



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-2022-00379-CMS

September 2, 2022

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 MUDDY PRONG ASSOCIATED WITH THE CONSTRUCTION OF A
RESIDENTIAL SUBDIVISION IN WESTOVER, 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: Brasher Holdings, LLC
Attention: Jay Sawyer
31 Dogwood Drive
Chelsea, Alabama 35053
jay@brasherholdings.com

AGENT: Spectrum Environmental, Inc.
Attention: Sam Ford
85 Spectrum Cove
Alabaster, Alabama 35007
sford@specenviro.com

LOCATION: The proposed project is in wetlands and unnamed tributaries to Muddy Prong in Westover, Shelby County, Alabama. Specifically, the 53-acre project boundary is located within Section 29, Township 19 South and Range 1 East. Center coordinates of the project site are latitude 33.351541, longitude -86.562476. The project is in the Lower Coosa 8-digit hydrologic unit code (HUC 03150107).

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. The applicant proposes to discharge fill material in 3.04 acre of jurisdictional wetlands for lot construction, 128 linear feet (0.003 acre) of ephemeral stream for roads and lot construction, and 16 linear feet (0.002 acre) of perennial stream for armor associated with a stormwater discharge point.

AVOIDANCE & MINIMIZATION: According to the applicant, the original design proposed to discharge fill material into 6 acres of wetlands, 427 linear feet of perennial stream, 985 linear feet of intermittent stream, and 349 linear feet of ephemeral stream. During project planning, the design was revised to minimize proposed impacts to aquatic resources to the maximum extent practicable. The proposed plan would avoid 794 linear feet of perennial stream, 989 linear feet of intermittent stream, 221 linear feet of ephemeral stream, and 3.12 acres of 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. Further coordination with the State Historic Preservation Officer and/or federally recognized American Indian tribes will be performed as determined to be appropriate. 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 listed species have the potential to occur in the project watershed: gray bat, Indiana bat, northern long-eared bat, Coosa moccasinshell, finelined pocketbook, ovate clubshell, southern clubshell, southern pigtoe, triangular kidneyshell, and upland combshell. The USACE has not made a determination regarding potential effects of the project on the above-listed species at this time. Further coordination with the United States Fish and Wildlife Service (USFWS) will be performed as determined to be appropriate. 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-2022-00379-CMS** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: **Ms. Courtney Shea**, 600 Vestavia Parkway, Suite 203, Vestavia Hills, AL 35216, 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

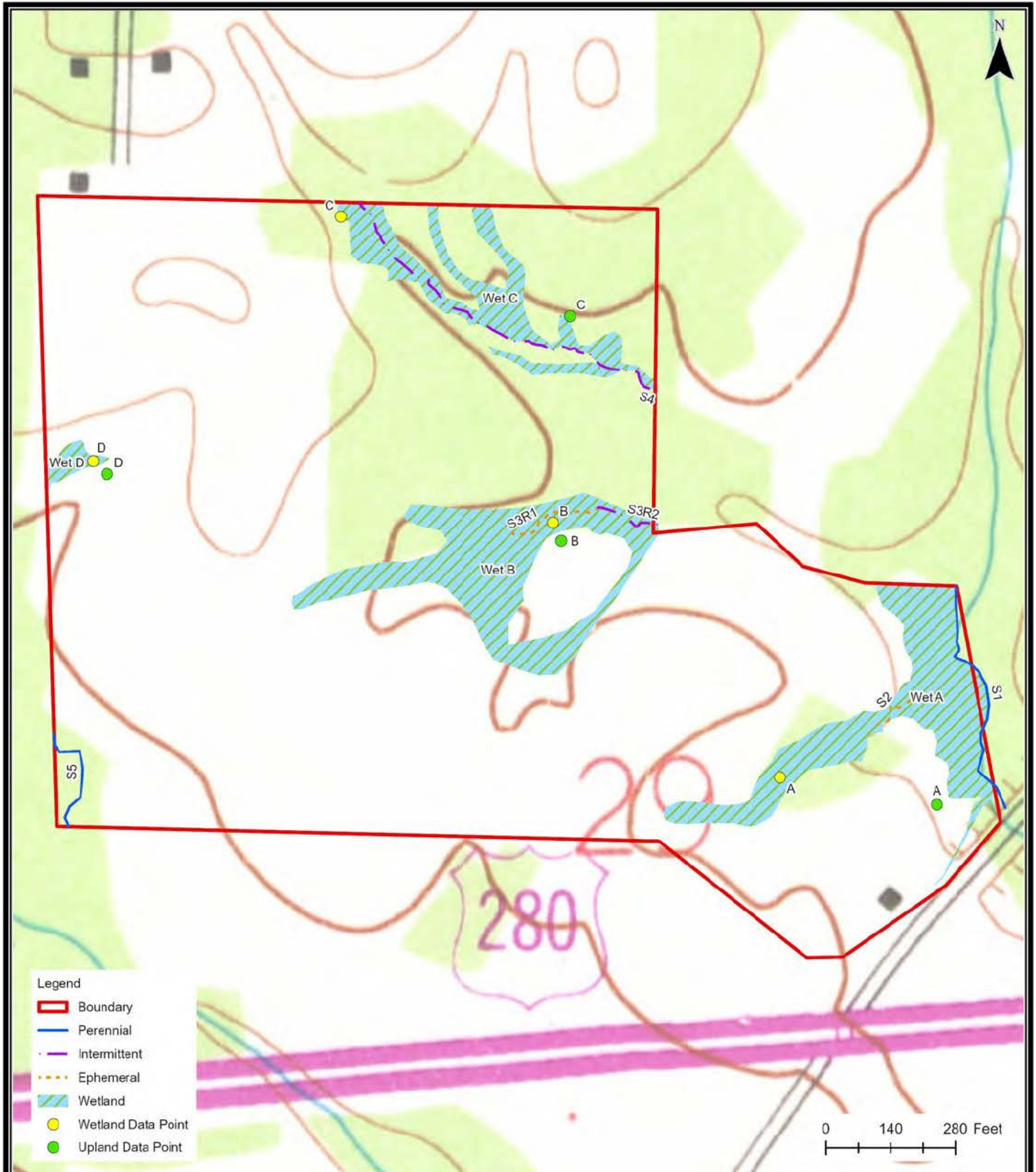
Drawn By:	Client #:
SS	3562
Checked By:	Date:
BS	8/4/2022
Project Mgr.:	Project #:
SF	3562-001-32

901 Woodland Street
Suite 104
Nashville, TN 37206
P - 615-499-4941

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

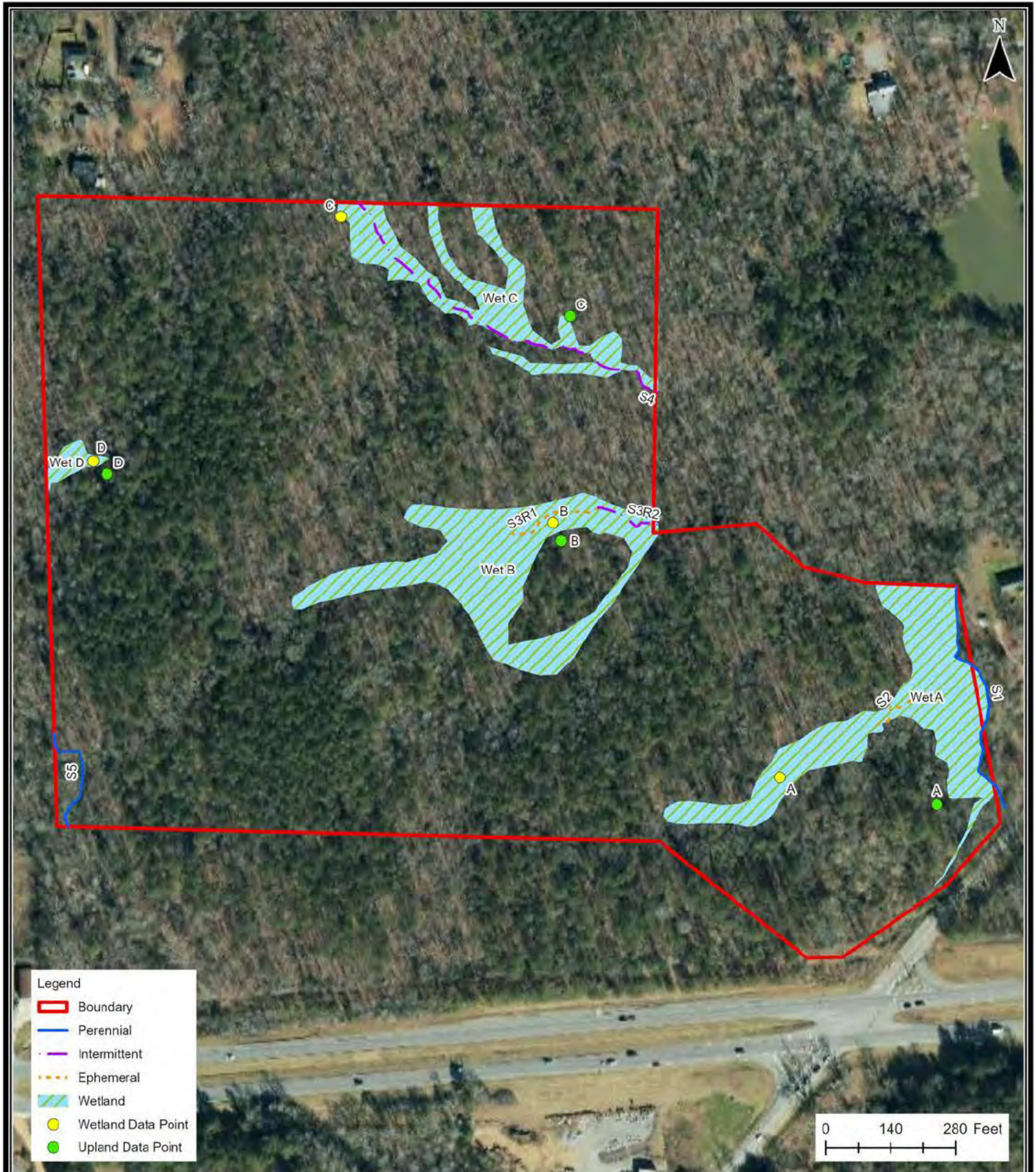
SPECTRUM
Solutions to Your Environmental Challenges

TITLE
<p>Figure 1 — Site Location Map Section 404 Joint Application Individual Permit SAM-2022-00379-CMS Brasher Holdings, LLC Westover Subdivision Westover, Shelby County, Alabama</p>



Source: Image courtesy of ESRI and USGS. USGS Westover, AL 7.5 minute quadrangle.

				Drawn By:	Client #:	901 Woodland Street Suite 104 Nashville, TN 37206 P - 615-489-4941		85 Spectrum Cove Alabaster, AL 35007 O - 205-864-2000 F - 205-864-2142		TITLE	
				SS	3562	 SPECTRUM Solutions to Your Environmental Challenges		Figure 8a — Site Delineation Overview Section 404 Joint Application Individual Permit SAM-2022-00379-CMS Brasher Holdings, LLC Westover Subdivision Westover, Shelby County, Alabama			
				Checked By:	Date:						
				BS	8/4/2022						
				Project Mgr.:	Project #:						
NO.	DATE	REVISION NOTE	BY	SF	3562-001-32						



Source: Image courtesy of ESRI and USGS.

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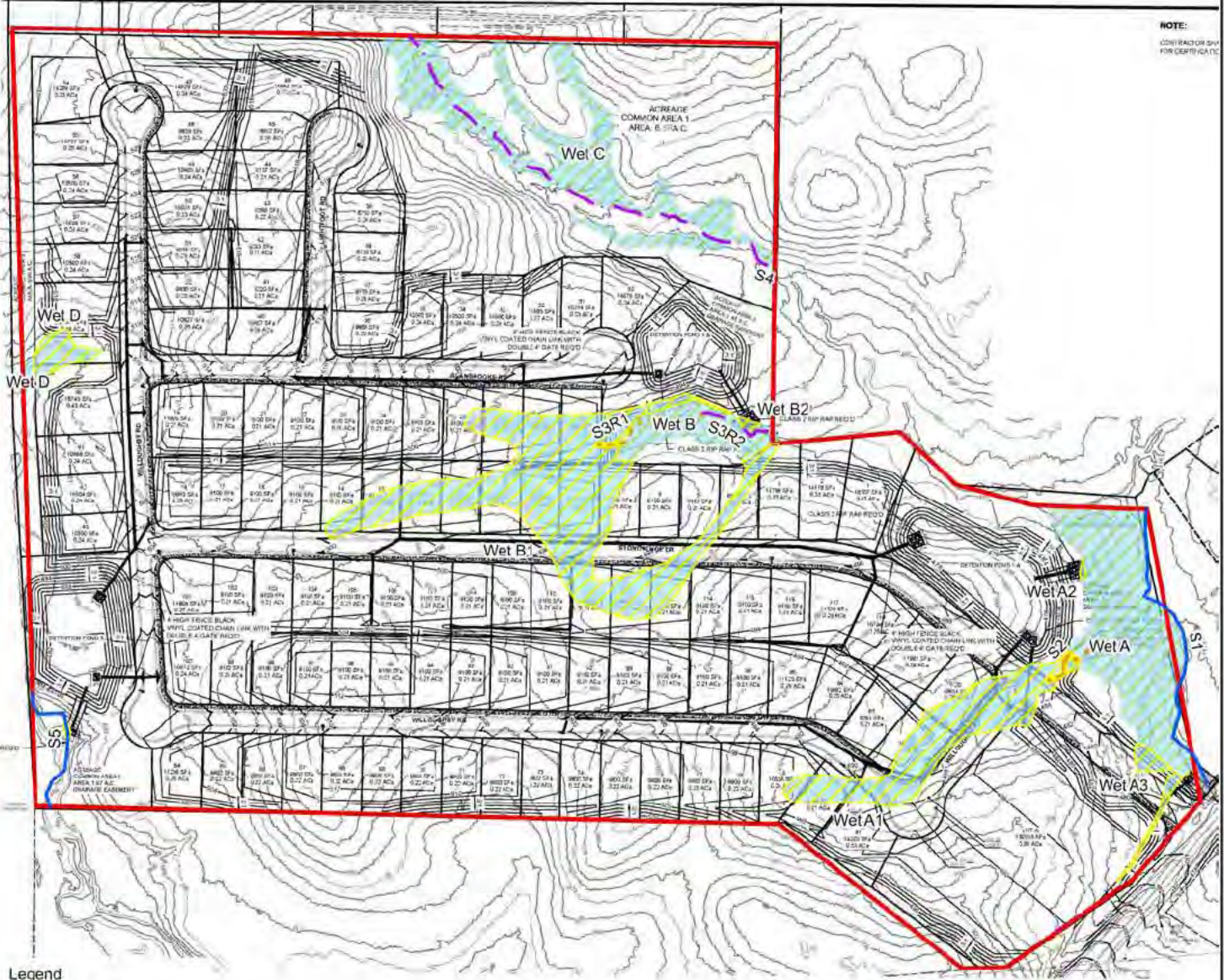
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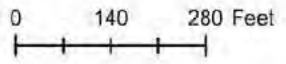
TITLE
<p>Figure 8b — Site Delineation Overview Section 404 Joint Application Individual Permit SAM-2022-00379-CMS Brasher Holdings, LLC Westover Subdivision Westover, Shelby County, Alabama</p>



NOTE:
CONTRACTOR SHALL
VERIFY DEPTH TO



- Legend**
- Boundary
 - Perennial
 - Intermittent
 - Ephemeral
 - Wetland
 - Impacted Perennial
 - Impacted Ephemeral
 - Impacted Wetland



Source: Image courtesy of ESRI.

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TITLE
Figure 11a — Site Final Impact Overview Section 404 Joint Application Individual Permit SAM-2022-00379-CMS Brasher Holdings, LLC Westover Subdivision Westover, Shelby County, Alabama