



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-2023-01061-MH9, Friendship
Water System Improvements Elmore County, Alabama



Transmitted electronically to [Redacted]

Dear [Redacted]:

This letter is in response to your November 13, 2023 correspondence requesting Department of the Army (DA) review of the proposed Friendship Water Works (FWW) water system improvements project. This project has been assigned file number SAM-2023-01061-MH9, which should be referred to in all future correspondence regarding this project. The property is situated in Section 18, Township 18 North, Range 21 East in Friendship, Elmore County, Alabama. The project involves work on several features located at the following coordinates:

| Feature | Latitude | Longitude |
|--|-----------|------------|
| Water main replacement of 15,700 linear feet (LF) (center point) | 32.537236 | -85.990208 |
| Elevated water tank | 32.537889 | -85.974108 |
| Proposed pump station | 32.527489 | -86.006028 |
| Rehab of Claud Pump Station | 32.578389 | -86.065953 |

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands, prior to conducting the work (33 U.S.C. 1344). Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 U.S.C. 403) requires DA authorization for the construction of any structure in, over, or under any navigable water of the United States. As indicated in your letter, the project involves the following proposed activities:

1. Installation of 15,700 LF of water main along existing road rights-of-way (ROW) and utilizing directional boring techniques at all streams and wetlands within the project area.
2. Construction of an elevated water storage tank on an approximately 0.5-acre construction footprint.
3. Installation of a pump station immediately adjacent to road ROW. The construction footprint would be limited to a 50'x50' area and include pouring an 18'x10' concrete slab.
4. Rehabilitation of the Claud booster station by replacing pumps, piping, etc. inside the pump building. All work would be contained to the inside of its fenced area.

Based on our desktop review of the information furnished in your letter and our review of the Elmore 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 footprint of the proposed water storage tank construction or the pump station installation. Therefore, no permit, pursuant to our regulations, is required for those activities. The proposed rehabilitation of the Claud booster station is a non-regulated activity with regard to DA regulations; therefore, a DA permit is not required for this activity as described. Regarding the water line installation, we have determined that a DA permit pursuant to Section 404 of the Clean Water Act or Section 10 of the RHA would not be required for the directional bore method for water line installation beneath stream and/or wetlands, as proposed. Directional boring beneath jurisdictional waters is an activity typically not regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) as this method of installation would not involve the discharge of dredged and/or fill material into waters of the U.S.

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.

The project areas were reviewed pursuant to Section 404 of the Clean Water Act, which requires that a 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 two subject sites within your project area, the proposed elevated tank and pump station areas. 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 USACE, South Atlantic Division

Office at the following mailing address and e-mail address: [REDACTED]

In order for an RFA to be accepted, 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 for 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 contact me at [REDACTED] and refer to file number SAM-2023-01061-MH9.

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]

Attachments

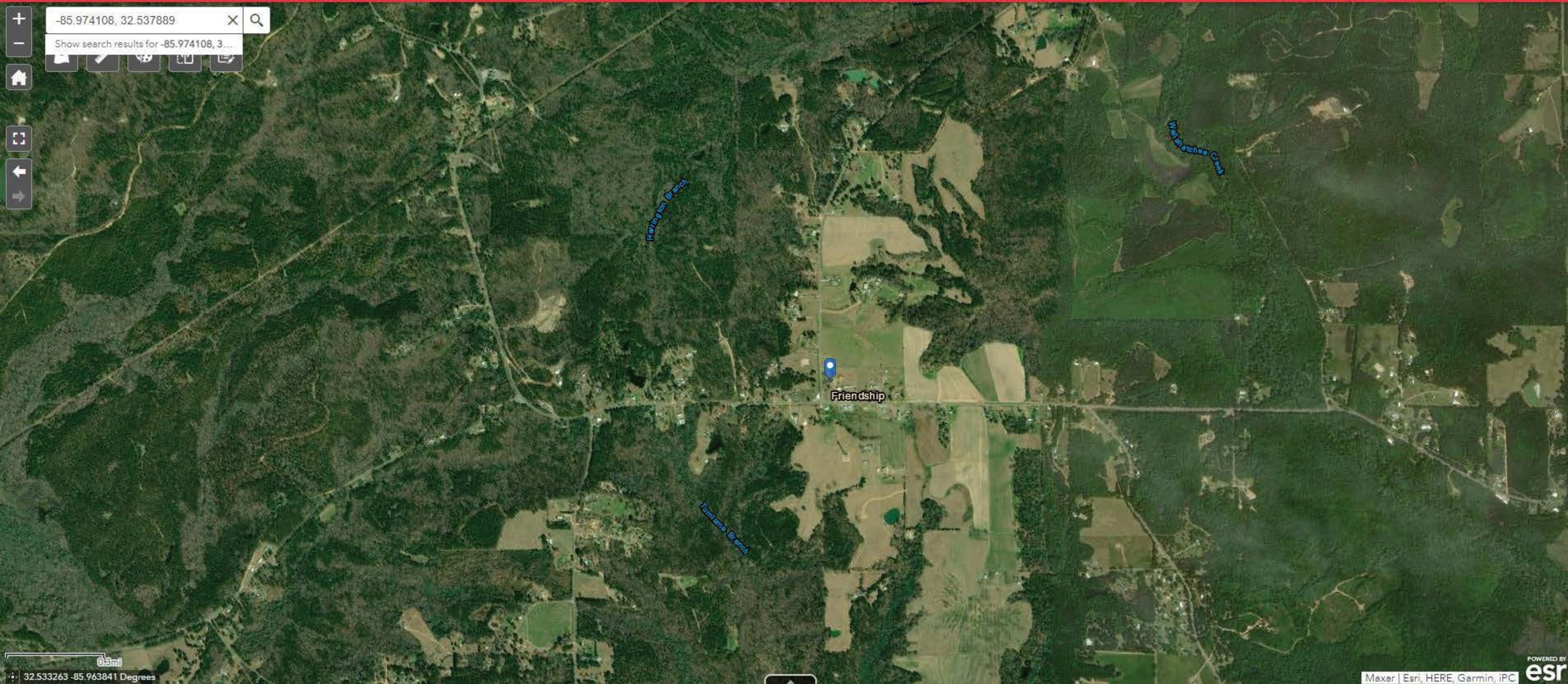
Alabama Regulatory Viewer

IPaC DigitalGlobe USGS Stream Stats



+ -85.974108, 32.537889 X Q

Show search results for -85.974108, 3...



Friendship

Harrington Branch

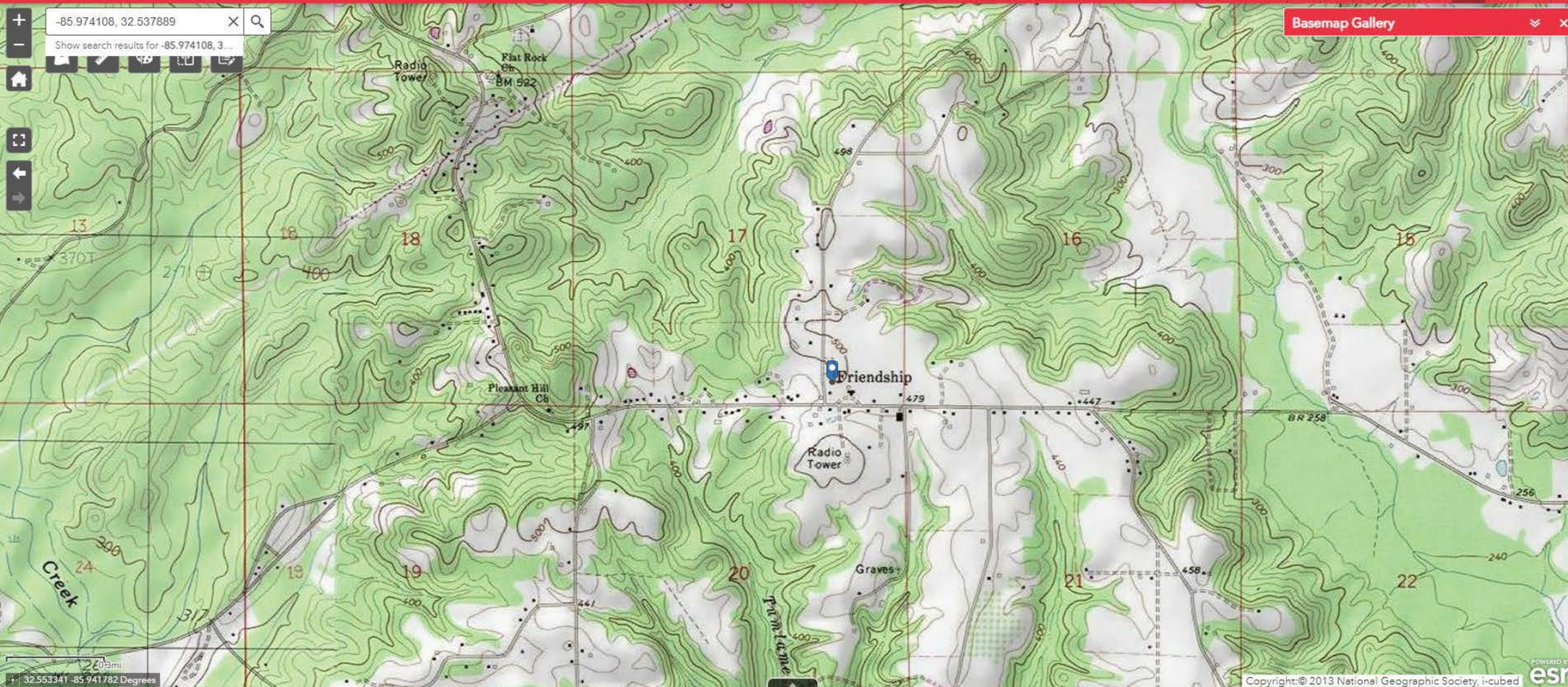
Tumlane Branch

Washatchee Creek

0.3mi 32.533263 -85.963841 Degrees

-85.974108, 32.537889

Show search results for -85.974108, 3...



2.03mi
32.553341 -85.941782 Degrees

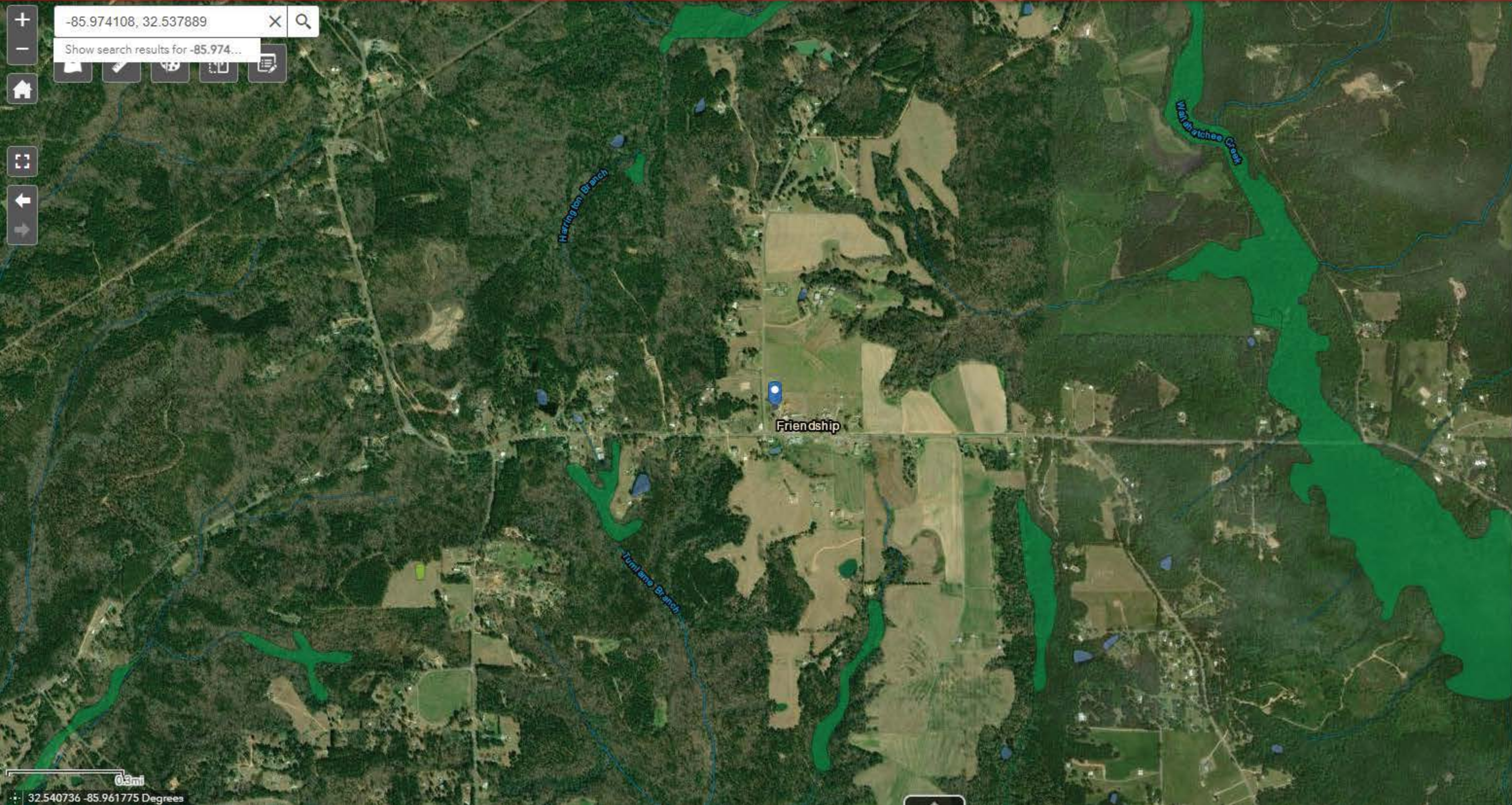
Find address or place





-85.974108, 32.537889

Show search results for -85.974...



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

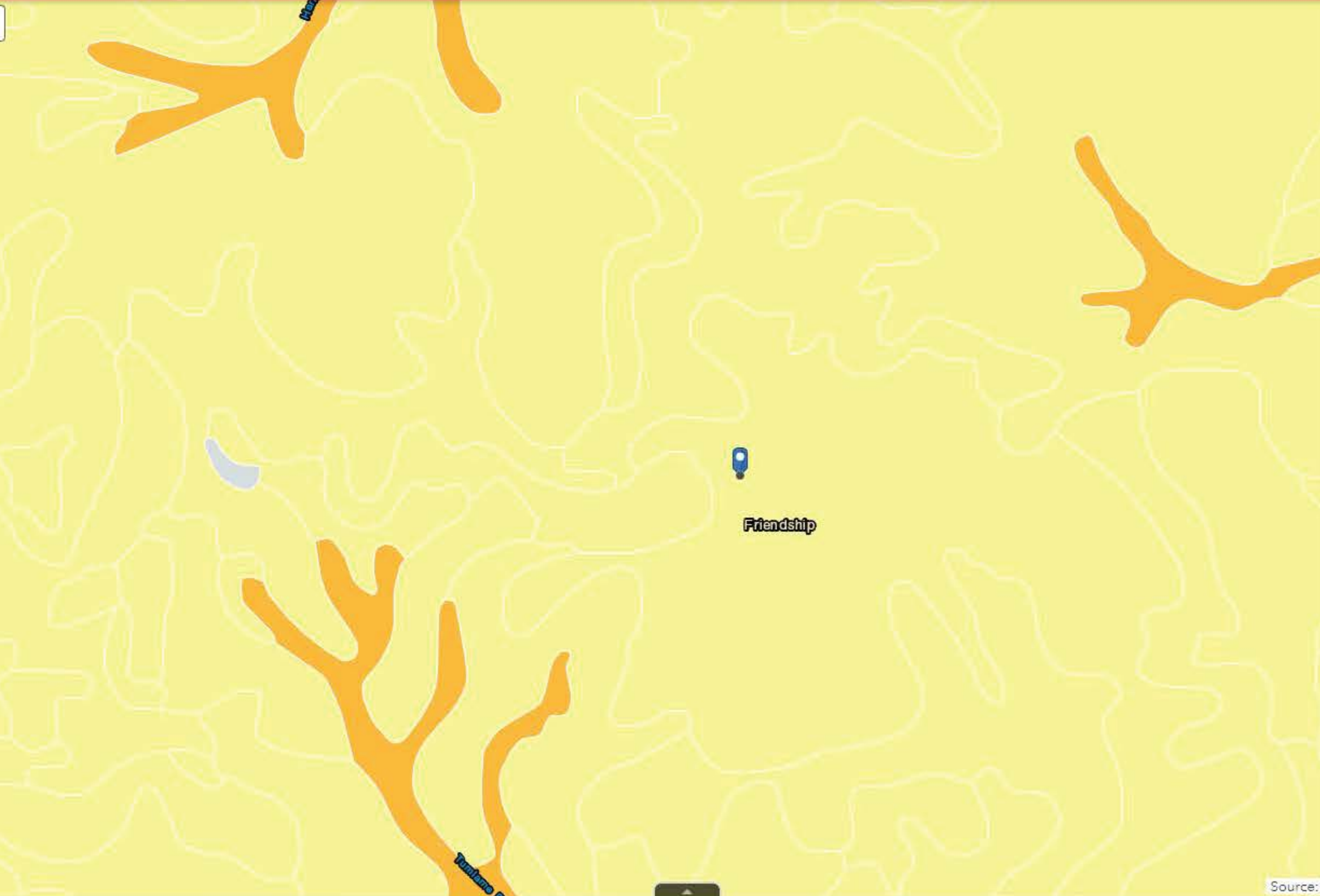
Alabama Regulatory Viewer

IPaC DigitalGlobe USGS Stream Stats

408

-85.974108, 32.537889

Show search results for -85.974108, 3...



Reference Layers

National Layers

- USA Soils Map Units
- USA Soils Map Units
 - Alfisols
 - Andisols
 - Aridisols
 - Entisols
 - Gelisols
 - Histosols
 - Inceptisols

USACE Regulatory

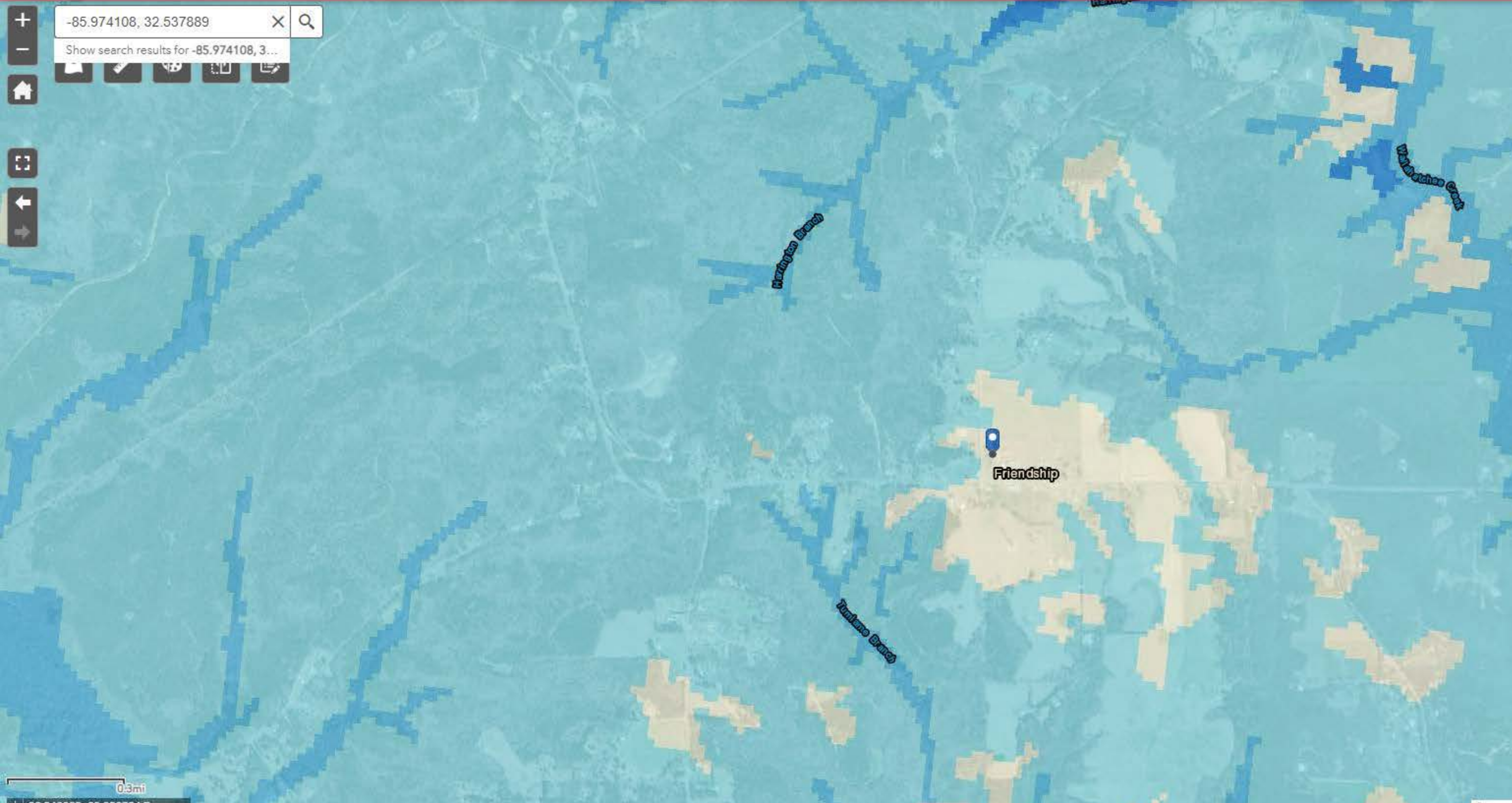
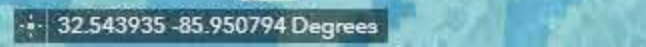
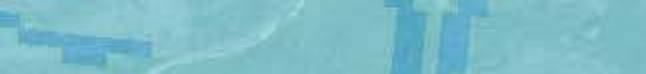
- Layers
- ORM All Actions
 - ORM All Impacts
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State Layers

- Layers
- Mobile Alabama Parcels - Parcels
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 - SAM 2020 Baldwin County Alabama Parcels

+ -85.974108, 32.537889 X Q

Show search results for -85.974108, 3...



Reference Layers

National Layers

- National Hydrography Dataset (NHD) ...
- National Wild and Scenic River Segments ...
- EPA Ecoregions Level III and IV ...
- USA Soils Map Units ...
- USA Soils Hydric Class ...

USACE Regulatory

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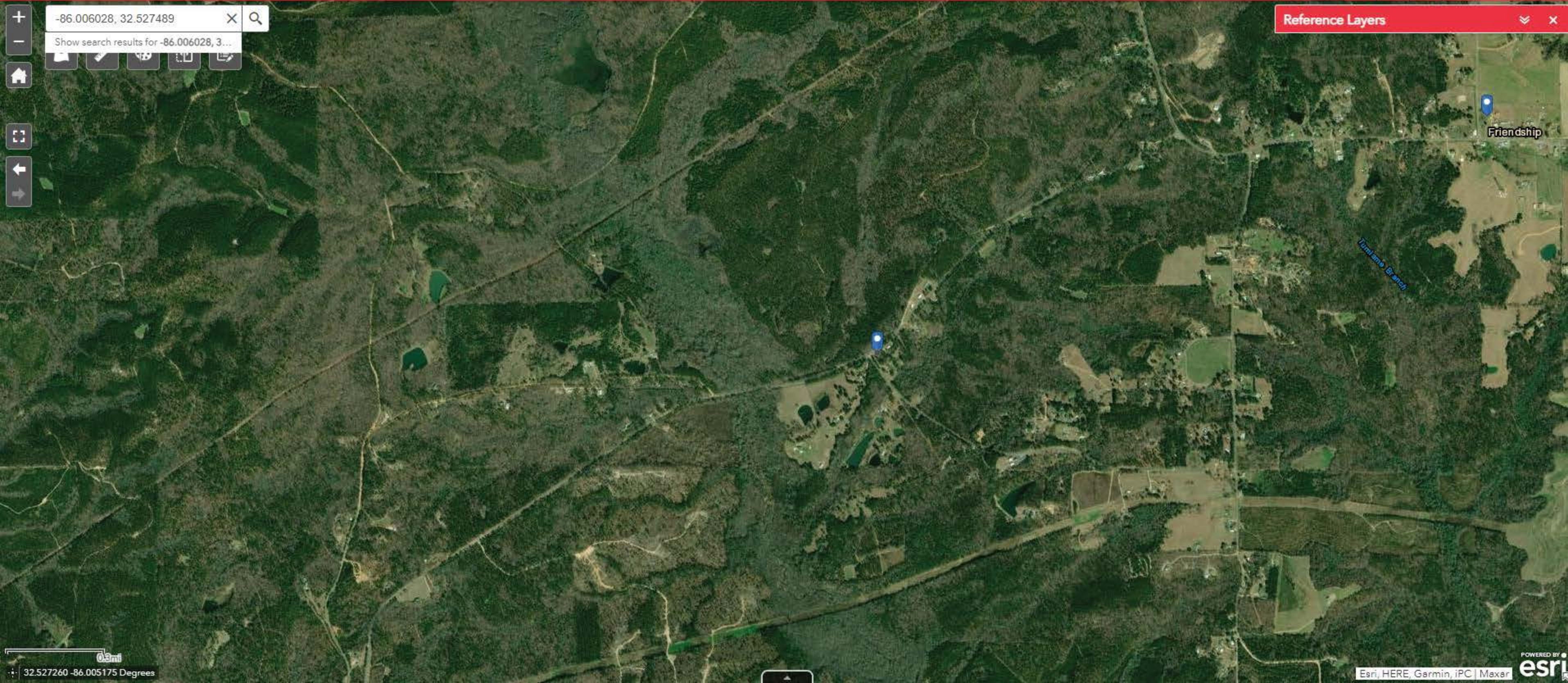
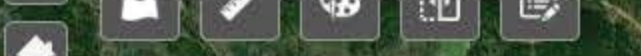
0.3mi

32.543935 -85.950794 Degrees

Source: U.S. Army Corps of Engineers, Hydrologic Engineering Center

+ -86.006028, 32.527489 X Q

Show search results for -86.006028, 3...



Friendship

Turtlame Branch

-86.006028, 32.527489

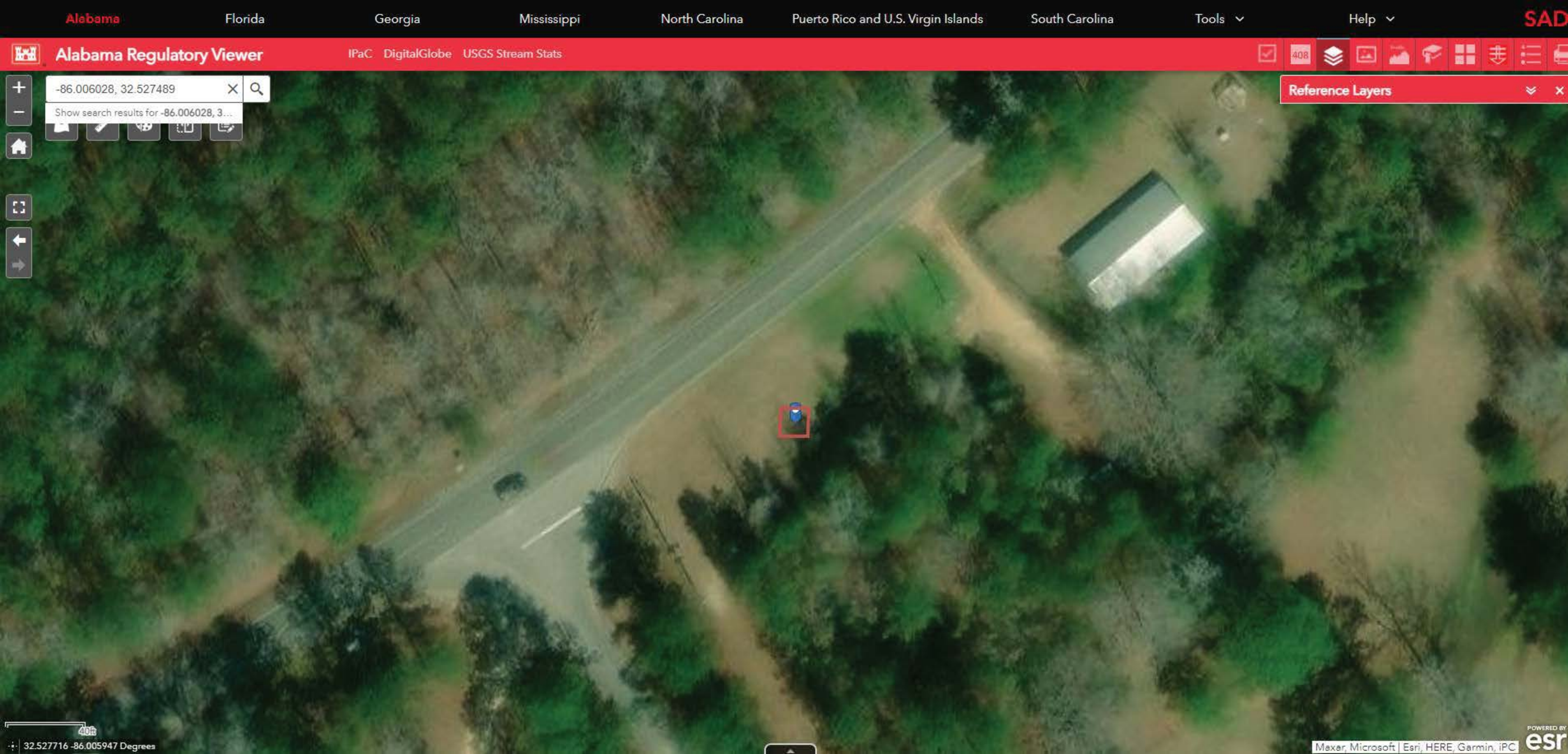
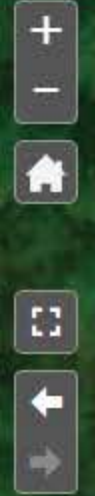
Show search results for -86.006028, 3...



0.3mi
32.533085 -85.979597 Degrees

-86.006028, 32.527489

Show search results for -86.006028, 3...



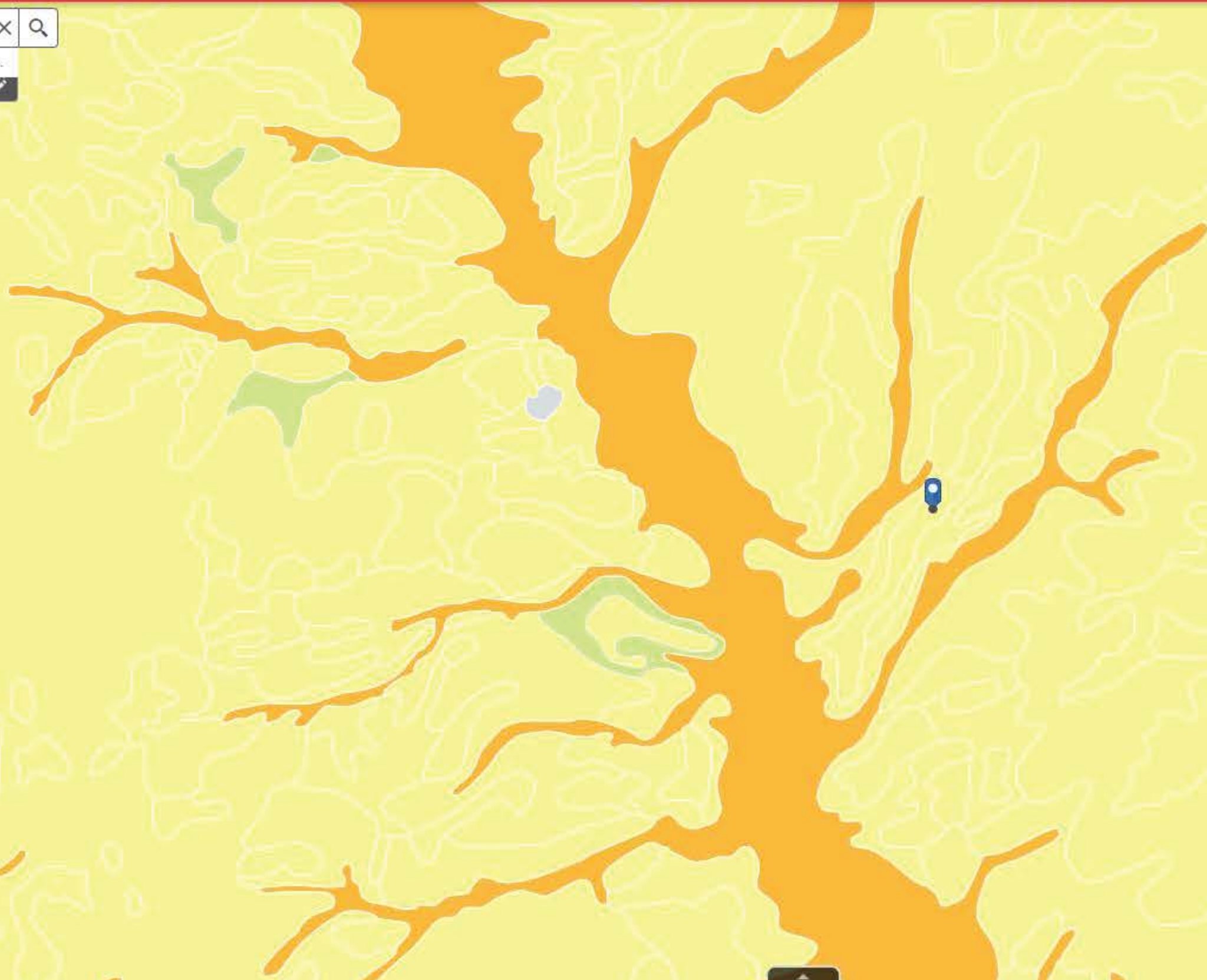
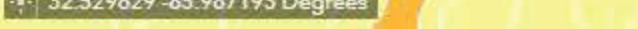
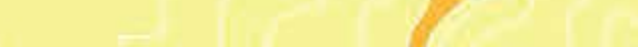
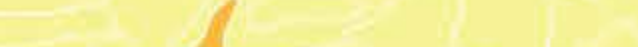
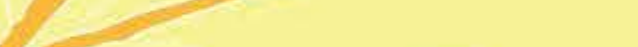
Alabama Regulatory Viewer

IPaC DigitalGlobe USGS Stream Stats



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- Andisols
- Aridisols

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Layers

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Source: U.S. Geological Survey, National Wetlands Inventory

0.3mi
32.529829 -85.987193 Degrees

Alabama Regulatory Viewer

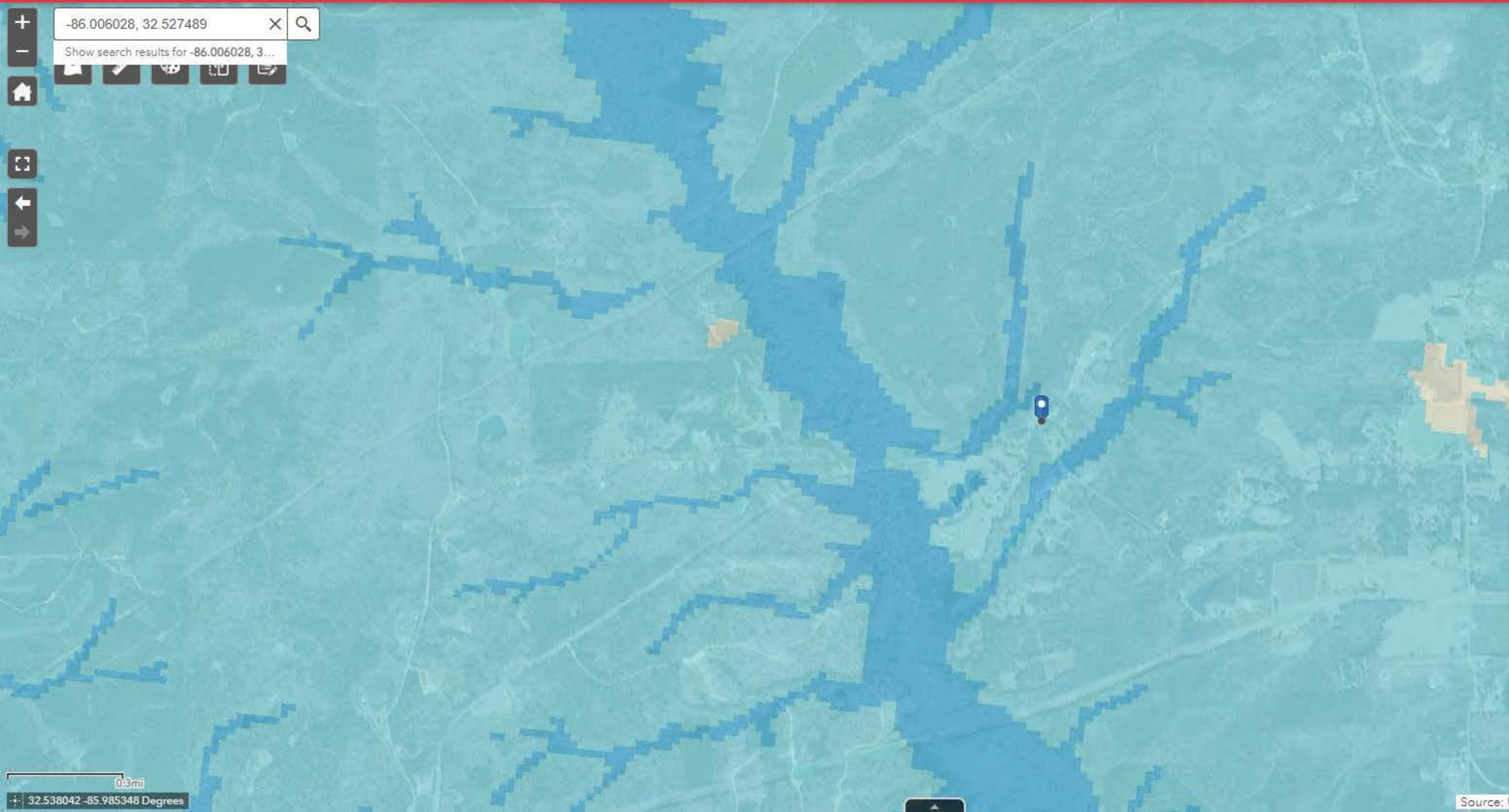
IPaC DigitalGlobe USGS Stream Stats

408

+ -

-86.006028, 32.527489

Show search results for -86.006028, 3...



Reference Layers

- National Layers**
- No Soil
 - 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

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0.3mi

32.538042 -85.985348 Degrees

Source: U.S. Geological Survey