



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): 24-SEP-2020

ORM Number: SAM-2018-00235-JEB

Associated JDs: N/A

Review Area Location¹:

State/Territory: AL City: Atmore County/Parish/Borough: Escambia County

Center Coordinates of Review Area: Latitude 31.014653 Longitude -87.432483

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
Stream 1, 18-235JEB	3,050 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The subject water is a tributary of Pine Barren Creek. This feature can be observed in historic aerial imagery dating back to the 1950s and as a blue-line stream in USGS Topographic Maps. USGS topographic maps, and the USFWS National Wetlands Inventory designate Stream 1 as a Perennial

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 independent 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.

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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			feature. Stream 1 is a relocated or altered tributary since it has been straightened and ditched. However, on-site observations combined with desktop review of historical aerial photographs confirms Stream 1 is intermittent, contributing surface water flow to a TNW in a typical year and is therefore jurisdictional.
Stream 2, 18-235JEB	3,884 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The subject water is a tributary of Pine Barren Creek. This feature can be observed in historic aerial imagery dating back to the 1950s and as a blue-line stream in USGS Topographic Maps. USGS topographic maps, and the USFWS National Wetlands Inventory designate Stream 2 as a perennial feature. On-site observations combined with desktop review of relevant data confirms Stream 2 is perennial, contributing surface water flow to a TNW in a typical year and is therefore jurisdictional.
Stream 3, 18-235JEB	2,125 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The subject water is a tributary of Pine Barren Creek. This feature can be observed in historic aerial imagery dating back to the 1950s and as a blue-line stream in USGS Topographic Maps. USGS topographic maps, and the USFWS National Wetlands Inventory designate Stream 3 as a perennial feature. On-site observations combined with desktop review of relevant data confirms Stream 3 is perennial, contributing surface water flow to a TNW in a typical year and is therefore jurisdictional.

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Stream 4, 18-235JEB	294 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The subject water is a tributary of Pine Barren Creek. This feature can be observed in historic aerial imagery dating back to the 1950s and as a blue-line stream in USGS Topographic Maps. USGS topographic maps, and the USFWS National Wetlands Inventory designate Stream 4 as a perennial feature. However, historical imagery shows this stream segment non-existent or plowed under in some years, while other years indicate channelized surface flow. These historical photos and on-site observations confirm Stream 4 is intermittent, contributing surface water flow to a TNW in a typical year and is therefore jurisdictional.
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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
Wetland D, 18-235JEB	0.3 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Desktop review of elevation data for the subject property obtained from the USGS National Map web application found Wetland D to be topographically connected to, and directly abutting, the adjacent stream 4 tributary of Pine Barren Creek. On site observations and the desktop survey found no topographic features which would cause a physical disconnection between Wetland D to the abutting Pine Barren Creek tributary. The USGS topographic maps, and the USFWS National

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			Wetlands Inventory indicate Wetland D to be contiguously connected to Stream 4. On-site observations combined with desktop review of the above-mentioned resources confirms Wetland D to be jurisdictional.
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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
Wetland A, 18-235	1.91 acres	(b)(1) Non-adjacent wetland	The subject wetland is a relict Grady Pond not abutting, adjacent, or otherwise connected to, paragraph (a)(1)-(a)(3) waters. Areas around this feature have been in continual use as a tilled farm field since the 1950s.
Wetland B, 18-235	12.1 acres	(b)(1) Non-adjacent wetland	The subject wetland is a relict Grady Pond not abutting, adjacent, or otherwise connected to, paragraph (a)(1)-(a)(3) waters. Areas around this feature have been in continual use as a tilled farm field since the 1950s.
Wetland C, 18-235JEB	1.33 acres	(b)(1) Non-adjacent wetland	The subject wetland is a relict Grady Pond not abutting, adjacent, or otherwise connected to, paragraph (a)(1)-(a)(3) waters. Areas around this feature have been in continual use as a tilled farm field since the 1950s.

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: Complete AJD package including site maps and data forms
This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps:

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- Photographs: Google Earth 1997-2019
- Corps Site visit(s) conducted on: 1/30/2019 and 5/14/2019
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool:
- USDA NRCS Soil Survey: Websoil Survey online
- USFWS NWI maps: Google Earth NWI overlay.
- USGS topographic maps: Atmore 1:24,000 1973

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.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- 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:** This entire site is located within a series of agricultural fields that have been under continuous use for row crops since the 1950s. All of the wetland and stream features exhibit signs of extreme manipulation and alteration. They have all been subjected to continuous yearly plowing, tilling and grading during the on-going farming operations.

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