



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, ALABAMA 35216

December 20, 2023

North Branch
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2021-00242-AKG, [REDACTED] SR-303 Linden Bypass Jurisdictional Determination for Resource E7b, Marengo County, Alabama

[REDACTED]

[REDACTED]

Transmitted electronically to [REDACTED]

Dear [REDACTED]:

This is in response to a request, submitted on your behalf by [REDACTED], for a Department of the Army (DA) jurisdictional determination on an approximate 1.5 acre area of a larger linear transportation project located in Marengo County, Alabama. More specifically, the review area site is located within Sections 27, Township 16 North, Range 3 East. The proposed project review area is centrally located near Latitude 32.321300° North and Longitude 87.774696° West.

Based on our review of the information and data forms you have furnished, and other desktop information available to our office, we have completed an approved jurisdictional determination (AJD) for resource E7b. Attached is an AJD Memorandum for Record (MFR) that describes the feature identified on the site that is not subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). Please be advised that this determination reflects current policy and regulation.

The feature identified as E7b, as depicted on the attached exhibits, is not a water of the U.S. and is not subject to DA jurisdiction. Please be advised that this AJD MFR is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the USACE, it shall automatically expire. If the information you have submitted, and on which the USACE has based its determination is later found to be in error, this decision may be revoked.

Your delineation site was reviewed pursuant to Section 404 of the Clean Water Act. Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including

tributaries and wetlands, prior to conducting the work (33 U.S.C. 1344). If future work proposed at this site includes a discharge or placement of dredged and/or fill material into waters of the U.S., a DA permit is required prior to initiating work.

This letter contains an AJD MFR. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Attached you will find a Notification of Administrative Appeal (NAP) Options and Process and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA to the USACE, South Atlantic Division Office at the following mailing address and e-mail address: Krista D. Sabin, Regulatory Review Officer, South Atlantic Division, 60 Forsyth Street Southwest, Floor M9, Atlanta, Georgia 30303-8801; Krista.D.Sabin@usace.army.mil.

In order for an RFA to be accepted, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you intend to sell property that is part of a project that requires DA authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report, required by Housing and Urban Development Regulation, must state whether or not a permit for the development has been applied for, issued, or denied by the USACE, (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above. Furthermore, if the scope of work or project location changes, you are urged to contact this office for a verification of this determination.

A copy of this letter with attachments is being provided to your agent, [REDACTED]

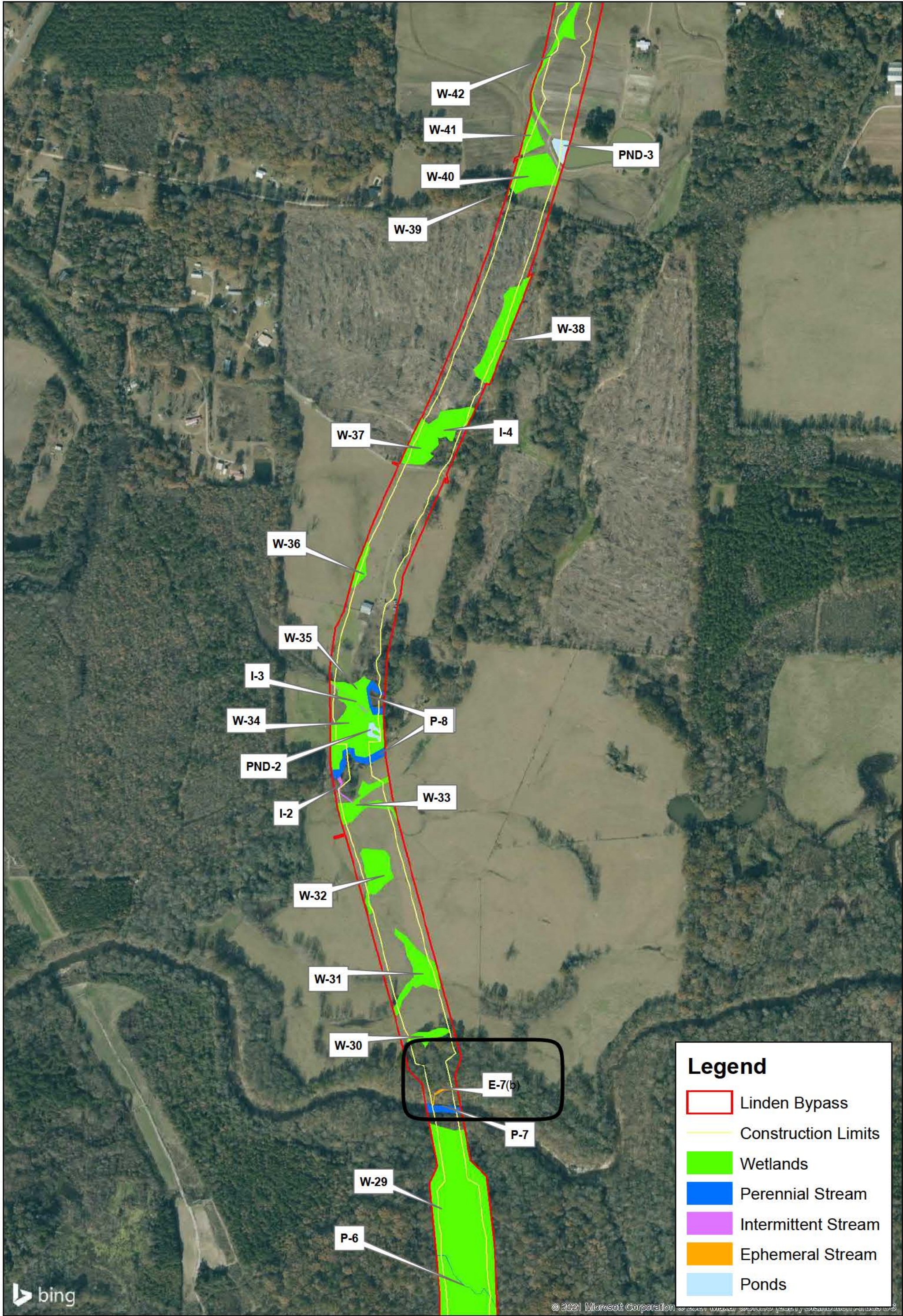
We appreciate your cooperation with the USACE Regulatory Program. Please refer to file number SAM-2021-00242-AMG in all future correspondence regarding this project or if you have any questions concerning this determination.

Please contact your Project Manager, Ms. Amy Gavin, by telephone at 334-467-8779 or by e-mail at amy.k.gavin@usace.army.mil should you have any questions. For additional information about our Regulatory Program, visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx>. Please take a moment to complete our customer service survey located under the Menu heading on the right side of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

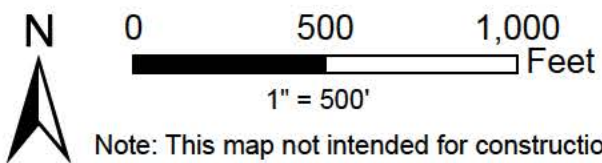
Courtney M. Shea
Team Lead, North Branch
Regulatory Division

Attachments



Legend

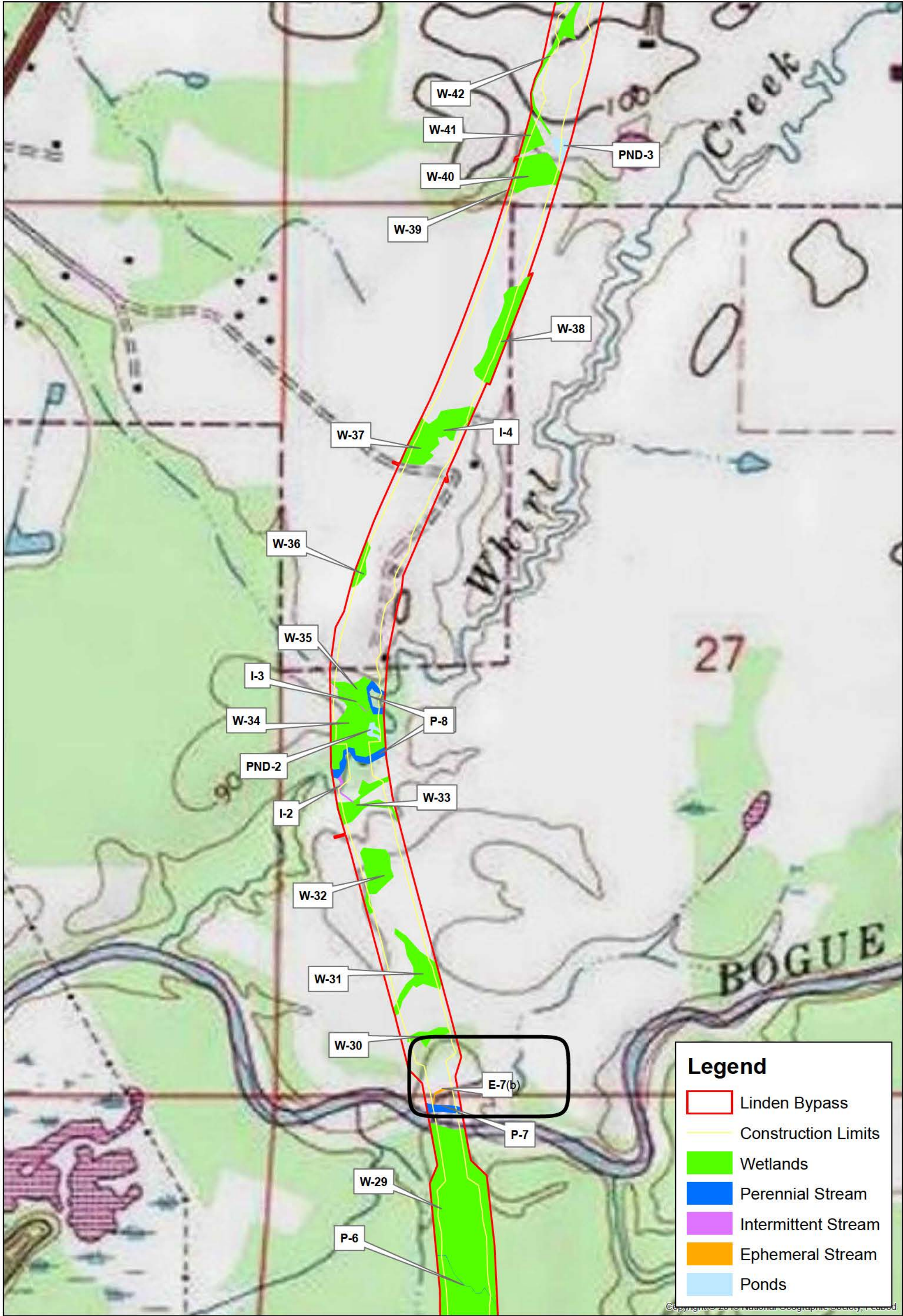
- Linden Bypass
- Construction Limits
- Wetlands
- Perennial Stream
- Intermittent Stream
- Ephemeral Stream
- Ponds



Note: This map not intended for construction.

Figure 1: Aerial Map of E7b Review Area

Figure 1-3: Aerial Imagery
West Alabama Highway
Linden Bypass
Linden, Marengo County, Alabama



Legend

- Linden Bypass
- Construction Limits
- Wetlands
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N

0 500 1,000 Feet

1" = 500'

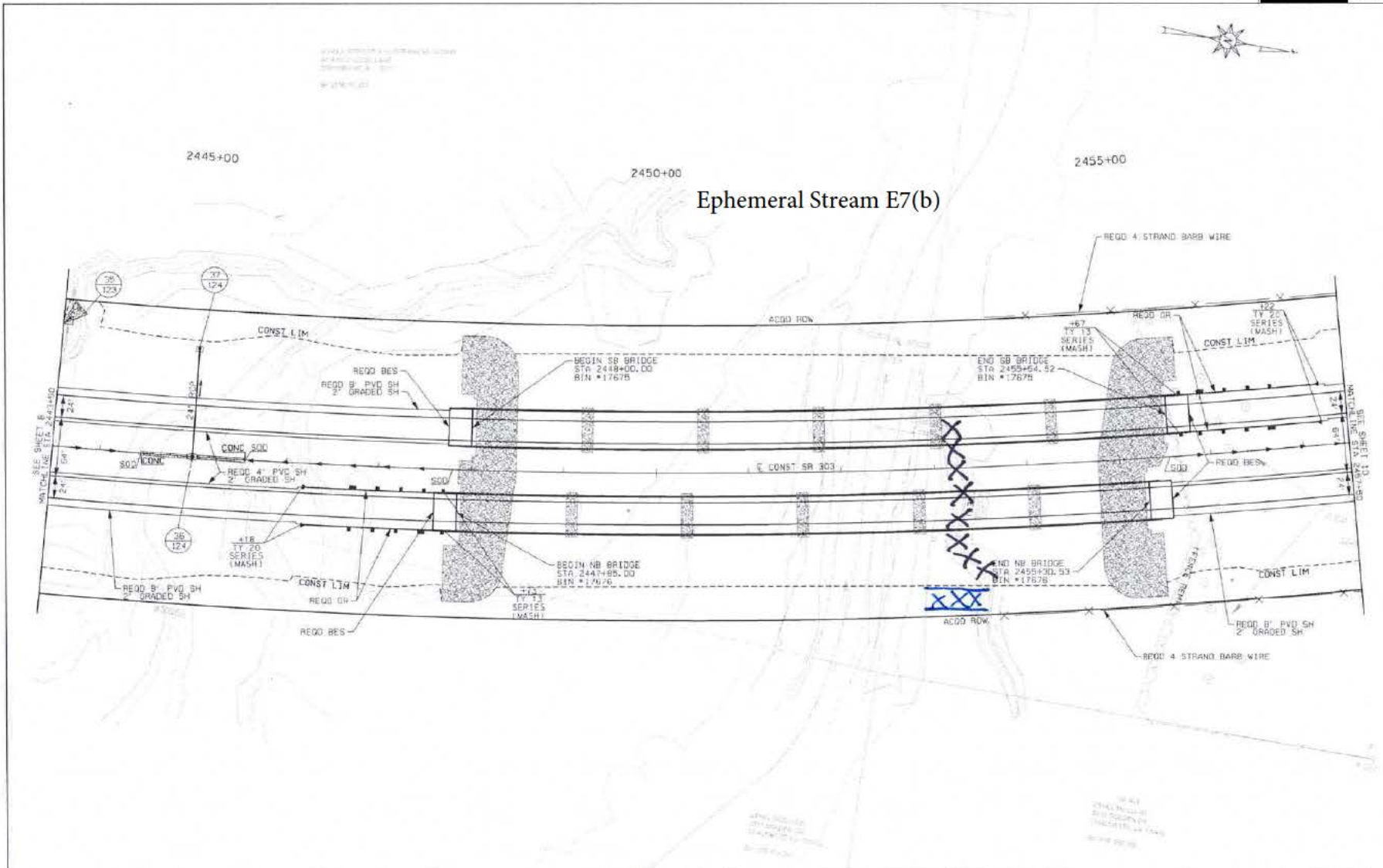
Note: This map not intended for construction.

Figure 2: TOPO Map of E7b Review Area

Figure 2-3: USGS Quadrangle Map
 West Alabama Highway
 Linden Bypass
 Linden, Marengo County, Alabama

PLAN SHEET

REFERENCE PROJECT NO	FISCAL YEAR	SHEET NO
	2022	9

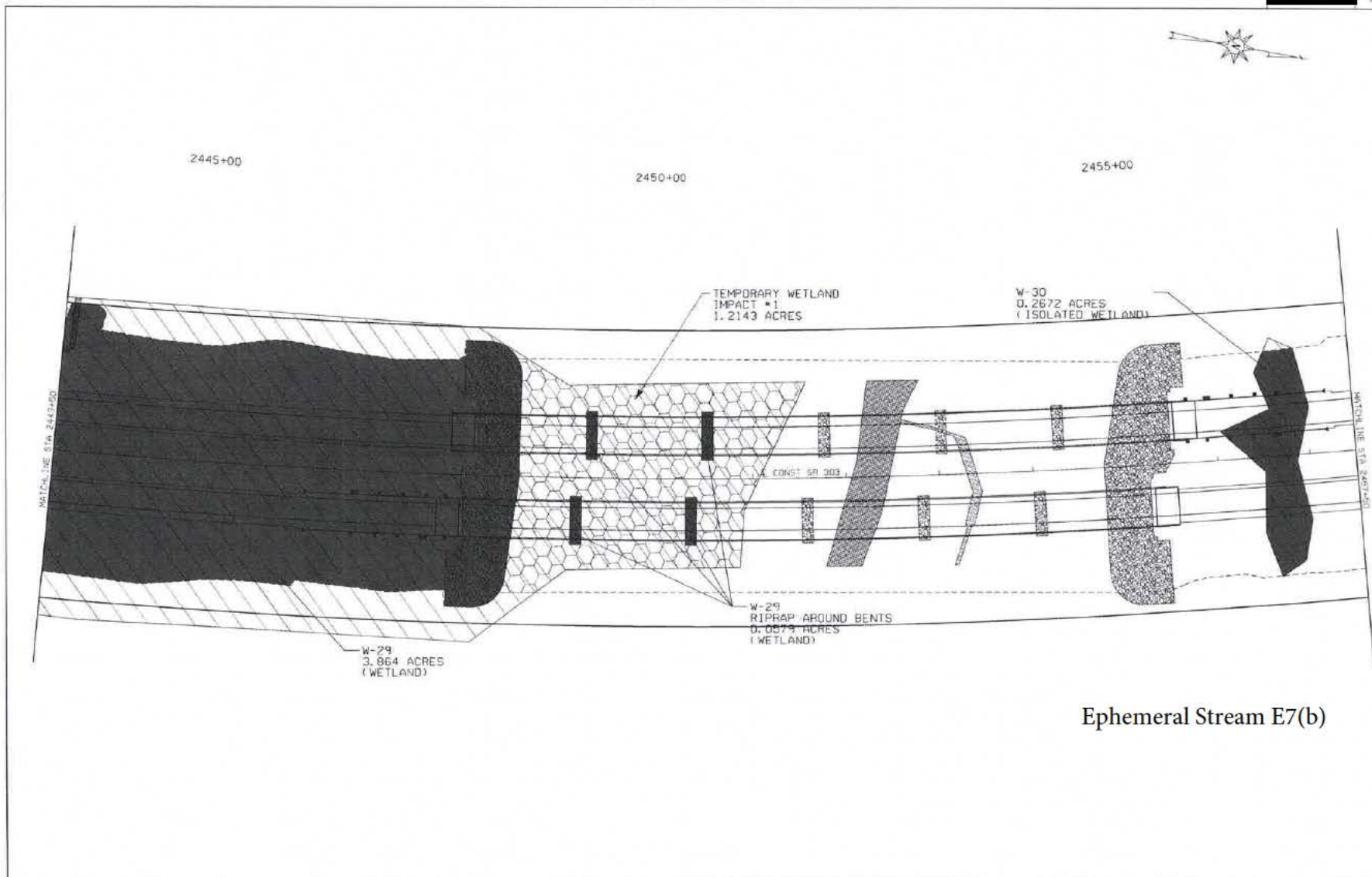


RESPONSIBLE PE*	SUPERVISOR*	DESIGNER*	PLAN SUBMITTAL*	SCALE (FEET) HORIZ 50 0 50	SHEET TITLE	ROUTE
DATE*	DATE*	DATE*			PLAN SHEET	SR 303

Figure 3: Project Plan Sheet at E7b Review Area

WETLAND IMPACTS

REFERENCE PROJECT NO	FISCAL YEAR	SHEET NO
	2022	365



Ephemeral Stream E7(b)

RESPONSIBLE PEI	SUPERVISOR	DESIGNER	PLAN SUBMITTAL		50 0 50 HORIZ SCALE (FEET)	SHEET TITLE	ROUTE
DATE	DATE	DATE				WETLAND IMPACTS	SR 303

Figure 4: Project Resource Plan Sheet at E7b Review Area