



REPLY TO  
ATTENTION OF:

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

CESAM-RD-I  
PUBLIC NOTICE NO. SAM-2008-453-DMY

April 6, 2009

**JOINT PUBLIC NOTICE**

**U.S. ARMY CORPS OF ENGINEERS**

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
COASTAL FACILITIES**

**IMPACTS TO WATERS OF THE U.S. IN CONJUNCTION WITH THE  
AFTER THE FACT AUTHORIZATION OF  
AN EXISTING 6-ACRE RESIDENTIAL IMPOUNDMENT  
MOBILE 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:**

Mr. Jon Lieber  
C/o Mr. Turner Ward  
Post Office Box 193  
Saraland, Alabama 36571

**AGENT:**

Barry A. Vittor & Associates  
Attention: Mr. Terry Whitehurst  
8060 Cottage Hill Road  
Mobile, Alabama 36695

**LOCATION:** Project located within the vicinity of an un-named tributary to Bayou Sara, off Celeste Road in the City of Saraland, Alabama. Sections 25 and 30, Township 2 South, Range 1 West, Mobile County, Alabama or Latitude North 30.8447 and Longitude -88.1252.

**WORK:** The applicant has filed an after-the-fact request for Department of the Army permit for an existing impoundment structure and 6-acre lake associated with a 147-acre private residence. The dam and lake was located on the property when the applicant recently acquired the property.

**CESAM-RD-I**  
**SAM-2008-453-DMY**

Construction of the dam and lake caused impacts to 2.6 acres of forested wetlands and 290 linear feet of an intermittent stream either through inundation or fill. It is estimated by the agent, that approximately 0.28 acres of wetlands were filled and the lake pool flooded 2.32 acres of wetlands and 290 linear feet of an intermittent stream. Prior to the applicant's purchase of the property the land had been managed for silvicultural activities. Further evaluation will be performed by the Corps on the wetland habitats. Currently the agent representing the applicant has conducted a wetland delineation and functional assessment of the onsite and adjacent wetlands using the Wetland Rapid Assessment Procedure (WRAP). Each of these assessments will be evaluated by the Corps. If approved, the applicant proposes compensation for the previous impacts to waters of the U.S. through the purchase of credits at an approved mitigation bank and preservation. Compensation for wetland impacts would be accomplished through the preservation and protection of 45 acres of forested wetlands associated with Bayou Sara and through the purchase of sufficient in-kind credits from an approved mitigation bank. Compensation for the stream impacts would be accomplished on-site through the preservation of 800 linear feet of stream below the impoundment structure, including a 50-foot wide riparian buffer on each side of the stream, and by the 500-foot wide wetland buffer adjacent to 3,000 feet of Bayou Sara.

The applicant will coordinate and apply for state certification in accordance with Section 401(a)(1) of the Clean Water Act and seek approval for the proposed activity to be in compliance with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. Upon completion of the required advertising and public comment of review, a determination relative to consistency will be made by the Alabama Department Environmental Management.

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.

**CESAM-RD-I**  
**SAM-2008-453-DMY**

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.

The National Register of Historic Places has been consulted. The agent representing the applicant conducted a Phase I survey of the surrounding property and no cultural resources were located. The survey and a recommendation by the Corps will be coordinated with the Alabama Historical Commission and the State Historic Preservation Officer. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

This notice and application will be coordinated with the U.S. Fish and Wildlife Service to assess if the proposed activity will affect listed endangered or threatened species, or their critical habitat. The applicant conducted an initial survey for any species existing onsite and found no evidence.

The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to **Public Notice Number SAM 2008-453-DMY** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Inland

**CESAM-RD-I**  
**SAM-2008-453-DMY**

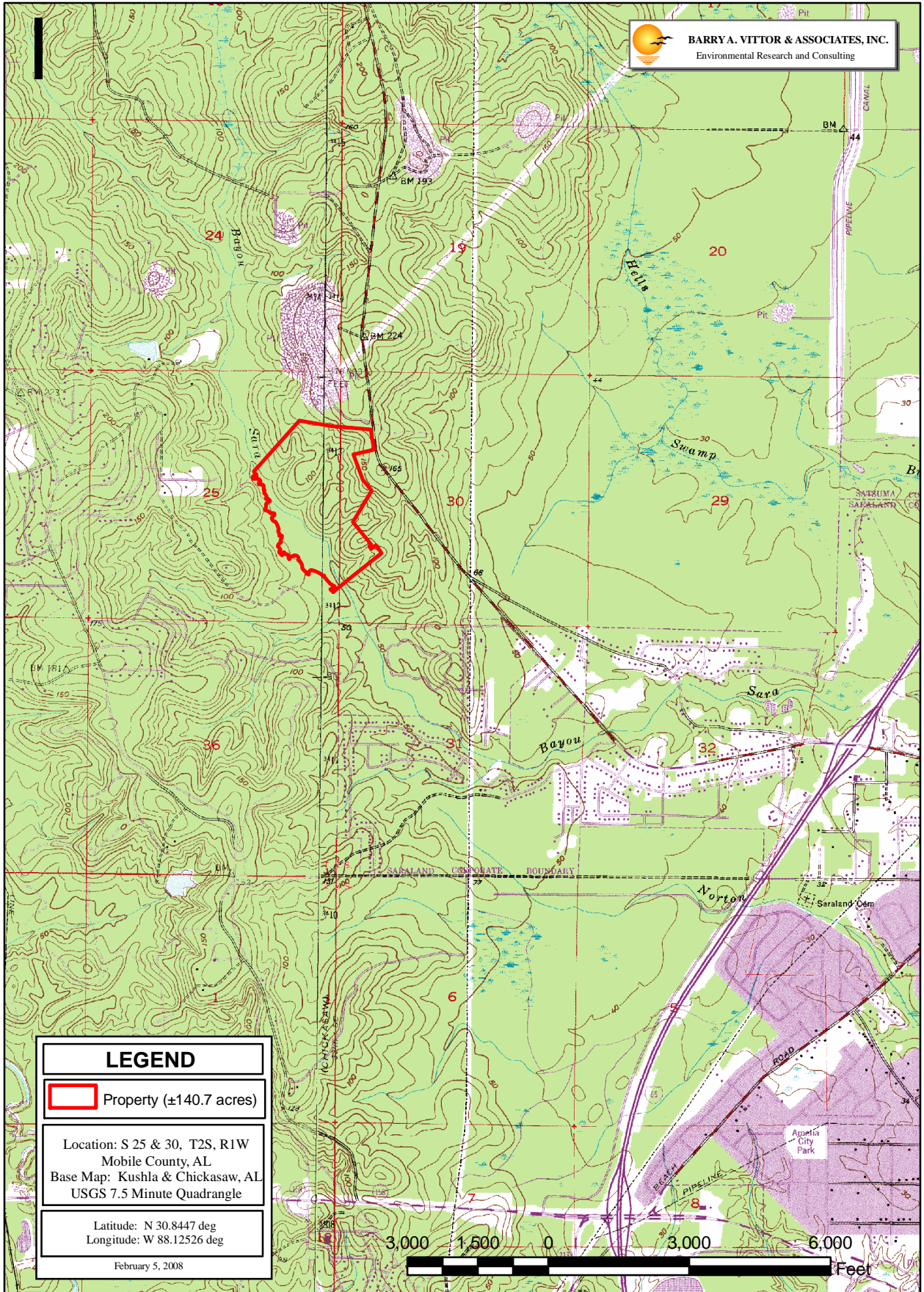
Branch. With a copy furnished to Alabama Department of Environmental Management, 4171 Commanders Drive, Mobile Alabama 36615. Comments should be received no later than **30 days from the date of this Public Notice.**


If you have any questions concerning this publication, you may contact the Project Manager Mr. Damon M. Young, P.G. via email at [Damon.M.Young@usace.army.mil](mailto:Damon.M.Young@usace.army.mil) or telephone number (251) 690-2658. Please refer to the Public Notice SAM-2008-453-DMY.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://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.

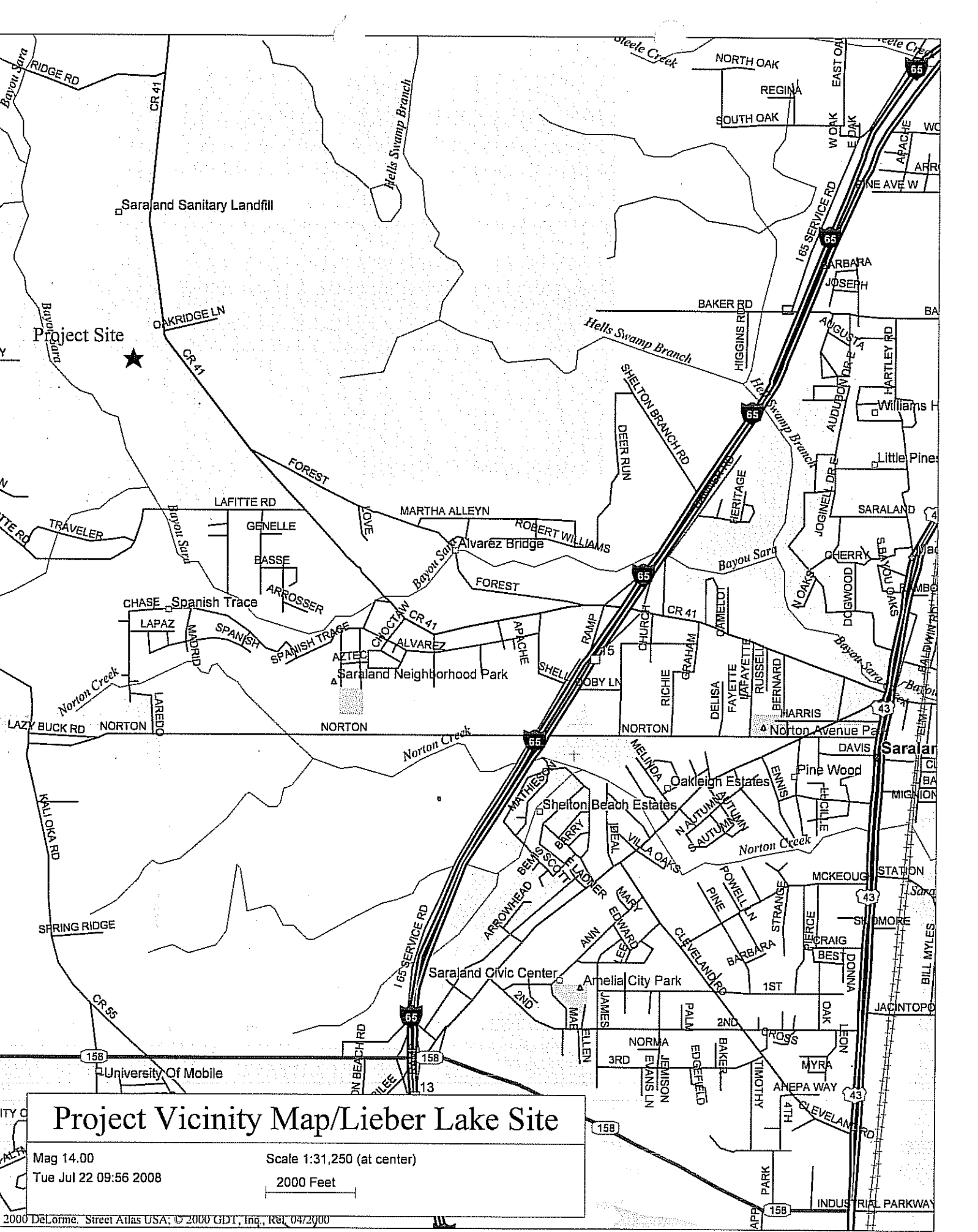
MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosures



<b>LEGEND</b>	
	Property (±140.7 acres)
Location: S 25 & 30, T2S, R1W Mobile County, AL Base Map: Kushla & Chickasaw, AL USGS 7.5 Minute Quadrangle	
Latitude: N 30.8447 deg Longitude: W 88.12526 deg	
February 5, 2008	



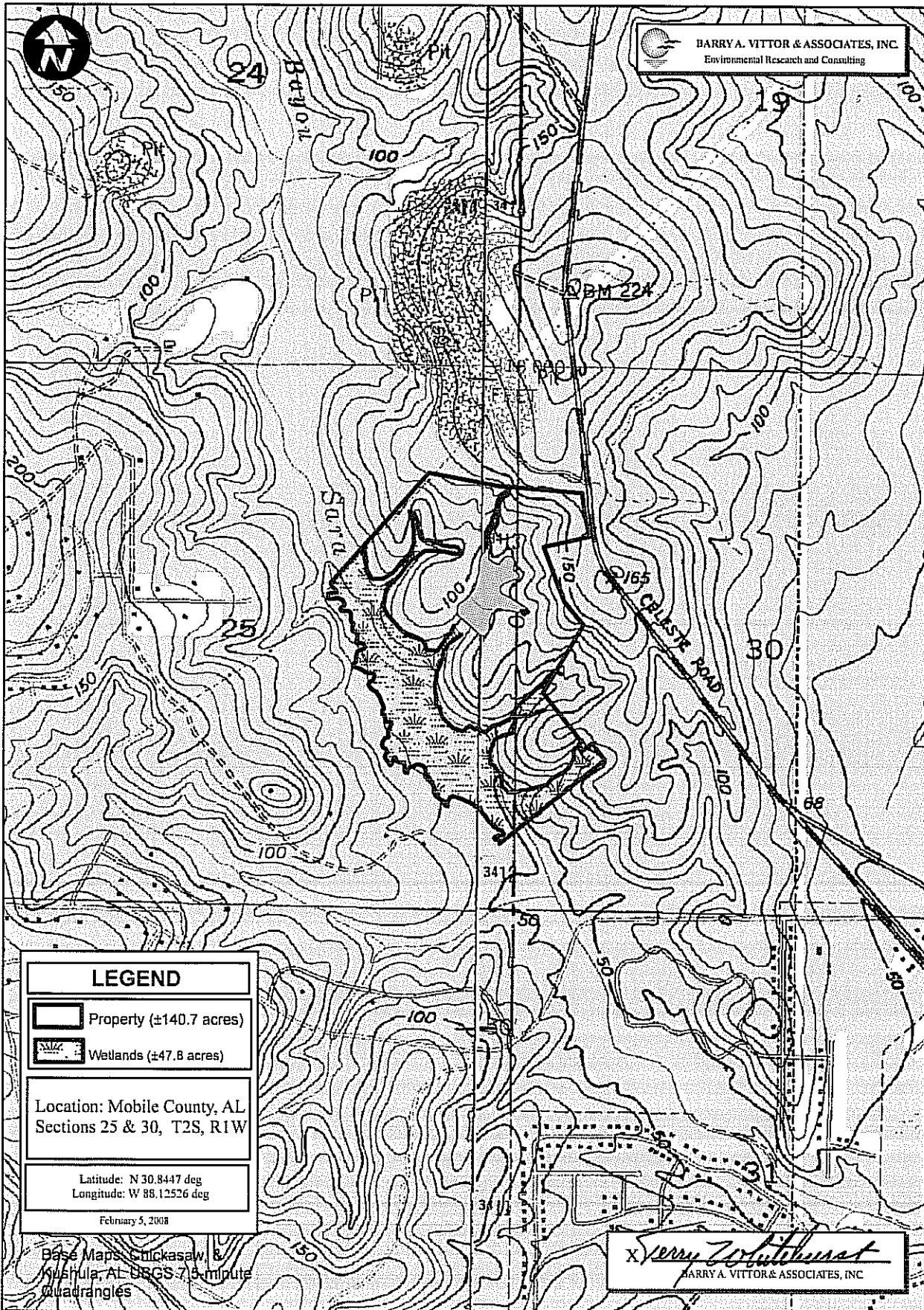


# Project Vicinity Map/Lieber Lake Site

Mag 14.00  
Tue Jul 22 09:56 2008



Scale 1:31,250 (at center)  
2000 Feet





BARRY A. VITTOR & ASSOCIATES, INC.  
Environmental Research and Consulting

**LEGEND**

-  Property (±140.7 acres)
-  Wetlands (±47.8 acres)

Location: Mobile County, AL  
Sections 25 & 30, T2S, R1W

Latitude: N 30.8447 deg  
Longitude: W 88.12526 deg

February 5, 2008

Base Maps: HICKASAW & NOSHULA, AL USGS 7.5-minute Quadrangles

*BARRY A. VITTOR*  
BARRY A. VITTOR & ASSOCIATES, INC.

Positions of wetland flags were fixed using GPS accurate to +/- 3 meters.

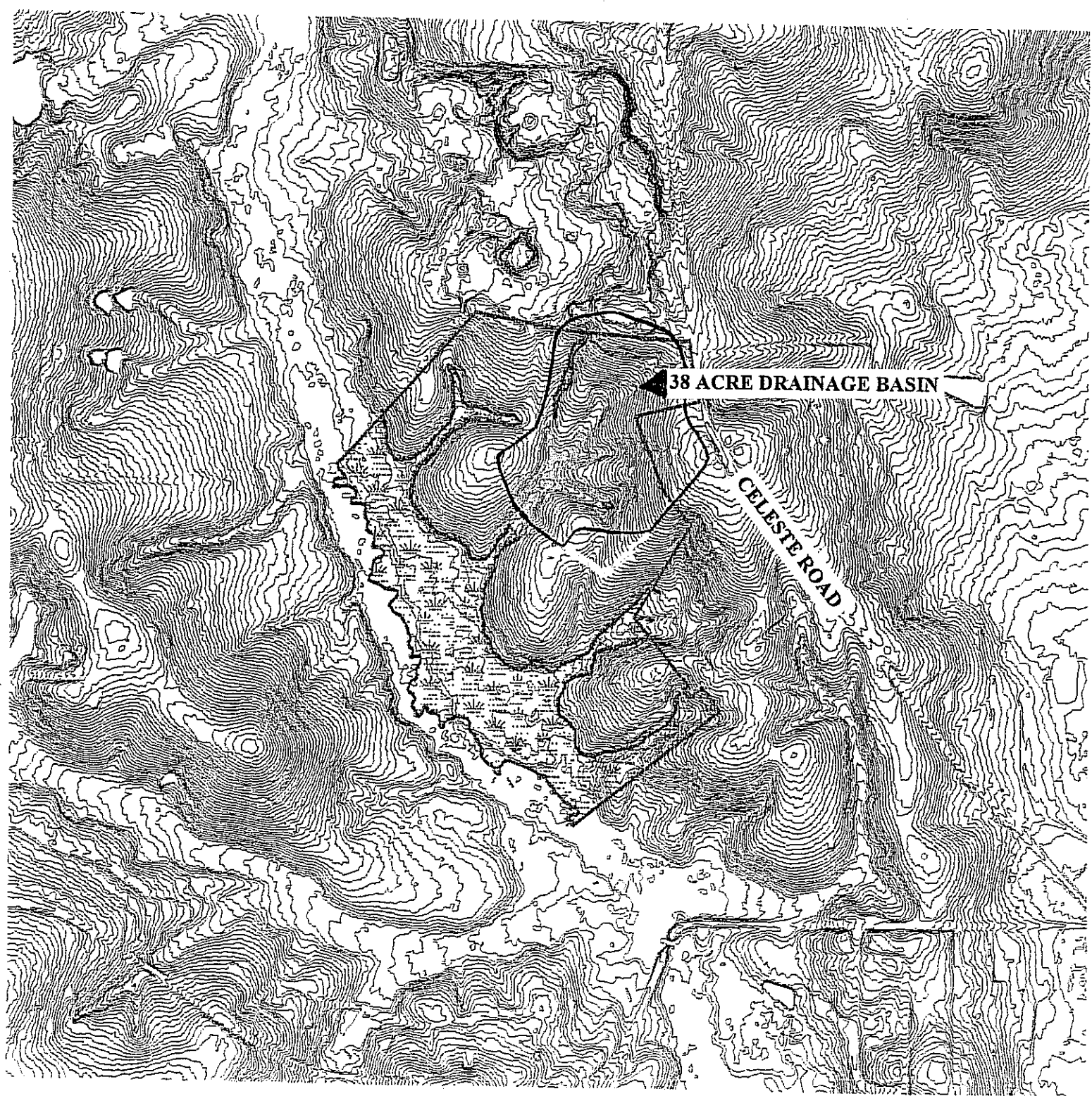
Wetland boundaries have not been verified by the U.S. Army Corps of Engineers.

Property boundaries are approximate.

1,000 500 0 1,000 2,000



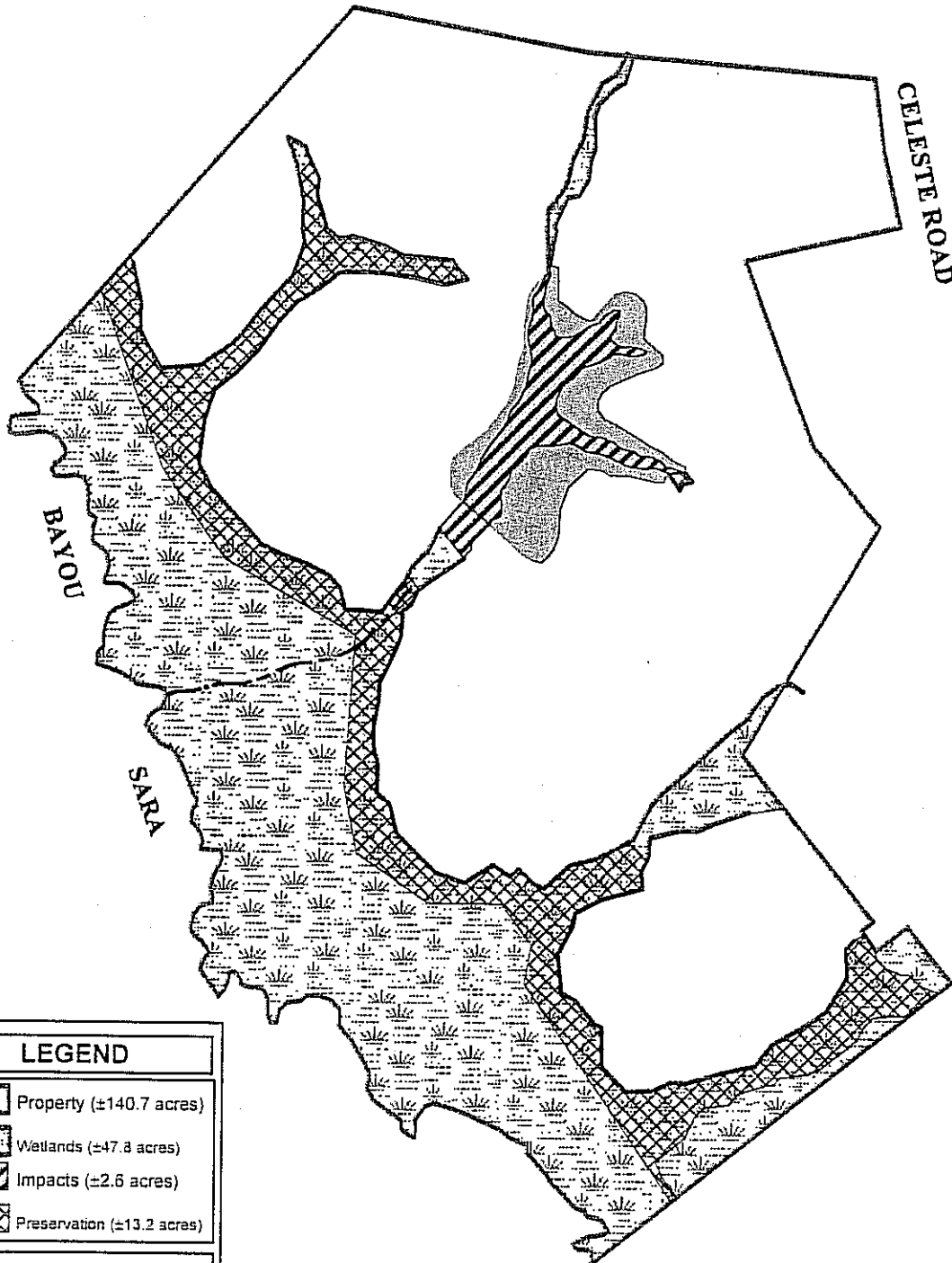
Feet







JON LIEBER PROPERTY



BARRY A. VITTOR & ASSOCIATES, INC.  
Environmental Research and Consulting



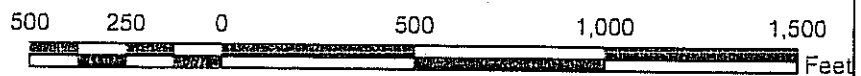
### LEGEND

-  Property ( $\pm 140.7$  acres)
-  Wetlands ( $\pm 47.8$  acres)
-  Impacts ( $\pm 2.6$  acres)
-  Preservation ( $\pm 13.2$  acres)

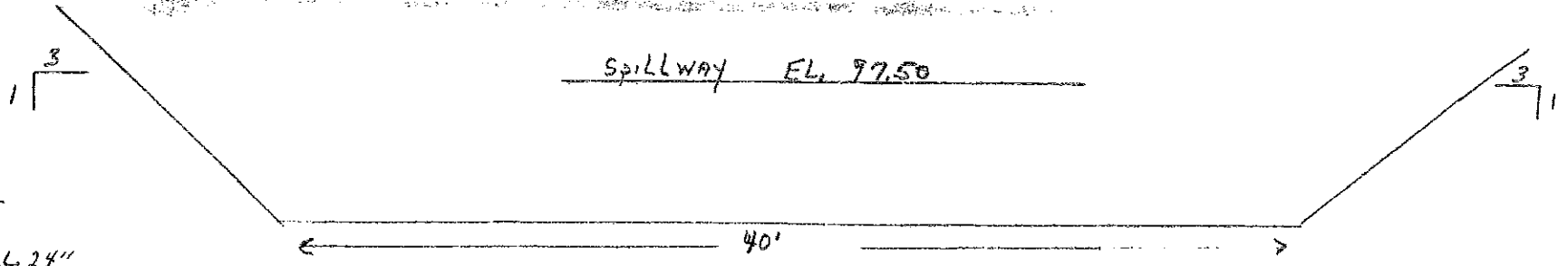
Location: S 25 & 30, T2S, R1W  
Mobile County, AL  
Base Map: Kushla & Chickasaw, AL  
USGS 7.5 Minute Quadrangle

Latitude: N 30.3447 deg  
Longitude: W 88.12526 deg

February 5, 2004

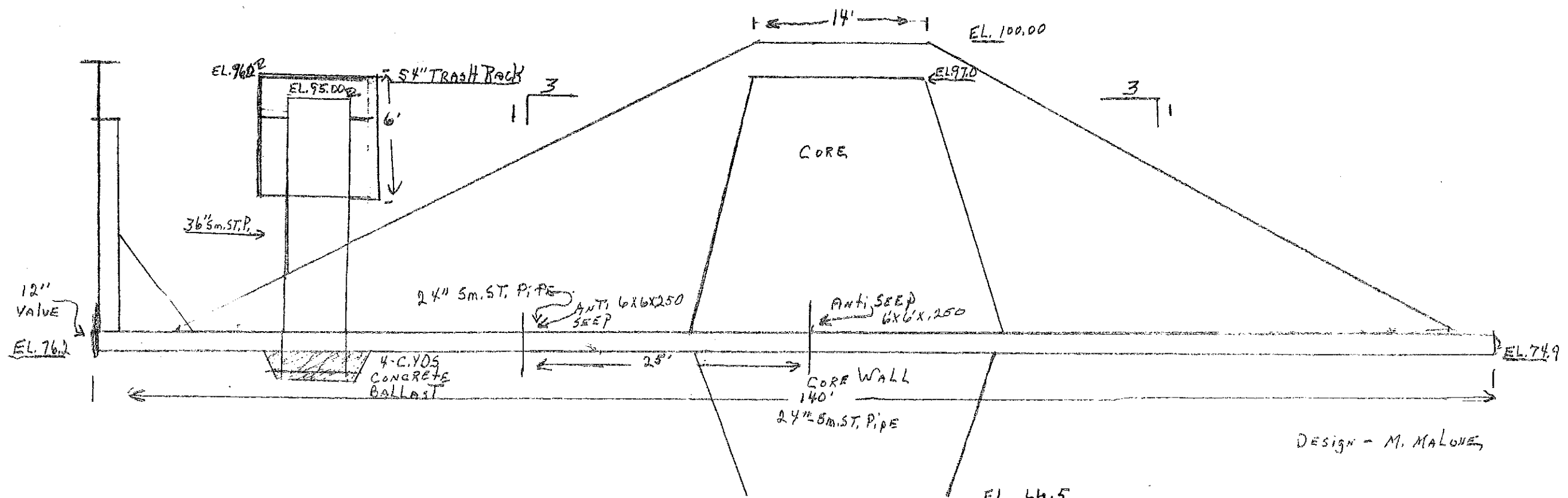


## JON LIEBER PROPERTY



- 12,786 - CUBIC YDS - DAM
- 1331 - CUBIC YDS, CORE
- 140' SM. ST. PIPE, 375" WALL - 24"
- 20' SM. ST. PIPE, 375" WALL - 36"
- 1 - 12" KNIFE GATE VALVE
- 2 - ANTI-SEEP PLATES - .250 X 6 X 6 -

DESIGN OF DAM FOR JON LIEBER LAKE, CELESTE ROAD



DESIGN - M. MALONE