



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NASHVILLE DISTRICT
WESTERN REGULATORY FIELD OFFICE
2042 BELTLINE ROAD SW
BUILDING C SUITE 415
DECATUR AL 35601-9990**

April 4, 2008

Western Regulatory Field Office

SUBJECT: File No. LRN-2008-00370; Approved Jurisdictional Determination and Wetland Delineation Verification; Sibley Spur Road, Russellville, AL; Unnamed Tributary to Harris Creek Mile 0.8, Left Bank; Cedar Creek Mile 50.0, Right Bank; and Unnamed Tributary to Cedar Creek 52.4 Right Bank; Tennessee River Mile 225.0, Left Bank; Cedar Creek Lake; Franklin County, Alabama.

Franklin County Economic Development Authority
Executive Director
Mr. Mitchell B. Mays
16109 Highway 43, Suite C
Russellville, Alabama 35653

Dear Mr. Mays:

This is in response to a request submitted by Barge Waggoner Sumner & Cannon, Inc. for a Jurisdictional Determination concerning the blue line streams on the property adjacent to Highway 243 south of Russellville, Alabama. Your project has been assigned File No. LRN-2008-00370.

An onsite inspection was conducted with Mr. Gary Behrens on February 27, 2008, to determine if the blue line stream on the USGS Topographical map would be considered waters of the United States. The property has 2 blue line streams, noted as Polygon B and Polygon C, and 1 wetland which abuts Polygon C and currently used as pasture for livestock.

Polygon B is a blue line stream located on the northeast section of the property near a man-made pond. There is a small section adjacent to the adjoining property that had water standing in a channel, but was not flowing. The adjoining property is at a higher elevation than this section of channel. It appears this area has been manipulated through farming activities and the stream channel on this property no longer exists.

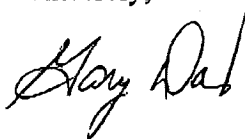
Polygon C is a Relatively Permanent Water (RPW) with a defined bed and bank and was flowing at the time of the inspection. Polygon C is shown as flowing under an existing gravel road and flowing east to west. The section of blue line, east of the gravel road, did not have a bed and bank or an Ordinary High Water Mark. There is not a channel west of the gravel road until it reaches some Black Willow trees. I reviewed the wetland delineation adjacent to Polygon C and concur with the flagged boundaries.

Based partly upon the site visit, review of the USGS Topographical Maps, and the information submitted to this office, it has been determined that Polygon B and the pond are not Waters of the U.S. It has been determined that Polygon C and the abutting wetland are Waters of the U.S. and a Department of the Army (DA) permit will be required for proposed activity in the stream or the wetland. If changes in the location or plans of the proposed work are necessary, revised plans should be submitted promptly to this office.

Please be advised this determination is an approved jurisdictional determination that reflects current policy. This determination is valid for a period of five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This determination will automatically expire April 4, 2013. Enclosed is the Notification of Applicant Options (NAO) which explains available options regarding this determination.

This does not grant any property rights or privileges and does not obviate your responsibility to comply with the provisions of any other law or regulation of any local, state or federal authority. We appreciate your awareness of our regulatory program. If you have any questions, please contact me at the above address or telephone (256) 350-5620.

Sincerely,



Gary Davis
Environmental Protection Specialist
Operations Division

Enclosures:

Location Map
NOA

✓ Copy Furnished:
Barge Waggoner Sumner & Cannon, Inc.
Mr. Gary K. Behrens
7515 Halcyon Summit Drive
Montgomery, Alabama 36117



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