



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): 22-JUN-2021

ORM Number: SAM-2021-00411-CMS

Associated JDs: N/A

Review Area Location¹:

State/Territory: AL City: Alabaster County/Parish/Borough: Shelby County

Center Coordinates of Review Area: Latitude 33.192439 Longitude -86.821954

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
INT STR-1 (DS)	48 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary exhibited flow on 2/3/2021, during the wet season under drier than normal conditions. It exhibited evidence of sustained flow, hydric soil indicators, and lack of vegetation, which contribute to the determination of intermittent flow regime.
INT STR-1 (US)	33 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary exhibited flow on 2/3/2021, during the wet season under drier than normal conditions. It exhibited some scour, incision, evidence of sustained flow, hydric soil indicators, and lack of vegetation, which contribute to the determination of intermittent flow regime.

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 independent 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.

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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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
Wetland A	0.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A abuts INT-STR-1(US), which is an (a)(2) tributary.
Wetland D	2.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A abuts INT-STR-1 (DS), which is an (a)(2) tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.56 acres	(b)(1) Non-adjacent wetland	Wetland B is a relatively small depressional area in the middle of a field. A sinkhole is present adjacent to the wetland, which intercepts hydrology from the wetland. Wetland B does not abut an (a)(1), (2), or (3) water; it is not inundated by flooding from an (a)(1), (2), or (3) water in a typical year; it is not physically separated from an (a)(1), (2), or (3) water by a natural feature; and it is not physically separated from an (a)(1), (2), or (3) water by an artificial structure that allows for a direct hydrologic surface connection between the wetland and an (a)(1), (2), or (3) water in a typical year.
Wetland C	1.57 acres	(b)(1) Non-adjacent wetland	Wetland C is a depressional area that extends beyond the property boundary. It appears it may have been excavated at one time based on the observation of a berm surrounding the wetland. Desktop resources were utilized to determine the lateral extent of the wetland and its adjacency potential since the adjacent parcel is outside of the review area and permission was not obtained to cross the property line. Using desktop resources it was determined Wetland C does not abut an (a)(1), (2), or (3) water; it is not inundated by flooding from an (a)(1), (2), or (3) water in a typical year; it is not physically separated from an (a)(1), (2), or (3) water by a natural feature; and it is not physically separated from an (a)(1), (2), or (3) water by an artificial structure that allows for a direct hydrologic surface connection between the wetland and an (a)(1), (2), or (3) water in a typical year.

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: *Information provided in Griggs and Maloney report dated May 23, 2021.*

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This information *is partially* sufficient for purposes of this AJD.

Rationale: *Evaluation of additional desktop resources not provided in the report was required to determine the jurisdictional status of Wetland C.*

- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Aerial photos 1975, 2013, 2019, 2021*
- Corps Site visit(s) conducted on: *May 20, 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: *NRCS Websoil survey*
- USFWS NWI maps: *USFWS NWI map*
- USGS topographic map: *Alabaster 1984.*

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):** Typical year assessment was utilized to determine conditions at the time of the consultant’s site visit on February 3, 2021. The fact that the area was experiencing drier than normal conditions and water was observed in the channel helps support the conclusion for intermittent flow regime.
- C. Additional comments to support AJD:** N/A.

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