

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
Utilities Board of the Town of Gilbertown
Choctaw County

DWSRF Project No. FS010227-02

April 22, 2022

The Alabama Department of Environmental Management has made \$1,640,000 in financial assistance available to the Utilities Board of the Town of Gilbertown 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 Utilities Board of the Town of Gilbertown proposes to replace the Melvin Well (Well Number 2). The Melvin Well is an existing water supply well that has failed and was pumping sand prior to removing the pump when the casing failed. The systems water meters are old deteriorated and inaccurate. The Utilities Board also proposes to replace the existing water meters with new drive by radio read meters. Meter replacement will significantly improve accuracy and reduce the fuel and manpower required to read the manual meters on a monthly basis.

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 & Services Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463, no later than 30 days after 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/BCE/WAL/kbb

Attachment



Utilities Board of the Town of Gilbertown
SRF# FS010227-02

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.*
 - a. Minor construction, including:
 - a. 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;
 - b. Facilities for the disinfection of public water supplies;
 - c. Facilities such as looping that will result solely in the provision of adequate public water system pressure;
 - d. Construction of water tanks;
 - e. Construction of new water lines in previously disturbed areas within one mile of the existing distribution system.
 - b. 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
Montgomery, Alabama 36130-0900

Lisa D. Jones
Executive Director
State Historic Preservation Officer

Tel: 334-242-3184
Fax: 334-242-1083

May 26, 2021

D. Ray Hogg, Jr.
HSA Engineers, Inc.
1 Satterfield Street
Selma, AL 36701

Re: AHC 21-0731
Replacement of Well No. 2 (Melvin Well) and new AMR Water Meters
Choctaw County

Dear Mr. Hogg:

Upon review of the above referenced project, we have determined that project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Therefore, we concur with the proposed project activities.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (*Code of Alabama* 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. This stipulation shall be placed on the construction plans to ensure 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 Eric Sipes at 334.230.2667 or Eric.Sipes@ahc.alabama.gov. Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

A handwritten signature in blue ink that reads "Lee Anne Wofford".

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/EDS/law

May 14, 2021

TA/MB
2021-TA-0933

1 Satterfield Sp
Selma, AL 36701

O: 334.875.1960
F: 334.875.1961

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Mr. William J. Pearson
U.S. Department of the Interior
Fish and Wildlife Service
1208-E Main Street
Daphne, Alabama 36526

**RE: Gilbertown Water System
Drinking Water State Revolving Fund Project No. FS 010227-02**

Dear Mr. Buckelew:

The Gilbertown Water System is proposing to submit a Drinking Water State Revolving Fund Application to the State of Alabama Department of Environmental Management. Funds will be used to implement various improvements to the system's drinking water system as follows:

1. Replacement of the Melvin Well
2. Replacement of water meters to 2,856 existing customers

The work included in this project will involve the replacement of the Melvin Well. The existing well hole will be abandoned and a new well hole will be drilled approximately 30 feet away, within the confines of the existing well site fencing. This well was constructed in 1980. Also included as a part of the project is the replacement of existing water meters serving all 2,856 customers of the water system. This will involve simply removing the old meter and replacing it with a new meter. Attached is a USGS Quad Map showing the location of the Melvin Well. The service area of the Gilbertown Water system lies south of the City of Butler to the Washington County line and west of the Tombigbee River to the Mississippi state line.

As part of the Environmental Information Document (EID), we are hereby requesting concurrence on this project from your agency.

If you should have any questions, please do not hesitate to give me a call at (334) 875-1960 or email me at hoggeng@bellsouth.net.

Sincerely,

HSA ENGINEERS, INC.



D. Ray Hogg, Jr., P.E.

CC: Hon. Jimmy Chapman
Board Members
Ms. Kaylee Weiss

Mr. Scott Downey



U S Fish and Wildlife Service
1208-B Main Street - 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. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>)


William J. Pearson Field Supervisor

JUN 03 2021

Date

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

October 5, 2021

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2021-00638-ELB, Gilberttown Water System – Well and Water Meter Replacements, Choctaw County, Alabama

Gilberttown Water Board Office
Attention: Ms. Kaylee Weiss
Email Address: Kayleeh2o@yahoo.com
13217 Choctaw Avenue
Gilberttown, Alabama 36908

Dear Ms. Weiss:

Reference is made to your recent request for a Department of the Army jurisdictional determination for a water well and meter replacement project at the Melvin Well facility. This project has been assigned file number SAM-2021-00638-ELB, which should be referred to in all future correspondence with this office concerning this project. The project area is located on Plantation Drive, within Section 11, Township 11 North, Range 5 West; Latitude 30.939444°, Longitude -88.45556°; in Gilberttown, Choctaw County, Alabama.

Based on our review of the information you furnished and other information available to our office, we have determined the proposed review area, as identified in the attached drawings, is sited within non-jurisdictional uplands or non-wetland lands. This determination was made in accordance with the U.S. Supreme Court Solid Waste Agency of Northern Cook County (SWANCC) and Rapanos/Carabell decisions, 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 consulting engineer, HAS Engineers, Inc., Attention: Mr. D. Ray Hogg, Jr., P.E., at Hoggeng@bellsouth.net; and to the Alabama Department of Environmental Management, Mining and Non-Point Source Section, at fieldmail@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,



Digitally signed by Emma Bickerstaff
Date: 2021.10.05 16:42:53 -05'00'

Emma L. Bickerstaff
Project Manager
South Alabama Branch
Regulatory Division

Attachments

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 2021-10-05
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Mobile District, Gilberttown Water System, SAM-2021-00638-ELB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alabama County/parish/borough: Choctaw County City: Gilberttown
Center coordinates of site (lat/long in degree decimal format): Lat. 31.939444 °, Long. -88.455556 °
Universal Transverse Mercator:
Name of nearest waterbody: Little Double Creek
Name of watershed or Hydrologic Unit Code (HUC): Biddys Creek-Okatuppa Creek, HUC# 031602010802

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: September 22, 2021
- Field Determination. Date(s): *Click here to enter a date.*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aerial maps provided by applicant
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: *Click here to enter text.*
- U.S. Geological Survey Hydrologic Atlas: USGS NHD, National Map, accessed 2021-09-22
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Choctaw County
- USDA Natural Resources Conservation Service Soil Survey. Citation: SSURGO Soil mapper accessed 2021-09-22
- National wetlands inventory map(s). Cite name: NWI wetlands mapper accessed 2021-09-22
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: 01023C0350D eff. 9/03/2010
- 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth, ArcGIS, accessed 2021-09-22
- or Other (Name & Date): *Click here to enter text.*
- Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- Applicable/supporting case law: *Click here to enter text.*
- Applicable/supporting scientific literature: *Click here to enter text.*
- Other information (please specify): *Click here to enter text.*

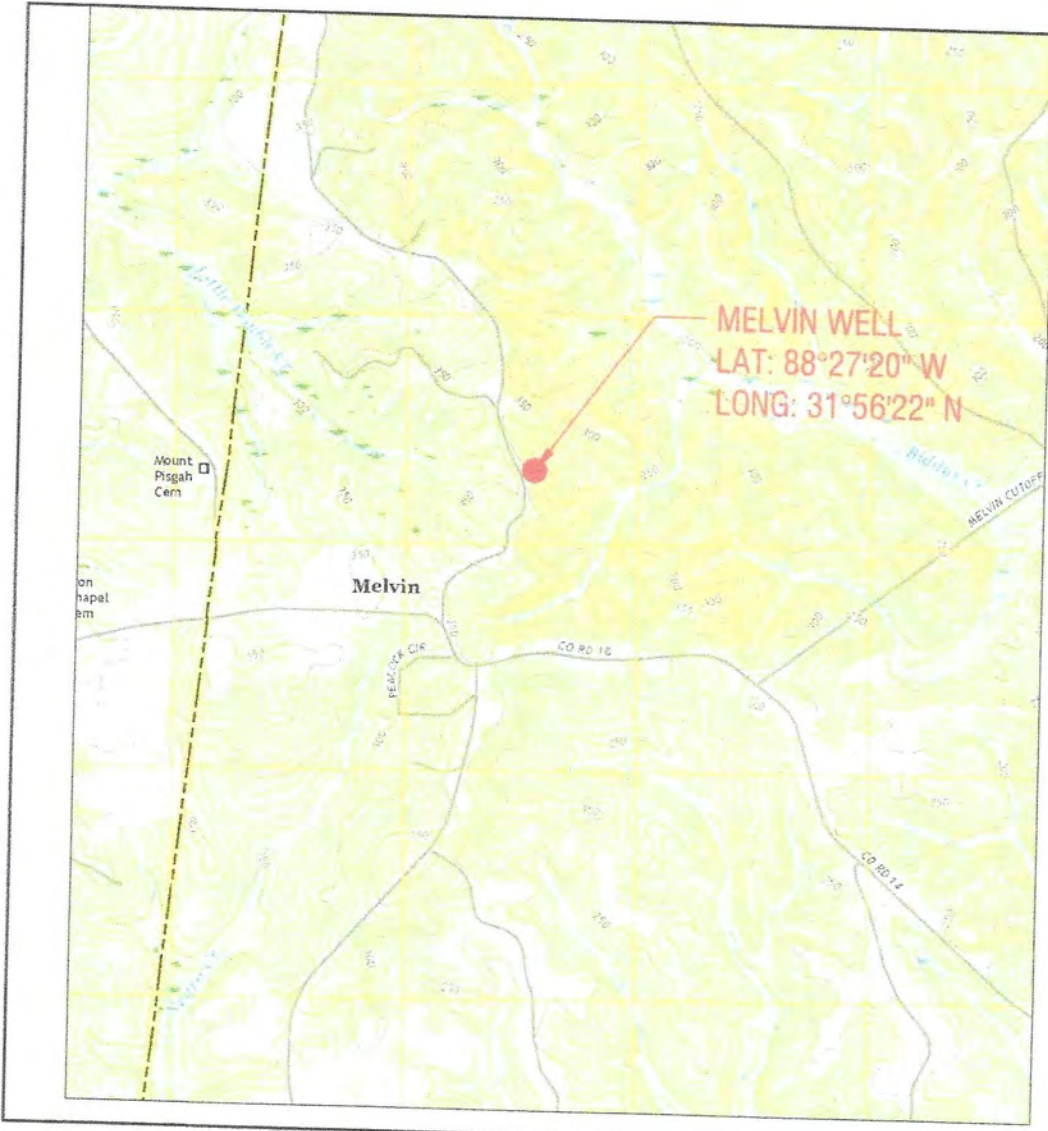
B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

A desktop review was conducted for the approximately 0.20-acre review area as shown within a water well facility on aerial maps provided by the agent. The parcel is a cleared and maintained municipal facility and is located on a raised, upland elevation zone comprised entirely of uplands with no jurisdictional waters including wetlands within; soils at the site are comprised of dominant non-hydric Smithdale sandy loam complex

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.



Gilberttown Water System
FY21 DWSRF Project
Proj. No. FS010227-02
April, 2021



Department of the Army // SAM-2021-00638-ELB



Plantation Dr
Plantation Dr

© 2021 Google

Google Earth

Imagery Date: 11/30/2019 lat 31.939310° lon -88.455218° elev 375 ft eye alt 1556 ft



1986

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Gilberttown Water Board	File Number: SAM-2021-00638-ELB	Date: 2021-10-05
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	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:

Intergovernmental Review Procedures

Intergovernmental review of DWSRF funded projects is required pursuant to Executive Order 12372. To fulfill this requirement, the applicant is required to submit a copy of their DWSRF loan application to the following entities for review and comment. Responses from these entities indicating concurrence with the proposed project are required (in writing) and must be included with the DWSRF Loan Application:

Regional Planning Agency

Complete this form and transmit a copy of the DWSRF Application Form (Page 4 of this application) to your Regional Planning Agency.

A. Applicant Name and Address:

The Utilities Board of the Town of Gilbertown
13217 Choctaw Avenue
Gilbertown, AL 36908

B. Catalog of Federal Domestic Assistance Number and Title:

No. 66.468 - State Revolving Loan Program

C. Date Application Sent to ADEM:

November 10, 2021

Authorized Representative:

Frank B. Johnson Jr.
(Signature)

Alabama-Tombigbee Regional Commission