



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
MONTGOMERY FIELD OFFICE
105 SOUTH TURNER BOULEVARD
MONTGOMERY, ALABAMA 36114

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2019-00174-JSC

August 5, 2019

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

PROPOSED DISCHARGE OF FILL MATERIAL INTO WATERS OF THE UNITED STATES ASSOCIATED WITH THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT, PIKE ROAD, MONTGOMERY 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 USC 1344). This public notice is being distributed to all known interested person to assist in developing facts on which a decision by the United States Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: Clayton Property Group
DBA Harris Doyle Homes
Attention: Mr. Grant McCaleb
3112 Blue Lake Drive, Suite 100
Birmingham, Alabama 35243

AGENT: Spectrum Environmental
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: The proposed project is located in wetlands and an unnamed tributary to the Tallapoosa River in Pike Road, Montgomery County, Alabama (32.335675, -86.089996) within Section 30, Township 16 North, Range 20 East. The project is located in the Lower Tallapoosa River Hydrologic Unit Code (03150110).

PROJECT PURPOSE: The basic project purpose is residential development.

WORK: The applicant is requesting authorization to discharge fill material into waters of the United States (U.S.) for the construction of a single-family residential subdivision. Specifically, the project would impact 506 linear feet (lf) of perennial stream and 5.98 acres of forested wetlands. The impacts to waters of the U.S. would be associated with the construction of residential homes, roadways, and associated infrastructure.

AVOIDANCE & MINIMIZATION: The applicant stated a total of 4,555 lf of perennial streams, 271 lf of intermittent streams, 217 lf of ephemeral stream, 3 acres of open water, and 32.02 acres of wetlands will be avoided. Approximately 119 acres or 73% of the 164-acre property will remain in an undisturbed natural buffer. **The USACE has not verified the adequacy of the applicant's avoidance and minimization at this time.**

ALTERNATIVES: The project is not water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives, which do not require placing fill into waters of the U.S., are not available. No permit will be issued unless the alternatives analysis demonstrates that practicable upland alternatives are not available to achieve the overall project purpose.

COMPENSATORY MITIGATION: The applicant proposes to purchase stream and wetland credits from the McLemore Mitigation Bank for unavoidable impacts to waters of the U.S.

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.

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. A cultural resource survey has been performed; however, the USACE has not reviewed the report or 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: southern clubshell, Georgia rockcress, and wood stork. There is no designated critical habitat within the proposed project area. A final effects determination will be made during the evaluation process, at which time the USACE will initiate consultation with the U.S. Fish and Wildlife Service (USFWS), as 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-2019-00174-JSC 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
Field Operations Division, Office of Field Services
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 **James.S.Cherry@usace.army.mil** or telephone number **(334) 416-1775**. 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



Source: Image courtesy of ESRI.

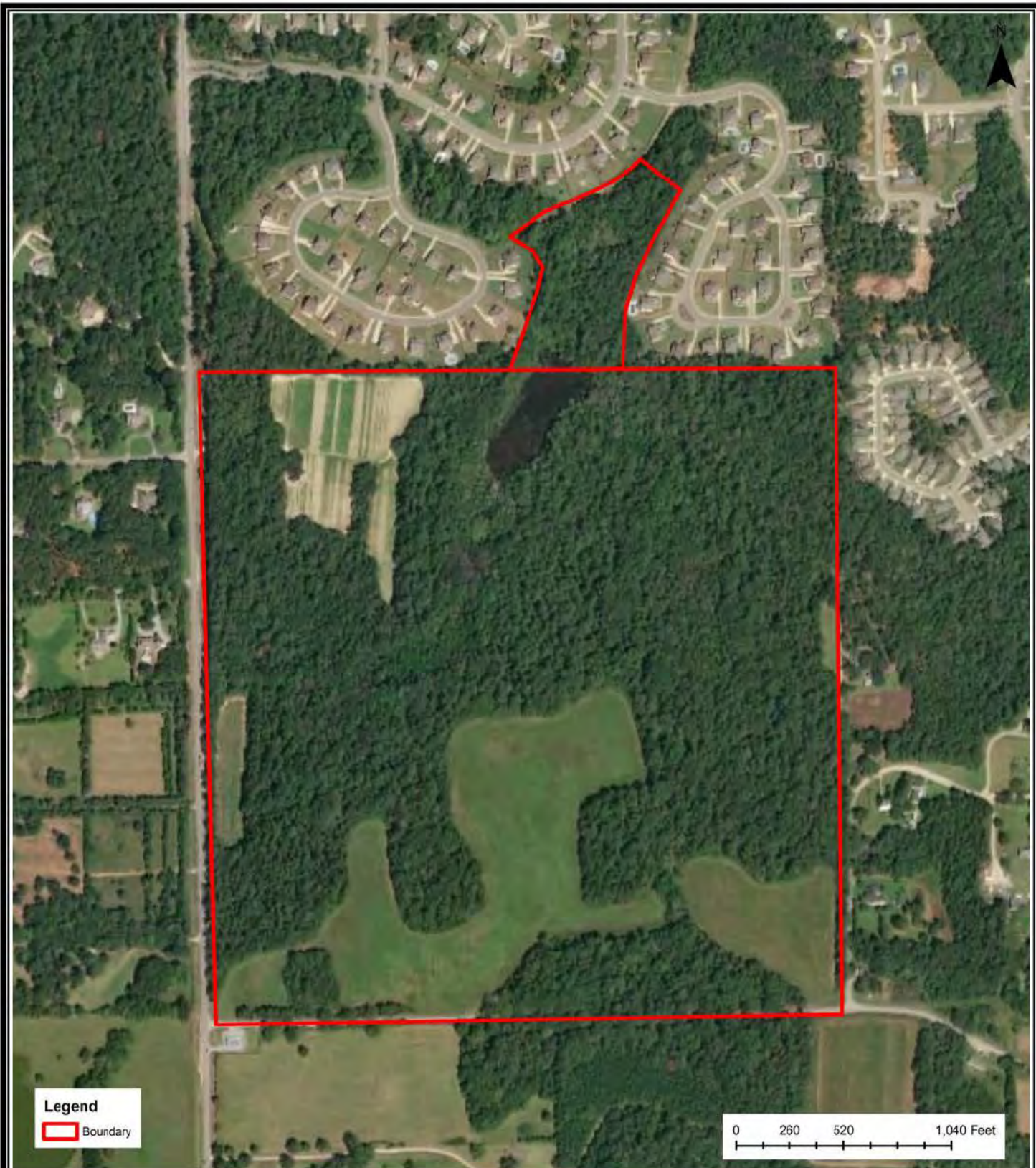
NO.	DATE	REVISION NOTE	BY

Drawn By:	Client #:
AH	3063
Checked By:	Date:
SD	3/26/2019
Project Mgr.:	Project #:
SD	3063-016-31

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Solutions to Your Environmental Challenges

85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE
Figure 1 — Site Location Map SAM-2019-00174-JSC Section 404 Joint Application Individual Permit Harris Doyle Homes Penn Meadows Development Pike Road, Montgomery, Alabama



Source: Image courtesy of ESRI.

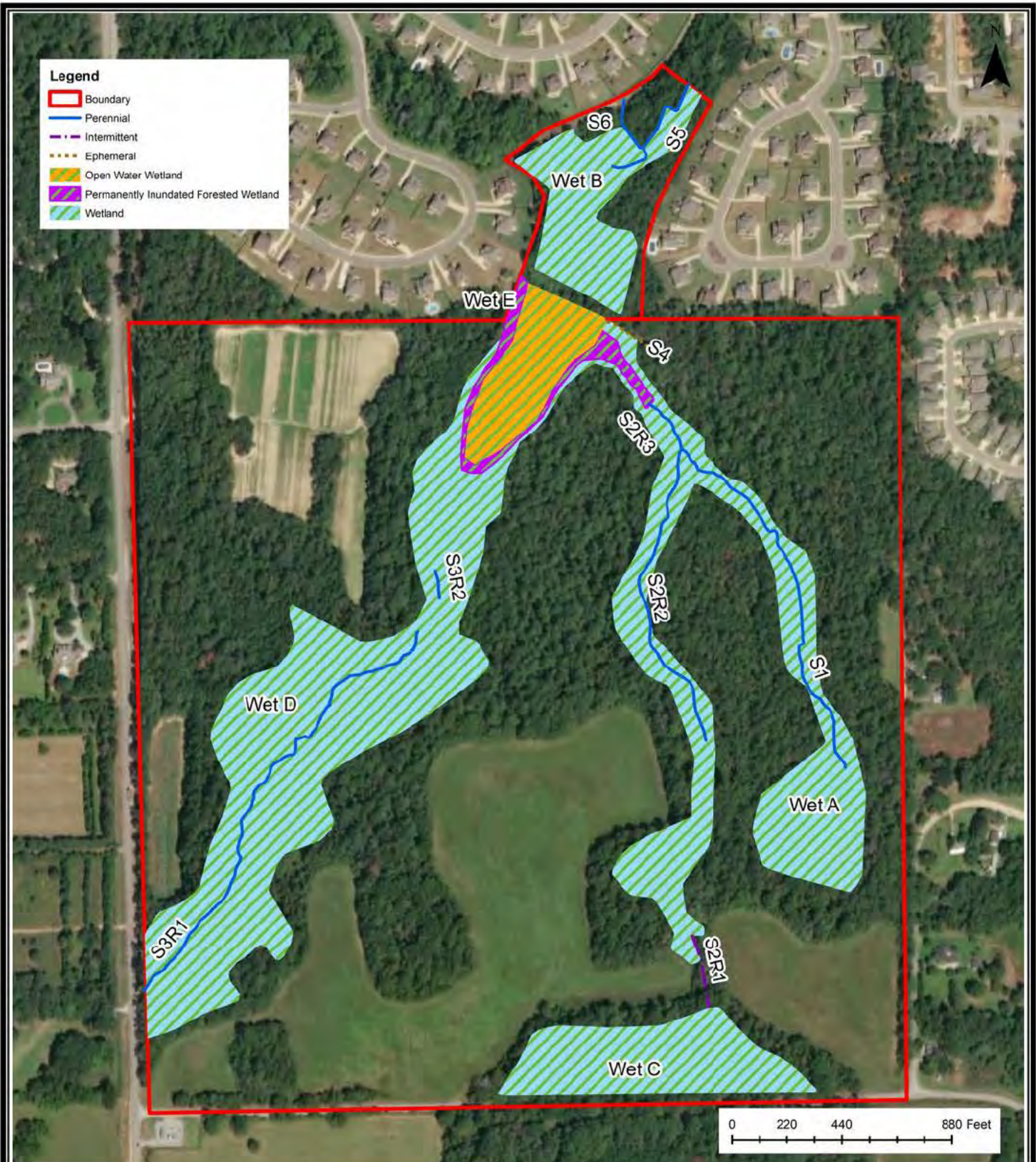
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Figure 3 — Site Location Map (Aerial) SAM-2019-00174-JSC Section 404 Joint Application Individual Permit Harris Doyle Homes Penn Meadows Development P ke Road, Montgomery, Alabama



Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY

Drawn By:	Client #:
AH	3063
Checked By:	Date:
SD	4/12/2019
Project Mgr.:	Project #:
SD	3063-016-31

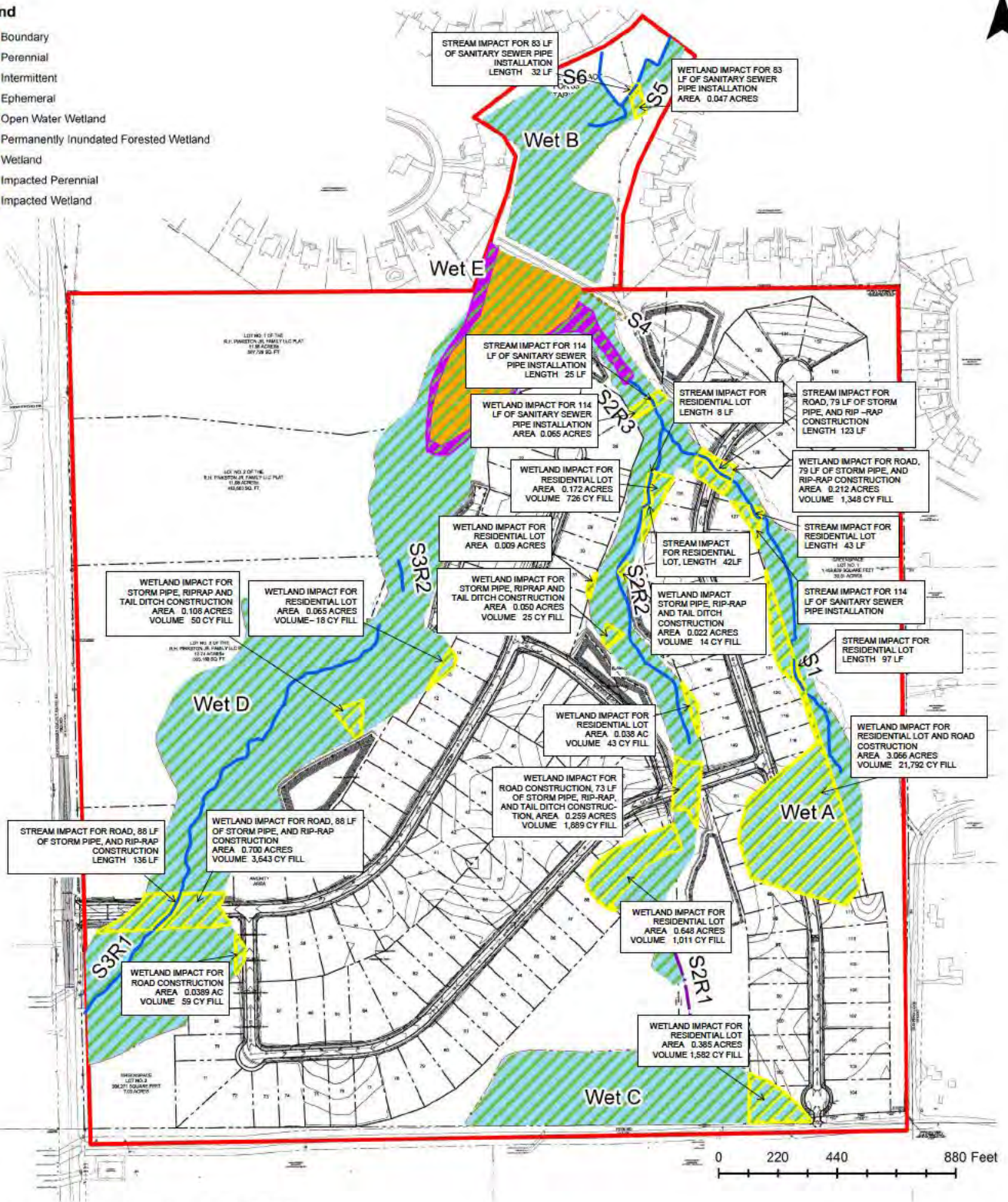
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Figure 7c — Site Delineation Overview Map (Aerial)
SAM-2019-00174-JSC
Section 404 Joint Application Individual Permit
Harris Doyle Homes
Penn Meadows Development
P ke Road, Montgomery, Alabama

Legend

- Boundary
- Perennial
- Intermittent
- Ephemeral
- Open Water Wetland
- Permanently Inundated Forested Wetland
- Wetland
- Impacted Perennial
- Impacted Wetland



Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY

Drawn By:	Client #:
AH	3063
Checked By:	Date:
BM	6/10/2019
Project Mgr.:	Project #:
JD	3063-016-32

85 Spectrum Cove
 Alabaster, AL 35007
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Figure 13a — Final Impact Map SAM-2019-00174-JSC Section 404 Joint Application Individual Permit Harris Doyle Homes Penn Meadows Development Pike Road, Montgomery, Alabama

Site ID	Latitude (decimal degrees)	Longitude (decimal degrees)	Linear Feet/Acres	Impacted LF/Acre	Type
S1	32.33604	-86.087014	1337	263	Perennial
S2R1	32.333578	-86.088337	271	0	Intermittent
S2R2	32.336997	-86.088985	1116	50	Perennial
S2R3	32.338648	-86.088696	186	25	Perennial
S3R1	32.336021	-86.092416	1680	136	Perennial
S3R2	32.337133	-86.091228	95	0	Perennial
S4	32.339426	-86.089089	217	0	Ephemeral
S5	32.341314	-86.088865	455	32	Perennial
S6	32.341359	-86.089185	192	0	Perennial
Wet A	32.336388	-86.088068	11	4.63	Wetland
Wet B	32.340684	-86.089441	4	0.05	Wetland
Wet C	32.332764	-86.08886	5	0.39	Wetland
Wet D	32.336169	-86.092197	17	0.91	Wetland
Wet E	32.339068	-86.089998	1	0	Permanently Inundated Forest- ed Wetland
Open Water Wetland	32.339105	-86.090198	3	0	Open Water Wetland

NO.	DATE	REVISION NOTE	BY

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Checked By:	Date:
BM	6/10/2019
Project Mgr.:	Project #:
JD	3063-016-31



TITLE
Figure 13b — Final Impact Overview SAM-2019-00174-JSC Section 404 Joint Application Individual Permit Harris Doyle Homes Penn Meadows Development P ke Road, Montgomery, Alabama