



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-2011-00420-CHE

May 11, 2011

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

**PROPOSED RETAIL 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:** WR Oxford, LLC  
201 West Short, Suite 500  
Lexington, Kentucky 40507

**AGENT:** Spectrum Environmental, Inc.  
85 Spectrum Cove  
Alabaster, Alabama 35007

**LOCATION:** In a wetland adjacent to an unnamed perennial stream that is tributary to Choccolocco Creek at Oxford, Calhoun County, Alabama (33.60715,-85.78685).

**WORK:** The applicant proposes to use fill material from the uplands area of the project site to fill 0.35 acres of low quality wetlands in association with the development of outlots for a grocery / retail shopping complex known as "Oxford Commons."

**ADDITIONAL INFORMATION:** The applicant has requested that this application be evaluated as an individual permit.

**PROJECT PURPOSE:** The applicant has stated "[t]he purpose of this project is to establish a commercial development that provides for goods and services either not currently available or that are lacking based on the current business mix within the Oxford geodemographic area. The planned development will provide a regional grocery store to an area whose nearest provider to the north is approximately 4 miles away but to the south is more than 30 miles. The planned development will also provide the growing community of Oxford and southeastern Anniston as well as the outlying areas with a nationally known sporting good store and necessary service providers (pharmacy, banks and restaurants) that are a requisite for the growing community."

*The U.S. Army Corps of Engineers has not evaluated the adequacy of the project purpose statement at this time.*

**AVOIDANCE AND MINIMIZATION:** The agent has submitted the following statement: “The Applicant considered a much larger development that would encompass the entire parcel of property located north of Choccolocco Creek, west of Leon Smith Parkway, south of Interstate 20, and east of Boiling Springs Road. Upon completion of a jurisdictional wetland evaluation and location of the floodway limits as well as jurisdictional wetland that are present within the 100-year floodplain, the Applicant reconsidered the initial development plan and selected the current plan, as submitted in this application. The current proposed development plan avoids all of Wetland B, including the 0.09 acres portion of Wetland B that lies within the footprint of the planned development as well as 1,000 linear feet of the unnamed tributary, and the entire floodway of Choccolocco Creek.” *The U.S. Army Corps of Engineers has not evaluated the adequacy of the avoidance and minimization statement at this time.*

**ALTERNATIVES:** The Agent has submitted the following statement concerning the alternatives considered by their client: “The Applicant established certain location criteria as it sought property for development. A few of the requirements for the desired property included:

1. A site with more than 20 acres to provide a retail center of this size;
2. A site with an excess of 1,000 feet of road frontage along a major thoroughfare;
3. Access to/from a major thoroughfare (ease of accessibility); and
4. Favorable demographics in the vicinity.

The Applicant also considered other factors such as topography and future land use. The subject site was chosen after taking into consideration all of the property requirements and other listed factors. The proposed development site was selected based on the below listed factors:

- The site is located along US Interstate 20 and Leon Smith Parkway. Interstate 20 is the main east-west thoroughfare between Atlanta, Georgia and Birmingham, AL. Oxford is located almost at the mid-point between these two cities and support commuter communities to both of these metroplexes. Leon Smith Parkway has provided a prime north-south roadway that opens up safe and easy access of this site to the residents of southern Calhoun County;
- The site is located at Exit 188 from US Interstate 20 and is positioned immediately adjacent and to the west of Leon Smith Parkway, providing excellent accessibility to the site from both;
- The site encompasses approximately 20 acres, providing enough land to construct the type of development the Applicant desires;
- Road frontage is more than 1,000 linear feet, which provides valuable frontage that is required by tenants looking to locate in such a retail center; and
- It is located in a growing commercial corridor.

As Oxford and its surrounding area have grown, the number and selection of available properties has greatly diminished. In fact, the subject site is the only remaining undeveloped interstate frontage lot that is available for purchase. Until the recent expansion of the Leon Smith Parkway, the access to this site was limited and was a strong factor weighing against the development of this site. However, with the completion of the Leon Smith Parkway and its ability to allow safe, easy access from the communities to the south, the subject site became a viable development option. Thus with the site criteria established and a review of available properties complete, the Applicant selected the subject site to move forward in conducting its environmental due diligence and development plans to avoid and minimize adverse impacts to identified resources.

*The U.S. Army Corps of Engineers has not evaluated the adequacy of the alternatives statement at this time.*

**MITIGATION:** The applicant has proposed to mitigate for the proposed impacts by purchasing wetland credits from 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.*

**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.

**ADDITIONAL INFORMATION:** The applicant, as part of their environmental due diligence strategy, evaluated the site for the presence of PCB's. All samples were found to be below the detection limit using EPA Method 8082.

**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 the applicant has conducted a Phase I cultural resource survey. It has been determined that historic properties which are listed or eligible for listing on the National Register 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. The Alabama Historical Commission (AHC) has reviewed the project, but the Corps does not have an AHC tracking number for the project.

A preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. Additionally, the applicant has surveyed the site for threatened and endangered plant and animal species, but this report has not been reviewed by the U.S. Fish and Wildlife Service. 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  
Office of Field Services - Field Operations Division  
Attention: Mr. Aaron Peters  
Post Office Box 301463  
Montgomery, Alabama 36130-1463

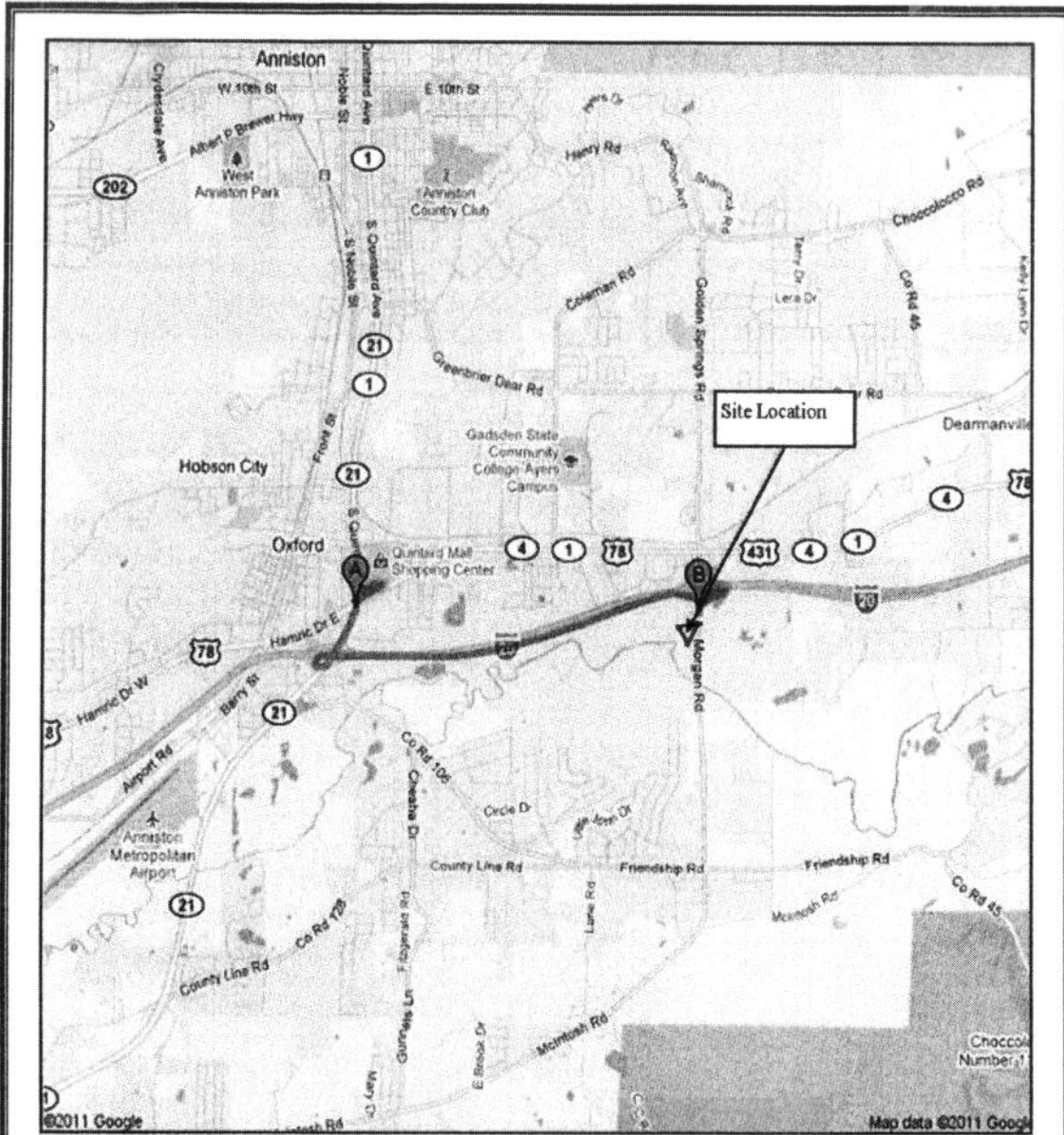
All comments must be sent in time to be received not later than 30 days from the date of this notice.

If you have any questions concerning this publication, you may contact Mr. Casey Ehorn at telephone number (205) 290-9096. Please refer to Public Notice number listed at the beginning of this document.

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 are there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Enclosure



Source: Google.com/Maps  
Oxford, AL

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Location Map

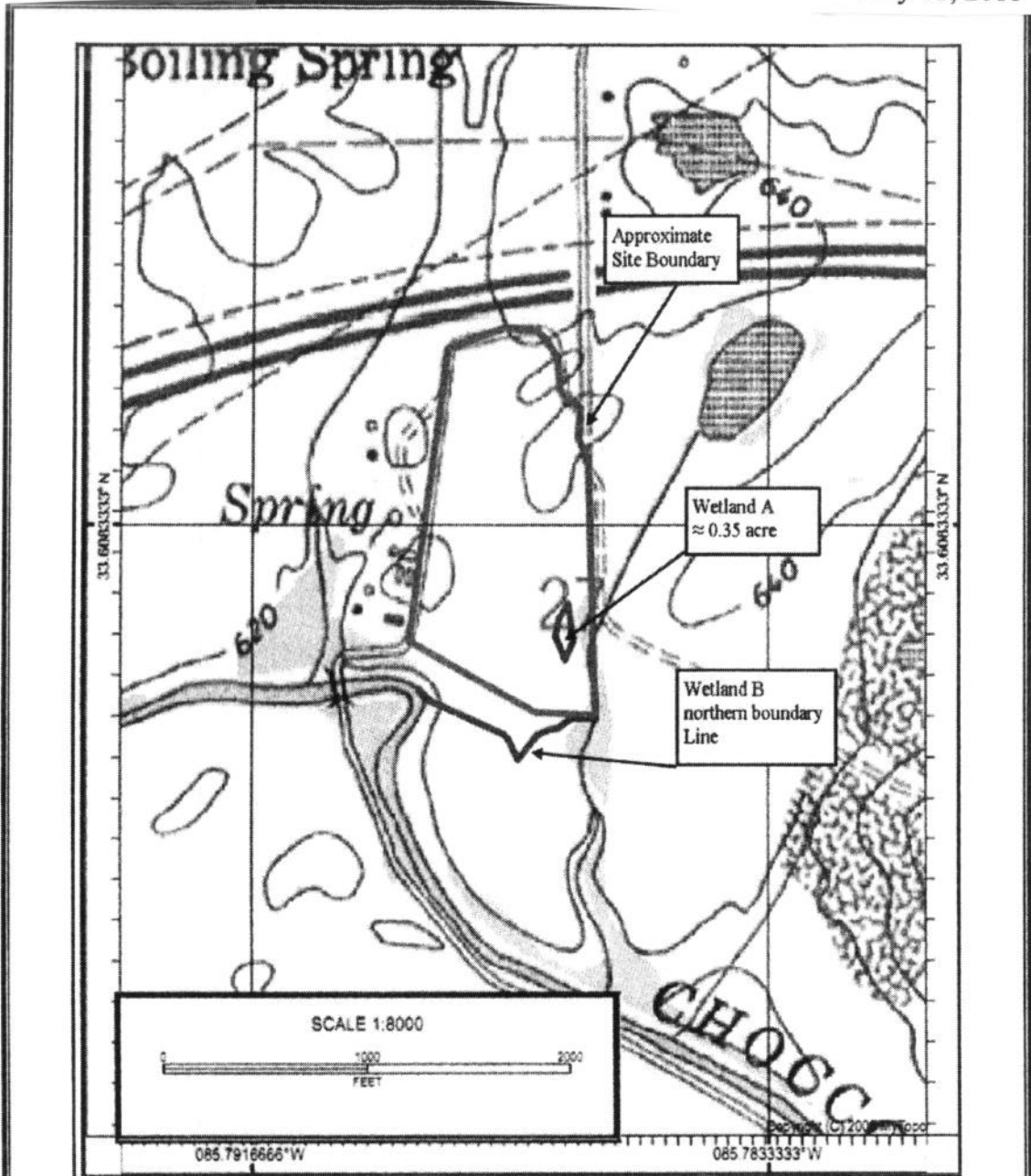


NO	DATE	REVISION NOTE	BY

Drawn By:	Project#
HB	2462-001
Checked By:	Date
	04-28-11
Project Mgr:	File Name

98 Spectrum Cave  
Alabaster, AL 35007  
FAX: (205) 996-2142  
PHONE: (205) 996-2000

**TITLE**  
Figure 2462001-1  
Site Location  
Oxford Commons  
Oxford, Calhoun County, Alabama



Source: USGS 7.5 Minute Oxford, AL Quadrangle  
1956, Photorevised 1983



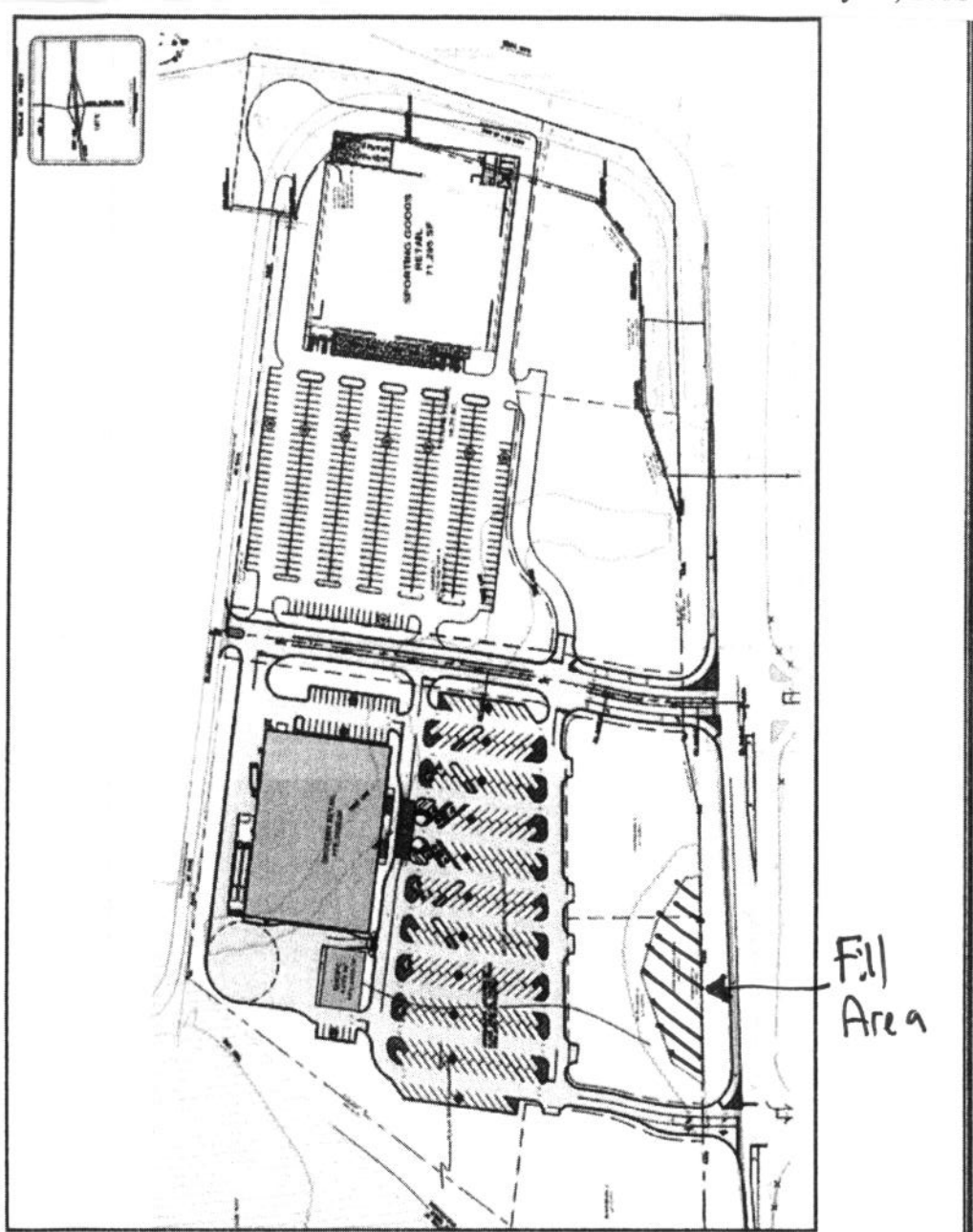

Drawn By:	Project#:
HB	2462-001
Checked By:	Date:
	04-28-11
Project Mgr:	File Name:

**SPECTRUM**  
Environmental Inc.

95 Spectrum Court  
Atlasta, AL 35007  
FAX (205) 664-2142  
PHONE (205) 664-2000


TITLE
Figure 2462001-6 Jurisdictional Determination Map Oxford Commons Oxford, Calhoun County, Alabama

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Map of Jurisdictional Areas on site



Source: Drawing Provided by GSA & Associates  
Map Not To Scale



	Drawn By: LJP Project #: 0420-001	 <p>95 Spectrum Court Auburn, AL 36807 FAX: (205) 884-2142 PHONE: (205) 884-3090</p>	TITLE
SAM-2011-00420-CHE 3 of 3 Proposed Site Layout			Figure 2462001-3 Proposed Site Layout Oxford Commons Oxford, Calhoun County, Alabama