



**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): 4/22/2021
 ORM Number: SAM-2020-01206-ELB
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Robertsdale County/Parish/Borough: Baldwin
 Center Coordinates of Review Area: Latitude 30.534971 Longitude -87.689314

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
- 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
Wetlands 1-3 (including ditches)	1.23	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area consists of an approximately 76-acre parcel of cleared farmland with a Grady cypress pond located in the central northern region of the parcel and connecting linear drainage ditch wetland features which transect the parcel at a west to northeast orientation and likely facilitate flow between the Grady pond wetland and offsite areas during and after precipitation events. The drainage ditches on site were likely historic jurisdictional perennial or intermittent streams which appear to have been redirected, excavated and channelized at some point in the distant past. Historic aerial imagery indicates the parcel has been surrounded on all sides by cleared and fragmented farmland ongoing since at least 1940. The USACE, Mobile District project manager observed the Grady pond wetland and the connecting linear wetland ditches during a site inspection on January 15, 2021, and also on April 20, 2021. Much of the observed linear wetlands did not exhibit tributary characteristics (i.e., no bed and bank, extensive vegetation overgrowth) but did exhibit wetland indicators, including hydric soils (primarily Grady profile), hydrophytic vegetation, and hydrology (surface saturation or surface water present).</p> <p>After exiting at the northeast corner of the parcel boundary, drainage flows from the site cross Fairground Road via a culvert and enter a roadside drainage feature located along the northern side of Fairground Road. This drainage feature flows to the east for approximately 1,100 feet until the flow is blocked by an un-culverted farmland access road intersecting with Fairground Road. Construction of this access road without a culvert at least 20+ years ago (according to historic imagery) severed the hydrologic connection of the subject site's drainage with the downgradient tributary to Waterhole Branch.</p>

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
			While the subject wetlands were once connected to an (a)(2) unnamed tributary to Waterhole Branch, that connection has been severed by previous historic roadway fill placement sometime during the past 20-30 or more years. The subject wetlands do not abut any (a)(1)-(a)(3) waters; are separated by more than a natural berm from any (a)(1)-(a)(3) waters; are not inundated by flooding in a typical year from any (a)(1)-(a)(3) waters, and do not have a direct hydrologic surface connection in a typical year to any (a)(1)-(a)(3) waters. Therefore, the subject wetlands are not considered adjacent wetlands under the NWPR. See IIIB for additional supporting information.

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 Rapid Assessment Procedure report and Wetland Delineation report provided by agent, Barry Vittor & Associates, Inc. \(conducted on April 14, 2020\).](#)

This information is sufficient for purposes of this AJD.

Rationale: [The data provided by the agent includes wetland and upland data with associated points that include sufficient descriptions and evidence to support rationale.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Historic aerial imagery, source: http://alabamamaps.ua.edu; Photographs taken by USACE PM during January 15, 2021 and April 20, 2021 site inspections.](#)
- Corps site visit(s) conducted on: [January 15, 2021, April 20, 2021](#)
- 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 Soil Mapper; Baldwin County](#)
- USFWS NWI maps: [NWI Wetland Mapper; Baldwin County](#)
- USGS topographic maps: [1:24,000 Baldwin County; USGS National Map](#)

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.
FEMA/FIRM maps	01003C0687M eff. 4/19/2019, Zone X



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- B. Typical year assessment(s):** A typical year assessment was conducted for the subject wetlands review area. Using a point located within the entry point of the subject linear ditch wetland (Data Point: Latitude 30.537295, Longitude -87.687471), output was produced from the Atecedent Precipitation Tool (APT) which indicates the data point was within the range of normal weather/rainfall conditions during the time of the USACE site inspection on January 15, 2021. The preceeding months beginning in June 2020 experienced several extreme weather events including multiple heavy rain events. An additional data output for the monthly range of 8/2020 to 10/2020 indicate wetter than normal rainfall conditions at the same data point leading up to the site visit. During the 1/15/2021 site visit no surface water flow was observed within the onsite linear wetland features, which featured only occasional surface water in spite of the wetter than normal previous wet season.
- C. Additional comments to support AJD:** N/A