



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

February 2, 2024

North Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2023-01187-LET, City of Amory – electric vehicle charging station construction, Monroe County, Mississippi

[REDACTED]

Transmitted electronically to [REDACTED]

Dear [REDACTED]:

This is in response to your letter dated December 27, 2023, requesting review and comments regarding the proposed construction of an electric vehicle (EV) charging station within the City of Amory in the southwest quadrant of the intersection of 2nd Avenue North and North 3rd Street in Amory, Monroe County, Mississippi. The approximately 0.45-acre EV charging station site is located at latitude N33.986528, longitude W88.488917. This project has been assigned file number **SAM-2023-01187-LET**, which should be referenced in all future correspondence regarding the project.

The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (CWA)(33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403). Under Section 404 of the CWA, a Department of the Army (DA) permitting is required for the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands, prior to conducting work. Under Section 10 of the RHA, a DA permit would be required prior to conducting any work that would affect the navigable capacity of a waterway as a result of work occurring in, over, or under navigable waters of the U.S. The City of Amory's proposed work has been reviewed under both Section 404 of the CWA and Section 10 of the RHA to determine if there may be jurisdictional waters present that would be subject to either DA permitting requirement.

Based on our review of the project information submitted and mapping resources available to our office, we have determined that the approximately 0.45-acre EV

charging station construction site consists of non-jurisdictional upland or dry land areas that are not subject to Section 404 Clean Water Act jurisdiction. Additionally, there are no Section 10 navigable waters on the project site. For regulatory purposes, the 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 the approximately 0.45-acre project location as specified above. If the City of Amory objects to this determination, it 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 the city requests to appeal this determination it must submit a completed RFA form to the USACE, South Atlantic Division Office at the following address:

[REDACTED ADDRESS]

In order for an RFA to be accepted by the USACE, 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. Should the City of Amory decide to submit an RFA form, it must be received at the above address by **April 2, 2024**. It is not necessary to submit an RFA form to the Division Office if the city does not object to the determination in this letter.

This approved JD is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If by the end of the five-year period the proposed work has not been implemented and this JD 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 the City of Amory from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site. Furthermore, the determination included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If the city or its tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate

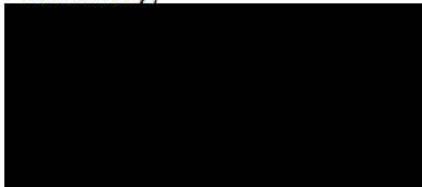
participation in USDA programs, they should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If the city intends 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 subject property, a DA permit pursuant to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act **will not be required** at this time to implement the work as proposed at this location. If the location or scope of work changes for the City of Amory electric vehicle charging station construction, the city is urged to contact this office for a verification of this determination.

We appreciate the City of Amory's cooperation with the USACE Regulatory Program. You may contact me at [REDACTED] or at [REDACTED] if you have questions concerning this matter. For additional information about our Regulatory Program, visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, while you are there, please take a moment to complete our regulatory customer survey located along the right side of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Chief, North Branch

Attachments



December 20, 2023

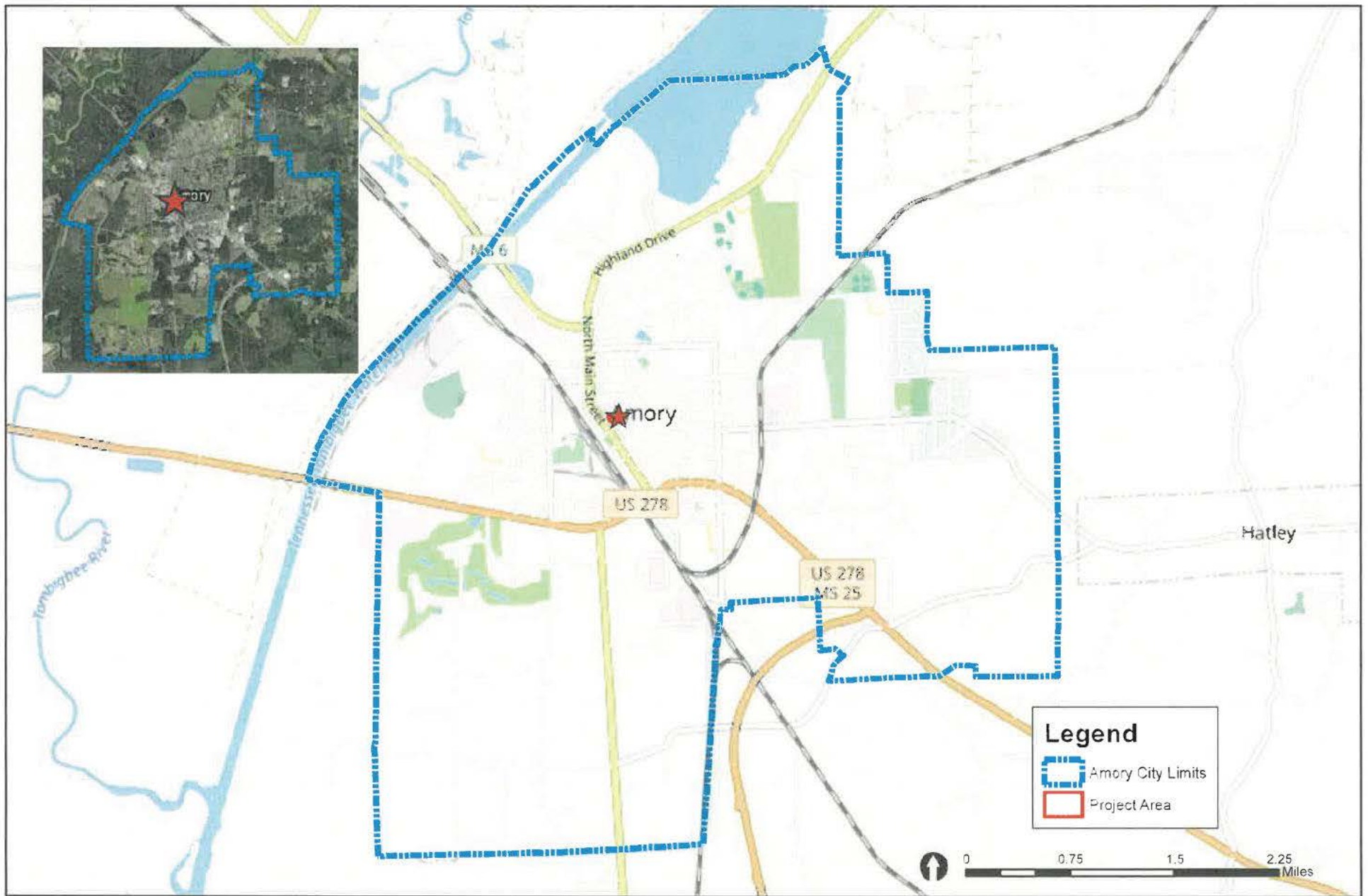
Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



This map is accurate for planning purposes.

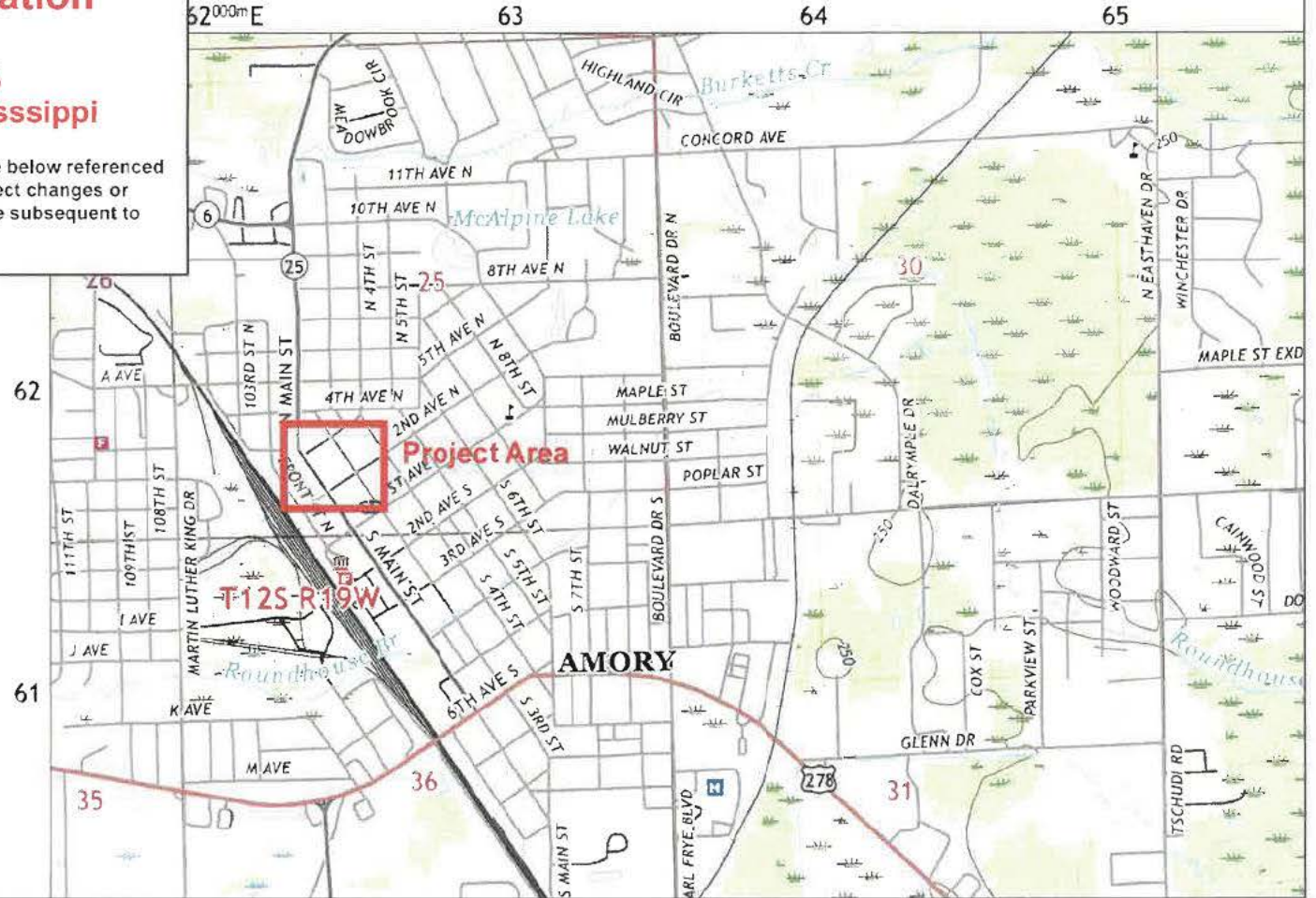
EV Charging Station

City of Amory, Monroe County, Mississippi

EV Charging Station

City of Amory,
Monroe County, Mississippi

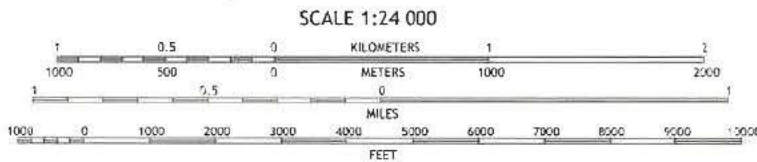
This is an official copy of a portion of the below referenced USGS Topo map. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block.



UTM GRID AND 2019 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

2°29' 44" N
44 MILS
9°48' 14" W
14 MILS

U.S. National Grid
100,000 - m Spheroid ID
CC
Grid Zone Designation
18S



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standard, 2011. A metadata file associated with this product is draft version 0.6-18

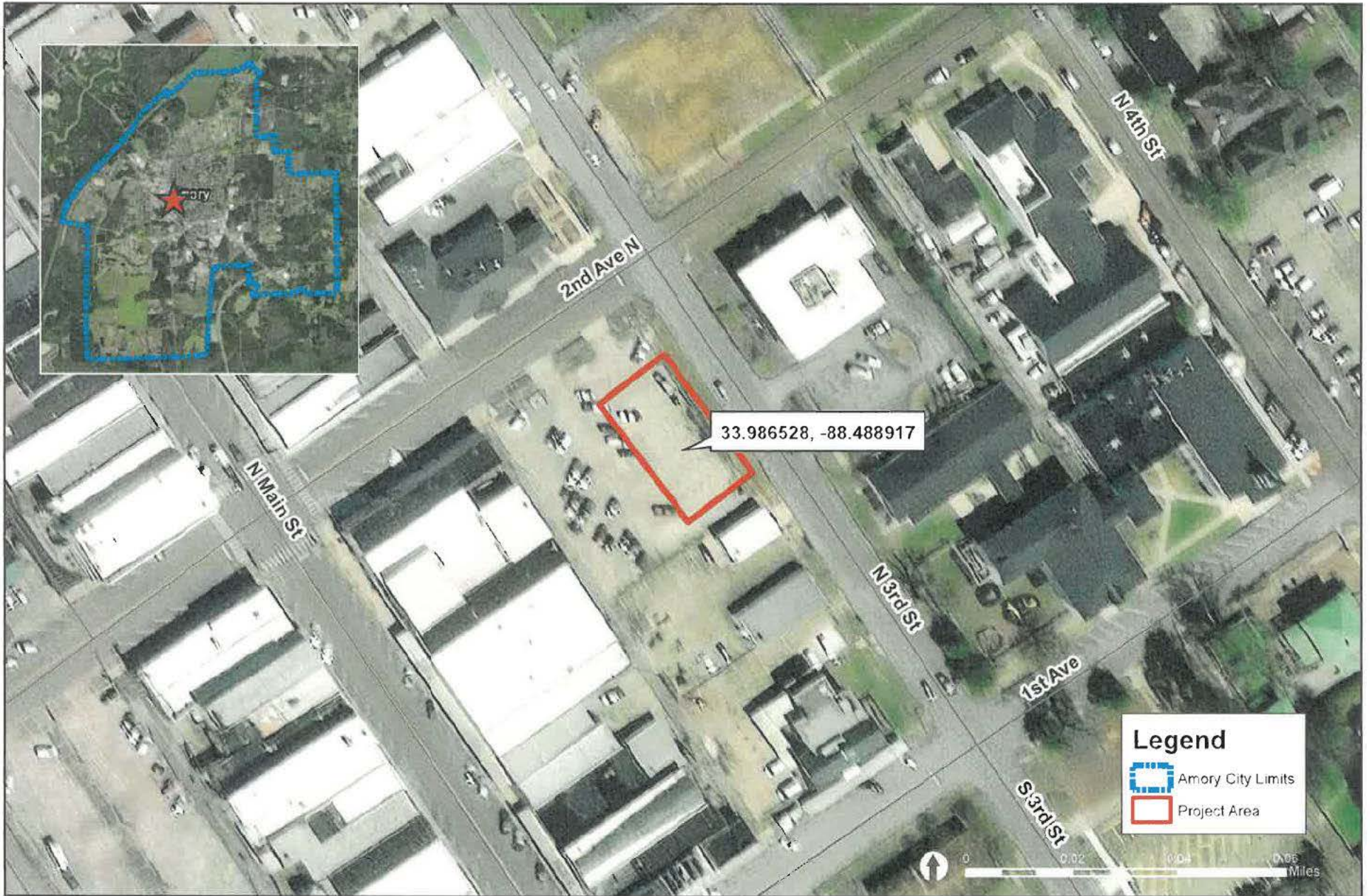


1	2	3	1 Nettleton
4	5	6	2 Smithville
7	8	7 Amory SW	3 Turon
		8 Amory SE	4 Wren
			5 Greenwood Springs

ADJOINING QUADRANGLES



AMORY, MS
2020



This map is accurate for planning purposes.


EV Charging Station

City of Amory, Monroe County, Mississippi

SAM-2023-01187-LET

Google Earth aerial, approx. 0.45-Ac proposed EV charging station site at 2nd Ave. North and North 3rd St., Amory, MS

Legend

 SAM-23-1187 EV charging station Amory, MS

