



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, AL 35216

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PUBLIC NOTICE NO. SAM-2022-00940-CMS

October 5, 2022

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 MIXED-USE DEVELOPMENT IN AUBURN, LEE 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: Wire & Cox Development, LLC
Attention: Warren Jolly
11340 Lakefield Drive
Johns Creek, Georgia 30097
wjolly@jollydevelopment.com

AGENT: Wildland Services, LLC
Attention: Eric Clemmons
Post Office Box 469
Auburn, Alabama 36831
eclemmons@wildland-services.com

LOCATION: The proposed project is in wetlands in Auburn, Lee County, Alabama. Specifically, the project boundary is located within Section 3, Township 18 North and Range 25 East. Center coordinates of the project site are latitude 32.5758, longitude -85.5250. The project is in the Lower Tallapoosa 8-digit hydrologic unit code (HUC 03150110).

PROJECT PURPOSE: The basic project purpose is a mixed-use commercial / residential development.

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 mixed-use development to include an office building and senior living facility. The applicant proposes to discharge 2,662 cubic yards of clean fill material into 1.31 acres of wetlands

and 0.1 acre of open water pond in association with construction of an office building, an assisted living/nursing home facility and associated parking areas.

AVOIDANCE & MINIMIZATION: According to the applicant, the original design included impacts to 1.46 acres of wetlands, 0.10 acre of open water, and 22 linear feet of intermittent stream. The final preferred plan avoids 0.15 acre of wetlands and 680 linear feet of intermittent stream located in the southern portion of the property. 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. 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: wood stork, finelined pocketbook, ovate clubshell, and southern clubshell. 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 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-2022-00940-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

WILDLAND SERVICES

Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

COX & WIRE COMMERCIAL 32.5758, -85.5250 S3 T18N R25E AUBURN, ALABAMA

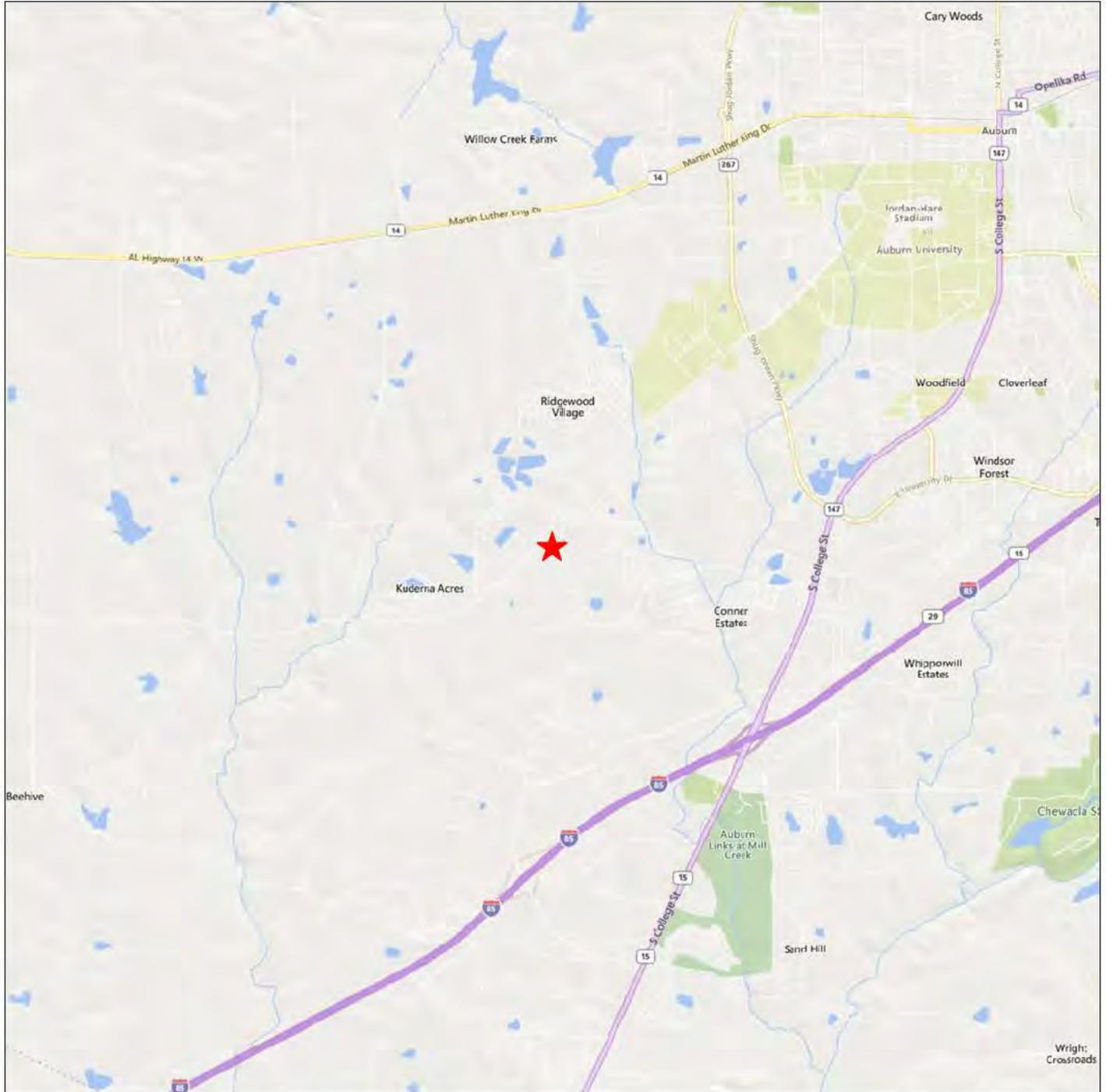


Figure 1 Site Location

LEGEND

- Drawing Symbols
★ Site Location



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

COX & WIRE COMMERCIAL

32.5758, -85.5250
S3 T18N R25E
AUBURN, ALABAMA



3/29/2022

0' 150' 300' 450'

Figure 2

Aerial with Delineation

LEGEND

Drawing Symbols

- Site Boundary
- Intermittent Stream
- Wetland
- Open Water
- Data Point

Impacts Figure

