



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM RD-I- N
PUBLIC NOTICE NO.
SAM-2011-00258-CHE

April 29, 2011

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

PROPOSED IMPACTS TO 2,387 LINEAR FEET OF INTERMITTENT STREAMS, 4.3
ACRES OF WETLANDS, AND 0.73 ACRES OF OTHER WATERS OF THE UNITED
STATES FOR THE CONSTRUCTION OF AN INDUSTRIAL PARK

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 Economic and Industrial Development Authority
Attention: Ms. Carma Jude
500 Beacon Parkway West
Birmingham, Alabama 35209

AGENT: Goodwyn, Mills, & Cawood
Attention: Mr. Stuart Blackwell
2701 First Avenue South, Suite 100
Birmingham, Alabama 35233

LOCATION: In unnamed intermittent streams, wetland, and ponds tributary to Shoal Creek near McCalla, Jefferson County, Alabama (33.308348,-87.042253).

PROJECT PURPOSE: The purpose of the project is to expand an existing industrial park.

WORK: The applicant proposes to fill 2,387 linear feet of intermittent streams, 4.3 acres of wetlands, and 0.73 acres of other waters of the United States (ponds) in association with the continued development of an industrial park.

ADDITIONAL INFORMATION: The applicant previously applied for, and was granted a Department of the Army Permit for the proposed impacts, along with other impacts at the site. The previous permit has expired without the applicant conducting all the impacts authorized by the old permit.

AVOIDANCE AND MINIMIZATION: The agent has submitted the following statement: “Avoidance and minimization included the avoidance of 47.02 acres of high quality wetlands located on various areas throughout the site. An additional 0.88 acres of high quality wetlands will be avoided on lot 20.” *The U.S. Army Corps of Engineers has not evaluated the adequacy of the avoidance and minimization statement at this time.*

COMPENSATORY MITIGATION: The applicant is proposing on-site, in-kind permittee responsible mitigation to mitigate for impacts to 0.09 acres of wetlands via the preservation of 0.88 acres of high quality on-site forested wetlands. All other impacts will be mitigated at a U.S. Army Corps of Engineers approved mitigation bank. *The U.S. Army Corps of Engineers has not evaluated the adequacy of the mitigation proposal at this time.*

ALTERNATIVES: The agent has submitted the following statement: “The location of a development of this type must take into consideration zoning and land use requirements, economics, service area, as well as environmental concerns. A "no action" alternate would not allow for adequate road access in the lots that have jurisdictional areas. It would also limit rail access on lots 10 and 20 which would exclude certain industries from locating to the areas. These limitations inhibit the ability of Jefferson County to attract prospective industries into an existing industrial park which would provide jobs and economic growth. Therefore a "no action" alternate would not meet the purpose and need for this project. An alternate analysis was conducted on the entire park during the initial permitting process in 2000. A site suitability criterion for choosing industrial sites includes but is not limited to: access to major highways/Interstate, rail access, ability to adequately withstand higher traffic flows (scheduled freight arrivals/departures), adequate soils for supporting buildings, potential environmental impacts, and sites large enough to accommodate the building requirements for the facilities. Since this site is an existing industrial park and the infrastructure for this site is already in place to service the remaining lots, development of the remaining lots is a suitable alternate. Existing infrastructure includes rail access, road access, utilities, Interstate access, and adequate topography and soils to meet the needs to prospective industries. The applicant is seeking to obtain an individual permit to impact approximately 2,387 linear feet of intermittent stream, 4.30 acres of jurisdictional wetlands, and 0.73 acres of ponds. As previously mentioned and previously determined in the original permit in 2000, the location of these features are currently rendering the lots unusable for the purposes of the project. In comparison to the original permit issued in 2000, additional efforts were made to avoid approximately 1,040 linear feet of a jurisdictional manmade waterway and 0.88 acres of jurisdictional wetlands.” *The U.S. Army Corps of Engineers has not evaluated the adequacy of the alternatives statement at this time.*

WATER QUALITY: The applicant has applied for state certification in accordance with Section 401(a)(1) of the Clean Water Act, and has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. 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.

COMMENTS: 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.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. 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.

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 may not affect listed endangered or threatened species, or their critical habitat. The applicant has conducted a survey for terrestrial species on the project site in association with the Corps permit that was issued in 2000, however this report has yet to be reviewed the U.S. Fish and Wildlife Service for the purposes of current proposal. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat (EFH) of estuarine species. The proposed project will not impact EFH.

Correspondence concerning this Public Notice should refer to Public Notice Number listed at the beginning of this document and should be directed to:

District Engineer
ATTN: Casey Ehorn
U.S. Army Engineer District, Mobile
Birmingham Field Office
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

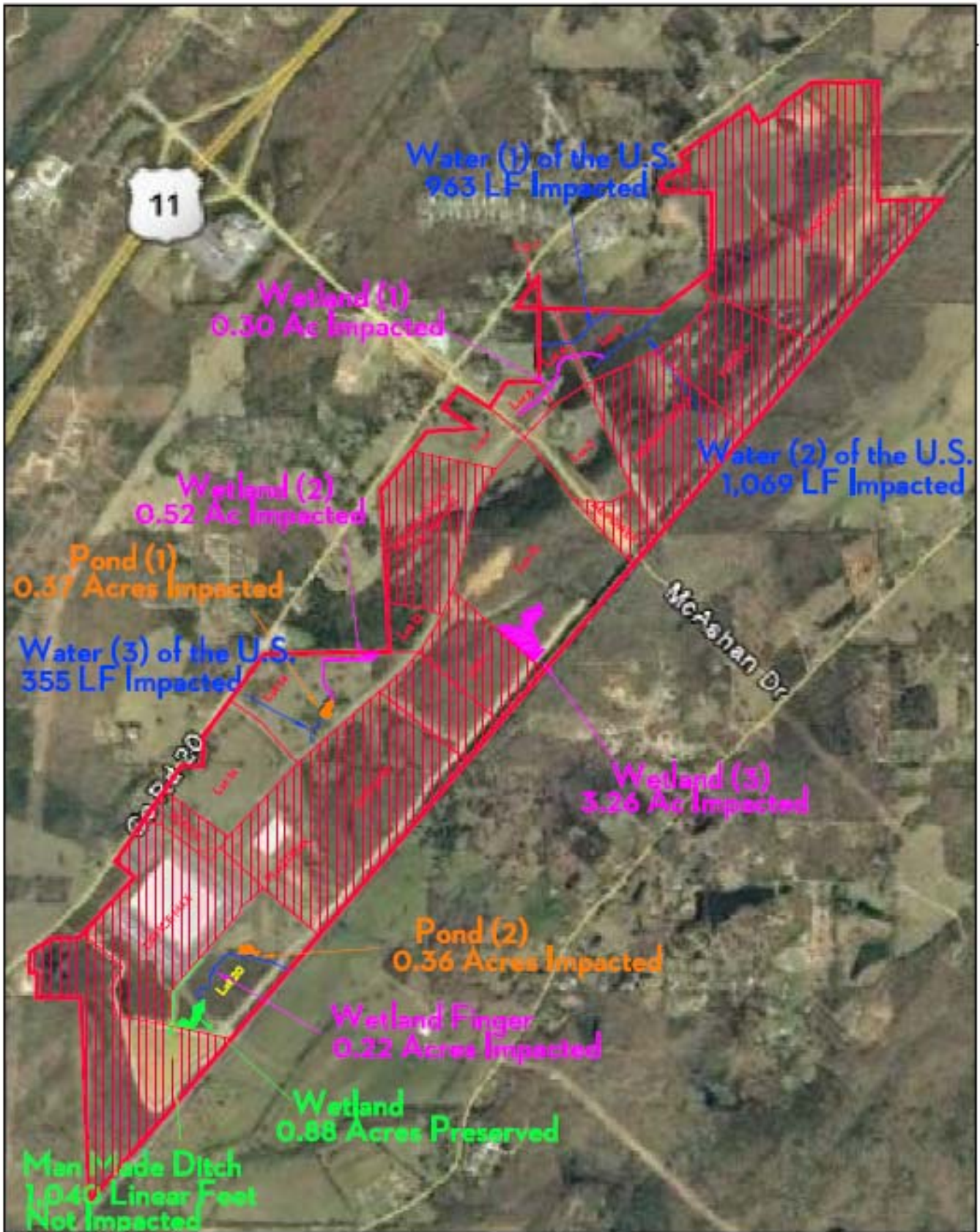
with a copy to the:

Alabama Department of Environmental Management
Water Quality Division
Attention: Mr. Aaron Peters
Post Office Box 301463
Montgomery, Alabama 36130-1463

All comments must be sent in time to be received not 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. 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 are there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosure



REF. SHEET: SCALE: 1" = 1500'
 DESCRIPTION: AERIAL PHOTO WITH JURISDICTIONAL AREAS

▶ **JEFF MET PARK - MCCALLA**
 MCCALLA, ALABAMA

FIGURE 2

JD Areas and Impacts
 GMC #
 DATE: 04/21/2011
 DRAWN BY: SAB



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