



US Army Corps  
of Engineers®

# PUBLIC NOTICE

Applicant:  
Montgomery Water Works Authority  
And Sanitary Sewer Board

Published: March 27, 2025  
Expires: April 28, 2025

**Mobile District**  
**Permit Application No. SAM-2016-00121-JSC**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS (USACE)**

## **ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

TO WHOM IT MAY CONCERN: The Mobile District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Montgomery Water Works and Sanitary Sewer Board  
Attention: Mr. William Henderson  
200 Interstate Park Drive  
Montgomery, Alabama 36109

**AGENT:** Goodwyn Mills Cawood, LLC  
Attention: Mrs. April Henley  
2660 Eastchase Ln #200  
Montgomery, Alabama 36117

**LOCATION:** The project is located in waters of the United States that drain to Caney Branch southeast of the Montgomery Regional Airport and is adjacent and west of U.S. Highway 31, and adjacent and north of Carter Lane. Specifically, the site is located in Sections 9 & 10, Township 15 North, Range 17 East, Latitude 32.287160 North, Longitude 86.357853 West, Montgomery County, Alabama.

**EXISTING CONDITIONS:** The 235-acre project site is undeveloped and has been primarily used for pasture and is forested on the western side of the property where Caney Branch is located. Within the property boundary, there are a total of 32.42 acres of jurisdictional wetlands; 0.95 acres of jurisdictional ponds; 2,312.20 linear feet of jurisdictional perennial stream; and 3,139 linear feet of jurisdictional intermittent stream.

**PROJECT PURPOSE:**

**Basic:** The Corps has determined that the basic purpose of the proposed project is to construct two large industrial warehouse building shells and associated parking.

**Overall:** The overall project purpose is to construct two industrial warehouse buildings and a large parking area for up to 773 people and 1042 truck spaces for the purpose of providing a 'ready to use' space due to demand for industrial infrastructure by prospective companies in the Montgomery Industrial corridor.

**PROPOSED WORK:** The work would include the construction of two (2) 968,923 S.F. (square feet) industrial buildings, and parking for 1042 truck spaces that would impact a total of 2.62 acres of jurisdictional wetlands, 0.76 acres of jurisdictional ponds, and 2,906.9 linear feet of jurisdictional intermittent streams. The proposed project would include grading and foundation preparation for the construction of the building slab, shell, and parking area.

**AVOIDANCE AND MINIMIZATION:** Two (2) on-site alternatives and two (2) off-site alternatives were considered. The preferred alternative avoided impacts to 29.8 acres of jurisdictional wetlands, 0.19 acres of jurisdictional ponds, 2,312.2 linear feet of jurisdictional perennial stream, and 232.26 linear feet of jurisdictional intermittent stream.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to provide in-kind compensatory mitigation through an approved mitigation bank.

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Tri-colored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Southern Clubshell	<i>Pleurobema decisum</i>	Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the Alabama Department of Environmental Management (ADEM).

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), requires certification for any license or permit that authorizes an activity that may result in a discharge. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Alabama Department of Environmental Management (certifying authority).

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 utilization of important resources. The benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** 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 determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

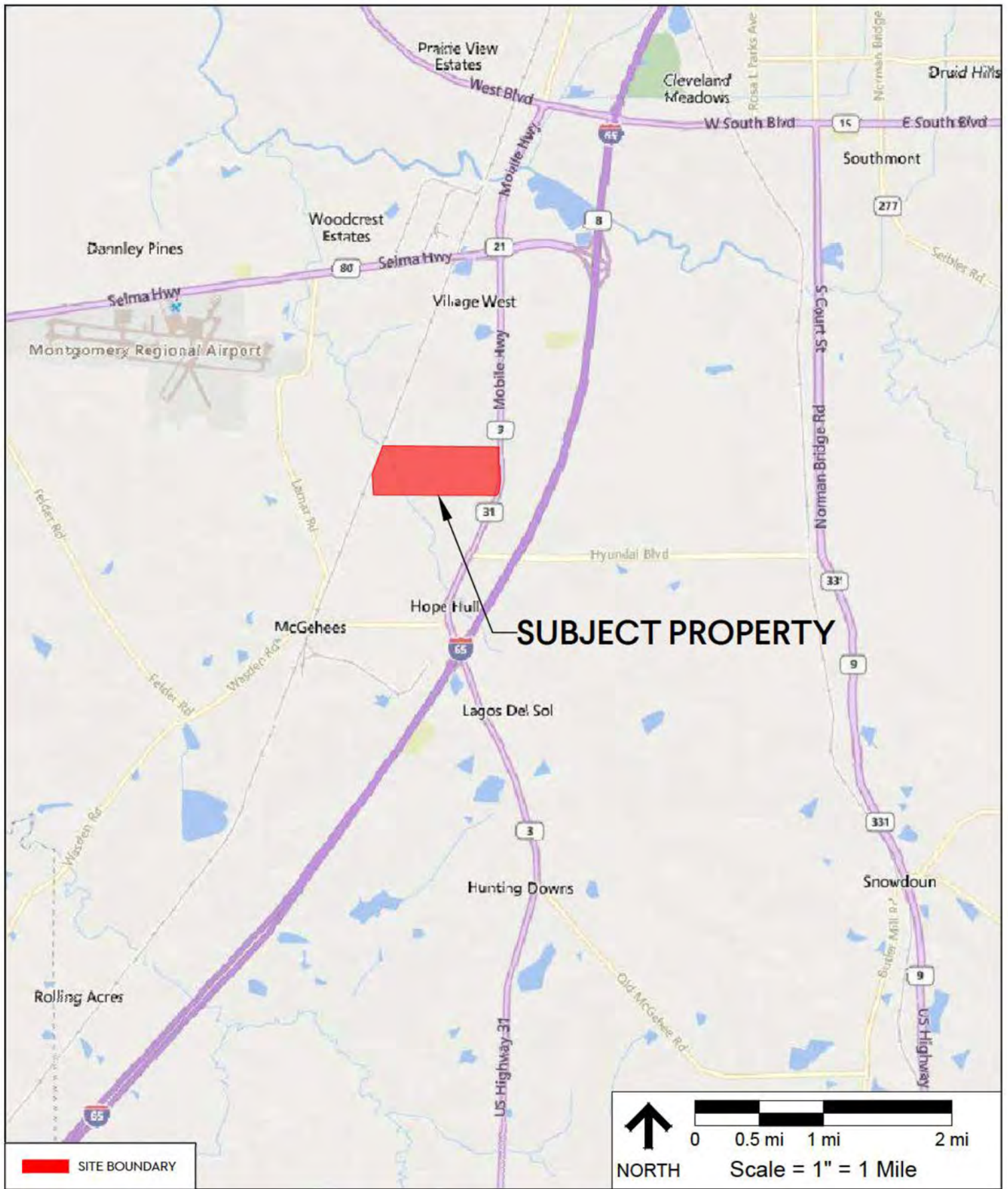
The Mobile District will receive written comments on the proposed work, as outlined above, until April 26, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Angela M. Rangel at [angela.m.rangel@usace.army.mil](mailto:angela.m.rangel@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Mobile District, Attention: Angela M. Rangel, PO Box 2288, Mobile, AL 36628. Please refer to the permit application number in your comments. Copies of all comments should be furnished 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

MOBILE DISTRICT  
U.S. Army Corps Of Engineers

Attachments





REF. SHEET: Microsoft Bing Street Maps  
 DESCRIPTION: USACE Individual Permit Application

**Marxer Property**  
 Montgomery, Montgomery County, Alabama

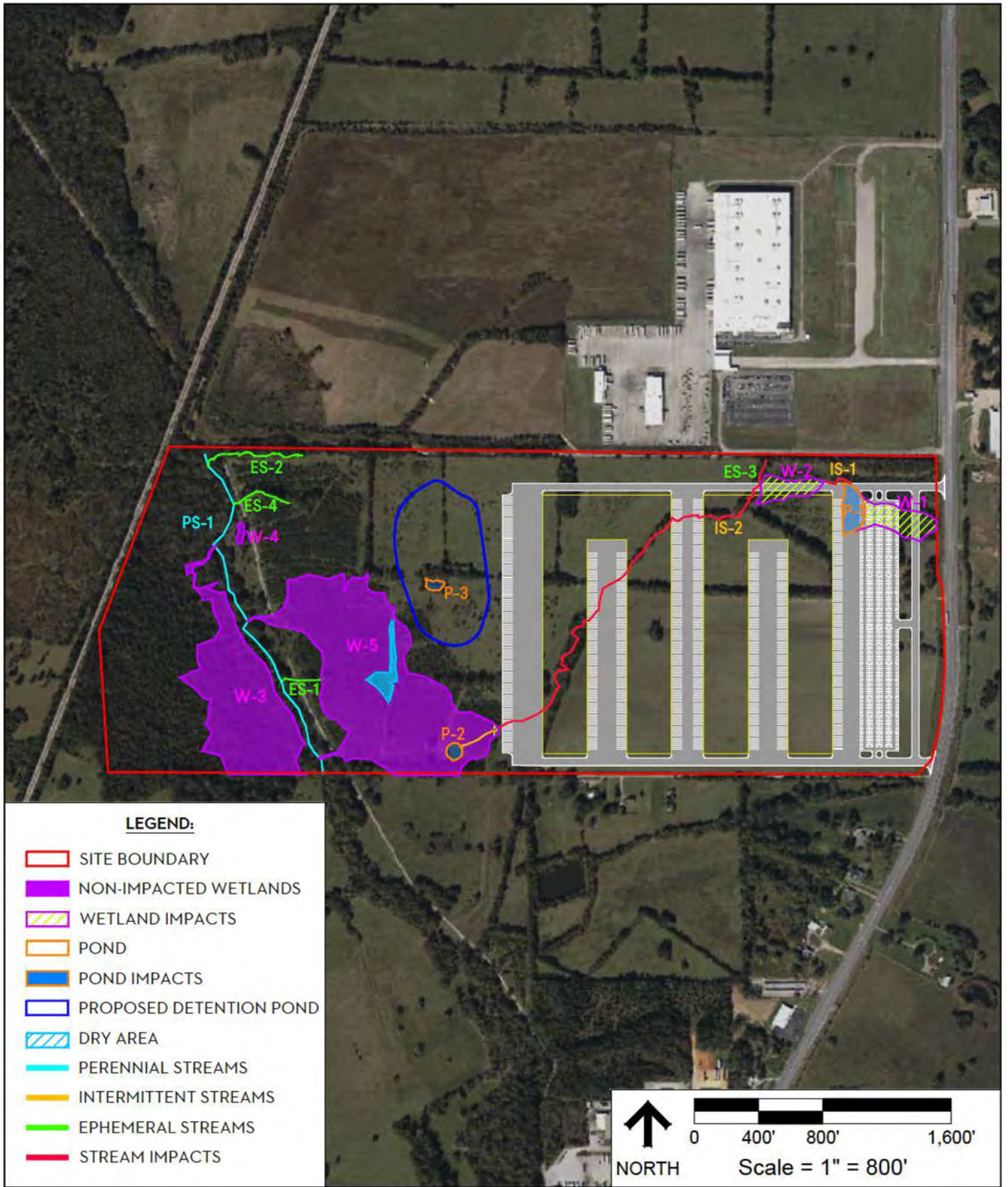
## FIGURE 1

GENERAL LOCATION MAP  
 GMC # EMGM240065  
 DATE: 08/15/2024  
 DRAWN BY: RSK

11 North Water Street, Suite 19290  
 Mobile, AL 36602  
 T 251.460.4006  
 GMCNETWORK.COM

**GMC**





REF. SHEET: Microsoft Bing Aerial Maps  
DESCRIPTION: Preferred Alternative

**Marxer Property-Alternative 2 (Preferred)**  
Montgomery, Montgomery County, Alabama

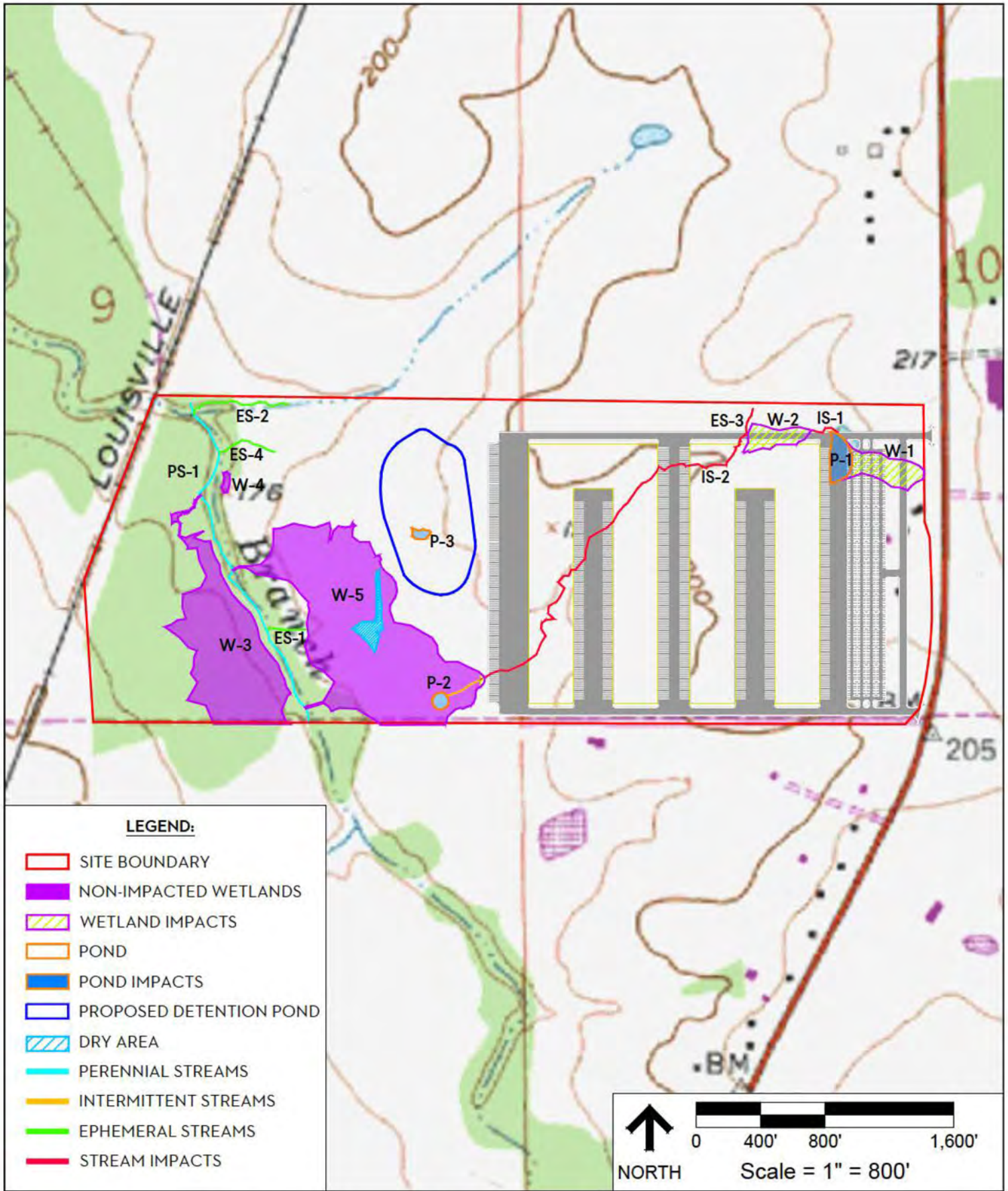
## FIGURE 6b

WETLAND IMPACTS  
GMC # EMGM240065  
DATE: 08/19/2024  
DRAWN BY: RSK

11 North Water Street, Suite 19290  
Mobile, AL 36602  
T 251.460.4006  
GMCNETWORK.COM

**GMC**





REF. SHEET: USGS Quadrangle Maps, Montgomery South  
 DESCRIPTION: Preferred Alternative

**Marxer Property-Alternative 2 (Preferred)**  
 Montgomery, Montgomery County, Alabama

## FIGURE 6c

WETLAND IMPACTS  
 GMC # EMGM240065  
 DATE: 08/19/2024  
 DRAWN BY: RSK

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