



**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): 8/6/2021

ORM Number: SAM-2021-00436-ELB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: AL City: Mifflin County/Parish/Borough: Baldwin

Center Coordinates of Review Area: Latitude 30.352142° Longitude -87.646888°

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WB	0.44	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
WC	0.08	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
Ditch 1	950	linear feet	(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 subject ditch feature does not exhibit surface water, hydrophytic vegetation, or hydric soils (photos of this feature are in project Admin Record). There is insufficient historical aerial evidence to establish Ditch 1 was constructed in an adjacent wetland. Ditch 1 does not exhibit hydric indicators, was not constructed in a tributary, and did not relocate a tributary; therefore, this feature is not jurisdictional.

**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: **Aerial images and project maps provided by the agent, Wetland Sciences, Inc., on April 09, 2021.**

This information is sufficient for purposes of this AJD.

Rationale: **This information is sufficient for the purposes of this AJD when used 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: Aerial images (Google Earth Pro, accessed June 2021) and site images taken during June 9, 2021 site inspection**

☒ Corps site visit(s) conducted on: **June 09, 2021**

☐ Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**

<sup>4</sup> 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.

<sup>5</sup> 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
<u>USGS Sources</u>	<u>USGS National Map, LiDAR Imagery</u>
<u>USDA Sources</u>	<u>N/A.</u>
<u>NOAA Sources</u>	<u>N/A.</u>
<u>USACE Sources</u>	<u>N/A.</u>
<u>State/Local/Tribal Sources</u>	<u>N/A.</u>
<u>FEMA/FIRM maps</u>	<u>01003C0932M eff. 4/19/2019</u>

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** The subject review area consists of an approximately 242-acre area made up of two parcels, with land use classified as partially undeveloped forested hardwood wetlands with an unnamed tributary that flows to Graham Bayou, and partial farm land agricultural on the north and west ends. A Grady pond with isolated wetlands is present along the north central region of the property directly abutting and located directly south of County Road 12 South. A manmade drainage ditch feature flows south from these non-adjacent wetland areas. A site inspection conducted by the USACE project manager (PM) on June 9, 2021 observed no wetland characteristics (i.e., hydrology, hydrophytic vegetation, or hydric soils) within the ditch.

During the June 9th site inspection, the PM observed no hydrologic connection or surface water connection between the Grady pond wetlands and an approximately 74.26 acre wetland area located to the south and south east. A separate Preliminary Jurisdictional Determination will be provided along with this AJD for the portion of those wetlands located within the review area.