



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

January 10, 2024

South Alabama Branch
Regulatory Division

Subject: Department of the Army Jurisdictional Determination, File Number
SAM-2021-00626-LML, [REDACTED], Baldwin County

[REDACTED]
[REDACTED]
[REDACTED]

Transmitted electronically to: [REDACTED]

Dear [REDACTED]:

This is in response to your request, submitted on your behalf by your agent, [REDACTED], for a Department of the Army (DA) Jurisdictional Determination (JD) on a 0.62-acre parcel on Ono Island near Bellville Bay. The request has been assigned file number SAM-2021-00626-LML, which should be referred to in all future correspondence with this office concerning this project area. More specifically, the site is located on Ono Harbour Lot 25 (Baldwin County Parcel ID: 64-03-06-0-000-001.073), within Section 6, Township 9 South, Range 6 East; at Latitude 30.29512°, Longitude -87.498683°; in Orange Beach, Baldwin County, Alabama, as depicted on the attached figure.

Based on our review of the information and wetland determination data forms your agent furnished, and other desktop information available to our office, we have completed an Approved Jurisdictional Determination (AJD) for the site. Attached is an AJD Memorandum for Record (MFR) that describes the feature identified on the site that is not subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). Please be advised that this determination reflects current policy and regulation.

The feature identified as a 0.056-acre depressional wetland as depicted on the attached exhibit entitled "Review Area", is not a water of the United States and therefore is not subject to DA jurisdiction. The attached AJD MFR further describes this area. Please be advised that this AJD MFR is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the USACE, it shall automatically expire. If the information you have submitted, and on which the USACE has based its determination is later found to be in error, this decision may be revoked.

This letter contains an AJD MFR. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Attached you will find a Notification of Administrative Appeal (NAP) Options and Process and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA for to the [REDACTED].

In order for an RFA to be accepted, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The statements contained herein do not convey any property rights, or any exclusive privileges and do not authorize any injury to property, nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

If you intend to sell property that is part of a project that requires DA authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report, required by Housing and Urban Development Regulation, must state whether or not a permit for the development has been applied for, issued, or denied by the USACE (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

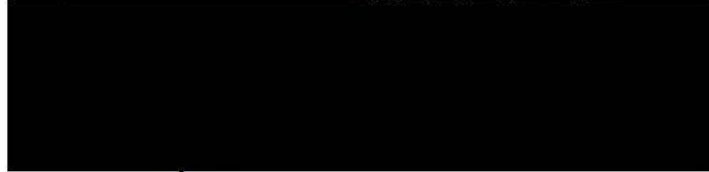
We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2021-00626-LML** in all future correspondence regarding this project or if you have any questions concerning this determination.

An electronic copy of this letter is being provided to your agent, [REDACTED], Attention: [REDACTED]; and to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: [REDACTED].

We appreciate your cooperation with the USACE Regulatory Program. If the project location or scope of work changes, you are urged to contact this office for a verification of this determination. Please contact the project manager, [REDACTED], [REDACTED], should you have any

questions concerning this matter. You can visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx for additional information about our Regulatory Program. Also, please take a moment to complete our customer satisfaction survey located under the menu header on the right side of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,



Team Leader
North Alabama Branch
Regulatory Division

Attachments

