



**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): 4/19/2021
 ORM Number: SAM-2020-01038-JCC
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Mobile County/Parish/Borough: Mobile County
 Center Coordinates of Review Area: Latitude 30.620013° Longitude -88.140708°

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
W1	0.056	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland directly abuts an (a)(2) water that drains to Halls Mill Creek (an (a)(1) water). The National Hydrography Dataset identifies the (a)(2) tributary as

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
			a perennial stream, and aerial imagery over the years shows water in the stream channel and in ditches that connect to it. See administrative record for 2013-01-07 image that shows a surface connection throughout the tributary and multiple culvert crossings.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	0.153	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject feature is a ditch/swale that was excavated sometime prior to available aerial imagery that dates to 1997 (see historical image in administrative record) and drains W1. It is not a relocated tributary nor was it constructed in jurisdictional wetlands; therefore, it is not jurisdictional.
Ditch 2	0.007	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject feature is a ditch that was excavated sometime between 1997 and 2002 (see historical image in administrative record) that drains offsite to W1. It is not a relocated tributary nor was it constructed within wetlands; therefore, it is not jurisdictional.

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: [Photos and maps submitted by Wetland Sciences on October 29, 2020.](#)

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: Digital Globe 2019-2020; Google Earth 2013-2020; Photos submitted by agent 4-2-2021](#)

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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- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [SSURGO Export 04/08/2021](#)
- USFWS NWI maps: [USGS The National Map Web Application National Wetlands Inventory map layer updated 06/10/2020](#)
- USGS topographic maps: [Mobile, AL 1922 1:62500; Mobile, AL 1940 1:62500; Mobile, AL 1944 1:62500](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	USGS The National Map Web Application – NHD, Digital elevation models
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
Other state/local data (specify)	N/A.
FEMA/FIRM maps	Panel 01097C0657L eff. 06/05/2020

B. Typical year assessment(s): [There is little available aerial imagery that isn't obstructed by tree overgrowth. However, utilizing the Antecedent Precipitation Tool \(APT\), it was estimated that the 01/17/2013 aerial that shows visible water in the tributary was calculated during "dry conditions". Aerial imagery obtained from Digital Globe showing some water in connected ditches dated 2019, 4-20-2020, and 4-27-2020 indicate surface water within visible channels. Considering these findings, combined with multiple years of historic aerial imagery and photos submitted by the agent, it is determined that the review findings are consistent with typical year conditions.](#)

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