DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-I **Date: December 21, 2007**
PUBLIC NOTICE NO. SAM-2007-1950-NSB

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

PROPOSED FILLING OF WETLANDS AND STREAMS FOR A COMMERCIAL DEVELOPMENT, AIG BAKER PELHAM,LLC, 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: AIG Baker Pelham, LLC
Attention: Mr. Allan D. Baker
1701 Lee Branch Lane
Birmingham, AL 35242

AGENT: Volkert Environmental Group, Inc.
316 South McKenzie Street
Foley, Alabama 36535

LOCATION: Located .23 miles south of the intersection of Highway 31 and County Road 52 (on the east side of the road), adjacent to Peavine Creek and Hogpen Creek, at coordinates 33°16'37.80" North and -86°48' 18.63" West, in the City of Pelham, Shelby County, Alabama.

WORK: The applicant requests authorization to fill .5 acres of jurisdictional wetlands and to fill 3,195 linear feet (lf) of perennial streams (Specifically 2,252 lf of Peavine Creek & 943 lf of Hogpen Creek) for a commercial subdivision and to construct/expand County Road 52 by-pass and County Road 68 connector. The applicant proposes to mitigate for impacts to US waters through the purchase of wetland credits, stream credits, and credits generated for relocating the streams. A finalized mitigation plan has not been received.

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. 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 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 may effect listed endangered or threatened species, or their critical habitat.

CESAM-RD-I **21-DECEMBER-2007**

PUBLIC NOTICE NUMBER: SAM-2007-1950-NSB

Correspondence concerning this Public Notice should refer to Public Notice Number: SAM-2007-1950-NSB and should be directed to:

Department of the Army
Mobile District, Corps of Engineers
Attention: Mr. Nicholas Baggett
Regulatory Division/Birmingham Field Office
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 the project manager via e-mail at Mr. Nicholas Baggett at nicholas.s.baggett@usace.army.mil. or telephone number **662-327-2142(Ext 288).** 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.

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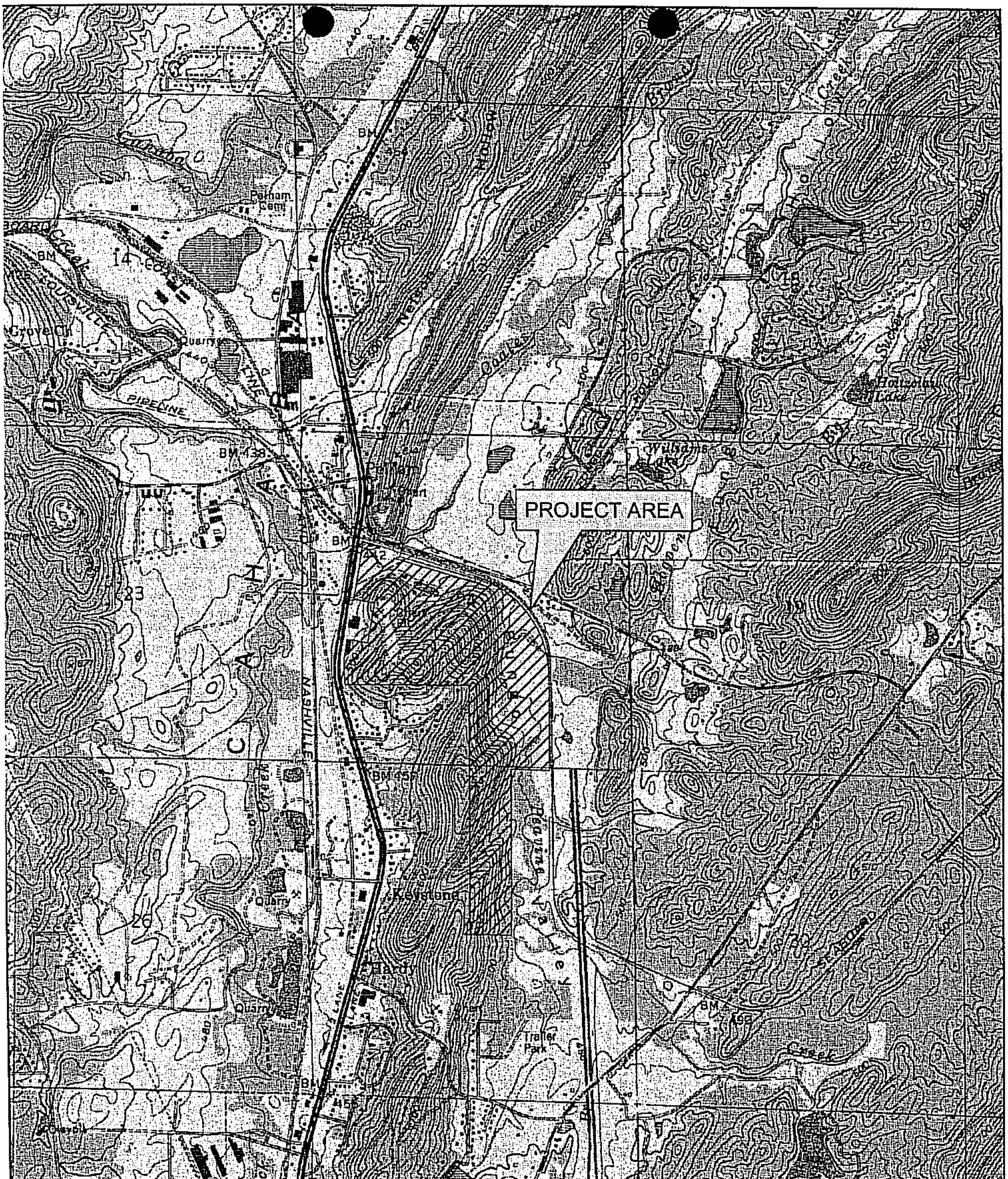
MOBILE DISTRICT
U.S. Army Corps of Engineer



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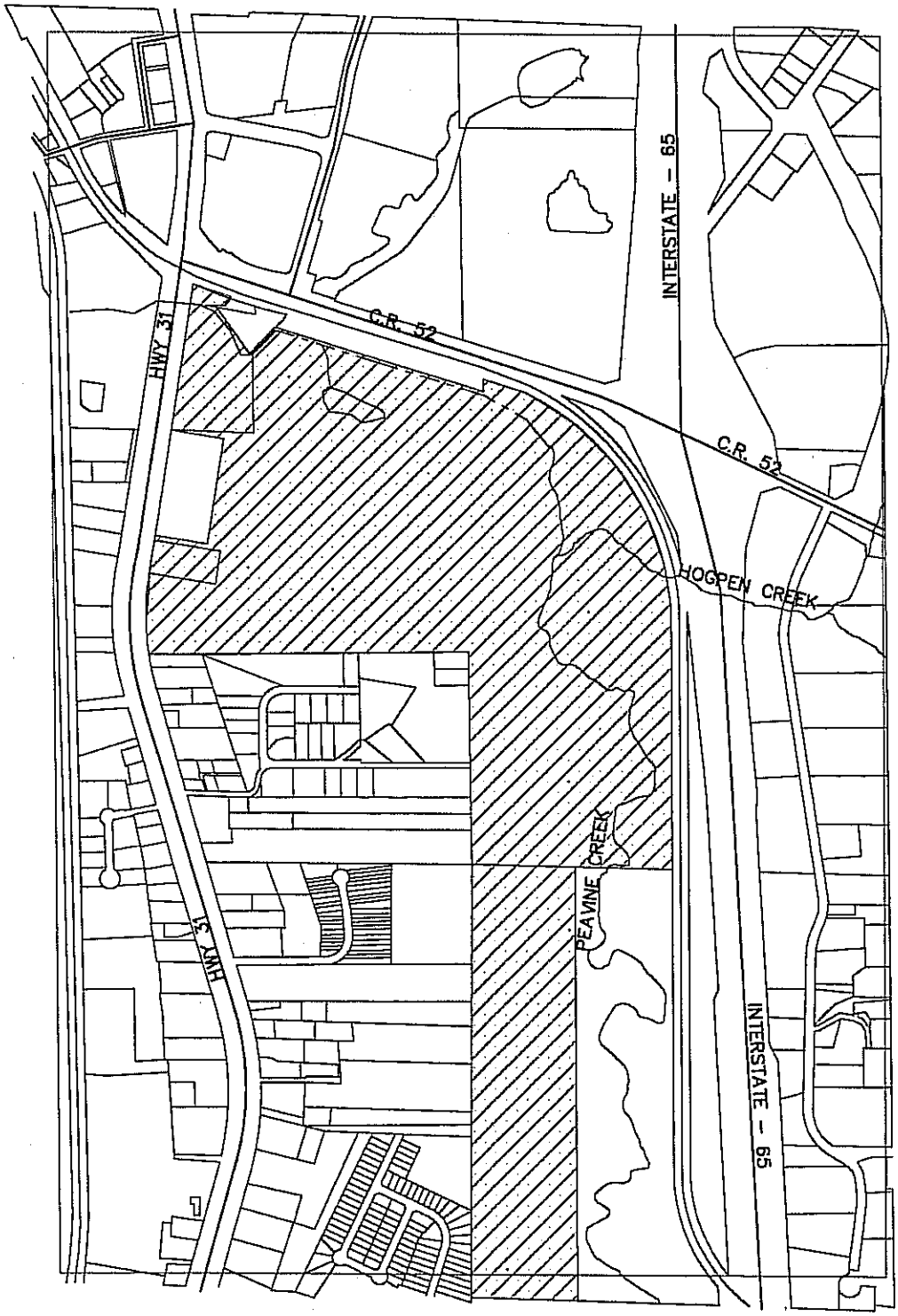
PROJECT AREA TOPO MAP

1 inch equals 2,000 feet



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SCALE 1"=1000'

PROJECT AREA

VOLKERT & ASSOCIATES, INC.

AIG BAKER PELHAM
SITE VICINTIY MAP

XXX
XXX
XXX
XXX

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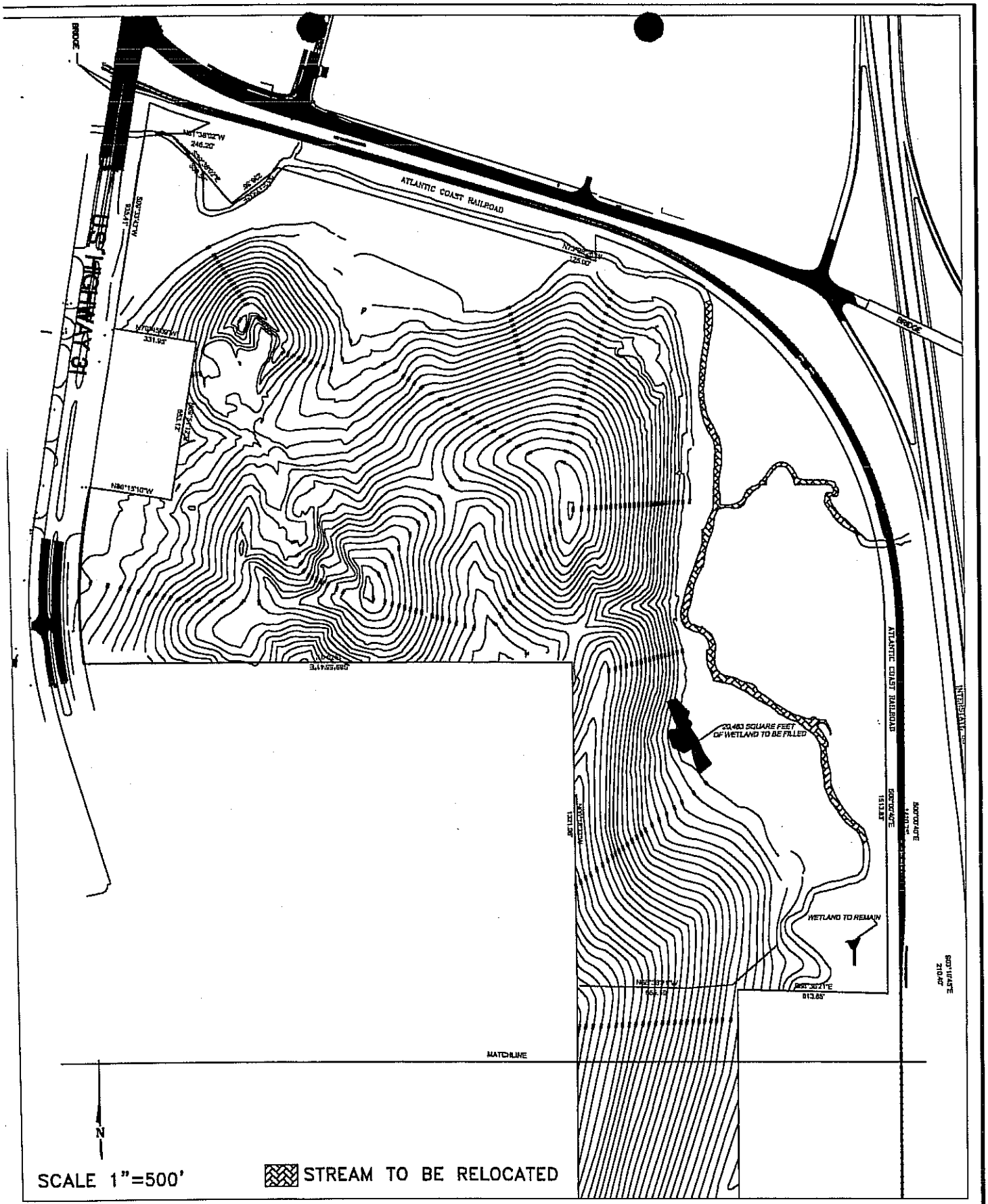
CONSULTING ENGINEERS-FOLEY, ALA.



VOLKERT & ASSOCIATES, INC.
Engineers • Architects • Surveyors • Planners

AIG BAKER PELHAM
EXISTING SITE CONDITIONS

DRAWN XXX
DESIGN XXX
CHECKED XXX
DATE XXX

REVISIONS
1.
2.

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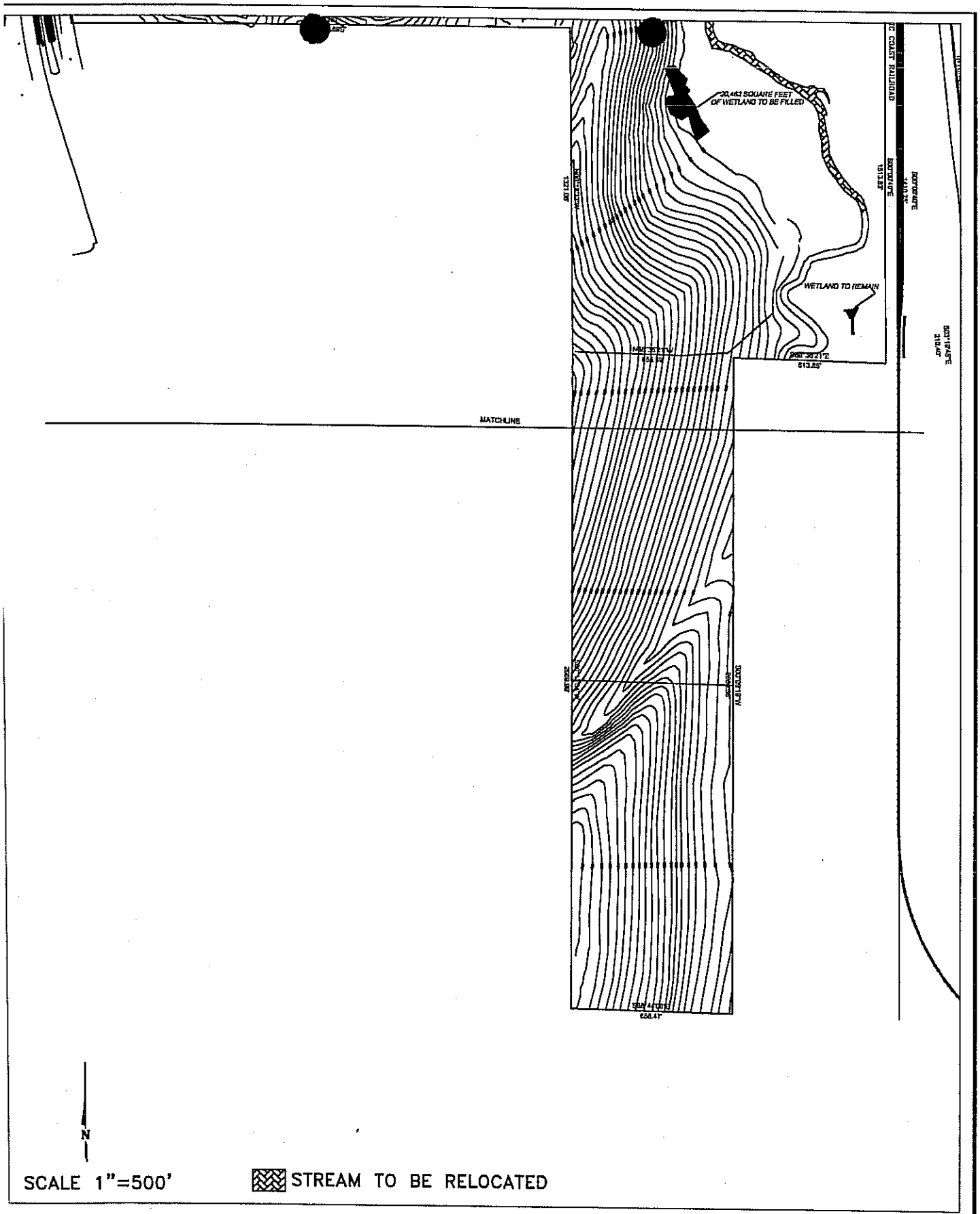

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AIG BAKER PELHAM
EXISTING SITE CONDITIONS

XXX
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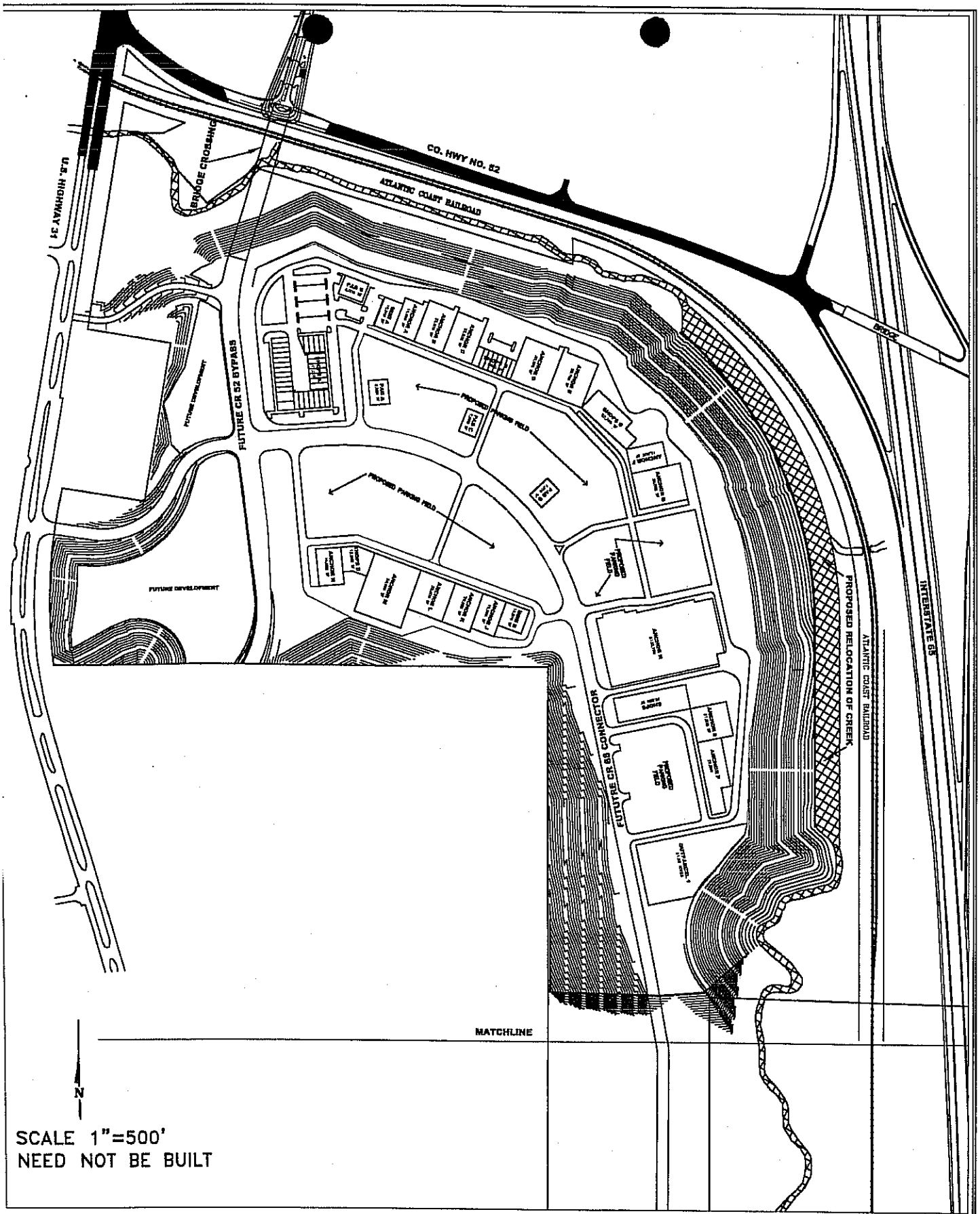

SCALE 1"=500'
NEED NOT BE BUILT

VOLKERT & ASSOCIATES, INC.
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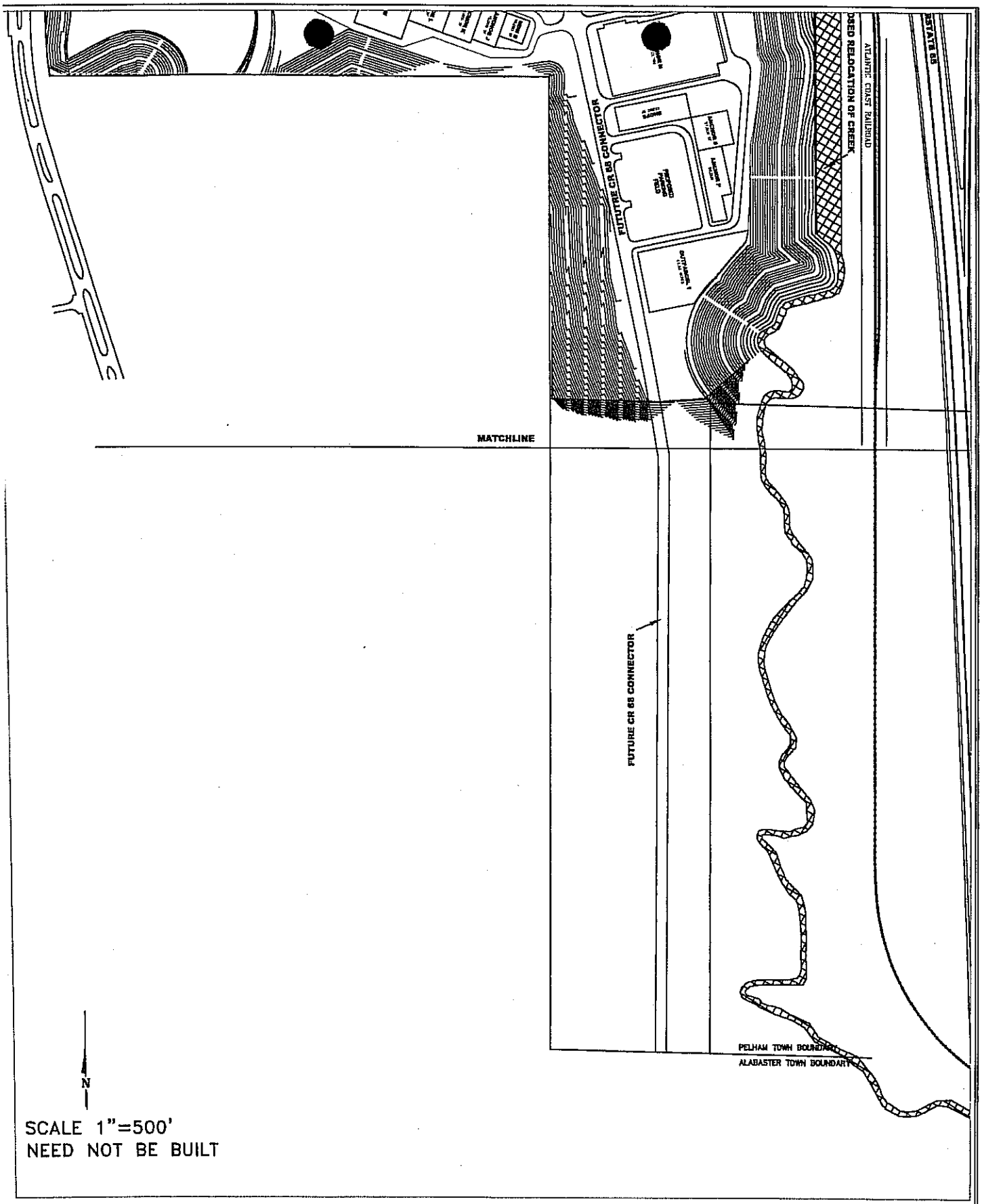
AIG BAKER PELHAM
SITE PLAN

DESIGNED XXX
DRAWN XXX
CHECKED XXX
DATE 10-08-07

REVISIONS
1.
2.

1/2



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AIG BAKER PELHAM
SITE PLAN

DESIGNED	XXX
DRAWN	XXX
CHECKED	XXX
DATE	10-08-07

REVISIONS
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2.

2/2