



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-2009-00276-CHE**

Date May 18, 2009

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

PROPOSED RESIDENTIAL AND COMMERCIAL DEVELOPMENT

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: SBE Development, LLC
ATTN: Bill Ellison
100 Four Star Lane
Odenville, Alabama 25120

AGENT: Spectrum Environmental, Inc.
ATTN: Heath Belyeu
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: In Hickman Lake, wetlands, and an unnamed stream tributary to Little Canoe Creek, Odenville, St. Clair County, Alabama. (33.767036, -86.461834)

WORK: The applicant proposes to fill approximately 25 acres of waters of the U.S. (9.5 acres of wetland fill and 14.11 acres of open water / submerged aquatic vegetation fill) and 331 linear feet of an unnamed intermittent stream in association with the construction of retail shopping complex and a multi-family residential development.

ADDITIONAL INFORMATION: The multi-family residential development will entail the construction of 220 units. The commercial development will include a bank, convenience store, 8 fast food restaurants, 3 "sit-down family" restaurants, a pharmacy, 2 hotels, a home improvement store, retail shops, and a grocery store.

PURPOSE: The applicant has submitted the following statement: "The purpose of the project is to fulfill the growing demand of affordable housing; to fill a retail and service gap; and to produce an economically beneficial commercial development for the continued growth of the City of Odenville and the surrounding communities."

The basic project purpose of the multi-family residential development is to provide housing. The basic project purpose of the bank is to provide banking. The basic project purpose of the convenience store is to

provide convenience shopping. The basic project purpose each restaurant is to provide dining opportunities. The basic project purpose of the pharmacy is to provide pharmacy services. The basic project purpose of each hotel is to provide short term lodging. The basic project of the home improvement store is to provide home improvement shopping opportunities. The basic project purpose of the retail shops is to provide retail shopping. The basic project purpose of the grocery store is to provide grocery shopping.

AVOIDANCE AND MINIMIZATION: The applicant has submitted the following statement: "Of the 11,224 linear feet of stream on site, 10,893 linear feet will be avoided. Of the 24.85 acres of wetlands on the site, 15.36 will be avoided. ..."

MITIGATION: The applicant is proposing to mitigate for the proposed impacts by conducting on-site mitigation (via enhancement of riparian buffer of Little Canoe Creek) and off-site permittee responsible mitigation (via wetland preservation and enhancement) at other properties owned by the applicant within the Middle Coosa Basin Watershed.

WATER QUALITY CERTIFICATION: The applicant has applied for state certification in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to consistency will be made by the Alabama Department of 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 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.

Cultural resources assessments have been conducted by the applicant and the Mobile District is currently coordinating with the State Historic Preservation Officer (AHC 2009-0033). 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 U.S. Department of the Interior, National Park Service, Division of Archeological Services and local Tribal Representatives.

A 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 U.S. Fish and Wildlife Service has also reviewed the subject property, and confirmed via letter dated November 11, 2008, that no federally listed species or critical habitat occur within the project area.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2009-00276-CHE and should be directed to:

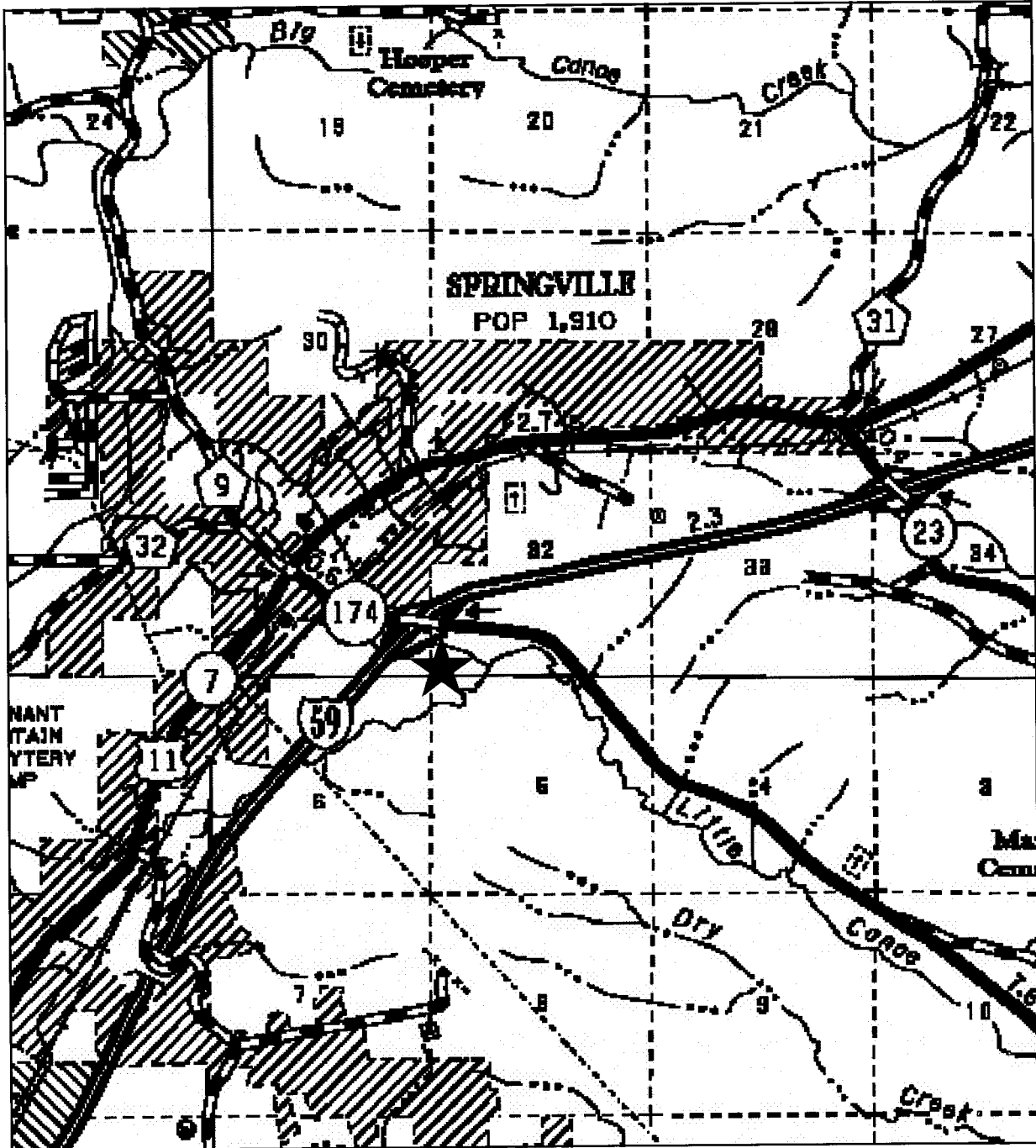
District Engineer
U.S. Army Engineer District, Mobile
Regulatory Division, Birmingham Field Office
ATTN: Casey Ehorn
218 Summit Parkway, Suite 222
Homewood, Alabama 39209

with a copy to the:

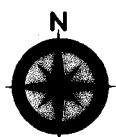
Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

All comments should be received no later than 30 days from the date of this notice. If you have any questions concerning this publication, you may contact Mr. Casey Ehorn at telephone number (205) 290-9096 or Casey.H.Ehorn@usace.army.mil. Please refer to Public Notice number SAM-2009-00276-CHE. 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.

Enclosure



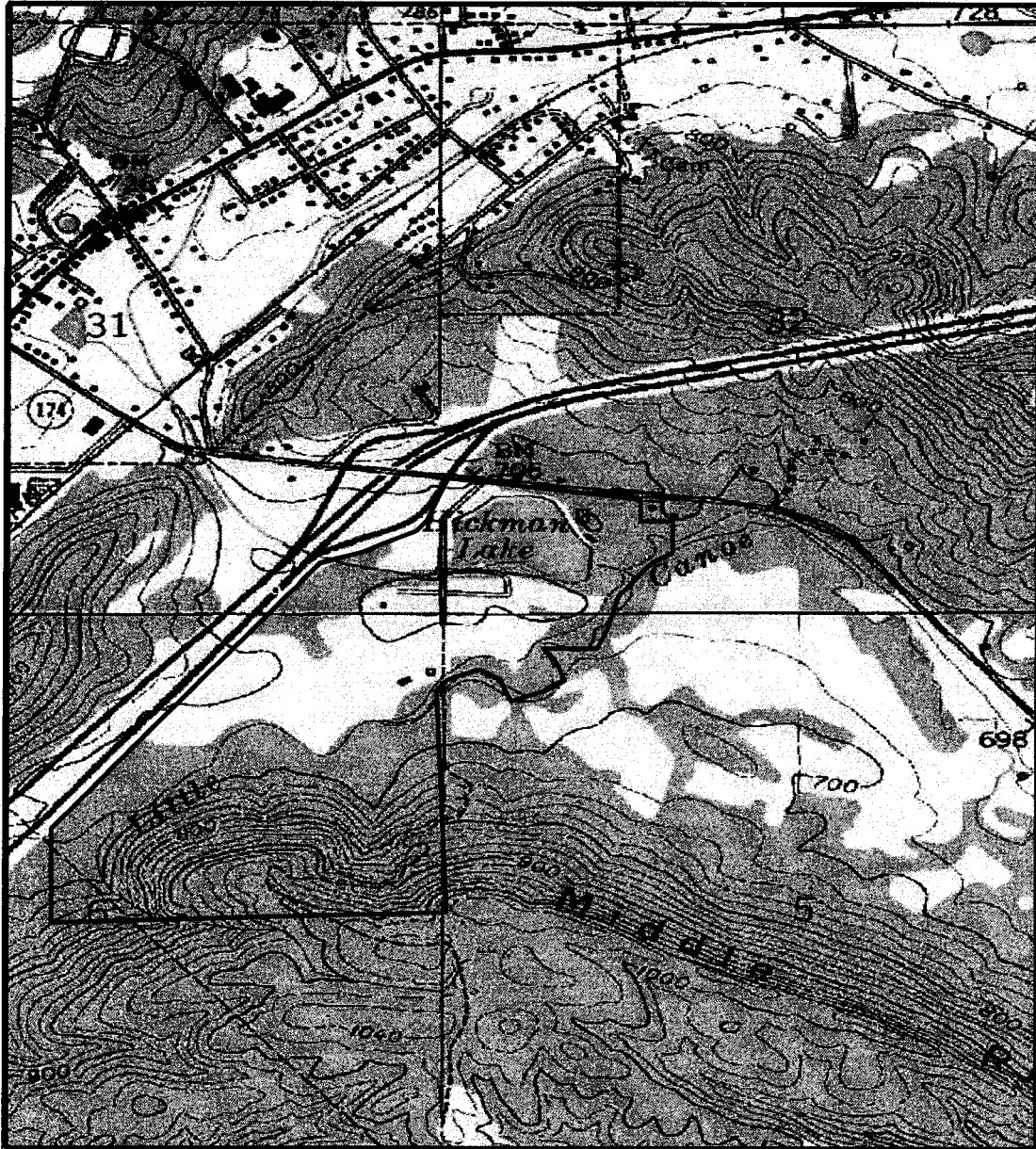
Source: Alabama Department of Transportation
 Sections 31 and 32 Township 14 South Range 2 East
 Sections 5 and 6 Township 15 South Range 2 East



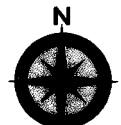
NO.	DATE	REVISION NOTE	BY

Drawn By:	Project #:
HB	2198-002
Checked By:	Date:
CS	12-10-08
Project Mgr.:	File Name:

Reference Number: SAM-2009-00276-CHE
 Odenville Commercial
 Sheet 1 of 7
 April 29, 2009



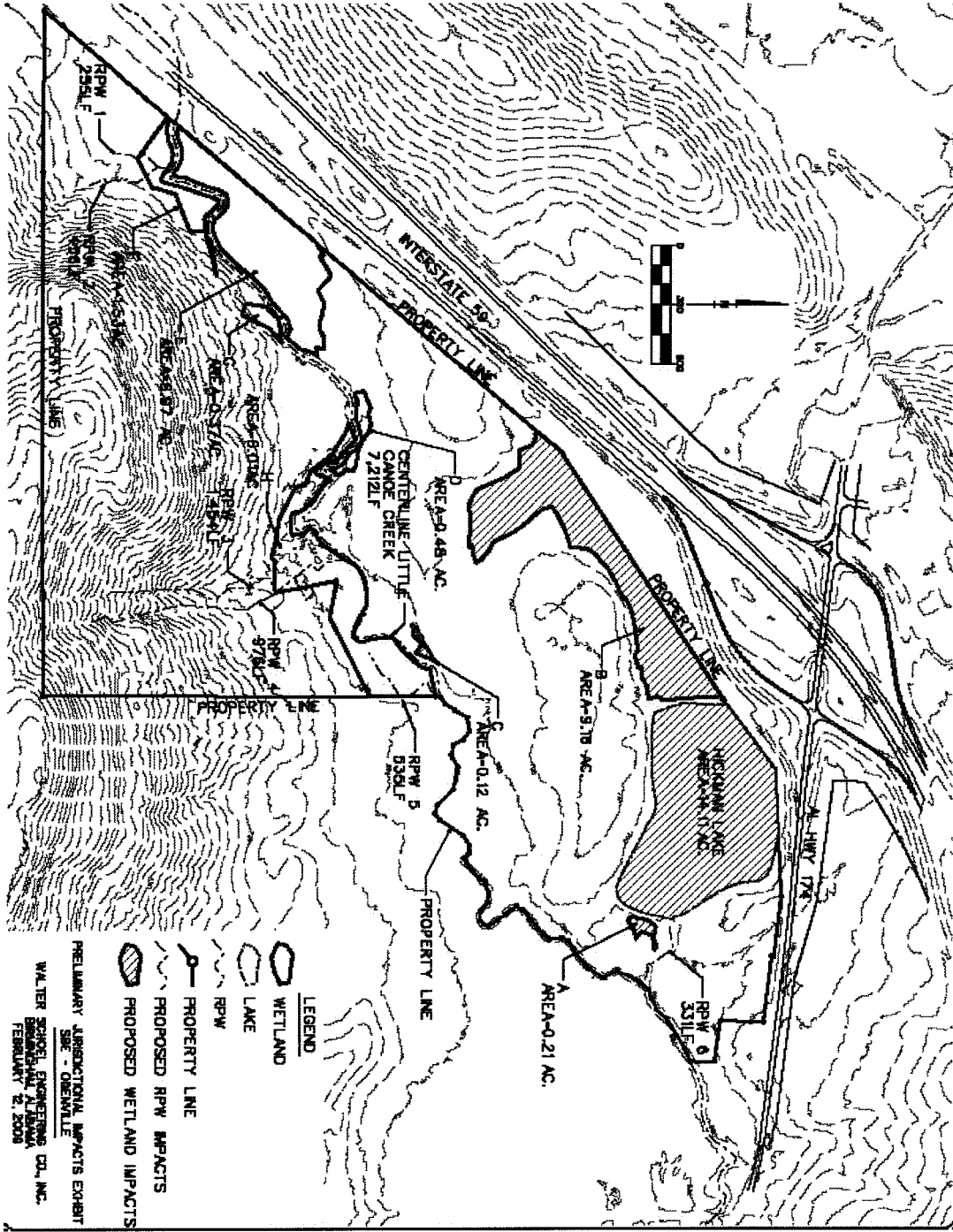
Source: Maptech, Inc. 1999
Sections 31 and 32 Township 14 South Range 2 East
Sections 5 and 6 Township 15 South Range 2 East



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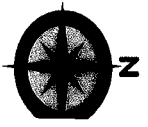
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LEGEND
 WETLAND
 LAKE
 RPW
 PROPERTY LINE
 PROPOSED RPW IMPACTS
 PROPOSED WETLAND IMPACTS

PRELIMINARY JURISDICTIONAL IMPACTS EXHIBIT
 WATER SOURCE ENGINEERING CO., INC.
 1000 W. MAIN ST., SUITE 100
 ODENVILLE, TN 37851

Source: Original Drawing provided by Walter Schoel Engineering Co. Inc.
 Sections 32 and 33 Township 19 South Range 3 West
 Section 5 Township 20 South Range 3 West



NO.	DATE	REVISION NOTE	BY

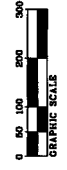
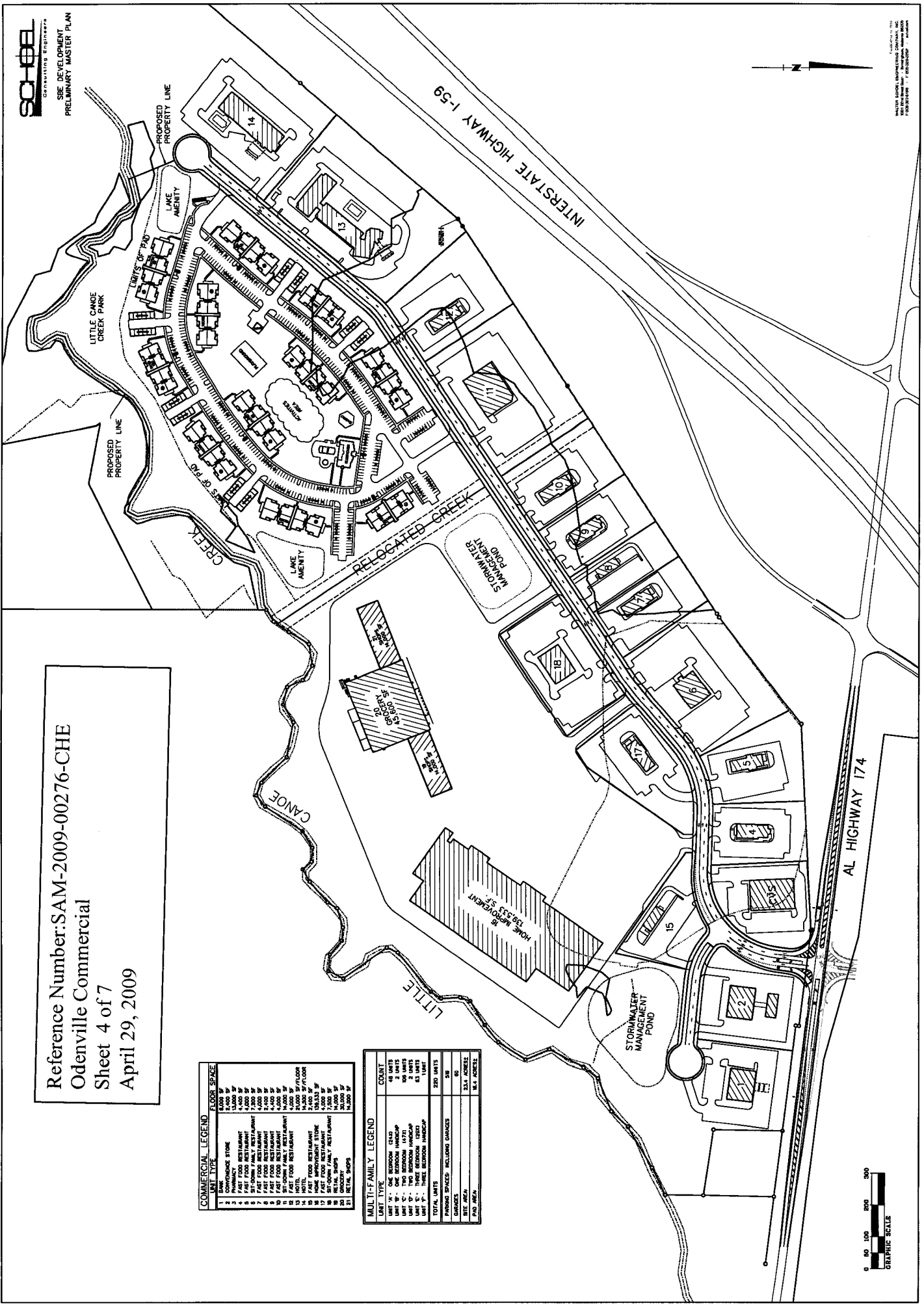
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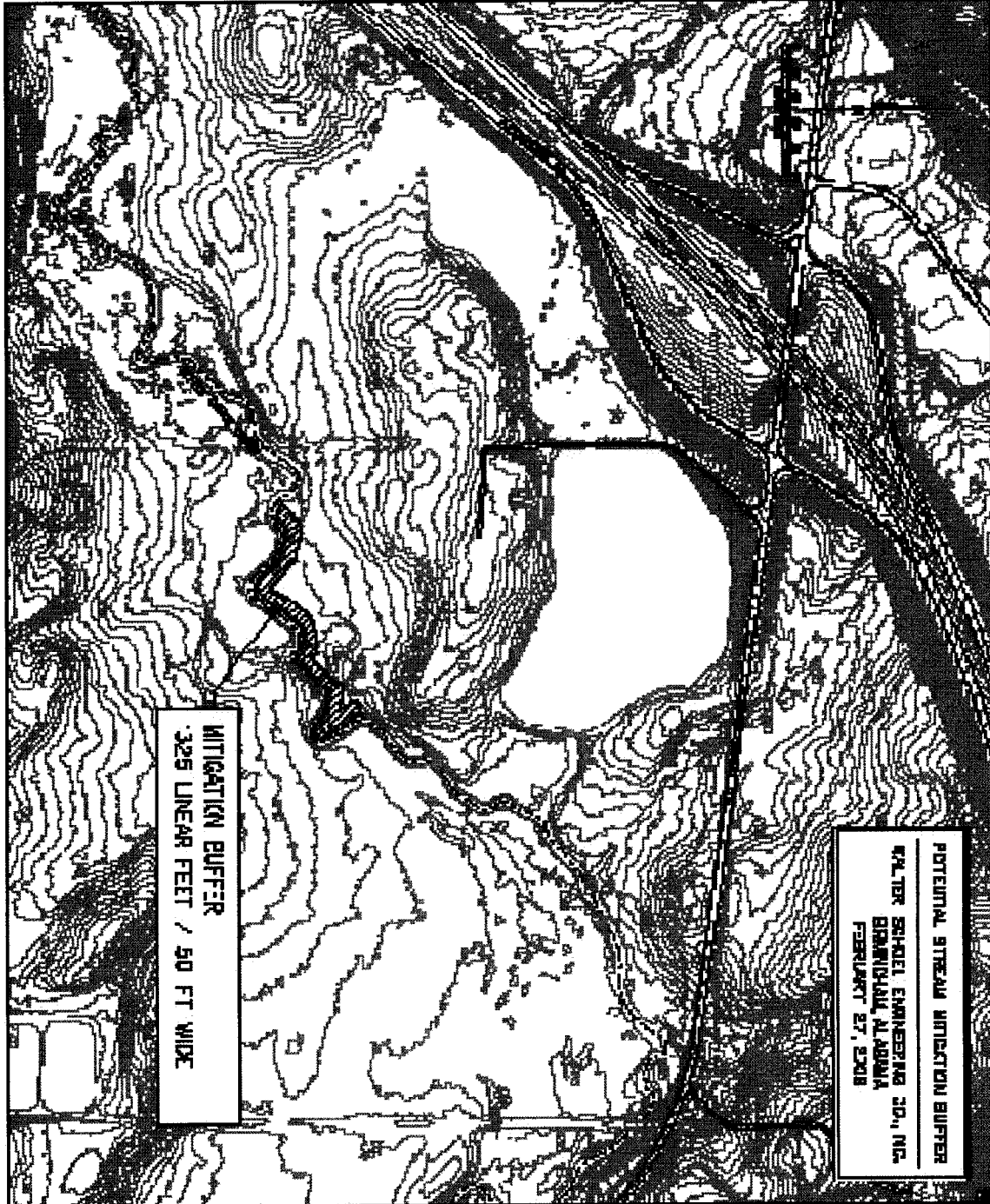
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UNIT TYPE	FLOOR SPACE
1 BANK	14,000 SF
2 BANK	14,000 SF
3 PHARMACY	14,000 SF
4 FAST FOOD RESTAURANT	7,000 SF
5 FAST FOOD RESTAURANT	7,000 SF
6 FAST FOOD RESTAURANT	7,000 SF
7 FAST FOOD RESTAURANT	7,000 SF
8 FAST FOOD RESTAURANT	7,000 SF
9 FAST FOOD RESTAURANT	7,000 SF
10 FAST FOOD RESTAURANT	7,000 SF
11 FAST FOOD RESTAURANT	7,000 SF
12 HOTEL	14,000 SF/FLOOR
13 HOTEL	14,000 SF/FLOOR
14 HOTEL	14,000 SF/FLOOR
15 HOME IMPROVEMENT STORE	129,033 SF
16 HOME IMPROVEMENT STORE	129,033 SF
17 ST-COMM FAMILY RESTAURANT	7,000 SF
18 RETAIL SHOPS	14,000 SF
19 RETAIL SHOPS	14,000 SF

MULTI-FAMILY LEGEND	COUNT
UNIT 'A' - ONE BEDROOM (12x12)	48 UNITS
UNIT 'B' - ONE BEDROOM (10x10)	12 UNITS
UNIT 'C' - TWO BEDROOM (10x10)	12 UNITS
UNIT 'D' - THREE BEDROOM (10x10)	6 UNITS
UNIT 'E' - THREE BEDROOM (10x10)	6 UNITS
TOTAL UNITS	96 UNITS
PARKING SPACES INCLUDING GARAGES	200
GARAGES	0
SITE AREA	33.4 ACRES
POND AREA	0.4 ACRES





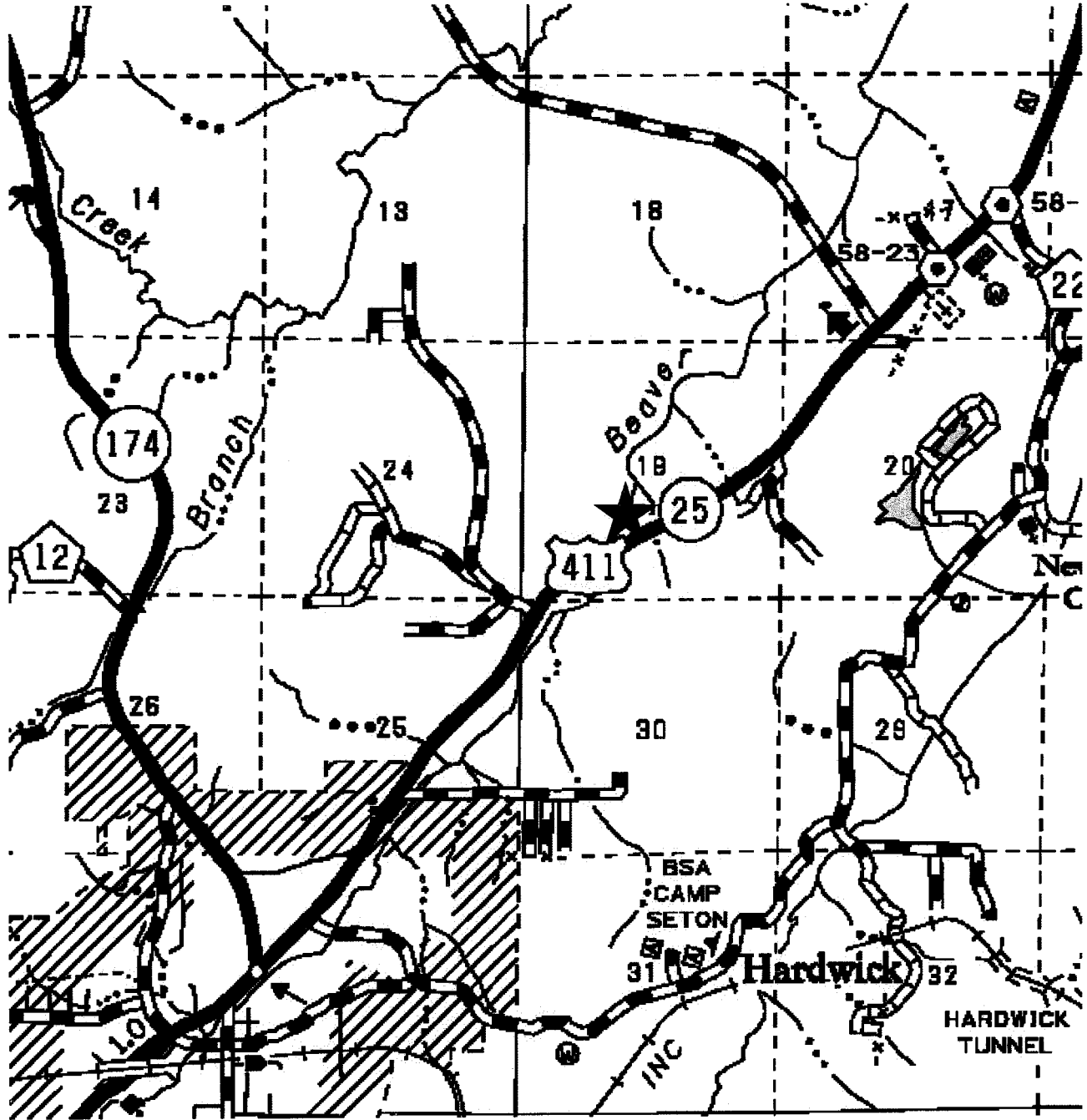
Source: Original Drawing provided by Walter Schoel Engineering Co. Inc.
 Sections 32 and 33 Township 19 South Range 3 West
 Section 5 Township 20 South Range 3 West



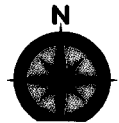
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Drawn By:	Project #
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CS	2-28-09
Project Mgr.:	File Name:

Reference Number: SAM-2009-00276-CHE
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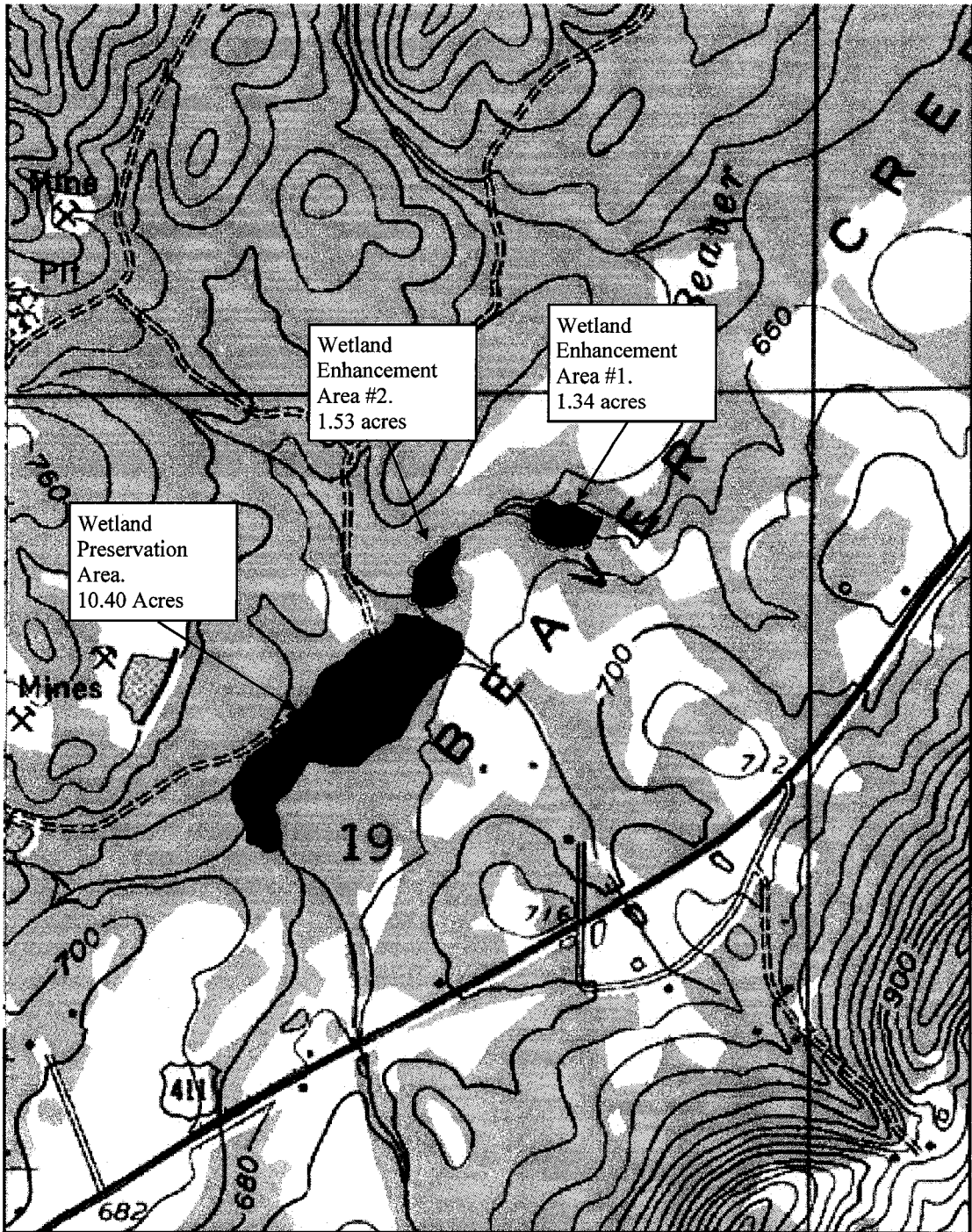
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 Section 19 Township 15 South Range 3 East



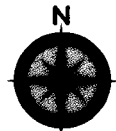
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Source: Maptech, Inc. 1999
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