



**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): 11/6/2020
 ORM Number: SAM-2020-00889-JCC
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Gulf Shores County/Parish/Borough: Baldwin
 Center Coordinates of Review Area: Latitude 30.250361 Longitude -87.689472

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
Man-made Canal	0.61 acres	N/A	RHA Tidal water is subject to the ebb and flow of the tide	Area of man-made canal is tidally influenced and directly connected to Little Lagoon within larger review area.

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.	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.

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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.12	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Desktop review of data for the subject property obtained from the National Regulatory Viewer and the USGS National Map web application found Wetland A to be topographically connected to, and directly abutting, Little Lagoon. The subject review area was found to be located entirely within the 100-year floodplain of the adjacent waters by FEMA's National Flood Hazard Layer. Onsite observations and the desktop survey found Wetland A to be comprised of tidal marsh directly abutting the lagoon, as observed on site and review of Digital Elevation Models, NHD Hillshade, and Google Earth photos in the administrative record. On site observations and the desktop review indicate Wetland A to be contiguously connected to Little Lagoon and confirms Wetlands A to be jurisdictional.
Wetland B	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Desktop review of data for the subject property obtained from the National Regulatory Viewer and the USGS National Map web application found Wetland B to be topographically connected to, and directly abutting, Little Lagoon. Review of FEMA's National Flood Hazard Layer indicated the subject parcel to be located entirely within the 100-year floodplain of the adjacent bay. Onsite observations and the desktop survey found no topographic features which would cause a physical disconnection between Wetland B to the abutting lagoon. The review areas Wetland B is a scrub shrub wetland directly abutting a Section 10 water, as observed on site and through Digital Elevation Models, NHD hillshade, and Google Earth photos in the administrative record. Review of USDA-NCSS SSURGO data found soils within Wetland B to consist of 80% Beaches and 5% Duckston. The USGS National Hydrography Dataset, USGS topographic maps, and the USFWS National Wetlands Inventory indicate Wetland B to be contiguously connected to Little Lagoon. Both the onsite observations and the desktop review of the above-documented resources and resources listed below in Section III. confirms Wetland B to be jurisdictional.
Wetland C	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Desktop review of elevation data for the subject property obtained from the National Regulatory Viewer and the USGS National Map web application found Wetland C to be topographically connected to, and directly abutting, Little Lagoon. Review of FEMA's National Flood Hazard Layer indicated the



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				subject parcel to be located entirely within the 100-year floodplain of the adjacent bay. Onsite observations and the desktop survey found no topographic features which would cause a physical disconnection between Wetland C to the abutting lagoon. Wetland C is a portion of a larger wetland contiguous to other man-made Section 10 channels connected to Little Lagoon, as observed on site and through Digital Elevation Models, NHD hillshade, and Google Earth photos in the administrative record. Review of USDA-NCSS SSURGO data found Wetland C to be comprised entirely of tidal marsh mucky soils. Wetland C consists of scrub shrub forested wetlands. The USGS National Hydrography Dataset, USGS topographic maps, and the USFWS National Wetlands Inventory indicate Wetland C to be contiguously connected to Little Lagoon. Both the onsite observations and the desktop review of the above-documented resources and resources listed below in Section III. confirms Wetland C to be jurisdictional.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

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: [Original PCN and WRAP Form](#)
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 and Other: Aerial photographs and site photographs in Administrative Record](#)
- Corps site visit(s) conducted on: [September 29, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [SSURGO Export: 2020-05-29, in DESK](#)
- USFWS NWI maps: [USFWS Wetlands Mapper \(10/30/2020\)](#)

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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USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR

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

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