



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

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PUBLIC NOTICE NO. SAM-2020-00857-CMS

September 17, 2020

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

**STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PROPOSED DISCHARGE OF FILL MATERIAL INTO WETLANDS ASSOCIATED WITH
THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT IN BERLIN, 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: RAM-Kingfisher Subdivision Partners, LLC
Attention: Mr. Rodney Barstein
2200 Magnolia Avenue South, Suite C
Birmingham, Alabama 35205
rodney@retailspecialists.com

AGENT: Environmental, Inc.
Attention: Heath Belyeu
1345 Blair Farms Road
Odenville, Alabama 35120
hbelyeu@envciv.com

LOCATION: **The proposed project is located in wetlands in Berlin, Cullman County, Alabama. Specifically, the project boundary is located within Section 10, Township 10 South and Range 2 West. Center coordinates of the project site are latitude 34.179968, longitude -86.738712. The project is located in the Mulberry Fork 8-digit hydrologic unit code (HUC 03160109).**

PROJECT PURPOSE: **The basic project purpose is housing.**

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 residential subdivision comprised of single-family homes. The discharge would result in unavoidable loss of 4.89 acres of wetlands associated with the construction of roads and residential lots.**

AVOIDANCE & MINIMIZATION: According to the applicant, 3.2 acres of wetlands and a 2.35 acre impoundment 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 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. 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, and flattened musk turtle. 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-2020-00857-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**.

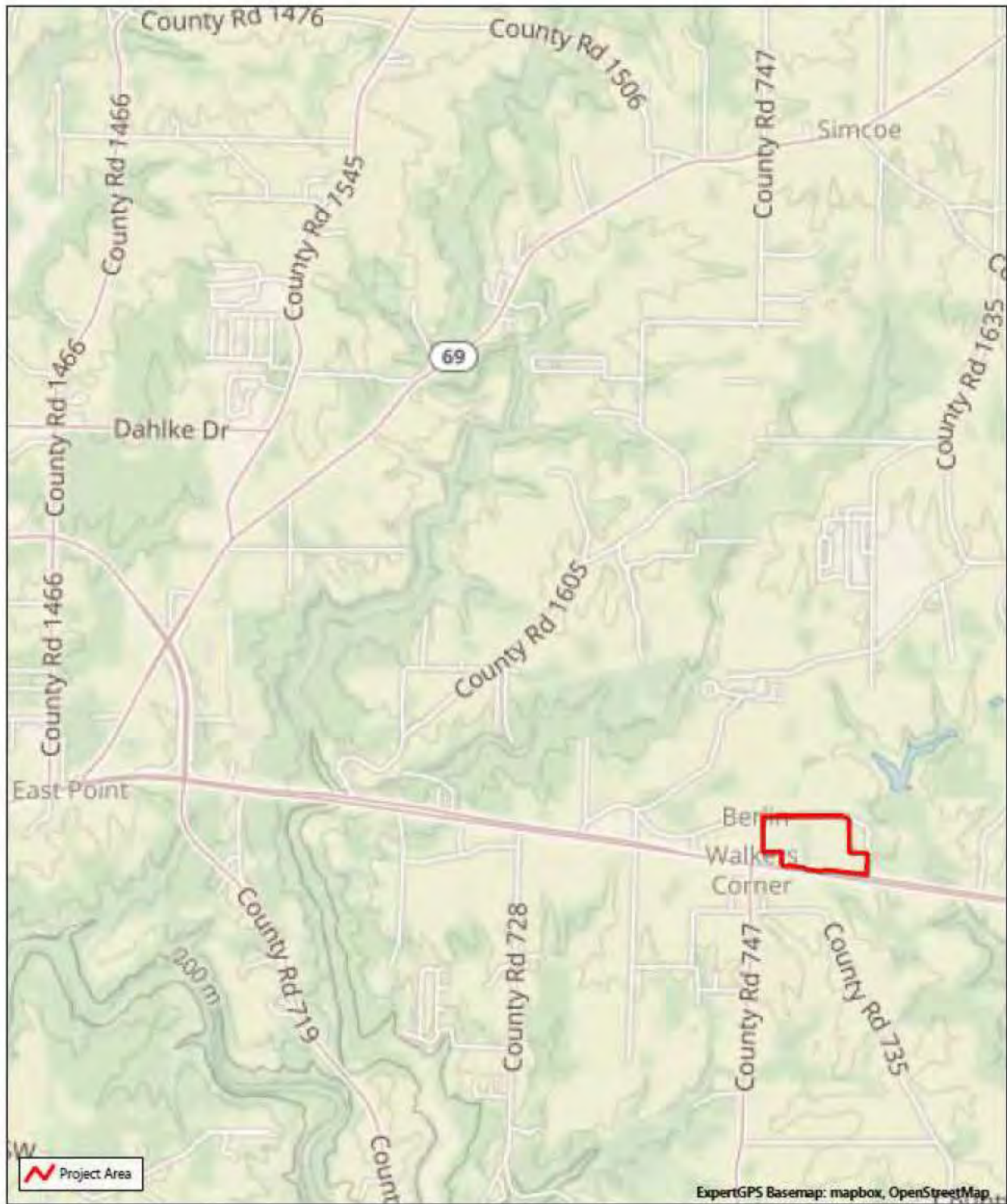
Comments should be received no later than **30 days** from the date of this Public Notice.

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.

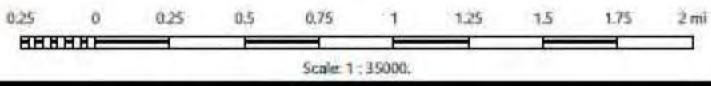
For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments



ExpertGPS

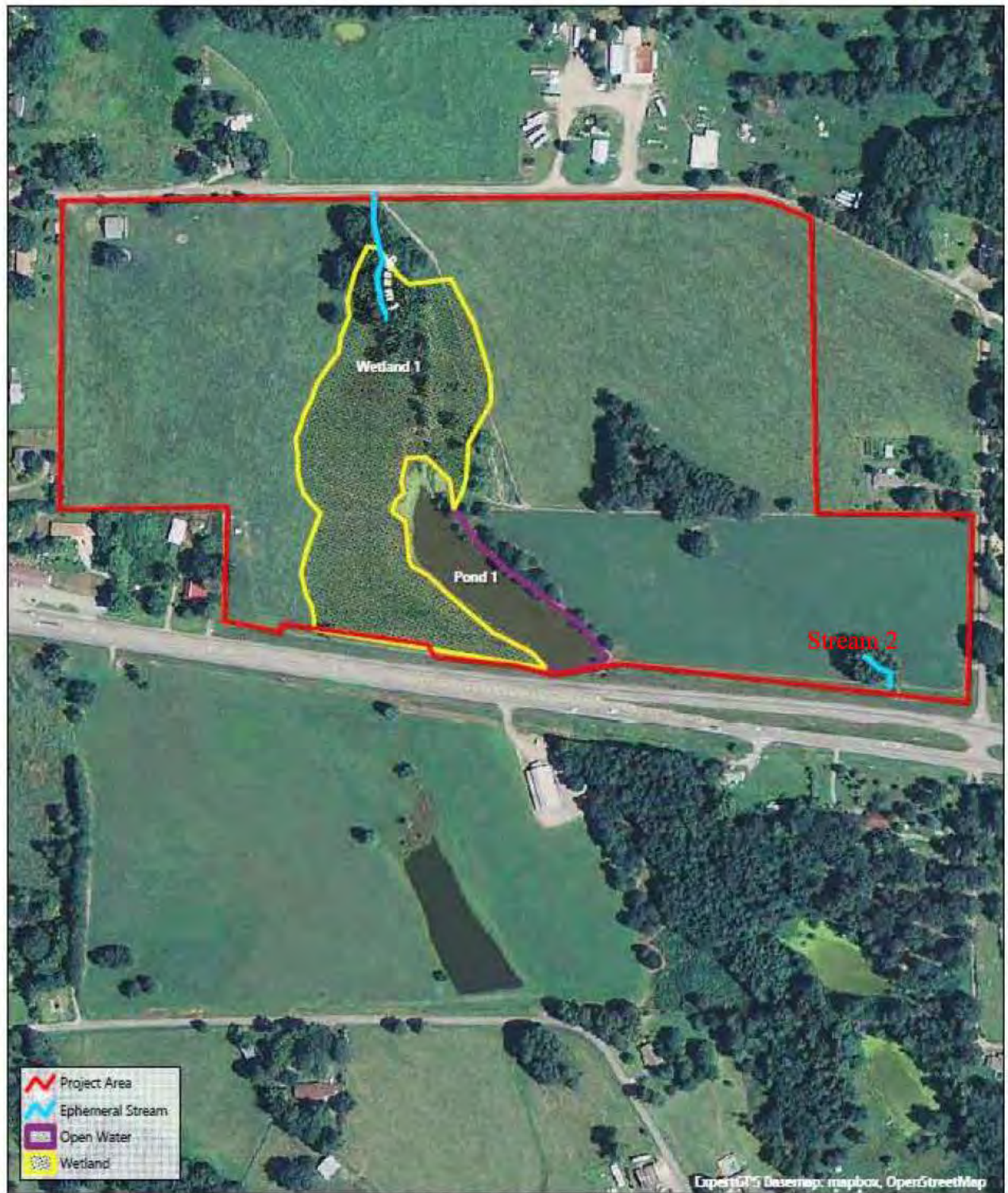


Environmental, Inc.

Subject:
King Fisher Farms
Berlin, Cullman County, Alabama
Environmental, Inc. Project No.: SAI01E1916

Figure 1
Site Locator Map
SAM-2020-00857-CMS





ExpertGPS



Scale: 1 : 4000.



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Figure 2
Waters of the U.S. Map-
Aerial
SAM-2020-00857-CMS

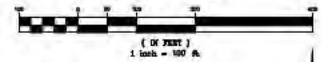


Figure 3 Proposed Development Plan and Impacts to Waters of the U.S. SAM-2020-00857-CMS

GRAZING NOTES:

- CONTRACTOR SHALL VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING STORM SEWER STRUCTURES, PIPES, AND ALL UTILITIES AND SHALL COORDINATE WITH THE APPROPRIATE UTILITY COMPANY PRIOR TO ADJUSTMENT OR RELOCATION OF EXISTING UTILITIES.
- CLEARING AND SHOULDER LIMITS SHALL INCLUDE ONLY AREAS DISTURBED BY GRADING OPERATIONS, UNLESS OTHERWISE NOTED.
- IT IS THE INTENT OF THE OWNER TO MINIMIZE LAND CLEARING OUTSIDE LIMITS OF GRADING AS IS PRACTICAL. CONTRACTOR SHALL ONLY DESTROY AREAS AS NECESSARY TO COMPLETE PROJECT.
- ANY GRAZED, UNPAVED, DISTURBED AREAS SHALL HAVE A MINIMUM OF 4 INCHES OF TOPSOIL WITH SEED, MULCH, FERTILIZER, AND WATER APPLIED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED. THE CONTRACTOR SHOULD ACKNOWLEDGE THAT WORK IS NOT CONSIDERED COMPLETE UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- THE CONTRACTOR SHALL PROVIDE SUBGRADE FOR BUILDING PADS PER THE STORMWATER OPERATIONS, RETENANCE ARCHITECT PLAN FOR SUBGRADE ELEVATION.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLAN ALIGNMENT AND GRADE IN ALL SWALES AT COMPLETION OF CONSTRUCTION.
- CONTOURS ARE FOR VISUAL REPRESENTATION OF GRADES. ELEVATION/GRADES SHALL BE CONSTRUCTED USING CONTROL SPOT ELEVATIONS AND SWALES/ROADES.
- ALL CUT AND FILL SLOPES ARE 3 HORIZONTAL TO 1 VERTICAL, UNLESS OTHERWISE NOTED.
- ALL SPOTS ELEVATIONS SHOWN ARE TO THE FINISHED GRADE ELEVATION.
- ALL SWALES DEEPER THAN FOUR FEET ARE 2' WIDE BOTTOM TRIANGULAR SWALES 1' DEEP UNLESS OTHERWISE NOTED.
- FOLLOWING REMOVAL OF TOPSOIL AND OTHER ORGANICS, AND PRIOR TO PLACEMENT OF FILL, AREAS TO RECEIVE FILL SHOULD BE PRODFORROLLED WITH A FULLY LOADED, TRAILER-DUMP TRUCK. SOFT SOILS ENCOUNTERED DURING THE PRODFORROLING PROCESS SHALL BE UNDERCUT TO STIFF SOILS AND BACKFILLED WITH ENGINEERED FILL.

GRAPHIC SCALE



LEGEND

- EDGE OF PAVEMENT
- RIGHT OF WAY
- RIGHT OF WAY LINE
- LIT BOUNDARY
- WETLAND
- STREAM
- NEW MINOR CONTOUR
- NEW MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- ROADE
- NEW SPOT ELEVATION
- MATCH EXISTING GRADE
- PROPOSED STORM PIPE
- STORM INLET



NO.	DATE	BY	DESCRIPTION

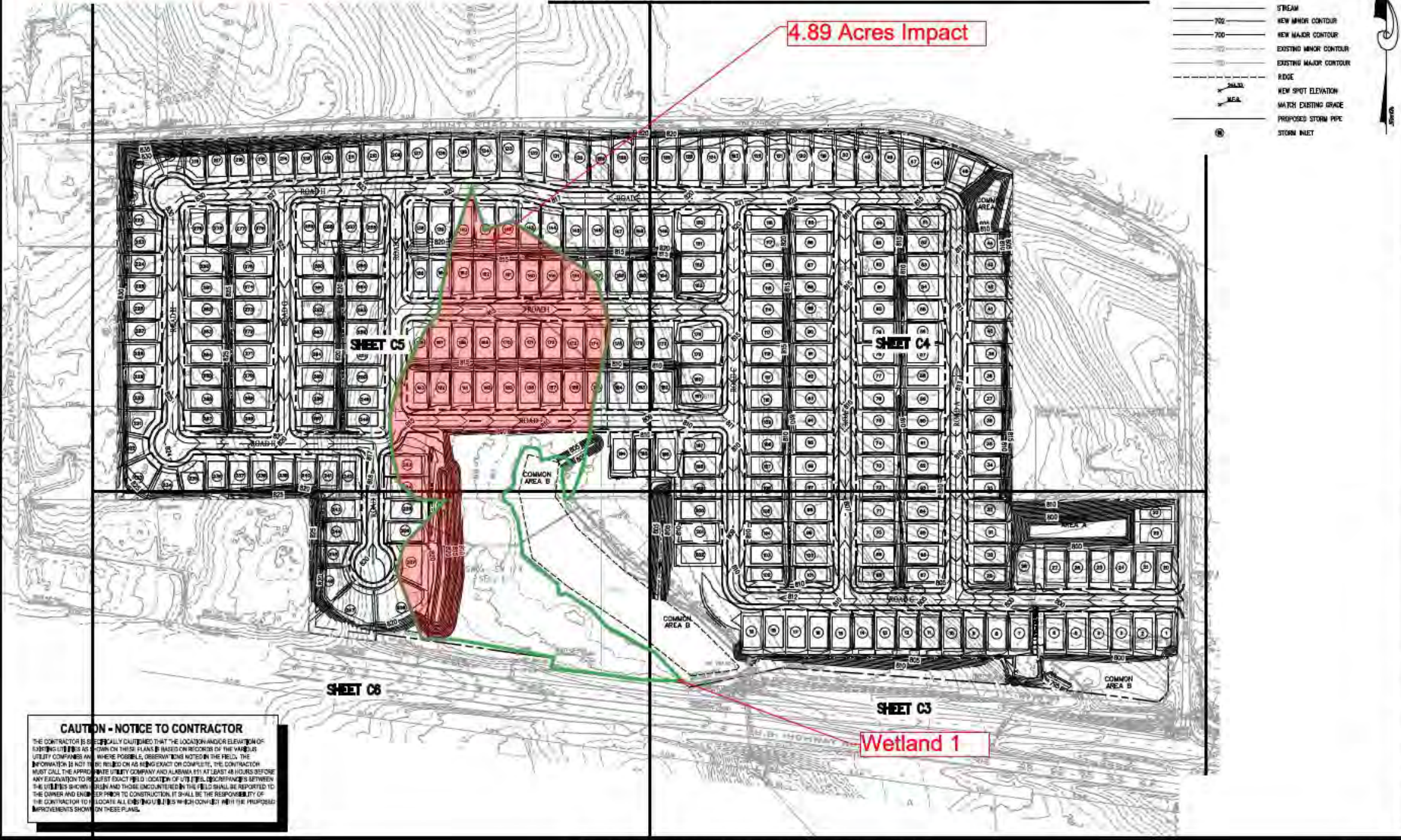
The Property Park South
Salem 500 East
Birmingham, Alabama 35243
Phone: (205) 994-6420
Website: www.saim.com



OVERALL GRADING PLAN
KINGFISHER PARKS SUBDIVISION
CULLMAN, ALABAMA
RETAIL SPECIALISTS
BIRMINGHAM, ALABAMA

DESIGNED BY	DATE PLOTTED
DRAWN BY	SCALE
PROJECT NO.	DATE
DATE	DATE

SHEET NO.
C2-R0



CAUTION - NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE UTILITY COMPANIES AND WHERE POSSIBLE, OBSERVATIONS NOTED IN THE FIELD. THE CONTRACTOR IS NOT TO BE RELIED ON AS INDICATED ON THESE PLANS. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND ALABAMA 811 AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. DISCREPANCIES BETWEEN THE UTILITIES SHOWN HEREIN AND THOSE ENCOUNTERED IN THE FIELD SHALL BE REPORTED TO THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL UTILITIES WHICH COMPLY WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.