



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2007-0289-MNS

MAR 30 2007

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED FILLING/IMPOUNDING OF WATER OF THE U. S.
IN CONJUNCTION WITH
THE CONSTRUCTION OF A DAM TO CREATE A RESERVOIR ON
MURDER CREEK, CONECHU COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Conecuh County Commission
Attention: Mr. Greg Albritton
102 B Court Street
Evergreen, Alabama 36401

WATERWAY: Along and including tributaries of Murder Creek, just northwest of Evergreen, Section 36, Townships 6 North, Ranges 10 East, Conecuh County, Alabama.

WORK: The applicant proposes to fill/impact approximately 1,453 acres of wetlands and 100,755 linear feet of streams (waters of the United States) in conjunction with the construction of a dam and creation of a 2,650-acre lake. The project involve the construction of an earthen dam approximately 2000-feet-long, 40-foot-high and 340-foot-wide across Murder Creek. Murder Creek is a Palustrine (non-tidal) system that is comprised mostly of forested wetlands but also has scrub/shrub and persistent emergent wetlands. The dam will have the appropriate emergency spillway, overflow and by-pass structures. Upon completion of the dam, it is proposed that the valley be flooded to a water elevation of 250' above mean sea level (MSL). The flooding will create a lake to be used as a source of irrigation for local agriculture and a source of water for the growing Bio-fuel industry in the state. In addition, this lake will be used for public recreation.

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The applicant stated that mitigation will be accomplished by restoring, enhancing and preserving wetlands and streams within the local area. Enclosed drawings provided by the applicant.

The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act and upon completion of the required advertising, a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) 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 utilization 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 Corps 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 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.

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The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist 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 U.S. Department of the Interior, National Park Service, Division of Archeological Services.

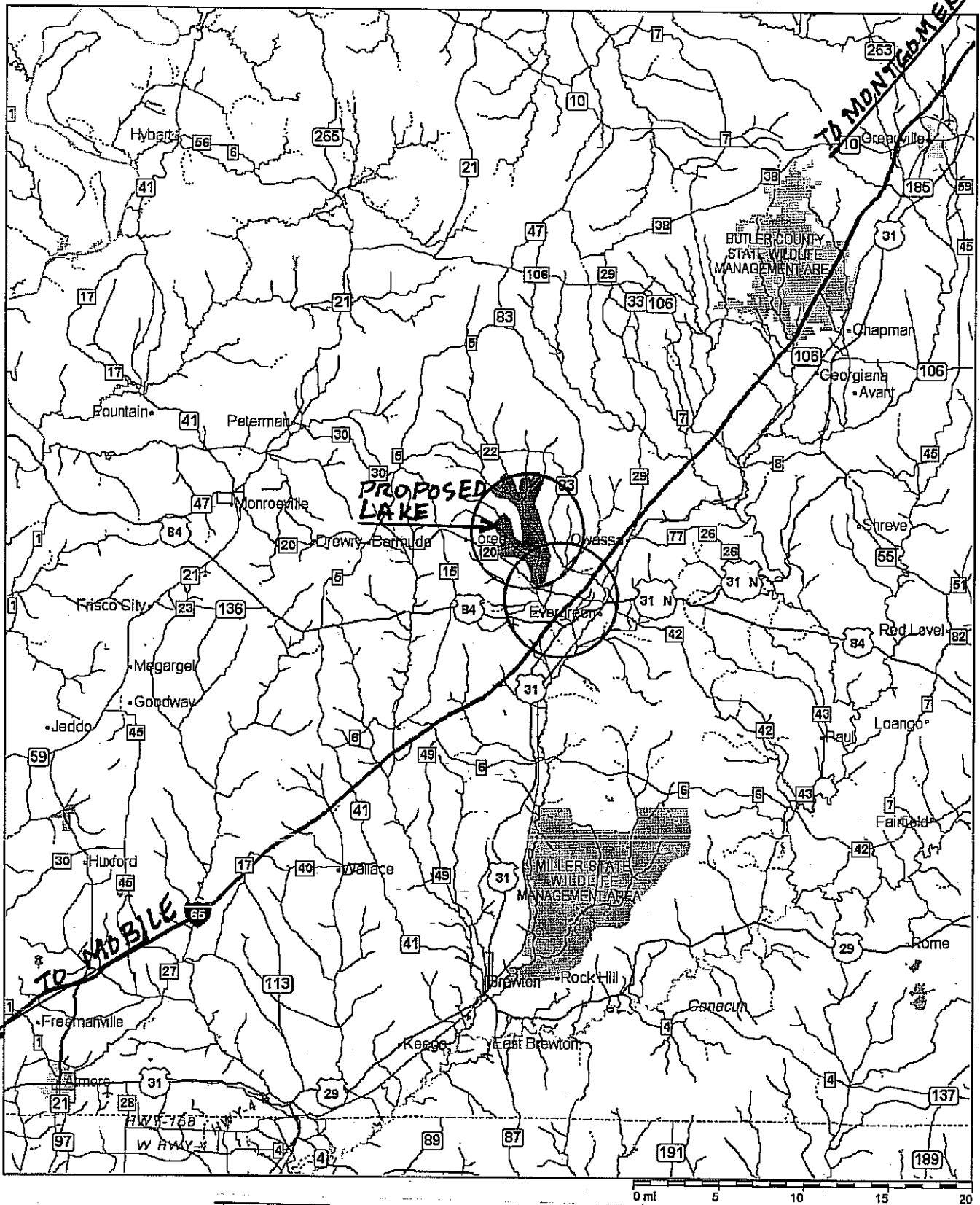
Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2007-0289-MNS** and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, Inland Branch, with a copy to the Alabama Department of Environmental Management, Post Office Box 301463, Montgomery, Alabama 36130-1463 in time to be received not later than 30 days form the date of this notice.

If you have any questions concerning this publication, you may contact this office at telephone number (251) 690-2658 or by email at munther.n.sahawneh@sam.usace.army.mil. Please refer to the above Public Notice number. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

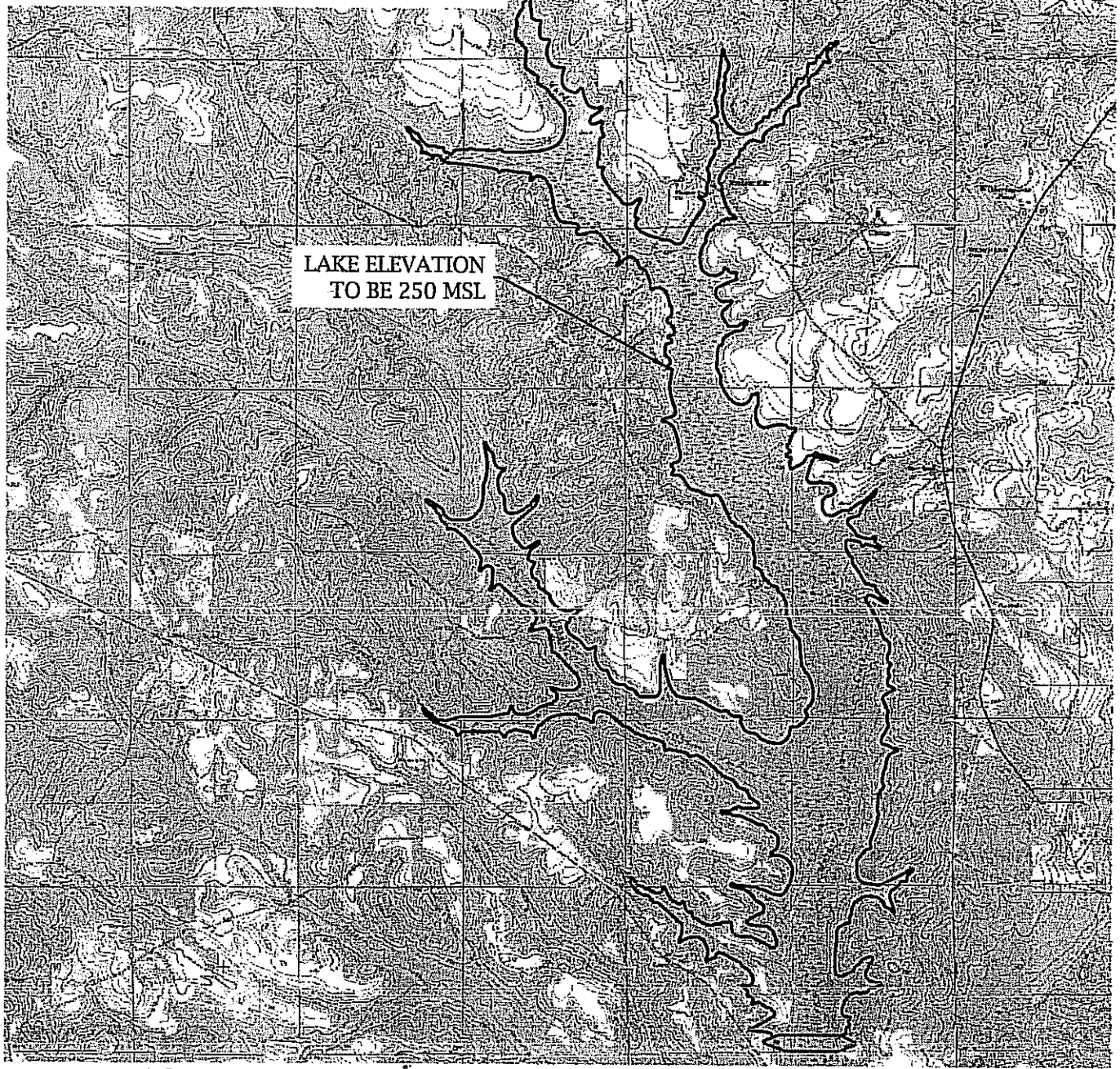
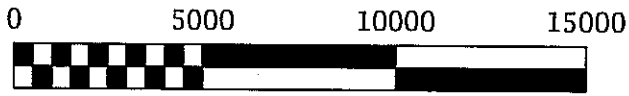
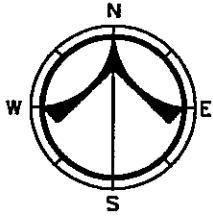
MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



ELEVATION VIEW AND DIRECTIONS
MURDER CREEK DAM
 EVERGREEN, AL

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LAKE ELEVATION
TO BE 250 MSL

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SCALE: 1"=5000'

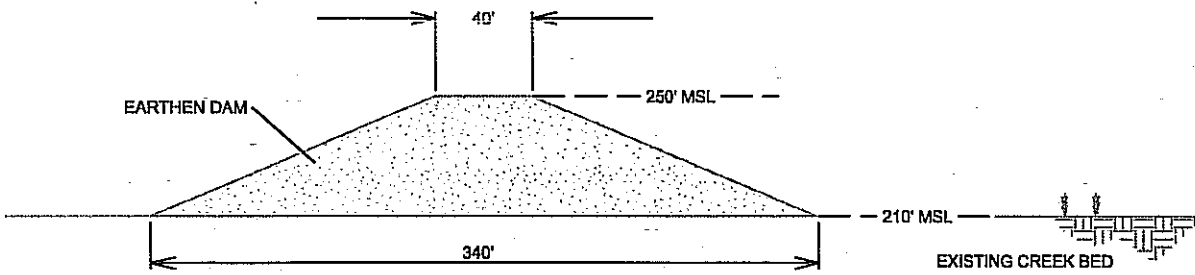
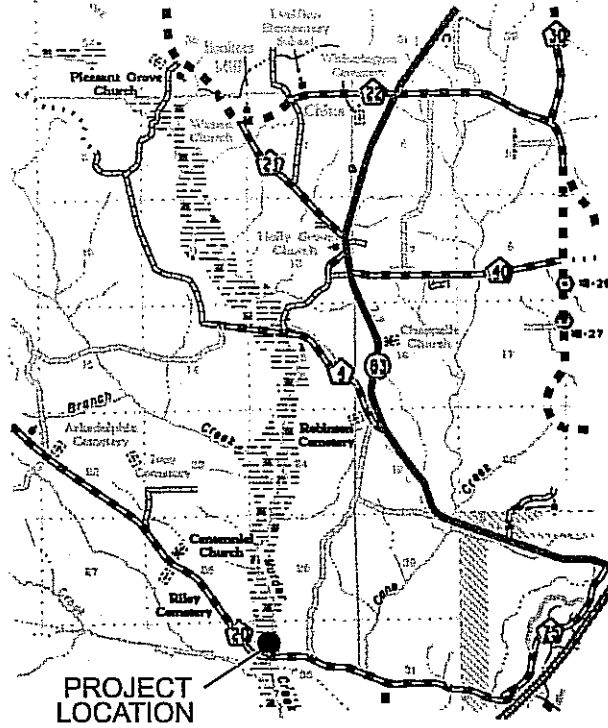


ANDALUSIA
ALBERTVILLE
BIRMINGHAM
DOTHAN

TOPOGRAPHIC OVERLAY
MURDER CREEK DAM
EVERGREEN, AL

DIRECTIONS:

TAKE EXIT 96 OFF OF I-65 ONTO HWY. 83
 HEADING SOUTH. TURN RIGHT ONTO
 COUNTY ROAD 20 AND PROCEED WEST.
 2.5 MILES. PROJECT SITE WILL BE LOCATED
 JUST NORTH OF COUNTY ROAD 20.



NOT TO SCALE

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**ELEVATION VIEW AND DIRECTIONS
 MURDER CREEK DAM
 EVERGREEN, AL**