



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

SEP -5 2006

CESAM-RD
PUBLIC NOTICE NO. SAM-2006-01726-HWL

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

**PROPOSED FILLING OF WETLANDS AND OTHER WATERS OF THE UNITED STATES
IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING LAKE IS ASSOCIATION
WITH DEVELOPMENT OF THE SAUNDERS BRIDGE DEVELOPMENT, STERRETT,
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: TP Development, LLC
Attn: Rhett Bennett
2140 Eleventh Avenue South
Suite 402
Birmingham, AL 35205

WATERWAY: Yellow Branch off Shelby County Road 45, Sterrett, Shelby County, Alabama. More specifically, the subject site is described as being situated in Sections 22,23,26&27 of Township 18 South, Range 1 East and is centered at Latitude 33⁰ 26.57' North and Longitude 86⁰ 30.67' West. The existing lake and the proposed lake expansion in limited in aerial extent to Sections 23 and 26 of Section 18 South, Range 1 East.

WORK: TP Development, LLC (TP Development) is currently planning the development and construction of the Saunders Bridge residential development in Sterrett, Shelby County, Alabama. A part of this project is the replacement of an existing earthen dam structure that impounds a lake (Twin Pine Lake) with a surface area of approximately 32 acres. The proposed dam will be located approximately 1,700 linear feet downstream of the existing dam and will result in a lake with a surface area of approximately 66 acres. The proposed project will result in the loss of 2,510 linear feet of stream and approximately 1.0 acre of wetlands.

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The following Table is provided to summarize the potential impacts that are proposed:

Type of Impact	Impact Type	Area of Impact (ft ²)	Area of Impact (acres)	Linear Feet of Stream
Impoundment	Perennial Stream #2	(2,100*10)=21,000	0.60	2,100
Impoundment	Intermittent Stream #1	(410*2)=820	0.02	410
Impoundment	Wetlands A	39,200	1.00	N/A
TOTALS		63,020	1.62	2,510

TP Development is proposing to mitigate for the impact of approximately 2,510 linear feet of waters of the U.S. with a combination of on-site mitigation and off-site compensatory mitigation. On-site mitigation will be able to satisfy 2,385 credits, therefore TP Development will purchase 9,405 credits from an off-site compensatory mitigation area site. The area of on-site mitigation is shown on attached figure.

TP Development is proposing to mitigate for the impact of 1.0 acre of wetlands by purchasing the credits from the same mitigation area from which the stream credits will be purchased. The WRAP worksheet (Appendix E) was completed to determine the number of credits to purchase. The resulting WRAP score was 86%. To determine the number of credits needed, the WRAP score is multiplied by the number of acres impacted: $0.86 * 1.0 = 0.86$ credits

However, TP Development is proposing to purchase 1.5 acres of preserved wetland to compensate for the impact of the 1.0 of wetland during the project.

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 (Corps) 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 utilization 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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. 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.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

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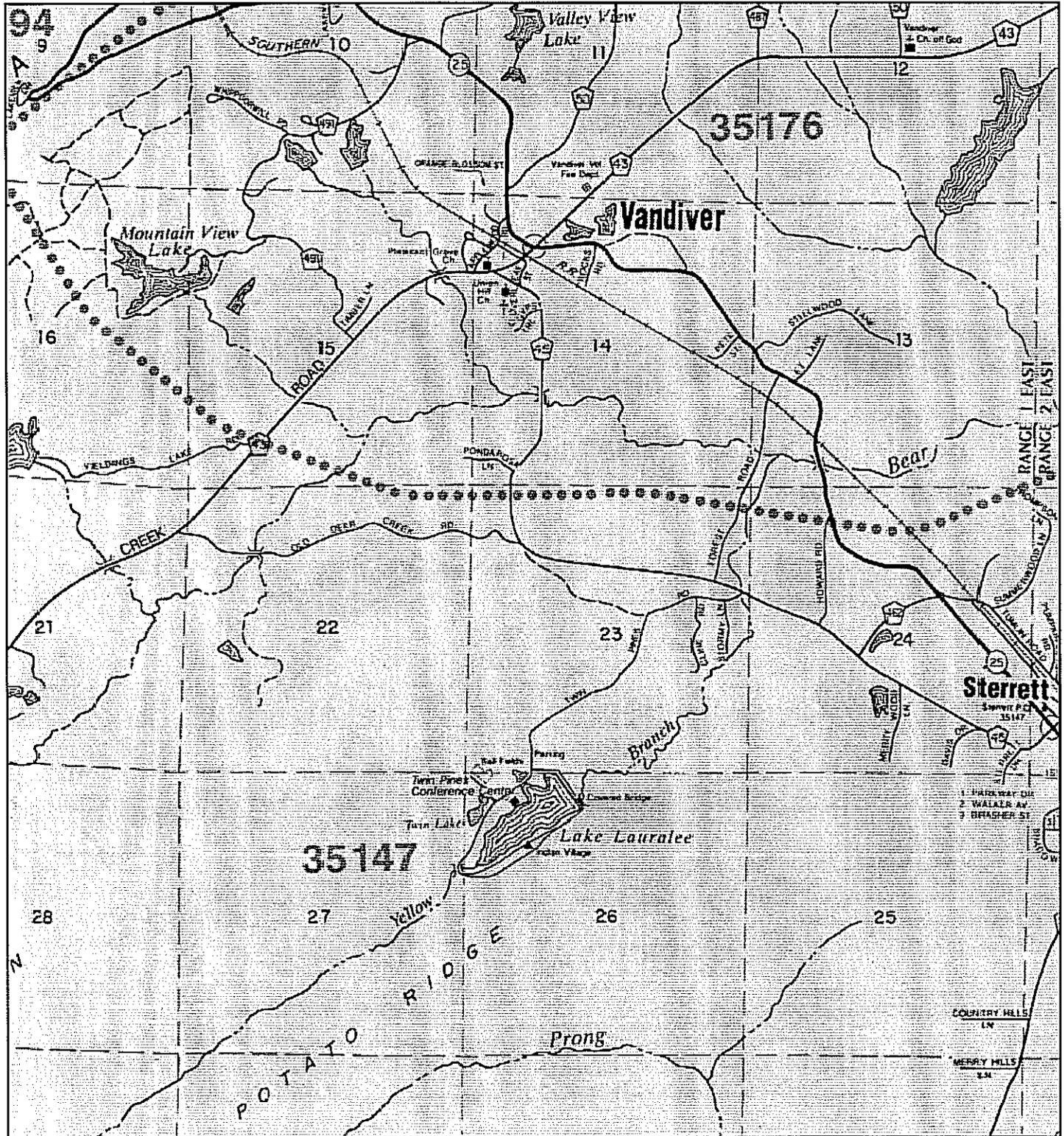
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2006-01726-HWL**, and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, 218 Summit Parkway, Suite 222, Homewood, Alabama, 35209, with a copy to the Alabama Department of Environmental 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 this office, **Mr. Howard Ladner**, telephone number **(205) 690-9096** or email at **howard.w.ladner@usace.army.mil**. 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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



35176

Vandiver

Sterrett
Sterrett P.O.
35147

35147

- 1 PARKWAY DR
- 2 WALKER AV
- 3 BRASHER ST

POTATO RIDGE
Yellow
PRONG

COUNTRY HILLS LN
MERRY HILLS LN

Figure 1 Vicinity Map

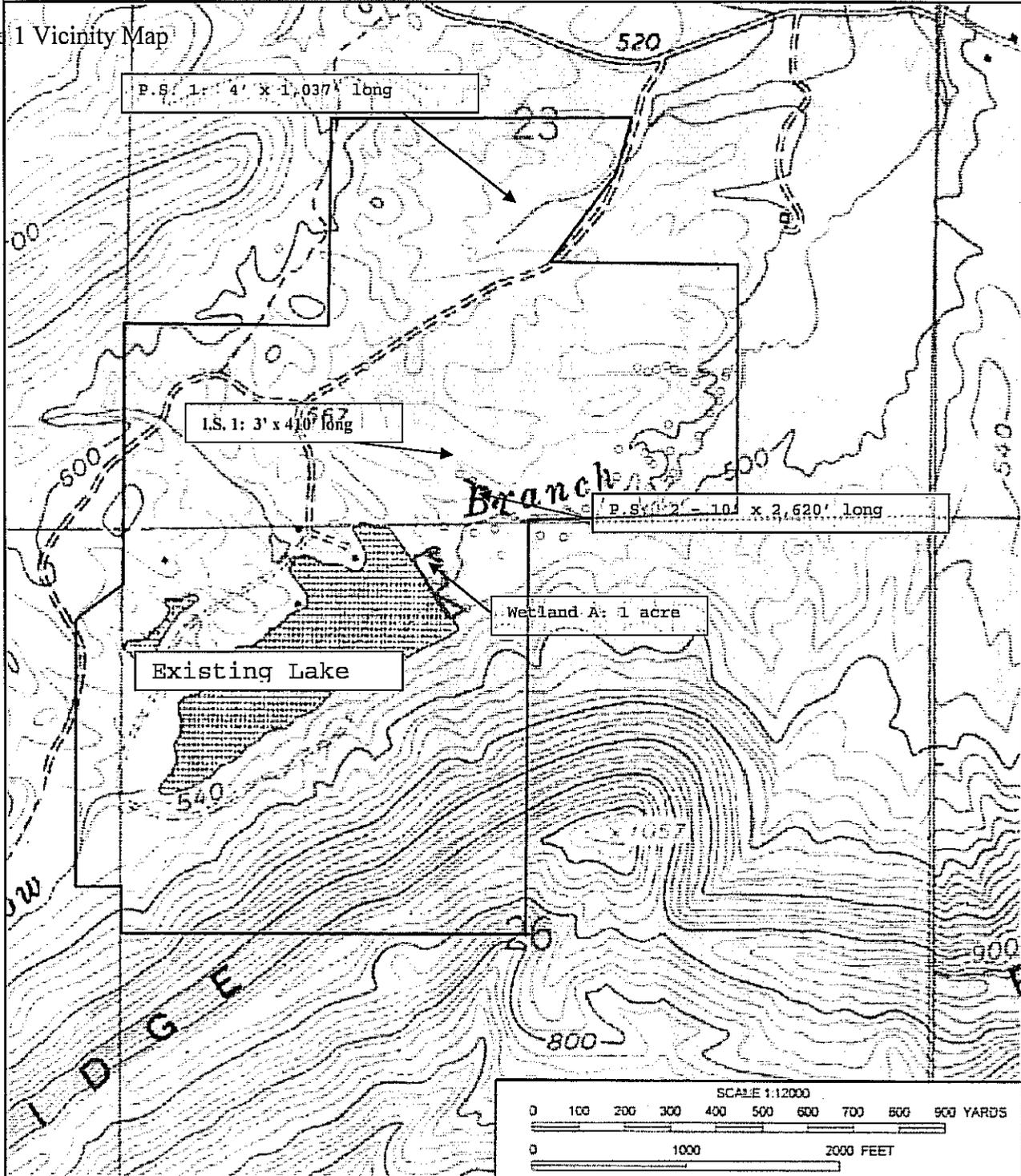
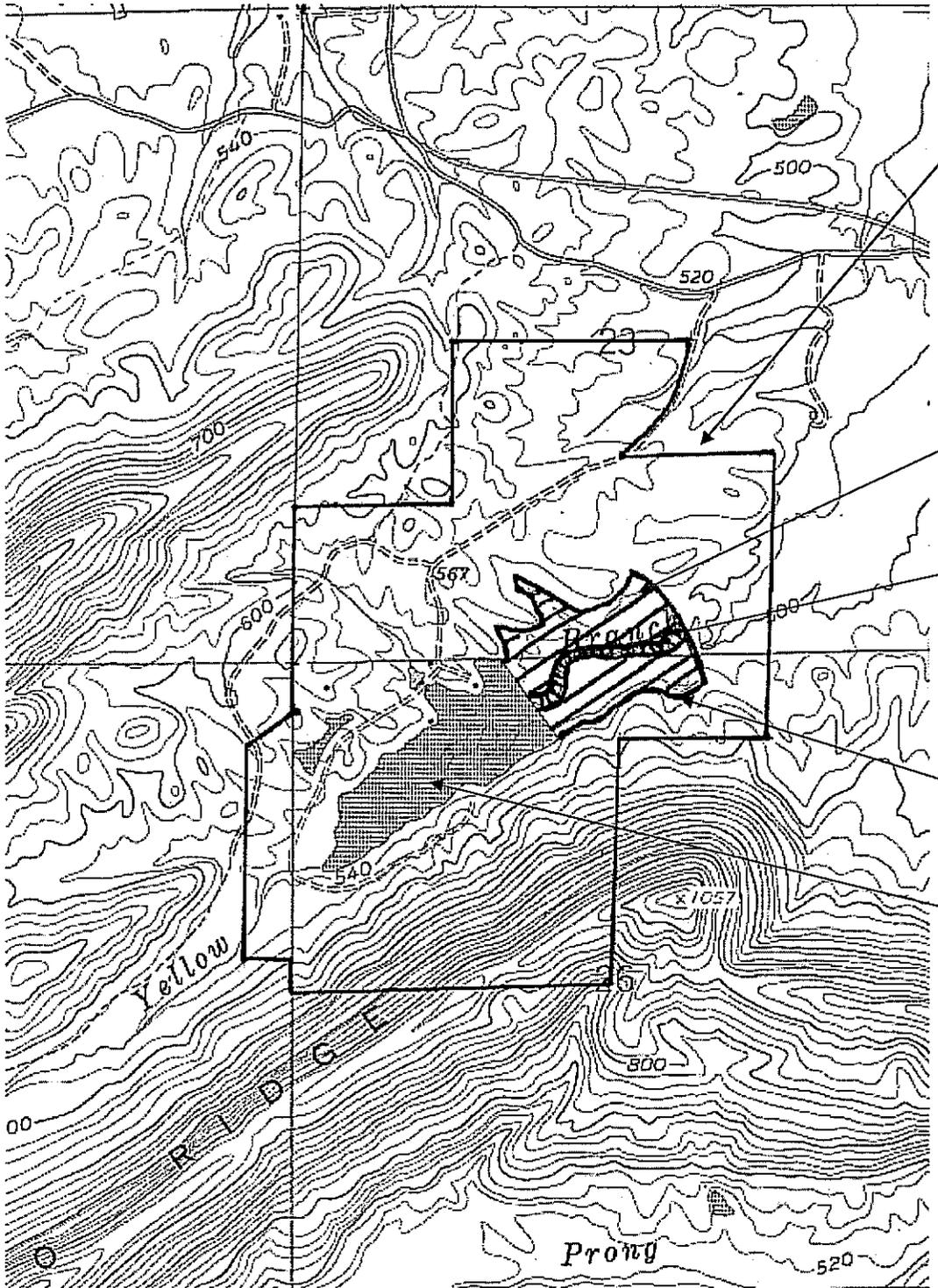


Figure 2 - Existing Conditions



Approximate Property Boundary

Proposed New Dam Location

Proposed Impact to Yellow Branch

Proposed Upland Impact (Inundation) Including unnamed Tributary to Yellow Branch

Existing Lake Footprint

Figure 3 - Proposed Impacts

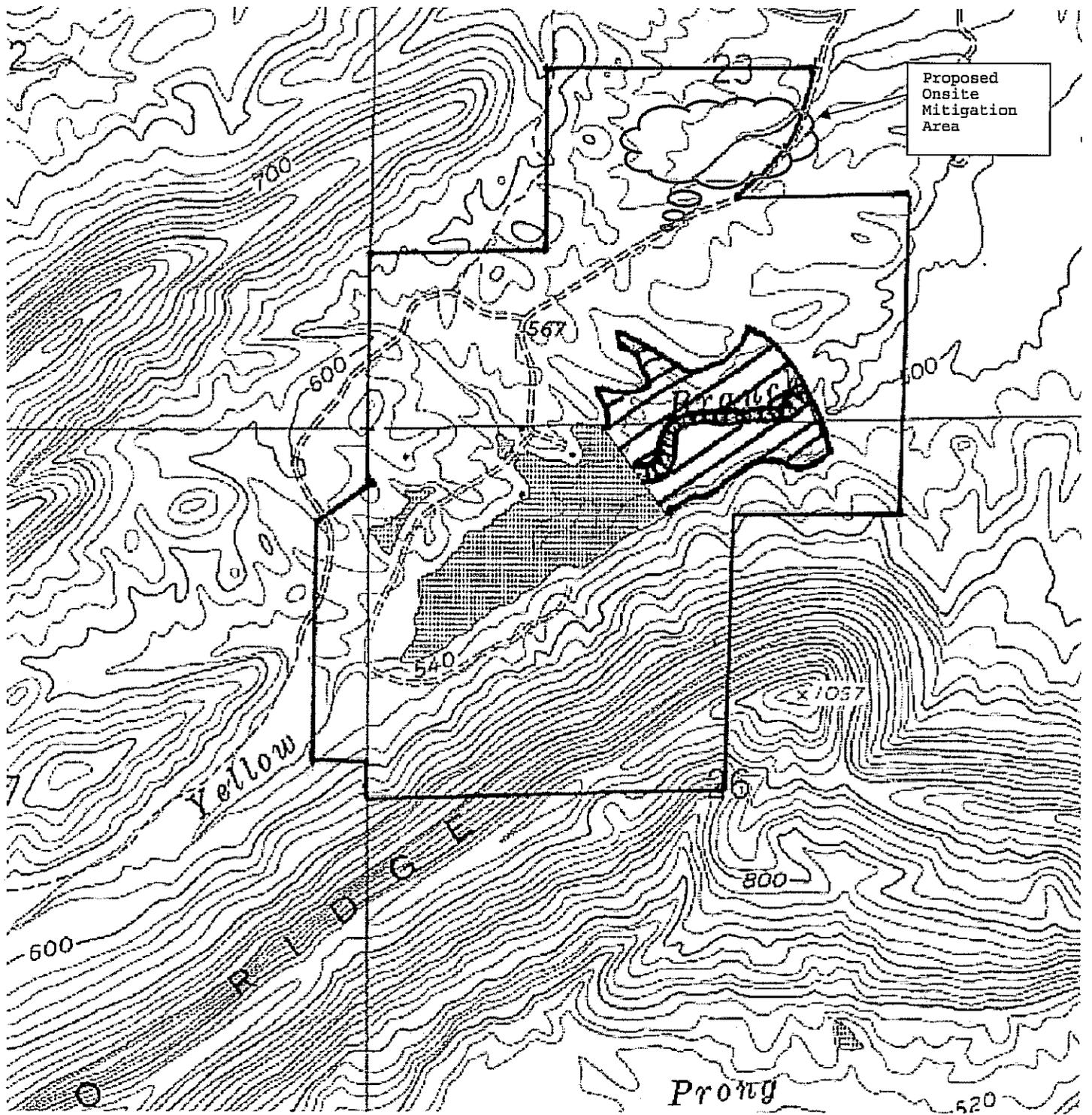


Figure 4 - Proposed Mitigation

