



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-2022-00638-JDC

February 22, 2023

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS

STATE OF ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**REQUEST FOR AFTER-THE-FACT AUTHORIZATION TO RETAIN THE  
UNAUTHORIZED DISCHARGE OF FILL MATERIAL INTO UNNAMED TRIBUTARIES  
TO LOVELESS CREEK AND PROPOSED DISCHARGE OF FILL MATERIAL INTO  
WETLANDS AND UNNAMED TRIBUTARIES TO LOVELESS CREEK ASSOCIATED  
WITH THE CONSTRUCTION OF A RESIDENTIAL SUBDIVISION IN CULLMAN,  
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: GCR Development  
Attention: Taylor Eidson  
1911 2nd Avenue SW  
Cullman, Alabama 35055  
te@eidsoninc.com

AGENT: Cahaba Consulting, LLC  
Attention: Carl Hubbert, Jr.  
2645 Buckboard Road  
Birmingham, Alabama 35244  
chubbert@cahabaconsulting.com

**LOCATION:** The proposed project is located in wetlands and unnamed tributaries to Loveless Creek in Cullman, Cullman County, Alabama. Specifically, the project is located within Section 3, Township 11 South, Range 3 West. Center coordinates of the project are latitude 34.1168, longitude -86.8386. The project is located in the Mulberry Fork 8-digit hydrologic unit code (HUC 03160109).

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

**WORK:** The applicant is requesting after-the-fact authorization to retain the unauthorized discharge of fill material into 905 linear feet of waters of the United States (U.S.) in association with Phases 1 and 2 of the construction of a new residential

development "Highpoint Subdivision". Specifically, the unauthorized impacts involved the discharge of fill material into 465 linear feet of ephemeral stream "Stream 2 US" for the construction of roadway and housing foundation, 150 linear feet of intermittent stream "Stream 2" for the construction of a stormwater detention basin, and 190 linear feet of intermittent stream "Stream 3" for the construction of housing foundation. The unauthorized impacts also involved the discharge of fill material into 50 linear feet of "Stream 2 US" and 50 linear feet of "Stream 3" for the construction of culverted access roads that were installed by a previous landowner but are being used for the construction of the new residential subdivision.

The applicant is also requesting authorization to discharge fill material into 140 linear feet of intermittent stream "Stream 1" to install drainage piping for the construction of a culverted roadway crossing and 0.872 acres of forested wetland "Wetland 1" for the construction of housing foundation, roadway foundation, and a stormwater detention basin in association with Phases 3 and 4 of the construction of the new residential subdivision and attendant features.

**AVOIDANCE & MINIMIZATION:** According to the applicant, the initial construction plan proposed impacts to 1,295 linear feet of stream and 1.31 acres of wetlands. The project design was re-evaluated and modified to minimize impacts to waters of the U.S. These modifications included reducing the number of residential lots, resulting in the proposed plan of unavoidable impacts to 1,045 linear feet of stream and 0.872 acre 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. 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, 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), 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-2022-00638-JDC** 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. Richard Hulcher, 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

(Unavailable)



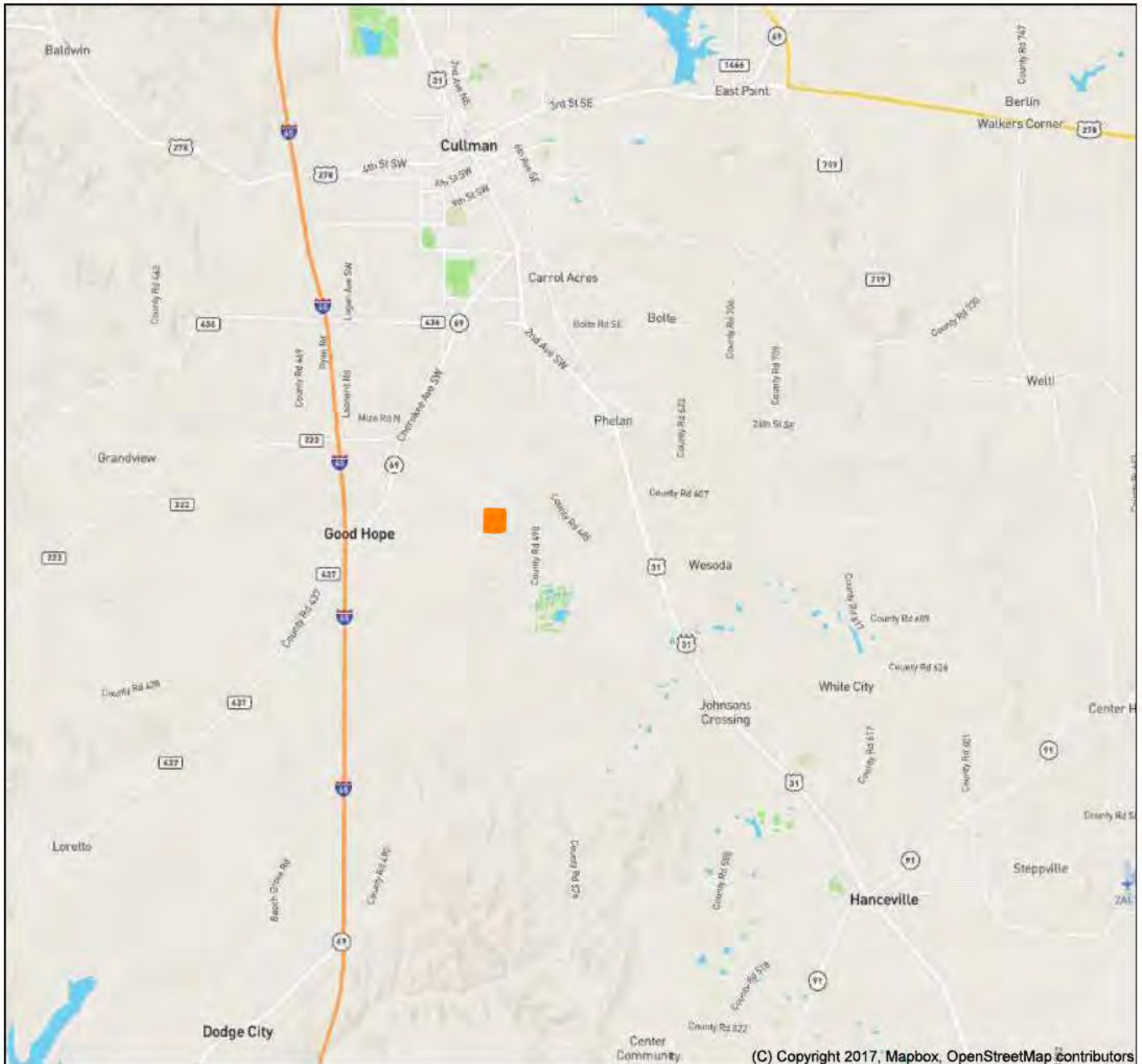
STREET MAP QUADRANGLE  
ALABAMA  
ROAD SERIES

(Unavailable)

086° 55' 41.5659" W  
034° 11' 46.3832" N +

(Unavailable)

084° 02' 40.3042" W  
+ 034° 11' 46.3832" N



GCR DEVELOPMENT, LLC  
Highpoint Subdivision Expansion - Phase 1-4  
Vicinity Map  
October 2022

PROJECT BOUNDARY

Cahaba Consulting, LLC  
Environmental and Mining

Birmingham, Alabama 205.533.0449

031° 55' 35.3787" N +  
086° 55' 41.5659" W

(Unavailable)

Produced by Trimble Terrain Navigator Pro  
Topography based on USGS variable Maps

North American 1983 Datum (NAD83)

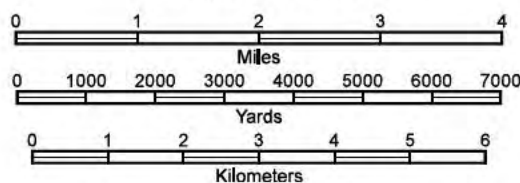
To place on the predicted North American  
1927 move the projection lines 11M N and  
0M W

Dedination



GN 0.10° E  
MN 3.58° W

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CONTOUR INTERVAL UNKNOWN FT

+ 031° 55' 35.3787" N  
34° 02' 40.3042" W

(Unavailable)

N/A  
HANCEVILLE, AL  
UNKNOWN



(WEST POINT)

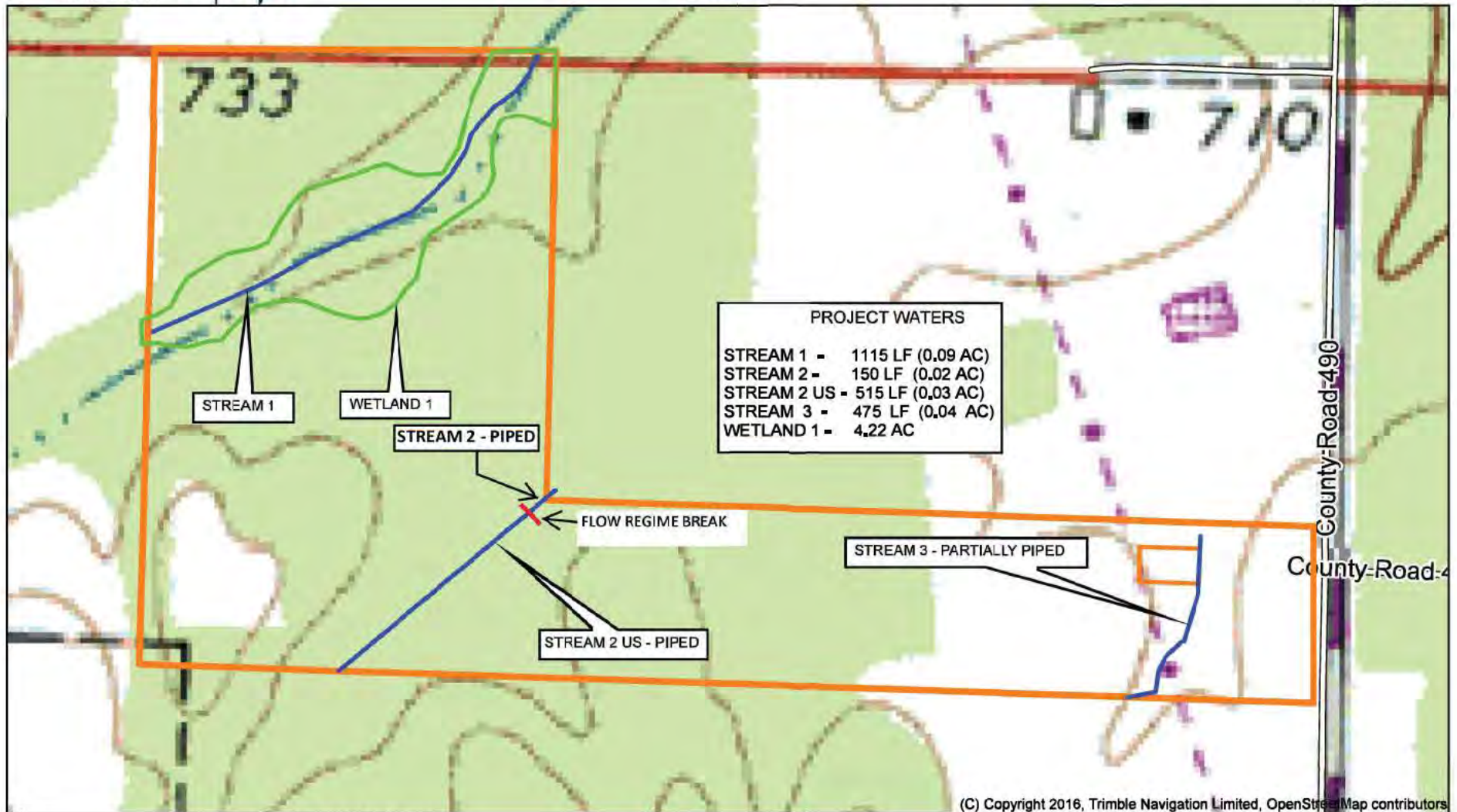


(CULLMAN)

HANCEVILLE QUADRANGLE  
ALABAMA  
TOPOGRAPHIC SERIES

(SIMCOE)

086° 41' 55.3988" W  
+ 034° 07' 10.8700" N



GCR DEVELOPMENT, LLC  
Highpoint Subdivision - Phase 1 - 4  
SAM-2022-00638-JDC  
Waters of the United States  
Figure 1 - USGS 7.5 MIN Quad - Topographic  
October 2022

- PROJECT BOUNDARY
- PROJECT STREAMS
- PROJECT WETLANDS
- LOT LINES
- PREFERRED PROJECT LOTS
- FLOW REGIME BREAK

(ARKADELPHIA)

Produced by Trimble Terrain Navigator Pro  
Topography based on USGS 1:24,000 Maps

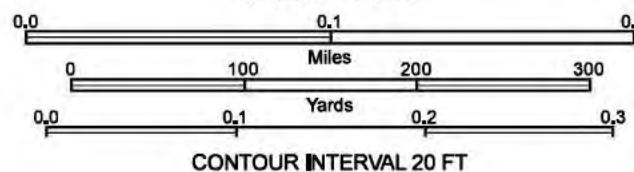
North American 1983 Datum (NAD83)

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Declination



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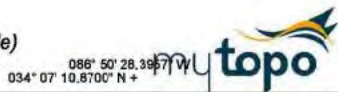


34086-A6-TM-024  
HANCEVILLE, AL  
JAN 1, 1993

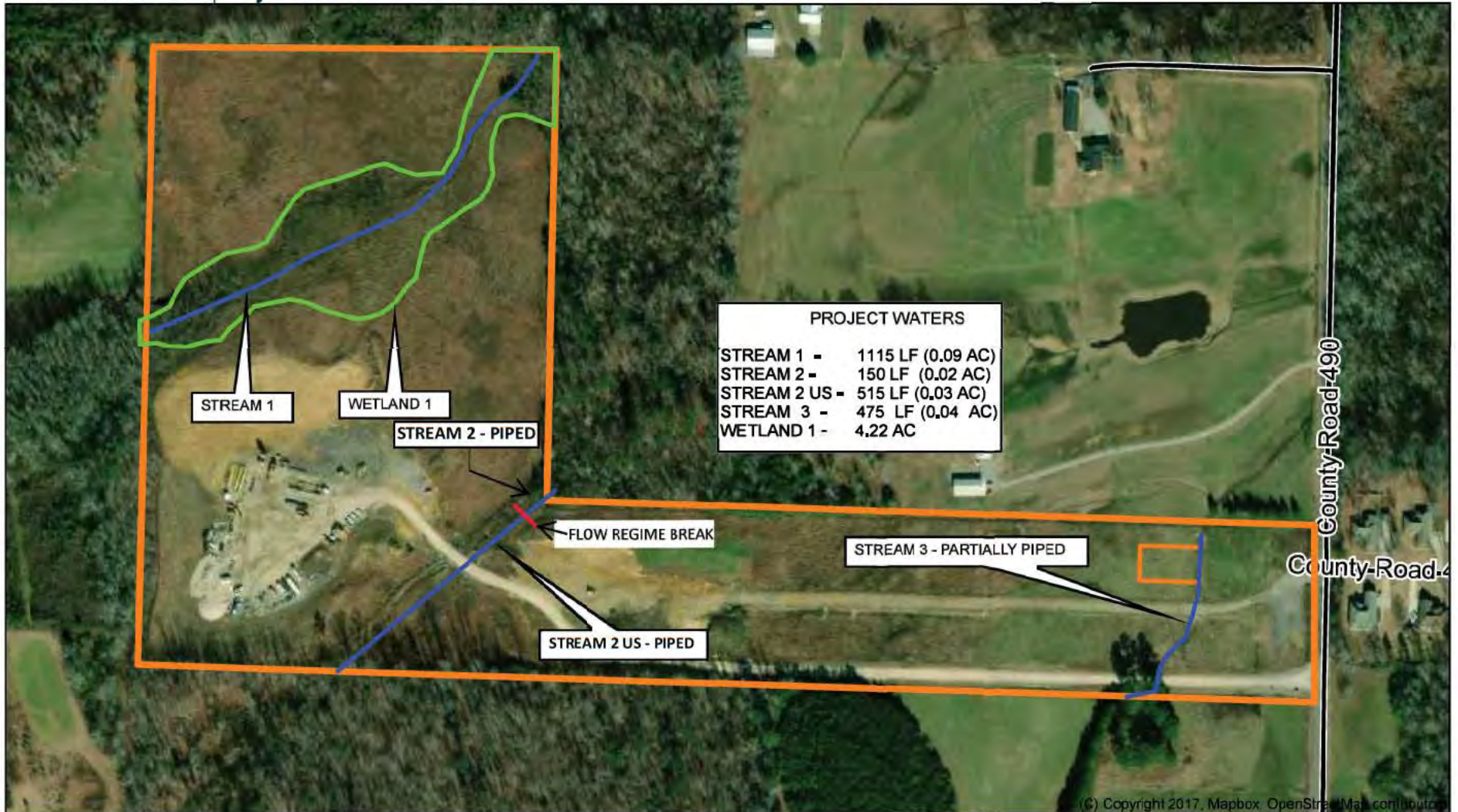
(NECTAR)



(Unavailable)



(Unavailable)



GCR DEVELOPMENT, LLC  
Highpoint Subdivision - Phase 1 - 4  
SAM-2022-00638-JDC  
Waters of the United States  
Figure 2 - Ortho Aerial Imagery  
October 2022

- PROJECT BOUNDARY
- PROJECT STREAMS
- PROJECT WETLANDS
- LOT LINES
- PREFERRED PROJECT LOTS
- FLOW REGIME BREAK

(Unavailable)

Produced by Trimble Terrain Navigator Pro  
Topography based on USGS variable Maps

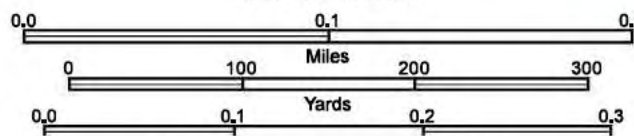
North American 1983 Datum (NAD83)

To place on the predicted North American 1927 move the  
projection lines 11M N and 0M W

Declination



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SCALE 1:4000



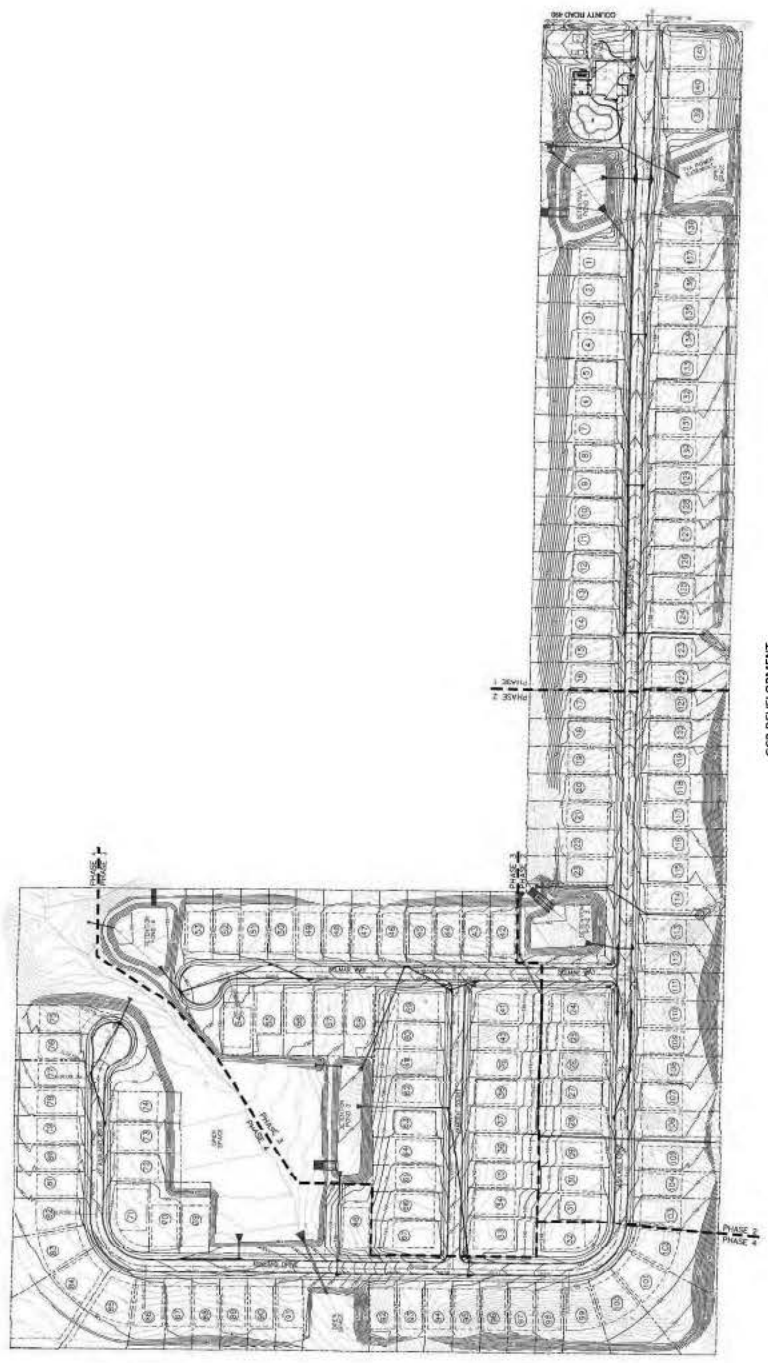
CONTOUR INTERVAL UNKNOWN FT

N/A  
HANCEVILLE, AL  
UNKNOWN

(Unavailable)



| NO. | DATE    | DESCRIPTION               |
|-----|---------|---------------------------|
| 1   | 4/13/20 | DESIGNED FOR APPROVAL     |
| 2   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 3   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 4   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 5   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 6   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 7   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 8   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 9   | 4/13/20 | DESIGNED FOR CONSTRUCTION |
| 10  | 4/13/20 | DESIGNED FOR CONSTRUCTION |



GCR DEVELOPMENT  
 HIGHPOINT SUBDIVISION  
 PHASES 1 - 4  
 FIGURE 3 - PREFERRED PROJECT  
 OCTOBER 2022

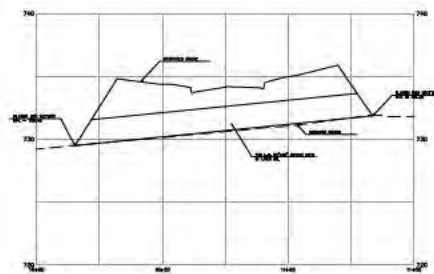
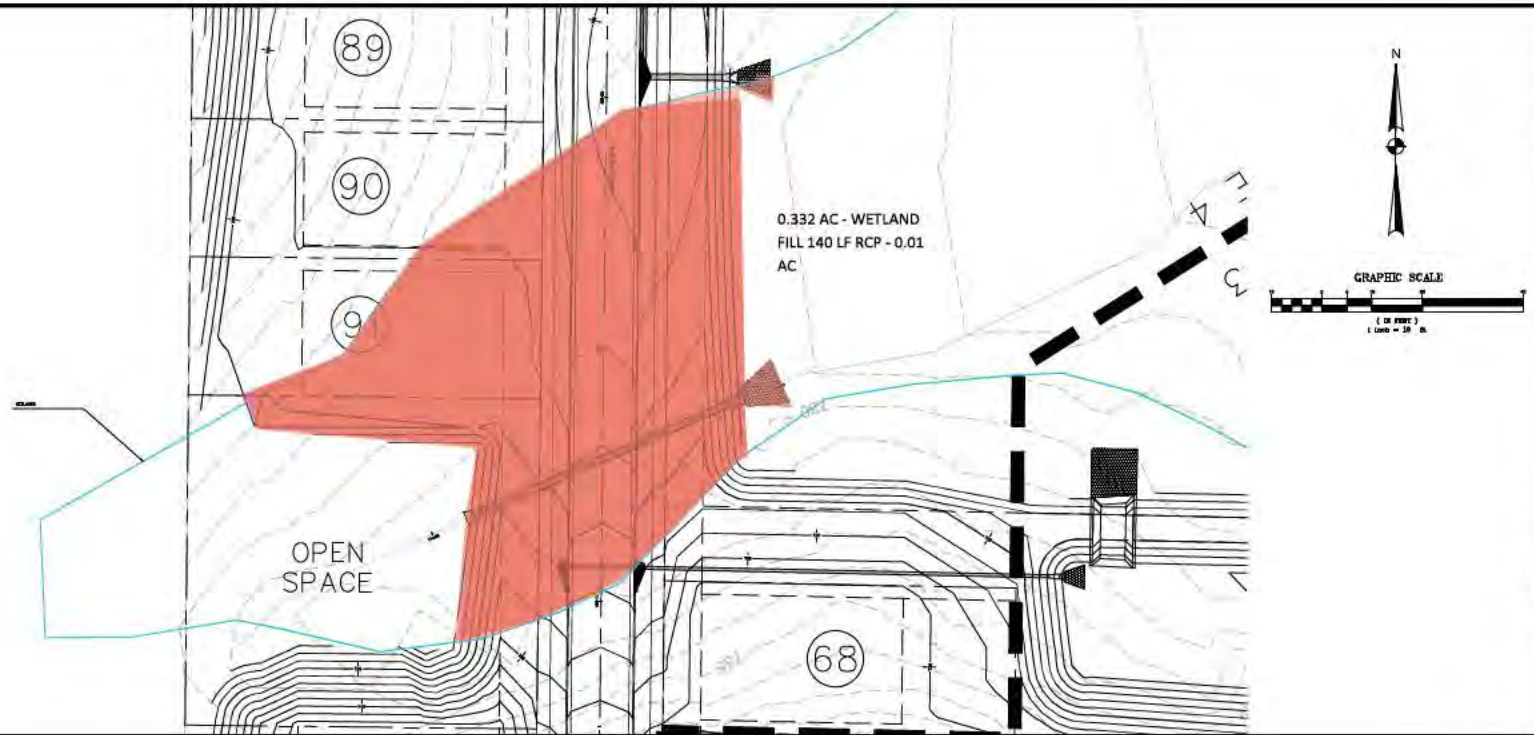












## Proposed Impacts

GCR DEVELOPMENT, LLC  
HIGHPOINT PHASE 3 & 4 EXPANSION  
FIGURE 5A - PLAN AND PROFILE  
JANUARY 2023



ST. JOHN  
& ASSOCIATES

|             |         |
|-------------|---------|
| PROJECT NO. | 1309    |
| DATE        | 8/23/22 |
| DESIGNED BY | HMI     |
| CHECKED BY  | DAB     |
| APPROVED BY | WGS     |



St. John & Associates, Inc.  
Civil Engineering and Planning  
Cullman, Alabama  
500 WEST AVENUE, SUITE 100  
CULLMAN, ALABAMA 35055  
PHONE: (205) 335-1111  
FAX: (205) 335-1112  
WWW.STJOHN-AL.COM  
HMI  
DAB  
WGS  
8/23/22  
H087 1"=10' VERT. 1"=50'

|              |  |
|--------------|--|
| PROJECT NO.  | 1309   |
| DATE         | 8/23/22  |
| DESIGNED BY  | HMI  |
| CHECKED BY   | DAB  |
| APPROVED BY  | WGS  |
| PROJECT NAME | High Point Subdivision<br>Site Development Plans<br>CULLMAN, ALABAMA |
| FIGURE       | STORM PLAN & PROFILE   |
| SHEET        | 1 OF 1   |
| REV.         | 0  |