



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

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2020-00303-CMS

August 20, 2020

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PROPOSED DISCHARGE OF FILL MATERIAL INTO WETLANDS AND PERENNIAL
STREAMS ASSOCIATED WITH THE CONSTRUCTION OF A COMMERCIAL
DEVELOPMENT IN CULLMAN, CULLMAN 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: Cullman Partnerships, LLC
Attention: Mike Nelson
5455 Troy Highway
Montgomery, Alabama 36116
mnelson@halsteadcontractors.com

AGENT: Spectrum Environmental, Inc.
Attention: Bailey Maier
85 Spectrum Cove
Alabaster, Alabama 35007
bmaier@specenviro.com

LOCATION: **The proposed project is located in wetlands and perennial streams on an 11-acre parcel located in Cullman, Cullman County, Alabama. Specifically, the project boundary is located within Section 22, Township 30 South and Range 3 West. Center coordinates of the project site are latitude 34.148880, longitude -86.846605. The project is located in the Sipsey Fork 8 digit hydrologic unit code (HUC 03160110).**

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. The discharge of fill material would result in unavoidable impacts to 694 linear feet of perennial stream and 0.9 acre of forested wetlands for the construction of building pads, roads and parking lots, slope grading, and a stormwater management structure.**

AVOIDANCE & MINIMIZATION: The applicant stated 41 linear feet of perennial stream will be avoided. The U.S. Army Corps of Engineers (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 and wetland 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 and comment.

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: gray bat, Indiana bat, northern long-eared bat, rush darter, flattened musk turtle, and Black Warrior waterdog. 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 necessary. 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-2020-00303-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 may also be submitted via e-mail to USACE at **Courtney.M.Shea@usace.army.mil** and to ADEM at **fieldmail@adem.alabama.gov**.

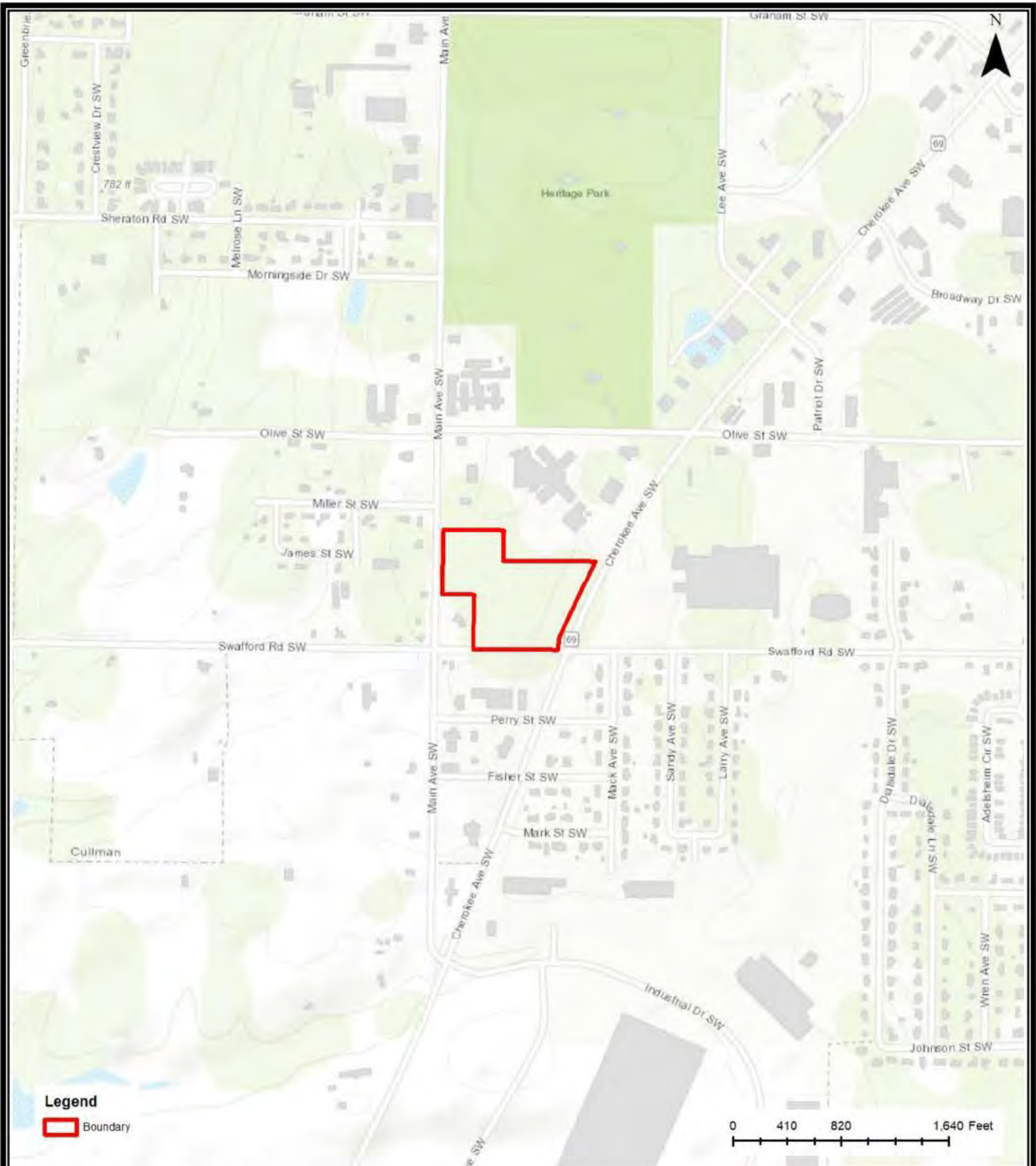
Comments should be received no later than **30 days** from the date of this Public Notice.

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) 381-8108**. 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

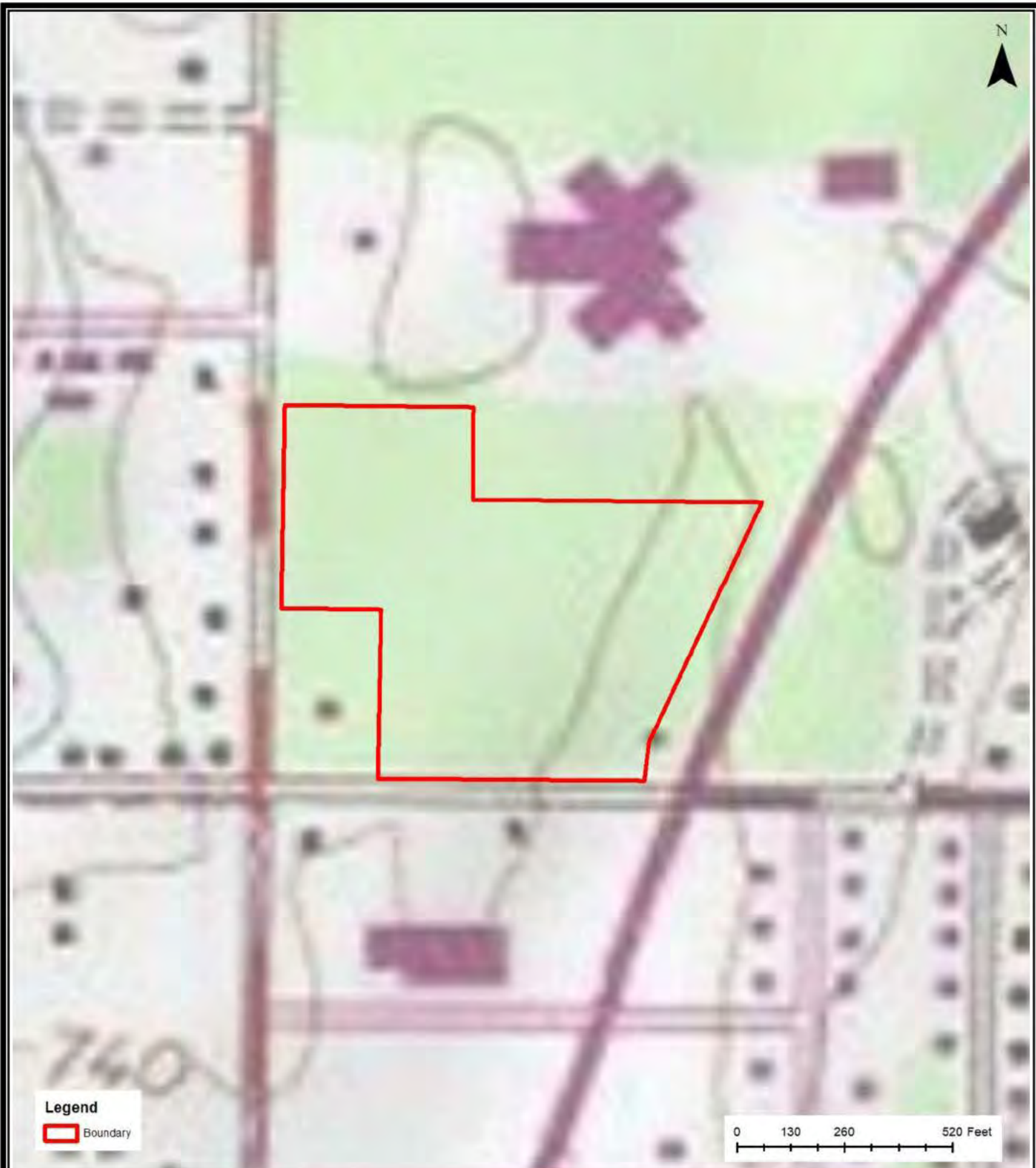


Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY
1	8/11/2020	Change Boundary	AH

Drawn By:	Client #:
AH	2553
Checked By:	Date:
SC	12/13/2019
Project Mgr.:	Project #:
BM	2553-014-30

Figure 1
Site Locator Map
Cullman Retail Center
SAM-2020-00303-CMS



Source: Image courtesy of ESRI.

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SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O = 205-664-2000
F=205-664-2142

Figure 2
USGS Quad Map
Cullman Retail Center
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Source: Image courtesy of ESRI.

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Figure 3
Aerial Map
Cullman Retail Center
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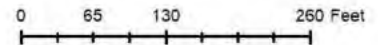
Figure 4
Waters of the U.S. Map
Cullman Retail Center
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Site ID	Latitude (decimal degrees)	Longitude (decimal degrees)	LF/Acre	LF/Acre Impacted	Type
S1	34.148781	-86.845405	696	655	Perennial
S1B1	34.148011	-86.845821	27	27	Perennial
S2	34.149449	-86.845145	12	12	Perennial
Wet A	34.148743	-86.845574	0.90	0.90	Wetland



Legend

- Boundary
- Perennial
- Impacted Perennial
- Impacted Wetland



Source: Image courtesy of ESRI and LBYD.

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Figure 5
Proposed Development/
Impacts to Waters of the U.S.
Cullman Retail Center
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