



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

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2016-00423-JSC

May 12, 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 COMMERCIAL
DEVELOPMENT IN MACON 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: Mr. Frank Thomas
2855 Zelda Road
Montgomery, Alabama 36101

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

LOCATION: The 5.88 acre parcel contains 3.02 acres of wetlands. Surface water from the site drains in a west to southwesterly direction in the general direction of Cubahatchee Creek (HUC 0315011006). The property is located off of Interstate 85 (Exit 22) near Shorter, Macon County, Alabama. The site is further described as being located in Section 33, Township 17 North, Range 21 East and having center coordinates of latitude 32.409° N and longitude 85.962° W. The area is depicted on the Shorter, Alabama Quadrangle; United States Geological Survey Topographic Map and is situated within the Lower Tallapoosa watershed (HUC 03150110).

PROPOSED WORK: The applicant is seeking authorization for the discharge of fill material into waters of the U.S. (WOUS) for the construction of a commercial development. The proposed work would involve the construction of a hotel, a traditional restaurant, and a fast food restaurant. The proposed work would also

include attendant features and infrastructure such as roads, parking lots, storm drains, field lines, water and other utilities. Specifically, the applicant proposes the discharge of fill material into 2.82 acres of emergent wetlands to perform the requested work.

AVOIDANCE AND MINIMIZATION: According to the applicant, during the planning and design phases efforts were made to achieve avoidance and minimization of impacts to WOUS. Specifically, the applicant considered other off-site alternative parcels for development, as well as on-site avoidance and minimization measures, including adjusting initial designs and revising infrastructure routing. 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 of wetland mitigation credits from an USACE approved mitigation bank within the Lower Tallapoosa watershed. Wetland credit calculations will be performed based on WRAP functional assessments. The USACE has not verified the adequacy of the applicant's compensatory mitigation statement at this time.

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.

EVALUATION: 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.

ENDANGERED 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 endangered or threatened species, or their critical habitat. A copy of this notice is being sent to the U.S. Fish and Wildlife Service.

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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, as well as other concerned citizens and organizations regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. 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-2016-00423-JSC** and should be directed to the following address:

District Engineer:

May 12, 2016

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 and proposed impacts 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

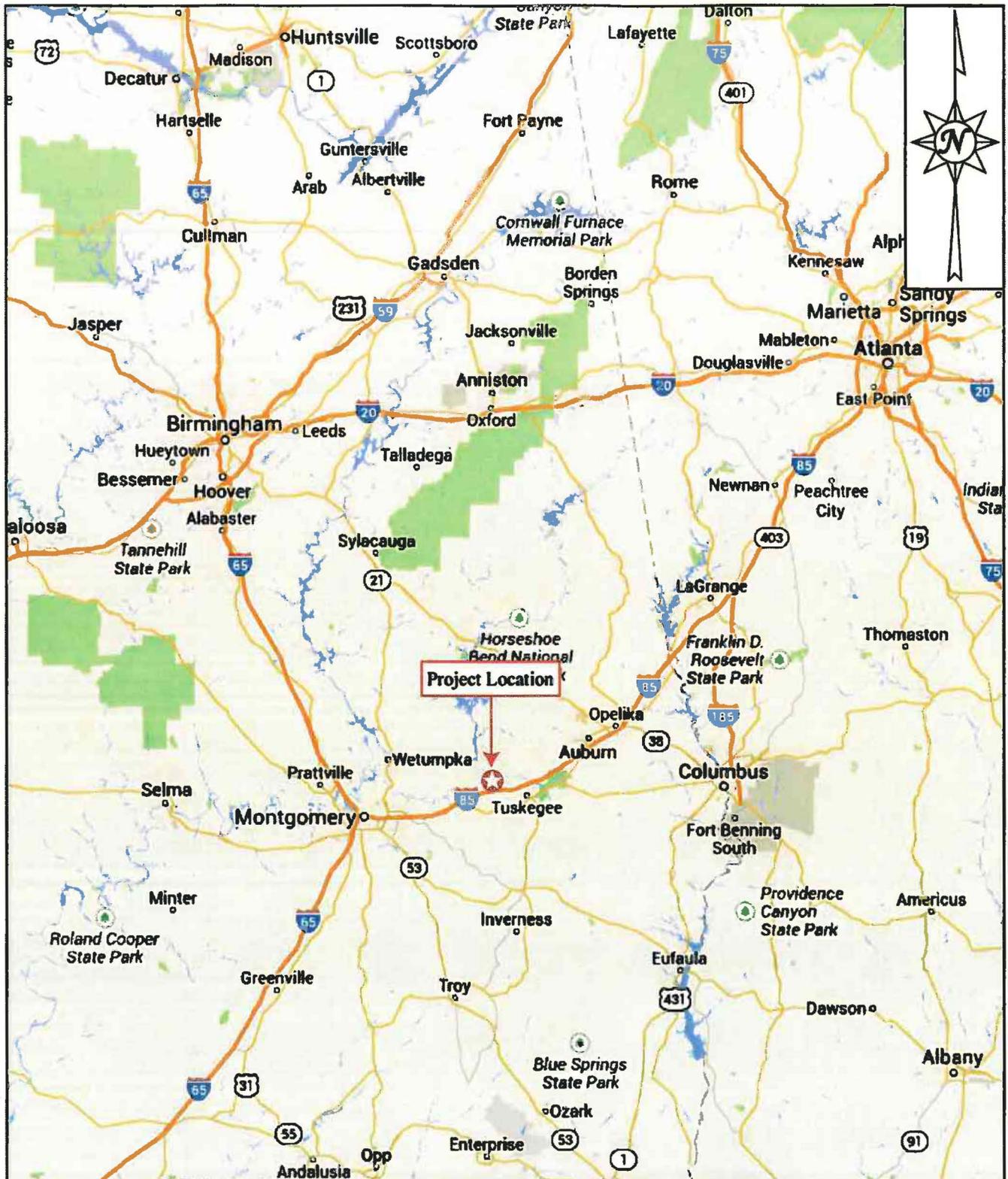


Figure 1: Vicinity Map
 Specific Performance Site
 Shorter, Macon County, Alabama
 Source: Google Maps
 BioResources Project No. WL14-275
 Approximate Scale: 1" = 25 miles



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

SAM-2016-00423-JSC

Location Map -

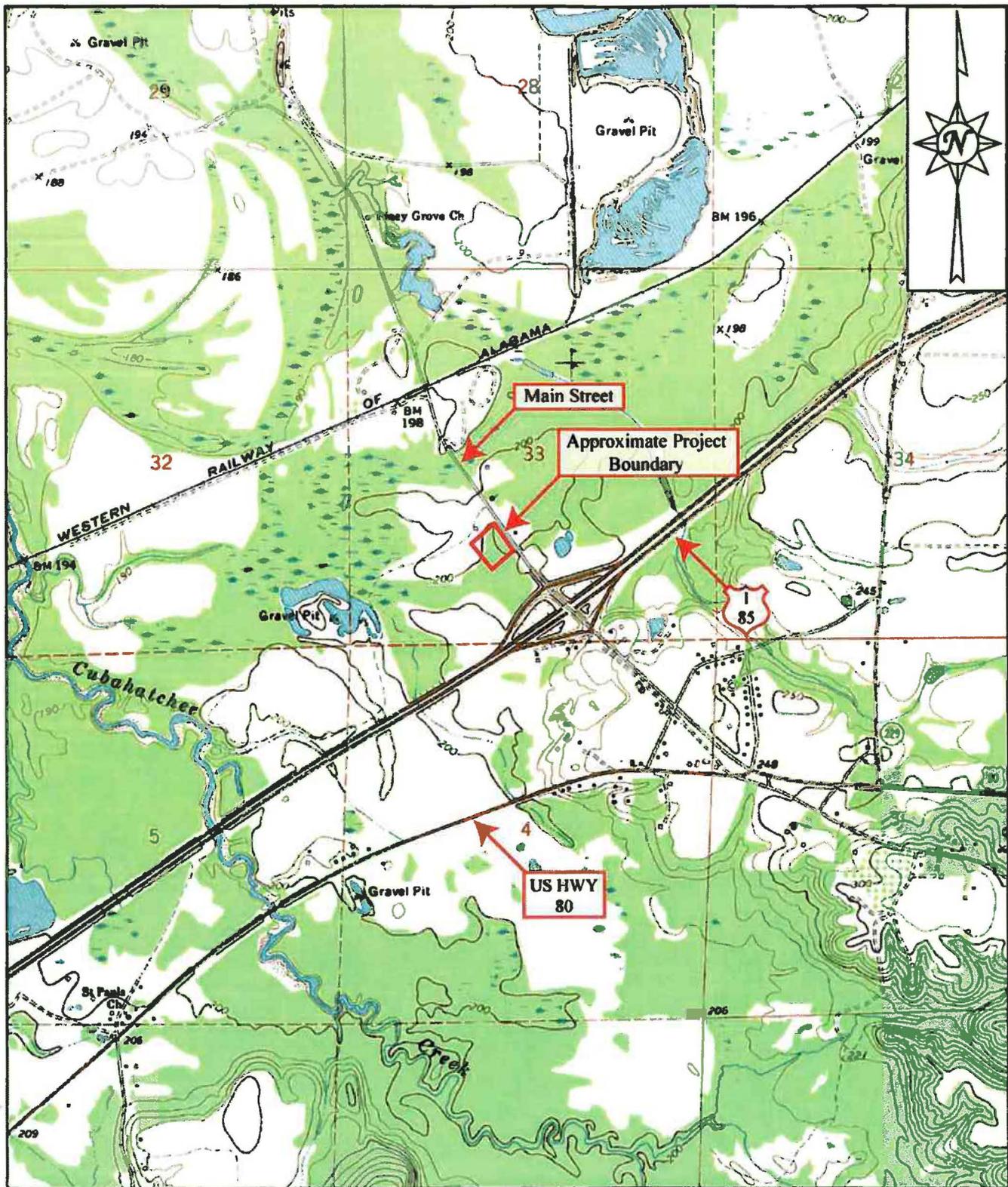
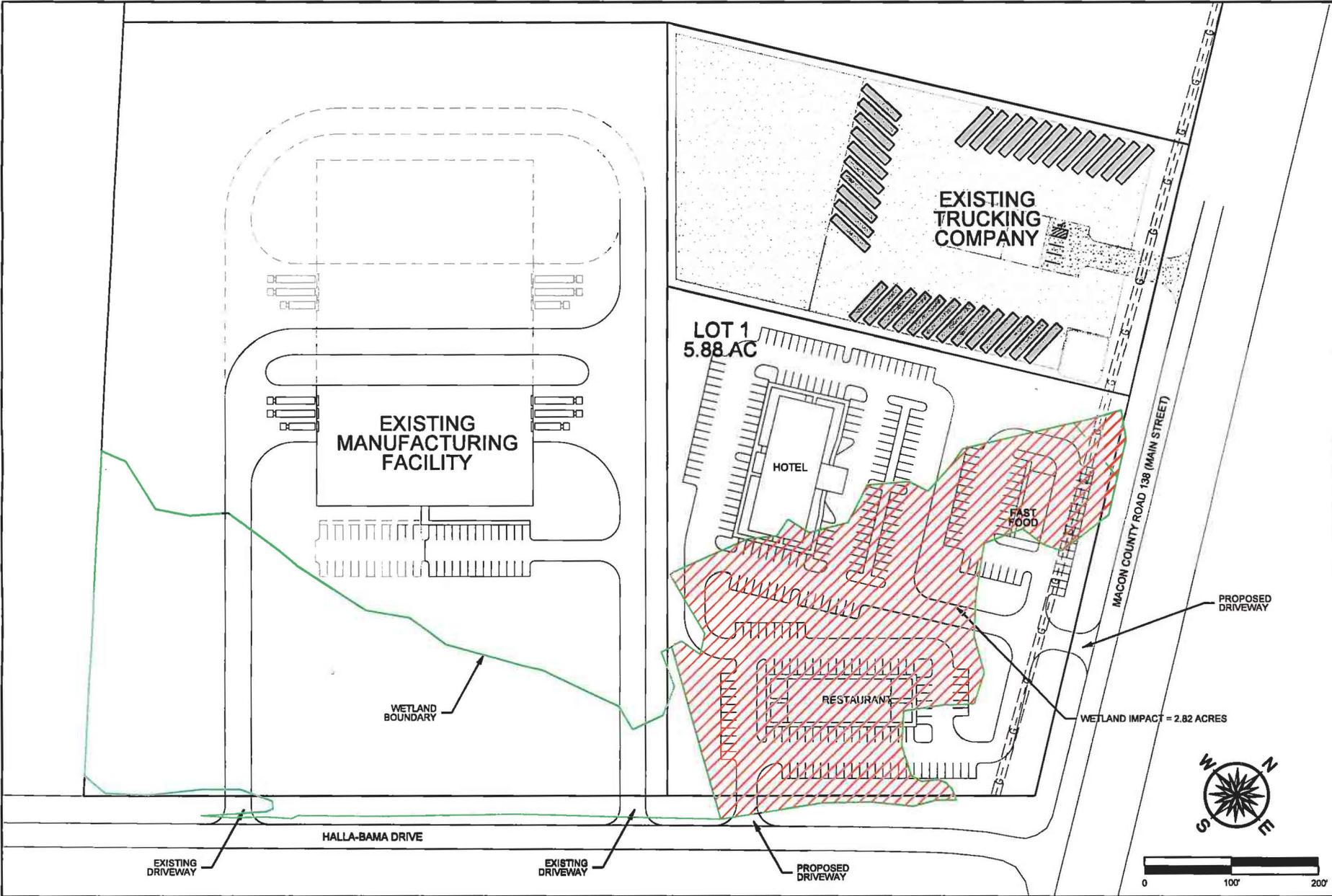


Figure 2: Site Location Map
Specific Performance Site
 Shorter, Macon County, Alabama
 Shorter, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL15-275
 Scale: 1" = 2000'



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



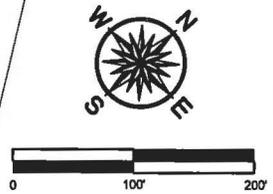
HYDRO ENGINEERING SOLUTIONS A DIVISION OF TRIMBLE
 PO BOX 2688
 2154 MOORE'S MILL ROAD
 ALBANY, ALABAMA 36820
 PH: 334-381-0000

NO.	REVISIONS	DATE
1	SHORTER COMMERCIAL DEVELOPMENT OPTION B FINAL DESIGN WETLAND IMPACTS	02/11/2016

SHORTER COMMERCIAL DEVELOPMENT OPTION B FINAL DESIGN WETLAND IMPACTS

FRANK THOMAS

FEBRUARY 11, 2016
 SCALE: 1" = 100'



SAM-2016-00423-JSC
 Project layout and proposed impacts