



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): 15-SEP-2020

ORM Number: SAM-2018-00257-APW

Associated JDs: N/A

Review Area Location¹:

State/Territory: AL City: Parrish County/Parish/Borough: Walker County

Center Coordinates of Review Area: Latitude 33.6344 Longitude -87.1844

The review area for this AJD includes ONLY those waters identified on this form and does not encompass the entire project boundary.

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

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N/A	N/A	N/A	N/A
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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
Ash Pond - Gorgas	420 acres	(b)(12) Waste treatment system	The 420-acre ash pond is a waste treatment pond regulated under the Alabama Department of Environmental Management's National Pollutant Discharge Elimination System program for the management and disposal of coal combustion residuals (CCR). Everything at or below 385 feet AMSL is considered part of the waste treatment system. This includes 6 wetlands totaling 0.35 acres identified as Wetland 1, Wetland 2, Wetland 3, Wetland 4, Wetland 5, and Wetland 6.
Stream 1	78 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 11	241 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 12	237 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 13 eph	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed..
Stream 15	394 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 16 eph	195 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 18	345 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 19 eph	158 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 2	161 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 20	440 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed..
Stream 21	322 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic

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			organisms in the stream bed, presence of leaf litter in stream bed.
Stream 22	425 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 23	368 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 24a	450 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 24b	443 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 24c	229 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 25	600 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 26	270 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 28	282 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 29a	485 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 29b	374 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 29c	335 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 29d	573 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 3	199 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 30a	249 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.

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Stream 31	324 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 32 eph	192 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 33	380 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 34 eph	192 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 34a	236 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 34c	280 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 4	111 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed, presence of leaf litter in stream bed.
Stream 5	186 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 6	406 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 7	204 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 8a	105 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 9a	268 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.
Stream 9b	122 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Lack of baseflow, no evidence of high water table, small drainage area <7 acres, lack of aquatic organisms in the stream bed.

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 in Alabama Power's letter dated July 8, 2020 and revised September 15, 2020: vicinity map, USGS topo map, aerial photo, wetland figures (exhibit 4-7), soil survey, ephemeral stream flow regime determination, site photos, NC DWQ Stream ID forms version 4.11.*

This information is sufficient for purposes of this AJD.

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Rationale: *N/A.*

- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Site photos in July 8, 2020 submittal (rev. 9/15/2020), aerial photo Oct. 2019.*
- Corps Site visit(s) conducted on: *March 5, 2019.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS websoil survey.*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *USGS Goodsprings Quad.*

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	https://www.ncdc.noaa.gov/cdo-web/ :NOAA Climate Data Online
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** While a typical year assessment is not required to establish flow regime, the APT was used to establish the conditions at the site at the time the consultant conducted the field work (10/9/17, 10/13/17, 11/15/17, 12/1/17, 12/4/17, 12/11/17, and 1/11/2018). The field work was conducted during the wet season. The site was experiencing normal conditions on 10/9/17, 11/15/17, 12/1/17, 12/4/17, and 12/11/17, wetter than normal conditions on 10/13/17, and drier than normal conditions on 1/11/18. Rainfall data for the area indicates 0.04 inch of rainfall on 12/1/17 and 0.33 inches on 12/9/17. No water was observed in the ephemeral channels that were delineated on 12/1/17, 12/4/17 or 12/11/17. The area received 1 inch of rain on 1/8/18 and 0.32 inch on 1/9/18. No water was observed in the ephemeral channels that were delineated on 1/11/18. This data further supports the rationale for the ephemeral flow regime designation because for the most part the area was experiencing normal conditions, during the wet season, with rainfall leading up to the days of some of the site visits and little to no evidence of flow in the channels.
- C. Additional comments to support AJD:** *N/A.*

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