



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, AL 35209-4752

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2007-1807-CJH

4 December 2007

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

AFTER-THE-FACT REQUEST FOR A STREAM RELOCATION PROJECT
IN TRUSSVILLE, JEFFERSON 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). Please communicate this information to interested parties.

APPLICANT: Colonial Properties Trust
c/o Charles McNamee
2101 6th Avenue North
Birmingham, Alabama 35203

WATERWAY: The project is located on Pinchgut Creek within Sections 28 and 33, Township 16 South, Range 1 West, Trussville, Jefferson County, Alabama. Center point coordinates are approximately (Latitude 33°36'26" South Longitude 86°38'36" West).

WORK: The relocation of 375 linear feet of Pinchgut Creek and the placement of fill material in .39 acre of wetlands was conducted to prevent the failure of a retaining wall in uplands that was constructed in conjunction with a commercial development, The Pinnacle at Tutwiler Farms. The stream relocation and wetland fill was an emergency activity to prevent further movement of the wall and protect the road and parking area located behind the wall. There were no jurisdictional impacts associated with the original construction activity and there are no proposed activities that will require a Department of the Army authorization. The unauthorized work was conducted on March 26, 2006. The relocated portion of the stream appears to be stable and also shows evidence of aquatic life. The applicant proposes to establish a stream buffer along 1,010 linear feet of Pinchgut Creek, including the relocated portion and conduct in stream activities to provide and enhance aquatic habitat. Native vegetation will also be planted along the restricted buffer area. Wetland mitigation will consist of placing a restrictive covenant on 1.70 acres of wetlands located onsite.

The applicant is currently preparing his 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 U.S. Army Corps of Engineers can be based. For accuracy and

CESAM-RD-I-N
PUBLIC NOTICE NO. SAM-2007-1807-CJH

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 Corps 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 Corps 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.

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. 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, local historical societies, museums, universities, the National Park Service, and concerned citizens 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. The district engineer remains the final decision authority.

Preliminary endangered species surveys have been conducted to determine the presence of Federally listed species or critical habitat. These surveys are being provided to the U.S. Fish and Wildlife service in accordance with the provisions of the Federal Endangered Species Act, to insure that the proposed

CESAM-RD-I -N
PUBLIC NOTICE NO. SAM-2007-1807-CJH

activities will not adversely affect any listed or proposed species.
Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1807-CJH and should be directed to:

U.S. Army Corps of Engineers
Mobile District
218 Summit Parkway, Suite 222
Homewood, AL 35209

with a copy to the:

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

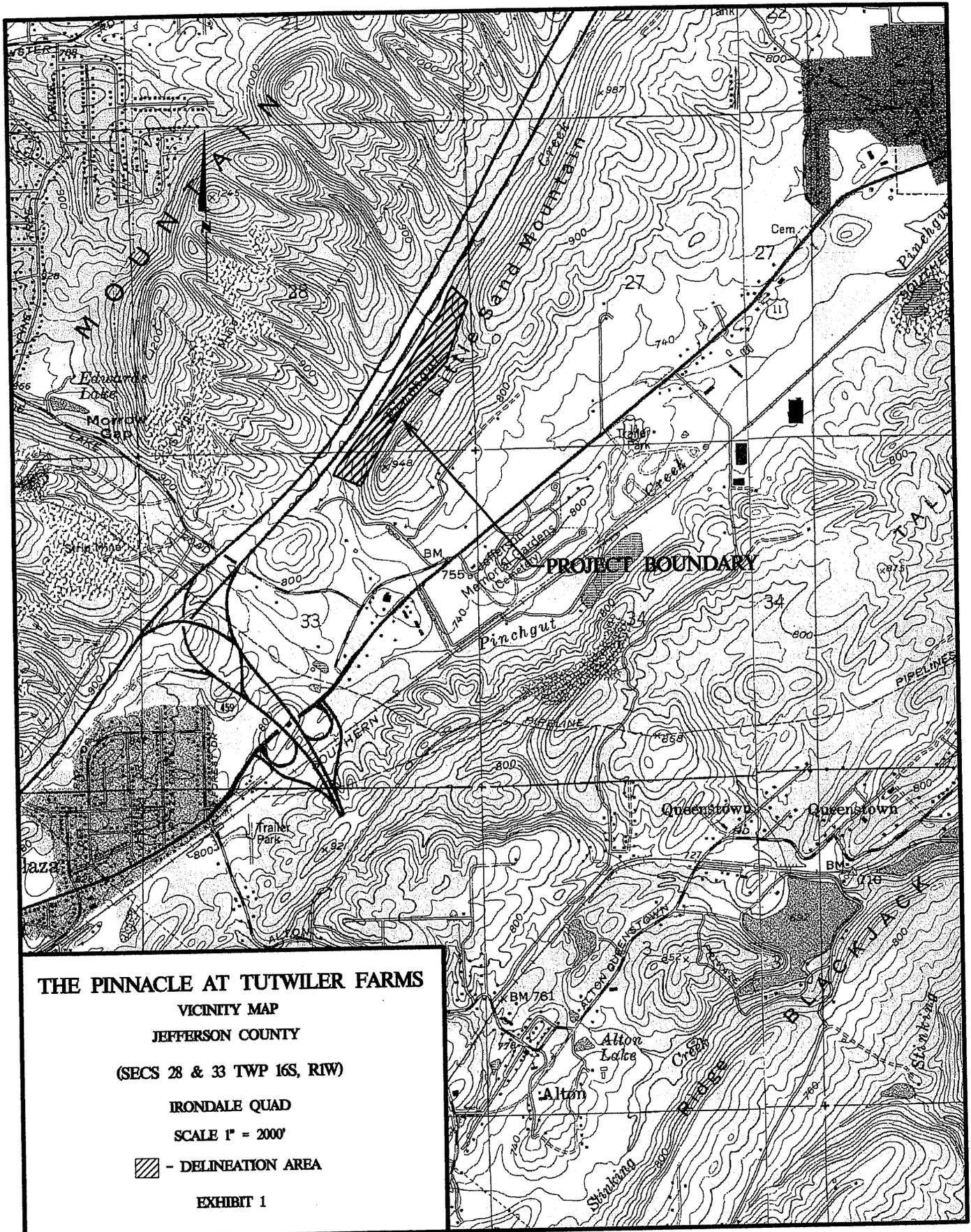
Comments should be received no later than **30 days** from the date of this Public notice.

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

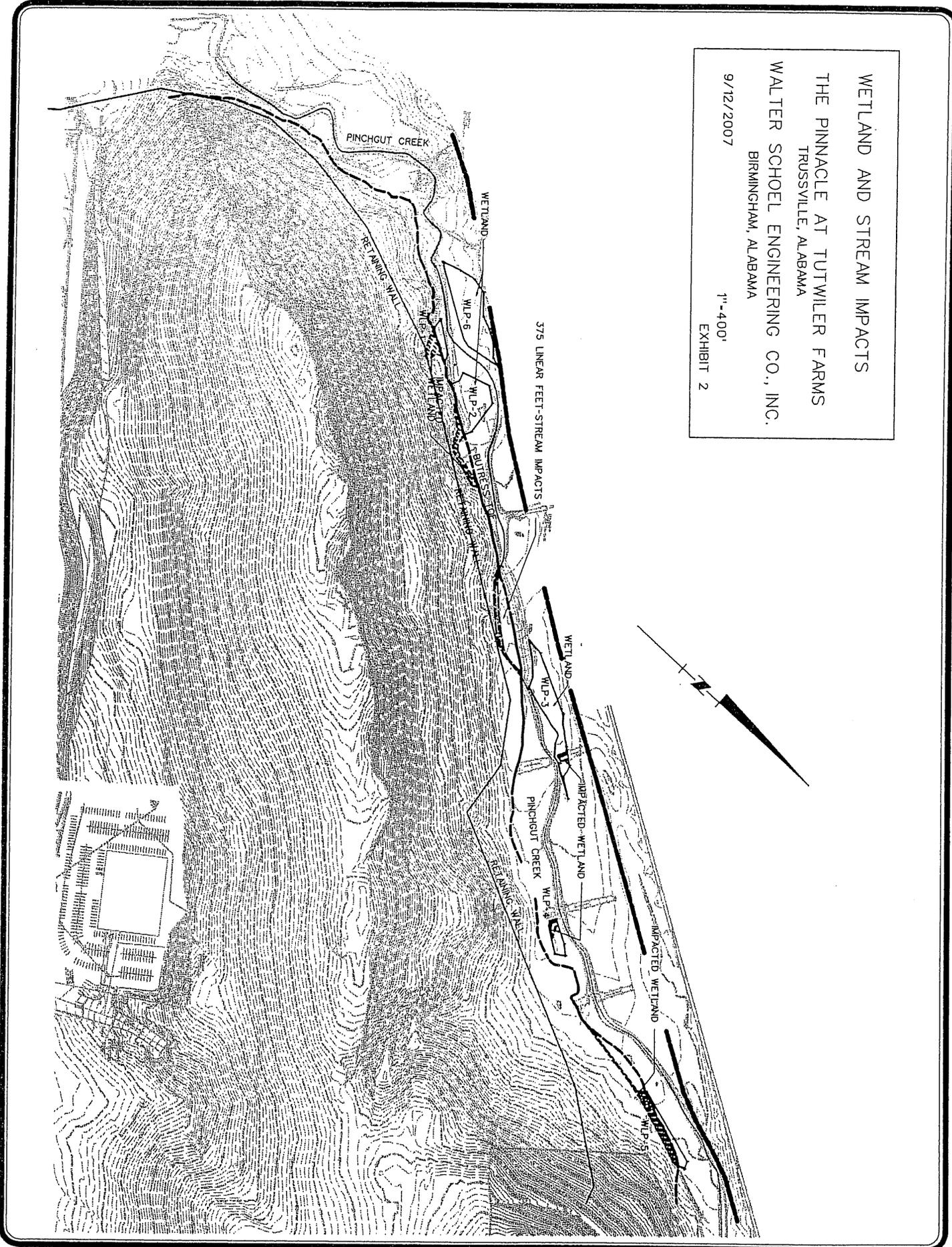
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineer



WETLAND AND STREAM IMPACTS
THE PINNACLE AT TUTWILER FARMS
TRUSSVILLE, ALABAMA
WALTER SCHOEL ENGINEERING CO., INC.
BIRMINGHAM, ALABAMA
9/12/2007
1" = 400'
EXHIBIT 2



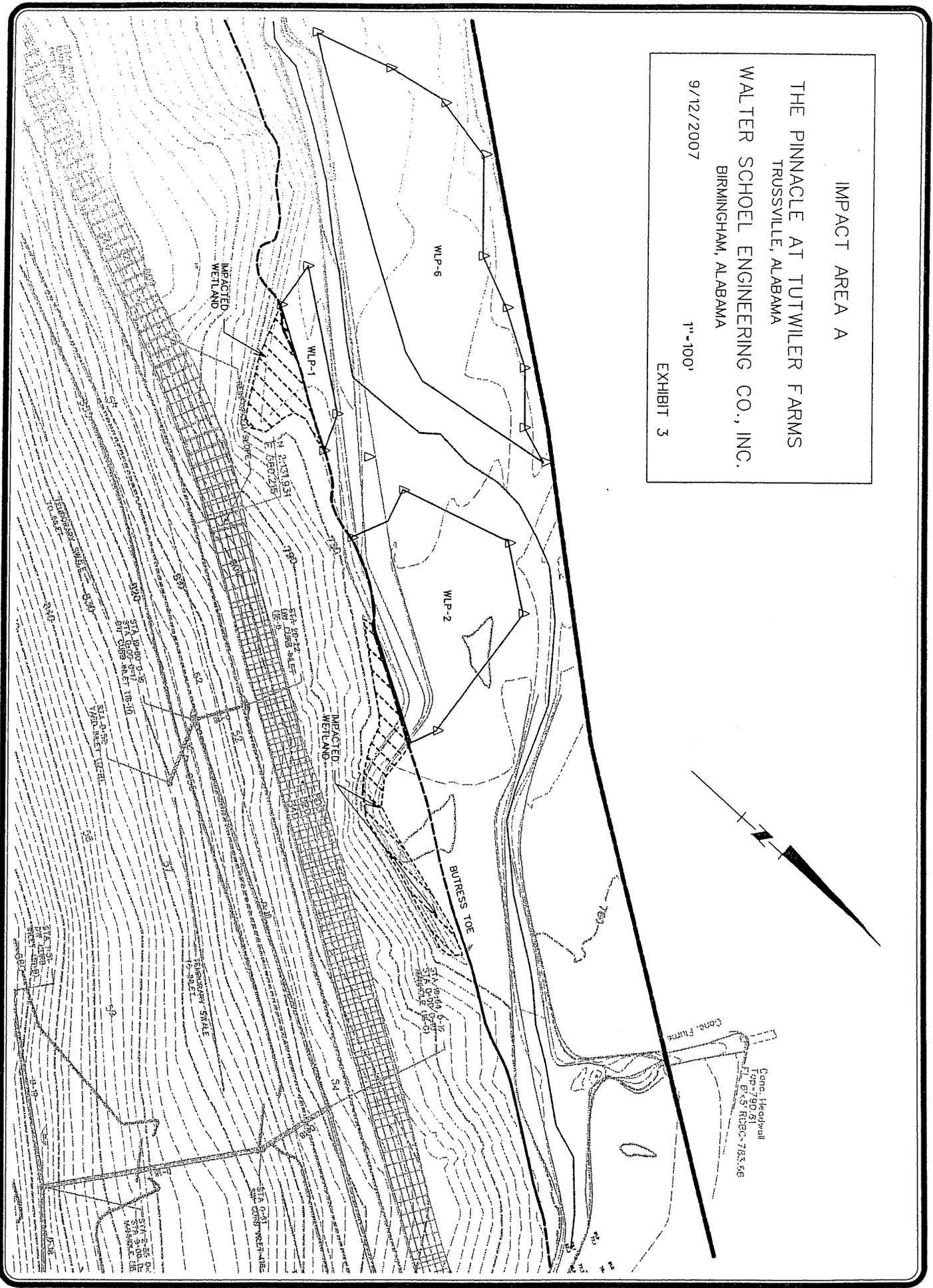
IMPACT AREA A

THE PINNACLE AT TUTWILER FARMS
TRUSSVILLE, ALABAMA
WALTER SCHOEL ENGINEERING CO., INC.
BIRMINGHAM, ALABAMA

9/12/2007

1" = 100'

EXHIBIT 3



IMPACT AREA B

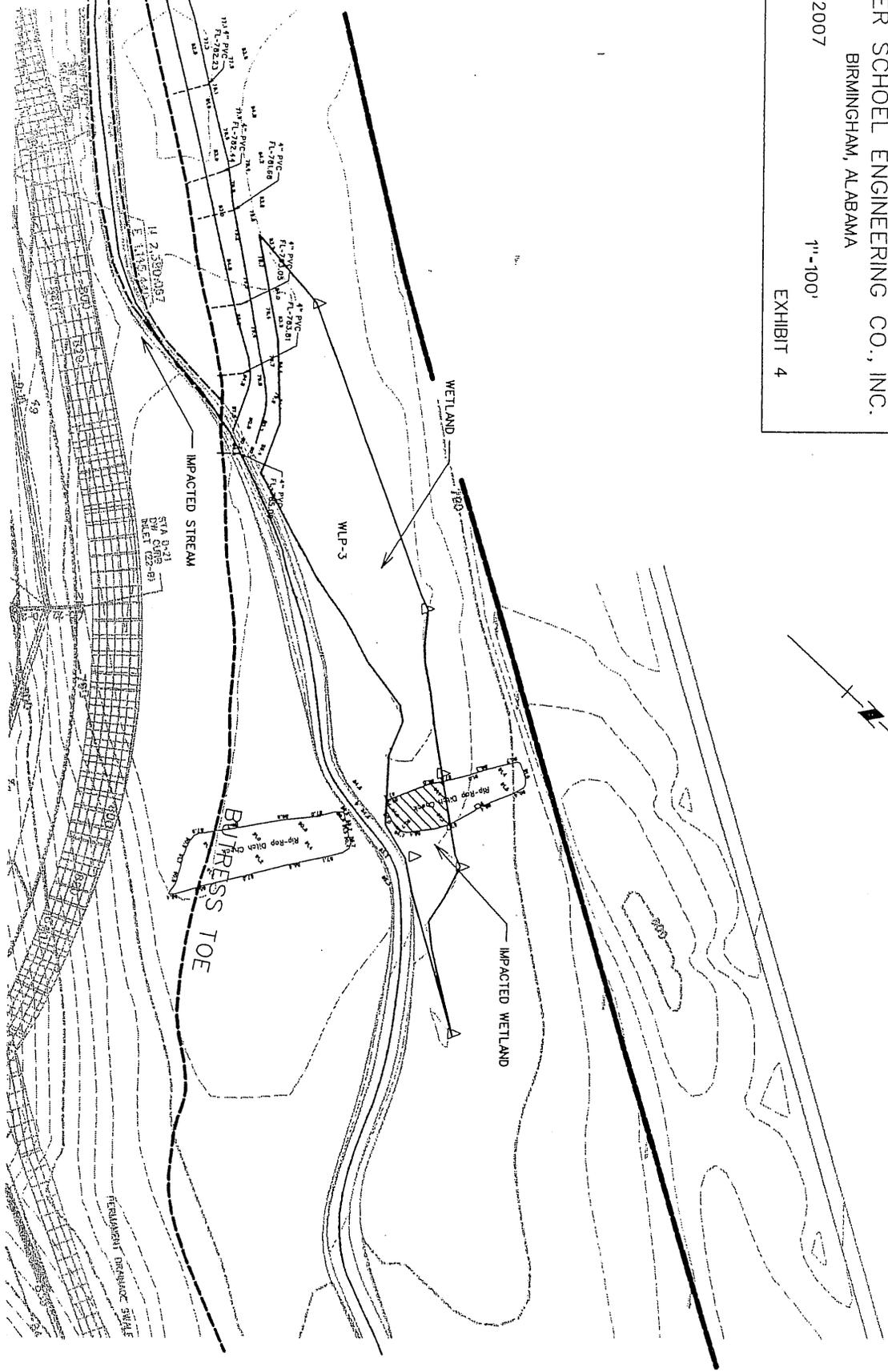
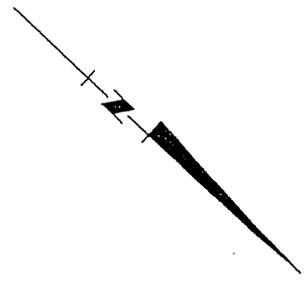
THE PINNACLE AT TUTWILER FARMS
TRUSSVILLE, ALABAMA

WALTER SCHOEL ENGINEERING CO., INC.
BIRMINGHAM, ALABAMA

9/12/2007

1"=100'

EXHIBIT 4



IMPACT AREA C

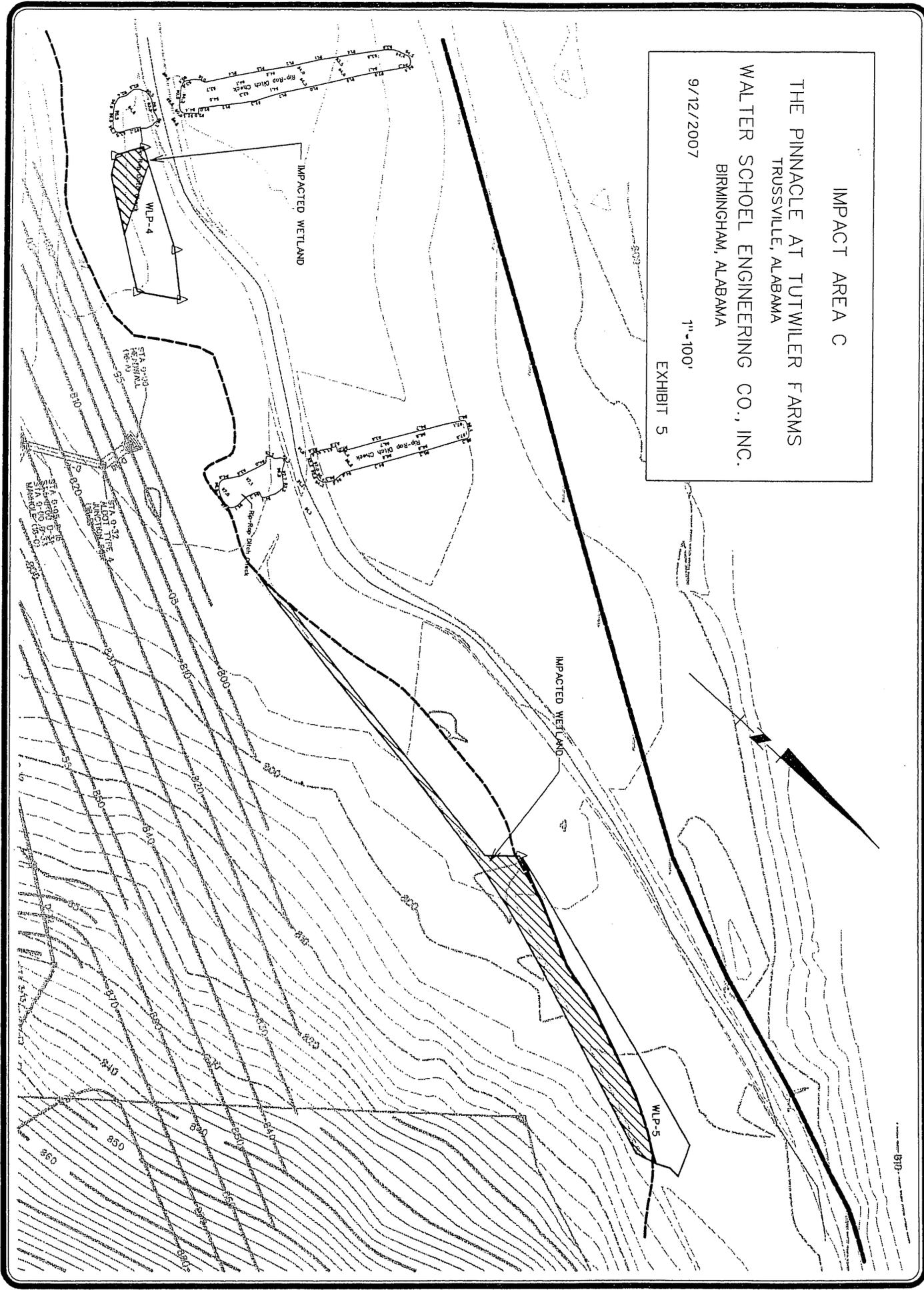
THE PINNACLE AT TUTTLER FARMS
 TRUSSVILLE, ALABAMA

WALTER SCHOEL ENGINEERING CO., INC.
 BIRMINGHAM, ALABAMA

9/12/2007

1" = 100'

EXHIBIT 5



ADJACENT PROPERTY OWNERS
THE PINNACLE AT TUTWILER FARMS
TRUSSVILLE, ALABAMA
WALTER SCHOEL ENGINEERING CO., INC.
BIRMINGHAM, ALABAMA
9/11/2007
N.T.S.
EXHIBIT 4

