



**US Army Corps  
of Engineers.**

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# Public Notice

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Public Notice No. **08-46**

Issue Date: **October 3, 2008**

Nashville District

Application No. **2008-00667**

Expiration Date: **November 3, 2008**

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**TENNESSEE VALLEY AUTHORITY**  
**AND**  
**STATE OF ALABAMA**

SUBJECT: Proposed Wetland Fill for Proposed Residential Development, Hardiman Branch, Limestone County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Alabama, pursuant to **Section 401(1)(1) of the CWA**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Jeff Mullins  
Huntsville Enterprises  
7 Towne Center Drive, Suite 201  
Huntsville, Alabama 35763

LOCATION: Wetlands adjacent to Hardiman Branch, a tributary to Tennessee River Mile 310.7R, for Proposed Brighton Park Development, in Limestone County, Alabama (Greenbrier Quad; lat 34.69534, lon 86.798401)

DESCRIPTION: The proposed work consists of the placement of fill material into approximately 3.87 acres of forested wetland area for the proposed Brighton Park residential development. The applicant has proposed mitigation for the wetland impacts by purchasing 7.74 wetland credits at the

Proposed Wheeler Pointe Wetlands Bank. If the proposed Wheeler Pointe Wetland Bank has not approved within six months of commencement of the proposed activity, the applicant would have to perform an alternative mitigation. Thus, the applicant has proposed a "back-up" mitigation plan, which would consist of off-site wetland restoration activities. The off-site mitigation would be performed on 7.74-acres within the proposed Wheeler Point Wetlands Bank. The off-site mitigation would involve restoration activities including drainage manipulation, soil restoration, and tree planting. A detailed off-site mitigation restoration plan is attached.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work 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, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers 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 Corps of Engineers 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.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based upon available information, the proposed work would not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval is required under Section 26a of the TVA Act for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

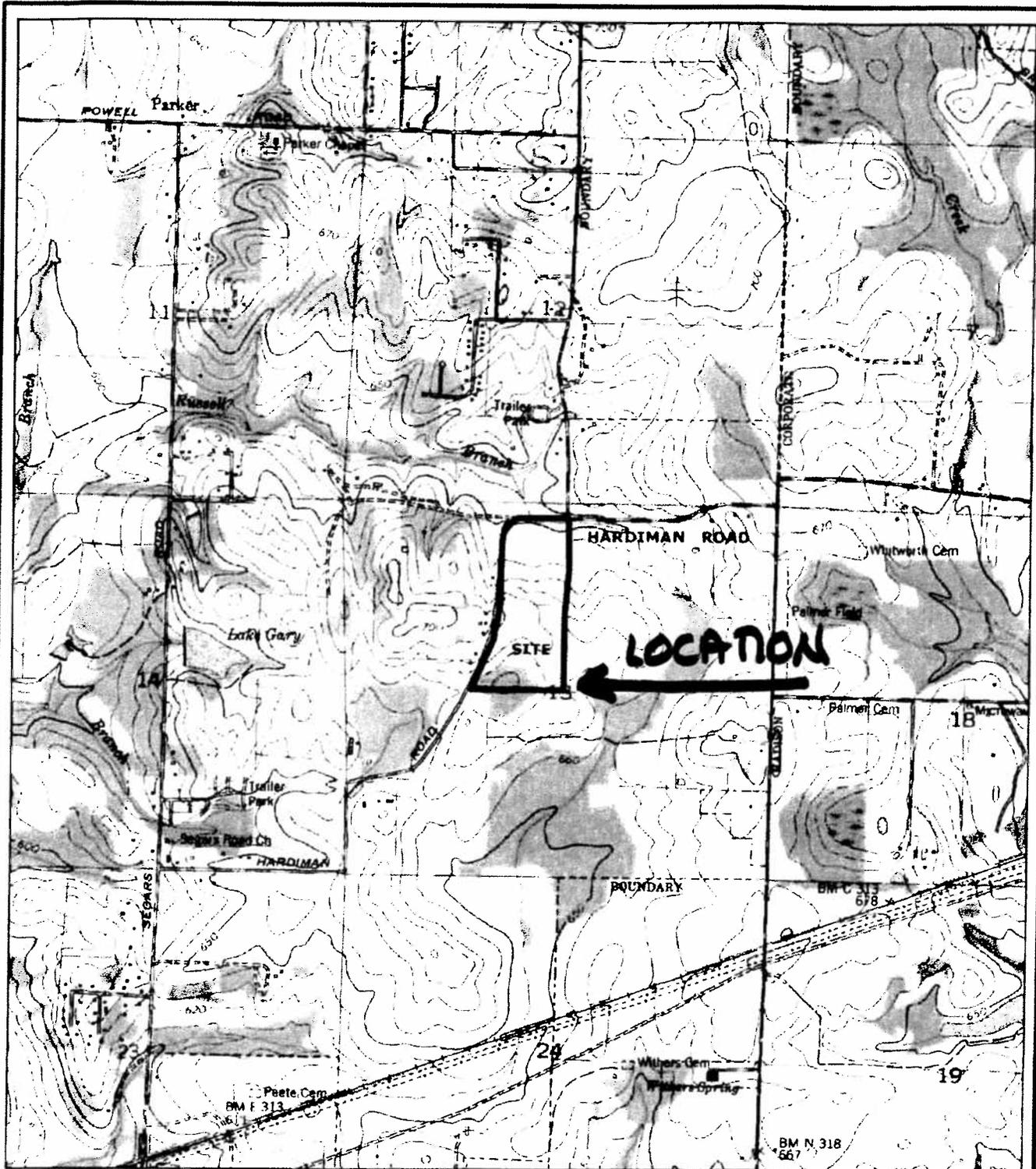
Water Quality Certification from the state of Alabama is required for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

A "No-Rise" Certification is required from Limestone County Engineering Department prior to issuance of a DA permit.

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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.

Written statements received in this office on or before November 3, 2008, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Samantha Strickland, Tennessee Valley Authority, Wheeler Land Management Office, P.O. Box 1010, Muscle Shoals, Alabama 35662-1010. If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.



FILE No. 2008-00667  
 PN 08-46

SCALE = 1 : 24,000

SOURCE: USGS DRG 1:24,000  
 Greenbriar [AL]



SITE MAP  
 ST08-119 Brighton Park  
 Limestone County, Alabama

**AST** Environmental Group

PROPOSED BRIGHTON PARK DEVELOPMENT

PROPOSED BRIGHTON PARK DEVELOPMENT FILE NO. 2008-00667 PIN 08-46



HEX HEAD PIN FOUND  
BENCH MARK ELEVATION = 669.66

PROPOSED 3.84 ACRES  
WETLAND - TO BE FILLED  
(SHADED AREA)

DEED BOOK 2006 PAGE 22362  
FUTURE  
TRACT 3 ASHBURY SUBDIVISION  
(UNRECORDED)

BOOK 756  
PAGE 236

TREE LINE

Documents Produced by cadOPC Engineering & Surveying Ltd. (www.cadopc.com)

PROPOSED "BACK-UP" MITIGATION  
7.74-ACRES WITHIN PROPOSED  
WHEELER POINTE MITIGATION BANK



Scale: Not to Scale

This drawing was prepared for the purpose of visually representing information at the subject site. No additional information is expressed or implied. All locations and dimensions are approximate.

**SITE LOCATION MAP**  
BRIGHTON PARK MITIGATION AREA  
WHEELER POINTE MITIGATION BANK  
AST Project No. ST08-119

**AST Environmental Group**

File No. 2008-00667

PA 08-46

FILE No. 2008-00667

PA 08-46

# PROPOSED "BACK-UP" MITIGATION SITE



**7.74 Acre Mitigation Area**



Scale: Not to Scale  
 Source: Adapted from drawing provided by Martin Surveys  
 This drawing was prepared for the purpose of visually representing information at the subject site. No additional information is expressed or implied. All locations and dimensions are approximate.

**7.74 Acre Proposed Mitigation Area**  
 for  
 Brighton Park Subdivision  
 At  
 Wheeler Pointe Wetlands Mitigation Bank  
 AST Project No. ST08-119

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**AST Environmental Group**

**Off Site Mitigation for Brighton Park Subdivision  
at Wheeler Pointe Wetland Mitigation Bank (WPWMB)**

The off site mitigation will occur in an area of the site which is planned for restoration. Currently, the area is being farmed for soybean production.

Restoration Procedures:

- Currently, there is a road constructed on the eastern portion of the site which acts as a dam and inundates the site periodically. This structure will be managed in a way that inundates the site sufficiently to support hydrophytic vegetation and reduced soil conditions.
- Hydric soils are present beneath alluvial deposition of sediment. Approximately 6 inches of sediment is planned to be removed from this area so that original soils will be closer to the surface for contact with vegetation.
- The area will be manually or mechanically planted in late fall or winter with bottomland hardwood species at a density of approximately 450 bare root or containerized, hard mast producing seedlings per acre. Trees will be planted to promote future stand randomness and structural diversity.
- A mixture of hardwood tree species will be planted, including at least three species from the following species native to the project area (Stein et. al., 2003): willow oak (*Quercus phellos*), pin oak (*Quercus palustris*), Swamp white oak (*Quercus bicolor*), swamp chestnut oak (*Quercus michauxi*), and shellbark hickory (*Carya lacinosus* and *C. ovata*), bald cypress (*Taxodium distichum*), and black gum (*Nyssa sylvatica*). At least 400 of the 450 trees planted per acre will be oak and/or hickory trees. Shrub or mid-story species such as persimmon (*Diospyros virginiana*), winged elm (*Ulmus alata*), swamp dogwood *Cornus foemina*), or similar midstory species will also be established at a density of a least ten per acre. Establishment of other early successional hardwood species, such as red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), box elder (*Acer negundo*), American elm (*Ulmus americana*), hackberry (*Celtis occidentalis*), and green ash (*Fraxinus pennsylvanica*) will occur via natural seed dispersal and succession.

Monitoring Procedures and Protocols:

- An annual program of hydrologic monitoring will be conducted on the site.
- Six (6) groundwater monitoring wells will be installed on the site and monitored during the growing season for the duration of the monitoring period.
- Surface and subsurface water elevations will be monitored manually or with automated sampling equipment, to demonstrate whether or not the hydrologic success criterion has been met.

- A permanent 30-foot radius vegetation monitoring plot will be created within the restoration area. This vegetative monitoring plot will be monitored annually for the duration of the monitoring period. If the vegetative success criterion is not met, remedial actions will be taken, if necessary, to meet the vegetative success criterion.
- A center stake will be established to mark the locations of each monitoring plot, and photographs will be taken of these plots annually from a point 25 feet away and due west of the center of the center stake.
- The number of planted bare root and containerized hardwoods and the number of volunteer hardwoods of targeted species present will be counted within each plot during each growing season of the monitoring period and will utilize the procedures in the 1987 Wetland Delineation Manual to determine if the herbaceous plant community exceeds the threshold of 50 percent dominance of hydrophytic vegetation.
- Competing vegetation surrounding planted hardwoods will be controlled during and/or after the monitoring period to ensure successful establishment of targeted hardwood species. This will occur as necessary to ensure survival of the tree seedlings.

#### Annual Monitoring Report Procedures and Protocols:

The following reporting procedures and protocols will be undertaken:

- An Annual monitoring report will be developed and provided by January 15, beginning the following year after the vegetation is planted and first monitored for the duration of the monitoring period.

The report will include the following information:

- A summary of hydrologic monitoring for the previous year, unless the hydrologic success criterion have been previously met;
- An analysis of the hydrologic monitoring that compares the results to the site's restoration and creation goals and the hydrologic success criteria;
- Graphs of the surface and subsurface water elevation data for all monitoring wells;
- A summary of vegetative monitoring for the previous year, unless the vegetative success criterion has been met previously;
- An analysis of the vegetative monitoring that compares the results to the site's restoration goals and the vegetative success criterion;
- A statement as to whether or not the hydrologic and/or vegetative success criteria for wetland restoration were met for the annual monitoring period;

- If the success criterion or criteria were not met during the annual monitoring period, an analysis of whether or not the success criterion/criteria are expected to be met within the monitoring period or what remedies or other improvements are proposed; and
- At least four representative photographs of the vegetative monitoring plot.
- A seven year monitoring plan is proposed for this area.