



**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): 4/21/2021
 ORM Number: SAM-2021-00202-ELB
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Andalusia County/Parish/Borough: Covington
 Center Coordinates of Review Area: Latitude 31.3083611 Longitude -86.3922222

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
P-1	243.7	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The wetland delineation report and data provided by the agent, Goodwyn Mills Cawood (GMC), includes photographs taken of the stream feature during the site inspection on 09/02/2020. The photographs show flowing water. The subject feature is a perennial lower unnamed tributary of Mancil Creek, identified by the agent and confirmed by the USACE project manager (PM) through desktop survey/review.

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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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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-2	0.93	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The subject feature abuts the jurisdictional stream, P-1 (unnamed tributary to Mancil Creek).
W-3	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The subject feature abuts the jurisdictional stream, P-1 (unnamed tributary to Mancil Creek).
W-4	0.68	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The subject feature abuts an unnamed tributary to Hollis Creek, which is an (a)(2) jurisdictional stream located to the north and immediately outside of the review area.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W-1	0.29	acre(s)	(b)(1) Non-adjacent wetland.	No evidence has been found to indicate inundation from an (a)(1) – (a)(3) water in a typical year; or in this case, Wetland 1 is separated from the closest (a)(2) water/tributary (unnamed tributary to Mancil Creek) by approximately 1,400 feet with interspersed surface water and no direct hydrologic connection. The subject wetland does not appear to receive inundation sufficient for adjacency, as it does not receive inundation that would occur only in one direction from the (a)(2) water to the wetland nor does it touch at least one point of an (a)(1) – (a)(3) water or fall within a floodplain. Natural barriers occur between the wetland and the northern adjacent stream, and the fluvial terrace that drains from the wetland to the stream is a diffuse, non-channelized flow which is not sufficient to indicate a direct hydrological surface connection. Soils located directly north of the subject wetland feature are shown to be dominant Orangeburg (90%) well drained non-hydric profile.
D-1	611.72	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and	Although the ditch appears to have been constructed within wetlands adjacent to the unnamed tributary P-1 according to historic

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
		those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	imagery dating back to 1948, rip-rap fill has since been placed along the entire length of the ditch. The existing rip-rap fill appears to have been in place for at least 10 years, possibly longer, and has substantially altered the hydrologic flow throughout the entirety of the ditch. Due to the impacts to hydrology caused by the fill, the soils present along the ditch do not currently present hydric characteristics and the dominant plant species along the ditch consist of Ligustrum spp. Therefore, the ditch does not satisfy the conditions of (c)(1).

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 delineation data provided by GMC; data sampled on 2020-09-02. Stream SOP data sheet provided by GMC; WRAP data sheets provided by GMC.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Data submitted is supported by review conducted by USACE Mobile District project manager \(PM\).](#)

Data sheets prepared by the Corps: [Stream SOP verification by USACE PM](#)

Photographs: [Aerial and Other: Site photographs provided by the agent; Google Earth Pro aerial imagery, accessed April 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: [USDA SSURGO Web Database, Covington County, Mapper accessed April 2021](#)

USFWS NWI maps: [USFWS NWI Database Mapper, Covington County, Accessed April 2021](#)

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

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 April 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Map # 01039C0295C, Effective 11/4/2009

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



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