



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-IN
PUBLIC NOTICE NO. SAM-2007-01833-ARW

OCT 29 2007

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

PROPOSED WETLAND FILL FOR COMMERCIAL DEVELOPMENT
IN MONTGOMERY COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

The Mobile District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to all interested parties.

APPLICANT: Montgomery East, Inc.
Attn: Mr. Jay Tidwell
1464 Furnace Street
Montgomery, Alabama 36104

AGENT: Goodwyn, Mills and Cawood
Attn: Mr. Hassey Brooks
2600 EastChase Lane, Suite 200
Montgomery, Al 36117

WATERWAY: Wetlands adjacent to Sevenmile Creek; Section 36, Township 17 North, Range 18 East, East of Montgomery, Alabama (Latitude 32°24'31" North, Longitude 86°12'46" West).

WORK PROPOSED: The applicant requests authorization to fill approximately 3.41 acres of non-forested, low-quality wetlands associated with the expansion of a commercial development adjacent to Eastern Boulevard in Montgomery, Alabama. Previous phases of the commercial development were authorized under AL04-01561-M and include the placement of fill in 1.7 acres of jurisdictional wetlands.

The project site is approximately 85 acres in size and includes approximately 3.41 acres of jurisdictional

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wetlands. The site is located within the East Gulf Coastal Plain Physiographic Region and past land use includes agricultural hay production. The applicant proposes to mitigate for unavoidable wetland impacts by the onsite preservation of approximately 30.0 acres of medium to high quality wetlands.

The applicant is presently preparing their application 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,

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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 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 discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register which would be affected by the proposed work. This review will constitute 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 project area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

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

Any correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-01833-ARW** and should be directed to the U.S. Army Corps of Engineers,

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Mobile District, Montgomery Field Office, 75 TechnaCenter Drive, Room 207, Montgomery, Alabama 36117, with a copy to the Alabama Department of Environmental Management, Post Office Box 301463, Montgomery, Alabama 36130-1463 in time to be received not later than 30 days from the date of this notice.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at andrea.r.wade@usace.army.mil or telephone number **(334) 213-0157**. Please refer to the above Public Notice number.

For additional information about the Mobile District's Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg. 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

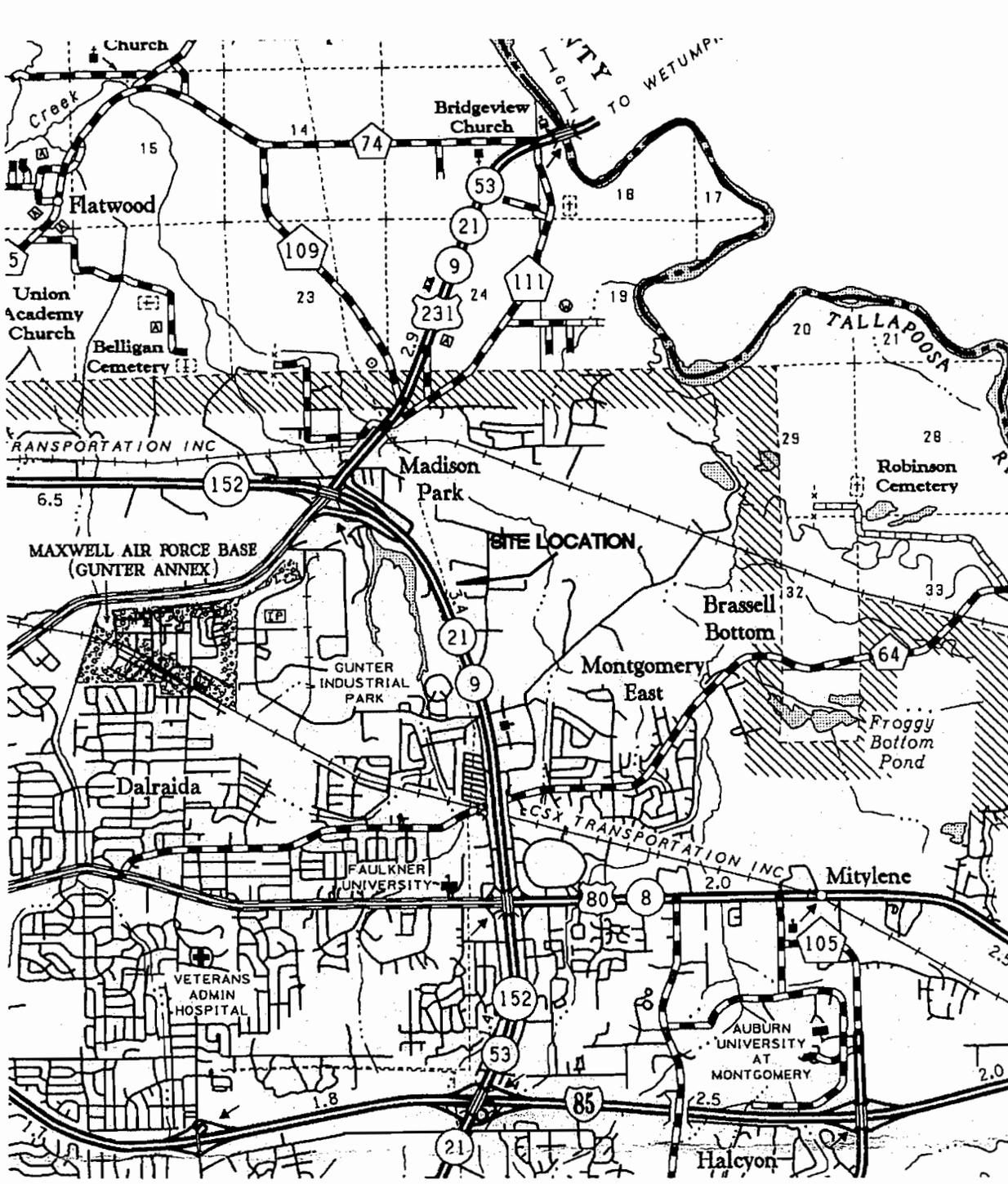


FIGURE
3

**Goodwyn, Mills & Cawood
Environmental Consultants, Inc.**
P. O. Box 3605
125 Interstate Park Drive
Montgomery, Alabama

TITLE: SITE LOCATION MAP
PROJECT: HODGES PROPERTY

DESIGNED:
DRAWN: THB
SCALE: 1" = 5,000'
DATE: 9/24/07

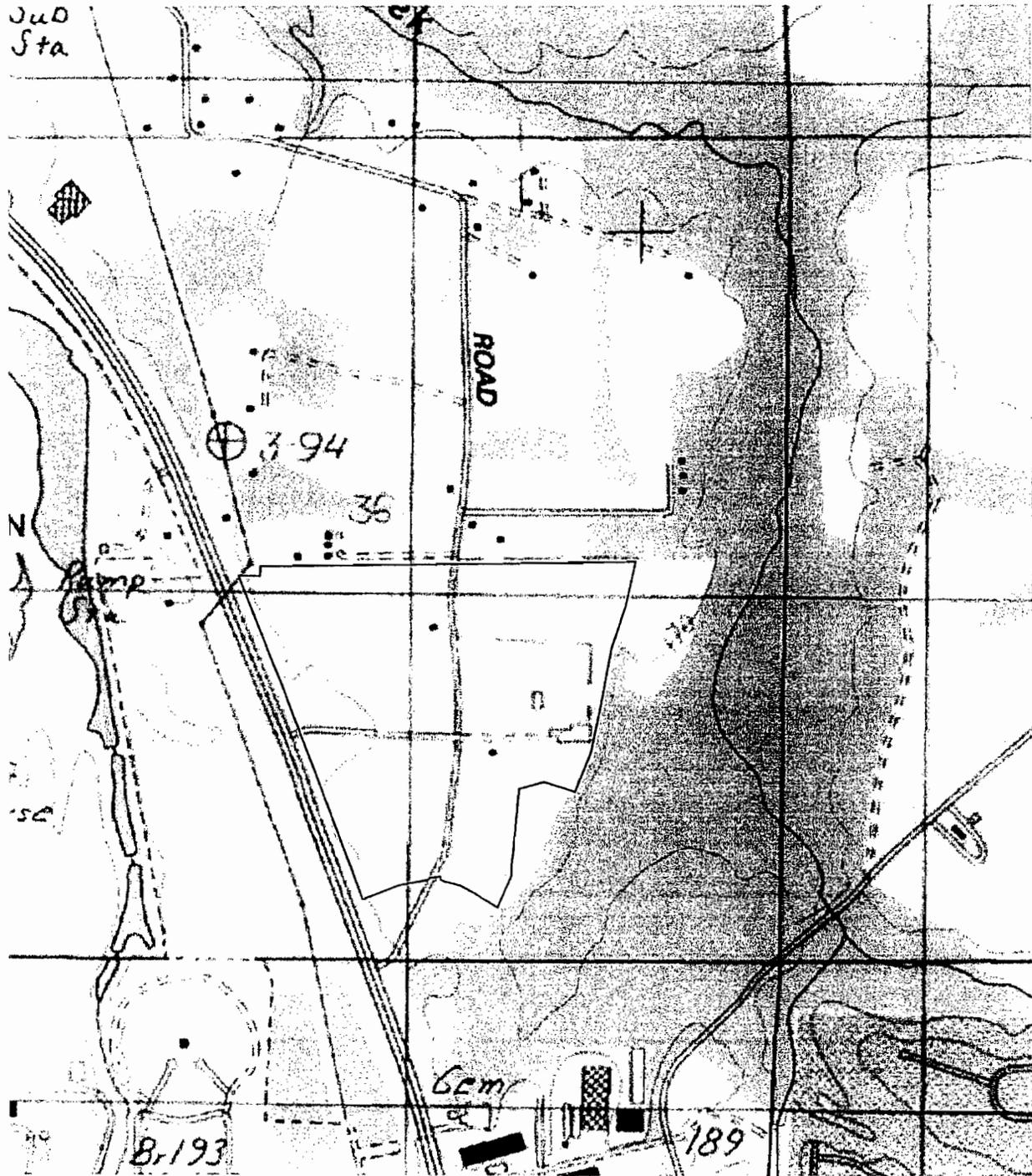


FIGURE
1

Goodwyn, Mills & Cawood, Inc.

 P. O. Box 242128
 2660 East Chase Lane, Suite 200
 Montgomery, Alabama 36124

TITLE: USGS
QUADRANGLE
MAP
PROJECT: HODGES
PROPERTY

DESIGNED:
DRAWN: THB
SCALE: 1" = 400'
DATE: 9/24/07

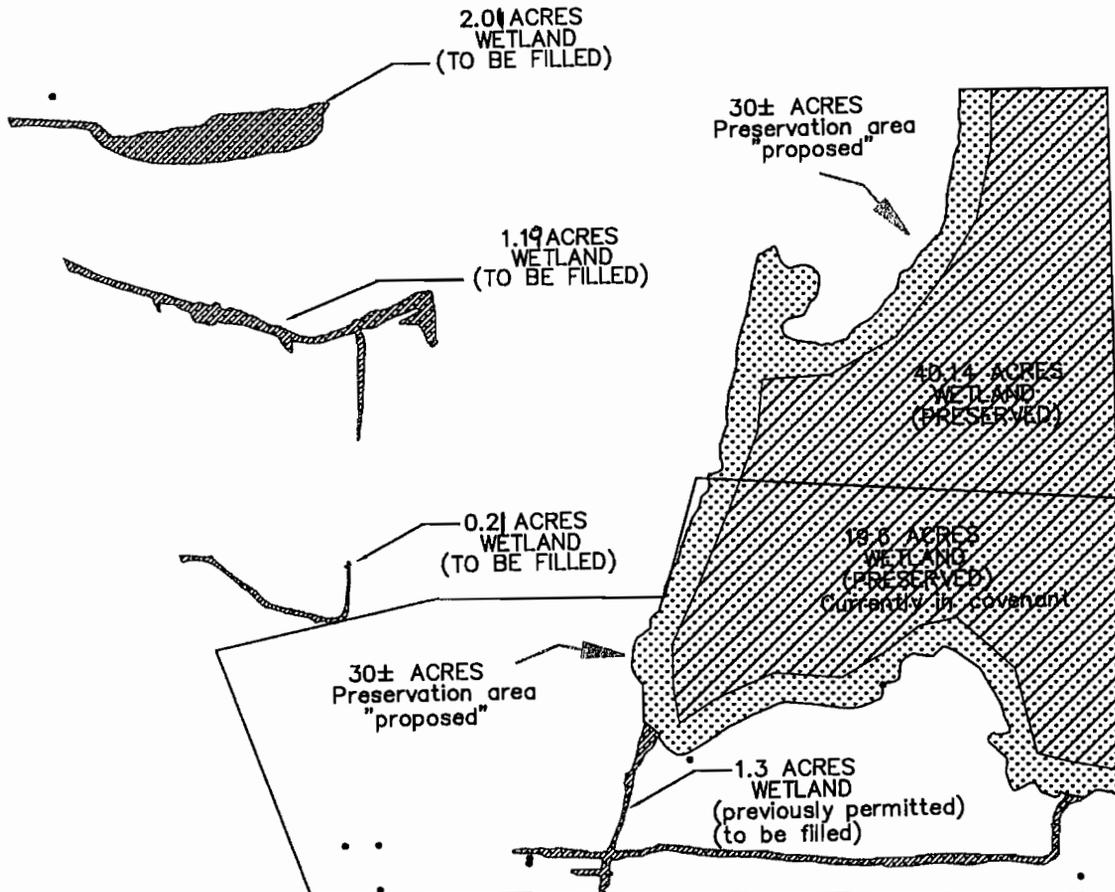


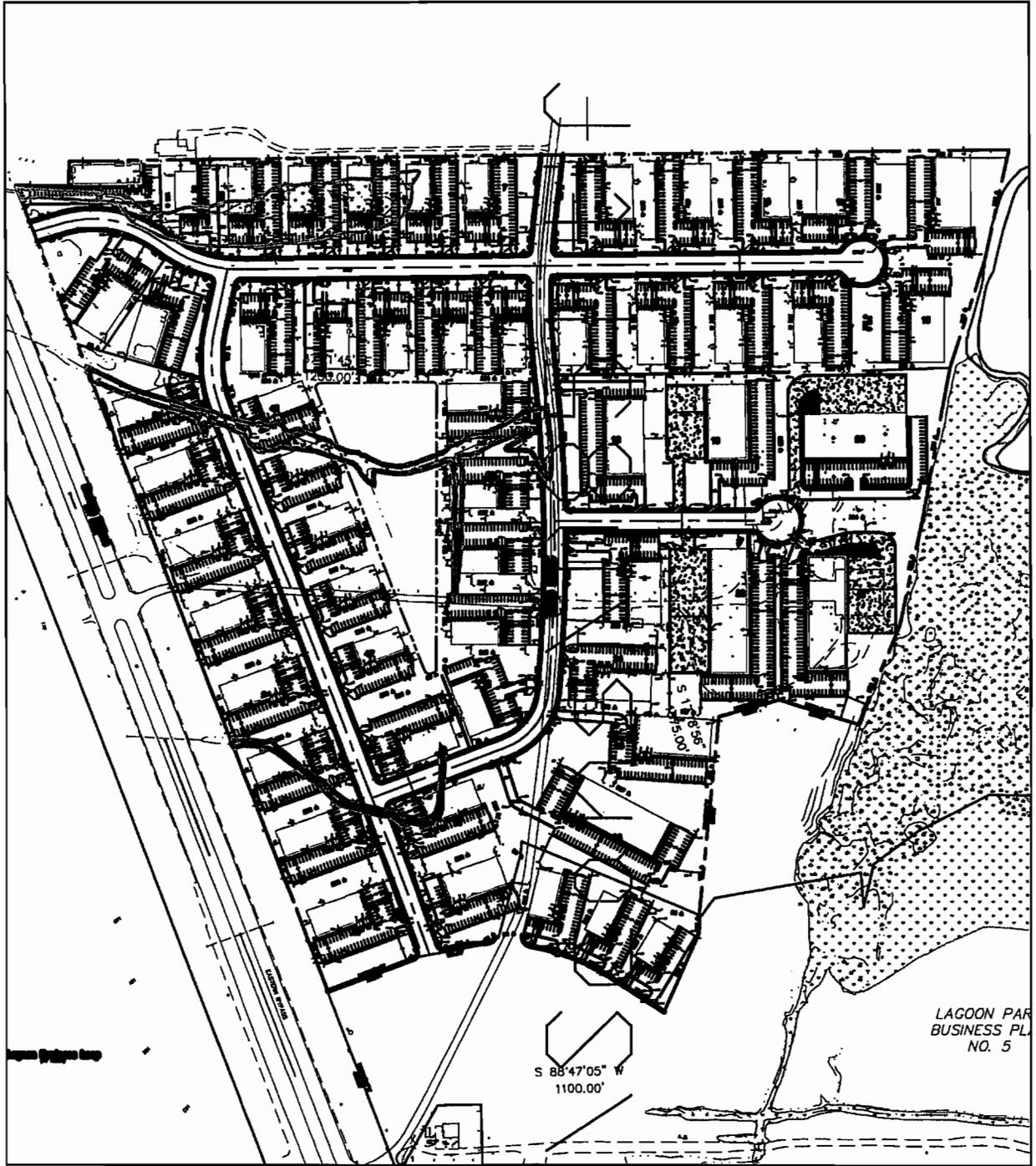
FIGURE
5

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
2660 East Chase Lane, Suite 200
Montgomery, Alabama 36124

TITLE:	OVERALL WETLANDS MAP
PROJECT:	HODGES PROPERTY

DESIGNED:	
DRAWN:	THB
SCALE:	1" = 600'
DATE:	9/24/07



— = Proposed wetland impacts 3.41 ac.

FIGURE
2

Goodwyn, Mills & Cawood, Inc.

P. O. Box 242128
2660 East Chase Lane, Suite 200
Montgomery, Alabama 36124

TITLE: SITE
DEVELOPMENT PLAN
MAP

PROJECT: HODGES
PROPERTY

DESIGNED:

DRAWN: THB

SCALE: 1" = 400'

DATE: 9/24/07