



**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): 3/11/2021

ORM Number: SAM-2021-00262-JSC

Associated JDs: N/A

Review Area Location¹: State/Territory: Alabama City: Montgomery County/Parish/Borough: Montgomery

Center Coordinates of Review Area: Latitude 32.3865 Longitude -86.3731

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
Area 2	0.03	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3 (a)(1) -(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.
Area 3	0.15	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3 (a)(1) -(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.
Area 4	0.26	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3 (a)(1) -(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.
Area 5	0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3 (a)(1) -(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.
Area 7	0.29	acre(s)	(b)(5) Ditch that is not an (a)(1) or	The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3

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
		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	(a)(1) –(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.
Area 8	0.76	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). The Corps has determined the ditch located in Area 2 does not satisfy the definition of a 328.3 (a)(1) –(a)(4) jurisdictional water. The referenced feature was constructed (excavated) entirely in uplands for the purpose of routing stormwater away from the Maxwell Air Force Base Airfield.

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: [Informations submitted by Environmental Resource Solutions \(ERS\)](#). Additional desktop review was conducted by the Corps. This information is and is not sufficient for purposes of this AJD. Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Google Earth aerial photos from 01/31/2008 and 04/05/2020. Digital Globe aerial photo dated 12/28/2020. Historical photos: Maxwell North and Maxwell South dated 1950 and 1958 accessed at <http://alabamamaps.ua.edu/aerials/index.html>. Site photos provided by ERS.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey Map, Montgomery County, Alabama, downloaded from <http://websoilsurvey.nrcs.usda.gov>. SSURGO soils data kml viewed via Google Earth.](#)
- USFWS NWI maps: [NWI map downloaded from <https://www.fws.gov/wetlands/Data/mapper.html>](#)
- USGS topographic maps: [Montgomery North, AL 1:24,000; 7.5 Minute USGS topographic quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Additional USGS topographic map review including Montgomery, AL (1927) 1:48,000; Montgomery North, AL (1958) 1:24,000; Montgomery, AL (1958, Revised 1973)



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Data Source (select)	Name and/or date and other relevant information
	1:250,000; Montgomery, AL (1986) 1:100,000. USGS Topo View accessed at https://ngmdb.usgs.gov/topoview/viewer/#13/32.3868/-86.3640 .
USDA Sources	N/A.
NOAA Sources	N/A.
Corps Navigable Waters Study	Section 10 Waters of the Mobile District: State of Alabama
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FEMA FIRMette from Maps #01101C0069J, 01101C0201J, and 01101C0088J effective 01/7/2015 downloaded from FEMA National Flood Hazard Layer Viewer - https://hazards-ema.maps.arcgis.com/apps/webappviewer/index.html
EPA sources (specify)	https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=ada349b90c26496ea52aab66a092593b

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was utilized to assess site conditions at the time of the agent's site inspection. APT results determined that the at the time of the site inspection the area was experiencing drier than normal conditions.

C. Additional comments to support AJD: According to information from the landowner (Maxwell AFB) and the agent, the subject ditches were installed in the 1950's to facilitate the removal of stormwater from runway (airfield) areas, and appear to have been excavated in dry land. The constructed ditches discharge directly to a concrete lined reach of West End Ditch, a tributary to the Alabama River.