



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-2023-00415-CMS

August 24, 2023

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 MILL CREEK ASSOCIATED WITH THE CONSTRUCTION OF A  
GRAIN REUSE FACILITY IN MCCALLA, JEFFERSON COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: The 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: ReConserve of Alabama, Inc.  
Attention: Leon Endres  
2811 Wilshire Boulevard Suite 410  
Santa Monica, California 90403  
lendres@reconserve.com

AGENT: Environmental, Inc.  
Attention: Kyle Paris  
96B Cogswell Avenue  
Pell City, Alabama 35125  
kparis@envciv.com

**LOCATION:** The proposed project is in wetlands and unnamed tributaries to Mill Creek in McCalla, Jefferson County, Alabama. Specifically, the project boundary is located within Section 15, Township 20 South, Range 5 West. Center coordinates of the project site are latitude 33.29871, longitude -87.04725. The project is in the Cahaba River 8-digit hydrologic unit code (HUC 03150202).

**PROJECT PURPOSE:** The project purpose is a grain reuse facility.

**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 grain reuse facility. The applicant proposes to discharge 5,250 cubic yards of clean fill material into 0.19 acre of wetlands, 0.22 acre of pond, and 253 linear feet of intermittent stream in association with site grading for the construction of the facility.

**AVOIDANCE & MINIMIZATION:** According to the applicant, the property contains 4.64 acres of jurisdictional wetlands, 0.22 acre of pond, 1,841 linear feet of intermittent stream, and 1,555 linear feet of perennial stream. The proposed plan includes avoiding 4.47 acres of wetlands and 3,143 linear feet of stream on the property.

**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, alligator snapping turtle (proposed threatened), Cahaba shiner, goldline darter, Alabama moccasinshell, finelined pocketbook, orangenacre mucket, ovate clubshell, southern clubshell, triangular kidneyshell, upland combshell, round rocksnail, monarch butterfly (candidate species), gentian pinkroot, Mohr's Barbara's buttons, and Tennessee yellow-eyed grass. The USACE has not made a determination regarding potential effects of the project activities 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.

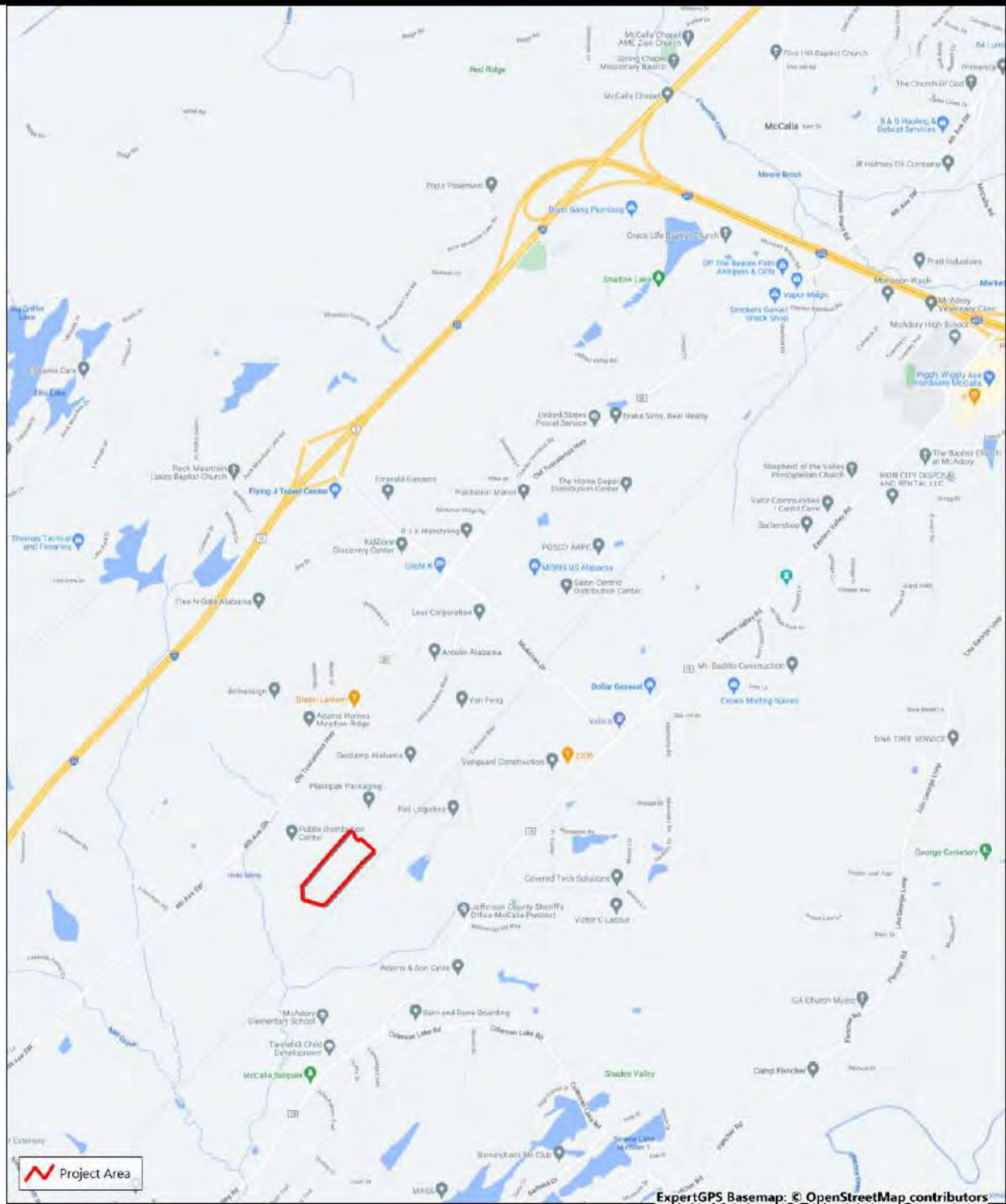
Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2023-00415-CMS** and should be directed to the District Engineer, U.S. Army Corps of Engineers Mobile District, Birmingham Field Office, Attention: **Ms. Courtney Shea**, 600 Vestavia Parkway, Suite 203, Vestavia 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



**ExpertGPS**



Scale: 1 : 35000.

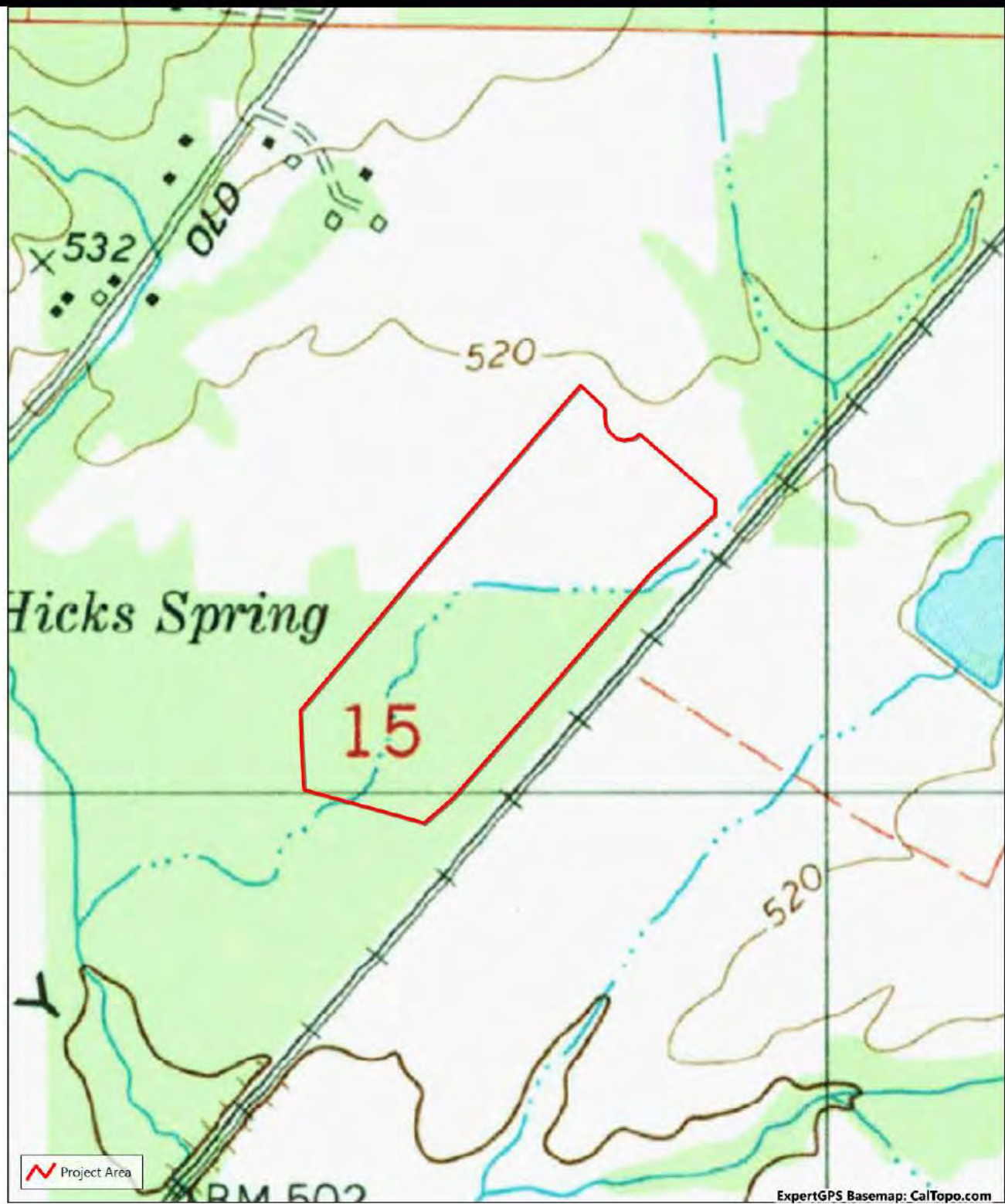


**Environmental, Inc.**

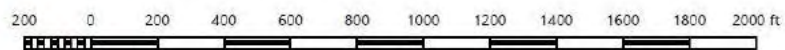
Subject:  
 Project ReConserve  
 McCalla, Jefferson County, Alabama  
 Environmental, Inc. Project No.: SAI01E2301

Figure 1  
 Location Map





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Scale: 1 : 6000.



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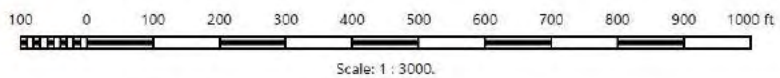
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Figure 2  
Topographic Map





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Figure 3  
 Jurisdictional Determination Map







