



**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): 11/9/2020

ORM Number: SAM-2020-00930-JLB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: AL City: Vestavia Hills County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 33.4709 Longitude -86.6921

**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>**

§ 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
Stream_01 (Segment 1)	64	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream segment flows continuously during certain times of year, particularly winter wet season months. Intermittent channel segment has distinct bed and bank channel and exhibits moist hydric soils within channel below OHWM when not flowing. Evidence of flow such as drift lines/vegetative debris rafts and some small areas of hydrophytic vegetation within channel below OHWM, which is indicative of more than ephemeral flow but less than perennial flow.
Stream_01 (Segment 3)	114	linear feet	(a)(2) Intermittent tributary	Stream segment flows continuously during certain times of year, particularly winter wet season months.

<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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent channel segment has distinct bed and bank channel and exhibits moist hydric soils within channel below OHWM when not flowing. Evidence of flow such as drift lines/vegetative debris rafts and some small areas of hydrophytic vegetation within channel below OHWM, which is indicative of more than ephemeral flow but less than perennial flow.

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.

**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
Drainage Feature_01	162 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drainage feature is discontinuous, only flows in response to rainfall events, appears to have become established in uplands as a result of directed stormwater runoff flow from adjacent road drainage infrastructure. Discontinuous ephemeral channel also lacks wetland hydrology and hydrophytic vegetation within channel below OHWM, which are factors that would be indicative of more than ephemeral flow.
Drainage Feature_02	222 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drainage feature is discontinuous, only flows in response to rainfall events, appears to have become established in uplands as a result of areas of concentrated stormwater runoff from adjacent development. Discontinuous ephemeral channel also lacks wetland hydrology and hydrophytic vegetation within channel below OHWM, which are factors that would be indicative of more than ephemeral flow.
Stream_01 (Segment 2)	40 linear feet	(b)(3) Ephemeral feature, including an ephemeral	Stream segment only flows in response to rainfall events. Ephemeral channel segment also lacks wetland hydrology and hydrophytic vegetation within channel below OHWM, which

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	are all factors that would be indicative of more than ephemeral flow.
Wetland_01	0.02	acre(s) (b)(1) Non-adjacent wetland.	Wetland feature located entirely outside of the average annual flood zone of nearby jurisdictional waters. Wetland appears to have formed at outfall of stormwater discharge pipe from adjacent development. Otherwise, the wetland is surrounded by upland soils and physically isolated from waters of the U.S.
Wetland_02	0.02	acre(s) (b)(1) Non-adjacent wetland.	Wetland feature located entirely outside of the average annual flood zone of nearby jurisdictional waters. Additionally, the wetland is surrounded by upland soils and physically isolated from waters of the U.S.

**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: [Maps and drawings submitted by Schoel Engineering in PCN dated 11/3/2020](#)

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: Aerial photos downloaded from Google Earth Pro dated 15 August 2019](#)

Corps site visit(s) conducted on: [October 23, 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: <https://websoilsurvey.nrcs.usda.gov/app> Jefferson County, Alabama version 13, May 28, 2020.

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

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
<a href="#">USGS Sources</a>	<a href="#">N/A.</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>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**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:** [N/A](#)