

1400 Coliseum Blvd. 36110-2400 • Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 • FAX (334) 271-7950

CATEGORICAL EXCLUSION FROM ENVIRONMENTAL REVIEW

East Central Baldwin Water Sewer and Fire Protection Authority
Baldwin County

SRF Project No. FS010202-02

April 15, 2021

The Alabama Department of Environmental Management has made \$680,000 in financial assistance available to the East Central Baldwin Water Sewer and Fire Protection Authority using funds from the Drinking Water State Revolving Fund (DWSRF) loan program. In accordance with State and Federal regulations that govern the program, the Alabama Department of Environmental Management has conducted a review to assess the potential impacts upon the environment that may result from implementation of this project.

The East Central Baldwin Water Sewer and Fire Protection Authority is proposing to install 4,400 linear feet of 10 inch PVC and 3,000 linear feet of 12 inch polyethylene water main and associated appurtenances along the existing Baldwin Beach Express Highway and will provide water supply from a secondary direction solving dead end connections. The water mains will allow isolation of mains in the event of a line break without loss of water supply to the current dead end lines and therefore improve the overall reliability and efficiency of the system.

The Alabama Department of Environmental Management has determined that the project qualifies for a Categorical Exclusion (CE) from further environmental study under the guidelines specified by the State Environmental Review Process (SERP) which specifically include actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities. However, this decision may be reconsidered if significant adverse information concerning the potential environmental impacts of the project is discovered.

Comments relative to this project should be submitted in writing to Mr. William A. Lott, SRF Section, Permits and Services Division, Alabama Department of Environmental Management, Post Office Box 301463, Montgomery, Alabama 36130-1463, no later than 30 days after the date of this public notice. The Alabama Department of Environmental Management will not take formal action to proceed with the project without carefully evaluating any public comments opposing the project.

Sincerely,

Lance R. LeFleur,
Director

LRL/EJR/WAL/kbh

Attachment



East Central Baldwin Water Sewer & Fire Protection Authority
SRF# FS010202-02

The Categorical Exclusion is promulgated in the State Environmental Review Process (SERP) in Part IV, Section C: Categorical Exclusions for Drinking Water State Revolving Fund Projects: (Italicized sections apply.)

1. The following drinking water projects are eligible for categorical exclusions:
 - a. *Actions intended solely for minor rehabilitation, functional replacement, or ancillary facilities adjacent or appurtenant to existing facilities.*
 - b. Minor construction, including:
 - (1) New wells or replacement wells for water supply purposes if ancillary to the existing system;
 - (2) Improvements not intended to increase capacity of the system;
 - (3) Facilities for the disinfection of public water supplies;
 - (4) Facilities such as looping that will result solely in the provision of adequate public water system pressure;
 - (5) *Construction of water tanks;*
 - (6) Construction of new water lines in previously disturbed areas within one mile of the existing distribution system.
 - c. Projects where funding is being provided for planning and/or engineering costs only (in which case the requirements of IV.C.1.a-d do not apply).
2. In order to determine if a drinking water project is eligible for a CE, all of the following must not apply:
 - a. The action is known or expected to directly or indirectly adversely impact any of the following:
 - (1) Cultural or historical resources;
 - (2) Endangered or Threatened Species and/or their critical habitats;
 - (3) Environmentally important natural resource areas such as floodplains, wetlands, prime agricultural land, or aquifer recharge zones.
 - b. The action is not cost effective.
 - c. The action will cause significant public controversy.
 - d. The action will create a new or expanded surface drinking water source.

This project complies with the above requirements and has been determined to be eligible for a Categorical Exclusion.



ALABAMA HISTORICAL COMMISSION

468 South Perry Street
P.O. Box 300900
Montgomery, Alabama 36130-0900
334-242-3184 / Fax: 334-240-3477

Lisa D. Jones
Executive Director
State Historic Preservation Officer

July 9, 2020

Ryan Frolik
22844 County Road 87
Robertsdale, AL 36567

Re: AHC 20-0968
Water System Improvements- East Central Baldwin County Water System
Baldwin County

Dear Mr. Frolik:

We concur with the above referenced project provided all construction activities will occur within either the highway right-of-way or in previously disturbed areas. Any area that is to be involved and does not fall into one of the above categories will require a cultural resource assessment by a professional archaeologist. Submit the resulting report to our office for review and determination prior to project initiation.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans. They include but are not excluded to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are post holes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's historic archaeological and architectural resources. Should you have any questions, please contact Amanda McBride at 334.230.2692 or Amanda.McBride@ahc.alabama.gov. Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/AMH/nw



REPLY TO
ATTENTION OF:

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

April 08, 2021

South Alabama Branch
Regulatory Division

Subject: Department of the Army Jurisdictional Determination, File Number SAM-2020-00590-ELB, East Central Baldwin County Water, Baldwin County, Alabama

East Central Baldwin County Water, Sewer & Fire Protection Authority
Attention: Mr. Ryan Frolik
Email Address: Ryanfrolik@eastcentralbaldwinwater.com
22844 County Road 87
Robertsdale, Alabama 36567

Dear Mr. Frolik:

Reference is made to the request submitted by Southern Engineering Solutions, Inc. on your behalf for a Department of the Army (DA) Jurisdictional Determination (JD) for water system improvements at a project site located along the Baldwin Beach Expressway in Robertsdale, Alabama. This request has been assigned file number SAM-2020-00590-ELB, which should be referred to in all future correspondence with this office concerning this matter. The review area is located on the Baldwin Beach Expressway; within Section 3, Township 6 South, Range 4 East; at Latitude 30.557285° and Longitude -87.665666°, in Robertsdale, Baldwin County, Alabama.

Based on our review of the information you furnished and other information available to our office, we have determined the proposed water main improvement work, as identified in the attached drawings, is sited entirely within non-jurisdictional upland right-of-way (ROW) or non-wetland lands. This determination was made in accordance with the Navigable Waters Protection Rule and based upon criteria contained in the 1987 *Corps of Engineers Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)*.

Based on our determination that the above-referenced work will occur within non-jurisdictional uplands, a DA permit pursuant to Section 404 of the Clean Water Act would not be required prior to construction or implementation of land disturbance activities.

This site was 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 United States, 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 (AJD) 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 form to the South Atlantic Division office at the following address: USACE, Regulatory Appeals Review Office, Attention: Mr. Philip Shannin, Administrative Appeals Review Officer, 60 Forsyth Street Southwest, Floor 9M, Atlanta, Georgia 30303-8803; Email Address: Philip.A.Shannin@usace.army.mil; Telephone: (404) 562-5136.

In order for an RFA to be accepted by the U.S. Army Corps of Engineers (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 you decide to submit an RFA form, it must be received at the above address within 60 days of the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This AJD is based on current policy and regulation and is valid for a period of five years from the date of this letter. If, by the end of the 5-year period, this AJD 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 they be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations that may affect work proposed at this site. 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 jurisdictional determination 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 a certified wetland determination with the local USDA service center, prior to starting work.

You are receiving an electronic copy only of this letter. If you wish to receive a paper copy, you should send a written request to this office at the following address: U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628. An electronic copy of this letter is also being sent to your agent, Southern Engineering Solutions, Inc., Attention: Mr. Paul Darnell, at

Paul@southernengineeringsolutions.com; and to the Alabama Department of Environmental Management, Mobile Branch / Coastal Section, Attention: Mr. Scott Brown, at coastal@adem.alabama.gov.

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. You may contact me at (251) 690-3295, or by email at Emma.L.Bickerstaff@usace.army.mil, 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 near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Emma L. Bickerstaff
Project Manager
South Alabama Branch
Regulatory Division

Attachments



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/8/2021

ORM Number: SAM-2020-00590-ELB

Associated JDs: N/A

Review Area Location¹: State/Territory: Alabama City: Robertsdale County/Parish/Borough: Baldwin

Center Coordinates of Review Area: Latitude 30.557285° Longitude -87.665666°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☒ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: The proposed water main would be installed entirely within the previously disturbed and filled Baldwin Beach Express highway right-of-way (ROW). The ROW is comprised of upland roadway fill materials typically associated with roadway clay base fill and manicured roadside shoulder lawn grasses. Two stream crossings are also proposed for installation under the Blackwater River and Rock Creek tributary crossings, at which bore hole entry and exit pits would also be placed entirely within the existing ROW. The bore pit entry and exit locations are as follows: Blackwater River crossing NORTH SIDE: 30.5623, -87.6657 SOUTH SIDE: 30.5573, -87.6657; and Rock Creek crossing NORTH SIDE: 30.551212, -87.665555 SOUTH SIDE: 30.5482, -87.6656. The proposed water main would be placed by horizontal directional drill methods for a length of approximately 1,630 linear feet under Blackwater River and 1,060 linear feet under Rock Creek, both at a depth of at least ten feet below the creek beds at the thalwegs.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☐ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
N/A.	N/A.	N/A.	N/A.	

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: [Proposed project plans submitted on 2020-06-02, 2020-09-24, and 2021-03-08 by agent, Southern Engineering Solutions, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The information provided by the agent is sufficient to determine locations of proposed ground disturbance will occur entirely within existing previously disturbed and filled roadway ROW.](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial: Google Earth Pro aerial and street view imagery](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\).](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☐ USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- ☒ USFWS NWI maps: [USFWS database accessed 2020-09-24 and 2021-04-07](#)
- ☒ USGS topographic maps: [USGS National Hydrographic Database \(NHD\) accessed 2020-09-24](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

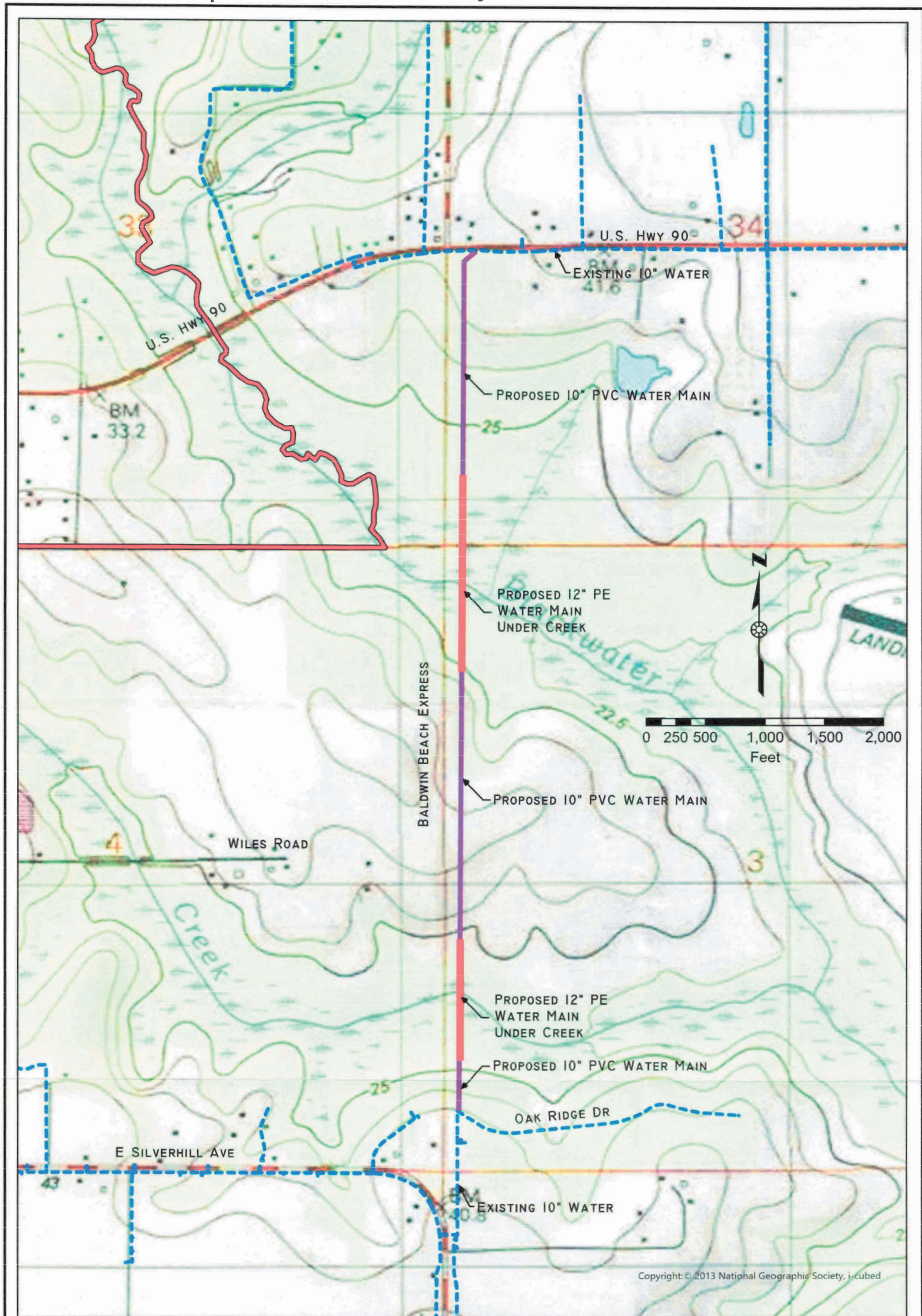


**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)

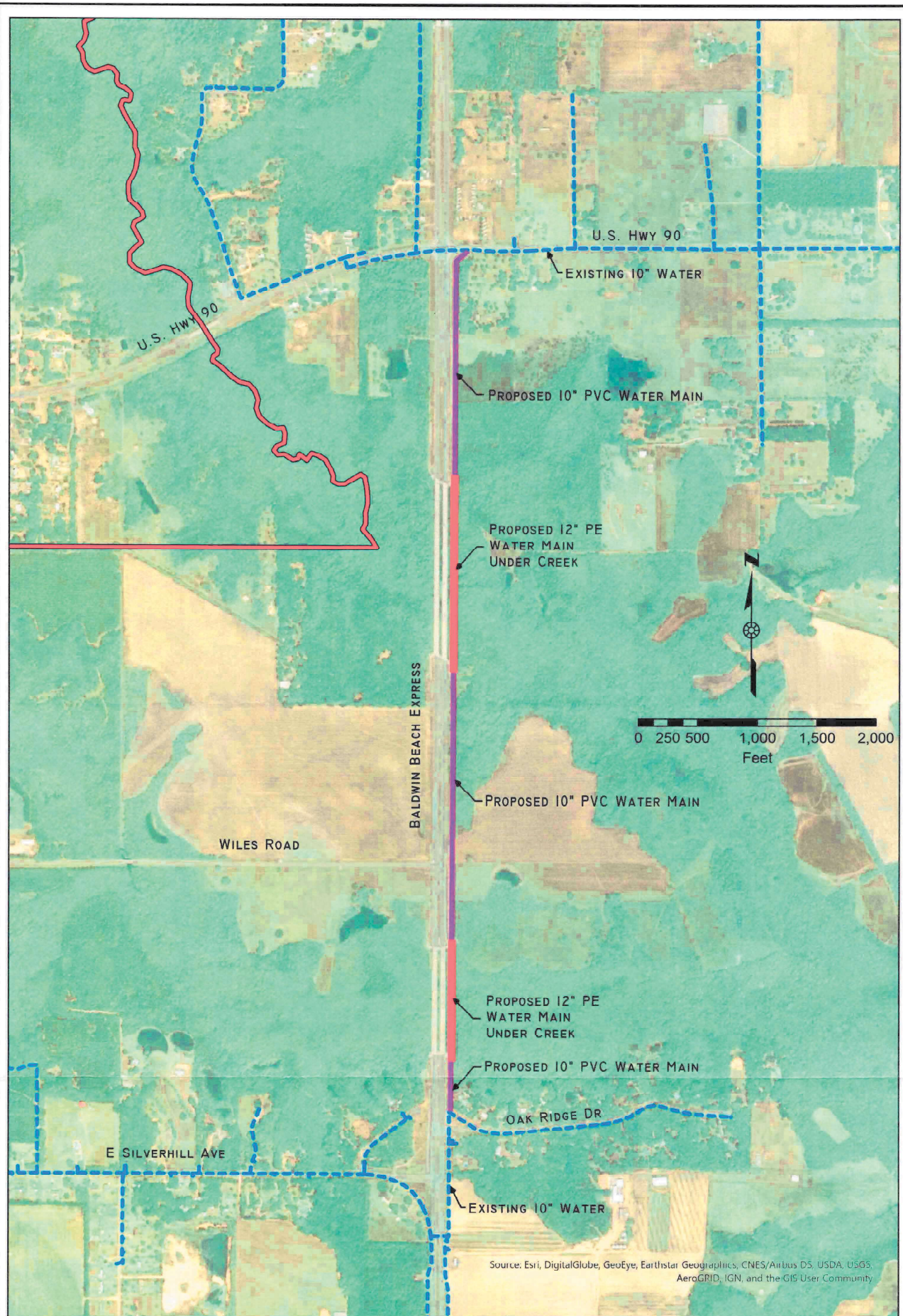


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Proposed 10" Water Main Connection
East Central Baldwin County Water System
Baldwin County, Alabama



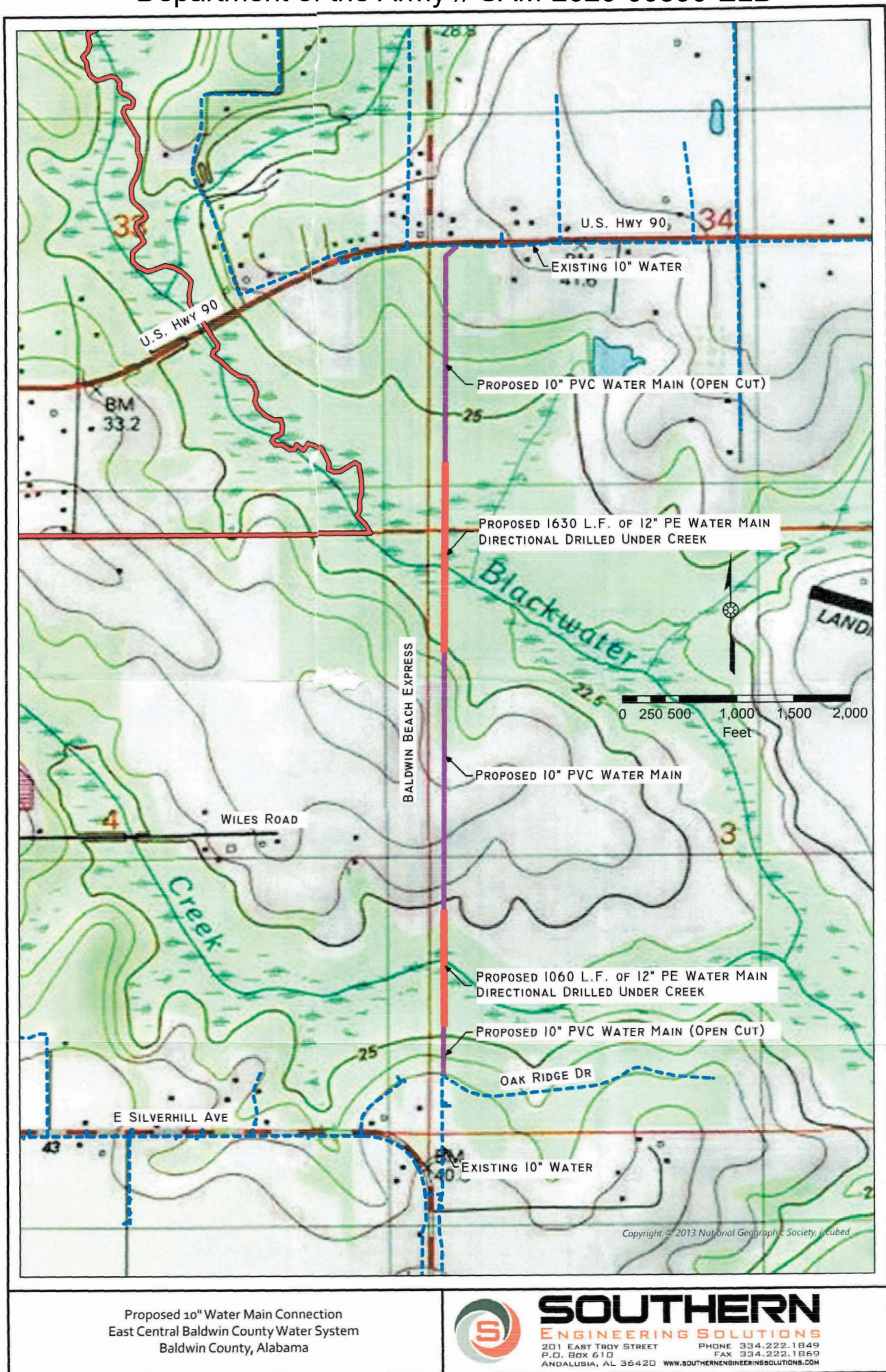
SOUTHERN
ENGINEERING SOLUTIONS
201 EAST TROY STREET PHONE 334.222.1849
P.O. BOX 610 FAX 334.222.1869
ANDALUSIA, AL 36420 WWW.SOUTHERNENGINEERING SOLUTIONS.COM



Proposed 10" Water Main Connection
East Central Baldwin County Water System
Baldwin County, Alabama



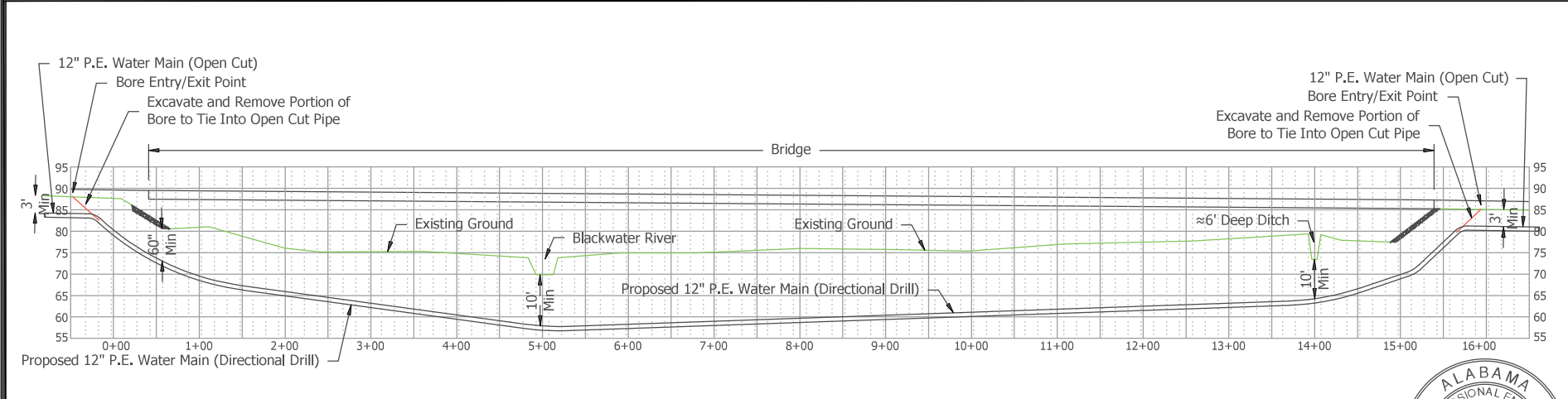
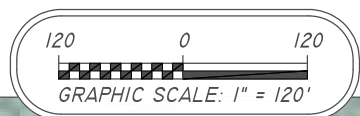
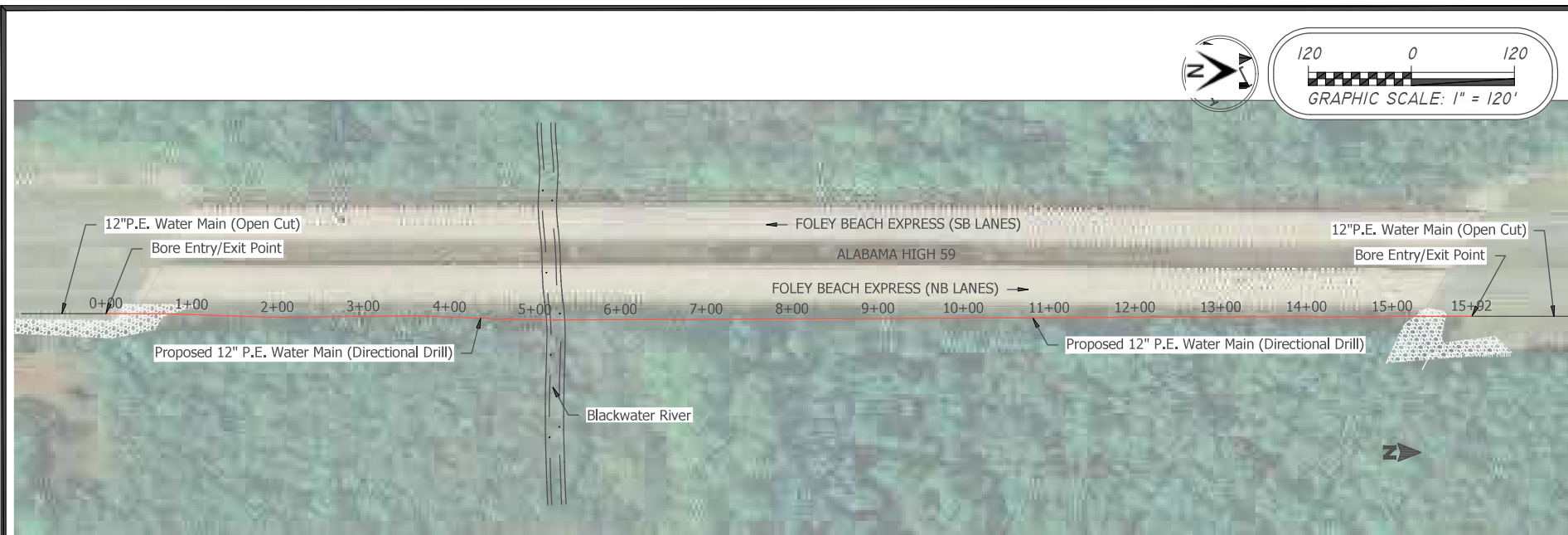
SOUTHERN
ENGINEERING SOLUTIONS
201 EAST TROY STREET PHONE 334.222.1840
P.O. BOX 610 FAX 334.222.1860
ANDALUSIA, AL 36420 WWW.SOUTHERNENGINEERING SOLUTIONS.COM



Proposed 10" Water Main Connection
East Central Baldwin County Water System
Baldwin County, Alabama



SOUTHERN
ENGINEERING SOLUTIONS
201 EAST TROY STREET PHONE 334.222.1849
P.O. BOX 610 FAX 334.222.1860
ANDALUSIA, AL 36420 WWW.SOUTHERNENGINEERING SOLUTIONS.COM



BORE PIT ENTRY POINTS:
 NORTH SIDE: 30.5623, -87.6657
 SOUTH SIDE: 30.5573, -87.6657



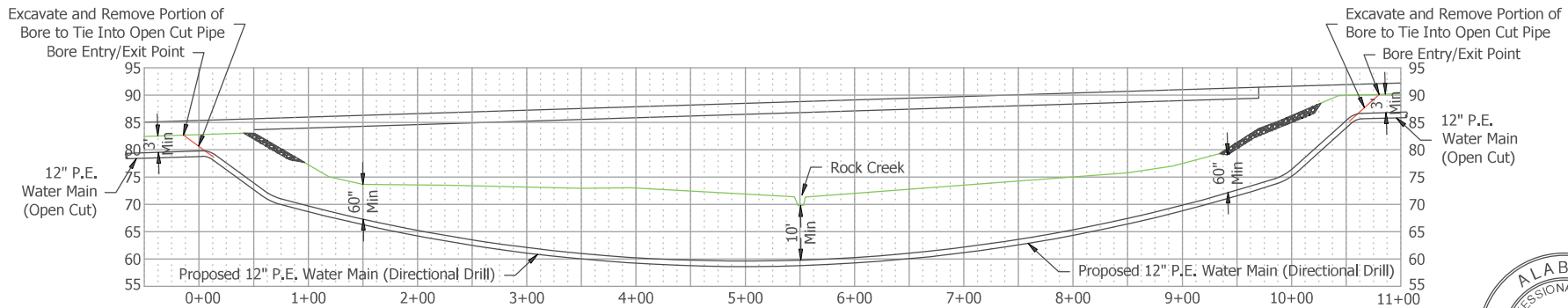
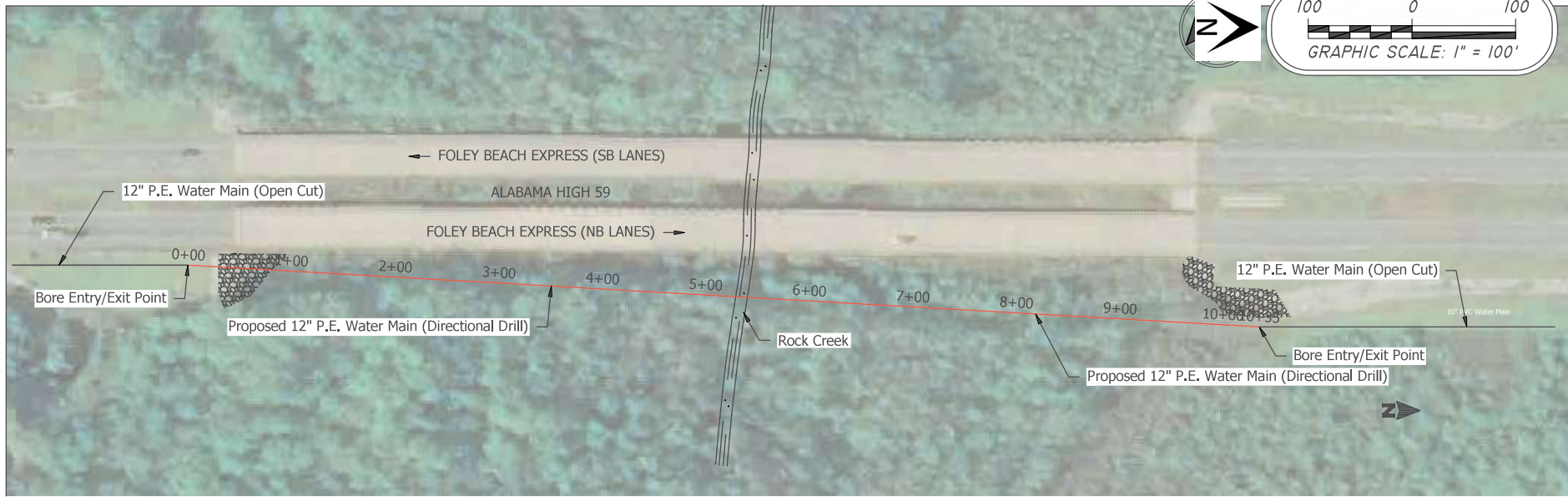
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 SOLUTIONS
 ENGINEERING
 PHONE 334.222.1869
 FAX 334.222.1869
 WWW.NEHLNOSOLUTIONS.COM



PLAN & PROFILE - NORTH BRIDGE
 PROPOSED 12" P.E. WATER MAIN (DIRECTIONAL DRILL)
 FOLEY BEACH EXPRESSWAY AT BLACKWATER RIVER
 PERDIDO BAY WATER, SEWER, AND FIRE PROTECTION DISTRICT
 BALDWIN COUNTY, ALABAMA

DESIGNED BY	PED
DRAWN BY	DLS
DATE	MARCH, 2021
CADD FILE	P&P ECBCWA
PROJECT NO	2030302
REVISED	*
SHEET	1 OF 2

Department of the Army // SAM-2020-00590 EFB



BORE PIT ENTRY POINTS:
 NORTH SIDE: 30.551212, -87.665555
 SOUTH SIDE: 30.5482, -87.6656



NRHLLNOS
 CONSULTING ENGINEERS
 PHONE 334.222.1899
 FAX 334.222.1899
 WWW.NRHLLNOS.COM



Department of the Army // SAM-2020-00590-ETB
 PLAN & PROFILE - SOUTH BRIDGE
 PROPOSED 12" P.E. WATER MAIN (DIRECTIONAL DRILL)
 FOLEY BEACH EXPRESSWAY AT BLACKWATER RIVER
 PERIDOO BAY WATER, SEWER, AND FIRE PROTECTION DISTRICT
 BALDWIN COUNTY, ALABAMA

DESIGNED BY	PED
DRAWN BY	DLS
DATE	MARCH, 2021
CADD FILE	P&P ECBCWA
PROJECT NO	2030302
REVISED	*
SHEET	1 OF 2

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: East Central Baldwin County Water, Sewer & Fire Protection Authority		File Number: SAM-2020-00590-ELB	Date: 2021-04-08
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XX	APPROVED JURISDICTIONAL DETERMINATION	D	
	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://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

ATTENTION: MS. EMMA L. BICKERSTAFF
U.S. ARMY CORPS OF ENGINEERS
CESAM-RD-A
POST OFFICE BOX 2288
MOBILE, ALABAMA 36628-0001

Phone: (251) 690-3295

Email: EMMA.L.BICKERSTAFF@USACE.ARMY.MIL

If you only have questions regarding the appeal process you may also contact:

MR. PHILIP A. SHANNIN
ADMINISTRATIVE APPEAL REVIEW OFFICER
CESAD-PDS-O
60 FORSYTH STREET SOUTHWEST, FLOOR M9
ATLANTA, GEORGIA 30303-8803

PHONE: (404) 562-5136; FAX (404) 562-5138

EMAIL: PHILIP.A.SHANNIN@USACE.ARMY.MIL

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

May 26, 2020

2020-TH-0994

BY: 

Mr. Bruce Porter
U.S. Fish & Wildlife Service
Daphne ES Field Office
1208-B Main Street
Daphne, AL 36526

RE: Letter of Concurrence - ADEM DWSRF Project
SRF Project No. FS010202-02
Proposed Water System Improvements
East Central Baldwin County, Water, Sewer & Fire Protection Authority

Dear Mr. Porter:

Southern Engineering Solutions, Inc. is currently performing an environmental review for the East Central Baldwin County Water, Sewer, & Fire Protection Authority pursuant to the National Environmental Policy Act for the Drinking Water State Revolving Fund (DWSRF) Program in order that it may assess the environmental impacts of proposed water system improvements in the East Central Baldwin County Water, Sewer, & Fire Protection Authority, Baldwin County, Alabama. The proposed project consists of installing a 10" PVC water main along the Baldwin Beach Expressway.

There are two stream crossings which must be made by the water main. Both of these crossings will be installed with directional drilled 12" polyethylene pipe, and there will be no impact to wetlands associated with the streams. The remainder of the areas impacted by the water main installation were previously impacted by the construction of the roadway. An aerial photograph of the project area is attached.

We request the assistance of your office in identifying any endangered species or other factors which may be affected by the proposed project. Please provide any recommendation you may have to mitigate or avoid any negative impacts of this proposed project.

To avoid unnecessary delays in securing approval for the proposed project, we would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact me at (334) 222-1849 or by e-mail at paul@southernengineeringsolutions.com.

Sincerely,

SOUTHERN ENGINEERING SOLUTIONS, INC.



Paul Darnell, PE
Senior Principal

Enclosure: Project Map

c. Mr. Ryan Frolik



U.S. Fish and Wildlife Service
1208-B - Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. SITE MAY CONTAIN WETLANDS. Contact U.S. Army Corps of Engineers for a jurisdictional wetlands determination. We recommend the use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

WILLIAM
PEARSON

William J. Pearson, Field Supervisor

Digitally signed by WILLIAM

PEARSON

Date: 2020.06.15 08:58:35
-05'00'

4

PERSONAL SERVICE...PROFESSIONAL SOLUTIONS



May 26, 2020

U. S. Army Corps of Engineers
Attn: Regulatory Division
P O Box 2288
Mobile, Alabama 36628-0001

RE: Letter of Concurrence - ADEM DWSRF Project
SRF Project No. FS010202-02
Proposed Water System Improvements
East Central Baldwin County, Water, Sewer & Fire Protection Authority

Gentlemen:

Southern Engineering Solutions, Inc. is currently performing an environmental review for the East Central Baldwin County Water, Sewer, & Fire Protection Authority pursuant to the National Environmental Policy Act for the Drinking Water State Revolving Fund (DWSRF) Program in order that it may assess the environmental impacts of proposed water system improvements in the East Central Baldwin County Water, Sewer, & Fire Protection Authority, Baldwin County, Alabama. The proposed project consists of installing a 10" PVC water main along the Baldwin Beach Expressway.

There are two stream crossings which must be made by the water main. Both of these crossings will be installed with directional drilled 12" polyethylene pipe, and there will be no impact to wetlands associated with the streams. The remainder of the areas impacted by the water main installation were previously impacted by the construction of the roadway. An aerial photograph of the project area is attached.

We are writing to request identification of prime farm lands and wetland areas on the attached project map. We also seek your assessment of the compatibility of the proposed project with State and local government or any private programs and policies to protect important farmland.

To avoid unnecessary delays in securing approval for the proposed project, we would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact me at (334) 222-1849 or by e-mail at paul@southernengineeringsolutions.com.

Sincerely,

SOUTHERN ENGINEERING SOLUTIONS, INC.

A handwritten signature in blue ink that reads 'Paul Darnell'.

Paul Darnell, PE
Senior Principal

Enclosure: Project Maps

c. Mr. Ryan Frolik

PERSONAL SERVICE...PROFESSIONAL SOLUTIONS

201 EAST TROY ST
P.O. BOX 610
ANDALUSIA, AL 36420

OFFICE 334.222.1849
FAX 334.222.1869
SOUTHERNENGINEERINGSOLUTIONS.COM



Missy Grissett <missy@southernengineeringsolutions.com>

Fwd: Request for Additional Information // East Central Baldwin County, Water Sewer & Fire Protection Authority // SAM-2020-00590-ELB

Paul Darnell <paul@southernengineeringsolutions.com>
To: Missy Grissett <missy@southernengineeringsolutions.com>

Mon, Sep 28, 2020 at 11:35 AM

SOUTHERN
ENGINEERING SOLUTIONS

PAUL DARNELL, P.E.
SENIOR PRINCIPAL

C 334.488.6528
O 334.222.1849
F 334.222.1869

201 EAST TROY ST
PO BOX 610
ANDALUSIA, AL 36420

PAUL@SOUTHERNENGINEERINGSOLUTIONS.COM



----- Forwarded message -----

From: **Bickerstaff, Emma L CIV USARMY CESAM (USA)** <Emma.L.Bickerstaff@usace.army.mil>

Date: Fri, Sep 4, 2020 at 8:39 AM

Subject: Request for Additional Information // East Central Baldwin County, Water Sewer & Fire Protection Authority // SAM-2020-00590-ELB

To: paul@southernengineeringsolutions.com <paul@southernengineeringsolutions.com>

Cc: ADEM - Mobile Branch / Coastal Section <coastal@adem.alabama.gov>

Good Morning,

This email is in response to a letter received by this office (attached) regarding proposed water systems improvement work on Baldwin Beach Express in Baldwin County, Alabama.

In order to process your request, we will need you to complete and return a Jurisdictional Determination Request form (also attached). Additionally, In your response to this email, please also include the following information:

- Entire footprint of proposed new work should be clearly defined on a topographic map.
- Clearly identify on maps and in the narrative description any portions of the activity that will take place on previous fill placed for existing highway rights of way.
- When both cut and trench and HDD boring methods will be used, project maps should differentiate between those activities and identify entry/exit points, if applicable.
- Provide latitude/longitude coordinates for any particular points of ground disturbance (e.g., new manholes, HDD bore pit entry and exit points).
- If available, provide any contingency plans for addressing inadvertent returns of drilling fluids to WOUS (Frac-Out Plans).

Please also see attached a guidance sheet on requesting Department of the Army (DA) permits or jurisdictional determinations. Please do not hesitate to contact me should you have any questions.

Respectfully,

Emma L. Bickerstaff

U.S. Army Corps of Engineers

Project Manager

Mobile District, Regulatory Division

South Alabama Branch

P.O. Box 2288

[109 Saint Joseph Street](#)

[Mobile, Alabama 36628](#)

Phone: 251-690-3295

Email: Emma.L.Bickerstaff@usace.army.mil

3 attachments



2020-06-02.JD.20-590. JD Request_East Central Baldwin.pdf
2478K



JD Request Form - RGL 16-01 Appendix 1_fillable.pdf
49K



Information on Requesting DA Permits or JDs.pdf
10624K



September 8, 2020

Ms. Emma L. Bickerstaff
U. S. Army Corps of Engineers
Attn: Regulatory Division
P O Box 2288
Mobile, Alabama 36628-0001

RE: SRF Project No. FS010202-02
Proposed Water Main
Baldwin Beach Express
Baldwin County, Alabama

Dear Ms. Bickerstaff:

I have received your email which requested additional information concerning the proposed installation of a 10" water main along the Baldwin Beach Expressway for the East Central Baldwin Water System.

This proposed water main is being funded by State Revolving Loan Funds administered by the Alabama Department of Environmental Management. A USGS Topo Map is enclosed on which we have shown some of the information requested in your email.

The proposed 12" PE will be directional drilled as a part of the overall project. The directional drilling contractor will select which side of the stream to drill from, which will determine the entry and exit pit locations. The project has not been funded; therefore a full design has not been completed in order to determine the exact location of the bore pit entry and exit points. During final design, these points will be selected to insure there is no wetland impact. The project bid specifications will require the drilling contractor to provide a contingency plan to insure that drilling fluid does not impact the wetlands.

The approximate locations of these points are as follows:

South Bore

North Side- 30.5514 °N 87.6657° W

South Side- 30.5482° N 87.6656° W

North Bore

North Side-30.5623° N 87.6657° W

South Side- 30.5573° N 87.6657° W

PERSONAL SERVICE...PROFESSIONAL SOLUTIONS

201 EAST TROY ST
P.O. BOX 610
ANDALUSIA, AL 36420

OFFICE 334.222.1849
FAX 334.222.1869
SOUTHERNENGINEERINGSOLUTIONS.COM

Please let me know if you need any additional information to review the Jurisdictional Determination Request.

Sincerely,

SOUTHERN ENGINEERING SOLUTIONS, INC.

A handwritten signature in blue ink that reads "Paul Darnell". The signature is fluid and cursive, with the first name "Paul" and last name "Darnell" clearly distinguishable.

Paul Darnell, PE
Senior Principal

Enclosure: Updated Topographic Map

c. Mr. Ryan Frolik

PERSONAL SERVICE...PROFESSIONAL SOLUTIONS

201 EAST TROY ST
P.O. BOX 610
ANDALUSIA, AL 36420

OFFICE 334.222.1849
FAX 334.222.1869
SOUTHERNENGINEERINGSOLUTIONS.COM



South Alabama Regional Planning Commission

William S. Stimpson, Chairman • Charles H. Murphy, Vice-Chairman
James R. Staff, Secretary - Treasurer • John F. Rhodes, Executive Director

June 3, 2020

Paul Darnell, PE
Southern Engineering Solutions
PO Box 610
Andalusia, AL 36420

RE: DWSRF Project
SRF Project No. FS010202-02
Proposed Water System Improvements
East Central Baldwin County Water, Sewer & Fire Protection Authority
Internal SARPC Project Review Control No. 20-05

Dear Mr. Darnell:

In response to the request for a review of this project, attached please find the completed review sheet. This review sheet need not be included in the project application packet (i.e., the Standard Form 424 with supporting documentation).

If you have any questions in this regard or require additional information, please give me a call.

Sincerely,

John F. Rhodes
Executive Director

/gwc

Enclosure

OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

KENNETH W. BOSWELL
DIRECTOR

June 4, 2020

Mr. Paul Darnell, P.E.
Senior Principal
Southern Engineering Solutions, Inc.
201 East Troy Street
Andalusia, AL 36420

Re: Letter of Concurrence – ADEM DWSRF Project
SRF Project No. FS010202-02
Proposed Water System Improvements
East Central Baldwin County, Water, Sewer and Fire Protection Authority

Dear Mr. Darnell:

Thank you for the opportunity to review the proposed plans of the water system improvements for the East Central Baldwin County Water, Sewer and Fire Protection Authority. We have reviewed the plans and do not have any comments to submit at this time. If we may be of further assistance, please let us know.

Sincerely,

A handwritten signature in blue ink that reads 'J. Brian Atkins'.

J. Brian Atkins, P.E.
Division Chief
Office of Water Resources