



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT
502 8TH STREET
HUNTINGTON, WEST VIRGINIA 25701-2018

May 16, 2024

Regulatory Division
South/Transportation Branch
LRH-2024-00416-GBR

NO PERMIT REQUIRED

Mr. Corey Lynn
600 White Oaks Blvd
P.O. Box 940
Bridgeport, West Virginia 26330

Dear Mr. Lynn:

I refer to the information received in this office on April 12, 2024, concerning the proposed Town of Alderson Water Treatment Plant Flood Mitigation. You have requested the United States Army Corps of Engineers (Corps) review your proposal for possible Department of the Army (DA) permit requirements. The overall proposed project site is located in the Town of Alderson, in Greenbrier County, West Virginia (latitude 37.726469 °, longitude -80.641134°). Your request has been assigned the following file number: LRH-2024-00416-GBR. Please reference this file number on all future correspondence related to the subject proposal.

The Corps' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a DA permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained in advance of any work in, on, over, or under a navigable water of the United States.

Based on a review of the information provided, it appears that the overall project would not involve the discharge of dredged and/or fill material into waters of the United States or result in work in, on, over, or under a navigable water of the United States. As proposed, the project involves the relocation and replacement of the existing water treatment plant with a package water treatment plant on an adjacent lot that is not within the Greenbrier River floodplain. The proposed activity, as described in the information received in this office would not require authorization under the Clean Water Act, because the proposed activities would avoid regulated discharges of dredged and/or fill material into waters of the United States and work in, on, over, or under a navigable water of the United States.

We have determined your proposal will neither result in a discharge of dredged and/or fill material into Section 404 waters, nor would the proposal involve work in, on, over, or under a navigable water of the United States. Therefore, no DA permit is required from this office for the proposed activity. However, if this determination changes and it becomes necessary to perform work in, adjacent to, or under navigable waters, or to discharge dredged and/or fill material into waters or navigable waters of the United States, including wetlands, authorization from the Corps would be required.

This letter does not excuse you from the obligation to obtain any other Federal, state and/or local authorization, if required. You should not commence work until you receive the required authorizations. In addition, this letter does not grant any property rights or exclusive privileges or authorize any injury to the property or rights of others. If you contemplate any changes or additional activities (such as attendant pipes, pumps, intakes, outfalls, etc.) from those described in the information received on March 12, 2024, please submit them to this office for authorization review prior to construction.

We appreciate your concern for our nation's aquatic resources. If you have any questions concerning the above, please contact Wes Barnett of the South/Transportation Branch at (304) 399-6905, by mail at the above address or by email at wes.barnett@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Barnett', with a stylized flourish at the end.

Wes Barnett
Acting Chief, South/Transportation Branch