



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-2009-00412-CHE**

Date May 20, 2009

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

PROPOSED HIGH SCHOOL

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: Jefferson County Board of Education
ATTN: Dr. Rafael McDaniel
2100 – 18th Street South
Birmingham, Alabama 35209

AGENT: Gallet & Associates, Inc.
110 – 12th Street North
Birmingham, Alabama 35203

LOCATION: In unnamed streams and their adjacent wetlands which are tributary to the Locust Fork, near Kimberley, Jefferson County, Alabama.

WORK: The applicant proposes to fill 0.97 acres of wetlands and 2,116 linear feet of two unnamed intermittent streams in association with the construction of the new Mortimer Jordan High School.

PURPOSE: The purpose of the project is to build a high school.

AVOIDANCE AND MINIMIZATION: The applicant has submitted the following statement: Initial School layout plans involved a more expansive campus. In an effort to minimize stream impacts and mitigation costs, however, the applicant has condensed the campus layout through several revisions to the greatest extent possible while maintaining the desired school design. With the current design, approximately 2,185 LF of onsite streams (portion of stream 2, 4, 5, and 6) will be avoided. All efforts will be made to avoid impact to downstream waters by implementing stormwater best management practices such as silt fencing, hay bales, and temporary retention areas.

MITIGATION: The applicant is proposing to mitigate for the proposed impacts by placing on-site streams 4, 5, and 6 in restrictive covenants, and by purchasing wetland and stream mitigation credits from a U.S. Army Corps of Engineers approved mitigation bank.

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. 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.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2009-00412-CHE and should be directed to:

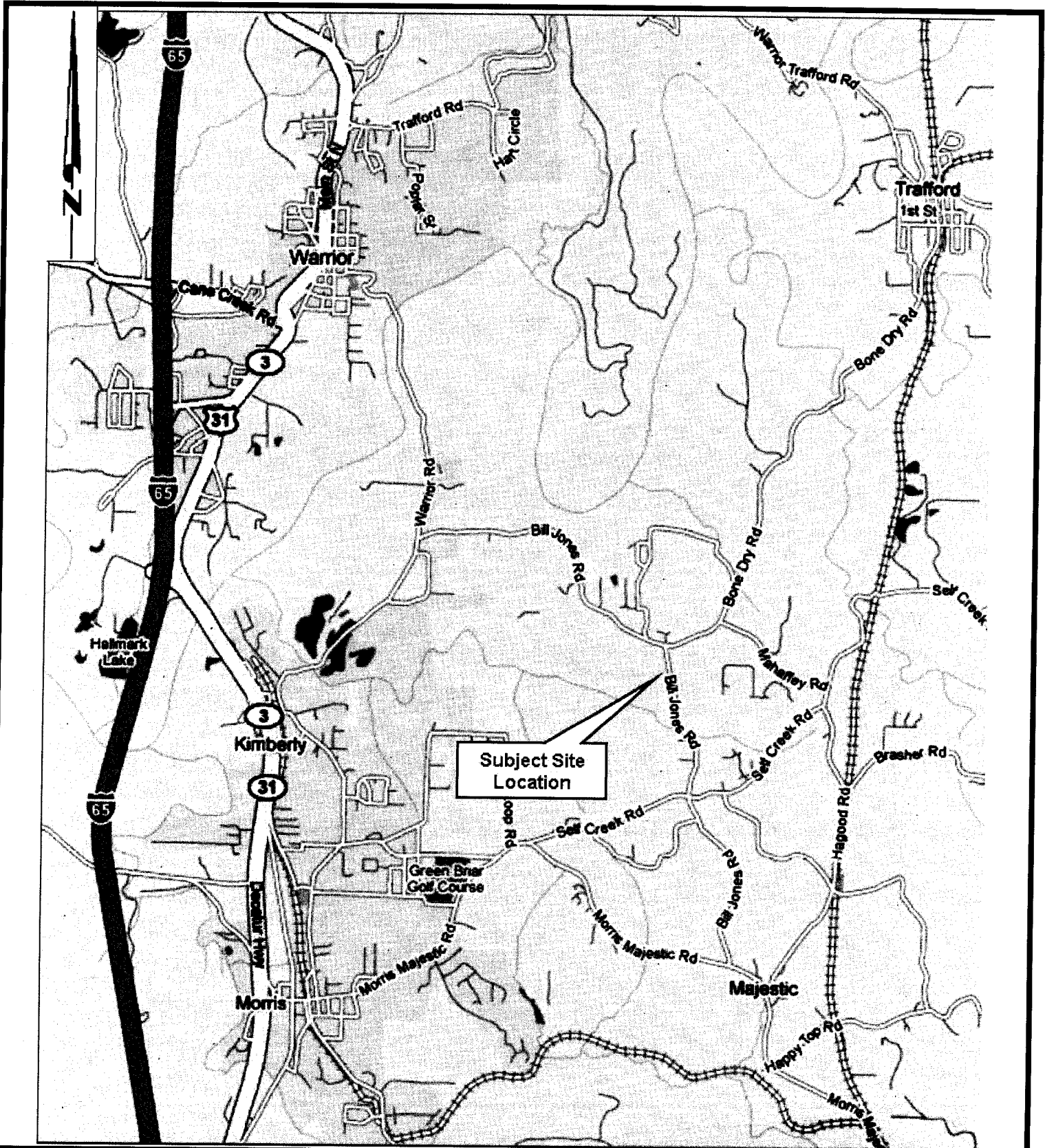
District Engineer
U.S. Army Engineer District, Mobile
Regulatory Division, Birmingham Field Office
ATTN: Casey Ehorn
218 Summit Parkway, Suite 222
Homewood, Alabama 39209

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-2009-00412-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

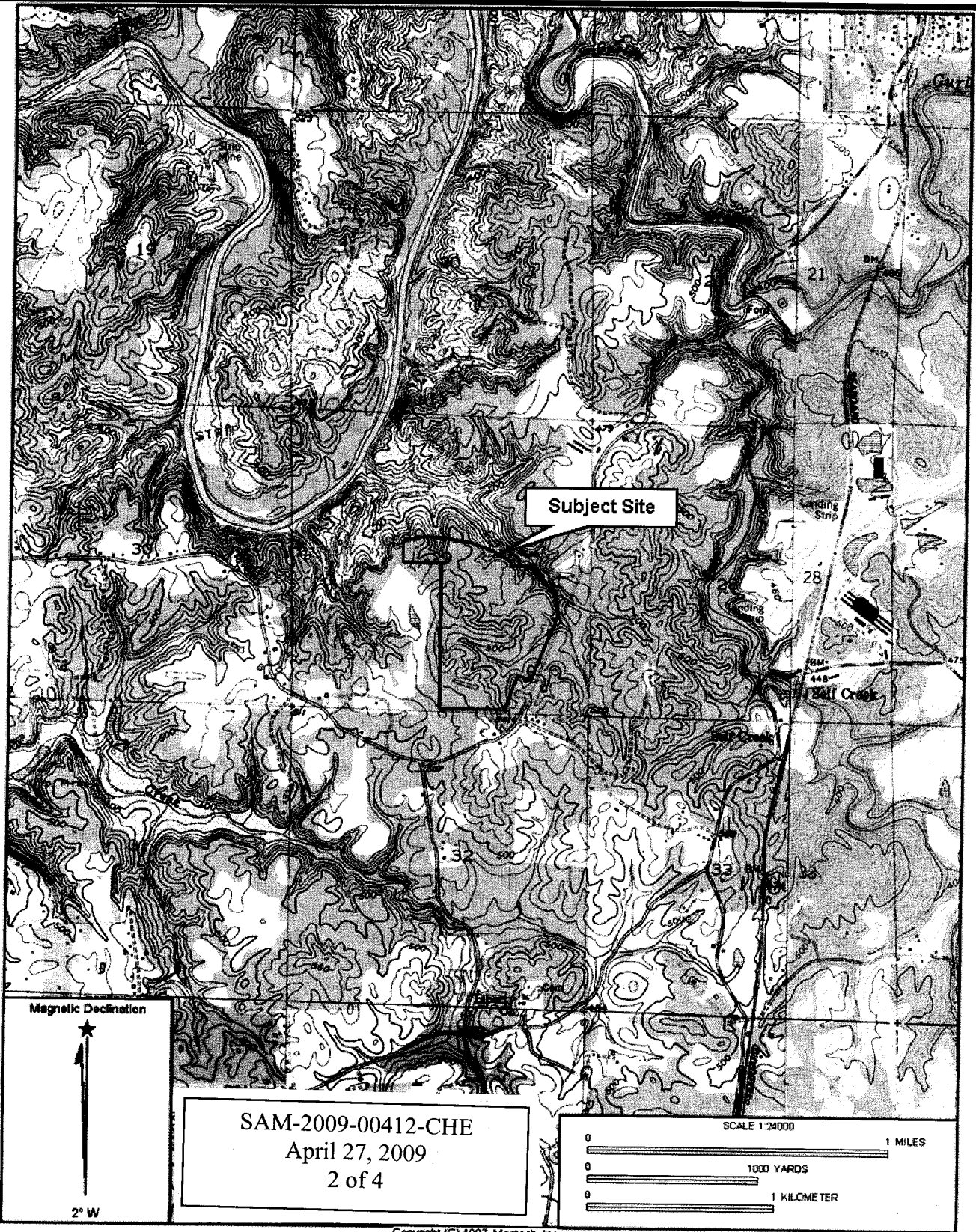


PROJECT

SECTION 404 PERMIT REQUEST
 NEW MORTIMER JORDAN HIGH SCHOOL
 WARRIOR, JEFFERSON COUNTY, ALABAMA
 GALLET PROJECT NO. 08BHJEF0501E

FIGURE 1

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PROJECT

SECTION 404 PERMIT REQUEST
 NEW MORTIMER JORDAN HIGH SCHOOL
 WARRIOR, JEFFERSON COUNTY, ALABAMA
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FIGURE 2

SITE LOCATION MAP
 USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE
 WARRIOR, ALABAMA
 DATED 1951 AND PHOTOREVISED IN 1986
 SECTION 29, TOWNSHIP 14 SOUTH, RANGE 2 WEST



Stream 6
≈527 LF Non-RPW
≈0.14 Acre Wetland

≈0.52 Acre
Wetland

Streams 4 & 5
Non-RPW
≈134 LF & 448 LF
≈0.04 & 0.06 Acre Wetland

Stream 2
≈556 LF Non-RPW
≈0.26 Acre Wetland

Stream 3
≈627 LF Non-RPW
≈0.29 Acre Wetland

Stream 3
≈397 LF
Seasonal RPW

Stream 2
≈1,610 LF Seasonal RPW
≈0.62 Acre Wetland

Stream 1
≈1,020 LF RPW

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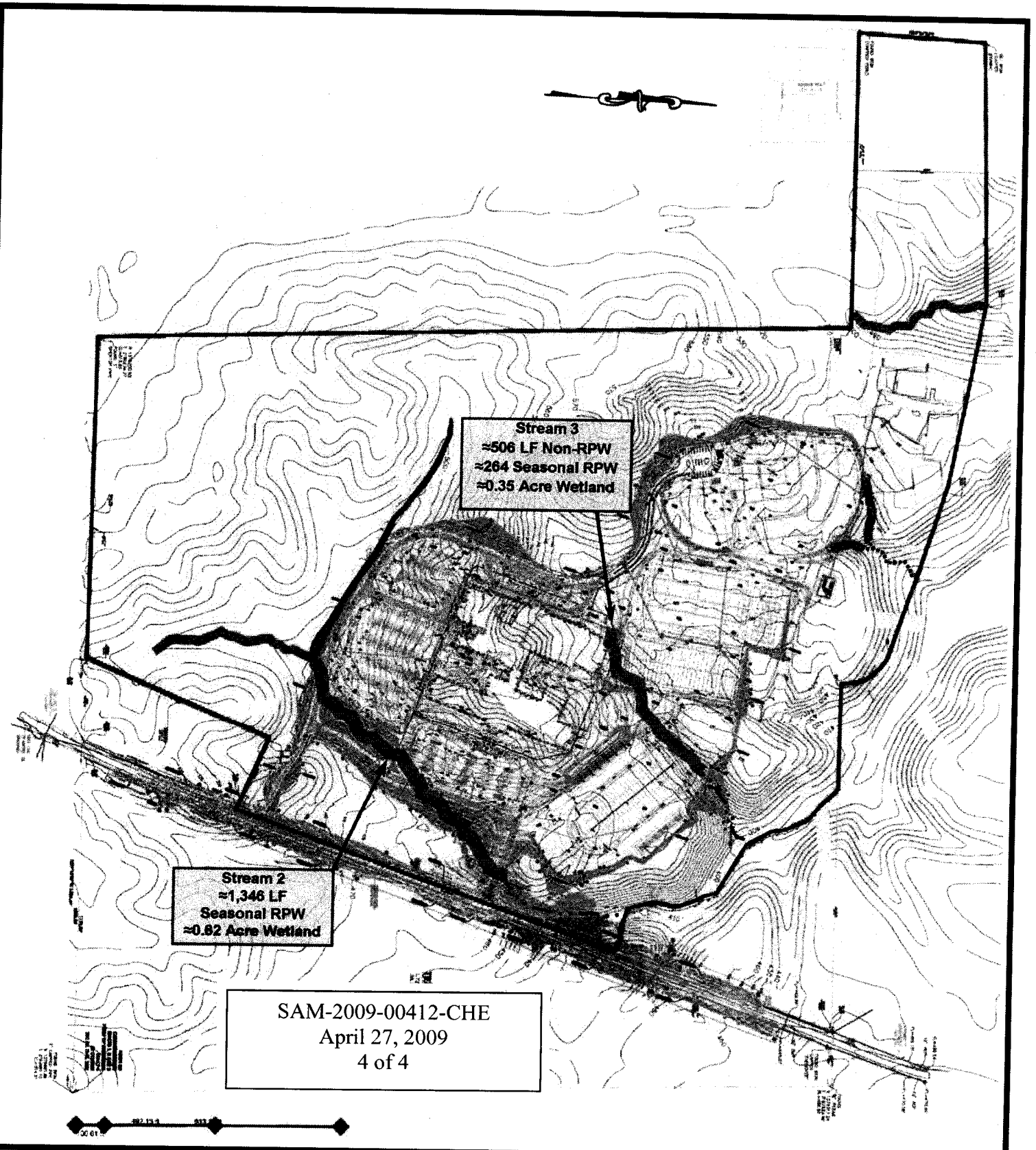


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FIGURE 1

JURISDICTIONAL WATERS LOCATION MAP



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FIGURE 2
 REVISED IMPACTS MAP