



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

**CESAM-RD-N
PUBLIC NOTICE NO. SAM-2020-00146-JSC**

April 8, 2020

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

**STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DISCHARGE OF FILL MATERIAL ASSOCIATED WITH THE
PROPOSED CONSTRUCTION OF STATE ROAD-25 (US-411) IN
ETOWAH COUNTY AND CHEROKEE 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 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: Alabama Department of Transportation (ALDOT)
Attention: Mr. Steve E. Walker
1409 Coliseum Boulevard
Montgomery, Alabama 36110

AGENT: AECOM
Attention: Ms. Mandy Phillips
3800 Colonnade Parkway
Birmingham, Alabama 35243

LOCATION: The proposed project is located in wetlands and other waters along a proposed transportation corridor between Turkeytown, Etowah County and Slackland, Cherokee County, Alabama. More specifically, the proposed project is located along the west side of existing US-411 within Sections 2, 3, 10 Township 11 South, Range 7 East; Sections 25, 35, 36 Township 10 South, Range 7 East; and Sections 19, 20, 30 Township 10 South, Range 8 East. The proposed project commences at Latitude 34.09665° North, Longitude 85.83259° West and terminates at Latitude 34.146755° North, Longitude 85.832673° West. The proposed project corridor is found on Gadsden West, Alabama Quadrangle, United States Geological Survey Topographic Map, and is located within the Middle Coosa River watershed (HUC 03150106).

PURPOSE: The basic project purpose is construction of a new four-lane transportation facility. The overall project purpose is construction of a new four-lane facility between two existing four-lane sections of US-411 to provide a continuous 28 miles of four-lane highway between Rainbow City and Centre, Alabama

PROPOSED WORK: The applicant is requesting authorization for the discharge of fill material into waters of the U.S. (WOUS) associated with the construction of a new four-lane segment of US-411. The proposed project would permanently impact 2,818 linear feet of perennial streams, 4,153 linear feet of intermittent streams, 1,818 linear feet of ephemeral streams, 5 acres of wetlands, and 0.67 acres of open waters. Activities proposed within WOUS include mechanized land clearing, discharge of fill material, and excavation or removal activities.

AVOIDANCE & MINIMIZATION: According to the applicant, constraints related to project logistics, location of existing infrastructure, presence of major topographic features, project to watershed orientation, and presence of local communities and residential development caused complete avoidance of impacts to WOUS to be impracticable. Additional information provided by the applicant does, however, indicate that avoidance and minimization of project impacts to WOUS was achieved through a variety of approaches. Specifically, the applicant demonstrates avoidance and minimization to WOUS through the use of an iterative design process and implementation of less impactful design elements that included alignment shifts and revisions to proposed slopes.

The applicant also proposes to minimize impacts to WOUS through the implementation of strict best management practices (e.g. the contractor will be required to maintain a 25' vegetative buffer along the stream crossings) and stated that all clearing activities would be performed in strict accordance with an Erosion and Sedimentation Control Plan. In addition to these construction focused methods, the applicant proposes to utilize additional restrictive language and exclusionary areas to minimize impacts to WOUS. To that end, the applicant has proposed the following: "Exclusion areas which prohibit the contractor from impacting waters of the U.S. beyond the construction limits have been implemented into the construction plans with a plan sheet note 408 stating 'Clearing, grubbing, or any other land disturbing activities except for those required to install erosion and control BMPs shall be prohibited in the exclusion areas identified in the plan sheets, unless directed by the engineer otherwise.'" The USACE has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

COMPENSATORY MITIGATION: The applicant proposes to compensate for unavoidable impacts to streams through the purchase of stream mitigation credits from an USACE approved mitigation bank. The applicant proposes to compensate for unavoidable impacts to wetlands through the withdrawal of wetlands credits from an USACE approved ALDOT wetland mitigation bank.

The USACE has not verified the adequacy of the applicant's proposed mitigation plan at this time.

LEAD FEDERAL AGENCY ROLE: The Federal Highway Administration (FHWA) is considered the lead federal agency for the coordination and conduct of environmental reviews under the National Environmental Policy Act (NEPA). Pursuant to NEPA, FHWA prepared an Environmental Assessment (EA) for the proposed road construction project. The EA addressed alternatives that considered various alignments of the proposed project. FHWA approved a Findings of No Significant Impact (EA/FONSI) in June 1994. The U.S. Army Corps of Engineers is considering adopting FHWA's EA; however, a separate decision document would be prepared prior to a final decision concerning issuance or denial of the requested DA permit. Comments received would be used by the USACE in the preparation of any supplemental EA and/or an Environmental Impact Statement, if required, pursuant to NEPA prior to a final decision concerning issuance or denial of the DA permit. The USACE would participate as a cooperating agency in the development of any additional NEPA documentation.

WATER QUALITY: 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.

PUBLIC INTEREST REVIEW/CUMULATIVE EFFECTS: 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. 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.

SOLICITATION OF COMMENTS: 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. 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. 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 EA and/or an Environmental Impact Statement pursuant to the NEPA.

PUBLIC HEARING REQUESTS: 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: Pursuant to Section 106 of the National Historic Preservation Act, the FHWA has reviewed the proposed undertakings on properties listed in or eligible for listing in the National Register of Historic Places. Additionally, the project study area has been surveyed for historic and archaeological resources. One resource of archaeological significance has been identified. ALDOT, in conjunction with the Alabama Historical Commission (AHC) and the FHWA, has developed the research design for the Phase III archaeological data recovery of the site. The Phase III Data Recovery proposal was approved by AHC in an email dated March 30, 2020. All work will be conducted in compliance with Section 106 of the National Historic Preservation Act of 1966, with regulations implementing this legislation (36 CFR Part 800: Protection of Historic Properties), specific National Register Bulletin guidelines, the Secretary of Interior's Guidelines for Evaluating and Documentation, and with standards set by the Alabama Historical Commission.

ENDANGERED SPECIES: Pursuant to Section 7(c) of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.), the FHWA has reviewed the proposed undertaking's potential to affect threatened or endangered species. The U.S. Fish and Wildlife Service (USFWS) provided clearance for the project on April 21, 2011 (2010-TA-0681). An updated concurrence by USFWS was provided on June 3, 2019.

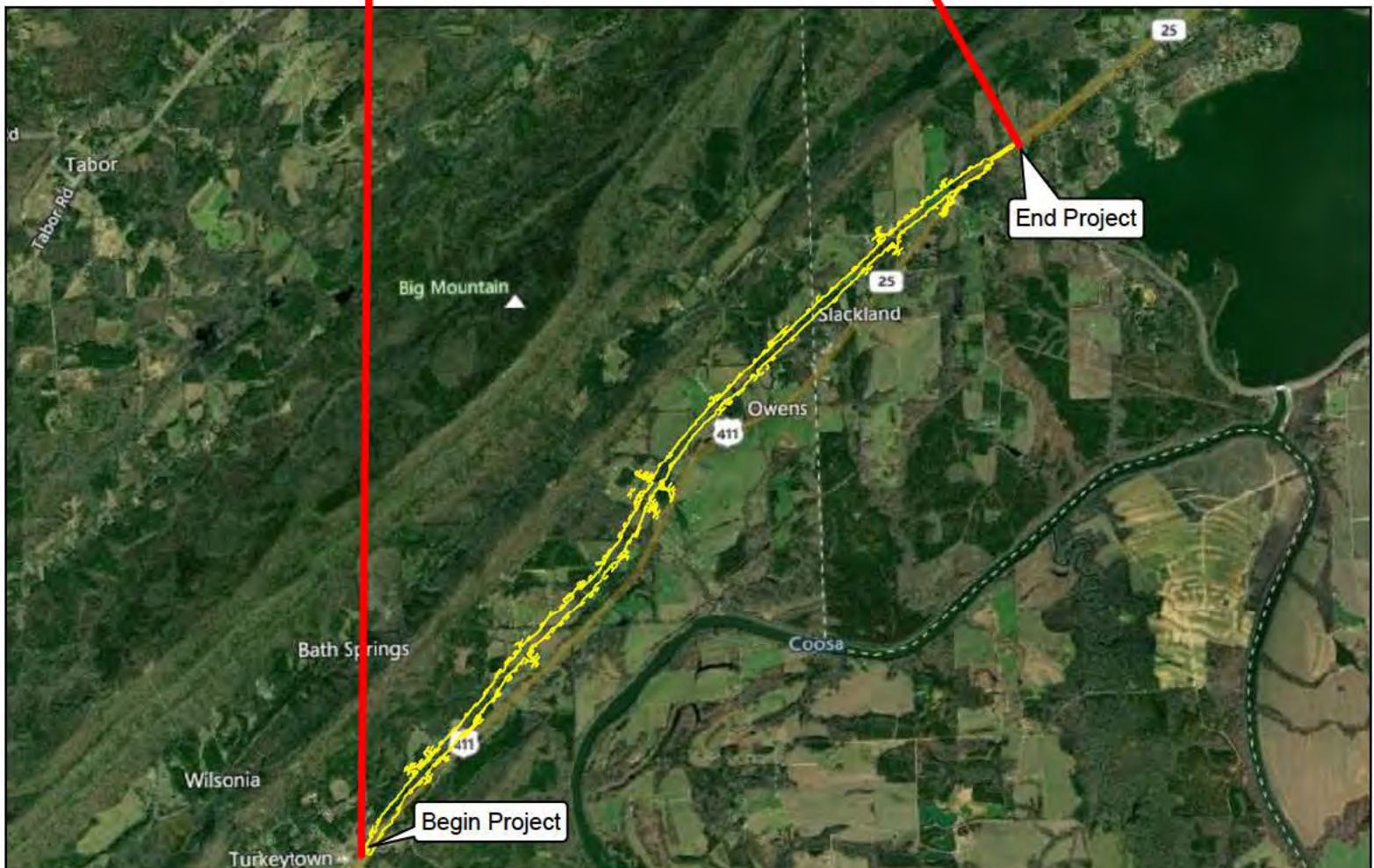
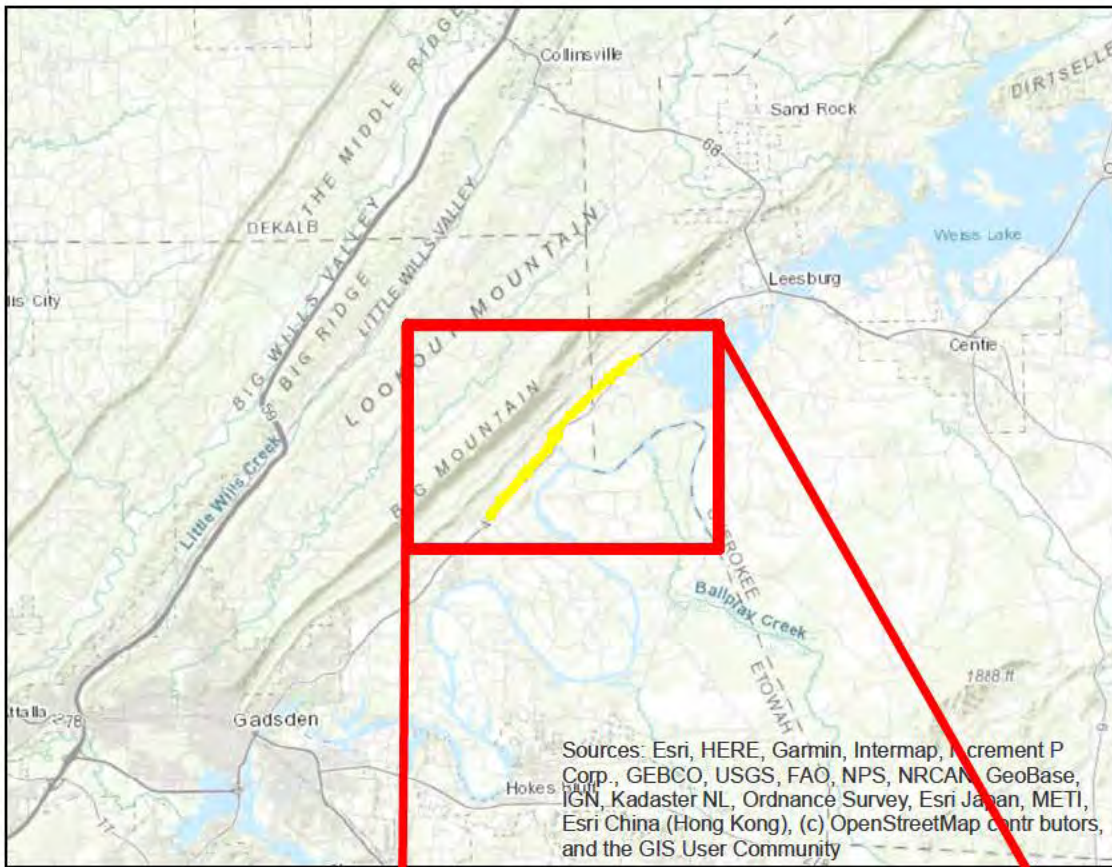
COMMENT PERIOD: All comments should be received no later than **30 days** from the date of issuance of this Public Notice. Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2020-00146-JSC** and should be directed to the District Engineer, U.S. Army Corps of Engineers 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, Attention: Mr. Richard Hulcher, Post Office Box 301463, Montgomery, Alabama 36130-1463. Comments may also be submitted via e-mail to USACE at **James.S.Cherry@usace.army.mil** and to ADEM at **fieldmail@adem.alabama.gov**.

April 8, 2020

If you have any questions or comments 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 the Mobile District's Regulatory Program, please take a moment to visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

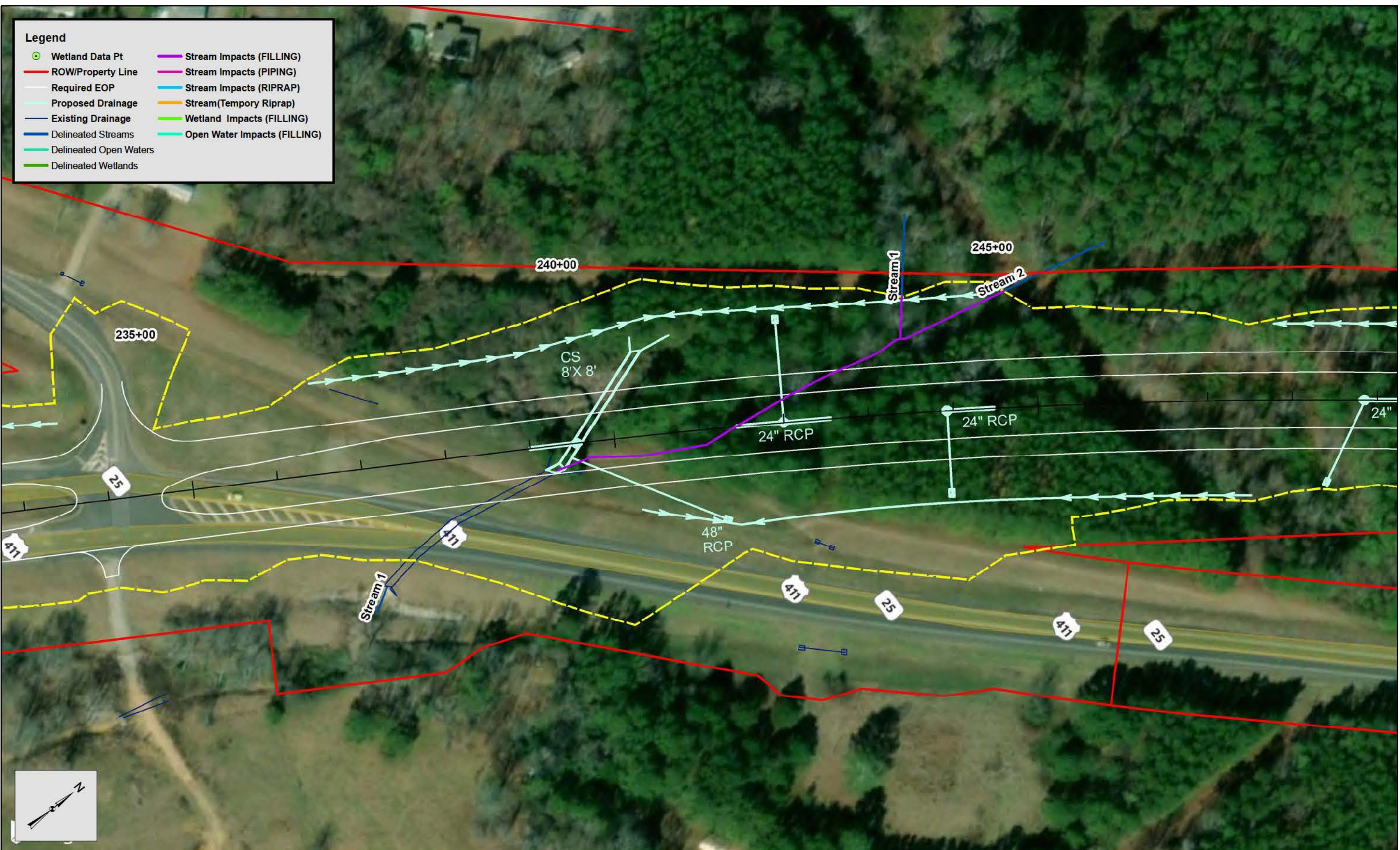
Enclosures



SAM-2020-00146-JSC
 Project No. RAEDAA-0025(556)
 SR-25 (US-411) from Turkeytown to Cherokee CR-20
 Etowah & Cherokee Counties, Alabama

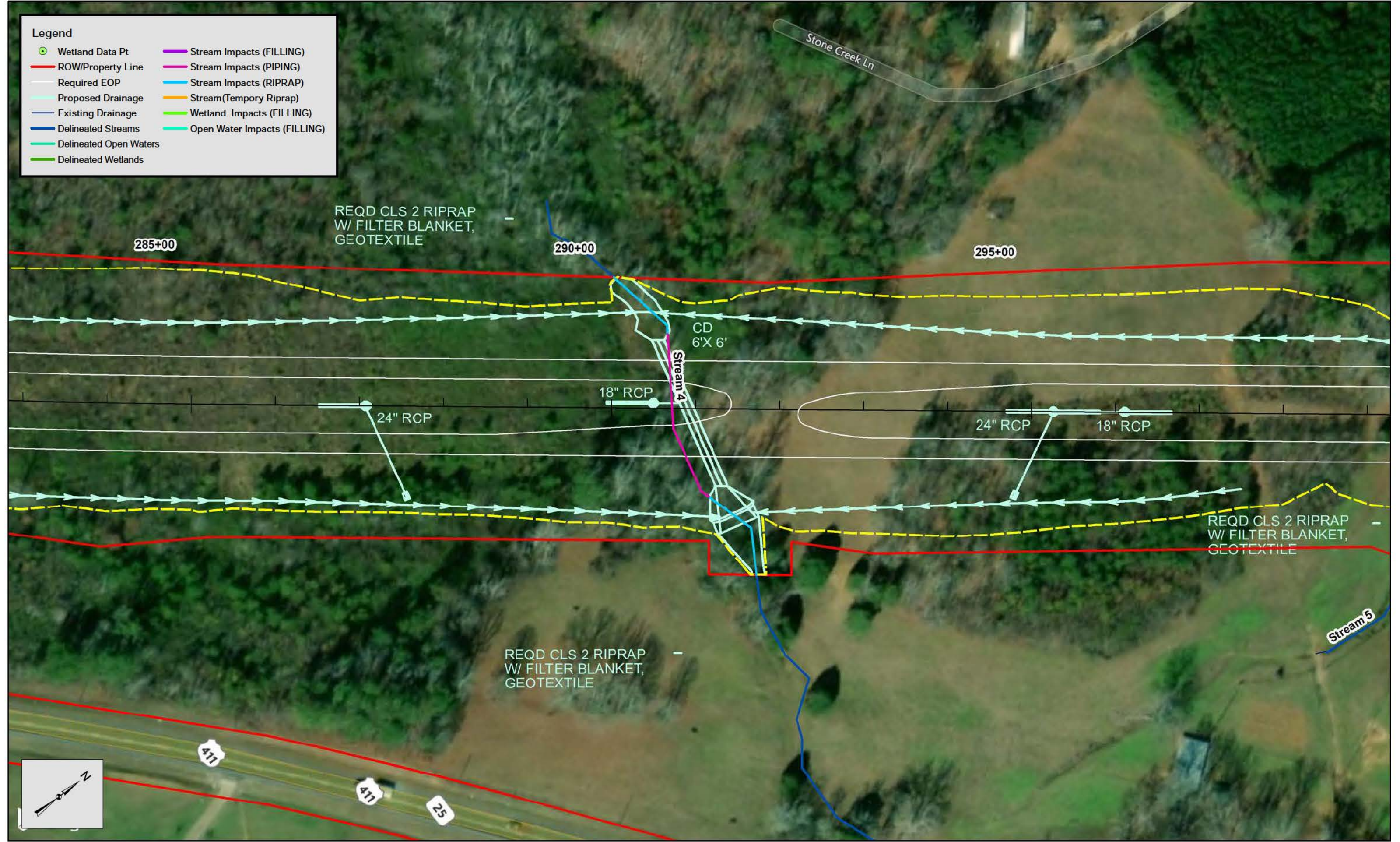
Figure 1

- Legend**
- Wetland Data Pt
 - ROW/Property Line
 - Required EOP
 - Proposed Drainage
 - Existing Drainage
 - Delineated Streams
 - Delineated Open Waters
 - Delineated Wetlands
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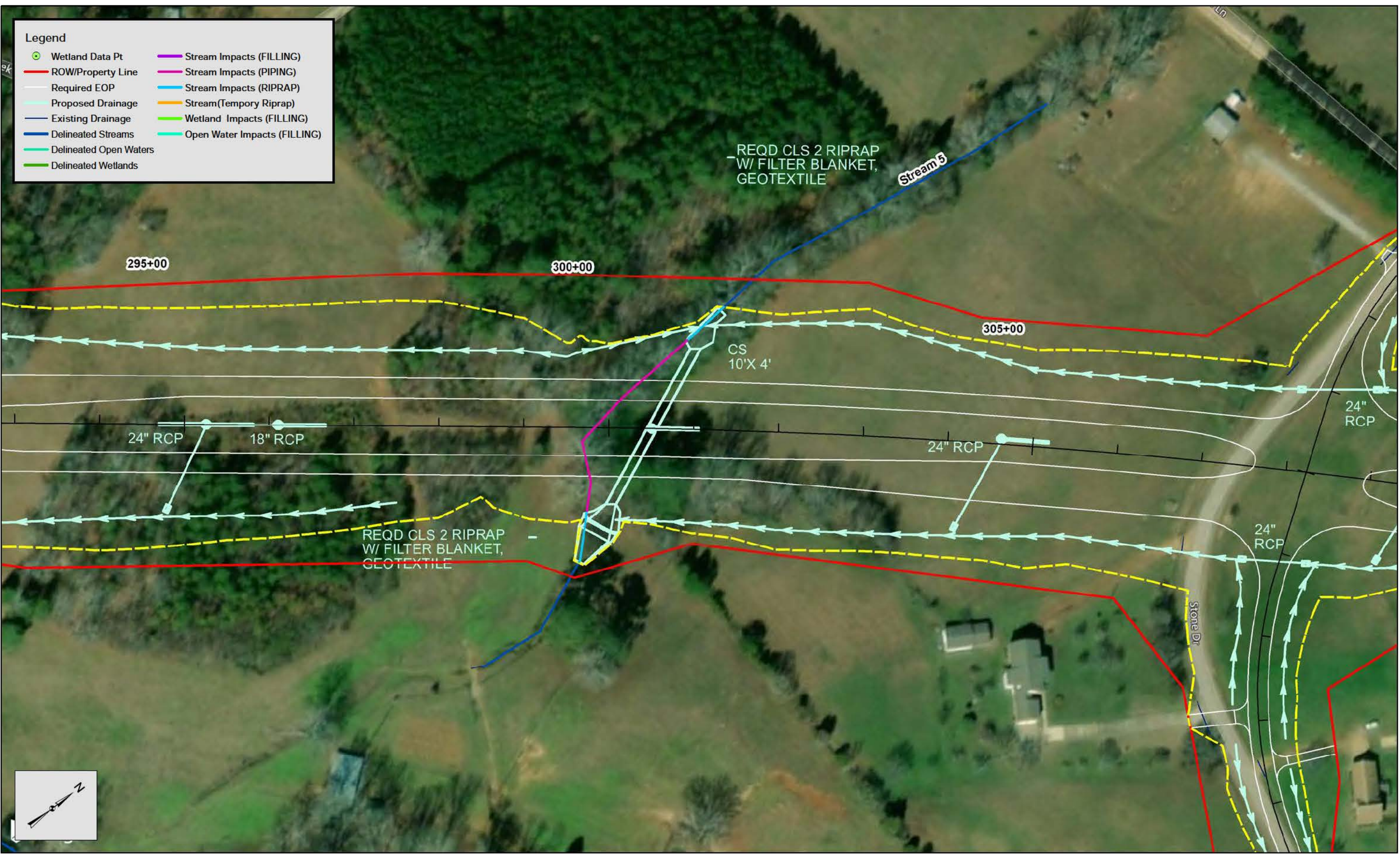


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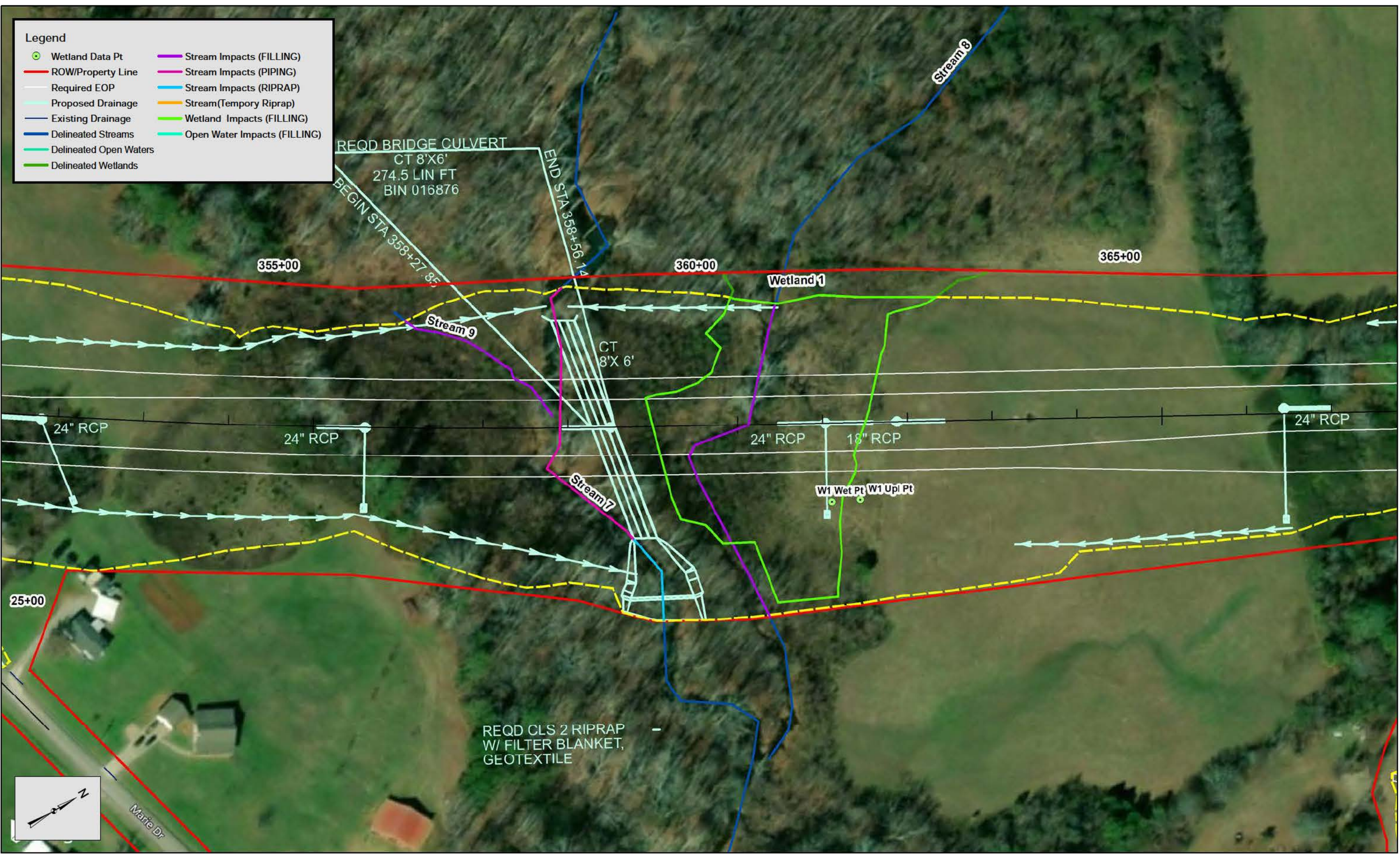
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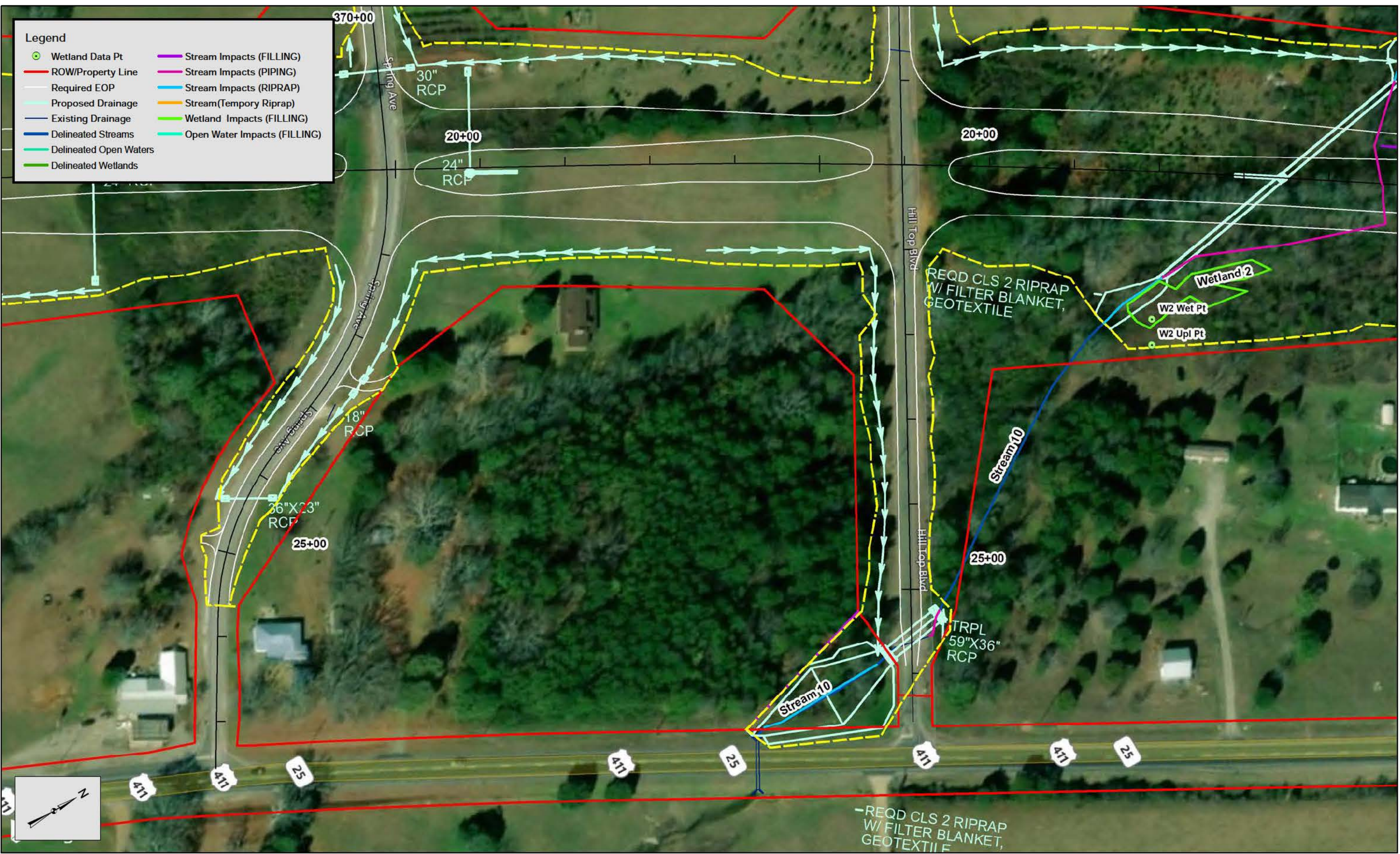


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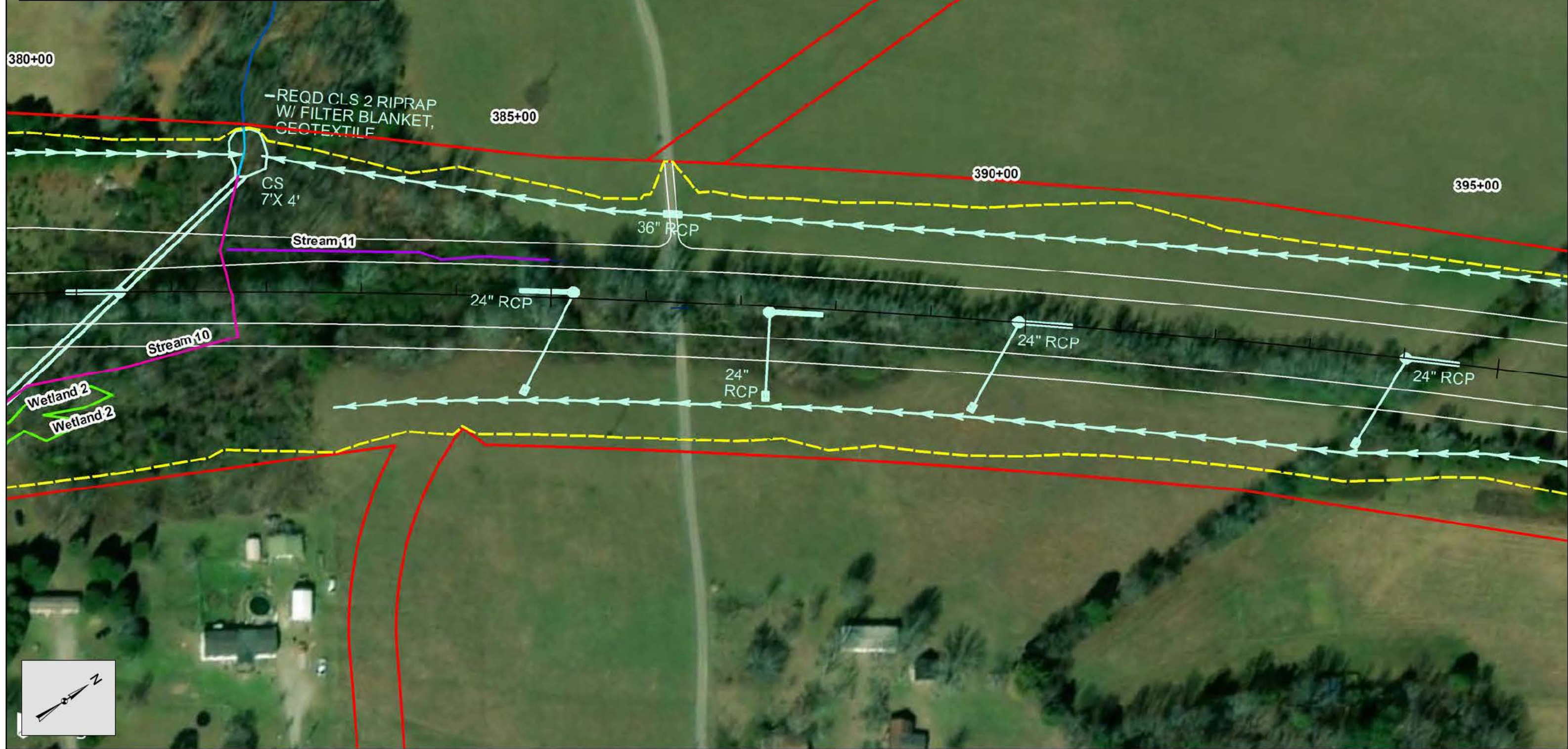
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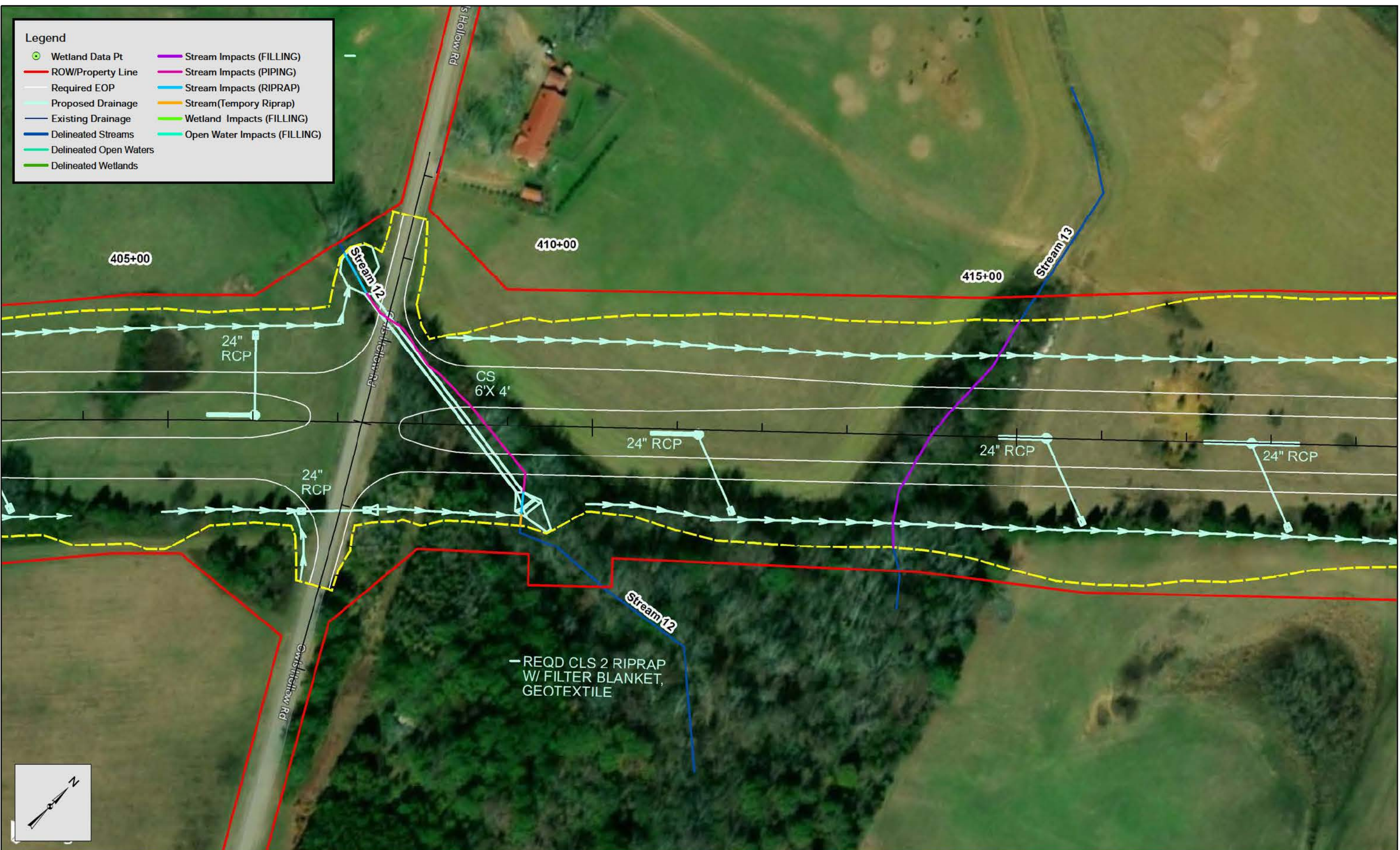
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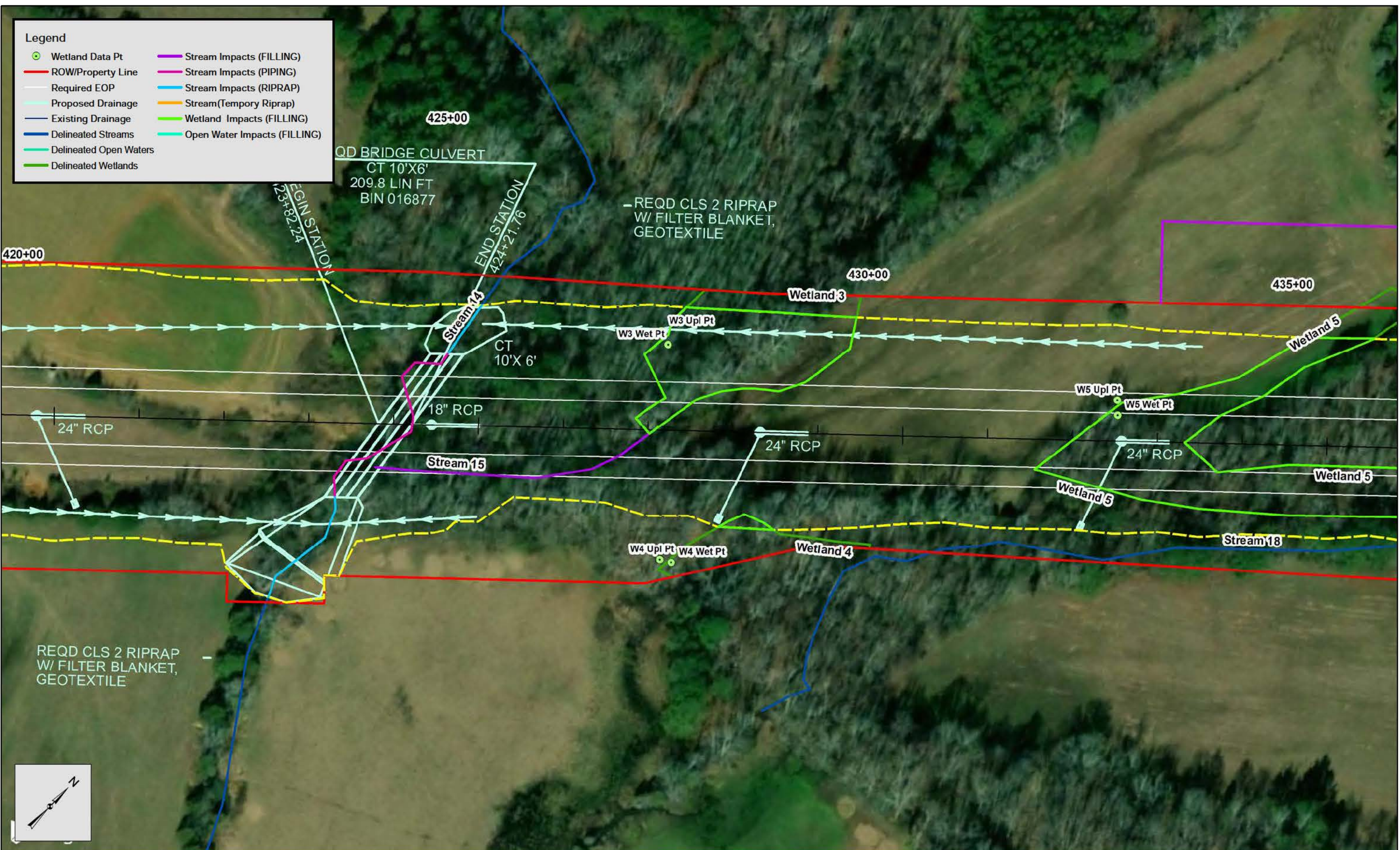


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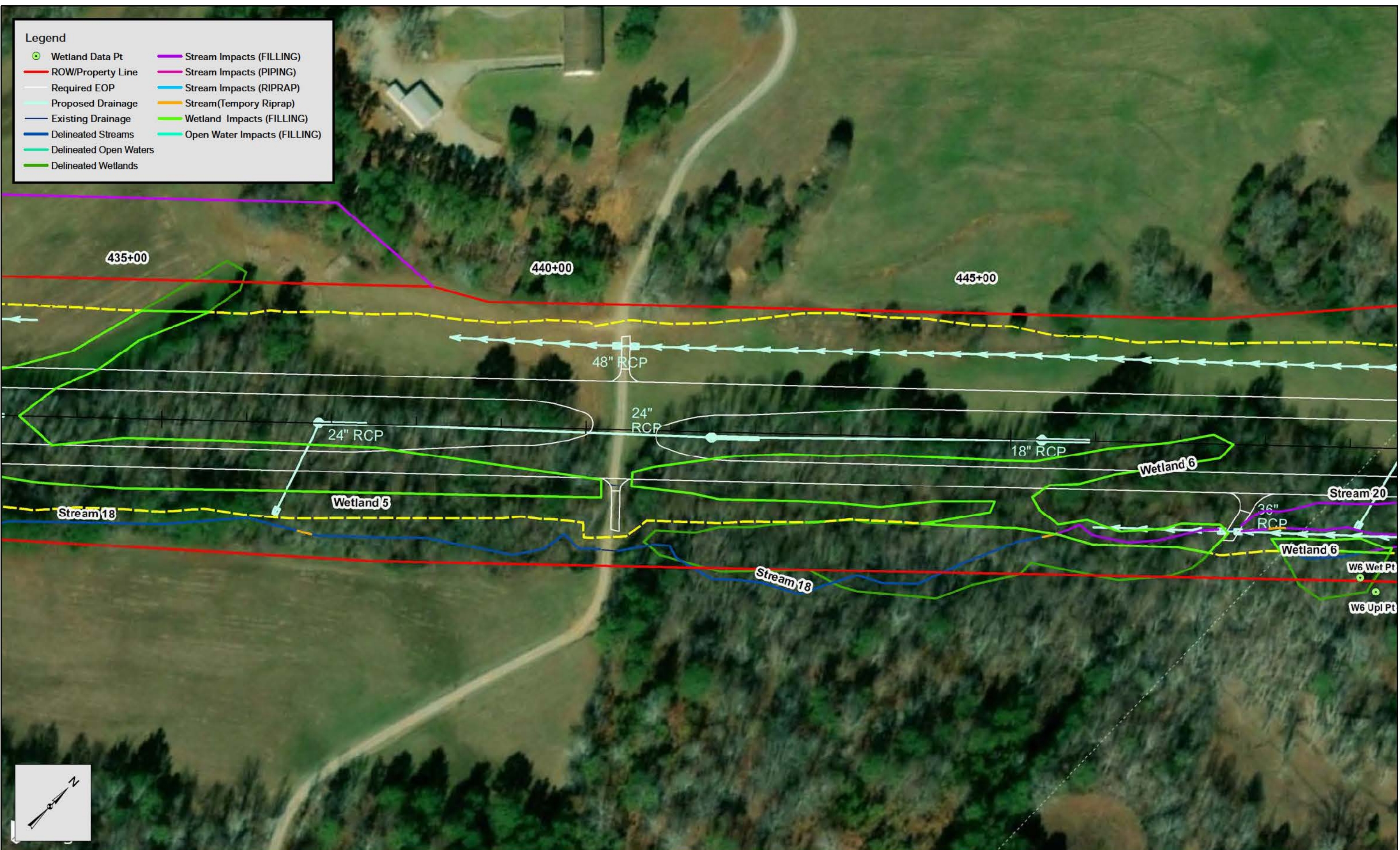


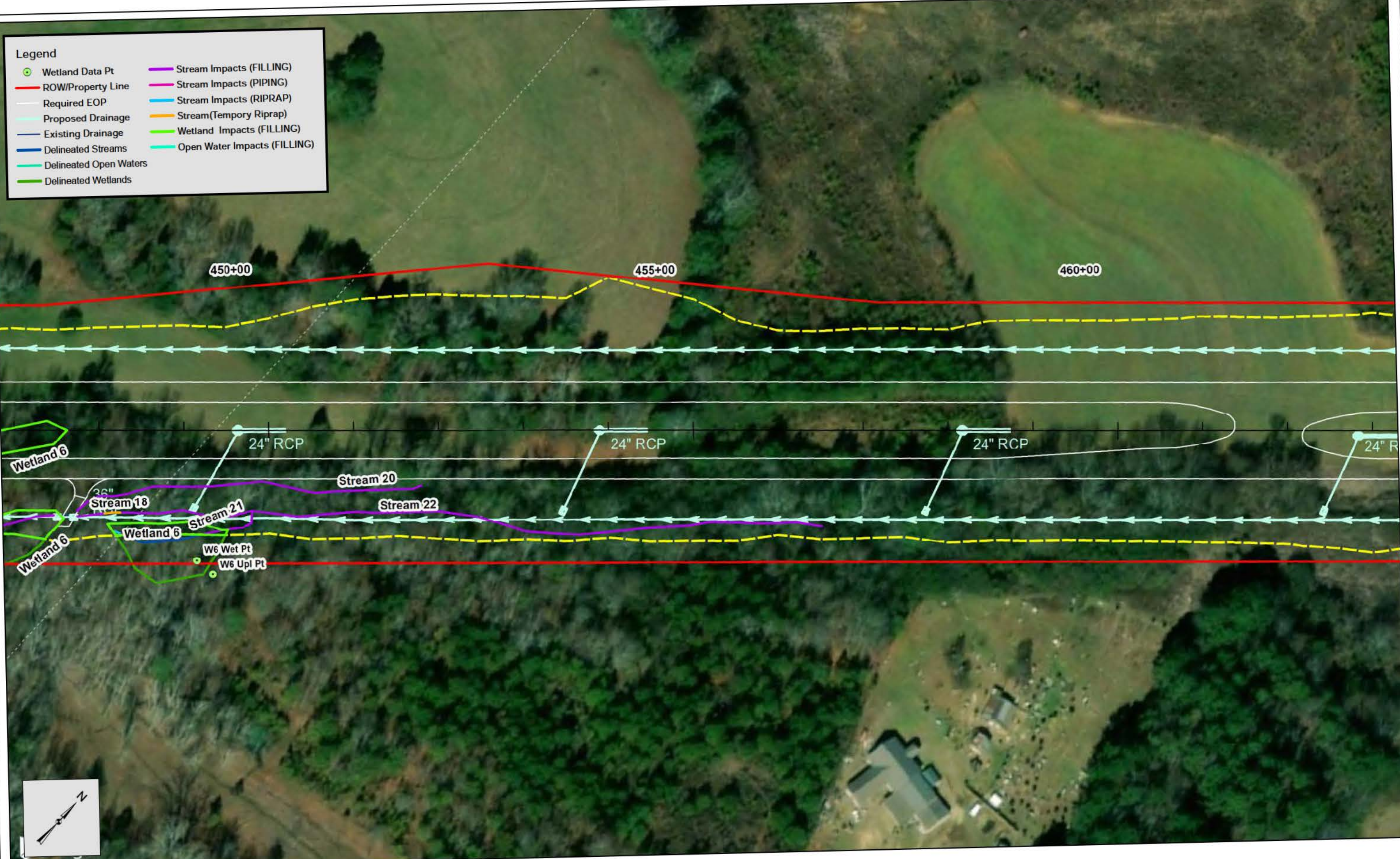
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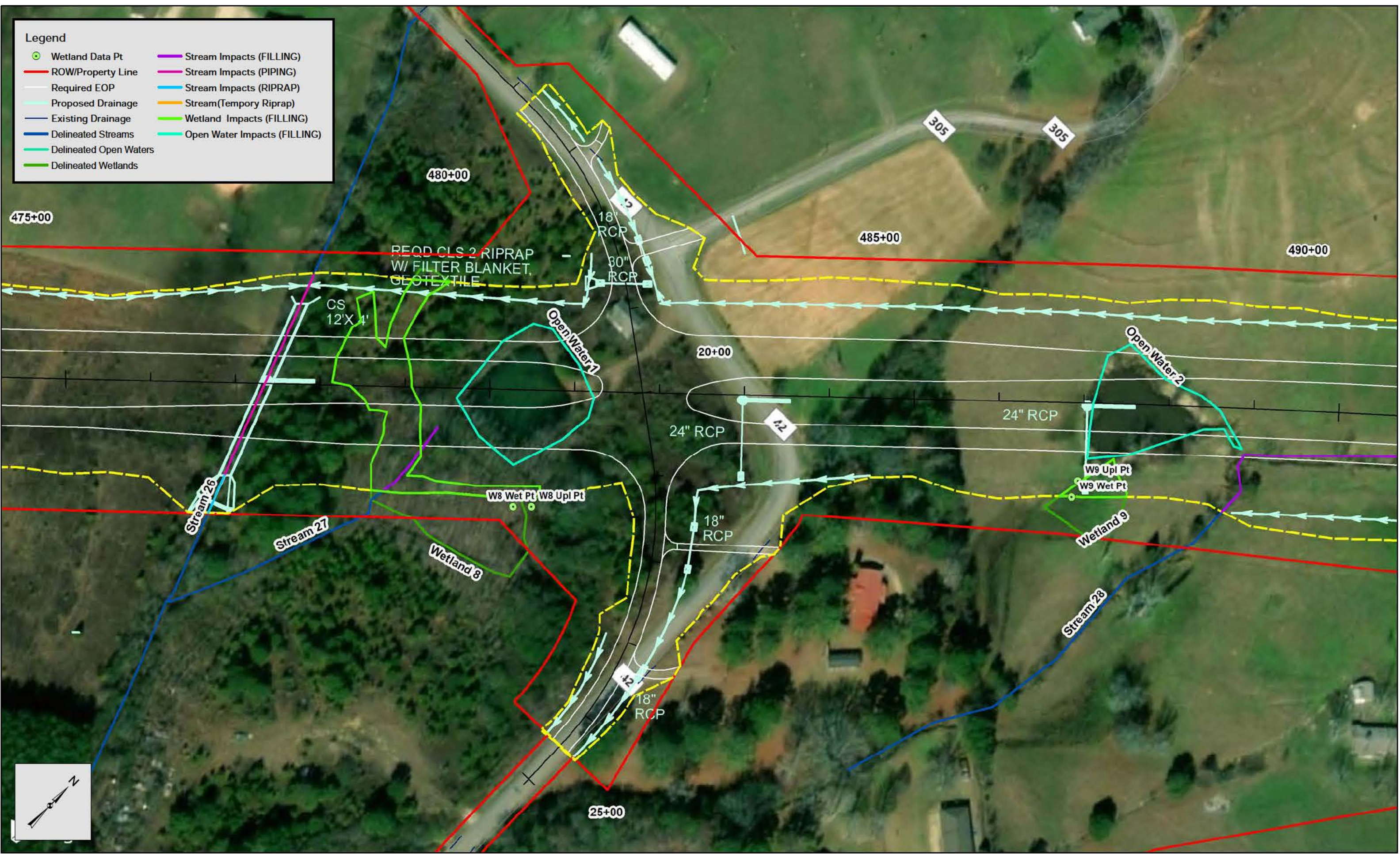


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Table 1 Wetland Impacts

County/State	Wetland Id	Cowardian Code	Wetland Description	Area (Acres)	Latitude	Longitude
Etowah/AL	W1	PFO	Forested wetland adjacent to S8 with beaver dam	1.5412	34.12165	-85.86123
Etowah/AL	W2	PFO	Forested slope wetland adjacent to S10	0.1107	34.12548	-85.85766
Etowah/AL	W3	PFO	Forested wetland adjacent to S15 with beaver dam	0.4815	34.13557	-85.84756
Etowah/AL	W4	PFO	Forested wetland adjacent to S18	0.0134	34.13518	-85.84696
Etowah/AL	W5	PFO	Forested wetland adjacent to S18	1.2665	34.13649	-85.84614
Etowah & Cherokee/AL	W6	PFO	Forested wetland adjacent to S18	0.9000	34.13924	-85.84164
Cherokee/AL	W7	PEM	Emergent wetland adjacent to S25	0.2015	34.14383	-85.83618
Cherokee/AL	W8	PFO	Forested wetland adjacent to S27 and OW1	0.3702	34.14519	-85.83402
Cherokee/AL	W9	PEM	Emergent wetland adjacent to S28 and OW2 in farm field	0.0410	34.14636	-85.83259

Table 2 Open Water Impacts

County/State	Waterbody Number	Waterbody Classification	Cowardian Code	OHWB Width (feet)	Length (Feet)	Area (Acres)	Latitude	Longitude
Cherokee/AL	OW1	Open Water Impoundment	POW	---	---	0.3838	34.145160	-85.834403
Cherokee/AL	OW2	Open Water Impoundment	POW	---	---	0.2942	34.146755	-85.832673

Table 3 Stream Impacts

County/ State	Waterbody Number	Waterbody Classification	Cowardin Code	OHWM Width (feet)	Length (Feet)	Area (Acres)	Latitude	Longitude
Etowah/AL	S1	Perennial	R3UB	4	468	0.0430	34.09665	-85.886986
Etowah/AL	S2	Intermittent	R4SB	4	134	0.0092	34.097398	-85.887011
Etowah/AL	S4	Perennial	R3UB	5	415	0.0476	34.106943	-85.875749
Etowah/AL	S5	Intermittent	R4SB	4	369	0.0339	34.10869	-85.874354
Etowah/AL	S6	Perennial	R3UB	4	351	0.0322	34.116057	-85.866535
Etowah/AL	S7	Perennial	R3UB	20	452	0.2075	34.120752	-85.861085
Etowah/AL	S8	Intermittent	R4SB	3	439	0.0302	34.121035	-85.860808
Etowah/AL	S9	Ephemeral	R6	2.75	215	0.0136	34.120808	-85.861799
Etowah/AL	S10	Intermittent	R4SB	3	709	0.0488	34.125237	-85.857667
Etowah/AL	S11	Ephemeral	R6	2	340	0.0156	34.127102	-85.857146
Etowah/AL	S12	Intermittent	R4SB	3	373	0.0257	34.13186	-85.851544
Etowah/AL	S13	Ephemeral	R6	2	294	0.0135	34.13253	-85.850179
Etowah/AL	S14	Perennial	R3UB	20	483	0.2218	34.134535	-85.848118
Etowah/AL	S15	Perennial	R3UB	6	337	0.0464	34.134943	-85.84753
Etowah/AL	S18	Intermittent	R4SB	4	424	0.0389	34.135656	-85.846280
Cherokee/AL	S20	Intermittent	R4SB	3	415	0.0286	34.139325	-85.841941
Cherokee/AL	S21	Intermittent	R4SB	3	73	0.0050	34.139313	-85.841668
Cherokee/AL	S22	Ephemeral	R6	3	676	0.0466	34.139691	-85.841331
Cherokee/AL	S23	Intermittent	R4SB	5	251	0.0288	34.143430	-85.836578
Cherokee/AL	S24	Ephemeral	R6	3	146	0.0101	34.143797	-85.836709
Cherokee/AL	S25	Ephemeral	R6	1.5	114	0.0039	34.143653	-85.836384
Cherokee/AL	S26	Perennial	R3UB	4	312	0.0287	34.145167	-85.835325
Cherokee/AL	S27	Ephemeral	R6	4	33	0.0030	34.144638	-85.834544
Cherokee/AL	S28	Intermittent	R4SB	4	966	0.0887	34.146775	-85.832179