



**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): 6/10/2021
 ORM Number: SAM-2020-00939-ELB
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Newton County/Parish/Borough: Dale
 Center Coordinates of Review Area: Latitude 31.302701 Longitude -85.589994

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
Stream – A (S-A)	6,092	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. The wetland delineation report provided by agent, Terracon, includes photographs taken of the stream feature during a site visit on February 04, 2020. The feature is approximately 3 feet wide at OHW, and exhibits flow and channelization indicative of a perennial or heavy intermittent stream. The Antecedent Precipitation Tool reports normal conditions at the site for these data samples, with dry conditions on the date sampled but within the wet season. Considering the presence of flowing water, a continuous OHW mark, and bed and bank

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				features with pool and riffle complexes, it is determined S-A is a perennial stream and within Corps jurisdiction under the NWPR.
Stream – B (S-B)	299	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature has an average width of 2 feet at OHW and exhibits surface water and flow and partial bed and bank morphology characteristic of an upper intermittent stream. Review of topographical data including USGS Digital Elevation Models and LiDAR has confirmed this channel contiguously connects to downstream jurisdictional waters. It is determined S-B is an intermittent stream within Corps jurisdiction under the NWPR
Stream – F (S-F)	167	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature has an average width of 1 foot at OHW and exhibits surface water and flow and partial bed and bank morphology characteristic of an upper intermittent stream. Review of topographical data including USGS Digital Elevation Models and LiDAR has confirmed this channel contiguously connects to downstream jurisdictional waters. It is determined S-F is an intermittent stream within Corps jurisdiction under the NWPR
Stream – G (S-G)	2,361	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is a section of Mossy Camp Branch tributary. The feature is approximately 3-feet wide at OHW and exhibits flow and channelization indicative of a perennial stream. Considering the presence of flowing water, a continuous OHW mark, and bed and bank features with pool and riffle complexes present along this channel, it is determined S-G is a perennial stream within Corps jurisdiction under the NWPR
Stream – H (S-H)	249	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is a perennial upper tributary of Mossy Camp Branch creek. Data and field observations provided by the agent indicate the tributary exhibits ongoing perennial hydrology. Review of topographic maps and imagery confirm the subject feature is directly connected to the main creek branch, and it is determined S-H is a perennial stream within Corps jurisdiction under the NWPR.

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.



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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 (W-A)	10.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland feature directly abuts a perennial stream (S-A).
Wetland – B (W-B)	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts an intermittent stream (S-B).
Wetland – C (W-C)	0.26	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts a perennial stream (S-A).
Wetland – D (W-D)	2.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts a perennial stream (S-G) and exists mostly within a powerline transmission right-of-way (ROW) easement area and extends west outside of the ROW. Dominant vegetation within this wetland feature includes soft rush (<i>Juncus effusus</i>) and giant plume grass (<i>Saccharum giganteum</i>) with interspersed sedge species present as well. Wetland hydrology is reported as surface water present in areas, with saturation and high water table throughout. Hydric soils within this feature contain a profile indicative of depleted matrix.
Wetland – E (W-E)	1.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts a perennial stream (S-G).
Stream – E (S-E)	.006	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This approximately 137-foot-long by 2-foot-wide ephemeral stream feature is located adjacent to a perennial stream and is directly connected to and contributes surface water flow to Stream-A. Although the stream exhibits ephemeral flow patterns and lacks bed and bank, hydric sandy alluvial soils are present, wetland hydrology is present, and wetland vegetation (e.g., <i>Osmunda areolata</i>) is present, and so this feature is determined to be a jurisdictional linear wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream – C (S-C)	85	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Channelized non-jurisdictional ephemeral stream that is not itself jurisdictional. Review of topographic imagery and photographs provided by the agent has found S-C does not exhibit

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	characteristics of a feature that supports more than ephemeral flow.
Stream – D (S-D)	206	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channelized non-jurisdictional ephemeral stream that is not itself jurisdictional. Review of topographic imagery and photographs provided by the agent has found S-D does not exhibit characteristics of a feature that supports more than ephemeral flow.
Isolated Cow Pond	0.30	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Review of historic aerial imagery found the subject feature was constructed in non-jurisdictional uplands. The feature also lacks any hydrologic connection to any jurisdictional features.

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: [Wetland Delineation Reports, conducted February 2020 and a second report completed January 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Data sufficiently support the delineation report and narrative](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Historic aerial, Google Earth; site photographs submitted by agent and also taken during USACE Mobile District site inspection](#)
- Corps site visit(s) conducted on: [December 18, 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: [USDA SSURGO online database, accessed October 28, 2020](#)
- USFWS NWI maps: [USFWS NWI layer access on USGS National Map October 28, 2020](#)
- USGS topographic maps: [USGS National Map topographic maps, accessed October 28, 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Map, LiDAR
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	01045C0254D eff. 5/2/2016; 01069C0040G eff. 9/3/2014; 01045C0265D eff. 5/2/2016

B. Typical year assessment(s): A typical year assessment was conducted using the Antecedent Precipitation Tool (APT). The APT output reported the data included in the subject project wetland delineation report was recorded during a normal annual wet season during a day (February 04, 2020) that was drier than normal.

C. Additional comments to support AJD: The subject site comprises undeveloped open land containing terraced farmland, unimproved dirt roads, and wooded areas. The site's elevation ranges between 330 to 380 feet above mean sea level with topography gently sloping southward towards tributaries of the Little Choctawhatchee River (Mossy Camp Branch). A powerline easement segments the eastern edge of the review area, and North County Road 9 runs north/south along the eastern boundary of the site and cuts through the southeastern end of the site.

On-site soils sampled by the agent support upland and wetland boundaries within the review area. Within the wetland areas, soils are indicative of depleted matrix and contain dominant hydric soils of the Osier poorly drained series; additionally, wetland indicators were observed such as drainage patterns and wetland hydrology. On-site vegetation within the wetlands includes *Quercus laurifolia*, *Patanus occidentalis*, and *Ligustrum sinense*.