



**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): 5/11/2021
 ORM Number: SAM-2021-00210-JLB
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Leeds County/Parish/Borough: Jefferson
 Center Coordinates of Review Area: Latitude 33.524218 Longitude -86.589245

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
Ephemeral S2	555	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature only flows in response to rainfall events. Ephemeral channel lacks hydrophytic vegetation and exhibits no persistent long-term moisture or saturation of soils/hydric soils within channel below OHWM.
Ephemeral S3	238	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature only flows in response to rainfall events. Ephemeral channel lacks hydrophytic vegetation and exhibits no persistent long-term moisture or saturation of soils/hydric soils within channel below OHWM.
Ephemeral S4	55	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature only flows in response to rainfall events. Ephemeral channel lacks hydrophytic vegetation and exhibits no persistent long-term moisture or saturation of soils/hydric soils within channel below OHWM.
Ephemeral S5	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature only flows in response to rainfall events. Ephemeral channel lacks hydrophytic vegetation and exhibits no persistent long-term moisture or saturation of soils/hydric soils within channel below OHWM.
Wetland WA	0.361	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is physically isolated from waters of the U.S., having no surface flow or flooding connection to any (a)(1) or (a)(2) jurisdictional waters.
Wetland WB	0.078	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is physically isolated from waters of the U.S., having no surface flow or flooding connection to any (a)(1) or (a)(2) jurisdictional waters. Wetland abuts ephemeral S2 and, therefore, maintains its exclusion as a non-adjacent wetland because ephemeral features are also excluded.
Wetland WC	0.174	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland is physically isolated from any (a)(1) or (a)(2) waters of the U.S. Additionally, the feature was constructed in uplands as a stormwater control feature to detain runoff from the impervious surfaces of the nearby residential development.

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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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 submitted by Brock Reynolds in JD request dated 2/16/2021 and additional email correspondence dated 3/22/2021](#)

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 2/16/2021.](#)

Corps site visit(s) conducted on: [March 12, 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: <https://websoilsurvey.nrcs.gov/app> Jefferson County, Alabama dated May 28, 2020

USFWS NWI maps: www.fws.gov/wetlands/Data.mapper.html

USGS topographic maps: [Leeds, AL 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	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The Antecedent Precipitation Tool displays that the JD review area was experiencing overall normal wetness and rainfall conditions at the time of the 3/12/2021 CESAM site visit. More specifically, the tool shows that the area where the property is located was just coming out of a brief \(approximately 2-week\) period of wetness above or near the upper end of the normal range following approximately 1 month of below 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: [Ephemeral streams S2, S3, S4, and S5 contain inconsistent flow along the length of the mapped channels with infrequent small areas of pooling and other areas without flow. Furthermore, the ephemeral streams are all of nominal size and lack a discernable floodplain.](#)

[Wetland WA occurs in a low topographic area and appears to exhibit seasonal interaction with the groundwater table and receives runoff from the surrounding drainage area but does not flow to any \(a\)\(1\) or \(a\)\(2\) water. Wetland WB abuts a non-jurisdictional ephemeral stream and is otherwise surrounded by upland soils. Neither wetland WA or WB abuts or routinely receives flood waters from a jurisdictional feature.](#)