



DEPARTMENT OF THE ARMY

U.S. ARMY DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REPLY TO:

Regulatory Division
Inland Branch
Public Notice No. SAM-2003-00533-SVL

MAR 3 2008

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

**PROPOSED Black Creek Parkway Extension
Rainbow City, Etowah County, Alabama**

TO ALL CONCERNED: The U.S. Army Corps of Engineers, Mobile 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 Corps can be based. Please communicate this information to interested parties.

APPLICANT: City of Rainbow City
C/O Honorable Terry John Calhoun (Mayor)
3700 Rainbow Drive
Rainbow City, AL 35906-6331

AGENT: Jones, Blair, Waldrup and Tucker
C/O Houston Jenkins, Jr., P.E., P.L.S.
306 North Fifth Street
Gadsden, AL 35902

LOCATION: The subject site is located in Rainbow City, Etowah County, along the Little Cahaba River. The proposed project is planned to commence at the intersection of existing Steele Station Road with Sutton Bridge Road. From there the project will run northerly across open land to its terminus, the intersection of Wills Creek Road and Black Creek Parkway. The subject site encompasses acreage located in Section 17, Township 12 South, and Range 6 East. The site is at approximate latitude

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of 33.99126°N and longitude of -86.04072°W (USGS Dunaway Mountain (AL) Topo Map). A site map is enclosed (attachment 1).

PREVIOUS PERMIT: The applicant has previously applied for and received authorization via permit number AL03-00533-L for the requested work. That permit expired prior to receiving funds and subsequent go-ahead for the project. Funding has now been approved for this project and a new permit needs to be obtained, since an extension wasn't filed prior to the expiration.

WORK: The Applicant proposes to construct a four-lane highway extension of Black Creek Parkway from Steele Station Road to I-759. This highway extension will include a median or turning lanes where applicable and the widening of Wills Creek Road to allow for a safe and efficient intersection with the highway extension, in accordance with federal and state design standards. The construction will include a bridge culvert over the Corps of Engineers Airport Tributary Relief Canal and one pair of parallel bridges over Big Wills Creek. The estimated footprint of this project's right-of-way is approximately 2,297 feet long varying from 290 to 315 feet in width (a total area of less than 17 acres). Bridge locations have received FEMA approval. Total wetlands proposed to be filled for this project are 1.74 acres (see attached impact diagrams/charts).

Avoidance & Minimization: During the past few years, a school, a church and various businesses were constructed along Wills Creek Road/I-759 Service Road. Black Creek Parkway and Wills Creek Road/I-759 Service Road need to be widened to accommodate the increased traffic and improve safety conditions of the roadway. This additional widening will be constructed on the existing right-of-way for Wills Creek Road/I-759 Service Road and Black Creek Parkway. There will be one additional wetland impacted by this widening from the previously permitted impacts (wetland #8 on the enclosed drawings), which equates to 0.02 acres of additional fill. After a thorough review of the previous submittal, the wetlands impacted at site #7 were subsequently decreased to include only the area of the wetland that will be impacted by the bridge foundation and fill; decreasing the impacts at this site from 1.14 to 0.58 acres. All other impacts are the same as the previous submittal which utilized a direct traffic flow route/plan to not only decrease the impact area, but to keep costs down and achieve project goals of improving overall safety.

MITIGATION: The current proposed mitigation plan entails a preservation area of 20.48 acres containing 18.18 acres of existing forested wetland; within the same watershed as the project area. The land has already been purchased and placed in a restrictive covenant approved by the Corps of Engineers, Mobile District. Additionally, 0.75 acres of scrub-shrub and herbaceous wetland will be created within the project area.

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The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposal 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 and their cumulative effects relevant to the proposal will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, property ownership, and in general the needs and welfare of the people.

To evaluate the impacts of this proposal, the Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties. 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 in order to furnish a clear understanding of the reasons for support or opposition. Comments will be considered to determine whether to issue, modify, condition or deny a permit. To make this decision, an Environmental Assessment is prepared in accord with the National Environmental Policy Act; impacts are assessed on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest.

This notice is being sent to appropriate State and Federal agencies, including the Alabama Historical Commission Office and the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and the U.S. Environmental Protection Agency.

In a letter from the Alabama Historical Commission (AHC) to the Applicants Agent, dated December 10, 2007, the AHC concurred with the proposed project activities; further stating that the project activities will have no adverse effect on cultural resources eligible for or listed on the Nation Register of Historic Places.

The Applicant has received clearance from USFWS via a letter sent to their agency on November 19, 2007, which was subsequently stamped by their office on December 3, 2007, that No federally listed species/critical habitat are known to occur in the project area.

Other impacts from fill activities will be evaluated by applying Environmental Protection Agency 404(b)(1) guidelines. After review of

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public comments, the Alabama Department of Environmental Management (ADEM) will determine if the proposal complies with or operated and maintained in a manner consistent with the Clean Water Act. ADEM previously permitted this activity under AL03-00533-L.

Any correspondence concerning this publication should refer to this Public Notice SAM-2003-00533-SVL and should be directed to the following address:

District Engineer
U.S. Army Engineer District, Mobile
218 Summit Parkway, Suite 222
Homewood, Alabama 35171
Attention: Regulatory Division, Birmingham Field Office

with a copy to the:

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

As this activity has gone through a past Public Notice and all concerns were addressed and the project permitted, this Public Notice review period has been abbreviated. Therefore, all comments should be received no later than **15** days from the date of issuance of this Public Notice.

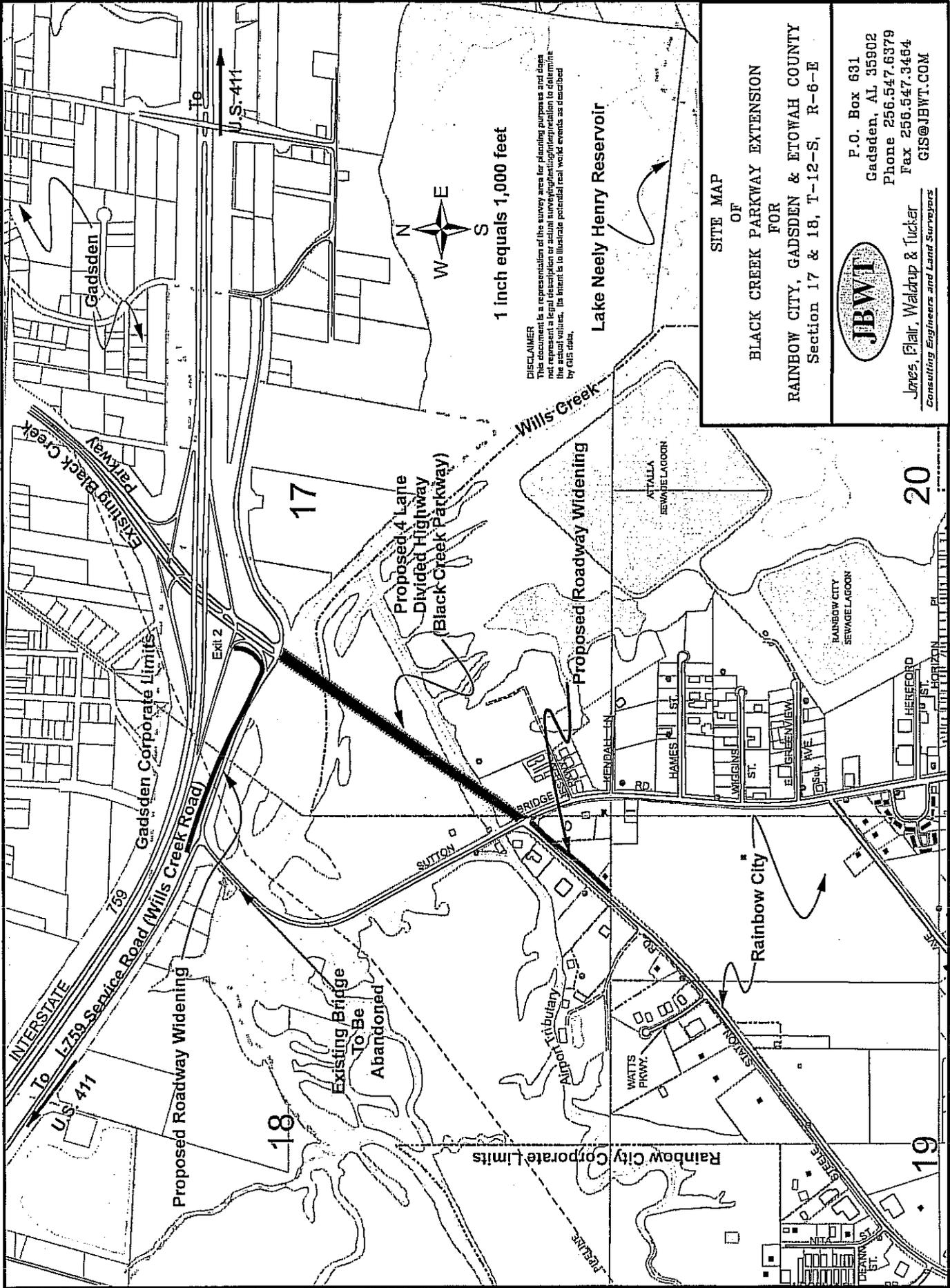
Enclosed to assist you with your review are the USGS Topozone map, proposed impact diagrams/charts, and the applicant's site location, wetland delineation, and proposed impact maps.

If you have any questions concerning this public notice, you may contact the Mobile District Regulatory Division at 205-290-9096, or contact the Project Manager, Ms. S. Vandi Leheny at Sharon.v.leheny@sam.usace.army.mil. Please reference the above public notice number when calling and/or included in your written correspondence.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

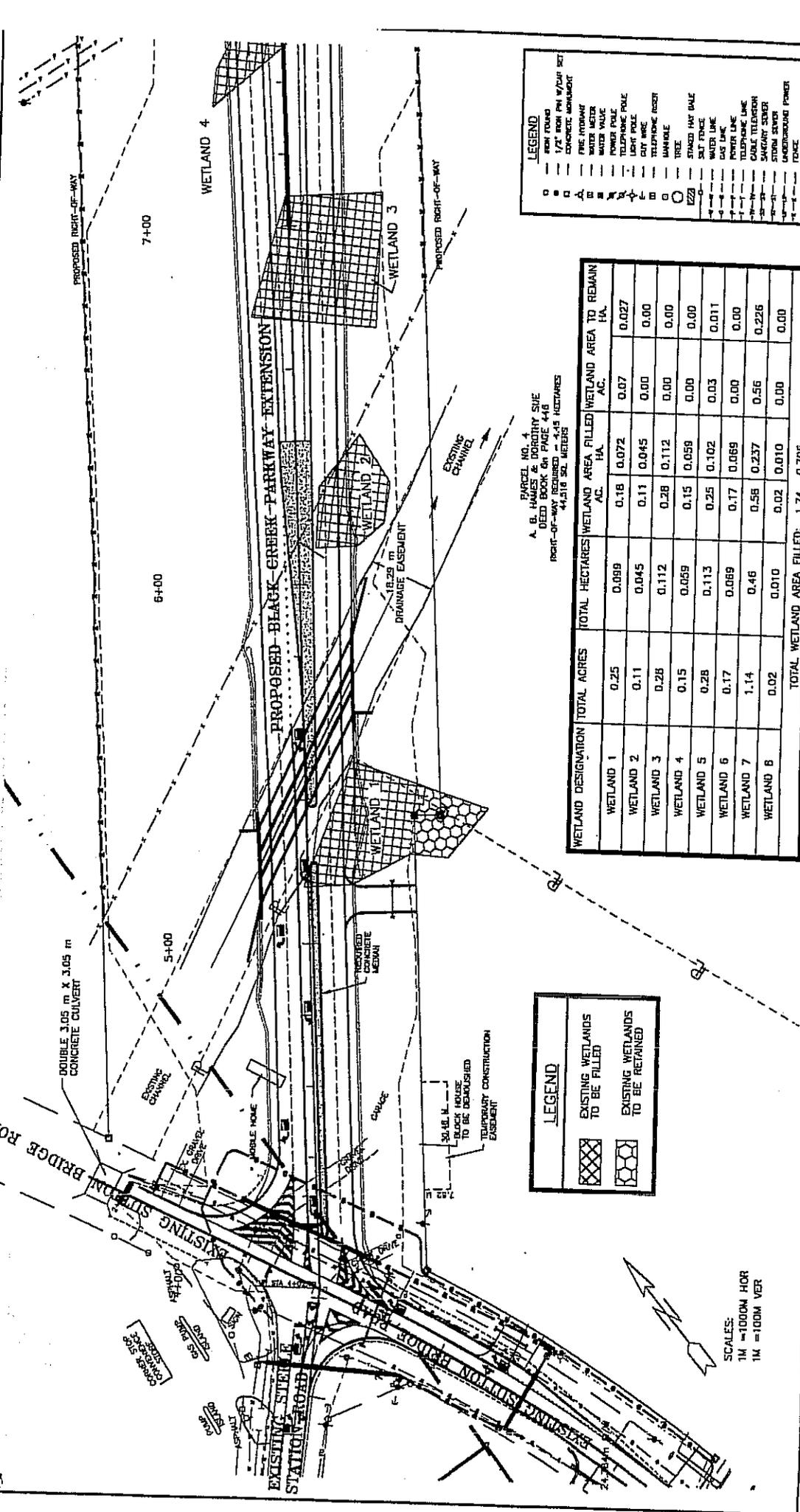


DISCLAIMER
 This document is a representation of the survey area for planning purposes and does not represent a legal description or actual surveying information to determine the actual values. The intent is to illustrate potential real world events as described by GIS data.

SITE MAP
 OF
BLACK CREEK PARKWAY EXTENSION
 FOR
RAINBOW CITY, GADSDEN & ETOWAH COUNTY
 Section 17 & 18, T-12-S, R-6-E

JBWT
 Jones, Blair, Waldrop & Tucker
 Consulting Engineers and Land Surveyors

P.O. Box 631
 Gadsden, AL 35902
 Phone 256.547.6379
 Fax 256.547.3464
 GIS@JBWT.COM



LEGEND

- 1/2" FROM P.H. W/24" SET CONCRETE MONUMENT
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- TOWER POLE
- TOWER POLE
- LIGHT POLE
- CITY WIRE
- TELEPHONE ROOST
- MANHOLE
- TREE
- STAKED HAY BALE
- SALT FENCE
- WATER LINE
- GAS LINE
- POWER LINE
- TELEPHONE LINE
- SATELLITE ANTENNA
- SIGNAL LIGHT
- UNDERGROUND POWER
- FENCE

PARCEL NO. 4
 A. B. HAINES & DOROTHY SUE
 DEED BOOK 681 PAGE 448
 RIGHT-OF-WAY WETLANDS 4.24 HECTARES
 44,819 SQ. METERS

WETLAND DESIGNATION	TOTAL ACRES	TOTAL HECTARES	WETLAND AREA FILLED AC.	WETLAND AREA TO REMAIN HA.
WETLAND 1	0.25	0.099	0.18	0.07
WETLAND 2	0.11	0.045	0.11	0.00
WETLAND 3	0.28	0.112	0.28	0.00
WETLAND 4	0.15	0.059	0.15	0.00
WETLAND 5	0.28	0.113	0.25	0.03
WETLAND 6	0.17	0.069	0.17	0.00
WETLAND 7	1.14	0.46	0.58	0.228
WETLAND 8	0.02	0.010	0.02	0.00
TOTAL WETLAND AREA FILLED:		1.74	0.708	

LEGEND

- [Cross-hatched] EXISTING WETLANDS TO BE FILLED
- [Dotted] EXISTING WETLANDS TO BE RETAINED

SCALES:
 1" = 1000' HOR
 1" = 1000' VER

DRAWN BY: JDH/SJC/JAM DATE: 11-16-07 DWG. NO.: RCP02105 FILE NAME: L:\DOCUMENT\PROJECT\96040\RCP02105	APPROVED BY: PROJ. NO. P-9640 DWG.	REVISIONS UPDATED 8/28/2000 UPDATED 8/28/2009 TO ADD WETLAND NO. 7 UPDATED 11/13/2007 TO ADD WETLAND NO. 8	PROJECT PROPOSED PROJECT PLAN STATE PROJECT NO. STPOA-8104(1) BLACK CREEK PARKWAY ETOWAH COUNTY, ALABAMA	PREPARED BY: JONES, BLAIR, WALDRUP & TUCKER, INC. CONSULTING ENGINEERS AND LAND SURVEYORS P.O. BOX 551 306 N. 5TH STREET GADSDEN, AL 36032 TEL: (256) 547-6378 FAX: (256) 547-3464
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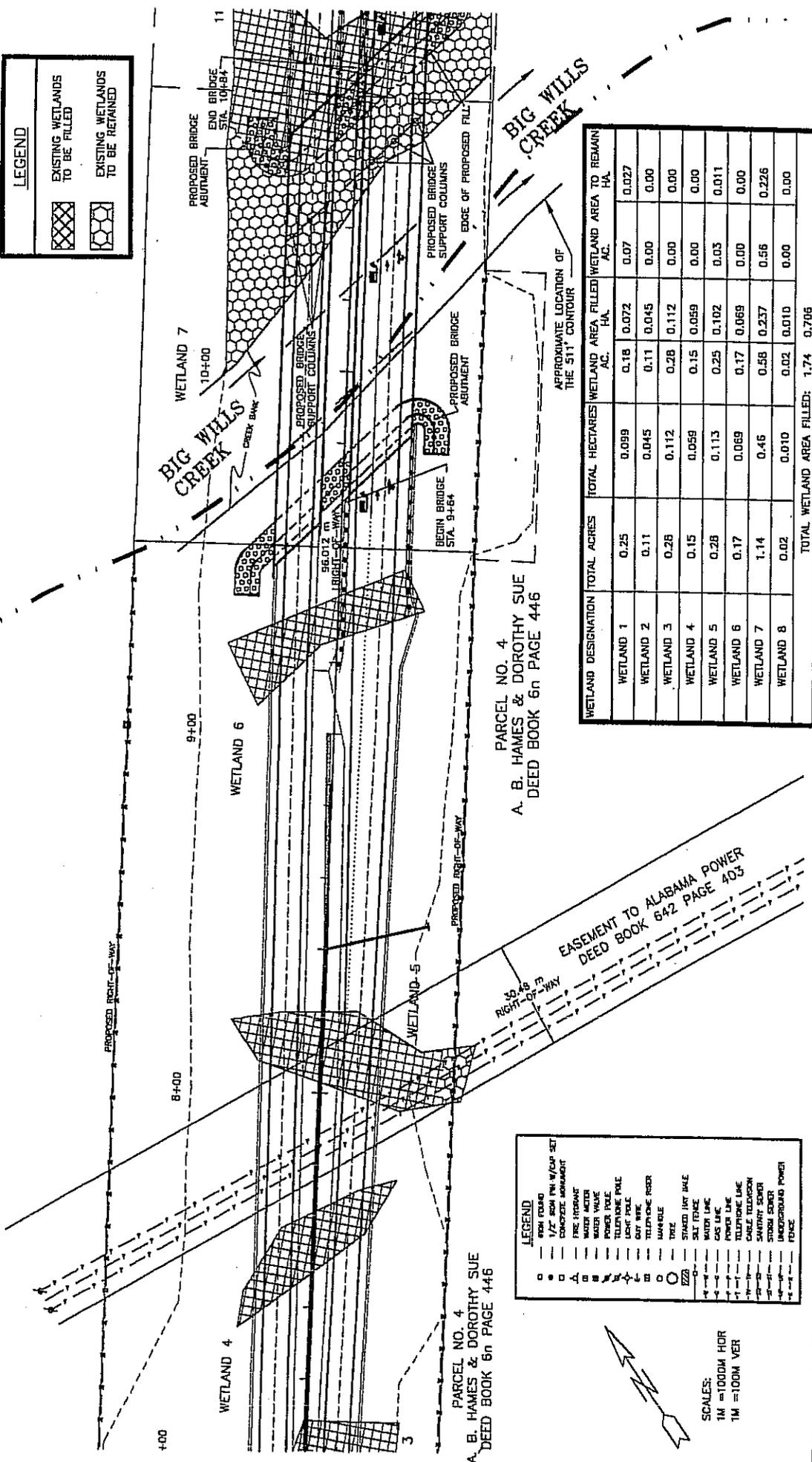


NOTE: ALL DIMENSION SHOWN IN METERS UNLESS OTHERWISE NOTED.

LEGEND

EXISTING WETLANDS TO BE FILLED

EXISTING WETLANDS TO BE RETAINED



PARCEL NO. 4
A. B. HAMES & DOROTHY SUE
DEED BOOK 6n PAGE 446

PARCEL NO. 4
A. B. HAMES & DOROTHY SUE
DEED BOOK 6n PAGE 446

LEGEND

- HIGH TENSION TRANSMISSION LINE
- CONDUIT
- COASTAL HIGHWAY
- FENCE
- FIRE HYDRANT
- WATER MAIN
- WATER VALVE
- POWER POLE
- TELEPHONE POLE
- LIGHT POLE
- GUY WIRE
- TELEPHONE RISER
- MANHOLE
- TREE
- STAKED IRON NAIL
- SILE FENCE
- BOUND LINE
- POWER LINE
- TELEPHONE LINE
- CABLE TELEVISION
- SAWHAY STOWER
- STATION SOWER
- UNDERGROUND POWER
- FENCE

WETLAND DESIGNATION	TOTAL ACRES	TOTAL HECTARES	WETLAND AREA FILLED AC.	WETLAND AREA TO REMAIN AC.
WETLAND 1	0.25	0.099	0.18	0.07
WETLAND 2	0.11	0.045	0.11	0.00
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WETLAND 6	0.17	0.069	0.17	0.00
WETLAND 7	1.14	0.46	0.58	0.56
WETLAND 8	0.02	0.010	0.02	0.00
TOTAL WETLAND AREA FILLED:			1.74	0.706

APPROVED BY: _____

DATE: 11-16-07

DWG. NO.: RC03105

PROJ. NO.: P-9640

REVISIONS:

- UPDATED 8/28/2000
- UPDATED 8/20/2002 TO ADD WETLAND NO. 7
- UPDATED 11/13/2007 TO ADD WETLAND NO. 8

PROJECT:

PROPOSED PROJECT PLAN
STATE PROJECT NO. STPOA-8104(1)
BLACK CREEK PARKWAY
ETOWAH COUNTY, ALABAMA

PREPARED BY:

JONES, BLAIR, WALDRUP & TUCKER, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
P.O. BOX 600000
MOBILE, ALABAMA 36602
TELE (205) 547-6378 FAX (205) 547-3464

NOTE: ALL DIMENSIONS SHOWN IN METERS UNLESS OTHERWISE NOTED.

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