



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
MONTGOMERY FIELD OFFICE
605 MAPLE STREET
BUIKING 1429, ROOM 105
MAXWELL AIR FORCE BASE, ALABAMA 36112

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PUBLIC NOTICE NO. SAM-2015-00428-JSC

April 30, 2015

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 FOR THE DEVELOPMENT OF AN INDUSTRIAL
LOT IN LEE 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: Opelika Industrial Development Authority
Attention: Ms. Lori Huguley
Post Office Box
Auburn, Alabama 36832

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

LOCATION: The 50 acre Golden State Foods parcel contains approximately 2.29 acres of wetlands and 705 linear feet of intermittent and ephemeral streams, which drain to Halawakee Creek. The property is located within the existing Northeast Opelika Industrial Park in Opelika, Lee County, Alabama. Specifically, the site is located at latitude 32.713° North and longitude 85.310° West in Section 23, Township 20 North, Range 27. The area is depicted on the Opelika East, Alabama Quadrangle; United States Geological Survey Topographic Map and is situated within the Middle Chattahoochee – Lake Harding watershed (HUC 03130002).

PROPOSED WORK: The applicant is seeking authorization for the discharge of fill material into waters of the U.S. (WOUS). The purpose of the proposed work is the development of the Golden State Foods industrial parcel and supporting

infrastructure. Activities associated with the proposed project include the extension of Northpark Drive, construction of an access road, and construction of a storm water retention pond. According to the applicant, the project, as proposed, would require the discharge of fill material into 2.28 acres (ac) of wetlands, 311 linear feet (lf) of intermittent stream and 71 lf of ephemeral stream; the piping of 162 lf of intermittent stream; and the impounding of 161 lf of intermittent stream. Proposed work in WOUS is detailed in the following table.

Proposed Project Impacts

Resource ID	Impact amount	Classification	Impact Type
Stream 1	162 lf	R4	pipe
Stream 1	208 lf	R4	fill for dam and pond
Stream 1	161 lf	R4	impoundment
Stream 2	53 lf	R6	pipe (grading work)
Stream 2	90 lf	R6	fill (access road)
Stream 3	18 lf	R6	fill (grading work)
Stream 4	13 lf	R4	Fill (road extension)
Wetlands	2.28 ac	PEM	fill associated with all proposed activities

AVOIDANCE AND MINIMIZATION: According to the applicant, during site planning and design, efforts were made to achieve avoidance and minimization of impacts to WOUS. Moreover, the applicant asserts that due to project space and geometric requirements, some unavoidable impacts are necessary to meet the project's purpose and need. The applicant concluded that minimization of project impacts to WOUS is not practicable. The USACE has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

COMPENSATORY MITIGATION: The applicant proposes to mitigate for unavoidable impacts to WOUS through the purchase mitigation credits from a USACE approved mitigation bank.

WATER QUALITY CERTIFICATION: 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, 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 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; 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 received are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments received are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments received are also used to determine the need for a public hearing and 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 discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

A 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 will not affect listed endangered or threatened species, or their critical habitat. A copy of this notice is being sent to the U.S. Fish and Wildlife Service.

The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. This review will constitute the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a

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potential exists for the location of significant sites or properties within the project area. A copy of this notice is being sent to the State Historic Preservation Officer.

Any correspondence concerning this publication should refer to this Public Notice **SAM-2015-00428-JSC** and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile
Regulatory Division, Montgomery Field Office
Attention: James S. Cherry, II
605 Maple Street
Building 1429, Room 105
Maxwell, AFB, Alabama 36112

with a copy to the :

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

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

Enclosed to assist you with your review are: Location map; Topographic map; Project layout figure; Proposed Impact figure.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at james.s.cherry@usace.army.mil or telephone number (334) 953-2172. Please refer to the above Public Notice number.

For additional information about the Mobile District's Regulatory Program, please take a moment to visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, while there please take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

Enclosure(s)

MOBILE DISTRICT
U.S. Army Corps of Engineer

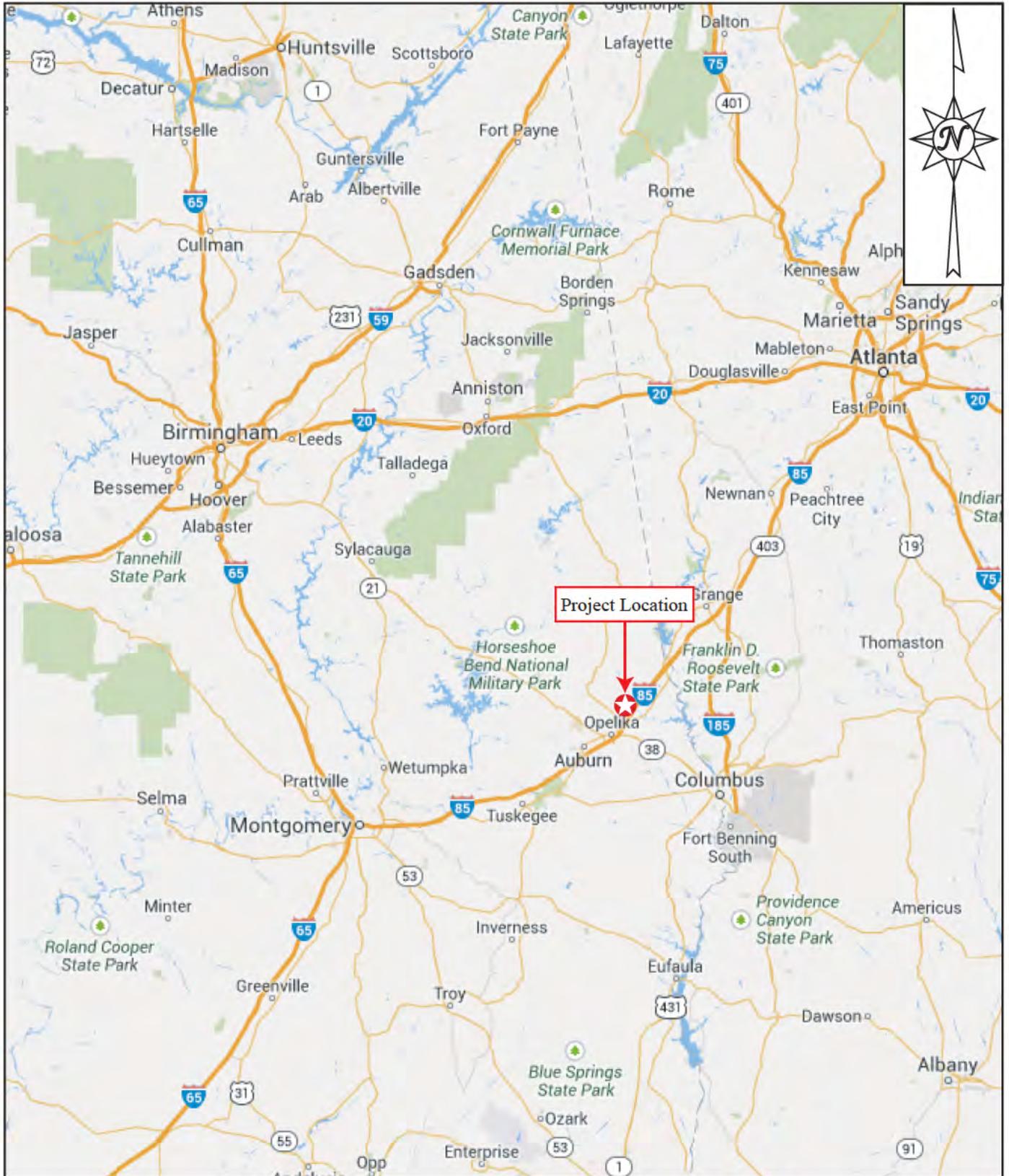


Figure 1: Vicinity Map
 Northeast Opelika Industrial Park - Project Seal
 Lee County, Alabama
 Source: Google Maps
 BioResources Project No. WL15-276
 Approximate Scale: 1" = 25 miles



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

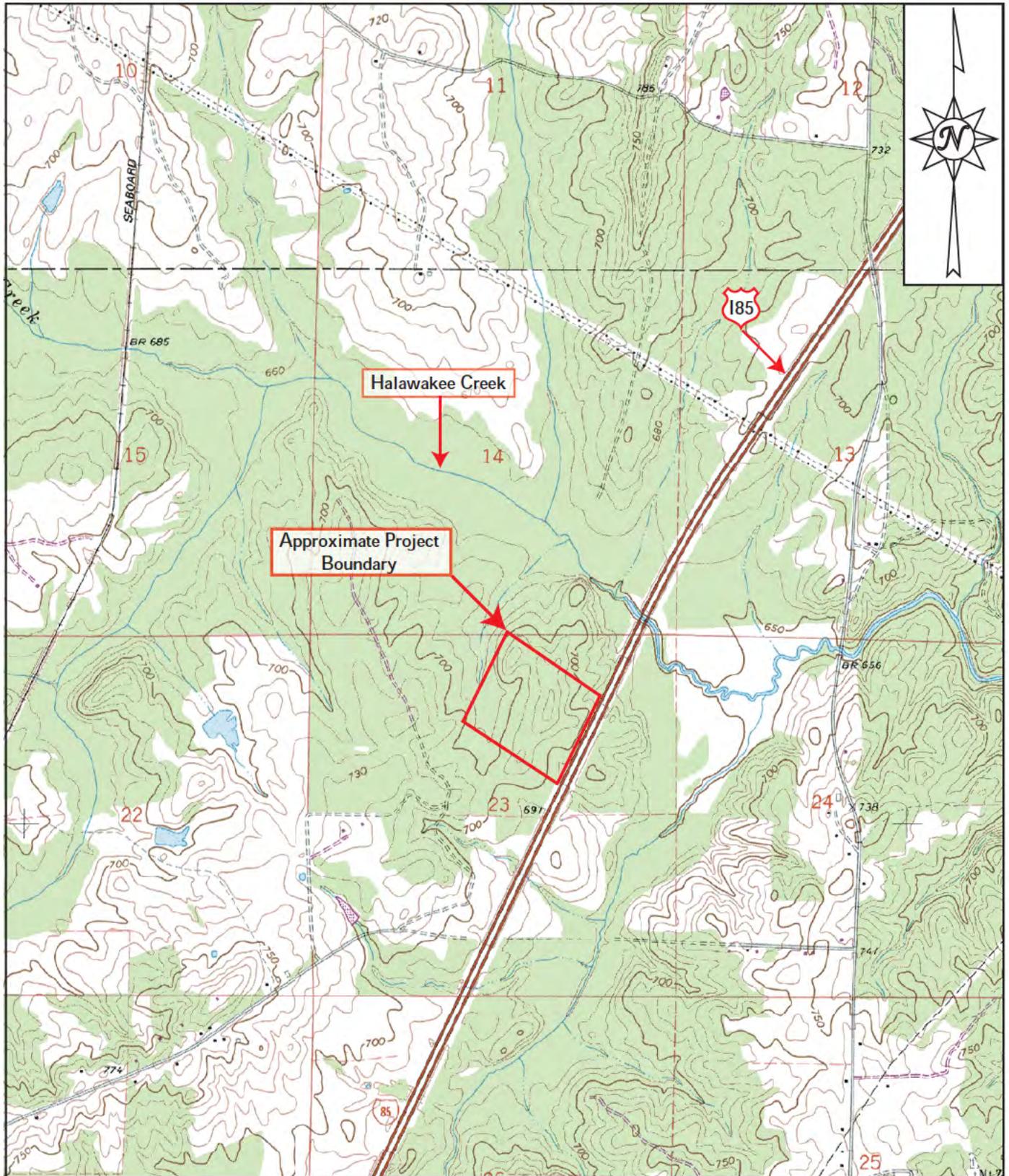


Figure 2: Site Location Map
 Northeast Opelika Industrial Park - Project Seal
 Lee County, Alabama
 Opelika East, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL15-276
 Scale: 1" = 2000'



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