



**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): 6/21/2021
 ORM Number: SAM-2020-00823-CDJ
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Alabama City: Loxley County/Parish/Borough: Baldwin
 Center Coordinates of Review Area: Latitude 30.602859 Longitude -87.752940

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
Feature 1: Non-adjacent Wetland	4.0	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not directly abutting or flooded by an (a)(1)–(a)(3) water during a typical year, it isn't separated from an (a)(1)-(a)(3) water by a natural feature (such as a dune or berm), and there isn't an artificial feature allowing direct connection through/across an artificial barrier to an (a)(1)-(a)(3) water. Soil map indicates Grady Soils for this location.
Feature 2: Non-adjacent Wetland	2.16	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not directly abutting or flooded by an (a)(1)–(a)(3) water during a typical year, it isn't separated from an (a)(1)-(a)(3) water by a natural feature (such as a dune or berm), and there isn't an artificial feature allowing direct connection through/across an artificial barrier to an (a)(1)-(a)(3) water. Soil map indicates Grady Soils for this location.
Feature 2: Ephemeral Feature	.21	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream that runs northwest from the Feature 2, non-adjacent wetland. The channel was dry during a site visit performed on December 7, 2020. The channel terminates at the western parcel boundary and based on review of Lidar elevation data, does not appear to be connected to an (a)(1)-(a)(3) water.
Feature 3: Ephemeral Feature	.10	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drain that appears to convey surface water flow in response to precipitation events and flow from an area north of Fackler Road. The drain is not located within an (a)(4) water. Additionally, the drain is not flooded by an (a)(1) –(a)(3) water in a typical year. During a site visit on December 7, 2020, the drain wasn't distinguishable from the adjacent agricultural field as it had been recently harvested. Historic aerial images and Lidar elevation data show the feature. This feature is not shown on topographic maps, national wetland inventory, national hydrography dataset, or parcel maps. The feature is present as far back as 1938 in historical aerial images, but only appears to contain water in 1 of the 11 images reviewed.

III. SUPPORTING INFORMATION

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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- 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: [Title\(s\) and date\(s\)](#)
This information [Select](#). sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).
 - Data sheets prepared by the Corps: [Wetland Data Forms; Dianne Jordan; 12/7/2020](#)
 - Photographs: [Aerial and Other: Google Earth Images: images for 2019, 2017, 2013, 2008, and 1997; University of Alabama, Aerial Photo Archives: images for 1974, 1967, 1960, 1952, and 1938.](#)
 - Corps site visit(s) conducted on: [December 7, 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: [Website accessed 10/15/2020](#)
 - USFWS NWI maps: [Website accessed 10/15/2020](#)
 - USGS topographic maps: [USGS National Map, Advanced Viewer: Topo and Lidar Hillslope, 1/30/2020.](#)

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	FEMA Firmette; Accessed 4/19/2021; 01003C0657M 4/19/2019; Zone X

- B. Typical year assessment(s):** [Using the Antecedant Precipitation Tool, ran on 12/5/2020 in advance of the site visit, the report indicated that conditions were normal.](#)
- C. Additional comments to support AJD:** [At the time of the site visit performed on December 7, 2020, the site was accessed via a road along the western parcel boundary that connects to Fackler Road. The project manager was able to drive onto the parcel via this road and parked on the road, just about due west of Feature 1 \(the centrally located non-adjacent wetland\). After performing soil tests and taking pictures, the project manager drove due south along the road until it began to turn slightly southeast. This is where a turn around was made to drive north and exit the site onto Fackler Road. No water was observed within the surface water channel located along the southwestern portion of the parcel \(Feature 2\). There was no ditch observed within the Northwest portion of the parcel \(Feature 3\).](#)