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): 6/29/2021
ORM Number: SAM-2021-00534-CDJ
Associated JDs: N/A
Review Area Location[1]: State/Territory: Alabama City: Foley County/Parish/Borough: Baldwin
  Center Coordinates of Review Area: Latitude 30.357682 Longitude -87.686140

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.	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.	N/A.

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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.	N/A

Lakes and ponds, and impounds 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.	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.	N/A

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[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.

Form Version 29 July 2020_updated

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Detention Pond	0.48	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.	Review of historic aerial images show the pond was excavated from uplands sometime between 2006 and 2008 when it appears initial development of a residential complex began. The pond appears to be a detention area for stormwater run-off from a planned residential development. The pond is not connected or flooded by any (a)(1) – (a)(3) water. The pond is not shown on the national wetlands inventory map or topographic map.
Wetland 2	.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not directly abutting or flooded by an (a)(1)–(a)(3) water during a typical year, it isn't separated from an (a)(1)-(a)(3) water by a natural feature (such as a dune or berm), and there isn't an artificial feature allowing direct connection through/across an artificial barrier to an (a)(1)-(a)(3) water. This wetland is not shown on any topographic, wetland inventory, national hydrography data set, or other maps. Additionally, there is no indication using the Lidar information that the wetland is connected or flooded by any (a)(1) – (a)(3) water.

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 Data Sheets, Wildland Services; 04/04/2021

This information is sufficient for purposes of this AJD.

Rationale: The data provided by the agent, Wildland Services, is in agreement with information obtained from other sources. The agent did identify a small area of wetlands along the eastern side of the parcel that is not identified or corroborated by other sources, but this supports the determination that this wetland area (Wetland 2) is non-adjacent.

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Google Earth Images: images for 2019, 2012, 2008, 2006, 1997, and 1992

☐ Corps site visit(s) conducted on: N/A

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

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

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[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.

☒ USDA NRCS Soil Survey: Website accessed 06/23/2021

☒ USFWS NWI maps: Website accessed 06/23/2021

☒ USGS topographic maps: USGS National Map, Advanced Viewer: Topo and Lidar Hillslope, 06/23/2021

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	FEMA Firmette; Accessed 06/23/2021; 01003C0931M 4/19/2019; Zone X

B. Typical year assessment(s): A site visit was not performed. Therefore the antecedent rainfall calculator was not used to assess whether normal conditions were present on site.

C. Additional comments to support AJD: N/A