



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

CESAM-RD-I-N
PUBLIC NOTICE NO. SAM-2008-00871-JSC

November 12, 2008

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

PROPOSED RESIDENTIAL DEVELOPMENT
IN AUBURN, LEE 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). 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: Pass, LLC
Attn: Mr. Jimmy Starr
3495 Lee Rd 10
Auburn, Alabama 36832

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

LOCATION: Unnamed tributaries to Chewacla Creek and their adjacent wetlands in the Lower Tallapoosa River watershed (HUC 03150110); Section 3, Township 18 North, Range 26 East, northwest of Opelika, Alabama (Latitude 32°34'31" North, Longitude 85°25'41" West).

SITE CONDITIONS: The project site is approximately 124 acres in size and includes 1.97 acres of wetlands, and 8,767 linear feet of stream channel. The project area is adjacent to the completed Phase of East lake subdivision. It is bounded by a mixture of residential, pasture and forested property. A maintained electrical transmission line also runs through the site.

WORK: The applicant requests authorization for the discharge of fill material into 0.602 acres of jurisdictional wetlands, and 1,875 linear feet of stream channel associated with the construction of Phases I and III of East Lake subdivision, a residential development, located south of the intersection Moores Mill Road, off of Ogletree Road in Lee County, Alabama. The combined Phase II & III Eastlake development will include approximately 130 single-

family homes and associated infrastructure including roads, sewer and water lines, and storm water detention areas. Approximately 39% of the project area will be designated as green space and will remain undeveloped. Previous impacts authorized under SAM-2007-1797-HWL include 523 linear feet of stream channel and 0.5 acre of wetlands.

SUMMARY OF IMPACTS:

Impact Description	Waters Impacted/Type	LF/Ac of Impact
Impact #1 – Detention Pond	Stream 2	588 LF
Impact #2 – Dam Construction	Stream 3	112 LF
Impact #3 – Detention Pond	Stream 3	1040 LF
Impact #4 – Detention Pond	Stream 4	135 LF
Impact #5 – Detention Pond	Wetland 1	0.002 acre
Impact #6 – Detention Pond	Wetland 2	0.08 acre
Impact #7 – Utility (sewer)	Wetland 3	0.02acre
Impact #8 – Dam Construction	Wetland 4	0.09 acre
Impact #9 – Detention Pond	Wetland 5	0.41 acre
Total Stream Impacts:		1875 LF
Total Wetland Impacts:		0.602 acre

ALTERNATIVE ANALYSIS: During the site selection process, the applicant considered three alternatives.

No Build: The No Build Alternative consists of abandoning plans to construct the residential subdivision. The alternative would not result in impacts to jurisdictional waters, but would also not achieve the applicant’s stated purpose.

Alternate Site: Building on an alternate site may reduce or potentially eliminate impacts to jurisdictional waters; however, the applicant states that the availability of undeveloped acreage of sufficient size for the proposed is extremely limited in the area. No other suitable sites were identified by the applicant.

Preferred Alternative: Although the preferred alternative will result in impacts to jurisdictional waters, it was selected because it was the only alternative that would provide the applicant the desired benefits as outlined in the project description and purpose.

AVOIDANCE & MINIMIZATION: During site planning and design the applicant made every effort avoid and minimize impacts to jurisdictional waters. Street alignment and lot layout were designed around jurisdictional waters to the greatest extent practicable. Site

layout, stream buffers, and designated green-space will ensure that jurisdictional waters are protected from future impact.

The applicant has minimized impacts associated with the storm water detention pond through design modifications. The original design called for a surface elevation of 574 feet above MSL and would have impacted 2,033 LF of stream. The current design calls for a surface elevation of 572 feet above MSL. This design modification resulted in a decrease of stream impacts of 158 LF.

MITIGATION: The applicant proposes to mitigate for unavoidable impacts to jurisdictional wetlands through the purchase of 0.4 wetland credits from Mclemore Mitigation Bank. The applicant proposes to mitigate for unavoidable stream impacts through on-site stream mitigation. The applicant is currently finalizing the on-site stream mitigation plan.

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, 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 publication should refer to this Public Notice SAM-2008-00871-JSC and should be directed to the following address:

District Engineer:

U. S. Army Engineer District, Mobile
Regulatory Division, Montgomery Field Office
Attn: James S. Cherry, II
25 LeMay Plaza S., Bldg. 853
Maxwell, AFB, AL 36112

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.

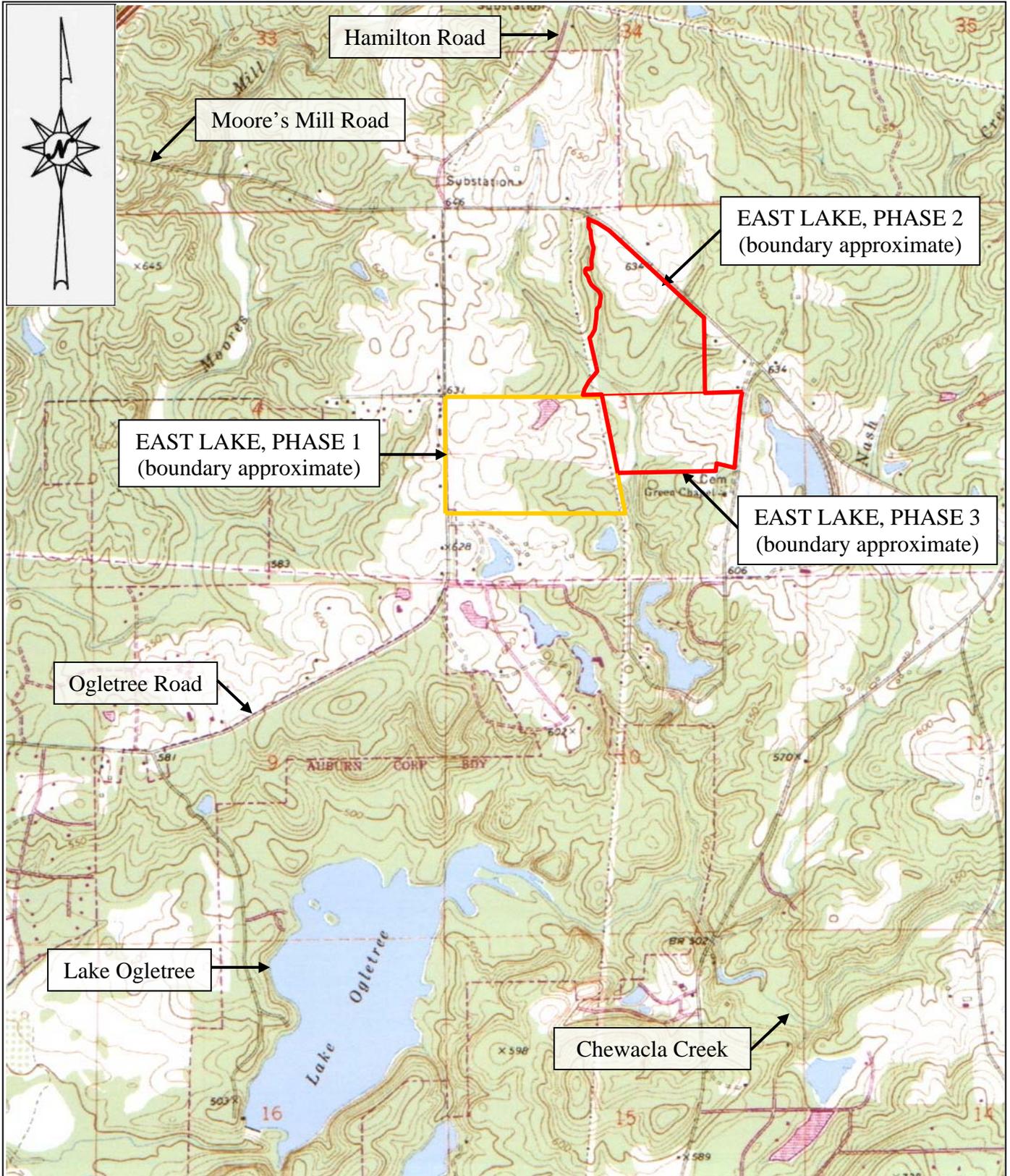
Enclosed to assist you with your review are: Location map; Site Map; Corps Jurisdictional Waters map; Proposed Impacts map; and Alternative Analysis maps.

If you have any questions concerning this publication, you may contact the Project Manager via e-mail at james.s.cherry@usace.army.mil or telephone number (334) 953-2172. Please refer to the above Public Notice number.

For additional information about the Mobile District's Regulatory Program, please take a moment to visit our web site 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.

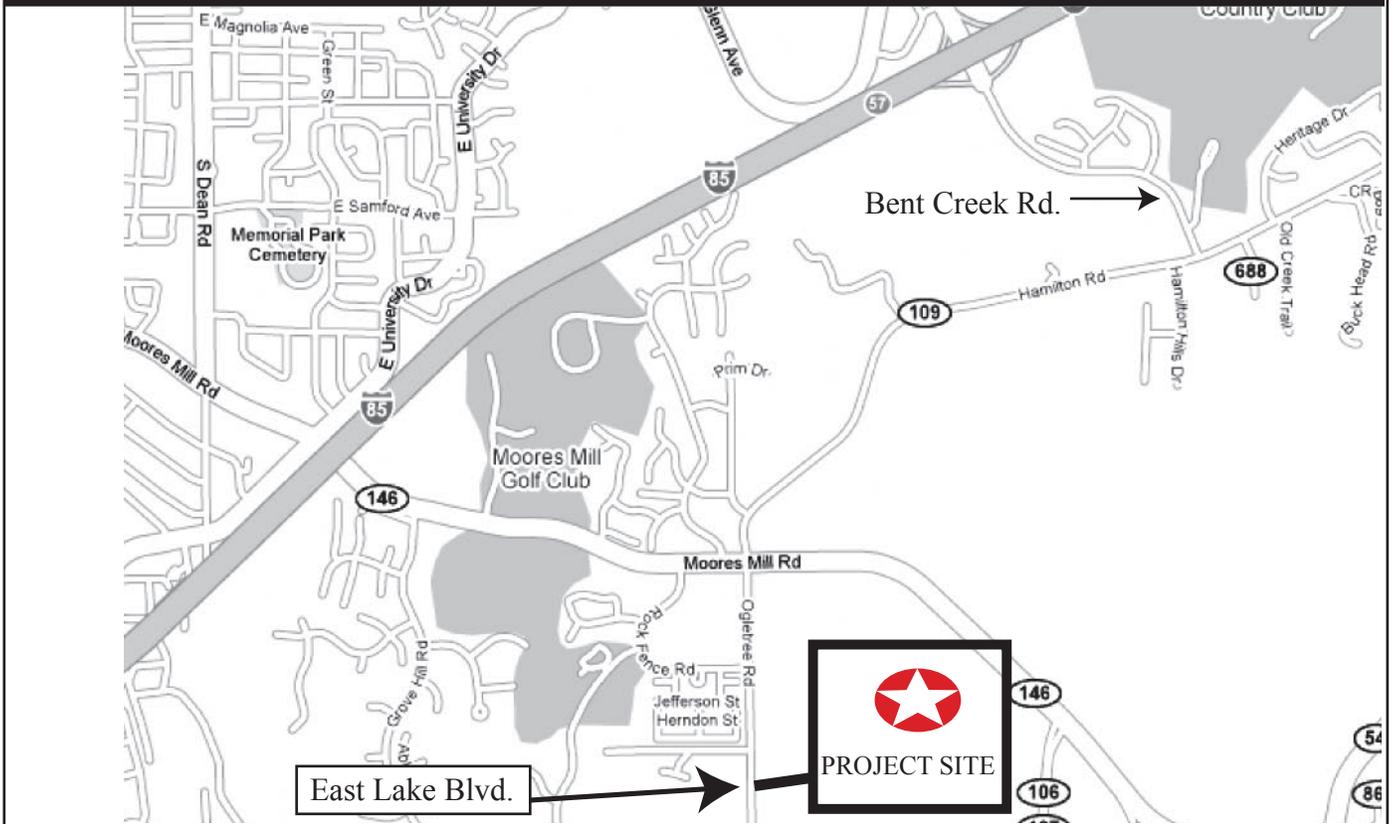
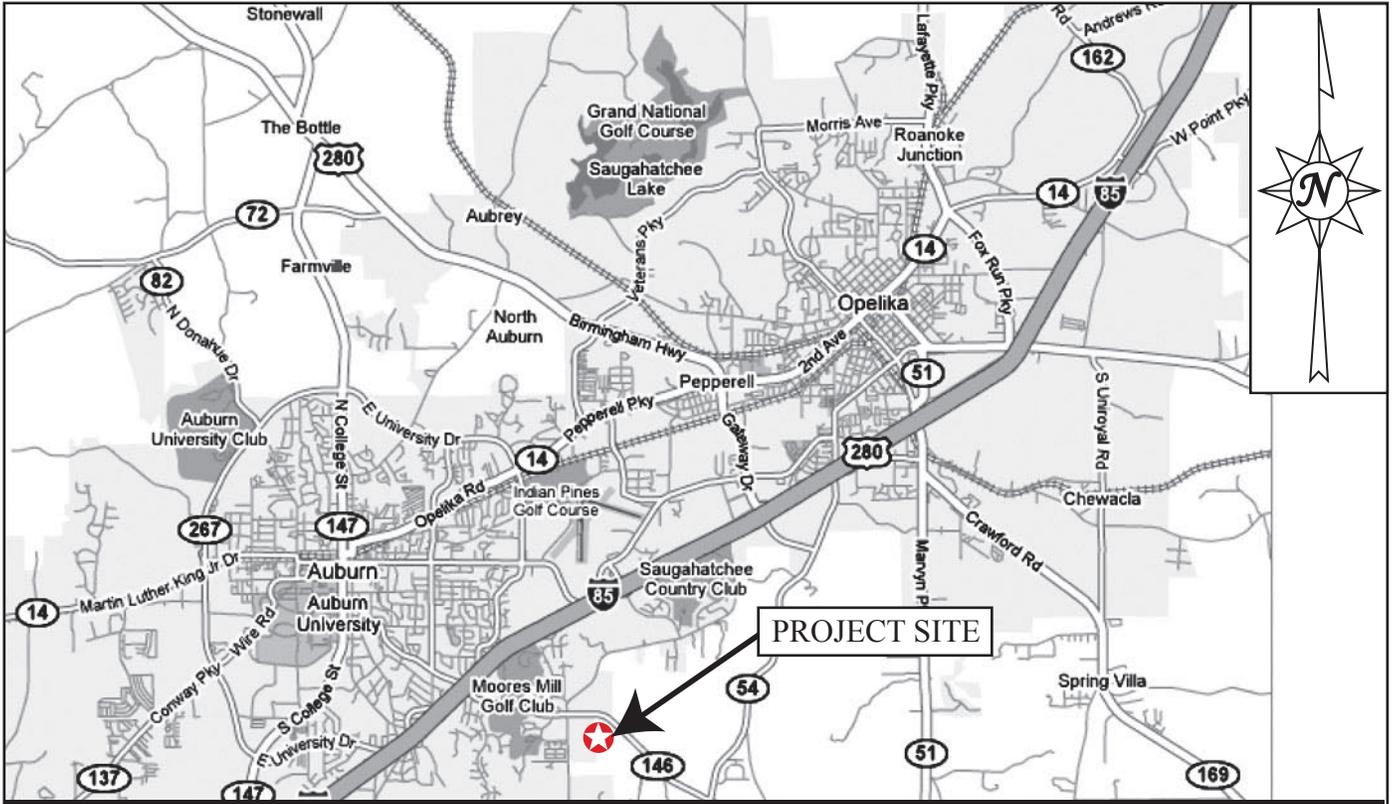
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MOBILE DISTRICT
U.S. Army Corps of Engineer



Site Location Map
 East Lake Subdivision, Phases 2 & 3
 Auburn, Lee County, Alabama
 Source: Auburn, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL05-038D
 Scale: 1" = 2000'





Vicinity Map
 East Lake Subdivision Phases 2 & 3
 Opelika, Lee County, Alabama
 Source: Google Maps
 BioResources Project No. WL05-038D
 Not to scale



EAST LAKE SUBDIVISION PHASE 2 & 3 WETLAND AND STREAM IMPACTS



**Civil Design
And Consulting, Inc.**

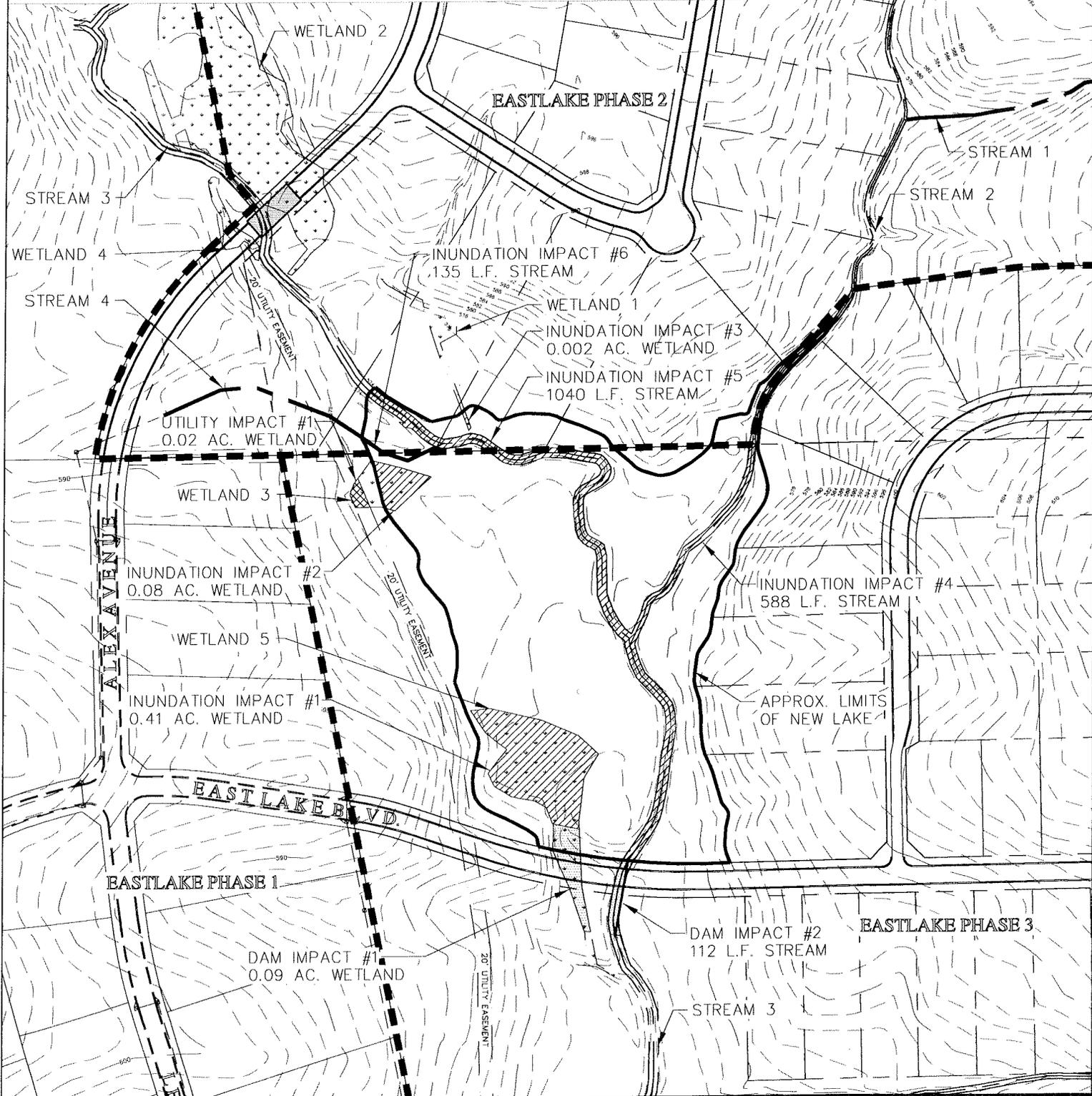
472 North Dean Road
Towne Center 100, Suite 205
Auburn, Alabama 36830
Phone: (334) 826-8711
Fax: (334) 826-5711

PROJECT NUMBER:
A05807.02

SHEET
1 OF 3

SCALE AS SHOWN	DESIGNED GSF	DRAWN GSF	CHECKED RPL	DATE 01/23/08
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EAST LAKE SUBDIVISION PHASE 2 & 3 WETLAND AND STREAM IMPACTS-A



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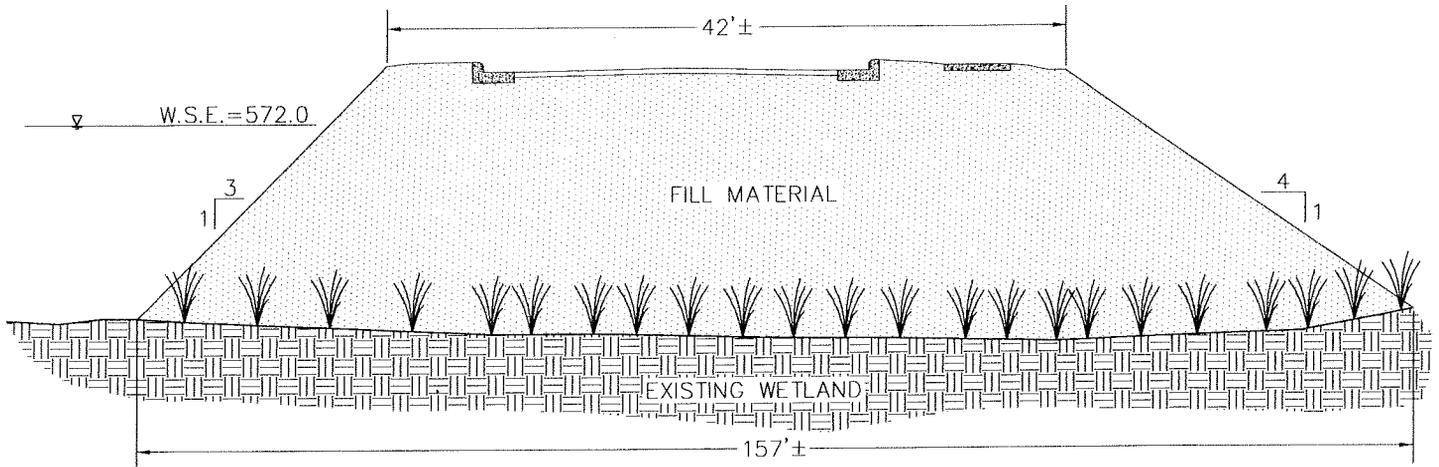
472 North Dean Road
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SHEET
2 OF 3

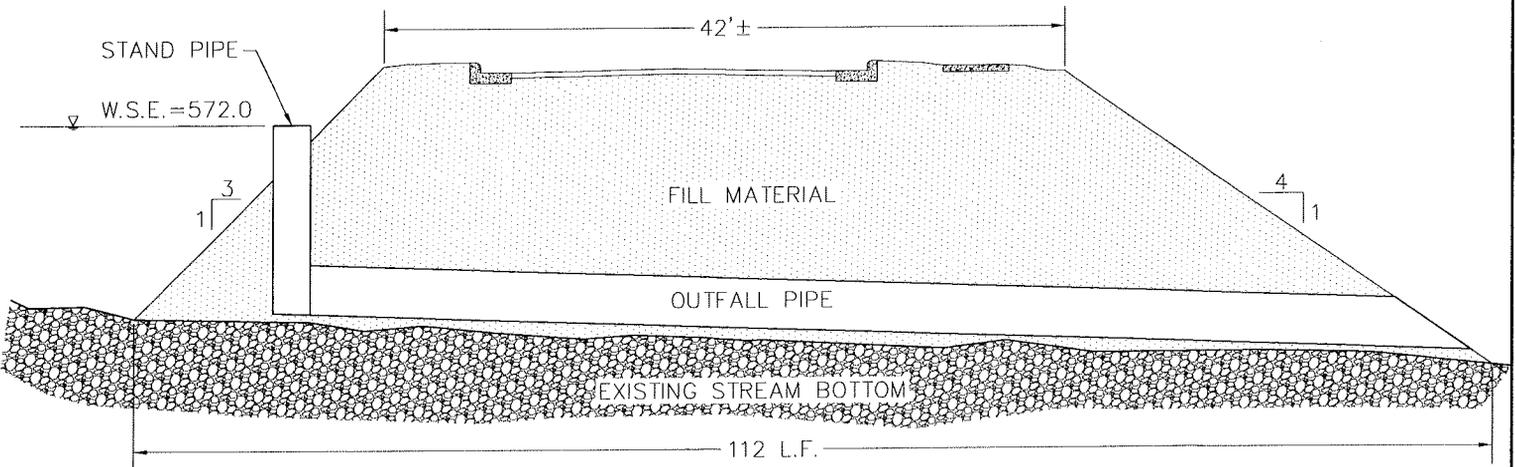
SCALE AS SHOWN	DESIGNED GSF	DRAWN GSF	CHECKED RPL	DATE 01/23/08
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**EAST LAKE SUBDIVISION PHASE 2 & 3
DAM IMPACTS #1 & 2**



DAM IMPACT #1

NOT TO SCALE



DAM IMPACT #2

NOT TO SCALE



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And Consulting, Inc.**

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Auburn, Alabama 36830
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SHEET

3 OF 3

SCALE
AS SHOWN

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GSF

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DATE
01/23/08