



**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): 5/5/2021

ORM Number: SAM-2020-01207-ES

Associated JDs: N/A

Review Area Location¹: State/Territory: Alabama City: Orange Beach County/Parish/Borough: Baldwin

Center Coordinates of Review Area: Latitude 30.282227 Longitude -87.616788

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
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
Wetland B	0.971	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B exhibits hydrologically isolated wetland features that are physically remote and do not meet any of the paragraph (a)(1) through (a)(4) waters. The Gulf Oak Ridge Trail, which according to historic aerial imagery appears to have been placed between 2004 and 2006, fragments the northern wetlands from the southern wetland area and thus severs hydrologic connection. The fragmented wetland was observed by the USACE Mobile District project manager during a site inspection on April 28, 2021, and no surface water/hydrologic connection was observed that would allow for a classification of wetland adjacency. No surface hydrologic connection was observed during the inspection; the southern region of the subject wetland has been fragmented by the paved Gulf Oak Ridge Trail transect oriented at a west/east direction and has prevented surface water connection to the northeastern wetland. The subject wetland is also bordered on the western side by raised upland topography that contains predominant upland sandy soils indicative of terrace/hillslope with sandy marine deposits with dominant vegetative species including Schizachyrium spp, Aristida stricta, Pinus palustris, Pinus elliottii. The wetland is bordered on the north and east ends by Powerline Road and Collegiate Lane, neither of which contain culvert connections to WOUS.

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: [Waters of the United States Delineation Report for proposed Gulf Oak Ridge Trail Realignment, 23.438 acres, Orange Beach, Baldwin County, Alabama; report provided on December 18, 2020 by agent TTL, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The information provided by the agent is sufficient for the purposes of this AJD when combined with the desktop review conducted by USACE Mobile District project manager.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

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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- Photographs: [Aerial and Other: Aerial images, Google Earth, imagery date 11/17/2020; site photographs provided by agent, 12/18/2020; site inspection photographs taken by USACE project manager during site visit](#)
- Corps site visit(s) conducted on: [April 28, 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: [SSURGO Web soil survey, accessed 12/28/2020](#)
- USFWS NWI maps: [Google Earth USFWS NWI Overlay, accessed 12/28/2020](#)
- USGS topographic maps: [Baldwin County 1:24,000](#)

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, accessed 04/06/2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	01003C0961M eff. 4/19/2019 Zone AE and Zone X; 01003C0963M eff. 04/19/2019 Zone AE

B. Typical year assessment(s): [Data shown in the Annual Precipitation Tool output for the center point \(30.280893, -87.616453\) indicates site conditions observed by and reported in the agent’s wetland delineation report were observed during normal conditions within an annual wet season.](#)

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