



**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): 7/21/2021
 ORM Number: SAM-2017-01134-JEB
 Associated JDs: previous JD – SAM-2017-01134-JEB (issued November 19, 2018)
 Review Area Location¹: State/Territory: AL City: Spanish Fort County/Parish/Borough: Baldwin County
 Center Coordinates of Review Area: Latitude 30.700556° Longitude -87.803889°

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 |
| B | 8.4 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland “B” directly abuts an (a)(2) water (unnamed tributary) that drains to Fish River (an (a)(1) water). The National Hydrography Dataset identifies the |

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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| Adjacent wetlands ((a)(4) waters): | | | |
|------------------------------------|-------------|-----------------|--|
| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
| | | | (a)(2) tributary as a perennial stream, and a previous site visit completed on January 30, 2018 verified the wetland boundary. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------------|--|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| A | 2,995 linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | During the previous jurisdictional determination review, it was determined that the subject feature “A” is an ephemeral upland drainage. It is shown on USGS 7.5 Minute topographic maps, but the drainage feature does not include bed or bank features nor other evidence of above-ground flow. Current available aerial imagery and desktop resources do not indicate any change from the 2018 site observations. APT indicates the site visit was during dry conditions but had rained immediately prior to the inspection. This portion of the subject property is outside of FEMA flood zones. An AJD issued on November 19, 2018 did not exert jurisdiction over this feature. |
| C | 552 linear feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). | The subject feature “C” is a ditch that was excavated sometime between before 1997 (see historical image in administrative record) that drains to wetland feature “B”. It appears to be a manmade drainage feature from a nearby farm operation. This portion of the subject property is outside of FEMA flood zones. It is not a relocated tributary, nor is it on any topographic maps or constructed within wetlands; therefore, it is not 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: [GCOF Reserve at Independence, submitted July 7, 2020 and May 10, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Aerial: Google Earth 1997-2020; Photos submitted by agent 5-10-2021](#)

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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- Corps site visit(s) conducted on: [January 30, 2018](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAM-2017-01134-JEB, issued November 19, 2018](#)
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [SSURGO Export 05/29/2020](#)
- USFWS NWI maps: [USFWS National Wetlands Inventory map layer downloaded 03/25/2021](#)
- USGS topographic maps: [Fairhope, AL 1941 1:62500](#); [Stapleton, AL 1940 1:62500](#); [Mobile, AL 1944 1:62500](#)

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, Digital elevation models |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| Other state/local data (specify) | N/A. |
| FEMA/FIRM maps | Panel 01003C0533ML eff. 04/19/2019 |

B. Typical year assessment(s): [A typical year assessment was performed in order to determine if the non-jurisdictional \(b\)\(5\) wetlands are inundated by flooding from an \(a\)\(1\)-\(a\)\(3\) water during a typical year.](#)

[As a result of the assessment, the USACE determined that the listed \(b\)\(5\) wetlands are not subject to inundation by flooding from \(a\)\(1\)-\(a\)\(3\) waters based on the following factors:](#)

- [i. Antecedant Precipitation Tool \(APT\) point-in-time data generated for the date of the USACE field visit on 1/30/2018 indicate that the field visit occurred during dry to normal hydrologic conditions across the three-month assessment period, with the most recent preceeding 30-day period indicating conditions were normal. It is also indicated that the area had just experienced approximately 1.25 inches of rain, and no evidence of flow was seen by the inspector.](#)
- [ii. There is little available imagery that isn't obstructed by tree cover. However, available Google Earth imagery of the connection between this property and the offsite area that drains to the subject resource do not indicate any evidence of standing water or flow.](#)
- [iii. Topographic maps dating back to the 1920s show no evidence of wetlands, a tributary, or an ephemeral feature at this location, indicating feature "C" was constructed as a drain for surrounding use.](#)

C. Additional comments to support AJD: [N/A](#)