



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, AL 35216

December 15, 2023

North Branch
Regulatory Division

SUBJECT: No Permit Required - File Number SAM-2023-01010-LET, Joseph T. Robinson Park – Proposed Splash Pad, Gadsden, Etowah County, Alabama



Transmitted electronically to [REDACTED]

Dear [REDACTED]

This letter is in response to your October 30, 2023 letter regarding City of Gadsden's proposed splash pad project. The property is located in Gadsden, Etowah County, Alabama and situated within Section 4, Township 12 South, Range 6 East, with center coordinates of 34.020537°, -85.999471°.

Based on our desktop review of the information furnished in your letter and our review of the Etowah County Soil Survey, USGS topographic maps, aerial photographs, and National Wetland Inventory maps, it appears that Federally-regulated wetlands or other waters of the United States do not occur within the review area. Therefore, no permit, pursuant to our regulations, is required for your project. You should note that this determination is primarily based upon the information submitted by you and/or your consultant, and that you are ultimately responsible for its accuracy.

This property was reviewed pursuant to Section 404 of the Clean Water Act, which requires that a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. § 1344). For regulatory purposes, the U.S. Army Corps of Engineers (USACE) defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

This letter contains an approved jurisdictional determination (JD) for your subject site. 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 Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this

determination you must submit a completed RFA for to the USACE, South Atlantic Division Office at the following mailing address and e-mail address: [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.

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 USACE, it shall automatically expire.

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.

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).

Based on our findings regarding the proposed activities, a DA permit pursuant to Section 404 of the Clean Water Act will not be required to implement the project as proposed. 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 feel free to contact me at [REDACTED] and refer to file number SAM-2023-01010-LET.

For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

[REDACTED]

[REDACTED]

Project Manager

Attachments

+ -

-85.999471, 34.020537

Show search results for -85.999471, 3...

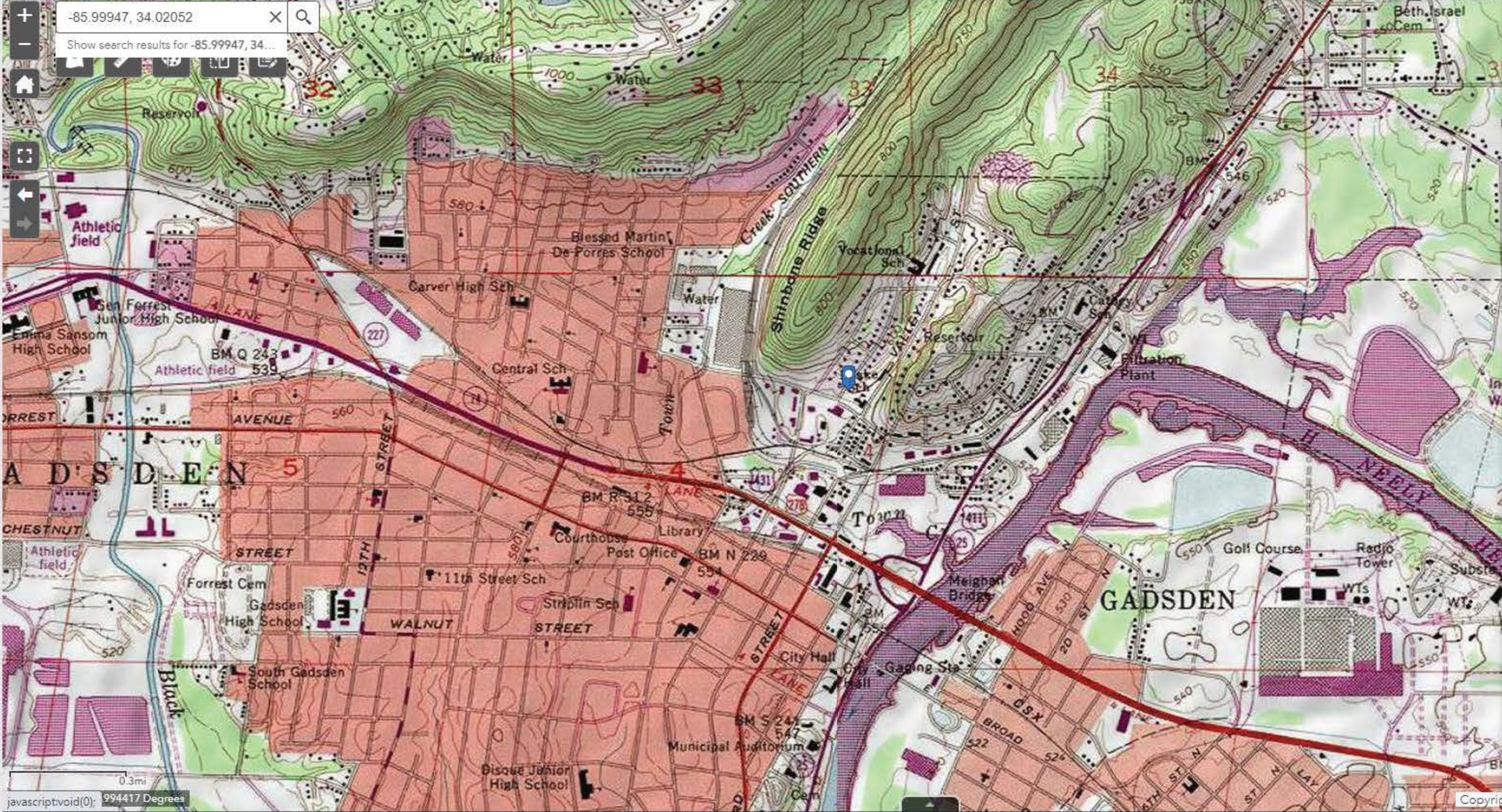


Home

Full Screen

Previous View

Next View

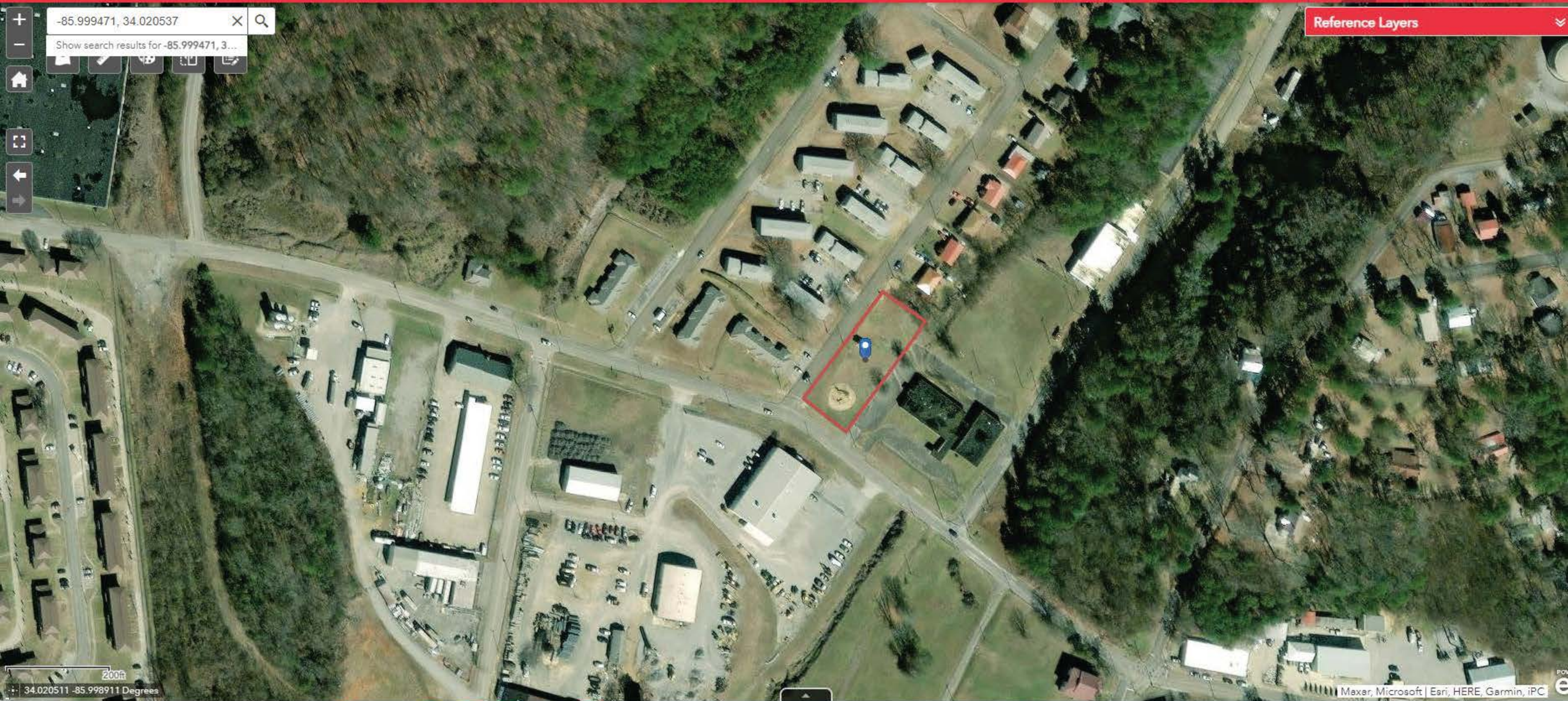


Basemap Gallery

- OpenStreetMap
- Dark Gray Canvas
- Imagery
- Light Gray Canvas
- National Geographic
- Oceans
- Streets
- Terrain with Labels
- Topographic
- Imagery with Labels
- USGS Topo Map
- NOAA ENC
- Digital Globe Tiled Imagery
- Firefly Imagery

+ -85.999471, 34.020537 X Q

Show search results for -85.999471, 3...



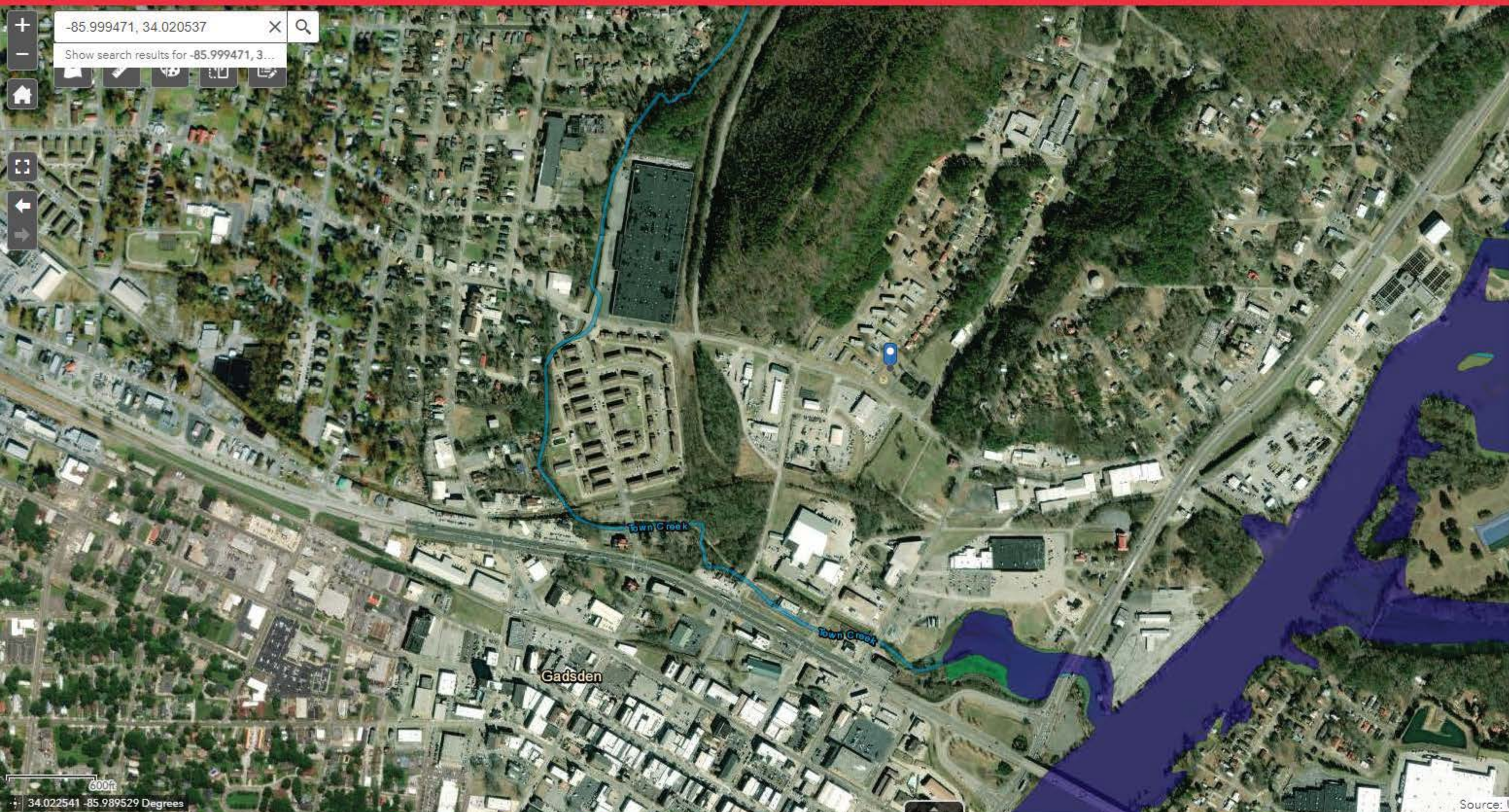
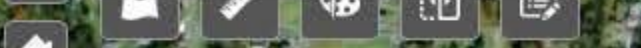
200ft

34.020511 -85.998911 Degrees

Maxar, Microsoft | Esri, HERE, Garmin, iPC

+ -85.999471, 34.020537 X Q

Show search results for -85.999471, 3...



Reference Layers

National Layers

- Live Stream Gauges
- USA Federal Lands
- National Wetland Inventory (NWI)
- USACE Civil Works District Boundary
- US Vessel Traffic 2020 August

USACE Regulatory

- ORM All Actions
- ORM All Impacts
- ORM Compliance Eligibility
- ORM Project Mitigation
- Ribits - BanksCentroids

State Layers

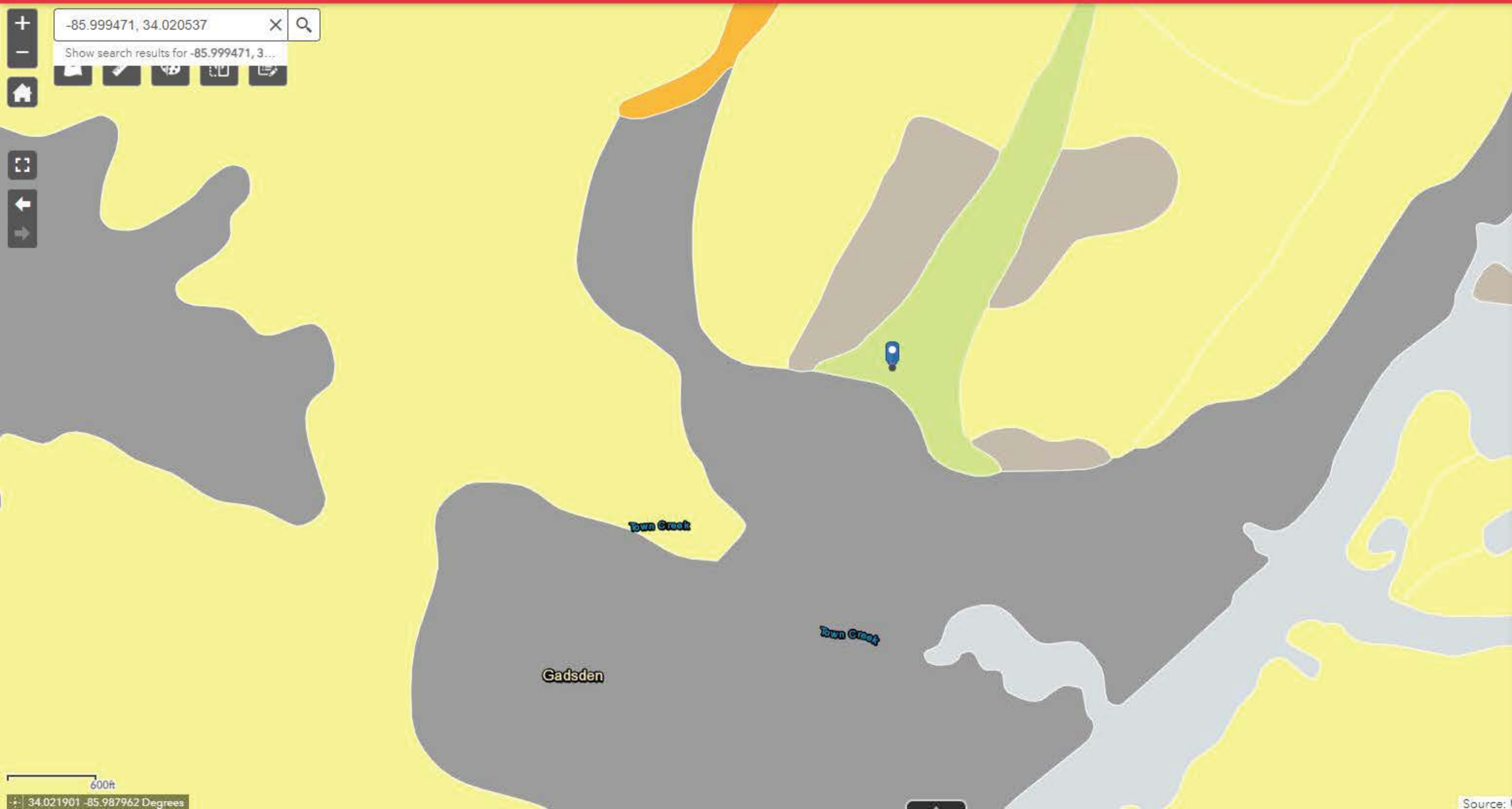
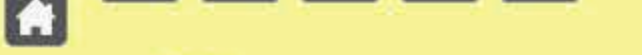
- Mobile Alabama Parcels - Parcels
- SAM Dauphin Island Owned Water Bottoms
- SAM 2020 Baldwin County Alabama Parcels

600ft
34.022541 -85.989529 Degrees

Source: L

+ -85.999471, 34.020537 X Q

Show search results for -85.999471, 3...



Reference Layers

National Layers

- USA Soils Map Units ...
 - Alfisol
 - Andisol
 - Aridisol
 - Entisol
 - Gelisol
 - Histosol
 - Inceptisol
 - Mollisol

USACE Regulatory

- Layers
- ORM All Actions ...
 - ORM All Impacts ...
 - ORM Compliance Eligibility ...
 - ORM Project Mitigation ...
 - Ribits - BanksCentroids ...

State Layers

- Layers
- Mobile Alabama Parcels - Parcels ...
 - SAM Dauphin Island Owned Water Bottoms ...
 - SAM 2020 Baldwin County Alabama Parcels ...

600ft

34.021901 -85.987962 Degrees

[-85.999471, 34.020537] X Q

Show search results for -85.999471, 3...

[Map Navigation Icons]



Reference Layers

National Layers

- Data Not Available
- USA Soils Hydric Class
- USA Landcover GAP
- 303(d) Listed Impaired Waters
- USFWS Coastal Barrier Resources System Area
- PLSS (Township/Range/Section)

USACE Regulatory

Layers

- ORM All Actions
- ORM All Impacts
- ORM Compliance Eligibility
- ORM Project Mitigation
- Ribits - BanksCentroids

State Layers

Layers

- Mobile Alabama Parcels - Parcels
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