



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

REPLY TO
ATTENTION OF

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2015-01161-DEM

October 30, 2015

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

**PROPOSED DISCHARGE OF FILL MATERIAL FOR THE DEVELOPMENT OF A
COMMERCIAL RETAIL FACILITY IN ENTERPRISE, COFFEE 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: **Perlis Nease Enterprise AL, LLC**
Attention: Mr. Jarrett Nease
1220 East 16th Avenue
Cordele, Georgia 31015

AGENT: **Wetland Resources Environmental Consulting**
Attention: Ms. Gena Todia
Post Office Box 2694
Daphne, Alabama 36532

LOCATION/WATERS: The project is located at the northwest corner of Boll Weevil Circle and Highway 27, Latitude 31.3308° North and Longitude -85.8396°, Section 10, Township 4 North, Range 22 East, Enterprise, Coffee County, Alabama.

WORK: The project purpose is commercial and retail development. The applicant is seeking authorization for the discharge of fill material into waters of the United States for purposes constructing a commercial retail facility with parking lot. These activities would impact approximately 2.86 acres of low quality bottomland hardwood wetlands and approximately 595 linear feet of perennial stream channel.

AVOIDANCE & MINIMIZATION: The applicant stated alternate sites and arrangements were considered and that the proposed location was chosen based on ability to meet project requirements and reduction in wetland and stream impacts.

Best management practices would be employed to minimize off-site sedimentation or water quality concerns. The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.

MITIGATION: The applicant proposes to compensate for the unavoidable loss of wetlands and perennial stream by purchasing the appropriate number of mitigation credits from an approved wetland and stream mitigation bank within the service area. The USACE has not verified the adequacy of the applicant's compensatory mitigation plan at this time.

WATER QUALITY: The applicant has applied for State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to WQC will be made by the Alabama Department of Environmental Management (ADEM).

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 effect cultural and historic properties within the permit area. We are seeking comment from the Alabama Historical Commission (AHC) regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the USACE has determined that the project as proposed would have "no potential to cause effects". The USACE will consult with the AHC to make a final determination based upon this review 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 potential exists for the location of significant sites or properties within the permit area.

ENDANGERED/THREATENED SPECIES: A habitat assessment of the proposed development site was conducted by the agent of record and coordinated with the U.S. Fish and Wildlife Service (FWS) by letter dated September 24, 2015. By letter (2015-TA-0858) dated October 20, 2015, the FWS provided conservation recommendations for listed species near the project area. Preliminary review of this application, habitat survey results along with FWS conservation recommendations, and the U.S. Department of the Interior List of Endangered and Threatened Species indicates that the proposed activity will not affect any listed endangered or threatened species or their critical habitat. Copies of this public notice are being sent to the FWS for review and comment.

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 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2015-01161-DEM** and should be directed to the **USACE, Mobile District, Regulatory Division, Attention: Mr. Don Mroczko, Post Office Box 2288, Mobile, Alabama 36628-0001**, with a copy furnished to the **ADEM, Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608**.

All 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, Mr. Mroczko at **(251) 690-3185** or by email at donald.e.mroczko@usace.army.mil. Please refer to the Public Notice Number **SAM-2015-01161-DEM**.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

**JOINT APPLICATION AND NOTIFICATION
U.S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

Applicant: Perlis Nease Enterprise AL, LLC
C/O: Jarrett Nease
1220 E. 16th Avenue
Cordele, GA 31015
Office:
E-mail: jarrettnease@yahoo.com

Agent: WETLAND RESOURCES
Environmental Consulting
C/O: Gena Todia
Post Office Box 2694
Daphne, Alabama 36526
Office: (251) 928-6157
Cell: (251) 402-6055
E-mail: jaget@zebra.net

5. PROJECT DESCRIPTION. The proposed 10.64-acre project site is located at the northwest corner of Boll Weevil Circle and State Hwy. 27, a main intersection in the town of Enterprise, Coffee Co., Alabama. Commercial development of the property includes a primary retail building of 55,125 SF and two additional retail buildings (5,400 SF and 7,500 SF), for a total of 68,025 SF of retail space. Based on square footage, a total of 358 parking spaces will be required, along with driving lanes and access to the development from both Boll Weevil Circle and State Hwy. 27. Unavoidable impacts include 2.86 acres of low quality wetlands and 595 linear ft. of perennial stream channel.

7. HOW WILL DISCHARGE MATERIAL BE CONTAINED? (INCLUDE EROSION CONTROL MEASURES, LEVEES, ETC.) This project requires an NPDES permit from the Alabama Dept. of Environmental Management, which will require development of a Construction Best Management Practices Plan. The Plan will include drawings and a narrative description of erosion control and soil stabilization measures that are to be implemented and maintained throughout site development until project completion and full stabilization of the site.

9. DESCRIBE THE PURPOSE AND PUBLIC BENEFIT, IF ANY, OF THE PROJECT. DESCRIBE THE RELATIONSHIP BETWEEN THE PROJECT AND ANY SECONDARY OR FUTURE DEVELOPMENT OF THE PROJECT IS DESIGNED TO SUPPORT. The project purpose is to develop a retail shopping center. The public will benefit by gaining additional shopping opportunities and alternatives that are conveniently located along a primary thoroughfare in the town of Enterprise. No secondary or future development is planned.

11. NAMES AND ADDRESS OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ALSO ADJOINS THE WATERWAY. ALSO IDENTIFY THE OWNERS ON THE PALN VIEWS IN ATTACHMENT. See the enclosed map showing adjoining property owners, numbered on the map as follows:

- (1) Skybound Development, LLC
106 Adrix Place
Dothan, AL 36301
- (2) William & Gail Hildreth
P.O. Box 311425
Enterprise, AL 36631
- (3) Wayne & Mary Roberts
105 Holly Hills Rd.
Enterprise, AL 36630
- (4) Albert & Jennifer Grimes
107 Holly Hill Rd.
Enterprise, AL 36630
- (5) William & Gail Hildreth
P.O. Box 311425
Enterprise, AL 36631

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- (6) David & Jennifer Martin
4232 Patio Place
Montgomery, AL 36109
- (7) Thad W. Morgan
700 Tartan Way
Enterprise, AL 36630

Other Information

Wetland Delineation. Wetlands were identified and delineated on this property in June 2015 by Wetland Resources. The wetland boundaries were located by a professional land surveyor and overlain on the property survey plat. Wetland determination data forms and the Corps' Approved Jurisdictional Determination Forms were completed. The delineation was submitted to the Corps of Engineers for verification and issuance of a jurisdictional determination, which was issued in a letter dated August 31, 2015 (SAM-2015-00944-JEB, copy enclosed).

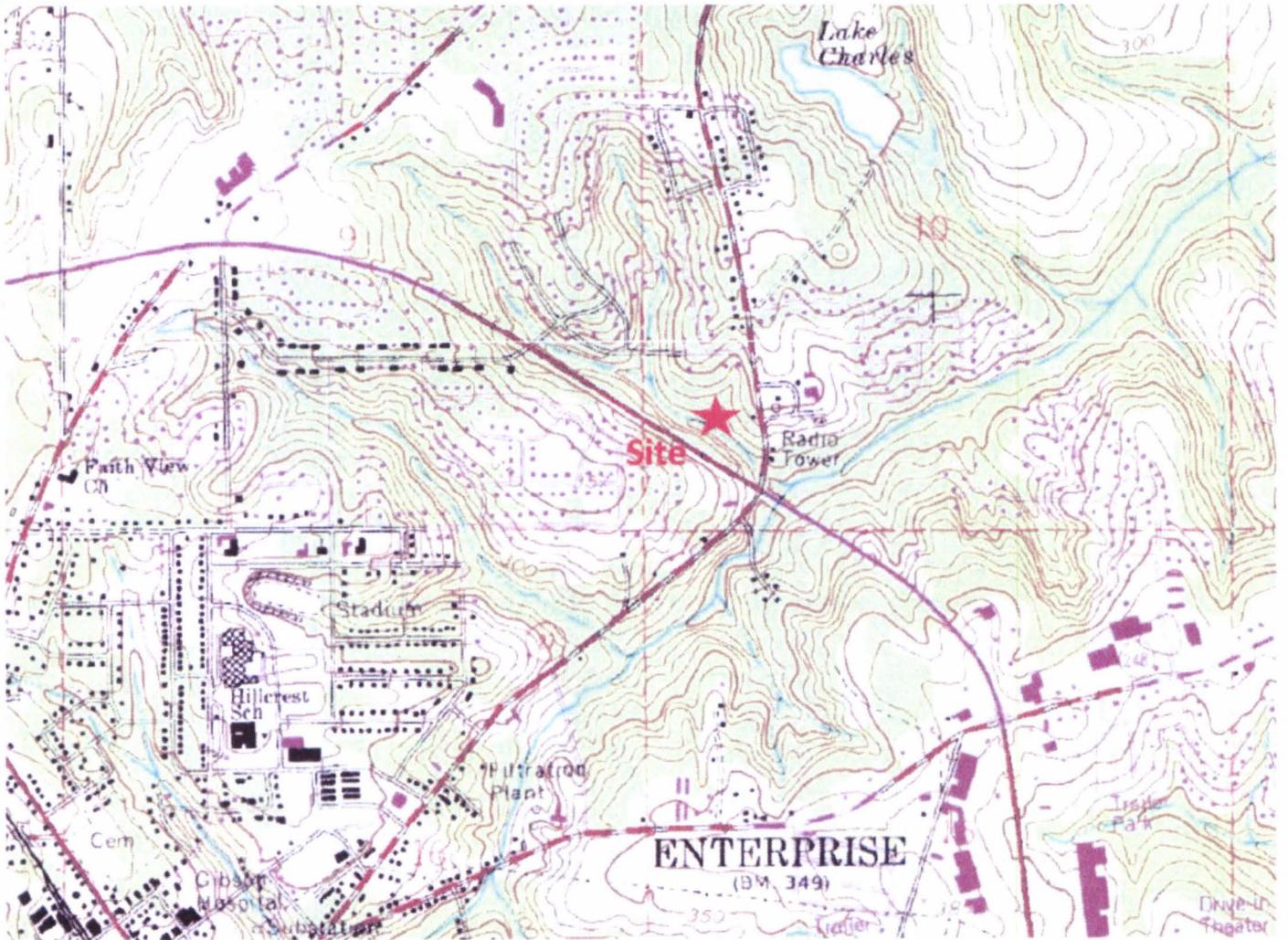
Cultural Resources Assessment. A cultural resources assessment has not been conducted.

Federally Listed Species. A letter has been submitted to the U.S. Fish & Wildlife Service requesting concurrence that no federally protected species will be affected by the project. The Service's response will be provided to the assigned project manager.

Alternative Analysis.

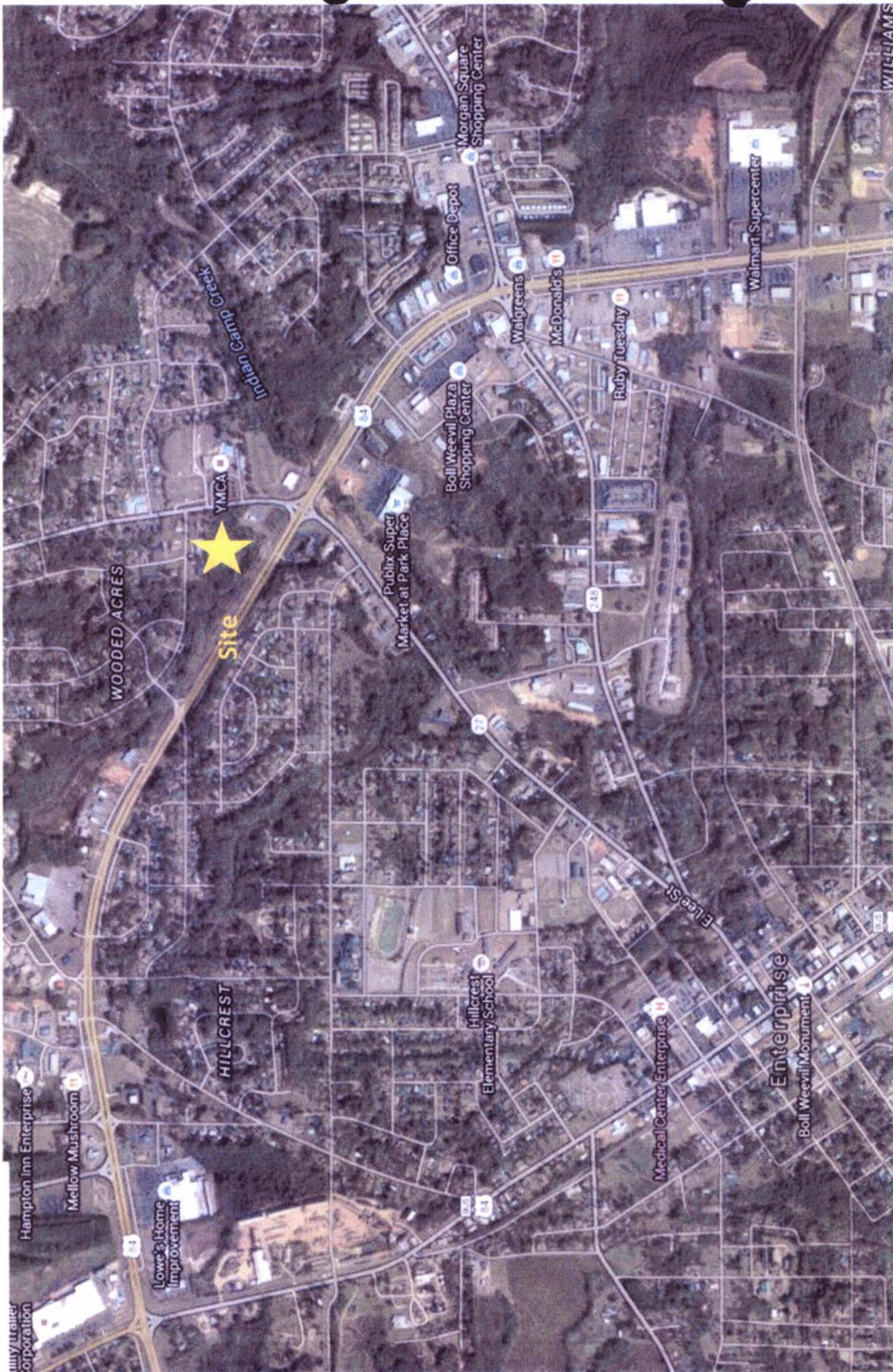
- Initial Project Requirements-
 - 55,000 SF primary retail building with approximately 20,000 SF of additional retail space.
 - Parking - 5 spaces/1,000 SF = 375 spaces.
 - Access to 2 primary highways.
- Modified Project Requirements-
 - 55,000 SF primary retail building with approximately 12,900 SF of additional retail space (overall space reduction of 7,100 SF).
 - Parking reduced from 375 spaces to 358 spaces.
 - Access to 2 primary highways.
- Alternative Sites Considered-
 - Daleville Avenue – Parcel is approximately 4 acres in size and the project requirements could not be met.
 - Rucker Blvd. & Dixie Drive – Approximately 5.5 acre parcel with an existing facility. Major renovations to the facility were considered; however, project requirements could not be met and there were complications with terminating existing leases.
- Alternative Site Plan-
 - The attached alternative site plan was closer to the initial project requirements with additional retail space, which resulted in additional wetland and stream impacts compared to the site plan included in the permit application. The developer agreed to scale back the initial project requirements to minimize the wetland and stream impacts.

Mitigation. Wetland Rapid Assessment Procedure (WRAP) was used to conduct a functional assessment of wetlands that are proposed to be impacted. The WRAP score was determined to be 36.81%, which falls within the low quality range. The Adverse Impact Factors for Riverine Systems Worksheet was completed for the segment of stream that is to be filled and relocated. It was determined that 2020.33 stream mitigation credits will be required, plus any required out-of-basin multiplier and penalty. Wetland and stream credits will be purchased from an approved mitigation bank following issuance of the permit.



USGS Topographic Map
Perlis Nease Enterprise AL, LLC
Enterprise, Coffee Co., Alabama





Vicinity Map
Perlis Nease Enterprise AL, LLC
Enterprise, Coffee Co., Alabama

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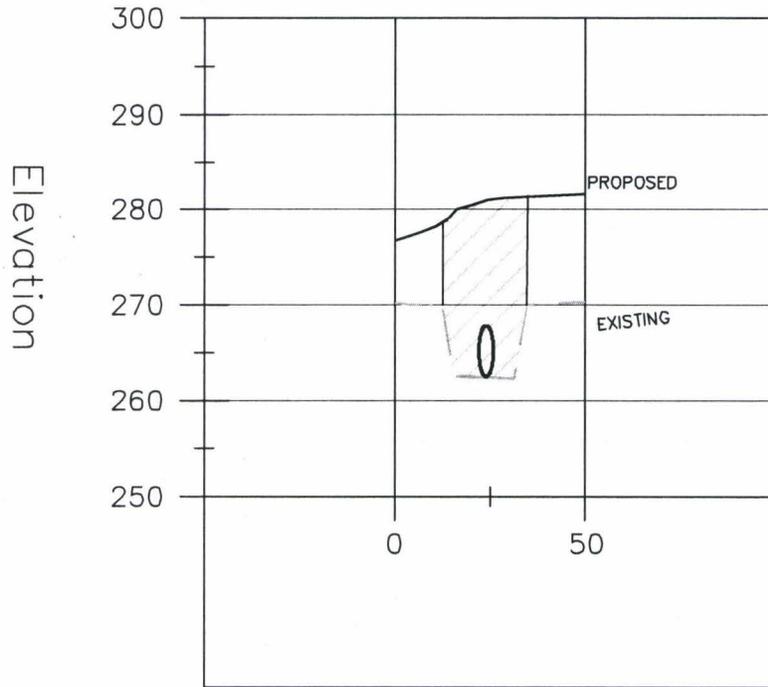


Kern & Co., LLC

Consulting Engineers • Land Surveyors • Land Planners
Architects • Landscape Architects • Environmental Scientist

7 Mall Court (31406) • P.O. Box 15179 • Savannah, Georgia 31416
Phone: (912) 354-8400 Fax: (912) 356-1865 Email: info@kernengineering.com

WETLAND B-B PROFILE



VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE: 1"=50'

 PIPE-STREAM FILL

SCALE: 1" = 200'
PROJECT NO: 140341
DATE: 9/15/15
DRAWN BY: CRZ
CHECKED BY: CRZ

DRAWING TITLE:
**WETLAND
EXHIBIT**

A WETLAND EXHIBIT OF
ENTERPRISE PLACE SHOPPING CENTER
ENTERPRISE, AL

SHEET NO:
3/3

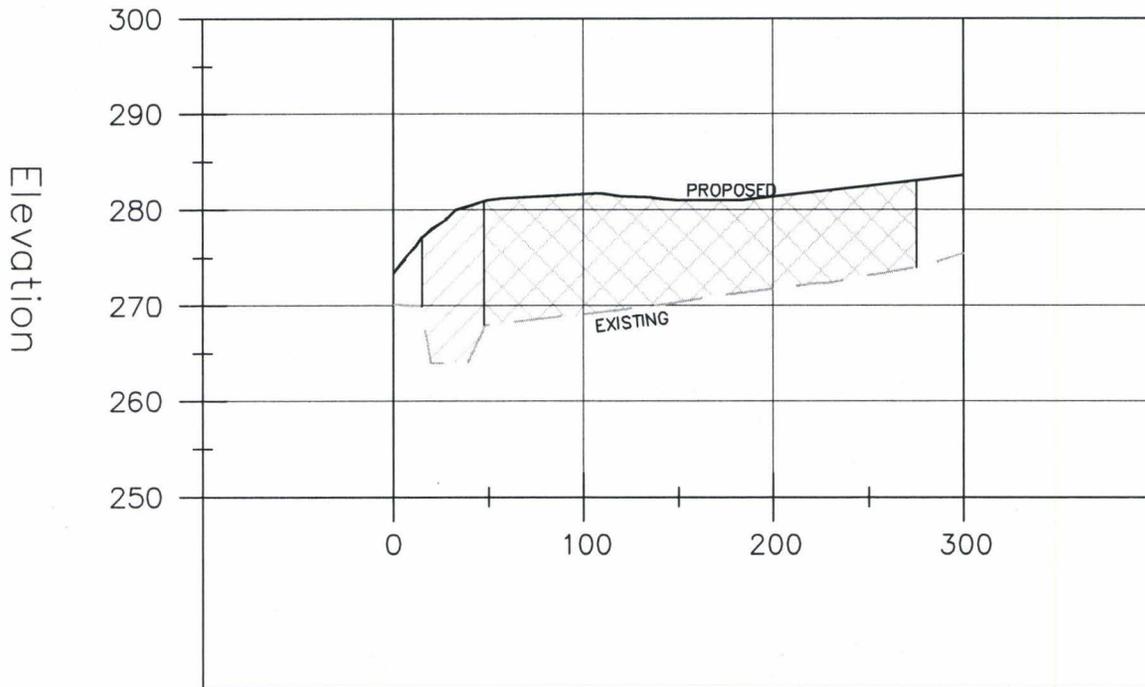


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WETLAND A-A PROFILE



VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE: 1"=100'

-  STREAM FILL
-  WETLAND FILL

SCALE: 1" = 200'
PROJECT NO: 140341
DATE: 9/15/15
DRAWN BY: CRZ
CHECKED BY: CRZ

DRAWING TITLE:
WETLAND EXHIBIT

A WETLAND EXHIBIT OF
ENTERPRISE PLACE SHOPPING CENTER
ENTERPRISE, AL

SHEET NO:
2/3