



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
REGULATORY DIVISION, BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35171

April 25, 2008

REPLY TO:

Regulatory Division
Inland Branch
Public Notice No. SAM-2007-02244-SVL

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

Proposed Celebrate Alabama Development
Opelika, Lee 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 (PN) 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: Opelika Investment Properties, LLC
C/O The Silver Companies
Attn: Mr. Jervis Hairston, Vice President
1001 East Telecom Drive
Boca Raton, FL 33431

AGENT: BioResources, LLC
Attn: Mr. Doug Dallas
P.O. Box 1464
Auburn, AL 36831

LOCATION: The subject site encompasses approximately 535 acres between Interstate 85 (I-85) and U.S. Route 29 in Sections 26, 27, 34, and 35, Township 20 North, Range 27 East in Opelika, Alabama. It is located at latitude 32°41'10" North and longitude -85°18'48" West. It is an area generally bounded by Andrews Road to the north, U.S. 29 to the east and south, and I-85 to the west. The area is depicted on the Opelika East, Alabama Quadrangle, USGS Topographic Map (7.5-minute series). The site is within the Middle Chattahoochee-Lake Harding watershed (HUC 031300002).

WORK: The Applicant proposes to construct a mixed use, commercial, retail, entertainment, and residential complex. Construction of the project, to include utilities, roads, and dual purpose impoundments (recreational/storm water) at the proposed site will result in impacts to jurisdictional wetlands (0.40 acres) and streams (5,302 linear feet).

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Avoidance & Minimization: The Applicant contends that during site planning and design multiple avoidance and minimization meetings conducted to pare down the impacts to waters of the U.S., to include wetlands, at this site. Additionally, more reduction to impacts took place following the Key Agency Pre-Application meeting which took place on February 22, 2008. Consolidated efforts to reduce impacts to date include: re-design of parcel layouts; re-design of the roads within the development and the elimination of an entire roadway; elimination of another impoundment near the proposed RV area; and reduction of the largest of the proposed impoundments (Lake A), from the original plan of greater than 15 acres, to that of the current, 9.38 acres. Overall, since August of 2007 until present, through decreased scoping or re-design efforts the applicant has minimized impacts: to streams by 2,400 linear feet, including the deletion of impacts to two streams in their entirety; and to wetlands by 0.79 acres, by avoiding four of the seven wetlands in the original proposal (a reduction of 2/3).

MITIGATION: The Corps of Engineers will verify the delineations, data sheets, and calculated required mitigation sheets submitted to ensure correctness and verify that it is sufficient to offset the functional loss of jurisdictional waters. At this time a Mitigation Plan is being finalized and shall include compensatory mitigation: for wetlands through the preservation of onsite wetlands at a ratio of greater than 29:1 (far exceeding required mitigation); and streams through both preservation and restoration activities both on and off site generating the required amount of credits.

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 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.

A Phase I Cultural Resource Assessment of the project site, conducted by, Dr. John Cottier, of Auburn University, was completed for this site. The Applicant is currently coordinating the findings with the Alabama Historical Commission Office.

The Applicant's agent, Bio Resources, acknowledged that the U.S. Fish and Wildlife Service (USFWS) lists five federally protected species as potential inhabitants of Lee County Alabama. Staff conducted habitat and species surveys as appropriate or requested, put together a detailed report and is currently coordinating the findings with the USFWS and ADCNR. The applicant contends that no federally listed species/critical habitat are known to occur in the project area.

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 (ADEM) will determine if the proposal complies with or operated and maintained in a manner consistent with the Clean Water Act.

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Any correspondence concerning this publication should refer to this PN, SAM-2007-02244-SVL, and should be directed to the address on this letterhead with a copy to the:

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

All comments should be received by this office no later than 30 days from the date of issuance of this PN.

Enclosed to assist you with your review are project location mapping, proposed impact diagrams/charts, and the Applicant's application.

If you have any questions concerning this PN, 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 PN number when calling and/or include it in the subject line of 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

Vandi IP

JOINT APPLICATION AND NOTIFICATION
U. S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This form is to be used for proposed activities in waters of the United States
within the political boundaries of the State of Alabama.

PLEASE TYPE OR PRINT IN INK.

1. Date: <u>April</u> <u>3</u> <u>2008</u> month day year	APPLICATION NUMBER (TO BE ASSIGNED BY CORPS)
2. Applicant: Opelika Investment Properties, LLC Name and Address: Opelika Investment Properties, c/o The Silver Companies 1001 East Telecom Drive Boca Raton, FL 33431 attn: Mr. Jervis Hairston, Vice President Telephone Number and Email during business hours: A/C () _____ Residence A/C () _____ Office Email- _____	Official Use Only COE _____ ADEM _____ ADCNR _____ State Clearinghouse _____ Date Received _____
3. Designation of Agent, Statement of Authorization, I hereby designate and authorize BioResources, LLC _____ to act on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of the application. <u>Jervis C. Hairston</u> <u>March 7, 2008</u> Signature of Applicant Date	Agent: BioResources, LLC Name and Address: BioResources, LLC P.O. Box 1464 Auburn, AL 36831-1464 attn: Mr. Doug Dallas Telephone Number during business hours: A/C () _____ A/C (334) <u>821-5707</u> Email- <u>doug@bioresourcesllc.net</u>

4. Project Location:
 Street Address _____ City/Community Opelika
 Name of Waterway tributaries to Halawakee Creek Latitude 32° 41' 10" North; Longitude 85° 18' 48" West
 Geographic Location: Sections 26, 27, 34, & 35 Township 20 North Range 27 East
 County Lee
 Loran C coordinates (if applicable) _____
 County Parcel Identification Number (PID)- See Attached
 (located on property tax receipt)

5. Project Description, including all aspects of the project. Describe completely and in detail. Include any structures such as piers, wharfs, bulkheads, pipelines, boathouses, boatramps, groins, jetties, and appurtenances, as well as any dredging, excavation, or fill activities Attach additional sheets if necessary.
The proposed project consists of the construction of a commercial, retail, and entertainment complex. For additional details, see the attached description and discussion of purpose and need.

5. Project Description (continued)

6. Dredging Project Specifications (Show locations and dimensions of proposed dredge areas on attached plans. Include existing and proposed depths.)

New Work _____ Maintenance Work _____
Cubic yards of material to be removed _____ Type of material _____
Surface area (square feet) impacted _____ (sand, muck, hard bottom, ect.)
Method of excavation _____
Nature of area to be dredged (check one) Upland _____ Wetland _____ Waterbottom _____
Other (explain) _____

7. Specifications for Discharge of Dredged or Fill Material (Show locations and dimensions of all disposal or fill areas on attached plans.)

Cubic yards of fill approximately 2,500 Type of fill Earth
Surface area (square feet) impacted 33,336
Source of fill material (check one) Commercially obtained _____ Dredged material _____ Borrowed on-site X
Other (explain) _____
How will discharged material be contained? (Include erosion control measures, levees, etc.) Erosion control measures are to be implemented per ADEM BMP Plan / AL SWCC Erosion Control Handbook
Nature of disposal/fill areas (check one) Upland _____ Wetland X Waterbottom X
Other (explain) _____

8. Additional information relating to the proposed activity.

Are oyster reefs located within or near the project area? Yes _____ No X If yes, explain: _____
Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes _____ No X
Is the project area greater than 25 acres in size? Yes X No _____
Is any portion of the activity for which authorization is sought now complete? Yes _____ No X If yes, explain: _____
Month and year activity took place _____
If project is for maintenance work of existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form of authorization _____

9. Describe the purpose and public benefit, if any, of the project. Describe the relationship between the project and any secondary or future development the project is designed to support.
The proposed project consists of the construction of a commercial, retail, and entertainment complex. For additional details, see the attached description and discussion of purpose and need.

Intended use: Public X Private X Commercial X Other (explain) _____

10. Project Schedule:

Proposed start date May 1, 2008 (in non-jurisdictional areas) Proposed completion date November 1, 2009

11. Names and address of adjoining property owners, lessees, etc. whose property also adjoins the waterway. Also identify the owners on the plan views in Attachment. See Attached

12. List all authorizations or certifications received or applied for from federal, state or local agencies for any Structures, construction, discharges, deposits or other activities described in or directly related to this application. Note that the signature in Item 13 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required place NA in space for Type Approval.

Table with 6 columns: Agency, Type Approval, Identification No., Date of Application, Date of Approval, Date of Denial. Rows include USACE, ADEM, and ALDOT.

13. Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply

13. Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. For projects within the coastal area of Mobile and Baldwin Counties, I certify that the proposed project for which authorization is sought complies with the approved Alabama Coastal Area Management Program and will be conducted in a manner consistent with the program. I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with responsible for the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

(SIGNATURE OF APPLICANT OR AGENT REQUIRED BELOW)

Jewis C. Harold

Signature of Applicant or Agent

March 7, 2008

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or make any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

14. In addition to the completed application, the following attachments are required:

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with existing structures and proposed activities shown in detail. For projects located adjacent to, or on water, the site plan must clearly indicate the location of the ordinary mean high tide line and the width of the water body at the site location.. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and across section or elevation. **All plans and attachments must be of reproducible quality on 8 1/2 inch *11 inch paper.**

NOTE: FEES ARE REQUIRED IN CONJUNCTION WITH ADEM CERTIFICATION: ADEM WILL CONTACT APPLICANT WITH FEE REQUIREMENTS.

NOTE: FEES MAY BE REQUIRED BY THE ALABAMA STATE LANDS DIVISION FOR DREDGE ACTIVITIES AND PROJECTS IMPACTING STATE OWNED SUBMERGED LANDS. THE STATE LANDS DIVISION WILL CONTACT APPLICANT WITH FEE REQUIREMENTS.

15. APPLICATION SUBMISSION INFORMATION

Contact the Corps of Engineers prior to submittal with any questions or to request acceptable alternate content/format. An instruction package, example PAP and SPCC plans, and other information are available upon request. Complete this form, attach additional information as necessary, and submit signed original to:

(Statewide, Except Tennessee River Watershed)
 District Engineer, Attn: Regulatory Division
 U.S. Army Corps of Engineers - **Mobile District**
 Post Office Box 2288
 Mobile, Alabama 36628-0001
 Phone: (251) 690-2658 Fax: (251) 690-2660
 WebPage: www.sam.usace.army.mil/

OR (Tennessee River Watershed Only)
 District Engineer, Attn: Regulatory Branch
 U.S. Army Corps of Engineers - **Nashville District**
 3701 Bell Road
 Nashville, Tennessee 37214
 Phone: (615) 369-7500 Fax: (615) 369-7501
 WebPage: www.orn.usace.army.mil/

Submit signed copy of application and attachments to:

For Activities Statewide:

(In Mobile, Baldwin and Washington Counties Only)

Mining & Nonpoint Source Section
 Field operations Division, ADEM
 PO Box 301463
 Montgomery, AL 36110-2059
 Phone: (334) 394-4311
 Fax: (334) 394-4326
 Email: mnpes@adem.state.al.us
 WebPage: www.adem.state.al.us

Alabama State Port Authority
 Environmental, Health, Safety
 P. O. Box 1588
 Mobile, AL 36633
 Phone: (251) 441-7085
 Fax: (251) 441-7255
 WebPage: www.asdd.com

Coastal Section-Mobile Branch
 Field Operations Division, ADEM
 4171 Commander's Dr.
 Mobile, AL 36615
 Phone (251) 432-6533
 Fax: (251) 432-6598
 Email: coastal6@adem.state.al.us
 WebPage: www.adem.state.al.us

Alabama State Lands Division
 Coastal Section
 2310 US Hwy. 98 Suite B-1
 Fairhope, AL 36532
 Phone: (251) 929-0900
 Fax: (251) 990-9293

CELEBRATE ALABAMA ATTACHMENTS TO INDIVIDUAL PERMIT APPLICATION

Opelika Investment Properties, LLC proposes to construct Celebrate Alabama, a mixed use, commercial, retail, entertainment, and residential complex, in Opelika, Lee County, Alabama. Despite efforts at avoidance and minimization, some unavoidable impacts to Waters of the United States will be required for construction of the complex. Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), Opelika Investment Properties, LLC requests authorization for the discharge of dredged or fill material into waters of the U.S. for the completion of this proposed project.

Applicant:

Opelika Investment Properties, LLC
1001 East Telecom Drive
Boca Raton, Florida 33431
(561) 981-5252
Attention: Mr. Jervis Hairston, Vice President

Authorized agent:

BioResources, LLC
P.O. Box 1464
Auburn, Alabama, 36831-1464
(334) 821-5707
Attention: Mr. Doug Dallas

PROJECT SITE

Site Location

The Celebrate Alabama site is located between Interstate 85 (I-85) and U.S. Route 29 in Sections 26, 27, 34, and 35, Township 20 North, Range 27 East in Opelika, Alabama. It is approximately 535 acres in size and is located at latitude 32° 41' 10" North and longitude 85° 18' 48" West. It is in an area generally bounded by Andrews Road to the north, U.S. 29 to the east and south, and Interstate 85 to the west. The area is depicted on the Opelika East, Alabama Quadrangle, United States Geological Survey Topographic Map (7.5-minute series). The site is within the Middle Chattahoochee-Lake Harding watershed (HUC 03130002).

Parcel Identification Numbers

The following parcel identification numbers were obtained from Lee County tax records available at leecountymaps.com:

03-08-34-0-000-001.001
03-08-34-0-000-001.008
03-08-34-0-000-025.003
03-08-34-0-000-045.000
03-07-35-0-000-005.002
03-07-35-0-000-006.000
03-07-35-0-000-007.000
03-08-34-0-000-001.000

03-07-26-0-000-003.000
03-07-26-0-000-005.000
03-07-26-0-000-006.000
03-07-26-0-000-011.000

Directions to the Site

From I-85, take Exit 66 (Andrews Road) and go east. The site is located on the south side of Andrews Road adjacent to I-85. A vicinity map is included.

Jurisdictional Waters

BioResources, LLC delineated jurisdictional waters on the site and determined that one Traditional Navigable Water and eight Relatively Permanent Waters (RPW; unnamed tributaries to Halawakee Creek) and one Non-RPW were found within the project boundaries, totaling 14,592 linear feet. Eight jurisdictional wetlands totaling 13.25 acres were delineated within the project area. The wetland and stream evaluation report was submitted to your office with a "Request for Jurisdictional Determination" on December 19, 2007 and acknowledged on December 28, 2007 (SAM-2007-02244-ARW). The report includes a map detailing the jurisdictional wetland boundaries, as surveyed by a registered land surveyor, Chris Fulghum (P.L.S. Al. Reg. No. 26956). An addendum was submitted March 7, 2008.

PURPOSE AND NEED

The applicant desires to construct Celebrate Alabama, a mixed use complex consisting of retail, office, residential, hotel, exposition, restaurant, recreation and entertainment venues and the appropriate infrastructure to accommodate those facilities. It is intended to be a major entertainment and retail destination and will dramatically increase business traffic to the area. It is expected to provide employment opportunities (approximately 5,000 jobs upon completion) to the region and tax revenue to the city of Opelika. The convention and exposition center will provide large-scale training and meeting facilities and draw national and international corporations to the region.

This development will be located on an approximately 535 acre site located adjacent to I-85 between exits 64 and 66 in Opelika, Alabama. The proposed project will benefit from its proximity to Interstate 85 (I-85) between the major metropolitan areas of Atlanta, Birmingham, and Montgomery, and provide multiple use opportunities to a rapidly growing region of the Southeast. Existing infrastructure is limited. Adequate power, water, sewer and vehicle access will be provided as part of the site construction.

ALTERNATIVES ANALYSIS

No Build

The No Build alternative consists of abandoning plans to construct the development. This alternative would not result in impacts to jurisdictional wetlands or streams, but would not provide the desired benefits outlined in the Purpose and Need.

Build on Alternate Site

Building the proposed project on an alternate site location might reduce or eliminate the need for impacts to jurisdictional wetlands and streams. However, availability of undeveloped acreage sufficient for the proposed project is extremely limited. No other suitable sites were identified in the project area.

Build on Proposed Site

Construction of the project on the proposed site will result in impacts to jurisdictional wetlands and streams. However, this alternative was selected as the preferred alternative because it was the only one that would provide the desired benefits outlined in Purpose and Need.

Several hundred acres of undeveloped land is required for the proposed project. In addition, the intended use will necessitate significant infrastructure expansion and connection to existing city services. These needs dramatically limit possible site locations. The project site is located within Opelika city limits on approximately 535 acres between two exits of a major interstate highway. It is ideally situated on nearly two miles of highway frontage, providing both visibility and easy vehicle access to existing traffic patterns. Other existing highways provide connections to Birmingham, Tuscaloosa, Montgomery, and Mobile Alabama, as well as Atlanta, and Columbus, Georgia and Panama City, Florida. The proposed project site contains a small proportion of wetland acreage relative to total acres. Several small streams transect the project site.

IMPACTS

Unavoidable impacts to streams and wetlands will be required to complete the development. Attached drawings from Harmon Engineering, Inc. detail these impacts. Tables 1 and 2 below summarize these impacts to Jurisdictional Wetlands and Streams.

Table 1. Proposed Impacts to Jurisdictional Wetlands.

Wetland Site	Impact Type	Impact	Impact Size (acres)
Wetland 2	Road (Fill)	A	0.19
Wetland 2	Fill	A	0.01
Wetland 3	Lake	C	0.13
Wetland 4	Road (Fill)	E	0.07
TOTAL			0.40

Table 2. Proposed Impacts to Jurisdictional Streams.

Site	Impact Type	Impact	Impact Length (feet)
Stream 2	Pipe	A	296
Stream 3	Dam	C	306
Stream 3	Impoundment	C	1,324
Stream 3	Pipe	D	825
Stream 4	Fill	G	358
Stream 4	Pipe	E	1,143
Stream 5	Fill	F	75
Stream 8	Fill	B	923
Stream 9	Fill	H	52
TOTAL			5,302

AVOIDANCE AND MINIMIZATION

During site planning and design, every effort was made to achieve avoidance and minimization of impacts. However, total avoidance of impacts would nearly eliminate the applicant's ability to develop the site as proposed, because portions of the site would have insufficient vehicle access and/or limited utilities access. Construction and modification of impoundments is necessary for stormwater detention.

On February 22, 2008, a Pre-application meeting was held on the site with representatives of the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (EPA), the U.S. Fish & Wildlife Service (FWS), the Alabama Department of Conservation and Natural Resources (ADCNR), the owner, and the owner's consultants in attendance. Avoidance and minimization of impacts to jurisdictional waters was among the topics discussed. Many of the ideas discussed in that meeting were implemented, including the elimination of a roadway impact to Stream 3.

The original master plan for this site would have resulted in impacts to approximately 1.19 acres of wetland and 7,702 feet of stream. However, after delineation of jurisdictional waters was completed in December 2007, the site design was modified extensively. This revised design has resulted in avoidance of four planned wetland impacts and two planned stream impacts (Table 3). The remaining impacts have been minimized to a total of 0.4 acres of wetland and 5,302 feet of stream. The modified design has accomplished total avoidance of impacts to three streams and five wetlands.

Table 3. Minimization of impacts.

Master Plan	Stream Impacts (feet)	Number of Streams Impacted	Wetland Impacts (acres)	Number of Wetlands Impacted
August 2007	7,702	8	1.19	7
March 2008	5,302	6	0.40	3
MINIMIZATION:	2,400	2	0.79	4

Further minimization of impacts is not practicable. The space and geometric requirements for the planned project features result in some unavoidable impacts in order to fulfill the project purpose and need. The site layout, stream buffers, and designated greenspace will ensure that the remaining jurisdictional waters on the site are protected from future impacts.

The following sections address impacts associated with specific planned project features. The site layout is an advance projection and is subject to change. However, changes to proposed impacts are not anticipated.

Monument Boulevard and Adjacent Lots

Monument Boulevard is the principal roadway for the proposed project, connecting Andrews Road on the north end to West Point Parkway (U.S. 29) on the south end. Both Andrews Road and West Point Parkway have interchanges with I-85. This road will provide primary access to the entire site, and must be built to City of Opelika engineering standards. Construction of Monument Boulevard and adjacent lots will result in unavoidable impacts to two wetlands (Wetlands 2 and 4) and three jurisdictional streams (Streams 2, 3 and, 4 which bisect the property and therefore crossings must be constructed to allow access to the entire site.):

- To accomplish the connection of Monument Boulevard with Andrews Road, 296 feet of Stream 2 must be piped.
- The alignment of the road has been designed to completely avoid impacts to Wetland 1. However, avoidance of Wetland 1 causes the roadway alignment to be shifted toward the east, resulting in 0.19 acres of impact to Wetland 2.

- The combination of the road crossing as well as grading and site preparation for adjacent lots will result in piping 825 linear feet of Stream 3. Portions of Stream 3 above and below the road crossing will be protected with a riparian conservation zone.
- Similarly, construction of a road crossing and associated lots will result in piping 1,143 feet of Stream 4.
- Wetland 4 will be filled (0.07 acres) to accommodate the footprint of the road. Monument Boulevard could not be located any further south due to an existing impoundment, and could not be located closer to Interstate 85 in order to maintain lot availability on a large portion of the property.

Additional Building Sites

In addition to the building sites located adjacent to Monument Boulevard (discussed in the previous section), construction of other building sites will result in unavoidable impacts to jurisdictional waters:

- Site preparation for Parcel C, a residential community, will result in impacts to the intermittent portion of Stream 4 and could not be minimized further without greatly reducing useable space.
- Although impacts to Wetland 5 were avoided upon modification of the site design, impacts to Stream 4 will result from grading for Lot K, the core attractions of a convention center, hotel, water park, and performance venue. Shifting of Parcel K north would have resulted in significant impacts to Wetland 1 and Streams 2, 8 and 9.
- The layout of the drive-in theater (Parcel E) was modified to leave a riparian buffer on a portion of Stream 3, although impacts could not be entirely avoided. Additionally, in order to fully utilize future retail space on Parcel G and Outparcel 18, impacts could not be further minimized on Stream 3.
- Grading for Parcel I, a planned retail outlet center, will result in impacts to Streams 8 and 9, small intermittent channels. Total avoidance would have drastically reduced the area available for development and was not economically feasible.

Lake A

The proposed project will include the construction of a 9.38 acre lake. This impoundment will result in 0.13 acres of impact to Wetland 3 and 1,630 feet of impact (306 feet of fill for the dam, 1,324 of impoundment) to Stream 3, a headwater stream. The purposes of this lake will be to provide stormwater detention, manage site water quality, provide recreational opportunities, improve aesthetics, and enhance public safety.

Stormwater detention is required for the proposed project. Stormwater runoff from the proposed site must comply with the requirements of the City of Auburn and the Alabama Department of Transportation. Due to the fact that stormwater from the site will drain to the I-85 right-of-way,

the Alabama Department of Transportation will require detention designed to accommodate a 50-year storm event. The watershed of Stream 3 is the largest which occurs almost entirely on the site (approximately 185 acres) and the most efficient location to construct a lake to provide the required detention volume. Avoidance of impacts could be achieved by constructing multiple smaller detention ponds outside of jurisdictional waters on the site. However, an initial estimate indicates that at least 39 acres would be required to provide the necessary detention volume. Additionally, these ponds would have to be situated near the I-85 right-of-way on some of the most valuable area for development. Currently, it is anticipated that the land in this area will sell for as much as \$500,000 per acre. Therefore, avoidance of impacts to Stream 3 associated with the lake would result in the loss of usable land potentially worth approximately \$19,500,000 and is not considered economically practicable. Additionally, it is likely that construction of multiple detention ponds on alternative sites would require impacts to other wetlands and streams.

Lake A will also serve as a wet bioretention pond to manage water quality. This lake will ensure that the proposed project will not degrade the quality of downstream waters by providing pollutant retention and nutrient uptake. Wherever possible, forested stream buffers will remain to provide shade and minimize temperature increases. Additionally, the outlet structure will be designed to provide for aeration in order to offset any reduction in dissolved oxygen caused by the impoundment.

The proposed lake will also provide recreational opportunities for the public. A walking trail with interpretive, educational signage is planned for the lake. This trail will also connect to Wetland 1. Signs will educate the public about Alabama history and local ecology. Elimination of the lake would also eliminate this benefit.

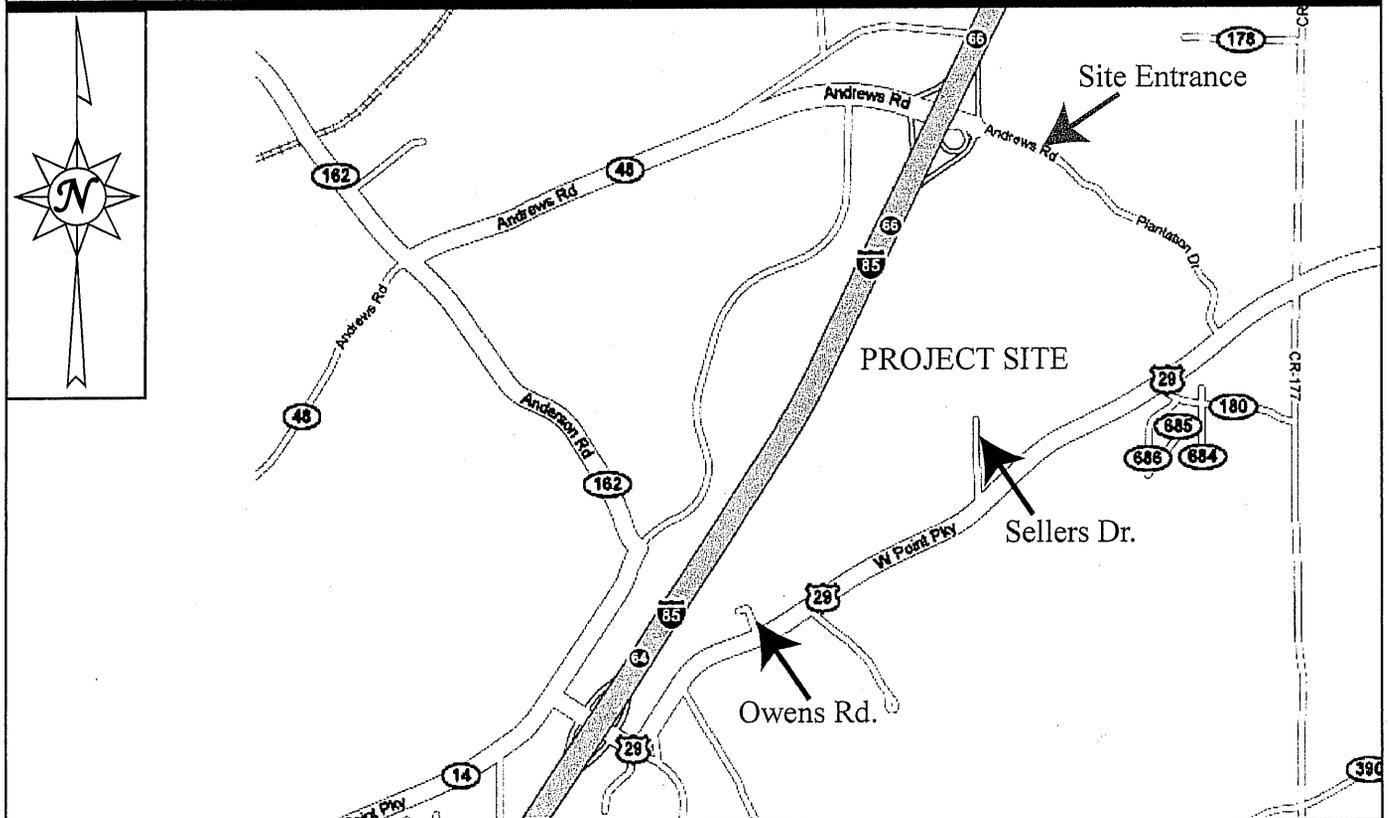
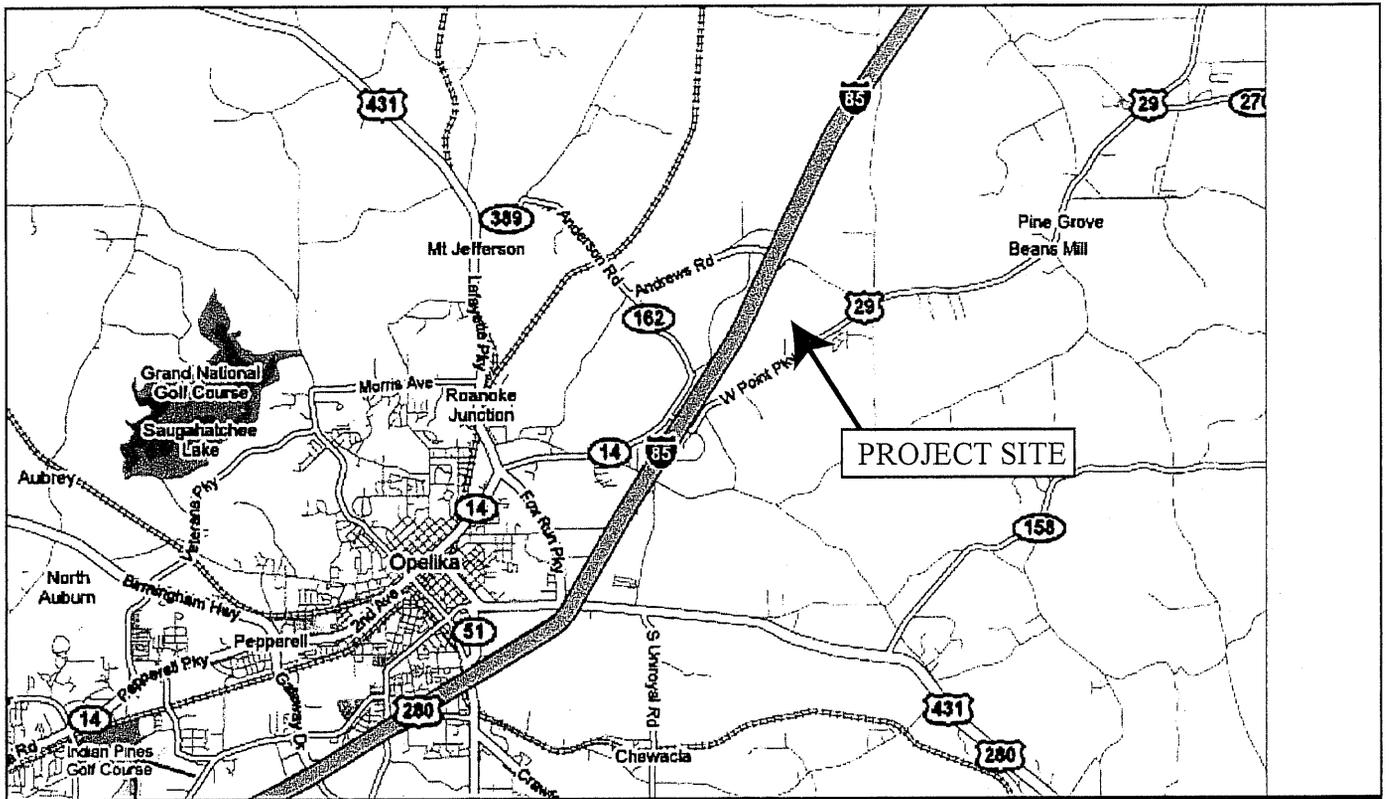
Lake A will also enhance the aesthetics of the overall site. It is the “centerpiece” of the core attractions that will draw visitors to the site. The convention center and associated hotels are situated on the western side of the lake. An amphitheater will be located on the southern shoreline; the lake will serve as the backdrop for the amphitheater.

Public safety will also be enhanced by the construction of the lake. A letter from Chief Terry Adkins of the Opelika Fire Department (March 18, 2008) encourages the inclusion of the lake in the project and states that it will provide “an important secondary source of water (if ever needed) for firefighting purposes.” A copy of Chief Adkins’ letter is enclosed.

The initial design of Lake A as included on the first master plan would have resulted in impacts to approximately 2,280 feet of stream. However, during site design, it was determined that impacts could be minimized by building a smaller lake that would still achieve the stated purposes. The revised site design will result in 0.13 acres of impact to Wetland 3 and 1,630 feet of impact (306 feet of fill for the dam, 1,324 of impoundment) to Stream 3.

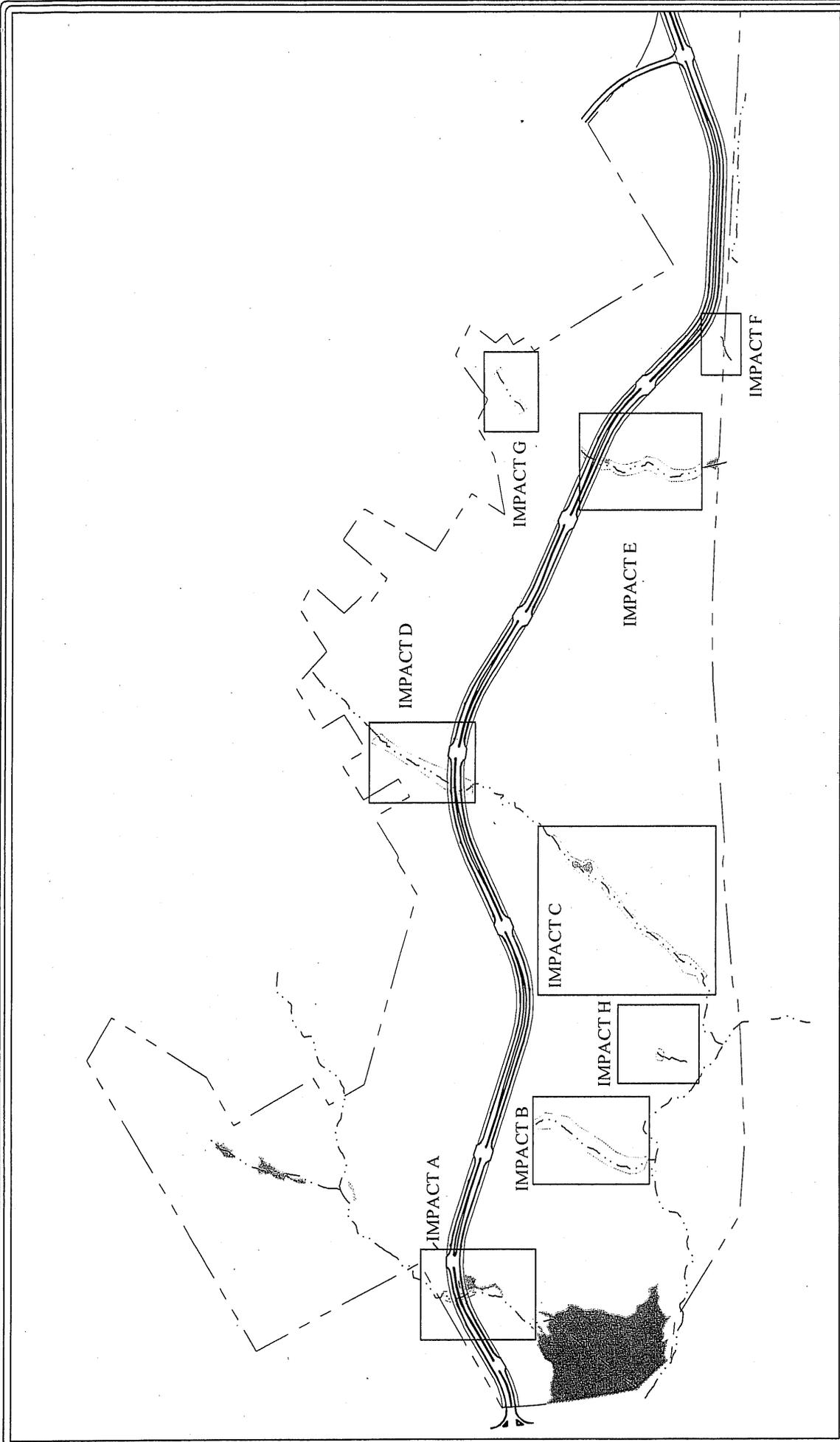
Lake B

An existing impoundment will be modified to provide stormwater detention for a portion of the property. This action is included as a “change in use,” but does not require mitigation.

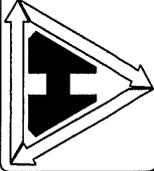


Vicinity Map
 Celebrate Alabama
 Opelika, Lee County, Alabama
 Source: Google Maps
 BioResources Project No. WL07-118
 not to scale





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IMPACT AREA MAP
CELEBRATE ALABAMA
SILVER COMPANIES
OPELIKA, ALABAMA

FIGURE NO.	9	PROJECT NO.	657-07	DRAWN	JLP	CHECKED	MAT	SCALE	1" = 1000'	FILENAME	C:\JON\CELEBRATE IMPACT.DWG	DATE	11 MAR 08
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