



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
REGULATORY DIVISION, BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35171

April 29, 2008

REPLY TO:

Inland Branch
Regulatory Division
Public Notice No. SAM-2008-00374-CJP

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

Proposed, Landing At The Venue, Commercial Development
Chambers County, Alabama

TO ALL CONCERNED: The U.S. Army Corps of Engineers, Mobile 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 (PN) 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: Mr. Walter D. Shealy, III
Landing at the Venue, LLC
1791 O.G. Skinner Drive, Suite A.
West Point, GA 31833

AGENT: Mr. Matthew Sharman
Landing at the Venue, LLC
1791 O.G. Skinner Drive, Suite A.
West Point, GA 31833

LOCATION: The subject site encompasses acreage generally located on South Phillips Road and is bounded to the east by 46th Street SW, to the north and west by N. 8th Avenue, and is immediately northwest of Interstate 85 at interchange 77. It is further described as being located at Section 10, Township 21 North, Range 28 East, Chambers County, Lanett, Alabama at the approximate latitude of 32°49'23.99" North and longitude -85°13'5.98" West. The Project Site is located within the Middle Chattahoochee-Lake Harding Watershed (HUC 03130002).

WORK: The Applicant proposes to construct commercial/retail spaces, parking facilities, and a storm water management system that includes two retention ponds. The overall site is approximately 61 acres which, according to the applicant, consists of: approximately 57 acres (ac) of uplands; 4.21 ac of wetlands (0.39 non-jurisdictional); 1768 linear feet (lf) of perennial relatively permanent water (RPW); and 484 linear feet of a seasonal RPW. Work proposed will impact via fill and dredging approximately 315 linear feet of the seasonal RPW, and 2.08 acres of wetlands. It should be noted that during the site preparation, land clearing and grading activities, that an inadvertent clearing in wetland G occurred (0.32 acres). The applicant has advised that this area has been stabilized and will be allowed to naturally re-vegetate. They included it in their total impact analysis, but advise that this is a temporary impact. Best Management Practices (BMP) have been implemented and are being monitored.

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AVOIDANCE & MINIMIZATION: The applicant advises that previous plans would have included 2.46 acres of wetland impacts, and the filling of the perennial RPW. All impacts to the functional perennial RPW in the proposed plan have been avoided, and the impacts to its forested wetland buffer minimized. The applicant contends that the current site layout, which due to site topography and the extent/configuration of the jurisdictional waters, cannot completely avoid impacts, still allows for construction costs to be kept down and the projects purpose and/or goals to be achieved.

ALTERNATIVE ANALYSIS: An alternative analysis was conducted for several sites in more rural regions of Chambers County, but those sites were deemed to be marginally located for the intended development due to transportation access, availability of utilities, zoning, and other land use considerations. One of the possibilities considered was the property directly across Phillips road from the proposed site. This land contains a cemetery with unmarked graves which have previously collapsed under the weight of construction equipment. A site along the northwestern side of the property across 42nd St. SW was also considered, but that site contains an Alabama Power high voltage transmission line. The proposed Project Site that was chosen offered several key advantages over any other sites. First, it featured an excellent location relative to State Road 50, U.S. 29, and I-85, only 1,100 feet from the existing interchange 77 exit ramp traffic light. It is also large enough to accommodate the intended scope of development, and it was available at a reasonable price that would allow all of the amenities that are being proposed. The City of Lanett, per the Applicant, recognized that the development of the proposed site offered the greatest location for the City to bring employment.

MITIGATION: To offset the impacts, the applicant proposes to purchase mitigation credits from a Corps of Engineers approved mitigation bank. Required Mitigation Credits calculated will include a temporal lag factor applied to the inadvertent clearing the 0.32 acres of wetlands, and an out of area multiplier. The Corps of Engineers will verify the delineations, data sheets, and calculated mitigation sheets submitted to ensure correctness and verify that it is sufficient to offset the functional loss of jurisdictional waters.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposal 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 and their cumulative effects relevant to the proposal will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, property ownership, and in general the needs and welfare of the people.

To evaluate the impacts of this proposal, the Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties. 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 in order to furnish a clear understanding of the reasons for support or opposition. Comments will be considered to determine whether to issue, modify, condition or deny a permit. To make this decision, an Environmental Assessment is prepared in accord with the National Environmental Policy Act; impacts are assessed on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest.

This notice is being sent to appropriate State and Federal agencies, including the Alabama Historical Commission (AHC) Office and the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and the U.S. Environmental Protection Agency.

The applicant advises that the historical land use for the majority of uplands on this site was agricultural in nature (pasture land); they've reviewed historical aerial photography dating back to the 1940's to validate this usage.

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Additionally, the applicant reviewed the Chambers County Property Record to ascertain if any National or Historical Places were located on or near the site. While four sites in Chambers County, Lanett, Alabama, are listed on the National Register of Historical Places, none are located on or near the site. Both a Corps of Engineers archeologist and AHC personnel will be in receipt of this Public Notice (PN). They will therefore have the opportunity to formally concur with the applicant's assessment that proposed project activities will not have an adverse effect on cultural resources eligible for or listed on the Nation Register of Historic Places.

BDA Environmental Consultants conducted a habitat and species survey to asses existing conditions with respect to habitat characteristics, and probability of Threatened and Endangered species within the site. A search of the Alabama Department of Conservation and Natural Resources (ADCNR), Natural Heritage Section database was conducted on February 1, 2008. It revealed that the closest recorded federal or state protected species occurred approximately 19.5 miles from the site. Results of the BDA assessment will be provided to the U.S. Fish and Wildlife Service (USFWS) and ADCNR, upon their request, for their review and opportunity to formally concur/non-concur with the assessment.

Other impacts from fill activities will be evaluated by applying Environmental Protection Agency 404(b)(1) guidelines. After review of public comments, the Alabama Department of Environmental Management (ADEM) will determine if the proposal complies with or will be operated and maintained in a manner consistent with the Clean Water Act.

Any correspondence concerning this publication should refer to this PN, SAM-2008-00374-CJP, and should be directed to the address on this letterhead with a copy to the:

Director
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

All comments should be received by this office no later than 30 days from the date of issuance of this PN.

Enclosed to assist you with your review are project location mapping, proposed impact diagrams/charts, and the Applicant's application.

If you have any questions concerning this public notice, you may contact the Mobile District Regulatory Division at 205-290-9096, or contact the Project Manager, Ms. Cindy House-Pearson at Cindy.J.House-Pearson@us.army.mil . Please reference the above PN number when calling and/or include it in the subject line of your written correspondence.

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

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

5. Project Description (continued)

Please see Figure 4.3-1 and Exhibit E for proposed wetland impacts.

6. Dredging Project Specifications (Show locations and dimensions of proposed dredge areas on attached plans. Include existing and proposed depths.). Cross-sections located in Appendix D.

New Work

Maintenance Work

Cubic yards of material to be removed 253 CY Type of material Loamy sand, sandy clay loam
(sand, muck, hard bottom, etc.)

Surface area (square feet) impacted 1,742 square feet

Method of excavation

Nature of area to be dredged (check one): Upland Wetland Waterbottom
Other (explain)

7. Specifications for Discharge of Dredged or Fill Material (Show locations and dimensions of all disposal or fill areas on attached plans.). Cross-sections located in Appendix D

Cubic yards of fill 49,562 CY Type of fill loamy sand

Surface area (square feet) impacted 75,015 square feet

Source of fill material (check one) Commercially obtained Dredged material Borrowed on-site
Other (explain)

How will discharged material be contained? (Include erosion control measures, levees, etc.)

Silt screens, staked hay bales, temporary grassing, and other mechanisms will be used to prevent erosion and encourage stability.

Nature of disposal/fill areas (check one): Upland Wetland Waterbottom
Other (explain)

8. Additional information relating to the proposed activity

Are oyster reefs located within or near the project area? Yes No If yes, explain:

Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes No

Is the project area greater than 25 acres in size? Yes No

Is any portion of the activity for which authorization is sought now complete? Yes No If yes, explain:

During Phase 1 clearing, grading, and erosion control a portion of a 0.32 acre wetland (W-G, Figure I.0-2) was inadvertently cleared. This area is outside the construction boundary and is not proposed for impact. This area has been stabilized and will be allowed to naturally revegetate. It has been included in the total impacts, however it is temporary in nature.

Month and year activity took place December 2007

If project is for maintenance work of existing structures or existing channels, describe legal authorization for the existing work.

Provide permit number, dates or other form of authorization NPDES# ALR16E264

9. Describe the purpose and public benefit, if any, of the project. Describe the relationship between the project and any secondary or future development the project is designed to support.

The applicant proposes to construct two large retail spaces and multiple small business spaces for restaurants to compliment existing and planned residential, recreational, and commercial development in the surrounding area. Proposed construction also includes parking facilities and two retention ponds. The proposed project will provide necessary retail opportunities within the city of Valley, AL which is intended to provide high density, pedestrian friendly housing, shopping, and recreational opportunities less than ten miles from the Kia plant site.

Intended Use: Public Private Commercial Other (explain)

10. Project Schedule:

Proposed start date Proposed completion date

11. Names and address of adjoining property owners, lessees, etc. whose property also adjoins the waterway. Also identify the owners on the plan views in Attachment. Please see Figure 9.20-1 for adjacent property ownership map and Exhibit E for plan view.

Norbord Alabama, Inc.
 4400 Barton Ind. Blvd.
 Lanett, AL 36863

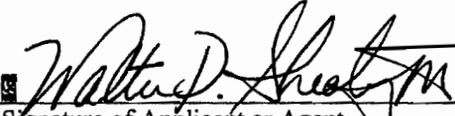
Industrial Development
 P.O. Box 205
 Lanett, AL 36863

Michael J. Fulgham
 320 W. Yorktown Drive
 La Grange, GA 30240

12. List all authorizations or certifications received or applied for from federal, state or local agencies for any Structures, construction, discharges, deposits or other activities described in or directly related to this application. Note that the signature in Item 13 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required place NA in space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>	<u>Date of Denial</u>
AL Dept. of Environmental Management	NPDES	ALR16E264	Oct 23, 2007	Jan 3, 2008	_____
U.S. Army Corps of Engineers	_____	_____	_____	_____	_____
AL State Lands Division	_____	_____	_____	_____	_____
Alabama State Docks	_____	_____	_____	_____	_____
City/County _____	_____	_____	_____	_____	_____
Other _____	_____	_____	_____	_____	_____

13. Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. For projects within the coastal area of Mobile and Baldwin Counties, I certify that the proposed project for which authorization is sought complies with the approved Alabama Coastal Area Management Program and will be conducted in a manner consistent with the program. I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with responsible for the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.
 (SIGNATURE OF APPLICANT OR AGENT REQUIRED BELOW)


 Signature of Applicant or Agent
 IT'S PRESIDENT

3-4-08
 Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or make any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

14. In addition to the completed application, the following attachments are required:
 Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with existing structures and proposed activities shown in detail. For projects located adjacent to, or on water, the site plan must clearly indicate the location of the ordinary mean high tide line and the width of the water body at the site location. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and across section or elevation. All plans and attachments must be of reproducible quality on 8 1/2 inch *11 inch paper.

NOTE: FEES ARE REQUIRED IN CONJUNCTION WITH ADEM CERTIFICATION: ADEM WILL CONTACT APPLICANT WITH FEE REQUIREMENTS.
 NOTE: FEES MAY BE REQUIRED BY THE ALABAMA STATE LANDS DIVISION FOR DREDGE ACTIVITIES AND PROJECTS IMPACTING STATE OWNED SUBMERGED LANDS. THE STATE LANDS DIVISION WILL CONTACT APPLICANT WITH FEE REQUIREMENTS.

15. APPLICATION SUBMISSION INFORMATION

Contact the Corps of Engineers prior to submittal with any questions or to request acceptable alternate content/format. An instruction package, example PAP and SPCC plans, and other information are available upon request. Complete this form, attach additional information as necessary, and submit signed original to:

(Statewide, Except Tennessee River Watershed)
 District Engineer, Attn: Regulatory Division
 U.S. Army Corps of Engineers - Mobile District
 Post Office Box 2288
 Mobile, Alabama 36628-0001
 Phone: (251) 690-2658 Fax: (251) 690-2660
 WebPage: www.sam.usace.army.mil/

OR (Tennessee River Watershed Only)
 District Engineer, Attn: Regulatory Branch
 U.S. Army Corps of Engineers - Nashville District
 3701 Bell Road
 Nashville, Tennessee 37214
 Phone: (615) 369-7500 Fax: (615) 369-7501
 WebPage: www.orn.usace.army.mil/

Submit signed copy of application and attachments to:

For Activities Statewide:

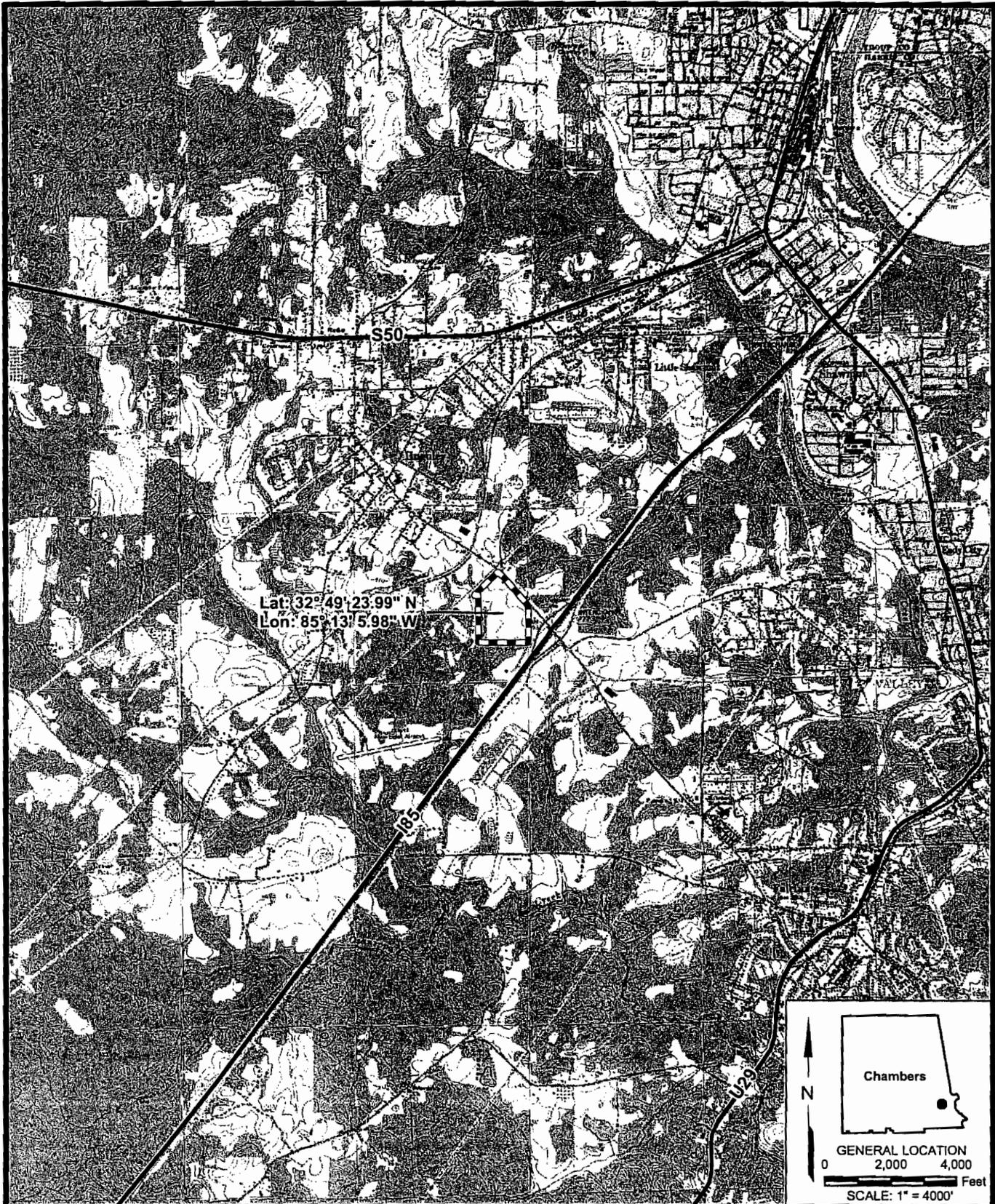
(In Mobile, Baldwin and Washington Counties Only)

Mining & Nonpoint Source Section
 Field Operations Division, ADEM
 PO Box 301463
 Montgomery, AL 36110-2059
 Phone: (334) 394-4311
 Fax: (334) 394-4326
 Email: mmps@adem.state.al.us
 WebPage: www.adem.state.al.us

Alabama State Port Authority
 Environmental, Health, Safety
 P.O. Box 1588
 Mobile, AL 36633
 Phone: (251) 441-7085
 Fax: (251) 441-7255
 WebPage: www.asdd.com

Coastal Section - Mobile Branch
 Field Operations Division, ADEM
 4171 Commander's Dr.
 Mobile, AL 36615
 Phone: (251) 432-6533
 Fax: (251) 432-6598
 Email: coastal6@adem.state.al.us
 WebPage: www.adem.state.al.us

Alabama State Lands Division
 Coastal Section
 2310 US Hwy. 98 Suite B-1
 Fairhope, AL 36532
 Phone: (251) 929-0900
 Fax: (251) 990-9293



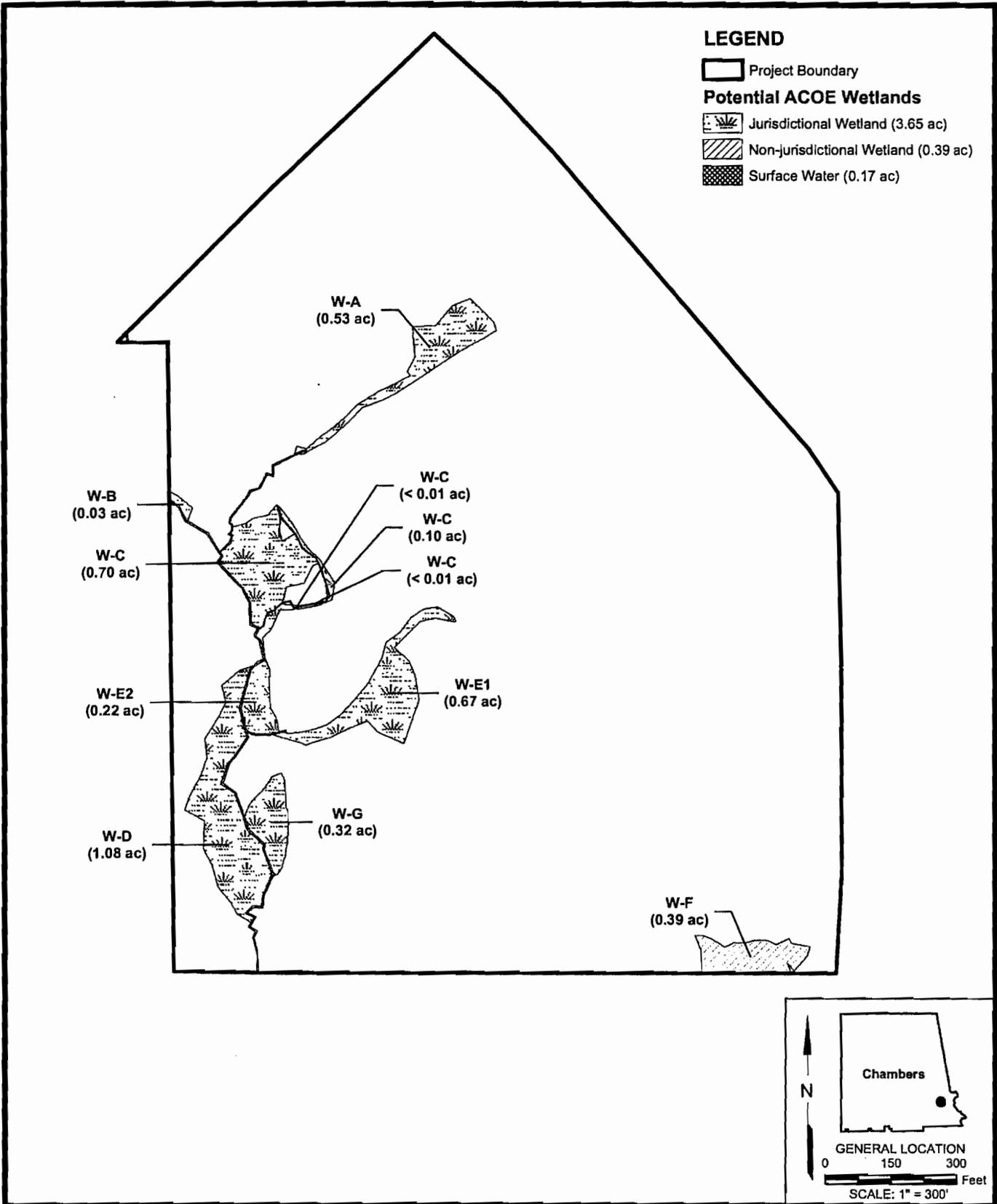
Source: Boundary provided by Farmer Barley; 20071116.
 USGS Quad downloaded from <http://datagateway.nrcs.usda.gov/> on 20071207. Highways downloaded from <http://portal.gsa.state.al.us> on 20071206.

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.

2007201-10.1 • LDP • 2008-01-24
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330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

FIGURE 1.0-1 LOCATION OF THE LANDING AT THE VENUE PROJECT SITE, CHAMBERS COUNTY, ALABAMA.



Source: Boundary provided by Farner Barley; 20071116.
2006 Aerial photograph download from Google Earth Pro.

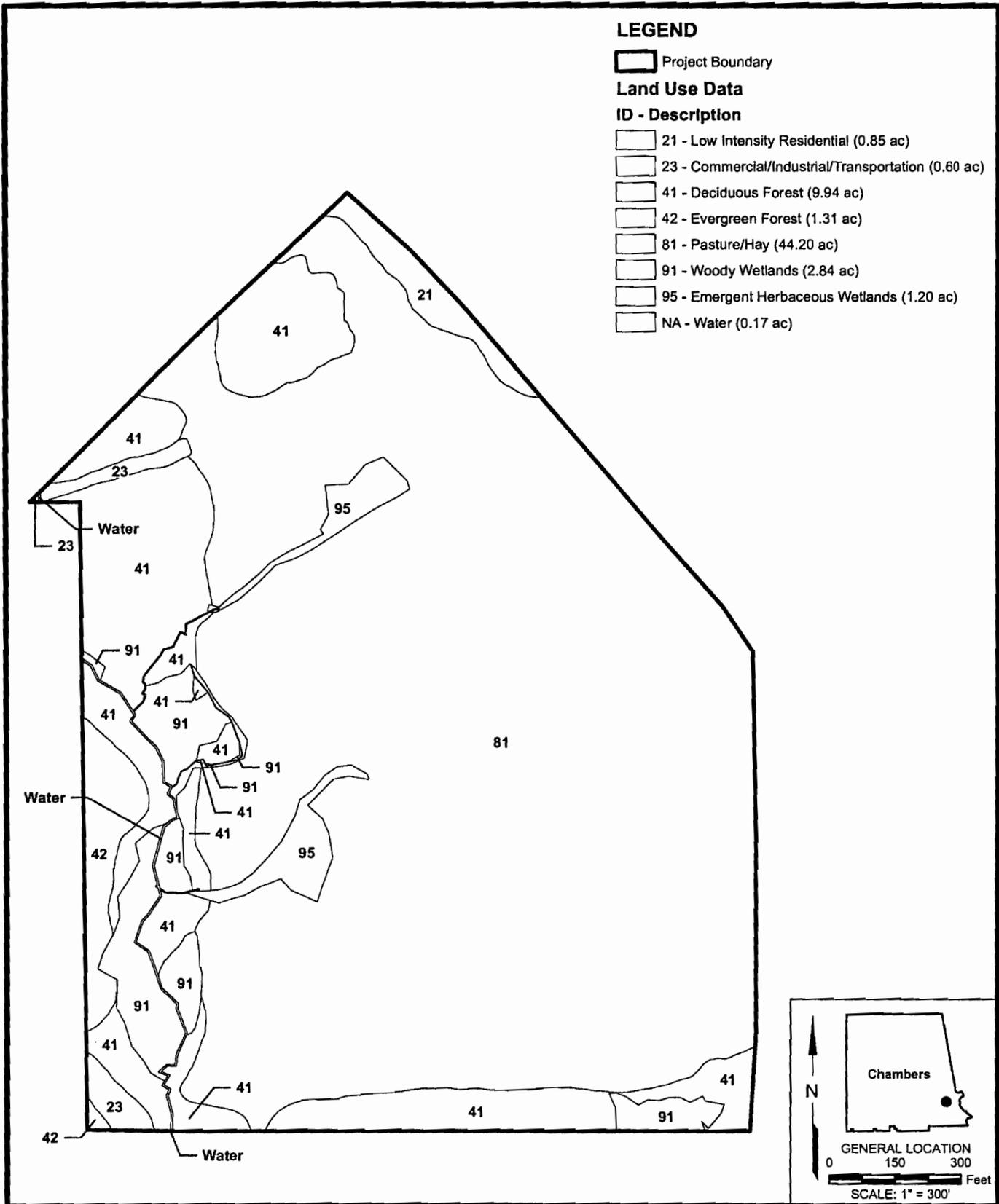
BDA BREEDLOVE, DENNIS
& ASSOCIATES, INC.

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330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

FIGURE 1.0-2

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS (ACOE) POTENTIAL WETLAND ON THE LANDING AT THE VENUE PROJECT SITE, CHAMBERS COUNTY, ALABAMA.



Source: Boundary provided by Farmer Barley; 20071116.
2006 Aerial photograph download from Google Earth Pro.

BDA BREEDLOVE, DENNIS
& ASSOCIATES, INC.

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ArcGIS*.mxd
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FIGURE 3.1.2-1 NATIONAL DATABASE LAND COVER DATABASE MAP OF THE LANDING AT THE VENUE PROJECT SITE, CHAMBERS COUNTY, ALABAMA.

Table 3.1.2-1 National Land Cover Database (2001), Representative Acreage and Percent Cover for the Landing at the Venue Project Site, Chambers County, Alabama.

Code	NLCD ¹ Text	Acreage	Percent Cover
21	Low Intensity Residential	0.85	1.39
23	Commercial/Industrial/Transportation	0.60	0.98
41	Deciduous Forest	9.94	16.27
42	Evergreen Forest	1.31	2.14
81	Pasture/Hay	44.20	72.33
91	Woody Wetlands	2.84	4.65
95	Emergent Herbaceous Wetlands	1.20	1.96
Not Applicable	Streams	0.17	0.28

¹ NLCD = National Land Cover Database (2001).



Source: Boundary provided by Farmer Barley; 20071116.
 2006 Aerial photograph download from Google Earth Pro.
 NRCS soils data downloaded from <http://datagateway.nrcs.usda.gov/> on 20071206.

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FIGURE 4.3-1 DEVELOPMENT PLAN AND IMPACTS ON THE LANDING AT THE VENUE PROJECT SITE, CHAMBERS COUNTY, ALABAMA.