



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2010-01037-CMS

January 9, 2020

**JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

**STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PROPOSED DISCHARGE OF FILL MATERIAL INTO UNNAMED TRIBUTARIES TO
STILL CREEK ASSOCIATED WITH THE CONSTRUCTION OF A COMMERCIAL
DEVELOPMENT, MILLBROOK, ELMORE COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

APPLICANT: **I-65 Lands, LLC**
Attention: Dick Dorsey
Post Office Box 680738
Prattville, Alabama 36068

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

LOCATION: The proposed project is located in unnamed tributaries to Still Creek on an 11.5 acre parcel located in Millbrook, Elmore County, Alabama. Specifically, the project boundary is located within Section 17, Township 17 North and Range 17 East. Center coordinates of the project site are 32.459, -86.385. The project is located in the Upper Alabama 8 digit hydrologic unit code (03150201).

PROJECT PURPOSE: The basic project purpose is commercial development.

PROPOSED WORK: The applicant is requesting authorization to discharge fill material into waters of the United States (U.S.) in association with the construction of a commercial development. Specifically, the discharge would result in unavoidable impacts to 420 linear feet of intermittent stream and 465 linear feet of perennial stream. The proposed loss of waters of the U.S. would be associated with the installation of culverts in order to prepare the site foundation on which the buildings and parking areas would be constructed.

AVOIDANCE & MINIMIZATION: The applicant stated complete avoidance of all waters of the U.S. on the site was not possible due to the large footprint of the proposed buildings. The applicant considered several different design iterations during the project planning stages. Ultimately, the preferred alternative provides a 29% reduction of impacts to aquatic resources when compared to the original master plan. The USACE has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

COMPENSATORY MITIGATION: The applicant proposes to purchase stream credits from an approved mitigation bank.

The applicant will apply 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.

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. 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.

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. The USACE has not made a determination of effects to historic properties at this time. Copies of this public notice are being distributed to the State Historic Preservation Officer, Federally-recognized American Indian tribes, and the 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 Species indicates the following species have the potential to occur in the project watershed: wood stork, southern clubshell, Alabama canebrake pitcher plant, and Georgia rockcress. An effects determination will be made during the evaluation process, at which time the USACE will initiate consultation with the United States Fish and Wildlife Service (USFWS), if appropriate. Copies of this public notice are being sent to the USFWS for review and comment.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2010-01037-CMS** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: **Ms. Courtney Shea**, 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, Attention: Mr. Richard Hulcher, Post Office Box 301463, Montgomery, Alabama 36130-1463

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 via e-mail at **Courtney.M.Shea@usace.army.mil** or telephone number **(205) 290-9096**. 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>.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

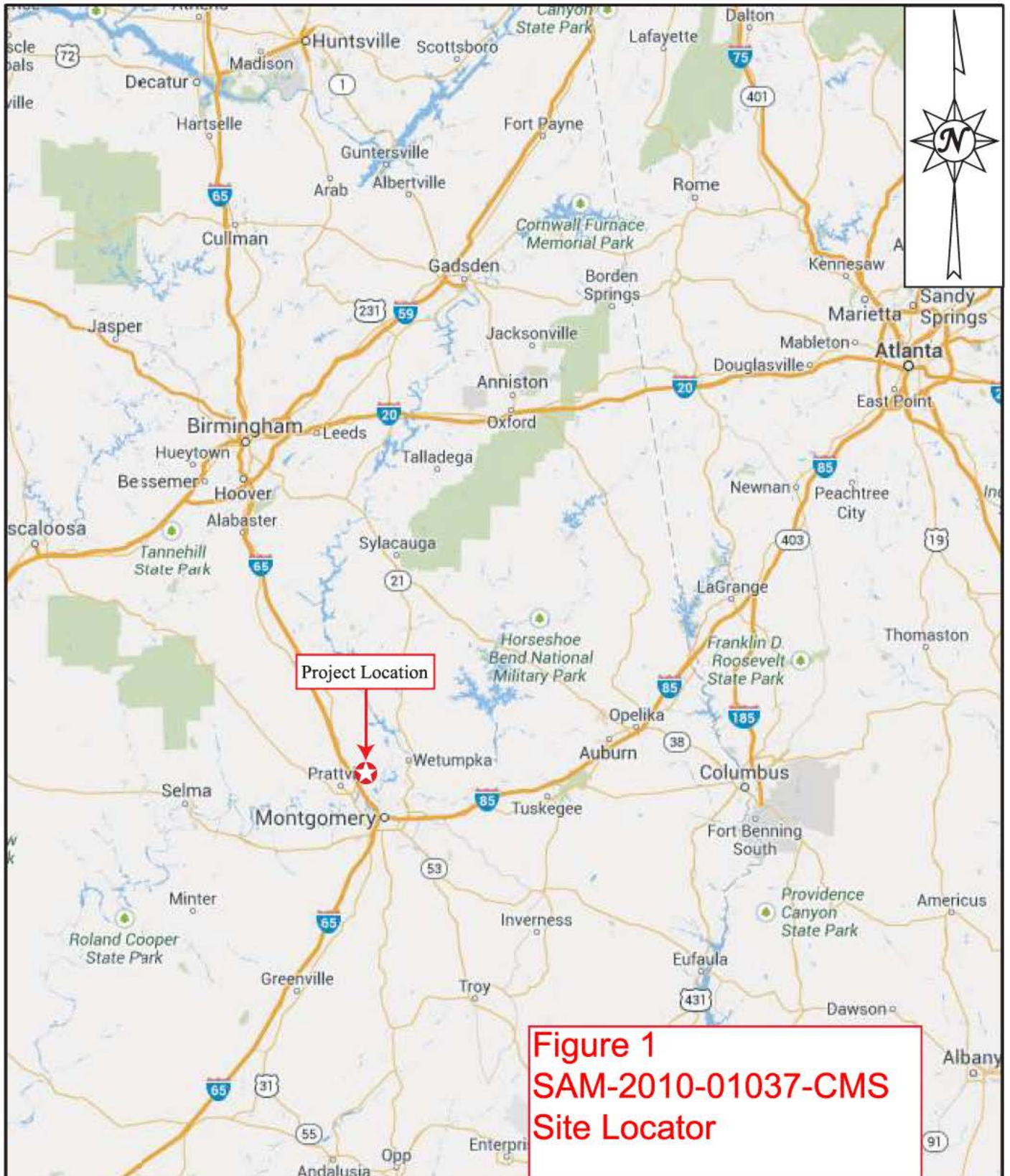


Figure 1: Vicinity Map
 I-65 Hospitality Park
 Millbrook, Elmore County, Alabama
 Source: Google Maps
 BioResources Project No. WL17-342
 Approximate Scale: 1" = 25 miles

Figure 1
SAM-2010-01037-CMS
Site Locator



2124 Moores Mill Road, Suite 210 (334) 821-5707
 Auburn, Alabama 36830 www.bioresourcesllc.net

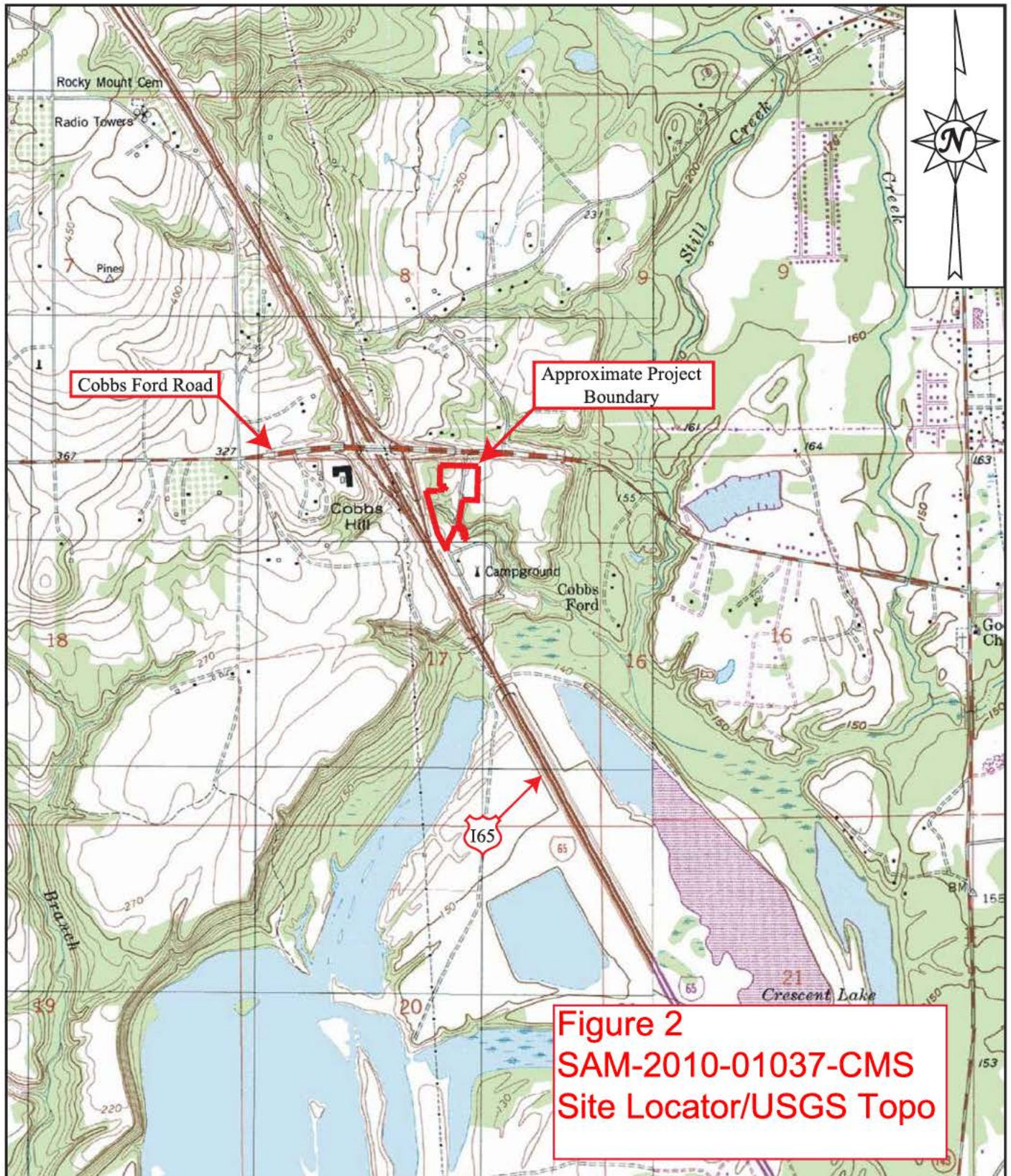


Figure 2: Site Location Map
 I-65 Hospitality Park
 Millbrook, Elmore County, Alabama
 Prattville, AL U.S.G.S. 7.5' Quad Map
 BioResources Project No. WL17-342
 Scale: 1" = 2000'



2124 Moores Mill Road, Suite 210 (334) 821-5707
 Auburn, Alabama 36830 www.bioresourcesllc.net

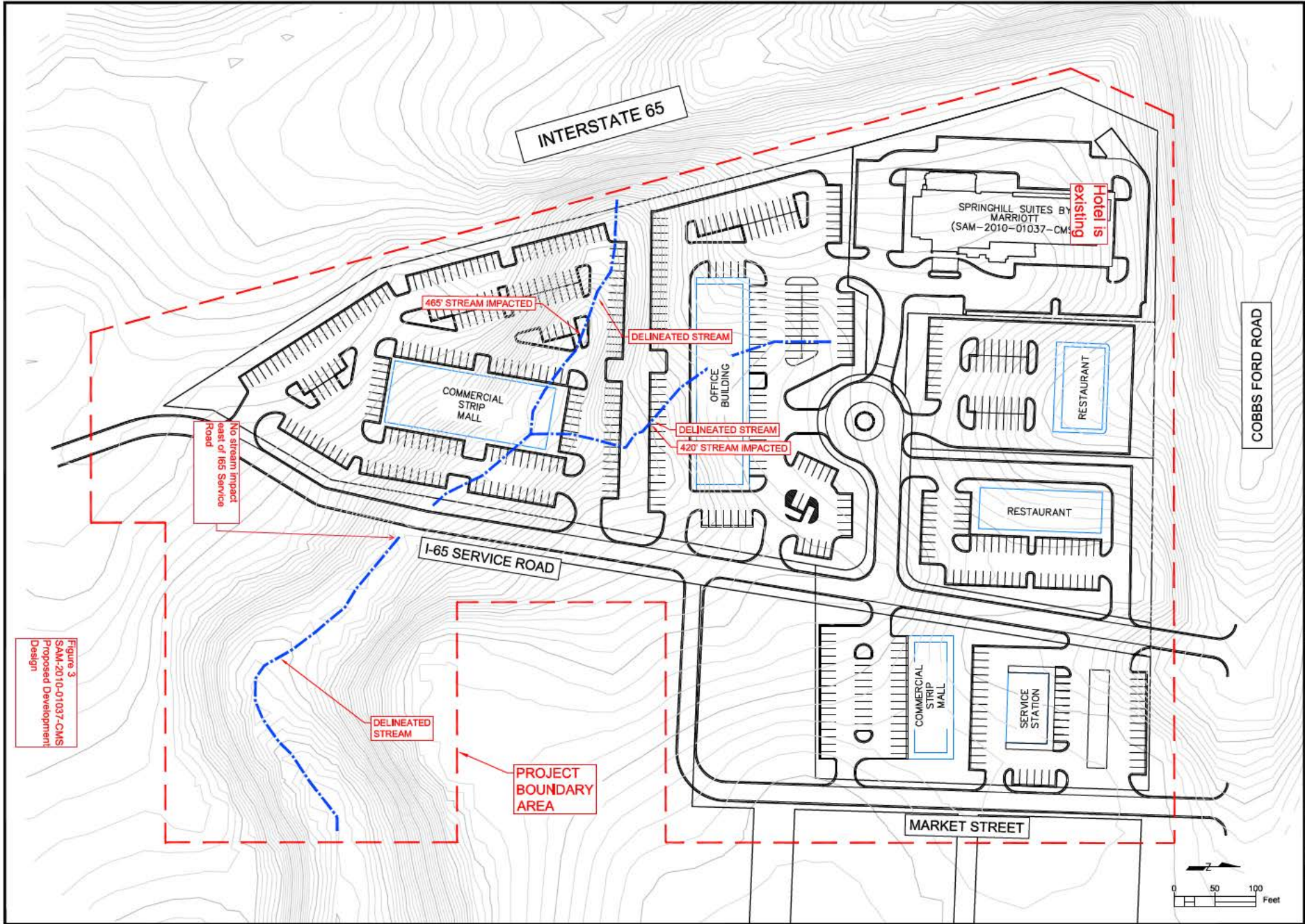


Figure 3
SAM-2010-01037-CMS
Proposed Development
Design

BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors
100 State Street, Mobile, AL 36687-1300
251-941-8700
171 N. MOBILE BL. SUITE 100, MOBILE, AL 36687-1300



**PRELIMINARY
NOT FOR
CONSTRUCTION**

DICK DORSEY
MILLBROOK
CONCEPT PLAN D

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DESIGNER: LUCIA	10/1/18
CHECKED: AOM	10/1/18
APPROVED: C. DORSEY	10/1/18
PROJECT: MILLBROOK	10/1/18

DATE: 14 MAY 2018
PROJECT NUMBER: 00-0000

PROJECT NAME: PR1

