



**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): [7/28/2020](#)
 ORM Number: [SAM-2020-00299-JDC](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [Alabama](#) City: [Bessemer](#) County/Parish/Borough: [Jefferson](#)
 Center Coordinates of Review Area: Latitude 33.370156 Longitude -87.004677

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)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
N/A.	N/A.	N/A.	N/A.

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 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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S1	297	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The ephemeral stream feature only flows in response to rainfall events. Based on information provided by the agent, no hydrophytic vegetation or hydric soils were observed in or surrounding the shallow stream.
Wet A	0.10	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not have a surface hydrologic connection to a(1) through a(4) waters of the United States nor is it inundated on an annual basis by flooding from an a(1) through a(3) water.
UDF 1	485	linear 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).	Based on the grading plan for the existing adjacent car dealership to the east, dated 30 March 2004, which includes a portion of the COTH JD area, this feature is man-made and was installed as part of the construction stormwater management system for the neighboring development. Aerial photographs predating 2005 do not show development or natural waters in this part of the JD area, which supports the fact this feature was created from uplands incidental to the past construction activity.
DA1	0.13	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Based on the grading plan for the existing adjacent car dealership to the east, dated 30 March 2004, which includes a portion of the COTH JD area, this feature is man-made and was installed as part of the construction stormwater management system for the neighboring development. Aerial photographs predating 2005 do not show development or natural waters in this part of the JD area, which supports the fact this feature was created from uplands incidental to the past construction activity.
DA2	0.26	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction	Based on the grading plan for the existing adjacent car dealership to the east, dated 30 March 2004, which includes a portion of the COTH JD area, this feature is man-made and was installed as part of the construction stormwater management system for the neighboring development. Aerial photographs

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	predating 2005 do not show development or natural waters in this part of the JD area, which supports the fact this feature was created from uplands incidental to the past construction activity.

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: [Preliminary Jurisdictional Determination Request dated March 3, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: The agent provided site specific color digital photographs taken February 26, 2020, and ESRI color aerial photography.](#)

Corps site visit(s) conducted on: [N/A](#)

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: [Soil Survey Map provided in March 3, 2020, Preliminary Jurisdictional Determination Request submission.](#)

USFWS NWI maps: [NWI Map provided in March 3, 2020, Preliminary Jurisdictional Determination Request submission.](#)

USGS topographic maps: [McCalla, AL 7.5 Minute USGS Topographic Map provided in March 3, 2020, Preliminary Jurisdictional Determination Request submission.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Data set map; https://viewer.nationalmap.gov/advanced-viewer/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FIRMette map; Map # 01073C0657G effective 9/29/2006 showing X zone minimal flood hazard

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

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