



**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): 1/5/2021  
 ORM Number: SAM-2017-01215-JSC  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: AL City: Auburn County/Parish/Borough: Lee  
 Center Coordinates of Review Area: Latitude 32.6523 North Longitude 85.5059 West

**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
- 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

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

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S3	462	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S4R1	868	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections by both the agent and the Corps, the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S5R1	52	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S6R1	212	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S7	220	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S8	569	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S10	139	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.

<sup>4</sup> 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.

<sup>5</sup> 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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
S11	1265	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S12	641	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S14	122	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S17R1	632	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.
S19	300	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Bed and bank features were observed; however, after reviewing information from both desktop resources and site inspections —by both the agent and the Corps— the feature was determined to be an ephemeral stream flowing only in response to precipitation events.

**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: [Information provided by Spectrum Environmental dated November 2017, January 2018 and December 2020.](#)

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 and Other: Aerial: Google Earth 2017. Site photographs by Spectrum Environmental dated October 10 and 11, 2017 and August 26, 2020.](#)
- Corps site visit(s) conducted on: [January 16, 2018](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAM-2017-01215-JSC dated January 26, 2018](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey](#)



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- USFWS NWI maps: [FWS NWI Mapper](#)
- USGS topographic maps: [AL: Waverly, 1:24K](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">NHD and WBD via Google Earth kmz</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	Panel 01017C0350C, eff. 01/18/2011

**B. Typical year assessment(s):** APT assessments were performed for three separate dates corresponding to site visits by either Spectrum Environmental (photographic documentation) or Corp staff. The APT assessment for October 11, 2017 (wet seson) determined that the site was experiencing “wetter than normal” conditions; the assessment for January 16, 2016 (wet season) concluded that the site was “drier than normal”; and the August 26, 2020 (dry season) result notedthat the location was exepriencing “norml conditions.” The APT results when combined with the site insopection observations appear to support the conclusion that that the features inder review are ephemeral stream channels.

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