



**DEPARTMENT OF THE ARMY**

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

REPLY TO:

**CESAM-RD-I  
PUBLIC NOTICE NO. SAM-2007-01285-SVL**

SEP 27 2007

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

**PROPOSED COMMERCIAL DEVELOPMENT  
Hoover, Shelby 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: Jonathan Belcher/Signature Homes  
3545 Market Street  
Hoover, AL 35226**

**AGENT: Spectrum Environmental, Inc.  
700 Southgate Drive, Suite A  
Pelham, AL 35124**

**LOCATION:** The subject site is located in northwest Shelby County, along the Cahaba River. The property is accessed via Shelby County Highway 269, also referred to as Elvira Road. The subject site encompasses acreage located in Sections 5, 7, 8, 9, 17, 18, and 19 Township 19 South, and Range 3 West; however, currently proposed and foreseeable development will be limited to Sections 5 and 8. The site is centered at Latitude 33.3152088° N and Longitude 86.8736337° W. See USGS Helena (AL) Topo Map, enclosed (Attachment 1). Location is further detailed/depicted on the enclosed Carto-Craft Maps Shelby County Map Book, submitted by the applicant (Attachment 2).

**WORK:** Applicant is proposing to construct a residential development, with a lake, providing a neighborhood for residents in Hoover with close proximity to Interstate 459 and schools. The proposed impacts of these activities are depicted on the enclosed map (Attachment 3) and are detailed in the table below:

**CESAM-RD-I  
PUBLIC NOTICE NO. SAM-2007-01285-SVL**

Type of Impact	System Impact	Area of Impact (ft <sup>2</sup> )	Area of Impact (acres)	Linear Feet of Stream
Impoundment/Fill for Dam	RPW1	8*7800 = 65,400	1.4	7,800
Impoundment	RPW6	4*2300 = 9,200	0.2	2,300
Impoundment	RPW5	1.5*708 = 1,062	0.02	708
Impoundment	RPW9	2*3136 = 6,272	0.14	3,136
Impoundment/Fill for Dam	RPW10	3*3127 = 9,381	0.2	3,127
Impoundment	RPW7	4*3254 = 13,016	0.3	3,254
Impoundment	Wetland 1	4,356	0.1	NA
Impoundment	Wetland 2	52,272	1.2	NA
Fill for Dam	Wetland 3	4,356	0.1	NA
Impoundment	Wetland 4	4,356	0.1	NA
<b>TOTALS</b>		<b>169,671</b>	<b>3.76</b>	<b>20,325</b>

**Total impact: 3.76 total acres; 1.5 acres of wetlands; 20,325 linear feet of waters of the US**

**Avoidance & Minimization:** The Applicant placed an option on the subject site in Spring 2007. The subject site consists of 703± acres of undeveloped property, immediately adjacent to approximately 14,000 linear feet of the Cahaba River. Part of the documentation applicable to the subject site is an “Annexation Agreement” prepared by the city of Hoover at the time of annexation which states the allowable density for residential development at the site. The approved density for this development is 2.25 homes per acre. Based on this agreement and the total acreage contained in the parcel, approximately 1,582 lots are allowed to be built at the subject site, along with the associated roadway and utilities.

Initially, the Applicant pursued a development plan that would allow for maximizing the allowances in the “Annexation Agreement”. This proposed development would consist of a mass grading effort that would re-form the landscape into a “benched” geomorphology. In other words, from the higher elevations in the north and west, the hills would be cut and the fill placed in the lower lying areas to the south and east creating a bench from the uplands to the Cahaba River. To accommodate this type of development plan, the Applicant would have requested permanent piping of all relatively permanent waterways (RPWs) within the proposed development area.

Due to the unique locale of the subject site, its extensive frontage along the Cahaba River, and a commitment on the part of the Applicant to provide distinctive community developments, they visited other development sites in an attempt to choose the best development plan for this property. This review consisted of evaluating developments not only in the Birmingham and broader area of the state of Alabama, but also in the neighboring state of Georgia.

**CESAM-RD-I**  
**PUBLIC NOTICE NO. SAM-2007-01285-SVL**

The outcome of this review was a departure from the initial approach of mass grading and maximizing the number of lots to the pursuit of a lower density, higher sensitivity development. The applicant believes that this plan addresses the needs of the Cahaba River while at the same time allows them to achieve their own objectives.

This newly chosen development plan would call for the location of larger lots located around a centralized lake, while at the same time allowing for the preservation of three RPWs.

The applicant contends that the development of the property in this manner, over the initial mass grading option, is a better development plan for a number of reasons, including:

- Preservation of certain on-site RPWs and the protection of these through the placement of Restrictive Covenants;
- Preservation of an upland buffer along the Cahaba River and the protection of this area through the placement of a Restrictive Covenant. This is an added benefit in that the city of Hoover currently does not have a required buffer ordinance along the Cahaba River;
- Cooperation between Signature Homes and the Cahaba River Society in creating a “green corridor” along the Cahaba River;
- Utilization of the proposed lake during construction as a “tertiary - final polishing” sediment trap prior to construction discharge to the Cahaba River. The proposed lake would not be used as a primary sediment trap, but would rather be used as a means to aid in water quality preservation from the development site, thus further reducing sediment loading to the Cahaba River;
- The lower density development means the utilization of a two-lane road rather than the 4-lane road that would have been required in the initial development plan, resulting in significantly less surface area of roadways;
- The chosen development plan will utilize valley gutters allowing for more dispersed flow of storm water and thus lower velocities and decreased temperatures of storm water discharge to the Cahaba River;
- The lower density development would require fewer utility trenches access easements;
- The lower density development would result in decreased nutrient and chemical loading to the Cahaba River; and
- This development plan would result in the protection of more than 300 acres of “green space”.

**CESAM-RD-I**  
**PUBLIC NOTICE NO. SAM-2007-01285-SVL**

Summarizing the avoidance/minimization as proposed: The applicant if allowed to develop the project as planned is proposing impacts to Martin Brook (RPW) and several of its tributaries (RPWs). It is the opinion of the applicant that the impact on these water bodies by impoundment is a better overall plan than:

1. To impact the water bodies by piping; and
2. To develop the property by mass grading activities which could have a more detrimental affect on the Cahaba River.

The Applicant has designed the proposed project so as to avoid and minimize impacts to the 9.81 acres of jurisdictional wetlands, while maximizing the development potential of the surrounding uplands.

**PROPOSED WETLAND MITIGATION:** The Applicant is proposing onsite and Offsite preservation of wetlands at a 10:1 ratio to account for 70% of the required mitigation. The applicant is proposing the purchase of wetland credits from an approved mitigation bank to meet the remaining mitigation requirements.

**PROPOSED STREAM MITIGATION:** The Applicant is proposing to utilize to maximum extent possible, both on and off-site mitigation to off-set the stream impacts by preserving sections of the Cahaba River and other RPW's in a restrictive covenant. The applicant is proposing the purchase of stream credits from an approved mitigation bank to meet the remaining mitigation requirements.

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

**CESAM-RD-I**  
**PUBLIC NOTICE NO. SAM-2007-01285-SVL**

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.

Any person may request a public hearing to consider this proposal. Requests for public hearing shall state, in writing, within the specified comment period, detailed reasons for holding a public hearing.

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.

No property listed in or eligible for the National Register of Historic Places is known to exist which would be affected by the proposal. The Applicant submitted a cultural resource assessment conducted by MRS Consultants, to the Alabama Historical Commission (AHC). In a letter from AHC to the Applicants Agent, dated 31 JUL 07, 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 had a Protected Species Survey conducted by CCR Environmental, Inc. Their report dated, June 2007, was submitted to this office. Although 28 federally protected/candidate species area identified by the USFWS database and CCR as target species for this project area, CCR contends that “none of them were found during the survey of the project property”. The summary of the report goes on to state that “eight fish species were collected in Martin Brook. No evidence of any native mussels was found anywhere on the site. Snails of the Family Planorbidae and the exotic Asian clam were collected in Martin Brook. Suitable habitat for the target species generally was lacking in the study area. Martin Brook was largely dry (some areas of small pools with some trickle flow), and all other tributary streams were completely dry, including the unnamed tributary to the Cahaba River. The forest in the study area was relatively young with a fairly dense mid- and under story. No spring seeps, lack of large limestone outcrops, and dense canopy cover along the streams precluded suitable habitat for Tennessee yellow-eyed grass and leafy prairie clover. A lack of caves, dense undergrowth and paucity of large trees with sloughing bark in the study area provided unsuitable conditions for Indiana and Gray bats and RCW. The forest structure and lack of large areas of open water on site were not suitable for the Bald Eagle.”

Other impacts from fill activities will be evaluated by applying Environmental Protection Agency 404(b)(1) guidelines. After review of public comments, the Alabama Department of Environmental Management will determine if the proposal complies with or operated and maintained in a manner consistent with the Clean Water Act.

Correspondence concerning this publication should refer to this Public Notice SAM-2007-01285-SVL and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, 218 Summit Parkway, Suite 22 2, 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.

**CESAM-RD-I**  
**PUBLIC NOTICE NO. SAM-2007-01285-SVL**

All comments should be received no later than 30 days from the date of issuance of this Public Notice.

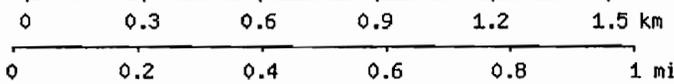
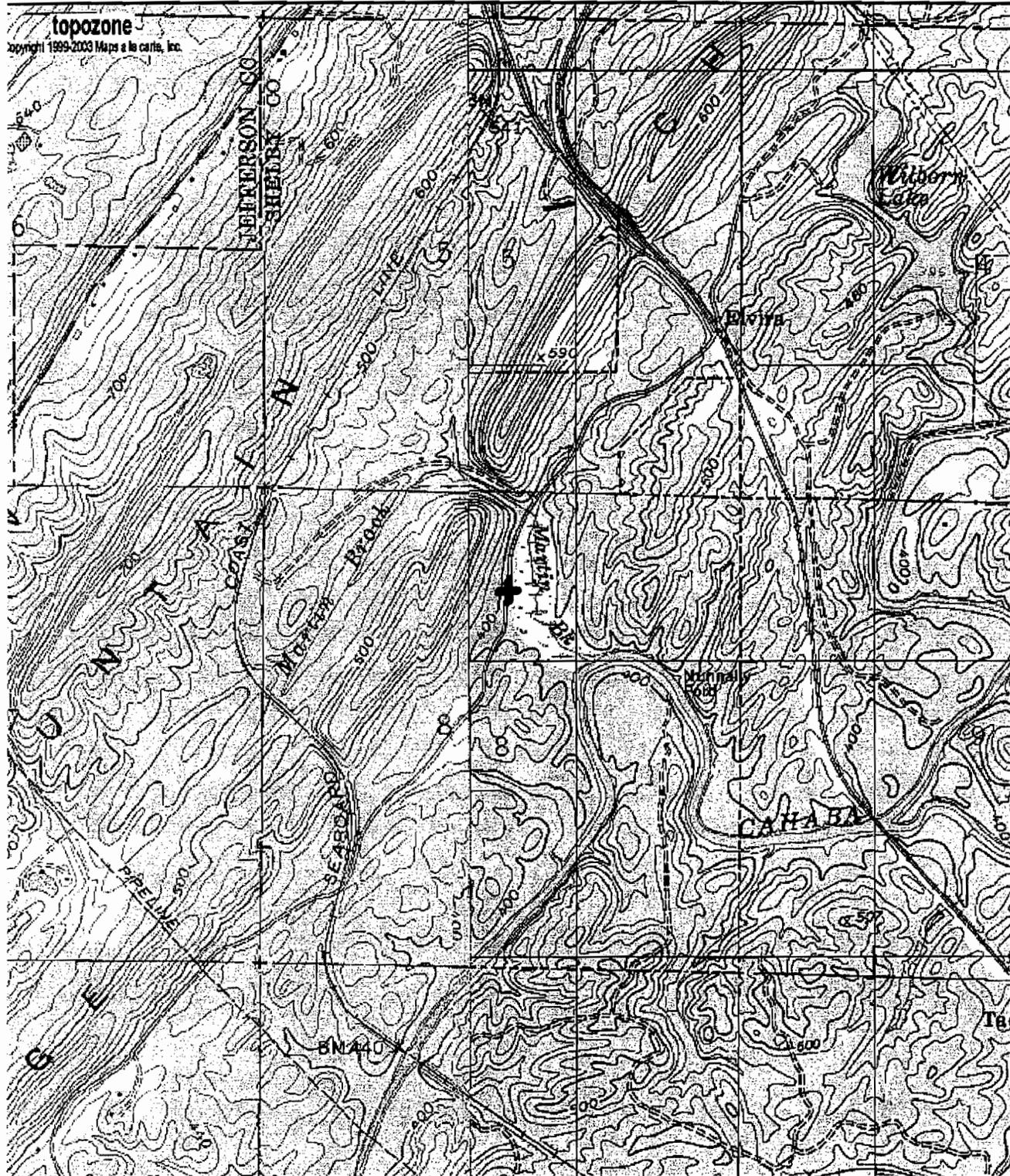
Enclosed to assist you with your review are the USGS Topozone map and the applicant's site location, wetland delineation, and proposed impact maps.

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](mailto: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](http://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



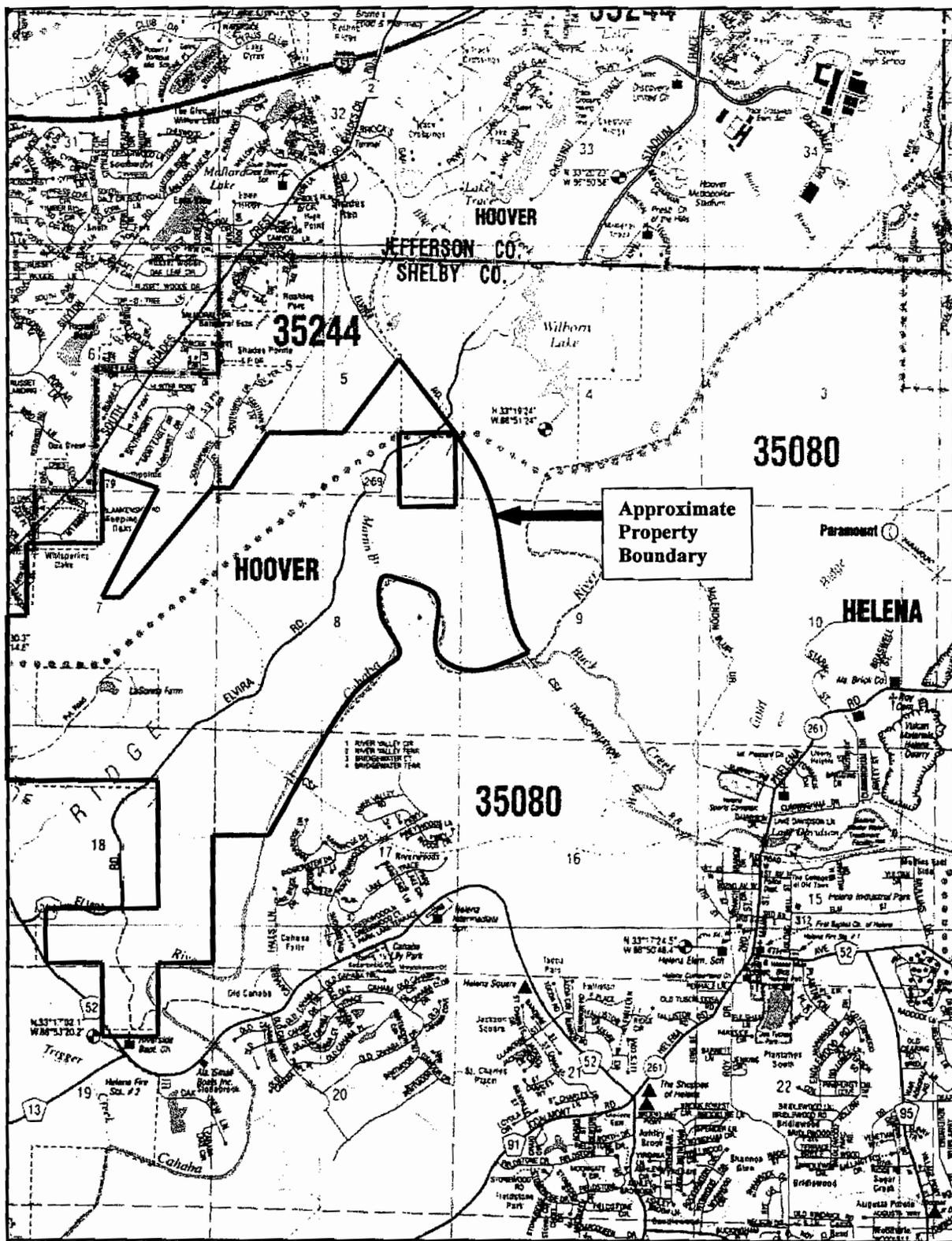
33.3152°N, 86.8736°W (NAD83/WGS84)  
**USGS Helena (AL) Quadrangle**  
 Projection is UTM Zone 16 NAD83 Datum

M=-2.168  
 G=0.069

**+ PROJECT CENTER POINT**

SAM-2007-01285-SVL  
 Martin Brook  
 Attachment 1 of 3  
 Dated 9/21/07

PN



Taken from Carto-Craft Maps Shelby County Map Book  
Not to Scale



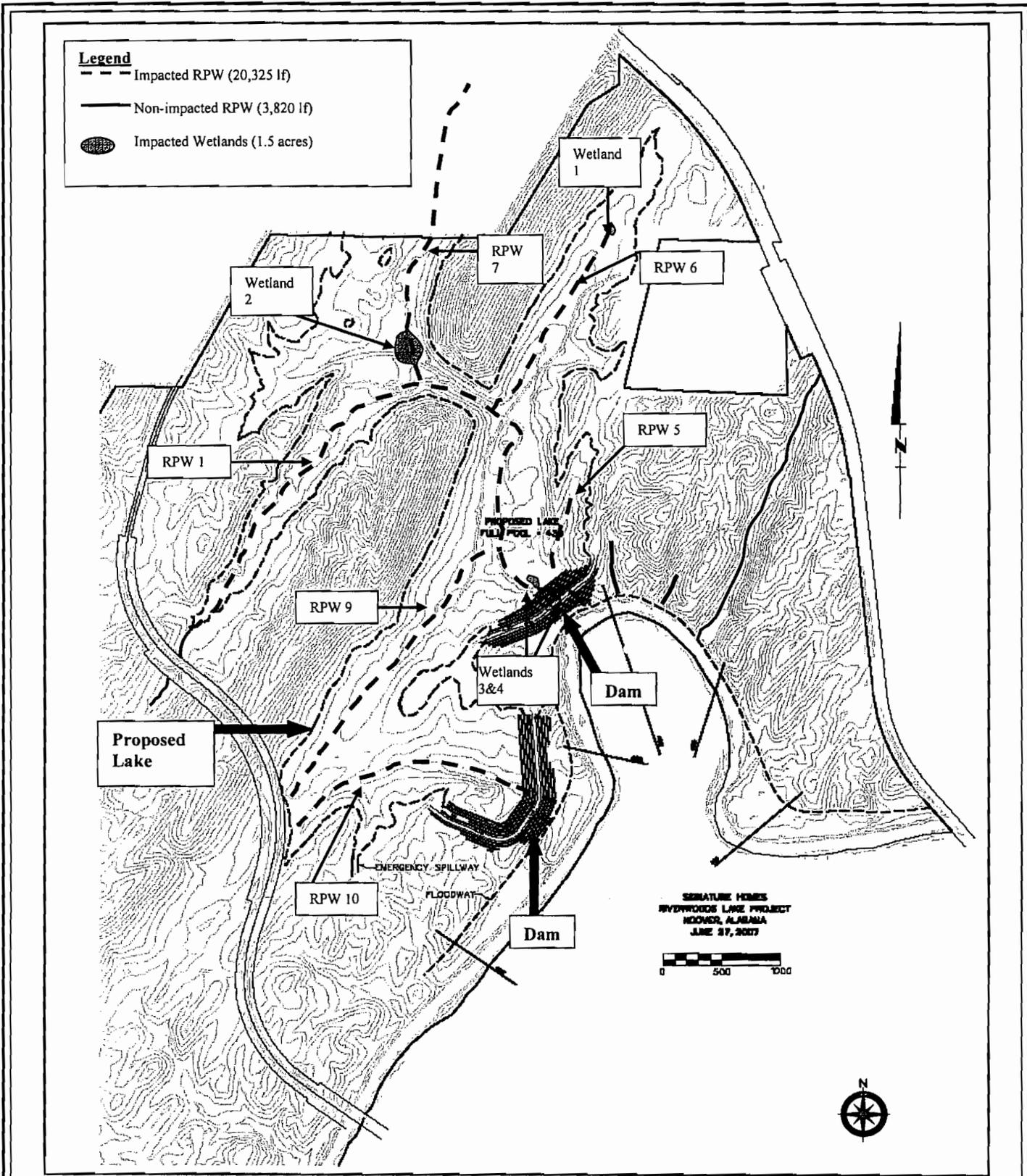
NO.	DATE	REVISION NOTE	BY

Drawn By: CMS	Project #: 1364-029
Checked By: SPC	Date: 7/2/07
Proj. Mgr.:	File Name:



TITLE

SAM-2007-01285-SVL  
700 SOUTHGA  
PELHAM, A  
FAX (205) 8  
PHONE (205) 8  
Martin Brook  
Attachment 2 of 3  
Dated 9/13/07



1	8-20-07		CS
NO.	DATE	REVISION NOTE	BY

Drawn By: CMS	Project #: 1364-029
Checked By: SPC	Date: 7/6/07
Proj. Mgr.:	File Name:

**SPECTRUM**  
 700 800/THG/  
 PELHAM, ALA  
 FAX (205) 938-1111  
 PHONE (205) 938-1111

TITLE  
 Figure 1364029-3

SAM-2007-01285-SVL  
 Martin Brook  
 Attachment 3 of 3  
 Dated 9/13/07