



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): 09-JUL-2021

ORM Number: SAM-2018-01057-CMS

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: AL City: Epes County/Parish/Borough: Sumter County

Center Coordinates of Review Area: Latitude 32.680312 Longitude -88.103956

**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)<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
JW1	853 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JW1 is a perennial tributary that flows year-round to an unnamed perennial tributary to the Tombigbee River, an (a)(1) water.
JW2	23 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JW2 experiences intermittent flow and contributes surface water flow directly to the Tombigbee River, an (a)(1) water.
JW3	108 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JW3 is the upstream portion of JW2 and has intermittent flow and contributes surface water flow to the Tombigbee River, an (a)(1) water.

<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 and 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 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.

<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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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
W1	7.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W1 is a forested wetland that abuts JW1 and the Tombigbee River, an (a)(1) water.
W2	4.6 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W2 is a forested wetland that abuts JW3, JW3, and the Tombigbee River, an (a)(1) water.

**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
NJW1	406 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)	NJW1 is a ditch that was constructed in uplands, likely to carry stormwater flow off the site. It has ephemeral flow based on the amount of upland vegetation observed in the channel and lack of hydric soil indicators in a sample taken from the bank.
NJW2	992 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)	NJW2 is an ephemeral ditch that was constructed in uplands. The site visit was conducted in the dry season, but the area is experiencing wetter than normal conditions. The area had received over 6 inches of rain in the 30 days prior to the site visit and over 1 inch of rainfall two days prior to the site visit. The channel was completely dry.
NJW3	86 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)	NJW3 is a ditch that was constructed in uplands and a non-adjacent wetland (W3).
NJW4	88 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)	NJW4 is a ditch that was constructed in uplands and a non-adjacent wetland (W3).
W3	1.7 acres	(b)(1) Non-adjacent wetland	W3 does not abut an (a)(1) - (3) water, is not inundated by flooding from an (a)(1) – (3) water, is not physically separated from an (a)(1) – (3) water by a natural feature, and is not physically separated from an (a)(1) – (3) water by an artificial structure that allows for a direct hydrologic surface connection between the wetland and an (a)(1) – (3) water in a typical year.
W4	2.9 acres	(b)(1) Non-adjacent wetland	W4 does not abut an (a)(1) - (3) water, is not inundated by flooding from an (a)(1) – (3) water, is not physically separated from an (a)(1) – (3) water by a natural feature, and is not physically separated from an (a)(1) – (3) water by an artificial structure that allows for a direct

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<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.

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			hydrologic surface connection between the wetland and an (a)(1) – (3) water in a typical year.
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**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 Ramboll's report dated 4/9/2021 and updated figures dated 6/28/2021*

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: *Agent's site photos Jan. 2020*

Corps Site visit(s) conducted on: *6/11/2021*.

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: *USFWS NWI map*

USGS topographic maps: *Epes East 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	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

**C. Additional comments to support AJD:** *N/A or provide additional discussion as appropriate.*

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