

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Mobile
ALJ04-01202-Y

REGULATORY PROJECT MANAGER:

Andrews

Date: 6/7/04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date:

At the project site (Y/N)

Date: 5/11/04

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

AL
Baldwin
30°21'36.7" 87°41'12.7"
17 acres
Bon Secour River Watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		✓							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				✓	
Is or would be used as habitat by other migratory birds that cross state lines?				✓	
Is or would be used as habitat for endangered species?					✓
Is used to irrigate crops sold in interstate commerce?				✓	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

June 7, 2004

Regulatory Branch
Operations Division

SUBJECT: No Permit Required - Jurisdictional Number
ALJ04-01202-Y

Geographic Solutions Incorporated
Attention: Mr. Scott Jackson
Post Office Box 1452
Bay Minette, Alabama 36507

Dear Mr. Jackson:

Reference is made to your letter requesting a jurisdictional determination on a 17-acre parcel of property located on the west side of Highway 59 and south of County Road 20, in Section 8, Township 8 South, Range 4 East, Baldwin County, Alabama.

An inspection conducted on May 11, 2004, revealed that a Department of the Army permit pursuant to Section 404 of the Clean Water Act will not be required to develop the property. The wetlands located on the property are considered isolated, and therefore are non-jurisdictional.

Please be advised that this jurisdictional determination reflects current policy and regulation and is valid for a period of 5 years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the U.S. Army Corps of Engineers, it shall automatically expire. Should you disagree with certain terms and/or conditions of this determination, the enclosed Notification of Applicant Options (NAO) outlines the steps to take to file your objection.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above.

-2-

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please contact Mr. Steve Andrews Jr., of the Enforcement Section at (251) 694-3873.

Sincerely,

Ronald A. Krizman
Chief, Regulatory Branch
Operations Division

Enclosures