



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2017-00414-APW

October 18, 2017

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

PROPOSED FILLING OF JURISDICTIONAL WETLANDS IN CONJUNCTION
WITH THE CONSTRUCTION OF A COMMERCIAL RETAIL DEVELOPMENT,
FRUITDALE, WASHINGTON 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: **The Broadway Group, LLC**
Attention: Mr. Bob Broadway
Post Office Box 18969
Huntsville, Alabama 35804

AGENT: **ARC Environmental, Inc.**
Attention: Ms. Michelle Campbell
Post Office Box 190
Brownsboro, Alabama 35741

LOCATION OF WORK: **The proposed project is located within an area that drains into a tributary of Brushy Creek which flows into the Escatawpa River. The project area is bordered on the west side by Highway 45, the north side by Courtney Avenue, the east side by Live Oak Street, and the south side by Green Street, Section 5, Township 4 North, Range 4 West, near Latitude 31.342391° North, Longitude 88.412495° West, Fruitdale, Washington County, Alabama.**

PROJECT PURPOSE: **The overall purpose of the project is to construct a commercial retail development that would provide the community of Fruitdale with a convenient and economical shopping option within a rural area that currently has limited opportunities.**

PROPOSED WORK: The applicant proposes to clear, grub, and excavate unsuitable topsoil from within the 60,448-square-foot project footprint, backfill with 6,830 cubic yards of sandy loam fill material, and construct a 7,489-square-foot retail store with associated parking and infrastructure. Access to the retail store would be from Courtney Avenue to the north. This entrance would be widened near the Highway 45 intersection to a width of 44 feet to allow for better commercial truck ingress and egress. Concrete or asphalt driveways and a total of 30 parking spaces would be constructed along the west and north sides of the store. A septic system would be installed on the east side of the retail center and a stormwater detention basin would be built in the northwest corner of the property. The site was once the location for several businesses. With the exception of the earthen fill material that was placed for a roadway that bisects the property, the entire site has since reverted back to jurisdictional wetland habitat. Of the 1.80 acres of palustrine scrub-shrub habitat (formerly bottomland hardwood habitat), 60,113 square feet (1.38 acres) would be permanently filled and converted to commercial retail use. Approximately, 335 square feet (0.008 acre) of deforested bottomland hardwood habitat would be temporarily impacted as a result of the installation of an underground water line between the south side of the property and the proposed building. The trench created by the installation of the water line would be backfilled with the excavated soil to reestablish preconstruction contours and elevations. Any excess soil material would be removed from the site and transported to a USACE approved upland location. The area would then be stabilized with seed and mulch. The temporary impact area would be maintained after the installation of the water line as emergent wetland habitat.

AVOIDANCE AND MINIMIZATION: The applicant has proposed to position the structures as close to the Highway 45 setback line as possible. The applicant has reported that only the minimum number of required parking spaces have been proposed. The width of the access routes are as narrow as possible while still allowing for the safe maneuvering of vehicles, including delivery trucks, into and out of the facility. Provided that public sewer services are not available in Fruitdale, the construction of a mound-type septic treatment system is required for the facility; therefore, cannot be eliminated for minimization purposes. According to the applicant, the entire infrastructure is being kept to the minimum footprint necessary to minimize wetland impacts and hydrology of the adjacent wetlands would be maintained by designing proper stormwater conveyances. The USACE has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

MITIGATION: The applicant proposes to mitigate for the unavoidable permanent impacts to 1.38 acres of jurisdictional wetlands through purchase of the appropriate number of mitigation credits from a USACE approved mitigation bank.

WATER QUALITY: The applicant has applied 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 by the Alabama Department of Environmental Management (ADEM).

COASTAL ZONE CONSISTENCY: The proposed location of the commercial development lies outside of Alabama's coastal zone; therefore, consistency with the Alabama Coastal Area Management Program is not required.

HISTORIC PROPERTIES/CULTURAL RESOURCES: 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. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this project, the potential indirect effects that may occur to historic properties as a result of the this undertaking are also being considered. In addition to comments from the State Historic Preservation Officer (the Alabama Historical Commission), we are seeking comments from Federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services and concerned citizens regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. The USACE has not yet made a determination of potential effects the project would have on cultural or historic resources.

THREATENED AND ENDANGERED SPECIES: The following species, listed by the U.S. Fish and Wildlife Service (FWS) as being either threatened (T) or endangered (E), are found within Washington County, and may be located within the watershed of the project's location: wood stork (T) (*Mycteria americana*), black pine snake (T) (*Pituophis melanoleucus lodingi*), and gopher tortoise (T) (*Gopherus polyphemus*).

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 have no effect on any species currently listed as endangered or threatened within Washington County. This determination is being coordinated with the FWS via this Public Notice.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State and local agencies and officials, American Indian Tribes and other interested parties, in order to assist in developing facts on which a decision by the USACE can be based.

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 potential impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors. 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. 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 utilization 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.

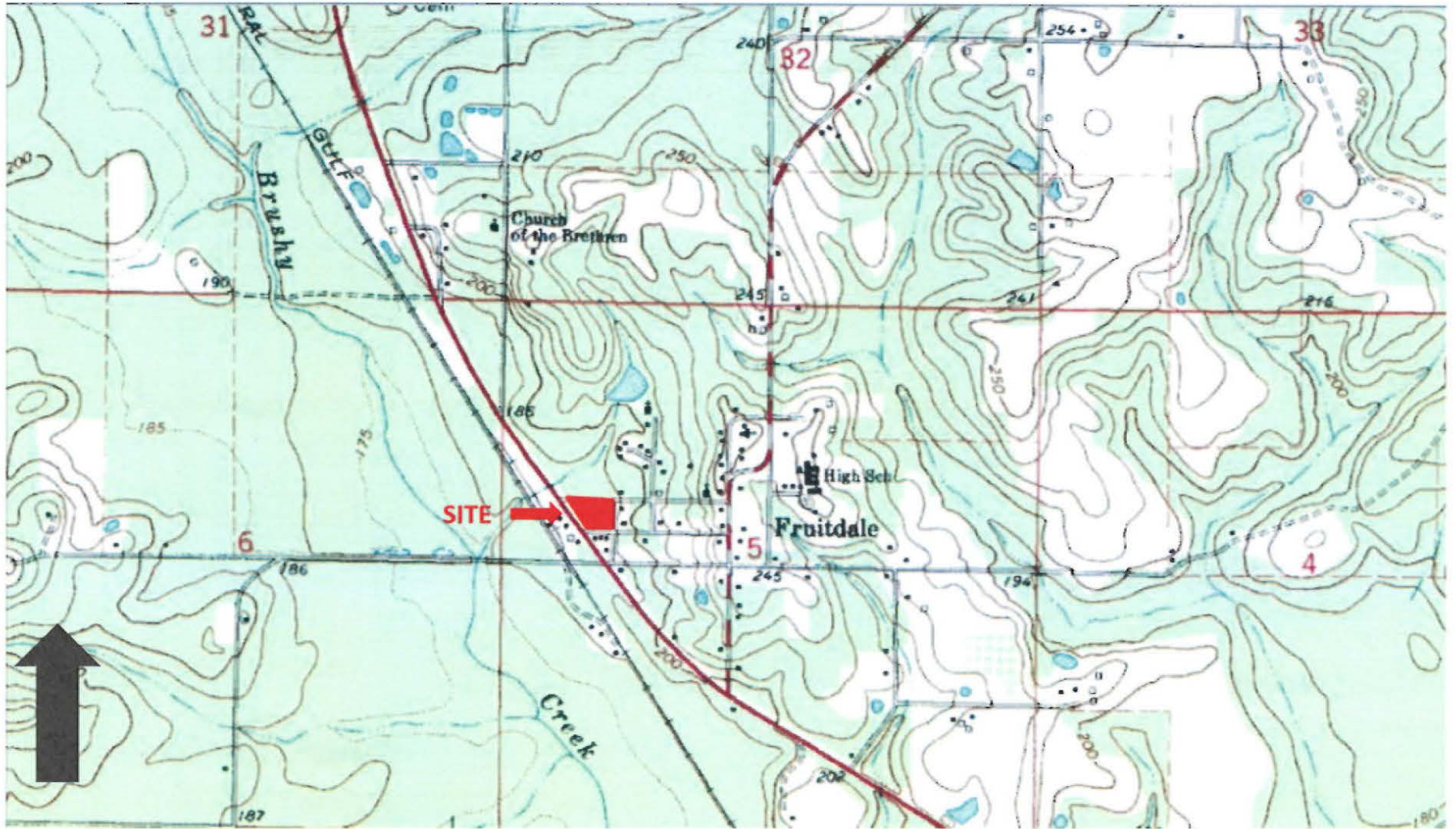
Correspondence concerning this notice should refer to Public Notice Number **SAM-2017-00414-APW**, and should be directed to the **District Engineer, U.S. Army Engineer District, Attention: Ms. Amiee P. Smith, Post Office Box 2288, Mobile, Alabama 36628-0001**, with a copy to the **ADEM, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608**.

All 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, **Ms. Smith, (251) 694-3779, or Amiee.P.Smith@usace.army.mil**. Please refer to the above Public Notice Number.

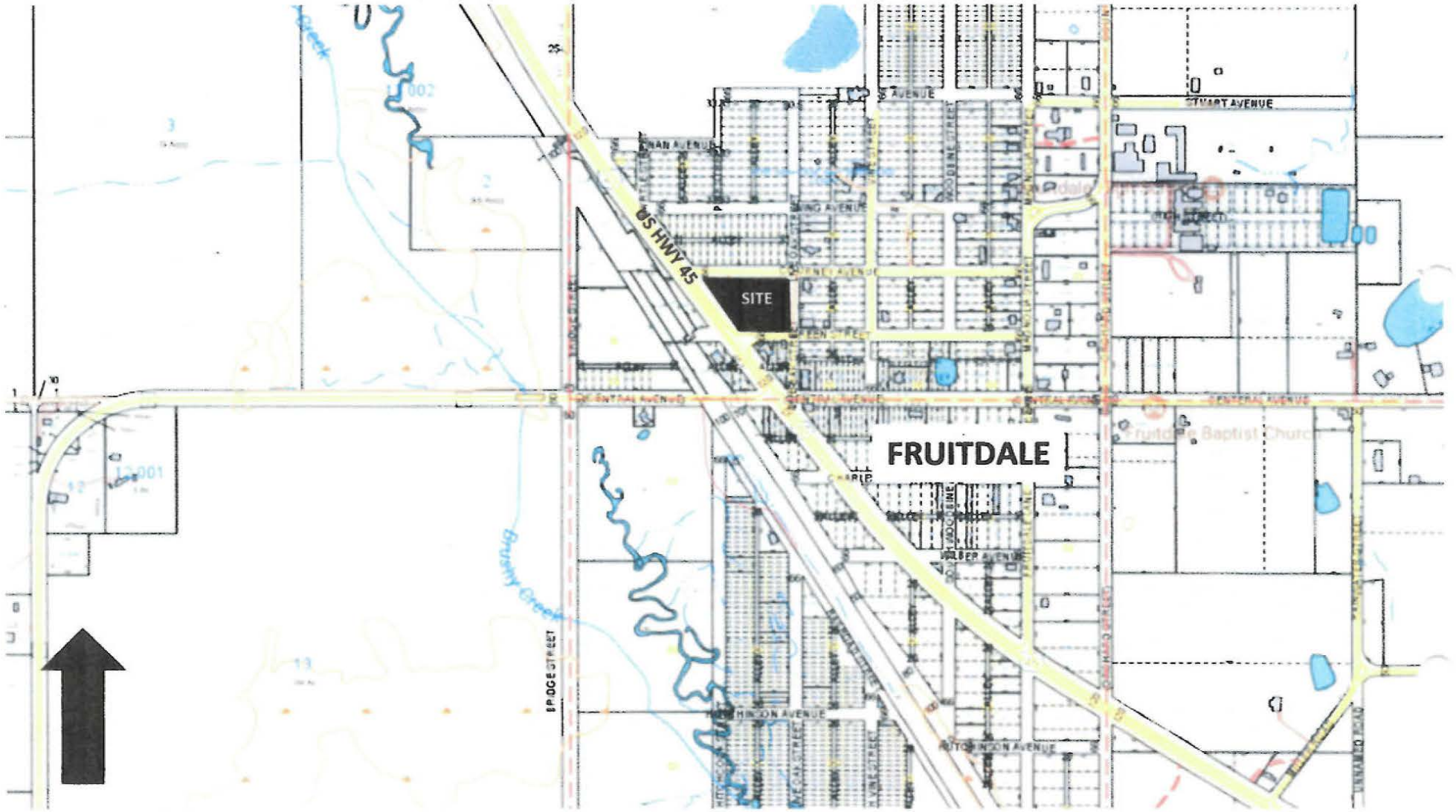
For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

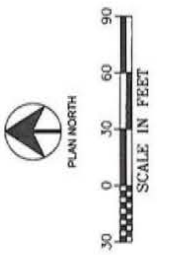
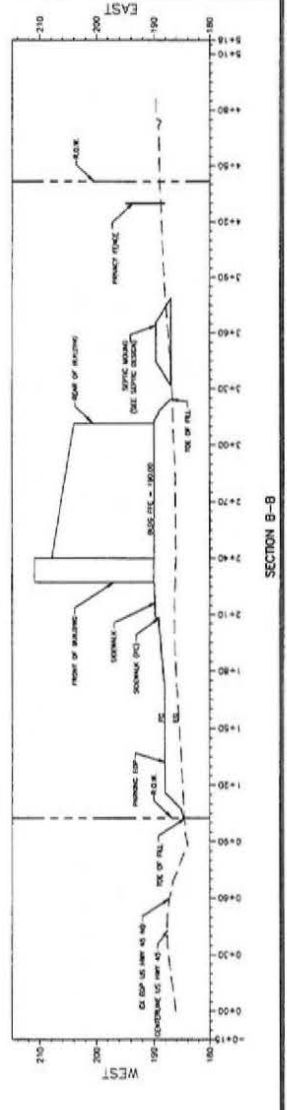
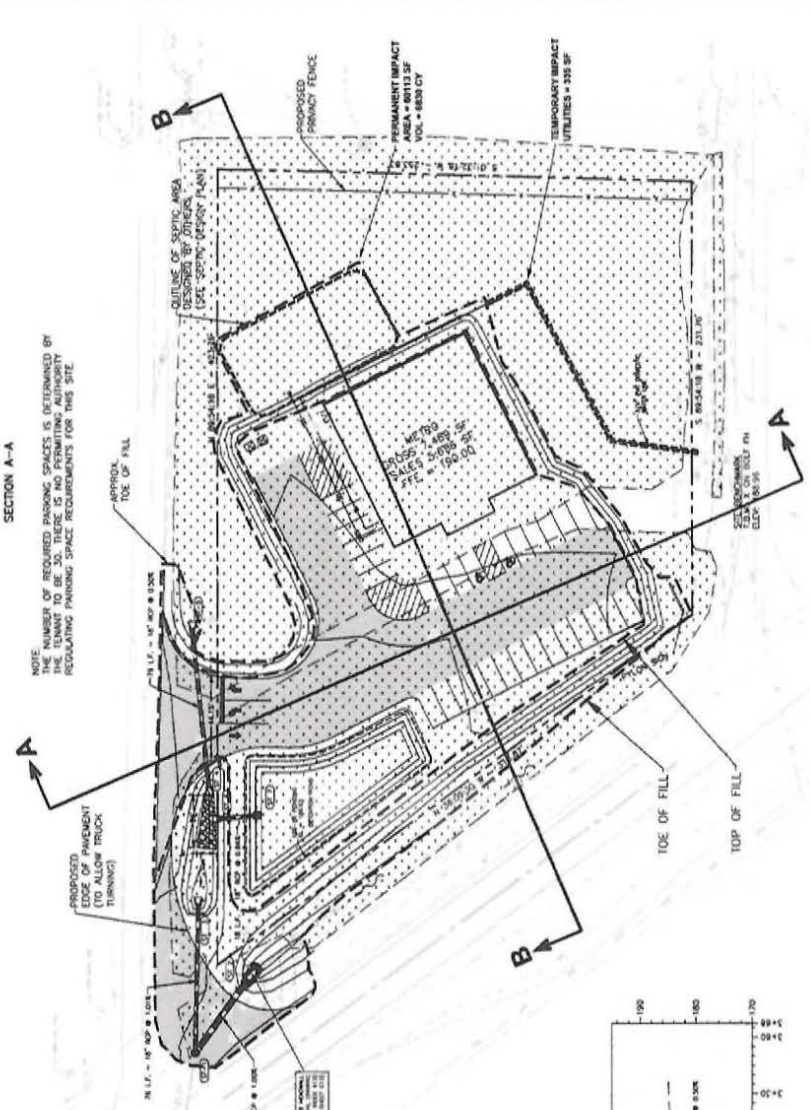
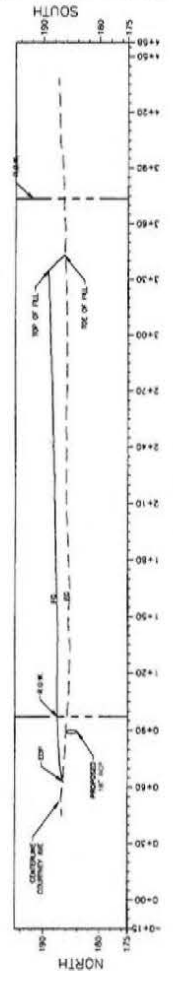


USGS Topographic Map
The Broadway Group, LLC
Retail Development Site
Fruitdale, Washington Co., Alabama



VICINITY MAP
The Broadway Group, LLC
Retail Development Site
Fruitdale, Washington Co., Alabama

SAM-2017-00414-APD
 DEPT. OF THE ARMY



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 ADAM ENGINEERING & CONSTRUCTION, INC.
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 MINNAPOLIS, ALABAMA 35801
 PHONE: (205) 517-8928
 FAX: (205) 517-8934
 WWW.ADAMENGINEERING.COM

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	10/5/17
2	REVISED TO REFLECT COMMENTS FROM THE CITY ENGINEER	10/10/17
3	REVISED TO REFLECT COMMENTS FROM THE CITY ENGINEER	10/10/17
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