



DEPARTMENT OF THE ARMY

U.S. ARMY DISTRICT, MOBILE

CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO:

Regulatory Division

Inland Branch

Public Notice No. SAM-2007-00935-SVL

OCT 16 2007

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

PROPOSED Creek Realignment
Moody, St Clair 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: City of Moody
C/O Mr. David Treadwell
2900 Daniel Drive
Moody, AL 35004

AGENT: Spencer Engineering, Inc.
C/O Keith Hager
3237 Lorna Road
Birmingham, AL 35216

LOCATION: The subject site is located in the city of Moody, St. Clair County, along the Little Cahaba River. The property is accessed via US Highway 411. The subject site encompasses acreage located in Section 18, Township 16 South, and Range 3 West. The site is at Latitude 33°38'19.26" N and Longitude 86°22'03.54" W. See USGS Leeds (AL) Topo Map, enclosed (Attachment 1).

PUBLIC NOTICE NO. SAM-2007-00935-SVL

WORK: The applicant has applied to "relocate and revitalize 3,097 linear feet of the existing Little Cahaba River to a new revitalized condition and improved location." They propose that via this work the following will be accomplished:

- Improve water quality.
- Ensure the safety and limit the financial losses of its citizens by controlling flooding.
- Improve the safety of U.S. Highway 411 by reducing the flooding across travel ways.
- Remove existing buildings, unauthorized culvert stream crossings and other obstructions from the floodway and establish a new floodway along the new water course.
- Allow for long-term maintenance of the improved waterway, flood plain and wetlands.
- Allow for public enjoyment and education of the waterway.
- Allow for the vacated portion of the stream channel and flood way area to be used in future City commercial growth.

Each of these areas is detailed in the Application (Attachment 2).

The following impacts would arise from this project:

- 3,067 linear feet of the Little Cahaba River (2nd Order Perennial Stream - Relatively Permanent Water) to be relocated to an engineered designed stream channel located just west of the current stream location.
- 716 feet of an unnamed tributary of the Little Cahaba River (2nd Order Perennial Stream - Relatively Permanent Water) that flows from the west under US Highway 411 will be piped from US 411 to where it will intersect the relocated Little Cahaba River just west of its current intersection with the Little Cahaba River.
- 140 linear feet of an unnamed tributary of the Little Cahaba River (1st Order Intermittent - Relatively Permanent Water) that flows from the east near the southern boundary of the project will have its stream bed altered due to the relocated stream channel being built in its present water course. The current streambed will be engulfed by the engineered channel of the relocated Little Cahaba River.

Avoidance & Minimization: The Applicant had an original project footprint of approximately 900 feet downstream to approximately 6,300 feet upstream of US Hwy 411 on the Little Cahaba River; with the proposed area of revision extending from approximately 1,100 feet

PUBLIC NOTICE NO. SAM-2007-00935-SVL

downstream of US Hwy 411 to approximately 5,000 feet upstream of Park Avenue, Moody, AL. They have minimized that footprint, in accordance with recommendations from USFWS, EPA and the Corps of Engineers to that of the current proposed plan. While multiple layouts were taken into consideration the proposed project is the Applicant's preferred alternative and addresses the needs of the Little Cahaba River while at the same time allowing the Applicant to achieve their objectives with regards to public safety, construction feasibility, environmental concerns, economics, aesthetics, flood hazards, floodplain values, and land use.

MITIGATION: The Applicant retained Highland Technical Services, Inc. (HTSI) to assist them in their development of a base line (working draft) mitigation plan. HTSI utilized the US Army Corp of Engineers, Mobile District, Compensatory Stream Mitigation Guidelines Standard Operating Procedures Worksheets draft March 2005 (SOP), to determine the number of stream mitigation credits that would be required to offset the impacts of the proposed project. The current proposed mitigation plan will incorporate a combination of culvert removal, restoration and preservation buffers, invasive species and refuse removal, wetland species planting, conservation easements, and level II monitoring. As proposed this plan would generate an excess of approximately 6,500 mitigation credits beyond what is required by the SOP.

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

PUBLIC NOTICE NO. SAM-2007-00935-SVL

be considered to determine whether to issue, modify, condition 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.

The applicant has already held a couple of Public Awareness/Information meetings, sent out letters to adjacent property owners detailing the project, and has held two pre-application meetings with key local, state and federal agencies. However, 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 the need to hold 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 The University of Alabama, Office of Archaeological Research, dated July 9-10, 2007 to the Alabama Historical Commission (AHC), via cover letter dated July 18, 2007. In a letter from AHC to the Applicants Agent, dated July 27, 2007, 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 has submitted to the USFWS a Protected Species Survey conducted by Highland Technical Services, Inc. (HTSI). HTSI performed the threatened and endangered species survey for the terrestrial and plant species and retained the services of Mr. Jeff Selby, AST Environmental Group (USFWS Federal Collection Permit TE-100626-4), to perform the threatened and endangered species survey for aquatic species along the reach of the Little Cahaba River that would be impacted by the proposed project. To date this office has not received a response from USFWS on this matter. To summarize the details of said report:

"The following are the conclusions resulting from this investigation:

- Threatened and/or endangered species listed by the U.S. Fish and Wildlife Service for the St. Clair County, Alabama area include such aquatic species as the Fine-lined pocketbook mussel *Hamiota*

PUBLIC NOTICE NO. SAM-2007-00935-SVL

(Lampsilis altilis); Ovate Clubshell (Pleurobema perovatum); Southern acornshell mussel (Epioblasma othcaloogensis); Southern pigtoe mussel (Pleurobema georgianum); Southern clubshell (Pleurobema decisum); Triangular kidneyshell (Ptychobranthus greenii); Tulotoma snail (Tulotoma magnifica); and the Upland combshell mussel (Epioblasma metastrata). Terrestrial species include the Red-Cockaded woodpecker (Picoides borealis) and the Bald eagle (Haliaeetus leucocephalus). Plant Species include the Alabama leather flower (Clematis socialis).

- No live specimens or potential suitable habitat were observed for the terrestrial species listed above. No live specimens or shell material for the aquatic species listed above were discovered on the subject property."
- 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."

The Applicant submitted to the Federal Emergency Management Agency (FEMA), via letter dated September 6, 2006, from Martin Engineering Company, Inc., a request for an evaluation of the effects that updated topographic information, updated hydrologic and hydraulic analyses, and a proposed channelization would have on the flood hazard information shown in the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. FEMA responded, via a letter dated March 29, 2007, giving their initial concurrence of the plan as submitted to them.

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.

Any correspondence concerning this publication should refer to this Public Notice SAM-2007-00935-SVL and should be directed to the following address:

District Engineer
U.S. Army Engineer District, Mobile
218 Summit Parkway, Suite 222
Homewood, Alabama 35171
Attention: Regulatory Division, Birmingham Field Office

PUBLIC NOTICE NO. SAM-2007-00935-SVL

with a copy to the:

Director
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

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

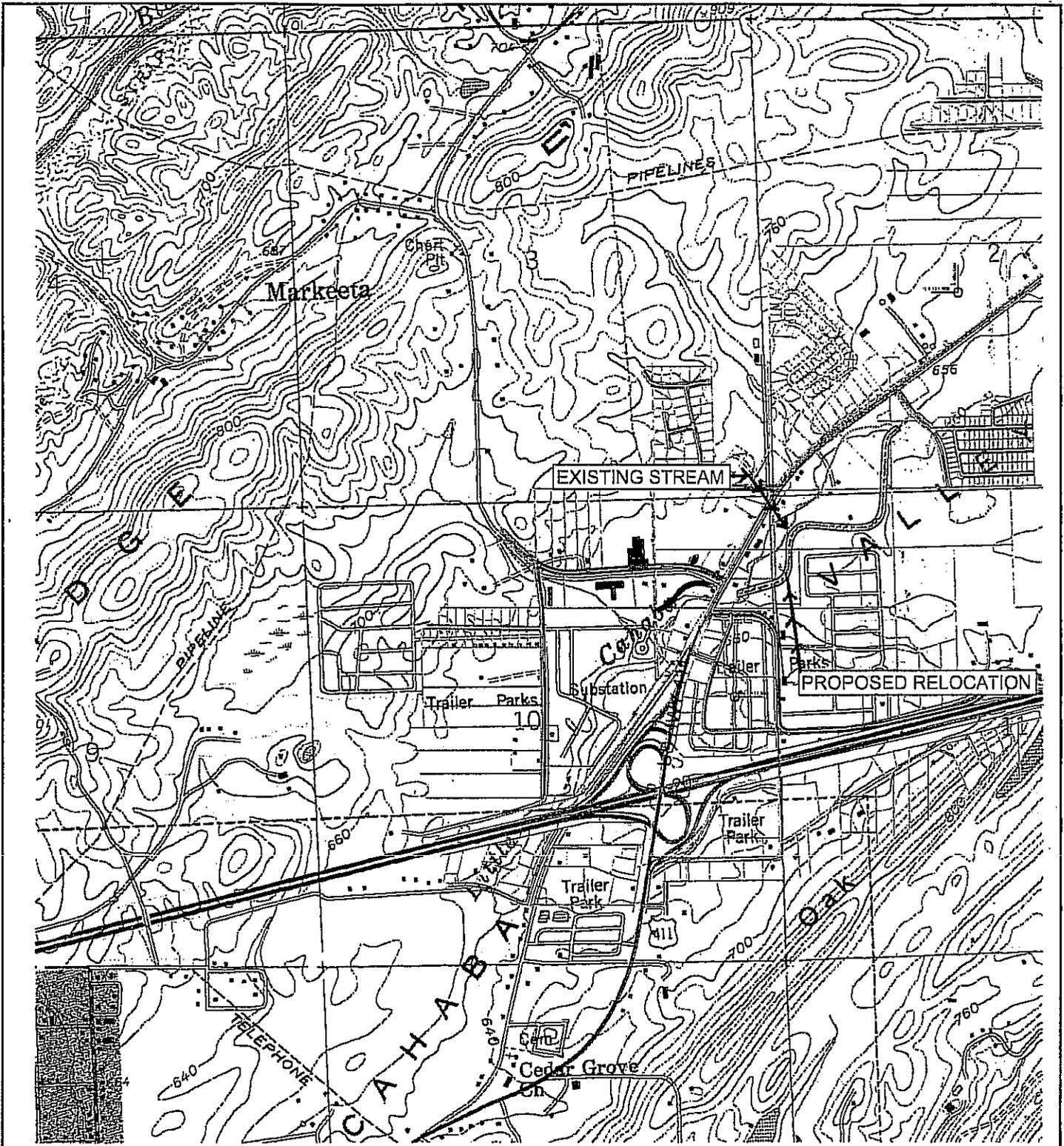
Enclosed to assist you with your review are the USGS Topozone map and the applicant's site location, wetland delineation, and proposed impact maps.

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. 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. 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



City of Moody, AL
 QUAD: LEEDS
 COUNTY: ST. CLAIR
 STATE: ALABAMA

SAM-2007-00935-SVL
 Attachment 1 - Location Map
 Sheet 1 of 1
 Dated: 16 Oct 07
 Little Cahaba River

TOPOGRAPHIC MAP
 SCALE: 1"=1500'
 JUNE 2007

