



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

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 4/19/2021  
 ORM Number: SAM-2016-00181-SBC  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: AL City: Demopolis County/Parish/Borough: Marengo  
 Center Coordinates of Review Area: Latitude 32.474125 Longitude -87.783742

**II. FINDINGS**

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

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

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

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

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

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

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

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

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



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Stream 1A	510	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop survey of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
Stream 2B	437	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop survey of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
Stream 4	1613	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop survey of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
Stream 5A	140	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop survey of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
Stream 6A	144	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop observations of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
Stream 7A	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject feature was identified by the wetland consultant as ephemeral. This determination is consistent with desktop survey of aerial imagery and topographic data, as well as photos documented as part of a 16 Dec 2016 site inspection by CESAM-RD.
N/A.	N/A.	N/A.	N/A.	N/A.

**III. SUPPORTING INFORMATION**

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

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

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



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Information submitted by, or on behalf of, the applicant/consultant: **“WETLAND DELINEATION AND STREAM ASSESSMENT REPORT CEMEX QUARRY EXPANSION SITE DEMOPOLIS, MARENGO COUNTY, ALABAMA” (June 2020)**

This information is sufficient for purposes of this AJD.

Rationale: **N/A or describe rationale for insufficiency (including partial insufficiency).**

- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: 16 December 2016 site visit photos; 31 March 2019 aerial imagery; 07 May 2020 delineation report photos**
- Corps site visit(s) conducted on: **16 December 2016**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**
- Antecedent Precipitation Tool: ***provide detailed discussion in Section III.B.***
- USDA NRCS Soil Survey: **Web Soil Survey - submitted with delineation report (17 May 2020)**
- USFWS NWI maps: **NWI Mapper – submitted with delineation report (18 May 2020)**
- USGS topographic maps: **Old Spring Hill - 1:24,000 (1970)**

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	The National Map Web Application – NHD, 3DEP Auto-contour, 3DEP Hillshade, NWI
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** **N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.**

**C. Additional comments to support AJD:** **N/A or provide additional discussion as appropriate.**