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

CESAM-RD-N **October 16, 2020**
PUBLIC NOTICE NO. SAM-2020-00690-CMS

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED DISCHARGE OF FILL MATERIAL INTO WETLANDS AND UNNAMED TRIBUTARIES TO BLACK CREEK ASSOCIATED WITH THE EXPANSION OF A HIGH SCHOOL IN FULTONDALE, JEFFERSON 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: Jefferson County Board of Education
Attention: Walter B. Gonsoulin, Jr. PhD
2100 18th Street South
Birmingham, Alabama 35209
wgonsoulin@jefcoed.com

AGENT: Goodwyn, Mills and Cawood, Inc.
Attention: Stuart Blackwell
2701 1st Avenue South, Suite 100
Birmingham, Alabama 35233
stuart.blackwell@gmcnetwork.com

LOCATION: **The proposed project is located in wetlands and unnamed tributaries to Black Creek in Fultondale, Jefferson County, Alabama. Specifically, the project boundary is located within Section 20, Township 16 South and Range 2 West. Center coordinates of the project site are latitude 33.630167, longitude -86.776442. The project is located in the Locust Fork 8-digit hydrologic unit code (HUC 03160111).**

PROJECT PURPOSE: **The basic project purpose is recreation associated with institutional development.**

PROPOSED WORK: **The applicant is requesting authorization to discharge fill material into waters of the United States (U.S.) in association with the expansion of Fultondale High School. The discharge would result in unavoidable loss of 758**

linear feet of perennial stream and 0.121 acre of wetlands associated with the construction of a softball field, baseball field, parking lot, concession area, and a retention pond.

AVOIDANCE & MINIMIZATION: **According to the applicant, 268 linear feet of perennial stream, 172 linear feet of intermittent stream, and 0.14 acre of open water pond would be avoided. The applicant would develop and implement a construction best management practices plan and perform monthly inspections of erosion and sediment controls during construction to minimize adverse effects to the aquatic environment. 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 to mitigate for the loss of aquatic resource functions associated with the discharge of fill material into waters of the U.S.**

The applicant will apply for certification from the State of Alabama in accordance with Section 401(a) (1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to water quality certification will be made by the Alabama Department of Environmental Management.

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, Black Warrior waterdog, flattened musk turtle, rush darter, finelined pocketbook mussel, ovate clubshell, and upland combshell. 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-2020-00690-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**.

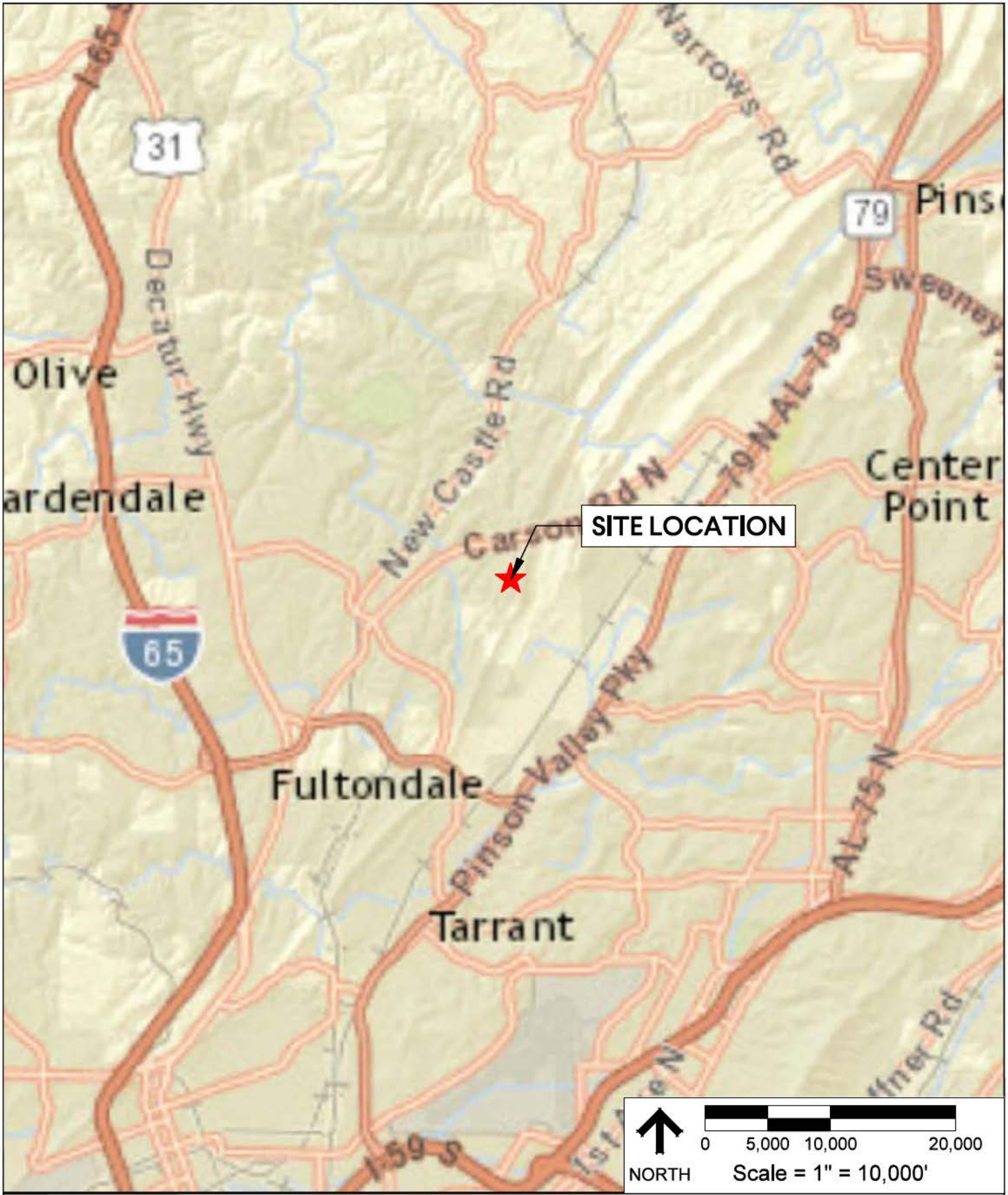
Comments should be received no later than **30 days** from the date of this Public Notice.

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



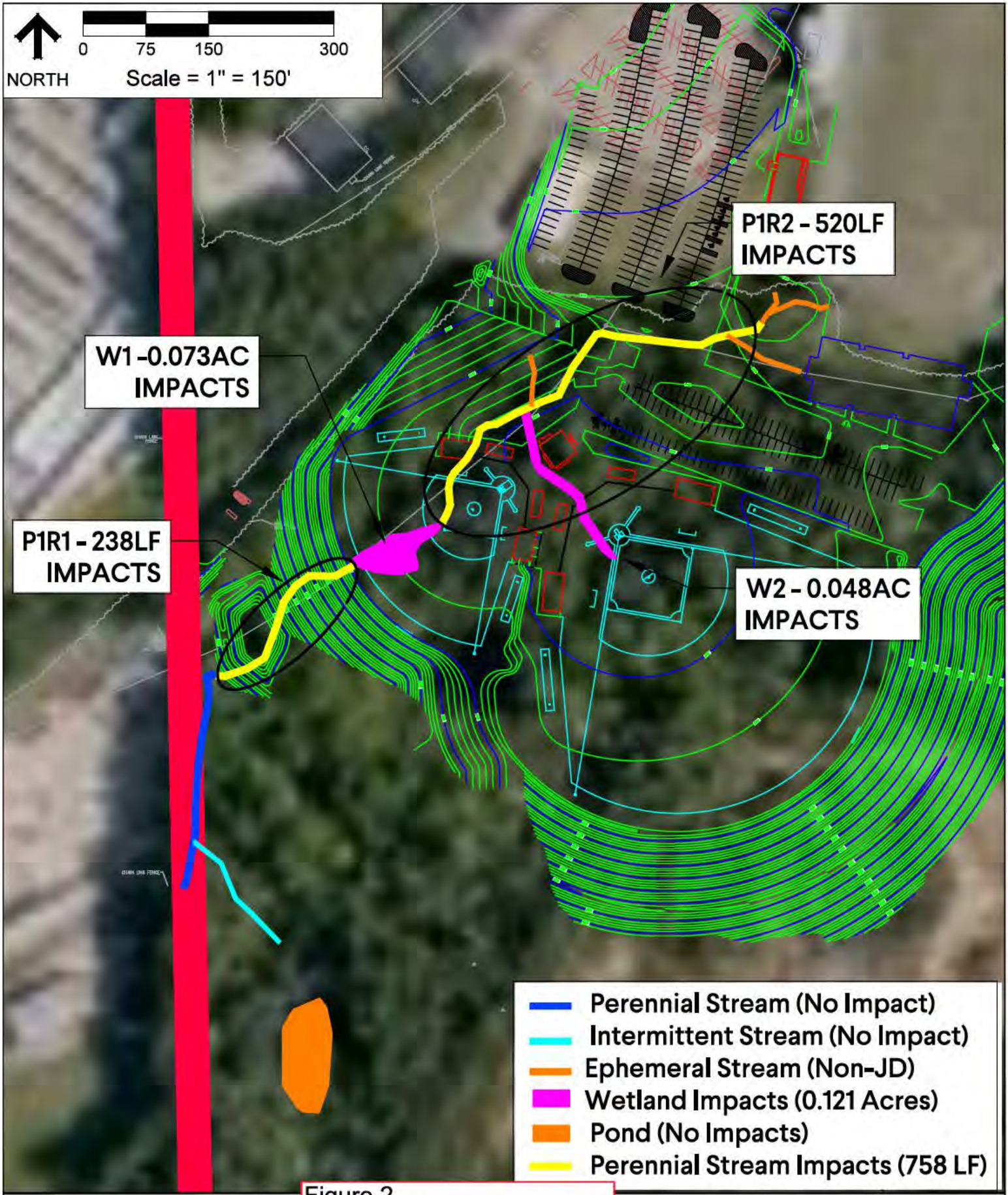
REF. SHEET: ESRI WORLD STREETS
DESCRIPTION: INDIVIDUAL PERMIT

FULTONDALE HIGH SCHOOL
FULTONDALE, JEFFERSON COUNTY, ALABAMA

Figure 1
Site Locator
SAM-2020-00690-CMS
Fultondale High School

2701 1st Avenue S
Birmingham, AL 35233
T 205.879.4462
GMCNETWORK.COM

GMC



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FULTONDALE HIGH SCHOOL
FULTONDALE, JEFFERSON COUNTY, ALABAMA

Figure 2
Proposed Aquatic Resource Impact Map
SAM-2020-00690-CMS
Fultondale High School

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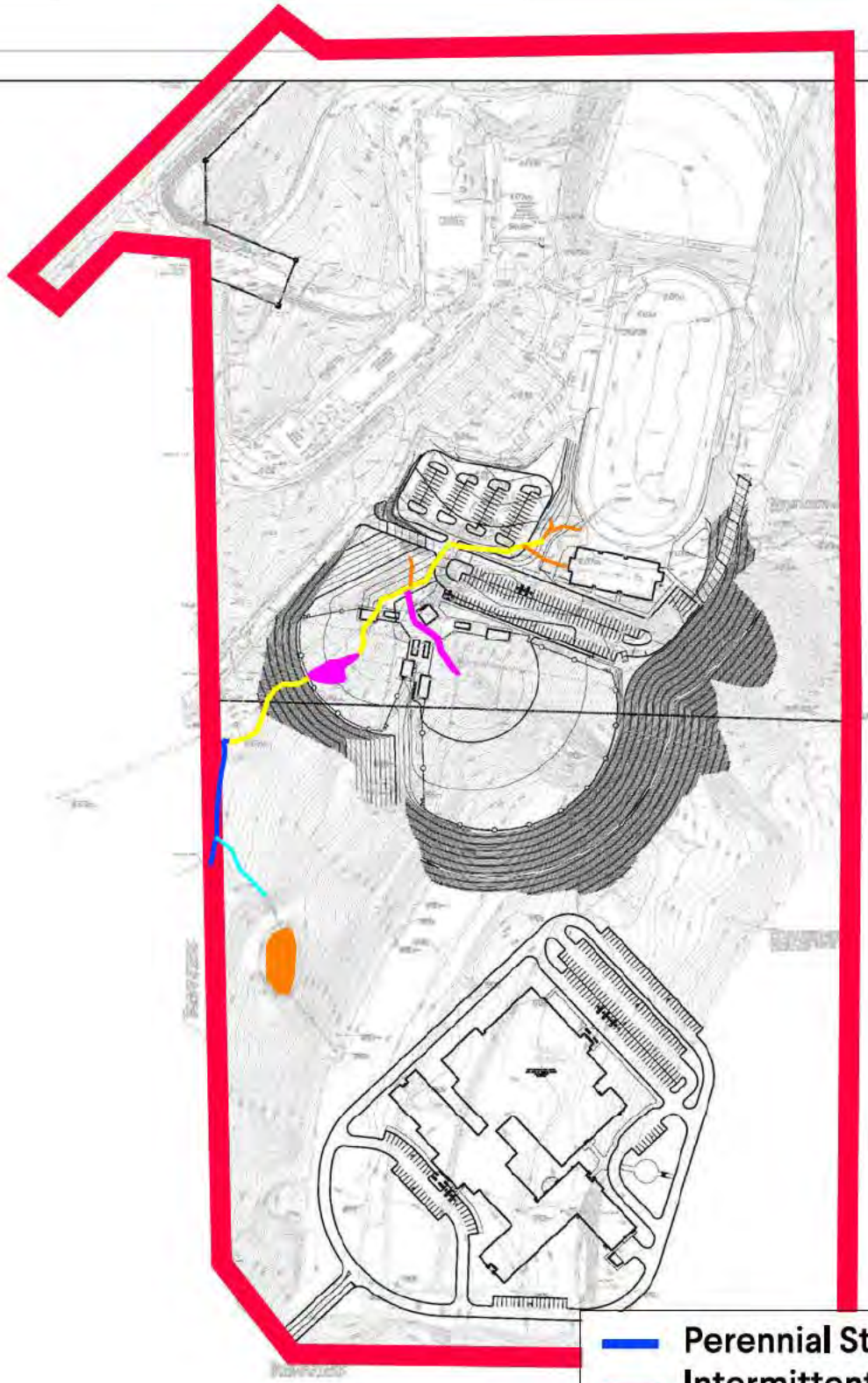

Perennial Stream (No Impact)
Intermittent Stream (No Impact)
Ephemeral Stream (Non-JD)
Wetland Impacts (0.121 Acres)
Pond (No Impacts)
Perennial Stream Impacts (758 LF)

NORTH

0 175' 350' 700'

Scale = 1" = 350'

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FULTONDALE HIGH SCHOOL
FULTONDALE, JEFFERSON COUNTY, ALABAMA

Figure 3
Proposed Overall Development Plan
SAM-2020-00690-CMS
Fultondale High School

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