



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

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2007-1096-HWL

FEB 22 2008

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

REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH
THE DEVELOPMENT OF ROSS BRIDGE PHASE I, HOOVER, 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: United States Steel Real Estate
C/o Mr. Thomas G. Howard
6200 E.J. Oliver Boulevard
Fairfield, AL 35064

WATERWAY: The project, named Ross Bridge, Phase I, is located near Shannon in Jefferson County, within the city limits of Hoover, Alabama along Ross Creek and Shades Creek. Specifically, the proposed development is located in portions of Sections 7, 8, 17 and 18, Township 19 South and Range 3 West. The latitudinal and longitudinal coordinates for the subject property are roughly: 033° 23' 10" North and 086° 15' 13" West.

WORK: The applicant, United States Steel Real Estate (USS Real Estate), is currently developing portions of an approximate 1670-acre master planned, mixed-use community known as Ross Bridge. The Phase 1 404 permit area consists of an area of approximately 230 acres in size. The Phase 1 permit area will take approximately 2-years to construct, and includes Sector G, a commercial sector, the Southwest Sector, and the proposed detention pond area. Ross Bridge includes residential, commercial, and recreational areas and is located in Jefferson County, in Hoover, Alabama. This development will be developed in phases over the next 12 years.

A jurisdictional determination conducted in 2004-2005 identified 45,299 linear feet of streams and 9.09 acres of wetlands on the entire property. USS Real Estate has currently constructed or planned in detail 610 acres of the 1670-acre site. Of those 610 acres, 233 acres or 38 % will remain as open space or natural area. The size of the project area for Phase I is approximately 230 acres. The residential component of Phase I will consist of approximately 450 single family homes. Future Phases of the development will be reviewed as detailed design plans are formulated by USS Real Estate. It is currently not feasible to speculate on impacts from future phases of this development. All future phases will be market driven.

Impacts will include piping of streams and filling of wetland areas for access roads and site development activities. Impacts also include construction of a detention pond for storm water control if the applicant is unable to replace the pipe at the railroad. An agreement between the applicant and CSX Railroad to replace the undersized pipe at the railroad on the east side of the site near Shades Creek is being negotiated. If negotiations are successful, it would alleviate the need for the detention pond. However, until an agreement is reached and the undersize pipe has been replaced, the impacts resulting from the detention pond will remain in the permit application. The proposed project would fill and/or impact the following Waters of the U.S.:

Streams 5,369 feet (Total Linear Length)

- Proposed Detention Pond 1,943 feet
- Remainder of Phase I 3,426 feet

Wetlands 2.53 acres

The applicant provided drawings of the proposed development. They are attached for reference.

The proposed mitigation plan for this project consists of the preservation and restoration of stream corridors and wetlands on the applicant's property in the vicinity of the impacted areas.

The applicant has applied 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 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. **The applicant has stated that a comprehensive Cultural Resources Survey has been conducted, and disturbance of all sites identified as eligible or potentially eligible for listing on the National Register for Historic Places will be avoided.** 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 were 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 activities will not adversely affect any listed or proposed species. **The U.S. Fish and Wildlife Service sent a letter of concurrence, dated July 24, 2007, (USFWS 2007-TA-0638) indicating that the project as proposed would have no impact on federally listed species. However, minor project modifications since this letter may necessitate additional coordination with the Service.**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1096-HWL and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
218 Summit Parkway, Suite 222
Homewood, AL 35209

with a copy to the:

Alabama Department of Environmental Management
PO Box 301463
Montgomery, Al 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, **Mr. Howard Ladner**, via e-mail at howard.w.ladner@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 .

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U.S. Army Corps of Engineer

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