



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  
PUBLIC NOTICE NO. SAM-2006-01795-HWL

SEP -5 2006

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 DEVELOPMENT OF THE  
"NEW PARK DEVELOPMENT", MONTGOMERY 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:** Tri-W Development  
2660 EastChase Lane, Suite 100  
Montgomery, AL 36117

**WATERWAY:** Unnamed tributary of Catoma Creek, Montgomery County, Alabama. More specifically, the subject site is described as being situated in Sections 2,3,4,5,8,9,10 of Township 15 North, Range 19 East and is centered at Latitude 32<sup>0</sup>18'10" North and Longitude 86<sup>0</sup>09'06" West.

**WORK:** The purpose of the project is to provide for residential development in East Montgomery County. The entire project boundary totals approximately 1,430 acres and it was determined that approximately 55.1 acres of the property are jurisdictional wetlands. In addition there are 13,811 linear feet of intermittent stream located within the property boundary. The applicant is attempting to obtain an individual permit to impact approximately 18.39 acres of wetlands and 9,658 linear feet of intermittent stream in order to render the site suitable for residential development. The proposed development will include approximately 3,500 residential lots, apartments, church, town center, institutional facility (i.e. YMCA and potential school), etc. The applicant's objective is to incorporate all proposed construction and related impacts into a single permit application, as opposed to

**“piece-mealing” the project into multiple Corps permits. The project will be constructed in phases.**

**The applicant contends that, “In accordance with the Section 404(b)(1) Guidelines, all efforts were made to manipulate the layout of the proposed development in order to avoid the jurisdictional areas. It is important to keep in mind the magnitude of overall development and acreage within the parcel (1,430 acres). The western property boundary to the eastern property boundary is approximately 2.5 miles. The applicant is proposing to avoid 36.7 acres of wetlands and 4,153 linear feet of intermittent stream. The highest quality wetland area on the parcel is located along the western boundary and totals 18.3 acres. As shown on the development plan (Figure 2), the applicant has manipulated the development plan to allow wetlands and streams to be located along lot lines and subsequently avoided. In addition, there are a number of green spaces within the scope that includes jurisdictional areas. The streams to be impacted are low quality intermittent streams that are impacted due to significant beaver activity with an abundance of exotic species (primarily Chinese privet). The majority of the wetland impacts are within the northeastern most pond shown on the development plan. This is an existing pond with a faulty dam, an overwhelming amount of Chinese tallow tree, and subsequently overall poor habitat. The applicant is proposing to repair the pond and restore previous conditions. The remaining wetland habitats are primarily smaller wetland areas associated with the streams and mostly consist of hackberry including Chinese privet.”**

**The applicant is currently reviewing mitigation alternatives including but not limited to: on-site preservation/restoration, off-site mitigation or purchasing wetland credits from a mitigation bank. The applicant is currently reviewing mitigation alternatives including but not limited to: on-site reservation/restoration, off-site mitigation or purchasing stream credits from a mitigation bank.**

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.

An archaeological survey is currently being conducted on the property and the report will be forwarded to the Alabama Historical Commission's (AHC) State Historic Preservation Office for review. If any cultural resources are discovered during construction, all activities will cease and the AHC will be contacted immediately. Copies of this notice are being sent to the AHC and 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.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2006-01795-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) 290-9096** 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](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





