



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT  
105 SOUTH TURNER BOULEVARD  
MONTGOMERY, ALABAMA 36114**

**CESAM-RD-N  
PUBLIC NOTICE NO. AL05-00103-G**

**September 11, 2018**

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

**PROPOSED DISCHARGE OF FILL MATERIAL IN WATERS OF THE UNITED STATES  
FOR THE CONSTRUCTION OF PHASE EIGHT OF THE PRESERVE RESIDENTIAL  
SUBDIVISION LEE COUNTY, ALABAMA**

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). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

**APPLICANT:** Preserve Land, LLC  
Attention: Dr. Mark Arnall  
517 Sanders Street  
Auburn, Alabama 36830

**AGENT:** BioResources, LLC  
Attention: Mr. Doug Dallas  
2124 Moores Mill Road, Suite 210  
Auburn, Alabama 36830

**WATERWAY/LOCATION:** The project is located within wetlands and unnamed tributaries to Loblockee Creek an approximately 311-acre parcel in Lee County, Alabama (32.668, -85.537) within Section 3, Township 19 North, and Range 25 East. The property is depicted on the Waverly, Alabama Quadrangle, United States Geological Survey Topographic Map. The project is located within the Lower Tallapoosa watershed (HUC 03150110).

**PROJECT PURPOSE:** The basic project purpose is residential development, which is not a water-dependent activity. The overall project purpose being to provide a single-family residential housing to serve the growing population of Auburn and the surrounding community.

**PROPOSED WORK:** The applicant requests authorization for the discharge of fill material into 1,643 linear feet (lf) of streams and 0.40 acre (ac) of wetlands for the construction of Phase Eight of the Preserve Residential Development and related infrastructure. The referenced work includes 305 lf of stream impacts and 0.15 ac of wetland impacts within the permittee responsible mitigation area (PRMA) previously authorized by ALG-00103-G.

**AVOIDANCE & MINIMIZATION:** The applicant undertook an extensive design and redesign process in order to avoid impacts to waters of the U.S. (WOUS). Specifically, the proposed project represents a 44 percent reduction in proposed stream impacts and a 29 percent reduction in proposed wetland impacts from the applicant's initial design. The applicant has also included a 50 lf wide buffer between the proposed work in the PRMA and the remaining mitigation property. Finally, a Construction Best Management Practices Plan will be designed for the project, which would help in limiting downstream and secondary project effects. *(The USACE has not fully evaluated the adequacy of the proposed avoidance and minimization)*

**COMPENSATORY MITIGATION:** The applicant proposes to mitigate for unavoidable impacts to WOUS by purchasing mitigation credits from an USACE approved mitigation bank. The applicant proposed mitigation plan includes the purchase of credits to offset both currently proposed impacts to WOUS and to offset impacts initially authorized under ALG-05-00103-G associated with proposed impacts within the PRMA. *(The USACE has not fully evaluated the adequacy of the proposed compensatory mitigation plan).*

**WATER QUALITY:** The applicant is preparing their application for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

**PUBLIC REVIEW:** This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE 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 USACE 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 USACE 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. Evaluation of the probable impacts involving discharges of dredged or fill material into waters of the United States will include the application of the Section 404(b)(1) guidelines established by the Administrator of the U.S. Environmental Protection Agency.

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.

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. Copies of this public notice are being sent to the State Historic Preservation Officer, Federally recognized American Indian tribes, and the U.S. Department of the Interior, National Park Service, Division of Archaeological Services for review.

**ENDANGERED/THREATENED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates the following listed species may occur within the project area: Wood stork (*Mycteria americana*). A copy of this public notice is being sent to the U.S. Fish and Wildlife Service.

Correspondence concerning this Public Notice should refer to Public Notice Number ALG-05-00103-G and should be directed to:

U.S. Army Corps of Engineers Mobile District  
Montgomery Field Office  
Attention: Mr. James Cherry  
105 South Turner Boulevard  
Montgomery, Alabama 36114

with a copy to the:

Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463

Enclosed to assist you with your review are: Vicinity map, USGS topographic map; Drawing depicting impacts to WOUS. Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager, Mr. James Cherry, via e-mail at **James.S.Cherry@usace.army.mil** or telephone number **(334) 416-1769**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>, 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

Enclosures

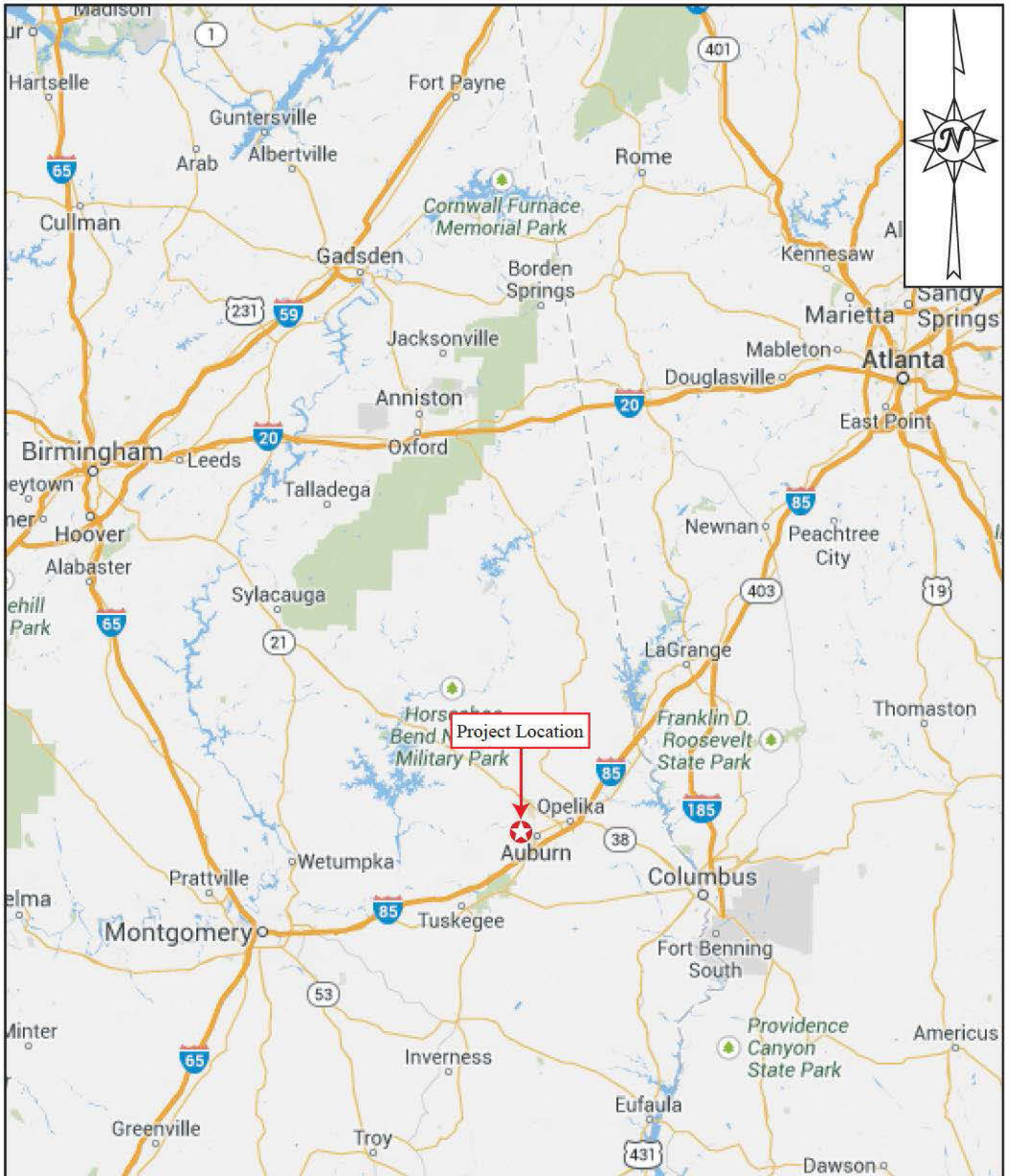


Figure 1: Vicinity Map  
 The Preserve Subdivision  
 Auburn, Lee County, Alabama  
 Source: Google Maps  
 BioResources Project No. WL17-324  
 Approximate Scale: 1" = 25 miles



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