



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

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PUBLIC NOTICE NO. SAM-2021-01149-JSC

December 14, 2021

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED DISCHARGE OF FILL MATERIAL INTO WATERS OF THE UNITED STATES ASSOCIATED WITH THE CONSTRUCTION OF A PACKAGE HANDLING FACILITY IN HOPE HULL, MONTGOMERY 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: The Westmoreland Company
Attention: Jada Leo
200 Randolph Avenue
Huntsville, Alabama 35801
j.leo@westco.us

AGENT: Barry A. Vittor & Associates, Incorporated
Attention: Dr. B.A. Vittor
8060 Cottage Hill Road
Mobile, Alabama 36695
bvittor@bvaenviro.com

LOCATION: The proposed project is in wetlands and unnamed tributaries to Caney Branch in Hope Hull, Montgomery County, Alabama. Specifically, the project boundary is located within Section 21 and 12, Township 15 North and Range 17 East. Approximate coordinates of the project site are latitude 32.2683, longitude -86.3634. The project is located in the Upper Alabama 8-digit hydrologic unit code (HUC 03150201).

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 conjunction with construction of a package handling facility. More specifically, the proposed site development plan would provide 255,000 square feet of office and distribution/warehouse space, a minimum of 122

spaces for truck/trailer parking, 180 space for vans, and 560 employee parking spaces. Paved aprons and truck driveways at the north and south sides of the building would provide access for loading/unloading. The discharge would result in unavoidable impacts to 243 linear feet of ditched tributary and 4.76 acres of wetlands associated with the construction of the facility and supporting infrastructure.

AVOIDANCE & MINIMIZATION: Information provided by the Applicant, states that The Westmoreland Company considered both on-site and off-site measures for avoiding and minimizing impact to waters of the U.S. To that end, the applicant evaluated three potential off-site parcels as potential locations for the proposed packaging facility. However, the off-site alternatives considered were found to contain wetlands that could not be avoided in implementing a practicable development plan.

According to the Applicant, alternative on-site plans were also reviewed to determine an approach that would best minimize impacts to waters of the U.S. while providing for a practicable package handling facility. In addition to the amount of wetland impact, the Applicant considered the size of the facility that could be constructed, the cost of construction, operational efficiency (especially roadway access and parking), and stormwater management. A site plan that completely avoided impacts to waters of the U.S. was determined to be impracticable because it would only allow construction of a facility that would be too small to satisfy current package handling demands and would provide no opportunity for future expansion.

The applicant then considered two additional on-site design layouts with varying degrees of impact waters of the U.S. The preferred project plan would require the discharge of fill material in 4.76 acres of wetlands and 243 linear feet of ditched tributary. The proposed discharge locations would be in areas of low-quality scrub-shrub/herbaceous wetland habitat that have been previously subjected to various types of disturbance including ditching, mowing, and partial filling. The preferred plan would avoid 0.84 acre of wetland and 263 linear feet of ditched tributary.

The alternate on-site design would reduce wetland impacts by placing stormwater detention underground (beneath the employee parking lot). Although this alternative would avoid an additional 1.95 acres of wetland impact, it would have increased construction costs by \$2.3 Million and would have required more expensive long-term maintenance compared to the proposed use of an above-ground detention basin. (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 in-kind compensatory mitigation credits from an USACE 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: southern clubshell (*Pleurobema decisum*) and wood stork (*Mycteria americana*). 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-2021-01149-JSC** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Montgomery Field Office, Attention: **Mr. James Cherry**, Post Office Box 2288, Mobile, Alabama 36628-0001, 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**.

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 **James.S.Cherry@usace.army.mil** or telephone number **(334) 462-2611**. 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

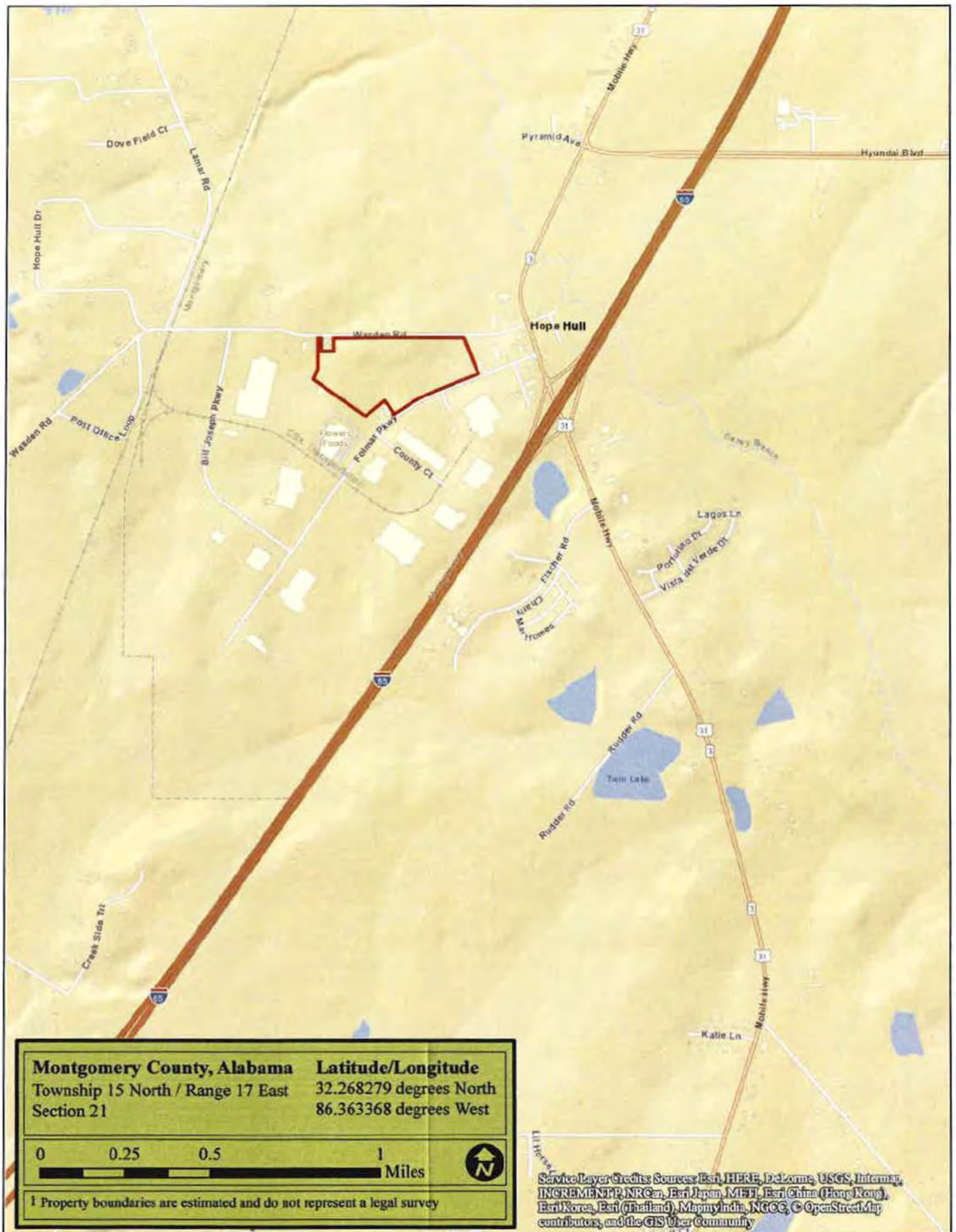


Figure 1. Project Location and Vicinity Map (Street View)

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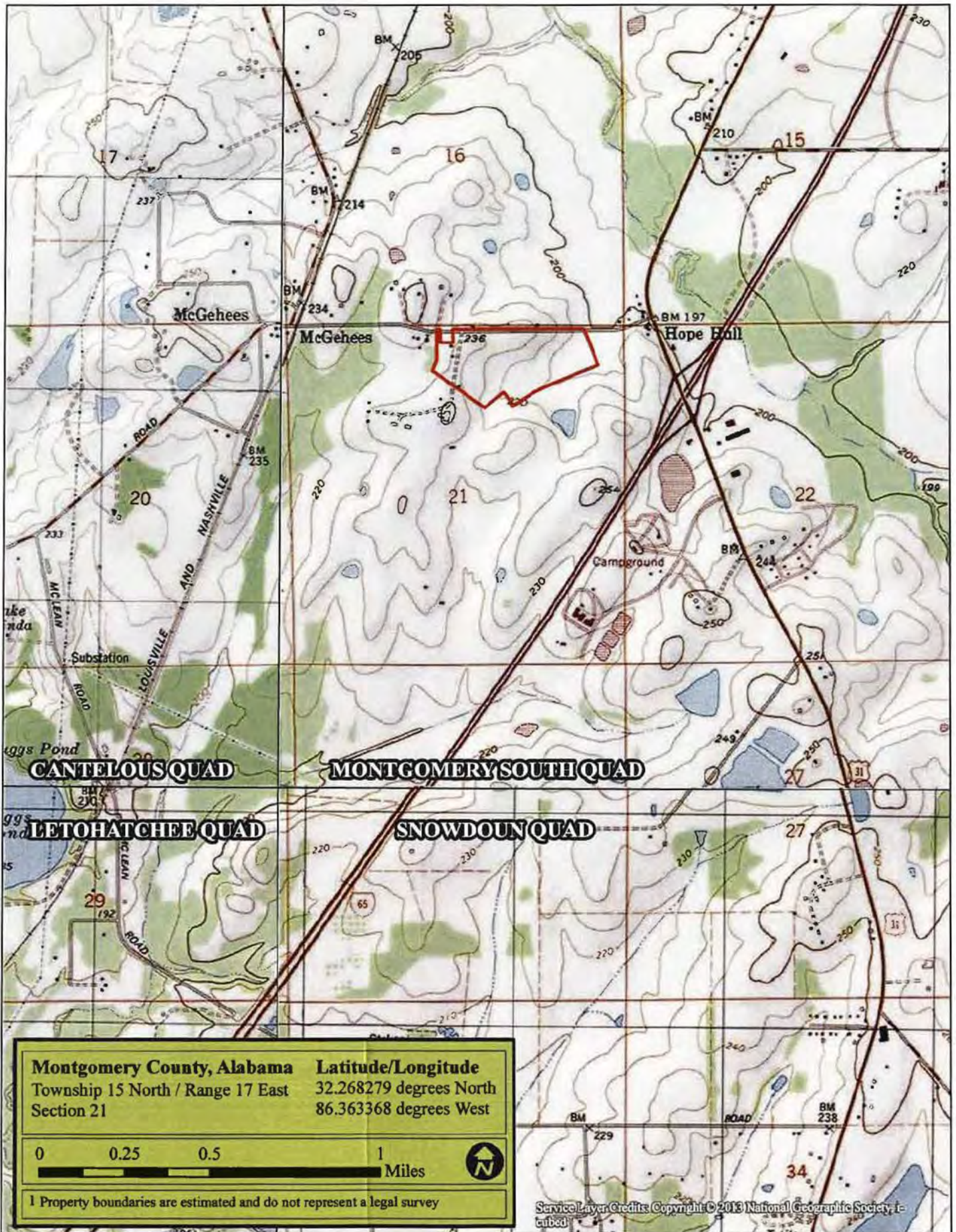


Figure 2. Project Location and Vicinity Map (Quad View)

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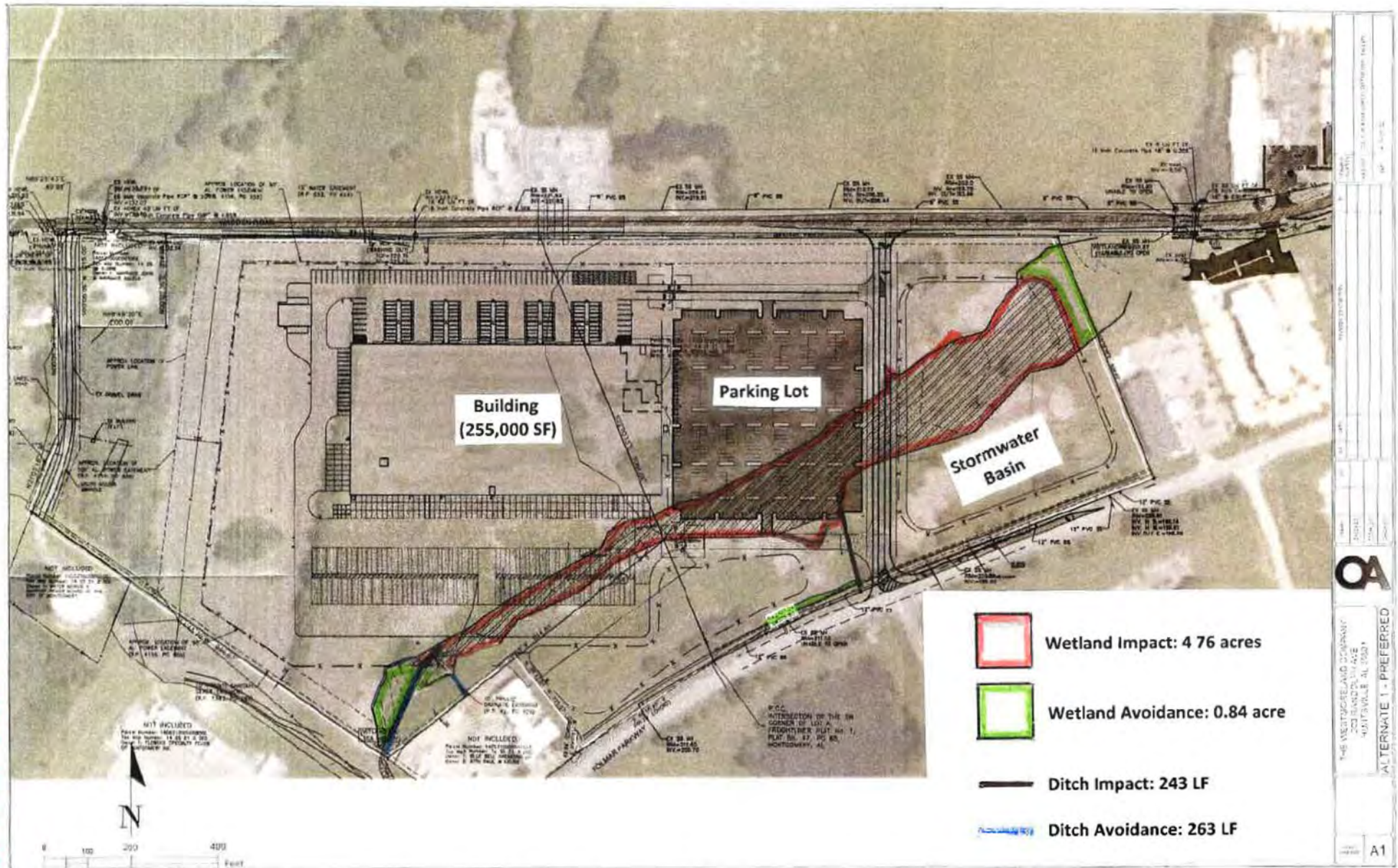


Figure 9. Alternative 3 (Preferred Plan) and Wetland Impacts