



**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): 3/24/2021
 ORM Number: SAM-2006-00004-TMZ
 Associated JDs: Previous JD under file number ALJ06-00004
 Review Area Location¹: State/Territory: AL City: Daphne County/Parish/Borough: Baldwin
 Center Coordinates of Review Area: Latitude 30.59961° Longitude -87.867851°

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)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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W1	1.29	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetlands are grady pond and connected linear swale wetlands that have been historically connected to Picard Branch via man-made ditches for at least 4 decades. While the subject wetlands have a hydrologic overland connection directly to Picard Branch (an (a)(2) WOUS), the flow path between the subject wetlands and Picard Branch consists of manmade ditches and culverts and there is no clear evidence that some segments of this connection were originally part of a relocated tributary. Topographic maps and aerials dating back to the 1940s were reviewed and they provide no solid evidence of intermittent or perennial stream beds previously located along the upper reaches of the drainage flow path in the vicinity of the current ditches. The man-made ditches connecting the subject wetlands and several isolated grady pond-type wetlands in the area were excavated some time before 1981 when they show up on topographic maps. The review area is listed as grady soils on USDA NRCS Soil Survey maps. Review of FEMA's National Flood Hazard Layer indicates the entire review area is located outside of the floodplain of Picard Branch and any other WOUS in the area. Considering that a ditch cannot render an otherwise isolated wetland an "adjacent wetland," unless the ditch itself is a tributary (per 33CFR328.3(c)(1)), and that the subject wetlands are located outside of the floodplain, the subject wetlands are therefore considered non-jurisdictional.

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 Sciences, Inc \(01/25/2020\)](#)
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\(s\).](#)

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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- Photographs: [Aerial and Other: Google Earth 2019](#); Photos taken during site visit 11/18/20
- Corps site visit(s) conducted on: [11/18/2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ALJ06-00004-TMZ](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [SSURGO \(05/29/2020\)](#)
- USFWS NWI maps: [USFWS Wetlands Mapper obtained 02/17/21](#)
- USGS topographic maps: [Silverhill 1:31680 \(1941\)](#), [Fairhope 1:62500 \(1941\)](#), [Silverhill 1:24000](#), [Bay Minette 1:100000 \(1981\)](#), and [Silverhill 1:24000 \(2018\)](#)

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	USGS – The National Map Web Application: NHD; Hillshade Digital Elevation Models
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Regulatory GIS Viewer
Other state/local data (specify)	University of Alabama Air Photo Archive: Baldwin mosaic 1949
EPA sources (specify) and FEMA	FEMA NFHL Firmette PANEL: 01003C0655M (eff. 04/19/2019)

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.](#)