



**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): 8/3/2021

ORM Number: SAM-2021-00445-JLB

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Alabama City: Lynn County/Parish/Borough: Winston

Center Coordinates of Review Area: Latitude 34.045871 Longitude -87.568497

**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: .
- 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
B1 (man-made stormwater basin)	1.1	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.	This pond feature is a man-made stormwater basin constructed in an upland/dry-land area. Development of the stormwater basin was authorized 29 Oct 2020 under a modification to a previously acquired NPDES General Permit ALG160122.
S1 (ephemeral feature)	532	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This drainage feature has poorly developed bed and bank features and no hydric soils within the channel to indicate a high water table exists that is capable of maintaining a base stream flow other than flows in direct response to precipitation events. This feature appears to carry only stormwater runoff that has primarily become concentrated in the small hillslope valley as a result of the installation of a dirt road and culvert at the upper end of the drainage feature in the 2019/2020 timeframe when timber harvest and vegetative clearing occurred on the property. This feature flows directly to the B1 stormwater basin that was constructed in a non-jurisdictional upland area.

**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: [Figures and maps within Wilbanks Engineering & Environmental Solutions, LLC delineation report \(field assessment 3/22/2021\) submitted 29 March 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: Aerial imagery dated 3/5/2019 downloaded from Google Earth and supplemental ortho imagery dated 8/5/2020. Site specific photographs taken by agent \(Wilbanks\) dated 3/22/2021. Historic black & white aerial photos downloaded from <http://alabamamaps.ua.edu> \(1941, 1948, 1950, 1955, 1964, 1971, and 1972- German Crossing and Lynn areas\)](#)

<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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- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey, National Cooperative Soil Survey Version 12 May 28, 2020, Winston County, Alabama. Available online at <http://websoilsurvey.nrcs.usda.gov/> downloaded 6/8/2021](#)
- USFWS NWI maps: [downloaded from <https://www.fws.gov/wetlands/Data/mapper.html>](#)
- USGS topographic maps: [Lynn, AL 1:24,000](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">USGS The National Map Advanced Viewer NHD layer downloaded 8/3/2021 from <a href="https://apps.nationalmap.gov/viewer/">https://apps.nationalmap.gov/viewer/</a></a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="#">FIRMette excerpt from Map No. 01133C0350C effective 8/18/2009, Winston Co. Unincorporated Areas.</a>

- B. Typical year assessment(s):** [Review of the APT data for the date of the agent’s field delineation \(3/22/2021\) supports the delineation report documentation that overlapping runoff from multiple rainfall events totalling approximately 4.8 inches within the week prior to the field evaluation had increased observed flow conditions above what would typically be expected in this ephemeral feature. The APT data indicates overall normal conditions for precipitation and wetness for the months of January through March 2021, with the area experiencing mild wetness due to time of year being during the late winter/early spring wet season. However, closer review of the monthly data shows that precipitation for January was well below the 30-year normal range for the review area, while February was within the 30-year normal range, and March precipitation was well above the 30-year normal range.](#)
- C. Additional comments to support AJD:** [Review area is a proposed 20.9-acre addition to an existing state authorized construction and demolition debris \(C&D\) landfill.](#)