



**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): 7/12/2021  
 ORM Number: SAM-2021-00155-JLB  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: AL City: Calera County/Parish/Borough: Shelby  
 Center Coordinates of Review Area: Latitude 33.189074 Longitude -86.736555

**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)<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
Ephemeral S3	360	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Ephemeral S4	922	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Ephemeral S5	117	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Ephemeral S6	345	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits weak, discontinuous bed and bank, and no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Ephemeral S7R1	522	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits weak, discontinuous bed and bank, and no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Ephemeral S9R1	513	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral stream feature exhibits weak, discontinuous bed and bank, and no persistent long-term moisture, only flowing in response to rainfall events. Ephemeral channel also lacks hydric soils within channel below OHWM and has non-hydric/upland vegetation rooted within the channel.
Wetland B	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland has no surface flow or flooding inundation connection to any (a)(1), (a)(2), or

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				(a)(3) jurisdictional waters. Wetland abuts non-jurisdictional, excluded (b)(3) ephemeral stream S5 and, therefore, is excluded as a non-adjacent wetland because it lacks any direct physical connection to jurisdictional waters.
Wetland D	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is physically isolated from waters of the U.S., being entirely surrounded by upland/dry land soils and having no surface flow or flooding inundation connection to any (a)(1) or (a)(2) jurisdictional waters.

**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: [Maps and delineation report submitted by Spectrum Environmental Services, LLC in JD request dated 2/2/2021.](#)

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 and Other: Aerials and site-specific photos submitted in JD request dated 2/2/2021 and additional email correspondence dated 4/7/2021.](#)

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: <https://websoilsurvey.nrcs.gov/app> Shelby County, Alabama dated May 28, 2020

USFWS NWI maps: [www.fws.gov/wetlands/Data.mapper.html](http://www.fws.gov/wetlands/Data.mapper.html)

USGS topographic maps: [Calera, AL 1:24,000](#)

**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>	<i>N/A.</i>
<a href="#">USDA Sources</a>	<i>N/A.</i>
<a href="#">NOAA Sources</a>	<i>N/A.</i>
<a href="#">USACE Sources</a>	<i>N/A.</i>
<a href="#">State/Local/Tribal Sources</a>	<i>N/A.</i>
<a href="#">Other Sources</a>	<i>N/A.</i>

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool displays that the JD review area was experiencing drier than normal conditions at the time of the 9/8/2020 delineation by Spectrum Environmental Services, LLC. More specifically, the tool shows that the area where the property is located had experienced approximately 2 weeks of dryness just below the lower end of the normal range following](#)



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approximately 2 months of normal wetness and precipitation conditions. Observed conditions during the site visit should have been exhibiting near typical flow conditions for the time of year.

- C. Additional comments to support AJD:** The JD review area consists of an approximately 295-acre parcel of land.

Ephemeral streams S3, S4, S5, S7R1, and S9R1 contain upland tree roots and deposited leaf litter within the stream bottom that exhibited little to no evidence of disturbance as a result of water flow. Furthermore, the ephemeral streams are all of nominal size and lack hydric soils within their channels.

Wetland B abuts a non-jurisdictional ephemeral stream and is otherwise surrounded by upland soils. Wetland D occurs in a low topographic area and does not flow to any (a)(1) or (a)(2) water. Neither wetland B or wetland D abuts or routinely receives flood waters from a jurisdictional feature.