



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

CESAM-RD-IB-C  
PUBLIC NOTICE NO. SAM-2008-1685-CHE

December 17, 2008

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

**PROPOSED CONSTRUCTION OF A 15 ACRE RECREATIONAL IMPOUNDMENT**

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:** Clegg Land Co. Ltd  
Mr. Clifford F. Clegg III  
1389 Aberdeen Lane  
Auburn, Alabama 36830

**AGENT:** Walter Schoel Engineering Company  
Mr. Carl Hubbert, Jr.  
1001 – 22<sup>nd</sup> Street South  
Birmingham, Alabama 35205

**WATERWAY:** In an unnamed tributary of Blue Creek and adjacent wetlands near Thornton, Tallapoosa County, Alabama.

**WORK:** The applicant proposes to place fill material in an unnamed stream in association the development of a private recreational impoundment. The proposed discharge will impact 2,540 feet of perennial and intermittent streams and convert 0.93 acres of existing wetlands to open waters.

**Project Purpose:** The purpose of the proposed is to develop a private recreational lake/impoundment.

**Avoidance and Minimization of impacts to waters of the United States:** The applicant considered various lake locations within their property boundary. Several perennial and intermittent streams are located with the project boundaries that were analyzed for a suitable lake location. Seven alternative lake locations and/or alternative lake pool elevations were assessed by the applicant and the preferred (proposed) plan has been developed to construct an appropriately sized lake, which minimizes impacts to both wetlands and streams location within the proposed project, yet would yield the applicant an appropriately sized and cost-effective lake with regard to fish management, feeding and fertilizing.

**Compensatory Mitigation for unavoidable impacts to waters of the United States:** The applicant proposes to mitigate for the proposed impacts to wetlands by placing 10 acres of on-site wetlands in restrictive covenants and enhancing 17.3 acres of on-site wetlands. The applicant has proposed to mitigate for the proposed impacts to streams by establishing protective buffers and conducting stream buffer enhancement activities for portions of the unnamed stream directly adjacent to the proposed project and Blue Creek..

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 will not affect listed endangered or threatened species, or their critical habitat. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. 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-2008-1685-CHE and should be directed to:

District Engineer  
U.S. Army Engineer District, Mobile  
Post Office Box 2288, Mobile, Alabama 36628-000  
Attention: Regulatory Division

with a copy to the:

Alabama Department of Environmental Management  
4171 Commanders Drive  
Mobile, Alabama 36615

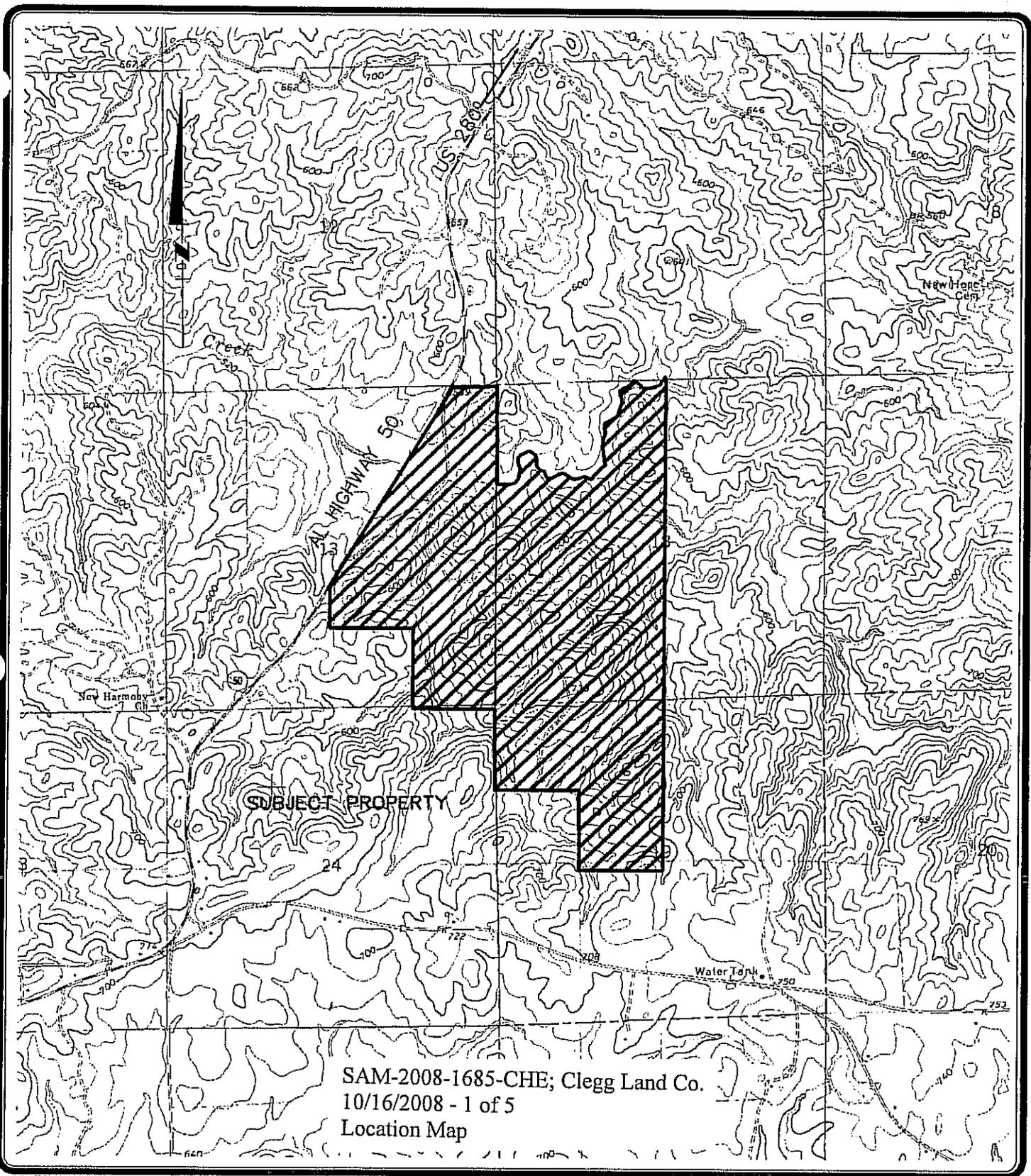
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at Casey.H.Ehorn@sam.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](http://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 Engineers



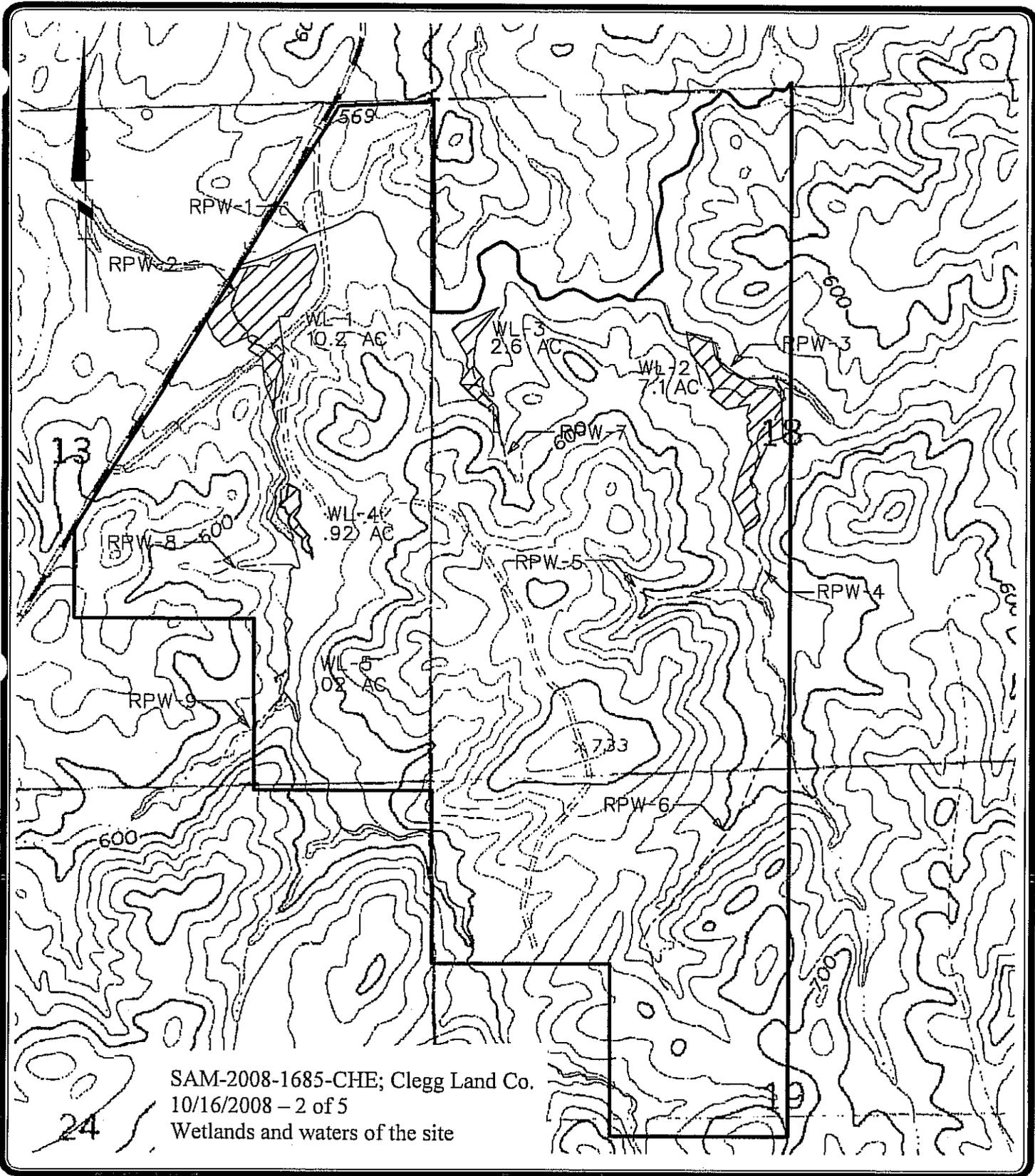
SUBJECT PROPERTY

SAM-2008-1685-CHE; Clegg Land Co.  
 10/16/2008 - 1 of 5  
 Location Map

DATE 8-7-08	SCALE 1"=2000'	VICINITY MAP  RECREATIONAL LAKE CLEGG PROPERTY TALLAPOOSA COUNTY, ALABAMA SEC. 13 R23 E - SECS. 12 & 13 R24E
SHEET NO. 1	DRAWN BY CRH	
OF 14	CHECKED WSH	
	FILE NAME VICINRY	

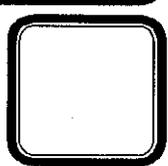
**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 801 2ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205) 333-0266



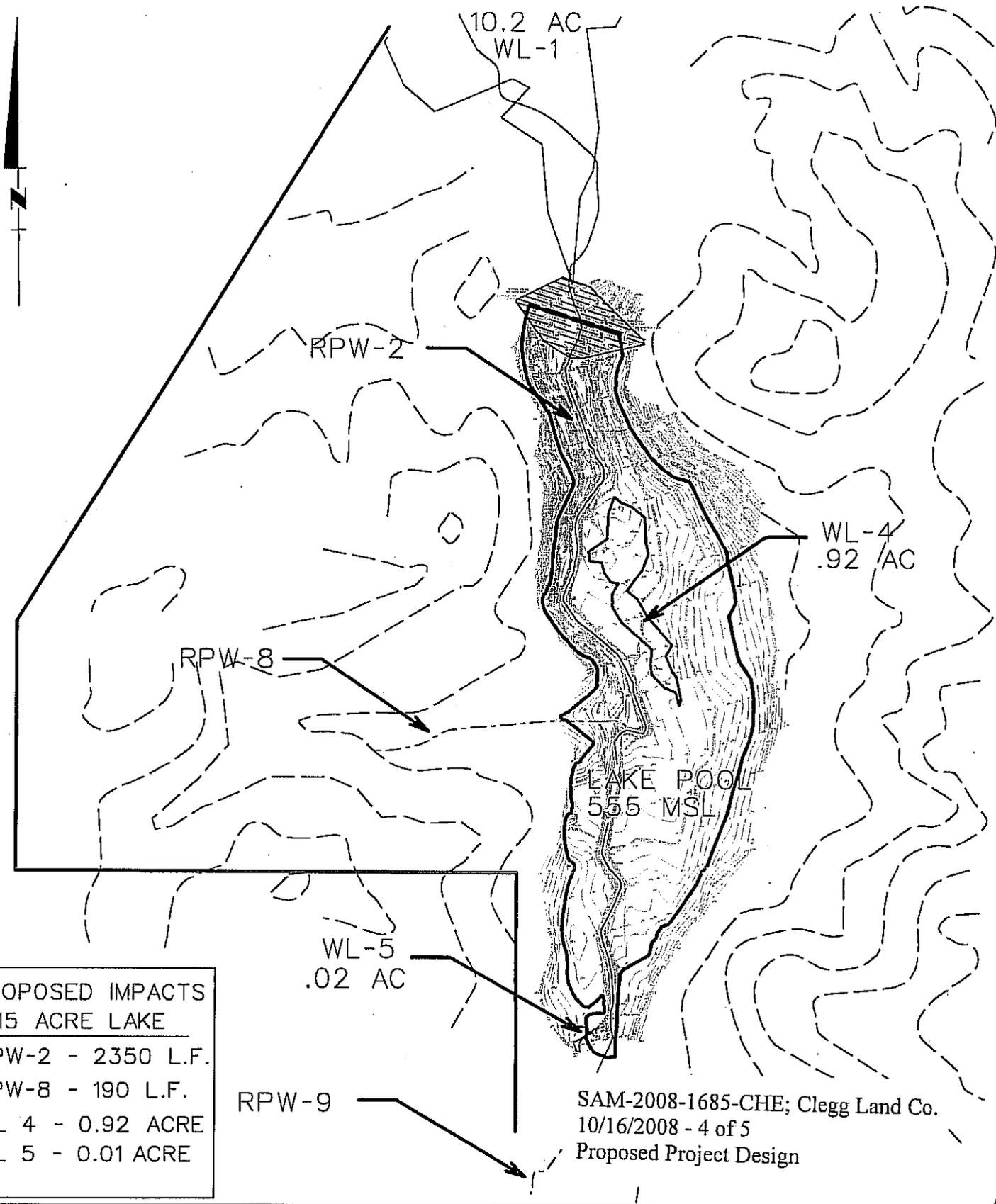


DATE 8-6-08	SCALE 1"=1000'	WATERS OF THE UNITED STATES
SHEET NO. 3	DRAWN BY CRH	RECREATIONAL LAKE
OF 14	CHECKED WSH	CLEGG PROPERTY
	FILE NAME VICIDRY	TALLAPOOSA COUNTY, ALABAMA
		SEC. 13 R2J B - SECS. 18 & 19 R24E

**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 101 2ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205) 327-0555





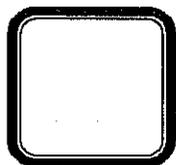


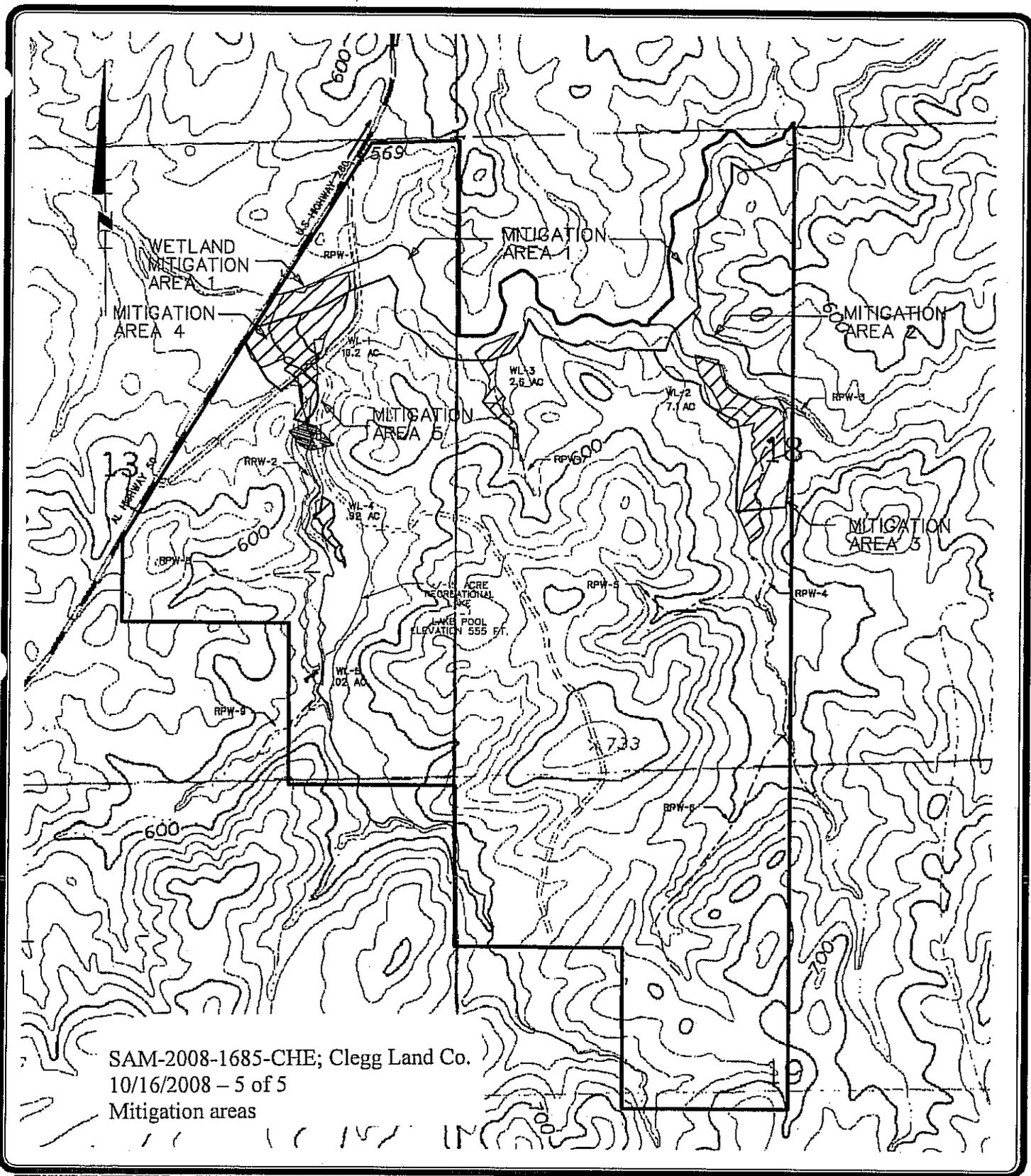
PROPOSED IMPACTS	
15 ACRE LAKE	
<hr/>	
RPW-2	- 2350 L.F.
RPW-8	- 190 L.F.
WL 4	- 0.92 ACRE
WL 5	- 0.01 ACRE

SAM-2008-1685-CHE; Clegg Land Co.  
 10/16/2008 - 4 of 5  
 Proposed Project Design

DATE 25-08	SCALE 1"=400'	ALTERNATIVES ANALYSE - PREFERRED
SHEET NO. 13	DRAWN BY CRH	<b>RECREATIONAL LAKE</b> <b>CLEGG PROPERTY</b> <b>TALLAPOOSA COUNTY, ALABAMA</b> <b>SBC. 13 R23 E - SECS. 18 &amp; 19 R24E</b>
OF 14	CHECKED WSM	
	FILE NAME PFDGN	

**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 604 22ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205) 333-0855





SAM-2008-1685-CHE; Clegg Land Co.  
 10/16/2008 - 5 of 5  
 Mitigation areas

DATE 8-7-08	SCALE 1"=400'	<b>PROPOSED MITIGATION</b>  <b>RECREATIONAL LAKE</b> <b>CLEGG PROPERTY</b> TALLAPOOSA COUNTY, ALABAMA SEC. 13 R23 E - SECS. 18 & 19 T24E
SHEET NO. 14	DRAWN BY CRH	
of 14	CHECKED WSH	
	FILE NAME MIT.DGN	

**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 501 2ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205) 321-2825

