



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, AL 35209

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2007-1034-HWL

DATE: January 16, 2008

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

**PROPOSED FILLING OF WETLANDS FOR THE DEVELOPMENT OF THE PROPOSED
BLACK HAWK ESTATES SUBDIVISION, 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: Black Hawk Estates of Alabaster
45 West 10000, Suite 207
Sandy, Utah 84070

WATERWAY: The project is located within Section 25, Township 21 South, Range 3 West along County Road 12, near Alabaster, Shelby County, Alabama. Center point coordinates are approximately 33°10'41" Latitude by -86°47'26" Longitude.

WORK: The purpose of the project is to provide a residential subdivision in Shelby County near I-65. The entire project boundary totals approximately 488 acres and it was determined that approximately 263 acres of the property are jurisdictional wetlands. The applicant is attempting to obtain an individual permit to impact 7.13 acres of jurisdictional wetlands. Wetland A will have an impact of 5.22 acres for the fill associated with lots, roads, and a detention pond construction. Wetland B will have an impact of 1.91 acres for fill associated with lots and road construction. Eighty-six acres of medium to high quality wetlands will be preserved on-site as mitigation for the proposed impacts. This will result in a 12:1 preservation ratio. A restrictive covenant will be placed on the wetlands preserved. No impacts to the remaining 170 acres of on-site wetlands are anticipated in the immediate future. Attached are drawings provided by the applicant.

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 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.

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.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. A Phase I Cultural Resource Survey has been completed. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary endangered species surveys have been conducted to determine the presence of Federally listed species or critical habitat. These surveys are being provided to the U.S. Fish and Wildlife service in accordance with the provisions of the Federal Endangered Species Act, to insure that the proposed activities will not adversely affect any listed or proposed species.

CESAM-RD-I -N

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Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1034-HWL and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
218 Summit Parkway, Suite 222
Homewood, AL 35209

with a copy to the:

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

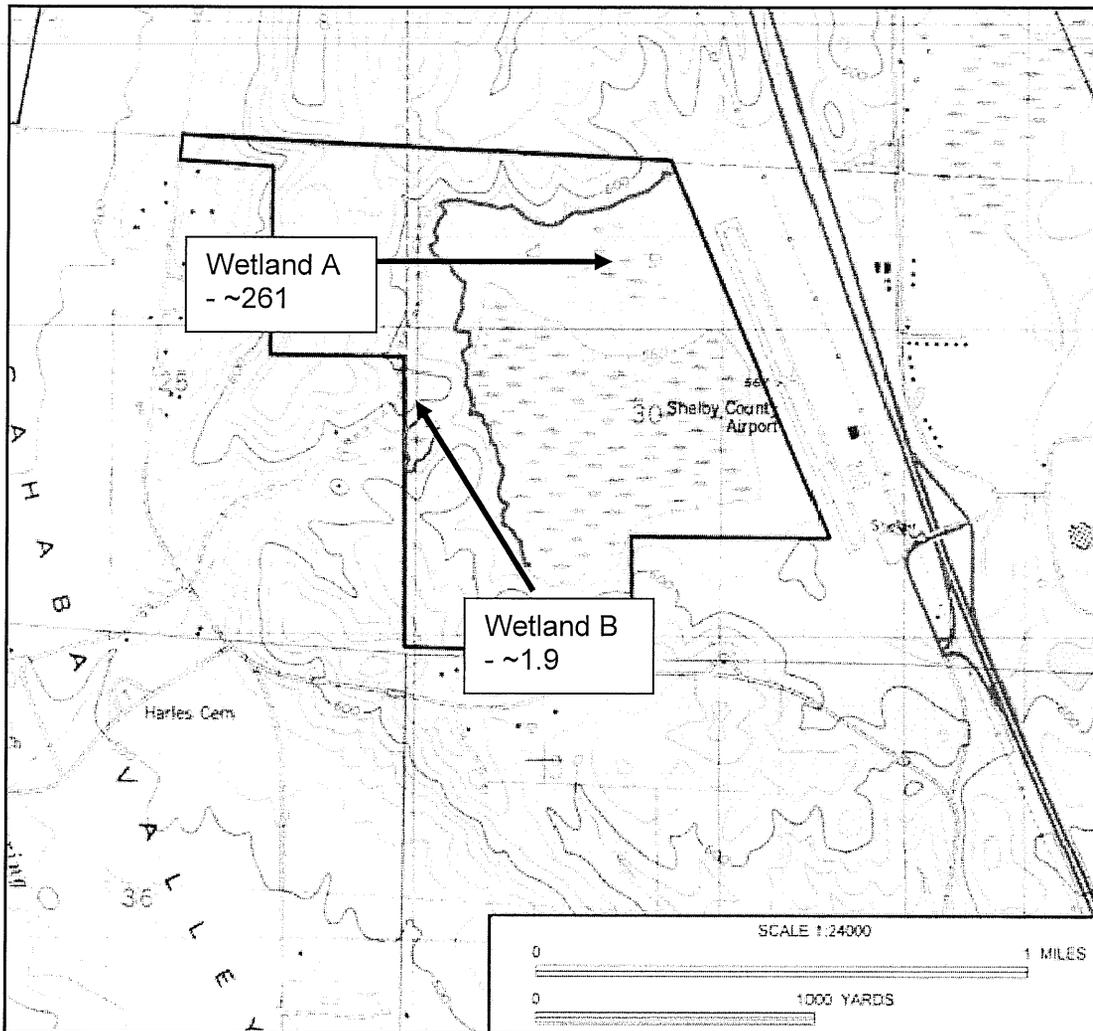
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at howard.w.ladner@usace.army.mil or telephone number **(205) 290-9096**. 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.

Encls

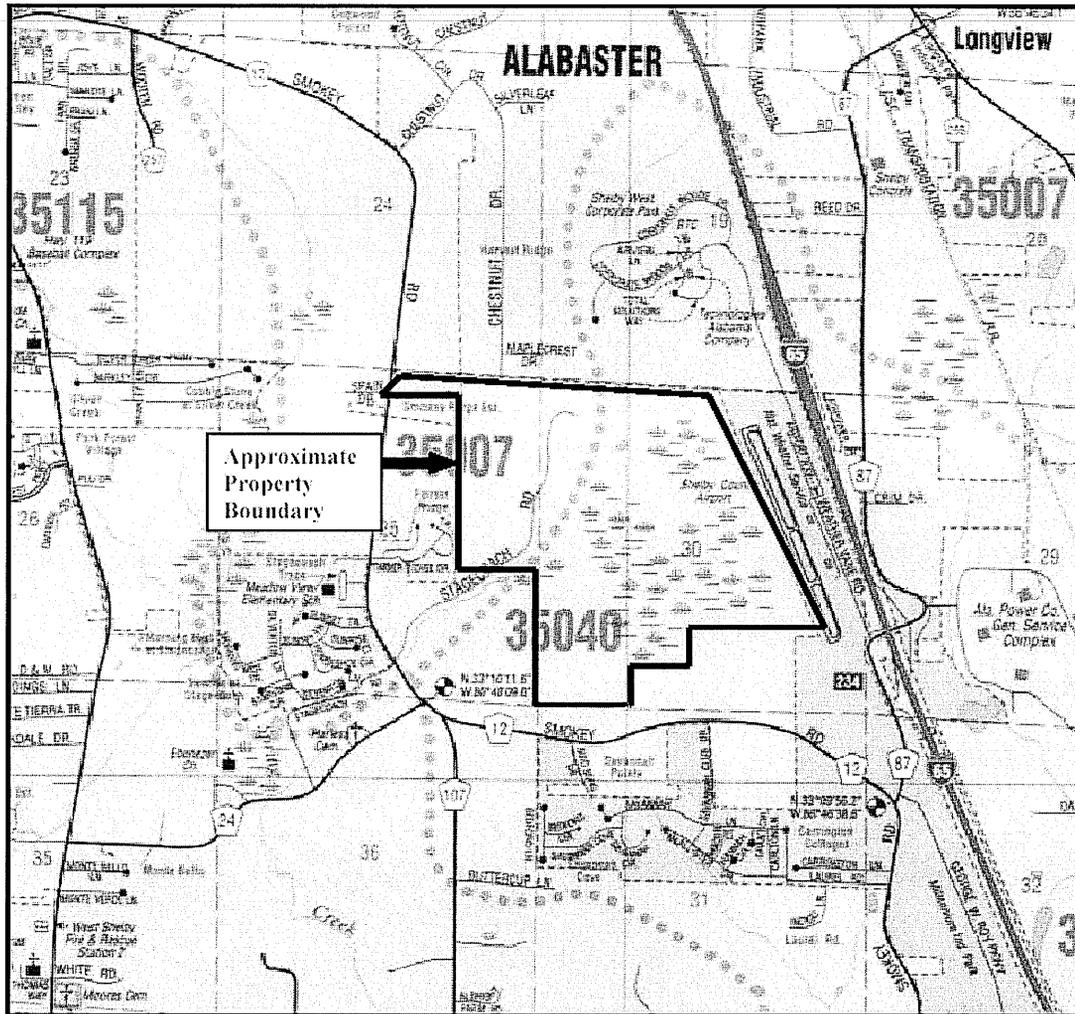
MOBILE DISTRICT
U.S. Army Corps of Engineer



Taken from Maptech, Inc.
USGS Alabaster Quad



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Taken from Carto-Craft Maps-Shelby County Map Book
 Not to Scale



NO.	DATE	REVISION NOTE	BY

Drawn By: CMS	Project #: 1950-001
Checked By: CS	Date: 1/26/07
Proj. Mgr.:	File Name:

SPECTRUM

 706 SOUTHGATE DR
 SUITE A
 FELIX AL 36124
 FAX 205 984-9142
 PHONE 205 984-2025

TITLE
Figure 1950001-1 Site Locator Map Proposed BlackHawk Subdivision Alabaster, Shelby County, AL



Drawing courtesy of Insite Engineering.

NO.	DATE	REVISION NOTE	BY

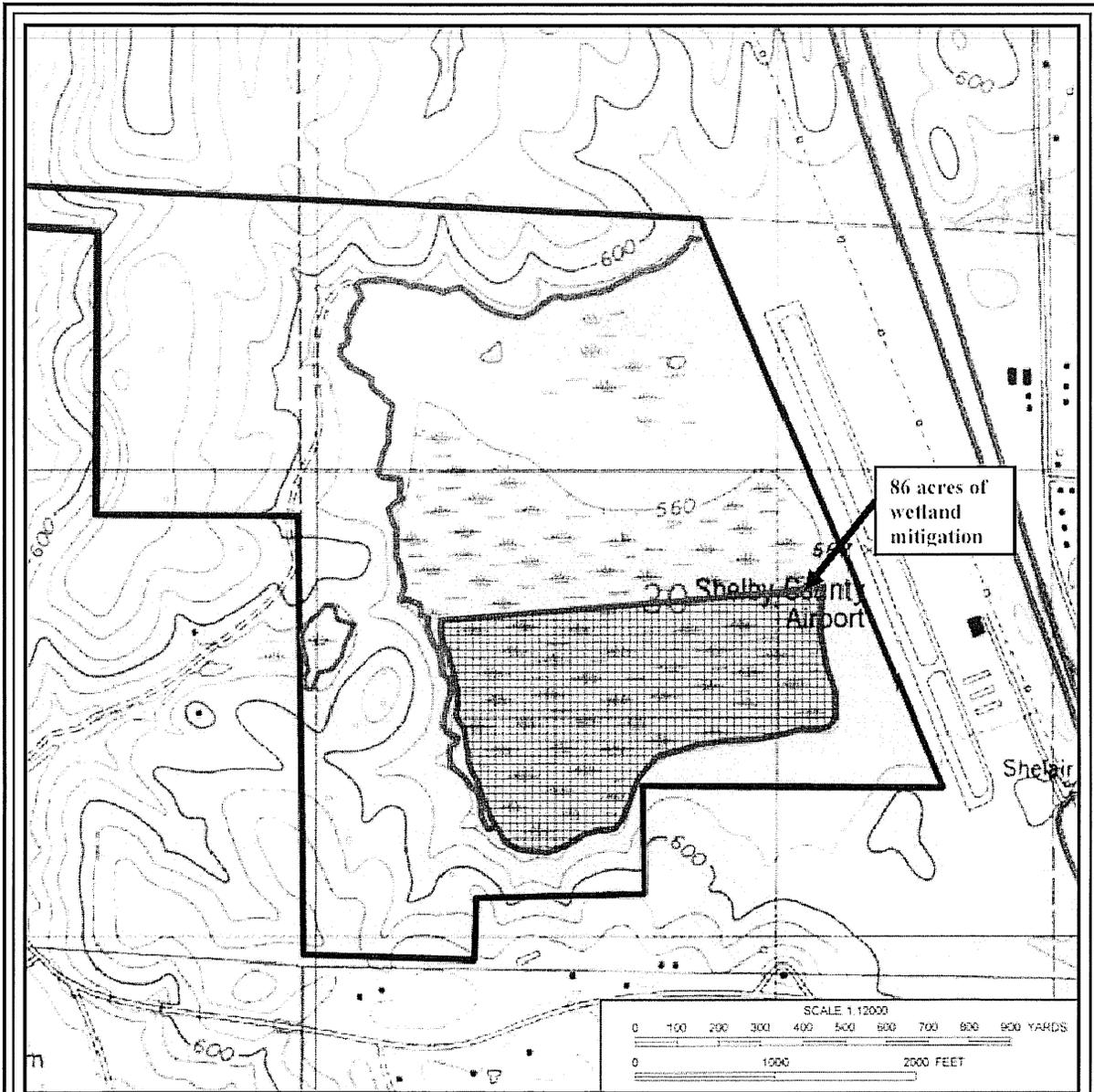
Drawn By: TGH	Project #: 1950-001
Checked By: CMS	Date: 4/23/07
Project Manager: CMS	File Name: 1950001-4

SPECTRUM
 ENVIRONMENTAL INC.

700 SOUTHGATE DR. SUITE #1
 PELHAM, AL 35294
 PHONE (205) 664-2000
 FAX (205) 664-2142

TITLE

Figure 1950001-4
Areas of Impact Map
 Black Hawk Estates
 Alabaster, Shelby County, Alabama



Taken from Maptech, Inc.
 USGS Alabaster Quad



NO.	DATE	REVISION NOTE	BY

Drawn By: CMS	Project #: 1950-001
Checked By: SPC	Date: 4/20/07
Proj. Mgr:	File Name:

SPECTRUM

 806 SOUTHSHORE DR. SUITE 4
 FELLOWSHIP, AL 35424
 FAX (205) 994-2142
 PHONE (205) 994-2062

TITLE
Figure 1950001-10 Mitigation Map Black Hawk Subdivision Alabaster, Shelby County, AL