



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-2004-1325-H

October 13, 2010

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

PROPOSED FILLING OF 3.3 ACRES OF WETLANDS AND 5,062 LINEAR FEET OF
STREAM IN CONJUNCTION WITH RESIDENTIAL DEVELOPMENTS

TO WHOM IT MAY CONCERN: This District has received an for a application for a previously authorized Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). Please communicate this information to interested parties.

APPLICANT: Pinewood Development, Inc. partnership
c/o D.R. Horton, Inc.
2090 Columbiana Road, Suite 4000
Birmingham, Alabama 35216

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

LOCATION: The proposed project is located south of Interstate 459, north of the Preserve Parkway, and surrounded on both the east and west by undeveloped forested property. Specifically the proposed project is located at Latitude 33°21'43"N and Longitude 86°50'25"W Hoover, Jefferson County, Alabama.

HISTORY: This project was permitted on April 28, 2005. The permit expired on April 6, 2010. Reauthorization is necessary due to the fact that the applicant failed to obtain a water quality certification extension prior to the expiration of the originally authorized permit. The original permit authorized the placement of fill into approximately 3.3 acres of wetland and 6,151 linear (lf) of stream. Presently the applicant proposes to impact 3.3 acres of wetland, and 5,062 lf of stream.

WORK: The applicant wishes to impact 3.3 acres of wetland, 792 lf of intermittent stream and 4,270 lf of perennial stream in association with the development of the "Hidden Valley" subdivision.

PROJECT PURPOSE: The purpose of the project is to provide residential housing to the Hoover community.

AVOIDANCE AND MINIMIZATION: The applicant has avoided approximately 144 lf of intermittent stream and 946 lf of perennial stream in the proposed project boundaries.

MITIGATION: The following mitigation has been proposed for unavoidable impacts to waters of the US:

Approximately 3.3 acres of forested wetlands will be filled, requiring 2.77 wetland credits to be purchased. Exactly 2.4 wetland credits have been purchased at McLemore Mitigation Bank on November 8, 2005. Additionally the required 0.37 wetland credit will be purchased from the Cahaba River Mitigation Bank.

Approximately 5,062 lf of stream will be filled. According to the 2009 Mobile District Compensatory Stream Mitigation Standard Operating Procedure, 22,978 stream credits will be needed to offset unavoidable stream impacts. The applicant purchased 4,946 stream credits from McLemore Mitigation Bank on June 17, 2005. The remaining 18,032 stream credits will be created through off-site, in-watershed, mitigation at the following locations:

- a. "Chilton County Property" (32°59'07"N, 86°46'56"W) This proposed mitigation site will produce approximately 14,829 stream credits. This will be accomplished by intermittent and perennial stream buffer enhancement.
- b. "St. Clair County Property" (33°39'38"N, 86°31'18"W) This proposed mitigation site will produce approximately 3862.5 stream credits. This will be accomplished by perennial stream enhancement.

WATER QUALITY: The applicant received Water Quality Certification as of July 15, 2010.

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 was consulted on August 6, 2004 and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. The applicant has also conducted a Phase I Study. The Alabama Historical Commission has reviewed this report and determined that the "project activities will have no adverse effect on cultural resources eligible for or listed on the National Register of Historic Places" (*AHC 04-0953*). 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 Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The applicant is coordinating with the United States Fish and Wildlife Service in Daphne, Alabama for concurrence on the proposed project.

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps is in the process of evaluating the potential impacts of the project on Essential Fish Habitat (EFH).

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2004-1325-H and should be directed to:

District Engineer
ATTN: Taylor Bell
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
Field Operations Division
Office of Field Services
Post Office Box 301463
Montgomery, Alabama 36130

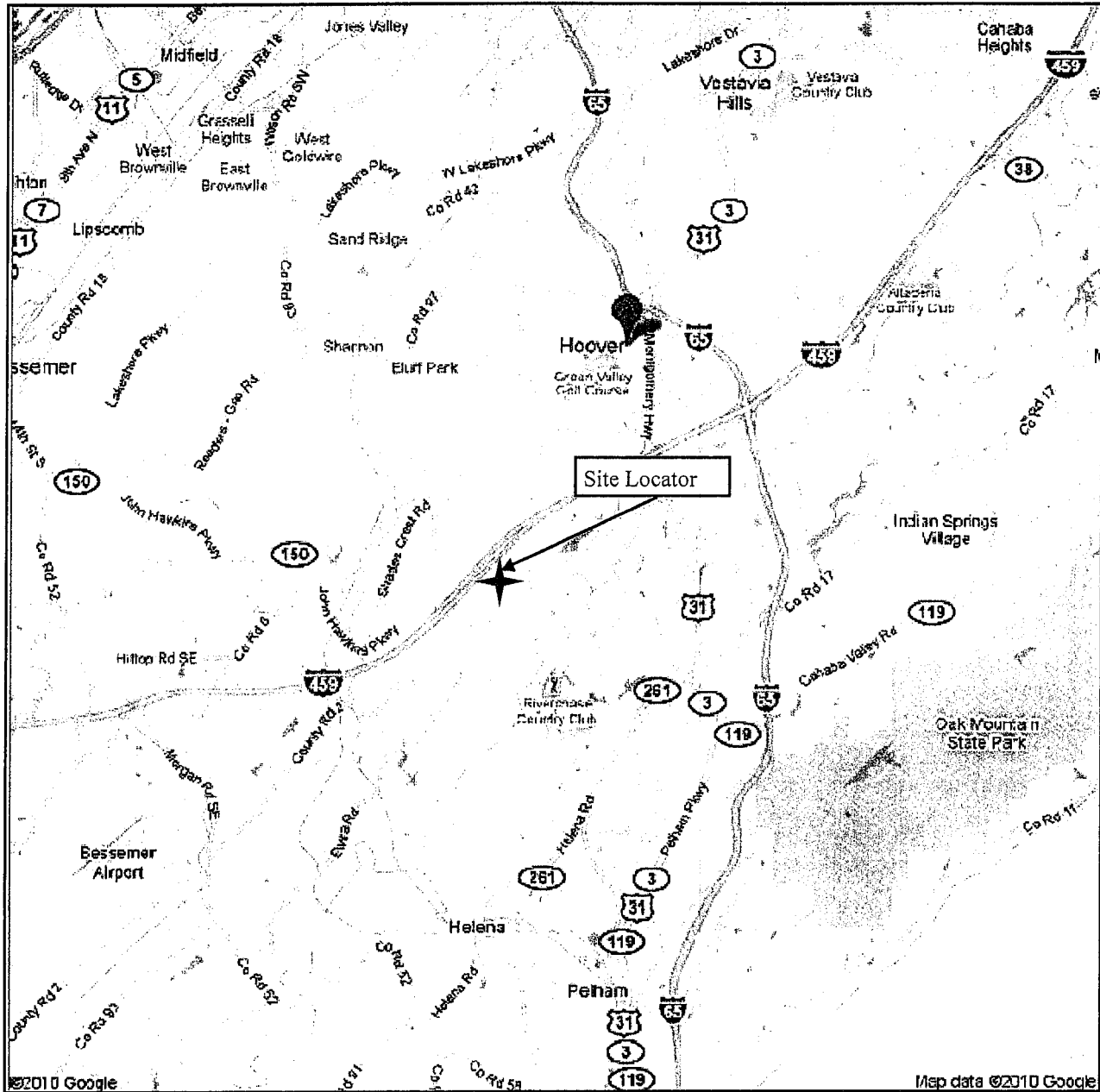
All comments must be sent in time to be received not later than **15** days from the date of this notice.

If you have any questions concerning this publication, you may contact Mr. Taylor Bell at telephone number (205) 290-9096 or taylor.m.bell@usace.army.mil Please refer to Public Notice number SAM-2004-1325-H.

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.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



SAM-04-01325-H

Source: Google.com/maps
Map Not To Scale



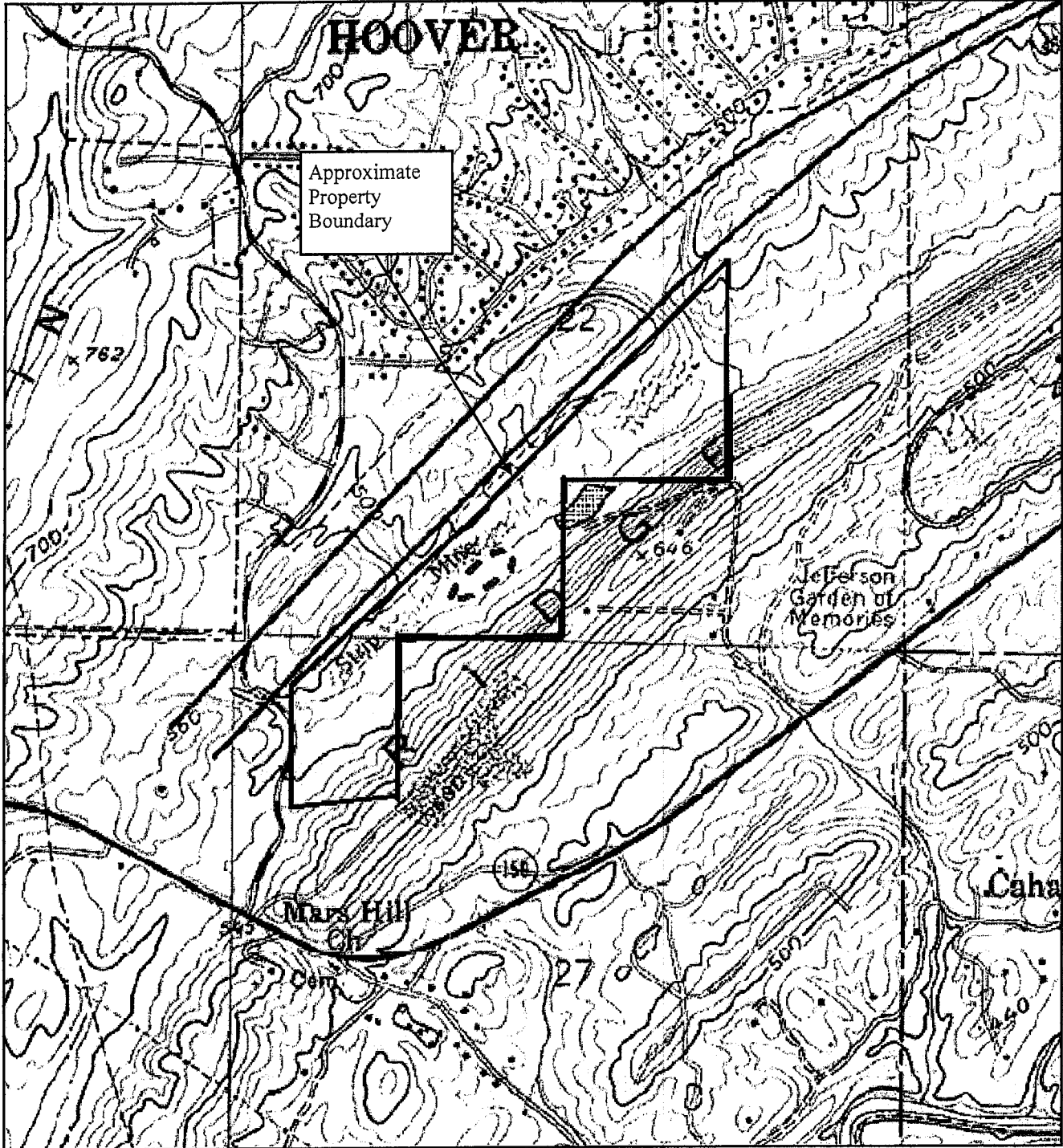
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Checked By:	Date:
	9-20-10
Project Mgr.:	File Name:

SPECTRUM
Environmental Inc.

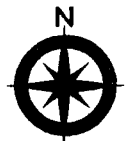
85 Spectrum Cove
Alabaster, AL 35007
FAX (205) 664-2142
PHONE (205) 664-2000

TITLE
Figure 564031-1 Site Locator Hidden Valley Hoover, Jefferson County, AL



Source: Mpatech, Inc. 1999
 Map Not To Scale

SAM-04-01325-H



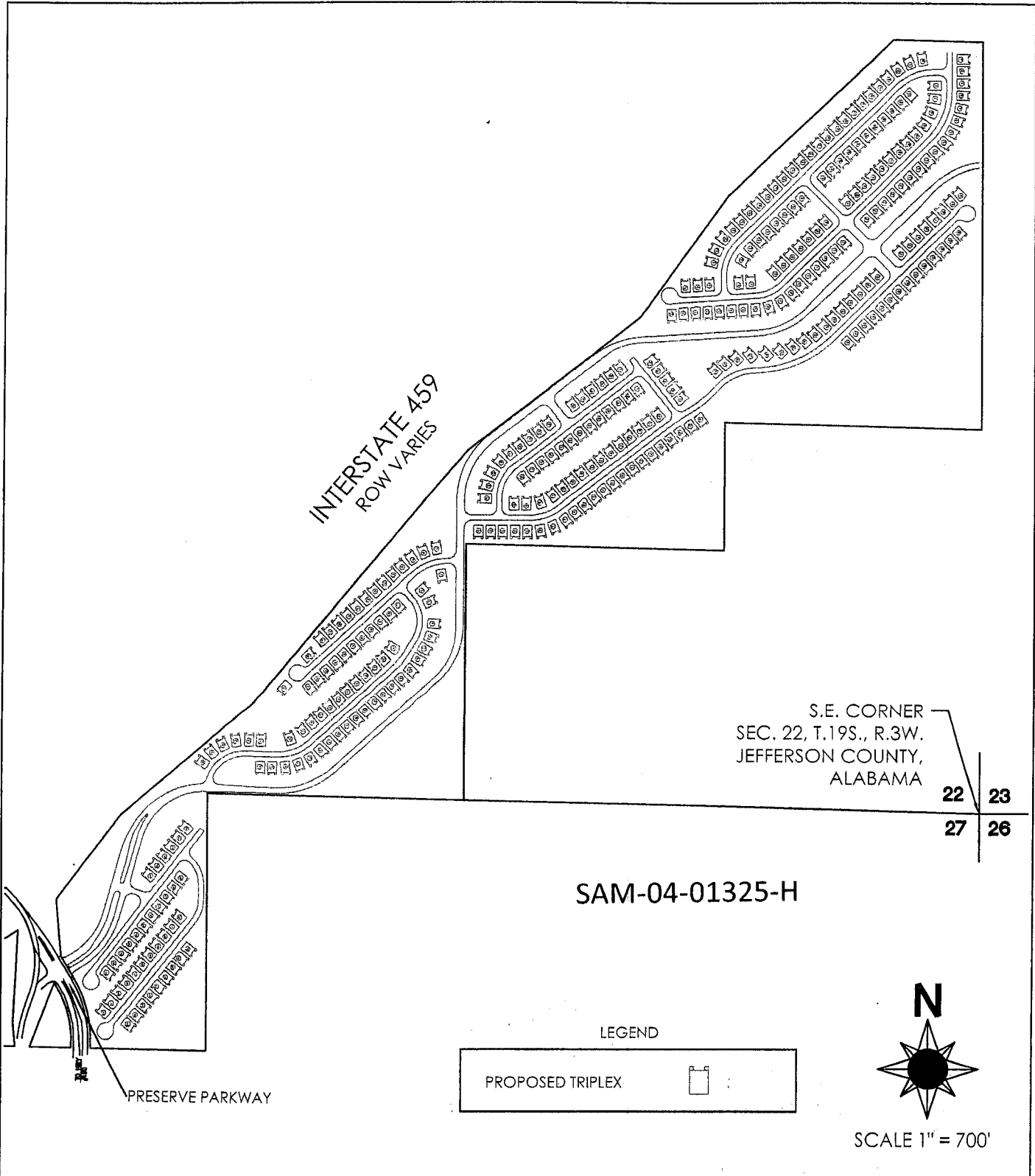
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Figure 546031-2 Topographic map Hidden Valley Hoover, Jefferson county, AL



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Drawn By:	Date:
	9/20/10
Project Mgr.	File Name:



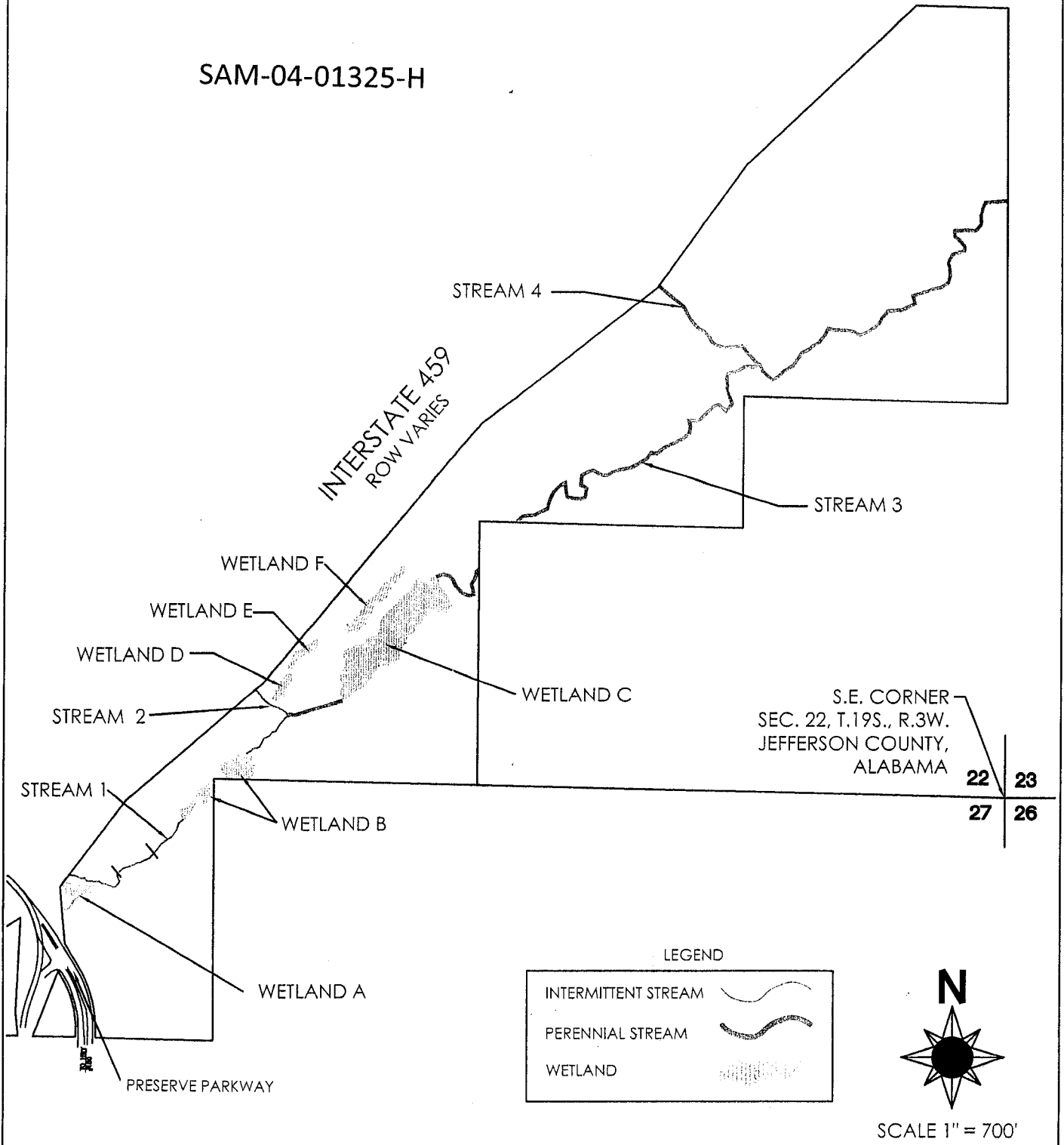
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Environmental
Inc.

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TITLE


FIGURE 564031-4
PROPOSED
DEVELOPMENT PLAN
HIDDEN VALLEY
HOOVER, JEFFERSON CO.,
ALABAMA

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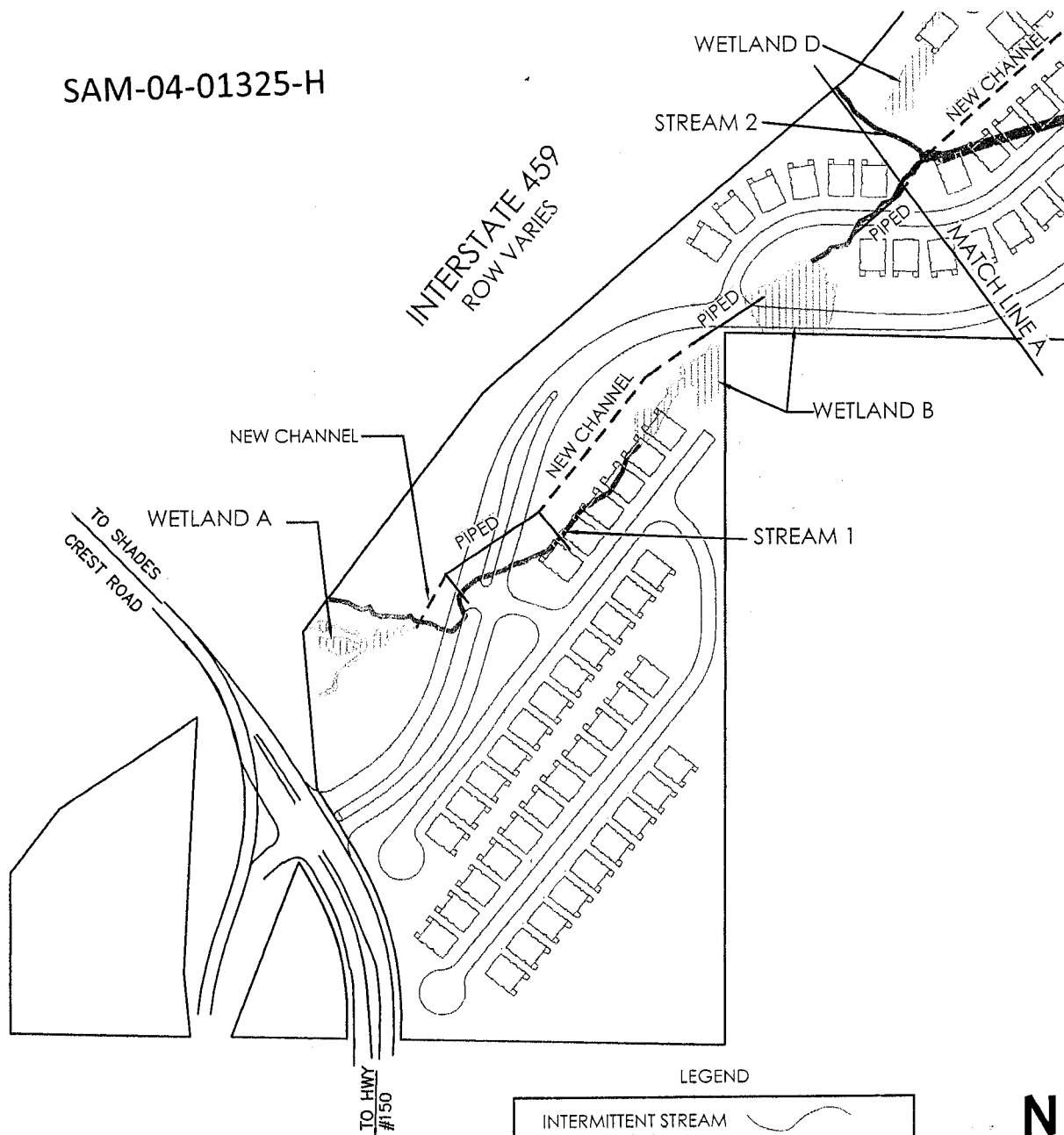
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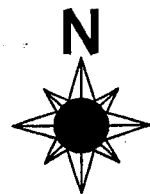
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FIGURE 564031-5 JURISDICTIONAL DETERMINATION HIDDEN VALLEY HOOVER, JEFFERSON CO., ALABAMA

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LEGEND

INTERMITTENT STREAM	
PERENNIAL STREAM	
WETLAND	
NEW CHANNEL	
PIPED SECTION	



SCALE 1" = 300'

NO.	DATE	REVISION NOTE	BY

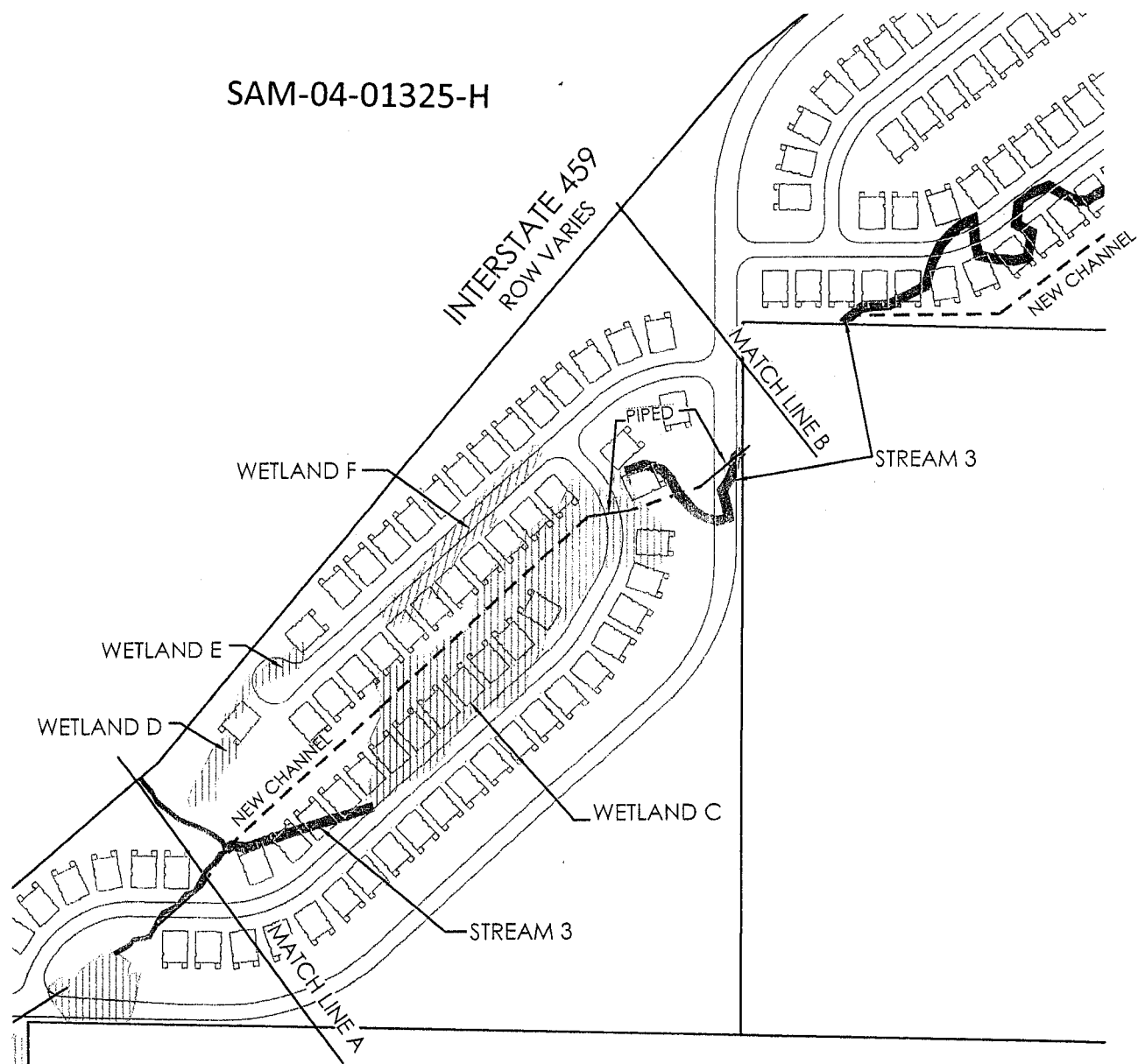
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FIGURE 564031-7 PROPOSED IMPACTS HIDDEN VALLEY HOOVER, JEFFERSON CO., ALABAMA

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LEGEND


INTERMITTENT STREAM	
PERENNIAL STREAM	
WETLAND	
NEW CHANNEL	
PIPED SECTION	



SCALE 1" = 300'

NO.	DATE	REVISION NOTE	BY

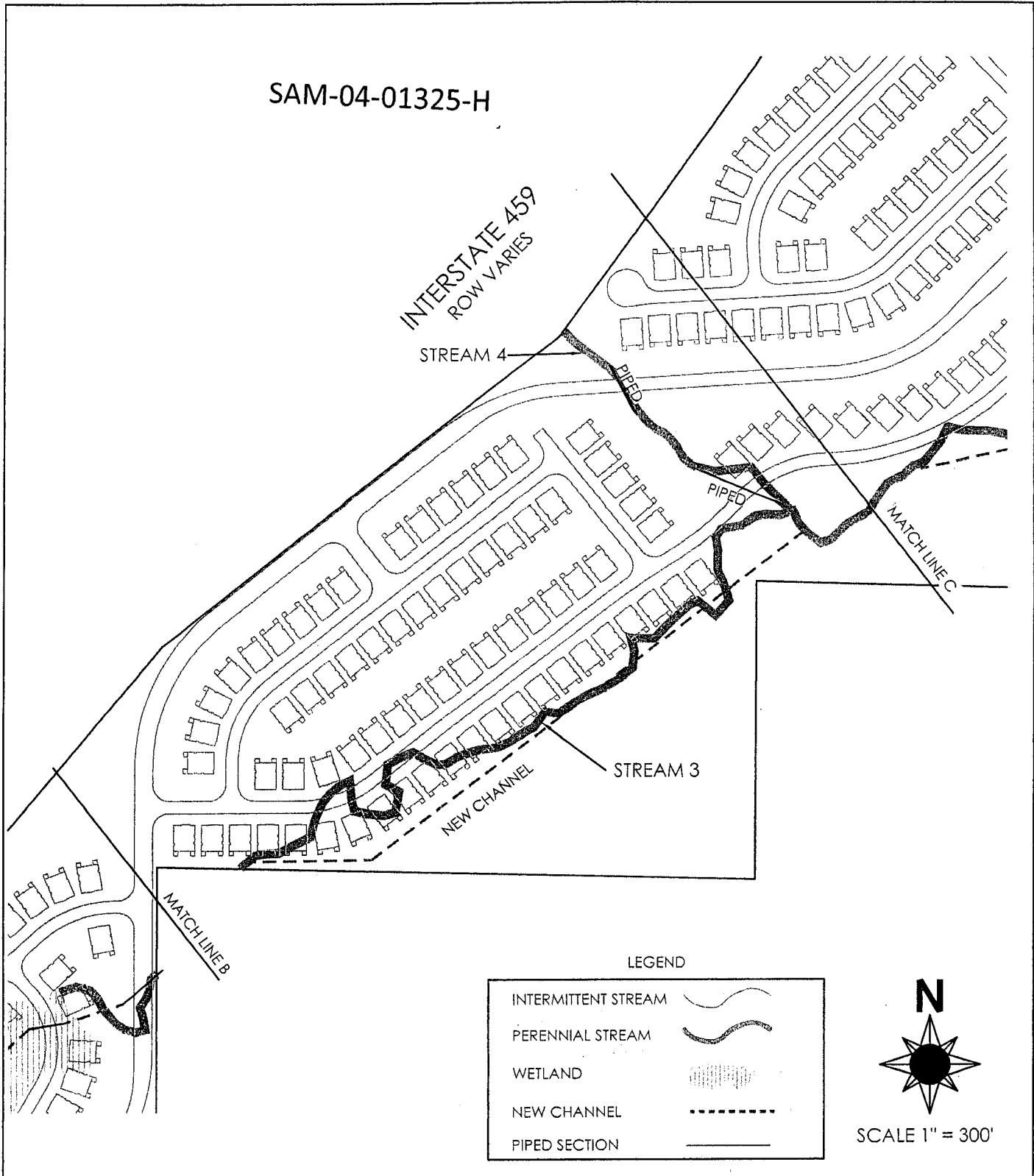
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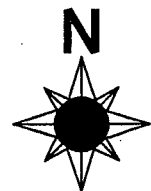
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FIGURE 564031-8 PROPOSED IMPACTS HIDDEN VALLEY HOOVER, JEFFERSON CO., ALABAMA

SAM-04-01325-H



LEGEND

INTERMITTENT STREAM	
PERENNIAL STREAM	
WETLAND	
NEW CHANNEL	
PIPED SECTION	



SCALE 1" = 300'

NO.	DATE	REVISION NOTE	BY

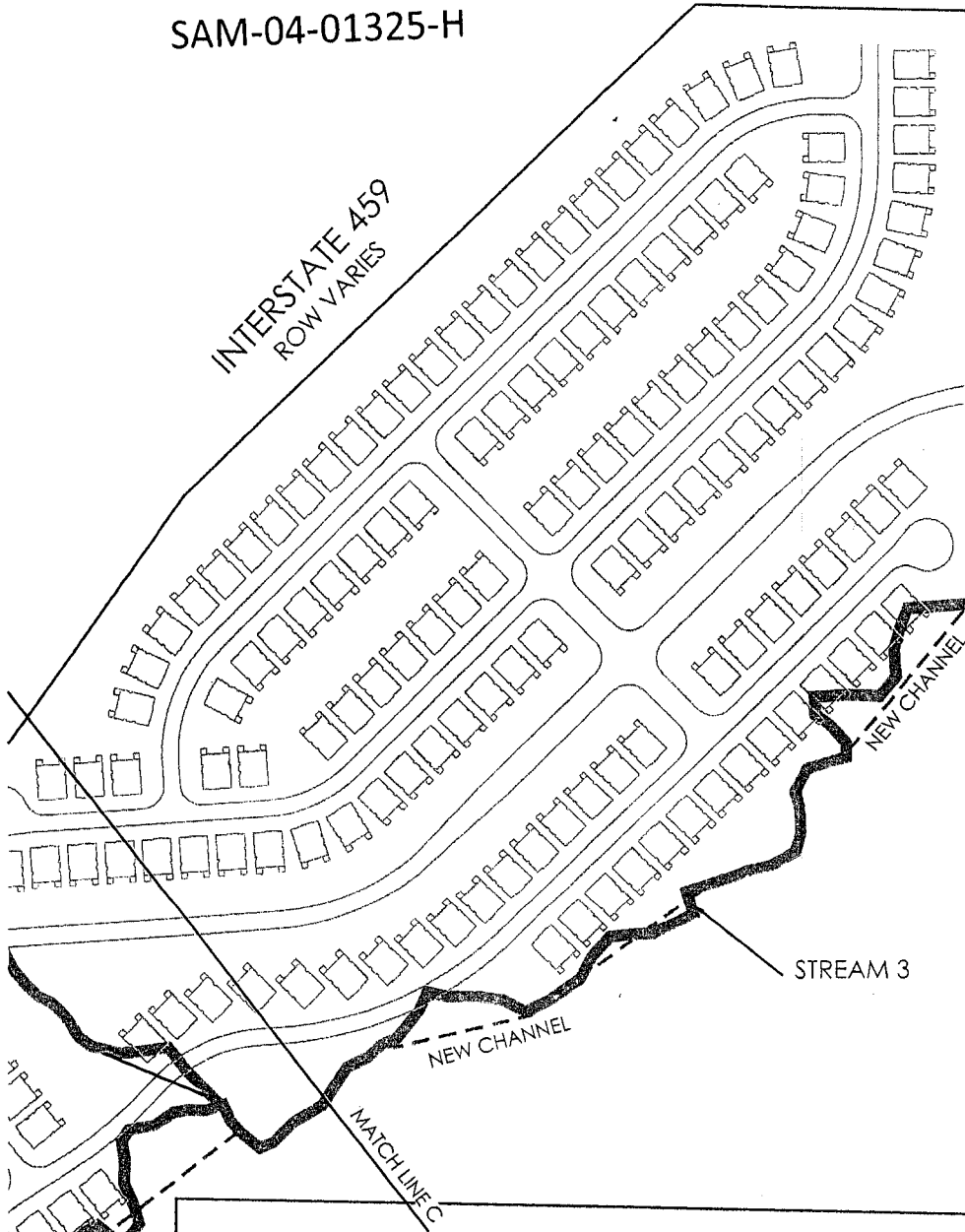
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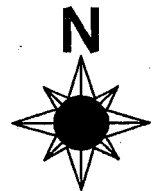
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FIGURE 564031-9 PROPOSED IMPACTS HIDDEN VALLEY HOOVER, JEFFERSON CO., ALABAMA

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LEGEND

INTERMITTENT STREAM	
PERENNIAL STREAM	
WETLAND	
NEW CHANNEL	
PIPED SECTION	



SCALE 1" = 300'

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Project Mgr.	File Name:



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TITLE

FIGURE 564031-10
PROPOSED IMPACTS
HIDDEN VALLEY
HOOVER, JEFFERSON CO.,
ALABAMA