



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-2015-00532-CMS

February 29, 2016

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

**AFTER-THE-FACT PERMIT REQUEST FOR THE DISCHARGE OF FILL MATERIAL IN
WATERS OF THE UNITED STATES ASSOCIATED WITH SAND AND GRAVEL
EXTRACTION IN ELMORE 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: Allstate Materials
Attention: Mr. Joe E. Powell
Post Office Box 61135
Birmingham, Alabama 35226

AGENT: Larry E. Speaks and Associates, Inc.
Attention: Mr. Clint Davis
535 Herron Street
Montgomery, Alabama 36104

LOCATION: The proposed project is located on 260 acres near Holtville, Elmore County, Alabama (32.665634, -86.367011) within Sections 32 and 33, Township 20 North, Range 17 East and Sections 4 and 5, Township 19 North, Range 17 East. The project is located within the Lower Coosa watershed (HUC 03150107). The 260 acre parcel contains approximately 95.61 acres of wetlands, 0.55 acre of open water, 855 linear feet of ephemeral stream, 4,679 linear feet of intermittent stream, and 4,664 linear feet of perennial stream.

PROJECT PURPOSE: The basic project purpose is sand and gravel extraction.

WORK: The applicant is seeking after-the-fact authorization for the discharge of fill material into waters of the United States. The unauthorized impacts involved the

discharge of fill material into 2.97 acres of wetlands and 400 linear feet of ephemeral stream for stream re-location. In addition to the referenced direct impacts, the project will result in the loss of aquatic resource functions due to indirect effects caused by the excavation of approximately 69.17 acres of wetlands to extract the desired minerals.

AVOIDANCE & MINIMIZATION: According to the applicant, all streams will be avoided in the future mining operation at the site. The project will avoid 455 linear feet of ephemeral stream, 4,649 linear feet of intermittent stream, and 4,664 linear feet of perennial stream. Wetland impacts will be minimized by providing stream buffers around all of the un-impacted streams. Approximately 23.47 acres of wetlands will not be impacted. The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The ephemeral stream that was re-located was assessed using the 2012 Mobile District Compensatory Stream Mitigation Standard Operating Procedures and Guidelines to calculate necessary compensation for function loss. The applicant would be required to provide at least 372 stream credits to compensate for stream function loss. The applicant proposes to mitigate for the stream impact through the purchase of stream credits from an approved mitigation bank. The applicant proposes to mitigate for unavoidable wetland impacts through on-site permittee responsible mitigation. The USACE has not verified the adequacy of the applicant's proposed mitigation at this time.

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, 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: Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the following listed species may occur within the project area: Southern clubshell (*Pleurobema decisum*), wood stork (*Mycteria americana*), and Alabama canebrake pitcher plant (*Sarracenia rubra ssp. alabamensis*). A copy of this public notice is being sent to the U.S. Fish and Wildlife Service.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2015-00532-CMS 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>, 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 Engineers

Enclosures

Google Maps 32°39'56.3"N 86°22'01.2"W



Map data ©2016 Google 1 mi

32°39'56.3"N 86°22'01.2"W

Google Maps

Figure 1
 Site Locator Map
 SAM-2015-00532-CMS
 Allstate Materials
 Sand and Gravel Operation-
 Dean Tract
 Possum Trot Road

Allstate Materials, LLC
 Dean Tract
 Located in Section 32 & 33, T-20-N, R-17-E
 and in Section 4 & 5, T-19-N, R-17-E
 Marbury & Holtville Quadrangles
 Elmore County, Alabama

Water of the US

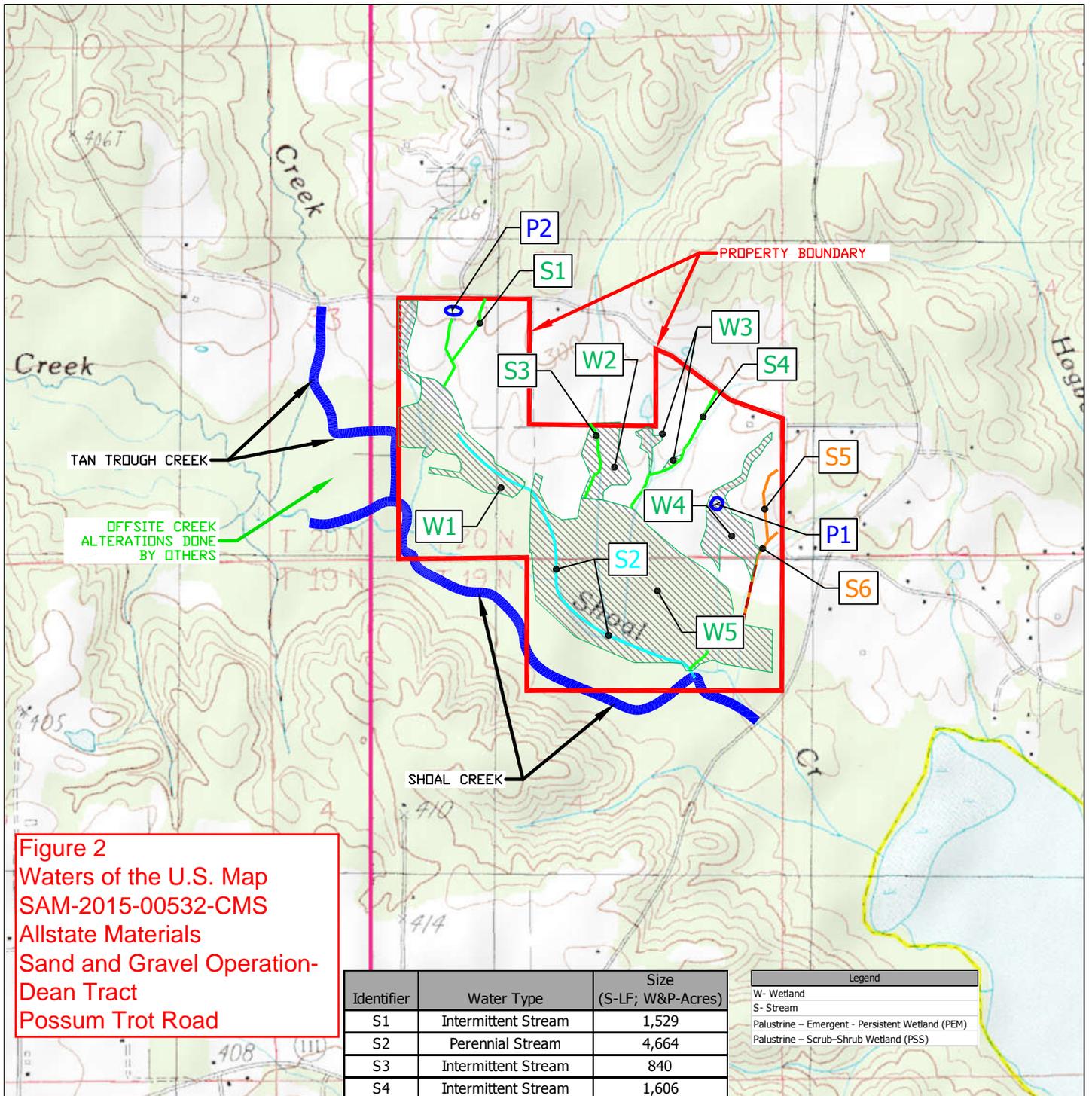


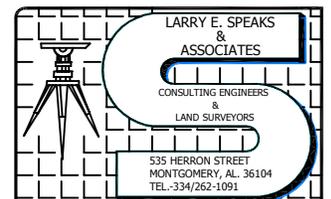
Figure 2
 Waters of the U.S. Map
 SAM-2015-00532-CMS
 Allstate Materials
 Sand and Gravel Operation-
 Dean Tract
 Possum Trot Road

Identifier	Water Type	Size (S-LF; W&P-Acres)
S1	Intermittent Stream	1,529
S2	Perennial Stream	4,664
S3	Intermittent Stream	840
S4	Intermittent Stream	1,606
S5	Intermittent Stream	704
S6	Ephemeral Stream	855
W1	(PEM)	14.8
W2	(PEM)	6.42
W3	(PEM)	1.3
W4	(PEM)	8.29
W5	(PSS)	64.8
P-1	Open Water	0.28
P-2	Open Water	0.27

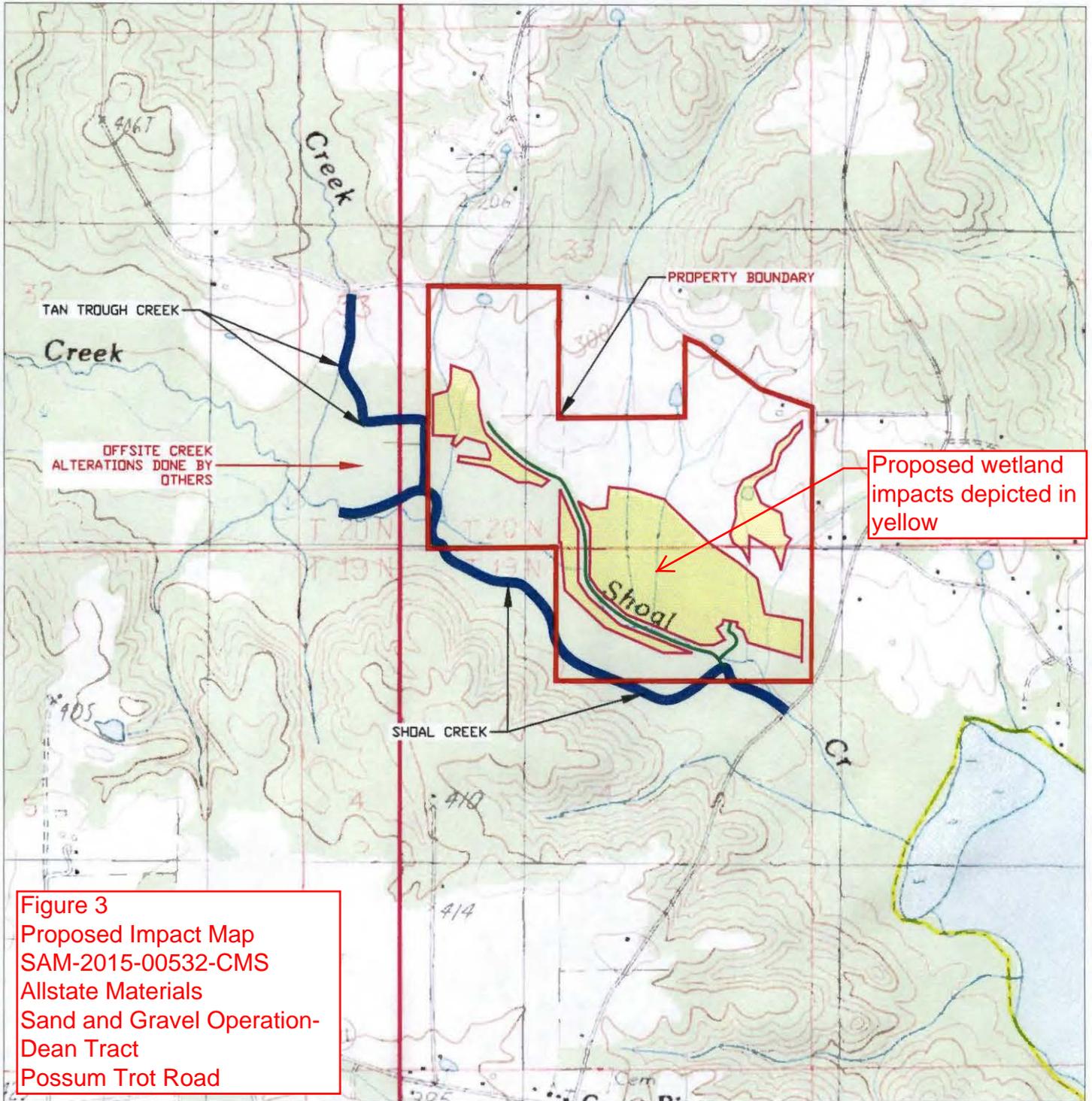
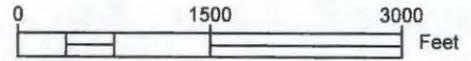
Legend	
W	Wetland
S	Stream
	Palustrine – Emergent - Persistent Wetland (PEM)
	Palustrine – Scrub-Shrub Wetland (PSS)

- Wetland
- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- Pond - Open Water

Date: 2/18/2016
 Date: 12/2/2015



Allstate Materials, LLC
Dean Tract
Located in Section 32 & 33, T-20-N, R-17-E
and in Section 4 & 5, T-19-N, R-17-E
Marbury & Holtville Quadrangles
Elmore County, Alabama



Proposed Impacts

Date: 12/2/2015

