

EDWARD F. POOLOS
DIRECTOR

JEFFERY W. KITCHENS
DEPUTY DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
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

Town of Nauvoo
Walker County

SRF Project No. FS010194-02

May 6, 2026

The Alabama Department of Environmental Management has made **\$474,770.00** in financial assistance available to **The Town of Nauvoo** using funds from the Drinking Water State Revolving Fund (**DWSRF** and **DWSRF-IIJA**) loan programs and American Rescue Plan Act (**ARPA**) grant program. In accordance with State and Federal regulations that govern the programs, 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 Town of Nauvoo proposes to improve their drinking water distribution system and rehabilitate their water storage tank. The proposed work includes cleaning, repairing, and painting the water storage tank. Failing water lines that have exceeded their useful life will also be replaced if funding allows. The proposed project will reduce water loss, increase water pressure, improve reliability and efficiency, and keep the system functioning to provide safe drinking water to the customers.

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

Comments relative to this project should be submitted in writing to Mr. William Lott, 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 this public notice. The Alabama Department of Environmental Management will not take formal action to proceed with the project without carefully evaluating any public comments opposing the project.

Sincerely,

Edward F. Poolos
Director

EFP/ADC/WAL

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)

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

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

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



Utility Engineering Consultants, LLC

Phone: 205.951.3838
FAX: 205.951.3839
WEB: www.uecllc.com

130 Southcrest Drive, Suite 100
Homewood, AL 35209
P.O. Box 19218
Birmingham, Alabama 35219

April 24, 2024

Ms. Leslie E. Turney
Chief, North Branch
US Army Corps of Engineers – Regulatory Division
Mobile District – Birmingham Field Office
600 Vestavia Parkway, Suite 203
Vestavia Hills, Alabama 35216

**RE: Town of Nauvoo Water Works Board
Nauvoo Storage Tank Rehabilitation and Water Line Replacement Project
DWSRF Number FS010194-02**

Dear Ms. Turney:

We propose to rehabilitate the existing elevated water storage tank and to replace certain sections of existing water line as shown on the attached map. These projects will occur on current sites of previous work. The project is located in Nauvoo, Alabama in Walker County. We are including a project Location Map of the area, and Wetland Map. We respectfully request your concurrence of these projects.

If you have any questions, please do not hesitate to call me at (205) 951-3838 or my cell phone (334) 300-0329.

Sincerely,

UTILITY ENGINEERING CONSULTANTS, LLC

A handwritten signature in black ink that reads "Thomas H. Garrett". The signature is written in a cursive style and is positioned above a horizontal line.

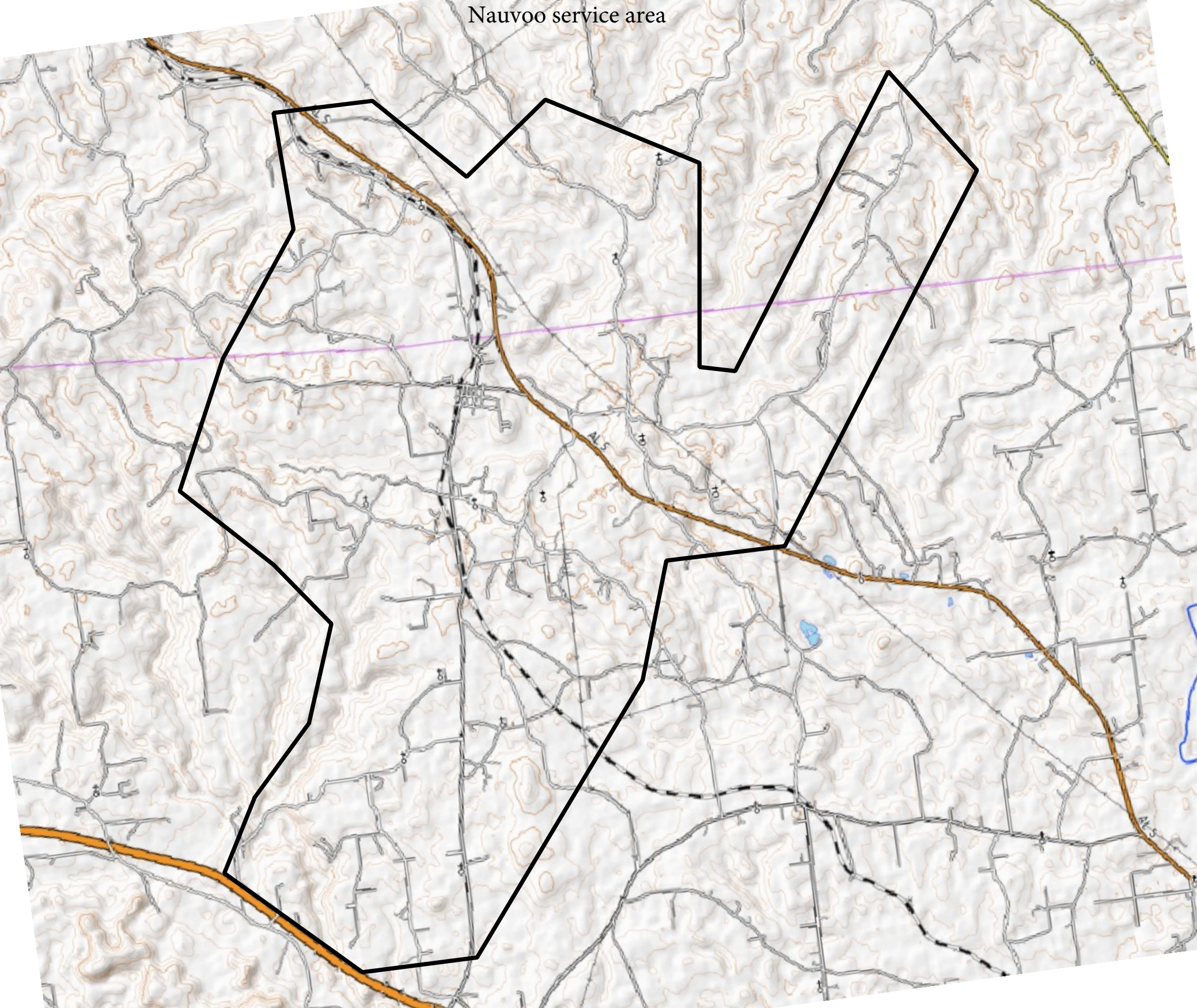
By _____
Thomas. H. Garrett, PE

THG

cc: Hon. Terry L. Burgett, Mayor

Attachments: Location Maps and Wetland Map

Nauvoo service area



National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

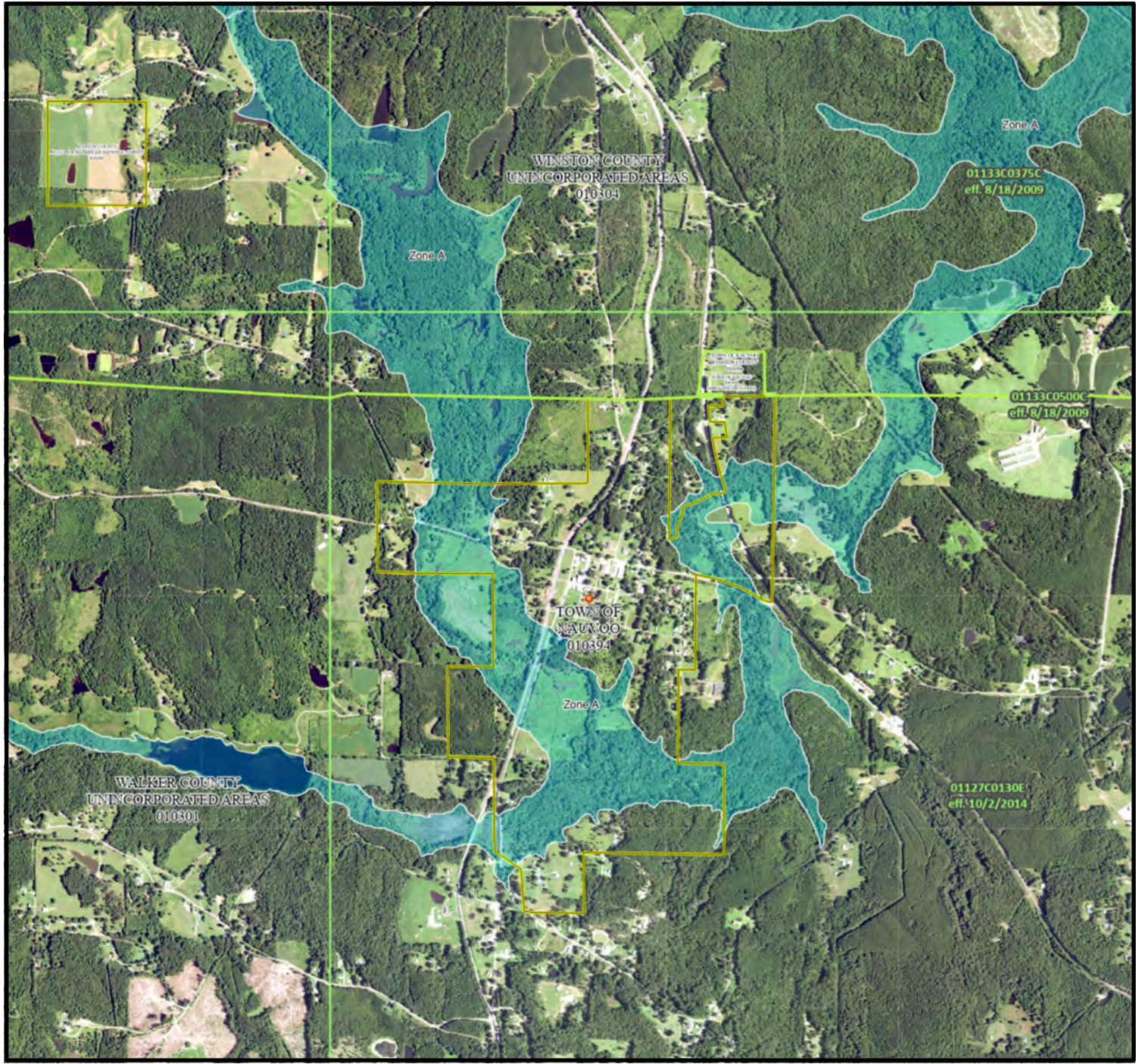


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **4/23/2024 at 2:01 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



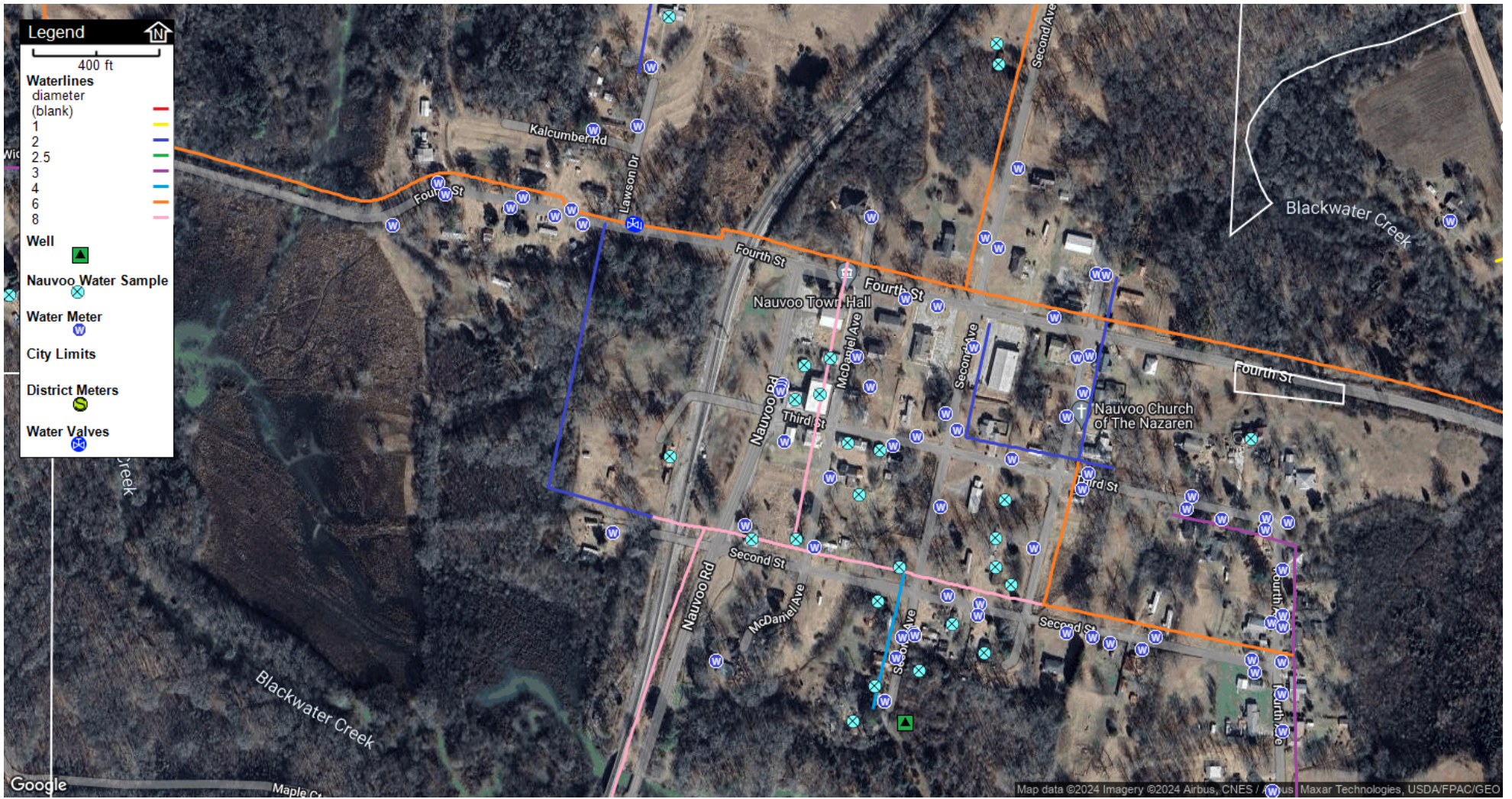




Photo credit: Complete Restoration, LLC

Legend

1 mi

Waterlines
diameter (blank)

- 1
- 2
- 2.5
- 3
- 4
- 6
- 8

Water Tank

Well

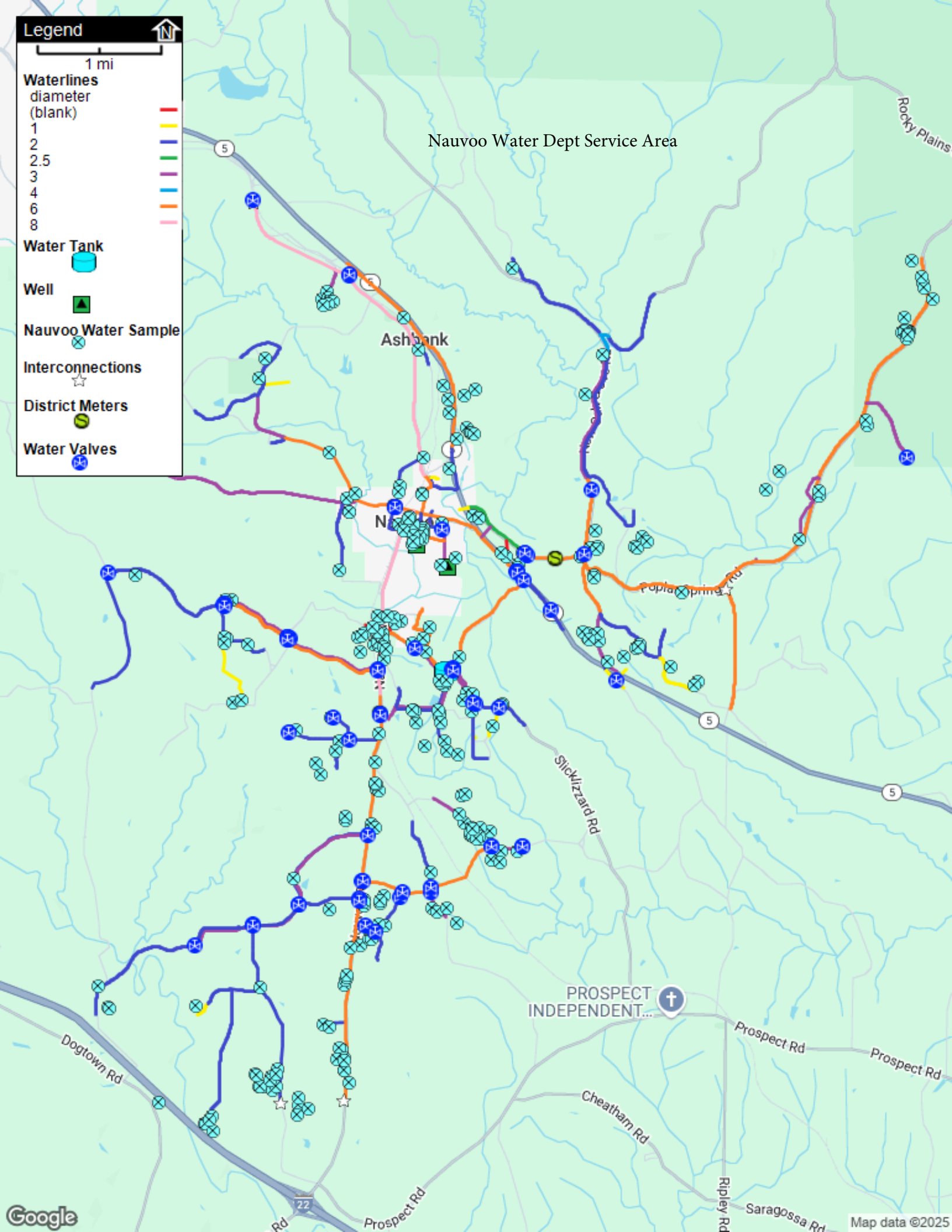
Nauvo Water Sample

Interconnections

District Meters

Water Valves

Nauvo Water Dept Service Area





May 8, 2025

Dave B. Bechtel, P.E.
Utility Engineer Consultants, LLC
2000 Crestwood Blvd., Suite 100
Irondale, Alabama 35210

Dear Mr. Bechtel:

Re: Town of Nauvoo Water Works Board
Nauvoo Storage Tank Rehabilitation and Water Line Replacement Project
DWSRF Number FS010194-02

This letter is in response to your letter requesting our review on the subject project. The Regional Planning Commission of Greater Birmingham (RPCGB) does not know of any reason to oppose, and therefore concurs with the project. Thank you for giving us the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads 'Charles E. Ball'.

Charles E. Ball, AICP
Executive Director



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, AL 35216

June 18, 2024

North Branch
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2024-00425-MH9, Nauvoo Water Works, Water Storage Tank Rehabilitation & Water Line Replacement, Nauvoo, Walker County, Alabama

Nauvoo Water Works
c/o Utility Engineering Consultants, LLC
Attention: Mr. Tom Garrett
P.O. Box 19218
Birmingham, Alabama 35219

Transmitted electronically to tgarrett@uecllc.com

Dear Mr. Garrett:

This is in response to your April 24, 2024 letter and subsequent email correspondence, requesting review and comments regarding Nauvoo Water Works' water storage tank rehabilitation and water line replacement project. The proposed work would be centered at Latitude 33.989121, Longitude -87.488351 in Nauvoo, Walker County, Alabama. This project has been assigned file number SAM-2024-00425-MH9 which should be referenced in all future correspondence regarding this project.

The proposed work includes rehabilitating the existing elevated water storage tank located at Latitude 33.972066, Longitude -87.483068 and replacing sections of existing water line along Fourth Street from Nauvoo Road to AL-5, and along Second Street, from Nauvoo Road to Fourth Avenue.

Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands, prior to conducting the work (33 U.S.C. 1344). Based on our review of the information you provided and other publicly available mapping resources, it appears there may be waters of the U.S within the project area. However, without a formal delineation of the project alignment and more detailed information regarding the construction location and methods in the vicinity of waterways and wetlands, the extent of aquatic resource impacts that may require a permit is unclear.

It appears Nationwide Permit 58 (NWP 58) for Utility Line Activities for Water and Other Substances may be applicable to portions of the proposed Nauvoo storage tank rehabilitation and water line replacement project that may impact waters of the U.S.; therefore, a copy of NWP 58 is enclosed for reference as further planning and design of the proposed work is undertaken. Please be aware that the conditions of NWP 58 require the applicant to submit a

pre-construction notification (PCN) to this office, and receive a written verification of coverage under the permit prior to commencing the activity if either of the following criteria are met: (1) a Section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States.

Additionally, factors that could trigger the need for pre-construction notification, where impacts to waters of the U.S. would occur, include: (1) if the proposed work would potentially affect federally listed threatened and endangered species and/or their designated critical habitats (such as bats and their habitat by tree clearing), (2) if the work would affect known historic properties or cultural resource sites or such sites that are potentially eligible for listing on the National Register of Historic Places, and (3) if the work would affect Federal navigation project waters such as the Cahaba River, Black Warrior River, Valley Creek, etc. If none of the aforementioned conditions would be triggered by the work, it is possible the proposed work may already be authorized under NWP 58 provided the work would be conducted in compliance with all terms and conditions in the attached copy of Nationwide Permit 58.

If the Nauvoo Water Works is specifically requesting written verification of coverage under a NWP 58 for Utility Line Activities for Water and Other Substances to cover any of the water line replacement, you may submit a complete pre-construction notification (PCN) in accordance with General Condition 32 (b) Content of Pre-Construction Notification to this office accompanied by a wetland delineation for the entire project alignment, as well as locations (latitude/longitude) of the stream and/or wetland impacts, and the flow classifications of any impacted streams (perennial, intermittent, ephemeral).

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect any proposed work.

You may contact me at molly.hacker@usace.army.mil or by phone at (205) 603-2832 if you have questions concerning this matter. We appreciate your cooperation with the USACE Regulatory Program. For additional information about our Regulatory Program, visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer service survey located under the menu header on the right side of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

Molly Hacker
Project Manager

Attachments



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

April 29, 2024

The Honorable Terry L. Burgett
P.O. Box 186
Nauvoo, AL 35578

Re: AHC 24-0754
Nauvoo Storage Tank Rehabilitation and Water Line Replacement Project
Walker County

Dear Mayor Burgett:

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. 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



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

In Reply Refer To:

04/11/2024 20:03:14 UTC

Project Code: 2024-0076107

Project Name: NAUVOO STORAGE TANK REHABILITATION AND WATER LINE
REPLACEMENT PROJECT

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). **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, intentional or unintentional, 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>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. 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

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

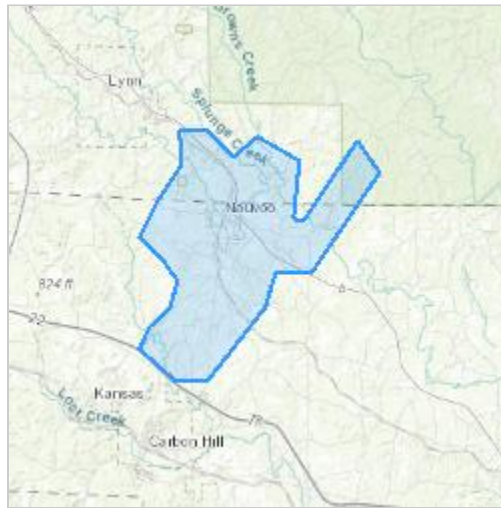
PROJECT SUMMARY

Project Code: 2024-0076107
Project Name: NAUVOO STORAGE TANK REHABILITATION AND WATER LINE REPLACEMENT PROJECT

Project Type: Utility Infrastructure Maintenance
Project Description: Rehabilitation of storage tank and replacement of some 6" water lines (ARPA)

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.973226100000005,-87.47997534418101,14z>



Counties: Walker and Winston counties, Alabama



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

In Reply Refer To:

05/11/2025 10:04:47 UTC

Project Code: 2025-0094839

Project Name: Town of Nauvoo Water Department Water System Updates

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.*).

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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.**

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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: 2025-0094839
Project Name: Town of Nauvoo Water Department Water System Updates
Project Type: Water Supply Facility - Maintenance / Modification
Project Description: Rehabilitate tank and construct booster station
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.97222395,-87.48348108524648,14z>



Counties: Walker County, Alabama



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

In Reply Refer To:

05/11/2025 10:10:11 UTC

Project code: 2025-0094839

Project Name: Town of Nauvoo Water Department Water System Updates

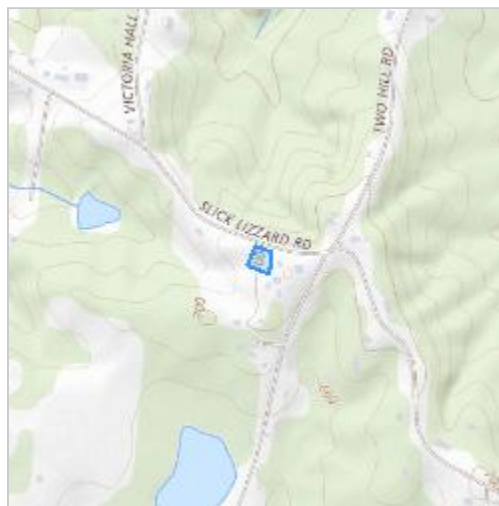
Please provide this document to the Federal agency or their designee with your loan/grant application.

Subject: Technical Assistance letter for the project named 'Town of Nauvoo Water Department Water System Updates' 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 May 11, 2025, Dave Bechtel used the IPaC determination key 'Clearance to Proceed with Federally-Insured Loan and Grant Project Requests'; dated April 28, 2025, in the U.S. Fish and Wildlife Service's online [IPaC tool](#) to evaluate potential impacts to listed species from a project named 'Town of Nauvoo Water Department Water System Updates' in Walker County, Alabama (shown below):

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.97222395,-87.48348108524648,14z>



The following description was provided for the project 'Town of Nauvoo Water Department Water System Updates':

Rehabilitate tank and construct booster station

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, Dave Bechtel has determined that Town of Nauvoo Water Department Water System Updates 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.

AMPHIBIANS

- Black Warrior (=sipsey Fork) Waterdog *Necturus alabamensis* Endangered

BIRDS

- Whooping Crane *Grus americana* Experimental Population, Non-Essential

CLAMS

- Ovate Clubshell *Pleurobema perovatum* Endangered

FLOWERING PLANTS

- Mohr's Barbara's Buttons *Marshallia mohrii* Threatened
- 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
- Flattened Musk Turtle *Sternotherus depressus* 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-disturbance-and-nest-take-permits> for recommendations on how impacts can be avoided and minimized.

Dave Bechtel answered the determination key questions for this project as follows:

1. Does the project intersect Monroe County, FL?

Automatically answered

No

2. 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.

3. 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

4. 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)?

No, the site contains some undeveloped and/or vegetated areas.

5. Does the project site overlap designated or proposed critical habitat for any federally listed species?

Automatically answered

No

6. Will the project action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

7. 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.*

8. 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.

9. 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, Dave Bechtel provided the following information about their project:

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

10.000

2. Which types of activities you will be conducting:

Rehabilitation

3. Please describe the activity you will be conducting:

Tank Coating and Repairs

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

BIL

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:

Water Tank and Booster