



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, ALABAMA 35216

CESAM-RD-N
PUBLIC NOTICE NO. SAM-2021-01130-CMS

March 19, 2024

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 SHOAL CREEK ASSOCIATED WITH THE EXPANSION OF A
RESIDENTIAL SUBDIVISION IN UNINCORPORATED SHELBY 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: Dominion South Oak, LLC
Attention: Jared Hauser
1200 Corporate Drive, Suite 225
Birmingham, Alabama 35242
jhauser@dp LLC.com

AGENT: Spectrum Environmental, Inc.
Attention: Blake Smith
85 Spectrum Cove
Alabaster, Alabama 35007
bsmith@specenviro.com

LOCATION: The proposed project is located in wetlands and unnamed tributaries to Shoal Creek in unincorporated Shelby County, Alabama. Specifically, the project is located within Section 23, Township 18 South, Range 1 West. Center coordinates of the project are latitude 33.455188, longitude -86.606587. The project is located in the Middle Coosa 8-digit hydrologic unit code (HUC 03150106).

PROJECT PURPOSE: The basic project purpose is housing.

WORK: The applicant is requesting authorization to discharge fill material into 1,620 linear feet of perennial stream, 1,317 linear feet of intermittent stream, and 1.91 acres of forested wetland in association with the construction of Phase 3 of the South Oak Residential Development. Specifically, the applicant is proposing to permanently discharge fill material into 166 linear feet of intermittent stream "S1", 180 linear feet of intermittent stream "S2", 625 linear feet of intermittent stream "S3", 164 linear feet of

intermittent stream “S4”, 109 linear feet of intermittent stream “S5R1”, 406 linear feet of perennial stream “S5R2”, 73 linear feet of intermittent stream “S7”, 1,214 linear feet of perennial stream “S8”, 0.13 acres of forested wetland “Wetland A”, and 1.78 acres of forested wetland “Wetland B” for the construction of culverted road crossings and a 7-acre impoundment that would provide stormwater retention capacity (Figure 1).

Site ID		Classification	Type of Impact	Latitude/Longitude	Type of Impact	Linear Feet/ Acreage of Impact
S1	S1a	Intermittent Stream/RPW (R4)	Fill	33.451472 °N, -86.610685 °W	Fill	107 LF / 0.002 Acres
	S1b	Intermittent Stream/RPW (R4)	Armor	33.451457 °N, -86.610457 °W	Armor	59 LF / 0.001 acres
S2	S2a	Intermittent Stream/RPW (R4)	Pipe	33.453447 °N, -86.609317 °W	Pipe	107 LF / 0.002 Acres
	S2b	Intermittent Stream/RPW (R4)	Impoundment	33.453227 °N, -86.608768 °W	Impoundment	73 LF / 0.002 Acres
S3	S3a	Intermittent Stream/RPW (R4)	Pipe	33.454153 °N, -86.609049 °W	Pipe	170 LF / 0.006 Acres
	S3b	Intermittent Stream/RPW (R4)	Impoundment	33.453381 °N, -86.608602 °W	Impoundment	455 LF / 0.016 Acres
S4		Intermittent Stream/RPW (R4)	Impoundment	33.453544 °N, -86.607752 °W	Impoundment	164 LF / 0.004 Acres
S5R1		Intermittent Stream/RPW (R4)	Impoundment	33.454314 °N, -86.605458 °W	Impoundment	109 LF / 0.003 Acres
S5R2		Perennial Stream/RPW (R5)	Impoundment	33.454073 °N, -86.605436 °W	Impoundment	406 LF / 0.014 Acres
S7		Intermittent Stream/RPW (R4)	Fill	33.452556 °N, -86.607558 °W	Impoundment	73 LF / 0.002 Acres
S8	S8a	Perennial Stream/RPW (R5)	Impoundment	33.452801 °N, -86.607277 °W	Impoundment	1,002 LF / 0.12 Acres
	S8b	Perennial Stream/RPW (R5)	Fill	33.453039 °N, -86.605678 °W	Fill	212 LF / 0.02 Acres
Wet A		Adjacent Wetland (PFO1)	Fill	33.451443 °N, -86.610501 °W	Fill (Impoundment)	0.13 Acres
Wet B		Adjacent Wetland (PFO1)	Fill	33.453201 °N, -86.606785 °W	Fill (Impoundment)	1.78 Acres
Total LF of Stream Impact				2,937 LF		
Total Acreage of Stream Impact				0.205 Acres		
Total Acreage of Wetland Impact				1.91 Acres		
Total Acreage of Cumulative WOTUS Impact				2.11 Acres		

Figure 1. Table showing proposed impacts to waters of the U.S. provided by the agent.

AVOIDANCE & MINIMIZATION: According to the applicant, the initial construction plan proposed impacts to 1,721 linear feet of intermittent stream, 1,709 linear feet of perennial stream, and 2.05 acres of forested wetlands. The project design was re-evaluated and modified to minimize impacts to waters of the U.S. by reducing the acreage of the impoundment from 14.7 acres to 7 acres. The modification resulted in the proposed plan of unavoidable impacts to 1,317 linear feet of intermittent stream, 1,620 linear feet of perennial stream, and 1.91 acres of forested wetlands. 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. 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. We are seeking comment from the State Historic Preservation Officer, federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence or the potential for existence of significant cultural and historic properties which may be affected by the work. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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, Tricolored Bat, Alligator Snapping Turtle, Coosa Moccasinshell, Finelined Pocketbook, Ovate Clubshell, Southern Clubshell, Southern Pigtoe, Triangular Kidneyshell, Georgian Rockcress, and Tennessee Yellow-Eyed Grass. 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), as appropriate. Copies of this public notice are being sent to the USFWS and other federal and state agencies for review and receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2021-01130-CMS and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: Mr. Jevon Coleman, 600 Vestavia Parkway, Suite 203, Vestavia Hills, Alabama 35216, with a copy to the Alabama Department of Environmental Management, Field Operations Division, Office of Field Services, Attention: Mr. Ryan Cooper, Post Office Box 301463, Montgomery, Alabama 36130-1463. Comments may also be submitted via e-mail to USACE at Jevon.D.Coleman@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 Jevon.D.Coleman@usace.army.mil or telephone number (205) 381-0741. 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.

				Drawn By:	Client #:	901 Woodland Street Suite 104 Nashville, TN 37206 P = 615-469-4941		85 Spectrum Cove Alabaster, AL 35007 O - 205-664-2000 F - 205-664-2142	TITLE
				LP	3020				Figure 1 — Site Location Map Section 404 Joint Application Individual Permit Dominion South Oak, LLC South Oak Phase III Residential Development Shoal Creek, Shelby County, Alabama
				Checked By:	Date:				
				BS	2/14/2024				
				Project Mgr.:	Project #:				
				SF	3020-003-30				
NO.	DATE	REVISION NOTE	BY						

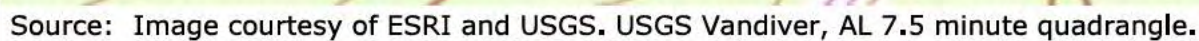
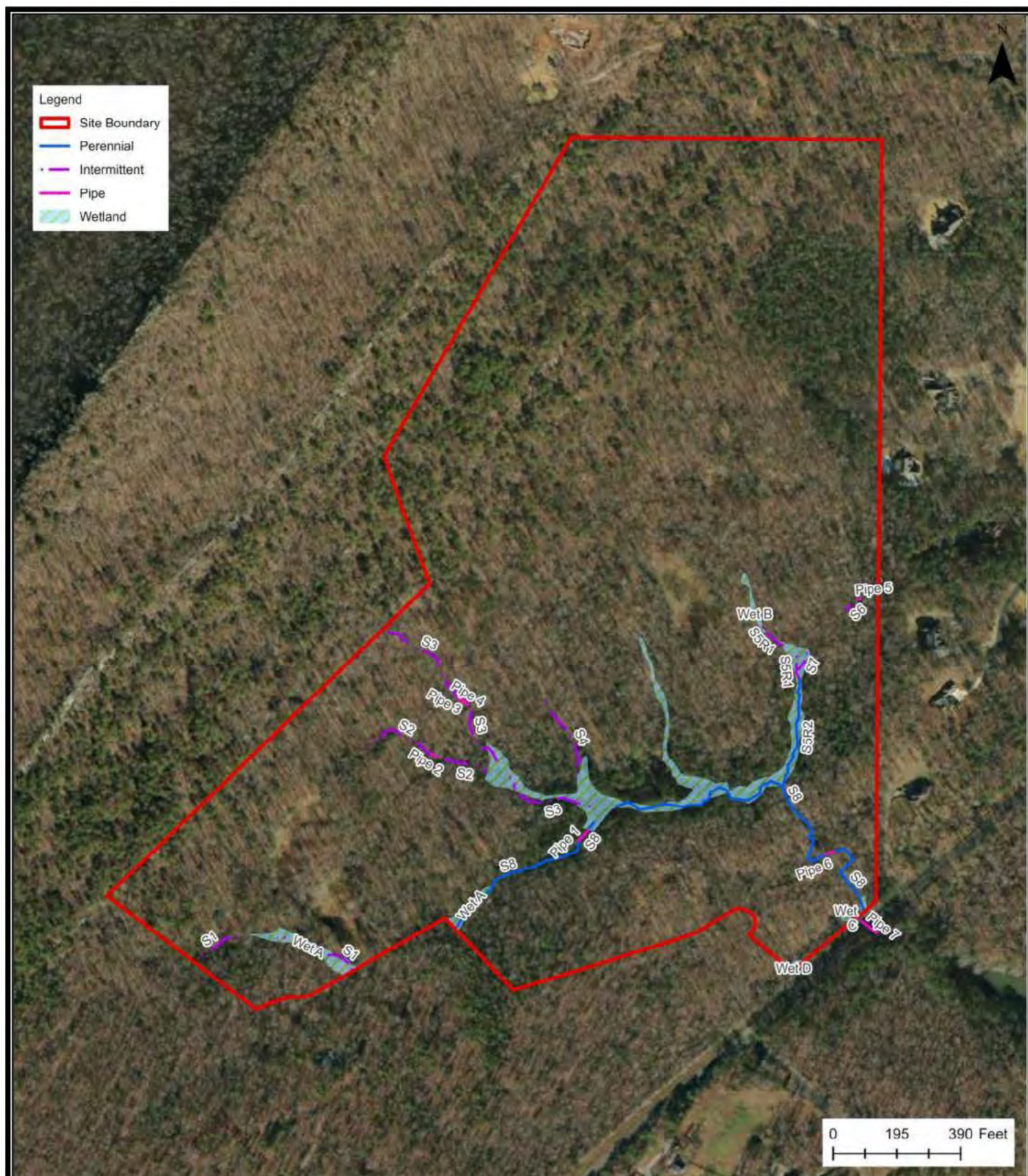


Figure 8a — Site Delineation Overview
Section 404 Joint Application Individual Permit
Dominion South Oak, LLC
South Oak Phase III Residential Development
Shoal Creek, Shelby County, Alabama



Source: Image courtesy of ESRI and USGS.

NO.	DATE	REVISION NOTE	BY

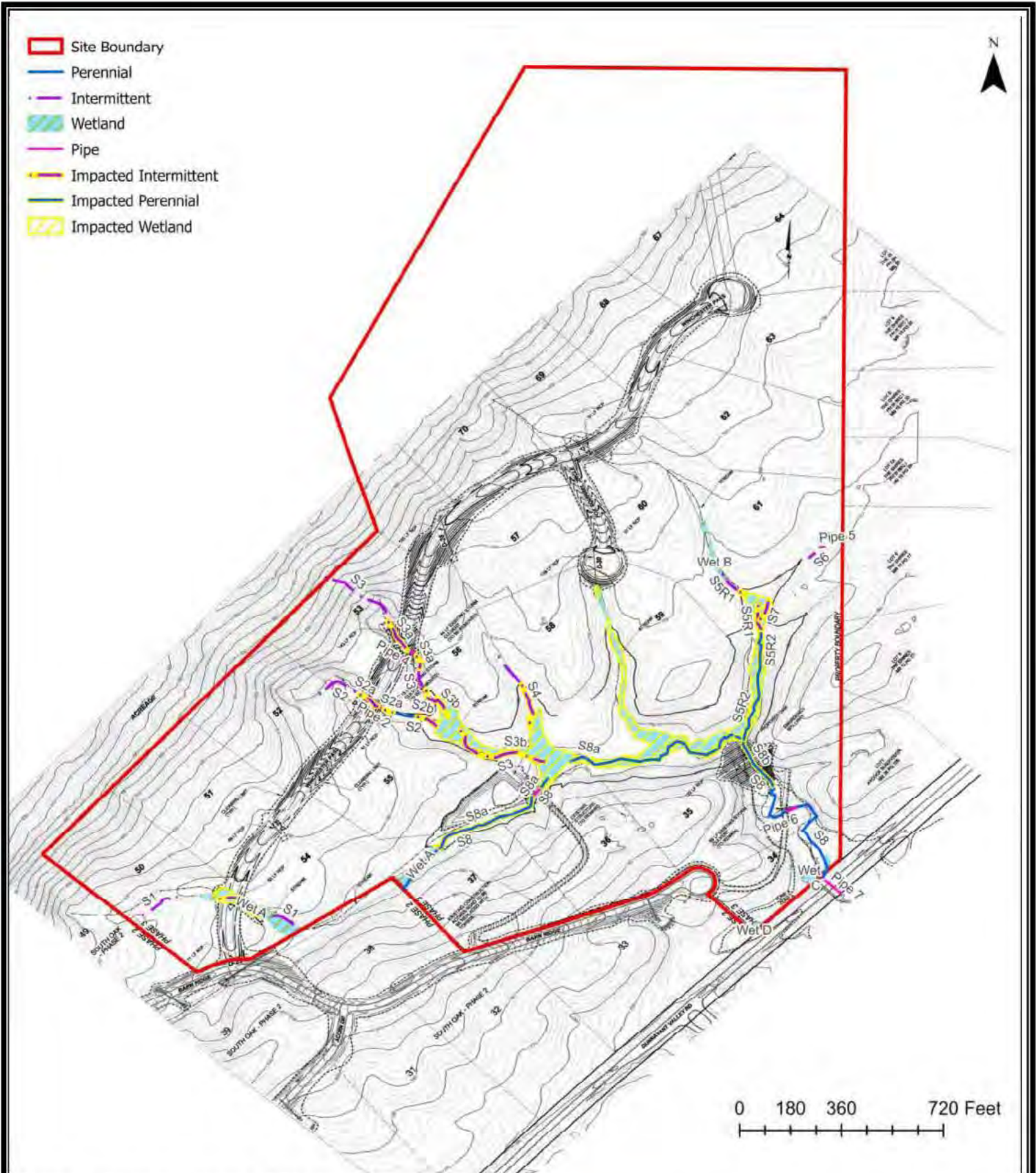
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Checked By:	Date:
BS	2/14/2024
Project Mgr.:	Project #:
SF	3020-003-30

901 Woodland Street
Suite 104
Nashville, TN 37206
P = 615-469-4941

85 Spectrum Cove
Alabaster, AL 35007
O = 205-864-2000
F = 205-864-2142

SPECTRUM
Solutions to Your Environmental Challenges

TITLE
Figure 8b — Site Delineation Overview Section 404 Joint Application Individual Permit Dominion South Oak, LLC South Oak Phase III Residential Development Shoal Creek, Shelby County, Alabama



Source: Image courtesy of ESRI.

				Drawn By:	Client #:	<div>901 Woodland Street Suite 104 Nashville, TN 37206 P = 615-469-4941</div> <div> SPECTRUM Solutions to Your Environmental Challenges</div> <div>85 Spectrum Cove Alabaster, AL 35007 O = 205-664-2000 F = 205-664-2142</div>	TITLE Figure 11a — Final Design Impact Overview Section 404 Joint Application Individual Permit Dominion South Oak, LLC South Oak Phase III Residential Development Shoal Creek, Shelby County, Alabama
				LP	3020		
				Checked By:	Date:		
				BS	2/14/2024		
				Project Mgr.:	Project #:	 SPECTRUM Solutions to Your Environmental Challenges	
				SF	3020-003-30		
NO.	DATE	REVISION NOTE	BY				



TITLE
Figure 11d — Final Site Impact Overview (S4, S5R1, S5R2, S7, S8, & Wet B) Section 404 Joint Application Individual Permit Dominion South Oak, LLC South Oak Phase III Residential Development Shoal Creek, Shelby County, Alabama

TITLE
<p>Figure 11e — Wet Retention Structure Section 404 Joint Application Dominion South Oak, LLC South Oak Phase II Residential Development Shoal Creek, Shelby County, AL</p>

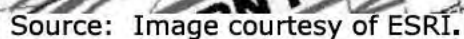


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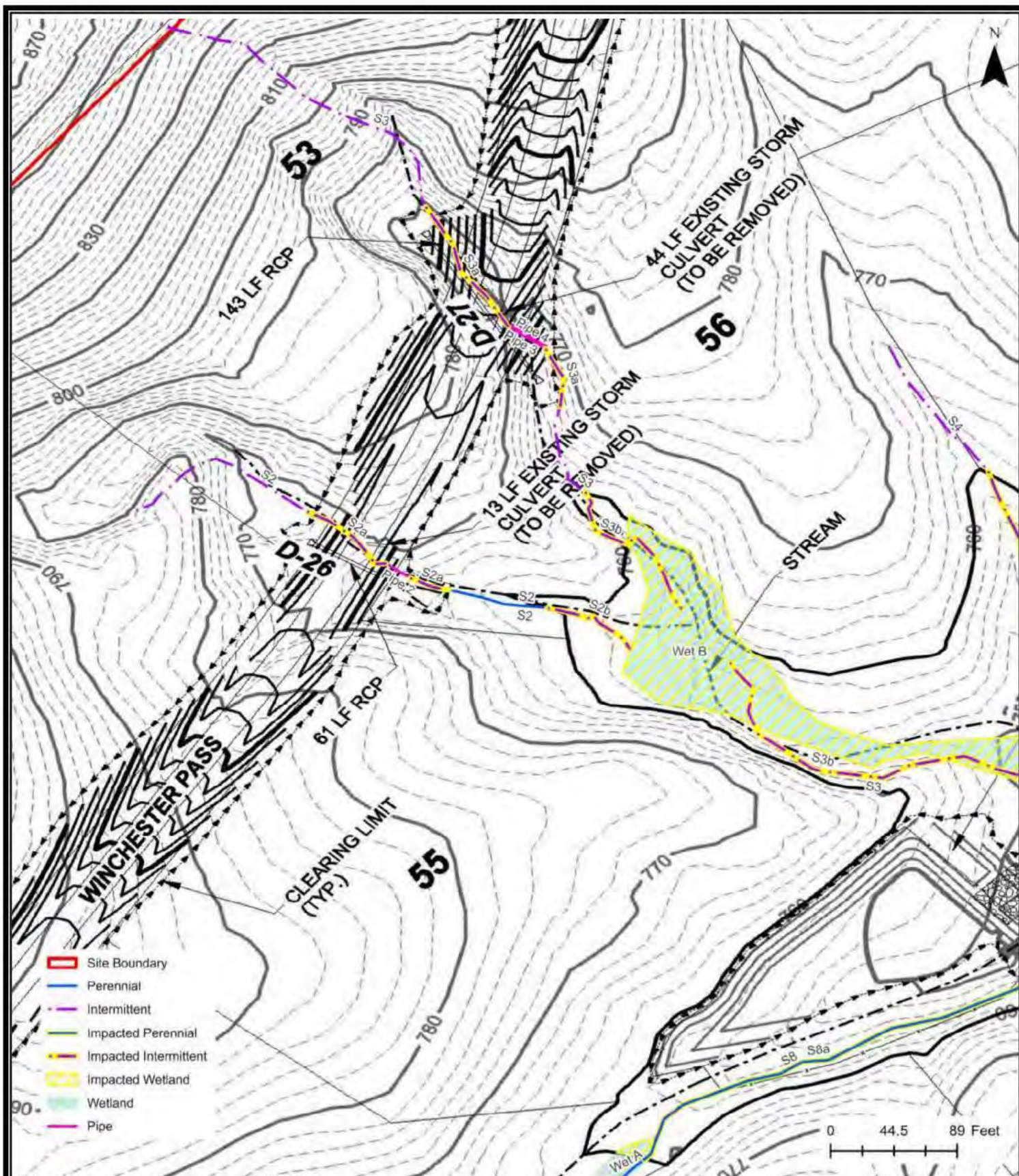
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Image courtesy of ESRI.

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				Drawn By:	Client #:	901 Woodland Street Suite 104 Nashville, TN 37206 P = 615-469-4941	85 Spectrum Cove Alabaster, AL 35007 O = 205-664-2000 F = 205-664-2142	<div><div></div><div>SPECTRUM</div><div>Solutions to Your Environmental Challenges</div></div>	<div>TITLE</div> <div>Figure 11b — Final Design Impact Overview (S1 & Wet A)</div> <div>Section 404 Joint Application Individual Permit</div> <div>Dominion South Oak, LLC</div> <div>South Oak Phase III Residential Development</div> <div>Shoal Creek, Shelby County, Alabama</div>
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				BS	2/14/2024				
				Project Mgr:	Project #:				
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Source: Image courtesy of ESRI.

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				LP	3020			
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				Project Mgr.:	Project #:			
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