



**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): 8/6/2020

ORM Number: SAM-2020-00398-JDC

Associated JDs: [Apparent jurisdictional waters are recorded on a separate Preliminary Jurisdictional Determination \(PJD\) form.](#)

Review Area Location<sup>1</sup>: State/Territory: AL City: Steele County/Parish/Borough: Etowah

Center Coordinates of Review Area: Latitude 33.966944 Longitude -86.164722

**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>**

| p§ 10 Name | § 10 Size |      | § 10 Criteria | Rationale for § 10 Determination |
|------------|-----------|------|---------------|----------------------------------|
| N/A.       | 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.            | 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.            | 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.            | 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.            | 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  |
| W2   | 0.02           | acre(s)     | (b)(1) Non-adjacent wetland.  | This wetland feature does not have an intermittent or perennial 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. |
| E1   | 168            | 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 small channel feature.           |

**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: [Pre-Construction Notification and Preliminary Jurisdiction Request dated March 31, 2020.](#)  
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: [Aerial: Color aerial photography of the project area provided in the March 31, 2020, Pre-Construction Notification and Preliminary Jurisdiction Request.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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: [Web Soil Survey Map Version 11, Sept. 16, 2019, Etowah County, Alabama, downloaded from http://websoilsurvey.nrcs.usda.gov/ on 11 May 2020.](#)
- USFWS NWI maps: [NWI map downloaded from https://www.fws.gov/wetlands/Data/mapper.html on 4 August 2020.](#)
- USGS topographic maps: [Steele, AL 1:24,000; 7.5 Minute USGS topographic quadrangle](#)

**Other data sources used to aid in this determination:**

| Data Source (select)          | Name and/or date and other relevant information   |
|-------------------------------|---|
| <a href="#">USGS Sources</a>  | <a href="#">The National Map Advanced Viewer – NHD dataset layer; https://viewer.nationalmap.gov/advanced-viewer/</a> |
| <a href="#">USDA Sources</a>  | <a href="#">N/A.</a>  |
| <a href="#">NOAA Sources</a>  | <a href="#">N/A.</a>  |
| <a href="#">USACE Sources</a> | <a href="#">N/A.</a>  |

<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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| Data Source (select)       | Name and/or date and other relevant information                           |
|----------------------------|---|
| State/Local/Tribal Sources | N/A.  |
| FEMA/FIRM maps             | Map # 01055C0310E effective 3/16/2016 and 01115C0035G effective 8/17/2016 |

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

**C. Additional comments to support AJD:** N/A