



**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): 7/8/2021  
 ORM Number: SAM-2021-00131-ELB  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: AL City: Gulf Shores County/Parish/Borough: Baldwin  
 Center Coordinates of Review Area: Latitude 30.234541 Longitude -87.869818

**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.

**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.

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.

<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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**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
Wetland Area A	0.23	acre(s)	(b)(1) Non-adjacent wetland.	This area exhibits a hydrologically isolated wetland feature/freshwater swale that is physically remote and does not meet any of the paragraph (a)(1) through (a)(4) waters. The USACE Mobile District project manager completed a site inspection on June 09, 2021, and observed no hydrologic connection between the subject wetland and downgradient jurisdictional waters of the U.S.. This lack of hydrologic connection is primarily due to complete severance of surface water flow from the review area due to surrounding historic roadway fill placement without any culvert connections between roadways and adjacent wetlands/swales.
Wetland Area B	0.13	acre(s)	(b)(1) Non-adjacent wetland.	This wetland area exhibits a hydrologically isolated palustrine wetland feature that is physically remote and does not meet any of the paragraph (a)(1) through (a)(4) waters. The USACE Mobile District project manager completed a site inspection on June 09, 2021, and observed no hydrologic connection between the subject wetland and downgradient jurisdictional waters of the U.S.. This lack of hydrologic connection is primarily due to complete severance of surface water flow into the review area due to surrounding historic roadway fill placement without any culvert connections between roadways and adjacent wetlands.

**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: [Site Map with Wetland Delineation Line provided by EcoSolutions, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [This delineation map is sufficient in combination with the USACE project manager's review of the subject parcel.](#)

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

<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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- Photographs: [Aerial and Other: Aerial images, Google Earth, Imagery date 11/18/2019; Site photographs taken during USACE Mobile District site inspection](#)
- Corps site visit(s) conducted on: [06/09/2021](#)
- 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 SSURGO Web Soil Database, accessed 05/19/2021](#)
- USFWS NWI maps: [USFWS NWI Wetland Mapper, accessed 05/19/2021](#)
- USGS topographic maps: [USGS National Map database, accessed 05/19/2021](#)

**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="#">LiDAR, DEM Topographic imagery</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="#">021003C1051M eff. 4/19/2019</a>

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** During the site inspection, the project manager ensured the surrounding roadways do not contain culverts connecting subject wetlands with downgradient waters of the United States; additional photographs are in the project Admin Record. The subject site is within and surrounded by Alabama beach mouse (*Peromyscus polionotus ammobates*) critical habitat.