



**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-2021-00335-ELB
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Elberta County/Parish/Borough: Baldwin
 Center Coordinates of Review Area: Latitude 30.406904 Longitude -87.612996

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
Wetland A	0.58	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated or have a direct surface water connection to any (a)(1)-(a)(3) waters in a typical year. This wetland is physically separated from all (a)(1)-(a)(3) waters
Wetland B	0.31	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated or have a direct surface water connection to any (a)(1)-(a)(3) waters in a typical year. This wetland is physically separated from all (a)(1)-(a)(3) waters
Wetland C	0.83	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated or have a direct surface water connection to any (a)(1)-(a)(3) waters in a typical year. This wetland is physically separated from all (a)(1)-(a)(3) waters
Feature D – hydric ditch	0.14	acre(s)	(b)(1) Non-adjacent wetland.	This linear wetland is a (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).

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 report submitted by Wetland Sciences, Inc. on September 25, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The information is sufficient for the purposes of this AJD in conjunction with a review conducted by the USACE Mobile District project manager \(PM\).](#)

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

Photographs: [Aerial and Other: Site photographs provided by the agent; Aerial imagery from Google Earth – accessed June 2021; Site photographs taken by USACE PM during site inspection](#)

Corps site visit(s) conducted on: [June 09, 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: USDA SSURGO Soil Mapper, Baldwin County, accessed June 2021
- USFWS NWI maps: USFWS NWI Mapper; Baldwin County, accessed June 2021
- USGS topographic maps: 1:24,000 Baldwin County

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 June 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	01003C0836M eff. 4/19/2019; 01003C0838M eff. 4/19/2019

B. Typical year assessment(s): A typical year assessment report was provided by the agent and included in the submitted wetland report. The Antecedent Precipitation Tool (APT) output data showed the sample period (during which the agent conducted their assessment) occurred during a wetter than normal time of year. This APT output supports the determination that the subject wetland features do not have sufficient hydrologic connection or adjacency to (a)(1) – (a)(3) waters to be considered jurisdictional.

C. Additional comments to support AJD: The subject review area consists of an approximately 64.6 acre parcel that contains 23 developed lots within the DR Horton Porches Unit 1 subdivision and also contains seven adjacent unplatted properties which are currently classified as agricultural land use. Three Grady ponds and a manmade ditch exhibiting wetland characteristics (hydrology, hydric vegetation, and hydric soils) are located in the review area. Old Foley Road transects the review area approximately mid-way at an east to west orientation.

During the site inspection on 2021-06-09, the USACE PM observed no hydrologic connection or surface water connection leading into the Grady pond wetlands or the linear wetland feature. Historic aerial imagery from the 1960s indicates this parcel has been surrounded by farmland for many decades and any previous wetlands or streams have since been rerouted or cut off from hydrological input.