



**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): 10/26/2020

ORM Number: SAM-2020-00539-JDC

Associated JDs: N/A

Review Area Location¹: State/Territory: Alabama City: Gadsden County/Parish/Borough: Etowah

Center Coordinates of Review Area: Latitude 33.999128 Longitude -85.937307

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 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
Wetland Area	0.56 acre(s)	(b)(1) Non-adjacent wetland.	Based on a field assessment, review of available desktop resources and information provided by the consultant, this wetland area is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year but contributes water to Coal Creek via a non-jurisdictional intermittent ditch which drains through a non-jurisdictional culvert under Lonz Street. Therefore, this wetland is non-adjacent.

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: [Approved Jurisdictional Determination Request submitted by ARC Environmental, Inc. dated May 26, 2020.](#)
This information is 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: Color aerial photography of the project area provided in the May 26, 2020 Approved Jurisdictional Determination Request. Historic aerial photos downloaded from <http://alabamamaps.ua.edu/aerials/Counties/Etowah/Etowah.html> \(Glencoe and Gadsden East\) dated 1975 and 1997. Site-specific photographs of the project area provided by consultant on July 7, 2020.](#)
- Corps site visit(s) conducted on: [Downstream connectivity site visit conducted September 8, 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: [Web Soil Survey Map Version 12, May 28, 2020, Etowah County, Alabama, downloaded from <http://websoilsurvey.nrcs.usda.gov>.](#)
- USFWS NWI maps: [NWI map downloaded from <https://www.fws.gov/wetlands/Data/mapper.html>](#)
- USGS topographic maps: [Glencoe, 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
USGS Sources	The National Map Advanced Viewer – NHD dataset layer; https://viewer.nationalmap.gov/advanced-viewer/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
FEMA/FIRM maps	FEMA FIRMette from Map #01055C0218E effective 3/16/2016 downloaded from FEMA National Flood Hazard Layer Viewer - https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: Approximately 0.53-acre of the wetland is located on the portion of the property subject to development while 0.03-acre of the wetland is located outside the prospective development site within the right-of-way (ROW) of Lonz Street. An intermittent ditch begins at the limits of the wetland within the ROW, flows through a non-jurisdictional culvert under Lonz Street, and flows west until it empties into Coal Creek. Evaluated data sources do not document the past existence of a natural tributary at this location, which along with field review appears to indicate the ditch is a constructed feature through wetland and upland areas for drainage purposes, not a channelized or relocated natural tributary and therefore is non-jurisdictional. The non-jurisdictional ditch does not render the otherwise isolated wetland as adjacent. However, it appears the ditch may become a jurisdictional water of the U.S. off-site as it runs through potential wetlands abutting Coal Creek downstream of the JD review area.