



**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): 8/2/2021

ORM Number: SAM-2020-00979-ELB

Associated JDs: SAM-2020-00979-ELB, previously issued on January 04, 2021; SAM-2006-00926-TMZ

Review Area Location¹: State/Territory: AL City: Orange Beach County/Parish/Borough: Baldwin

Center Coordinates of Review Area: Latitude 30.299351 Longitude -87.565722

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: A desktop review was conducted for the 0.15-acre review area as shown within a red border on aerial maps provided by Volkert, Inc., LLC. The subject property is an undeveloped parcel in a medium-density residential area on Pine Road in Orange Beach, Alabama. The subject review area is a designated 0.15 acre lot, "Lot 5" (Baldwin County Parcel Number: 05-62-08-33-4-001-099.000). The parcel has undergone recent mechanical clearing within the past year, but historic pre-clearing conditions appear to have comprised shrubs and mature hardwood canopy. Soils within the review area consist of non-hydric Leon series, and a cypress pond with adjacent cypress-gum swamp wetlands is located off-site and to the southeast of the subject parcel. The desktop review indicates the review area, as shown within the red outline in revised aerial maps provided by the agent, is comprised of uplands with no jurisdictional waters within. Wetland delineation data and site photos provided by the agent indicate no hydrology nor hydrophytic plant species are present within the review area. Upland areas were verified by the USACE Mobile District project manager (PM) during a site inspection on October 20, 2020.
- ☐ 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)²

§ 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): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

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

² 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.

³ 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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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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
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.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation report with datasheets, conducted by agent on 08-06-2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [This information is sufficient when combined with additional resources reviewed by USACE Mobile District PM](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☒ Photographs: [Aerial and Other: Photographs of the site provided by agent; Google Earth aerialimagery, 2021](#)

☒ Corps site visit(s) conducted on: [October 20, 2020](#)

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [SAM-2020-00979-ELB, Issued on January 04, 2021.](#)

☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Hydric Rating by Map Unit – Baldwin County, Alabama](#)

☒ USFWS NWI maps: [USFWS NWI Map, Baldwin County, Alabama, Imagery](#)

☒ USGS topographic maps: [Baldwin County LiDAR, Topo 1:24,000](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.

⁴ 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.

⁵ 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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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A