



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): 17-AUG-2020

ORM Number: SAM-2020-00490-CMS

Associated JDs: N/A

Review Area Location¹:

State/Territory: AL City: Columbiana County/Parish/Borough: Shelby County

Center Coordinates of Review Area: Latitude 33.185713 Longitude -86.695366

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
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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
S1	456 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S1 is a first order channel that has a discontinuous ordinary high water mark. The channel does not have any geomorphological features such as headcuts, sinuosity, substrate sorting, grade control or recent alluvial deposits. Stream bed was dry during site visit on 7/17/2020. The area received 0.6 inches of rain the day prior to the site visit. There were no hydric soil indicators in soil samples taken from several locations in the bed and bank. Area was experiencing normal conditions at the time of the site visit on 7/17/2020 according to the APT.
W1	0.17 acres	(b)(1) Non-adjacent wetland	W1 is non-adjacent because it does not abut an (a)(1) through (a)(3) water, is not inundated in a typical year by an (a)(1) through (a)(3) water, is not physically separated from an (a)(1) through (a)(3) water by a natural feature or by an artificial structure that allows for a direct hydrologic surface connection between the wetland and (a)(1) through (a)(3) water in a typical year. W1 abuts an excluded ephemeral stream identified as S1. Wetlands abutting an ephemeral stream or other non-jurisdictional feature are non-jurisdictional even if the non-jurisdictional feature maintains jurisdiction between upstream and downstream waters (Preamble p.22316)
W2	0.04 acres	(b)(1) Non-adjacent wetland	W2 is non-adjacent because it does not abut an (a)(1) through (a)(3) water, is not inundated in a typical year by an (a)(1) through (a)(3) water, is not physically separated from an (a)(1) through (a)(3) water by a natural feature or by an artificial structure that allows for a direct hydrologic surface connection between the wetland and (a)(1) through (a)(3) water in a typical year. W2 abuts an excluded ephemeral stream identified as S1. Wetlands abutting an ephemeral stream or other non-jurisdictional feature are non-jurisdictional even if the non-jurisdictional feature maintains jurisdiction between upstream and downstream waters (Preamble p.22316)
W3	0.31 acres	(b)(1) Non-adjacent wetland	W3 is non-adjacent because it does not abut an (a)(1) through (a)(3) water, is not inundated in a typical year by an (a)(1) through (a)(3) water, is not physically separated from an (a)(1) through (a)(3) water by a natural feature or by an artificial structure that allows for a direct hydrologic surface connection between the wetland and (a)(1) through (a)(3) water in a typical year. W3 abuts an excluded ephemeral stream identified as S1. Wetlands abutting an ephemeral stream or other non-jurisdictional feature are non-jurisdictional even if the non-jurisdictional feature

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			maintains jurisdiction between upstream and downstream waters (Preamble p.22316)
W4	0.029 acres	(b)(1) Non-adjacent wetland	W4 is non-adjacent because it does not abut an (a)(1) through (a)(3) water, is not inundated in a typical year by an (a)(1) through (a)(3) water, is not physically separated from an (a)(1) through (a)(3) water by a natural feature or by an artificial structure that allows for a direct hydrologic surface connection between the wetland and (a)(1) through (a)(3) water in a typical year.
W5	0.036 acres	(b)(1) Non-adjacent wetland	W5 is non-adjacent because it does not abut an (a)(1) through (a)(3) water, is not inundated in a typical year by an (a)(1) through (a)(3) water, is not physically separated from an (a)(1) through (a)(3) water by a natural feature or by an artificial structure that allows for a direct hydrologic surface connection between the wetland and (a)(1) through (a)(3) water in a typical year.

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: *Figures in HTSI report dated July 22, 2020: topo map, NWI map, FEMA Firm map, soil survey map, aerial map, aerial map with aquatic features, topo map with aquatic features, data point locations map.* This information (*is and is not*) sufficient for purposes of this AJD.

Rationale: *Ephemeral stream classification was insufficient; site visit required to verify flow regime.*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Aerial, site photos Dec. 2019.*

Corps Site visit(s) conducted on: *7/17/2020*

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

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- B. Typical year assessment(s):** Antecedent Precipitation Tool was used to determine conditions at the time of the site visit. The APT indicates the site was experiencing normal conditions on 7/17/2020
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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