

**EDWARD F. POOLOS**  
DIRECTOR

**JEFFERY W. KITCHENS**  
DEPUTY DIRECTOR



**KAY IVEY**  
GOVERNOR

**Alabama Department of Environmental Management**  
[adem.alabama.gov](http://adem.alabama.gov)

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**

Ashland Waterworks and Sewer Board  
Clay County

SRF Project No. CS010906-01

December 11, 2025

The Alabama Department of Environmental Management has made **\$2,564,783** in financial assistance available to the **Ashland Waterworks and Sewer Board** using funds from the Clean Water State Revolving Fund - Bipartisan Infrastructure Law (**CWSRF-BIL**) 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 Ashland Waterworks and Sewer Board proposes a project to improve their sanitary sewer gravity mains and Mitchell Branch lift station. The project consists of the replacement of existing 8" and 15" vitrified clay gravity sewer mains with 15" PVC gravity mains, including new manholes, laterals, and associated appurtenances; and rehabilitation of Mitchell Branch lift station, including replacement of pumps, controls, and construction of new adjacent wet well. The proposed project would restore system reliability and reduce sanitary sewer overflows.

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 Mrs. Kelly Bibb, SRF Branch, 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 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,

Edward F. Poolos  
Director

EFP/ADC/KMB/lbb

Attachment



**Birmingham Office**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

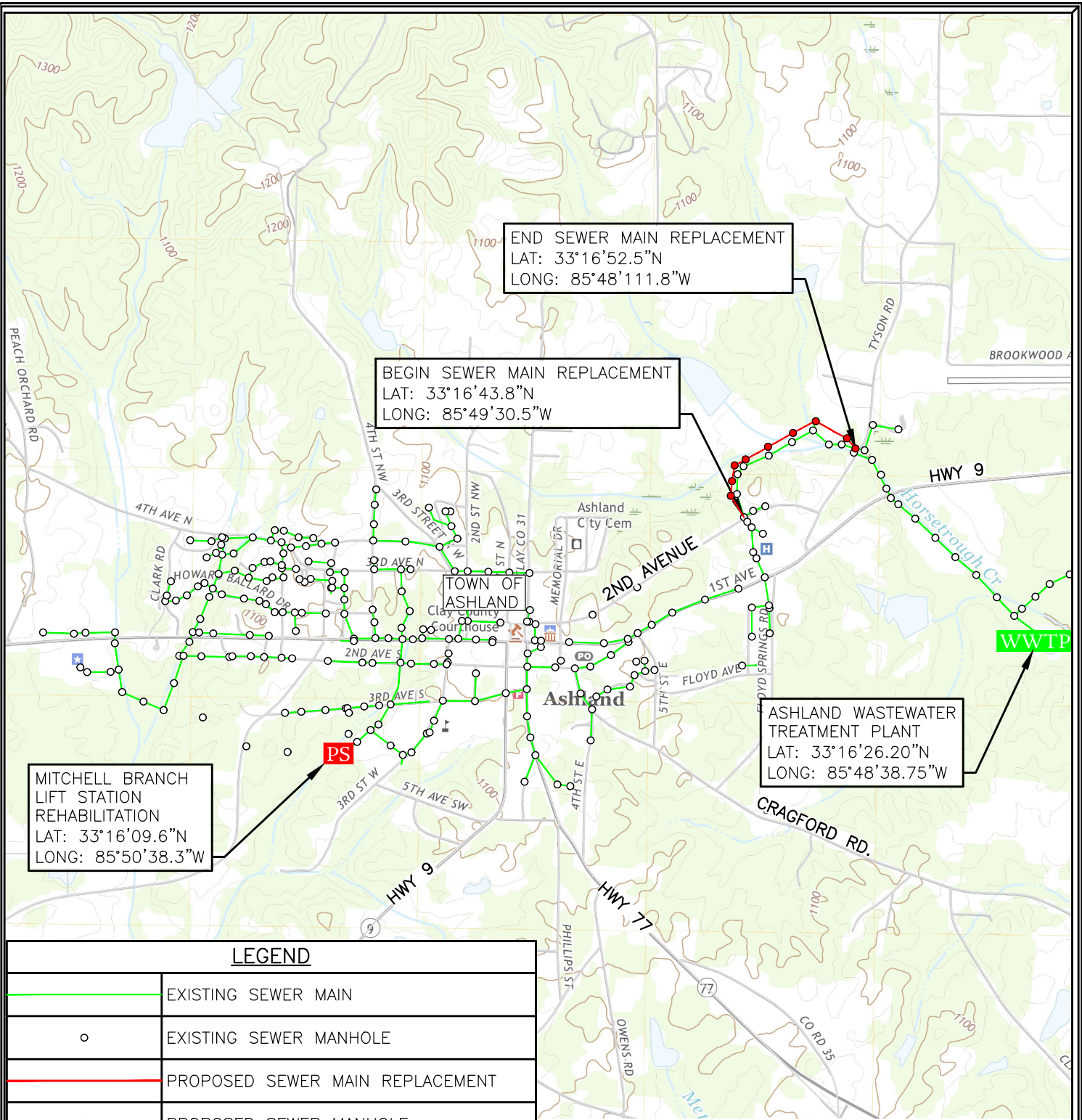
**Decatur Office**  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)

**Coastal Office**  
1615 South Broad Street  
Mobile, AL 36605  
(251) 450-3400  
(251) 479-2593 (FAX)

Ashland Waterworks and Sewer Board  
SRF# CS010906-01

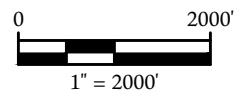
The Categorical Exclusion is promulgated in the State Environmental Review Process (SERP) in Part IV, Section B: Categorical Exclusions for Clean Water State Revolving Fund Projects: (Italicized sections apply.)

1. The following clean water projects are eligible for categorical exclusions.
  - a. *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;*
  - b. *Actions which do not affect the degree of treatment or capacity of the existing facility including, but not limited to, infiltration and inflow corrections, replacement of existing mechanical equipment or structures, and the construction of small structures on existing sites;*
  - c. Actions which are for minor upgrading and minor expansion of existing treatment works in sewerred communities with a population less than 10,000;
  - d. Actions where on-site technologies are proposed in unsewered communities of less than 10,000;
  - e. Construction of new wastewater collection systems for existing communities, only if ancillary or appurtenant to existing facilities;
  - f. Projects where funding is being provided for planning and/or engineering costs only (in which case the requirements of IV.B.1 a-f do not apply)
2. In order to determine if a clean water project is eligible for a CE, all of the following conditions must not apply:
  - a. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, State, local, tribal or private actions.
  - b. The action is known or expected to adversely impact:
    - 1) Cultural resources areas such as archaeological and historical sites,
    - 2) Endangered or threatened species and their critical habitats,
    - 3) Environmentally important natural resources areas such as floodplains, wetlands, important farmlands, or aquifer recharging zones.
  - c. This action is known or expected not to be cost-effective or to cause significant public controversy.
  - d. The facilities to be provided will:
    - 1) Create a new, or
    - 2) Significantly relocate an existing discharge to surface or ground waters.
  - e. The facilities will result in more than 30% increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters.
  - f. The facilities would provide capacity to serve a population 30% higher than the anticipated design population.



LEGEND	
	EXISTING SEWER MAIN
	EXISTING SEWER MANHOLE
	PROPOSED SEWER MAIN REPLACEMENT
	PROPOSED SEWER MANHOLE
	STREET
	PROPOSED PUMP STATION REHABILITATION
	ASHLAND WASTEWATER TREATMENT PLANT

USGS QUAD MAPS FOR LINEVILLE  
WEST, CLAY COUNTY, ALABAMA,  
7.5 MINUTE SERIES, REVISED  
2024. SCALED AT 1:24,000



# THE KELLEY GROUP

▪ A CIVIL ENGINEERING COMPANY ▪

800 Corporate Pkwy, Suite 100  
Birmingham, AL 35242

301 N Dickson St.  
Tusculumba, AL 35674

## USGS QUAD MAP

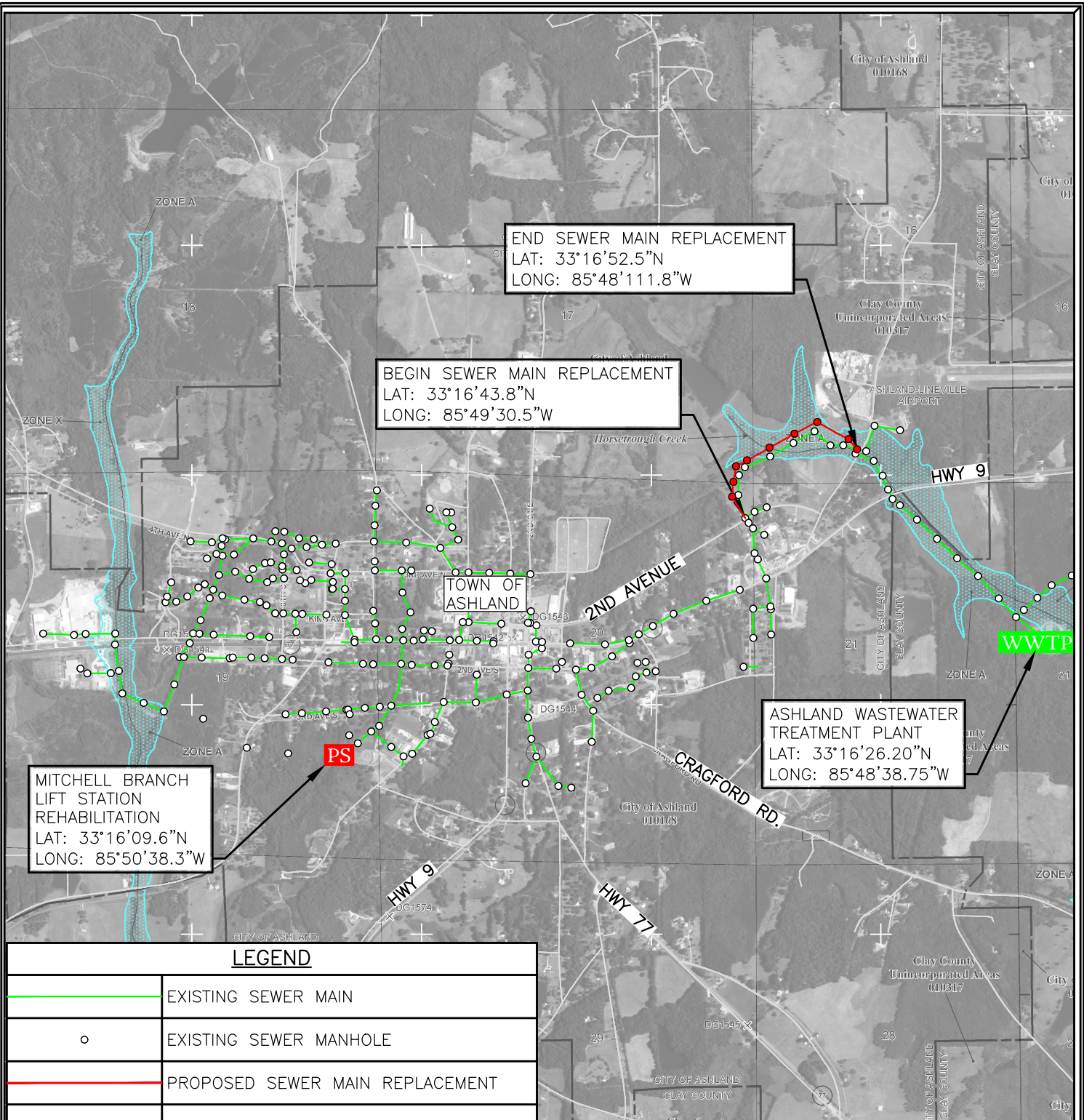
CWSRF SEWER SYSTEM IMPROVEMENTS  
ASHLAND WATER WORKS & SEWR BOARD  
CLAY COUNTY, ALABAMA

PROJECT NUMBER  
24-0029

DATE  
07/2025

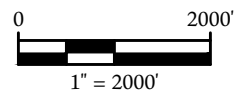
SHEET NUMBER  
1





LEGEND	
	EXISTING SEWER MAIN
	EXISTING SEWER MANHOLE
	PROPOSED SEWER MAIN REPLACEMENT
	PROPOSED SEWER MANHOLE
	STREET
	PROPOSED PUMP STATION REHABILITATION
	ASHLAND WASTEWATER TREATMENT PLANT

FIRM MAPS FOR CLAY COUNTY,  
ALABAMA PANEL NUMBERS 140A  
DATED MARCH 17, 2010.



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Birmingham, AL 35242

301 N Dickson St.  
Tuscumbia, AL 35674

## FEMA FIRM MAP

CWSRF SEWER SYSTEM IMPROVEMENTS  
ASHLAND WATER WORKS & SEWR BOARD  
CLAY COUNTY, ALABAMA

PROJECT NUMBER  
24-0029

DATE  
07/2025

SHEET NUMBER  
3





## 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

July 28, 2025

Bart Taft  
800 Corporate Pkwy. Suite 100  
Birmingham, AL 35242

Re: AHC 25-0956  
Sewer System Improvements-Ashland Water Works and Sewer Board  
Clay County

Dear Mr. Taft:

We concur with the above referenced project provided all construction activities will occur within **existing and previously disturbed** highway right-of-way and/or other previously disturbed areas. For the purposes of this letter, previous disturbance is defined as mechanical disturbance to either culturally sterile subsoil, or the maximum depth of the proposed undertaking. It should be noted that agricultural plowing does not typically meet this threshold of disturbance, nor do previously undisturbed portions of the ROW that require clearing of additional vegetation. 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.

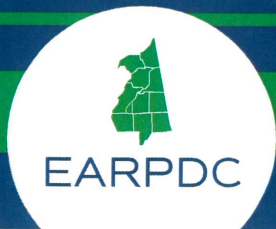
Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) 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 Amanda McBride at 334.230.2692 or [Amanda.McBride@ahc.alabama.gov](mailto:Amanda.McBride@ahc.alabama.gov). Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Hewett  
Deputy State Historic Preservation Officer

LAH/AMH/nj



## EAST ALABAMA

Regional Planning and Development Commission

August 19, 2025

Bart Taft  
800 Corporate Pkwy  
Suite 100  
Birmingham, Alabama 35242

RE: **Ashland Water Works and Sewer Board  
Clay County, Alabama  
Sewer System Improvements**

Dear Mr. Taft,

The East Alabama Regional Planning and Development Commission is aware that the Ashland Water Works and Sewer Board (Board) is applying for Clean Water State Revolving Funds (CWSRF) through the Alabama Department of Environmental Management (ADEM) to complete improvements to its existing sanitary sewer system.

We understand that this project includes replacing approximately 2,700 linear feet of existing undersized gravity sewer main with a 15" PVC gravity sewer main, along with associated manholes and appurtenances. We also understand that the project includes rehabilitating an existing lift station, which will involve replacing all pumps, appurtenances, and controls, and installing additional storage capacity as necessary. We understand that the construction activities will occur entirely within the existing footprint, on property owned by the Board, or within existing road right-of-way, and that no new land acquisition or right-of-way is required.

On behalf of the Board of the East Alabama Regional Planning and Development Commission, our planning staff has evaluated the effects of this project and any other planned projects occurring in the project area. We have determined that this project is compatible with the Comprehensive Economic Development Strategy for the East Alabama Region, and we concur with the application for Clean Water State Revolving Funds for the sanitary sewer improvements for the Ashland Water Works and Sewer Board, as reflected in the documents provided to us.

Good luck with this project.

Sincerely,

*Lori Sokol*

Lori Sokol  
Executive Director

### EAST ALABAMA

CALHOUN CHAMBERS CHEROKEE CLAY CLEBURNE COOSA ETOWAH RANDOLPH TALLADEGA TALLAPOOSA

Regional Planning and Development Commission | 1130 Quintard Avenue Suite 300 Quintard Tower P.O. Box 2186 Anniston, AL 36202

Phone (256) 237-6741 | Fax (256) 237-6763 | Email [earpdc@earpdc.org](mailto:earpdc@earpdc.org) | Website [www.earpdc.org](http://www.earpdc.org)

#### CHAIR

RICHARD DEAN  
PROBATE JUDGE, COOSA COUNTY

#### VICE CHAIR

WILLIAM "BILL" BAKER  
MAYOR, CITY OF PIEDMONT

#### SECRETARY

DANA SNYDER  
MAYOR, CITY OF SOUTHSIDE

#### TREASURER

TOBY BENNINGTON  
DIRECTOR OF ECONOMIC DEVELOPMENT  
& CITY PLANNING



October 15, 2025



Ms. Kelly Bibb  
ADEM State Revolving Fund Section  
Delivery via email: [kelly.bibb@adem.alabama.gov](mailto:kelly.bibb@adem.alabama.gov)

**Re: Ashland Water Works and Sewer Board  
Sewer System Improvements  
CWSRF-BIL Project No. CS010906-01**

Dear Ms. Bibb,

On July 17, 2025, The Kelley Group submitted a request for concurrence to the U.S. Army Corps of Engineers (USACE) for Ashland Water Works and Sewer Board Project No. CS010906-01. We received an acknowledgement email from USACE on July 18, 2025, and the project was assigned File Number: SAM-2025-00540.

We received a request for additional information on July 22, 2025, at which time we were notified that Mr. Samuel T. Barber had been assigned as the project manager. The Kelley Group submitted the requested information to USACE on August 20, 2025, and received an acknowledgement email from USACE on August 21, 2025.

Our office followed up with USACE on September 29, 2025, to obtain an update on our request for concurrence. USACE responded on September 30, 2025, confirming that all requested information had been received and that they intended to issue a "No Permit Required" determination. However, they noted that due to the potential government shutdown, they could not provide a firm timeframe for completion. If the shutdown was averted, the action would be submitted for supervisor approval before the end of the week. We are providing you with the correspondence that transpired after receipt of the letter from USACE.

Since we have received no further correspondence from USACE on this matter, we have chosen to proceed with self-certifying under NWP-58, Utility Line Activities for Water and Other Substances, based on the 2021 Nationwide Permit Summary.

We have reviewed the proposed Sewer System Improvements project with regard to compliance with Nationwide Permit 58, Utility Line Activities for Water and Other Substances, and hereby certify that the proposed Sewer System Improvements project meets the requirements for permitting under this Nationwide Permit.

Please let me know if you need additional information.

Sincerely,

*Bart Taft*  
Bart Taft, P.E.

Attachments

CC: Ashland Water Works and Sewer Board

## Macy Lowery

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**From:** Barber, Samuel T CIV USARMY CESAM (USA) <Samuel.T.Barber@usace.army.mil>  
**Sent:** Tuesday, September 30, 2025 11:06 AM  
**To:** Jessica Mandrell  
**Cc:** Stephen Springfield; Luke Wade; Kelley Taft; Macy Lowery; Bart Taft  
**Subject:** RE: Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Good morning Ms. Jessica,

Thank you for reaching back out. Based on the response to the RAI provided by your team, we have all of the information to process. I intend to issue a No Permit Required, but due to the impending potential shutdown I can not reasonably offer a locked-in timeframe. In the instance where the shutdown is averted, I intend to have this action in for supervisor approval before the end of the week.

Best regards,  
Samuel Barber

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**From:** Jessica Mandrell <jessica@kelleynetwork.com>  
**Sent:** Monday, September 29, 2025 3:17 PM  
**To:** Barber, Samuel T CIV USARMY CESAM (USA) <Samuel.T.Barber@usace.army.mil>  
**Cc:** Stephen Springfield <stephen@kelleynetwork.com>; Luke Wade <luke@kelleynetwork.com>; Kelley Taft <kelley@kelleynetwork.com>; Macy Lowery <macy@kelleynetwork.com>; Bart Taft <bart@kelleynetwork.com>  
**Subject:** [Non-DoD Source] RE: Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Samuel,

Good afternoon! ADEM has requested an update from us regarding the status of guidance we are seeking from USACE. Do you have an estimated time frame for providing your response to us?

Kind regards,

Jessica Mandrell  
Project Manager  
**The Kelley Group**  
Office: 256.248.7030  
Direct: 256.443.5188

---

**From:** Barber, Samuel T CIV USARMY CESAM (USA) <[Samuel.T.Barber@usace.army.mil](mailto:Samuel.T.Barber@usace.army.mil)>  
**Sent:** Thursday, August 21, 2025 1:37 PM  
**To:** Stephen Springfield <[stephen@kelleynetwork.com](mailto:stephen@kelleynetwork.com)>  
**Cc:** Luke Wade <[luke@kelleynetwork.com](mailto:luke@kelleynetwork.com)>; Jessica Mandrell <[jessica@kelleynetwork.com](mailto:jessica@kelleynetwork.com)>; Kelley Taft <[kelley@kelleynetwork.com](mailto:kelley@kelleynetwork.com)>; Macy Lowery <[macy@kelleynetwork.com](mailto:macy@kelleynetwork.com)>; Bart Taft <[bart@kelleynetwork.com](mailto:bart@kelleynetwork.com)>  
**Subject:** RE: Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Thank you – I am in receipt of both emails and associated attachments.

Best regards,  
Sbarber



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**From:** Stephen Springfield <[stephen@kelleynetwork.com](mailto:stephen@kelleynetwork.com)>  
**Sent:** Thursday, August 21, 2025 12:53 PM  
**To:** Barber, Samuel T CIV USARMY CESAM (USA) <[Samuel.T.Barber@usace.army.mil](mailto:Samuel.T.Barber@usace.army.mil)>  
**Cc:** Luke Wade <[luke@kelleynetwork.com](mailto:luke@kelleynetwork.com)>; Jessica Mandrell <[jessica@kelleynetwork.com](mailto:jessica@kelleynetwork.com)>; Kelley Taft <[kelley@kelleynetwork.com](mailto:kelley@kelleynetwork.com)>; Macy Lowery <[macy@kelleynetwork.com](mailto:macy@kelleynetwork.com)>; Bart Taft <[bart@kelleynetwork.com](mailto:bart@kelleynetwork.com)>  
**Subject:** [Non-DoD Source] RE: Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Mr. Barber,

In addition to the documents I provided yesterday afternoon, I have attached a pdf with a few photos that show the locations of the creek crossings and the existing sewer easement.

All documents are attached to this email for your review.

Thank you,

Stephen Springfield, P.E.



☎ O: 256.248.7030 D: 205.645.4588  
✉ [stephen@kelleynetwork.com](mailto:stephen@kelleynetwork.com)  
📍 800 Corporate Parkway, Suite 100  
Birmingham, AL 35242  
🌐 [www.kelleynetwork.com](http://www.kelleynetwork.com)

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**From:** Stephen Springfield  
**Sent:** Wednesday, August 20, 2025 4:43 PM  
**To:** 'Samuel.T.Barber@usace.army.mil' <[Samuel.T.Barber@usace.army.mil](mailto:Samuel.T.Barber@usace.army.mil)>  
**Cc:** Luke Wade <[luke@kelleynetwork.com](mailto:luke@kelleynetwork.com)>; Jessica Mandrell <[jessica@kelleynetwork.com](mailto:jessica@kelleynetwork.com)>; Kelley Taft <[kelley@kelleynetwork.com](mailto:kelley@kelleynetwork.com)>; Macy Lowery <[macy@kelleynetwork.com](mailto:macy@kelleynetwork.com)>; Bart Taft <[bart@kelleynetwork.com](mailto:bart@kelleynetwork.com)>  
**Subject:** RE: Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Good afternoon, Mr. Barber,

Please find the attached letter, representative plan and profile drawing, and google earth (KMZ file) providing details on the construction methodology for the proposed gravity sewer replacement project.

We appreciate your continued review and respectfully request your guidance regarding whether a formal permit under Section 404 is required, or whether a No Permit Required (NPR) determination may be issued.

Please let us know if you require any further information or clarification.

Best,

Stephen Springfield, P.E.



## THE KELLEY GROUP

• A CIVIL ENGINEERING COMPANY •

☎ O: 256.248.7030 D: 205.645.4588  
✉ [stephen@kelleynetwork.com](mailto:stephen@kelleynetwork.com)  
📍 800 Corporate Parkway, Suite 100  
Birmingham, AL 35242  
🖱 [www.kelleynetwork.com](http://www.kelleynetwork.com)

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**From:** Barber, Samuel T CIV USARMY CESAM (USA) <[Samuel.T.Barber@usace.army.mil](mailto:Samuel.T.Barber@usace.army.mil)>  
**Sent:** Tuesday, July 22, 2025 8:34 AM  
**To:** Jessica Mandrell <[jessica@kelleynetwork.com](mailto:jessica@kelleynetwork.com)>  
**Subject:** Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation

Good morning Ms. Jessica,

In review of your submission to our office, I identified a few items of information that will be required in order for me to fully evaluate this submission. Please note, I see your team is requesting a 'concurrency,' while we do not explicitly issue concurrences on these forms of requests, our final letters identify applicable permit authorities for your project – serving as a guidance letter more than a final determination. If certain criteria are met, we can issue No Permit Required letters as well. If you are requesting a final determination, you would be looking for an actual permit or Jurisdictional Determination – both of which take more time and documentation from your group and more stringent review on our end.

That said, often we resolve these sewer line improvement requests through our preapplication process (which you are filed as at this time). In order for me to process, please provide the following:

1. Shapefile or KML/KMZ of the sewer lines – existing and proposed – this can be limited to the area in proximity to the new installation
2. Description of the installation methods for the infrastructure improvements
  - a. Specifically, what methods will be used in areas that are potentially wetlands or streams?
3. Provide a representative cross-section schematic of the selected installation method, particularly at Horsetrough Creek
4. Optional: Photos of the location where the sewer line improvements intersect with Horsetrough Creek could be useful

The presence of Horsetrough Creek and the western confluence are the crux here. I identify these as a potentially jurisdictional 404 water that intersects with your proposal. In order to receive a No Permit Required (NPR), it is incumbent upon your team to identify how they intend to perform the proposed sewer line replacement in this section. Installation methodology is critical – discharge of fill material into 404 waters is a triggering mechanism for requiring a permit. Usually, applicants managing sewer line improvements opt for directional boring when crossing along streams of this nature. This installation method allows for the sewer line to be bored from an upland-to-upland point, going fully under the streams with no filling activities occurring. Methods such as Trenching often do trigger a permit requirement.



Please submit the above requested information within **30 days** so that we may continue with the evaluation of your permit application. Should all of the requested information not be received by **August 21, 2025**, your application will be administratively withdrawn. This process will not preclude you from reopening your application once the information is provided. Your records will remain electronically retained.

Best regards,

Samuel T. Barber  
Project Manager  
Mobile District, Regulatory Division  
U.S. Army Corps of Engineers  
Website: [www.sam.usace.army.mil](http://www.sam.usace.army.mil)

## Macy Lowery

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**From:** CESAM-RD <CESAM-RD@usace.army.mil>  
**Sent:** Friday, July 18, 2025 7:05 AM  
**To:** Jessica Mandrell  
**Cc:** Bart Taft; Kelley Taft; Luke Wade; Macy Lowery  
**Subject:** Acknowledgment Email SAM-2025-00540 (Ashland Water Works and Sewer Board Sewer Improvements)  
**Attachments:** 2025-07-17 Request for Concurrence\_Ashland Water Works & Sewer Board\_CS010906-01.pdf

The U.S. Army Corps of Engineers (USACE), Mobile District is in receipt of your recent request. This request has been assigned the following file number, which should be referred to in all future correspondence with this office concerning this project:

File Number: SAM-2025-00540

Following an initial review of your request a project manager will contact you if any additional information is required.

The USACE, Mobile District now utilizes paperless communication, and you will receive only electronic copies of any correspondence from us concerning this matter (including any possible permit authorizations), unless a paper copy is specifically requested. If you wish to receive paper copies of our correspondence you should send a written request to this office at the following address:

U.S. Army Corps of Engineers  
Mobile District, Regulatory Division (RD-A) Post Office Box 2288 Mobile, Alabama 36628.

Electronic copies of this email and any future correspondence will also be sent to your agent, if applicable, and to any relevant agencies.

For additional information on our Regulatory program, visit our website at:  
[www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx)

---

**From:** Jessica Mandrell <jessica@kelleynetwork.com>  
**Sent:** Thursday, July 17, 2025 5:03 PM  
**To:** CESAM-RD <CESAM-RD@usace.army.mil>  
**Cc:** Bart Taft <bart@kelleynetwork.com>; Kelley Taft <kelley@kelleynetwork.com>; Luke Wade <luke@kelleynetwork.com>; Macy Lowery <macy@kelleynetwork.com>  
**Subject:** [Non-DoD Source] Request for USACE Concurrence\_Ashland Water Works & Sewer Board\_CS010906-01

Good afternoon,



Please see attached request for concurrence for the Ashland Water Works & Sewer Board's sewer system improvements project located in Clay County, Alabama.

Thank you,

Jessica Mandrell  
Project Manager  
**The Kelley Group**  
Office: 256.248.7030  
Direct: 256.443.5188



August 20, 2025

Samuel T. Barber, Project Manager  
U.S. Army Corps of Engineers, Mobile District  
Regulatory Division (RD-N)  
**DELIVERED VIA EMAIL: Samuel.T.Barber@usace.army.mil**

Re: Request for Information/SAM-2025-00540-STB  
Ashland Water Works and Sewer Board  
Clay County, Alabama  
Sewer System Improvements

Dear Mr. Barber:

On behalf of Ashland Water Works and Sewer Board, I am submitting preliminary information related to the proposed sanitary sewer improvements located near Horsetrough Creek in Ashland, Alabama. We are initiating this correspondence as part of your Pre-Application Coordination process, with the goal of determining the appropriate regulatory pathway and confirming whether any activities may fall under the jurisdiction of Section 404 of the Clean Water Act.

We understand that your office does not issue formal “concurrence” letters for these types of projects but may provide guidance or a No Permit Required (NPR) determination when applicable. We are seeking such guidance based on the methods and scope described below.

### **Project Overview**

The project will address critical infrastructure needs by replacing approximately 2,700 linear feet of aging 15” vitrified clay sanitary sewer main. The existing main is prone to failures that have resulted in sanitary sewer releases into Horsetrough Creek. The new 15-inch PVC gravity sewer main will be installed parallel to and abutting the existing sewer alignment and the existing gravity sewer will be abandoned.

### **Requested Documentation**

We are including the following items for your review:

1. KMZ file showing the existing and proposed sewer alignments.
2. Representative plan and profile diagrams for the jack and bore installations, including stream under-crossings are included.
3. Installation method descriptions for each segment of the project, including:
  - o Use of Jack and Bore for all stream crossings, including Horsetrough Creek. This trenchless method will be executed from upland-to-upland points, boring a minimum of 4 feet below the existing streambed. The pipe will be placed inside steel casing pipe with end seals, ensuring no disturbance to the bed or banks of the creek and no discharge of dredged or fill material into waters of the United States.

**800 Corporate Pkwy, Suite 100 • Birmingham, Alabama 35242**  
**301 N. Dickson Street • Tuscumbia, Alabama 35674**  
**T: 256.248.7030**



- A 25-foot “no-work” buffer zone will be maintained from the top of the creek bank on each side of the creek. All construction limits, equipment, and staging shall be outside of this buffer.
- Erosion and sediment control measures shall be installed prior to any land disturbance. These include, but are not limited to, double-row silt fencing at each side of the proposed creek crossing and silt fencing installed along the entire sewer alignment to prevent sediment runoff from entering jurisdictional waters.

We emphasize that no discharge of fill material is anticipated within proximity to Horsetrough Creek or any associated wetlands. Jack and Bore installation methods will be employed to avoid disturbance to jurisdictional waters and best management practices will be used to eliminate all construction-related runoff from entering the creek or associated wetlands.

### **Request for Guidance**

Based on this methodology and the avoidance measures outlined, we respectfully request your guidance regarding whether a formal permit under Section 404 is required, or whether a No Permit Required (NPR) determination may be issued. If further evaluation or a more formal permit process is necessary, we are fully prepared to provide any additional documentation or complete a full permit or Jurisdictional Determination application.

Please let us know if there are additional forms or criteria we should address to assist with your review. We appreciate your time and expertise and look forward to working with your team to ensure compliance with all applicable regulatory requirements.

Sincerely,



Stephen Springfield, P.E.

Attachments



Ashland Water Works and Sewer Board  
CWSRF System Improvements  
Supporting Photos



**Photo 1: View of Creek Crossing No. 1**

*Photo shows the location of the proposed Horsetrough Creek Crossing No. 1, as indicated in the plan and profile drawing. The existing vitrified clay gravity sewer main can be seen in the creek. Depth of proposed pipe to be 4.0' beneath creek invert.*





**Photo 2: Additional View of Creek Crossing No. 1**





**Photo 3: Additional View of Creek Crossing No. 1**





**Photo 4: View of 20.0' Sanitary Sewer & Powerline Easement**

*Photo shows the typical view of the 20.0' sanitary easement which runs through the wooded area.*





**Photo 5: Additional View of 20.0' Sanitary Sewer & Powerline Easement**

*Photo shows an existing gravity sewer manhole to be replaced.*





**Photo 6: Existing Manhole and Creek Crossing No. 2**

*Photo shows an existing gravity sewer manhole that will be replaced. The existing Unnamed Tributary to Horsetrough Creek can be seen in the background. This is the location of Crossing No. 2 as indicated in the plan and profile drawing.*





**Photo 7: Existing Sewer Alignment**

*Photo shows the general area of the existing gravity sewer alignment that will be replaced near Crossing No. 2*



HORSETRough CREEK CROSSINGS  
CWSRF SYSTEM IMPROVEMENTS  
ASHLAND WATER WORKS & SEWER BOARD  
CLAY COUNTY, ALABAMA

ATTENTION:  
THIS BAR = 1 INCH ON  
ORIGINAL DRAWING.  
ADJUST SCALE IF THIS  
BAR ≠ 1 INCH.



PROJECT NO: 24-0029
DRAWN BY: RML
CHECKED BY: SMS
SCALE: AS NOTED
DATE: 08/2025

SHEET NO. 1



**PRELIMINARY**

NOTES:

1. CREEK DEPTH ESTIMATED TO BE 4FT.
2. CREEK BANK ESTIMATED FROM AERIAL
3. BUFFER ZONE OF 25FT FROM TOP OF
4. ALL CONSTRUCTION TO OCCUR OUTSIDE

**From:** [Barber, Samuel T CIV USARMY CESAM \(USA\)](#)  
**To:** [Jessica Mandrell](#)  
**Subject:** Request for Information //SAM-2025-00540-STB // Ashland Water Works Consultation  
**Date:** Tuesday, July 22, 2025 8:34:24 AM

---

Good morning Ms. Jessica,

In review of your submission to our office, I identified a few items of information that will be required in order for me to fully evaluate this submission. Please note, I see your team is requesting a '*concurrence*,' while we do not explicitly issue concurrences on these forms of requests, our final letters identify applicable permit authorities for your project – serving as a guidance letter more than a final determination. If certain criteria are met, we can issue No Permit Required letters as well. If you are requesting a final determination, you would be looking for an actual permit or Jurisdictional Determination – both of which take more time and documentation from your group and more stringent review on our end.

That said, often we resolve these sewer line improvement requests through our preapplication process (which you are filed as at this time). In order for me to process, please provide the following:

1. Shapefile or KML/KMZ of the sewer lines – existing and proposed – this can be limited to the area in proximity to the new installation
2. Description of the installation methods for the infrastructure improvements
  - a. Specifically, what methods will be used in areas that are potentially wetlands or streams?
3. Provide a representative cross-section schematic of the selected installation method, particularly at Horsetrough Creek
4. Optional: Photos of the location where the sewer line improvements intersect with Horsetrough Creek could be useful

The presence of Horsetrough Creek and the western confluence are the crux here. I identify these as a potentially jurisdictional 404 water that intersects with your proposal. In order to receive a No Permit Required (NPR), it is incumbent upon your team to identify how they intend to perform the proposed sewer line replacement in this section. Installation methodology is critical – discharge of fill material into 404 waters is a triggering mechanism for requiring a permit. Usually, applicants managing sewer line improvements opt for directional boring when crossing along streams of this nature. This installation method allows for the sewer line to be bored from an upland-to-upland point, going fully under the streams with no filling activities occurring. Methods such as Trenching often do trigger a permit requirement.

Please submit the above requested information within **30 days** so that we may continue with the evaluation of your permit application. Should all of the requested information not be received by **August 21, 2025**, your application will be administratively withdrawn. This process will not preclude you from reopening your



application once the information is provided. Your records will remain electronically retained.

Best regards,

Samuel T. Barber  
Project Manager  
Mobile District, Regulatory Division  
U.S. Army Corps of Engineers  
Website: [www.sam.usace.army.mil](http://www.sam.usace.army.mil)

# United States Department of the Interior Fish and Wildlife Service

Project #1 Name: Mitchell Branch Lift Station Rehabilitation



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Alabama Ecological Services Field Office  
1208 B Main Street  
Daphne, AL 36526-4419  
Phone: (251) 441-5181 Fax: (251) 441-6222  
Email Address: [alabama@fws.gov](mailto:alabama@fws.gov)



In Reply Refer To:

07/30/2025 18:46:53 UTC

Project code: 2025-0128975

Project Name: 24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation

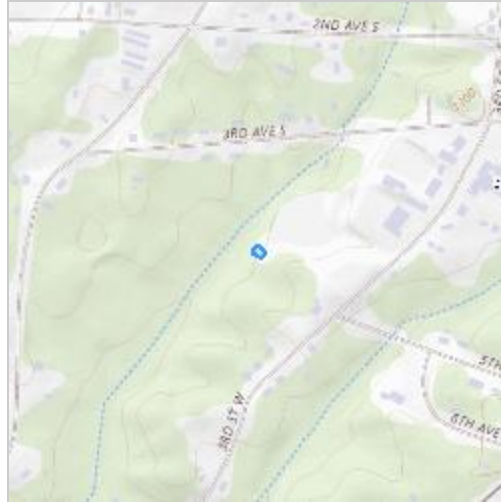
***Please provide this document to the Federal agency or their designee with your loan/grant application.***

Subject: Technical Assistance letter for the project named '24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On July 30, 2025, Macy Lowery used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated July 17, 2025, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named '24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation' in Clay County, Alabama (shown below):

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.26934575,-85.84396856547554,14z>



The following description was provided for the project '24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation':

Rehabilitation of an existing lift station by replacing all pumps and appurtenances, controls, and in-stalling additional storage capacity as necessary.

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Macy Lowery has determined that 24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation will have No Effect on the species listed below.

This letter serves as documentation of your consideration of federally-listed species and designated critical habitat. Please see below additional considerations for non-federally listed species (i.e. bald eagles and migratory birds). No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

#### **BIRDS**

- Red-cockaded Woodpecker *Dryobates borealis* Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

#### **CLAMS**

- Ovate Clubshell *Pleurobema perovatum* Endangered
- Southern Pigtoe *Pleurobema georgianum* Endangered

#### **FLOWERING PLANTS**

- White Fringeless Orchid *Platanthera integrilabia* Threatened

#### **INSECTS**

- Monarch Butterfly *Danaus plexippus* Proposed Threatened



## MAMMALS

- Indiana Bat *Myotis sodalis* Endangered

## REPTILES

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened

## ADDITIONAL CONSIDERATIONS FOR NON-FEDERALLY LISTED SPECIES

- **Bald and Golden Eagle Protection Act (BGEPA) and Bald Eagle Nest Issues.** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

To determine if your proposed activity is likely to take or disturb Golden or Bald Eagles, please contact your local U.S. Fish and Wildlife Office for more information.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

**Within the southeast**, if any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/program/eagle-management/eagle-incident-disturbance-and-nest-take-permits>.

- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Macy Lowery answered the determination key questions for this project as follows:

1. Does the proposed action involve **wind or solar energy**?

No

2. Does the project intersect Monroe County, FL?

**Automatically answered**

*No*

3. Does the project include federal grant funding, a federally-insured loan, or a federal loan transfer?

*Yes, the project includes a federally-insured loan or federal grant funding.*

4. Does the project involve a federal loan transfer, where the original lending or mortgage institutions for existing projects are no longer holding the loan and the property is being transferred via a federally-backed loan?

*No*

5. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?

*Yes, the entire site is already developed/hard-surfaced.*

6. Will completion of this project require clearing or land disturbance of previously **undeveloped** habitat (e.g., native habitat, agricultural areas, pasture, etc.) **beyond the original footprint of the existing project**?

**Note:** Examples of land disturbance may include, but is not limited to: grading, vegetation removal, excavation, etc.

*No, this project will **not** require clearing of any undeveloped habitat.*

7. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (e.g., residential, commercial and industrial sites, or utilities)?

*Yes, the project includes Federal funding for work on existing facilities.*

8. Does your project involve structures that are being used by any federally endangered or threatened species (e.g., roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?

*No, the site and/or structure(s) are **not** being used by any federally listed species.*

---

### Attachments:

- Project questionnaire
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

## PROJECT INFORMATIONAL QUESTIONNAIRE

As part of completing the determination key, Macy Lowery provided the following information about their project:

1. How many square feet of facilities will be affected by this project?

*3600*

2. Which types of activities you will be conducting:

*Demolition*

*Rehabilitation*

3. Please describe the activity you will be conducting:

*Rehabilitation of an existing lift station by replacing all pumps and appurtenances, controls, and in-stalling additional storage capacity as necessary.*

4. Please describe the loan/grant program you are using

*Clean Water State Revolving Fund*

5. Which Federal Agency is the lead agency providing the funding?

*U.S. Environmental Protection Agency (EPA)*

6. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?

*None of the above*

7. Which types of structures this funding will address:

*Lift Station*

## DETERMINATION KEY DESCRIPTION: CLEARANCE TO PROCEED WITH FEDERALLY-INSURED LOAN AND GRANT PROJECT REQUESTS

This key was last updated in IPaC on July 17, 2025. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant project requests that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utility and infrastructure projects such as water and wastewater treatment facilities, sewer or power line repair, telecommunications upgrades, etc. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans, and the properties are being transferred via federally-backed loans. ---- The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.). Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program;
6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund; and
7. U.S. Department of Commerce's (DOC) National Telecommunications and Information Administration Broadband Grant programs.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests. This guidance is based on the signed letter: [U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#)



in Florida, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Yreka Fish and Wildlife Office, Kansas, Montana, Wyoming, Colorado, Southern Nevada Fish and Wildlife Office, Reno Fish and Wildlife Office, and Carlsbad Fish and Wildlife Office.

**IPAC USER CONTACT INFORMATION**

Agency: Birmingham city  
Name: Macy Lowery  
Address: 800 Corporate Parkway  
Address Line 2: Suite 100  
City: Birmingham  
State: AL  
Zip: 35242  
Email: macy@kelleynetwork.com  
Phone: 2562487030

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Alabama Department of Environmental Management  
Name: Kelly Bibb  
Email: kelly.bibb@adem.alabama.gov  
Phone: 3342456401



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Alabama Ecological Services Field Office  
1208 B Main Street  
Daphne, AL 36526-4419  
Phone: (251) 441-5181 Fax: (251) 441-6222  
Email Address: [alabama@fws.gov](mailto:alabama@fws.gov)

In Reply Refer To:

07/30/2025 16:43:41 UTC

Project Code: 2025-0128975

Project Name: 24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Project consultation requests may be submitted by mail or email ([Alabama@fws.gov](mailto:Alabama@fws.gov)). **Ensure that the Project Code in the header of this letter is clearly referenced in any request for consultation or correspondence submitted to our office.**

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.



We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Ensure that the Project Code in the header of this letter is clearly referenced with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Alabama Ecological Services Field Office**

1208 B Main Street

Daphne, AL 36526-4419

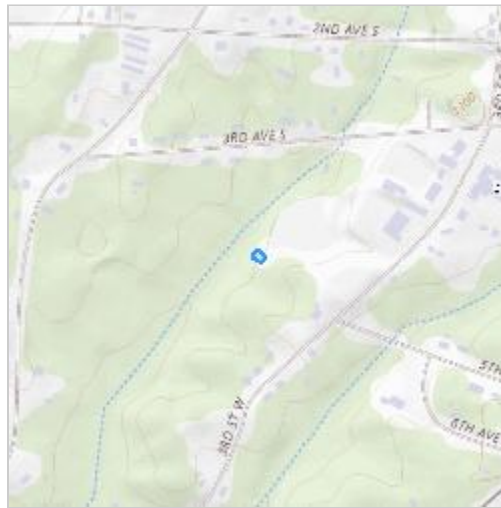
(251) 441-5181

## PROJECT SUMMARY

Project Code: 2025-0128975  
Project Name: 24-0029 Ashland CWSRF Mitchell Branch Lift Station Rehabilitation  
Project Type: Wastewater Facility - Maintenance / Modification  
Project Description: Rehabilitation of an existing lift station by replacing all pumps and appurtenances, controls, and in-stalling additional storage capacity as necessary.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.26934575,-85.84396856547554,14z>



Counties: Clay County, Alabama

## ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered

## BIRDS

NAME	STATUS
Red-cockaded Woodpecker <i>Dryobates borealis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a>	Threatened
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Experimental Population, Non- Essential

## REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4658">https://ecos.fws.gov/ecp/species/4658</a>	Proposed Threatened

## CLAMS

NAME	STATUS
Ovate Clubshell <i>Pleurobema perovatum</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5430">https://ecos.fws.gov/ecp/species/5430</a>	Endangered
Southern Pigtoe <i>Pleurobema georgianum</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/1520">https://ecos.fws.gov/ecp/species/1520</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened

## FLOWERING PLANTS

NAME	STATUS
White Fringeless Orchid <i>Platanthera integrilabia</i> Population: No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1889">https://ecos.fws.gov/ecp/species/1889</a>	Threatened

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act <sup>2</sup> and the Migratory Bird Treaty Act (MBTA) <sup>1</sup>. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA). Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly



surveyed area. If it is, you may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

## MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) <sup>1</sup> prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9513">https://ecos.fws.gov/ecp/species/9513</a>	Breeds May 1 to Jul 31

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

**Breeding Season (■)**

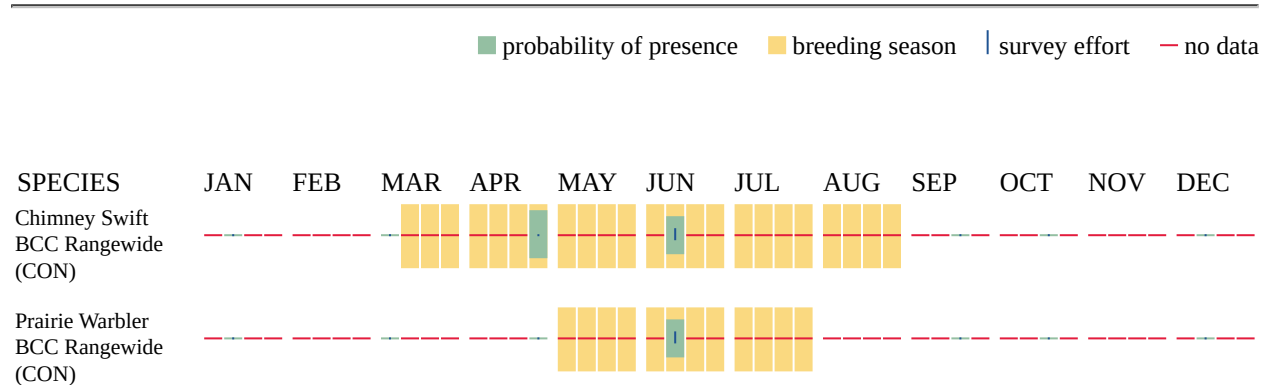
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

**Survey Effort (|)**

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**No Data (—)**

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

## **IPAC USER CONTACT INFORMATION**

Agency: Birmingham city  
Name: Macy Lowery  
Address: 800 Corporate Parkway  
Address Line 2: Suite 100  
City: Birmingham  
State: AL  
Zip: 35242  
Email: macy@kelleynetwork.com  
Phone: 2562487030

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Alabama Department of Environmental Management  
Name: Kelly Bibb  
Email: kelly.bibb@adem.alabama.gov  
Phone: 3342456401

# United States Department of the Interior Fish and Wildlife Service

Project #2 Name: Sanitary Sewer Gravity Main Upgrades





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Alabama Ecological Services Field Office  
1208 B Main Street  
Daphne, AL 36526-4419  
Phone: (251) 441-5181 Fax: (251) 441-6222  
Email Address: [alabama@fws.gov](mailto:alabama@fws.gov)

In Reply Refer To:

07/21/2025 21:28:25 UTC

Project code: 2025-0124160

Project Name: 24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades

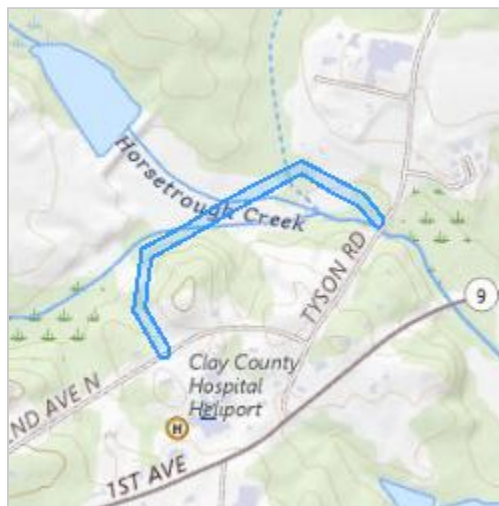
***Please provide this document to the Federal agency or their designee with your loan/grant application.***

Subject: Technical Assistance letter for the project named '24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades' for specified threatened and endangered species that may occur in your proposed project location, pursuant to the IPaC determination key titled 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'.

To whom it may concern:

On July 21, 2025, Macy Lowery used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated July 17, 2025, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named '24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades' in Clay County, Alabama (shown below):

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.2804944,-85.82563819712747,14z>



The following description was provided for the project '24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades':

The project will replace approximately 2,700 LF of existing undersized gravity sewer main with 15" PVC gravity sewer main, associated manholes, and appurtenances.

Based on your answers provided, the proposed project is unlikely to have any detrimental effects to federally-listed species or critical habitat. Therefore, per this guidance, Macy Lowery has determined that 24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades will have No Effect on the species listed below.

This letter serves as documentation of your consideration of federally-listed species and designated critical habitat. Please see below additional considerations for non-federally listed species (i.e. bald eagles and migratory birds). No further coordination with the Service is necessary.

Please be advised that, if later modifications are made to the project that do not meet the criteria described above, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

#### **BIRDS**

- Red-cockaded Woodpecker *Dryobates borealis* Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

#### **FLOWERING PLANTS**

- White Fringeless Orchid *Platanthera integrilabia* Threatened

#### **INSECTS**

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

#### **MAMMALS**

- Indiana Bat *Myotis sodalis* Endangered

#### **REPTILES**

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened

#### **ADDITIONAL CONSIDERATIONS FOR NON-FEDERALLY LISTED SPECIES**

- **Bald and Golden Eagle Protection Act (BGEPA) and Bald Eagle Nest Issues.** The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or

intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

To determine if your proposed activity is likely to take or disturb Golden or Bald Eagles, please contact your local U.S. Fish and Wildlife Office for more information.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

**Within the southeast**, if any of the above-referenced activities (rehabilitation, demolition, or rebuilding) are proposed to occur **within 660 feet** of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page: <https://www.fws.gov/program/eagle-management/eagle-incidental-disturbance-and-nest-take-permits>.

- **Migratory Bird Issues.** If any native birds are using the structures for nesting then actions should be taken so as not to disturb the adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the appropriate Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds> for recommendations on how impacts can be avoided and minimized.

Macy Lowery answered the determination key questions for this project as follows:

1. Does the proposed action involve **wind or solar energy**?  
*No*
2. Does the project intersect Monroe County, FL?  
**Automatically answered**  
*No*
3. Does the project include federal grant funding, a federally-insured loan, or a federal loan transfer?  
*Yes, the project includes a federally-insured loan or federal grant funding.*
4. Does the project involve a federal loan transfer, where the original lending or mortgage institutions for existing projects are no longer holding the loan and the property is being transferred via a federally-backed loan?  
*No*
5. Is the entire site currently developed/hard-surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, etc., and does not contain any undeveloped and/or vegetated areas)?  
*Yes, the entire site is already developed/hard-surfaced.*



6. Will completion of this project require clearing or land disturbance of previously **undeveloped** habitat (*e.g.*, native habitat, agricultural areas, pasture, etc.) **beyond the original footprint of the existing project**?

**Note:** Examples of land disturbance may include, but is not limited to: grading, vegetation removal, excavation, etc.

*No, this project will **not** require clearing of any undeveloped habitat.*

7. Is the federally-insured loan or federal grant funding being used for demolition, rehabilitation, renovation, and/or rebuilding of one or more existing facilities (*e.g.*, residential, commercial and industrial sites, or utilities)?

*Yes, the project includes Federal funding for work on existing facilities.*

8. Does your project involve structures that are being used by any federally endangered or threatened species (*e.g.*, roosting bonneted bats, denning indigo snakes, etc.) or are there known reports of species using the site?

*No, the site and/or structure(s) are **not** being used by any federally listed species.*

---

**Attachments:**

- Project questionnaire
- Determination key description: Clearance to Proceed with Federally-Insured Loan and Grant Project Requests
- U.S. Fish & Wildlife Service contact list

## PROJECT INFORMATIONAL QUESTIONNAIRE

As part of completing the determination key, Macy Lowery provided the following information about their project:

1. How many square feet of facilities will be affected by this project?

*10890*

2. Which types of activities you will be conducting:

*Utilities*

3. Please describe the activity you will be conducting:

*The project will replace approximately 2,700 LF of existing undersized gravity sewer main with 15" PVC gravity sewer main, associated manholes, and appurtenances.*

4. Please describe the loan/grant program you are using

*Clean Water State Revolving Fund*

5. Which Federal Agency is the lead agency providing the funding?

*U.S. Environmental Protection Agency (EPA)*

6. Are there bald eagles within 660 feet of the site, or migratory birds or bats using structures on the site?

*None of the above*

7. Which types of structures this funding will address:

*Sewer pipelines*

## DETERMINATION KEY DESCRIPTION: CLEARANCE TO PROCEED WITH FEDERALLY-INSURED LOAN AND GRANT PROJECT REQUESTS

This key was last updated in IPaC on July 17, 2025. Keys are subject to periodic revision.

This determination key is for all Federally-insured loans, loan transfers, or grant project requests that may be completed without requiring additional clearing of undisturbed habitat beyond the original footprint of the existing project. Projects may include demolition, rehabilitation, renovations, and/or rebuilding of existing structures (*e.g.*, commercial buildings, multi-family housing, single-family housing), and various utility and infrastructure projects such as water and wastewater treatment facilities, sewer or power line repair, telecommunications upgrades, etc. For the purposes of this key, Federal loan transfers are those transfers where the original lending or mortgage institutions for existing projects are no longer holding the loans, and the properties are being transferred via federally-backed loans. ---- The U.S. Fish and Wildlife Service is the lead Federal agency charged with the protection and conservation of Federal Trust Resources, such as threatened and endangered species and migratory birds, in accordance with section 7 of the [Endangered Species Act of 1973](#), as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.), the [Bald and Golden Eagle Protection Act](#), (16 U.S.C. 668-668d) (Eagle Act), and the [Migratory Bird Treaty Act](#) (40 Stat. 755; 16 U.S.C. 701 et seq.). Recently, many Federal agencies have activated programs that have resulted in an increased consumer demand to initiate projects through federally-backed loans and grants, all of which require those same Federal agencies to comply with Section 7 of the Act. Consequently, we have experienced an increase in the number of requests for review of these government-backed loan and grant projects. These include, but are not limited to:

1. U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization and Community Development Block Grant programs;
2. U.S. Department of Energy's (DOE) Energy Efficiency and Renewable Energy program;
3. U.S. Department of Agriculture's (USDA) Housing Assistance and Rural Development Loan and Grant Assistance programs;
4. U.S. Federal Aviation Administration (FAA) regulatory airport and runway modifications;
5. U.S. Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance program;
6. U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund; and
7. U.S. Department of Commerce's (DOC) National Telecommunications and Information Administration Broadband Grant programs.

In order to fulfill the Act's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements, we provide the following guidance and clearance relative to the criteria stated below for Federally-insured loan and grant project requests. This guidance is based on the signed letter: [U.S. Fish and Wildlife Service Clearance to Proceed with Federally-Insured Loan and Grant Project Requests](#)

in Florida, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Yreka Fish and Wildlife Office, Kansas, Montana, Wyoming, Colorado, Southern Nevada Fish and Wildlife Office, Reno Fish and Wildlife Office, and Carlsbad Fish and Wildlife Office.





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Alabama Ecological Services Field Office  
1208 B Main Street  
Daphne, AL 36526-4419  
Phone: (251) 441-5181 Fax: (251) 441-6222  
Email Address: [alabama@fws.gov](mailto:alabama@fws.gov)



In Reply Refer To:

07/21/2025 15:24:15 UTC

Project Code: 2025-0124160

Project Name: 24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Project consultation requests may be submitted by mail or email ([Alabama@fws.gov](mailto:Alabama@fws.gov)). **Ensure that the Project Code in the header of this letter is clearly referenced in any request for consultation or correspondence submitted to our office.**

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Ensure that the Project Code in the header of this letter is clearly referenced with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Alabama Ecological Services Field Office**

1208 B Main Street

Daphne, AL 36526-4419

(251) 441-5181

## PROJECT SUMMARY

Project Code: 2025-0124160  
Project Name: 24-0029 Ashland CWSRF Sanitary Sewer Gravity Main Upgrades  
Project Type: Wastewater Pipeline - Maintenance / Modification - Below Ground  
Project Description: The project will replace approximately 2,700 LF of existing undersized gravity sewer main with 15" PVC gravity sewer main, associated manholes, and appurtenances.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.2804944,-85.82563819712747,14z>



Counties: Clay County, Alabama



## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered

## BIRDS

NAME	STATUS
Red-cockaded Woodpecker <i>Dryobates borealis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7614">https://ecos.fws.gov/ecp/species/7614</a>	Threatened
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Experimental Population, Non- Essential

## REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4658">https://ecos.fws.gov/ecp/species/4658</a>	Proposed Threatened

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened

## FLOWERING PLANTS

NAME	STATUS
White Fringeless Orchid <i>Platanthera integrilabia</i> Population: No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1889">https://ecos.fws.gov/ecp/species/1889</a>	Threatened

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act <sup>2</sup> and the Migratory Bird Treaty Act (MBTA) <sup>1</sup>. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

BALD & GOLDEN EAGLES INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) <sup>1</sup> prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

MIGRATORY BIRD INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### RIVERINE

- R5UBH
- R4SBC

## **IPAC USER CONTACT INFORMATION**

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Phone: 2562487030

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Alabama Department of Environmental Management  
Name: Kelly Bibb  
Email: kelly.bibb@adem.alabama.gov  
Phone: 3342456401



**IPAC USER CONTACT INFORMATION**

Agency: Birmingham city  
Name: Macy Lowery  
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Address Line 2: Suite 100  
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