



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-2007-1830-HWL

November 19, 2007

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

REQUEST TO CONSTRUCT HILLSBORO SOUTH
A RESIDENTIAL SUBDIVISION AND LAKE
IN HELENA, SHELBY 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: USS Real Estate
6200 BJ Oliver Blvd.
Fairfield, AL 35064

WATERWAY: The subject site is located in the western section of Shelby County within the city limits of Helena. The property is accessed via Shelby County Road #91 and Shelby County Road #52. The subject site encompasses approximately 1,500 acres located in Sections 16, 20, 21, 28, 29, 30, 31, and 32 of Township 20 South, Range 3 West. The site is centered at Latitude 33.2687032° N and Longitude 86.8713769° W.

WORK: The purpose of this development is to provide a family oriented neighborhood for residents in Helena with close proximity to schools and multiple access points to the surrounding areas that is designed to preserve and protect the watershed to the maximum extent practical. The development will provide low, medium, and high density construction that will cater to several different demographics. Hillsboro South will also preserve extensive green-space and many common area (park/recreational) facilities. Development plans were designed to follow the existing topography by developing along ridges and leaving valleys undisturbed. A large lake (Approximately 48 acres) is proposed that will serve as a centerpiece for the development and provide recreation, aesthetics, and irrigation for an organic farm. The lake and organic farm will service the entire community and provide a centralized recreational area for all residents. Specifically the project will impact 8,893 linear feet of jurisdictional streams (Approximately 1.05 total acres of jurisdictional waters). No impacts to wetlands will occur.

The Adverse Impact Factors for Riverine Systems Worksheet was completed to determine the number of credits required to offset impacts associated with the project. The worksheet indicated the total number of mitigation credits required is 38,223. The applicant is proposing to utilize on-site and adjacent mitigation to off-set the unavoidable stream impacts by enhancing identified

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sections of Beaverdam Creek and preserving identified sections of multiple RPW streams with a restrictive covenant.

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. Historic architectural or archaeological investigations may be necessary

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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 activities will not adversely affect any listed or proposed species.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1830-HWL 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, Alabama 36130-1463

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

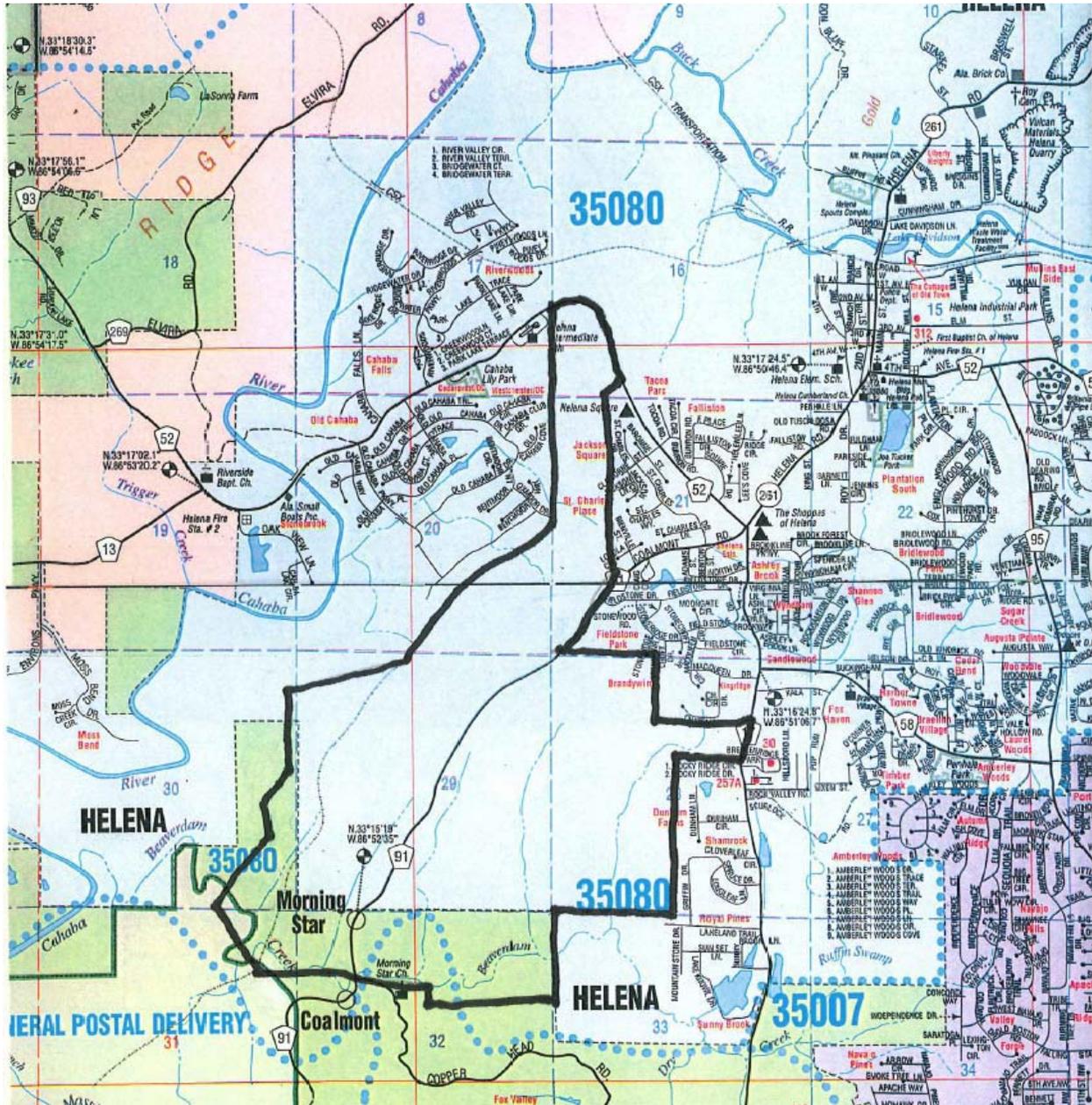
If you have any questions concerning this publication, you may contact the project manager via e-mail at howard.w.ladner@usace.army.mil or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

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.

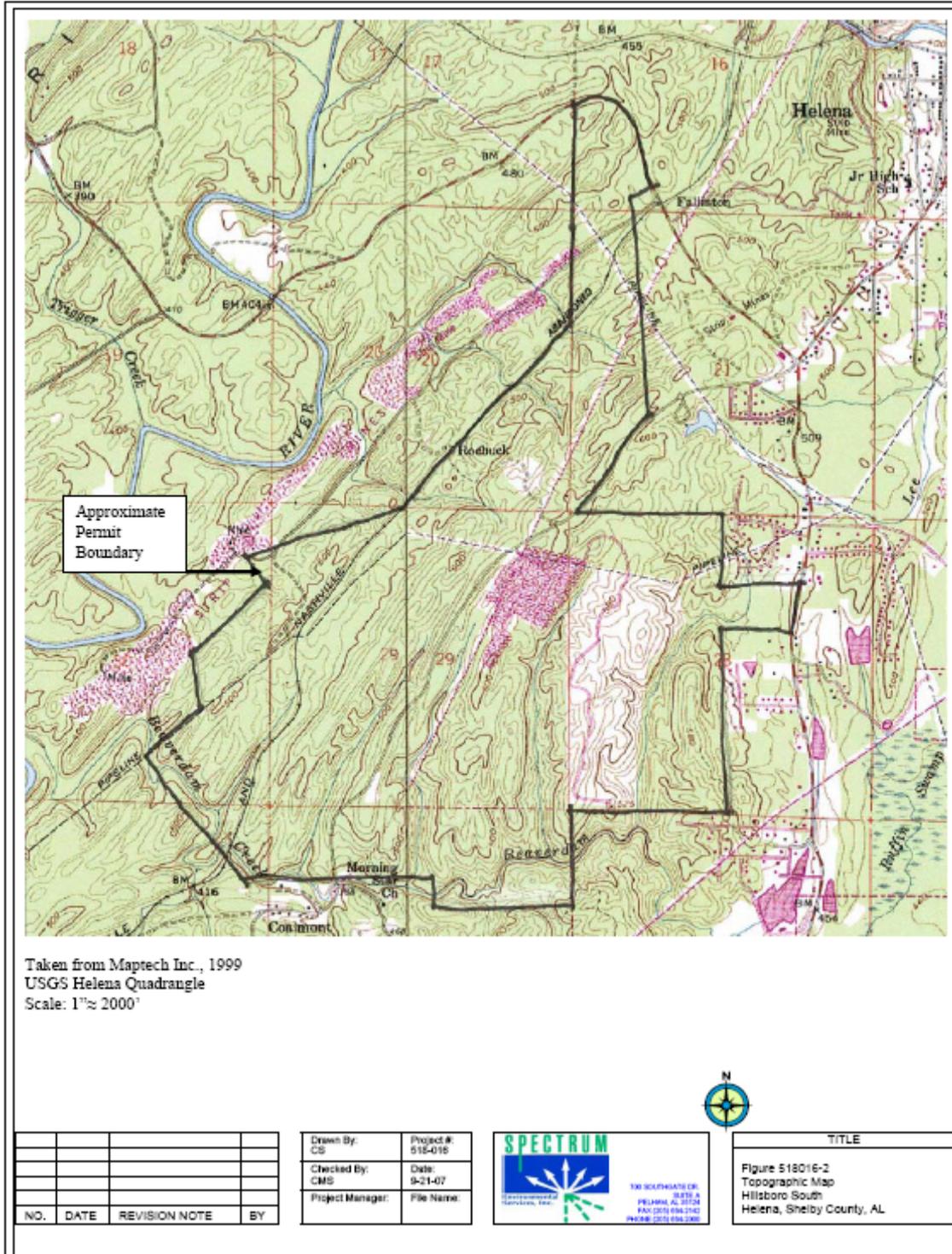
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U.S. Army Corps of Engineer

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HILLSBORO

LEGEND

-  PROPOSED HILLSBORO PARKWAY
-  PROPOSED RIGHT-OF-WAY
-  UTILITY RIGHT-OF-WAY
-  STREAMS
-  100 YEAR FLOOD PLAIN
-  WETLANDS
-  IMPACT AREA

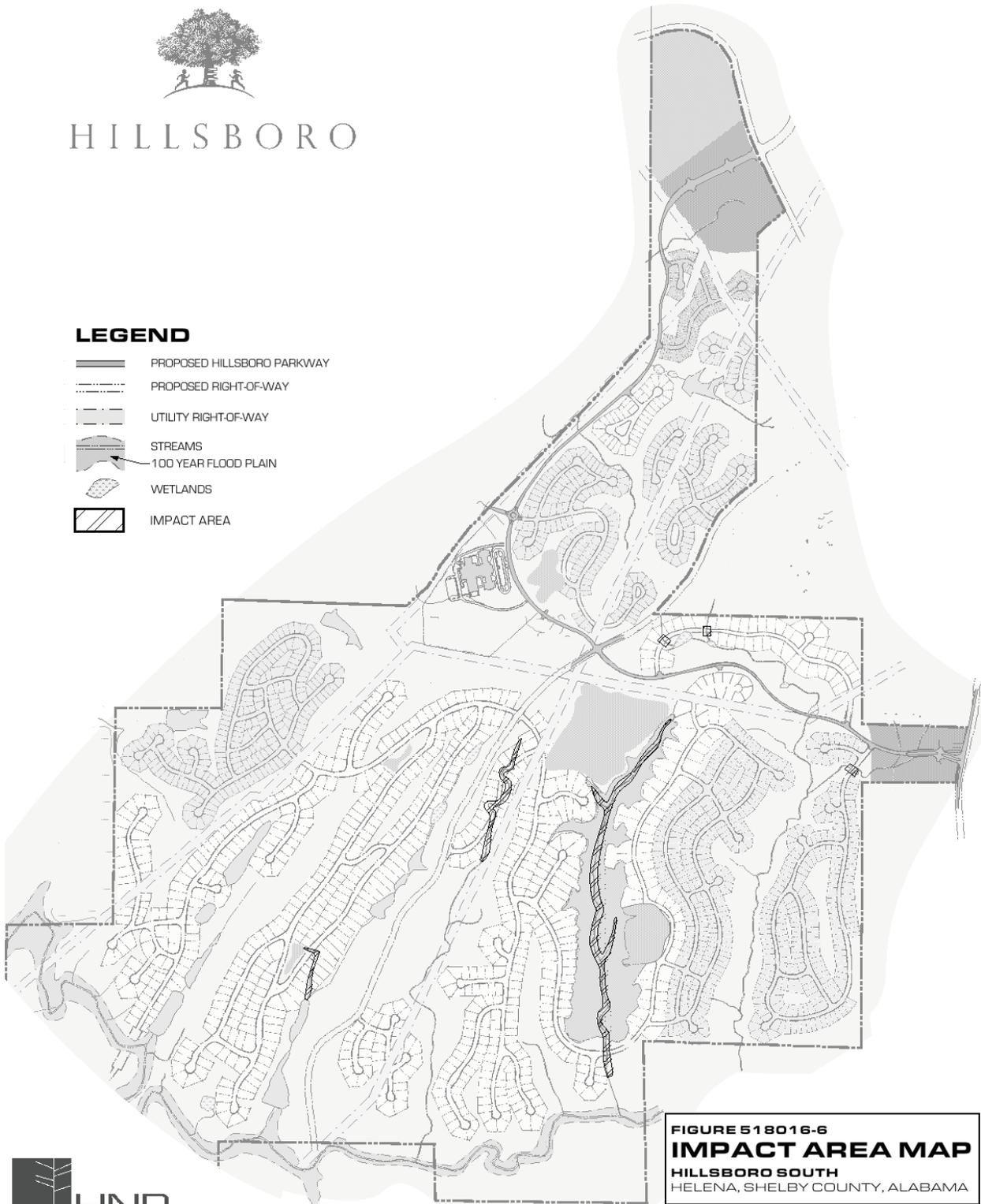


FIGURE 518016-6
IMPACT AREA MAP
HILLSBORO SOUTH
HELENA, SHELBY COUNTY, ALABAMA

