

**APPENDIX B**  
**STUDY AREA PHOTOGRAPHS**

## Appendix B – Study Area Photographs



Photograph 1: Landfill No. 3 – Creek channel bordering landfill at a point near Gobbler Road.



Photograph 2: Landfill No. 4 – Cement-lined ditch located on fill area (facing west).

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Photograph 3: Landfill No. 4 – Cement-lined ditch on fill area (facing east).



Photograph 4: Landfill No. 4 – Cement-lined ditch located on fill area (facing east).

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Photograph 5: Landfill No. 4 – Drainage pathway for small emergent wetland near survey point K-1.



Photograph 6: Landfill No. 4 – Detention pond located in the southwest corner of landfill.

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Photograph 7: Landfill No. 4 – Cement drainage-way leading into detention pond located at southwest corner of landfill.



Photograph 8: Fill Area at Range 30 – Dirt access road that traverses fill area.

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Photograph 9: Fill Area at Range 30 – Depressional area in road where water collects; some wetland vegetation present.



Photograph 10: Fill Area at Range 30 – Depressional area in road where water collects; some wetland vegetation present.

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Photograph 11: Fill Area at Range 30 – Isolated ponded area where water from roadway drains.



Photograph 12: Fill Area at Range 30 – Isolated ponded area where water from roadway drains.

## Appendix B – Study Area Photographs



Photograph 13: Fill Area North of Landfill No. 2 – Cave Creek and adjacent floodplain near the fill area (facing west).



Photograph 14: Fill Area North of Landfill No. 2 – Small wetland area that branches from Cave Creek (facing northwest).

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Photograph 15: Landfill No. 2 – View south near survey point O-17. Thin scrub/shrub-forested wetland strip that was observed west of the fill area.



Photograph 16: Landfill No. 2 – View south near survey point O-27. Thin scrub/shrub-forested wetland strip observed west of the fill area.

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Photograph 17: Landfill No. 2 – View southeast near survey point O-29. View of the thin scrub/shrub-forested wetland strip observed west of the fill area.



Photograph 18: Fill Area East of Reilly Airfield – Facing south near survey point T-1.

## Appendix B – Study Area Photographs



Photograph 19: Fill Area East of Reilly Airfield – View of beaver pond near survey point T-7.



Photograph 20: Landfill No. 1 – A small drainage ditch located east of Coxwell Avenue. Empties into stream located behind trees.



**APPENDIX C**  
**JURISDICTIONAL DETERMINATION APPROVAL LETTER**



**DEPARTMENT OF THE ARMY**

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001



REPLY TO  
ATTENTION OF:

April 2, 2003

Regulatory Branch  
Operations Division

SUBJECT: Wetland Delineation, Fort McClellan Landfill Sites  
Calhoun County, Alabama - Jurisdictional Number ALJ03-00524-K

Shaw Environmental, Inc.  
Attention: Ms. Jeanne Yacoub  
312 Directors Drive  
Knoxville, Tennessee 37923-4799

Dear Ms. Yacoub:

Per your request, this office completed a field inspection on March 21, 2003, of proposed landfill sites as well as areas to be filled. Specifically, the project is located on the main post of Fort McClellan (see enclosed map) in Anniston, Calhoun County, Alabama.

The inspection disclosed that the property contains wetlands subject to our Federal permitting authority pursuant to Section 404 of the Clean Water Act of 1977 (33 USC 1344). Please see the enclosed "Basis for Jurisdictional Determination form". Section 404 prohibits filling activities in waters of the United States, including wetlands, unless the work has been authorized by a Department of the Army permit. Normally, a permit to fill wetland areas for nonwater-dependent activities under the present regulations is difficult to obtain.

Slab-on-grade construction, some pile-supported structures, grading, landclearing with heavy equipment, and construction of a built-up road are considered filling activities and will require a permit if located in wetlands. Activities that involve removing of vegetation above the ground (mowing, rotary cutting, and chainsawing), where the activity neither disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that redeposit excavated soil material, do not require a Section 404 permit.

The wetland delineation conducted by your company is correct as flagged. The approximate boundaries are shown on the enclosed sketch. The exact wetland limits can only be established by a site survey which is beyond the services provided by our office. If the wetlands are subsequently surveyed for inclusion on a legal description or property

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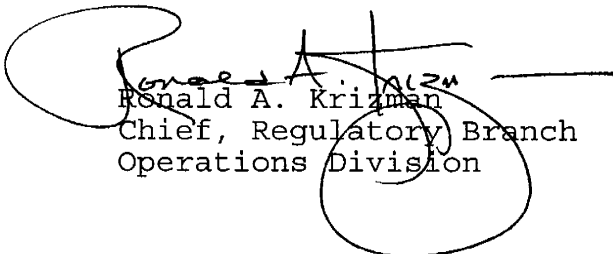
plat, please submit such a survey to this office for a review and sign-off in order to formally document this determination.

Please be advised that this jurisdictional determination reflects current policy and regulation and is based upon criteria contained in the January 1987 U.S. Army Corps of Engineers' Wetlands Delineation Manual. If after a 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 outlines the steps to take to file your objection.

This letter grants no property rights and does not obviate the necessity for you to obtain any other local, State, or Federal authorization that may be required.

Thank you for your cooperation with our permit program. If you have any questions or require further information concerning this matter, please contact Ms. Cindy J. House-Pearson of the Enforcement Section at (251) 690-3188.

Sincerely,



Ronald A. Krizman  
Chief, Regulatory Branch  
Operations Division

Enclosure

Mr. Lee Coker OP-TN

BASIS FOR JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers, Mobile District

APPLICANT: U.S. Army

PROJECT LOCATION/WATERWAY: Ft. McJannet, Anniston Al.

FILE NUMBER: AL103-00524-K

PROJECT REVIEW COMPLETED:  Office  Field

Type of Waters of the United States Present on the project site:

- Waters which are currently used, or were used in the past, or may be susceptible for use to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- Interstate waters including interstate wetlands.
- Other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
  - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce.
- Impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters defined in the four items above.
- The territorial seas.
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in the six items above.

Summary of Indicators supporting the Corps Jurisdiction determination:

- Wetland (Corps Wetland Delineation Manual (87 Manual)):
  - Hydrology See Data Sheets
  - Hydric soils
  - Hydrophytic Vegetation
- Adjacency
- Tributary connection All wetlands associated with tributaries of Choccolocco creek which flows into the Cossa River
- Interstate or Foreign Commerce
- Navigation

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

- Ordinary High Water Mark indicated by:
  - clear, natural line impressed on the bank
  - the presence of litter and debris
  - changes in the character of soil
  - destruction of terrestrial vegetation
  - shelving
  - other: \_\_\_\_\_
- High Tide Line indicated by:
  - oil or scum line along shore objects
  - fine shell or debris deposits (foreshore)
  - physical markings/characteristics
  - tidal gages
  - other: \_\_\_\_\_

- Mean High Water Mark indicated by:
  - survey to available datum;  physical markings;  vegetation lines/changes in vegetation types
  - other: \_\_\_\_\_

- Within territorial sea
- Other indicators

Preparer: OgHouse-Parson Date: 03/24/03

(Revised Jan 2002)

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: <u>U. S. Army Corps of Eng.</u>	File Number: <u>ACJ03-00524A</u>	Date: <u>01/10/03</u>
Attached is:	See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg-or> Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

