



**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): 4/26/2021  
 ORM Number: SAM-2018-00539  
 Associated JDs: SAM-2018-00539 Preliminary Jurisdictional Determination dated 22 April 2021  
 Review Area Location<sup>1</sup>: State/Territory: AL City: N/A County/Parish/Borough: Blount  
 Center Coordinates of Review Area: Latitude 33.864854 Longitude -86.714863

**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
E-11.5	44	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-11.5 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-11.5 is determined to be an ephemeral stream flowing only in response to precipitation events.
E-12	260	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-12 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-12 is determined to be an ephemeral stream flowing only in response to precipitation events.
E-30	96	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-30 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-30 is 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	
E-40	156	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined the stream E-40 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-40 is determined to be an ephemeral stream flowing only in response to precipitation events.
E-41	43	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-41 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-41 is determined to be an ephemeral stream flowing only in response to precipitation events.
E-43	218	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-43 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019, surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-43 is determined to be an ephemeral stream flowing only in response to precipitation events.
E-45	329	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream E-45 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on March 13 and June 10, 2019,



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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
			surface flow was not present during either inspection. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections, stream feature E-40 is determined to be an ephemeral stream flowing only in response to precipitation events.
W-11	0.23	acre(s)	(b)(1) Non-adjacent wetland. The Corps has determined W-11 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, site inspections on March 13 and June 10, 2019, by the Corps and the agent verified that W-11 is a physically remote and isolated feature, meaning it does not abut (a)(1) – (a)(3) water, is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year, nor is it only physically separated from an (a)(1) – (a)(3) water by a natural berm, bank, dune, or similar natural feature. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, a previous preliminary determination (10 July 2019), and the referenced site inspections wetland W-11 is determined to be a non-adjacent wetland.

**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: [GMC JD requests and follow-up information from 2019 and 2021.](#)

This information is and is not 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\(s\).](#)

Photographs: [Aerial and Other: Aerial photographs from various sources including Google Earth and Digital Globe on multiple dates. Site photographs by GMC, Inc. and USACE on multiple dates.](#)

Corps site visit(s) conducted on: [13 March 2019 and 10 June 2019](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [Previous Preliminary Jurisdictional Determination dated July 10, 2019.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [USDA Web Soil Survey tool accessed at https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx](#)

USFWS NWI maps: [USFWS Wetlands Mapper accessed at https://www.fws.gov/wetlands/Data/mapper.html](#)



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USGS topographic maps: [USGS 1:24K, AL: Trafford](#)

**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="https://apps.nationalmap.gov/viewer/">NHD viewed via the National Map Viewer accessed at https://apps.nationalmap.gov/viewer/</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">Corps Navigable Waters Study</a>	<a href="#">Section 10 Waters of the Mobile District: State of Alabama</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="#">Blount County, Alabama panels 300 and 450 of 525</a>

**B. Typical year assessment(s):** [N/A](#)

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