmore County, Alabama. The proposed work is located within a 1.35 mile long corridor. Coordinates for the western end of the corridor are 32.53276N, 86.32373W with coordinates for the eastern end of the corridor located at 32.54400N, 86.30483W. The area is depicted on the Elmore, Alabama Quadrangle, U.S. Geological Survey Topographic Map. Potentially jurisdictional impacts associated with the proposed project are to palustrine scrub-shrub and emergent wetlands and Mortar Creek. The proposed project is located in the Upper Alabama River watershed (HUC 03150201).

PROJECT PURPOSE: The project purpose is to relieve congestion on SR-14 between the cities of Millbrook and Wetumpka by widening the existing 2 lane highway to a 5 lane undivided highway including the replacement of two bridges and realignment of the SR-14/SR-143 intersection.

WORK: The applicant proposes to impact a total of 0.97-acre of palustrine scrub-shrub (PSS) and palustrine emergent (PEM) wetland habitats and 85 linear feet of Mortar

Creek. Approximately, 0.18-acre of PSS is proposed to be filled in association with the replacement of the bridge over Mortar Creek. Approximately, 85 linear feet of Mortar Creek, a perennial waterway, is proposed to be disturbed by a bridge replacement. Mortar Creek is approximately 60 feet wide at the proposed location of the crossing. Approximately, 0.40-acre of PSS and 0.39-acre of PEM are proposed to be filled in association with the realignment of the SR-14/SR-143 intersection.

The following table depicts the proposed impacts associated with the project:

TABLE 1 – PROPOSED IMPACTS

ID	Latitude	Longitude	Cowardin Class	Proposed Impact	Type of Impact
PER-1 (Mortar Creek)	32.53444	-86.32123	Riverine – Perennial	85 linear ft	Fill and Shading
PSS-1	32.53457	-86.32104	Palustrine Scrub-Shrub (PSS)	0.18 acre	Fill
PSS-2	32.54158	-86.31031	Palustrine Scrub-Shrub (PSS)	0.40 acre	Fill
PEM-1	32.54158	-86.31031	Palustrine Emergent (PEM)	0.39 acre	Fill

AVOIDANCE & MINIMIZATION: Applicant provided information affirms that minimization efforts, to include choosing an alternative that would impact the least amount of wetlands, were considered in their review process. The applicant is limited to how the road would be widened and realigned because of the location of the existing roadway and the project’s fixed beginning and ending points. Wetlands and streams traverse the project area perpendicularly as well as along the existing alignment leaving impacts unavoidable. However, the applicant has attempted to avoid and minimize impacts to the greatest extent possible. USACE has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

COMPENSATORY MITIGATION: The applicant proposes to compensate for unavoidable impacts to wetlands by debiting credits from an ALDOT mitigation bank and to provide compensatory mitigation for authorized stream impacts through the purchase of stream mitigation credits from a USACE approved mitigation bank. USACE has not verified the adequacy of the applicant’s proposed off-site mitigation plan at this time.

LEAD FEDERAL AGENCY ROLE: The Federal Highway Administration (FHWA) is considered the lead federal agency for coordinating and conducting environmental reviews under the National Environmental Policy Act (NEPA). Pursuant to NEPA, FHWA prepared an Environmental Assessment (EA) for the proposed SR-14/SR-143 improvement project. The EA addressed alternatives that considered various alignments and locations of the proposed interchange location. FHWA approved a Findings of No Significant Impact in September 2012. USACE is considering adopting FHWA's EA; however, a separate decision document would be prepared prior to a final decision concerning issuance or denial of the requested DA permit. Comments received would be used by USACE in the preparation of any supplemental EA and/or an Environmental Impact Statement, if required, pursuant to NEPA prior to a final decision concerning issuance or denial of the DA permit. USACE would participate as a cooperating agency in the development of any additional NEPA documentation.

WATER QUALITY: 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. Upon completion of the required advertising, a determination relative to water quality certification will be made.

PUBLIC INTEREST REVIEW/CUMMULATIVE EFFECTS: 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. Factors considered 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. Evaluation of the probable impacts involving discharges of dredged or fill material into waters of the U.S. will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

SOLICITATION OF COMMENTS: 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 USACE to determine whether to issue, modify, condition or deny a permit for this proposal. 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. To make this decision, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental

effects, and other public interest factors listed above. Comments are used in the preparation of an EA and/or an Environmental Impact Statement pursuant to the NEPA.

PUBLIC HEARING REQUESTS: 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.

HISTORIC PROPERTIES: On behalf of FHWA, ALDOT previously provided documentation to the Alabama State Historic Preservation Officer (SHPO) describing the proposed action. Copies of this notice are to be provided to the SHPO.

ENDANGERED SPECIES: The applicant, on behalf of the FHWA, previously requested review of the proposed project by the U.S. Fish and Wildlife Service (USFWS) for matters related to federally protected species. Copies of this notice are to be provided to USFWS.

ESSENTIAL FISH HABITAT: The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. USACE has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

COMMENT PERIOD: All comments should be received no later than **30 days** from the date of issuance of this Public Notice. Enclosed to assist with your review are: vicinity maps (Figures 1-3) and proposed impact maps (Figures 4-6). Figures one (1) through three (3) are enclosed to provide a conceptual layout of the proposed projects alignment and location. The approximate locations of potentially jurisdictional areas along the project route are presented in Figure three (3). Figures one (1) through three (3) should not be used to assess impacts to resource areas (e.g. waters of the U.S.). Figures four (4) through six (6) are detailed drawings of the applicant's proposed impacts to waters of the U.S.

Correspondence concerning this public notice should refer to Public Notice number **SAM-2015-00115-ADP** and should be directed to:

U. S. Army Corps of Engineers, Mobile District Regulatory Division
Birmingham Field Office
Attention: Amiee P. Smith
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

Please provide a copy of the correspondence to:
Alabama Department of Environmental Management
Post Office Box 301463

Montgomery, Alabama 36130-1463

If you have any questions concerning this publication, you may contact the project manager via e-mail at Amiee.P.Smith@usace.army.mil or telephone number (205) 290-9096. Please refer to the above Public Notice number.

For additional information about the USACE Mobile District's Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. 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

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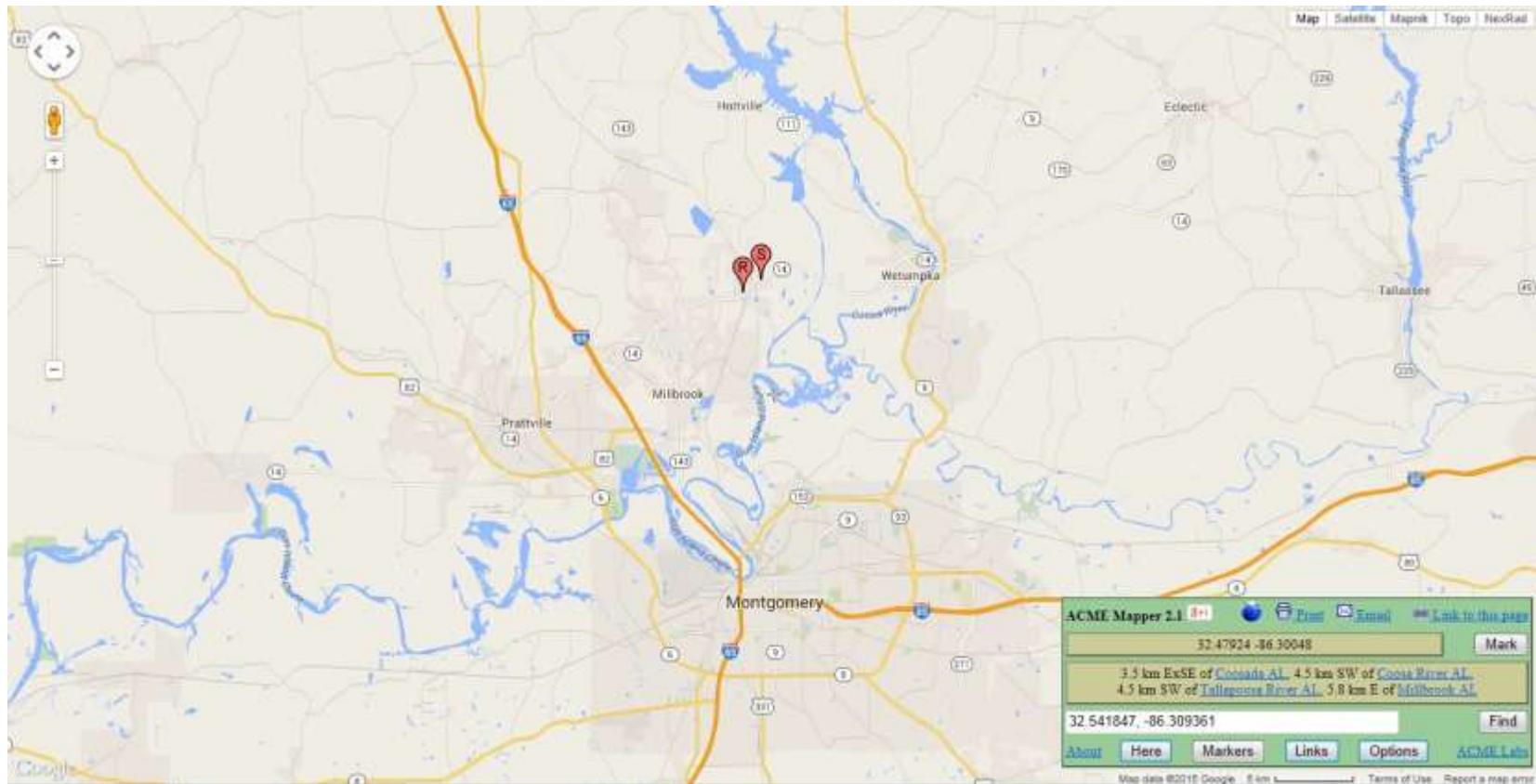


Figure 1: Vicinity Map

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Figure 2: Proposed Project Route

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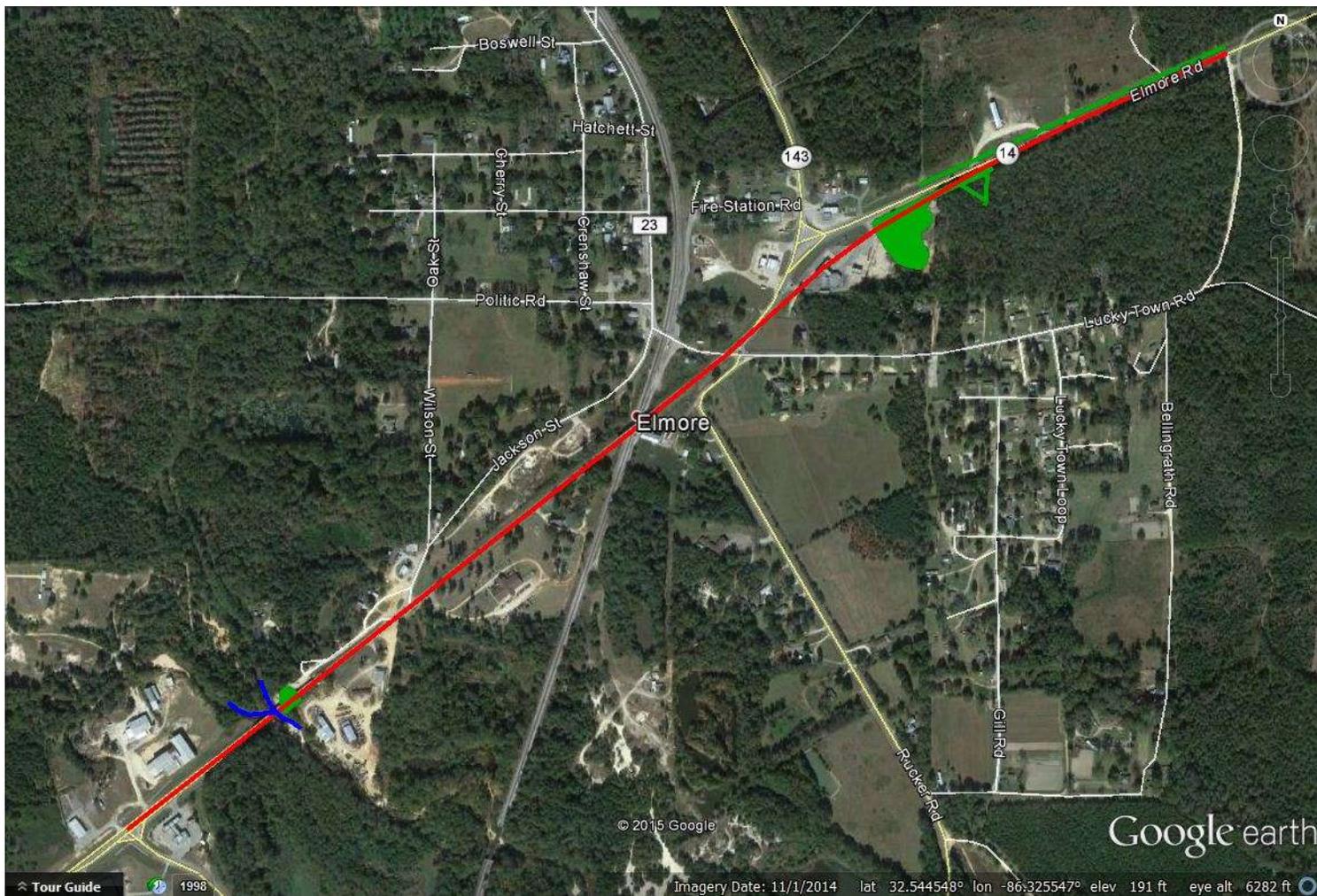


Figure 3: Approximate Location of Potentially Jurisdictional Areas Along Proposed Project Route

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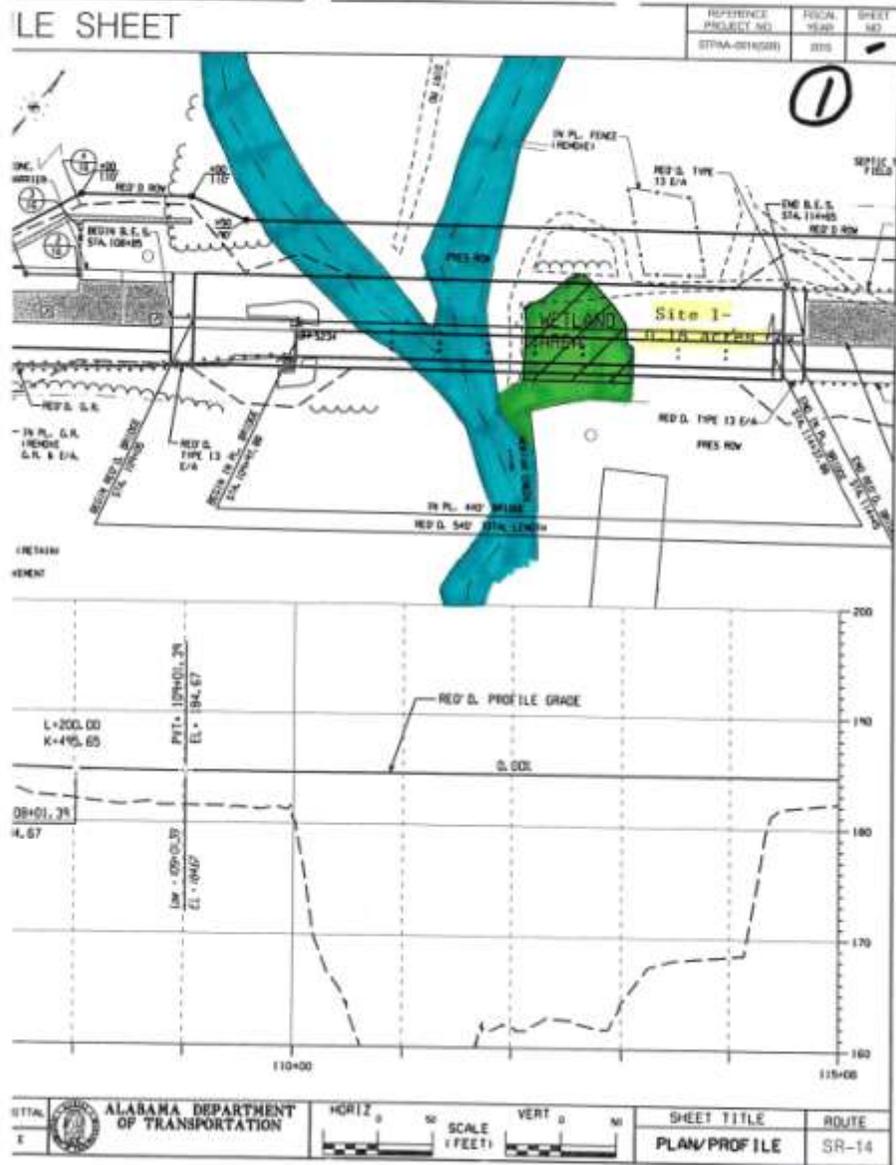


Figure 4: Proposed Impacts Near Mortar Creek

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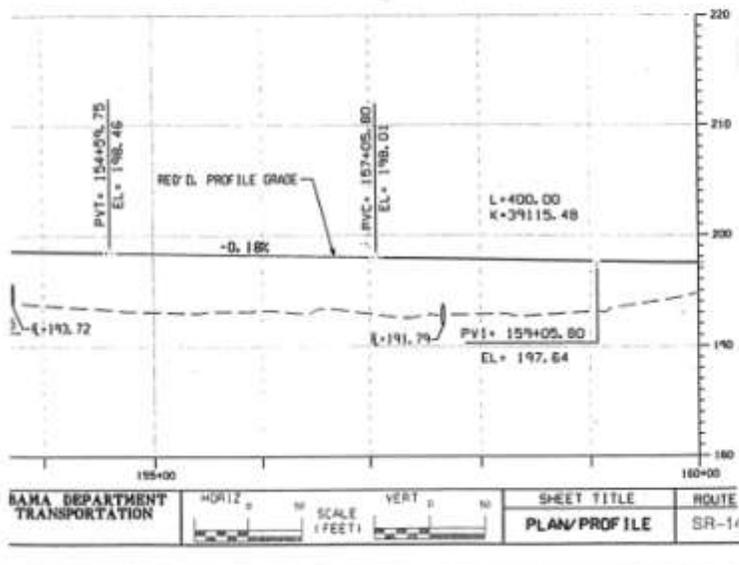
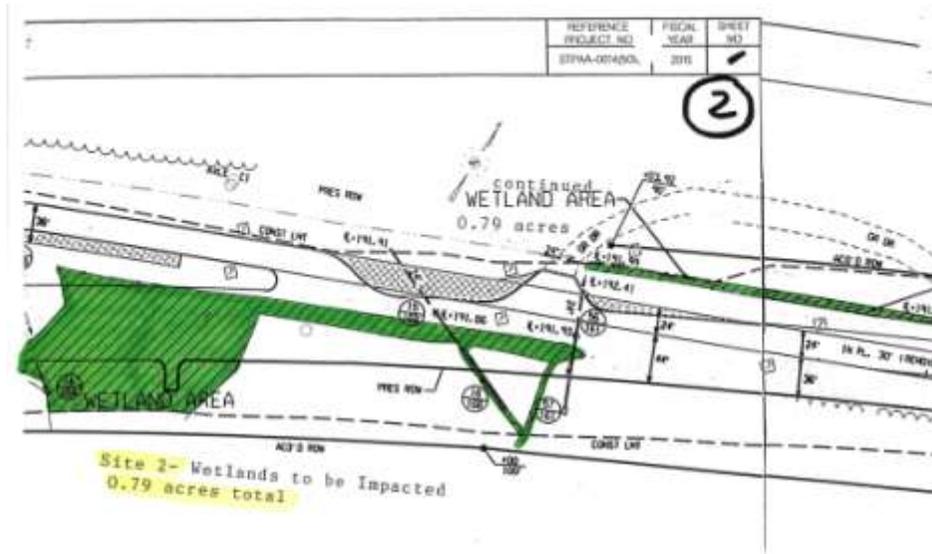


Figure 5: Proposed Impacts Near SR-14/SR-143 Intersection

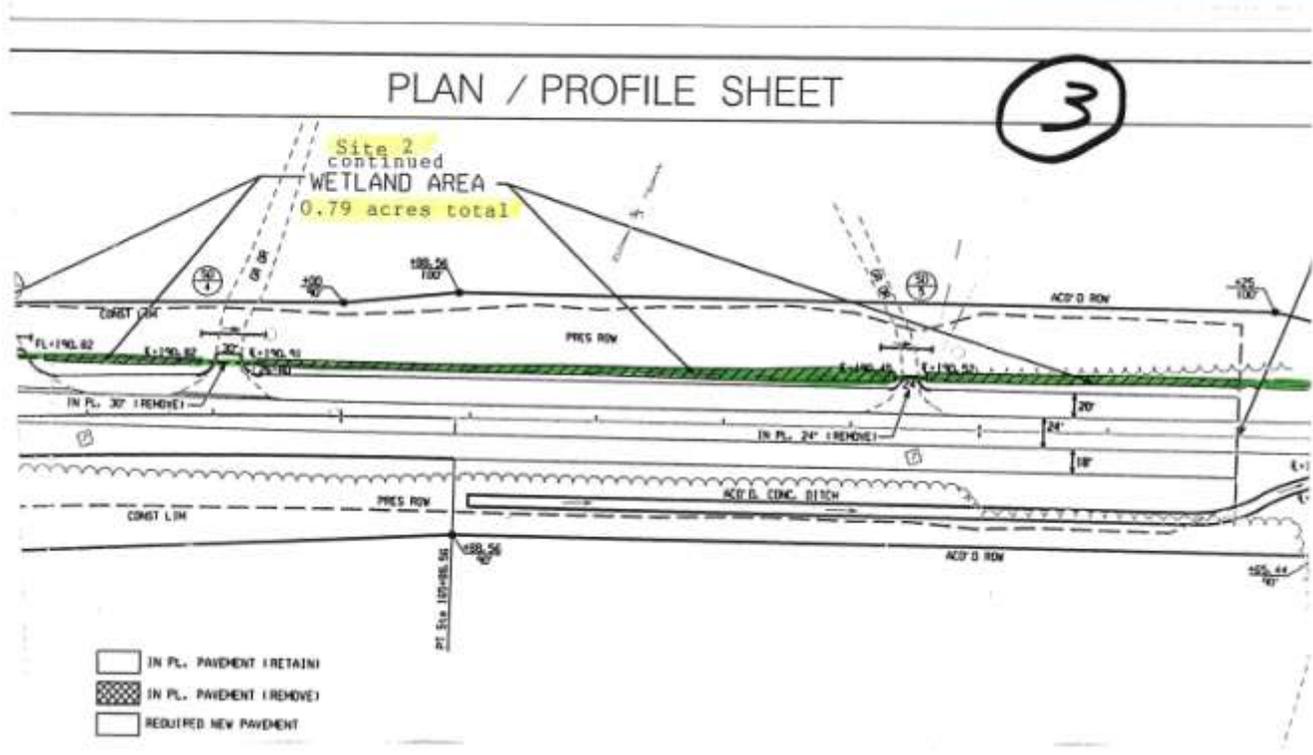


Figure 6: Proposed Impacts Near SR-14/SR-143 Intersection