



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-I
PUBLIC NOTICE NO. SAM-2008-0753-RCV

November 13, 2008

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IMPACTS TO WATERS OF THE U.S. IN CONJUNCTION WITH THE
CONSTRUCTION OF
A RESIDENTIAL SUBDIVISION
SARALAND, MOBILE 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:

Mr. Jock Mizelle
Elite Developers, LLC
P.O. Box 1024
Saraland, Alabama 36571

AGENT:

Geographic Solutions, Inc.
P.O. Box 1452
Bay Minette, Alabama 36507

LOCATION: Project located on the east side of Celeste Road in Saraland, Mobile County, Alabama. Section 30, Township 2 South, Range 1 West. Coordinates are as follows: Latitude North 30° 50' 50.12" and Longitude West 88° 06' 54.01".

WORK: The applicant has requested issuance of an after-the-fact permit for construction of a single family residential subdivision in Saraland, Alabama known as Twin Lakes Estates I and II. Work began on the Phase I lakes and associated impacts in 2001. Phase II lakes and subdivision work began in May of 2004 and was completed in January 2006. The total impacts associated with both phases of the project consisted of the filling of 13.33

acres of wetlands for the construction of single family lots, roadways, and other infrastructure in association with the approximately 31 acres subdivision. Of this total, 2.61 acres were restored by the applicant in June of 2008 and 11.37 acres will be allowed to remain impacted. Proposed wetland compensation for 11.37 acres of wetland impacts as a result of the proposed project will be through an U.S. Environmental Protection Agency (EPA) approved mitigation plan in accordance with an Administrative Consent Agreement and Compliance Order issued for the violation in May 22, 2008. This mitigation plan dictates the enhancement of 45.5 acres to an adjoining tract of land to the north which has been heavily impacted by intensive silviculture activities. The traditionally hardwood bottom wetland system has over time been converted to a monoculture pine community. This parcel of land will be enhanced by restoring the natural grade, establishing the hydrophytic vegetation, and removing and controlling invasive species

Phase I impacts consisted of the construction of two lakes (0.75 and 1.1 acres in size) as well as clearing and filling of wetland areas in the eastern portion of the project. Total wetland impacts equal 2.53 acres.

Phase II impacts consisted of a 3.3 acres lake, as well as the clearing and filling of wetland areas at various areas of the project. Total wetland impacts equal 10.69 acres.

The applicant has stated the following concerning avoidance and minimization to Waters of the United States: Due to the fact that the site was completely filled prior to the initial site visit by the USACE...no avoidance actions were taken on the subject property. The Corps has not verified the adequacy of the applicants avoidance and minimization statement at this time.

The applicant will apply for state certification in accordance with Section 401(a)(1) of the Clean Water Act and seek approval for the activity. Upon completion of the required advertising and public comment of review, a determination relative to consistency will be made by the Alabama Department Environmental Management.

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 after-the fact 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

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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 after-the-fact activity. 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 impacts involving deposits of dredged or fill material into waters of the United States includes the application of guidelines established by the Administrator of the U.S. **Environmental Protection Agency (EPA)**. Mitigation will be performed by the applicant in accordance with the Agency approved wetland mitigation/ restoration plan and as resolution of the EPA Administrative Compliance Order dated May 22, 2008.

The **National Register of Historic Places** has been consulted for cultural resources within the vicinity of the project. Additional coordination with the Alabama Historical Commission has been conducted by the applicant. The Commission determined concurrence with the cultural resources survey on October 10, 2008 under reference number AHC 08-1179. This review constitutes 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 permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

This applicant has coordinated with the U.S. **Fish and Wildlife Service** to assess if the proposed activity will affect listed endangered or threatened species, or their critical habitat. The applicant conducted an initial survey for any species existing onsite and found no evidence of threatened or endangered species. The Service sent a letter of concurrence for these findings on September 24, 2008.

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The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.

Correspondence concerning this Public Notice should refer to **Public Notice Number SAM 2008-0753-RCV** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Inland Branch. With a copy furnished to Alabama Department of Environmental Management, 4171 Commanders Drive, Mobile Alabama 36615. 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 Mr. Rudolph C. Villarreal via email at Rudolph.C.Villarreal@usace.army.mil or telephone number (251) 690-3246. Please refer to the Public Notice SAM-2008-0753-RCV.

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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

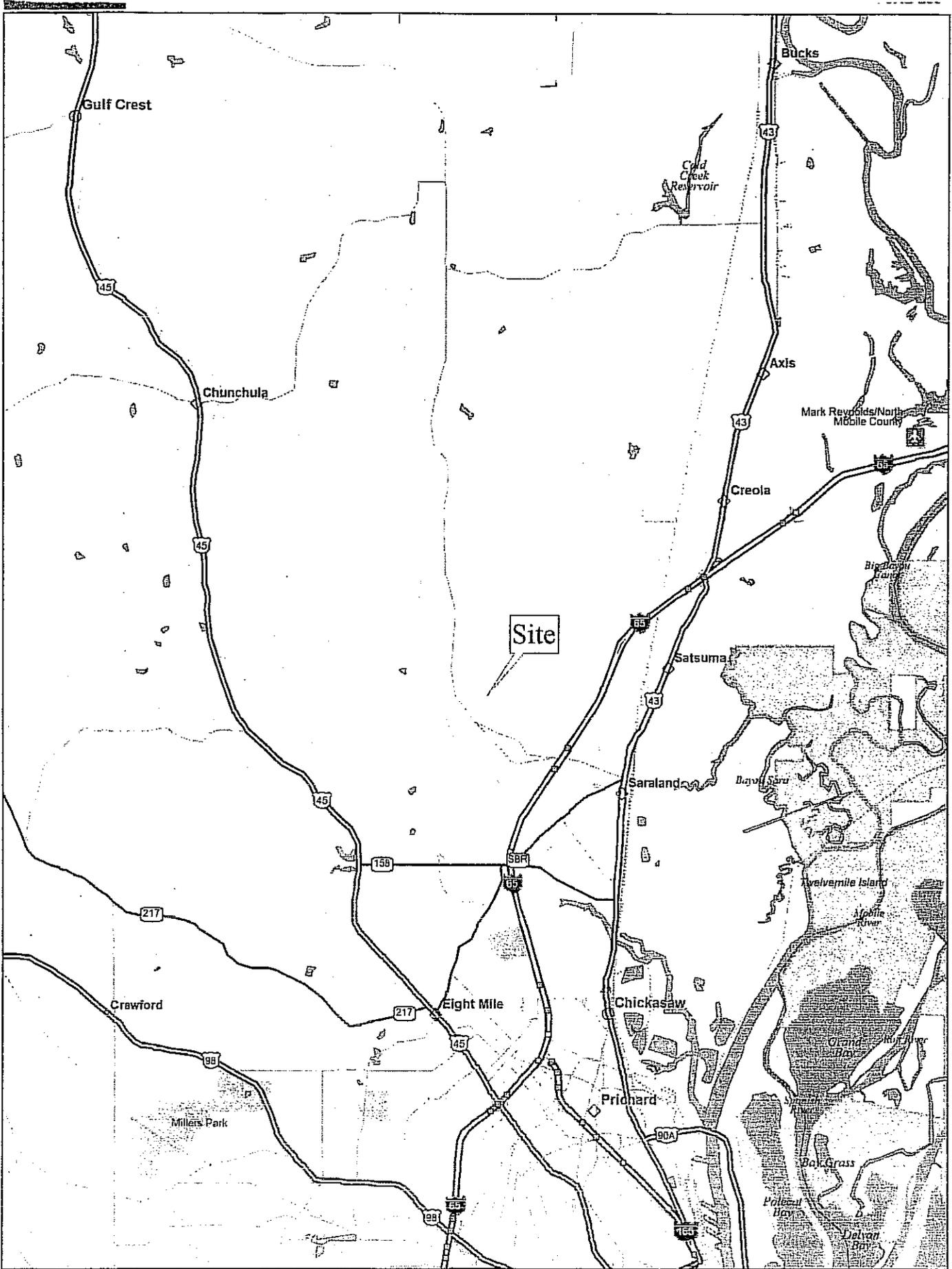
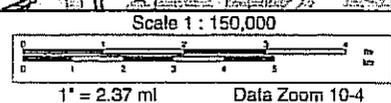


Figure 1



TWIN LAKES - SARALAND, AL LOCATION MAP

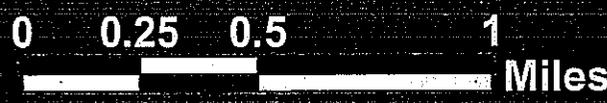
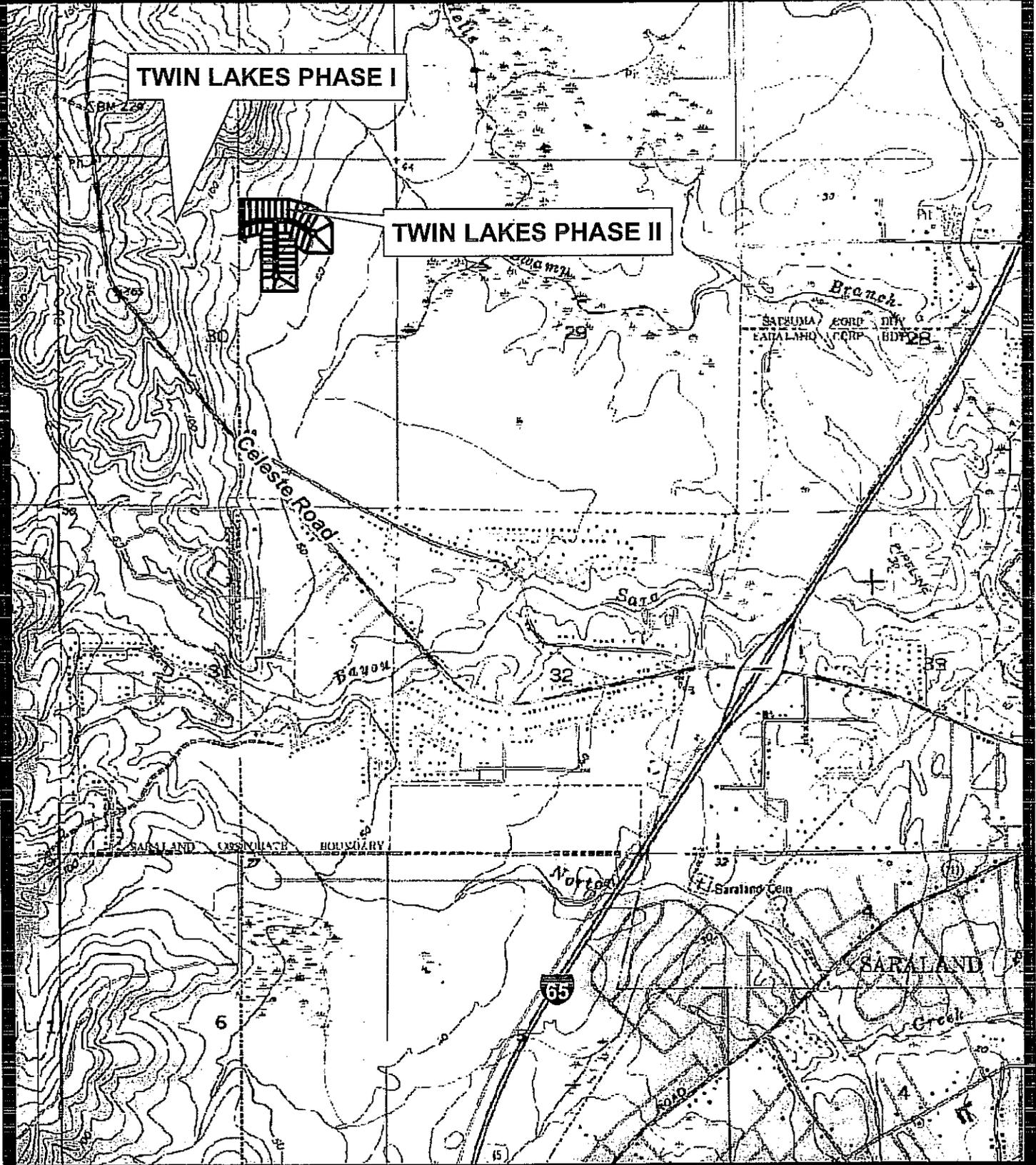
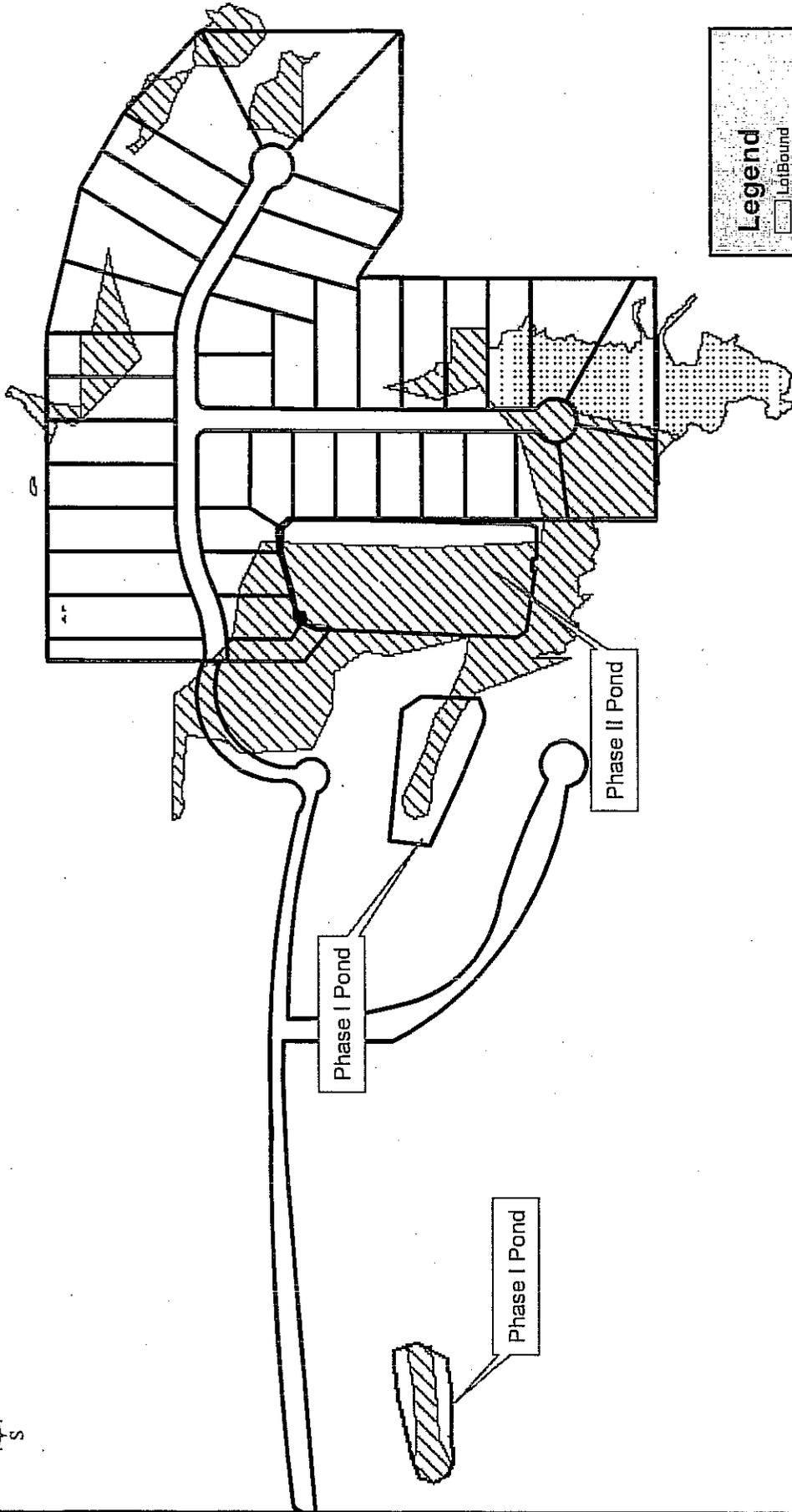
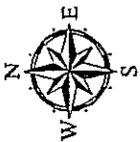


Figure 2

Wetlands Impacted by construction of TWIN LAKES PH. I & II - SARALAND, AL



Legend

- Lot Bound
- Restoration Area
- Area To Be Permitted
- Phase I Lakes

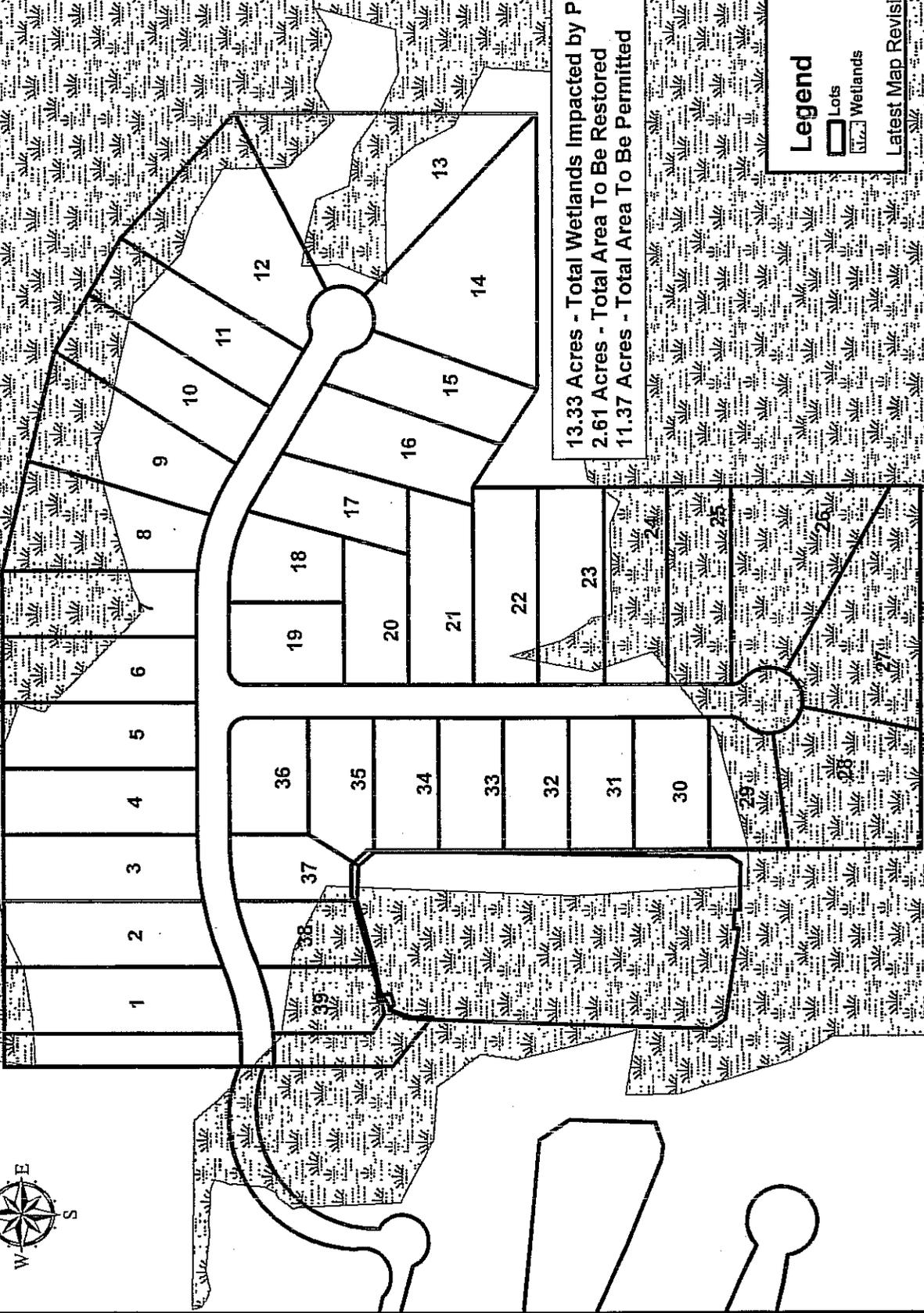
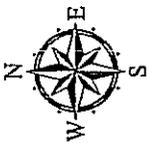
13.33 Acres - Total Wetlands Impacted by Ph. I & II
2.61 Acres - Total Area To Be Restored
11.37 Acres - Total Area To Be Permitted

Latest Map Revision : 10/27/08



Figure 3

Wetland Delineation Map: TWIN LAKES PH. I & II SARAILAND, AL



13.33 Acres - Total Wetlands Impacted by Ph. I & II
2.61 Acres - Total Area To Be Restored
11.37 Acres - Total Area To Be Permitted

Legend
[Hatched Box] Lots
[Hatched Box] Wetlands

Latest Map Revision : 7-13-08

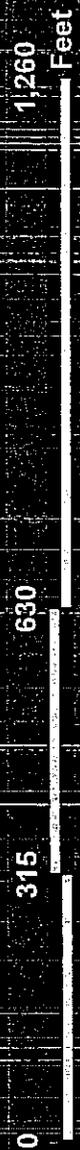
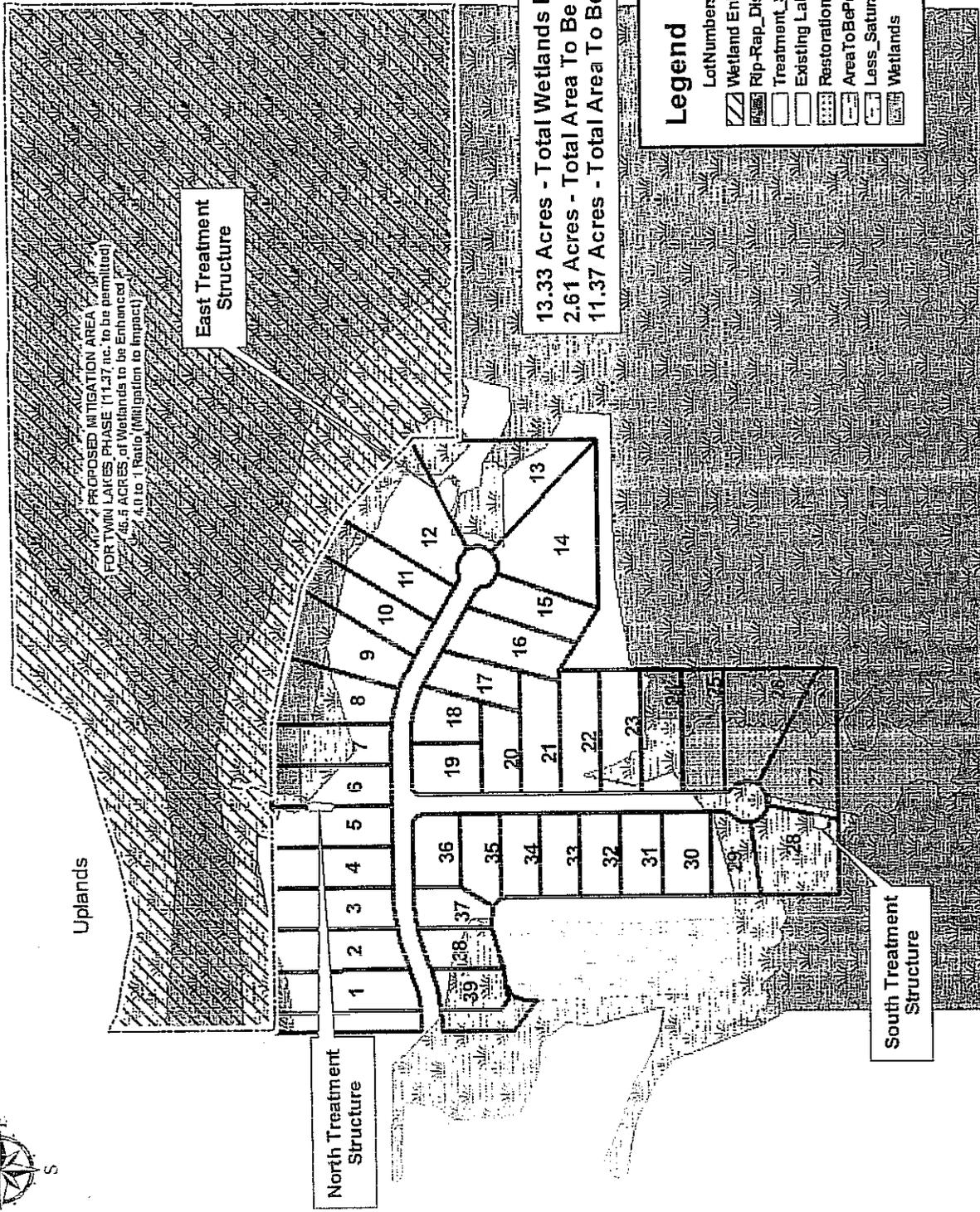
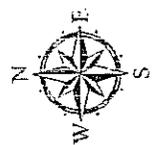


Figure 4

MITIGATION PLAN FOR IMPACTS FROM TWIN LAKES PH. I & II SARALAND, AL



13.33 Acres - Total Wetlands Impacted by Ph. I & II
 2.61 Acres - Total Area To Be Restored
 11.37 Acres - Total Area To Be Permitted

Legend

- Lot Numbers
- Wetland Enhancement
- Rip-Rap Discharge
- Treatment Structures
- Existing Lake
- Restoration Area
- Area To Be Permitted
- Less_Saturated_Wetland_Zone
- Wetlands

Latest Map Revision : 4-1-08



Figure 5